

Canadians abroad: Some are on their own

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The judges clash with the politicians

FOR the past year Abousfian Abdelrazik, who is a citizen both of Canada and of Sudan, his country of origin, has lived in the lobby of Canada's embassy in Khartoum, unable to travel home and too frightened to venture outside.

The Sudanese government, which twice imprisoned and released him without charge, wants him gone and even offered at one point to foot the bill. The Canadian government professes publicly that he is free to come home and is providing him with food and shelter. But each time he has seemed to be about to return, ministers have come up with further obstacles.

On June 4th a federal judge, drawing a parallel between Mr Abdelrazik's predicament and that of the main character in Franz Kafka's novel "The Trial", ordered Stephen Harper's Conservative government to help him return to his family in Montreal within 30 days.

It is the third time this year that a court has instructed the government to help a Canadian in trouble abroad. In each case, the court has found that the plaintiff's constitutional rights were being infringed. The government seems to have a policy of helping only those Canadians in trouble abroad whom it does not have reason to see as undesirable.

Thus it decided not to persist with an appeal for clemency nor to seek the repatriation of Ronald Smith, a convicted murderer on death row in a Montana jail. It argued that Canadians do not want murderers walking their streets.

In fact, repatriated prisoners generally serve their full term in a Canadian prison. Abiding by the court ruling, it has now sought clemency for Mr Smith.

With Mr Abdelrazik and Omar Khadr, imprisoned at Guantánamo Bay since 2002, the Conservative government is following a course set by its Liberal predecessors. The decision not to help Mr Abdelrazik return to Canada was first taken by a Liberal government in 2004. Similarly, neither government requested Mr Khadr's repatriation-which a court ordered in April.

Mr Harper's people have sometimes gone to considerable lengths to aid Canadians abroad. They helped repatriate Brenda Martin, a Canadian convicted of money laundering in Mexico. They chartered ships to evacuate Canadians stranded in Lebanon when war broke out between Israel and Hizbullah in 2006.

Some Canadians, including leaders of immigrant communities, think the government should be less selective. The court decisions may achieve that result, but in a way the critics dislike.

If anything, the judges seem to have prodded the government into a firmer line. It is arguing in the court of appeal in the Khadr case that Canada has no legal duty to protect its citizens once they leave the country. The judge acknowledged that Mr Abdelrazik had associated in Canada with two people later arrested on terrorism charges ((NOTE: This is inaccurate, even if you accept the guilt by association. One of the people cited as a so-called associate was not arrested on terrorism charges; he was arrested under a security certificate and never charged. Moreover, a February 2009 federal court judgement releasing him from draconian conditions imposed on him for four years just found that there is no evidence at all to support the claim that he is a danger to anyone. - Project Fly Home.)) Mr Khadr is accused of killing an American soldier in Afghanistan when he was still a minor. Mr Harper may reckon enough Canadians agree with him.