

Stranded Canadian seeks repatriation from Sudan through court battle

May 7th, 2009

OTTAWA — A Sudanese-Canadian man stranded in Africa is citing the Charter of Rights and Freedoms in a legal bid to return home.

Lawyers for Abousfian Abdelrazik told Federal Court that the government's story keeps shifting about why the Canadian citizen isn't being allowed back in the country.

Diplomatic staff have allowed Abdelrazik to live at the Canadian embassy in Khartoum, Sudan, while he awaits word on his fate.

He listened in by telephone conference call Thursday as his lawyers chastised the government's handling of the case.

"We find procrastination, evasiveness, obfuscation and general bad faith," his lawyer, Yavar Hameed, said in his opening remarks.

"The way to remedy that is to effect repatriation."

Abdelrazik's lawyers argue that the government has violated his right to mobility under Section 6 of the Charter.

The government says the United Nations Security Council still lists him as having ties to al-Qaida and he is therefore subject to a travel ban and asset freeze.

The government at first said he could come home if someone agreed to issue him a plane ticket, but then changed its story when an airline did issue him a ticket.

UN officials themselves are now saying the Canadian government could easily issue the travel documents. CSIS and the RCMP have already cleared Abdelrazik of terrorist ties.

But Ottawa has refused to issue him travel documents and it stuck to its guns Thursday.

Foreign Affairs Minister Lawrence Cannon continued citing the UN list as the reason for keeping Abdelrazik out, even after a senior official at the world body said he could be allowed home.

The Liberals and NDP called the situation an outrage.

"The minister can no longer hide," said Liberal MP Bob Rae. "There are no second-class citizens in this country."

"He has been living inside the Canadian embassy. What kind of terrorist would we let live inside our embassy?"

Abdelrazik's lawyers cited the case of David Van Vlymen as a precedent for allowing their client home.

A 2004 decision in Federal Court affirmed Van Vlymen's right to be repatriated to Canada.

This was after Van Vlymen had been charged with violent crimes in Ontario, went to the United States, was convicted of a bank robbery there, and was sentenced to 55 years in American prisons.

Abdelrazik's lawyers argued that if that right applied to Van Vlymen - who "was no choirboy" - it should also apply to Abdelrazik, who has never been charged with any crime.

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