

Montrealer faces weeks of legal limbo; Stuck in Sudan. Waiting years to be reunited with family

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Title: Montrealer faces weeks of legal limbo; Stuck in Sudan. Waiting years to be reunited with family

Illustrations:

□ Colour Photo: PIERRE OBENDRAUF, THE GAZETTE / Abousfian Abdelrazik's stepdaughter Wafa Sahnine holds Abdelrazik's son, Kouteyba, after a news conference in Montreal yesterday. Abdelrazik was jailed in Sudan but was never charged with a crime.

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Montreal resident Abousfian Abdelrazik will continue to bunk down in Canada's embassy in Sudan until he's allowed to return home after almost five hellish years away, his lawyer said yesterday.

But Abdelrazik, 46, can expect to remain in legal limbo for at least several more weeks before he can come back to Canada to reunite with family and re-establish his life, lawyer Yavar Hameed told reporters in Montreal.

Abdelrazik has asked the Federal Court of Canada to issue an emergency order to "repatriate him immediately to Canada by any safe means," Hameed said.

Alleged by the government of Canada to be an Al-Qa'ida member after the Sept. 11, 2001, attacks in New York and Washington, Abdelrazik has repeatedly denied any terrorist links.

A machinist by trade, Abdelrazik arrived in Canada as a refugee in 1990. He became a landed immigrant two years later and was granted citizenship in 1995. He flew to Sudan, his birthplace, to visit his mother in March 2003.

Abdelrazik was detained in August 2003 by Sudanese authorities on suspicion of terrorist links – at Canada's request, according to one of the roughly 1,500 pages of recently released federal government documents.

The documents show the Foreign Affairs Department "frustrated the applicant's efforts to return to Canada, and secretly refused an offer by Sudan to fly the applicant to Canada, without notice to him," Abdelrazik's court filing contends.

After two stints totalling 20 months in Sudanese prisons, which included interrogation by the Canadian Security Intelligence Service, Abdelrazik was released without being charged.

He's been trying to come home since July 2006. He can't fly by commercial aircraft because he was placed on an international no-fly list after the Sept. 11 attacks.

The injunction request to Federal Court, filed Wednesday, asks that Abdelrazik be repatriated at the federal government's expense, by military or chartered plane if necessary.

After developing cardiac and eye problems, asthma, ulcers and suffering the after-effects of malaria, Abdelrazik has been living in the embassy in Khartoum since April 29.

He spends his days in a reception area "under orders not to talk to anyone," Hameed said. At night, Abdelrazik sleeps in a changing room. His diet consists largely of rice.

"We need my father to come home," said Abdelrazik's stepdaughter, Wafa Sahnine, 24. She was accompanied yesterday by Jioyria, 14, Abdelrazik's daughter, who is a high-school student in St. Laurent, and by Kouteyba, his 5-year-old son.

Beatrice Vaugrante, secretary-general of the French-language section of Amnesty International Canada, lawyer Denis Barrette of the Quebec League of Rights and Liberties, and Salam Elmenyawawi, president of the Muslim Council of Montreal, all spoke out for Abdelrazik's immediate return.

Foreign Affairs spokesperson Robin Drummond did not respond to a request for comment.

CSIS spokesperson Manon Bérubé said last night: "We're not commenting at all."

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