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Affidavit of Absoufian Abdelrazik sworn 14 April 2009

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Court File Number: T - 727 - 08

FEDERAL COURT

BETWEEN:

ABOUSFIAN ABDELRAZIK

Applicant

- and -

**MINISTER OF FOREIGN AFFAIRS
and THE ATTORNEY GENERAL OF CANADA**

Respondents

AFFIDAVIT OF ABOUSFIAN ABDELRAZIK

I, Abousfian Abdelrazik, of the City of Khartoum in Sudan **MAKE OATH AND SAY:**

1. I am the Applicant in the above noted matter.
2. On or about December 23, 2008, Passport Canada provided a letter to my solicitor regarding my case. The letter states, in part, "(...) 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 to the Consular Section of the Canadian Embassy, Khartoum." Attached to this affidavit and marked as **Exhibit "A"** is the letter from Passport Canada.
3. The December 23, 2008 letter from Passport Canada contains two pages, as an appendix, entitled "Process by the Investigations Section of the Security Bureau Regarding Investigations Pertaining to Section 10.1 of the Canadian Passport Order". The full version of this document is contained on the website of Passport Canada as a Policy Backgrounder entitled, "Refusal or Revocation of Passports on National Security Grounds". It is located at the following URL <http://www.ppt.gc.ca/articles/20070717.aspx?lang=eng> and is attached hereto as **Exhibit "B"**.

4. On March 15, 2009, I provided the Manager of Consular Affairs at the Canadian Embassy in Khartoum, Eric O'Connor, with a confirmed and fully paid travel itinerary for my return flight from Khartoum to Toronto aboard Etihad Airlines. The flight was scheduled to depart on April 3, 2009 at 15:45 Sudan time. A copy of this ticket is attached as Exhibit "C" to this affidavit.
5. Upon submitting my confirmed and paid travel itinerary to Mr. O'Connor, I requested to be issued a travel document so that I may be able to return to Canada aboard the April 3rd flight.
6. On March 16, 2009, a letter was sent by my solicitor to the Respondent's solicitor advising of my confirmed and paid travel itinerary and the need for a travel document. This letter requested the Respondent to "take all necessary steps to ensure that [I] can return to Canada safely on April 3, 2009." A copy of this letter is attached and marked as Exhibit "D" to my affidavit.
7. On April 3, 2009, I was informed by my solicitor that the Minister of Foreign Affairs had denied my request for a travel document by way of letter of same date delivered to my solicitor approximately two hours prior to the scheduled departure of my flight. I received no notice of this refusal prior to the scheduled departure of my flight. Attached to this affidavit and marked as Exhibit "E" is the letter from the Minister's counsel dated April 3, 2009.
8. Between December 23, 2008 until April 3, 2009, I received no further update, explanation, recommendation or status report with respect to the decision to refuse to issue me a passport pending a national security investigation, nor did I receive any further communication in respect of the stated promise of Passport Canada that I would be issued an Emergency Passport upon submission of a confirmed and paid itinerary.
9. I understand from my review of a document entitled "List of Current Exemptions from the Travel Ban" that another individual listed on the Consolidated List traveled from the United Kingdom to Somalia via Kenya on April 2, 2009. Attached and marked as Exhibit "F" is a copy of this List available on the UN 1267 Committee website.
10. Because the Minister did not issue me a travel document, I was unable to board my April 3, 2009 flight and was unable to return to Canada on my own. I remain in the Canadian Embassy in Sudan.

11. I make this affidavit in support of my Application for an order facilitating my repatriation to Canada and for no other or improper reason.

Sworn before me at the Canadian)
Embassy in the)
City of Khartoum in the Republic of)
Sudan on April 14, 2009)

[Signature]
A Commissioner etc.



[Signature]
Aboufian Abdelrazik