

# PRESS RELEASE

For immediate release

**Montreal May 27, 2003.** The **Ligue des Droits et Libertés, Amnesty International-Canada**, the **Association of American Jurists** and the **International Civil Liberties Monitoring Group** denounce the fact that the Canadian government has used a "Security Certificate" to justify the arrest and detention of Adil Charkaoui, a 30-year-old permanent resident of Canada. Under the cloak of protecting national security, this extraordinary process found in the *Immigration and Refugee Protection Act* has dramatic consequences for rights and freedoms.

The use of a Security Certificate allows for a person to be arrested and detained without being charged with any offence. The person's lawyer cannot be informed of the exact allegations and does not have access to all the evidence which can be used against the client, only to a summary which is, in effect, an interpretation of the facts. The information used against the detainee can even come from a foreign state under a seal of secrecy. The judge examines the documents provided by the Canadian Security Intelligence Service (CSIS) on which the certificate is based and delivers a decision, which is final and without appeal; this decision relates only to the reasonable character of the alleged facts rather than their veracity. If the judge validates the security certificate, the person will be deported. To illustrate the possible mistakes using these procedures, one need only to recall the case of the Salvadorian political refugee Victor Regalado, the object of a security certificate in 1982, who fought for 14 years before proving his innocence.

The procedure applied under a security certificate is contrary to the rules of fundamental justice: secret evidence is presented during an in-camera hearing and the arguments of the crown prosecutors are heard in the absence of the lawyer of the accused. It is therefore practically impossible for a detainee to confront prosecution witnesses and to cross-examine the reliability and the veracity of the elements of the evidence on which the certificate is based. The equity of the legal process and the right to a fair trial are principles of fundamental justice: they are necessary safeguards against arbitrariness, revenge by foreign governments against political refugees and the dangers of legal errors. When a refugee or an immigrant is denied a fair legal process and is deported on the basis of secret allegations, this can result in imprisonment in the country of origin, as well as torture or even death.

The **Ligue des Droits et Libertés, Amnesty International-Canada**, the **Association of American Jurists** and the **International Civil Liberties Monitoring Group** denounce the use of security certificates which allow a secret trial during which the judge hears the evidence without the presence of the accused's lawyer and in which the accused is denied the protection of basic rights, such as the right to a full and complete defense.

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