
blogs rabble.ca

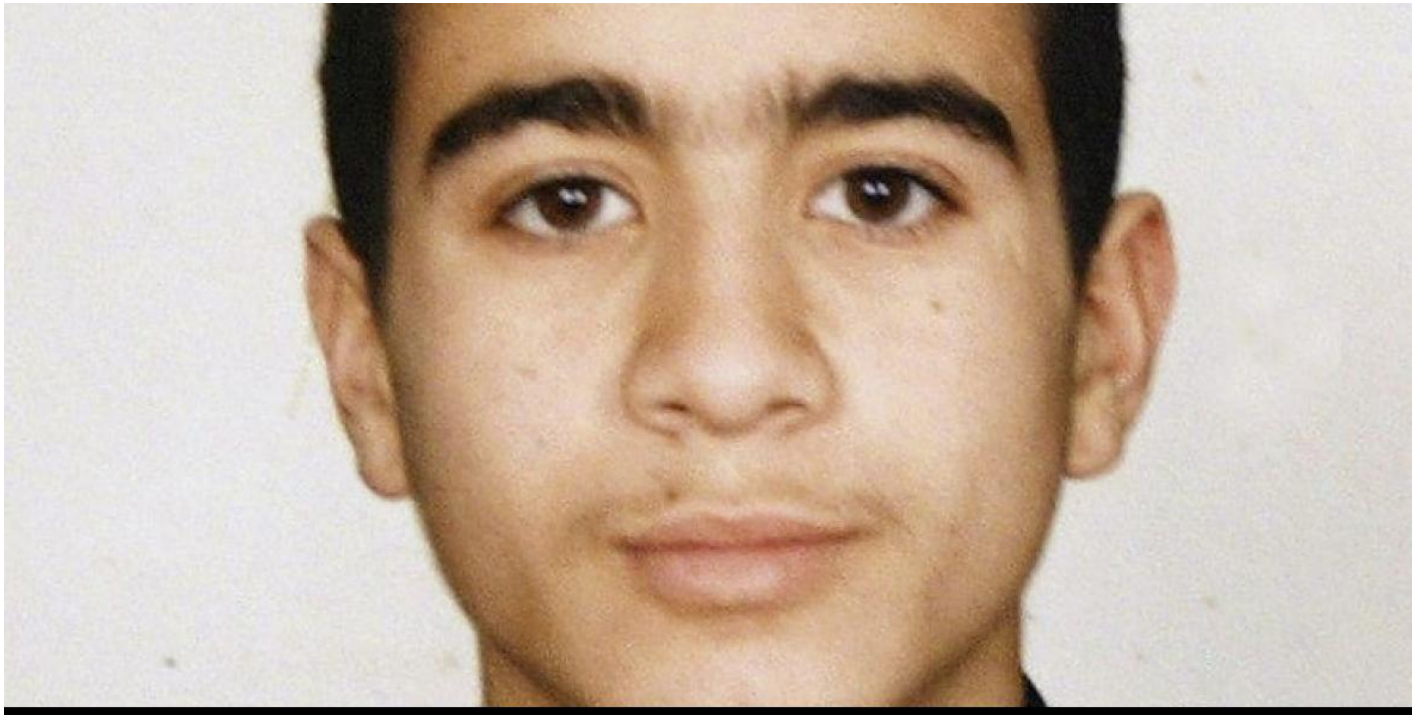
*rabble blogs are the personal pages of some of Canada's most insightful progressive activists and commentators. All opinions belong to the writer; however, writers are expected to adhere to our guidelines. We welcome new bloggers - **contact us for details.***

Trudeau following Harper's lead in denying justice to illegally imprisoned Muslim men

Kathleen Copps March 7, 2017

POLITICS IN CANADA

CIVIL LIBERTIES WATCH



If the Liberal government is serious about combating Islamophobia, they should award long-denied justice to those in Canada's Muslim and Middle Eastern communities whose fundamental freedoms were so callously swept away by Canada's eagerness to support the U.S. "War on Terror."

Canadians are likely familiar with the case of Maher Arar, a Syrian-Canadian who in 2008, after a formal inquiry, received compensation and a formal government apology for the role of Canadian

officials in his 2002 rendition and year of captivity and torture in Syria. While the pain and suffering caused to Arar and his family can never be fully remedied, at least Canada took responsibility to fulfill our legal obligation to award redress.

Unfortunately, several others, victimized by our government's eagerness to do bidding for the American War on Terror, are still waiting for remedy.

In 2008, the Iacobucci inquiry concluded that in the years following 9/11, Canadian officials colluded with foreign agencies to send Canadians Abdullah Almalki, Ahmed El Maati and Muayyed Nureddin to Syria and Egypt, where they were imprisoned, abused and tortured.

The Liberals in opposition, had voted in favour of awarding them compensation, but once in power they have continued Harper's legal battle to prolong the case. While there is now hope that a settlement will be announced soon, it is shocking that Canada has spent public money to subject these men to a decade of legal wrangling.

Justice for Omar Khadr

Omar Khadr was abandoned by Canada as a child to a decade of torture and mistreatment in Guantanamo. After being subjected to "trial" and "sentencing" by a corrupt U.S. military commission, he was repatriated and immediately incarcerated in a maximum-security prison. In 2010, the Supreme Court of Canada ruled that the actions of Canadian government officials had violated Omar's Charter rights and deprived him of fundamental principles of justice.

In 2015 Lawyer's Rights Watch Canada and International Civil Liberties Monitoring Group reviewed Canada's obligations to Omar under the Convention against Torture. They found that Canada had contravened every aspect of our duties and our failure to prevent, investigate and punish the torture and ill-treatment of Omar constitutes a continuing violation of his rights.

Justice for Hassan Diab

Hassan Diab, a sociology professor at the University of Ottawa, was arrested in 2008 in connection with a deadly bombing of a Paris synagogue in 1980. After six years of imprisonment and house arrest in Canada, Diab was extradited to France in 2014 and is now in his third year of detention while "under investigation."

The Canadian judge who extradited Diab described the French case as "weak" and concluded a conviction was unlikely if tried in a Canadian court. France's new anti-terrorism laws permit courts to rely on secret "intelligence," whose contents or sources have never been disclosed to Diab let alone scrutinized through due process of the law.

The French judge in charge found the evidence supported Diab's innocence and ordered his release on bail three times. However, each time the orders were blocked by the French prosecutor and overruled by the same three-judge panel which renewed Hassan's detention. Why has Ottawa not intervened?

It appears Canada once again has abandoned a citizen, allowing him to be subjected to arbitrary detention by a foreign state. Consider the profound impact on the lives of \Diab, his wife and two young children -- still in Ottawa, trying to maintain hope in a government and justice system that seem to have failed them.

Security certificate victims

Few Canadians are aware of Canada's controversial use of security certificates that give government agents authority to detain "suspects" indefinitely without charge or bail. Neither they or their lawyer is allowed to see the secret "evidence" on which the certificate is based. A unanimous decision by the Supreme Court in 2007 declared this unconstitutional.

Deeply troubling are the cases of five men who have never been charged, yet through the dubious use of security certificates they spent a combined total of 30 years in prison. Their prison terms were followed by strict house arrest and constant threat of deportation to a country known for torture.

Mohamed Harkat was arrested in 2002 and released on house arrest in 2006. Still facing restrictions, he has lived with the constant threat of deportation to Algeria and imprisonment and torture.

Hassan Almrei, held in detention for eight years, had his security certificate overturned in 2009. He is suing the federal government for false imprisonment and breach of Charter rights.

Mamoud Jaballah has spent a total of 17 years in prison on house arrest or facing serious restrictions.

Mohammed Majoub has been in prison or under severe restrictions since 2000.

Adil Charkaoui was arrested in 2003 and released on house arrest in 2005. Although all conditions of his security certificate were overturned in 2009, a lawsuit against the federal government for wrongful arrest and detention has never been settled.

Unfortunately, the Liberals' refusal to repeal Bill C-51 has increased the potential for targeted individuals to be detained for years without charge, without trial, and without conviction for years.

A few years ago, before Justin Trudeau was elected prime minister, he stated on the 31st anniversary of the Charter of Rights and Freedoms: "It is our enduring responsibility as Canadians to ensure that these rights and freedoms are always upheld and preserved, never devalued or diminished."

As Prime Minister, it is now his responsibility to ensure that Ottawa issue a formal apology to each of these men and their families, provide redress, and commit to the elimination of Canadian government complicity in torture.

Kathleen Copps is a retired B.C. teacher advocates for universal application of human rights.