

Federal Court



Cour fédérale

Ottawa, January 24, 2017 – A decision was issued today by the Honourable Danièle Tremblay-Lamer of the Federal Court in file T-462-16:

IN THE MATTER OF DANIEL TURP v. THE MINISTER OF FOREIGN AFFAIRS

Summary: This is an application for judicial review of a decision by the Minister of Foreign Affairs [the Minister] approving the issuance of permits for the export of light armoured vehicles to Saudi Arabia. The applicant submits that the issuance of the permits does not meet the legal requirements under the *Export and Import Permits Act* [EIPA] and the *Geneva Conventions Act*. The respondent submits that the Minister’s sole obligation was to take into account all the relevant factors having regard to the existing legislative framework, its purpose and the circumstances of the case, and that nothing indicates that he failed to consider these factors.

Upon review, the Court concluded that the provisions of the EIPA confer a broad discretionary power on the Minister over the assessment of the relevant factors relating to the granting of export permits for goods on the Export Control List. In the impugned decision, the Minister considered the economic impact of the proposed export, Canada’s national and international security interests, Saudi Arabia’s human rights record and the conflict in Yemen before granting the export permits, thereby respecting the values underlying the Conventions. The role of the Court is not to pass moral judgment on the Minister’s decision to issue the export permits but only to make sure of the legality of such a decision. His broad discretion would have allowed him to deny the permits, but the Court was of the opinion that the Minister considered the relevant factors. In such a case, it is not open to the Court to set aside the decision.

The application for judicial review was therefore dismissed without costs.

**

The decision can be obtained via the Web site of the Federal Court: http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/fc_cf_en/Index

Andrew Baumberg
Media Contact / Liaison avec les Médias
Federal Court / Cour fédérale
Tel. / Tél. : (613) 947-3177