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Family of war crimes suspect threatens to sue Ottawa

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The family of one of 30 alleged war criminals on Ottawa's wanted list is threatening a defamation suit against the Canada Border Services Agency, following what his lawyer calls false allegations that "won't stand up in court."

Khalil Abdul Khalil – a 76-year-old Afghan national last known to be living in Toronto – was named by Ottawa last week as an alleged war criminal subject to a warrant for removal. His was just one of almost three dozen suspects' names and photographs posted on the CBSA website in the hopes that the public would help track them down.

According to the CBSA, Khalil has "violated human or international rights under the Crimes Against Humanity and War Crimes Act." The agency also says these suspects are believed to be living in Canada illegally.

But the lawyer retained by the man's family says the depiction of Khalil as a dangerous, violent criminal is "false," and diminishes the reputation of the man in the community.

Unless the CBSA retracts the information on its website and issues an apology, the family will take legal action.

"We don't believe any of the allegations that have been labeled against him can be held up in a court of law," said Anser Farooq, the family's lawyer. "Unless they remove his name from that list ... we're going to be moving forward."

Farooq would not comment on the whereabouts of his client, but said the man's relatives have been deeply hurt by the suggestion that Khalil could be guilty of war crimes.

"His family is flabbergasted," Farooq said. It's "reprehensible" for the government to represent his client as a criminal without laying any charges, he added.

That concern was also raised by human rights advocates, who said the government is dodging its responsibilities by deporting, not prosecuting, the suspects.

"Our concern is that this is furthering a long-established practice in Canada to overwhelmingly make use of our immigration system rather than our criminal justice system in dealing with cases of this sort," said Alex Neve, secretary general of Amnesty International.

Four of the suspects have so far been apprehended.

The most recent arrest was of Henry Pantoja Carbonel, a Peruvian national found in Toronto.

Vic Toews, minister for public safety, said the government's focus is on removing individuals from Canada who are inadmissible because of their alleged crimes, "not making a finding of guilt or innocence in terms of the actual criminal charge."

The government has only ever prosecuted two alleged war criminals in Canada under the Crimes Against Humanity and War Crimes Act, both from Rwanda.

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