

Lawyers try to discredit Canadian's torture claims

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Canada's Justice Department lawyers are attempting to discredit a Canadian citizen's assertions that he was beaten and abused by Sudanese police, suggesting instead that Abousfian Abdelrazik mutilated himself and that "tribal" practices of cutting or burning account for the scars on his body.

Mr. Abdelrazik has flatly denied self-mutilation. He has testified that the scars came from beatings while he was in a Sudanese prison – a statement that is consistent with the regime's notorious record for abuse and torture.

In a long-distance cross-examination of Mr. Abdelrazik as the government fights to block his demand for a passport and the right to return to his Montreal home, Justice Department lawyer Anne Turley questioned Mr. Abdelrazik, who is black and a Muslim, by suggesting he was engaging in primitive practices. "I'm going to go back to questions I was asking you about traditional tribal remedies. Have you ever heard of cauterization?"

Mr. Abdelrazik denied ever burning or cutting himself or allowing others to do so.

"So you've never used that technique to relieve any pain?" Ms. Turley asked.

Earlier, the Justice Department lawyer, in a cross-examination that lasted six hours, asked: "Have you ever used the remedy of cupping?" – another practice in which slits are cut in the body and blood is allowed to flow into a cup held over the wound.

Mr. Abdelrazik told Ms. Turley that he doesn't know what she is talking about and when pressed, said the only "cupping" remedy he has heard of involves the reading of tea leaves.

But the Justice Department lawyer persisted in her questioning, over the objections of Yavar Hameed, the Ottawa lawyer representing Mr. Abdelrazik for free because he can't pay due to UN sanctions that require all his assets be seized.

Ms. Turley didn't respond to questions about her cross-examination, which was conducted by long-distance telephone in October.

She forwarded a request for comment to Foreign Affairs, which issued its stock response that Mr. Abdelrazik has been given "temporary safe haven" in the Canadian embassy in Khartoum since last April after The Globe and Mail first published details about Ottawa's refusal to issue a passport to replace the one that expired when he was in prison.

Mr. Abdelrazik, a Canadian citizen since 1995, has been stuck in Sudan since 2003, when he was arrested while visiting his ailing mother. He was never charged and eventually released in the summer of 2004. While in prison, the United States had put him on the U.S. no-fly list and airlines have refused to allow him to return to Canada. He's also on the UN Security Council al-Qaeda blacklist, and Canadian diplomats have refused to return or reissue his expired passport or issue him temporary travel documents so he can return. Since April, he has been living in the Canadian embassy in Khartoum.

“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,” Mr. Abdelrazik has said in a sworn affidavit as part of his legal effort to force the Harper government to repatriate him.

“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,” he said.

Senior foreign affairs officials have repeatedly tried to cast doubt on Mr. Abdelrazik's accounts of torture, despite Sudan's grim reputation.

“Conditions in Sudanese prisons are very difficult, but this does not amount to torture or mistreatment,” said Odette Gaudet-Fee, the senior Foreign Affairs consulate officer for Africa. “It is the reality in Sudan and he [Abdelrazik] would not have been targeted for mistreatment any more than other fellow detainees.”

However, the UN Human Rights Commissioner, Amnesty International and the U.S. State Department all conclude torture and abuse remain endemic in Sudanese prisons.

The “security service, military intelligence and police continued to commit human-rights violations, including arbitrary arrests, torture and ill-treatment, and use of excessive force,” Amnesty said in its most recent report.

Yet when Mr. Abdelrazik pleaded for a Canadian diplomat to accompany him when he was summoned by the feared Sudanese secret police to an interrogation by visiting U.S. Federal Bureau of Investigation counterterrorism agents, another senior Canadian Foreign Affairs official, Sean Robertson, explicitly ordered the Canadian embassy in Khartoum to deny him a consular escort.

“Staff should not accompany Abdelrazik to his interview with the FBI,” Mr. Robertson, who heads the consular affairs section in Foreign Affairs, wrote in a secret cable to the Canadian embassy in Khartoum on April 3, 2007.