

**Commission of Inquiry into the Actions of Canadian Officials in Relation to  
Abdullah Almalki, Ahmad Abou-El Maati and Muayyed Nureddin**

**Submissions of Amnesty International Canada  
in support of application for participation**

**March 21, 2007**

Since the September 11<sup>th</sup> terrorist attacks, Amnesty International, in Canada and around the world has consistently spoken out about and condemned acts of terrorism. Terrorism does, after all, strike at the very heart of many important human rights, including arguable the most precious right of all, the right to life.

We have also though urged governments to ensure that their approach to countering terrorism is wholly consistent with international human rights legal standards. Sadly, in a multitude of different ways, right around the world, governments have adopted new laws, pursued policies, and put practices in place which violate and undermine a host of fundamental human rights protections – including the protection against torture, guarantees against discrimination, and crucial safeguards regarding arrest, detention and fair trial – all in the name of security. Through Amnesty International’s research, reporting and campaigning, we have documented and taken action in the face of these mounting concerns. We have highlighted that security policies that are not firmly anchored in respect for human rights are not only unjust but, ultimately also insecure. Both security and justice equally and indivisibly demand and require an approach that puts human rights at the very centre of counter-terrorism.

That is the concern and the perspective that lies behind Amnesty International’s application to participate in this Commission of Inquiry as an intervenor. Over the past 5 ½ years we have, through our research, our reports, our work with government officials and our public campaigning, devoted considerable time and expertise towards the goal of ensuring that Canada’s approach to counter-terrorism – at home and abroad – is consistent with our international human rights obligations. It is our hope, in fact, that Canada’s approach could ultimately stand as a model for the world.

Central to our work has been the, sadly growing, number of cases of Canadian citizens, detained and tortured abroad, beginning in the fall of 2001 and continuing through to the end of 2003, all individuals who were of some degree of interest in the course of Canadian national security investigations; all individuals whose cases raised worrying, alarming questions about what role Canadian officials may have played in the human rights violations that befell them.

Maher Arar returned to Canada in the fall of 2003. Amnesty International spent hours interviewing him and detailing what had happened to him. When he went public with his story, we joined his call for a public inquiry.

Muayyed Nureddin returned to Canada in January 2004. Amnesty International spent hours interviewing him and detailing what had happened to him. When he went public with his story, we joined his call for a public inquiry.

Ahmed Abou El Maati returned to Canada in March 2004. Amnesty International spent hours interviewing him and detailing what had happened to him. When he went public with his story, we joined his call for a public inquiry.

Abdullah Almalki returned to Canada in August 2004. Amnesty International spent hours interviewing him and detailing what had happened to him. When he went public with his story, we joined his call for a public inquiry.

Each of these cases was disturbing in its own right. Torture, arbitrary arrest, detention without charge or trial, extraordinary rendition, denial of consular rights, and numerous other concerns.

What became clear though as we gathered the details of each of these cases and began to fit them together, was that there was potentially something even more disturbing at stake, the possibility that these cases were reflective of some sort of policy or practice within Canadian security and law enforcement agencies. A policy to encourage, facilitate, tolerate or at the very least turn a blind eye to having foreign governments deal with Canadian citizens, of interest in domestic national security investigations, in ways that blatantly and dramatically violated a whole range of their most basic human rights. We began to ask whether these cases represented a Canadian version of the notorious practice of extraordinary rendition.

That is why we consistently, along with other concerned organizations and individual Canadians, insisted that the inquiry into these concerns could not end with the inquiry into Maher Arar's case. In submissions to the Arar Inquiry, before parliamentary committees, and UN human rights bodies, in numerous public reports, press releases and media interviews, and in meetings with government officials we urged that a comprehensive inquiry was needed to consider the possibility of a pattern, policy or practice that went beyond what happened to Mr. Arar.

And we of course welcomed the government's decision in December to do just that and are delighted that the inquiry has opened today.

Having devoted such a degree of research and action to these cases and to the campaign to establish this inquiry, we of course have a strong interest and desire to be a formal party to the process with intervenor status.

I realize, of course, that our interest and desire, will not, however, necessarily make it be so. Allow me, therefore, to first briefly summarize our principal arguments in support of our request for intervenor status; and then, secondly, highlight our vision of how we would carry out that role if it is indeed granted.

There are 9 principal reasons why we believe that we should be granted intervenor status:

1. We have extensive, well-established knowledge of these three cases as well as Mr. Arar's case.
2. We were an active and engaged intervening party in the Arar Inquiry, and would bring a degree of continuity, perspective and efficiency to the present Commission of Inquiry.
3. We have, over the past 3 ½ years, devoted considerable research and analysis to examining the connections among these cases, and would continue to do so throughout the course of this inquiry.
4. Our focus to date has very much been on highlighting the human rights implications of these cases, and we would be in a strong position to build on that and continue to offer that perspective throughout our involvement in the present inquiry.
5. We have an acknowledged depth of knowledge and expertise, both nationally and internationally, with respect to the inter-play between human rights protection and counter-terrorism.
6. We also have extensive human rights research expertise regarding both Syria and Egypt, countries whose human rights records and practices will obviously come under examination in the course of this inquiry.
7. We have well-established and productive working relationships with the three men who are the subject of this inquiry, their legal teams, and the other organizations who have applied to intervene in this inquiry.
8. The fact that we have a strong national and international focus to our work means that we will have a relevant and well-informed domestic perspective but will also be able to do so within a global framework that considers the wider implications of Canada's laws and practices.
9. Lastly, a point of considerable significance. Commissioner, your work is of great concern to Canadians. In the wake of the Arar case, Canadians want and need to be reassured that our nation's approach to counter-terrorism does not and will not erode respect for fundamental human rights. Canadians are also troubled by the shrouds of secrecy that surround these issues and the various inquiries and court cases that have been convened in recent years. Ensuring that a range of organizations are granted intervenor status, and thus able to a degree to represent this broad public interest in the course of the inquiry is, in our view, of critical importance in bolstering public confidence in the inquiry and, more broadly, in Canada's security laws and practices.

If granted status, let me highlight some fundamentals as to how we would approach that role:

1. We would, at all times, ensure that our contributions and involvement is both effective and efficient, highlighting key issues and avoiding duplication and repetition.
2. We would, to the maximum extent possible, work jointly and collaboratively with other organizations granted intervenor status. In that respect we strongly support the application made by the BC CLA for funding to help support coordination among intervening organizations. It is a model that was applied by Justice O'Connor at the Arar Inquiry and is one that we, other organizations, other parties and, I believe, Justice O'Connor and his counsel all found to be tremendously beneficial.
3. It is very much our belief that this inquiry should, to the maximum extent possible, be open and accessible to the public, and if we have the opportunity it will be our intention to make submissions to you about the importance, in fact necessity of such an approach. We will, however, certainly respect and participate in keeping with the rules and rulings you establish regarding the division between internal and public dimensions of the process. It would be our intention to participate in the inquiry to the maximum extent open to us.

Commissioner, Amnesty International was a strong and outspoken proponent of the importance of this inquiry being established. We believe that the work you do will play a vital role in understanding the human rights failings, but also in strengthening the protection of human rights in Canada's approach to counter-terrorism. We did, in our view, play a constructive and responsible role in the precursor Arar Inquiry. It is our hope and respectful request that you grant us status to intervene in the present inquiry so that we can continue in that vein.