



14 September 2005

Monte Kwinter
Minister of Community Safety and Correctional Services
18th floor, 25 Grosvenor Street
Toronto, ON, M7A 1Y6

**RE: DETENTION CONDITIONS FOR PERSONS HELD ON SECURITY
CERTIFICATES**

Dear Minister,

The Canadian Council for Refugees is deeply concerned about the conditions under which persons detained on security certificates are being held. While the detainees are held under the federal *Immigration and Refugee Protection Act*, they are detained in provincial facilities. The four persons who are currently detained are all in Ontario under conditions for which you, as Minister, are responsible.

Three of the security certificate detainees are being held at Toronto West Detention Centre, a facility intended for short-term detention, for those awaiting trial, serving short sentences, or awaiting transfer to a penitentiary or reformatory after trial. Two of the three individuals are in solitary confinement there, and have been for several years. The detention centre lacks any of the facilities and programs normally available to long-term detainees. Thus persons who have actually been charged, tried and convicted of a crime and sentenced to a fixed term in detention are treated much more humanely than the security certificate detainees, who are not even accused of a crime. The detainees are being denied some of the most basic of human needs, including simple “touch” visits with their own children and spouses, or a chance to exercise for an hour a day.

We note also with grave concern that one detainee, Mohammad Mahjoub, is being denied appropriate medical attention, particularly a liver biopsy for his Hepatitis C.

Members of the Canadian Council for Refugees are appalled at the fact that any long-term detainees should be held in such inhumane conditions in Canada, let alone persons who are not convicted or even accused of any crime. Access to appropriate medical care is one of the basic rights to which all persons, including detainees, are entitled. We would like to remind you of the UN Standard Minimum Rules for the Treatment of Prisoners which appear to be violated in the case of the security certificate detainees, especially with respect to access to medical care.

As you are aware, two of the detainees, Hassan Almrei and Mohammad Mahjoub, have undertaken long hunger strikes in an attempt to communicate their demands that their basic rights and human dignity be respected. As I write, Mr Mahjoub continues his hunger strike, putting his health and life at risk. We underline that their demands are minimal and highly reasonable. They are not asking through their hunger strikes for release from detention, although in our view their detention violates their human rights and the Charter.

We urge you to order without delay that measures be taken to ensure that those detained under security certificates are treated in a way that fully respects their human rights and takes into consideration their status as long-term detainees, who have not been accused or convicted of any crime. This status means that they should not be subjected to the rules that apply to other detainees in provincial facilities.

Yours sincerely,

Nick Summers
President



14 September 2005

Hon. Anne McLellan
Minister of Public Safety and Emergency Preparedness
13th Floor, 340 Laurier Ave.
Ottawa, ON K1A 0P8

RE: DETENTION CONDITIONS FOR PERSONS HELD ON SECURITY CERTIFICATES

Dear Minister,

The Canadian Council for Refugees is deeply concerned about the conditions under which persons detained on security certificates are being held. While the detainees are held in provincial facilities, they are detained under the federal *Immigration and Refugee Protection Act*, and the federal government therefore has responsibility for their detention and must ensure that they are treated appropriately while in detention.

Three of the security certificate detainees are being held at Toronto West Detention Centre, a facility intended for short-term detention, for those awaiting trial, serving short sentences, or awaiting transfer to a penitentiary or reformatory after trial. Two of the three individuals are in solitary confinement there, and have been for several years. The detention centre lacks any of the facilities and programs normally available to long-term detainees. Thus persons who have actually been charged, tried and convicted of a crime and sentenced to a fixed term in detention are treated much more humanely than the security certificate detainees, who are not even accused of a crime. The detainees are being denied some of the most basic of human needs, including simple “touch” visits with their own children and spouses, or a chance to exercise for an hour a day.

We note also with grave concern that one detainee, Mohammad Mahjoub, is being denied appropriate medical attention, particularly a liver biopsy for his Hepatitis C. We understand that the refusal to allow a liver biopsy is attributable to immigration officials, not the provincial detention facility.

Members of the Canadian Council for Refugees are appalled at the fact that any long-term detainees should be held in such inhumane conditions in Canada, let alone persons who are not convicted or even accused of any crime. Access to appropriate medical care is one of the basic rights to which all persons, including detainees, are entitled. We would like to remind you of the UN Standard Minimum Rules for the Treatment of Prisoners which appear to be violated in the case of the security certificate detainees, especially with respect to access to medical care.

As you are aware, two of the detainees, Hassan Almrei and Mohammad Mahjoub, have undertaken long hunger strikes in an attempt to communicate their demands that their basic rights and human dignity be respected. As I write, Mr Mahjoub continues his hunger strike, putting his health and life at risk. We underline that their demands are minimal and highly reasonable. They are not asking through their hunger strikes for release from detention, although in our view their detention violates their human rights and the Charter.

We urge you to intervene without delay to ensure that those detained under security certificates are treated in a way that fully respects their human rights and takes into consideration their status as long-term detainees, who have not been accused or convicted of any crime. This status means that they should not be subjected to the rules that apply to other detainees in provincial facilities. If the Government of Ontario is unable or unwilling to provide appropriate detention conditions, the federal government should move them to some other facility.

Yours sincerely,

Nick Summers
President

cc. Right Hon. Paul Martin, Prime Minister
Hon. Irwin Cotler, Minister of Justice
Hon. Joseph Volpe, Minister of Citizenship and Immigration
Alain Jolicoeur, President, Canada Border Services Agency