



Press Release

Commissioner Iacobucci Rules on Application, Provides Update on Inquiry Progress and Announces Public Hearing on Standards of Conduct in December

Ottawa, November 6, 2007 – The Honourable Frank Iacobucci, the Commissioner appointed to conduct the Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin, today released his ruling on the application by the three men and a number of intervenors in the Inquiry seeking, among other things, disclosure of documents and the taking of certain evidence in public. In his ruling, the Commissioner provided an update on the progress of the Inquiry and the further steps that it will follow. At the same time, the Commissioner issued a notice of hearing calling for submissions from participants in the Inquiry concerning the standards that he should apply in determining the matters set out in the Inquiry's Terms of Reference.

The Commissioner's Ruling

The Commissioner determined that in light of the status of the Inquiry's work and the further tasks underway and to be carried out, it was not necessary or desirable to make any specific ruling on the application at this time, either by ordering the relief sought or rejecting it as inappropriate. He stated that a number of the matters raised in the application were dealt with in his May 31, 2007 ruling on the Inquiry's Terms of Reference and procedures, and would be under continuous consideration by the Inquiry as it proceeds. He also noted that the application was brought at a time when the three men and the other applicants could not have had a complete understanding of the further steps that the Inquiry would follow and the further opportunities for information and participation that these procedures will provide. He concluded, "I am satisfied that this disposition of the application is appropriate in the circumstances and will best contribute to the effective and expeditious conduct of the Inquiry, recognizing the interests of all concerned."

Progress of the Inquiry and Future Steps

In his ruling, the Commissioner provided an update on the work of the Inquiry to date and what lies ahead. Since the Commissioner issued his May 31, 2007 ruling, Inquiry counsel, as contemplated by the Inquiry's Rules of Practice and Procedure, have been continuing their review of relevant documents and conducting interviews under oath of current and former government officials who have information relevant to the mandate of the Inquiry. To date they have reviewed more than 35,000 documents and conducted interviews of 39 individuals who were at the relevant time associated with the Canadian Security Intelligence Service, the Royal Canadian Mounted Police or the Department of Foreign Affairs and International Trade. Several further interviews are scheduled. After reviewing all the transcripts of

the interviews, the Commissioner will shortly be conducting further interviews of some of the individuals previously interviewed by Inquiry counsel.

The Commissioner also expects to conduct interviews shortly of Messrs. Almalki, Elmaati and Nureddin concerning their allegations that they were tortured in Syria and (in the case of Mr. Elmaati) Egypt. Discussions are taking place between counsel for the three men and the Attorney General of Canada concerning the terms on which these interviews will proceed. At the request of the three men, and to protect their privacy interests, these interviews would take place in private.

The Inquiry's Rules provide that to facilitate the expeditious conduct of the Inquiry, Inquiry counsel may prepare proposed findings for the Commissioner's consideration based on documents, interviews and the findings of other examinations that may have been conducted into the actions of Canadian officials. Once the interviews have been completed, Inquiry counsel will be preparing a draft of proposed factual findings, accompanied by a supporting factual narrative, that would be provided to the Commissioner for his consideration. This draft will be reviewed with counsel for Inquiry participants on a confidential basis, subject to appropriate measures to protect national security confidentiality, before it is finalized, so that the Inquiry can take into account their comments and suggestions, including suggestions for further investigation.

The Commissioner also stated in his ruling that although the Inquiry has proceeded as expeditiously as possible, he has concluded in light of the further work that needs to be done and the necessity for consultations with Inquiry participants that the reporting deadline of January 31, 2008 set out in the Inquiry's Terms of Reference is not practical. He will therefore be seeking an extension of the date for submitting his report, including a report suitable for disclosure to the public.

Hearing on Standards

This hearing will deal specifically with the standards by which the conduct of Canadian officials during the relevant period, 2001 to 2004, should be assessed in determining whether that conduct was deficient. The notice of hearing requests input from Inquiry participants relating to, among other things, sharing information with foreign authorities, questioning Canadian citizens detained in foreign states, provision of consular services to Canadian citizens detained in foreign states and the role of consular officials in national security and law enforcement matters.

The hearing is to be held in Ottawa on December 19 and 20, 2007. John Laskin, lead counsel to the Inquiry, stated: "The hearing on standards represents an important phase of the Inquiry's proceedings. It is aimed at helping the Commissioner answer a question at the core of his mandate – whether the conduct of Canadian officials in relation to the three men was deficient."

The complete text of the ruling and notice of hearing are available on the Inquiry's website, www.iacobucciinquiry.ca.

Established under Part I of the Inquiries Act by the Minister of Public Safety, the Inquiry's mandate is to determine whether the detention of Messrs. Almalki, Elmaati and Nureddin in Syria or Egypt resulted from actions of Canadian officials, particularly in relation to the sharing of information with foreign countries, whether those actions or the actions of Canadian consular officials were deficient in these

cases and whether any mistreatment of these three individuals in Syria or Egypt resulted from deficiencies in the actions of Canadian officials.

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