

OIG-08-18 Addendum and Work Papers

Doc. #103

Office of Inspector General

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

July 18, 2008

Mr. Steven G. Bradbury
Principal Deputy Assistant Attorney General
Office of Legal Counsel
U.S. Department of Justice

Re: Request to interview former Deputy Attorney General Larry D. Thompson

Dear Mr. Bradbury:

In January 2004, we began a review at the request of the then ranking member of the House Judiciary Committee, Representative John Conyers, Jr., of the removal of Maher Arar to Syria by the former Immigration and Naturalization Service. We published our final report, *The Removal of a Canadian Citizen to Syria* (OIG-08-18), which is classified at the SECRET/NO FOREIGN level, and a brief unclassified summary, in April 2008. In June 2008, we published a redacted version of our report according to the Freedom of Information Act.

After we had finalized our report, new information came to our attention that contradicted one of our conclusions. As such, we have decided to reopen our review in this matter. If we determine that one or more of our conclusions are incorrect, we will publish a supplement. The staff of former Deputy Attorney General Larry D. Thompson and the deputy himself, as Acting Attorney General, were involved in removing Mr. Arar from the United States. The new information we received concerns former Deputy Attorney General Larry D. Thompson.

During our original fieldwork we decided not to request an interview with Mr. Thompson. We believed that our interviews with the staff of the Office of the Deputy Attorney General involved were sufficient. However, in light of the new information we received, we feel that an interview of Mr. Thompson is necessary. We have been coordinating with the Office of Legal Counsel and Mr. Thompson's counsel, John Joseph Cassidy and Stephen L. Braga, to schedule an interview. However, we have been informed that the Department of Justice will only allow Mr. Thompson to speak to us about the narrow issue concerning the new information we have received. This is not sufficient for the purposes of our review. As such, we request that we be allowed to speak to Mr. Thompson freely and openly. As we have done with other information we have gathered related to this review, we will protect any information that Mr. Thompson provides that might be privileged such as attorney-client, attorney work product, or

deliberative process from public disclosure. Furthermore, so that Mr. Thompson can fully discuss this issue while having his counsel present, we request that you arrange for Messrs. Thompson, Cassidy, and Braga to be granted SECRET security clearances.

When the Department of Homeland Security was established, the former Immigration and Naturalization Service became part of the new department and its actions subject to the oversight of our office. To get a full understanding of how and why Mr. Arar was removed to Syria and to verify whether the new information we have received is correct, we need to conduct an interview with Mr. Thompson that is not subject to restrictions placed on Mr. Thompson by the Department of Justice.

Please provide a written response at your earliest convenience. Thank you for your prompt attention to this matter. Should you have any questions, please call me, or your staff may contact Richard Reback, General Counsel to the Inspector General, at (202) 254-4100.

Sincerely,

Richard L. Skinner

Richard L. Skinner
Inspector General

cc: The Honorable Michael B. Mukasey
Attorney General
U.S. Department of Justice

The Honorable Glenn A. Fine
Inspector General
U.S. Department of Justice

H. Marshall Jarrett
Chief Counsel and Director
Office of Professional Responsibility
U.S. Department of Justice

Mr. John Joseph Cassidy
Baker Botts LLP

Mr. Stephen L. Braga
Ropes & Gray LLP

Doc. #104



Department of State Involvement In the Arar Matter

MEMORANDUM OF RECORD

Preparer: [REDACTED]

Purpose: Learn more about DOS involvement in the Arar matter

Source: Telephone

Date/Time: July 30, 2008, 1:05 PM – 1:19 PM

Participants: [REDACTED], DHS-OIG

Location: DHS-OIG headquarters, [REDACTED]

Discussion:

Background

[REDACTED] began to work for the Immigration and Naturalization Service (INS), [REDACTED]. For the [REDACTED] At that time, [REDACTED] most part, overseas operations consisted of [REDACTED]

INS Expansion Abroad

In 1996/1997, the political appointee at the Office of International Affairs launched Operation Global Reach in order to expand the number of INS overseas offices and increase its law enforcement presence abroad. [REDACTED]

[REDACTED]. In the beginning, it was mostly [REDACTED]. [REDACTED] characterized the INS' expansion overseas as a "[REDACTED]" operation. Once abroad, [REDACTED] as opposed to [REDACTED]

[REDACTED]. There were [REDACTED]

Training

International Law Enforcement Academies (ILEA) were set up in Bangkok, Botswana, and Kenya partly in order to create regional networks.¹ These Academies taught local

¹ Currently, there are four ILEAs: Budapest, Hungary (1995); Bangkok, Thailand (1998); Gaborone, Botswana (2000); and San Salvador, El Salvador (2005). See [REDACTED]

b2

government officials techniques for local immigration control and sometimes refugee processing. The Academies also taught students to recognize fraudulent documents. [REDACTED]

[REDACTED] indicated that INS sponsored other training events for local law enforcement. [REDACTED] reported that INS sponsored workshops, at which speakers would discuss important law enforcement issues, recent successes, or best practices in other countries. According to [REDACTED], the topics at these events were generally shaped by the host country's interests.

Overseas Operations

Around the year 2000, the laws on asset forfeiture changed and the U.S. could share up to 50% of the seizure with the host government. The financial benefits increased incentives for host governments to participate in law enforcement activities, such as those combating drug trafficking, and allowed for greater cooperation between the INS and its host government.

In addition to law enforcement duties, overseas INS offices also helped with removals of illegal foreigners from the United States. The offices would assist in negotiations that were sometimes needed when a removal would have to transit through a third country. They would also work on fraud detection in the international adoption process. In sum, overseas operations were divided into enforcement or benefits-related activities.

b5, 6

At the end of the INS and the beginning of the Department of Homeland Security [March 2003], [REDACTED] said that

[REDACTED] didn't know [REDACTED]

Training

In the Rome district, there was a yearly conference (lasting one week) providing training for INS's overseas personnel. The conference, addressed a range of topics. Updates on immigration law and practice were provided, and staff in different countries would share information about successful efforts. In one case, the Department of Justice presented on law and on asset forfeiture sharing with the host nation. Equal Employment Opportunity training was also provided.

[REDACTED] said that the INS [REDACTED]
[REDACTED] said that this is [REDACTED]

Recruitment and Selection

Most of the people who applied for overseas jobs [REDACTED]
[REDACTED] Usually positions were of the GS-13 or 14 levels, [REDACTED]

b2 [REDACTED]

[REDACTED]. There were a lot of former asylum officers in a recent group that went abroad.

[REDACTED] agreed with an interviewer's statement that [REDACTED]

Before the break-up of the INS, [REDACTED]

In [REDACTED] experience, though, an INS employee's background [REDACTED]

[REDACTED] added that, though much of INS's international work in some countries had a law enforcement bearing, it was nonetheless very distinct from law enforcement work in the U.S. In international settings, U.S. investigators enjoy no formal investigative standing; and they have to work through local authorities to conduct investigative activities. While an understanding of how to pursue an investigation was still valuable in an international setting, skill at liaising with the local police was also key.

b5, 6

Following the break-up of the INS, [REDACTED]

Chain of Command

The former INS was divided into three domestic regions. It is helpful to think of INS overseas operations as representing a fourth region, under the command of the Director of International Affairs. Just like each of the INS Regional Directors, the Director of International Affairs reported directly to the Director of Field Operations, who in turn reported to the INS Commissioner.

Three District Directors operated under the Director of International Affairs. These District Directors were based in Rome, Bangkok, and Mexico City, and had oversight over all INS missions abroad.

- The Rome District was perceived [REDACTED]
- The Bangkok District was perceived [REDACTED]
- The Mexico City District was viewed [REDACTED]

[CIS's International Ops Division retains the division of overseas operations among the same three districts. So too does ICE's Office of International Affairs.]

Doc. #105

Phone Interview of [REDACTED] [REDACTED]

7/14/06 @ 9:00 AM

Intro

Could you have been more specific in the letter.

I've asked us to look into this

We met w/ Armstrong

Suggested we talk to you

Knowledge of DCS involvement in Area another

abt that I recall

I've

Do you [REDACTED]?

[REDACTED]

b5,6

He was picked up JFK

held by min. nation

Then sent away

That time period
you are looking at

I have no recollection

Answer of

[REDACTED] might [REDACTED]

Don't

b6



Position



Legal advisor

Normally

We should have been involved

The ambassador should have been involved

Doc. #106



(u) Department of State Involvement in the Arar Matter

(u) MEMORANDUM OF RECORD

Preparer: [REDACTED]

(u) Purpose: Learn more about DOS involvement in the Arar matter

(u) Source: Telephone

(u) Date/Time: July 30, 2008, 1:05 PM - 1:24 PM

(u) Participants: [REDACTED] former Deputy, Office for the Coordination for
Counterterrorism, Department of State
[REDACTED], DHS-OIG

(u) Location: DHS-OIG headquarters, 7th Floor, Room 7087

(u) Discussion:

b5, 6 (u) [REDACTED] was [REDACTED] deputy in the Office for the Coordination for
Counterterrorism, US Department of State

(u) [REDACTED] did not believe that [REDACTED] had been involved in the Arar case but would
not swear that [REDACTED] had not.

b1 (u) [REDACTED]

(u) [REDACTED] stated that [REDACTED] Mr. Armitage, but does not remember and
[REDACTED] said that the Arar matter would not
have set-off any unusual actions as the country was at war and removing bad guys
quickly was a priority. [REDACTED] stated that if DQS was notified of a removal that [REDACTED] office
believed was troubling, the matter would be discussed with Mr. Armitage. [REDACTED]
indicated that Mr. Armitage would determine whether more action was required.

b2

(u) [REDACTED]

Doc. #107

SECRET

Phone interview of [redacted]

2/21/08 @ 12:00 noon

[redacted] Info

We published report

We determined OSS involved

We learned there could have been involved

We talk to [redacted]

Your name came came up
Liger

Basic questions

Did you [redacted] ?

-b5,6

[redacted]
I can tell you [redacted] would [redacted]

b1

[redacted] Don't recall [redacted]

[redacted] Office?

[redacted] Coordinator for CT

SECRET

~~SECRET~~

[REDACTED] Know of anyone else who might know about this?

My deputy, [REDACTED]

Still @ DOS?

[REDACTED] (home phone)

b5,6

[REDACTED] Personal opinion?

[REDACTED] I think [REDACTED]

[REDACTED] Anything else?

[REDACTED] No.

I am available if you have follow-up

SECRET

Doc. #108



The Removal of a Canadian Citizen to Syria

Interview Agenda

Preparer: [REDACTED]

Reviewer: [REDACTED]

Interviewee: [REDACTED] Department of State

Interview Date: Monday, June 2, 2008, at 10:00 AM

Location: L Conference Room, 6419
State Department, Washington, DC

Team: [REDACTED], Inspector

Discussion

[REDACTED] explained that [REDACTED] called [REDACTED] on May 5, 2008. Over a secure telephone, [REDACTED] explained that the conclusion in our report that the State Department was not involved in the removal of Mr. Arar may have occurred "unofficially." [REDACTED] added that they want to be accurate.

[REDACTED] explained that when the State Department received the draft report, which concluded that the State Department had not been involved in the removal of Mr. Arar, they thought it was accurate. To develop the State Department comments to the draft report they coordinate the State Department Near Eastern Affairs Bureau, the Embassy in Syria, the Western Hemisphere Bureau, which handles Canada. He said they didn't get any indication from any of those organizations indicating State Department involvement.

[REDACTED] told us that they sent a classified letter to the Foreign Affairs committee referring the committee to our report. [REDACTED] added that the correspondence was sent to Representative Nadler.

[REDACTED] said that after that, one of the lawyers in the State Department legal advisor's office overheard a conversation about the Mr. Arar matter and said that the former Deputy Secretary, Richard Armitage, might have know about the decision to remove Mr. Arar to Syria.

[REDACTED] said they became concerned. They checked with former State Department legal advisor, [REDACTED] told us that [REDACTED] not aware of any involvement.



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██████████ said that they contacted Mr. Armitage. ██████████ told us that Mr. Armitage recalled a telephone call from former Deputy Attorney General Larry Tompson, but that he wasn't 100 percent sure.

██████████ told us that Mr. Armitage was asked whether the State Department had any foreign policy objections to removing Mr. Arar to Syria. ██████████ told us that Mr. Armitage didn't have any objections. ██████████ clarified that what ██████████ was telling us was based on Mr. Armitage's recollection.

██████████ explained that ██████████ told us that State Department operations ██████████

██████████ asked for Mr. Armitage's contact information.

b5, 6

██████████ asked whether ██████████ had dealt with ██████████ responded, ██████████ added that they ██████████ He told us ██████████

██████████ explained that the question will be ██████████

██████████ asked if they had anything else to inform our report. ██████████ said, "No." ██████████ added that ██████████

██████████ asked whether they had any indication of the when the phone call occurred. ██████████ responded, "No."

██████████

Meeting w/ [REDACTED]

6/2/08 10:05 AM

b6

Intro

Reason for the
You called [REDACTED]

(on 5/5/08)

Allegation, ^{cause} DOS involvement
maybe not officially

Then we had reported, we wanted to be accurate

IA testifying on Thursday
- serves as warning

About the report

Process of it

various

b6

May 2008

Exp. [REDACTED]

Happy &

We initiated

We thought the report was correct

NEA Bureau

Embassy in Street
Western Hemisphere

We didn't get any

We sent

to

b5

After

One of the lawyers here in L
many years ago

suggest Dep Sec
knew about ideas

Concerned

Checked into about

b6

then - Legal Admin

Bartholomew

spoke

Australia recommended a call from Gerry Thompson
probably Nov 1980

asked for any State Dept. FP objections

asked

We don't have any FP Policy objections

based on Australia's recollection

[REDACTED]

[REDACTED]

One other person recalls the Amintze
mentioned the call 2 years

[REDACTED]

Amintze

We can't get #

We can get contact info

[REDACTED]

[REDACTED]

b5,6

Sent info to [REDACTED]

[REDACTED]

says [REDACTED]

Questions will be [REDACTED]

[REDACTED]

[REDACTED]

Open hearing?

[REDACTED]

Yes, we are releasing more through FOIA
request

[REDACTED]

We are concerned that [REDACTED]

[REDACTED]

Anything else to inform report?

[Redacted]

[Redacted]?

[Redacted]

[Redacted]

[Redacted]

b5,6

[Redacted] Ask [Redacted]?

[Redacted]

[Redacted]

[Redacted] Additional comment

[Redacted] If it is important, we would.

[Redacted] We have [Redacted]

[Redacted] Do you have [Redacted]?

[Redacted] No.

Doc. #109



The Removal of a Canadian Citizen to Syria

Interview Agenda

Preparer: [REDACTED]
Reviewer: [REDACTED]

Interviewee: Richard Armitage, former Deputy Secretary of State
President, Armitage International

Interview Date: Monday, June 11, 2008, at 2:00 PM

Location: 2300 Clarendon Boulevard, Suite 601, Arlington, VA

Team: [REDACTED], Inspector

Discussion

Richard Armitage asked [REDACTED] Larry Thompson, the former Deputy Attorney General. [REDACTED] said that we had reached out to Mr. Thompson and received a response. Mr. Armitage said that [REDACTED]

b5, 6

[REDACTED] asked the alleged phone call from Mr. Thompson regarding Mr. Arar. Mr. Armitage said [REDACTED]. Mr. Armitage confirmed that the phone call had in fact occurred. He said that the call came in the morning and that it was after September 11, 2001. He said that he couldn't say when the call occurred.

Mr. Armitage said that his recollection was that Mr. Thompson called him they exchanged some pleasantries and then he told that Mr. Thompson said that the Royal Canadian Mounted Police was handing a guy over to the Syrians. Mr. Armitage added that Mr. Thompson asked whether he had any objections. Mr. Armitage told us that he said no. Mr. Armitage told that his only concern was whether Mr. Arar was a U.S. citizen. Mr. Armitage added that Syria was really helping us with Al-Qeada.

Mr. Armitage explained that [REDACTED] Mr. Armitage told us that he told [REDACTED] he had been contacted by Mr. Thompson about the case.

[REDACTED] asked why Mr. Arar was being removed to Syria. Mr. Armitage responded because he was a terrorism suspect. He added that his conversation with Mr. Thompson lasted two minutes, three minutes, maximum.

Mr. Armitage reiterated that Syria was helping the United States, and that Mr. Arar was a Syrian citizen.



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asked whether

Mr. Armitage responded,

asked whether

Mr. Armitage

He suggested that we talk to He suggested we talk to , who was the Ambassador for Counterterrorism Mr. Armitage claimed that the Mr. Armitage provided contact information fro

then recapped the discussion. said, "Larry Thompson called you?" Mr. Armitage said it was six years ago. He added that Mr. Thompson asked him whether he had any problem with it. Mr. Armitage told us that his query was whether Mr. Arar was a U.S. citizen.

asked whether Mr. Armitage knew about Mr. Arar's Canadian citizenship. Mr. Armitage said the Mr. Thompson told him that Mr. Arar had dual citizenship.

asked whether

Mr. Armitage responded, " He added that Mr. Thompson

asked whether Mr. Armitage was providing diplomatic assurances during the call. Mr. Armitage responded, "No I was not." He added that he was not asked to get any assurances.

asked whether Mr. Armitage

Mr. Armitage responded,

He added that

Mr. Armitage told us that during the call he was under the impression that Mr. Arar was in Canada. Mr. Armitage added that he didn't remember any interagency discussion on this. Then he suggested we contact , who was the State Department Legal Advisor at the time. Mr. Armitage provided contact information for

asked whether Mr. Armitage has

Mr. Armitage responded

asked whether Mr. Armitage has ever received a similar phone call from Mr. Thompson. Mr. Armitage responded, "No." He added that neither did he receive a subsequent call.

Mr. Armitage said that he didn't realize that Mr. Arar was in the United States.



█ asked whether Mr. Armitage thought he was in Canada. Mr. Armitage he thought, and that Mr. Thompson didn't tell him either way.

█ asked whether Mr. Thompson mentioned anything about assurances. Mr. Armitage responded, "I don't recollect it."

█ asked whether Mr. Armitage █
Mr. Armitage said, █

b5, 6 █ asked how Mr. Armitage █ Mr. Thompson. Mr. Armitage said that █. During the interview, Mr. Armitage █
Mr. Armitage added that it was "█"

█ mentioned that Mr. Armitage recalled the call occurred in the morning. █ asked whether could recall the date or time of the call. Mr. Armitage said, "No." █ asked whether Mr. Armitage █. Mr. Armitage said, █

█ asked about Mr. Armitage's knowledge of Mr. Arar's custody. Mr. Armitage said that he assumed the Mr. Arar was in Canada. He added that Mr. Thompson didn't tell him one way or the other.

Mr. Armitage suggested █

Meeting w/ Richard Armstrong

6/11/08

RA

DHS bid item



Not a contract

RA



b5,6



6. Discussions

RA



H

Monday

After 9/11

Could say when

Mr. relaxation

LT called me

He said

RCMP are handling us as guy ~~etc~~

He asked

Any objections

I said no

Richard was in contact w/ US. corp.

Spicer was really helping us w/ Al Qaeda

b5,6

[REDACTED]

Why removed?

terrorism suspect

2 min, 3 min chat

A

I don't recall,

Syria was helping

Syrian or citizens I don't recall etc

[REDACTED]

[REDACTED]

RA

[REDACTED]

[REDACTED]

[REDACTED]

b5,6

RA

[REDACTED]

Might want to check w/ [REDACTED]

[REDACTED]

[REDACTED]

Aug for CT, A/S for DS

[REDACTED]

Recap. JT called you. Question

RA

Six years ago.

"Did I have a problem w/it?"

My query was was he a US cit.

As American was Canadian?

LT told me he was a dual

Was you [redacted]

b5,6

Were you providing Div. Asses

RA

No I was not I was not asked to
get any

I was under the impression that he was
Mr. Canada

I don't remember an emergency discussion
of this

Might want to check w/ [redacted] at the
time.

[REDACTED]

Ever give Dep. Assurance?

RA

No

[REDACTED]

Similar call for JT?

RA

No. Now subsequent call.

I didn't realize he was in the U.S.

[REDACTED]

I thought it was in Can.

RA

I thought, but JT didn't tell me.

[REDACTED]

JT mention anything about assurance?

b5,6

RA

I don't recall it

[REDACTED]

[REDACTED] did you [REDACTED]?

RM

[REDACTED] I ~~was~~ was [REDACTED]?

[REDACTED]?

[REDACTED]

[REDACTED]

Date?

No.

[REDACTED]

[REDACTED]?

[REDACTED]

b6

On 9 Custody?

ST

I assumed he was in the custody of CAM.

ST did not say or say any other way are the other

b5

You should

