

## **Arar Commission Policy Review**

### **NOTICE**

**August 19, 2005**

#### **RE funding for October 11 – 14 Policy Review public hearings**

The Arar Commission will pay reasonable travel and accommodation costs, in accordance with Treasury Board guidelines, for those who have been invited to make submissions at the hearings. Applications to receive such funding should be made to the Commission by September 9, 2005. If an applicant wishes to have more than one person receive reimbursement for travel and accommodation costs, the reasons for such request should be included in the application.

#### **RE Policy Review report; and further written submissions**

Currently, Commissioner O'Connor intends to submit his Policy Review recommendations to the government as early as possible in 2006. These recommendations will be based on an examination of domestic and international review models, and on an assessment of potential interaction with existing review mechanisms, as the Terms of Reference direct. They will also be based on related information-gathering, research, Roundtable discussions and consultations that have been carried out over the past year. In addition, the Commissioner will take into account the written submissions from interested parties and the public, and the oral submissions to be received in October. He will also take into account the evidence in the Factual Inquiry and submissions about the relevance of such evidence to the Policy Review.

In the past, there was a suggestion that the Commissioner should delay the submission of the Policy Review report until after the Factual Inquiry report is published. The suggestion was based on the notion that those making submissions in the Policy Review would benefit from the information and findings disclosed in the Factual Inquiry report.

As matters now stand, the Commissioner is not inclined to accept that suggestion and he intends to submit the two reports simultaneously. There are two reasons that lead to this approach. First, the Commissioner's mandate requires that the Policy Review recommendations be based on a broad range of information that goes well beyond the investigation that is the subject of the Factual Inquiry. As pointed out above, the Commission has undertaken extensive research and wide-ranging consultations covering the full range of issues that are

relevant to the Policy Review mandate. Moreover, the Commissioner is of the view that the evidence in the Factual Inquiry heard in public provides the necessary information about that investigation that could assist in formulating recommendations relating to a review mechanism for the RCMP's national security activities. Those making Policy Review oral submissions and any further written submissions (see below) will have the benefit of that Factual Inquiry public evidence and closing submissions that are made in public. It is important to bear in mind that the Project A-OCanada Investigation involving Mr. Arar is only one example of a great many RCMP investigations involving national security issues. The publicly-available evidence discloses sufficient details about how that investigation was conducted, and therefore how it should figure in the wide scope of matters that should be considered in making recommendations for a review mechanism.

The second reason for Commissioner O'Connor's approach relates to the public interest in the Policy Review recommendations being made in a timely way. The Commissioner is of the view that after hearing oral submissions, and receiving any further written submissions in the Policy Review (see below), he will have all of the necessary information to formulate the recommendations contemplated by his mandate. There could be a significant delay in delivering the Policy Review report to the government if the Commissioner awaits the public release by the government of his Factual Inquiry report. The timing of the release of that report will depend on the resolution of National Security Confidentiality issues.

Addressing the issues raised in the Policy Review is obviously a matter of considerable importance for the government, the RCMP and the public. The public interest speaks to those recommendations being made in a timely manner without unnecessary delay.

If any Policy Review participant wishes to comment on the approach that the Commissioner presently intends, such comments should be received in writing on or before September 9, 2005. After that date, Commissioner O'Connor will finalize the process to be followed.

Commissioner O'Connor also welcomes any further written submissions on the Policy Review, including the relevance of any public Factual Inquiry evidence. Any further written submissions should be received by September 30, 2005. Any party wishing to make such submissions should signal their intention to do so to Andrea Wright, Legal Counsel, by September 9, 2005.

Any questions should be directed to Andrea Wright, Legal Counsel, at (613) 996-4741 or [andreawright@bellnet.ca](mailto:andreawright@bellnet.ca).