

Answers sought on 9/11 transfer Rights groups demand full account on why man handed to U.S. officials

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Isabel Teotonio
Staff Reporter

Human rights groups called on the Canadian government yesterday to provide a full account as to why an Algerian refugee claimant suspected of having terror links was transferred to the United States one day after the Sept. 11 attacks.

In a letter to Public Safety Minister Peter Van Loan, supporters of Benamar Benatta, 34, who now has refugee status and lives in Toronto, said they were "dismayed" to learn Ottawa claims it did nothing wrong.

Such a defence "undermines public confidence in the government's commitment to safeguarding human rights in the context of national security," wrote representatives of groups such as Amnesty International Canada, Canadian Council for Refugees and International Civil Liberties Monitoring Group.

The letter made reference to a statement of defence filed last month by the government in response to a \$35 million lawsuit launched by Benatta.

In the statement, federal lawyers say Canadian officials acted within the law and never provided the Americans with incorrect or misleading information about Benatta, nor did they ever identify him as a terror suspect.

Benatta arrived at the Canada-U.S. border on Sept. 5, 2001, seeking refugee status here. A lieutenant in the Algerian air force, he had defected while on a training course in the U.S. and had remained there illegally using false identification.

Acquaintances in New York City, where he had stayed, told him it would be easier to win refugee status in Canada so he headed north. Canadian border officials spotted his fake ID and arrested him. On Sept. 12, he was handed over to the Americans, unaware of the terror attacks on New York and Washington the previous day.

Originally suspected of being a co-conspirator in the 9/11 attacks, Benatta claims he was held incommunicado and abused until being cleared two months later by the FBI. Yet he remained in custody for five years – initially on charges of carrying fraudulent papers and later because he was considered a flight risk.

In July 2006, Canada allowed Benatta to return and claim refugee status, which was granted because it was determined he would be in danger if he returned to Algeria.

In a statement of claim filed in the Ontario Superior Court of Justice, Benatta alleges he was "illegally transferred" to U.S. custody – "without lawful authority, without a hearing, without due process and

without access to counsel." He also claims Canadian officials provided "erroneous misinformation" to the Americans, which led them to perceive he was a terror threat.

The government in its statement of defence claims Benatta was transferred under a section of the then-Immigration Act, known as the "direct back" provision, which allows people to be directed back to the U.S. when there aren't enough border officials to process claims.

However, officials didn't have time to complete the paperwork on Benatta's "direct back" because of the "overwhelming circumstances of the day," according to the statement of defence.

In the letter to Van Loan, Benatta's supporters argue the "direct back" argument is troubling since the government had earlier suggested he had voluntarily withdrawn his claim for refugee protection before the transfer.

A spokesperson for the minister said he could not comment on the matter because the case is before the courts.