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March 14, 2007

Our file: 11.153.001

BY EMAIL, FAX AND COURIER

Commission Offices
Iacobucci Inquiry
P.O. Box 1208
Station B
Ottawa ON K1P 5R3

By fax to (613) 992-2366


By email to inquiry.admin@bellnet.ca

Dear Sirs/Mesdames:

Abdullah Almalki
Application for Standing and Funding

I enclose Mr. Almalki's application for funding and standing in the Inquiry. Mr. Almalki's counsel wishes to make brief oral submissions at the March 21 hearing. We would be grateful if someone from the Commission could confirm in advance if and how much time will be allotted to counsel for Mr. Almalki.

Yours truly,


Jasminka Kalajdzic
JK/
Encl.

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

**APPLICATION FOR STANDING BY
ABDULLAH ALMALKI**

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Barristers & Solicitors
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Toronto ON M5R 1B2

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Solicitors for the Moving
Party

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1. Notice of Motion, March 14, 2007
 2. Affidavit of Abdullah Almalki, sworn March 14, 2007
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IN THE MATTER OF
COMMISSION OF INQUIRY INTO THE ACTIONS
OF CANADIAN OFFICIALS IN RELATION TO
ABDULLAH ALMALKI, AHMAD ABOU-ELMAATI
AND MUAYYED NUREDDIN
(THE “INQUIRY”)

NOTICE OF MOTION

ABDULLAH ALMALKI will make a motion to the Inquiry on Wednesday, March 21, 2007 at 10:00 a.m., or soon after that time as the motion can be heard, at the Bytown Lounge, 111 Sussex Drive, Ottawa, Ontario.

PROPOSED METHOD OF HEARING:

Mr. Almalki asks that this motion be heard orally.

THE MOTION IS FOR:

An order granting Mr. Almalki standing to participate before this Inquiry and funding to be represented by counsel.

THE GROUNDS FOR THIS MOTION ARE:

1. Mr. Almalki has a direct and substantial interest in the subject matter of the Inquiry;
2. Mr. Almalki does not have the financial means to retain counsel to represent him before this Inquiry, if standing is granted to him;
3. Parts C and D of the Rules of Procedure and Practice respecting participation and funding of this Inquiry; and

4. Such further and other grounds as counsel may submit and this Inquiry accept.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The affidavit of Abdullah Almalki, sworn March 14, 2007; and
2. Such further and other evidence that counsel may submit and this Inquiry accept.

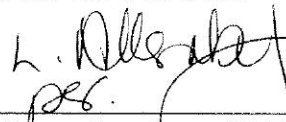
DATED this 14th day of March, 2007.



L. Alkhalaf
per

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

**APPLICATION FOR STANDING AND FUNDING
OF ABDULLAH ALMALKI**
(sworn March 14, 2007)

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Solicitors for Abdullah Almaliki

IN THE MATTER OF
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ABDULLAH ALMALKI, AHMAD ABOU-ELMAATI
AND MUAYYED NUREDDIN

AFFIDAVIT OF ABDULLAH ALMALKI
(sworn March 14, 2007)

I, ABDULLAH ALMALKI, of the City of Nepean, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I seek standing before the Commission of Inquiry into the Actions of Canadian Officials in relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin (the "Inquiry").

2. I am a Canadian citizen. I have lived in Canada for the past 19 years. In May 2002, I was detained in Syria, imprisoned for the next 22 months and tortured repeatedly. I believe that my detention, interrogations, mistreatment and torture resulted, either directly or indirectly, from the actions of Canadian officials. I also believe that Canadian officials failed to provide me consular services and otherwise impeded my timely return to Canada.

3. I was granted standing and funding, albeit on a limited basis, at the Commission of Inquiry into the actions of Canadian officials in relation to Maher Arar (the "Arar Commission").

4. In his Report of the events relating to Maher Arar (*Analysis and Recommendations*), Commissioner O'Connor stated that my case, as well as that of Mr. Elmaati and Mr. Nureddin, raised "troubling questions about what role Canadian officials may have played in the events that befell [us]" (page 276). At page 278 of this volume of the Report, Commissioner O'Connor said that he had "heard enough evidence about the

cases of Messrs. Almalki, Elmaati and Nureddin to observe that these cases should be reviewed and that the review should be done through an independent and credible process that is able to address the integrated nature of the underlying investigations.”

5. Following the release of Commissioner O’Connor’s Report, the Minister of Public Safety and Emergency Preparedness, Stockwell Day, announced the Inquiry.

6. My participation in this Inquiry is vital. According to the Terms of Reference for this Inquiry, the Commissioner will determine whether my “detention.... resulted, either directly or indirectly, from actions of Canadian officials, particularly in relation to the sharing of information with foreign countries” and whether “any mistreatment.... resulted, either directly or indirectly, from actions of Canadian officials, particularly in relation to the sharing of information with foreign countries.” I believe that I have a direct and substantial interest in the determination of this factual inquiry, and that I have important information to provide to the Commission on these issues.

7. I believe that it goes without saying my reputation largely rests in the hands of this Inquiry. I am not a terrorist. There have been erroneous implications made..... in the past about my alleged ties to terrorism. I have been under investigation by various Canadian agencies since at least 1998. I do not believe that there was or could be a well founded concern about me and my activities. It is imperative that I participate fully in this Inquiry to ensure that my reputation is not maligned and to contest any allegations or inferences which suggest that I should be the focus of previous or current terrorism investigations.

9. I am concerned that this Inquiry will use at its foundation inaccurate statements of fact and improper inferences contained in Commissioner O’Connor’s Report. I have already alerted Commission counsel to a few of these inaccuracies. It is vital, therefore, that I be given the broadest of participation rights to ensure that accurate facts are before the Commission.

10. I wish, more than anything, to be given the opportunity to clear my name.

11. I am presently unemployed. I have been unable to work since returning to Canada from Syria in August 2004. I am married and have six children. My wife does not work outside the home. We do not have the funds to retain counsel to represent me at the Inquiry.

12. Paul Copeland of Copeland, Duncan in Toronto has represented me for the past two years, including at the Arar Commission. He was called to the Bar in 1967 and has an expertise in national security issues. I have asked him to represent me at this Inquiry.

13. I have also retained Jasminka Kalajdzic of Sutts, Strosberg LLP. Her firm acts for me in respect of a civil action that I have brought against the Canadian government seeking damages for its involvement in my detention and torture in Syria. Ms. Kalajdzic is familiar with the facts of my case and I have also asked her to represent me at the Inquiry. She was called to the Bar in 1997.

14. I have retained Matthew Webber of Webber Schroeder, in Ottawa, Ontario. Mr. Webber was called to the Bar in 1991. He is acting for me in relation to disclosure of documents relating to a search warrant executed in January, 2002, under which a number of my personal and business records were seized. He, too, is familiar with the facts of my case and is well-versed in national security issues.


15. According to Commissioner O'Connor's Report, there were tens of thousands of documents filed with the Arar Commission. Over 70 government officials were called as witnesses at the Arar Commission. There were approximately 75 *in camera* hearing days and 45 public hearing days. If the Arar Commission gives us any idea of the magnitude of this Inquiry, I believe that it will be demanding and time consuming for all counsel involved in terms of the volume of evidence to be reviewed, witnesses to be examined, and hearing days to be attended.

16. In light of the extensive time period and events being investigated, and based on the funding granted to Mr. Arar and the recommendations of my counsel, I believe that it would be appropriate to have the services of two senior, one intermediate and two junior counsel representing me at this Inquiry. For this reason, I seek funding, in accordance with Government of Canada Guidelines, for five lawyers. I am advised by my counsel, and I believe, that they will do their best to avoid duplication and overlap.

17. I also seek funding for the rental of office space in Ottawa where my lawyers can work. I am advised by Mr. Webber and believe that there is no space available in his office.

18. I make this affidavit of support of my motion for standing before this Inquiry and for no improper purpose.

SWORN BEFORE me at the City
of Ottawa, in the Province of
Ontario, this 14th day of March, 2007.


A Commissioner, etc.

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_____)
Abdullah Almalki

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