

Tears of joy from accused terrorist as court quashes security certificates

Andrew Duffy

CanWest News Service; Ottawa Citizen

Saturday, February 24, 2007

OTTAWA - On the morning that his case made legal history in Canada, Ottawa's Mohamed Harkat was at home, waiting again.

Harkat had wanted to be in the Supreme Court of Canada when it handed down its decision on the constitutionality of security certificates, but federal officials refused to relax his strict bail conditions for the day.

On Friday morning, Harkat's lawyer, Matthew Webber, called to tell him Canada's highest court had ruled that the legal process which found him to be an al-Qaida terrorist was fundamentally unjust.

"It's an enormous win" Webber told him.

"I'm so happy. I'm so happy," Harkat said, breaking into tears.

That decision means Harkat will likely not be deported anytime soon to his native Algeria, the country from which he had fled as a political refugee in 1990.

For Harkat, the decision also affirmed his stubborn faith in Canada's justice system.

"I was crying for four-and-a-half years and somebody finally heard my cries in the Supreme Court," he said in a telephone interview Friday. "It is a very big day for me."

Harkat, 38, has always contended that courts will eventually recognize he's not an al-Qaida terrorist.

The high court said the legal status of the existing security certificates will remain in effect for a year to give the government time to rework its legislation.



Mohamed Harkat and his wife Sophie arrive at the Supreme Court of Canada. (CP PHOTO/Jonathan Hayward)

Harkat will then have the chance to apply to have his security certificate quashed.

Webber, however, said the federal government will probably put Harkat through a second hearing under the revised security certificate process.

Harkat said he wants his next hearing to be as open as a criminal trial.

"If they give me a fair trial, there is absolutely no doubt about it, I will clear my name," he said. "If they really want to judge me like anybody else, like a real criminal, for sure, I will finally walk out."

Harkat believes the accusations against him originate with a profit-driven informant in Canada or with the Algerian government, which he opposed as a university student. "Only me, I know myself from inside and outside. I am innocent," he said.

Harkat worked as a gas station attendant and pizza delivery man in Ottawa before being taken into custody on a security certificate in December, 2002.

The government-issued certificate accused him of being an al-Qaida sleeper agent who posed an immediate security threat to Canadians.

In 2005, the certificate was upheld as "reasonable" by Federal Court Judge Eleanor Dawson, based largely on evidence that remains secret from Harkat, his lawyers and the public.

For the next year, Harkat will be in what Webber termed "a legal limbo."

He remains under a deportation order issued last July when a federal official concluded that Harkat presents such an "horrific" threat that he should be sent back to Algeria, even though he may be tortured.

Webber said it's unlikely that the government will pursue Harkat's deportation given that the Supreme Court has ruled that the process which led to that order was deeply flawed.

Harkat, released from jail last summer, will be in court next week in an effort to have some of his bail conditions relaxed.

Under terms of his release, Harkat must wear an electronic ankle bracelet and remain in his home for all but 12 hours a week when he's allowed supervised, daytime excursions. A surety must be with him 24 hours a day.

Harkat's wife, Sophie, said the Supreme Court decision represents "a new beginning" for her family.

Ottawa Citizen

© CanWest News Service 2007

CLOSE WINDOW

Copyright © 2007 CanWest Interactive, a division of [CanWest MediaWorks Publications, Inc.](#) All rights reserved.