

REALITY CHECK

Actually, Mr. Cannon, it IS up to you

While Canada's largest union central, the Canadian Labour Congress, along with Federations of Labour, public and private sector unions and district labour councils have come forward to join hundreds of individuals across Canada to uphold Abousfian Abdelrazik's rights as a fellow worker, as a Canadian and as a human being, Mr. Cannon choses to pass the buck, hiding behind the United Nations and telling Abdelrazik to take care of it himself. Just as he did when Mr. Abdelrazik was still in forced exile in the Canadian consulate in Sudan.



On 18 May 2010, the Canadian Labour Congress (CLC), the Canadian Union of Postal Workers (CUPW), and the Canadian section of the International Association of Machinists (IAM) announced that they were hiring Abousfian Abdelrazik in defiance of Canadian law implementing a UN Security Council blacklist. This law makes it illegal to provide Mr. Abdelrazik – who has never been charged with any crime, let alone been given a fair trial - with any funds, including a salary. The Canadian Auto Workers (CAW) and the Public Service Alliance of Canada (PSAC) have since joined the open rebellion against the 1267 regime in Canada, and will each employ Mr. Abdelrazik for a symbolic period of time.

Lawrence Cannon, Minister of Foreign Affairs, is the Cabinet Minister responsible for the implementation of the United Nations sanctions regime. He was forced to respond to the flagrant defiance of Canadian law implementing the 1267 regime.

On May 18th, Canwest quoted Mr. Cannon as saying: “Recently there was a request that we supported to allow the Quebec government to pay an amount to support Mr. Abdelrazik and we did not object to that.” ... That said, the department maintains it's incumbent on Abdelrazik and his lawyers to get him off the list. ...“All I can say is that in the past I tried to make sure that Mr. Abdelrazik had the support he needed to be removed from the UN list. That attempt, unfortunately, failed.” (Tobi Cohen, Canwest, “Labour leaders defy UN Sanctions”, 18 May 2010)

Mr. Cannon's statement is misleading and disingenuous.

1 Mr. Cannon implies that Mr. Abdelrazik's situation cannot change until the United Nations Security Council decides to delist him.

In fact, it is within the Minister's power to immediately lift the sanctions on Mr. Abdelrazik in Canada. The sanctions are not directly imposed or enforced by the United Nations. The United Nations has no such authority over citizens of its member states; rather, it relies on its members to enact implementing legislation. The sanctions are imposed and enforced *by Canada*, as regulations under Canada's United Nations Act.

At any time, on the request of Mr. Cannon, Cabinet could pass an Order in Council to modify or entirely revoke the implementing regulations. Mr. Cannon could act immediately - tomorrow, or today!

There is even a precedent. On June 3rd, 2002, on the recommendation of the Minister of Foreign Affairs, the Regulations implementing the 1267 regime in Canada were modified to exempt Liban Hussein. By this means, the Liberal government of the day lifted sanctions from the only Canadian on the list at the time. His name was subsequently removed from the Security Council's 1267 list.

More simply, and with greater integrity, the government could revoke the Regulations entirely. This step would send a clear signal to the United Nations Security Council that Canada will no longer participate in this unjust regime, which violates Canada's constitution. Project Fly Home is calling on the government to do just that.

This is not the first time that Mr. Cannon has hidden behind the United Nations 1267 Committee to avoid taking responsibility and fulfilling his duty as a Minister. On May 4th, 2009, he falsely claimed in Parliament that Canada was powerless to bring Mr. Abdelrazik home because, "Mr. Abdelrazik is on the list established by the United Nations Security Council" and "our government is taking its obligations [to the Security Council] seriously". In response, the Coordinator of the 1267 Committee's Monitoring Team, Richard Barrett, went on public record to correct Mr. Cannon's statements, "Whether it is Abdelrazik or anybody else, it is up to the state in question whether they want to allow the person to come back or not" (7 May, *Globe and Mail*, "Ottawa's case for barring return of Canadian citizen doesn't wash, UN says").

2 Canwest reports that Mr. Cannon's Department of Foreign Affairs is maintaining that it is up to Mr. Abdelrazik to get himself off the list.

This position showcases the government's appalling indifference to Mr. Abdelrazik's rights and well-being and its own responsibility. Moreover, it is deceptive to suggest that Mr. Abdelrazik is able to remove his name from the list without government support.

According to the CBC, the Coordinator of the 1267 Monitoring Group, Richard Barrett, admitted that, "once a person gets on the list, it's virtually impossible to get off." (5 June 2009, CBC, "Coordinator Admits Problems with UN Terror List").

Although individuals can apply to have themselves delisted, it is a highly politicized process and in practice individuals have no hope without state backing. The secrecy of the process means that it is impossible to obtain complete statistics, but a review of the 1267 Committee's public record of delistings during the past year bears this out:

- 22 April 2010, Ahmed Said Khadr delisted. Mr. Khadr has been dead since 2 October 2003.
- 19 April 2010, Fathur Rohman Al-Ghozhi delisted. Dead since October 2003.
- 19 April 2010, Huda Bin Abdul Haq delisted. Dead since November 2008.
- 19 April 2010, Imam Samudra delisted. Dead since November 2008.
- 29 March 2010, Azahari Husin delisted. Dead since 2005.
- 25 January 2010, five senior members of the Taliban government (Deputy Minister of Commerce, Deputy Minister of Frontier Affairs, Minister of Foreign Affairs, an official with the Press Centre of Ministry of Foreign Affairs, and the Deputy Minister of Planning) were delisted. According to the *Globe and Mail*, the five were delisted "immediately" after the United States urged Afghan President Hamid Karzai to seek their delisting "so they can be part of a reconciliation process" (3 February 2010, *Globe and Mail*, "Canadian Seeks Opposition Support for Removal from UN Blacklist").

- 3 December 2009, Zia Mohammad delisted. Pakistani citizen, listed since October 2001.
- 23 September 2009, Youssef Mustapha Nada Ebada delisted. Italian citizen, listed November 2001.
- 10 August 2009, Ali Ghaleb Himmat delisted. Italian citizen, listed in November 2001.
- 10 August 2009, Mustapha Nasri ben AbdulKader ait El Hadi delisted. German citizen, listed Nov 2003.
- 20 July 2009, Nabil Abdul Salam Sayadi and Patricia Rosa Vinck delisted. Belgian citizens and a married couple, both listed since January 2003.

In sum, sixteen people were delisted during the past twelve months. Five of these were dead; five (who in fact *are* high level members of the Taliban) were taken off at the request of the United States; and, of the remaining six, five were European citizens, even though the latter represent a tiny minority on the list.

In December 2009, facing increased criticism, the Security Council passed a resolution amending the 1267 regime. The resolution created an Ombudsperson, mandated to oversee a new process for individual delisting applications. The new process does not address the injustices of the regime: the core allegation remains “association”; there is no obligation to disclose any evidence or reasons for refusing a delisting request; there are no standards of evidence or proof or any other procedural safeguards; delisting still requires consensus among all members of the security council. Moreover, the Ombudsperson, though independent, will not have any decision-making powers and will not even be able to make recommendations.

Though evidently more an exercise in white-washing than a genuine step to address the deep inequities of the regime, the new process nevertheless represented an opportunity for Mr. Abdelrazik. However, in response to a query by a member of Project Fly Home, a spokesperson for the 1267 secretariat in New York wrote, “Please be informed that the Ombudsperson has not yet been appointed, and that it is unfortunately impossible to foresee at this stage when this appointment is likely to occur.” (Email correspondence, 23 February 2010)

3 Mr. Cannon implies that his department’s 2007 delisting request was an attempt to “support” Mr. Abdelrazik, made in good faith.

Here is what happened. In October 2007, under a process set out in the Canadian regulations, Mr. Abdelrazik’s lawyers asked Canada to apply to the United Nations 1267 Committee to delist Mr. Abdelrazik. Following this request, both of Canada’s security agencies, the RCMP and CSIS, conducted a review and informed the Ministry of Foreign Affairs that they had no information against Mr. Abdelrazik. Having no legal basis to refuse the request, the Minister of Foreign Affairs proceeded to submit a delisting application to the United Nations Security Council on behalf of Mr. Abdelrazik. Neither Mr. Abdelrazik nor his lawyers have ever seen this application.

It is important to recall that, at the time the application was submitted, officials of the Ministry of Foreign Affairs were still actively impeding Mr. Abdelrazik’s return to Canada. In an internal memo written in July 2004, senior consular official Odette Gaudet-Fee wrote, in reference to Mr. Abdelrazik’s wife inquiring about chartering a private plane, “So, should she get a private plane, there is very little we could do to stop him from returning to Canada. He would need an EP (emergency passport) and I guess this could be refused but on what ground.” The inclusion of Mr. Abdelrazik’s name on the 1267 list in July 2006, a few days after his release from a second term in prison, was to provide ample grounds for refusal for the following three years.

In fact, Mr. Cannon and his Ministry didn't cease erecting obstacles to Mr. Abdelrazik's return until the Federal Court found that the government had breached Mr. Abdelrazik's rights and ordered the government to bring him home. In his June 4th 2009 ruling, Federal Court Justice Russel Zinn took the opportunity to write that, "Had it been necessary to determine whether the breach was done in bad faith, I would have had no hesitation making that finding on the basis of the record before me. As I have noted throughout, there is evidence that supports the applicant's contention that the Government of Canada made a determination in and around the time of the listing by the 1267 Committee that Mr. Abdelrazik would not be permitted to return to Canada."

4 Mr. Cannon implies that there is nothing further that he or his department can do to delist Abdelrazik.

Mr. Cannon has chosen not to disclose exactly which steps he and ministry staff have taken. However, it is doubtful that he has truly exhausted all of the many formal and informal recourses open to him.

For example, has Mr. Cannon contacted the embassies of all Security Council members in Ottawa to let them know that it is a priority for Canada to have Mr. Abdelrazik's name taken off the list?

5 Mr. Cannon states that the Quebec government "pays an amount to support Mr. Abdelrazik", implying that Mr. Abdelrazik is receiving welfare.

This is both false and a breach of privacy. It is an attempt to evoke racist stereotypes and smear Mr. Abdelrazik's character in the eyes of those who view social assistance with disdain.

Under Quebec law, Mr. Abdelrazik is entitled to a survivor's pension left to him by his first wife, who died of cancer in 2002. This monthly pension accumulated while he was in forced exile in Sudan. Although Quebec made his pension savings available to him on his return, Mr. Abdelrazik was not able to access the money because he could not open a bank account – thanks to the 1267 list. The Royal Bank of Canada refused to open an account. Caisse Desjardins opened an account only to freeze it shortly afterwards, denying Mr. Abdelrazik access to his pension savings.

After his account was frozen, Mr. Abdelrazik applied for an exemption under the 1267 regime. This was allowed and, as of May 20th, Mr. Abdelrazik was finally able to access a strictly limited amount of the money in his own bank account each month and receive his small monthly pension. Mr. Cannon's characterization of this pension as "an amount to support Mr. Abdelrazik" is at best misleading.

Media inquiries:

Project Fly Home - 514 222 0205

Karl Flecker, National Director, Human Rights Dept., CLC - 613 614 7065

More information and to find out what you can do:

www.peoplescommission.org/en/abdelrazik

projectflyhome@gmail.com

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