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INTERNAL INQUIRY

MAR 14 2007

ENQUÊTE INTERNE

March 14, 2007

The Honourable Frank Iacobucci,
The Commissioner

PO Box 1208
Station B
Ottawa, Ontario, Canada
K1P 5R3

BY FAX 613.992.2366

And

BY E-Mail inquiry.admin@bellnet.ca

RE: AHMAD ABOU EL MAATI

Application for Standing to Participate in and Funding to be represented by counsel at The Inquiry into the Actions of Canadian Officials In Relation to Abdullah Almalki, Ahmad Abou-ElMaati and Muayyed Nureddin

Attached please find the above noted application and supporting documentation.

Yours truly,


Hadayt Nazami

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

INTERNAL INQUIRY

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ENQUÊTE INTERNE

**APPLICATION FOR STANDING BY
AHMAD ABOU EL MAATI**

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Solicitors for the Applicant

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NOTICE OF APPLICATION

AHMAD ABOU EL MAATI will make a motion before this 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. El Maati asks that this motion be heard orally.

THE MOTION IS FOR:

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

THE GROUNDS FOR THIS MOTION ARE:

1. Mr. El Maati has a direct and substantial interest in the subject matter of the Inquiry;
2. Mr. El Maati 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 Terri Jackman, sworn March 14, 2007; and
2. Such further and other evidence that counsel may submit and this Inquiry accept.

DATED at Toronto, this 14th day of March, 2007.

Handwritten signatures of Hadayt Nazami and Barbara Jackman. The signature of Hadayt Nazami is written above the signature of Barbara Jackman. Both signatures are written in black ink on a white background.

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Solicitors for the Applicant

AFFIDAVIT OF TERRI JACKMAN

I, TERRI JACKMAN, paralegal, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am a paralegal in the offices of Jackman & Associates, solicitors for the Applicant, Ahmad Abou El Maati. I have been involved in assisting in our office on Mr. El Maati's case and as such I have knowledge of the matters set out below. I believe the information which I set out below to be true. It is information of which I have become aware from dealing with Mr. El Maati or from my involvement in working on his case. Mr. El Maati underwent a back operation on March 8, 2007 and is now recuperating at his home.
2. Mr. EL Maati is seeking standing before this Commission of Inquiry into the Actions of Canadian Officials in relation to Abdullah Almalki, Muayyed Nureddin and himself (the "Inquiry").
3. Mr. El Maati was granted standing, albeit on a limited basis and at a later stage in the proceedings, before and funding from the Commission of Inquiry into the actions of Canadian officials in relation to Maher Arar (the "Arar Commission"). He provided an affidavit in support of his application at that time, which I am attaching as Exhibit A to my affidavit.
4. Mr. El Maati is a Canadian citizen. In November, 2001, he was detained in Syria, imprisoned and tortured. In January, 2002, he was transferred to Egypt and was imprisoned and tortured there until his release in January, 2004. As Mr. El Maati has indicated in his affidavit which is annexed as Exhibit A to my affidavit, he believes that his detentions, interrogations and torture resulted, either directly or indirectly, from the actions of Canadian officials. He believes that Canadian officials failed to provide him consular services and otherwise impeded his timely return to Canada.

5. In his Report of the events relating to Maher Arar (Analysis and Recommendations), Commissioner O'Connor stated that Mr. El Maati's case, as well as that of Mr. Almalki 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."

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

7. Mr. El Maati's participation in this Inquiry is vital. According to the Terms of Reference for this Inquiry, the Commissioner will determine whether his detention and torture resulted, either directly or indirectly, from actions of Canadian officials, particularly in relation to the sharing of information with foreign countries. Mr. El Maati has a direct and substantial interest in the determination of this factual inquiry and has important information to provide to the Commission on these issues.

8. Mr. El Maati's reputation will be at issue at this Inquiry. As he has indicated in his affidavit, attached as Exhibit A to my affidavit, he denies being a terrorist. There have been suggestions in the national media and before the Arar Commission about his alleged ties to terrorism. It is known that he has been under investigation by various Canadian agencies, although it is not apparent exactly when this investigation began. It is important that Mr. El Maati participate fully in this Inquiry to protect his reputation and to contest any allegations or inferences which suggest that he should be or should have been the focus of terrorism investigations.

9. As a result of the Arar Commission, a further concern is raised that this Inquiry may use inaccurate statements of fact and improper inferences contained in Commissioner

O'Connor's Report. Correction of such inaccuracies is important for Mr. El Maati and for this purpose as well, he seeks full participation rights to ensure that accurate facts are before this Commission. Mr. El Maati wishes to clear his name.

10. Mr. El Maati is presently unemployed. He has been unable to work since returning to Canada from Egypt in March, 2004. He has undergone a series of operations as a result of the injuries he suffered in Syria and Egypt, the most recent one being a back operation, as noted above, on March 8, 2007. He is unmarried and lives with his mother. His mother and father do not work. Neither Mr. El Maati, nor his parents have the funds to retain counsel to represent him at this Inquiry.

11. Barbara Jackman of our office has been representing Mr. El Maati over the past several years, including before the Arar Commission. She was called to the Bar in the Province of Ontario in 1978 and has an extensive experience in national security issues. Additionally Hadayt Nazami who works with Ms. Jackman in Jackman & Associates has been assisting her with Mr. El Maati's matters. Mr. Nazami was called to the bar in the Province of Ontario in 2004. Mr. El Maati wishes to have Ms. Jackman and Mr. Nazami represent him at this Inquiry.

12. According to Commissioner O'Connor's Report, there were thousands of documents filed with the Arar Commission. That hearing continued over an extended period of time - approximately 75 in camera hearing days and 45 public hearing days, with over 70 government officials called as witnesses. This indicates that the current Commission of Inquiry, relating to three persons, is very likely to be demanding and time consuming for all counsel involved in terms of the volume of evidence to be reviewed and organized, witnesses to be examined, and hearing days to be attended.

13. In light of the extensive time period and events being investigated, and based on the funding granted to Mr. Arar and the recommendations of counsel, Mr. El Maati believes that it would be appropriate to have the services of two senior, one intermediate and two

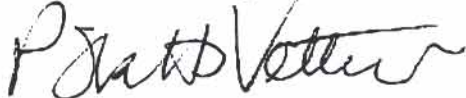
junior counsel representing him at this Inquiry. For this reason, he seeks funding, in accordance with Government of Canada Guidelines, for five lawyers. His counsel will, of course, make their best efforts to avoid duplication and overlap.

14. Ms. Jackman is involved in the representation of Mr. El Maati as well as Mr. Nureddin. It is likely therefore that some of the work involving both of these applicants will overlap, which will reduce the overall time spent on the cases of both applicants.

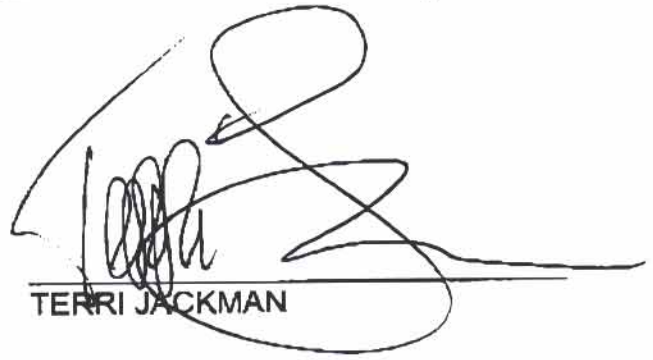
15. Mr. El Maati also seeks funding for the rental of office space in Ottawa where his counsel can work. His counsel are based in Toronto. As our office is also involved in the representation of Mr. Nureddin, the office space which both Mr. Nureddin and Mr. El Maati are requesting can be the same office.

16. I make this affidavit of support of Mr. El Maati's motion for standing before this Inquiry and for no improper purpose.

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



A Commissioner, etc.


TERRI JACKMAN

PATRICIA DIANE VETTRANO,
a COMMISSIONER, etc., PROVINCE
OF ONTARIO, for BARBARA JACKMAN
BARRISTER and SOLICITOR.
EXPIRES JUNE 28, 2007.

This is Exhibit A to the
Affidavit of TERRI JACKMAN
Sworn before me this 14th
day of MARCH 2007
[Signature]
A Commissioner etc

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR STANDING**

I, AHMAD ABOU EL MAATI, of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am seeking standing before the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar.
2. Like Maher Arar, I am a Canadian citizen who was detained and tortured in Syria and then transferred to Egypt and tortured there. I believe that Canadian officials were responsible for this.
3. I made an application for standing before this Commission on April 16, 2004. My application was refused on the basis that I did not have a substantial and direct interest in the factual inquiry. It is my understanding that the Commissioner indicated that I should be entitled to have counsel represent me, if I so choose, with respect to evidence of association with Maher Arar, should this come out in the public hearing.
4. I have not been able to follow the Arar Commission in great detail, but am aware from press reports and from my counsel and from others involved with the interveners before this Commission that there has been evidence presented at the hearings, both from documents and from the testimony of witnesses, that refers to me. It appears that this is in relation to the torture which I experienced in Syria, the interrogation which I underwent there and in Egypt based on information and documents which I believe could only have been obtained by the Syrian and Egyptian officials from Canadian security officials, and the role played by Canadian officials in securing my detention in Syria and Egypt and in frustrating efforts to secure my release and return to Canada. I believe that what happened to me and to several other Canadians does give rise to a serious concern about whether Maher Arar's experiences were isolated or part of a pattern caused by the practices of the Canadian security agencies.
5. Also of concern to me is the implication underlying the reference to Mr. Arar's treatment as resulting from his association with me and with Mr. Almalki in Canada prior to his detention in Syria. I was the subject of an investigation by security officials in Canada and the United States in 2001. I do not believe that this investigation was warranted. I am extremely concerned, however, that what is implied by the reference to Mr. Arar's problems being related to his association with me, is that there was a well founded concern about me and my activities. I am not a terrorist and I do not believe that my reputation should be maligned at this Commission without my having been given the opportunity to contest any allegations or inferences arising these kinds of statements. I believe that there already is a stereotyping of Muslims, and that I have already been a victim of this. I do not want to again be victimized by unfounded inferences of wrongdoing by me which I believe are more likely to be believed by the public because of the stereotyping of persons of my religious beliefs and my ethnic identity.

6. A further concern to me is any implication that I am at fault for Mr. Arar's detention in Syria because of I was tortured to name people. I do not believe that I am at fault and am very concerned about my reputation in this respect.
7. I believe that I have a direct and substantial interest in the subject matter of this Commission because I am an Egyptian Canadian Muslim whose reputation is at issue in this proceeding, because of what happened to me in the past. I take my reputation seriously and do not want any improper inferences about me arising from the evidence given before this Commission.
8. I am presently unemployed. I do not have the funds to retain counsel to represent me at this Commission and so I am seeking funding for my counsel to act on my behalf before the Commission. As well, I would like to appear personally before the Commission to speak to my experiences. I realize that I had previously indicated through my previous counsel that I would not cooperate with this Commission. I do wish to cooperate as I very much wish to ensure that this Commission fully understand that what happened to Maher Arar was not isolated and I do not believe that this Commission can do this unless I and the other men who were detained and tortured in Syria provide our own accounts of what happened to us. Further, I wish to ensure that my reputation is not damaged.
9. I make this affidavit in support of my application for standing before this Commission and for no improper purpose.

SWORN BEFORE ME at the City
of Toronto in the Province of
Ontario, this 17th day of June, 2005.


A COMMISSIONER, ETC.


AHMAD ABOU EL MAATI