
Abdelrazik sues Ottawa to bring him home

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Abousfian Abdelrazik, once labelled an al-Qaeda operative by Canada but now given "temporary safe haven" in the Khartoum embassy, filed a court action yesterday in Ottawa seeking to force the government to fly him home from Sudan.

Mr. Abdelrazik wants the federal court to order the minister to bring him home, even if it means sending a Canadian military aircraft or chartering a private plane.

The suit accuses the government of deliberately thwarting the efforts of Mr. Abdelrazik, a Canadian citizen, to return to Canada since July, 2004, by denying him a new a passport, secretly rejecting a Sudanese offer to fly him home and failing to have him taken off no-fly lists. As a citizen, he has a constitutional right to enter and remain in Canada.

It could be months before the case is heard. "Mr. Abdelrazik is prepared to stay in the embassy as for as long as it takes," his lawyer, Yavar Hameed, said yesterday.

"We had to take the legal action to protect his rights," Mr. Hameed said.

The suit asserts that the Canadian government "has connived to keep [Mr. Abdelrazik] in de facto exile in Sudan through a combination of actions taken negligently or in bad faith."

The legal action represents only the latest twist in the tangled tale of Mr. Abdelrazik, a Canadian citizen suspected by the Canadian Security Intelligence Service of being linked to Islamic extremist cells in Montreal in the late 1990s. Although no charges have ever been filed against him in Canada or Sudan, classified Canadian documents say Sudan imprisoned him "at our request" a few months after he arrived in the country to visit his ailing mother in 2003.

For years, Canadian officials have known Mr. Abdelrazik was stranded in Sudan. A trove of documents, now in the possession of The Globe and Mail, include details of efforts to brief ministers on how to deal with the case should it become public and memos raising concerns about parallels to the case of Maher Arar, another Canadian citizen fingered by Canadian security agencies, who was imprisoned and tortured in Syria.

It remains unclear what Foreign Affairs Minister Maxime Bernier plans to do with Mr. Abdelrazik. Earlier this week, Prime Minister Stephen Harper's office sent Mr. Hameed a note saying Mr. Bernier was handling the case.

Last month, a senior official in Mr. Bernier's department wrote to Mr. Hameed, assuring him that the government of Canada had already "transmitted our support for Mr. Abdelrazik's delisting request to the 1267 Committee," a reference to the UN Security Council committee

that blacklists known al-Qaeda members, set up by the resolution bearing that number. That promise came only weeks after Mr. Bernier had been in Khartoum.

While there, he dispatched his parliamentary secretary, Deepak Obhrai, to meet with Mr. Abdelrazik.

Audiences with junior ministers, being granted "safe haven" in the embassy and written assurances that the government will support his delisting seem inconsistent with maintaining the claim Mr. Abdelrazik is a dangerous terrorist.

However, it remains uncertain whether any such communication of support was ever actually sent to the United Nations and Mr. Bernier's office has declined to confirm or deny the promise made in the April 18 letter.

After the filing of the suit yesterday, Mr. Bernier's spokesman, Neil Hrab, said: "This matter is now before the court and it would be inappropriate to comment."

Last week, Mr. Abdelrazik entered the Canadian embassy in Khartoum. For the past eight days he has been allowed to stay, granted "temporary safe haven" according to the minister, although experts in international law and consular affairs say the term has no meaning under the Vienna Convention or other treaties governing relations between states.

Mr. Bernier has said Mr. Abdelrazik's case is "under review," but he also repeated, in the House of Commons, the unproved allegation that Mr. Abdelrazik is an al-Qaeda member and an associate of Osama bin Laden.

Mr. Abdelrazik came to Canada as a political refugee in 1990, acquired landed immigrant status two years later, married a French-Canadian and became a citizen in 1995. He flatly denies any links to al-Qaeda. He also denies the allegations of France and U.S. counterterrorist agencies that he trained in al-Qaeda camps in Afghanistan in the late 1990s.

Although he had no trouble flying to Sudan in 2003, by the time he was released from prison, his passport had expired and his name had been put on a no-fly list, although which country was responsible for blacklisting him remains unclear.

For a citizen to sue the government in an effort to force it to repatriate him seems unprecedented.

The government claims, in its April 18 letter, that "the unfortunate circumstances in which Mr. Abdelrazik has found himself are as a result of events beyond Canadian control."

But in his application for a federal court hearing yesterday, Mr. Abdelrazik's lawyers argued that the government had "violated the applicant's right as a Canadian citizen to enter Canada" and that the ongoing violation of his rights has "imperilled the applicant's life, liberty and security of person by exiling him in Sudan."