



## Press release

### For immediate Release

### The Arar Commission starts a series of *in camera* hearings

**Ottawa, September 8th, 2004** -- The Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar will be holding a series of *in camera* hearings starting on September 13.

In the first two weeks of these hearings, the Commission will be receiving factual evidence, on which the government claims National Security Confidentiality (NSC), on the role of the Canadian Security Intelligence Service (CSIS) in connection with the case of Mr. Arar.

In his ruling on confidentiality of July 19<sup>th</sup>, Mr. Justice Dennis O'Connor stated that : "*There are (...) significant advantages to hearing this evidence in camera before I decide what portion may be made public, either by way of testimony in a public hearing or by way of releasing a part or a summary of some of the information heard in camera.(...) After the evidence has been heard in camera I will rule on both NSC and the balancing of the public interest.(...) The process will result in one main ruling on what information, for which NSC is claimed, can be heard in public.*" It is expected that the Commissioner will rule on the NSC evidence at the end of the *in camera* hearings sessions.

Mr. Ron Atkey, the *Amicus Curiae* appointed by Commissioner O'Connor to act as counsel, independent from government to test government requests on the ground of NSC, will participate in the *in camera* hearings when issues of NSC are being considered. Government counsel will also be present.

Paul Cavalluzzo, Lead Commission counsel, stated that: "despite the confidential nature of these hearings, the Commission has put in place a process that is unprecedented and that ensures that the public interest is fully represented. Other than possibly the McDonald Commission, never before in Canada has a Commission of Inquiry been faced with such a complex challenge of balancing National Security concerns and the need to be accountable to Canadians. All of the potential evidence including over 20,000 documents must be assessed for NSC claims. That said, the process is working well and the Commissioner is satisfied that he will be able to fulfill his mandate and report publicly on the issues raised by the mandate."

The *in camera* hearings will take place in independent and secure facilities, where NSC claims raised in other legal contexts are heard.

In tandem with the hearings in relation to the Factual Inquiry, the Commission will release shortly a Public Consultation paper on the Policy Review side of its terms of reference. The objective of the

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Policy Review is to make recommendations to the government on an independent, arm's length review mechanism for the activities of the RCMP with respect to National Security. The Public Consultation paper will be posted 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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