

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

The Honourable Frank Iacobucci, Q.C.

**AFFIDAVIT OF ANWAAR SYED
(Affirmed March 15, 2007 in support of the joint application of CAIR-
CAN
and the CMCLA to seek standing)**

I, Anwaar Syed, of the City of Toronto, in the Province of Ontario, DO
SOLEMNLY AFFIRM:

1. I am the executive director of the Canadian Muslim Civil Liberties Association (hereinafter the "CMCLA"), and as such, have knowledge of the matters to which I hereinafter depose.

REQUEST FOR INTERVENOR STANDING

2. The CMCLA seeks standing at the Inquiry as an intervenor, jointly with the Canadian Council on American Islamic Relations (CAIR-CAN), because the Inquiry mandate raises issues in which the CMCLA as well its membership have a substantial and direct interest in. Any findings or determinations made by the Commission will have a substantial and direct

impact on the legal and/or property rights of CMCLA and its membership. The law firm of Kutty, Syed & Mohamed, shall jointly represent us.

Direct and substantial affect on the CMCLA and its membership

3. All three of the men, are Muslim Canadians, and they have alleged that they were mistreated overseas due to actions or inaction on the part of Canadian officials;

4. The CMCLA has been approached by other individuals who have made similar allegations and these individuals have also been Muslim Canadians;

5. These allegations coming from Muslim Canadians, the constituency of CMCLA, makes this an issue of concern and interest to the CMCLA in that they substantially and directly affect the CMCLA and its membership.

Support for rule of law

6. The CMCLA has long supported the government's right and indeed responsibility to protect Canadians from threats of terrorism or other dangers, both external and internal. It also believes that, as members of Canadian society, we all have a duty to cooperate in keeping Canada safe.

7. While the CMCLA supports efforts to keep Canada safe; it does not believe the war against terrorism justifies trampling on human and civil rights and disregarding the rule of law. Canadian anti-terrorism legislation and practices have had a disproportionate impact on Muslims in this country and any re-examination or investigation must take into account this disparate impact in order to ensure that the Inquiry is as thorough as possible.

Unique perspective on the and/or expertise

8. Jointly with CAIR-CAN, the CMCLA will bring a unique perspective and/or expertise, particularly with respect to the historical and contextual background as well as the practical impact of anti-terrorism legislation and practice, which will be of assistance to the Commission. The CMCLA will provide contextual information about the direct and localized impact of national security and anti-terrorism legislation and practices on Muslims. The CMCLA will also provide to this Commission a unique perspective on religious equality by highlighting the disparate impact of anti-terrorism legislation and practices on Muslims.

9. In investigating the allegations of these three individuals and in developing recommendations to ensure that such incidents do not occur again it is important to understand the present situation and climate on the ground. The CMCLA will provide specialized knowledge in this regard.

10. The CMCLA intends to make submissions that are different from and/or supplementary to those that will be made by the other parties and/or intervenors, relying upon its unique experience and expertise. For this very reason the CMCLA was granted intervenor status jointly with CAIR-CAN in all three of the *Immigration and Refugee Protection Act* security certificate cases heard in June 2006 in the Supreme Court of Canada, namely *Hassan Almrei v. Minister of Citizenship & Immigration, et al.*, *Adil Charkaoui v. Minister of Citizenship and Immigration, et al.*, and *Mohamed Harkat v. Minister of Citizenship and Immigration, et al.*

11. For the same reasons, the CMCLA was also granted joint intervenor status with CAIR-CAN in the Commission of Inquiry Into the Investigation of the Bombing of Air India Flight 182 (hereinafter "Air India Inquiry").

12. The CMCLA seeks standing in this Inquiry to highlight the direct and localized impact that national security and anti-terrorism measures have on the rights and civil liberties of Muslims and Muslim institutions. Our proposed submission will outline what is perceived by many Muslims to be the "criminalization" of our religion, to the extent that members of the Muslim community are directly targeted for greater scrutiny on the basis of their religion and their real or perceived level of religious practice and the attendant chill on religious expression and legitimate activities that other Canadians enjoy without fear of harassment or suspicion.

13. Our proposed submission will also outline what is perceived by many Muslims to be the practice of "guilt by association" which is increasingly being substituted for serious investigative work. This was highlighted in the Arar Commission findings and will no doubt arise in this Inquiry.

14. The CMCLA will bring a unique perspective and/or expertise, particularly with respect to the historical and contextual background as well as the practical impact of anti-terrorism legislation and practice, which will be of assistance to the Commission. The CMCLA will provide contextual information about the direct and localized impact of national security and antiterrorism legislation and practice on Muslims as well as Muslim non-profit and charitable organizations.

Background Information about CMCLA

15. The CMCLA is a nonprofit organization, founded in 1994. Its mandate is to work to promote the legal rights and freedoms of the Canadian Muslim community, and to seek to empower Canadian Muslims through legal, political and social avenues.

16. The CMCLA is a broad-based organization built from within the Muslim community. It is engaged in public education, activism in the area of legal and political advocacy and anti-discrimination, as well as monitoring and removing barriers to equal participation of Muslims in Canadian society.

17. The aims and objectives of the CMCLA include the following:

- a) To advocate for the full and equal participation of Canadian Muslims in the social, educational, legal and political spheres in keeping with the *Charter* and human rights legislation;

b) To utilize all available educational and legal avenues to ensure the adaptation of all health, social and public services so that they are culturally sensitive and fully accessible to Canadian Muslims;

c) To undertake public education, dissemination and publication of information about Islam and Muslims, and to make available resources to those interested in Islam and Muslims;

d) To develop, publish and distribute resource materials dealing with discrimination and cross-cultural education and understanding; and

e) To present and propagate the Islamic perspective on issues of importance to the Canadian public.

18. Over the last 13 years, CMCLA members, which include scholars, students, community activists and lawyers, have been actively engaged in activism in the area of anti-Muslim discrimination, Islamophobia and arranging pro bono legal counsel to dozens of Muslim individuals and institutional representatives pursued for questioning by the Canadian Security Intelligence Service (CSIS) and the Royal Canadian Mounted Police (RCMP). On many occasions the bases for the questioning or investigations have been anonymous tips, mere suspicion, profiling and guilt by association.

19. The CMCLA understands that security is vital for our nation and has participated in encouraging cooperation between the community and the intelligence and law enforcement community. To this end the CMCLA has participated in meetings with officials from the Ministry of National

Security and Emergency Preparedness as well as senior officials from CSIS and the RCMP to explore how we can strike the proper balance between security and liberty and equality rights. The CMCLA has also helped organize and participated in a number of Town Hall Meetings with CSIS and RCMP to try and improve the relationship and understanding between intelligence/law enforcement and the Muslim community.

20. In recent years, the CMCLA has worked increasingly closely with CAIR-CAN in support of its public education, advocacy and activism efforts. Particularly, CMCLA has collaborated with CAIR-CAN in its response to the government's counter-terrorism and security measures.

CMCLA's Interest in this Commission of Inquiry

21. As an organization built from within the Muslim community and engaged in activism in the area of anti-Muslim discrimination, the CMCLA has a significant interest in the issues raised in this appeal because of the discriminatory and disproportionate impact of anti-terrorism legislation and practice on the Muslim community in Canada.

22. I have conferred with Karl Nickner of CAIR-CAN and have discussed our organizations' anticipated joint submissions if granted standing at the Commission. CMCLA is seeking standing in this case for the same reasons and will work to support CAIR-CAN as a partner in the proposed participation. To this end, I adopt the contents of Mr. Nickner's affidavit in support of a joint application for standing.

Conclusion

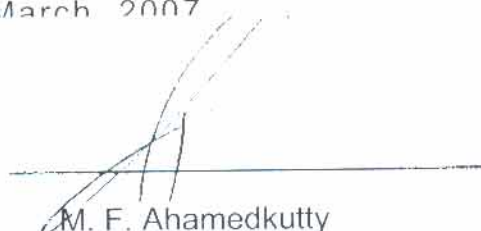
23. The CMCLA has clearly ascertainable interests and perspectives that are essential to the Commissioner's mandate.

24. The CMCLA respectfully asks the Commission to grant this application for standing. This Inquiry raises important issues in which the CMCLA has a substantial and direct interest. The subject matter of the inquiry will affect the legal and or property rights of the CMCLA and its membership. The CMCLA, as an organization actively engaged in human rights and anti-discrimination advocacy and activism as well as with its expertise regarding the impact of anti-terrorism legislation and practice on the Muslim community, has a significant and pressing concern in this Inquiry. As described herein, the CMCLA will bring a perspective that is unique and different from the parties and the other intervenors in this Inquiry and will present arguments that are highly relevant and useful for this Commission in considering the issues thoroughly. For these reasons, the CMCLA's perspective should be heard in the Inquiry.

25. The CMCLA will not seek any order as to costs, either for this application for standing or in the actual Inquiry.

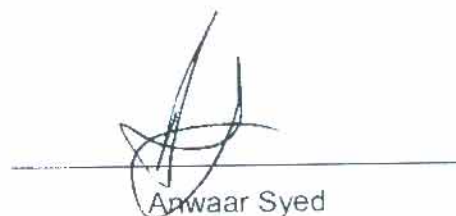
26. This affidavit is affirmed in support of CMCLA's application for standing, and for no other improper purpose.

AFFIRMED BEFORE ME at the
City of Toronto, on 15th of
March 2007



M. F. Ahamedkuty

Commissioner for Taking Affidavits



Anwaar Syed

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

The Honourable Frank Iacobucci, Q.C.

**AFFIDAVIT OF Karl Nickner
(Affirmed March 15, 2007 in support of the joint application of CAIR-CAN and the
CAIR-CAN for funding)**

I, Karl Nickner, of the City of Ottawa, in the Province of Ontario, DO
SOLEMNLY AFFIRM:

1. I am the executive director of the Canadian Council on American Islamic Relations (hereinafter the "CAIR-CAN"), and as such, have knowledge of the matters to which I hereinafter depose.

Background of the Organization

1. The CAIR-CAN is a broad-based organization built from within the Muslim community. It is engaged in public education, activism in the area of legal and political advocacy and anti-discrimination, as well as monitoring and removing barriers to equal participation of Muslims in Canadian society.

2. The aims and objectives of the CAIR-CAN include the following:

- a) To advocate for the full and equal participation of Canadian Muslims in the social, educational, legal and political spheres in keeping with the *Charter* and human rights legislation;
- b) To utilize all available educational and legal avenues to ensure the adaptation of all health, social and public services so that they are culturally sensitive and fully accessible to Canadian Muslims;
- c) To undertake public education, dissemination and publication of information about Islam and Muslims, and to make available resources to those interested in Islam and Muslims;

- d) To develop, publish and distribute resource materials dealing with discrimination and cross-cultural education and understanding; and
- e) To present and propagate the Islamic perspective on issues of importance to the Canadian public.

3. Over the last 6 years, CAIR-CAN members, who include scholars, students, community activists and lawyers, have been actively engaged in activism in the area of anti-Muslim discrimination, Islamophobia and arranging pro bono legal counsel to dozens of Muslim individuals and institutional representatives pursued for questioning by the Canadian Security Intelligence Service (CSIS) and the Royal Canadian Mounted Police (RCMP). On many occasions the bases for the questioning or investigations have been anonymous tips, mere suspicion, profiling and guilt by association.

4. CAIR-CAN understands that security is vital for our nation and has participated in encouraging cooperation between the community and the intelligence and law enforcement community. To this end CAIR-CAN has participated in meetings with officials from the Ministry of National Security and Emergency Preparedness as well as senior officials from CSIS and the RCMP to explore how we can strike the proper balance between security and liberty and equality rights. CAIR-CAN has also helped organize and participated in a number of Town Hall Meetings with CSIS and RCMP to try and improve the relationship and understanding between intelligence/law enforcement and the Muslim community.

5. In recent years, CAIR-CAN has worked increasingly closely with the CMCLA in support of its public education, advocacy and activism efforts. Particularly, CAIR-CAN has collaborated with CMCLA in its response to the government's counter-terrorism and security measures

6. The Canadian Council on American Islamic Relations (CAIR-CAN) seeks funding, along with the CMCLA, because the Inquiry mandate raises issues in which CAIR-CAN as well its membership have a substantial and direct interest in. Any findings, determinations or recommendations made by the Commission will have a substantial and direct impact on the legal and/or property rights of CAIR-CAN and its membership. We shall be jointly represented by the law firm of *Kutty, Syed & Mohamed*.

Nature of the Organization

7. CAIR-CAN is a nonprofit organization, founded in 2000. Its mandate is to work to promote the legal rights and freedoms of the Canadian Muslim community, and to seek to empower Canadian Muslims through legal, political and social avenues. Although it was only founded about seven years ago, CAIR-CAN is a national organization that is currently run by only two full-time employees. Decreases in fundraising have forced CAIR-CAN to pursue an almost untenable lean work force in the face of surmounting challenges and new issues.

8. CAIR-CAN has a limited budget made up of contributions it receives from its members and other Canadians. These monetary and non-monetary contributions are used to cover the expenses the CAIR-CAN incurs to run its national operations. CAIR-CAN is financed through private donations only.

Restrictions on Ability to Raise Funds and Accept Services

9. As a not-for-profit entity CAIR-CAN engages in political advocacy work as well as lobbying. CAIR-CAN is accordingly, unlike a charitable organization, unable to issue tax receipts for monies received. As such the ability of the CAIR-CAN to raise funds is significantly curtailed.

10. Funds raised by CAIR-CAN for the current fiscal year are not sufficient to enable CAIR-CAN to fulfill its mandate of public education and advocacy. It should be noted that many projects deemed viable and vital for CAIR-CAN in this and previous fiscal years have often been left on hold due to a lack of financial support.

11. This situation with respect to contributions make it effectively impossible for CAIR-CAN to raise the funds necessary to participate in this Inquiry and entirely impossible for it to obtain legal representation.

Counsel

12. The counsels selected by CAIR-CAN are Faisal Kutty and Akbar Mohamed of Kutty, Syed & Mohamed in Toronto. The firm of Kutty, Syed & Mohamed has acted for CAIR-CAN in the past and CAIR-CAN has full confidence in the ability of Mr. Kutty and Mr. Mohamed to effectively and efficiently act as counsel before this Commission.

13. Mr. Kutty is a lawyer with a wealth of experience in public hearings. In addition to his experience at public hearings, he has conducted numerous human rights and civil liberty matters. He has been actively involved in community work in excess of 10 years and is intimate knowledge of the objectives and workings of the CMCLA. Mr. Kutty also has substantial experience in antiterrorism legislation and is currently a doctoral candidate at Osgoode Hall Law School of York University in this area.

14. Mr. Mohamed was first called to the bar in 1984 and has participated in multiple, document intensive, civil litigation matters. Mr. Mohamed has experience and demonstrated abilities in efficiently managing large volumes of documents and transcripts. Mr. Mohamed is able to work independently so as to minimize any overlap with those issues conducted by Mr. Kutty.

15. In their prior work for CAIR-CAN, both Mr. Kutty and Mr. Mohamed have shown themselves to be in the practice of keeping detailed, daily time entry dockets describing what work has been completed, by whom and at what hourly rate. They have committed to providing the same detailed dockets for work before this Commission and to conforming to and complying with the requirements of the applicable Treasury Board Guidelines.

Plan for Use of Funds

16. CAIR-CAN is only seeking funding for its necessary counsel fees and its necessary disbursements. The plan is designed to minimize expense while ensuring that CAIR-CAN is able to participate in the Inquiry and to do so in such a way as to enhance the work of the Commission.

17. CAIR-CAN is seeking funding for its counsel to review the relevant documents filed with and disclosed to the Commission, to be of assistance to 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. CAIR-CAN 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 hearings when they will be otherwise unable to access the evidence presented.

Conclusion

18. CAIR-CAN does not have the funds to finance its participation before this Commission and, due to the timing of this Inquiry and the limitations imposed by the

Act, CAIR-CAN has no alternative means of funding its participation. Absent a grant of sufficient funding, CAIR-CAN will not be able to participate in this Inquiry.

19. CAIR-CAN has clearly ascertainable interests and perspectives that are essential to the Commissioner's mandate.

20. CAIR-CAN respectfully asks the Commission to grant this application for funding. This Inquiry raises important issues in which CAIR-CAN has a substantial and direct interest. The subject matter of the inquiry will affect the legal and or property rights of CAIR-CAN and its membership. CAIR-CAN, as an organization actively engaged in human rights and anti-discrimination advocacy and activism as well as with its expertise regarding the impact of anti-terrorism legislation and practice on the Muslim community, has a significant and pressing concern in this Inquiry. As described herein, CAIR-CAN will bring a perspective that is unique and different from the parties and the other interveners in this Inquiry and will present arguments that will be highly relevant and useful for this Commission in considering the issues thoroughly. For these reasons, CAIR-CAN perspective should be heard in the Inquiry.

21. This affidavit is sworn in support of the CAIR-CAN motion for funding to participate before the Commission of Inquiry and for no other or improper purpose.

AFFIRMED BEFORE ME at the City
of Toronto, on the 15th day of
2007.



M. F. Ahmedkutty

Commissioner for Taking Affidavits


Karl Nickner

**INTERNAL INQUIRY INTO THE ACTIONS OF CANADIAN OFFICIALS IN RELATION
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(Affirmed March 15, 2007 in support of the joint application of CAIR-CAN and the
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I, Anwaar Syed, of the City of Toronto, in the Province of Ontario, DO SOLEMNLY AFFIRM:

1. I am the executive director of the Canadian Muslim Civil Liberties Association (hereinafter the "CMCLA"), and as such, have knowledge of the matters to which I hereinafter depose.

Nature of the Organization

2. The CMCLA is a nonprofit organization, founded in 1994. Its mandate is to work to promote the legal rights and freedoms of the Canadian Muslim community, and to seek to empower Canadian Muslims through legal, political and social avenues.

3. The CMCLA is a not-for-profit entity. It is not a charitable organization and is accordingly unable, because of its broad-based political agenda and advocacy, to solicit donations from the general public using tax receipts.

4. The CMCLA has a limited budget made up of contributions it receives from its members. These monetary and non-monetary contributions are used to cover the expenses the CMCLA incurs to run its national operations.

Restrictions on Ability to Raise Funds and Accept Services

5. As a strictly volunteer run not-for-profit the CMCLA does not have a budget for its operation other than for basic needs;

6. The CMCLA does not have charitable status and therefore finds it difficult to raise funds for its operations.

7. The available funds are barely sufficient to enable the CMCLA to fulfill its mandate of public education and advocacy.

8. These restrictions on contributions make it effectively impossible for the CMCLA to raise the funds necessary to participate in this Inquiry and entirely impossible for it to obtain legal representation.

Counsel

9. The counsel chosen by the CMCLA are Faisal Kutty and Akbar Mohamed of Kutty, Syed & Mohamed in Toronto. The firm of Kutty, Syed & Mohamed has acted for the CMCLA in the past and the CMCLA has full confidence in the ability of Mr. Kutty and Mr. Mohamed to effectively and efficiently act as counsel before this Commission.

10. Mr. Kutty is a lawyer with a wealth of experience in public hearings. In addition to his experience at public hearings, he has conducted numerous human rights and civil liberty matters. He has been actively involved in community work in excess of 10 years and is intimate knowledge of the objectives and workings of the CMCLA. Mr. Kutty also has substantial experience in antiterrorism legislation and is currently studying for his PhD in antiterrorism legislation.

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in person at the hearings when they will be otherwise unable to access the evidence presented.

Conclusion

15. The CMCLA does not have the funds to finance its participation before this Commission and, due to the timing of this Inquiry and the limitations imposed by the Act, the CMCLA has no alternative means of funding its participation. Absent a grant of sufficient funding, the CMCLA will not be able to participate in this Inquiry.

16. The CMCLA has clearly ascertainable interests and perspectives that are essential to the Commissioner's mandate.

17. The CMCLA respectfully asks the Commission to grant this application for funding. This Inquiry raises important issues in which the CMCLA has a substantial and direct interest in.

18. The subject matter of the inquiry will affect the legal and or property rights of the CMCLA and its membership. The CMCLA, as an organization actively engaged in human rights and anti-discrimination advocacy and activism as well as with its expertise regarding the impact of anti-terrorism legislation and practice on the Muslim community, has a significant and pressing concern in this Inquiry.

19. As described herein, the CMCLA will bring a perspective that is unique and different from the parties and the other interveners in this Inquiry and will present arguments which will be highly relevant and useful for this Commission in considering the issues thoroughly. For these reasons, the CMCLA's perspective should be heard in the Inquiry.

20. This affidavit is sworn in support of the CMCLA's motion for funding to participate before the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 and for no other or improper purpose.

**INTERNAL INQUIRY INTO THE ACTIONS OF CANADIAN OFFICIALS IN RELATION TO
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2. CAIR-CAN seeks standing at the Inquiry as an intervenor, jointly with the Canadian Muslim Civil Liberties Association ("CMCLA"), because the Inquiry mandate raises issues in which CAIR-CAN as well its membership have a substantial and direct interest in. Any findings or determinations made by the Commission will have a substantial and direct impact on the legal and/or property rights of CAIR-CAN and its membership. The law firm of Kutty, Syed & Mohamed, shall jointly represent us.

Direct and substantial affect on CAIR-CAN and its membership

3. All three of the men, are Muslim Canadians, and they have alleged that they were mistreated overseas due to actions or inaction on the part of Canadian officials;

4. CAIR-CAN has been approached by other individuals who have made similar allegations and these individuals have also been Muslim Canadians;

5. These allegations coming from Muslim Canadians, the constituency of CAIR-CAN, makes this an issue of concern and interest to CAIR-CAN in that they substantially and directly affect CAIR-CAN and its membership.

Support for rule of law

6. CAIR-CAN has long supported the government's right and indeed responsibility to protect Canadians from threats of terrorism or other dangers, both external and internal. It also believes that, as members of Canadian society, we all have a duty to cooperate in keeping Canada safe.

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Unique perspective on the and/or expertise

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9. In investigating the allegations of these three individuals and in developing recommendations to ensure that such incidents do not occur again it is important to understand the present situation and climate on the ground. CAIR-CAN will provide specialized knowledge in this regard.

10. CAIR-CAN intends to make submissions that are different from and/or supplementary to those that will be made by the other parties and/or intervenors, relying upon its unique experience and expertise. For this very reason CAIR-CAN was granted intervenor status jointly with the CMCLA in all three of the *Immigration and Refugee Protection Act* security certificate cases heard in June 2006 in the Supreme Court of Canada, namely *Hassan Almrei v. Minister of Citizenship & Immigration, et al.*, *Adil Charkaoui v. Minister of Citizenship and Immigration, et al.*, and *Mohamed Harkat v. Minister of Citizenship and Immigration, et al.*

11. For the same reasons, CAIR-CAN was also granted intervenor status in the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar (hereinafter "Arar Commission") and the Commission of Inquiry Into the Investigation of the Bombing of Air India Flight 182 (hereinafter "Air India Inquiry").

12. CAIR-CAN seeks standing in this Inquiry to highlight the direct and localized impact that national security and anti-terrorism measures have on the rights and civil liberties of Muslims and Muslim institutions. Our proposed submission will outline what is perceived by many Muslims to be the "criminalization" of our religion, to the extent that members of the Muslim community are directly targeted for greater scrutiny on the basis of their religion and their real or perceived level of religious practice and the

attendant chill on religious expression and legitimate activities that other Canadians enjoy without fear of harassment or suspicion.

13. Our proposed submission will also outline what is perceived by many Muslims to be the practice of “guilt by association” which is increasingly being substituted for serious investigative work. This was highlighted in the Arar Commission findings and will no doubt arise in this Inquiry.

14. In an effort to break out of the culture of fear that has gripped the Muslim community since September 11, 2001, CAIR-CAN has vigilantly remained in the public sphere, asserting the rights of Muslims and demanding that guilt be proven, not imputed based on stereotyped assumptions. As part of this mandate, it is critical that the Muslim community engages the legal process as well, and that its voice be heard at this Inquiry. Their very ability to participate and be heard in this important Inquiry is in itself an important equality imperative.

BACKGROUND INFORMATION ABOUT CAIR-CAN

14. CAIR-CAN is an Ottawa-based, nonprofit organization with national membership, founded in 2000. It is a sister organization to the Washington, D.C.-based CAIR, but operates completely independently with a board of directors composed strictly of Canadian citizens.

15. CAIR-CAN is a national, broad-based organization built from within the Muslim community. It is engaged in activism in the areas of human rights, civil rights, media

relations, anti-discrimination as well as legal and political advocacy. It has been actively involved in responding to the government's counter-terrorism and national security measures and practice in the wake of terrorist attacks in the United States in September 2001 and its impact on Canada's Muslim population. In view of CAIR-CAN's mandate and expertise, it has a direct and genuine interest in this Inquiry.

16. Through activism in the areas of legal advocacy, media relations, anti-discrimination and political advocacy, CAIR-CAN aims to educate Canadians and empower Muslims in Canada. It views the rise of Islamophobia, especially since the events of September 11, 2001, and more recently since the June 2006 arrest of seventeen individuals in Toronto in an alleged terrorist plot, to be one of the greatest threats facing Canada's Muslim community today.

17. CAIR-CAN works in and with the media to help shape an accurate understanding of Islam and Muslims. This includes monitoring local and national media to challenge stereotypes, providing accurate information to media professionals, writing frequent opinion pieces, providing human resources from local Muslim communities, meeting with editorial boards, and conducting sensitivity training sessions. As of July 2006, in little over seven years, CAIR-CAN has a portfolio of more than 103 op-ed pieces in an array of national and local newspapers.

18. CAIR-CAN works through its legal advisors and local members to fight discrimination directed against Canadian Muslims. This discrimination often relates to the violation of basic rights guaranteed in the *Charter of Rights and Freedoms* ("*Charter*") or federal or provincial human rights legislation.

19. CAIR-CAN has produced a variety of publications addressing the needs of Canadians to better understand Canadian Muslims. Publications include: "A Journalist's Guide to Islam," "An Employer's Guide to Islamic Religious Practices," "An Educator's Guide to Islamic Religious Practices," and "A Health Care Provider's Guide to Islamic Religious Practices."

20. CAIR-CAN offers seminars and workshops to train Canadian Muslim community members and leaders in techniques of effective media relations as well as knowledge of legal rights guaranteed under Canadian law. It also offers a succinct "Know Your Rights" pocket guide.

21. CAIR-CAN also offers workshops to service-providers, which highlight relevant Islamic practices and offer suggestions for religious accommodation.

22. CAIR-CAN issues action alerts to local communities as a means of promoting local activism and generating a grassroots response on important issues. The organization believes that local response is a key factor in making Muslim voices heard. CAIR-CAN works toward the Islamic ideal of mutual respect and human harmony through public education and inter-community/inter-faith dialogue.

23. The Muslim community in Canada is both young (overwhelmingly comprised of first or second generation Canadians), and diverse (includes Muslims of European, African, Middle Eastern, South Asian and East Asian extraction, as well as converts of various ethnicities). While CAIR-CAN does not claim to be the only representative of the Canadian Muslim community, since its inception, it has been at the forefront

among Muslim organizations in defending human rights, civil liberties and fighting discrimination. CAIR-CAN has proven itself over the past seven years to be a major representative voice of Muslims in the public sphere, and a bridge to the broader Canadian community.

24. CAIR-CAN has been actively involved in making submissions to parliamentary bodies considering anti-terrorism legislation since 2001. To this end, it has partnered with other groups, notably the Canadian Arab Federation (CAF), the Canadian Muslim Lawyers' Association (CMLA) and the Canadian Muslim Civil Liberties Association (CMCLA).

25. CAIR-CAN was also an intervenor in the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar set up in February 2004. It was the only Canadian Muslim organization that fully utilized every single opportunity to participate in the Inquiry, making individual and joint submissions, oral legal arguments and questioning witnesses, in order to present the Canadian Muslim viewpoint. It was also the only intervenor called to testify on a panel of expert witnesses regarding the impact of 9/11 on Canadian Muslims and Arabs, and it made submissions regarding concerns about racial profiling by Canadian officials.

26. During 2004, CAIR-CAN made submissions to the national consultation organized by the Department of Justice and the Department of Public Safety and Emergency Preparedness on the *Anti-terrorism Act (ATA)*. In addition, CAR-CAN also made submissions to a Foreign Affairs consultation on Canada's resolutions to the

United Nations Human Rights Commission (UNHCR) as well as to former Ontario Attorney General Marion Boyd in her review of religious arbitration in Ontario.

27. In September 2005, it made joint submissions with CAF to the Justice, Human Rights, Public Safety and Emergency Preparedness Subcommittee on Public Safety and National Security.

28. CAIR-CAN has been invited to meet with the Ontario Attorney General's office regarding concerns about proposed amendments to the Ontario *Human Rights Code* set out in Bill 107 (*Human Rights Code Amendment Act, 2006*).

29. Furthermore, CAIR-CAN has been actively engaged in challenging the application of the security certificate process and advocating for its reform, demanding humane treatment and conditions for detainees, and respect and protection of the detainees' rights. To this end, CAIR-CAN has written letters to and has met with federal and provincial government officials. It has also published op-eds in leading newspapers across the country and has issued press releases and action alerts to its members on the issue of security certificates. CAIR-CAN was granted intervenor status jointly with the CMCLA in all three of the *Immigration and Refugee Protection Act* security certificate cases heard in June 2006 in the Supreme Court of Canada, namely *Hassan Almrei v. Minister of Citizenship & Immigration, et al.*, *Adil Charkaoui v. Minister of Citizenship and Immigration, et al.*, and *Mohamed Harkat v. Minister of Citizenship and Immigration, et al.* Along with the CMCLA this is the first time that Muslim advocacy groups appeared in the Supreme Court of Canada on their own.

30. On June 13, 2005, CAIR-CAN appeared before the Special Senate Committee on the ATA, which was also examining the issue of security certificates. In its testimony, CAIR-CAN focused on the impact of the ATA and security certificates on members of the Muslim and Arab communities. In addition, on September 20, 2005, CAIR-CAN along with the Muslim Lawyers' Association and the Canadian Arab Federation, released a proposal of guiding principles and recommendations for "Real Security," to enhance and reform Canada's national security legislation and policy. In this policy proposal, CAIR-CAN called on all Members of Parliament to work to ensure that the human rights and civil liberties of all Canadians are safeguarded against discrimination and lack of transparency in the system.

31. The foregoing highlights CAIR-CAN's interest and involvement in the issues to be examined by this Commission, specifically, whether any changes are required in anti-terrorism legislation, practice, policies, procedures, prosecution and adjudication and what impact any changes would have on members of the Muslim community.

32. CAIR-CAN has also undertaken unique and significant research work, including its 2002 survey: "Canadian Muslims One Year After 9-11", which highlighted the challenges and discrimination faced by Canadian Muslims today. To further educate on this topic, CAIR-CAN also presented internationally a research paper, "Life for Canadian Muslims the Morning After: A 911 Wake-Up Call," which was commissioned by the Canadian government.

33. CAIR-CAN has long supported the government's right and indeed responsibility to protect Canadians from threats of terrorism or other dangers, both

external and internal. It also believes that, as members of Canadian society, we all have a duty to cooperate in keeping Canada safe. To this end, on July 21, 2005, CAIR-CAN organized an unprecedented statement by 120 Canadian imams (religious leaders) to denounce terrorism and to discourage extremism in the Canadian Muslim community.

34. In the wake of the June 2006 arrests in Toronto, CAIR-CAN continued in this tradition. CAIR-CAN brought together a number of the largest national Muslim organizations including the Islamic Society of North America, the Islamic Circle of North America, the Muslim Association of Canada, the Muslim Students' Association of Canada (National), the Canadian Muslim Civil Liberties Association, the Islamic Social Services Association and the Council for the Advancement of Muslim Professionals to call for a national summit to address the issue of radicalism in the country.

35. Currently CAIR-CAN and the CMCLA are the only Muslim advocacy groups with intervenor status in the Air India Inquiry.

36. While CAIR-CAN supports efforts to keep Canada safe; it does not believe the war against terrorism justifies trampling on human rights and disregarding the rule of law. On June 8, 2005, CAIR-CAN released a report entitled: "Presumption of Guilt: A National Survey on Security Visitations of Canadian Muslims", which documents some of the unacceptable and alarming tactics being employed by RCMP and CSIS agents during interviews of Canadian Muslims.

CAIR-CAN's INTEREST IN THIS INQUIRY

37. CAIR-CAN's interest in this Inquiry stems from its establishment as a national organization built up from within the Muslim community and engaged in activism in the area of human rights and anti-discrimination. Canadian Muslims have a significant interest in the issues raised in this Inquiry because they have been the most adversely affected by the laws and measures taken to protect and promote national security in the post-September 11, 2001 world. Canadian Muslims have a direct interest in ensuring that the law is used as a shield to protect the security of all Canadians from threats of violence, not as a sword of racial profiling and stigmatization of some members of Canadian society in the name of combating terrorism.

38. CAIR-CAN is concerned about the erosion of human rights and the rule of law in Canada since the 2001 terrorist attacks in the U.S. and the impact this has had on members of the Muslim community. Specifically, it has noted a chill on participation in religious, community and charitable activities among Canadian Muslims. This chill has adversely impacted on the freedom Muslims feel to express their religious identity without fear of reprisal from the state and society.

39. CAIR-CAN has documented the differential treatment experienced by the Muslim population in Canada at the hands of CSIS, RCMP and other state officials as well as the discriminatory attitude and manifestations of hate by the society's general population.

40. The threat of criminal suspicion or sanction for engaging in activities most Canadians take for granted, such as attending religious services, giving charity, or engaging in community activism, has left members of the Muslim community feeling that they are being targeted for discriminatory treatment by the police, CSIS and the RCMP. The impact is the withdrawal and marginalization of Muslims from mainstream society, and an erosion of their substantive equality rights and human dignity.

41. CAIR-CAN will position the present situation of the Muslim community within the context of historical examples where targeting of "suspect" communities, such as with the internment of Japanese and Ukrainian Canadians during the Second World War, created injustice that remains a mark of shame on Canadian society and government. Canadian Muslims worry that the "national security" rationale for indirect and systemic discrimination in the application and enforcement of the law could be a slippery slope leading to more directly discriminatory measures against members of our community.

42. CAIR-CAN's interest in this Inquiry is to highlight the direct and localized impact that national security and anti-terrorism measures have on Muslims and Muslim institutions. Our proposed submission will outline what is perceived by many Muslims to be the "criminalization" of our religion, to the extent that members of the Muslim community are directly targeted for greater scrutiny on the basis of their religion and their real or perceived level of religious practice and the attendant chill on religious expression and legitimate activities that other Canadians enjoy without fear of harassment or suspicion.

43. Our proposed submission will also outline what is perceived by many Muslims to be the practice of “guilt by association” which is increasingly being substituted for serious investigative work. This was highlighted in the Arar Commission findings and will no doubt arise in this Inquiry.

44. In an effort to break out of the culture of fear that has gripped the Muslim community since September 11, 2001, CAIR-CAN has vigilantly remained in the public sphere, asserting the rights of Muslims and demanding that guilt be proven, not imputed based on stereotyped assumptions. As part of this mandate, it is critical that the Muslim community engages the legal process as well, and that its voice be heard at this Inquiry. Their very ability to participate and be heard in this important Inquiry is in itself an important equality imperative.

45. CAIR-CAN is fully cognizant of the fact that given the transnational security threat, the aim of collective safety has become a public good and a policy priority. But CAIR-CAN also believes that true security is the preservation, not merely of life, but of a dignified life, a life worth living. The erosion of the rule of law is not merely the erosion of some antiquated legal fixture but the beginning of the end of true democracy. It has never been so important for all citizens of conscience to insist that there is no dichotomy between security and human rights. CAIR-

CAN believes we can, and must, have both.

46. CAIR-CAN intends to make submissions that are different from and/or supplementary to those that will be made by the parties or other intervenors, relying upon its unique experience. CAIR-CAN has worked with and advocated on behalf of the community most adversely and disproportionately affected by the anti-terrorism legislation and practices. Given its mandate, expertise and dedication, CAIR-CAN is in a unique position to assist the Commission through an intervention. It can assist the Commission in understanding the current practical reality faced by Muslims and Muslim institutions as well as the implications of any proposed changes to anti-terrorism legislation, practice, procedure, investigation, prosecution and adjudication. Because of its expertise, it is also in a unique position to assist the Commission in understanding the critical context within which the Commission must undertake any re-examination or evaluation of anti-terrorism legislation, practice, procedure, investigation, prosecution and adjudication.

PROPOSED ARGUMENT IF STANDING GRANTED

47. The issues under investigation by the Commission, which CAIR-CAN seeks to address by way of standing concern, the profiling of Muslim citizens and non-citizens on the basis of their religion, based on stereotypical assumptions and perceptions. Our submissions will focus on the historical disadvantage and stereotyping of Muslims; the localized impact of the legislation, particularly in its enforcement; and the chilling effect this has had on Muslim engagement in public life, amounting to the undermining of

human dignity of Muslims. Our submissions will focus on contextual arguments to offer an equality lens to the Commission's analysis of the questions it seeks to explore.

48. CAIR-CAN and the CMCLA are uniquely positioned to provide this Commission with the perspective of the Canadian Muslim community, members of which are the most directly and adversely impacted by anti-terrorism legislation and practice. It stands to reason that this same community will be the most impacted by any changes to the existing anti-terrorism legislation, practices, procedure, investigation, prosecution and adjudication.

49. This is a broad-based community perspective that will not be offered by the parties or other prospective intervenors in this Inquiry.

PARTNERSHIP WITH THE CANADIAN MUSLIM CIVIL LIBERTIES ASSOCIATION

50. I have conferred with Mr. Anwaar Syed from the CMCLA about our respective organizations' common interests in this Inquiry. The CMCLA and CAIR-CAN have complementary interests in the issues for which standing is being sought in this motion, and in the interest of reducing the volume of materials and counsel before the court, while ensuring that interested parties with useful and different submissions are heard, CMCLA and CAIR-CAN are making this application jointly and, if standing is granted, will make joint submissions in the hearing of the appeal. I am satisfied that we will bring a united viewpoint to the Commission that is reflective of the concerns and interests of our organizations' constituents in the Canadian Muslim community. I am aware that Mr. Syed has executed an affidavit in support of this application.

CONCLUSION

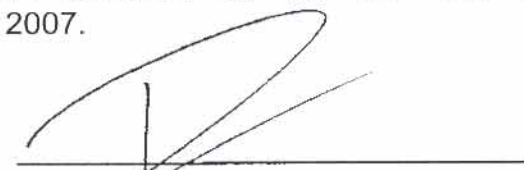
51. CAIR-CAN respectfully asks that this Honourable Commission grant this application for standing at this Inquiry. This Inquiry raises important issues in which CAIR-CAN has a substantial and direct interest. The subject matter of the inquiry will affect the legal rights of CAIR-CAN and its membership. CAIR-CAN, as an organization actively engaged in human rights, civil rights and anti-discrimination advocacy and activism as well as with its expertise regarding the impact of antiterrorism legislation and practices on the Muslim community, has a significant and pressing concern in this Inquiry. As described herein, CAIR-CAN will bring a perspective that is unique and different from the parties and the other intervenors in this Inquiry and will present arguments, which will be highly relevant and useful for this Commission in considering the issues thoroughly. For these reasons, CAIR-CAN's perspective should be heard in the Inquiry.

52. CAIR-CAN has a genuine concern, a unique perspective and expertise, which will be essential in fulfilling the Commissioner's mandate, and therefore seeks standing jointly with the CMCLA.

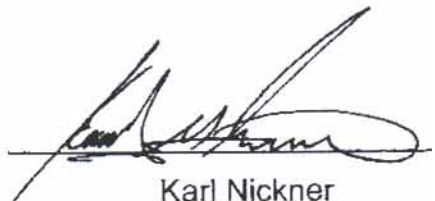
53. CAIR-CAN will not seek any order as to costs, either for this application for standing or in the actual Inquiry.

53. This affidavit is affirmed in support of CAIR-CAN's application for standing, and for no other improper purpose.

AFFIRMED BEFORE ME at the City
of Toronto, on the 15th day of
2007.



M. F. Anamedkutty
Commissioner for Taking Affidavits



Karl Nickner

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

The Honourable Frank Iacobucci, Q.C.

**IN THE MATTER OF FUNDING FOR PARTICIPATION IN THE INTERNAL
INQUIRY INTO THE ACTIONS OF CANADIAN OFFICIALS IN RELATION
TO ABDULLAH ALMALKI, AHMAD ABOU-ELMAATI AND MUAYYED
NUREDDIN FOR THE INTERVENORS
CANADIAN COUNCIL ON AMERICAN ISLAMIC RELATIONS (CAIR-CAN)
AND THE CANADIAN MUSLIM CIVIL LIBERTIES ASSOCIATION (CMCLA)**

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

The Honourable Frank Iacobucci, Q.C.

NOTICE OF MOTION FOR FUNDING

**CANADIAN COUNCIL ON AMERICAN ISLAMIC RELATIONS (CAIR-CAN) and
the CANADIAN MUSLIM CIVIL LIBERTIES ASSOCIATION (CMCLA)**

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<u>TAB</u>	<u>DESCRIPTION</u>
1.	Notice of Motion for Funding, dated March 16, 2007
2.	Affidavit of Karl Nickner, executive director, Canadian Council on American Islamic Relations (CAIR-CAN), affirmed March 15th, 2007
3.	Affidavit of Anwaar Syed, executive director, Canadian Muslim Civil Liberties Association (CMCLA), affirmed March 15th, 2007

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

The Honourable Frank Iacobucci, Q.C.

**NOTICE OF MOTION FOR FUNDING
CANADIAN COUNCIL ON AMERICAN ISLAMIC RELATIONS (CAIR-CAN) and
the CANADIAN MUSLIM CIVIL LIBERTIES ASSOCIATION (CMCLA)**

TAKE NOTICE THAT the Canadian Council on American Islamic Relations (CAIR-CAN) jointly with the Canadian Muslim Civil Liberties Association (CMCLA) hereby makes a motion to Commissioner Frank Iacobucci in writing pursuant to Rule D14 of the *Rules of Procedure and Practice* of the Commission of Inquiry (the "Inquiry") for funding to participate in this Inquiry.

THE GROUNDS FOR THE MOTION ARE:

1. Rule D14 of the *Rules of Procedure and Practice* of the Commission;
2. CAIR-CAN and the CMCLA are unable to participate in the Inquiry without funding;
3. CAIR-CAN and the CMCLA have no alternative means of funding;

4. CAIR-CAN and the CMCLA have a satisfactory plan for how it intends to use the funds and account for them;
5. CAIR-CAN and the CMCLA have a sufficient interest and proposed involvement in the Inquiry;
6. CAIR-CAN and the CMCLA have special expertise and experience with respect to the Commission's mandate;
7. Such further grounds as counsel may advise and this Honourable Commission may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be relied upon in support of this Motion:

1. Affidavit of Karl Nickner, executive director, Canadian Council on American Islamic Relations (CAIR-CAN), affirmed on March 15th, 2007;
2. Affidavit of Anwaar Syed, executive director, Canadian Muslim Civil Liberties Association (CMCLA), affirmed on March 15th, 2007; and
3. Such further and other material as counsel may advise and this Honourable Commission of Inquiry may permit.

DATED at Toronto, this 15th day of March, 2007.

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

The Honourable Frank Iacobucci, Q.C.

**MOTION TO BE GRANTED STANDING AS JOINT INTERVENOR FOR THE
PROPOSED PARTICIPANTS
CANADIAN COUNCIL FOR AMERICAN ISLAMIC RELATIONS (CAIR-CAN)
and the CANADIAN MUSLIM CIVIL LIBERTIES ASSOCIATION (CMCLA)**

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**INTERNAL INQUIRY INTO THE ACTIONS OF CANADIAN OFFICIALS IN
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The Honourable Frank Iacobucci, Q.C.

MOTION FOR JOINT INTERVENOR STANDING

**(CANADIAN COUNCIL FOR AMERICAN ISLAMIC RELATIONS (CAIR-CAN)
and the CANADIAN MUSLIM CIVIL LIBERTIES ASSOCIATION (CMCLA)**

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<u>TAB</u>	<u>DESCRIPTION</u>
1.	Notice of Motion for Standing
2.	Affidavit of Karl Nickner, executive director, Canadian Council on American Islamic Relations (CAIR-CAN)
3.	Affidavit of Anwaar Syed, executive director, Canadian Muslim Civil Liberties Association (CMCLA)

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

The Honourable Frank Iacobucci, Q.C.

NOTICE OF MOTION FOR JOINT Intervenor STANDING

**(CANADIAN COUNCIL FOR AMERICAN ISLAMIC RELATIONS (CAIR-CAN)
and the CANADIAN MUSLIM CIVIL LIBERTIES ASSOCIATION (CMCLA)**

TAKE NOTICE THAT the Canadian Council on American Islamic Relations (CAIR-CAN) jointly with the Canadian Muslim Civil Liberties Association (CMCLA) hereby makes a motion to the Commission of Inquiry in writing pursuant to Rule 7 of the *Rules of Procedure and Practice Respecting Participation and Funding* of the Inquiry.

THE MOTION IS FOR:

1. A decision, pursuant to Rules C 7, 10, 11 and 12 of the *Rules of Procedure and Practice*, granting CAIR-CAN and CMCLA acting jointly, intervenor standing to participate in this Inquiry, with the right: to access to documents filed with or produced to the Commission which are relevant to the Inquiry and subject to the *Rules of Procedure and Practice*; to make opening statements; obtain advance notice of witnesses and documents which are proposed to be examined and introduced into evidence by Commission counsel; obtain advance provision of statements of anticipated evidence, if applicable; a seat at the counsel table; the opportunity to suggest witnesses to be called by Commission counsel, and the opportunity to apply for an order that a particular witness be summoned to appear; the right to examine and cross-examine any witness appearing on matters relevant to the basis upon which the standing of CAIR-CAN and CMCLA is granted; and the right to make closing submissions;
2. In the alternative, a decision, pursuant to Rules C 7, 10, 11 and 12 of the *Rules of Procedure and Practice*, granting CAIR-CAN and CMCLA acting jointly, intervenor standing to participate in this Inquiry to a lesser degree as deemed appropriate by the Commission;
3. Such further and other participation in the Inquiry, and relief, as counsel may request and this honourable Commission may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. Rule 7 of the *Rules Of Procedure And Practice* of the Inquiry;

2. CAIR-CAN and the CMCLA both have genuine concern about the subject matter of the inquiry and have particular perspectives and expertise that may assist the Commissioner;
3. CAIR-CAN played a key role in the Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar ("Arar Commission") and has a genuine interest in following through with the recommendations of the Arar Commission;
4. CAIR-CAN and the CMCLA represent clearly ascertainable interests and perspectives essential to the Commissioner's mandate;
5. CAIR-CAN and the CMCLA both are substantially affected in relation to a number of areas and issues addressed by the Inquiry's terms of reference;
6. CAIR-CAN and the CMCLA, because of their expertise and historical experience, are able to present factual and expert evidence with respect to issues before the commission:
 - a) they have been actively involved in addressing issues of national security and civil liberties, both as representatives of an affected community but also as advocates for effective counter-terrorism initiatives that are consistent with Canada's democratic tradition;
 - b) have fielded numerous complaints with respect to intelligence tactics and strategies used within the Muslim and Arab communities;

- c) have fielded complaints from other individuals who have made similar allegations about actions on the part of Canadian officials which have resulted in their detention and mistreatment;
 - d) are involved in educating the Muslim community about their rights and responsibilities in interacting with law enforcement and intelligence agencies and in ensuring the national security of Canada.
7. CAIR-CAN and the CMCLA will be in a position to assist the Commission in developing its recommendations, by providing input based on their unique experience, perspective and/or expertise, particularly with respect to the historical and contextual background as well as the practical impact of anti-terrorism legislation and law enforcement/intelligence practices. CAIR-CAN and the CMCLA will also provide useful information and background about the direct and localized impact of national security and anti-terrorism legislation and practices on Muslims.
8. CAIR-CAN and the CMCLA represent a constituency that relies on effective recommendations arising from this Inquiry to ensure that sufficient safeguards are in place to prevent similar incidents from occurring again in the future. CAIR-CAN and the CMCLA will be in the best position to offer effective suggestions on how to protect our national security while safeguarding the legal rights and civil liberties of the local Muslim community.
9. CAIR-CAN and the CMCLA acting jointly will also assist the Commission in developing recommendations concerning the protection of legal right and civil liberties of Muslims and suggesting ways and means to ensure that the kinds of mistreatment alleged by Almalki, Abou-Elmaati, Nureddin and others do not occur again;

10. CAIR-CAN and the CMCLA intend to make submissions that are different from and/or supplementary to those that will be made by the other parties and/or intervenors, relying upon its unique experience and expertise. As described herein, CAIR-CAN and the CMCLA will bring a perspective that is unique and different from the parties and the other intervenors in this Inquiry and will present arguments, which will be highly relevant and useful to the Commissioner in considering the issues thoroughly.

11. CAIR-CAN and the CMCLA have been granted intervenor status in issues of national security and civil liberties in a number of Inquiries as well at the Supreme Court of Canada in *Hassan Almrei v. Minister of Citizenship & Immigration, et al.*, *Adil Charkaoui v. Minister of Citizenship and Immigration, et al.*, and *Mohamed Harkat v. Minister of Citizenship and Immigration, et al.*

12. CAIR-CAN and the CMCLA both have been in the forefront of advocacy on anti-terrorism matters and in recommending alternatives and options that balance the needs of national security with human rights and civil rights. This work has included the preparation of legislative briefs, appearances before parliamentary committees, meetings and correspondence with government officials, preparation of submissions and position papers;

13. CAIR-CAN and the CMCLA both have been in the forefront in encouraging dialogue and interaction between law enforcement and intelligence with community organizations and leaders so that both understand the needs and concerns of the other. CAIR-CAN and the CMCLA have also reached out to the law enforcement and intelligence communities in providing cultural and religious sensitivity training and information so that they can do a more effective job;

14. CAIR-CAN and the CMCLA have clearly ascertainable interests and perspectives that are essential to the Commissioner's mandate. In the alternative, CAIR-CAN and the CMCLA, as organizations actively

engaged in human rights, civil rights and anti-discrimination advocacy and activism as well as with its expertise regarding the impact of anti-terrorism legislation and practice on the Muslim community, have a significant and pressing concern in this Inquiry;

15. Such further grounds as counsel may advise and this Honourable Commissioner may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be relied upon in support of this Motion:

1. Affidavit of Karl Nickner, executive director, Canadian Council on American Islamic Relations (CAIR-CAN), affirmed on March 15, 2007;
2. Affidavit of Anwaar Syed, executive director, Canadian Muslim Civil Liberties Association (CMCLA), affirmed on March 15, 2007; and
3. such further and other material as counsel may advise and this Honourable Commission of Inquiry may permit.

DATED at Toronto, Ontario, this 15th day of March, 2007.

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