

CSIS asks for probe into its role in Abdelrazik case

Unprecedented request is an effort by the agency to clear its name

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Canada's anti-terrorist agency, seeking to prove its hands are clean, asked Friday for a formal probe into its role in the Abdelrazik affair, the still-murky saga of a Canadian citizen who was imprisoned and tortured in Sudanese jails and who remains marooned in Khartoum because the Harper government won't give him a passport.

The request by the Canada Security Intelligence Agency is unprecedented. In effect, CSIS is asking for an inquiry to clear itself of allegations made in Foreign Affairs department documents, marked "Secret," that implicated CSIS in Abousfian Abdelrazik's original arrest by Sudan's notorious secret police. Such an inquiry could finally shed some light on the murky role of successive Canadian governments in targeting a citizen abroad.

CSIS "does not, and has not, arranged for the arrest of Canadian citizens overseas," CSIS Director Jim Judd said in a letter that was hand delivered Friday to the Security Intelligence Review Committee, the body charged with oversight of Canada's spy agency.

Mr. Abdelrazik's lawyer, Yavar Hameed, who first filed a complaint seeking a SIRC review of CSIS last summer, dismissed Mr. Judd's call for a probe as a ploy.

If CSIS was "genuinely interested in fairly and publicly dealing with the suggestions that CSIS acted inappropriately, it should have invited a SIRC review of its own process over six months ago when the complaint was brought to its attention, or one year ago" when the first accounts of Mr. Abdelrazik's imprisonment were first published," Mr. Hameed said.

He also said Mr. Judd "fails to explicitly address the question of whether or not CSIS recommended to Sudanese authorities that Mr. Abdelrazik be detained, and does not even engage with the allegation that CSIS officials interrogated Mr. Abdelrazik while [he was] in Sudanese custody before providing him access to a doctor, legal counsel or consular assistance. Such actions are clearly illegal."

Mr. Abdelrazik has been living for the past 11 months in the lobby of the Canadian embassy in Khartoum. Although CSIS and the RCMP have formally advised the Harper government that they have no reason to believe he is a terrorist, he remains on the UN

Security Council blacklist of suspected al-Qaeda operatives and thus subject to a travel ban. Although that ban specifically allows for him to return home, the Harper government continues to refuse him an emergency passport, although it also declines to explain why.

“Up until now we have been stonewalled by the government which hasn't told us the full truth,” Paul Dewar, the NDP MP said Friday. Mr. Abdelrazik would be a key witness in any probe and the “government must stop stalling and bring him home,” he said.

More than 160 Canadians – the number continues to grow – have purchased a ticket from Khartoum to Montreal for Mr. Abdelrazik, effectively daring the government to charge them with abetting terrorism. Although the government first said last summer that it would give Mr. Abdelrazik an emergency passport if he could book a flight, it changed that requirement to a fully-paid-for ticket after he obtained a confirmed reservation.

The U.S. government, which put Mr. Abdelrazik on the United Nations terrorist blacklist, has also added him to its own “no-fly” list and Air Canada and most western airlines have refused to risk American landing rights by carrying him even on flights that don't enter U.S. airspace.

Liberal MP Dan McTeague, the opposition critic on consular affairs, demanded the government stop stalling and bring Mr. Abdelrazik home. “He had the right to due process and he has the right to return,” he said. He was less than confident that a probe of CSIS would clear the air. “Will SIRC be able to exonerate CSIS? Maybe, maybe not. Will its report be made public? Maybe, maybe not,” he said.

SIRC senior adviser Steven Bittle said the CSIS request for a probe had been received and was being considered by chairman Gary Filmon. All of SIRC members have the highest security clearances.

“We have unfettered access to any materials the service has in its possession,” Mr. Bittle said. But SIRC reports are often kept secret and its mandate precludes it from investigating other elements of Canada's security and anti-terrorist apparatus, including the RCMP and Foreign Affairs' security bureau, both of which may have been involved with his arrest and imprisonment in Sudan.

In his letter, Mr. Judd flatly says “recent media reporting has gone so far as to allege that Abousfian Abdelrazik was arrested by Sudanese authorities at the request of CSIS.”

In a March 5 story, The Globe and Mail published excerpts of Foreign Affairs documents, marked secret, that suggested the original arrest was arranged by CSIS. “Abousfian Abdelrazik was arrested on September 10, 2003 [words blacked out] recommendation by CSIS, for suspected involvement with terrorist elements,” the document says.

Later in the Dec. 16, 2006, document, an extensive summary of the Abdelrazik case up to that date, it is confirmed that Sudan's secret police believe Mr. Abdelrazik is innocent. Sudan's security agencies are fed up with CSIS for washing its hands of the case "despite the fact that initial recommendations for his detention emerged from CSIS."

In its Mar. 5 story, The Globe quoted CSIS spokesman denying the allegation. "CSIS does not and has not arranged for the arrest of Canadian citizens overseas," Isabelle Scott, a spokeswoman for the intelligence agency said.

Mr. Judd made the same point in his letter.

"The Service has stated for the public record that it does not, and has not, arranged for the arrest of Canadian citizens overseas and that, in this matter, CSIS employees have conducted themselves in accordance with the CSIS Act, Canadian law and policy. In the interest of clarifying this matter for Canadians, I request that the Security Intelligence Review Committee, at the earliest opportunity, investigate and report on the performance of the service's duties and functions with respect to the case of Abousfian Abdelrazik," the letter said.

Mr. Hameed says CSIS should be clear if it is claiming Foreign Affairs is wrong: "The internal files of the Department of Foreign Affairs strongly implicate Canada in illegal detention and torture of a Canadian citizen abroad and raises the question of whether CSIS was complicit in Mr. Abdelrazik's torture. If Mr. Judd is suggesting that the Department of Foreign Affairs is lying in its internal memos, he should plainly state that."

Mr. Abdelrazik, who was shadowed for years in Canada by CSIS, was arrested in Sudan during a visit in 2003. He was twice imprisoned for a total of 19 months. CSIS agents apparently interviewed him in Sudan's notorious jails. He claims he was beaten and tortured and has shown Deepak Obhrai, the parliamentary secretary for foreign affairs, the scars to prove it. But Justice Department lawyers have tried to get Mr. Abdelrazik to say he mutilated himself.

Meanwhile, Lu Fernandes, the director general of Passport Canada's security bureau promised – in writing on Dec 23, 2008 – to "issue an emergency passport to Mr. Abdelrazik upon his submission of a confirmed and paid" airline ticket.

The government knew Mr. Abdelrazik was destitute, that it controlled his assets and that he couldn't buy a ticket. It also had made clear to his lawyers that giving him a ticket or the funds to buy one would break Canadian laws designed to enforce the UN blacklist. Although the Harper government claimed it has sought to have Mr. Abdelrazik delisted after he was cleared by CSIS and the RCMP, sources familiar with the government effort say the delisting request was only transmitted to the UN, not actually supported.

When scores of Canadian, including former solicitor general Warren Allmand, chipped in nearly \$1,000 to buy Mr. Abdelrazik a ticket on Etihad Airlines from Khartoum to Toronto via Abu Dhabi, they, in effect, called the government's bluff.

No emergency passport had been issued as of Friday and Passport Canada won't say if Mr. Fernandes's pledge will be honoured.

“The federal government is not at liberty to comment on individual passports or applications for passports, including emergency passports,” said Sébastien Bois, a spokesman for Passport Canada.