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Abdelrazik launches constitutional challenge

By Paul Koring

Globe and Mail Update

Canadian on UN blacklist for alleged links to terrorism claims Ottawa violated his rights

A constitutional challenge contends the Canadian government can't strip a citizen of his rights, seize his assets and make it a crime to employ him just because the UN Security Council blacklists him as an al-Qaeda operative.

The case, launched today by Abousfian Abdelrazik along with a coalition of rights groups, asks the Federal Court to strike down as unconstitutional Canadian regulations that impose sweeping sanctions on anyone on the UN list. It also claims Mr. Abdelrazik's listing was a result of confessions extracted from Abu Zubaydah, an al-Qaeda leader tortured by U.S. counterterrorism agents. "Imposing sanctions on Abousfian Abdelrazik based on information derived from torture violates customary international law," the suit contends.

"We don't believe the UN blacklist trumps the Canadian constitution," said Carmen Cheung, counsel for the British Columbia Civil Liberties Association, one of the rights groups joining Mr. Abdelrazik in the court action. The blacklist, she said, "violates fundamental human rights," because those on it have no right to know their accusers or to challenge the accusations against them. "There's a complete absence of due process," Ms. Cheung said.

The Harper government - after written assurances from both the RCMP and the Canadian Security Intelligence Service that they had no information to warrant keeping Mr. Abdelrazik on the UN blacklist - sought to have him removed from the list in 2007. But Canada's delisting request was rejected. Any Security Council member can veto removal without explanation. It is widely assumed that the United States put Mr. Abdelrazik on the UN blacklist in the summer of 2006, days after the Bush administration put him on national lists.

Mr. Abdelrazik is currently the only Canadian on the UN's 1267 list, so named for the resolution that created it in 1999. Canada, then a Security Council member, was a co-sponsor of the original resolution. Mr. Abdelrazik, a Muslim who came to Canada in 1990 as a refugee, denies any link with al-Qaeda or terrorism and claims he has been hounded and threatened by CSIS agents. He has never been charged with a crime.

Britain's new Supreme Court and the European Union's Court of Human Rights have both struck down national regulations that impose the sweeping sanctions on the hundreds of alleged al-Qaeda and Taliban operatives arbitrarily added to the UN blacklist.

Last year, Federal Court judge Russel Zinn ruled the Harper government had trampled on Mr. Abdelrazik's rights by refusing to allow him to return home - claiming that the 1267 travel ban provisions trumped a citizen's rights to enter Canada. He had spent nearly two years in prison in Sudan and then nearly a year living in the lobby of the Canadian embassy in Khartoum while the government blocked his return.

After losing - and without challenging Judge Zinn's finding that Canadian agents had been complicit in Mr. Abdelrazik's imprisonment in Sudan - the Harper government sent Mounties and diplomats to escort him home to Montreal. However, the government has since kept him on the domestic no-fly list and frozen more than \$10,000 in a

bank account that was left him by his deceased wife. Foreign Minister Lawrence Cannon has called him a national security risk, without offering any explanation.

"This isn't simply about Abousfian Abdelrazik, it's about all Canadians" who might be arbitrarily added to a UN blacklist, said Paul Champ, lawyer for the plaintiffs. "This is McCarthyism on a global scale."

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