

**COMMISSION OF INQUIRY INTO THE  
ACTIONS OF CANADIAN OFFICIALS  
IN RELATION TO MAHER ARAR**

---

**OPENING SUBMISSIONS OF THE  
ONTARIO PROVINCIAL POLICE**

---

**Ministry of the Attorney General**  
Crown Law Office – Civil  
8th Floor, 720 Bay Street  
Toronto, ON M5G 2K1

**Leslie McIntosh**  
**Darrell Kloeze**

Tel: (416) 326-4008  
Fax: (416) 326-4181

Counsel for the Ontario Provincial Police

1. These are the opening submissions of the Ontario Provincial Police (OPP) for the Factual Inquiry of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar. Mr. Justice O'Connor invited all parties with standing to make opening submissions in his Ruling on Standing and Funding released on May 10, 2004.

2. In his Ruling on Standing and Funding, Mr. Justice O'Connor granted party standing to the OPP in the Factual Inquiry. He found that the OPP has a substantial and direct interest in the Factual Inquiry in the following matters:

(a) its interests as the employer of OPP officers involved in national security investigation teams in which Mr. Arar's name arose;

(b) its participation in joint investigative task forces mandated to investigate matters of national security; and

(c) its knowledge of and involvement in the sharing of investigative information among police forces, including joint task forces, at both domestic and international levels.

### **Participation of the OPP in the Factual Inquiry**

3. The Factual Inquiry will focus on the actions of Canadian officials in relation to Maher Arar, including the following:

(a) the detention of Mr. Arar in the United States;

(b) the deportation of Mr. Arar to Syria via Jordan;

(c) the imprisonment and treatment of Mr. Arar in Syria;

(d) the return of Mr. Arar to Canada; and

(e) any other circumstance directly related to Mr. Arar which the Commissioner considers relevant to fulfilling his mandate.

4. The OPP has previously indicated in its submissions to the Commission of Inquiry that it wishes to assist the Commissioner in any subject of inquiry that engages the OPP's interests. It does not intend to prolong the hearing or duplicate any evidence already before the Commission of Inquiry.

5. It appears to the OPP that the issues set out in the mandate of the Factual Inquiry raise a number of general areas of inquiry that directly engage the interests of the OPP. At the present time, the OPP foresees that it will be participating in a few main categories of issues as set out below.

6. In the event that witnesses are called upon to testify on the actions of OPP officers who were involved in joint police task forces investigating into matters of national security, the OPP intends to participate in the examination of those witnesses particularly with respect to any evidence that relates to the participation of OPP officers.

7. The OPP also submits that it has interest and experience in two more general topics that may become areas of investigation during the course of the Factual Inquiry. These topics relate more generally to the governance and the activities of the joint police task forces mandated to investigate matters of national security. The OPP may wish to examine witnesses who testify on these matters and may wish to propose evidence and

witnesses that can assist the Commission in appreciating the interests involved in joint policing initiatives, particularly in the area of national security.

8. With respect to the matter of the governance of the joint investigative task forces, the OPP submits that it has particular experience with joint RCMP/OPP/municipal investigative teams dealing with, for example, on the federal level, issues of national security and money laundering, and on the provincial level, issues of organized crime.

9. The OPP has an interest in the institutional arrangements within which police officials participate in these joint investigative teams. The OPP's knowledge of these institutional arrangements can be of assistance to the Commissioner in fulfilling his mandate. The OPP also has an interest in ensuring that these joint investigative teams continue to function, and that they operate effectively in the interests of ensuring the safety and security of Canadians.

10. With respect to the matter of the activities of the joint investigative task forces, the OPP submits that it has an interest and experience in the role of information sharing among police forces in investigations relating to national security. This sharing of information among police forces is relevant to the mandate of the Factual Inquiry. The OPP has an interest in ensuring that it continues to have access to information from other police forces that is essential to the OPP's investigative and law enforcement functions.

**Conclusion**

11. In conclusion, the OPP submits that it intends to participate in the Factual Inquiry to the extent that the subject matter of evidence and testimony engages the interests of the OPP as set out at the beginning of these submissions.

12. The OPP also submits that its experience in those areas of inquiry involving the governance and the activities of joint investigative task forces may be of assistance to the Commission of Inquiry in fulfilling its mandate for the Factual Inquiry.

ALL OF WHICH IS RESPECTFULLY SUBMITTED,

June 14, 2004

---

Counsel for the Ontario Provincial Police

Ministry of the Attorney General  
Crown Law Office – Civil  
8th Floor, 720 Bay Street  
Toronto, ON M5G 2K1

Per: Leslie McIntosh  
Darrell Kloeze

Tel: (416) 326-4008  
Fax: (416) 326-4181