



House of Commons
CANADA

Standing Committee on Foreign Affairs and International Development

FAAE • NUMBER 016 • 2nd SESSION • 40th PARLIAMENT

EVIDENCE

Monday, May 4, 2009

—
Chair

Mr. Kevin Sorenson

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Foreign Affairs and International Development

Monday, May 4, 2009

• (1530)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): Welcome back.

We're going to proceed to committee business. Mr. Dewar has his motion.

Go ahead, Mr. Dewar.

Mr. Paul Dewar (Ottawa Centre, NDP): Thank you, Chair, and thank you to the committee for going to committee business right off.

I want to table the motion. The motion is that pursuant to Standing Order 108(2), Abousfian Abdelrazik be asked to appear before the Standing Committee on Foreign Affairs and International Development.

Mr. Chair, I won't go to great lengths about the reasons for this motion, other than to say that we know there has been a lot of interest in the case of Mr. Abdelrazik. The basic facts, of course, are that he has been in Sudan since 2003. He has been in the Canadian embassy in Khartoum for over a year now. We know there were attempts to have Mr. Abdelrazik returned to Canada, and up until recently we believed that all that was lacking was a ticket for an air flight home. We know the recent news, which is that when the government was asked to provide him with a travel document, the government, through the Minister of Foreign Affairs, had decided Mr. Abdelrazik was a security risk and that they would turn him down for that request.

Mr. Chair, I believe that within the powers of this committee we are able to ask that Mr. Abdelrazik come to committee—that is, come from Khartoum to Ottawa and be present for the committee to hear his circumstance directly from him—and in addition, to address the fact that according to the Security Council committee's resolution 1267.... The chair of that committee, Richard Barrett, who is responsible for managing the travel ban, was asked if Mr. Abdelrazik could travel to Canada and if there was anything he would deem as being in the way of Mr. Abdelrazik travelling. He said, "Sure, they"—that is, the Canadian government—"can let him come back. This is a decision for the Canadian government, not for the Security Council."

Therefore, I would submit, Mr. Chair, that we have the ability to have Mr. Abdelrazik appear before this committee, and not through any other means than having him sit in a chair right in this room to hear from him. That is the spirit of the motion, but most importantly

that is the essence of the motion: to have Mr. Abdelrazik appear before this committee in this place as soon as possible.

Thank you.

The Chair: Thank you, Mr. Dewar.

Go ahead, Mr. Obhrai.

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Chair, first I would like to tell my colleague Paul Dewar, on the other side, that the government decided to agree to bring this to the front. Before he runs out to try to get the media's attention on this issue and starts attacking the government, we have agreed that this motion should be handled first. We have agreed to that, before he runs out.

Second—now to the main argument, Mr. Chair—we have discussed this matter on many occasions. Today's or yesterday's *Globe and Mail* report told us exactly what we have been saying, that this is a publicity stunt by the NDP, forgetting all the other points that have come across, that we discussed at length during the steering committee. The steering committee report came up with these options—to study these issues, to understand them, and to make an appropriate decision. Mr. Dewar is saying that Mr. Barrett said that the Security Council has no problem with letting him come here. Well, then, the Security Council should delist him. Why is he on the list? If the Security Council has no problem with his coming back to this country—it's a simple fact—delist him. As soon as they delist him, everything is over. He can then come back like any other Canadian citizen. I think that is the key element of this.

The steering committee thought it would be more appropriate to look at these things and seek a legal opinion on this matter from the Library of Parliament as well as from another outside lawyer to see if that is possible. That is a common sense approach. Is it possible? There's no point in passing a motion that cannot be fulfilled, and then the legal opinion comes along and says it cannot be done. It's Paul who's saying that Mr. Barrett is talking about it. Whether Mr. Barrett is a lawyer or not, we don't know. And what are the legal implications? The suggestion that came out of the steering committee was to go ahead and do that. That makes common sense.

The second point, Mr. Chair, was that Mr. Dewar had the motion here that said he would like to study what the role of CSIS was in this whole issue. This *Globe and Mail* article, which he provided, was talking about CSIS having a role to play. Therefore, CSIS has asked the Security Intelligence Review Committee to look into it. Now, the steering committee said at that time, let's go and contact the security committee and find out where this file is—is it progressing and how quickly is it progressing?—so we are able to know whether that issue is progressing before we go on to calling a person who's directly impacted by this decision.

The third point is actually outside the scope of this. We are seeking jurisdiction that would apply to all the other Canadians, which is whether Canadian embassies are Canadian territory or not. But I don't think that is relevant to this case here.

The fourth and last point is this. Before Mr. Dewar jumps into all these arguments—and they have lawyers on the other side—Mr. Abdelrazik has a court case going against the Government of Canada. Is Mr. Abdelrazik able to come, and will his lawyer allow him to come and talk, and will that impact his court case or not? Would a lawyer allow him to do all these things that would impact the court case here?

Mr. Chair, with all these arguments, it becomes very difficult for the government to even support it. In light of the arguments that I made, the government will abstain from this vote.

• (1535)

The Chair: Ms. Brown.

Ms. Lois Brown (Newmarket—Aurora, CPC): I'm okay.

The Chair: Mr. Rae.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Chairman, we will be supporting this motion.

I would say, in response to the comments of my friend the parliament secretary, that none of these arguments are barriers to supporting this motion. The implementation of the motion will obviously require answers to certain questions that we all have. I don't think you can answer these questions in an academic way. I think you have to answer them in a practical way. The best way to get them answered is to pass the motion and then take the steps to see what can be done to get it implemented. I think that's the reasonable approach to take.

We all recognize that this is an unusual situation. It is unusual to me that somebody who is so vehemently described by the government, as recently as today, by the minister, as someone who poses a serious security risk—and for security reasons, the Government of Canada can't move—is in fact resident in the Canadian embassy in Khartoum. In my entire life I've never heard of a serious security risk being kept inside the Canadian embassy. There's an illogic to this whole situation that justifies explanation.

Therefore, I think we should pass the resolution. My recommendation to the committee would be that we pass it and then deal with the concerns that have been raised by Mr. Obhrai and, no doubt, will be by others.

• (1540)

The Chair: Thank you, Mr. Rae.

Mr. Crête, then Mr. Dewar.

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): We intend to support the motion. As for the United Nations' terrorist no-fly list, the Convention clearly states that the list does not apply in the case of persons wishing to return to their country of origin. Persons clearly have the right to do that.

The aim of the motion is simply to bring home to this country someone who, under the Convention, clearly has the right to return. If his return makes the Canadian Embassy in Khartoum a safer place, then so much the better.

Seriously though, I think it is high time for the committee to hear from Mr. Abdelrazik and for his rights to be upheld.

[*English*]

The Chair: Thank you, Mr. Crête.

Mr. Dewar, would you conclude?

Excuse me, Mr. Dewar. Mr. Abbott has something to say.

Go ahead, Mr. Abbott.

Hon. Jim Abbott (Kootenay—Columbia, CPC): Mr. Chairman, I consider my colleagues on the other side of the table every bit as much my friends as the people on this side of the table, so I want to be very, very temperate in the way I express myself. I intend absolutely no offence whatsoever.

I'm just having a lot of difficulty in understanding why the steering committee would have said that we should be requesting a legal opinion and a legal analysis from the Library of Parliament. What was on the minds of the people on the steering committee that they would ask for that if in fact we're going to go ahead with this decision? It sounds like the opposition is going to unite and will be voting unanimously in favour of this decision, when the steering committee has already said, well, you really need to have that opinion.

The second point is on the information concerning the status of any inquiry that SIRC may be carrying out on the role CSIS may have played, something that obviously would be very interesting in order to make this decision but is not in the same league as asking whether this is a proper or a good decision.

Third, there is the very simple question of seeking an opinion on whether Canadian embassies are considered Canadian territory or if the Canadian government has jurisdiction over them.

The first point is the most important. I am just suggesting that clearly what this motion is about is a totally unvarnished, completely transparent attempt on the part of Mr. Dewar to force the government of the day to attempt to return this gentleman to Canada. It doesn't have anything—or very little—to do with the testimony that is actually going to occur. I just find it unfortunate and, quite frankly, regrettable that my friends would not be willing to take a more prudent approach to this question.

As the Parliamentary Secretary to the Minister of Foreign Affairs has indicated, we will be abstaining. I must say personally that I find it highly unusual that my friends would be going this particular route when this is nothing except a ploy to circumvent the situation as it presently sits.

Those are my comments. Thank you, Mr. Chair.

The Chair: Thank you, Mr. Abbott.

Monsieur Crête.

[*Translation*]

Mr. Paul Crête: I would remind Mr. Abbott that before the steering committee met, we discussed this matter and the parliamentary secretary told us that he would have special information to convey to us further to the steering committee meeting that might make us reconsider our position.

I put the question to him several times on that occasion, and I was never given any additional piece of information that might explain why the rights provided for under the international convention did not apply in this case. We were not given any information in that regard.

[*English*]

The Chair: Again, those were in camera meetings, so whether he did or didn't provide information, my clerk is just telling me.... I think you're all right there, Mr. Crête, as you didn't disclose anything. You're okay.

Mr. Dewar.

• (1545)

Mr. Paul Dewar: Thank you, Chair, and thanks to the committee for allowing this motion to be discussed, debated, and voted on. I have a couple of quick things to sum up.

I do want to respond to Mr. Abbott's questions—not the one on the embassy; I think there was agreement that it wasn't really connected to this motion. It's an interesting inquiry, but not dependent upon the motion being passed or not. We can still look into it.

Regarding his question about why the steering committee may have considered and passed the other questions, it was to have a full scope of the issue—not of Mr. Abdelrazik himself, but of the issue, if you will, of how we got here—to understand the mechanics of this. I've asserted at committee here what I think the mechanics are, and the steering committee wanted to probe a bit more. I think that's entirely valid, so that as a committee we understand the policies and how they work. That's separate from the motion, which is asking... well, it's related, but as my father used to say, it's not close, it's adjacent. I think it's not something that we are depending upon passing the motion to have Mr. Abdelrazik come.... It's something we can understand, as a committee, in terms of the policies. I think

there was a need for the steering committee to have a deeper background on what all of the issues are around this policy.

I've stated numerous times, from the most recent past, that according to the travel ban that's in place, there is a way for foreign nationals to be returned. In fact, I quoted today for the record, for my friend the parliamentary secretary, that the person who has oversight of this committee stated, for the record, that it's up to each country and they can ask for their foreign nationals to come home. So I wanted to state this for the Parliamentary Secretary to the Minister of International Cooperation.

I want to finish, Mr. Chairman, by saying that this motion, as passed, would do what we all hope, on this side at least, which we haven't been able to see done, and that is to have Mr. Abdelrazik come home. Absolutely, I agree. I'm not hiding anything there. Most importantly for us, it's to hear from him directly what his situation is in terms of concerns around the legal case and whether or not he'd be able to state certain things in front of the committee. I'll leave that up to his lawyer, but I'd simply make the observation that his legal case was all about his returning home, so I would suggest that it might not be as big an issue as the parliamentary secretary might suggest.

In sum, Mr. Chair, what we're doing here today is passing a motion to have a Canadian return home, to hear from him directly, and hopefully to do it forthwith, as quickly as possible.

Thank you.

The Chair: Thank you, Mr. Dewar.

Are we ready for the question on the motion that pursuant to Standing Order 108(2), Mr. Abousfian Abdelrazik be asked to appear before the Standing Committee on Foreign Affairs and International Development?

(Motion agreed to)

The Chair: Mr. Abbott.

Hon. Jim Abbott: Can it be noted that we abstained on the vote, please?

The Chair: If you wanted a recorded vote, you could ask for a recorded vote.

Hon. Jim Abbott: Why don't we do a recorded vote.

The Chair: I think it's passed. But we can definitely mark down that the government did not vote in favour of this motion, that they abstained.

Thank you.

We will now suspend and go in camera for consideration of our draft report.

[*Proceedings continue in camera*]

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.