

Federal Court



Cour fédérale

**Date: 20170310**

**Docket: IMM-975-16**

**Citation: 2017 FC 269**

**Ottawa, Ontario, March 10, 2017**

**THE CHIEF JUSTICE**

**BETWEEN:**

**GHAZALA ASIF KHAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Mrs. Khan, is a citizen of Pakistan. Her application for permanent residence in Canada was denied after her spouse was found to be inadmissible to Canada on the basis that there are reasonable grounds to believe that he had been complicit in the commission of crimes against humanity, and that he had personally participated in such crimes when he was a high-ranking member of Pakistan's military.

[2] Mrs. Khan asserts that the decision denying her application should be set aside on the basis that the reasons provided were not sufficiently justified, transparent or intelligible.

[3] I disagree. For the reasons that follow, this Application will be dismissed.

I. Background

[4] In support of her application for permanent residence in Canada as a member of the investor class, Mrs. Kahn disclosed that her spouse had been employed with Pakistan's military between 1976 and 2000, and that he had risen through the ranks to eventually become a Lieutenant Colonel.

[5] In June 2012, Mr. Khan participated in an interview [the Interview] in relation with his spouse's application. A summary of the Interview states that Mr. Khan acknowledged that he had been a member of the joint Pakistani military and police Field Interrogation Team [FIT] in Karachi when it was involved in "Operation Clean Up" in 1992 and 1993; and that he had used interrogation techniques such as slapping, punching, using stress positions and forcing detainees to look at the sun, during that period. That summary added that Mr. Khan insisted that those techniques did not constitute torture because no electricity, water boarding, heavy beatings or techniques that caused long-term physical damage were used.

[6] The visa office in London, U.K., informed former counsel to Mrs. Khan that it did not have a transcript of the Interview. However, a redacted version of the security advice brief of the

Canadian Security Intelligence Services [CSIS] security advice brief was included at pages 235–239 of the Certified Tribunal Record [CTR].

[7] Through counsel, Mr. Khan subsequently clarified that he had not personally used or witnessed such interrogation techniques, that he does not personally condone them and that he suspects the police alone had used them. However, he acknowledged that such techniques would legally constitute torture (CTR, at 205, 212 and 218).

## II. The Decision Under Review

[8] The decision under review [the Decision] is comprised of a form letter, dated January 7, 2016, and computerized notes [Notes] that were prepared by the Immigration Officer [the Officer] who issued the Decision, as well as by others who were involved in processing Mrs. Khan's application. It is common ground between the parties that the Notes form part of the Decision.

[9] The letter informed Mrs. Khan that her application for a permanent resident visa had been rejected on the basis that there are reasonable grounds to believe that her spouse, Muhammad Asif Khan, is a member of the inadmissible class of persons described in paragraph 35(1)(a) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. The letter explained that, pursuant to paragraph 42(1)(a) of the IRPA, a foreign national is inadmissible on grounds of an inadmissible family member if their accompanying family member or, in prescribed circumstances, their non-accompanying family member is inadmissible. Given that her spouse is inadmissible, she too is inadmissible.

[10] Among other things, the Decision described the facts relating to Mr. Khan's military service and the statements that he allegedly made regarding the interrogation techniques that he used, as described at paragraph 5 above. The Decision also described the subsequent clarifications that were provided by Mr. Khan. However, the Officer stated that those responses did not appear to be sufficient to warrant a reconsideration of Mr. Khan's inadmissibility.

[11] In addition, the Decision referred to open-source information that reported upon human rights abuses, including torture, perpetrated by the military in Pakistan. The Decision further stated that Mr. Khan had been a member of divisions within the army which were responsible for human rights abuses, including torture. Given the length of Mr. Khan's military service, and the fact that it had been voluntary, the Officer concluded that he would have been complicit in the human rights abuses reported to have been committed by the military during the time that he was in its service.

### III. Relevant Legislation

[12] As noted above, paragraph 42(1)(a) of the IRPA provides that a foreign national, other than a protected person, is inadmissible on grounds of an inadmissible family member if that person's accompanying family member or, in prescribed circumstances, their non-accompanying family member, is inadmissible.

[13] Pursuant to paragraph 35(1)(a) of the IRPA, a permanent resident or foreign national is inadmissible on grounds of violating human or international rights where that person has

committed an act outside Canada that constitutes an offence referred to in sections 4 to 7 of the *Crimes Against Humanity and War Crimes Act*, SC 2000, c 24 [CAHWCA].

[14] Pursuant to section 33 of the IRPA, the facts that constitute inadmissibility under sections 34 to 37 include facts arising from omissions and, unless otherwise provided, include facts for which there are reasonable grounds to believe that they have occurred, are occurring or may occur.

[15] Among other things, subsection 6(1) of the CAHWCA provides that every person who, either before or after the coming into force of that provision, commits a crime against humanity is guilty of an indictable offence. Pursuant to subsection 6(3), a crime against humanity includes torture.

[16] Pursuant to subsection 7(1) of the CAHWCA, a military commander commits an indictable offence if that person, outside Canada, fails, before or after the coming into force of that section, to exercise control properly over a person under their effective command, or control or effective authority and control, and as a result the latter person commits an offence under section 6. Subsection 7(1) creates an additional offence where a military commander knows, or is criminally negligent in failing to know, that the person described immediately above is about to commit or is committing such an offence. In each case, the offence is not complete unless the military commander (i) fails to take, as soon as reasonably practicable, all necessary and reasonable measures within their power to prevent or repress the commission of the offence, or the further commission of the offence; or (ii) fails to take, as soon as practicable, all necessary

and reasonable measures within his or her power to submit the matter to the competent authorities for investigation and prosecution.

[17] Subsection 7(2) of the CAHWCA establishes similar offences for a “superior,” who is defined to be “a person in authority, other than a military commander.”

[18] The full text of the aforementioned provisions is provided in Appendix 1 to these reasons.

#### IV. Issue

[19] In my view, the only issue raised by this Application is whether the Decision is reasonable. Contrary to Mrs. Khan’s assertions, the adequacy of the reasons provided in the Decision is not a stand-alone basis for setting aside the Decision. Rather, those reasons must be considered together with the outcome in determining whether the Decision is reasonable (*Newfoundland and Labrador Nurses’ Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, at paras 14 and 22 [*Newfoundland Nurses*]).

[20] Mrs. Khan also asserted that her spouse had been denied procedural fairness based on the fact that an interpreter was not present at the Interview. However, at the oral hearing, counsel to Mrs. Khan conceded that her spouse should have raised this issue at the Interview (*Mohammadian v Canada (Minister of Citizenship and Immigration)*, 2001 FCA 191; *Kazi v Canada (Minister of Citizenship and Immigration)*, 2002 FCT 733; *Mohamed v Canada (Citizenship and Immigration)*, 2014 FC 192). Accordingly, this is no longer a live issue in this Application.

[21] In conducting a review on a reasonableness standard, the Court will assess whether the Decision falls “within a range of possible, acceptable outcomes which are defensible in respect of the facts and the law” (*Dunsmuir v New Brunswick*, 2008 SCC 9, at para 47 [*Dunsmuir*]). In performing that assessment, the Court is required to consider whether the Decision fits comfortably within the principles of justification, transparency and intelligibility (*Dunsmuir*, above, at para 47; *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12, at para 59). In that regard, the Court will assess whether the Decision under review explains why the ultimate conclusion was reached, and whether that conclusion was within the range of acceptable outcomes described above (*Newfoundland Nurses*, above, at para 16).

V. Analysis

A. *Direct Participation in Crimes Against Humanity*

[22] Mrs. Khan submits that the alleged admission relied upon by the Officer in concluding that her spouse had directly participated in torture did not provide a sufficient basis upon which to reach that conclusion. She maintains that the circumstances in which the admission was allegedly made give rise to a reasonable doubt as to whether the admission was in fact made, and that the Officer erred by failing to ensure that there was no ambiguity with respect to that admission.

[23] In my view, the Officer’s conclusion that there were reasonable grounds to believe that Mr. Khan had directly participated in acts that amount to torture, and that such acts constituted offences referred to in sections 4 to 7 of the CAHWCA, was not unreasonable.

[24] The standard of “reasonable grounds to believe” that is set forth in section 33 of the IRPA contemplates a lower evidentiary threshold than what is contemplated by the standards of “balance of probabilities” and “serious reasons for considering” (*Ezokola v Canada (Citizenship and Immigration)*, 2013 SCC 40, at para 101 [*Ezokola*]). Stated differently, the standard of proof lies somewhere between mere suspicion and the latter standards. In brief, reasonable grounds will exist where there is an objective basis for the belief which is based on compelling and credible information (*Mugesera v Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40, at para 114).

[25] In the Decision, the Officer noted that Mr. Khan’s denial that he had ever personally participated in, controlled or condoned torture was contradictory to what he stated in the Interview. The Officer acknowledged that Mr. Khan insisted that he did not consider his acts to have amounted to torture and that he now denies having engaged in such acts altogether. However, the Officer concluded that such statements were not sufficient to warrant a reconsideration of the preliminary conclusion conveyed to Mrs. Khan in May 2015 (CTR, at 198). That preliminary conclusion was that Mr. Khan appeared to be inadmissible pursuant to paragraph 35(1)(a) of the IRPA, because he had acknowledged that, as a member of the Pakistani military, he had committed acts that constitute offences referred to in sections 4 to 7 of the CAHWCA.

[26] In my view, the conclusion that there were reasonable grounds to believe that Mr. Khan had directly participated in torture and had therefore committed acts that constitute offences under the CAHWCA referred to immediately above, was not unreasonable.



[27] In brief, the admission given by Mr. Khan during the Interview was both compelling and credible. This is because of the details that he provided, the fact that his disclosure of those details constituted admissions against his interest, and the fact that he voluntarily contrasted the acts that he described with more egregious acts that he mistakenly thought were required to constitute torture. The information provided by Mr. Khan during the Interview had a “ring of truth” to it.

[28] In the absence of any evidence of bad faith on the part of the senior member of CSIS who prepared the security advice brief, there is no reason to doubt the veracity of that brief. In my view, that brief is not ambiguous at all. It very clearly states that Mr. Khan acknowledged “that he and other FIT members would slap, punch, use stress positions and force detainees to look at the sun to elicit confessions”; and that “Khan stated that this was not torture because no electricity, water boarding, heavy beatings or techniques that caused long-term physical damage were used.” (CTR, at 237, emphasis added.)

[29] In my view, the credibility of this account is enhanced by virtue of the additional detail provided by Mr. Khan, to the effect that “the FIT would turn over the detainees to the police once they confessed or declared not involved in [sic] or knowledgeable of terrorist activities by FIT” (emphasis added). Moreover, that additional detail made it very clear that the interrogation techniques in question were conducted by the FIT, rather than by the police, as now asserted by Mrs. Khan and her counsel.

[30] It was reasonably open to the Officer to consider the initial statements made by Mr. Khan to be more credible than the subsequent disavowal or clarification that was provided by his spouse and her counsel. This is because the initial statements were made at a time when Mr. Khan believed that the interrogation techniques that he described having personally used did not amount to “torture,” as contemplated by the CAHWCA. By contrast, the disavowal or clarification was made only after it had become apparent that his earlier statements might render both him and his spouse inadmissible to Canada. Moreover, that disavowal or clarification was only made by Mrs. Khan and her counsel, as opposed to by Mr. Khan in an affidavit.

[31] In summary, the evidence relied upon by the Officer to conclude that there were reasonable grounds to believe that Mr. Khan had directly committed acts of torture while he was a member of the FIT, and that he had therefore committed crimes set forth in the CAHWCA, was objective, compelling and credible. The conclusion reached by the Officer on the basis of that evidence was within the range of acceptable outcomes which are defensible in respect of the facts and the law.

[32] Mrs. Khan’s assertion that the evidence gives rise to a reasonable doubt as to whether her spouse committed the acts of torture described in the Decision confuses the criminal standard of proof (beyond a reasonable doubt) with the standard of proof that the Officer was required to apply (reasonable grounds to believe). Even if the evidence relied upon by the Officer left open a reasonable doubt as to whether Mr. Khan had in fact committed the acts of torture described in the Decision, that would not preclude, or be inconsistent with, the conclusion that there were reasonable grounds to believe that he had committed those acts.

B. *Complicity in Crimes Against Humanity*

[33] Mrs. Khan submits that the Officer's conclusion that her spouse was complicit in torture, and therefore in crimes against humanity, was not appropriately justified, transparent or intelligible. In this regard, she asserts that the Decision did not describe which divisions of Pakistan's military had engaged in acts of torture, and that it did not address the link between her spouse and those divisions and acts.

[34] I disagree.

[35] To establish complicity in crimes against humanity, it is necessary to establish that an individual "has voluntarily made a significant and knowing contribution" to the commission of such crimes (*Ezokola*, above, at para 84; *Talpur v Canada (Citizenship and Immigration)*, 2016 FC 822, at para 21; see also *Kanagendren v Canada (Citizenship and Immigration)*, 2015 FCA 86, at para 21).

[36] In assessing whether an individual has made such a contribution to such crimes committed by an organization, consideration should be given to the following factors (*Ezokola*, above, at para 91):

- (i) the size and nature of the organization;
- (ii) the part of the organization with which the individual was most directly concerned;
- (iii) the individual's duties and activities within the organization;
- (iv) the individual's position or rank in the organization;

(v) the length of time the individual was in the organization, particularly after acquiring knowledge of the group's crime or criminal purpose; and

(vi) the method by which the individual was recruited and his or her opportunity to leave the organization.

[37] I will address each of these factors below. For convenience, I have combined my discussion of the third and fourth factors.

(1) Size and nature of the organization

[38] With respect to this factor, the Officer appropriately recognized that the size and nature of Pakistan's military is such that many who have served with it may not have been directly responsible or complicit in the crimes against humanity that it is reported to have committed.

(2) The part of the organization in which Mr. Khan was most directly concerned

[39] Regarding the part of the military in which Mr. Khan was most directly concerned, the Officer did not explicitly mention the FIT or any other groups within the military. The Officer simply mentioned being "satisfied that [Mr. Khan] was a member of divisions within the army which were responsible for human rights abuses, including torture" (CTR, at 198).

[40] In the particular circumstances of this case, the Officer was not required to specifically refer to the FIT or to the other groups in the military in which Mr. Khan had worked. That information had been provided by Mrs. Khan, her counsel and Mr. Khan, either as part of the initial application, in the Interview, or in subsequent correspondence (CTR, at 43-44, 62, 212,

236). For example, during the Interview, Mr. Khan disclosed that he had been assigned to the FIT between 1992 and 1993, after having spent several years with Pakistan's Military Intelligence [MI] group. Moreover, in the Additional Family Information form that Mrs. Khan provided in support of her application, it was indicated that Mr. Khan had been a Lieutenant Colonel with the Pakistan Rangers division in the Sindh province, in which Karachi is located. As discussed below, there was evidence before the Officer indicating that the FIT, the MI group and the Pakistan Rangers division had committed both torture and other human rights abuses, including in Karachi during the period when Mr. Khan was stationed there. There is nothing in the CTR to suggest that Mr. Khan's involvement with these parts of the military was a matter of dispute between the parties. Rather, the issues were whether those parts of the military had been involved in human rights abuses and torture, and if so, whether Mr. Khan had been complicit in those crimes.

(3) Mr. Khan's duties, activities and rank within the military

[41] The Decision noted that Mr. Khan had risen to the rank of Lieutenant Colonel over the course of a long and successful career in the military.

[42] It would have been preferable for the Decision to have specifically addressed some of the other positions of leadership that Mr. Khan had held in the military, together with some of his duties and responsibilities. However, once again, given the particular facts of this case, it was not essential that these matters be addressed in the Decision. This is because they were all summarized in the materials that were provided in support of Mrs. Khan's application for a permanent resident visa. In these circumstances, and considering that the Decision referred to

Mr. Khan's "long and successful" career, it is entirely appropriate for the Court to consider the information in the CTR for the purposes of assessing the reasonableness of the Decision (*Newfoundland Nurses*, above, at para 15).

[43] The CTR reflects that there was no dispute between the parties with respect to any of the ranks held by Mr. Khan, his duties, or his activities (other than as they may have related to human rights abuses and torture). The Details of Military Service that appear to have been provided in support of his spouse's application state that, as Lieutenant Colonel between 1997 and 2000, Mr. Khan's duties included "to ensure/assist local police in maintaining law and order." That same document also indicates that from June 1994 to September 1997, he was a "Commanding Officer," with the ranks of Lieutenant Colonel or Major; and that he was a Major, with varying responsibilities, over a period of several years dating back to the late 1980s. The document further indicates that, prior to that point in time, Mr. Khan was a Captain starting in March 1982. In those various capacities, his duties were described as including keeping his unit fit for any operational or administrative tasks, assisting the Commander in the performance of his duties and assisting the Commander to maintain law and order (CTR, at 42–44).

[44] With respect to the involvement of the FIT in human rights abuses and torture, the Decision observed that Mr. Khan's denial of ever having participated in the activities that were described in e-mail correspondence with Mrs. Khan's former representative (CTR, at 209) is contradictory to what he stated in the Interview. As noted at paragraph 28 above, Mr. Khan stated in the Interview that he and other FIT members engaged in those activities, which he now disavows but acknowledges would constitute torture (CTR, at 212). For the reasons discussed at

paragraphs 27 and 29 above, it was reasonably open to the Officer to find that statement made during the Interview to be more credible than Mr. Khan's subsequent disavowal or clarification, with respect to both his and the FIT's involvement in torture.

[45] CSIS's redacted security advice brief also states that Mr. Khan revealed that he had been involved with the MI group within the military. According to a report by the Asian Human Rights Commission that was cited in the report of the Canadian Border Services Agency [CBSA] to the London visa office on Mr. Khan, both the MI group and the Pakistan Rangers division are among the main agencies that keep persons incommunicado and torture them to confess their involvement in anti-state activities (CTR, at 228; Respondent's Record, at 39–40).

[46] In recommending that there are reasonable grounds to believe that Mr. Khan is inadmissible to Canada pursuant to paragraph 35(1)(a) of the IRPA, the CBSA report cited additional third party sources that reported on torture and other human rights violations perpetrated by the MI group and by the Pakistan Army, including during the 1992–1994 “Operation Clean Up” initiative, in which Mr. Khan admitted having been involved in Karachi.

[47] For example, the CBSA report quoted from the United States Department of State Country Report on Human Rights Practices for 1993, which noted that “Operation Clean Up” had sparked credible charges of human rights violations by the army units involved and of selective targeting of certain political elements in Pakistan's Sindh province. The CBSA also quoted a report from Amnesty International, published in 1993, which described torture by the

police, the paramilitary and the military as having been endemic, widespread and systematic in Pakistan in 1992 and 1993.

[48] In my view, the above-mentioned evidence of the involvement of FIT, the MI group and the Pakistan Rangers in torture was objective, compelling and credible. It was not unreasonable for the Officer to have relied on that information, in concluding that those parts of Pakistan's military had been engaged in torture.

[49] Based on my review of the CTR, I am satisfied that that the above information was what the Decision was referring to when it stated that "[o]pen source information has reported that human rights abuses, including torture, have been perpetrated by the military in Pakistan," and that Mr. Khan had been "a member of divisions within the army which were responsible for human rights abuses, including torture."

- (4) The length of time that Mr. Khan was with the military, particularly after acquiring knowledge of the military's crimes

[50] With respect to this factor, the Decision simply noted that Mr. Khan had served in the military from 1976 to 2000.

- (5) The method by which Mr. Khan was recruited and his opportunity to leave the military

[51] Insofar as this final factor is concerned, the Decision simply stated that "the army appears to have been [Mr. Khan's] chosen career, which has been both long and successful." It has not



been suggested on behalf of Mr. Khan that any portion of his career with the military was not voluntary on his part.

C. *Summary*

[52] Having regard to the foregoing, I am satisfied that the conclusion reached by the Officer with respect to Mr. Khan's complicity in human rights abuses, including torture, was not unreasonable. That conclusion fell within a range of possible, acceptable outcomes which are defensible in respect of the facts and the law, particularly when regard is had to the information in the CTR to which the Decision alluded.

[53] Considering the information that was provided by Mrs. Khan, her counsel and Mr. Khan, and that was not in dispute between them and the Officer, the Decision as a whole fit comfortably within the principles of justification, transparency and intelligibility.

[54] In brief, the Decision explicitly or implicitly addressed the appropriate factors in explaining how the ultimate conclusion was reached, including the parts of the military in which Mr. Khan had been employed, the human rights abuses and torture perpetrated by those parts of the organization, the very senior nature of the positions held by Mr. Khan, the long period of time during which he served with the military, and the voluntary nature of that service. The findings described in the Decision were supported by credible evidence that was directly or indirectly provided by Mr. Khan, as well as by credible and objective third party sources.

[55] As noted in *Ezokola*, above, at para 97, “[a] high-ranking individual in an organization may be more likely to have knowledge of that organization’s crime or criminal purpose” and “may have effective control over those directly responsible for criminal acts.”

[56] Moreover, “[i]t may be easier to establish complicity where an individual has been with the organization for a longer period of time” because this “would increase the chance that the individual had knowledge of the organization’s crime or criminal purpose” (*Ezokola*, above, at para 98).

[57] Considered as a whole, the evidence mentioned and alluded to in the Decision provided a compelling basis for the conclusion that there were reasonable grounds to believe that Mr. Khan had been complicit in the torture that was perpetrated by the FIT, MI and Pakistan Rangers groups within the military in which he had held senior positions. In essence, that evidence established that Mr. Khan had voluntarily made a significant and knowing contribution to the commission of one or more crimes described in sections 4 to 7 of the CAHWCA. In turn, that implicit finding provided the basis for the ultimate conclusion that Mr. Khan is inadmissible to Canada pursuant to paragraph 35(1)(a) of the IRPA, and that therefore Mrs. Khan is inadmissible pursuant to paragraph 42(1)(a).

## VI. Conclusion

[58] For the reasons set forth above, the conclusions that there were reasonable grounds to believe that Mr. Khan had been both complicit in, and personally involved in, acts of torture, and therefore in crimes set forth in sections 4 to 7 of the CAHWCA, were not unreasonable.

[59] Accordingly, this Application will be dismissed.

[60] Given that no serious question of general importance has been raised in this proceeding, there is no question for certification.

**JUDGMENT**

**THE COURT ADJUDGES THAT:**

1. This application is dismissed.
2. There is no question for certification.

“Paul S. Crampton”

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Chief Justice

## APPENDIX 1

### RELEVANT LEGISLATION

*Immigration and Refugee  
Protection Act, SC 2001, c 27*

*Rules of interpretation*

33 The facts that constitute inadmissibility under sections 34 to 37 include facts arising from omissions and, unless otherwise provided, include facts for which there are reasonable grounds to believe that they have occurred, are occurring or may occur.

*Human or international rights  
violations*

35 (1) A permanent resident or a foreign national is inadmissible on grounds of violating human or international rights for

(a) committing an act outside Canada that constitutes an offence referred to in sections 4 to 7 of the Crimes Against Humanity and War Crimes Act;

(b) being a prescribed senior official in the service of a government that, in the opinion of the Minister, engages or has engaged in terrorism, systematic or gross human rights violations, or genocide, a war crime or a crime against humanity within the meaning of subsections 6(3) to (5) of the Crimes Against Humanity and War Crimes Act; or

*Loi sur l'immigration et la  
protection des réfugiés, LC 2001, c  
27*

*Interprétation*

33 Les faits — actes ou omissions — mentionnés aux articles 34 à 37 sont, sauf disposition contraire, appréciés sur la base de motifs raisonnables de croire qu'ils sont survenus, surviennent ou peuvent survenir.

*Atteinte aux droits humains ou  
internationaux*

35 (1) Emportent interdiction de territoire pour atteinte aux droits humains ou internationaux les faits suivants :

a) commettre, hors du Canada, une des infractions visées aux articles 4 à 7 de la Loi sur les crimes contre l'humanité et les crimes de guerre;

b) occuper un poste de rang supérieur — au sens du règlement — au sein d'un gouvernement qui, de l'avis du ministre, se livre ou s'est livré au terrorisme, à des violations graves ou répétées des droits de la personne ou commet ou a commis un génocide, un crime contre l'humanité ou un crime de guerre au sens des paragraphes 6(3) à (5) de la Loi sur les crimes contre l'humanité et les crimes de guerre;

(c) being a person, other than a permanent resident, whose entry into or stay in Canada is restricted pursuant to a decision, resolution or measure of an international organization of states or association of states, of which Canada is a member, that imposes sanctions on a country against which Canada has imposed or has agreed to impose sanctions in concert with that organization or association.

(2) [Repealed, 2013, c. 16, s. 14]

*Inadmissible family member*

42 (1) A foreign national, other than a protected person, is inadmissible on grounds of an inadmissible family member if

(a) their accompanying family member or, in prescribed circumstances, their non-accompanying family member is inadmissible; or

(b) they are an accompanying family member of an inadmissible person.

*Exception*

(2) In the case of a foreign national referred to in subsection (1) who is a temporary resident or who has made an application for temporary resident status or an application to remain in Canada as a temporary resident,

(a) the matters referred to in paragraph (1)(a) constitute inadmissibility only if the family member is inadmissible under section 34, 35 or 37; and

c) être, sauf s'agissant du résident permanent, une personne dont l'entrée ou le séjour au Canada est limité au titre d'une décision, d'une résolution ou d'une mesure d'une organisation internationale d'États ou une association d'États dont le Canada est membre et qui impose des sanctions à l'égard d'un pays contre lequel le Canada a imposé — ou s'est engagé à imposer — des sanctions de concert avec cette organisation ou association.

(2) [Abrogé, 2013, ch. 16, art. 14]

*Inadmissibilité familiale*

42 (1) Emportent, sauf pour le résident permanent ou une personne protégée, interdiction de territoire pour inadmissibilité familiale les faits suivants :

a) l'interdiction de territoire frappant tout membre de sa famille qui l'accompagne ou qui, dans les cas réglementaires, ne l'accompagne pas;

b) accompagner, pour un membre de sa famille, un interdit de territoire.

*Exception*

(2) Dans le cas où l'étranger visé au paragraphe (1) est résident temporaire ou dans le cas où il a présenté une demande pour obtenir le statut de résident temporaire ou une demande de séjour au Canada à titre de résident temporaire :

a) les faits visés à l'alinéa (1)a) emportent interdiction de territoire seulement si le membre de sa famille est interdit de territoire en raison d'un cas visé aux articles 34, 35 ou 37;

(b) the matters referred to in paragraph (1)(b) constitute inadmissibility only if the foreign national is an accompanying family member of a person who is inadmissible under section 34, 35 or 37.

***Crimes Against Humanity and War Crimes Act, SC 2000, c 24***

*Genocide, etc., committed in Canada*

4 (1) Every person is guilty of an indictable offence who commits

- (a) genocide;
- (b) a crime against humanity; or
- (c) a war crime.

*Conspiracy, attempt, etc.*

(1.1) Every person who conspires or attempts to commit, is an accessory after the fact in relation to, or counsels in relation to, an offence referred to in subsection (1) is guilty of an indictable offence.

*Punishment*

(2) Every person who commits an offence under subsection (1) or (1.1)

- (a) shall be sentenced to imprisonment for life, if an intentional killing forms the basis of the offence; and
- (b) is liable to imprisonment for life, in any other case.

*Definitions*

(3) The definitions in this subsection apply in this section.

b) les faits visés à l'alinéa (1)b) emportent interdiction de territoire seulement si le membre de sa famille qu'il accompagne est interdit de territoire en raison d'un cas visé aux articles 34, 35 ou 37.

***Loi sur les crimes contre l'humanité et les crimes de guerre, LC 2000, c 24***

*Génocide, crime contre l'humanité, etc., commis au Canada*

4 (1) Quiconque commet une des infractions ci-après est coupable d'un acte criminel :

- a) génocide;
- b) crime contre l'humanité;
- c) crime de guerre.

*Punition de la tentative, de la complicité, etc.*

(1.1) Est coupable d'un acte criminel quiconque complotte ou tente de commettre une des infractions visées au paragraphe (1), est complice après le fait à son égard ou conseille de la commettre.

*Peines*

(2) Quiconque commet une infraction visée aux paragraphes (1) ou (1.1) :

- a) est condamné à l'emprisonnement à perpétuité, si le meurtre intentionnel est à l'origine de l'infraction;
- b) est passible de l'emprisonnement à perpétuité, dans les autres cas.

*Définitions*

(3) Les définitions qui suivent s'appliquent au présent article.

*crime against humanity* means murder, extermination, enslavement, deportation, imprisonment, torture, sexual violence, persecution or any other inhumane act or omission that is committed against any civilian population or any identifiable group and that, at the time and in the place of its commission, constitutes a crime against humanity according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission. (*crime contre l'humanité*)

*war crime* means an act or omission committed during an armed conflict that, at the time and in the place of its commission, constitutes a war crime according to customary international law or conventional international law applicable to armed conflicts, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission. (*crime de guerre*)

*genocide* means an act or omission committed with intent to destroy, in whole or in part, an identifiable group of persons, as such, that, at the time and in the place of its commission, constitutes genocide according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at

*crime contre l'humanité* Meurtre, extermination, réduction en esclavage, déportation, emprisonnement, torture, violence sexuelle, persécution ou autre fait — acte ou omission — inhumain, d'une part, commis contre une population civile ou un groupe identifiable de personnes et, d'autre part, qui constitue, au moment et au lieu de la perpétration, un crime contre l'humanité selon le droit international coutumier ou le droit international conventionnel, ou en raison de son caractère criminel d'après les principes généraux de droit reconnus par l'ensemble des nations, qu'il constitue ou non une transgression du droit en vigueur à ce moment et dans ce lieu. (*crime against humanity*)

*crime de guerre* Fait — acte ou omission — commis au cours d'un conflit armé et constituant, au moment et au lieu de la perpétration, un crime de guerre selon le droit international coutumier ou le droit international conventionnel applicables à ces conflits, qu'il constitue ou non une transgression du droit en vigueur à ce moment et dans ce lieu. (*war crime*)

*génocide* Fait — acte ou omission — commis dans l'intention de détruire, en tout ou en partie, un groupe identifiable de personnes et constituant, au moment et au lieu de la perpétration, un génocide selon le droit international coutumier ou le droit international conventionnel, ou en raison de son caractère criminel d'après les principes généraux de droit reconnus par l'ensemble des nations, qu'il constitue ou non une transgression du droit en vigueur à ce



the time and in the place of its commission. (*génocide*)

*Interpretation — customary international law*

(4) For greater certainty, crimes described in Articles 6 and 7 and paragraph 2 of Article 8 of the Rome Statute are, as of July 17, 1998, crimes according to customary international law. This does not limit or prejudice in any way the application of existing or developing rules of international law.

*Breach of responsibility by military commander*

5 (1) A military commander commits an indictable offence if

(a) the military commander

(i) fails to exercise control properly over a person under their effective command and control or effective authority and control, and as a result the person commits an offence under section 4, or

(ii) fails, after the coming into force of this section, to exercise control properly over a person under their effective command and control or effective authority and control, and as a result the person commits an offence under section 6;

(b) the military commander knows, or is criminally negligent in failing to know, that the person is about to commit or is committing such an offence; and

moment et dans ce lieu. (*génocide*)

*Interprétation : droit international coutumier*

(4) Il est entendu que, pour l'application du présent article, les crimes visés aux articles 6 et 7 et au paragraphe 2 de l'article 8 du Statut de Rome sont, au 17 juillet 1998, des crimes selon le droit international coutumier sans que soit limitée ou entravée de quelque manière que ce soit l'application des règles de droit international existantes ou en formation.

*Manquement à la responsabilité : chef militaire*

5 (1) Tout chef militaire est coupable d'un acte criminel si les conditions suivantes sont réunies :

a) selon le cas :

(i) il n'exerce pas le contrôle qui convient sur une personne placée sous son commandement et son contrôle effectifs ou sous son autorité et son contrôle effectifs et, en conséquence, la personne commet l'infraction visée à l'article 4,

(ii) il n'exerce pas, après l'entrée en vigueur du présent article, le contrôle qui convient sur une personne placée sous son commandement et son contrôle effectifs ou son autorité et son contrôle effectifs et, en conséquence, la personne commet l'infraction visée à l'article 6;

b) il sait que la personne est sur le point ou en train de commettre l'infraction ou il se rend coupable de négligence criminelle du fait qu'il ignore qu'elle est sur le point ou en

(c) the military commander subsequently

(i) fails to take, as soon as practicable, all necessary and reasonable measures within their power to prevent or repress the commission of the offence, or the further commission of offences under section 4 or 6, or

(ii) fails to take, as soon as practicable, all necessary and reasonable measures within their power to submit the matter to the competent authorities for investigation and prosecution.

*Breach of responsibility by a superior*

(2) A superior commits an indictable offence if

(a) the superior

(i) fails to exercise control properly over a person under their effective authority and control, and as a result the person commits an offence under section 4, or

(ii) fails, after the coming into force of this section, to exercise control properly over a person under their effective authority and control, and as a result the person commits an offence under section 6;

(b) the superior knows that the person is about to commit or is committing such an offence, or consciously disregards information

train de commettre l'infraction;

c) en conséquence, il ne prend pas, dès que possible, toutes les mesures nécessaires et raisonnables en son pouvoir pour :

(i) soit empêcher ou réprimer la perpétration de l'infraction ou empêcher la perpétration d'autres infractions visées aux articles 4 ou 6,

(ii) soit en référer aux autorités compétentes aux fins d'enquête et de poursuite.

*Manquement à la responsabilité : autres supérieurs*

(2) Tout supérieur est coupable d'un acte criminel si les conditions suivantes sont réunies :

a) selon le cas :

(i) il n'exerce pas le contrôle qui convient sur une personne placée sous son autorité et son contrôle effectifs et, en conséquence, la personne commet l'infraction visée à l'article 4,

(ii) il n'exerce pas, après l'entrée en vigueur du présent article, le contrôle qui convient sur une personne placée sous son autorité et son contrôle effectifs et, en conséquence, la personne commet l'infraction visée à l'article 6;

b) il sait que la personne est sur le point ou en train de commettre l'infraction ou il néglige délibérément de tenir compte de

that clearly indicates that such an offence is about to be committed or is being committed by the person;

(c) the offence relates to activities for which the superior has effective authority and control; and

(d) the superior subsequently

(i) fails to take, as soon as practicable, all necessary and reasonable measures within their power to prevent or repress the commission of the offence, or the further commission of offences under section 4 or 6, or

(ii) fails to take, as soon as practicable, all necessary and reasonable measures within their power to submit the matter to the competent authorities for investigation and prosecution.

*Conspiracy, attempt, etc.*

(2.1) Every person who conspires or attempts to commit, is an accessory after the fact in relation to, or counsels in relation to, an offence referred to in subsection (1) or (2) is guilty of an indictable offence.

*Punishment*

(3) Every person who commits an offence under subsection (1), (2) or (2.1) is liable to imprisonment for life.

*Definitions*

renseignements qui indiquent clairement qu'elle est sur le point ou en train de commettre l'infraction;

c) l'infraction est liée à des activités relevant de son autorité et de son contrôle effectifs;

d) en conséquence, il ne prend pas, dès que possible, toutes les mesures nécessaires et raisonnables en son pouvoir pour :

(i) soit empêcher ou réprimer la perpétration de l'infraction ou empêcher la perpétration d'autres infractions visées aux articles 4 ou 6,

(ii) soit en référer aux autorités compétentes aux fins d'enquête et de poursuite.

*Punition de la tentative, de la complicité, etc.*

(2.1) Est coupable d'un acte criminel quiconque complotte ou tente de commettre une des infractions visées aux paragraphes (1) ou (2), est complice après le fait à son égard ou conseille de la commettre.

*Peines*

(3) Quiconque commet une infraction visée aux paragraphes (1), (2) ou (2.1) est passible de l'emprisonnement à perpétuité.

*Définitions*

(4) The definitions in this subsection apply in this section.

*military commander* includes a person effectively acting as a military commander and a person who commands police with a degree of authority and control comparable to a military commander. (*chef militaire*)

*Superior* means a person in authority, other than a military commander. (*supérieur*)

*Genocide, etc., committed outside Canada*

6 (1) Every person who, either before or after the coming into force of this section, commits outside Canada

- (a) genocide,
  - (b) a crime against humanity, or
  - (c) a war crime,
- is guilty of an indictable offence and may be prosecuted for that offence in accordance with section 8.

*Conspiracy, attempt, etc.*

(1.1) Every person who conspires or attempts to commit, is an accessory after the fact in relation to, or counsels in relation to, an offence referred to in subsection (1) is guilty of an indictable offence.

*Punishment*

(4) Les définitions qui suivent s'appliquent au présent article.

*chef militaire* S'entend notamment de toute personne faisant effectivement fonction de chef militaire et de toute personne commandant un corps de police avec un degré d'autorité et de contrôle similaire à un chef militaire. (*military commander*)

*supérieur* Personne investie d'une autorité, autre qu'un chef militaire. (*superior*)

*Génocide, crime contre l'humanité, etc., commis à l'étranger*

6 (1) Quiconque commet à l'étranger une des infractions ci-après, avant ou après l'entrée en vigueur du présent article, est coupable d'un acte criminel et peut être poursuivi pour cette infraction aux termes de l'article 8 :

- a) génocide;
- b) crime contre l'humanité;
- c) crime de guerre.

*Punition de la tentative, de la complicité, etc.*

(1.1) Est coupable d'un acte criminel quiconque complotte ou tente de commettre une des infractions visées au paragraphe (1), est complice après le fait à son égard ou conseille de la commettre.

*Peines*

(2) Every person who commits an offence under subsection (1) or (1.1)

(a) shall be sentenced to imprisonment for life, if an intentional killing forms the basis of the offence; and

(b) is liable to imprisonment for life, in any other case.

*Definitions*

(3) The definitions in this subsection apply in this section

*crime against humanity* means murder, extermination, enslavement, deportation, imprisonment, torture, sexual violence, persecution or any other inhumane act or omission that is committed against any civilian population or any identifiable group and that, at the time and in the place of its commission, constitutes a crime against humanity according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission. (*crime contre l'humanité*)

*war crime* means an act or omission committed during an armed conflict that, at the time and in the place of its commission, constitutes a war crime according to customary international law or conventional international law applicable to armed conflicts, whether or not it constitutes a contravention of the law

(2) Quiconque commet une infraction visée aux paragraphes (1) ou (1.1) :

a) est condamné à l'emprisonnement à perpétuité, si le meurtre intentionnel est à l'origine de l'infraction;

b) est passible de l'emprisonnement à perpétuité, dans les autres cas.

*Définitions*

(3) Les définitions qui suivent s'appliquent au présent article.

*crime contre l'humanité* Meurtre, extermination, réduction en esclavage, déportation, emprisonnement, torture, violence sexuelle, persécution ou autre fait — acte ou omission — inhumain, d'une part, commis contre une population civile ou un groupe identifiable de personnes et, d'autre part, qui constitue, au moment et au lieu de la perpétration, un crime contre l'humanité selon le droit international coutumier ou le droit international conventionnel ou en raison de son caractère criminel d'après les principes généraux de droit reconnus par l'ensemble des nations, qu'il constitue ou non une transgression du droit en vigueur à ce moment et dans ce lieu. (*crime against humanity*)

*crime de guerre* Fait — acte ou omission — commis au cours d'un conflit armé et constituant, au moment et au lieu de la perpétration, un crime de guerre selon le droit international coutumier ou le droit international conventionnel applicables à ces conflits, qu'il constitue ou non une transgression

in force at the time and in the place of its commission. (*crime de guerre*)

*genocide* means an act or omission committed with intent to destroy, in whole or in part, an identifiable group of persons, as such, that at the time and in the place of its commission, constitutes genocide according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission. (*génocide*)

*Interpretation — customary international law*

(4) For greater certainty, crimes described in articles 6 and 7 and paragraph 2 of article 8 of the Rome Statute are, as of July 17, 1998, crimes according to customary international law, and may be crimes according to customary international law before that date. This does not limit or prejudice in any way the application of existing or developing rules of international law.

*Interpretation — crimes against humanity*

(5) For greater certainty, the offence of crime against humanity was part of customary international law or was criminal according to the general principles of law recognized by the community of nations before the coming into force of either of the following:

du droit en vigueur à ce moment et dans ce lieu. (*war crime*)

*génocide* Fait — acte ou omission — commis dans l'intention de détruire, en tout ou en partie, un groupe identifiable de personnes et constituant, au moment et au lieu de la perpétration, un génocide selon le droit international coutumier ou le droit international conventionnel, ou en raison de son caractère criminel d'après les principes généraux de droit reconnus par l'ensemble des nations, qu'il constitue ou non une transgression du droit en vigueur à ce moment et dans ce lieu. (*genocide*)

*Interprétation : droit international coutumier*

(4) Il est entendu que, pour l'application du présent article, les crimes visés aux articles 6 et 7 et au paragraphe 2 de l'article 8 du Statut de Rome sont, au 17 juillet 1998, des crimes selon le droit international coutumier, et qu'ils peuvent l'être avant cette date, sans que soit limitée ou entravée de quelque manière que ce soit l'application des règles de droit international existantes ou en formation.

*Interprétation : crimes contre l'humanité*

(5) Il est entendu qu'un crime contre l'humanité transgressait le droit international coutumier ou avait un caractère criminel d'après les principes généraux de droit reconnus par l'ensemble des nations avant l'entrée en vigueur des documents suivants :

(a) the Agreement for the prosecution and punishment of the major war criminals of the European Axis, signed at London on August 8, 1945; and

(b) the Proclamation by the Supreme Commander for the Allied Powers, dated January 19, 1946.

*Breach of responsibility by military commander*

7 (1) A military commander commits an indictable offence if

(a) the military commander, outside Canada,

(i) fails to exercise control properly over a person under their effective command and control or effective authority and control, and as a result the person commits an offence under section 4, or

(ii) fails, before or after the coming into force of this section, to exercise control properly over a person under their effective command and control or effective authority and control, and as a result the person commits an offence under section 6;

(b) the military commander knows, or is criminally negligent in failing to know, that the person is about to commit or is committing such an offence; and

(c) the military commander subsequently

a) l'Accord concernant la poursuite et le châtime des grands criminels de guerre des Puissances européennes de l'Axe, signé à Londres le 8 août 1945;

b) la Proclamation du Commandant suprême des Forces alliées datée du 19 janvier 1946.

*Manquement à la responsabilité : chef militaire*

7 (1) Tout chef militaire est coupable d'un acte criminel si les conditions suivantes sont réunies :

a) selon le cas, à l'étranger :

(i) il n'exerce pas le contrôle qui convient sur une personne placée sous son commandement et son contrôle effectifs ou sous son autorité et son contrôle effectifs et, en conséquence, la personne commet l'infraction visée à l'article 4,

(ii) il n'exerce pas, avant ou après l'entrée en vigueur du présent article, le contrôle qui convient sur une personne placée sous son commandement et son contrôle effectifs ou son autorité et son contrôle effectifs et, en conséquence, la personne commet l'infraction visée à l'article 6;

b) il sait que la personne est sur le point ou en train de commettre l'infraction ou il se rend coupable de négligence criminelle du fait qu'il ignore qu'elle est sur le point ou en train de commettre l'infraction;

c) en conséquence, il ne prend pas, dès que possible, toutes les mesures nécessaires et raisonnables en son pouvoir pour :

(i) fails to take, as soon as practicable, all necessary and reasonable measures within their power to prevent or repress the commission of the offence, or the further commission of offences under section 4 or 6, or

(ii) fails to take, as soon as practicable, all necessary and reasonable measures within their power to submit the matter to the competent authorities for investigation and prosecution.

*Breach of responsibility by a superior*

(2) A superior commits an indictable offence if

(a) the superior, outside Canada,

(i) fails to exercise control properly over a person under their effective authority and control, and as a result the person commits an offence under section 4, or

(ii) fails, before or after the coming into force of this section, to exercise control properly over a person under their effective authority and control, and as a result the person commits an offence under section 6;

(b) the superior knows that the person is about to commit or is committing such an offence, or consciously disregards information that clearly indicates that such an offence is about to be committed or is being committed by the person;

(c) the offence relates to activities for which the superior has effective

(i) soit empêcher ou réprimer la perpétration de l'infraction ou empêcher la perpétration d'autres infractions visées aux articles 4 ou 6,

(ii) soit en référer aux autorités compétentes aux fins d'enquête et de poursuite.

*Manquement à la responsabilité : autres supérieurs*

(2) Tout supérieur est coupable d'un acte criminel si les conditions suivantes sont réunies :

a) selon le cas, à l'étranger :

(i) il n'exerce pas le contrôle qui convient sur une personne placée sous son autorité et son contrôle effectifs et, en conséquence, la personne commet l'infraction visée à l'article 4,

(ii) il n'exerce pas, avant ou après l'entrée en vigueur du présent article, le contrôle qui convient sur une personne placée sous son autorité et son contrôle effectifs et, en conséquence, la personne commet l'infraction visée à l'article 6;

b) il sait que la personne est sur le point ou en train de commettre l'infraction ou il néglige délibérément de tenir compte de renseignements qui indiquent clairement qu'elle est sur le point ou en train de commettre l'infraction;

c) l'infraction est liée à des activités relevant de son autorité et de son



authority and control; and

(d) the superior subsequently

(i) fails to take, as soon as practicable, all necessary and reasonable measures within their power to prevent or repress the commission of the offence, or the further commission of offences under section 4 or 6, or

(ii) fails to take, as soon as practicable, all necessary and reasonable measures within their power to submit the matter to the competent authorities for investigation and prosecution.

*Conspiracy, attempt, etc.*

(2.1) Every person who conspires or attempts to commit, is an accessory after the fact in relation to, or counsels in relation to, an offence referred to in subsection (1) or (2) is guilty of an indictable offence.

*Jurisdiction*

(3) A person who is alleged to have committed an offence under subsection (1), (2) or (2.1) may be prosecuted for that offence in accordance with section 8.

*Punishment*

(4) Every person who commits an offence under subsection (1), (2) or (2.1) is liable to imprisonment for life.

*Application before coming into force*

contrôle effectifs;

d) en conséquence, il ne prend pas, dès que possible, toutes les mesures nécessaires et raisonnables en son pouvoir pour :

(i) soit empêcher ou réprimer la perpétration de l'infraction ou empêcher la perpétration d'autres infractions visées aux articles 4 ou 6,

(ii) soit en référer aux autorités compétentes aux fins d'enquête et de poursuite.

*Punition de la tentative, de la complicité, etc.*

(2.1) Est coupable d'un acte criminel quiconque complotte ou tente de commettre une des infractions visées aux paragraphes (1) ou (2), est complice après le fait à son égard ou conseille de la commettre.

*Compétence*

(3) La personne accusée d'avoir commis une infraction visée aux paragraphes (1), (2) ou (2.1) peut être poursuivie pour cette infraction aux termes de l'article 8.

*Peines*

(4) Quiconque commet une infraction visée aux paragraphes (1), (2) ou (2.1) est passible de l'emprisonnement à perpétuité.

*Application avant l'entrée en vigueur*

(5) Where an act or omission constituting an offence under this section occurred before the coming into force of this section, subparagraphs (1)(a)(ii) and (2)(a)(ii) apply to the extent that, at the time and in the place of the act or omission, the act or omission constituted a contravention of customary international law or conventional international law or was criminal according to the general principles of law recognized by the community of nations, whether or not it constituted a contravention of the law in force at the time and in the place of its commission.

*Definitions*

(6) The definitions in this subsection apply in this section.

*military commander* includes a person effectively acting as a military commander and a person who commands police with a degree of authority and control comparable to a military commander. (*chef militaire*)

*superior* means a person in authority, other than a military commander. (*supérieur*)

(5) Lorsqu'un fait — acte ou omission — constituant une infraction visée au présent article est commis avant l'entrée en vigueur de celui-ci, les sous-alinéas (1)a)(ii) et (2)a)(ii) s'appliquent dans la mesure où, au moment et au lieu de la perpétration, l'acte ou l'omission constituait une transgression du droit international coutumier ou du droit international conventionnel, ou avait un caractère criminel d'après les principes généraux de droit reconnus par l'ensemble des nations, qu'il ait ou non constitué une transgression du droit en vigueur à ce moment et dans ce lieu.

*Définitions*

(6) Les définitions qui suivent s'appliquent au présent article.

*chef militaire* S'entend notamment de toute personne faisant effectivement fonction de chef militaire et de toute personne commandant un corps de police avec un degré d'autorité et de contrôle similaire à un chef militaire. (*military commander*)

*supérieur* Personne en position d'autorité, autre qu'un chef militaire. (*superior*)

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

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