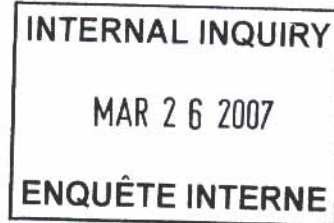


In the matter of the inquiry into the cases of Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin, issued under Part I of the Inquiries Act.

IN THE MATTER OF A MOTION for Standing for the Inquiry, by the Canadian Coalition for Democracies, through its legal counsel David B. Harris.



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MOTION FOR  
STANDING

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Counsel for the Canadian Coalition for Democracies

In the matter of the inquiry into the cases of Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin, issued under Part I of the Inquiries Act.

IN THE MATTER OF a Motion for Standing for the Inquiry, by the Canadian Coalition for Democracies, through its legal counsel David B. Harris.

### **MOTION FOR STANDING**

- 1.- The Canadian Coalition for Democracies hereby formally applies for standing as intervenor for the Inquiry;
- 2.- Such standing is sought for the entirety of the mandate of the Inquiry.
- 3.- The Canadian Coalition for Democracies has clearly ascertainable perspectives essential to the Commissioner's mandate.
  - a) The Canadian Coalition for Democracies (hereinafter also "Coalition" and "CCD") is a registered not-for-profit organization that is generally recognized as a multi-ethnic, multi-religious Canadian national human rights organization and international affairs' "think tank" dedicated to the protection and expansion of democracy and democratic principles in a secure Canada and stable world.
  - b) The Coalition has a large paid Canadian membership.
  - c) The Coalition's website, <http://canadiancoalition.com>, attracts significant Canadian and international interest and participation at a rate of 1.6 million visits per year.
  - d) The Canadian Coalition for Democracies has advanced its goals through, *inter alia*, close study of developments and policy bearing on intelligence, terrorism and national security.

- e) This study has, since the CCD's founding, benefited from the participation of Coalition Executive and Senior Fellows who have served, or otherwise had serious involvement in, related fields in law, intelligence, counterterrorism, academe, journalism, and public policy, and some of whom have testified as experts before Canadian parliamentary and American Congressional bodies in relation to these subjects. Reflected in these efforts has been the Coalition's commitment to the need to mount a vigorous, responsible defence against terrorism and associated subversion, in order to safeguard free and democratic societies at home and abroad.
- f) Based upon this background, the Coalition maintains regular and direct contact with parliamentarians and government leadership, consulting with and making frequent representations to the Office of the Prime Minister, Ministers of the Crown, and diverse other senior Canadian offices and officials. The Coalition also works informally on issues of terrorism and democracy with non-governmental organizations in Canada and the United States of America.
- g) The Coalition's Senior Fellow for National Security was chosen to speak as an advocate at the side of Members of Parliament and terror victims and their families – including Air India families – at the Parliamentary Press Gallery press conference launch of a multi-party parliamentary initiative aimed at securing through legislation the right of terror victims to sue terrorists and their enablers for damages, wherever in the world the offenders might be found, and whomever they might be.
- h) The Coalition is an intervenor in the Commission of Inquiry into the Air India Investigations.
- i) The Coalition, particularly through its multi-ethnic, multi-religious Executive members and officers, has examined, from policy, legal, political and security perspectives, matters understood to fall within the remit of the Inquiry, and has commented publicly and encouraged informed public discussion about these matters.
- j) Since 2004, the Coalition has worked on issues of finding balance between national security concerns and the rights of

individuals, an area of concern reflected in the Inquiry's terms of reference.

- k) Consistent with the Inquiry's terms of reference, the Coalition has considered the subject of terrorism-related detentions and trials, and has a strong interest in representing its views in this regard to the Commission.
- l) Through sustained public education and media-outreach initiatives, Coalition personnel have served as speakers and media commentators on intelligence and terrorism, terrorism and the law, terror financing in Canada, the Air India disaster, international affairs, and democratic rights and responsibilities, in most media outlets across Canada, including print, radio, cable, and internet. As well, members of the Coalition have appeared on PBS, CNN, Fox News, MSNBC, BBC, and been quoted or published in foreign print media ranging from *US News and World Report* to the *New York Times* and the *Jerusalem Post*. This public-education component of CCD activity holds potential to assist in the information-gathering and interpretative aspects of the Commissioner's work.

In the matter of the inquiry into the cases of Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin, issued under Part I of the Inquiries Act.

IN THE MATTER OF A MOTION for Funding for the Inquiry, by the Canadian Coalition for Democracies, through its legal counsel David B. Harris.

**AFFIDAVIT OF ALASTAIR GORDON  
IN SUPPORT OF MOTION FOR STANDING**

I, Alastair Gordon, of the City of Toronto, Province of Ontario, make oath and say as follows:

- 1.- I, Alastair Gordon, formally apply on behalf of the Canadian Coalition for Democracies, for standing as intervenor for the Inquiry;
- 2.- Such standing is sought for the entirety of the mandate of the Inquiry.
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On the basis of the foregoing, and any further reasons as may be anticipated in oral submissions at Ottawa, March 2007, or at any other time convenient to the Inquiry, Applicant Canadian Coalition for Democracies seeks standing as intervenor.

DATED at Ottawa, 23 March 2007.

Canadian Coalition for Democracies,  
Applicant by:



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Naresh Raghubeer, Executive Director,  
Canadian Coalition for Democracies,  
for and on behalf of Alastair Gordon,  
President, Canadian Coalition for  
Democracies



---

David B. Harris (Legal Counsel)  
David B. Harris, Barrister and Solicitor

To: Iacobucci Internal Inquiry  
P.O. Box 1208, Stn. B  
Ottawa (ON)  
K1P 5R3

Original to be delivered by hand:



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<b>INTERNAL INQUIRY</b>
<b>MAR 26 2007</b>
<b>ENQUÊTE INTERNE</b>

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MOTION FOR  
FUNDING

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Counsel for the Canadian Coalition for Democracies

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### **Request for Funding**

- m) The Coalition is not a charitable organization and, accordingly, is unable to solicit donations from the public using tax receipts.
- n) The Coalition has a limited budget comprised of contributions received from its members and other supporters. These monetary and non-monetary contributions are used to cover the expenses the Coalition incurs to run its national operations.
- o) As a largely volunteer-run not-for-profit organization, the Coalition does not have a budget other than for basic needs.

- p) The Coalition is an intervenor in the Air India Inquiry, for which status no funding was sought. The Coalition bears the burden of its Air India Inquiry operations, through the contributions of its members and other supporters.
- q) The Coalition is unable, through its present base of financial support, to fully fund its participation in two, contemporaneous commissions of inquiry.

### **Counsel**

- r) The counsel selected by the Coalition is Ottawa-based lawyer, David B. Harris. Mr. Harris has acted for CCD at the Air India Commission and we have full confidence in his ability to effectively and efficiently act as counsel before this Commission.
- s) Mr. Harris is familiar with Treasury Board guidelines and the practice of keeping detailed, daily time entry dockets describing what work has been completed, by whom, and at what hourly rate. He has committed to providing the same detailed dockets for the Commission.

### **Use of funds**

- t) The Coalition is only seeking funding for its necessary counsel fees and its necessary disbursements. The plan is designed to minimize expenses while ensuring that the Coalition is able to participate in the Inquiry, and to do so in such a way as to enhance the work of the Commission.
- u) The Coalition is seeking funding for its counsel to review the relevant documents filed with and disclosed to the Commission, to be of assistance to the Commission counsel by suggesting witnesses and areas of examination, to follow the daily proceedings by reviewing the daily transcripts and exhibits, and by preparing and delivering closing submissions. The Coalition is only seeking funding for the purchase of transcripts and copies of exhibits that are not otherwise available to it without cost, and is only seeking funding for its counsel to appear in person at the hearing when they will be otherwise unable to access the evidence.

## Conclusions

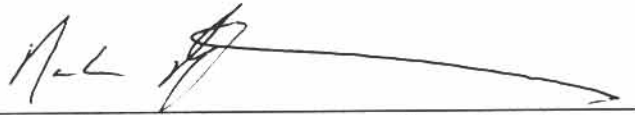
- v) The Coalition does not have the funds to finance fully its participation before this commission and, due to the timing of this Inquiry, our commitment at the Air India Inquiry, and the limitations imposed by the Act, the Coalition has no alternative means of funding its participation. In the absence of a grant of sufficient funding, the Coalition is not expected to be able to participate in the Inquiry.
- w) The Canadian Coalition for Democracies has clearly ascertainable interests and perspectives that are essential to the Commission's mandate. In particular, the Coalition remains distinct among nongovernmental organizations active in national-security debates, for its capacity and inclination to take full account of the grave extent of the developing terrorist threat, including the menace of mass-casualty and mass-destructive attacks. The Coalition brings a rigorous and unsparing dedication to the principle that civil liberties can only truly be enjoyed in a peaceful and secure environment, and that strong, vigorous and accountable security and intelligence – including effective international intelligence cooperation – remains key to preserving that environment from the current peril.
- x) The Coalition respectfully asks the Commission to grant this application for funding. This Inquiry raises important issues in which the Coalition has a substantial and direct interest.
- y) The subject matter of the inquiry will affect the legal and property rights of Coalition's ethnically and religiously diverse membership. The Coalition as an organization actively engages in issues of national security, individual and human rights, discrimination, and advocacy regarding foreign policy, immigration and terrorism which are significant aspects of this inquiry.
- z) As described herein, the Coalition will bring a perspective that is unique and different from the parties and the other proposed intervenors in the inquiry and will present arguments which will be highly relevant and useful for this Commission in considering the issues thoroughly. For these reasons the Coalition's perspective should be heard at this Inquiry.

This affidavit is sworn in support of the Coalition's motion for funding to participate before the Internal inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin.

On the basis of the foregoing, and any further reasons as may be anticipated in oral submissions at Ottawa, March 2007, or at any other time convenient to the Inquiry, Applicant Canadian Coalition for Democracies seeks standing as intervenor.

DATED at Ottawa, 23 March 2007.

Canadian Coalition for Democracies,  
Applicant by:



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