



Press Release

For immediate release

Commissioner authorizes public release of the first summary of information received *in camera*

Ottawa, December 8, 2004 - Commissioner Dennis R. O'Connor, who heads the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, authorized the release of a 10-page summary of information received at the Inquiry's *in camera* hearings. The summary may be publicly released only after the expiry of a 10 day notice period to the federal government.

This is the first summary of the *in camera* hearings prepared by the Commission. The summary deals with *in camera* evidence concerning the actions of CSIS officials in relation to Mr. Arar. To facilitate release of this first summary, the Commissioner has included less information in the summary than he may ultimately authorize for release.

The Commissioner's ruling and attached summary were delivered to the government on December 3 in order to give the government 10 days notice, prior to public release of the summary, in accordance with the national security confidentiality provisions of s.38 of the *Canada Evidence Act*.

During the 10 day notice period, the Commission anticipates that the government will either: agree to the release of the summary, indicate that the government intends to apply to the Federal Court for an order prohibiting release of the summary, or indicate that the Commission is required to apply to the Federal Court for an order authorizing release of the summary.

The 10 day notice period expires on December 13 at 4 p.m. EST.

Following the expiry of the 10 day notice period, the summary will be provided in advance to Mr. Arar, who has been granted standing at the Inquiry. This is to afford him an opportunity to comment, to the Commission, on the summary prior to its public release.

The government was afforded an opportunity to comment on the summary in the course of its preparation, prior to the Commissioner's ruling of December 3, 2004. In his ruling, the Commissioner addresses each of the government's objections to the release of the summary.

The Inquiry mandate provides that, in order to maximize disclosure to the public of relevant information, the Commissioner may release a part or a summary of the information received *in*

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camera. The Commissioner is also required to provide the government with an opportunity to comment on the summary prior to its release.

Further, the Inquiry mandate provides that, if the Commissioner is of the opinion that the release of a part or a summary of the information received *in camera* would provide insufficient disclosure to the public, he may advise the Attorney General of Canada, which advice shall constitute notice under section 38.01 of the *Canada Evidence Act*.

A summary of evidence concerning the actions of RCMP officials is in process, as the *in camera* hearings of RCMP evidence are ongoing.

Pursuant to s.38 *Canada Evidence Act*, the Commission provided the government with 48-hour notice prior to the public release of the information that the Commissioner had authorized release of the summary. The 48-hour notice expired on December 7, 2004 at 4 p.m. before which, the government indicated that it would not object to the release of that information.

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 Commission is also mandated to make recommendations that he considers advisable on an arm's length review mechanism for the activities of the Royal Canadian Mounted Police with respect to national security.
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