

RULING

On August 31, 2005, Counsel, on behalf of Messrs Abdullah Almalki, Ahmad ELMaati and Muayyed Nureddin brought a motion to file chronologies of events relating to their detentions in Syria. Counsel asked that those chronologies be made part of the public record of this Inquiry.

Importantly, in making this request Counsel does not seek to have the chronologies entered as proof of the truth of the facts set out therein nor did they ask that these documents be used to establish “complicity or pattern”. Thus the chronologies would not be factual evidence. Rather, Counsel seek to have the chronologies entered for three purposes: as background or contextual information, as information that would be relevant to the reputational interest of the three individuals, and as information that might assist me in making recommendations to the government, either with respect to the specific cases of the three individuals or with respect to a review mechanism for the RCMP’s national security activities generally.

In an earlier ruling, I appointed Mr. Stephen Toope as a Fact Finder. I asked Mr. Toope to interview Messrs Almalki, ELMaati and Nureddin as part of a fact finding exercise in respect of Mr. Arar’s treatment in Syria. Clearly, it would be helpful to Mr. Toope to have the chronologies and I have forwarded them to him.

The question remains whether the chronologies should form part of the record of this Inquiry. I think that they should. They were referred to during the motion and, at a minimum, they will be used by Mr. Toope. Not uncommonly, I have marked as exhibits documents for reference purposes only and not because they were intended to prove the truth of their contents.

Accordingly, I direct the three chronologies with the accompanying documents be marked as the next three public exhibits. I reiterate, however, that they are not entered as proof of the facts set out in the chronologies. I leave to my report what, if any, use beyond Mr. Toope's fact finding process, will be made of these chronologies. However, it will be open to parties and intervenors, if they choose, to refer to the chronologies in their submissions.

"Dennis O'Connor"

September 7, 2005

Commissioner Justice Dennis O'Connor