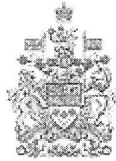


Internal Inquiry into the Actions of  
Canadian Officials in Relation to  
Abdullah Almalki, Ahmad Abou-Elmaati  
and Muayyed Nureddin



Enquête interne sur les actions des  
responsables canadiens relativement à  
Abdullah Almalki, Ahmad Abou-Elmaati et  
Muayyed Nureddin

The Honourable Frank Iacobucci, Q.C.  
Commissioner

L'honorable Frank Iacobucci, c.r.  
Commissaire

July 22, 2008

**IN THE MATTER OF**  
  
**INTERNAL INQUIRY INTO THE ACTIONS OF CANADIAN  
OFFICIALS IN RELATION TO ABDULLAH ALMALKI  
AHMAD ABOU-EL MAATI AND MUAYEED NUREDDIN  
(THE "INQUIRY")**

**RULING ON THE APPLICATION FOR PUBLIC HEARING**

Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin (the "Applicants") and Amnesty International Canadian Section (English Branch), International Civil Liberties Monitoring Group, Canadian Arab Federation, Canadian Council for American Islamic Relations, Canadian Muslim Civil Liberties Association and Human Rights Watch (the "Intervenors") have made a motion in writing pursuant to rule 12(c) of the *General Rules of Practice and Procedure* of the Inquiry for a public hearing to make oral closing submissions.

More specifically the Applicants and Intervenors seek a public hearing for the parties to make oral closing submissions on the following issues:

- (a) DFAIT, Embassy and consular conduct;
- (b) the Canadian government's practice and policy on torture;

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- (c) information sharing with foreign regimes;
- (d) appropriate use of labels in national security investigations; and
- (e) the appropriate “standard of proof” to be applied by the Commissioner in making findings of deficient conduct.


Upon reading the Application and the supporting Affidavit of Hadayt Nazami, and the submissions of the Attorney General of Canada in response, I deny the motion for the following reasons.

First, the issues sought to be addressed by the Applicants and Intervenors in the public hearing they seek have already been thoroughly canvassed by them and other Inquiry Participants and Intervenors on a number of occasions – in the hearing the Inquiry held on April 17, 2007 on the interpretation of the Inquiry’s Terms of Reference; the written and oral submissions made by the Participants and Intervenors on standards of conduct at the public hearing held on January 8 and 9, 2008, which addressed in detail the five issues listed by the Applicants and Intervenors in their Application; the supplementary submissions received at my request following that public hearing; and the final submissions made by the Participants and Intervenors. Consequently, I do not believe that additional oral hearings would provide me with significant additional assistance in addressing the matters that I must determine.

That brings me to my second, related, reason. I have found the submissions already made by the Participants and Intervenors to be of great assistance in carrying out my mandate. That is particularly so with reference to the matters listed by the Applicants and Intervenors in their Application. Although understandably, there is not unanimous agreement among the Participants and Intervenors on the factual background, the standards to measure the conduct of Canadian officials and other topics, the lucid analysis and opposing arguments and

reasoning that they have provided have focused the issues that I must now consider. I wish to thank the Participants and Intervenors for all their efforts in that regard.

Finally, in my opinion it is in the best interests of the Inquiry and all those affected by it to pursue its completion without taking the additional time that an oral hearing would require, when to do so would assist me only incrementally if at all in dealing with the tasks asked of me.



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Frank Iacobucci