



United States Department of State

Washington, D.C. 20520

OCT 26 2011

Case No.: 201008464 DHS1

Ms. Amrit Singh
Open Society Justice Initiative
400 West 59th Street
New York, NY 10019

Dear Ms. Singh:

I refer to your request dated September 13, 2010 to the Department of Homeland Security, for the release of certain material under the Freedom of Information Act (Title 5 USC Section 552). Four of the relevant documents retrieved in response to your request originated with the Department of State. The fifth document was a foreign government document from the files of the DHS; all five were referred to us for appropriate action.

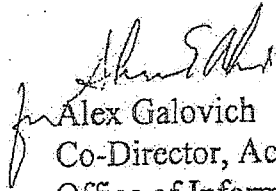
We have determined that three Department of State documents may be released in full and one in part. The foreign government document must be withheld in full. All released material is enclosed.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. For the one document withheld in full, we have cited exemption B1.

With respect to material withheld by the Department of State, you have the

right to appeal our determination within 60 days. A copy of the appeals procedures is enclosed.

Sincerely,



Alex Galovich
Co-Director, Acting
Office of Information Programs and Services

Enclosures:
As stated.

Doc. #126

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United States Department of State

Washington, D. C. 20520

RELEASED IN FULL



Stephen Rickard
Human Rights Executive Directors
Working Group
1120 19th Street, N.W., 8th Floor
Washington D.C. 20036


Dear Mr. Rickard:

Thank you for your letter of November 17, regarding the case of Mr. Maher Arar. I have been asked to reply on behalf of Secretary Powell.

Mr. Arar was detained in New York on September 26, 2002 by U.S. immigration and law enforcement authorities. He was subsequently refused entry into the United States (under Section 235C of the U.S. Immigration and Nationality Act) based on information in the possession of U.S. law enforcement officials linking him to terrorist activities. U.S. immigration law gives the Attorney General the discretion to deport an alien to the country in which he was born.

Your letter notes the Secretary's February 6, 2003 statement regarding assurances that detainees will not be tortured. Attorney General Ashcroft has publicly stated that the United States Government received appropriate assurances from Syrian officials prior to Mr. Arar's deportation. Further information on this would need to come from the Department of Justice.

Sincerely,


Terry A. Breese
Director
Office of Canadian

Refer to
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Doc. #134

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 RECEIPT DATE: 11/19/2003
 ORIG TIME: 14 28
 ORIG DATE: 11/19/2003
 CLASSIFICATION: UNCLASSIFIED
 DTG: 191428Z NOV 03
 HANDLE RESTRICT:
 SUBJECT: SYRIA: 2003 ANNUAL TERRORISM REPORT
 SOURCE ORG: STATE
 FROM: AMEMBASSY DAMASCUS
 PRECEDENCE: O
 SERIAL: CIR 316/09684-03
 TAGS: PTER, SY
 ADDRESSEES: CIA
 ADDRESSEES: STATE
 NOU_ADDRESSEES: ALL

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UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: SHARON E AHMAD
 DATE/CASE ID: 09 AUG 2011 201008464

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E.O. 12958: N/A
TAGS: PTER, SY
COMBINE: COMPLETE

SUBJECT: SYRIA: 2003 ANNUAL TERRORISM REPORT

REF: STATE 301352

1. FOLLOWING IS EMBASSY'S SUBMISSION FOR THE 2003 ANNUAL TERRORISM REPORT. RESPONSES ARE KEYED TO REFTEL.

(A) SYRIAN ACTIONS TO SUPPORT COALITION AGAINST TERRORISM/AL-QAIDA

LAW ENFORCEMENT: THE SYRIAN GOVERNMENT HAS REPEATEDLY AND PUBLICLY CONDEMNED TERRORISM, BUT CONTINUES TO DISTINGUISH BETWEEN TERRORISM AND WHAT IT CONSIDERS TO BE "LEGITIMATE" ARMED RESISTANCE TO OCCUPATION (SEE (E) BELOW). SYRIA CONTINUED LIMITED COOPERATION WITH THE US ON MATTERS RELATED TO AL-QAIDA AND OTHER TERRORIST ORGANIZATIONS AND INDIVIDUALS IN 2003. THE SARG ALSO COOPERATES WITH OTHER FOREIGN GOVERNMENTS ON COUNTERTERRORISM (MOSTLY LIMITED TO INFORMATION EXCHANGES) AND RELATED ISSUES SUCH AS ILLEGAL MIGRATION AND MONEY LAUNDERING. (SEE (E) BELOW).

TERRORIST ASSETS: THE SARG HAS TOLD US IT HAS LOOKED FOR, BUT FAILED TO FIND, ANY ASSETS OF TERRORIST ENTITIES IN THE SYRIAN FINANCIAL SYSTEM (SEE (J) BELOW).

CT LAWS: TO OUR KNOWLEDGE, NO NEW TERRORISM LEGISLATION WAS ENACTED BY THE SARG IN 2003.

CT TREATIES: SYRIA IS PARTY TO FOUR OF THE 12 INTERNATIONAL COUNTERTERRORISM CONVENTIONS. THE SARG TOOK NO ACTION IN 2003 ON RATIFYING THE REMAINING EIGHT.

(B) RESPONSE OF JUDICIAL SYSTEM TO ACTS OF INTERNATIONAL OR DOMESTIC TERRORISM

IN 2003, THE SARG PROSECUTED SUSPECTED AL-QAIDA OPERATIVE MAHER ARAR FOR "MAINTAINING TIES TO TERRORIST GROUPS," BUT THE PRESIDING JUDGE FOUND INSUFFICIENT EVIDENCE TO PROCEED WITH A TRIAL AND DISMISSED THE CASE. ARAR, A SYRIAN-CANADIAN DUAL NATIONAL, HAD BEEN IMPRISONED IN SYRIA SINCE BEING DEPORTED FROM THE US IN OCTOBER 2002. HE HAS RETURNED TO CANADA.

IN SPECIFIC INSTANCES IN 2003 WHEN THE EMBASSY PROVIDED INFORMATION ON POSSIBLE TERRORIST THREATS AGAINST AMERICAN CITIZENS OR FACILITIES, SYRIAN GOVERNMENT OFFICIALS RESPONDED APPROPRIATELY.

ICE 182

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(C) SYRIAN EXTRADITIONS

EMBASSY IS UNAWARE OF ANY SYRIAN EXTRADITION REQUESTS IN 2003. THE INTERNATIONAL PRESS HAS REPORTED THAT SYRIA IN 2002 REQUESTED THE EXTRADITION FROM MOROCCO OF SUSPECTED AL-QA'IDA OPERATIVE MOHAMMED ZAMMAR, WHO IS A DUAL GERMAN-SYRIAN NATIONAL. THERE IS NO EXTRADITION TREATY BETWEEN THE US AND SYRIA. SYRIAN OFFICIALS GIVE HIGH PRIORITY TO INVESTIGATING REPORTS OF POSSIBLE TERRORIST THREATS AGAINST US PERSONNEL AND FACILITIES IN SYRIA AND NEIGHBORING COUNTRIES.

(D) SIGNIFICANT IMPEDIMENTS TO PROSECUTION/EXTRADITION OF SUSPECTED TERRORISTS

POST IS UNAWARE OF ANY SIGNIFICANT LEGAL IMPEDIMENTS TO SYRIAN GOVERNMENT PROSECUTION OF TERRORISM. AS A MATTER OF POLICY, HOWEVER, SYRIA WOULD BE UNLIKELY TO PROSECUTE OR EXTRADITE SUSPECTED TERRORISTS FROM PALESTINIAN OR OTHER GROUPS WHICH RECEIVE SAFEHAVEN OR OTHER FORMS OF SUPPORT FROM THE SYRIAN GOVERNMENT.

(E) SYRIAN RESPONSES OTHER THAN PROSECUTION

SINCE SEPTEMBER 11, THE SYRIAN GOVERNMENT HAS REPEATEDLY AND PUBLICLY CONDEMNED TERRORISM, INCLUDING AND ESPECIALLY THAT EMANATING FROM AL-QA'IDA. IN 2003, FOR EXAMPLE, PRESIDENT ASAD DENOUNCED THE "HORRIBLE MASSACRE" OF THE AUGUST 30 NAJAF BOMBING, WHICH KILLED "LARGE NUMBERS OF INNOCENT IRAQI PEOPLE," AND, REITERATING SYRIA'S CONDEMNATION OF TERRORISM, EXPRESSED SYRIA'S "CARE TO SEE STABILITY AND SECURITY PREVAIL" IN IRAQ. THE SARG ALSO CONDEMNED, INTER ALIA, THE BOMBING OF THE MARIOTT HOTEL IN JAKARTA IN AUGUST, THE AL-QA'IDA ATTACKS AGAINST RESIDENTIAL COMPOUNDS IN SAUDI ARABIA IN MAY AND NOVEMBER, AND THE SYNAGOGUE BOMBINGS IN ISTANBUL IN NOVEMBER.

MINDFUL OF ITS OWN FIGHT AGAINST ISLAMIC EXTREMIST TERRORISM IN THE EARLY 1980'S, SYRIA HAS CONTINUED TO DISCOURAGE ANY SIGNS OF PUBLIC SUPPORT FOR AL-QA'IDA, INCLUDING IN THE MEDIA AND AT MOSQUES.

HOWEVER, SYRIAN OFFICIALS CONTINUE TO DISTINGUISH BETWEEN TERRORISM AND WHAT IT CONSIDERS TO BE "LEGITIMATE" ARMED RESISTANCE UNDERTAKEN BY PEOPLE LIVING IN OCCUPIED TERRITORIES FOR THE SAKE OF NATIONAL LIBERATION. FOR THIS REASON, SYRIA DOES NOT RECOGNIZE HIZBALLAH OR THE PALESTINIAN REJECTIONIST GROUPS AS TERRORIST ORGANIZATIONS, AND THUS REFUSES TO TAKE ACTIONS AGAINST THEM CONSONANT WITH THE ACTIONS IT HAS TAKEN AGAINST OTHER TERRORIST ORGANIZATIONS/INDIVIDUALS. SYRIA HAS ALSO NOT PUBLICLY CONDEMNED SUICIDE BOMBINGS AIMED AT ISRAELI CIVILIANS, WHICH IT SOMETIMES REFERS TO AS "MARTYR ATTACKS."

SYRIA HAS MODEST BILATERAL AGREEMENTS WITH A NUMBER OF FOREIGN GOVERNMENTS ON COUNTERTERRORISM, MOSTLY LIMITED TO INFORMATION EXCHANGES. FOR EXAMPLE, ITALY IN 2002 ESTABLISHED A COOPERATIVE AGREEMENT ALLOWING FOR INFORMATION EXCHANGES ON ILLEGAL MIGRATION AND MONEY LAUNDERING, AND IS WORKING WITH THE SARG TO EXPAND COOPERATION TO INCLUDE AN OPERATIONAL DIMENSION. RUSSIA AND SYRIA ARE ENGAGED IN "AD HOC" CT COOPERATION, WHICH RUSSIA HOPES TO FORMALIZE IN A COOPERATIVE AGREEMENT ON FIGHTING ORGANIZED CRIME AND INTERNATIONAL TERRORISM.

ICE 183

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GERMANY ALSO COOPERATES INFORMALLY ON COUNTERTERRORISM MATTERS WITH SYRIAN AUTHORITIES. SYRIA ALSO HAS ANTI-TERRORISM AGREEMENTS WITH TURKEY AND THE ARAB LEAGUE STATES.

(F) COUNTERTERRORISM EFFORTS UNDERTAKEN IN 2003

IN 2003, THE SYRIAN GOVERNMENT CONTINUED TO RESPOND APPROPRIATELY WHEN PRESENTED WITH SPECIFIC INFORMATION INDICATING POSSIBLE IMMINENT TERRORIST ACTS DIRECTED AGAINST US INTERESTS AND PERSONNEL IN SYRIA AND ABROAD. SYRIA HAS BEEN RESPONSIVE WHEN THE EMBASSY HAS RAISED US SECURITY CONCERNS. IN THE LEAD-UP TO OPERATION IRAQI FREEDOM AND UP TO THE PRESENT TIME, FOREIGN MINISTER SHARA ASSURED THE AMBASSADOR AND THE CHARGE D'AFFAIRES SEPARATELY THAT THE SARG WAS COMMITTED TO PROTECTING EMBASSY PERSONNEL AND FACILITIES AND TO SAFEGUARDING AMERICAN CITIZENS IN SYRIA; DURING THE WAR, SYRIAN AUTHORITIES TOOK EFFECTIVE ACTION TO ENSURE SECURITY.

ACTING IN THEIR OWN INTEREST AS WELL IN RESPONSE TO US CONCERNS ABOUT FOREIGN FIGHTERS INFILTRATING INTO IRAQ VIA SYRIA, THE SARG HAS TAKEN MEASURES TO IMPROVE SECURITY ALONG ITS BORDER WITH IRAQ. SARG OFFICIALS CLAIM THAT THEY ARE DOING THEIR BEST, BUT THAT THE 600-KM BORDER IS LONG, POROUS AND DIFFICULT TO CONTROL. THE SYRIAN MILITARY HAS BEEN FULLY COOPERATIVE WITH DAO REQUESTS TO INSPECT THE BORDER.

(G) SYRIAN SUPPORT FOR INTERNATIONAL TERRORISM

SYRIA CONTINUES TO PROVIDE SAFEHAVEN, POLITICAL SUPPORT AND LIMITED MATERIAL ASSISTANCE TO A NUMBER OF PALESTINIAN GROUPS, INCLUDING ALLOWING THEM TO MAINTAIN HEADQUARTERS OR OFFICES IN DAMASCUS. SOME OF THESE GROUPS DIRECT AND SUPPORT TERRORIST ATTACKS IN ISRAEL AND THE OCCUPIED TERRITORIES. IN MAY, RESPONDING TO US CONCERNS, THE SARG ANNOUNCED THAT THESE REJECTIONIST GROUPS HAD "VOLUNTARILY" CLOSED THEIR DAMASCUS OFFICES. ALTHOUGH THEY HAVE SEARPLY REDUCED THEIR PUBLIC PROFILES AND CEASED THEIR MEDIA ACTIVITIES, SOME OF THESE OFFICES CONTINUE TO ENGAGE IN FACILITATIVE ACTIVITIES, SUCH AS PROVIDING ADVICE AND FINANCING FOR TERRORIST OPERATIONS IN ISRAEL AND THE OCCUPIED TERRITORIES. BEFORE THEIR "CLOSURE," THE SYRIAN GOVERNMENT DISINGENUOUSLY INSISTED THAT THE OFFICES UNDERTOOK ONLY POLITICAL AND INFORMATIONAL ACTIVITIES; THIS CONTINUES TO BE THE OFFICIAL SARG LINE. THE MOST NOTABLE PALESTINIAN REJECTIONIST GROUPS IN SYRIA ARE THE POPULAR FRONT FOR THE LIBERATION OF PALESTINE (PFLP), THE POPULAR FRONT FOR THE LIBERATION OF PALESTINE - GENERAL COMMAND (PFLP-GC), PALESTINE ISLAMIC JIHAD (PIJ), AND THE ISLAMIC RESISTANCE MOVEMENT (HAMAS). THE DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE (DFLP) IS ALSO HEADQUARTERED IN DAMASCUS, ALONG WITH A HANDFUL OF LARGELY DEFUNCT SPLITTER GROUPS WHICH OPPOSED THE OSLO PEACE ACCORDS. THE DFLP AND OTHER SMALLER GROUPS ARE NOT DESIGNATED FOREIGN TERRORIST GROUPS.

IN 2003, SYRIA ALSO CONTINUED TO PERMIT THE OCCASIONAL IRANIAN RESUPPLY, VIA SYRIAN TERRITORY, OF HIZBALLAH IN LEBANON.

SYRIA HAS TAKEN A LEAD ROLE IN ARAB AND ISLAMIC FORA TO FORMULATE A UNIFIED ARAB/MUSLIM POSITION THAT PALESTINIAN AND LEBANESE GROUPS FIGHTING ISRAELI OCCUPATION ARE NOT

ICE 184

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TERRORISTS, AND HAS USED ITS SEAT IN THE UN SECURITY COUNCIL (WHICH IT RELINQUISHES AT THE END OF THE YEAR) AS A PLATFORM TO ENCOURAGE INTERNATIONAL SUPPORT FOR PALESTINIAN NATIONAL ASPIRATIONS AND DENOUNCE ISRAELI ACTIONS IN THE PALESTINIAN TERRITORIES AS "STATE TERRORISM."

(H) SYRIAN PUBLIC STATEMENTS

AS NOTED IN (E) ABOVE, SYRIA'S OFFICIAL MEDIA DURING 2003 REPEATEDLY CONDEMNED INTERNATIONAL TERRORISM, PARTICULARLY AL-QA'IDA. HOWEVER, THE SYRIAN PRESS CONTINUED TO LEGITIMIZE PALESTINIAN REJECTIONIST AND HIZBALLAH TERRORISM AS ACCEPTABLE ARMED RESISTANCE UNDERTAKEN BY PEOPLE LIVING IN OCCUPIED TERRITORIES FOR THE SAKE OF NATIONAL LIBERATION. SYRIA ALSO CONSIDERS THE EXCESSIVE USE OF FORCE BY "ISRAELI OCCUPATION FORCES," PARTICULARLY WHEN IT OCCURS IN CIVILIAN AREAS, AS "STATE TERRORISM" TO WHICH ARMED OPPOSITION IS A VALID RESPONSE. THE SYRIAN PRESS ALSO SOMETIMES REFERS TO PALESTINIAN SUICIDE ATTACKS AGAINST ISRAELIS AS "MARTYR ATTACKS."

SYRIAN OFFICIALS PRAISE AND THE SYRIAN MEDIA REGULARLY SHOWCASES IRANIAN SUPPORT FOR THE PALESTINIAN INTIFADA AND THE LEBANESE RESISTANCE. SYRIAN PUBLIC STATEMENTS REGARDING NORTH KOREA ARE LESS FREQUENT BUT ALSO SUPPORTIVE, REAFFIRMING BILATERAL TIES AND COOPERATION.

(I) SIGNIFICANT CHANGES SINCE 2002

NO CHANGE: SYRIA REGULARLY CONDEMNS TERRORISM, BUT STILL DISTINGUISHES BETWEEN TERRORISM AND "LEGITIMATE" ARMED RESISTANCE TO OCCUPATION. THE SARG INSISTS THAT THE DAMASCUS OFFICES OF THE PALESTINIAN REJECTIONIST GROUPS IT HOSTS ARE CLOSED.

(J) US COUNTERTERRORISM EFFORTS AND INITIATIVES WITH SYRIA

SENIOR US OFFICIALS HAVE RAISED COUNTERTERRORISM ISSUES WITH SYRIAN OFFICIALS ON VARIOUS OCCASIONS, INCLUDING DURING SECRETARY POWELL'S VISIT TO DAMASCUS IN MAY. FOLLOWING THE SEPTEMBER 11 ATTACKS, THE SARG PROVIDED TANGIBLE AND BENEFICIAL CT COOPERATION, IN PARTICULAR WITH RESPECT TO INFORMATION-SHARING. HOWEVER, THE SARG HAS REFUSED TO COOPERATE IN CT EFFORTS AGAINST PALESTINIAN AND LEBANESE GROUPS WHICH IT CONSIDERS TO BE ENGAGED IN LEGITIMATE RESISTANCE OF ILLEGAL OCCUPATION.

THE SARG HAS COMPLIED WITH US REQUESTS THAT IT LOOK FOR, AND BLOCK, TERRORIST ASSETS IN THE SYRIAN FINANCIAL SYSTEM, BUT REPORTED BACK THAT NO SUCH ASSETS WERE FOUND. THE SARG MAINTAINS THAT AL-QA'IDA-AFFILIATED ORGANIZATIONS AND INDIVIDUALS DO NOT AND CANNOT HAVE ASSETS IN SYRIA. SYRIA HAS NOT TAKEN ACTION TO FREEZE THE ASSETS OF HIZBALLAH OR PALESTINIAN REJECTIONIST GROUPS BECAUSE IT DOES NOT CONSIDER THESE TO BE TERRORIST ORGANIZATIONS (SEE (G) ABOVE). GIVEN THAT SYRIA DOES NOT YET HAVE A FUNCTIONING PRIVATE BANKING SYSTEM, IT IS NOT LIKELY THAT ANY GROUP WOULD KEEP ITS ASSETS THERE.

(K) US-SYRIAN COOPERATION:

- (1) IN INVESTIGATING/PROSECUTING ACTS OF TERRORISM AGAINST US CITIZENS OR INTERESTS

FOLLOWING THE SEPTEMBER 11, 2001, TERRORIST ATTACKS AND THE

ICE 185

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AL-KHOBAR TOWERS BOMBING IN SAUDI ARABIA IN 1996, THE UNITED STATES GOVERNMENT ASKED SYRIA TO COOPERATE WITH INTERNATIONAL EFFORTS TO IDENTIFY AND BRING TO JUSTICE THOSE RESPONSIBLE. THE SARG AGREED, AND HAS COOPERATED (PRIMARILY IN TERMS OF INFORMATION SHARING) WITH THE US AND OTHERS IN BOTH INVESTIGATIONS.

(II) IN PREVENTING ACTS OF TERRORISM IN SYRIA

THE SYRIAN GOVERNMENT SEEKS TO MAINTAIN STRICT SECURITY WITHIN ITS TERRITORY. THIS EXTENDS TO THE PREVENTION OF TERRORIST ACTS AGAINST CITIZENS OF THE UNITED STATES. IN 2003, THE SARG RESPONDED APPROPRIATELY WHEN NOTIFIED OF SPECIFIC INSTANCES OF TERRORIST THREATS AGAINST US FACILITIES AND PERSONNEL. THERE WERE INSTANCES, HOWEVER, WHEN SYRIAN AUTHORITIES DID NOT SHARE THREAT INFORMATION WITH THE EMBASSY UNTIL THE THREATS WERE RESOLVED.

(L) US-SYRIAN COOPERATION IN PREVENTING ACTS OF TERRORISM AGAINST US CITIZENS OR INTERESTS IN SYRIA

IN RECENT YEARS, THE UNITED STATES HAS SOUGHT THE COOPERATION OF THE SYRIAN GOVERNMENT IN PREVENTING POSSIBLE TERRORIST ATTACKS AGAINST AMERICAN CITIZENS OR INTERESTS IN SYRIA AND ELSEWHERE. THE SYRIAN GOVERNMENT HAS ASSURED US REPEATEDLY THAT, AS A MATTER OF POLICY, IT WILL TAKE EVERY POSSIBLE MEASURE TO PROTECT US CITIZENS AND FACILITIES FROM TERRORIST ACTIVITY IN SYRIA. IN TIMES OF INCREASED THREAT LEVELS, THE SARG HAS INCREASED POLICE PROTECTION AROUND THE EMBASSY AND AMERICAN RESIDENCES; DESPITE INCREASED TENSION IN THE BILATERAL RELATIONSHIP, SYRIAN AUTHORITIES PROVIDED EFFECTIVE SECURITY TO EMBASSY PERSONNEL AND FACILITIES DURING OPERATION IRAQI FREEDOM. DURING THE PAST FIVE YEARS, THERE HAVE BEEN NO ACTS OF TERRORISM AGAINST AMERICAN TARGETS WITHIN SYRIAN TERRITORY.
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SUBJECT: COMMUNICATION FROM SPECIAL RAPPORTEUR ON TORTURE: CASE OF MAHER ARAR
SOURCE_ORG: STATE
FROM: USMISSION GENEVA
PRECEDENCE: R
SERIAL:
TAGS: PHUM, DNHRC-1
ADDRESSEES: CIA
ADDRESSEES: STATE
MOU_ADDRESSEES: ALL

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FM USMISSION GENEVA
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UNITED STATES DEPARTMENT OF STATE
CLASSIFIED BY DEPT. OF STATE, M. GRAFELD, DAS, A/GIS
REVIEW AUTHORITY: SHARON E AHMAD
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)
DECLASSIFY AFTER: 3 DEC 2023
DATE/CASE ID: 07 SEP 2011 201008464

TO RUEHC/SECSTATE WASHDC B164
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##Begin DISSEM2##

INFO RUCNDT/USMISSION USUN NEW YORK 3358

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ICE 187

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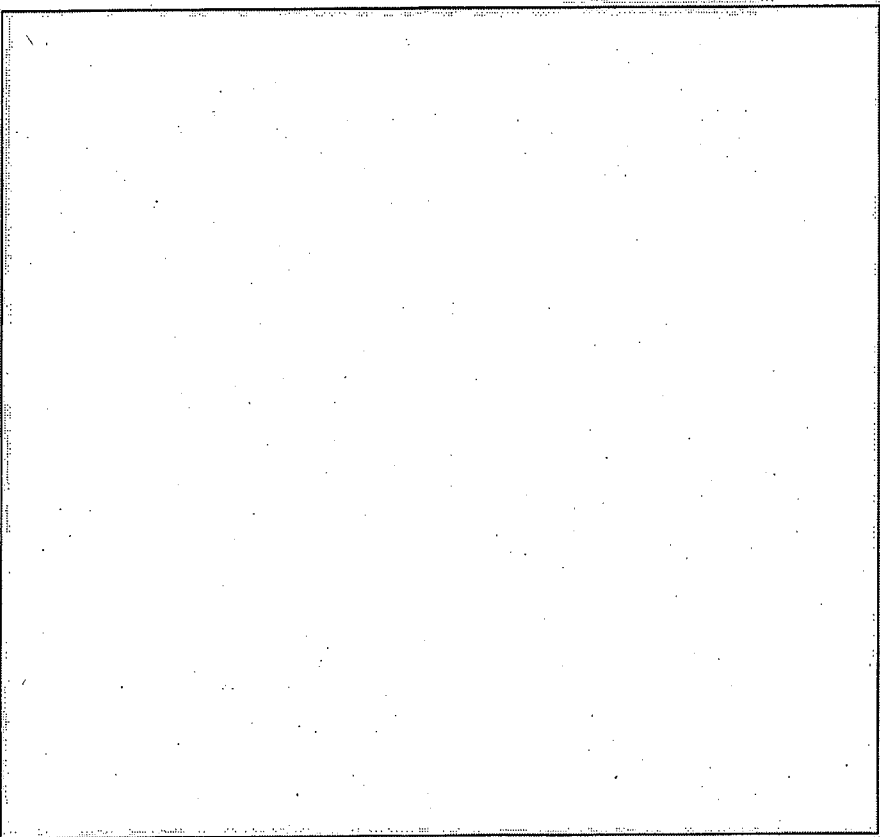
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TAGS: PHUM, UNHRC-1
COMBINE: COMPLETE

SUBJECT: COMMUNICATION FROM SPECIAL RAPPORTEUR ON TORTURE;
CASE OF MAHER ARAR

REF: GENEVA 3499

SENSITIVE BUT UNCLASSIFIED. HANDLE ACCORDINGLY. NOT FOR
INTERNET POSTING.

1. THIS IS AN ACTION REQUEST. SEE PARAGRAPH 4.
2. MISSION HAS RECEIVED A LETTER FROM SPECIAL RAPPORTEUR OF
THE COMMISSION ON HUMAN RIGHTS ON ALLEGED CASE OF TORTURE
AGAINST CANADIAN CITIZEN MAHER ARAR.
3. BEGIN TEXT OF LETTER.



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ICE 188

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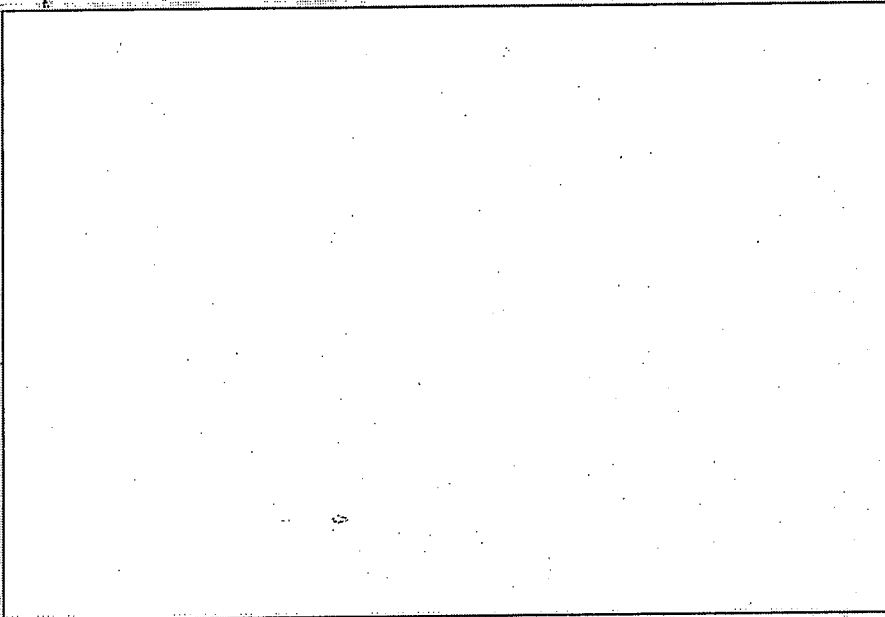
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END OF TEXT.

4. (SBU) ACTION REQUEST: THEO VAN BOVEN IS ONE OF THE MORE SERIOUS CHR SPECIAL RAPPOORTEURS WHO HAS BEEN CAREFUL NOT TO POLITICIZE HIS MANDATE. IN THAT REGARD, MISSION RECOMMENDS REPLYING AS SOON AS POSSIBLE TO THIS COMMUNICATION AND THE ONE REPORTED REFTEL IN WHICH VAN BOVEN REQUESTED A RESPONSE BY NOVEMBER 28. END ACTION REQUEST.

5. MISSION WILL FAX COPY OF THE LETTER TO IO/SHA, ATTENTION THOMAS JOHNSON.
MOLEY

##Begin Adm##
END OF MESSAGE

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##End Adm##

##End Body##

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Foreign Terrorist Organizations

<http://www.state.gov/cv/fts/2002/12389.htm>



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Fact Sheet
Office of Counterterrorism
Washington, DC
August 9, 2002



Foreign Terrorist Organizations

Foreign Terrorist Organizations are foreign organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (INA), as amended. FTO designations play a critical role in our fight against terrorism and are an effective means of curtailing support for terrorist activities and pressuring groups to get out of the terrorism business.

Identification

The Office of the Coordinator for Counterterrorism in the State Department (S/CT) continually monitors the activities of terrorist groups active around the world to identify potential targets for designation. When reviewing potential targets, S/CT looks not only at the actual terrorist attacks that a group has carried out, but also at whether the group has engaged in planning and preparations for possible future acts of terrorism or retains the capability and intent to carry out such acts.

Designation

Once a target is identified, S/CT prepares a detailed "administrative record," which is a compilation of information, typically including both classified and open sources information, demonstrating that the statutory criteria for designation have been satisfied. If the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury, decides to make the designation, Congress is notified of the Secretary's intent to designate the organization and given seven days to review the designation, as the INA requires. Upon the expiration of the seven-day waiting period, notice of the designation is published in the *Federal Register*, at which point the designation takes effect. An organization designated as an FTO may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit not later than 30 days after the designation is published in the *Federal Register*.

FTO designations expire automatically after two years, but the Secretary of State may redesignate an organization for additional two-year period(s), upon a finding that the statutory criteria continue to be met. The procedural requirements for designating an organization as an FTO also apply to any redesignation of that organization. The Secretary of State may revoke a designation or redesignation at any time upon a finding that the circumstances that were the basis for the designation or redesignation have changed in such a manner as to warrant revocation, or that the national security of the United States warrants a revocation. The same procedural requirements apply to revocations made by the Secretary of State as apply to designations or redesignations. A designation may also be revoked by an Act of Congress, or set aside by a Court order.

Legal Criteria for Designation

(Reflecting Amendments to Section 219 of the INA in the USA PATRIOT Act of 2001)

1. It must be a *foreign organization*.
2. The organization must *engage in terrorist activity*, as defined in section 212 (a)(3)(B) of the INA (8 U.S.C. § 1182(a)(3)(B)), *or terrorism*, as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. § 2655f(d)(2)), *or retain the capability and intent to engage in terrorist activity or terrorism*.
3. The organization's terrorist activity or terrorism must threaten the security of U.S. nationals or the national security (national defense, foreign relations, or the economic interests) of the United States.

Legal Ramifications of Designation

1. It is unlawful for a person in the United States or subject to the jurisdiction of the United

1 of 4

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 09 AUG 2011 201008464

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Foreign Terrorist Organizations

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States to knowingly provide "material support or resources" to a designated FTO. (The term "material support or resources" is defined in 18 U.S.C. § 2339A(b) as "currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.")

2. Representatives and members of a designated FTO, if they are aliens, are inadmissible to and, in certain circumstances, removable from the United States (see 8 U.S.C. §§ 1182 (a)(3)(B)(i)(IV)-(V), 1227 (a)(1)(A)).
3. Any U.S. financial institution that becomes aware that it has possession of or control over funds in which a designated FTO or its agent has an interest must retain possession of or control over the funds and report this funds to the Office of Foreign Assets Control of the U.S. Department of the Treasury.

Other Effects of Designation

1. Supports our efforts to curb terrorism financing and to encourage other nations to do the same.
2. Stigmatizes and isolates designated terrorist organizations internationally.
3. Deters donations or contributions to and economic transactions with named organizations.
4. Heightens public awareness and knowledge of terrorist organizations.
5. Signals to other governments our concern about named organizations.

Background

- In October 1997, then-Secretary of State Madeleine K. Albright approved the designation of the first 30 groups as FTOs.
- In October 1999, Secretary Albright redesignated 27 of these groups as FTOs but determined that three organizations should not be redesignated.
- Secretary Albright designated one additional FTO in 1999 (al-Qa'ida) and another in 2000 (Islamic Movement of Uzbekistan).
- Secretary of State Colin L. Powell designated two additional FTOs (Real IRA and United Self-Defense Forces of Colombia) in 2001.
- In October 2001, Secretary Powell redesignated 25 of the 28 FTOs whose designations were due to expire, combining two previously designated groups (Kahane Chal and Kach) into one.
- Secretary Powell has designated five additional FTOs (Al-Aqsa Martyrs Brigade, Asbat al-Ansar, Jaish-e-Mohammed, Lashkar-e Tayyiba and Salafist Group for Call and Combat) between October 2001 and July 2002.

Current List of Designated Foreign Terrorist Organizations (as of August 2002)

1. Abu Nidal Organization (ANO)
2. Abu Sayyaf Group
3. Al-Aqsa Martyrs Brigade
4. Armed Islamic Group (GIA)
5. Asbat al-Ansar
6. Aum Shinrikyo
7. Basque Fatherland and Liberty (ETA)
8. Gama'a al-Islamiyya (Islamic Group)
9. HAMAS (Islamic Resistance Movement)
10. Harakat ul-Mujahidin (HUM)
11. Hizballah (Party of God)
12. Islamic Movement of Uzbekistan (IMU)
13. Jaish-e-Mohammed (JEM) (Army of Mohammed)
14. al-Jihad (Egyptian Islamic Jihad)
15. Kahane Chal (Kach)
16. Kurdistan Workers' Party (PKK)
17. Lashkar-e Tayyiba (LT) (Army of the Righteous)
18. Liberation Tigers of Tamil Eelam (LTTE)
19. Mujahedin-e Khalq Organization (MEK)
20. National Liberation Army (ELN)
21. Palestinian Islamic Jihad (PIJ)
22. Palestine Liberation Front (PLF)
23. Popular Front for the Liberation of Palestine (PFLP)
24. PFLP-General Command (PFLP-GC)
25. al-Qa'ida
26. Real IRA

9/30/2002 4:24 PM

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27. Revolutionary Armed Forces of Colombia (FARC)
28. Revolutionary Nuclei (formerly ELA)
29. Revolutionary Organization 17 November
30. Revolutionary People's Liberation Army/Front (DHKP/C)
31. Salafist Group for Call and Combat (GSPC)
32. Shining Path (Sendero Luminoso, SL)
33. United Self-Defense Forces of Colombia (AUC)
34. Communist Party of the Philippines/New People's Army (CPP/NPA)

* Section 212(a)(3)(B) of the INA defines "terrorist activity" to mean: "any activity which is unlawful under the laws of the place where it is committed (or which, if committed in the United States, would be unlawful under the laws of the United States or any State) and which involves any of the following:

- (i) The hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).
- (ii) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.
- (iii) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such a person.
- (iv) An assassination.
- (v) The use of any--
 - (a) biological agent, chemical agent, or nuclear weapon or device, or
 - (b) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.
- (vi) A threat, attempt, or conspiracy to do any of the foregoing.

Other pertinent portions of section 212(a)(3)(B) are set forth below:

(iv) Engage in Terrorist Activity Defined

As used in this chapter [chapter 8 of the INA], the term "engage in terrorist activity" means in an individual capacity or as a member of an organization--

1. to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;
2. to prepare or plan a terrorist activity;
3. to gather information on potential targets for terrorist activity;
4. to solicit funds or other things of value for--

(aa) a terrorist activity;

(bb) a terrorist organization described in clause (vi)(i) or (vi)(ii); or

(cc) a terrorist organization described in clause (vi)(iii), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;

to solicit any individual--

(aa) to engage in conduct otherwise described in this clause;

(bb) for membership in terrorist organization described in clause (vi)(i) or

(vi)(ii); or

(cc) for membership in a terrorist organization described in clause (vi)(iii), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or

- ii. to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false

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documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

(aa) for the commission of a terrorist activity;

(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

(cc) to a terrorist organization described in clause (vi)(i) or (vi)(ii); or

(dd) to a terrorist organization described in clause (vi)(iii), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that that this clause should not apply."

(v) Representative Defined

As used in this paragraph, the term "representative" includes an officer, official, or spokesman of an organization, and any person who directs, counsels, commands, or induces an organization or its members to engage in terrorist activity.

Terrorist Organization Defined

As used in clause (i)(vi) and clause (iv), the term "terrorist organization" means an organization—

- I. designated under section 219 (8 U.S.C. § 1189);
- II. otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that the organization engages in the activities described in subclause (i), (ii), or (iii) of clause (iv); or that the organization provides material support to further terrorist activity; or
- III. that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (i), (ii), or (iii) of clause (iv).

** Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 defines "terrorism" as "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents."

[End]

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