



**HAMEED
FARROKHZAD
ELGAZZAR
BROUSSEAU**

Yavar Hameed
B.A., M.A., LL.B.

Kourosh Farrokhzad
B.A., M.A., LL.B.

Khalid M. Elgazzar
B. Comm., LL.B.

Audrey Brousseau
LL.L., LL.B.

43 Florence rue/Street
Ottawa, Ontario
K2P 0W6

Téléphone/Phone
613-232-2688

Télécopieur/Facsimile
613-232-2680

www.hfeb.ca

Yavar Hameed

Telephone: 613-232-2688 x 228
yhameed@hfeb.ca

VIA FACSIMILE

May 27, 2009

Donna Blois
Department of Foreign Affairs
Legal Services Unit
125 Sussex Drive, Room C7-213
Ottawa, Ontario K1A 0G2

Dear Ms. Blois:

**Re: Attendance of Abousfian Abdelrazik before the Parliamentary
Standing Committee for Foreign Affairs and International
Development; Our File No.: 2334**

Please be advised that this letter is not, and is not to be construed as, a settlement offer. Accordingly, this letter is neither confidential, nor is it protected by settlement privilege.

As your client, the Honourable Minister Lawrence Cannon, is aware, Mr. Abdelrazik has been invited to appear as a witness before the Standing Committee on Foreign Affairs and International Development (SCFAID or "the Committee"). To this end, he received an invitation from the Clerk of the Committee, Ms. Angela Crandall, dated May 6, 2009, which Mr. Abdelrazik immediately accepted.

An airline ticket has been purchased and obtained for Mr. Abdelrazik to return to Canada on June 12, 2009 on Etihad Airlines. The itinerary is enclosed herewith. We request that you make all necessary arrangements for Mr. Abdelrazik's safe passage back to Canada aboard the Etihad flight to ensure that he can appear before the Committee as requested. Such arrangements include the issuance of all appropriate travel documentation. You will recall that the Canadian government has repeatedly promised to issue a travel document to Mr. Abdelrazik on several occasions including the following:

- On September 30, 2004, in an email from Konrad Sigurdson, former Director General of Consular Affairs: "Canadian officials have offered Mr. Abdelrazik an Emergency Passport for a one-way return to Canada provided that he is able to make his own travel arrangements.";

- On July 31, 2006, in an email from Alan Bones, former Head of Mission of the Canadian Embassy in Sudan: "I informed Abdelrazik that if and when he presented a travel itinerary to the Embassy we would issue him a travel document.";
- On January 31, 2007, in an internal memo by Transport Canada: "As a Canadian citizen, Mr. Abdelrazik is entitled to a one-time Canadian travel document that would allow him to travel to Canada.";
- On April 18, 2008, in a letter from Sean Robertson, DFAIT's Director of Case Consular Affairs: "I would like to remind you of our commitment, expressed in our meeting of February 27, to ensure that [Mr. Abdelrazik] has an emergency travel document to facilitate his return to Canada.";
- On December 23, 2008, in a letter from Lu Fernandes, Director General of the Security Bureau at Passport Canada: "However, notwithstanding any of the foregoing, in order to facilitate Mr. Abdelrazik's return to Canada, Passport Canada will issue an emergency passport to Mr. Abdelrazik, upon his submission of a confirmed and paid travel itinerary.";

You will also recall that DFAIT has held that, notwithstanding Mr. Abdelrazik's listing on the UN 1267 List, he is entitled to return home under International Law: "Mr. Abdelrazik is subject to an assets freeze, arms embargo and travel ban. Note, however, that as for all Canadian nationals, Mr. Abdelrazik retains the right to return to his own country of nationality. International law expressly provides for a right to return, and prevents states from denying return to own' s [sic] state of nationality. »

Additionally, as you are no doubt aware, contrary to the position that your colleagues adopted during the Federal Court hearing before the Honourable Justice Zinn on May 7 and 8, 2009, a spokesperson for the United Nations 1267 Committee has stated publicly that the UN's 1267 regime does not require Canada to seek permission of those countries whose airspace the return flight for Mr. Abdelrazik may cross in the course of his repatriation to Canada. In fact, according to Mr. Richard Barrett, Coordinator of the UN 1267 Monitoring Team, "Whether it is Abdelrazik or anybody else, it is up to the state in question whether they want to allow the person to come back or not." Mr. Barrett's statements regarding the 1267 Committee's position in this regard were prominently reported by the media. Enclosed herewith for your convenience are copies of recent media articles.

As a practical matter, which informs the way in which the 1267 list functions as described by Mr. Barrett and demonstrates how it is being interpreted by UN member states, we note that a person listed under the UN 1267 Sanctions Regime, Maxamed Cabdullaah Ciise (QI.C.141.03), was permitted to travel from London to Mogadishu, Somalia on April 1-2, 2009.

Given your involvement in this file, you are undoubtedly aware that Canada has, where it has deemed fit, sought exemptions in respect of its obligations under UN

Resolution 1267 or the federal regulations enacted in consequence thereof. In particular, Canada has sought the following exemptions:

- Canada authorized a monthly loan payment of \$100 Cdn from the Distressed Canadian Fund to Mr. Abdelrazik until May 2008;
- After May 2008, Canada authorized an increase to the monthly loan payment amount to be paid towards the living expenses of Mr. Abdelrazik in the monetary equivalent of \$400 per month;
- Canada authorized the payment of \$2,500 towards the legal costs of Mr. Abdelrazik further to the Attorney General's unsuccessful cross appeal which sought to deny Mr. Abdelrazik solicitor client communications by facsimile;
- Canada has also made another exemption to satisfy the settlement of a judicial review application pursuant to section 41 of the Privacy Act;

In light of the foregoing, we request that you make all necessary requests for exemption that may be required in respect of UN Resolution 1267 and all related Resolutions that may affect Mr. Abdelrazik's right of repatriation in order to ensure that he can return to Canada for the purpose of his appearance before the Committee as outlined above. It is our position, and the UN Monitoring Team Coordinator's considered view that Canada does not require any exemption from the UN 1267 Committee to allow Mr. Abdelrazik's return. However, should your opinion differ, we urge you to request an exemption for travel back to Canada, which as you are aware, only states can make. We remind you that the Committee needs 5 days to deliberate on such a request by a state.

Further, we ask that Mr. Abdelrazik receive a firm guarantee of his right to return to safe haven in the embassy if he is unable to depart from Khartoum on June 12, 2009.

As you are aware, the airline requires passport information to be provided ahead of time, we would kindly request that you provide us with confirmation by June 5, 2009 that all necessary steps have been taken to allow Mr. Abdelrazik back in the country.

I look forward to hearing from you and trust that the Minister and the Government of Canada will act in a manner that is consistent with the Charter, International Law, the rule of law and procedural fairness and natural justice as required by the Common Law and the policies, procedures and regulations of DFAIT and Passport Canada.

Yours very truly,

HAMEED FARROKHZAD ELGAZZAR BROUSSEAU

A handwritten signature in black ink, appearing to read 'Yavar Hameed', written over a horizontal line.

Yavar Hameed

Encls.

ABDELRAZIK/ABOUSFIAN MR 12JUN KRT AUH

ELECTRONIC TICKET PASSENGER ITINERARY RECEIPT

ETIHAD AIRWAYS
5000 YONGE STREET 17 FLOOR
TORONTO ,ONTARIO , M2N 7E9
ABDELRAZIK/ABOUSFIAN MR
TORONTO
IATA : 679 91490
TELEPHONE: +1 416 2214744

DATE: 26 MAY 2009
AGENT: 4576
NAME:

ISSUING AIRLINE : ETIHAD AIRWAYS
TICKET NUMBER : ETKT 607
2103724515
BOOKING REF : AMADEUS: 5LO8G2, AIRLINE: EY/3W9UZA
FROM /TO FLIGHT CL DATE DEP FARE BASIS NVB
NVA BAG ST

KHARTOUM EY 635 Q 12JUN 1545 QOWSD2 03APR
03APR 2PC OK
ABU DHABI ARRIVAL TIME: 2035
TERMINAL:1

ABU DHABI EY 141 Q 13JUN 1010 QOWSD2 04APR
04APR 2PC OK
TERMINAL:3
TORONTO INTL ARRIVAL TIME: 1640
TERMINAL:1

AT CHECK-IN, KINDLY PRODUCE THE IDENTIFICATION DOCUMENT
THAT YOU PRESENTED AT THE TIME OF BOOKING.

PLEASE KEEP THIS ITINERARY RECEIPT HANDY AT THE AIRPORT AS
YOU MAY BE ASKED TO PRESENT IT AT SECURITY, IMMIGRATION,
CUSTOMS OR CHECK-IN POINTS.

CHECK IN OPENS AT LEAST 3 HOURS PRIOR TO DEPARTURE. FOR
FLIGHTS DEPARTING ABU DHABI, CHECK-IN OPENS 4 HOURS PRIOR
TO DEPARTURE.

CHECK-IN CLOSES 60 MINUTES PRIOR TO DEPARTURE.

PLEASE ENSURE YOU ARE AT THE BOARDING GATES AT LEAST 45 MINUTES BEFORE DEPARTURE.

ENDORSEMENTS : VALID EY ONLY/NON ENDO/ NON RRTE/REF
CHARGES APPLY

EXCHANGE RATE : 1.2863

PAYMENT : INV-CQ

FARE CALCULATION : KRT EY X/AUH EY YTO660.00NUC660.00END
ROE1.000000

AIR FARE	:	USD	660.00
EQUIV FARE PAID	:	CAD	849.06
TAX	:	CAD CA	147.92YQ
TOTAL	:	CAD	996.98

NOTICE

WHERE PURCHASE HAS BEEN MADE THROUGH THE INTERNET, TO USE THIS ELECTRONIC TICKET YOU MUST PRESENT PROOF OF IDENTITY.

TRANSPORTATION AND OTHER SERVICES PROVIDED BY ETIHAD AIRWAYS ARE SUBJECT TO CONDITIONS OF CARRIAGE OF PASSENGERS AND BAGGAGE WHICH ARE HEREBY INCORPORATED BY REFERENCE AND FORM PART OF THE CONTRACT OF CARRIAGE BETWEEN YOU AND ETIHAD AIRWAYS. YOU ARE INVITED TO TAKE NOTE, IN ADVANCE OF YOUR JOURNEY, OF THESE CONDITIONS THE FULL TEXT OF WHICH IS AVAILABLE FROM ETIHAD AIRWAYS OR ITS AGENTS OR ON THE WEBSITE [HTTP://WWW.ETIHADAIRWAYS.COM/CONDITIONSOFCARRIAGE](http://WWW.ETIHADAIRWAYS.COM/CONDITIONSOFCARRIAGE)

NOTICE IF THE PASSENGERS JOURNEY INVOLVES AN ULTIMATE DESTINATION OR A STOP IN A COUNTRY OTHER THAN THE COUNTRY OF ORIGIN, THE WARSAW CONVENTION OR THE MONTREAL CONVENTION AS STATED IN THE CONDITIONS OF CARRIAGE OF PASSENGERS AND BAGGAGE MAY APPLY TO THE ENTIRE JOURNEY, INCLUDING ANY PORTION ENTIRELY WITHIN THE COUNTRY OF ORIGIN OR DESTINATION. THESE CONVENTIONS MAY LIMIT THE LIABILITY OF THE CARRIER FOR LOSS OF LIFE OR BODILY INJURY; IN RESPECT OF DELAY, AND FOR LOSS OR DAMAGE TO BAGGAGE.

ETIHAD AIRWAYS HAS WAIVED THE LIMITS OF LIABILITY APPLICABLE UNDER THE WARSAW CONVENTION (OR THAT CONVENTION AS AMENDED AT THE HAGUE 1955 OR PROTOCOLS NOS. 1 AND 2 OF 1975) WITH RESPECT TO LOSS OF LIFE OR BODILY INJURY ATTRIBUTABLE TO AN ACCIDENT. HOWEVER, UNDER WARSAW

CONVENTION (OR THAT CONVENTION AS AMENDED AT THE HAGUE 1955 OR PROTOCOLS NOS. 1 AND 2 OF 1975) THE LIABILITY FOR THE LOSS, DAMAGE OR DESTRUCTION OF CHECKED BAGGAGE IS LIMITED TO 17 SDR PER KILOGRAM (ABOUT USD 20).

UNDER THE MONTREAL CONVENTION OF 1999, NO FINANCIAL LIMITS APPLY IN THE CASE OF LOSS OF LIFE OR BODILY INJURY. ETIHAD AIRWAYS MAY MAKE ADVANCE PAYMENTS TO MEET IMMEDIATE ECONOMIC NEEDS OF THE PERSON ENTITLED TO CLAIM COMPENSATION, SUBJECT TO APPLICABLE LAW. THE LIABILITY OF ETIHAD AIRWAYS IN RESPECT OF DAMAGE CAUSED BY DELAY IS LIMITED TO SDR 4150 (ABOUT USD 6200) AND THE LIABILITY IN RESPECT OF DESTRUCTION, LOSS, DAMAGE, OR DELAY OF BAGGAGE IS LIMITED TO SDR 1000 (ABOUT USD 1,500.)

FOR FLIGHTS ORIGINATING FROM ANY STATE MEMBER OF THE EUROPEAN UNION ETIHAD AIRWAYS IS COMMITTED TO RESPECT THE SPECIFIC EUROPEAN REGULATIONS RELATING TO LIABILITY IN CASE OF DENIED BOARDING, CANCELLATION OF A FLIGHT OR SUBSTANTIAL DELAY.

FOR SECURITY REASONS, ALL KNIVES, SHARP OBJECTS OR CUTTING IMPLEMENTS OF ANY KIND AND ANY LENGTH, WHETHER OF METAL OR OTHER MATERIAL, KNITTING NEEDLES, AND SPORTING GOODS, MUST BE PACKED IN YOUR CHECKED BAGGAGE. THEY CANNOT BE CARRIED IN CABIN BAGGAGE OR ON PERSON. PASSENGERS CARRYING HYPODERMIC NEEDLES WILL NEED TO DECLARE THEM AT THE SCREENING POINT. WHERE POSSIBLE DOCUMENTATION OR IDENTIFICATION TO CONFIRM THEIR MEDICAL CONDITION SHOULD BE PRODUCED. MEDICATION SHOULD HAVE PROFESSIONALLY PRINTED LABEL IDENTIFYING THE MEDICATION OR A MANUFACTURER'S NAME OR PHARMACEUTICAL LABEL AFFIXED.

IT IS FORBIDDEN THAT PASSENGERS CARRY IN THEIR BAGGAGE ARTICLES, LIQUIDS, OR OTHER SUBSTANCES WHICH ARE CAPABLE OF POSING A SIGNIFICANT RISK TO HEALTH, SAFETY AND PROPERTY WHEN TRANSPORTED BY AIR, INCLUDING EXPLOSIVES, COMPRESSED GASES AND/OR AEROSOLS, FLAMMABLE LIQUIDS, CORROSIVES, OXIDISING MATERIALS, MAGNETS, MATERIALS EASILY IGNITED, POISONOUS, OFFENSIVE OR IRRITATING SUBSTANCES, MUNITIONS OF WAR AND ANY FURTHER ITEMS WHICH ARE PROHIBITED BY APPLICABLE LAWS, REGULATIONS OR ORDER OF ANY STATE TO BE FLOWN FROM, TO OR OVER. FOR QUESTIONS OR ADDITIONAL INFORMATION PLEASE CONTACT YOUR TRAVEL AGENT OR VISIT THE WEBSITE [HTTP://WWW.ETIHADAIRWAYS.COM/CONDITIONSOFCARRIAGE](http://www.etihadairways.com/conditionsofcarriage).

THE GLOBE AND MAIL

POLITICS

Canada free to bring Abdelrazik home, UN official says

BY PAUL KORING

Friday, May. 15, 2009 03:10PM EDT

Canada is free to bring Abousifan Abdelrazik home and doesn't need to ask for permission, the UN official overseeing the blacklist of alleged al-Qaeda and Taliban suspects said yesterday.

"Whether it is Abdelrazik or anybody else, it is up to the state in question whether they want to allow the person to come back or not," said Richard Barrett, co-ordinator of the UN's Al-Qaeda and Taliban Monitoring Team, which oversees the various United Nations resolutions establishing the blacklist on which Mr. Abdelrazik was placed at the request of Washington in 2006.

He said the travel ban exemption allowing for the return of a citizen is so clear in the UN resolutions that governments need not – and most don't – even apply for permits.

"States needn't notify the committee if somebody is going back to their own country, so we don't necessarily know of all the instances where that has happened," Mr. Barrett said, dismissing the central claim of the Harper government as it fights Mr. Abdelrazik's return.

The Harper government continues to insist that Mr. Abdelrazik's presence on the UN list justifies blocking his return and denying him a passport.

"Mr. Abdelrazik is on the list established by the United Nations Security Council as an individual with ties to al-Qaeda. Therefore, he is subject to a travel ban and an asset freeze. Our government is taking its obligations seriously and that is why we are not going" to issue him a travel document to return home, Foreign Minister Lawrence Cannon said in the House of Commons on Monday.

Mr. Barrett's assertion that the travel ban doesn't prevent Mr. Abdelrazik's return and – even if it did – other nations on the route home don't need to agree to the exemption, strikes at the heart of the two key claims made by government ministers and Justice Department lawyers in their efforts to block the return of Mr. Abdelrazik, a Canadian citizen.

Mr. Abdelrazik's lawyers argue the government is trampling on his Charter right to return home and deliberately twisting international law to shore up efforts that have left him marooned abroad for more than six years. They claim the government wants to hide the involvement of Canadian agents in the arrest, imprisonment and mistreatment of a Canadian overseas.

Mr. Abdelrazik, 47, has been living in the Canadian embassy in Khartoum for more than a year. Despite being deared by both CSIS and the RCMP, he remains on the UN Security Council terrorist blacklist, put there by the Bush administration. Mr. Cannon called him a "national security risk" last month when the minister abruptly reversed previous written government promises to issue him a one-way travel document to come home if he could find an airline willing to fly him. Nearly 200 Canadians had bought him a ticket.

Today in Federal Court, government lawyers are expected to argue that Mr. Abdelrazik can't come home because the travel ban associated with the UN terrorist blacklist means every state he might fly over between Khartoum and Montreal would need to explicitly seek a travel ban exemption for him.

The government relies extensively on that interpretation in its court filing.

"The travel ban specifies that listed individuals may not enter into the territories of a UN member state or transit through the territory of a UN member state," Justice Department lawyers contend in their "memorandum of fact and law." The government's adds "it is geographically impossible for [Mr. Abdelrazik] to travel from Sudan to Canada by air, land or sea without transiting through the sovereign territories (land, airspace or territorial waters) of numerous UN member states which are bound at international law to prevent such transit."

Mr. Barrett rejects that interpretation.

"The overflight states don't come into it and they haven't ever come into it," he said.

The UN 1267 committee, so named for the first UN resolution, co-sponsored by Canada, which created the blacklist, has issued numerous travel ban exemptions for various reasons, including travel for medical treatment or to attend legal hearings.

None of them has ever involved permission from overflight states, nor have overflight states been involved when countries bring citizens home under the explicit travel ban exemption without seeking a UN travel permit.

Heavily censored government documents implicate Canadian security agents in Mr. Abdelrazik's arrest in Sudan in 2003. CSIS agents interrogated him in Sudanese prisons while the rest of the government and even his family were kept in the dark about his whereabouts.

Mr. Abdelrazik claims he was beaten and tortured during his 19 months – in two stints – in Sudan's notorious prisons. Government lawyer Anne Turley, in cross-examination in preparation for today's court hearing, tried to get Mr. Abdelrazik to admit to self-mutilation to account for the scars on his torso.

Other documents show Ottawa rejected Sudanese offers to fly Mr. Abdelrazik home and that Khartoum told Canadian diplomats it could no longer hold an innocent man at the behest of foreign governments. Meanwhile, Canadian officials dismissed Mr. Abdelrazik's treatment as no worse than usual for a Sudanese jail. Senior Canadian officials ordered Canadian diplomats to stay away when Mr. Abdelrazik pleaded for them to attend while he was interrogated by visiting U.S. agents.

The Bush administration added Mr. Abdelrazik to the UN list and its own no-fly list in 2006. He is the only living Canadian on the list of more than 500 al-Qaeda and Taliban suspects.

Mr. Abdelrazik, who came to Canada in 1990 and was granted political refugee status, became a citizen in 1995. He has never been charged with a crime in Canada, the United States or Sudan.

In 2007, the Canadian government asked the UN to delist him, after first getting written assurances from the Canadian Security Intelligence Service and the RCMP that he wasn't regarded as a terrorist or criminal threat. The delisting request was vetoed, probably by the United States, which claims he is a close associate of Abu Zubaydah, the al-Qaeda leader who was water boarded more than 80 times by CIA agents.

On Tuesday, Mr. Abdelrazik's supporters delivered a personal appeal from the man marooned in the Canadian embassy to Prime Minister Stephen Harper.

"I have seen commercials of you, Mr. Harper, during the last election, in which you were playing piano with your young son," Mr. Abdelrazik said in his letter delivered by some of the hundreds of Canadians who paid for his ticket home last month. "You are a man who cares about his family. Why do you forbid me to be with my family? To encourage my young son to play piano or play soccer and to watch my teenage daughter grow and learn? I have dreams, Mr. Harper, dreams that I will one day return to my beloved Canada. But today I am living a nightmare."

LE DEVOIR .com

Un Canadien retenu au Soudan - L'ONU contredit Ottawa

HÉLÈNE BUZZETTI
Édition du jeudi 07 mai 2009

Mots clés : ONU, Cour fédérale, Abousfian Abdelrazik, Gouvernement, Soudan (pays), Canada (Pays)

Il est permis de survoler d'autres pays pour rentrer au Canada

Ottawa -- Alors que la Cour fédérale entend ce matin la cause d'Abousfian Abdelrazik, ce Canadien coincé au Soudan que le gouvernement conservateur ne veut pas ramener au pays, un haut représentant de l'ONU contredit la logique d'Ottawa. Rien n'empêche son retour au Canada, pas même la géographie!

M. Abdelrazik vit à l'ambassade canadienne de Khartoum depuis un an. Il demande en vain à Ottawa des documents de voyage temporaires afin de retrouver sa famille à Montréal. Le gouvernement de Stephen Harper refuse sous prétexte que l'homme est inscrit sur la liste terroriste des Nations unies. Or, même l'équipe de surveillance d'al-Qaïda et des talibans à l'ONU qui veille au respect de cette liste estime qu'Ottawa se trompe.

En entrevue avec Le Devoir hier, le coordonnateur de cette équipe, Richard Barrett, a rappelé que l'ONU a prévu une exemption pour les citoyens rentrant dans leur pays d'origine, que le gel des actifs doit être appliqué avec discernement et qu'il n'y aurait pas de conséquences si l'avion d'Abousfian Abdelrazik survolait d'autres pays, comme le craint Ottawa. C'est tout l'argumentaire des avocats d'Ottawa, qu'ils utiliseront ce matin, qui s'envole...

«Oui, bien sûr, dans certaines circonstances, une personne inscrite sur cette liste peut revenir dans son pays», a dit Richard Barrett en entrevue téléphonique hier alors qu'il se trouvait au siège de l'ONU, à New York.

M. Abdelrazik n'a pas un sou parce que ses actifs ont été gelés comme le prévoit la résolution du Conseil de sécurité de l'ONU. En théorie, personne ne peut lui donner d'argent non plus. Ottawa se réfugie derrière cet argument pour ne pas rapatrier à ses frais son ressortissant.

Erreur, rétorque Richard Barrett. «L'idée derrière le gel des actifs d'une personne, c'est d'empêcher qu'elle obtienne quelque chose qui pourrait servir à des fins terroristes», explique-t-il. «Vous devez utiliser votre intelligence et votre jugement pour déterminer si cela est un risque dans les circonstances.» Il n'est pas question d'interpréter ce gel comme l'interdiction d'acheter un billet d'avion, de bateau ou de train, estime-t-il.

M. Barrett ajoute que dans le doute, le Canada peut s'adresser au comité du Conseil de sécurité pour s'assurer qu'il n'y a pas de problème. Il refuse de dire si cela a été fait, ce genre de discussions étant confidentielles.

«Les gouvernements disposent d'une certaine latitude pour décider, précise-t-il. Évidemment, le Conseil de sécurité s'en remet au gros bon sens des États, des gouvernements pour mettre en oeuvre le régime de sanctions prévu. On n'enverrait personne à Ottawa pour s'assurer que c'est fait correctement. On estime que le gouvernement du Canada est parfaitement capable de comprendre et de mettre en oeuvre la résolution.»

Survol inoffensif

M. Barrett a accordé une entrevue à la radio de Radio-Canada la semaine dernière. Cette fois, il va un peu plus loin en démolissant l'argument géographique d'Ottawa. Dans son

factum dont Le Devoir a obtenu copie le mois dernier, le gouvernement fédéral faisait valoir que l'exemption prévue par l'ONU permettant de rapatrier une personne dans son pays d'origine (mais son pays uniquement) ne serait d'aucune utilité dans le cas Abdelrazik. Aux fins de sa cause, Ottawa considère en effet que survoler un pays équivaut à y entrer. Comme l'avion de M. Abdelrazik allant du Soudan au Canada survolerait assurément d'autres pays, Ottawa conclut qu'un tel voyage violerait la résolution de l'ONU. Il refuse donc de le cautionner.

Encore une fois, Richard Barrett estime qu'Ottawa a tout faux. «Le survol d'un pays ne constitue pas un transit, assure-t-il. Sur la scène internationale, ce n'est pas ce qui est entendu par "transit". Un transit est interprété comme un endroit où vous atterrissez ou un pays où vous entrez et dont vous devez repartir pour continuer votre voyage. Lorsque vous prenez un vol direct du Canada vers le Mexique, on ne considère pas que vous faites un transit par les États-Unis même si vous survolez les États-Unis.»

D'ailleurs, la même semaine où Ottawa déposait son argumentaire rendant la géographie responsable du sort de M. Abdelrazik, l'ONU accordait une exemption à un Somalien se trouvant en Grande-Bretagne afin qu'il rentre chez lui. L'exemption s'appliquait uniquement au Kenya, pays où son avion a fait escale, mais pas à tous les pays européens qu'il a survolés.

Abousfian Abdelrazik s'est rendu au Soudan en 2003 pour visiter sa mère malade. Il a été arrêté et incarcéré à la demande du Canada, soutient Khartoum. M. Abdelrazik prétend avoir été torturé, mais Ottawa ne le croit pas. En 2006, les États-Unis ont fait ajouter son nom à la liste terroriste internationale. Il n'est donc plus capable de rentrer au pays. Ses avocats s'adressent à la Cour fédérale pour forcer Ottawa à lui délivrer des documents de voyage. Ottawa exige qu'il fasse d'abord retirer son nom de la liste internationale.

Richard Barrett a précisé que la résolution de l'ONU permettait à un pays de rapatrier ses ressortissants considérés comme terroristes, mais elle ne l'y oblige pas. Le Service canadien du renseignement de sécurité (SCRS) et la Gendarmerie royale du Canada (GRC) ont tous deux écrit qu'ils n'avaient rien à reprocher à M. Abdelrazik.

Vos réactions

Faut se brancher - par Guy Fafard
Le vendredi 08 mai 2009 16:00

Harper le dictateur ! - par André 68 (andre_lacombe@yahoo.com)
Le jeudi 07 mai 2009 23:00

Le problème de la double nationalité encore une fois - par Fernand Trudel
Le jeudi 07 mai 2009 16:00

Kafkaesque! - par Pierre Rousseau
Le jeudi 07 mai 2009 11:00

Et les avions de la CIA ? - par Jerome Letnu
Le jeudi 07 mai 2009 11:00

Parvenir à tout prix à ses fins...malgré le gros bon sens!!! - par Lorraine Dubé
Le jeudi 07 mai 2009 09:00

Ce n'est pas Ottawa qui refuse... - par Robert Henri
Le jeudi 07 mai 2009 05:00

Réagissez à ce texte

Pour ajouter un commentaire,
identifiez vous :
adresse électronique 



Ottawa-Gatineau Affaire Abdelrazik

Feu vert de l'ONU; feu rouge d'Ottawa

Mise à jour le mercredi 29 avril 2009 à 11 h 30

[Partager](#)[Courriel](#)[Facebook](#)

[Imprimer](#)



Photo: La Presse Canadienne
/Graham Hughes
Abousfian Abdelrazik

Le responsable de l'équipe de surveillance des activités d'Al-Qaïda à l'ONU, Richard Barrett, affirme que le Canada peut autoriser le citoyen canadien Abousfian Abdelrazik à rentrer au pays même si son nom figure sur une liste d'interdiction de vol des Nations unies.

Malgré cette affirmation de M. Barrett, le gouvernement Harper refuse toujours d'aider M. Abdelrazik à revenir au pays. Le ministre des Affaires étrangères, Lawrence Cannon, explique que lorsque M. Abdelrazik aura fait retirer son nom de la liste de l'ONU, le Canada pourra alors intervenir pour l'aider à rentrer au pays.

De son côté, M. Barrett souligne que M. Abdelrazik est un citoyen canadien et que le Canada peut donc autoriser son retour. La décision, dit-il, revient au gouvernement du Canada.

Il précise toutefois que les avoirs financiers des personnes sur la liste étant gelés, le gouvernement canadien pourrait difficilement envoyer à M. Abdelrazik de l'argent pour un billet d'avion, mais il reconnaît que d'autres possibilités existent.

L'avocat de M. Abdelrazik, Yavar Hameed, indique quant à lui que le gouvernement Harper pourrait, par exemple, utiliser un avion militaire pour aider son client à rentrer au Canada.

D'autres pays ont permis à leurs citoyens qui se trouvaient sur la liste de l'ONU de rentrer chez eux.

Abousfian Abdelrazik a été emprisonné en 2003 lors d'un voyage au Soudan. Il a été libéré en 2006, mais l'ONU l'a aussitôt inscrit sur une liste d'interdiction de vol pour de présumés liens avec le groupe terroriste Al-Qaïda, et ce, même si la Gendarmerie royale du Canada (GRC) et le Service canadien du renseignement affirment n'avoir rien à lui reprocher.

Trier

X

Signalez un abus

Signalez dans un commentaire : (Requis)