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Our File No.: 2257-7341

December 11, 2007

John Laskin
Commission Counsel
Internal Inquiry into the Actions of Canadian Officials in Relation to
Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin
P.O. Box 1208, Station B
Ottawa, ON K1P 5R3

Dear Mr. Laskin:

Re: Withdrawal of British Columbia Civil Liberties Association

The purpose of this letter is to inform the Commission that the British Columbia Civil Liberties Association is withdrawing as an intervenor to the Inquiry. On behalf of the organization, I would like to explain the reasons for this decision.

From the beginning, the BCCLA has been very concerned about the excessively secret nature of the Inquiry. As Canada's oldest civil liberties organization, the BCCLA has participated in scores of inquiries and commissions. Many of these involved very confidential and sensitive information, including information related to national security. Some examples are the APEC Inquiry and the McDonald Commission, which led to the creation of the Canadian Security Intelligence Service. Yet in every case, different protocols and means were developed to ensure that the process was conducted in public as much as possible, with the disclosure of as much information as possible.

The present Inquiry represents a significant departure from the principles that underly the very purpose of such inquiries: open and transparent inquiry into matters of public concern, in a manner which assures the public that the issues are being thoroughly investigated and addressed. Public inquiries into the functioning of public institutions or the actions of government officials are particularly significant in a democratic society. They provide a means by which the public can hear, discuss, and form opinions on matters of significant public concern. Like court proceedings, the final outcome of a public inquiry is not in any way determinative of

public opinion on a particular issue or subject, and for this reason citizens must be allowed to follow and engage the process as much as reasonably possible.

National security, we have been told, requires government agencies to surreptitiously follow citizens and covertly intrude into their private lives, without any reasonable suspicion that a crime has been committed. It must be recognized that these kinds of state practices are generally antithetical to a free and democratic society and are readily susceptible to the most serious violations of civil liberties and human rights. To be consistent with our values of individual freedom and autonomy, claims that practices are necessitated by national security should be diligently and periodically reviewed by responsible bodies with scepticism and vigilance.

The present Commission is concerned with the actions of Canadian government officials that were not only conducted in secret, but which led to Canadian citizens being tortured. This is the gravest abuse imaginable of the trust placed in Canadian officials who act in the name of national security. Government agencies should never be allowed to use "national security" as an excuse to transcend the bounds of law and our most treasured democratic values.

It is recognized that the federal government has imposed restrictive conditions on the present Commission of Inquiry, and mandated that much of its work be carried out in private. In other words, the government receives the benefit of the credibility of a full inquiry, without the range of public scrutiny and criticism that normally and properly attends such a process. While this restrictive mandate was unfortunate, Commissioner Iacobucci was nevertheless given the power to hold hearings in public if necessary to ensure the effective conduct of the inquiry.

The BCCLA and all of the other intervenors have repeatedly urged Commissioner Iacobucci to interpret this power to hold public hearings as broadly as possible. The BCCLA has argued that international human rights principles, Canadian legal standards, basic dictates of fairness and a context of shaken public confidence in Canada's security agencies all required a greater degree of public disclosure.

On November 6, 2007, Commissioner Iacobucci released a ruling in which he refused to add a meaningful public dimension to work of the inquiry. From further communications with the Commission, it is now clear that the Iacobucci Inquiry – as a process – is something that the BCCLA can no longer endorse by its participation. As an experienced advocate for civil liberties and public accountability, the BCCLA is deeply worried that this Commission will establish a dangerous precedent for closed-door, secret inquiries. Indeed, if the potential complicity of Canadian officials in torture does not justify a public inquiry, then few issues will ever qualify.

To conclude, the BCCLA condemns the deplorable actions of Canadian officials which led to the torture of three Canadians and calls for accountability. Government authorities entrusted with Canada's national security must explain how this happened, and public institutions need to take steps to ensure it never happens again. The BCCLA remains committed and engaged with this vital issue, and will continue to speak, write and advocate in other forums.

Thank you for bringing this letter to the attention of Commissioner Iacobucci.

Yours truly,



Paul Champ

c: Jason Gratl, British Columbia Civil Liberties Association
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