

Internal Inquiry into the Actions of  
Canadian Officials in Relation to  
Abdullah Almalki, Ahmad Abou-Elmaati  
and Muayyed Nureddin



Enquête interne sur les actions des  
responsables canadiens relativement à  
Abdullah Almalki, Ahmad Abou-Elmaati  
et Muayyed Nureddin

The Honourable Frank Iacobucci, Q.C.  
Commissioner

L'honorable Frank Iacobucci, c.r.  
Commissaire

May 23, 2008

To Counsel for Participants and Intervenors

**Re: Internal Inquiry into the Actions of Canadian  
Officials in Relation to Abdullah Almalki,  
Ahmad Abou-Elmaati and Muayyed Nureddin**

I have received letters dated May 20, 2008, from Amnesty International (Amnesty) and counsel for Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin requesting a reconsideration of my decision to limit access to the draft factual narratives to counsel for Inquiry Participants and Intervenors. After receiving the submissions made by Amnesty and counsel for Mr. Almalki, Mr. Abou-Elmaati and Mr. Nureddin and other submissions received, and a consideration of all the circumstances, I am not persuaded to change my decision to limit access to the factual narratives to counsel only.

In arriving at this conclusion, I note that in my November 6, 2007 Ruling on Application Made by Notice of Application Dated October 2, 2007 I stated that Inquiry counsel were to review draft narratives "with counsel for Inquiry Participants and Intervenors on a confidential basis". Underlying this statement were a number of supporting factors. These included the fact that counsel are in a position to give professional undertakings as lawyers that ensure the maintenance of confidentiality. Confidentiality is especially important in this context. It is highly unusual to provide access to this type of material before it is publicly released and the narratives may change before they are finalized for purposes of my report. Lawyers are well accustomed to giving these types of undertakings and there are many examples of their being asked to do so.

As for the named individuals having access, an important consideration in my view is the fact they could be called as witnesses and having access to the factual narratives could affect or be seen to affect their evidence.

I wish to thank counsel for the submissions I received.

Sincerely,

A handwritten signature in black ink that reads "Frank Iacobucci".

Frank Iacobucci