

OIG-08-18 Work Papers

**Doc. #5**

~~SECRET~~



DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF INSPECTOR GENERAL

FACSIMILE TRANSMITTAL SHEET

TO: [REDACTED]	FROM: [REDACTED] b6
COMPANY: FBI	DATE: 4/28/2004
FAX NUMBER: 202-324-[REDACTED]	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: 202-324-[REDACTED]	RE:

b6, 7C

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY

NOTES/COMMENTS:

REQUEST FOR INFORMATION

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[REDACTED]  
202 254 [REDACTED]

(UNCLASSIFIED WHEN SEPARATED  
FROM CLASSIFIED ENCLOSURE)

~~SECRET~~



**SECRET**

**DEPARTMENT OF HOMELAND SECURITY**

Office of Inspector General  
Washington, DC 20528

April 27, 2004

MEMORANDUM

b6, 7C

TO: [REDACTED]  
Acting Unit Chief, Counter Terrorism Law II  
Office of General Counsel  
Federal Bureau of Investigation

FROM: *Robert L. Ashbaugh*  
Robert L. Ashbaugh  
Assistant Inspector General for Inspection, Evaluations, and Special  
Reviews

SUBJECT: (S) [REDACTED]

(U) The Department of Homeland Security (DHS) Office of Inspector General is reviewing the case of Mr. Maher Arar. Mr. Arar was detained by Immigration and Naturalization Service authorities in New York in September 2002 and later removed to Syria. Mr. Arar has since returned to Canada and has alleged that he was tortured while in Syria.

b1, 5

(S) [REDACTED]

(S) [REDACTED]

(S) [REDACTED]

**SECRET**

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(U) We do not require copies of the information. We will review relevant documents at your location and take notes as appropriate.

(U) Prior to release of the draft report, we will provide FBI with the opportunity to review our report to ensure that we have not inadvertently included classified information or sensitive information that should not be released to the general public.

b6

(U) If you have any questions concerning this request, please contact me at (202) 254-4100, or [REDACTED] at (202) 254-[REDACTED]. We look forward to working with you and your staff.

Classified by: Director  
Federal Bureau of Investigation  
Reason: 1.5 (b), (c), and (d)  
Declassify on: May 1, 2014

**SECRET**

**Doc. #6**

Ruby & Edwardh  
barristers

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2

Telephone 416 964-9664  
Facsimile 416 964-8305

April 7, 2004

Clayton Ruby  
Marlys Edwardh  
Delmar Doucette  
Richard Litkowski  
John Norris  
Jill Copeland  
Breese Davies

Mr. Clark Kent Irvin  
Inspector General  
Department of Homeland Security  
Office of Inspector General  
Washington, DC 20528  
USA

Dear Mr. Irvin:

Re: Maher Arar

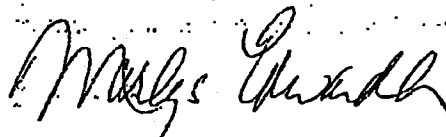
I am an attorney representing Mr. Maher Arar, a dual citizen of Canada and Syria, who I understand is the subject of a review being undertaken by your office in order to evaluate how US Immigration Officials arrived at their decision to send him to Syria. I also understand that you will examine general policies used by US Immigration Officials to determine where to send non-immigrants who are removed. We are very anxious that this review be fulsome and I am instructed to inform you that Mr. Arar would be pleased to make himself available to you for an interview should that be of assistance to your evaluation. Given the circumstances of Mr. Arar's deportation from the United States, it is obvious that any such interview would have to take place either on the telephone or in Canada. In any event, I want you to know that he is available, should you find this useful.

I might also add that this offer is being made with the concurrence and support of the Centre for Constitutional Rights who are acting for Mr. Arar in respect of a lawsuit that has been filed in the United States.

We would be most interested if you could tell us what the time line of your review is and when you expect it to be complete. Further, it would be of great interest to us to know whether or not the report prepared will be public.

I trust this information is of assistance.

Yours very truly,



Marlys Edwardh

ME

ME [redacted]  
P.04 202 305 9744

2023059744

RECEIVED

APR 14 2004 10:10 AM

[REDACTED]  
DRAFT DRAFT

DRAFT

Hurry!!  
Please Review!!

Thank you for your letter of April 7, 2004, regarding Maher Arar, addressed to Clark Kent Ervin [sic Irvin]. Your letter was referred to U.S. Immigration and Customs Enforcement (ICE), within the Department of Homeland Security (DHS), for a response. I apologize for the delay in responding.

In your letter you asked about the time frame for a release of information concerning the investigation of events regarding Mr. Arar's deportation. As you may know, a review of this matter is in progress by the DHS Office of the Inspector General (OIG). When completed, the report will be available to the general public by accessing the DHS OIG Web site #####. You are encouraged to visit the Web site periodically to check on the status of this report.

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Sincerely,

[REDACTED]

ICE Office of Detention and Removal Operations

THANKS!

[REDACTED]  
ICE  
phone [REDACTED]

Fyd, [REDACTED]!



**Doc. #7**

UNCLASSIFIED

Project #: ISP-\_\_-2004  
Review of the Removal of a Canadian Citizen to Syria

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A: Administrative

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**UNCLASSIFIED**

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A1		

**UNCLASSIFIED**

**Doc. #8**



DEPARTMENT OF HOMELAND SECURITY

Office of Inspector General  
Washington, DC 20528

ISP- -2004  
Bunder A  
Tab 2

January 9, 2004

MEMORANDUM

TO: Michael J. Garcia, Assistant Secretary  
Bureau of Immigration and Customs Enforcement

FROM: Clark Kent Ervin, Inspector General *in*

SUBJECT: Removal of Immigration Detainee to Syria

In response to a Congressional inquiry, the Office of Inspector General is initiating a review of an incident involving Mr. Maher Arar, a citizen of Syria and Canada. Mr. Arar was detained by Immigration and Naturalization Service authorities in New York in September 2002, and was later removed to Syria. Mr. Arar has since returned to Canada and has alleged that he was tortured while in Syrian custody.

Our objective is to evaluate how U.S. immigration officials arrived at their decision to send Mr. Arar to Syria. We will also examine general policies used by U.S. immigration officials to determine where to send non-immigrants who are removed.

We plan to begin fieldwork this month in the Washington, D.C. area and field locations to be determined.

If you have any questions concerning this inspection, please call me, or ask your staff to contact Robert Ashbaugh, Assistant Inspector General for Inspections, Evaluations, and Special Reviews, at (202) 254-4100, or [redacted] at (202) 254-[redacted]. We look forward to working with you and your staff.

Cc: [redacted]  
Audit Liaison  
Department of Homeland Security

[redacted] Liaison

[redacted] Liaison

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**Doc. #9**

REVIEW PROPOSAL

ISP-\_\_\_\_-2004  
Binder A  
Tab 3

**Review of the Removal of Immigration Detainee Maher Arar to Syria by the Immigration and Naturalization Service**

**Purpose**

This review will evaluate the decision by the Immigration and Naturalization Service (INS) to remove Maher Arar, a citizen of Syria and Canada, to Syria. Mr. Arar, initially detained by INS authorities in New York in September 2002, has since returned to Canada and has alleged that he was tortured while in Syrian custody.

We will also examine the INS policies in effect at the time that governed to which countries nonimmigrant aliens are removed.

**Scope and Methodology**

The review, requested by Rep. John Conyers, Jr. (D-MI), Ranking Member of the House Committee on the Judiciary, will focus on the INS's role in sending Mr. Arar to Syria as opposed to Canada. Rep. Conyers posed five questions to DHS/OIG and the Attorney General, of which two are in the current purview of DHS/OIG. Therefore, we will principally determine [REDACTED]. In addition, the INS policies for determining country of destination for aliens subject to removal will have been effective during Mr. Arar's initial detention and removal – September and October, 2002.

We will conduct interviews and review data and documents in Washington, D.C., and will visit the port of entry at John F. Kennedy International Airport in New York, where the INS initially detained Mr. Arar. For review background, we will develop a timeline from Mr. Arar's initial detention to his eventual return to Canada. We will use [REDACTED]

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To develop our findings, we will interview, [REDACTED]

We will review the following documents: [REDACTED]

## REVIEW PROPOSAL

### Background

Maher Arar was born in Syria in 1970 and immigrated to Canada in 1987. According to news reports, he earned bachelor's and master's degrees in computer engineering and worked in Ottawa as a telecommunications engineer. His wife Monia Mazigh has a doctoral degree in mathematics; Mr. Arar and his wife have a young son and daughter.

Mr. Arar was detained by the INS at JFK International Airport on September 26, 2002, while he was returning alone to Montreal from a family vacation in Tunisia, on the Mediterranean. A citizen of Canada and Syria, he was carrying a Canadian passport. According to news reports, U.S. officials alleged that Mr. Arar had connections to al-Qaeda and he was consequently detained and questioned.

According to media reports, Deputy Attorney General Larry Thompson issued an order on October 7, 2002, for Mr. Arar's deportation on national security grounds (an "extraordinary rendition"). At some point between September 26, and October 7, 2002, the INS adjudicated Mr. Arar to be an "expedited removal" case. The media also reported that on October 8, 2002, Mr. Arar was flown from New York to Washington, D.C. where a "special removal unit" boarded the plane. This unit accompanied Mr. Arar to Amman, Jordan, arriving on the morning of October 9, 2002. According to Mr. Arar's statement, he was turned over to Jordanian officials who blindfolded him and put him in a van and beat him while taking him to a building where he was fingerprinted and questioned. He was then put in another car and driven to what Mr. Arar thought was the Syrian border. He switched cars and was taken to what he was told was the Palestine branch of Syrian military intelligence.

On October 22, 2002, the Canadian Foreign Affairs Department stated that Mr. Arar was being held in a Syrian prison. Although we obtained conflicting information, this is where Mr. Arar remained for over ten months until his release. Alternately, there are suggestions that Mr. Arar was detained and interrogated at a Central Intelligence Agency facility in Jordan for 12 days before being transported to Syria.

The Syrian Government informed Canada on April 30, 2002, that it would charge Mr. Arar with membership in a banned Muslim organization, the Muslim Brotherhood of Syria. Mr. Arar was eventually released by Syria on October 5, 2003, almost a year after he was removed to Syria from the United States, and arrived in Montreal on October 6, 2003.

### Objectives

- b5
1. [REDACTED]?
  2. Did INS's decision to remove Mr. Arar to Syria comply with all relevant laws, regulations, and policies?

### Significant Limitations



## REVIEW PROPOSAL

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We will not assess [REDACTED], nor will we seek to v [REDACTED]. In addition, we will not evaluate [REDACTED]. We will not pursue [REDACTED].

### Other Reviews Relating to the Matter of Maher Arar

The Department of Justice's Office of the Inspector General has declined to pursue any related inquiry.

### Staff and Time Required

Activity	Staff	Time (Weeks)
Washington, D.C. interviews and data collection	2	1
New York/JFK site visit	2	0.5
Data analysis	2	1
Follow up data requests and interviews	2	1
Report writing	2	2

05070121

**U.S. Department of Homeland Security**

**Entrance Conference: OIG Review of the Removal of Immigration Detainee to Syria**  
**February 3, 2004 • 1:00 p.m. • Room 3241- OMI Conf. Room**

Name	Org.	Tel. Number	FAX Number	E-Mail Address
Management Inspections	OIA-ICE	[REDACTED]	[REDACTED]	[REDACTED]
ICE	OIA-ICE	[REDACTED]	[REDACTED]	[REDACTED]
Lawyer	DHS-ICE Prin. Lgl. Adv.	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	DHS-ICE Investigations	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	DHS-ICE NSU	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	DHS-ICE Intelligence	[REDACTED]	[REDACTED]	[REDACTED]
Deportation Officer	DHS-ICE DRO	[REDACTED]	[REDACTED]	[REDACTED]
BTS Liaison	DHS-BTS	[REDACTED]	[REDACTED]	[REDACTED]
Robert Ashbaugh AIG for Inspections, Evaluations	DHS-OIG	202-254-4100	[REDACTED]	Robert.Ashbaugh@dhs.gov
[REDACTED]	DHS OIG	[REDACTED]	[REDACTED]	[REDACTED]
Team Lead	DHS-OIG	[REDACTED]	[REDACTED]	[REDACTED]
INSPECTOR	DHS-OIG	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	DHS-ICE	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	DHS-ICE	[REDACTED]	[REDACTED]	[REDACTED]

b5,6

**Doc. #10**

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ONE HUNDRED EIGHTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

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(202) 225-3951

<http://www.house.gov/judiciary>

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 LINDA T. SANCHEZ, California

*ISP - 2004*  
*Binder A*  
*T64*

December 16, 2003

The Honorable Clark Kent Ervin  
 Acting Inspector General  
 Department of Homeland Security  
 Washington, D.C. 20528

The Honorable John D. Ashcroft  
 Attorney General  
 U.S. Department of Justice  
 950 Pennsylvania Avenue, NW  
 Washington, D.C. 20530

Dear Mr. Inspector General and Mr. Attorney General,

I am writing to request that the Inspector General's and Attorney General's office investigate your departments' rendition of Maher Arar to Syria in October of 2002. Recent reports indicate that the Immigration and Naturalization Service, the Central Intelligence Agency and the Attorney General arranged for Mr. Arar to be delivered into the hands of Syrian intelligence officials who are renowned for their use of torture against prisoners.

Mr. Arar is a citizen of both Syria and Canada, and has lived in the latter for the past 15 years. On September 26, 2002, the INS detained Mr. Arar while he was changing planes at John F. Kennedy airport. He was subsequently interrogated, and when he did not divulge any terror-related information, he was shipped to Syria. While then-acting Attorney General Larry D. Thompson could have returned Mr. Arar to his home in Canada, or in fact any other country that does not practice torture, Mr. Thompson chose to deport him to a country notorious for its abuse of human rights. Because Mr. Arar no longer has any ties to Syria, the only reason for doing so could have been the hope of extracting information through methods disallowed by the United States and international law.

The Honorable Clark Kent  
The Honorable John D. Ashcroft  
Page 2  
December 16, 2003

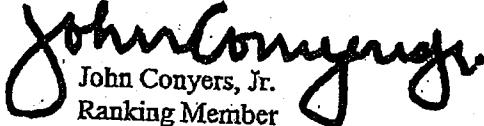
Putting aside the moral and ethical bankruptcy of such an act, it violates international law. The United States is a party to the International Convention Against Torture which prohibits the removal of a person to another state "where there are substantial grounds for believing that he would be in danger of being subjected to torture."<sup>1</sup> It is unfathomable that we would accept assurances that Mr. Arar would not be tortured from a country the State Department has long recognized as using torture tactics such as electrical shocks, pulling out of fingernails, and forcing objects into the rectum.<sup>2</sup> With this information, one can only conclude that Syria was chosen precisely for the likelihood that torture would be employed.

I am sure that you both agree that intentionally rendering a human being to be tortured has no place in our anti-terror efforts. To that end, I ask that your respective agencies immediately investigate the circumstances around Mr. Arar's removal to ensure that such a rendition never happens again. Specifically, I would like your offices to explain:

1. What standard does the Attorney General's office use in determining that removal to the country of the detainee's designation is "prejudicial to the United States?"
2. Specifically, what about returning Mr. Arar to his home in Canada would have been prejudicial to the United States?
3. Even if there was reason to believe that Canada was not the proper country for removal, why was Syria chosen over some other country?
4. What reason did we have to believe that Syria would abandon its long standing tradition of torturing prisoners?
5. How often in the last two years has DHS and/or the DOJ rendered aliens to third countries? What standards and procedures have you set for doing so?

Thank you for your time and attention to this request. Because of this human rights implications of such rendition activities, I am sure your offices will give this matter your immediate attention. If you have any questions, please contact Perry Apelbaum or Ted Kalo of the House Judiciary Committee staff at 202-225-6906.

Sincerely,

  
John Conyers, Jr.  
Ranking Member

cc: F. James Sensenbrenner, Chairman

---

<sup>1</sup>International Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment, art. 3.

<sup>2</sup>Country Reports on Human Rights Practices, 2002, available at: <http://www.state.gov>.

RIF

**Doc. #11**

ISP- -- 2004  
Binder A  
Tab 6

## Review of the Removal of Maher Arar to Syria by INS in October 2002

Entrance Conference Presentation – Tuesday, February 3, 2004 @ 1:00 p.m.

### Objectives

1. Determine [REDACTED].
2. Evaluate whether the INS's decision to remove Mr. Arar to Syria complied with all applicable laws, regulations, and policies.

### Scope

- The applicable INS policies we review will have been effective during Mr. Arar's initial detention and removal – September and October, 2002.
- We will interview:
  - [REDACTED]
  - [REDACTED] at that time.

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In addition, we will review [REDACTED] other relevant [REDACTED] documents and data.

### Limitations

- We will not assess [REDACTED].
- We will not seek to [REDACTED].
- We will not evaluate [REDACTED] (i.e., [REDACTED]).

**Doc. #12**





DEPARTMENT OF HOMELAND SECURITY

Office of Inspector General  
Washington, DC 20528

121- - - 0004  
Borden A  
Tab 8

January 9, 2004

The Honorable John Conyers, Jr.  
U.S. House of Representatives  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Conyers:

In response to your request of December 16, 2003, the Office of Inspector General is initiating a review of why Maher Arar, a citizen of Syria and Canada, was removed to Syria by Immigration and Naturalization Service authorities shortly after his arrest in New York in September 2002.

Our objective is to evaluate how U.S. immigration officials arrived at their decision to send Mr. Arar to Syria. We will also examine general policies used by U.S. immigration officials to determine where to send non-immigrants who are removed.

If you have questions or require additional information, please contact me directly or ask your staff to contact our congressional and media liaison, Tamara Faulkner, at (202) 254-4100.

Sincerely,

Clark Kent Ervin  
Inspector General

Doc. Name: Conyers -- Immigration and Naturalization re: Maher Arar

Drafter: Ashbaugh

Date: 1.8.04

Cleared by:  
OIG/AIG/  
OIG/Counsel  
Congressional Liaison  
OIG/Special Assistant  
OIG/DIG  
OIG/IG

(ok) Ashbaugh

(ok) *PN*

(ok)

~~(ok)~~ - see edits

(ok)

(ok)

*see note on letter*

**Doc. #13**

Office of Inspector General

U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

ISP- 2004  
Binder A  
Tab 9

July 14, 2004

The Honorable John Conyers, Jr.  
Committee on the Judiciary  
United States House of Representatives  
Washington, DC 20515-6216

Dear Congressman Conyers:

I am writing you to provide a status report on your request that we conduct a review into the circumstances under which the Immigration and Naturalization Service removed Maher Arar, a naturalized Canadian citizen, to Syria. You wrote me on December 16, 2003, requesting that my office conduct an investigation because of your concerns about the legal and human rights implications of Mr. Arar's removal to Syria and your desire "to ensure that such a rendition never happens again."

We have strived to be diligent in our review of this matter. Indeed, I would have preferred, and thought it reasonable to have expected, that you would have had a completed report by now. However, I write to inform you that our work has been delayed and may not be completed in a timely matter. Here is a brief history and explanation of our effort.

After receiving your request, I assigned the matter to our Office of Inspections, Evaluations, and Special Reviews. On January 8, 2004, the project officially started when I sent a formal initiation letter to the Immigration and Customs Enforcement office. By mid-January, we learned that there were restrictions on parts of the material we sought to review. We were informed that some of the information that we sought was classified. With respect to other information, we were informed by department attorneys that we could not have access on grounds of privilege related to the civil litigation that Mr. Arar has brought against the federal government.

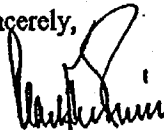
By mid-May, we were able to review the classified documents that we had sought and that initially we had been told might not be made available to us. In the main, I am satisfied that there were sound reasons for the documents to have been classified, that they were not classified as a means of shielding them from scrutiny by an office such as mine, and that some consideration of our request prior to disclosure was appropriate, although the process was unduly protracted and frustrating.

During this same period, my office sought to interview present and former government employees relating to their role in the Arar matter. Concurrently, we have discussed with government attorneys the privilege issues that have been cited to block our access to additional documents that we believe exist and to impede our requests to interview potential witnesses. In regard to these efforts, we have had no success, although we continue to press our arguments. Government counsel continue to assert the privilege or to decline to seek a waiver, which we understand could be done, and as a result have stymied this aspect of our work.

I do not believe that the assertion of a legal privilege, such as the attorney-client privilege (when in the context of advice given by government counsel to a government official regarding government work) or the attorney work product or pre-decisional privileges can be asserted to block the clear statutory access to the agency's business conferred upon Inspectors General by section 6(a)(1) of the Inspector General Act. Further, I understand that there exists a strong legal proposition that providing information to an agency Inspector General does not constitute a waiver of privileges available to an agency in litigation with a third party.

Therefore, I believe my office should have been given these materials earlier, and that they are still owed to my office. I shall continue to seek access to them. In the meantime, I write with this explanation because of the unanticipated delay in responding to your request. I am pleased to meet with you or to answer any further questions you may have.

Sincerely,



Clark Kent Eryin  
Inspector General

**Doc. #14**

ISL- [redacted] - 2004  
Burger A  
Office of Inspector General  
Tab 10  
U.S. Department of  
Homeland Security  
Washington, DC 20528

b6



**Correspondence Tracking  
(CT)**

**Date Assigned: 3.31.05**

**CT #: 1017**

**Action Document: Conyers - Maher Arar**

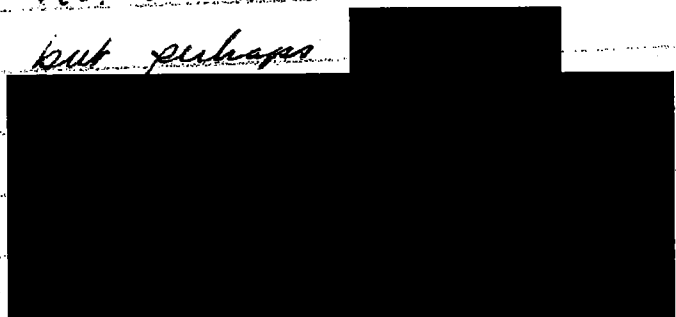
**DUE DATE: READ ONLY**

	INFO	ACTION
Acting Inspector General	X	
Special Assistant	X	
Administration		
Audits		
Congressional Liaison		
Counsel		
Information Technology		
Inspections, Evaluations, & Special Reviews	X	
Investigations		

Bob, the attached is a duplicate. It originally came in on March 4, 2005. Do we need to respond?

CT # 1017

No. We shouldn't respond,  
but perhaps



b5

RA

4/1/05



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, March 03, 2005 10:52 AM  
**To:** Turner, Pam; [REDACTED]  
**Cc:** Wood, John (COS); [REDACTED] DHS ExecSec; [REDACTED]  
**Subject:** 05-0512 Representative Conyers Ltr

We are forwarding the attached letter from Representative Conyers for your action.

b6

Thanks

[REDACTED]

[REDACTED]

Office of the Executive Secretariat

(202) [REDACTED] (O)

(202) [REDACTED] (F)

[REDACTED]

F. JAMES SENECHENBRENNER, JR., Wisconsin  
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JOHN CONYERS, JR., Michigan  
RANKING MINORITY MEMBER

HOWARD L. Berman, California  
RICK BOUCHER, Virginia  
JEFFREY C. BOYD, New York  
ROBERT C. SCOTT, Virginia  
MELVIN L. WATTS, North Carolina  
ZOE LOFGRAN, California  
SHELIA JACKSON LEE, Texas  
MAXINE WATERS, California  
MARTIN T. SHEEHAN, Massachusetts  
WILLIAM B. DELAHUNT, Massachusetts  
ROBERT WICKER, Florida  
ANTHONY D. WERNER, New York  
ADAM S. SCHIFF, California  
LINDA T. SANCHEZ, California  
ADAM SMITH, Washington  
CHRIS VAN HOLLEN, Maryland

ONE HUNDRED NINTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3961

<http://www.house.gov/judiciary>

MAR 3 '05 RCVD

February 23, 2005

The Honorable Michael Chertoff  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Chertoff:

I am writing to request that you immediately direct your staff to cooperate with the Inspector General's inquiry into how the Department of Homeland Security rendered Mr. Maher Arar, a Canadian citizen, to Syria to be tortured for ten months before being released without charge. The investigation has continued for over a year now without resolution, mainly due to the Department staff's refusal to respond to the Inspector's inquiries. I implore you to use your new position as Secretary to bring this disgrace to an end.

In December of 2003, I requested the Inspectors General of the Justice Department and Homeland Security Department to investigate their respective roles in turning over Mr. Arar to the Syrian government. Then-Inspector General, Clark Kent Ervin, accepted this inquiry on behalf of your department and began his task. Sadly, I received word from Mr. Ervin in July of last year that Immigration and Customs Enforcement personnel were thwarting all attempts by the Inspector General to determine how Mr. Arar became the victim of an "extraordinary rendition" in violation of our international obligations and long standing human rights law. He described the process as "unduly protracted and frustrating" (letter enclosed).

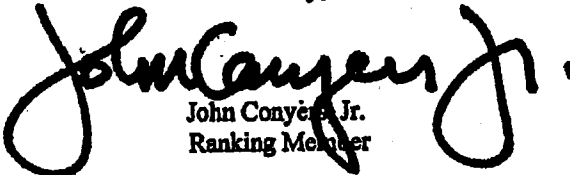
Over the past year, evidence has amassed that Mr. Arar's experience was not a unique one, but instead represents a standard operating procedure for some departments in our government. Determining exactly what happened to him is now more important than ever. Truly, until we discover just how these renditions occur, we will be unable to prevent anyone else from being tortured with the tacit approval of the United States.

I would appreciate hearing how you plan to ensure that staff will cooperate with this investigation. If you have any questions, please contact Perry Apfelbaum or Ted Kalo of my

The Honorable Michael Chertoff  
Page Two  
February 23, 2005

Judiciary Committee staff at 2142 Rayburn House Office Building, Washington, DC 20515  
(phone: 202-225-6504, fax: 202-225-4423).

Sincerely,



John Conyers, Jr.  
Ranking Member

Enclosure

cc: Mr. Richard L. Skinner  
Hon. F. James Sensenbrenner, Jr.

Office of Inspector General

U.S. Department of Homeland Security  
Washington, DC 20578



Homeland  
Security

July 14, 2004

The Honorable John Conyers, Jr.  
Committee on the Judiciary  
United States House of Representatives  
Washington, DC 20515-6216

Dear Congressman Conyers:

I am writing you to provide a status report on your request that we conduct a review into the circumstances under which the Immigration and Naturalization Service removed Maher Arar, a naturalized Canadian citizen, to Syria. You wrote me on December 16, 2003, requesting that my office conduct an investigation because of your concerns about the legal and human rights implications of Mr. Arar's removal to Syria and your desire "to ensure that such a rendition never happens again."

We have strived to be diligent in our review of this matter. Indeed, I would have preferred, and thought it reasonable to have expected, that you would have had a completed report by now. However, I write to inform you that our work has been delayed and may not be completed in a timely matter. Here is a brief history and explanation of our effort.

After receiving your request, I assigned the matter to our Office of Inspections, Evaluations, and Special Reviews. On January 8, 2004, the project officially started when I sent a formal initiation letter to the Immigration and Customs Enforcement office. By mid-January, we learned that there were restrictions on parts of the material we sought to review. We were informed that some of the information that we sought was classified. With respect to other information, we were informed by department attorneys that we could not have access on grounds of privilege related to the civil litigation that Mr. Arar has brought against the federal government.

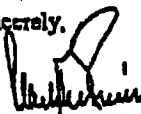
By mid-May, we were able to review the classified documents that we had sought and that initially we had been told might not be made available to us. In the main, I am satisfied that there were sound reasons for the documents to have been classified, that they were not classified as a means of shielding them from scrutiny by an office such as mine, and that some consideration of our request prior to disclosure was appropriate, although the process was unduly protracted and frustrating.

During this same period, my office sought to interview present and former government employees relating to their role in the Arar matter. Concurrently, we have discussed with government attorneys the privilege issues that have been cited to block our access to additional documents that we believe exist and to impede our requests to interview potential witnesses. In regard to these efforts, we have had no success, although we continue to press our arguments. Government counsel continues to assert the privilege or to decline to seek a waiver, which we understand could be done, and as a result have stymied this aspect of our work.

I do not believe that the assertion of a legal privilege, such as the attorney-client privilege (when in the context of advice given by government counsel to a government official regarding government work) or the attorney work product or pre-decisional privileges can be asserted to block the clear statutory access to the agency's business conferred upon Inspectors General by section 6(a)(1) of the Inspector General Act. Further, I understand that there exists a strong legal proposition that providing information to an agency Inspector General does not constitute a waiver of privileges available to an agency in litigation with a third party.

Therefore, I believe my office should have been given these materials earlier, and that they are still owed to my office. I shall continue to seek access to them. In the meantime, I write with this explanation because of the unanticipated delay in responding to your request. I am pleased to meet with you or to answer any further questions you may have.

Sincerely,



Clark Kent Eryin  
Inspector General

**Doc. #15**



DEPARTMENT OF HOMELAND SECURITY

Office of Inspector General  
Washington, DC 20528

January 23, 2004

b6  
ISP- [redacted] - 2004  
Border A  
11

MEMORANDUM

TO: Michael J. Garcia, Assistant Secretary  
Bureau of Immigration and Customs Enforcement

FROM: *Richard L. Skinner*  
*for* Clark Kent Ervin  
Inspector General

SUBJECT: OIG Review of Maher Arar's Alien File

The Office of Inspector General has initiated a review of the removal of Mr. Maher Arar to Syria by the Immigration and Naturalization Service (INS).<sup>1</sup> INS authorities in New York initially detained Mr. Arar in September 2002.

To fulfill our review objectives, we wish to review all documents previously held by INS or now held by the Bureau of Immigration and Customs Enforcement (ICE) regarding Mr. Arar and the circumstances of his apprehension and removal, including his classified and unclassified A Files, and any other documents or communications of any kind that pertain to these events. As such, we request that no documents relevant to our review be permitted to leave the custody of ICE until we have had an opportunity to examine and copy their contents. We are aware of reports that a lawsuit has been filed. If other demands for these materials arise because of civil litigation matters or any other investigation or review that might ensue, we will endeavor to complete our work in a timely fashion so as not to delay such requests; however, it is critical that these materials not be edited, altered, or released from ICE custody until our examination of them has been completed. OIG's receipt of these documents and information will not affect the ability of the Department to assert any applicable privileges otherwise existing.

If you have any questions concerning this inspection, please call me or Robert Ashbaugh, Assistant Inspector General for Inspections, Evaluations, and Special Reviews, at (202) 254-4100, or [redacted] at (202) 254-[redacted]

cc: [redacted]  
Audit Liaison  
Department of Homeland Security

[redacted]  
Audit Liaison  
Bureau of Immigration and Customs Enforcement

] b6 ]

<sup>1</sup> Memorandum from Clark Kent Ervin, Inspector General, to Michael J. Garcia, Assistant Secretary, Bureau of Immigration and Customs Enforcement, dated January 9, 2004.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	0216
RECIPIENT ADDRESS	[REDACTED]
DESTINATION ID	
ST. TIME	01/23 19:16
TIME USE	00' 26
PAGES SENT	2
RESULT	OK



b6

### DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL

#### FACSIMILE TRANSMITTAL SHEET

TO: [REDACTED]  
[REDACTED]  
[REDACTED]

FROM: [REDACTED]

COMPANY:  
U.S. Immigration and Customs  
Enforcement

DATE:  
JANUARY 23, 2004

FAX NUMBER:  
202 [REDACTED]

TOTAL NO. OF PAGES INCLUDING COVER:  
2

PHONE NUMBER:  
202 [REDACTED]

RE:  
IG Arar Memorandum

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY

NOTES/COMMENTS:



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	0215
RECIPIENT ADDRESS	[REDACTED]
DESTINATION ID	
ST. TIME	01/23 19:15
TIME USE	00'31
PAGES SENT	2
RESULT	OK



b6

## DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL

### FACSIMILE TRANSMITTAL SHEET

TO: [REDACTED]	FROM: [REDACTED]
COMPANY: Bureau of Immigration and Customs Enforcement	DATE: JANUARY 23, 2004
FAX NUMBER: 202 [REDACTED]	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: 202 [REDACTED]	RE: Arar Memorandum

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY

NOTES/COMMENTS:

**Doc. #16**

ISP- -2004  
B.nder A  
Tab 12

U.S. Department of Homeland Security  
Washington, DC 20528



Homeland Security

ICE Executive Secretariat

Facsimile Transmission

Date \_\_\_\_\_, 2004

To:

[Redacted]

(202) 254- [Redacted]

Facs: ( ) [Redacted]

From:

[Redacted]

7C

Phone ( ) [Redacted]

b6

Urgent

Action

Concurrence

FYI

Number of pages including cover:

~~Cover + 3 = 4~~  
Cover + 4 = 5

Comments:

Hi [Redacted]

Thanks again  
for your help!!

- The Memo of August 10, 2004, is how I found you.
- The incoming is April 7, 2004.
- ALSO a MAY 11, 2004 referral that sent the incoming to my office (i.e., ICE).

DEPARTMENT OF HOMELAND SECURITY  
Office of Inspector General  
Washington, DC 20528

AUG 25 2004

**MEMORANDUM**

May 11, 2004

TO: Robert W. Weber, Director  
Office of Professional Responsibility  
Immigration and Customs Enforcement

FROM: Elizabeth M. Redman  
Assistant Inspector General for Investigations

SUBJECT: Referral of OIG Complaint Number: R04-BCIS-CHI-04406  
Your File Number:

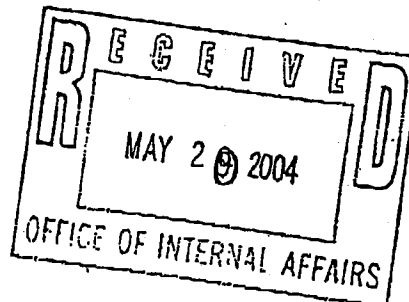
C/S

---

This matter is being referred to you for appropriate action and disposition in accordance with your organization's applicable rules, regulations, policies, and procedures. You are not required to include this matter in your monthly report to the Office of Inspector General (OIG). Nor are you required to provide the OIG with a copy of your findings and/or final action concerning this matter.

If you have any questions concerning this matter, you may contact me at (202) 254-4100, or Joseph G. Sullivan, Jr., Deputy Assistant Inspector General for Investigations, Headquarters Operations, at (202) 254-4300.

ICE



**Doc. #17**



# Homeland Security

ISP-\_\_\_\_-2004  
Binder A  
Tab 14

August 9, 2004

**MEMORANDUM FOR:** The Honorable Michael J. Garcia  
Assistant Secretary, Bureau of Immigration and Customs Enforcement

**FROM:** Clark Kent Ervin  
Inspector General

**SUBJECT:** Removal of Immigration Detainee to Syria

On January 8, 2004, we initiated a review of an incident involving Mr. Maher Arar, a citizen of Syria and Canada. Mr. Arar was detained by Immigration and Naturalization Service authorities in New York City in September 2002 and was later removed to Syria in what has been characterized as an "extraordinary rendition." Mr. Arar has since returned to Canada and has alleged that he was tortured while in Syrian custody.

While our review has focused on the particulars of the Arar case, we would like to determine whether Mr. Arar's treatment

[REDACTED]

Therefore, we are requesting information regarding [REDACTED]  
Specifically, we are interested in reviewing [REDACTED]

[REDACTED]

[REDACTED] . Included in the case files

should be memoranda that describe [REDACTED]

[REDACTED] Further, the case files should include memoranda that

discuss [REDACTED]

[REDACTED]

If you have questions, please call me, or have your staff contact Robert L. Ashbaugh, Assistant Inspector General for Inspections, Evaluations, and Special Reviews, at (202) 254-4100, or [REDACTED], Chief Inspector, Inspections, Evaluations, and Special Reviews, at (202) 254-[REDACTED]

cc: [REDACTED] ICE Liaison

b5

b6

Office of Inspector General

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland Security**

August 10, 2004

**MEMORANDUM FOR:** Michael J. Garcia  
Assistant Secretary  
Bureau of Immigration and Customs Enforcement

**FROM:** Clark Kent Ervin  
Inspector General

**SUBJECT:** Removal of Immigration Detainees to Syria

**COPY**

On January 8, 2004, we initiated a review of an incident involving Mr. Maher Arar, a citizen of Syria and Canada. Mr. Arar was detained by Immigration and Naturalization Service authorities in New York City in September 2002 and was later removed to Syria in what has been characterized as an "extraordinary rendition." Mr. Arar has since returned to Canada and he alleged that he was tortured while in Syrian custody.

While our review has focused on the particulars of the Arar case, we would now like to determine whether Mr. Arar's treatment

[REDACTED]

Therefore, we are requesting information regarding [REDACTED]  
Specifically, we are interested in reviewing [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Included in the case files should be memoranda that describe [REDACTED]

[REDACTED] Further, the case files should include [REDACTED]

memoranda that discuss [REDACTED]

[REDACTED]

If you have questions, please call me, or your staff may contact Robert L. Ashbaugh, Assistant Inspector General for Inspections, Evaluations, and Special Reviews, at (202) 254-4100, or [REDACTED] Chief Inspector, Inspections, Evaluations, and Special Reviews, at (202) 254-

cc. [REDACTED] ICE Liaison

b5

b6

**Doc. #18**



121- - 2007  
Burder A  
Tab 16

From: Reback, Richard  
Sent: Friday, May 06, 2005 12:18 PM  
To: Ashbaugh, Robert; Skinner, Richard  
Cc: [REDACTED]  
Subject: Arar update

b6

The saga continues....there is one document from [REDACTED] that [REDACTED] is trying to make arrangements to pick up today.

In addition, there is one document from another agency that was [REDACTED]. DHS will make a request for that by letter on Monday with a requested response date of Wed. (Why, one might wonder, [REDACTED].....but, at least some progress is being made). I have been told informally that the other agency might ask that we go to their office to the review it, but we shall see.

Pls note, with respect to the documents we have received, that the [REDACTED]

b5  
(D/AC)

I was informed today that [REDACTED]. DHS will be having internal meetings on Tuesday to decide on a proposal on we view those documents. I suggested that they [REDACTED] thought to create a burden because [REDACTED]..... Anyway, they will come up with something and call me late Tuesday: they probably will ask us [REDACTED]

Lastly, I was informed that there may be [REDACTED] request [REDACTED] such documents directly from the agencies that created them. (We might not [REDACTED] raises entirely different issues.)

When all is said and done and we finally get access to the documents, conduct the interviews, etc., I think we will need to [REDACTED] So, that is on my to-do list, but the first order is get the relevant materials so the inspection can be reactivated.

Rick

**Doc. #19**

ISP- -2004  
Bunder A  
Tab 18

From: [redacted]  
Sent: Wednesday, August 04, 2004 10:37 AM  
To: [redacted]  
Subject: Re: Maher Arar

[redacted]  
You should contact Steven Watt, one of the attorneys at the Center for Constitutional Rights who is working on the Arar case and he will put you in touch directly with Arar's attorney in Canada. Steven's direct extension is 212-[redacted] and his email is [redacted]. Please let me know if I can be helpful in any other way.

[redacted]  
Amnesty International USA  
202-544-0200, ext. [redacted]

[redacted] >  
gov>  
08/03/2004 07:40 AM

To: "[redacted] (E-mail)" b5,6  
cc:  
Subject: Maher Arar

[redacted]  
As you know, the Department of Homeland Security, Office of Inspector General, is reviewing the "extraordinary rendition" of Mr. Maher Arar. As part of our review, we would like to interview Mr. Arar. We would prefer to arrange the interview through Mr. Arar's legal counsel.

We would greatly appreciate your assistance in obtaining contact information for Mr. Arar's legal counsel.

Thank you.

[redacted]  
Chief Inspector  
Office of Evaluations, Inspections, and Special Reviews  
Office of the Inspector General  
Department of Homeland Security

**Doc. #20**

Office of Inspector General

U.S. Department of Homeland Security  
Washington, DC 20528Homeland  
SecurityISF - \_\_\_\_\_ - 2004  
Binder A  
Tas 19

August 19, 2004

[REDACTED]  
Amnesty International USA  
600 Pennsylvania Ave. SE, 5th Floor  
Washington, DC 20003

b6

Dear [REDACTED]

I am writing to you in response to your letter of July 16, 2004, concerning the case of Maher Arar. I wanted to provide you with the status of our ongoing review of the Arar case and to clarify the scope of our review.

I would have expected our review to be completed by now. However, our work has been delayed and may not be completed in a timely matter for reasons beyond our control. Here is a brief explanation of our efforts to date.

On January 8, 2004, I sent a letter to the Bureau of Immigration and Customs Enforcement (ICE) officially announcing the start of our review of the Arar case. By mid-January, we learned that there were restrictions on parts of the material that we sought to review. ICE officials said that some of the information that we sought was classified. With respect to other information, department attorneys said that we could not have access on grounds of privilege related to the civil litigation that Mr. Arar has brought against the federal government.

Not until mid-May were we able to review the classified documents that initially we had been told might not be made available to us. During this same period, we sought to interview present and former government employees about their role in the Arar matter. Concurrently, we discussed with government attorneys the privilege issues that were cited as the basis for blocking our access to additional documents that we believe exist and impeding our requests to interview potential witnesses. In regard to these efforts, we have had no success, although we continue to press our arguments. Because government counsel continues to assert the privilege issue or decline to waive it, which we understand could be done, our efforts to complete the review have been stymied. Our negotiations with government counsel are continuing and we hope to have access to the requested information soon.

As to the scope of our work, our review is focused solely on the Arar case for the time being. By limiting the scope of our review in this fashion, we have been attempting to expedite the conclusion of it.

That said, we are asking ICE to provide us with information concerning any other extraordinary renditions that may have occurred since 1998. Presuming we obtain that information (if there is

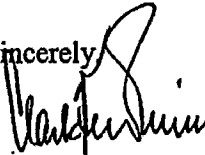
any), we will review it and consider conducting reviews of these additional extraordinary renditions in the future.

We have two objectives for our review of the Arar case. We seek to understand the decision making process and policies followed by U.S. immigration officials when deciding to send Mr. Arar to Syria rather than Canada. Further, we seek to determine whether in the case of Arar, U.S. immigration officials complied with applicable laws and regulations governing the removal of aliens.

You noted in your letter that the term "extraordinary rendition" has no legal or generally acknowledged meaning. While we have not confirmed past instances of alleged extraordinary renditions, anecdotal information that we have received indicates that these cases usually involve the transportation of individuals between two countries other than the United States. To the extent that these alleged activities involve U.S. agencies other than DHS, we will be unable, of course, to confirm whether they may have occurred or the circumstances under which they may have occurred because our jurisdiction extends only to DHS.

Thank you for your interest in this important matter. DHS compliance with laws and regulations and the protection of civil liberties and civil rights will always be priorities for my office. If I can be of any further assistance, please contact me, or your staff may contact my congressional and media liaison officer, Tamara Faulkner, at (202) 254-4100.

Sincerely,



Clark Kent Ervin  
Inspector General

cc: Mr. Peter Rosenblum  
Clinical Professor in Human Rights  
Human Rights Clinic, Columbia Law School

[REDACTED]  
Human Rights First

[REDACTED]  
Human Rights Watch

Ms. Laura W. Murphy and Timothy H. Edgar  
American Civil Liberties Union

] b6 ]

To [redacted] 8/11/04  
To [redacted] 8/18/04

b6

# CORRESPONDENCE

Department of Homeland Security  
Office of Inspector General

Document: Arriaga/Garcia - Maher Arar

CTS:

Division:  ADM  AUD  INV  ISP  IT

Signatories	Name/Signature	Date
Assistant Inspector General		
Office of Counsel		
Deputy Inspector General	<i>RR1</i> <i>Mr. [unclear]</i> <i>one change 8-10-04</i> <i>per [unclear]</i>	8-3-04
Inspector General		
Executive Assistant		

*Plus looks like*  
*Did Rick R. clear this?* ← *See note below.*  
 [redacted]  
*who free*  
 [redacted]  
*we should*  
 [redacted]  
*RR1*

b5 (D/AC)

**Doc. #21**



# centerforconstitutionalrights

ISP- \_\_\_\_\_ - 2004  
Binder A  
Tab 20

666 Broadway New York, NY 10012  
212 614 6464 f 212 614 6499 www.ccr-ny.org

Department of Homeland Security  
Office of the Inspector General  
ATTN: [REDACTED]  
245 Murray Drive, S.W. Bldg. 410  
Washington, D.C.

August 20, 2004

**Re: DHS OIG Inspection in to the Removal of Maher Arar from the United States**

Dear [REDACTED]

Further to our telephone conversations on the [REDACTED] [REDACTED] in the course of your Inspection, we have now had the opportunity to speak with [REDACTED].

Following these discussions, a number of issues have arisen upon which we seek your clarification on our client's requested cooperation with the Inspection.

At this stage, we are uncertain as to the nature of the planned inspection. Please could you provide us with detailed information on its precise scope, including, its mandate and the methodology to be adopted in collecting evidence on which the findings are to be based; some indication as to the expected time frame for its completion as well as [REDACTED] [REDACTED] would also be useful to us.

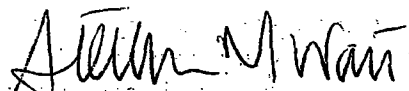
b5, 6

One specific question we have is on the extent of the Inspection. Will it extend to other Government Departments intimately involved in the decision to remove him to Syria, e.g. the Department of Justice, including the FBI and the Office of the Attorney General, the [REDACTED]?

[REDACTED] and, in particular, [REDACTED], wishes to ensure that the Inspection will be full, fair and transparent.

Should you have any further questions in this matter, please feel free to contact me.

Sincerely,



Steven M Watt  
Center for Constitutional Rights



**Doc. #23**

ISY- --2004  
Bunder A  
tab 22

[Redacted]

From: [Redacted]  
Sent: Wednesday, September 22, 2004 7:40 AM  
To: Ashbaugh, Robert; [Redacted]  
Subject: FW: Arar Meeting

[Redacted]

b5,6

-----Original Message-----  
From: Steven Watt [mailto:[Redacted]]  
Sent: Tuesday, September 21, 2004 6:12 PM  
To: [Redacted]  
Subject: RE: Arar Meeting

[Redacted] Have spoken with co-counsel on both sides of the border. I will have a formal response drafted for you tomorrow. In short, due to a number of reasons which I will detail in my letter, our client will cooperate with the inspection by way of written responses to specific questions you have for him. Questions should be submitted to ourselves initially and we will cooperate with co-counsel and our client to provide you with relevant responses.

I note from your letter that immigration officials appear to be stone-walling your inspection. I trust that our level of cooperation, however, will assist you in this important process.

As I said, I will be in contact again formally tomorrow.

Steven  
Steven Macpherson Watt  
Center for Constitutional Rights  
666 Broadway  
New York, NY 10012  
Ph: (212) 614 [Redacted]  
Fax: (212) 614 [Redacted]  
www.ccr-ny.org

-----Original Message-----  
From: [Redacted] [mailto:[Redacted]]  
Sent: Monday, September 20, 2004 9:37 AM  
To: Steven Watt  
Subject: RE: Arar Meeting

Thanks.

b6

-----Original Message-----  
From: Steven Watt [mailto:[Redacted]]  
Sent: Monday, September 20, 2004 9:29 AM  
To: [Redacted]  
Subject: RE: Arar Meeting

[Redacted] Something indeed must have happened with your letter. I am in receipt of the faxed copy. Let me speak with co-counsel and my client and get back to you later today. Steven

Steven Macpherson Watt  
Center for Constitutional Rights  
666 Broadway

**Doc. #24**

ISF - 2004  
Buder A.  
TAS 23

**Attention: Robert L. Ashbaugh,  
Assistant Inspector General for Inspections, Evaluations  
and Special Reviews**

Clark Kent Ervin  
Inspector General  
Office of the Inspector General  
U.S Department of Homeland Security  
Washington D.C. 20528

September 29, 2004

**Re: Maher Arar**

Dear Mr. Ervin:

I refer to your letter of August 30, 2004 (received by this office on September 20, 2004 )  
on the issue of the terms of the ongoing inspection into our client's, Mr. Arar, removal  
from the United States to Syria [REDACTED]

We note with some disappointment that the mandate of the inspection is extremely  
limited, restricted [REDACTED]

Absent an inspection that involves, at a minimum, [REDACTED], we fail to see how  
the Office of the Inspector General can conduct a thorough investigation in to the matter.

We also note that [REDACTED]

We consider it [REDACTED]

Although we do not wish to obstruct your inspection in this important matter, we are  
concerned that [REDACTED]

b5

[REDACTED] . This is especially so, if, as we anticipate, [REDACTED]

[REDACTED] could not do so immediately. As you may be aware, [REDACTED]

[REDACTED] Understandably, given [REDACTED] We anticipate that [REDACTED]

However, as we said above, we do not wish to hamper your on-going inspection in to this important matter, and as [REDACTED] [REDACTED] more than happy to respond in writing to any specific questions you have on the issue of the involvement of U.S. immigration officials' in his detention and interrogation in the United States and his eventual removal to Syria.

I would be grateful if you could please respond in writing.

Sincerely,

Steven M Watt  
Center for Constitutional Rights

b5

**Doc. #25**



# Homeland Security

December 14, 2005

ISF - \_\_\_ - 2004  
Burger A  
Tab 25

Julian Falconer  
Falconer Charney Macklin Barristers at Law  
8 Prince Arthur Avenue  
Toronto, ON M4V2Y8  
Canada

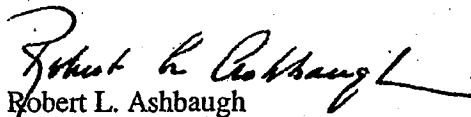
Dear Mr. Falconer:

Our office is conducting a review of the events surrounding the detention and removal of Maher Arar to Syria by the U.S. government. We are in the final stages of writing our draft report. We are once again requesting an interview with Mr. Arar. As you may recall, we requested this opportunity in August 2004 but were informed that an interview would not be possible at that time because of the pendency of the litigation brought by Mr. Arar and the investigation by the Canadian Commission of Inquiry.

We hope that Mr. Arar's situation has changed during the past year and that he would consent to be interviewed now. We must report to Congress on the information we have been able to obtain. It should include Mr. Arar's personal description of his treatment and interactions with U.S. immigration officials. His statement would be an important element of our report; his refusal to assist will concomitantly limit the completeness of the report. For this reason we ask that he reconsider and consent to an interview in your offices. If he is willing, we would like to conduct the interview as soon as possible.

Please feel free to contact me at 202-254- [REDACTED] or [REDACTED], Chief Inspector, at (202) 254- [REDACTED] b6  
[REDACTED] I can also be reached at [REDACTED]

Sincerely,

  
Robert L. Ashbaugh  
Assistant Inspector General  
for Inspections and Special Reviews

cc: Steven Watt  
Center for Constitutional Rights



**Doc. #26**

QUESTIONS FOR ARAR  
INTERVIEW

ISP - - 2004  
bureau  
cas 26

Inspection Objectives:

1. To understand the decisionmaking process and policies followed by U.S. immigration officials in determining Mr. Arar's inadmissibility to the United States.
2. To understand the decisionmaking process and policies followed by U.S. immigration officials when deciding to send Mr. Arar to Syria.
3. To determine the compliance of U.S. immigration officials with applicable laws and regulations governing the removal of aliens.

Interview

General Discussion Topic - Describe [REDACTED]

*Specific Topics*

1. Describe [REDACTED]

[REDACTED]?

[REDACTED]?

[REDACTED]?

[REDACTED]?

[REDACTED]?

[REDACTED]?

2. Similarly describe [REDACTED]

[REDACTED]?

[REDACTED]?)

[REDACTED]?

[REDACTED]sked?

[REDACTED]?

3. Describe [REDACTED]

[REDACTED]missible?

[REDACTED]told?

[REDACTED]?

[REDACTED]?

[REDACTED]?

b5

[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
If not, [REDACTED] ?  
[REDACTED] ?  
If so, [REDACTED] ?

4. Describe [REDACTED]

[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?

b5

5. Describe any other [REDACTED]

[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?  
[REDACTED] ?

**Doc. #27**

ISX-\_\_\_\_-2004  
 Binder A  
 Tab 27

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 [REDACTED] to [REDACTED]	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 Terrorism Report from State	179-86
6-16-2005	12-4-2003	Communication from Special Rapporteur from State	187-90
6-16-2005	5-18-2004	Correspondence Authorizing Release of Information to OIG	192-94
6-16-2005	10-7-2002	[REDACTED] 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	[REDACTED]	439-46
6-16-2005	10-6-2002	Draft [REDACTED]	447-51
6-16-2005	10-6-2002	Draft [REDACTED]	452-56
6-16-2005	10-6-2002	Draft [REDACTED]	457-61
6-16-2005	10-7-2002	Draft [REDACTED]	462-63
6-16-2005	Undated	Notes [REDACTED]	464-70
6-16-2005	10-6-2002	Draft [REDACTED]	471-76
6-16-2005	Undated	Scheduling [REDACTED]	477-78
6-16-2005	10-7-2002	Notes and Calendar [REDACTED]	479-82
6-16-2005	Undated	Classified Addendum to Decision [REDACTED]	483-87

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ICE DOCUMENTS RELEASED TO OIG

		of Regional Director with notes	
6-16-2005	Undated	Memo from ██████ to ██████ ██████ 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 ██████ to ██████ ██████ 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 ██████ to ██████ ██████ Assessment with notes	540-543
6-16-2005	Undated	Memo from ██████ to ██████ ██████ 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

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ICE DOCUMENTS RELEASED TO OIG

6-16-2005	9-30-2002	From DOJ to INS, State Dept. Fact Sheet re: Foreign Terrorist Org.	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 [REDACTED]	667-71
6-16-2005	10-6-2002	From INS HQ to INS Eastern Region, Draft [REDACTED]	672-78
6-16-2005	7-26-2002 printed 10-6-2002	Media coverage with notes	679-81
6-16-2005	Undated	[REDACTED]	682-84
6-16-2005	Undated	Draft [REDACTED]	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 [REDACTED]	701-07
6-16-2005	Undated	Notes	708-715
6-16-2005	10-6-2002	Draft [REDACTED]	716-720
6-16-2005	10-6-2002	Draft [REDACTED]	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 [REDACTED] to [REDACTED] Re: [REDACTED]	737-38
6-16-2005	Undated	Classified Addendum to Decision of the Regional Director	739-44
6-16-2005	10-6-2002	Draft [REDACTED]	745-749
7-8-2005	7-24-2004	Case Management Printout	750
7-8-2005	Undated	Attorney notes	751-54

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ICE DOCUMENTS RELEASED TO OIG

7-8-2005	Undated	Draft memo from [REDACTED] to [REDACTED]	755-59
7-8-2005	Undated	Memo from [REDACTED] DAG	760-763
7-8-2005	Undated	Memo from [REDACTED] Eastern Regional Director	764-65
7-8-2005	Undated	Draft - [REDACTED]	766-68
7-8-2005	Undated	Memo from [REDACTED]	769-73
7-8-2005	Undated	Memo from [REDACTED] to Field Counsels	774-78
7-8-2005	3-27-2003	E-mail from [REDACTED] with Draft Attachment	779-784
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	786-787
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	788-792
7-8-2005	11-26-2002	E-mail Correspondence among [REDACTED]	793-94
7-8-2005	11-9-2002	E-mail from [REDACTED] with Attachment	795-96
7-8-2005	Undated	Executive Summary	797-800
7-8-2005	Undated	Memorandum for Eastern Regional Director	801-02
7-8-2005	10-4-2002	E-mail from [REDACTED] to [REDACTED] with Draft Attachment	803-07
7-8-2005	10-4-2002	E-mail Correspondence	808-09
7-8-2005	10-4-2002	E-mail from [REDACTED] to [REDACTED] with Draft Attachment	810-13
7-8-2005	10-4-2002	E-mail from [REDACTED] to [REDACTED] with Draft Attachment	814-17
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	818-23
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	824-26
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	827-29
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	830-35
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	836-39
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	840-43
7-8-2005	10-4-2002	E-mail Correspondence with Draft	844-45

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ICE DOCUMENTS RELEASED TO OIG

		Attachment	
7-8-2005	10-3-2002	E-mail from [REDACTED] et al. with Draft Attachment	846-47
7-8-2005	10-4-2002	E-mail from [REDACTED] et al. with Draft Attachment	848-49
7-8-2005	10-4-2002	E-mail from [REDACTED] to [REDACTED] et al. with Draft Attachment	850-56
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	857-62
7-8-2005	10-4-2002	E-mail from [REDACTED] et al. with Draft Attachment	863-65
7-8-2005	10-7-2002	E-mail from [REDACTED] to [REDACTED] with Draft Attachment	866-73
	9-28-2002	E-mail from [REDACTED] et al.	875-76
	9-28-2002	E-mail from [REDACTED] et al.	877-79
	9-30-2002	E-mail from [REDACTED] et al.	880
	9-30-2002	E-mail from [REDACTED]	881-82
	9-30-2002	E-mail from [REDACTED]	883-84
	9-30-2002	E-mail from [REDACTED] et al.	885-86
	10-1-2002	E-mail from [REDACTED] et al.	887-88
	10-1-2002	E-mail from [REDACTED] et al.	889
	10-2-2002	E-mail from [REDACTED] to [REDACTED] et al. with attachment	890-93
	10-2-2002	E-mail from [REDACTED]	894
	10-2-2002	E-mail from [REDACTED] et al.	895
	10-2-2002	E-mail from [REDACTED] et al. with attachment	896-900
	10-1-2002	E-mail from [REDACTED]	901
	10-2-2002	E-mail from [REDACTED] et al.	902
	10-2-2002	E-mail from [REDACTED] et al.	903
	10-1-2002	E-mail from [REDACTED]	904-05
	10-3-2002	E-mail from [REDACTED]	906
	10-3-2002	E-mail from [REDACTED] and [REDACTED]	907-08

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ICE DOCUMENTS RELEASED TO OIG

		Attachment	
7-8-2005	10-3-2002	E-mail from [REDACTED] et al. with Draft Attachment	846-47
7-8-2005	10-4-2002	E-mail from [REDACTED] et al. with Draft Attachment	848-49
7-8-2005	10-4-2002	E-mail from [REDACTED] et al. with Draft Attachment	850-56
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	857-62
7-8-2005	10-4-2002	E-mail from [REDACTED] et al. with Draft Attachment	863-65
7-8-2005	10-7-2002	E-mail from [REDACTED] with Draft Attachment	866-73
8-15-2005	9-28-2002	E-mail from [REDACTED] et al.	875-76
8-15-2005	9-28-2002	E-mail from [REDACTED] et al.	877-79
8-15-2005	9-30-2002	E-mail from [REDACTED] et al.	880
8-15-2005	9-30-2002	E-mail from [REDACTED]	881-82
8-15-2005	9-30-2002	E-mail from [REDACTED]	883-84
8-15-2005	9-30-2002	E-mail from [REDACTED] et al.	885-86
8-15-2005	10-1-2002	E-mail from [REDACTED] et al.	887-88
8-15-2005	10-1-2002	E-mail from [REDACTED] et al.	889
8-15-2005	10-2-2002	E-mail from [REDACTED] et al. with attachment	890-93
8-15-2005	10-2-2002	E-mail from [REDACTED]	894
8-15-2005	10-2-2002	E-mail from [REDACTED] et al.	895
8-15-2005	10-2-2002	E-mail from [REDACTED] et al. with attachment	896-900
8-15-2005	10-1-2002	E-mail from [REDACTED]	901
8-15-2005	10-2-2002	E-mail from [REDACTED] et al.	902
8-15-2005	10-2-2002	E-mail from [REDACTED] et al.	903
8-15-2005	10-1-2002	E-mail from [REDACTED]	904-05
8-15-2005	10-3-2002	E-mail from [REDACTED]	906
8-15-2005	10-3-2002	E-mail from [REDACTED] and [REDACTED]	907-08
8-15-2005			

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ICE DOCUMENTS RELEASED TO OIG

		Attachment	
7-8-2005	10-3-2002	E-mail from [redacted] et al. with Draft Attachment	846-47
7-8-2005	10-4-2002	E-mail from [redacted] et al. with Draft Attachment	848-49
7-8-2005	10-4-2002	E-mail from [redacted] et al. with Draft Attachment	850-56
7-8-2005	10-7-2002	E-mail from [redacted] with Draft Attachment	857-62
7-8-2005	10-4-2002	E-mail from [redacted] et al. with Draft Attachment	863-65
7-8-2005	10-7-2002	E-mail from [redacted] to [redacted] with Draft Attachment	866-73
8-12-2005	9-28-2002	E-mail from [redacted] et al.	875-76
8-12-2005	9-28-2002	E-mail from [redacted] et al.	877-79
8-12-2005	9-30-2002	E-mail from [redacted] et al.	880
8-12-2005	9-30-2002	E-mail from [redacted]	881-82
8-12-2005	9-30-2002	E-mail from [redacted]	883-84
8-12-2005	9-30-2002	E-mail from [redacted] et al.	885-86
8-12-2005	10-1-2002	E-mail from [redacted] et al.	887-88
8-12-2005	10-1-2002	E-mail from [redacted] et al.	889
8-12-2005	10-2-2002	E-mail from [redacted] et al. with attachment	890-93
8-12-2005	10-2-2002	E-mail from [redacted]	894
8-12-2005	10-2-2002	E-mail from [redacted] et al.	895
8-12-2005	10-2-2002	E-mail from [redacted] et al. with attachment	896-900
8-12-2005	10-1-2002	E-mail from [redacted]	901
8-12-2005	10-2-2002	E-mail from [redacted] et al.	902
8-12-2005	10-2-2002	E-mail from [redacted] et al.	903
8-12-2005	10-1-2002	E-mail from [redacted]	904-05
8-12-2005	10-3-2002	E-mail from [redacted]	906
8-12-2005	10-3-2002	E-mail from [redacted] and [redacted]	907-08
8-12-2005			

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ICE DOCUMENTS RELEASED TO OIG

8-15-2005	11-6-2002	E-mail from [REDACTED] al.	909
8-15-2005	11-6-2002	E-mail from [REDACTED]	910
8-15-2005	11-6-2002	E-mail from [REDACTED]	911
8-15-2005	11-6-2002	E-mail from [REDACTED] al	912
8-15-2005	11-6-2002	E-mail from [REDACTED]	913
8-16-2005	10-3-2002	E-mail from [REDACTED] with attachment	914-19
8-16-2005	10-3-2002 and 10-21-2002	Notes from [REDACTED]	920-25
9-30-2005	Undated	Identification of Alien	926
9-30-2005	Undated	Record of Prisoner Remand	927
9-30-2005	10-4-2002	E-mail from [REDACTED] and [REDACTED]	928
9-30-2005	10-04-2002	Copy of Document Served on the Alien	929-31
9-30-2005	10-1-2002	E-mail correspondence btwn HQ and Field	932-33
9-30-2005	Undated	List of Legal Providers	934
9-30-2005	10-2-2002 through 10-4-2005	E-mail correspondence btwn HQ and Field	934-37
9-30-2005	9-28-2002 and 10-1-2002	E-mail correspondence btwn HQ and Field	938-39

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**Doc. #28**

UNCLASSIFIED

Project #: ISP-\_\_-2004  
Review of the Removal of a Canadian Citizen to Syria

Binder Table of Contents  
B: Background

BINDER	TAB	DOCUMENT TITLE
B1	1	A File Documents – Writeup from 1/23/04 meeting with ICE
B1	2	A File Documents – Picture of Arar's Canadian license
B1	3	A File Documents – Immigration database printouts
B1	4	A File Documents – INS Form I-147 given to Arar
B1	5	A File Documents – Bureau of Prisons intake form (377)
B1	6	A File Documents – Country of removal designation form
B1	7	A File Documents – Decision of the Regional Director (10/7/02)
B1	8	A File Documents – INS Form I-148 served on Arar
B1	9	A File Documents – MOI on Arar (10/8/02)
B1	10	Media – “Maher Arar: Statement to the Media” (11/4/03)
B1	11	Media – “Deported Terror Suspect Details Torture in Syria” (11/5/03)
B1	12	Media – “Maher Arar: Timeline” (11/6/03)
B1	13	Media – “Ex-Detainee Details Fearful Path to Syria” (11/12/03)
B1	14	Media – “Top Justice Aide Approved Sending Suspect to Syria” (11/19/03)
B1	15	Media – “Man Was Deported After Syrian Assurances” (11/20/03)
B1	16	Media – “His Year In Hell” (1/21/04)
B1	17	Media – “The Case of Maher Arar [Congressional Record]” (2/10/04)
B1	18	Media – “Untangling tale of tortured Canadian” (5/1/04)
B1	19	Media – “Jet Is an Open Secret in Terror War” (12/27/04)
B1	20	Media – “Terror Suspect Alleges Torture” (1/6/05)
B1	21	Media – “Cdn. Info brought Arar to U.S. attention: report” (1/27/05)
B1	22	Media – “Outsourcing Torture” (2/7/05)
B1	23	Media – “Obsidian Wings: Maher Arar” (2/14/05)
B1	24	Media – “It's Called Torture” (2/28/05)
B1	25	Media – “No Secrets: Eyes on the CIA” (3/7/05)

UNCLASSIFIED



**UNCLASSIFIED**

B1	26	Media – “CIA’s Assurances on Transferred Suspects Doubted” (3/17/05)
B1	27	Media – “Suit by Detainee on Transfer to Syria Finds Support in Jet’s Log” (3/30/05)
B1	28	Media – “Storm over deportation to Syria” (5/31/05)
B1	29	Media – “Inquiry Exposes Canada’s Role in ‘Renditions’” (6/26/05)
B1		

**UNCLASSIFIED**

**Doc. #29**

ISF - \_\_\_\_\_ - 2004  
Border BC1  
Tab 1

Friday, January 23, 2004

**Purpose:** To meet with [REDACTED], DHS, Bureau of Immigration and Customs Enforcement (ICE) and pertinent DHS ICE officials to review the unclassified Alien File (A-File) for Maher Arar

**Source:** [REDACTED], National Security Law Division, Office of the Principal Legal Advisor, DHS, Immigration and Customs Enforcement, 425 I Street, NW, Room [REDACTED], Washington D.C. 20536, 202 514 [REDACTED].

A-File of Mr. Maher Arar

**Scope/Methodology:** Met with [REDACTED], reviewed the A-File for Maher Arar, obtained copies of pertinent portions of the file, and recorded relevant information into the data collection instrument (DCI) prepared by [REDACTED].

**Discussion:**

On January 23, 2004, [REDACTED], Senior Inspector, DHS Office of Inspector General (OIG) and [REDACTED], Senior Inspector, DHS/OIG, met with [REDACTED], who directed us to [REDACTED], to review the subject's A-File. [REDACTED] provided us with Mr. Maher Arar's A-File and subsequently mentioned that while no classified A-File existed, the National Security Unit (NSU) had a classified addendum to the A-File. [REDACTED] requested that we identify and tag any documents in the unclassified A-File that we wanted to copy. Once we had a chance to review the file and [REDACTED] had an opportunity to review the documents we identified for copying, [REDACTED] asked a member of the Administrative Support staff ([REDACTED]) to copy the OIG-designated documents.

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[REDACTED] stated that once ICE addresses the FOIA request submitted by Mr. Arar's attorneys, [REDACTED] would store the A-file as they would any other A-File.

While [REDACTED], we noticed [REDACTED]. When asked if [REDACTED] stated that [REDACTED] was unaware of [REDACTED].

**Conclusion:** Met with pertinent officials with DHS/ICE, reviewed Maher Arar's A-File, obtained copies of relevant documents, and recorded appropriate data into the DCI.

**Doc. #30**

**UNCLASSIFIED**

**Project #: ISP-\_\_-2004  
Review of the Removal of a Canadian Citizen to Syria**

**Binder Table of Contents  
B: Background**

BINDER	TAB	DOCUMENT TITLE
B2	1	██████████ – correspondence from ██████████ (undated)
B2	2	██████████ – “██████████” (5/6/05)
B2	3	United Nations – correspondence (11/14/03)
B2	4	United Nations – “Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” (8/9/99)
B2	5	United Nations – “Human rights questions: implementation of human rights instruments” (8/23/04)
B2	6	Human Rights Watch – correspondence, “U.S. Department of Homeland Security’s Investigation of the Maher Arar Case” (7/16/04)
B2	7	Human Rights Watch – “Still at Risk: Diplomatic Assurances No Safeguard Against Torture” (April 2005)
B2	8	Human Rights Watch – “Empty Promises: Diplomatic Assurances No Safeguard Against Torture” (April 2004)
B2	9	Human Rights Watch – “Re: Case of Nuriye Kesbir” correspondence (5/24/04)
B2	10	Human Rights Watch – “Sweden: Torture Inquiry Must Be Under U.N. Auspices” (5/27/04)
B2	11	██████████ – Notes of Interview, ██████████ (9/14/04)
B2	12	██████████ – email, “Re: Arar inquiry” (9/23/04)
B2	13	██████████ – email, “RE: Arar Inquiry” (9/24/04)
B2	14	Amnesty International – correspondence (11/17/03)
B2	15	Amnesty International – correspondence (7/16/04)
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**UNCLASSIFIED**

		Removal of Aliens* (3/11/04)
B2		

**UNCLASSIFIED**

**Doc. #77**

UNCLASSIFIED

Project #: ISP-\_\_-2004  
Review of the Removal of a Canadian Citizen to Syria

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**Doc. #31**

9/14/04

AKG

[REDACTED]

ISF- 2004  
Bender (2)  
Tab 11

[REDACTED]

[REDACTED]

How was with [REDACTED]  
Subsequent report - [REDACTED]  
Contact with report

[REDACTED]

b5,6

DIPLOMATIC ASSURANCES  
DOES makes determination  
OF ASSURANCES  
+ RELIABILITY  
+ ADEQUATE

What was [REDACTED] ?  
What was [REDACTED] ?  
[REDACTED] ?

\* WHAT [REDACTED] ?  
[REDACTED]  
[REDACTED]  
[REDACTED]

" [REDACTED] "

[REDACTED]  
Notes of  
Interview

**Doc. #32**

ISF- \_\_\_\_\_ -2004  
Bander B(2)  
Tab 13

From: [redacted]  
Sent: Friday, September 24, 2004 3:45 PM  
To: [redacted]  
Subject: RE: Arar Inquiry

Thanks [redacted] This is great.

[redacted] - I would just add one point on the [redacted]. It captures the notion of [redacted]. As [redacted] notes, [redacted] but there [redacted] should be [redacted] although it [redacted] it refers to [redacted]. So it's important to [redacted].

Thanks very much - [redacted]

-----Original Message-----  
From: [redacted] [mailto:[redacted]]  
Sent: Thursday, September 23, 2004 9:53 AM  
To: [redacted]  
Cc: [redacted]  
Subject: Re: Arar Inquiry

[redacted]:  
Very nice speaking with you at the phone this morning. I thought it best to ring to discuss the complexities as opposed to trying to draft an email that would almost certainly be confusing. In the end, it appears that a focus on the

b5,6

[redacted] would be most useful for the reasons we discussed. As promised, here are [redacted]:

1) [redacted]

[redacted] concern has been with the fact that [redacted]. I would also draw your attention to [redacted] indicates that [redacted]. Perhaps what is needed is [redacted].

2) [REDACTED]  
[REDACTED]  
[REDACTED]

As I mentioned, [REDACTED]  
[REDACTED]  
[REDACTED] You will note that [REDACTED]

states  
that [REDACTED]  
[REDACTED]

Please do not hesitate to contact [REDACTED] or me if we can offer further assistance. I am traveling from tomorrow until [REDACTED] but will have access to email. Very best with your work on this issue -- [REDACTED]

"[REDACTED]" wrote:

> [REDACTED]  
>  
> Thanks for the link.  
>  
> Our conversation the other day got me thinking about something. You  
> correctly stated [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
> r  
> [REDACTED] . You further stated  
> that [REDACTED]  
> [REDACTED]  
> [REDACTED]. Therefore, I have to question  
> the [REDACTED]  
> [REDACTED].  
Namely,  
> [REDACTED] [REDACTED]  
> [REDACTED]. " It seems that if we cannot  
> [REDACTED]  
> [REDACTED] In other words, if [REDACTED]  
> [REDACTED]  
> [REDACTED]. I do not see how we  
> can [REDACTED]  
> [REDACTED]  
> [REDACTED]. Has anyone ever challenged this provision  
> of [REDACTED]?  
>  
> [REDACTED]

> -----Original Message-----  
> From: [REDACTED] [mailto:[REDACTED]]  
> Sent: Friday, September 17, 2004 10:33 AM  
> To: [REDACTED]; Reback, Richard; Ashbaugh, Robert  
> Cc: [REDACTED]  
> Subject: Arar Inquiry  
>

b5,6

> Dear Messrs. Ashbaugh, [REDACTED] and Reback:

>  
> Many thanks for taking the time to meet with me and [REDACTED] on  
> Monday afternoon. I hope that you found the discussion useful. As you  
> well know, [REDACTED] is [REDACTED]  
> [REDACTED] but I am responding to your direct request for more information  
> regarding [REDACTED].

> Further to our conversation regarding [REDACTED]  
> [REDACTED] please see the link below to the excellent web site the  
> Canadians have set-up on the Arar case. You will note from the latest  
> press release of September 13 that [REDACTED]  
> [REDACTED].

> I trust that in the event you want to discuss issues of mutual concern  
> with [REDACTED], they would be willing to do so to the extent  
> possible. From a review of the site, it appears that [REDACTED]  
> [REDACTED] may in fact be useful for your  
> own work, especially regarding [REDACTED]  
> [REDACTED]  
> [REDACTED]

> Wishing you all the best,

> [REDACTED]  
> [REDACTED]  
> [REDACTED]

> Link to Canadian commission web site:

> <http://www.ararcommission.ca/eng/index.htm>

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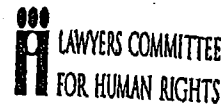


**Doc. #33**

DISP - 2004  
Bunder BC27  
Tas 14

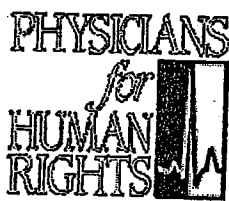
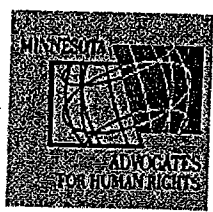
November 17, 2003

The Honorable Colin L. Powell  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520



Dear Secretary Powell:

We are writing to you to express our deep concern over the reported role of United States officials in transferring a Canadian citizen, Maher Arar, to Jordan with the understanding that he would then be turned over to Syria. Mr. Arar alleges that he was brutally tortured by Syrian authorities over a period of 10 months. As you may be aware, these allegations are contained in a front-page story on November 5, 2003 in the Washington Post. Mr. Arar claims that he strenuously protested being handed over to Syria and expressed the strong fear that he would be tortured there. We urge you to investigate his allegations, to report publicly on your findings, and to hold accountable any US officials who may have violated US law and human rights commitments in his case.



On June 26<sup>th</sup> in a statement commemorating UN Torture Victims Recognition Day, President Bush pledged that the United States is leading the fight against torture by example. He called upon all governments to join the United States in "prohibiting, investigating, and prosecuting all acts of torture...." These statements reinforced the even more specific assurances you provided to the Senate Foreign Relations Committee on February 6, 2003 in which you said "[i]n any cases where the United States transfers detainees to other countries for detention we seek and receive assurances that detainees will not be tortured."

Similar assurances have been provided by Department of Defense General Counsel William J. Haynes in a letter to Senator Leahy on June 25, 2003 stating that "United States policy is to obtain specific assurances from the receiving country that it will not torture the individual being transferred to that country. We can assure you that the United States would take steps to investigate credible allegations of torture and take appropriate action if there were reason to believe that those assurances were not being honored."



RFK Memorial Center for Human Rights

Independent of these pledges, the United States has obligations under both the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and US law to refrain from sending any



individual to a country where there are substantial grounds for believing that he would be in danger of being tortured. The United States has long protested the use of torture in Syria. Indeed, in the President's November 6<sup>th</sup> speech to the National Endowment for Democracy he specifically mentioned the problem of torture there.

We urge the Administration to make good on these pledges and comply with its legal obligations by swiftly and thoroughly investigating this case and taking appropriate action against those responsible if the allegations prove correct. If Mr. Arar was in fact treated in the way he describes, it raises very serious questions over whether US officials have violated United States legal obligations and the President's pledges. In addition, either US officials failed to obtain the "appropriate assurances" discussed by General Counsel Haynes, or the Governments of Jordan and Syria violated those assurances.

There are many aspects of Mr. Arar's report that are troubling. First, of course, is the allegation that US authorities actively participated in sending an individual to a country known to use torture when interrogating prisoners despite his fear that there was a substantial likelihood that he would be tortured. This report is similar to earlier reports that US officials participated in the transfer to Syria of a prisoner seized in Morocco. In this case, however, the individual was allegedly detained in the United States and then transported by US officials. It is not clear that even receiving assurances of proper treatment from a government like Syria that has a well-documented record of torturing prisoners would satisfy US obligations.

Second, it is not clear what legal basis exists for "rendering" an individual to another government in general or in this specific case. Mr. Arar is allegedly a Canadian citizen and resides there. He was reportedly traveling from Tunisia to Canada by way of New York City when US officials detained him and held him for two weeks before flying him out of the country. There is no allegation that he has been charged with or is being sought by any government for having committed a crime. Thus, it does not appear that he was extradited, removed or deported under any of those applicable statutory provisions in US law. In the absence of an express statutory authorization, US officials are not authorized to seize, detain, transport and surrender an individual to a foreign state.

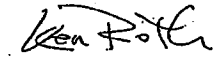
Third, the Washington Post article quotes anonymous Bush Administration officials who appear to contradict the Administration's public statements concerning the abuse and rendition of prisoners. In this instance, anonymous officials claim that the United States has engaged in "a lot of rendition activities" and that one of the reasons for these renditions is the desire to place suspects "in other hands because they have different standards...." While we appreciate the Administration's repeated public assurances that suspects are not being transferred to other countries so that they will be abused in order to extract information from them, we continue to be troubled by the statements of unnamed officials contradicting these public statements. The repeated claims of unnamed Bush Administration officials involved in actual cases raise serious questions about whether the President's policy against torture is being violated in practice. Those concerns are bolstered by the comments of former US intelligence officials, such as Vincent Cannistraro and Robert Baer, who have said publicly that they believe that transferred suspects are being tortured.


We call on the Administration to undertake a swift and thorough investigation into Mr. Arar's case and to make public the results of that investigation. We also urge the Administration to investigate and publicly respond to the repeated public claims of past and present intelligence officers that the United States is participating in many prisoner transfers and that transferred prisoners are known to be tortured. Finally, we urge the Administration to end the practice of transferring persons to countries where it cannot effectively assure that they will be free from torture or other mistreatment. We look forward to hearing from you concerning this matter.


Sincerely,

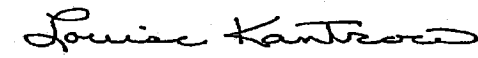
  
William F. Schulz  
Amnesty International USA


Doug Johnson  
The Center for Victims of Torture

  
Ken Roth  
Human Rights Watch

  
Gay McDougall  
International Human Rights Law Group

  
Gary Haugen  
International Justice Mission

  
Louise Kantrow  
International League for Human Rights

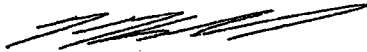
  
Michael Posner  
Lawyers Committee for Human Rights



Robin Phillips  
Minnesota Advocates for Human Rights



Len Rubenstein  
Physicians for Human Rights



Todd Howland  
RFK Memorial Center for Human Rights

**Doc. #34**

July 16, 2004

Clark Kent Ervin  
U.S. Department of Homeland Security  
Office of the Inspector General  
Washington, DC 20528

ISP- -2004  
Binder B(2)  
Tab 15

Re: Maher Arar

Dear Mr. Ervin:

Thank you for the opportunity to meet with you on April 26 to discuss the inspection your office is conducting into the case of Maher Arar and the policies and procedures that led to his detention and removal to Syria. We believe this is a timely and important inquiry that can help shed light on an obscure area of current U.S. practice.

We were pleased to learn that your inspection will focus not only on the specific case of Mr. Arar, but more generally on cases involving the removal of alleged terrorist suspects to a country where they may risk being subjected to torture. This focus will enable you to examine how Mr. Arar's case fits into the handling of so-called "extra-ordinary renditions," a category that has no legal definition known to us. We hope you will clarify the U.S. government means by this term and the official purpose of such renditions. Further, we hope your inspection will shed light on U.S. practice with respect to these transfers and what procedural safeguards, if any, apply. Although U.S. authorities have admitted that a number of renditions have occurred in past years, there is no public record of the vast majority and thus no way to evaluate if the procedures governing the renditions comply with U.S. legal obligations.

During our meeting, your staff suggested that your office would not interview Mr. Arar unless there were factual disagreements about what had occurred in his case. From the public record clear contradictions have already emerged, and we would strongly urge you meet with Mr. Arar at an early phase of the inspection. Meeting with Mr. Arar is essential to a thorough and accurate review of the way the government handled his case.

We would like to take this opportunity to underscore some of the issues that we discussed at our meeting and share with you information and materials that may prove useful to the inspection. In particular, we would like to draw your attention to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Torture Convention") and the Foreign Affairs Reform and Restructuring Act of 1998 ("FARRA"). The United States ratified the Torture Convention in 1994. Article 3 of the Convention prohibits the return or transfer of any person to a country where there are substantial grounds for believing he or she would be at risk of being subjected to torture. In 1998, Congress directed federal agencies to promulgate and enforce regulations in order to implement effectively this provision of the Torture Convention. In the FARRA, Congress stated that "it shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States." This is referred to as the 'non-refoulement' obligation under Article 3 of the Torture Convention. Only the Departments of Justice and State issued regulations. See 8 C.F.R. §§ 1208.16(c), 1208.17, 1208.18 and 22 C.F.R. § 95.2. The Justice Department regulations became Department of Homeland Security regulations in 2003. See 8 C.F.R. §§ 208.16(c), 208.17, 208.18. A recent study by the Congressional Research Service (Appendix A) provides a good guide to U.S. obligations

under the law and the Convention.

From our research and experience, it appears that the safeguards for insuring compliance with legal prohibition on refoulement are vague, and the oversight minimal. Mr. Arar's case is one of the few that has emerged publicly, but the potential for similar problems is significant. (Information about specific cases tracked by Amnesty International is enclosed as Appendix B.) The threat is particularly great where, in cases like Arar, the non-citizen detainee is deemed a security threat or a terrorist suspect. In such cases, streamlined removal procedures allow substantial discretion on the part of administrative officials and the final decision leaves no publicly available record for review. The problem is further complicated by the variety of legal procedures and agencies involved. We urge you to review the full range of procedures for removal of non-citizens from the United States, including all forms of expedited removal, and to include other agencies as well.

We believe it is particularly important for you to inquire about the use of "diplomatic assurances" – that is, written guarantees from the receiving state that a person would not be subject to torture or other prohibited treatment upon return. This would necessarily require a review of practice in other agencies with respect to securing such guarantees. In the Arar matter, the U.S. government reportedly relied on "assurances" given by the government of Syria. A Washington Post article states that such assurances were obtained by the CIA. (Appendix C). Correspondence between the Human Rights Executive Directors Working Group and the Department of State suggest that the Department of Justice may have been involved as well. (Appendix D & E). This is a hazy area where law and practice appear to be out of sync. We are very concerned about the use of diplomatic assurances to circumvent the non-refoulement obligation of the Torture Convention and Congress's directive to implement that obligation under FARRA. The legal obligation not to send people back to torture is absolute. Just as the U.S. government cannot engage in torture directly, it cannot send people to other countries where they risk being tortured. The use of diplomatic assurances must be evaluated in terms of this clear obligation, and with an eye toward protecting those facing removal from the United States from a risk of torture. (See Human Rights Watch Report, "Empty Promises: Diplomatic Assurances No Safeguard Against Torture," Ex. F).

In sum, we hope you will have the opportunity to consider the following questions in the course of your inspection:

- ✓ What are the considerations, procedures and protocols for removing an individual suspected of terrorist activities? Do they vary with respect to extradition, removal, expedited removal, and so-called "extraordinary renditions?"
- ✓ How is the country of removal determined? What is the process for assessing the threat of torture in a country to which someone is to be deported? What procedural safeguards exist for the non-citizen facing removal?
- ✓ What is the definition of "extraordinary rendition"?
- ✓ Under what circumstances is custody transferred subject to "diplomatic assurances" (8 C.F.R. § 208.18(c)). Are there other forms of "assurances" that are deemed sufficient to overcome the prohibition on "non-refoulement?" Does the process require the evaluation of widespread or systematic use of torture or inhuman treatment or other human rights violations in the receiving country when determining whether diplomatic assurances from that country can properly be relied upon? What ability does the non-citizen facing removal have to challenge the reliability of diplomatic assurances in his or her case?



- ✓ What follow-up mechanisms are used to verify that diplomatic assurances are effective? How does this comport with U.S. obligations under the Torture Convention not to return any person to a country where he or she may risk torture?
- ✓ What process is in place to inform consulates when their citizens are being detained and to update consulates on detainees' status?
- ✓ At what point are detainees allowed to consult with an attorney, and what is the process by which an attorney is informed of developments in his / her client's case?
- ✓ What rights are afforded to detainees at each stage in the detention and deportation process? What procedural safeguards?
- ✓ What process is in place to keep the families of detainees informed as to the whereabouts and deportation of their loved one?
- ✓ What is the protocol for working with other U.S. government agencies with regard to requests for detentions and deportations, as well as monitoring treatment of deportees once they have arrived in the designated country?
- ✓ What is the protocol for sharing information attained by host countries interrogating the deportee? How does this comport with U.S. obligations under the FARRA and CAT?
- ✓ In what ways does the transition to DHS affect the above questions? What new regulations or policies should DHS adopt to ensure compliance with FARRA?

As we discussed at our meeting, a Canadian Commission of Inquiry has launched an investigation into the role of Canadian authorities in this matter. Formal proceedings began on June 21. We encourage your office to consider full co-operation and the exchange of information with the Canadian Commission.

We have enclosed appendices, which provide background on U.S. obligations under the Torture Convention and the FARRA, diplomatic assurances, Mr. Arar's case and other cases tracked by Amnesty International. We would be pleased to provide additional information or to facilitate meetings with attorneys and family members who have gone through the detention and deportation of their clients and loved ones. We thank you again for the opportunity to meet and discuss the scope of your inspection and look forward to continuing this dialogue.

Sincerely,

Alexandra Arriaga  
 Director Government Relations  
 Amnesty International USA

Peter Rosenblum  
 Clinical Professor in Human Rights  
 Human Rights Clinic, Columbia Law School

Elisa Massimino  
Director of the Washington, D.C. Office  
Human Rights First

Wendy Patten  
U.S. Advocacy Director  
Human Rights Watch

Laura W. Murphy and Timothy H. Edgar  
American Civil Liberties Union

(Enclosures)

cc: Richard Reback, Esq.  
Robert Ashbaugh, Esq.

## Appendix

- A. Congressional Research Service, "The U.N. Convention Against Torture: Overview of U.S. Implementation Policy Concerning the Removal of Aliens", CRS Report for Congress, The Library of Congress, March 11, 2004. Also available online at <http://fpc.state.gov/documents/organization/31351.pdf>.
- B. Summary of Cases Tracked by Amnesty International USA.
- C. Dana Priest, "Man Was Deported After Syrian Assurances," Washington Post, Nov. 20, 2003, A24. Also available on LEXIS.
- D. Human Rights Executive Directors Working Group Letter to the Hon. Colin Powell, Secretary of State, November 17, 2003.
- E. Department of State Letter to Stephan Rickard, Human Rights Executive Directors Working Group.
- F. Human Rights Watch, "Empty Promises: Diplomatic Assurances No Safeguard Against Torture," April 2004, Vol. 16 No.4 (D). Also available online at <http://www.hrw.org/reports/2004/un0404/diplomatic0404.pdf>
- G. Written Declaration on U.S. practices on diplomatic assurances by Samuel M. Witten, Deputy Legal Adviser for Law Enforcement and Intelligence in the Office of the Legal Adviser of the U.S. Department of State, *Cornejo-Barreto v. Seifert*, United States District Court for the Central District of California Southern Division, Case No. 01-cv-662-AHS, October 2001. Also available online at <http://www.state.gov/documents/organization/16513.pdf>.
- H. Karen Musalo, Jennifer Moore & Richard Boswell, *Refugee Law and Policy*, pp. 324-331.
- I. 150 Cong. Rec. S781-S785 (February 10, 2004)(statement of Senator Leahy). Also available online at <http://frwebgate3.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=730347507+0+0+0&W AISaction=retrieve>
- J. Amnesty International Letter to John Ashcroft, November 14, 2003.

**Doc. #65**

Review of the Removal of a Canadian Citizen to Syria

ISF- - 2004  
 Binder C  
 Tab 27

Priority	Name	Position (at time of Arar matter)	Phone	Status	Interview Date
A	[REDACTED]	[REDACTED]	[REDACTED]	Interview scheduled for July 15, 2005. Interview cancelled because of [REDACTED] (Subject is [REDACTED])	[REDACTED]
A (phone)	[REDACTED]	[REDACTED]	[REDACTED]	Received fax from attorney about conditions of interview (August 11, 2005). DHS OIG response transmitted to attorney on August 29, 2005.  [REDACTED] Call [REDACTED] and attorney ([REDACTED]) to schedule interview on September 20, 2005.	[REDACTED] not an OIG redaction
A	[REDACTED]	[REDACTED]	[REDACTED]	Spoke with and faxed legal memo on August 9, 2005. Left message on W 8/10 at 10:30 AM  August 15, 2005, phone conversation: [REDACTED] informed me that [REDACTED] and [REDACTED] consequently declined to be interviewed for our Arar review. [REDACTED] said	[REDACTED]

b5,6

A	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>Spoke with and faxed legal memo on August 10, 2005.          Postponed August 11, 2005, meeting.          Left message on Monday, August 15 at 11:10 AM          Left message on Tuesday, August 23 at 11:15 AM          Left message on Tuesday, September 6, at 4:00PM</p>	<p>Location:          15<sup>th</sup> first floor</p>
A (phone)	[REDACTED]	[REDACTED]	[REDACTED]	<p>[REDACTED]          (called 8/23/05          - wrong          number)          [REDACTED]          (cell)          [REDACTED]          (office)</p>	[REDACTED]	<p>[REDACTED]</p> <p>not an          OIG          redaction</p>
A	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>20 Massachusetts Ave., NW, Room [REDACTED]</p> <p>Postponed original August 22, 2005, interview. Emailed to reschedule on August 18.</p> <p>Left message on August 24 at 3:05PM          Obtaining contact information from CBP</p>	<p>[REDACTED]</p> <p>not an          OIG          redaction</p>
B	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>not an          OIG          redaction</p>

b5, 6



not an OIG

redaction

[ b5,6 ]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
----------------	------------	------------	------------	------------	------------



**Doc. #66**

ISP- -2004  
Budes C  
Tab 28

[REDACTED]  
Phone: 718-553-[REDACTED]  
Address: CBP [REDACTED]  
Jamaica, NY 11430

[REDACTED]  
Phone: [REDACTED]  
Address: ICE  
[REDACTED]  
Jamaica, NY 11430

[REDACTED] Arar on October 7, 2002, at MDC]  
Unknown

[REDACTED]  
Unknown

[REDACTED], immigration inspector  
Phone: 718-553-[REDACTED]  
Address: [REDACTED]  
Jamaica, NY 11430

[REDACTED], Special Agent  
Phone: 718-553-[REDACTED]  
Address: [REDACTED]  
Jamaica, NY 11430

[REDACTED], Special Agent  
Phone: 646-696-[REDACTED]  
Address: ICE  
26 Federal Plaza  
New York, NY 10278

[REDACTED], Special Agent (Criminal Investigator)  
Phone: 212-264-[REDACTED]  
Address: ICE  
26 Federal Plaza  
New York, NY 10278

b5, 6, 7C

[REDACTED], immigration inspector  
Phone: 718-553-[REDACTED]  
Address: [REDACTED]  
Jamaica, NY 11430

[REDACTED], immigration inspector [REDACTED]  
Phone: [REDACTED]  
Address: [REDACTED]

[REDACTED], immigration inspector  
Phone: 718-553-[REDACTED]  
Address: CBP  
[REDACTED]  
Jamaica, NY 11430

b5, 6, 7C

**Doc. #67**

ISP- - 2004  
Binder C  
Tab 29

[REDACTED]  
From: [REDACTED]  
Sent: Monday, May 24, 2004 2:45 PM  
To: [REDACTED]  
Subject: [REDACTED] Interview

[REDACTED] per our prior discussion, I spoke with [REDACTED] a few minutes ago. [REDACTED] identified two concerns with being interviewed by DHS/OIG on the Arar matter: 1) [REDACTED] and 2) [REDACTED] also informed me that [REDACTED]

b5, 6

I responded that both you and I have [REDACTED]. In addition, I suggested that [REDACTED] contact [REDACTED] - to determine the legal viability of participating in an OIG interview.

We agreed that [REDACTED] will contact [REDACTED] and will then contact me to provide [REDACTED] views on the matter and, if feasible, schedule an interview for mid-June. Also, [REDACTED] number at [REDACTED] is [REDACTED]

**Doc. #68**

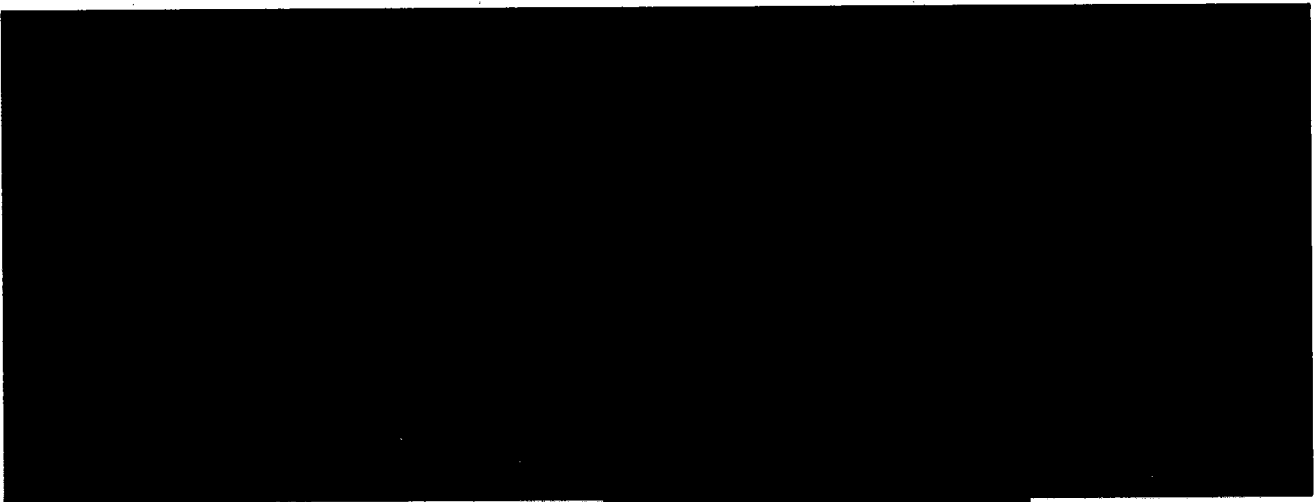
ISP- -- 2004  
Binder C  
Tab 30

From: [redacted]  
Sent: Wednesday, June 02, 2004 9:35 AM  
To: [redacted]  
Subject: RE: [redacted] Interview

b5, 6

[redacted] I received a message from [redacted] last night around 6. [redacted] message, which I saved, conveyed that [redacted] had spoken with [redacted] - who had recently [redacted] afterwards advised [redacted] that [redacted] should [redacted] Specifically, [redacted] was concerned that [redacted] In short, while [redacted] declined to be interviewed.

[redacted] provided [redacted] cell phone number if we want to discuss further.



[redacted] - new #  
[redacted] -> [redacted]  
see.

Fax [redacted] - to [redacted]

-> [redacted] 1/27 Re 2:20 PM

b5, 6

Home fax -

[redacted] - # New [redacted]

[redacted] 1/28 Re 3:35 PM

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

JOB NO. 0476  
DESTINATION ADDRESS [REDACTED]  
PSWD/SUBADDRESS  
DESTINATION ID  
ST. TIME 01/28 15:39  
USAGE T 00'41  
PGS. 3  
RESULT OK

b6



DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF INSPECTOR GENERAL

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
[REDACTED]	[REDACTED] Chief Inspector
COMPANY:	DATE:
	January 28, 2005
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
[REDACTED]	3
PHONE NUMBER:	RE:
	DHS OIG Review of the Removal of Maher Arar by the Immigration and Naturalization Service

b6

b6

URGENT    FOR REVIEW    PLEASE COMMENT   PLEASE REPLY

NOTES/COMMENTS:

Per your January 27, 2005, discussion with my colleague, [REDACTED], I have attached the "Joint Memorandum Regarding Treatment of Privileged Information in Arar v. Ashcroft, et al.", dated December 10, 2004. This memorandum establishes guidelines, agreed upon by the DHS Office of General Counsel (OGC) and DHS Office of Inspector General (OIG), for OIG access to information

b6



**Doc. #69**

ISP - - 2004  
B. Under C  
Tab 31

[Redacted]

From: Reback, Richard  
Sent: Monday, June 13, 2005 10:08 AM  
To: [Redacted]  
Cc: Ashbaugh, Robert; Skinner, Richard  
Subject: Arar CBP docs and other arrangements

[Redacted]

CBP point of contact for its documents, which I am advised [Redacted], is [Redacted], 202-[Redacted]. I understand you may have dealt with [Redacted] before. In any event, would you pls contact [Redacted] directly to make arrangements for copying and delivery of their documents. I am advised that all legal issues are now resolved. There should be no impediment to your receipt of the documents or to initiation of interviews.

As I mentioned, I have asked ICE to copy all of its documents, which it says will take about a week, and provide them to us. I dealt with principal legal advisor, but all legal issues are now resolved, and I am advised that ICE POC for all its documents is [Redacted].

Finally, I have a call into CIS, although I am advised [Redacted]. You can feel free to follow-up directly with [Redacted], 202-[Redacted].

As stated, all legal issues are now believed to be resolved and there should be no impediments whatsoever to receipt of "derivative" documents and initiation of interviews. I am advised that DHS will not [Redacted].

b5, 6

The interviews "ought" to run smoothly. As you know, [Redacted] (though I don't think that applies here). However, DHS OGC has agreed to [Redacted]. If you wish to tell me when you will be conducting [Redacted] interviews, I will stand by to be available for any phonecalls. Sometimes, [Redacted], even if the content of the info is the same.

I believe it would help if [Redacted]

It may be useful to have [Redacted]

Finally, the onus is on the DHS OIG to make sure that [Redacted]

Also, pls note that we have agreed that [Redacted]. I say this only has a caution and not based on any current concerns: in years past, I have seemed [Redacted]. OIG personnel should be [Redacted]

Give me a call with any questions or concerns. The interviews "ought" not be contentious and everything ought to run smoothly from here on in.

Rick

**Doc. #70**

ISL-\_\_\_\_-2004  
Buder C  
Tab 32

July 12, 2005

[REDACTED]

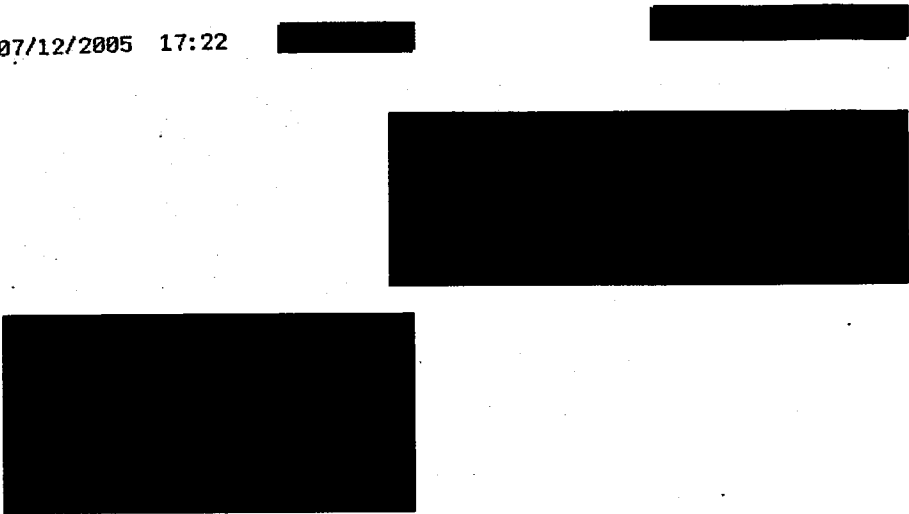
A problem with our interview with [REDACTED] has arisen. I received a call yesterday afternoon from [REDACTED] inquired as to how we planned to [REDACTED]

Pursuant to our conversation, I faxed [REDACTED] to [REDACTED]. About a half-hour later, [REDACTED] replied with the attached fax.

After my initial conversation with [REDACTED], I spoke with Rick Reback and briefed [REDACTED] on the conversation. Rick said he was available to answer any relevant legal questions from [REDACTED] has not, however, seen the attached document yet.

[REDACTED]

b5, 6



AREA CODE

TELECOPIER

E-MAIL

**TELECOPY COVER SHEET**

b5, 6

DATE: July 12, 2005

TIME: 5:22 PM E.D.T.

Number of pages (including cover sheet): - 3 -

Original to follow by mail:  yes  no

TO: [Redacted]

FAX NO.: 1.202.254. [Redacted]

FROM: [Redacted]

RE: [Redacted]

**IF YOU DO NOT RECEIVE ALL PAGES, AS INDICATED ABOVE,  
PLEASE CALL [Redacted] AND ASK FOR [Redacted]**

COMMENTS:

**NOTICE**

This message contains information that is privileged, confidential, and exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately by collect telephone at [Redacted]; return the original message to us at the above address via the U.S. Postal Service; and please do not permit any dissemination or distribution of this communication other than to the intended recipient. Thank you.

b5, 6

07/12/2005 17:22

PAGE 02

[REDACTED]

[REDACTED]

AREA CODE [REDACTED]

TELECOPIER [REDACTED]

E-MAIL [REDACTED]

July 12, 2005

**BY TELECOPIER TRANSMISSION**

**1.202.254. [REDACTED]**

b5, 6

[REDACTED]  
Inspector  
Department of Homeland Security  
Office of Inspector General  
Washington, DC 20528

Re: [REDACTED]

Dear [REDACTED]:

Thank you for sending the [REDACTED]. We have reviewed it and find that it does not alleviate our concerns. While [REDACTED] is anxious to cooperate with the Office of Inspector General's investigation into this matter, in light of [REDACTED] [REDACTED] has told us that [REDACTED] and accordingly will not appear for the interview this Friday.

[REDACTED] will be willing to reconsider this decision [REDACTED].

[REDACTED]

[REDACTED]  
July 12, 2005  
Page 2

b5, 6

Thank you.

Very truly yours,  
[REDACTED]

[REDACTED]

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

JOB NO. 0801  
DESTINATION ADDRESS [REDACTED]  
PSWD/SUBADDRESS  
DESTINATION ID  
ST. TIME 07/12 16:44  
USAGE T 01'00  
PGS. 3  
RESULT OK

b5,6



DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF INSPECTOR GENERAL

FACSIMILE TRANSMITTAL SHEET

TO: [REDACTED]	FROM: [REDACTED] Inspector 202-254-[REDACTED]
COMPANY:	DATE: July 12, 2005
FAX NUMBER: [REDACTED]	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: [REDACTED]	RE: DHS OIG Maher Atar Review

b5,6

URGENT     FOR REVIEW     PLEASE COMMENT    PLEASE REPLY

NOTES/COMMENTS:

[REDACTED]

Per our conversation, attached is the memorandum that covers our relevant interviews of former employees of agencies now in DHS' purview. It addresses the privilege and disclosure issues you mentioned.



**Doc. #71**

ISP- --- - 2004  
Bunder C  
Tab 33

[REDACTED]  
From: Reback, Richard  
Sent: Wednesday, July 13, 2005 4:10 PM  
To: Ashbaugh, Robert; Skinner, Richard; Faulkner, Tamara  
Cc: [REDACTED]  
Subject: RE: Arar

That's unfortunate. [REDACTED]

As you know, [REDACTED]

b5 (DP/  
AC) , 6

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

From: Ashbaugh, Robert  
Sent: Wednesday, July 13, 2005 3:49 PM  
To: Skinner, Richard; Reback, Richard; Faulkner, Tamara  
Cc: [REDACTED]  
Subject: Arar

Last night, [REDACTED], sent word [REDACTED] would not appear for an interview that was scheduled over a month ago to occur this Friday. The letter from [REDACTED] advised that [REDACTED]. The letter simply says that [REDACTED] may reconsider depending on [REDACTED]. Copies of the letter are on their way to you and RR.

Robert L. Ashbaugh  
Assistant Inspector General  
for Inspections and Special Reviews  
202-254-[REDACTED]

**Doc. #72**

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

ISI - - - 2004  
Binder C  
Tab 34

TRANSMISSION OK

JOB NO. 0863  
DESTINATION ADDRESS [REDACTED]  
PSWD/SUBADDRESS  
DESTINATION ID  
ST. TIME 08/09 11:16  
USAGE T 00'40  
PGS. 3  
RESULT OK

b6



### DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL

#### FACSIMILE TRANSMITTAL SHEET

TO: [REDACTED]	FROM: [REDACTED] Inspector 202-254-[REDACTED]
COMPANY:	DATE: August 9, 2005
FAX NUMBER: [REDACTED]	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: [REDACTED]	RE: DHS OIG Maher Arar Review

b6

URGENT     FOR REVIEW     PLEASE COMMENT    PLEASE REPLY

NOTES/COMMENTS:

[REDACTED]

Per our conversation, attached is the memorandum that covers our relevant interviews of former employees of agencies now in DHS' purview. It addresses the relevant privilege and disclosure issues.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

JOB NO. 0869  
DESTINATION ADDRESS [REDACTED]  
PSWD/SUBADDRESS  
DESTINATION ID  
ST. TIME 08/10 10:44  
USAGE T 01'22  
PGS. 3  
RESULT OK

b6



DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF INSPECTOR GENERAL

FACSIMILE TRANSMITTAL SHEET

TO: [REDACTED]	FROM: [REDACTED] Inspector 202-254-[REDACTED]
COMPANY:	DATE: August 10, 2005
FAX NUMBER: [REDACTED]	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: [REDACTED]	RE: DHS OIG Maher Arar Review

b6

URGENT  FOR REVIEW  PLEASE COMMENT PLEASE REPLY

NOTES/COMMENTS:

[REDACTED]

Per our conversation, attached is the memorandum that covers our relevant interviews of former employees of agencies that are now in DHS' purview. The memorandum addresses the relevant privilege and disclosure issues.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

JOB NO. 0872  
DESTINATION ADDRESS [REDACTED]  
PSWD/SUBADDRESS  
DESTINATION ID  
ST. TIME 08/10 15:03  
USAGE T 01'12  
PGS. 3  
RESULT OK

b6



DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF INSPECTOR GENERAL

FACSIMILE TRANSMITTAL SHEET

TO: [REDACTED]	FROM: [REDACTED] Inspector 202-254-[REDACTED]
COMPANY:	DATE: August 10, 2005
FAX NUMBER: [REDACTED]	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: [REDACTED]	RE: DHS OIG Maher Arar Review

b6

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY

NOTES/COMMENTS:

[REDACTED]

Per our conversation, attached is the memorandum that covers our relevant interviews of former employees, including [REDACTED] of agencies that are now in DHS' purview. The memorandum addresses the relevant privilege and disclosure issues.

**Doc. #73**

ISP- --2004  
Binder C  
Tab 35



FACSIMILE TRANSMISSION COVER SHEET

TO : [REDACTED], Inspector FAX: (202) 254-[REDACTED]  
 Office of Inspector General

---

FROM : [REDACTED] [REDACTED] [REDACTED].

DATE : August 11, 2005

RE : OIG Interview of [REDACTED] [REDACTED]

TOTAL NUMBER OF PAGES, INCLUDING COVER: 3

b5,6

PLEASE SEE ATTACHED

\*\*\*\*\*  
 If there are any problems receiving this facsimile  
 please contact our office immediately at [REDACTED] [REDACTED]  
 \*\*\*\*\*

Confidentiality Note

The documents accompanying this facsimile transmission contain information from [REDACTED] [REDACTED] [REDACTED] which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile transmission is strictly prohibited, and that the documents should be returned to this firm immediately. In this regard, if you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.



[REDACTED]

[REDACTED]

[REDACTED]

August 11, 2005

~~VIA TELEFAX (202) 254-[REDACTED]~~

[REDACTED], Inspector  
Office of Inspector General  
Department of Homeland Security  
Washington, D.C. 20528

Re: OIG Interview of [REDACTED]

Dear [REDACTED]:

As you are aware, [REDACTED]

b5,6

I understand that next week, your office will seek to interview [REDACTED] with respect to [REDACTED] involvement in the decision to remove Mr. Arar from the United States. I acknowledge receipt of [REDACTED]

[REDACTED] a copy of which you were kind enough to fax to me yesterday.

After reviewing [REDACTED], I am confident that my concerns regarding [REDACTED] have been adequately addressed.

However, I am concerned about a number of other issues.

[REDACTED]. Accordingly, I would request in

[redacted]  
Office of Inspector General  
August 11, 2005

Page 2

writing from DHS [redacted]

[redacted]  
For obvious reasons, [redacted]

not even been cleared to review any classified materials relating to  
the case.

b5,6

[redacted]  
and the interview of [redacted] goes forward, I would like to be  
present at the interview, either telephonically or in person, because  
of the [redacted]

If you intend to question [redacted]

regarding [redacted]

[redacted] please keep in mind that I am  
not cleared to review or hear such information.

Thank you for your attention to this matter. I look forward  
to hearing from you on it.

Very truly yours,  
[redacted]

**Doc. #74**

[Redacted]

b6

ice of Inspector General

U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

IS 11-\_\_\_\_-2004  
Dunder C  
Tas 36

August 12, 2005

Richard L. Skinner  
Inspector General

Richard Reback  
Counsel

Subject: Investigation of Maher Arar

It is never over and never easy. [Redacted] involved in the Arar removal. We need to interview [Redacted] remains [Redacted], although I am uncertain what [Redacted] present position is. [Redacted] has written us to request (1)

b5, 6

[Redacted] and (2) that the attorney be present during the interview. The attorney is not cleared to hear our discussion about some documents in the case.

Attached is the correspondence from [Redacted].

Attachment

RF

Bob,

August 11, 2005

Attached is a FAX we received from [REDACTED] regarding our requested interview with [REDACTED] for the Arar review. [REDACTED] has two concerns:

1. [REDACTED] is requesting that DHS provide [REDACTED] in writing that [REDACTED] I know that the government has [REDACTED] However, I do not know [REDACTED]

2. [REDACTED] attorney wants to be present at our interview. [REDACTED] I do not want it to get in the way of progress.

[REDACTED] was [REDACTED] in the Arar case. We need to interview [REDACTED] I am not sure how to address [REDACTED] would be happy to discuss this with Rick Reback.

[REDACTED]

b5, 6

**Doc. #75**



# Homeland Security

ISP-\_\_\_\_-2004  
Binder C  
Tab 37

August 29, 2005

Via Telefax [REDACTED]

[REDACTED]

Re: OIG Interview of [REDACTED]

Dear [REDACTED]

I am writing in response to your letter of August 11, 2005, and our telephone conversation this morning. [REDACTED]

[REDACTED] The Department of Homeland Security (DHS) Office of Inspector General (OIG) seeks to interview [REDACTED] in connection with the inquiry it is conducting into the handling of Mr. Arar's application to enter the United States and his expedited removal. [REDACTED]

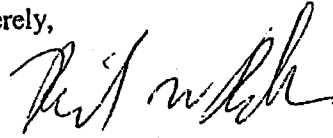
b5,6

The matters about which the OIG seeks to interview [REDACTED] concern actions in [REDACTED] official capacity. Accordingly, as reflected in [REDACTED] a copy of which has been provided to you, it is the view of the DHS and the DHS OIG that [REDACTED] participation in the requested interview [REDACTED]

In addition, you asked to be present either in person or telephonically during the OIG's interview of [REDACTED]. The OIG agrees to your observing the interview, provided that you do not observe or in any way participate in the interview when it involves discussion of classified information.

If you have any questions in connection with the foregoing, please contact me at (202) 254-4100. I appreciate your cooperation in this matter.

Sincerely,



Richard N. Reback  
Counsel to the Inspector General

cc: [REDACTED], DHS OGC

b6



**Doc. #76**

TSP- --2004  
Burdick  
TAS 38

[REDACTED]  
From: [REDACTED]  
Sent: Friday, December 09, 2005 1:40 PM  
To: Ashbaugh, Robert [REDACTED]  
Subject: Arar interview update

Bob and [REDACTED]

I finally talked with [REDACTED] was in the [REDACTED] at the time. [REDACTED] was adamant that [REDACTED] role in the case was limited to [REDACTED] said played no part in the issues of concern to us. [REDACTED] said all of those issues were decided by [REDACTED]. I saw no point in scheduling an interview with [REDACTED] but [REDACTED] did agree that if we wanted to interview [REDACTED] would be amenable.

b5, 6

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

**Doc. #78**

6/16/04

Subject:

Arar

IS-\_\_\_\_-2004  
Bude E  
Tab 12

An update on the Arar situation.

That's the good news. However, when it comes time to  
publish the report, [redacted] stated that [redacted] can [redacted] The  
question posed to Rick Reebeck by [redacted] was, [redacted]  
? Our answer was [redacted] Our  
position is that [redacted]. We provided this response to [redacted] and are waiting for the comeback. b5, 6  
We may [redacted].

Chief Inspector  
Office of Evaluations, Inspections, and Special Reviews  
Office of the Inspector General  
Department of Homeland Security  
202-254-[redacted]

**Doc. #79**

LSI- --- -2004  
Bude E  
Tab 13

[REDACTED]

From: [REDACTED]  
Sent: Tuesday, February 01, 2005 7:22 AM  
To: [REDACTED] (E-mail)  
Cc: [REDACTED] (E-mail)  
Subject: Arar

[REDACTED]

As you may know the OIG initiated a review into the Arar matter about a year ago. We were chugging along when we ran into an issue concerning [REDACTED] as a result of [REDACTED]. We have since [REDACTED]. We now want to "restart" the review.

Normally, when we conduct a review we [REDACTED]. However, because of [REDACTED], we have to [REDACTED]. Further, with the [REDACTED]

b5, 6

I and my colleague, [REDACTED], would like to meet with you to discuss [REDACTED]. While I doubt [REDACTED]. I would expect that our meeting would take no more than 30 minutes. This week is already pretty full for us but we are available any day next week. Please let me know when it would be convenient for you.

Thank you for your assistance in this matter.

[REDACTED]  
Chief Inspector  
Office of Evaluations, Inspections, and Special Reviews  
Office of the Inspector General  
Department of Homeland Security  
202-254-[REDACTED]  
[REDACTED]

**Doc. #80**

LSI-2004  
Binder B  
Tab 14

[Redacted]

pm: [Redacted]  
Sent: Thursday, June 23, 2005 3:03 PM  
To: [Redacted]  
Subject: FW: DHS-DOJ [Redacted]

FYI

[Redacted]  
(202) [Redacted]

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

From: [Redacted]  
Sent: Thursday, June 23, 2005 1:42 PM  
To: [Redacted]  
Cc: [Redacted]  
Subject: Re: DHS-DOJ [Redacted]

[Redacted] thanks for your email. I will consult w/ Counsel as they are set to have [Redacted] this p.m. And an update later this afternoon is the most accurate info we can offer. Thanks, [Redacted]

202-282- [Redacted] (Desk)  
202-841- [Redacted] (Cell)

b5,6

-----  
Sent from my BlackBerry Wireless Handheld

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

From: [Redacted]  
To: [Redacted]  
Sent: Thu Jun 23 13:13:16 2005  
Subject: FW: DHS-DOJ [Redacted]

[Redacted]  
We haven't formally met yet, but I work in the [Redacted] office doing [Redacted]. We are working through some [Redacted] regarding the [Redacted]. The email all the way at the bottom explains some of the background.

The DHS IG is asking for an update on [Redacted]. I believe [Redacted] contacted [Redacted] awhile ago. Can you provide a status update? Last I heard from Policy was in mid-March and at that time ICE was drafting comments to a DOJ draft.

Thanks,  
[Redacted]

[Redacted]

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

From: [Redacted]  
Sent: Thursday, June 23, 2005 12:56 PM  
To: [Redacted]  
Subject: FW: DHS-DOJ [Redacted]

Does anyone know the status of this [Redacted]



[REDACTED] Please?  
Thanks

-----Original Message-----  
From: [REDACTED] [mailto:[REDACTED]]  
Sent: Thursday, June 23, 2005 12:57 PM  
To: [REDACTED]  
Subject: RE: DHS-DOJ [REDACTED]

And this?

-----Original Message-----  
From: [REDACTED] [mailto:[REDACTED]]  
Sent: Monday, March 21, 2005 3:40 PM  
To: [REDACTED]  
Subject: RE: DHS-DOJ [REDACTED]

I'm checking on the status with OGC.

-----Original Message-----  
From: [REDACTED] [mailto:[REDACTED]]  
Sent: Monday, March 21, 2005 9:55 AM  
To: [REDACTED]  
Subject: RE: DHS-DOJ [REDACTED]

b5,6

Any idea where this might be?

-----Original Message-----  
From: [REDACTED] [mailto:[REDACTED]]  
Sent: Wednesday, February 02, 2005 4:03 PM  
To: [REDACTED]  
Subject: RE: DHS-DOJ [REDACTED]

Let me know if you need my help. The Under Secretary tasked following up on this with you to A/S Verdery. Unfortunately, I haven't been keeping tabs.

-----Original Message-----  
From: [REDACTED] [mailto:[REDACTED]]  
Sent: Wednesday, February 02, 2005 2:25 PM  
To: [REDACTED] (E-mail)  
Subject: FW: DHS-DOJ MOU

YI

> -----Original Message-----  
> From: [REDACTED]

> Sent: Wednesday, February 02, 2005 10:22 AM  
> To: [REDACTED] (E-mail)  
> Subject: DHS-DOJ MOU

[REDACTED]

> We spoke last fall concerning the development of [REDACTED]  
> [REDACTED]. The genesis of this [REDACTED] came from recommendations  
> made by the DOJ OIG report, The September 11 Detainees: A Review of  
> the Treatment of Aliens Held on Immigration Charges in Connection with  
> the Investigation of the September 11 Attacks, dated April 2003. The  
> recommendations resulted from [REDACTED]

> [REDACTED]  
> [REDACTED]  
> [REDACTED]

> In our conversation last fall, you indicated that [REDACTED]

> and was [REDACTED]. I am  
> interested in the current status of the [REDACTED]. Could I get a copy of  
> the current draft or the final [REDACTED]

> Thank you for your assistance.

> [REDACTED]

> Chief Inspector  
> Office of Evaluations, Inspections, and Special Reviews Office of the  
> Inspector General Department of Homeland Security  
> 202-254-[REDACTED]  
> [REDACTED]

b5,6

**Doc. #81**

ISI- -2004  
Bude E  
Tab 15

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, October 05, 2005 6:45 AM  
**To:** [Redacted]  
**Subject:** RE: Arar

I honestly can't remember exactly how the [Redacted], whether I [Redacted] or whether [Redacted] (I think it was the latter; ask [Redacted] for [Redacted] recollection as [Redacted] may have been the person who [Redacted] was at the time and currently is [Redacted] but it would have [Redacted]. A clarification: [Redacted], but I do remember [Redacted]. [Redacted] it was my impression that [Redacted] reference to the fact that [Redacted]

I apologize that I am unable to be more precise in my recollection. Please let me know if I may be of any further assistance.

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

**From:** [Redacted] [mailto:[Redacted]]  
**Sent:** Tuesday, October 04, 2005 10:06 AM  
**To:** [Redacted]  
**Subject:** Arar

b5, 6

[Redacted]

I have a follow-up question from our interview on August 2 concerning the removal of Maher Arar. You stated that you [Redacted] because [Redacted]? b5

Thank you, again, for your assistance.

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

**Doc. #82**

ISP- Page 1 of 1  
-2004  
Bunde E  
Tab 16

[REDACTED]  
From: [REDACTED]  
Sent: Sunday, October 09, 2005 9:07 PM  
To: [REDACTED]  
Subject: Re: Arar  
Importance: High

Hi [REDACTED] This is the e-mail I promised in my voicemail message on Friday. [REDACTED] during this process you've asked about. The way I remember the process, [REDACTED] b5, 7C  
[REDACTED] did not have to follow a -- for example, [REDACTED] On a related note, I found some of my daytimer notes, nothing new. Is it too late to get them to you? I will not be in the office next week but could scan and e-mail them to you on Monday, Oct 17. Let me know. Thanks [REDACTED]

Sent from my BlackBerry Wireless Handheld

b5, 6

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

From: [REDACTED]  
To: [REDACTED]  
Sent: Tue Oct 04 11:09:15 2005  
Subject: Arar

[REDACTED]

I have a follow-up question from our interview on July 27, 2005 concerning the removal of Maher Arar. You mentioned that [REDACTED] Did this [REDACTED]?

Thanks, again, for your assistance.

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

**Doc. #84**

ISI-\_\_\_\_-2004  
Binder E  
Tab 19

[REDACTED]

Subject: [REDACTED] Diplomatic Assurances

[REDACTED]

I spoke with [REDACTED], regarding [REDACTED]  
[REDACTED] said that [REDACTED] said [REDACTED] said  
[REDACTED] said that part of the [REDACTED] said  
[REDACTED] According to [REDACTED] also said that there is no [REDACTED]  
[REDACTED] Therefore, [REDACTED]

b5, 6

[REDACTED]

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



**Doc. #85**

171- - 2004  
Bude E  
Tab 25

**U.S. Code, Title 8, Section 1231: Determining the Destination Countries for Aliens with Orders of Removal**

*General Authority*

In removal proceedings under Title 8, an alien shall be removed to the country in which the alien boarded the aircraft on which he arrived in the U.S. [REDACTED]

Exceptions:

1. If the alien boarded the aircraft on which he arrived in the U.S. in a foreign territory contiguous to, an island adjacent to, or an island adjacent to a foreign territory contiguous to the U.S., and the alien is not a native, citizen, subject, or national of, or does not reside in, the territory or island, removal shall be to the country in which the alien boarded the vessel that transported the alien to the territory or island. [REDACTED]
2. Alternative countries: If the government of the country designated above is unwilling to accept the alien, removal shall be to any of the following countries, as directed by the INS:
  - (i) The country of which the alien is a citizen, subject, or national. [REDACTED]
  - (ii) The country in which the alien was born. [REDACTED]
  - (iii) The country in which the alien has a residence. [REDACTED]
  - (iv) A country with a government that will accept the alien into the country's territory if removal to each country described above is impracticable. [REDACTED]

b5

*Discretion of Alien to Designate Destination Country* [REDACTED]

The alien can also, under limited circumstances, select the country to which he will be removed. An alien who does meet the above criteria and who has been ordered removed may designate one country and INS shall remove the alien to that country. A limitation is that the alien may designate a foreign territory contiguous to, an adjacent island, or an island adjacent to a foreign territory contiguous to the U.S., as the place to which the alien is to be removed only if the alien is a native, citizen, subject, or national of, or has resided in, that designated territory or island. The INS can disregard the alien's designation if:

- i) the alien fails to designate a country promptly;
- ii) the government of the country does not inform the U.S. within 30 days after the initial inquiry as to whether the government will accept the alien into the country;
- iii) the government of the country is not willing to accept the alien into the country; or

- iv) the Attorney General decides that removing the alien to the country is prejudicial to the U.S.

If an alien is not removed to a country designated above, the INS shall remove the alien to a country of which the alien is a subject, national, or citizen unless the government of the country:

- (i) does not inform the INS or the alien finally, within 30 days after the date the INS first inquires or within another period of time the Attorney General decides is reasonable, whether the government will accept the alien into the country; or
- (ii) the country is not willing to accept the alien into the country.

If an alien is not removed to a country under the previous subparagraphs, the INS shall remove the alien to any of the following countries:

- (i) The country from which the alien was admitted to the U.S.
- (ii) The country in which is located the foreign port from which the alien left for the U.S. or for a foreign territory contiguous to the U.S.
- (iii) A country in which the alien resided before the alien entered the country from which the alien entered the U.S.
- (iv) The country in which the alien was born.
- (v) The country that had sovereignty over the alien's birthplace when the alien was born.
- (vi) The country in which the alien's birthplace is located when the alien is ordered removed.
- (vii) If impracticable to remove the alien to each country described in a previous clause of this subparagraph, another country whose government would accept the alien into that country.

#### *War Provisions*

When the U.S. is at war and the Attorney General decides that it is impracticable to remove an alien under this subsection because of the war, the Attorney General/INS may remove the alien:

- (i) to the country that is host to a government in exile of the country of which the alien is a citizen or subject if the government of the host country will permit the alien's entry; or
- (ii) if the recognized government of the country of which the alien is a citizen or subject is not in exile, to a country, or a political or territorial subdivision of a country, that is very near the country of which the alien is a citizen or subject, or, with the consent of the government of the country of which the alien is a citizen or subject, to another country.

*Persecution Prohibitions*

The INS may not remove an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion. An exception is that if the Attorney General decides that:

- (i) the alien ordered, incited, assisted, or otherwise participated in the persecution of an individual because of the individual's race, religion, nationality, membership in a particular social group, or political opinion;
- (ii) the alien, having been convicted by a final judgment of a particularly serious crime is a danger to the U.S. community;
- (iii) there are serious reasons to believe that the alien committed a serious nonpolitical crime outside the U.S.; or
- (iv) there are reasonable grounds to believe that the alien is a danger to the security of the U.S.

*Statutory Definition of Terrorist Activity*

For purposes of clause (iv) above, an alien who is: "Any alien who has engaged, is engaged, or at any time after admission engages in any terrorist activity" (as defined below) - shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to U.S. security.

Definition of terrorist activity: As used in U.S. Code, Title 8, Section 1182, the term "engage in terrorist activity" means to commit, in an individual capacity or as a member of an organization, an act of terrorist activity or an act which the actor knows, or reasonably should know, affords material support to any individual, organization, or government in conducting a terrorist activity at any time, including acts such as the planning of terrorist activity or the providing of any type of material support to any individual the actor knows or has reason to believe has committed or plans to commit terrorist activity.

**Doc. #86**

ISP-2004  
Bude  
tab 30

From: [redacted]  
Sent: Thursday, February 05, 2004 12:01 PM  
To: [redacted]  
Subject: RE: [redacted]

[redacted] in response to your questions below:

1. It is the [redacted].
2. [redacted] states that [redacted] include, specifically, [redacted]."

[redacted] states:  
[redacted]

[redacted] will not [redacted].  
A notable [redacted]."

[redacted] However, [redacted].  
." That appears to be the legal logic in the Arar matter.

From my reading, [redacted] is below.

[redacted]

I hope this information helps. Please let me know if you have any questions.

[redacted]

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

From: [redacted]  
Sent: Thursday, February 05, 2004 10:54 AM  
To: [redacted]  
Subject: [redacted]

[redacted]

Some questions regarding [redacted]:

1. Is this a [redacted]?
2. What exactly does [redacted] say about [redacted]?

b5, 6

**Chief Inspector**  
**Office of Evaluations, Inspections, and Special Reviews**  
**Office of the Inspector General**  
**Department of Homeland Security**  
**202-254-**

b6

**Doc. #87**



cu) ISP- — 7004  
cu) Binder B  
cu) Tas 39

(u) As of 8/08/2005

(u) Thursday, September 26

- (u) Routine passenger manifest screening identifies inbound American Airline passenger from Zurich, Maher Arar as a TIPOFF match. [REDACTED]. Arar is a named member of a terrorist organization. ICE 382 Analyst notifies JFK. New York JTTF is notified and proceeds to JFK. ICE 381
  
- (u) Arar arrived at JFK Airport, NY, on American Airlines flight 65 at 1:55 p.m. Flight was from Tunisia, via Zurich, Switzerland, where Arar was vacationing with his family. Arar applied for admission in transit as a nonimmigrant. He was scheduled to depart JFK for Montreal, Canada at 5:05 p.m.
  
- (u) Arar is sent to secondary where a positive match is confirmed. INS criminal investigators, NYPD Intelligence Division detectives, and NY JTTF interviewed him at 3:00 p.m. Interview continues into the morning hours of 9/27. [REDACTED]  
[REDACTED] Arar is noted to be "armed and dangerous". Add in [REDACTED]
  
- (u) FBI's conclusion is that Arar is of no interest and that the INS should take whatever action against Arar it deemed appropriate. ICE 155 and ICE 417 Need to interview [REDACTED]
  
- (u) Arar is offered the opportunity to withdraw his application for admission to which he agrees. Form I-275 is completed and signed. He will be returned to Zurich later that day but would also "be detained for additional interviews with the FBI and Joint Terrorism Task Force." ICE 155 and ICE 413
  
- (u) Appears to be a routine procedure at this point. However, [REDACTED]. We are not sure [REDACTED]. Nor are we sure of [REDACTED], Arar's presence in the United States was made known to high level officials in the U.S. government to include the AG and INS Commissioner.
  
- (u) [REDACTED]?

b5

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(u) Friday, September 27

(u) [redacted] apparently under direction from INS HQ, cancels withdrawal of application unless Arar agrees to return to Syria. Otherwise he will be removed under 235(c). ICE 155 and ICE 395. Need to [redacted]

b6

(u) Arar was made aware of his right to notify his consulate. He refuses the opportunity on the 26<sup>th</sup> but stated he would like to call on the 27<sup>th</sup>. JTF FBI, concerned that an outside phone call might jeopardize the case, refused to allow Arar to make the call on the 27<sup>th</sup>. ICE 155

(u) A meeting takes place at INS HQ regarding Arar. Attendees include [redacted] ICE 566. Need to find out [redacted]

b6

(u) Notes indicate [redacted]

b5

(u) Extemporaneous notes indicate that [redacted]

(u) [redacted] ?

(u) Saturday, September 28

(s) [redacted]

b1

(s) [redacted]

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2

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(S) [REDACTED]

b1

(U) INS attorneys were [REDACTED]  
[REDACTED]  
states that [REDACTED]

(U) [REDACTED] state that [REDACTED] That is why [REDACTED]  
[REDACTED] believed that [REDACTED]  
Need to [REDACTED] Interestingly, [REDACTED]  
It was obviously [REDACTED]

(U) Most aliens are removed under 240 [REDACTED]  
[REDACTED]

b5, 6

(U) [REDACTED] thought this was [REDACTED]  
[REDACTED] would have to be [REDACTED]

(U) [REDACTED] states that [REDACTED] does not know why [REDACTED]  
[REDACTED] It became a well known "fact" in this case. [REDACTED] is concerned that [REDACTED]  
[REDACTED] which involves [REDACTED]  
[REDACTED]

(U) Sunday, September 29

(S) [REDACTED]

b1

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~~FOR OFFICIAL USE ONLY~~

(u) Monday, September 30

(u) Email traffic indicates [REDACTED] opportunity to respond to the I-147. [REDACTED] afforded legal representation. According to [REDACTED]. They ensure that he has a list of attorneys and that BOP allows access. Arar is held in highly restrictive confinement at MDC SHU. Attorneys are directed to complete G-28 if not already done so. ICE 582 and CIS 37, 40, and 46 No attorney contact as of 10/4. ICE 148 We need to [REDACTED]? Confirm [REDACTED]

(u) [REDACTED] is certain that [REDACTED] notes that they [REDACTED]

(u) Work continues on [REDACTED]

(u) [REDACTED] is the [REDACTED] is convinced, [REDACTED] stated that INS would not [REDACTED]

b5, 6

(u) Tuesday, October 1

(u) Notes indicates [REDACTED]. INS attorneys wanted to [REDACTED]

(u) Arar was served with the I-147, [REDACTED] INS NYC is given instruction to allow Arar consular and legal access. Given List of Free Legal Service Providers for New York and list of "Foreign Consulates in NYC. ICE 141 [REDACTED]?

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~~FOR OFFICIAL USE ONLY~~

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**SECRET**

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(u) [redacted] email references [redacted]  
Should we [redacted]?

(u) Saturday October 5

(u) Sunday, October 6

(u) [redacted] stated [redacted]. Believed that [redacted] notifying Arar's counsel until late Sunday afternoon [redacted]. The notification was made to the attorney's office – not at home phone numbers. CIS 46 and 65

(u) [redacted] issues memo to contact Arar's attorneys and advise them of the pending interview. [redacted]

b5, 6

(u) [redacted] insists that [redacted] Note this was [redacted] raises concerns that [redacted] Check [redacted]

(u) [redacted] insists that [redacted]

(u) Arar's attorney was notified via voice mail of the impending interview. ICE 143 A second attorney was also contacted: [redacted] states that this attorney could not make the meeting and requested rescheduling on 10/7. The request was denied. [redacted] ? Need to [redacted] states that [redacted] did not believe that [redacted] ?

(u) Arar attorney [redacted] pre-cleared to enter MDC. CIS 65

(u) What [redacted] ?

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~~FOR OFFICIAL USE ONLY~~

(u) [redacted] indicates that [redacted]

(u) Drafts of classified addendum [redacted]

(u) Arar does not reply to I-147. ICE 348 Here is where [redacted] ? Did [redacted] ?

(u) An interview was conducted with Arar at 2100. [redacted] We need to [redacted]. Subsequent to the interview, the AO produced an affidavit to record the interview. The line of questioning [redacted]. Arar was asked if he feared persecution if returned to Syria. He responded affirmatively saying he would be arrested for not participating in mandatory military service. He later added that he would also be persecuted because he was a Sunni Muslim. He denied being a member of any terrorist organization. ICE 371

(u) [redacted]

(u) [redacted] email states that [redacted] OPORD to remove Arar is prepared on or about 10/6 ICE 261 Country clearance request for escort officers and flight crew sent by INS to Embassy Rome. Need [redacted].

b5, 6

(u) Monday, October 7

(u) [redacted] email traffic references [redacted] Seems to indicate [redacted]

(u) [redacted], and others, prepare sworn statement on interview signed 0230. ICE 371 Arar refuses to sign. ICE 375 Need to [redacted]

(u) [redacted] DAG, as Acting AG, [redacted] (?) sent a memo to [redacted] stating that Arar's removal to Canada would be prejudicial to the United States. ICE 355 and 155

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~~FOR OFFICIAL USE ONLY~~

(u) Email traffic states [redacted] Why was [redacted] [redacted]?

(u) Draft I-148 completed 0630. ICE 520 and CIS 239

(u) [redacted] states that [redacted] [redacted] did not realize [redacted] Appeared to [redacted] that [redacted] the decision to remove Arar to Syria had already been made. [redacted] also states that [redacted] was unaware that he would be removed immediately upon service of the I-148. [redacted] states that [redacted] heard of the [redacted].

(u) [redacted] believes that there is [redacted] [redacted] has concerns regarding [redacted] Further, [redacted] states the [redacted].

b5,6

(u) [redacted] stated that there was [redacted] [redacted]

(u) [redacted] email traffic states that [redacted] [redacted] opines that even if the [redacted] would have [redacted].

(u) [redacted] states that [redacted] should [redacted] it would likely be [redacted] did not specify the [redacted].

(u) [redacted] states that [redacted] always assumed that [redacted] did not [redacted] and had no first hand knowledge of [redacted] opined that while [redacted] it was not prohibited. [redacted] disagreed with this assessment. [redacted] believes the [redacted] [redacted] Need [redacted]. We should [redacted].

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~~FOR OFFICIAL USE ONLY~~

(u) Tuesday, October 8

(u)

(u) The I-148 served on Arar indicated that

responds that does not believe that

or appears to be

- note that there is

refers us to

, was likely involved in

and may be able to answer any follow up questions you have about  
is currently at, serving as

(u) Arar was served with the 1-148 at 0430. I-148 dated 10/8 ICE 377 need to

b5, 6

(u) Arar is removed.

(u) Issues of concern of INS attorneys:

(u) states that

states that this

(u) held a post-removal meeting of INS attorneys.

(u) Other INS attorneys commented that

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10

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(u)

(u) Conclusions

(u) 1. Arar's inadmissibility and application of the 235(c) charge

We reviewed of the information provided to the INS by various government agencies regarding [REDACTED]. We determined that the information would [REDACTED]

[REDACTED]. We are aware that assertion made by [REDACTED]

Further, we were limited in our jurisdiction in this matter [REDACTED]

Further, it must be [REDACTED]

remembered that [REDACTED]

[REDACTED] The significance of the application of the 235(c) charge is that it cut short what would otherwise be a routine immigration matter. That is, having been charged under 235(c), Arar was not entitled to asylum consideration, a hearing before an immigration judge, or any avenue of appeal. The only protection or relief that remained for him was protection under CAT, which we will discuss later.

b5

(u) 2. Country Designation

(u) While we believe that [REDACTED]

[REDACTED] We cannot affirm [REDACTED]. Under normal circumstances, [REDACTED]

We note that [REDACTED]

We also note that [REDACTED]

In fact, there is evidence that [REDACTED]

[REDACTED] We conclude that [REDACTED] reasons that we can only surmise.

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~~FOR OFFICIAL USE ONLY~~

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**SECRET**

**DRAFT**

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(u) Arar requested that he be returned to Canada. However, the AG stated that his return to Canada would be prejudicial to the United States and overturned his request.

[REDACTED]  
[REDACTED] the INA describes a hierarchical process to designate a country. The process begins with the country of embarkation and then moves down a listing of options until one is found that applies to the situation. [REDACTED]  
[REDACTED]

(u) Sec 241(b)(1)(A) directs removal to the country of embarkation, in this case Switzerland. Sec 241(1)(C) states that if the country of embarkation is unwilling or unable to receive the alien, then other choices become available such as country of citizenship or birth, in his case Canada or Syria. [REDACTED]  
[REDACTED]

(u) Sec 241(2)(A) states that for those alien not described by Sec 241(1), other options are available such as the country that the alien designates. In this case Arar designated Canada. There is no evidence that Canada refused to take him back. [REDACTED]  
[REDACTED]

another option at the end of this section allows to AG to disregard the alien's country of choice if he determines that removal to that country is prejudicial to the United States. We do not know on what basis that the AG deemed Arar's return to Canada as prejudicial to the United States. However, some INS attorneys suggested that there may have been concern about the "porous" nature of the U.S. - Canadian border and that returning him to Canada would not prevent him from illegally returning to the United States to do harm.

(u) INS attorneys believed that [REDACTED]  
[REDACTED]  
[REDACTED]

b5

b1

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[REDACTED]

(S)

[REDACTED]

b1

(u) 3. CAT Assessment

(u)

[REDACTED] it is doubtful that [REDACTED]  
[REDACTED]. The efforts by INS attorneys to [REDACTED]  
[REDACTED] While there is some debate  
as to [REDACTED]  
[REDACTED] Arar's attorneys were notified of the interview and  
invited to attend [REDACTED]  
[REDACTED] INS attorneys  
believed that [REDACTED]  
[REDACTED] INS officials expressed shock when they learned that Arar would  
be removed immediately after service of the I-148.

b5

(u)

[REDACTED]

(u)

[REDACTED]

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~~FOR OFFICIAL USE ONLY~~

~~SECRET~~

(u) concluded that [REDACTED] INS attorneys always believed that [REDACTED]

(u) INS attorneys questioned [REDACTED]

b5,6

(u) Recommendations

(u) 1. [REDACTED]

(u) 2. [REDACTED]

(u) 3. [REDACTED]

(u) 4. [REDACTED]

(u) 5. [REDACTED]

(u) Questions:

(u) 1. What [REDACTED]

(u) 2. Why [REDACTED]?

(u) 3. Was [REDACTED]?



**Doc. #88**



LAW ENFORCEMENT SENSITIVE

ISP-2004  
Binder E  
Tab 40

**DATA COLLECTION INSTRUMENT: REVIEW OF THE  
REMOVAL OF IMMIGRATION DETAINEE MAHER ARAR TO  
SYRIA BY THE IMMIGRATION AND NATURALIZATION  
SERVICE**

<b>Personal characteristics</b>	<b>Full name</b>	Maheer Abdul Hamid Arar
	<b>A Number</b>	[REDACTED]
	<b>Date of Birth</b>	[REDACTED] 1970
	<b>Place of Birth</b>	[REDACTED] Syria
	<b>Country(ies) of citizenship</b>	Canada and Syria
	<b>Place of residence</b>	[REDACTED] Canada
<b>Arrest location and date</b>	JFK Airport, NY, September 26, 2002	
<b>Names of INS Managers, Inspector(s) and Supervisor(s) who were listed in the A File</b>	[REDACTED]	
<b>Was [REDACTED] or was [REDACTED]?</b>	[REDACTED]	

b5, 6, 7C

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

<p>What [REDACTED] [REDACTED]?</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
<p>Names, positions, and contact information for INS personnel who [REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>	
<p>Date that [REDACTED]</p>	<p>[REDACTED]</p>	
<p>Specific immigration charges on NTA</p>	<p><b>Charges</b></p>	<p><b>Statutory citation</b></p>
		<p>212, a, 3, A, I</p>
	<p>[REDACTED]</p>	<p>212 (a)(3)(B)(i)(V)</p>
<p>Where Arar was held from initial detention on September 26, 2002, until departure on plane to Syria from Washington, DC</p>	<p><b>Detention location</b></p>	<p><b>Dates</b></p>
	<p>JFK Airport, NY</p>	<p>10:30PM 9/26-___/02</p>
	<p>Metropolitan Detention Center, Brooklyn NY</p>	<p>___-October 8, 2002</p>
	<p>Transported by SRT to Teterboro Airport [REDACTED] removal to Syria. Departed via private jet [REDACTED]</p>	<p>October 8, 2002</p>




b5, 6, 7C

LAW ENFORCEMENT SENSITIVE

[REDACTED]		
<b>Significant immigration processing dates for Arar, including immigration hearings</b>	<b>Action</b>	<b>Date</b>
	Final notice of inadmissibility, IAW 212 a, (3), (B)	September 27, 2002
	Final notice of inadmissibility, IAW 212 (a)(3)(B)(i)(V)	October 8, 2002
	Also reference was made to the following section	235(c)
	Regional Director Memo on final inadmissibility served on Arar [REDACTED]	October 8, 2002
[REDACTED] ?	<b>Agency</b>	<b>Date</b>
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
<b>As can best be determined,</b> [REDACTED] ?	9/26/02	
<b>Date Arar removed to Jordan/Syria (include flight information and details on travel documents)</b>	October 8, 2002 Flight, on "private jet," departed [REDACTED] from Teterboro Airport	

b5

**LAW ENFORCEMENT SENSITIVE**

	No charges or history
<b>Names of Arar's attorneys (if available, include contact information)</b>	
	
	
<b>Date and signatory of any order from the U.S. Department of Justice for Mr. Arar's deportation on national security grounds (an "extraordinary rendition")</b>	

b5

**LAW ENFORCEMENT SENSITIVE**

**Other significant information:**

Arrived at JFK Airport, NY on American Airlines flight 65 at 1:55PM, 9/26/02 from Zurich, Switzerland.  
Scheduled to depart NY for Montreal, Canada at 5:05 PM

Arar was identified before arriving JFK. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

“... [REDACTED]” ...Response from [REDACTED]

Subject granted voluntary withdrawal of application

According to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] stated that [REDACTED]

[REDACTED] stated that [REDACTED]

Arar was given the address and phone number of the Canadian consulate in NY.

[REDACTED]

b5, 6, 7C

~~LAW ENFORCEMENT SENSITIVE~~

Note: Please copy and retain significant documents that verify information on this DCI.

~~LAW ENFORCEMENT SENSITIVE~~

**Doc. #89**

**LAW ENFORCEMENT SENSITIVE**

**Aliens Intercepted and Refused Admittance for National Security Reasons - U.S. POEs**  
 From BTS Daily Operations Reports - December 15, 2003, to February 14, 2004

	Date of Interception	Location of Interception	Name	A Number (or Other Ref. Number)	Country of Nationality	Reason for Refusal
1		JFK/NYC			Turkey	
2		Logan/Boston			India	
3		Dublin Pre-Clearance (before leaving for JFK)			Ireland	
4		Hartsfield/Atlanta			South Africa	
5		Orlando, FL IA			Great Britain	
6		Houston IA			Great Britain	
7		Miami IA			Syria	
8		JFK/NYC			Canada	
9		JFK/NYC			Kuwait	
10		JFK/NYC			Turkey	
11		Montreal Pre-Clearance			Israel	
12		JFK/NYC			Jordan	
13		Los Angeles IA			Saudi Arabia	
14		JFK/NYC			Bangladesh	
15		Dublin Pre-Clearance (before leaving for JFK)			Ireland	
16		JFK/NYC			Saudi Arabia	
17		Logan/Boston			Saudi Arabia	
18		Phoenix			UAE	
19		San Francisco IA			Colombia	

b6, 7C,  
 7E per  
 ICE

ISP-  
 Bader B  
 Tab 41  
 -2004

**LAW ENFORCEMENT SENSITIVE**



**LAW ENFORCEMENT SENSITIVE**

20	[REDACTED]	Dulles/VA	[REDACTED]	Netherlands	[REDACTED]
21	[REDACTED]	San Francisco IA	[REDACTED]	Saudi Arabia/Great Britain	[REDACTED]
22	[REDACTED]	Hartfield/Atlanta	[REDACTED]	Great Britain	[REDACTED]
23	[REDACTED]	Dulles/VA	[REDACTED]	Great Britain	[REDACTED]
24	[REDACTED]	Dover AFB	[REDACTED]	Saudi Arabia	[REDACTED]
25	[REDACTED]	Montreal Pre-Clearance	[REDACTED]	UAE	[REDACTED]

b6, 7C,  
7E per  
ICE

**CONCLUSION:** During a two-month period in 2003-2004, 25 aliens, who were nationals from various countries, attempted to gain entry to the United States at domestic POEs or overseas preclearance facilities.

All 25 aliens were [REDACTED]. From the information made available in these BTS reports, I conclude that none of these aliens was rendered to a third-country by U.S.

7E per  
CBP

**LAW ENFORCEMENT SENSITIVE**

**LAW ENFORCEMENT SENSITIVE**

Country of Departure	Country to Which Returned	Date Returned
Turkey		12/17/2003
Great Britain		12/18/2003
Ireland	Ireland	12/18/2003
South Africa	South Africa	12/22/2003
Great Britain	Great Britain	12/20/2003
Mexico		12/25/2003
Venezuela	Venezuela	
Canada	Canada	
Kuwait	Kuwait	1/2/2004
Turkey		
Canada	Canada	
Jordan		1/6/2004
		1/13/2004
Bangladesh	Bangladesh	1/14/2004
Ireland	Ireland	
Saudi Arabia	Saudi Arabia	
Great Britain	Great Britain	1/19/2004
Great Britain		1/20/2004
		1/24/2004

Turkey  
INDIA  
Iraq  
SA  
GB  
GB  
SYRIA  
Canada  
Kuwait  
Turkey  
ISRAEL  
JORDAN  
SA  
BMB  
IND  
SA  
SA  
UMÉ  
CALIFORNIA

1  
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19

**LAW ENFORCEMENT SENSITIVE**

LAW ENFORCEMENT SENSITIVE

Denmark		2/23/2004
Saudi Arabia		
Mexico	Great Britain	
Great Britain		
		2/12/2004
Canada	Canada	2/12/2004

70 NITAMUMS  
71 SA/OM  
72 OM  
73 SA  
74 UAE

LAW ENFORCEMENT SENSITIVE

**Doc. #90**

ISP-\_\_\_\_-2004  
Bundy B  
Tab 42

### Summary Working Paper

Review: Review of the Removal of Maher Arar to Syria by INS in October 2002

Purpose: To review related documents provided by the Bureau of Citizenship and Immigration Services specific to the Arar matter.

Source: Various relevant documents.

Prepared by: [REDACTED]

#### Descriptions of Key Documents

[REDACTED]

- Syria was designated as the country to which Arar was to be removed.
- [REDACTED] an October 6, 2002, interview with an INS Asylum Officer at the Metropolitan Detention Center (MDC) in Brooklyn, NY, Arar [REDACTED]

o

[REDACTED] was viewed as [REDACTED]

o There was [REDACTED]

o [REDACTED]

• [REDACTED]

• [REDACTED] concluded that [REDACTED]

[REDACTED]

- The Attorney General "decided to disregard" Arar's designation of Canada as his destination country for removal because it would be "prejudicial" to the United States.
- [REDACTED]

b5,6

**Other Issues**

- INS attorneys [REDACTED] were
- [REDACTED] is the attorney who
- [REDACTED]
- An email described [REDACTED]
- Arar attempted to transit through JFK as a Transit Without Visa passenger, en route to Canada, when he was detained at JFK.
- [REDACTED] states that [REDACTED]
- [REDACTED]
- [REDACTED]

b5, 6

**Doc. #91**

IS1-\_\_\_\_-2004  
Buder E  
Tab 43

[REDACTED]  
From: [REDACTED]  
Sent: Monday, September 13, 2004 3:56 PM  
To: [REDACTED]  
Subject: Aliens removed under Sec 212(a)(3)

b6, 7C  
per ICE

[REDACTED]  
Apparently some officers/docket clerks changed their minds and the list boiled down to 7 aliens. These are people charged since 10/1/1997 and removed. Aliens charged before 10/1/1997 and removed after 10/1/1997 are NOT included.

I included all the relevant country data elements, the date of removal, the DCO, and the current file location as per the Central Index.



I3\_REM.xls



Aliens removed as inadmissible under 212(a)(3) since Oct 1, 1997

A-number	Last name	First/middle	date removed	citizenship	country birth	country to which removed	Docket Control	Charge	File location
				Dominican Rep	Dominican Rep	Dominican Rep	Krome, FL Proc Ctr	I3D	NRC
				Mexico	Mexico	Mexico	El Paso Proc Ctr	I3B3	NRC
				Syria	Syria	Syria	Buffalo, NY	I3B1	BUF
				Germany	Germany	Germany	Miami, FL	I3E	NRC
				Mexico	Mexico	Mexico	El Paso Proc Ctr	I3B3	NRC
				Pakistan	Pakistan	Pakistan	Philadelphia, PA	I3A	LESC
				Mexico	Mexico	Mexico	Eloy Proc Ctr, AZ	I3B3	LESC

b6, 7C  
per ICE

**Doc. #92**

ISP-\_\_\_\_-2004  
Bender E  
Tab 45

b6 per OIG

From: [redacted]  
Sent: Thursday, September 23, 2004 4:36 PM  
To: [redacted]  
Subject: FW: charged under 212(a)(3)

b6,7C per ICE  
b6 per OIG



13 list sep 2004.xls

b6 per OIG

I had the list of aliens charged under 212(a)(3) rerun and updated through Sept 19, 2004. There are 100 cases; outcomes:

removed	9
VD under docket control	1
Withdraw under docket control	39
Policy closed	1
Proceedings terminated by IJ	2
Case still in proceedings	48

I have attached an Excel sheet that has limited information on all 100 cases (sorted by above categories). Of the 9 removals, 8 were returned to country of origin. One alien was a Canadian citizen born in Syria; DRO returned the alien to Syria.

You are correct in that the 3 "other" cases we discussed may now be showing in the 100 total. I think it is also fair to assume that the Arar case was one of the 3 since it is also now showing.

b6,7C per ICE

**Aliens charged under 212(a)(3)  
April 1997-September 2004**

A-number	country of citizenship	country of birth	country to which returned	Docket Ctrl Office	Date of departure	Initial charge	Final charge	Departure status
----------	------------------------	------------------	---------------------------	--------------------	-------------------	----------------	--------------	------------------

**granted withdrawal under docket control**

[REDACTED]	RUSSI	RUSSI	RUSSI	SEA	[REDACTED]	I3B2	I3B2	0
[REDACTED]	IRELA	IRELA	IRELA	LVG	[REDACTED]	I3B3	I3B3	0
[REDACTED]	COLOM	COLOM	COLOM	LOS	[REDACTED]	I3B5	I3B5	0
[REDACTED]	CANAD	SUDAN	CANAD	LOS	[REDACTED]	I3B2	I3B2	0
[REDACTED]	IRAN	IRAN	IRAN	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	INDON	INDON	INDON	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	IRAN	IRAN	IRAN	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	INDON	INDON	INDON	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	MALAY	MALAY	MALAY	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	SWEDE	IRAN	SWEDE	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	MALAY	MALAY	MALAY	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	PAKIS	PAKIS	PAKIS	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	FRANC	MOROC	FRANC	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	MALAY	MALAY	MALAY	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	INDON	INDON	INDON	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	INDON	INDON	INDON	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	PAKIS	SAUDI	PAKIS	LOS	[REDACTED]	I3B1	I3B1	0
[REDACTED]	SKORE	SKORE	SKORE	LOS	[REDACTED]	I3B2	I3B2	0
[REDACTED]	PAKIS	PAKIS	PAKIS	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	LEBAN	LEBAN	LEBAN	LOS	[REDACTED]	I3B2	I3B2	0
[REDACTED]	MEXIC	CUBA	MEXIC	LOS	[REDACTED]	I3B2	I3B2	0
[REDACTED]	SAUDI	SAUDI	SAUDI	PHI	[REDACTED]	I3A	I3A	0
[REDACTED]	PAKIS	PAKIS	PAKIS	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	DR	DR	DR	SAJ	[REDACTED]	I3C	I3C	0
[REDACTED]	UAE	UAE	UAE	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	INDON	INDON	INDON	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	EGYPT	EGYPT	EGYPT	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	PAKIS	PAKIS	PAKIS	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	PAKIS	PAKIS	PAKIS	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	CANAD	IRAN	CANAD	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	MALAY	MALAY	MALAY	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	SKORE	SKORE	SKORE	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	BANGL	BANGL	BANGL	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	MALAY	MALAY	MALAY	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	INDON	INDON	INDON	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	INDON	INDON	INDON	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	INDON	INDON	INDON	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	SUDAN	SUDAN	SUDAN	LOS	[REDACTED]	I3A	I3A	0
[REDACTED]	JORDA	JORDA	JORDA	LOS	[REDACTED]	I3A	I3A	0

b6,7C  
per ICE

**Voluntary departure under docket control**

[REDACTED]	MEXIC	MEXIC	MEXIC	KRO	[REDACTED]	I3B1	I3B1	3
------------	-------	-------	-------	-----	------------	------	------	---

**Removal**

[REDACTED]	MEXIC	MEXIC	MEXIC	EPC	[REDACTED]	I3B3	I3B3	8
[REDACTED]	GERMA	GERMA	GERMA	MIA	[REDACTED]	I3E	I3E	8
[REDACTED]	UK	UK	UK	KRO	[REDACTED]	I3B2	I3B1	8
[REDACTED]	MEXIC	MEXIC	MEXIC	EPC	[REDACTED]	I3B3	I3B3	8

**Aliens charged under 212(a)(3)  
April 1997-September 2004**

A-number	country of citizenship	country of birth	country to which returned	Docket Ctrl Office	Date of departure	Initial charge	Final charge	Departure status
[REDACTED]	MEXIC	MEXIC	MEXIC	EAZ	[REDACTED]	I3B3	I3B3	8
[REDACTED]	PAKIS	PAKIS	PAKIS	PHI	[REDACTED]	I3A	I3A	8
[REDACTED]	DR	DR	DR	KRO	[REDACTED]	I3D	I3D	8
[REDACTED]	CANAD	SYRIA	SYRIA	NYC	[REDACTED]	I3B4	I3B4	8
[REDACTED]	SYRIA	SYRIA	SYRIA	BUF	[REDACTED]	I3B1	I3B1	8

**Proceedings terminated by immigration judge**

[REDACTED]	MOLDO	RUSSE		CHI		I3A		A
[REDACTED]	CANAD	CANAD		BOS		I3A		A

**Administrative closure--policy closure**

[REDACTED]	ELSAL	ELSAL		MIA		I3C		P
------------	-------	-------	--	-----	--	-----	--	---

**Case pending**

[REDACTED]	JORDA	JORDA		LOS		I3B1		
[REDACTED]	CUBA	CUBA		LVG		I3D		
[REDACTED]	DR	DR		BOS		I3D		
[REDACTED]	CUBA	CUBA		MIA		I3B1		
[REDACTED]	IRAN	IRAN		ATL		I3B5		
[REDACTED]	SOMAL	SOMAL		SND		I3A		
[REDACTED]	GUYAN	GUYAN		NEW		I3D		
[REDACTED]	TURKE	TURKE		LOS		I3C		
[REDACTED]	HONDU	HONDU		HOU		I3A		
[REDACTED]	MALAY	MALAY		LOS		I3B2		
[REDACTED]	JORDA	JORDA		LOS		I3B1		
[REDACTED]	EGYPT	EGYPT		BAL		I3B2		
[REDACTED]	PAKIS	PAKIS		SFR		I3A		
[REDACTED]	PAKIS	PAKIS		SFR		I3B2		
[REDACTED]	PAKIS	PAKIS		LOS		I3A		
[REDACTED]	NKORE	JAPAN		LOS		I3A		
[REDACTED]	MALAY	MALAY		LOS		I3A		
[REDACTED]	INDON	INDON		LOS		I3B1		
[REDACTED]	BELGI	IRAN		LOS		I3B2		
[REDACTED]	LEBAN	LEBAN		LOS		I3A		
[REDACTED]	PAKIS	PAKIS		LOS		I3A		
[REDACTED]	INDON	INDON		LOS		I3B2		
[REDACTED]	FRANC	MOROC		LOS		I3A		
[REDACTED]	INDON	INDON		LOS		I3A		
[REDACTED]	SAUDI	SAUDI		LOS		I3A		
[REDACTED]	INDON	INDON		LOS		I3B1		
[REDACTED]	PAKIS	PAKIS		LOS		I3B1		
[REDACTED]	EGYPT	EGYPT		LOS		I3A		
[REDACTED]	INDON	INDON		LOS		I3A		
[REDACTED]	MALAY	MALAY		LOS		I3A		
[REDACTED]	LEBAN	KUWAI		LOS		I3A		
[REDACTED]	EGYPT	EGYPT		LOS		I3A		
[REDACTED]	SYRIA	SYRIA		LOS		I3B2		
[REDACTED]	INDON	INDON		LOS		I3B2		
[REDACTED]	PAKIS	PAKIS		LOS		I3A		
[REDACTED]	SAUDI	SAUDI		LOS		I3A		

b6, 7C  
per ICE

**Aliens charged under 212(a)(3)  
April 1997-September 2004**

A-number	country of citizenship	country of birth	country to which returned	Docket Ctrl Office	Date of departure	Initial charge	Final charge	Departure status
[REDACTED]	NEWZE	MALAY		LOS	.	I3A		
[REDACTED]	UAE	UAE		LOS	.	I3A		
[REDACTED]	INDON	INDON		LOS	.	I3A		
[REDACTED]	INDON	INDON		LOS	.	I3A		
[REDACTED]	PHILI	PHILI		LOS	.	I3A		
[REDACTED]	CANAD	IRAN		LOS	.	I3A		
[REDACTED]	CANAD	IRAN		LOS	.	I3A		
[REDACTED]	MALAY	MALAY		LOS	.	I3A		
[REDACTED]	MALAY	MALAY		LOS	.	I3A		
[REDACTED]	MALAY	MALAY		LOS	.	I3A		
[REDACTED]	PAKIS	PAKIS		HOU	.	I3A		
[REDACTED]	DR	DR		SAJ	.	I3D		

b6, 7C  
per ICE

**Doc. #93**

ISP-\_\_\_\_-2004  
Bunder B  
Tas 46

**From:** Ashbaugh, Robert  
**Sent:** Friday, December 02, 2005 3:45 PM  
**To:** [REDACTED]  
**Subject:** RE: Arar

Cant wait to read the footnote about this little piece of information! Its open source tool

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

**From:** [REDACTED]  
**Sent:** Friday, December 02, 2005 3:10 PM  
**To:** Ashbaugh, Robert  
**Subject:** FW: Arar

FYI

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

**From:** [REDACTED]  
**Sent:** Friday, December 02, 2005 3:05 PM  
**To:** [REDACTED]  
**Subject:** RE: Arar

Um, yes, big time. [REDACTED] Specifically, [REDACTED] Below are [REDACTED] : b5, 6

[REDACTED]

**Phone:** [REDACTED]  
**Fax:** [REDACTED]

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

**From:** [REDACTED]  
**Sent:** Friday, December 02, 2005 12:43 PM  
**To:** [REDACTED]  
**Subject:** Arar

[REDACTED]

According to [REDACTED] Do some research and find out if [REDACTED]

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



**Doc. #94**

ISI- -- 2004

Bunder B

Tab 47

[redacted]  
From: [redacted]  
Sent: Tuesday, December 06, 2005 3:38 PM  
To: [redacted]  
Subject: RE: Canada Designation

[redacted] I was able to settle this without access to the class. documents, and your supposition below is correct. A primary doc. supports that [redacted]:

[redacted] The comments stated, [redacted]  
[redacted] ..." Therefore, as of [redacted]

In addition, I want to verify [redacted]

However, I'll be out of the office at DOS training from tomorrow through Friday. I'll be in the office afterwards, around 5PM, on Thursday. If anything comes up, please call me at [redacted]

b5, 6

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

From: [redacted]  
Sent: Tuesday, December 06, 2005 8:08 AM  
To: [redacted]  
Subject: Canada Designation

[redacted]  
I detected another [redacted] issue. We have [redacted] asking [redacted]  
[redacted] states that [redacted]. Again, not a big deal. Would you check our documents to  
see if [redacted]? The difference may be that [redacted]

Thanks.

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

**Doc. #95**

UNCLASSIFIED

Project #: ISP-\_\_-2004  
Review of the Removal of a Canadian Citizen to Syria

Binder Table of Contents  
F: INS and Canadian Government

BINDER	TAB	DOCUMENT TITLE
F1	1	[REDACTED]
F1	2	[REDACTED]
F1	3	[REDACTED]
F1	4	[REDACTED]
F1	5	[REDACTED]
F1	6	[REDACTED]
F1	7	[REDACTED]
F1	8	[REDACTED]
F1	9	[REDACTED]
F1	10	[REDACTED]
F1	11	[REDACTED]
F1	12	[REDACTED]
F1	13	[REDACTED]
F1	14	[REDACTED]
F1	15	INS – Email, "RE: Arar" (10/11/05)
F1	16	Canadian Government – Email, "Re: Arar" (9/20/04)
F1	17	Canadian Government – Email, "Arar" (9/23/04)
F1	18	Canadian Government – Email, "FW: Arar" (9/23/04)
F1	19	Canadian Government – Email, "Garvie Report" (Undated)
F1	20	Canadian Government – Article, "U.S. urged Canada to hold Arar, says report" (10/9/03)
F1	21	Canadian Government – Article, "Secrecy crackdown in Arar case" (1/23/04)

b5, 6

UNCLASSIFIED

**UNCLASSIFIED**

F1	22	Canadian Government – Article, "RCMP refused U.S. offer to return Arar" (1/23/04)
F1	23	Canadian Government – Press Release, "RCMP Report Reveals Serious Flaws in Arar Investigation - Arar Asks Who Was Mystery Man in His US Interrogation" (9/23/04)
F1	24	Canadian Government – Article, "RCMP left out of loop on Arar detention by U.S." (11/27/04)
F1	25	Canadian Government – Article, "Arar torture warning was given, lawyer says" (6/17/05)
F1	26	Canadian Government – Article, "Intelligence needs overrode Arar's rights, Mountie says" (7/1/05)
F1	27	Canadian Government – Article, "Top Mountie can't rule out complicity in Arar deportation despite probes" (7/28/05)
F1	28	Canadian Government – Article, "U.S. refuses to co-operate with Maher Arar inquiry" (9/22/04)
F1	29	Canadian Government – Background materials on Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar"
F1	30	Canadian Government – Press Release, "Commission of Inquiry releases RCMP report on Arar case" (9/24/04)
F1	31	Canadian Government – Letter, from Paul Cavalluzzo, Lead Commission Counsel (11/4/04)
F1	32	[REDACTED]
F1	33	[REDACTED]
F1		

b5, 6

**Doc. #96**

ISP - 2004  
Burdorff  
Tas 15

[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, October 11, 2005 2:28 PM  
**To:** [Redacted] (E-mail); [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Arar

Per the alien file, Arar was [Redacted]

[Redacted]  
425 I Street, NW  
Room 6100  
Washington, DC 20536  
Telephone: (202) [Redacted]  
Facsimile: (202) [Redacted]

b5, 6

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

**From:** [Redacted] [mailto:[Redacted]]  
**Sent:** Friday, October 07, 2005 11:51 AM  
**To:** [Redacted] (E-mail); [Redacted]  
**Cc:** [Redacted]  
**Subject:** Arar

[Redacted]

We completed our New York interviews for the Arar review. We learned that [Redacted] but we could not find a copy of it in the materials that you provided to us. Would you recheck your files to try to locate a copy for us?

Thank you for your assistance

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

**Doc. #97**



TSP- 2004  
Bude R  
Tab 16

From: Ervin, Clark  
Sent: Monday, September 20, 2004 10:14 AM  
To: Ashbaugh, Robert; Ervin, Clark; Skinner, Richard; Faulkner, Tamara; Reback, Richard  
Cc: [Redacted]  
Subject: Re: Arar

I agree with you.

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

From: Ashbaugh, Robert <[Redacted]>  
To: Ervin, Clark <[Redacted]>; Skinner, Richard <[Redacted]>; Faulkner, Tamara <[Redacted]>; Reback, Richard <[Redacted]>  
CC: [Redacted] <[Redacted]>  
Sent: Mon Sep 20 10:10:46 2004  
Subject: FW: Arar

Clark -- We have had preliminary contact with the Canadian commission about their inquiry into the Arar matter. Specifically, we want to find out if the commission has any information regarding [Redacted]

[Redacted] Our contact has been [Redacted]. Below is a note to me about the conversation. Note specifically the question of [Redacted]

b5,6

[Redacted] My preference is to not have publicity at this point. I think we [Redacted] There is also a likelihood of [Redacted], since we really dont know [Redacted] Its quite possible that [Redacted]

[Redacted] So I think [Redacted]

[Redacted] Of course, the fact of [Redacted]

[Redacted] Are you ok with this disposition? Bob.

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

From: [Redacted]  
Sent: Monday, September 20, 2004 9:26 AM  
To: Ashbaugh, Robert  
Cc: [Redacted]  
Subject: Arar

Bob,

[Redacted] called me back this morning. [Redacted] said the Commission was fine with meeting with us regarding the Arar matter. [Redacted] said that [Redacted] attempted to [Redacted]

[Redacted] Not surprisingly, [Redacted]

[Redacted] asked if it would be okay if [Redacted] I told [Redacted] I thought that would be okay but that I needed to run it by you first. Any problems with [Redacted]?

As it looks like this meeting is going to happen, and understanding the sensitivity of the U.S. government to this case, I would like us to get together ASAP to discuss [Redacted]

[Redacted] And more importantly, what do [Redacted]?

. Chief Inspector  
Office of Evaluations, Inspections, and Special Reviews  
Office of the Inspector General  
Department of Homeland Security  
2-254- [REDACTED]

b6

**Doc. #98**

ISI- 2004  
Bunde P  
last

[redacted]  
From: [redacted]  
Sent: Thursday, September 23, 2004 9:57 AM  
To: Ashbaugh, Robert  
Subject: Arar

Bob,

I just got a call from [redacted] called me concerning our Arar review. I confirmed that we had an on-going review but that I did not have a timeframe for completion. I also told [redacted] that we plan to issue a public report subject to any FOIA, PA, or security restrictions.

[redacted] was concerned about a quote from the article that appeared in the press on Tuesday (sent you a copy). The article quoted an official for the Arar Commission stating that [redacted] hoped our (DHS OIG) report would be out soon so that we (the Commission) could use the information. As you know [redacted]. My read of the call from [redacted] is that [redacted]

b5, 6

I think we should consider very carefully [redacted]. I fear we could [redacted]

[redacted]  
Chief Inspector  
Office of Evaluations, Inspections, and Special Reviews  
Office of the Inspector General  
Department of Homeland Security  
2-254- [redacted]  
[redacted]

**Doc. #99**

DRAFT LOR TO COMMISSION

From: Ashbaugh, Robert  
Sent: Thursday, September 23, 2004 2:34 PM  
To: Ervin, Clark; Skinner, Richard  
Cc: Reback, Richard; Faulkner, Tamara; [REDACTED]  
Subject: FW: Arar

TSP-\_\_\_\_-2004  
Binder 12  
Tab 18

[REDACTED] got a call from [REDACTED] about the Arar case. They apparently are concerned about a newspaper report indicating that the Canadian Arar commission hopes to use our report in their own commission proceeding. See below for the rest of [REDACTED] summary of the conversation. A couple of points: (1) the article we have from the [REDACTED]

(5) What do we want? We seek information the commission may have about [REDACTED]

[REDACTED] We also read in the newspaper that the Canadian consulate was notified that Arar was being detained by the US, and would like to find out if [REDACTED] and what may have transpired [REDACTED] Some of these inquiries might not be necessary if [REDACTED] For example, if we are able to [REDACTED], it would be helpful to [REDACTED]

As a general proposition, [REDACTED]. We do need to talk to [REDACTED]. I see two objectives: [REDACTED]. We are mindful of [REDACTED].

To sum up, I am recommending that we [REDACTED]. I am copying Rick Reback and Tamara on this in case Rick gets an inquiry from [REDACTED] for example, or Tamara gets something from the press, but basically this is request to proceed.

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

Email is a duplicate of Doc #98

[REDACTED]

b5, 6

**Doc. #100**

ISP- [redacted] -2004  
Bender F  
Tab 19

[redacted]

Ashbaugh, Robert  
Garvie Report

Subject:

Bob,

One of the reports that we discussed yesterday with [redacted] is referred to as the Garvie Report. This was an internal investigation conducted to review the actions of the RCMP in the Arar matter. According to a September 25, 2004 *Toronto Star* article, this report has been made public (in a redacted format). [redacted]

The *Toronto Star* article cites a finding in the report that the RCMP declined to interview Arar in New York because of the cost of travel (seems like [redacted]) and because it believed that Arar was going to be returned to Canada. The RCMP even requested a surveillance warrant on Arar for when he returned to Canada. The report also stated that an official had disapproved the interview. The name/title of the official was redacted so we do not know who it was [redacted]

b5, 6

This seems to [redacted] decision within the United States government.

[redacted]  
Chief Inspector  
Office of Evaluations, Inspections, and Special Reviews  
Office of the Inspector General  
Department of Homeland Security  
202-254-[redacted]  
[redacted]





Sep. 25, 2004. 08:51 AM

## RCMP broke rules: Report

~~Censored document released at Maher Arar inquiry~~  
Force ill-equipped, lacked 'expertise,' internal review says

MICHELLE SHEPHARD  
STAFF REPORTER

The Royal Canadian Mounted Police were ill-equipped to deal with terrorism investigations in the wake of the Sept. 11, 2001 attacks on the United States and broke policy rules when supplying American investigators information about Canadian Maher Arar, says a damning report released by a federal inquiry.

Those accusations and others involving the improper seizure of evidence, acrimonious relationships within the federal police force and the lack of involvement of supervisors in Arar's case, were contained in a censored 76-page internal review prepared by a senior RCMP officer and released yesterday at the Arar inquiry.

U.S. authorities detained Arar, a 34-year-old Syrian-born Canadian, in New York on Sept. 26, 2002, as he was returning home to Ottawa from a visit to Tunisia. He was deported to Syria.

RCMP Chief Superintendent Brian Garvie wrote the report's conclusions should be considered in the context of the "public, political and national security environment of post 9/11."

"The ability of the RCMP to deal with the outcome of that terrorist act, and to manage the expectations as a result of it, was to a large extent limited. At that time, both at headquarters and in the field, the RCMP did not have sufficient investigative expertise, nor did they have the capacity to efficiently and effectively deal with national security investigations overall," he wrote.

Arar's lawyers say the report shows that the Ottawa engineer was a "victim of the RCMP's inexperience."

"As a Canadian citizen ... I ask myself can we feel safe, should we feel safe. What are the problems in the RCMP and what needs to be done to correct those problems," said lawyer Lorne Waldman.

RCMP spokesperson Inspector Tim Cogan said yesterday he did not want to comment on the report in an effort to not bias the inquiry proceedings, but noted the document had to be taken in context with all the evidence presented at the commission of inquiry into the role of Canadian authorities in the case.



TOM HANSON/CP  
Maher Arar in Ottawa with his wife  
Monia Mazigh Sept. 14.

### STAR COLUMNISTS

- > [Miro Cernetig](#)
- > [Graham Fraser](#)
- > [Richard Gwyn](#)
- > [Stephen Handelman](#)
- > [Chantal Hebert](#)
- > [James Travers](#)
- > [Ian Urquhart](#)
- > [Thomas Walkom](#)

### RELATED STORIES

- > [RCMP broke rules: Report \(Sept. 25\)](#)
- > [Arar requests hearing in public \(Sept. 24\)](#)
- > [U.S. refuses role in Arar probe \(Sept. 22\)](#)
- > [Ambassador gave Syrian information to CSIS \(Sept. 14\)](#)
- > [Arar private hearings start \(Sept. 13\)](#)
- > [Arar blames Ottawa as in-laws interrogated \(Sept. 10\)](#)
- > [Full text of Arar's Nov. 5 statement](#)

"Post 9/11 was a different time where we are now. Everything has changed," Cogan said. "We're in a different world today than we were then ... a lot of progress has been made after this historically unprecedented event."

More than \$500 million in government funding was allotted to the RCMP for security investigations in the wake of 9/11. A portion was used to create four new joint task forces known as Integrated National Security Enforcement Teams (INSETs) which include local police officers and immigration officials.

---

The Ottawa branch of the RCMP-led task force (known as the A division) launched the O Canada investigation that was probing the existence of an Al Qaeda cell in Canada and focused on another Ottawa engineer, Abdullah Almalki. It's believed it was Arar's relationship with Almalki and his older brother, and a former Toronto truck driver named Ahmed Elmaati that connected him to the investigation.

Garvie's report says members of the A-O Canada team had "legitimate reasons" to investigate Arar and notes the U.S. authorities were conducting their own investigation with respect to Arar.

The report findings include:

★ The RCMP did not contribute to the torture or interrogation of Arar in Syria and did not provide the Syrians with a list of questions.

★ There was an "acrimonious" relationship between investigators on the A-O Canada team and those within the RCMP's Criminal Intelligence Directorate HQ. As a result, wrote Garvie, attempts by headquarters to "effectively monitor the investigation and to provide the appropriate co-ordination, direction or advice was resented."

★ Correspondence, including a CD burned from the Project A-O Canada database, given to U.S. authorities about Arar did not include the proper caveats or the appropriate supervisor's signatures that are required in accordance with RCMP policies. Caveats can concern the reliability of information provided or restrictions from passing that information to a third party.

★ Senior managers were not consulted before information was passed to the United States concerning Arar.

★ An apartment lease obtained from Arar's former landlord in Canada was not obtained with a search warrant as required by the Criminal Code.

The report finds that INSET members believed Arar would be deported to Canada and had put a request to conduct surveillance of him when he returned. Due to cost, they abandoned a request to interview Arar while he was in custody in New York.

"This decision was made because the RCMP airplane was not available, the cost to travel commercially was prohibitive and (censored) had not approved the interview request," the report said.

The findings, at least a quarter of which were blacked out due to concerns of national security, are in stark contrast to a letter that was made public at the inquiry this summer, which absolved the RCMP of any wrongdoing.

"I am satisfied that members of the RCMP acted within the laws of Canada," Assistant Commissioner Ghyslaine Clément wrote in April.

An inquiry headed by Justice Dennis O'Connor, which is now hearing evidence behind closed doors, is expected to conclude how information was shared between authorities in Canada, the United States and Syria.

---

Arar was detained during a stopover flight in New York in September, 2002. He was deported to Syria, via Jordan, where Arar says Syrian authorities questioned him on information he believes came from Canada. He was released last year after being tortured and held for a year.

Arar said in a written statement yesterday that he was most disturbed by the report's finding that after eight months in a Syrian jail, the RCMP would not issue a letter to his lawyer saying he was not a terrorist suspect.

"I could have been out of that miserable place four months earlier."

Arar also spoke for the first time yesterday of a person who was in the room when he was questioned in New York, who refused to identify himself but who spoke with a distinct French-Canadian accent. "We still have a long way to go before I really know why this was done to me and who was involved."

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**Doc. #101**

157- -2014  
Budge  
Tab 29  
R

Commission of Inquiry into  
the Actions of Canadian  
Officials in Relation  
to Maher Arar

Commission d'enquête sur  
les actions des responsables  
canadiens relativement  
à Maher Arar

NOTICE OF HEARING

Mr. Justice Dennis R. O'Connor has been appointed as the Commissioner of the Arar Inquiry. The Commissioner will convene hearings to assist him in investigating and reporting on the actions of Canadian officials in relation to Maher Arar (the "factual inquiry"). The hearings will be held in Ottawa, Ontario, and will be held in French and English. The hearings will be held in French and English. The hearings will be held in French and English.

- (i) the detention of Mr. Arar in the United States;
- (ii) the deportation of Mr. Arar to Syria or Jordan;
- (iii) the imprisonment and treatment of Mr. Arar in Syria;
- (iv) the return of Mr. Arar to Canada; and
- (v) any other circumstance directly related to Mr. Arar that the Commissioner considers relevant to fulfill his mandate.

Applications by interested individuals, groups, governments and corporations for standing and funding will be heard commencing at 10:00 a.m. on April 29, 2004 at the aforementioned hearing in Ottawa, Ontario. No evidence will be received at this time.

Applicants for standing must demonstrate that they have a substantial and direct interest in the subject matter of the inquiry.

Applicants for funding must demonstrate that they do not have sufficient financial resources to participate in the factual inquiry without such funding. Further information on applications for standing and funding will be posted on the Inquiry's website at [www.ararcommission.ca](http://www.ararcommission.ca).

Applications for standing and funding should be submitted to the Inquiry at the following address: The Commissioner, Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, P.O. Box 100, St. Charles, Ottawa, Ontario, K1S 5B6. Telephone: (613) 998-3171. Fax: (613) 998-3285. E-mail: [arar@ararcommission.ca](mailto:arar@ararcommission.ca). The deadline for applications is April 20, 2004.

The Arar Inquiry  
P.O. Box 100, St. Charles, Ottawa, ON K1S 5B6  
Tel: (613) 998-3171 Fax: (613) 998-3285

To: [Redacted]

This was provided by  
attendees at Monday's  
meeting @ Moha Arar

RA 2/28/04

[Redacted]

b6

b5,6



Public Safety and Emergency Preparedness Canada / Sécurité publique et Protection civile Canada

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**DEPUTY PRIME MINISTER ISSUES TERMS OF REFERENCE FOR THE PUBLIC INQUIRY INTO THE MAHER ARAR MATTER**

**OTTAWA, February 5, 2004** — The Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, today announced that the Government of Canada has issued Terms of Reference for the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar.

On January 28, 2004, the Deputy Prime Minister announced that Mr. Justice Dennis R. O'Connor would undertake a public inquiry into the actions of Canadian officials dealing with the deportation and detention of Mr. Maher Arar and then, as a second task, make recommendations concerning an independent, arm's-length review mechanism for the RCMP's activities with respect to national security.

Mr. Justice O'Connor is to investigate and report on the actions of Canadian officials in relation to Maher Arar, including the following:

- the detention of Mr. Arar in the United States;
- the deportation of Mr. Arar to Syria via Jordan;
- the imprisonment and treatment of Mr. Arar in Syria;
- the return of Mr. Arar to Canada; and
- any other circumstance directly related to Mr. Arar that Justice O'Connor considers relevant to fulfilling this mandate.

Under the policy review of possible review mechanisms for RCMP national security activities, Mr. Justice O'Connor will examine domestic and international review models. He will make such recommendations as he considers advisable on the creation of a new mechanism and in doing this, he will consider how the recommended mechanism would interact with other Canadian review bodies.

- 30 -

For further information:

Alex Swann  
Office of the Deputy Prime Minister and  
Minister of Public Safety and Emergency Preparedness  
(613) 991-2863

Contact for the Commission of Inquiry

(613) 996-4741

**BACKGROUNDER  
TERMS OF REFERENCE FOR THE COMMISSION  
OF INQUIRY INTO THE ACTIONS OF CANADIAN  
OFFICIALS IN RELATION TO MAHER ARAR**

(a) to investigate and report on the actions of Canadian officials in relation to Maher Arar, including with regard to

- (i) the detention of Mr. Arar in the United States,
- (ii) the deportation of Mr. Arar to Syria via Jordan,
- (iii) the imprisonment and treatment of Mr. Arar in Syria,
- (iv) the return of Mr. Arar to Canada, and
- (v) any other circumstance directly related to Mr. Arar that the Commissioner considers relevant to fulfilling this mandate,

in this Order referred to as the "factual inquiry", and

(b) to make any recommendations that he considers advisable on an independent, arm's length review mechanism for the activities of the Royal Canadian Mounted Police with respect to national security based on

- (i) an examination of models, both domestic and international, for that review mechanism, and
- (ii) an assessment of how the review mechanism would interact with existing review mechanisms,

in this Order referred to as the "policy review", and the Committee do further advise that

(c) pursuant to section 56 of the *Judges Act*, the Honourable Dennis R. O'Connor be authorized to act as a Commissioner on the inquiry referred to in paragraphs (a) and (b) (in this Order referred to as "the inquiry");

(d) the Commissioner be directed to conduct the inquiry under the name of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar;

(e) the Commissioner be authorized to adopt any procedures and methods that he may consider expedient for the proper conduct of the inquiry, and to sit at any times and in any places in Canada that he may decide;

(f) the Commissioner be authorized to grant to any person who satisfies him that he or she has a substantial and direct interest in the subject-matter of the factual inquiry an opportunity during that inquiry to give evidence and to examine or cross-examine witnesses personally or by counsel on evidence relevant to the person's interest;

(g) the Commissioner be authorized to conduct consultations in relation to the policy review as he sees fit;

(h) the Commissioner be authorized to recommend funding, in accordance with approved guidelines respecting rates of remuneration and reimbursement and the assessment of accounts, to a party who has been granted standing at the factual inquiry, to the extent of the party's interest, where in the Commissioner's view the party would not otherwise be able to participate in that inquiry;

(i) the Commissioner be authorized to rent any space and facilities that may be required for the purposes of the inquiry, in accordance with Treasury Board policies;

(j) the Commissioner be authorized to engage the services of any experts and other persons referred to in section 11 of the *Inquiries Act*, at rates of remuneration and reimbursement that may be approved by the Treasury Board;

(k) the Commissioner be directed, in conducting the inquiry, to take all steps necessary to prevent disclosure of information that, if it were disclosed to the public, would, in the opinion of the Commissioner, be injurious to international relations, national defence or national security and, where applicable, to conduct the proceedings in accordance with the following procedures, namely,

(i) on the request of the Attorney General of Canada, the Commissioner shall receive information *in camera* and in the absence of any party and their counsel if, in the opinion of the Commissioner, the disclosure of that information would be injurious to international relations, national defence or national security,

(ii) in order to maximize disclosure to the public of relevant information, the Commissioner may release a part or a summary of the information received *in camera* and shall provide the Attorney General of Canada with an opportunity to comment prior to its release, and

(iii) if the Commissioner is of the opinion that the release of a part or a summary of the information received *in camera* would provide insufficient disclosure to the public, he may advise the Attorney General of Canada, which advice shall constitute notice under section 38.01 of the *Canada Evidence Act*;

(l) the Commissioner be directed, with respect to the preparation of any report intended for release to the public, to take all steps necessary to prevent the disclosure of information that, if it were disclosed to the public, would, in the opinion of the Commissioner, be injurious to international relations, national defence or national security;

(m) nothing in this Order shall be construed as limiting the application of the provisions of the *Canada Evidence Act*;

(n) the Commissioner be directed to follow established security procedures, including the requirements of the *Government Security Policy* with respect to persons engaged pursuant to section 11 of the *Inquiries Act* and the handling of information at all stages of the inquiry;

(o) the Commissioner be directed to perform his duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization and to ensure that the conduct of the inquiry does not jeopardize any ongoing criminal investigation or criminal proceedings;

(p) the Commissioner be directed to submit a report or reports in both official languages to the Governor in Council; and

(q) the Commissioner be directed to file the papers and records of the inquiry with the Clerk of the Privy Council as soon as reasonably possible after the conclusion



of the inquiry.

February 5, 2004

Date Published: 2004-02-05  
Last Modified: 2004-02-05

Important Notices

**Doc. #102**



ISP- -2004  
Bilder P  
T-31

November 4, 2004

██████████  
██████████  
Chief Inspector  
Office of Evaluations, Inspections and Special Reviews  
Office of the Inspector General  
Department of Homeland Security  
245 Murray Drive S.W.  
Building 410, Room 11412  
Washington, DC 20528

Dear ██████████

Re: Maher Arar

Pursuant to our conversation of October 20, 2004, I am enclosing the following:

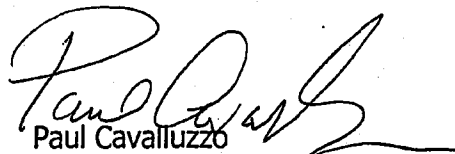
1. the redacted Garvie Report. This report reviews the conduct of the RCMP in relation to how they dealt with the Arar matter upon being notified by American authorities that Mr. Arar was detained in the United States. This is an internal review of the RCMP which was done pursuant to a complaint filed against the RCMP before the Public Complaints Commission which scrutinizes their conduct.
2. the report of the Security Intelligence Review Committee (SIRC). SIRC is the body which reviews the activities of the Canadian Security Intelligence Service. This report deals with how CSIS conducted itself in respect of the Arar matter.

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You also inquired as to ██████████  
██████████ In respect of ██████████  
██████████

If you are interested in this information, please do not hesitate to call me.

Yours truly,

  
Paul Cavalluzzo  
Lead Commission Counsel

Encs.