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Canadian seeks opposition support for removal from UN blacklist

By PAUL KORING

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Tory MPs expected to boycott informal gathering of Foreign Affairs Standing Committee members with Abousfian Abdelrazik

Abousfian Abdelrazik, the only Canadian still blacklisted by the United Nations Security Council as an al-Qaeda operative, will seek the support of opposition MPs today as he attempts get out of the "1267 prison," a reference to the UN resolution that created the list.

Tory MPs are expected to boycott the informal gathering of MPs on the Foreign Affairs Standing Committee who want the government to scrap Canadian laws that enforce the controversial UN blacklist. The Canadian laws make it a crime for anyone to hire Mr. Abdelrazik. Similarly, all his assets must be seized, even though he has never been charged with any crime in Canada or elsewhere.

"The UN blacklist is just not acceptable; it doesn't withstand any test of due process," Liberal foreign affairs critic Bob Rae said ahead of the public meeting with Mr. Abdelrazik and rights experts.

In the wake of last month's sweeping decision by the British Supreme Court that outlawed a similar set of draconian prohibitions, opposition MPs in Canada want the Harper government to repeal its laws that enforce the UN blacklist.

"It's possible he is the only Canadian who is a witch," said Amir Attaran, a law professor and rights expert at the University of Ottawa. "The 1267 list is the legal equivalent of a witch hunt. It makes those on it social and economic lepers."

In a landmark ruling last spring, Federal Court Justice Russel Zinn, ordered the Harper government to repatriate Mr. Abdelrazik. He ruled ministers had trampled on Mr. Abdelrazik's constitutional rights by keeping him out of Canada for years and using the UN 1267 as a reason.

"I add my name to those who view the 1267 committee regime as a denial of basic legal remedies and as untenable under the principles of international human rights," Judge Zinn wrote. That portion of his judgment was also quoted in the British Supreme Court decision.

On his return to Canada last July, after more than six years of forced exile and imprisonment in Sudan - where he was interrogated by CSIS agents - Mr. Abdelrazik said: "It is not over ... I need my name removed as soon as possible from that list," calling it a "prison"

Although the Canadian government backed his delisting application in December of 2007 - after both CSIS and the RCMP cleared him in writing - it was blocked, presumably by the administration of former president George W. Bush, which had originally put him on the list.

Foreign Minister Lawrence Cannon says it is Mr. Abdelrazik's responsibility to get himself off the list, although the UN process doesn't permit him to know why he was put on it. Mr. Cannon has also labelled Mr. Abdelrazik a threat to Canada's national security, although he provided no reasons.

"Given that RCMP and CSIS have cleared our client, he wants the Government of Canada to defend him and advocate for his removal from the 1267 list," said Paul Champ, an Ottawa lawyer.

"Minister Cannon and the Government of Canada have only shown indifference at best, which is condemning our client to a life as a prisoner of the state."

Paul Dewar, the NDP MP who championed Mr. Abdelrazik's right to return, says his predicament underscores the arbitrary unfairness of the UN 1267 blacklist.

It's time, he said, "to take out measures that undermine human rights," adding that "given Canada's painful experience with 1267, we could have a positive role in reforming the system."

The 1267 blacklist is under strain for other reasons.

The Obama administration, which wants to add some credibility to the Afghanistan government, urged Afghan President Hamid Karzai to seek the delisting of several major Taliban figures so they can be part of a reconciliation process.

The 1267 panel (composed of the 15 Security Council members) immediately delisted five Taliban figures last week, thereby lifting the travel ban and assets freeze imposed on them.

The 1267 list

Getting on the list

- An individual or entity qualifies for the 1267 list by being in any way supportive of the actions of al-Qaeda, the Taliban, or any related group.
- Any UN member country can propose that an individual or entity be included in the list by submitting a seven-page form.
- The UN 1267 committee, made up of the 15 countries on the UN Security Council, meets regularly to decide whether to include a proposed individual or entity.

Getting off the list

- An individual or entity can make a request to the committee directly, or through a UN member that represents them, by submitting a four-page form.
- Delisting is considered if the person or entity was misidentified, didn't meet the criteria to begin with, or if it can be shown they have severed all association with al-Qaeda or the Taliban. Deceased individuals can only be removed at the request of their country.
- The UN 1267 committee makes delisting decisions by consensus.

The restrictions

- Assets are frozen.
- Prevented from entering or passing through any UN member state.
- Prevented from supplying military equipment to al-Qaeda or the Taliban
- Many countries have imposed further restrictions.

The exemptions

- Despite the travel restrictions, individuals are allowed to travel to return to their home countries.
- Travel is also allowed for judicial proceedings.
- The committee can also allow travel for other reasons on a case-by-case basis.

Source: UN 1267 Committee

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