

Committee of Organizations with Intervenor Status at the Arar Inquiry
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Backgrounder:
The pattern surrounding Maher Arar's case

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MAHER ARAR: THE FIRST TO SPEAK OUT

Maher Arar is the first person to survive a so-called extraordinary rendition and tell the world his story. Since then, much has been exposed about the CIA's program of "extraordinary rendition," its dependence on the complicity of other countries, and the role of torture in the so-called war on terror. Investigations have been launched at the Council of Europe and the European Parliament exposing how member states have colluded in the program. And in Canada, we have learned the stories of three other Canadian Muslim men who were under investigation in Canada before being tortured in the same Syrian prison as Mr. Arar: Ahmad El Maati, Abdullah Almalki and Muayyed Nureddin. Like Mr. Arar, they all say their interrogators asked questions that could only have come from Canada.

- **Mr. El Maati**, a Kuwaiti born Canadian with dual Canadian/Egyptian citizenship, was on his way to celebrate his wedding in Syria when he was detained at the Damascus airport on November 12, 2001. He was taken to the Palestine Branch of the Syrian Military Intelligence and kept in a dark, underground cell measuring only three by six by seven feet. He was repeatedly tortured and interrogated about information that could only have originated in Canada. He was forced to sign a false confession he was not allowed to read. On January 25, 2002, he was transported by air to Egypt, where he was subjected to further torture and interrogation until his release almost two years later on January 11, 2004. Mr. El Maati was never charged with any crime.
- **Mr. Almalki**, a Syrian born Canadian, was on his way to visit family in Syria when he was detained at the Damascus airport on May 3, 2002. He was taken to the Palestine Branch of the Syrian Military Intelligence, where he was repeatedly tortured, interrogated about information that could only have originated in Canada, and forced to sign a false confession. He was held in a dark, underground cell measuring only three by six by seven feet for more than fifteen months until being transferred to another Syrian prison in August, 2003. Mr. Almalki was finally released on March 10, 2004, after more than twenty-two months in detention. Mr. Almalki was never charged with any crime.
- **Mr. Nureddin**, an Iraqi born Canadian, was detained by Syrian officials on December 11, 2003 as he crossed the Iraqi-Syrian border on his way back to Canada after visiting family in northern Iraq. He too was taken to the Palestine Branch of the Syrian Military Intelligence, where he was repeatedly tortured and interrogated. Syrian interrogators asked Mr. Nureddin the same questions he had been asked by officials in Canada, and forced him to sign documents he was not permitted to read. He was kept in an underground cell before being released on January 13, 2004, after thirty-four days in detention. Mr. Nureddin was never charged with any crime.

A CLEAR PATTERN OF COMPLICITY

We do not know how much evidence was seen and heard by the Commission in the course of its *in camera* hearings, but we do emphasize that even the very incomplete public evidence at the Commission, along with what is also on public record, **leaves us**

asking, not if Canadian agencies were complicit in what happened to Mr. Arar, Mr. Mr. El Maati, Mr. Almalki and Mr. Nureddin, but how and why.

- Evidence at the Commission has shown that Mr. Arar, Mr. El Maati, Mr. Almalki and Mr. Nureddin are all Muslim Canadian men who were **all of interest to post September 11, 2001 national security investigations by the RCMP and/or CSIS.** Public evidence shows that Mr. El Maati, Mr. Almalki and Mr. Arar were all under investigation by the RCMP's Projects A and A-O Canada.
- **All of the men were detained while travelling outside of Canada.** In the cases of Mr. Arar, Mr. El Maati and Mr. Almalki, they were **detained and tortured in countries where they held dual citizenship**, which was said to have made it difficult to work for their release. Mr. El Maati was held incommunicado for almost two months in Syria before being transferred to Egypt. Although his mother is Syrian, he does not hold Syrian citizenship, but has Egyptian citizenship through his father. Both Mr. Arar and Mr. Almalki have dual Canadian/Syrian citizenship.
- **There is no indication that the governments or agencies of the countries where these men were detained, interrogated and tortured had any interest in them before they arrived.** Mr. El Maati had travelled to Syria twice in 2001 without problems before travelling there again in November that year and being detained. He had not been to Egypt since he was a young teenager. Mr. Almalki left Syria as a teenager and had not been back since. He had obtained an official deferral for his military service requirements before travelling to Syria. Mr. Arar had not been in Syria since leaving as a teenager.
- **All were detained, interrogated and tortured at the Palestine Branch** of the Syrian Military Intelligence.
- The evidence has shown that Mr. Arar was rendered to Syria as a result of information which originated with Canadian investigators, and Mr. El Maati, Mr. Almalki and Mr. Nureddin **all say they were asked questions while being interrogated in Syria and/or Egypt which could only have originated with Canadian investigators** — and which, it might reasonably be inferred, were intended to elicit answers which would advance a Canadian investigation.
- Dr. Stephen Toope was appointed by the Arar Commission "investigate and report to the Commission on Mr. Maher Arar's treatment during his detention in Jordan and Syria and its effects upon him and his family." In the course of fulfilling his mandate, Dr. Toope interviewed Mr. El Maati, Mr. Almalki and Mr. Nureddin, who each provided detailed accounts of their detention, torture and interrogation in Syria. **Dr. Toope concluded that all of their stories were credible, and that they had all suffered "severe physical and psychological trauma while in detention in Syria."**
- Mr. El Maati, the first to be detained, says that during his first days in Syrian detention between November 12 and 21, 2001, his Syrian interrogators forced him to falsely confess that he had seen Mr. Almalki and Mr. Arar in Afghanistan. Mr. Almalki was then detained, and interrogated about Mr. El Maati and Mr. Arar. Mr. Arar was interrogated about both of the other men when he was detained.

- It can be reasonably inferred through the public evidence that the **RCMP and CSIS furthered, or attempted to further, their investigations** of Mr. El Maati, Mr. Almalki and Mr. Arar, **through direct and/or indirect communications with the Syrian military intelligence**. We have seen evidence that there were visits to Syria by the RCMP and CSIS and that there were meetings and information exchanges with the Syrian military intelligence. It also appears that there was an interest in directly interrogating these men while they were in detention in Syria and Egypt. We have also seen evidence that investigators discussed sending questions to be asked by foreign interrogators.
- The public record shows that in the cases of Mr. El Maati, Mr. Almalki and Mr. Arar, the RCMP and/or CSIS **impeded efforts by family members and other government actors to have them released** from custody.
- Mr. El Maati, Mr. Almalki and Mr. Arar have **all been implicated by unnamed government and/or intelligence officials in media reports** as having ties to al-Qaeda, both before and after their release.

This Commission of Inquiry was established on February 5, 2004, just three weeks after Mr. El Maati and Mr. Nureddin were released on January 11 and 13, respectively. Mr. Almalki was released on March 10, 2004, a month after the Inquiry was called. **Despite this timing, all three of these men applied for standing at the Inquiry. All three were refused.** These men told the public their stories, and detailed chronological accounts were introduced as exhibits to the Inquiry near the end of the public hearings, but far too late for the information to inform, test and explore most of the *in camera* evidence (detailed chronologies for Mr. El Maati and Mr. Almalki are available at www.amnesty.ca).

Throughout the public hearing process, **government counsel repeatedly limited the scope of questioning permitted about these cases**, asserting that this is not an Inquiry about Mr. El Maati, Mr. Almalki or Mr. Nureddin. When these men were finally granted standing, it was limited to protecting their reputations. When their counsel attempted to do this, the government often blocked witnesses' answers, arguing that these questions went beyond the mandate of this Inquiry.

Why has government been so reluctant for the Commission, and the public, to learn more about what happened to these men? Perhaps the unnamed "security source" that spoke to journalist Juliet O'Neill in November, 2003 knew the answer to this question. In the article published in the *Ottawa Citizen* on November 8, 2003, O'Neill wrote that "it is the existence of that now-disbanded alleged group, most if not all of whose members, including Mr. Almalki, are now in prison abroad, that a security source cites as the root of **why the Canadian government is so fiercely opposed to a public inquiry into the case of Mr. Arar,**" which would "present a dilemma over what to do about suspects who have wound up in prison in their native countries, including Mr. Almalki... **If Mr. Arar has caused such an uproar, others may do likewise**" ("Canada's dossier on Maher Arar," Juliet O'Neill, *Ottawa Citizen*, November 8, 2003).

SOME OF THE MANY QUESTIONS WE NEED ANSWERED

- Did Canadian agencies in any way encourage U.S. officials to send Maher Arar to Syria? If not, did they actively discourage them from sending him to Syria?
- How is Mr. Arar's case linked to the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin? Is his case linked to a broader practice or policy of having Canadian citizens detained, and/or interrogated on their behalf in countries known for practicing torture?
- Did Canadian agencies play any role in having Mr. El Maati, Mr. Almalki and Mr. El Maati detained in Syria? Did Canadian agencies play any role in Mr. El Maati's transfer to and detention in Egypt?
- What involvement, if any, did Canadian agencies have in providing information that was used during interrogations of these Canadian men in Syria and Egypt?
- What did Canadian officials do to ensure their fundamental right not to be tortured would be protected?
- How have Canadian officials made use of information obtained from these men under torture? Was it used to advance Canadian investigations?
- Why did Canadian agencies impede attempts to have these men released and returned home?
- Who leaked allegations about Mr. Arar, Mr. El Maati and Mr. Almalki to the media and why? Where did this information come from?

WHAT WILL BE KEPT SECRET, AND WHY?

How much of the Interim Report will be blacked out? Much of what the government made National Security Confidentiality (NSC) claims over in the hearings and documents pertained to the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin. **The Intervenors are concerned that much of the evidence and findings pertaining to their cases will be blacked out in the Interim Report.**

There are three kinds of information before the Commission: *in camera* evidence, public evidence, and information in the public domain. The Intervenors and Mr. Arar believe that the Commission must take all of this information into account in its report if it is to satisfy the public's interest.

***In camera* hearings**

What was supposed to be a public Inquiry took place mostly in secret. We do not know what percentage of the evidence heard *in camera* was heard again in public hearings, or who testified. In December 2004, following the first round of *in camera* hearings with CSIS witnesses, the Commission attempted to release a summary of the evidence, but was blocked by government NSC claims. Summaries were not even attempted for the subsequent hearings, and the public, **Intervenors and Mr. Arar, therefore, have no idea what evidence was presented *in camera*.**

Secrecy in the public hearings

Throughout the public hearings, the government used numerous NSC claims to block the release of documents, portions of documents, and testimony by several witnesses. The frequency and enormity of the claims made, and the redacting, re-redacting and re-re-redacting of documents that plagued the process, left Intervenors and much of the public with the impression that this secrecy was more about evading accountability than about safeguarding national security.

For example, the government made NSC claims against portions of documents, which, when obtained through the Access to Information Act, were not redacted. Exhibit P-42, tab 131, a report filed by Mr. Leo Martel about his first consular visit to Mr. Arar in Syria, says that when asked if there was anything he needed, Mr. Arar responded that “his needs were all taken care of by his Syrian hosts.” The following sentence was redacted. The same document obtained through an Access to Information request reveals that that sentence says that Mr. Arar’s answer was dictated to him by the Syrians (Exhibit P-134, tab 3).

The government also made NSC claims against information already in the public domain through media reports, including information previously leaked by unnamed security sources to media.

All of this secrecy has prevented Mr. Arar from telling his story at the inquiry. On May 9, 2005, the Commissioner ruled that in order to minimize any potential unfairness to Mr. Arar arising from the fact that he does not have access to many documents and much of the in camera evidence relating to matters about which he would testify, Mr. Arar’s testimony would be deferred until he is able to see as much information as possible about which he will testify.

RECOMMENDATIONS TO THE COMMISSION

It is clear from the public evidence and other information in the public domain that we cannot fully understand the role of Canadian agencies in what happened to Mr. Arar without understanding their role into what happened to Mr. El Maati, Mr. Almalki and Mr. Nureddin. In our joint final submission to the Inquiry, the eighteen organizations with Intervenor Status at the Arar Inquiry made the following recommendations on the issue of pattern:

- That the Commission must go as far as the evidence allows with respect to determining whether what happened to Mr. Arar can be linked to a Canadian policy of having Canadian citizens detained, and/or interrogated on their behalf in countries known for practicing torture;
- That the Commission **recommend that there be a further process of independent, impartial and expert review**, through a second phase of this public inquiry, through the appointment of an independent expert, or through any other kind of effective independent process that the Commissioner feels would provide the kinds of answers and public accountability that are so necessary.

A chronology: The pattern of complicity

The following timeline has been assembled from public evidence presented at the Arar Commission, and the stories told by Mr. Arar, Mr. El Maati, Mr. Almalki and Mr. Nureddin about their detention, interrogation and torture in Syria, and in the case of Mr. El Maati, in Egypt as well. This timeline demonstrates that we cannot fully understand what happened to Mr. Arar without understanding what happened to Mr. El Maati, Mr. Almalki and Mr. Nureddin as well.

August 2001

The first of these men to be detained was Ahmad El Maati, a Toronto truck driver. He was pulled aside on August 16, 2001, on his way to make a delivery in the United States. U.S. border officials found a map in his truck, and questioned him about it. It was a **map of government buildings in Ottawa**, including the offices of Atomic Energy of Canada, and virus labs. Mr. El Maati explained the map wasn't his — he never made deliveries in Ottawa, and the map must have belonged to another driver. The officials copied the map, and let him continue on his way.

September 2001

Mr. El Maati says that on September 11, 2001, the day of the attacks on the United States, **CSIS agents came to his home**, and asked him about the map. We do not know when CSIS began investigating Mr. El Maati, but he says this was his first encounter with Canadian security or law enforcement. Mr. El Maati told the CSIS agents what he had told the U.S. officials — that the map was not his. The agents threatened to block his wife from immigrating to Canada from Syria if Mr. El Maati didn't cooperate. Mr. El Maati then noticed he was being followed everywhere, sometimes by as many as ten cars at a time.

Mr. El Maati says he was shocked when he saw stories on CTV news, in the *Globe and Mail* and the *National Post*, in mid-September, 2001, saying a "Kuwaiti man" had been stopped at the border with a map of Ottawa. News stories quoted the RCMP saying this was an ongoing investigation, and other security experts saying this was **evidence that Al Qaeda was planning an attack**, possibly on Canadian nuclear facilities. Mr. El Maati says he asked a lawyer to ask CSIS why this was happening, but CSIS would not return his lawyer's calls. Bill C-36, what would become the *Anti-terrorism Act* was tabled in the house just days after those media stories ran.

We know now that the map was merely a **standard-issue government map** of facilities in Ottawa, a map meant to guide visitors and people making deliveries, and which is still handed

out by commissionaires in Ottawa's Tunney's Pasture. CSIS would not tell media whether they investigated the map and discovered its origin.

We know through testimony at the Commission that in late September 2001, **CSIS transferred their files on Mr. El Maati and Mr. Almalki to the RCMP**. Jack Hooper testified at the Commission that at the time, CSIS had taken their investigation with respect to these files as far as they could. We also know through testimony at the Commission that CSIS did not have an interest in Mr. Arar at this time.

We know through testimony at the Commission that the RCMP was **overwhelmed** after 9/11, **inexperienced in national security investigations**, and that Projects O and A-O Canada were **not properly supervised or controlled** by headquarters. We also know that the relationship between CID and Projects O and A-O Canada were strained, and at times acrimonious.

RCMP investigators were told their **first priority was prevention** – in the words of Inspector Michel Cabana, the officer in charge of the A-O Canada operation in Ottawa, “you do everything you can to make sure nothing happens anywhere. If at the end of the day we are successful prosecuting individuals or groups, that’s fine. But right now the priority is not to accumulate the information in an admissible format; the priority is to make sure that nothing blows up” (transcript, June 29, 2005, page 7784).

November 2001

On November 11, 2001, **Mr. El Maati and his mother left Canada for Syria**. Mr. El Maati was travelling there to celebrate his marriage to his Syrian wife. His mother travelled with him for part of the trip, but then flew separately to Egypt. Her plan was to collect family before meeting her son in Syria for the ceremony.

Mr. El Maati says that when they left Canada, he and his mother were **followed to the Toronto airport** by several unmarked cars. He says that when they arrived at Pearson Airport they were pulled aside and questioned separately about their travel itineraries. They were **escorted to the departure gate**, and their seats were reassigned. Mr. El Maati was seated next to a man who spoke Arabic and who was very talkative.

When Mr. El Maati and his mother landed in Frankfurt, they say they found it odd that this **same man rushed them onto their connecting flight** to Vienna. Mr. El Maati says that German

officials seemed to be talking on their phones about him as he passed through the gate. We do not know if the man who sat next to him on the flight from Canada was an agent of CSIS or another Canadian agency.

Mr. El Maati says that on November 12, 2001, when he landed in Damascus, he was detained and **taken to the Palestine branch of the Syrian military intelligence**. Once there he says he endured what he has described as very intense torture that was continuous for the first seven to ten days. He was then put into a tiny, dark, underground cell, where he was kept in solidarity confinement between interrogation sessions.

Mr. El Maati says his Syrian interrogators **wanted him to confess that his brother had sent him the map** of Ottawa, and that together they had plotted to blow up the US embassy. He was **forced to falsely confess to a bomb plot**, and to having seen Mr. Arar and Mr. Almalki in Afghanistan. In the end, Mr. El Maati says he was forced to sign a statement he was not permitted to read. Mr. El Maati says that his interrogations in Syria and Egypt were based on questions that could only have been designed to advance a Canadian investigation. In both countries, his **interrogators asked him about the map**.

Dr. Stephen Toope was appointed by the Arar Commission "investigate and report to the Commission on Mr. Maher Arar's treatment during his detention in Jordan and Syria and its effects upon him and his family." Dr. Toope interviewed Mr. El Maati, who provided a detailed account of his torture and interrogation about the map in Syria. Dr. Toope concluded that **Mr. El Maati's story was credible**, and that he and the others had suffered "severe physical and psychological trauma while in detention in Syria."

January 2002

On January 22, 2002, after Mr. El Maati's interrogation in Syria, and just three days before he says he was transferred to Egypt, the **RCMP executed search warrants** on his and Mr. Almalki's homes, and visited Mr. Arar's home in Canada. The RCMP requested a sealing order on the warrants, in part because **"information and material was obtained by the RCMP in confidence from CSIS and from several institutions of foreign states."** We do not know if the information referred to here includes information obtained through the Syrian interrogation and torture of Mr. El Maati, or the "confession" he signed but never saw. We know that the RCMP had no probable grounds to search Mr. Arar's home when the homes

of Mr. Almalki and Mr. El Maati. Instead, they went to his home to ask for an interview.

On January 25, 2002, Mr. **El Maati was taken up from his cell, blindfolded, put on an airplane, and flown to Egypt.** Mr. El Maati holds dual Egyptian/Canadian citizenship, which Foreign Affairs said made it difficult to work for his release. There he was repeatedly tortured and interrogated and held in inhumane conditions until his release on January 11, 2004, two years and two months after being detained.

May 2002

Just a few months after Mr. El Maati was sent to Egypt, on **May 3, 2003, Mr. Almalki travelled to Syria** to be with his family and was detained at the Damascus airport and taken to the Palestine branch of the Syrian Military Intelligence.

Mr. Almalki recalls his first encounters with CSIS were two interviews in 1998. Despite seemingly having been under investigation since that time, **no charges have ever been laid against Mr. Almalki.** In 1999, he began noticing that shipments to his business were being opened, and was questioned when travelling home from a business trip to Hong Kong. He also learned that other Muslims in his community were being asked by CSIS to spy on him. In 2000 questioned on his way home from a business trip to the U.S., then questioned again by CSIS, and later found out that his financial transactions were being covertly investigated. Mr. Almalki says he was questioned again by CSIS on September 17, 2001. He then noticed that he and his family were being followed everywhere.

We know through the Inquiry that the RCMP was following Mr. Almalki on **October 12, 2001, when he met with Mr. Arar for lunch.** The RCMP says that this was when they first became interested in Mr. Arar.

Mr. Almalki had travelled with his family to Malaysia in November, 2001, where they stayed with his wife's family until his son was born. In Malaysia he was questioned by officials who said they were doing so on behalf of Canadian agencies. His wife stayed with her family in Malaysia when Mr. Almalki flew to Syria to visit his family on May 3, 2002.

In Syrian detention, Mr. Almalki suffered intense physical and psychological torture and interrogation, and was kept in a tiny, underground, dark cell for sixteen months of his detention. He was cleared of any ties to terrorism and released 22 months after being detained on March 10, 2004. Mr. Almalki was also

forced to sign a false confession in Syria. He says that his interrogations were based on questions that could only have come from Canada, including questions about Mr. El Maati and Mr. Arar. Mr. Almalki holds dual Syrian/Canadian citizenship, which Foreign Affairs said made it difficult to work for his release. **Dr. Stephen Toope interviewed Mr. Almalki** and found that his detailed description of his interrogation and torture in Syria was credible, and that “Mr Almalki was especially badly treated, and for an extended period.”

June 2002

Not long after Mr. Almalki had undergone his first brutal round of interrogation in Syria, on June 21, 2002, RCMP Sergeant Rick Flewelling wrote in his personal notes about someone who we can reasonably infer was Mr. Almalki, as at this time he was the only Canadian citizen of interest to them in Syrian custody. Mr. Flewelling’s notes say that the “assessment has been completed and that it is time to proceed with the next step in the process.” The question, says the notes, is one of intelligence versus criminal. “Do we want him back? Do we have enough to charge? How is Syria going to play? **We may have to take and be satisfied with the prevention side of the mandate and hope that additional information can be gleaned** with respect to: his plan, other plans we are not aware of, other individuals or groups, etc.” (Arar Commission transcripts, August 23, 2005, pages 9983-8; Exhibit P-211, pages 21 to 23).

July 2002

On July 16, 2002, two months after Mr. Almalki was detained, Mr. Covey, the RCMP’s ex-liason officer responsible for the Middle East, met with Project A-O Canada officers and justice department officials. Mr. Cabana’s notes say Mr. Covey briefed them on “his efforts broker a deal” and advised that **“in his view (name redacted) will never be returning to Canada.”** The notes go on to say that they “subsequently discussed protocol for sharing of project info with Syrians to reciprocate” (Arar Commission transcripts, June 29, 2005, pages 7868-7869; Exhibit P-166, page 40 of 68). It can be reasonably inferred that this was in reference to Mr. Almalki, as he was the only person under investigation by Project A-O Canada in Syrian custody at that time.

Mr. Cabana’s notes indicate that he later briefed Mr. Couture and Mr. Watson about the meeting with Mr. Covey and the “decision to share project info with the Syrian authorities,” and that Mr. Watson advised “that he agreed it would be **appropriate to share with the Syrians** as it might assist

(redacted) should the exchange of info continue,” (Arar Commission transcripts, June 29, 2005, pages 7869-70; Exhibit P-166, page 41 of 68).

We do not know if by this he meant they should reciprocate Syrian authorities for agreeing to hold Mr. Almalki indefinitely. Nor do we know if the RCMP sent more information for interrogating Mr. Almalki. Witnesses were not permitted to answer these questions at the Arar Inquiry because of government NSC claims. We do know that Mr. Almalki says that it was around July 16, 2002 that his treatment got much worse – he was accused of having lied to interrogators in the first round of questioning, and tortured again for several days.

August 2002

We know that on August 12, 2002, Mr. El Maati received his first consular visit since being detained. He told Canadian consular officials in Egypt that he had been severely tortured while in Syrian custody. On August 15, 2002, **Project A-O Canada met and discussed media strategy** in the event there was “intense” media interest in Mr. El Maati’s report that he was tortured in Syria. The agencies in attendance agreed that minimal information would be made public because of the ongoing police investigation (Arar Commission transcripts, June 29, 2005, pages 7916-7; Exhibit P-84, Tab 1, page 182).

Despite being recently informed about the torture Mr. El Maati had endured in Syria, Mr. Flewelling’s personal notes of August 20, 2002 tell us that the head of Project A-O Canada wanted to “invite the Syrians to review what Project A-O Canada has on (redacted) and **provide them with a series of questions** they want the Syrians to ask (redacted) on our behalf” (Arar Commission transcripts, August 22, 2005, pages 9765-9769; Exhibit P-211, pages 29-30). Again, it can be reasonably inferred that this was in reference to Mr. Almalki, as he was the only person under investigation by Project A-O Canada in Syrian custody at that time.

September 2002

On September 10, 2002, Canada’s ambassador to Syria, Franco Pillarella, met with representatives of DFAIT’s intelligence division and the RCMP. Mr. Cabana’s notes about that meeting say that the RCMP briefed the ambassador on the “reason for their interest” in someone, and that “**Mr. Pillarella agreed to facilitate any future request to Syrian authorities**” and “suggested that the Syrian authorities would likely be expecting us to share with them.” The notes say that the RCMP explained they intended to “share (illegible) any of our project information

relevant to whatever investigation Syria is conducting with them... packages have already been prepared to this end" (Arar Commission transcripts, June 29, 2002, pages 7871-3; Exhibit P-166, page 44-45).

A few weeks later, **on September 26, 2002, Mr. Arar was detained** by the US in New York on his way home from a family holiday in Tunisia, flown to Jordan, then driven to Syria, where he was tortured and then held in one of the same dark, underground cells at the Palestine branch of the Syrian Military Intelligence. He says that he too was asked questions that could only have come from Canada.

Because of NSC claims made by the government, we do not know if Mr. Arar was detained in the US and/or sent to Syria because of information obtained by CSIS from Syria, and whether that information was shared with the RCMP. Both Mr. El Maati and Mr. Almalki were tortured and interrogated in Syria, and say they were asked about Mr. Arar and signed "confessions" they were not permitted to see. Mr. El Maati, for example, says that during his first days in Syrian detention between November 12 and 21, 2001, his Syrian interrogators forced him to falsely confess that he had seen Mr. Almalki and Mr. Arar in Afghanistan. Whether Mr. Arar did or did not go to Afghanistan was a major focus of future leaks to the media by unnamed security sources.

October 2002

We know through documents released at the Arar Commission that just a few days after Mr. Arar had been taken into Syrian custody, on October 17, 2002, the RCMP faxed a list of questions to the RCMP's liaison officer for the Middle East, which **included questions for Mr. Arar in case he decided to "voluntarily provide statements** to law enforcement officials" (Arar Commission, Exhibit P-19, pages 28-29).

A memo written by a Mr. Dan Livermore, a DFAIT official, on October 30, 2002, titled "Abdullah Al-Malki," says that "the RCMP are seeking to either directly interview (redacted) or to **send their Syrian counterparts a request that (redacted) be asked questions provided by the RCMP.**" It can be reasonably inferred that this refers to Mr. Almalki because of the title of the document (Arar Commission Exhibit P-253).

November 2002

William John Hooper, who was at the time Assistant Director Operations for CSIS (now Deputy Director Operations) testified that **CSIS travelled to Syria on November 19th 2002**, and that the purpose of the trip was **"to receive information from the**

Syrian side that may have relevance to threats to the security of Canada that we were mandated to investigate”

(Arar Commission transcripts, August 25, 2005, page 10626).

The trip was approved by Foreign Affairs Minister Graham.

Syrian authorities later informed Canadian officials that CSIS had informed them that they did not want Mr. Arar back in Canada (CSIS later denied telling the Syrian officials this), and that CSIS seems to have received a transcript of Mr. Arar’s interrogation while they were there (Arar Commission transcripts, June 16, 2005, pages 7435-6; Exhibit 237, tab 4, page 2).

Then next month, in December, Mr. Almalki saw the title of a document in the hands of his interrogators, which said in Arabic, “Meeting with Canadian delegation of November 24, 2002” It was addressed to head of the Palestine Branch and to the head of the Military Intelligence.

December 2002

Mr. Cabana wrote in his personal notes on December 11, 2002, that he had spoken with the RCMP Liason Officer in Rome, Mr. Fiorido, and that Fiorido advised he would be travelling to Syria “very shortly,” and that “based on his discussions with (redacted name) he feels that **our best approach would be to share our list of questions with Syrian authorities.**” The notes also say that it was “also suggested that **our document should be translated into Arabic if possible.**” The notes go on to say that “the writer advised (redacted) that we would make the necessary arrangements,” (Arar Commission transcripts, June 29, 2005, pages 8055; Exhibit P-166, page 61 of 68). Cabana testified that this did not relate to Mr. Arar, so it is reasonable to assume that this referred to Mr. Almalki, as he was the only other person in Syrian custody being investigated by Project A-O Canada at that time (Arar Commission transcripts, June 29, 2005, page 8056).

Mr. Cabana testified at the Arar Commission about a fax dated December 10, 2002 that was sent to Mr. Fiorido, the RCMP’s Rome Liason officer for the Middle East, containing a “synopsis time line” about Mr. Arar. He explained that Mr. Fiorido likely wanted this information because he was “probably planning on attending Syria” (Arar Commission transcripts, June 29, 2005, page 8064).

Mr. Cabana’s notes and his testimony indicate that he advised Chief Superintendent Watson why he would be leaving his post as OIC of Project A-O Canada and requested that the file be transferred to INSET (Arar Commission transcripts, June 29, 2005, pages 8056-60; Exhibit P-166, pages 62, 67).

January 2003

Mr. Fiorido, the **RCMP's Liason officer for the Middle East, was in Damascus on January 13, 2003**, and wrote a "continuation report" following meetings on January 13 and 14, 2003, saying that in both cases, no new information was obtained." It is reasonable to assume that he was referring to having attempted, unsuccessfully, to obtain new information from the Syrian military intelligence with respect to Mr. Almalki and Mr. Arar, who were both in Syrian detention at that time (Exhibit P-85, tabs 117-118).

April 2003

An Action Memorandum prepared for the Minister of Foreign Affairs by Gar Parady, then Director General of the Consular Affairs Bureau, dated April 7, 2003, released by the Arar Commission, says that **"Mr. El Maati seems to be a case of little evidence to support the allegations of involvement in terrorist activities but rather one of associating with others who may have."**

July 2003

On July 25, 2003, the *National Post* and the *Ottawa Citizen* published a front page report by Robert Fife in which **unnamed sources say Syrian authorities provided information to the CIA which helped avert an "al-Qaeda conspiracy" to attack the U.S. Embassy in Ottawa.** In the same article, Fife reports that Ahmad Arnous, Syrian Ambassador to Canada, says Syria gave "classified information" about Mr. Arar to the CIA and CSIS. Fife's unnamed U.S. source says the Canadian government "knows much more about Arar than they are telling Canadians," and **"the RCMP quietly asked the U.S. government to arrest Mr. Arar in New York City and deport him"** ("Al-Qaeda targeted U.S. Embassy: Syrian tip led to arrest of accused terrorists planning Ottawa attack," *National Post*, July 25, 2003: A1). It is possible that this relates in some way to the forced false confession about a plot to attack an Ottawa target, given by Mr. El Maati to Syrian interrogators during the first days of his detention there in November, 2001.

October 2003

On October 5, 2003, over one year after being first detained in September, 2002, Mr. Arar was released and left Syria that night. Of his time in detention, he **had been kept in the tiny, underground grave-like cell for ten months and ten days.** He was escorted home to Canada on October 6. Mr. Arar was never charged.

According to documents released by the Arar Commission, on October 23 or 24, **DFAIT received a one-page brief on Mr.**

Arar from Syria. They had received an informal translation on October 13, 2003 (Exhibit C-206, tabs 593, 614, 618).

On October 23, 2003, CTV News aired a story which said that **“senior government officials in various departments” told CTV** that Mr. Arar was released because he gave information to “the Syrians” about Al-Qaeda cells in Canada, and gave information about four other Canadians including Mr. El Maati and Mr. Almalki.

A briefing note to the RCMP Commissioner from Inspector Rick Reynolds dated the same day, October 23, 2003, shows that **Mr. Reynolds was aware of the report before it aired**, and that he informed the Commissioner and included strategic considerations for their response. The briefing note says there is “a potential CTV news report tonight, 23 of October, 2003, quoting unnamed government sources saying Mr. Arar is part of an al-Qaeda cell in Canada and was only released from Syrian custody because he agreed to inform on other members of his cell (Arar Commission Exhibit P-84, page 96).

November 2003

Mr. Arar told his story publicly for the first time. He talked about having seen Mr. Almalki at Sednaya Prison in Syria, and about how badly he had been treated. He called on the Canadian government to work harder for Mr. Almalki’s release.

December 2003

On December 11, 2003, a fourth Canadian Muslim, **Muayyed Nureddin, was detained at the Iraqi-Syrian border** on his way back to Canada after visiting family in northern Iraq. He too was taken to the **Palestine Branch** of the Syrian Military Intelligence, where he was repeatedly tortured and interrogated. Syrian interrogators asked Mr. Nureddin the same questions he had been asked by officials in Canada, and forced him to sign documents he was not permitted to read. Mr. Nureddin holds joint Iraqi/Canadian citizenship, not Syrian citizenship.

January 2004

On January 11, 2004, two years and two months after being first detained in Syria in November, 2001, Mr. El Maati was released from Egyptian detention, after Egypt's Minister of the Interior ordered his release. He was ordered to report to authorities every three or four days. He and his mother met with Canadian embassy officials and asked that they escort him home, as they had escorted Mr. Arar and Mr. Nureddin. They refused, but eventually did escort him to the airport.

Mr. Nureddin was released on January 13, 2004 after thirty-four days in detention. He was never charged.

February 2004

On February 5, 2004, the Canadian government established the Commission of Inquiry into the Actions of Canadian officials in relation to Maher Arar.

On February 17, 2004, Irene Khan, Secretary General of Amnesty International's International Secretariat wrote to Prime Minister Paul Martin to say that Amnesty International had interviewed Mr. Nureddin, and was concerned that he was tortured and that CSIS may have played a role in his case. Ms. Khan recommended that the Arar Inquiry include a second part which could examine Mr. Nureddin's case. Alex Neve, Secretary General of Amnesty International Canada wrote to Foreign Affairs Minister Bill Graham and Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Anne McLellan to recommend that the Arar Inquiry examine Mr. Nureddin's case.

March 2004

Mr. El Maati and his mother attempted to leave Egypt on March 7, 2004, but were prevented from boarding their flight. On March 29, they tried again, and successfully left Egypt for Canada, arriving home on March 30, 2004.

One year, ten months and seven days after being first detained, **Mr. Almalki was released on March 10, 2004.** Of that time, **he had been kept in the tiny, grave-like underground cell for one year, three months and twenty five days. He was never charged with any crime.**

After trying unsuccessfully to leave the country on March 7, Mr. El Maati was finally able to leave Egypt and arrived home in Canada on March 30.

April 2004

On April 30, 2004, Mr. El Maati, Mr. Almalki and Mr. Nureddin applied for standing at the Arar Commission.

May 2004

Justice O'Connor ruled against applications for standing by Mr. El Maati, Mr. Almalki and Mr. Nureddin, saying that his mandate was to investigate the role of Canadian officials with respect to Mr. Arar only.

July/August 2004

Mr. Almalki was able to leave Syria on July 28 and returned home to Canada on August 2, 2004. Although Mr. Almalki approached Canadian embassy officials for assistance, they

would not allow him to seek refuge in the embassy, or offer him help to safely get home.

November 2004

Minister McLellan responded to Amnesty International's February 19, 2004 letter on November 19, 2004, saying that the government did not intend to broaden the scope of the Arar Inquiry to examine Mr. Nureddin's case, and **saying that Mr. Nureddin could file a complaint about CSIS with the Security Intelligence Review Committee.**

On November 26, 2004, Alex Neve of **Amnesty International Canada wrote to Minister Anne McLellan urging her to set up an independent investigation** of Mr. Almalki's case to determine "the nature and extent of co-operation between Syrian and Canadian officials" while he was detained in Damascus. Mr. Neve also wrote that Amnesty International wants to make sure anything Mr. Almalki might have said under torture is not used against him or anyone else.

May 2005

On May 9, 2005, Justice O'Connor ruled in favour of the intervenors' suggestion that a fact-finder interview Mr. El Maati, Mr. Almalki and Mr. Nureddin. Justice O'Connor **limited the mandate** of the fact-finder to interview these men with respect to their mistreatment in Syria, not the complicity of Canadian officials. The goal was to enable the Commission to make a finding with respect to whether Mr. Arar was tortured, without him having to testify.

June 2005

On June 7, 2005, Alex Neve of **Amnesty International Canada wrote to Prime Minister Martin urging that he appoint an Independent Expert to carry out a detailed review of Canadian complicity in the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin.** Specifically, he asked that the expert review: whether their experiences are reflective of a pattern; what reforms should be put in place to address any such pattern; what role Canadian officials did or did not play in circumstances around the arrest, detention, interrogation and release of these individuals; what knowledge or suspicion did Canadian officials have of the likelihood these individuals were experiencing torture in detention; what action needs to be taken to ensure the discipline or prosecution of any officials who may have violated policy or contravened Canadian law; and whether any of these individuals are deserving of compensation and if so, how that should be measured and assured (http://www.amnesty.ca/resource_centre/reports/view.php?load=arcview&article=2780&c=Resource+Centre+Reports).

On June 29, 2005, Mr. El Maati, Mr. Almalki and Mr. Nureddin were granted limited standing at the Arar Inquiry, so that their counsel could address evidence for the purpose of protecting their clients' reputational interests.

August 2005

On August 9, 2005, counsel for Mr. Almalki, Mr. El Maati and Mr. Nureddin appeared at the Arar Inquiry to cross-examine Michel Cabana, the former RCMP Officer in Charge of Project A-O Canada. **Government counsel asserted national security confidentiality claims against almost all the questions asked.**

On August 27, 2005, the *Globe and Mail* published an interview by Jeff Sallot with Mr. Almalki on its front page.

This was the first interview Mr. Almalki had granted since his return to Canada. In the story, Mr. Almalki said that he wanted the truth to come out, people to be held accountable, and for this to never happen again, especially to another Canadian. A detailed chronology of his experience was released publicly (http://www.amnesty.ca/english/main_article_home/almalkichronology.pdf).

On August 29, 2005, the *Globe and Mail* published an interview by Jeff Sallot with Mr. El Maati on its front page.

This was the first interview Mr. El Maati had granted since his return to Canada. A detailed chronology of his experience was made publicly available (http://www.amnesty.ca/english/main_article_home/elmaatichronology.pdf).

On August 31, 2005, the *Globe and Mail* published a story saying that **Minister McLellan would reply soon to the letter sent by Amnesty International nine months earlier** on November 26, 2004. The article said that Minister McLellan declined an interview, and that:

*"Marc Roy, the associate director of communications for Mr. Martin, said for the second day in a row that he will not respond to questions about what due diligence the Prime Minister performed to make sure someone was getting to the bottom of the allegations of Canadian complicity in the torture of the two men or why it took two months to respond to the June 7 letter" ("Ottawa to reply 'soon' to Amnesty request," Jeff Sallot, *Globe and Mail*, August 31, 2005, Page A5).*

September 2005

On September 1, 2005, Amnesty International, the Canadian Council on American Islamic Relations and the International Civil Liberties Monitoring Group held a news conference on

Parliament Hill and **called on the government to launch an independent investigation** into Canadian complicity into the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin.

Spokesman for **Minister McLellan**, communications director Alex Swann, told Canwest News:

"In response to the kind of allegations that were made, the government has no policy of condoning torture or subcontracting torture, as was suggested today... There is no such policy. Information-sharing that the services and the government of Canada engages in with foreign states is done under strict conditions and guidelines. Those things take into account privacy rights, human rights and also how the information would be used by the end user."

Conservative **MP Peter Mackay** told Canwest News he agreed a new inquiry should be struck "as soon as possible" to review national security actions, but said it is too late to add new responsibilities to the Arar inquiry ("Human-rights groups fear information-sharing is 'sub-contracting torture' to Syrians," Tim Naumetz, Canwest News Service, September 2, 2005).

On September 6, 2005, the **Globe and Mail published a story revealing the origin of the map** about which Mr. El Maati was questioned by CSIS in Canada, and later interrogated about, under torture, in Syria and Egypt. The story by journalist Jeff Sallot revealed that the map was actually an outdated government issue visitors' guide distributed to the general public by commissionaires in government buildings.

Amnesty International Canada issued an open letter to Prime Minister Martin, renewing its earlier calls on him to take immediate steps to appoint an Independent Expert to investigate the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin
(http://www.amnesty.ca/take_action/actions/resources/almalki/tortured_citizens_6sept05.doc).

On September 7, 2005, Justice **O'Connor ruled that the chronologies** about Mr. El Maati, Mr. Almalki and Mr. Nureddin **could be filed as exhibits** and form part of the public record at the Arar Inquiry.

On September 8, 2005, an article in the *Globe and Mail* recounted the **responses by opposition parties to calls for an investigation**. NDP MP **Alexa McDonough** said that the Arar inquiry should issue its final report on the case of Mr. Arar, and then look at other cases to paint a broader picture of the

situation. Conservative Leader **Stephen Harper** said that although the full nature of what transpired is still unclear, he is "very concerned" about the allegations regarding the investigation of Mr. El Maati. He said that there was a process in place to investigate these allegations and they are obviously very, very serious...hopefully, members of Parliament, through their role and my own role in the Privy Council, will be fully briefed on what the specifics are here." Bloc Leader **Gilles Duceppe** said that parliamentarians have a duty to "get a broader view" and find out what happened, and that he wants "to see what comes out of the Arar inquiry, but we have, as elected officials, to be seized of situations like this to make sure that mistakes are not committed against the rights of citizens," ("Calls grow for torture inquiry: Opposition parties urge expanded probe after innocuous Ottawa map fuelled panic," Daniel LeBlanc, *Globe and Mail*, September 8, 2005, page A1).

On September 9, 2005, the *Globe and Mail* reported responses by Prime Minister Martin and Minister McLellan to calls for an investigation into the cases of Mr. El Maati, Mr. Almalki and Mr. Nureddin:

*"The federal government yesterday rejected calls to investigate new allegations of Ottawa complicity in the torture of two Canadian Muslim men in the Middle East. Asked if he wanted to get to the bottom of their cases, **Prime Minister Paul Martin said he is satisfied that an inquiry into an earlier torture allegation by Ottawa software engineer Maher Arar will deal with the "broader issues" that are raised in the two new cases.** He ignored a follow-up question about the two men – Toronto truck driver Ahmad El Maati and Ottawa businessman Abdullah Almalki – during a brief media scrum in Ottawa. In Calgary, Public Safety Minister Anne **McLellan said the government has no intention of expanding the mandate of the Arar inquiry to investigate the two new cases. Ms. McLellan said in a scrum that if the men had complaints against the Canadian Security Intelligence Service they can lodge those complaints with an oversight body, the Security Intelligence Review Committee**" ("Martin rules out expanded probe of Ottawa's role in torture cases," Jeff Sallot and Dawn Walton, *Globe and Mail*, September 9, 2005).*

On September 10, 2005, the eighteen organizations with Intervenor status at the Arar Inquiry made submissions recommending that **the Commission go "as far as the evidence allows with respect to determining whether what**

happened to Mr. Arar can be linked to a Canadian policy of having Canadian citizens detained, and/or interrogated on their behalf in countries known for practicing torture." The Intervenor recognized that the Commission may not have seen enough evidence to be able to make conclusive findings of fact with respect to what happened to them, or with respect to issues of accountability and redress in their cases. However, they argued, "if the Commissioner finds that a pattern exists because of others' stories that are intimately tied to Mr. Arar then the Arar Inquiry would not be complete unless the Commissioner recommends the thorough and independent assessment of those others' claims of mistreatment. "

The Intervenor also urged the Commission to recommend:

"that there be a further process of independent, impartial and expert review, through a second phase of this public inquiry, through the appointment of an independent expert, or through any other kind of effective independent process that the Commissioner feels would provide the kinds of answers and public accountability that are so necessary."

The Attorney General's Submissions on this day said:

"the Commissioner has heard extensive evidence in camera about the RCMP's knowledge of the arrests of El Maati and Almalki in Syria, and whether information was subsequently exchanged with the Syrian or Egyptian authorities concerning these two individuals" (Submissions by the Attorney General, chapter 5, paragraph 53).

The Attorney General also asserted that "because Messrs. El Maati and Almalki travelled to Syria of their own volition, their cases should not have given reason for the RCMP to anticipate Mr. Arar would be sent to Syria" (Submissions by the Attorney General, chapter 5, paragraphs 54-5).

On September 12, 2005, Minister McLellan responded to Amnesty International's November 26, 2004 letter to her, and its June 7, 2005 letter to Prime Minister Martin. She apologized for the delay in responding and said she was unable to meet at this time. Ms. McLellan wrote that the issues raised in Amnesty's letter pertain to the Arar Inquiry, and **it would be premature for her to speculate in advance of the Commission's findings.** She also wrote that the **CPC and SIRC ensure that Canada's security and intelligence agencies respect civil liberties.**

In its final oral submissions before the Arar Commission, the **Attorney General argued against the need to expand the mandate of the Commission** in order to determine findings on the issue of pattern. Counsel asserted:

"... you have heard extensive evidence about the extent to which Canadian officials knew anything about the arrest of Mr. Almalki in Syria and the arrest of Mr. El Maati in Syria. And you have also heard extensive information about whether there were exchanges of information with the Syrian authorities during the time that any of those people were detained in Syria. So in my submission, your mandate permits you to look at that. You have received extensive evidence about it and certainly sufficient evidence to make an informed decision about whether or not Mr. Arar's circumstances are part of a broader pattern" (Arar Commission transcripts, September 12, 2005, pages 11900 to 11901).

October 2005

On October 27, 2005, Justice O'Connor released the report of fact-finder, Professor Stephen J. Toope. He also wrote:

*"When I compare information available from public sources with the **cross-referenced testimony of Messrs. Almalki, El Maati, and Nureddin, I conclude that the stories they tell are credible.** I believe that **they suffered severe physical and psychological trauma while in detention in Syria.** Mr. Almalki was especially badly treated, and for an extended period. When I compare all of this information to the story told to me by Mr. Arar, I am convinced that his description of his treatment in Syria is accurate." (Toope report, page 13).*

In the report. Mr. Toope said that of all the testimony he heard, "Mr. Almalki's revealed the most intense pain and suffering" (Toope Report, page 8, http://www.ararcommission.ca/eng/ToopeReport_final.pdf).

November 2005

On November 1, 2005, the United Nations Committee on Human Rights posted its report saying that in examining Canada's compliance with the International Covenant on Civil and Political Rights, it was **noting its concern about allegations that Canada "may have cooperated with agencies known to resort to torture with the aim of extracting information from individuals detained in foreign countries."** The Committee noted the ongoing Inquiry into Mr. Arar's case, but said it "regrets however that insufficient information was provided as to whether cases of other Canadians of foreign origin detained, interrogated and allegedly

tortured are the subject of that or any other inquiry”
(Consideration of Reports Submitted by States Parties under
Article 40 of the Covenant: Concluding observations of the
Human Rights Committee, Canada, CCPR/CO/85/CAN, page 4,
paragraph 16,
[http://www.ohchr.org/english/bodies/hrc/docs/CCPR_C_CAN_C
O_5.doc](http://www.ohchr.org/english/bodies/hrc/docs/CCPR_C_CAN_C
O_5.doc)).

The Committee called on Canada:

“to ensure that a public and independent inquiry review all cases of Canadians citizens who are suspected terrorists or suspected to be in possession of information in relation to terrorism, and who have been detained in countries where it is feared that they have undergone or may undergo torture and ill-treatment. Such inquiry should determine whether Canadian officials have directly or indirectly facilitated or tolerated their arrest and imprisonment” (Ibid. page 4).

On November 2, 2005, noting what was said in the Attorney General’s oral closing submissions to the Arar Inquiry on September 12 and written submissions on September 10, 2005, the **eighteen organizations with Intervenor Status at the Arar inquiry** wrote a reply submission to the Arar Commission, **asserting that there is at least *prima facie* reason to believe there was a pattern** relating to the cases of Mr. Arar, Mr. El Maati, Mr. Almalki and Mr. Nureddin. The Intervenors pointed out that all four Canadian Muslim men, who were under investigation in Canada, ended up being detained, interrogated and tortured in the same detention centre in Syria, and all say that the information that formed the basis of their interrogations could only have originated in Canada. The Intervenors asserted that whether Mr. Nureddin was ever a suspect or person of interest to Project A-O Canada, rather than another Canadian agency, is not the issue. Nor, the Intervenors asserted, is the question of whether he, Mr. El Maati, or Mr. Almalki were travelling of their own volition before being detained.

The Intervenors cautioned that it would be “unfair, and inappropriate, for the Commission to make a conclusive finding that there is no pattern, or no Canadian complicity in these men’s cases, based on information that none of these men, Intervenors, or the public, have had a chance to see, hear, question or otherwise respond to. This is especially true in the face of the abundant evidence in the public domain, as outlined

in our final submission, that points to the existence of a pattern.”

The Intervenors pointed out that Mr. El Maati, Mr. Almalki and Mr. Nureddin were not granted full standing at this Inquiry, and as such, Commission Counsel did not have the benefit of extensive, ongoing communication with them to inform the calling and evaluation of documentary evidence, or cross examination of witnesses *in camera* or in public. Indeed, detailed chronological accounts of their stories were only introduced as exhibits to the Inquiry near the end of the public hearings, and this information could not have been used to inform, test and explore any *in camera* evidence.

The Intervenors also asserted that throughout the public hearing process, government counsel repeatedly limited the scope of questioning permitted about these cases, and about the pattern issue itself, asserting that this is not an Inquiry about Mr. El Maati, Mr. Almalki or Mr. Nureddin. When these men were finally granted standing, it was limited to protecting their reputational interests. On numerous occasions government counsel refused to let witnesses answer questions from their counsel, arguing that these questions went beyond the mandate of this Inquiry.

March 2006

On March 1, 2006, former Solicitor General Warren Allmand, former foreign affairs minister Lloyd Axworthy, former Saskatchewan premier Allan Blakeney, former NDP leader Ed Broadbent, former prime minister and external affairs minister Joe Clark, former secretary of state for external affairs Flora MacDonald, and former members of parliament Madeleine Dalphond-Guiral and Marcel Gagnon wrote an open letter to Prime Minister Harper, emphasizing how critical it is that he take action to comply with the UN’s recommendation and determine whether there was Canadian complicity in torture or unjustified detention and interrogation in these cases. They asked that a fair, independent, comprehensive and public review of the possibility of Canadian complicity in the detention, interrogation and torture of Ahmad El Maati, Abdullah Almalki, and Muayyed Nureddin be launched without further delay.