



International Civil Liberties Monitoring Group
Coalition pour la surveillance internationale des libertés civiles
338 Somerset Street West, Ottawa, Ontario, K2P 0J9
Tel. (613) 241-5298

Ottawa, January 28th, 2016

The Honourable Ralph Goodale
House of Commons
Parliament Buildings
Ottawa, Ontario
Canada
K1A 0A6

Email: ralph.goodale@parl.gc.ca

Re: The deportation of Mohamed Harkat

Dear Minister Goodale,

I am writing you in my capacity of the National Coordinator of the International Civil Liberties Monitoring Group and a long time human rights advocate. The ICLMG is the only national coalition of Canadian civil society organizations that has the mandate to defend the civil liberties and human rights set out in the Canadian Charter of Rights and Freedoms, federal and provincial laws, and international human rights instruments in the context of the war on terrorism in Canada. The ICLMG was established in the aftermath of the September 11, 2001 terrorist attacks in the United States. The coalition brings together some 43 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.

I am concerned about UN Convention refugee Mohamed Harkat, who faces deportation to torture from Canada to Algeria under a controversial security certificate.

Under the controversial regime of security certificates, Mr. Harkat has been detained without charge and without evidence for thirteen years.

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 and his family and friends.

The ICLMG has closely followed the case of Mohamed Harkat since it came to the public eyes in 2002. We also followed the four other cases of security certificates. We denounced the secrecy surrounding them, the lack of transparency in the 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 certificates. 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.”

In 2013, ICLMG obtained the intervener status in the Supreme Court case opposing Mr. Harkat to the Canadian government. Today, we keep denouncing the lack of a solid process to the access to the evidence against the suspects and the controversial use of intelligence in these cases.

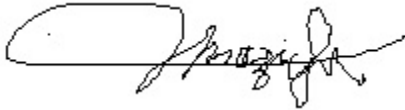
The ICLMG is very hopeful after your recent declaration to some media outlets about your intention to review the controversial information-sharing directives put in place under the previous government. Unfortunately, we think that these directives opened the door to the use of torture and created a huge embarrassment to the human right reputation of Canada. We firmly believe that sharing of information, that may have been obtained through torture or tainted by torture, should never be accepted in Canada under any circumstances.

Since 2009 all of the assessments conducted by the Canadian Border Services Agency, the Canadian Security Intelligence Service (CSIS) and the Federal Court Justice Simon Noël concluded unequivocally that Mr. Harkat is at the very low end of risk. In September 2009, the court dropped the conditions significantly after CSIS said that Mr. Harkat was not the threat initially thought.

Under an opening in the law governing Security Certificates, section 42.1 of the Immigration and Refugee Protection Act, you have the power to decide that allowing Mr. Harkat to stay in Canada is not contrary to the national interest.

Consequently, we urge, Mr. Minister, to use this unique position, and the discretion afforded to you under the law, to exempt Mohamed Harkat from deportation and let him stay and live with his wife and family.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mazigh', written over a horizontal line.

Dr. Monia Mazigh
National Coordinator

ICLMG Members

- Amnesty International
- Association québécoise des organismes de coopération internationale
- B.C. Freedom of Information and Privacy Association
- Canadian Arab Federation
- Canadian Association of University Teachers
- Canadian Council for International Co-operation
- Canadian Council for Refugees
- Canadian Ethnocultural Council
- Canadian Federation of Students
- Canadian Friends Service Committee
- Canadian Labour Congress
- Canadian Muslim Forum
- Canadian Muslim Lawyers Association
- Canadian Office and Professional Employees Union
- Canadian Peace Alliance
- Canadian Union of Postal Workers
- Canadian Union of Public Employees
- Canadian Unitarians for Social Justice
- CARE Canada
- Centre for Social Justice
- Confederation of Canadian Unions
- Council of Canadians
- CUSO
- David Suzuki Foundation
- Development and Peace

- ETC Group
- Fédération nationale des enseignantes et des enseignants du Québec
- Greenpeace
- Independent Jewish Voices
- International Development and Relief Foundation
- Inter Pares
- KAIROS
- Lawyers Rights Watch Canada
- Ligue des droits et libertés
- National Anti-Racism Council of Canada
- National Council of Canadian Muslims (NCCM)
- National Union of Public and General Employees
- Ontario Council of Agencies Serving Immigrants
- Mining Watch Canada
- PEN Canada
- Primate's World Relief and Development Fund
- Public Service Alliance of Canada
- Unifor
- The United Church of Canada
- United Steelworkers of America

Friends of ICLMG (Honorary members)

- Hon. Warren Allmand; former Solicitor General of Canada and a past president of the International Centre for Human Rights and Democratic Development (Rights & Democracy).
- Gerry Barr; Senior Adviser Public Affairs, Directors Guild of Canada, and former President and CEO of the Canadian Council for International Cooperation.
- Hon. Edward Broadbent; former leader of Canada's New Democratic Party and first president of the International Centre for Human Rights and Democratic Development.
- Hon. David MacDonald; former Canadian Secretary of State and former minister of Communications.
- Brian Murphy; independent writer, policy analyst and human rights advocate.
- Roch Tassé; political analyst with special focus on human rights, civil liberties and national security, and former National Coordinator of ICLMG (2002-2015).
- James L. Turk; Distinguished Visiting Professor, Ryerson University, and former Executive Director, Canadian Association of University Teachers.

- The Very Rev. Lois Wilson; former moderator of the United Church of Canada and retired senator.
- The late Hon. Flora MacDonald (June 3, 1926 – July 26, 2015); former minister of Foreign Affairs and former minister of Communications.