



Government of Canada
Permanent Mission of Canada
to the United Nations and the
Conference on Disarmament

Gouvernement du Canada
Mission permanente du Canada
auprès des Nations Unies et de
la Conférence du désarmement

Note No.: GENEV-5369

Reference: Canada's response to AL CAN 3 2018

The Permanent Mission of Canada to the Office of the United Nations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to submit its response to Joint Communication AL CAN 3/2018 from the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, dated 21 November 2018.

The submission consists of one document.

The Permanent Mission of Canada to the Office of the United Nations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 8 February 2019.

A red circular stamp from the Permanent Mission of Canada to the United Nations at Geneva. The stamp features the Canadian coat of arms in the center. The text around the border reads "Mission permanente du Canada auprès de l'ONU" at the top and "Geneve - Geneva" at the bottom. A blue ink signature is written across the stamp, extending to the right.

1. *What is Canada's position on the prosecution of its nationals in Iraq under the Anti-Terrorism Law no. 13 of 2005, including for crimes that carry capital punishment? Did the Government intervene or does it plan to intervene to ensure that the rights to life and to a fair trial of its nationals are upheld if they are tried in Iraq?*

Canada is not aware that any of its nationals are being prosecuted in Iraq under the Anti-Terrorism Law. Canada opposes any use of the death penalty against Canadian citizens. All Canadian citizens are entitled to receive consular support when detained abroad. Canada has raised concerns with Iraqi governmental officials on the use of the death penalty, which Canada opposes. Canada has also advocated for the rule of law, fair trials and due process in Iraq. Canada will undertake clemency intervention in all cases of Canadians facing execution in foreign jurisdictions.

2. *Does the Government of Canada seek the extradition home of its nationals who may be prosecuted for terrorism-related crimes in Iraq?*

Canada has not encountered this situation as no Canadian national is being prosecuted in Iraq under the Anti-Terrorism Law to our knowledge.

3. *Please indicate whether Your Excellency's Government has officially sought information from the Iraqi authorities about the number and identities of its own nationals facing trial in Iraq in connection with offences of terrorism, including for membership in or association with ISIL. In this respect, please provide information on the number of Canadian nationals that are being prosecuted in Iraq for terrorism-related offenses.*

Canada maintains regular engagement with the Iraqi authorities on the file. Canada is not aware that any of its nationals are being prosecuted in Iraq under the Anti-Terrorism Law.

4. *Please indicate whether consulate protection was extended to any national of Canada and the steps taken to ensure full respect of their human rights. If no action was undertaken, please explain why, and how this is consistent with the international human rights obligations that Canada has under the international instruments it has ratified.*

Canada has not yet encountered a consular case of a Canadian facing terrorism-related charges in Iraq. Canada advocates full respect for international safeguards and standards where the death penalty is still in use, including respect for due process and fair trials. Canada will undertake clemency intervention in all cases of Canadians facing execution in foreign jurisdictions.

5. *Please indicate whether Your Excellency's Government has provided the families of its nationals facing trial or execution, or sentenced to death for terrorism in Iraq, with any information related to the conditions of detention, the trial or the execution.*

Canada is not aware of any Canadian nationals facing the death penalty under the Anti-Terrorism Law.

6. *Please indicate what steps have been taken to address the rights and protection of Canadian women and children in Iraq who are detained and/or awaiting trial for terrorism-related charges.*

Canada is not aware of any Canadian women or children who are detained and/or awaiting trial for terrorism-related charges.