

EXILED IN SUDAN

Diplomats knew of his torture, Canadian says

CSIS agents were sent to Sudan to interrogate Abdelrazik while officials ignored abuse at prison, documents suggest

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Abousfian Abdelrazik, fingered as an al-Qaeda operative but currently sheltering in the "temporary safe haven" of Canada's Khartoum embassy, says Canadian diplomats knew he was being tortured in grim Sudanese prisons but did nothing.

In a telephone interview yesterday, Mr. Abdelrazik said he told a Canadian diplomat he was being repeatedly beaten by Sudanese interrogators in 2004 or 2005. "He didn't care," Mr. Abdelrazik said.

Mr. Abdelrazik, who was to submit a sworn affidavit about his torture in Sudan to Federal Court in Ottawa yesterday, confirmed all of the details in the draft document, including that he was interrogated by CSIS agents while in a Sudanese jail. However, the document remained unsigned because Canadian diplomats refused to deliver the faxed draft to Mr. Abdelrazik to sign.

Canadian government documents, which came to light in April, revealed he had been imprisoned in Sudan "at our request," meaning at the request of Canadian agents. Lawyers for Mr. Abdelrazik included that information in a filing on June 17.

In its response, delivered yesterday, the Justice Department opted not to dispute the assertion that Mr. Abdelrazik had been imprisoned at Canada's request, in effect conceding the fact before the court.

The documents presented in court, coupled with Mr. Abdelrazik's accounts of torture, suggest Canada secretly arranged for Sudan to arrest and imprison him, then sent Canadian Security Intelligence Service agents to interrogate him in a Sudanese prison while diplomats knew that he was being tortured but ignored that fact.

Mr. Abdelrazik is among several hundred al-Qaeda suspects, most of whom have never been charged, on a United Nations Security Council list. Member countries are supposed to seize the assets of those on the list, and anyone giving them money, even for legal expenses, is committing a crime.

Canadian diplomats in Khartoum refused yesterday, for the second day in a row, to permit Mr. Abdelrazik to sign the affidavit; his signature would have made it a sworn affidavit.

"I want to sign it but the consul said he cannot give it to me," he said yesterday in the interview from the embassy. "I think he is just trying to delay or block the process."

In Ottawa, the document, unsigned and labelled as an exhibit, attached to an affidavit sworn by his lawyers, was submitted to Federal Court yesterday.

"We want the government to repatriate Mr. Abdelrazik," said his lawyer, Yavar Hameed. That means Canada needs to charter a plane or send a government aircraft to bring him home."

The case for flying Mr. Abdelrazik home is stronger than it was for Brenda Martin, Mr. Hameed said, referring to the Trenton, Ont., woman convicted in Mexico of involvement in a scam operated by her former boss. In May, the Harper government sent a chartered jet to Mexico to take her back to Canada.

"Mr. Abdelrazik is black and a Muslim but he hasn't even been charged with anything, either in Canada or Sudan," Mr. Hameed said.

For years, successive Canadian governments have refused to issue Mr. Abdelrazik a new passport. The one he had expired and was returned to the Canadian government while he was imprisoned in Sudan.

He has been marooned in Khartoum since he was released from prison nearly two years ago. Ottawa blames the airlines, saying it does not control the no-fly lists. But it has also kept him off Canadian government planes that have travelled to and from Khartoum.

Mr. Abdelrazik first arrived in Canada in 1990, was granted political asylum, married a Canadian and became a citizen in 1995. He says he was harassed by CSIS officers and eventually returned to Sudan in 2003 to visit his ailing mother. He was arrested there in September of 2003. He spent nearly two years in foul, overcrowded Sudanese jails, where torture and other abuse is rife, according to widely available and internationally recognized human-rights reports.

He has been living in the Canadian embassy since April 28. Ottawa apparently accepts that he is at risk if he is ordered out, or it would not have allowed him that safe haven.

Ministerial involvement in the case remains unexplained. Former foreign minister Maxime Bernier sent his chief of staff and parliamentary secretary to interview Mr. Abdelrazik when the minister was in Khartoum last winter. The Harper government also says it sought, but failed, to get Mr. Abdelrazik removed from the UN's list of suspected al-Qaeda operatives.

"The matter is under litigation and we cannot comment," said Anne Howland, spokeswoman for current Foreign Minister David Emerson. Other senior officials said the file is actually being handled in the Prime Minister's Office.

In his still-unsworn affidavit, Mr. Abdelrazik provides a graphic account of torture: "The beatings were administered with a rubber hose of about two feet in length, applied to my back, head and legs. This abuse was in the context of interrogation by the Sudanese about the prison escape that had taken place, and interrogation by the two men who were introduced to me as Canadian."

"To avoid further torture, at times when I answered the Canadian interrogators, I gave them what I thought they wanted to hear, irrespective of whether it was true."

Repeated calls to the Foreign Affairs Department about Mr. Abdelrazik's assertions were not answered yesterday.

Excerpts of Abdelrazik's draft affidavit

Excerpts from the affidavit Abousfian Abdelrazik wants to sign, but Canadian officials in Sudan have refused to give him. It was filed in Federal Court yesterday as an exhibit.

I, ABOUSFIAN ABDELRAZIK, of no fixed address, in the City of Khartoum, Sudan,
MAKE OATH AND SAY:

6. All my children and step-children remain in Canada. I have seen none of them since 2003. Owing to circumstances beyond my control, I am unable to return to Canada and participate in their lives. This fact causes me extreme mental anguish. I believe it also causes my children anguish, and has caused them harm. For example, Jioriya is effectively an orphan, as her mother is deceased.

8. Although I do not understand the specifics, I am generally aware that the reasons why I cannot return to Canada stem from a suspicion by Canadian officials that I am a terrorist: for example, a person associated with Al-Qaida. Although the fact that Canada suspects me of being a terrorist affects me profoundly, I have never been given formal reasons for why I am suspected.

9. I am not associated with Al-Qaida and have never committed terrorist acts. I also do not support persons who commit acts of terrorism. As a Muslim, terrorism is against my religious beliefs. As a Canadian, terrorism endangers my family in Canada. For these reasons, I am not a terrorist.

17. Canadian officials took advantage of my being in Sudanese custody to interrogate me further. In December 2003, my Sudanese jailers introduced me to two men who identified themselves as being from Canada. I was told that I must answer their questions. For two days, the Canadians interrogated me about my connections to other persons who they said were responsible for terrorism. Some of the persons they asked about were Abdulaouf Jiddi, Sakkir Busurrah and Samir Azeem (note: the spelling of these names is phonetic

and approximate). At no time did the Canadians who interrogated me in December, 2003, offer me assistance to return to Canada, or the right to a lawyer for that interrogation.

18. At various times in detention facilities, I was frequently abused, and in the context of interrogations or preparation for interrogations, I was tortured.

22. Around December, 2003, conditions worsened greatly, after some prisoners escaped from the prison. I was transferred to a solitary cell of about 1 by 2 metres, which had carpeted floors. An air conditioner was made to run almost constantly, which made the room unbearably cold. Often I was told to stand with my hands and face against the cell wall. Twice a day I was let out to the bathroom, during which time I was also beaten. The beatings were administered with a rubber hose of about 2 feet in length, applied to my back, head and legs. This abuse was in the context of interrogation by the Sudanese about the prison escape that had taken place, and interrogation by the two men who were introduced to me as Canadians (as described above).

40. It seemed that prisoners at Dabak prison were beaten without reason. On about three to five days each month I would be beaten, and when they occurred, typically the beatings would be administered four times daily, using the rubber hose as previously described. Twice I experienced

a new technique: I was chained to the frame of a door, and beaten.