PM FAILS A CITIZEN, AGAIN

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Category: Opinions

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The Harper government's serial indifference to the plight of citizens who run afoul of the Americans has been slammed by Federal Court three times in as many months. Canadians have reason to wonder whether they have elected a clutch of scofflaws to high office.
In a forceful judgment last week, Justice Russel Zinn became the latest judge to accuse Ottawa of treating a citizen shabbily, in the case of a Montreal man who has been stuck in Sudan for six years after Washington apparently put his name on a United Nations no-fly list.

Abousfian Abdelrazik has a constitutional right to return to Canada, "his country of citizenship by choice," Zinn ruled. Ottawa has put forward no evidence to link the Sudanese-born man to terror apart from the fact that he knows convicted terrorist Ahmed Ressam and terror suspect Adil Charkaoui. And the judge found it "frightening" that someone could be on a no-fly list "based only on suspicion."

Foreign Affairs Minister Lawrence Cannon's arbitrary refusal to issue Abdelrazik an emergency passport leaves him "a prisoner in a foreign land," Zinn ruled. He must live out his life in asylum in our embassy in Khartoum, or "risk detention and torture" if he leaves.

Faced with Ottawa's unreasonable denial of a citizen's rights, Zinn had little choice but to seize control of the file. He ordered Ottawa to bring Abdelrazik home within 30 days and present him to the court.

Rather than appeal this ruling, Harper should comply without delay.

However this case plays out, Canadians can take comfort from knowing that vigilant Federal Court justices are holding Ottawa to account. There is no need to subvert our Charter rights in order to preserve respect for the law and to thwart terror. The Canadian government, security services and police have powers enough already.

This isn't the first time in recent months that a Federal Court justice has faulted the Harper government for abandoning a citizen.

On April 23 Justice James O'Reilly ordered Ottawa to seek the return of Omar Khadr from Guantanamo Bay, saying that Ottawa had a duty to protect him from torture, and from lengthy and unlawful detention. And on March 4 Justice Robert Barnes ordered Ottawa to seek clemency in the

case of Ronald Smith, a convicted murderer who faces execution in the United States, in line with long-standing Canadian policy against the death penalty.

The Harper government, ever anxious to appear tough on crime and terror and to avoid conflict with Washington, may be willing to let U.S. authorities try a Canadian for murder in a tainted military court, tar another as a terrorist without offering evidence, and execute a third. But Ottawa's indifference subverts the Charter of Rights and offends our deepest values. The Federal Court, at least, upholds a higher standard.

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