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Canada

Ministère de la Justice
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January 22, 2008

Our File Number: 2-367546

BY FAX

Raven, Allen, Ballantyne & Yazbeck
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Suite 1600
220 Laurier Avenue West
Ottawa, ON K1P 5Z9

Attention: Paul Champ

Dear Mr. Champ:

Re: Amnesty International Canada and B.C. Civil Liberties Association v. Chief of Defence Staff for the Canadian Forces, Minister of National Defence and Attorney General of Canada – Federal Court File No. T-324-07

During your cross-examination of Nicholas Gosselin yesterday you posed two questions to which I objected pursuant to section 38 of the *Canada Evidence Act*. The questions (numbers 355 and 356) concerned the response of the Canadian Forces to Mr. Gosselin's report of his monitoring visit on November 5, 2007.

The Government has carefully reviewed these objections in light of its obligation to make disclosure consistent with the need to protect national security interests under section 38. As a result of that review, I am able to provide you with the following information:

Canadian authorities were informed on November 5, 2007, by Canada's monitoring team, of a credible allegation of mistreatment pertaining to one Canadian-transferred detainee held in an Afghan detention facility. As a consequence there have been no transfers of detainees to Afghan authorities since that date. The allegation is under investigation by the Afghan authorities. Canada will resume transferring detainees when it believes it can do so in accordance with its international legal obligations.

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Please call me to discuss how we can place this information before the Court for the injunction motion. I am currently working with Jeff Anderson and may be reached at his telephone number (957-4851).

Yours truly,

[Original signed by]

J. Sanderson Graham
Senior Counsel