

16 June 2011

His Excellency Mr. Peter Wittig
Chairman of the 1267 Committee

Dear Mr. Wittig,

We are organizations based in Canada and Quebec who are concerned about the situation of Abousfian Abdelrazik, a Montreal-based Canadian who was added to the 1267 List in 2006. The 1267 blacklist regime has subjected Abousfian Abdelrazik to punitive conditions in the form of severe and indefinite sanctions including an asset freeze and an international travel ban. He suffers material and psychological consequences even though he has never been charged with any crime in any country in the world. This situation violates fundamental and universal moral principles many of which are expressed in the UN's own Universal Declaration of Human Rights and reflected in the two covenants and numerous conventions such as the Convention against Torture.

In 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR), one of its cornerstone documents.

In 1999, the United Nations Security Council established an anti-terrorism sanctions regime, under Security Council Resolution 1267, known commonly as the "1267 Regime". Article after article of the UDHR is undercut or violated by the terms and the effects of the 1267 Regime.

These contradictions are acutely evident in the case of Abousfian Abdelrazik. Here are just a few examples:

Article 1: All human beings are born free and equal in dignity and rights. and Article 3. Everyone has the right to life, liberty and security of person.

Abdelrazik is not free. As a result of the 1267 sanctions, his life is like a veritable prison without bars. This despite the fact that he has never been charged with any crime and Canada's own national security agencies (the RCMP and CSIS) confirmed, in 2007, that they have no evidence linking him to any criminal activity. Similarly, American officials informed their Canadian counterparts in 2006 - just days before he was added to the 1267 List - that the US was not able to proceed criminally against Abdelrazik for lack of information against him.

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

In 2009, the 1267 Committee published a summary of allegations against Abdelrazik on its website. Central to the accusations is an alleged association with Abu Zubaydah. The secrecy shrouding the listing and delisting processes make it impossible to know the basis of this allegation, which Mr. Abdelrazik denies. However, there is reason to believe that this information may have come from Abu Zubaydah himself, produced by torture. Abu Zubaydah was, according to numerous, well-established sources, including the US Department of Justice and the ICRC, water-boarded and

subject to other forms of de-humanizing torture. In other words, the 1267 Committee may be making use of information obtained under torture.

Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Listed individuals are not given an opportunity to a fair and public hearing by an independent and impartial tribunal. Abdelrazik was placed on the 1267 List without being informed why and without any opportunity to be heard. Moreover, the state requesting the listing is a member of the body that makes the decision to list and to de-list: the accuser and the judge are the same. In the words of Federal Court of Canada Judge Russel Zinn, "*There is nothing in the listing or de-listing procedure that recognizes the principles of natural justice or that provides for basic procedural fairness ...*"

Article 23. (1): Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Abdelrazik is denied the opportunity to earn a living. The 1267 sanctions include an asset freeze and, under the enabling regulations passed by the Canadian government to enforce this regime, it is illegal for any Canadian to provide him with a salary. The Canadian Labour Congress and other Canadian labour organizations have publicly spoken out against this situation.

Numerous other principles expressed in the UDHR are disregarded and contradicted in and by the Security Council's sanctions regime, not least **Article 17. (2) No one shall be arbitrarily deprived of his property** and **Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.**

Such contradictions between the rights of human beings as expressed by the UDHR and the denial and disregard of rights arising from the application of the 1267 Regime, make the situation imposed on Abdelrazik one that people of conscience cannot accept. Nor should the United Nations.

We support Abdelrazik's efforts to have his name removed from the list and **ask you, as the Chair of the Committee, to take all necessary steps to ensure that these efforts succeed.**

We also join the call for the abolition of the 1267 Regime and **call on you to introduce a resolution to bring an end to this shocking regime, which betrays the founding principles of the United Nations.**

Sincerely,