

NEWS RELEASE

British Columbia Civil Liberties Association
For Immediate Release

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Civil Rights Group Withdraws from Inquiry due to Concerns Over Secrecy of the Proceedings

Ottawa and Vancouver – The B.C. Civil Liberties Association (BCCLA) has informed Commissioner Frank Iacobucci that it will immediately withdraw from the Iacobucci Inquiry due to concerns over the secret nature of the proceedings.

The Iacobucci Inquiry is examining the role of Canadian officials in the cases of Ahmad El Maati, Abdullah Almalki, and Muayyed Nureddin, men who, like Maher Arar, were of interest to Canadian investigations before being detained and tortured overseas.

From its inception, the Inquiry has been hamstrung by a restrictive mandate. Under the terms of reference ordered by Prime Minister Harper, Commissioner Iacobucci's inquiry was supposed to be an "internal" inquiry and the former Supreme Court justice was to take "all steps necessary to ensure that the inquiry is conducted in private."

Nevertheless, there are clear provisions in the terms of reference that allow for a public component to ensure the effective conduct of the inquiry. Iacobucci, however, has refused to add a public dimension to the commission's work.

Jason Gratl, president of the BCCLA: "By remaining an intervenor in the Inquiry, the BCCLA contributes to establishing a dangerous precedent for secret, closed-door inquiries. We will not allow our organization to be window dressing for a process that we think is fundamentally at odds with the truth-seeking function of public inquiries."

The inquiry has been entirely lacking in transparency. No documents or even parts of documents have been disclosed to the three men, their counsel, intervenors or the public. Nor have they received any summary, detail or abbreviated, of the information that has been gathered through interviews with RCMP, CSIS, and Foreign Affairs officials. The secretive and restrictive process raised the troubling concern that the process may be shielding public agencies and officials from accountability.

In October, the BCCLA, the other intervenors, and Messrs. El Maati, Almalki and Nureddin, filed an application with the Iacobucci Commission to pry open the inquiry. The BCCLA sought the names of all witnesses interviewed, release of thousands of documents, and public hearings on issues that do not involve national security. The BCCLA 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, Iacobucci released a ruling in which he refused to add a meaningful public dimension to work of the inquiry.

The BCCLA is the oldest and most active civil liberties organization in Canada and it has frequently participated in inquiries and commissions. This is the first instance where the BCCLA has been sufficiently troubled by the conduct of a proceeding to withdraw from the process. The BCCLA's letter of withdrawal can be found at: <http://www.bccla.org/othercontent/iacobucci.pdf>

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