



Press release
For immediate release

Operation "Armored Rights" in Federal Court

The Federal Court of Canada dismisses the Minister of Foreign Affairs motion to strike the second application seeking the cancellation of the Canadian export licenses for armored vehicles in Saudi Arabia

Montreal, January 9, 2018- In an order made January 9, 2018, Justice Luc Martineau of the Federal Court of Canada dismissed the application to strike the second application for judicial review filed on September 21 to cancel the licenses issued for the export to Saudi Arabia of LAVs manufactured by General Dynamics Lands Systems Canada (GDLS-C).

Intended to defeat an action brought following new evidence of use of Canadian armored vehicles in Saudi Arabia against the civilian population during the siege of Awamiyah, a Shiite-majority city in the Qatif region in the east Saudi Arabia, Foreign Minister Chrystia Freeland's claims that the new application had no chance of success, was redundant and was ultimately an abuse of process were considered "unfounded" by the Martineau J.

In a key passage of the order, the judge states as follows: "The parameters have undeniably changed since the ministerial authorization of 2016. Since the Minister refuses to suspend or cancel the export licences granted to GDLS, it will be for this Court to make an assessment of the reasonableness of the Minister's new decision at a hearing on the merits. It is not because the Court ruled in 2017 that the balancing carried out by the Minister in April 2016 was reasonable, that the same conclusion must be reached with respect to the refusal to suspend or cancel export licenses due to new facts and new evidence in the file (paragraph 83).

Judge Martineau also raises a fundamental issue of transparency arising in the second appeal where a decision on the suspension or cancellation of export licenses for military equipment to Saudi Arabia appears to be subject to the results of an inquiry whose results are not yet known. In this regard, he states: "Besides, the lack of transparency of the decision-making process is not a safeguard precluding the Court to examine the legality of any ministerial action that may be challenged. Judicial dialogue arising from the principle of the separation of powers cannot be triggered without some candor and transparency of public authorities" (paragraph 107).

"This order of the Federal Court reinforces our determination to continue the pursuit of a legal challenge aimed at upholding the standards of Canadian and International law that should have led Canada to refuse to grant export permits of military equipment to Saudi Arabia. We remain as convinced as ever that there is a reasonable risk that light armored vehicles manufactured in Canada could be used by Saudi Arabia to violate the fundamental rights of civilians," said Professor Daniel Turp.

Operation "Armored Rights", which relies on the support André Lespérance and Anne-Julie Asselin of the law firm of Trudel Johnston Lespérance, who are acting *pro bono* in this case, was launched in 2016. Citizens and organizations non-governmental organizations are invited to join this operation by expressing their support via Facebook at <https://www.facebook.com/droitsblindés>.

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