



## Press release

**Embargoed until the Report  
is tabled in the House of Commons**

### **Arar Commission recommends a new review agency for the RCMP's national security activities, and a new review process for five other agencies.**

**Ottawa, December 12, 2006** — Commissioner Dennis O'Connor released today the second report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar. Commissioner O'Connor makes 13 detailed recommendations with respect to the review of the Royal Canadian Mounted Police's (RCMP) national security activities as well as those of other federal departments and agencies.

Commissioner O'Connor concludes that "increased information sharing, increased police powers of coercion and increased integration among Canadian and foreign national security actors" requires a new review agency to review the RCMP's national security activities, and a new review process for five other federal departments and agencies involved in national security.

### **Independent Complaints and National Security Review Agency for the RCMP (ICRA)**

The Commissioner recommends the creation of the Independent Complaints and National Security Review Agency for the RCMP (ICRA) with jurisdiction to review all of the RCMP's activities, including those related to national security. The Commissioner concluded that there were significant advantages to having the RCMP's national security activities reviewed by the same body that has jurisdiction to review the RCMP's other law enforcement activities. The Commissioner recommends that ICRA have the authority to conduct self-initiated reviews of the RCMP's national security activities for compliance with laws, policies, international obligations and for standards of propriety expected in Canadian society. The Commissioner states in his report:

"The case for giving an independent review body the mandate to conduct self-initiated reviews of the RCMP's national security activities is now overwhelming. In recent years, the RCMP has had to dramatically expand the number and extent

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of its national security investigations. Quite properly, given events, information sharing and integration with other domestic and foreign agencies have also increased.....

I recognize that the RCMP's national security activities are those of a law enforcement agency and thus are different in many important respects from those of Canadian Security Intelligence Service (CSIS). Nevertheless, the reasons for creating a self-initiated review capacity for the activities of CSIS apply in the main to the national security law enforcement activities of the RCMP. Common to both agencies are the need to maintain secrecy in many of the operations being reviewed, the inability of potential complainants to lay complaints, the threat that investigative activities may pose to individual liberties, the lack of judicial or other independent scrutiny, and the need for public confidence and trust in the agency being reviewed."

The Commissioner recommends that in order to effectively carry out the review function, ICRA must have comprehensive powers including the power to decide what information is necessary to fulfill its mandate, and to subpoena documents and compel testimony from any federal, provincial, municipal or private sector person or entity.

### **Independent Review for Other Departments and Agencies**

Because of the integrated nature of the RCMP's national security activities, the Commissioner has examined the Canadian national security landscape generally. The Commissioner recommends that the government extend independent review, including complaint investigation and self-initiated review, to the national security activities of the Canada Border Services Agency (CBSA), Citizenship and Immigration Canada (CIC), Transport Canada, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) and Foreign Affairs and International Trade (DFAIT). The Commissioner based his recommendation on the nature of the national security activities of these five departments and agencies, and the degree of integration of their national security activities with those of the RCMP, CSIS and the Communications Security Establishment (CSE).

The Commissioner states: "In my view, [the] Security Intelligence Review Committee (SIRC) is the body best positioned to review the national security activities of four of the above mentioned entities: CIC, Transport Canada, FINTRAC and DFAIT. Since the national security activities of the CSBA are largely related to law enforcement, I consider ICRA to be best suited to provide independent review of those activities."

### **Statutory Gateways**

In order to provide integrated review of integrated national security activities, the Commissioner recommends that statutory gateways be enacted linking the three independent national security review bodies - ICRA, SIRC and the CSE Commissioner - to provide exchange of information,

referral of investigations, conduct of joint investigations and coordination and preparation of reports.

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### **Integrated National Security Review Coordinating Committee (INSRCC)**

The Commissioner also recommends the creation of INSRCC – a review coordinating committee – to provide a unified intake mechanism for complaints regarding national security activities of federal entities, to help ensure that the statutory gateways are functioning as intended, and to report to the federal government on accountability issues relating to Canada's national security practices, including their effects on human rights and freedoms.

### **Five Year Review**

It is recommended that in five years' time, the government appoint an independent person to examine how the new review structure is functioning.

In summary, the Commissioner states: "In the post 9-11 period, the protection of national security, including the protection of Canadians from terrorist threats has become a critical responsibility of our government. Effective review of national security actors assists in the difficult balancing act of protecting the security of our country while ensuring that our fundamental rights are respected and that confidence in our valued institutions is maintained."

The report will be available after its release on the Commission's Web site: [www.ararcommission.ca](http://www.ararcommission.ca)

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

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