



Second Ruling on a Request to Receive *In Camera* Evidence

1. On June 19, 2024, the Attorney General of Canada requested, pursuant to clause (a)(iii)(C) of my Terms of Reference, that I receive certain evidence in the absence of the Participants and the public (“*in camera*”). This request was based on the Attorney General’s claim that certain of the information the Commission has requested from government witnesses consists of classified information or other information subject to national security confidentiality.

2. This is the second such request I have received from the Attorney General of Canada. He previously asked that I hold *in camera* hearings in connection with the Commission’s Stage 1 factual hearings, which took place in the first months of 2024.

3. In my *Ruling on a Request to Receive In Camera Evidence*, dated March 4, 2024, I explained why I had granted this first request from the Attorney General and also set out the legal framework that was applicable.

4. I have applied the same framework in considering the Attorney General’s second request.

5. I granted this second request orally, and thus held *in camera* hearings in connection with the Commission’s Stage 2 factual hearings. These hearings ended a few days ago.



6. Below, I have set out my reasons for this decision.

7. There is no doubt in my mind that the Attorney General is correct in submitting that the disclosure of certain information would be injurious to the critical interests of Canada or its allies, national defence or national security.

8. I have reached this conclusion taking into account the nature of the evidence the Commission has requested and anticipates receiving from the government witnesses and in bearing in mind the testimony heard during the Commission's National Security Confidentiality hearings, held in January and February 2024, as well as the testimony from four witnesses – two CSIS officials and two CSE officials – received *in camera* following the Attorney General's first request to receive evidence *in camera*.

9. As I did in my *Ruling on a Request to Receive In Camera Evidence*, I have retained the discretion to ask Commission counsel to introduce into evidence, during the next public hearings, some of the information I received *in camera* should I conclude that its disclosure would not cause injury to Canada's protected interests. In such a case, the Parties will be allowed to test this information in presence of the public.

10. In agreeing to receive evidence *in camera* under these conditions, I concluded that I would comply with both my obligations under the law and the Commission's Terms of Reference, as well as my desire and commitment to maximize the transparency of the Inquiry.



11. In this context, as was the case with the previous *in camera* testimony, I requested that the Commission produce a summary of the evidence that was received *in camera* so that the participants and the public could obtain as much information as possible without causing injury to these protected interests.

12. Being mindful of the importance of permitting the participants to the Inquiry to contribute, I have followed the same procedure as I did with the *in camera* proceedings related to the Commission's Stage 1 hearings. In anticipation of the possibility of holding *in camera* hearings, Commission counsel wrote to all Participants and sought their input about the questions or topics that Commission counsel should explore during any *in camera* hearings. The Commission once again received numerous detailed and helpful proposals in response, which the Commission has taken into account during the *in camera* hearings.

Signed

Commissioner Marie-Josée Hogue

August 29, 2024