

Dismissal by the Federal Court of Appeal of the appeal on an application for judicial review

The Supreme Court of Canada will be invited to rule on the legality of the issuance of permits to authorise the export of armoured vehicles to Saudi Arabia

Montreal, July 10, 2018 - In its judgment dated July 6, 2018, the Federal Court of Appeal held that the Minister of Foreign Affairs of Canada did not exercise his discretion unreasonably by issuing permits authorizing the export of light armored vehicles (LAVs) manufactured by General Dynamics Lands Systems Canada (GDLS-C) to Saudi Arabia, and dismissed the appeal launched against the judgment of the Federal Court rendered on January 24, 2017.

In its reasons for arriving at such a conclusion, the Appellate court further asserts that "the Minister could, notwithstanding the reasonable risk that the [military] equipment to be exported could be used to counter a civilian population, decide to grant the licenses [export] because, in his opinion, exporting LAVs was in Canada's interest under the EIPA [*Export and Import Permits Act*] [*Our translation*].

In its judgment, the Federal court of Appeal also held that the appellant did not have the interest to raise an issue relating to the violation of Common Article 1 of the *Geneva Conventions on International Humanitarian Law of 12 August 1949*.

"This judgment is unsatisfactory and contains new errors of law that justify the intervention of the highest court in Canada. Therefore, it has been decided to file an application for leave to appeal to the Supreme Court of Canada," said Professor Daniel Turp.

In this new step of the judicial process to enforce not only Canada's legislative regime, but also its international obligations, members of the Armoured Rights Operation will also seek support from non-governmental organizations, such as Amnesty International, Project Ploughshares and Oxfam Canada. On July 5, 2018, these NGO's declared that an "internal governmental report on the allegations [that Canadian-built armoured vehicles may have been used by Saudi Arabian armed forces in violence directed at civilian populations] reveals major shortcomings both in the investigation of the allegations and in interpretation of Canadian obligations under international law" These allegations gave rise to a second recourse that the members of Operation Armoured Rights filed in the Federal Court on September 26, 2017, which has been suspended pending a final conclusion in the first case.

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

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