



Ottawa, June 26, 2018

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
Office of the Prime Minister and Privy Council  
80 Wellington St, Ottawa, Ontario  
K1A 0A2

The Honourable Ralph Goodale  
Minister of Public Safety and Emergency Preparedness  
House of Commons  
Ottawa, Ontario  
K1A 0A6

## **Stop the deportation to torture of Mohamed Harkat**

Dear Prime Minister Trudeau and Minister Goodale,

I am writing you in my capacity as the National Coordinator of the International Civil Liberties Monitoring Group. The ICLMG is the only national coalition of Canadian civil society organizations that has the mandate to defend civil liberties and human rights from the negative impact of the fight against terrorism in Canada. The coalition, founded in 2002, brings together 45 national NGOs, unions, professional associations, faith groups, environmental organizations, human rights and civil liberties advocates, as well as groups representing immigrant and refugee communities in Canada.

Today, June 26th, marks the International Day in Support of Victims of Torture. We write to you to ensure that your actions, or rather inaction, will not lead to the addition of Mohamed Harkat's name to the long list of victims of torture.

Mohamed Harkat, a United Nations Convention refugee who has lived in Canada for 22 years, faces deportation to Algeria under a security certificate.

Today, his fate lies with you. He could be deported to torture and face a likely death, or he could be granted the status to continue to live a peaceful life in Ottawa with his wife Sophie Lamarche Harkat, and his family and friends. For them, he is simply "Moe", a loving and soft-spoken man who is always ready to help those around him. They have been living in constant fear since deportation proceedings began three years ago.

The ICLMG has closely followed the case of Mohamed Harkat since it came to the public eye in 2002. Under the very problematic regime of security certificates, Mr. Harkat was imprisoned in maximum security for 43 months, spent years under house

arrest, and was imposed some of the most severe bail conditions in Canadian history. And that is without ever having been charged with, let alone convicted of a crime. The original "evidence" against Mr Harkat was destroyed and the allegations are based on the testimony of an informant who failed a lie detector test and was never cross-examined in court.

We have also followed the four other cases of security certificates and we continue to denounce the secrecy surrounding them, the lack of due process, the indefinite detention of the suspects, the violation of the solicitor-client privilege, and the continuous abuse of human rights involved at all levels.

In 2008, we testified at the Senate Special Committee on Anti-Terrorism regarding the security certificate regime. Our position was and still is that "the only way to meet the requirements guaranteed by the Charter and International covenants, and in accordance with the principles of fundamental justice, is through prosecutions under the Criminal code."

Today, as we have done for the last 15 years, we keep denouncing the highly problematic use of intelligence in these cases and the lack of access to the "evidence" against the suspects, which makes it impossible for them to mount a defense.

On October 26, 2017, Prime Minister Trudeau clearly stated: "I hope people remember to demand of governments, this one and all future governments, that nobody ever has their fundamental rights violated either through inaction or deliberate action by Canadian governments. Nobody ever deserves to be tortured. And when a Canadian government is either complicit in that or was not active enough in preventing it, there needs to be responsibility taken."

We are thus reminding you today to enforce Canada's international obligations under the UN Convention against Torture, uphold Mohamed Harkat's rights, and stop his deportation order to torture right now. We don't want one of Prime Minister Trudeau's successors to have to apologize and pay millions of Canadian taxpayers' dollars for this ongoing human rights abuse years from now.

Furthermore, under an opening in the law governing security certificates, section 42.1 of the Immigration and Refugee Protection Act, Minister Goodale has the power to decide that allowing Mr. Harkat to stay in Canada is not contrary to the national interest. The courts have consistently relaxed Mr. Harkat's bail conditions over the years, and CSIS has not even bothered to file a risk assessment in his last bail hearing in the fall of 2017. As his work colleagues and thousands of supporters have asserted, and as court assessments and psychiatrists have attested to, letting Mr. Harkat stay would not be contrary to Canadians' interest. Moreover, not deporting a man to torture and likely death is clearly in Canada's national interest.

Consequently, we urge Minister Goodale to use this unique position and the discretion afforded under the law to exempt Mohamed Harkat from deportation, end 16 years of

psychological torture and harassment by CBSA agents that has had a huge documented toll on Mr. Harkat's health — including chronically low appetite and concentration, recurrent nightmares, chronic depression, anxiety and post-traumatic stress disorder — as well as on Mrs. Harkat's health, and let him stay and live with his wife and community in Canada.

Such a decision to end these deportation to torture proceedings would be wholly consistent with England's Special Immigration Appeals Commission, which settled this issue in 2016 when it ordered Theresa May to stop deporting Algerian nationals at risk of torture, as well as with the Irish Supreme Court, which last July blocked a deportation to Algeria because of the real risk of torture.

If you would like more information in order to make this decision, we urge you to meet with Mohamed and Sophie Harkat, Alex Neve, Secretary General of Amnesty International Canada and/or myself. We can arrange such a meeting at your earliest convenience.

We would appreciate a response to our letter as soon as possible.

Thank you,

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Cc: The Honourable Ahmed Hussen, Minister of Immigration, Refugees and Citizenship  
The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of  
Canada