

# Ronald Poulton: Idealism in practice

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Despite the stark realities he's experienced in private practice and the horrific events he had to deal with while working for the United Nations, Ronald Poulton never lost the idealism that inspired him while studying law at the University of Ottawa in the 1980s.

"I became a lawyer to defend innocent people against criminal charges, resolve disputes, make people's lives better, all those magical things I saw lawyers do on television," says the 49-year-old, Toronto-based immigration lawyer.

"But when you practice law, most of your criminal clients are guilty and most of your civil clients are greedy, and the interests of justice are hard to see."

Poulton was practising civil and criminal litigation in Ottawa when a trip to Hong Kong to visit a friend changed his career path.

Tens of thousands of Vietnamese refugees were flooding into the then-British territory, and the Office of the UN High Commissioner for Refugees (UNHCR) was frantically looking for lawyers to help run the refugee camps.

Wanting to do "something bigger" with his career Poulton signed up with the UNHCR in 1989, and worked in Hong Kong. Later he joined the United Nations Transitional Authority (UNTAC) in Cambodia, considered the largest peacekeeping operation in history.

While with UNTAC as a human rights lawyer, Poulton investigated such atrocities as ethnic cleansing and torture committed by all sides in the Cambodian conflict. Several years later, he took a UN post in Tajikistan, where as a legal advisor to the peacekeeping mission there, Poulton was involved in the trial of three members of a fundamentalist army charged with murdering four UN peacekeepers in



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1998 and sentenced to death.

The details are reported in a book, *Pale Blue Hope*, he wrote recently. The title juxtaposes the colour of the UN flag and the helmet worn by UN peacekeepers against the international body's tepid response to the Tajik tragedy. "When I came back to Canada from Tajikistan in 1999, I was outraged by what I had seen and how the United Nations responded to the crisis so I decided to tell the story," says Poulton.

At home, Poulton has been able to confront injustice in some landmark cases.

More than a decade ago, he and fellow immigration lawyer Barbara Jackman (with whom he now shares office space in Toronto as a sole practitioner) successfully defended Manickavasagam Suresh, a Sri Lankan man granted refugee status in Canada but whom CSIS identified as an alleged member of and fundraiser for the Tamil Tigers, from being deported back to Sri Lanka where his Canadian lawyers argued he was sure to be tortured.

In *Suresh v. Canada (Minister of Citizenship and Immigration)*, 2002 SCC 1, [2002] 1 S.C.R. 3, the Supreme Court of Canada ruled that the procedure used to "refoule" (return a refugee) Suresh violated his constitutional rights.

"The law says that if you are a security threat, engaged in terrorism or are a past member of a terrorist organization, under certain circumstances you can be returned to your home country in which you may be at risk," explains Poulton.

"But subsequent to the Supreme Court decision, the federal government has to undertake a very thorough and detailed risk assessment before they send someone back — and if there's a risk of torture, they're barred, except in the most 'exceptional circumstances' from doing it."

The *Suresh* decision helped prevent accused terrorist Hassan Almrei, whom Poulton once represented, from being sent back to Syria to face torture. Held in custody on a security certificate since October 2001, Almrei was released under house arrest earlier this year by the federal court.

Poulton and Jackman were also involved in defending Joseph Nemsila, the first alleged Nazi war criminal who faced deportation from Canada over charges that he concealed his past.

They successfully argued before the adjudication division (now known as the Immigration Division) of the Immigration and Refugee Board of Canada that the federal government misinterpreted the *Immigration Act* (since replaced by the *Immigration and Refugee Protection Act*), which prevents the deportation of an immigrant who received domicile status upon entering Canada, regardless of whatever that individual may have done beforehand.

However, Poulton and Jackman lost the case at the Federal Court's Trial Division and Nemsila, an octogenarian by then, died prior to the time the Federal Court of Appeal rendered a decision.

"The big arm of the state was going to crush this little man who had no money or support, and needed representation," Poulton recalls. "So we came to his defence." ■