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F I L E D	FEDERAL COURT COUR FÉDÉRALE  MAR 06 2024  CARLA LESSARD	D É P O S É
OTTAWA, ON	-3-	

Court File No.: DES- 4 -24

FEDERAL COURT

BETWEEN:

**THE ATTORNEY GENERAL OF CANADA**

Applicant

- and -

~~RESPONDENT(S) TO BE NAMED BY THE COURT PURSUANT  
TO SECTION 38.04(5) OF THE CANADA EVIDENCE ACT~~

AMMARA AMJAD

- and -

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent(s)

**APPLICATION UNDER SUBSECTION 38.04(1) OF THE  
CANADA EVIDENCE ACT**

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AMENDED NOTICE OF APPLICATION

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**TO THE RESPONDENT(S):**

**A PROCEEDING HAS BEEN COMMENCED** 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 the 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 prepare 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, JUDGEMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.**

Date: March 6, 2024 Issued by: Carla Lessard  
(Registry Officer)

Amended: March 5, 2024, 2024

CARLA LESSARD  
DESIGNATED REGISTRY OFFICER  
AGENTE DU GREFFE DÉSIGNÉE

**TO:** **AMMARA AMJAD**  
**C/O Nader R. Hasan**  
**Stockwoods LLP Barristers**  
**TD North Tower, 77 King Street W, Suite 4130**  
**P.O. Box 140, Toronto, Canada M5K 1H1**  
**naderh@stockwoods.ca**

**AND TO:** **THE DIRECTOR OF PUBLIC PROSECUTIONS**  
**160 Elgin Street - 12<sup>th</sup> Floor**  
**Ottawa, ON K1A 0H8**

**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 referred to in notices under ss. 38.01(1) of the *CEA* that were provided to the Attorney General of Canada (AGC) on February 8, 2024 and February 29, 2024. In the notices, counsel for the Public Prosecution Service of Canada (PPSC) advised that they are required to disclose sensitive or potentially injurious information in a criminal proceeding against Ms. Ammara Amjad before the Ontario Court of Justice (Court File: 3111998233111106400) (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 notices, except as previously authorized by the AGC under ss. 38.03(1) of the *CEA*; and
- (b) Such further and other relief as the Applicant may request and the Court deems just.

**THE GROUNDS FOR THE APPLICATION ARE:**

- (a) On October 5, 2023, charges were laid against Ms. Ammara Amjad pursuant to ss. 83.18 of the *Criminal Code*;
- (b) On February 8, 2024 and February 29, 2024, counsel for the PPSC provided notices to the AGC under subsection 38.01(1) of the *CEA*, stating that he believed that sensitive or potentially injurious information may be disclosed in connection with the criminal proceedings against Ms. Amjad;
- (c) On February 8, 2024, the AGC, through his delegate, did not authorize the disclosure of information contained in the documents that were the subject of the first notice.

The AGC has not yet made a decision on the information contained in the documents subject to the second notice;

- (d) Disclosure of the information in question would be injurious to national security, national defence, or international relations;
- (e) The public interest in non-disclosure outweighs the public interest in disclosure;
- (f) The AGC may receive future notices pursuant to s. 38 of the *CEA* covering additional documents in connection with the Underlying Proceeding that will become part of this application; and
- (g) Further and other grounds as the Applicant may advise and this Honourable Court may permit.

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

- (a) Ms. Amjad and the Director of Public Prosecutions are parties whose interests are affected by the information contained in the documents subject to these proceedings and must be named as Respondents;
- (b) A copy of the Notice of Application, amended to include Ms. Amjad and the Director of Public Prosecutions as Respondents, should be served on Ms. Amjad or her counsel in the Underlying Proceeding and the Director of Public Prosecutions;
- (c) The Notice of Application must remain confidential until it is amended to name Ms. Amjad and the Director of Public Prosecutions as the Respondents, and is served on Ms. Amjad or her counsel and on the Director of Public Prosecutions;
- (d) A hearing under 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 be necessary;
- (g) This application should be conducted as a specially managed proceeding; and
- (h) Further and other grounds as the Applicant may advise and this Honourable Court may permit.

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

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

Date: March 4, 2024



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**ATTORNEY GENERAL OF CANADA**

Department of Justice Canada

National Security Group

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**Per: Michelle Lutfy**

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