

Canadian Political Prisoners. Human Rights and the Persecution of Canadian Muslims

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Disproportionate numbers of First Peoples are in Canadian prisons. The society arranges this fact to not seem that extraordinary. It could be argued that aboriginal peoples are political prisoners in North America, in or out of prison. Or that this is true for all minorities. Or that as the war on terror proceeds all Canadians may find themselves in a political prison.

Privilege and prejudice are clarified when we note that aboriginal men and women damaged in government (police) custody are not often plaintiffs in trials for damages. And properly, this account would run to several thousand pages listing the individual cases of First Peoples' imprisonment, rising out of a society which feels compelled to treat the education of, the medical care of, the social services for, the nourishment of, the housing of, the remuneration for, First Peoples unjustly.

Unlike the U.S. Canada hasn't used extreme long term incarceration of Indigenous leaders to discourage Indigenous movements' protest actions. In the U.S. [Leonard Peltier](#) was sentenced to two life imprisonment terms for a crime he likely didn't commit. Non-Indigenous U.S. leaders of the people such as the Kennedy's, Dr. King and Malcolm X, were simply shot, as Canada's historical icon of revolt Louis Riel was simply hung. The many indigenous leaders in Canada maintain relatively low profiles and are more diffusely represented in these vast spaces of the land.

Image on the right: Omar Khadr



The only group of Canadian political prisoners which approaches the length of sentences of U.S. political prisoners is currently Canadians who are Muslim and who have been treated poorly in domestic prisons or left to the dogs in the custody of foreign agencies. In some cases Canada's security agencies seemed to be outsourcing torture for information. Of Canadian Muslims damaged in custody, [Maher Arar](#) was awarded 11.5 million dollars in an out of court settlement concerning the Canadian government's responsibility for his torture in Syria. Abdullah Almalki, Ahmad El Maati and Muayyed Nureddin settled for about half of what each asked, 31.25 million apiece because of Canada's assistance to the Syrian government in having them falsely arrested and tortured. [Omar Khadr](#) was to receive 10.5 million for Canada's cooperation with the U.S. at Khadr's incarceration and torture as minor child at Guantanamo.

One of the suits by Abousfian Abdelrazik whom the Canadian government left in the hands of Syrian torturers was settled out of court in 2017. In 2015 the Canadian government settled out of court a suit by Benamar Benatta whom it turned over to the FBI as a terrorist suspect: he was imprisoned 5 years before they decided he wasn't a terrorist. [Daniel](#)

[Ameziane](#) who sought political asylum in Canada from Algeria is suing Canada for 40 million dollars, after his torture in U.S. Guantanamo which he alleges was reliant on Canadian supplied information. and yielded the Canadians in turn information obtained by his torture (Ameziane, denied asylum in Canada was subsequently arrested in Pakistan by a bounty hunter and sent to Guantanamo). The five Muslim men detained (arrested without charge) for varying lengths of time in extreme conditions, under the mechanism of Canadian Security Certificates, were not found guilty of any crime and have not as far as I know initiated suits to compensate them for their arbitrary loss of rights, their suffering and the government's attempts to ruin their lives.

What is unusual about the Canadian persecution of Canadian Muslims is that they have some chance for redress in Canadian courts for severe violations of their human rights. Here I'll try to update several cases Night's Lantern has encountered in the past, and these of Muslims, targeted under the U.S./ NATO programs of the wars on terror and Muslim countries. The cases suggest a domestic application of an aggressive foreign policy which has the intention of corporate resource acquisition by force.

Entirely ignored by the media is the case of [Said Namouh](#) who was arrested in 2007 and is serving a sentence of life imprisonment with parole possible after ten years (yet facing deportation if paroled). The charges against him were for participating in terrorist activities. But he committed no crime of violence against anyone. There was no evidence linking him to alleged bomb-making or making real the prosecution's suppositions of active terrorism. The star witness against him was an Israeli CEO of a U.S. defense industry intelligence provider who analyzed Namouh's computer hard drive. Namouh's "crimes" were primarily of internet communication, personal declarations, extremist associations, in other words – his beliefs, convictions. [This case](#) puzzles innocents because it is entirely legal to have beliefs and convictions and it is legal to share them. In 2018 Namouh was denied his first application for parole; the parole board noted his record in prison wasn't exemplary, and it wasn't but he didn't try to kill anyone and he didn't steal anyone's dessert. The parole board ("La Commission des libérations conditionnelles") isn't likely to hear his case again until 2023. Yet there is a forfeit of the prisoner's human rights and civil rights here, not because Namouh's beliefs are unwise, unsafe, in some instances illegal, or against Canadian security interests, but because the punishment is the same as a mass murderer's. He was in no way proven guilty of mass murder or any act of violence. His was a propaganda trial with a propaganda punishment.

Another level of shame is reached in the more obvious injustices of [Canadian Security Certificates](#). One recognizes Stasi or Gestapo tactics which aren't Canadian practices, and the government has restrained itself from using the certificates since early in the new millennium. [All five](#) of the Muslim men arrested under Canadian Security Certificates back in 2000 to 2003 have been released from prison through the efforts of their lawyers in one trial after another. Despite government challenges Canada's judicial system has safeguarded some of humanity's progress since the dark ages. The government's attempts to justify in court application of Canadian Security Certificates has cost Canadian taxpayers millions of dollars. Mohamed Harkat, former Canadian Security Certificate detainee, imprisoned without a charge against him in 2002, now lives at home protected from prison by judicial decisions, with his Quebec born Canadian wife of nearly twenty years. Their lives are under threat every day with complete disruption by the government's continuing intention to deport him to Algeria, where it's believed he is in danger of torture or death.

Aside from the label of suspected terrorist assigned him by Canada's security agencies, any refugee returned to Algeria is known to be at risk. In June 2018 Al-Jazeera reported 13,000 migrants left by Algeria in the Sahara desert within the last 14 months, subject to forced marches without water and food. The ordeal of Mohamed Harkat's arrest without charges or public evidence against him has lasted year after year, placing him in prison, in solitary, on hunger strike, in house arrest with court ordered regimens, has subjected his wife to suffering and police abuse, subjected the family to legal expenses debts and charity without compensation. ([Summary](#)). If one wanted to inflict the conditions of a lasting torture on a family, either to obtain information or as one more threat to encourage the Muslim community to cooperate with government policies bordering on genocide in several Muslim countries, one might imagine inflicting on them the lives of Mohamed and Sophie Harkat. In a report to the UN Human Rights Council last Spring, Nils Melzer (the UN Special Rapporteur on torture) noted:

“Whenever States failed to exercise due diligence to protect migrants, punish perpetrators or provide remedies, they risk to become complicit in torture or ill-treatment.”

The injustices inherent in the government's prosecution of a group branded the [“Toronto 18”](#) in 2006 by the press are less clearly defined and are difficult to explain. People are afraid to ask obvious questions about the group of minors and young men who were quite possibly guided into a horrible conspiracy by the several police agents among them to plan and organize a series of terrorist acts beyond the abilities of any in the group who weren't police agents, to execute.

As soon as early reporting of the arrests entered court, the judge placed a gag order on reporting details of the trial or revealing the defendants' names. Portions of the ban protecting minors seem to remain in force. The mechanism has also provided a means to keep out of public scrutiny any low-profile informants and the role they played in a “conspiracy” which some of the defendants were unwilling to recognize. The alleged crimes the “conspiracy” was charged with were horrific and frightening, particularly to a population with misgivings about U.S. and Canadian wars against Islamic countries, crimes against international law, guilt from Canada's role in “Operation Desert Storm,” the initial US and Coalition bombing of Iraq, the destruction of Iraq's civilian infrastructure, depriving the country's children of a future. By the time the US and its coalition invaded Iraq in 2003 Canada refused full participation. Canada's commitment to fighting in Afghanistan may also be considered complicity in a war of aggression and a number of the “Toronto 18” expressed anger at Canada's involvement in Afghanistan. So the script for the “Toronto 18” was noticeably muzzy, vague except in the allegations of dastardly plots and plans, and the curiousness that young Canadian citizens who were in other respects bright students and entrepreneurs could be manipulated into over-expressing their imaginations and feelings about injustice.

In court eleven Canadian citizens accused were sentenced to prison. Charges against others were dropped or withdrawn. Of the accused, most just pleaded guilty. Four claimed their innocence but were convicted. Interestingly each case was different which one would not expect of a conspiracy. Charges relied heavily on the actions and testimony of a police informant (one is featured in official narratives) considered by some to have been a causative agent. The convicted did not have the knowledge or means to execute the terrorist actions they were found guilty of, and their actions required the professional help of

the police informant(s). This troubled my own understanding of the case as it was revealed in the press, and the presence of this basic injustice may explain why post sentencing information about members of the “Toronto 18” remains scarce.

The justice of their trials in 2009-2010 may be further questioned after a recent ruling in Vancouver BC which found the RCMP basically responsible for the terrorist acts committed by John Nuttall and Amanda Korody. The couple were recent converts to Islam and recovering drug addicts, guided into a terrorist plot and supplied the knowledge and materials to commit terrorist crimes by RCMP undercover. A three judge appeals court affirmed the decision of the lower court that the RCMP had basically entrapped the defendants, who were then freed. The RCMP’s case was found to be “a travesty of justice.”. To begin to gather then this disparate group of the “Toronto 18” I mention eight of the eleven who were found guilty and sentenced:

Arrested when he was 18, Saad Gaya pleaded guilty in court in 2010 and was sentenced to 12 years in prison with pre-sentencing imprisonment of 3.5 years credited double. Gaya was to serve a remaining 4.5 years but was parole eligible in 18 months.

However the Crown was able to increase his sentence to 18 years. In 2016 the National Post reported he was granted day parole to attend graduate school.

Mohamed Dirie convicted for weapons smuggling in the “Toronto 18” plot he was sentenced to seven years including pre-sentencing time served. He was released in 2011, and is reported to have died fighting for “an extremist group” in Syria, 2013. Unconfirmed.

Zakaria Amara pleaded guilty in 2009 to charges in the “camp plot” conspiracy and to charges in the “bomb plot” conspiracy. In 2010 he was sentenced to 21 months in addition to time served for the first, and for the second, life imprisonment. He was incarcerated in Quebec and eligible for parole in ten years. In 2013 the Supreme Court of Canada refused to review his sentence.

Fahim Ahmad, sentenced to 16 years with double credit for pre-sentencing time served, was previously denied parole but will have completed his sentence and should be freed in 2018, according to The Toronto Star, and released early in 2018 according to the National Post. By 2019, I’ve found no notice of his release.

[Shareef Abdelhaleem](#) who maintained that he “had no intention of causing injury or bodily harm” and asked the judge to sentence him as the judge would a white Catholic..., was sentenced to life in prison, and with pre-sentencing time included, was parole eligible in ten years. His father was an engineer with Atomic Energy of Canada who had posted bail for [Mohammad Mahjoub](#), the Security Certificate detainee. The father’s implication in the “conspiracy” was attempted. Of his son, the prisoner, Wikipedia quotes him: “I am the last person to be a threat...this whole thing was staged to impress the public, to give them fear.”

Steven Vikash Chand, a former Canadian forces reservist and new convert to Islam was found guilty of participation and advising a financial fraud to assist a terrorist group. He was sentenced to 10 years including time served, yielding a release in 2011.

Despite a recognized lack of serious involvement with the conspiracy group, Asad Ansari was sentenced in 2010 to six years five months for participating/contributing to a terrorist group, which amounted to time served.

Like several others in the “Toronto 18” group, the government’s threat to withdraw his Canadian citizenship was canceled under a change in government and Royal Assent granted to Bill C-6 June 19, 2017.

Saad Khalid pled guilty in 2009 to intending to cause an explosion and was sentenced to 14 years in prison including 7 years served. He was said to be radicalized in prison and the Crown increased his sentence from 14 to 20 years.

These are long sentences in mens’ lives. This listing leaves three of the accused and found guilty prisoners uncounted, as well as the seven of those arrested and one way or another released. We can guess that most of those found guilty have by now served their time or reaching their parole date were quietly released. No one asks why children and young adults who were so normal in other respects leading the lives of innocents, imagined such horrific responses to their country’s crimes against innocent men women and children abroad.

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