

CONFIDENTIAL

Court File No.: DES - 1 -24

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

-and-

**~~RESPONDENT(S) TO BE NAMED BY THE COURT PURSUANT TO
SUBSECTION 38.04(5) OF THE CANADA EVIDENCE ACT~~
F.J**

Respondent

AMENDED NOTICE OF APPLICATION

TO THE RESPONDENT:

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: January 8, 2024

Issued by: _____



(Registry Officer)

Amended Date: January 9, 2024

TO: F.J

C/O Lawrence Greenspon
GREENSPON GRANGER HILL
331 Somerset Street West
Ottawa, ON K2P 0J8

Designated Registry Officer
VICTORIA BELL
Agente du greffe désignée

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 the disclosure of information contained in documents referred to in a notice under ss. 38.01 of the *CEA* that was provided to the Attorney General of Canada (AGC) on September 21, 2023 (the Notice). In the Notice, General Counsel for the Department of Justice Civil Litigation Section advised that they believe sensitive or potentially injurious information contained in the certified tribunal record (CTR) may be disclosed in the application for judicial review in court file T-1985-23 (the “underlying proceeding”).

THE APPLICANT MAKES APPLICATION FOR:

- a) An order under ss 38.06(3) of the *CEA* confirming the prohibition of disclosure of the information referred to in the Notice, except as previously authorized by the AGC under s. 38.03(1) of the *CEA*; and
- b) Such further and other relief as the Applicant may request and this Honourable Court deems just.

THE GROUNDS FOR THE APPLICATION ARE:

- a) On September 21, 2023, an application for judicial review was commenced in respect of a decision made to not extend extraordinary assistance to F.J., a Canadian citizen detained with her six minor children in Al Roj camp in the North-East region of Syria. The decision was communicated to F.J.’s counsel on June 21, 2023;
- b) On October 20, 2023, General Counsel for the Department of Justice, Civil Litigation Section, provided Notice to the AGC pursuant to ss. 38.01(1) of the *CEA* stating that they believed that sensitive or potentially injurious information may be disclosed in the CTR in the underlying proceeding;

- c) On October 20, 2023, the AGC authorized disclosure of the fact that Notice was provided in accordance with subsection 38.03(1) of the *CEA*;
- d) On December 21, 2023, the AGC, through his delegate, authorized the disclosure of redacted versions of documents with s. 38 CEA claims contained in the CTR. The remaining documents in the CTR did not contain claims under s. 38 of the *CEA*;
- e) The information in the CTR for which the AGC has not authorized disclosure is sensitive or potentially injurious information which, if disclosed, would be injurious to international relations or national security; and
- f) Further and other grounds as the Applicant may advise and this Honourable Court may permit.

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

- a) F.J is a party whose interests are affected by the prohibition of disclosure of the information subject to these proceedings and must be named as Respondent in this Application;
- b) A copy of the Notice of Application, amended to include F.J. as Respondent, should be served on the Counsel of record for F.J. in the underlying proceeding;
- c) The Notice of Application must remain confidential until it is amended to name F.J. as the Respondent and is served on counsel for F.J.;
- d) A hearing pursuant to paragraphs 38.04(5)(a) or (a.2) of the *CEA* is not required;
- e) A public hearing may be necessary;

- f) An *ex parte in camera* hearing will likely be necessary;
- g) This application should be conducted as a specially managed proceeding;
- h) 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) Affidavits and other material as counsel may advise and this Honourable Court may permit.

January 08, 2024



ATTORNEY GENERAL OF CANADA

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