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Stop in the Name of the Law

Irene Khan (op-ed)
International Herald Tribune
April 12, 2006

LONDON -- Maher Arar, a wireless technology consultant and a Canadian citizen of Syrian origin, goes on holiday with his family to Tunisia. On his way home to Canada he transits via New York's JFK airport. There, he is detained by U.S. officials and interrogated about alleged links to Al Qaeda. Twelve days later, he finds himself chained, shackled and flown aboard a private plane to Jordan and from there transferred to a Syrian prison.

In Syria, he is held in a tiny grave-like cell for 10 months and 10 days before he is moved to a better cell in a different prison. He is beaten, tortured and forced to make a false confession.

This is "extraordinary rendition" - the unlawful transfer of people from one country to another. It is part of the Bush administration's "war on terror," with other governments turning a blind eye.

Planes associated with rendition flights have landed and taken off from dozens of destinations around the world, including Britain, Germany, Jordan, Afghanistan and Albania. Flight logs and airport records show that nearly 1,000 flights directly linked to the CIA have used European airspace.

A Gulfstream III aircraft, then registered as N829MG, carried Maher Arar from the United States to Jordan, touching down in Italy. This plane has also been used for missions to Guantánamo. Another plane, a Gulfstream IV N85VM that took Abu Omar to Egypt from Germany, has been through Guantánamo over a hundred times.

We do not know how many passengers it carried or from where because the United States and other governments have gone to great lengths to use aviation agreements to conceal unlawful transfers.

The Chicago Convention on International Civil Aviation allows private, non-commercial flights to fly over a country or make technical stops there without prior authorization or notification. Exploiting this provision, the CIA has used private aircraft operators and front companies to avoid scrutiny of its rendition flights.

Citing the Chicago Convention, many countries, including member states of the EU, have allowed CIA planes to cross their airspace and use their airports without question. They have conveniently ignored other provisions of the Convention that give them the right to inspect aircraft where there are reasonable grounds to believe that it is being used for an unlawful purpose.

Rendition is not simply the efficient transport of terror suspects from one place to another. It is a practice that permits layers of human- rights violations.

Most victims have been arrested illegally in the first place. Some were abducted. All were transferred unlawfully from one country to another. Many have subsequently disappeared. Victims interviewed by Amnesty International and other human rights groups have said they were tortured or otherwise ill-treated.

No one knows exactly how many people have been subject to these unlawful practices because of the secrecy surrounding the process, but it is believed to be in the hundreds. Ultimately,

renditions are about outsourcing torture and other ill-treatment and avoiding accountability for human-rights violations.

Once again, in the name of fighting terrorism, the U.S. administration has undermined the rule of law. By turning a blind eye or colluding, other governments and companies implicated in the flights must also bear responsibility.

The U.S. Congress should create an independent commission to investigate all aspects of U.S. detention and interrogation practices. The Council of Europe and the European Parliament should persist until European governments are brought to account.

All governments must demand full details from aircraft operators who have been identified as being implicated in rendition flights.

A system that puts people beyond the protection of the law and sets perpetrators above the rule of law is dangerous for all of us. It must stop.

Irene Khan is secretary general of Amnesty International.