

Date: 20080924

Docket: DES-5-08

Ottawa, Ontario, September 24, 2008

PRESENT: The Honourable Mr. Justice Simon Noël

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

AND

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

**Applicants
(The Ministers)**

AND

MOHAMED HARKAT

Respondent

ORDER

UPON considering the effect of the Supreme Court of Canada decision in *Charkaoui v. Canada (Citizenship and Immigration)* 2008 SCC 38 (*Charkaoui #2*) on the Ministers' disclosure obligations with respect to information and intelligence related to Mohamed Harkat including but not limited to drafts, diagrams, recordings and photographs in the Canadian Security Intelligence Service ("CSIS") possession or holdings to the designated judge for the purposes of the *in camera ex parte* proceedings;

UPON considering the evidence of two CSIS employees (who were examined and cross-examined) which has explained the scope of disclosure needed to comply with Charkaoui #2, such description of the said scope of disclosure shall be the content of what is to be disclosed by the Ministers and CSIS as a consequence of the present order;

UPON considering the submissions of counsel for the Ministers and the Special advocates on this issue;

UPON having been told by one of the CSIS witnesses that a period of six months is needed to collect and transfer such information in order to comply with Charkaoui #2 but that some of it will be transferred to the designated proceedings section as soon as available;

CONSIDERING that the legislation (*IRPA, Subsection 78c*) stipulates that such proceedings shall be dealt with as informally and expeditiously as the circumstances and considerations of fairness and natural justice permit;

CONSIDERING that the Ministers and CSIS are being asked to assume their disclosure obligations under Charkaoui #2 as expeditiously as possible;

IT IS HEREBY ORDERED THAT:

- The Ministers and CSIS file all information and intelligence related to Mohamed Harkat including but not limited to drafts, diagrams, recordings and photographs in CSIS's possession or holdings with the designated proceedings section of the Court.

“Simon Noël”

Judge