

**IN THE MATTER OF a public interest hearing before
the Military Police Complaints Commission, pursuant to
section 250.38 of the *National Defence Act*, R.S.C. 1985, c. N-5**

NOTICE OF MOTION

TAKE NOTICE THAT the Complainant British Columbia Civil Liberties Association will make a motion to the Military Police Complaints Commission in writing.

THE MOTION IS FOR:

- (a) A recommendation from the Military Police Complaints Commission to the federal government to provide legal funding for the Complainant B.C. Civil Liberties Association to fully participate in the public interest hearing.

THE GROUNDS FOR THE MOTION ARE:

- (a) The Complainants are charitable organizations and cannot afford to pay for legal counsel for a public interest hearing expected to last several weeks;
- (b) The Complainants have already been represented by the same legal counsel on a *pro bono* basis for over the past two years regarding the human rights of Afghan detainees in Canadian Forces custody;
- (c) Counsel for the Complainants has already provided substantial *pro bono* services in relation to these issues, donating in excess of than 650 billable

hours to date for a Charter application in the Federal Court and Federal Court of Appeal, as well as the preparation and carriage of the present joint conduct complaints, including two separate judicial review proceedings initiated by the Attorney General of Canada;

- (d) Legal representation for the Complainant B.C. Civil Liberties Association, particularly by counsel with knowledge of the factual and legal issues engaged, will improve the quality, efficiency and expediency of the proceeding; and
- (e) Given the significance and duration of the Canadian Forces mission in Afghanistan, and the much larger number of detainees who may have been harmed because of systemic failures in the independent functioning of the military police, these complaints are of such importance that the public interest will be served by legal funding for the Complainant B.C. Civil Liberties Association.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) the Affidavit of Francine Patterson; and
- (b) the Affidavit of David Eby.

Dated: January 15, 2009



Paul Champ

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