

Canadian stranded in Sudan misses plane home

Ottawa refuses to issue emergency passport despite being under court order to help bring Abousfian Abdelrazik to Canada

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Joanna Smith – The Toronto Star

OTTAWA – A Montreal man stranded at the Canadian embassy in Sudan for more than a year did not board a flight home today that had been paid for by his supporters.

The Canadian government did not issue the emergency passport Abousfian Abdelrazik would have needed to catch his flight to Abu Dhabi for the first leg of a journey home to Montreal.

"It was booked. It was confirmed. It was paid. Everything was a go, but he needs that travel document," said his Ottawa-based lawyer, Yavar Hameed.

Hameed said he has not yet been able to speak with his client but assumes he remains at the embassy in Khartoum.

Federal Court Justice Russel Zinn ordered the Conservative government on June 4 to ensure Abdelrazik returns home within 30 days.

He ruled the Sudanese-born man has a Charter right to re-enter his "country of citizenship by choice".

Zinn ordered authorities to immediately issue an emergency passport and arrange transportation from Khartoum to Montreal if Abdelrazik could not afford to do so himself.

He also ordered the government to provide at federal expense a diplomatic escort to ensure Abdelrazik is not detained in transit or on a layover at a foreign airport.

A spokesperson for Foreign Affairs Minister Lawrence Cannon said the government is still reviewing the decision and would not divulge whether it planned to file an appeal.

"We will not comment further until we have reviewed the decision," press secretary Natalie Sarafian wrote in an email.

This is the second time Abdelrazik was unable to board a flight home paid for by his supporters.

The Department of Justice faxed Hameed a short note April 3 to say Cannon had denied his client an emergency passport on grounds of national security shortly before Abdelrazik was supposed to leave the embassy for the airport.

The government had said on repeated occasions — both to his lawyers and publicly through the media — that it would issue Abdelrazik an emergency passport if he obtained a paid itinerary.

Hameed said this time around there was nothing but silence from the government.

"The government is obliged to consult with us before definitively arranging his travel plans and they have not done so," Hameed said.

"In fact, we have followed up repeatedly about (today's travel plans) and they said `we are just considering it'."

Zinn said in his ruling the government should pay for the travel if there was not enough money left over from the flight arranged April 3.

"There is any number of ways available to him to return to Canada. He once secured an airline ticket and may be able to do so again. In the Court's view, that would cure the breach and be the least intrusive on the role of the executive," Zinn said in his ruling.

"If such travel is possible, and if funds or sufficient funds to pay for an air ticket are not available to the applicant from his April 3, 2009, unused ticket, then the respondents are to provide the airfare or additional airfare required because, but for the breach, he would not have to incur this expense."

Abdelrazik alleges Sudanese authorities tortured him after he was arrested in 2003 when he returned to visit his ill mother.

The Sudanese government has released him.

Both the RCMP and CSIS have said they have no current and substantive information linking Abdelrazik to criminal activity.

Abdelrazik's passport has expired. He is on a no-fly list under a UN Security Council resolution that imposes sanctions on individuals associated with terrorist groups and the Taliban.

Another resolution says this does not prevent countries from allowing their own nationals on the list to come home.