

A contradiction to be explained

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The government of Canada is standing up in Federal Court and telling what appears to be a false story about a Canadian citizen arrested and jailed in Sudan. Why?

The government says it did not ask Sudan to detain Abousfian Abdelrazik, whom the United States government suspected of being an al-Qaeda recruiter linked to Abu Zubaydah, an al-Qaeda leader. But documents obtained by The Globe show on their face that Canada did exactly what it denies having done.

"We were not informed of his arrest until November 2003, when Sudanese authorities advised us he was detained at the request of the government of Canada (please see attached memo for more detail)," says a briefing note from the Canadian Foreign Ministry. (All eight pages of the attached memo are blacked out.) Yet the government maintains a different position in its written argument, filed in Federal Court as a defence against Mr. Abdelrazik's claim that he is being illegally kept out of Canada (he has been living for the past year at Canada's embassy in Khartoum, after being cleared by the Sudanese). "His entire case rests on the unsubstantiated allegation that the government requested his detention in September 2003. This is directly contradicted by Canadian government officials." Why is the government telling the Federal Court that the allegation is false when it appears to be true?

Canada's poor behaviour on this file seems only to be getting worse. The government is acting arbitrarily in denying a citizen his right to enter the country. (It said he could have an emergency passport to return if he could obtain a ticket; when he obtained the ticket, it said he was a national-security risk.) It seems to be willing to use the fruits of torture, by aligning itself with allegations that may have emerged from U.S. torture techniques on Mr. Zubaydah, after having promised it would not use information gleaned from torture even to protect civilian lives.

Would Canada descend to knowingly telling falsehoods in Federal Court? Has Canada convinced itself there is some wiggle room in its story? Were the relevant documents disclosed to the government lawyers? What has Rob Nicholson, the Minister of Justice, to say?

There is also the issue of Canada's complicity in the alleged torture of a citizen. Canada should, and does, deal with countries with poor human-rights records, as it tries to protect itself from terrorism; but as two separate Canadian judicial inquiries have said, it needs to make sure that it doesn't get into bed with torturers when it does so. Mr. Abdelrazik maintains he was tortured (Canada rejects that claim). If Canada was involved in abuses of Mr. Abdelrazik's rights, it has a moral and, in all likelihood, a legal obligation, to bring him home.

Canada needs to explain why its documents say one thing about its behaviour in the Abdelrazik case while it says another in Federal Court.

