

4-20-2009

Written Examination of the Applicant (pursuant to Rule 99) dated 20 April 2009

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FEDERAL COURT

BETWEEN:

ABOUSFIAN ABDELRAZIK

Applicant

and

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

Respondents

WRITTEN EXAMINATION OF THE APPLICANT

(Pursuant to *Rule 99*)

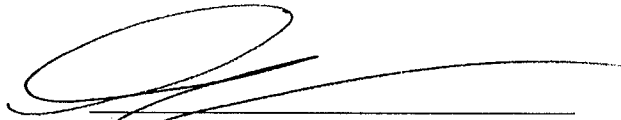
TO: ABOUSFIAN ABDELRAZIK

The Respondents have chosen to examine the Applicant on his affidavit sworn April 14, 2009.

You are required to answer the questions in the attached schedule by affidavit in Form 99B prescribed by the *Federal Courts Rules*.

The affidavit containing the answers is to be served on all other parties within 30 days from the date on which these questions are served on you.

Date: April 20, 2009



John H. Sims, Q.C.
Deputy Attorney General of Canada

**Per: Anne M. Turley
Elizabeth Richards**
Department of Justice
Room 1148, East Tower
234 Wellington Street
Ottawa, ON K1A 0H8

Tel: (613) 941-2347
Fax: (613) 954-1920

Counsel for the Respondents

SCHEDULE

1. Your request for an emergency passport was refused on the grounds that it would be contrary to national security?
2. You have not sought a judicial review of the Minister's decision to refuse your request for an emergency passport?
3. The Government of Canada has previously raised the issue of national security and given you opportunities to provide information and submissions regarding that issue?
4. In December 2008, your lawyer was advised that the Investigation Section of Passport Canada had initiated an investigation of your entitlement to a passport pursuant to s. 10.1. of the *Canadian Passport Order* as set out in Exhibit "A." to your affidavit?
5. You were told that the investigation was based on your listing on the UN 1267 list?
6. You were asked to provide any relevant evidence or information regarding the investigation by January 23, 2009?
7. You did not provide any submissions?
8. You had also been asked previously to provide the Department of Foreign Affairs with any information you had which would support your request to be removed from the UN 1267 list?
9. Your lawyer received the attached letter dated November 8, 2007 and was asked to provide information to the Government of Canada to support your request for delisting from the UN 1267 list?
10. You did not provide any information in response to that request?
11. You are aware that the UN 1267 listing is based on your alleged links with Al Qaida?
12. You are aware of the United States of America's ("US") allegations regarding those links?
13. In particular, you are aware that that US has alleged publicly in the press releases attached as Exhibit "U" to the Affidavit of Sean Robertson that:

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- a. you provided administrative and logistical support to Al Qaida?
 - b. you are close to Abu Zubayda, a former lieutenant of Usama bin Laden, involved in Al Qaida training and recruitment?
 - c. you recruited and accompanied Tunisian extremist Raouf Hannachi for paramilitary training at the Khalden camp in Afghanistan in 1996?
 - d. you advised another individual concerning Al Qaida training camps prior to the individual's departure for these camps?
 - e. you told the same individual that you became personally acquainted with Usama bin Laden while attending one of these camps yourself?
 - f. you were a member of an extremist cell in Montreal who met at the Khalden camp? and
 - g. you worked closely with Ahmed Ressam and Abderraouf Jdey who were both members of that cell?
14. You have never provided the Government of Canada with any information or evidence in response to those allegations about your links to Al Qaida ?
 15. You have never provided the UN 1267 Committee with any information or evidence in response to those allegations about your links to Al Qaida ?



le 8 novembre 2007

Ottawa, ON
K1A 0G2

JLH-0140

Me Yaver Hameed
43 Florence rue
Ottawa, Ontario
K2P 0W6

Me Hameed,

Nous accusons réception de votre lettre reçue le 10 octobre 2007 dans laquelle vous nous exposez le dossier de votre client M. Abousfian Abdelrazik.

Nous comprenons que par cette lettre, vous demandez au Ministre des Affaires Étrangères que votre client soit radié de la liste du Comité du Conseil de sécurité établi par la résolution du Conseil de sécurité 1267 (1999) du 15 octobre 1999 (ci-après le « Comité du Conseil de sécurité »), et ce, conformément aux Directives du Comité du Conseil de Sécurité. Nous comprenons que cette demande est présentée en vertu de l'article 5.3 du *Règlement d'application des résolutions des Nations Unies sur Al-Qaïda et le Taliban* (DORS/99-444) dont vous trouverez une copie à l'adresse internet suivante : <http://lois.justice.gc.ca/fr/U-2/DORS-99-444/texte.html> (ci-après le « Règlement »).

Selon les Directives du Comité du Conseil de Sécurité, un requérant peut soumettre une demande de radiation par l'intermédiaire de leur État de résidence ou de nationalité (paragraphe 8(e) des Directives) ou par l'intermédiaire du Point Focal des Nations Unies (paragraphe 8(d) des Directives). Vous trouverez une copie des Directives du Comité du Conseil de Sécurité à l'adresse internet suivante : <http://www.un.org/french/sc/committees/1267/index.shtml>.

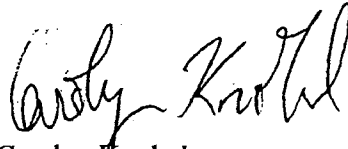
Nous vous serions gré de bien vouloir nous transmettre, dans les meilleurs délais, toute information qui pourrait éclairer la décision du Ministre quant à votre demande de radiation. À la lumière de cette information, le Ministre vous informera de sa décision de considérer la demande dans les soixante jours suivant la réception de votre demande, tel que le stipule l'article 5.3(2) du Règlement.

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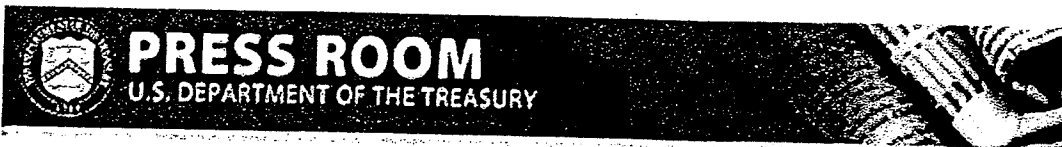
Nous désirons vous aviser que toute information transmise au Ministère des Affaires Étrangères et du Commerce International du Canada ou au Point Focal dans le cadre d'une demande de radiation, y compris toute information personnelle relative à votre client, pourrait être transmise à la Gendarmerie Royale du Canada ou au Service Canadien du Renseignement de Sécurité si cela s'avère nécessaire lors de l'évaluation de ladite demande. Cette information pourrait également être transmise, pour le même motif, aux gouvernements et agences de sécurité ou de maintien de l'ordre d'autres pays, ou au Comité du Conseil de sécurité. Dans ces communications, le Gouvernement du Canada soulignerait l'importance de la confidentialité de ces renseignements, mais il ne peut garantir la protection de l'information transmise à de telles entités.

En terminant, veuillez noter que cette demande de radiation sera traitée séparément des questions consulaires soulevées dans votre lettre, lesquelles seront traitées par notre direction consulaire.

Nous vous prions d'agréer, Me Hameed, l'expression de nos sentiments distingués.



Carolyn Knobel
Directrice adjointe
Section du droit économique (JLHB)



July 20, 2006
HP-22

Treasury Designates Canadian and Sudanese National for Support to al Qaida

The U.S. Department of the Treasury today designated Abu Sufian Al-Salamabi Muhammed Ahmed `Abd Al-Razziq, a Canadian and Sudanese citizen, for his high-level ties to and support for the al Qaida network. Today's action was taken pursuant to Executive Order 13224, which is aimed at prohibiting transactions with terrorists and their supporters and freezing their assets.

"Treasury continues to take action against al Qaida and its support network," said Deputy Assistant Secretary of the Treasury Daniel Glaser. "Abd al-Razziq has been closely tied to senior al Qaida leadership. We are taking steps to inhibit his ability to harm the United States and our allies."

`Abd Al-Razziq has provided administrative and logistical support to al Qaida, and has been identified as being close to Abu Zubayda, a former lieutenant of Usama bin Ladin, involved in al Qaida recruitment and training.

Today's designation of `Abd Al-Razziq, carried out by the Treasury's Office of Foreign Assets Control (OFAC), was executed under Executive Order 13224, an authority that targets the assets of terrorists and their financiers. Al Qaida was designated a Specially Designated Global Terrorist (SDGT) pursuant to Executive Order 13224 on September 23, 2001.

IDENTIFIER INFORMATION

Abu Sufian Al-Salamabi Muhammed Ahmed `Abd Al-Razziq

AKA: Abousofian Abdelrazik
AKA: Abousofian Abdelrazek
AKA: Sofian Abdelrazik
AKA: Abousofiane Abdelrazik
AKA: Abousfian Salman Abdelrazik
AKA: Abu Sufian Abd Al Razeq
AKA: Abu Sufian
AKA: Abu Juiriah
AKA: Abou El Layth
AKA: Aboulail
AKA: Abulail

This is Exhibit "U" referred
to in the affidavit of

Sean Robertson

Sworn before me this 9th
day of September A.D. 2008.

Lori Brenning
A Commr. & etc.

**Lori Ann Brenning, a Commissioner, etc.,
Province of Ontario, for the Government of
Canada, Department of Justice.
Expires December 3, 2010.**

AKA: Jolaiba
AKA: Djolaiba the Sudanese
AKA: Ould El Sayeigh
DOB: 6 August 1962
POB: Al-Bawgah, Sudan
ALT POB: Albaouga, Sudan
Nationality 1: Sudanese
Nationality 2: Canadian
Passport: Canada BC166787

According to information available to the United States Government, `Abd Al-Razziq has provided administrative and logistical support to al Qaida. He has been identified as being close to Abu Zubayda, a former high-ranking member of the al Qaida network, involved in recruitment and training. `Abd Al-Razziq is known to have been a member of an extremist cell in Montreal, Canada. He was also closely associated with Ahmed Ressay, who attempted to attack the Los Angeles International Airport in conjunction with the Millennium celebrations in January 2000.

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**U.S. DEPARTMENT of STATE**

Media Note
Office of the Spokesman
Washington, DC
July 26, 2006


Abu Sufian Al-Salamabi Muhammed Ahmed 'Abd Al-Razziq Designated Under Executive Order 13224

The Department of State on July 21 designated Abu Sufian Al-Salamabi Muhammed Ahmed 'Abd Al-Razziq (Abousofian Abdelrazik) under Executive Order 13224 for posing a significant risk of committing acts of terrorism that threaten the security of U.S. nationals and the national security. This action complements Treasury's designation of 'Abd Al-Razziq for his provision of administrative and logistical support to al Qaida.

Abdelrazik is a Canadian and Sudanese citizen of Sudanese origin who was closely associated with AbuZubaydah, Usama bin Laden's lieutenant responsible for recruiting and for al-Qaida's network of training camps in Afghanistan. Abdelrazik recruited and accompanied Tunisian extremist Raouf Hannachi for paramilitary training at the Khalden camp in Afghanistan in 1996 where al-Qaida and other UN-sanctioned terrorist groups were known to train. Abdelrazik advised another individual concerning al-Qaida training camps prior to this individual's departure for these camps. Abdelrazik also told this individual that he had become personally acquainted with Usama bin Laden while attending one of these camps himself. Abdelrazik was a member of an extremist cell in Montreal, Canada whose members met in the Khalden camp. Members of this cell with whom Abdelrazik was closely associated included Ahmed Ressam and Abderraouf Jdey. Ressam attempted to attack Los Angeles International Airport in conjunction with the Millennium celebrations in January 2000. Jdey has been closely linked with al-Qaida operatives and involved in plans for conducting hijacking/terrorist operations.

2006/715

Released on July 26, 2006

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