

**INTERNAL INQUIRY INTO THE ACTIONS OF
CANADIAN OFFICIALS IN RELATION TO ABDULLAH ALMALKI,
AHMAD ABOU-ELMAATI AND MUAYYED NUREDDIN**

MOTION IN SUPPORT OF PARTICIPATION

TAKE NOTICE THAT:

**AMNESTY INTERNATIONAL
CANADIAN SECTION (ENGLISH BRANCH)**

(Applicant)

HEREBY APPLIES FOR PARTICIPATION at the Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin (“Jacobucci Inquiry”), as follows:

1. **Participation** The Applicant applies for participation as an intervener to:
 - (a) make opening written and/or oral submissions;
 - (b) make other occasional written and/or oral submissions;
 - (c) observe portions of the Inquiry which are open to it; and
 - (d) make closing written and/or oral submissions.

The Applicant would participate in a manner intended to assist the Inquiry to fulfill its Terms of Reference.

2. **Funding** The Applicant does not seek funding for its participation.

INTRODUCTION

3. The Applicant claims a genuine concern in the subject matter of the Inquiry and a particular perspective or expertise that may assist the Commissioner, in accordance with Rule 7 of the Inquiry's Rules of Procedure. The Applicant has long been involved in the cases of Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin, raising their cases repeatedly with the Canadian government and in the course of its involvement in the Arar Inquiry. Moreover, the Applicant has had extensive involvement in the inquiry into the case of Maher Arar. The Applicant has also developed particular expertise on the subject matter of this Inquiry based on its long standing work in the area of human rights and security.

APPLICANT'S INTEREST IN THIS INQUIRY

4. The Applicant has raised the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin with the Canadian government and publicly, beginning in 2003, and has remained actively involved in their cases since that time.
5. In letters to the government and wider public appeals, the Applicant has repeatedly raised concerns of the possible involvement, whether direct or indirect, of Canadian government and agency officials in the detention and mistreatment of the three men in Syria and Egypt. The Applicant issued numerous public statements, letters and actions on behalf of the men beginning in 2003. The Applicant also called on the government to launch an investigation into their cases and the potential systemic failures of the government to protect its citizens from torture and mistreatment abroad.

Neve Affidavit, paras. 24-30.

6. Throughout the Arar Inquiry, the Applicant highlighted testimony which revealed possible Canadian involvement, whether direct or indirect, in the detention and alleged torture of the three men in Syria and Egypt. The Applicant specifically called on Justice O'Connor to highlight concerns he might have had about the broader pattern reflected in the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin.

Neve Affidavit, paras. 31-32.

7. The Applicant has continued to raise the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin since the completion of the Arar Inquiry as well.

Neve Affidavit, para. 24.

8. The questions of this Inquiry go to the heart of fundamental precepts such as the rule of law and respect for basic human rights. The Applicant has repeatedly

stressed in its work that the actions taken by governments to prevent and respond to terrorism must confirm with fundamental human rights protections. The Applicant's interest in this Inquiry is rooted in its concern that undermining human rights inevitably leads to injustice and insecurity.

9. The Applicant has reported and advocated frequently with respect to the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin, and has a long history of documenting serious human rights violations associated with governments' national security laws, policies and practices. The Applicant has actively reported and campaigned about a range of other domestic national security concerns, including immigration security certificates, laws allowing deportations of individuals at risk of torture, provisions in Canada's *Anti-Terrorism Act*, and concerns about the possible use of Canadian airspace and airstrips by planes that may have been used in acts of extraordinary rendition. The Applicant has also made submissions before the Arar Inquiry on the very issues touching these three cases.
10. As a result of its longstanding and ongoing work on the issue of human rights and security, the Applicant has developed a unique expertise on how international human rights standards impact on security-related matters. Moreover, through its work on the Arar Inquiry, the Applicant has also developed particular expertise on the issues of consular access, information sharing, the Canadian government's response to security-related issues and its human rights responsibilities both domestically and abroad.
11. The Applicant's extensive involvement and knowledge of the circumstances of the cases of Mr. Almalki, Mr. Abou-Elmaati, and Mr. Nureddin will be of benefit to the Commissioner. The Applicant brings to the Inquiry a perspective that is grounded in an international human rights framework and is well informed by comprehensive research and reporting on the issue of "human rights and security" worldwide.

NATURE OF PARTICIPATION

Opening Statement

12. The Applicant requests an opportunity to make written and oral opening submissions.

Leave to Observe Proceedings

13. The Applicant does not seek a right to present evidence, examine or cross-examine any witnesses. The Applicant does seek the right to observe any proceedings open to it and to make further submissions on occasion.

Leave to Apply to Make Submissions on Procedure and Methods

14. The Applicant seeks permission to make oral and written submissions on procedure and methods to be adopted by the Inquiry, at the procedures hearing on 17 April 2007.

Leave to Make Final Submissions

15. The Applicant seeks permission to make oral and written submissions at the close of the Inquiry.

Leave to Make Oral Submissions at Participation Hearing

16. The Applicant seeks permission to make oral submissions in support of this application at a participation hearing on 21 March 2007, or at the discretion of the Commissioner at any other date.

CONCLUSION

17. The Applicant can be contacted through Alex Neve, directly by email at aneve@amnesty.ca, or through Mr. Neve's Executive Assistant, Bonnie Harnden, at 613 744 7667, ext 263.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Ottawa, 14 March 2007

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Secretary-General

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