

Waldman & Associates

BARRISTERS & SOLICITORS
IN ASSOCIATION FOR THE PRACTICE OF LAW

- Lorne Waldman, LL.B., LL.M.
- Krassina Kostadinov, LL.B.
- Devika J. Ratnayake, LL.B.
- Tetyana (Tanya) Tokar, LL.B.

INTERNAL INQUIRY

MAR 13 2007

ENQUÊTE INTERNE

March 13, 2007

VIA FACSIMILE (613-944-6144)

Internal Inquiry
P.O. Box 1208
Ottawa, Ontario
A1P 5R3

Dear Sir/Madame:

**RE: Internal Inquiry into the Actions of Canadian Officials in Relation to
Abdullah Almalki, Ahmed Abou-Elmaati and Muayyed Nureddin**

Please be advised that we are counsel for Mr. Maher Arar.

Enclosed please find the motion to intervene brought by Mr. Maher Arar.

Thank you for your attention to this matter.

Yours truly,

Tanya Tokar

for LORNE WALDMAN
Barrister and Solicitor

Encl.

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

**AND IN THE MATTER OF AN APPLICATION FOR PARTY STATUS
MADE BY MAHER ARAR**

INTERNAL INQUIRY

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MOTION RECORD

LORNE WALDMAN
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Solicitors for the Applicant

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

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INDEX

	Page
1. Notice of Motion	1
2. Affidavit of Krassina Kostadinov	3
3. Applicant's Submissions	5

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CANADIAN OFFICIALS IN RELATION TO ABDULLAH ALMALKI,
AHMED ABOU-ELMAATI AND MUAYYED NUREDDIN**

**AND IN THE MATTER OF AN APPLICATION FOR PARTY STATUS
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NOTICE OF MOTION

TAKE NOTICE that the Applicant, Maher Arar, will apply for party status at the inquiry into the role of the Canadian officials in relation to Abdullah Almalki, Ahmed Abou-Elmaati and Muayyed Nureddin.

AND TAKE NOTICE that the grounds for the application AND THE NATURE OF HIS INTEREST are that the Applicant has an interest in the outcome of these proceedings because the evidence adduced and discussed will affect his reputation and his right to hold those responsible for his detention accountable. This Internal Inquiry was called as a result of the recommendations of Commissioner O'Connor in the Arar Inquiry in order to determine if his detention was part of a broader pattern of activity. The Applicant has an interest in finding out further information about whether or not his detention was part of a broader pattern of activity conducted by the Canadian authorities and who might have been responsible for the planning and implementation of this strategy.

AND TAKE NOTICE that in support of the application will be read the affidavit of Krassina Kostadinov, Barrister & Solicitor, filed, and the submissions of counsel.

AND TAKE NOTICE THAT THE particulars of the person seeking standing are as follows:

NAME: MAHER ARAR
ADDRESS: c/o Lorne Waldman, Barrister & Solicitor
TELEPHONE: 416-482-6501
FACSIMILE: 416-489-9618
EMAIL: lawald@web.net

AND TAKE NOTICE THAT THE particulars of his counsel are as follows:

NAME: LORNE WALDMAN, BARRISTER & SOLICITOR
ADDRESS: 281 EGLINTON AVENUE EAST
TORONTO, ONTARIO M4P 1L3
TELEPHONE: 416-482-6501
FACSIMILE: 416 489-9618
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AND TAKE NOTICE that the Applicant will seek to make oral submissions before the Commissioner with respect to his application to obtain standing.

DATED at Toronto this 13th day of March, 2007.

Kanya Tokar

LB LORNE WALDMAN
Barrister & Solicitor
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Counsel for the Applicant

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

**AND IN THE MATTER OF AN APPLICATION FOR PARTY STATUS
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AFFIDAVIT OF KRASSINA KOSTADINOV

I, KRASSINA KOSTADINOV, in the City of Toronto, in the Province of Ontario,

MAKE OATH AND SAY AS FOLLOWS:

1. I am a Barrister and Solicitor working in association with Lorne Waldman, one of the counsel to Mr. Arar, and as such have knowledge of the matters hereinafter deposed to.
2. I am advised by Mr. Waldman and verily believe that Mr. Arar has instructed him to seek party status at this commission of inquiry. The reason why Mr. Arar wishes to seek party status is because he believes that the commission of inquiry will adduce evidence that might have an impact on his reputation. In addition, Mr. Arar believes that the Commission will shed further light on the conduct of Canadian officials with respect to his detention in Syria. It will also assist him in his efforts to ensure that those who are responsible are held accountable.
3. As Mr. Arar has a direct interest in these proceedings, he wishes to be able to have party status so that he can question witnesses and adduce further evidence.

4. I make this affidavit in support of the application for party status and for no other or improper purpose.

In the City of Toronto,)
in the Province of Ontario,)
on this 13th day of)
March, 2007.)

Tanya Tekar
A COMMISSIONER, ETC.

Krassina Kostadinov

KRASSINA KOSTADINOV

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

**AND IN THE MATTER OF AN APPLICATION FOR PARTY STATUS
MADE BY MAHER ARAR**

APPLICANT'S SUBMISSIONS

1. This is an application by Mr. Maher Arar for party status with respect to the commission of inquiry into the conduct of Canadian officials concerning the detention of Abdullah Almalki, Ahmed Abou Elmaati and Muyyed Nureddin. Mr. Arar was the subject of a commission of inquiry conducted by Justice O'Connor for his detention. In his report, Justice O'Connor recommended that the government of Canada conduct a further inquiry into the detentions of the three other individuals who are the subject of this internal inquiry. As Mr. Arar is the fourth person who was detained in Syria he believes he has an interest in the outcome of these proceedings.
2. Mr. Arar from the outset of his public statements upon his return to Canada made it clear that he wishes to achieve several objectives including clearing his name, finding those who were responsible and holding them accountable and ensuring that what happened to him does not happen to other individuals.
3. Although the first objective has been achieved through the process of a commission of inquiry conducted by Justice O'Connor, the issues related to accountability and ensuring that this does not happen to other Canadians have

not been achieved and will now be discussed and dealt with within the ambit of this public inquiry.

4. As Mr. Arar in one of the four individuals who was detained and tortured in Syria, he believes that he ought to be able to participate fully in this internal inquiry.
5. Given that, Mr. Arar is seeking party status to allow him to be represented to make submissions, adduce evidence and to cross-examine witnesses.

All of which is respectfully submitted by

Tanya Khan

br LORNE WALDMAN
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