

Feds wanted Montreal man to stay in Sudan: Lawyers

By Don Butler, Ottawa Citizen
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OTTAWA — Even while government officials were pledging to help repatriate Abousfian Abdelrazik to Canada from Sudan, they were secretly working to ensure that didn't happen, lawyers for the exiled Canadian told a Federal Court judge Thursday.

Abdelrazik, a 46-year-old Canadian citizen from Montreal, has been stuck in Sudan, the land of his birth, since going there to visit his sick mother in 2003. He has twice been arrested, incarcerated and, his lawyers allege, tortured by Sudanese authorities.

The first arrest, they say, was at the request of the Canadian Security Intelligence Agency.

CSIS has denied the charge.

Fearing he might be arrested again, Abdelrazik sought refuge at the Canadian Embassy in Khartoum a year ago, and has been staying there ever since.

According to his lawyers — who are representing him pro bono — his health has deteriorated during his ordeal. He suffers from heart problems, a degenerative eye problem, hypertension, depression, asthma, the effects of malaria and is in poor mental health.

Abdelrazik's lawyers want Federal Court Justice Russell Zinn to order Ottawa to repatriate their client to Canada, arguing its treatment of him violates his rights under Section 6.1 of the Charter of Rights and Freedoms.

That section guarantees Canadian citizens the right to enter, remain in and leave Canada.

With Abdelrazik listening in by teleconference from Khartoum, his lawyers told Zinn their client has made multiple efforts to return.

But the government has frustrated him at every turn, responding with "procrastination, evasiveness, obfuscation and general bad faith," said Yavar Hameed, one of Abdelrazik's lawyers. Its pattern of behaviour, Hameed said, has been "tantamount to a refusal."

Government officials repeatedly assured Abdelrazik they'd issue him an emergency passport if he could arrange an itinerary back to Canada, said Paul Champ, another of his lawyers. But when he did so in August 2008, they reneged on their commitment.

Next, they told him they would issue travel documents if he could arrange and pay for passage back to Canada.

With help from sympathizers in Canada, he was able to do so, and asked again for the necessary travel documents.

But hours before he was due to depart for Canada, he received a one-sentence letter from the office of Foreign Affairs Minister Lawrence Cannon rejecting his request, with no reasons given.

Government lawyers will present their response Friday. But in their factum, they say the impediment to Abdelrazik's return is his inclusion on a UN list as an associate of al-Qaida — something he strongly denies.

That makes him the subject of a global asset freeze, arms embargo and travel ban, says the government, arguing the travel ban prohibits other states from allowing Abdelrazik to pass through their airspace.

But Champ called that "an absurd proposition" and said the government is "deliberately twisting" the meaning of the UN resolutions in question.

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