

EXILED IN SUDAN

Ottawa withholding travel papers for Canadian

Although he has found an airline to fly him home, Abdelrazik remains stranded while awaiting emergency documents

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September 12, 2008

<http://www.theglobeandmail.com/servlet/story/LAC.20080912.ABDELRAZIK12/TPStory/International>

Abousfian Abdelrazik, accused of being an al-Qaeda operative and holed up for months in Canada's embassy in Sudan, has managed to find an airline willing to fly him home, but the Conservative government has so far refused to provide the emergency travel documents it has repeatedly promised.

Mr. Abdelrazik is supposed to board an Etihad Airlines jet Monday for Canada, but won't be able to unless the promised Canadian travel documents are issued. "I'm still hoping but I don't want to tell my children that I am coming," Mr. Abdelrazik said yesterday. "The Canadians [diplomats] won't tell me anything."

"The silence is inexplicable," said Mr. Abdelrazik's lawyer, Yavar Hameed, who accused the Stephen Harper government of "another appalling delay tactic."

For weeks the government has ignored Mr. Hameed's urgent request for an emergency travel document. Yesterday, both Foreign Minister David Emerson's office and the Department of Foreign Affairs declined to explain why the government hasn't issued Mr. Abdelrazik an emergency passport in line with its previous promises.

"We cannot comment on the situation," Marie-Christine Lilkoff, a Foreign Affairs spokeswoman, said in an e-mail, saying the government was constrained by litigation.

As recently as April, senior Foreign Affairs officials said, in writing, "we stand by the commitment," to "ensure that he has an emergency travel document to facilitate his return to Canada."

In an April 18 letter to his lawyers, Sean Robertson, director of consular affairs in the Department of Foreign Affairs, confirmed that Mr. Abdelrazik, like all Canadian citizens, is entitled to emergency travel documents to get him home.

"I don't think the government has been acting in good faith," Mr. Hameed said yesterday.

The government promise - made when it seemed no airline would issue Mr. Abdelrazik a ticket - has now been put to the test.

In a letter to Foreign Affairs on Aug. 26, Mr. Hameed informed the government of the confirmed reservation on Etihad. He asked the government to provide an emergency travel document, a diplomatic escort, and to pay the nearly \$3,000 airfare.

Mr. Abdelrazik's family, friends and supporters could face prosecution if they pay for the ticket because Canadian law makes it a crime to give funds to anyone on the UN terrorist blacklist, such as Mr. Abdelrazik.

Mr. Hameed also offered to drop Mr. Abdelrazik's lawsuit seeking to force the government to repatriate him.

The government didn't reply to Mr. Hameed's letter until late yesterday - only hours after The Globe put written questions to the minister's office - when a Foreign Affairs official faxed a brief letter to Mr. Hameed saying the matter was "under active consideration."

"As you are aware the [UN Resolution] 1267 listing imposes limits on the financial assistance, including the payment of airfare, that can be provided," wrote Anne Turley, a senior legal counsel at Foreign Affairs.

"Part of the problem is that we are relying on the government to pay for the ticket," Mr. Hameed said, although he added that he would risk prosecution and pay for the ticket himself if that was the only obstacle blocking Mr. Abdelrazik's return.

The government is keenly aware of Mr. Abdelrazik's dilemma.

"Mr. Abdelrazik is currently not able to return to Canada on his own because he is on the United Nations' list of suspected terrorists, suspected of being affiliated with al-Qaeda, the Taliban or Osama bin Laden," then-foreign-affairs-minister Maxime Bernier told the House of Commons in April when he announced he would allow him to live inside the Khartoum embassy for his own safety.

Despite the government's refusal to issue him a passport, this spring Mr. Bernier gave him "temporary safe haven" in the Canadian embassy in Khartoum. Mr. Abdelrazik has now been living there for more than four months while the government says it is trying to get him home.

Although he hasn't been charged with any crime, either in Canada or Sudan, government ministers continue to refer to his UN listing as an al-Qaeda suspect.

Yet the government also says it tried - unsuccessfully - to have Mr. Abdelrazik removed from the 1267 list, named for the number of the UN resolution that established a blacklist of al-Qaeda and Taliban operatives and imposed sanctions against them, including a travel ban and the seizure of their assets.

But the UN travel ban also explicitly permits citizens to return home.

The government says it can't get Mr. Abdelrazik off the UN's terrorist blacklist because any one of the 15 Security Council members can block a delisting request. It also says it can't get Mr. Abdelrazik off the separate U.S. no-fly list, which includes many thousands of names.

Most airlines, including Air Canada, refused to carry Mr. Abdelrazik because he is on the U.S. no-fly list. Even though most flights from Khartoum to Canada would not pass through U.S. airspace, airlines are unwilling to risk retaliation by Washington, which could limit or rescind landing rights on lucrative routes to the United States if airlines don't abide by its travel ban.

Etihad has previously carried passengers blacklisted by the Bush administration. For instance, Maher Arar, who was declared a terrorist suspect by Canadian security agencies, arrested in the United States and shipped to Syria and tortured, remains on the U.S. no-fly list despite the Harper government's repeated demands that he be removed.

Etihad flew Mr. Arar to Brussels in 2006, albeit on a round-about route via Abu Dhabi, for an appearance before the European Parliament when other airlines refused to sell him a ticket.

Mr. Abdelrazik, also named an al-Qaeda suspect by Canadian anti-terrorist agents, was held in a Sudanese prison "at our request," meaning the Canadian government, according to classified documents.

Mr. Abdelrazik first came to Canada in 1990 as a refugee from Sudan. He has twice been married and has several children in Montreal. He became a Canadian citizen in 1995 and was identified by the Canadian Security and Intelligence Service as a possible Islamic extremist in the late 1990s.

He was repeatedly stopped and questioned - he claims harassed - by police and CSIS agents.

In 2002, he returned to Sudan - to visit his ailing mother, he says - and after several months was arrested and imprisoned. He says he was tortured and that he told Canadian diplomats about his mistreatment, but they did nothing.

On his release in July, 2004, his wife sent the money for an airline ticket home and the Canadian embassy issued him an emergency passport. But the airlines - Lufthansa and Air Canada - refused to carry him because he was on the U.S. no-fly list.