

Court File No.: DES- 16 -24

IBS

FEDERAL COURT

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

FEDERAL COURT COUR FÉDÉRALE		D É P O S É
FILED	OCT 11 2024	
<u>M. Chartrand</u>		
OTTAWA, ON		<u>3</u>

Applicant

- and -

DIKLA MIZRACHI, IRIS WEINSTEIN HAGGAI, JACQUELINE VITAL, RACHEL OHNONA, AND CENTRE FOR ISRAEL AND JEWISH AFFAIRS

~~RESPONDENTS TO BE NAMED BY THE COURT PURSUANT TO SUBSECTION 38.04(5) OF THE CANADA EVIDENCE ACT~~

Respondents

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

AMENDED NOTICE OF APPLICATION

TO THE RESPONDENTS:

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 **WITHIN 10 DAYS** after being served with this Notice of Application.

Copies of the *Federal Courts Rule*, 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: October 4, 2024

Issued by: 
(Registry Officer)

Amended: October 11, 2024

ORIGINAL SIGNED BY
MURIELLE CHARTRAND
A SIGNÉ L'ORIGINAL

TO: Dikla Mizrahi, Iris Weinstein Haggai, Jacqueline Vital, Rachel Ohnona, and Centre for Israel and Jewish Affairs

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Counsel for the Respondents

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 Notice given on May 28, 2024, by Vanessa Pilote, Legal Counsel at Global Affairs Canada (GAC) Legal Services Unit (the Notice). In the notice, the notifier advised that she believed that sensitive information or potentially injurious information was required to be disclosed in the Certified Tribunal Record to be filed in the judicial review proceeding in Court File No T-722-24 (the “Underlying Proceeding”).

THE APPLICANT MAKES APPLICATION FOR:

- (a) An order under ss. 38.06(3) of the *CEA* confirming the prohibition from disclosure of the information referred to in the Notice, except as previously authorized by the AGC under ss. 38.03(1) of the *CEA*;
- (b) An order authorizing the disclosure of the complete, unredacted Certified Tribunal Record to the judge seized with the Underlying Proceeding, if said judge is a designated judge; and
- (c) Such further and other relief as the Applicant may request and the Court deems just.

THE GROUNDS FOR THE APPLICATION ARE:

- (a) The Underlying Proceeding concerns a notice of application brought by the Appellants seeking judicial review of a decision made by the Government of Canada to reinstate funding to the United Nations Relief and Works Agency (UNRWA).
- (b) On May 28, 2024, the AGC received notice under ss. 38.01(1) of the *CEA*, stating that documents required to be disclosed in the Underlying Proceeding may contain sensitive or potentially injurious information;

- (c) On September 20, 2024, the AGC, through his delegate, did not authorize the disclosure of some of the information redacted in the documents covered by the notice. This information that was not authorized to be disclosed is the subject of this Application;
- (d) Disclosure of information subject to this Application would be injurious to international relations;
- (e) The public interest in non-disclosure of the information outweighs the public interest in its disclosure;
- (f) The AGC may receive subsequent notices in the following months 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) Dikla Mizrachi, Iris Weinstein Haggai, Jacqueline Vital, Rachel Ohnona and Centre for Israel and Jewish Affairs are parties whose interests are affected by the information contained in the documents subject to this Application and must be named as the Respondents;
- (b) A copy of the Notice of Application amended to include Dikla Mizrachi, Iris Weinstein Haggai, Jacqueline Vital, Rachel Ohnona and Centre for Israel and Jewish Affairs as the Respondents, should be served on the Respondents or their counsel in the Underlying Proceeding;

- (c) The Notice of Application must remain confidential until it is amended to name Dikla Mizrahi, Iris Weinstein Haggai, Jacqueline Vital, Rachel Ohnona and Centre for Israel and Jewish Affairs, and is served on the Respondents or their counsel in the Underlying Proceeding;
- (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 *in camera ex parte* hearing will be necessary;
- (g) This application should be conducted as a specially managed proceeding; and
- (h) Further and other representations as the Applicant may advise and this Court may permit.

THE APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:

- (a) Affidavits and other material as counsel may advise and this Court may permit.

Date: October 3, 2024



ATTORNEY GENERAL OF CANADA

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