

1 your child?

2 A. Yes, true.

3 204. Q. I take it that Myriam couldn't have been too  
4 happy that another woman was pregnant with one of your  
5 children?

6 A. Please repeat the question.

7 205. Q. I take it that Myriam was not happy that  
8 another woman was pregnant with your child?

9 A. No, no, that's not true.

10 206. Q. So Myriam was fine that you had had a child  
11 with another woman?

12 A. True.

13 207. Q. You've said in your Affidavit, Mr. Abdelrazik,  
14 at paragraph 10 that you have acquaintances who have been  
15 criminally charged for terrorism?

16 A. In fact, I have some corrections when it comes  
17 to this Affidavit. There would be some corrections that I  
18 have about it.

19 208. Q. You have corrections to paragraph 10?

20 THE INTERPRETER: The witness just listed several  
21 paragraphs that he has corrections with and I would ask  
22 your permission to ask the witness to repeat the paragraph  
23 numbers in a speed that I can translate.

24 MS. TURLEY: Yes.

25 THE WITNESS: Ten -- 10, 14, 17, 19, 22, 30, 33,

1 35, 36, 41, 42, 44, 55.

2 MS. TURLEY:

3 209. Q. Have you told your counsel that you have  
4 changes to your Affidavit?

5 A. Yes, I did.

6 210. Q. When did you tell your counsel?

7 A. In the last couple of days.

8 MS. TURLEY: Counsel, why were we not provided  
9 with this information prior to the Cross-Examination? It  
10 obviously affects the Cross-Examination.

11 MR. HAMEED: It does affect the Cross-Examination  
12 but I believe that the witness can make these  
13 clarifications on the record. They're refinements of the  
14 information that are there and I'm assuming that you're  
15 going to ask him if he adopts the content of the Affidavit  
16 and if there are clarifications to make. So there are  
17 these various paragraphs that I understand that he wishes  
18 to clarify.

19 MS. TURLEY: I understand that. It's just if  
20 you've known for several days now it would have been more  
21 appropriate for you to have conveyed this in writing prior  
22 to the Cross-Examination so that we would have known  
23 before the Cross-Examination what the changes to the  
24 paragraphs were. Obviously it's going to now take further  
25 time to go through this on the record, which, you know, we

1 should do because I need to know what the changes are to  
2 his Affidavit because it will definitely affect my cross-  
3 examination. Maybe I would not have cross-examined on  
4 certain paragraphs, and now if there's new information...  
5 So this may (a) lengthen the Cross-Examination today and  
6 may (b) require Mr. Abdelrazik to come back at another  
7 time since you didn't do it ahead of time.

8 MR. HAMEED: If I may for the record and if it  
9 would assist, counsel, I apologize. We did have limited  
10 time to prepare for the Cross-Examination and we managed  
11 to clarify these issues I believe on the weekend. If it  
12 would assist, counsel, we could go off record and canvass  
13 these paragraphs and discuss it to expedite matters, or,  
14 alternatively, we can go through each one with the  
15 witness.

16 MS. TURLEY: No, it should be done on the record.  
17 I note that this was sworn back in June. So Mr.  
18 Abdelrazik has had now over four months to consider the  
19 Affidavit and decide whether any changes should be made to  
20 it. So let's go through it.

21 211. Q. I asked you, Mr. Abdelrazik, about paragraph  
22 10 where you said you have acquaintances who have been  
23 criminally charged for terrorism. You said you have a  
24 change to paragraph 10. What is that?

25 A. My correction is that it was one person, not

1 more than one person. Not several acquaintances, but just  
2 one.

3 212. Q. So when counsel drafted this Affidavit they  
4 were incorrect in saying that you had more than one  
5 acquaintance who were criminally charged?

6 A. I am not sure. What I could tell you is that  
7 I knew one particular person that these descriptions would  
8 apply to. Perhaps that was a miswriting in some way or  
9 another. I'm not sure.

10 213. Q. And you didn't notice that when you swore the  
11 Affidavit?

12 A. My level of English is not that sophisticated.  
13 In my normal way of speaking in Arabic when I would say I  
14 know people that would fit that description, I would use  
15 it the loose sense of the matter. It could mean one, it  
16 could mean two, it could mean several. So that's how I  
17 would have looked at this paragraph.

18 214. Q. And the person you're referring to is Ahmed  
19 Ressay?

20 A. Yes, that's it.

21 215. Q. And you knew him from Montreal?

22 A. That's true, yes.

23 216. Q. You prayed at the same mosque?

24 A. Yes.

25 217. Q. And in March of 2000 you testified before the

1 United States District Court with respect to a pretrial  
2 hearing?

3 A. Yes, correct.

4 218. Q. That was done, actually, in Montreal?

5 A. Yes.

6 219. Q. And I think you said it was May of 2000, but  
7 it looks like it from the transcripts that your counsel  
8 has provided to me that it was actually October 25th,  
9 2000?

10 A. I do not recall the specific dates and which  
11 set of dates is more correct. I had not anticipated that  
12 I would be sitting in this kind of examination and being  
13 examined about these dates. I regarded these dates as  
14 events that took place in my life but did not try to keep  
15 track of the dates.

16 MS. TURLEY: Counsel, you provided us in answer to  
17 the Direction to Attend, with transcripts. This is from  
18 Mr. Abdelrazik's testimony?

19 MR. HAMEED: Yes.

20 MS. TURLEY: And is this a full transcript?  
21 Because it doesn't have any of the transcription signed by  
22 the person. It seems to abruptly end on page 58 without  
23 the transcription of the court reporter certifying it.

24 MR. HAMEED: I understand that we obtained this  
25 from a public record that's filed in another proceeding,

1 in a matter involving Adil Charkaoui, and this was pulled  
2 from that public record in a Federal Court matter.

3 MS. TURLEY: So you don't know whether it's the  
4 complete transcripts or not then?

5 MR. HAMEED: As far as I know it's complete, but,  
6 you're correct, obviously there would be some kind of  
7 swearing of the person who transcribed the document. I  
8 can't account for why that's not there.

9 MS. TURLEY: And does Mr. Abdelrazik have a copy  
10 of these transcripts?

11 MR. HAMEED: No. We attempted to fax him some  
12 documents over the weekend but the fax wasn't receiving  
13 from the embassy. So I don't believe that this was  
14 transmitted.

15 MS. TURLEY: Okay. So what we're going to have to  
16 do then if he doesn't have a copy and I just received it,  
17 we're going to look at it and if we do have questions then  
18 either we'll have to get it faxed later today to him or we  
19 will have to again put off questioning for another time.

20 MR. HAMEED: That's fine.

21 MR. HANSEN: If I could break in? Our fax is  
22 working at this time. You could fax it now, if you  
23 choose.

24 MS. TURLEY: Okay. Maybe what we'll do is, Mr.  
25 Hansen, we'll wait for a break in any event. Thank you.

1 220. Q. Mr. Abdelrazik, another person that you knew  
2 was Adil Charkaoui?

3 A. You're talking about Adil Charkaoui in the  
4 sense that he was accused of terrorism, that he was tried  
5 on terrorism?

6 221. Q. I'm just asking if you know him.

7 THE INTERPRETER: Could you repeat your answer,  
8 please?

9 THE WITNESS: Yes, I know him.

10 MS. TURLEY:

11 222. Q. You say, Mr. Abdelrazik, that before you left  
12 for Sudan in 2003 that CSIS officials questioned you in  
13 Montreal?

14 A. Yes.

15 223. Q. And it was in the spring of 2001 that they  
16 first questioned you?

17 A. I could tell you that I have been interrogated  
18 several, several times by CSIS. As for the dates, I do  
19 not recall the dates.

20 224. Q. Do you recall being questioned on 9/11 on the  
21 actual day?

22 A. I forget the specific dates on which I had  
23 been questioned.

24 225. Q. And they questioned you in early 2003 just  
25 before you left for Sudan?

1 A. Correct.

2 226. Q. So it's fair to say that in the two years  
3 before you left for the Sudan they questioned you about  
4 four times?

5 A. I would say more than this, in fact, a lot  
6 more than this.

7 227. Q. When were the other times?

8 A. I do not remember the dates. What I could  
9 tell you is that I had been questioned by CSIS several,  
10 several times. Sometimes they would come and talk to me  
11 on the street. Other times I would be in the mosque.  
12 There were several times.

13 228. Q. By "several times" do you mean less than five?

14 A. No, much more. More than 10 times.

15 229. Q. Did you take any notes of the times when CSIS  
16 interrogated you?

17 A. No, I did not take any written notes.

18 230. Q. Was anybody with you?

19 A. No.

20 231. Q. Mr. Abdelrazik, with respect to paragraph 10  
21 then is that the only change that you have?

22 A. Yes.

23 232. Q. When you went to the Sudan in March of 2003  
24 you lived with family members there?

25 A. Yes.



1 233. Q. And your wife Myriam came to visit you for two  
2 months from June until August of 2003?

3 A. Yes.

4 234. Q. And you didn't return home with her when she  
5 went home in August of 2003?

6 A. No.

7 235. Q. At that point was your mother still ill?

8 A. Yes.

9 236. Q. You say that your marriage was under strain at  
10 that time?

11 A. Yes.

12 237. Q. But you still didn't consider returning home  
13 with your wife?

14 A. I did not and it was because of the  
15 circumstances of my mother's illness.

16 238. Q. At that time, in August of 2003, when did you  
17 think you were going to return home?

18 A. I already answered this question earlier and I  
19 said that that had to be linked to the health situation of  
20 my mother.

21 239. Q. I'd like you to look at document D.

22 MR. HANSEN: If, Mr. Hansen, you could provide  
23 that to Mr. Abdelrazik?

24 MR. HANSEN: That's D like "delta"?

25 MS. TURLEY: Yes.

1 MR. HANSEN: I'm handing that document to him now.

2 MS. TURLEY:

3 240. Q. Mr. Abdelrazik, this is another document that  
4 comes from Joe Wood's Exhibit A.

5 A. Yes. Yes. Go ahead, please.

6 241. Q. At the end of the first page there's an email  
7 August 5th, 2004 and if you go on to the second page it's  
8 signed by Myriam St-Hilaire. If you look at the first  
9 paragraph on the second page the second sentence reads, "A  
10 la fin du mois d'août 2003, mon mari est arrêté par les  
11 autorités soudanaises au moment qu'il est de retour au  
12 Canada".

13 MR. HAMEED: I don't mind if counsel continues to  
14 ask questions but perhaps we can just ask the witness if  
15 he's seen this document before, if he can identify it?

16 MS. TURLEY: Yes. Go ahead.

17 THE WITNESS: No, I did not see any such document.  
18 No, I did not see it before.

19 MS. TURLEY:

20 242. Q. Okay, that's fine, Mr. Abdelrazik, but the  
21 sentence that I read out to you in French where your wife  
22 Myriam is saying that at the end of August you were  
23 stopped by the Sudanese authorities when you were going to  
24 leave to come home to Canada, I take it then that that's  
25 an incorrect statement?

1 A. It is correct because I had the intention to  
2 return, yes.

3 243. Q. But you were not on your way home at that time  
4 when you were stopped?

5 A. No, not at the airport, no.

6 244. Q. And, as you said, you had no travel plans at  
7 that point in time because your mother was still ill?

8 A. Well, there are so many events that overlap in  
9 my life. So I do not recall the events in this specific,  
10 clear way that you are presenting to me.

11 245. Q. But you are able to tell us about other events  
12 in your life with great clarity?

13 A. That's true, yes.

14 246. Q. On this same email, on the second page, at the  
15 bottom Ms. St-Hilaire writes some information about you  
16 and you'll see your first name she has spelled A-B-O-U-S-  
17 O-F-I-A-N-E?

18 A. Yes. This is the way she knew how to spell  
19 it.

20 247. Q. The date of birth there listed for you,  
21 January 1, 1962, is that your date of birth?

22 A. Yes.

23 248. Q. The phone number that she has for you in Sudan  
24 was that the phone number you could be reached at?

25 A. Where is that number?

1 249. Q. At the bottom of the second page, right under  
2 date of birth. Two lines under it says phone number.

3 A. Perhaps I had this number at one point in  
4 time, but I don't remember it any more.

5 MS. TURLEY: Okay, if we can get this case note  
6 marked as the next exhibit for identification. I think  
7 we're at C.

8 EXHIBIT NO. C: Case note dated August 5th, 2004.

9 MS. TURLEY:

10 250. Q. When you said that you didn't want to leave  
11 the Sudan because your mother was ill, were you living  
12 with her at that point in time?

13 A. Yes, I did.

14 251. Q. And you were providing care for her?

15 A. Yes.

16 252. Q. And she's still alive?

17 A. Yes.

18 253. Q. And she comes to visit you at the embassy?

19 A. She came once, yes.

20 254. Q. So is she still ill?

21 A. No. No, she underwent an operation and she's  
22 alright now.

23 255. Q. Now, you weren't detained in Sudan until the  
24 end of August of 2003; is that right?

25 A. No, not correct.

1 256. Q. When was it that you were detained?

2 A. Again this is one of the things that needs to  
3 be corrected, namely, the 12th of September 2003.

4 257. Q. So if we go to paragraph 14 of your Affidavit,  
5 Mr. Abdelrazik...

6 A. Yes.

7 258. Q. There's a change you want to make to that  
8 paragraph then?

9 A. Yes. Yes, September 12th, 2003.

10 259. Q. That's when you were detained by Sudanese  
11 authorities?

12 A. Yes.

13 260. Q. So at that point in time you had already been  
14 in Sudan for six months?

15 A. Yes.

16 261. Q. And you hadn't had any problems before, then?

17 A. No specific problems. However I felt that I  
18 had been followed, that there had been some kind of  
19 surveillance.

20 262. Q. But you still didn't consider going home?

21 A. I would notice people but I did not know for  
22 sure that they were following me.

23 263. Q. So you were concerned then that you might be  
24 put in prison again?

25 A. After the first imprisonment? The answer

1 would be "yes".

2 264. Q. No, before the first imprisonment. You said  
3 you were under surveillance -- Mr. Abdelrazik, if we're  
4 going to do this interpretation properly you're going to  
5 have to wait for the interpreter to interpret my  
6 questions, or else if you don't want the interpreter then  
7 you can take my questions in English.

8 A. Fine.

9 265. Q. I'll repeat the question. You said that you  
10 were under surveillance. Were you not concerned that you  
11 might be arrested?

12 THE INTERPRETER: Sorry, I'm going to ask him to  
13 repeat the answer.

14 THE WITNESS: Yes, I had a slight concern or fear  
15 in view of the very first imprisonment prior to departing  
16 Sudan.

17 MS. TURLEY:

18 266. Q. Now, you said that you're changing your  
19 Affidavit from August 2003 to the date of September 12th,  
20 2003. How did you now come to that date?

21 A. Well, this is based on the fact of my  
22 knowledge of the correct date being the 12th of September.

23 267. Q. So when you swore it in June you thought it  
24 was August 2003 but now, five months later, you know it  
25 was September 12th?

1 A. Well, I had not scrutinized the dates of the  
2 document at the time I took an oath on it. However, there  
3 are certain events that I have a clear recollection of.

4 268. Q. When you say you didn't scrutinize the  
5 document are you talking about you didn't scrutinize the  
6 Affidavit before you swore it?

7 A. Well, I did verify the dates at the time when  
8 I swore on the document, but in terms of my recollection  
9 of the dates in it yes I was sure of the year, perhaps I  
10 was less sure of the month, and definitely when it comes  
11 to the specific day of the month I did not have a clear  
12 recollection of the date.

13 269. Q. What were you doing on the day that you were  
14 detained?

15 A. I don't understand what you mean exactly by  
16 this question.

17 270. Q. Where were you when you were detained?

18 A. This is one of the things that I'd like to  
19 correct and I believe it's paragraph number 12.

20 271. Q. You didn't say you had a correction to  
21 paragraph 12.

22 A. One moment, please. At the time of my first  
23 arrest I was at the command of the Sudanese intelligence  
24 service.

25 272. Q. You had been asked to go and speak with them?

1 A. Yes.

2 273. Q. So you were at their offices when they  
3 arrested you?

4 THE INTERPRETER: Please repeat?

5 THE WITNESS: No, I was arrested at the street.

6 MS. TURLEY:

7 274. Q. So you were on the street when they arrested  
8 you?

9 A. Yes.

10 275. Q. And why did they say they were arresting you?

11 A. I was not given any reason.

12 276. Q. Now, you said that you wanted to make a change  
13 to paragraph 17 of your Affidavit?

14 A. Seventeen? Yes.

15 277. Q. What is the change that you want to make to  
16 your Affidavit?

17 A. The date, because my recollection of the date  
18 is that it was in the Islamic month of Ramadan, early  
19 Ramadan, around the 4th of Ramadan approximately speaking.

20 278. Q. You say in here that it was in December of  
21 2003. So what change are you making to your Affidavit in  
22 terms of a date then?

23 A. Well, my clear recollection is that this was  
24 in the month of Ramadan in the year 2003. Now, which  
25 month in the Western calendar that coincided with I don't



1 know and perhaps the Canadian authorities would be better  
2 able to know that or to do that conversion.

3 279. Q. So you remember that you were visited by, you  
4 say in paragraph 17, by Canadian officials but that was in  
5 Ramadan?

6 A. Exactly.

7 280. Q. In paragraph 22 you also talk about the date  
8 of December 2003. Do you have a change to that date as  
9 well?

10 A. No, the change that I have with respect to  
11 that paragraph has to do with the location in which I was.

12 281. Q. So in paragraph 17 you are now saying that you  
13 were visited by Canadian officials during Ramadan?

14 A. Yes.

15 282. Q. And in paragraph 22 you say that it was in  
16 December 2003 that conditions worsened after prisoners had  
17 escaped from prison?

18 A. Yes.

19 283. Q. So that is still true?

20 A. The date is correct, yes, however the location  
21 is not.

22 284. Q. No, what I'm trying to get clear here, Mr.  
23 Abdelrazik, is you say in paragraph 22 that your  
24 conditions worsened after that prison escape and that that  
25 was in December 2003; correct?

1 A. Yes.

2 285. Q. And you talk later in the paragraph about the  
3 abuse that you suffered and that it was in the context of  
4 interrogation about the prison escape?

5 A. Yes.

6 286. Q. You say the Sudanese abused you because of the  
7 prison escape?

8 A. Yes.

9 287. Q. And you go on to say at the last sentence at  
10 paragraph 22 that the abuse was in the context also of the  
11 interrogation by the two men "who were introduced to me as  
12 Canadian". So are you saying that the Sudanese abused you  
13 because you had been interrogated by the two officials in  
14 Ramadan?

15 A. No. Again, this is one of the things that  
16 need to be corrected.

17 288. Q. So what's your correction to that part?

18 A. The change has to do with the Canadian  
19 officials and the time frame of Ramadan.

20 289. Q. I'm not understanding. We're talking about  
21 paragraph 22. What change are you making in paragraph 22?

22 A. I'd like to change the location mentioned in  
23 paragraph number two and the date in the context--

24 290. Q. Number 22 are you talking about?

25 A. Yes. The change that needs to be done in

1 paragraph 22 has to do with the location and the abuse.

2 291. Q. Okay. So what is that change? How do you  
3 want to change 22 from how it reads now?

4 A. The place itself, the location.

5 292. Q. What I'd like you to do, Mr. Abdelrazik, is  
6 tell me how you want to change number 22, what is wrong  
7 and what you want to replace it with.

8 A. The place itself, the description of it as one  
9 metre by two metres. This is the change as far as  
10 paragraph 22 is concerned.

11 293. Q. And what is the change? If it's not one by  
12 two metres what was it?

13 A. The change is that the room was four metres by  
14 four metres and I was alone.

15 294. Q. How did you between June and October realize  
16 that it wasn't one by two metres but was four by four?

17 A. Because I have gradually been able to recall  
18 these events.

19 295. Q. And how do you know that it was four by four?  
20 Did you measure the room?

21 A. Because in Sudan rooms are standard four by  
22 four. So when you look at the room you'd be able to tell  
23 that it is of that standard size.

24 296. Q. Okay. So if we go... Is that your only  
25 change to paragraph 22?

1 A. If I may have a moment to review the  
2 paragraph?

3 297. Q. Yes, go ahead.

4 A. The last line. The people that interrogated  
5 me were not Canadians but Sudanese or other Arab  
6 nationalities.

7 298. Q. The people who interrogated you in December of  
8 2003?

9 A. Yes, in the wake of the prison escape, yes.  
10 They were Sudanese, as opposed to Canadians.

11 299. Q. So the last line where it says, or last two  
12 lines, "An interrogation by the two men who were  
13 introduced to me as Canadians (as described above)", that  
14 is now -- you're now taking that out of your Affidavit?

15 A. Yes.

16 300. Q. So there were no Canadian officials there when  
17 you were being abused in the Sudanese prison?

18 A. Well, I talk in the paragraph about the  
19 conditions being worse or getting worse, but at the time  
20 when prisoners escaped there were no Canadians  
21 interrogating me.

22 301. Q. And so in paragraph 22 when you talk about the  
23 abuse that you suffered there were no Canadians who saw  
24 that abuse?

25 A. That's correct, yes.

1 302. Q. So the only time that you were interrogated by  
2 Canadians now then we're talking about it was in Ramadan  
3 in 2003?

4 A. Correct.

5 303. Q. And you say that for two days they  
6 interrogated you?

7 A. Yes.

8 304. Q. That was two separate evenings after sundown  
9 that they met with you?

10 A. Yes, correct.

11 305. Q. You say in paragraph 17 that they asked you  
12 about some people and you named off three different  
13 people, a Mr. Jiddi, a Mr. Busurrah, and a Mr. Azeem?

14 A. Yes, true.

15 306. Q. Were these all people that you knew?

16 A. Yes.

17 307. Q. And are these all people who have been charged  
18 with terrorism activities?

19 A. I don't know.

20 308. Q. When you were in prison in 2003 you were in  
21 Kober Prison; is that correct?

22 A. Yes.

23 309. Q. And you were detained in the political  
24 section?

25 A. Yes.

1 310. Q. You said you had a change to paragraph 19 of  
2 your Affidavit?

3 A. Yes.

4 311. Q. What is that change?

5 A. That I was in a one by two room, one metre by  
6 two metres.

7 312. Q. It says in there that you occupied a cell of  
8 approximately four metres square?

9 A. Yes, where in fact the room was one metre by  
10 two metres and that was the first 12 days of my stay in  
11 that place.

12 313. Q. So paragraph 19 you want to change to say that  
13 you occupied a cell of approximately one by two metres?

14 A. Yes.

15 314. Q. Is that the only change?

16 A. No.

17 315. Q. What is the other change?

18 A. The change is the fact that my glasses and the  
19 medication were taken away, not from the very beginning  
20 but in the wake of the prison escape.

21 316. Q. Are there any other changes to paragraph 19?

22 A. No, I don't believe so.

23 317. Q. So in your cell of one by two metres there  
24 were eight to 10 people in there?

25 A. No, no, I was alone.

1 318. Q. Well, paragraph 19 says that at any given time  
2 about eight to 10 persons were held in this cell.

3 A. You're right. This needs to be changed. I  
4 overlooked this one.

5 319. Q. So in June you thought that there were eight  
6 to 10 people with you but now you recall that you were  
7 alone?

8 A. Well, I gave the information correct to the  
9 lawyer. It's possible that the lawyer made a mistake when  
10 he noted down these details.

11 320. Q. How long did you take to read your Affidavit  
12 before you swore it?

13 THE INTERPRETER: He's asking for the question to  
14 be repeated.

15 MS. TURLEY:

16 321. Q. How long did you take to read the Affidavit  
17 before you swore it? Because, you're saying there are  
18 errors in it.

19 A. I swear to God that I don't recall that  
20 answer.

21 322. Q. Mr. Abdelrazik, when you made your change to  
22 paragraph 10 you said that you only knew one person who  
23 had been criminally charged with terrorism; is that  
24 correct?

25 A. Yes.

1 323. Q. So in paragraph 17 when we talk about those  
2 other individuals who you were asked about, you don't know  
3 whether they've been criminally charged with terrorism  
4 offences or not?

5 A. Correct.

6 324. Q. When you were in detention in 2003 to 2004,  
7 family members were able to visit you?

8 A. Yes.

9 325. Q. In fact, one of your brothers visited you  
10 regularly?

11 A. Yes.

12 326. Q. He visited you weekly?

13 A. No.

14 327. Q. How often did he visit you?

15 A. It varied. Perhaps once a month, once every  
16 15 or 20 days.

17 328. Q. I'm going to ask Mr. Hansen to provide you  
18 with document J like "jam".

19 MR. HANSEN: I am handing Mr. Abdelrazik document  
20 J.

21 MS. TURLEY:

22 329. Q. Mr. Abdelrazik, this is another case note that  
23 comes from Exhibit A to Joe Wood's Affidavit. It's dated  
24 December 1, 2003. At that time you were still in the  
25 Kober prison?



1 A. Which date again?

2 330. Q. December 1, 2003.

3 A. Yes, I was in that jail, yes.

4 331. Q. Now, do you see in the third paragraph of this  
5 case note, starting with the second sentence it says "We  
6 spoke to the husband, who told us that Mr. Abousfian is  
7 visited by his brother on a weekly basis"?

8 A. They spoke to me? The wife spoke to me?

9 332. Q. So are you saying that it's not true that your  
10 brother visited you on a weekly basis?

11 A. Not true.

12 MS. TURLEY: If we can have this marked as the  
13 next exhibit for identification. Are we at Exhibit D?

14 EXHIBIT NO. D: Case note dated December 1st,  
15 2003.

16 MS. TURLEY:

17 333. Q. Mr. Abdelrazik, while you were in detention  
18 between 2003 and 2004 you had a number of consular visits  
19 with Dave Hutchings?

20 A. Which period of time again?

21 334. Q. When you were in detention the first time?

22 A. Yes, correct.

23 335. Q. And you had an opportunity to speak with him  
24 alone on each occasion?

25 A. No.

1 336. Q. No, that's not true?

2 A. No, not true, because all these visits took  
3 place in the presence of the intelligence agents.

4 337. Q. So when Mr. Hutchings writes in his case note  
5 that he was able to meet with you each time on his own, he  
6 is incorrect?

7 A. Hundred percent incorrect.

8 MR. HAMEED: Just for the record, you're asking  
9 the witness to comment on someone else's case notes. I  
10 don't know, first of all, whether the witness can identify  
11 it, whether he's seen the documents or whether he can even  
12 speak to that.

\*O\*

13 MS. TURLEY: Well, then we'll put them to him.

14 338. Q. Do you recall meeting with Mr. Hutchings the  
15 first time was in mid December of 2003, Mr. Abdelrazik?

16 A. Approximately, yes.

17 339. Q. If I can get Mr. Hansen to show you document K  
18 like "kangaroo". This is, Mr. Abdelrazik, a case note and  
19 includes an email at the bottom of the first page between  
20 Mr. Hutchings and another consular official dated December  
21 13th, 2003. This is in Joe Wood's Exhibit A.

22 MR. HAMEED: Perhaps we can ask the witness if he  
23 can identify the document.

24 MS. TURLEY:

25 340. Q. Have you seen this document before, Mr.

1 Abdelrazik?

2 A. Yes, I did. I beg your pardon, I have not  
3 seen it before.

4 341. Q. Okay. If you turn to the second page, at the  
5 top is the text of the email and it says "Odette, I met  
6 Mr. Abdelrazik this (Saturday) morning. It was arranged  
7 for him to be brought to the MFA at the end of my meeting  
8 (on other issues) with the head of the Americas  
9 Department. His guards stayed outside the room and my MFA  
10 contact also left, leaving us free to talk alone for about  
11 15 minutes". Do you see that passage?

12 MR. HAMEED: If counsel's intention is to ask the  
13 witness about the veracity of this case note, the witness  
14 hasn't seen the case note before, he can't identify the  
15 document. The specific question with respect to the  
16 content of this document is objected to if you're asking  
17 the witness to assess the question based on this document.  
18 The simple question about the fact of what happened I  
19 think is a permissible question, but I will object to the  
20 question if it's based on the specific evaluation of the  
21 content of this document.

\*O\*

22 MS. TURLEY:

23 342. Q. What I want to know, Mr. Abdelrazik, is  
24 whether this refreshes your memory as to whether you had  
25 any time to meet with Mr. Hutchings alone.

1 A. We had not met one-on-one during that visit  
2 that you refer to. The head of the Americas was present.

3 343. Q. That is your recollection five years later?

4 A. This was a very important meeting for me  
5 because I had requested to meet with a Canadian official.

6 MS. TURLEY: Okay, if we can have this marked for  
7 identification as Exhibit E.

8 EXHIBIT NO. E: Case note dated December 15th,  
9 2003.

10 MS. TURLEY:

11 344. Q. In paragraph 28 of your Affidavit, Mr.  
12 Abdelrazik, in the fourth line it says "I avoided speaking  
13 to persons or making any requests". Do you see that?

14 A. Sorry, what number again?

15 345. Q. Paragraph 28.

16 A. Which part exactly?

17 346. Q. The fourth line. It reads "I avoided speaking  
18 to persons or making any requests".

19 A. It was after they moved us from that prison,  
20 the intelligence prison, that I avoided speaking to other  
21 persons.

22 347. Q. And you didn't want to make any requests for  
23 anything?

24 A. I, frankly speaking, don't recall.

25 348. Q. But you say this in your Affidavit?

1 A. Where?

2 349. Q. In paragraph 28. It says "I avoided speaking  
3 to persons or making any requests".

4 A. Yes, there was a period of time during which I  
5 avoided talking to prison officials, that is, the guards,  
6 in terms of any demands or requests pertaining to myself,  
7 any personal requests.

8 350. Q. But when Mr. Hutchings came to visit you, you  
9 made all kinds of requests of him?

10 A. Like what?

11 351. Q. You asked him to see a doctor?

12 A. Frankly speaking, I don't remember that.

13 352. Q. You complained about the conditions of your  
14 detention?

15 A. I met with David and spoke with David on many  
16 issues.

17 353. Q. And you complained about not being able to  
18 call your family in Canada?

19 A. That's true.

20 354. Q. And you complained of all of this in front of  
21 authorities?

22 A. That's true, yes.

23 355. Q. So you did, in fact, make requests while you  
24 were in prison?

25 A. Yes.

1 356. Q. And you were given access to a phone after  
2 that to call your wife?

3 A. I don't remember whether that was before or  
4 after the visit with David.

5 357. Q. Do you recall that Mr. Hutchings asked you if  
6 you wanted to send any messages to your family in Canada?

7 THE INTERPRETER: Please repeat your answer again?

8 THE WITNESS: I believe it was at the meeting at  
9 Foreign Affairs the first time around.

10 MS. TURLEY:

11 358. Q. And you didn't send any messages back to them?

12 A. I believe that I gave David a message/letter.

13 359. Q. Do you recall meeting with Mr. Hutchings in  
14 January of 2004?

15 A. Oh, yes, I do.

16 MS. TURLEY: Can I ask you, Mr. Hansen, to show  
17 Mr. Abdelrazik Exhibit L like "leaf"?

18 MR. HANSEN: I am showing Mr. Abdelrazik document  
19 L.

20 MS. TURLEY:

21 360. Q. Mr. Abdelrazik, this is a case note dated  
22 January 12th, 2004. It was Exhibit K to Sean Robertson's  
23 Affidavit. Have you seen this before?

24 A. No, I have not.

25 361. Q. Do you recall... You say you recall meeting

