



Ontario  
Civil Liberties  
Association

"The OCLA takes a vigorous and highly principled approach to defending free speech rights, which is an approach that is sorely needed in Canada today."

—John Carpay,  
President,  
Justice Centre for  
Constitutional Freedoms

"I am very pleased to learn of the Ontario Civil Liberties Association, and wish it the greatest success in its work, which could not be more timely and urgent as elementary civil rights, including freedom of speech, are under attack in much of the world, not excluding the more free and democratic societies."

—Noam Chomsky,  
Institute Professor, MIT

"Freedom of expression is our most fundamental and most precious freedom. It has been under attack in Canada for years. The Ontario Civil Liberties Association has taken a position on freedom of expression that is both courageous and principled. The OCLA now stands alone and its position should be supported by all Canadians who cherish democracy and freedom."

—Robert Martin,  
Professor of Law,  
Emeritus,  
Western University

July 4, 2017

By Email

The Honourable Ralph Goodale  
Minister of Public Safety and Emergency Preparedness  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Honourable Ralph Goodale:

**Re: Canada's record regarding the civil rights of Mr. Issam Al-Yamani**

The Ontario Civil Liberties Association (OCLA) advocates for civil and human rights, including freedom of expression, and state responsibilities towards individual persons, pursuant to Canadian and international statutes and universally accepted principles.

We write this letter to ask that, in order to preserve civil and human rights in Canada, and in order to preserve Canada's reputation and standing as a human rights defender, you reinstate Mr. Issam Al-Yamani's permanent resident status and not force him to leave Canada.

Unless we are mistaken, the public-record history of this case is correctly summarized as:

**1985:** Mr. Issam Al-Yamani arrived in Canada and was granted Permanent Resident status.

**1988:** Applied for Canadian citizenship.

**1988-2000:** Subject to two security certificates based on the grounds that he was a member of the Popular Front for the Liberation of Palestine (PFLP) – both were overturned by the Federal Court.

**2000:** Subject to a third proceeding – this time an immigration inquiry by Citizenship and Immigration Canada (CIC) based on the same ground that he was a member of the PFLP – with the intention of obtaining a decision that he is inadmissible to Canada and the issuance of a removal order.

**2003:** Counsel for Issam submitted a request for "Ministerial relief" (the Minister can exempt a person from the inadmissibility decision where it would not be contrary to the national interest to do so).

**2005:** Issam was issued with a deportation order which was not acted on.

**2006:** Minister of Public Safety Stockwell Day refused Issam's request for Ministerial relief. This was overturned by the Federal Court in 2007 and his request was sent back for the Minister to consider again.

**2012:** Minister of Public Safety refused Issam's request for Ministerial relief. This was overturned by the Federal Court, on the consent of the Minister's counsel, in 2013. The request for Ministerial relief (filed in 2003) remains outstanding.

**July 14, 2014:** A Canada Border Services Agency (CBSA) submission to the Minister on the Ministerial relief application concludes that "Considering the information currently available, the CBSA believes that Mr. Al-Yamani does not currently constitute a danger to the security of Canada."

**December 9th, 2014:** An amended CBSA submission concludes that "Considering the current information available, the CBSA believes that Mr. Al-Yamani constitutes a danger to the security of Canada ..."

The change in the CBSA security risk assessment in December was the result of their interpretation of a 1-minute-and-24-second video segment of a speech Mr. Al-Yamani delivered on July 30, 2014 at a public rally in Dundas Square, Toronto — at the height of the 2014 Israeli ground military attack against Gaza — protesting the attacks, in which he called for "a third intifada popular resistance in the West Bank and in Gaza and refugee camps and the diaspora".

**April 19, 2017:** While there is still no decision on Issam's request for Ministerial relief, Issam was informed by CBSA that they would enforce the deportation order which was issued twelve years ago in 2005.

We understand that during the 30 years that Mr. Al-Yamani has been under investigation he has never been found to have been complicit in or to have committed any acts of violence, and that he has long ago cut his ties to the PFLP, in 1991.

In the thirty years that Mr. Al-Yamani has lived here — now with his wife, kids and granddaughter in Mississauga — he has established his family and has been an active member of the community, organizing community events, building civil society coalitions, and more.

We have viewed the said 1-minute-and-24-second video segment and believe the government (CBSA) reaction to be patently unreasonable.

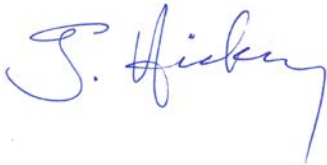
Mr. Al-Yamani is a model of civic and political engagement. It would be obscene to deport Mr. Al-Yamani into statelessness for having long-ago held membership in a resistance movement in a conflict zone, or for having expressed views that any Canadian would be allowed to express.

If a Canadian citizen had expressed exactly the same views and the citizen were persecuted by our government for these views, that citizen would have access to a process in full defence and the associated maximum sentence would in no way approach the disproportionate sanction contemplated by Canada for Mr. Al-Yamani.

Given the history of this case briefly reviewed above, and given the circumstances of Mr. Al-Yamani, Canada will be acting against decency and human rights principles if it deports Mr. Al-Yamani.

Canada must not exaggerate or incorrectly allege threats to security from individuals in order to satisfy domestic interest groups or allied-state pressures, rather than defend human rights. Instead, Canada must have confidence in the democratic process of popular political discourse and in the strength of all communities to participate in the public good.

Yours truly,

A handwritten signature in blue ink that reads "J. Hickey". The signature is fluid and cursive, with the first name "J." and the last name "Hickey" clearly legible.

Joseph Hickey  
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CC:  
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