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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: MUAYYED NUREDDIN

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,


Barbara Jackman

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

INTERNAL INQUIRY

MAR 14 2007

ENQUÊTE INTERNE

APPLICATION FOR STANDING BY
MUAYYED NUREDDIN

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Solicitors for the Applicant

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NOTICE OF APPLICATION

MUAYYED NUREDDIN 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. Nureddin asks that this motion be heard orally.

THE MOTION IS FOR:

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

THE GROUNDS FOR THIS MOTION ARE:

1. Mr. Nureddin has a direct and substantial interest in the subject matter of the Inquiry;
2. Mr. Nureddin 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

John Norris per Barbara
Barbara Jackman

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Solicitors for the Moving Party

AFFIDAVIT OF TERRI JACKMAN

I, TERRI JACKMAN, 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 Applicants, Muayyed Nureddin. I have been involved in assisting in our office on Mr. Nureddin's case and as such I have knowledge of the matters set out below. I believe that information which I set out below to be true. It is information of which I have become aware from dealing with Mr. Nureddin or from my involvement in working on his case.
2. Mr. Nureddin is seeking standing before the Commission of Inquiry into the Actions of Canadian Officials in relation to Abdullah Almalki, Ahmad Abou-Elmaati and himself (the "Inquiry").
3. Mr. Nureddin had applied for standing before 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. He was not granted standing before the Arar Commission.
4. Mr. Nureddin is a Canadian citizen. In December 2003, he was detained in Syria, imprisoned and tortured. He was released in January 2004. As Mr. Nureddin has indicated in his affidavit which is annexed as Exhibit A to my affidavit, he believes that his detention, interrogation and torture resulted, either directly or indirectly, from the actions of Canadian officials.
5. In his Report of the events relating to Maher Arar (Analysis and Recommendations), Commissioner O'Connor stated that Mr. Nureddin's case, as well as that of Mr. El Maati and Mr. Almalki, 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 the Inquiry.

7. Mr. Nureddin'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. Nureddin 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. Nureddin's reputation will be at issue at this inquiry. There have been suggestions in the national media about his alleged ties to terrorism. He has been under investigation by various Canadian agencies, although it is not apparent exactly when this investigation began, nor is it apparent which agencies were actually involved. It is important that Mr. Nureddin participates 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 or arising from the evidence presented at that Commission. Correction of such inaccuracies is important for Mr. Nureddin and for this purpose as well, he seeks full participation rights to ensure that accurate facts are before this Commission. Mr. Nureddin wishes to ensure that his name and his reputation are not harmed as a result of this Commission.

10. Mr. Nureddin is currently unemployed. He was laid-off from his job in September 2006 and has been unable to work since. He is unmarried and lives alone. He does not have the funds to retain counsel to represent him at this Inquiry.

11. Barbara Jackman of our office has been representing Mr. Nureddin 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 extensive experience in national security issues. Additionally John Norris, of Ruby, Edwardh, who was called to the Bar in 1993 has been assisting in Mr. Nureddin's case. Mr. Norris has experience in national security issues. He and Ms. Jackman have worked closely together on cases involving national security for the past several years. Mr. Nureddin wishes to have Ms. Jackman and Mr. Norris represent him at this Inquiry.

12. According to Commissioner O'Connor's Report, there were thousands of documents filed with the Arar Commission. That Commission continued over a number of days - 75 in camera and 45 public hearing days. Over 70 government officials were called as witnesses at the Arar Commission. This indicates that the current Commission of Inquiry, relating to the 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. Nureddin 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.

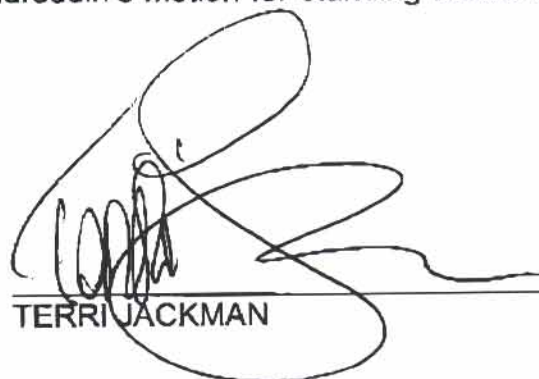
15. Mr. Nureddin also seeks funding for the rental of office space in Ottawa where his lawyers can work. His counsel are based in Toronto. As noted above, because there is an overlap in counsel, the office space which both Mr. Nureddin and Mr. El Maati are requesting can be the same office.

16. I make this affidavit in support of Mr. Nureddin'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.)
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)
)



A Commissioner, etc.


TERRI JACKMAN

**PATRICIA DIANE VETTRINO,
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 2

day of MARCH 2007 A.D.

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR STANDING**

[Signature]
A Commissioner etc

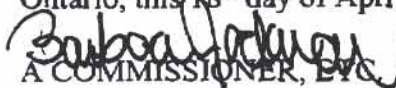
I, MUAYYED NUREDDIN, of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

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. I believe that Canadian officials were responsible for this. I provided a public statement to the press outlining my concerns, which I annex as Exhibit A to my affidavit.
3. Through my counsel, on February 10, 2004, I wrote to the Minister of Public Safety and Emergency Preparedness requesting that my case be included in the terms of reference of this Commission. I have not as of yet received from the Minister the courtesy of a reply, or even an acknowledgment of my request.
4. I believe that I have a direct and substantial interest in the subject matter of the Factual Inquiry and the Policy Review phases of this Commission for two principal reasons:
 - A. I experienced difficulties similar to those experienced by Maher Arar. I believe that Canadian officials were responsible either directly or indirectly in my detention and torture in Syria. I understand that this Commission is directed to investigate the facts which resulted in Maher Arar's detention. In this respect it is mandated to determine the extent to which racial profiling and systemic racism played a role in what happened to Maher Arar. I believe that further investigation of what happened to me would assist this Commission in putting into context what happened to Maher Arar and would particularly assist the Commission in determining the extent to which racial profiling and systemic racism played a role. My case, and perhaps others, establish that Maher Arar's case was not an isolated incident.
 - B. As a victim, I have a direct interest in the policy review of this Commission. I have a direct interest in seeing that there are appropriate mechanisms in place to ensure that my rights and those of other Canadians are balanced against national security interests, such that our human rights are protected in respect of such investigations, whether this be in Canada or in other countries. I have a direct interest in the development of mechanisms that will ensure accountability and monitoring of Canadian security officials in their investigations. I have a direct interest in the elimination of racial profiling and systemic racism, which I believe that the policy review phase of this Commission will address in a constructive manner.
5. I am originally from Iraq. I have family in Iraq. I am engaged to a woman in Iraq, whom I

would like to marry. I am afraid to travel there again to visit my family and to be married, as I am very worried that the detention and torture which I experienced in Syria, when I was returning to Canada from my visit there, could occur again, if not in Syria then in Iraq or in any other country through which I would have to travel in order to go to Iraq. I have a direct interest in seeing that what happened to me and to Maher Arar, and possibly to others, does not happen ever again.

6. I am presently unemployed and am in receipt of employment insurance benefits to June, 2004. I have been looking for employment since my return to Canada, but have not yet secured employment. 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.
7. My counsel is experienced in representing individuals - both Canadians and non-Canadians - who have been perceived to be of concern for reasons of national security. She has handled such cases from the late 1970's onward, before immigration officials, before the Security Intelligence Review Committee, before the Federal Court and other courts.
8. 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 18th day of April, 2004.


A COMMISSIONER, ETC.


M. Y. NUREDDIN