Date: 20061222

Docket: DES-1-04

Citation: 2006 FC 1552

BETWEEN:

THE OTTAWA CITIZEN GROUP INC.
and KATE JAIMET
and
CANADIAN BROADCASTING CORPORATION

Applicants

and

THE ATTORNEY GENERAL OF CANADA and
THE ATTORNEY GENERAL OF ONTARIO
and
ABDULLAH ALMALKI

Respondents

REASONS FOR ORDER

LUTFY C.J.

[1] The background to this application under section 38 of the *Canada Evidence Act* is set out in reasons for order, issued on July 30, 2004, adjourning this proceeding *sine die*: *Ottawa Citizen Group Inc. v. Canada (Attorney General)*, 2004 FC 1052. The adjournment was to continue pending the outcome of an application to terminate or vary a sealing order under section 487.3 of the *Criminal Code*. The proceeding before the courts of Ontario was between the same parties and concerning the same information as in this application.

[2] The relevant portions of the reasons for order explaining the adjournment include the following:

> 1. In November 2003, The Ottawa Citizen Group Inc., one of its journalists Ms. Kate Jaimet and the Canadian Broadcasting Corporation ("the applicants") filed an application before the Honourable Célynne Dorval of the Ontario Court of Justice to terminate or vary her sealing order of January 21, 2002 in respect of the documents concerning seven search warrants ("the documents in issue"). The sealing order and the application to terminate or vary its terms were made pursuant to section 487.3 of the Criminal Code, R.S.C. 1985, c. C-46. …
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> 2. Later in November, counsel for the Attorney General of Canada was notified that the documents in issue contained "potentially injurious information" or "sensitive information" ("secret information") as defined in section 38 of the Canada Evidence Act, R.S.C. 1985, c. C-5. Secret information, in general terms, is information relating to international relations, national defence or national security. …
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> 3. In January 2004, while the section 487.3 application was still under consideration by the Ontario Court of Justice, this section 38 proceeding was initiated by the applicants for an order authorizing the disclosure of the documents in issue. …
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> …
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> 5. The hearing commenced on June 10, 2004. After further considering the documents in issue and the parties' memoranda of fact and law, the Court questioned the advisability of continuing the section 38 hearing with the parallel proceeding in the Ontario Court of Justice not yet concluded. …
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> 6. In my view, the application before the Federal Court was launched prematurely. Judicial economy and the scheme envisaged in section 38 support the view that the Criminal Code proceeding should be completed before further pursuing this application. Accordingly, an order will issue adjourning the hearing of this application *sine die* for the reasons that follow.
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> …
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> 15. In each forum, the judge will be asked to assess whether disclosure of the same documents in issue, referred to as the sealed documents in the Ontario Court

> of Justice and the secret information in this Court, would compromise or cause injury to the very same investigation.
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> …
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> 18. To repeat, the Ontario Court of Justice has all the information with no deletions. When counsel first raised the spectre of section 38, Justice Dorval was not informed specifically that the national security ground relied upon for the non-disclosure of all the secret information was the risk to one or more ongoing investigations. This was unfortunate. Also, she was not advised that a second national security ground is raised for only some of the secret information, an aspect disclosed to the applicants in this proceeding. The invocation of section 38 may have unduly sidetracked the section 487.3 hearing.
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> …
>
> 22. If Justice Dorval decides to vary further her sealing order and the Attorney General of Canada continues to object to making public the information about to be disclosed, the parties would then return to the Federal Court for the completion of this hearing.
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> 23. Consideration of section 38 will be timely when the determination under section 487.3 has been completed. The reasons for decision would indicate which portions, if any, of the documents in issue the judge of the Ontario Court of Justice was prepared to have disclosed. The parties could then consider their positions and, if necessary, pursue their rights under section 38 before the information was made public.
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> [Emphasis added.]

[3] There was no appeal from this decision and the matter was returned to the Ontario Court of Justice to enable Justice Dorval to complete the adjudication of the application to terminate or vary the terms of her sealing order under section 487.3 of the *Criminal Code*.

[4] On December 17, 2004, Justice Dorval in part varied her sealing order. With her decision, she issued her redacted version of the seven search warrants and related material (the documents in issue).

[5] The principal documents in issue, apart from the search warrants, are the ninety-eight page affidavit or the information to obtain the search warrant (ITO or appendix D) filed by Sergeant Randal Walsh of the Royal Canadian Mountain Police, including a forty-four page annex to his ITO (appendix D-1).

[6] The Attorney General of Canada continued to object to the disclosure of some of the information ordered unsealed by Justice Dorval.

[7] On April 29, 2005, the Attorney General of Canada forwarded to the Federal Court his own redacted version of the documents in issue. This made clear to the Court and the applicants those portions of the documents in issue concerning which the Attorney General of Canada continued to assert a privilege under section 38 in this proceeding (the information in issue), despite Justice Dorval's decision to release the information. The Attorney General of Canada's ongoing objection reactivated this section 38 proceeding, the possibility envisaged in paragraph 22 of my reasons for order of July 30, 2004, above at paragraph 2.

[8] In June and July 2005, several hearings of various duration took place over some nine days in the absence of the applicants. During these hearings, witnesses for the Attorney General of Canada were examined concerning their affidavit evidence to support the non-disclosure of the information in issue for reasons of national security and international relations.

[9] The delay in both authorizing the disclosure of some information and completing this proceeding occurred during the course of resolving three issues: (i) the disclosure of the names

of the persons who were the subjects of the search warrants; (ii) the application of the third party rule; and (iii) the delay orders issued by the Ontario Superior Court of Justice.

(i) The delay concerning the identity of the search warrant subjects

[10] The names of the targets of the seven search warrants were an important part of the information in issue.

[11] On June 3, 2005, as part of the proceeding under section 487.3 of the *Criminal Code*, the Ontario Court of Appeal ordered that the names of the subjects of the search warrants be made available to the applicants and other media, subject to a prohibition against the publication of any information that might identify these subjects: *Ottawa Citizen Group Inc. v. R.*, [2005] O.J. No. 2209.

[12] On June 9, 2005, the Ontario Court of Appeal issued an addendum to its reasons of June 3 to clarify that its order applied to the names of *all* the subjects of the search warrants redacted by Justice Dorval on December 22, 2003 and February 9, 2004: *Ottawa Citizen Group Inc. v. R.*, [2005] O.J. No. 2298.

[13] On June 24, 2005, after receiving submissions concerning the Ontario Court of Appeal decisions, Justice Dorval delivered oral reasons and concluded:

> Although the court did not deal with my reasons of January 4th, 2005, I must conclude that the intent of the order remains to release the names of the subject of the search warrants and ban publication of those names or any information which

> may tend to identify them. I therefore do so, subject to the s. 38 application before the Federal Court.

Justice Dorval's reasons of January 4, 2005 are a *corrigendum* of her decision first issued on December 17, 2004, above at paragraph 4. Those reasons were not the subject of the Ontario Court of Appeal decisions of June 3 and 9, 2005.

[14] During the hearings of July 2005, this Court received *ex parte* evidence from witnesses for the Attorney General of Canada as to whether the disclosure of the names would be injurious to Canada's international relations or national security. From July 12 through 14, 2005, three affiants testified on this issue. It became apparent to the Court that one government institution no longer objected to the disclosure of the names and that at least one other government institution continued to object.

[15] On July 14, 2005, at a session involving all counsel, I expressed my preference for Justice Dorval to indicate specifically which names she intended to have disclosed. The designation of other entities and addresses in the search warrants required, in my view, this greater clarity. To this end, with the cooperation of counsel, this Court issued the following direction on July 14, 2005:

> This Court has been requested by the applicants, pursuant to ss. 38.04 and 38.06 of the *Canada Evidence Act*, to authorize the disclosure of the information which Justice Dorval was prepared to unseal in her decision of June 24, 2005 ("the information").
>
> The Court is adjourning this issue *sine die* to await a decision from Judge Dorval on whether she would unseal the names of persons in these six search warrants in light of the Ontario Court of Appeal's decision dated June 3rd, 2005, and the Court of Appeal's Addendum issued June 9th, 2005.

[16] Later on July 14, 2005, after the direction was issued, the transcript of Justice Dorval's oral reasons for order of June 24, 2005 were delivered to the Federal Court.

[17] By late November 2005, the Court had yet to hear from counsel concerning its direction of July 14, 2005.

[18] On December 6, 2005, during a conference call to determine the reason for the delay, counsel advised that the documents in issue had been misplaced within the administrative system of the Ontario courts. Justice Dorval's work was carried out in Ottawa. The Ontario Court of Appeal sat in Toronto. The documents in issue were no longer available to Justice Dorval for her to make clear precisely which names on the search warrants should be disclosed.

[19] Counsel subsequently made available to Justice Dorval duplicate documentation to enable her to indicate which specific names were to be disclosed.

[20] On January 23, 2006, Justice Dorval provided to counsel for the Attorney General of Canada edited materials which made clear which names were to be disclosed.

[21] In early May 2006, counsel realized that the Federal Court had not been apprised of this development. Also, counsel for the applicants assumed that the Attorney General of Canada had forwarded to the Federal Court his position concerning the disclosure of the names when in fact this had not been done.

[22] On May 11, 2006, it became apparent to all concerned that the Attorney General of Canada no longer objected to the disclosure of the names of the subjects of the search warrants.

[23] By July 10, 2006, after several exchanges among counsel and the Court, all parties were satisfied that the names of the subjects of the search warrants were delivered to the applicants as ordered disclosed by Justice Dorval in a form which was unequivocally clear to all concerned. Had it not been for these inadvertent delays, the names could have been released within a reasonable time after July 2005 by court order or otherwise.

(ii) The delay concerning the third party rule

[24] During the hearings of June and July 2005, the Attorney General of Canada highlighted those portions of the information in issue with respect to which he was still objecting to disclosure on the grounds of injury to international relations and national security, more specifically because of the third party rule.

[25] The third party rule, in the context of this case, concerns the exchange of information among security intelligence services and other related agencies. Put simply, the receiving agency is neither to attribute the source of the information or disclose its contents without the permission of the originating agency.

[26] In June 2005, counsel for the Attorney General of Canada undertook to make inquiries as to whether a waiver of the third party rule could be obtained from the relevant foreign

intelligence agencies. These inquiries were made shortly after this undertaking. The replies from the foreign agencies were not as timely.

[27] By January 30, 2006, the relevant government institution had available to it information that there would be no waiver of the third party rule by the foreign agency or agencies. Again, through inadvertence, it was not until May 2006 that the refusal by foreign agencies to waive the third party rule was communicated to the Federal Court.

[28] In June and July 2006, some five hearings were conducted in the absence of the applicants and their counsel, principally to receive evidence and submissions on behalf of the Attorney General of Canada concerning the information in issue directly related to the refusal to waive the third party rule.

[29] During nine conference calls since May 23, 2006, counsel for all parties were apprised of developments. During the conference call of July 21, 2006, the Court indicated that the Attorney General of Canada might authorize further disclosures pursuant to section 38.03 and that further *ex parte* representations might be expected concerning the application of the third party rule in September 2006.

[30] On October 23, 2006, the Attorney General of Canada disclosed to the applicants all of paragraph 10.01 at pages 28, 29 and 30 of Appendix D-1, except for eight words. The words which have not been disclosed concern the identity of the originating source of the information

and when it was received. Keeping in mind the balancing test required in subsection 38.06(2), I am satisfied that the public interest in non-disclosure prevails on the basis of the third party rule.

[31] Other third party rule issues that remain to be adjudicated are discussed at paragraph 59 and following of these reasons.

(iii) The delay orders issued by the Ontario Superior Court of Justice

[32] In an order issued on November 29, 2006, this Court authorized the disclosure of information in a number of specified paragraphs in Appendix "D". That information has now been disclosed to the applicants. These are my reasons for having authorized the disclosure of the information in question.

[33] Prior to the issuance of Justice Dorval's orders in January 2002, the Honourable B. Durno of the Ontario Superior Court of Justice authorized the interception of private communications, pursuant to Part VI of the *Criminal Code* and issued a general warrant to enter premises covertly, pursuant to section 487.01 of the *Criminal Code* (the Durno orders).

[34] From time to time, delay orders were authorized by Justice Durno extending the time for notifying the persons concerned of the electronic surveillance and the covert entries (the delay orders). These delay orders were extended until October 10, 2006 when they were not renewed.

[35] Earlier disclosure of the information related to the Durno orders would have been inconsistent with the rationale for the delay orders. Of equal importance, an informed reader would have linked the disclosed information with other investigative measures authorized by the Durno orders.

[36] When Justice Dorval issued the search warrants in January 2002, she knew of the original Durno orders but in all likelihood could not have been aware of the delay orders. In view of Justice Dorval's conclusion that much of the information in Appendix "D" could not be disclosed because of the ongoing investigation and in view of the delay orders, I was satisfied that the information in issue should not have been disclosed until the delay orders expired or were otherwise modified by a judge or court with jurisdiction under the *Criminal Code*.

[37] Subsequent to October 10, 2006, I was of the view that the disclosure of the information related to the Durno orders would no longer be injurious to international relations or national security and that, in any event, the public interest in the openness of court proceedings outweighed the importance of the public interest in non-disclosure. On November 20, 2006, during a conference call among all parties, counsel for the Attorney General of Canada advised that a substantial portion of the information related to the Durno orders was not likely to be disclosed pursuant to subsection 38.03. This position differed from my view.

[38] After verification during a short *ex parte* exchange with government counsel, the order of November 29, 2006 was issued authorizing disclosure of the information.

Guiding principles

[39] This is a case of two competing public interests.

[40] The applicants assert the principle of the openness of court proceedings, one which is inextricably linked to the fundamental freedom of expression guaranteed by subsection 2(b) of the *Canadian Charter of Rights and Freedoms*: *Vancouver Sun (Re)*, 2004 SCC 43 and *Toronto Star Newspapers Ltd. v. Ontario*, 2005 SCC 41.

[41] The Attorney General of Canada advances the state's interest in protecting Canada's national security and international relations.

[42] As early as fifteen years ago, Justice George Addy, acting as a judge designated to hear national security matters, grappled with these competing interests in *Henrie v. Canada (Security Intelligence Review Committee)*, [1989] 2 F.C. 229, [1988] F.C.J. No. 965. In his analysis assessing the extent of any injury to national security as the result of the disclosure of sensitive information, Justice Addy differentiated between national security and criminal law investigations (at paragraphs 26 and 28):

> … one must bear in mind that the fundamental purpose of and indeed the raison d'être of a national security intelligence investigation is quite different and distinct from one pertaining to criminal law enforcement, where there generally exists a completed offence providing a framework within the perimeters of which investigations must take place and can readily be confined.
>
> …

> Criminal investigations are generally carried out on a comparatively short-term basis while security investigations are carried on systematically over a period of years, as long as there is a reasonable suspicion of the existence of activities which would constitute a threat to the security of the nation.

[43] Justice Addy was sensitive to the principle of "complete openness of the judicial process" even prior to the important decisions of the Supreme Court of Canada in *Dagenais v. Canadian Broadcasting Corp.*, [1994] 3 S.C.R. 835 and *R. v. Mentuck* [2001] 3 S.C.R. 442, 2001 SCC 766. He was also conscious of the balancing required between the competing interests of public access to the courts and the secrecy that might be required to protect national security (*Henrie* at paragraph 18):

> … Public interest in the administration of justice requires complete openness of the judicial process. … That cardinal rule … is fundamental to the public interest in the preservation of our free and democratic society. There are, however, very limited and well defined occasions where that principle of complete openness must play a secondary role and where, with regard to the admission of evidence, the public interest in not disclosing the evidence may outweigh the public interest in disclosure. This frequently occurs where national security is involved. …

[44] In 2004, in the context of a criminal investigation concerning terrorism, the Supreme Court of Canada in *Vancouver Sun (Re)* highlighted the principle of openness in court proceedings (at paragraph 26):

> The open court principle is inextricably linked to the freedom of expression protected by s. 2(*b*) of the *Charter* and advances the core values therein: … The freedom of the press to report on judicial proceedings is a core value. Equally, the right of the public to receive information is also protected by the constitutional guarantee of freedom of expression: … The press plays a vital role in being the conduit through which the public receives that information regarding the operation of public institutions: … Consequently, the open court principle, to put it mildly, is not to be lightly interfered with.
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> [Citations omitted]

[45] One year later, in *Toronto Star Newspapers Ltd.*, the Supreme Court of Canada considered sealing orders concerning search warrants in a criminal investigation with no national security implications. Justice Morris Fish once again reiterated the importance of the open court principle (at paragraph 7):

> … In my view, the *Dagenais/Mentuck* test applies to *all* discretionary court orders that limit freedom of expression and freedom of the press in relation to legal proceedings. Any other conclusion appears to me inconsistent with an unbroken line of authority in this Court over the past two decades. And it would tend to undermine the open court principle inextricably incorporated into the core values of s. 2(*b*) of the *Charter*.

[46] In this proceeding, I have also been guided by the decisions of Justice Dorval. On December 17, 2004, she concluded that the investigation, which led the Royal Canadian Mounted Police to seek the search warrants in January 2002, was still ongoing. She accepted that the sealing order was required with respect to some material in order to protect the nature and extent of the ongoing investigation. Nevertheless, she found that a portion of the documents in issue should be made public.

[47] I have also kept in mind the public process before Justice Dorval. It was one which did not allow for the presentation of the evidence this Court received in *ex parte* sessions. Also, the representations before Justice Dorval were generic and without reference to any of the particular passages in Appendix D. It was only after Justice Dorval determined which information she would unseal that the Attorney General of Canada could address in a specific way the national security issues which were of concern.

[48] As noted earlier, this proceeding was reactivated in late April 2005 when the Attorney General of Canada continued to object to the disclosure of information which Justice Dorval had ordered to be unsealed.

[49] The position of the Attorney General of Canada has evolved during the ensuing period. The affiants proffered by the Attorney General were examined by his counsel and the Court in the absence of the applicants and their counsel. Many exhibits were filed by the Court in testing the assertions made on behalf of the Attorney General of Canada. During this process, the Attorney General has, from time to time, authorized further disclosures of some of the information in issue pursuant to section 38.03. Consequently, there now exists a relatively small number of issues to be adjudicated by the Court.

[50] The Attorney General of Canada continues to assert his objection to the disclosure of the information still in issue for one of two grounds. In his view, the disclosure of the information would breach either the informer privilege, including the concern not to reveal the identity of persons of interest, or the third party rule. On the records filed with the Court, this information still in issue has been grey-marked (the grey-marked information).

The informer privilege

[51] The importance of the informer privilege was emphasized by the Supreme Court of Canada in *R. v. Leipert*, [1997] 1 S.C.R. 281 at paragraph 9: "an ancient and hallowed protection which plays a vital role in law enforcement".

[52] The privilege belongs to the Crown and to the informant, even the anonymous informant. Courts must take great care not to unwittingly deprive informers of the privilege. In the case of an anonymous informant, none of the information should be disclosed, subject only to "the innocence at stake" exception. See: *Leipert* at paragraphs 15, 16 and 32. The decision of the Supreme Court of Canada in *Leipert* makes no explicit reference to the balancing test envisaged in the *Canada Evidence Act*.

[53] In the two instances in this case where the Attorney General of Canada objects to the disclosure of information concerning anonymous informants, I have taken into account the requirements of subsection 38.06(2).

(a) Paragraphs 28 and 28.A of the Information to Obtain

[54] The Attorney General urges that the grey-marked information be redacted to prevent the person whose name and address are indicated in the fourth line of paragraph 28 from identifying himself and, in turn, enabling that person to identify the anonymous caller. Justice Dorval protected the identity of the person elsewhere. The individual continues to be a person of interest in the ongoing Project A-O Canada investigation.

[55] On the basis of the other redactions made by Justice Dorval in paragraphs 28 and 28.A, I am satisfied that she would have also redacted the grey-markings had she had the benefit of the evidence received in this section 38 proceeding.

[56] I have considered the disclosure of a summary or of a portion of the grey-marked information. Such an exercise cannot be done without risking the person of interest being able to identify himself from the information in issue. This is particularly so because of the information in paragraphs 28 and 28.A previously made public. In the circumstances, the interests of national security outweigh the competing public interest. No further disclosures will be authorized concerning these paragraphs.

(b) Paragraphs 73 and 73.A of the Information to Obtain

[57] In considering paragraphs 73 and 73.A, I have kept in mind Justice Dorval's decision not to disclose the name and place of location of the individual about whom the anonymous source was sharing information through the National Hotline of the Royal Canadian Mounted Police.

[58] On the basis of the evidence received in private sessions, I am satisfied that the disclosure of the grey-markings in paragraphs 73 and 73.A would tend to identify the anonymous source to the person whose name has been redacted by Justice Dorval. That person might then be able to identify and put in peril the anonymous caller. Also, disclosure might allow the anonymous caller to identify himself or herself. This could raise concerns about preserving the anonymity of this source, who called the National Hotline on a nameless basis. I accept the testimony of the witness for the Attorney General of Canada on this issue. In my view, the harm to national security by putting even an anonymous source in jeopardy outweighs the interest being asserted by the applicants in the context of this file. An order will issue prohibiting the disclosure of the grey-marked information in paragraphs 73 and 73.A.

The Third Party Rule

[59] The importance for Canada of respecting the third party rule, described above at paragraph 25, was highlighted in *Ruby v. Canada (Solicitor General)*, 2002 SCC 75. Writing for the unanimous Supreme Court of Canada, Justice Louise Arbour relied on an extract from one of the affidavits filed in the Federal Court, the court of first instance in *Ruby*, in describing Canada as a "net importer" of information exchanged among intelligence services (at paragraph 44):

> Canada is not a great power. It does not have the information gathering and assessment capabilities of, for instance, the United States, the United Kingdom or France. Canada does not have the same quantity or quality of information to offer in exchange for the information received from the countries which are our most important sources. If the confidence of these partners in our ability to protect information is diminished, the fact that we are a relatively less important source of information increases our vulnerability to having our access to sensitive information cut off.

[60] With this teaching in mind, I now turn to the information in issue characterized by the Attorney General of Canada as falling within the third party rule.

[61] On the basis of an affidavit filed on May 20, 2004, the Attorney General of Canada objected to the disclosure of the words "involved in terrorism activities" in paragraph 87.B on the ground of the third party rule. Concerning the other information in paragraph 87.B, the only privilege asserted at the outset of this proceeding was that disclosure would detrimentally affect the R.C.M.P.'s ongoing investigation in a matter relating to national security.

[62] However, the Attorney General of Canada modified his position concerning the words in paragraph 87.B to be protected under the third party rule. On or about April 29, 2005, the

disclosure of the words "involved in terrorism activities" was authorized, apparently pursuant to section 38.03.

[63] In testimony during June and July, 2005, one affiant from the Royal Canadian Mounted Police acknowledged that, from the point of view of his police agency, he no longer had any objection to the disclosure of the other information in the paragraph.

[64] In an *ex parte* affidavit filed on June 23, 2006, which dealt with several issues, a second officer of the Royal Canadian Mounted Police purported to characterize the grey-marked words in paragraph 87.B as originating from one or more foreign intelligence services. Previously, no other affidavit evidence had objected to the disclosure of these words on the basis of the third party rule. The Court noted its concern but, under reserve, allowed further questioning of the affiant.

[65] On closer examination, the document under exhibit 5 of the affidavit of June 23, 2006 (excerpts showing the information the affiant claimed fell under the third party rule) did not include an excerpt of paragraph 87.B.

[66] After a careful review of the affidavit and oral evidence of the witnesses, I am satisfied that the Canadian agencies were aware of the information in this paragraph, prior to whatever other information may have been received from one or more foreign agencies. Again, on my review of the record, the third party rule has no bearing on this paragraph. No other national security interest has been invoked by the Attorney General of Canada which, in my view, would support the non-disclosure of the grey-marked information, surely not one which outweighs the public interest in

releasing the information. Counsel for the Attorney General of Canada did not appear to take issue with this conclusion in comments she made on July 19, 2006. An order to this effect will issue.

[67] During the conference call of December 7, 2006, the Court advised all counsel that reasons for order would be issued within a matter of days.

[68] On December 15, 2006, the Attorney General of Canada disclosed to the applicants the grey-marked information in paragraph 86.D. In view of this late development, the Court prefers to review further the position of the Attorney General of Canada with respect to the grey-marked information in paragraphs 75.C.4, 84.A, 86.A and 86.C. The Court also grants the Attorney General's request for a final opportunity to clarify his position concerning paragraph 84.B.

"Allan Lutfy"

Chief Justice

FEDERAL COURT

NAMES OF COUNSEL AND SOLICITORS OF RECORDS

DOCKET:	DES-1-04
STYLE OF CAUSE:	THE OTTAWA CITIZEN GROUP INC. and KATE JAIMET and CANADIAN BROADCASTING CORPORATION Applicants and THE ATTORNEY GENERAL OF CANADA and THE ATTORNEY GENERAL OF ONTARIO and ABDULLAH ALMALKI Respondents
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AND VARIOUS *IN CAMERA* AND *EX PARTE* TELECONFERENCES	
REASONS FOR ORDER:	LUTFY, C.J.
DATED:	December 22, 2006

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