

The following text may be printed, copy/pasted, or downloaded and emailed.

## **Suit by Detainee on Transfer to Syria Finds Support in Jet's Log**

SCOTT SHANE  
New York Times  
March 30, 2005

WASHINGTON - Maher Arar, a 35-year-old Canadian engineer, is suing the United States, saying American officials grabbed him in 2002 as he changed planes in New York and transported him to Syria where, he says, he was held for 10 months in a dank, tiny cell and brutally beaten with a metal cable.

Now federal aviation records examined by The New York Times appear to corroborate Mr. Arar's account of his flight, during which, he says, he sat chained on the leather seats of a luxury executive jet as his American guards watched movies and ignored his protests.

The tale of Mr. Arar, the subject of a yearlong inquiry by the Canadian government, is perhaps the best documented of a number of cases since the Sept. 11, 2001, terrorist attacks in which suspects have accused the United States of secretly delivering them to other countries for interrogation under torture. Deportation for interrogation abroad is known as rendition.

In papers filed in a New York court replying to Mr. Arar's lawsuit, Justice Department lawyers say the case was not one of rendition but of deportation. They say Mr. Arar was deported to Syria based on secret information that he was a member of Al Qaeda, an accusation he denies.

The discovery of the aircraft, in a database compiled from Federal Aviation Agency records, appears to corroborate part of the story Mr. Arar has told many times since his release in 2003. The records show that a Gulfstream III jet, tail number N829MG, followed a flight path matching the route he described. The flight, hopscotching from New Jersey to an airport near Washington to Maine to Rome and beyond, took place on Oct. 8, 2002, the day after Mr. Arar's deportation order was signed.

After seeing a photograph of the plane and hearing its path, Mr. Arar, 35, of Ottawa, said in a telephone interview: "I think that's it. I think you've found the plane that took me."

He added: "Finding this plane is going really to help me. It does remind me of this trip, which is painful, but it should make people understand that this is for real and everything happened the way I said. I hope people will now stop for a moment and think about the morality of this."

Records of the jet's travels also show a trip in December 2003 to Guantánamo Bay, Cuba, where the United States holds hundreds of detainees, suggesting that it was used by the government on at least one other occasion.

If the plane was used to move Mr. Arar, it is the fourth known to have been used to transport suspected terrorists secretly from one country to detention in another.

Among the three identified in previous news reports is one owned by a company apparently set up by the Central Intelligence Agency, according to The Washington Post. Another, first described by The Chicago Tribune, is an ordinary charter jet that was also used by the Boston Red Sox manager between missions ferrying detainees and their guards to Guantánamo, with the Red Sox logo attached to the fuselage or removed, depending on who was aboard.

Maria LaHood, a lawyer for Mr. Arar, said the new information on the Gulfstream jet lent support to his lawsuit.

"The facts we got from Maher right after he was released are now corroborated by public records," said Ms. LaHood, who works for the Center for Constitutional Rights, a group in New York that advocates investigation of human rights abuses. "The more information that comes out, the better for showing that this is an important public issue that can't be kept secret."

She said Mr. Arar and his attorneys believe that American officials wanted him to undergo a more brutal interrogation than would be permitted in the United States in the hope of getting information about Al Qaeda.

After 10 months in a cell he compared to a grave, and 2 more months in a less confined space, Syrian officials freed Mr. Arar in October 2003, saying they had been unable to find any connection to Al Qaeda. The Syrian ambassador to the United States called the release "a gesture of good will toward Canada."

Charles Miller, a Justice Department spokesman, said the government had no comment on the case. The administration has refused to cooperate with the Canadian inquiry into Mr. Arar's case and has asked a judge to dismiss most of his lawsuit, saying that allowing it to proceed would reveal classified information.

President Bush has said it is United States policy neither to engage in torture nor to deliver prisoners to countries where they are likely to be tortured. Former intelligence officials say rendition is useful for cases in which secret information has identified a suspected terrorist but cannot be used for a public prosecution in an American court.

Mr. Arar has told a consistent story since his release: He was detained at Kennedy International Airport in New York on Sept. 26, 2002, while changing planes on the way back to Canada from a vacation in Tunisia. He was then held for nearly two weeks, awakened at 3 a.m. and taken to an airport in New Jersey, where he was put aboard a small jet.

Shackled in place, Mr. Arar says, he followed the plane's movements on a map displayed on a video screen, watching as it traveled to Dulles Airport, outside Washington, to a Maine airport he believed was in Portland, to Rome, and finally to Amman, Jordan, where he was blindfolded and driven to Syria.

According to F.A.A. flight logs for Oct. 8, 2002, only one aircraft flew from New Jersey to the Washington area to Maine to Rome: the 14-passenger Gulfstream III jet, operated by Presidential Aviation, a charter company in Fort Lauderdale, Fla. The jet left Teterboro, N.J., for Dulles at 5:40 a.m.; proceeded at 7:46 a.m. to Bangor, Me.; and left Bangor for Rome at 9:36 a.m.

The only conflict with Mr. Arar's story is that the Maine airport was Bangor, not Portland. And the logs cover only flights departing from the United States, so they document the trip only as far as Rome. Court records show, however, that immigration officials ordered him deported to Syria.

Nigel England, director of operations for Presidential, said he would not divulge who rented the Gulfstream that day or discuss any clients.

"It's a very select group of people that we fly, from entertainers to foreign heads of state, a whole gamut of customers that we fly and wouldn't discuss one over the other," he said.

The plane flew about 50 flights a month to various destinations in 2002 and 2003, according to federal records. Presidential's Web site says a similar jet would now rent for about \$120,000 for an itinerary like the one on which Mr. Arar apparently was flown.

Records show that the plane was owned in 2002 by MJG Aviation, a Florida company that lists its manager as Mark J. Gordon, an entrepreneur who also owned Presidential at the time. Mr.

Gordon could not be reached. The plane has since been sold and the tail number has been changed to N259SK, records show.

As for Mr. Arar, he said he felt the identification of the plane helped establish his credibility. "I don't know for sure but probably people had some doubts about what I said," he said. "This goes to prove and corroborate at least part of my story. I hope even more information will come forward."