

MAHER ARAR GETS A(NOTHER) DAY IN COURT

On June 30, the 2nd District Court of Appeals rejected Maher Arar's suit against the US government for sending him to Syria to be tortured. That decision came almost a month after the Department of Homeland Security Inspector General released a report showing—even in its redacted form—that Arar had repeatedly warned that he would be tortured if sent to Syria, and that the INS folks knew that there was a high likelihood that Arar was right.

Perhaps it took the judges on the Appeals Court some time to really digest the report, because today they announced the entire court will rehear his appeal.

The Second Circuit Court of Appeals issued an extremely rare order that the case of Canadian rendition victim Maher Arar would be heard en banc by all of the active judges on the Second Circuit on December 9, 2008. For the court to issue the order sua sponte, that is, of its own accord without either party submitting papers requesting a rehearing, is even more rare.

"We are very encouraged," said CCR attorney Maria LaHood. "For the court to take such extraordinary action on its own indicates the importance the judges place on the case and means that Maher may finally see justice in this country. As the dissenting judge noted, the majority's opinion gave federal officials the license to 'violate constitutional rights with virtual impunity.' Now the court has the opportunity to uphold the law and hold accountable the U.S. officials who sent Maher to be tortured."

One more thing may factor into this reversal. Recall that, when the DHS IG testified on the report, he said he was reopening his investigation into Arar's rendition.

Interestingly, in his own testimony today, the Homeland Security IG states that "we have reopened our review into the Mr. Arar matter because, less than a month ago, we received additional information that contradicts one of the conclusions in our report. As such, we are in the process of conducting additional interviews to determine the validity of this information to the extent we can."

So maybe, pursuant to that reopened investigation, the Appeals Court knows of new information?

Is it possible that Arar will yet have the opportunity to prove his case against Larry Thompson and others, who sent him to be tortured in Syria?