

Immigration and Customs Enforcement (ICE) Records
Located in DHS-OIG
(Redactions made by ICE)



U.S. Immigration
and Customs
Enforcement

October 24, 2014

AMRIT SINGH
OPEN SOCIETY JUSTICE INITIATIVE
400 W. 59TH STREET
NEW YORK, NEW YORK 10019

RE: ICE FOIA Case Number 2012FOIA00062

Dear Ms. Singh:

This letter is the final response to your Freedom of Information Act (FOIA) request, dated July 28, 2009, to the Department of Homeland Security (DHS), Office of the Inspector General (OIG), for documents pertaining to Maher Arar.

On December 13, 2010 DHS OIG tasked ICE to coordinate the release of approximately 963 pages concerning Maher Arar with other government agencies and other DHS components.

To provide you with the greatest degree of access authorized by law, we have considered your request under both the FOIA, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a. After review of those documents, I have determined that 306 pages will be released in their entirety, 212 pages were withheld in their entirety, and portions of 445 pages will be withheld pursuant to Exemptions 1, 3, 5, 6, 7(C), and 7(E) of the FOIA as described below.

FOIA Exemption (b)(1) exempts from disclosure national security information concerning the national defense or foreign policy.

FOIA Exemption 3 protects information specifically exempted from disclosure by another statute, if the statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) established particular criteria for withholding or refers to particular types of matters to be withheld. 49 U.S.C. § 114(r) prohibits the disclosure of information that "would be detrimental to the security of transportation" if released. The TSA regulations implementing Section 114(r) are found in 49 CFR Part 1520. Pursuant to 49 CFR Section 1520.5(b)(9)(i), security screening procedures, including selection criteria for the screening of persons, is SSI and is therefore exempt from disclosure.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the deliberative process privilege, attorney work-product privilege, and attorney-client privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by

exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

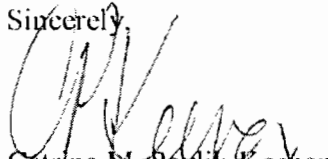
You have the right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter to: U.S. Immigration Customs Enforcement, Office of Principal Legal Advisor, U.S. Department of Homeland Security, Freedom of Information Office, 800 North Capitol Street, N.W., Stop 5009 Washington, D.C. 20536-5009, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need to contact our office about this matter, please refer to FOIA case number **2012FOIA00062**. This office can be reached at (202) 732-0600 or (866) 633-1182.

Sincerely,



Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): 1 CD containing 751 pages

¹ 6 CFR § 5.11(d)(4).

Doc. #83

ISP- -2004
Borden
Tab 18

OIG b6 per OIG

From: (b)(6), (b)(7)c
Sent: Thursday, December 08, 2005 5:11 AM
To: OIG
Cc: (b)(6), (b)(7)c
Subject: RE: Arar Document Request

b2,6 per OIG

Importance: High

OIG

b6 per OIG

See OPLA's email below. ICE has no such document as the one you requested. Let me know if we can be of further assistance.

(b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Wednesday, December 07, 2005 5:50 PM
To: (b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c
Subject: RE: Arar Document Request

(b)(6), (b)(7)c

Please have OIG call (b)(6), (b)(7)c at (202) 280-(b)(6), (b)(7)c regarding his request. As noted by (b)(6), (b)(7)c ICE does not have any responsive documents.

b6 per OIG

(b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Wednesday, December 07, 2005 1:25 PM
To: (b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c
Subject: RE: Arar Document Request

ICE does not have any responsive documents. We are attempting to discover, however, whether it may be obtained elsewhere within DHS.

(b)(6), (b)(7)c
425 I Street, NW
Room (b)(6), (b)(7)c
Washington, DC 20536
Telephone: (202) 305-(b)(6), (b)(7)c
Facsimile: (202) 514-(b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Wednesday, December 07, 2005 8:11 AM
To: (b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c
Subject: RE: Arar Document Request

(b)(6), (b)(7)c

Please let OIG know we will try to have an answer today. Since we have to review the classified documents, we need to go into the SCIF. So it takes some time to make sure that we give OIG a fully researched response.

(b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Wednesday, December 07, 2005 5:51 AM
To: (b)(6), (b)(7)c
(b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c
(b)(6), (b)(7)c
Subject: RE: Arar Document Request
Importance: High

(b)(6), (b)(7)c

Were you or (b)(6), (b)(7)c able to locate anything? Do not waste a lot of time, I do not think that there is such a document. I need to let (b)(6), (b)(7)c know that we have a negative or positive reply ASAP. b6 per OIG

Thanks,

(b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Tuesday, December 06, 2005 10:12 AM
To: (b)(6), (b)(7)c
(b)(6), (b)(7)c
Subject: RE: Arar Document Request

FYI - (b)(6), (b)(7)c is the OPLA POC on the OIG Arar inquiry. We will look to see what we have.

(b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Tuesday, December 06, 2005 7:20 AM
To: (b)(6), (b)(7)c
(b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c
(b)(6), (b)(7)c
Subject: Re: Arar Document Request

Adding our National Security Law Division

(b)(6), (b)(7)c

See message below - can you see if there is such a document?

Thanks,

(b)(6), (b)(7)c

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: (b)(6), (b)(7)c
To: (b)(6), (b)(7)c

(b)(6), (b)(7)c

nt: Tue Dec 06 05:02:44 2005
Subject: FW: Arar Document Request

(b)(6), (b)(7)c

See [OIG] email below. Is there such a document available in ICE? If so, let me know where.

Thanks,

(b)(6), (b)(7)c

-----Original Message-----
From: [redacted] (b)(6), (b)(7)c
Sent: Monday, December 05, 2005 2:32 PM
To: [OIG]
Cc: [redacted] (b)(6), (b)(7)c (E-mail)
Subject: RE: Arar Document Request

b6 per OIG

[redacted]

This is what our Acting Chief Counsel sent in response to your request below.

We do not have a copy of such a document. I am not sure such a document exists. Clearly [redacted] (OIG) but I am not aware that the [redacted]

b5 per OIG

nt from my BlackBerry Wireless Handheld

(b)(6), (b)(7)c

-----Original Message-----
From: [OIG] [mailto:[redacted] (OIG)]
Sent: Monday, December 05, 2005 1:55 PM
To: [redacted] (b)(6), (b)(7)c
(E-mail)
Subject: Arar Document Request

b2,6 per OIG

All,

We are finishing up the draft of the long-awaited Arar report. I have one more document that I would like to get a copy of if it exists. The subject of the request is [redacted] (OIG) regarding the removal of Arar to Syria. I would like to get a copy of a memorandum (or email) of the [redacted] (OIG) either by the [redacted] (OIG)

b5 per OIG

Thank you for your assistance.

[OIG]
Chief Inspector
Inspections and Special Reviews
Office of Inspector General
Department of Homeland Security
202-254- [redacted]
202-254- [redacted] fax

b2,6 per OIG

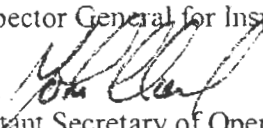
Doc. #133



U.S. Immigration
and Customs
Enforcement

MAR 19 2007

MEMORANDUM FOR. Carlton I. Mann
Assistant Inspector General for Inspections

FROM John P. Clark 
Deputy Assistant Secretary of Operations

SUBJECT: Response to OIG Draft Report: *The Removal of a Canadian Citizen to Syria*

As the Deputy Assistant Secretary of Operations for U.S. Immigration and Customs Enforcement (ICE), I appreciate the work of the Office of the Inspector General (OIG) in conducting this review. After a thorough review of the facts, comments, and recommendations therein, I submit the following response for further consideration. ICE is prepared to discuss each point and its applicability to specific information contained in the classified and unclassified versions of the draft report.

As a preliminary matter, the December 10, 2004, joint memorandum by OIG and the Office of General Counsel, Department of Homeland Security (DHS), concludes that the disclosure of the classified version to Congressional members will not waive any applicable privileges contained in the classified version and supporting materials. To the extent necessary and within my legal authority, I, as the Deputy Assistant Secretary for Operations for ICE, reassert any applicable privilege and FOIA exemption as to the classified version and supporting materials, including, but not limited to: state secrets; attorney-client, attorney work products; deliberative processes; and law enforcement/investigative files.

Furthermore, much of the information within the classified version is derived from and owned by another government agency(ies). As each classified paragraph contains information derived from another government agency(ies), the restrictions governing the release of that classified information to parties outside DHS may vary with each originating agency(ies).

Executive Order 12958, section 4.2(b), (April 17, 1995), mandates that "[c]lassified information shall remain under the control of the originating agency or its successor in function. An agency shall not disclose information originally classified by another agency without its authorization." In furtherance of this Executive Order, I recommend that OIG obtain written permission from the originating agency(ies) prior to any release of the classified information to Congress.

In addition to obtaining permission to further disseminate the information in the classified version, the originating agency(ies) should review the classified version to ensure the proper classification markings, and should review the unclassified version to ensure that it contains no classified information. ICE

believes that the unclassified version may contain classified materials. The only reliable method to confirm that no classified material will be unlawfully disclosed is to have the originating agency(ies) conduct a classification review of the classified and unclassified versions prior to any release.

In regard to factual descriptions and statements in the unclassified version, ICE recommends that OIG should, prior to releasing the unclassified version, consult with U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services to determine if the draft report contains any privileged or FOIA-exempt materials.

Recommendations by OIG and ICE Response

Recommendation 1:

Implement a policy to afford aliens, subject to removal under section 235(c) proceedings of the Immigration and Nationality Act, a specified minimum amount of time to respond to the initial charges against them.

ICE Response: Concur

With the understanding that OIG concluded that INS did not violate any then-existing law, regulation, or policy with respect to the removal of Maher Arar, the Assistant Secretary for ICE has issued policy guidance on the use of INA § 235(c), providing that upon service of Form I-147, Notice of Temporary Inadmissibility, on an alien, such alien will be provided a minimum of fifteen calendar days to submit a written statement and any additional information for consideration by the Assistant Secretary. This policy will provide an alien in section 235(c) proceedings a specified minimum amount of time to respond to the initial charges. The fifteen-day period may be abbreviated, in my discretion, after consultation with the Secretary of Homeland Security.

I will forward the policy guidance to the Commissioner of U.S. Customs and Border Protection for consideration inasmuch as my authority to order the fifteen-day time frame in INA § 235(c) proceedings extends only to ICE employees.

Recommendation 2:

Implement a policy that requires ICE to consult with DOS before accepting assurances not provided by DOS in removal proceedings involving aliens charged under section 235(c).

ICE Response: Concur

With the understanding that OIG concluded that INS did not violate any then-existing law, regulation, or policy with respect to the removal of Maher Arar, ICE will consult with DOS before accepting assurances with respect to aliens in removal proceedings under section 235(c).

I offer the following comments and suggested changes to the classified and unclassified versions of the draft OIG report.

I. Classified Version of Draft OIG Report

On page 10, footnote 19, INA § 235(c) authority has existed in some form since 1952.

On page 18, (under the title "Country Designation Process"), the draft mentions that Arar's Syrian passport had expired. ICE would request that OIG inform ICE as to the source of this information. ICE does not have information that Arar's Syrian passport had expired.

On page 26, middle of the page, the word "Diplomatic" should be omitted from the title as DOS involvement is not required by statute in obtaining assurances under INA § 235(c). Also, in the 4th paragraph, this section fails to cite 8 C.F.R. § 208.18(d), which specifically governs cases involving aliens, ordered removed under INA § 235(c).

On page 28, footnote 71, the draft again refers to 8 C.F.R. § 208.18(c) without reference to subsection (d).

On page 29, the last paragraph is misleading and fails to recognize that such preparations do not indicate a final agency position on a matter. Rather, such agency preparations may be undertaken to reduce delays, which may lead to unnecessary detention for aliens. Further, such preparations may be cancelled depending on the outcome of the case.

II. Unclassified Version of Draft OIG Report

[Redacted block containing (b)(7)e]

On page 2, 1st full sentence, the wording of this section connotes that the U.S. government completely disregarded Arar's choice of countries. It should be replaced with the following; "While Arar's choice of countries was a factor, U.S. interests outweighed his selection."

On page 3, 2nd paragraph, omit use of the phrase [Redacted block containing (b)(7)e per DOS]

[Redacted block containing (b)(7)e per DOS]
[Redacted block containing (b)(7)e per DOS] The
[Redacted block containing (b)(7)e] should read, "En route from Zurich, Arar was identified as a [Redacted block containing (b)(7)e]
[Redacted block containing (b)(7)e] alien..." As footnote 3 defines [Redacted block containing (b)(7)e per DOS] it should be deleted in its entirety under the same privilege and FOIA exemption. On the same page, 3rd paragraph, first line, it is requested to delete [Redacted block containing (b)(7)e per DOS]
[Redacted block containing (b)(7)e per DOS] and begin the sentence with "Arar," for the same privilege and FOIA exemption. Also, in excluding specific sources of classified information, the unclassified version suggests that INS decided to pursue INA § 235(c) proceedings on its own evaluation of [Redacted block containing (b)(7)e per DOS] information despite [Redacted block containing (b)(7)e]

[Redacted block containing (b)(7)e] [Redacted block containing (b)(7)e]

On page 7, use of the terms [Redacted block containing (b)(7)e] and [Redacted block containing (b)(7)e per DOS] are exempt from release under FOIA exemption (b)(7)(E) and subject to the law enforcement privilege. Likewise, paragraph 1, beginning on page 6 and

ending on the top of page 7 should be deleted, as should corresponding footnote 8. Also, in the 2nd paragraph, the following should be deleted under the same exemption and privilege, [REDACTED] (b)(7)e per DOS INS inspectors in secondary inspections confirmed that

[REDACTED] (b)(7)e per DOS

[REDACTED] (b)(7)e per DOS

On page 9, 2nd full paragraph (under the title "Use of Classified Information"), 2nd and 3rd sentences, along with footnote 15, are subject to the attorney work product privilege and FOIA exemption (b)(5), and therefore should be omitted.

On page 13, 5th paragraph, the second and third sentences are misleading and inaccurate in that the use of the word "deprived" suggests that that a 235(c) proceeding eliminated rights to which Arar was otherwise entitled. The proposed sentences would read, "Being removed under section 235(c), Arar was not entitled by statute to rights available in other removal proceedings; e.g. a hearing before an immigration judge. However, Arar was entitled to [REDACTED] (b)(6), (b)(7)c and he could have pursued an action in federal court."

On page 14, 1st paragraph (under the title "Country Designation Process"), the draft report mentions that Arar's Syrian passport had expired. ICE would request that OIG inform ICE as to the source of this information. ICE does not have information that Arar's Syrian passport had expired.

On page 15, 3rd full paragraph, a more accurate sentence would read, "INA section 241(b)(2)(c) gives the Attorney General the authority to "disregard" " In the 5th paragraph, there is another reference to the point that Arar's passport from Syria might have expired; "his proof of citizenship had elapsed." Again, ICE would request that OIG inform ICE as to the source of this information. Also, footnote 30 should be omitted as it does not apply in Arar's case, and therefore is irrelevant.

On page 16, 1st paragraph, "diplomatic" should be removed, as DOS was not involved in this case. The last sentence should also be omitted as the individual involved in this determination was not available to comment, thus making this statement wholly speculative in that the individual could have stated otherwise.

On page 18, last paragraph, the final three sentences are subject to the attorney-client privilege and FOIA exemption (b)(5), and should be omitted. It is proposed to move footnote 41 into the body of that paragraph.

On page 19, the word "Diplomatic" in the title should be omitted as 8 C.F.R. § 208.18(d) does not require DOS involvement in obtaining assurances under INA § 235(c). Also, the 3rd paragraph is inaccurate as it fails to analyze 8 C.F.R. § 208.18(d).

On Page 20, 1st full paragraph, it is suggested to remove the term "diplomatic" as DOS was not involved in this process. Also, the 1st sentence of the 2nd paragraph is inaccurate in that it fails to analyze 8 C.F.R. § 208.18(d).

On page 21, 3rd paragraph, the 1st sentence is misleading and the following portion should be omitted, "Arar's removal to Syria might have been determined already..." As described above under, II. Classified Version, A, such language intimates improper conduct without supporting evidence. Likewise, the phrase is speculative.

On page 23, 1st paragraph, 1st sentence, the attorney-client, attorney work product and deliberative process privileges are invoked and FOIA exemption (b)(5) is applicable. Also, in the last sentence of that same paragraph, it is suggested to omit, "Even though the assurances did not come through DOS," and replace the entire sentence with, "The INS Commissioner accepted them." Again, the purpose of this edit is to reference 8 C.F.R. § 208.18(d) to more accurately explain the assurances process in INA § 235(c) proceedings. Also, in footnote 51, it is suggested to remove the term "diplomatic" for the reasons previously stated.

OIG

b6 per OIG

From: (b)(6), (b)(7)c
Sent: Wednesday, March 28, 2007 9:23 AM
To: OIG
Subject: Phone call to discuss OIG Report-2pm

b6 per OIG

b6 per OIG

The attorney on the phone call today is named (b)(6), (b)(7)c The STE number is (202) 305 (b)(6), (b)(7)c

(b)(6), (b)(7)c
Office of the Assistant Secretary
United States Department of Homeland Security
U.S. Immigration and Customs Enforcement

425 I STREET, NW - ROOM (b)(6), (b)(7)c WASHINGTON, DC 20536 | 202 (b)(6), (b)(7)c (b)(6), (b)(7)c | (b)(6), (b)(7)c

Doc. #164

ISF- --- 2004
Binder A
Tab 17

MEMORANDUM

TO: [redacted]

FROM: [redacted] Director, CBP Audit Liaison

DATE: July 1, 2005

SUBJ: Arar V. Ashcroft, et al. – Request by the Office of Inspector General

Pursuant to a request made by Customs and Border Protections (CBP), Office of Chief Counsel on June 9, 2004, to the Office of Field Operations (OFO) to locate any documents relating to the Arar case, two document, both of which originated within the legacy INS inspections function which is now part of CBP, were located. One is a "Record of Sworn Statement in Affidavit Form" (commonly called a "Q and A" or Question and Answer) interview, which was taken of Mr. Arar upon his arrival at JFK Airport in New York, and the other, also originating at the airport, is a "Notice of Temporary Inadmissibility" (bearing the designation "Form I-147"). Both of these documents bear what appears to be the signature of Mr. Arar.

These documents were copied and provided to Chief Counsel, also in June 2004, as part of their review of the file maintained by the National Security Division at ICE.

Please note that the information contained in these document may be covered by one or more legal privileges and release to the Office of Inspector General (OIG) or his agent does not constitute a waiver on any such privilege.

Once you have had a chance to review the attached documents please let me know what next steps you would like to take.

As always thank you for your assistance in this matter.

Attachments

- CBP-001 ("Record of Sworn Statement" – 7 pages)
- CBP-002 ("Notice of Temporary Inadmissibility – 6 pages)

OIG - Inspector
please redacted
under b6

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

RECORD OF SWORN STATEMENT IN AFFIDAVIT FORM

AFFIDAVIT

ISP- -2004
Buda F
Tab 2

IN RE: Arar, Maher

FILE NO.

(b)(6), (b)(7)c

EXECUTED AT: NYC-JFK-AA

DATE: Sept. 26, 2002

Before the following officer of the U.S. Immigration and Naturalization Service: (b)(6), (b)(7)c per CBP SRI

In the English language. Interpreter _____ used.

I, Maher Arar, acknowledge that the above-named officer has identified herself to me as an officer of the United States Immigration service authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. She has informed me that she desires to take my statement regarding MY APPLICATION FOR ADMISSION INTO THE UNITED STATES

She has told me that my statement must be made freely and voluntarily. I am willing to make such a statement. I swear I will tell the truth, the whole truth, and nothing but the truth, so help me, God.

Being duly sworn, I make the following statement:

Q. What is your native language?

A. Arabic.

Q. It is very important that you understand everything that is being asked. Are you sure you can understand me?

A. Yes I understand.

Q. Are you comfortable giving

A. No, here is fine.

statement here, or do you wish to do so in a more private area?

Same as ICE 414

Q. Do you read, write and und

A. Yes.

Q. What is your true and cor

A. Maher Arar.

(st)?

Q. Do you ever used or been known by any other names?

A. No.

NOTICE

The information contained in this document may be covered by one or more legal privileges and release to the I.G. or his agent does not constitute a waiver of any such privilege.

What country are you a native of?

A. Syria.

Q. What country are you a citizen of?

A. Canada.

CBP-001

Q. What is your date of birth?

CBP (b)(6), (b)(7)c

Q. What city and country were you born in?

A. CBP (b)(6), (b)(7) Syria.

Q. What languages do you speak?

A. CBP (b)(6), (b)(7)c

Q. What country do you live in?

A. Canada. I went to CBP (b)(6), (b)(7)c I was planning on living there, if I don't find a job there I will stay in Canada.

Q. What is the citizenship of your parents?

A. They were born in CBP (b)(6), (b)(7)c

Q. Where are your parents now?

A. In CBP (b)(6), (b)(7)c Canada.

Q. What is the purpose of your trip to the U.S. today?

A. I am transiting through New York, I have accumulated lot of American Airline miles. If I don't fly anymore on American I would lose my miles. There are no direct flights from Zurich to Canada on American Airlines so I came this way.

Q. How long are you planning on staying in the U.S.?

I was supposed to take the 5 O'clock flight to Montreal.

Q. Is this Canadian passport # CBP (b)(6), (b)(7)c legally issued to you?

A. Yes.

Q. Did you present the above mentioned passport to the immigration inspector to gain entry to the U.S. today?

A. Yes.

Q. Do you have any other passports expired or valid?

A. Yes, my Syrian passport it is in Canada.

Q. What is your occupation?

A. Engineer.

Q. What is your immigration status in the U.S.?

A. I used to work in the U.S. but not now I am just in transit.

Q. When did you start working in the U.S.?

A. CBP (b)(6), (b)(7)c

Q. Where did you work and what was the name of your employer?

A. Nadick, Mass. Dhe Mathworks. My boss was CBP (b)(6), (b)(7)c

Q. What was your position in the company?

A. Application Engineer. I worked there about CBP (b)(6), (b)(7)c

Q. What was your address in the U.S. while working for that company?

.....

* **NOTICE** *

* The information contained in this document *

* may be covered by one or more legal privileges *

* and release to the I.G. or his agent does not *

* constitute a waiver of any such privilege. *

.....

A. I don't remember exactly I th. .t w [redacted] Mass.

Do you remember any telephone numbers at your company you worked for?

Yes, 508 647 [redacted]

Q. How did you learn about the Nafta Free Trade , and the company you worked for?

A. I put my resume on the internet and the company called. I had friends who are Engineers and they told me about T-N.

Q. What university did you graduate from?

A. [redacted] in [redacted]

Q. Have you had any international dealings while working with your country?

A. [redacted] CBP (b)(6), (b)(7)c

Q. What is your address in Canada?

A. [redacted] Ottawa.

Q. How long were you in [redacted]

A. One night.

Q. Before connecting to [redacted] where were you coming from and how long were you there?

A. I was in [redacted] for three months

Q. Why did you go to [redacted]

I went with my wife, [redacted]

Q. Where does your wife live?

A. She is living in [redacted] CBP (b)(6), (b)(7)c

Q. What is your father-in-laws address in [redacted]

A. [redacted] CBP (b)(6), (b)(7)c

* NOTICE *
* The information contained in this document *
* may be covered by one or more legal privileges *
* and release to the I.G. or his agent does not *
* constitute a waiver of any such privilege. *

[Large redacted block]

(b)(7)e

Q. What is your religion?

A. I am Muslim.

Q. Do you belong to any type of religious or political organizations in any country?

A. No.

Q. Do you go to any religious places to pray?
es, on Friday. In any Mosque nearby.

Q. Where is the last place of worship that you were in?

A. It was in (b)(7)c where my (b)(6), (b)(7)c lives.

Q. What is the name of the Mosque?

A. I don't know.

Q. What other places of worship have you attended in the last year?

A. When I was in Canada, (b)(6), (b)(7)c in Ottawa, Canada.

Q. When did you first come to live in Canada?

A. In (b)(6), (b)(7)c

Q. What are the names of your parents?

A. My father is (b)(6), (b)(7)c, my mother (b)(6), (b)(7)c

Q. Do you have any brothers and sisters?

A. Yes.

Q. Where do they live?

A. In (b)(6), (b)(7)c

What are the names of your siblings?

A. My brothers (b)(6), (b)(7)c those are my brothers, and I have (b)(6), sister (b)(6), (b)(7)c

Q. What is your wife's name?

A. (b)(6), (b)(7)c

Q. Do you have any children?

A. Yes (b)(6), (b)(7)c (b)(6), (b)(7)c

Q. Where are your children?

A. They are with the mother in (b)(6), (b)(7)c

Q. Did anyone accompany you on your trip to the U.S. today?

A. No.

Q. Have you ever been arrested anywhere in the world?

A. No.

Q. How many trips (b)(6), (b)(7)c have you made to (b)(6), (b)(7)c

A. This is my second trip.

How long did you stay on your first trip to (b)(6), (b)(7)c

A. One month.

Q. Have you ever participated in any political movements in any country?

A. No.

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Q. Have you ever been persecuted because of your religious beliefs in any country?

A. No.

Q. Have you ever been threatened with imprisonment because of your religious beliefs?

A. No.

Q. Have you ever held any government office in any country?

A. No.

Q. Do you belong to any clubs or other associations in any country?

A. No. I used to be a [redacted] but I cancelled it in the U.S.

Q. What other countries have you visited?

A. [redacted] about two months ago to buy a car.

Q. Where did you buy the car in [redacted]?

A. In [redacted] I don't know the name.

Q. How long were you in the [redacted] and what year was that?

A. It was a company trip for three days I don't remember exactly.

Q. How long were you in [redacted]?

A. I don't know the exact year, maybe eight years ago for a week I went to get married, but I didn't.

Q. How long were you in [redacted]?

I think about nine years ago for about five months.

Q. What were you doing in [redacted] for five months?

[redacted] CBP (b)(6), (b)(7)c

Q. Who are the people that you were living with in the Mosque in [redacted]?

A. Just other Muslims.

Q. What is the name of the person that is the head of the Mosque in [redacted] where you lived?

A. I don't know.

Q. Do you remember any other members in the Mosque in [redacted]?

A. No.

[redacted] (b)(7)e

Q. Do you have any other bank accounts in any countries?

No.

Q. Do you own any properties in any countries?

A. No.

NOTICE

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Q. Have you ever attended public functions in any countries?

A. Not exactly I've attended public prayers, everyone has to attend.

Q. Where did you attend these public prayers?

A. At the Mosques, wherever I go.

Q. How is your health status?

A. I am fine.

Q. Do you or any member of your family have any applications or petitions pending with INS?

A. No.

Q. Do you claim to be a United States Citizen?

A. No, I am Canadian.

Q. Do you claim to be a legal permanent resident of the U.S.?

A. No.

Q. Besides the aircraft's, has any of the your personal belongings been out of your sight since you left

CBP (b)(6), (b)(7)c

A. No

Q. [Redacted] CBP (b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

Would you like to speak to a consular or diplomatic official from your government?

A. Yes, tomorrow.

Q. Did you understand all the questions asked?

A. Yes.

Q. Is there anything else you wish to add to this statement?

A. I don't know why I am a suspect, I have not done anything wrong against the United States.

Q. Why did you leave your country or last place of residence?

A. [Redacted] CBP (b)(6), (b)(7)c

Q. Do you have any fear or concern about being returned to your home country or being removed from the United States?

A. No.

Q. Would you be harmed if you are returned to your home country or country of last residence?

A. No.

Q. Do you have any questions or is there anything else you would like to add?

A. No.

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* constitute a waiver of any such privilege. *
* *

At this time you have been found admissible to enter the U.S., you can voluntarily withdraw your application for admission and return to your place of embarkation as soon as possible, do you understand?

A Yes, I understand, I'll go home.

Alien's signature [Handwritten Signature]

date Sept 2002

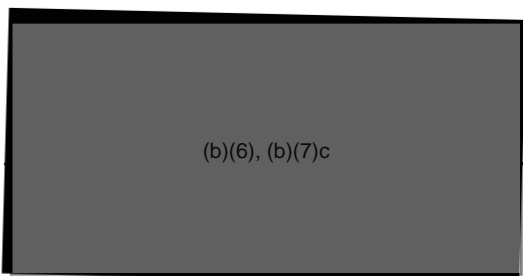
I am fluent in both the _____ and _____ languages and have translated the foregoing to the best of my abilities

Translator's name _____ employed by _____

Translator's signature _____

Sworn and subscribed to me this 26th day of Sept. 2002, at NYC-JFK-AA

Migration officer



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 * and release to the I.G. or his agent does not *
 * constitute a waiver of any such privilege. *
 * *

**FACTUAL ALLEGATION OF INADMISSIBILITY
UNDER SECTION 235(c)
OF THE IMMIGRATION AND NATIONALITY ACT
Maher Abdul Hamid ARAR**

(b)(6), (b)(7)c

1. You are not a citizen of the United States;
2. You are a native of Syria and a citizen of Syria and Canada;
3. You arrived in the United States on September 26, 2002 at John F. Kennedy International Airport. You applied for admission as a nonimmigrant, in transit through the United States, destined to Canada; and
4. You are a member of an organization that has been designated by the Secretary of State as a Foreign Terrorist Organization, to wit Al-Qaeda aka al-Qa'ida.

CHARGE OF INADMISSIBILITY

Based on the foregoing and on classified information which cannot be disclosed to you in the interest of the national security of the United States, you are inadmissible to the United States under Section 212(a)(3)(B)(i)(V) of the Immigration and Nationality Act (INA), as an alien who is a member of a foreign terrorist organization, as designated by the Secretary of State under INA Section 219.

.....

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* and release to the I.G. or his agent does not *

* constitute a waiver of any such privilege. *

.....

Doc. #167

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Wednesday, October 02, 2002 3:57 PM
To: (b)(6), (b)(7)c
Subject: Re:235(c) Case



208.235.Reg.doc

(b)(6), (b)(7)c
Please coordinate with (b)(6), (b)(7)c on this one. (b)(6), (b)(7)c and I were involved in Sunday night discussions with (b)(6), (b)(7)c over the issue of initial notice with respect to (b)(6), (b)(7)c. (b)(6), (b)(7)c has been coordinating with (b)(6), (b)(7)c

Reply Separator

Subject: 235(c) Case
Author: (b)(6), (b)(7)c
Date: 10/02/2002 3:26 PM

(b)(6), (b)(7)c mentioned to me today that we have a live 235(c) case, which will require our input re "best practices" for handling a likely (b)(6), (b)(7)c (b)(5)

(b)(5), (b)(6), (b)(7)c

Is anyone available tomorrow or Friday to sketch out a proposal (likely along the lines of our (b)(6), (b)(7)c -- see e-mail below)?

Thanks,

(b)(6), (b)(7)c

Forward Header

Subject: Fwd:proposed regs
Author: (b)(6), (b)(7)c
Date: 9/10/2002 11:59 AM

(b)(5) AC AWP DP

Attached are (b)(6), (b)(7)c proposed modifications, which generally track what I had discussed with (b)(6), (b)(7)c and (b)(6), (b)(7)c Dillard at a meeting a few weeks ago.

I would appreciate your comments on the proposed changes at your earliest convenience. Please let me know if you have any questions.

Thanks,

(b)(6), (b)(7)c

Forward Header

Subject: proposes regs
Author: (b)(6), (b)(7)c
Date: 9/10/2002 11:47 AM

The release of this document to the OIG does not constitute a waiver of any applicable privileges.

000029

Doc. #168

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Thursday, October 24, 2002 2:55 PM
To: Owen B Cooper
Subject: arar
Importance: High

Papers say was delivered by Jordanian authorities on Monday, October 21 to Syria. (b)(6), (b)(7)c

The release of this document to the OIG does not constitute a waiver of any applicable privilege.

000030

Doc. #169

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Sunday, October 06, 2002 9:49 PM
To: (b)(6), (b)(7)c
Subject: Syria articles

Importance: High



Syria1.doc



Syria2.doc

Here they are.

(b)(6), (b)(7)c

The release of this document to the OIG does not constitute a waiver of any applicable privilege.

000031

Doc. #170

30 Week Beginning September

September 2002

October 2002

November 2002

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

1253

(Meeting out all week) (12:45-4) (3 side table)

7-7

8:30

(b)(6)

MONDAY, SEPTEMBER 30	273	TUESDAY, OCTOBER 1	274	WEDNESDAY, OCTOBER 2	275
7		7	• Compile notes → follow up on	7	• email to Bureau Libian TB
7:15	• call DOS to get clearance	7:15	• Interim notes	7:15	• Factor w/ DOS
7:30		7:30	• PR-9 - weekly duty clearance	7:30	- hiring
7:45		7:45		7:45	- look for news
8		8	• Clifton Loubertier (bos w/)	8	• File transcription
8:15		8:15	642-0752	8:15	Transcription Paper
8:30		8:30	• Libian EMTS	8:30	
8:45		8:45	• "Dumb" "Dolly"	8:45	• 235(A) research memo
9		9		9	• Transcription memo
9:15		9:15		9:15	
9:30		9:30		9:30	• Optia @ head of team
9:45		9:45		9:45	• school hour
10		10		(10) TB up	(3) Paris / Day
10:15		10:15		10:15	(4) SAC → New Lib
10:30		10:30	(b)(6), (b)(7)c	10:30	• memo
10:45		10:45	(10:45) → memo de Thomas	10:45	
11		11		11	
11:15		11:15	• Transcribe notes of meeting	11:15	
11:30		11:30	• TBX notes on FD-27*	11:30	
11:45		11:45	• Chinese Contact	11:45	
12		12	• Head Contact	12	
12:15		12:15	9:00/12:00 → (b)(6), (b)(7)c	12:15	
12:30		12:30		12:30	• Routine message
12:45		12:45		12:45	• OK (Gated)
1		1		1	• Libian TB
1:15		1:15		1:15	
1:30		1:30		1:30	
1:45		1:45		1:45	
2	② Interdiction (Inter-Agency)	2		2	
2:15	DOS (copy to 4:30)	2:15		2:15	
2:30	• AEs Conference (Re 58#3) Main	2:30		2:30	616 (b)(6), (b)(7)c
2:45	• "E" → Extra / 21 st Cr.	2:45		2:45	• Charles Horn
3		3		3	• First Email Sp
3:15		3:15		3:15	
3:30		3:30		3:30	HR/FA 903 Report
3:45		3:45		3:45	• Liz → follow
4		4		4	• CF/detecting reports
4:15		4:15		4:15	
4:30		4:30		4:30	• 30 → points → 201
4:45		4:45		4:45	• memo → do
5		5		5	
5:15		5:15		5:15	
5:30		5:30		5:30	
5:45		5:45		5:45	
6		6		6	• C-10 → IC information
6:15		6:15		6:15	(b)(6), (b)(7)c
6:30		6:30		6:30	• dinner
6:45		6:45		6:45	
7		7		7	000032
7:15		7:1			
7:30		7:3			
7:45		7:4			

(b)(6), (b)(7)

DHS/CIS/DOC 202/S

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

December 2002							January 2003							February 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Week Ending October 6

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Feb - 223

(b)(6), (b)(7)c

(b)(6), (b)(7)c

9:15-2:15 J-NY

8:35

J-NY

THURSDAY, OCTOBER 3	276	FRIDAY, OCTOBER 4	277	SATURDAY, OCTOBER 5	278
7	• 2:55 (c) memo of BK	7	(b)(6), (b)(7)c	7	Jan took Sep
7:15	" Executive memo	7:15	(b)(6), (b)(7)c	7:15	2007-2008 - (b)(6), (b)(7)c
7:30		7:30	8/9/06	7:30	2007-2008 - (b)(6), (b)(7)c
7:45		7:45	8/22/06	7:45	
8		8		8	
8:15	(b)(6), (b)(7)c	8:15	(b)(6), (b)(7)c	8:15	(b)(6), (b)(7)c
8:30	(b)(6), (b)(7)c	8:30	2/6/06 (b)(6), (b)(7)c	8:30	Self Cont process
8:45	(b)(6), (b)(7)c	8:45	can 2/3/06 (b)(6), (b)(7)c	8:45	found
9		9		9	(b)(6), (b)(7)c
9:15		9:		9:15	
9:30		9:		9:30	(b)(6), (b)(7)c
9:45		9:		9:45	As you discussed
10		10	(b)(5)	10	
10:15		10		10:15	
10:30	(b)(5)	10		10:30	
10:45		10		10:45	i-c
11		11		11	
11:15		11:15	Concur 2 DAG	11:15	
11:30		11:30	Atty's memo	11:30	
11:45		11:45		11:45	
12		12	Interview today	12	
12:15	(b)(6), (b)(7)c	12:15	(b)(5)	12:15	
12:30		12:30		12:30	
12:45		12:45		12:45	
1		1		1	
1:15		1:15		1:15	
1:30		1:30		1:30	
1:45		1:45		1:45	
2		2		2	(b)(5)
2:15		2:15		2:15	
2:30		2:30		2:30	
2:45		2:45		2:45	
3		3		3	
3:15		3:15		3:15	
3:30		3:30		3:30	
3:45		3:45	(b)(5)	3:45	
4		4		4	
4:15		4:15		4:15	
4:30		4:30		4:30	
4:45		4:45		4:45	
5		5		5	
5:15		5:15		5:15	
5:30		5:30		5:30	
5:45		5:45		5:45	
6	(b)(6), (b)(7)c	6		6	
6:15		6:15		6:15	
6:30		6:30		6:30	
6:45		6:45	• No DOS involvement	6:45	000033
7		7		7	
7:15	BEST COPY AVAILABLE	7:15	bilateral arrangements for	7:15	2012FOIA62 000031
7:30		7:30	not thru "DOS"	7:30	
7:45		7:45		7:45	

10am-12pm 279 (14)

7 Week Beginning October

September 2002

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2002

S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2002

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

(minus 1 hr - 2-3pm)

12am-12am (24hrs)

12am-1am / 12pm-6pm

9:15-6:30

MONDAY, OCTOBER 7	TUESDAY, OCTOBER 8	WEDNESDAY, OCTOBER 9
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	5
5:15	5:15	5:15
5:30	5:30	5:30
5:45	5:45	5:45
6	6	6
6:15	6:15	6:15
6:30	6:30	6:30
6:45	6:45	6:45
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45

Doc. #172

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
ent: Friday, February 14, 2003 10:26 AM
o: (b)(6), (b)(7)c
Subject: Arar_memo to file

Follow Up Flag: Follow up
Flag Status: Flagged

Memo to file:

(b)(5) per CBP

6:30pm: According to (b)(6), (b)(7)c BOP has pre-cleared (b)(6), (b)(7)c to enter the MDC (ie, she represents Arar) (b)(6), (b)(7)c checking what kind of notice there is to us about atty appearance.

MDC Brooklyn
80 29th Street
Brooklyn, New York 11232
18-840 (b)(6), (b)(7)c
Fax: 718-840 (b)(6), (b)(7)c
Security Level: Administrative/Male/Female
Facility Code: BRO
=====

8pm (b)(6), (b)(7)c (b)(6), (b)(7)c should make assessment on (b)(6), (b)(7)c b/c that's what we did pre-reg.

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000040

Doc. #173

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Friday, October 04, 2002 2:28 PM
To: (b)(6), (b)(7)c
Subject: Re[2]: Memo (b)(6), (b)(7)c 235(c)
Importance: High



~ME0000F.DOC



(b)(6), (b)(7)c
235(c)-rev-01.DOC

Here are my suggestions ("blue-lined" based on (b)(6), (b)(7)c document):

Reply Separator

Subject: Re: Memo (b)(6), (b)(7)c
Author: (b)(6), (b)(7)c
Date: 10/4/2002 11:59 AM

(b)(6), (b)(7)c Here are my suggested changes in redline format.

(b)(6), (b)(7)c

Reply Separator

Subject: Memo CAT & 235(c)
Author: (b)(6), (b)(7)c
Date: 10/04/2002 2:18 AM

Attached please find a draft memo outlining COU's position, as I understood it based on this evening's conversations, on the application (b)(6), (b)(7)c in 235(c) cases in general and in this specific case. (b)(5) AC AWP DP

(b)(5) AC AWP DP I welcome your corrections and comments.

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c (b)(6), (b)(7)c

(b)(6), (b)(7)c

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000041

Doc. #174

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Friday, October 04, 2002 10:06 AM
To: (b)(6), (b)(7)c
Subject: (b)(6), (b)(7)c 235(c) case (diplo. assurances)
Importance: High



(b)(6), (b)(7)c doc

I located this draft memo in (b)(6), (b)(7)c library. It concerns (b)(6), (b)(7)c another 235(c) case in which the State Dep't, after receiving our assessment (including that of SAO who interviewed him), (b)(5)

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

000044

Doc. #175

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
ent: Friday, October 04, 2002 10:09 AM
'O: (b)(6), (b)(7)c Barry C O'Melinn
Subject: Re: Syria's Use of Torture

Thanks, (b)(6), (b)(7)c We might consider citing and/or attaching this report to our memo.

(b)(5) AC AWP DP

Reply Separator

Subject: (b)(6), (b)(7)c
Author: (b)(6), (b)(7)c
Date: 10/4/2002 9:56 AM

DOS Country Report on Syria (March 2002):

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continued to use torture, although to a lesser extent than in previous years. Former prisoners and detainees report that torture methods include administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim is suspended from the ceiling; hyperextending the spine; and using a chair that bends backwards to asphyxiate the victim or fracture the victim's spine. In September Amnesty International published a report claiming that authorities at Tadmur Prison regularly torture prisoners, or force prisoners to torture one another. Although torture occurs in prisons, torture is most likely to occur while detainees are being held at one of the many detention centers run by the various security services throughout the country, and particularly while the authorities are attempting to extract a confession or information regarding an alleged crime or alleged accomplices.

The Government has denied that it uses torture and claims that it would prosecute anyone believed guilty of using excessive force or physical abuse. Past victims of torture have identified the officials who beat them, up to the level of brigadier general. If allegations of excessive force or physical abuse are to be made in court, the plaintiff is required to initiate his own civil suit against the alleged abuser. Courts do not order medical examinations for defendants who claim that they were tortured (see Section 1.e.).

In 2000 Syria apprehended Raed Hijazi, accused of a terrorist plot targeting American and Israeli tourists in Jordan during the millennium celebrations and rendered him to Jordan to stand trial. According to media accounts of the trial, doctors for both the defense and the prosecution testified that Hijazi's body showed signs of having been beaten, but witnesses, including Hijazi, made contradictory and inconclusive claims regarding whether the alleged abuse occurred while he was in Jordanian or Syrian custody. The Jordanian court has rejected the allegations that Hijazi's confession was coerced.

The Government reportedly tortured some of the Islamist prisoners who were detained during the large-scale arrests in late 1999 and early 2000 (see Sections 1.d. and 2.c.).

On January 30, unknown assailants attacked and beat novelist Nabil Sulayman outside his apartment in Latakia, in what some observers believe was a message from the Government to civil society advocates to moderate their pressure for

reform (see Section 2.a.).

In November 2000, 200 persons were injured during clashes in Suwayda province involving Druze residents, Bedouin shepherds, and security forces (see Sections 1.a. and 5).

Prison conditions vary but generally are poor and do not meet international standards for health and sanitation. Facilities for political or national security prisoners generally are worse than those for common criminals. The notorious Tadmur Prison in Palmyra, where many political and national security prisoners have been kept, is widely considered to have the worst conditions. There were unconfirmed press reports in September that the Government closed the civilian wing of Tadmur Prison, and unconfirmed press reports earlier in the year that the Government moved approximately 500 to 600 political prisoners from Tadmur Prison to Sayadnaya Prison in preparation for Tadmur's eventual closing.

At some prisons, authorities allow visitation, but in other prisons, security officials demand bribes from family members who wish to visit incarcerated relatives. Overcrowding and the denial of sufficient nourishment occur at several prisons. According to Human Rights Watch, prisoners and detainees are held without adequate medical care, and some prisoners with significant health problems reportedly are denied medical treatment. Some former detainees have reported that the Government prohibits reading materials, even the Koran, for political prisoners.

There were credible reports in 2000 that minors were held in adult facilities for 6 months and were not allowed visits from family members. There are separate detention facilities for women and children (see Section 1.d.).

The Government does not permit independent monitoring of prison or detention center conditions. In June the Government allowed a German diplomat to visit Hussein Dawud, a Syrian member of the Kurdish Popular Union Party imprisoned in Sayadnaya Prison, after rumors of Dawud's death by torture were published. The diplomat confirmed Dawud's presence and saw no signs of torture.

Doc. #176

ISF - _____ - 2004
Binder B
Tab 11

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Sunday, October 06, 2002 4:23 PM
To: (b)(6), (b)(7)c
Importance: High

NOTICE TO COUNSEL:

(b)(5) per CBP

(b)(6), (b)(7)c

COU
2/514 (b)(6), (b)(7)c

000046

(b)(6), (b)(7)c

From:
ent:
to:

(b)(6), (b)(7)c

Sunday, October 06, 2002 4:23 PM

(b)(6), (b)(7)c

Importance:

High

NOTICE TO COUNSEL:

(b)(5)

(b)(5) AC AWP DP

=====
(b)(6), (b)(7)c

HQCOU

7-2/514

(b)(6), (b)(7)c

000046

Doc. #177

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Friday, October 04, 2002 3:29 PM
To: (b)(6), (b)(7)c; Barry C O'Melinn; (b)(6), (b)(7)c; Victor X Cerda
Subject: RE: ARAR



ARARLTR1.DOC

Final version.

-----Original Message-----

From: O'Melinn, Barry C
Sent: Friday, October 04, 2002 1:32 PM
To: (b)(6), (b)(7)c
Subject: ARAR

(b)(6), (b)(7)c

(b)(5)

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000047



U.S. Department of Justice
Immigration and Naturalization Service

425 I Street NW
Washington, DC 20536

Mr. Maher Abdul Hamid ARAR

(b)(6), (b)(7)c
In Service Custody

Dear Mr. Arar:

You have been placed in removal proceedings under the Immigration and Nationality Act. In connection with those proceedings, you have the opportunity to designate a country for your removal, in the event that you are order removed. If you should chose to designate a country, please do so on the line below. If you have any concerns about returning to this country, please explain in detail below. Attach additional sheets of paper if necessary.

Sincerely,

J. Scott Blackman
Regional Director, Eastern Region
Immigration and Naturalization Service

Would you like to designate a country, should you be ordered removed? Yes No
If so, please designate this country below.

Do you have any concerns about returning to this country? Yes No

If so, please explain in detail below, attach additional sheets if necessary.

000048

Doc. #178

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Sunday, October 06, 2002 6:55 PM
To: (b)(6), (b)(7)c
Subject: Fwd:Arar Questions



ARAR Qs_COU
redline.DOC

Forward Header

Subject: Arar Questions
Author: (b)(6), (b)(7)c
Date: 10/6/2002 6:28 PM

Here's the questions cleared by DOJ's (b)(6), (b)(7)c (b)(5)

(b)(5)

(b)(6), (b)(7)c
202/514 (b)(6), (b)(7)c

The release of this document to the OIG does not constitute
a waiver of any applicable privilege.

000049

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION
RECORD OF SWORN STATEMENT

Office: File No: A

Statement by:

In the Case of:

At: MDC

Date: June 3, 2004

Before:

In the: language.

Interpreter:

(b)(5) AC AWP DP

Start of Interview:



(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

Signature

.....
Alien

Subscribed and sworn before me at

.....on
.....

.....
.....

Officer, United States Immigration and Naturalization Service

Witnessed by:

.....

000056

Doc. #179

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Sunday, October 06, 2002 5:20 PM
To: (b)(6), (b)(7)c
Cc: Victor X Cerda; (b)(6), (b)(7)c
Subject: Questions

Importance: High



ARAR Qs_COU
redline.DOC

Text_Item_2_of_2.
txt

(b)(6), (b)(7)c

Pasted and attached below is the proposed introductory segment and line of questions that (b)(6), (b)(7)c will use for the interview. The list is 12 pages long, though (b)(5)

(b)(5)

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b)(6), (b)(7)c

514 (b)(6), (b)(7)c

=====

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION
RECORD OF SWORN STATEMENT

Office:

File No: A

Statement by:

In the Case of:

At: MDC

Date: October 6, 2002

Before:

In the: language.

Interpreter:

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

Signature

.....

000061

Doc. #180

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 4:53 AM
To: Victor X Cerda; (b)(6), (b)(7)c Owen B Cooper; (b)(6), (b)(7)c
Subject: 235(c) case

Victor,

The (b)(6), (b)(7)c officers finished the interview and faxed us their recommendation at approximately 4 am. We have questions for another agency that cannot be asked because no one is there to respond at this hour. We also understand that there is a meeting between (b)(7)e at 10 am and the outcome of the meeting could affect our process and assessment. So we will have a recommendation as soon as these issues are addressed.

At this point we are calling it a night, but will be here early in the morning.

Thanks, (b)(6), (b)(7)c

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000062

Doc. #181

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 6:32 AM
To: (b)(6), (b)(7)c; Victor X Cerda; (b)(6), (b)(7)c; Owen B Cooper; (b)(6), (b)(7)c
Subject: Re:235(c) case

I have now finished a draft of the 235(c). It is in my safe. I am going home to clean up for the day and I will be in by mid to late morning. (b)(6), (b)(7)c per USCIS has the combination to my safe and can retrieve the materials.

(b)(6), (b)(7)c

Reply Separator

Subject: 235(c) case
Author: (b)(6), (b)(7)c
Date: 10/7/2002 4:53 AM

Victor,

The (b)(6), (b)(7)c officers finished the interview and faxed us their recommendation at approximately 4 am. We have questions for another agency that cannot be asked because no one is there to respond at this hour. We also understand that there is a meeting between (b)(7)e at 10 am and the outcome of the meeting could affect our process and assessment. So we will have a recommendation as soon as these issues are addressed. At this point we are calling it a night, but will be here early in the morning.

Thanks, (b)(6), (b)(7)c

The release of this document to the OIG does not constitute a waiver of any applicable privilege.

000063

Doc. #182

(b)(6), (b)(7)c

From:

(b)(6), (b)(7)c

ent:

Thursday, October 17, 2002 10:36 AM

To:

(b)(6), (b)(7)c

Subject:

CBP (b)(6), (b)(7)c 235c regs_public comments

(b)(5) AC AWP DP

000064

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Doc. #183

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
ent: Friday, February 14, 2003 10:26 AM
To: (b)(6), (b)(7)c
Subject: Arar_memo to file

Follow Up Flag: Follow up
Flag Status: Flagged

Memo to file:

CBP (b)(5), (b)(6), (b)(7)c

6:30pm: According to (b)(6), (b)(7)c SOP has pre-cleared Ms. (b)(6), (b)(7)c to enter the MDC (ie, she represents Arar). (b)(6), (b)(7)c checking what kind of notice there is to us about atty appearance.

MDC Brooklyn
80 29th Street
Brooklyn, New York 11232
18-840 (b)(6), (b)(7)c
Fax: 718-84 (b)(6), (b)(7)c
Security Level: Administrative/Male/Female
Facility Code: BRO
=====

8pm (b)(6), (b)(7)c (b)(6), (b)(7)c and make assessment on (b)(6), (b)(7)c b/c that's what we did pre-reg.

000065

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Doc. #184

(b)(5) AC AWP DP

000066

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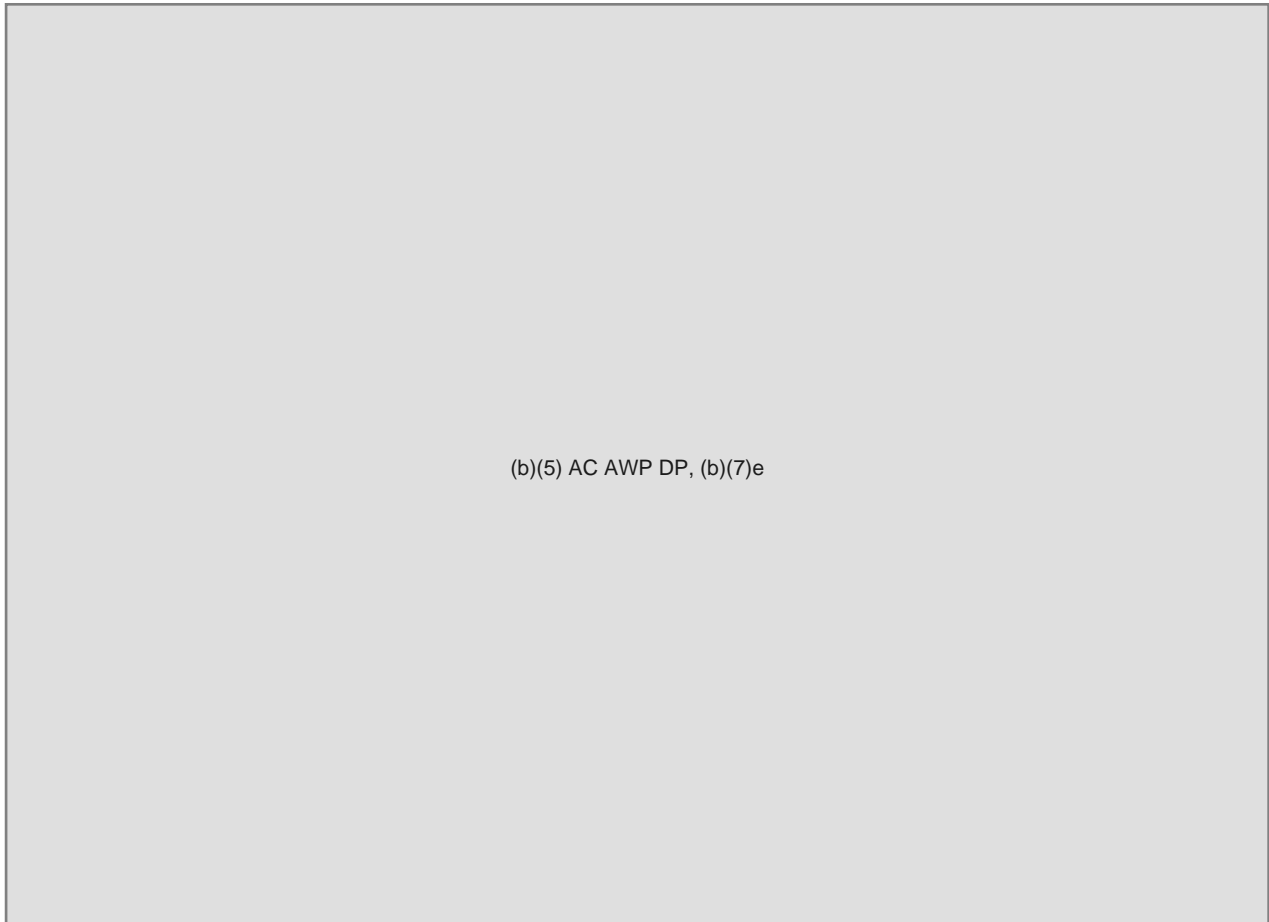
Doc. #185

FILE: (b)(6), (b)(7)c)
)
IN THE MATTER OF:)
)
ARAR, Maher Abdul Hamid)
a/k/a ARAR, Maher)
a/k/a ARAR, Mahar Abdul Hamid)
a/k/a ARAR, Maher 'Abd Al-Hamid)
)
APPLICANT)

In Removal Proceedings under
Section 235(c) of the Immigration
and Nationality Act

Decision of the Regional Director

Introduction



(b)(5) AC AWP DP, (b)(7)e

(b)(5) AC AWP DP, (b)(7)e

(b)(5) AC AWP DP, (b)(7)e



(b)(5) AC AWP DP (b)(6) (b)(7)c per FBI

(b)(5) AC AWP DP, (b)(7)e



(b)(5) AC AWP DP (b)(6), (b)(7)c, (b)(7)e

(b)(5) AC AWP DP (b)(6), (b)(7)c

Doc. #186



U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the Commissioner

425 I Street NW
Washington, DC 20536

OCT 7 2002

MEMORANDUM FOR EASTERN REGIONAL DIRECTOR J. SCOTT BLACKMAN

FROM:

James W. Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT:

Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c per USCIS

SYNOPSIS:

Arar is a dual citizen of Canada and Syria, who is in immigration proceedings pursuant to Section 235(c)(1) of the Immigration and Nationality Act. Under Section 241(b)(2)(A), Arar designated Canada as the country to which he wants to be removed. However, under Section 241(b)(2)(C)(iv), the Attorney General disregarded Arar's designation of Canada. Under Section 241(b)(2)(D), Arar shall be removed to the country of which he is a subject, national or citizen. Therefore, Arar shall be removed to Syria.

DISCUSSION:

Arar was intercepted at JFK International Airport in New York City on September 26, 2002, while attempting to transit without visa from (b)(7)e where he currently resides, to Canada. An INS officer issued Arar a Form I-147, Notice of Temporary Inadmissibility, on October 1, 2002, because Arar was an arriving alien "suspected" of being inadmissible pursuant to

(b)(7)e

(b)(7)e

In accordance with 8 C.F.R. Section 235.8(a), the INS New York District Director forwarded this decision to the INS Eastern Regional Director for review. On October 7, 2002, the INS Eastern Regional Director issued a written decision ordering the alien removed. The INS Eastern Regional Director's determination was based on classified information provided to the INS by the Federal Bureau of Investigation.

Under Section 241(b)(2)(A), which permits an "other alien" who has been ordered removed to designate one country to which the alien wants to be removed, Arar designated Canada as the country to which he wants to be removed. However, under authority of Section 241(b)(2)(C)(iv), the Attorney General decided to disregard Arar's designation of Canada as the country of removal on the ground that removing Arar to Canada would be prejudicial to the United States. As the Attorney General has disregarded Arar's designation of Canada, Section

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a waiver of any applicable privilege.

BEST COPY AVAILABLE

2012FOIA62 000092
000071

Memorandum for Eastern Regional Director J. Scott Blackman

page 2

Subject: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

241(b)(2)(D) applies for the purpose of selecting a country of removal. Subsection (D) provides that the alternative country of removal is the country of which the alien is a subject, national or citizen unless the government of that country (i) does not inform the Attorney General or the alien within 30 days or a reasonable time of the Service's inquiry whether that country is willing to accept the alien; or (ii) is not willing to accept the alien into that country. Therefore, under the authority of Section 241(b)(2)(D), Arar shall be removed to Syria, a country of which he is a national, subject or citizen.

000071

Doc. #187



U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR THE COMMISSIONER

FROM: Bo Cooper
General Counsel

SUBJECT: Fulfilling U.S. Obligations under the (b)(6), (b)(7)c in Section 235(c) Cases

(b)(5) AC AWP DP (b)(6), (b)(7)c

000073

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b)(5) AC AWP DP (b)(6), (b)(7)c

APPROVE: _____

DISAPPROVE: _____

OTHER: _____

INSERT HEADER....

Memorandum for the Commissioner

Page XX

Subject: Fulfilling U.S. Obligations under the (b)(6), (b)(7)c in Section 235(c) Cases

(b)(5) AC AWP DP (b)(6), (b)(7)c

Doc. #188

ASSESSMENT

Alien stated that he is a native of Syria and citizen of Syria and Canada. He arrived at JFK International Airport on September 26, 2002. Alien stated that he worked as a contractor and engineer, and that he is self-employed. He testified that he is [redacted] CBP (b)(6), (b)(7)c

[redacted] CBP (b)(6), (b)(7)c The alien stated that his immediate family consists of his [redacted] CBP (b)(6), (b)(7)c

[redacted] CBP (b)(6), (b)(7)c He also stated that his family has a house in [redacted] CBP (b)(6), (b)(7)c The alien indicated that he has [redacted] CBP (b)(6), (b)(7)c

[redacted] CBP (b)(6), (b)(7)c

[redacted] (b)(5) per USCIS

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Doc. #189

United States Department of Justice
Immigration and Naturalization
Record of Sworn Statement

Office: New York, NY

Statement by: Maher ARAR

In the Case of: ARAR, Maher

At: MDC

Before: [REDACTED] (b)(6), (b)(7)c per USCIS

In the English language

My name is [REDACTED] (b)(6), (b)(7)c per USCIS. I am an officer of the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with enforcement of the Immigration and Nationality laws of the United States. I am here to discuss whether you have any concerns about returning to Canada and Syria. I will make a record of our conversation. At the conclusion of our discussion, I will read back to you my questions and your answers, and then I will ask you to initial all pages and sign the record of sworn statement.

The information you tell me today is confidential. This means that this information may not be given to the government of Canada or Syria, but it can be shared with other United States government officials, who will keep the information confidential.

It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

Q. Do you have any questions about what I have explained to you?

A. Where is my lawyer?

Q. We contacted your lawyer and told him that we were going to conduct this interview. We have been told that your lawyer did not arrive.

A. I want to speak to my lawyer.

Q. Are you willing to answer my questions at this time?

A. What questions? Where is my lawyer?

Q. I do not know where your lawyer is. What is your name?

A. Can you tell me your name?

Q. My name is [REDACTED] (b)(6), (b)(7)c per USCIS. Where were you born?

A. [REDACTED] (b)(6), (b)(7)c Syria.

Q. What is your country or countries of citizenship?

A. I am a citizen of Canada and Syria.

Q. Where did you last live?

A. Canada.

Q. What is your occupation?

A. I am a contractor and engineer. I am self-employed. My business is home-based.

Q. How many people worked with you?

A. No one. Only myself.

Q. What is your marital status?

A. I am married.

Q. Do you have any children?

A. I have (b)(6), (b)(7)c

Q. Where are your children currently?

A. They are in (b)(6), (b)(7)c

Q. Do you have any concerns about being removed to Canada?

A. No.

(b)(6), (b)(7)c

Q. Why don't you want to go to Syria?

A. My whole family is in (b)(7)c per US. Please don't send me to Syria. I want to call my lawyer.

Q. INS contacted your lawyers to inform them of this interview, but they didn't come.

A. I want to call them and schedule this for another day.

(b)(6), (b)(7)c

Q. What is your religion?

A. I am Muslim.

Q. Were you ever arrested in Syria?

A. No. I was a kid when I left Syria. The law changes overnight in those kind of countries. (b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

000078

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Q. What type of work did you do here in the United States?

A. I'm not going to answer anymore questions without my lawyer.

Q. Where were you working?

A. In Boston, but I am not answering any more questions.

Q. What type of work did you do in Canada?

A. I was a consultant.

Q. Did anyone work with you?

I had plane from home

(b)(6), (b)(7)c

[Redacted]

(b)(6), (b)(7)c

Q. Do you have any fear of returning to Canada?

A. No. I want to go to Canada.

(b)(6), (b)(7)c

[Redacted] (b)(6), (b)(7)c What will you tell my daughter? (b)(6), (b)(7)c per USCIS

(b)(6), (b)(7)c per USCIS She will not like America like I do. It would be a shame for America to send me back.

Q. Is there anything else you would like to add?

[Redacted]

(b)(7)e

Q. You said you had a Syrian Passport at the airport, is this correct?

A. Yes. It expired.

Q. When did it expire?

A. I was exhausted. It expired six months after I got to Canada in 1988. And I forgot to tell you something, a very important fact, my father renewed my five-year waiver after I got to Canada. He also renewed my passport for five years, and I have not done this since.

Q. Did your father do this in 1988?

A. No, I think it was around 1991, but I forgot. I don't remember exactly.

Q. Where did your father renew the waiver and passport?

A. I don't remember.

Q. Were you in Canada at the time?

A. Yes.

Q. Did your father renew them in Canada?

A. I don't know, my father took care of things for me then.

Q. Did you plan to travel to Syria?

A. No. It was in case I went to other places. I went to Plattsburg to buy things sometimes.

Q. When did your passport expire?

A. I don't know.

Q. Where is the Syrian passport?

A. In Canada; no, I don't know. I don't remember.

[Redacted block containing (b)(7)e]

(b)(7)e

[Redacted block containing (b)(6), (b)(7)c]

(b)(6), (b)(7)c

I have read the foregoing statements, consisting of 5 pages. I state that the answers made therein by me are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my interview on the date indicated by the above-named officer of the Immigration and Naturalization Service. I have initialed each page of this statement and the correction(s) noted on page(s).....

Signature

.....
Maher ARAR

Subscribed and sworn before me at.....

..... on.....

.....
(b)(6), (b)(7)c per USCIS Officer, United States Immigration and Naturalization Service

Witnessed by:
.....

Q. Where is the Syrian passport?

A. In Canada; no, I don't know. I don't remember.

(b)(7)e

(b)(6), (b)(7)c

I have read the foregoing statements, consisting of 5 pages. I state that the answers made therein by me are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my interview on the date indicated by the above-named officer of the Immigration and Naturalization Service. I have initialed each page of this statement and the correction(s) noted on page(s).....

Signature

Subject refused to sign.
Maher ARAR

Subscribed and sworn before me at Metropolitan Detention Center (MDC) on 10/7/02 at 2:30 AM.

(b)(6), (b)(7)c per USCIS

(b)(6), (b)(7)c per USCIS Officer, United States Immigration and Naturalization Service

Witnessed by
..... (b)(6), (b)(7)c per USCIS

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, a copy of the foregoing was served by personal service upon the applicant at _____.

I hereby certify that on this _____ day of _____, 2002, a copy of the foregoing was forwarded by Federal Express mail to the INS' New York District Office for personal service on the applicant.

Doc. #190

United States Department of Justice
Immigration and Naturalization
Record of Sworn Statement

Office: New York, NY
Statement by: Maher ARAR
In the Case of : ARAR, Maher
At: MDC

Before: [REDACTED] (b)(6), (b)(7)c

In the English language

My name is [REDACTED] (b)(6), (b)(7)c I am an officer o the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with enforcement of the Immigration and Nationality laws of the United States. I am here to discuss whether you have any concerns about returning to Canada and Syria. I will make a record of our conversation. At the conclusion of our discussion, I will read back to you my questions and your answers, and then I will ask you to initial all pages ar d sign the record of sworn statement.

The information you tell me today is confidential. This means that this information may not be given to the government of Canada or Syria, but it can be shared with other United States government officials, who will keep the information confidential.

It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

Q. Do you have any questions about what I have explained to you?

A. Where is my lawyer?

Q. We contacted your lawyer and told him that we were going to conduct this interview. We have been told that your lawyer did not arrive.

A. I want to speak to my lawyer.

Q. Are you willing to answer my questions at this time?

A. What questions? Where is my lawyer?

Q. I do not know where your lawyer is. What is your name?

A. Can you tell me your name?

Q. My name is [REDACTED] (b)(6), (b)(7)c Where were you born?

A. [REDACTED] (b)(6), (b)(7)c Syria.

Q. What is your country or countries of citizenship?

A. I am a citizen of Canada and Syria.

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a waiver of any applicable privilege.

Q. Where did you last live?

A. Canada.

Q. What is your occupation?

A. I am a contractor and engineer. I am self-employed. My business is home-based.

Q. How many people worked with you?

A. No one. Only myself.

Q. What is your marital status?

A. I am married.

Q. Do you have any children?

A. I have (b)(6), (b)(7)c

Q. Where are your children currently?

A. They are in (b)(6), (b)(7)c

Q. Do you have any concerns about being removed to Canada?

(b)(6), (b)(7)c

Q. Why don't you want to go to Syria?

A. My whole family is in (b)(6), (b)(7)c Please don't send me to Syria. I want to call my lawyer.

Q. INS contacted your lawyers to inform them of this interview, but they didn't come.

(b)(6), (b)(7)c

Q. What is your religion?

A. I am Muslim.

Q. Were you ever arrested in Syria?

A. No. I was a kid when I left Syria. The law changes overnight in those kind of countries (b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Q. What type of work did you do here in the United States?

A. I'm not going to answer anymore questions without my lawyer.

Q. Where were you working?

A. In Boston, but I am not answering any more questions.

Q. What type of work did you do in Canada?

A. I was a consultant.

Q. Did anyone work with you?

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Q. Do you have any fear of returning to Canada?

A. No. I want to go to Canada.

(b)(6), (b)(7)c

(b)(6), (b)(7)c

What will you tell my daughter? (b)(6), (b)(7)c per US CIS

(b)(6), (b)(7)c per US She will not like America like I do. It would be a shame for America to send me back.

(b)(7)e

Q. You said you had a Syrian Passport at the airport, is this correct?

A. Yes. It expired.

Q. When did it expire?

A. I was exhausted. It expired six months after I got to Canada in 1988. And I forgot to tell you something, a very important fact, my father renewed my five-year waiver after I got to Canada. He also renewed my passport for five years, and I have not done this since.

Q. Did your father do this in 1988?

A. No, I think it was around 1991, but I forgot. I don't remember exactly.

Q. Where did your father renew the waiver and passport?

A. I don't remember.

Q. Were you in Canada at the time?

A. Yes.

Q. Did your father renew them in Canada?

A. I don't know, my father took care of things for me then.

Q. Did you plan to travel to Syria?

A. No. It was in case I went to other places. I went to Plattsburg to buy things sometimes.

Q. When did your passport expire?

A. I don't know.

Q. Where is the Syrian passport?

A. In Canada; no, I don't know. I don't remember.

[Redacted block containing (b)(7)e]

(b)(7)e

[Redacted block containing (b)(6), (b)(7)c]

(b)(6), (b)(7)c

I have read the foregoing statements, consisting of 5 pages. I state that the answers made therein by me are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my interview on the date indicated by the above-named officer of the Immigration and Naturalization Service. I have initialed each page of this statement and the correction(s) noted on page(s).....

Signature

.....
Maher ARAR

Subscribed and sworn before me at.....

..... on.....

[Redacted signature]

Officer, United States Immigration and Naturalization Service

Witnessed by:

.....

Doc. #191

The Washington Post

**U.S.-Syria Relations Not Quite as Cold
Officials Cite Assad's Anti-Terror Aid**

**By Glenn Kessler
Thursday, June 20, 2002;**

Syria's relations with the United States have improved because of its assistance in the war on terrorism, but U.S. officials and Middle East experts said yesterday that Syria's continued support of Hezbollah, Hamas and other militant anti-Israel organizations makes a complete thaw impossible.

Syria's cooperation in the fight against al Qaeda was highlighted by the revelation this week that a key figure in the Sept. 11 plot, Mohammed Haydar Zammar, had been arrested in Morocco and sent to Syria for interrogation, with American knowledge. While U.S. officials have not been able to question Zammar, Americans have submitted questions to the Syrians.

"They have been very helpful," a State Department official said. "But we still have very serious concerns and that's why they are still on the list of state sponsors of terrorism."

A recent State Department report said that Syria has not been implicated directly in an act of terrorism since 1986 but that it has continued to provide haven and logistical support to terrorist organizations operating in the Bekaa Valley in Lebanon, which is under Syrian control.

Besides Syria's support for what the United States considers terrorist organizations -- and which the Syrians call resistance fighters -- the official cited Syria's aid to Iraq in evading international sanctions, such as the illegal importation of oil, as another source of friction.

Nevertheless, officials said Syria has been unstinting in helping in the battle against al Qaeda, in large part because Syrian officials view fundamentalist Islamic movements as destabilizing. After Sept. 11, Syrian President Bashar Assad pledged his support in a letter to President Bush, and that has been followed up by concrete actions.

Vincent Cannistraro, a former counterterrorism chief for the CIA, said Syria has "been completely cooperative" in investigating al Qaeda and persons associating with al Qaeda. In some cases, he said, Syrian officials have avoided arresting suspects so they can continue to monitor their conversations and movements and report back to the United States.

Richard W. Erdman, the chief State Department specialist for Syria, recently told the American Israel Public Affairs Committee that Syria's actions against al Qaeda have "helped save American lives."

Assad, in an interview published yesterday in the San Jose Mercury News, said Syria within the past three months provided information on an al Qaeda operation that, if successful, would have killed "many American soldiers." He declined to provide details.

Cannistraro said Syria makes a distinction between what it considers legitimate support for the Palestinians and terrorism in general, and that its efforts to combat al Qaeda were considered a possible route to getting off the U.S. list of terrorist-sponsor states. "They have been trying to get off of it for a long time," he said. "They are very bitter about it."

"There will come a time when the administration realizes that this label is not correct," Assad told the Mercury News. Citing Syria's cooperation, the Bush administration recently opposed a bill

backed by key members of Congress, including House Majority Leader Richard K. Armey (R-Tex.), that would punish Syria for its support of terrorist groups. The Syrian Accountability Act would impose economic and political sanctions until the president certifies it has ended support of terrorist groups, withdrawn from Lebanon and complied with United Nations resolutions against Iraq.

Supporters of the legislation complain that Syria is subject to fewer sanctions than any of the seven nations listed as state sponsors of terrorism.

Assad has signaled in other ways that he is eager to improve relations with the United States.

Last month, a senior delegation of Syrian officials, headed by Deputy Foreign Minister Walid al-Moualem, met with Assistant Secretary of State William J. Burns,

Sen. Arlen Specter (R-Pa.) and other Americans at Rice University in Houston. While U.S. officials play down the importance of the meeting, some participants said the tenor of discussions suggested Syria was serious about improving relations.

Shibley Telhami, a Middle East expert at the University of Maryland who attended the meeting, said the Syrian delegation was empowered by Assad to discuss a range of issues, including "a tough exchange on the question of terrorism" and ways to promote cultural and political exchanges.

"This was probably the most interesting Syrian-U.S. exchange that I've seen," Telhami said.

"There seems to be a real readiness to build on the cooperation in practical ways on the issue of terrorism," said Edward P. Djerejian, director of the James A. Baker III Institute for Public Policy at Rice.

But U.S. officials remain skeptical. Diplomatic sources said that in recent weeks Hezbollah has built up forces, including missiles capable of reaching northern Israeli population centers, along Lebanon's southern border with Israel, prompting a round of U.S. warnings to Syria, Iran and Lebanon.

"Talking to Syria is not a problem," the State Department official said. "Getting them to do what we want is a problem."

Doc. #192

Islam and women

the case of the Tablighi Jamaat

barbara metcalf

The Tablighi Jamaat is a quietist, apolitical movement of spiritual guidance and renewal that originated in the Indian subcontinent, whose networks now reach around the world. Today Tablighi Jama'at's annual meetings in Pakistan and Bangladesh are attended by over a million people, and, even though meetings in India are smaller, participants may well be as many. Tabligh networks extend throughout the world, not only to places of Indo-Muslim settlement like North America and Britain, but to continental Europe, Africa, Malaysia, and elsewhere. Membership in the Tablighi Jamaat entails its male members leaving their homes in small groups, for varying periods of time, to teach correct Islamic practices to fellow Muslims and to invite them to join the Jamaat in the work of *Dawa* or *Tabligh* [proselytizing].

Due to its absence from the political arena and low institutional profile, there are relatively few studies of the Tablighi Jamaat, and most of this literature is strikingly silent on the involvement of women in the Jamaat. Yet popular opposition voiced against the Jamaat, in subcontinental cities at least, often focuses on issues related to women: men who leave for proselytizing are often accused of failing in their masculine roles to care for their families and implicitly encouraging the cultivation of what are considered to be effeminate attributes (gentleness, humility, and modesty). In this paper, I examine gender relations in the contemporary Tablighi Jamaat in Pakistan by drawing on my long-term interest in the Deobandi scholarly movement from which the Tablighi Jamaat emerged.[1]

History of the Tablighi Jamaat

In the period after the First World War in India, with the failure of the *Khilafat* movement and the exposure of the hollowness of British war-time promises, many Muslims turned from political action to the formation of voluntary associations focused on individual and community regeneration.[2] Tablighi Jamaat, whose origin is typically dated to 1927, emerged as part of this larger movement. The Jamaat was first conceived by Maulana Muhammad Ilyas, a pious, learned religious leader based in Delhi, who died in 1944. The principal behind Tabligh work was that all Muslims could teach fellow Muslims key Islamic values and practices and that the process of instructing others would help the teachers learn and perfect their own practices. Thus, by going out to offer guidance to other Muslims, any sincere Muslim could, in effect, undertake what had heretofore been the province of men distinguished by education, saintly achievement, and, often, notable birth.[3]

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The central feature of the Tabligh movement is the tour, which consists of a Jamaat, or party, of about ten men who travel to proselytize either for an evening, a few days, or a prolonged journey. Undertaking the tour occasions a radical break with all usual enmeshments, including the intense face-to-face obligations and hierarchies of family and work typical of everyday interaction. This break, Maulana Ilyas believed, would transform the proselytizer more than the audience because the journey, with its attendant tasks, inculcates a modest and humble disposition--a disposition of which prayer is an important part, since it renders a Muslim humble before God.[4] Since proselytization is a situation in which each participant continually risks rebuff, it is meant to further instill humility in him. In this sense, travel is believed to encourage a state of permanent vulnerability and uncertainty in which one learns to be dependent on God, outside of one's normal moorings.

Beyond these efforts, a range of practices fosters a leveling of socio-economic status among the participants, a leveling modified in principle only by degrees of fidelity and faith. In a society where dress is a clear marker of status and particularistic identities, for instance, all Tablighis alike dress in simple garments. In a society where any speech act may betray hierarchic gaps of economic and educational status (above all, that of English and vernaculars, and among the vernaculars, between elegant Urdu and simple language), all Tablighi Jamaat members cultivate simple language. Similarly, in comparison to the popular attitude of looking down on manual activity, everyone on a tour carries his own bag and performs the most menial tasks.

Since there are no criteria for entry or membership in the Jamaat, the very openness of the group further diminishes hierarchy. Any Muslim who seeks to join the Jamaat is welcome in a way that is virtually unknown in highly institutionalized and stratified societies. No priority is given to intellectualism and each person, by virtue of being born a Muslim, is assumed to be a potential participant worthy of respect. Each Jamaat member is considered to have the same capacity for full participation by the simple act of embracing readily accessible teachings and committing himself to spreading them.

Among those on a tour, the elimination of hierarchic distinctions is relentless. Decisions are made through a process of consultation known as Mushwara. The Amir [leader] is chosen by the group, and should ideally be distinguished by the quality of his faith, rather than his worldly rank. Consequently, even a peon or servant can be an Amir, and authority, in principle, is not based on outward attainments or birth among the Tablighi. There are echoes in this practice of the Sufi conviction that the least likely person may be one of the spiritual elect.

Different roles are assigned to all members of a mission. Key to these roles, and to Tablighi thinking generally, is the concept of service or khidmat.[5] Ideally, roles over the duration of a tour change so that the same person may act as a teacher or preacher on one occasion, and a humble cook or cleaner on another. Maulana Ilyas argued that to do service was in fact to attain two rewards: serving one's companions and freeing them to engage in Tabligh.[6] As a result, all Tablighi learn to cook and serve food, to nurse the

ill, and to wash and repair clothes. These are jobs that are commonly associated with women and with the lower-born in the society at large. Praise and admiration for this kind of service is expressed in a letter, preserved by Maulana Ilyas, that describes the khidmat of one Jamaat Amir:

He looked after everyone's comfort throughout the journey, carried the luggage of others on his shoulders, in addition to his own, in spite of old age, filled the glasses of water at mealtimes and refrained from sitting down to eat until everybody had been seated comfortably, helped others to perform [the ablutions] on the train and drew their attention to its rules and proprieties; kept watch while the others slept and exhorted the members to remember God often, and did all this most willingly. For a person who was superior to all of us in age, social status and wealth to behave as the servant of everyone was the most unforgettable experience of the tour.[7]

In undertaking the journey, Tablighi ideally pay their own way so that no one is a patron and/or dependent. Tablighi thus strike a dramatic contrast against the structures of subordination and hierarchy that organize much of subcontinental life and stand apart from all its elaborate transactional arrangements.[8] This is in stark contrast to a society where the careful calibrations of age, gender, and birth are learnt at an early age and displayed in a range of obligations, manifestations of deference, and expectations of respect in virtually every daily interaction.[9] Boys are not only subject to the authority of elders within the family but, as they move into the public world, are expected to respond unquestioningly to the authority of teachers and spiritual leaders and to exercise control over women in their families.

Women in the Tabligh Jamaat

The fact that the literature on the Tablighi Jamaat is largely silent on women is not surprising, since it is men who go proselytizing, and it is men who are seen traveling in small groups by bus/train in Indian cities, going from door to door in college hostels and neighborhoods. It is men one sees, dressed in simple, white, loose pants, long shirt, and cap, modest bedding on their back, disappearing into a mosque where they often spend the night. Yet women are involved in the Jamaat, and it is important to consider the gendered context of social roles that both Tablighi women and men are expected to play.

The Tablighi, like the followers of the larger Deobandi reformist movement from which they derive, espouse an ideal of human behavior they understand to be exemplified by the Prophet. This ideal, in fact, resonates with qualities typically associated with femininity: everyone, male or female, is expected to be gentle, self-effacing, and dedicated to service to others.[10] Men engaged in Tabligh activity, rich and poor alike, are meant to learn new ways of relating to other people and standards of humility by learning to cook, wash their own clothes, and look after each other. In this sense, Tabligh encourages, particularly in the experience of the tour, a certain reconfiguring of gender roles. The gentleness, self-abnegation, and modesty of the Tablighi men, coupled with

their performance of tasks associated with women, marks them as inculcating values that are culturally considered quintessentially feminine, but which are also religious in this case.

In the course of Dawa, as practices of hierarchy are reconfigured, the hierarchical structure as a whole, which includes relations between women and men, is also modified. For example, I interviewed a young man who, as a father of two small children, felt that the personal traits he was honing in the Tabligh had made his family life more cooperative and harmonious. He criticized his society generally for widespread harshness, including physical punishment toward children. Another Tablighi member said he was less likely to be critical of his wife's cooking, after learning to cook himself on a Dawa mission.

Tablighi women, although expected to conform to rules of modesty and seclusion, share in a common model of personal comportment as well as a commitment to Tabligh. The women enjoined as models, in such cherished texts as the Hikayat-us-Sahaba,[11] are celebrated for the same attributes that men are to cultivate: humble, generous, pious, scrupulous in religious obligations, and brave in the face of persecution. Women, in the reformist tradition generally, are expected to become educated in religious teachings. In practical terms, just as men in the course of Dawa tours experience some redrawing of gender roles when they cook and wash, women left at home may also take on a range of typically male responsibilities in order to sustain the household. In addition, women's lives are altered through involvement in the movement itself. Women in the Jamaat are encouraged not only to seek education and piety, but are also invited to engage in Tabligh, as long as they do not mix with unrelated men. They are expected to engage in Dawa work among other women and family members.[12] Although unusual, women Jamaat do go out accompanying their men folk; some Pakistani women described to me visits not only from expatriate and other South Asian women, but also women from such distant countries as France.

Invariably, there are also Jamaat of women at the large annual meetings: one recent annual meeting in Bhopal, India was reportedly attended by groups of people from as far as the United Kingdom, Hungary, Cuba, Poland, Egypt, Uzbekistan, Ukraine, Russia, United Arab Emirates, and Saudi Arabia. It was also reported that the meeting was well attended by women who held a day-long meeting at a separate mosque and were joined by Muslim women from the surrounding areas.[13] Most important, and more common than such distant travels, are neighborhood meetings arranged by women which involve them in Dawa work, albeit in a manner that is not easily visible to outsiders.

Women's Dawa meetings offer an unusual venue for women to congregate religiously, since women in South Asian Islam are discouraged from going to the mosque and, in some traditions, even prevented from visiting saintly shrines typically popular among women. Tablighi women, on the other hand, may also pray together in mosques. In Karachi, for example, women meet on Fridays at the Makki Masjid in the heart of the city between the noon and late afternoon prayer. At a meeting I attended in July 1991 at the Makki Masjid, a woman and a man addressed a crowd of approximately a thousand

women over a loudspeaker: the warmth, gentleness, and simplicity of the discourse was palpable as women were reminded of their responsibility for their own piety, for guidance to their family, and for support to those going out on Dawa tours. Women listened, prayed, meditated, and, at the conclusion, chatted and visited as they gathered their wraps to depart. In these settings, women from humble backgrounds may take on roles of leadership and guidance for others: a practice that emphasizes the larger Tablighi principle of conferring authority based on personal work and qualities, rather than markers of birth and status.

In a sense, differentially favorable opportunities for men matter less in the Tabligh movement than in more politically oriented religious movements because neither male nor female members in the Jamaat seek prominence and status in public life. Just as social differences are erased for Tablighi men and women in the public sphere, Tablighi ethic eliminates whole arenas of customary ritual and ceremonial life which have been the purview of women. For example, participants in an annual Tabligh meeting told me that marriages are celebrated by proxy dozens at a time in such meetings. Since marriages in South Asia are typically occasions that entail elaborate social interaction and expenditure, Tablighi in their practice of simple marriage rituals opt out of such social enmeshments and obligations. Women's status and prestige among Tablighi is, therefore, not to be measured by the number and kinds of participants who attend their ceremonies, nor by the lavishness of the hospitality they offer, but by their piety--especially in their ability to persuade male kin to join the Jamaat. Indeed, during the course of my work, I heard several stories about women who had inspired men in their families to join the Jamaat.

Perhaps the most serious criticism leveled against Tabligh participants is that the men neglect and mistreat their families, especially when on the Dawa tours, and are irresponsible toward their jobs. However, the participants argue that, from their point of view, everyone should be engaged in Tabligh, and that women and children are no more an impediment to men's fulfillment of their duties than men and children are for women. The biography of Maulana Muhammad Ilyas's son and successor, Maulana Muhammad Yusuf (1917-1965), describes Yusuf's frequent absence from the side of his ill wife without condemnation.[14] One is reminded of similar accounts in the biographies of other Tablighi leaders, such as Maulana `Abdul-Rahim Raipuri, who did not let his son's illness distract him from accompanying his disciples to the Hajj [pilgrimage to Mecca].[15] Women are also urged to follow similar models of behavior. A talk given at an annual Tabligh meeting, for example, reminded men that women also had a responsibility to Tabligh, and that men should not only refrain from objecting but should actively facilitate women's participation by providing child care. The speaker reminded his audience that since the Prophet had said that women have the right to refuse to nurse should they want to, women certainly could decline to provide child care for a task as important as Tabligh.[16] The same point was apparently made at the Bhopal meeting, noted above, when "community leaders told the women [participants] that their duties were not just confined to bringing up children." [17]

Tablighi remember that Maulana Muhammad Ilyas, the movement's founder, had encouraged Dawa work among women from the very beginning of his mission. On his encouragement, the wife of Maulana `Abdus Subhan, one of the prominent men of his school at Nizamuddin-Din in New Delhi, began work among women in Delhi and formed a women's Jamaat whose members were accompanied by a close male relative. Although other religious elders had reservations about women undertaking Tabligh, Ilyas gradually won their support, including that of the respected Mufti Kifayatullah.[18]

Conclusion

Unlike modern political Islamist movements, such as the Jama`at-i Islami founded in the 1920s, most Tablighi do not idealize women's domestic roles and their supposedly unique feminine qualities. From the Jama`at-i Islami's founder, Maulana Maududi, to its present leadership, the position and nature of women is systematically depicted as essentially different from men and assigns them a distinctive spiritual role in the domestic sphere. While there are some Tablighi writers who use the language of "opposite or complementary" sexes,[19] the dominant attitude in the Tablighi Jamaat is an emphasis on a common nature and set of responsibilities shared by women and men. However, there is little scholarship on changes in Tablighi attitudes toward women and differential notions of gender roles over time in Tablighi history.

I would argue that the reason political Islamic movements (such as the Jama`at-i Islami in Pakistan) emphasize women's domestic roles, in contrast to the Tablighi, is due to the distinctive status accorded to women's roles and feminine nature in the discourse of modern nationalist politics and its accompanying notions of the private and public realms. Jama`at-i Islami is a movement forged in the context of the institutions of the nation-state, which examines and reconfigures Islam to adapt to the principles of a social order mandated by modern national politics. Issues related to women have occupied a central space in public discussions on law and politics in Pakistan, and the Jama`at-i Islami has played a critical role in formulating these discussions. Women have become a powerful public symbol for the institutionalization of what Islamists call an "Islami nizam" [Islamic order]. While the control of women has always been important to all male-dominated societies, the notion that women bear a special burden of embodying Islamic teachings and norms is traceable to the emergence of nationalist politics. [20]

Tablighi, unlike Jama`at-i Islami members, are not involved in state politics and even abjure all debate with other Islamic movements. Their focus on religious practice, an arena where women and men are fundamentally on the same ground, may help explain their unique attitudes toward gender roles. Even though women are expected to stay at home, men, while they travel the world, devalue the public realm in which they participate. The popular criticism leveled against the Tablighi may in part be explained by the anxiety Tablighi men provoke through their reconfiguration of popular gender roles. Tabligh's fundamental devaluing of everything that most of the society urgently seeks--wealth, success, rootedness--cannot but be threatening to those who stand outside

the Jamaat. Accusations of Tablighi men's mistreatment of women kin may be interpreted as a metonym for all the values that the simply dressed, non-instrumental itinerants implicitly undermine in terms of the bourgeois family, consumer culture, and nationalism. In its apolitical piety, Tabligh clearly offers men and women an alternative to these dominant ideals.

The Tabligh movement is similar to apolitical pietistic movements in other religious traditions that seek to minimize social distinctions and relations with the larger society in favor of cultivating personal piety and a shared religious community. Women, like other socially humble communities, may find in Tabligh a less hierarchic familial structure and means of resisting conventional social hierarchies. Scholars studying European societies have identified a range of opportunities presented to women through religious organizations and practices that have, in many cases, created alternatives and means of resistance to paternal or state authority. [21]

Tabligh participants, in withdrawing from all physical or ideological contests and focusing on injunctions from the revelation, shape and interpret their behavior in ways that arguably bear no reference to the hegemonic nation-state-oriented ideologies that surround them. While critics in Pakistan may lump them with "fundamentalist" Islamic political tendencies, and critics in India may label them "communalist," such categories conflate movements that forcefully instruct Muslims about Islam with the Tablighi, who consider themselves the most gentle of reminders. Labels such as communalism and fundamentalism also distort the distinctiveness of a movement that eschews political involvement in favor of cultivating religious piety among women and men.

Above article is taken with the courtesy of <http://shr.stanford.edu/shreview/5-1/text/oldmetcalf.html>

Notes

The reflections in this paper were stimulated by a conference on Tablighi Jamaat organized by James Piscatori (University of Wales, Aberystwith) under the auspices of the

Joint Committee on the Comparative Study of Muslim Societies (SSRC/ACLS, New York),

held at the Royal Commonwealth Society, London, June 7-8, 1990.

[1] See Barbara Metcalf, *Islamic Revival in British India:*

Deoband, 1860-1900 (Princeton: Princeton UP, 1982). Also see Barbara Metcalf,

Perfecting Women: Maulana Ashraf `Ali Thanawi's Bihishti Zewar (Berkeley: U

California P, 1991).

[2] Barbara Metcalf, "'Remaking Ourselves:' Islamic Self-fashioning in a Global Movement of Spiritual Renewal," *Accounting for Fundamentalisms*, eds. Martin Marty and Scott Appleby (Chicago: U of Chicago P, 1994).

[3] For the Indian origins of the movement, see Anwarul Haq, *The Faith Movement of Maulana Muhammad Ilyas* (London: Allen, 1972), which is based on S. Abdul Hassan Ali Nadwi, *Hazrat Maulana Muhammad Ilyas Aur Un ki Dini Da'wat [Hazrat Maulana Muhammad Ilyas and His Call to Faith]* (Lucknow:

Tanwir, 1964). See also Christian Troll, "Five Letters of Maulana Ilyas (1885-1944), the

Founder of the Tablighi Jamaat, Translated, Annotated, and Introduced," *Islam in India:*

Studies and Commentaries 2: Religion and Religious Education, ed. Christian Troll (Delhi: Vikas,

Islam: 1985) 138-176. Articles in S. T. Lokhandwala, ed. *India and Contemporary*

Proceedings of a Seminar (Simla: Indian Inst. of Advanced Studies, 1971) are also

useful, especially Zia-ul Hasan Faruqi, "The Tablighi Jamaat"; Maulana Said Ahmad

Akbarabadi, "Islam in India Today"; and Waheeduzzafar, "Muslim Socio-Religious

Movements." For the late-nineteenth-century origin of the Deoband movement, see

Metcalf, Perfecting Women.

[4] Mohammad Zakariyya Kandhlawi, "Six Fundamentals,"
Teachings of Islam (New Delhi: Ishaat-e-Islam, n.d.) 23.

[5] Altaf Husain Qasimi, Safarnama-i Haramain [A
Travel Account to the Two Holy Places] (Gorakhpur, 1968) 14.

[6] Qasimi 36.

[7] S. Abdul Hasan Ali Nadwi, Life and Mission of Maulana
Mohammad Ilyas (Lucknow: Acad. of Islamic Research and Publications, 1983)

150.

[8] Metcalf, "Remaking Ourselves."

[9] See Metcalf, Perfecting Women. First published at the
turn of the century, the Bihishti Zewar, as a social guide for girls and women, is
an

excellent source for understanding hierarchy in reformist Islam, of which the
Tablighi is an

important part. See, for example, the sample letters in "Book One," where a girl
learns the

appropriate diction for writing to superiors, inferiors, and equals; the letters
review such

issues as appropriate names for elders and behavior before them. At the same
time,

however, the book points to the kind of training necessary in order to transcend
conventional hierarchy that the Tablighi also seek.

[10] See the essay on the Prophet's character in Metcalf,
Perfecting Women 255-258. It is significant that the Prophet's life is
suggested as a model for both women and men.

[11] Muhammad Zakariyya, Tablighi Nisab [The Tablighi Curriculum] (Lahore: Malik Brothers, 1960).

[12] See my introduction to Metcalf, Perfecting Women, where I contrast this inclusive conception of women among the Tablighi with Jama`at-i

Islami's discussion of women, which elaborates a more differentiated view of women as

"complementary to men" or as the "opposite sex."

[13] Sanjeev Majupuria, "100,000 Muslims Meet in Bhopal," India Abroad (January 1994).

[14] Muhammad Sani Hasani, Sawanih-i Hazrat Maulana Muhammad Yusuf Kandhlawi [The Life of Hazrat Maulana Muhammad Yusuf Kandhlawi] (Lucknow: Nadwat-il Ulama, n.d.).

[15] Metcalf, Islamic Revival 168.

[16] I am grateful to Syed Zainuddin, Aligarh University, for describing this and other experiences when he attended a Tabligh ijtim`a [gathering] in Dewsbury, June 1991.

[17] Majupuria.

[18] See Muhammad `Isa Firozपुरi in S. Abdus Shakur Tirmizi, Da`awat-o-Tabligh ki Shar`ai Haisiyyat [The Moral/Legal Status of Mission and Invitation]

(Lahore: Idarah-i Islamiyyat, 1981) 105-106.

[19] Miyani Muhammad `Isa Firozपुरi, Tabligh ka Maqami Kaam [The Local Work of Tabligh] (Delhi: Rabbani Book Depot, n.d.) 102-107; also see

my introduction in Metcalf, Perfecting Women.

[20] See, for example, Partha Chatterjee, The Nation and its
Fragments: Colonial and Postcolonial Histories (Princeton: Princeton UP, 1993).

[21] See, for example: Natalie Z. Davis, "City Women and
Religious Change," Society and Culture in Early Modern France (Stanford:
Stanford

UP, 1975); Caroline W. Bynum, Holy Feast and Holy Fast: The Religious
Significance of

Food to Medieval Women (Berkeley: U of California P, 1987).

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ADD A ARTICLE

0000900

Doc. #193

(b)(6), (b)(7)c

File Mark



[Handwritten signature]

**U. S. IMMIGRATION AND NATURALIZATION SERVICE
OFFICE OF THE DISTRICT COUNSEL
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278**

Date: Sept. 30, 2002
Number of pages including cover sheet: 10

TO:

(b)(6), (b)(7)c

FROM:

(b)(6), (b)(7)c

Phone: _____
Fax Phone: _____

Phone: _____
Fax Phone: _____
Faxed By: _____

REMARKS: [] Urgent [] For your review [] Reply ASAP [] Please Comment

The release of this document to the OIG does not constitute a waiver of any applicable privilege.

Pages 131 through 132 redacted for the following reasons:

(b)(6), (b)(7)c
CBP (b)(6), (b)(7)c

(b)(7)e

JFK Inter-Terminal Alien Transportation Record

Name: AI:AR Maher Abdul Hamid

A #: (b)(6), (b)(7)c

Transport date: Scpt. 26, 2002

Transport time: 2330

Arrival flight: AA 65

Block time: 14 02

Transporting officers: (b)(6), (b)(7)c

Arrival terminal: (1) 3 4 5 7 8

Destination terminal: 1 3 4 5 7 8

	Yes	No	Time
Alien fed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Alien searched?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Translation required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Case completed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If no, explain
Alien allowed phone call?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Medical problems?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, explain
Travelling alone?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Money in alien's possession			

Comments:

Subject arrived via AA65 flight from Zurich presenting Canadian passport

(b)(6), (b)(7)c

(b)(7)e

CBP (b)(6), (b)(7)c

interest Subject was interviewed upon his arrival at American Airlines.

Subject has been granted a voluntary withdrawal of his application in lieu of a formal determination by an Immigration Judge.

Subject is being held at IAT-Terminal 4 building until A.M. for additional review of case and further interview.

Subject's belongings, including computer laptop, cellular telephone & directory must remain in JNC custody!!! Subject must NOT take any electronic items or personal effects with him UNLESS FURTHER NOTICED.

(I-275 Case Co

(b)(6), (b)(7)c

Authorizing AAD

(b)(6), (b)(7)c

Admission Number

(b)(6), (b)(7)c

Immigration and Naturalization Service
I-94
Arrival Record

75 executed.
Subject to depart
foreign via AA 65
on 9/26/02 at 17:45 hrs.
Applic. withdrawn.
Subject placed in
custody of INS
NYC 09/26/02

1. Family Name <u>ARAR</u>	(b)(6), (b)(7)c
2. First (Given) Name <u>MAHER</u>	
4. Country of Citizenship <u>CANADA</u>	
2. Country Where You Live <u>CANADA</u>	
10. City Where Visa Was Issued <u>ZURICH</u>	
12. Address While in the United States. (Number and Street)	
7. Airline and Flight <u>AA 65</u>	
11. Date Issued: <u>09/26/02</u>	



INS FACSIMILE

Department of Justice
U.S. Immigration & Naturalization Service
National Lookout Unit
1525 Wilson Blvd., Suite (b)(6), (b)(7)c
Arlington, VA 22209

DATE: September 26, 2002

TO: (b)(6), (b)(7)c

TELEPHONE: 718-632- (b)(6), (b)(7)c

FAX: 718-553- (b)(6), (b)(7)c

PAGES INC. COVER: 2

FROM: (b)(6), (b)(7)c
(b)(7)e per CBP Officer

TELEPHONE: (202) 514- (b)(6), (b)(7)c

FAX: (202) 305- (b)(6), (b)(7)c

COMMENT::

Please see attached unclassified information pertaining to subject alien due to arrive this afternoon aboard AA0065. The (b)(7)e are enroute to interview alien. Please call me once subject is in Secondary and at conclusion of interviews. (b)(5)

(b)(5)

(b)(7)e will need to be made consisting of 2 copies of: fingerprints, photograph of applicant, travel docs, I-94's, Customs declarations, and any other extraneous paperwork on him or in his luggage. Please Fed X packets to: USINS-LOU, 1525 Wilson Blvd., Suite (b)(6), (b)(7)c Arlington, VA 22209.

U.S. Department of Justice
Immigration and Naturalization Service

Final Notice of Inadmissibility

Refer to the following file number:

File No. (b)(6), (b)(7)c

Date: Sept 27, 2002

TO: (Complete name and mailing address)

ARAK, Maher Abdul Hamid

(b)(6), (b)(7)c

Ottawa, Ontario, Canada CBP (b)(6), (b)(7)c

This concerns your application for admission to the United States at the port of NY - JFKIA, and the notice of temporary inadmissibility (Form I-147) previously served on you. I have determined that you are inadmissible under:

- Section 212(a)(3)(A) (other than clause (ii))
- Section 212(a)(3)(B)
- Section 212(a)(3)(C)

of the Immigration and Nationality Act (Act).

IT IS ORDERED that you be removed without further inquiry before an immigration judge, in accordance with section 235(c) of the Act and Title 8, Code of Federal Regulations, part 235. If you enter or attempt to enter the United States for any purpose, without the prior written authorization of the Attorney General, you will be subject to arrest, removal, and possible criminal prosecution.

(Signature of regional director)

J. Scott Blackman

(Printed name of regional director)

REGIONAL DIRECTOR

Certificate of Service

I have served this notice to the above named alien.

(b)(6), (b)(7)c

SK1

Interpreter used:

(language)

(Printed name of officer)

(b)(6), (b)(7)c

SK1

Sep 17, 2002

(Date)

(Printed name of officer)

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

Refused to sign

witness

(b)(6), (b)(7)c

AAAD

(Signature of alien)

I-148 (Rev. 4/1/97)N

Addendum to Memo to File

ARAR, Maher Abdul Hamid

DOB: (b)(6), (b)(7)c

COB: Syria

Citz: Canada

Subject was extensively interviewed by USINS criminal investigators (b)(7)e

(b)(7)e

(b)(7)e Subject was given the choice of voluntarily

withdrawing his application for admission and voluntarily returning to his

country of origin, to wit: Syria, in lieu of a formal determination regarding

his admissibility. However, subject refused to voluntarily withdraw and

return to Syria (b)(6), (b)(7)c

(b)(6), (b)(7)c subject states that he would only return to Canada.

Therefore, upon concurrence of (b)(6), (b)(7)c with HQ-INS, (b)(6), (b)(7)c

with HQ-INS, Regional Director J. Scott BLACKMAN, ADD

Inspections/APD (b)(6), (b)(7)c AAPD (b)(6), (b)(7)c and S/A (b)(6), (b)(7)c

(b)(6), (b)(7)c an I147 has been executed/served. Subject is being turned

over to USINS-Investigations Unit for further review. The Service is

detaining subject until termination of review.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION & NATURALIZATION SERVICE

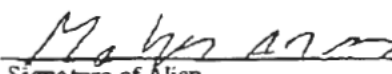
Withdrawal of Application for Admission
Consular Notification

Basis for Action:

- Application for Admission Withdrawn
- Visa / BIC Canceled
- VWPP Refusal
- Ordered removed (inadmissible) by immigration judge - Section 235(b)(2) (order attached)
- Ordered removed (inadmissible) by INS - Section 235(b)(1) (order attached)
- Waiver revoked (212)(d)(3)(order attached)
- Departure required (8CFR 240.25)(Form I-213 attached)

DATE	Sept. 26, 2002	
I-94#	(b)(6), (b)(7)c	
A #		

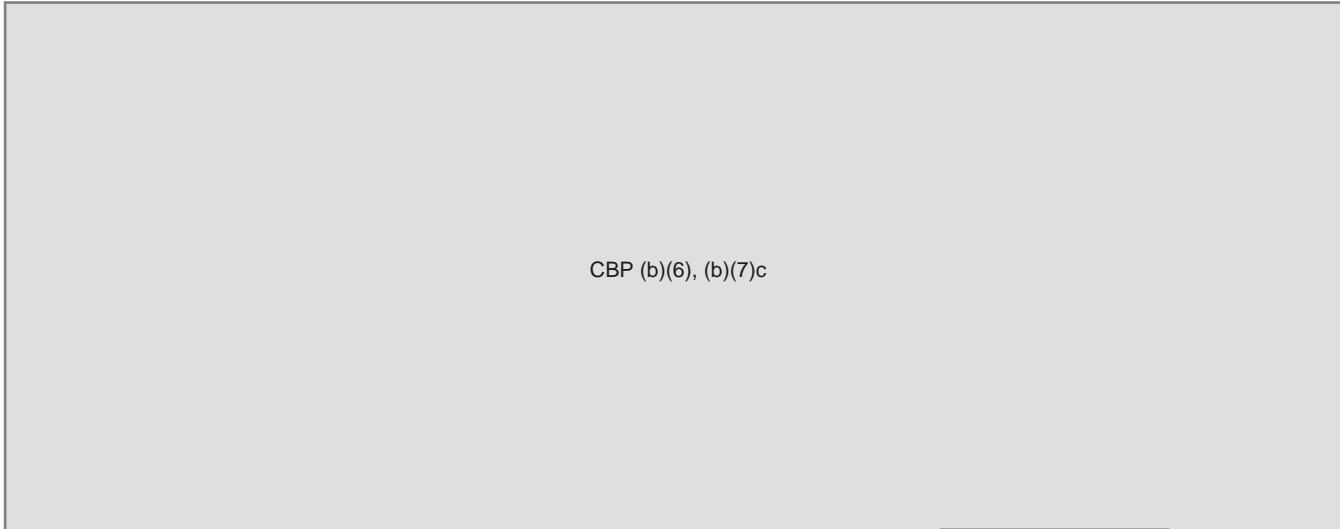
TO: American Consul Montreal FROM: USINS NYC JFKIA

Last Name ARAR	First Maher Abdul Hamid	Middle Maher Abdul Hamid	Citizenship Canada
AKA ARAR			
Country of birth Canada	Date of birth (b)(6), (b)(7)c	Foreign Address	
Name of airline AA 65	Port of Arrival NYC JFKIA- JAMAICA N.Y.	Date of Arrival Sept. 26, 2002	
U.S. Address			
Type of Visa n/a	Date Visa issuance n/a	Place of Visa issuance n/a	
Number of Visa n/a	Social Security Number of Applicant None		
visa issue control number n/a			
REASONS:			
CBP (b)(6), (b)(7)c			
(b)(6), (b)(7)c			
(b)(6), (b)(7)c SRI (United States Immigration Inspector)			
<p>onned for the above reasons, which I have read English language. I request that I sion and to return abroad. I understand that my voluntary withdrawal of my application for admission is in lieu of a formal determination concerning my admissibility: <input type="checkbox"/> by an immigration officer <input checked="" type="checkbox"/> in removal proceedings before an Immigration Judge.</p>			
Sept. 26, 2002 (Date)		 Signature of Alien	

form I-275 (revised 4-1-97)

Subject arrived Sept. 26, 2002 at JFK Int'l Airport American Airlines Terminal (8) via American Airlines flight AA 65 from Zurich. Subject presented Canadian passport # (b)(6), (b)(7)c, and applied for admission to transit to Canada. Subject was referred into INS secondary (b)(7)e

In secondary it was determined that the subject (b)(7)e (b)(7)e per CBP Officer (b)(6), (b)(7)c (b)(7)e (b)(7)e At 15:00hrs (b)(7)e Special Agents (b)(6), (b)(7)c and (b)(6), (b)(7)c, USCS Special Agent (b)(6), (b)(7)c and Detectives (b)(6), (b)(7)c and (b)(6), (b)(7)c responded and interviewed the subject. All aspects of the interview were not made known to USINS. (b)(7)e will be Federal Expressed to USINS-LOU, 1525 Wilson Blvd, Ste (b)(6), (b)(7)c Arlington, VA 22209 to CBP (b)(6), (b)(7)c per instructions.



CBP (b)(6), (b)(7)c

At this time, the subject is inadmissible to the United States under section (b)(7)e of the INA. After review of the subject's statement, coupled with information gathered from U S Immigration sources it has been determined that he be allowed to withdraw his application for admission and return to his point of embarkation. The subject is also going to be detained for additional interviews with the (b)(7)e (b)(7)e All INS action reviewed and approved by SII (b)(6), (b)(7)c and AAPD (b)(6), (b)(7)c All INS

WITHDRAWAL OF APPLICATION FOR ADMISSION VWPP REFUSAL or EXPEDITED REMOVAL

Last Name ARAR	First ARAR	Middle Maher Abdul Hamid	Nationality Canada
AKA	ARAR	Maher Abdul Hamid	A #: (b)(6), (b)(7)c
Birthplace Canada	Date of Birth (b)(6), (b)(7)c	Date of Arrival Sept. 26, 2002	Time of Arrival 14:12
Name of airline & flight # AA 65	Port of Arrival NYC JFKIA- JAMAICA N.Y.		

I have reviewed all relating documents and other evidence presented by the aforementioned applicant for admission, who appears to be clearly inadmissible to the United States. The subject's right to a hearing before an Immigration Judge or a final determination by an Immigration Officer has been carefully explained to him/her. I am satisfied that the applicant's decision to withdraw this application for admission to the United States was made with his/her full understanding and awareness. Concurrence was made with AAPD _____ (b)(6), (b)(7)c _____

The decision to refuse this application for admission under the Visa Waiver Permanent Program was made with the concurrence of AAPD _____

The decision to remove this applicant for admission under Section 235(b)(1) was made with the concurrence of AAPD _____

Statement delivered to duty AAPD for final approval via;

in person hand-delivered fax read telephonically other

(b)(6), (b)(7)c

2:30
TIME

Logged at E/W Control Booth

(b)(6), (b)(7)c
NAME OF E/W SII REPORTED TO _____

Departure verified by guard service. Voucher# _____ (b)(6), (b)(7)c _____

Departure verified by INS Officers: _____

COMPLETE BELOW / AS NECESSARY:

Consular Office requiring notification: Montreal
Consulate Telephone Number: _____

Itinerary Including All Connecting Flights:

PORT OF EMBARKATION	FLIGHT	DATE	DEPARTURE TIME
<u>NYC JFKIA</u>	<u>AA 64</u>	<u>September 27, 2002</u>	<u>17:45</u>
ARRIVING	<u>Zurich</u>	<u>ON</u>	<u>September 28, 2002</u>
	(CITY)		(DATE)
AT	<u>08:30</u>	VIA <u>AA 64</u>	
	(LOCAL ETA)	(FLIGHT)	

ER-583 4-1-97 (Loc 1) _____

13 06 TECS II - PERSON SUBJECT DISPLAY (1 OF 3) 092602 (b)(7)e

(b)(6) (b)(7)c per CBP, (b)(7)e

TECS RECORD ID (b)(7)e (b)(7)e per CBP ENTRY 032902 UPDATE 073102

NAME- LAST ARAR PHYSICAL IDENTIFIERS

FIRST MIHER ABDUL HAMID MID RACE SEX HAIR EYES

INAGE ALIAS & NICKNAME STC HT 000 WT 000 ENGLISH

PERSONAL S/M/T MORE

DOB (b)(6), (b)(7)c POB- CNTRY ST CITY CTZN CA MORE

SSN MORE - AFN MORE - RES EXC/SITE CBP (b)(7)e COW MORE

PPN NO (b)(6), (b)(7)c TYPE CNTRY XX ISSDT EXPDT MORE

ADDRESS- DATE STREET APT

CITY STATE CNTRY ZIP TYPE MORE

CONTACT- (PRESS (b)(7)e SEE COMMENTS PHONE 0000000000

OWNER (b)(6), (b)(7)c CASE NER MORE

PRIMARY (b)(7)e per CBP START STOP QRY (b)(7)e per CBP

STATUS (b)(7)e per CBP CAT

REMARKS- DATE 051502 MORE M

SEE INS NAILS SYSTEM RECORD (b)(7)e FOR MORE INFORMATION.

ESCORT TO INS SEC - DETAIN ISOLATED - CALL HQINS 202-514 (b)(6), (b)(7)c

ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL (b)(6), (b)(7)c

NO SUB-RECORDS

(b)(7)e

3 months

(b)(6), (b)(7)c per CBP

of visit

(b)(6), (b)(7)c per CBP

Father in-law?

P-12

of P-12

2 months

(b)(7)e per CBP

(b)(6), (b)(7)c per CBP

why travel to 6/02?

(b)(6), (b)(7)c per CBP

13:06

TECS II - MORE ALIAS INFORMATION

092502

(b)(7)e per CBP

TECS RECORD ID
CREATED BY

(b)(7)e

(b)(7)e

SYSTEM	LAST ARAR	
	FIRST MAHERABDULHAMID	MIDDLE
	LAST	
	FIRST	MIDDLE
	LAST	
	FIRST	MIDDLE
	LAST	
	FIRST	MIDDLE
	LAST	
	FIRST	MIDDLE
	LAST	
	FIRST	MIDDLE
	LAST	
	FIRST	MIDDLE

MORE _

(b)(7)e

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP

DATE: 09/26/2002
TIME: 13:07:26

AGENCY: I RECORD#: (b)(7)e
LOOKOUT NAME LAST : ARAR

FIRST: MAHER ABDUL HAMID
DATE OF BIRTH : (b)(6), (b)(7)c

MIDDLE :
A-NUMBER:

(b)(7)e per CBP

CONV/REJ BY :
DATE: 00/00/0000

REVIEW STATUS : N
OPTIONS: A = APPROVED
R = REVIEW REQUIRED (TEMPORARY)
D = DENIED
S = SENT TO RE-EDIT

(b)(7)e

OFFICE: COW CONTACT NAME LAST : SEE COMMENTS
FIRST: (b)(7)e per CBP
PHONE: 000 000 0000

ADDITIONAL COMMENTS:

(b)(7)e

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP

COMMENTS INQUIRY

DATE: 09/26/2002
TIME: 13:07:34

LAST: ARAR
AGNY: :

FIRST: MAHER ABDUL HAMID
REC #: (b)(7)e

DOB: (b)(6), (b)(7)c

ALL COMMENTS:

ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL (b)(6), (b)(7)c
@ (202) 514 (b)(7)e (24 HOURS). (b)(7)e per CBP
(b)(7)e per CBP (b)(7)e
(b)(7)e

(b)(7)e

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP

COMMENTS INQUIRY

DATE: 09/26/2002
TIME: 11:07:34

LAST: ARAR
AGNY: I

FIRST: MAHER ABDUL HAMID

REC #: (b)(7)e

DOB: (b)(6), (b)(7)c

ALL COMMENTS

ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL (b)(6), (b)(7)c
(202) 514-(b)(7)e (24 HOURS). (b)(7)e per CBP

(b)(7)e per CBP (b)(7)e

(b)(7)e

(b)(7)e

(b)(7)e

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - "SOUNDS LIKE" SEARCH

09/26/02
11-15-23

* LAST NAME: ARAR (60-CHARS MAX)
 FIRST NAME: MAHER ABDUL HAMID (25-CHARS MAX)

LAST NAME MATCH: 0 (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
 FIRST NAME MATCH: 0 (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
 PREVIEW NAME: N (Y/N)

EXACT DOB: 09151970 (MMDDYYYY)
 DOB RANGE: (DATE RANGE = YYYYR: YYYY=YEAR, R=0-9)

COB: (5-CHARACTER COUNTRY CODE)
 COC: (5-CHARACTER COUNTRY CODE)
 POE: (3-CHARACTER PORT OF ENTRY CODE)
 DOE: (MMDDYYYY)
 COA: (3-CHARACTER CLASS OF ADMISSION CODE)
 FCO: (3-CHARACTER FILES CONTROL OFFICE CODE)
 SEX: (M/F)

(b)(7)e

DISPLAYED NAME AND DOB NOT FOUND

TECSI RECORD ACCESS INFORMATION
PAGE 1 OF 1

(b)(7)e per CBP

(b)(6), (b)(7)c

(b)(7)e

RECORD ID:
OWNER:

(b)(7)e

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(7)e

11-19

TECS II - MORE REMARKS

092602

(b)(7)e per CBP

(b)(7)e

TECS RECORD ID

(b)(7)e

REMARKS DATE 051502

@ (202) 514-(b)(7)e (24 HOURS)

(b)(7)e per CBP

(b)(7)e per CBP

(b)(7)e

(b)(7)e

REMARKS DATE 052302

SEE INS NAILS SYSTEM RECORD (b)(7)e FOR MORE INFORMATION

ESCORT TO INS SEC - DETAIN ISOLATED - CALL HQINS 202-514-

(b)(7)e

ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL

(b)(6), (b)(7)c

@ (202) 514-(b)(7)e (24 HOURS)

(b)(7)e per CBP

(b)(7)e per CBP

(b)(7)e

(b)(7)e

MORE _

(b)(7)e

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP

INQUIRY

DATE: 09/26/2002
TIME 14:07:11

AGENCY: I RECORD#:

(b)(7)e

LOOKOUT NAME LAST

ARAR

FIRST

MAHER ABDUL HAMID

MIDDLE

DATE OF BIRTH:

(b)(6), (b)(7)c

A-NUMBER:

LEGAL/ALIAS (L/A): L

COE

COO: CA

PASSPORT #: NONE (b)(6), (b)(7)c

RASS CNTRY:

CASE CODE(S)

(b)(7)e

SEX:

RACE:

HAIR:

EYES:

HEIGHT:

INS.

WEIGHT:

LBS.

SCARS/MARKS:

CANCEL DATE:

(b)(7)e

(PERM)

INITIAL COMMENTS:

ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL

(b)(6), (b)(7)c

6 (202) 514 (b)(7)e (24 HOURS).

(b)(7)e per CBP

(b)(7)e per CBP

(b)(7)e

(b)(7)e

14:23 TECS II EXTERNAL MESSAGE DISPLAY

09262002

(b)(7)e

QUEUE TYPE: (b)(7)e

QUEUE NAME: (b)(7)e

SEQ ID :

DATE/TIME : 09262002 142004 MSG STATUS: (b)(7)e

CIRCUIT: NCIC

***** TEXT OF MESSAGE ***** PAGE 01 *****

FROM NCIC ON 09/26/02 AT 14:20:04

(b)(7)e

CBP (b)(7)e

CBP (b)(7)e (b)(6), (b)(7)c

END

(b)(7)e

(b)(7)e

NON-IMMIGRANT INFORMATION SYSTEM
DETAIL VIEW

DATE: 9/26/02
TIME: 18:23:32

LN: APAR
PASSPORT NUMBER :
ARRIVAL :
ADMISSION NUMBER :
ADMISSION CLASS :
ADMISSION DATE :
ADMITTED TO DATE :
PORT OF ENTRY :
INSPECTOR NUMBER :
VISA ISSUE POST :
VISA ISSUE DATE :
ARRIVAL CARRIER :
AIRLINE FLIGHT NUMBER :
INTENDED STREET ADDRESS :
INTENDED CITY ADDRESS :
MICROFILM NUMBER :
DEPARTURE :
DEPARTURE DATE :
PORT OF DEPARTURE :

FN: MAHER

DOB: (b)(6), (b)(7)c

COC: CANAD

GENDER: M

COR: CANAD

ADMN REC: 1 OF 5

(b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

MISC -
WORKER -

(b)(6), (b)(7)c

TRAVEL MODE: LAND

(b)(6), (b)(7)c

STATE: CBP (b)(6), (b)(7)c

ACTUAL DEPARTURE CARRIER :

ACTUAL DEPARTURE FLIGHT #:

SCREEN HELP:

(b)(7)e

(b)(7)e

NON-IMMIGRANT INFORMATION SYSTEM
DETAIL VIEW

DATE: 9/26/02
TIME: 18:23:55

LN: ARAR FN: MAHER DOB: (b)(6), (b)(7)c COC: CANAD
 PASSPORT NUMBER : (b)(6), (b)(7)c GENDER: M COR: CANAD
 ARRIVAL : (b)(6), (b)(7)c ADMN REC: 2 OF 5
 ADMISSION NUMBER :
 ADMISSION CLASS :
 ADMISSION DATE : CBP (b)(6), (b)(7)c WORKER -
 ADMITTED TO DATE :
 PORT OF ENTRY :
 INSPECTOR NUMBER : (b)(6), (b)(7)c
 VISA ISSUE POST :
 VISA ISSUE DATE :
 ARRIVAL CARRIER :
 AIRLINE FLIGHT NUMBER : TRAVEL MODE: LAND
 INTENDED STREET ADDRESS : (b)(6), (b)(7)c
 INTENDED CITY ADDRESS : STATE: CBP (b)(6), (b)(7)c
 MICROFILM NUMBER :
 DEPARTURE : ACTUAL DEPARTURE CARRIER :
 DEPARTURE DATE : ACTUAL DEPARTURE FLIGHT # :

SCREEN HELP:

(b)(7)e

(b)(7)e

NON-IMMIGRANT INFORMATION SYSTEM
DETAIL VIEW

DATE: 9/26/02
TIME: 18:24:09

LN: ARAR
PASSPORT NUMBER :
ARRIVAL :
ADMISSION NUMBER :
ADMISSION CLASS :
ADMISSION DATE :
ADMITTED TO DATE :
PORT OF ENTRY :
INSPECTOR NUMBER :
VISA ISSUE POST :
VISA ISSUE DATE :
ARRIVAL CARRIER :
AIRLINE FLIGHT NUMBER :
INTENDED STREET ADDRESS :
INTENDED CITY ADDRESS :
MICROFILM NUMBER :
DEPARTURE :
DEPARTURE DATE :

FN: MAHER
DOB: (b)(6), (b)(7)c
GENDER: M
CBP (b)(6), (b)(7)c
CBP (b)(6), (b)(7)c
(b)(6), (b)(7)c

COC: CANAD
COR: CANAD
ADMN REC: 3 OF 5

WORKER -

TRAVEL MODE: LAND
STATE: CBP (b)(6), (b)(7)c

ACTUAL DEPARTURE CARRIER :
ACTUAL DEPARTURE FLIGHT #:

SCREEN HELP:

(b)(7)e

(b)(7)e

NON-IMMIGRANT INFORMATION SYSTEM
DETAIL VIEW

DATE: 9/26/02
TIME: 18:24:23

LN: ARAR
PASSPORT NUMBER :
ARRIVAL :
ADMISSION NUMBER :
ADMISSION CLASS :
ADMISSION DATE :
ADMITTED TO DATE :
PORT OF ENTRY :
INSPECTOR NUMBER :
VISA ISSUE POST :
VISA ISSUE DATE :
ARRIVAL CARRIER :
AIRLINE FLIGHT NUMBER :
INTENDED STREET ADDRESS :
INTENDED CITY ADDRESS :
MICROFILM NUMBER :
DEPARTURE :
DEPARTURE DATE :
PORT OF DEPARTURE :

FN: MAHER
DOB: (b)(6), (b)(7)c
GENDER: M

COC: CANAD
COR: CANAD
ADMN REC: 4 OF 5

(b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

WORKER -

(b)(6), (b)(7)c

TRAVEL MODE: LAND

CBP (b)(6), (b)(7)c

STATE: CBP (b)(6), (b)(7)c

ACTUAL DEPARTURE CARRIER :
ACTUAL DEPARTURE FLIGHT #:

SCREEN HELP:

(b)(7)e

(b)(7)e

NON-IMMIGRANT INFORMATION SYSTEM
DETAIL VIEW

DATE: 9/26/02
TIME: 18:24:31

LN: ARAR
PASSPORT NUMBER :
ARRIVAL :
ADMISSION NUMBER :
ADMISSION CLASS :
ADMISSION DATE :
ADMITTED TO DATE :
PORT OF ENTRY :
INSPECTOR NUMBER :
VISA ISSUE POST :
VISA ISSUE DATE :
ARRIVAL CARRIER :
AIRLINE FLIGHT NUMBER :
INTENDED STREET ADDRESS :
INTENDED CITY ADDRESS :
MICROFILM NUMBER :
DEPARTURE :
DEPARTURE DATE :
PORT OF DEPARTURE :

FN: MAHER

DOE: (b)(6), (b)(7)c
GENDER: M

COC: CANAD
COR: CANAD

ADMN REC: 5 OF 5

(b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

MISC -
WORKER -

(b)(6), (b)(7)c

TRAVEL MODE: LAND

(b)(6), (b)(7)c

STATE: CBP (b)(6), (b)(7)c

ACTUAL DEPARTURE CARRIER :
ACTUAL DEPARTURE FLIGHT # :

SCREEN HELP:

(b)(7)e

09/30/02 MON 18:31

AMERICAN AIRLINES
BOARDING PASS
ARR/MAHER MR
NEW YORK JFK
MONTREAL DORVALOC

PASSENGER TICKET AND BAGGAGE CHECK
SUBJECT TO CONDITIONS OF CONTRACT ON REVERSE SIDE
BOARDING PASS
ZURICH
26SEPO2

AMERICAN AIRLINES
ARR/MAHER MR
NEW YORK JFK
MONTREAL DORVALOC

(b)(7)c per CBP

GROUP 1
RUBY

BOARDING PASS ONLY

GROUP 1
RUBY

WITHOUT FLIGHT COUPON

(b)(6), (b)(7)c

UNITED STATES

DEPARTMENT OF CUSTOMS AND BORDER PROTECTION

DECLARATION OF MERCHANDISE

ARRAR MAHER
AA 65
CANADA (CANADA)
N/A (LOW TRANSIT)

TUNISIA SWITZERLAND

- 10 The purpose of my (our) trip is or was (Check one or both boxes, if applicable)
 - Business
 - Personal
- 11 I am (We are) bringing fruit, plants, meats, food, soil, birds, snails, other live animals, wildlife products, farm products, or, have been on a farm or ranch outside the U.S.
 - Yes
 - No
- 12 I am (We are) carrying currency or monetary instruments over \$10,000 U.S. or foreign equivalent.
 - Yes
 - No
- 13 I have (We have) commercial merchandise, U.S. or foreign; (Check one box only)
 - Yes
 - No
- 14 The total value of all goods, including commercial merchandise, live purchased or acquired abroad and being brought to the U.S. is:
 - \$ 10's Dollars

(See the instructions on the back of this form under "MERCHANDISE" and use the space provided there to list all the items you must declare. If you have nothing to declare, write "N/A" in the space provided above.)

SIGN BELOW AFTER YOU READ NOTICE ON REVERSE

X / 10/10
U.S. CUSTOMS USE ONLY
INSPECTOR'S MARK NUMBER

(b)(6), (b)(7)c per CBP

(b)(6), (b)(7)c per CBP

000128

PASSENGER TICKET AND BAGGAGE CHECK
SUBJECT TO CONDITIONS OF CONTRACT

21550/8546

American Airlines

FLIGHT COUPON 3 OF 6

American Airlines

10SEP02 3621200 SOTO TE

PASSENGE ARAR/MAHER MR
NEW YORK JFK
O MONTREAL DORVALQC
VOID IF SOLD/PURCHSD/BTRD/VLD AA/LX/SN/LQ FEE ON CH

ARAR/MAHER MR

NEW YORK JFK
O MONTREAL DORVALQC
AMERICAN AIRLINES

46-47
G (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) per CBP

TUN LX X/ZFH0.00V/AVSR02 PPA X/NYC PPA YTD0.00T/AVSR02 PPA X/NYC PPA X/ZFH0.00T/AVSR02 LX
TUN0.00V/AVSR02HUC0.00END ROE 1.4244 SOTO XT0.00PK6.00RUL21.10CHF5.05YC14.14XV3.13XR

435P

CHECK-IN REQUIRED

AWARD
5.05
15.60
50.22
AWARD

AY
CA
XT



PASSPORT
PASSEPORT

(Signature of bearer - Signature du titulaire)

CANADA

(b)(6), (b)(7)(c) per CBP

Type: P
Surname: MAHER
Given Names: ARAR
Nationality: CANADIAN / CANADIENNE
Date of Birth: 09/09/71
Date of Issue: 09/09/02
Date of Expiry: 09/09/12
Issuing Authority: DAMASCUS SYR

ENDORSEMENTS AND LIMITATIONS
This passport is valid for all countries unless otherwise endorsed (subject to any visa or other entry requirements of countries to be visited).

MENTIONS ET RESTRICTIONS
Ce passeport est valide pour tous les pays, sauf indication contraire. (Le titulaire doit également se conformer aux formalités d'entrée des pays où la destination est notée.)

10

(b)(6), (b)(7)(c)

NO INFORMATION
ON FILE AT

APR 16 2001

(b)(6), (b)(7)c

ADMIT
UNTIL 30 APR 2001 (CLASS)

(b)(6), (b)(7)c

794

(b)(6), (b)(7)c

26 MAR 02

This passport contains 24 pages.
Ce passeport contient 24 pages

AMERICAN AIRLINES
BOARDING PASS
ARAB/MAHER MR
NEW YORK JFK
MONTREAL DORVALOC
AMERICAN AIRLINES

PASSENGER TICKET AND BAGGAGE CHECK
BOARDING PASS
ZURICH
GROUP 1
RUBY

AMERICAN AIRLINES
ARAB/MAHER MR
NEW YORK JFK
MONTREAL DORVALOC

(b)(6), (b)(7)c per CBP

GROUP 1
RUBY

BOARDING PASS ONLY
NOT VALID WITHOUT FLIGHT COUPON

GROUP
RUBY

NOT VALID WITHOUT FLIGHT COUPON

UNITED STATES
CUSTOMS DECLARATION
ARAB MAHER
MA ES
CANADA
N/A (ON TRANSIT)
TUNISIA SWITZERLAND

10. The purpose of my (our) trip is or was:
11. I am (We are) bringing fruits, plants, meats, food, soil, birds, snails, other live animals, wildlife products, farm products; or, have been on a farm or ranch outside the U.S.
12. I am (We are) carrying currency or monetary instruments over \$10,000 U.S. or foreign equivalent.
13. I have (We have) commercial merchandise, U.S. or foreign; (Check one box only)
14. The total value of all goods, including commercial merchandise, I've purchased or acquired abroad and am/bare bringing to the U.S. is \$ 35

SIGN BELOW AFTER YOU READ NOTICE ON REVERSE
(b)(6), (b)(7)c
(b)(6), (b)(7)c

BARBARAS IMMIGRATION
ADMIT
APR 6
FEC 05
U
HOLD ON MUST BE
IN BOSTON, MA

(b)(6), (b)(7)c

15
KANSAS CITY
MO

ADMIT
CONTROL

(b)(6), (b)(7)c

12 SEP 2000

(b)(7)e

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - "SOUNDS LIKE" SEARCH

09/26/02
13:15:23

* LAST NAME: ARAR (40-CHARS MAX)
FIRST NAME: MAHER ABDUL HAMID (25-CHARS MAX)

LAST NAME MATCH: 0 (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
FIRST NAME MATCH: 3 (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
PREVIEW NAME: N (Y/N)

EXACT DOB: 09151970 (MMDDYYYY)
DOB RANGE: (DATE RANGE = YYYYR; YYYY=YEAR, R=0-9)

COB: (5-CHARACTER COUNTRY CODE)
COC: (5-CHARACTER COUNTRY CODE)
POE: (3-CHARACTER PORT OF ENTRY CODE)
DOE: (MMDDYYYY)
COA: (3-CHARACTER CLASS OF ADMISSION CODE)
FCO: (3-CHARACTER FILES CONTROL OFFICE CODE)
SEX: (M/F)

*LAST NAME IS REQUIRED FIELD OTHER FIELDS ARE OPTIONAL

(b)(7)e

DISPLAYED NAME AND DOB NOT FOUND

13:19

TECSII RECORD ACCESS INFORMATION
PAGE 1 OF 1

09262002

(b)(7)e per CBP

(b)(7)e

RECORD ID: (b)(7)e

OWNER: (b)(6), (b)(7)c

(b)(7)e

13:19

TECS II - MORE REMARKS

092602

(b)(7)e

(b)(7)e per CBP

TECS RECORD ID

(b)(7)e

REMARKS DATE 051502

Ø (202) 514-(b)(7)e (24 HOURS)

CBP (b)(7)e

CBP (b)(7)e

(b)(7)e

(b)(7)e

REMARKS DATE 052302

SEE INS NAILS SYSTEM RECORD (b)(7)e FOR MORE INFORMATION.

ESCORT TO INS SEC - DETAIN ISOLATED - CALL HQINS 202-514-(b)(7)e.

ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL

(b)(6), (b)(7)c

Ø (202) 514-(b)(7)e (24 HOURS)

(b)(7)e per CBP

(b)(7)e per CBP

(b)(7)e

(b)(7)e

MORE _

(b)(7)e

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP INQUIRY

DATE: 09/26/2002
TIME: 13:07:12

AGENCY: I RECORD# (b)(7)e

LOOKOUT NAME LAST ARAR
FIRST: MAHER ABDUL HAMID
DATE OF BIRTH: (b)(6), (b)(7)c

MIDDLE :
A-NUMBER:

LEGAL/ALIAS (L/A) L

COB COC CA (b)(6), (b)(7)c PASS CNTRY:
(b)(7)e per CBP

CASE CODE(S) (b)(7)e RACE:

HAIR: EYES: HEIGHT: INS. WEIGHT: LBS.
SCARS/MARKS: CANCEL DATE CBF (b)(6), (b)(7)c (PERM)

INITIAL COMMENTS:
ESCORT TO INS SECONDARY. DET (b)(6), (b)(7)c

(b)(7)e (24 HOURS) (b)(7)e per CBP
(b)(7)e per CBP (b)(7)e
(b)(7)e

14:23

TECS II EXTERNAL MESSAGE DISPLAY

09262002

(b)(7)e

QUEUE TYPE:

(b)(7)e

QUEUE NAME:

(b)(7)e

SEQ ID :

DATE/TIME :

09262002 142004

MSG STATUS:

(b)(7)e

CIRCUIT: NCIC

FROM NCIC ON 09/26/02 AT 14:20:04

PAGE 01 *****

(b)(7)e

CBP (b)(7)e

CBP (b)(7)e

(b)(6), (b)(7)c

END

(b)(7)e

17:59 TECS II EXTERNAL MESSAGE DISPLAY

09262002

(b)(7)e

QUEUE TYPE: (b)(7)e

QUEUE NAME: (b)(7)e

MSG STATUS: (b)(7)e

***** TEXT OF MESSAGE ***** PAGE 01 *****
FROM NLETS (N 09/26/02 AT 17:51:08

(b)(7)e

14:51 09/26/002 03285

14:51 09/26/002 14935 (b)(7)e

(b)(7)e

TXT
** RESPONSE FROM CANADIAN SYSTEM - CRIMINAL NAME INDEX FILE **

(b)(6), (b)(7)c

RESPONDENTS ZERO FOR:

ARAR MAHEH

END OF CPIC RESPONSE.

(b)(7)e

Port of arrival: NYC

1-94 No. (b)(6), (b)(7)c
Date: 9/26/02

To the Owner, Agent, Master, Commanding Officer, Person in Charge, Purser, or Consignee of the

AA 65
(Air Carrier, Flight Number, Ship's Agent, Vessel Name, Aircraft or Vessel ID Number, etc.)

Pursuant to the provisions of the Immigration and Nationality Act (Act), and regulations issued by the Attorney General, you are hereby directed and served with a:

- Notice to detain the alien on board.
- Notice to remove the alien from the United States on _____ at _____
- Notice to present the alien to _____ on _____ at _____
- Notice of potential liability under section 241(c), (d), or (e) of the Act.
- Notice of potential liability under section 217 of the Act.

for the following reasons:

"I HAVE MISSILE ALIEN"

Alien's name: MUHAMMAD ABDEL HAMID

Alien's date and place of birth: (b)(6), (b)(7)c CHRYSTOPHER DAMASCUS SUTIN

Alien's country of citizenship and passport number: CHADYA (b)(6), (b)(7)c

Arrival date: 9/26/02 Visa classification: _____

(Complete information for multiple aliens on reverse)

Action taken by inspecting officer:

- Detained for removal hearing/credible fear determination
- Paroled for removal proceedings
- Deferred inspection: _____ (Reporting office and date)
- Other: _____

(b)(6), (b)(7)c
(Printed name and title of inspecting officer)

(b)(6), (b)(7)c
(Printed name and title of reporting officer)

Receipt of the above notice is acknowledged by:

(b)(6), (b)(7)c (Signature of carrier representative)

(b)(6), (b)(7)c (Printed name of carrier representative signing above)

9-26-02 15:50 (Date and time received)

718) 632 (b)(6), (b)(7)c (Area code and phone number of carrier representative)

ARAR, MAHER

(b)(6), (b)(7)c, (b)(7)e

FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CHARLESTON, WV 26306

FACT OF 1974 (P. 53-318) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT

JOURNAL FINGERPRINT SUBMISSION YES <input type="checkbox"/>		DATE OF ARREST MM DD YY 20020926		ORI CONTRIBUTOR ADDRESS NEW YORK, NY (b)(7)e	
TRAIT AS ADULT YES <input type="checkbox"/>		DATE OF OFFENSE MM DD YY 20020926		PLACE OF BIRTH (STATE OR COUNTRY) SY	
SEND COPY TO (ENTER ONE)		COUNTRY OF OFFENSE CD		COUNTRY OF BIRTH	
MISCELLANEOUS NUMBERS		SOCIAL MARK, TATTOOS AND AMBITIOUS		PERIODIC COMPLETE ADDRESS	
FEDERAL TAKING FINGERPRINT NAME OF NUMBER: (b)(6), (b)(7)c		LOCAL IDENTIFICATION NUMBER		SOCIAL SECURITY NUMBER	
EMPLOYER IF GOVERNMENT OR SPECIFIC AGENCY IF MILITARY OR MARINE SERVICE		OCCUPATION		DISPOSITION	
CHARGE/CITATION 212.3.7.A.1.I 20020926 Immigrant not in possession of valid, unexpired vi		DISPOSITION		DISPOSITION	
ADDITIONAL		ADDITIONAL		ADDITIONAL	
ADDITIONAL INFORMATION - BASIS FOR CAUTION		STATE BUREAU STAMP		STATE BUREAU STAMP	

★ U.S. GPO: 2001 483-799/2-023: 0
FD-249 (REV. 5-11-99)

Form I-215 (3-27-67)

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

RECORD OF SWORN STATEMENT IN AFFIDAVIT FORM

AFFIDAVIT

IN RE: Arar, Maher

FILE NO.

(b)(6), (b)(7)c per USCIS

EXECUTED AT: NYC-JFK-AA

DATE:

Sept. 26, 2002

Before the following officer of the U.S. Immigration and Naturalization Service

(b)(6), (b)(7)c per CBP & USCIS

In the English

language. Interpreter

used.

I, Maher Arar, acknowledge that the above-named officer has identified herself to me as an officer of the United States Immigration service authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. She has informed me that she desires to take my statement regarding MY APPLICATION FOR ADMISSION INTO THE UNITED STATES

She has told me that my statement must be made freely and voluntarily. I am willing to make such a statement. I swear that I will tell the truth, the whole truth, and nothing but the truth, so help me, God.

Being duly sworn, I make the following statement:

Q. What is your native language?
A. Arabic.

Q. It is very important that you understand everything that is being asked. Are you sure you can understand me?
A. Yes I understand.

Q. Are you comfortable giving your statement here, or do you wish to do so in a more private area?
A. No, here is fine

Q. Do you read, write and understand the English language?
A. Yes.

Q. What is your true and correct name (first, middle, and last)?
A. Maher Arar.

Q. Do you ever used or been known by any other names?
A. No.

Q. What country are you a native of?
A. Syria.

Q. What country are you a citizen of?
A. Canada.

Q. What is your date of birth?

A. (b)(6), (b)(7)c per USCIS

Q. What city and country were you born in?

A. (b)(6), (b)(7)c Syria

Q. What languages do you speak?

A. (b)(6), (b)(7)c

Q. What country do you live in?

A. Canada. I went to (b)(6), (b)(7)c I was planning on living there, if I don't find a job there I will stay in Canada.

Q. What is the citizenship of your parents?

A. They were born in (b)(6), (b)(7)c

Q. Where are your parents now?

A. In (b)(6), (b)(7)c per (b)(6), (b)(7)c

Q. What is the purpose of your trip to the U.S. today?

A. I am transiting through New York, I have accumulated lot of American Airline miles. If I don't fly anymore on American I would lose my miles. There are no direct flights from Zurich to Canada on American Airlines so I came this way.

Q. How long are you planning on staying in the U.S.?

A. I was supposed to take the 5 O'clock flight to Montreal.

Q. Is this Canadian passport (b)(6), (b)(7)c per USCIS legally issued to you?

A. Yes.

Q. Did you present the above mentioned passport to the immigration inspector to gain entry to the U.S. today?

A. Yes.

Q. Do you have any other passports expired or valid?

A. Yes, my Syrian passport it is in Canada.

Q. What is your occupation?

A. Engineer.

Q. What is your immigration status in the U.S.?

A. I used to work in the U.S. but not now I am just in transit.

Q. When did you start working in the U.S.?

A. (b)(6), (b)(7)c

Q. Where did you work and what was the name of your employer?

A. Nadick, Mass. The Mathworks. My boss was (b)(6), (b)(7)c per USCIS

Q. What was your position in the company?

A. Application Engineer. I worked there about (b)(6), (b)(7)c

Q. What was your address in the U.S. while working for that company?

A. I don't remember exactly I think it was [redacted] Mass.

Q. Do you remember any telephone numbers at your company you worked for?

A. Yes, 508 640 [redacted]

Q. How did you learn about the Nafta Free Trade , and the company you worked for?

A. I put my resume on the internet and the company called. I had friends who are Engineers and they told me about T-N.

Q. What university did you graduate from?

A. [redacted], in [redacted]

Q. Have you had any international dealings while working with your country?

A. [redacted]

Q. What is your address in Canada?

A. [redacted] Ottawa.

Q. How long were you in [redacted]

A. One night.

Q. Before connecting [redacted] where were you coming from and how long were you there?

A. I was in [redacted] for three months

Q. Why did you go to [redacted]

A. I went with my wife, her [redacted]

Q. Where does your wife live?

A. She is living in [redacted]

Q. What is your father-in-laws address [redacted]

A. [redacted] [redacted] per USCIS

[Large redacted area]

(b)(7)e

Q. What is your religion?

A. I am Muslim.

Q. Do you belong to any type of religious or political organizations in any country?

A. No.

Q. Do you go to any religious places to pray?

A. Yes, on Friday. In any Mosque nearby.

Q. Where is the last place of worship that you were in?

A. It was ~~CBP~~ (b)(6), (b)(7)c here my ~~CBP~~ (b)(6), (b)(7)c lives.

Q. What is the name of the Mosque?

A. I don't know.

Q. What other places of worship have you attended in the last year?

A. When I was in Canada, (b)(6), (b)(7)c per USCIS in Ottawa, Canada.

Q. When did you first come to live in Canada?

A. In 1987.

Q. What are the names of your parents?

A. My father is (b)(6), (b)(7)c my mother (b)(6), (b)(7)c

Q. Do you have any brothers and sisters?

A. Yes.

Q. Where do they live?

A. In ~~CBP~~ (b)(6), (b)(7)c

Q. What are the names of your siblings?

A. My brothers (b)(6), (b)(7)c per USCIS those are my brothers, and I have (b)(6), (b)(7)c, (b)(7)c per USCIS

Q. What is your wife's name?

A. (b)(6), (b)(7)c per USCIS

Q. Do you have any children?

A. Yes ~~CBP~~ (b)(6), (b)(7)c (b)(7)c per USCIS

Q. Where are your children?

A. They are with the mother in ~~CBP~~ (b)(6), (b)(7)c

Q. Did anyone accompany you on your trip to the U.S. today?

A. No.

Q. Have you ever been arrested anywhere in the world?

A. No.

Q. How many trips ~~CBP~~ (b)(6), (b)(7)c have you made to ~~CBP~~ (b)(6), (b)(7)c

A. This is my second trip.

Q. How long did you stay on your first trip ~~CBP~~ (b)(6), (b)(7)c

A. One month.

Q. Have you ever participated in any political movements in any country?

A. No.

Q. Have you ever been persecuted because of your religious beliefs in any country?

A. No.

Q. Have you ever been threatened with imprisonment because of your religious beliefs?

A. No.

Q. Have you ever held any government office in any country?

A. No.

Q. Do you belong to any clubs or other associations in any country?

A. No. I used to be a [redacted] but I cancelled it in the U.S.

Q. What other countries have you visited?

A. [redacted] about two months ago to buy a car. ?

Q. Where did you buy the car [redacted]?

A. In [redacted] I don't know the name.

Q. How long were you in [redacted] and what year was that?

A. It was a company trip for three days I don't remember exactly.

Q. How long were you in [redacted]?

A. I don't know the exact year, maybe eight years ago for a week I went to get married, but I didn't.

Q. How long were you in [redacted]?

A. I think about nine years ago for about five months.

Q. What were you doing in [redacted] for five months?

A. [redacted] CBP (b)(6), (b)(7)c

[redacted] CBP (b)(6), (b)(7)c

Q. Who are the people that you were living with in the Mosque in [redacted]?

A. Just other Muslims.

Q. What is the name of the person that is the head of the Mosque in [redacted] where you lived?

A. I don't know.

Q. Do you remember any other members in the Mosque in [redacted]?

A. No.

[redacted] (b)(7)e

Q. Do you have any other bank accounts in any countries?

A. No.

Q. Do you own any properties in any countries?

A. No.

Q. Have you ever attended public functions in any countries?

A. Not exactly I've attended public prayers, everyone has to attend.

Q. Where did you attend these public prayers?

A. At the Mosque, wherever I go.

Q. How is your health status?

A. I am fine.

Q. Do you or any member of your family have any applications or petitions pending with INS?

A. No.

Q. Do you claim to be a United States Citizen?

A. No, I am Canadian.

Q. Do you claim to be a legal permanent resident of the U.S.?

A. No.

Q. Besides the aircraft's, has any of the your personal belongings been out of your sight since you left (b)(6), (b)(7)c

A. No.

Q. [Redacted] CBP (b)(6), (b)(7)c

[Redacted] CBP (b)(6), (b)(7)c

Q. Would you like to speak to a consular or diplomatic official from your government?

A. Yes, tomorrow.

Q. Did you understand all the questions asked?

A. Yes.

Q. Is there anything else you wish to add to this statement?

A. I don't know why I am a suspect, I have not done anything wrong against the United States.

Q. Why did you leave your country or last place of residence?

A. [Redacted] CBP (b)(6), (b)(7)c

Q. Do you have any fear or concern about being returned to your home country or being removed from the United States?

A. No.

Q. Would you be harmed if you are returned to your home country or country of last residence?

A. No.

Q. Do you have any questions or is there anything else you would like to add?

A. No.

At this time you have been found inadmissible to enter the U.S., you can voluntarily withdraw your application for admission and return to your place of embarkation as soon as possible, do you understand?

A. Yes, I understand, I'll go home.

Alien's signature [Handwritten Signature]

date 26-Sep-02

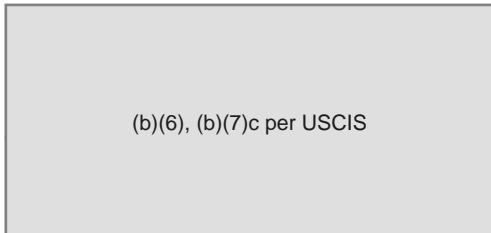
I am fluent in both the _____ and _____ languages and have translated the foregoing to the best of my abilities

Translator's name _____ employed by _____

Translator's signature _____

Sworn and subscribed to me this 26th day of Sept. 2002, at NYC-JFK-AA

Immigration office:



(b)(6), (b)(7)c per USCIS

Doc. #194



from the July 26, 2002 edition - <http://www.csmonitor.com/2002/0726/p01s03-usju.html>

US ships Al Qaeda suspects to Arab states

Egypt, Syria, and Jordan may extract information faster, but are their methods legal and reliable?

By Faye Bowers and Philip Smucker

WASHINGTON AND CAIRO - In the war on terror, the US is careful to show how fairly it's treating the hundreds of orange-suited Taliban and Al Qaeda fighters locked behind the razor-wire of the US base at Guantanamo, Cuba. But what the US isn't trumpeting is a quiet practice of shipping key Al Qaeda suspects to the Middle East for interrogation.

One reason for this new approach, US officials privately say, is that in some cases these militants' home countries have a better understanding of Islamist groups, their contacts, customs, and language. But there's another reason, say US sources. These countries – Egypt, Syria, and Jordan, among them – use torture, which, some officials suggest, extracts information much more quickly than more benign interrogation methods.

In a post-Sept. 11 world, where terror threats are received nearly daily, the US faces difficult choices. Can US officials afford to wait for Al Qaeda fighters to spill the goods on their colleagues, or do they need to make them talk as quickly as possible in order to deter additional terrorist attacks? What's the quality of information disclosed through torture? And, what are the costs to US credibility of trading off moral and legal concerns in pursuit of safety?

"This is what you call liaison," says Robert Baer, a former CIA case officer with years of Middle East experience. "And it's not reliable. Before 9/11, the Germans failed us, the British failed us, and I don't think the Syrians will let us sit in on the interrogations." He adds that the US and its allies are so far behind in the intelligence war that "it's catch up ball for everyone."

Since 9/11, according to diplomats, US officials, and press reports, several suspects have quietly been detained and sent to the Middle East:

- Abu Zubaydah, a top Al Qaeda commander, was arrested in Pakistan in March, and moved to an "undisclosed location" by the US, possibly the Middle East.
- Muhammad Saad Iqbal Madni, a Pakistani arrested in Indonesia in January, was bundled aboard a CIA Gulfstream and flown from Jakarta to Egypt.
- Mahmoud bin Ahmad Assegaf, a Kuwaiti citizen and an alleged Al Qaeda financier, was arrested by the Indonesians, and then deported – also at the request of the CIA. The Kuwaiti embassy in Indonesia says it knows nothing about the case, and that it wasn't informed that a Kuwaiti citizen had been detained.
- Mohammad Haydar Zammar, a Syrian-born German believed to have connections to the 9/11 hijackers, was detained in Morocco in June, and reportedly, the CIA arranged for him to be sent to Syria.
- In October, a Yemeni student, Jamil Qasim Saeed Mohammed, wanted in connection with

the bombing of the USS Cole was turned over to the US by Pakistan and was flown to Jordan on a US-registered Gulfstream jet.

- Jabarah Mohamed Mansur, allegedly involved in an attempt to bomb the US and Israeli Embassies in Singapore, is currently being held and interrogated in Oman.

Egypt, like the US, won't officially comment on the detainees. Perhaps because these deportations are not done through official channels or according to extradition treaties. But privately US officials confirm the practice. And Ahmed Moussa, an internal security correspondent for the state-supported Al-Ahram newspaper group in Cairo, also confirms the detentions.

"There have been more transfers of Al Qaeda suspects back [from South Asia], but there has been no official announcement of these transfers," says Mr. Moussa. "Just as the US does not divulge information on all its own captives in Cuba, we don't either and there is a benefit to this secrecy."

Moussa goes on to say that all the information obtained by Egypt is shared with both the CIA and the FBI.

Mr. Baer says that the Egyptians have better databases than the US does. "When somebody starts to talk, they will be able to know if he is telling the truth, because they've got all these referral points," he says. "And they have more experience in this than the CIA. But the Egyptians, and especially the Syrians use torture."

There is some debate within the US intelligence community over whether coercive interrogations are effective.

Art Hulnick, another former CIA case officer, as well as Baer, say that a prisoner is liable to "throw up" anything while being tortured, just to stop the torture.

Mr. Hulnick helped interrogate North Korean prisoners crossing the DMZ after the Korean war. He says he believes the ones that were taken by the Americans – given warm clothes, food, and ways to communicate with their family were much more forthcoming than the ones the South Koreans got to first. He says the Koreans beat, tortured, and even sometimes killed the prisoners. And the information they got was not highly reliable.

EGYPT and Syria have their own domestic political motives for interrogating Al Qaeda suspects. In the case of Egypt, several diplomats and officials laud Cairo's efforts to help the US and say that it has essentially become a two-way street. Egypt is helping the US with intelligence and resources, and the US is returning Egyptian nationals wanted for committing crimes in their home country.

"The level of cooperation with Egypt is up on all levels," says a Western diplomat. "In the wake of Sept 11th, they are more eager than ever to cooperate and have more information to provide the West."

Egypt may also extract valuable information from these detainees that may help it defend its own autocratic regime from opposition Islamist voices. It's been cracking down on Islamist groups, which are seen as a threat to the government. Moreover, Egypt's citizens are becoming more sympathetic to Islamist causes, particularly over what they see as Israeli repression of Palestinians, and US support for Israel.

"The government is extremely nervous about giving space to these people," another senior Western diplomat says. "This is not a liberal, tolerant regime."

Egyptian officials have long denied accusations that they torture Islamic militants. But human rights groups say that Egypt makes use of torture on a regular basis.

"We have issued reports [on Egypt's abuses] for decades now," says Carsten Jurgensen with Amnesty International in Brussels. "In the past year, we have also seen an increase in reports of torture. The State Department's human rights report for 2001 also claims there is

"credible evidence" that Egyptian security forces, as well as Syria's, use torture.

While facilitating the transfer of detainees to Middle Eastern countries that use torture, the US tried unsuccessfully to block a vote in the United Nations this week on the UN Convention Against Torture, which it has signed and ratified.

The US is concerned that a new protocol in the convention could allow international and independent visits to US prisons and to terror suspects held in Cuba. Conservative Muslim states also don't want outside observers in their prisons. European and Latin American nations are pushing for international oversight.

Syria, like Egypt, has a political motive for cooperating in the fight against Al Qaeda. It views domestic Sunni Islamic militants as a potential threat to the ruling secular regime, which is dominated by adherents of the Alawite branch of Islam.

Furthermore, Syria believes it can score points with the US by cooperating against Al Qaeda-linked Islamist groups to counterbalance its support for hard-line anti-Israeli organizations such as Islamic Jihad and Lebanon's Shia Muslim Hizbullah.

"Al Qaeda and its associates are not favored by the [Syrian] regime," says Nizar Hamzeh, professor of politics at the American University of Beirut. "So the Syrians are more than happy to deal with the US against such groups."

The Syrian authorities have refused to publicly confirm that they are holding Mr. Zammar, the Syrian-born German reported to have connections to the 9/11 hijackers. Sources in Damascus say that the CIA has not been granted access by the Syrians to directly question Zammar. But it is perhaps an indication of Washington's resolve in pursuing those behind the Sept. 11 attacks that it permits Syria, with its poor human rights record, to interrogate suspects.

• *Nicholas Blanford in Beirut and Dan Murphy in Jakarta contributed to this story.*

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Doc. #195

Syria Interrogating Al Qaeda Recruiter

Sept. 11 Plot Details Shared With U.S.

By Peter Finn
Washington Post Foreign Service
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BERLIN, June 18 -- A key figure in the Sept. 11 plot who last October left Hamburg for Morocco was secretly arrested there and flown to Syria, where he is providing U.S. investigators with new details about last year's attacks and possible future al Qaeda operations, according to German and Arab sources.

U.S. access to interrogation information from Mohammed Haydar Zammar, 41, a German citizen of Syrian origin, underlines how Sept. 11 has redefined engagement with governments that Washington once vilified. Syria remains on a State Department list of countries that sponsor terrorism.

Syrian officials have begun to complain that the United States is not acknowledging their assistance in the war against terrorism. Although Syria has sponsored groups deemed terrorist by the United States, such as Hezbollah in Lebanon, officials in Damascus have stressed the country's hostility to al Qaeda and its willingness to cooperate with the United States against it.

Zammar, a former locksmith in Hamburg, has told his interrogators in Syria that he helped establish the cell in the German city, where the Sept. 11 attacks were planned. He said he recruited Mohamed Atta and other Hamburg-based hijackers into al Qaeda, Arab sources said.

"He was the pivot of the Hamburg cell," said an Arab source. "His role was crucial as a recruiter, and his relations with Osama bin Laden were close. . . . We are also certain that he was trying to install sleeper cells" in North Africa.

As part of the global investigation into the Sept. 11 conspiracy, the United States has helped arrange the clandestine transfer of an unknown number of al Qaeda suspects between foreign countries, rather than take them into custody at the U.S. naval base in Guantanamo Bay, Cuba. Human rights groups have raised concerns that some of the governments that hold these people have a history of using torture.

One U.S. official said the United States does not have direct access to Zammar and has not been allowed to question him in person. But the Americans have been submitting questions for him to the Syrians, and some of the answers have helped gauge the credibility of detainees in U.S. custody, the official said.

The official declined to provide other details about the case, or to say whether the United States was directly involved in Zammar's capture in Morocco or his transfer to Syria, where he is being held on long-standing charges of involvement in a bomb plot there. But the official said that U.S. government was aware of the arrest and transfer as they occurred.

In Washington, a senior administration official today confirmed the capture by Moroccan authorities last week of Abu Zubair Haili, who investigators believe was a senior al Qaeda lieutenant and worked under another bin Laden deputy, Abu Zubaida, handling logistics in and out of the training camps.

Haili's other roles, the official said, included recruiting Islamic fighters for training in al Qaeda camps and placing them in cells around the world after training was completed. A Saudi by birth, he was nicknamed "the bear" because of his 300-pound physique.

Although Haili was caught in Morocco, the official said, he was not involved in the alleged plot by other Saudi al Qaeda suspects to blow up U.S. and British warships off Gibraltar.

"The Moroccans are just doing a very good job rounding these people up," the official said of Haili's arrest. One government source said yesterday that the arrest was aided by information provided by U.S. agencies, but that it did not originate with Zubaida, who is being interrogated at an undisclosed location after being captured March 28 in Pakistan.

The Zammar case has created some diplomatic friction with Germany, where officials are perturbed that a significant amount of time had passed before they were informed that one of their citizens was in custody.

German intelligence sources said today they learned of Zammar's imprisonment in Syria only after The Washington Post reported last week about his role in the Sept. 11 plot. That report quoted a U.S. counterterrorism official as saying that "Zammar is not walking the streets."

Those comments led senior German officials to demand that their country's intelligence agency locate Zammar. On Thursday the agency reported back that U.S. officials had said that Zammar was in Syria, according to officials here.

German officials contend that Morocco and Syria both violated their obligations under international law to inform them of the arrest of one of their citizens. They also said the United States, an ally, had shut them out of the operation to detain Zammar. An Arab source confirmed that Germany was not privy to Zammar's detention.

Officials here said they believe Syria will argue that Zammar, who was born there and left for Germany when he was 10, is still a citizen of Syria and that therefore it had no obligation to inform Germany of his arrest. The United States is likely to say it was a matter first between Morocco and Germany, then Syria and Germany, officials said.

Zammar was a veteran of an al Qaeda terrorist training camp in Afghanistan and claimed to have fought in Bosnia in the 1990s. He was a frequent visitor to Atta's apartment on Marien Street in Hamburg, pulling up in an old car and carrying boxes of material into the second-floor walk-up. He spoke publicly in a Hamburg mosque of his belief that Muslims had an obligation to wage holy war.

The cell was discovered after the Sept. 11 attacks and German officials questioned him. They said they harbored suspicions about him at the time but had no evidence to arrest and charge him. On Oct. 25, he was issued a one-year passport. Two days later, he left Germany freely for Morocco, ostensibly to obtain a divorce from a Moroccan woman.

Zammar's family told the German press that they last heard from him in December, when he was still in Morocco, and this year they reported him missing. Arab sources said he entered Morocco undetected by the government and was later arrested after a manhunt. He was then sent to Syria, where there were formal charges outstanding.

As more has become known about Zammar's role, however, authorities here said they have come to regret that he was allowed to leave so easily. The German prosecutor's office confirmed that it had opened an investigation of Zammar. So far, Germany has not issued an international warrant for his arrest.

It has taken that step, however, with another Hamburg cell member, Ramzi Binalshibh, who fled to

000154

Pakistan shortly before Sept. 11. Investigators believe he immediately entered Afghanistan with Said Bahaji, a German citizen with a Moroccan father, and another fugitive from Hamburg, Zakariya Essabar, a Moroccan.

In a search of Bahaji's apartment, police found books on holy war that were personally inscribed by Zammar. Two al Qaeda members from Germany, who were arrested in Pakistan on Sept. 10, told German authorities they were recruited by Binalshibh, but that Zammar was one of their principal contacts, according to Germany's Der Spiegel magazine.

Staff writers Dan Eggen and Walter Pincus in Washington contributed to this report.

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000156

Doc. #196



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Syria

Country Reports on Human Rights Practices - 2001

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Despite the existence of some institutions of democratic government, the political system places virtually absolute authority in the hands of the President. Former President Hafiz Al-Asad died on June 10, 2000, after 30 years in power. Immediately following Al-Asad's death, the Parliament amended the Constitution, reducing the mandatory minimum age of the President from 40 to 34 years old, which allowed his son Bashar Al-Asad legally to be eligible for nomination by the ruling Ba'th party. On July 10, 2000, Bashar was elected by referendum in which he ran unopposed and received 97.29 percent of the vote. Key decisions regarding foreign policy, national security, internal politics, and the economy are made by the President, with counsel from his ministers, high-ranking members of the ruling Ba'th Party, and a relatively small circle of security advisers. Although the Parliament is elected every 4 years, the Ba'th Party is ensured a majority. The Parliament may not initiate laws but only assesses and at times modifies those proposed by the executive branch. In general all three branches of government are influenced to varying degrees by leaders of the Ba'th Party, whose primacy in state institutions is mandated by the Constitution. The Constitution provides for an independent judiciary, but security courts are subject to political influence. The regular courts generally display independence, although political connections and bribery may influence verdicts.

The powerful role of the security services in government, which extends beyond strictly security matters, stems in part from the state of emergency that has been in place almost continuously since 1963. The Government justifies martial law because of the state of war with Israel and past threats from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies, while General Security, State Security, and Political Security come under the purview of the Ministry of Interior. The branches of the security services operate independently of each other and outside the legal system. Their members commit serious human rights abuses.

The population of the country is approximately 17 million. The economy is based on commerce, agriculture, oil production, and government services. There is a generally inefficient public sector, a private sector, and a mixed public/private sector. The still-dominant state role in the economy, a complex bureaucracy, overarching security concerns, endemic corruption, currency restrictions, a lack of modern financial services and communications, and a weak legal system hamper economic growth. The Government has sought to promote the private sector through investment incentives, exchange rate consolidation, and deregulation, especially with regard to financial transactions governing imports and exports. However, in recent years, diminished foreign aid, drought, fluctuating prices for oil and agricultural commodities, and regional recession have hurt the economy. Uncertainty about the Middle East peace process and sporadic tension over Iraq has diminished investor confidence in the region. After 4 years of negative economic growth, Syria's economy is estimated to have grown by 1.5 to 2 percent during the year. A high population growth rate of nearly 3 percent continued to erode economic gains. Wage and benefits increases generally have not kept pace with cost of living increases, although inflation has been minimal in recent years. The gap between the rich and poor remained significant, with many public sector workers relying on second jobs to make ends meet.

The human rights situation remained poor, and the Government continues to restrict or deny fundamental rights, although there were improvements in a few areas. The Ba'th Party dominates the political system, as provided for by the Constitution, and citizens do not have the right to change their government. The Government uses its vast powers so effectively that there is no organized political opposition, and there have been very few antigovernment manifestations. Although the Government released prominent political prisoner Nizar Nayyuf in May after 10 years in prison, it immediately placed him under house arrest. The Government subsequently allowed him to travel overseas for medical treatment but issued an arrest warrant against him in September while he was still abroad. Beginning in August, the Government also arrested 10 prominent human rights leaders, including two independent Members of Parliament and former longtime political prisoner Riad al-Turk. The Jordanian press reported in January the release from Syrian jail of six Jordanian prisoners of Palestinian origin, who had been imprisoned for membership in Palestinian organizations. Continuing serious abuses include the

use of torture in detention; poor prison conditions; arbitrary arrest and detention; prolonged detention without trial; fundamentally unfair trials in the security courts; an inefficient judiciary that suffers from corruption and, at times, political influence; and infringement on privacy rights.

The Government also significantly restricts freedom of speech and of the press. Although new amendments to the Press Law permitted government-approved private individuals and organizations to publish their own newspapers, the same amendments also stipulated imprisonment and stiff financial penalties as part of broad, vague provisions prohibiting the publication of "inaccurate" information. Freedom of assembly does not exist under the law and the Government restricts freedom of association. The Government does not officially allow independent domestic human rights groups to exist; however, it allowed periodic meetings of unlicensed civil society forums throughout the year. The Government places some limits on freedom of religion and limits freedom of movement. Violence and societal discrimination against women are problems. The Government discriminates against the stateless Kurdish minority, suppresses worker rights, and tolerates child labor in some instances.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings or other killings committed by government forces during the year.

In November 2000, security forces killed four Bedouins during the Government's intervention in armed clashes between Bedouin shepherds and Druze residents of Suwayda Province (see Sections 1.c. and 5). In October 1999, government forces moved against a residential compound and boat dock owned by then-President Asad's brother, Rif'at Al-Asad. A number of Rif'at's supporters, including military guards, were sequestered in the compound, and the clash resulted in an unconfirmed number of deaths, including among government forces. The Government reportedly claimed that the clash was the consequence of enforcing "legal measures" that were taken against Rif'at and his supporters because of "violations of civil and military laws."

There were reports in 1999 of the corporal punishment of army recruits that led to injury or death (see Section 1.c.).

There were no credible reports of deaths in detention during the year; however, such deaths have occurred in the past. Previous deaths in detention have not been investigated by the Government, and the number and identities of prisoners who died in prisons since the 1980's remain unknown.

b. Disappearance

There were no new confirmed reports of politically motivated disappearances during the year. Because security forces often do not provide detainees' families with information regarding their welfare or location, many persons who disappeared in past years are believed to be in longterm detention or to have died while in detention; it appears that the number of new disappearances declined in recent years, although this circumstance may be due to the Government's success in deterring opposition political activity rather than a loosening of the criteria for detention (see Section 1.d.).

Despite inquiries by international human rights organizations and foreign governments, the Government offered little new information regarding the welfare and whereabouts of persons who have been held incommunicado for years or about whom no more is known other than the approximate date of their detention. The Government claims that it has released all Palestinians and Jordanian and Lebanese citizens who reportedly were abducted from Lebanon during and after Lebanon's civil war; however, the Government's claim is disputed by Lebanese NGO's, Amnesty International, and other international NGO's, as well as some family members of those who allegedly remain in Syrian prisons (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continued to use torture, although to a lesser extent than in previous years. Former prisoners and detainees report that torture methods include administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim is suspended from the ceiling; hyperextending the spine; and using a chair that bends backwards to asphyxiate the victim or fracture the victim's spine. In September Amnesty International published a report claiming that authorities at Tadmur Prison regularly torture prisoners, or force prisoners to torture one another. Although torture occurs in prisons, torture is most likely to occur while detainees are being held at one of the many detention centers run by the various security services throughout the country, and particularly while the authorities are attempting to extract a confession or information regarding an alleged crime or alleged accomplices.

The Government has denied that it uses torture and claims that it would prosecute anyone believed guilty of

using excessive force or physical abuse. Past victims of torture have identified the officials who beat them, up to the level of brigadier general. If allegations of excessive force or physical abuse are to be made in court, the plaintiff is required to initiate his own civil suit against the alleged abuser. Courts do not order medical examinations for defendants who claim that they were tortured (see Section 1.e.).

In 2000 Syria apprehended Raed Hijazi, accused of a terrorist plot targeting American and Israeli tourists in Jordan during the millennium celebrations and rendered him to Jordan to stand trial. According to media accounts of the trial, doctors for both the defense and the prosecution testified that Hijazi's body showed signs of having been beaten, but witnesses, including Hijazi, made contradictory and inconclusive claims regarding whether the alleged abuse occurred while he was in Jordanian or Syrian custody. The Jordanian court has rejected the allegations that Hijazi's confession was coerced.

The Government reportedly tortured some of the Islamist prisoners who were detained during the large-scale arrests in late 1999 and early 2000 (see Sections 1.d. and 2.c.).

On January 30, unknown assailants attacked and beat novelist Nabil Sulayman outside his apartment in Latakia, in what some observers believe was a message from the Government to civil society advocates to moderate their pressure for reform (see Section 2.a.).

In November 2000, 200 persons were injured during clashes in Suwayda province involving Druze residents, Bedouin shepherds, and security forces (see Sections 1.a. and 5).

Prison conditions vary but generally are poor and do not meet international standards for health and sanitation. Facilities for political or national security prisoners generally are worse than those for common criminals. The notorious Tadmur Prison in Palmyra, where many political and national security prisoners have been kept, is widely considered to have the worst conditions. There were unconfirmed press reports in September that the Government closed the civilian wing of Tadmur Prison, and unconfirmed press reports earlier in the year that the Government moved approximately 500 to 600 political prisoners from Tadmur Prison to Sayadnaya Prison in preparation for Tadmur's eventual closing.

At some prisons, authorities allow visitation, but in other prisons, security officials demand bribes from family members who wish to visit incarcerated relatives. Overcrowding and the denial of sufficient nourishment occur at several prisons. According to Human Rights Watch, prisoners and detainees are held without adequate medical care, and some prisoners with significant health problems reportedly are denied medical treatment. Some former detainees have reported that the Government prohibits reading materials, even the Koran, for political prisoners.

There were credible reports in 2000 that minors were held in adult facilities for 6 months and were not allowed visits from family members. There are separate detention facilities for women and children (see Section 1.d.).

The Government does not permit independent monitoring of prison or detention center conditions. In June the Government allowed a German diplomat to visit Hussein Dawud, a Syrian member of the Kurdish Popular Union Party imprisoned in Sayadnaya Prison, after rumors of Dawud's death by torture were published. The diplomat confirmed Dawud's presence and saw no signs of torture.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are significant problems. The Emergency Law, which authorizes the Government to conduct preventive arrests, overrides Penal Code provisions against arbitrary arrest and detention, including the need to obtain warrants. Officials contend that the Emergency Law is applied only in narrowly defined cases, and in January the regional press reported that the Information Minister claimed that the authorities had frozen "martial law," and the Interior Ministry claimed that the Government had made no arbitrary arrests since April 2000. Nonetheless, in cases involving political or national security offenses, arrests often are carried out in secret, and suspects may be detained incommunicado for prolonged periods without charge or trial and are denied the right to a judicial determination regarding the pretrial detention. Some of these practices are prohibited by the state of emergency, but the authorities are not held to these strictures. Additionally, those suspected of political or national security offenses also may be arrested and prosecuted under ambiguous and broad articles of the Penal Code, and subsequently tried in either the criminal or security courts.

The Government detains relatives of detainees or of fugitives in order to obtain confessions or the fugitive's surrender (see Section 1.f.). The Government also threatens families or friends of detainees, at times with the threat of expulsion, to ensure their silence, to force them to publicly disavow their relatives, or to force detainees into compliance.

Defendants in civil and criminal trials have the right to bail hearings and the possible release from detention on their own recognizance. There is no bail option for those accused of state security offenses. Unlike defendants in regular criminal and civil cases, security detainees do not have access to lawyers prior to or during questioning.

Detainees have no legal redress for false arrest. Security forces often do not provide detainees' families with information regarding their welfare or location while in detention. Consequently many persons who have

000158

disappeared in past years are believed to be in long-term detention without charge or possibly to have died in detention (see Section 1.b.). Many detainees brought to trial have been held incommunicado for years, and their trials often have been unfair (see Section 1.e.). There were reliable reports that the Government did not notify foreign governments when their citizens were arrested or detained.

Pretrial detention may be lengthy, even in cases not involving political or national security offenses. The criminal justice system is backlogged. Many criminal suspects are held in pretrial detention for months and may have their trials extended for additional months. Lengthy pretrial detention and drawn-out court proceedings are caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining (see Section 1.e.).

On May 6 the Government released prominent political prisoner Nizar Nayyuf, who had been imprisoned since 1992 on a 10-year sentence after being convicted for founding an unlawful organization, disseminating false information, and undermining the Government. Human rights organizations noted that authorities placed him under house arrest immediately following his release. In June the Government allowed Nayyuf to leave the country for medical treatment. According to public statements by his lawyer, in September Nayyuf was summoned to appear before an investigating court to respond to a complaint against him filed by Ba'ath party lawyers for "inciting confessionism, attempting to illegally change the Constitution, and publishing false reports abroad." Nayyuf was still out of the country when the summons was issued and had not returned to the country by year's end. The French free press organization Reporters Without Borders (Reporters Sans Frontieres--RSF) claimed that the Government harassed and intimidated members of Nayyuf's family following the issuance of the summons. The Government reportedly fired two members of his immediate family from their jobs. The municipality threatened to expel members of Nayyuf's family if they did not publicly disavow his statements (see Section 4).

On August 9, the Government arrested independent Member of Parliament Ma'mun Humsi during his hunger strike protesting official corruption, the excessive powers of the security forces, and the continuation of the Emergency Law. In a departure from previous practice, the Interior Ministry issued a statement justifying Humsi's arrest under Penal Code articles dealing with crimes against state security (see Section 3).

On September 1, the Government detained prominent political activist and prior longtime detainee Riad al-Turk for violations of Penal Code articles dealing with crimes against state security, after al-Turk made derogatory public comments about late President Hafiz al-Asad.

On September 6, the Government detained independent Member of Parliament Riad Seif shortly after Seif resumed the activities of his unlicensed political discussion forum. The principal charge against both Humsi and Seif was attempting illegally to change the Constitution (see Section 3).

Later in September, the Government detained seven additional prominent human rights activists who had issued statements in support of Humsi, Seif, and al-Turk (see Section 4). The Government reportedly charged the seven activists under Penal Code articles dealing with crimes against state security (see Section 2.a.). Although all of the detainees reportedly were arrested for Penal Code violations, only Humsi and Seif are being tried in criminal court, with the other cases reportedly to be tried in the Supreme State Security Court (see Section 1.e.). Their trial has been open to foreign observers and the press.

The Government reportedly had released most of the hundreds of Turkomen detained without charge in 1996; however, the group's leaders reportedly remained in detention.

There were reports of large-scale arrests of Syrian and Palestinian Islamists between late December 1999 and February 2000. Hundreds of persons allegedly were arrested in the cities of Damascus, Hama, Aleppo, and Homs. Most of those arrested reportedly were released after signing an agreement not to participate in political activities; however, some may remain in detention. There were no known reports that the Government arrested Islamists on political charges during the year.

There were reliable reports that security forces arrested several minors on unspecified political charges in 2000. The minors reportedly were held in adult facilities for 6 months, had no access to legal counsel, and were not allowed visits from family members. There were no reports of the arrests of minors on political charges during the year.

In December 2000, the Government detained an individual for several months without charge for forwarding via e-mail an allegedly lewd political cartoon (see Section 1.f.).

According to a credible report, in March Syrian intelligence officials in Lebanon arrested three Syrian Druze men who had converted to Christianity, possibly on suspicion of membership in Jehovah's Witnesses (see Section 2.c.).

The Jordanian press reported in January the release from Syrian jails of six Jordanian prisoners of Palestinian origin, who had been imprisoned for membership in Palestinian organizations. There were unconfirmed reports that a large number of Jordanian prisoners were released between May and July 2000. However, according to

Amnesty International, only three of the Jordanians released in 2000 had been held for political reasons.

There were unconfirmed regional press reports that approximately 500 political detainees were moved from Tadmur Prison to Saydnaya Prison in late July and early August in preparation for the eventual closing of Tadmur (see Section 1.c.). The Government also closed the Mazzah prison in November 2000, which reportedly held numerous political prisoners and detainees.

In May 2000, there were media reports that Communist Action Party leaders Aslan 'Abd Al-Karim and Fateh Jamous and oppositionist Randa Ayoubi were released from prison. In August 2000, Sheikh Hashim Minqara, a leader of the Islamic Tawheed Movement who was arrested in Lebanon in 1985, reportedly was released.

In November 2000, the Government declared an amnesty for 600 political prisoners and detainees and a general pardon for some nonpolitical prisoners. The amnesty was covered in the media and reportedly was the first time that the Government acknowledged that it held persons for political reasons. There were credible but unconfirmed reports that the 600 detainees, including members of the Muslim Brotherhood, the Islamic Salvation Party, the Communist Action Party, and some Kurds, had all been released by the end of 2000.

In December 2000, the Government transferred 54 Lebanese political prisoners and detainees from Syrian to Lebanese custody (see Section 1.e.).

A prisoner amnesty announced in July 1999 is believed to have benefited some political prisoners and detainees. While the total number of those released is unknown, Amnesty International identified six prisoners held for political reasons who were released. Unconfirmed reports suggest that as many as 600 prisoners were released. Some former prisoners reportedly were required to sign loyalty oaths or admissions of guilt as a condition of their release. Most of those arrested during crackdowns in the 1980's, in response to violent attacks by the Muslim Brotherhood, have been released; however, some may remain in prolonged detention without charge. Some union and professional association officials detained in 1980 may remain in detention (see Sections 2.b. and 6.a.).

The number of remaining political detainees is unknown. In June 2000, prior to the November 2000 prison amnesty, Amnesty International estimated that there were approximately 1,500 political detainees in the country; many of the detainees reportedly are suspected supporters of the Muslim Brotherhood and the pro-Iraqi wing of the Ba'th party. There also are Jordanian, Lebanese, and Palestinian political detainees. Estimates of detainees are difficult to confirm because the Government does not verify publicly the number of detentions without charge, the release of detainees or amnestied prisoners, or whether detainees subsequently are sentenced to prison (see Section 1.e.).

In October 1998, the Jordanian Government requested that the Syrian Government account for 429 named Jordanian nationals, 239 of whom Jordan claims have been missing since they entered Syria, and 190 of whom Jordan claims are imprisoned in Syria. By year's end there had been no published official response.

Former prisoners are subject to a so-called "rights ban," which begins from the day of sentencing and lasts until 7 years after the expiration of the sentence, in the case of felony convictions. Persons subject to this ban are not allowed to vote, run for office, or work in the public sector; they often also are denied passports.

The Government has exiled citizens in the past, although the practice is prohibited by the Constitution. The Government refuses to reissue the passports of citizens who fled the country in the 1980's; such citizens consequently are unable to return to the country.

There were no known instances of forced exile during the year.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but the two exceptional courts dealing with cases of alleged national security violations are not independent of executive branch control. The regular court system generally displays considerable independence in civil cases, although political connections and bribery at times influence verdicts.

The judicial system is composed of the civil and criminal courts, military courts, security courts, and religious courts, which adjudicate matters of personal status such as divorce and inheritance (see Section 5). The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court is empowered to rule on the constitutionality of laws and decrees; it does not hear appeals.

Civil and criminal courts are organized under the Ministry of Justice. Defendants before these courts are entitled to the legal representation of their choice; the courts appoint lawyers for indigents. Defendants are presumed innocent; they are allowed to present evidence and to confront their accusers. Trials are public, except for those involving juveniles or sex offenses. Defendants may appeal their verdicts to a provincial appeals court and ultimately to the Court of Cassation. Such appeals are difficult to win because the courts do not provide verbatim transcripts of cases—only summaries prepared by the presiding judges. There are no juries.

Military courts have the authority to try civilians as well as military personnel. The venue for a civilian defendant is decided by a military prosecutor. There were continuing reports that the Government operates military field courts in locations outside established courtrooms. Such courts reportedly observe fewer of the formal procedures of regular military courts.

The two security courts are the Supreme State Security Court (SSSC), which tries political and national security cases, and the Economic Security Court (ESC), which tries cases involving financial crimes. Both courts operate under the state of emergency, not ordinary law, and do not observe constitutional provisions safeguarding defendants' rights.

Charges against defendants in the SSSC often are vague. Many defendants appear to be tried for exercising normal political rights, such as free speech. For example, the Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution," "shaking the confidence of the masses in the aims of the revolution," or attempting to "change the economic or social structure of the State." Nonetheless the Government contends that the SSSC tries only persons who have sought to use violence against the State.

Under SSSC procedures, defendants are not present during the preliminary or investigative phase of the trial, during which the prosecutor presents evidence. Trials usually are closed to the public. Lawyers are not ensured access to their clients before the trial and are excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submit written defense pleas rather than oral presentations. The State's case often is based on confessions, and defendants have not been allowed to argue in court that their confessions were coerced. There is no known instance in which the court ordered a medical examination for a defendant who claimed that he was tortured. The SSSC reportedly has acquitted some defendants, but the Government does not provide any statistics regarding the conviction rate. Defendants do not have the right to appeal verdicts, but sentences are reviewed by the Minister of Interior, who may ratify, nullify, or alter them. The President also may intervene in the review process.

Accurate information regarding the number of cases heard by the SSSC is difficult to obtain, although hundreds of cases are believed to pass through the court annually. Many reportedly involved charges relating to membership in various banned political groups, including the Party of Communist Action and the pro-Iraqi wing of the Ba'ath Party. Sentences as long as 15 years have been imposed in the past. The Government permitted delegates from Amnesty International to attend a session of the SSSC in 1997; however there have been no visits by human rights nongovernmental organizations (NGO's) since then (see Section 4).

The trials of independent Members of Parliament Mamun Humsi and Riyad Seif began on October 30 and 31, respectively. The trials were held in a criminal court and, for the first time, were open to diplomats and the regional press. The eight other activists who were arrested during the year still were awaiting trial before the SSSC at year's end (see Sections 1.d., 2.a., and 3).

The ESC tries persons for alleged violations of foreign exchange laws and other economic crimes. The prosecution of economic crimes is not applied uniformly, and some government officials or businesspersons with close connections to the Government likely have violated the country's strict economic laws without prosecution. Like the SSSC, the ESC does not ensure due process for defendants. Defendants are not provided adequate access to lawyers to prepare their defenses, and the State's case usually is based on confessions. Verdicts may be influenced by high-ranking government officials. Those convicted of the most serious economic crimes do not have the right of appeal, but those convicted of lesser crimes may appeal to the Court of Cassation. A significant prisoner amnesty for individuals convicted of economic crimes was announced in July 1999. This amnesty may have benefited thousands of persons. In May 2000, late-President Hafiz Al-Asad amended the Economic Penal Code to allow defendants in economic courts to be released on bail. The bail provision does not extend to those accused of forgery, counterfeiting, or auto theft; however, the amendment is intended to provide relief for those accused of other economic crimes, many of whom have been in pretrial detention for long periods of time. These amendments to the Economic Penal Code also limit the categories of cases that can be tried in the ESC. In November the Government approved a general pardon for nonpolitical prisoners and a reduction of sentences by one-third for persons convicted of economic crimes, with a provision to commute sentences entirely for persons who return embezzled funds to investors within 1 year of the law's effective date.

Prisoner amnesties in July 1999 and November 2000 are believed to have benefited some political prisoners and detainees. The Government also transferred 54 Lebanese political prisoners and detainees from Syrian to Lebanese custody in December (see Section 1.d.).

The Government has released virtually all of those arrested at the time late-President Asad took power in 1970. However, at least two persons arrested during that period may remain in prison, despite the expiration of one of the prisoners' sentences.

The Government in the past denied that it held political prisoners, arguing that, although the aims of some prisoners may be political, their activities, including subversion, were criminal. The official media reported that the 600 beneficiaries of the November 2000 amnesty were political prisoners and detainees; this reportedly was the first time that the Government acknowledged that it held persons for political reasons. Nonetheless, the

Emergency Law and the Penal Code are so broad and vague, and the Government's power so sweeping, that many persons were convicted and are in prison for the mere expression of political opposition to the Government. The Government's August and September detentions of 10 prominent civil society and human rights activists for "crimes of state security" illustrated the Penal Code's broad scope and represented a retreat from recent modest attempts at political liberalization (see Sections 1.d. and 2.a.).

The exact number of political prisoners is unknown. Unconfirmed regional press reports estimated the total number of political prisoners at between 400 and 600. In April a domestic human rights organization estimated the number to be "nearly 800," including approximately 130 belonging to the Islamic Liberation Party, 250 members and activists associated with the Muslim Brotherhood, 150 members of the pro-Iraq wing of the Ba'th Party, and 14 Communists.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although laws prohibit such actions, the Emergency Law authorizes the security services to enter homes and conduct searches without warrants if security matters, very broadly defined, are involved. The security services selectively monitor telephone conversations and fax transmissions. The Government sometimes opens mail destined for both citizens and foreign residents. It also prevents the delivery of human rights materials. In August 1999, authorities repealed a 5-year ban on entry of Jordanian newspapers (also see Section 2.a.).

The Government continued its practice of threatening or detaining the relatives of detainees or of fugitives in order to obtain confessions, minimize outside interference, or prompt the fugitive's surrender (see Section 1.d.). There have been reports that security personnel force prisoners to watch relatives being tortured in order to extract confessions. According to Amnesty International, security forces also detain family members of suspected oppositionists (see Section 1.d.).

Security checkpoints continued, although primarily in military and other restricted areas. There are few police checkpoints on main roads and in populated areas. Generally the security services set up checkpoints to search for smuggled goods, weapons, narcotics, and subversive literature. The searches take place without warrants. In the past, the Government and the Ba'th Party monitored and attempted to restrict some citizens' visits to foreign embassies and cultural centers.

In December 2000, the Government detained an individual for forwarding via e-mail an allegedly lewd political cartoon. One of the recipients of the e-mail had forwarded it to the authorities. The individual was held for several months without charge, then released.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for right to express opinions freely in speech and in writing, but the Government restricts these rights significantly in practice. The Government strictly controls the dissemination of information and permits no written or oral criticism of the President, the President's family, the Ba'th Party, the military, or the legitimacy of the Government. The Government also does not permit sectarian issues to be raised. Detention and beatings for individual expressions of opinion that violate these unwritten rules at times occur, although not as frequently as in the past. The Government also threatens activists to attempt to control their behavior. On January 30, novelist Nabil Sulayman was attacked outside his apartment in Latakia. According to Sulayman's daughter, two men assaulted him from behind and beat him severely before Sulayman's neighbors drove them off. Sulayman suffered a serious head wound that led to his hospitalization, although he subsequently recovered. Some observers believe the attack was a message from the Government to civil society advocates to moderate their pressure for reform. The attack came just a day after Information Minister Adnan Um'ran publicly criticized civil society advocates.

In a speech in February, the President explicitly criticized civil society advocates as elites "from outside" who wrongly claim to speak for the majority and said that openness would only be tolerated as long as it "does not threaten the stability of the homeland or the course of development." During the year, the Government required all social, political, and cultural forums and clubs to obtain advance official approval for meetings, to obtain approval for lecturers and lecture topics, and to submit lists of all attendees (see Section 2.b.).

In January the regional press reported on a "Group of 1,000" intellectuals that issued a statement calling for more comprehensive reforms than those demanded by a group of 99 Syrian intellectuals in September 2000. The group's statement called for lifting martial law, ending the state of emergency that has been in effect since 1963, releasing political prisoners, and expanding civil liberties in accordance with the provisions of the Constitution. The Government did not take action immediately against any of the individuals who signed the petition; however, in September it detained seven prominent human rights figures, reportedly charging them under articles in the Penal Code dealing with crimes against state security. The seven individuals, who included intellectual Aref Dalilah, had issued statements in support of three other activists whom the Government recently had detained (see Section 1.d.). A number of those detained were signatories of the January petition. In December 2000, a local human rights organization published an open letter in a Lebanese newspaper calling for

the closure of the notorious Tadmur Prison.

The Emergency Law and Penal Code articles dealing with crimes against state security allow the Government broad discretion in determining what constitutes illegal expression. The Emergency Law prohibits the publication of "false information," which opposes "the goals of the revolution" (see Section 1.e.). Penal Code articles prohibit "attempting to illegally change the Constitution," "preventing authorities from executing their responsibilities," and "acts or speech inciting confessionalism." In August the Government amended the Press Law to permit the reestablishment of publications that were circulated prior to 1963 and established a framework in which the National Front Parties, as well as other approved private individuals and organizations, would be permitted to publish their own newspapers. However, the same amendments also stipulated imprisonment and stiff financial penalties as part of broad, vague provisions prohibiting the publication of "inaccurate" information, particularly if it "causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system." Persons found guilty of publishing such information are subject to prison terms ranging from 1 to 3 years and fines ranging from \$10,000 to \$20,000 (500,000 to 1 million Syrian pounds). The amendments also imposed strict punishments on reporters who do not reveal their government sources in response to government requests. Critics claimed that the amendment would increase self-censorship by journalists, and that it strengthened, rather than relaxed restrictions on the press.

In the past, the Government imprisoned journalists for failing to observe press restrictions. In May 1999, a defamation case filed against a journalist was reported widely in the press. The case was believed to be the first in which a journalist was tried for what he had published; the court acquitted him. State security services are known to threaten local journalists, including with the removal of credentials, for articles printed outside the country. There were reports that journalists temporarily lost their credentials in 2000 after they allegedly reported on issues deemed sensitive by the military.

The Ministry of Information and the Ministry of Culture and National Guidance censor the domestic and imported foreign press. They usually prevent the publication or distribution of any material deemed threatening or embarrassing by the security services to high levels of the Government. Censorship usually is stricter for materials in Arabic. Commonly censored subjects include: The Government's human rights record; Islamic fundamentalism; allegations of official involvement in drug trafficking; aspects of the Government's role in Lebanon; graphic descriptions of sexual activity; material unfavorable to the Arab cause in the Middle East conflict; and material that is offensive to any of the country's religious groups. In addition most journalists and writers practice self-censorship to avoid provoking a negative government reaction.

The recent proliferation of private publications that began in 2000, continued during the year. In January the Government permitted publication of the National Progressive Front's (NPF) Communist Party newspaper, The People's Voice. It became the first private paper distributed openly since 1963. In February the Government permitted publication of the NPF's Union Socialist Party's private newspaper, The Unionist. Also in February, the Government permitted the publication of a private satirical weekly newspaper, The Lamplighter, which criticized politically nonsensitive instances of government waste and corruption. In June the Government permitted the publication of the private weekly newspaper The Economist, which was critical of the performance of government organs.

In his July 2000 inaugural speech, President Bashar Al-Asad emphasized the principle of media transparency. Since July 2000, both the print and electronic media at times have been critical of Ba'th Party and government performance and have reported openly on a range of social and economic issues. While this relaxation of censorship did not extend to domestic politics or foreign policy issues, it was a notable departure from past practice. Damascus-based correspondents for regional Arab media also were able to file reports on internal political issues, such as rumored governmental changes, new political discussion groups, and the possible introduction of new parties to the Ba'th Party-dominated National Progressive Front.

The media continued to broaden somewhat their reporting on regional developments, including the Middle East peace process. The media covered some peace process events factually, but other events were reported selectively to buttress official views. The government-controlled press increased its coverage of official corruption and governmental inefficiency. A few privately owned newspapers published during the year; foreign-owned, foreign-published newspapers continued to circulate relatively freely. In August 1999, authorities repealed a 5-year ban on entry of Jordanian newspapers (see Section 1.f.).

The Government or the Ba'th Party owns and operates the radio and television companies and the newspaper publishing houses. The Ministry of Information closely monitors radio and television news programs to ensure adherence to the government line. The Government does not interfere with broadcasts from abroad. Satellite dishes have proliferated throughout all regions and in neighborhoods of all social and economic categories, and in January the Minister of Economy and Foreign Trade authorized private sector importers to import satellite receivers and visual intercommunication systems.

Cellular telephone service was introduced early in 2000, although its prohibitive cost severely limits the number of subscribers. Internet access and access to e-mail is limited but growing, with efforts underway to provide greater Internet access, especially to universities and businesses. The Government blocks access to selected

Internet sites that contain information deemed politically sensitive or pornographic in nature. The Government also periodically blocks access to servers that provide free e-mail services. In December 2000, the Government detained an individual for several months without charge for forwarding via e-mail an allegedly lewd political cartoon (see Section 1.f.). In 1999 and in September 2000, telephone service to the offices and residences of several foreign diplomats was disrupted, allegedly because the lines had been used to access Internet providers outside the country. Telephone service in 1999 was restored in response to diplomatic protest by the affected embassies; however, diplomats and citizens continue to experience regular disruptions of telephone service. The Ministry of Culture and National Guidance censors fiction and nonfiction works, including films. It also determines which films may or may not be shown at the cultural centers operated by foreign embassies. The Government prohibits the publication of books and other materials in Kurdish; however, there are credible reports that Kurdish language materials are available in the country (see Section 5).

The Government restricts academic freedom. Public school teachers are not permitted to express ideas contrary to government policy, although authorities allow somewhat greater freedom of expression at the university level.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly does not exist under the law. Citizens may not hold demonstrations unless they obtain permission from the Ministry of Interior. Most public demonstrations are organized by the Government or the Ba'th Party. The Government selectively permits some demonstrations, usually based on political reasons. The Government applies the restrictions on public assembly in Palestinian refugee camps, where controlled demonstrations have been allowed.

During the year, as in 2000, there were numerous demonstrations, most of which were permitted or organized by the Government, and some of which were directed against diplomatic missions and international agencies in reaction to the Israeli Government's use of force against Palestinians in Israel, the West Bank, and Gaza.

In November 2000, there were large demonstrations in Suwayda province following violent clashes between Bedouin shepherds and Druze residents of the province (see Sections 1.a., 1.c., and 5).

The Government restricts freedom of association. It required private associations to register with authorities and denied several such requests during the year, presumably on political grounds. The Government usually grants registration to groups not engaged in political or other activities deemed sensitive. Despite these restrictions, several domestic human rights and civil society groups held meetings during the year without registering with the Government or obtaining prior approval for the meetings. The Government required political forums and discussion groups to obtain prior approval to hold lectures and seminars and to submit lists of all attendees. The authorities do not allow the establishment of independent political parties (see Section 3).

On January 30, novelist Nabil Sulayman was attacked and beaten outside his apartment in Latakia, in what some observers believe was a message from the Government to civil society advocates to moderate their pressure for reform (see Section 2.a.).

In August and September that Government arrested 10 human rights activists who had called for the expansion of civil liberties (see Sections 2.a. and 1.d.).

In 1980 the Government dissolved, and then reconstituted under its control, the executive boards of professional associations after some members staged a national strike and advocated an end to the state of emergency. The associations have not been independent since that time and generally are led by members of the Ba'th Party, although nonparty members may serve on their executive boards. It is not known whether any persons detained in 1980 crackdowns on union and professional association officials remain in detention (see Sections 1.d. and 6.a.).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, it imposes restrictions in some areas. The only advantage given to a particular religion by the Constitution is the requirement that the President be a Muslim. There is no official state religion; Sunni Muslims constitute the majority of the population.

All religions and orders must register with the Government, which monitors fund raising and requires permits for all meetings by religious groups, except for worship. Recognized religious groups receive free utilities and are exempt from real estate taxes and taxes on official vehicles. There is a strict de facto separation of religious institutions and the state. Religious groups tend to avoid any involvement in internal political affairs. The Government in turn generally refrains from becoming involved in strictly religious issues.

The Government considers militant Islam a threat and follows closely the practice of its adherents. The Government has allowed many new mosques to be built; however, sermons are monitored and controlled, and mosques are closed between prayers.

There were large-scale arrests of Syrian and Palestinian Islamists affiliated with the Muslim Brotherhood and the Islamic Salvation Party in late 1999 and early 2000. Some of the Islamist prisoners reportedly were tortured in detention. A number of these prisoners reportedly were released during 2000 (see Sections 1.c. and 1.d.).

Although the law does not prohibit proselytizing, the Government discourages such activity in practice, particularly when it is deemed a threat to the generally good relations among religious groups. Foreign missionary groups are present but operate discreetly. The Government banned Jehovah's Witnesses as a politically motivated Zionist organization in 1964.

According to a credible report, three Syrian Druze men who had converted to Christianity were arrested in March by Syrian intelligence officials in Lebanon, possibly on suspicion of membership in Jehovah's Witnesses. They reportedly were transferred to prison in Syria, held for 2 months, and then released after signing papers stating that they would cease attending their church and cease contact with their pastor.

Officially all schools are government run and nonsectarian, although some schools are run in practice by Christian, Druze, and Jewish minorities. There is mandatory religious instruction in schools, with government-approved teachers and curriculums. Religion courses are divided into separate classes for Muslim, Druze, and Christian students. Jews have a separate primary school, which offers religious instruction in Judaism, in addition to traditional subjects. Although Arabic is the official language in public schools, the Government permits the teaching of Armenian, Hebrew, Syriac (Aramaic), and Chaldean in some schools on the basis that these are "liturgical languages."

Religious groups are subject to their respective religious laws on marriage, divorce, child custody, and inheritance (see Section 5).

Government policy officially disavows sectarianism of any kind. However, in the case of Alawis, religion can be a contributing factor in determining career opportunities. For example, members of the President's Alawi sect hold a predominant position in the security services and military, well out of proportion to their percentage of the population, estimated at 12 percent (see Section 3).

For primarily political rather than religious reasons, Jews generally are barred from government employment and do not have military service obligations. Jews also are the only religious minority group whose passports and identity cards note their religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government limits freedom of movement. The Government restricts travel near the Golan Heights. Travel to Israel is illegal. In November 1999, the Government eased many of its travel restrictions, which made it easier for most citizens to travel abroad. In December 2000, the Government lifted the ban on travel to Iraq. Exit visas generally no longer are required for women, men over 50 years old, and citizens living abroad. Individuals have been denied permission to travel abroad on political grounds, although government officials deny that this practice occurs. The authorities may prosecute any person found attempting to emigrate or to travel abroad illegally, or who has been deported from another country, or who is suspected of having visited Israel. Women over the age of 18 have the legal right to travel without the permission of male relatives. However, a husband may file a request with the Ministry of Interior to prohibit his wife's departure from the country (see Section 5). The Government's use of police checkpoints has been reduced (see Section 1.f.).

The Government has refused recognize the citizenship of or to grant identity documents to some persons of Kurdish descent. Their lack of citizenship or identity documents restricts them from traveling to and from the country (see Section 5).

In July 2000, the Government announced that emigres who did not complete mandatory military service may pay a fee to avoid being conscripted while visiting the country.

As of June 391,651 Palestinian refugees were registered with the U.N. Relief and Works Agency (UNRWA) in the country. In general Palestinian refugees no longer report unusual difficulties travelling in and out of the country, as was the case in the past. The Government restricts entry by Palestinians who are not resident in the country.

Citizens of Arab League countries may enter the country without a visa for stay of up to 3 months, a period that is renewable on application to government authorities. Residency permits require demonstration of employment and a fixed address in Syria.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government cooperates on a case-by-case basis with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum but is selective about extending protection to refugees; 2,935 persons sought asylum during the year. Although the Government denied that it forcibly repatriated persons with a valid claim to refugee status, in 1998 it apparently forcibly

repatriated Iraqi, Somali, Algerian, and Libyan refugees. As of September, there were 3,271 non-Palestinian refugees in the country, all of whom were receiving assistance from the UNHCR, including 1,597 refugees of Iraqi origin.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although citizens ostensibly vote for the President and Members of Parliament, they do not have the right to change their government. The late President Hafiz Al-Asad was confirmed by unopposed referenda five times after taking power in 1970. His son, Bashar Al-Asad, also was confirmed by an unopposed referendum in July 2000. The Government is headed by a Cabinet, which the President has the discretion to change. Political opposition to the President is not tolerated. The President and his senior aides, particularly those in the military and security services, ultimately make most basic decisions in political and economic life, with a very limited degree of public accountability. Moreover the Constitution mandates that the Ba'th Party is the ruling party and is ensured a majority in all government and popular associations, such as workers' and women's groups. Six smaller political parties are permitted to exist and, along with the Ba'th Party, make up the National Progressive Front (NPF), a grouping of parties that represents the sole framework of legal political party participation for citizens. While created ostensibly to give the appearance of a multiparty system, the NPF is dominated by the Ba'th Party and does not change the essentially one-party character of the political system. Non-Ba'th Party members of the NPF exist as political parties largely in name only and conform strictly to Ba'th Party and government policies. There were reports in 2000 that the Government was considering legislation to expand the NPF to include new parties and several parties previously banned; however, there were no developments during the year.

The Ba'th Party dominates the Parliament, which is known as the People's Council. Although parliamentarians may criticize policies and modify draft laws, the executive branch retains ultimate control over the legislative process. The Government has allowed independent non-NPF candidates to run for a limited allotment of seats in the 250-member People's Council. The current allotment of non-NPF deputies is 83, ensuring a permanent absolute majority for the Ba'th Party-dominated NPF. Elections for the 250 seats in the People's Council last took place in 1998.

In August and September, the Government arrested independent Members of Parliament Ma'mun Humsi and Riad Seif on charges of attempting to illegally change the Constitution (see Section 1.d.).

Persons convicted by the State Security Court may be deprived of their political rights after they are released from prison. Such restrictions include a prohibition against engaging in political activity, the denial of passports, and a bar on accepting government jobs and some other forms of employment. The duration of such restrictions is 7 years after expiration of the sentence in the case of felony convictions; however, in practice, the restrictions may continue beyond that period. The Government contends that this practice is mandated by the Penal Code; it has been in effect since 1949.

Women and minorities, with the exception of the Jewish population and stateless Kurds (see Section 5), participate in the political system without restriction. Nonetheless, the percentage of women and minorities in government and politics does not correspond to their percentage of the population. There were 2 female cabinet ministers and 26 female Members of Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not allow domestic human rights groups to exist legally. One or two human rights groups once operated legally but subsequently were banned by the Government. However, several domestic human rights organizations and civil society groups met during the year.

In February Human Rights Watch (HRW) criticized the Government for restricting civil society groups from meeting. HRW claimed that such groups had grown in popularity in the preceding months, but that on February 18 the Government informed many leaders of such groups that their meetings could not be held without government permission.

The Government has met only twice with international human rights organizations: Human Rights Watch in 1995 and Amnesty International in 1997.

As a matter of policy, the Government in its dealings with international groups denies that it commits human rights abuses. It has not permitted representatives of international organizations to visit prisons. The Government states that it now responds in writing to all inquiries from NGO's regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee established expressly for that purpose. The Government usually responds to queries from human rights organizations and foreign embassies regarding specific cases by claiming that the prisoner in question has violated national security laws.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights and equal opportunity for all citizens. In practice membership in the Ba'th Party or close familial relations with a prominent party member or powerful government official can be important for economic, social, or educational advancement. Party or government connections can pave the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the Government, the military, and the security services. Certain prominent positions, such as that of provincial governor, are reserved solely for Ba'th Party members. Apart from some discrimination against Jews and stateless Kurds, there are no apparent patterns of systematic government discrimination based on race, sex, religion, disability, language, or social status. However, there are varying degrees of societal discrimination in each of these areas.

Women

Violence against women occurs, but there are no reliable statistics regarding the prevalence of domestic violence or sexual assault. The vast majority of cases likely are unreported, and victims generally are reluctant to seek assistance outside the family. One preliminary academic study suggested that domestic violence is the largest single reason for divorces, and that such abuse is more prevalent among the less-educated and persons who live in rural areas. Battered women have the legal right to seek redress in court, but few do so because of the social stigma attached to such action. The Syrian Women's Federation offers services to battered wives to remedy individual family problems. The Syrian Family Planning Association also attempts to deal with this problem. Some private groups, including the Family Planning Association, have organized seminars on violence against women, which were reported by the government press. There are a few private, nonofficial, specifically designated shelters or safe havens for battered women who seek to flee their husbands.

Rape is a felony; however, there are no laws against spousal rape.

Prostitution is prohibited by law, and it is not a widespread problem.

The law specifically provides for reduced sentences in "honor" crimes (a euphemism that refers to violent assaults with intent to murder against a female by a male for alleged sexual misconduct). Instances of honor crimes are rare and happen primarily in rural areas in which Bedouin customs prevail.

The Constitution provides for equality between men and women and equal pay for equal work. Moreover the Government has sought to overcome traditional discriminatory attitudes toward women and encourages women's education. However, the Government has not yet changed personal status, retirement, and social security laws that discriminate against women. In addition some secular laws discriminate against women. For example, under criminal law, the punishment for adultery for a woman is twice that as for the same crime committed by a man.

Christians, Muslims, and other religious groups are subject to their respective religious laws on marriage, divorce, and inheritance (see Section 2.c.). For Muslims personal status law on divorce is based on Shari'a (Islamic law), and some of its provisions discriminate against women. For example, husbands may claim adultery as grounds for divorce, but wives face more difficulty in presenting the same argument. If a woman requests a divorce from her husband, she may not be entitled to child support in some instances. In addition under the law, a woman loses the right to custody of boys when they reach age 9 and girls at age 12.

Inheritance for Muslims also is based on Shari'a. Accordingly Muslim women usually are granted half of the inheritance share of male heirs. However, Shari'a mandates that male heirs provide financial support to the female relatives who inherit less. For example, a brother who inherits an unmarried sister's share from their parents' estate is obligated to provide for the sister's well being. If the brother fails to do so, she has the right to sue.

Polygyny is legal but is practiced only by a small minority of Muslim men.

A husband may request that his wife's travel abroad be prohibited (see Section 2.d.). Women generally are barred from travelling abroad with their children unless they are able to prove that the father has granted permission for the children to travel.

The law prohibits sexual harassment and specifies different punishments depending on whether the victim is a minor or an adult. Sexual harassment does not appear to be a significant problem.

Women participate actively in public life and are represented in most professions, including the military. Women are not impeded from owning or managing land or other real property. Women constitute approximately 7 percent of judges, 10 percent of lawyers, 57 percent of teachers below university level, and 20 percent of university professors.

Children

There is no legal discrimination between boys and girls in education or in health care. Education is compulsory for all children, male or female, between the ages of 6 and 12. According to the Syrian Women's Union, about 46

percent of the total number of students through the secondary level are female. Nevertheless, societal pressure for early marriage and childbearing interferes with girls' educational progress, particularly in rural areas, in which the dropout rates for female students remain high.

The Government provides medical care for children until the age of 18.

Although there are cases of child abuse, there is no societal pattern of abuse against children. The law provides for severe penalties for those found guilty of the most serious abuses against children.

Child prostitution is a rare problem, mainly involving orphans.

An estimated 10 percent of children under the age of 18 participate in the labor force (see Section 6.d.).

The law emphasizes the need to protect children, and the Government has organized seminars regarding the subject of child welfare.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector work force. However, implementation is inconsistent. Regulations reserving 4 percent of government and public sector jobs for persons with disabilities are not implemented rigorously. Persons with disabilities may not legally challenge alleged instances of discrimination. There are no laws that mandate access to public buildings for persons with disabilities.

Religious Minorities

Although there is significant religious tolerance, religion or ethnic affiliation can be a contributing factor in determining career opportunities. For example, members of the President's Alawi sect hold a predominant position in the security services and military, well out of proportion to their percentage of the population, despite the fact that government policy officially disavows sectarianism.

There generally is little societal discrimination or violence against religious minorities, including Jews. However, in October 2000, a group of Palestinians threw bricks, stones, and Molotov cocktails at a synagogue in Damascus, apparently in reaction to the Israeli Government's use of force against Palestinians in the occupied territories. No one was injured in the attack; however, the synagogue was damaged slightly and was closed for approximately 1 month. The Government took immediate steps to ensure that the Jewish community would be protected from further attacks, including arresting the perpetrators and posting guards around synagogues and the Jewish quarter of Damascus.

National/Racial/Ethnic Minorities

The Government generally permits national and ethnic minorities to conduct traditional, religious, and cultural activities; however, the Government's attitude toward the Kurdish minority is a significant exception to this policy. Although the Government contends that there is no discrimination against the Kurdish population, it places limits on the use and teaching of the Kurdish language. It also restricts the publication of books and other materials written in Kurdish (see Section 2.a.), Kurdish cultural expression, and, at times, the celebration of Kurdish festivals. The Government tacitly accepts the importation and distribution of Kurdish language materials, particularly in the northeast region in which most of the Kurds in the country reside. Some members of the Kurdish community have been tried by the Supreme State Security Court for expressing support for greater Kurdish autonomy or independence. Although the Asad Government stopped the previous practice of stripping Kurds in Syria of their Syrian nationality (some 120,000 lost Syrian nationality under this program in the 1960's), it never restored their nationality. As a result, those who had lost their nationality, and their children, have been unable to obtain Syrian nationality and passports, or even identification cards and birth certificates. Without Syrian nationality, these stateless Kurds, who according to UNHCR estimates number about 200,000, are unable to own land, are not permitted to practice as doctors or engineers or be employed by the Government, are ineligible for admission to public hospitals, have no right to vote, and cannot travel to and from the country. They also encounter difficulties in enrolling their children in school, and in some cases, in registering their marriages.

In November 2000, there were violent clashes in Suwayda province, reportedly stemming from a longstanding dispute between Bedouin shepherds and Druze residents over grazing and property rights. The Government deployed 5,000 army troops and sealed off the area with military checkpoints, temporarily preventing nonresidents from entering the Suwayda province. A number of Druze, Bedouin, and security force personnel were killed and injured during the clashes. There were large demonstrations following the deaths (see Section 2.b.).

Section 6 Worker Rights

a. The Right of Association

Although the Constitution provides for this right, workers are not free to establish unions independent of the Government. All unions must belong to the General Federation of Trade Unions (GFTU), which is dominated by the Ba'th Party and is in fact a part of the State's bureaucratic structure. The GFTU is an information channel between political decisionmakers and workers. The GFTU transmits instructions downward to the unions and workers but also conveys information to decision makers about worker conditions and needs. The GFTU provides the Government with opinions regarding legislation, organizes workers, and formulates rules for various member unions. The GFTU president is a senior member of the Ba'th Party. He and his deputy may attend cabinet meetings on economic affairs. The GFTU controls nearly all aspects of union activity.

The law does not prohibit strikes; except in the agricultural sector; however, previous government crackdowns on strikers deter workers from striking. In 1980 the security forces arrested many union and professional association officials who planned a national strike. Some of them are believed to remain in detention, either without trial or after being tried by the State Security Court (see Sections 1.d. and 2.b.). There were no strikes during the year.

The GFTU is affiliated with the International Confederation of Arab Trade Unions.

In 1992 Syria's eligibility for tariff preferences under the U.S. Generalized System of Preferences was suspended because the Government failed to afford internationally recognized worker rights to workers.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively does not exist in any meaningful sense. Government representatives are part of the bargaining process in the public sector. In the public sector, unions do not normally bargain collectively on wage issues, but there is some evidence that union representatives participate with representatives of employers and the supervising ministry in establishing minimum wages, hours, and conditions of employment. Workers serve on the boards of directors of public enterprises, and union representatives always are included on the boards.

The law provides for collective bargaining in the private sector, but any such agreement between labor and management must be ratified by the Minister of Labor and Social Affairs, who has effective veto power. The Committee of Experts of the International Labor Organization (ILO) has long noted the Government's refusal to abolish the Minister's power over collective contracts.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and may ask for binding arbitration. In practice labor and management representatives settle most disputes without resort to legal remedies or arbitration. Management has the right to request arbitration, but this right seldom is exercised. Arbitration usually occurs when a worker initiates a dispute over wages or severance pay.

Since the unions are part of the Government's bureaucratic structure, they are protected by law from antiunion discrimination. There were no reports of antiunion discrimination.

There are no unions in the seven free trade zones. Firms in the zones are exempt from the laws and regulations governing hiring and firing, although they must observe some provisions on health, safety, hours, and sick and annual leave.

c. Prohibition of Forced or Compulsory Labor

There is no law prohibiting forced or compulsory labor, including that performed by children. There were no reports of forced or bonded labor by children, or forced labor involving foreign workers or domestic servants. Forced labor has been imposed as a punishment for some convicted prisoners.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Law provides for the protection of children from exploitation in the workplace; however, the Government tolerates child labor in some instances. Independent information and audits regarding government enforcement are not available. In December 2000, the Parliament approved legislation that raises the private sector minimum age for employment from 12 to 15 years for most types of nonagricultural labor, and from 16 to

18 years for heavy work. In all cases, parental permission is required for children under the age of 16. The law prohibits children from working at night. However, the law applies only to children who work for a salary. Those who work in family businesses and are not technically paid a salary--a common phenomenon--do not fall under the law. Working hours for youths of legal age to work do not differ from those established for adults. Children under the age of 16 are prohibited by law from working in mines, at petroleum sites, or in other dangerous fields. Children are not allowed to lift, carry, or drag heavy objects. The exploitation of children for begging purposes also is prohibited. The Government claims that the expansion of the private sector has led to more young children working.

The Ministry of Labor and Social Affairs monitors employment conditions for persons under the age of 18, but it does not have enough inspectors to ensure compliance with the laws. The Ministry has the authority to specify

the industries in which children 15 and 16 years of age may work.

The Labor Inspection Department performs unannounced spot checks of employers on a daily basis to enforce the law; however, the scope of these checks is unknown. The majority of children under age 16 who are working do so for their parents in the agricultural sector without remuneration. The ILO reported in 1998 that 10.5 percent of children under the age of 18 participate in the labor force, which amounts to 4.7 percent of the total work force. The Government has not yet ratified ILO Convention 182 on the worst forms of child labor.

The law does not prohibit forced or bonded labor by children (see Section 6.c.); however, such practices are not known to occur.

e. Acceptable Conditions of Work

The Minister of Labor and Social Affairs is responsible for enforcing minimum wage levels in the public and private sectors. In August 2000, the Government increased public sector minimum wages by 25 percent to \$57 (2,664 Syrian pounds) per month, plus other compensation (for example, meals, uniforms, and transportation). In October 2000, the Government increased private sector minimum wages by 25 percent to \$53 (2,425 Syrian pounds) per month in urban areas and \$49 (2,237 Syrian pounds) in rural areas. These wages do not provide a decent standard of living for a worker and family. As a result, many workers in both the public and private sectors take additional jobs or are supported by their extended families.

The statutory workweek for administrative staff is 6 days of 6 hours each, and laborers work 6 days a week of 8 hours each. In some cases a 9-hour workday is permitted. The laws mandate one 24-hour rest day per week. Rules and regulations severely limit the ability of an employer to dismiss employees without cause. Even if a person is absent from work without notice for a long period, the employer must follow a lengthy procedure of trying to find the person and notify him, including through newspaper notices, before he is able to take any action against the employee. Dismissed employees have the right of appeal to a committee of representatives from the union, management, the Ministry of Labor and Social Affairs, and the appropriate municipality. Such committees usually find in favor of the employee. Dismissed employees are entitled to 80 percent of salary benefits while the dispute is under consideration. No additional back wages are awarded should the employer be found at fault, nor are wage penalties imposed in cases in which the employer is not found at fault. The law does not protect temporary workers who are not subject to regulations on minimum wages. Small private firms and businesses employ such workers to avoid the costs associated with hiring permanent employees.

The law mandates safety in all sectors, and managers are expected to implement them fully. In practice there is little enforcement without worker complaints, which occur infrequently despite government efforts to post notices regarding safety rights and regulations. Large companies, such as oil field contractors, employ safety engineers.

The ILO noted in 1998 that a provision in the Labor Code allowing employers to keep workers at the workplace for as many as 11 hours a day might lead to abuse. However, there have been no reports of such abuses. Officials from the Ministries of Health and Labor are designated to inspect work sites for compliance with health and safety standards; however, such inspections appear to be sporadic, apart from those conducted in hotels and other facilities that cater to foreigners. The enforcement of labor laws in rural areas also is more lax than it is in urban areas, where inspectors are concentrated. Workers may lodge complaints about health and safety conditions, with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment.

The law provides protection for foreign workers who reside legally in the country; however, it does not provide protection for the thousands of foreigners working in the country illegally.

f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country. Standard labor laws could be applied in the event of allegations of trafficking.

Doc. #197

Lotus cc:Mail for (b)(6), (b)(7)c

Date: 10/4/2002 9:56 AM

Sender:

To:

(b)(6), (b)(7)c

Barry C O'Melinn

Subject:

(b)(6), (b)(7)c

DOS Country Report on Syria (March 2002):

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continued to use torture, although to a lesser extent than in previous years. Former prisoners and detainees report that torture methods include administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim is suspended from the ceiling; hyperextending the spine; and using a chair that bends backwards to asphyxiate the victim or fracture the victim's spine. In September Amnesty International published a report claiming that authorities at Tadmur Prison regularly torture prisoners, or force prisoners to torture one another. Although torture occurs in prisons, torture is most likely to occur while detainees are being held at one of the many detention centers run by the various security services throughout the country, and particularly while the authorities are attempting to extract a confession or information regarding an alleged crime or alleged accomplices.

The Government has denied that it uses torture and claims that it would prosecute anyone believed guilty of using excessive force or physical abuse. Past victims of torture have identified the officials who beat them, up to the level of brigadier general. If allegations of excessive force or physical abuse are to be made in court, the plaintiff is required to initiate his own civil suit against the alleged abuser. Courts do not order medical examinations for defendants who claim that they were tortured (see Section 1.e.).

In 2000 Syria apprehended Raed Hijazi, accused of a terrorist plot targeting American and Israeli tourists in Jordan during the millennium celebrations and rendered him to Jordan to stand trial. According to media accounts of the trial, doctors for both the defense and the prosecution testified that Hijazi's body showed signs of having been beaten, but witnesses, including Hijazi, made contradictory and inconclusive claims regarding whether the alleged abuse occurred while he was in Jordanian or Syrian custody. The Jordanian court has rejected the allegations that Hijazi's confession was coerced.

The Government reportedly tortured some of the Islamist prisoners who were detained during the large-scale arrests in late 1999 and early 2000 (see Sections 1.d. and 2.c.).

On January 30, unknown assailants attacked and beat novelist Nabil Sulayman outside his apartment in Latakia, in what some observers believe was a message from the Government to civil society advocates to moderate their pressure for reform (see Section 2.a.).

In November 2000, 200 persons were injured during clashes in Suwayda province involving Druze residents, Bedouin shepherds, and security forces (see Sections 1.a. and 5).

Prison conditions vary but generally are poor and do not meet international standards for health and sanitation. Facilities for political or national security prisoners generally are worse

than those for common criminals. The notorious Tadmur Prison in Palmyra, where many political and national security prisoners have been kept, is widely considered to have the worst conditions. There were unconfirmed press reports in September that the Government closed the civilian wing of Tadmur Prison, and unconfirmed press reports earlier in the year that the Government moved approximately 500 to 600 political prisoners from Tadmur Prison to Sayadnaya Prison in preparation for Tadmur's eventual closing.

At some prisons, authorities allow visitation, but in other prisons, security officials demand bribes from family members who wish to visit incarcerated relatives. Overcrowding and the denial of sufficient nourishment occur at several prisons. According to Human Rights Watch, prisoners and detainees are held without adequate medical care, and some prisoners with significant health problems reportedly are denied medical treatment. Some former detainees have reported that the Government prohibits reading materials, even the Koran, for political prisoners.

There were credible reports in 2000 that minors were held in adult facilities for 6 months and were not allowed visits from family members. There are separate detention facilities for women and children (see Section 1.d.).

The Government does not permit independent monitoring of prison or detention center conditions. In June the Government allowed a German diplomat to visit Hussein Dawud, a Syrian member of the Kurdish Popular Union Party imprisoned in Sayadnaya Prison, after rumors of Dawud's death by torture were published. The diplomat confirmed Dawud's presence and saw no signs of torture.

Doc. #198

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"Would you like a cocktail?"



A soldier provides security while detainees who arrived from Afghanistan are processed at Camp X-Ray in Guantanamo Bay, Cuba. (Lynne Sladky/AP Photo)

The Pain of One

Has the War on Terror Changed Attitudes on Torture?

By *Andrew Chang*

abc NEWS.com

Aug. 13

— Beating. Asphyxiation. Electrocutation. Starvation. Sexual violation.

Before Sept. 11, most people would have blanched at these and other forms of torture, and most still do. But after major intelligence failures allowed 19 men to cause the deaths of more than 3,000 people, and the suffering of untold others, attitudes have had reason to change.

Civil libertarians say the Bush administration is already using the Sept. 11 attacks as a pretext for infringing on some civil liberties.

Some terror suspects are being kept on foreign shores because of the latitude it provides U.S. investigators probing the al Qaeda terrorist network, ABCNEWS national security correspondent John McWethy reported in June. The prisoners are subject to the law of the land where they're detained, which could permit more severe treatment than would be allowed under U.S. law.

The U.S. government, while denying it is doing anything wrong in having prisoners held elsewhere, last month made a decision to abstain from the United Nations vote to strengthen the U.N. convention against torture.

Denmark, speaking on behalf of the European Union, accused the United States of intentionally stalling in order to kill efforts to strengthen the U.N. convention against torture.

U.S. officials countered that they were not promoting torture, and defended their absence by arguing the change would conflict with the U.S. Constitution. "The United States greatly regrets being put in the position of abstaining," U.S. Ambassador Sichan Siv said after the debate.

At a Pentagon news conference in January, Defense Secretary Donald Rumsfeld said: "The treatment of the detainees in Guantanamo Bay is proper, it's humane, it's appropriate, and it is fully consistent with international conventions." In April, Rumsfeld again rebuffed allegations of torture in the case of an alleged al Qaeda leader being held at an undisclosed location, calling them "wrong and irresponsible." "I saw a report that referred to a word I don't even want to use," Rumsfeld said, avoiding even using the word torture.

The United Kingdom was among the 35 of 53 countries that voted in favor of the change. Before the vote, MP Denis MacShane said his country "believes it would make an important contribution to preventing and eradicating torture."

But U.S. diplomats were also reportedly concerned the change would widen access to suspects in the war on terror, and weaken the efforts to prevent attacks. The strengthened convention could potentially invite foreign observers into American detention centers to check if detainees were being tortured.

Questions of Torture

U.S. officials have certainly taken into account, and sometimes, taken advantage of the more persuasive interrogation methods offered by countries with poor human rights records. Saudi national and alleged top al Qaeda official Abu Zubair was arrested in Morocco in June, but U.S. officials have been in no hurry to bring him to the United States, reported McWethy — in part because Moroccan authorities can use methods that would not be allowed under U.S. law.

When al Qaeda operations chief Abu Zubaydah was arrested in March, ABCNEWS Justice Correspondent Pierre Thomas said U.S. officials had considered sending him to U.S. terror war allies Egypt or Jordan, which also have poor human rights records. Months after his arrest, Zubaydah's location remains undisclosed.

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A number of Pakistani newspapers say he remains in Pakistan, where he was captured. White House spokesman Ari Fleischer has said his location would not be discussed for security reasons. And when asked by reporters about Zubaydah's condition and what has since been called the "T-word" in deference to the defense secretary's sensibilities, Rumsfeld said: "Believe me, reports to that effect are wrong, inaccurate, not happening and will not happen."

While Rumsfeld has commented on Zubaydah, U.S. officials have said little about other al Qaeda suspects, some of whom have been sent back to their homelands, but others who, like Zubair were arrested abroad and allegedly transferred to countries which have fewer constraints on their interrogation methods.

Mohammed Mansour Jabarah has pleaded guilty to conspiring against U.S. interests overseas, specifically against the U.S. Embassy in Singapore, but he is being held in Oman. Mohammad Haydar Zammar, a Syrian-born German citizen allegedly connected to the 9/11 hijackers, was caught in Morocco in June, but is believed to have been transferred to Syria.

Calls to the State Department about these suspects were not returned. If it's hard to tell if the transfers of prisoners around the world actually occurred, activists say it's even harder to tell if they were done with assurances that the detainees would not be tortured.

The United States runs the danger of looking like it is acquiescing to these policies, said Tom Malinowski, advocacy director of Human Rights Watch. "There is a concern. You don't want to send mixed signals."

Losing Moral Ground

Experts also point out that the United States has long been the leader in promoting civil and human rights — and anything that erodes that image might hearten more oppressive regimes around the world and immunize them to American criticism.

Watchdog groups and activists from around the world say some regimes are already using the war on terror as an excuse to carry out repressive policies and crush internal dissent.

"The U.S. is losing its moral authority to criticize," said Alistair Hodggett, of Amnesty International. He said China, whose human rights record is abominable, quickly adopted the language of the war on terror to deal with its political opponents. "Their rhetoric shifted pretty quickly," he said.

Protesters in Israel said a similar change was under way there. "The soldiers are much more likely to take the attitude of 'We're fighting terror and whatever we do is acceptable,'" said Eric Laursen, of the protest group Direct Action for a Free Palestine.

Morton Sklar, executive director of the World Organization Against Torture, said tighter immigration controls as part of the war on terror may be leading to more people being tortured. "It's making it tougher for people to make claims they are political refugees," he said.

"It's a real dilemma," said Joe Montville, a former career diplomat with the State Department who has served in Iraq, Lebanon and Morocco — countries at the heart of the war on terror. As the battle continues, these are legitimate concerns that require attention, he said.

Could It Reach Home?

While a stir has been raised about how the war on terror is encouraging torture around the world, most people doubted it would affect conditions domestically.

Most U.S. officials recognize that torture is "not only murky and inappropriate, but not an effective law enforcement tool," said Malinowski, of Human Rights Watch. "It's hard to trust information obtained through torture," he said. "People will talk, but they will say anything."

Kara Gotsch, of the ACLU's National Prison Project, said that while some Muslim prisoners in the United States have accused corrections officials of discrimination, she has not had any indication that the police have been abusive.

Bob Tuttle, a professor at The George Washington University Law School, said he hasn't seen much of a change. "I don't see any signs that people would consider torture to be no longer off limits," he said.

But Dr. Michael Popich, who teaches religion and ethics classes at Westminster College in Utah, said he has seen a slight change.

In the past year, "students seem a little less likely to condemn it outright," he said. "Since we were attacked by terrorists, they seem to have given up a kind of adamant stance against it," he said.

A *Christian Science Monitor*/TIPP poll from November 2001 said roughly one-third of Americans would support government-sanctioned torture of terror suspects held in the United States or abroad.

000174

Why It Matters

Professor Thomas Cushman, who teaches at Wellesley College in Massachusetts said it's not a surprise that the issue of torture has become more prominent these days.

"Wars on terrorism and torture tend to go together," he said, citing Israel's continuing struggle with the Palestinians. Israel has admitted to subjecting detainees to excruciatingly uncomfortable postures, covering their heads with filthy and malodorous sacks and depriving them of sleep.

But few would dispute the dangers of turning to torture. Cushman observed that the regimes best known for practicing torture, such as Chile under Gen. Augusto Pinochet, have been short-lived. "It's a desperate move by a desperate government," he said.

Hodgett cited another pitfall concerning torture: It could spread from solely being used against potential terrorists, to the mainstream.

It happened in Britain's fight against terrorists from Northern Ireland, he said. Some of the techniques used by modern-day torturers — like the "helicopter treatment," where a blindfolded prisoner is pushed out of the vehicle only to discover he is just a few feet off the ground — were invented in this period, Hodgett said.

"Once you allow [torture], it becomes difficult to contain," Popich said. "Once you let the camel put the nose in the tent, pretty soon you'll have the whole camel in there."

While civil rights activists have raised the greatest alarm, it's a possibility that has been considered by others, as well.

"A part of it is inevitable," said Montville, now with the Center for Strategic and International Studies, an international think tank. "The human instinct to survive physical assault [like Sept. 11] is much stronger than the one to preserve civil liberties."

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000175

Doc. #199

Syria: Time to break with torture, dehumanization legacy

- **Subject:** [headlines] Syria: Time to break with torture, dehumanization legacy
 - **From:** owner-hr-headlines@hrea.org
 - **Date:** Wed, 19 Sep 2001 10:13:28 +0100
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* News Release Issued by the International Secretariat of Amnesty International *

19 September 2001
MDE 24/031/2001
161/01

"The Syrian authorities should initiate an irreversible break with the heavy legacy of human rights violations, starting by an immediate and unconditional release of all recently detained prisoners of conscience," Amnesty International said today. Among these are the leading opposition figure Riad al-Turk, independent members of parliament Riad Seif and Mamun al-Humsi and other activists in civil society forums and human rights groups, including the economist 'Aref Dalilah, a leading member of the Civil Society Forum, and Kamal al-Labwani, a member of the council of the Committees for the Defence of Human Rights in Syria. The organization calls also for the release of all prisoners held solely for the peaceful expression of their political views, and the release of hundreds of other political prisoners unless they are given prompt fair trials.

The organization noted media reports of the transfer in July and August of around 500 prisoners from Tadmur Military Prison. "We would welcome the transfer as a first step towards redressing all violations inflicted on the prisoners over the years," said Amnesty International. "However reports of the transfer could not be confirmed by the authorities despite repeated requests by the organization."

In a report published today -- Syria - Tadmur Military Prison: torture, despair and dehumanization -- Amnesty International paints a grim picture of an anachronistic penitentiary institution so notorious for its culture of dehumanizing torture and ill-treatment that it is referred to in Syria as the place where "the person who enters is lost and the one who leaves is born." Among the thousands detained over the years many have frequently been tortured while held in total isolation from the outside world for months or years without charge or trial. Many thousands of families have been kept in the dark about the fate of their relatives. Some, whose loved ones "disappeared" after arrest, fear the worst.

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000176

"Every aspect of life in Tadmur Prison is a dehumanizing experience," said Amnesty International. "The level of brutality endured by prisoners in this prison is shocking. It is hard to believe that such torture and ill-treatment can still take place nowadays."

The report stresses that the safeguards against torture and ill-treatment contained in the Syrian Constitution and Penal Code are only theoretical. Despite "repeated and consistent allegations of torture, Amnesty International is not aware of any cases where Syrian laws against torture have actually been implemented," the organization said.

Torture is so routine that detainees are commonly tortured as soon as they arrive in Tadmur, in what is known as the "haflat al-istiqlal" or "reception party." A former detainee held between 1996 and 1999 gave this account of a "reception" at Tadmur: "I was (...) forced into the tyre and ordered to place my hands between my legs; my feet were then stretched and painfully tied with a strong rope to an iron bar to prevent me from moving them in any direction. After that they took the blindfold off my eyes and the lashing started. Two guards were whipping me at the same time (...) Amidst our cries of pain we begin to count the lashes: one, two... Ten, twenty, thirty... then one loses count and concentration. Indeed many people faint."

The report points out that the jailers, especially during the 1980s, seemed to have been given a licence to do anything to certain categories of prisoners, including deliberately killing them. A prisoners' report smuggled out of Syria in 1999 contained this typical account: "... Another means of torture is to force two prisoners to hold an inmate by the hands and feet, rock him high in the air, then fling him away to fall on the ground. When one prisoner refused to do so he was beaten continuously on his head until he lost his mind completely. The poor man turned into a clown, and died one month later. Liquidation by torture was also common in Tadmur. A single blow to the prisoner's head with an iron bar, or a concrete block thrown by a guard stationed on the roof onto the head of prisoners standing in the 'breather' (daily exercise) courtyard, and it is all over."

All aspects of normal prison routine, the exercise period and even personal hygiene, in Tadmur Prison are frequently used to inflict torture or ill-treatment. For example when prisoners are shaved, approximately every three to four weeks, they are beaten while waiting their turn and their faces, particularly their lips, ears and noses, are often slashed with razor blades.

The report notes that the treatment of prisoners in Tadmur Prison seemed to change depending on shifts of emphasis in political situations and the state's policies towards various categories of its political opponents. The 1980s witnessed the most brutal and horrific scenes of torture and the deaths of perhaps hundreds of prisoners, mostly as a result of torture. In the 1990s the treatment of prisoners saw some improvement, although many inmates have suffered from a high incidence of serious illnesses, such as tuberculosis and cholera.

Amnesty International notes that fewer arrests seemed to have taken place during the last few years, leading to fewer reports of torture and ill-treatment. However, the organization

000177

remains concerned that the mechanisms which facilitate human rights violations, as provided under the 1963 Emergency Legislation, including the excessive powers given to the security forces, are still intact, as witnessed by the recent arbitrary arrests of leading opposition figures, human rights activists and members of the emerging civil society groups.

Amnesty International's recommendations to the Syrian authorities include calls for release of all prisoners of conscience; immediate halt of the current wave of arrests of political opponents and activists; bringing the administration of all prisons under proper judicial control; ratification of the Convention against Torture; independent investigations in all cases of torture and ill-treatment; informing the families of those who died in custody or were executed where their relatives were buried and ensuring that victims of torture and prolonged detention without trial be rehabilitated and compensated.

"No political or economic reform in Syria will be possible unless priority is given to human rights protection and promotion," Amnesty International concluded.

For the full report, please use the following link:
<http://www.web.amnesty.org/ai.nsf/recent/MDE240142001?OpenDocument>

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SHRC | World View | Amnesty International Annual Report on Syria

Amnesty International Annual Report on Syria Covering events from Jan December 2001

Syrian Arab Republic

Head of state: Bashar al-Assad

Head of government: Muhammad Mustafa Miro

Capital: Damascus

Population: 16.6 million

Official language: Arabic

Death penalty: retentionist



Scores of political prisoners, including prisoners of conscience, were released in 2001, most as a result of a presidential amnesty. Dozens of people, including prisoners of conscience, were arrested during the year on political grounds. Scores of political prisoners, including prisoners of conscience, continued to be held following unfair trials before the Supreme State Security Court (SSSC) and Military Courts. Torture and ill-treatment continued to be used against political prisoners, especially during incommunicado detention. There were reports of ill health of prisoners of conscience and political prisoners was deteriorating due to lack of medical care. At least one person died in custody.

Background

Restrictions were imposed during 2001 on pro-democracy movements which emerged following President Bashar al-Assad's assumption of office and advocated political and freedom of expression in Syria. The authorities accused these groups of defying government guidelines and stipulated that such groups must obtain an official license.

There were reports that all political prisoners were transferred from Tadmur Military Prison to other prisons, including Sednaya Prison, and that the civilian section of the prison was closed down.

2001 also witnessed an increasing demand for respect for human rights and for legal reform. A new human rights group, the Human Rights Association in Syria, was established during the year.

A legislative decree issued by President Bashar al-Assad in September restricted coverage of a range of loosely defined topics including national security, national security of the army, and the country's dignity and prestige. Following changes in governing the ownership and publication of newspapers, new newspapers were published by junior members of the ruling Progressive National Front and the first privately owned newspaper was published.

The UN Human Rights Committee examined the second periodic report on Syria on the implementation of the International Covenant on Civil and Political Rights, which was adopted in 1984. The Committee called on the Syrian authorities to, among other things,

allegations of extrajudicial executions, torture, and "disappearances".

Prisoner releases

Scores of political prisoners were released, most as a result of a presidential amnesty in November. They included nine prisoners of conscience, mostly leading members of the unauthorized Party for Communist Action (PCA) who had been detained since 1980s; political prisoners who had been held since the early 1980s in connection with their involvement with the unauthorized Muslim Brotherhood organization; and Jordanian and Palestinian prisoners who had been imprisoned for over 15 years in connection with the Fatah movement.

Human rights defenders

Syrian human rights organizations and civil society groups stepped up their campaign against human rights violations in the country, despite restrictions imposed by the authorities in February outlawing any activities carried out without a prior licence from the authorities.

- ✦ Human rights defender Nizar Nayyuf was released in May and subsequently traveled to France to seek medical treatment after restrictions imposed on his travel were lifted. He had spent nine years in detention as a prisoner of conscience in connection with the unauthorized Committees for the Defence of Democracy and Human Rights in Syria. However, as a result of statements critical of the government which he made to the media, the authorities issued a warrant for his arrest if and when he returned home. He was charged with, among other things, spreading false information abroad and seeking to change the Constitution by illegal means. His brother was reportedly dismissed from his job and other members of his family were intimidated and reportedly threatened with exile by the Syrian authorities.

There were reports of physical assault and intimidation of members of emerging human rights groups and intellectuals.

- ✦ Nabil Sulayman, a novelist and founder of the Cultural Forum, a civil society organization, was attacked by unidentified assailants in January in Latakia and hospitalized. Nabil Sulayman, who along with other intellectuals had been calling for the declaration of a state of emergency and the release of political prisoners, said the attack was a warning against all critical thinking and cultural activities which are pushing for change. An investigation was known to have been carried out and there were reports that some members of the security forces may have been involved in the assault.

Arrests

Dozens of people were arrested during the year for their alleged involvement in anti-government activities. Most were members of unauthorized political parties and civil society groups. Among those arrested in August and September were doctors, teachers and businesspeople. At least 10 prisoners of conscience were arrested and brought to trial before courts whose procedures fell short of international fair trial standards (see below). Most were initially held incommunicado at 'Adra Prison.

Kurdish political activists continued to be intimidated, threatened and detained. Some were prisoners of conscience detained solely for exercising their rights to freedom of expression including distribution of Kurdish literature and involvement in Kurdish cultural activities.

0001 80

- ✚ Muhammad Hammu, the owner of a Kurdish bookshop in Aleppo, was detained from August to 3 September. He was released without charge but was threatened that his bookshop would be closed unless he "cooperated" with the authorities.
- ✚ At least 25 Kurdish political activists were detained in June, apparently following confrontations with the security forces who reportedly used excessive force in the city of Aleppo in support of Abdullah Öcalan, leader of the Kurdistan Party (PKK), who remained under sentence of death in Turkey. The activists were charged with "resisting the socialist system". They remained detained until the end of the year.

Exiled Syrian nationals returning home voluntarily continued to risk detention and interrogation.

Prisoners of conscience

Ten prisoners of conscience were referred for trial during the year before the CrimTrib and the SSSC. They included two parliamentarians whose trials before the CrimTrib fell short of international fair trial standards. They were charged with, among other things, to change the Constitution by illegal means, insulting the authorities, and inciting civil strife. Their lawyers said there were serious flaws in the trial procedures, including the arrest and interrogation stages, and dismissed the charges as "null and void". The court ordered the immediate release of the defendants as their detention was "unconstitutional". The court's decision was rejected by the court which ordered the detainees to be remanded in custody.

- ✚ Riad al-Turk, a lawyer and first secretary of the unauthorized Communist Party Bureau, was arrested in September and held incommunicado during the first half of his detention at 'Adra Prison, where he remained until the end of the year. There are concerns about his health as he was suffering from heart disease and diabetes and had undergone major heart surgery two years earlier. Riad al-Turk was a former prisoner of conscience who had been detained without charge or trial, mostly incommunicado between 1980 and 1998.

Dozens of prisoners of conscience, belonging to various unauthorized political groups, continued to be detained without trial or after unfair trials by the SSSC.

- ✚ 'Abd al-'Aziz al-Khayyir, a leading member of the PCA, remained in detention. He had been excluded from the presidential amnesty which led to the release of other members of the PCA. He was serving a 22-year prison sentence, the longest known to have been handed down by the SSSC, imposed after an unfair trial for membership of the PCA. A medical doctor, he was arrested in Damascus in 1992 by members of Military Intelligence and subsequently tortured and held incommunicado. While he was being sought by the Syrian authorities, his wife had been arrested and detained from August 1987 until his arrest in 1991. She was held without charge or trial and was a prisoner of conscience.

Political prisoners

Hundreds of political prisoners arrested in the early 1980s in connection with the unauthorized Muslim Brotherhood organization remained in detention sentences, mostly handed down by Field Military Courts after unfair trials.

Scores of other political prisoners continued to be held. They included members of the Liberation Party, the Democratic Ba'th Party and the Arab Communist Organization; political activists and Palestinians; and Jordanian and Lebanese nationals. Some have been held for more than two decades.

Dozens of seriously sick political prisoners remained without adequate medical care in conditions amounting to cruel, inhuman and degrading treatment.

000180

News came to light during 2001 of the execution by the Syrian authorities in the Yusuf 'Abd al-Khaliq Mustafa Shahada, a Jordanian teacher with two children, for involvement with the Muslim Brotherhood.

Torture and ill-treatment

Torture and ill-treatment continued to be inflicted routinely on political prisoners during incommunicado detention at the Palestine Branch and Military Interrogation detention centres.

- ✦ Sisters 'Ayisha and Asma Taleb and their father, an Iraqi family resident, have been held incommunicado at the Palestine Branch detention centre since the beginning of 2000. 'Ayisha Taleb and her father were arrested following a dawn raid in Hama by members of Military Intelligence who reportedly beat the father and his children before taking him and 'Ayisha Taleb away. Four months later a young daughter, Asma Taleb, was arrested. The family's arrest was apparently connected to the father's alleged involvement with unauthorized Islamist groups. He was reportedly subjected to torture in the "German Chair", a metal chair with moving parts that stretches the spine and causes severe pressure on the neck and legs; given electric shocks; and beaten with cables while held in solitary confinement. On one occasion he was reportedly left naked during the winter in freezing conditions. 'Ayisha Taleb was pregnant at the time of her arrest, was reportedly severely beaten and reportedly suffered a miscarriage. She was said to have suffered from severe pain as medical care was provided despite her pleas for help. Asma Taleb was detained in a solitary cell in the men's section of the Palestine Branch detention centre and was said to have been repeatedly beaten and ill-treated. All three remained in incommunicado detention at the end of the year.

No investigations were known to have been carried out into recent or past alleged torture.

Death in custody

At least one person died in custody in circumstances suggesting torture may have contributed to his death.

- ✦ Muhammad Shukri 'Allush, an 18-year-old Syrian Kurd, died in Jandraya on 2 May. Muhammad Shukri 'Allush was arrested at his home in Jandraya earlier the same day and taken to the local police station for questioning, in connection with a theft. About four hours later his family was asked to return to the police station where they were told that he had committed suicide and ordered to bury his body. According to reports, there were visible injuries and bruises on his body and it was feared that torture may have contributed to his death. According to the family, Muhammad Shukri 'Allush "hanged himself inside the police station using a cable he fastened to the door of the lavatory".

AI country reports/visits

Reports

- ✦ Syrian Arab Republic: Briefing to the Human Rights Committee 71st session, 2001 ([AI Index: MDE 24/001/2001](#))
- ✦ Syria: Torture, despair and dehumanization in Tadmur Military Prison ([AI Index: MDE 24/014/2001](#))

Visits

Repeated communications to the Syrian authorities asking for AI to be allowed to visit the country to conduct talks with officials and carry out research were ignored.

000182



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000183

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SHRC: World View | Smothering freedom of expression: the detention of peaceful critics

Amnesty International:**Smothering freedom of expression: the detention of peaceful critics**

June, 6th 2002

INTRODUCTION

One of the major concerns of Amnesty International featured in this report is the apparent surge of politically motivated arbitrary arrests in Syria towards the end of 2000, which have included members of parliament, prominent opposition figures, and other activists in civil society groups and the human rights movement. This report raises the cases of 12 prisoners of conscience - individuals arrested and held solely for the expression of their conscientiously held beliefs or exercise of their internationally recognized rights to freedom of expression and association - who are currently held in Syrian prisons(1). The cases featured in this report fall into three categories:

- a) Ten prisoners of conscience arrested in August and September 2001 and held since then in 'Adra prison. Two of these prisoners have been referred to a criminal court and sentenced in March and April 2002; the rest were referred to the Supreme State Security Court (SSSC).
- b) One prisoner of conscience arrested during the year 2000 upon his forcible return from abroad and currently held in Sednaya prison also sentenced by the SSSC.
- c) One prisoner of conscience held in Sednaya prison since 1992 and serving a lengthy prison term imposed by the SSSC after an unfair trial.

Amnesty International has expressed its concerns in public statements at the arrest and detention of these individuals and called for their immediate and unconditional release as prisoners of conscience. The organization has also been concerned that as prisoners of conscience - who should not have been in detention in the first place - these detainees were subjected to further injustices such as grossly unfair trials before criminal and state security courts, and in some cases were subjected to torture and/or other ill-treatment.

BACKGROUND

For many years Amnesty International has relentlessly campaigned for respect of human rights in Syria. It has raised concerns pertaining to torture, arbitrary arrest and long-term detention of prisoners of conscience, unfair trials for political prisoners, "disappearances" and extrajudicial executions.

The organization has communicated these concerns to the Syrian 00018#

authorities in confidential correspondence, in public reports and statements, and during visits to Syria. During the 1980s Amnesty International delegates were not permitted by the Syrian authorities to conduct fact-finding visits to Syria or to meet with government officials. However in December 1992, May 1993, October 1994, and March 1997 Amnesty International delegates were permitted to visit Syria for talks with government officials and to observe trial hearings of the SSSC. Officials meeting with delegates during those visits undertook to grant Amnesty International open access to the country and promised future cooperation relating to the organization's human rights concerns. Since those visits Syrian officials have occasionally responded to enquiries from Amnesty International members and the International Secretariat about prisoners. Yet since March 1997 and despite repeated requests, the organization has not been allowed to visit the country for research and talks with officials. Although Amnesty International sent a delegate during May 2002 to observe the trial of prisoner of conscience, Riad al-Turk, who is featured in this report, he was denied access to the trial since it was heard *in camera*.

The overwhelming number of cases of human rights violations known to Amnesty International are the legacy of the State's confrontation with opposition groups during the 1970s and 1980s. This period saw thousands of individuals of all political affiliations detained and subjected to various human rights violations including torture and/or other ill-treatment, unfair trials, and judicial or extrajudicial executions. The fate and whereabouts of hundreds of those arrested during this period remain unknown.

Since the beginning of the 1990s the majority of political prisoners have been released in batches in presidential amnesties, or upon expiry of their prison terms. The last of these amnesties was issued by President Bashar al-Assad in November 2000, and December 2001; they reportedly covered hundreds of political prisoners from different opposition groups, mainly members of the Muslim Brotherhood. Thus, the number of political prisoners, including prisoners of conscience, has now been reduced to hundreds from the thousands who were in detention in 1991 when the first amnesty was issued. Amnesty International has repeatedly welcomed these releases as important steps towards redressing past human rights violations in Syria. The organization has also noted that comparatively fewer arrests seem to have taken place during the last few years, leading to fewer reports of torture and ill-treatment.

However, to date no steps have been taken by the authorities to redress past and continuing human rights violations; there has been no investigation of "disappearances", extrajudicial executions, or torture and other ill-treatment, including deaths in custody. Though the bulk of these violations took place in the past, their impact continues to be felt by the victims, their families and friends.

Amnesty International remains concerned that mechanisms which facilitate human rights violations, the Emergency Legislation (imposed in 1963)(2), including the excessive powers given to the 01815

security forces, are still in place. Hence, anyone known to belong or suspected of belonging to an opposition group risks arrest, detention and torture, and may have their freedom curtailed in one way or another.

In March 2001, the Syrian government presented its second periodic report on implementation of the International Covenant on Civil and Political Rights (ICCPR) to the Human Rights Committee (HRC) - the body of experts that monitors compliance by state parties with the provisions of the ICCPR. Though the report was due in 1984, its submission was welcomed by the HRC, and human rights organizations, including Amnesty International. In its concluding observations the HRC recommended, among other things, that: the Syrian authorities should ensure that anyone arrested or detained on a criminal charge be brought promptly before a judge; that respect for human rights be monitored by an independent agency; that human rights defenders and journalists be protected against any restriction on their activities; that legislation regarding limitations to freedom of expression and opposition to the "aims of the revolution" be revised; and that the state of emergency - in force since 1963 - be lifted formally and as soon as possible. Moreover, the Committee called on the Syrian government to review its legislation in order to render it compatible with all the provisions of the ICCPR.

The Syrian authorities have not only failed to heed the HRC recommendations, but have continued to violate the rights provided for in the ICCPR, as in the examples of the wave of arrests carried out in August and September 2001 and the subsequent unfair trials and sentencing of the two prisoners of conscience, Mamun al-Humsi and Riad Seif.

The cases featured in this report are testimony to the fact that the mechanisms facilitating human rights violations in Syria are still in place and that the Syrian authorities have neither taken the necessary steps to remedy the situation, nor lived up to their obligation to ensure protection and promotion of human rights as guaranteed by the human rights treaties to which Syria is a state party.

ARRESTS IN AUGUST AND SEPTEMBER 2001

Following the election of President Bashar al-Assad, who spoke about the necessity of reform and constructive criticism during his inauguration speech, the Syrian authorities tacitly allowed a margin of freedom of expression in the country. A climate, generally referred to as the *Damascus Spring*, led to the establishment of a number of discussion fora wherein public affairs, political and cultural issues were discussed. These "pro-democracy movements" - generally known as civil society groupings - made it their goal to work for political reform, effective participation by the public in decision-making processes, and freedom of expression and association in Syria. However, in February 2001, the Syrian authorities imposed a number of restrictions on the activities of these discussion fora and civil society groups stating that they had violated the government's guidelines. Some of these groups, including the National Dialogue Forum led by parliamentarian, Riad Seif, continued their activities

in defiance of the restrictions, and this appeared to have been one of the reasons which triggered a wave of arrests in August and September 2001. At least 10 individuals were arrested during this period.

The arrests started with the detention of independent member of the Syrian National Assembly (parliament), Mamun al-Humsi, on 9 August 2001, followed by that of Riad al-Turk, a leading opposition figure, who was arrested by the security forces on 1 September 2001, then the arrest of Riad Seif, parliamentarian and convenor of the National Dialogue Forum, on 6 September. Between 9 and 12 September 2001 'Aref Dalilah, Walid al-Bunni, Kamal al-Labwani, Habib Salih, Hasan Sa'dun, Habib 'Isa and Fawwaz Tello were arrested from their respective homes. None of these men were arrested pursuant to a recognizable criminal charge according to the law, and it appears that all were arrested and detained in view of their peaceful political opposition to, or criticism of the government. They are all considered by Amnesty International as prisoners of conscience.

Riad al-Turk, a lawyer and a leading opposition activist aged about 72 years, was arrested by the security forces on 1 September 2001. He was apparently receiving emergency medical treatment for a heart problem at the time, in the city of Tartus. As well as the heart condition for which he was being treated when he was arrested, Riad al-Turk has diabetes. He underwent major heart surgery in 1999. He was taken to 'Adra Prison where he was initially held incommunicado (without access to family or lawyers) and in solitary confinement. Later on he was transferred with other prisoners and allowed family visits in November 2001. Riad al-Turk was interrogated by an examining magistrate on September 2001 and referred for trial before the SSSC, charged with offences including "attempting to change the Constitution by illegal means...", "inciting racial and sectarian strife" and "dissemination of false information". Riad al-Turk is a leading member of the National Democratic Alliance, an opposition coalition of left-wing and Arab nationalist groups, and the First Secretary of the unauthorized Syrian Communist Party - Political Bureau. Riad al-Turk was detained as a prisoner of conscience from 1980 to 1998 because of his opposition to the Syrian government. He was held without charge or trial, mostly incommunicado, in the Military Interrogation Branch (*Far' al-Tahqiq al-'Askari*) in Damascus. He was eventually released under an amnesty declared by the late President Hafiz al-Assad in May 1998.

Mamun al-Humsi, aged 45, independent member of the Syrian People's Assembly and a businessman, was arrested by police on 9 August 2001, two days after he issued a statement, accompanied by a hunger strike, calling for political and economic reform in Syria and denouncing corruption and the broad powers wielded by the security forces. A huge armed police force reportedly arrested him and took him to 'Adra prison, where he is presently held. The Speaker of the People's Assembly agreed to lift the parliamentary immunity of Mamun al-Humsi while he was in custody. He was reportedly denied family visits and access to medication, which he takes regularly for diabetes, during the first week of detention.

Mamun al-Humsi is in need of hospitalization so that he may receive specialist medical care for his diabetes but this has so far been denied him by the authorities. Although he was later allowed family visits and access to medication and lawyers, he was primarily confined to his cell and not allowed regular exercise. Mamun al-Humsi has represented a Damascus constituency as an independent parliamentarian for 11 years. He was apparently active within the newly emerging human rights and civil society movement in Syria and called for an independent parliamentary human rights committee to be set up at the People's Assembly. Mamun al-Humsi was referred to the Criminal Court of Damascus and sentenced to five years' imprisonment in March 2002, charged with offences including "attempting to change the Constitution by illegal means". He has lodged an appeal against his conviction which remains pending.

Riad Seif, aged 54 years, a businessman and independent member of the Syrian People's Assembly since 1994, was arrested on 6 September, one day after hosting a political seminar at his house on the outskirts of Damascus. Between 400 and 500 people reportedly attended the seminar organized by Riad Seif during which the guest speaker, Professor Burhan Ghalyun, called for political reform and democratic elections in Syria. Riad Seif, the second member of parliament to be arrested, was the organizer and spokesperson of the National Dialogue Forum, which was holding regular meetings in his house. In March 2001 he issued a discussion paper on the principles of *Harakat al-Silm*, Social Peace Movement (a new organization he was apparently planning to establish). On 19 March he was summoned for interrogation by the Attorney General's office to be questioned about his activities (which the authorities regard as forming a clandestine organization and hosting of unauthorized meetings). The Attorney General had sought and obtained permission from the Speaker of the People's Assembly to pursue the interrogation of Riad Seif. Riad Seif was released the same day without charge.

Riad Seif was arrested by Political Security (*al-Amn al-Siyassi*) on 6 September, on grounds of his initial interrogation in March, and following resumption of the activities of the National Dialogue Forum, which hosted Professor Ghalyun's lecture of 5 September 2001. Riad Seif was held in 'Adra prison for about two weeks with no access to his family, who heard the details of his detention from the media quoting a Syrian News Agency report. In October 2001 Riad Seif was referred for trial before the Criminal Court of Damascus; he was sentenced to five years' imprisonment on 4 April 2002. Riad Seif has lodged an appeal against his conviction which remains pending. During Riad Seif's detention, his wife has on occasion been subjected to harassment and intimidation by the Syrian authorities.

Both parliamentarians, Mamun al-Humsi and Riad Seif, had their immunity lifted without due attention to the procedures established by Syrian law.

'Aref Dalilah, aged around 59 years, was arrested in Damascus on 9 September 2001. He is a former Dean of the Faculty of Economics of Aleppo University, and a founding member of the

Preparatory Committees of the Civil Society Forum. 'Aref Dalilah was dismissed from his post as Dean of Economic Faculty, reportedly due to his outspoken views against corruption and his calls for granting freedom of expression to complement economic reform. Although 'Aref Dalilah was received by President Bashar al-Assad, who promised to reinstate him in his academic post, he was reportedly informed by the Prime Minister that he could not return to his post unless he renounced his critical views with regard to corruption and reform. He was also said to have taken part in the political seminar held on 5 September 2001 in the house of parliamentarian, Riad Seif, (see above). 'Aref Dalilah was reportedly held initially incommunicado and in solitary confinement in 'Adra prison, before being allowed family visits.

Amnesty International is concerned for the health 'Aref Dalilah. He was taken from his cell at the beginning April to a hospital in Damascus, suffering from deep vein thrombosis. Although he was in urgent need of appropriate medication and specialist medical care, he was returned to prison before receiving either. 'Aref Dalilah's health could deteriorate further as a result of complications arising from his deep vein thrombosis.

Walid al-Bunni, aged around 38 years, and **Kamal al-Labwani**, aged 44, both medical doctors, were arrested from their homes in Damascus and Zabadani (50kms north of Damascus) respectively in September 2001. Both were apparently called on by some visitors to check on patients only to discover that a force of the Syrian Political Security (*al-Amn al-Siyassi*) was waiting to arrest them. Walid al-Bunni, and Kamal al-Labwani were said to have taken part in the political seminar held on 5 September 2001 in the house of parliamentarian, Riad Seif, (see above). They were taken to 'Adra prison and held initially in incommunicado detention and in solitary confinement. Subsequently they gained access to their lawyers and were allowed family visits.

Habib Salih, aged 52, a businessman and founder of a discussion forum in Tartus, was arrested in September 2001 from his home town. He was reportedly summoned for interrogation earlier this year, and his Forum suspended. The reasons for his arrest are believed to be related to his criticism of Syrian government policies. He was reported to have accused the authorities of "corruption", "tyranny" and lack of respect for human rights. He was an active participant in debates organised by the Jamal al-Atassi Forum, and the National Dialogue Forum.

Hassan Sa'dun a retired teacher from Qamishli in northern Syria and married with children, was arrested in Damascus by the Political Security (*al-Amn al-Siyassi*) on 9 September 2001 during the security clampdown on human rights activists and civil society groups. He is being held in 'Adra prison. He was reportedly a member of the ruling *Ba'th* Party and was said to have recently become critical of the Syrian government's policies, for instance he took part in the emerging political discussion fora, and this is believed to be the reason for his arrest. Hassan Sa'dun is a human rights activist and a founding member of the Human Rights Association in Syria (HRAS).

Habib 'Isa, a lawyer aged 55, and **Fawwaz Tello**, an engineer, were arrested on 12 September by Syrian Political Security (*al-Amn al-Siyassi*) agents as part of the September crackdown on opposition political activists and members of the emerging human rights movement. Habib 'Isa was reportedly taken from his home in Damascus in the early hours of 12 September. He is one of the founding members of the Human Rights Society in Syria and is also one of the lawyers representing detained parliamentarian, Riad Seif, who was arrested on 6 September (see above). Likewise both men were initially held incommunicado and in solitary confinement during their first weeks of detention. As was the case with others, Habib 'Isa and Fawwaz Tello were allowed family visits in November 2001.

Amnesty International is concerned at reports that these prisoners of conscience are not allowed access to newspapers, books and radios. Family visits are allowed once a fortnight for only half an hour.

All detainees with the exception of the two parliamentarians, Riad Seif and Mamun al-Humsi, were referred to the SSSC on charges of "attempting to change the Constitution by illegal means", "inciting racial and sectarian strife", and dissemination of false information. If convicted they face up to five years in prison. Their cases have been referred to the SSSC for trial.

FROM ASYLUM-SEEKER TO PRISONER OF CONSCIENCE

Hussain Daoud, a Syrian Kurd aged about 31, was arrested by the Political Security (*al-Amn al-Siyassi*) at Damascus airport in December 2000 on his arrival from Germany from where he was forcibly returned following the rejection of his asylum application. He was initially held at *Far' Falastin*, Palestine Detention Centre, where he was interrogated about his political activities in Germany. He was then held incommunicado for months at various detention centres in Damascus and al-Qamishli in northern Syria, where he was reportedly tortured. On 4 February 2001 Hussain Daoud was transferred to Sednaya prison on the outskirts of Damascus where he is currently held. He was refused family visits for months, but on 26 June 2001 the authorities allowed a representative of the German embassy in Damascus to visit him. He was then allowed visits from his family. In March 2002, Hussain Daoud was sentenced by the SSSC to two years' imprisonment. He was charged with "involvement in an attempt to sever part of the Syrian territory" and "opposing the objectives of the revolution through taking part in demonstrations". The charges are apparently related to Hussain Daoud's involvement with Kurdish opposition groups abroad, which the Syrian authorities consider to be separatist organizations intent on dividing the country. There is no right of appeal against decisions made by the SSSC. Amnesty International considers Hussain Daoud to be a prisoner of conscience detained solely for exercising his right to freedom of expression and association, and is calling for his immediate and unconditional release.

LONG-TERM PRISONER OF CONSCIENCE

'Abd al-'Aziz al-Khayyir, a medical doctor, born in 1951 and married with one child, was arrested in Damascus on 1 February

1992 in connection with the prohibited *Hizb al-'Amal al-Shuyu'i*, the Party for Communist Action, (PCA). He was arrested together with three others suspected of links to the PCA by members of *al-Mukhabarat al-'Askariyya* (Military Intelligence) at the Hamidiyya market in the historic quarter of Damascus. About 13 others were arrested around the same time on grounds of their suspected links to the PCA. 'Abd al-'Aziz al-Khayyir was reported to have been sought by the authorities for many years prior to his arrest in relation to his suspected membership of the PCA. While 'Abd al-'Aziz al-Khayyir was sought by the authorities other members of his family including his brother, sister and a cousin were arrested and detained for various periods primarily to exert pressure on him. His wife, Muna al-Ahmed, was also detained without charge or trial in connection with the PCA from August 1987 until December 1991 when she was released. Following their arrest 'Abd al-'Aziz al-Khayyir and his colleagues were held in incommunicado detention for about three months, first in *Far' Falastin* (Palestine Detention Centre) and *Far' al-tahqiq al-'askari* (the Military Interrogation Branch) where they underwent continuous interrogation accompanied by torture. On 14 April 1992, 'Abd al-'Aziz al-Khayyir was transferred to Sednaya prison on the outskirts of Damascus where he is still held. He was allowed family visits for the first time since his arrest on 19 July 1992. Throughout his detention in Sednaya, Dr Al-Khayyir has reportedly been giving medical advice and care to fellow prisoners as much as possible and generally acting as an informal prison doctor.

'Abd al-'Aziz al-Khayyir was eventually tried and sentenced in August 1995 by the SSSC to 22 years' imprisonment (the longest sentence known to have been handed down thus far by the SSSC) on charges of membership of the PCA. He was convicted of charges relating to his political affiliation and beliefs rather than any act of violence. He has been adopted by Amnesty International as a prisoner of conscience and the organization is seeking his immediate and unconditional release. 'Abd al-'Aziz al-Khayyir is the only remaining member of the PCA to remain in prison as all those imprisoned with him were released in December 2001 as part of a presidential amnesty. Amnesty International does not know why he was exempted from the amnesty.

UNFAIR TRIALS

Of the 10 prisoners of conscience detained in August and September 2001, two, Mamun al-Humsi and Riad Seif, have been tried and convicted by the Criminal Court in Damascus; the other eight have been referred to trial before the SSSC, which also tried both 'Abd al-'Aziz al-Khayyir in 1995 and Hussain Daoud in 2002. Amnesty International maintains that as prisoners of conscience the detainees mentioned in this report should not have been in prison in the first place and that their trials before the Criminal Court and SSSC were grossly unfair. The organization is also concerned about the cases of the eight prisoners of conscience whose trials are still pending before the SSSC. All of these prisoners have been apparently denied any legal remedies enabling them to challenge the legality of their continued detention in violation of Article 9 (4) of the ICCPR which states

that "[a]nyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful".

The trial of parliamentarians: Mamun al-Humsi and Riad Seif

Mamun al-Humsi and Riad Seif were referred to the Criminal Court of Damascus in October 2001 accused of a number of political crimes under the Syrian Penal Code. Both were separately indicted on charges including "attempting to change the Constitution by illegal means" and "inciting racial and sectarian strife". Additionally, Mamun al-Humsi was charged with "assault on the state with the aim of preventing it from carrying out its constitutional obligations", and "disruption of national unity and harmony among the various sectors of the nation". As for Riad Seif, he was also charged with "inciting sectarian hatred and divisions" and "formation of a secret organization whose aims are contrary to the law". After a number of hearings, eventually boycotted by defence lawyers in protest at procedural irregularities in the trial, Mamun al-Humsi and Riad Seif were sentenced to five years' imprisonment each, in March and April 2002 respectively.

In addition to the fact that the two parliamentarians were arrested, detained and tried solely for the peaceful expression of their political opinion in criticizing the Syrian authorities, the procedures accompanying their arrest and trial were also a cause of concern for Amnesty International. The following procedural irregularities were observed:

- Both detainees were held incommunicado for some days without access to family or lawyers. They remained confined to their cells for most of the time.
- Riad Seif was arrested apparently without a warrant clearly specifying the charges against him and remained in detention for seven days without interrogation.
- Mamun al-Humsi was interrogated by the examining magistrate without the presence of his lawyer in contravention of Article 69 of the Syrian Code of Criminal Procedures; he was not made aware of his right not to answer any questions in the absence of his lawyer.
- Both detainees were denied confidential access to their lawyers throughout their detention.
- The lawyers of both detainees complained that contrary to Article 275 of the Syrian Code of Criminal Procedures, they were not allowed access to the charge sheet and other documents relevant to the cases for several sessions after the trial had commenced.
- Riad Seif was not questioned publicly by the court and was not given the opportunity to rebut the charges against him; all the requests for defence witnesses were rejected by the court in both cases.

In substantive terms the two parliamentarians were tried and convicted primarily because they had exercised their constitutionally guaranteed right to express their opinions. Mamun al-Humsi was tried and convicted on grounds of the statement he

000192

issued calling for political and economic reform in Syria, whereas Riad Seif was interrogated, arrested, and eventually convicted on grounds of his activities within the National Dialogue Forum, the discussion paper he issued together with a group of intellectuals in the name of the Social Peace Movement, and the lecture by Professor Ghalyun he hosted in his home prior to his arrest. In both cases the two parliamentarians were exercising their constitutionally guaranteed and internationally recognized rights to freedom of expression and association.

Article 25 of the Syrian Constitution stipulates that "every citizen shall have the right to participate in the political, economic, social and cultural life of the country"; and Article 38 ensures that "every citizen shall have the right to express his opinion publicly and freely, in speech, writing and other forms of expression and to participate in the work ... and the voicing of constructive criticism aimed at ensuring the safety of the structure of the homeland and the Nation and to enhance the socialist regime". Likewise, Article 39 of the Syrian Constitution provides for the right of assembly and peaceful demonstration.

Similarly, the ICCPR, to which Syria acceded in April 1969, affirms the right of everyone to enjoy freedoms of opinion and expression (Article 19), of assembly (Article 21) , and association (Article 22). It appears, therefore, that by criminalizing the activities carried out by Riad Seif and Mamun al-Humsi, the Syrian authorities have failed to honour their obligations under international human rights law and violated the provisions of their own Constitution.

Trials before the Supreme State Security Court (SSSC)

Eight prisoners of conscience have been referred for trial before the SSSC. They are: Riad al-Turk, 'Aref Dalilah, Walid al-Bunni, Kamal al-Labwani, Habib Salih, Hasan Sa'dun, Habib 'Isa and Fawwaz Tello. On 28 April 2002, Riad al-Turk appeared for his first hearing before the SSSC, and again on 19 May 2002 when the trial was held *in camera*. The next session of the trial was scheduled for 27 May. No dates have yet been set for the trials of the others. Amnesty International is concerned that trials by the SSSC do not follow guarantees set forth in international fair trials standards, and in many cases appear to be grossly unfair. There is no right of appeal against decisions made by the SSSC.

During the years 1992-1994 and 1997, Amnesty International delegates observed trials of political prisoners held before the SSSC. During these occasions and others, representatives of the organization held talks with SSSC judges, prosecutors, lawyers who defended clients before this court, and former prisoners of conscience who were tried by the SSSC. Amnesty International has also examined documents - such as indictments and verdicts - issued by the SSSC or on cases referred to it. On the basis of evidence collected over the years by Amnesty International, the organization remains concerned that trials before the SSSC breach international fair trial standards and fail to meet the requirements of Syria's own laws or conform with practices in Syria's ordinary courts. Introduced in 1968, the SSSC has, from its inception, been conceived as an institution of the State of Emergency with the sole task of dealing with political and state security cases, it appears to

be neither independent nor impartial.

The SSSC is solely dependent on the executive branch of the government, with such dependence apparently secured in at least two ways. Firstly, the court is placed outside the ordinary criminal justice system and is accountable only to the Minister of Interior, who is by delegation the Martial Law Governor in charge of overseeing the implementation of the State of Emergency Law. Secondly, the powers of the SSSC are limited to the courtroom and do not extend to control or supervision of the activities of the various security forces and the procedures followed in relation to arrests, detention and treatment of political suspects. The SSSC is also unable to ensure that those acquitted are actually released.

The lack of independence and impartiality of the SSSC is compounded by the fact that its verdicts are not subject to appeal, rather only the approval of the Minister of Interior (under the State of Emergency Law) and the fact that it is not bound by the rules of the Code of Criminal Procedures, in force and obligatory for all ordinary criminal courts in Syria, which guarantees some basic fair trial standards(3).

Other procedures which render the SSSC trials unfair are:

Restricted access of defendants to lawyers. For example, it is required that a detainee must provide his defence lawyer with a *wakala* (authorization) before the lawyer can be legally recognized as his or her representative counsel. The *wakala* must be signed by the defendant in the presence of the lawyer and a representative from the Bar Association. The detainee must also pay a fee for the *wakala*. This complicated process is not available for political detainees, who are frequently held incommunicado and their whereabouts are unknown even to their families. In addition, lawyers experience great difficulties in trying to contact detainees while they are in the custody of the security forces, and are deterred by the fear of being associated with the defendant's political views or activities and the risk of being detained themselves. These factors completely rule out the possibility of obtaining a *wakala* during the defendant's pre-trial detention.

Wide discretionary power given to judges, particularly to the President of the Court. The President of the Court has discretion to determine important aspects of the trial including whether it is held in public (with no requirement to give reasons for its determination) whether or not lawyers can meet with their clients, and the form in which the defence lawyers deliver their pleas.

Acceptance of "confessions" allegedly extracted under duress or torture without due investigation in torture cases. In most of the cases observed by Amnesty International, the evidence produced before the court and accepted as admissible consisted of "confessions", often alleged to have been extracted under duress, which were used to justify vaguely formulated charges not related to specific acts. Amnesty International knows of no case where the court took steps to establish whether confessions or statements had been taken as a result of torture.

0001937

The denial of any right of appeal against the SSSC decisions, or even review by cassation, in breach of Article 14(5) of the ICCPR, which states that "[e]veryone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law".

The trials of 'Abd al-'Aziz al-Khayyir and Hussain Daoud

Most of the above concerns apply to the cases of 'Abd al-'Aziz al-Khayyir and Hussain Daoud who were sentenced by the SSSC in 1995 and 2002 respectively. 'Abd al-'Aziz al-Khayyir was referred to court on 5 May 1992 along with four others - Bahjat Sha'bu, 'Abbas Mahmud 'Abbas, Muhammad Hasan al-M'imar and 'Adnan Mahfudh - all held in connection with the PCA. Their trial took place as part of a mass trial of hundreds of PCA members and supporters. In a letter to Amnesty International, sent on 16 July 1992, the Syrian Embassy in London stated that "[l]egal cases were raised against them in Syrian courts ... they were referred to court and were given a public trial with their defence lawyers attending". The letter also stated that 'Abd al-'Aziz al-Khayyir and his colleagues were detained by the Syrian authorities on charges including "armed violence in Syria".

'Abd al-'Aziz al-Khayyir has been imprisoned on grounds of his membership of the PCA, an organization that is not known to have used or advocated violence. Furthermore, 'Abd al-'Aziz al-Khayyir and his co-defendants were charged collectively with the following offences:

- belonging to an association formed with the aim of changing the fundamental economic and social structure of the state by terrorist means (under Article 306 of the Penal Code);
- carrying out activities opposed to the socialist system of the state (Article 3[a] and Article 4[a] of the Legislative Decree No. 6, 1965);
- opposition to the aims of the revolution (Article 3e and Article 4c of the Legislative Decree No. 6, 1965).

The prosecution's indictment was primarily based on an analysis of the political program of the PCA to substantiate the charges. There was no material evidence to prove or even suggest that the defendants had committed or planned any violent or "terrorist" acts as the prosecution claimed, and no reference made to the "terrorist means" as provided for under Article 304 of the Penal Code. This article allows for "... all acts which intend to create a state of fear and are committed by such means as explosives, military weapons, inflammable substances, poisonous or burning products, epidemic or microbial agents which cause public danger". The PCA is not known to have used or advocated violence, or indeed any of the acts described in Article 304 of the Syrian Penal Code.

On 20 March, 2002 Hussain Daoud, who had been in detention since December 2000, was sentenced by the SSSC to two years in prison following an unfair trial. Hussain Daoud was charged according to the provisions of Article 267 of the Penal Code and Article 3 of Legislative Decree Number 6 of 1965 of "involvement in an attempt to sever part of the Syrian territory" and "opposing the objectives of the revolution

000195

through taking part in demonstrations". The charges are apparently related to Hussain Daoud's involvement with Kurdish opposition groups abroad, which the Syrian authorities consider to be separatist organizations intent on dividing the country. In a letter to Amnesty International dated 6 February, the Syrian authorities stated that Hussain Daoud was involved with the Kurdish People's Union Party which is prohibited in Syria.

The trials of Riad al-Turk and others

Riad al-Turk was interrogated by the Attorney General of the SSSC on 13 September 2001 on charges of "attempting to change the Constitution by illegal means" (pursuant to Article 291 of the Syrian Penal Code; "inciting racial and sectarian strife" (Article 285); and "dissemination of false information" (Article 286). He was officially referred for trial before the SSSC on 26 March 2002, and attended his first hearing on 28 April 2002. The second hearing on 19 May 2002 was held *in camera* and a third hearing was scheduled for 27 May. Amnesty International received reports that the other seven prisoners of conscience, 'Aref Dalilah, Walid al-Bunni, Kamal al-Labwani, Habib Salih, Hassan Sa'dun, Habib 'Isa and Fawwaz Tello, have also been referred to the SSSC, but no date has yet been fixed for their hearings.

CONCLUSION AND RECOMMENDATIONS

In this report Amnesty International has expressed concern at the pattern of arbitrary arrest and detention of prisoners of conscience and their subsequent referral, without their having committed any recognizably criminal offence, to courts whose procedures fall seriously short of international standards for fair trial. Amnesty International calls on the Syrian authorities to take measures without delay to implement the following recommendations:

A. Immediately and unconditionally release all prisoners of conscience including: Riad al-Turk, Mamun al-Humsi, Riad Seif, 'Aref Dalilah, Walid al-Bunni, Kamal al-Labwani, Habib Salih, Hassan Sa'dun, Habib 'Isa, Fawwaz Tello, Hussain Daoud and 'Abd al-'Aziz al-Khayyir;

B. Bring the procedures of the SSSC and the Criminal Courts into conformity with the requirements for fair trial procedures under the ICCPR to which Syria is a state party;

C. Implement the recommendations addressed to the Syrian government by the HRC of April 2001.

In addition, the organization urges the authorities to introduce safeguards to protect human rights. The government should:

A. Introduce legislation allowing for the availability of legal remedies to enable detainees to challenge the legality of their continued detention and guaranteeing the right to appeal to a higher judicial tribunal against conviction and sentencing in all cases, without exception, in line with Article 9 (4) of the

000196

ICCPR;

B. Ensure that detainees are well-treated and not subjected to torture and/or other ill-treatment by members of the Syrian security services;

C. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment without reservations and implement its provisions;

D. Ensure that detained or imprisoned people are given prompt and regular and unrestricted access to family, lawyers and doctors;

E. Implement international standards with regard to treatment of prisoners and prison conditions such as the UN Minimum Standard Rules for the Treatment of Prisoners, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

F. Ensure that the legislation, under which prisoners of conscience have been imprisoned, be brought in line with Articles 18 - 22 of the ICCPR guaranteeing the right to freedom of conscience, expression, assembly and association and the right to exercise these freedoms without undue interference.

(1) As used by Amnesty International the term "prisoner of conscience" refers to the imprisonment, detention or other physical restrictions imposed on any person by reason of his or her political, religious, or other conscientiously held beliefs, or by reason of his or her ethnic origin, sex, colour, language, national or social origin, economic status, birth, or other status, provided that he or she has not used or advocated violence.

(2) Article 4 (a) of Legislative Decree 51, which was issued on 22 December 1962 and came into force as a result of the Revolutionary Command decision of 8 March 1963, allows: "the placing of restrictions on freedoms of individuals with respect to meetings, residence, travel and passage in specific places or at particular times; preventive arrest of anyone suspected of endangering public security and order; authorization to investigate persons and places; delegation of any person to perform any of these tasks."

(3) Principle 5 of the UN Basic Principles on the Independence of the Judiciary states that "everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures."

Source: [Amnesty International](#).

^^ [Back to top](#)

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0001967

Doc. #202

Posted on Tue, Jun. 18, 2002

Syria: Our al Qaeda information saved U.S. soldiers

BY ADRIAN PRATT
Knight Ridder News Service

DAMASCUS, Syria - Long considered by the United States a sponsor of terrorism, Syria is cooperating with the Bush administration to fight Osama bin Laden's al Qaeda network, and it recently provided intelligence that saved the lives of American soldiers, the country's president, Bashar Assad, said.

In an interview at his presidential palace in Damascus, Assad complained that despite the valuable information it had provided to the United States, the Bush administration had not taken its name off the list of countries that America says sponsor terrorism.

Assad declined to provide specifics about the al Qaeda operation or the information that Syria purportedly gave the United States three months ago. But had the operation been successful, Assad said, it would have killed ``many American soldiers."

In Washington, a U.S. intelligence official, who asked not to be identified, confirmed Syria's cooperation in U.S. anti-terrorism efforts but declined to provide further details.

"The Syrians have been cooperative and supportive in the fight against al Qaeda, including providing useful information [on al Qaeda] and providing threat information," the official said.

Another U.S. intelligence official, also speaking on the condition of anonymity, said Mohammed Haydar Zammar, a German citizen who was born in Syria and is believed to have helped recruit Mohammed Atta and other Sept. 11 hijackers in Hamburg, is in Syrian custody.

That official also said Syrian intelligence had provided the United States with information gathered by monitoring the Damascus telephone of a relative of one of Osama bin Laden's wives.

Assad, a 36-year-old ophthalmologist, became president two years ago after the death of his father, Hafez Assad, one of the Arab world's most feared leaders. Assad said the Bush administration would not want him to divulge details of Syria's assistance to the United States, but he joked, ``If they continue to call Syria a terrorist nation, I will talk about it."

Assad said al Qaeda was a threat not only to the United States, but to Arab leaders as well. Bin Laden's network wants to overthrow Arab leaders whom bin Laden has described as despots and lackeys of the United States. Islamic militants particularly oppose secular leaders such as Assad, whose father waged his own bloody war against Islamic militants.

Syria has stricter anti-terrorism laws than the United States and does not sponsor terrorism, Assad said, although militant Palestinian factions found safe haven in his country for years.

Jonathan S. Landay of The Herald Washington Bureau contributed to this report.

Doc. #203

TERRORISM: Q & A

COUNCIL ON FOREIGN RELATIONS

IN COOPERATION WITH THE MARKLE FOUNDATION

Syria

Does Syria sponsor terrorism?

Yes. Syria, a secular dictatorship with one of the world's worst human rights records, has been on the State Department list of countries sponsoring terrorism since the list's inception in 1979. However, Syria has not been directly involved in terrorist operations since 1986, according to the State Department, and it bars Syria-based groups from launching attacks from Syria or targeting Westerners. But Syria has been involved in numerous past terrorist acts and still supports several terrorist groups.

What terrorist groups has Syria supported?

Syria—along with Iran—gives the Lebanese militia Hezbollah “substantial amounts of financial, training, weapons, explosives, political, diplomatic, and organizational aid,” according to the State Department. Iranian arms bound for Hezbollah regularly pass through Syria, experts say. Syria, which has effectively occupied and controlled neighboring Lebanon since 1990, has also let Hezbollah operate in Lebanon and attack Israel, often ratcheting up regional tensions.

Syria has also provided training, weapons, safe haven, and logistical support to both leftist and Islamist Palestinian hard-liners. The far-left Popular Front for the Liberation of Palestine-General Command and the fundamentalist Palestinian Islamic Jihad have their headquarters in Damascus, and other terrorist groups, including the Islamist group Hamas and the leftist Popular Front for the Liberation of Palestine, maintain offices there.

From 1980 until 1998, the Kurdistan Workers' Party, which sought an independent Kurdish state, used Syria as a headquarters and base of operations against neighboring Turkey.

How did Syria react to September 11?

Syrian President Bashar al-Asad—an ophthalmologist who came to power after the death in June 2000 of his long-ruling father, Hafiz al-Asad—condemned the September 11 attacks. Syria has also reportedly shared some intelligence with the United States about Osama bin Laden's al-Qaeda network, even as Asad's regime continues to sponsor terrorist groups. In April 2002, President Bush said that the time had come “for Syria to decide which side of the war against terror it is on.”

Does the Syrian government have ties to al-Qaeda?

No. The secular, Arab nationalist Syrian government is hostile to bin Laden's Islamist network, which it views as a terrorist organization; Damascus differentiates between the Sunni Muslim fundamentalists of al-Qaeda and groups it sees as national liberation movements, such as Hezbollah and Palestinian groups. Also, experts say, Syria, which is ruled mostly by Alawites, an often marginalized Shiite sect, is more broadly concerned that Islamists could rally the country's Sunni majority against the regime. So in the past, the dictatorial Baath Party has dealt harshly with domestic Islamists. In 1982, Asad quashed an uprising organized by the Muslim Brotherhood, a Sunni group, in the central Syrian city of Hama, bulldozing neighborhoods and killing an estimated 10,000 people. The brutal response to the Hama uprising deterred further Islamist activism in Syria, experts say.

Does Syria cooperate with other state sponsors of terrorism?

Yes. Syria and Iran work together over issues related to Hezbollah. Syria also has a complicated relationship with neighboring Iraq, a regional rival governed by another wing of the Baath Party. Syria joined the U.S.-led coalition to drive Iraq out of Kuwait during the 1991 Gulf War, but ties have since warmed somewhat. Syria signed a free trade agreement with Iraq in 2001 and is the primary conduit for Iraqi oil pumped and sold in defiance of U.N. sanctions, thereby providing Saddam Hussein with a large source of illegal income. U.S. pressure on Syria to curtail the flow of Iraqi oil has been unsuccessful.

Does Syria have weapons of mass destruction?

Yes—and the ballistic missiles to deliver them, according to U.S. defense and intelligence reports. Syria has an active chemical weapons program, including significant reserves of the deadly nerve agent sarin. Its research programs are trying to develop even more toxic nerve agents. It also has a biological weapons program, but experts say Syria is incapable of producing and "weaponizing" large quantities of dangerous germs without substantial foreign help. Syria is not currently trying to build or buy nuclear weapons, experts say.

What have U.S.-Syria relations been like since September 11?

Complicated, experts say. Syria and the United States have shared intelligence about al-Qaeda, according to U.S. government sources, and FBI and CIA officials have reportedly traveled to Syria to meet with Syrian intelligence officers. The two countries are also said to be cooperating to gather information about what the September 11 hijacker Muhammad Atta did while researching his university thesis in the Syrian city of Aleppo in the 1990s and about Syrian-born individuals who investigators say were connected to the al-Qaeda cell in Hamburg, Germany, involved in the September 11 attacks. Syria

has reportedly allowed U.S. officials to put questions to an alleged al-Qaeda associate who it's holding, a Syrian-born German citizen first detained in Morocco.

But Syria has been less forthcoming about terrorist groups closer to home, whose anti-Israel attacks Syria considers legitimate resistance. In April 2002, President Bush warned, "Syria has spoken out against al-Qaeda. We expect it to act against Hamas and Hezbollah as well." As the Israeli-Palestinian crisis escalated in spring 2002, Hezbollah stepped up its attacks on a disputed border area held by Israel. Vice President Cheney called Asad to complain, and Secretary of State Colin Powell visited Damascus in April 2002 to urge Syria to restrain Hezbollah.

Could Syria be a target in the U.S.-led war on terrorism?

Since September 11, some U.S. commentators and officials have suggested that the war on terrorism include action against Syria. But, perhaps with Syrian cooperation against al-Qaeda in mind, the White House has not yet ranked Syria alongside Iran, Iraq, and North Korea, the three state sponsors of terrorism President Bush has labeled an "axis of evil." Syria's inclusion on the U.S. list of states that sponsor terrorism makes it ineligible for U.S. aid and arms sales and subject to some economic sanctions, but unlike other listed states such as Cuba and Iraq, Syria has full diplomatic relations with the United States and has avoided comprehensive sanctions.

Was Syria involved in the Arab-Israeli peace process?

Yes—up to a point. Syria fought Israel in 1948, 1967 (when it lost the Golan Heights), 1973, and 1982 and still does not recognize the Jewish state. In 1974, the sides signed their first pact, a U.S.-brokered separation-of-forces deal. After the 1991 Gulf War, Syrian Foreign Minister Farouk al-Shaara attended the Arab-Israeli peace conference in Madrid. But subsequent 1990s attempts to swap the Golan Heights for peace and normal relations failed, despite extensive U.S. involvement. Syria also housed several Palestinian terror groups opposed to Yasir Arafat's 1993 peace deal with Israel. In April 2002, Syria signed onto an Arab League peace proposal, pushed by Saudi Arabia, that proposed trading "normal relations" with Israel for an Israeli pullback to its 1967 borders, a return for Palestinian refugees, and a Palestinian state.

Does Syria sit on the U.N. Security Council?

Yes. In October 2001, the U.N.'s Asian bloc chose Syria to take a Security Council seat, despite Western complaints about having a dictatorship linked to terrorism on such an important body. (Two-year terms on the Security Council are allocated by the U.N. regional groups.) The United States did not mount a major campaign to block the Syrian bid. Once on the U.N. Security Council, Syria raised American ire in January 2002 by comparing Israeli demolition of houses in the Gaza Strip to the World Trade Center attack and by

000201

abstaining from a March 2002 resolution calling for an Israeli-Palestinian cease-fire that Syria saw as insufficiently critical of Israel.

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000202

Doc. #204

Ben-Eliezer: Israel has information that Syria is hosting Al-Qaida terrorists

The Jerusalem Post Internet Staff

Sep. 6, 2002

Defense Minister Binyamin Ben-Eliezer said Israel has some information about Syria approving the station of Al-Qaida fighters in Lebanon, Israel Radio reported.

The Defense Minister was speaking in a special New Year's interview with an Israel Radio reporter.

"We have some information," Ben-Eliezer said. "I don't think it should surprise anyone ... Syria has now become one of the worst terror hosting countries in the world, the radio said."

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000203

Doc. #205



The Human Rights Actions Network

www.derechos.org/human-rights/actions/

ACTION REQUEST

Syria: Fear over life of a detainee

Case SYR 220699

The International Secretariat of OMCT requests your urgent intervention in the following situation in Syria.

Brief description of the situation

The International Secretariat has just been informed of the grave concern for the physical and psychological integrity and the life of a detainee, Mrs. Douha Ashour Al-Askari in Syria.

According to the Committees for the Defence of Democratic Freedoms and Human Rights in Syria, member of the OMCT network, Mrs. Al-Askari was arrested in 1993. In 1994, she was brought to trial and sentenced to six years' imprisonment by the State Security High Court, on charges of membership of the political party Douha Communist Action.. In the beginning of her detention, she gave birth to a child, from who she was separated.

According to the information received, although she has completed her sentence (4 months ago), the Syrian authorities continue to hold her in detention.

Mrs. Al-Askari has been on hunger strike for more that 10 days, in protest against her arbitrary detention.

The International Secretariat of OMCT shares the concerns of the Committees for the Defence of Democratic Freedoms and Human Rights in Syria for the life and the physical and psychological integrity of Mrs. Douha Ashour Al-Askari and calls upon the Syrian authorities to release her immediately and unconditionally.

Action requested

Please write to the Syrian authorities urging them to

- i. guarantee the physical and psychological integrity of Mrs. Douha Ashour Al-Askari and release her immediately and unconditionally;
- ii. guarantee an impartial and exhaustive inquiry into her arbitrary detention, identify those responsible, bring them before a civil competent and impartial tribunal and apply the penal, civil and/or administrative sanctions provided by law;
- iii. ensure in all circumstance respect for human rights and

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000204

fundamental freedoms in accordance with international human rights standards.

Addresses

His Excellency, President Hafez al-Assad, Presidential Palace, Damascus, Syrian Arab Republic

His Excellency, Mahmoud Zuabi, Prime Minister, Office of the Prime Minister, Damascus, Syrian Arab Republic

His Excellency Dr Muhammad Harba, Minister of the Interior, Ministry of the Interior
Merjeh Circle, Damascus, Syrian Arab Republic, Fax+ 963 11 222 3428

Geneva, June 22 1999

The Human Rights Actions Network

Human Rights in Syria



The Human Rights Action Network, a project of Derechos Human Rights, distributes appeals on behalf of victims of human rights violations. You are invited to join the network. Please check the date of the present action and do not write if it's over a month old.



000205

Doc. #206



The Human Rights Actions Network

www.derechos.org/human-rights/actions/

ACTION REQUEST

Syria: Father of Human Rights Defender put in Police Custody

URGENT ACTION -OBSERVATORY

SYR 002/ 9712 / OBS 020

Harassment Syria

1 December 1997

The Observatory for the Protection of Human Rights Defenders a joint programme of the FIDH and the OMCT requests your URGENT intervention in the following situation in Syria.

Description of the facts:

The Observatory for the Protection of Human Rights Defenders has just been informed that Mr. Youssef Nasser, lawyer and father of the internationally recognised human rights defender Haytham Manna, former Vice-President of the FIDH, in charge of international issues in The Committee for the Defence of Human Rights and Democratic Liberties in Syria, an organisation affiliated to both FIDH and OMCT, has been placed in police custody in Daara, on November 26th 1997.

He was questioned for over 7 hours concerning the activities of his son. He was then released after having been informed that his grandchildren were no longer allowed to leave the country. Mr. Youssef Nasser was imprisoned from 1979 to 1985. Since that time he and all his family have been forbidden to leave Syria.

Both Mr. Youssef Nasser and his wife have already been interrogated concerning the activities of their son in exile, in particular his relations with the OMCT and his contacts in the United Nations.

The Observatory is particularly concerned at these events which fall within the framework of a persistent pattern of repression practised by the Syrian authorities against human rights defenders in Syria (see Urgent Action by the Observatory SYR 001/9709/ OBS 009) and their families.

Action requested

Write to the Syrian authorities urging them to:

- i. guarantee the safety and freedom of movement of Mr. Youssef Nasser and his family, including the right to leave the country:

ii. put an end to all forms of discrimination and repression against defenders of human rights or their families and adopt with the utmost urgency every measure liable to guarantee effectively to non-governmental human rights associations and their members the means to act freely and without impediment for the promotion and defence of fundamental rights and liberties.

iii. publicly proclaim their dedication to the rights of individuals, non-governmental organisations to promote and protect human rights and fundamental liberties ;

iv. more generally to abide by the provisions of the Universal Declaration of Human Rights and of the international Conventions ratified by Syria;

Addresses:

His Excellency President Hafez al-Assad, Presidential Palace, Abu Rummaneh, Al-Rashid Street, Damascus, Syrian Arab Republic. Telex : 419160 PRESPL SY

His Excellency Mahmud al-Zu'bi, Prime Minister, Office of the Prime Minister, Abd al-Rahman Shahbandar Street, Damascus, Syrian Arab Republic

His Excellency Hussain Hassun, Minister of Justice, Ministry of Justice, Al-Nasr Street, Damascus, Syrian Arab Republic.

The Syrian Embassy in your respective countries.

Paris - Geneva, 1 December 1997

Kindly inform the Observatory of any action undertaken quoting the code number of this appeal in your reply

The Human Rights Actions Network

Human Rights in Syria

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The Human Rights Action Network, a part of [Derechos Human Rights](#), distributes appeals on behalf of victims of human rights violations. You are invited to [join the network](#). Please check the date of the present action and do not write if it's over a month old.

000207

Doc. #207

Syria: Human Rights Defendores released, Others remain in Jail

The Human Rights Actions Network - Derechos Human Rights
<http://www.derechos.org/human-rights/actions/>

Human Rights Defenders
Case SYR 130195 . 2
follow-up of Case SYR 130195 1 and Case SYR 130195

The International Secretariat of OMCT has recieved new information in the following situation in Syria.

Brief reminder of the situation:

The International Secretariat was informed of the alleged detention in Syria of ten human rights defenders. The people detained were reported to be members of the Committee for the Defence of Democratic Freedoms and Human Rights in Syria (CDF), which is a member of the network. These persons were Aktham Nouaisseh, Nizar Nayouf, Afif Mizher, Muhammed Ali Habib, Bassam al-Shaykh, Thabet Murad, Jadi' Nawfal, Ya'qub Musa, Hassan Ali and Hussam Salama.

The International Secretariat had also been informed that they were sentenced to prison for periods ranging between 5 years and 10 years. OMCT/F.I. 130195.2/HUMAN RIGHTS DEFENDERS/DETENTION/SYRIA (fwd)

New information

The International Secretariat has recieved new information from the CDF , that Thabet Murad, Jadi' Nawfal, Ya'qub Musa, Hassan Ali and Hussam Salama were released in February 1997.

According to the same reports, Aktham Nouaisseh, Nizar Nayouf, Afif Mizher, Muhammed Ali Habib, and Bassam al-Shaykh are still detained.

Observations

While expressing gratitude for the actions undertaken by members of the network, other organisations and individuals, the International Secretariat requests you to continue writing to the Syrian authorities urging them to:

- i. guarantee respect of the physical and psychological integrity of Aktham Nouaisseh, Nizar Nayouf, Afif Mizher, Muhammed Ali Habib and Bassam al-Shaykh.
- ii. order the speedy release of these persons as well as all other persons detained or condemned without valid judicial cause or by reason of declarations obtained through illegal pressure;
- iii. ensure the effective respect of human rights and fundamental liberties in accordindg with national legislation and international standards.

Addresses

His Excellency President Hafez al-Assad, Presidential Palace,
Damascus, Syrian Arab Republic. Telex : 419160 PRESPL SY

H.E. Dr. Muhammad Harba, Minister of Interior, Ministry of Interior,
Damascus, Syrian Arab Republic. Telex : 411018 AFIRS SY

000208

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H.E. Hasin Hassun, Minister of Justice, Ministry of Justice, Al-Nasr Street, Damascus, Syrian Arab Republic.

The Syrian embassy in your respective countries.

Geneva 31 March 1997

Kindly inform us of any action undertaken quoting the code number of this appeal in your reply.

Ben Schonveld
Projects Manager
OMCT-SOS-Torture
Fax 4122 733 1051
Ph 4122 733 3140
OMCT is: l'Organisation Mondiale contre la Torture
The World Organisation Against Torture

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<http://www.omct.org/>

Human Rights in Syria
<http://www.derechos.org/human-rights/mena/syria.html>

000209

Doc. #208

Syria has allowed hundreds of Qaida men to settle in Lebanon

Damascus has allowed some 150-200 Qaida operatives to settle in the Palestinian refugee camp Ein Hilwe near Sidon in Lebanon. The group, including senior commanders, arrived from Afghanistan through Damascus, Iran and directly to Lebanon. These Qaida operatives are responsible, among other things, for the latest outbreak of fighting inside the refugee camp, as part of their effort to take over the camp.

These details and others have lately been gathered by various intelligence services.

Among the new details now known: Mohammed Atta, the leader of the Qaida group that conducted the Sept. 11 airplane suicide attacks on the Twin Towers in New York, flying the first plane into the towers, visited Syria twice or three times. The Syrians did not give that information to the Americans on their own volition.

Osama bin Laden's son, Omar, left Syria together with his mother Nagwa, three weeks before the attack on the Twin Towers, after receiving anonymous instructions to do so. The son returned to Syria after 9-11, and has since visited twice more. Bin Laden's wife and son lived in the Alawite stronghold in Latakiya in an arrangement that gave refuge to bin Laden's close relatives. The two are not now in Syria.

Intelligence services have also managed to find detailed information about contacts between one of the leading Hezbollah military figures, Imad Mourghniyeh, and a Qaida operative in Sudan. There is no evidence yet of that relationship developing into continuing ties, but there is no doubt the meeting could not have taken place without Syrian intelligence knowing of it.

Syrian prevarications

Much evidence now shows that before 9-11, Syria was a stomping ground for Qaida operatives, considered a place where they could move around in relative freedom. The country served as transit point for them and Qaida had an infrastructure there. They were able to operate with relatively few of the restrictions that other Arab countries, like Egypt, put on them.

After 9-11, the Syrians initially believed there would be no significant

change in the geopolitical developments. Syrian President Bashar Assad told a Lebanese newspaper that "there is no sign that there has been any great change since September 11." He said that "there are ways" to stand up to the military and technological superiority of others. For example, the U.S. "has the most power, the best technology, and the strongest mechanisms, but it has not been able to provide security in its cities because force is not a necessary condition for providing security and stability."

Therefore, said Assad, "the current developments require serious judgment and sticking to basic principles. Following September 11, everything must be examined with better judgment especially when discussing the ramifications of what happened to our region."

Shortly afterward, as American rage grew and the attack on the Taliban in Afghanistan began, the Syrians changed position, and said they were ready for intelligence cooperation with the U.S. on the Qaida issue. But there are now clear indications that it was tactical and only partial cooperation.

Readiness for cooperation mostly came via information about Qaida cells in other countries and not what Qaida representatives were doing in Syria. Important information came from Syria, for example, on Qaida cells in Germany. That apparently is what kept Syria off President George W. Bush's "axis of evil" list.

Most of the Syrian information about Qaida activities in Germany came from the interrogation of a German citizen of Syrian descent, Mohammed Haider Zemer. He was questioned by Syrian intelligence before 9-11, and the Syrians were ready to hand him over to the Germans, who were not interested at the time.

But the Germans changed their minds after 9-11, after the Americans gave them the information provided by the Syrians, which led to information about Qaida operatives in Hamburg and elsewhere in Germany, including information about Mohammed Atta. The Germans then asked the Syrians to extradite Zemer so they could continue questioning him and put him on trial, but the Syrians refused, and refuse to do so to this day. Meanwhile, Zemer's passport was found in an apartment in Afghanistan that belonged to a senior Qaida commander.

Another link between Qaida and Syria can be found in the arrest in Spain of three Syrians. One says that Mohammed Atta met with another of the three in Spain. The three were found with videotapes of various possible targets in America, and they apparently served as an intelligence gathering cell for Atta before 9-11. One of those arrested, Mohammed Hirel Sak, is an Alawite. Another, Abarash Kaliyon, has been identified as a former member of the Islamic Brotherhood in Syria. The third, Abdel Rahman Arnot, has admitted he had links to

the commander of the Qaida training camps of western Afghanistan. It is also known that Atta's phone number was found in the apartment of one of the Syrians arrested in Spain.

Meanwhile, the Syrians repeatedly changed their position since 9-11. Nowadays, they appear to be deliberately turning a blind eye to Qaida activity, particularly in Lebanon. A key question so far unanswered is what Atta was doing on his visits to Syria, and whom he met. It's known that he was in Aleppo in northern Syria, but it is not known whom he met. He was in Syria at least twice and possibly three times.

The change in Syrian attitudes can be seen in the permission they gave to Qaida men on the run from Afghanistan to find refuge in Lebanon, which is under control of the Syrian army and intelligence. After the defeat of the Taliban, Qaida began fleeing Afghanistan, heading home. Chechnyans, for example, used Turkey as a way station on their way home. Palestinians, Jordanians and Jordanians of Palestinian descent, as well as a few Lebanese, headed back to Lebanon. The Syrians arrested some of them for interrogation and it is known that mostly the Qaida have gone to Ein Hilwe.

The Ein Hilwe battles last month were initiated by the Qaida men there, with three of them killed in the fighting. The fight for control over the camp is not over. Meanwhile, the Qaida there, led by commanders from Afghanistan, is establishing a local infrastructure. One bit of intelligence says they are interested in getting material for chemical weapons.

The gun-battle in the refugee camp was angrily condemned by Lebanese. A Nahar editor Jibran Tuwany wrote on August 15, that "what is happening now in Ein Hilwe camp could become a turning point on the way to the establishment of a state within a state, which would mean a siege of Lebanon and Lebanese territory still in control of the state.

"There are fears that Lebanon will become an isolated island because of all the enclaves created by the Palestinian camps from south to north, through the Bekaa and Beirut. The danger is in all these enclaves managing to connect to one another. What happened in Ein Hilwe is a real war ... reminiscent of the war of 1975," Tuwany wrote.

Very little is known about the connection between Qaida and the Hezbollah and there is no certainty those contacts were developed. The first evidence came in testimony by Al Rahman Mohammed, who was arrested after the first attack on the World Trade Center in 1993. He said he knows a Hezbollah official met in 1996 in Sudan with someone later identified as a Qaida representative. The mediator for the meeting was a Sudanese sheikh named Ali Numeini. Bin Laden

000212

had extensive activity in the country at the time, as did Iranian intelligence. The intelligence reports say that the initiative for the meeting came from Qaida, whose leaders were impressed by Hezbollah attacks on foreign embassies in Lebanon and Argentina.
By Ze'ev Schiff

</hasen/objects/pages/PrintArticleEn.jhtml?itemNo=203881>

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000213

Doc. #209

CRS Issue Brief for Congress

Received through the CRS Web

Syria: U.S. Relations and Bilateral Issues

Updated April 4, 2002

Alfred B. Prados
Foreign Affairs, Defense, and Trade Division

The release of this document to the OIG does not constitute a waiver of any applicable privilege.

000214

Syria's Human Rights Record and Related Issues

Syria has been under a state of emergency tantamount to martial law since 1963, except for a brief interval in 1973-1974. In its annual 2000 report to Congress on human rights practices (published in March 2001), the State Department commented that the human rights situation remained poor, and the Government continues to restrict or deny fundamental rights, although there were improvements in some areas. It notes that citizens do not have the right to change their government and that there is no organized political opposition. According to the report, serious abuses include the widespread use of torture in detention; poor prison conditions; arbitrary arrest and detention; prolonged detention without trial; fundamentally unfair trials in the security courts; an inefficient judiciary that suffers from corruption and, at times, political influence; infringement on citizens' privacy rights; denial of freedom of speech and of the press, despite a slight loosening of censorship restrictions; denial of freedom of assembly and association; some limits on freedom of religion; and limits on freedom of movement."

Particularly serious human rights violations took place in the northern cities of Aleppo and Hama in 1980 and 1982, respectively, when the government suppressed uprisings by the fundamentalist Muslim Brotherhood and other opposition groups with much violence. (See above.) Estimates of the number killed in Hama by government forces range from 3,000 (from Syrian government sources) to 20,000 (from some independent sources). Syrian officials have pointed out, however, that by acting quickly to suppress Muslim extremists in the early 1980s, the Syrian regime spared the country from the outbreaks of Islamic fundamentalist violence that have marred domestic tranquility in several Middle East countries, notably Algeria and to a lesser extent Egypt.

Syria claims that it detains persons only for criminal or security offenses; however, the U.S. State Department believes Syria holds an undetermined number of political prisoners as well. Amnesty International in its 1999 annual report estimated that hundreds of political prisoners remain in detention, although it says that hundreds were released during 1999 following presidential amnesties. The State Department cited reports that up to 600 prisoners may have been released in July 1999, but believes that the practice of detaining individuals on sometimes loosely defined security charges continues. On November 16, 2000, according to press reports, President Bashar al-Asad ordered the release of 600 political prisoners out of an estimated total of 1,500 in Syrian prisons. Another 140 were reportedly released late in 2001. But two Syrian members of parliament were sentenced to five-year jail terms in 2002 for hosting discussion forums without permission.

Syria supports freedom of religion and women's rights to a greater degree than do many Middle East governments. Aside from Lebanon, Syria is the only Arab-speaking country whose constitution does not establish Islam as the state religion, although it does require that the President be a Muslim. In accordance with the largely secular philosophy of the ruling Ba'th Party, the country's Christian community and tiny Jewish minority (see below) have been free to practice their religion without interference; some Christians have held high-level positions in the government and armed forces. Syrian law specifies equal rights for women; government policies stipulate equal pay for similar work; the government discourages conservative religiously based restrictions on women; and women serve in governmental and diplomatic posts. (Twenty-six women won seats in the most recent parliamentary elections.)

Treatment of Jewish Minority

Syria's Jewish community, estimated at 3,770 in early 1992, were targets of discrimination and periodic oppression in the past; however, their situation gradually improved under the regime of the late President Hafiz al-Asad. On April 27, 1992, then President Asad issued an order lifting travel restrictions and real estate controls on the Syrian Jewish community, and the government intermittently began permitting Syrian Jews to travel abroad freely. On February 24, 1994, Syria's Deputy Chief Rabbi announced that the Syrian government had issued exit visas to all the estimated 1,000 Jews remaining in Syria; he added that three or four Syrian Jewish families had returned to Syria after facing financial and language problems abroad.

According to the State Department human rights report published in February 1995, the Syrian government "completed issuance of travel permits to all Jews wishing them." By October 1994, Israeli officials estimated that 3,670 Jews had left Syria since April 1992, about one third of whom had secretly moved to Israel. In the same month, a Syrian Jewish businessman said approximately 400 Jews remained in Syria of their own accord, since all of them had exit visas. In early 1997, U.S. officials said several hundred Syrian Jews remain in Syria. Press reports in September 2000, recounting a meeting of Syrian Jewish leaders with President Bashar al-Asad, estimated that some 3,500 out of a previous total of 4,000 Syrian Jews had emigrated to the United States or Israel. (This base figure of 4,000 is higher than the more detailed estimate of 3,770 in 1992.)

Some Syrian Jews hesitate to leave their relatively prosperous lives in Syria, especially since the liberal decrees of April 1992, for a more uncertain economic future abroad, and some have remained because of age, health, or reluctance to move. Others want to join relatives and friends who have already departed, and fear a return to earlier repression if a different regime should come to power in Syria.

U.S. Aid and Sanctions

Since 1950, the United States has provided a total of \$627.5 million in aid to Syria: \$34.0 million in development assistance, \$438.0 million in economic support, \$155.4 million in food assistance; and \$61 thousand in military training assistance. Most of this aid was provided during a brief warming trend in bilateral relations between 1974 and 1979. Significant projects funded under U.S. aid included water supply, irrigation, rural roads and electrification, and health and agricultural research. No aid has been provided to Syria since 1981, when the last aid programs were closed out. At present, a variety of legislative provisions and executive directives prohibit U.S. aid to Syria and restrict bilateral trade. Principal examples follow. (For a more comprehensive list of sanctions applicable to Syria, see CRS Report RL30644, *Syria: Sanctions and Aid*, August 20, 2000.)

General Sanctions Applicable to Syria

The International Security Assistance and Arms Export Control Act of 1976 [P.L. 94-329]. Section 303 of this act [90 Stat. 753-754] required termination of foreign assistance to countries that aid or abet international terrorism. This provision was incorporated into the

Doc. #210



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Syria human rights record
Syria, Politics, 3/10/2001

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A report by the US government on human rights describe the current various conditions in Syria. Here are some excerpts from the report.

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Despite the existence of some institutions of democratic government, the political system places virtually absolute authority in the hands of the President.

Although the Parliament is elected every 4 years, the Baath Party is ensured a majority. The Parliament cannot initiate laws, but only assesses and sometimes modifies those proposed by the executive branch.

The Constitution provides for an independent judiciary, but this is not the case in the exceptional (state of emergency) security courts, which are subject to political influence. The regular courts display independence, although political connections and bribery can influence verdicts.

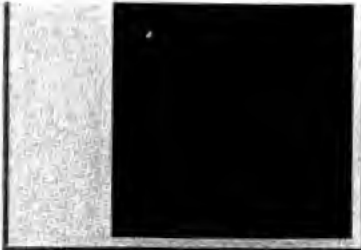
In general all three branches of government are influenced to varying degrees by leaders of the Baath Party, whose primacy in state institutions is mandated by the Constitution.

The powerful role of the security services in government, which extends beyond strictly security matters, stems in part from the state of emergency that has been in place almost continuously since 1963. The Government justifies martial law because of the state of war with Israel and past threats from terrorist groups.

The branches of the security services operate independently of each other and outside the legal system. Their members commit serious human rights abuses.

The still-dominant state role in the economy, a complex bureaucracy, overarching security

000216



concerns, endemic corruption, currency restrictions, a lack of modern financial services and communications, and a weak legal system hamper economic growth.

The human rights situation remained poor, and the Government continues to restrict or deny fundamental rights, although there were improvements in some areas.

The Baath Party dominates the political system, as provided for by the Constitution, and citizens do not have the right to change their government. The Government uses its vast powers so effectively that there is no organized political opposition, and there have been very few antiregime manifestations.

Serious abuses include the widespread use of torture in detention; poor prison conditions; arbitrary arrest and detention; prolonged detention without trial; fundamentally unfair trials in the security courts; an inefficient judiciary that suffers from corruption and, at times, political influence; infringement on citizens' privacy rights; denial of freedom of speech and of the press, despite a slight loosening of censorship restrictions; denial of freedom of assembly and association; some limits on freedom of religion; and limits on freedom of movement.

The Government does not officially allow independent domestic human rights groups to exist; however, there were reports that several domestic human rights organizations and civil society groups began meeting regularly during the year.

There were no confirmed reports of politically motivated disappearances.

Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continued to use torture. The Government has denied the use of torture and claims that it would prosecute anyone believed guilty of using excessive force or physical abuse.

000218

Facilities for political or national security prisoners generally are worse than those for common criminals. The prison in Palmyra, where many political and national security prisoners have been kept, is widely considered to have the worst conditions. At some prisons, authorities allow visitation, but in other prisons, security officials demand bribes from family members who wish to visit incarcerated relatives.

Arbitrary arrest and detention are problems. The Emergency Law, which authorizes the Government to conduct preventive arrests, overrides Penal Code provisions against arbitrary arrest and detention, including the need to obtain warrants. Officials contend that the Emergency Law is applied only in narrowly defined cases. Nonetheless, in cases involving political or national security offenses, arrests generally are carried out in secret, and suspects may be detained incommunicado for prolonged periods without charge or trial and are denied the right to a judicial determination for the pretrial detention. Some of these practices are prohibited by the state of emergency, but the authorities are not held to these strictures.

There are credible reports that the 600 detainees, including members of the Muslim Brotherhood, the Islamic Salvation Party, the Communist Action Party, and some Kurds, are being released incrementally. The Government also closed the Mazzah prison in November, which reportedly held numerous political prisoners and detainees.

A prisoner amnesty that was announced in July 1999 is believed to have benefited some political prisoners and detainees. While the total number of those released is unknown, AI identified six prisoners held for political reasons who were released. Unconfirmed reports suggest that as many as 600 prisoners may have been released.

According to AI, hundreds of persons held for political reasons also were released in 1998. Prior to the 1998-2000 releases, the last significant release of political detainees took place in late 1995, with approximately 2,200 to 3,000 persons believed to have been released.

000216

The Constitution provides for an independent judiciary, but the two exceptional courts dealing with alleged security cases are not independent of executive branch control. The regular court system displays considerable independence in civil cases, although political connections and bribery sometimes influence verdicts.

The judicial system is composed of the civil and criminal courts, military courts, security courts, and religious courts, which adjudicate matters of personal status such as divorce and inheritance. The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court is empowered to rule only on the constitutionality of laws and decrees; it does not hear appeals.

Defendants are presumed innocent; they are allowed to present evidence and to confront their accusers. Trials are public, except for those involving juveniles or sex offenses. Defendants may appeal their verdicts to a provincial appeals court and ultimately to the Court of Cassation.

The government-controlled press increased its coverage of official corruption and governmental inefficiency.

The Government does not interfere with broadcasts from abroad. Satellite dishes have proliferated throughout all regions and in neighborhoods of all social and economic categories, and in July the Government officially approved regulations permitting the importation of satellite receivers.

Internet access and access to e-mail is limited, although efforts are underway to provide greater Internet access, especially to universities and businesses. The Government blocks access to selected Internet sites that contain information deemed politically sensitive or pornographic in nature.

Freedom of assembly does not exist under the law. Citizens may not hold demonstrations unless they obtain permission from the Ministry of Interior.

The Constitution provides for freedom of

000210

religion, and the Government generally respects this right in practice; however, it imposes restrictions in some areas. The only advantage given to a particular religion by the Constitution is the requirement that the President be a Muslim. There is a strict de facto separation of church and state.

The Government does not allow the existence of local human rights groups. One or two human rights groups once operated legally but subsequently were banned by the Government. However, there are credible reports that several domestic human rights organizations and civil society groups met regularly during the year.

The Constitution provides for equal rights and equal opportunity for all citizens. In practice membership in the Baath Party or close familial relations with a prominent party member or government official can be important for economic, social, or educational advancement.

The Constitution provides for equality between men and women and equal pay for equal work. Moreover, the Government has sought to overcome traditional discriminatory attitudes toward women and encourages women's education. However, the Government has not yet changed personal status, retirement, and social security laws that discriminate against women.

There is no legal discrimination between boys and girls in school or in health care. Education is compulsory for all children, male or female, between the ages of 6 and 12. According to the Syrian Women's Union, about 46 percent of the total number of students through the secondary level are female.

There generally is little societal discrimination or violence against religious minorities, including Jews.

The Government generally permits national and ethnic minorities to conduct traditional, religious, and cultural activities.

Although the Constitution provides for this right, workers are not free to establish unions

000220

independent of the Government.

There is no law prohibiting forced or compulsory labor, including that performed by children. There were no reports of forced labor involving children or foreign or domestic workers.

The 1959 Labor Law protects children from exploitation in the workplace. (end of comments).

It should be noted for completeness that this report was produced by a government that has tended to have adversarial foreign and regional policy with Syria, which may effect the emphasis in the report. The report fails to recognize that the Syrian government is in a period of critical transition and is clearly on a path of reform and is beginning to address all issues that are important in such a manner so as not to weaken Syria on the domestic front (balkanization) and externally (considering Israel and the other ill-wishing states) by monitoring the rate of reform and the manner of reform to preserve Syria's very special circumstance and role. Syria plays a disproportional and unacknowledged role to its size and economy on the political front (regional and international), and yet faces internal need for economic and other social reforms. These difficult challenges that require skilled execution are what the Syrian government is facing as it addresses the issues of reform that it recognizes as necessary for its development and modernization.

Previous Stories:

Israel tries to undermine support to Syria joining UN Security Council (3/9/2001)

Damascus: Ministerial reshuffle a must necessitated by march of development and modernization (3/8/2001)

Seif's guest house; abuse of emergency laws a root problem (3/5/2001)

Riad Seif denies to be deprived from immunity (3/3/2001)

Khaddam warns the intellectuals: we will not allow to convert Syria to Algeria or Yugoslavia (2/19/2001)

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000222

Syria and the human rights defense committee

(1/27/2001)

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Doc. #211

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
nt: Friday, October 04, 2002 2:18 AM
o: Barry C O'Melinn; Owen B Cooper (b)(6), (b)(7)c
 (b)(6), (b)(7)c
Subject: Memo (b)(6), (b)(7)c
Importance: High



235(c) (b)(6), (b)(7)c
 Memo.DOC

Attached please find a draft memo outlining COU's position, as I understood it based on this evening's conversations, (b)(6), (b)(7)c in 235(c) cases in general and in this specific case. (b)(5) AC AWP DP

(b)(5) AC AWP DP

Other pending items: (b)(5), (b)(6), (b)(7)c
 (b)(5)

(b)(6), (b)(7)c

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000224



U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR THE COMMISSIONER

FROM: Bo Cooper
General Counsel

SUBJECT: Fulfilling U.S. Obligations under the (b)(6), (b)(7)c in Section 235(c) Cases

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b)(5) AC AWP DP (b)(6), (b)(7)c

APPROVE: _____

DISAPPROVE: _____

OTHER: _____

INSERT HEADER:

Memorandum for the Commissioner

Subject: Fulfilling U.S. (b)(6), (b)(7)c Obligations in Section 235(c) Cases

Page XX

Doc. #212

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Sunday, October 06, 2002 5:34 PM
To: (b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c; Victor X Cerda
Subject: Re: Questions

I am on the phone. As soon as I get off, I'll log onto my email. In the mean time, can you paste the questions into a message that I can read on my blackberry?

(b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c

To: (b)(6), (b)(7)c

gov>
CC: Cerda, Victor X (b)(6), (b)(7)c

(b)(6), (b)(7)c

Sent: Sun Oct 06 18:20:00 2002
Subject: Questions

(b)(6), (b)(7)c

Pasted and attached below is the proposed introductory segment and line of questions that we will use for the interview. The list is 12 pages long,

(b)(5)

(b)(5) AC AWP DP, (b)(6), (b)(7)c

(b)(5) AC AWP DP, (b)(6), (b)(7)c

Call if you wish to

discuss.

Once we hear back from you, we will fax them over to the (b)(6), (b)(7)c when he arrives at MDC. The interview is scheduled for 7pm.

(b)(6), (b)(7)c
514 (b)(6), (b)(7)c

=====
UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION
RECORD OF SWORN STATEMENT

Office:

File No: A

Statement by:

In the Case of:

At: MDC

Date: October 6, 2002

000229

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2012FOIA62 000277

Before:

In the: language.

terpreter:

(b)(5) AC AWP DP, (b)(6), (b)(7)c

000230

(b)(5) AC AWP DP

000231

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

Signature

.....

000238

Doc. #213

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 8:29 AM
To: Dea D Carpenter
Subject: Fwd:Re:235(c) case
Importance: High

See message I sent below and (b)(6), (b)(7)c follow-up, both went to Victor et al. (b)(6), (b)(7)c
Forward Header

Subject: Re:235(c) case
Author: (b)(6), (b)(7)c
Date: 10/7/2002 6:32 AM

I have now finished a draft of the 235(c). It is in my safe. I am going home to clean up for the day and I will be in by mid to late morning. (b)(6), (b)(7)c has the combination to my safe and can retrieve the materials.

Sarah

Reply Separator

Subject: 235(c) case
Author: (b)(6), (b)(7)c
Date: 10/7/2002 4:53 AM

Victor,

The (b)(6), (b)(7)c officers finished the interview and faxed us their recommendation at approximately 4 am. We have questions for another agency that cannot be asked because no one is there to respond at this hour. We also understand that there is a meeting between (b)(7)e at 10 am and the outcome of the meeting could affect our process and assessment. So we will have a recommendation as soon as these issues are addressed.
At this point we are calling it a night, but will be here early in the morning.

Thanks, (b)(6), (b)(7)c

000239

Doc. #214

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
nt: Monday, October 07, 2002 3:48 PM
o: (b)(6), (b)(7)c
Subject: shell



draft.doc

CBP (b)(5), ICE (b)(6), (b)(7)c

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000240



U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR JAMES ZIGLAR
COMMISSIONER
IMMIGRATION & NATURALIZATION SERVICE

FROM: Owen B. Cooper
General Counsel

SUBJECT:

(b)(5) AC AWP DP

000241

(b)(5) AC AWP DP

000242

Doc. #215

United States Department of Justice
Immigration and Naturalization
Record of Sworn Statement

Office: New York, NY

Statement by: Maher ARAR

In the Case of : ARAR, Maher

At: MDC

Before: (b)(6), (b)(7)c per USCIS

In the English language

My name is (b)(6), (b)(7)c per USCIS I am an officer o the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with enforcement of the Immigration and Nationality laws of the United States. I am here to discuss whether you have any concerns about returning to Canada and Syria. I will make a record of our conversation. At the conclusion of our discussion, I will read back to you my questions and your answers, and then I will ask you to initial all pages and sign the record of sworn statement.

The information you tell me today is confidential. This means that this information may not be given to the government of Canada or Syria, but it can be shared with other United States government officials, who will keep the information confidential.

It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

Q. Do you have any questions about what I have explained to you?

A. Where is my lawyer?

Q. We contacted your lawyer and told him that we were going to conduct this interview. We have been told that your lawyer did not arrive.

A. I want to speak to my lawyer.

Q. Are you willing to answer my questions at this time?

A. What questions? Where is my lawyer?

Q. I do not know where your lawyer is. What is your name?

A. Can you tell me your name?

Q. My name is (b)(6), (b)(7)c per USCIS Where were you born?

A. (b)(6), (b)(7)c Syria.

Q. What is your country or countries of citizenship?

A. I am a citizen of Canada and Syria.

Q. Where did you last live?

A. Canada.

Q. What is your occupation?

A. I am a contractor and engineer. I am self-employed. My business is home-based.

Q. How many people worked with you?

A. No one. Only myself.

Q. What is your marital status?

A. I am married.

Q. Do you have any children?

A. I have (b)(6), (b)(7)c

Q. Where are your children currently?

A. They are in (b)(6), (b)(7)c

Q. Do you have any concerns about being removed to Canada?

A. No.

(b)(6), (b)(7)c

Q. Why don't you want to go to Syria?

A. My whole family is in (b)(6), (b)(7)c per USCIS. Please don't send me to Syria. I want to call my lawyer.

Q. INS contacted your lawyers to inform them of this interview, but they didn't come.

A. I want to call them and schedule this for another day.

(b)(6), (b)(7)c

Q. What is your religion?

A. I am Muslim.

Q. Were you ever arrested in Syria?

A. No. I was a kid when I left Syria. The law changes overnight in those kind of countries. (b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Q. Do you have any fear of returning to Canada?

A. No. I want to go to Canada. (b)(6), (b)(7)c

(b)(6), (b)(7)c per USCIS (b)(6), (b)(7)c per USCIS
What will you tell my daughter?
(b)(6), (b)(7)c per USCIS She will not like America like I do. It would be a shame for America to send me back.

(b)(7)e

Q. You said you had a Syrian Passport at the airport, is this correct?

A. Yes. It expired.

Q. When did it expire?

A. I was exhausted. It expired six months after I got to Canada in 1988. And I forgot to tell you something, a very important fact, my father renewed my five-year waiver after I got to Canada. He also renewed my passport for five years, and I have not done this since.

Q. Did your father do this in 1988?

A. No, I think it was around 1991, but I forgot. I don't remember exactly.

Q. Where did your father renew the waiver and passport?

A. I don't remember.

Q. Were you in Canada at the time?

A. Yes.

Q. Did your father renew them in Canada?

A. I don't know, my father took care of things for me then.

Q. Did you plan to travel to Syria?

A. No. It was in case I went to other places. I went to Plattsburg to buy things sometimes.

Q. When did your passport expire?

A. I don't know.

(b)(6), (b)(7)c

Q. Was anyone in your family ever arrested in Syria?

A. No. No one in my family was ever arrested.

(b)(6), (b)(7)c

Q. What type of work did you do here in the United States?

A. I'm not going to answer anymore questions without my lawyer.

Q. Where were you working?

A. In Boston, but I am not answering any more questions.

Q. What type of work did you do in Canada?

A. I was a consultant.

Q. Did anyone work with you?

A. I worked alone from home.

(b)(6), (b)(7)c

Q. Where is the Syrian passport?

A. In Canada; no, I don't know. I don't remember.

(b)(7)e

(b)(6), (b)(7)c

I have read the foregoing statements, consisting of 5 pages. I state that the answers made therein by me are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my interview on the date indicated by the above-named officer of the Immigration and Naturalization Service. I have initialed each page of this statement and the correction(s) noted on page(s).....

Signature

Subject refused to sign.

Maher ARAR

Subscribed and sworn before me at Metropolitan Detention Center (MDC) on 10/7/02 at 2:30 Am.

(b)(6), (b)(7)c per USCIS

Immigration and Naturalization Service

Witnessed by

(b)(6), (b)(7)c per USCIS

ASSESSMENT

Alien stated that he is a native of Syria and citizen of Syria and Canada. He arrived at JFK International Airport on September 26, 2002. Alien stated that he worked as a contractor and engineer, and that he is self-employed. He testified that he is [REDACTED] CBP (b)(6), (b)(7)c

[REDACTED] CBP (b)(6), (b)(7)c The alien stated that his immediate family consists of his [REDACTED] CBP (b)(6), (b)(7)c

(b)(6) (b)(7)c per CBP (b)(6), (b)(7)c He also stated that his family has a house in [REDACTED] (b)(6), (b)(7)c alien indicated that he has [REDACTED] CBP (b)(6), (b)(7)c

[REDACTED] CBP (b)(6), (b)(7)c

[REDACTED] (b)(5) per USCIS

Doc. #219

ICE DOCUMENTS RELEASED TO OIG

Date Released	Date of Document	Document Description	Number
6-16-2005	5-20-2004	Authorization to release material to OIG	137-38
6-16-2005	1-22-2003	CIRS Report	139
6-16-2005	Undated	Timeline for Consular Notification	140
6-16-2005	10-1-2002	E-mail traffic regarding Charging Documents	141-42
6-16-2005	10-7-2002	Notes to File	143-47
6-16-2005	10-4-2002	E-mail re: case status/logistics/process	148-60
6-16-2005	10-7-2002	Letter from Larry Thompson to Scott Blackman	161
6-16-2005	9-30-2002	E-mail re: case status/logistics/process	162-68
6-16-2005	9-29-2002	Notes and E-mails re: case status/logistics/process	169-77
6-16-2005	11-19-2003	Annual (b)(7)e Report from State	179-86
6-16-2005	12-4-2003	(b)(7)e	187-90
6-16-2005	5-18-2004	Correspondence Authorizing Release of Information to OIG	192-94
6-16-2005	10-7-2002	FBI LHM and Supporting Documents	195-204
6-16-2005	10-7-2003	Media Coverage	239-43
6-16-2005	10-07-2003	Checks and Research	244-60
6-16-2005	Undated	Draft Transportation Plan	262-322
6-16-2005	10-0-2002	A-File material sent from INS to DOJ	323-438
6-16-2005	10-7-2002	FBI LHM	439-46
6-16-2005	10-6-2002	Draft FBI LHM	447-51
6-16-2005	10-6-2002	Draft FBI LHM	452-56
6-16-2005	10-6-2002	Draft FBI LHM	457-61
6-16-2005	10-7-2002	Draft FBI LHM	462-63
6-16-2005	Undated	Notes	464-70
6-16-2005	10-6-2002	Draft FBI LHM	471-76
6-16-2005	Undated	Scheduling	477-78
6-16-2005	10-7-2002	Notes and Calendar	479-82
6-16-2005	Undated	Classified Addendum to Decision	483-87

ICE DOCUMENTS RELEASED TO OIG

		of Regional Director with notes	
6-16-2005	Undated	Memo from Bo Cooper to James Ziglar, Assessment with notes	488-91
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	492-96
6-16-2005	10-7-2002	FBI LHM	497-504
6-16-2005	Undated	Memo from Bo Cooper to James Ziglar, Assessment with notes	505-508
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	509-14
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	515-19
6-16-2005	10-7-2002	Draft Confidential Addendum to Decision of Regional Director with notes	520-25
6-16-2005	10-7-2002	Draft Confidential Addendum to Decision of Regional Director with notes	526-31
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	532-39
6-16-2005	Undated	Memo from Bo Cooper to James Ziglar, Assessment with notes	540-543
6-16-2005	Undated	Memo from Bo Cooper to James Ziglar, Assessment with notes	544-551
6-16-2005	10-7-2002	FBI LHM with notes	552-559
6-16-2005	Uncertain "sent 8/02"	Summary from NSU to SIOC	560
6-16-2005	9-29-2002	Notes	561-564
6-16-2005	9-27-2002 thru 10-4-2002	Notes	565-91
6-16-2005	10-02	Information sent from FBI to INS	592-603
6-16-2005	9-30-2002	Copy of classified disc	604
6-16-2005	Undated	Factual Allegation of Inadmissibility	605
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	606-15
6-16-2005	9-29-2002	Information sent to INS with notes	616-623
6-16-2005	9-29-2002	Information from to INS with Notes	624-631
6-16-2005	9-29-2002	Draft 3 Information to INS with Notes	632-641

ICE DOCUMENTS RELEASED TO OIG

6-16-2005	9-30-2002	(b)(7)e	642-648
6-16-2005	10-4-2002	Notice of Removal Proceedings	649-50
6-16-2005	Undated	Notes	651-52
6-16-2005	10-4-2002	From INS HQ to INS Eastern Region, Factual Allegation of Inadmissibility with notes	653-57
6-16-2005	Undated	Decision of the Regional Director with notes	659-664
6-16-2005	Undated	Notes	665-66
6-16-2005	10-6-2002	Draft FBI LHM	667-71
6-16-2005	10-6-2002	From INS HQ to INS Eastern Region, Draft Confidential Addendum to Decision of the Regional Director	672-78
6-16-2005	7-26-2002 printed 10-6-2002	Media coverage with notes	679-81
6-16-2005	Undated	(b)(7)e	682-84
6-16-2005	Undated	Draft Confidential Addendum to Decision of the Regional Director	685-89
6-16-2005	Undated	Notes	690-697
6-16-2005	10-6-2002	Fax sheet	698-99
6-16-2005	Undated	Notes	700
6-16-2005	Undated	Draft Confidential Addendum to Decision of the Regional Director with notes	701-07
6-16-2005	Undated	Notes	708-715
6-16-2005	10-6-2002	Draft FBI LHM	716-720
6-16-2005	10-6-2002	Draft FBI LHM	721-26
6-16-2005	Undated	Classified Addendum to Decision of the Regional Director	728-33
6-16-2005	Undated	Memo Re: Assessment with notes	734-36
6-16-2005	Undated	Draft Letter from Larry Thompson to Scott Blackman Re: Disregarding Designation	737-38
6-16-2005	Undated	Classified Addendum to Decision of the Regional Director	739-44
6-16-2005	10-6-2002	Draft FBI LHM	745-749
	7-24-2004	Case Management Printout	750
	Undated	Attorney notes	751-54

Doc. #220

ARAR, Maher A#: (b)(6), (b)(7)c

Find A#: Find Suspect:

Date Entered	A Number	DOB	POB	Closed	Date Closed
	(b)(6), (b)(7)c		Syria	<input type="radio"/>	7/27/2004
Last Name		First Name	Middle Initial	Aka	
ARAR		Maher			
Status of Admission		Nationality	Citizenship		
		Syria	Syria/Canada		
Detained	Non IJ Case	IJ Case	(b)(7)e		
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			
File Location	Case Location	Date Last Modified	Last Modified By		
	New York City	7/27/2004 1:46:42 PM	7/27/2004 1:46:42 PM		
NSLD Contact	DIOPS Contact	DICOU Contact	HQOPS Contact	Activity Level	
(b)(6), (b)(7)c			CBP (b)(6), (b)(7)c		

Comments

9/26/02 - Alien arriving TN transit w/ Canadian visa - charged 235(c) on 10/1/02 - all derogatory info is (b)(7)e 1) Did he w/d his application for admission, (b)(6), (b)(7)c (b)(7)e

Writer: (b)(6), (b)(7)c Updated: 6/15/2004 12:03:37 PM

Reopened due to Lawsuit file dby Mr. Arar

Writer: (b)(6), (b)(7)c Updated: 6/17/2004 10:45:05 AM

From (b)(6), (b)(7)c just getting back on your calls checking on the status. (b)(5)

(b)(5)

With respect to your inquiry on state secrets, there has been no decision yet with respect to the timing of that motion (and in turn the declarations), and the AAG's office is continuing to consider it.

If you have any questions, don't hesitate to call. Th (b)(6), (b)(7)c

Writer: (b)(6), (b)(7)c Updated: 7/27/2004 4:16:46 PM

See classified information.

Writer: (b)(6), (b)(7)c Updated: 7/27/2004 4:16:54 PM

Classified Info	Classified Info Location	Removed	Date Removed
<input type="radio"/>	In Safe (b)(6), (b)(7)c	<input type="radio"/>	

NOTICE OF ACTION

File

SCR

File

ONE PAGE

File

Deadline

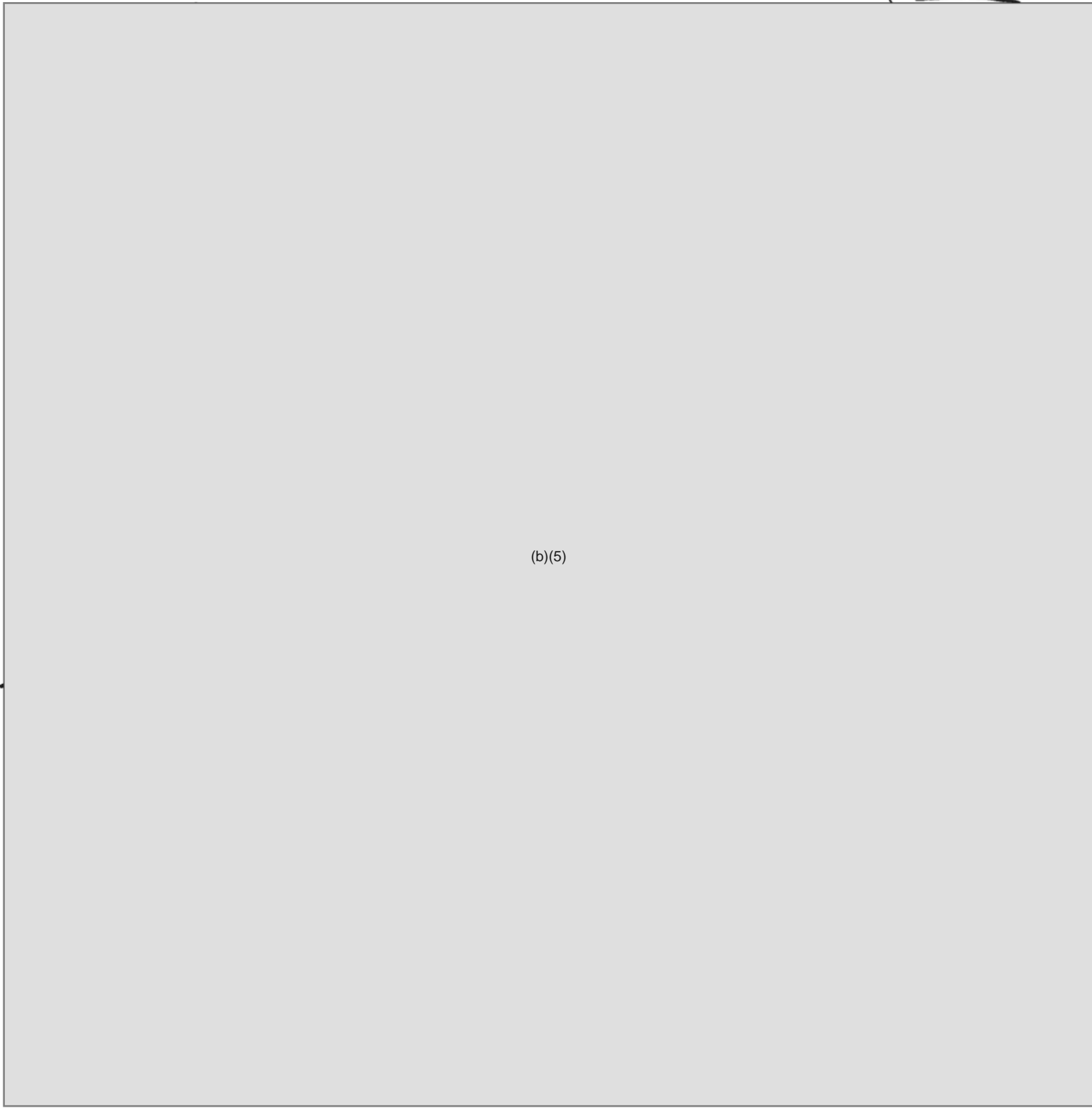
Date: Reason:

Doc. #221

1. AR .

(b)(6), (b)(7)c

()
5: ①

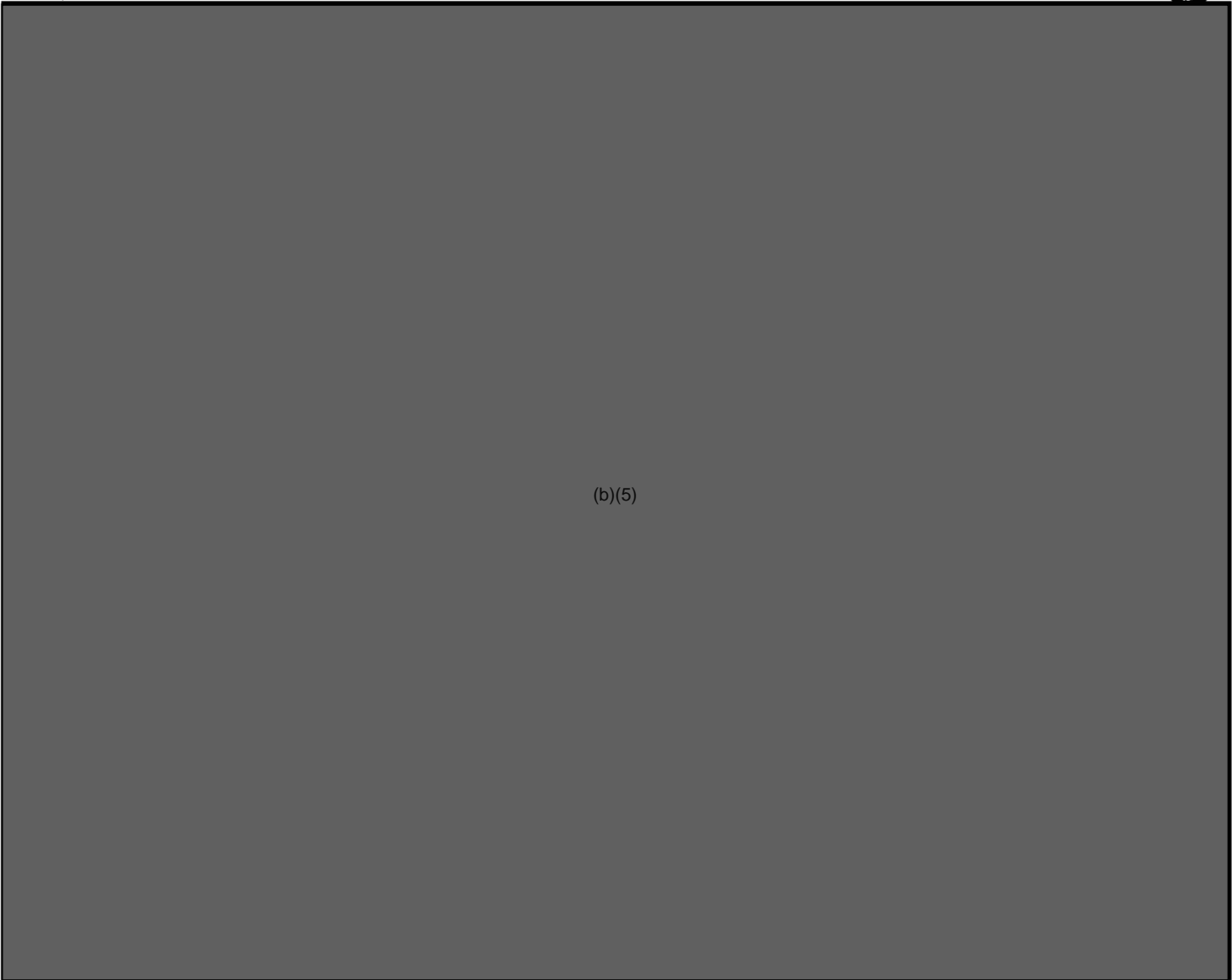


(b)(5)

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ICE751

CP

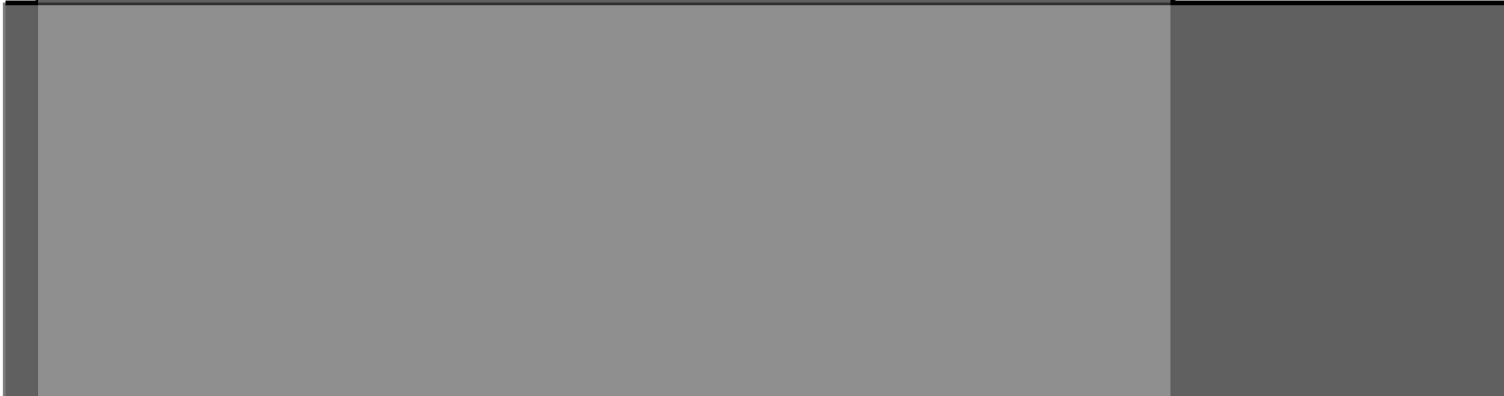


(b)(5)

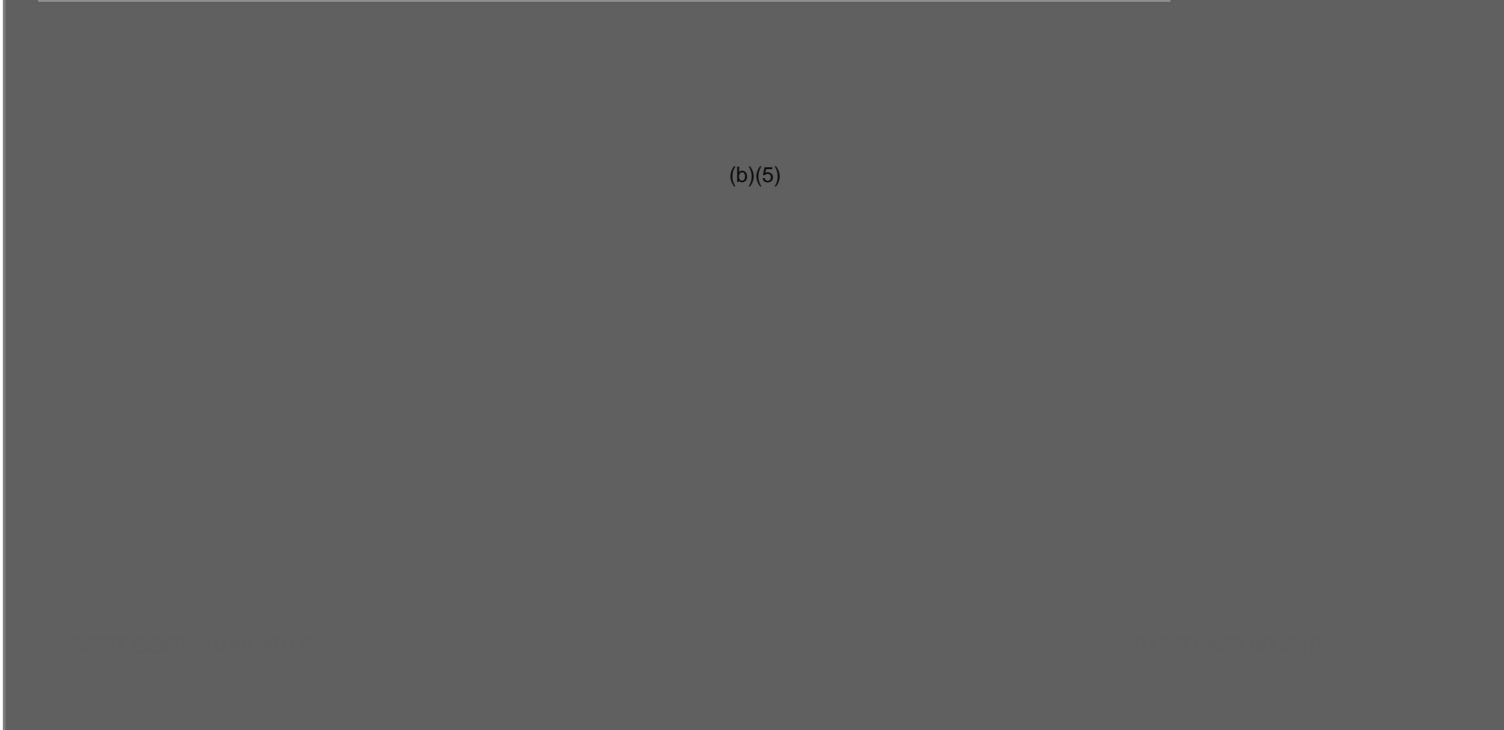
ICE752



(b)(5), (b)(6), (b)(7)c



(b)(5)



4

(b)(5)

ICE754

Doc. #222



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U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

awaiting Barry's edits.

MEMORANDUM FOR VICTOR X. CERDA
ACTING CHIEF OF STAFF
OFFICE OF THE COMMISSIONER

FROM: Barry O'Melinn
Acting Deputy General Counsel

SUBJECT: Designation of Country of Removal in INA 235(c) Proceedings

I. ISSUES PRESENTED:

(b)(5)

II. BRIEF ANSWERS:

(b)(5)

ICE755

Doc. #223



U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

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MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: James W. Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

PURPOSE: For the Decision of the Attorney General

TIMETABLE: We would like to reach a decision on this matter as soon as possible.

SYNOPSIS: Arar is a dual Canadian and Syrian citizen in immigration proceedings pursuant to § 235(c)(1) of the Immigration and Nationality Act. He was intercepted at JFK International Airport in New York City on September 26, 2002, while attempting to transit without visa from Tunisia, where he currently resides, to Canada.

DISCUSSION:

(b)(5)

ICE760

Subject: Matter of Abdul Hamid Maher ARAR

(b)(6), (b)(7)c

(b)(5)

Memorandum for the Attorney General

Subject: Matter of Abdul Hamid Maher ARAR

(b)(6), (b)(7)c

page 4

cc: GENCO log

(b)(6), (b)(7)c

NSLD log

(b)(6), (b)(7)c

Cooper

O'Melinn

Carpenter

(b)(6), (b)(7)c

Doc. #224



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U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the Commissioner

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR EASTERN REGIONAL DIRECTOR J. SCOTT BLACKMAN

FROM: James W. Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

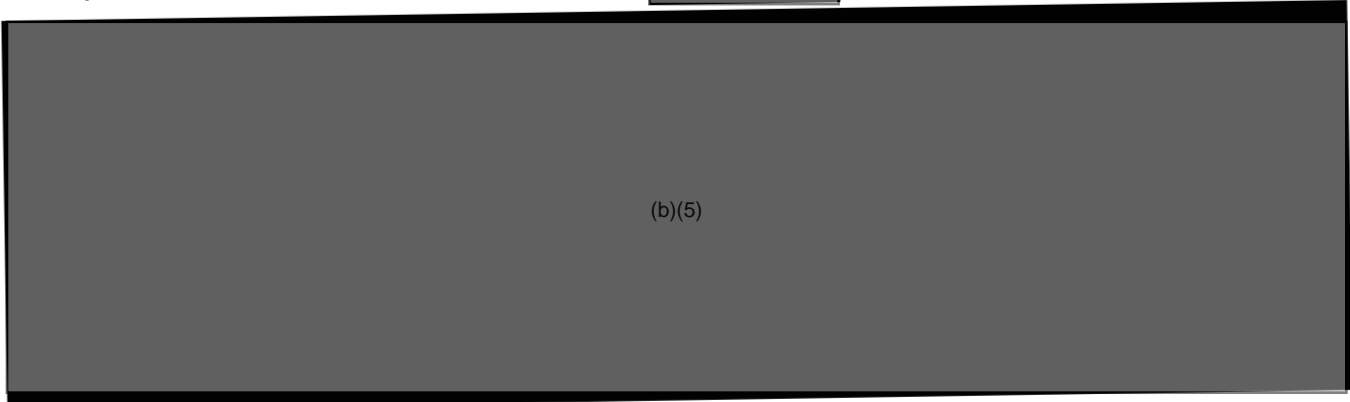
SYNOPSIS: Arar is a dual citizen of Canada and Syria, who is in immigration proceedings pursuant to Section 235(c)(1) of the Immigration and Nationality Act. Under Section 241(b)(2)(A), Arar designated Canada as the country to which he wants to be removed. However, under Section 241(b)(2)(C)(iv), the Attorney General disregarded Arar's designation of Canada. Under Section 241(b)(2)(D), Arar shall be removed to the country of which he is a subject, national or citizen. Therefore, Arar shall be removed to Syria.

DISCUSSION:

(b)(5)

Memorandum for Eastern Regional Director J. Scott Blackman
Subject: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

page 2



(b)(5)

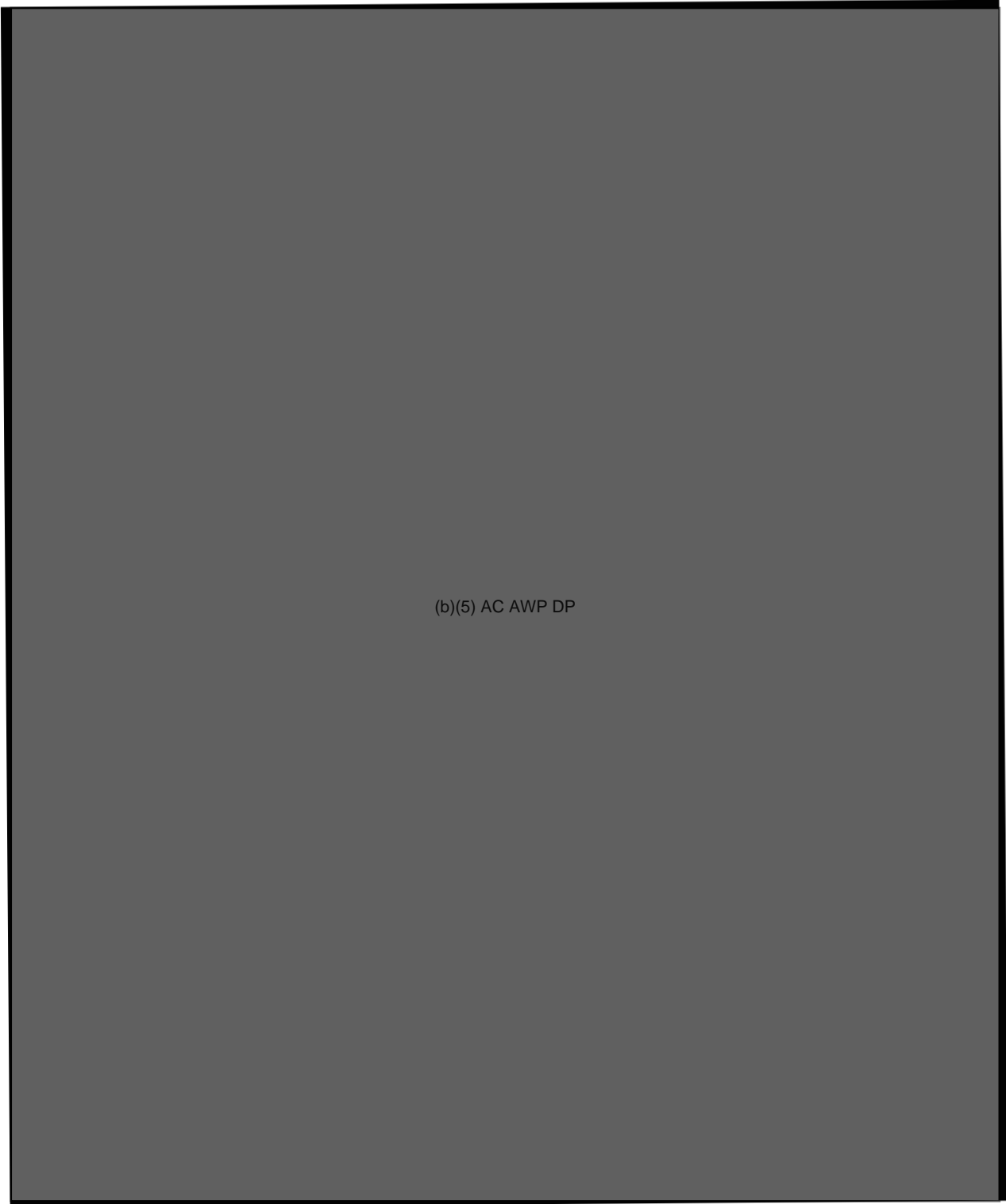
ICE765

Doc. #225

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DRAFT

Below is the Enforcement Division's insert to the background paper requested by the AG's office on individuals with dual citizenship.



(b)(5) AC AWP DP

(b)(5) AC AWP DP

ICE767

(b)(5) AC AWP DP

ICE768

Doc. #226



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U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR VICTOR X. CERDA
ACTING CHIEF OF STAFF
OFFICE OF THE COMMISSIONER

FROM: Barry O'Melinn
Acting Deputy General Counsel

SUBJECT: Designation of Country of Removal in INA 235(c) Proceedings

I. ISSUES PRESENTED:

(b)(5)

II. BRIEF ANSWERS:

(b)(5)

ICE769

(b)(5) AC AWP DP

ICE771

(b)(5) AC AWP DP

ICE772

(b)(5) AC AWP DP

Memorandum for Victor X. Cerda
Subject: Designation of Country of Removal in INA 235(c) Proceedings

Page 5

cc :

(b)(6), (b)(7)c

Enforcement Log

HQ Log

(b)(6), (b)(7)c

(b)(6), (b)(7)c

MEMO.FINAL, October 3, 2002

ICE773

Doc. #227

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Department of Homeland Security
Bureau of Citizenship and Immigration Services

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR REGIONAL COUNSEL
DISTRICT COUNSEL
SECTOR COUNSEL

FROM: MARK WALLACE,
General Counsel, BCIS / ICE

SUBJECT: Post-order notice and CBP (b)(6), (b)(7)c (b)(6), (b)(7)c CBP (b)(6), (b)(7)c
CBP (b)(6), (b)(7)c

(b)(5) AC AWP DP

Subject: Post-order notice

CBP (b)(6), (b)(7)c

(b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

non-designated country



(b)(5) AC AWP DP

Subject: Post-order notice 2

CBP (b)(6), (b)(7)c

(b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

non-designated country

(b)(5) AC AWP DP

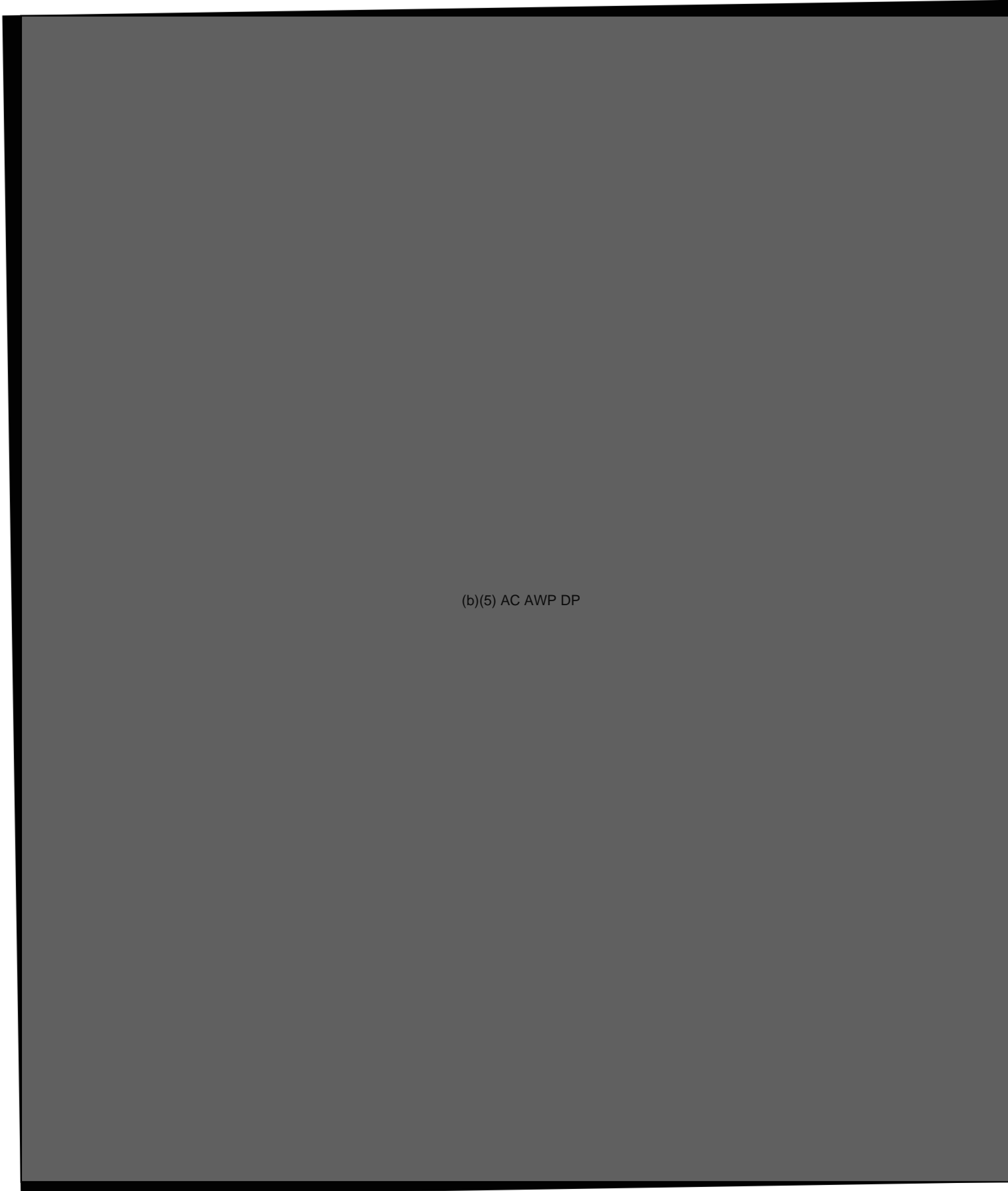
Subject: Post-order notice

CBP (b)(6), (b)(7)c

(b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

non-designated country



(b)(5) AC AWP DP

Subject: Post-order notice a

CBP (b)(6), (b)(7)c

(b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

non-designated country

(b)(5) AC AWP DP

(b)(5) AC AWP DP

Doc. #228

Lotus cc:Mail for (b)(6), (b)(7)c

The release of this document to the IG does not constitute a waiver of any applicable privilege.

Date: 3/27/2003 5:38 PM

Sender: (b)(6), (b)(7)c

Priority: Normal

Subject: Fwd:alternate country of removal

(b)(6), (b)(7)c

Attached please find my draft of the reworked memo (b)(6), (b)(7)c has not cleared yet. Linger- ing issues and questions are identified by brackets and bolded language.

(b)(5)

(b)(6), (b)(7)c


Alternate country
of removal_assessing p

Subject: Post-order notice and [redacted] (b)(6), (b)(7)c
[redacted] (b)(6), (b)(7)c non-designated country

Department of Homeland Security
Bureau of Citizenship and Immigration Services

[redacted] (b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR REGIONAL COUNSEL
DISTRICT COUNSEL
SECTOR COUNSEL

FROM: MARK WALLACE,
General Counsel, BCIS / ICE

SUBJECT: Post-order notice and [redacted] (b)(6), (b)(7)c
[redacted] (b)(6), (b)(7)c non-designated country

(b)(5) AC AWP DP

ICE780

Subject: Post-order notice id

(b)(6), (b)(7)c

(b)(6), (b)(7)c

non-designated country

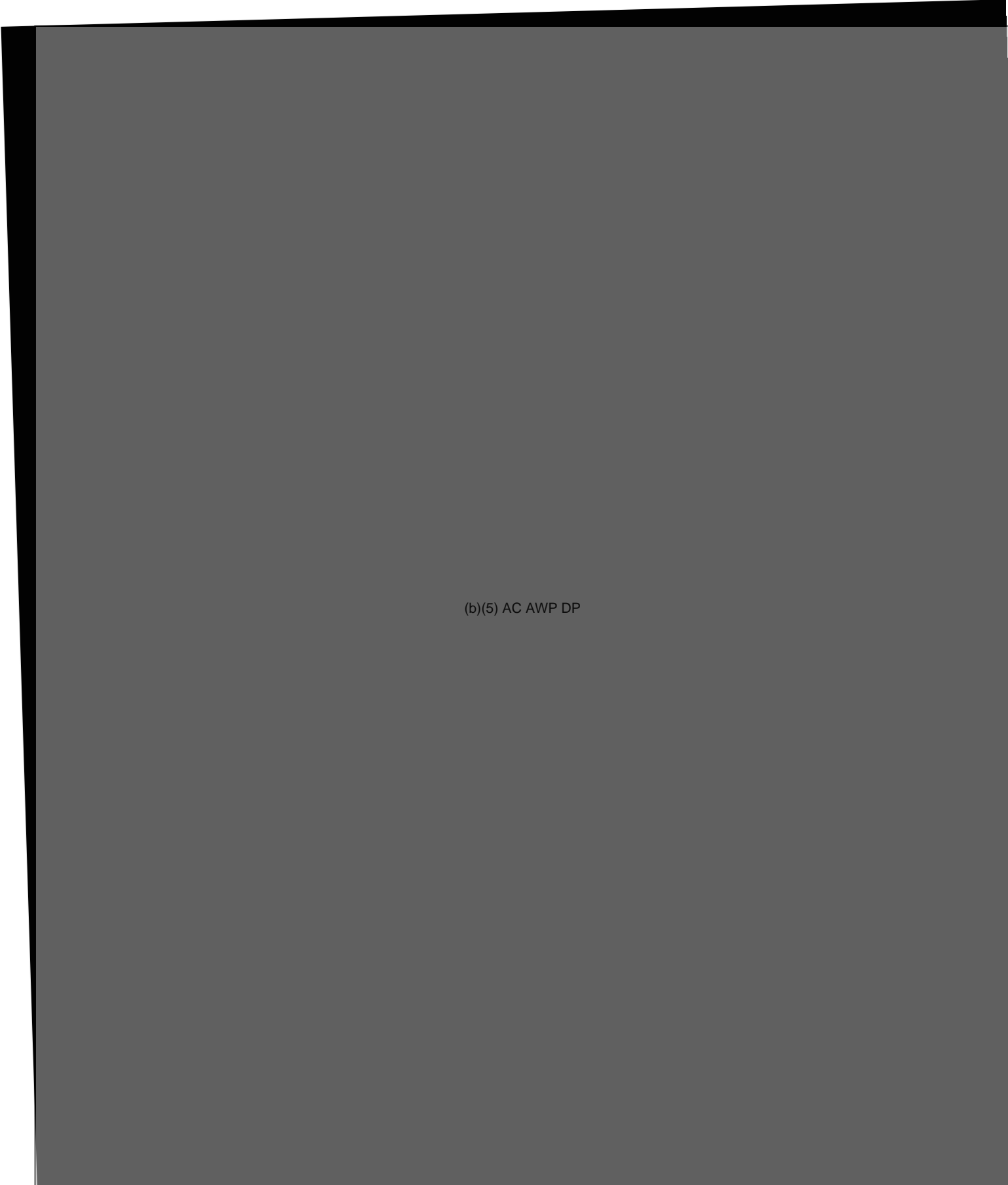
(b)(5) AC AWP DP

Subject: Post-order notice of

[redacted] (b)(6), (b)(7)c

[redacted] (b)(6), (b)(7)c

non-designated country



(b)(5) AC AWP DP

Subject: Post-order notice d

(b)(6), (b)(7)c

(b)(6), (b)(7)c

non-designated country

(b)(5) AC AWP DP

Subject: Post-order notice of [redacted] (b)(6), (b)(7)c
[redacted] (b)(6), (b)(7)c non-designated country

(b)(5) AC AWP DP

Doc. #229

The release of this document to the
IG does not constitute a waiver of
any applicable privilege.

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 9:59 PM
To: Barry C O'Melinn
Subject: memo to RD attached



ARAR AG
ESIGNATION RD.DC

ICE785



U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the Commissioner

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR EASTERN REGIONAL DIRECTOR J. SCOTT BLACKMAN

FROM: James W. Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

SYNOPSIS: Arar is a dual citizen of Canada and Syria, who is in immigration proceedings pursuant to Section 235(c)(1) of the Immigration and Nationality Act. Under Section 241(b)(2)(A), Arar designated Canada as the country to which he wants to be removed. However, under Section 241(b)(2)(C)(iv), the Attorney General disregarded Arar's designation of Canada. Under Section 241(b)(2)(D), Arar shall be removed to the country of which he is a subject, national or citizen. Therefore, Arar shall be removed to Syria.

DISCUSSION:

(b)(5)

Memorandum for Eastern Regional Director J. Scott Blackman

page 2

Subject: Matter of Abdul Hamid M. [REDACTED]

(b)(6), (b)(7)c

(b)(5)

ICE787

Doc. #230

The release of this document to the IG does not constitute a waiver of any applicable privilege.

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 7:47 PM
To: Barry C O'Melinn; (b)(6), (b)(7)c
Subject: ARAR - Memo to AG attached



ARAR AG
DESIGNATION.DOC

ICE788



U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: James W. Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

PURPOSE: For the Attorney General to sign the attached letter regarding designation of Canada as country of removal.

TIMETABLE: We would like to reach a decision on this matter as soon as possible.

SYNOPSIS: Arar is a dual Canadian and Syrian citizen in immigration proceedings pursuant to § 235(c)(1) of the Immigration and Nationality Act. He was intercepted at JFK International Airport in New York City on September 26, 2002, while attempting to transit without visa from Tunisia, where he currently resides, to Canada.

DISCUSSION:

(b)(5)

ICE789

(b)(5)

Subject: Matter of Abdul Hamid Maher ARAR

(b)(6), (b)(7)c

(b)(5)

ICE791

Memorandum for the Attorney General

Subject: Matter of Abdul Hamid Maher ARAR

(b)(6), (b)(7)c

page 4

cc: GENCO log

NSLD log

(b)(6), (b)(7)c

Cooper

O'Melinn

Carpenter

(b)(6), (b)(7)c

(b)(6), (b)(7)c

ICE792

Doc. #231

Lotus cc:Mail for (b)(6), (b)(7)c

The release of this document to the IG does not constitute a waiver of any applicable privilege.

Date: 11/26/2002 5:27 PM

Sender: Barry C O'Melinn

To: (b)(6), (b)(7)c

Priority: Normal

Subject: FW: More Thoughts on AG's Designation of Country of Removal

are you going to the meeting tomorrow?

-----Original Message-----

From: (b)(6), (b)(7)c

Sent: Monday, November 25, 2002 11:10 PM

To: O'Melinn, Barry C

Subject: More Thoughts on AG's Designation of Country of Removal --

Barry --

(b)(5) AC AWP DP

Lotus cc:Mail for

(b)(6), (b)(7)c

(b)(5) AC AWP DP

(b)(5) AC AWP DP

Regards,

(b)(6), (b)(7)c

ICE794

Doc. #232

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Wednesday, October 09, 2002 10:07 AM
To: (b)(6), (b)(7)c
Subject: Re[2]:Acting AG Letter Regarding Designation



ararAGletter2.doc

(b)(6), (b)(7)c

Yes, this was the version that was forwarded to the AG's office. However, a last minute call was made to have the Commissioner and not the AG make the decision to disregard. I heard this from Barry. I am not sure if anything was put in writing from the Commissioner. Barry should know if there was a letter from the Commissioner.

(b)(6), (b)(7)c

Reply Separator

Subject: Re:Acting AG Letter Regarding Designation
Author: (b)(6), (b)(7)c
Date: 10/09/2002 10:02 AM

(b)(6), (b)(7)c

Was this the final version of the disregarding letter? (b)(5), (b)(6), (b)(7)c Barry

(b)(5)

Thanks, (b)(6), (b)(7)c

Reply Separator

Subject: Acting AG Letter Regarding Designation
Author: (b)(6), (b)(7)c
Date: 10/7/2002 5:23 PM

Barry,

Attached you will find the revised redesignation letter for the Acting Attorney General. Let me know if you need anything else.

(b)(6), (b)(7)c

ICE795

*****DRAFT*****

J. Scott Blackman
Regional Director, Eastern Region
U.S. Immigration and Naturalization Service
70 Kimball Avenue
South Burlington, VT 05403

Re: Disregarding Designation of Country of Removal Pursuant to Section
241(b)(2)(C)(iv) of the Immigration and Nationality Act, 8 U.S.C.
§ 1231(b)(2)(C)(iv), in the case of Maher Abdul Hamid Arar, A#

(b)(6), (b)(7)c

Dear Mr. Blackman:

(b)(5)

Sincerely,

Larry Thompson
Acting Attorney General

(b)(6), (b)(7) third revision

Doc. #233



The release of this document to the
G does not constitute a waiver of
any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

EXECUTIVE SUMMARY

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: James Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

PURPOSE: For the Attorney General to review the decision of the Immigration and Naturalization Service (INS) Eastern Region Director finding Arar permanently inadmissible to the United States.

TIMETABLE: We would like to reach a decision on this matter as soon as possible.

SYNOPSIS: Arar is a dual Canadian and Syrian citizen in immigration proceedings pursuant to § 235(c)(1) of the Immigration and Nationality Act. He was intercepted at JFK International Airport in New York City on September ##, 2002, while attempting to transit without visa from Tunisia, where he currently resides, to Canada.

DISCUSSION:

(b)(5), (b)(7)e

ICE797

Subject: Matter of Abdul Hanid Maher ARAR

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

RECOMMENDATION:

(b)(5)

APPROVE: _____ Concurring Components:
None

DATE: _____, 2002

DISAPPROVE: _____ Nonconcurring Components:
None

OTHER: _____

Attachments (2)

ICE798

Memorandum for the Attorney General

page 3

Subject: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

cc: GENCO log (b)(6), (b)(7)c
NSLD log
(b)(6), (b)(7)c
Cooper
O'Melinn
Carpenter
(b)(6), (b)(7)c

ICE799

Doc. #234

241(b)(2)(D) applies for the purpose of selecting a country of removal. Subsection (D) provides that the alternative country of removal is the country of which the alien is a subject, national or citizen unless the government of that country (i) does not inform the Attorney General or the alien within 30 days or a reasonable time of the Service's inquiry whether that country is willing to accept the alien; or (ii) is not willing to accept the alien into that country. Therefore, under the authority of Section 241(b)(2)(D), Arar shall be removed to Syria, a country of which he is a national, subject or citizen.

ICE802

Doc. #235

O'Melinn, Barry C

From: (b)(6), (b)(7)c
Sent: Friday, October 04, 2002 2:18 AM
To: O'Melinn, Barry C; (b)(6), (b)(7)c; Cooper, Owen E (b)(6), (b)(7)c
(b)(6), (b)(7)c
Subject: Memo (b)(6), (b)(7)c 235(c)
Importance: High



235(c) (b)(6), (b)(7)c
Memo.DOC (92 KB)

Attached please find a draft memo outlining COU's position, as I understood it based on this evening's conversations, (b)(6), (b)(7)c in 235(c) cases in general and in this specific case. (b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5), (b)(6), (b)(7)c

(b)(6), (b)(7)c

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ICE803



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IG does not constitute a waiver of
any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR THE COMMISSIONER

FROM: Bo Cooper
General Counsel

SUBJECT: Fulfilling U.S. Obligations under th (b)(6), (b)(7)c in Section 235(c) Cases

(b)(5) AC AWP DP (b)(6), (b)(7)c

ICE804

(b)(5) AC AWP DP (b)(6), (b)(7)c

ICE805

(b)(5) AC AWP DP (b)(6), (b)(7)c

ICE806

APPROVE: _____

DISAPPROVE: _____

OTHER: _____

INSERT HEADER:

Memorandum for the Commissioner

Subject: Fulfilling U.S. (b)(6), (b)(7)c Obligations in Section 235(c) Cases

Page XX

ICE807

Doc. #236

O'Melinn, Barry C

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IG does not constitute a waiver of
any applicable privilege.

From: (b)(6), (b)(7)c
Sent: Friday, October 04, 2002 10:09 AM
To: O'Melinn, Barry C; (b)(6), (b)(7)c
Subject: Re: (b)(6), (b)(7)c

(b)(5) AC AWP DP, (b)(6), (b)(7)c

Reply Separator

Subject: (b)(6), (b)(7)c
Author: (b)(6), (b)(7)c
Date: 10/4/2002 9:56 AM

DOS Country Report on Syria (March 2002):

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continued to use torture, although to a lesser extent than in previous years. Former prisoners and detainees report that torture methods include administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim is suspended from the ceiling; hyperextending the spine; and using a chair that bends backwards to asphyxiate the victim or fracture the victim's spine. In September Amnesty International published a report claiming that authorities at Tadmur Prison regularly torture prisoners, or force prisoners to torture one another. Although torture occurs in prisons, torture is most likely to occur while detainees are being held at one of the many detention centers run by the various security services throughout the country, and particularly while the authorities are attempting to extract a confession or information regarding an alleged crime or alleged accomplices.

The Government has denied that it uses torture and claims that it would prosecute anyone believed guilty of using excessive force or physical abuse. Past victims of torture have identified the officials who beat them, up to the level of brigadier general. If allegations of excessive force or physical abuse are to be made in court, the plaintiff is required to initiate his own civil suit against the alleged abuser. Courts do not order medical examinations for defendants who claim that they were tortured (see Section 1.e.).

In 2000 Syria apprehended Raed Hijazi, accused of a terrorist plot targeting American and Israeli tourists in Jordan during the millennium celebrations and rendered him to Jordan to stand trial. According to media accounts of the trial, doctors for both the defense and the prosecution testified that Hijazi's body showed signs of having been beaten, but witnesses, including Hijazi, made contradictory and inconclusive claims regarding whether the alleged abuse occurred while he was in Jordanian or Syrian custody. The Jordanian court has rejected the allegations that Hijazi's confession was coerced.

The Government reportedly tortured some of the Islamist prisoners who were detained during the large-scale arrests in late 1999 and early 2000 (see Sections 1.d. and 2.c.).

On January 30, unknown assailants attacked and beat novelist Nabil Sulayman outside his apartment in Latakia, in what some observers believe was a message from the Government to civil society advocates to moderate their pressure for reform (see Section 2.a.).

In November 2000, 200 persons were injured during clashes in Suwayda province involving Druze residents, Bedouin shepherds, and security forces (see Sections 1.a. and 5).

Prison conditions vary but generally are poor and do not meet international standards for health and sanitation. Facilities for political or ~~104808~~ normal security prisoners generally

are worse than those for common criminals. The notorious Tadmur Prison in Palmyra, where many political and national security prisoners have been kept, is widely considered to have the worst conditions.

There were unconfirmed press reports in September that the Government closed the civilian wing of Tadmur Prison, and unconfirmed press reports earlier in the year that the Government moved approximately 500 to 600 political prisoners from Tadmur Prison to Sayadnaya Prison in preparation for Tadmur's eventual closing.

At some prisons, authorities allow visitation, but in other prisons, security officials demand bribes from family members who wish to visit incarcerated relatives. Overcrowding and the denial of sufficient nourishment occur at several prisons. According to Human Rights Watch, prisoners and detainees are held without adequate medical care, and some prisoners with significant health problems reportedly are denied medical treatment. Some former detainees have reported that the Government prohibits reading materials, even the Koran, for political prisoners.

There were credible reports in 2000 that minors were held in adult facilities for 6 months and were not allowed visits from family members. There are separate detention facilities for women and children (see Section 1.d.).

The Government does not permit independent monitoring of prison or detention center conditions. In June the Government allowed a German diplomat to visit Hussein Dawud, a Syrian member of the Kurdish Popular Union Party imprisoned in Sayadnaya Prison, after rumors of Dawud's death by torture were published. The diplomat confirmed Dawud's presence and saw no signs of torture.

ICE809

Doc. #237

O'Melinn, Barry C

From: (b)(6), (b)(7)c
Sent: Friday, October 04, 2008 5:06 PM
To: O'Melinn, Barry C; (b)(6), (b)(7)c
Subject: CBP (b)(6), (b)(7)c memo



235CB (b)(6), (b)(7)c
lemo_RW redlines_.

Here's the revised memo with edits incorporated.

ICE810



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IG does not constitute a waiver of
any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR THE COMMISSIONER

FROM: Bo Cooper
General Counsel

SUBJECT: Fulfilling U.S. Obligations under the (b)(6), (b)(7)c in Section 235(c) Cases

(b)(5) AC AWP DP (b)(6), (b)(7)c

ICE811

(b)(5) AC AWP DP (b)(6), (b)(7)c

ICE812

(b)(5) AC AWP DP (b)(6), (b)(7)c

APPROVE: _____

DISAPPROVE: _____

OTHER: _____

=====

INSERT HEADER...

Memorandum for the Commissioner

Page XX

Subject: Fulfilling U.S. Obligations under the (b)(6), (b)(7)c in Section 235(c) Cases

(b)(5) AC AWP DP (b)(6), (b)(7)c

ICE813

Doc. #238

O'Melinn, Barry C

From: (b)(6), (b)(7)c
Sent: Friday, October 04, 2002 5:49 PM
To: O'Melinn, Barry C; (b)(6), (b)(7)c
Subject: (b)(6), (b)(7)c memo



235(c)(b)(6), (b)(7)c
memo_RW redlines_.

New version with slight revisions, mostly to footnote 1.

=====
Here's the revised memo with edits incorporated.

ICE814



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U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR THE COMMISSIONER

FROM: Bo Cooper
General Counsel

SUBJECT: Fulfilling U.S. Obligations under the (b)(6), (b)(7)c in Section 235(c) Cases

(b)(5) AC AWP DP (b)(6), (b)(7)c

ICE815

(b)(5) AC AWP DP (b)(6), (b)(7)c

ICE816

(b)(5) AC AWP DP (b)(6), (b)(7)c

APPROVE: _____

DISAPPROVE: _____

OTHER: _____

=====

INSERT HEADER...

Memorandum for the Commissioner

Page XX

Subject: Fulfilling U.S. Obligations under the (b)(6), (b)(7)c in Section 235(c) Cases

(b)(5) AC AWP DP (b)(6), (b)(7)c

ICE817

Doc. #239

O'Melinn, Barry C

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 4:51 PM
To: O'Melinn, Barry C
Subject: 235(c) memo



235(c) memo
inal.2.DOC (51 KB..)

ICE818



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any applicable privilege.

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR VICTOR X. CERDA
ACTING CHIEF OF STAFF
OFFICE OF THE COMMISSIONER

FROM: Barry O'Melinn
Acting Deputy General Counsel

SUBJECT: Designation of Country of Removal in INA 235(c) Proceedings

I. ISSUES PRESENTED:

(b)(5)

II. BRIEF ANSWERS:

(b)(5)

ICE819

Attorney/Client Privilege, Attorney Work Product, and Agency Deliberative Material – Do Not Disclose

(b)(5)

III. DISCUSSION

(b)(5) AC AWP DP

ICE820

Attorney/Client Privilege, Attorney Work Product, and Agency Deliberative Material – Do Not Disclose

(b)(5) AC AWP DP

ICE821

Attorney/Client Privilege, Attorney Work Product, and Agency Deliberative Material – Do Not Disclose

(b)(5) AC AWP DP

ICE822

(b)(5) AC AWP DP

Attorney/Client Privilege, Attorney Work Product, and Agency Deliberative Material – Do Not Disclose

Doc. #240

O'Melinn, Barry C

From: O'Melinn, Barry C
Sent: Monday, October 07, 2002 10:38 PM
To: (b)(6), (b)(7)c
Subject: arar



ARAR AG
GNATION RD.DOC (

ICE824



U.S. Department of Justice
Immigration and Naturalization Service

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G does not constitute a waiver of
any applicable privilege.

(b)(6), (b)(7)c

Office of the Commissioner

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR EASTERN REGIONAL DIRECTOR J. SCOTT BLACKMAN

FROM: James W. Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

SYNOPSIS: Arar is a dual citizen of Canada and Syria, who is in immigration proceedings pursuant to Section 235(c)(1) of the Immigration and Nationality Act. Under Section 241(b)(2)(A), Arar designated Canada as the country to which he wants to be removed. However, under Section 241(b)(2)(C)(iv), the Attorney General disregarded Arar's designation of Canada. Under Section 241(b)(2)(D), Arar shall be removed to the country of which he is a subject, national or citizen. Therefore, Arar shall be removed to Syria.

DISCUSSION:

(b)(5) AC AWP DP

ICE825

Subject: Matter of Abdul Hamid Maher ARAR

(b)(6), (b)(7)c

(b)(5) AC AWP DP

ICE826

Doc. #241

O'Melinn, Barry C

From: O'Melinn, Barry C
Sent: Monday, October 07, 2002 10:33 PM
To: (b)(6), (b)(7)c
Subject: FW: memo to RD attached



ARAR AG
GNATION RD.DOC (

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 9:59 PM
To: O'Melinn, Barry C
Subject: memo to RD attached

ICE827



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U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the Commissioner

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR EASTERN REGIONAL DIRECTOR J. SCOTT BLACKMAN

FROM: James W. Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

SYNOPSIS: Arar is a dual citizen of Canada and Syria, who is in immigration proceedings pursuant to Section 235(c)(1) of the Immigration and Nationality Act. Under Section 241(b)(2)(A), Arar designated Canada as the country to which he wants to be removed. However, under Section 241(b)(2)(C)(iv), the Attorney General disregarded Arar's designation of Canada. Under Section 241(b)(2)(D), Arar shall be removed to the country of which he is a subject, national or citizen. Therefore, Arar shall be removed to Syria.

DISCUSSION:

(b)(5) AC AWP DP

ICE828

(b)(6), (b)(7)c

(b)(5) AC AWP DP

ICE829

Doc. #242

O'Melinn, Barry C

From: O'Melinn, Barry C
Sent: Monday, October 07, 2002 8:31 PM
To: (b)(6), (b)(7)c



235(c) memo
inal.2.DOC (55 KB..)

here are some redlined changes. please enter them when you have a chance [not tonight]

ICE830



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IG does not constitute a waiver of
any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR VICTOR X. CERDA
ACTING CHIEF OF STAFF
OFFICE OF THE COMMISSIONER

FROM: Barry O'Melinn
Acting Deputy General Counsel

SUBJECT: Designation of Country of Removal in INA 235(c) Proceedings

I. ISSUES PRESENTED:

(b)(5)

II. BRIEF ANSWERS:

(b)(5)

Attorney/Client Privilege, Attorney Work Product, and Agency Deliberative Material – Do Not Disclose

ICE831

(b)(5)

III. DISCUSSION

(b)(5) AC AWP DP

Attorney/Client Privilege, Attorney Work Product, and Agency Deliberative Material – Do Not Disclose

ICE832

(b)(5) AC AWP DP

Attorney/Client Privilege, Attorney Work Product, and Agency Deliberative Process

ICE833



(b)(5) AC AWP DP



(b)(5) AC AWP DP

Attorney/Client Privilege, Attorney Work Product, and Agency Deliberative Material – Do Not Disclose

ICE834

cc : (b)(6), (b)(7)c
Enforcement Log
HQ Log

(b)(6), (b)(7)c

(b)(6), (b)(7)c

memo final, October 3, 2002

Attorney/Client Privilege, Attorney Work Product, and Agency Deliberative Material – Do Not Disclose

ICE835

Doc. #243

O'Melinn, Barry C

From: O'Melinn, Barry C
Sent: Monday, October 07, 2002 4:44 PM
To: (b)(6), (b)(7)c



ArarAGReferral.doc
(36 KB)

ICE836



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any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

EXECUTIVE SUMMARY

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: James Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

PURPOSE: For the Attorney General to review the decision of the Immigration and Naturalization Service (INS) Eastern Region Director finding Arar permanently inadmissible to the United States.

TIMETABLE: We would like to reach a decision on this matter as soon as possible.

SYNOPSIS: Arar is a dual Canadian and Syrian citizen in immigration proceedings pursuant to § 235(c)(1) of the Immigration and Nationality Act. He was intercepted at JFK International Airport in New York City on September ##, 2002, while attempting to transit without visa from Tunisia, where he currently resides, to Canada.

DISCUSSION:

(b)(5), (b)(7)e

ICE837

Subject: Matter of Abdul Hamid Maher ARAR

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

RECOMMENDATION:

(b)(5)

APPROVE: _____ Concurring Components:
None

DATE: _____, 2002

DISAPPROVE: _____ Nonconcurring Components:
None

OTHER: _____

Attachments (2)

ICE838

Memorandum for the Attor General

Subject: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

cc: GENCO log (b)(6), (b)(7)c

NSLD log

(b)(6), (b)(7)c

Cooper

O'Melinn

Carpenter

(b)(6), (b)(7)c

ICE839

Doc. #244

O'Melinn, Barry C

From: O'Melinn, Barry C
Sent: Monday, October 07, 2002 4:32 PM
To: (b)(6), (b)(7)c
Subject: AG referral



ArarAGReferral.doc
(36 KB)

ICE840



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G does not constitute a waiver of
any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

EXECUTIVE SUMMARY

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: James Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

PURPOSE: For the Attorney General to review the decision of the Immigration and Naturalization Service (INS) Eastern Region Director finding Arar permanently inadmissible to the United States.

TIMETABLE: We would like to reach a decision on this matter as soon as possible.

SYNOPSIS: Arar is a dual Canadian and Syrian citizen in immigration proceedings pursuant to § 235(c)(1) of the Immigration and Nationality Act. He was intercepted at JFK International Airport in New York City on September ##, 2002, while attempting to transit without visa from Tunisia, where he currently resides, to Canada.

DISCUSSION:

(b)(5), (b)(7)e

ICE841

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

RECOMMENDATION:

(b)(5)

APPROVE: _____ Concurring Components:
None

DATE: _____, 2002

DISAPPROVE: _____ Nonconcurring Components:
None

OTHER: _____

Attachments (2)

ICE842

Memorandum for the Attorney General

page 3

Subject: Matter of Abdul Hamid Maher ARAR [redacted] (b)(6), (b)(7)c

cc: GENCO log [redacted] (b)(6), (b)(7)c

NSLD log

[redacted] (b)(6), (b)(7)c

Cooper

O'Melinn

Carpenter

[redacted] (b)(6), (b)(7)c

ICE843

Doc. #245

O'Melinn, Barry C

From: O'Melinn, Barry C
Sent: Friday, October 04, 2002 12:41 PM
To: (b)(6), (b)(7)c
Subject: FW: Draft Language for Designation of Country of Removal
Importance: High



Designation of
removal country...

(b)(6), (b)(7)c

Please work this into something that we could give the alien.

(b)(5) AC AWP DP,

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Thursday, October 03, 2002 8:05 PM
To: O'Melinn, Barry C; (b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c
Subject: Draft Language for Designation of Country of Removal
Importance: High

(b)(5) AC AWP DP, (b)(6), (b)(7)c

(b)(6), (b)(7)c

ICE844

(b)(5)

ICE845

Doc. #246

O'Melinn, Barry C

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IG does not constitute a waiver of
any applicable privilege.

From: (b)(6), (b)(7)c
Sent: Thursday, October 03, 2002 8:05 PM
To: O'Melinn, Barry C; (b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c
Subject: Draft Language for Designation of Country of Removal

Importance: High



Designation of
removal country...

(b)(5) AC AWP DP, (b)(6), (b)(7)c

(b)(6), (b)(7)c

ICE846

1

(b)(5)

ICE847

Doc. #247

O'Melinn, Barry C

From: (b)(6), (b)(7)c
Sent: Friday, October 04, 2002 3:30 PM
To: O'Melinn, Barry C; (b)(6), (b)(7)c
Cerda, Victor X
Subject: RE: ARAR (b)(6), (b)(7)b

Final version.



ARARltr1.doc (50
KB)

-----Original Message-----

From: O'Melinn, Barry C
Sent: Friday, October 04, 2002 1:32 PM
To: (b)(6), (b)(7)c
Subject: ARAR

(b)(6), (b)(7)c

(b)(5)

ICE848

10/3



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any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

425 I Street NW
Washington, DC 20536

Mr. Maher Abdul Hamid ARAR

(b)(6), (b)(7)c

In Service Custody

Dear Mr. Arar:

You have been placed in removal proceedings under the Immigration and Nationality Act. In connection with those proceedings, you have the opportunity to designate a country for your removal, in the event that you are order removed. If you should chose to designate a country, please do so on the line below. If you have any concerns about returning to this country, please explain in detail below. Attach additional sheets of paper if necessary.

Sincerely,

J. Scott Blackman
Regional Director, Eastern Region
Immigration and Naturalization Service

Would you like to designate a country, should you be ordered removed? Yes No
If so, please designate this country below.

Do you have any concerns about returning to this country? Yes No

If so, please explain in detail below, attach additional sheets if necessary.

ICE849

Doc. #248

O'Melinn, Barry C

From: (b)(6), (b)(7)c
Sent: Friday, October 04, 2002 3:28 PM
To: O'Melinn, Barry C; (b)(6), (b)(7)c
Subject: Arar



ARAR.doc (27 KB)

Barry, et al,

(b)(5) AC AWP DP, (b)(6), (b)(7)c

(b)(6), (b)(7)c

ICE850

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IG does not constitute a waiver of
any applicable privilege.

FILE: (b)(6), (b)(7)c)
)
IN THE MATTER OF:) In Removal Proceedings under
) Section 235(c) of the Immigration
ARAR, Maher Abdul Hamid) and Nationality Act
a/k/a ARAR, Maher)
a/k/a ARAR, Mahar Abdul Hamid)
a/k/a ARAR, Maher 'Abd Al-Hamid)
)
APPLICANT)

Decision of the Regional Director

Introduction

(b)(5) AC AWP DP

ICE851

(b)(5) AC AWP DP

ICE852

2

(b)(5) AC AWP DP

ICE853

3

(b)(5) AC AWP DP

ICE854

4

(b)(5) AC AWP DP

Date

J. Scott Blackman
Regional Director
Eastern Region
U.S. Immigration and
Naturalization Service

(b)(5) AC AWP DP

ICE855

5

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, a copy of the foregoing was served by personal service upon the applicant at _____.

I hereby certify that on this _____ day of _____, 1998, a copy of the foregoing was forwarded by Federal Express mail to the INS' Atlanta District Office for personal service on the applicant.

ICE856

6

Doc. #249

O'Melinn, Barry C

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 6:27 PM
To: O'Melinn, Barry C
Cc: Carpenter, Dea D; Cooper, Owen B; (b)(6), (b)(7)c
Subject: Fwd:FW: ARAR

Importance: High



AramemofromCom missionertoAG.D... ARARAGLE.DOC (20 KB) Forward.txt (351 B)

Barry,

Attached below is the letter for the Acting Attorney General regarding redesignation. Also, the Commissioner's memo to the Acting Attorney General with desired changes.

(b)(6), (b)(7)c

ICE857



The release of this document to the
IG does not constitute a waiver of
any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

EXECUTIVE SUMMARY

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: James Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

PURPOSE: For the Attorney General to review the decision of the Immigration and Naturalization Service (INS) Eastern Region Director finding Arar permanently inadmissible to the United States.

TIMETABLE: We would like to reach a decision on this matter as soon as possible.

SYNOPSIS: Arar is a dual Canadian and Syrian citizen in immigration proceedings pursuant to § 235(c)(1) of the Immigration and Nationality Act. He was intercepted at JFK International Airport in New York City on September 26, 2002, while attempting to transit without visa from Tunisia, where he currently resides, to Canada.

DISCUSSION:

(b)(5) AC AWP DP, (b)(7)e

ICE858

(b)(6), (b)(7)c

(b)(5) AC AWP DP

(b)(5) AC AWP DP

APPROVE: _____ Concurring Components:
None

DATE: _____, 2002

DISAPPROVE: _____ Nonconcurring Components:
None

OTHER: _____

Attachments (2)

ICE859

Subject: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

cc: GENCO log

(b)(6), (b)(7)c

NSLD log

(b)(6), (b)(7)c

Cooper

O'Melinn

Carpenter

(b)(6), (b)(7)c

ICE860

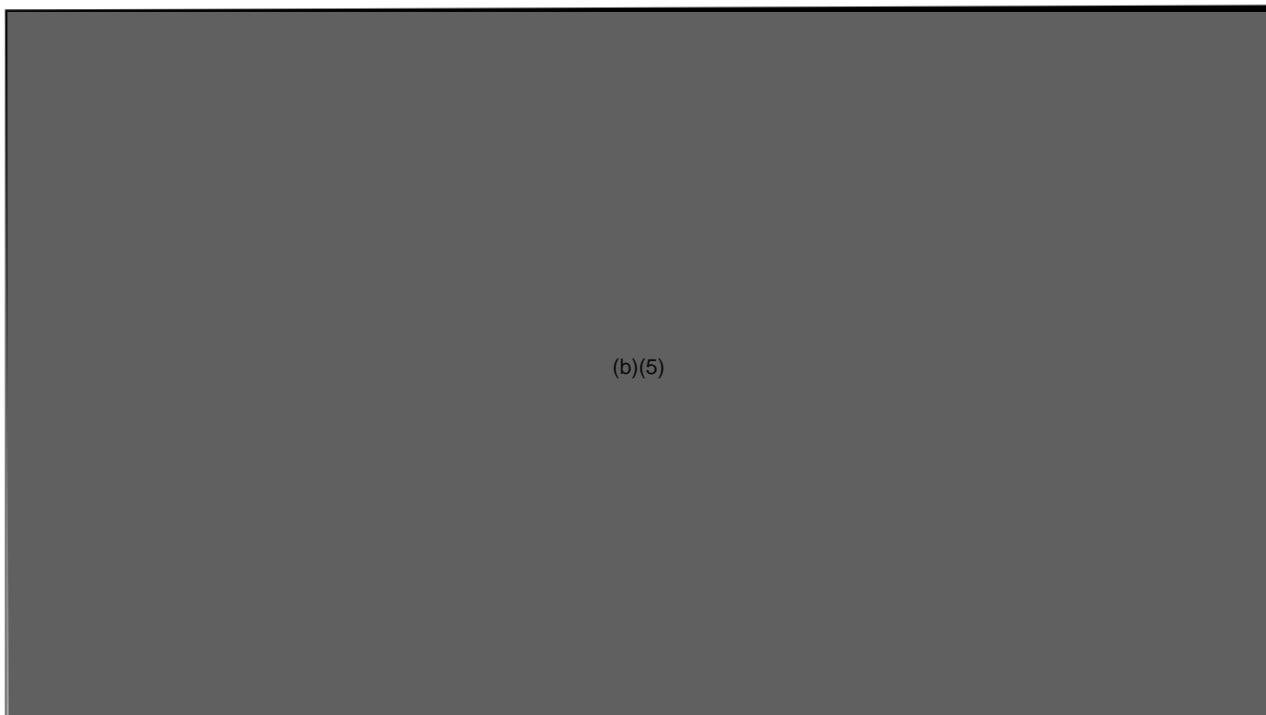
*****DRAFT*****

The release of this document to the IG does not constitute a waiver of any applicable privilege.

J. Scott Blackman
Regional Director, Eastern Region
U.S. Immigration and Naturalization Service
70 Kimball Avenue
South Burlington, VT 05403

Re: Disregarding Designation of Country of Removal Pursuant to Section 241(b)(2)(C)(iv) of the Immigration and Nationality Act, 8 U.S.C. § 1231(b)(2)(C)(iv), in the case of Maher Abdul Hamid Arar, A# (b)(6), (b)(7)c

Dear Mr. Blackman:



(b)(5)

Sincerely,

Larry Thompson
Acting Attorney General

(b)(6), (b)(7)c third revision

ICE861

Doc. #250

O'Melinn, Barry C

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 6:43 PM
To: O'Melinn, Barry C
Cc: Carpenter, Dea D; Cooper, Owen B; (b)(6), (b)(7)c
Subject: Correction on ARAR

Importance: High



Forward.txt (351 B)

Barry,

On the document I just sent you, the date of the issuance for the I-147 is October 1, 2002. This needs to be corrected.

(b)(6), (b)(7)c

ICE862

1

Doc. #251

O'Melinn, Barry C

From: O'Melinn, Barry C
Sent: Friday, October 04, 2002 1:32 PM
To: [REDACTED] (b)(6), (b)(7)c
Subject: ARAR



ARAR.doc (22 KB)

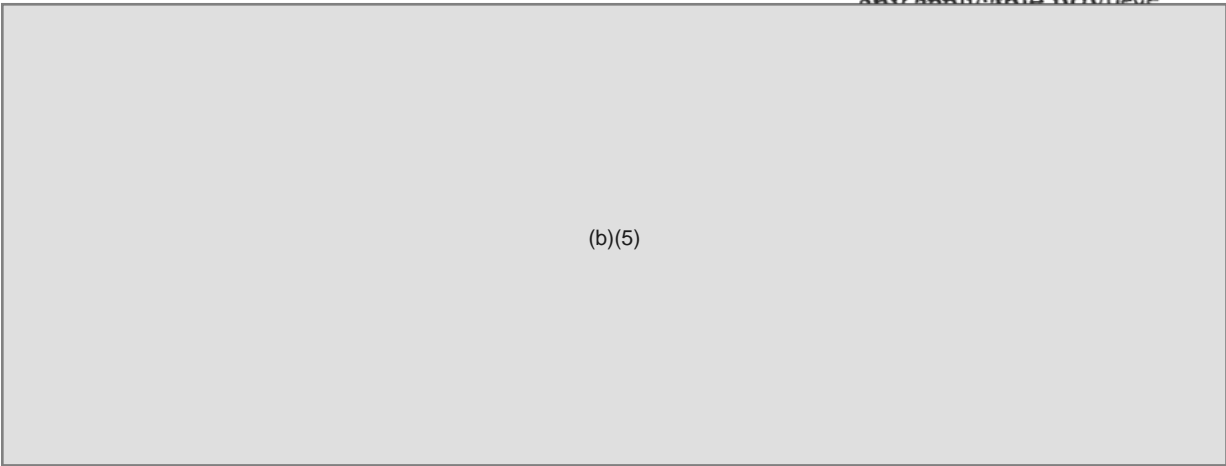


CERTIFICATE OF SERVICE 2.doc (...)

[REDACTED] (b)(6), (b)(7)c

[REDACTED] (b)(5)

ICE863



J. Scott Blackman
Regional Director: Eastern Region
United States Immigration and Naturalization Service

ICE864

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2002, I personally served a copy of the attached document upon the respondent.

ICE865

Doc. #252

O'Melinn, Barry C

From: O'Melinn, Barry C
Sent: Monday, October 07, 2002 6:08 PM
To: Carpenter, Dea D; Cooper, Owen B
Subject: ARAR



ArarAGReferral.doc (36 KB)



ararAGletter2.doc (23 KB)

ICE866



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IG does not constitute a waiver of
any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

EXECUTIVE SUMMARY

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THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: James Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

PURPOSE: For the Attorney General to review the decision of the Immigration and Naturalization Service (INS) Eastern Region Director finding Arar permanently inadmissible to the United States.

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DISCUSSION:

(b)(5), (b)(7)e

~~ICE 868~~

ICE 867

Subject: Matter of Abdul Hamid Maher ARAR

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

RECOMMENDATION:

(b)(5)

APPROVE: _____ Concurring Components:
None

DATE: _____, 2002

DISAPPROVE: _____ Nonconcurring Components:
None

OTHER: _____

Attachments (2)

ICE 868

Memorandum for the Attorney General

page 3

Subject: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

cc: GENCO log

(b)(6), (b)(7)c

NSLD log

(b)(6), (b)(7)c

Cooper

O'Melinn

Carpenter

(b)(6), (b)(7)c

ICE869

Doc. #253

O'Melinn, Barry C

From: O'Melinn, Barry C
Sent: Monday, October 07, 2002 6:12 PM
To: (b)(6), (b)(7)c
Subject: FW: ARAR

-----Original Message-----

From: O'Melinn, Barry C
Sent: Monday, October 07, 2002 6:08 PM
To: Carpenter, Dea D; Cooper, Owen B
Subject: ARAR



ArarAGReferral.doc
(36 KB)



ArarAGletter2.doc
(23 KB)

ICE870



The release of this document to the IG does not constitute a waiver of any applicable privilege.

U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

EXECUTIVE SUMMARY

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: James Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

PURPOSE: For the Attorney General to review the decision of the Immigration and Naturalization Service (INS) Eastern Region Director finding Arar permanently inadmissible to the United States.

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DISCUSSION:

(b)(5), (b)(7)e

ICE871

Subject: Matter of Abdul Hamid Maher ARAR

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

RECOMMENDATION:

(b)(5)

APPROVE: _____ Concurring Components:
None

DATE: _____, 2002

DISAPPROVE: _____ Nonconcurring Components:
None

OTHER: _____

Attachments (2)

ICE872

Subject: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

cc: GENCO log

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Cooper
O'Melinn
Carpenter

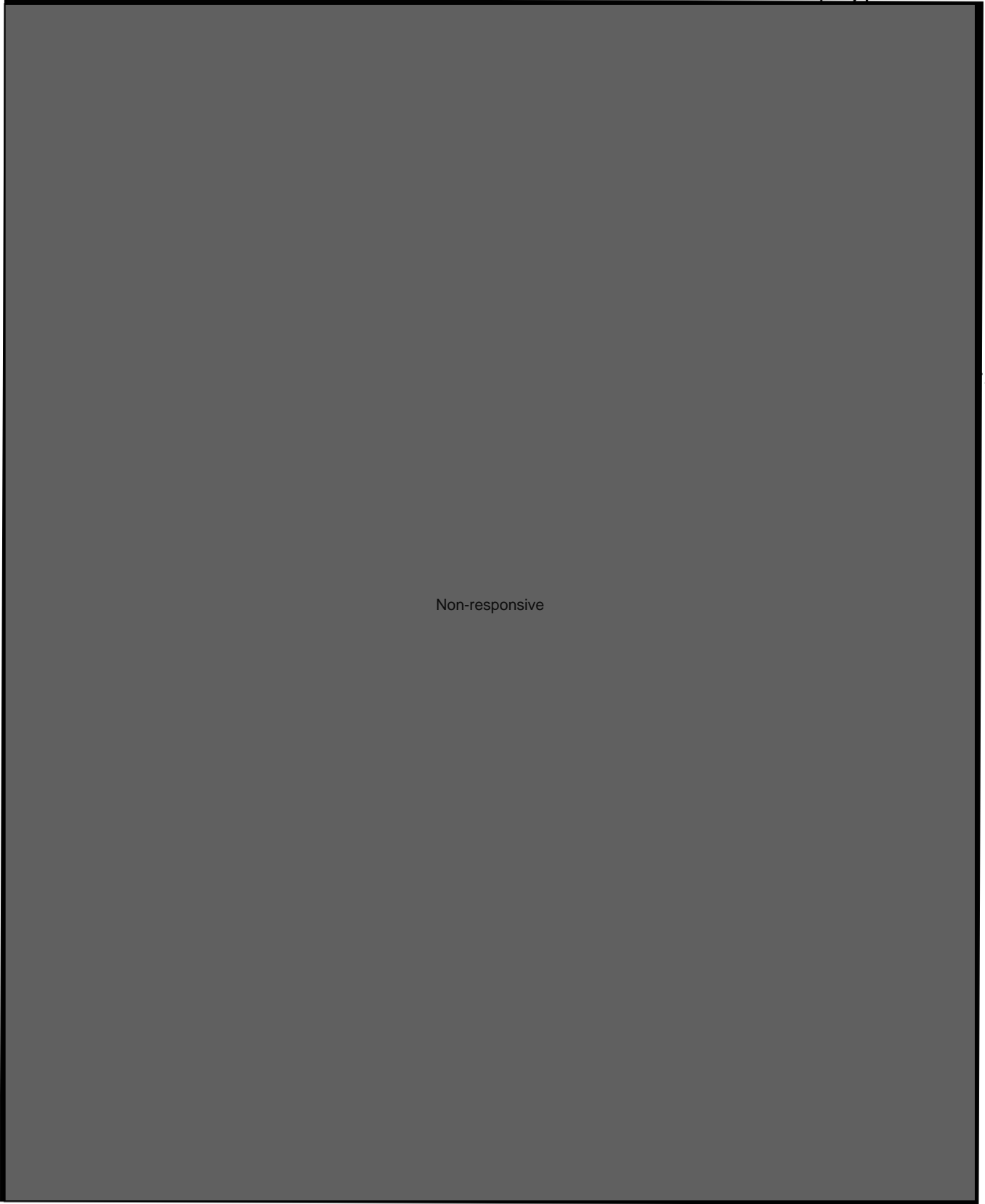
(b)(6), (b)(7)c

ICE873

Doc. #255

January 2003
ISP - 2004
Binder F

Inspector's Field Manual



Non-responsive

INSERTS

Inspector's Field Manual



Non-responsive

INSERTS

Inspector's Field Manual

Non-responsive

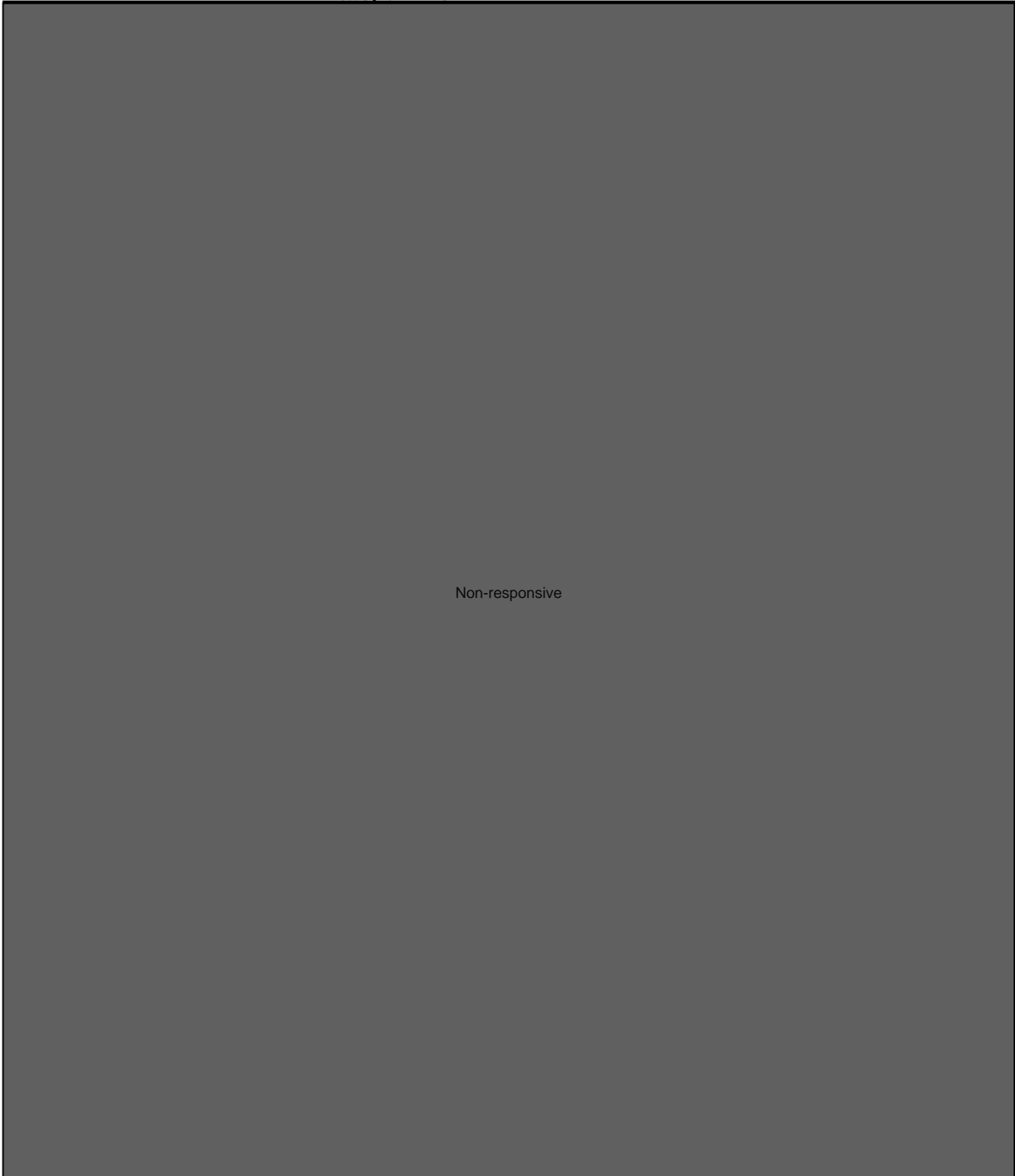
INSERTS

Inspector's Field Manual

Non-responsive

INSERTS

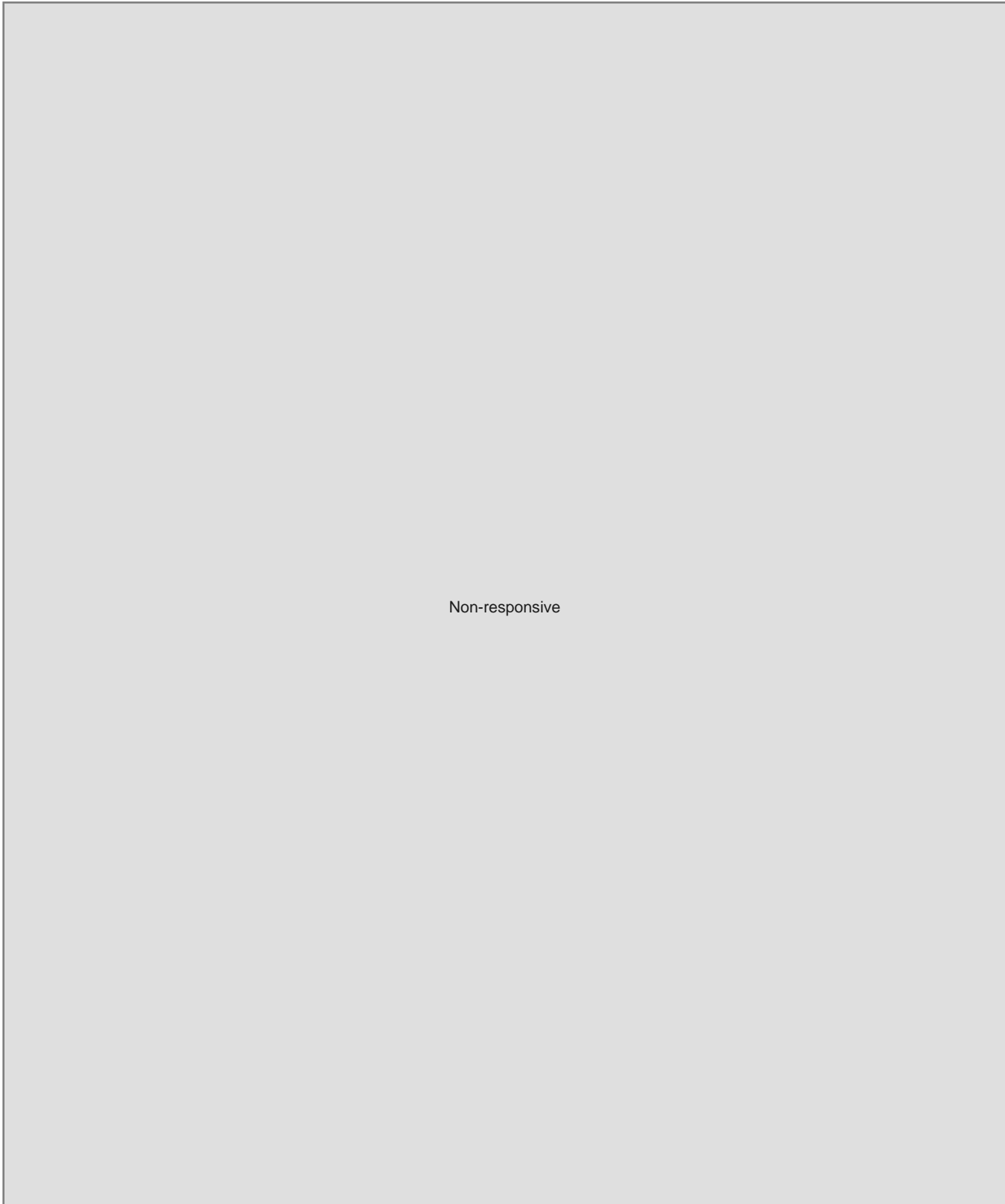
Inspector's Field Manual



Non-responsive

INSERTS

Inspector's Field Manual



Non-responsive

INSERTS

Inspector's Field Manual

Non-responsive

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Inspector's Field Manual



(b)(6), (b)(7)c

INSERTS

Inspector's Field Manual

Non-responsive

INSERTS

Inspector's Field Manual

Non-responsive

INSERTS

Doc. #256

TSP NO. 1/1 - 2004
Borden R
Tas

INS FACSIMILE



**Department of Justice
U.S Immigration & Naturalization Service
National Lookout Unit
1525 Wilson Blvd., Suite (b)(6), (b)(7)c
Arlington, VA 22209**

DATE: September 26, 2002

TO: (b)(6), (b)(7)c

TELEPHONE: 718-632- (b)(6), (b)(7)c

FAX: 718-553- (b)(6), (b)(7)c

PAGES INC. COVER: 2

FROM: (b)(6), (b)(7)c
ACI/Lookout Officer

TELEPHONE: (202) 514- (b)(6), (b)(7)c

FAX: (202) 305- (b)(6), (b)(7)c

COMMENTS:

Please see attached unclassified information pertaining to subject alien due to arrive this afternoon aboard AA0065. (b)(7)e Please call me once subject is in Secondary and at conclusion of interviews. Based on attached info, I do not believe subject to be admissible.

(b)(7)e will need to be made consisting of 2 copies of : fingerprints, photograph of applicant, travel docs, I-94's, Customs declarations, and any other extraneous paperwork on him or in his luggage. Please Fed X packets to : USINS-LOU, 1525 Wilson Blvd., Suite (b)(6), (b)(7)c Arlington, VA 22209.

UNCLASSIFIED

**FOR OFFICIAL
USE ONLY**

TO: INS

202-305 (b)(6), (b)(7)c

SUBJECT: Maher Abdul Hamid Arar

Maher Abdul Hamid Arar (DPOB

(b)(7)e

(b)(6), (b)(7)c

Syria)

(b)(7)e

POC:

(b)(6), (b)(7)c

703-874

(b)(6), (b)(7)c

UNCLASSIFIED

Doc. #257

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP INQUIRY

DATE: 09/26/2002
TIME: 13:07:12

AGENCY: I RECORD#: (b)(6), (b)(7)c

LOOKOUT NAME LAST : ARAR
FIRST: MAHER ABDUL HAMID MIDDLE :
DATE OF BIRTH (b)(6), (b)(7)c A-NUMBER :

LEGAL/ALIAS (L/A): L

COB COC CA PASSPORT # MONTH (b)(6), (b)(7) CNTRY :
(b)(7)e per CBP

CASE CODE(S): CBP (b)(7) SEX: RACE:

HAIR: EYES: HEIGHT: INS. WEIGHT: LBS
SCARS/MARKS: CANCEL DATE: CBP (b)(6), (b)(7)c (PERM)
INITIAL COMMENTS:

(b)(7)e (b)(6), (b)(7)c, (b)(7)e
(b)(7)e CBP (b)(7)e
CBP (b)(7)e (b)(7)e
(b)(7)e

13:19

TECS II - MORE REMARKS

092602

(b)(7)e

TID= (b)(7)e

TECS RECORD ID (b)(7)e

REMARKS DATE 051502

@ (202) 514- (b)(7)e CBP (b)(7)e
CBP (b)(7)e (b)(7)e

(b)(7)e

SEE (b)(7)e (b)(7)e FOR MORE INFORMATION.

ESCO (b)(7)e DETAIN ISOLATED - CALL HQINS 202-514 (b)(7)e

ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL (b)(6), (b)(7)c, (b)(7)e

@ (202) 514- (b)(7)e (b)(7)e CBP (b)(7)e

CBP (b)(7)e (b)(7)e

(b)(7)e

MORE _

(b)(7)e

Doc. #259

Timeline for Consular Notification

Sept. 26, 2002 Arar arrested at JFK arriving from Zurich in transit to Canada after
[REDACTED] (b)(7)e per USCIS

Sept. 26, 2002 He is told he may call the Canadian Consulate and declines to do so, indicating that he may chose to call the next day;

Sept. 27, 2002 Transferred to MDC and communications restricted due to concern regarding his possible outside contacts while INS agents ascertaining [REDACTED] (b)(7)e what risk the detention center might accrue with his detention;

Oct. 1, 2002 Arar served with the I-147, Notice of temporary inadmissibility, and given full list of both legal services and foreign consular officers including the contact number for the Canadian consulate.

Under 8 CFR 236.1(11)(e) every detained alien must be notified of the privilege of communication with consular or diplomatic officers of the country of his nationality in the U.S. The INS complied with all consular notification requirements. While some countries have existing treaties with the U.S. which require immediate communication with appropriate consular or diplomatic officers regardless of whether the alien wishes such contact. Canada is not a signatory to such treaties.

Oct. 4, 2002 INS Afile contains officer notation that Arar had a visit from a consular officer.

The file contains indicia that both the RCMP and CIS were aware of Arar's detention in the U.S.

Doc. #260

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
nt: Tuesday, October 01, 2002 2:30 PM
cc: (b)(6), (b)(7)c
Subject: Re:ARAR - (b)(6), (b)(7)c

(b)(5) ...will / who will deliver them?

(b)(6), (b)(7)c

Reply Separator

Subject: ARAR - (b)(6), (b)(7)c
Author: (b)(6), (b)(7)c
Date: 10/1/2002 11:43 AM

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

Any questions, please call me at (b)(6), (b)(7)c

Thanks,

(b)(6), (b)(7)c

Doc. #261

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
nt: Wednesday, November 05, 2003 6:41 PM
Subject: (b)(6), (b)(7)c
FW:

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Wednesday, November 05, 2003 4:46 PM
To: (b)(6), (b)(7)c
Subject:
Importance: High

(b)(6), (b)(7)c

(b)(5)

(b)(5)

Let me know if you need me to do anything else.

(b)(6), (b)(7)c

Doc. #262

The release of this document ,
the IG does not constitute a
waiver of any applicable
privilege.

(b)(6), (b)(7)c

10-7-02

NOTES TO FILE
RE: MAHER ARAR – (b)(6), (b)(7)c (b)(6), (b)(7)c
October 6, 2002 & October 7, 2002

10/7/02

1300 (b)(6), (b)(7)c advised by INS Command Center of teleconference hosted by Victor Cerda. Meeting convened at approximately 1320. Discussed ARAR case and activity to be conducted today. Ops responsibilities: INS District Office will be responsible for notifying subjects attorneys of interviews to be conducted at 1900 hours at MDC/NYC.

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c, (b)(7)e

The following 3 hours – numerous phone calls from DEAC Blackman reference the ARAR case and the progress of the aforementioned directives.

1715 – Advised by NYC DD (b)(6), (b)(7)c that notification was made to first subject's attorney (b)(6), (b)(7)c at (718) 726 (b)(6), (b)(7)c voice mail message left with his cell phone number. Second notification made to subject's other attorney (b)(6), (b)(7)c at (718) 855 (b)(6), (b)(7)c told (b)(6), (b)(7)c that there would be no interview, as he did not consider this appropriate advisal. (b)(6), (b)(7)c informed him again that it was in fact an advisal and that (b)(6), (b)(7)c was welcome to attend the interview, as it was imminent.

1720 – Advised CoS Cerda of the aforementioned conversation with (b)(6), (b)(7)c

1725 – Advised DEAC Blackman of the aforementioned conversation with (b)(6), (b)(7)c

1730 – Again contacted by CoS Cerda – Cerda advised Field Ops. to notify FBI of the impending interview. FBI needed to understand that they were welcome to view the interview, however, MDC (b)(6), (b)(7)c did not have the facilities to facilitate such viewing

(b)(7)e

1732 – Advised SSA (b)(6), (b)(7)c per FBI & USCIS of the information provided by CoS Cerda

1755 – Spoke with (b)(6), (b)(7)c per USCIS HQ DRO and instruct him to notify BOPHQ that either or both of the attorneys were authorized entry into the facility to participate in the interview. Asked that BOPHQ be instructed to notify MDC Brooklyn of their approval of this request.

1800 – Advised INS Attorney (b)(6), (b)(7)c of the attorney notification and the results.

1815 – Phone call from SSA (b)(6), (b)(7)c per FBI (NSYC) that the FBI was advised of the interview.

(b)(7)e
(b)(7)e FBI said that INS should go ahead with the interview as scheduled. They were pleased that an (b)(7)e agent was sitting in on the interview.

(b)(7)e The aforementioned contact was made with (b)(7)e Supervisory Special Agent (b)(7)c per FBI & USCIS

1820 – Call to (b)(6), (b)(7)c per USCIS (HQDRO) (b)(6), (b)(7)c per USCIS spoke with Deputy Assistant Director of BOP who indicated that Attorney (b)(6), (b)(7)c is already cleared into BOP as his attorney.

(b)(5), (b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

1835 – Phone call from (b)(6), (b)(7)c asking if a G-28 has been filed indicating that the two above mentioned attorneys are representing ARAR. Also asked how we came by the names – informed that they came CoS Cerda.

1840 – Phone call to SSA (b)(7)c per FBI asking is there is a G-28 on-file for these attorneys – (b)(6), (b)(7)c per USCIS indicated there is NOT a G-28 on file. The agents are waiting on questions from (b)(6), (b)(7)c

1840 – Called (b)(6), (b)(7)c and (b)(6), (b)(7)c asking for questions. (b)(6), (b)(7)c advised that he sent them electronically via cc:mail. (b)(6), (b)(7)c advised that (b)(6), (b)(7)c per USCIS wanted this all to be electronically.

1845 – Call from (b)(7)c per FBI indicating that MDC Brooklyn indicating that they still haven't received clearance from MDC to enter the facility.

1846 – Called (b)(6), (b)(7)c per FBI asking him to have the attorneys complete a G-28, should the attorney show.

1847 – Call to CoS Cerda (2nd call) no answer at residence.

1850 – Call from (b)(6), (b)(7)c indicating that the (b)(6), (b)(7)c officer needs access to a printer at the facility to serve that on subject. No printer available. Our recommendation is to have them write the statement.

1853 – Call from Scott Blackman – relayed information recommended above (hand write or print it and return). Also relayed the information detailed above re: the attorney clearances into the facility.

2110 – Called CoS Cerda to provide him an update, to include that

(b)(7)e

(b)(7)e

CoS Cerda advised that another government agency will be responsible for approaching the foreign government agency for the travel document, country clearance, etc.

2115 – Called DEAC Blackman to provide the same update as mentioned above in the phone call to CoS Cerda.

2135 – Received a call SSA (b)(6), (b)(7)c per FBI & USCIS (b)(7)e who relayed that ARAR started the interview and said that he thought he would be arrested because he didn't join the military. The questioning related to this went on until subject said, I don't want to talk to you anymore my attorney is not here. They informed him that his attorneys were notified but failed to show up. They went on to say that this was his opportunity to explain any fear etc. he has of returning. He said I don't want to talk to you anymore. The interview was terminated officers departed shortly thereafter.

2145 – Relayed the aforementioned information reference subject's interview to EAC (b)(6), (b)(7)c and DEAC Blackman in two phone calls. In the phonecon to EAC (b)(6), (b)(7)c a complete run down of the day and nights events.

(b)(5)

(b)(5), (b)(7)e

2150 – Called SSA (b)(6), (b)(7)c per FBI &

(b)(7)e

(b)(7)e

2205 – Spoke with NYC (b)(7)e Commander (b)(6), (b)(7)c per USCIS reference providing a

(b)(7)e

(b)(6), (b)(7)c was instructed to provide said information to HQNSU via facsimile and cc:mail.

2240 – Called SSA (b)(7)c per FBI instructed him to have the NYC (b)(7)e Commander report to the office to provide (b)(7)e (b)(7)e Commander is on the way into the office.

2300 – Spoke on conference call to Commissioner Ziglar, Bo Cooper, (b)(6), (b)(7)c CoS Cerda RE: the progress in the case at hand. Relayed all substantive information, to include, the results of the initial interview conducted by INS officers. Commissioner Ziglar directed that the INS officers return to the facility to ensure that all information relating to the subject's (b)(6), (b)(7)c Commissioner wanted to develop as much information as possible regarding the (b)(6), (b)(7)c

(b)(6), (b)(7)c

ICE 146

(b)(6), (b)(7)c Further to impress upon the alien that this is the alien's last opportunity to voice his concerns.

2310 – Called SSA (b)(6), (b)(7)c per FBI & USCIS and advised him of the above directives from the Commissioner.

October 7, 2002

0010 - Received phone call from SSA (b)(6), (b)(7)c per FBI & USCIS who indicated that (b)(6), (b)(7)c indicated that subject was talking quite extensively about (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)c Ms. (b)(6), (b)(7)c also indicated that she felt alien was (b)(6), (b)(7)c Also, MS (b)(6), (b)(7)c advised that the computer malfunctioned and that they would have to re-type all of the notes. They expected that this task would take at least two hours. They do not expect the ARAR to sign the notes of interview.

0100 – Received phone call from SSA (b)(6), (b)(7)c per FBI & USCIS and SSA (b)(6), (b)(7)c per FBI & USCIS who informed us that the 2nd interview of subject by INS officers had been completed. (b)(6), (b)(7)c per FBI & USCIS indicated that subject provided further information (b)(6), (b)(7)c (b)(6), (b)(7)c However, he was simply going on about (b)(6), (b)(7)c (b)(6), (b)(7)c The INS officers maintain that the subject is not credible. The officers present were (b)(6), (b)(7)c per FBI & USCIS (b)(6), (b)(7)c per FBI

0230 – Received phone call from SSA (b)(6), (b)(7)c per FBI & USCIS and SSA (b)(6), (b)(7)c per FBI & USCIS who said that INS (b)(6), (b)(7)c is writing up their assessment and are waiting for (b)(6), (b)(7)c (HQ) (b)(6), (b)(7)c cancel) feedback.

0300 – Received draft copy of (b)(7)e from (b)(7)c per USCIS (b)(6), (b)(7)c per USCIS began working on changes adjustments.

0345 – Received call from SSA (b)(6), (b)(7)c per FBI & USCIS who informed us that the officers had completed their interview and that a complete report of their interview of ARAR was forwarded to (b)(6), (b)(7)c and (b)(6), (b)(7)c (GENCO (b)(6), (b)(7)c DIV). (b)(6), (b)(7)c per FBI & USCIS commented that they found subject evasive and (b)(6), (b)(7)c (b)(6), (b)(7)c

0445 – Sent completed changes of (b)(7)e (b)(6), (b)(7)c per USCIS (b)(6), (b)(7)c per USCIS for review.

Doc. #263

The release of this document to the IG does not constitute a waiver of any applicable privilege.

Date: 10/4/2002 5:14 PM

Sender: (b)(6), (b)(7)c

To: (b)(6), (b)(7)c

Priority: Normal

Subject: Fwd:As I feared

for your file...e-mail to (b)(6), (b)(7)c w/copy to me & Blackman

Forward Header

Subject: As I feared

Author: (b)(6), (b)(7)c

Date: 10/4/2002 4:23 PM

(b)(6), (b)(7)c

The New York agents serving the letter on ARAR have been "locked out" of MDC, Brooklyn until the evening count is complete. They anticipate getting into the facility around 5:00-5:30pm. They have been instructed to send me a fax copy of the served document as soon as possible this evening. Do you want me to send a copy to (b)(6), (b)(7)c if so, do you have a fax number.

Additionally, ARAR had a visitor from the Canadian Consulate, but as yet, to our knowledge, no attorney - as of 4:00pm this evening.

(b)(6), (b)(7)c

ICE 148

Doc. #264

Date: 10/3/2002 8:46 AM

Sender:

To:

(b)(6), (b)(7)c

cc:

Priority: Urgent

Receipt requested

Subject: JFKI - 235(c)

*****LIMITED OFFICIAL USE ONLY/LAW ENFORCEMENT SENSITIVE*****

(b)(6), (b)(7)c

Names omitted RE: JFKI case:

(b)(5)

(b)(6), (b)(7)c

ICE 149

Doc. #265

Date: 10/1/2002 3:07 PM

Sender: Victor X Cerda

To: (b)(6), (b)(7)c

cc: (b)(6) Owen B Cooper; (b)(6), (b)(7)c Dea D
Carpenter; (b)(6), (b)(7)c

Priority: Normal

Subject: RE: Notice Period for ARAR

Thanks,

(b)(5) (b)(6), (b)(7)c (b)(5), (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(5)
(b)(5) (b)(5)

-Victor

-----Original Message-----

From: (b)(6), (b)(7)c

Sent: Tuesday, October 01, 2002 1:59 PM

To: Cerda, Victor X

Cc: (b)(6), (b)(7)c Carpenter, Dea D; (b)(6), (b)(7)c

Cooper, Owen B; (b)(6), (b)(7)c

Subject: Notice Period for ARAR

Victor,

(b)(5)

(b)(5) AC AWP DP

ICE 153

Doc. #266

To: [redacted] (b)(6), (b)(7)c
cc: [redacted] (b)(6), (b)(7)c Blackman, J Scott; [redacted] (b)(6), (b)(7)c
[redacted] (b)(6), (b)(7)c

Priority: Normal
Subject: JFKIA A-File

(b)(6), (b)(7)c

As we discussed yesterday on the phone, the JFKIA 235(c) case is now under the purview of NYC
[redacted] (b)(7)e Please ensure that the A-file and any material relating to the case is IMMEDIATELY
transferred to INV. [redacted] (b)(5)

[redacted] (b)(5)

Please advise when INV has the File and relating material.

[redacted] (b)(5), (b)(6), (b)(7)c

(b)(6), (b)(7)c Thanks for all your assistance on this case to date. I want to thank your inspectors and
supervisors for a job well done [redacted] (b)(7)e

[redacted] (b)(7)e

Thanks,

[redacted] (b)(6), (b)(7)c

Doc. #267

Date: 10/1/2002 6:34 AM

Sender: (b)(6), (b)(7)c

To: (b)(6), (b)(7)c

Priority: Normal
Receipt requested

Subject: ARAR, Maher Abdul Hamid (b)(6), (b)(7)c

The subject arrived on September 26, 2002 at JFKIA via American Airlines flight #65 from Zurich. He presented Canadian passport # (b)(6), (b)(7)c and applied for admission to transit to Canada. He was referred into INS secondary (b)(7)e

Once it was determined that (b)(7)e CBP (b)(7)e Supervisory II (SII) (b)(6), (b)(7)c contacted Assistant Area Port Director (AAPD) (b)(6), (b)(7)c AAPD (b)(6), (b)(7)c ordered that the local (b)(7)e (b)(7)e per CBP be contacted. The local (b)(7)e in conjunction with (b)(7)e per CBP interviewed the subject

(b)(7)e
(b)(7)e CBP (b)(7)e

CBP (b)(7)e they were not aware of (b)(7)e per CBP
(b)(7)e per CBP At this point, AAPD (b)(6), (b)(7)c made the decision to refuse admission to the subject and offer a voluntary withdrawal of application to the port of embarkation - Zurich. The withdrawal (I-275) was prepared by Senior II (SRI) (b)(6), (b)(7)c reviewed by SII (b)(6), (b)(7)c and authorized by AAPD (b)(6), (b)(7)c The offer was accepted by subject. The subject was scheduled to depart to Zurich on September 27, 2002 via American Airlines.

The subject's interview by the (b)(7)e continued during the morning hours of the 27th. At some point during the 27th prior to the scheduled departure of the subject, a decision was reached at the HQ level to abort the withdrawal of application to Zurich. I was contacted by Regional Director J. Scott Blackman and advised that a withdrawal would only be entertained if the subject were willing to return to Syria. If he were to refuse to go to Syria, we would go forward with 235c Notice of Temporary Inadmissibility. Subject refused to withdraw voluntarily to Syria. As such, per RD J. Scott Blackman, I instructed AAPD (b)(6), (b)(7)c to rescind the original I-275 withdrawal to Zurich, and to issue an I-147. The matter of rescinding an I-275 is something that is fairly common. (b)(7)e CBP (b)(7)e

(b)(7)e CBP (b)(7)e
CBP (b)(7)e Additionally, the voluntary withdrawal of application by an individual is a privilege, and not a right.

Consular notification
The subject was afforded the opportunity to contact his consulate, on the 26th, once a determination was made that he would be allowed to withdraw his application. The subject elected not to call at that time, but indicated that wished to call the next day. (b)(7)e CBP (b)(7)e

(b)(7)e CBP (b)(7)e
(b)(7)e CBP (b)(7)e
CBP (b)(7)e As such, the subject was not allowed to make contact on the 27th. By way of clarification, when making a consular notification, an officer dials and verifies the contact with a consular official before giving the phone to the alien.

ICE 155

The I-148 was served in error by SRI (b)(6), (b)(7)c

Doc. #269

Date: 9/30/2002 2:19 PM

Sender: (b)(6), (b)(7)c

To: (b)(6), (b)(7)c J Scott Blackman (b)(6), (b)(7)c /G=Victor

cc: (b)(6), (b)(7)c (b)(6), (b)(7)c

Priority: Normal
Receipt requested

Subject: RE: JFK Special Interest Case

Thanks. I am in the midst of briefing necessary people here and will contact Victor when DOJ has cleared (b)(5)

(b)(5)

-----Original Message-----

From: (b)(6), (b)(7)c

Sent: Monday, September 30, 2002 2:50 PM

To: (b)(6), (b)(7)c Cerda, Victor X;

(b)(6), (b)(7)c (b)(6), (b)(7)c

Cc: (b)(6), (b)(7)c

Subject: JFK Special Interest Case

All:

Update as follows:

(b)(5), (b)(7)e

HQOPS will continue to monitor his detention status and immediately notify all involved if he is moved to a different facility. (b)(5)

(b)(5)

Contact numbers for HQNSU POCs are as follows:

(b)(6), (b)(7)c
Cell: 202-352-(b)(6), (b)(7)c
Pager 1-877-807-(b)(6), (b)(7)c
Office: 202-307-(b)(6), (b)(7)c

(b)(6), (b)(7)c
Cell: 202-345-(b)(6), (b)(7)c
Pager: 1-877-875-(b)(6), (b)(7)c
Office: 202-305-(b)(6), (b)(7)c
Home: 703-642-(b)(6), (b)(7)c

(b)(6), (b)(7)c
Cell: 202-345-(b)(6), (b)(7)c
Pager: 1-877-606-(b)(6), (b)(7)c
Office: 202-616-(b)(6), (b)(7)c
Home: 703-550-(b)(6), (b)(7)c

Please do not hesitate to contact me if you have any questions.

ICE 162

Doc. #270

Date: 10/1/2002 6:34 AM

Sender: (b)(6), (b)(7)c

To: (b)(6), (b)(7)c

Priority: Normal

Receipt requested

Subject: ARAR, Maher Abdul Hamid (b)(6), (b)(7)c

The subject arrived on September 26, 2002 at JFKIA via American Airlines flight #65 from Zurich. He presented Canadian passport # (b)(6), (b)(7)c and applied for admission to transit to Canada. He was referred into INS secondary (b)(7)e

Once it was determined that (b)(7)e per CBP Supervisory II (SII) (b)(6), (b)(7)c contacted Assistant Area Port Director (AAPD) (b)(6), (b)(7)c AAPD (b)(6), (b)(7)c ordered that the local (b)(7)e (b)(7)e per CBP The local (b)(7)e in conjunction with (b)(7)e per CBP interviewed the subject.

(b)(7)e
(b)(7)e (b)(7)e per CBP
(b)(7)e per CBP They were not aware (b)(7)e per CBP
(b)(7)e per CBP At

this point, AAPD (b)(6), (b)(7)c made the decision to refuse admission to the subject and offer a voluntary withdrawal of application to the port of embarkation - Zurich. The withdrawal (I-275) was prepared by Senior II (SRI) (b)(6), (b)(7)c reviewed by SII (b)(6), (b)(7)c and authorized by AAPD (b)(6), (b)(7)c The offer was accepted by subject. The subject was scheduled to depart to Zurich on September 27, 2002 via American Airlines.

The subject's interview by the (b)(7)e continued during the morning hours of the 27th. At some point during the 27th prior to the scheduled departure of the subject, a decision was reached at the HQ level to abort the withdrawal of application to Zurich. I was contacted by Regional Director J. Scott Blackman and advised that a withdrawal would only be entertained if the subject were willing to return to Syria. If he were to refuse to go to Syria, we would go forward with 235c Notice of Temporary Inadmissibility. Subject refused to withdraw voluntarily to Syria. As such, per RD J. Scott Blackman, I instructed AAPD (b)(6), (b)(7)c to rescind the original I-275 withdrawal to Zurich, and to issue an I-147. (b)(7)e per CBP

(b)(7)e per CBP

(b)(7)e per CBP Additionally, the voluntary withdrawal of application by an individual is a privilege, and not a right.

Consular notification

The subject was afforded the opportunity to contact his consulate, on the 26th, once a determination was made that he would be allowed to withdraw his application. The subject elected not to call at that time, but indicated that wished to call the next day. (b)(7)e per CBP

(b)(7)e per CBP

(b)(7)e per CBP AS such, the subject was not allowed to make contact on the 27th. By way of clarification, when making a consular notification, an officer dials and verifies the contact with a consular official before giving the phone to the alien.

ICE 165

The I-148 was served in error by SRI (b)(6), (b)(7)c

ICE 166

Doc. #271

Doc. #275

PRIORITY

FM HQ INS WASHINGTON DC (b)(7)e
TO AMEMBASSY AMMAN
AMEMBASSY ROME

AMENDED

UNCLAS

AMMAN FOR RSO
USINS/DD ROME

TAGS: ASEC, CVIS

SUBJECT: AMENDED - NOTIFICATION OF ALIEN REMOVAL

1. INS WISHES TO NOTIFY POST OF AN ESCORTED ALIEN REMOVAL TO ROME.

A. THE INS POINT OF CONTACT: (b)(6), (b)(7)c CHIEF, LIAISON, CONSULAR
AFFAIRS & IRP BRANCH, INS HQ&R

B. POC TELEPHONE: 202-305 (b)(6), (b)(7)c

C. POC FAX: 202-353 (b)(6), (b)(7)c

ADDITIONAL CONTACT IS (b)(6), (b)(7)c TEL: 202-305 (b)(6), (b)(7)c

FAX: 202-353 (b)(6), (b)(7)c

D. ALIEN NAME; ARAR, MAHER ABDUL HAMID SEX; MALE A#: (b)(6), (b)(7)c

E. ALIEN DPOB; (b)(6), (b)(7)c DAMASCUS, SYRIA T/D: CANADIAN (b)(6), (b)(7)c

EXP. (b)(6), (b)(7)c

F. DEPORT GROUNDS: IMMIGRATION VIOLATION

H. AMENDED TRAVEL ITINERARY:

LV: GULF STREAM 3; AIRCRAFT, TAIL (b)(6), (b)(7)c 8:00 AM; 10/08/02

DULLES AIRPORT

AR: ROME, ITALY, 10/08/02, 10:30 PM

LV: ROME, ITALY, 10/08/02, 11:00 PM

AR: AMMAN, JORDAN, 10/09/02, 3:00 AM

ESCORTING OFFICERS:

(b)(6), (b)(7)c	PPT:	(b)(6), (b)(7)c	EXP.	(b)(6), (b)(7)c
	PPT:	(b)(6), (b)(7)c	EXP.	(b)(6), (b)(7)c
	PPT:	(b)(6), (b)(7)c	EXP.	(b)(6), (b)(7)c

CHARTER AIRLINE CREW:

(b)(6), (b)(7)c	PPT:	(b)(6), (b)(7)c	EXP.	(b)(6), (b)(7)c
	PPT:	(b)(6), (b)(7)c	EXP.	(b)(6), (b)(7)c
	PPT:	(b)(6), (b)(7)c	EXP.	(b)(6), (b)(7)c
	PPT:	(b)(6), (b)(7)c	EXP.	(b)(6), (b)(7)c

K. RETURN ITINERARY:

LV: AMMAN, JORDAN; GULF STREAM 3; AIRCRAFT, TAIL (b)(6), (b)(7)c
3:30 AM 10/09/02,

AR: ROME, ITALY, 10/09/02, 5:30 AM

LV: ROME, ITALY, 10/10/02, 6:00 AM

AR: DULLES (UNK)

L. SPECIAL NOTES:

2. COUNTRY CLEARANCE IS THE ONLY EMBASSY ASSISTANCE REQUESTED
UNLESS DICTATED BY POST.

3. COUNTRY CLEARANCE IS RESPECTFULLY REQUESTED FOR THE INS
ESCORTS. THE ABOVE INFORMATION IS PROVIDED TO POST FOR THE
APPROPRIATE LOCAL NOTIFICATIONS. FAX NOTICE OF THIS COUNTRY
CLEARANCE TO INS/HQ/DRO/RECC AT 202-353-(b)(7)e SHOULD POST HAVE ANY

ICE 238

Doc. #276

(b)(7)e

(b)(7)e per CBP

INQUIRY

DATE: 10/07/2003

TIME: 14:33:52

INSP ID:

AGENCY: I RECORD#: (b)(7)e

BOOKOUT NAME LAST : ARAR

FIRST: MAHER ABDUL HAMID

MIDDLE :

DATE OF BIRTH :

(b)(6), (b)(7)c

A-NUMBER:

LEGAL/ALIAS (L/A): L

JOB COC CA PASSPORT #: (b)(6), (b)(7)c PASS CNTRY:

(b)(7)e per CBP

CASE CODE(S):

CBP (b)(7)e

SEX:

RACE:

HAIR:

EYES:

HEIGHT:

INS.

WEIGHT:

LBS.

SCARS/MARKS:

CANCEL DATE:

(b)(7)e

(PERM)

INITIAL COMMENTS:

SCORT TO CBP SECONDARY AND

CBP (b)(7)e

CBP (b)(7)e

DETAIN ISOLATED

CBP (b)(7)e

CBP (b)(7)e

703-621-

(b)(7)e

24X7HRS).

CBP (b)(7)e

(b)(7)e

The release of this document to the IG does not constitute a waiver of any applicable privilege.

ICE244

Doc. #277

The release of this document to the
IG does not constitute a waiver of
any applicable privilege.

U.S. Department of Justice

Immigration and Naturalization Service

LIMITED OFFICIAL USE

Use to safeguard non-classified information requiring protection in accordance with AM2101.

When separated from safeguarded documents this cover sheet requires no protection.

ICE261

DRAFT

LIMITED OFFICIAL USE / LAW ENFORCEMENT SENSITIVE

OPERATIONS ORDER

(b)(7)e TRANSPORT PLAN NEW YORK DISTRICT SPECIAL RESPONSE TEAM (SRT)

I. SITUATION

Maher Abdul Hamid ARAR, hereinafter "SUBJECT," (b)(6), (b)(7)c born (b)(6), (b)(7)c in Damascus, Syria, is a native of Syria and a citizen of Syria and Canada. (b)(7)e
(b)(7)e
(b)(7)e SUBJECT arrived in the United States on September 26, 2002, at John F. Kennedy International Airport (JFKIA) as a nonimmigrant, in transit through the United States, destined to Canada. SUBJECT was denied entry under Section 235(c) of the Immigration and Nationality Act. SUBJECT was subsequently transported to the Metropolitan Detention Center (MDC), Brooklyn, New York pending a final decision by the Eastern Regional Director as to his inadmissibility for (b)(7)e

The New York District SRT has been tasked with the mission of transporting SUBJECT from the MDC to JFKIA¹. SUBJECT, once successfully transported to JFKIA, will be removed from the United States via (b)(7)e

II. MISSION

The safe and secure transportation of SUBJECT from MDC to JFKIA, utilizing the New York District's (b)(7)e

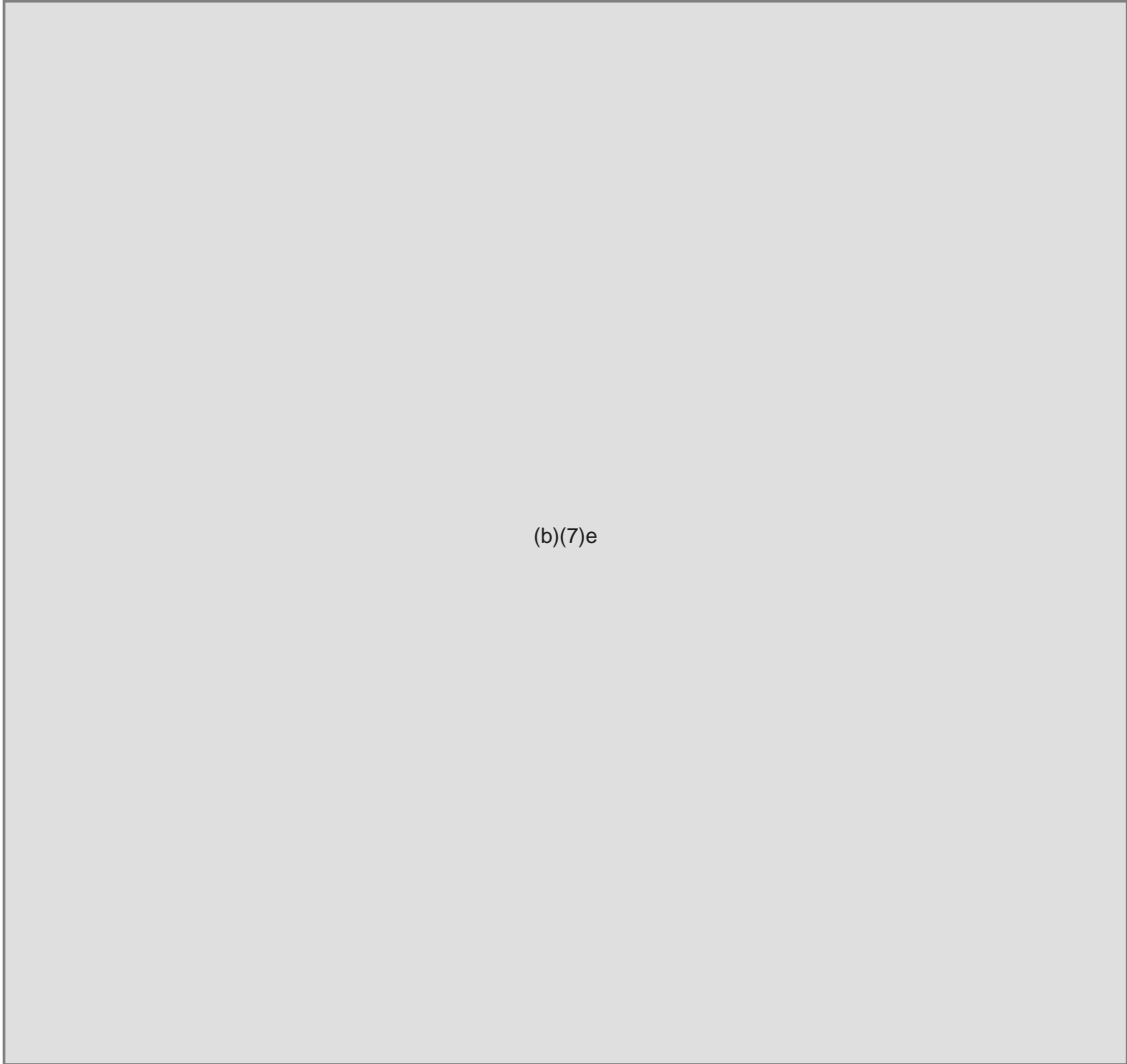
III. EXECUTION

As early as October 7, 2002, the New York District SRT will conduct a (b)(7)e (b)(7)e of SUBJECT. (b)(7)e

(b)(7)e

¹ This point of departure is subject to change.

(b)(7)e CE262



(b)(7)e

Once SUBJECT is secured onboard, the SRT Team Leader will notify HQ Office of Field Operations (National Security Unit) and the New York District Command Post that the mission has been completed.

IV. ADMINISTRATION

A. Briefing

(b)(6), (b)(7)c Senior Special Agent (SRT Team Leader) and (b)(6), (b)(7)c Special Agent (SRT Assistant Team Leader) will conduct the briefing at the district office (b)(7)e

B. Equipment

ICE263



(b)(7)e

(b)(7)e

C. Personnel

- (b)(6), (b)(7)c Senior Special Agent, Operation Team Leader
- (b)(6), (b)(7)c Special Agent, Assistant Team Leader
- (b)(6), (b)(7)c Special Agent
- (b)(6), (b)(7)c Special Agent
- (b)(6), (b)(7)c Paramedic, Special Agent
- (b)(6), (b)(7)c Special Agent
- (b)(6), (b)(7)c Special Agent
- (b)(6), (b)(7)c Special Agent, Emergency Medical Technician
- (b)(6), (b)(7)c Senior Special Agent

D. Threat Assessment

(b)(7)e SUBJECT has no known criminal history in the United States.

E. Special Instructions

In the event of an emergency, vehicle accident, or vehicle breakdown, the New York District Command Post will be notified as soon as possible.

F. Medical Emergencies

The closest hospital to MDC is **The New York Methodist Hospital**, 506 6th Street, Brooklyn, NY (718) 780-3000.

The closest hospital to JFKIA is **Jamaica Hospital**, 8900 Van Wyck Expressway, Jamaica, NY (718) 206-6000.

G. Media Interest/Plan

To date, the Service has not received any media inquiries. Based on the information associated with this case, it is anticipated that inquiries will be received. All inquiries will be directed to INS Headquarters, Public Information Office, ATTN: (b)(6), (b)(7)c at 202-307-(b)(6), (b)(7)c

ICE264

V. COMMAND AND CONTROL

A. Command Instructions

A command post will be established at the New York District Office, 26 Federal Plaza, (b)(6), (b)(7)c Floor, New York, NY. Contact numbers for the command post are as follows:

Voice: (212) 264-(b)(6), (b)(7)c
Secure voice: (212) 264-(b)(6), (b)(7)c
Fax: (212) 264-(b)(6), (b)(7)c

B. Chain of Command

New York SRT:

(b)(6), (b)(7)c Supervisory Special Agent, SRT Commander
Pager: (888) 688-(b)(6), (b)(7)c
Cell: (917) 750-(b)(6), (b)(7)c

(b)(6), (b)(7)c Senior Special Agent, SRT Team Leader
Pager: (888) 688-(b)(6), (b)(7)c
Cell: (917) 295-(b)(6), (b)(7)c

(b)(6), (b)(7)c Special Agent, SRT Assistant Team Leader
Pager: (888) 688-(b)(6), (b)(7)c
Cell: (917) 880-(b)(6), (b)(7)c

HQOPS National Security Unit:

(b)(6), (b)(7)c Deputy Director
Cell: (202) 353-(b)(6), (b)(7)c
Office: (202) 307-(b)(6), (b)(7)c

(b)(6), (b)(7)c Senior Special Agent
Cell: (202) 345-(b)(6), (b)(7)c
Office: (202) 616-(b)(6), (b)(7)c

HQOPS Detention and Removals Division:

(b)(6), (b)(7)c Director, Removal Operations Branch
Cell: (202) 345-(b)(6), (b)(7)c
Office: (202) 616-(b)(6), (b)(7)c

ICE265

DRAFT

LIMITED OFFICIAL USE / LAW ENFORCEMENT SENSITIVE

(b)(6), (b)(7)c **Flight Officer-in-Charge, Overseas Transport**

Cell: (202) 353 (b)(6), (b)(7)c

Office: (202) 616 (b)(6), (b)(7)c

(b)(6), (b)(7)c **Special Removals Coordinator**

Cell: (202) 345 (b)(6), (b)(7)c

Office: (202) 616 (b)(6), (b)(7)c

INS Headquarters Command Center:

(202) 616 (b)(7)e

C. Signal Instructions

(b)(7)e, (b)(6), (b)(7)c

IN CASE OF EMERGENCY DIAL 911

******* OFFICER SAFETY IS PARAMOUNT *******

ICE265

LIMITED OFFICIAL USE / LAW ENFORCEMENT SENSITIVE

DRAFT

OPERATIONAL PLAN SPECIAL REMOVALS BRANCH

GROUP	DESTINATION COUNTRY	FLIGHT OIC	COMMUNICATION	DATE
(b)(7)e			MOBILE TELEPHONES	10/08 02
TYPE OF OPERATION				
(b)(7)e				
1. PRINCIPAL(S)				
NAME		DESCRIPTION		CONVEYANCE
ARAR, MAHER ABDUL HAMID		SPECIAL REMOVAL		(b)(7)e
				Tail Number (b)(6), (b)(7)c
2. LOCATIONS				
LOCATION		ADDRESS		
BROOKLYN METRO DET CENTER		BROOKLYN , NEW YORK		
J.F.K. INTRNATIONAL AIRPORT				
NEW YORK DISTRICT OFFICE ↑		26 FEDERAL FEDERAL PLAZA NEW YORK, NEW YORK 10278		
3. SPECIAL PROBLEMS				
OBTAINING TRAVEL DOCUMENTS				
<i>WILL LIAISON WITH FOREIGN EMBASSY WITH COUNTRY IS DETERMINED AND WE ARE GIVEN AUTHORIZATION TO DO SO BY CONSUL OFFICE</i>				
4. CRIMINAL BACKGROUND (History, related cases, et.)				
SPECIAL REMOVAL REQUEST				
5. CASE BACKGROUND (Previous buys, etc.)				
SCHEDULED (b)(7)e REPATRIATION MISSION WITH ADVANCE COOPERATION, AGREEMENT, AND APPROVAL BY THE GOVERNMENT OF RECEIVING COUNTRY				
6. MISSION (Coordinating instructions)				
SEE ATTACHED			ICE266	
7. SPECIAL EQUIPMENT				

9. HOSPITAL/TRAUMA UNIT

NAME	ADDRESS AND TELEPHONE	RESPONSIBILITY

10. OTHER AGENCY CONTACT

NAME	AGENCY	CONTACT INFORMATION
INS Command Center	HQ INS	(202) 616-(b)(7)e
(b)(6), (b)(7)c	REGION DRO	(802) 238-
	HQPIO	(202) 616-(b)(6), (b)(7)c
	REGION PIO	(802) 660-

PREPARED BY:	SIGNATURE	DATE
(b)(6), (b)(7)c		
REVIEWED BY:		
(b)(6), (b)(7)c		ICE268
APPROVED BY:		
(b)(6), (b)(7)c		

COORDINATING INSTRUCTIONS

REMOVAL

RECC notifications for this trip will be sent.

ESCORT TO AIRPORT

ESCORT TO J.F.K INTERNATIONAL AIRPORT

(b)(7)e

MEDIA PLAN

Removal of Nigerian Nationals

OBJECTIVE: To respond to media inquiries regarding the imminent removal of alien, without impeding the removal operational plan.

SITUATION: The New York District will soon deport (b)(7)e case. This operation is not likely to generate a great deal of media attention from neither local newspapers nor television stations.

BACKGROUND: This is the (b)(7)e mission this year.

MEDIA STRATEGY: To respond to press queries regarding the removal of this (b)(7)e case from the United States. If queries and requests for interviews are asked of the district, the Assistant District Director for Detention and Removals will address them.

The Headquarters Office of Public Affairs draft policy manual says the following on the release of information on aliens:

“The Privacy Act does establish certain exceptions which may allow the release of some information... There can be circumstances where information about an alien has received such extensive publicity that the subject no longer has any reasonable expectation of privacy.”

Participants:

Participant(s) will include the New York District, Assistant District Director for Detention and Removal.

MEDIA MESSAGES:

Main message:

- *The removal date will not be discussed.*

Secondary message:

ICE269

TASKINGS:

Release media products in support of the plan. These products will include at least:

1. A response to query statement for local distribution.
2. If necessary, Talking Points and remarks for the District Director.

LEGAL ISSUES

ICE270

Doc. #278

Date: 10/6/2002 4:23 PM

Sender: (b)(6), (b)(7)c

To:

Priority: Urgent
Receipt requested

NOTICE TO COUNSEL:

We need to call Arar's counsel (BOP at MDC has contact information) to advise them that we will be conducting an interview at **7pm at MDC**. The purpose of the interview is as follows:

"In the event that the Regional Director determines that your client is inadmissible pursuant to section 235(c) of the Act, we are exploring options of how we will execute a removal order. We wish to speak with your client to explore whether he has any concerns about being removed to Canada or Syria."

(b)5 AC AWP DP, (b)(6), (b)(7)c

(b)(5)

(b)(5)

(b)(5)

Mr. Arar does not have a right to counsel's presence during this administrative process.

(b)(6), (b)(7)c

HQCOU

2-2/514 (b)(6), (b)(7)c

ICE273

Doc. #279

Refer to the following file number:

File No.: (b)(6), (b)(7)c

Date: October 07, 2002

To:

ARAR, Maher Abdul Hamid, aka,
ARAR, Maher,
ARAR, Mahar Abdul Hamid,
ARAR, Maher ' Abd Al-Hamid

This concerns your application for admission to the United States at the port of John F. Kennedy International Airport / NYC, and the notice of temporary inadmissibility (Form I-147) previously served on you. I have determined that you are inadmissible under:

- Section 212(a)(3)(A) (other than clause (ii))
- Section 212(a)(3)(B)(i)(V)
- Section 212(a)(3)(C)

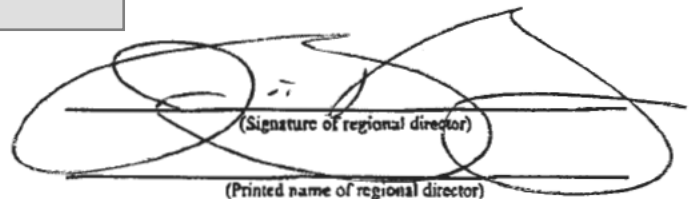
of the Immigration and Nationality Act (Act).

IT IS ORDERED that you be removed without further inquiry before an immigration judge, in accordance with section 235(c) of the Act and Title 8, Code of Federal Regulations, part 235.8. If you enter or attempt to enter the United States for any purpose, without the prior written authorization of the Attorney General, you will be subject to arrest, removal, and possible criminal prosecution.

The Commissioner of the Immigration and Naturalization Service has determined that your removal to

CBP (b)(6), (b)(7)c

CBP (b)(6), (b)(7)c


(Signature of regional director)
(Printed name of regional director)

REGIONAL DIRECTOR

Certificate of Service

I have read and explained this notice to the above named alien.

(Signature and title of immigration officer)

Interpreter used: _____
(language)

(Printed name of officer)

(Date)

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

ICE342

(Signature of alien)

Doc. #280

Notice of Temporary Inadmissibility

THIS DOCUMENT HEREBY SUPERSEDES ALL PREVIOUSLY SERVED DOCUMENTS RELATED TO YOUR APPLICATION FOR ADMISSION INTO THE UNITED STATES ON SEPTEMBER 26, 2002

Refer to the following file number

File No. (b)(6), (b)(7)c
Date: October 1, 2002

To: (complete alien name and mailing address)

ARAR, Maher Abdul Hamid a/k/a
ARAR, Maher
ARAR, Mahar Abdul Hamid
ARAR, Mahcr 'Abd Al-Hamid

In Service Custody

SEE ATTACHMENT FOR FACTUAL ALLEGATIONS

You have been found to be temporarily inadmissible to the United States pursuant to section 235 (c) of the Immigration and Nationality Act. Your application for admission to the United States, together with any written statement and any accompanying information you or your representative may desire to submit to this office within five (5) days, will be referred to the Regional Director of the INS who has jurisdictional responsibility over this office for consideration. A copy of the Regional Director's final decision will be furnished to you and your representative.

If you should enter the United States while [redacted], you are subject to arrest and removal, and to possible criminal prosecution.

[redacted] (b)(6), (b)(7)c per CBP

(Official)
Assistant District Director for Inspections
(Title of INS Official)
New York, New York
(Port Location)

Please send your response to:
District Director
New York District Office
Immigration and Naturalization Service
26 Federal Plaza,
New York, New York 10278

e to above named alien.
[redacted] (b)(6), (b)(7)c SRI Interpreter used: NONE (Language)
[redacted] (b)(6), (b)(7)c 10/01/02 (Date)
I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.
Ma Maher [redacted] (Signature of Alien) ICE343

**FACTUAL ALLEGATION OF INADMISSIBILITY
UNDER SECTION 235(c)
OF THE IMMIGRATION AND NATIONALITY ACT
Maher Abdul Hamid ARAR**

(b)(6), (b)(7)c

1. You are not a citizen of the United States;
2. You are a native of Syria and a citizen of Syria and Canada;
3. You arrived in the United States on September 26, 2002 at John F. Kennedy International Airport. You applied for admission as a nonimmigrant, in transit through the United States, destined to Canada; and
4. You are a member of an organization that has been designated by the Secretary of State as a Foreign Terrorist Organization, to wit Al-Qaeda aka al-Qa'ida.

CHARGE OF INADMISSIBILITY

Based on the foregoing and on classified information which cannot be disclosed to you in the interest of the national security of the United States, you are inadmissible to the United States under Section 212(a)(3)(B)(i)(V) of the Immigration and Nationality Act (INA), as an alien who is a member of a foreign terrorist organization, as designated by the Secretary of State under INA Section 219.

ICE344

Doc. #282



Office of the Attorney General
Washington, D. C. 20530

Mr. J. Scott Blackman
Regional Director, Eastern Region
U.S. Immigration and Naturalization Service
70 Kimball Avenue
South Burlington, VT 05403

October 7, 2002

Re: Disregarding Designation of Country of Removal Pursuant to Section
241(b)(2)(C)(iv) of the Immigration and Nationality Act, 8 U.S.C.
§ 1231(b)(2)(C)(iv), in the case of Maher Abdul Hamid Arar, (b)(6), (b)(7)c

Dear Mr. Blackman:

Maher Abdul Hamid Arar, (b)(6), (b)(7)c is a native of Syria and a citizen of Syria and Canada. Mr. Arar arrived at John F. Kennedy International Airport in New York, New York on September 26, 2002, via American Airlines flight number AA65 from Zurich, Switzerland and was temporarily denied admission to the United States. On October 7, 2002, pursuant to section 235(c)(2)(B) of the Immigration and Nationality Act (INA) and 8 C.F.R. § 235.8, you found Mr. Arar inadmissible under INA section 212(a)(3)(B)(i)(V) and ordered his removal from the United States.

Pursuant to INA § 241(b)(2)(A)(i), Mr. Arar has designated Canada as the country to which he wants to be removed. However, pursuant to INA § 241(b)(2)(C)(iv), I may disregard Mr. Arar's designation if I decide that removing Mr. Arar to Canada is prejudicial to the United States.

Based on the record I have determined, fo (b)(7)e that Mr. Arar's removal to Canada would be prejudicial to the interest of the United States and hereby disregard Mr. Arar's designation of Canada as the country of removal.

Sincerely,

Larry D. Thompson
Acting Attorney General

ICE355

Doc. #286

MODE = MEMORY TRANSMISSION

START=OCT-08 08:53

END=OCT-08 08:55

FILE NO. =225

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	*	(b)(7)e	010/010	00:01:43

-INS (b)(7)e

OCT-08-2002 00:26 INF TF

202 307

202 307

(b)(6), (b)(7)c

P. 01

U.S. Department of Justice
Immigration and Naturalization Service

Final Notice of Inadmissibility

Refer to the following file number:

File No. (b)(6), (b)(7)c

Date October 07, 2002

To:

ARAR, Maher Abdul Hamid, aka,
ARAR, Maher,
ARAR, Maher Abdul Hamid,
ARAR, Maher ' Abd Al-Hamid

This concerns your application for admission to the United States at the port of John F. Kennedy International Airport / NYC, and the notice of temporary inadmissibility (Form I-147) previously served on you. I have determined that you are inadmissible under:

Section 212(a)(3)(A) (other than clause (i))

(b)(7)e

Section 212(a)(3)(C)

of the Immigration and Nationality Act (Act).

IT IS ORDERED that you be removed without further inquiry before an immigration judge, in accordance with section 235(c) of the Act and Title 8, Code of Federal Regulations, part 235.8. If you enter or attempt to enter the United States for any purpose, without the prior written authorization of the Attorney General, you will be subject to arrest, removal, and possible criminal prosecution.

The Commissioner of the Immigration and Naturalization Service has determined that your removal

CBP (b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

(b)(6), (b)(7)c per CBP

REGIONAL DIRECTOR

Certificate of Service

(b)(6), (b)(7)c

Interpreter used: None

10/8/02 4AM

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

witness:

(b)(6), (b)(7)c

Maher A
(Signature of alien)

CE377

Doc. #287



INS FACSIMILE

Department of Justice
U.S. Immigration & Naturalization Service
National Lookout Unit
1525 Wilson Blvd., Suite (b)(6), (b)(7)c
Arlington, VA 22209

DATE: September 26, 2002

TO: (b)(6), (b)(7)c

TELEPHONE: 718-632 (b)(6), (b)(7)c

FAX: 718-553 (b)(6), (b)(7)c

PAGES INC. COVER: 2

FROM: (b)(6), (b)(7)c
ACI/Lookout Officer

TELEPHONE: (202) 514 (b)(6), (b)(7)c

FAX: (202) 305 (b)(6), (b)(7)c

COMMENTS:

Please see attached unclassified information pertaining to subject alien due to arrive this afternoon aboard AA0065. The (b)(7)e are enroute to interview alien. Please call me once subject is in Secondary and at conclusion of interviews. (b)(5)

(b)(5)

(b)(7)e will need to be made consisting of 2 copies of : fingerprints, photograph of applicant, travel docs, I-94's, Customs declarations, and any other extraneous paperwork on him or in his luggage. Please Fed X packets to : USINS-LOU, 1525 Wilson Blvd., Suite (b)(6), (b)(7)c Arlington, VA 22209.

ICE381

SEP. 26. 2002 1 1:06PM

(b)(7)e

UNIT

NO. 171 P. 2

UNCLASSIFIED

**FOR OFFICIAL
USE ONLY**

TO: INS

202-305 (b)(6), (b)(7)c

SUBJECT: Maher Abdul Hamid Arar

Maher Abdul Hamid Arar (DPOB

(b)(6), (b)(7)c

Syria) is

(b)(7)e

(b)(7)e

POC:

(b)(6), (b)(7)c

703-876

(b)(6), (b)(7)c

ICE382

UNCLASSIFIED

Doc. #288

Addendum to Memo to File

ARAR, Maher Abdul Hamid

DOB: (b)(6), (b)(7)c per USCIS

COB: Syria

Citz: Canada

Subject was extensively interviewed by USINS criminal investigators, (b)(7)e
(b)(7)e and NYPD Intelligence Division pertaining (b)(7)e

(b)(7)e Subject was given the choice of voluntarily withdrawing his application for admission and voluntarily returning to his country of origin, to wit: Syria, in lieu of a formal determination regarding his admissibility. However, subject refused to voluntarily withdraw and return to Syria (b)(6), (b)(7)c

(b)(6), (b)(7)c Subject states that he would only return to Canada. Therefore, upon concurrence of (b)(6), (b)(7)c with HQ-INS, (b)(6), (b)(7)c with HQ-INS, Regional Director J. Scott BLACKMAN, ADD Inspections/APD (b)(6), (b)(7)c AAPD (b)(6), (b)(7)c and S/A (b)(6), (b)(7)c per USCIS

(b)(6), (b)(7)c per USCIS an I147 has been executed/served. Subject is being turned over to USINS-Investigations Unit for further review. The Service is detaining subject until termination of review.

ICE395

Addendum to Memo to File

ARAR, Maher Abdul Hamid

DOB: (b)(6), (b)(7)c per USCIS

COB: Syria

Citz: Canada

Subject was extensively interviewed by USINS criminal investigators (b)(7)e

(b)(7)e pertaining to (b)(7)e

(b)(7)e Subject was given the choice of voluntarily withdrawing his application for admission and voluntarily returning to his country of origin, to wit: Syria, in lieu of a formal determination regarding his admissibility. However, subject refused to voluntarily withdraw and return to Syria (b)(6), (b)(7)c

(b)(6), (b)(7)c Subject states that he would only return to Canada.

Therefore, upon concurrence of (b)(6), (b)(7)c with HQ-INS, (b)(6), (b)(7)c

with HQ-INS, Regional Director J. Scott BLACKMAN, ADD

Inspections/APD (b)(6), (b)(7)c AAPD (b)(6), (b)(7)c and S/A (b)(6), (b)(7)c per USCIS

(b)(6), (b)(7)c per USCIS an I147 has been executed/served. Subject is being turned over to USINS-Investigations Unit for further review. The Service is detaining subject until termination of review.

A-FILE

Doc. #289



U.S. Department of Justice
Immigration and Naturalization Service

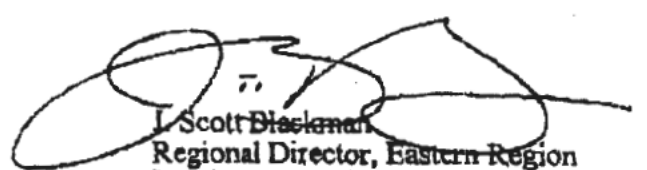
425 I Street NW
Washington, DC 20536

Mr. Maher Abdul Hamid ARAR
(b)(6), (b)(7)c
In Service Custody

Dear Mr. Arar:

You have been placed in removal proceedings under the Immigration and Nationality Act. In connection with those proceedings, you have the opportunity to designate a country for your removal, in the event that you are order removed. If you should choose to designate a country, please do so on the line below. If you have any concerns about returning to this country, please explain in detail below. Attach additional sheets of paper if necessary.

Sincerely,


Scott Blaseman
Regional Director, Eastern Region
Immigration and Naturalization Service

Would you like to designate a country, should you be ordered removed? Yes No
If so, please designate this country below.

CANADA

Do you have any concerns about returning to this country? Yes No

If so, please explain in detail below, attach additional sheets if necessary.

ICE396

(b)(7)e

I have read and explained this notice to above named alien.

Interpreter used: NONE
(Language)

(b)(6), (b)(7)c
(Signature and Title of Immigration Officer)

SPECIAL Agent

(b)(6), (b)(7)c
(Printed Name of Officer)

10-4-2002
(Date)

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

Mahmoud
(Signature of Alien)



U.S. Department of Justice
Immigration and Naturalization Service

425 I Street NW
Washington, DC 20536

Mr. Maher Abdul Hamid ARAR

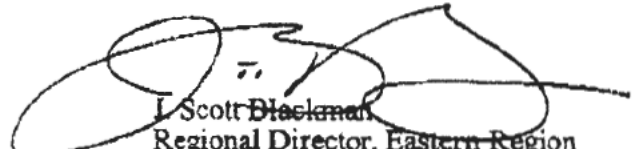
(b)(6), (b)(7)c

In Service Custody

Dear Mr. Arar:

You have been placed in removal proceedings under the Immigration and Nationality Act. In connection with those proceedings, you have the opportunity to designate a country for your removal, in the event that you are order removed. If you should choose to designate a country, please do so on the line below. If you have any concerns about returning to this country, please explain in detail below. Attach additional sheets of paper if necessary.

Sincerely,


Scott Diackman
Regional Director, Eastern Region
Immigration and Naturalization Service

Would you like to designate a country, should you be ordered removed? Yes No
If so, please designate this country below.

CANADA

Do you have any concerns about returning to this country? Yes No

If so, please explain in detail below, attach additional sheets if necessary.

I have read and explained this notice to above named alien.

Interpreter used: NONE
(Language)

[redacted] (b)(6), (b)(7)c
(Signature and Title of Immigration Officer) SPECIAL Agent

[redacted] (b)(6), (b)(7)c
(Printed Name of Officer) 10-4-2002
(Date)

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

Mahmood
(Signature of Alien)

Doc. #290

**WITHDRAWAL OF APPLICATION FOR ADMISSION
 VWPP REFUSAL OF EXPEDITED REMOVAL**

Last Name ARAR	First ARAR	Middle Maher Abdul Hamid	Nationality Canada
AKA ARAR	Maher Abdul Hamid		A #: (b)(6), (b)(7)c
Birthplace Canada	Date of Birth (b)(6), (b)(7)c	Date of Arrival Sept. 26, 2002	Time of Arrival 14:12
Name of airline & flight # AA 65	Port of Arrival NYC JFKIA- JAMAICA N.Y.		

I have reviewed all relating documents and other evidence presented by the
 aforementioned applicant for admission, who appears to be clearly inadmissible to the United
 States. The subject's right to a hearing before an Immigration Judge or a final determination by
 an Immigration Officer has been carefully explained to him/her. I am satisfied that the applicant's decls
 withdraw this application for admission to the United States was made with his/her
 full understanding and awareness. Concurrence was made with
 AAPD _____ (b)(6), (b)(7)c

The decision to refuse this application for admission under the Visa
 Waiver Permanent Program was made with the concurrence of
 AAPD _____

The decision to remove this applicant for admission under
 Section 235(b)(1) was made with the concurrence of
 AAPD _____

Statement delivered to duty AAPD for final approval via:

in person hand-delivered fax
 read telephonically other

(b)(6), (b)(7)c

230
 RE TIME

Logged at E/W Control Booth

(b)(6), (b)(7)c

NAME OF E/W SII REPORTED TO

Departure verified by guard service. Voucher# NYC-02-

Departure verified by INS Officers: _____

COMPLETE BELOW AS NECESSARY:

Consular Office requiring notification: Montreal
 Consulate Telephone Number: _____

Itinerary Including All Connecting Flights:

PORT OF EMBARKATION <u>NYC JFKIA</u>	FLIGHT <u>AA 64</u>	DATE <u>September 27, 2002</u>	DEPARTURE TIME <u>17:45</u>
ARRIVING	<u>Zurich</u>	ON	<u>September 28, 2002</u>
	(CITY)		(DATE)
AT	<u>08:30</u>	VIA	<u>AA 64</u>
	(LOCAL ETA)		(FLIGHT)

ICE398

ER-583 4-1-97 (Local)

g

**WITHDRAWAL OF APPLICATION FOR ADMISSION
 VWP REFUSAL OF EXPEDITED REMOVAL**

Last Name ARAR	First ARAR	Middle Maher Abdul Hamid	Nationality Canada
AKA ARAR	Maher Abdul Hamid		Passport # (b)(6), (b)(7)c
Birthplace Canada	Date of Birth (b)(6), (b)(7)c	Date of Arrival Sept. 26, 2002	Time of Arrival 14:12
Name of airline & flight # AA 65	Port of Arrival NYC JFKIA- JAMAICA N.Y.		

I have reviewed all relating documents and other evidence presented by the aforementioned applicant for admission, who appears to be clearly inadmissible to the United States. The subject's right to a hearing before an Immigration Judge or a final determination by an Immigration Officer has been carefully explained to him/her. I am satisfied that the applicant's decision to withdraw this application for admission to the United States was made with his/her full understanding and awareness. Concurrence was made with AAPD (b)(6), (b)(7)c

The decision to refuse this application for admission under the Visa Waiver Permanent Program was made with the concurrence of AAPD _____

The decision to remove this applicant for admission under Section 235(b)(1) was made with the concurrence of AAPD _____

Statement delivered to duty AAPD for final approval via;

- in person hand-delivered fax
 read telephonically other

(b)(6), (b)(7)c

234

 RE TIME

Logged at E/W Control Booth

(b)(6), (b)(7)c

NAME OF E/W SII REPORTED TO _____

Departure verified by guard service. Voucher# NYC-02-_____

Departure verified by INS Officers: _____

COMPLETE BELOW AS NECESSARY:

Consular Office requiring notification: Montreal
 Consulate Telephone Number: _____

Itinerary Including All Connecting Flights:

PORT OF EMBARKATION <u>NYC JFKIA</u>	FLIGHT <u>AA 64</u>	DATE <u>September 27, 2002</u>	DEPARTURE TIME <u>17:45</u>
	ARRIVING <u>Zurich</u> (CITY)	ON	<u>September 28, 2002</u> (DATE)
	AT <u>08:30</u> (LOCAL ETA)	VIA <u>AA 64</u> (FLIGHT)	

ER-583 4-1-97 (Local)

CT

Doc. #291

ID= (b)(7)e (b)(7)e
 RECORD ID (b)(7)e 02 (b)(7)e .TRY 100202 UPDATE 121802
 NAME- LAST ARAR PHYSICAL IDENTIFIERS
 FIRST MAHER ABDUL HA MID HISpanic RACE SEX HAIR EYES
 IMAGE ALIAS M NICKNAME STC HT 000 WT 000 ENGLISH
 PERSONAL- S/M/T MORE
 DOB (b)(6), (b)(7)c POB- CNTRY ST CITY CTZN CA MORE
 SSN MORE AFN MORE RES EXC/SITE CBP (b)(7)e COW MORE
 PPN (b)(6), (b)(7)c TYPE CNTRY XX ISSDT EXPDT MORE
 ADDRESS- DATE STREET APT
 CITY STATE CNTRY ZIP TYPE MORE
 CONTACT- CBP (b)(7)e SEE COMMENTS PHONE 0000000000
 OWNER (b)(6), (b)(7)c CASE NBR MORE
 (b)(7)e START STOP (b)(7)e
 STATUS (b)(7)e - ALIEN CAT
 REMARKS- DATE 121802 MORE M
 SEE CBP (b)(7)e (b)(7)e FOR MORE INFORMATION.
 ESCORT TO INS SEC - DETAIN ISOLATED - CALL HQINS 202-514-(b)(7)e.
 DETAIN. CBP (b)(7)e - ESCORT TO INS SECONDARY. DETAIN ISOLATED CBP (b)(7)e
 NO SUB-RECORDS

(b)(7)e

ISP-____-2004
 Binder B(1)
 Tas 3

TID= (b)(7)e

(b)(7)e

TECS RECORD ID (b)(7)e

REMARKS DATE 121802

ADQUARTERS INSPECTIONS AT 202-514-(b)(7)e (24 HOURS).

CBP (b)(7)e

CBP (b)(7)e

(b)(7)e

(b)(7)e

MORE

(b)(7)e

FID= (b)(7)e
 RECS RECORD ID (b)(7)e
 NAME- LAST ARAR
 FIRST MAHER
 IMAGE MID HISPANIC RACE SEX HAIR EYES
 ALIAS NICKNAME STC HT 000 000 WT 000 000 ENGLISH
 PERSONAL- S/M/T MORE
 DOB (b)(6), (b)(7)c POB- CNTRY ST CITY CTZN MORE
 SSN MORE AFN MORE RES EXC/SITE MORE
 PPN TYPE CNTRY ISSDT EXPDT MORE
 ADDRESS- DATE (b)(6), (b)(7)c APT
 CITY (b)(6), (b)(7)c STATE MA CNTRY US ZIP TYPE MORE
 CONTACT- CUSTOMS OI - BOSTON MASS PHONE 617566 (b)(6), (b)(7)c
 OWNER (b)(6), (b)(7)c CASE NBR (b)(7)e MORE
 (b)(7)e (b)(7)e (b)(3)
 STATUS (b)(7)e CAT
 REMARKS- DATE 110701 MORE
 (b)(6), (b)(7)c, (b)(7)e IF ENCOUNTERED PLEASE CONTACT SS/A
 (b)(6), (b)(7)c SAIC/BOSTON THROUGH SECTOR 800-973 (b)(6), (b)(7)c

NO SUB-RECORDS SUBSEQUENT SCREENS ARE BLANK
 (b)(7)e

06:12

INS INSPECTION RESULTS

012803

(b)(7)e

(b)(7)e NEW YORK, JF

AIRPORT, TERM 8

FLIGHT#: AA 65

AMERICAN AIRLINES

DOC TYPE: P #: (b)(6), (b)(7)c

CNTRY: CA CANADA

SEX:

NAME (LAST): ARAR

FRST: MAHER

DOB: (b)(6), (b)(7)c

RD BY: (b)(6), (b)(7)c

INS INSPECTOR-B

DTE: 09262002 TME: 1412

ASON:

MATCH.

SNAME (LAST):

FRST:

DOB:

NATIONALITY: CA CANADA

DISPOSITION:

CHARGE (CODED): CBP (b)(7)e

(b)(7)e

DEFERRED TO POE:

CBP (b)(7)e

SECONDARY OFFICER: (b)(6), (b)(7)c

INS INSPECTOR-B

09/26/2002 23:02

COMMENTS: REFERRAL CODE:

CBP (b)(7)e

(b)(7)e INTERVIEW COMPLETED. REMOVED AS PER 235 (C) HEARING ON OCTOBER 8, 2002

(b)(6), (b)(7)c FINS: (b)(6), (b)(7)c

(b)(7)e

17:59

TECS II EXTERNAL MESSAGE DISPLAY

09262002

(b)(7)e

QUEUE TYPE:

(b)(7)e

QUEUE NAME:

(b)(7)e

MSG STATUS:

***** TEXT OF MESSAGE ***** PAGE 01 *****

FROM NLETS ON 09/26/02 AT 17:51:08

(b)(7)e

14:51 09/26/2002 03285

14:51 09/26/2002 14935

(b)(7)e

(b)(7)e

TXT

** RESPONSE FROM CANADIAN SYSTEM - CRIMINAL NAME INDEX FILE **

(b)(6), (b)(7)c

RESPONDENTS ZERO FOR:

ARAR MAHER

END OF CPIC RESPONSE.

(b)(7)e

APPREHENSION HISTORY

FINS#: (b)(6), (b)(7)(c) [Click FINS# to see Photos](#)

Query initiated at 9/26/02 11:20:23 PM

Number of Encounters: 1

Note: Click on three_codes in Appr_Station column for a popup reference.

#	DATE/TIME	TRANSACTION_ID	ENC ID	APPR STATN	LAST NAME	FIRST NAME	SEX	DATE OF BIRTH	COUNTRY OF BIRTH	METH OF APPR	APPR_BY	STAT OF ENTRY	LNTH OF TIME	COMMENTS
1	9/26/02 10:30:11 PM	(b)(7)e		JFK	ARAR	MAHER ABDUL	M	(b)(6), (b)(7)c	CANADA	ISP	(b)(6), (b)(7)c	NIM	AE	(b)(7) INTERVIEWED. SUBJ IS INADMISSIBLE UNDER SECTION 212 a 3AI OF THE INA AND HAS BEEN GRANTED A VOLUNTARY WITHDRAWAL OF HIS APPLICATION IN LIEU OF FORMAL DETERMINATION BY AN IMMIGRATION JUDGE

Alert Entries

-- There are no records resulting from this query -

Printing Instructions

Query results completed at: 9/26/02 11:20:24 PM

(b)(7)e

NON-IMMIGRANT INFORMATION SYSTEM
DETAIL VIEW

DATE: 9/26/02
TIME: 18:23:32

LN: ARAR
 PASSPORT NUMBER : (b)(6), (b)(7)c
 ARRIVAL :
 ADMISSION NUMBER : (b)(6), (b)(7)c
 ADMISSION CLASS :
 ADMISSION DATE :
 ADMITTED TO DATE : CBP (b)(6), (b)(7)c
 PORT OF ENTRY :
 INSPECTOR NUMBER : (b)(6), (b)(7)c
 VISA ISSUE POST :
 VISA ISSUE DATE :
 ARRIVAL CARRIER :
 AIRLINE FLIGHT NUMBER : TRAVEL MODE: LAND
 INTENDED STREET ADDRESS : (b)(6), (b)(7)c
 INTENDED CITY ADDRESS : (b)(6), (b)(7)c STATE: CBP (b)(6), (b)(7)c
 MICROFILM NUMBER :
 DEPARTURE :
 DEPARTURE DATE : ACTUAL DEPARTURE CARRIER :
 ACTUAL DEPARTURE FLIGHT # :

ADMN REC: 1 OF 5

MISC _
WORKER _

SCREEN HELP:

(b)(7)e

(b)(7)e

NON-IMMIGRANT INFORMATION SYSTEM

DATE: 9/26/02

DETAIL VIEW

TIME: 18:23:55

LN: ARAR FN: MAHER DOB: (b)(6), (b)(7)c COC: CANAD
 PASSPORT NUMBER : (b)(6), (b)(7)c GENDER: M COR: CANAD
 ARRIVAL ADMN REC: 2 OF 5
 ADMISSION NUMBER : (b)(6), (b)(7)c
 ADMISSION CLASS :
 ADMISSION DATE :
 ADMITTED TO DATE : CBP (b)(6), (b)(7)c WORKER _
 PORT OF ENTRY :
 INSPECTOR NUMBER : (b)(6), (b)(7)c
 VISA ISSUE POST :
 VISA ISSUE DATE :
 ARRIVAL CARRIER :
 AIRLINE FLIGHT NUMBER : TRAVEL MODE: LAND
 INTENDED STREET ADDRESS : (b)(6), (b)(7)c
 INTENDED CITY ADDRESS : (b)(6), (b)(7)c STATE: CBP (b)(6), (b)(7)c
 MICROFILM NUMBER :
 DEPARTURE ACTUAL DEPARTURE CARRIER :
 DEPARTURE DATE : ACTUAL DEPARTURE FLIGHT # :
 CODE OF DEPARTURE :

SCREEN HELP:

(b)(7)e

(b)(7)e

NON-IMMIGRANT INFORMATION SYSTEM
DETAIL VIEW

DATE: 9/26/02
TIME: 18:24:09

LN: ARAR
 PASSPORT NUMBER : (b)(6), (b)(7)c
 ARRIVAL : (b)(6), (b)(7)c
 ADMISSION NUMBER : (b)(6), (b)(7)c
 ADMISSION CLASS :
 ADMISSION DATE :
 ADMITTED TO DATE : CBP (b)(6), (b)(7)c
 PORT OF ENTRY :
 INSPECTOR NUMBER : (b)(6), (b)(7)c
 VISA ISSUE POST :
 VISA ISSUE DATE :
 ARRIVAL CARRIER :
 AIRLINE FLIGHT NUMBER :
 INTENDED STREET ADDRESS :
 INTENDED CITY ADDRESS : CBP (b)(6), (b)(7)c
 MICROFILM NUMBER :
 DEPARTURE :
 DEPARTURE DATE :
 FN: MAHER
 DOB: (b)(6), (b)(7)c
 GENDER: M
 COC: CANAD
 COR: CANAD
 ADMN REC: 3 OF 5
 TRAVEL MODE: LAND
 STATE: CBP (b)(6), (b)(7)c
 ACTUAL DEPARTURE CARRIER :
 ACTUAL DEPARTURE FLIGHT #:

WORKER _

SCREEN HELP:

(b)(7)e

(b)(7)e

NON-IMMIGRANT INFORMATION SYSTEM
DETAIL VIEW

DATE: 9/26/02
TIME: 18:24:23

LN: ARAR FN: MAHER DOB: (b)(6), (b)(7)c COC: CANAD
 PASSPORT NUMBER : (b)(6), (b)(7)c GENDER: M COR: CANAD
 ARRIVAL ADMN REC: 4 OF 5
 ADMISSION NUMBER : (b)(6), (b)(7)c
 ADMISSION CLASS :
 ADMISSION DATE :
 ADMITTED TO DATE : CBP (b)(6), (b)(7)c WORKER _
 PORT OF ENTRY :
 INSPECTOR NUMBER :
 VISA ISSUE POST :
 VISA ISSUE DATE :
 ARRIVAL CARRIER :
 AIRLINE FLIGHT NUMBER : TRAVEL MODE: LAND
 INTENDED STREET ADDRESS : CBP (b)(6), (b)(7)c
 INTENDED CITY ADDRESS : STATE: CBP (b)(6), (b)(7)c
 MICROFILM NUMBER :
 DEPARTURE : ACTUAL DEPARTURE CARRIER :
 DEPARTURE DATE : ACTUAL DEPARTURE FLIGHT # :

SCREEN HELP:

(b)(7)e

Doc. #292

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP

COMMENTS INQUIRY

DATE: 09/26/2002
TIME: 13:07:34

LAST: ARAR
AGNY: I
ALL COMMENTS:

FIRST: MAHER ABDUL HAMID
REC #: (b)(6), (b)(7)c DOB: (b)(6), (b)(7)c

(b)(7)e (b)(6), (b)(7)c, (b)(7)e
@ (202) 514-(b)(7)e (24 HOURS) . CBP (b)(7)e
CBP (b)(7)e (b)(7)e
(b)(7)e

(b)(7)e

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP

COMMENTS INQUIRY

DATE: 09/26/2002
TIME: 13:07:34

LAST: ARAR
AGNY: I

FIRST: MAHER ABDUL HAMID

REC #: (b)(6), (b)(7)c

DOB: (b)(6), (b)(7)c

ALL COMMENTS:

(b)(7)e IMMEDIATELY CALL (b)(6), (b)(7)c, (b)(7)e
@ (202) 514-(b)(7)e (24 HOURS). CBP (b)(7)e
CBP (b)(7)e (b)(7)e
(b)(7)e

(b)(7)e

13:19

TECSII RECORD ACCESS INFORMATION

09262002

(b)(7)e per CBP

PAGE 1 OF 1

(b)(7)e

RECORD ID:

(b)(7)e

OWNER:

(b)(6), (b)(7)c

(b)(7)e

13:19

TECS II - MORE REMARKS

092602

(b)(7)e

CBP (b)(7)e (b)(7)e

TECS RECORD ID (b)(7)e

REMARKS DATE 051502

@ (202) 514 (b)(7)e (24 HOURS) . CBP (b)(7)e

CBP (b)(7)e (b)(7)e

(b)(7)e

REMARKS DATE 052302

SEE CBP (b)(7)e (b)(7)e FOR MORE INFORMATION.

ESCORT TO INS SEC - DETAIN ISOLATED - CALL HQINS 202-514 (b)(7)e

ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL (b)(6), (b)(7)c, (b)(7)e

@ (202) 514 (b)(7)e (24 HOURS) . CBP (b)(7)e

CBP (b)(7)e (b)(7)e

(b)(7)e

MORE _

(b)(7)e

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP

INQUIRY

DATE: 09/26/2002
TIME: 13:07:12

AGENCY: I RECORD#: (b)(7)e

LOOKOUT NAME LAST : ARAR

FIRST: MAHER ABDUL HAMID

MIDDLE :

DATE OF BIRTH : (b)(6), (b)(7)c

A-NUMBER:

LEGAL/ALIAS (L/A): L

COB COC CA PASSPORT #: NONE (b)(6), (b)(7)c PASS CNTRY:

CASE CODE(S): (b)(7)e (b)(7)e per CBP SEX: RACE:

HAIR: EYES: HEIGHT: INS. WEIGHT: LBS.
SCARS/MARKS: CANCEL DATE: (b)(7)e (PERM)

INITIAL COMMENTS:

ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL (b)(6), (b)(7)c, (b)(7)e
@ (202) 514-(b)(7)e (24 HOURS). CBP (b)(7)e

CBP (b)(7)e

(b)(7)e

(b)(7)e

14:23

TECS II EXTERNAL MESSAGE DISPLAY

09262002

(b)(7)e

QUEUE TYPE: (b)(7)e

QUEUE NAME: (b)(7)e

SEQ ID :

DATE/TIME : 09262002 142004

MSG STATUS: (b)(7)e

CIRCUIT: NCIC

***** TEXT OF MESSAGE *****

PAGE 01 *****

FROM NCIC ON 09/26/02 AT 14:20:04

(b)(7)e

CBP (b)(7)e

CBP (b)(7)e

(b)(6), (b)(7)c

END

(b)(7)e

(b)(6), (b)(7)c
INSP ID:

(b)(7)e per CBP

INQUIRY

DATE: 09/26/2002
TIME: 13:07:26

AGENCY: I RECORD#: (b)(7)e

LOOKOUT NAME LAST : ARAR

FIRST: MAHER ABDUL HAMID

MIDDLE :

DATE OF BIRTH : (b)(6), (b)(7)c

A-NUMBER:

(b)(7)e per CBP

REVIEW STATUS : N

OPTIONS:

CBP (b)(7)e

CONV/REJ BY :
DATE: 00/00/0000

(b)(7)e

OFFICE: COW CONTACT NAME LAST : SEE COMMENTS

FIRST: (b)(7)e per CBP

PHONE: 000 000 0000

ADDITIONAL COMMENTS:

(b)(7)e

13:06

TECS II - PERSON SUBJECT DISPLAY (1 OF 3) 092602

(b)(7)e

(b)(7)e per CBP

TECS RECORD ID (b)(7)e (b)(7)e per CBP ENTRY 032902 UPDATE 073102
NAME- LAST ARAR PHYSICAL IDENTIFIERS

FIRST MAHER ABDUL HAMID MID RACE SEX HAIR EYES
IMAGE _ ALIAS M NICKNAME _ STC _ HT 000 WT 000 ENGLISH
PERSONAL- S/M/T MORE _

DOB (b)(6), (b)(7)c POB- CNTRY ST CITY CTZN CA MORE _
SSN MORE _ AFN MORE _ RES EXC/SITE BP (b)(7)e COW MORE _

PPN (b)(6), (b)(7)c TYPE CNTRY XX ISSDT EXPDT MORE _
ADDRESS- DATE STREET APT

CITY STATE CNTRY ZIP TYPE MORE _
CONTACT- CBP (b)(7)e SEE COMMENTS PHONE 0000000000

OWNER (b)(6), (b)(7)c CASE NBR MORE
(b)(7)e per CBP START STOP QRY NTFY (b)(7)e

STATUS (b)(7)e per CBP CAT
REMARKS- DATE 051502 MORE M

SEE CBP (b)(7)e (b)(7)e FOR MORE INFORMATION.

ESCORT TO INS SEC - DETAIN ISOLATED - CALL HQINS 202-514-(b)(7)e
ESCORT TO INS SECONDARY. DETAIN ISOLATED. IMMEDIATELY CALL (b)(6), (b)(7)c, (b)(7)e

NO SUB-RECORDS

(b)(7)e

Doc. #293

**WITHDRAWAL OF APPLICATION FOR A VISA
 VWP REFUSAL OF EXPEDITED REMOVAL**

Last Name ARAR		First ARAR	Middle Maher Abdul Hamid	Nationality Canada
A		A #:		(b)(6), (b)(7)c
Birthplace Canada	Date of Birth (b)(6), (b)(7)c	Date of Arrival Sept. 26, 2002	Time of Arrival 14:12	
Name of airline & flight # AA 65		Port of Arrival NYC JFKIA- JAMAICA N.Y.		

I have reviewed all relating documents and other evidence presented by the aforementioned applicant for admission, who appears to be clearly inadmissible to the United States. The subject's right to a hearing before an Immigration Judge or a final determination by an Immigration Officer has been carefully explained to him/her. I am satisfied that the applicant's decision to withdraw this application for admission to the United States was made with his/her full understanding and awareness. Concurrence was made with AAPD _____ (b)(6), (b)(7)c _____

The decision to refuse this application for admission under the Visa Waiver Permanent Program was made with the concurrence of AAPD _____

The decision to remove this applicant for admission under Section 235(b)(1) was made with the concurrence of AAPD _____

Statement delivered to duty AAPD for final approval via;

in person hand-delivered fax
 read telephonically other

(b)(6), (b)(7)c

230
 E TIME

Logged at E/W Control Booth

(b)(6), (b)(7)c

NAME OF E/W SII REPORTED TO _____

Departure verified by guard service. Voucher# NYC-02-_____

Departure verified by INS Officers: _____

COMPLETE BELOW AS NECESSARY:

Consular Office requiring notification: Montreal
 Consulate Telephone Number: _____

Itinerary Including All Connecting Flights:

PORT OF EMBARKATION NYC JFKIA	FLIGHT AA 64	DATE September 27, 2002	DEPARTURE TIME 17:45
ARRIVING	Zurich	ON	September 28, 2002
	(CITY)		(DATE)
AT	08:30	VIA	AA 64
	(LOCAL ETA)		(FLIGHT)

ER-583 4-1-97 (Local)

ICE413

(b)(6), (b)(7)c
 16

Doc. #294

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

RECORD OF SWORN STATEMENT IN AFFIDAVIT FORM

AFFIDAVIT

IN RE: Arar, Maher

FILE NO.

(b)(6), (b)(7)c per USCIS

EXECUTED AT: NYC-JFK-AA

DATE: Sept. 26, 2002

Before the following officer of the U.S. Immigration and Naturalization Service (b)(6), (b)(7)c per USCIS SRI

In the English language. Interpreter _____ used.

I, Maher Arar, acknowledge that the above-named officer has identified herself to me as an officer of the United States Immigration service authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. She has informed me that she desires to take my statement regarding MY APPLICATION FOR ADMISSION INTO THE UNITED STATES

She has told me that my statement must be made freely and voluntarily. I am willing to make such a statement. I swear that I will tell the truth, the whole truth, and nothing but the truth, so help me, God.

Having duly sworn, I make the following statement:

Q. What is your native language?
A. Arabic.

Q. It is very important that you understand everything that is being asked. Are you sure you can understand me?
A. Yes I understand.

Q. Are you comfortable giving your statement here, or do you wish to do so in a more private area?
A. No, here is fine.

Q. Do you read, write and understand the English language?
A. Yes.

Q. What is your true and correct name (first, middle, and last)?
A. Maher Arar.

Q. Do you ever used or been known by any other names?
A. No.

Q. What country are you a native of?
A. Syria.

Q. What country are you a citizen of?
A. Canada.

ICE414

17

alien's initials _____

Q. What is your date of birth?

A. (b)(6), (b)(7)c per USCIS

What city and country were you born in?

CBP (b)(6), (b)(7)c Syria.

Q. What languages do you speak?

A. CBP (b)(6), (b)(7)c

Q. What country do you live in?

A. Canada. I went to (b)(6), (b)(7)c was planning on living there, if I don't find a job there I will stay in Canada.

Q. What is the citizenship of your parents?

A. They were born in (b)(6), (b)(7)c

Q. Where are your parents now?

A. In (b)(6), (b)(7)c per (b)(6), (b)(7)c

Q. What is the purpose of your trip to the U.S. today?

A. I am transiting through New York, I have accumulated lot of American Airline miles. If I don't fly anymore on American I would lose my miles. There are no direct flights from Zurich to Canada on American Airlines so I came this way.

Q. How long are you planning on staying in the U.S.?

A. I was supposed to take the 5 O'clock flight to Montreal.

this Canadian passport # (b)(6), (b)(7)c per USCIS legally issued to you?

... yes.

Q. Did you present the above mentioned passport to the immigration inspector to gain entry to the U.S. today?

A. Yes.

Q. Do you have any other passports expired or valid?

A. Yes, my Syrian passport it is in Canada.

Q. What is your occupation?

A. Engineer.

Q. What is your immigration status in the U.S.?

A. I used to work in the U.S. but not now I am just in transit.

Q. When did you start working in the U.S.?

A. CBP (b)(6), (b)(7)c

Q. Where did you work and what was the name of your employer?

A. Nadick, Mass. Dhe Mathworks. My boss was (b)(6), (b)(7)c per USCIS

Q. What was your position in the company?

Application Engineer. I worked there about (b)(6), (b)(7)c

ICE415

Q. What was your address in the U.S. while working for that company?

(18)

A. I don't remember exactly I think [redacted] was [redacted] Mass.

Q. Do you remember any telephone numbers at your company you worked for?

A. Yes, 508 647 [redacted]

How did you learn about the Nafta Free Trade , and the company you worked for?

A. I put my resume on the internet and the company called. I had friends who are Engineers and they told me about T-N.

Q. What university did you graduate from?

A. [redacted] in [redacted]

Q. Have you had any international dealings while working with your country?

A. [redacted]

Q. What is your address in Canada?

A. [redacted] Ottawa.

Q. How long were you in [redacted]

A. One night.

Q. Before connecting to [redacted] where were you coming from and how long were you there?

A. I was in [redacted] for three months

Q. Why did you go to [redacted]

A. I went with my wife, [redacted]

Where does your wife live?

She is living in [redacted]

Q. What is your father-in-laws address in [redacted]

A. [redacted] [redacted] [redacted]

(b)(7)e

Q. What is your religion?

I am Muslim.

ICE416

Q. Do you belong to any type of religious or political organizations in any country?

Doc. #295

Basis for Action:

DATE Sept. 26, 2002

- Application for Admission Withdrawn
- Visa / BCC Canceled
- VWPP Refusal
- Ordered removed (inadmissible) by immigration judge - Section 235(b)(2) (order attached)
- Ordered removed (inadmissible) by INS - Section 235(b)(1) (order attached)
- Waiver revoked (212)(d)(3)(order attached)
- Departure required (8CFR 240.25)(Form I-213 attached)

I-94#	(b)(6), (b)(7)c
A #	

TO: American Consul Montreal FROM: USINS NYC JFKIA

Last Name ARAR	First Maher Abdul Hamid	Middle	Citizenship Canada
AKA ARAR	Maher Abdul Hamid		
Country of birth Canada	Date of birth (b)(6), (b)(7)c	Foreign Address	
Name of airline AA 65	Port of Arrival NYC JFKIA- JAMAICA N.Y.	Date of Arrival Sept. 26, 2002	
U.S. Address			
Type of Visa n/a	Date Visa issuance n/a	Place of Visa issuance n/a	
Number of Visa n/a	Social Security Number of Applicant None		
visa issue control number n/a			

REASONS:

	CBP (b)(6), (b)(7)c
(b)(6), (b)(7)c per CBP	RSE

(b)(6), (b)(7)c SRI
(United States Immigration Inspector)

questioned for the above reasons, which I have read
English language. I request that I
admission and to return abroad. I understand that my voluntary

withdrawal of my application for admission is in lieu of a formal determination concerning my admissibility:

- by an immigration officer
- in removal proceedings before an immigration judge

Sept. 26, 2002
(Date)

Maher Abdul Hamid
Signature of Alien

Doc. #296

Subject arrived Sept. 26, 2002 at JFK Int'l Airport American Airlines Terminal (8) via American Airlines flight AA 65 from Zurich. Subject presented Canadian passport # (b)(6), (b)(7)c and applied for admission to transit to Canada. Subject was referred into INS secondary (b)(7)e

In secondary it was determined that the subject is an exact match (b)(7)e (b)(7)e (b)(7)e per CBP Officer (b)(6), (b)(7)c the subject (b)(7)e (b)(7)e At 15:00hrs (b)(7)e Special Agents (b)(6), (b)(7)c per FBI USCS Special Agent (b)(6), (b)(7)c and Detectives (b)(6), (b)(7)c and (b)(6), (b)(7)c responded and interviewed the subject. All aspects of the interview were not made known to USINS. (b)(7)e will be Federal Expressed to USINS-LOU, 1525 Wilson Blvd, Ste (b)(6), (b)(7)c Arlington, VA (b)(6), (b)(7)c BP (b)(6), (b)(7)c per instructions



CBP (b)(6), (b)(7)c

At this time, the subject is inadmissible to the United States under section 212(a)(3)(A)(i) of the INA. After review of the subject's statement, coupled with information gathered from U.S Immigration sources it has been determined that he be allowed to withdraw his application for admission and return to his point of embarkation. The subject is also going to be detained for additional interviews with the (b)(7)e (b)(7)e All INS action reviewed and approved by SII (b)(6), (b)(7)c and AAPD (b)(6), (b)(7)c All INS

ICE417

Subject arrived Sept. 26, 2002 at JFK Int'l Airport American Airlines Terminal (8) via American Airlines flight AA 65 from Zurich. Subject presented Canadian passport # (b)(6), (b)(7)c and applied for admission to transit to Canada. Subject was referred into INS secondary (b)(7)e

In secondary it was determined that the subject is an exact match (b)(7)e (b)(7)e Per ACI/lookout Officer (b)(6), (b)(7)c the subject (b)(7)e (b)(7)e At 15:00hrs (b)(7)e Special Agents (b)(6), (b)(7)c per FBI USCS Special Agent (b)(6), (b)(7)c and Detective (b)(6), (b)(7)c and (b)(6), (b)(7)c responded and interviewed the subject. All aspects of the interview were not made known to USINS. (b)(7)e will be Federal Expressed to USINS-LOU, 1525 Wilson Blvd, Ste (b)(6), (b)(7)c Arlington, VA 22209 to CBP (b)(6), (b)(7)c per instructions.

CBP (b)(6), (b)(7)c

At this time, the subject is inadmissible to the United States under section 212(a)(3)(A)(i) of the INA. After review of the subject's statement, coupled with information gathered from U.S Immigration sources it has been determined that he be allowed to withdraw his application for admission and return to his point of embarkation. The subject is also going to be detained for additional interviews with the (b)(7)e (b)(7)e All INS action reviewed and approved by SII (b)(6), (b)(7)c and AAPD (b)(6), (b)(7)c All INS

Doc. #297

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

RECORD OF SWORN STATEMENT IN AFFIDAVIT FORM

AFFIDAVIT

IN RE: Arar, Maher FILE NO. (b)(6), (b)(7)c per USCIS

EXECUTED AT: NYC-JFK-AA DATE: Sept. 26, 2002

Before the following officer of the U.S. Immigration and Naturalization Service (b)(6), (b)(7)c per USCIS **SRI**

In the English language. Interpreter _____ used.

I, Maheer Arar, acknowledge that the above-named officer has identified herself to me as an officer of the United States Immigration service authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. She has informed me that she desires to take my statement regarding MY APPLICATION FOR ADMISSION INTO THE UNITED STATES

She has told me that my statement must be made freely and voluntarily. I am willing to make such a statement. I swear that I will tell the truth, the whole truth, and nothing but the truth, so help me, God.

Having duly sworn, I make the following statement:

Q. What is your native language?
A. Arabic.

Q. It is very important that you understand everything that is being asked. Are you sure you can understand me?
A. Yes I understand.

Q. Are you comfortable giving your statement here, or do you wish to do so in a more private area?
A. No, here is fine.

Q. Do you read, write and understand the English language?
A. Yes.

Q. What is your true and correct name (first, middle, and last)?
A. Maher Arar.

Q. Do you ever used or been known by any other names?
A. No.

Q. What country are you a native of?
A. Syria.

Q. What country are you a citizen of?
A. Canada.

Q. What is your date of birth?

A. (b)(6), (b)(7)c per USCIS

What city and country were you born in?

A. (b)(6), (b)(7)c Syria.

Q. What languages do you speak?

A. (b)(6), (b)(7)c

Q. What country do you live in?

A. Canada. I went to (b)(6), (b)(7)c I was planning on living there, if I don't find a job there I will stay in Canada.

Q. What is the citizenship of your parents?

A. They were born in (b)(6), (b)(7)c

Q. Where are your parents now?

A. In (b)(6), (b)(7)c per (b)(6), (b)(7)c

Q. What is the purpose of your trip to the U.S. today?

A. I am transiting through New York, I have accumulated lot of American Airline miles. If I don't fly anymore on American I would lose my miles. There are no direct flights from Zurich to Canada on American Airlines so I came this way.

Q. How long are you planning on staying in the U.S.?

A. I was supposed to take the 5 O'clock flight to Montreal.

Q. Is this Canadian passport # (b)(6), (b)(7)c per USCIS legally issued to you?

A. Yes.

Q. Did you present the above mentioned passport to the immigration inspector to gain entry to the U.S. today?

A. Yes.

Q. Do you have any other passports expired or valid?

A. Yes, my Syrian passport it is in Canada.

Q. What is your occupation?

A. Engineer.

Q. What is your immigration status in the U.S.?

A. I used to work in the U.S. but not now I am just in transit.

Q. When did you start working in the U.S.?

A. (b)(6), (b)(7)c

Q. Where did you work and what was the name of your employer?

A. Nadick, Mass. Dhe Mathworks. My boss was (b)(6), (b)(7)c per USCIS

Q. What was your position in the company?

A. Application Engineer. I worked there about (b)(6), (b)(7)c

Q. What was your address in the U.S. while working for that company?

A. I don't remember exactly I think it was [redacted] Mass.

Q. Do you remember any telephone numbers at your company you worked for?

A. Yes, 508 647 [redacted]

Q. How did you learn about the Nafta Free Trade , and the company you worked for?

A. I put my resume on the internet and the company called. I had friends who are Engineers and they told me about T-N.

Q. What university did you graduate from?

A. [redacted] in [redacted]

Q. Have you had any international dealings while working with your country?

A. [redacted] CBP (b)(6), (b)(7)c

Q. What is your address in Canada?

A. [redacted] Ottawa.

Q. How long were you in [redacted]

A. One night.

Q. Before connecting to [redacted] where were you coming from and how long were you there?

A. I was in [redacted] for three months

Q. Why did you go to [redacted]

A. I went with my wife, [redacted]

Q. Where does your wife live?

A. She is living in [redacted] CBP (b)(6), (b)(7)c

Q. What is your father-in-law's address in [redacted]

A. [redacted] CBP (b)(6), (b)(7)c per USCIS

[redacted]
(b)(7)e

Q. What is your religion?

A. I am Muslim.

Q. Do you belong to any type of religious or political organizations in any country?

A. No.

Q. Do you go to any religious places to pray?

^ Yes, on Friday. In any Mosque nearby.

Q. Where is the last place of worship that you were in?

A. It was in [redacted] where my [redacted] lives.

Q. What is the name of the Mosque?

A. I don't know.

Q. What other places of worship have you attended in the last year?

A. When I was in Canada, [redacted] Ottawa, Canada.

Q. When did you first come to live in Canada?

A. In [redacted]

Q. What are the names of your parents?

A. My father is [redacted] my mother [redacted]

Q. Do you have any brothers and sisters?

A. Yes.

Q. Where do they live?

A. In [redacted]

Q. What are the names of your siblings?

.. My brothers [redacted] those are my brothers, and I have [redacted] [redacted]

Q. What is your wife's name?

A. [redacted]

Q. Do you have any children?

A. Yes, [redacted]

Q. Where are your children?

A. They are with the mother in [redacted]

Q. Did anyone accompany you on your trip to the U.S. today?

A. No.

Q. Have you ever been arrested anywhere in the world?

A. No.

Q. How many trips [redacted] have you made to [redacted]

A. This is my second trip.

Q. How long did you stay on your first trip to [redacted]

^ One month.

Q. Have you ever participated in any political movements in any country?

A. No.

Q. Have you ever been persecuted because of your religious beliefs in any country?

A. No.

Have you ever been threatened with imprisonment because of your religious beliefs?

A. No.

Q. Have you ever held any government office in any country?

A. No.

Q. Do you belong to any clubs or other associations in any country?

A. No. I used to be a [redacted] but I cancelled it in the U.S.

Q. What other countries have you visited?

A. [redacted] I went to [redacted] about two months ago to buy a car.

Q. Where did you buy the car [redacted]?

A. In [redacted] I don't know the name.

Q. How long were you in [redacted] and what year was that?

A. It was a company trip for three days I don't remember exactly.

Q. How long were you in [redacted]?

A. I don't know the exact year, maybe eight years ago for a week I went to get married, but I didn't.

Q. How long were you in [redacted]?

I think about nine years ago for about five months.

Q. What were you doing in [redacted] for five months?

A. [redacted] CBP (b)(6), (b)(7)c

[redacted] CBP (b)(6), (b)(7)c

Q. Who are the people that you were living with in the Mosque in [redacted]?

A. Just other Muslims.

Q. What is the name of the person that is the head of the Mosque in [redacted] where you lived?

A. I don't know.

Q. Do you remember any other members in the Mosque in [redacted]?

A. No.

[redacted] (b)(7)e

Q. Do you have any other bank accounts in any countries?

A. No.

Q. Do you own any properties in any countries?

A. No.

Q. Have you ever attended public functions in any countries?
A. Not exactly I've attended public prayers, everyone has to attend.

Where did you attend these public prayers?

A. At the Mosques, wherever I go.

Q. How is your health status?

A. I am fine.

Q. Do you or any member of your family have any applications or petitions pending with INS?

A. No.

Q. Do you claim to be a United States Citizen?

A. No, I am Canadian.

Q. Do you claim to be a legal permanent resident of the U.S.?

A. No.

Q. Besides the aircraft's, has any of the your personal belongings been out of your sight since you left [redacted] (b)(6), (b)(7)c

A. No.

Q. [redacted] CBP (b)(6), (b)(7)c

[redacted] CBP (b)(6), (b)(7)c

Q. Would you like to speak to a consular or diplomatic official from your government?

A. Yes, tomorrow.

Q. Did you understand all the questions asked?

A. Yes.

Q. Is there anything else you wish to add to this statement?

A. I don't know why I am a suspect, I have not done anything wrong against the United States.

Q. Why did you leave your country or last place of residence?

A. [redacted] CBP (b)(6), (b)(7)c

Q. Do you have any fear or concern about being returned to your home country or being removed from the United States?

A. No.

Q. Would you be harmed if you are returned to your home country or country of last residence?

A. No.

Q. Do you have any questions or is there anything else you would like to add?

A. No.

At this time you have been found admissible to enter the U.S., you can voluntarily withdraw your application for admission and return to your place of embarkation as soon as possible, do you understand?

A. Yes, I understand, I'll go home.

Alien's signature [Handwritten Signature] date 26-Sep-02

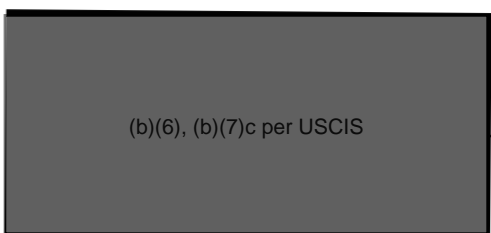
I am fluent in both the _____ and _____ languages and have translated the foregoing to the best of my abilities

Translator's name _____ employed by _____

Translator's signature _____

Sworn and subscribed to me this 26th day of Sept. 2002, at NYC-JFK-AA

Immigration officer



(b)(6), (b)(7)c per USCIS

Doc. #285



FAX TRANSMISSION

Immigration and Naturalization Service
Headquarters Office of Field Operations
National Security Unit, Room (b)(6), (b)(7)c
425 I Street, NW, Washington, D.C. 20536

PRIORITY LEVEL (circle one):

URGENT / IMMEDIATE / ROUTINE

CLASSIFICATION LEVEL (circle one):

UNCLASSIFIED / L.O.U. or L.E.S. / CONFIDENTIAL / SECRET / TOP SECRET

TRANSMISSION DATA:

DATE: OCT 7/02

NO. PAGES (excluding this cover sheet): 6

TO:

RCVG FAX NO: 202 - 324 - (b)(6), (b)(7)c VOICE NO: 202 - 324 - (b)(6), (b)(7)c

ADDRESSEE: (b)(6), (b)(7)c

FROM:

OPEN FAX NO: 202-514 (b)(6), (b)(7)c OPEN VOICE NO: 202 - 325 - (b)(6), (b)(7)c

SECURE VOICE AND FAX NO: 202-514 (b)(6), (b)(7)c **CALL IN ADVANCE ON OPEN LINE TO ARRANGE SECURE TRANSMISSIONS)**

SENDER: (b)(6), (b)(7)c
National Security Unit, Office of Field Operations

COMMENTS / SUBJECT MATTER:

SWORN STATEMENT RE: ARAR

ICE370

LIMITED OFFICIAL USE

United States Department of Justice
 Immigration and Naturalization
 Record of Sworn Statement

Office: New York, NY
 Statement by: Maher ARAR
 In the Case of: ARAR, Maher
 At: MDC

Before: [REDACTED] (b)(6), (b)(7)c
 In the English language

My name is [REDACTED] (b)(6), (b)(7)c I am an officer of the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with enforcement of the Immigration and Nationality laws of the United States. [REDACTED] CBP (b)(6), (b)(7)c
 [REDACTED] CBP (b)(6), (b)(7)c I will make a record of our conversation. At the conclusion of our discussion, I will read back to you my questions and your answers, and then I will ask you to initial all pages and sign the record of sworn statement.

The information you tell me today is confidential. This means that this information may not be given to the government of Canada or Syria, but it can be shared with other United States government officials, who will keep the information confidential.

It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

Q. Do you have any questions about what I have explained to you?

A. Where is my lawyer?

Q. We contacted your lawyer and told him that we were going to conduct this interview. We have been told that your lawyer did not arrive.

A. I want to speak to my lawyer.

Q. Are you willing to answer my questions at this time?

A. What questions? Where is my lawyer?

Q. I do not know where your lawyer is. What is your name?

A. Can you tell me your name?

Q. My name is [REDACTED] (b)(6), (b)(7)c Where were you born?

A. [REDACTED] (b)(6), (b)(7)c Syria.

Q. What is your country or countries of citizenship?

A. I am a citizen of Canada and Syria.

ICE371

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

Q. Where did you last live?

A. Canada.

Q. What is your occupation?

A. I am a contractor and engineer. I am self-employed. My business is home-based.

Q. How many people worked with you?

A. No one. Only myself.

Q. What is your marital status?

A. CBP (b)(6), (b)(7)c

Q. Do you have any children?

A. CBP (b)(6), (b)(7)c

Q. Where are your children currently?

A. They are in (b)(6), (b)(7)c

Q. CBP (b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

(b)(6), (b)(7)c

Q. CBP (b)(6), (b)(7)c

A. My whole family is in CBP (b)(6), (b)(7)c I want to call my lawyer.

Q. INS contacted your lawyers to inform them of this interview, but they didn't come.

A. I want to call them and schedule this for another day.

(b)(6), (b)(7)c

Q. What is your religion?

A. I am Muslim.

Q. Were you ever arrested in CBP (b)(6), (b)(7)c

CBP (b)(6), (b)(7)c I was a kid when I left CBP (b)(6), (b)(7)c The law changes overnight in those kind of countries CBP (b)(6), (b)(7)c
(b)(6), (b)(7)c

(b)(6), (b)(7)c
(b)(6), (b)(7)c
CBP (b)(6), (b)(7)c

ICE372

(b)(6), (b)(7)c

CBP (b)(6), (b)(7)c
CBP (b)(6), (b)(7)c

(b)(6), (b)(7)c

Q. What type of work did you do here in the United States?

A. I'm not going to answer anymore questions without my lawyer.

Q. Where were you working?

A. In (b)(6), (b)(7)c but I am not answering any more questions.

Q. What type of work did you do in Canada?

A. I was a consultant.

Q. Did anyone work with you?

A. I worked alone from home.

(b)(6), (b)(7)c

(b)(6), (b)(7)c

ICE373

(b)(6), (b)(7)c

Q. CBP (b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

CBP (b)(6), (b)(7)c What will you tell my daughter? CBP (b)(6), (b)(7)c

CBP (b)(6), (b)(7)c She will not like America like I do. It would be a shame for America to send me back.

Q. Is there anything else you would like to add?

(b)(7)e

Q. You said you had a Syrian Passport at the airport, is this correct?

A. Yes. It expired.

Q. When did it expire?

A. CBP (b)(6), (b)(7)c

CBP (b)(6), (b)(7)c

Q. Did your father do this in 1988?

A. No, I think it was around 1991, but I forgot. I don't remember exactly.

Q. Where did your father renew the waiver and passport?

A. I don't remember.

Q. Were you in Canada at the time?

A. Yes.

Q. Did your father renew them in Canada?

A. I don't know, my father took care of things for me then.

Q. Did you plan to travel to Syria?

A. No. It was in case I went to other places. I went to CBP (b)(6), (b)(7)c to buy things sometimes.

Q. When did your passport expire?

A. I don't know.

ICE374

LIMITED OFFICIAL USE

Q. Where is the Syrian passport?

A. In Canada; no, I don't know. I don't remember.

(b)(7)e

(b)(6), (b)(7)c

I have read the foregoing statements, consisting of 5 pages. I state that the answers made therein by me are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my interview on the date indicated by the above-named officer of the Immigration and Naturalization Service. I have initialed each page of this statement and the correction(s) noted on page(s).....

Signature

Subject refused to sign.

Maher ARAR

Subscribed and sworn before me at *Metropolitan Detention Center (MDC)* on *10/7/02* at *2:30 AM.*

(b)(6), (b)(7)c

Naturalization Service

Witnessed by:

(b)(6), (b)(7)c

ICE75

LIMITED OFFICIAL USE

Doc. #301



U.S. Department of Justice
Immigration and Naturalization Service

The release of this document to
the IG does not constitute a
waiver of any applicable
privilege.

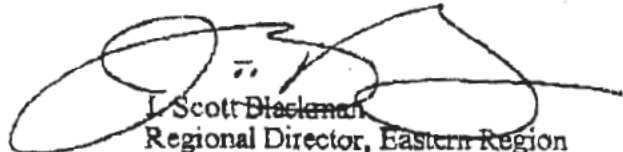
425 I Street NW
Washington, DC 20536

Mr. Maher Abdul Hamid ARAR
(b)(6), (b)(7)c
In Service Custody

Dear Mr. Arar:

You have been placed in removal proceedings under the Immigration and Nationality Act. In connection with those proceedings, you have the opportunity to designate a country for your removal, in the event that you are order removed. If you should choose to designate a country, please do so on the line below. If you have any concerns about returning to this country, please explain in detail below. Attach additional sheets of paper if necessary.

Sincerely,


Scott Blaseman
Regional Director, Eastern Region
Immigration and Naturalization Service

Would you like to designate a country, should you be ordered removed? Yes No
If so, please designate this country below.

CANADA

Do you have any concerns about returning to this country? Yes No

If so, please explain in detail below, attach additional sheets if necessary.

ICE649

I have read and explained this notice to above named alien.

Interpreter used:

NONE

(Language)

(b)(6), (b)(7)c

(Signature and Title of Immigration Officer)

SPECIAL Agent

(b)(6), (b)(7)c

(Printed Name of Officer)

10-4-2002

(Date)

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

Mahmoud

(Signature of Alien)

ICE650

TOTAL P. 03

Doc. #304

WITNESS

The release of this document to the IG does not constitute a waiver of any applicable privilege.



(b)(5)

ICE708

(b)(6), (b)(7)c

Questions



(b)(5)

(b)(6), (b)(7)c

lawyer:

— Finding by

(b)(6), (b)(7)c



(b)(5), (b)(6), (b)(7)c

① inadmissibility

(b)(5), (b)(6), (b)(7)c

(b)(5)

(b)(5)

ICE709

(b)(6), (b)(7)c

office
deal w/
complete
down -

(b)(6), (b)(7)c

coordinate
communications break

324

(b)(6), (b)(7)c



(b)(5)

- Ops.

(b)(5)

- Draft of a LHM -
Secure fax:

324

(b)(6), (b)(7)c

- Oct 6 128

= 1:30

(b)(6), (b)(7)c

(b)(6), (b)(7)c

here:

(b)(6), (b)(7)c

Reg -

ICE710

- Sharing information:

- not sharing the info
-

ICE711

[Redacted]

(b)(5), (b)(7)e

ICE714

Doc. #305

The release of this document to the IG does not constitute a waiver of any applicable privilege.

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Tuesday, October 01, 2002 7:57 AM
To: (b)(6), (b)(7)c J Scott Blackman
Subject: Fwd:ARAR, Maher Abdul Hamid A (b)(6), (b)(7)c

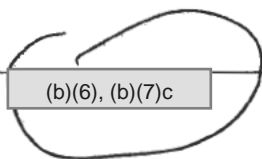
All:

Below is the e-mail I received from JFKIA Port Director (b)(6), (b)(7)c in response to our call to him last evening requesting additional information regarding the processing of ARAR.

(b)(6), (b)(7)c

Forward Header

Subject: ARAR, Maher Abdul Hamid (b)(6), (b)(7)c
Author: (b)(6), (b)(7)c
Date: 10/1/2002 6:34 AM



SIR # (?)

The subject arrived on September 26, 2002 at JFKIA via American Airlines flight #65 from Zurich. He presented Canadian passport # (b)(6), (b)(7)c and applied for admission to transit to Canada. He was referred into INS secondary (b)(7)e

(b)(7)e

Supervisory II (SII) (b)(6), (b)(7)c contacted Assistant Area Port Director (AAPD) (b)(6), (b)(7)c AAPD (b)(6), (b)(7)c ordered that the local

(b)(7)e
(b)(7)e

(b)(7)e

this point, AAPD (b)(6), (b)(7)c made the decision to refuse admission to the subject and offer a voluntary withdrawal of application to the port of embarkation - Zurich. The withdrawal (I-275) was prepared by Senior II (SRI) (b)(6), (b)(7)c, reviewed by SII (b)(6), (b)(7)c, and authorized by AAPD (b)(6), (b)(7)c. The offer was accepted by subject. The subject was scheduled to depart to Zurich on September 27, 2002 via American Airlines.

The subject's interview by the (b)(7)e continued during the morning hours of the 27th. At some point during the 27th prior to the scheduled departure of the subject, a decision was reached at the HQ level to abort the withdrawal of application to Zurich. I was contacted by Regional Director J. Scott Blackman and advised that a withdrawal would only be entertained if the subject were willing to return to Syria. If he were to refuse to go to Syria, we would go forward with 235c Notice of Temporary Inadmissibility. Subject refused to withdraw voluntarily to Syria. As such, per RD J. Scott Blackman, I instructed AAPD (b)(6), (b)(7)c to rescind the original I-275 withdrawal to Zurich, and to issue an I-147. The matter of rescinding an I-275 is something that

is fairly common. Upon higher supervisory review, within the port management structure, it is not unusual to override a withdrawal based on additional information that comes to light after the initial action is taken. Additionally, the voluntary withdrawal of application by an individual is a privilege, and not a right.

Consular notification

The subject was afforded the opportunity to contact his consulate, on the 26th, once a determination was made that he would be allowed to withdraw his application. The subject elected not to call at that time, but indicated that wished to call the next day. On the next day, the (b)(7)e agents were obviously awaiting more specific guidance from the their HQ level, and there was a concern that a phone call might jeopardize the case. As such, the subject was not allowed to make contact on the 27th. By way of clarification, when making a consular notification, an officer dials and verifies the contact with a consular official before giving the phone to the alien.

The I-148 was served in error by SR (b)(6), (b)(7)c

ICE888

Doc. #306

U.S. Department of Homeland Security
425 I Street, NW, Room (b)(6), (b)(7)c
Washington, DC 20536



U.S. Immigration and Customs Enforcement

Office of the Principal Legal Advisor

Facsimile Transmission

Date 9/30, 2004

To: (b6, b7c)

Fax: ()

From: (b)(6), (b)(7)c

Phone: (202) 514-(b)(6), (b)(7)c
FAX: (202) 514-0455

Urgent Action Concurrence FYI

Number of pages including cover: 2

Comments:

*Rec my phone message.
I-148*

WARNING! This facsimile transmission cover sheet and any documents that accompany it are intended only for the individual or entity it is addressed to and may contain information that is privileged, confidential and exempt under applicable law. If the reader of this message is not the intended recipient, **YOU ARE HEREBY NOTIFIED** that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the U.S. Postal Service.

~~SECRET~~

Final Notice of Inadmissibility

Department of Justice
Immigration and Naturalization Service

Refer to the following file number:

File No. (b)(6), (b)(7)c

Date October 07, 2002

To:

ARAR, Maher Abdul Hamid, aka,
ARAR, Maher,
ARAR, Maher Abdul Hamid,
ARAR, Maher ' Abd Al-Hamid

This concerns your application for admission to the United States at the port of John F. Kennedy International Airport / NYC, and the notice of temporary inadmissibility (Form I-147) previously served on you. I have determined that you are inadmissible under:

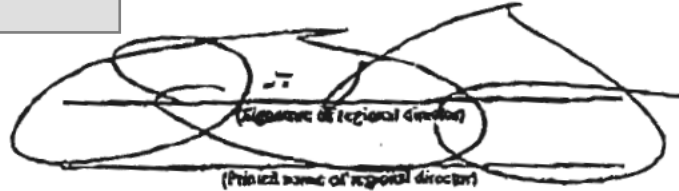
- Section 212(a)(3)(A) (other than clause (ii))
- Section 212(a)(3)(B)(i)(V)
- Section 212(a)(3)(C)

of the Immigration and Nationality Act (Act).

IT IS ORDERED that you be removed without further inquiry before an immigration judge, in accordance with section 235(c) of the Act and Title 8, Code of Federal Regulations, part 235.8. If you enter or attempt to enter the United States for any purpose, without the prior written authorization of the Attorney General, you will be subject to arrest, removal, and possible criminal prosecution.

The Commissioner of the Immigration and Naturalization Service has determined that your removal

[Redacted] CBP (b)(6), (b)(7)c
[Redacted] CBP (b)(6), (b)(7)c


(Signature of regional director)
(Printed name of regional director)

REGIONAL DIRECTOR

Certificate of Service

to alien.

Interpreter used: NONE
(Language)

10/8/02 4AM
(Date)

[Redacted] (b)(6), (b)(7)c
(Printed name of officer)

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

witness:

[Redacted] (b)(6), (b)(7)c

Maher A...
(Signature of alien)

I-143 (Rev. 4/10/99)

~~SECRET~~

* UNCLASSIFIED WHEN SEPARATED FROM DOCUMENT

*** RX REPORT ***

RECEPTION OK

JOB NO. 5150
DESTINATION ADDRESS 202 514 (b)(6), (b)(7)c
PSWD/SUBADDRESS
DESTINATION ID
ST. TIME 09/30 10:39
USAGE T 00'25
PGS. 2
RESULT OK

Doc. #307

Port of arrival NYC

I-94 No. (b)(6), (b)(7)c

Date: 9/26/02

To the Owner, Agent, Master, Commanding Officer, Person in Charge, Purser, or Consignee of the
AA 65
(Air Carrier, Flight Number, Ship's Agent, Vessel Name, Aircraft or Vessel ID Number, etc.)

In accordance with the provisions of the Immigration and Nationality Act (Act), and regulations issued by the Attorney General, you are hereby directed and served with a:

- Notice to detain the alien on board.
- Notice to remove the alien from the United States on _____ at _____
(Date) (Time)
- Notice to present the alien to _____
on _____ at _____
(Date) (Time)
- Notice of potential liability under section 241(c), (d), or (e) of the Act.
- Notice of potential liability under section 217 of the Act.

for the following reasons: "I had missible Alien"

Alien's name: MITH ERARAR, ABDUL HAMID

Alien's date and place of birth: (b)(6), (b)(7)c CAMPADA DAMASCUS SYRIA

Alien's country of citizenship and passport number: CAMPADA (b)(6), (b)(7)c

Arrival date 9/26/02 Visa classification _____

(Complete information for multiple aliens on reverse)

Action taken by inspecting officer:

- Detained for removal hearing/credible fear determination
- Paroled for removal proceedings
- Deferred inspection: _____
(Reporting office and date)
- Other: _____

(b)(6), (b)(7)c
(Printed name and title of immigration officer)

(b)(6), (b)(7)c
(Signature of immigration officer)

Receipt of the above notice is acknowledged by:

(b)(6), (b)(7)c
representative of carrier

9-26-02 15:50
(Date and time received)

(b)(6), (b)(7)c
(Printed name of carrier representative signing above)

718) 532 (b)(6), (b)(7)c
(Area code and phone number of carrier representative)

Doc. #308

The release of this document by the IG does not constitute a waiver of any applicable privilege.

(b)(6), (b)(7)c per USCIS

ARAR, Maher

INS # (b)(7)e per USCIS	Date 1/22/2003	Intel	CIRS Report# (b)(6), (b)(7)c per USCIS	A Number (b)(6), (b)(7)c per USCIS
----------------------------	-------------------	-------	---	---------------------------------------

Last Name ARAR	First Name Maher	Middle Name	DOB (b)(6), (b)(7)c	Place of Birth SYRIA
Last Known Address NATICK MA		Citizenship CANADA		Dual Citizenship Syria

District Assigned Boston	Date Sent 1/22/2003	Due Date 2/21/2003	Extend Due Date
-----------------------------	------------------------	-----------------------	-----------------

Apprehension Status Removed	NSEERS Disposition	Custody Location	Detention Status
--------------------------------	--------------------	------------------	------------------

Prosecuted	Prosecution Charge	Immigration Status	Case Status Closed
------------	--------------------	--------------------	-----------------------

SIR Received 6/25/2003	SIR Status Field Determined Departure	District Reassigned	Date ReSent	Due Date	Extended Date
---------------------------	--	---------------------	-------------	----------	---------------

Case Summary

Received SIR on 06/25/03 from Boston District. SIR indicates the following:

During the course of this investigation into whereabouts of Mr. ARAR, Maher this writer was contacted by FBI Special Agent (b)(6), (b)(7)c per FBI & USCIS Boston District (b)(6), (b)(7)c per FBI & USCIS stating that as of late September or early October subject was arrested and removed from the United States by Immigration at JFK Airport in New York back to Syria and is no longer in the U.S. Special Agent (b)(6), (b)(7)c per FBI & USCIS stated that if Immigration Headquarters needed more information they can contact his office (b)(7) liaison section for a full brief.

According to several news articles gathered from a couple web sites strongly indicate that subject was arrested at JFK Airport in New York last October 26, 2002 by US Immigration authorities and returned back to Syria. (note awaiting (b)(6), (b)(7)c per USCIS

(b)(7)e

Review of file from NRC verifies SUBJECT was removed from the US to Syria at JFK. Case is closed as a departure.

(b)(6), (b)(7)c per USCIS 6/03.

Resent to HQINT	CIRS File Location
-----------------	--------------------

ICE 139

Doc. #309

Date: 10/2/2002 6:59 PM

Sender: John Miranda

To:

cc:

(b)(6), (b)(7)c

J Scott Blackman

(b)(6), (b)(7)c

Priority: Normal

Subject: Re: JFKIA A-File

(b)(6), (b)(7)c

There are no politics to understand. The file was delivered to litigation. Had I received an earlier request to deliver the file to INV, that would have been the destination, rather than Litigation.

(b)(6), (b)(7)c

Reply Separator

Subject: JFKIA A-File

Author: (b)(6), (b)(7)c at HQ-OPS-001

Date: 10/2/02 1:55 PM

(b)(6), (b)(7)c

As we discussed yesterday on the phone, the JFKIA 235(c) case is now under the purview of NYC (b)(7)e. Please ensure that the A-file and any material relating to the case is IMMEDIATELY transferred to INV. (b)(5)

(b)(5)

Please advise when INV has the File and relating material.

(b)(5), (b)(6), (b)(7)c

(b)(6), (b)(7)c Thanks for all your assistance on this case to date. I want to thank your Inspectors and supervisors for a job well done. Please understand that this (b)(7)e case is now solely under the purview of Investigations, drawing daily attention at INS Executive level, FBI HQ and the Department.

Thanks,

(b)(6), (b)(7)c

ICE 150

Doc. #310

Date: 10/1/2002 7:38 AM

Sender:

To:

cc:

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Victor X. Serra

(b)(6), (b)(7)c

J Scott Blackma

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Priority: Urgent

Receipt requested

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c, (b)(7)e

Regards,

(b)(6), (b)(7)c



I-147.RTF



DOS NYC
REPORT.pdf

ICE 151

Date: 10/1/2002 7:38 AM

Sender: [REDACTED]

To: [REDACTED]

(b)(6), (b)(7)c

cc: [REDACTED]

(b)(6), (b)(7)c

(b)(6), (b)(7)c

J Scott Blackman

(b)(6), (b)(7)c

Priority: Urgent

Receipt requested

(b)(6), (b)(7)c

[REDACTED]

(b)(6), (b)(7)

(b)(5), (b)(6), (b)(7)c, (b)(7)e

REGISTRATION

(b)(6), (b)(7)c



I-147.RTF



DOS NYC
REPORT.pdf

ICE 152

MODE = MEMORY TRANSMISSION START=OCT-01 07:46 END=OCT-01 07:48

FILE NO. =104

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		821205 (b)(6), (b)(7)c	007/007	00:01:27

-INS (b)(7)e

***** -INS (b)(7)e - ***** 202 307 (b)(6), (b)(7)c *****



FAX TRANSMISSION

Immigration and Naturalization Service
Headquarters Office of Field Operations
National Security Unit, Room (b)(6), (b)(7)c
425 I Street, NW, Washington, D.C. 20530

PRIORITY LEVEL (circle one):

URGENT / IMMEDIATE / ROUTINE

CLASSIFICATION LEVEL (circle one):

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TRANSMISSION DATA:

DATE: 10/01/01

NO. PAGES (excluding this cover sheet): 6

RCVg FAX NO: 212 - 264 (b)(6), (b)(7)c TO: VOICE NO: _____

ADDRESSEE: (b)(6), (b)(7)c, NYC / INW

FROM:

OPEN FAX NO: 202-514 (b)(6), (b)(7)c OPEN VOICE NO: 202 - 307 - (b)(6), (b)(7)c

SECURE VOICE AND FAX NO: 202-514-7492 (CALL IN ADVANCE ON OPEN LINE TO ARRANGE SECURE TRANSMISSIONS)

SENDER: (b)(6), (b)(7)c
National Security Unit, Office of Field Operations

COMMENTS / SUBJECT MATTER:

PER PHONECON I-147 RE: ARAR - (b)(6), (b)(7)c

ICE-157



FAX TRANSMISSION

Immigration and Naturalization Service
Headquarters Office of Field Operations,
National Security Unit, Room (b)(6), (b)(7)c
425 I Street, NW, Washington, D.C. 20536

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TRANSMISSION DATA:

DATE: 10/01/02

NO. PAGES (excluding this cover sheet): 6

TO:

RCVG FAX NO: 212 - 264 (b)(6), (b)(7)c VOICE NO: _____

ADDRESSEE: (b)(6), (b)(7)c, NYC/INW

FROM:

OPEN FAX NO: 202-5 (b)(6), (b)(7)c OPEN VOICE NO: 202 - 307 (b)(6), (b)(7)c

SECURE VOICE AND FAX NO: 202-5 (b)(6), (b)(7)c CALL IN ADVANCE ON OPEN LINE TO ARRANGE SECURE TRANSMISSIONS

SENDER: (b)(6), (b)(7)c
National Security Unit, Office of Field Operations

COMMENTS / SUBJECT MATTER:

PER PHONECON I-147 RE: ARAR- (b)(6), (b)(7)c

ICE 163

To:
cc:

[Redacted] (b)(6), (b)(7)c

(b)(6), (b)(7)c Victor X Cerda (b)(6), (b)(7)c J Scott Blackman (b)(6), (b)(7)c
(b)(6), (b)(7)c

Priority: Urgent
Receipt requested
Subject: Fwd: ARAR, Maher

[Redacted] (b)(6), (b)(7)c

Attached is the Form I-147 and factual allegations that should be printed and served on the alien. Also, please print out a copy of the attached PDF file relating to the [Redacted] (b)(7)e (from the DoS website) and give to the alien. We will fax you a copy of all this material as well to number 212-264-7422.

[Redacted] (b)(5)

Regards,

[Redacted] (b)(6), (b)(7)c



I-147.RTF



DOS NYC
REPORT.pdf

Doc. #311

Lotus cc:Mail for (b)(6), (b)(7)c

Date: 9/30/2002 1:50 PM

Sender: (b)(6), (b)(7)c

To: Victor X Cerda

(b)(6), (b)(7)c

cc: J Scott Blackman
(b)(6), (b)(7)c

Priority: Normal

Subject: JFK Special Interest Case

Author: (b)(6), (b)(7)c

Date: 9/30/2002 1:50:39 PM

Priority: Normal

To: (b)(6), (b)(7)c

To: Victor X Cerda at (b)(6), (b)(7)c

(b)(6), (b)(7)c

To: J Scott Blackman at (b)(6), (b)(7)c

cc: (b)(6), (b)(7)c

cc: (b)(6), (b)(7)c

cc: (b)(6), (b)(7)c

Subject: JFK Special Interest Case

All:

Update as follows:

(b)(5), (b)(7)e

HQOPS will continue to monitor his detention status and immediately notify all involved if he is moved to a different facility. (b)(5)

(b)(5)

Contact numbers for HQNSU POCs are as follows:

(b)(6), (b)(7)c

Cell: 202-350-(b)(6), (b)(7)c
Pager 1-877-807-(b)(6), (b)(7)c
Office: 202-307-(b)(6), (b)(7)c

(b)(6), (b)(7)c

Cell: 202-345-(b)(6), (b)(7)c
Pager: 1-877-875-(b)(6), (b)(7)c
Office: 202-305-(b)(6), (b)(7)c
Home: 703-642-(b)(6), (b)(7)c

(b)(6), (b)(7)c

Cell: 202-345-(b)(6), (b)(7)c
Pager: 1-877-606-(b)(6), (b)(7)c

ICE 167

Lotus cc:Mail for

(b)(6), (b)(7)c

Office: 202-616-

Home: 703-550-

(b)(6), (b)(7)c

Please do not hesitate to contact me if you have any questions.

ICE 168

Doc. #313

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Int: Tuesday, October 07, 2003 2:05 PM
To: (b)(6), (b)(7)c
Subject: FW: Arar returns to Canada

Copying (b)(6), (b)(7)c

(b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Tuesday, October 07, 2003 1:55 PM
To: (b)(6), (b)(7)c
Subject: Arar returns to Canada

Toronto Globe and Mail

Arar's homecoming mired in controversy

Canadian Press

Monday, Oct. 6, 2003

POSTED AT 2:08 PM EDT

Arar - A Syrian-born Canadian was returning home Monday to a chorus of questions after spending more than year in a Syrian jail without being charged with any crime.

Maher Arar, 33, was to arrive at Montreal's Pierre Elliott Trudeau Airport - formerly Dorval - following his sudden and unexpected release Sunday by Syria.

However, the homecoming celebration is coloured by a fog of uncertainty, and in many quarters outrage, over the circumstances of Mr. Arar's detention and deportation by authorities in the United States on suspicion of terrorist links.

"This is a case of a Canadian citizen whose fundamental rights were egregiously trampled," Riad Saloojee of the Council on American-Islamic Relations said Monday.

Liberal MP Marlene Catterall, who was among the first Canadian officials to meet Mr. Arar in prison after months without Canadian contact, said no evidence of terrorism has been brought to public light.

"If there is evidence, if there are charges to be brought, they should be brought here in Canada where he'll get a fair and open judicial process, be represented properly by legal counsel," Ms. Catterall told CBC Newsworld. "I agree there are a lot of questions to be answered and a lot of clouds to be cleared up."

The Arar saga raises profound and troubling questions about the impact of North America's domestic war on terrorism in the wake of the attacks of Sept. 11, 2001.

There are lingering suspicions that the RCMP may have been involved in passing along information on Mr. Arar to U.S. authorities. Last month, assistant RCMP commissioner Richard Proulx stonewalled a Commonsense committee seeking answers.

U.S. Secretary of State Colin Powell has hinted as much, but an American embassy official issued a release stating "the U.S. did not consult with any Canadian law enforcement organization" concerning Mr. Arar's detention.

Whether or not the RCMP was consulted, the deportation to Syria appears to be a breathtaking breach of due process.

Mr. Arar has lived almost half his life in Canada, having immigrated in 1988 at age 17.

He holds dual Canadian and Syrian citizenship, but had not visited his birth country since emigrating.

On Sept. 26, 2002, Mr. Arar was returning from a family vacation to Tunisia, a tiny north African country on the Mediterranean between Libya and Algeria. He was flying to Montreal via Zurich and New York, but never made it past Kennedy airport.

Immigration officials in the United States detained him during his New York stopover, contending Mr. Arar had links to the al-Qaeda terrorist network. No charges were laid, but 10 days later Mr. Arar was deported - not to Canada, where his wife and family lived, but to Syria.

Adding insult to injury, Mr. Arar was flown to the Middle East via Montreal, without the Canadian government being notified.

Moreover, he didn't surface in Syria until Oct. 21, having spent two weeks in Jordan while the American, Canadian and Syrian governments said that they did not know his whereabouts.

Mr. Arar's wife and family in Ottawa were frantic.

For the next 374 days, Mr. Arar was held without charge. Syrian authorities said last spring that they had completed an investigation and were prepared to lay charges, but never did so.

Two months ago, a group called the Syrian Human Rights Committee released a report stating that Mr. Arar had been beaten with sticks and cables and tortured with electric shocks while in prison. There has been no confirmation of the abuse to date.

The Arar story has been the subject of intense debate in the House of Commons, where opposition critics have accused the federal government of treading too softly in its defence of Canadians detained abroad.

Prime Minister Jean Chrétien had pressed Syria to allow diplomatic access to Mr. Arar, who was last seen by Canadians in April when Ms. Catterall and another MP visited and saw him crying.

Canadian officials said they saw no evidence of physical torture during their visits, which were always closely observed by Syrian guards.

Ottawa man freed after Syrian ordeal
Arrested by U.S., Arar was deported, held for year without charge

Dave Rogers and Janice Tibbetts
The Ottawa Citizen

Monday, October 06, 2003

Maher Arar, the Ottawa man who has spent more than a year in a Syrian

ICE 240

prison because U.S. immigration officials suspected he was an al-Qaeda terrorist, has been released and will return to Canada today a free man.

Foreign Affairs Minister Bill Graham, who made the announcement last night, said Mr. Arar, a dual citizen of Canada and Syria, was released to a consular official and was en route to his home in Ottawa.

He was expected to arrive late this afternoon on board an Air France flight.

Mr. Graham said Mr. Arar would not be detained once he landed on Canadian soil.

Mr. Arar, 32, was returning, via Zurich, from a family vacation in Tunisia, when he was detained during a stopover in New York on Sept. 26, 2002. U.S. officials then deported him to Syria where he was detained without trial. U.S. immigration authorities accused him of having links to the al-Qaeda terrorist network.

Mr. Arar was deported to Syria on Oct. 7 or Oct. 8 from Kennedy Airport, where his flight stopped over en route to Montreal. The Canadian government was not contacted about Mr. Arar's case until after he had been deported, on Oct. 10.

Mr. Arar's wife, Monia Mazigh, said yesterday she was delighted her husband was finally coming home.

"The struggle now is to make sure his name is cleared," Ms. Mazigh said. "It has been 374 long days since I last saw him. Those are 374 reasons why it is important to know why this happened to my husband."

Kerry Pither, a family friend, said nobody has provided Ms. Mazigh with a satisfactory explanation about why Mr. Arar was deported to Syria other than that he may have been the victim of racial profiling.

Mr. Arar's lawyer, Michael Edelson, said the Canadian authorities, especially the RCMP, must explain why his client spent more than a year in a Syrian jail on groundless charges. Mr. Edelson said Canadians must find out why Mr. Arar was deported to Syria and whether Canadians were involved.

"I am delighted that he has been released, but it comes as a surprise because up until several weeks ago the word was they were going to mount a trial against him," Mr. Edelson said. "When you are held for more than a year and you don't know what the charges are these are signs that a show trial is in order."

"There are a number of questions the authorities are going to have to answer when he returns. The RCMP would not say whether they had any involvement in his deportation. There are some important questions that have to be answered here to people who have emigrated to Canada may travel freely without being sent back to their countries of origin without any notice of charges."

ICE241

Idris Ben-Tahir, a member of Ottawa's Muslim community, said yesterday he believes Mr. Arar was the victim of racial profiling in the U.S. and was tortured in Syria. He said all Canadians should be concerned about what happened to Mr. Arar because there are more than a million Muslims in Canada and Islam is Canada's second largest religion.

"Muslims are being victimized the world over," Mr. Ben-Tahir said. "The Americans sent this man to Syria for vengeance because of his name, religion place of origin, or even the colour of his skin."

"He visited Afghanistan when al-Qaeda was at its height and there were only 300 members of that organization there. Now when anything happens anywhere in the world people say al-Qaeda has done it."

Mr. Graham said he was notified by his Syrian counterpart on Saturday that Mr. Arar was to be released. There was no immediate word on what the charges were against him, or his treatment in prison.

However, Foreign Affairs officials said Mr. Arar, who was sent to the Canadian Embassy in Damascus before leaving Syria, told them conditions in the prison had improved in recent weeks.

"If there are security concerns, they will be dealt with in Canada," Mr. Graham told reporters on a conference call from Rome. "At the moment, the important information is he has been released."

Mr. Graham informed Mr. Arar's wife of the news yesterday and sent along a message of love from her husband, said Foreign Affairs spokeswoman Isabelle Savard.

Mr. Arar had been denied access to a lawyer and was not told of the charges that he faced. The case came after intense lobbying from Amnesty International and Ms. Mazigh.

Prime Minister Jean Chrétien sent a letter to Syria in July asking that Mr. Arar be charged and given access to legal counsel to defend himself, or that he be freed and returned to Canada.

Ms. Mazigh has denied allegations that her husband is linked to the al-Qaeda terrorist network, responsible for the Sept. 11, 2001 attacks on the U.S.

She said last month that she wants a parliamentary inquiry into whether the RCMP gave information to U.S. authorities that led to her husband's arrest when he was passing through New York last year.

Just last week, Mr. Graham said he was expecting Mr. Arar to face an open civil trial in Syria, where officials claimed he was guilty of unspecified offences under Syrian law.

Mr. Graham did not explain the sudden change yesterday, but he said he believed the release was the result of ongoing negotiations between the two countries.

Ottawa West-Nepean MP Marlene Catterall, who spoke to the Syrian deputy foreign minister on Mr. Arar's behalf, said she was delighted that Syria had released him.

"I got a call from the minister (Bill Graham) on Friday saying something might happen," Ms. Catterall said. "When I was there in April, the Syrians told me they intended to charge him with being a member of al-Qaeda."

ICE242

"I met with Mr. Arar at a military intelligence office. It looked like he had lost a little weight, but I didn't

detect any signs of undue hardship or serious physical abuse."

Ms. Catterall said the Syrian government said in August that Mr. Arar would be charged with being a member of a terrorist organization by the supreme state court on security.

"I think frankly his release was the culmination of many efforts," Ms. Catterall said. "Monia showed great courage throughout this and was determined to have her husband returned to his family.

"I am so relieved he has been released and delighted for her and her children. She hasn't had any personal contact with him since Sept. 25, 2002 except one phone call when he was in detention in New York.

"Mr. Arar was so nervous that he didn't want to phone his wife before he left Syria. He said he would call her as soon as he reached Europe."

Alex Neve, secretary general of Amnesty International in Canada, said he hopes Mr. Arar will be able to shed light on the mystery surrounding his arrest and detainment.

"Can he help provide us with information that will help us understand the decisions that were made?" asked Mr. Neve.

"We also want to know how he was treated. There were concerns of torture and now he'll be able to share freely what happened while he was in detention in Syria."

Mr. Neve said there "is serious reason to believe" that Mr. Arar was tortured. "It is very consistent with what Amnesty knows to be a pattern of life in Syria."

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(b)(6), (b)(7)c

Office of the Principal Legal Advisor, U.S. CIS

U.S. Department of Homeland Security

tel: (202) 514-

fax: (202) 514- (b)(6), (b)(7)c

(b)(6), (b)(7)c

ICE243

Doc. #314

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Discovery PLUS! with VIN Details

Date: 9/29/2002

Time: 5:34 PM

Reference:

Requestor:

Search Criteria: ARAR MAHER

*** SOCIAL SECURITY NUMBER:

(b)(6), (b)(7)c

State: MASSACHUSETTS

Year Issued: 1999 - 2001

*** SAFESCAN (registered trademark of EQUIFAX INC.):

Safescan message not reported.

*** THE FOLLOWING SUBJECTS MATCH ON SOCIAL SECURITY NUMBER AND HAVE A SIMILAR NAME:

ARAR, MAHER

(b)(6), (b)(7)c

Credit Header 1

***** CREDIT HEADER 2 WAS NOT SEARCHED *****

Unable to Connect Due to Difficulties with the Third Party Data Provider(s).

*** SUBJECT'S ADDRESS HISTORY(* INDICATES RECORDS WITH THE MOST CURRENT DATE) PUBLIC RECORDS WILL ONLY BE SEARCHED FOR THESE INDIVIDUALS:

ARAR, MAHER

SS# (b)(6), (b)(7)c

(b)(6), (b)(7)c

Composite Info (07/01)
Credit Header 1 (04/01)
Credit Header 1 (02/00)

Phone: 370 (b)(6), (b)(7)c
Gender: MALE
File Creation Date: 02/00

Credit Header 1
Composite Info
Credit Header 1

*** THE FOLLOWING SUBJECT(S) WERE ALSO FOUND BUT HAVE DIFFERENT NAMES AND SOCIAL SECURITY NUMBERS THAN YOUR SUBJECT (PUBLIC RECORDS WILL NOT BE SEARCHED FOR THESE INDIVIDUALS):

ARAR, MAHER

(b)(6), (b)(7)c

Credit Header 3 (11/00)

PROPERTY OWNERS WERE IDENTIFIED FOR YOUR SUBJECT'S ADDRESS(ES):

MA Real Property
Data Available From 00/00/0000 Through 00/00/0000

ICE245

Owner(s):
BEST COPY AVAILABLE

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(b)(6), (b)(7)c

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ICE247

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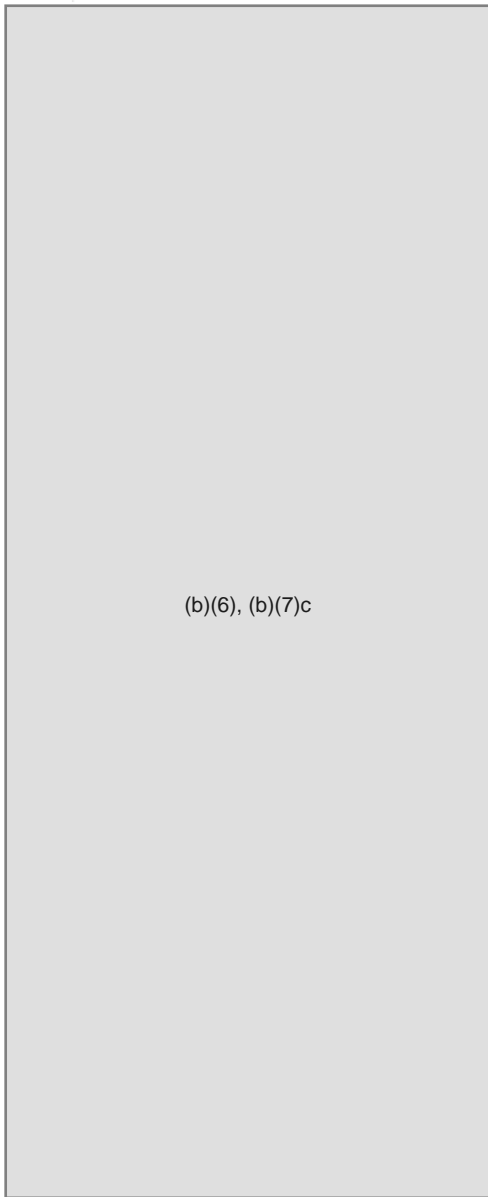
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NO RECORDS FOR YOUR SUBJECT WERE FOUND IN THE FOLLOWING SECTION(S) :

National Death Locator	00/00/0000 through 07/31/2002
High Risk Addresses	N/A
Other Possible Drivers at Subject's Address	N/A
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NW Bankruptcies, Name & Social Security Number	N/A
MA Real Property Ownership	N/A
Demographic info. for most current address(es)	N/A
MA Corporate Records by Name	00/00/0000 through 06/26/2002
MA Uniform Commercial Code Filings	01/02/1990 through 09/09/2002
Watercraft by Name & State	00/00/0000 through 12/31/2001
FAA Aircraft Owners Search by Owner Name	00/00/0000 through 08/31/2002
FAA Airmen by Name	00/00/0000 through 07/31/2002
MA Vehicle Information	N/A

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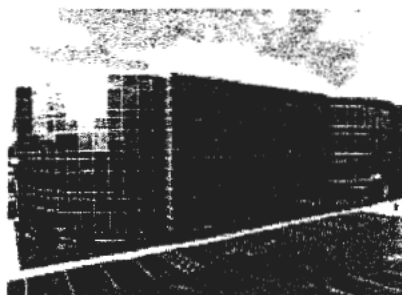
ICE249

Doc. #315


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about us

Location



The MathWorks main office:

3 Apple Hill Drive
 Natick, MA 01760-2098
 Phone: 508-647-7000
 Fax: 508-647-7001

Directions

Here is a [map](#) that shows exactly where Natick is, relative to Boston, and here's [another map](#) to show you the office street location. The MathWorks is located off Route 9 at 3 Apple Hill Drive. You can park anywhere outside the building or in the parking garage. Enter through the front door opposite the parking garage. You will see our reception area. Please ask the person at the reception desk to call the MathWorks person you will visit.

From Logan Airport:

- When you leave the airport, head toward Boston Interstate 93 South via the Sumner Tunnel.
- Go through the Sumner Tunnel, staying in the right lane.
- Exiting the tunnel, turn right and then left. Follow the signs to Interstate 93 South by turning left and driving beneath the overpass and up the ramp to I-93.
- Take I-93 South to Interstate 90 (The Mass Pike West), Exit 20.
- Follow the "From The Massachusetts Turnpike" directions below.

From The Massachusetts Turnpike (Mass Pike/I-90, East or West):

FYI - You will go through three toll booths coming in from Boston. At the first you pay \$0.50, at the second you get a ticket, and at the third you pay \$0.70.

- Take Exit 13 to Natick/Framingham-Route 30.
- Take the left ramp towards Natick (Route 30 East).
- Drive down the ramp and onto Route 30. Stay in the right lane.
- At the first traffic light turn right onto Speen Street.
- Move into the left lane and go through two sets of lights.
- Exit left, following signs to Route 9 East.
- Continue on Route 9 East for approximately a mile and a half.
- About a quarter of a mile beyond the Route 27 overpass, take a right into the main entrance of Apple Hill. (This is Apple Hill Drive)
- Proceed through one stop sign. The MathWorks main building (3 Apple Hill Drive) is on the left.
- Visitor parking spaces are on the right, in front of the parking garage entrance.

From Route 128/Interstate 95 (North or South):

- Take Route 128/I-95 (North or South) to the Mass Pike West.

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ICE250

- Follow directions "From The Massachusetts Turnpike."
OR
- Take Route 128/I-95 (North or South) to Route 9 West.
- Go seven miles on Route 9, and take the Route 27 South exit to reverse direction.
- Take the Route 9 East exit.
- After about a quarter of a mile, take a right into the main entrance of Apple Hill. (This is Apple Hill Drive)
- Follow the main road through one stop sign. The MathWorks building (3 Apple Hill Drive) is on the left.
- Visitor parking spaces are on the right, in front of the parking garage entrance.

From Route 9 (East):

- Follow Route 9 East into Natick.
- About a quarter of a mile beyond the Route 27 overpass, take a right into the main entrance of Apple Hill. (This is Apple Hill Drive)
- Follow the main road through one stop sign. The MathWorks building (3 Apple Hill Drive) is on the left.
- Visitor parking spaces are on the right, in front of the parking garage entrance.

From Route 9 (West):

- Take the Route 27 South exit to reverse direction.
- Take the Route 9 East exit.
- After about a quarter of a mile, take a right into the main entrance of Apple Hill. (This is Apple Hill Drive)
- Follow the main road through one stop sign. The MathWorks building (3 Apple Hill Drive) is on the left.
- Visitor parking spaces are on the right, in front of the parking garage entrance.

Using the MBTA Commuter Rail:

- Take the MBTA Framingham/Worcester line to the Natick Commuter Station. For train schedules and maps, see <http://www.mbta.com>. This station is located at the intersection of Walnut Street and Route 27 just 1.4 miles from the MathWorks building at 3 Apple Hill Drive
 - Shuttle buses meet the trains that arrive in Natick at 7:32 AM, 8:08 AM, and 9:33 AM and travel directly to Apple Hill. (Be sure to get on the bus going to Apple Hill because another bus goes to other companies.) Shuttle buses accept passengers at Apple Hill at 5:30 PM and 6:30 PM, and travel directly to the train station.
 - You may also take a cab from the Natick Commuter Station to The MathWorks. The number for Natick Cab is (508) 653-2300.
- If you prefer to walk please use this [map](#) and the directions presented below:
 - Go up the stairs. If necessary, cross the bridge over the tracks so you are on the side of the tracks furthest from downtown Natick.
 - Find Walnut Street, which is directly across the street from the foot bridge over the tracks. At the end of the street, the Natick Outdoor & Sports Store will be on your right and a parking lot on your left.
 - Walk north on Walnut Street. You will pass "Walnut Hill" on your right, a relatively large intersection with Bacon Street, and a sharp right/left S-curve on your way to Route 9, which you will reach in about 1.25 miles.
 - Turn left and walk on the grass along Route 9. The first office park you reach is the Apple Hill complex. The MathWorks building (3 Apple Hill Drive) is the second building ahead and has the company name displayed at the top left of the building. The main entrance to the building is on the side opposite from Route 9, near the parking garage.

ICE251

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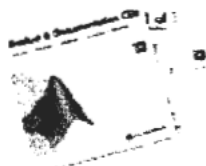
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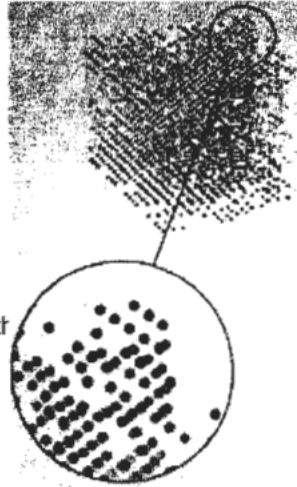
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[From the MATLAB Connections Program](#)

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ICE255



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■ **News and Events**

Practical Introduction to Wireless Digital Communications

In our daily life, we are becoming increasingly surrounded by wireless devices such as cell phones, pagers and wireless-enabled PDAs. **Wireless Digital Communications** is a fascinating field of study that allows us to both understand and improve how these devices transmit and receive digital information.

In this course, we will look at the various building blocks of the Physical Layer (PHY) portion of wireless communication links. Emphasis will be placed on baseband blocks such as modulation mappers, pulse shaping filters, channel equalizers, timing and carrier recovery Phase-Locked Loops (PLLs), and channel coding and decoding algorithms. The basic building blocks of the RF front end will be briefly discussed, with emphasis on the non-linear distortion that these blocks introduce on the baseband signal.

What sets this course apart from other courses is that:

- It treats practical aspects of wireless digital modem design such as timing and carrier recovery, and the simulation techniques used in practice to model such distortions.
- It provides deeper understanding of the subject by showing Simulink[®] and MATLAB[®] simulations. Each group of two students will have access to a PC and will be able to change some key parameters and watch the effect on the overall system performance. This allows students to understand concepts otherwise very difficult to grasp with mathematical equations.

Click on the following link for the [Course Outline](#).

What will you learn?

Students who participate in this course will:

- Understand the role of each building block of a wireless communication link. ICE256

- Explore the nature of distortions such as intersymbol interference, timing and carrier synchronization errors, and the techniques used to reduce the negative effect of these distortions on system performance.
- Discover the theory behind convolutional and block coding and decoding techniques.
- Be introduced to advanced communications techniques for next generation wireless applications.

Target audience

This course is aimed at providing a basic understanding of various techniques and algorithms used in designing wireless digital modems. It is ideal for:

- DSP engineers with no prior exposure to communication theory and who will soon get involved in designing wireless digital modems.
- RF and analog designers who want to have better understanding of various algorithms implemented in the digital portion of transmitters and receivers.
- Hardware engineers who want to acquire system-level design experience in order to facilitate the interaction between them and system designers.
- Technical managers looking to gain system-level design experience in order to shorten the product design cycle of their group, while increasing innovation.

Pre-requisites

This course has been carefully designed to present the complex communication theory in a very simple and straightforward manner to an audience of engineers who have little or no prior experience in DSP theory. Prior exposure to the following topics is useful but not essential:

1. Sampling theorem and adaptive filtering.
2. Mathematical analysis manipulation
3. Simulation tools such as Simulink and MATLAB

Instructor's Biography

Maher Arar, a Senior Modem Architect at SimComms Corporation, will lead this course. His responsibilities at

ICE257

SimComms include the modeling and implementation of wireless digital modems on different hardware platforms. Prior to joining SimComms, he worked at The MathWorks as a Senior Application Engineer in the DSP and Communications group. While there, he assisted major account customers such as Lucent, Motorola and others to effectively model communications links using the MathWorks suite of products including MATLAB, Simulink and the DSP/Communications libraries. Through the public marketing seminars and training courses conducted throughout the United States and Canada, he educated communications engineers on the advantages of using Simulink as the primary tool for system-level design. Before joining The MathWorks, he held various Modem Designer positions at various communications start-ups such as NexLink Communications and SpaceBridge Semiconductor, where he successfully led a group of engineers to design next generation high-speed wireless modem for SATCOM and LMDS applications. Maher has a Bachelors degree in Computer Engineering from McGill University (Montreal, Canada) and a Masters degree from INRS-Telecommunications (Montreal, Canada), where he specialized in adaptive filtering for Multichannel Acoustic Echo Cancellation. His core expertise and interests lie in the system-level design and implementation of various modem algorithms such as channel equalization, pulse shaping filtering, and digital timing and carrier recovery.

Registration and payment

The cost per person for the public course is CDN\$1350 (US\$900) including lunch and refreshments. The next public class will be held during the week of **May 21th, 2002** in **Ottawa, Canada**. Upon registration of enough students (10+) all registrants will be contacted to confirm the exact time and location. Normally this information is emailed out three weeks prior to the class start date. Payment should be received at least one week prior to the class start date. We only accept company checks payable to the order of SimComms Inc.

This course can also be conducted on company site to an audience of a maximum of 12 students. The cost for this two-day course is CDN\$13,500 (US\$9,000). For more information please email training@simcomms.com.

Registrant information

If you are interested in taking this course please email the following information to training@simcomms.com

Name:

ICE258

Title:

Company:

Address:

Telephone:

Fax:

email:

Upon receiving this information, the instructor will contact you in person to discuss your objectives and the material (if any) that will help you prepare for this course.

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Doc. #316

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Date: 9/29/2002

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Search Criteria: THE MATHWORKS; NATICK, MA 01760

1

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Address:	3 APPLE HILL DR NATICK, MA 01760
Phone Number:	(508) 653- (b)(6), (b)(7)c
Chief Executive:	MIKE MCCREDIE
Number of Employees:	250 - 499
Sales and Assets:	100000 - 499999
Selected SIC Code:	573401 - COMPUTER SOFTWARE
Primary SIC Code:	573401 - COMPUTER SOFTWARE
Secondary SIC Code:	999982
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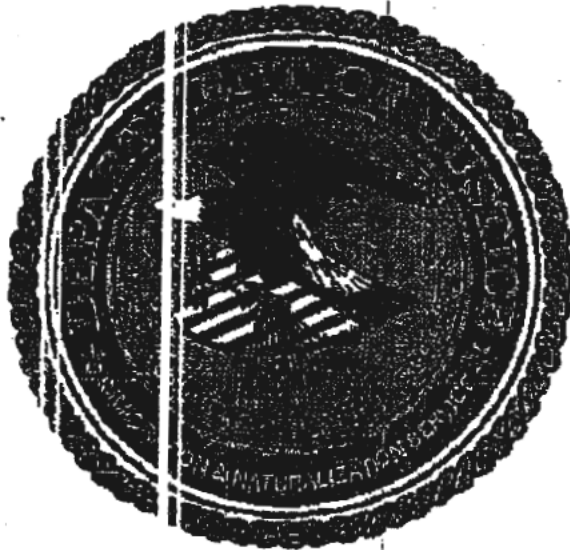
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FILE NO.=190

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-INS (b)(7)e

***** -INS (b)(7)e ***** 202 307 (b)(6), (b)(7)c *****



NEW YORK INVESTIGATIONS

Phone: 212-264- (b)(6), (b)(7)c

Fax: 212-264- (b)(6), (b)(7)c

From: INS/INV/NYC

To: HQ ID+P (b)(6), (b)(7)c

Organization:

Phone#:

Fax #: (212) 305 - (b)(6), (b)(7)c

Pages: 2

ICE271



U.S. Department of Justice
Immigration & Naturalization Service

Office of Field Operations
Detention & Removal Operations

801 I Street, NW
Suite (b)(6), (b)(7)c
Washington, DC 20536

INS Facsimile Cover Sheet

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6

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(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Monday, October 07, 2002 9:44 AM
To: (b)(6), (b)(7)c
Cc:
Subject: Mtg. RE: FY-2004 Coordination Budget for OMB
Importance: High

1

Non-responsive

Thanks.

(b)(6), (b)(7)c
Executive Assistant to Victor Cerda
Office of the Commissioner
(202) 512-1000 (b)(6), (b)(7)c

ICE478

Doc. #321

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SUBADDRESS
CONNECTION ID EOR Command Cent
ST. TIME 09/27 09:00
USAGE T 01'46
PGS. SENT 6
RESULT OK

DEPARTMENT OF JUSTICE
IMMIGRATION AND NAUTRALIZATION SERVICE
JOHN F. KENNEDY INTERNATIONAL AIRPORT
JAMAICA, NEW YORK 11430



FACSIMILE TRANSMISSION LOG

JFK-FAX
(718)553-2064

TO: (b)(6), (b)(7)c
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JFK-VOICE
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FROM: JFKIA NYC

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Doc. #327

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 U.S. Department of Justice
 950 Pennsylvania Ave., NW, Rm (b)(6), (b)(7)c
 Washington, D.C. 20530
 FAX NO. 202-514-6897
 PHONE NO. 202-514 (b)(6), (b)(7)c



DATE: September 30, 2002
 PLEASE DELIVER TO:

FIRM/AGENCY: INS
 CITY/STATE:
 RECIPIENT TEL.:
 RECIPIENT FAX: 514 (b)(6), (b)(7)c

SUBJECT:

SENDER:

(b)(6), (b)(7)c

Counsel to the Deputy Attorney General

REMARKS/COMMENTS:

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**FACTUAL ALLEGATION OF INADMISSIBILITY
UNDER SECTION 235(c)
OF THE IMMIGRATION AND NATIONALITY ACT
Maher Abdul Hamid ARAR**

(b)(6), (b)(7)c

1. You are a native of Syria and a citizen of Syria and Canada;
2. You are not a citizen of the United States;
3. You arrived in the United States on September 26, 2002 at John F. Kennedy International Airport. You applied for admission as a nonimmigrant in transit through the United States, destined to Canada;

4.

(b)(5)

CHARGE OF INADMISSIBILITY

Based on classified information which cannot be disclosed to you in the interest of the national security of the United States, you are inadmissible to the United States under Section 212(a)(3)(B)(i)(V) of the Immigration and Nationality Act (INA), as an alien who is a member of a foreign terrorist organization, as designated by the Secretary of State under INA Section 219.

ICE605

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(b)(6), (b)(7)c, (b)(7)d per FBI

ICE651

(b)(7)e

ICE652

Doc. #331

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FILE: (b)(6), (b)(7)c)
)
IN THE MATTER OF:)
)
ARAR, Maher Abdul Hamid)
a/k/a ARAR, Maher)
a/k/a ARAR, Mahar Abdul Hamid)
a/k/a ARAR, Maher 'Abd Al-Hamid)
)
APPLICANT)

In Removal Proceedings under Section 235(c) of the Immigration and Nationality Act

Decision of the Regional Director

Introduction

(b)(5) AC AWP DP

(b)(5) AC AWP DP

(b)(5) AC AWP DP

ICE661

(b)(5) AC AWP DP, (b)(7)e

ICE662

(b)(5) AC AWP DP

Date

J. Scott Blackman
Regional Director
Eastern Region
U.S. Immigration and
Naturalization Service

(b)(5) AC AWP DP

ICE663

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, a copy of the foregoing was served by personal service upon the applicant at _____.

I hereby certify that on this _____ day of _____, 1998, a copy of the foregoing was forwarded by Federal Express mail to the INS' Atlanta District Office for personal service on the applicant.

ICE664

Doc. #332

①

(b)(6), (b)(7)c

coming in

ICE666

Doc. #334

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from the July 26, 2002 edition - <http://www.csmonitor.com/2002/0726/p01s03-usju.html>

US ships Al Qaeda suspects to Arab states

Egypt, Syria, and Jordan may extract information faster, but are their methods legal and reliable?

By Faye Bowers and Philip Smucker

WASHINGTON AND CAIRO - In the war on terror, the US is careful to show how fairly it's treating the hundreds of orange-suited Taliban and Al Qaeda fighters locked behind the razor-wire of the US base at Guantanamo, Cuba. But what the US isn't trumpeting is a quiet practice of shipping key Al Qaeda suspects to the Middle East for interrogation.

One reason for this new approach, US officials privately say, is that in some cases these militants' home countries have a better understanding of Islamist groups, their contacts, customs, and language. But there's another reason, say US sources. These countries – Egypt, Syria, and Jordan, among them – use torture, which, some officials suggest, extracts information much more quickly than more benign interrogation methods.

In a post-Sept. 11 world, where terror threats are received nearly daily, the US faces difficult choices. Can US officials afford to wait for Al Qaeda fighters to spill the goods on their colleagues, or do they need to make them talk as quickly as possible in order to deter additional terrorist attacks? What's the quality of information disclosed through torture? And, what are the costs to US credibility of trading off moral and legal concerns in pursuit of safety?

"This is what you call liaison," says Robert Baer, a former CIA case officer with years of Middle East experience. "And it's not reliable. Before 9/11, the Germans failed us, the British failed us, and I don't think the Syrians will let us sit in on the interrogations." He adds that the US and its allies are so far behind in the intelligence war that "it's catch up ball for everyone."

Since 9/11, according to diplomats, US officials, and press reports, several suspects have quietly been detained and sent to the Middle East:

- Abu Zubaydah, a top Al Qaeda commander, was arrested in Pakistan in March, and moved to an "undisclosed location" by the US, possibly the Middle East.
- Muhammad Saad Iqbal Madni, a Pakistani arrested in Indonesia in January, was bundled aboard a CIA Gulfstream and flown from Jakarta to Egypt. *— rank?*
- Mahmoud bin Ahmad Assegaf, a Kuwaiti citizen and an alleged Al Qaeda financier, was arrested by the Indonesians, and then deported – also at the request of the CIA. The Kuwaiti embassy in Indonesia says it knows nothing about the case, and that it wasn't informed that a Kuwaiti citizen had been detained.
- Mohammad Haydar Zammar, a Syrian-born German believed to have connections to the 9/11 hijackers, was detained in Morocco in June, and reportedly, the CIA arranged for him to be sent to Syria. *rank?*
- In October, a Yemeni student, Jamil Qasim Saeed Mohammed, wanted in connection with the bombing of the USS Cole, was turned over to the US by Pakistan and was flown to Jordan on a US-registered Gulfstream jet. *connection to specific ICE679*

• Jabarah Mohamed Mansur, allegedly involved in an attempt to bomb the US and Israeli Embassies in Singapore, is currently being held and interrogated in Oman.

Specific

Egypt, like the US, won't officially comment on the detainees. Perhaps because these deportations are not done through official channels or according to extradition treaties. But privately US officials confirm the practice. And Ahmed Moussa, an internal security correspondent for the state-supported Al-Ahram newspaper group in Cairo, also confirms the detentions.

"There have been more transfers of Al Qaeda suspects back [from South Asia], but there has been no official announcement of these transfers," says Mr. Moussa. "Just as the US does not divulge information on all its own captives in Cuba, we don't either and there is a benefit to this secrecy."

Moussa goes on to say that all the information obtained by Egypt is shared with both the CIA and the FBI.

Mr. Baer says that the Egyptians have better databases than the US does. "When somebody starts to talk, they will be able to know if he is telling the truth, because they've got all these referral points," he says. "And they have more experience in this than the CIA. But the Egyptians, and especially the Syrians use torture."

There is some debate within the US intelligence community over whether coercive interrogations are effective.

Art Hulnick, another former CIA case officer, as well as Baer, say that a prisoner is liable to "throw up" anything while being tortured, just to stop the torture.

Mr. Hulnick helped interrogate North Korean prisoners crossing the DMZ after the Korean war. He says he believes the ones that were taken by the Americans – given warm clothes, food, and ways to communicate with their family were much more forthcoming than the ones the South Koreans got to first. He says the Koreans beat, tortured, and even sometimes killed the prisoners. And the information they got was not highly reliable.

EGYPT and Syria have their own domestic political motives for interrogating Al Qaeda suspects. In the case of Egypt, several diplomats and officials laud Cairo's efforts to help the US and say that it has essentially become a two-way street. Egypt is helping the US with intelligence and resources, and the US is returning Egyptian nationals wanted for committing crimes in their home country.

"The level of cooperation with Egypt is up on all levels," says a Western diplomat. "In the wake of Sept 11th, they are more eager than ever to cooperate and have more information to provide the West."

Egypt may also extract valuable information from these detainees that may help it defend its own autocratic regime from opposition Islamist voices. It's been cracking down on Islamist groups, which are seen as a threat to the government. Moreover, Egypt's citizens are becoming more sympathetic to Islamist causes, particularly over what they see as Israeli repression of Palestinians, and US support for Israel.

"The government is extremely nervous about giving space to these people," another senior Western diplomat says. "This is not a liberal, tolerant regime."

Egyptian officials have long denied accusations that they torture Islamic militants. But human rights groups say that Egypt makes use of torture on a regular basis.

"We have issued reports [on Egypt's abuses] for decades now," says Carsten Jurgensen with Amnesty International in Brussels. "In the past year, we have also seen an increase in reports of torture. The State Department's human rights report for 2001 also claims there is "credible evidence" that Egyptian security forces, as well as Syria's, use torture.

ICE680

While facilitating the transfer of detainees to Middle Eastern countries that use torture, the US tried unsuccessfully to block a vote in the United Nations this week on the UN Convention Against Torture, which it has signed and ratified.

The US is concerned that a new protocol in the convention could allow international and independent visits to US prisons and to terror suspects held in Cuba. Conservative Muslim states also don't want outside observers in their prisons. European and Latin American nations are pushing for international oversight.

Syria, like Egypt, has a political motive for cooperating in the fight against Al Qaeda. It views domestic Sunni Islamic militants as a potential threat to the ruling secular regime, which is dominated by adherents of the Alawite branch of Islam.

Furthermore, Syria believes it can score points with the US by cooperating against Al Qaeda-linked Islamist groups to counterbalance its support for hard-line anti-Israel organizations such as Islamic Jihad and Lebanon's Shia Muslim Hizbullah.

"Al Qaeda and its associates are not favored by the [Syrian] regime," says Nizar Hamzeh, professor of politics at the American University of Beirut. "So the Syrians are more than happy to deal with the US against such groups."

The Syrian authorities have refused to publicly confirm that they are holding Mr. Zammar, the Syrian-born German reported to have connections to the 9/11 hijackers. Sources in Damascus say that the CIA has not been granted access by the Syrians to directly question Zammar. But it is perhaps an indication of Washington's resolve in pursuing those behind the Sept. 11 attacks that it permits Syria, with its poor human rights record, to interrogate suspects.

• *Nicholas Blanford in Beirut and Dan Murphy in Jakarta contributed to this story.*

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ICE681

Doc. #339

(b)(5)

(b)(4)

(b)(6), (b)(7)c

ICE700

Doc. #342

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*****DRAFT*****

J. Scott Blackman
Regional Director, Eastern Region
U.S. Immigration and Naturalization Service
70 Kimball Avenue
South Burlington, VT 05403

Re: Disregarding Designation of Country of Removal Pursuant to Section 241(b)(2)(C)(iv) of the Immigration and Nationality Act, 8 U.S.C.

§ 1231(b)(2)(C)(iv), in the case of Maher Abdul Hamid Arar, A# [redacted] (b)(6), (b)(7)c

Dear Mr. Blackman:

[redacted]

(b)(5)

Sincerely,



Larry Thompson
Acting Attorney General

[redacted] third revision

[redacted]

(b)(6), (b)(7)c

ICE737

*****DRAFT*****

J. Scott Blackman
Regional Director, Eastern Region
U.S. Immigration and Naturalization Service
70 Kimball Avenue
South Burlington, VT 05403

Re: Disregarding Designation of Country of Removal Pursuant to Section
241(b)(2)(C)(iv) of the Immigration and Nationality Act, 8 U.S.C.
§ 1231(b)(2)(C)(iv), in the case of Maher Abdul Hamid Arar, (b)(6), (b)(7)c

Dear Mr. Blackman:



(b)(5)

Sincerely,

Larry Thompson
Acting Attorney General

ICE738

Doc. #344



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U.S. Department of Justice
Immigration and Naturalization Service

ISP- _____-2004
Bunde E
Tab 2

(b)(6), (b)(7)c

Office of the Commissioner

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR EASTERN REGIONAL DIRECTOR J. SCOTT BLACKMAN

FROM: James W. Ziglar
Commissioner
Immigration and Naturalization Service

SUBJECT: Matter of Abdul Hamid Maher ARAR (b)(6), (b)(7)c

SYNOPSIS: Arar is a dual citizen of Canada and Syria, who is in immigration proceedings pursuant to Section 235(c)(1) of the Immigration and Nationality Act. Under Section 241(b)(2)(A), Arar designated Canada as the country to which he wants to be removed. However, under Section 241(b)(2)(C)(iv), the Attorney General disregarded Arar's designation of Canada. Under Section 241(b)(2)(D), Arar shall be removed to the country of which he is a subject, national or citizen. Therefore, Arar shall be removed to Syria.

DISCUSSION:

(b)(5)

ICE825

Subject: Matter of Abdul Hamid Maher ARAR

(b)(6), (b)(7)c

(b)(5)

ICE826

Doc. #346

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ISP- - 2004
Buder F
Tab 7

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c

Sent: Monday, September 30, 2002 1:50 PM

To: (b)(6), (b)(7)c Victor X Cerda; (b)(6), (b)(7)c J Scott Blackman

Cc: (b)(6), (b)(7)c

Subject: JFK (b)(7)e Case

All:

Update as follows:

(b)(5), (b)(7)e

HQOPS will continue to monitor his detention status and immediately notify all involved if he is moved to a different facility. (b)(5)

(b)(5)

Contact numbers for HQNSU POCs are as follows:

(b)(6), (b)(7)c

Cell: 202-355-(b)(6), (b)(7)c
Pager 1-877-875-(b)(6), (b)(7)c
Office: 202-305-(b)(6), (b)(7)c

(b)(6), (b)(7)c

Cell: 202-346-(b)(6), (b)(7)c
Pager: 1-877-875-(b)(6), (b)(7)c
Office: 202-305-(b)(6), (b)(7)c
Home: 703-642-(b)(6), (b)(7)c

(b)(6), (b)(7)c

Cell: 202-346-(b)(6), (b)(7)c
Pager: 1-877-606-(b)(6), (b)(7)c
Office: 202-616-(b)(6), (b)(7)c
Home: 703-550-(b)(6), (b)(7)c

Please do not hesitate to contact me if you have any questions.

Doc. #348

ISA - 2004
Buder F
Tab 9

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To: (b)(6), (b)(7)c J Scott Blackman; (b)(6), (b)(7)c Victor X Cerda
Cc: (b)(6), (b)(7)c
Subject: RE: JFK (b)(7)e Case

Thanks. I am in the midst of briefing necessary people here and will contact Victor when DOJ has cleared.

(b)(5)

(b)(5)

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Monday, September 30, 2002 2:50 PM
To: (b)(6), (b)(7)c Cerda, Victor X;
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(b)(6), (b)(7)c Blackman, J Scott
Cc: (b)(6), (b)(7)c
Subject: JFK (b)(7)e Case

All:

Update as follows:

(b)(5), (b)(7)e

HQOPS will continue to monitor his detention status and immediately notify all involved if he is moved to a different facility.

(b)(5)

(b)(5)

Contact numbers for HQNSU POCs are as follows:

(b)(6), (b)(7)c

Cell: 202-356-(b)(6), (b)(7)c
Pager 1-877-807-(b)(6), (b)(7)c
Office: 202-307-(b)(6), (b)(7)c

(b)(6), (b)(7)c

Cell: 202-345-(b)(6), (b)(7)c
Pager: 1-877-87-(b)(6), (b)(7)c
Office: 202-303-(b)(6), (b)(7)c
Home: 703-642-(b)(6), (b)(7)c

ICE883

(b)(6), (b)(7)c

Cell: 202-345-
Pager: 1-877-6-
Office: 202-616-
Home: 703-550-

Please do not hesitate to contact me if you have any questions.

ICE884

Doc. #349

The release of this document to the IG does not constitute a waiver of any applicable privilege.

ISP- -2004
Binder E
T-4

(b)(6), (b)(7)c

From: Victor X Cerda (b)(6), (b)(7)c

Sent: Tuesday, October 01, 2002 3:07 PM

To: (b)(6), (b)(7)c

Cc: (b)(6), (b)(7)c Owen B Cooper; (b)(6), (b)(7)c Dea D Carpenter; (b)(6), (b)(7)c

Subject: RE: Notice Period for ARAR

(b)(6), (b)(7)c (b)(5), (b)(6), (b)(7)c

-Victor

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Tuesday, October 01, 2002 1:59 PM
To: Cerda, Victor X
Cc: (b)(6), (b)(7)c Carpenter, Dea D (b)(6), (b)(7)c
Cooper, Owen B; (b)(6), (b)(7)c
Subject: Notice Period for ARAR

Victor,

Here is an e-mail drafted for your consideration to send to the Department which expresses how this decision to shorten the time period for response in the 235(c) case is not in our agency's legal interests:

(b)(5) AC AWP DP

ICE889

Doc. #350

Draft 235(c) Memo attached

Page 1 of 1

The release of this document to the IG does not constitute a waiver of any applicable privilege.

ISP-____-2004
Binder E
Tab 5

(b)(6), (b)(7)c

From:

(b)(6), (b)(7)c

Sent: Wednesday, October 02, 2002 12:09 PM

To:

(b)(6), (b)(7)c

Subject: Draft 235(c) Memo attached

We're forwarding this for comments from OIL.

ICE890

BEST COPY AVAILABLE

2012FOIA62 000694

8/12/2005



U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

DRAFT

MEMORANDUM FOR VICTOR X. CERDA
CHIEF OF STAFF
OFFICE OF THE COMMISSIONER

FROM: Dea Carpenter
Deputy General Counsel

SUBJECT: Designation of Country in INA 235(c) Proceedings

I. ISSUES:

(b)(5)

II. SUMMARY ANSWERS:

(b)(5)

III. DISCUSSION

(b)(5)

(b)(5) AC AWP DP

CC : (b)(6), (b)(7)c

Office of the Commissioner

Office of Immigration Litigation

Enforcement Log

HQCOU Log

(b)(6), (b)(7)c

(b)(6), (b)(7)c

The release of this document to the IG does not constitute a waiver of any applicable privilege.

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Wednesday, October 02, 2002 1:14 PM
To: (b)(6), (b)(7)c
Subject: Re[2]:RE: Draft 235(c) Memo attached

(b)(6), (b)(7)c We agree with you and will place language in the memo to address (b)(6), (b)(7)c inquiry.
(b)(6), (b)(7)c

Reply Separator

Subject: Re:RE: Draft 235(c) Memo attached
Author: (b)(6), (b)(7)c
Date: 10/2/2002 12:55 PM

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b)(6), (b)(7)c Do you disagree? Does OIL disagree? Thanks,
(b)(6), (b)(7)c

Reply Separator

Subject: RE: Draft 235(c) Memo attached
Author: (b)(6), (b)(7)c
Date: 10/2/2002 12:50 PM

(b)(5) AC AWP DP (b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Wednesday, October 02, 2002 12:26 PM
To: (b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c
Subject: Fwd:Draft 235(c) Memo attached

(b)(6), (b)(7)c

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b)(6), (b)(7)c

Forward Header

Subject: Draft 235(c) Memo attached
Author: (b)(6), (b)(7)c
Date: 10/2/2002 12:09 PM

We're forwarding this for comments from OIL.

The release of this document to the IG does not constitute a waiver of any applicable privilege.

ISP- -2004
Binder E
Tab 7

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c

Sent: Wednesday, October 02, 2002 1:21 PM

To: (b)(6), (b)(7)c Dea D Carpenter

Subject: Re[2]:RE: Draft 235(c) Memo attached

(b)(6), (b)(7)c

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b)(6), (b)(7)c and (b)(6), (b)(7)c

Reply Separator

Subject: Re:RE: Draft 235(c) Memo attached
Author: (b)(6), (b)(7)c
Date: 10/2/2002 12:55 PM

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b)(6), (b)(7)c (b)(6), (b)(7)c (b)(5), (b)(6), (b)(7)c
(b)(6), (b)(7)c

Reply Separator

Subject: RE: Draft 235(c) Memo attached
Author: (b)(6), (b)(7)c
Date: 10/2/2002 12:50 PM

(b)(5) AC AWP DP (b)(6), (b)(7)c

-----Original Message-----

From: (b)(6), (b)(7)c
Sent: Wednesday, October 02, 2002 12:26 PM
To: (b)(6), (b)(7)c
Cc: (b)(6), (b)(7)c
Subject: Fwd:Draft 235(c) Memo attached

(b)(6), (b)(7)c

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b) (5) AC AWP DP

(b) (6), (b) (7) c

Forward Header

Subject: Draft 235(c) Memo attached

Author: (b) (6), (b) (7) c

Date: 10/2/2002 12:09 PM

We're forwarding this for comments from OIL.

ICE897



U.S. Department of Justice
Immigration and Naturalization Service

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

DRAFT

MEMORANDUM FOR VICTOR X. CERDA
CHIEF OF STAFF
OFFICE OF THE COMMISSIONER

FROM: Dea Carpenter
Deputy General Counsel

SUBJECT: Designation of Country in INA 235(c) Proceedings

I. ISSUES:

(b)(5)

II. SUMMARY ANSWERS:

(b)(5)

ICE898

(b)(5)

III. DISCUSSION

(b)(5) AC AWP DP

(b)(5) AC AWP DP

CC :

(b)(6), (b)(7)c

Office of the Commissioner

Office of Immigration Litigation

Enforcement Log

HQCOU Log

(b)(6), (b)(7)c

(b)(6), (b)(7)c

memo, October 2, 2002

ICE900

Doc. #351

Tasking from ODAG

The release of this document to the IG does not constitute a waiver of any applicable privilege.

ISP- 2004
Bude E
Tab 6

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c

Sent: Wednesday, October 02, 2002 9:46 AM

To: (b)(6), (b)(7)c

Cc: Dea D Carpenter

Subject: Tasking from ODAG

Importance: High

All

(b)(6), (b)(7)c

(b)(6), (b)(7)c (b)(6), (b)(7)c

(b)(6), (b)(7)c (b)(5), (b)(6), (b)(7)c

(b)(5) AC AWP DP

(b)(6), (b)(7)c

ICE902

Doc. #352

Fwd:mike; doug

The release of this document to the IG does not constitute a waiver of any applicable privilege.

ISI-____-2004
Binder E
Tab 8

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c

Sent: Wednesday, October 02, 2002 1:31 PM

To: (b)(6), (b)(7)c

Subject: Fwd (b)(6), (b)(7)c

OIL's comments are below. (b)(5)

(b)(5)

Forward Header _____

Subject: (b)(6), (b)(7)c

Author: (b)(6), (b)(7)c

Date: 10/2/2002 1:08 PM

(b)(5) AC AWP DP (b)(6), (b)(7)c

(b)(6), (b)(7)c

ICE903

Doc. #353

The release of this document to the IG does not constitute a waiver of any applicable privilege.

ISP- - 2004
Bude E
Tot 9

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Thursday, October 03, 2002 7:51 PM
To: (b)(6), (b)(7)c Barry C O'Melinn
Subject: Fwd:Re[5]: question
Importance: High

I imagine this means that (b)(6), (b)(7)c isn't drafting the 235(c) decision, or has passed it along to someone else. (The messages below his, relate to another matter.)

(b)(6), (b)(7)c

Forward Header

Subject: Re[5]: question
Author: Rule Agent
Date: 10/3/2002 5:51 PM

I will be out of the office until October 15th. Please contact (b)(6), (b)(7)c or (b)(6), (b)(7)c if you need a response before then.

Subject: Re[4]:question

From: (b)(6), (b)(7)c
Date: 10/03/02 17:25:11

(b)(6), (b)(7)c (b)(5), (b)(6), (b)(7)c

Thanks,

(b)(6), (b)(7)c

Reply Separator

Subject: Re[3]:question
Author: (b)(6), (b)(7)c
Date: 10/3/2002 4:23 PM

Non-responsive

Reply Separator

Subject: Re[2]:question
Author: (b)(6), (b)(7)c
Date: 10/3/2002 3:15 PM

Forwarding to (b)(6), (b)(7)c

Reply Separator

ICE907

Subject: Re:question
Author: (b)(6), (b)(7)c
ate: 10/3/2002 2:46 PM

Non-responsive

(b)(6), (b)(7)c

Reply Separator

Subject: question
Author: Barry C O'Melinn
Date: 10/3/2002 2:43 PM

(b)(6), (b)(7)c

Non-responsive

Doc. #354

ISP - 2004
Binder E
Tab 10

The release of this document to the IG does not constitute a waiver of any applicable privilege.

(b)(6), (b)(7)c

From: (b)(6), (b)(7)c
Sent: Thursday, October 03, 2002 2:47 PM
To: (b)(6), (b)(7)c
Subject: Fwd:JFKIA A-File

How this became destroy material is beyond me. This outfit and everything it gets involved in ultimately gets _____ up! It is hopeless.

Forward Header _____

Subject: JFKIA A-File
Author: (b)(6), (b)(7)c
Date: 10/2/2002 1:55 PM

(b)(6), (b)(7)c

(b)(5), (b)(7)e

Please advise when INV has the File and relating material.

(b)(6), (b)(7)c (b)(6), (b)(7)c
(b)(6), (b)(7)c (b)(5), (b)(6), (b)(7)c (b)(6), (b)(7)c

(b)(6), (b)(7)c Thanks for all your assistance on this case to date. I want to thank your Inspectors and supervisors for a job well done. Please understand that this (b)(7)e-related case is now solely under the purview of Investigations, drawing daily attention at INS Executive level, FBI HQ and the Department.

Thanks,

(b)(6), (b)(7)c

Doc. #355

(b)(6), (b)(7)c

The release of this document to the IG does not constitute a waiver of any applicable privilege.

(b)(6), (b)(7)c

Thursday, October 03, 2002 5:03 PM

(b)(6), (b)(7)c

235(c) memo

Subject:



235(c) memo
final.DOC

(b)(6), (b)(7)c

Here's the version of the memo that is being faxed to the Commissioner in Mexico. Dea has not yet seen this memo, as you know. (b)(6), (b)(7)c

ICE914



U.S. Department of Justice
Immigration and Naturalization Service

ISP - -2004
Bude E
Tab 3

(b)(6), (b)(7)c

Office of the General Counsel

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR VICTOR X. CERDA
ACTING CHIEF OF STAFF
OFFICE OF THE COMMISSIONER

FROM: Dea Carpenter
Deputy General Counsel

SUBJECT: Designation of Country of Removal in INA 235(c) Proceedings

I. ISSUES PRESENTED:

(b)(5)

II. BRIEF ANSWERS:

(b)(5)

ICE915

Memorandum for Victor X. Cerda
Subject: Designation of Country of Removal in INA 235(c) Proceedings

Page 2

III. DISCUSSION

(b)(5) AC AWP DP

ICE916

Memorandum for Victor X. Cerda
Subject: Designation of Country of Removal in INA 235(c) Proceedings

Page 3

(b)(5) AC AWP DP

ICE917

Memorandum for Victor X. Cerda
Subject: Designation of Country of Removal in INA 235(c) Proceedings

Page 4

(b)(5) AC AWP DP

ICE918

Memorandum for Victor X. Cerda
Subject: Designation of Country of Removal in INA 235(c) Proceedings

Page 5

cc : (b)(6), (b)(7)c

Enforcement Log
HQ Log

(b)(6), (b)(7)c

(b)(6), (b)(7)c

memo final, October 3, 2002

ICE919

202 514 0455 P.10
ISP - - 2004
Bunder E
Tab 20

The release of this document to the IG does not constitute a waiver of any applicable privilege.

Date 10 / 3 / 02

(b)(5)

(b)(5)

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(5)

Address:

(b)(6), (b)(7)c

Ottawa, CA

(b)(5)

(b)(5), (b)(6), (b)(7)c

(b)(5)

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Handwritten notes and signatures:
2/17/04
www.franklincovery.com
Original-Classics

Date 10 03 02

Consular Notification

Fax at US Embassy

(b)(6), (b)(7)c

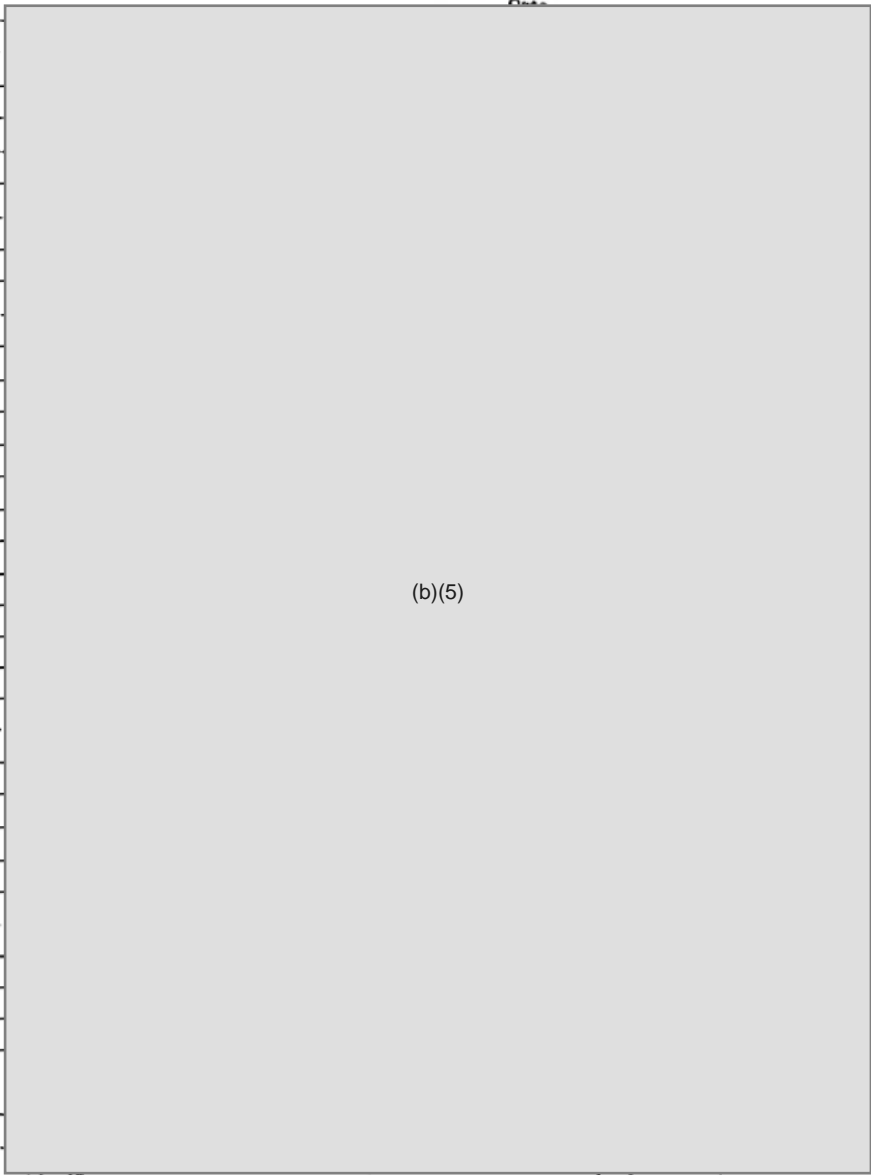
for UN special Rep for
HWS for migrants

(b)(7)e

(b)(5)

(b)(6), (b)(7)c

	Date
Implementation	
(b)(6), (b)(7)c	02/409 - 202/409 - 202 409
(b)(6), (b)(7)c	
(b)(5)	



(b)(5)

2

J

Date 6 21 02

ASAC (b)(6), (b)(7)c VE

(b)(6), (b)(7)c

(b)(5)

-OUT

(b)(6), (b)(7)c

216

(b)(6), (b)(7)c

Notify of Decision

ARAR

(b)(5)

Q&A on 9/26/02

p. 6/7

YPS (signature)

(b)(6), (b)(7)c

Civ. Division

(b)(6), (b)(7)c (b)(5)

Doc. #356

The release of this document to me
IG does not constitute a waiver of
any applicable privilege.

IS1- -- 2004
Under (1)
Tas 2

NAME ARAR MAHER ABDUL HAMID			
Date of Birth (b)(6), (b)(7)c	Sex M	Institution BRO	Date of Photo 9/27/2002
Height 601	Weight 185	Hair Color BN	Eye Color BN
Custody - QTR	Spec Cond		
CCC - CSW	WRK		



REGISTER NUMBER
(b)(6), (b)(7)c

ICE926

Doc. #357

The release of this document to
IG does not constitute a waiver of
any applicable privilege.

ISF- 2004
Bunder B(1)
Tab 5

BP-5377.058 PRISONER REMAND CDFRM
MAY 95
U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

ARRESTING OFFICER WILL COMPLETE ALL REQUIRED DATA ON THIS FORM PRIOR TO COMMITTING TO MCC/MDCs

Name: Last ABDUL		First MAHMOUD	Middle ABDUL HAKIM	(b)(6), (b)(7)c	P I C T U R E
AKAs:					

Race (Circle) C O A I	Sex (Circle) M F	Ethnic Origin (Circle) Hispanic or Other	D.O.B (b)(6), (b)(7)c	SSN: (b)(7)e INS Other (b)(6), (b)(7)c
--------------------------	---------------------	---	--------------------------	---

CHARGES
NARRATIVE:
Title: USC: 18 USC 2384 Violation of
NARRATIVE:
Title: USC:

Date of Offense: 09/09/2003 Date of Arrest: 09/09/2003 Place of Arrest: JAIL

State of Birth (b)(6), (b)(7)c	Country of Birth LIBYA	Citizenship LIBYAN	(b)(6), (b)(7)c	Zip Code (b)(6), (b)(7)c
-----------------------------------	---------------------------	-----------------------	-----------------	-----------------------------

Height Ft: In: 5 10	Weight 135	Hair Black	Eyes Brown	Scars / Marks / Tattoos
------------------------	---------------	---------------	---------------	-------------------------

Injuries / Medication: 3/4
Emergency Contact: (Name, Address, Phone Number)

Arrested Y (N)	Sentenced Y (N)	(b)(7)e
-------------------	--------------------	---------

IN IN IN IN IN

Remanding Official (Name) Sign Print	Agency / District US TJS	Phone / 24 Hour Number 212-264- (b)(6), (b)(7)c
--	-----------------------------	--

OUT OUT OUT OUT OUT

Removing Official (Name) Sign Print	Agency / District	Phone / 24 Hour Number () ()
---	-------------------	-----------------------------------

FOR BOP USE ONLY

Receiving Official (Name) Sign Print	Date / Time	Releasing Official (Name) Sign Print	Date / Time
--	-------------	--	-------------

Sentry Load Date: (Must Initial) Name Search Completed by: Clearance/Separate Checked by:	(OPTIONAL USE) ARS Code _____ Staff Init. _____ Add AKA's _____ Create Cash Account _____ Deposit Cash _____ Amt. _____ Detainers _____ Court _____ Clothing Bag # _____	RIGHT THUMBPRINT
---	---	------------------

Original-for ISM as Remanding/Removal receipt; Copy-for Control as Removal Receipt (NCIC); Copy-for Removing Official; Copy-for Control as Remanding Receipt (Immte); Copy-for Remanding Official; Copy-INS-Alien in Custody.
(This form may be replicated via WP) This form replaces BP-5377(58) of MAY 94 and BP-377(58) of JUL 91

ICE927

2012FOIA62 000729



Doc. #358

ISP- -2004
Bude P
Tab 13

The release of this document to the
IG does not constitute a waiver of
any applicable privilege.

Author: (b)(6), (b)(7)c

Date: 10/04/2002 4:49 PM

Urgent

Receipt Requested

TO: (b)(6), (b)(7)c

Subject: Service of Letter

----- Message Contents -----

OW=

(b)(6), (b)(7)c

As a follow-up to my telephone conversation with (b)(6), (b)(7)c (b)(5)
advised that the letter to be served by NYC SAs on ARAR must be done so today.
I understand that the agents will be delayed entry into MDC, Brooklyn due to the
evening lock down (for the count). Please ensure that a copy of the served
document is faxed to me at 202-305-(b)(6), (b)(7)c as soon as possible after service.

As discussed, a copy of the letter to be served on the alien can be released to
BOP officials.

(b)(6), (b)(7)c

Deputy Director, NSU

Doc. #359

OCT-04-2002 15:55

(b)(7)e

202 302 (b)(6), (b)(7)c P. 01

FAX TRANSMISSION



The release of this document to the IG does not constitute a waiver of any applicable privilege.

Immigration and Naturalization Service
Headquarters Office of Field Operations,
National Security Unit, Room (b)(6), (b)(7)c
425 I Street, NW, Washington, D.C. 20536

ISP-____-2004
Binder (b)(1)
Tab 6

PRIORITY LEVEL (circle one):

URGENT / IMMEDIATE / ROUTINE

CLASSIFICATION LEVEL (circle one):

UNCLASSIFIED / (L.O.U. or L.E.S.) / CONFIDENTIAL / SECRET / TOP SECRET

TRANSMISSION DATA:

DATE: 10/4/2002

NO. PAGES (excluding this cover sheet): 2

TO:

RCV'G FAX NO: 212 384 (b)(6), (b)(7)c VOICE NO: _____

ADDRESSEE: _____ (b)(6), (b)(7)c SRSA

FROM:

OPEN FAX NO. 202-514-6557 OPEN VOICE NO. 202 307 (b)(6), (b)(7)c

SECURE VOICE AND FAX NO: 202-514-6557 (b)(6), (b)(7)c (CALL IN ADVANCE ON OPEN LINE TO ARRANGE SECURE TRANSMISSIONS)

SENDER: _____ (b)(6), (b)(7)c
National Security Unit, Office of Field Operations

COMMENTS / SUBJECT MATTER:

MUST BE SERVED TODAY! PLEASE
FAX A COPY OF ~~THE~~ SERVED DOCUMENT
TO ME AT (202) 305- (b)(6), (b)(7)c

Thanks,

(b)(6), (b)(7)c



U.S. Department of Justice
Immigration and Naturalization Service

425 I Street NW
Washington, DC 20536

Mr. Maher Abdul Hamid ARAR

(b)(6), (b)(7)c

In Service Custody

Dear Mr. Arar:

You have been placed in removal proceedings under the Immigration and Nationality Act. In connection with those proceedings, you have the opportunity to designate a country for your removal, in the event that you are order removed. If you should choose to designate a country, please do so on the line below. If you have any concerns about returning to this country, please explain in detail below. Attach additional sheets of paper if necessary.

Sincerely,

I. Scott Blackman
Regional Director, Eastern Region
Immigration and Naturalization Service

Would you like to designate a country, should you be ordered removed? Yes No
If so, please designate this country below.

Do you have any concerns about returning to this country? Yes No

If so, please explain in detail below, attach additional sheets if necessary.

OCT-04-2002 15:56

(b)(7)e

02 30 (b)(6), (b)(7)c P. 03

I have read and explained this notice to above named alien.

Interpreter used: _____
(Language)

(Signature and Title of Immigration Officer)

(Printed Name of Officer)

(Date)

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

(Signature of Alien)

Doc. #360

The release of this document to the IG does not constitute a waiver of any applicable privilege.

ISP - 2004
Buda E
Tab 10

Author: (b)(6), (b)(7)c
Date: 10/01/2002 4:31 PM
Urgent
TO: (b)(6), (b)(7)c
Subject: Fwd:

----- Message Contents -----

(b)(6), (b)(7)c

Forward Header

Subject: Fwd:
Author: (b)(6), (b)(7)c
Date: 10/01/2002 1:00 PM

(b)(5)

(b)(5) Please advise me at 202-357 (b)(6), (b)(7)c when service has been accomplished and fax a served copy of the I-147 to me as soon as possible to 202-306 (b)(6), (b)(7)c

Thanks again,

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Attached is the Form I-147 and factual allegations that should be printed and served on the alien. Also, please print out a copy of the attached PDF file relating to the list of (b)(7)e (from the DoS website) and give to the alien. We will fax you a copy of all this material as well to number 212-264 (b)(6), (b)(7)c

(b)(5)

Regards,

(b)(6), (b)(7)c

Doc. #361

The release of this document to the
IG does not constitute a waiver of
any applicable privilege.

Author: (b)(6), (b)(7)c
Date: 10/01/2002 4:31 PM
Urgent
TO: (b)(6), (b)(7)c
Subject: Service of !-147

*ISP - 2004
Randy R
Tab 11*

----- Message Contents -----

(b)(6), (b)(7)c

Forward Header

Subject: Service of !-147
Author: (b)(6), (b)(7)c
Date: 10/01/2002 11:20 AM

All:

As a follow up to my conversation with Supervisory Special Agent (b)(6), (b)(7)c
at 11:05 am, 10/1/02 the following actions are to be taken as soon as possible:

(b)(6), (b)(7)c
(b)(6), (b)(7)c
(b)(6), (b)(7)c
(b)(5), (b)(6), (b)(7)c, (b)(7)e

Thank you for your diligent efforts to date and please do not hesitate to
contact me 24 hours a day at (P) 877-807-(b)(6), (b)(7)c (C) 202-358-(b)(6), (b)(7)c or (O)
202-307-(b)(6), (b)(7)c if you have any questions or if any issues develop.

(b)(6), (b)(7)c

Doc. #362



United States Department of Justice
Executive Office for Immigration Review
Immigration Court

ISP- - 2004
Budes R
CAS 14

List of Free Legal Service Providers

(Revised July 1, 2002)

Page 2 of 2

Organizations will appear at the Immigration Courts Indicated →

Lawyers Committee for Human Rights
333 Seventh Avenue, 13th Floor, New York, NY 10001-5004
(212)845-5200 *Limited to: Asylum. Detained Cases from Wackenhut Only*
(212)845-5222 → *For Wackenhut Detainees Only* *Language(s): French, Spanish*

The Legal Aid Society-Immigration Law Unit
166 Montague Street, Brooklyn, NY 11201 *Asylum: Yes*
(718)722-3100 *Language(s): French, Spanish, Italian, Mandarin, Russian*
Will represents detained and non-detained cases before New York City
Immigration Courts (Except Wackenhut) including persons with
criminal convictions and asylum applicats

Nassau County Hispanic Foundation Inc. Immigration Law Service
233 Seventh Street, 3rd Floor, Garden City, NY 11530
(516)742-0067 *Language(s): Spanish* *Asylum: Yes*
May Charge Nominal Fee

New York Association for New Americans
17 Battery Place, 9th Floor North, New York, NY 10004-1102
(212)898-4180 *Language(s): Spanish, French, Haitian Creole,*
Cantonese, Mandarin, Russian, Romanian, Tibetan
May Charge Nominal Fee *Asylum: Yes*
Limited to: Priority for survivors of domestic
abuse, persecution, and/or torture

Northern Manhattan Coalition for Immigrant Rights
2 Bennett Avenue New York, NY 10033
(212)781-0355 *Language(s): Spanish* *Asylum: No*
May Charge Nominal Fee
Limited to: Non Detained Cases

Safe Horizon (Victim Services/ Travelers Aid) Immigration Legal Services
74-09 37th Avenue Room 308, Jackson Heights, NY 11372
(718)899-1233 ext. 129* (Lawyers)
Language(s): Spanish, Russian
Limited to: Priority for survivors of domestic abuse, persecution,
and/or torture; Can represent those with non-violent
criminal offenses.
May Charge Nominal Fee *Asylum: Yes*

Union of Needletrades, Industrial and Textile Employees
Immigration Project
275 Seventh Avenue 8th Floor, New York, NY 10001
(212)627-0600 *Language(s): Spanish, Chinese* *Asylum: Yes*
Limited to: UNITB UNION MEMBERS ONLY.

	26 Federal Plaza, NYC	201 Varick Street, NYC	Wackenhut Facility, Jamaica, NY	Bedford Hills Correctional Facility	Downstate Correctional Facility	Ulster Correctional Facility
Lawyers Committee for Human Rights	•		•			
The Legal Aid Society-Immigration Law Unit	•	•				
Nassau County Hispanic Foundation Inc. Immigration Law Service	•	•				
New York Association for New Americans	•	•				
Northern Manhattan Coalition for Immigrant Rights	•	•				
Safe Horizon (Victim Services/ Travelers Aid) Immigration Legal Services	•	•				
Union of Needletrades, Industrial and Textile Employees	•	•				

Doc. #363

The release of this document to the
IG does not constitute a waiver of
any applicable privilege.

ISP-200
Pender F
Tab 3

Author: (b)(6), (b)(7)c

Date: 10/04/2002 10:32 AM

Normal

TO: (b)(6), (b)(7)c

CC:

TO:

Subject: Re[3]: JFKIA A-File

----- Message Contents -----

(b)(6), (b)(7)c

Inspections does NOT have any materials generated by the case. We turned everything over to LIT. Hopefully, this will put an end to the concern of our inadvertent possession of any document relating to this case. Amen.

Reply Separator

Subject: Re[2]: JFKIA A-File

Author: (b)(6), (b)(7)c

Date: 10/04/2002 8:16 AM

Again, let me restate the original message and its intent.

(b)(5)

Again, any questions, please call.

(b)(6), (b)(7)c

Reply Separator

Subject: Re: JFKIA A-File

Author: (b)(6), (b)(7)c

Date: 10/3/2002 5:16 PM

All:

In addition to the airport information, (b)(6), (b)(7)c was handling this matter at Eastern Region.

(b)(6), (b)(7)c

Forward Header

Subject: Re: JFKIA A-File

Author: (b)(6), (b)(7)c

Date: 10/03/2002 4:02 PM

(b)(6), (b)(7)c

I just additionally checked with (b)(6), (b)(7)c at JFK all work folder with Inspections have been destroyed.

ICE935

2012FOIA62 000743

(b)(6), (b)(7)c

Reply Separator

Subject: JFKIA A-File

Author: (b)(6), (b)(7)c

Date: 10/03/2002 3:52 PM

For information of the recipients.

Forward Header

Subject: JFKIA A-File

Author: (b)(6), (b)(7)c

Date: 10/03/2002 3:23 PM

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

(b)(6), (b)(7)c

Forward Header

Subject: JFKIA A-File

Author: (b)(6), (b)(7)c

Date: 10/02/2002 1:55 PM

(b)(6), (b)(7)c

(b)(5), (b)(7)e

Please advise when INV has the File and relating material.

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

(b)(6), (b)(7)c

Thanks for all your assistance on this case to date. I want to thank our Inspectors and supervisors for a job well done. Please understand that this national security-related case is now solely under the purview of Investigations, drawing daily attention at INS Executive level, FBI HQ and the Department.

ICE936

2012FOIA62 000744

Thanks,

(b)(6), (b)(7)c

Doc. #364

ISP-__-2004
Bunder BU)
Tas 7

FILE: (b)(6), (b)(7)c)
)
IN THE MATTER OF:)
)
ARAR, Maher Abdul Hamid)
a/k/a ARAR, Maher)
a/k/a ARAR, Maher Abdul Hamid)
a/k/a ARAR, Maher 'Abd Al-Hamid)
)
APPLICANT)

In Removal Proceedings under
Section 235(c) of the Immigration
and Nationality Act

Decision of the Regional Director

Introduction

In accordance with my responsibilities as Regional Director, I have, pursuant to section 235(c)(2)(B) of the Immigration and Nationality Act (INA) and 8 C.F.R. § 235.8(b), reviewed the documentation submitted to me by the New York District Director concerning the application of Maher Abdul Hamid Arar (Arar) for admission to the United States. This review has included consideration of both classified and unclassified information concerning Arar.¹ As a result of this review, I have concluded on the basis of classified information that Arar is clearly and unequivocally inadmissible to the United States under INA § 212(a)(3)(B)(i)(V) in that he is a member of an organization that has been designated by the Secretary of State as a Foreign Terrorist Organization, to wit: Al-Qaeda, a/k/a al-Qa'ida. In addition, pursuant to section 235(c) of the INA, and after

¹ Section 235(a)(2)(B)(i) of the INA states that a decision under this provision is to be based on "confidential" information. Throughout this decision, for the sake of clarity, the terms classified and unclassified are employed, rather than the term confidential.

consulting with appropriate security agencies of the United States, I have concluded that disclosure of the classified information upon which this decision is based would be prejudicial to the public interest, safety, or security.

Background

Arar is a native of Syria and a citizen of Canada and Syria. Arar arrived at John F. Kennedy International Airport in New York, New York on September 26, 2002, via American Airlines flight number AA65 from Zurich, Switzerland. Upon arrival, Arar presented Canadian passport number (b)(6), (b)(7)c and applied for admission to transit to Canada. Upon secondary inspection, it was determined that Arar was (b)(7)e

(b)(7)e

5 days later

On October 1, 2002, the Immigration and Naturalization Service initiated removal proceedings under section 235(c) of the INA against Arar with service of Form I-147, charging him with being inadmissible to the United States. Specifically, the Service charges Arar with being temporarily inadmissible under INA § (b)(7)e in that

(b)(7)e

On October 1, 2002, upon initiating removal proceedings against Arar under section 235(c), the INS, in accordance with 8 C.F.R. § 235.8, provided Arar with 5 days to respond to the charge. On October 1, 2002, the Service served upon Arar all unclassified documents that the Service relied upon in issuing the Form I-147. These documents included: (1) an executed I-147 noticing Arar of the requirement to respond within five

days from October 1, 2002, to INS with a written statement and any accompanying information regarding the allegations and the charge of inadmissibility; (2) an attachment to the I-147 alleging Arar to be a member of an organization that has been designated by the Secretary of State as a Foreign Terrorist Organization, to wit: Al-Qaeda, and charging Arar with inadmissibility pursuant to section 212(a)(3)(B)(i)(V) of the INA; (3) a publication issued by the Department of State pursuant to section 219 of the INA listing Al-Qaeda, as a Foreign Terrorist Organization; and (4) a publication from the Executive Office for Immigration Review of free legal service providers in the New York area.

Arar's Submissions

As of October 7, 2002, Arar failed to provide a written statement and any additional information in response to the charge.

Evidence of Inadmissibility

The documentation I have reviewed, including information received from other agencies, clearly and unequivocally reflects that Arar is a member of a foreign terrorist organization, to wit: Al-Qaeda, so designated by the Secretary of State pursuant to INA § 219. 66 FR 51088-01 (October 5, 2001).

The information I have reviewed is composed of both classified and unclassified materials. The following is a descriptive inventory of the more significant evidentiary materials that form the basis of my decision.

Unclassified

An INS immigration officer interviewed Arar on September 26, 2002 at JFK International Airport regarding his application for admission to the United States. Arar stated that he was a native of Syria and a citizen of Canada and Syria. Arar indicated that he used Canadian passport number (b)(6), (b)(7)c to apply for admission to the United States. Arar informed the immigration officer that he had lived in (b)(6), (b)(7)c for three months prior to his application for admission. (b)(7)e

(b)(7)e

(b)(6), (b)(7)c per FBI

(b)(6), (b)(7)c per FBI (b)(7)c p

(b)(6), (b)(7)c per

(b)(6), (b)(7)c per FBI (b)(6), (b)(7)c, (b)(7)e (b)(6), (b)(7)c per f

(b)(6), (b)(7)c per

(b)(6), (b)(7)c per FBI (b)(6), (b)(7)c per

During the September 27, 2002 interview at JFK, Arar admitted knowing (b)(6), (b)(7)c per FBI

(b)(6), (b)(7)c per FBI

Classified

A detailed discussion of the classified information I relied upon is contained in a separate, Classified Addendum.

Conclusions

Pursuant to section 240(c)(2) of the INA, an alien who is an applicant for admission has the burden of establishing clearly and beyond doubt that he or she is entitled to be admitted and is not inadmissible under section 212. Although Arar has denied the charge of inadmissibility, he has offered no evidence in support of his denial. Based upon all of the information made available to me, both classified and unclassified, I find that Arar is clearly and unequivocally inadmissible under INA § 212(a)(3)(B)(i)(V) in that he is a member of a foreign terrorist organization.

I have determined that Arar is a member of the designated foreign terrorist organization known as Al-Qaeda. Pursuant to section 219 of the INA, this organization could not be designated unless the "terrorist activity or terrorism of the organization threatens the security of United States' nationals or the national security of the United States."

Specifically, Al-Qaeda has been found responsible for multiple terrorist attacks upon the United States, and is considered a "clear and imminent threat to the United States."²

² "The most serious international terrorist threat to US interests today stems from Sunni Islamic extremists, such as Usama bin Laden and individuals affiliated with his Al-Qaeda organization. Al-Qaeda leaders, including Usama bin Laden, had been harbored in Afghanistan since 1996 by the extremist Islamic regime of the Taliban. Despite recent military setbacks suffered by the Taliban and the apparent death of Al-Qaeda operational commander Mohamed Atef resulting from a US bombing raid, Al-Qaeda must continue to be viewed as a potent and highly capable terrorist network. The network's willingness and capability to inflict large-scale violence and destruction against US persons and interests--as it demonstrated with the September 11 attack, the bombing of the USS Cole in October 2000, and the bombings of two US Embassies in east Africa in August 1998, among other plots--makes it a "clear and

As discussed above, and more fully in the Classified Addendum, Arar's membership in this organization bars him from admission to the United States, because he is presumed to share the goals and support methods of an organization which he freely joined and with which he continues to meaningfully associate. This organization has been determined responsible for acts of terrorism against the U.S. in the past, and represents a "clear and imminent threat to the United States."

Based upon the foregoing, and upon the classified information referred to above, I further find that there are reasonable grounds to believe that Arar (b)(7)e (b)(7)e and ineligible for (b)(6), (b)(7) under section 208(b)(2)(A)(iv) of the INA, and restriction on removal, under section 241(b)(3)(B)(iv) of the INA.

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Accordingly, I refer this

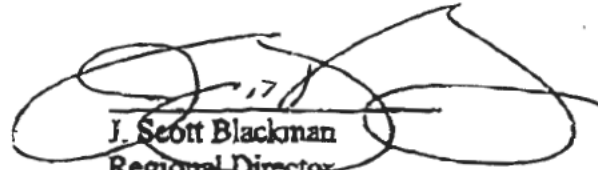
issue to the Commissioner for appropriate action.

imminent threat to the United States." Statement for the Record of J. T. Caruso, Deputy Executive Assistant Director Counterterrorism /Counterintelligence, Federal Bureau of Investigation, On Combating Terrorism: Protecting the United States Before the House Subcommittee on National Security, Veterans Affairs, and International Relations March 21, 2002. Less than one month ago, the Attorney General determined that Al-Qaeda might be planning specific attacks on the U.S. See Remarks of the Attorney General, Threat Level Press Conference, September 10, 2002.

Accordingly, for the reasons set forth above, I am satisfied that the evidence establishes that Arar is inadmissible, and I hereby ORDER that he be removed from the United States.

No destination country specified

October 7, 2002
Date


J. Scott Blackman
Regional Director
Eastern Region
U.S. Immigration and
Naturalization Service

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October 2002, a copy of the foregoing was served by personal service upon the applicant at MDC Brooklyn, NY

[Redacted signature block]
(b)(6), (b)(7)c

witness:

[Redacted witness signature block]
(b)(6), (b)(7)c

Doc. #366

Refer to the following file number:

File No.: (b)(6), (b)(7)c

Date: October 07, 2002

ISP-__-2004
Bunder B(1)
Tab 8

To:

ARAR, Maher Abdul Hamid, aka,
ARAR, Maher,
ARAR, Maher Abdul Hamid,
ARAR, Maher ' Abd Al-Hamid

This concerns your application for admission to the United States at the port of John F. Kennedy International Airport / NYC, and the notice of temporary inadmissibility (Form I-147) previously served on you. I have determined that you are inadmissible under:

- Section 212(a)(3)(A) (other than clause (ii))
- Section 212(a)(3)(B)(i)(V)
- Section 212(a)(3)(C)

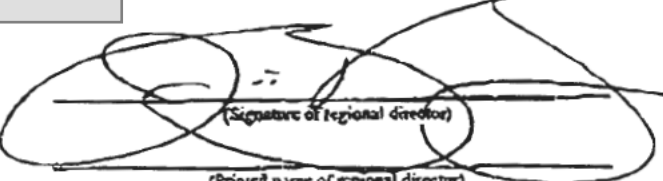
of the Immigration and Nationality Act (Act).

IT IS ORDERED that you be removed without further inquiry before an immigration judge, in accordance with section 235(c) of the Act and Title 8, Code of Federal Regulations, part 235.8. If you enter or attempt to enter the United States for any purpose, without the prior written authorization of the Attorney General, you will be subject to arrest, removal, and possible criminal prosecution.

The Commissioner of the Immigration and Naturalization Service has determined that your removal to Syria would be consistent with

(b)(6), (b)(7)c

(b)(6), (b)(7)c


 (Signature of regional director)
 (Printed name of regional director)

REGIONAL DIRECTOR

Certificate of Service

lies.

Interpreter used: WONE
(language)

10/8/02 4AM
(Date)

(b)(6), (b)(7)c

(Printed name of officer)

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

witness:

(b)(6), (b)(7)c

Maher A
(Signature of alien)

Doc. #367

File Number (b)(6), (b)(7)c	Title Maher Abdul Hamid ARAR	Control Office NYC
--------------------------------	--	------------------------------

1 On October 8, 2002, captioned subject was removed from the United States pursuant to a Final
2 Notice of Inadmissibility that found Subject inadmissible under Section 235(c) of the Act. (b)(7)e
3 (b)(7)e Subject was
4 transported by SRT to Teterboro Airport and turned over to DD&P for removal to Syria. (b)(7)e
5 (b)(7)e

ISP-____-2004
Bunder BC17
Tab 9

Investigator SA (b)(6), (b)(7)c	Date 10/8/02
------------------------------------	-----------------

Final Notice of Inadmissibility

Refer to the following file number:

File No. (b)(6), (b)(7)c

Date: Sep. 27, 2002

To: (Complete name and mailing address)

ARAZ, Maher Abdul Hamid

(b)(6), (b)(7)c

Ottawa, Ontario, Canada

(b)(6), (b)(7)c

This concerns your application for admission to the United States at the port of *Nye-JFKIA*, and the notice of temporary inadmissibility (Form I-147) previously served on you. I have determined that you are inadmissible under:

- Section 212(a)(3)(A) (other than clause (ii))
- Section 212(a)(3)(B)
- Section 212(a)(3)(C)

of the Immigration and Nationality Act (Act).

IT IS ORDERED that you be removed without further inquiry before an immigration judge, in accordance with section 235(c) of the Act and Title 8, Code of Federal Regulations, part 235. If you enter or attempt to enter the United States for any purpose, without the prior written authorization of the Attorney General, you will be subject to arrest, removal, and possible criminal prosecution.

(Signature of regional director)

J. Scott Blackman

(Printed name of regional director)

REGIONAL DIRECTOR

Certificate of Service

I have _____ is notice to the above named alien.

(b)(6), (b)(7)c

SK1

Interpreter used: _____

(language)

immigration officer)

(b)(6), (b)(7)c

SK1

Sep. 17, 2002

(Printed name of officer)

(Date)

I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.

Witness:

(b)(6), (b)(7)c

AAPO

Refused to sign

(Signature of alien)

THIS DOCUMENT HEREBY SUPERSEDES ALL PREVIOUSLY SERVED DOCUMENTS RELATED TO YOUR APPLICATION FOR ADMISSION INTO THE UNITED STATES ON SEPTEMBER 26, 2002

Refer to the following file number

File No: (b)(6), (b)(7)c
Date: October 1, 2002

To: (complete alien name and mailing address)

ARAR, Maher Abdul Hamid a/k/a
ARAR, Maher
ARAR, Mahar Abdul Hamid
ARAR, Maher 'Abd Al-Hamid

In Service Custody

SEE ATTACHMENT FOR FACTUAL ALLEGATIONS

You have been found to be temporarily inadmissible to the United States pursuant to section 235 (c) of the Immigration and Nationality Act. Your application for admission to the United States, together with any written statement and any accompanying information you or your representative may desire to submit to this office within five (5) days, will be referred to the Regional Director of the INS who has jurisdictional responsibility over this office for consideration. A copy of the Regional Director's final decision will be furnished to you and your representative.

If you should enter the United States while this temporary order is in effect, you are subject to arrest and removal, and to possible criminal prosecution.

(b)(6), (b)(7)c

Official)
Director for Inspections

(Title of INS Official)
New York, New York

(Port Location)

Please send your response to:
District Director
New York District Office
Immigration and Naturalization Service
26 Federal Plaza,
New York, New York 10278

ce to above named alien.
(b)(6), (b)(7)c SRI Interpreter used: NONE
(Language)
(b)(6), (b)(7)c 10/01/02
(Date)
I acknowledge that a copy of this notice has been given to me, read, and explained to me, and I understand it.
Ma H A 2002

(Signature of Alien)

**FACTUAL ALLEGATION OF INADMISSIBILITY
UNDER SECTION 235(c)
OF THE IMMIGRATION AND NATIONALITY ACT
Maher Abdul Hamid ARAR**

(b)(6), (b)(7)c

1. You are not a citizen of the United States;
2. You are a native of Syria and a citizen of Syria and Canada;
3. You arrived in the United States on September 26, 2002 at John F. Kennedy International Airport. You applied for admission as a nonimmigrant, in transit through the United States, destined to Canada; and
4. You are a member of an organization that has been designated by the Secretary of State as a Foreign Terrorist Organization, to wit Al-Qaeda aka al-Qa'ida.

CHARGE OF INADMISSIBILITY

Based on the foregoing and on classified information which cannot be disclosed to you in the interest of the national security of the United States, you are inadmissible to the United States under Section 212(a)(3)(B)(i)(V) of the Immigration and Nationality Act (INA), as an alien who is a member of a foreign terrorist organization, as designated by the Secretary of State under INA Section 219.



United States Department of Justice
 Executive Office for Immigration Review
 Immigration Court

List of Free Legal Service Providers

(Revised July 1, 2002)

Page 1 of 2

Organizations will appear at the Immigration Courts Indicated →

	26 Federal Plaza, NYC	201 Varick Street, NYC	Wackenbut Facility, Jamaica, NY	Bedford Hills Correctional Facility	Downstate Correctional Facility	Ulster Correctional Facility
Association of the Bar of the City of NY 42 West 44 th Street New York, NY 10036 (212)382-6710 <i>Language(s): Spanish</i> <i>Limited to: Individuals seeking asylum and domestic violence survivors seeking legal status</i>	●	●	●			
Brooklyn Legal Services Corp.A 256-260 Broadway, Brooklyn, NY 11211 (718)487-2300 <i>Language(s): Spanish</i> <i>Asylum: No</i> <i>Limited to: Serve area of 11211-11206-11222-11237 zip codes only.</i> <i>Only battered women seeking status</i>	●					
Caribbean Women's Health Assoc. Immigrant Service Center 123 Linden Blvd. Brooklyn, New York 11226 (718)826-2942 <i>Language(s): French, Spanish, Creole</i> <i>Asylum: Yes</i> <i>May Charge Nominal Fee</i>	●	●	●			
Catholic Charities of New York, Department of Immigrant and Refugee Services 1011 First Ave., 12 th Floor New York, NY 10022-4134 (212)419-3700 <i>Language(s): Spanish, Haitian-Creole, Mandarin, Cantonese, French, Russian, Polish, Albanian, Greek, Macedonian, Serbo-Croatian, Arabic, Turkish, Bosnian, Amharic, Italian, Hindi, Urdu, Punjabi, Vietnamese, Portugese, Thai</i> <i>May Charge Nominal Fee</i> <i>Asylum: Yes</i>	●	●	●			
Central American Legal Assistance 240 Hooper Street, Brooklyn, New York 11211 (718)486-6800 <i>Language(s): Spanish</i> <i>Asylum: Yes</i>	●	●	●			
Comite Nuestra Senora de Loreto Sobre Asuntos de Inmigracion 856 Pacific Street, Brooklyn, NY 11238-3142 (718)783-4500 <i>Language(s): Spanish, French, Italian</i> <i>Asylum: Yes</i>	●	●			●	
Gay Men's Health Crisis, Inc. 119 West 24 th Street New York, NY 10011 (212)367-1040 <i>Language(s): Spanish, French, Creole</i> <i>Asylum: Yes</i> <i>Limited to: Represent HIV positive individuals only.</i>	●	●				
Hebrew Immigrant Aid Society (HIAS) 333 Seventh Avenue New York, NY 10001 (212)613-1419 <i>Languages: Russian, Spanish, Polish, French</i> (212)613-1420 → *This # for Wackenbut Detainees Only * <i>May Charge Nominal Fee</i> <i>Asylum: Yes</i>	●	●	●			

REFERRAL LIST FOR IMMIGRATION CASES

Catholic Community Services
Special Services Division
269 Oliver Street
Newark, New Jersey 07105
Phone # 589-0300/ Fax # 589-0061

Congress of Filipino
American Citizens
1 CFAC Plaza
Jersey City, NJ 07302
622-0159

Middlesex County Legal Services
78 Carroll Place
New Brunswick, NJ 08901
249-7600

Passaic County Legal Services
140 Market Street
Paterson, NJ
345-7171

International Institute
880 Bergen Avenue
Jersey City, NJ 07306
653-3888

Farm Worker Division of Camden Legal Services
631 Wood Street
Vineland, NJ
609 691 4500

FOREIGN CONSULATES IN NYC

CONSULATE GENERAL OF AFGHANISTAN
360 LEXINGTON AVENUE, 11TH FLOOR
NEW YORK, NY 10019
212 972-2277

CONSULATE GENERAL OF ANTIGUA AND BARBUDA
610 5TH AVENUE, SUITE 311
NEW YORK, NY 10020
212 541-4117

CONSULATE GENERAL OF ARGENTINA
12 WEST 56TH STREET
NEW YORK, NY 10021
212 603-0400

CONSULATE GENERAL OF AUSTRALIA
630 5TH AVENUE, 4TH FLOOR, SUITE 420
NEW YORK, NY 10111
212 408-8400

CONSULATE OF AUSTRIA
31 EAST 69TH STREET
NEW YORK, NY 10021
212 737-6400

CONSULATE GENERAL OF COMMONWEALTH OF BAHAMAS
231 EAST 46TH STREET
NEW YORK, NY 10017
212 421-6420

CONSULATE GENERAL OF BAHRAIN
2 UNITED NATIONS PLAZA, 44TH STREET, 25TH FLOOR
NEW YORK, NY 10017
212 223-6200

CONSULATE GENERAL OF BANGLADESH
211 EAST 43RD STREET, SUITE 502
NEW YORK, NY 10017
212 599-6767

CONSULATE GENERAL OF BARBADOS
800 2ND AVENUE, 2ND FLOOR
NEW YORK, NY 10017
212 867-8435

CONSULATE GENERAL OF BELARUS
708 3RD AVENUE, 23RD FLOOR
NEW YORK, NY 10017
212 682-5392

CONSULATE GENERAL OF BELGIUM
1330 AVENUE OF THE AMERICAS, 26TH FLOOR
NEW YORK, NY 10019
212 586-5110

CONSULATE GENERAL OF BHUTAN
2 UNITED NATIONS PLAZA, 27TH FLOOR
NEW YORK, NY 10017
212 826-1919

CONSULATE GENERAL OF BOLIVIA
211 EAST 43RD STREET, SUITE 702
NEW YORK, NY 10017
212 687-0530

CONSULATE GENERAL OF BOSNIA AND HERZEGOVINA
866 UNITED NATIONS PLAZA, SUITE 580
NEW YORK, NY 10017
212 751-9015

CONSULATE GENERAL OF BRAZIL
630 5TH AVENUE, SUITE 22720
NEW YORK, NY 10111
~~212 757-3080~~ (212) 827-0976

CONSULATE GENERAL OF BULGARIA
121 EAST 62ND STREET
NEW YORK, NY 10021
212 935-4646

CONSULATE GENERAL OF CANADA
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020
212 596-1700

CONSULATE GENERAL OF CHILE
866 UNITED NATIONS PLAZA, ROOM 302
NEW YORK, NY 10017
212 980-3366

CONSULATE GENERAL OF PEOPLE'S REPUBLIC OF CHINA
520 12TH AVENUE
NEW YORK, NY 10036
212 868-7752

CONSULATE GENERAL OF COLOMBIA
10 EAST 46TH STREET
NEW YORK, NY 10017
212 949-9898

CONSULATE GENERAL OF COSTA RICA
80 WALL STREET, SUITE 718
NEW YORK, NY 10005
212 425-2620

CONSULATE GENERAL OF THE REPUBLIC OF CROATIA
369 LEXINGTON AVENUE, 11TH FLOOR
NEW YORK, NY 10017
212 599-3066

CONSULATE GENERAL OF CYPRUS
13 EAST 40TH STREET, 5TH FLOOR
NEW YORK, NY 10016
212 686-6016

CONSULATE GENERAL OF DENMARK
1 DAG HAMMERSKJOLD PLAZA, 885 2ND AVENUE, 18TH FLOOR
NEW YORK, NY 10017
212 223-4545

CONSULATE GENERAL OF DOMINICA
820 2ND AVENUE, 9TH FLOOR
NEW YORK, NY 10017
212 599-8478

CONSULATE GENERAL OF THE DOMINICAN REPUBLIC
1501 BROADWAY, SUITE 410
NEW YORK, NY 10036
212 768-2480

CONSULATE GENERAL OF ECUADOR
800 2ND AVENUE, SUITE 600
NEW YORK, NY 10017
212 808-0170

CONSULATE GENERAL OF EGYPT
1110 2ND AVENUE, SUITE 201
NEW YORK, NY 10022
212 759-7120

CONSULATE GENERAL OF EL SALVADOR
46 PARK AVENUE
NEW YORK, NY 10016
212 889-3608

CONSULATE GENERAL OF ESTONIA
630 5TH AVENUE, SUITE 2415
NEW YORK, NY 10111
~~212-247-1450~~ (212) 883-0636

CONSULATE GENERAL OF FIJI
630 3RD AVENUE, 7TH FLOOR
NEW YORK, NY 10017
212 687-4130

CONSULATE GENERAL OF FINLAND
866 UNITED NATIONS PLAZA, SUITE 250
NEW YORK, NY 10017
212 750-4400

CONSULATE GENERAL OF FRANCE
934 5TH AVENUE
NEW YORK, NY 10021
212 606-3600

CONSULATE GENERAL OF GERMANY
460 PARK AVENUE
NEW YORK, NY 10022
~~212-388-8700~~ 212-610-9700

CONSULATE GENERAL OF GHANA
19 EAST 47TH STREET
NEW YORK, NY 10017
212 832-1300

CONSULATE GENERAL OF GREECE
69 EAST 79TH STREET
NEW YORK, NY 10021
212 988-5500

CONSULATE GENERAL OF GRENADA
820 2ND AVENUE, SUITE 900D
NEW YORK, NY 10017
212 599-0301

CONSULATE GENERAL OF GUATEMALA
57 PARK AVENUE
NEW YORK, NY 10016
212 686-3837

CONSULATE GENERAL OF GUYANA
866 UNITED NATIONS PLAZA, 3RD FLOOR, ROOM 304
NEW YORK, NY 10017
212 527-3215

CONSULATE GENERAL OF HAITI
271 MADISON AVENUE
NEW YORK, NY 10016
212 697-9767

CONSULATE GENERAL OF HONDURAS
80 WALL STREET, SUITE 415
NEW YORK, NY 10005
212 269-3611

CONSULATE GENERAL OF HUNGARY
223 EAST 52ND STREET
NEW YORK, NY 10022
212 753-0661

CONSULATE GENERAL OF ICELAND
800 3RD AVENUE, 36TH FLOOR
NEW YORK, NY 10022
212 593-2700

CONSULATE GENERAL OF INDIA
3 EAST 64TH STREET
NEW YORK, NY 10021
212 774-0600

CONSULATE GENERAL OF INDONESIA
5 EAST 68TH STREET
NEW YORK, NY 10021
212 879-0600

CONSULATE GENERAL OF IRELAND
345 PARK AVENUE, 17TH FLOOR
NEW YORK, NY 10154
212 319-2555

CONSULATE GENERAL OF ISRAEL
800 2ND AVENUE
NEW YORK, NY 10017
212 499-5300

CONSULATE GENERAL OF ITALY
690 PARK AVENUE
NEW YORK, NY 10021
212 737-9100

HASEHMITTE
KINGDOM OF
JORDAN
(212) 832 0119

CONSULATE GENERAL OF JAMAICA
767 3RD AVENUE
NEW YORK, NY 10017
212 935-9000

CONSULATE GENERAL OF JAPAN
299 PARK AVENUE
NEW YORK, NY 10171
212 371-8222

CONSULATE GENERAL OF KENYA
424 MADISON AVENUE, 14TH FLOOR
NEW YORK, NY 10017
212 486-1300

CONSULATE GENERAL OF THE REPUBLIC OF KOREA
460 PARK AVENUE, 5TH FLOOR
NEW YORK, NY 10022
212 752-1700

646 674 6000

CONSULATE GENERAL OF LEBANON
9 EAST 76TH STREET
NEW YORK, NY 10021
212 744-7905

CONSULATE GENERAL OF LIBERIA
820 2ND AVENUE, 13TH FLOOR
NEW YORK, NY 10017
212 687-1025

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420 5TH AVENUE, 3RD FLOOR
NEW YORK, NY 10018
212 354-7840

CONSULATE GENERAL OF LUXEMBOURG
17 BEEKMAN PLACE
NEW YORK, NY 10022
212 888-6664

CONSULATE GENERAL OF MADAGASCAR
801 2ND AVENUE, ROOM 404
NEW YORK, NY 10017
212 986-9491

CONSULATE GENERAL OF MALAYSIA
313 EAST 43RD STREET
NEW YORK, NY 10017
212 490-2722

CONSULATE GENERAL OF MALTA
249 EAST 35TH STREET
NEW YORK, NY 10016
212 725-2345

CONSULATE GENERAL OF MEXICO
8 EAST 41ST STREET
NEW YORK, NY 10017
212-~~622-0456~~ 217-6400

CONSULATE GENERAL OF MONACO
565 5TH AVENUE, 23RD FLOOR
NEW YORK, NY 10017
212 286-0500

CONSULATE GENERAL OF MOROCCO
10 EAST 40TH STREET, 23RD FLOOR
NEW YORK, NY 10016
212 213-9644

CONSULATE GENERAL OF NEPAL
820 2ND AVENUE, SUITE 202
NEW YORK, NY 10017
212 370-4188

3988

CONSULATE GENERAL OF NETHERLANDS
1 ROCKERFELLER PLAZA, 11TH FLOOR
NEW YORK, NY 10020
212 246-1429

CONSULATE GENERAL OF NEW ZEALAND
780 3RD AVENUE, SUITE 1904
NEW YORK, NY 10017
212 832-4038

CONSULATE GENERAL OF NICARAGUA
820 2ND AVENUE, SUITE 802
NEW YORK, NY 10017
212 983-1981

CONSULATE GENERAL OF NIGERIA
828 2ND AVENUE
NEW YORK, NY 10017
212 808-0301

CONSULATE GENERAL OF NORWAY
825 3RD AVENUE, 38TH FLOOR
NEW YORK, NY 10022
212 421-7333

CONSULATE GENERAL OF PAKISTAN
12 EAST 65TH STREET
NEW YORK, NY 10021
212 879-5800

CONSULATE GENERAL OF PANAMA
1212 AVENUE OF THE AMERICAS, 10TH FLOOR
NEW YORK, NY 10036
212 840-2450

CONSULATE GENERAL OF PARAGUAY
675 3RD AVENUE, SUITE 1604
NEW YORK, NY 10017
212 682-9441

CONSULATE GENERAL OF PERU
215 LEXINGTON AVENUE, 21ST FLOOR
NEW YORK, NY 10016
212 481-7410

CONSULATE GENERAL OF PHILIPPINES
556 5TH AVENUE
NEW YORK, NY 10036
212 764-1330

CONSULATE GENERAL OF POLAND
233 MADISON AVENUE
NEW YORK, NY 10016
212 889-8360

CONSULATE GENERAL OF PORTUGAL
630 5TH AVENUE, SUITE 310
NEW YORK, NY 10111
212 246-4580

CONSULATE GENERAL OF ROMANIA
200 EAST 38TH STREET
NEW YORK, NY 10016
212 682-9120

CONSULATE GENERAL OF THE RUSSIAN FEDERATION
9 EAST 91ST STREET
NEW YORK, NY 10128
212 348-1717

CONSULATE GENERAL OF SAINT LUCIA
820 2ND AVENUE, SUITE 900E
NEW YORK, NY 10017
212 697-9360

CONSULATE GENERAL OF SAINT VINCENT AND THE GRENADINES
801 2ND AVENUE
NEW YORK, NY 10017
212 687-4981

CONSULATE GENERAL OF SAUDI ARABIA
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017
212 752-2740

**CONSULATE GENERAL OF SLOVENIA
600 3RD AVENUE, 24TH FLOOR
NEW YORK, NY 10016
212 370-3006**

**CONSULATE GENERAL OF SOUTH AFRICA
333 EAST 38TH STREET, 9TH FLOOR
NEW YORK, NY 10016
212 213-4880**

**CONSULATE GENERAL OF SPAIN
150 EAST 58TH STREET, 30TH FLOOR
NEW YORK, NY 10155
212 355-4080**

**CONSULATE GENERAL OF SRI LANKA
630 3RD AVENUE, 20TH FLOOR
NEW YORK, NY 10017
212 986-7040**

**CONSULATE GENERAL OF SUDAN
655 3RD AVENUE, 5TH FLOOR
NEW YORK, NY 10017
212 573-6033**

**CONSULATE GENERAL OF SWEDEN
1 DAG HAMMERSKJOLD PLAZA
885 2ND AVENUE, 45TH FLOOR
NEW YORK, NY 10017
212 583-2550**

**CONSULATE GENERAL OF SWITZERLAND
665 FIFTH AVENUE, 8TH FLOOR
NEW YORK, NY 10022
212 758-2560**

**MINISTER OF THE INTERIOR
TAIPEI ECONOMIC AND CULTURAL OFFICE (Shang-Nien Wu)
885 SECOND AVENUE
NEW YORK, NY 10017
212 317-7300**

CONSULATE GENERAL OF THAILAND
351 EAST 52ND STREET
NEW YORK, NY 10022
212 754-1770

CONSULATE GENERAL OF TRINIDAD AND TOBAGO
733 THIRD AVENUE, RM 716
NEW YORK, NY 10017
212 682-7272

CONSULATE GENERAL OF TURKEY
821 UNITED NATIONS PLAZA
NEW YORK, NY 10017
212 949-0160

CONSULATE GENERAL OF UKRAINE
240 EAST 49TH STREET
NEW YORK, NY 10017
212 371-5690

CONSULATE GENERAL OF UNITED KINGDOM
845 THIRD AVENUE
NEW YORK, NY 10022
212 745-0200

CONSULATE GENERAL OF URUGUAY
747 THIRD AVENUE, 21ST FLOOR
NEW YORK, NY 10017
212 753-8191

CONSULATE GENERAL OF THE REPUBLIC OF UZBEKISTAN
866 UNITED NATIONS PLAZA, SUITE 327A
NEW YORK, NY 10017
212 754-6178

CONSULATE GENERAL OF VENEZUELA
7 EAST 51ST STREET
NEW YORK, NY 10022
212 826-1660

Doc. #165

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Prepare in accordance with 31 CFR, Part 2

SECTION A - ADDRESSEE AND SENDER (Type or Print in Ink)

<p>TO: (b)(6), (b)(7)c DHS OIG</p>	<p>FROM: (b)(6), (b)(7)c DHS USCIS OCC 20 Massachusetts Ave, NW Ste (b)(6), (b)(7)c Washington, DC 20529</p>
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SECTION B - DOCUMENT DESCRIPTION (Type or Print in Ink)

CLASSIFICATION	DATE OF DOCUMENT	DESCRIPTION - (Identify items such as report, letter, memo, etc. Unclassified subject or short title. Copy number and number of attachments.)	ORIGINATOR	NUMBER OF COPIES
Secret/ unclas		See attached log sheet		

SECTION C - ACKNOWLEDGEMENT OF RECEIPT

NAME (Type or print in ink)	SIGNATURE	DATE
(b)(6), (b)(7)c	(b)(6), (b)(7)c	6-20-05

SECTION D - RECORD OF INTERNAL TRANSMITTAL

ADDRESSEE	COPY NO.	NAME OF RECIPIENT (Type or Print in Ink)	DATE
		(b)(6), (b)(7)c	6/20/05
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DHS Form 11000-11 (01/2003)

USCIS DOCUMENTS RELEASED TO OIG

**** Shading in first 6 rows indicates classified documents. All other USCIS documents are unclassified.**

Date Released	Date of Document	Document Description	Bates Stamp Page Number
6-20-2005	10-7-2002	Memo: Bb Cooper to James Ziglar	14
6-20-2005	10-6-2002	FB/ETHM	5-9
6-20-2005	10-7-2002	FB/ETHM	10-18
6-20-2005	9-29-2002	Cable to INS	19-22
6-20-2005	9-29-2002	Cable to INS	23-26
6-20-2005	9-29-2002	Cable to INS	27-28
6-20-2005	10-2-2002	Email re: 235(c) (b)(6), (b)(7)c processing	29
6-20-2005	10-24-2002	E-mail re: post-removal media reports	30
6-20-2005	10-6-2002	Email re: Syria articles	31
6-20-2005	9/30-10/9/02	Daily Calendar notes	32-34
6-20-2005	Undated	Notes	35-39
6-20-2005	re-saved 2/14/03, but prepared contemporaneous with 10/02 events	Email memo to file	40
6-20-2005	10-4-2002	Email re: 235(c) protection processing	41-43
6-20-2005	10-4-2002	Email re: previous 235(c) case	44
6-20-2005	10-04-2002	Email re: Syria country report	45
6-20-2005	10-6-2002	Email re: notice to counsel	46
6-20-2005	10-4-2002	Email re: draft notice to Arar	47-48
6-20-2005	10-6-2002	Email re (b)(6), (b)(7)c interview questions	49-56
6-20-2005	10-6-2002	Email re (b)(6), (b)(7)c interview questions	57-61
6-20-2005	10-7-2002	Email re termination of (b)(6), (b)(7)c interview	62
6-20-2005	10-7-2002	Email re draft 235(c) determination	63
6-20-2005	10-17-2002	Email research re (b)(6), (b)(7)c	64
6-20-2005	re-saved 2/14/03, but prepared contemporaneous with 10/02 events	Email memo to file (same as 000040)	65
6-20-2005	Undated	Draft sample protection interview questions	66
6-20-2005	Undated	Draft Regional Director 235(c) decision	67-70
6-20-2005	10-7-2002	Memo: Ziglar to Blackman re: alternate designation of country of removal	71-72
6-20-2005	Undated	Draft memo re fulfilling (b)(6), (b)(7)c obligations in 235(c) cases.	73-75
6-20-2005	Undated	Interview (b)(6), (b)(7)c officer's (b)(6), (b)(7)c	76

USCIS DOCUMENTS RELEASED TO OIG

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		assessment	
6-20-2005	10-7-2002	Transcript of (b)(6), (b)(7)c interview (signed)	77-82
6-20-2005	10-7-2002	Transcript of (b)(6), (b)(7)c interview (unsigned)	83-87
6-20-2005	Undated	Wash Post article; research re Syria for (b)(6), (b)(7)c	88-89
6-20-2005	Undated	INS Resource Information Center research re: (b)(6), (b)(7)c referenced at page 000084 of protection interview	90-100
6-20-2005	Faxed on 9-30-2002	“Arar file” faxed from district to INS regional office. Contains property receipt, I-94, Notice of Inadmissibility, INS airport inspection processing, print outs of security check computer screens, record of sworn statement (at page 0000143)	101-149 (Note: pp143-149 corresponds to pp13-19 of the 49 pages contained in this single faxed record. They were out of order in our file at the time they were bates stamped.)
6-20-2005	10-7-2002	Christian Science Monitor article; research re Syria for (b)(6), (b)(7)c	150-152
6-20-2005	10-6-2002	Wash Post article; research re Syria for (b)(6), (b)(7)c	153-155
6-20-2005	10-6-2002	U.S. State Department Syria Country Report; research re Syria for (b)(6), (b)(7)c	156-170
6-20-2005	10-4-2002	Email: Excerpts of U.S. State Department Syria Country Report; research re Syria for (b)(6), (b)(7)c	171-172
6-20-2005	10-7-2002	ABCNews.com article; research re Syria for (b)(6), (b)(7)c	173-175
6-20-2005	10-7-2002	HREA.org report re: Syria; research for (b)(6), (b)(7)c	176-178
6-20-2005	10-7-2002	Syrian Human Rights Committee reproduction	179-183

USCIS DOCUMENTS RELEASED TO OIG

**** Shading in first 6 rows indicates classified documents. All other USCIS documents are unclassified.**

		of Amnesty Intl report on Syria; research for (b)(6), (b)(7)c	
6-20-2005	10-7-2002	Syrian Human Rights Committee reproduction of Amnesty Intl report on Syria; research for (b)(6), (b)(7)c	184-197
6-20-2005	10-6-2002	Miami Herald article; research re: Syria for (b)(6), (b)(7)c	198
6-20-2005	10-6-2002	Council on Foreign Relations report re: Syria	199-202
6-20-2005	10-6-2002	Jerusalem Post article re Syria	203
6-20-2005	10-6-2002	Derechos.org; Syria research for (b)(6), (b)(7)c	204-205
6-20-2005	10-6-2002	Derechos.org; Syria research for (b)(6), (b)(7)c	206-207
6-20-2005	10-6-2002	Derechos.org; Syria research for (b)(6), (b)(7)c	208-209
6-20-2005	10-6-2002	Haaretzdaily.com; Syria research	210-213
6-20-2005	4-4-2002	CRS Issue Brief for Congress re Syria	214-216
6-20-2005	10-6-2002	ArabicNews.com article re Syria	217-223
6-20-2005	10-4-2002	Email re memo on 235(c) and (b)(6), (b)(7)c	224-228
6-20-2005	10-6-2002	Email re draft (b)(6), (b)(7)c questions	229-238
6-20-2005	10-7-2002	Email re update of processing	239
6-20-2005	10-7-2002	Email re (b)(6), (b)(7)c memo	240-242

Note: The following bates stamps pages have information copied on the back-side of the page as well: 42, 45, 50-55, 57-60,

Doc. #171

2012-08-06 (4-6 10-10-10)
Palmer

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

(b)(5)

(b)(5), (b)(6), (b)(7)c

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The release of this document to the OIG does not constitute a waiver of any applicable privilege.

(b)(5), (b)(6), (b)(7)c

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(b)(5), (b)(7)e

(b)(6), (b)(7)c

(b)(5), (b)(6), (b)(7)c

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(b)(6), (b)(7)c

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(b)(6), (b)(7)c



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(b)(6), (b)(7)c

(b)(7)e

(b)(5)

(b)(6), (b)(7)c

(b)(5) DP, (b)(7)e

(b)(5) DP, (b)(7)e

V.C. -

(b)(5)

(b)(5)

V.C.

(b)(6), (b)(7)c

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(b)(6), (b)(7)c

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Att presence

(b)(6), (b)(7)c

(b)(5)

Doc. #216

ISP-____-2004
Bude A
Tab 13



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

May 20, 2004

(b)(6), (b)(7)c

Acting Chief
National Security Law Division
Immigration and Customs Enforcement
U.S. Department Homeland Security
425 I Street, NW
Washington, D.C. 20536

RE: MAHER ARAR

Dear Mr. (b)(6), (b)(7)c

Please be advised that the Federal Bureau of Investigation (FBI) authorizes the Department of Homeland Security (DHS), Office of Inspector General (IOG), to review the October 7, 2002 FBI Memorandum summarizing the investigation of Maher Arar.

Please be aware that if the DHS, OIG intends to use the October 7, 2002 Memorandum in any proceeding, prior FBI approval is required.

Please feel free to contact me with any questions at

(b)(6), (b)(7)c per FBI

Sincerely,

(b)(6), (b)(7)c per FBI

Chief

(b)(7)e

Law Unit II
National Security Law Branch
Office of General Counsel

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TO: <div style="border: 1px solid black; width: 150px; height: 80px; margin: 10px auto; text-align: center;">(b)(6), (b)(7)c</div>	FROM: <div style="border: 1px solid black; width: 150px; height: 20px; margin: 10px auto; text-align: center;">(b)(6), (b)(7)c</div> <p style="margin: 10px auto;">425 I Street, NW WDC 20536</p>
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SECTION B - DOCUMENT DESCRIPTION (Type or Print in Ink)

CLASSIFICATION	DATE OF DOCUMENT	DESCRIPTION - (Identify items such as report, letter, memo, etc. Unclassified subject or short title. Copy number and number of attachments.)	ORIGINATOR	NUMBER OF COPIES
Secret		See Attached List		1

SECTION C - ACKNOWLEDGEMENT OF RECEIPT

NAME (Type or print in ink)	SIGNATURE	DATE
<div style="border: 1px solid black; width: 150px; height: 20px; text-align: center;">(b)(6), (b)(7)c</div>	<div style="border: 1px solid black; width: 150px; height: 20px; text-align: center;">(b)(6), (b)(7)c</div>	6-16-05

SECTION D - RECORD OF INTERNAL TRANSMITTAL

ADDRESSEE	COPY NO.	NAME OF RECIPIENT (Type or Print in Ink)	DATE
		<div style="border: 1px solid black; width: 100px; height: 20px; text-align: center;">(b)(6), (b)(7)c</div>	6/16/05
1.			
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DHS Form 11000-11 (01/2003)

ICE DOCUMENTS RELEASED TO OIG

Date Released	Date of Document	Document Description	Number
6-16-2005	5-20-2004	Authorization to release material to OIG	137-38
6-16-2005	1-22-2003	CIRS Report	139
6-16-2005	Undated	Timeline for Consular Notification	140
6-16-2005	10-1-2002	E-mail traffic regarding Charging Documents	141-42
6-16-2005	10-7-2002	Notes to File	143-47
6-16-2005	10-4-2002	E-mail re: case status/logistics/process	148-60
6-16-2005	10-7-2002	Letter from Larry Thompson to Scott Blackman	161
6-16-2005	9-30-2002	E-mail re: case status/logistics/process	162-68
6-16-2005	9-29-2002	Notes and E-mails re: case status/logistics/process	169-77
6-16-2005	11-19-2003	Annual (b)(7)e Report from State	179-86
6-16-2005	12-4-2003	(b)(7)e	187-90
6-16-2005	5-18-2004	Correspondence Authorizing Release of Information to OIG	192-94
6-16-2005	10-7-2002	FBI LHM and Supporting Documents	195-204
6-16-2005	10-7-2003	Media Coverage	239-43
6-16-2005	10-07-2003	Checks and Research	244-60
6-16-2005	Undated	Draft Transportation Plan	262-322
6-16-2005	10-0-2002	A-File material sent from INS to DOJ	323-438
6-16-2005	10-7-2002	FBI LHM	439-46
6-16-2005	10-6-2002	Draft FBI LHM	447-51
6-16-2005	10-6-2002	Draft FBI LHM	452-56
6-16-2005	10-6-2002	Draft FBI LHM	457-61
6-16-2005	10-7-2002	Draft FBI LHM	462-63
6-16-2005	Undated	Notes	464-70
6-16-2005	10-6-2002	Draft FBI LHM	471-76
6-16-2005	Undated	Scheduling	477-78
6-16-2005	10-7-2002	Notes and Calendar	479-82
6-16-2005	Undated	Classified Addendum to Decision	483-87

(b)(6), (b)(7)c 6/22/05

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		of Regional Director with notes	
6-16-2005	Undated	Memo from Bo Cooper to James Ziglar, Assessment with notes	488-91 <i>SECRET</i>
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	492-96 <i>SECRET</i>
6-16-2005	10-7-2002	FBI LHM	497-504 <i>SECRET</i>
6-16-2005	Undated	Memo from Bo Cooper to James Ziglar, Assessment with notes	505-508 <i>SECRET</i>
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	509-14 <i>SECRET</i>
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	515-19 <i>SECRET</i>
6-16-2005	10-7-2002	Draft Confidential Addendum to Decision of Regional Director with notes	520-25 <i>SECRET</i>
6-16-2005	10-7-2002	Draft Confidential Addendum to Decision of Regional Director with notes	526-31 <i>SECRET</i>
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	532-39 <i>SECRET</i>
6-16-2005	Undated	Memo from Bo Cooper to James Ziglar, Assessment with notes	540-543 <i>SECRET</i>
6-16-2005	Undated	Memo from Bo Cooper to James Ziglar, Assessment with notes	544-551 <i>SECRET</i>
6-16-2005	10-7-2002	FBI LHM with notes	552-559 <i>SECRET</i>
6-16-2005	Uncertain "sent 8/02"	Summary from NSU to SIOC	560 <i>SECRET</i>
6-16-2005	9-29-2002	Notes	561-564 <i>SECRET</i>
6-16-2005	9-27-2002 thru 10-4-2002	Notes	565-91 <i>SECRET</i>
6-16-2005	10-02	Information sent from FBI to INS	592-603 <i>SECRET</i>
6-16-2005	9-30-2002	Copy of classified disc	604 <i>SECRET</i>
6-16-2005	Undated	Factual Allegation of Inadmissibility	605 <i>SECRET</i>
6-16-2005	Undated	Classified Addendum to Decision of Regional Director with notes	606-15 <i>SECRET</i>
6-16-2005	9-29-2002	Information sent to INS with notes	616-623 <i>SECRET</i>
6-16-2005	9-29-2002	Information from to INS with Notes	624-631 <i>SECRET</i>
6-16-2005	9-29-2002	Draft 3 Information to INS with Notes	632-641 <i>SECRET</i>

ICE DOCUMENTS RELEASED TO OIG

6-16-2005	9-30-2002	From DOJ to INS, State Dept. Fact Sheet re: (b)(7)e	642-648
6-16-2005	10-4-2002	Notice of Removal Proceedings	649-50
6-16-2005	Undated	Notes	651-52
6-16-2005	10-4-2002	From INS HQ to INS Eastern Region, Factual Allegation of Inadmissibility with notes	653-57
6-16-2005	Undated	Decision of the Regional Director with notes	659-664
6-16-2005	Undated	Notes	665-66
6-16-2005	10-6-2002	Draft FBI LHM	667-71 <i>SECRET</i>
6-16-2005	10-6-2002	From INS HQ to INS Eastern Region, Draft Confidential Addendum to Decision of the Regional Director	672-78 <i>SECRET</i>
6-16-2005	7-26-2002 printed 10-6-2002	Media coverage with notes	679-81
6-16-2005	Undated	(b)(7)e	682-84 <i>SECRET</i>
6-16-2005	Undated	Draft Confidential Addendum to Decision of the Regional Director	685-89 <i>SECRET</i>
6-16-2005	Undated	Notes	690-697 <i>SECRET</i>
6-16-2005	10-6-2002	Fax sheet	698-99 <i>SECRET</i>
6-16-2005	Undated	Notes	700
6-16-2005	Undated	Draft Confidential Addendum to Decision of the Regional Director with notes	701-07 <i>SECRET</i>
6-16-2005	Undated	Notes	708-715
6-16-2005	10-6-2002	Draft FBI LHM	716-720 <i>SECRET</i>
6-16-2005	10-6-2002	Draft FBI LHM	721-26 <i>SECRET</i>
6-16-2005	Undated	Classified Addendum to Decision of the Regional Director	728-33 <i>SECRET</i>
6-16-2005	Undated	Memo Re: Assessment with notes	734-36 <i>SECRET</i>
6-16-2005	Undated	Draft Letter from Larry Thompson to Scott Blackman Re: Disregarding Designation	737-38
6-16-2005	Undated	Classified Addendum to Decision of the Regional Director	739-44 <i>SECRET</i>
6-16-2005	10-6-2002	Draft FBI LHM	745-749 <i>Secret</i>

Doc. #258

Please insert

ICE Classified Document Listing (Binder B-3)

ICE Reference Number	Description
10	FBI LHM October 7, 2002
140	INS construct of consular notification
141	INS email – service of I-147, legal representation, and consular notification
142	INS email – consular notification
143-147	INS construct of the events of October 6-7 – protection interview
148	INS email – consular contact
149	INS email – 5 day response; FBI LHM
153	INS email – 5-day response period
154	INS email – transfer of Arar case from INSP to INV
155-156	INS JFK POE Director construct of events leading to arrest and detention of Arar
158-160	DAG email – Arar refused to return to Syria; use of agency information
161	DAG memo denying Arar’s return to Canada
162	DAG email – I-147 service
165-166	INS JFK POE Director construct of events leading to arrest and detention of Arar
174	DAG email – FBI LHM discussion
177	INS email – discussion of use of agency information
178	CT-Link printout on Arar
196-197	FBI fax – Arar will return to Zurich; (b)(7)e (b)(7)e
226	(b)(7)e printout on Arar
227-234	(b)(7)e
238	INS cable – country clearance for Arar’s removal team
244	(b)(7)e
261- 270	INS removal team operations order
273	INS email – consular notification re (b)(6), (b)(7)c interview
342	I-148 – Blackman signature
343	I-147 with Arar signature
345-354	I-148 October 7 with Arar signature and unclassified addendum
355	DAG memo denying Arar’s return to Canada
356-361	Classified addendum to I-148 with Blackman signature
362-365	INS memo – Cooper (b)(6), (b)(7)c assessment
370-375	INS sworn statement – (b)(6), (b)(7)c office interview with Arar
377	I-148
381-382	INS fax – (b)(7)e officer’s notice to JFK of Arar’s arrival

395	INS memo – discussion of Arar’s refusal to return to Syria
396-397	INS memo – Arar request to return to Canada
398	Arar’s withdrawal of application for admission – return to Zurich; various database printouts
413	Arar’s withdrawal of application for admission – return to Zurich;
414-416	Affidavit – Arar’s statement on arrest at JFK; A-file contents
464-470	INS attorney notes
471 – 476	FBI fax – draft FBI LHM Oct 6
520 - 531	Draft classified addendum to I-148 – with completion 6:30 am 10/7/02 notation
566-591	INS attorney notes
593-603	Agency cable – background on Arar
616-641	Agency cable with INS attorney notes
649-650	INS memo – Arar request to return to Canada
653-658	(b)(7)e
701-707	Draft classified addendum to I-148 – with completion 6:30 am 10/7/02 notation
708-715	INS attorney notes
716-720	FBI LHM
887-	INS email - INS JFK POE Director construct of events leading to arrest and detention of Arar
None TAB L	Diplomatic assurances
None	I-259 – notice to carrier regarding Arar’s inadmissibility

Doc. #320

8/7/02

4:30 AM

(b)(5)

Questions for FBI relevant to
assessment of (b)(6), (b)(7)c of ARAR

[Large redacted area containing several smaller redacted boxes with codes: (b)(5), (b)(6), (b)(7)c; (b)(6), (b)(7)c; (b)(6), (b)(7)c; (b)(6), (b)(7)c]

3

(b)(6), (b)(7)c

(b)(7)e

ICE480

(b)(5)

October 07, 2002

Monday

October 2002						
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2002						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Time	Event
7 am	(b)(6), (b)(7)c Travel Minneapolis, MN M. Cronin (T) - Boppard, Germany
8 ⁰⁰	Chief of Staff Meeting (Commr Conf Room) (b)(6), (b)(7)c
9 ⁰⁰	Mtg. RE: Weekend Case w/Victor Cerda, Owen Cooper, (b)(6), (b)(7)c (Commissioner's Conference Room) (b)(6), (b)(7)c
10 ⁰⁰	
11 ⁰⁰	
12 pm	Non-responsive
1 ⁰⁰	
2 ⁰⁰	Mtg. Policy Issues (b)(6), (b)(7)c Students - Rochester, NY RE (b)(6), (b)(7)c INS
3 ⁰⁰	30 min. Mtg. RE: Budget Update w/ (b)(6), (b)(7)c
4 ⁰⁰	
5 ⁰⁰	
6 ⁰⁰	

2

ICE481

October 07, 2002

Monday

October 2002

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2002

S	M	T	W	T	F	S
						1 2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

	(b)(6), (b)(7)c	Travel Minneapolis, MN Boppard, Germany
7 am		
8 ⁰⁰	☺ Chief of Staff Meeting (Commr Conf Room) (b)(6), (b)(7)c	
9 ⁰⁰	☺ Mtg. RE: Weekend Case w/Victor Cerda, Owen Cooper, (b)(6), (b)(7)c	Commissioner's Conference Room (b)(6), (b)(7)c
10 ⁰⁰		
11 ⁰⁰		
12 pm	non-responsive	
1 ⁰⁰		
2 ⁰⁰	Mtg. w/ (b)(6), (b)(7)c Policy Issues	Students - Rochester, NY RE (b)(6), (b)(7)c INS
3 ⁰⁰	☺ 30 min. Mtg. RE: Budget Update w/ (b)(6), (b)(7)c	
4 ⁰⁰		
5 ⁰⁰		
6 ⁰⁰		

2

ICE482

Doc. #327

* * * TRANSMISSION RESULT REPORT (SEP.30.2002 10:02AM) * * *

TTI

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
SEP.30.	9:52AM	COMPATIBLE	G-TS	9'58"	P.12	OK		604

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> : REDUCTION



ICE604

Doc.#335

Date: 10/6/2002 10:55 PM

Sender:

To: (b)(6), (b)(7)c

cc:

Priority: Normal

Receipt requested

Subject: FYI

List of Senior Al Qaeda Leaders

Monday, April 01, 2002

Al Qaeda's top leaders, their nationalities and status, according to U.S. officials:

- Usama bin Laden (Saudi-Yemeni): unknown
- Ayman al-Zawahri, second-in-command (Egyptian): unknown
- Mohammed Atef, military commander (Egyptian): killed by airstrike

Terrorist and military operational chiefs:

- Abu Zubaydah (Palestinian-Saudi): captured
- Abd al-Rahim al-Nashiri, Persian Gulf operations chief (Saudi): unknown
- Abu Musab Zarqawi (Jordanian): fled to Iran from Afghanistan
- Abu Zubair al-Haili: unknown
- Tawfiq Attash Khallad (Yemeni): unknown
- Zaid Khayr: unknown
- Mohammad Salah (Egyptian): killed by airstrike
- Tariq Anwar al-Sayyid Ahmad (Egyptian): killed by airstrike

Bin Laden's security chiefs:

- Saif al-Adil (Egyptian): unknown
- Amin al-Haq (Afghan): unknown

Religious-legal scholarship:

- Abu Hafs the Mauritanian (Mauritanian): killed

Afghan training camp commanders:

- Abu Mohammad al-Masri, aka Abdullah Ahmed Abdullah (Egyptian): unknown
- Ibn Al-Shaykh al-Libi (Libyan): captured

ICE683

- Abd al-Hadi al-Iraqi: captured

Al Qaeda finances and logistics:

- Shaikh Saiid, aka Mustafa Ahmed al-Hisawi (Saudi): unknown

- Abu Jafar al-Jaziri: killed

- Abu Salah al-Yemeni: killed

- Abdul Rahim Riyadh: captured

- Ahmad Said al-Kadr (Egyptian-Canadian): unknown

- Hamza al-Qatari: killed

Public relations:

- Sulaiman Abu Ghaith (Kuwaiti): unknown

Weapons of mass destruction research:

- Midhat Mursi (Egyptian): unknown

Aides/other lieutenants:

- Abu Basir al-Yemeni (Yemeni): unknown

- Abd al-Aziz al-Jamal: unknown

- Bilal bin Marwan (Saudi): unknown

- Saqar al-Jadawi (Yemeni-Saudi): unknown

- Mohammad Omar Abdel-Rahman (Egyptian): unknown

- Ahmad Omar Abdel-Rahman (Egyptian): captured

Jobs at FOX News Channel. Internships at FOX News Channel.

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All market data delayed 20 minutes.

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Doc. #338

* * * TRANSMISSION RESULT REPORT (OCT. 6.2002 7:08PM) * * *

TTI

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
6.	7:03PM	COMPATIBLE	G-TS	4'54"	P. 9	OK		650

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1-: MIL STD MODE

\$: TRANSFER
@ : FORWARDING
F : FINE
G-: RICOH-MG3/COMPATIBLE MODE

P : POLLING
E : ECM
> : REDUCTION



FAX COVER SHEET

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE



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By: CSO/NSLD

COMMAND CENTER
OFFICE OF INTELLIGENCE
PHONE: 202/61 (b)(7)e
FAX: 202/305

TRANSMITTED TO:

Office: FBI - OIG

Attention: (b)(6), (b)(7)c per FBI

Phone #: _____

Fax #: _____

NUMBER OF PAGES TRANSMITTED: 7 + COVER

COMMENTS: Secret

ICE699