

**Commission d'enquête
sur les actions des
responsables canadiens
relativement à Maher Arar**



**Commission of Inquiry into
the Actions of Canadian
Officials in Relation to
Maher Arar**

**Examen de la Politique
Audience publique**

**Policy Review
Public Hearing**

Commissaire

L'Honorable juge /
The Honourable Justice
Dennis R. O'Connor

Commissioner

Tenue à:

Salon Algonquin
Ancien hôtel de ville
111, Promenade Sussex
Ottawa (Ontario)

le mardi 15 novembre 2005

Held at:

Algonquin Room
Old City Hall
111 Sussex Drive
Ottawa, Ontario

Tuesday, November 15, 2005

APPEARANCES / COMPARUTIONS

Ms Freya Kristjanson
Ms Andrea Wright
Mr. Ron Forester

Legal Counsel

Mr. Alan Bovoroy
Mr. Ken Swan

Canadian Civil Liberties Association

Mr. Scott Burbidge

Ms Carla Ferstman

The REDRESS Trust;
Association for the Prevention of Torture;
World Organisation Against Torture

TABLE OF CONTENTS / TABLE DES MATIÈRES

	Page
<u>Submissions on behalf of the Canadian Civil Liberties Association</u>	2
<u>Submissions by Mr. Burbidge</u>	41
<u>Submissions on behalf of the REDRESS Trust, The Association for the Prevention of Torture, and The World Organisation Against Torture</u>	77

1 Ottawa, Ontario / Ottawa (Ontario)
2 --- Upon commencing on Tuesday, 15 November, 2005
3 at 1:00 p.m. / L'audience débute le mardi 15
4 novembre 2005 à 13 h 00

5 THE COMMISSIONER: We will get
6 under way.

7 Welcome to the beginning of the
8 submissions for the policy review. We will be
9 having these submissions over the course of the
10 next three days after today, four days including
11 today. There is a published schedule for people
12 who are making presentations.

13 All of the presenters have
14 presented written material, which I have had an
15 opportunity of reviewing which has been very
16 helpful. The written presentations have been made
17 available to different groups and individuals who
18 are interested in the work of the policy review.

19 The schedule indicates the length
20 of the presentations. What envision taking place
21 is that the presenter or presenters for a
22 particular group have the opportunity of making an
23 opening statement. I would like to have the
24 opportunity of asking questions, either during the
25 course of that statement or before the allotted

1 time has expired. I think one of the advantages
2 of this type of process, for me at least, is the
3 opportunity to put specific questions, not for the
4 purpose of challenging, arguing, or anything of
5 that sort, but simply to draw out as much as I can
6 the information and the assistance that people are
7 providing to me. So I will be doing that.

8 I might indicate as well that
9 there will be, after this week of presentations is
10 completed, an opportunity for the parties, if they
11 wish, to make responses to anything they heard
12 during the course of the week. We will be
13 publishing a notice with respect to this, but
14 December 19th will be the date by which we will
15 want to have all responses in writing. That will
16 then complete the participation of the different
17 interested parties in the policy review.

18 With that, why don't we get under
19 way.

20 The first group presenting today
21 is the Canadian Civil Liberties Association,
22 Mr. Borovoy and Mr. Swan.

23 Would you please go ahead.

24 SUBMISSIONS

25 MR. BOROVOY: Thank you very much.

1 I should point out that arguing
2 and challenging us is quite permissible,
3 Mr. Commissioner.

4 I have at my left, Ken swan,
5 former Chair of our Board and currently still a
6 Vice-President.

7 Our earlier brief did not
8 explicitly address the issue of whether there
9 should be a super SIRC, if you like, created for
10 all of the national security activities at the
11 federal level. Since you have explicitly asked
12 the question, our response is yes, there should
13 be.

14 We had said earlier that there
15 ought to be an independent auditing of all the
16 national security activity. We do think it would
17 be advantageous to have a single super SIRC for
18 all of those activities, RCMP and others at the
19 federal level.

20 You will recall that in our
21 original brief -- if you don't recall, we do -- we
22 said something about that the audit agency should
23 have no decision-making power to enforce its view
24 of the world. Its role essentially should be to
25 disclose, expose and propose, but not to decide.

1 In that way, we think that it is
2 especially advantageous for the audit agency to be
3 generally not involved in operational activities
4 and operational decisions. That includes the
5 handling of complaints.

6 Like the RCMP, the complaint
7 agency interacts more or less directly with the
8 complainant, in most cases. Like the RCMP, the
9 complaint agency makes decisions that
10 transparently affect the complainant and the RCMP.
11 The decision could be to impose discipline or
12 trigger disciplinary proceedings, or not to impose
13 discipline or trigger disciplinary proceedings.
14 In the course of doing that, the complaint
15 commission becomes vulnerable to the perception
16 and perhaps even the suspicion that it is biased.
17 That is the risk when you make those kind of
18 decisions.

19 To whatever extent an audit agency
20 gets involved at the complaint level, it too could
21 acquire -- could be commensurately affected, if
22 you like, by that process in the eyes of the
23 complainant and the RCMP.

24 Of course we understand that
25 having put out reports in the past, that could

1 taint an exclusively audit body as well, but we
2 suggest must less so, because for the most part
3 the situations it will describe in its reports
4 will not be precisely identified and, in any
5 event, it will be making observations rather than
6 making decisions. That could have quite a
7 differential effect.

8 THE COMMISSIONER: So you see
9 separating then, with respect to the RCMP. The
10 complaints function, presumably you are saying,
11 would be stay in the CPC.

12 MR. BOROVOY: Right.

13 THE COMMISSIONER: I take your
14 point, you probably suggest it be enhanced with
15 greater powers than it now has.

16 But leaving that to the one side
17 for the moment, then you would separate out the
18 audit function when it comes to the RCMP's
19 national security activities only?

20 MR. BOROVOY: Well, let me put
21 this to you: We would say at the very least -- at
22 the very lease the audit body should be able to
23 audit the RCMP's national security activities.

24 THE COMMISSIONER: That is what
25 I'm saying, as well as the national security

1 activities of all of the others federal actors who
2 are in the national security field.

3 MR. BOROVOY: That's right.

4 THE COMMISSIONER: Do you think
5 that something would be lost in separating a
6 complaints function for an agency like the RCMP
7 and the audit function for the same agency?

8 MR. BOROVOY: Our suggestion is
9 that a lot more would be gained. What we are in
10 fact suggesting is that public confidence in the
11 entire security system is likely to be enhanced by
12 the existence of an agency perceived as above the
13 fray that is involved in after-the-fact auditing
14 and reviewing. Indeed, it could also audit and
15 review the activities of the complaint commission.
16 We think there is a real advantage to having that
17 subject to audit as well.

18 So that all of this, in our
19 view, would enhance public confidence in our
20 national security system.

21 THE COMMISSIONER: Do you think,
22 Mr. Borovoy, there would be any difficulty with a
23 body having that auditing function for, I think
24 what we have identified as 24 different ministries
25 that potentially are involved in some way in

1 national security activities, having a body that
2 would have expertise to look at what are very
3 different actors, the RCMP being the one that I am
4 concerned about primarily, exercising law
5 enforcement police-type powers and then, on the
6 other hand, looking at the national security
7 activities of CSIS and CSE, but of the Department
8 of Transport and all of these different agencies.

9 Is this realistic, that one body
10 could have that breadth of expertise?

11 MR. BOROVOY: Do you want to try
12 this, Ken, or shall I?

13 MR. SWAN: It's difficult to know
14 in advance whether that is realistic or not, but
15 it seems to us to be at least the right way to
16 proceed. A body of that kind could develop
17 sub-expertises within its own operation. Its own
18 organization could include people with the kind of
19 particular technical expertise required for each
20 area.

21 There is a considerable advantage
22 to having a single oversight body that looks at
23 all of the transactions that may be moved sideways
24 among those agencies, as well as the ones that are
25 entirely interior to any one particular agency.

1 As to how to operationalize that
2 and make it into an operational functioning
3 organization, we can't really say at this point.
4 It seems to us that that is the way we should be
5 recommending that the process proceed.

6 THE COMMISSIONER: In asking these
7 questions, as I said at the beginning, I'm simply
8 probing. Some of the arguments that would be put
9 against, if I can call it, the all-encompassing
10 agency -- and let me just scroll through them.
11 One would be that it would require somebody to
12 define what national security activities of each
13 agency or department that are being reviewed would
14 be.

15 I can tell you, and I think
16 reading the material you might have seen this,
17 that even trying within the RCMP to separate out
18 what is a national security investigation and what
19 isn't, so that the jurisdiction of this body would
20 reach into 24 agencies and one would have to, for
21 each of those, say the jurisdiction is
22 circumscribed to national security activities and
23 analyze thoroughly. The argument that is put
24 against it is that this body will spend its entire
25 life triaging cases to determine whether or not it

1 is a national security activity within the
2 Department of Transport or -- well, CSIS and CSE
3 would be automatic, I would have thought; but
4 other than that. It would devote an inordinate
5 amount of time and resources to the triaging
6 exercise.

7 MR. BOROVOY: Wouldn't that also
8 be anticipated that even if it were not a single
9 agency, even if you had several agencies, you
10 still might have that problem?

11 THE COMMISSIONER: Well, certainly
12 if you have an agency, I think, that is going to
13 go to all 24. Some would suggest that the real
14 need for review, if there is one, for audit type
15 of review, is more for the agencies that actually
16 potentially exercise intrusive type powers, that
17 are collectors of information: the RCMP, CSIS,
18 CSE, possibly CSA. But that the other 20 -- and
19 this is generalizing -- what they do is, if
20 anything, is pass information, perhaps of a
21 personal nature.

22 They engage the concern about
23 civil liberties and intrusive powers in a
24 different way than the prime actors. So I think
25 to respond to the point you make, one of the

1 concerns would be, yes, you are going to have to
2 that, not for CSIS and the CSE, but you would for
3 the RCMP and CBSA.

4 That clearly is one of the
5 challenges.

6 If I can just ask you another
7 question, in the CPC's submission to me, they go
8 on at some length about the expertise required to
9 deal with complaints, but I think it would pass
10 over to audit, the RCMP. And they would make the
11 case that reviewing the RCMP, a law enforcement
12 officer, involves looking at a whole range of
13 activities that are unique to the RCMP and require
14 a knowledge of the law, the jurisprudence dealing
15 with police powers, and so on, that are different
16 than the standards and policies that would apply
17 to other agencies.

18 Do you think that would be a
19 concern for an all-encompassing agency?

20 MR. SWAN: I think it's at least
21 arguable that it is a larger concern that there be
22 a hiving off of expertise into one area without
23 some kind of connection between the agencies that
24 work together in a particular national security
25 issue.

1 As long as you have the kind of
2 interface between CSIS and the RCMP, for example,
3 that we have now, there is always a fuzzy area in
4 between. If you try to make the same kind of
5 interface between the review agencies, then the
6 fuzzy area extends to the people who are doing the
7 reviewing as well. If jurisdiction stops at a
8 certain point, then the problem of tracing a
9 particular exercise in national security from say
10 CSIS into the RCMP or the other way around becomes
11 very difficult.

12 So while I think we agree that you
13 need a different kind of technical expertise and a
14 different kind of theoretical approach for
15 different kinds of agencies, in the long run,
16 unless there is some way of providing a mechanism
17 or structure that can go across those fuzzy lines
18 whenever necessary to follow the information or
19 the concern or the audit trail, then a great deal
20 is going to be lost.

21 THE COMMISSIONER: Would it be
22 correct that the notion that underlies the need
23 for an overall agency is the fact that national
24 security investigations and activities are
25 integrated and involve more than one agency?

1 Do I understand that you say the
2 reason we need to address it is because these
3 activities are integrated and therefore the review
4 mechanism, the audit mechanism, must be able to
5 cope with the integrated activities to adequately
6 review the full scope of what has been done so
7 nothing falls between the cracks, so to speak?

8 MR. BOROVOY: That's the key,
9 falling between the cracks.

10 THE COMMISSIONER: I'm sorry, I
11 don't mean to talk all this much, but let me just
12 posit: What I struggle with when I look at it is
13 that argument, that a review agency that has a
14 wall up, we only look at the RCMP, we only look at
15 CSIS, we only look at CSE, that unless there is
16 some mechanism to address the integration of those
17 activities, you are going to bump into walls and
18 fall between the cracks.

19 MR. BOROVOY: And the same with
20 public perception of the whole thing and public
21 confidence in the whole arrangement.

22 THE COMMISSIONER: Go ahead,
23 Mr. Swan.

24 MR. SWAN: There is some danger, I
25 think, as well as to having walls on a horizontal

1 scale, there is some danger of having walls on a
2 vertical scale. When you talk about being able to
3 distinguish between national security operations
4 and non-national security operations within any
5 one agency and that being a jurisdictional problem
6 for the audit agency, that is something we think
7 should be avoided as well. We think that the
8 audit agency should not have to stop where it runs
9 out of a deliberate national security focus for
10 its inquiries, because at some point a national
11 security function will devolve into local policing
12 work within the RCMP, for example, or into the
13 operation of CSIS agents within CSIS itself.

14 There shouldn't be any particular
15 lower limit to the review agency or the audit
16 agency's function simply because you have run out
17 of the that national security mandate. They
18 should be entitled, at least, to inquire beyond
19 that.

20 We would like to see any
21 artificial barrier to inquiry by the audit
22 agency --

23 THE COMMISSIONER: Both
24 horizontally and vertically.

25 MR. SWAN: Both horizontally and

1 vertically, removed, or at least made very rubbery
2 indeed.

3 THE COMMISSIONER: If one accepts
4 the notion that there should be this audit type of
5 function carried out by a review body, a certain
6 type of -- I think if what you are talking about
7 without --

8 MR. SWAN: Super SIRC.

9 THE COMMISSIONER: Yes, without
10 adopting holus bolus. We are talking about a SIRC
11 type of audit, so for the RCMP's national security
12 activities in the future, we would still have the
13 complaints process, but in addition, presumably
14 because of the transparency or lack of
15 transparency of national security activities, we
16 would have this new audit function that would be
17 carried out.

18 There has been a suggestion
19 made -- accepting that there should be that type
20 of audit function for national security
21 activities -- that the review bodies should be
22 agency-specific, even for the audit function, so
23 that the CPC, for example, would do complaints and
24 the audit; SIRC would do for CSIS and the CSE
25 Commissioner would for CSE. But because of the

1 integration problem that we spoke of, then you
2 need a mechanism to join the existing review
3 bodies, a coordinating committee to -- where there
4 is an integration problem, to force those review
5 bodies or to have them work in a cooperative way
6 to deal with integration problems.

7 Do you have any comment on that
8 proposal?

9 MR. BOROVOY: You are making it
10 sound like a veritable nightmare, and I suspect
11 that's probably the answer to it: that the whole
12 thing would just become an administrative
13 nightmare.

14 THE COMMISSIONER: And why would
15 you say that? You would have the review body over
16 the particular agency, and then when a case showed
17 that there had been integrated activities, as
18 between two or three agencies, then there would be
19 a coordinating committee perhaps of the chairs of
20 the review bodies, or whoever, who would then
21 ensure that the reviews that took place, the
22 audits that took place, took into consideration
23 the integrated activity so nothing did slip
24 between the cracks.

25 MR. BOROVOY: I confess I have

1 never been involved in this kind of audit. I
2 always have to imagine this when I hear about it.

3 I would think that it's better to
4 have the investigators be able to follow leads
5 where they take them rather than to have to worry
6 about sitting down with the chairs and
7 coordinating who is going to do what.

8 Investigators following leads
9 where they take them. I would think that would
10 simplify the process.

11 MR. SWAN: Just to add to that,
12 the higher the level at which information is
13 exchanged, it seems likely the less information
14 that will actually flow.

15 So if all the information has to
16 go up in order to go across in a chair's
17 committee, then it is more likely to get lost than
18 it would if it flows across at an operational
19 level.

20 THE COMMISSIONER: Are there any
21 other ideas that occur to you about dealing with
22 the integration problem?

23 The reason I ask the question is
24 to come back to the point I made earlier, that
25 some argue that the super agency, as I think it

1 has been called in some of the submissions, that
2 would span a wide range of ministries will itself
3 suffer from a lack of practicality, if I can put
4 it that way, difficulty in sort of reaching in to
5 so many places.

6 Is there anything else that occurs
7 to you, other ways to address the integration
8 problem?

9 I take it you are not enamoured by
10 the suggestion that I think exists in at least one
11 or two of the European countries where they have
12 statutory gateways. It is the type of idea that I
13 was mentioning. It is mandated by statute for
14 cooperation between review bodies sharing
15 information, and so on.

16 Does that fall short of the mark
17 as you see it?

18 MR. BOROVYOY: I would think it
19 does. I would think that this would be a more
20 efficient and effective way of managing it.

21 I also acknowledge that this is
22 coming from a non-expert in the area of
23 bureaucracy. It has been my good fortune, lo
24 these many years, not to work in a bureaucracy.

25 I don't like to show off.

1 THE COMMISSIONER: You can tell
2 from my questions that one thing I'm struggling
3 with is if one accepts that there is going to be
4 an audit and accepts there is an integration
5 problem, that as I look at the different
6 proposals, I quickly see yellow lights flashing
7 that say "be careful about creating something that
8 turns out to be a nightmare", as you suggest with
9 the one proposal that I put forward.

10 We haven't had a lot of
11 experience, in Canada at least, or any experience
12 with the solution to this type of dilemma. That
13 is what I am struggling with.

14 MR. BOROVOY: I'm usually careful
15 to say to people when I am trying to persuade them
16 to accept my proposals that I acknowledge that
17 there are problems with these proposals, but they
18 must be compared, as a former finance minister
19 once said, not to the all mighty, but to the
20 alternatives.

21 THE COMMISSIONER: Can I move to
22 another area for questioning.

23 MR. BOROVOY: Sure. We were
24 prepared to move to some others as well.

25 THE COMMISSIONER: Would you

1 rather carry on with your presentation?

2 MR. BOROVOY: I'm easy.

3 THE COMMISSIONER: Why don't you,
4 then.

5 MR. BOROVOY: There was just a
6 couple of other things we were going to comment
7 on.

8 THE COMMISSIONER: Sure.

9 MR. BOROVOY: Another issue that
10 keeps raising its head in a lot of these
11 considerations deals with how you handle the
12 meshing, the interactions of various review
13 agencies. And almost invariably the question
14 comes up: What about the independence of the
15 police?

16 It just occurred to us to try to
17 deal with this more up front, if you like, because
18 it is something that has bothered our organization
19 for some time. And that is the relationship in
20 this country between the politicians and the
21 police.

22 As I understand the law and the
23 practice in Canada, the minister may issue broad
24 policy directives to the police but must not
25 interfere in day-to-day specific activities. And

1 this is done in order to reduce the risks of
2 politicizing the police.

3 A perfectly legitimate objective,
4 but I fear that the price that is paid is in
5 accountability, ministerial accountability for
6 police activity.

7 If you could imagine a situation
8 arising when a minister may find out that the
9 police have targeted someone that she thinks in
10 principle should not be targeted or are using
11 tactics that she thinks are improper, unless she
12 is an in a position to say you don't do that, her
13 ability to account for what the police are doing
14 becomes extremely limited.

15 Some of the hearings of your very
16 commission I think illustrate this terrifically.
17 When Mr. Cavalluzzo was questioning Minister
18 Graham about his experiences as Foreign Minister
19 and he asked whether it wouldn't have been better
20 for him to have had more information about the
21 Arar case when he sat down to discuss it with
22 Secretary of State Powell of the United States,
23 the answer was, "I'm not supposed to. That is
24 wrong for the minister to know these things." And
25 Cavalluzzo pressed him, and he said something to

1 the effect that what I understand, then, is that
2 if a rookie officer was working on the file, he
3 could wind up knowing more than the minister knows
4 when you have to sit down on some kind of level
5 playing field with the U.S. Secretary of State.
6 And again, the answer is that is our doctrine in
7 this country. To which, I suppose my most polite
8 response is, that strikes me as nuts, how we can
9 have a set-up like that.

10 In any event, why should we assume
11 that all the questionable political motives exist
12 in the government? The police are sometimes
13 accused of this as well, and indeed all the other
14 prejudices that it is alleged govern their
15 operations, whether it is racism or homophobia.
16 At different times, these are allegations that we
17 know that are made.

18 So as between the appointed police
19 and the elected government, why should it be the
20 police that have the right to make the last
21 mistake?

22 As a result, we think that the
23 system should be altered so that the minister is
24 in a position to learn what is happening and to
25 direct, but subject -- because we understand it

1 still would be a problem -- subject, first of all,
2 that it be a requirement that it be put in
3 writing, and that the aura of putting it in
4 writing or that rather the obligation to put it in
5 writing engulfs the relationship in that kind of
6 aura.

7 Here I can envision it -- and I
8 haven't been a fly on the wall, nor have I been
9 involved in any of these relationships. But I
10 could see if the minister says something to the
11 Commissioner and the Commissioner says put it in
12 writing, minister.

13 And the second thing that this be
14 subject to audit also. In our view, this would be
15 a significantly less bad way to order the
16 relationship.

17 That is the second submission we
18 wanted to make.

19 THE COMMISSIONER: To come back to
20 the example that you used at the beginning of your
21 point, you would say, then, if the minister wanted
22 to obtain information about a particular
23 situation, an operational situation, he or she
24 should be entitled to make inquiries?

25 MR. BOROVOY: And insist on

1 replies.

2 THE COMMISSIONER: Then the second
3 step of that is if the minister wanted to give
4 directions with respect to an operation or
5 whatever, then that should be done in writing?

6 MR. BOROVOY: That's right.

7 THE COMMISSIONER: Is what you are
8 suggesting, Mr. Borovoy, confined to national
9 security investigations or is it just a general
10 principle that should apply to policing across the
11 board?

12 MR. BOROVOY: We are choosing
13 national security. We say at least that. I could
14 live with it right across the board, because again
15 it would be subject to the requirement of having
16 it in writing and amenable to an independent
17 audit.

18 THE COMMISSIONER: That would go
19 against the current jurisprudence, certainly I
20 guess starting back with Lord Denning.

21 MR. BOROVOY: The beauty of being
22 a Commissioner is you are in a position to
23 legislate.

24 THE COMMISSIONER: To recommend
25 only.

1 MR. BOROVOY: I understand, but
2 you have an unlimited mandate to fantasize about
3 legislating.

4 --- Laughter / Rires

5 THE COMMISSIONER: Okay. Your
6 next point?

7 MR. SWAN: Just an additional
8 point on that, of course I assume you are
9 referring to the Attorney General from New South
10 Wales and Perpetual Trustee. That was a case
11 about a traffic accident, as I recall. So I don't
12 really know why we should have allowed a judge
13 sitting on a traffic accident case to have evolved
14 public policy on control of police for all time.

15 THE COMMISSIONER: No, no. I take
16 your point. It certainly has become, I think as
17 Mr. Borovoy points out, a well-entrenched sort of
18 principle in Canada. But I agree, it doesn't mean
19 it shouldn't be looked at.

20 MR. BOROVOY: Another issue that
21 has not come up, as far as I know in these circles
22 but we think that there is a real case for it --
23 and here we are drawing on an experience we had as
24 an organization, of attempting -- this deals now
25 with the courts as another review agency and one

1 of the limitations on the ability of the courts to
2 be helpful in this area is a self-imposed one and
3 it deals with the rules of standing.

4 We had occasion to want to
5 challenge the Constitutionality of the powers
6 available to CSIS and we were ruled out of court.
7 We were denied standing on the grounds of our
8 evidence, that there wasn't a sufficient
9 evidentiary base for our position. We were quite
10 upfront in acknowledging, in fact we said of
11 course we don't have adequate evidence. You can't
12 get it. The whole idea is that these powers are
13 going to be exercised surreptitiously.

14 And if the whole scheme of
15 preventive law enforcement does its job, a lot of
16 these cases will never get to a courtroom. So
17 there will be no way, as a practical matter, to
18 challenge the constitutionality of these kinds of
19 powers.

20 The obvious suggestion is a
21 recommendation that there be legislation
22 effectively directing the courts not to use the
23 lack of evidence as a basis to deny standing where
24 what is involved is the surreptitious exercise of
25 intrusive powers.

1 THE COMMISSIONER: Just so that I
2 am clear, what you are aiming at, then, is in any
3 situation where the lack of evidence results from
4 the inability of the party seeking standing to
5 obtain the evidence because the information would
6 be either part of surreptitious exercise of powers
7 and otherwise protected by national security
8 concerns but, in any event, would be --

9 MR. BOROVOY: Or at least in
10 situations where they are not supposed to have
11 access to the evidence.

12 THE COMMISSIONER: Right. Yes. I
13 understand. Okay.

14 I have a few questions. in other
15 areas.

16 MR. BOROVOY: You go ahead.

17 THE COMMISSIONER: You finish your
18 shopping list first, or do you want me to --

19 MR. BOROVOY: No. We can trade
20 back and forth on these.

21 THE COMMISSIONER: Let me ask you
22 about the complaints process with respect to the
23 RCMP, the one that is now in place and just your
24 comments on a number of features of it.

25 The complaints process that is

1 there now contemplates that the first
2 investigation be done by the Force itself and
3 there is, as you are aware, the capacity for the
4 complaints body to conduct a follow-up
5 investigation.

6 Do you have any comment on that,
7 whether that is a useful technique, approach or
8 otherwise?

9 MR. BOROVOY: You bet we do. We
10 have long been critical not only of the RCMP
11 arrangement, but other policing arrangements that
12 contemplate, as the usual practice, for the
13 investigations to be done by the police
14 themselves.

15 For these purposes I can do little
16 better than quote an RCMP Sergeant a number of
17 years ago at the Donald Marshall Inquiry in
18 Halifax when he was asked why the RCMP pulled its
19 punches when it reviewed the Sydney, Nova Scotia
20 police investigation. His answer was: "police
21 are like a fraternity, you feel a special
22 relationship with one another", something like
23 that. Well, if that is true when it is one police
24 force and another, how much more true is this
25 likely to be when it is all in the same police.

1 Or, if I may argue in the alternative, at the very
2 least it is going to be perceived that way.

3 It is so important in these things
4 that there be the right kind of perception
5 created.

6 The difficulty is -- or I should
7 say to me what strikes me as significant is
8 throughout our society we are moving in the
9 direction of reducing conflicts of interest. Here
10 there is a clear conflict of interest, and for
11 some reason we are clinging to it. Our view is
12 that that is not appropriate.

13 THE COMMISSIONER: As you are
14 aware -- I guess it is not a universally accepted
15 practice in Canada, but there are a number of
16 review bodies across Canada that take that
17 approach, do they not, where the police force does
18 the initial investigation, not the final
19 investigation but the initial one?

20 MR. BOROVOY: No, no, that's
21 right. I'm just saying, we had occasion to
22 criticize it in those places as well.

23 THE COMMISSIONER: Right.

24 Another issue that is raised in
25 the further questions that the Commission

1 distributed was a matter of a special advocate and
2 the use in hearings, complaint hearings or
3 whatever other hearings may be involved in the
4 review of national security activities, hearings
5 that are in part held in camera -- a matter that I
6 have become quite familiar with -- because of
7 national security concerns, legitimate national
8 security concerns.

9 Do you have any comments with
10 respect to the use of special advocates and the
11 limits on it?

12 I think some people sensibly have
13 said that it is a good idea but it shouldn't be in
14 every case, that there should be some sort of
15 parameters around the use of it.

16 I don't know, has your association
17 looked at this and do you have any suggestions.

18 MR. BOROVOY: I can't recall
19 having thought through limits to it. We are quite
20 aware of the fact that it might still leave the
21 situation with a less than adequate arrangement,
22 but I think it is fair to say it would probably be
23 less inadequate than any alternative we can
24 imagine that there be public interest,
25 security-cleared advocates who could not give this

1 information to their so-called client.

2 For these purposes I recall one
3 comment made by a British court, at least in one
4 case, that it found the cross-examination
5 conducted in camera by the special advocate
6 particularly helpful.

7 I must say another source that has
8 been particularly helpful is the press conference
9 that Paul Cavalluzzo gave on this very subject.
10 As I sat and listened to him, I became even more
11 persuaded than had been before I heard him say it,
12 that he felt his own experience testified to the
13 value it could have.

14 THE COMMISSIONER: Interesting in
15 the discussion about this issue -- it is just an
16 observation of mine -- the role is often described
17 as *amicus curiae*, leaving aside the fact that it
18 is not a court. But it strikes me that there
19 actually is a difference between the role that
20 *amicus* plays and the role that a special advocate
21 might play.

22 I sort of haven't thought it all
23 through, but --

24 MR. BOROVOY: I think what is
25 envisioned here is that since the impugned person,

1 if you like, is the one who is left without
2 effective counsel, that the idea is for this
3 advocate to be that person's counsel

4 THE COMMISSIONER: Yes.

5 MR. BOROVOY: So actually
6 representing, as best that he can in the
7 circumstances, that person's interests. In that
8 way, that does differ from --

9 THE COMMISSIONER: From an amicus.

10 MR. BOROVOY: Sure.

11 THE COMMISSIONER: Yes.

12 MR. BOROVOY: Which is a role that
13 our organization often plays. We instruct our
14 lawyers in these situations: Remember, we are not
15 there as cheerleaders for any party.

16 THE COMMISSIONER: Right. Yes.

17 It is an interesting point when
18 one thinks about it as to actually the loyalty and
19 who the client is actually for that advocate.

20 One of the other issues that is
21 raised in the further questions is this matter of
22 access to documents and access to personnel.
23 Let's take it for both a complaints process and an
24 audit process.

25 I don't have to ask you whether

1 you are in favour of broad access, but one of the
2 issues --

3 MR. BOROVOY: I just feel so bad
4 being so predictable.

5 --- Laughter / Rires

6 THE COMMISSIONER: Surprise me.
7 One of the issues that arises,
8 though, is the question of privileges. There is
9 the issue of solicitor-client privilege, issue of
10 Cabinet privilege, and so on.

11 Let me just ask you: What
12 position would you take with respect to access to
13 privileged documents?

14 MR. BOROVOY: I turn to my
15 authority.

16 THE COMMISSIONER: Okay.

17 MR. SWAN: We have actually given
18 this a fair deal of recent thought because of the
19 questions that you sent out.

20 THE COMMISSIONER: Right.

21 MR. SWAN: I think we can
22 appreciate that there might be a role for
23 solicitor-client privilege -- say for the RCMP if
24 we are talking about a complaint structure
25 there -- in relation to the complaint itself. In

1 other words, when the complaint is founded the
2 RCMP is entitled to take -- or the particular
3 officer is entitled to take legal advice and to
4 have that advice protected by the usual privilege.

5 THE COMMISSIONER: Right.

6 MR. SWAN: As we understand it,
7 the question goes beyond that and it is in
8 circumstances where the Force says that it has
9 acted on legal advice given in relation to another
10 matter --

11 THE COMMISSIONER: Yes.

12 MR. SWAN: -- and then it says
13 that document is protected by some kind of
14 privilege.

15 We think that in those
16 circumstances, if the RCMP had that document in
17 order to make its decision and to inform its
18 actions, then the complaints agency first of all,
19 and certainly the audit agency, has to have the
20 same access that they had. Any other limitation
21 would leave them simply unable to judge the
22 propriety of what took place. We think there the
23 claim for privilege is very different from what it
24 is in relation to a particular complaint

25 THE COMMISSIONER: Yes.

1 MR. SWAN: So our position would
2 be for at least solicitor-client privilege, having
3 acted upon it the Force effectively has waived any
4 privilege that may have existed beforehand.

5 THE COMMISSIONER: So a privilege
6 attached, if you will, as part of the events that
7 are being audited or are subject matter of the
8 complaint, then the review body should have
9 access, should not be restricted by that. But a
10 privilege that attached with respect to actually
11 adjudicating the complaint itself, a privilege for
12 an officer -- or indeed I suppose possibly the
13 Force, I'm not sure about that -- but if they took
14 legal advice as to how to conduct themselves and
15 to put forward their position within the course of
16 the proceeding itself, then that would be off
17 limits?

18 MR. SWAN: At least in that
19 proceeding, yes

20 THE COMMISSIONER: Yes. In that
21 proceeding, yes. I think I understand.

22 Another privilege that arises is
23 informer privilege that is sometimes claimed that
24 would come up in a law enforcement investigation.
25 I suppose it may be comparable to the privilege

1 that attaches to sources and the security
2 intelligence world with CSIS. There may be
3 differences but, in any ,event do you have any
4 comment with respect to informer privilege.

5 MR. SWAN: Obviously this is more
6 difficult because in some circumstances at least
7 it can endanger the lives or safety of the
8 informer or the source. But we don't see it so
9 much as a matter of privilege as a matter of
10 protection of information. There seems to be no
11 reason, from our point of view, why if the
12 identity of the informer or the source is material
13 to the inquiry or the audit that it shouldn't be
14 available on a confidential and protected basis to
15 the auditors or the complaints commission itself.

16 THE COMMISSIONER: If the identity
17 is actually relevant. Because in a lot of cases
18 the identity won't be relevant.

19 MR. SWAN: Obviously you would
20 only treat sensitive information like that. I use
21 the words "sensitive information" as opposed to
22 "privileged information", because I think the
23 privilege really attaches to it when it goes to
24 court and is discussed in public. In private it
25 is really sensitive information that has to be

1 protected, but shouldn't be kept away from the
2 inquiry or from the audit body merely on the basis
3 that it would be privileged somewhere else.

4 THE COMMISSIONER: Yes. Finally,
5 what about Cabinet privilege?

6 MR. SWAN: I guess we wonder why
7 the RCMP for example would have information that
8 had Cabinet privilege attached to it.

9 THE COMMISSIONER: It would be
10 unlikely, I would have thought.

11 MR. SWAN: But if they did, and if
12 it was relevant to the inquiry or to the audit,
13 then perhaps on the same basis it ought to be
14 available.

15 THE COMMISSIONER: Just shifting
16 gears, one other question that comes to mind as I
17 think about various issues is, I harken back to
18 the McDonald Commission and the lines that were
19 drawn with respect to national security between
20 the role of the civilian security agency, as you
21 well, know, and the RCMP and law enforcement
22 agencies.

23 I'm wondering, when one looks at
24 the principles that Justice McDonald laid down in
25 his report, whether or not those principles are as

1 true today as they were then, in your view.

2 Second, assuming some of them or
3 all of them are, what guidance, if any, do those
4 principles give us with respect to review,
5 audit -- and dealing with audit.

6 It has been suggested that if one
7 blends the audit function, the review function of
8 CSIS and the RCMP, at least in terms of review,
9 one is then moving back to beginning to blur the
10 lines between the two types of functions even more
11 and moving back sort of to pre-McDonald days,
12 starting in that direction.

13 MR. BOROVOY: For whatever it's
14 worth -- for whatever it's worth we said to the
15 McDonald Commission -- I have to confess to being
16 that old but I appeared, and so did he -- appeared
17 before the McDonald Commission.

18 --- Laughter / Rires

19 MR. BOROVOY: We said it then and
20 we said it at subsequent reviews: In our view, it
21 was never appropriate to separate national
22 security intelligence and law enforcement in the
23 way that was ultimately done.

24 One of the reasons we said it was
25 in the interests of maximizing the protection of

1 civil liberties. This doesn't mean, I should
2 hasten to point out, that it had to be the RCMP,
3 it might have been some other arrangement, but our
4 view was that law enforcement and security
5 intelligence gathering should not be subject to
6 that kind of rigid separation.

7 We drew a lot of our sustenance
8 for this from the experience in the United States
9 Levy was Attorney General -- this was under Ford.
10 I'm not just showing off you understand.

11 --- Laughter / Rires

12 MR. BOROVOY: One of the arguments
13 used at that time, they actually merged -- as far
14 as domestic intelligence is concerned of the FBI,
15 they merged their domestic intelligence activity
16 with their general criminal investigative body.
17 It was done so that as much as possible -- their
18 words -- intelligence, domestic intelligence work
19 and law enforcement would be done in the same way.
20 The whole idea being that the discipline of law
21 enforcement and the realization that you may have
22 to answer for this in court sometime was a rather
23 salutary experience.

24 THE COMMISSIONER: On the domestic
25 intelligence function?

1 MR. BOROVOY: Yes.

2 THE COMMISSIONER: But didn't they
3 subsequently, though, within the FBI begin to
4 build, as we have heard, walls between the two
5 functions so that the one wouldn't become tainted
6 by the other?

7 MR. BOROVOY: I understand. I
8 haven't had occasion to go into it the way we did
9 at the time of the McDonald Commission, but for
10 the longest time it was apparently working rather
11 well, and the argument was that the FBI had turned
12 the corner for some time as far as civil liberties
13 were concerned.

14 THE COMMISSIONER: Okay. That's
15 interesting. That is an interesting background
16 actually. I didn't realize that had been the
17 position that your association took back then.

18 MR. BOROVOY: Yes. Now you see it
19 is in the realm of showing off for me to say that.
20 --- Laughter / Rires

21 MR. SWAN: And 25 years from now
22 he will say it again.

23 --- Laughter / Rires

24 THE COMMISSIONER: Let's hope so.

25 MR. BOROVOY: As they say, from

1 your mouth to God's ears.

2 THE COMMISSIONER: Are there any
3 other questions or any submissions, other matters
4 that you would like to address?

5 MR. BOROVOY: I think that covers
6 it all.

7 I hate to say it, but it might
8 actually be that we have shot our bolt.

9 THE COMMISSIONER: Mr. Swan, do
10 you agree?

11 Let me thank you again for both
12 your written submissions and coming today. I
13 thought it was particularly appropriate. As you
14 realize, there were a couple of presentations
15 scheduled earlier today and for reasons they had
16 to be rescheduled to later in the week. So I
17 thought it was appropriate that we lead off, Mr.
18 Borovoy and Mr. Swan, with you as it goes back
19 with a touch of history on this issue.

20 So I appreciate very much your
21 thoughts.

22 MR. BOROVOY: Thank you. Our
23 pleasure.

24 MR. SWAN: Thank you.

25 THE COMMISSIONER: Thank you.

1 We might as well just carry on, if
2 people are happy without a break.

3 Mr. Scott Burbidge is next.

4 SUBMISSIONS

5 THE COMMISSIONER: Mr. Burbidge,
6 you are welcome to stand if you want or see, as
7 you see fit.

8 MR. BURBIDGE: Thank you.

9 THE COMMISSIONER: Are you happy
10 there?

11 If I can, just before you begin,
12 introduce our next presenter to people who may not
13 know who he is. He is a retired federal official.
14 He worked, I guess, with the Department of Justice
15 and the Solicitor General's department for a
16 number of years.

17 Is that correct?

18 MR. BURBIDGE: Only the Solicitor
19 General.

20 THE COMMISSIONER: But you were
21 involved actively with the RCMP from the Solicitor
22 General's perspective?

23 MR. BURBIDGE: Very much so, as a
24 Research Officer and as a Policy Advisor on
25 policing and law enforcement matters.

1 THE COMMISSIONER: The other thing
2 I can just sort of comment to people is anybody
3 who has been reading the submissions that have
4 come in about this will know that from the very
5 beginning of the policy review, Mr. Burbidge has
6 contacted the Commission and made submissions now
7 on three separate occasions.

8 I think I am embarrassing him a
9 little, but let me finish. I think it is quite
10 remarkable that an individual who is not
11 associated with a group, who is now retired, has
12 taken the time to do this. The quality of the
13 presentations, I'm sure anybody who has read them
14 will agree, is just excellent.

15 We at the Commissioner are very
16 indebted for your interest and your help.

17 MR. BURBIDGE: Thank you very
18 much.

19 THE COMMISSIONER: If you are
20 comfortable with following the same format that I
21 did with the Canadian Civil Liberties Association,
22 if you have a presentation and then I will have
23 questions for you.

24 MR. BURBIDGE: I have a few
25 general comments, but I also feel a strong sense

1 of obligation to be available to respond to all of
2 the things that I have written, because this is
3 the first time that you have had a chance to
4 challenge or explore what I have put in writing.

5 THE COMMISSIONER: Why don't you
6 start with your general comments and then I will
7 explore.

8 MR. BURBIDGE: My first comment I
9 guess has to do with the question before this
10 policy review. It seems to me that the question
11 has become much broader as time has gone on.

12 Because the initial question, as I
13 understand it, driving the policy review, was the
14 need for an arm's-length review of RCMP national
15 security activities, but as the debate has evolved
16 it seems to me that the question now is what to do
17 about review, including audit and addressing
18 public complaints for the whole area of national
19 security, particularly at the federal level which,
20 as you mentioned earlier, Commissioner, includes
21 23 different agencies.

22 My first main point that follows
23 from that is that I think there has been a huge
24 expansion in the number of issues that are
25 addressed when you move from the narrower

1 question, if I may characterize it that way, to
2 the broader question.

3 That means, in my thinking, that
4 it is much more difficult to think of one super
5 agency, however large, however well-resourced,
6 that could come to grips with all of this
7 diversity in terms of legislative mandates,
8 organizational cultures, programs and activities
9 of all of the federal departments concerned and,
10 within that, the very marked differences that have
11 evolved -- even if they weren't there prior to
12 McDonald -- between what I call the security
13 intelligence community, on the one hand, as
14 opposed to the law enforcement community, which
15 includes the activities by the RCMP and other
16 police and law enforcement, focus on the
17 prevention, investigation and enforcement
18 Vis-à-vis national security offenses, including
19 terrorist offenses.

20 So I think there is a huge scope
21 there for any one agency to address.

22 There is another element here
23 which makes it even more difficult, because in my
24 view, as you have seen in my submissions, it is
25 clear that the provinces and provincially

1 authorized police and provincial Attorneys General
2 are important players in the national security
3 activities as I have defined them.

4 So all of this leads me to suggest
5 that at least at the onset it would seem to be
6 very, very difficult to come up with an agency or
7 to describe a mandate for an agency in terms of
8 legislation resourcing structure and so forth that
9 would be able to cover off adequately all of this
10 diversity whether or not it had the audit function
11 as well as a public complaints function.

12 So this leads to my second major
13 point. This has been at least implicit in my
14 submissions. I think we need, at least in the
15 short term, an incremental approach to these
16 questions, so the question of review and audit.

17 Second, we need to focus within
18 each of the two areas before we start building
19 bridges across them. In other words, I am trying
20 to focus on the preventive investigative and
21 enforcement area and leaving a side for the moment
22 the security intelligence function of identifying
23 threats to national security. So I am talking
24 essentially about the police and law enforcement
25 community, including not only the RCMP but

1 provincially authorized police, as well as other
2 law enforcement groups such as Revenue Canada,
3 Customs and Immigration officials.

4 So my argument, or my view, is
5 that we should focus on strengthening the
6 authority and the capacity of existing review
7 agencies to address public complaints arising from
8 the activities not only of the RCMP but of
9 provincially authorized police engaged in or
10 involved in integrated activities in relation to
11 when the complaints arise from national security
12 activities.

13 So that the same agency handles
14 complaints, whether they have to do with national
15 security activities of the RCMP or provincially
16 authorized police, or activities in relation to
17 other criminal matters.

18 I think the hypothetical example
19 that speaks to this is the first case.

20 THE COMMISSIONER: The one in the
21 further questions.

22 MR. BURBIDGE: Yes, in the first
23 case.

24 THE COMMISSIONER: Yes, I
25 remember it.

1 MR. BURBIDGE: Commissioner, I am
2 just running through these points very briefly,
3 but feel free to challenge me.

4 THE COMMISSIONER: I am making
5 notes of questions. Should I let you finish your
6 presentation and then --

7 MR. BURBIDGE: I have one more
8 comment in relation to that main point.

9 The other reason, in my view --
10 and to me it is a very important one for looking
11 ways and means of strengthening the mandate and
12 the capacity of existing review agencies,
13 including on the one hand the CPC at the federal
14 level for the RCMP and, on the other hand,
15 provincially authorized public police complaints
16 authorities.

17 The reason for strengthening the
18 authority of these agencies is that there has
19 always been very strong opposition from the police
20 to the existence and activities of public
21 complaints authorities. That opposition existed
22 long before September 11th and we have seen many
23 examples of that since September 11th, including
24 those documented in various reports and
25 presentations made by Shirley Heafey, the recently

1 retired Head of the CPC.

2 So in the short term I am arguing
3 for an incremental approach that really implies
4 that the response to the policy question is to
5 enlarge and enhance the role of the CPC so it can
6 handle complaints whether they arise from
7 national security activities or other criminal
8 matters.

9 THE COMMISSIONER: So you would
10 see that the enhancement of the CPC would be
11 across the board, so there would be a uniform
12 complaint system for the RCMP with whatever
13 enhancements.

14 MR. BURBIDGE: That is correct.

15 THE COMMISSIONER: There would be
16 nothing unique about the complaint system for
17 national security activities, it would be the same
18 as all of --

19 MR. BURBIDGE: Precisely. I think
20 the hypothetical case No. 1 could illustrate how
21 difficult it would be if that were not the case,
22 because you have one group of investigators
23 laying, or contemplating laying a series of
24 charges, some of which may be terrorist offenses,
25 others may not be, and you have the investigative

1 activity involving not only RCMP but other police
2 forces involved in these so-called integrated
3 units as well.

4 THE COMMISSIONER: How would you
5 see the CPC being enhanced? What would you see
6 would be the main things that need to be done to
7 enhance its complaint process?

8 MR. BURBIDGE: Well, as we are all
9 aware, the CPC recently went to the Federal Court
10 seeking authorization to access documents related
11 to the investigation of complaints vis-à-vis
12 national security activities of the RCMP and the
13 RCMP had denied access to these documents.

14 So that one important area for the
15 strengthening of the CPC is to ensure that it has
16 the authority to access all documents and all
17 individuals that are deemed relevant to any
18 particular inquiry.

19 THE COMMISSIONER: Should that
20 include individuals and documents that are outside
21 the RCMP?

22 So that should the CPC, if it is
23 relevant, be able to reach out to other government
24 departments, other police forces and to private
25 citizens, if necessary, with subpoena powers?

1 MR. BURBIDGE: Yes, I would
2 hope that would be the case. But there are
3 different -- I would like a brief comment on
4 each area, if I may.

5 With regard to other police
6 forces, it is my understanding that if the
7 complaints refer to provincially authorized police
8 that are, for example, involved in an integrated
9 RCMP-led antiterrorist unit, then the body with
10 jurisdiction over the conduct of that provincially
11 authorized police officer or officers is, first of
12 all, the internal disciplinary procedures of the
13 police force in question and, second, the
14 provincial police complaints authority for that
15 officer's native province.

16 THE COMMISSIONER: Accepting that,
17 the body to deal with complaints against the
18 provincial officer or the discipline of the
19 provincial officer is the provincial body.

20 MR. BURBIDGE: Yes.

21 THE COMMISSIONER: Just accepting
22 that for the purpose of discussion, should,
23 though, the CPC, in pursuing a complaint against
24 an RCMP officer, be entitled, if it is relevant,
25 have subpoena powers to obtain documents from

1 sources outside the RCMP, including, potentially,
2 provincial police forces?

3 MR. BURBIDGE: This is beyond my
4 expertise by a long shot, Commissioner, but I
5 would hope that one way or another the CPC should
6 have access to any relevant documents.

7 THE COMMISSIONER: Right.

8 MR. BURBIDGE: But I could
9 envisage a cooperative agreement between CPC and
10 provincial public complaints authorities to,
11 wherever appropriate --

12 THE COMMISSIONER: To facilitate
13 that.

14 MR. BURBIDGE: -- share all
15 relevant information relating to investigations
16 that involve both RCMP officers and members of
17 provincially authorized police forces.

18 THE COMMISSIONER: Let's come back
19 to what I call integration problems in a minute.

20 Are there other powers or
21 enhancements that you think the CPC would need,
22 assuming the broad access to documents and
23 personnel you refer to? Is there anything else
24 that you envision the CPC would need in order to
25 appropriately carry out its complaint function?

1 MR. BURBIDGE: Because we are
2 dealing with national security or activities of
3 the RCMP involved in national security, there
4 might be a question from time to time of documents
5 or activities of CSIS or some other federal agency
6 with a national security role. One would hope
7 that the CPC would be able to have access to those
8 kinds of documents as well.

9 Here again, one would hope that
10 there would be an ongoing working relationship
11 between the CPC and SIRC or whatever the
12 appropriate review authority was on the security
13 intelligence side.

14 I should emphasize that I'm
15 speaking here of measures in the short term to
16 strengthen and affirm the importance of the review
17 function, whether it is the audit activity or the
18 addressing of public complaints in relation to
19 national security activities.

20 THE COMMISSIONER: And let me ask
21 you, then, about that. As you are aware, many
22 proposed that there should be, in addition to a
23 complaint function, an audit function for national
24 security activities, the rationale being that
25 these are often carried out in a very

1 non-transparent way and complaint function might
2 fall short of the mark, so you need an additional
3 audit function.

4 First of all, do you have any
5 comment on the need for an audit function; and
6 secondly, where should it reside?

7 MR. BURBIDGE: I think the audit
8 function is very important and it is complementary
9 to the public complaint function. As Shirley
10 Heafey has pointed out in her submissions, relying
11 solely on public complaints is a very inadequate
12 way of keeping up with or ensuring the propriety
13 of the national security activities of the RCMP in
14 the national security area.

15 So I think the audit function is
16 very important.

17 Having said that, there are
18 several caveats for me.

19 One is that there are many
20 different purposes for audits, and I think it's
21 terribly important here -- and again I'm going
22 back to my understanding of McDonald here -- that
23 the fundamental starting point for the lawful
24 conduct of the RCMP must lie in a rigorous
25 oversight activity by the minister as envisaged

1 under section 5 of the RCMP Act.

2 As part of this oversight, policy
3 oversight function of the minister, which I
4 believe is still valid, as valid as it was when
5 the legislation was written, part of this
6 oversight activity is the need for the minister to
7 verify in an ongoing fashion RCMP compliance with
8 Ministerial Directives and any other concerns that
9 he or she may have with regard to RCMP priorities
10 or programs or activities.

11 So I think it is important to have
12 a clearly demarcated or division of labour between
13 the audits performed by the review agency for the
14 purpose of ensuring that RCMP activities fully
15 respect human rights on the one hand, and audits
16 conducted with the authority of the minister to
17 look at a whole range of issues, including
18 compliance with specific Ministerial Directives
19 with issues, directives possibly regarding
20 measures of effectiveness or efficiency or
21 whatever.

22 So I think there are two kinds of
23 audits from this point of view.

24 THE COMMISSIONER: And would you
25 see them done by different people?

1 MR. BURBIDGE: Very much so. This
2 relates to another issue here, and that is the
3 question of whether a review authority should have
4 the authority to provide direction to the RCMP in
5 this particular case based on findings in relation
6 to audits or the investigation of public
7 complaints.

8 I think the issue here is the role
9 of the review authority versus the role of the
10 minister. My understanding of McDonald is that it
11 should be the minister's role and only the
12 minister to provide policy direction to the RCMP.

13 That policy direction can include
14 directives arising from investigations and
15 findings by the CPC, but it should not be the role
16 of the CPC to provide policy direction to the
17 RCMP.

18 THE COMMISSIONER: Mr. Borovoy
19 just made essentially the same point, I think. He
20 thought it would be a difficulty for maybe the
21 perception of the independence of that body.

22 MR. BURBIDGE: Yes.

23 THE COMMISSIONER: I noticed,
24 Mr. Burbidge, in one of your written submissions
25 you mentioned the use of the Inspector General,

1 the possibility of that to assist.

2 Would that be to assist the
3 minister with the minister's audit function as you
4 just described it?

5 MR. BURBIDGE: Yes. We have one
6 minister responsible for both CSIS and the RCMP.
7 So we have to have somewhere in the bureaucracy, a
8 group of policy advisors and analysts whose job it
9 is to keep track of activities of each agency and
10 to keep a sharp lookout for activities which might
11 suggest that one agency is stepping outside its
12 mandate or infringing on the mandate of the other
13 agency; and with a responsibility to advise the
14 minister on any issues or policy issues that are
15 arising and to enable the minister to carry out
16 his responsibility, which in both cases is to
17 provide policy direction to the agency.

18 THE COMMISSIONER: So would you
19 see it being the same person or office, the
20 Inspector General for both CSIS and the RCMP?
21 Certainly the same minister, reporting to the same
22 minister?

23 MR. BURBIDGE: Well, yes, in the
24 sense that because there is a link between the
25 national security activities of CSIS and those of

1 the RCMP, it would be valuable to have, as part of
2 the minister's oversight mechanisms, one office
3 with the mandate to keep track of how each agency
4 is or is not following ministerial direction in
5 their national security activities, but also, and
6 very importantly, looking at what I would call
7 boundary issues, keeping track of those boundary
8 issues.

9 THE COMMISSIONER: As between the
10 two.

11 MR. BURBIDGE: As between the two.

12 THE COMMISSIONER: The McDonald
13 division.

14 MR. BURBIDGE: Yes.

15 THE COMMISSIONER: So you would
16 see the Inspector General then would be not an
17 enforcer, but an inspector, I guess, of the
18 division that McDonald recommended and that was
19 adopted.

20 MR. BURBIDGE: Yes.

21 THE COMMISSIONER: That is
22 interesting.

23 If I can, I will just keep
24 questioning. We are sort of building a model
25 here, a model as you recommended.

1 Let's assume for the moment that
2 the complaints, public complaints against the RCMP
3 are handled by an enhanced CPC, that there is the
4 audit function by CPC dealing with -- you said
5 intrusion on human rights, but that would include
6 other operational issues as well, not ministerial
7 compliance with Ministerial Directives but there
8 would be an audit function in the CPC.

9 MR. BURBIDGE: Right.

10 THE COMMISSIONER: There would be
11 the ministerial audit function for compliance with
12 ministerial policy directives.

13 Accepting all of that is in place,
14 then one of the concerns that we have heard about
15 repeatedly is well, in this day and age, despite
16 what McDonald said, there are going to be
17 integrated activities. The RCMP's national
18 security activities will be connected certainly to
19 CSIS and perhaps other agencies. And we will come
20 to in a minute the provincial question.

21 How in the model, as you envision
22 it, would the review body that is responsible for
23 the RCMP deal with the integrated activities?

24 The concern -- let me just explain
25 it; I'm sure you are aware of it -- is that when

1 representatives of CSIS and the RCMP as an example
2 work together, if the review bodies didn't have an
3 opportunity of interconnecting and looking at the
4 integrated activities, walls could be built and
5 things will slip between the cracks.

6 How would you propose that the
7 integration be addressed?

8 MR. BURBIDGE: I believe somewhere
9 in the further questions document there was a
10 model proposed which I thought speaks to that.
11 And I can't remember the question.

12 As I recall it, each review
13 agency, SIRC and CPC, would retain their
14 functions, but there would be a kind of --

15 THE COMMISSIONER: Coordinating
16 committee.

17 MR. BURBIDGE: Coordinating
18 committee headed by the heads of these various
19 authorities. Their responsibility would be to
20 ensure that when there was an investigation
21 arising from the activities of one of these
22 integrated units, there was a seamless inquiry
23 that wasn't blocked by a wall somewhere between
24 the CPC and SIRC.

25 If I may borrow the terminology, I

1 think that was referred to as a horizontal
2 barrier.

3 THE COMMISSIONER: Right.

4 MR. BURBIDGE: And this is very
5 important to me, whether it is barriers between
6 federal agencies or barriers between federal and
7 provincial agencies.

8 THE COMMISSIONER: You were here,
9 I know, when I asked Mr. Borovoy and Mr. Swan
10 about this, but in your experience in dealing with
11 these types of bodies, is it realistic to expect
12 that assuming we have the CPC on the one hand and
13 SIRC on the other -- let's use them as an example.

14 There has been an integrated
15 investigation; it is an INSET and they have worked
16 together. There is a complaint or it is an audit,
17 one or the other; I don't think it matters. But
18 clearly the operation was an integrated operation.

19 Is it realistic to expect that the
20 two review bodies then could cooperate to have an
21 integrated review?

22 MR. BURBIDGE: It seems to me that
23 it would be possible, even through a cabinet
24 directive or legislative changes to ensure that
25 that in fact happened.

1 I am not a lawyer, obviously, but
2 I don't know that there is any insurmountable
3 obstacle within the federal sphere to ensuring
4 that kind of linkage occurs so that no one falls
5 between the cracks and no member of that
6 integrated activity escapes scrutiny simply
7 because they happen to be --

8 THE COMMISSIONER: In the other
9 spot.

10 MR. BURBIDGE: Exactly.

11 THE COMMISSIONER: Let's assume
12 that there is no legal impediment, that one can do
13 it either, as you say, by legislation or cabinet
14 directive. I guess then it comes down to a matter
15 of practicality on the ground.

16 MR. BURBIDGE: Very much so.

17 THE COMMISSIONER: It sounds to me
18 it is certainly easy to say well, you would expect
19 the review agencies to cooperate and everybody is
20 in furtherance of trying to find out what happened
21 and, if there is a problem, to deal with it.

22 One of the arguments made against
23 it said you are being naive to think that people
24 in different silos, in different review bodies,
25 aren't going to get their elbows up and that while

1 it sounds good in theory, it wouldn't happen.

2 I am not suggesting that is the
3 case at all. I am just suggesting that there was
4 a touch of that in the earlier submission; that it
5 would just not work.

6 Do you have any sort of experience
7 with that, the need for that?

8 MR. BURBIDGE: Not directly with
9 that, but I have lots of experience of the need
10 for that within the police community.

11 THE COMMISSIONER: Right.

12 MR. BURBIDGE: One of the
13 recurrent phrases I heard from my police
14 colleagues was let's stop fighting each other and
15 start fighting organized crime, or whatever the
16 crime issue was.

17 THE COMMISSIONER: Right.

18 MR. BURBIDGE: So it is not unique
19 to review agencies. There are all sorts of ways
20 of addressing this, perhaps just as there are in
21 the policing area.

22 You can have cross appointments.
23 You can have a member of CPC seconded to SIRC to
24 become more familiar with the investigative or the
25 complaints function of SIRC, and vice versa.

1 There are many different mechanisms for overcoming
2 bureaucratic jurisdictional jealousies or
3 disputes.

4 THE COMMISSIONER: The secondment
5 issue is an interesting one because they do that
6 at the operational level within the police.

7 MR. BURBIDGE: That's right.

8 THE COMMISSIONER: So the point
9 you would make is well, if you can integrate
10 operations, one would hope you could integrate the
11 review of those integrated operations.

12 MR. BURBIDGE: Exactly, especially
13 if you have the heads of these review agencies
14 already constituting a working group or a standing
15 committee, or whatever, with a mandate to ensure
16 that the appropriate kind of cooperation results.

17 THE COMMISSIONER: Would you
18 create a committee like that by statute? Would
19 that make a difference in terms of the stature of
20 the committee and how it might function?

21 MR. BURBIDGE: As a non-lawyer, I
22 have a perception that legislation would give it
23 more credibility and authority than otherwise, but
24 it is really for me a matter of political will.

25 If the government of the day sees

1 that the protection of human rights is an
2 important issue and this is a reasonable measure
3 to promote the protection of human rights in
4 relation to federal national security activities,
5 this kind of coordinating body would be
6 constituted under some authority or other
7 emanating from the government.

8 THE COMMISSIONER: I notice in
9 your written submission that you endorse the idea
10 that there be a national legislative framework for
11 integrated policing. I am moving now to the
12 proposal that is in other submissions, as you are
13 aware.

14 MR. BURBIDGE: Yes.

15 THE COMMISSIONER: The Association
16 of Police Chiefs is one for sure.

17 This legislative framework would
18 in part be established in order to address
19 federal-provincial concerns and it would be
20 directed at the operations level.

21 How would you see a national
22 framework like that? How would you see it would
23 sort of interact or what effect would it have on
24 the review of the integrated policing activities?
25 And we are talking on a national level.

1 Is that something that you would
2 envision as being part of that national framework?

3 MR. BURBIDGE: Absolutely. There
4 should be a review authority with a mandate that
5 covers off all of the members of any new national
6 law enforcement body.

7 THE COMMISSIONER: Say it again.
8 I might have missed it.

9 MR. BURBIDGE: I'm sorry. If we
10 have a new legislative framework for integrated
11 policing --

12 THE COMMISSIONER: Let me just ask
13 you a couple of questions about how that will work
14 and then we will move on.

15 MR. BURBIDGE: Yes.

16 THE COMMISSIONER: If we had that
17 kind of legislative framework, presumably that
18 would encompass the RCMP, but then police forces
19 in the provinces and municipal police forces.

20 MR. BURBIDGE: That's right.

21 THE COMMISSIONER: So it would
22 establish the framework for operations, integrated
23 operations.

24 MR. BURBIDGE: Yes.

25 THE COMMISSIONER: It would apply

1 to more than national security policing; it would
2 apply to organized crime and other policing
3 activities, presumably.

4 MR. BURBIDGE: Exactly.

5 THE COMMISSIONER: To back up to
6 my mandate, we still have, let's assume, the model
7 you and I have been discussing for the moment, the
8 CPC enhanced with the audit function and so on.

9 How would it fit into this
10 national integrated policing framework?

11 MR. BURBIDGE: My argument is that
12 either the CPC mandate should be expanded to cover
13 off this new integrated policing framework for
14 national security and organized crime, or there be
15 a new authority created to exercise the audit and
16 complaints function for all members of any new
17 integrated authority.

18 THE COMMISSIONER: Would it be
19 practical, do you think, that in a model like
20 that -- and you touched on this earlier -- that
21 the review body for the RCMP, let's assume for the
22 moment it is the CPC in your model, that it then
23 had integrated or cooperative review with
24 provincial review bodies when there has been an
25 integrated operation under the framework?

1 Again, what strikes me is that one
2 could say well that sounds like it makes sense.
3 If they are integrated officers from different
4 police forces, then it should be an integrated
5 review. I am going to all this week keep coming
6 back to things that sound like they make sense on
7 paper may be unduly naive or unrealistic.

8 So what I am searching for from
9 people like you is -- and I am not suggesting
10 this -- to say whether it is practical or not.
11 Are there real problem was something like that?

12 MR. BURBIDGE: It is a very
13 difficult issue and federal-provincial
14 cooperation, whether it is policing or any other
15 part of the administration of justice, is always a
16 challenge. And as you know, there is a whole
17 structure of committees from ministers down to
18 policy officers and researchers who work in
19 ongoing fashion on the coordination of federal and
20 provincial efforts.

21 I think it is achievable. I think
22 it has to be looked at. I think if you look at
23 other jurisdictions who have the same issues that
24 we have with regard to the fragmentation of
25 information-sharing and the fragmentation of

1 effort, investigative effort and so on, in
2 particularly the U.K. and Australia, they have
3 both identified the need for new structures, new
4 organizational structures in order to ensure that
5 these problems are overcome.

6 On the Canadian scene there are a
7 number of examples.

8 We have -- this is another area,
9 but it's not totally unrelated. The Wise Persons'
10 Committee on the need for a single securities
11 authority for the country. They have some advice
12 on how the legal aspects of that -- in other
13 words, federal legislation with concomitant
14 provincial legislation that would allow this new
15 national authority to take over the functions of
16 all the different provincial and territorial
17 authorities. And all of this to be provided with
18 oversight and direction from a federal-provincial
19 committee of ministers with different levels
20 beneath it.

21 That is a Canadian example of what
22 could be done.

23 We have other issues in policing
24 because there is the whole issue -- which the CACP
25 is obviously very concerned about -- about the

1 policing outside their province from where they
2 get their authority and issues of liability, and
3 so forth.

4 I think it can be done, and has to
5 be done, because I don't see any other way around
6 it. If we are going to give police and law
7 enforcement agencies greater and greater powers to
8 investigate threats to our country, whether from
9 terrorism or organized crime or whatever, I think
10 we not only have to look at strengthened review to
11 ensure the protection of human rights, we also
12 have to look at the question of what kind of
13 legislative and organizational framework is
14 necessary in order to ensure that police exercise
15 these enhanced powers in a way that is
16 proportionate, effective, and is compliant with
17 the law, including the charter, and so forth.

18 While this policy review is
19 looking at the question of the review function,
20 public complaints and so forth, the other side of
21 the question is the organization and the
22 legislation to facilitate and make possible a
23 truly national approach to these issues.

24 That is basically my position.

25 THE COMMISSIONER: There is an

1 attraction to the thought if you are going to have
2 a national -- there is attraction obviously to
3 having integrated policing at a national level,
4 and you if you are going to have a national
5 framework to deal with the operational side, you
6 should include as well in that, address the issue
7 of review because of the concern.

8 You mentioned early on in your
9 remarks, Mr. Burbidge, that you thought there was
10 wisdom to taking an incremental approach, and I
11 think you were speaking generally to the issues in
12 my mandate.

13 Can you expand upon that a little
14 bit?

15 MR. BURBIDGE: Well, the main
16 reason for suggesting an incremental approach is a
17 very straightforward reason. And that is that if
18 we look at either the evolution and the history of
19 SIRC or of the CPC, we can see that these agencies
20 have acquired a great deal of expertise and
21 experience over the years in terms of knowing the
22 area of activity that is their remit and knowing
23 how to address it and how to address it
24 effectively, and also knowing what needs to be
25 done to make their activity and their mandate more

1 effectively executed.

2 I think the main reason for an
3 incremental approach for me is to ensure that that
4 expertise and that experience is not lost.

5 I guess I was around government
6 long enough to see that exercises in restructuring
7 and reorganization -- and we went through seven or
8 eight of them between 1987 and 1993, not all of
9 equal scope. But every time there was a
10 restructuring there was some loss of corporate
11 memory, there was some loss of capacity, while at
12 the same time the responsibilities of the minister
13 didn't change and the need to support the minister
14 and the deputy minister and their carrying out of
15 their responsibilities did not diminish.

16 So I think there is a real risk in
17 creating new structures. There is always a risk.

18 Personally I don't think the case
19 has been made that a super agency, as it has been
20 articulated in the various proposals, could work
21 because it would be so pervasive, it would have to
22 deal with so many existing accountability and
23 review and complaint authorities, as I said, the
24 mandates and activities of the different
25 departments involved are so very diverse and

1 disparate that I just don't see how it could work.

2 Very simply, it is the old saying:
3 If it is working, don't fix it. Let's build on
4 what is working.

5 THE COMMISSIONER: The argument
6 for those that propose the super agency -- and I
7 think as I read the submissions, it is somewhat
8 different as envisioned by different people, but
9 to just sort of include it as a concept. What
10 drives the need for a super agency, as I read the
11 submissions -- I will hear from them -- is the
12 need to address the integration of operations
13 problem: the don't let something fall between the
14 cracks; that there should be one body that has
15 sort of a comprehensive view of everything we do
16 in security intelligence, and so on.

17 Obviously it is important not to
18 let anything fall between the cracks when it comes
19 to review; to have somebody easily be able to
20 side-step it. And this brings us back to the
21 earlier point we discussed.

22 The question is: Are there other
23 solutions to the "integration problem" that can
24 adequately address it?

25 We have talked about the

1 possibility of the coordinating agency of the
2 chairs. We talked about that.

3 Are there any other techniques --
4 you talked about the possibility of secondments
5 between review agencies. Are there any other
6 techniques or means that you could suggest that
7 could be implemented to address the integration
8 problem?

9 MR. BURBIDGE: There are all kinds
10 of examples in policing of collaborative efforts
11 that have worked extremely well, where police from
12 the RCMP, provincial and municipal police forces
13 have worked together very effectively to achieve
14 whatever the goals have been, whether it is a G8
15 summit or dealing with a motorcycle gang problem.

16 On the other hand, there are so
17 many diversions, cultural differences,
18 organizational tensions, jurisdictional
19 differences within the police community, that I
20 frankly don't think there is any solution to the
21 issue that the CACP has raised, other than a new
22 legislative framework which would include the
23 creation of a new national law enforcement
24 authority with responsibility for all national
25 security enforcement and anti terrorism and anti

1 organized crime activities.

2 These problems have been with us
3 for so long. For example, the Auditor General in
4 the March 2004 report documented extensively
5 the problems of information sharing and
6 coordination of effort in the fight against
7 terrorism since September 11th.

8 Many of these problems have
9 existed and have been documented by the Auditor
10 General, or at least have been recognized within
11 the police community, for the past two decades.

12 The problems are no different in
13 nature than what other jurisdictions have lived
14 through, the British and the Australian. They
15 have both decided to create new structures. And
16 it is not over yet.

17 In Britain they have 43 police
18 forces in England and Northern Ireland. I think
19 very recently, I think it was the Secretary of
20 State for Home Affairs said we can no longer
21 tolerate a situation where there are 43 different
22 ways that policing is done in this country. And
23 the U.K. is a unified state with only 43 police
24 agencies.

25 THE COMMISSIONER: Right.

1 MR. BURBIDGE: It is a very, very
2 difficult issue. And I think we should at least
3 be looking very closely at the reasons why these
4 other jurisdictions have done what they have done,
5 and also of course whether the new structures have
6 resolved the issues that led to their creation.

7 THE COMMISSIONER: That is very
8 good. Is there anything else you would like to
9 say or anything in closing?

10 MR. BURBIDGE: No, but I do again
11 want to thank you for giving me the opportunity to
12 share my views with you.

13 THE COMMISSIONER: I am very
14 appreciative. I felt that was very useful to me,
15 good exchanges, and I appreciate again your
16 participation in the inquiry.

17 Thank you very much.

18 MR. BURBIDGE: Thank you,
19 Commissioner.

20 THE COMMISSIONER: We will take a
21 10-minute break before the next presentation.

22 --- Upon recessing at 2:47 p.m. /

23 Suspension à 14 h 47

24 --- Upon resuming at 3:00 p.m. /

25 Reprise à 15 h 00

1 THE COMMISSIONER: Next is the
2 REDRESS Trust, the Association for the Prevention
3 of Torture, and the World Organization Against
4 Torture, represented by Ms Carla Ferstman.

5 THE COMMISSIONER: Ms Ferstman,
6 welcome. I understand you came all the way from
7 England.

8 MS FERSTMAN: I did. Thank you.

9 THE COMMISSIONER: By way of
10 background, I am told you formerly practised
11 criminal law in Vancouver and you are now
12 associated with REDRESS Trust in London.

13 Is that right?

14 MS FERSTMAN: That is correct,
15 yes.

16 THE COMMISSIONER: How long have
17 you been in England?

18 MS FERSTMAN: About five years.

19 THE COMMISSIONER: Good. Thank
20 you.

21 I have received your written
22 submission and I appreciate very much the effort
23 and thought. I think it is particularly
24 noteworthy that your organizations have taken an
25 interest in the inquiry. I appreciate that

1 interest and the help you have given.

2 So thank you for coming today. If
3 you would like to begin with a presentation, that
4 would be fine.

5 SUBMISSIONS

6 MS FERSTMAN: Thank you very much.

7 It is definitely a pleasure and an
8 honour to be here. Of course aside from the
9 lovely weather that you are having, everything
10 else about being here is just wonderful.

11 Just perhaps to give a bit of
12 background and to remind the Commission that I am
13 here not only on behalf of the REDRESS Trust, but
14 also on behalf of the Association for the
15 Prevention of Torture as well as the World
16 Organization Against Torture. The three
17 organizations, as you know, are focused
18 specifically on issues relating to torture, mainly
19 prevention, prohibition and reparation for victims
20 of torture.

21 So the reason why we are so
22 interested in this inquiry is for quite obvious
23 reasons relating to the subject matter, but we do
24 feel that it is an excellent and important
25 opportunity that the inquiry presents to get

1 matters straight with respect to some of the
2 factual issues as well as their implications for
3 policy.

4 THE COMMISSIONER: Yes.

5 MS FERSTMAN: What I would
6 propose to do is to set out some very general
7 issues or views that we have with respect to the
8 process and to follow this by some more specific
9 issues relating to the questions posed in this
10 policy review.

11 THE COMMISSIONER: Right. Okay.

12 MS FERSTMAN: In this respect, I
13 think it is important for me to provide a few
14 caveats. As we are a human rights organization,
15 while we deal very often, all of our
16 organizations, with issues involved in policing,
17 we are not experts in the intricacies of police
18 systems and, as a result of that, some of the
19 comments will unfortunately have to be a little
20 more general than we would otherwise like, and
21 perhaps a little bit more general than perhaps
22 would be useful for the Commission. But I hope
23 nonetheless that our comments will be of use to
24 the Commission.

25 THE COMMISSIONER: No. I

1 understand that point. Thank you.

2 MS FERSTMAN: With respect to the
3 Arar case, I think it is important to note by way
4 of background that this case is not unique. Not
5 only are there other examples of this situation
6 with respect to other Canadian nationals, but this
7 is part of a practice which goes far beyond the
8 situation in Canada. There have been many, many
9 cases documented over the past years in the
10 current "War Against Terrorism".

11 But the most offensive aspects of
12 the practice which has become known as
13 extraordinary rendition is the fact that there is
14 absolutely no legal process associated with the
15 rendition. As we know, in any case in a regular
16 context, a deportation or an extradition process
17 there is always all sorts of guarantees to ensure
18 proper process, but with this system of
19 extraordinary rendition those guarantees fully
20 absent.

21 The second is that with respect to
22 the facts and the situation, these persons are not
23 only being sent to places where they may be at
24 risk to torture, but there is increasing evidence
25 that these people are being sent to places for the

1 specific reason that they will actually undergo
2 interrogation techniques which would otherwise not
3 be possible in home countries. So this we find of
4 particular concern.

5 The third issue is that of course
6 the practice of extraordinary rendition is a
7 practice which cannot take place without the
8 acquiescence, collaboration or assistance of third
9 countries. In this respect, the role of the
10 Commission in looking at this aspect is
11 particularly welcome.

12 So while the facts of the Arar
13 case are not unique, I think it is important to
14 underscore that the inquiry is very much, very,
15 very unique. This is the first earnest case that
16 we know of where there is an investigation into
17 the alleged actions of a State as well as its
18 officials in facilitating, contributing and
19 supporting the practise of extraordinary
20 rendition.

21 So it is therefore of vital
22 importance, given Canada's recognition as one of
23 the leaders in international justice in a variety
24 of different contexts, this Commission is
25 extremely relevant in that to further the

1 important role that Canada has to play in this
2 field.

3 In this respect I think it is also
4 very important to consider that it is not only the
5 three organizations internationally that are
6 interested in what happens here at this
7 Commission. There is quite, quite wide interest
8 in what is happening here. I think that is really
9 important to bear in mind.

10 If we consider that the United
11 Nations, in its most recent report of the Human
12 Rights Committee analysing Canada's compliance
13 with the international covenant on civil and
14 political rights, made a specific reference to the
15 inquiry and the inquiry process, as well as the
16 need for broader level inquiry into other cases in
17 Canada. But, as well, the Committee Against
18 Torture looking into Canada's obligations under
19 the UN Convention Against Torture made similar
20 reference to the inquiry during that process.

21 So I just do think it is quite
22 important to underscore that the Commission is of
23 international importance.

24 Also, taking this in mind, and
25 given what has come out of the factual inquiry at

1 this point, it would seem that the inquiry
2 presents a very important moment, an opportunity
3 to take a firm stance against torture and to
4 affirm positively, not only for Canadians but
5 internationally, that what Canada stands for is
6 acceptance of the prohibition against torture,
7 which is absolute. That should go without saying.

8 But also, in terms of prevention
9 of reoccurrence, to put in place the appropriate
10 checks and balances to ensure that what happened
11 in this case doesn't happen and cannot reoccur.

12 So turning to the mandate of the
13 policy review, certainly it is the Commissioner's
14 mandate -- your mandate with respect to the policy
15 review is to make recommendations for an
16 arm's-length review with respect to the activities
17 of the RCMP, but having regard to the specific
18 words of that mandate. I would submit that it is
19 quite important to look at that mandate in light
20 of what has come out of the factual inquiry, and
21 that goes with respect to making recommendations
22 regarding arm's-length review beyond the RCMP, if
23 that is seen as the most appropriate place to go.

24 With respect to the review body,
25 as I said at the beginning, our comments can only

1 be mere comments, but in this respect it is
2 important to underscore that the principal basis
3 of a review body in undertaking the appropriate
4 review that Canada must be seen to be implementing
5 and meeting fully its international obligations.
6 This would include both the right of individuals
7 to have their allegations considered promptly,
8 effectively and impartially, on the one hand, but
9 also the independent duty of States, of Canada, to
10 take proper cognizance of events that come to its
11 attention.

12 So this would be both a
13 complaint-driven process as well as an audit
14 function, and we do see that the two fall
15 hand-in-hand. One without the other would not
16 seem to be adequate in the circumstances.

17 THE COMMISSIONER: Do you think
18 those should be in the same body? It should be
19 the same body that does the complaints and the
20 audit?

21 MS FERSTMAN: Ideally I would
22 submit that yes, that would be the best model to
23 take forward. Part of the reason for that is that
24 the complaints will, or should to a certain
25 extent, drive the audit process and vice versa.

1 THE COMMISSIONER: Yes.

2 MS FERSTMAN: It will sometimes be
3 the case that in resolving or investigating a
4 particular complaint the body undertaking the
5 investigation will find systemic problems, or they
6 will consider that there seems to be systemic
7 problems which require further analysis. So it
8 would seem that having a very, very close
9 connection with the complaint process is necessary
10 for the audit and vice versa. We would think that
11 would be quite important.

12 Also, with respect to that I think
13 it is important to just underscore that the
14 complaints process and the audit process serve
15 separate, different purposes, though interrelated.
16 On the one side the complaints process will mainly
17 serve a post facto function of remedying
18 individual situations and also serve a certain
19 aspect of deterrence, but looking at the audit
20 function it would go much, much further to issues
21 of prevention as well as to potentially to look at
22 broader recommendations for institutional reform.

23 THE COMMISSIONER: What standards
24 do you think a complaint function and an audit
25 function -- should they be the same standards of

1 which they examine conduct against for a
2 complaints and audit function? What standards
3 would you suggest? There is obviously law. There
4 is articulated policy. There are questions about
5 international law, obligations under treaties,
6 tests of reasonableness, proportionality.

7 MS FERSTMAN: I would say at the
8 outset with respect to the mention of
9 international law that it is the position of our
10 organizations that internal law must be
11 interpreted with a view to international
12 obligations. So they are part and parcel of the
13 same thing.

14 To further a little bit on that
15 point, that one must interpret the internal
16 national law obligations with a view to what is
17 the requirement under international law. So there
18 I would say that there shouldn't be a distinction
19 of sorts.

20 With respect to what I would say
21 is the jurisdiction or the framework with which
22 these bodies should go, it is to ensure -- I think
23 it would be quite similar to what a complaints
24 body or an audit function would do in a normal
25 circumstance. It wouldn't seem to me to be

1 something which would be necessarily different,
2 with the added caveats that of course when we are
3 talking about national security considerations
4 there are special legal provisions which apply and
5 certain investigative practices which may be
6 condoned in those practices in accordance with
7 domestic law. Obviously that would need to be
8 taken into account.

9 THE COMMISSIONER: Yes. Okay.

10 MS FERSTMAN: As I mentioned, our
11 view is that ideally it would be the same body to
12 undertake the audits as well as the complaints
13 process given that you would need to create the
14 best opportunity for synergy between these
15 functions.

16 With respect to complaints in
17 particular, from the perspective of the victim of
18 this type of a situation, it is -- from our view,
19 one of the typical problems is that the victim
20 will not necessarily know where to go to file a
21 complaint, and they will not necessarily know or
22 need to know the intricacies of the different
23 organs or bodies that deal with the various
24 functions with policing.

25 So, in our view, we have been

1 quite supportive in general terms of the
2 recommendations made by other for an integrated
3 approach to both complaints and audits, because we
4 feel it shouldn't be for the complainant to divine
5 somehow which body may or may not be responsible
6 for that.

7 If you had an integrated approach,
8 then obviously one would be able to avoid that
9 problem. Given the secrecy in which security
10 investigations take place, it would seem that that
11 would be a particularly relevant consideration.

12 Another issue with respect to
13 complaints and the need for what we would see as a
14 need for an integrated approach is that if you
15 have so many bodies involved in national security
16 investigations it would seem rather easy for
17 complaints to fall between the cracks. This is
18 something that has been referred to in many of the
19 other submissions.

20 From our perspective, we would see
21 this as particularly relevant, not only because
22 factually certain things would fall outside of
23 individual mandates, but also because it would be
24 rather easy, in an environment when there is,
25 perhaps it can be said, not necessarily that much

1 will on behalf of certain bodies to have
2 complaints fully aired, that it would seem in
3 those circumstances that there would be a tendency
4 or a risk of a tendency for certain agencies to
5 pass the buck, one to the other. We were
6 responsible for this, but we were not responsible
7 for your problem, hence it is over there.

8 So you might have a risk of a
9 victim not forum shopping, but actually being
10 forced to go from agency to agency to agency to
11 get the situation resolved. From the perspective
12 of the victim, that would seem to be not only
13 inefficient but unfair. It is not their fault
14 that matters are diffuse, that has to be something
15 which should be dealt with by the bodies
16 themselves.

17 THE COMMISSIONER: Certainly one
18 of the issues for anybody that reads the
19 submissions that we have received is a concern to
20 deal with when there is more than one agency
21 involved in an investigation in a complaint or an
22 audit, that somehow there has to be some
23 coordination or integration of the review. As you
24 point out, many suggest, or some suggest at least,
25 there be one "super agency", others suggest that

1 there are ways of dealing with it that aren't as
2 dramatic, if I can put it that way, as going to a
3 super agency.

4 MS FERSTMAN: With respect to the
5 complaints process itself, another point to take
6 into consideration -- it has been raised both in
7 the background paper I believe, as well as in some
8 of the submissions -- is the necessity for the
9 complaints process not to be idle.

10 What I mean by that is that it
11 would be appropriate for the complaints process to
12 actively go into the community to explain its role
13 and its mandate and to dispel certain reluctance
14 within different communities which may not feel
15 that they want to come forward for a variety of
16 different reasons. That in another contexts that
17 we have worked in is particularly important to
18 encourage complaints.

19 The second part of that is that
20 obviously you will not ever get the number of
21 complaints to adequately reflect the nature of all
22 problems. In that respect, that goes to the
23 reason why an audit is so necessary. But also
24 with respect to the complaints process it would
25 seem that it would be quite appropriate to have

1 other methods, other than victim-generated, for
2 complaints to come before a review body. There
3 could be an ex officio power of the review body to
4 look at complaints, but also in some jurisdictions
5 it is possible for there to be complaints that are
6 brought to the review body by interested civil
7 society groups, for instance a human rights or
8 public interest-type complaints process

9 THE COMMISSIONER: Yes.

10 MS FERSTMAN: Or by other
11 processes such as referral by governmental
12 agencies.

13 THE COMMISSIONER: Or
14 self-initiated by the complaints body itself.

15 MS FERSTMAN: Yes, exactly.

16 THE COMMISSIONER: Just on your
17 point about being out to the community and sort of
18 informing the community about the accessibility of
19 the complaints process, I recall we had a couple
20 of roundtables and there was a discussion at one
21 roundtable where the chair of one complaints body
22 described how he had done this, and it was
23 important, he thought, to go out and to make sure
24 the people were aware of it, so it promoted
25 accessibility.

1 The contrary point that was
2 suggested at the time, though, is that one has to
3 be careful that you don't go out drumming up
4 business which lead to frivolous complaints.
5 I am just wondering if you have had any experience
6 when that has happened as to whether or not there
7 is a concern about that.

8 MS FERSTMAN: Certainly the way in
9 which we have been involved in that is working
10 with the need to have information about general
11 complaints about torture available to detainees in
12 prison contexts.

13 THE COMMISSIONER: Right.

14 MS FERSTMAN: What we have
15 encouraged in those contexts is for the basic
16 information to be made available about who to
17 complain to, what the nature of the complaint is,
18 and what can be expected from the complaints
19 process. That is information which may be on a
20 website for instance, but website information is
21 not necessarily accessible to the groups who would
22 need to know the information.

23 So having that basic information
24 as well as some place where they could go to get
25 further information, for instance if there was a

1 body which dealt with the public side of that, so
2 that could be referred to as the place where
3 persons would go to get more information about
4 this, then that would not necessarily be seen to
5 be drumming up business, it is more simply about
6 raising awareness about a part of the process
7 which may well be new and would require some
8 outreach.

9 THE COMMISSIONER: Right.

10 MS FERSTMAN: I will turn, if I
11 may, to the issue about powers, the powers of
12 review bodies.

13 In this respect I would suggest
14 that there are two aspects of that.

15 First, with respect to power
16 issue, it is really the power to get the
17 information that seems to us to be quite a central
18 issue with respect to the effectiveness of any
19 review body.

20 So in looking at what would be
21 appropriate in the context of a review mechanism
22 looking into national security matters, it would
23 seem that it would be appropriate to consider how
24 best to ensure that that body gets the
25 information. There may be a variety of different

1 ways in which this can be effectuated, but
2 certainly the power to subpoena documents as well
3 as persons for giving of evidence may seem to be
4 an appropriate way in which to do that, together
5 with access to a judicial remedy for failure for
6 that system to work effectively.

7 But also it would seem that some
8 of the concerns that have been raised with respect
9 to access to information, that perhaps the review
10 body should not necessarily have access to certain
11 information because of various confidentiality
12 which may apply, it would seem that those types of
13 issues could be regulated in another way through
14 security clearances of the highest nature or of
15 the requisite nature. That would be a better
16 approach.

17 In looking at the question of
18 release of information to the public, that is
19 where perhaps there is more need to look at what
20 information should be released, what information
21 should be kept from the public and why.

22 But with respect to the review
23 process itself, it would seem that would be a
24 place where the entire effectiveness of the body
25 would be in jeopardy if it didn't have access to

1 the information on which to base the complaints.

2 THE COMMISSIONER: What about the
3 question of privilege, the three that have been
4 discussed, solicitor-client, informer privilege
5 and Cabinet privilege?

6 MS FERSTMAN: Certainly I would
7 suggest that it would be for the review body to
8 make the case that the evidence that it is seeking
9 is of such relevance and probity to the
10 determination of the claim that it would override,
11 in those circumstances those privileges.
12 Certainly a formulation which could take into
13 account legal formulation to that effect could be
14 developed to ensure that the relevant balancing is
15 there.

16 But I would suggest that if the
17 information is highly relevant to the
18 determination of the claim, that should be of
19 overriding importance.

20 THE COMMISSIONER: Yes.

21 --- Pause

22 MS FERSTMAN: One of the arguments
23 that we have put forward in our written
24 submissions -- and I believe this was referred to
25 in the previous oral submissions -- is that

1 regardless of the type of review that is
2 ultimately determined, be that a functional review
3 or an agency-based review, that if it is an agency
4 review that the agency should have access to
5 information that goes outside of that agency.

6 In considering how that would
7 actually work, I would suggest that actually makes
8 a further argument for why an agency approach is
9 not necessarily the best solution, because
10 certainly one could see that if you had an agency
11 approach then one agency would need to take a lead
12 with respect to a particular complaint.

13 Because, as I said, you wouldn't
14 want the victim to have to go to five places to
15 get five components of the complaints answered
16 separately and for them to divine the solution.
17 One agency would need to take the lead with
18 respect to a complaint and there would need to be
19 a process whereby that would be determined.

20 It would seem that at the
21 practical level, it would be very difficult for
22 one agency to successfully obtain information from
23 another agency if they are on an equal footing.
24 This is one of the reasons why, in our view, it
25 would be appropriate for there to be a functional

1 review on the basis of national security
2 complaints.

3 With respect to the nature of the
4 review bodies and whether or not the conclusion
5 should be mere recommendations or binding
6 conclusions, we have also indicated in our written
7 submissions that the ability to make binding
8 orders is quite important to the effectiveness of
9 a review body. This would seem to differ quite
10 significantly from the current powers of the CPC.

11 THE COMMISSIONER: And from
12 Mr. Borovoy's submission.

13 --- Laughter / Rires

14 MS FERSTMAN: It is suggested that
15 there are a number of areas where stronger powers
16 would be needed, and this would include binding
17 nature.

18 The first is with respect to
19 subpoena power and information, or evidence
20 considerations which I have touched on already.

21 But the second, with respect to
22 binding conclusions, it is not that the review
23 body becomes its own investigative arm and its own
24 police force and its own judiciary, it is more
25 that the conclusions of the review body about the

1 impropriety of certain conduct should be binding
2 and the recommendations with respect to the
3 outcomes of that impropriety should be binding.

4 In other words, that the review --

5 THE COMMISSIONER: A discipline
6 body in terms of complaints of misconduct?

7 MS FERSTMAN: The review body may,
8 for example, say certain disciplinary action must
9 follow or a criminal complaint should follow. So
10 what we mean by binding in this sense is that
11 there would be an obligation on the body
12 concerned, if it is the RCMP or some other body,
13 to actually conduct that disciplinary process but
14 not necessarily to impose a disciplinary process.

15 THE COMMISSIONER: Not define
16 misconduct, just implement the process itself.

17 MS FERSTMAN: Exactly. And
18 similarly with a criminal investigation, there
19 would be an obligation for an investigation to be
20 launched, but the review body would not
21 necessarily -- and it wouldn't seem to be
22 appropriate for the review body to come to a
23 conclusion that person X is guilty of crime Y.

24 THE COMMISSIONER: Right.

25 MS FERSTMAN: That would seem to

1 overstep the functions. It is more a process
2 which is binding upon the body. So I just wanted
3 to make that point.

4 THE COMMISSIONER: What about
5 conclusions with respect to implementing new
6 policies? Some would say it should just make
7 recommendations if it perceived there was a
8 systemic policy, there was lack of training, let's
9 say, of a particular group of officers; that they
10 could recommend that there be a new training
11 program. The argument being that if they were
12 actually to have binding authority, it would begin
13 to intrude on the perception of independence. It
14 would almost make them part of the organization
15 they were reviewing.

16 MS FERSTMAN: Certainly that
17 argument has some merit. How we would see the
18 binding nature on the audit side is that there is
19 an obligation on the body concerned to
20 appropriately consider, in a very serious way,
21 with processes and they could be seen potentially
22 to have fettered or abused that consideration.

23 THE COMMISSIONER: But ultimately
24 it would be for the body, in this case the RCMP,
25 to decide whether or not it needed a new training

1 program?

2 MS FERSTMAN: I would suggest that
3 it is -- I don't know if in respect of training it
4 would necessarily be for the RCMP or some other
5 body to decide that. It is more for the review
6 body. If the review body makes a recommendation,
7 then there would be an obligation to follow up on
8 that recommendation.

9 In some cases it may be law reform
10 that is needed or institutional reform that may
11 have an implication on other parts of government
12 beyond just the RCMP, even if it relates to RCMP,
13 I would suggest.

14 Another issue which has been
15 raised in the further questions document relates
16 to the question of special advocates to represent
17 victims' interests.

18 In this respect we found this
19 issue rather important. It is difficult for us to
20 give a positive recommendation in this respect,
21 given that we are quite far from knowing the
22 intricacies of how the system works.

23 It would seem that it would be
24 appropriate to consider whether there is a need
25 for special advocates in light of the availability

1 or not of Legal Aid in appropriate cases and to
2 consider whether the victims can be adequately
3 represented by counsel in certain cases.

4 That should be part of the
5 decision-making process about whether or not a
6 special advocate would be needed.

7 THE COMMISSIONER: I think the
8 thought here is, the issue that is raised is are
9 there cases because the complainant, the person
10 affected, won't be able to participate in all or
11 part of the hearing because of the security
12 confidentiality concerns, therefore will be
13 unrepresented?

14 It is not so much would they have
15 a Legal Aid lawyer, but could they have somebody
16 who has the appropriate security clearance who
17 could attend at the in camera hearing to represent
18 the interests of that person.

19 So the question arises should that
20 happen, in what types of cases and all the
21 different sort of rules that would surround such
22 an arrangement. I think that is the issue that
23 the question was directed at.

24 MS FERSTMAN: Thank you for that
25 clarification, which is quite helpful.

1 I think in that context I would
2 agree that there would be a need for special
3 advocates in certain cases. I believe that in
4 some cases in the United Kingdom they have used
5 that type of approach where the evidence that has
6 been considered has not been able to be made
7 public to the complainant. And whilst there are
8 issues with respect to whether or not the evidence
9 should have been made public to the complainants,
10 the role of the special advocates was quite
11 important in helping to allay some of
12 those concerns.

13 So that, I would suggest, is quite
14 important.

15 THE COMMISSIONER: Certainly it is
16 an issue that comes up. I noticed in one of the
17 submissions -- I can't remember which one it
18 was -- that somebody said yes, they thought that
19 in principle it was a good idea but one would want
20 to use it with a certain amount of discretion;
21 that you wouldn't use it in sort of a rude conduct
22 case, or something of that sort, was the example
23 they gave.

24 It raises from a professional
25 standpoint, as well, some issues because you then

1 have a counsel appearing and unable to report to
2 his or her client the information or what may have
3 occurred at the hearing where they were
4 representing the client.

5 So it does raise some interesting
6 professional issues. Go ahead.

7 MS FERSTMAN: With respect to the
8 issue of jurisdiction, I would perhaps make a few
9 points in that respect.

10 As I already mentioned, we would
11 submit that for a variety of reasons it would be
12 better to have a functional type agency to deal
13 with national security issues. But I do think
14 that some of the concerns that were raised in a
15 number of the papers, including I think it was
16 Shirley Heafey's paper, are serious concerns that
17 need to be looked at and have not necessarily been
18 resolved.

19 So one would need take those
20 concerns into account.

21 It would seem that one of the
22 main considerations or the main issues with
23 respect to those concerns relates to the problem
24 of defining national security interests. That
25 would seem to be one of the biggest areas.

1 If we turn that around, it would
2 seem the very fact that you have a difficulty to
3 define national security interests, and to a
4 certain extent the overly broad definition of
5 terrorist offences, which, combined, leads to this
6 problem, that very fact means that you have so
7 many different types of agencies looking into so
8 many different types of things, in a way it leads
9 to the conclusion that you need a special body to
10 look into that to ensure that mandates are not
11 overstepped.

12 So whilst the concerns about
13 jurisdiction and who will be doing what are
14 certainly valid, there must be ways in which to
15 deal with those concerns.

16 If you don't have an overarching
17 body to deal with national security interests, you
18 really risk not looking into the problem with the
19 degree of oversight and overview that is required
20 to deal effectively with the problem.

21 That would be our primary
22 submission in that respect.

23 It would seem that a degree of
24 overlap is obviously going to occur if you have an
25 overarching body, but you retain the review

1 mechanisms of the individual bodies, which you
2 must.

3 But there would seem to be a
4 number of different ways in which to deal with
5 these issues, none of which are sufficient, of
6 course. Perhaps as a general starting point, if
7 one develops clear guidelines about the transfer
8 of cases between agency reviews and the
9 overarching functional review that require
10 transfer in certain cases, then you might be able
11 to avoid the situation of forum shopping. You
12 might also be able to avoid the problem which will
13 also probably occur of victims lodging complaints
14 in both places and having two parallel complaints
15 going on at the same time. So it would seem that
16 if there was some obligation to transfer the case
17 and finding the appropriate criteria for that,
18 that might assist with respect to those
19 considerations.

20 THE COMMISSIONER: You mentioned
21 Ms Heafey's submission, and she makes the point
22 very strongly, in fact I guess the CPC Commission,
23 about the special nature of reviewing law
24 enforcement activities and makes the point that
25 really reviewing, even in the national security

1 investigation, it is basically reviewing the use
2 of law enforcement powers, typical policing
3 powers.

4 We have reviewed some of the CPC
5 files and there is some merit to the point she
6 makes. She also goes on to say that there is a
7 huge amount of expertise, specialized expertise
8 that has been developed and that law enforcement
9 is very different from security intelligence
10 collection, which CSIS does, and that the people
11 at CPC over the years have developed this
12 expertise, body of knowledge.

13 One of the concerns I have heard
14 is that is great, we have that and why don't we
15 build upon that? And if we create a new agency we
16 are going to have to -- it could be a new agency,
17 somebody said, of generalists. That immediately
18 would concern me because I'm not sure that we want
19 a new agency of generalists that aren't going to
20 be able to really do their job.

21 If the CPC are the experts, there
22 is some merit to using existing institutions and
23 expertise.

24 MS FERSTMAN: I would agree with
25 that point. I would think the way in which that

1 could be addressed, while still having the
2 overarching review, is to look at the possibility
3 of having complaints that the overarching review
4 is dealing with, seconding a member of -- let's
5 say it is a complaint that relates to the RCMP.
6 Having a member of the CPC attached to the
7 complaints that the overarching body for the
8 aspect that relates to RCMP.

9 So I would see the secondments
10 going upwards in that respect as opposed to down
11 or sideways agency to agency.

12 THE COMMISSIONER: You can see the
13 existing review body staying in place so we may
14 take advantage of the existing review body, their
15 expertise and so on, but somehow a coordination of
16 the use of their talents going up through an
17 overarching body.

18 MS FERSTMAN: Certainly. But
19 having the overarching body would seem to be
20 central to getting that overall picture whilst
21 using the expertise from the relevant agencies.

22 THE COMMISSIONER: Right.

23 MS FERSTMAN: There has been quite
24 a lot of mention about integrated policing. If,
25 as was mentioned, one goes down the road looking

1 at having an integrated approach, that would fit
2 seamlessly with an overarching review body, and it
3 would seem to match with the trends of policing in
4 practise, even if some of the relations are
5 currently informal.

6 I think I will stop there. Thank
7 you.

8 THE COMMISSIONER: Thank you very
9 much. That was most helpful and I appreciate the
10 time that you and your three organizations have
11 taken to participate in the inquiry.

12 Thank you very much, Ms Ferstman.

13 We are going to rise now and we
14 are resuming tomorrow at 3 o'clock, the late start
15 because of my schedule. We have three
16 presentations tomorrow afternoon. So it will from
17 3:00 until about 6:30.

18 So until 3 o'clock tomorrow.

19 --- Whereupon the hearing adjourned at 3:45 p.m.,
20 to resume on Wednesday, November 16, 2005 at
21 3:00 p.m. / L'audience est ajournée à 15 h 45
22 pour reprendre le mercredi 16 novembre 2005
23 à 15 h 00

24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



Lynda Johansson,

C.S.R., R.P.R.

StenoTran

A

ability 20:13 25:1 96:7
able 5:22 12:4 13:2 16:4 45:9
49:23 52:7 72:19 87:8
100:10 101:6 104:10,12
105:20
absent 79:20
absolute 82:7
absolutely 65:3 79:14
abused 98:22
accept 18:16
acceptance 82:6
accepted 28:14
accepting 14:19 50:16,21
58:13
accepts 14:3 18:3,4
access 26:11 31:22,22 32:1,12
33:20 34:9 49:10,13,16 51:6
51:22 52:7 93:5,9,10,25
95:4
accessibility 90:18,25
accessible 91:21
accident 24:11,13
account 20:13 86:8 94:13
102:20
accountability 20:5,5 71:22
accused 21:13
achievable 67:21
achieve 73:13
acknowledge 17:21 18:16
acknowledging 25:10
acquiescence 80:8
acquire 4:21
acquired 70:20
Act 54:1
acted 33:9 34:3
action 97:8
actions 33:18 80:17
actively 41:21 89:12
activities 3:10,18 4:3 5:19,23
6:1,15 7:1,7 8:12,22 10:13
11:24 12:3,5,17 14:12,15,21
15:17 19:25 29:4 43:15 44:8
44:15 45:3 46:8,10,12,15,16
47:20 48:7,17 49:12 52:2,5
52:19,24 53:13 54:10,14
56:9,10,25 57:5 58:17,18,23
59:4,21 64:4,24 66:3 71:24
74:1 82:16 104:24
activity 3:16 9:1 15:23 20:6
38:15 49:1 52:17 53:25 54:6
61:6 70:22,25
actors 6:1 7:3 9:24
add 16:11
added 86:2
addition 14:13 52:22
additional 24:7 53:2
address 3:8 12:2,16 17:7 40:4
44:21 46:7 64:18 70:6,23,23

72:12,24 73:7
addressed 43:25 59:7 106:1
addressing 43:17 52:18 62:20
adequate 25:11 29:21 83:16
adequately 12:5 45:9 72:24
89:21 100:2
adjourned 107:19
adjudicating 34:11
administration 67:15
administrative 15:12
adopted 57:19
adopting 14:10
advance 7:14
advantage 6:16 7:21 106:14
advantageous 3:17 4:2
advantages 2:1
advice 33:3,4,9 34:14 68:11
advise 56:13
Advisor 41:24
advisors 56:8
advocate 29:1 30:5,20 31:3,19
100:6
advocates 29:10,25 99:16,25
101:3,10
Affairs 74:20
affect 4:10
affirm 52:16 82:4
afternoon 107:16
after-the-fact 6:13
age 58:15
agencies 7:8,24 8:20 9:9,15
10:17,23 11:5,15 15:18
19:13 36:22 43:21 46:7
47:12,18 58:19 60:6,7 61:19
62:19 63:13 69:7 70:19 73:5
74:24 88:4 90:12 103:7
106:21
agency 3:22 4:2,7,9,19 6:6,7
6:12 7:25 8:10,13 9:9,12
10:19 11:23,25 12:13 13:5,6
13:8,15,22 15:16 16:25
24:25 33:18,19 36:20 44:5
44:21 45:6,7 46:13 52:5
54:13 56:9,11,13,17 57:3
59:13 71:19 72:6,10 73:1
88:10,10,10,20,25 89:3 95:3
95:4,5,8,10,11,17,22,23
102:12 104:8 105:15,16,19
106:11,11
agency's 13:16
agency-based 95:3
agency-specific 14:22
agents 13:13
ago 27:17
agree 11:12 24:18 40:10 42:14
101:2 105:24
agreement 51:9
ahead 2:23 12:22 26:16 102:6
Aid 100:1,15

aiming 26:2
aired 88:2
ajournée 107:21
allay 101:11
allegations 21:16 83:7
alleged 21:14 80:17
allotted 1:25
allow 68:14
allowed 24:12
all-encompassing 8:9 10:19
altered 21:23
alternative 28:1 29:23
alternatives 18:20
amenable 23:16
amicus 30:17,20 31:9
amount 9:5 101:20 105:7
analysing 81:12
analysis 84:7
analysts 56:8
analyze 8:23
answer 15:11 20:23 21:6
27:20 38:22
answered 95:15
anti 73:25,25
anticipated 9:8
antiterrorist 50:9
anybody 42:2,13 88:18
apparently 39:10
appeared 37:16,16
appearing 102:1
apply 10:16 23:10 65:25 66:2
86:4 93:12
appointed 21:18
appointments 62:22
appreciate 32:22 40:20 75:15
76:22,25 107:9
appreciative 75:14
approach 11:14 27:7 28:17
45:15 48:3 69:23 70:10,16
71:3 87:3,7,14 93:16 95:8
95:11 101:5 107:1
appropriate 28:12 37:21
40:13,17 51:11 52:12 63:16
82:9,23 83:3 89:11,25 92:21
92:23 93:4 95:25 97:22
99:24 100:1,16 104:17
appropriately 51:25 98:20
Arar 20:21 79:3 80:12
area 7:20 10:22 11:3,6 17:22
18:22 25:2 43:18 45:21
49:14 50:4 53:14 62:21 68:8
70:22
areas 26:15 45:18 96:15
102:25
arguable 10:21
argue 16:25 28:1
arguing 2:4 3:1 48:2
argument 8:23 12:13 39:11
46:4 66:11 72:5 95:8 98:11

98:17
arguments 8:8 38:12 61:22
94:22
arises 32:7 34:22 100:19
arising 20:8 46:7 55:14 56:15
59:21
arm 96:23
arm's-length 43:14 82:16,22
arrangement 12:21 27:11
29:21 38:3 100:22
arrangements 27:11
articulated 71:20 85:4
artificial 13:21
aside 30:17 77:8
asked 3:11 20:19 27:18 60:9
asking 1:24 8:6
aspect 80:10 84:19 106:8
aspects 68:12 79:11 92:14
assist 56:1,2 104:18
assistance 2:6 80:8
associated 42:11 76:12 79:14
association 2:21 29:16 39:17
42:21 64:15 76:2 77:14
assume 21:10 24:8 58:1 61:11
66:6,21
assuming 37:2 51:22 60:12
attached 34:6,10 36:8 106:6
attaches 35:1,23
attempting 24:24
attend 100:17
attention 83:11
Attorney 24:9 38:9
Attorneys 45:1
attraction 70:1,2
audit 3:22 4:2,19 5:1,18,22,23
6:7,14,17 9:14 10:10 11:19
12:4 13:6,8,15,21 14:4,11
14:16,20,22,24 16:1 18:4
22:14 23:17 31:24 33:19
35:13 36:2,12 37:5,5,7
43:17 45:10,16 52:17,23
53:3,5,7,15 56:3 58:4,8,11
60:16 66:8,15 83:13,20,25
84:10,14,19,24 85:2,24
88:22 89:23 98:18
audited 34:7
auditing 3:15 6:13,23
Auditor 74:3,9
auditors 35:15
audits 15:22 53:20 54:13,15
54:23 55:6 86:12 87:3
aura 22:3,6
Australia 68:2
Australian 74:14
authorities 47:16,21 51:10
59:19 68:17 71:23
authority 32:15 46:6 47:18
49:16 50:14 52:12 54:16
55:3,4,9 63:23 64:6 65:4

66:15,17 68:11,15 69:2
73:24 98:12
authorization 49:10
authorized 45:1 46:1,9,16
47:15 50:7,11 51:17
automatic 9:3
availability 99:25
available 1:17 25:6 35:14
36:14 43:1 91:11,16
avoid 87:8 104:11,12
avoided 13:7
aware 27:3 28:14 29:20 49:9
52:21 58:25 64:13 90:24
awareness 92:6

B

back 16:24 22:19 23:20 26:20
36:17 37:9,11 39:17 40:18
51:18 53:22 66:5 67:6 72:20
background 39:15 76:10
77:12 79:4 89:7
bad 22:15 32:3
balances 82:10
balancing 94:14
barrier 13:21 60:2
barriers 60:5,6
base 25:9 94:1
based 55:5
basic 91:15,23
basically 69:24 105:1
basis 25:23 35:14 36:2,13
83:2 96:1
bear 81:9
beauty 23:21
beginning 1:7 8:7 22:20 37:9
42:5 82:25
behalf 77:13,14 88:1
believe 54:4 59:8 89:7 94:24
101:3
beneath 68:20
best 31:6 83:22 86:14 92:24
95:9
bet 27:9
better 16:3 20:19 27:16 93:15
102:12
beyond 13:18 33:7 51:3 79:7
82:22 99:12
biased 4:16
biggest 102:25
binding 96:5,7,16,22 97:1,3
97:10 98:2,12,18
bit 70:14 77:11 78:21 85:14
blends 37:7
blocked 59:23
blur 37:9
board 3:5 23:11,14 48:11
bodies 14:21 15:3,5,20 17:14
28:16 59:2 60:11,20 61:24
66:24 85:22 86:23 87:15

88:1,15 92:12 96:4 104:1
body 5:1,22 6:23 7:1,9,16,22
8:19,24 14:5 15:15 27:4
34:8 36:2 38:16 50:9,17,19
55:21 58:22 64:5 65:6 66:21
72:14 82:24 83:3,18,19 84:4
85:24 86:11 87:5 90:2,3,6
90:14,21 92:1,19,24 93:10
93:24 94:7 96:9,23,25 97:6
97:7,11,12,20,22 98:2,19,24
99:5,6,6 103:9,17,25 105:12
106:7,13,14,17,19 107:2
bolt 40:8
bolus 14:10
Borovoy 2:22,25 5:12,20 6:3,8
6:22 7:11 9:7 12:8,19 15:9
15:25 17:18 18:14,23 19:2,5
19:9 22:25 23:6,8,12,21
24:1,17,20 26:9,16,19 27:9
28:20 29:18 30:24 31:5,10
31:12 32:3,14 37:13,19
38:12 39:1,7,18,25 40:5,18
40:22 55:18 60:9

Borovoy's 96:12
borrow 59:25
bothered 19:18
boundary 57:7,7
breadth 7:10
break 41:2 75:21
bridges 45:19
brief 3:7,21 50:3
briefly 47:2
brings 72:20
Britain 74:17
British 30:3 74:14
broad 19:23 32:1 51:22 103:4
broader 43:11 44:2 81:16
84:22
brought 90:6
buck 88:5
build 39:4 72:3 105:15
building 45:18 57:24
built 59:4
bump 12:17
Burbidge 41:3,5,8,18,23 42:5
42:17,24 43:8 46:22 47:1,7
48:14,19 49:8 50:1,20 51:3
51:8,14 52:1 53:7 55:1,22
55:24 56:5,23 57:11,14,20
58:9 59:8,17 60:4,22 61:10
61:16 62:8,12,18 63:7,12,21
64:14 65:3,9,15,20,24 66:4
66:11 67:12 70:9,15 73:9
75:1,10,18

bureaucracy 17:23,24 56:7
bureaucratic 63:2
business 91:4 92:5

C

cabinet 32:10 36:5,8 60:23
61:13 94:5
CACP 68:24 73:21
call 8:9 44:12 51:19 57:6
called 17:1
camera 29:5 30:5 100:17
Canada 18:11 19:23 24:18
28:15,16 46:2 79:8 81:1,17
82:5 83:4,9
Canada's 80:22 81:12,18
Canadian 2:21 42:21 68:6,21
79:6
Canadians 82:4
capacity 27:3 46:6 47:12
71:11
careful 18:7,14 91:3
Carla 76:4
carried 14:5,17 52:25
carry 19:1 41:1 51:25 56:15
carrying 71:14
case 10:11 15:16 20:21 24:10
24:13,22 29:14 30:4 46:19
46:23 48:20,21 50:2 55:5
62:3 71:18 79:3,4,15 80:13
80:15 82:11 84:3 94:8 98:24
101:22 104:16
cases 4:8 8:25 25:16 35:17
56:16 79:9 81:16 99:9 100:1
100:3,9,20 101:3,4 104:8,10
Cavalluzzo 20:17,25 30:9
caveats 53:18 78:14 86:2
CBSA 10:3
central 92:17 106:20
certain 11:8 14:5 83:24 84:18
86:5 87:22 88:1,4 89:13
93:10 97:1,8 100:3 101:3,20
103:4 104:10
certainly 9:11 23:19 24:16
33:19 56:21 58:18 61:18
82:13 88:17 91:8 93:2 94:6
94:12 95:10 98:16 101:15
103:14 106:18
chair 3:5 90:21
chairs 15:19 16:6 73:2
chair's 16:16
challenge 25:5,18 43:4 47:3
67:16
challenges 10:5
challenging 2:4 3:2
chance 43:3
change 71:13
changes 60:24
characterize 44:1
charges 48:24
charter 69:17
checks 82:10
cheerleaders 31:15
Chiefs 64:16
choosing 23:12

circles 24:21
circumscribed 8:22
circumstance 85:25
circumstances 31:7 33:8,16
35:6 83:16 88:3 94:11
citizens 49:25
civil 2:21 9:23 38:1 39:12
42:21 81:13 90:6
civilian 36:20
claim 33:23 94:10,18
claimed 34:23
clarification 100:25
clear 26:2 28:10 44:25 104:7
clearance 100:16
clearances 93:14
clearly 10:4 54:12 60:18
client 30:1 31:19 102:2,4
clinging 28:11
close 84:8
closely 75:3
closing 75:9
cognizance 83:10
collaboration 80:8
collaborative 73:10
colleagues 62:14
collection 105:10
collectors 9:17
combined 103:5
come 16:24 22:19 24:21 34:24
42:4 44:6 45:6 51:18 58:19
81:25 82:20 83:10 89:15
90:2 97:22
comes 5:18 19:14 36:16 61:14
72:18 101:16
comfortable 42:20
coming 17:22 40:12 67:5 77:2
commencing 1:2
commensurately 4:21
comment 15:7 19:6 27:6 30:3
35:4 42:2 43:8 47:8 50:3
53:5
comments 26:24 29:9 42:25
43:6 78:19,23 82:25 83:1
commission 4:15 6:15 20:16
28:25 35:15 36:18 37:15,17
39:9 42:6 77:12 78:22,24
80:10,24 81:7,22 104:22
Commissioner 1:5 3:3 5:8,13
5:24 6:4,21 8:6 9:11 11:21
12:10,22 13:23 14:3,9,25
15:14 16:20 18:1,21,25 19:3
19:8 22:11,11,19 23:2,7,18
23:22,24 24:5,15 26:1,12,17
26:21 28:13,23 30:14 31:4,9
31:11,16 32:6,16,20 33:5,11
33:25 34:5,20 35:16 36:4,9
36:15 38:24 39:2,14,24 40:2
40:9,25 41:5,9,20 42:1,15
42:19 43:5,20 46:20,24 47:1

47:4 48:9,15 49:4,19 50:16
50:21 51:4,7,12,18 52:20
54:24 55:18,23 56:18 57:9
57:12,15,21 58:10 59:15
60:3,8 61:8,11,17 62:11,17
63:4,8,17 64:8,15 65:7,12
65:16,21,25 66:5,18 69:25
72:5 74:25 75:7,13,19,20
76:1,5,9,16,19 78:4,11,25
83:17 84:1,23 86:9 88:17
90:9,13,16 91:13 92:9 94:2
94:20 96:11 97:5,15,24 98:4
98:23 100:7 101:15 104:20
106:12,22 107:8
Commissioner's 82:13
committee 15:3,19 16:17
59:16,18 63:15,18,20 68:10
68:19 81:12,17
committees 67:17
communities 89:14
community 44:13,14 45:25
62:10 73:19 74:11 89:12
90:17,18
comparable 34:25
compared 18:18
complain 91:17
complainant 4:8,10,23 87:4
100:9 101:7
complainants 101:9
complaint 4:6,9,14,20 6:15
29:2 32:24,25 33:1,24 34:8
34:11 48:12,16 49:7 50:23
51:25 52:23 53:1,9 60:16
71:23 84:4,9,24 86:21 88:21
91:17 95:12,18 97:9 106:5
complaints 4:5 5:10 6:6 10:9
14:13,23 26:22,25 27:4
31:23 33:18 35:15 43:18
45:11 46:7,11,14 47:15,21
48:6 49:11 50:7,14,17 51:10
52:18 53:11 55:7 58:2,2
62:25 66:16 69:20 83:19,24
84:14,16 85:2,23 86:12,16
87:3,13,17 88:2 89:5,9,11
89:18,21,24 90:2,4,5,8,14
90:19,21 91:4,11,18 94:1
95:15 96:2 97:6 104:13,14
106:3,7
complaint-driven 83:13
complementary 53:8
complete 2:16
completed 2:10
compliance 54:7,18 58:7,11
81:12
compliant 69:16
components 95:15
comprehensive 72:15
concept 72:9
concern 9:22 10:19,21 11:19

58:24 70:7 80:4 88:19 91:7
105:18
concerned 7:4 38:14 39:13
44:9 68:25 97:12 98:19
concerns 10:1 26:8 29:7,8
54:8 58:14 64:19 93:8
100:12 101:12 102:14,16,20
102:23 103:12,15 105:13
conclusion 96:4 97:23 103:9
conclusions 96:6,22,25 98:5
concomitant 68:13
condoned 86:6
conduct 27:4 34:14 50:10
53:24 85:1 97:1,13 101:21
conducted 30:5 54:16
conference 30:8
confess 15:25 37:15
confidence 6:10,19 12:21
confidential 35:14
confidentialities 93:11
confidentiality 100:12
confined 23:8
conflict 28:10
conflicts 28:9
connected 58:18
connection 10:23 84:9
consider 81:4,10 84:6 92:23
98:20 99:24 100:2
considerable 7:21
consideration 15:22 87:11
89:6 98:22
considerations 19:11 86:3
96:20 102:22 104:19
considered 83:7 101:6
considering 95:6
constituted 64:6
constituting 63:14
constitutionality 25:5,18
contacted 42:6
contemplate 27:12
contemplates 27:1
contemplating 48:23
context 79:16 92:21 101:1
contexts 80:24 89:16 91:12,15
contrary 91:1
contributing 80:18
control 24:14
Convention 81:19
cooperate 60:20 61:19
cooperation 17:14 63:16
67:14
cooperative 15:5 51:9 66:23
coordinating 15:3,19 16:7
59:15,17 64:5 73:1
coordination 67:19 74:6
88:23 106:15
cope 12:5
corner 39:12
corporate 71:10

correct 11:22 41:17 48:14
76:14
counsel 31:2,3 100:3 102:1
countries 17:11 80:3,9
country 19:20 21:7 68:11 69:8
74:22
couple 19:6 40:14 65:13 90:19
course 1:9,25 2:12 4:14,24
24:8 25:11 34:15 75:5 77:8
80:5 86:2 104:6
court 25:6 30:3,18 35:24
38:22 49:9
courtroom 25:16
courts 24:25 25:1,22
covenant 81:13
cover 45:9 66:12
covers 40:5 65:5
CPC 5:11 14:23 47:13 48:1,5
48:10 49:5,9,15,22 50:23
51:5,9,21,24 52:7,11 55:15
55:16 58:3,4,8 59:13,24
60:12 62:23 66:8,12,22
70:19 96:10 104:22 105:4
105:11,21 106:6
CPC's 10:7
cracks 12:7,9,18 15:24 59:5
61:5 72:14,18 87:17
create 63:18 74:15 86:13
105:15
created 3:9 28:5 66:15
creating 18:7 71:17
creation 73:23 75:6
credibility 63:23
crime 62:15,16 66:2,14 69:9
74:1 97:23
criminal 38:16 46:17 48:7
76:11 97:9,18
criteria 104:17
critical 27:10
criticize 28:22
cross 62:22
cross-examination 30:4
CSA 9:18
CSE 7:7 9:2,18 10:2 12:15
14:24,25
CSIS 7:7 9:2,17 10:2 11:2,10
12:15 13:13,13 14:24 25:6
35:2 37:8 52:5 56:6,20,25
58:19 59:1 105:10
cultural 73:17
cultures 44:8
curiae 30:17
current 23:19 79:10 96:10
currently 3:5 107:5
Customs 46:3
C.S.R 108:25

D

danger 12:24 13:1

date 2:14
day 58:15 63:25
days 1:10,10 37:11
day-to-day 19:25
deal 10:9 11:19 15:6 19:17
32:18 50:17 58:23 61:21
70:5,20 71:22 78:15 86:23
88:20 102:12 103:15,17,20
104:4
dealing 10:14 16:21 37:5 52:2
58:4 60:10 73:15 89:1 106:4
deals 19:11 24:24 25:3
dealt 88:15 92:1
debate 43:15
decades 74:11
December 2:14
decide 3:25 98:25 99:5
decided 74:15
decision 4:11 33:17
decisions 4:4,9,18 5:6
decision-making 3:23 100:5
deemed 49:17
define 8:12 97:15 103:3
defined 45:3
defining 102:24
definitely 77:7
definition 103:4
degree 103:19,23
deliberate 13:9
demarkated 54:12
denied 25:7 49:13
Denning 23:20
deny 25:23
department 7:7 8:13 9:2
41:14,15
departments 44:9 49:24 71:25
deportation 79:16
deputy 71:14
describe 5:3 45:7
described 30:16 56:4 90:22
despite 58:15
detainees 91:11
determination 94:10,18
determine 8:25
determined 95:2,19
deterrence 84:19
develop 7:16
developed 94:14 105:8,11
develops 104:7
devolve 13:11
devote 9:4
differ 31:8 96:9
difference 30:19 63:19
differences 35:3 44:10 73:17
73:19
different 1:17 2:16 6:24 7:3,8
9:24 10:15 11:13,14,15 18:5
21:16 33:23 43:21 50:3
53:20 54:25 61:24,24 63:1

67:3 68:16,19 71:24 72:8,8
74:12,21 80:24 84:15 86:1
86:22 89:14,16 92:25
100:21 103:7,8 104:4 105:9
differential 5:7
difficult 7:13 11:11 35:6 44:4
44:23 45:6 48:21 67:13 75:2
95:21 99:19
difficulty 6:22 17:4 28:6
55:20 103:2
diffuse 88:14
dilemma 18:12
diminish 71:15
direct 21:25
directed 64:20 100:23
directing 25:22
direction 28:9 37:12 55:4,12
55:13,16 56:17 57:4 68:18
directions 23:4
directive 60:24 61:14
directives 19:24 54:8,18,19
55:14 58:7,12
directly 4:7 62:8
disciplinary 4:12,13 50:12
97:8,13,14
discipline 4:11,13 38:20 50:18
97:5
disclose 3:25
discretion 101:20
discuss 20:21
discussed 35:24 72:21 94:4
discussing 66:7
discussion 30:15 50:22 90:20
disparate 72:1
dispel 89:13
disputes 63:3
distinction 85:18
distinguish 13:3
distributed 29:1
diverse 71:25
diversions 73:17
diversity 44:7 45:10
divine 87:4 95:16
division 54:12 57:13,18
doctrine 21:6
document 33:13,16 59:9
99:15
documented 47:24 74:4,9
79:9
documents 31:22 32:13 49:10
49:13,16,20 50:25 51:6,22
52:4,8 93:2
doing 2:7 4:14 11:6 20:13
103:13
domestic 38:14,15,18,24 86:7
Donald 27:17
dramatic 89:2
draw 2:5
drawing 24:23

drawn 36:19
drew 38:7
drive 83:25
drives 72:10
driving 43:13
drumming 91:3 92:5
duty 83:9
débuté 1:3

E

earlier 3:7,14 16:24 40:15
43:20 62:4 66:20 72:21
early 70:8
earnest 80:15
ears 40:1
easily 72:19
easy 19:2 61:18 87:16,24
effect 5:7 21:1 64:23 94:13
effective 17:20 31:2 69:16
effectively 25:22 34:3 70:24
71:1 73:13 83:8 93:6 103:20
effectiveness 54:20 92:18
93:24 96:8
effectuated 93:1
efficiency 54:20
efficient 17:20
effort 68:1,1 74:6 76:22
efforts 67:20 73:10
eight 71:8
either 1:24 26:6 61:13 66:12
70:18
elbows 61:25
elected 21:19
element 44:22
emanating 64:7
embarrassing 42:8
emphasize 52:14
enable 56:15
enamoured 17:9
encompass 65:18
encourage 89:18
encouraged 91:15
endanger 35:7
endorse 64:9
enforce 3:23
enforcement 7:5 10:11 25:15
34:24 36:21 37:22 38:4,19
38:21 41:25 44:14,16,17
45:21,24 46:2 65:6 69:7
73:23,25 104:24 105:2,8
enforcer 57:17
engage 9:22
engaged 46:9
England 74:18 76:7,17
engulfs 22:5
enhance 6:19 48:5 49:7
enhanced 5:14 6:11 49:5 58:3
66:8 69:15
enhancement 48:10

enhancements 48:13 51:21
enlarge 48:5
ensure 15:21 49:15 59:20
60:24 63:15 68:4 69:11,14
71:3 79:17 82:10 85:22
92:24 94:14 103:10
ensuring 53:12 54:14 61:3
entire 6:11 8:24 93:24
entirely 7:25
entitled 13:18 22:24 33:2,3
50:24
environment 87:24
envisage 51:9
envisaged 53:25
envision 1:20 22:7 51:24
58:21 65:2
envisioned 30:25 72:8
equal 71:9 95:23
escapes 61:6
especially 4:2 63:12
essentially 3:24 45:24 55:19
est 107:21
establish 65:22
established 64:18
European 17:11
event 5:5 21:10 26:8 35:3
events 34:6 83:10
everybody 61:19
evidence 25:8,11,23 26:3,5,11
79:24 93:3 94:8 96:19 101:5
101:8
evidentiary 25:9
evolution 70:18
evolved 24:13 43:15 44:11
ex 90:3
exactly 61:10 63:12 66:4
90:15 97:17
examine 85:1
example 11:2 13:12 14:23
22:20 36:7 46:18 50:8 59:1
60:13 68:21 74:3 97:8
101:22
examples 47:23 68:7 73:10
79:5
excellent 42:14 77:24
exchanged 16:13
exchanges 75:15
exclusively 5:1
executed 71:1
exercise 9:6,16 11:9 25:24
26:6 66:15 69:14
exercised 25:13
exercises 71:6
exercising 7:4
exist 21:11
existed 34:4 47:21 74:9
existence 6:12 47:20
existing 15:2 46:6 47:12 71:22
105:22 106:13,14

exists 17:10
expand 70:13
expanded 66:12
expansion 43:24
expect 60:11,19 61:18
expected 91:18
experience 18:11,11 24:23
30:12 38:8,23 60:10 62:6,9
70:21 71:4 91:5
experiences 20:18
expertise 7:2,10,19 10:8,22
11:13 51:4 70:20 71:4 105:7
105:7,12,23 106:15,21
experts 78:17 105:21
expired 2:1
explain 58:24 89:12
explicitly 3:8,11
explore 43:4,7
expose 3:25
extends 11:6
extensively 74:4
extent 4:19 83:25 103:4
extradition 79:16
extraordinary 79:13,19 80:6
80:19
extremely 20:14 73:11 80:25
eyes 4:22

F

facilitate 51:12 69:22
facilitating 80:18
fact 6:10 11:23 25:10 29:20
30:17 60:25 79:13 103:2,6
104:22
facto 84:17
facts 79:22 80:12
factual 78:2 81:25 82:20
factually 87:22
failure 93:5
fair 29:22 32:18
fall 12:18 17:16 53:2 72:13,18
83:14 87:17,22
falling 12:9
falls 12:7 61:4
familiar 29:6 62:24
fantasize 24:2
far 24:21 38:13 39:12 79:7
99:21
fashion 54:7 67:19
fault 88:13
favour 32:1
FBI 38:14 39:3,11
fear 20:4
features 26:24
federal 3:11,19 6:1 41:13
43:19 44:9 47:13 49:9 52:5
60:6,6 61:3 64:4 67:19
68:13
federal-provincial 64:19

67:13 68:18
feel 27:21 32:3 42:25 47:3
77:24 87:4 89:14
felt 30:12 75:14
Ferstman 76:4,5,8,14,18 77:6
78:5,12 79:2 83:21 84:2
85:7 86:10 89:4 90:10,15
91:8,14 92:10 94:6,22 96:14
97:7,17,25 98:16 99:2
100:24 102:7 105:24 106:18
106:23 107:12
fettered 98:22
field 6:2 21:5 81:2
fight 74:6
fighting 62:14,15
file 21:2 86:20
files 105:5
final 28:18
Finally 36:4
finance 18:18
find 20:8 61:20 80:3 84:5
finding 104:17
findings 55:5,15
fine 77:4
finish 26:17 42:9 47:5
firm 82:3
first 2:20 22:1 26:18 27:1
33:18 43:3,8,22 46:19,22
50:11 53:4 80:15 92:15
96:18
fit 41:7 66:9 107:1
five 76:18 95:14,15
fix 72:3
flashing 18:6
flow 16:14
flows 16:18
fly 22:8
focus 13:9 44:16 45:17,20
46:5
focused 77:17
follow 11:18 16:4 78:8 97:9,9
99:7
following 16:8 42:20 57:4
follows 43:22
follow-up 27:4
footing 95:23
force 15:4 27:2,24 28:17 33:8
34:3,13 50:13 96:24
forced 88:10
forces 49:2,24 50:6 51:2,17
65:18,19 67:4 73:12 74:18
Ford 38:9
Foreign 20:18
format 42:20
former 3:5 18:18
formerly 76:10
formulation 94:12,13
forth 26:20 45:8 69:3,17,20
fortune 17:23

forum 88:9 104:11
forward 18:9 34:15 83:23
89:15 94:23
found 30:4 99:18
founded 33:1
four 1:10
fragmentation 67:24,25
framework 64:10,17,22 65:2
65:10,17,22 66:10,13,25
69:13 70:5 73:22 85:21
frankly 73:20
fraternity 27:21
fray 6:13
free 47:3
frivolous 91:4
front 19:17
full 12:6
fully 54:14 79:19 83:5 88:2
function 5:10,18 6:6,7,23
13:11,16 14:5,16,20,22 37:7
37:7 38:25 45:10,11,22
51:25 52:17,23,23 53:1,3,5
53:8,9,15 54:3 56:3 58:4,8
58:11 62:25 63:20 66:8,16
69:19 83:14 84:17,20,24,25
85:2,24
functional 95:2,25 102:12
104:9
functioning 8:2
functions 37:10 39:5 59:14
68:15 86:15,24 98:1
fundamental 53:23
further 28:25 31:21 46:21
59:9 80:25 84:7,20 85:14
91:25 95:8 99:15
furtherance 61:20
future 14:12
fuzzy 11:3,6,17

G

gained 6:9
gang 73:15
gateways 17:12
gathering 38:5
gears 36:16
general 23:9 24:9 38:9,16
41:19 42:25 43:6 45:1 55:25
56:20 57:16 74:3,10 78:6,20
78:21 87:1 91:10 104:6
generalists 105:17,19
generalizing 9:19
generally 4:3 70:11
General's 41:15,22
getting 106:20
give 23:3 29:25 37:4 63:22
69:6 77:11 99:20
given 32:17 33:9 77:1 80:22
81:25 86:13 87:9 99:21
giving 75:11 93:3

go 2:23 9:13 10:7 11:17 12:22
16:16,16 23:18 26:16 39:8
82:7,23 84:20 85:22 86:20
88:10 89:12 90:23 91:3,24
92:3 95:14 102:6
goals 73:14
God's 40:1
goes 33:7 35:23 40:18 79:7
82:21 89:22 95:5 105:6
106:25
going 9:12 10:1 11:20 12:17
16:7 18:3 19:6 25:13 28:2
53:21 58:16 61:25 67:5 69:6
70:1,4 89:2 103:24 104:15
105:16,19 106:10,16 107:13
good 17:23 29:13 62:1 75:8,15
76:19 101:19
govern 21:14
government 21:12,19 49:23
63:25 64:7 71:5 99:11
governmental 90:11
Graham 20:18
great 11:19 70:20 105:14
greater 5:15 69:7,7
grips 44:6
ground 61:15
grounds 25:7
group 1:22 2:20 42:11 48:22
56:8 63:14 98:9
groups 1:17 46:2 90:7 91:21
guarantees 79:17,19
guarant 23:20 28:14 36:6 41:14
43:9 57:17 61:14 71:5
104:22
guidance 37:3
guidelines 104:7
guilty 97:23
G8 73:14

H

h 1:4 75:23,25 107:21,23
Halifax 27:18
hand 7:6 44:13 47:13,14
54:15 60:12 73:16 83:8
handle 19:11 48:6
handled 58:3
handles 46:13
handling 4:5
hand-in-hand 83:15
happen 61:7 62:1 82:11
100:20
happened 60:25 61:20 82:10
91:6
happening 21:24 81:8
happens 81:6
happy 41:2,9
harken 36:17
hasten 38:2
hate 40:7

head 19:10 48:1
headed 59:18
heads 59:18 63:13
Heafey 47:25 53:10
Heafey's 102:16 104:21
hear 16:2 72:11
heard 2:11 30:11 39:4 58:14
62:13 105:13
hearing 100:11,17 102:3
107:19
hearings 20:15 29:2,2,3,4
held 29:5
help 42:16 77:1
helpful 1:16 25:2 30:6,8
100:25 107:9
helping 101:11
higher 16:12
highest 93:14
highly 94:17
history 40:19 70:18
hiving 10:22
holus 14:10
home 74:20 80:3
homophobia 21:15
honour 77:8
hope 39:24 50:2 51:5 52:6,9
63:10 78:22
horizontal 12:25 60:1
horizontally 13:24,25
huge 43:23 44:20 105:7
human 54:15 58:5 64:1,3
69:11 78:14 81:1 90:7
hypothetical 46:18 48:20

I

idea 17:12 25:12 29:13 31:2
38:20 64:9 101:19
ideally 83:21 86:11
ideas 16:21
identified 5:4 6:24 68:3
identifying 45:22
identity 35:12,16,18
idle 89:9
illustrate 20:16 48:20
imagine 16:2 20:7 29:24
immediately 105:17
Immigration 46:3
impartially 83:8
impediment 61:12
implement 97:16
implemented 73:7
implementing 83:4 98:5
implication 99:11
implications 78:2
implicit 45:13
implies 48:3
importance 52:16 80:22 81:23
94:19
important 28:3 45:2 47:10

49:14 53:8,16,21 54:11 60:5
64:2 72:17 77:24 78:13 79:3
80:13 81:1,4,9,22 82:2,19
83:2 84:11,13 89:17 90:23
96:8 99:19 101:11,14
importantly 57:6
impose 4:11,12 97:14
improper 20:11
impropriety 97:1,3
impugned 30:25
inability 26:4
inadequate 29:23 53:11
include 7:18 49:20 55:13 58:5
70:6 72:9 73:22 83:6 96:16
includes 4:4 43:20 44:15
including 1:10 43:17 44:18
45:25 47:13,23 51:1 54:17
69:17 102:15
increasing 79:24
incremental 45:15 48:3 70:10
70:16 71:3
indebted 42:16
independence 19:14 55:21
98:13
independent 3:15 23:16 83:9
indicate 2:8
indicated 96:6
indicates 1:19
individual 42:10 84:18 87:23
104:1
individuals 1:17 49:17,20
83:6
inefficient 88:13
inform 33:17
informal 107:5
information 2:6 9:17,20 11:18
16:12,13,15 17:15 20:20
22:22 26:5 30:1 35:10,20,21
35:22,25 36:7 51:15 74:5
91:10,16,19,20,22,23,25
92:3,17,25 93:9,11,18,20,20
94:1,17 95:5,22 96:19 102:2
information-sharing 67:25
informer 34:23 35:4,8,12 94:4
informing 90:18
infringing 56:12
initial 28:18,19 43:12
inordinate 9:4
inquire 13:18
inquiries 13:10 22:24
inquiry 13:21 27:17 35:13
36:2,12 49:18 59:22 75:16
76:25 77:22,25 80:14 81:15
81:15,16,20,25 82:1,20
107:11
INSET 60:15
insist 22:25
inspector 55:25 56:20 57:16
57:17

instance 90:7 91:20,25
institutional 84:22 99:10
institutions 105:22
instruct 31:13
insurmountable 61:2
integrate 63:9,10
integrated 11:25 12:3,5 15:17
15:23 46:10 49:2 50:8 58:17
58:23 59:4,22 60:14,18,21
61:6 63:11 64:11,24 65:10
65:22 66:10,13,17,23,25
67:3,4 70:3 87:2,7,14
106:24 107:1
integration 12:16 15:1,4,6
16:22 17:7 18:4 51:19 59:7
72:12,23 73:7 88:23
intelligence 35:2 37:22 38:5
38:14,15,18,18,25 44:13
45:22 52:13 72:16 105:9
interact 64:23
interactions 19:12
interacts 4:7
interconnecting 59:3
interest 28:9,10 29:24 42:16
76:25 77:1 81:7
interested 1:18 2:17 77:22
81:6 90:6
interesting 30:14 31:17 39:15
39:15 57:22 63:5 102:5
interests 31:7 37:25 99:17
100:18 102:24 103:3,17
interest-type 90:8
interface 11:2,5
interfere 19:25
interior 7:25
internal 50:12 85:10,15
international 80:23 81:13,23
83:5 85:5,9,11,17
internationally 81:5 82:5
interpret 85:15
interpreted 85:11
interrelated 84:15
interrogation 80:2
intricacies 78:17 86:22 99:22
introduce 41:12
intrude 98:13
intrusion 58:5
intrusive 9:16,23 25:25
invariably 19:13
investigate 69:8
investigating 84:3
investigation 8:18 27:2,5,20
28:18,19 34:24 44:17 49:11
55:6 59:20 60:15 80:16 84:5
88:21 97:18,19 105:1
investigations 11:24 23:9
27:13 51:15 55:14 87:10,16
investigative 38:16 45:20
48:25 62:24 68:1 86:5 96:23

investigators 16:4,8 48:22
involve 11:25 51:16
involved 4:3,20 6:13,25 16:1
22:9 25:24 29:3 41:21 46:10
49:2 50:8 52:3 71:25 78:16
87:15 88:21 91:9
involves 10:12
involving 49:1
Ireland 74:18
issue 3:8 10:25 19:9,23 24:20
28:24 30:15 32:9,9 40:19
55:2,8 62:16 63:5 64:2
67:13 68:24 70:6 73:21 75:2
80:5 87:12 92:11,16,18
99:14,19 100:8,22 101:16
102:8
issues 31:20 32:2,7 36:17
43:24 54:17,19 56:14,14
57:7,8 58:6 67:23 68:23
69:2,23 70:11 75:6 77:18
78:2,7,9,16 84:20 88:18
93:13 101:8,25 102:6,13,22
104:5

J

jealousies 63:2
jeopardy 93:25
job 25:15 56:8 105:20
Johansson 108:24
join 15:2
judge 24:12 33:21
judicial 93:5
judiciary 96:24
jurisdiction 8:19,21 11:7
50:10 85:21 102:8 103:13
jurisdictional 13:5 63:2 73:18
jurisdictions 67:23 74:13 75:4
90:4
jurisprudence 10:14 23:19
justice 36:24 41:14 67:15
80:23

K

keep 56:9,10 57:3,23 67:5
keeping 53:12 57:7
keeps 19:10
Ken 3:4 7:12
kept 36:1 93:21
key 12:8
kind 4:17 7:16,18 10:23 11:1
11:4,13,14 16:1 21:4 22:5
28:4 33:13 38:6 59:14 61:4
63:16 64:5 65:17 69:12
kinds 11:15 25:18 52:8 54:22
73:9
Kingdom 101:4
know 7:13 20:24 21:17 24:12
24:21 29:16 36:21 41:13
42:4 60:9 61:2 67:16 77:17

79:15 80:16 86:20,21,22
91:22 99:3
knowing 21:3 70:21,22,24
99:21
knowledge 10:14 105:12
known 79:12
knows 21:3

L

labour 54:12
lack 14:14 17:3 25:23 26:3
98:8
laid 36:24
large 44:5
larger 10:21
late 107:14
Laughter 24:4 32:5 37:18
38:11 39:20,23 96:13
launched 97:20
law 7:4 10:11,14 19:22 25:15
34:24 36:21 37:22 38:4,19
38:20 41:25 44:14,16 45:24
46:2 65:6 69:6,17 73:23
76:11 85:3,5,9,10,16,17
86:7 99:9 104:23 105:2,8
lawful 53:23
lawyer 61:1 100:15
lawyers 31:14
laying 48:23,23
le 1:3 107:22
lead 40:17 91:4 95:11,17
leaders 80:23
leads 16:4,8 45:4,12 103:5,8
learn 21:24
lease 5:22
leave 29:20 33:21
leaving 5:16 30:17 45:21
led 75:6
left 3:4 31:1
legal 33:3,9 34:14 61:12 68:12
79:14 86:4 94:13 100:1,15
legislate 23:23
legislating 24:3
legislation 25:21 45:8 54:5
61:13 63:22 68:13,14 69:22
legislative 44:7 60:24 64:10
64:17 65:10,17 69:13 73:22
legitimate 20:3 29:7
length 1:19 10:8
let's 31:23 39:24 51:18 58:1
60:13 61:11 62:14 66:6,21
72:3 98:8 106:4
level 3:11,19 4:20 16:12,19
21:4 43:19 47:14 63:6 64:20
64:25 70:3 81:16 95:21
levels 68:19
Levy 38:9
liability 69:2
liberties 2:21 9:23 38:1 39:12

42:21
lie 53:24
life 8:25
light 82:19 99:25
lights 18:6
limit 13:15
limitation 33:20
limitations 25:1
limited 20:14
limits 29:11,19 34:17
lines 11:17 36:18 37:10
link 56:24
linkage 61:4
list 26:18
listened 30:10
little 27:15 42:9 70:13 78:19
78:21 85:14
live 23:14
lived 74:13
lives 35:7
lo 17:23
local 13:11
lodging 104:13
London 76:12
long 11:1,15 27:10 47:22 51:4
71:6 74:3 76:16
longer 74:20
longest 39:10
look 7:2 12:12,14,14,15 18:5
54:17 67:22 69:10,12 70:18
82:19 84:21 90:4 93:19
103:10 106:2
looked 24:19 29:17 67:22
102:17
looking 7:6 10:12 47:10 57:6
59:3 69:19 75:3 80:10 81:18
84:19 92:20,22 93:17 103:7
103:18 106:25
lookout 56:10
looks 7:22 36:23
Lord 23:20
loss 71:10,11
lost 6:5 11:20 16:17 71:4
lot 6:9 18:10 19:10 25:15
35:17 38:7 106:24
lots 62:9
lovely 77:9
lower 13:15
loyalty 31:18
Lynda 108:24
L'audience 1:3 107:21

M

main 43:22 47:8 49:6 70:15
71:2 102:22,22
major 45:12
making 1:12,22 5:5,6 15:9
47:4 82:21
managing 17:20

mandate 13:17 24:2 45:7
47:11 56:12,12 57:3 63:15
65:4 66:6,12 70:12,25 82:12
82:14,14,18,19 89:13
mandated 17:13
mandates 44:7 71:24 87:23
103:10
March 74:4
mardi 1:3
mark 17:16 53:2
marked 44:10
Marshall 27:17
match 107:3
material 1:14 8:16 35:12
matter 25:17 29:1,5 31:21
33:10 34:7 35:9,9 61:14
63:24 77:23
matters 40:3 41:25 46:17 48:8
60:17 78:1 88:14 92:22
maximizing 37:25
McDonald 36:18,24 37:15,17
39:9 44:12 53:22 55:10
57:12,18 58:16
mean 12:11 24:18 38:1 89:10
97:10
means 44:3 47:11 73:6 103:6
measure 64:2
measures 52:15 54:20
mechanism 11:16 12:4,4,16
15:2 92:21
mechanisms 57:2 63:1 104:1
meeting 83:5
member 61:5 62:23 106:4,6
members 51:16 65:5 66:16
memory 71:11
mention 85:8 106:24
mentioned 43:20 55:25 70:8
86:10 102:10 104:20 106:25
mentioning 17:13
mercredi 107:22
mere 83:1 96:5
merely 36:2
merged 38:13,15
merit 98:17 105:5,22
meshing 19:12
methods 90:1
mighty 18:19
mind 36:16 81:9,24
mine 30:16
minister 18:18 19:23 20:8,17
20:18,24 21:3,23 22:10,12
22:21 23:3 53:25 54:3,6,16
55:10,12 56:3,6,14,15,21,22
71:12,13,14
ministerial 20:5 54:8,18 57:4
58:6,7,11,12
ministers 67:17 68:19
minister's 55:11 56:3 57:2
ministries 6:24 17:2

minute 51:19 58:20
misconduct 97:6,16
missed 65:8
mistake 21:21
model 57:24,25 58:21 59:10
66:6,19,22 83:22
moment 5:17 45:21 58:1 66:7
66:22 82:2
motives 21:11
motorcycle 73:15
mouth 40:1
move 18:21,24 43:25 65:14
moved 7:23
moving 28:8 37:9,11 64:11
municipal 65:19 73:12

N

naive 61:23 67:7
narrower 43:25
national 3:10,16 5:19,23,25
6:2,20 7:1,6 8:12,18,22 9:1
10:24 11:9,23 13:3,9,10,17
14:11,15,20 23:8,13 26:7
29:4,7,7 36:19 37:21 43:14
43:18 44:18 45:2,23 46:11
46:14 48:7,17 49:12 52:2,3
52:6,19,23 53:13,14 56:25
57:5 58:17 64:4,10,21,25
65:2,5 66:1,10,14 68:15
69:23 70:2,3,4 73:23,24
85:16 86:3 87:15 92:22 96:1
102:13,24 103:3,17 104:25
nationals 79:6
Nations 81:11
native 50:15
nature 9:21 74:13 89:21 91:17
93:14,15 96:3,17 98:18
104:23
necessarily 86:1,20,21 87:25
91:21 92:4 93:10 95:9 97:14
97:21 99:4 102:17
necessary 11:18 49:25 69:14
84:9 89:23
necessity 89:8
need 9:14 11:13,22 12:2 15:2
43:14 45:14,17 49:6 51:21
51:24 53:2,5 54:6 62:7,9
68:3,10 71:13 72:10,12
81:16 86:7,13,22 87:13,14
91:10,22 93:19 95:11,17,18
99:24 101:2 102:17,19
103:9
needed 96:16 98:25 99:10
100:6
needs 70:24
never 16:1 25:16 37:21
new 14:16 24:9 65:5,10 66:13
66:15,16 68:3,3,14 71:17
73:21,23 74:15 75:5 92:7

98:5,10,25 105:15,16,19
nightmare 15:10,13 18:8
non-expert 17:22
non-lawyer 63:21
non-national 13:4
non-transparent 53:1
normal 85:24
Northern 74:18
note 79:3
notes 47:5
noteworthy 76:24
notice 2:13 64:8
noticed 55:23 101:16
notion 11:22 14:4
Nova 27:19
November 1:2 107:20
novembre 1:4 107:22
number 26:24 27:16 28:15
41:16 43:24 68:7 89:20
96:15 102:15 104:4
nuts 21:8

O

objective 20:3
obligation 22:4 43:1 97:11,19
98:19 99:7 104:16
obligations 81:18 83:5 85:5
85:12,16
observation 30:16
observations 5:5
obstacle 61:3
obtain 22:22 26:5 50:25 95:22
obvious 25:20 77:22
obviously 35:5,19 61:1 68:25
70:2 72:17 85:3 86:7 87:8
89:20 103:24
occasion 25:4 28:21 39:8
occasions 42:7
occur 16:21 103:24 104:13
occurred 19:16 102:3
occurs 17:6 61:4
offences 103:5
offenses 44:18,19 48:24
offensive 79:11
office 56:19 57:2
officer 10:12 21:2 33:3 34:12
41:24 50:11,18,19,24
officers 50:11 51:16 67:3,18
98:9
officer's 50:15
official 41:13
officials 46:3 80:18
officio 90:3
Okay 24:5 26:13 32:16 39:14
78:11 86:9
old 37:16 72:2
once 18:19
ones 7:24
ongoing 52:10 54:7 67:19

onset 45:5
Ontario 1:1,1
opening 1:23
operation 7:17 13:13 23:4
60:18,18 66:25
operational 4:3,4 8:2 16:18
22:23 58:6 63:6 70:5
operationalize 8:1
operations 13:3,4 21:15 63:10
63:11 64:20 65:22,23 72:12
opportunity 1:15,22,24 2:3,10
59:3 75:11 77:25 82:2 86:14
opposed 35:21 44:14 106:10
opposition 47:19,21
oral 94:25
order 16:16 20:1 22:15 33:17
51:24 64:18 68:4 69:14
orders 96:8
organization 7:18 8:3 19:18
24:24 31:13 69:21 76:3
77:16 78:14 98:14
organizational 44:8 68:4
69:13 73:18
organizations 76:24 77:17
78:16 81:5 85:10 107:10
organized 62:15 66:2,14 69:9
74:1
organs 86:23
original 3:21
Ottawa 1:1,1
ought 3:15 36:13
outcomes 97:3
outreach 92:8
outset 85:8
outside 49:20 51:1 56:11 69:1
87:22 95:5
overall 11:23 106:20
overarching 103:16,25 104:9
106:2,3,7,17,19 107:2
overcome 68:5
overcoming 63:1
overlap 103:24
overly 103:4
override 94:10
overriding 94:19
oversight 7:22 53:25 54:2,3,6
57:2 68:18 103:19
overstep 98:1
overstepped 103:11
overview 103:19
o'clock 107:14,18

P

paid 20:4
paper 67:7 89:7 102:16
papers 102:15
parallel 104:14
parameters 29:15
parcel 85:12

part 5:2 26:6 29:5 34:6 54:2,5
57:1 64:18 65:2 67:15 79:7
83:23 85:12 89:19 92:6
98:14 100:4,11
participate 100:10 107:11
participation 2:16 75:16
particular 1:22 7:19,25 10:24
11:9 13:14 15:16 22:22 33:2
33:24 49:18 55:5 80:4 84:4
86:17 95:12 98:9
particularly 30:6,8 40:13
43:19 68:2 76:23 80:11
87:11,21 89:17
parties 2:10,17
parts 99:11
party 26:4 31:15
pass 9:20 10:9 88:5
Paul 30:9
Pause 94:21
people 1:11 2:6 7:18 11:6
18:15 29:12 41:2,12 42:2
54:25 61:23 67:9 72:8 79:25
90:24 105:10
perceived 6:12 28:2 98:7
perception 4:15 12:20 28:4
55:21 63:22 98:13
perfectly 20:3
performed 54:13
permissible 3:2
Perpetual 24:10
person 30:25 56:19 97:23
100:9,18
personal 9:21
Personally 71:18
personnel 31:22 51:23
persons 68:9 79:22 92:3 93:3
person's 31:3,7
perspective 41:22 86:17 87:20
88:11
persuade 18:15
persuaded 30:11
pervasive 71:21
phrases 62:13
picture 106:20
place 1:20 15:21,22 26:23
33:22 58:13 80:7 82:9,23
87:10 91:24 92:2 93:24
106:13
places 17:5 28:22 79:23,25
95:14 104:14
play 30:21 81:1
players 45:2
playing 21:5
plays 30:20 31:13
please 2:23
pleasure 40:23 77:7
point 3:1 5:14 8:3 9:25 11:8
13:10 16:24 22:21 24:6,8,16
31:17 35:11 38:2 43:22

45:13 47:8 53:23 54:23
55:19 63:8 72:21 79:1 82:1
85:15 88:24 89:5 90:17 91:1
98:3 104:6,21,24 105:5,25
pointed 53:10
points 24:17 47:2 102:9
police 10:15 19:15,21,24 20:2
20:6,9,13 21:12,18,20 24:14
27:13,20,20,23,25 28:17
44:16 45:1,24 46:1,9,16
47:15,19 49:1,24 50:5,7,11
50:13,14 51:2,17 62:10,13
63:6 64:16 65:18,19 67:4
69:6,14 73:11,12,19 74:11
74:17,23 78:17 96:24
police-type 7:5
policies 10:16 98:6
policing 13:11 23:10 27:11
41:25 62:21 64:11,24 65:11
66:1,2,10,13 67:14 68:23
69:1 70:3 73:10 74:22 78:16
86:24 105:2 106:24 107:3
policy 1:8,18 2:17 19:24 24:14
41:24 42:5 43:10,13 48:4
54:2 55:12,13,16 56:8,14,17
58:12 67:18 69:18 78:3,10
82:13,14 85:4 98:8
polite 21:7
political 21:11 63:24 81:14
politicians 19:20
politicizing 20:2
posed 78:9
posit 12:12
position 20:12 21:24 23:22
25:9 32:12 34:1,15 39:17
69:24 85:9
positive 99:20
positively 82:4
possibility 56:1 73:1,4 106:2
possible 38:17 60:23 69:22
80:3 90:5
possibly 9:18 34:12 54:19
post 84:17
potentially 6:25 9:16 51:1
84:21 98:21
pour 107:22
Powell 20:22
power 3:23 90:3 92:15,16
93:2 96:19
powers 5:15 7:5 9:16,23 10:15
25:5,12,19,25 26:6 49:25
50:25 51:20 69:7,15 92:11
92:11 96:10,15 105:2,3
practical 25:17 66:19 67:10
95:21
practicality 17:3 61:15
practice 19:23 27:12 28:15
79:7,12 80:6,7
practices 86:5,6

practise 80:19 107:4
practised 76:10
precisely 5:4 48:19
predictable 32:4
prejudices 21:14
prepared 18:24
presentation 19:1 42:22 47:6
75:21 77:3
presentations 1:12,16,20 2:9
40:14 42:13 47:25 107:16
presented 1:14
presenter 1:21 41:12
presenters 1:13,21
presenting 2:20
presents 77:25 82:2
press 30:8
pressed 20:25
presumably 5:10 14:13 65:17
66:3
prevention 44:17 76:2 77:15
77:19 82:8 84:21
preventive 25:15 45:20
previous 94:25
pre-McDonald 37:11
price 20:4
primarily 7:4
primary 103:21
prime 9:24
principal 83:2
principle 20:10 23:10 24:18
101:19
principles 36:24,25 37:4
prior 44:11
priorities 54:9
prison 91:12
private 35:24 49:24
privilege 32:9,10,23 33:4,14
33:23 34:2,4,5,10,11,22,23
34:25 35:4,9,23 36:5,8 94:3
94:4,5
privileged 32:13 35:22 36:3
privileges 32:8 94:11
probably 5:14 15:11 29:22
104:13
probing 8:8
probity 94:9
problem 9:10 11:8 13:5 15:1,4
16:22 17:8 18:5 22:1 61:21
67:11 72:13,23 73:8,15 87:9
88:7 102:23 103:6,18,20
104:12
problems 15:6 18:17 51:19
68:5 74:2,5,8,12 84:5,7
86:19 89:22
procedures 50:12
proceed 7:16 8:5
proceeding 34:16,19,21
proceedings 4:12,13
process 2:2 4:22 8:5 14:13

16:10 26:22,25 31:23,24
 49:7 78:8 79:14,16,18 81:15
 81:20 83:13,25 84:9,14,14
 84:16 86:13 89:5,9,11,24
 90:8,19 91:19 92:6 93:23
 95:19 97:13,14,16 98:1
 100:5
processes 90:11 98:21
professional 101:24 102:6
program 98:11 99:1
programs 44:8 54:10
prohibition 77:19 82:6
promote 64:3
promoted 90:24
promptly 83:7
proper 79:18 83:10
proportionality 85:6
proportionate 69:16
proposal 15:8 18:9 64:12
proposals 18:6,16,17 71:20
propose 3:25 59:6 72:6 78:6
proposed 52:22 59:10
propriety 33:22 53:12
protected 26:7 33:4,13 35:14
 36:1
protection 35:10 37:25 64:1,3
 69:11
provide 55:4,12,16 56:17
 78:13
provided 68:17
providing 2:7 11:16
province 50:15 69:1
provinces 44:25 65:19
provincial 45:1 50:14,18,19
 50:19 51:2,10 58:20 60:7
 66:24 67:20 68:14,16 73:12
provincially 44:25 46:1,9,15
 47:15 50:7,10 51:17
provisions 86:4
public 6:10,19 12:20,20 24:14
 29:24 35:24 43:18 45:11
 46:7 47:15,20 51:10 52:18
 53:9,11 55:6 58:2 69:20
 90:8 92:1 93:18,21 101:7,9
published 1:11
publishing 2:13
pulled 27:18
punches 27:19
purpose 2:4 50:22 54:14
purposes 27:15 30:2 53:20
 84:15
pursuing 50:23
put 2:3 4:25 5:20 8:8,23 17:3
 18:9 22:2,4,11 34:15 43:4
 82:9 89:2 94:23
putting 22:3
p.m 1:3 75:22,24 107:19,21

Q

quality 42:12
question 3:12 10:7 16:23
 19:13 32:8 33:7 36:16 43:9
 43:10,12,16 44:1,2 45:16
 48:4 50:13 52:4 55:3 58:20
 59:11 69:12,19,21 72:22
 93:17 94:3 99:16 100:19,23
questionable 21:11
questioning 18:22 20:17
 57:24
questions 1:24 2:3 8:7 18:2
 26:14 28:25 31:21 32:19
 40:3 42:23 45:16 46:21 47:5
 59:9 65:13 78:9 85:4 99:15
quickly 18:6
quite 3:2 5:6 25:9 29:6,19
 42:9 77:22 81:7,21 82:19
 84:11 85:23 87:1 89:25
 92:17 96:8,9 99:21 100:25
 101:10,13 106:23
quote 27:16

R

racism 21:15
raise 102:5
raised 28:24 31:21 73:21 89:6
 93:8 99:15 100:8 102:14
raises 101:24
raising 19:10 92:6
range 10:12 17:2 54:17
rationale 52:24
RCMP 3:18 4:6,8,10,23 5:9
 6:6 7:3 8:17 9:17 10:3,10,11
 10:13 11:2,10 12:14 13:12
 26:23 27:10,16,18 32:23
 33:2,16 36:7,21 37:8 38:2
 41:21 43:14 44:15 45:25
 46:8,15 47:14 48:12 49:1,12
 49:13,21 50:24 51:1,16 52:3
 53:13,24 54:1,7,9,14 55:4
 55:12,17 56:6,20 57:1 58:2
 58:23 59:1 65:18 66:21
 73:12 82:17,22 97:12 98:24
 99:4,12,12 106:5,8
RCMP's 5:18,23 14:11 58:17
RCMP-led 50:9
reach 8:20 49:23
reaching 17:4
read 42:13 72:7,10
reading 8:16 42:3
reads 88:18
real 6:16 9:13 24:22 67:11
 71:16
realistic 7:9,14 60:11,19
realization 38:21
realize 39:16 40:14
really 8:3 24:12 35:23,25 48:3
 63:24 81:8 92:16 103:18
 104:25 105:20

realm 39:19
reason 12:2 16:23 28:11 35:11
 47:9,17 70:16,17 71:2 77:21
 80:1 83:23 89:23
reasonable 64:2
reasonableness 85:6
reasons 37:24 40:15 75:3
 77:23 89:16 95:24 102:11
recall 3:20,21 24:11 29:18
 30:2 59:12 90:19
received 76:21 88:19
recessing 75:22
recognition 80:22
recognized 74:10
recommend 23:24 98:10
recommendation 25:21 99:6
 99:8,20
recommendations 82:15,21
 84:22 87:2 96:5 97:2 98:7
recommended 57:18,25
recommending 8:5
recurrent 62:13
REDRESS 76:2,12 77:13
reduce 20:1
reducing 28:9
refer 50:7 51:23
reference 81:14,20
referral 90:11
referred 60:1 87:18 92:2
 94:24
referring 24:9
reflect 89:21
reform 84:22 99:9,10
regard 50:5 54:9 67:24 82:17
regarding 54:19 82:22
regardless 95:1
regular 79:15
regulated 93:13
related 49:10
relates 55:2 99:12,15 102:23
 106:5,8
relating 51:15 77:18,23 78:9
relation 32:25 33:9,24 46:10
 46:16 47:8 52:18 55:5 64:4
relations 107:4
relationship 19:19 22:5,16
 27:22 52:10
relationships 22:9
release 93:18
released 93:20
relevance 94:9
relevant 35:17,18 36:12 49:17
 49:23 50:24 51:6,15 80:25
 87:11,21 94:14,17 106:21
reluctance 89:13
relying 53:10
remarkable 42:10
remarks 70:9
remedy 93:5

remedying 84:17
remember 31:14 46:25 59:11
 101:17
remind 77:12
remit 70:22
removed 14:1
rendition 79:13,15,19 80:6,20
reoccur 82:11
reoccurrence 82:9
reorganization 71:7
reparation 77:19
repeatedly 58:15
replies 23:1
report 36:25 74:4 81:11 102:1
reporting 56:21
reports 4:25 5:3 47:24
represent 99:16 100:17
representatives 59:1
represented 76:4 100:3
representing 31:6 102:4
Reprise 75:25
require 8:11 10:13 84:7 92:7
 104:9
required 7:19 10:8 103:19
requirement 22:2 23:15 85:17
requisite 93:15
rescheduled 40:16
Research 41:24
researchers 67:18
reside 53:6
resolved 75:6 88:11 102:18
resolving 84:3
resources 9:5
resourcing 45:8
respect 2:13 5:9 23:4 26:22
 29:10 32:12 34:10 35:4
 36:19 37:4 54:15 78:1,7,12
 79:2,6,21 80:9 81:3 82:14
 82:16,21,24 83:1 84:12 85:8
 85:20 86:16 87:12 89:4,22
 89:24 92:13,15,18 93:8,22
 95:12,18 96:3,18,21 97:2
 98:5 99:3,18,20 101:8 102:7
 102:9,23 103:22 104:18
 106:10
respond 9:25 43:1
response 3:12 21:8 48:4
responses 2:11,15
responsibilities 71:12,15
responsibility 56:13,16 59:19
 73:24
responsible 56:6 58:22 87:5
 88:6,6
restricted 34:9
restructuring 71:6,10
result 21:22 78:18
results 26:3 63:16
resume 107:20

resuming 75:24 107:14
retain 59:13 103:25
retired 41:13 42:11 48:1
Revenue 46:2
review 1:8,18 2:17 6:15 9:14
9:15 11:5 12:3,6,13 13:15
14:5,21 15:2,4,15,20 17:14
19:12 24:25 28:16 29:4 34:8
37:4,7,8 42:5 43:10,13,14
43:17 45:16 46:6 47:12
52:12,16 54:13 55:3,9 58:22
59:2,12 60:20,21 61:19,24
62:19 63:11,13 64:24 65:4
66:21,23,24 67:5 69:10,18
69:19 70:7 71:23 72:19 73:5
78:10 82:13,15,16,22,24
83:3,4 88:23 90:2,3,6 92:12
92:19,21 93:9,22 94:7 95:1
95:2,3,4 96:1,4,9,22,25 97:4
97:7,20,22 99:5,6 103:25
104:9 106:2,3,13,14 107:2
reviewed 8:13 27:19 105:4
reviewing 1:15 6:14 10:11
11:7 98:15 104:23,25 105:1
reviews 15:21 37:20 104:8
right 5:12 6:3 7:15 21:20 23:6
23:14 26:12 28:4,21,23
31:16 32:20 33:5 51:7 58:9
60:3 62:11,17 63:7 65:20
74:25 76:13 78:11 83:6
91:13 92:9 97:24 106:22
rights 54:15 58:5 64:1,3 69:11
78:14 81:12,14 90:7
rigid 38:6
rigorous 53:24
Rires 24:4 32:5 37:18 38:11
39:20,23 96:13
rise 48:6 107:13
risk 4:17 71:16,17 79:24 88:4
88:8 103:18
risks 20:1
road 106:25
role 3:24 30:16,19,20 31:12
32:22 36:20 48:5 52:6 55:8
55:9,11,15 80:9 81:1 89:12
101:10
rookie 21:2
roundtable 90:21
roundtables 90:20
rubbery 14:1
rude 101:21
ruled 25:6
rules 25:3 100:21
run 11:15 13:16
running 47:2
runs 13:8
R.P.R 108:25

safety 35:7
salutary 38:23
sat 20:21 30:10
saying 5:10,25 28:21 72:2
82:7
says 22:10,11 33:8,12
scale 13:1,2
scene 68:6
schedule 1:11,19 107:15
scheduled 40:15
scheme 25:14
scope 12:6 44:20 71:9
Scotia 27:19
Scott 41:3
scroll 8:10
scrutiny 61:6
seamless 59:22
seamlessly 107:2
searching 67:8
second 22:13,17 23:2 37:2
45:12,17 50:13 79:21 89:19
96:21
seconded 62:23
seconding 106:4
secondly 53:6
secondment 63:4
secondments 73:4 106:9
secrecy 87:9
Secretary 20:22 21:5 74:19
section 54:1
securities 68:10
security 3:10,16 5:19,23,25
6:2,11,20 7:1,6 8:12,18,22
9:1 10:24 11:9,24 13:3,4,9
13:11,17 14:11,15,20 23:9
23:13 26:7 29:4,7,8 35:1
36:19,20 37:22 38:4 43:15
43:19 44:12,18 45:2,22,23
46:11,15 48:7,17 49:12 52:2
52:3,6,12,19,24 53:13,14
56:25 57:5 58:18 64:4 66:1
66:14 72:16 73:25 86:3 87:9
87:15 92:22 93:14 96:1
100:11,16 102:13,24 103:3
103:17 104:25 105:9
security-cleared 29:25
see 5:8 13:20 17:17 18:6 22:10
35:8 39:18 41:6,7 48:10
49:5,5 54:25 56:19 57:16
64:21,22 69:5 70:19 71:6
72:1 83:14 87:13,20 95:10
98:17 106:9,12
seeking 26:4 49:10 94:8
seen 8:16 44:24 47:22 82:23
83:4 92:4 98:21
sees 63:25
self-imposed 25:2
self-initiated 90:14
sense 42:25 56:24 67:2,6

97:10
sensibly 29:12
sensitive 35:20,21,25
sent 32:19 79:23,25
separate 5:17 8:17 37:21 42:7
84:15
separately 95:16
separating 5:9 6:5
separation 38:6
September 47:22,23 74:7
Sergeant 27:16
series 48:23
serious 98:20 102:16
serve 84:14,17,18
set 78:6
set-up 21:9
seven 71:7
share 51:14 75:12
sharing 17:14 74:5
sharp 56:10
shifting 36:15
Shirley 47:25 53:9 102:16
shopping 26:18 88:9 104:11
short 17:16 45:15 48:2 52:15
53:2
shot 40:8 51:4
show 17:25
showed 15:16
showing 38:10 39:19
side 5:16 45:21 52:13 69:20
70:5 84:16 92:1 98:18
sideways 7:23 106:11
side-step 72:20
significant 28:7
significantly 22:15 96:10
silos 61:24
similar 81:19 85:23
similarly 97:18
simplify 16:10
simply 2:5 8:7 13:16 33:21
61:6 72:2 92:5
single 3:17 7:22 9:8 68:10
SIRC 3:9,17 14:8,10,24 52:11
59:13,24 60:13 62:23,25
70:19
sit 21:4
sitting 16:6 24:13
situation 20:7 22:23,23 26:3
29:21 74:21 79:5,8,22 86:18
88:11 104:11
situations 5:3 26:10 31:14
84:18
slip 15:23 59:5
society 28:8 90:7
solely 53:11
Solicitor 41:15,18,21
solicitor-client 32:9,23 34:2
94:4
solution 18:12 73:20 95:9,16

solutions 72:23
somebody 8:11 72:19 100:15
101:18 105:17
somewhat 72:7
sorry 12:10 65:9
sort 2:5 17:4 24:17 29:14
30:22 37:11 42:2 57:24 62:6
64:23 72:9,15 90:17 100:21
101:21,22
sorts 62:19 79:17 85:19
sound 15:10 67:6
sounds 61:17 62:1 67:2
source 30:7 35:8,12
sources 35:1 51:1
South 24:9
so-called 30:1 49:2
span 17:2
speak 12:7
speaking 52:15 70:11
speaks 46:19 59:10
special 27:21 29:1,10 30:5,20
86:4 99:16,25 100:6 101:2
101:10 103:9 104:23
specialized 105:7
specific 2:3 19:25 54:18 78:8
80:1 81:14 82:17
specifically 77:18
spend 8:24
sphere 61:3
spoke 15:1
spot 61:9
stance 82:3
stand 41:6
standards 10:16 84:23,25
85:2
standing 25:3,7,23 26:4 63:14
standpoint 101:25
stands 82:5
start 43:6 45:18 62:15 107:14
starting 23:20 37:12 53:23
104:6
state 20:22 21:5 74:20,23
80:17
statement 1:23,25
States 20:22 38:8 83:9
stature 63:19
statute 17:13 63:18
statutory 17:12
stay 5:11
staying 106:13
step 23:3
stepping 56:11
stop 13:8 62:14 107:6
stops 11:7
straight 78:1
straightforward 70:17
strengthen 52:16
strengthened 69:10
strengthening 46:5 47:11,17

49:15
strikes 21:8 28:7 30:18 67:1
strong 42:25 47:19
stronger 96:15
strongly 104:22
structure 11:17 32:24 45:8
67:17
structures 68:3,4 71:17 74:15
75:5
struggle 12:12
struggling 18:2,13
subject 6:17 21:25 22:1,14
23:15 30:9 34:7 38:5 77:23
submission 10:7 22:17 62:4
64:9 76:22 96:12 103:22
104:21
submissions 1:8,9 2:24 17:1
40:3,12 41:4 42:3,6 44:24
45:14 53:10 55:24 64:12
72:7,11 77:5 87:19 88:19
89:8 94:24,25 96:7 101:17
submit 82:18 83:22 102:11
subpoena 49:25 50:25 93:2
96:19
subsequent 37:20
subsequently 39:3
sub-expertises 7:17
successfully 95:22
suffer 17:3
sufficient 25:8 104:5
suggest 5:2,14 9:13 18:8 45:4
56:11 73:6 85:3 88:24,24,25
92:13 94:7,16 95:7 99:2,13
101:13
suggested 37:6 91:2 96:14
suggesting 6:10 23:8 62:2,3
67:9 70:16
suggestion 6:8 14:18 17:10
25:20
suggestions 29:17
summit 73:15
super 3:9,17 14:8 16:25 44:4
71:19 72:6,10 88:25 89:3
support 71:13
supporting 80:19
supportive 87:1
suppose 21:7 34:12,25
supposed 20:23 26:10
sure 18:23 19:8 31:10 34:13
42:13 58:25 64:16 90:23
105:18
Surprise 32:6
surreptitious 25:24 26:6
surreptitiously 25:13
surround 100:21
suspect 15:10
Suspension 75:23
suspicion 4:16
sustenance 38:7

swan 2:22 3:4 7:13 10:20
12:23,24 13:25 14:8 16:11
24:7 32:17,21 33:6,12 34:1
34:18 35:5,19 36:6,11 39:21
40:9,18,24 60:9
Sydney 27:19
synergy 86:14
system 6:11,20 21:23 48:12
48:16 79:18 93:6 99:22
systemic 84:5,6 98:8
systems 78:18

T

tactics 20:11
taint 5:1
tainted 39:5
take 5:13 16:5,9 17:9 24:15
28:16 31:23 32:12 33:2,3
68:15 75:20 80:7 82:3 83:10
83:23 87:10 89:5 94:12
95:11,17 102:19 106:14
taken 42:12 76:24 86:8
107:11
talents 106:16
talk 12:11 13:2
talked 72:25 73:2,4
talking 14:6,10 32:24 45:23
64:25 86:3
targeted 20:9,10
technical 7:19 11:13
technique 27:7
techniques 73:3,6 80:2
tell 8:15 18:1
tendency 88:3,4
tensions 73:18
term 45:15 48:2 52:15
terminology 59:25
terms 37:8 44:7 45:7 63:19
70:21 82:8 87:1 97:6
terribly 53:21
terrifically 20:16
territorial 68:16
terrorism 69:9 73:25 74:7
79:10
terrorist 44:19 48:24 103:5
testified 30:12
tests 85:6
thank 2:25 40:11,22,24,25
41:8 42:17 75:11,17,18 76:8
76:19 77:2,6 79:1 100:24
107:6,8,12
theoretical 11:14
theory 62:1
thing 12:20 15:12 18:2 22:13
42:1 85:13
things 19:6 20:24 28:3 43:2
49:6 59:5 67:6 87:22 103:8
think 2:1 3:16 4:1 6:4,16,21
6:23 8:15 9:12,24 10:9,18

10:20 11:12 12:25 13:6,7
14:6 16:3,9,25 17:10,18,19
20:16 21:22 24:16,22 29:12
29:22 30:24 32:21 33:15,22
34:21 35:22 36:17 40:5 42:8
42:9 43:23 44:4,20 45:14
46:18 48:19 51:21 53:7,15
53:20 54:11,22 55:8,19 60:1
60:17 61:23 66:19 67:21,21
67:22 69:4,9 70:11 71:2,16
71:18 72:7 73:20 74:18,19
75:2 76:23 78:13 79:3 80:13
81:3,8,21 83:17 84:10,12,24
85:22 100:7,22 101:1
102:13,15 105:25 107:6

thinking 44:3
thinks 20:9,11 31:18
third 80:5,8
thoroughly 8:23
thought 9:3 29:19 30:22 32:18
36:10 40:13,17 55:20 59:10
70:1,9 76:23 90:23 100:8
101:18
thoughts 40:21
threats 45:23 69:8
three 1:10 15:18 42:7 77:16
81:5 94:3 107:10,15
time 2:1 9:5 19:19 24:14
38:13 39:9,10,12 42:12 43:3
43:11 52:4,4 71:9,12 91:2
104:15 107:10
times 2:16
today 1:10,11 2:20 37:1 40:12
40:15 77:2
told 76:10
tolerate 74:21
tomorrow 107:14,16,18
torture 76:3,4 77:15,16,18,20
79:24 81:18,19 82:3,6 91:11
totally 68:9
touch 40:19 62:4
touched 66:20 96:20
tracing 11:8
track 56:9 57:3,7
trade 26:19
traffic 24:11,13
trail 11:19
training 98:8,10,25 99:3
transactions 7:23
transfer 104:7,10,16
transparency 14:14,15
transparently 4:10
Transport 7:8 9:2
treat 35:20
treaties 85:5
trends 107:3
triaging 8:25 9:5
trigger 4:12,13
true 27:23,24 37:1

truly 69:23
Trustee 76:2,12 77:13
Trustee 24:10
try 7:11 11:4 19:16
trying 8:17 18:15 45:19 61:20
Tuesday 1:2
turn 32:14 92:10 103:1
turned 39:11
turning 82:12
turns 18:8
two 15:18 17:11 37:10 39:4
45:18 54:22 57:10,11 60:20
74:11 83:14 92:14 104:14
type 2:2 9:14,16 14:4,6,11,19
17:12 18:12 86:18 95:1
101:5 102:12
types 37:10 60:11 93:12
100:20 103:7,8
typical 86:19 105:2

U

ultimately 37:23 95:2 98:23
UN 81:19
unable 33:21 102:1
undergo 80:1
underlies 11:22
underscore 80:14 81:22 83:2
84:13
understand 4:24 12:1 19:22
21:1,25 24:1 26:13 33:6
34:21 38:10 39:7 43:13 76:6
79:1
understanding 50:6 53:22
55:10
undertake 86:12
undertaking 83:3 84:4
unduly 67:7
unfair 88:13
unfortunately 78:19
unified 74:23
uniform 48:11
unique 10:13 48:16 62:18
79:4 80:13,15
unit 50:9
United 20:22 38:8 81:10
101:4
units 49:3 59:22
universally 28:14
unlimited 24:2
unrealistic 67:7
unrelated 68:9
unrepresented 100:13
upfront 25:10
upwards 106:10
use 25:22 29:2,10,15 35:20
55:25 60:13 78:23 101:20
101:21 105:1 106:16
useful 27:7 75:14 78:22
usual 27:12 33:4

usually 18:14
U.K 68:2 74:23
U.S 21:5

V

valid 54:4,4 103:14
valuable 57:1
value 30:13
Vancouver 76:11
variety 80:23 89:15 92:25
102:11
various 19:12 36:17 47:24
59:18 71:20 86:23 93:11
verify 54:7
veritable 15:10
versa 62:25 83:25 84:10
versus 55:9
vertical 13:2
vertically 13:24 14:1
vice 62:25 83:25 84:10
Vice-President 3:6
victim 86:17,19 88:9,12 95:14
victims 77:19 99:17 100:2
104:13
victim-generated 90:1
view 3:23 6:19 22:14 28:11
35:11 37:1,20 38:4 44:24
46:4 47:9 54:23 72:15 85:11
85:16 86:11,18,25 95:24
views 75:12 78:7
vis-à-vis 44:18 49:11
vital 80:21
vulnerable 4:15

W

waived 34:3
Wales 24:10
wall 12:14 22:8 59:23
walls 12:17,25 13:1 39:4 59:4
want 2:15 7:11 25:4 26:18
41:6 75:11 89:15 95:14
101:19 105:18
wanted 22:18,21 23:3 98:2
War 79:10
wasn't 25:8 59:23
way 1:6 2:19 4:1 6:25 7:15 8:4
9:24 11:10,16 15:5 17:4,20
22:15 25:17 28:2 31:8 37:23
38:19 39:8 44:1 51:5 53:1
53:12 69:5,15 76:6,9 79:3
89:2 91:8 93:4,13 98:20
103:8 105:25
ways 17:7 47:11 62:19 74:22
89:1 93:1 103:14 104:4
weather 77:9
website 91:20,20
Wednesday 107:20
week 2:9,12 40:16 67:5
welcome 1:7 41:6 76:6 80:11

well-entrenched 24:17
well-resourced 44:5
went 49:9 71:7
weren't 44:11
whilst 101:7 103:12 106:20
wide 17:2 81:7
wind 21:3
wisdom 70:10
Wise 68:9
wish 2:11
wonder 36:6
wonderful 77:10
wondering 36:23 91:5
words 33:1 35:21 38:18 45:19
68:13 82:18 97:4
work 1:18 10:24 13:12 15:5
17:24 38:18 59:2 62:5 65:13
67:18 71:20 72:1 93:6 95:7
worked 41:14 60:15 73:11,13
89:17
working 21:2 39:10 52:10
63:14 72:3,4 91:9
works 99:22
world 3:24 35:2 76:3 77:15
worry 16:5
worth 37:14,14
wouldn't 9:7 20:19 39:5 62:1
85:25 95:13 97:21 101:21
writing 2:15 22:3,4,5,12 23:5
23:16 43:4
written 1:14,16 40:12 43:2
54:5 55:24 64:9 76:21 94:23
96:6
wrong 20:24

X

X 97:23

Y

Y 97:23
years 17:24 27:17 39:21 41:16
70:21 76:18 79:9 105:11
yellow 18:6

À

à 1:4 75:23,25 107:21,23

0

00 1:4 75:25 107:23

1

1 48:20
1:00 1:3
10-minute 75:21
11th 47:22,23 74:7
13 1:4
14 75:23
15 1:2,3 75:25 107:21,23
16 107:20,22

19th 2:14
1987 71:8
1993 71:8

2

2:47 75:22
20 9:18
2004 74:4
2005 1:2,4 107:20,22
23 43:21
24 6:24 8:20 9:13
25 39:21

3

3 107:14,18
3:00 75:24 107:17,21
3:45 107:19

4

43 74:17,21,23
45 107:21
47 75:23

5

5 54:1

6

6:30 107:17