



Amended Notice of Hearing on Standards of Conduct

A hearing will take place on Tuesday and Wednesday, January 8 and 9, 2008 at the Bytown Lounge, 111 Sussex Drive, Ottawa, Ontario, to receive submissions from participants in the Inquiry concerning the standards that the Commissioner should apply in determining the matters set out in paragraph a of the Inquiry's Terms of Reference.

The hearing will begin at 9:00 a.m. EST on Tuesday, January 8, 2008.

Submissions are requested concerning the questions set out below. Inviting submissions on these questions should not be taken as confirmation of any fact or circumstance to which the questions refer. The Inquiry's investigation into the relevant facts is ongoing.

1. Sharing information with foreign authorities

- (a) During the period 2001 to 2004, in what circumstances, if any, would it have been appropriate for
- (i) Canadian officials responsible for investigating activities that may on reasonable grounds be suspected of constituting threats to the security of Canada, or
 - (ii) Canadian officials responsible for conducting criminal investigations into the possible commission of terrorism offences
- to
- (iii) share information concerning Canadian citizens with the authorities of a foreign state, or
 - (iv) in particular, provide the authorities of a foreign state with information concerning the travel plans of Canadian citizens?
- (b) If there were circumstances during the period 2001 to 2004 in which it might have been appropriate for the Canadian officials referred to in question 1(a) to share information concerning Canadian citizens with the authorities of a foreign state or, in particular, provide the authorities of a foreign state with information concerning the travel plans of Canadian citizens, what considerations should the Canadian officials have taken into account before doing so?

2. Questioning Canadian citizens detained in foreign states

- (a) During the period 2001 to 2004, in what circumstances, if any, would it have been appropriate for the Canadian officials referred to in question 1(a) to
- (i) send questions to the authorities of a foreign state to be used by the foreign authorities to question,
 - (ii) attend in a foreign state to participate in the questioning by the foreign authorities of, or
 - (iii) attend in a foreign state to question directly,
- a Canadian citizen detained in the foreign state?
- (b) If there were circumstances during the period 2001 to 2004 in which it might have been appropriate for the Canadian officials referred to in question 1(a) to engage in some or all of the activities referred to in question 2(a), what considerations should the Canadian officials have taken into account before doing so?

3. Provision of consular services to Canadian citizens detained in foreign states

- (a) During the period 2001 to 2004, what standard of consular services, including but not limited to
- (i) the nature and frequency of consular visits,
 - (ii) the nature and frequency of efforts to ascertain the location of the detainee and how the detainee was being treated while in detention,
 - (iii) the nature and frequency of efforts to gain access to the detainee,
 - (iv) the nature and frequency of efforts to secure the detainee's release,
 - (v) the nature and frequency of contact with the detainee's family, and
 - (vi) the nature of efforts to assist the detainee upon release to return to Canada,
- would it have been reasonable for Canada to provide to a Canadian citizen detained in Syria or Egypt?
- (b) During the period 2001 to 2004, what considerations should Department of Foreign Affairs and International Trade (DFAIT) officials have taken into account in determining the nature and frequency of the consular services, including but not limited to the services referred to in question 3(a)(i) to (vi), to be provided to a Canadian citizen detained in Syria or Egypt?

- (c) During the period 2001 to 2004, what practices should DFAIT officials have followed when meeting a Canadian citizen who was detained or who had been detained in Syria or Egypt to assess whether the Canadian citizen was being or had been mistreated?

4. Disclosure of information obtained by consular officials

- (a) During the period 2001 to 2004, in what circumstances, if any, would it have been appropriate for the Canadian officials referred to in question 1(a) to seek from DFAIT officials disclosure of information that DFAIT officials had obtained from a Canadian citizen to whom they were providing or had provided consular services?
- (b) If there were circumstances during the period 2001 to 2004 in which it might have been appropriate for the Canadian officials referred to in question 1(a) to seek from DFAIT officials disclosure of information that the consular officials had obtained from a Canadian citizen to whom they were providing or had provided consular services, what considerations should the Canadian officials have taken into account before doing so?
- (c) During the period 2001 to 2004, in what circumstances, if any, would it have been appropriate for DFAIT officials to disclose to the Canadian officials referred to in question 1(a) information obtained from a Canadian citizen to whom they were providing or had provided consular services?
- (d) If there were circumstances during the period 2001 to 2004 in which it might have been appropriate for DFAIT officials to disclose to the Canadian officials referred to in question 1(a) information obtained from a Canadian citizen to whom they were providing or had provided consular services, what considerations should DFAIT officials have taken into account before doing so?

5. Role of consular officials in national security or law enforcement matters

- (a) During the period 2001 to 2004, in what circumstances, if any, would it have been appropriate for DFAIT officials to assist the Canadian officials referred to in question 1(a) to engage in some or all of the activities referred to in question 2(a)(i) or (iii)?
- (b) If there were circumstances during the period 2001 to 2004 in which it might have been appropriate for DFAIT officials to assist the Canadian officials referred to in question 1(a) to engage in some or all of the activities referred to in question 2(a)(i) or (iii), what considerations should DFAIT officials have taken into account before doing so?

Participants who wish to make oral submissions at the hearing must, no later than 5:00 p.m. EST on Friday, December 14, 2007, submit by e-mail to the Inquiry, at inquiry.admin@bellnet.ca, and serve on other participants a written outline of their submissions. Participants that wish to respond in writing to other participants' outlines

may do so, by e-mail to the Inquiry and to other participants, no later than 12:00 noon EST on Friday, December 21, 2007. Outlines will be posted on the Inquiry's website, www.iacobucciinquiry.ca.

The Commissioner requests that, to the maximum extent possible, participants collaborate with other participants and make their written and oral submissions jointly, so as to facilitate the efficient conduct of the hearing. Following receipt of the written submissions, the Commissioner will issue a directive allocating time for oral submissions to each participant that has made written submissions. The Commissioner recognizes that because the hearing will be held in public, it will not be possible for him to receive submissions at the hearing that refer to information protected by national security confidentiality.

November 26, 2007