

Bomb plot suspects held in isolation despite no court order

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Four Canadian men facing terrorism-related offences have been held in extreme isolation for almost a year even though the courts have never ordered their solitary confinement and their trials are months or possibly years away, lawyers close to the case say.

The four are among 18 men and boys in southern Ontario arrested in a blaze of national and international publicity last summer. All face terrorism-related charges.

In most of the cases, prosecutors asked for and were granted an order that forbids the co-accused from communicating with one another.

That order prompted authorities at the Maplehurst detention centre in Milton, Ont., to lock up a dozen suspects who did not get bail in small isolation cells for more than 23 hours a day.

Those conditions are now subject to a legal challenge on the basis the solitary confinement amounts to cruel and unusual punishment. In four cases, the non-communication order was never requested, several lawyers told the Canadian Press.

"It's appalling," said Edward Sapiano. "It's the non-communication order that is responsible for their isolated segregation."

Sapiano represents 25-year-old Yasim Mohamed, who is accused of importing weapons to benefit a terrorist organization, called the conditions of detention "inhumane."

The other three accused held in isolation despite the lack of a non-communication order — a situation confirmed in a recent letter to counsel by government lawyer Steve Coroza — are Jamal James, 23, Saad Khalid, 20, and Ali Dirie, 23.

Sapiano said the Crown simply "forgot" to seek the order against the four accused, but it was not immediately clear whether it was in fact an oversight or deliberate.

Some of the lawyers involved were not even aware of the lack of the non-communication order.

Reached by telephone, Coroza said he was discussing the issue with senior Crown counsel and would talk later but then did not return the call.

Conditions of detention for all the accused — most of whom have no criminal record — have become the focus of a legal challenge in Ontario Superior Court.

The May 7 challenge is based in part on the Charter of Rights and Freedoms.

Inmates not allowed to pray together

Defence lawyer David Kolinsky, whose client Zakaria Amara, 21, was denied bail, called the segregation cruel and a violation of religious freedoms because the inmates cannot pray together.

The accused are not a threat to one another and could, if needed, be kept apart from the general inmate population without being held in segregation, he said.

William Naylor, acting for co-accused Shareef Abdelhaleen, called the segregation "psychological torture."

"They're locked up in a metal cage with metal walls 23½ hours a day," Naylor said.

"Given the length of time that these men and boys are going to be there, by the time they come out, I don't know if they'll be basket cases if they don't do something about that."

Several defence lawyers called the implementation of the non-communication order a farce.

For example, the accused are transported to court in a single vehicle, housed in a holding cell together at the courthouse in Brampton, Ont., and sit shoulder to shoulder in the prisoner box.

Lawyer Anser Farooq said the non-communication order itself is not at issue, given that it's common when there are co-accused.

It's how it's being enforced, he said.

"It's an impractical order [that] doesn't really serve any purpose," Farooq said.

"It's causing tremendous hardship," said Farooq, noting the families of the accused are not allowed any direct contact with them.



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