

Zine El Abidine Ben Ali / Belhassen Trabelsi (Canada)

Case ID:

ARW-201

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Tunisia

Position of Public Official(s) (yrs in office):

President (Ben Ali, 1987-2011); Son-in-law of President (Trabelsi)

Jurisdiction of Asset Recovery:

Canada

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

2011

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.17

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Case in Investigatory/Asset Restraint Stage

Intl.Cooperation: MLAT/Letter of Request?:

No

Basis for Intl Cooperation:

Unspecified

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Investigation/Asset Tracing/Asset Restraint

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

N/A

Case Summary:

For detailed background on the freeze of assets related to Mr. Ben Ali and associated individuals, see "Freezing Assets of Corrupt Foreign Officials (Tunisia and Egypt) Regulations, SOR/2011-78, at <http://laws-lois.justice.gc.ca/eng/regulations/sor-2011-78/fulltext.html>).

On March 3, 2011, Foreign Affairs Minister Lawrence Cannon and Minister of Justice Rob Nicholson "introduced legislation that would make it easier for the country to unilaterally freeze the assets of corrupt foreign leaders. The Freezing Assets of Corrupt Regimes Act comes

amid pressure on the government to freeze assets belonging to ousted Tunisian leader Zine El Abidine Ben Ali and his family, some of whom have taken refuge in Canada." (Source: Joe Palazzolo, "Canadian Gov't Introduces Asset Freeze Bill," Wall Street Journal Corruption Currents blog, March 3, 2011. Official text of the Bill C-61 can be accessed at website of the Parliament of Canada. Please see source column for link.)

According to the June 27, 2014 decision by the Canadian Federal Court in Montreal, "Zohra Djilani and Belhassen Trabelsi, and their four minor children, are subject to the Freezing Assets of Corrupt Foreign Officials (Tunisia and Egypt) Regulations, SOR/2011 (Regulations), which were adopted by the Minister of Foreign Affairs and International Trade (Minister) following the events of the Arab Spring. This is an application for judicial review of the Minister's decision dated June 26, 2013, rejecting their application for a certificate filed pursuant to section 15 of the Freezing Assets of Corrupt Foreign Officials Act, SC 2001, c 10 (Act). By that application, the applicants were seeking to exclude the amount of \$109,680 from the application of the Regulations to then transfer it into their lawyers' trust accounts." (Source: Trabelsi Et al v. MSPPC, Et al, 2014 FC 631, full text available at <http://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/72380/index.do?r=A...>) According to the Judgment, "In that new application, the applicants explained that the amount must be used to pay for certain living expenses (including counsel fees), but also luxury products and services such as a chauffeur for the family, a non-subsidized private English school for the couple's children and their apartment, the monthly rent of which is \$5,000." for period of six months beginning January 2013. The Court held that the Minister's decision was reasonable and rejected the application. Mr. Trabelsi, wife and two children are seeking asylum in Canada. (Source: Belhassen Trabelsi Et al v. MSPPC, Et al, Case number IMM-3644-12, Docket as of February 5, 2015)

According to media reports, a Canadian Civil Society Organization has alleged that former president Ben Ali's son-in-law Sakhr El Makeri (married to daughter Nesrine) purchased, in 2008, a CAD 2.8 million mansion in Westmount section of Montreal. Abdelijelil Ouanes, president of the Canadian Tunisian Chamber of Commerce in Montreal was quoted as saying that Ben Ali family members also held bank accounts in Canada. (Source: Andrew Chung, "Montreal lawyer launches effort to freeze Ben Ali Assets," Thestar.com (Montreal), January 24, 2011). According to a May 25, 2012 article in Foreign Policy, a \$2.5 million mansion and \$100,000 bank account belonging to the Ben Ali family have been "seized" in Canada. (Source: Fadil Aliriza, "The godfathers of Tunis," Foreign Policy, May 25, 2012.)

Disposition of Criminal Case(s):

According to a January 26, 2011 media release by INTERPOL, Mr. Ben Ali's arrest was sought by Tunisia on charges of alleged property theft and illegal transfer of foreign currency. (Source: INTERPOL media release, "Tunisia seeks ousted President and family via INTERPOL," January 26, 2011, accessed at <http://www.interpol.int/public/ICPO/PressReleases/PR2011/PR007.asp>.) According to secondary sources, Mr. Ben Ali was convicted in absentia in June 2011 on theft and unlawful possession of cash and jewelry; in July 2011, he was convicted of property related charges. (Source: BBC News, "Tunisia's Ben Ali guilty on drugs and gun charges," July 4, 2011 and "Tunisia's Ben Ali guilty of corrupt property deals," July 29, 2011) and in June 2012, he was sentenced by a Tunisian military court to life imprisonment for his complicity in the murder and attempted murder of demonstrators; Human Rights Watch noted that Mr. Ben Ali has been tried and convicted in absentia and if he returned to Tunisia, he would be entitled to a new trial. (Source: Clive Baldwin, "After Ben-Ali's Conviction: The State of Tunisian Justice," Human Rights Watch, June 16, 2012.)

Jurisdiction of Origin: Investigative Agency:

Commission for the Investigation of Corruption and Embezzlement; Attorney Enrico Monfrini (civil asset recovery)

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

NA

Jurisdiction of Asset Recovery: Courts Involved:

Federal Court (Montreal)

Documents:

[Ben_Ali_Canada_Montreal_Assets_Thestar_Jan_24_2011.pdf](#)

[Ben_Ali_Canada_Summary_Law_Freeze_Assets_Corrupt_Regimes_Mar_3_2011.pdf](#)

[Ben_Ali_Canada_Text_Bill_C-61_4_2011.pdf](#)

[Ben_Ali_INTERPOL_Alert_Jan_26_2011.pdf](#)

[Ben_Ali_Canada_Trabelsi_Asylum_CBC_News_Jan_31_2011.pdf](#)

[Ben_Ali_Conviction_Property_BBC_Jul_29_2011](#)

[Ben_Ali-Conviction_Drugs_Weapon_BBC_Jul_4_2011](#)

Documents:

Attachment	Size
 Ben_Ali_Canada_Freeze_Assets_Corrupt_Foreign_Officals_Act.pdf	226.99 KB
 Ben_Ali_Canada_Trabelsi_Fed_Ct_Judgment_Jun_27_2014.pdf	333.03 KB
 Ben_Ali_Trabelsi_Canada_Fed_Ct_immigration-docket_Feb_5_2015.pdf	101.28 KB

Documents Links:

Other Sources:

"Freezing Assets of Corrupt Foreign Officials (Tunisia and Egypt) Regulations, SOR/2011-78, at <http://laws-lois.justice.gc.ca/eng/regulations/sor-2011-78/fulltext.html>;

Canada News Centre, "Harper Government Introduces Freezing Assets of Corrupt Regimes Act," March 3, 2011, accessed at <http://news.gc.ca/web/article-eng.do?m=/index&nid=593199>; Text of Bill C-61, "An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members" and related documents can be accessed at the official website of the Parliament of Canada, LEGISinfo, at <http://www2.parl.gc.ca/Sites/LOP/LEGISINFO/index.asp?Language=E&Chamber=...>

Trabelsi Et al v. MSPPC, Et al, 2014 FC 631, full text available at <http://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/72380/index.do?r=A...>); Belhassen Trabelsi Et al v. MSPPC, Et al, Case number IMM-3644-12, Docket as of February 5, 2015, accessible at http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/fc_cf_en/Court_I...

CBC News, "Canada keen to extradite Tunisian billionaire," January 28, 2011; Montreal Gazette, "Trabelsi loses bid to stay in Canada," May 8, 2012;

Fadil Aliriza, "The godfathers of Tunis," Foreign Policy, May 25, 2012 < http://www.foreignpolicy.com/articles/2012/05/25/the_godfathers_of_tunis...

Andrew Chung, "Montreal lawyer launches effort to freeze Ben Ali Assets," Thestar.com (Montreal), January 24, 2011. INTERPOL Alert, "Tunisia seeks ousted President and family via INTERPOL," January 26, 2011, accessed at <http://www.interpol.int/public/ICPO/PressReleases/PR2011/PR007.asp>;

Clive Baldwin, "After Ben-Ali's Conviction: The State of Tunisian Justice," Human Rights Watch, June 16, 2012 <<http://www.hrw.org/news/2012/06/16/after-ben-alis-conviction-state-tunis...> BBC News, "Tunisia's Ben Ali guilty on drugs and gun charges," July 4, 2011, accessed at <http://www.bbc.co.uk/news/world-africa-14014757> and "Tunisia's Ben Ali guilty of corrupt property deals," July 29, 2011, accessed at <http://www.bbc.co.uk/news/world-africa-14340863>.