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Gerald Caplan

Abdelrazik's next challenge

The Foreign Minister says he must get himself off the UN terrorism watchlist. But in order for the Security Council to pay attention, Ottawa must intervene on his behalf

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Abousfian Abdelrazik is home again in Canada after six nightmarish years in Sudan, but his ordeal is not over. He finds himself on a United Nations terrorist blacklist – the 1267 – which imposes a total asset freeze on him and all listed individuals. Canadian regulations implementing this list prohibit anyone from providing Mr. Abdelrazik with any kind of material aid, including salary, loans of any amount, food or clothing. He can barely survive while on this list.

“I need my name removed from that list,” he says. “I want to live my life like a normal Canadian.”

Foreign Minister Lawrence Cannon, who refuses to meet with Mr. Abdelrazik, cynically advised him of a UN website that explains how he can try to be “delisted” from the 1267 terrorist blacklist [www.un.org/sc/committees/1267/index.shtml]. The Harper government, which has already caused this Canadian citizen such terrible damage, will not help him in any way. Yet like everything at the United Nations, delisting is an intensely politicized process. No one has actually been removed unless his government has lobbied on his behalf.

The Security Council committee that places people on the blacklist was established “pursuant to resolution 1267 (1999) concerning Al-Qaeda and the Taliban and Associated Individuals and Entities.” Its function was to oversee the implementation of sanctions imposed on Taliban-controlled Afghanistan for its support of Osama bin Laden. The 9/11 terrorist attacks gave it even more urgency.

Any UN member can submit the name of an individual or organization to be added to the blacklist for allegedly associating with the Taliban or al-Qaeda. All names must be supported by the entire 15-member Security Council. While these names become public, evidence to back the allegations does not. The council can, by unanimous agreement, also delist these names, as Mr. Cannon magnanimously advised Mr. Abdelrazik (as if he didn't know). How does one get delisted? The website explains that any person or group on the list “may submit a petition for delisting. In the delisting submission, the petitioner needs to provide justification for the delisting request, offer relevant information and request support for the delisting.”

When the United States had Mr. Abdelrazik added to the blacklist, they alleged he was a senior al-Qaeda operative who knew Mr. bin Laden, fought in Chechnya and was trained at a terrorist camp in Afghanistan. If any evidence for these charges exists, no one has ever seen it. Mr. Abdelrazik categorically denies every accusation and both CSIS and the RCMP have cleared him entirely. But he is of course unable to provide the 1267 committee with any “relevant information” proving his innocence except his word. How can you prove a negative? By definition, no evidence exists refuting these allegations. Now Mr. Abdelrazik's backers fear he'll be blackballed again by the United States, this time at the hands of the Obama administration.

According to the committee's website, the 1267 list now includes 142 individuals “associated with” the

Taliban, 258 individuals “associated with” al-Qaeda, and 111 outfits “associated with” al-Qaeda. No evidence is adduced to back these charges. (Abousfian Abdelrazik is the only Canadian now on the list.)

“The relationship between the Security Council and states is what drives this thing. There's no relationship between the Security Council and individuals.”— Richard Barrett, United Nations 1267 watchlist committee

In fact, the list is something of a shambles, evoking those nostalgic days of yore when U.S. Senator Joe McCarthy would wildly wave a sheet of paper claiming it contained 17, 117, 1,700 names of card-carrying Communists in the State Department. No one knows what's real about the names on the 1267 list either, or whether they all even exist. Two weeks ago, the Austrian ambassador to the United Nations, who chairs this committee, told reporters that of 513 entries on the list, 38 people are reported or believed to be dead. “It is not the purpose of the list to contain dead people,” he announced.

The ambassador, Thomas Mayr-Harting, also reported that a third of the entries are missing basic information, such as full names, dates of birth and other particulars. Without these details, police, border guards and financial institutions cannot freeze funds or ban travel, he added.

Inexplicably, the 1267 operation has received minimal media coverage. In a rare exception, *The Economist* once described it as “alarmingly arbitrary” – with little or no publicity, “potentially innocent people are severely punished, while being deprived of any right to hear or challenge the allegations against them. ... The UN's own watchdog on human rights argues that if good reasons exist for imposing sanctions on someone, [that person] should be prosecuted. The UN replies that it is not always possible to gain the necessary evidence to gain a conviction in court. The sanctions, it says, are intended to be ‘preventative’ rather than punitive, aimed at stopping any potential future support for terrorism.” Clearly the human rights argument lost.

Yet the European Union too has its watchlist for suspected terrorists, but with a fundamental difference from the 1267. Everyone on the EU list must either have been convicted of a terrorism-related offence or be subject to prosecution. And all have a right to challenge their inclusion on the list, whether at a national level, the EU Council or the European Court of Justice.

But somehow that's far too much due process for the United Nations. Never mind the very preamble of the UN charter reaffirming “faith in fundamental human rights.” The basic premise of the Security Council's blacklist is that where world peace and security are at stake, virtually anything goes so long as it has the blessing of the world's great powers. This is the international equivalent of the perverse George W. Bush doctrine that if the president of the United States does something, it is by definition legal.

Barack Obama has apparently repudiated this extraordinary presidential power grab and its devastating implication for justice and human rights. But you wouldn't know that at the United Nations where, to the deep dismay of many, Bush doctrines seem still to prevail, as Mr. Abdelrazik knows only too well.

Richard Barrett, co-ordinator of the 1267 committee's monitoring team, makes this explicit. In a rather heated conversation with University of Ottawa law professor Amir Attaran, Mr. Barrett asserted that “the relationship between the Security Council and states is what drives this thing. There's no relationship between the Security Council and individuals. ... There is no obligation on my part or anybody else who works for the Security Council to have any dealings with any individuals on the list. It's not our job to do that.”

Yet the committee's own website instructs an individual how to delist and Canada Minister of Foreign Affairs advises Mr. Abdelrazik to pursue that process. The obvious fact of the matter is that if Mr. Abdelrazik is ever to escape the tortuous ordeal into which his government plunged him six years ago, Ottawa must play a central role. The state must support the individual. This includes strong representation on his behalf to the new Obama administration. Mr. Cannon's smart-aleck advice to Mr. Abdelrazik to get himself delisted is nothing less than a formula for his torment to continue, as the Harper government surely knows perfectly

well.

Prof. Attaran maintains that the entire 1267 system constitutes a violation of international human rights law. So do the dedicated band of Canadians helping Mr. Abdelrazik to delist. So far, hardly anyone else seems to care.

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