



For immediate release

### **Commission Is Pleased That Government Withdraws Arar Court Application**

**Ottawa, April 1, 2005** – The Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar is pleased to announce that the Federal Government has agreed to withdraw its application in the Federal Court of Canada in which it challenged the disclosure of a summary of a portion of the evidence heard *in camera*. The Commission has agreed that it will not seek to disclose the information in that summary at the present time.

In agreeing to settle the current litigation, the Commission maintains its position that the information in the summary that was subject to the litigation should eventually be disclosed to the public. The Commission emphasizes that it will be seeking to disclose that information at a time when it will not interfere with the progress of the Inquiry.

“Rather than bringing to Court a series of disputes one after the other”, explained Lead Counsel Paul Cavalluzzo, “an exercise that could delay the substantive work of the Commission significantly, we consider that the public interest will be best served by proceeding with the hearings on evidence as expeditiously as possible and to litigate issues of national security confidentiality (NSC) in one or perhaps two applications in the future.”

The Commission is concerned that the process for addressing the government’s NSC claims has become enormously complicated and time-consuming and can become very expensive. The Commission is further concerned that given the prospect of repeated litigation with the government, the current process could seriously impair the manner in which the Commissioner is able to carry out his mandate.

“The Commission hopes that this inquiry will not result in further litigation,” said Lead Counsel Paul Cavalluzzo, “the fact that the government sought to challenge the Summary of Evidence prepared by Commissioner O’Connor in the Federal Court may not bode well for the future. This is particularly so, given that the Summary was prepared by the Commission with a view to avoiding NSC disputes with the government. Moreover,” said Mr. Cavalluzzo, “we believe that the process that led to the preparation and release of the Summary of Evidence in dispute was entirely fair and proper.”

The Commission will continue and expects to complete its *in camera* hearings dealing with DFAIT and other government evidence, as scheduled, between now and the end of April. The Commission then intends to hold public hearings in early May and those hearings are to continue through May and June.

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*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 an arm's length review mechanism for the activities of the Royal Canadian Mounted Police with respect to national security.*

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