

# When your country abandons you

By Kate Heartfield, The Ottawa Citizen  
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If the Canadian government violates your constitutional rights in the name of security, here's what you do.

First, suffer for a year or two in obscurity, figurative and, often, literal. During this time, you might be detained and tortured.

Get some human-rights NGOs to send out press releases, or get your mom or spouse to make some calls or hold a sign on Parliament Hill. Hope against hope that some journalist will find the time and be granted the space to write about your story. Wait another few years for a few more journalists to pick up the thread. Getting at least one person to write and publish a book about you can't hurt.

At this point, if all goes well, you will have become a cause célèbre, although you might have missed your children's childhoods, and endangered your relationship with your spouse, and you will probably be suffering from post-traumatic stress syndrome and, perhaps, physical pain. Even if you have your freedom, you probably won't have a good job.

At this point, there might be a Federal Court decision declaring that the government has indeed violated your rights, or an inquiry by a retired judge explaining exactly how that happened.

The government will, more likely than not, appeal the court decision, and ignore the recommendations of the inquiry.

This is the pattern. We've seen it over and over. Maher Arar, Abdullah Almalki, Ahmad Abou-Elmaati, Muayyed Nureddin, Omar Khadr, and now Abousfian Abdelrazik.

It took a while for Abdelrazik to become a cause célèbre.

He was granted refugee status in Canada in the early 1990s, and a few years later, became a Canadian citizen. In 2003, he travelled back to Sudan to visit his sick mother and, he says, to escape harassment by the Canadian Security Intelligence Service after 2001.

He was picked up by Sudanese authorities in 2003 and detained twice, once for 11 months and once for nine. He says he was tortured. His passport expired while he was in detention and he was put on a United Nations terrorism blacklist. He's never been told why, and the RCMP and CSIS say they have nothing against him.

All along, Canadian officials have been promising they would give him an emergency passport, if he could find a plane to take him home and pay for his ticket. When he did all that, in April of this year, the government flatly refused to give him a passport.

A Federal Court judge, Russel Zinn, ruled recently that the government has to bring Abdelrazik home. The UN blacklist is itself unjust, Zinn wrote:

"One cannot prove that fairies and goblins do not exist any more than Mr. Abdelrazik or any other person can prove that they are not an al-Qaida associate. It is a fundamental principle of Canadian and international justice that the accused does not have the burden of proving his innocence, the accuser has the burden of proving guilt."

Abdelrazik might get some kind of justice, eventually. But what about the victims who never become causes célèbres?

Earlier this year, I wrote about Abdihakim Mohamed, a young autistic man of Somali origin but Canadian citizenship, stuck in Nairobi because he can't get a passport. He's not detained, but his case does bear a few of points of similarity to that of Abdelrazik.

If Abdelrazik's valid passport hadn't expired while he was in detention (possibly at Canada's request), he'd be home now. If Canadian authorities hadn't seized Mohamed's valid passport from his mother, who'd put it in her luggage for safekeeping, he'd be home by now.

And again, the burden of proof has been shifted. For three years, Passport Canada been trying to make Mohamed's mother, a cleaner in Ottawa, prove that her son isn't an imposter. She can't prove that, any more than she can prove he isn't a fairy or goblin. She does have affidavits and photos to prove he's her son, but that isn't good enough, apparently.

And, just as Abdelrazik couldn't depend on getting the same answer from officialdom from one week to the next, neither can Mohamed. One month, Passport Canada might take issue with the validity of his mother's Power of Attorney. A few months later, it might insist it needs more photographs. It's always something.

Like Abdelrazik, Mohamed is a citizen and has a right to enter Canada. It's in the Charter.

But Abdihakim Mohamed has not yet become a cause célèbre. Maybe he never will. Maybe the stories we do hear -- about the Abdelraziks, the Arars -- are just a few among many.

It shouldn't have to take a media firestorm and an expensive court case or inquiry for the government to respect the basic rights of citizens abroad.

This government has shirked its duty in foreign affairs, forcing the courts to rule on cases that should have been handled, competently and honestly, by the Foreign Affairs Department.