

109TH CONGRESS
1ST SESSION

H. CON. RES. 101

Calling upon the President to order an immediate moratorium on the rendition of persons to Syria and all countries that routinely use torture as reported by the Department of State's 2004 Country Reports on Human Rights Practices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2005

Ms. McCOLLUM of Minnesota (for herself and Mr. BLUMENAUER) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Calling upon the President to order an immediate moratorium on the rendition of persons to Syria and all countries that routinely use torture as reported by the Department of State's 2004 Country Reports on Human Rights Practices, and for other purposes.

Whereas expelling, returning, or extraditing a person to a country where there are substantial grounds for believing that the person would be subjected to torture is a violation of the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, a treaty that the United States ratified in 1994;

Whereas in the Foreign Affairs Reform and Restructuring Act of 1998 Congress stated 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;

Whereas Human Rights Watch states that the United States policy of “denouncing torture in Syria, and then handing over prisoners to Syrian torturers sends the ultimate mixed message”;

Whereas Human Rights Watch urges the United States to promptly investigate, publicly report its findings, and hold accountable those responsible for unlawful actions which resulted in Mr. Maher Arar, a citizen of Canada, being detained in New York by United States officials in 2002, subsequently transferred to Syrian officials where he was held in a Syrian prison, tortured and abused for 11 months until his release in 2003, and allowed to return to Canada; and

Whereas Human Rights Watch has called on the United States to end the transfer of detainees to Syria and all countries that routinely engage in torture: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) calls upon the President to order an imme-
4 diate moratorium on the rendition of persons to
5 Syria and all countries that routinely use torture as
6 reported by the Department of State’s 2004 Country
7 Reports on Human Rights Practices; and

1 (2) requests the President, the Secretary of
2 State, the Secretary of Defense, and the Director of
3 Central Intelligence to undertake a comprehensive
4 review of the United States practice with regard to
5 renditions that will include—

6 (A) examining the nature of the assurances
7 the United States receives from Syria and all
8 other countries prior to transfer;

9 (B) steps taken to ensure persons are not
10 tortured or abused after rendition to Syria and
11 all countries that routinely use torture as re-
12 ported by the Department of State's 2004
13 Country Reports on Human Rights Practices;

14 (C) an account of the actual fate of those
15 who have been turned over to Syria and all
16 countries that routinely use torture as reported
17 by the Department of State's 2004 Country Re-
18 ports on Human Rights Practices;

19 (D) assurances, before lifting the morato-
20 rium on the rendition of persons, that the prac-
21 tices and actions of the United States are con-
22 sistent with its laws and international law, and
23 that procedures are in place to protect trans-
24 ferred detainees from being subjected to torture

1 or other cruel, inhuman or degrading treat-
2 ment; and

3 (E) a report of findings of the comprehen-
4 sive review to the Committee on International
5 Relations of the House of Representatives, the
6 Committee on Foreign Relations of the Senate,
7 and all other relevant House and Senate com-
8 mittees.

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