

Federal Court Releases Terror Suspect Mahjoub

The trial division of the Federal Court [ruled](#) on February 15, 2007 that Egyptian national and terror suspect Mohamed Zeki Mahjoub was to be released from detention. Mr. Mahjoub had been held without charges for over six years under the suspicion that he had been involved with the terrorist organization Al-Qaeda. The federal government attempted to deport Mr. Mahjoub, on the grounds that his alleged involvement with a terrorist organization amounted to a significant threat to Canada's national security. The Court, however, was satisfied that Mr. Mahjoub was not a current danger, and instead placed him under a strict form of house arrest. A significant factor in the Federal Court's decision was Mr. Mahjoub's ailing health.

In 2000, Mr. Mahjoub was arrested in Canada on a national security certificate. He had previously worked for a Sudanese agricultural company owned by Osama bin Laden. After fleeing to Canada as a refugee, Mr. Mahjoub was convicted in absence by an Egyptian court in 1999.

Mr. Mahjoub is currently one of five individuals being held by the government under a security certificate. He has brought a constitutional challenge to the security certificate process before the Supreme Court of Canada. Three other detained men -Mohamed Harkat, Adil Charkaoui, and Hassan Almrei—have also brought similar, yet separate challenges to be ruled on relatively soon.

Currently, an individual being held under a security certificate may be detained indefinitely without charges, which raises significant issues surrounding sections 7 and 9 of the Charter of Rights and Freedoms. Specifically, section 9 of the Charter guarantees protection against arbitrary detention and imprisonment, while section 7 includes the guarantees liberty rights and protection from unreasonable violations of individual liberty by the state.

Mr. Mahjoub will remain in detention in Kingston, Ontario until his Toronto home can be modified to accommodate his house arrest.

Sources:

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Mail (16 February 2007).

- Macleans.ca staff, "Highly conditional: Terror suspect Mohammad Mahjoub is released from detention, but his legal battles continue" Macleans.ca (16 February 2007).
- Mahjoub v. Canada (Minister of Citizenship and Immigration), 2007 FC 171.
- R. Palmer, "Canada court says bin Laden employee can be freed" Reuters Canada (15 February 2007).
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- M. Shephard, "Out of limbo at last" The Toronto Star (16 February 2007).

Further Reading:

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- Charkaoui v. Canada (Minister of Citizenship and Immigration), 2004 FCA 421 (CanLII).
- [Wikipedia, "Security certificate" Wikipedia, the free encyclopedia.](#)