



## Press Release

For immediate release

### **Commission of Inquiry blocked from full release of documents; government raises new national security objections Commissioner is concerned that public is being denied information in Arar case**

**Ottawa, December 20, 2004** - The Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, headed by Mr. Justice Dennis R. O'Connor, made public today portions of the summary of *in camera* evidence of the Canadian Security Intelligence Service (CSIS). In addition to the summary, the Commission publicly released portions of the Commissioner's ruling authorizing the publication of the summary.

The government has blacked out from the summary important information relating to Mr. Arar's detention in the United States in 2002. Moreover, in the view of the Commission, some of the information blacked out by the government could not conceivably relate to National Security Confidentiality (NSC). This includes information over which the government did not claim National Security Confidentiality in the hearing before the Commissioner on October 29. It also includes some conclusions drawn by the Commissioner that do not disclose any substantive information, and information that was the subject of public testimony at the Commission's public hearings in July.

The government's position is that the Commission cannot comment publicly on any of the blacked out information.

Also, after reviewing the Commissioner's ruling, the government has now raised national security objections which were not raised before the Commissioner, despite being given an opportunity to do so at the October 29 hearing.

"We are surprised that the government introduced new objections at the eleventh hour" said Lead Counsel Paul Cavalluzzo. "In the normal course, a party to a legal proceeding makes all of its arguments at the hearing itself, not after the judgment has been rendered. The Commission will work very hard to ensure that the Canadian public has access to this information."

In light of the new objections raised by the government, the Commissioner has concluded that it is necessary to convene an additional hearing to address these objections, and has deferred a decision on whether to release the affected portions of the summary until after that hearing. The hearing is to be held in January.

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The government has also objected to the release of other portions of the summary, beyond those affected by the government's new objections.

Unless the government consents to their release, any remaining contentious portions of the Commissioner's ruling and summary will be addressed in Federal Court.

*Established under Part I of the Inquiries Act, the Arar Inquiry was set up on the recommendation of the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness to investigate and report on the actions of Canadian officials in relation to Maher Arar. The Commissioner is also mandated to make recommendations that he considers advisable on an arm's length review mechanism for the activities of the RCMP with respect to national security.*

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