



Montreal, March 9, 2004

Monsieur Jean Charest  
Premier of Québec

Mister Premier,

Object : Mohamed Cherfi

The *Ligue des droits et libertés* is upset by the circumstances surrounding the arrest of M. Mohamed Cherfi last Friday, March 5 at the Saint-Pierre-de- Québec United Church.

Quebec City police carried out the arrest using a warrant, dated February 26, issued by a judge in Montreal which cited a violation of an imposed condition, namely that he had not informed the authorities of a change of address. This is a fallacious pretext because M. Cherfi had not been prohibited from leaving his home or a particular territory. He has not changed his address which is still in Montreal.

As well, according to the Criminal Code, when a person is taken into custody because of an arrest warrant, he is supposed to be brought, without any unreasonable delay, before a judge to answer for his acts. Contrary to the order of Mr. Justice Bouchard contained in the arrest warrant, M. Cherfi was never brought before a judge, but was immediately turned over to federal Immigration officials. It is important to ask, as has Mayor L'Allier, if there was collusion, and if so, at what level; if the Quebec City police were told to carry out this "dirty job" by the federal government.

The *Ligue des droits et libertés*, similarly to Me Pascal Lescarbeau, M. Cherfi's lawyer, considers it essential that the following question are answered :

- Was a complaint laid because of an infraction of the Criminal Code or rather to be able to get a tool which would allow entry into the church?
- Were the Quebec City police authorized to enter a dwelling to execute an arrest warrant for the Montreal Municipal Court or in order to turn over M. Cherfi to Immigration Canada?
- Is it legal or legitimate to have fifteen police enter a church to arrest an individual who represents no danger whatsoever?
- Did the police, in preparing this operation and in proceeding as they did, carry out their obligations as concerns the constitutional rights of the person being detained or did they simply carry out the “dirty work” for Immigration Canada?

These questions demand clear and complete answers because they concern both the functioning and the administration of justice and M. Cherfi's fundamental rights. At first glance, it appears that the entire operation as well as its preparation constituted an abuse of rights and procedures on the part of persons with responsibility for the application of the law.

Finally, this manner of action raises several other troubling questions, such as the violation of a place of worship. It is not acceptable to violate a place of worship to seize someone by force. The principle of sanctuary dates from Antiquity; this is the first time in Canada that a sanctuary has been violated. It is unfortunate that Quebec will earn the sad reputation of not respecting this longstanding tradition of asylum.

The people of Quebec, as well as M. Cherfi, have a right to know who ordered this operation, how it was carried out and who were the real players, as well receiving the assurance that such an event will never be repeated.

We await a quick and thorough response from you.

Yours truly,

Nicole Filion  
President  
*Ligue des droits et libertés*

