

Public Servants  
Disclosure Protection  
Tribunal Canada



Tribunal de la protection  
des fonctionnaires  
divulgateurs du Canada

**Citation: Charbel El-Helou v. Courts Administration Service, Power, Delage 2011 PSDPT 6**

**Tribunal File No. T-2011-01**

**Date: 20110610**

**Ottawa, Ontario, June 10, 2011**

**The Honourable Mr. Justice Martineau, Chairperson  
Public Servants Disclosure Protection Tribunal**

**BETWEEN:**

**CHARBEL EL-HELOU**  
Complainant

**-and-**

**COURT ADMINISTRATION SERVICE**  
**and**  
**DAVID POWER**  
**and**  
**ÉRIC DELAGE**  
Respondent(s)

**INTERIM PUBLICATION BAN ORDER**

**UPON MOTION** by the Public Sector Integrity Commissioner (the Commissioner),  
dated June 6, 2011 and filed with the Public Servants Disclosure Protection Tribunal (the

Tribunal) on the same day, for a publication ban on any information that could identify both the member of the judiciary and the person or persons suspected of making threats or alleged to have made threats against the member of the judiciary named in the confidential notice of motion and in documents filed with the Tribunal;

**CONSIDERING** that an application has been made to the Tribunal by the Commissioner pursuant to subsection 20.4(1) of the *Public Servants Disclosure Protection Act*, SC 2005, c 46 (the Act) for a determination of whether or not a reprisal was taken against the complainant;

**CONSIDERING** that the herein motion for a publication ban order is made pursuant to Rules 13 and following of the *Public Servants Disclosure Protection Tribunal Rules of Procedure*, published in the *Canada Gazette Part I* on May 21, 2011 (the interim Rules);

**CONSIDERING** that on an urgent basis, the Commissioner has requested that an interim ban of publication be ordered by the Tribunal until the Commissioner's motion is disposed of by the Tribunal or until such time as this Tribunal orders otherwise;

**HAVING** read the affidavit dated June 3, 2011, of Ms. Gail M. Gauvreau, Senior Investigator employed by the Office of the Public Sector Integrity Commissioner of Canada and former member of the Royal Canadian Mounted Police;

**BEING** satisfied at present time that the wide dissemination of information through the media or by any other person that could identify the alleged victim of the threats and the person or persons suspected of making the threats could seriously harm these persons' privacy rights and potentially compromise any on-going or future investigation;

**HAVING** heard the oral submissions of the counsels representing the Commissioner, the complainant and the respondents and reviewed the draft consent interim order submitted by them;

**THE TRIBUNAL MAKES THE FOLLOWING INTERIM ORDER:**

1. There shall be a ban on the publication, broadcasting, transmission or dissemination to the public through any other electronic means by any person of any information contained in the documents and records before the Tribunal or heard in these proceedings that could identify both the member of the judiciary and the person or persons suspected of making threats or alleged to have made threats against the member of the judiciary named in the confidential notice of motion and in documents filed with the Tribunal, until the Commissioner's motion is disposed of by the Tribunal or until such time as this Tribunal orders otherwise; and
2. The Tribunal may rescind, amend or vary this interim order at any time for cause upon the initiative of the Tribunal or on motion.

Luc Martineau

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Chairperson