

**CONFIDENTIAL**

Court File No.:

**FEDERAL COURT**

BETWEEN:

**ATTORNEY GENERAL OF CANADA**

Applicant

and

A.C.

**~~RESPONDENT(S) TO BE NAMED BY THE COURT UNDER SUBSECTION  
38.04(5) OF THE CANADA EVIDENCE ACT~~**

Respondent(s)

**AMENDED NOTICE OF APPLICATION**

**TO THE RESPONDENT(S):**

**A PROCEEDING HAS BEEN COMMENCED AGAINST YOU** by the Applicant.  
The relief claimed by the applicant appears below.

**THIS APPLICATION** will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Ottawa.

**IF YOU WISH TO OPPOSE THIS APPLICATION**, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor or, if the applicant is self-

represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

**IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.**

Date: \_\_\_\_\_ Issued by: \_\_\_\_\_  
(Registry Officer)

Address of 90 Sparks Street  
Ottawa, ON K1P 5B4

**TO: RAVENLAW**  
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**Counsel of record for A.C.,**  
**Respondent**

## APPLICATION

**THIS IS AN APPLICATION** under ss. 38.04(1) of the *Canada Evidence Act*, RSC 1985, c C-5 (“*CEA*”), for an order regarding disclosure of information contained in documents referred to in two notices, one dated January 13, 2023 and a second dated March 21, 2023 (the Notices), given to the Attorney General of Canada (“AGC”) under ss. 38.01(1) of the *CEA*. In the Notices, Senior Counsel for the Department of Justice Civil Litigation Section advised that they believe sensitive or potentially injurious information may be disclosed in connection to a complaint proceeding to adjudication before the Canadian Human Rights Tribunal (the “Underlying Proceeding”).

### **THE APPLICANT MAKES APPLICATION FOR:**

- a) An order under subsection 38.06(3) of the *CEA* confirming the prohibition of disclosure of the information referred to in the Notices, except as previously authorized by the AGC under s. 38.03(1) of the *CEA*,
- b) An order permitting the AGC to add further documents for which it receives notice under s. 38.01 of the *CEA* to this application; and
- c) Such further and other relief as the Applicant may request and the Court deems just.

### **THE GROUNDS FOR THE APPLICATION ARE:**

- a) On or about December 2018, the Respondent filed a complaint in the Canadian Human Rights Commission (CHRC) alleging that CSIS had discriminated against them contrary to the *Canadian Human Rights Act*, RCS 1985, c H-6;
- b) On or about May 2022, the CHRC decided to refer the complaint to the Canadian Human Rights Tribunal (CHRT) thereby initiating the Underlying Proceeding;

- c) On January 13, 2023, and again on March 21, 2023 Senior Counsel for the Department of Justice, Civil Litigation Section provided Notices to the AGC, pursuant to s. 38.01(1) of the CEA, stating that they believed that sensitive or potentially injurious information may be disclosed in relevant documents they are required to produce as part of the CHRT complaint process;
- d) On January 13, 2023 and March 21, 2023 the AGC authorized disclosure of the fact that notice was provided;
- e) On January 20, 2023 and March 22, 2023 the AGC through his delegate, prohibited disclosure of some of the information contained in the documents covered by the Notices and authorized the disclosure of the partially redacted documents;
- f) Some of the information contained in the relevant documents to be produced is sensitive or potentially injurious information which, if disclosed, would be injurious to international relations, national security, or national defence;
- g) Hearing dates have been set for June 10-14, 2024 and June 17-19, 2024.
- h) Further and other grounds as the Applicant may advise and this Honourable Court may permit; and
- i) Any additional documents that are subject to a notice and decision pursuant to s.38 of the *CEA*, in relation to the underlying proceedings, should also become subject of this Application.

**THE APPLICANT MAKES THE FOLLOWING REPRESENTATIONS  
UNDER SUBSECTION 38.04(5) OF THE *CEA*:**

- a) A.C. is a party to the Underlying Proceeding whose interests are affected by the information contained in the documents subject to these proceedings and must be named as Respondent in this Application;

- b) A copy of the Amended Notice of Application should be served on the Counsel of Record for the Complainant in the Underlying Proceeding;
- c) A hearing pursuant to paragraphs 38.04(5)(a) or (a.2) of the *CEA* is not required;
- d) A public hearing may be necessary;
- e) An *ex parte in camera* hearing will be necessary;
- f) The next steps in these proceedings must be decided by the judge seized of the matter, including the naming of an amicus curiae, if one is necessary; and
- g) Further and other grounds as the Applicant may advise and this Honourable Court may permit.

**THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:**

- a) The amended Notice of Application; and
- b) Affidavits and other material as counsel may advise and this Honourable Court may permit.

October 20, 2023

  
**ATTORNEY GENERAL OF CANADA**

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**Counsel for the Applicant**