

THE AFGHAN MISSION » ATTACK SIMULATION

Military abandons plans to stage IED blasts

BY PAUL KORING WASHINGTON

Canada's military scrapped its scheme yesterday to erect a mock Afghan village in the courtyard of the Canadian embassy in Washington, ending an effort to stoke U.S. awareness of Canada's combat role in Afghanistan by staging IED blasts.

"I can confirm that the village component of the Afghanistan forum has been dropped," said Jennie Chen, spokeswoman for the embassy.

Senior Canadian Forces offi-

cers, who had been touting the mock village and the value of staging a "hyper-realistic" simulation only 10 days ago, were tight-lipped and no explanation for scrapping the mock village was given.

The decision to "disappear" the village even before it was built was only the latest rollback from the original scheme.

Defence Minister Peter MacKay had already told the military to abandon plans to set off small explosives at the embassy, located in the heart of security-conscious downtown Washington in a prestigious

location between the White House and the Capitol.

"I don't think it's required to make loud noises on the [National] Mall to show people what the Canadian Forces are doing in Afghanistan," Dan Dugas, a spokesman for the minister said after the decision was taken to eliminate the explosions.

The original scenario was for Canadian troops to arrive at the Afghan village just as an improvised explosive device ripped through the market, "critically wounding" one of the actors playing an Afghan

villager, who would then be treated by a Canadian military medic.

After yesterday's decision, it remained unclear whether the whole two-day conference would be scrapped.

Ms. Chen said no further information was available.

Scores of invitations have already been sent out and top Canadian military commanders – including army commander Lt.-Gen. Andrew Leslie – were listed among the featured speakers.

To add realism to the two-day event and attract atten-

tion, the Canadian Forces had arranged for a division of Lockheed Martin that specializes in combat-training simulations to construct the mock village of three buildings and a mini *souk* (market) and provide Afghan actors, who would play civilians. Strategic Operations Inc., a California company, would provide the pyrotechnics for the IED explosions.

Originally, the agenda called for twice-daily IED attacks at noon and 2 p.m. On the first day, an Afghan luncheon is to be hosted by Kabul's envoy to

Washington, Ambassador Said Jawad.

While the mock village was intended to be the highlight of the conference, the working sessions were scheduled to grapple with many of the enormous challenges in Afghanistan. A panel of Canadian and American police officers will deal with the difficulties of training Afghan police. Another panel will consider the usefulness of pre-deployment training to try and reduce the psychological damage of post-traumatic stress disorder.

NOTICE OF APPROVAL OF THE SETTLEMENT OF CLASS PROCEEDING ROBERTSON V. THOMSON AND OTHERS

If you are a writer, artist or photographer, wherever you live, please read this notice carefully as it may affect your rights.

This is a court-approved notice to people who may be members of the Class in the above class proceeding. It describes the class proceeding, the class of people affected, and the court-approved settlement of this class proceeding.

In 1996, Heather Robertson (the "Plaintiff"), a freelance writer, commenced an action against The Thomson Corporation (now, Thomson Reuters Corporation), Thomson Canada Limited (now, Thomson Reuters Canada Limited), Thomson Affiliates and Information Access Company (now, The Gale Group, Inc.). In 2001, the action was amended to include Bell Globemedia Publishing Inc. (now CTVglobemedia Publishing, Inc.) as a defendant (collectively, the "Defendants"). In the action, the Plaintiff alleges that the Defendants infringed the rights of creators or assignees of original literary or artistic works published in print media in Canada ("Works") by disseminating or authorizing the dissemination of copies of the Works through electronic databases, contrary to the Canadian Copyright Act. The Plaintiff sought compensatory, punitive and exemplary damages, as well as injunctive relief, on behalf of writers, artists and photographers who created the Works ("Creators"), their estates and assigns. The Defendants denied the Plaintiff's claims.

In 1999, the Superior Court of Justice certified this action as a class proceeding, on behalf of the creators of original literary and artistic Works, their estates or assigns, where they live. The Class includes the following people:

- All persons who were the authors or creators of original literary works or original artistic works (collectively "Works") which were published in Canada in any newspaper, magazine, periodical, book, newsletter, journal or other paper-based form whatsoever (collectively "Print Media") which Print Media have been reproduced, distributed and/or communicated to the public by telecommunication by the Defendants through any computer database, CD ROM, diskette, on-line service, or other electronic system or device (collectively "Electronic Media"), on or after 24 April 1979 except:
 - persons who by written document assigned all of the copyright in their Works to the Defendants or their predecessors in interest in the subject Print Media; or
 - persons who by written document granted to the Defendants or their predecessors in interest in the subject Print Media a license to publish or use their Works in Electronic Media; or
 - persons who were unionized employees of the Defendants or their predecessors in interest in the subject Print Media are excluded regarding any Works created for the subject Print Media at times when their unions' collective agreements governed the use of their Works in Electronic Media.

Where the Print Media publication was a Canadian edition of a foreign publication, only Works comprising the content exclusive to the Canadian edition shall qualify for inclusion under this definition. (Persons included in Clause A shall hereinafter be referred to as "Creators").

- All persons (except the Defendants or their predecessors in interest in the subject Print Media) to whom a Creator, or an Assignee, assigned, granted or transmitted a right to publish or use their Works in Electronic Media. (Persons included in clause B shall hereinafter be referred to as "Assignees").
- Where a Creator or Assignee is deceased, the personal representative of the estate of such person unless the date of death of the Creator was on or before December 31, 1943 (the "Class").

By further Order of the Court dated August 12, 2009, the action was limited to Works published in print prior to May 1, 2009.

SETTLEMENT APPROVAL

A court approved Notice of the Settlement Approval Hearing was published in The Globe and Mail, the National Post, Le Journal de Québec and La Presse on May 9, May 16 and May 23, 2009, as well as on certain websites. The parties attended before the Ontario Superior Court of Justice on June 16, 2009, and obtained court approval of the settlement agreement reached between the parties, as well as Class Counsel fees in the amount of \$4,000,000.

The Court determined that the Settlement is fair and reasonable, and in the best interests of Class Members.

Settlement Benefits

Under the terms of the approved Settlement, the Defendants will pay CS11,000,000, inclusive of legal and settlement administration fees, to provide benefits to Class Members. The Settlement includes a compensation plan for freelance Works, an alternative take-down benefit for freelance Works that appeared in The Globe and Mail, as well as a donation to the Professional Writers Association of Canada, The Writers' Union of Canada and the Canadian Association of Photographers and Illustrators in Communications, to the general benefit of all Creators of written and artistic Works. The settlement includes a release of all claims, as well as a license in respect of Works that are not taken down.

The case has been financially supported by the Class Proceedings Fund operated by the Law Foundation of Ontario, and as required by law 10% of the net proceeds of the case will be paid to the Class Proceedings Fund.

The Compensation Plan

Eligible Class Members may complete and submit a claim form to the Claims Administrator, listing freelance Works created before May 1, 2009 for which compensation is sought. The Claims Administrator processes the claims and establishes entitlements of individual Class Members, according to the distribution scheme outlined below. For Works that appeared in The Globe and Mail, Eligible Class Members may choose to forego compensation, and instead request that those Works be removed from the commercial databases maintained by the Defendants.

The compensation owing to individual Class Members will be determined by the Claims Administrator, on the basis of a points system. Briefly, a member's entitlement to compensation will be calculated on the basis of a points system which takes into account various factors, particularly the following:

- Whether the individual was paid or not paid for the initial publication of any freelance Work;
- The length of the Work;
- The publication in which the Work initially appeared.

Under the terms of the Settlement, no individual Class Member will be entitled to compensation in excess of 1% of the total Compensation Fund.

Administrator's Fees

The fees of the Claims Administrator will be deducted from the Settlement Funds.

TO MAKE A CLAIM FOR COMPENSATION

The Court appointed William Dovey of Cole & Partners as Claims Administrator. The Claims Administrator's contact information is as follows:

80 Richmond Street West, Suite 2000, Toronto, Ontario, M5H 2A4
Tel: (416) 361-2590 Fax: 416-364-2904

To receive compensation, each Class Member must submit a completed Claim Form and supporting documents, on or before 5:00 p.m. Toronto time on January 18, 2010. The Claim Form is available at Class Counsel's website, www.kmlaw.ca/robertsonvthomson, or by calling Cole and Partners, at (416) 361-2590 or by visiting their website at www.coleandpartners.com, or by email to claimsadministrator@coleandpartners.com.

The Claim Form should be submitted by mailing, emailing or faxing the Claim Form and supporting documents to the Claims Administrator at the above-noted address.

If you fail to submit a Claim Form and the supporting documents, on or before 5:00 p.m. Toronto time on January 18, 2010, you will not receive any part of the net settlement monies unless the Court extends the deadline.

OPTING OUT

If you are a person falling within the Class described above and you did not opt out when the action was certified in 1999, you will automatically be included in the Class unless you opt out now. Class Members who do not opt out may seek the settlement benefits described above.

Class Members may choose to opt-out now. If you opt-out, you will not be entitled to any of the benefits of the settlement.

To opt out of the Class you must fill out the Form below and send it to Koskie Minsky LLP (at the address listed below), the lawyers for the Class. The deadline for opting out is November 2, 2009. If your written request to opt out is not received by that date you will remain a member of the Class.

FURTHER INFORMATION

If you are a Class Member and wish to obtain additional information about the Settlement, please contact Koskie Minsky LLP at the address below:

Koskie Minsky LLP
Barristers & Solicitors
20 Queen St. West, Suite 900, Box 52
Toronto, ON, M5H 3R3
Re: Robertson v. Thomson et al.

In addition, information is available on Class Counsel's website at www.kmlaw.ca/robertsonvthomson.

PLEASE DO NOT CONTACT THE COURT OR THE REGISTRAR OF THE COURT ABOUT THIS CLASS PROCEEDING. THEY ARE NOT ABLE TO ANSWER YOUR QUESTIONS.

Dated: September 19, 2009

OPT OUT FORM

THIS IS NOT A REGISTRATION FORM OR CLAIM FORM. IT EXCLUDES YOU FROM THE SETTLEMENT CLASS.

To: **Koskie, Minsky**
900 - 20 Queen St. West, Box 52; Toronto, ON M5H 3R3
Attn. **Robertson v. Thomson, et al.**

I _____ (please print full name) am a/the:

(please check the applicable boxes)

- writer; photographer (or author as per the Canadian Copyright Act);
- artist; estate or assignee of any of the above;

of Works as defined in the Notice.

I confirm that:

- my Works were not created under a collective agreement that governed the use of the Works in electronic media;
- I have not given written permission to make my Works available in commercial online databases operated by or authorized by the defendants

I wish to opt out of the Robertson v. Thomson class action. I understand that by opting out, I will not be entitled to any of the benefits of the settlement.

Signature

Address:

Postal code:

Telephone:

Note: To opt out, this form must be completed and received at the above address before November 2, 2009

MIDEAST » PEACE TALKS

Israel refuses to agree to settlement freeze

BY PATRICK MARTIN JERUSALEM

A tight-lipped George Mitchell flew back to the United States last night with little to show for his week-long efforts to rekindle the Middle East peace process. There also was little chance of a three-way summit among Israeli, Palestinian and American leaders next week at the United Nations in New York as his boss, U.S. President Barack Obama, had hoped.

There is "zero chance" of a summit, Palestinian officials said last evening after Israeli Prime Minister Benjamin Netanyahu refused to agree to a complete freeze on all Israeli settlement construction in the West Bank.

Palestinian Authority president Mahmoud Abbas insists on a freeze, his chief negotiator, Saeb Erekat, said after the PA president met yesterday with the U.S. envoy, Mr. Mitchell.

Mr. Obama, in his speech to the Arab and Muslim world in Cairo in June, had called for a halt to all settlement construction. And Palestinians want to hold him to his word.

"We once again reiterated that there are no middle ground solutions for settlements. A settlement freeze is a settlement freeze," Mr. Erekat said.

Mr. Netanyahu has offered to temporarily cease what he calls new construction in many settlements but has insisted on certain exceptions: 2,500 housing units in various stages of construction; 450 additional units in overcrowded settlements; and certain necessary infrastructure such as schools.

As well, Mr. Netanyahu is adamant that any freeze would not apply to settlements in occupied parts of Jerusalem.

About 300,000 Israelis currently live in settlements in the West Bank, and another 200,000 live in parts of Jerusalem that were annexed by Israel shortly after the 1967 war.

"By our count, there would be more settlement construction in the next nine months than in all of 2008," one Palestinian official said last evening. "Some freeze."

All week, Mr. Mitchell, the retired senator who succeeded in forging a peace agreement in Northern Ireland, shuttled back and forth among Israeli, Palestinian and other Arab leaders. He met four times with Mr. Netanyahu – includ-



George Mitchell speaks during a press conference in Cairo on Thursday. AFP/GETTY IMAGES

ing two times yesterday – and twice with Mr. Abbas. All to no avail.

Israeli officials said Palestinian intransigence was to blame.

Palestinian negotiators "showed no flexibility, while Israel did," a source in the Prime Minister's office told the Israeli newspaper Haaretz late yesterday. Israel offered to freeze West Bank settlement construction for nine months, the official said, with no reference to the various exceptions that would be allowed, an increase of three months from Israel's previous offer. But Palestinian negotiators wouldn't budge, he said.

Israeli media have reported that Mr. Mitchell has been asking for a one-year moratorium on construction.

Mr. Netanyahu faces political pressures within his right-of-centre coalition government. Even in his own Likud Party, senior members have urged him not to agree to any freeze at all. His call for a freeze with exceptions appears to be an attempt to have it both ways.

The Palestinian leadership faces political pressures of its own. The movement is badly divided with the hard-line Islamic resistance movement Hamas controlling the Gaza Strip, while Mr. Abbas's Fatah-led Palestinian Authority governs the West Bank. Efforts by mediators such as Egypt have failed so far to unite the two factions.

"If Abu Mazen concedes on a settlement freeze," said a Palestinian official last night, referring to Mr. Abbas by his popular name, "he'll lose all credibility."

And if Mr. Obama backs down too far from his demand for a halt to settlement construction, he could lose a great deal of respect in the Arab world as well.

IN BRIEF

Health care criticisms not related to race: Obama

Washington – President Barack Obama says he does not think race is the main factor driving the angry criticisms of his health care agenda.

The President told CNN he assumes some people don't like him because of his race but said that wasn't the "overriding issue."

Mr. Obama, the nation's first black president, said the intense public reaction reflects a long-standing debate about the role of government. He said it's more fierce "when presidents are trying to bring about big changes." » AP

Suicide bomb kills 25 in Pakistan

Peshawar, Pakistan – A suicide car bomb destroyed a hotel and several shops in a north-western Pakistani town yesterday, killing 25 people in an apparent attack on the country's Shia community, police and a government official said.

The blast on the outskirts of Kohat injured many more just days before Muslims from both the Sunni and Shia sects celebrate the end of the fasting month of Ramadan. It was the

second attack in two days in the area, which has experienced past incidents of sectarian violence. » AP

Canadian man indicted on tax charges

Tucson, Ariz. – A Canadian who promoted a gold investment venture has been indicted by a U.S. federal grand jury on three counts of tax evasion and one count of filing a false tax return.

Federal prosecutors say British Columbia-native Cameron McEwen, 62, promoted an investment opportunity called Great American Gold from 2000 to 2004 while he was a part-time Tucson resident. » AP

Ex-CIA chiefs ask Obama to stop abuse inquiry

Washington – Seven former directors of the CIA asked President Barack Obama yesterday to shut down the new Justice Department inquiry into past abuses during interrogations of terrorism suspects.

The former CIA chiefs said the cases under study had already been examined by former prosecutors who found that no criminal charges were warranted. » NYT