



VIA EMAIL

August 30, 2018

Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Attn: The Right Honourable Justin Trudeau, Prime Minister

Dear Prime Minister,

RE: Negotiations with Abousfian Abdelrazik

I write to you on behalf of the British Columbia Civil Liberties Association ("BCCLA") to express our profound disappointment with your government's failure to engage in mediated negotiations with Abousfian Abdelrazik and to urge you to instruct your officials to engage in good faith negotiations with him without delay.

Redress for torture is an international obligation, and it is unacceptable that nine years after Mr. Abdelrazik returned to Canada, he has received no compensation and no official apology, despite the evident responsibility of Canadian officials for the serious human rights violations that he experienced while he was wrongfully imprisoned, tortured and effectively banished to Sudan.¹ He and the broader Canadian community still have absolutely no accountability from the government of what happened in his case. It is shameful that Mr. Abdelrazik will have to wait even longer for justice due to a government decision to walk away from planned mediation in March.

¹ We note that the Honourable Justice Zinn of the Federal Court already made these findings in a 2009 judgment that was not appealed by the Canadian government: *Abdelrazik v. Minister of Foreign Affairs*, 2009 FC 580 at paras. 92 and 156.

The BCCLA emphatically agrees with the contents of the letter sent to you from Amnesty International on April 13, 2018 (copy enclosed). It is time for you to make the principled decision and direct your officials to engage in mediation with Mr. Abdelrazik.

If the matter is not resolved out of court, we will be monitoring the trial very closely given that it will be the first public trial alleging complicity in torture by a western intelligence agency.

Sincerely,

A handwritten signature in cursive script that reads "Meghan McDermott".

Meghan McDermott
Staff Counsel

Encl.

cc: The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General



The Right Honourable Justin Trudeau
Prime Minister of Canada
80 Wellington Street
Ottawa, Ontario
K1A 0A2

COPY

April 13, 2018

Dear Prime Minister,

We are writing this Open Letter to you to express Amnesty International's considerable disappointment that your government has failed to take steps to ensure prompt and adequate redress – including an official apology and appropriate compensation – for the evident responsibility of Canadian officials for the serious human rights violations, including torture, experienced by Canadian citizen Abousfian Abdelrazik during the course of five years and nine months of imprisonment, house arrest and forced exile in Sudan between 2003 and 2009. We urge that the government reconsider its recent decision to refuse to engage in mediated negotiations to resolve the case and instead ensure that Mr. Abdelrazik receives a meaningful remedy for the grave human rights violations he has endured, as is his right under international human rights law.

Amnesty International has followed Mr. Abdelrazik's case closely for well over ten years. We have interviewed Mr. Abdelrazik and reviewed extensive documentation related to his case as it has become available. We have written to the government on many occasions over the years, particularly while he was effectively banished to Sudan by the Canadian government. We have highlighted his situation in numerous Amnesty International publications, including our annual Human Rights Agenda for Canada, and in a variety of press releases and opinion pieces.

His case has been of particularly serious concern to Amnesty International due to the severity of the human rights violations he has experienced, including extensive physical and psychological torture, arbitrary arrest, solitary confinement and unlawful detention; and also because of the deeply troubling evidence of the role that the Canadian Security and Intelligence Service played in his case, including providing questions that were used by Sudanese intelligence officials in interrogation sessions, sending CSIS agents to Sudan to question Mr. Abdelrazik while he was imprisoned and obstructing and undermining efforts to ensure he received proper consular support and that Canadian officials would actively seek to safeguard and uphold his rights. Additional concern of course arose because of the unwillingness of Canadian officials to assist in facilitating his return to Canada, including the refusal (until required to do so by court order) to issue him an emergency passport to which he was lawfully entitled.

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We were particularly troubled that Canadian officials maintained these positions even after very similar concerns about Canadian responsibility for overseas human rights violations in the case of Maher Arar had become public and the Commission of Inquiry into Canada's role in his imprisonment and other human rights violations in Syria was underway and then issued its damning final report over the course of 2004-2006.

Amnesty International wrote jointly to former Minister of Public Safety Peter Van Loan and former Minister of Foreign Affairs Lawrence Cannon on August 7, 2009, just over a month after Mr. Abdelrazik had finally been able to return to Canada (when the government complied with the Federal Court order that an emergency passport be issued to him). At that time we called on the government to:

- recognize the serious and alarming human rights concerns at the heart of this case;
- provide Mr. Abdelrazik and Canadians with an accounting of what happened in this case; and
- ensure appropriate redress for the harms Mr. Abdelrazik has experienced.

How disgraceful it is that nine years later those same three points remain of paramount concern and are wholly unresolved.

Prime Minister, when your government came to power in 2015 we laid out a number of important recommendations for action to address longstanding human rights concerns and move forward with a program of human rights reform. One of the key recommendations we presented in our report, *Defending rights for all: Amnesty International's 2016 Human Rights Agenda for Canada*, published in December 2015, was to ensure that there would be appropriate redress for individuals who had experienced national security-related human rights violations for which the Canadian government bore partial responsibility. We highlighted Mr. Abdelrazik's case as a particularly glaring and longstanding example.

Amnesty International was pleased to work closely and constructively with your officials as steps were taken, at long last, to provide apologies and compensation last year to four such men, Abdullah Almalki, Ahmad Abou-Elmaati, Muayyed Nureddin and Omar Khadr. We welcomed and commended your government for doing so, highlighting that it demonstrated leadership and a commitment to the key principle that human rights cannot be sacrificed in the name of national security. That makes the last-minute decision to refuse to even engage in mediation towards the same goal for Mr. Abdelrazik all the more disconcerting and perplexing. There is no question that what he has endured is of equivalent gravity, both in terms of the human rights violations he suffered and the responsibility of Canadian officials for what he experienced.

Prime Minister we are writing to you because this is a situation that requires your direct and personal involvement. There are a variety of departments and agencies implicated in what happened to Mr. Abdelrazik in Sudan between 2003 and 2009, and who have now failed and, worse, refused during the nine years since to take responsibility to ensure he receives redress.

It is time for you to become involved and for you to take the principled decision that is so evidently required. Instruct your officials to recommit to mediation and engage in good faith negotiations towards adequate and appropriate compensation, including an official apology, for Abousfian Abdelrazik.

Sincerely,



Alex Neve
Secretary General
Amnesty International Canada
(English branch)



Geneviève Paul
Directrice générale par intérim
Amnistie internationale Canada francophone

- cc. The Honourable Ralph Goodale, Minister of Public Safety
The Honourable Chrystia Freeland, Minister of Foreign Affairs
The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General
David Vigneault, Director, Canadian Security and Intelligence Service