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Affidavit of David Hutchings sworn 5 November 2008

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Court file No. T-727-08

FEDERAL COURT

BETWEEN:

Abousfian Abdelrazik

Applicant

and

Minister of Foreign Affairs and the Attorney General of Canada

Respondent

AFFIDAVIT OF DAVID HUTCHINGS


I, David Hutchings of the City of Sarajevo, in Bosnia and Herzegovina, SWEAR THAT:

1. I am an official with the Department of Foreign Affairs and have been responsible for consular matters during the course of some of my assignments abroad, including my assignment to Sudan. I was the Head of Mission at the embassy in Khartoum, Sudan from 2003 until 2005. The responsibilities of that position included, but were not limited to, management of the embassy and coordination of all Government of Canada activity in Sudan with special attention to Darfur.
2. As a result of my position I met with the Applicant on a number of occasions, both while he was in detention and while he was free to move about the city. In all significant instances where I met with the Applicant I made notes on the meetings and sent them in a report to the Department of Foreign Affairs.
3. At no time during my meetings with the Applicant did he ever advise me that he was tortured while in the custody of Sudanese authorities.
4. I met with the Applicant on several occasions while he was in prison, usually in the main security building. On another occasion, when Mr Abdelrazik was living in the government apartment, I met with him at the Office of the Public Prosecutor but I never met him in his cell. While in detention, Mr. Abdelrazik was always escorted to the meeting place by another individual and they seemed relatively relaxed and casual with each other.
5. When I met with the Applicant, I was very sensitive to the issue of mistreatment and looked for any indications of mistreatment. I saw no indication that the Applicant had been subject to torture by the Sudanese

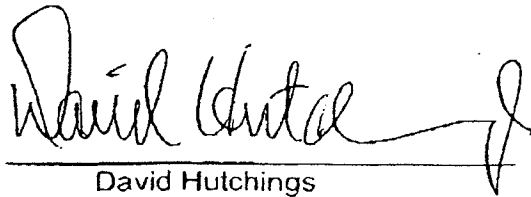
authorities. In fact, it appeared to me that the Sudanese were going out of their way to ensure the Applicant's good treatment because they knew we were interested in him and were watching.

- 6. During some of my meetings with the Applicant while he was in detention, I was permitted to meet with him alone. I asked Mr. Abdelrazik about his welfare and treatment at every visit. I recall him expressing concern to me with regard to his eyes and about the cold temperatures in the prison and about his great sadness because of separation from his family in Canada.
- 7. I was also present at a meeting between Senator Jaffer and the Applicant. I did not hear him mention torture during that meeting.
- 8. If the Applicant had ever reported instances of torture to me or if I had observed any signs that torture had taken place, I would most certainly have noted it in writing and made the appropriate follow up inquiries. If that had been the case I would have reported this immediately to Ottawa and I would have taken instructions from DFAIT in Ottawa regarding follow-up. I would also have immediately followed up any such allegations with officials at the Sudanese MFA

Sworn (or Affirmed) before me at
the City of Sarajevo
in Bosnia and Herzegovina on
5 November, 2008


 Commissioner for Taking Affidavits
 Kenneth Sooley
 Counsellor and Consul
 Embassy of Canada, Sarajevo




 David Hutchings