

Concern for young brother clouds refugee's happiness

Efforts to bring 16-year-old here have hit roadblocks

DON RETSON
Journal Staff Writer
EDMONTON

Jean D'Joli doesn't come across as a man racked with fear — at least not immediately.

Over and over again at a press conference Thursday, D'Joli thanked the Canadian government for letting him come here as a refugee in 1996. Only when asked about a much younger brother did his face cloud over.

Christian D'Joli, 16, is in hiding in the Democratic Republic of the Congo, a French-speaking country that has been ruled by one military dictatorship after another since gaining its independence in 1960. For the past three years, the country has been in a civil war. And millions have died in fighting, according to D'Joli.

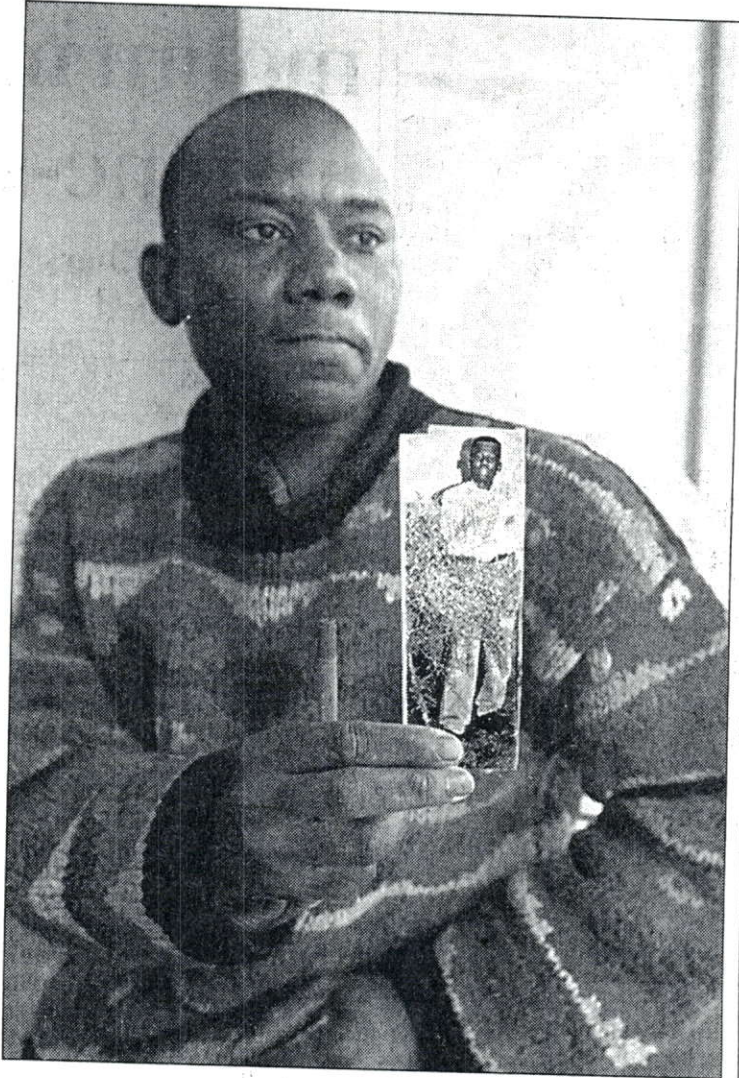
"Christian is in a dangerous situation," said D'Joli, 33, a former lawyer and human rights activist who escaped the Congo in 1994 and was later accepted as a convention refugee in Canada.

He's now a full-time business administration student at NAIT. His brother Christian stays at an undisclosed orphanage in Kinshasa, the Congolese capital, thanks to money D'Joli is able to send from a part-time security job. Other family members are either dead or their whereabouts are unknown.

For two years, D'Joli has tried sponsoring his brother here, but he keeps tripping over immigration red tape. Increasingly, D'Joli fears he'll never see Christian again.

"I'm very frustrated after two years of delays," said D'Joli, adding that the Laurent Kabila regime has begun rounding up youngsters in the war-torn country to fight against a coalition of rebels.

"Even for me to speak is very dangerous for my brother," he



Jean D'Joli with a picture of his brother, Christian Jean D'Joli

CANDACE ELLIOTT, THE JOURNAL

said, adding the Congolese embassy in Ottawa keeps tabs on dissidents.

Local human rights lawyer Shirish Chotalia, who's providing free legal assistance, says she can't understand why the case has dragged on so long considering the imminent danger facing Christian D'Joli.

Noting Canada's acceptance of thousands of refugees from the former Yugoslavia, Chotalia wonders whether Canadian immigration officials "might look more sympathetically" if Christian were from a European country.

"The press knows and every-

body knows what the situation is, it's an ongoing disaster in that country," she said, adding D'Joli's application should have received urgent attention from day 1.

She wants the department to issue a minister's permit for Christian to come here on humanitarian and compassionate grounds.

Randy Gurlock, assistant manager of the Edmonton office of Citizenship and Immigration, says privacy legislation prevents him from discussing the case. However, in similar cases Gurlock said it would be the responsibility of visa posts abroad to determine who gets to come on a minister's permit.

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Canada's intelligence service has been told to improve the way it screens prospective immigrants and refugees after a ...
 government watchdog committee found the agency had wrongly labelled three Kurdish refugees as terrorists.

In three reports to be released at separate news conferences today in Edmonton and Toronto, the Security Intelligence Review Committee is harshly critical of the security assessments used to determine whether the immigrants posed a security risk to Canada.

The SIRC reports say the Canadian Security Intelligence Service needs a new process for analyzing the information used to assess the backgrounds of prospective refugees and immigrants, and needs to adopt a narrower definition of who is a 'member' of a terrorist group.

"The difficulty with this line of approach is that it casts a very wide net, and that a great many people who are politically active Kurdish nationalists, who are peaceful, law-abiding and non-violent, will be labelled as 'terrorists,'" the report said.

* Sharish Chotalia, the lawyer who represents one of the men, said she understands the importance of weeding out terrorists but believes CSIS often lacks evidence to prove their allegations. "Our ... view is that CSIS often acts on information that is speculative, and bases its findings on distortions and misperceptions of an individual."

CSIS said it was studying the recommendations. They come as many Canadians are calling for the reverse: Tougher government action to keep suspected terrorists out of the country following the discovery of a suspected Islamic terrorist ring that is accused of plotting to bomb the United States.

CSIS screens tens of thousands of would be immigrants and citizens each year in order to prevent war criminals, terrorists and crime figures from setting up shop in Canada. The information is passed to Citizenship Immigration Canada, which makes the final decision on admissibility.

The reports to be released today concern Sami Durgun, Suleyman Goven and another man known only as Ahmad. All three are Kurdish activists who sought refuge in Canada but found their applications for landed immigrant status were delayed due to accusations they were members of the Kurdistan Workers Party, or PKK, a terrorist ... group fighting for an ethnic state.

Dan Lambert, the CSIS spokesman, said the central issue raised by SIRC is the definition of who is a member of a terrorist group. He said CSIS has taken a broad in-

terpretation of the term "membership" based on a series of court rulings. The courts have ruled that the term "membership" should be given an "unrestricted and broad" interpretation when national security is at stake.

"Our view is that the courts have done a good job of defining the issue and the issue is membership in terrorist organizations," Mr. Lambert said. "We believe that jurisprudence has made it clear relative to the Immigration Act and the CSIS Act, but obviously SIRC has a different view."

SIRC called the intelligence assessment of one man -- a Kurdish scientist, intellectual and Amnesty International activist living in Edmonton -- "of an extremely poor quality," "full of conjecture" and biased.

... Ms. Chotalia said her client has suffered emotionally and professionally over the last five years, as his landed immigrant case has languished in the system. The man, an award-winning PhD student at the University of Alberta, he has been unable to travel to present his research at conferences around the world; he has been the subject of surveillance and his phones have been tapped.

The 34-year-old Iranian Kurd believes he was initially targeted by CSIS because he readily admitted to contacting people in the Kurdish community with PKK sympathies -- as well as those who were against the PKK.