

Press Release

Harper government failure to act forces Abdelrazik to launch constitutional challenge to 1267 regime

7 June 2010, Ottawa – Lawyers for Abousifian Abdelrazik this morning filed a constitutional challenge to the 1267 regime in Federal Court. The application seeks to strike down the Al Qaeda and Taliban regulations, which implement the 1267 regime in Canada. Project Fly Home welcomes the legal challenge as a means of exposing such draconian regimes, but denounces the government's failure to take immediate steps to address this denial of fundamental rights.

"I am really exhausted by this entire situation. I am paying the price for a bunch of national and international policies," declared Mr. Abdelrazik. "My life is a nightmare; I feel isolated, I feel as though my dignity has been taken away. Every aspect of my daily life is affected by the fact that I am subject to these sanctions."

Since his return to Canada almost a year ago, Mr. Abdelrazik has been living in a prison without walls. By making it illegal for anyone to give him any funds, the regulations implementing the 1267 regime in Canada prevent Mr. Abdelrazik from earning his living, having a bank account, or enjoying a sense of security. Each simple step he takes is mired in difficulty. In March, Desjardins froze his bank account, which contained a modest amount inherited from his wife, who died of cancer in 2003. He was forced to seek an exemption in order to access a limited amount of his own money each month.

Support for Mr. Abdelrazik has grown, with several large labour federations, public and private unions and district labour councils – including the CLC, CSN, CUPW, CAW, PSAC, IAM, and Windsor District Labour Council – recently coming onside. These unions have decided to hire Mr. Abdelrazik for several days each; thus defying the Canadian 1267 regulations which specify that such an act could be punishable by up to 10 years in prison.

Forced to respond to questions from journalists about this labour rebellion, Foreign Affairs Minister Lawrence Cannon tersely stated that his government had done everything within its power and that it was now up to Mr. Abdelrazik and his lawyers to pursue matters. This is grossly misleading. In fact, the government has the power to lift the sanctions from Mr. Abdelrazik in Canada immediately. This is precisely what the legal challenge is seeking. Moreover, it is the government's responsibility to pressure members of the UN Security Council to remove its citizen's name from the list. This is the only known way of being removed from the list.

"It is infuriating that the government sticks to this absurd position," said Mary Foster, member of Project Fly Home. "It is clear that Abdelrazik is being used as a scapegoat, a victim of 'national security' fantasies which have little to do with him and a lot to do with other political and economic objectives. Its own security agencies have cleared him; it is obvious from the way the 1267 regime works that state intervention is required – yet the Canadian government dares to maintain that *he* has to get himself out of a situation that *they* created."

"It's outrageous", agreed Emilie Breton, another Project Fly Home member. "Abdelrazik has to deal with endless headaches that daily remind him that he is not free, while the government turns a deaf ear, abdicating responsibility in favour of what is certain to be a long and onerous legal process, though they have the power to act immediately. Once again we see popular mobilization and legal action stepping into the gap to support Abdelrazik; this time, we hope, it will end in bringing down these sanctions entirely."

Mr. Abdelrazik is the only Canadian on the UN Security Council's 1267 list. His name was added to the list in 2006, shortly after he was released from prison in Sudan. His listing ensured that he did not return to Canada for three more years. In 2009, the Federal Court of Canada described the 1267 regime "as a denial of basic legal remedies and as untenable under the principles of international human rights." With no procedural safeguards, the sanctions imposed by the 1267 list subject listed individuals to a complete asset freeze and a travel ban. (More info: www.peoplescommission.org/en/abdelrazik/1267.php).

Background: www.peoplescommission.org/en/abdelrazik