

**INTERNAL INQUIRY INTO THE ACTIONS OF CANADIAN
OFFICIALS IN RELATION TO
ABDULLAH ALMALKI, AHMAD ABOU-ELMAATI
AND MUAYYED NUREDDIN**

**RESPONSE ON BEHALF OF CANADIAN COALITION FOR DEMOCRACIES TO
INTERVENERS' SUBMISSIONS CONCERNING STANDARDS OF CONDUCT**

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A) Introduction

1. This Commission has been established by the Government of Canada under Part One of the *Inquiries Act*, R.S.C., C. I-13. On November 6, 2007, the Commissioner issued a Notice of Hearing on Standards of Conduct, as amended November 26, 2007, requesting submissions from the parties and interveners relating to the standards of conduct of Canadian authorities on matters relevant to the terms of reference (Order-in-Council P.C. 2006-1526) of this Inquiry. The Commission invited responses to these submissions. The Canadian Coalition for Democracies makes the following general response to submissions:

B) Response to submissions

2. The Canadian Coalition for Democracies has difficulty with the approach that might be inferred from one or more of the submissions concerning consular, security and other Canadian Government activity, abroad.

3. Today, pluralist democracies and other states live in an era of extremist infiltration and developing mass-casualty threats. Individually and collectively, their citizens face threats to their safety and security, including potential for their civil liberties to be menaced by severe remedial government action that might be made necessary or unavoidable by mass-destructive or mass-casualty assaults.

4. In this context, the Canadian Coalition for Democracies is concerned that assertions of human rights' problems in a given country, not lead Canada automatically to enforce an absolute prohibition on diplomatic and security involvement with that country in relation to a Canadian

detainee held there. One submission's language could reasonably be construed to advocate the barring of Canada's Foreign Affairs' officials abroad from cooperating with Canada's own police, security and intelligence efforts in relation to a Canadian held in a state with a doubtful human-rights' record. The Canadian Coalition for Democracies is concerned that such prescriptions could prove simplistic under current international conditions.

5. To be sure, it is not unreasonable to be concerned that Canadian authorities' contacts with certain foreign regimes, might encourage "custodians" of detainees in these jurisdictions to abuse their charges. However, this possibility, alone, need not be a complete bar to such contacts. In light of international threats, it might prove prudent in the interests of public safety to accept information from a "holding" country in order to weigh that information's probative and other value for the purpose of counterterror threat and risk assessment. At the same time, there might be room, through internationally-enforceable political and diplomatic means, to ensure that the detaining government respect certain standards of conduct in its dealings with detainees concerned.

6. Whilst rejecting the principle of accepting information derived from a Canadian prisoner in a country with a questionable human-rights' record, at least one submission seems prepared to make an exception to this, where the prisoner's information points to "imminent" threats. An "imminence" standard might arguably be appropriate for certain purposes relating to criminal law and evidence. However, such a high threshold overturns the concept and long-term anticipatory and protective objectives of security-intelligence (SI), including those SI functions dedicated to "indications and warning." This is an important analytical and practical weakness

in such a suggestion in an age of mass-casualty terror attacks and consequential threats to civil liberties.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Date: December 23, 2007

“David Harris”

DAVID B. HARRIS

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