

Punishment without trial

Editorial

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Abousfian Abdelrazik is a Canadian citizen who is subject to a United Nations blacklist that would do Franz Kafka proud. He is a free man living in a free country with no charges against him in any public tribunal - but he can't work because it is a criminal offence under Canadian law to pay him money, as long as he is on the blacklist of those suspected of al-Qaeda links. His assets are frozen by the Canadian government, because of that list.

Mr. Abdelrazik is challenging the constitutionality of Canadian regulations that make a prison of his life. No matter whether he has links to al-Qaeda or not - his past is murky - he has a strong case to make.

Let us not speak of a lack of due process. There is no process at all. Like others on the list, Mr. Abdelrazik received no notice of charges. He received no hearing. He had no opportunity to present evidence of his innocence. Any member of the UN Security Council may put a person on the list of the 1267 Committee, named for resolution 1267 in 1999. Suspicion is enough to cast him into legal oblivion for life.

Kafka would have loved Mr. Abdelrazik's case. When the Montreal man asked Canada to petition the UN to remove him from the list, the RCMP and the Canadian Security Intelligence Service supplied statements saying they had no substantive information on him. "Please be advised that the RCMP conducted a review of its files and was unable to locate any current and substantive information that indicates Mr. Abdelrazik is involved in criminal activity." Cleared at home, he is still being punished as if he were guilty. The 1267 Committee says on its website Mr. Abdelrazik is believed to have been a member of a Montreal terror cell. Then why doesn't Canada know anything about it?

If Mr. Abdelrazik's name sounds familiar, that's because, being on the 1267 list, he is subject to an international travel ban; he had to go to court to force Canada to let him come home from Sudan. Last June, Mr. Justice Russel Zinn of the Federal Court of Canada compared Mr. Abdelrazik to Kafka's hero Joseph K, and said, "One cannot prove that fairies and goblins do not exist any more than Mr. Abdelrazik or any other person can prove that they are not an al-Qaeda associate." He also said, "It is frightening to learn that a citizen of this or any other country might find himself on the 1267 Committee list, based only on suspicion."

A free man in a free country, Mr. Abdelrazik can't work, can't use his bank account, can't live in dignity. This is arbitrary justice, and that it emanates from the United Nations, which likes to see itself as the standard-bearer of international human rights, should not make it acceptable under the Canadian Constitution.