

Canada's Conservative government continuing persecution of Abousfian Abdelrazik

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Canada's Conservative government is continuing to arbitrarily and illegally deny Abousfian Abdelrazik, a Canadian citizen of Sudanese descent, the right to return to Canada.

In 2003, at the behest of Canada's national security apparatus, Abdelrazik was arrested, detained, and tortured without charge by the Sudanese government. Khartoum, the Royal Canadian Mounted Police (RCMP), and the Canadian Security and Intelligence Service (CSIS), have since admitted that, contrary to their previous allegations, there is no evidence linking Abdelrazik to al-Qaeda. He has never been charged, let alone convicted, of any crime.

During the past two years, the Conservative government has repeatedly introduced new and ever-more cumbersome obstacles to Abdelrazik returning home and being reunited with his wife and child. In the course of this reactionary campaign, the Canadian government has effectively redefined the rights of Canadian citizenship and inadvertently raised further questions about its complicity in torture.

In April of this year, in the latest of a series of reversals, the government refused to issue the temporary passport necessary for Abdelrazik to fly back to his home city of Montreal. Previously, the government had stipulated that if the impoverished Abdelrazik could procure a ticket on an airline willing to let him fly, it would issue the document. At the same time however it intimated that any Canadian who helped Abdelrazik buy his ticket could be charged with "providing material aid to terrorism."

Despite the Conservative government's threats, scores of Canadians donated money enabling a plane ticket to be purchased in Abdelrazik's name. But on the orders of Foreign Affairs Minister Lawrence Cannon, the Canadian government refused to issue Abdelrazik with the requisite travel document, informing him of this fact only two hours before his flight from Sudan was scheduled to depart.

Although the government's own security agencies had previously declared they had no evidence against Abdelrazik and Ottawa itself had earlier said that he should be taken off the UN "no-fly" list, Cannon declared that it was "necessary for the national security of Canada" to prevent his return.

Though ostensibly a threat to Canada's national security, Abdelrazik has for the past year slept on a cot on the grounds of

the Canadian Embassy in Sudan.

Appealing the Conservative government's refusal to issue Abdelrazik the necessary travel documents for his return home, lawyers representing him argued in Federal Court last month that the government's actions have violated his rights under Section 6 of the Canadian Charter of Rights and Freedoms. That section guarantees "every citizen of Canada ... the right to enter, remain in and leave Canada."

Lawyers for the Ministry of Foreign Affairs, engaging in the crudest legal sophistry, responded by arguing that the right to enter Canada applies only when a citizen physically presents himself at the border. Citing Abdelrazik's presence on the UN blacklist of al-Qaeda and Taliban suspects, they further argued that Canada cannot issue the documents necessary for him to travel by air or sea; thus Abdelrazik is effectively barred from presenting himself at the border.

"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," said Cannon. "Our government is taking its obligations seriously..."

Contrary to the assertions of the Canadian government, the UN blacklist explicitly contains an exemption allowing suspects to return to their home countries. The coordinator of the UN al-Qaeda and Taliban Monitoring Team, which oversees the blacklist, said "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 [to their home country] or not."

Abdelrazik was placed on the UN blacklist at the request of the US government in 2006. In 2007 the US vetoed a UN resolution proposing that he be removed from the blacklist.

When lawyers for the government suggested in Federal Court last month that Abdelrazik himself should get his name removed, the judge himself observed, "It's like Kafka, isn't it?"

The astounding legal and political contortions of the Canadian government cannot be justified with reference to the purported "national security threat" represented by Abousfian Abdelrazik.

A more plausible explanation is to be found in a document prepared by CSIS in April, 2008. It says "senior government of Canada officials should be mindful of the potential reaction of our U.S. counterparts to Abdelrazik's return to Canada as he is on the U.S. no-fly list."

“Continued co-operation between Canada and the U.S. in the matters of security is essential.”

In 2006, the US State Department alleged that Abdelrazik was a recruiter for al-Qaeda.

The Canadian government has resurrected this charge in the Federal Court case, raising question about Abdelrazik’s alleged association with US detainee Abu Zubaydah.

Significantly it has chosen to do so at the very point when US authorities have been forced to concede that Abu Zubaydah was tortured, including being beaten, held in isolation, and “waterboarded” more than 80 times.

In an April 29 editorial, the *Globe and Mail*, the Canadian daily that has done the most to obtain information about the Abdelrazik’s case wrote, “[This] allegation probably emerged from the U.S. interrogations of Mr. Zubaydah, who is not only a key member of al-Qaeda but also a central figure in the use by the U.S. of torture techniques At the very moment when the U.S. is searching its soul over the issue of torture on Mr. Zubaydah, Canada appears willing to stake its case against Mr. Abdelrazik on allegations possibly obtained through the torture of Mr. Zubaydah.”

In addition to placating its dominant ally in the “war on terror,” the government’s refusal to allow Abdelrazik’s return serves to cover up Canada’s complicity in the torture of one of its citizens.

The Sudanese secret police, as CSIS itself has admitted, arrested Abdelrazik at its behest, notwithstanding repeated denunciations of Sudan’s human rights abuses by the then-Liberal government.

When CSIS agents travelled to Sudan in October 2003 to interrogate Abdelrazik they ignored his complaints about torture.

Government officials continue to this day to deny, and to seek to discredit, Abdelrazik’s allegations of abuse at the hands of his Sudanese captors. “Conditions in Sudanese prisons are very difficult, but this does not amount to torture or mistreatment,” said Odette Gaudet-Fee, senior Foreign Affairs consulate officer for Africa. “It is the reality in Sudan and he [Abdelrazik] would not have been targeted for mistreatment any more than other fellow detainees.”

In a pre-trial cross-examination, government lawyers went so far as to accuse Abdelrazik of self-mutilation, in order to explain the scars across his chest and back.

After years of silence, opposition Members of Parliament from the Liberal Party, New Democratic (NDP) and Bloc Quebecois parties have recently decried the government’s persecution of Aboousfian Abdelrazik.

In the case of the Liberals, this is a patent attempt to cover up their own role in the persecution of Abdelrazik and numerous other human rights abuses associated with the so-called “war on terror.”

NDP Foreign Affairs critic Paul Dewar attributed the government’s position to simple racism, asking, “If this had been someone with a different skin colour and with a different last name, would there have been a different outcome?” Dewar sponsored a non-binding Foreign Affairs Committee resolution that demands Abdelrazik be returned to Canada in order to testify before the committee about his ordeal. The resolution passed with only the Conservatives opposing. A parliamentary officer has since

ruled the resolution goes beyond the committee’s mandate, but in any event the Conservative government had no intention of putting it into effect.

The opposition parties are treating the Abdelrazik case in isolation, refusing to expose it as part of a much broader pattern of Canadian complicity in torture.

The Harper government, like the Liberal governments of Paul Martin and Jean Chrétien that preceded it, refuses to demand the repatriation of Omar Khadr, who has been detained at the US detention camp in Guantanamo Bay since he was 15 years old. Khadr has repeatedly complained of abuse and torture, including in 2003 to CSIS officials who ridiculed his claims.

The Canadian military routinely transfers its Afghan prisoners to Afghan authorities, although it is widely conceded, including by the US State Department, that they routinely torture, kill and disappear alleged Taliban detainees.

The arrest of Abdelrazik is just one of several cases in which a Canadian citizen travelling abroad was subject to detention without charge and torture by an authoritarian regime, at the behest of the Canadian state.

An inquiry into the detention and torture of Maher Arar in Syria, whitewashed Canadian authorities of any role in his “rendition,” claiming that it was an entirely US decision, although one based on faulty Canadian intelligence.

But even were one to accept this conclusion, what about the cases of Canadian citizens, Abdullah Almalki, Muayyed Nureddin, and Ahmed el-Maati? All three were arrested, detained, and tortured while outside of Canada, but they have provided compelling evidence to suggest that this was at the behest of Canada’s national security apparatus, including the fact that the questions put to them in their interrogations were clearly based on surveillance conducted in Canada.

The implication, underscored by the Abdelrazik case, is that Canada’s national security apparatus “outsourced” the detention of terror suspects to nations notorious for their mistreatment of prisoners and disregard for basic democratic rights. This Canadian form of “rendition” allowed Canada’s security agencies to circumvent the provisions of Canada’s constitution that outlaw detaining persons without charge and subjecting them to “aggressive” interrogations.



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