

DRAFT

Issue: Consular Case relating to Mr. Abousfian Abdelrazik

Background:

Mr. Abousfian Abdelrazik came to Canada in 1990 as a refugee and became a landed immigrant in 1992. He obtain his Canadian citizenship in 1995. He has family in Canada and in Sudan.

Mr. A travelled to Sudan in March 2003 in order to visit his family. He was travelling on his Canadian passport. In August 2003, he was arrested and detained by Sudanese authorities. Sudanese authorities readily admit that they have no charges pending against him but are holding him at our request.

In the Spring 2004, he was released from jail and sent to a "half-way" house - an apartment supervised by Sudanese authorities. Shortly after, we were informed that he could leave Sudan since we assured them that his ticket would be paid (his wife sent money), he would be escorted by a Canadian official (this was organised) and he would be returning directly to Canada. All was going as planned until we were notified by [redacted]. Alternate plans were made but all airlines contacted refused to take him since his name was on a "no-fly" list. The fact that he was escorted by a Canadian official did not change matter. This effectively stranded him in Sudan. Alternate options were explored mainly by his wife, such as sailing to Canada but without full freedom within Sudan and his Canadian passport, this option quickly became an exercise in futility.

To this day, he continues to request our assistance in returning him to Canada and he is getting more and more desperate, more and more despondent. He has run out of money, he cannot work, he remains in custody though without charges, without a trial, he has no financial recourse which limits his ability to obtain legal counsel and medical attention when required. He does have family in Sudan but they not appear to be in a position to help. Over the past months, he has commented that he would go to the media and/or start a hunger strike.

In Sudan, he has limited freedom within Khartoum, he visits the Canadian Office from time to time mainly to request assistance in returning to Canada. He must return to the "half-way" apartment every night and at times cannot leave without being escorted. He fears that Sudanese authorities may detain him again without charges, without trial, and Canada, having lost credibility with Sudanese authorities, may not be "allowed" to help.

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His return has been the subject of discussions at the highest levels, including Ministers, and a decision was taken that he was "entitled to a one-time Canadian travel document that would allow him to travel to Canada."

This is Exhibit " B " referred to
in the Affidavit of Paul Champ
sworn before me, this 14th day
of April, 2009

[Signature]
A Commissioner

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Considerations:

1. To our knowledge, there are no charges pending against him in Sudan or in Canada. It is the basic principle of Canadian society that all people have the "right not to be arbitrarily detained or imprisoned".

2. As a Canadian citizen he has a right to return to Canada.

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3. Our inability to arrange for his return to Canada could result in a situation in which his health and safety are placed in jeopardy. He deserves the same treatment as any other Canadian citizen i.e. consular services are provided to Canadians regardless of their guilt or innocence. By not assisting him, we are in fact condemning him to a life without the basic freedoms which all Canadians take for granted. He has lost his wife (she has divorced him) and his young son.

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Recommendation:

Interdepartmental agreement (PSEPC) and cooperation should be sought in making arrangements for Mr. Abdelrazik's return to Canada without further delay. In order to address any security issues, he should be accompanied by a government representative(s) thus giving assurances to interested countries that we have mitigated any risks associated with his return. While some may argue that providing an "escort" goes well beyond our normal consular mandate, FAC has provided escorts in other consular cases

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[REDACTED] and Under no circumstances should we allow the concerns of other departments and/or agencies to restrain our efforts to provide appropriate consular services in this or any other case.