

**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)

**Held at:**

Algonquin Room  
Old City Hall  
111 Sussex Drive  
Ottawa, Ontario

le mercredi 16 novembre 2005

Wednesday, November 16, 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
Ms Jennifer Stoddart Ms Hedy Kirkby Mr. Carman Baggeley	Office of the Privacy Commissioner of Canada
Mr. Lorne Waldman	Counsel for Maher Arar
Ms Hilary Homes	Amnesty International

**TABLE OF CONTENTS / TABLE DES MATIÈRES**

	<b>Page</b>
<a href="#"><u>Submissions on behalf of the Privacy Commissioner of Canada</u></a>	110
<a href="#"><u>Submissions by Mr. Waldman</u></a>	151
<a href="#"><u>Submissions on behalf of Amnesty international</u></a>	188

1 Ottawa, Ontario / Ottawa (Ontario)

2 --- Upon commencing on Wednesday, November 16,  
3 2005 at 2:57 p.m. / L'audience débute le  
4 mercredi 16 novembre 2005 à 14 h 57

5 THE COMMISSIONER: Okay. Let's  
6 get under way.

7 Good afternoon and welcome to our  
8 second day of public hearings in the policy review  
9 portion of the inquiry.

10 For those who weren't here  
11 yesterday I will just briefly explain the process.  
12 Basically there are no rules. It is flexible, it  
13 is informal. Those who are presenting, if they  
14 wish they can make a statement and a presentation  
15 for as long as they think is appropriate.

16 I like to ask some questions. I  
17 find the sessions are more useful to me if I can  
18 ask questions, so absent any strong objects I  
19 will. The purpose isn't to challenge or argue  
20 obviously, it is just to draw out information that  
21 I would find of assistance to me.

22 I have had an opportunity of  
23 reading the written presentation that people have  
24 submitted. I appreciate it very much. I  
25 understand that a number of the organizations have

1 prepared these under a good deal of time pressure  
2 and the quality of the work is excellent and it is  
3 most helpful to me and the others at the  
4 Commission, so I appreciate it.

5 The first group to present this  
6 afternoon is the Office of the Privacy  
7 Commissioner of Canada.

8 Ms Jennifer Stoddart is the  
9 Privacy Commissioner, welcome. I understand you  
10 have two people with you.

11 MS STODDART: If I could present,  
12 on my left, Mr. Carman Baggeley, Senior Policy  
13 Advisor; and Hedy Kirkby, who is counsel.

14 THE COMMISSIONER: Ms Kirkby,  
15 Mr. Baggeley, thank you for coming.

16 They do take a transcript and it  
17 is necessary to speak into the microphone for  
18 whoever is doing it. You are welcome to speak,  
19 obviously, in both languages as you see fit.

20 MS STODDART: Yes, I will.

21 THE COMMISSIONER: Okay.

22 SUBMISSIONS

23 MS STODDART: Okay.

24 Thank you very much,  
25 Mr. Commissioner O'Connor, for inviting us here on

1           this very important public Commission of Inquiry  
2           and in your second stage in which you are looking  
3           into possible appropriate mechanisms for review  
4           and oversight of our agencies which have national  
5           security responsibility.

6                        Donc, je commencerai, aujourd'hui,  
7           par faire un résumé de certains des points que  
8           nous avons développés dans la lettre que nous  
9           avons soumise à votre avocat, et par la suite,  
10          évidemment, on répondra à vos questions.

11                       Donc, le premier point que  
12          j'aimerais développer, c'est la question de la  
13          nécessité d'une plus grande imputabilité et de la  
14          surveillance des organismes chargés de la sécurité  
15          nationale.

16                       THE COMMISSIONER: Could you just  
17          wait a second?

18                       MS STODDART: Yes.

19                       THE COMMISSIONER: With this one I  
20          can hear it, but it is pretty difficult to follow.  
21          --- Pause

22                       THE COMMISSIONER: I have an  
23          abundance of them here. Okay. Thank you, sorry.

24                       MS STODDART: Okay.

25                       Donc, je poursuis sur la nécessité

1 d'une plus grande imputabilité et de la  
2 surveillance d'organismes chargés de la sécurité  
3 nationale.

4 Nous convenons tous de la  
5 nécessité d'une plus grande imputabilité,  
6 transparence et surveillance des organismes  
7 chargés de la sécurité nationale.

8 L'adoption de la Loi  
9 anti-terroriste en novembre 2001 a marqué le début  
10 d'un nouvel environnement en matière de sécurité  
11 nationale, caractérisé par un accroissement du  
12 pouvoir de surveillance exercé par l'État, par des  
13 changements fondamentaux dans les rouages de  
14 l'État, et par une augmentation de l'échange de  
15 renseignements personnels avec les États-Unis et  
16 d'autres gouvernements à l'étranger.

17 L'adoption de la Loi  
18 anti-terroriste en novembre 2001 a marqué le début  
19 d'un nouvel environnement en matière de sécurité  
20 nationale, caractérisé par un accroissement du  
21 pouvoir de surveillance exercé par l'État, par des  
22 changements fondamentaux dans les rouages de  
23 l'État, et par une augmentation du partage des  
24 renseignements personnels avec les États-Unis et  
25 d'autres gouvernements.

1                   En outre, nous avons constaté que  
2                   la distinction entre les activités en matière de  
3                   sécurité nationale et les activités d'application  
4                   de la loi en ce qui a trait à certaines  
5                   initiatives de l'après 11 septembre s'est  
6                   estompée.

7                   Nous craignons que la logique de  
8                   l'anti-terrorisme n'imprègne toutes les sphères de  
9                   l'application de la loi et de la sécurité  
10                  publique, ce qui pourrait entraîner des systèmes  
11                  de surveillance à grande échelle, portant de plus  
12                  en plus atteinte aux droits relatifs à la vie  
13                  privée au Canada.

14                 Parallèlement, comme le rôle et  
15                 les pouvoirs des organismes d'application de la  
16                 loi et des agences de sécurité nationale ont été  
17                 élargis par suite de la Loi anti-terroriste, de la  
18                 Loi sur la sécurité publique et d'autres mesures,  
19                 les contraintes concernant l'utilisation de ces  
20                 pouvoirs de surveillance ont été atténuées, et la  
21                 responsabilisation et la transparence du  
22                 gouvernement ont été réduites de façon marquée.

23                 Nous voulons tous un pays où règne  
24                 une meilleure sécurité, et nous comprenons qu'il  
25                 est nécessaire d'avoir des services canadiens de

1 renseignements efficaces.

2 Nous devons également mettre en  
3 place des processus permettant de garantir que les  
4 pouvoirs accrus que nous donnons à ces organismes  
5 sont nécessaires et proportionnés, et s'ils sont  
6 accordés, qu'ils ne sont pas utilisés à mauvais  
7 escient.

8 Voilà, donc, notre premier thème.

9 I would like to pass now to some  
10 of our practical experience at the Office of the  
11 Privacy Commissioner with the RCMP, CSIS and CSE.

12 Under the Privacy Act we have  
13 oversight responsibility for the handling of  
14 personal information over approximately  
15 150 government departments and agencies, including  
16 the RCMP, CSIS and the CSE. However, we are, are  
17 you know, only part of a larger national oversight  
18 system that includes Parliament, the courts, other  
19 specialized agencies created by Parliament, such  
20 as the Communications Security Establishment  
21 Commissioner, the NGO community and the media.

22 Let me briefly summarize our  
23 complaint experience with the RCMP, CSIS and CSE.

24 In the last two years we have had  
25 one well-founded complaint against CSIS and none

1 involving CSE. In 2003-2004, 56 of the well-  
2 founded complaints were expense against the RCMP  
3 and last year 45 of the 607 well-founded  
4 complaints involved the RCMP. None of the  
5 well-founded complaints dealt with the use and  
6 disclosure of information pertaining to national  
7 security. I believe last year that is about,  
8 then, 7 percent of the well-founded complaints  
9 were against the RCMP.

10 To date we have had only one  
11 complaint against the RCMP that involved  
12 allegations of improper use or disclosure of  
13 personal information for national security  
14 purposes.

15 As well, we have received denials  
16 of access complaints against the RCMP, CSIS and  
17 CSE. However, upon investigation we concluded  
18 that the information was properly exempted under  
19 sections 21, that is the national security  
20 exemption, or 21(1)(a) information collected by an  
21 investigative body. I am referring here to the  
22 Privacy Act.

23 We also have the authority to  
24 review or audit organizations that are subject to  
25 the Privacy Act. During 2002 and 2003 we

1 conducted reviews of four RCMP activities,  
2 including the integrated national security  
3 enforcement teams known as INSETs. These are  
4 explored in last year's annual report.

5 Under section 36 of the Privacy  
6 Act, we can audit exempt information banks. There  
7 are presently only four exempt banks that are  
8 under the control of CSIS, CSE and the RCMP. The  
9 last time exempt banks were reviewed by my office  
10 over 15 years ago, the result was a reduction in  
11 the number of exempt banks.

12 We recognize and accept that we  
13 cannot exercise effective oversight on the use of  
14 personal information on our own. The task is  
15 simply too large, too important to be entrusted  
16 exclusively to any single agency.

17 As well, the Privacy Act, which is  
18 now more than 20 years old, was not designed to  
19 deal with an environment in which intrusive  
20 surveillance and the technologies which allow this  
21 to happen are constantly increasing. The Privacy  
22 act regulates the flows of personal information,  
23 but it does not create a strong normative  
24 framework that protects privacy.

25 I will turn now to the issue of

1 Privacy Act reform which I think is vitally linked  
2 to the matters which you are examining.

3 In a recently released 2004-2005  
4 annual report on the Privacy Act, we call for the  
5 reform of this act. There are several reasons why  
6 the act needs to be reformed, the not the least of  
7 which is the need to address the challenges of the  
8 new post-September 11th surveillance state.

9 One of the specific issues that  
10 should be addressed in any reform of the Privacy  
11 Act is the ability to either decline to  
12 investigate a complaint or to refer a complaint to  
13 a more appropriate forum for investigation. We  
14 have this discretion under the Personal  
15 Information Protection and Electronic Documents  
16 Act, known as PIPEDA, which applies to the  
17 federal-regulated private sector. A similar  
18 provision in the Privacy Act would be desirable.

19 This discretion might be  
20 particularly valuable if a new agency were created  
21 to deal with complaints related to the RCMP's  
22 national security activities.

23 My final point deals with  
24 cooperation with other oversight agencies.

25 We can envisage a situation in

1       which an individual may have a complaint that  
2       raises issues relating to the collection, use or  
3       disclosure of personal information under sections  
4       4 to 8 of the Privacy Act that are incidental to a  
5       more far reaching set of issues. In such a  
6       situation an individual's interests might be  
7       better served by a review body with  
8       multi-dimensional expertise and with a broad  
9       mandate that would allow it to examine matters  
10      that go beyond the handling of personal  
11      information.

12                   While we feel strongly about the  
13      need for greater oversight over the national  
14      security activities of the RCMP, we do not have  
15      any views on what this agency should look like.  
16      By this I mean we do not have any views on whether  
17      this agency should also deal with the types of  
18      complaints currently handled by the Commission for  
19      Public Complaints or whether it should also  
20      exercise oversight over CSIS and CSE.

21                   When discussing oversight we  
22      should not lose sight of the importance of  
23      internal oversight and accountability. Government  
24      departments and agencies, especially those that  
25      have a national security mandate, should be

1 required to develop and implement privacy  
2 management frameworks that include an internal  
3 privacy audit capacity, privacy leadership  
4 responsibilities and the performance agreement of  
5 senior executives, privacy protection, performance  
6 indicators and a strengthened role for access to  
7 information and privacy coordinators.

8 We would welcome the creation of a  
9 new agency or revising the mandate of an existing  
10 agency to oversee the national security activities  
11 of the RCMP. While this might result in some  
12 overlap of mandates, we do not anticipate that  
13 that cannot be dealt with cooperatively and we are  
14 certainly, at the Office of the Privacy  
15 Commissioner of Canada, prepared to work with any  
16 new agency that is created to address any issues  
17 that might arise.

18 That is a summary of the points we  
19 would like to make, Commissioner, and I and my  
20 colleagues would be happy to answer your  
21 questions.

22 THE COMMISSIONER: I have a number  
23 of questions. I have read your material and let  
24 me apologize, if necessary, for my lack of  
25 information about some of the ways that you

1           actually operate and some of the functions that  
2           you do.

3                           One of the suggestions you are  
4           probably aware that is made to me is that there  
5           should be a super agency created to review  
6           national security activities of all federal  
7           actors, any of the agencies or departments that  
8           may in any way be involved with handling national  
9           security information. And we in our further  
10          questions -- you may have had chance to look at  
11          it -- have set out there are 24 departments or  
12          agencies that we are informed in one way or  
13          another deal with national security activities or  
14          national security information.

15                          As I understand it, for purposes  
16          of the Privacy Act you would now have  
17          jurisdiction, both to deal with complaints and to  
18          carry out an audit function with respect to all 24  
19          of those agencies.

20                          MS STODDART: My understanding,  
21          looking at it, would be yes. My colleagues may  
22          add something, but those look like the agencies  
23          that we routinely accept complaints against.

24                          THE COMMISSIONER: This may be an  
25          impossible question to answer, but leaving aside

1 CSIS, the RCMP, CSE and maybe CBSA, do you have  
2 any notion as to how often you would receive  
3 complaints or come across, through an audit or  
4 otherwise, information that relates to national  
5 security?

6 MS STODDART: My understanding is  
7 that it is the exception. It is fairly rare.

8 THE COMMISSIONER: Right. And  
9 assuming there is a complaint or there is an issue  
10 that arises under the Privacy Act, it would relate  
11 to the flow of information and whether or not the  
12 flow of that information accorded with the  
13 provisions of the Privacy Act. That would be the  
14 focus.

15 MS STODDART: Yes. It could  
16 relate to the detention, the holding of  
17 information, refusal of access to one's file that  
18 would be in any one of these entities, and the  
19 reasons for refusal could relate to national  
20 security.

21 THE COMMISSIONER: In general  
22 terms, it appears that other than the four  
23 agencies I mentioned, RCMP, CSIS, CSE and CBSA,  
24 the rest of the agencies are really collectors of  
25 the information themselves, in the sense that they

1 don't carry out investigations. They may become  
2 recipients of national security information.

3 What I am wondering is whether or  
4 not or to what extent the powers that you have are  
5 adequate in order to address what could be  
6 problems in the way the information is handled,  
7 stored, passed, or moved around.

8 MS STODDART: Yes. Certainly the  
9 powers that we have are inadequate to deal with  
10 the rapid, huge flow of information in the  
11 electronic age.

12 We have written about this, for  
13 example, in our last annual report on the Privacy  
14 Act. We go into details why we think our powers  
15 are insufficient, simply because the vision of the  
16 act, its structure, its wording and so on, is not  
17 made for the world of the electronic flow of  
18 information in terms of volume intensity, what can  
19 be done with it, and so on.

20 The thresholds are much too low.  
21 There is little transparency. It is a very opaque  
22 system, very difficult for people to know where  
23 their information is being stored on the part of  
24 the Canadian government.

25 The criteria for exchanging,

1 holding information, is much too low, in our  
2 opinion, and so on. It has no overriding  
3 constitutional value, and so on and so on.

4 So yes, we are quite concerned and  
5 have asked for reform of the Privacy Act as soon  
6 as possible.

7 THE COMMISSIONER: What I am  
8 wondering, though, is if you had the adequate  
9 powers in order to, in this day and age, carry out  
10 your mandate.

11 MS STODDART: Right.

12 THE COMMISSIONER: Insofar as  
13 concerns about national security information is  
14 involved, is the Privacy Commissioner going to,  
15 with most of these agencies -- who will only  
16 become involved in national security matters not  
17 through the collection and going out and using  
18 intrusive powers and so on, but might come in  
19 possession of, store it and pass it on to others.

20 Is the Privacy Commissioner for an  
21 agency of that nature, is it equipped, assuming  
22 adequate powers? Is it a body that could address  
23 the types of concerns that would come up relating  
24 to national security information?

25 MS STODDART: Well, it would

1           certainly depend on what is in the act and what  
2           the act then would say to any exemptions there  
3           would be for national security information. I  
4           don't know if in a revised act we would want to go  
5           further than the exceptions that are in the  
6           Privacy Act. At this point it is simply a fairly  
7           blanket exception.

8                                 Presuming that another agency  
9           would be created or additional powers would be  
10          given to another agency, it would seem to me  
11          probably appropriate that the division of  
12          responsibilities at that point -- is national  
13          security personal information being appropriately  
14          used -- could be taken over by this other agency,  
15          because we have a generic power. I think we have  
16          many things we can look at as to how non-national  
17          security information of Canadians is appropriately  
18          used, stored, collected and so on.

19                                Once we reach that area in which  
20          we are told that it is national security, and we  
21          have reason to believe that it is, then further  
22          examination into that, in my mind, might more  
23          appropriately be done by a highly specialized  
24          agency.

25                                THE COMMISSIONER: How difficult

1 do you think it would be within these various  
2 agencies to sort out where one draws the line  
3 between what is national security information and  
4 what isn't?

5 One position that has been put to  
6 us is that it would be a monumental task in each  
7 different department or agency to try to figure it  
8 out. So it is said to me at least that if you  
9 recommended an agency whose jurisdiction was  
10 circumscribed by only being able to deal with  
11 national security activities -- in these cases  
12 probably national security information -- you will  
13 create a monster, and we will then have to look at  
14 each department or agency and somehow come up, for  
15 that department or agency, with a process and  
16 standards and definitions that would say yes, this  
17 is national security information or national  
18 security activity, no, this isn't. And it would  
19 lead to forever after litigation about whether the  
20 review agency could do it.

21 We may be confronted with that in  
22 context of the RCMP, and I am just putting it  
23 forward as an argument that has been put to us.

24 Do you have any thoughts about  
25 whether or not that is a real problem?

1 MS STODDART: Yes, I do.

2 Doubtless it is a real problem. I think it is a  
3 real challenge, but think those who work in the  
4 Canadian government should rise to this challenge.  
5 In other perhaps slightly different fora, we all  
6 deal with that in the course of administering our  
7 agencies. Is this more properly a human rights  
8 complaint, for example, to talk about our area or  
9 a privacy complaint? This is pretty standard.

10 What is the end of my  
11 jurisdiction? What is the beginning of yours?  
12 Where is it more properly dealt with, which is why  
13 we are suggesting that we and any review agency  
14 that might be created or an existing one whose  
15 powers are augmented has to have that kind of  
16 discretion.

17 I would also go back to the end of  
18 my remarks, that rather than simply saying we  
19 can't go through this exercise, the beginning and  
20 the end of the points that we wanted to make.  
21 First of all, if we can't make that distinction  
22 between what is national security information and  
23 what is not, then I think that is very dangerous.  
24 We have to be able to do that. We have to be able  
25 to say this is a specialized information that we

1           need for such reason. It is collected possibly  
2           under different conditions, and so on.

3                         If we are just going to say well,  
4           we don't know where this stuff begins and ends,  
5           then I think in a democracy we can be very, very  
6           concerned.

7                         So I think it is an exercise we  
8           have to force ourselves to do.

9                         Second, as I said at the  
10          conclusion of my remarks, every department -- and  
11          we ask this when the new super agency, Public  
12          Service and Emergency Preparedness, was created.  
13          We asked that in the legislation creating that new  
14          department that there be accountability by the  
15          minister for the protection of personal  
16          information; that there be in the annual report  
17          information on how personal information is treated  
18          and stored.

19                         We have had meetings with  
20          departmental officials who have agreed to do this  
21          on a voluntary basis and to include these concerns  
22          in their annual report.

23                         So I go back to the remarks that  
24          every ministry, department and agency, I think,  
25          has to think about the protection of personal

1 information and privacy considerations as we go  
2 forward. I named some of the standard techniques:  
3 privacy impact assessments. You have a privacy  
4 framework. Who is looking at it, what is the role  
5 in the department, and so on?

6 To conclude on that, I would say  
7 while this is a real issue, I think it is an issue  
8 that should not deter us and it in fact has to be  
9 addressed seriously, and can be addressed  
10 seriously.

11 THE COMMISSIONER: Tell me about  
12 your audit function, a little bit about that and  
13 how it works, how you select what areas would be  
14 the subject of an audit and how you go about it.

15 MS STODDART: Yes. Our audit  
16 function has, I guess, more recently been revived  
17 into a more -- I would say more intensive audit  
18 function. So we are gaining experience in this.

19 Certainly our initial inquiry into  
20 the information handling practice of the Canadian  
21 Border Services Agency was prompted by my own  
22 observations, I guess, on becoming Privacy  
23 Commissioner that Canadians were very concerned  
24 about the information that is being shared abroad  
25 and particularly with our largest neighbour with

1           whom we have many shared border agreements and  
2           controls, and so on.

3                           As we go on, we have planned  
4           audits for next year. There is a mixture of those  
5           that are highly sensitive and of particular  
6           topical concern. I think in that case we can  
7           mention things like DNA databank; maybe new highly  
8           sensitive leading-edge uses of personal  
9           information, with a routine audit into kind of  
10          departments and agencies whose turn has come in  
11          the ordinary scope of things.

12                          THE COMMISSIONER: Tell me, if you  
13          are carrying out either in response to a complaint  
14          or an audit and you come across a situation that  
15          involves national security information, do I  
16          understand you to say that in some instances,  
17          whatever the situation is, you may feel that you  
18          are perfectly able to deal with it, that there is  
19          no special expertise required, but that in other  
20          instances the circumstances of the situation or  
21          the subject matter of what is involved may be such  
22          that you would be more comfortable referring it to  
23          a body that had a more specialized expertise in  
24          national security matters?

25                           Have I put that fairly?

1 MS STODDART: As we go forward,  
2 yes, I would think that would be appropriate.

3 THE COMMISSIONER: With your  
4 experience to this point, though, have you bumped  
5 into --

6 MS STODDART: Well, we have many  
7 of our staff who are cleared to top secret.

8 THE COMMISSIONER: Right.

9 MS STODDART: So that they can  
10 look at this in perhaps the more superficial way  
11 that the Privacy Act allows for. We are only  
12 looking at usually files to see whether the  
13 subject of the file has access to his or her own  
14 information. We are not looking at the quality of  
15 the information or who put it on there, or so on.

16 In that sense, in those files, I  
17 would think that a specialized agency could be  
18 very useful.

19 THE COMMISSIONER: And you  
20 mentioned that you thought it would be useful to  
21 have a statutory power of referral. Did I  
22 understand you to say that?

23 MS STODDART: Yes, absolutely.  
24 There isn't one in the Privacy Act. There is very  
25 little discretion in complaint handling.

1 THE COMMISSIONER: Now if you have  
2 a complaint or a matter comes to your attention,  
3 you don't have a basis to send it elsewhere.

4 MS STODDART: No, we don't. It is  
5 a large administrative problem.

6 THE COMMISSIONER: Yes, go ahead.

7 MS KIRKBY: I thought I might  
8 supplement one aspect of what the commissioner was  
9 saying.

10 The process in the Privacy  
11 Commissioner is a very specific process. It is a  
12 complaints-driven process on the investigation  
13 side. Therefore, it requires knowledge on the  
14 part of an individual that there is something to  
15 complain about.

16 So for openers, the quantity of  
17 complaints coming in the door may well be less  
18 than it may otherwise may be as a result of  
19 individuals simply not knowing what may or may not  
20 exist about them in the hands of the RCMP or  
21 related CSIS.

22 Second, there is a provision in  
23 the Privacy Act that permits a government  
24 institution to refuse to confirm or deny the  
25 existence of information. That provision is

1           relied on frequently by departments such as CSIS  
2           and the RCMP.

3                               So an individual may suspect, may  
4           try to find out if something does or doesn't  
5           exist. I guess the most well-known example of  
6           this -- and it went right through to the Supreme  
7           Court of Canada -- was Mr. Ruby in his efforts to  
8           ascertain what may be in CSIS files. The result  
9           of all of that basically was no, he didn't get any  
10          information, and in fact at the Court of Appeal  
11          level it was confirmed that this policy of  
12          refusing to -- what had happened was there was a  
13          blanket policy in place basically of refusing to  
14          confirm or deny in all cases with respect to  
15          certain classes of national security information.  
16          So the Court of Appeal basically endorsed that  
17          approach of having adopted a blanket policy of in  
18          all cases refusing to confirm or deny.

19                              This means that there is really,  
20          from the public point of view, fairly limited  
21          knowledge, I would say, about what does and  
22          doesn't exist, what does and doesn't happen with  
23          that information once it is in the hands of the  
24          government.

25                              Mr. Ruby tried but failed to win

1 on a section 7 charter argument on those aspects.

2 I think that may be part of the  
3 story in our office; that it is a very specific  
4 process. We see only the limited number, and that  
5 is a large bulk of the work that is done within  
6 the office, the investigation side.

7 THE COMMISSIONER: Is the absence  
8 of complaints because people simply don't know, so  
9 they can't complain? Is that significantly  
10 addressed by the audit power?

11 MS STODDART: Not at the present  
12 time because we don't have the capacity, but we  
13 are in fact making a submission to Treasury Board  
14 for substantial new resources, notably to beef up  
15 our audit power because most of us have no idea  
16 what information the government has on us. This  
17 is why we need audit power. We wouldn't even know  
18 where to begin to complain.

19 THE COMMISSIONER: Right.

20 What has been your experience in  
21 terms of overlap with CSIS, the CPC or the CSE  
22 Commissioner? Have you had many cases where you  
23 have been involved and then they have also been  
24 involved or you thought it would be of advantage  
25 to have them become involved?

1 MS STODDART: In the time I have  
2 been Commissioner I haven't heard that that is an  
3 issue at all.

4 MS KIRKBY: That's correct.

5 THE COMMISSIONER: But presumably  
6 when we were talking about the possibility of  
7 having a referral power, given that those bodies  
8 are there, that if you did you might come across  
9 information that you thought would better be dealt  
10 with by, say, SIRC.

11 MS STODDART: Yes, but we know we  
12 don't have it now so there is no use I suppose.

13 THE COMMISSIONER: But it is also  
14 possible when you are dealing with a complaint or  
15 an audit at SIRC, if you were, that you would be  
16 covering the same ground -- or at CSIS, that you  
17 would be covering the same ground that SIRC is.  
18 That potential exists>

19 MS STODDART: Yes. Yes. If we  
20 were doing an audit of SIRC, yes, we would. But,  
21 you know, again we choose the organizations that  
22 we audit very carefully and perhaps start with  
23 those that are on the ground rather than those  
24 that review others.

25 THE COMMISSIONER: No, I misspoke.

1 I meant if you were doing an audit of CSIS, you  
2 might then be duplicating something that SIRC was  
3 doing at the same time.

4 MS STODDART: That's right, but  
5 presumably we wouldn't do it in that context  
6 unless we thought there was some angle that we  
7 could bring. I think there was agreement.

8 Again, I think in administering  
9 these statutes we have a duty to try to cooperate  
10 to see that they are applied intelligently and in  
11 a complementary fashion. That would certainly be  
12 my approach.

13 THE COMMISSIONER: I don't know if  
14 you feel comfortable making an observation on  
15 this, but just on that point, what has been your  
16 experience, and indeed the experience of your  
17 office, with cooperation among review bodies?

18 Sometimes one hears, and I don't  
19 say it is true or not, that people are territorial  
20 and get their elbows up, so to speak, about their  
21 own area. Obviously as a member of the public we  
22 would hope that is not the case, that people would  
23 all have the same goal.

24 Do you have any observation about  
25 the overall environment in the culture in the

1 review body milieu?

2 MS STODDART: I can't say. I  
3 haven't -- I have been Privacy Commissioner for  
4 about two years now, I can't say that I have heard  
5 that this is a problem in the kind of work that  
6 we' are doing.

7 I don't know, my colleagues have  
8 been with the office for quite a while.

9 Not at all. I can only speak of  
10 what we know.

11 MS KIRKBY: No, Mr. Commissioner.

12 THE COMMISSIONER: Okay.

13 Let me ask you this: You have  
14 both a complaints and an audit function. As you  
15 may or many not know, I have had a variety of  
16 proposals about new bodies that could be created  
17 as a result of the mandate. There is quite a  
18 range of them and different features of the main  
19 ones.

20 One of the issues that comes up is  
21 whether or not it is necessary or desirable that  
22 the complaint function -- say with respect to the  
23 RCMP and if there is to be an audit function --  
24 whether it rest in the same body.

25 What has been your experience as

1 to whether or not that is desirable or necessary?  
2 Do you have any thoughts on that?

3 MS STODDART: Yes. We have found  
4 that it is both desirable and necessary. Indeed,  
5 we would like to, as I said, enhance the audit  
6 function because of the way personal information  
7 is collected and stored.

8 However, it hasn't turned out to  
9 be a problem because we are an ombudsman. We are  
10 not an administrative tribunal. We cannot impose  
11 sanctions, they are imposed by the Federal Court.

12 So you are getting into an area of  
13 issues of reasonable apprehension of bias, and so  
14 on, if these types of different powers are all  
15 exercised by one body.

16 That hasn't been a problem in our  
17 case. I think it has been a problem in  
18 administrative law in the hands of those who have  
19 direct powers.

20 THE COMMISSIONER: As opposed to  
21 just the power to recommend.

22 MS STODDART: That's correct.  
23 Because we are an ombudsman, I suggest that these  
24 issues that are alive in administrative law have  
25 not arisen in our case.

1 THE COMMISSIONER: That is a good  
2 point, yes.

3 For example SIRC would be the  
4 same. It has both an audit and a complaints  
5 power, but then it has a power to recommend only,  
6 so that the issue doesn't arise.

7 MS STODDART: Yes. It seems to me  
8 the whole thing is taken down a couple of notches  
9 as opposed to administrative tribunals that also  
10 have audit powers for example. Then there are  
11 issues of institutional bias and things like that.

12 THE COMMISSIONER: Right.

13 One of the other issues,  
14 Ms Stoddart, that comes forward is some people  
15 suggest that the CPC should continue to exist and  
16 some would suggest it should take an additional  
17 audit power in addition to just dealing with  
18 complaints. But many say, to me at least, that  
19 whatever form, if it continues, it needs to have  
20 greater power than it now does. In particular,  
21 there are a couple of things that are pointed to  
22 and perhaps I could ask you about your experience.

23 One is access to documents into  
24 personnel and the ability to compel production to  
25 documents and having access to all documents,

1 relevant documents, and to all relevant personnel.

2                   Could you just explain to me what  
3 your experience and what your thoughts might be  
4 with respect to that issue?

5                   MS STODDART: Yes. Thank you for  
6 the question. I think that is one of the points  
7 that we elaborated on in our letter to your  
8 organization.

9                   THE COMMISSIONER: Yes, you did.

10                   MS STODDART: We think this is an  
11 extremely important part of our power. Even  
12 though we are an ombudsman, we have are an  
13 ombudsman that has a special set of powers. These  
14 have recently been confirmed by the Federal Court.  
15 I think it is the sine qua non of doing a serious  
16 investigation, particularly with organizations  
17 that I guess one would call paramilitary, because  
18 of their calling that have to be organized that  
19 way.

20                   I think you have to work with them  
21 at the level at they function. So that you need  
22 these core set of powers.

23                   As I remember in our submission to  
24 you, we also talked about a slightly different new  
25 twist on the power to compel production of

1 documents. This has come up in access to  
2 information jurisprudence. Sometimes you will  
3 hear it interpreted as being: I only have to  
4 produce what documents already exist. You can't  
5 force me to create a new document.

6 I think it is very important that  
7 as we spell out these powers that any  
8 investigative agency would have, because we are  
9 now in an electronic age you have to be able to  
10 compel them to create new electronic documents for  
11 you.

12 THE COMMISSIONER: To accumulate  
13 existing data as an example.

14 MS STODDART: That's right. To  
15 reconfigure the data that is in their databases  
16 and to provide you with the answer to your  
17 questions and not just those that have been  
18 already programmed.

19 THE COMMISSIONER: Is that type of  
20 power present in any federal statute now?

21 MS STODDART: Not that I know.  
22 Not that I know of.

23 THE COMMISSIONER: Or elsewhere  
24 maybe?

25 MS STODDART: Not that I know of.

1 I am speaking of this from my own  
2 personal experience in interpreting Québec's  
3 Access to Information and Privacy Act, but I would  
4 think that the considerations there would be  
5 transferable, that if you really want to look at  
6 it, parse it very, very strictly, compelling  
7 production of documents may not mean "create a new  
8 document".

9 I don't know if you are aware of  
10 anything in access --

11 THE COMMISSIONER: The problem you  
12 are getting is that if you just compel production  
13 of existing documents they may back a truck up  
14 with a huge amount of information and -- or am I  
15 correctly --

16 MS STODDART: Yes. You could also  
17 do that, yes. That's right.

18 THE COMMISSIONER: What you are  
19 suggesting is that there should be an ability to  
20 compel, say "We would like you not to just flood  
21 it, we would like you to create a document that  
22 summarizes the six occasions on which  
23 something" -- or that this specific occasion, so  
24 that -- somebody has to look for the needle in the  
25 haystack.

1 MS STODDART: That's right.

2 Exactly

3 THE COMMISSIONER: It's  
4 interesting.

5 Is there any other reason -- I  
6 mean, is that the reason why you would want to  
7 compel the production of new documents, is to  
8 address the potential volume of information you  
9 might get and sorting it out?

10 MS STODDART: Well, it is the  
11 volume or not giving you the information because  
12 it doesn't exist in document form or it hasn't  
13 been created, arguments like that.

14 THE COMMISSIONER: Yes.

15 MS STODDART: Nobody has ever  
16 asked for this, this doesn't create, this doesn't  
17 exist, and so on. If you are doing an  
18 investigation, I would think in the statute you  
19 would want too make it clear from the beginning  
20 that not only you compel production of  
21 documents -- even the word "documents" I think in  
22 the electronic age might be looked at -- you also  
23 want to be able to compel new types of information  
24 to be created from the databases.

25 THE COMMISSIONER: Yes.

1                   Do you have powers to compel  
2                   people in the agency that you are investigating to  
3                   answer questions?

4                   MS STODDART: We can summons  
5                   witnesses, yes. Whether or not they choose to  
6                   answer I guess is --

7                   THE COMMISSIONER: But you have  
8                   the power to summons them?

9                   MS STODDART: We have the power to  
10                  summons witnesses, yes.

11                  THE COMMISSIONER: Presumably that  
12                  brings with it an obligation on the witness to  
13                  answer the question unless there is some  
14                  legitimate reason not to?

15                  MS STODDART: I believe so, yes.

16                  THE COMMISSIONER: I don't want to  
17                  go too far afield here, but on this power to  
18                  compel the creation of new documents, it strikes  
19                  me if you are looking for a piece of information  
20                  that doesn't exist in a document, one way of  
21                  getting it may be to get the person who would be  
22                  knowledgeable about the subject and simply asking  
23                  questions.

24                  MS STODDART: That's right. But  
25                  if they have never run the contents of their

1 database according to the new program, they  
2 honestly may not know the answer to your queries.

3 THE COMMISSIONER: Right, yes.  
4 That is interesting.

5 What about privileges? Your  
6 legislation -- you have written a bit about this,  
7 but let's just discuss it here.

8 What privileges attach to the  
9 documents that you receive that might block?

10 Can you look behind  
11 solicitor-client privilege, claims of  
12 solicitor-client privilege?

13 MS STODDART: Yes, we can. This  
14 was confirmed by the Federal Court, although that  
15 is on appeal.

16 MS KIRKBY: Yes.

17 MS STODDART: Yes, it is on appeal  
18 before the Federal Court of Appeal.

19 THE COMMISSIONER: Have you ever  
20 had any experience with a claim for an informer  
21 privilege or protecting a source?

22 MS STODDART: Do you know?

23 I can't speak to that personally.

24 MS KIRKBY: There has never been  
25 an instance under the Privacy Act where a

1 government department has refused to give  
2 information that was requested.

3 There have been situations where  
4 it was necessary to explain and reassure, explain  
5 our powers for openers, reassure about the  
6 safeguarding of information. Invariably in those  
7 cases the information was provided. Some of those  
8 situations, I have been told, did involve  
9 information of the type you speak of.

10 THE COMMISSIONER: Yes.

11 MS KIRKBY: But it was provided to  
12 our office and I am not aware of any instances  
13 where it was not.

14 THE COMMISSIONER: When you are  
15 looking at the flow of information, do you often  
16 get involved in instances where the flow of  
17 information is to people outside Canada? I know  
18 there is a flow of information inter-department or  
19 inter-Canadian agency, but I'm just wondering  
20 if --

21 MS STODDART: I think under the  
22 Privacy Act, that is for governmental  
23 information -- if I exempt what we do under  
24 PIPEDA, the private sector -- most of it up until  
25 now has to do with what the Canadian government is

1           doing about Canadians' information in Canada. I  
2           think it is very rare that we have any other  
3           situations. I haven't really had any brought to  
4           my notice.

5                           MS KIRKBY: Could you elaborate a  
6           little bit on that?

7                           THE COMMISSIONER: I'm just  
8           wondering, as I understand your mandate it has you  
9           responsible for looking at the flow of information  
10          and I mean are you confronted with situations at  
11          all where the information has flowed from one of  
12          the agencies over which you have jurisdiction and  
13          has flowed, say, to an agency in the United States  
14          or some other country?

15                          MS KIRKBY: Yes, okay.

16                          MS STODDART: Well, that in fact  
17          if we take it outside the complaint mode of our  
18          agency, that is what we are looking at in our  
19          audit of the Canadian Border Services Agency.  
20          That should be out in the course of the winter.

21                          Also I will refer you to some of  
22          the comments we made on the work of IBETs and  
23          INSETs, which is in our last annual report --

24                          THE COMMISSIONER: I understand  
25          that, yes.

1 MS STODDART: -- and the previous  
2 annual report. So those are examples of where  
3 information used for security purposes or for law  
4 enforcement -- excuse me, law enforcement purposes  
5 is in fact in a situation of being shared.

6 THE COMMISSIONER: Shared with  
7 other countries?

8 MS STODDART: Yes.

9 THE COMMISSIONER: I will take a  
10 look at it.

11 MS STODDART: We also have looked  
12 at and commented on what is called APIPNR data,  
13 the issues of the international flow of passenger  
14 information, and so on, which comes under the  
15 scope of the powers of the Government of Canada.

16 THE COMMISSIONER: Sure.  
17 Go ahead. Yes?

18 MS STODDART: Go ahead.

19 MR. BAGGELEY: Just to elaborate  
20 on that, I could give you a specific example.

21 It might be interesting, there  
22 were amendments passed to the Aeronautics Act  
23 about three years ago that allowed airlines to  
24 provide information -- in fact airlines under this  
25 were provided information on request to American

1 authorities when they were landing in the United  
2 States. We were concerned about that.

3 We were told it was basically a  
4 fait accompli, but our Commissioner at that time  
5 managed to convince the Government of Canada  
6 however to put provisions in the Act that limited  
7 the circumstances in which the Canadian government  
8 or Canadians agencies could get that information  
9 back from American agencies, the concern being  
10 that they might have been able to use that to get  
11 information back about Canadians travelling to the  
12 United States, that they wouldn't have get an to  
13 get through the front door, that they were getting  
14 it through the back door. So certain provisions  
15 were put in the Act limiting the circumstances in  
16 which that information could flow back to Canada.

17 That is a concrete example and  
18 obviously that potentially had national security  
19 implications.

20 THE COMMISSIONER: Right, yes.

21 Is there something you wish to  
22 add?

23 MS KIRKBY: Not a specific  
24 example, but just a general comment that our  
25 office in the audit group did look at -- tried to

1 get a handle on basically the information-sharing  
2 agreements that exist between the Government of  
3 Canada and the United States. Sufficient at this  
4 point to say that a lot of irregularities and  
5 unevenness of practice was observed and certainly  
6 lots of room for improvement in terms of the  
7 efforts that could be made to protect personal  
8 information.

9 That is another matter that we  
10 hope, if and when Privacy Act reform comes,  
11 certainly the standards would need be improved  
12 government-wide, in that respect.

13 THE COMMISSIONER: Okay. Well  
14 that is very helpful.

15 As you know, counsel that are  
16 working with me on this have met with you and been  
17 greatly assisted by the information you have  
18 provided. I think it is very useful, though, to  
19 have the public exchange as well as just provision  
20 of information in writing, and so on.

21 Are there any other questions? I  
22 turn to my counsel here to see if there is  
23 anything else that they think could usefully be  
24 brought out.

25 Do you have anything else?

1 MS STODDART: No.

2 THE COMMISSIONER: Let me then  
3 thank you very much, Ms Stoddart, Ms Kirkby,  
4 Mr. Baggeley. This has been very helpful. I  
5 appreciate it very much.

6 It is very useful to us to get the  
7 advice and information from those who have been  
8 involved in the area, because, as you can see, we  
9 are grasping and collecting as much information as  
10 possible so this is helpful.

11 Thank you for coming and your  
12 presentation.

13 MS STODDART: Thank you, you are  
14 welcome. We will continue to be of assistance,  
15 should you need it, you and your staff.

16 THE COMMISSIONER: Thank you  
17 very much.

18 MS STODDART: Thank you.

19 THE COMMISSIONER: Mr. Waldman,  
20 good afternoon.

21 MR. WALDMAN: Good afternoon.

22 THE COMMISSIONER: Welcome back.

23 MR. WALDMAN: You can't get rid  
24 of me.

25 THE COMMISSIONER: That's right.

1                   For those that don't know, the  
2                   next presenter is Mr. Lorne Waldman, who is one of  
3                   the co-counsel for Mr. Arar and appeared on a  
4                   regular basis throughout the public hearings in  
5                   the factual inquiry.

6                   Mr. Waldman, on behalf of  
7                   Mr. Arar, has presented us with a written  
8                   presentation or submission on the policy review.  
9                   Some may have read it, but let me briefly comment  
10                  on it.

11                  Very helpfully, Mr. Waldman has  
12                  taken the approach of looking at the facts  
13                  underlying the Arar situation and has made  
14                  recommendations, both for improvement of internal  
15                  controls within the RCMP and also on the issues of  
16                  the independent review body.

17                  I have read it carefully. I think  
18                  it is very helpful and some very good thoughts are  
19                  raised in the presentation.

20                  With that introduction, I turn the  
21                  floor over to you, Mr. Waldman.

22                  SUBMISSIONS

23                  MR. WALDMAN: I don't have a lot  
24                  more to say over what I said in our paper, but  
25                  perhaps I just want to say a few things.

1                   First, I want to commend the  
2 Commissioner and the staff. I thought about  
3 external review mechanisms before, but when I  
4 started reading all of the papers I realized that  
5 I was really in my diapers and you have really  
6 taken it a lot further than anyone else, I think.  
7 So I commend you. Just the questions you have  
8 raised are questions that have forced us all to  
9 think far further down the road in terms of the  
10 implications of an external review.

11                   I have learned a lot by reading  
12 the papers, and I want you to know that I am going  
13 to be using them. I am teaching a course at the  
14 University of Ottawa on national security and  
15 human rights and I'm going to use your papers for  
16 the section on oversight.

17                   THE COMMISSIONER: Oh, good.  
18 That's the highest compliment.

19                   MR. WALDMAN: Having said that, I  
20 want to make a few points and then I will be open  
21 to any questions you have.

22                   THE COMMISSIONER: Sure.

23                   MR. WALDMAN: As we approach this,  
24 as counsel for Mr. Arar, I guess our thoughts were  
25 how might an effective oversight mechanism make a

1 difference to Mr. Arar.

2 So that was the approach that we  
3 took, which I think was different than the  
4 approach that other people might have taken,  
5 because that forced us to look at the facts and  
6 sort of analyze the facts as we know them.

7 That brings me to my first  
8 comment.

9 Obviously our analysis is limited  
10 by the nature of the national security claims, and  
11 I don't mean this in this context as a criticism  
12 but just an acknowledgment of the reality that our  
13 analysis is based upon the public facts.

14 THE COMMISSIONER: Right.

15 MR. WALDMAN: You have a much more  
16 fulsome capacity to look at the whole facts, and  
17 so there may be points where we say well,  
18 oversight might have made a difference here and  
19 you will know that we are wrong because your  
20 fulsome analysis of the facts will tell you that  
21 we are way out in left field.

22 However, on the other hand, there  
23 may be points that we don't know about, where when  
24 you look at the all the facts you can say well, if  
25 you do our exercise and put yourself in our shoes

1           and say well, here there was obviously some kind  
2           of failure in the internal review that might have  
3           made a difference.

4                         So that is the obvious limitation  
5           that we had when we approached this, that we were  
6           limited by what we knew based upon the national  
7           security claims.

8                         So if you think it is useful, you  
9           might want to undertake the analysis that we did  
10          or someone might want to take it with the full  
11          knowledge of the facts, and you might find that we  
12          are wrong in some areas but we missed other things  
13          because we just don't know about them.

14                        THE COMMISSIONER:  Indeed, I can  
15          say to you -- and since we have completed the  
16          hearings I have obviously been working on my  
17          report -- I am very much alive to the point you  
18          make.  I think it is a good point, that I am  
19          looking at what occurred, both from the public  
20          evidence and the in camera evidence, because I  
21          have seen it all, and with keeping an eye on what  
22          it is that might have made a difference or where  
23          improvements could be made.

24                        As people so often have said to me  
25          during the submissions, one of the outcomes of the

1 factual inquiry should be looking at what went  
2 wrong or if things went wrong, and trying to  
3 figure out what one would do to avoid it in the  
4 future, which is precisely what you have done in  
5 your submissions, both in your submissions in the  
6 factual inquiry and in the ones that you did here.

7 As I say, I am going through that  
8 exercise myself.

9 MR. WALDMAN: I appreciate that.

10 THE COMMISSIONER: And it is  
11 helpful to have both sets of your submissions. I  
12 thought it was very encouraging, actually, that in  
13 addition to making submissions on the facts,  
14 Mr. Arar's submissions were very strongly focused  
15 on making recommendations so that your submissions  
16 weren't just coming here and saying please find  
17 somebody to blame. There was certainly a desire  
18 in your submissions to get to the bottom of it,  
19 but also very strongly is please make  
20 recommendations to make sure this doesn't happen  
21 to anyone else.

22 I thought that was a very positive  
23 contribution it take that approach to it.

24 MR. WALDMAN: Thank you.

25 Moving on, as we struggled to try

1 and understand how things might have been  
2 different, the first thing we realized is that the  
3 internal review mechanisms are the first line of  
4 defence. By the time you get to an external  
5 review, it is usually because something bad has  
6 happened.

7 So to focus only on external  
8 review mechanisms without considering the internal  
9 mechanisms that exist is to do, I think, half the  
10 work.

11 In the case of Mr. Arar, we just  
12 gave you a few examples, and as I say, we may be  
13 out in left field and I won't go through them  
14 unless you have specific questions. They are  
15 there.

16 The idea was there were points in  
17 the process where there should have been or there  
18 either was a mechanism that didn't work or there  
19 should have been a mechanism that might have made  
20 a difference if it had functioned properly, and  
21 that might have stopped things before they got  
22 worse.

23 That is the first part of it.

24 The other part of the dynamic  
25 between the internal and the external is that the

1 external mechanisms I think have to depend, to a  
2 large extent, on the internal ones. The external  
3 mechanism exists and it says we have all these  
4 internal reviews and part of the function of the  
5 oversight or the review body, external body, is  
6 how are the internal mechanisms working.

7 Are they working properly, number  
8 one? And number two, if they are not working  
9 properly, how can they be improved?

10 So the external review body can  
11 have an impact on the internal and also is  
12 dependent on the internal because that should be  
13 the first place where the problems are brought to  
14 the attention.

15 So if you have a body that doesn't  
16 work well with good internal mechanisms, it is  
17 going to make the external review much more  
18 difficult.

19 THE COMMISSIONER: I read your  
20 submissions, both sets of them, and it seems to me  
21 on the internal controls in general terms you  
22 recommended two things, in a number of different  
23 places.

24 In some places you would recommend  
25 standards. You say there should be a clearly

1 articulated standard, for example, about when  
2 information would be shared with another country.  
3 Let's just take that: that there should be clear  
4 policy or standard.

5 Second, you recommend internally  
6 then there should be some centralized, I think,  
7 means of ensuring that the standard is followed.  
8 And you refer to a committee. Whether it is a  
9 committee or CID or something, the idea seems to  
10 be that there should be some centralization of  
11 national security activities and important  
12 decisions made.

13 The advantage of standards for an  
14 external review mechanism that comes along after  
15 the fact is that then there is something clearly  
16 set out against which to review the conduct.

17 MR. WALDMAN: That is the first  
18 part of it, so that they can review the conduct  
19 and say did they comply with the standards, but  
20 the second thing the external mechanism can do is  
21 say we think you are wrong here or we think you  
22 should review this standard because; for example,  
23 information sharing. You have a role about  
24 sharing information, and you followed the rule,  
25 but we have concerns about the rule.

1                   Whether the external body would  
2                   have the power to say change the rule or  
3                   recommendation that you consider changing the  
4                   rule, that would be something that would have to  
5                   be analyzed.

6                   Certainly there would be a dynamic  
7                   between the external and the internal in terms of  
8                   supervising the internal but also in engaging in a  
9                   dialogue as to whether the rules are right,  
10                  whether the standards are right, et cetera.

11                  That is how we see it. It works  
12                  in two ways. There is a dynamic relationship  
13                  between the internal and the external. I think  
14                  that is common in a lot of different cases where  
15                  there is an external review. There is also an  
16                  internal review mechanism as well. There is a  
17                  dynamic between the two of them.

18                  THE COMMISSIONER: Right.

19                  MR. WALDMAN: Those were our  
20                  thoughts about the internal. As I said, we found  
21                  a few and you have pointed out one of them, and we  
22                  found a few places where we thought there might  
23                  have been some issues with respect to the internal  
24                  review.

25                  Then the other issue of course

1           that we focused on was the complaint mechanism.

2                           As far as Mr. Arar was concerned,  
3 based upon what we know and based upon our  
4 submissions both in phase one and phase two, we  
5 think there were probably places where the  
6 internal mechanism didn't work and we cited those,  
7 the data dump and things, and clearly an external  
8 review after the fact would be able to say there  
9 were problems here.

10                           Depending on where the problems  
11 were caught, it might have made a difference or it  
12 might not have made a difference in terms of the  
13 outcome of Mr. Arar's case. For example, like the  
14 whole question of the sharing of information, if  
15 someone early on had said wait a second, there is  
16 a problem here with the way you are doing this,  
17 you have to stop because you are not following  
18 procedures -- assuming that that is the conclusion  
19 you come to -- there was a firm order that this is  
20 a national security investigation and these are  
21 the procedures that have to be followed, well  
22 maybe when Mr. Arar is sitting in New York there  
23 might have been a different outcome in terms of  
24 the way information was going back and forth at  
25 that time and maybe that might have had an

1 impact -- maybe not; we don't know.

2 I am just saying it gives you an  
3 example of the type of analysis that we went  
4 through in terms of how the failure of the  
5 internal mechanisms might have affected the  
6 outcome of the case.

7 The other, of course, is the  
8 complaint mechanism, and obviously we feel very  
9 strongly that there has to be a complaint  
10 mechanism. In our paper we have outlined -- and I  
11 will summarize. It has to be independent. It has  
12 to have the full body of powers.

13 I recall the period before the  
14 inquiry was called and the government was of  
15 course putting forward the option of a SIRC review  
16 and the CPC. We didn't reject it without  
17 carefully considering why we didn't think it would  
18 work. Obviously part of the problem -- and it  
19 really highlights one of the points we are  
20 making -- is one body can't do all of it when  
21 there are many different bodies involved in the  
22 investigation. Even the fact that the government  
23 had to ask SIRC and the CPC shows you that there  
24 was more than group.

25 So an investigation by two

1 different bodies gets sort of a partial look and  
2 it wouldn't have been effective. That was our  
3 first concern.

4 Our second concern was the lack of  
5 full powers. Ms Heafey repeatedly stated in terms  
6 of her views of her inability to properly  
7 investigate.

8 So it was the lack of a complaint  
9 mechanism that we thought was effective and  
10 independent that led us to ask for the inquiry,  
11 which the government finally acceded to. Clearly  
12 that just highlights the need for such an  
13 independent complaint mechanism. If one had  
14 existed, we wouldn't have had to go to the extreme  
15 of asking the government for a public inquiry to  
16 investigate it.

17 So that is one area.

18 Clearly there are other points in  
19 the process where complaints might have been  
20 lodged by Mr. Arar or by his wife or other people  
21 that might have had some kind of impact on what  
22 was going on. I think when they arrived at his  
23 house in January, at least it strikes me that the  
24 lawyer that was involved in the case at the time  
25 who might have had a more -- given I think he

1           might have been representing other people, he  
2           might have understood that there was something  
3           going on and he might have asked at that point for  
4           some kind of investigation as to why Mr. Arar was  
5           being singled out.

6                                During the time that Mr. Arar was  
7           in detention the whole difficulty about the letter  
8           is another point where it might have been possible  
9           to make a complaint and get to a quicker  
10          resolution of this issue, which we at least from  
11          our point of view believe might have been a  
12          quicker resolution of the case. So just giving  
13          you some idea.

14                              And then of course after fact,  
15          when he came back, if there had been an  
16          independent review mechanism, he could have  
17          complained about the leaks and he could have of  
18          course asked for an independent review.

19                              It seems to us that Mr. Arar's  
20          experience really highlights the need for a  
21          complaint mechanism and it highlights the need for  
22          a complaint mechanism which has jurisdiction over  
23          all of the national security investigations,  
24          because to this point we are not even sure who was  
25          involved. We know at least CBSA, the RCMP and

1 CSIS are mentioned, the Canadian revenue agency, I  
2 think it is now called. So at least there are  
3 four agencies that we were well aware were  
4 involved in one way or another in this case.

5 I am trying to think if there are  
6 any others.

7 THE COMMISSIONER: There is DFAIT  
8 ISI.

9 MR. WALDMAN: Yes, DFAIT as well  
10 and ISI from DFAIT, too.

11 THE COMMISSIONER: The CRA and  
12 CBSA are one, I think. It is Canada Customs.

13 MR. WALDMAN: Canadian Customs,  
14 yes.

15 So CSIS, RCMP and DFAIT. At least  
16 we know of those. You may know of others. So it  
17 would be very difficult to conduct a fulsome  
18 investigation if you are just looking at the RCMP  
19 without looking at --

20 THE COMMISSIONER: It is the  
21 integration. I am not sure if you were here and  
22 heard yesterday. It was a question I raised.

23 There is an integration problem in  
24 some cases. I call it an integration problem  
25 because there is more than one agency involved.

1           So the question comes: What is the solution to  
2           that?

3                           The integration problem doesn't  
4           exist in all cases. There will be some -- I don't  
5           know how many, but there would be I think a  
6           significant number of national security RCMP  
7           cases, CSIS cases, whatever else, with integration  
8           problems not there; but it is there in a  
9           significant case. And Mr. Arar's case is an  
10          obvious example of one where it was there.

11                          MR. WALDMAN: I think integration  
12          is going to be -- given INSETs, for example. Oh,  
13          we forgot about the Ottawa Police. And I think --  
14          yes, it is official they were involved.

15                          THE COMMISSIONER: But that is a  
16          different issue.

17                          MR. WALDMAN: Right.

18                          THE COMMISSIONER: We have to deal  
19          with that.

20                          Given INSETs and IBETs, there is  
21          going to be an increased amount of integration, no  
22          question about it, and one has to deal with it.

23                          MR. WALDMAN: So the question how  
24          would you deal with it, unless you had a  
25          multi-agency review body, it becomes very

1           problematic. That is why we believe you need to  
2           have one.

3                           THE COMMISSIONER: But there is a  
4           number of questions arise about it.

5                           Accepting that there should be  
6           some mechanism to deal with it, but with the  
7           so-called super agency, would you see that the  
8           complaints function for the RCMP's national  
9           security activities would rest with the super  
10          agency or would it stay with the RCMP complaints  
11          body?

12                          I know you urge that it be  
13          enhanced in its powers. For purpose of the  
14          question, assume that the CPC is enhanced as you  
15          envision it. Whatever, it has adequate powers.

16                          Would you think that the national  
17          security complaints should stay there or should  
18          they move to a new body?

19                          MR. WALDMAN: I think that all of  
20          the national security complaints should be in one  
21          new body, and there are several reasons for that.

22                          One is I think national security  
23          requires a very specialized set of skillsets, I  
24          think, based upon my experience. So a new  
25          specialized body would be able to better gain the

1 specialized skills to deal with all of the issues  
2 that emerge. I mean, it is dealing with the  
3 intelligence; it is also dealing with the issues  
4 that I think you have had to struggle through in  
5 this public inquiry, which is national security  
6 confidentiality claims.

7 All of these are very complex. It  
8 strikes me that the most effective way to deal  
9 with that is through one agency who has power to  
10 deal with all of the national security  
11 investigations given the integrated nature of  
12 them.

13 There is also, you know, the cynic  
14 in me leads me to believe that it is the safest  
15 way to go because one would also run the risk  
16 that, given the ability to move, you have these  
17 integrated agencies that are investigating. So if  
18 I make a complaint to the RCMP, they can just sort  
19 of shift it and say that CSIS is doing the  
20 investigation. So the RCMP says we have nothing  
21 to do with this, this is a CSIS investigation.

22 THE COMMISSIONER: That is why you  
23 need some sort of integration in the review.

24 MR. WALDMAN: Right.

25 THE COMMISSIONER: To avoid things

1 falling between the cracks and putting up walls,  
2 and so on.

3 MR. WALDMAN: That is my view.  
4 That is why I support one integrated agency for  
5 all national security.

6 THE COMMISSIONER: Let me just  
7 test a couple of thoughts in what some might put  
8 against that.

9 In the CPC's submission they make,  
10 I think, a rather forceful argument that -- they  
11 are only dealing with complaints at this stage --  
12 but reviewing the RCMP activities is essentially  
13 reviewing law enforcement activities, and that  
14 while the subject matter of their investigation  
15 may be national security, when it comes down to  
16 actual review of what they do in their  
17 investigations, the actions they take that may be  
18 the subject matter of a complaint, the intrusive  
19 police powers, people would say they overextended  
20 themselves, and so on, they say this is a very  
21 specialized and rather complex exercise. The  
22 standards against which you judge it are found in  
23 the Charter and legislation, in policies,  
24 jurisprudence, it has gone on and on all about  
25 police powers.

1                   So that they mount the case -- and  
2                   I don't think immodestly, but they mount the case,  
3                   they say "We have the expertise to do this", and  
4                   point out a long list of skills and areas in which  
5                   they have knowledge.

6                   So that some would say it makes  
7                   sense to continue to involve that body of  
8                   expertise in reviewing law enforcement agency  
9                   insofar as the RCMP is concerned. If you take the  
10                  national security activities of the RCMP and just  
11                  pick it up for review purposes and move it over  
12                  here somewhere else, to a generalist who is going  
13                  to be reviewing then CSIS which has a whole  
14                  different set of standards, and the CSE which has  
15                  another set, and the Department of Transport, and  
16                  CBSA -- that you are going to lose the very  
17                  important part of the expertise for the RCMP.

18                  Let me just finish that. Those  
19                  who make that argument I think would say: Look,  
20                  when it comes to dealing with national security  
21                  activities the ones who really have the intrusive  
22                  powers that are of greatest concern, other than  
23                  sharing information, are the RCMP, CSIS, CSE and  
24                  possibly CBSA. That is with the intrusive powers.

25                  Some would say you are best to

1 keep that expertise and somehow solve your  
2 integration, the falling between the cracks, in  
3 some other way.

4 I don't know, but I listened to an  
5 argument yesterday that said if you have an  
6 institution that has all of this skill, and this  
7 is a specialized skill, be careful before you  
8 start saying we are going remove this body,  
9 national security activities, which are as  
10 important as anything to be investigated don't  
11 take it away from them.

12 In any event, I don't know if you  
13 can react to all of that.

14 MR. WALDMAN: I think it is  
15 interesting because it really almost depends on  
16 where you put the emphasis. I think those of us  
17 who are putting the emphasis on the need for one  
18 oversight body for national security  
19 investigations are putting the emphasis on the  
20 very specialized nature of a national security  
21 investigation.

22 THE COMMISSIONER: Right.

23 MR. WALDMAN: We feel, based on  
24 our experience, that there is a very special set  
25 of skill-sets that are involved in national

1 security investigations. They are the type of  
2 investigations that most frequently would involve  
3 receiving information from foreign intelligence  
4 agencies and deciding whether or not to share  
5 information with foreign intelligence agencies.

6 They are the ones where the line  
7 between -- the testimony that you heard in the  
8 contextual evidence made it awfully clear that the  
9 line between when it becomes an intelligence  
10 operation and when it becomes a criminal  
11 investigation is extremely blurred.

12 So I guess those of us who are  
13 supporting the idea of one super body believe that  
14 the nature of a national security investigation is  
15 so specialized that it trumps the idea of having  
16 developed expertise in investigating law  
17 enforcement.

18 THE COMMISSIONER: Yes.

19 MR. WALDMAN: That is my view.

20 THE COMMISSIONER: I think that is  
21 helpful because that really frames the argument.  
22 It is: What are the paramount concerns? Is the  
23 paramount concern here to maintain the  
24 expertise -- when you are doing a national  
25 security investigation, maintain the expertise in

1 law enforcement matters. Is that more pervasive  
2 as to what will be involved in it, knowing that,  
3 or, as you say, is it more important -- that is  
4 really not the major thing, it is more important  
5 to have this expertise in national security areas.

6 I guess the other issue that comes  
7 up here is, in designing agencies or deciding what  
8 agencies to stick with, you say the reason that we  
9 are looking at the all-encompassing agency is to  
10 deal with the integration problem.

11 MR. WALDMAN: Right.

12 THE COMMISSIONER: That's it.

13 So I guess the question then  
14 fairly arises: Are there other ways of dealing  
15 with the integration problem? Can you deal with  
16 the integration problem with existing review  
17 bodies, but somehow working out a regime so that  
18 nothing does fall between the cracks?

19 Let me just make this point.  
20 Somebody might make the point, they would say  
21 "Well, you know -- everybody agrees, let's  
22 assume -- you have to address the integration  
23 problem, but if those who argue for the  
24 all-encompassing agency can be satisfied there is  
25 some other regime that could deal with it, then I

1 don't know, is that sufficient?

2 The only thing that argues, it  
3 seems to me, to the all-encompassing body is  
4 integration, the need to --

5 MR. WALDMAN: The reason why I  
6 think it is important is because I think over time  
7 an all-encompassing national security agency will  
8 develop a very -- a more fulsome understanding of  
9 what is going on.

10 I will tell you a story. I  
11 remember reading the documents and one day I said  
12 to Ms Edwardh, I said, "What is the ISI?" That  
13 was the first time we realized that DFAIT had its  
14 own security investigative branch. We didn't know  
15 that. I have been dealing with DFAIT in my  
16 immigration practice for 25 years. I never knew  
17 they had a national security wing, security  
18 investigative wing.

19 I think that one of the things  
20 that has happened as a result of this inquiry -- I  
21 know the media expressed this to me time and  
22 again -- they learned a lot about how  
23 all-encompassing the new national security  
24 investigative branches are.

25 I think that the need for an

1 all-encompassing -- I believe that the dynamic  
2 struggle between protecting our national security  
3 and protecting our human rights is one that goes  
4 to the essence of protecting our democracy and I  
5 think it is really fundamental that we -- and I  
6 think the pressures are going to get worse and not  
7 better. That is why I think if you have an  
8 all-encompassing body it is going to be able to  
9 more fully appreciate the scope and extent of what  
10 is happening.

11 So it is not just the integration,  
12 it is having a body that understands how things  
13 are developing. That is probably one of things I  
14 recommended -- we recommended in our report, was  
15 this whole issue of political accountability and  
16 that is the end product of the oversight.

17 I think if you go through the  
18 analysis, you have the internal review, the  
19 external review which controls the internal  
20 review, and then the political accountability at  
21 the end which processes the product of the review.  
22 So you need to have the -- it is essential that  
23 whatever oversight or review committee you have  
24 reports to Parliament in a way that allows for  
25 Parliament to take action. I think that the most

1 effective way strikes me would be through a  
2 parliamentary committee of privy councillors that  
3 would be able to take action and make  
4 recommendations on.

5 So the function of the oversight  
6 body is more than just that, it also feeds in to  
7 the Parliament through the accountability  
8 mechanism at the end.

9 THE COMMISSIONER: In the model as  
10 you envision it, Mr. Waldman, then I take it SIRC  
11 and the CSE Commissioner would no longer be. They  
12 would be folded in?

13 MR. WALDMAN: I would assume that  
14 would be the case, unless there could be some  
15 argument for -- I mean that would be my initial  
16 reaction.

17 THE COMMISSIONER: The reason I  
18 say that to you is one of the people who submit  
19 for the all-encompassing agency say that no, SIRC  
20 and CSE Commissioner should continue, and yet  
21 there would be an overarching agency as well.

22 If you want to think about it you  
23 can, but it strikes me that on your model what you  
24 are say is, if all national security activities to  
25 be reviewed are reviewed by the overarching body,

1 SIRC and the CSE Commissioners remit is solely  
2 with respect to national security activities. I  
3 think that is the case.

4 MR. WALDMAN: I would have to  
5 think about it more fully, but it would strike me  
6 that there might be some argument for CSE sort of  
7 assuming an internal audit function that would  
8 report to the external review --

9 THE COMMISSIONER: Right.

10 MR. WALDMAN: -- because it  
11 doesn't seem to be as formalized as the SIRC would  
12 be. But it would strike me that it might be more  
13 difficult to argue for the continuation of  
14 something like SIRC.

15 THE COMMISSIONER: Right.

16 MR. WALDMAN: I have to be totally  
17 honest, I am not terribly fully aware of the CSC  
18 and how it operates.

19 THE COMMISSIONER: But clearly  
20 what would have to continue is a complaints  
21 process for the RCMP for all of its non-national  
22 security activities?

23 MR. WALDMAN: Right, yes.

24 THE COMMISSIONER: One of the  
25 issues that is raised is that if you are going to

1 separate the RCMP's national security activities  
2 into a new body, then necessarily you are going to  
3 have to draw a jurisdictional line between what  
4 goes to the new body of the RCMP activity and what  
5 stays with the existing complaints body.

6 MR. WALDMAN: Yes.

7 THE COMMISSIONER: You can tell  
8 from reading the further questions and the  
9 hypotheticals that are attached that -- and they  
10 were designed to illustrate a point, the four  
11 hypotheticals that you saw -- and those, while  
12 they are not based on real cases they are not just  
13 made up as first year law school questions, they  
14 are typical of situations that do arise.

15 Because one thing that has  
16 happened is, first of all, the CPC has said to us  
17 in their submission, drawing that line, if you are  
18 going to have to separate it, is, in many cases,  
19 virtually impossible, because a case starts off as  
20 a national security case, then it is not for a  
21 while, then it becomes one again, and so on, for  
22 all the reasons that are in the hypotheticals.

23 The counsel for the Commission  
24 have gone through CPC complaint files to see what  
25 real fact situations look like to see if this

1 drawing the line is difficult. While I take  
2 Ms Stoddart's point that shouldn't deter one, I  
3 think I would like to hear what people say about  
4 it.

5 But it appears that there is going  
6 to be a significant challenge in trying to say  
7 "Okay, these cases go over to the new  
8 all-encompassing body, these cases aren't national  
9 security and they stay with the CPC." Quite  
10 frankly, as a judge what concerns me is that doing  
11 that -- again not a reason not to do it -- is a  
12 recipe for endless judicial reviews.

13 MR. WALDMAN: Right. No, of  
14 course.

15 THE COMMISSIONER: Particularly if  
16 the powers of the bodies aren't identical, but  
17 even if they are, knowing lawyers, you can just  
18 see the litigating, you know: This should be  
19 there, it should be there, and so on.

20 It is a long way of saying I am  
21 alive to the concern of creating a jurisdictional  
22 morass that 10 years from now I will bump into you  
23 on the street, if I'm still around, and you will  
24 say, God, they are still litigating where you draw  
25 that line."

1                   MR. WALDMAN: I understand that.  
2           I tried to address it to some extent and I think I  
3           have two responses.

4                   The first is, I think there could  
5           be ways of trying as much as possible to be clear  
6           on the jurisdiction through definitions relying on  
7           the statutes that already exist, number one.

8                   It would strike me, number two,  
9           that it would be important that one of the two  
10          bodies would have the power to make a  
11          determination with respect to jurisdiction.

12                   It would strike me that given all  
13          of our concerns about the threat to civil  
14          liberties that all-encompassing national security  
15          claims might involve that I think my sense would  
16          be, if I were asked, it would make more sense to  
17          let the all-encompassing national security body  
18          make an initial determination with respect to  
19          jurisdiction and say, "We have reviewed this file  
20          and we believe it comes under our jurisdiction",  
21          so that body would be the one that makes a  
22          determination as to jurisdiction. I suppose it  
23          could be in their discretion that if they conclude  
24          later on that it is not, to send it back to the  
25          other body.

1                   But there clearly has to be a  
2                   mechanism to resolve these disputes and it strikes  
3                   me that one or the other of that bodies should  
4                   have the power. If I were asked to choose, I  
5                   would say put it with a national secure body  
6                   because --

7                   THE COMMISSIONER: That would  
8                   probably make sense. I'm not sure that avoids the  
9                   judicial review problem, whoever makes the --

10                  MR. WALDMAN: I mean, goodness, I  
11                  have dealt with more than one primitive clause in  
12                  my life.

13                  THE COMMISSIONER: That's right.

14                  MR. WALDMAN: It is subject to no  
15                  review by any --

16                  --- Laughter / Rires

17                  THE COMMISSIONER: That's right.  
18                  Those courts just like taking the issues on, don't  
19                  they?

20                  MR. WALDMAN: I know, I'm  
21                  telling you.

22                  --- Laughter / Rires

23                  THE COMMISSIONER: One of the  
24                  suggestions that is made in the written material  
25                  is that rather than having an overarching agency

1           that there be a coordinating body. You could  
2           leave the existing review bodies in place, which  
3           just covers CSE, CSIS and the RCMP and it doesn't  
4           deal with the other agencies, and that you create  
5           a coordinating body of their chairs, and an  
6           independent chair I suppose, which would be  
7           responsible for ensuring that nothing fell between  
8           the cracks.

9                           When there is review of integrated  
10           activities they could do that by, I suppose,  
11           composing integrated review teams, if you can have  
12           an INSET, you can have -- I'm not sure what the  
13           letters are, but --

14                           MR. WALDMAN: An ERET(ph).

15                           THE COMMISSIONER: -- an ERET.

16           But the concept being that the integrated  
17           activities at the operational level would be  
18           mirrored by the integrated review. So that if  
19           operational people are able to get along and  
20           coordinate their investigations and get out of the  
21           silos and do all of those important things to make  
22           integration work, the concept being that surely  
23           review agencies should be able to do the same  
24           thing and not be territorial.

25                           How does that hit you?

1                   MR. WALDMAN: Well, I will make a  
2                   few comments. I have some concerns about.

3                   I will say this: If you were to  
4                   not go for a model, that would be a minimum I  
5                   think you would have to do, like if you weren't to  
6                   go for the super model. What I would suggest  
7                   would be that if you were to offer that that one  
8                   of the roles of that agency would be to report to  
9                   the parliamentary committee.

10                  Because, as I said, from my point  
11                  of view one of the important advantages of a super  
12                  agency is having this overarching view of what is  
13                  going on in the national security investigative  
14                  world, which I think we are learning and I think  
15                  we learned a lot though this inquiry that it is a  
16                  lot more than we knew before.

17                  As the witness before said, I  
18                  don't even think we fully understand the extent of  
19                  which our information is being shared and stored  
20                  and I think it is important that there be someone  
21                  or some agency that has that overarching view.

22                  So the advantage of at least  
23                  having the heads of the agencies or someone within  
24                  the agencies meeting together, it might be  
25                  possible through that type of dialogue to get a

1 more fulsome view that each individual review body  
2 wouldn't necessarily get.

3 If in the end you were to opt for  
4 that, for a single agency as opposed to an  
5 overarching one, I would urge you to consider that  
6 model and make one of the functions of this new  
7 body be to report back to a parliamentary  
8 committee with respect to what is happening and  
9 having this sort of more fulsome view.

10 Because I think that is something  
11 that is fundamentally lacking today. I don't  
12 think there is anyone -- maybe you are the closest  
13 person now, given that you have studied it, but I  
14 don't think there has really been anyone who has  
15 had any sense at all of the extent and scope of  
16 the national security investigations that are  
17 going on in Canada.

18 THE COMMISSIONER: I think that is  
19 an important point, yes.

20 MR. WALDMAN: Having said that,  
21 the concern one would have would be, given the  
22 demands of each individual agency, how effective  
23 would that body be. That would be one of my  
24 concerns, especially since I really place a lot of  
25 emphasis on this second function of this

1           overarching body which is informing parliament as  
2           to what is going on in the national security  
3           world.

4                           I think it is an extremely  
5           important function and I think that I would be  
6           concerned that the individual agencies would be so  
7           consumed in their own work that they might not put  
8           resources into ensuring that the -- I mean that  
9           has been my experience whenever I have been  
10          involved in the process.

11                          THE COMMISSIONER:   The broader  
12          oversight, overview of the entire system.

13                          MR. WALDMAN:   I think would suffer  
14          through that.

15                          THE COMMISSIONER:   Yes.

16                          MR. WALDMAN:   The cynic in me has  
17          serious concerns about how effective such a body  
18          would be and how much of a commitment the  
19          individual organizations would make to really  
20          fulfilling the mandate of participating in a  
21          broader body.

22                          In other words, if one body is  
23          doing it, that is their mandate.  If SIRC has  
24          said, "Okay, you have to also participate in  
25          this", how committed would SIRC be, the head of

1 SIRC be or the head of the CSE be to really being  
2 involved in this overarching committee?

3 THE COMMISSIONER: It was  
4 interesting though, the point you made earlier  
5 with respect to the Arar case, both SIRC and the  
6 CPC basically recognized the integration problem  
7 at the start. I think it was in a ruling that  
8 SIRC did, SIRC made reference to the fact that we  
9 can't do this because it is not integration.

10 It will be interesting to see --  
11 they are both appearing here, I think tomorrow or  
12 the next day -- what their reaction to it is.

13 I raise this in a little detail  
14 simply because -- for others who are listening --  
15 in the list of options that had been put out by  
16 the inquiry over time, this sort of approach  
17 wasn't included among the options. It is not that  
18 I have struck on anything yet I can assure you,  
19 but in listening to Mr. Burbidge yesterday too, it  
20 just strikes me as it is one possible approach for  
21 dealing with the integration. Whether it is  
22 practical or not I guess I am going to have to  
23 figure that out.

24 But I take your point, there is  
25 another concern, it is not simply integration.

1 MR. WALDMAN: Yes. As I worked  
2 this through, it struck me that integration is  
3 part of it, but really accountability is more than  
4 just audit and oversight, it is also reporting to  
5 somebody else.

6 THE COMMISSIONER: I don't know,  
7 in some ways the Chairs of SIRC, the CSC  
8 Commissioner, one would have thought they would be  
9 ideally situated within their purview to look at  
10 that. But I guess it is --

11 MR. WALDMAN: They are just  
12 looking at one little part of the process.

13 THE COMMISSIONER: The question is  
14 whether or not there should be an arrangement  
15 where people who have those exposures are forced  
16 together or you simply get another body that has  
17 jurisdiction over all of them.

18 MR. WALDMAN: Those are the two  
19 options. I'm not even sure -- like I know SIRC  
20 does an annual report and that is part of their  
21 reporting mechanism.

22 THE COMMISSIONER: Yes.

23 MR. WALDMAN: I'm not familiar  
24 with the CSE and all the others. I would expect  
25 that organizations like the ISI don't have any

1 particular individualized reporting mechanism to  
2 the Minister. So I would expect that there are a  
3 lot of organizations that are engaged in national  
4 security that don't have any accountability  
5 mechanisms outside of their own organization.

6 THE COMMISSIONER: ISI we heard  
7 was more of an analysis. They are not a firsthand  
8 collector, as I understand it.

9 MR. WALDMAN: But they make  
10 interesting decisions sometimes that affect  
11 people's lives.

12 THE COMMISSIONER: Yes. No  
13 question about it.

14 MR. WALDMAN: Yes.

15 THE COMMISSIONER: Okay.

16 Do you have anything further? I  
17 don't really have any other questions. That has  
18 been very helpful to me.

19 MR. WALDMAN: No, it is always a  
20 pleasure to appear before you

21 THE COMMISSIONER: I was thinking  
22 as we were discussing it, it will be a good primer  
23 for your first class on oversight.

24 MR. WALDMAN: Well I'm going to  
25 try to see if I can get one of your counsel to

1           come and help me out here.

2                           THE COMMISSIONER: I'm sure you  
3           can. That would be great.

4                           Well, thanks again, Mr. Waldman.

5                           MR. WALDMAN: Thank you very much.

6                           THE COMMISSIONER: I appreciate  
7           it. It was great.

8                           Why don't we take a short break  
9           before we start the next presentation.

10          --- Upon recessing at 4:32 p.m. /

11                           Suspension a 16 h 32

12          --- Upon resuming at 4:52 p.m. /

13                           Reprise à 16 h 52

14                           THE COMMISSIONER: We will get  
15          back under way.

16                           The next presenter is Amnesty  
17          International, Ms Hilary Homes.

18                           Good afternoon, Ms Homes.

19          SUBMISSIONS

20                           MS HOMES: Good afternoon. First  
21          of all, I would like to thank the Commission for  
22          accommodating what was a rather sudden change in  
23          my own schedule and allowing me to present this  
24          afternoon. Our written submission was fairly  
25          brief and I have done my best to make sure my

1           comments are equally concise and to the point  
2           today so I don't keep everyone too long.

3                       I think this is probably fairly  
4           obvious in our brief, but I will say it again:  
5           that the commentary I am making is generally at  
6           the level of principles that guide operations  
7           rather than operational detail. I am certainly  
8           aware that supplementary questions went into parts  
9           of operational detail that we simply don't deal  
10          with. I want to reiterate that in case people are  
11          wondering why I can't answer questions in that  
12          area.

13                      I also would like to reiterate  
14          that I am speaking from a human rights perspective  
15          and given the nature of our organization's work,  
16          this means also looking at concepts such as  
17          oversight from the perspective of the potential  
18          complainants, the victim or survivor of abuses or  
19          violations and their relatives and colleagues and  
20          community by extension.

21                      In many circumstances this is a  
22          disempowered rather than an empowered group.  
23          Exclusion or marginalization may have contributed  
24          to the abuse they experienced in the first place  
25          and can certainly impede attempts at redress.

1                   Having said that, of course, I am  
2 not exclusively looking at the question of  
3 oversight from just that perspective.

4                   Police play a central role in  
5 upholding and defending human rights. They are  
6 granted what are often unique powers to achieve  
7 this, for example, use of force, powers of arrest,  
8 and so on. And in part because of this the  
9 actions of the police also have the potential to  
10 directly or indirectly cause serious violations of  
11 human rights.

12                   Amnesty International considers  
13 effective oversight of police operations to be a  
14 vital means of ensuring that these same police  
15 operations are consistent with human rights  
16 protections and that any shortcomings or  
17 transgressions are identified and addressed.

18                   This applies to both what may be  
19 called conventional or day-to-day policing  
20 operations, as well as policing in the area of  
21 national security.

22                   Of course, not just this inquiry  
23 but many others have shown that police don't work  
24 in isolation. The need for effective oversight  
25 extends to other security and intelligence

1 agencies which play a role in national security  
2 activities.

3 When considering whether the  
4 current oversight mechanism is adequate, in many  
5 ways when I was thinking about preparing my  
6 comments, one doesn't need it look a lot further  
7 than the existence of this very public inquiry.  
8 One mechanism was insufficient to deal with all of  
9 the elements involved in the case of Maher Arar.

10 Of course, we can't call a public  
11 inquiry every time such a case arises.

12 At any rate, when I think of the  
13 discussions I have been in around police  
14 oversight, many people quite rightly say that you  
15 cannot design systems and policies around a  
16 specific case. But what has become apparent is  
17 that is just the point.

18 Although initially it was assumed  
19 or perhaps hoped that Maher Arar's case was an  
20 exception, unfortunately there are additional  
21 cases that have come to light, and many people  
22 have already heard these names: Muayyed Nureddin,  
23 Abdullah Almalki and Ahmed El Maati.

24 To suggest, as has been done by  
25 the Minister of Public Safety and Emergency

1 Preparedness, among others, that these individuals  
2 can simply lodge complaints with SIRC or the  
3 Commission for Public Complaints Against the RCMP  
4 or one or two other places, is inadequate both  
5 from the perspective of the individual complainant  
6 and public interest.

7 In its concluding observations  
8 following Canada's recent examination, the UN  
9 Human Rights Committee referenced both this  
10 inquiry and these additional cases and called on  
11 the Canadian government to ensure that a public  
12 and independent inquiry review all cases of  
13 Canadian citizens who are suspected terrorists or  
14 suspected to be in possession of information  
15 related to terrorism and who may have been  
16 detained in countries where it is feared that they  
17 have undergone or may undergo torture and ill  
18 treatment. Such inquiries should determine  
19 whether Canadian officials have directly or  
20 indirectly facilitated or tolerated their arrest  
21 and imprisonment.

22 While it is understandable that  
23 something on the scale of the current public  
24 inquiry may not be possible in each of these  
25 cases, an effective oversight mechanism must be

1 developed to enable what is at the heart of the UN  
2 Committee's recommendation.

3 So what are the qualities of this  
4 effective oversight mechanism?

5 This is what Amnesty International  
6 believes.

7 We believe it has to be  
8 comprehensive on several levels. Many people have  
9 referred to something called a super agency.  
10 However this mechanism agency is structured, we  
11 feel the scope should extend to the national  
12 security activities of all policing, security and  
13 intelligence bodies in Canada.

14 In several places there has been a  
15 list, in the supplementary questions among other  
16 places, a long list of agencies that may be  
17 involved in public security. When we say the  
18 scope should extend, it could be everybody on that  
19 list, perhaps more.

20 The agency should be able to deal  
21 with an operational reality of integrated  
22 activities and/or interagency relationships.  
23 There is certainly a multiplicity of players.  
24 This includes multiple police forces, multiple  
25 government agencies who, when not literally

1 working together, nonetheless still interact.  
2 They cooperate; they may even compete; they may  
3 actually work at cross purposes.

4 As one other intervenor put in  
5 their written submission, the oversight body  
6 should be able to follow the trail wherever it  
7 leads.

8 Another layer of complexity is the  
9 fact that the trail of national security activity,  
10 to continue that metaphor, doesn't necessarily  
11 stop at a border. It can also involve interaction  
12 between Canadian agencies and foreign  
13 counterparts.

14 When oversight cannot cross that  
15 board per se, Amnesty International believes that  
16 Canada law should be reformed to require that  
17 Canada enter into binding human rights protocols  
18 to govern information-sharing arrangements and  
19 other cooperative arrangements with foreign police  
20 and security agencies, and the new review body  
21 should be charged with the responsibility of  
22 monitoring compliance.

23 While it is important to outline  
24 and understand the role a specific agency played  
25 in a particular case, this may only be one

1 isolated piece of the story. Even if you have all  
2 of the separate pieces -- so say you had a number  
3 of these agencies involved, they all conducted  
4 separate reviews and you had all the separate  
5 pieces -- that might not even tell you the full  
6 story. Being able to break down the walls between  
7 these pieces and look at their interaction may be  
8 a crucial component in of itself.

9 While developing a super agency is  
10 challenging -- and we would not deny that. As I  
11 said before, we do not get into the operational  
12 details of that. We truly admit they are  
13 significant.

14 Continuing to carry out any number  
15 of separate investigations in connection with the  
16 same case or the same complaint can also be  
17 cumbersome, perhaps repetitious. It has been  
18 pointed out, but I will point it out again, that  
19 apparently if the four individuals that I referred  
20 to before -- so Arar, El Maati, Almalki and  
21 Nureddin -- if they pursued just the basic avenues  
22 open to them, there would be at least 16  
23 investigations that would have a result and maybe  
24 even more, depending on the number of agencies  
25 involved.

1                   So that is a lot. And once again,  
2                   those separate pieces may still be missing  
3                   important information about how they interacted  
4                   and the nature of that interaction.

5                   At the very beginning of my  
6                   comments, I said part of our point of view is the  
7                   point of view of the complainant. When you spell  
8                   out numbers like that, having some sort of  
9                   comprehensive mechanism may also make the  
10                  complaint process more understandable and  
11                  certainly more accessible.

12                  It could also bring -- I think  
13                  this is very important -- a common standard or  
14                  approach to the handling of cases. And that is  
15                  not just important from the point of view of the  
16                  complainant, it's of no doubt equally of concern  
17                  to the agencies and people being overseen.

18                  It is notable that right now these  
19                  various cases, although apparently interrelated in  
20                  some ways, are not only being handled in different  
21                  ways, but that is the only method that can  
22                  currently be pursued. So you are going to have  
23                  that inconsistency with those cases right now,  
24                  despite the interrelationships on a few levels.

25                  On the question of audit versus

1 complaint that came up in the supplementary  
2 questions, we feel a review body should be able to  
3 do three things: launch reviews on its own  
4 initiative upon receipt of an individual's  
5 complaint or when requested to do so by a third  
6 party.

7 This should be accompanied by  
8 strong and clearly defined powers, including  
9 unhindered access to information that may be  
10 classified as national security confidential, the  
11 ability to issue subpoenas, to compel disclosure  
12 of documents, and the power to order arrest in  
13 exceptional circumstances.

14 The review body should also have  
15 the power to make recommendations as to  
16 discipline, prosecution, compensation.

17 In terms of expertise, this is  
18 another level of being comprehensive. The review  
19 body needs to be specialized and the expertise  
20 needed should reflect the nature of the activities  
21 and the agencies being overseen as well as the  
22 powers of the oversight body itself. So this  
23 means a variety of areas of expertise, including  
24 human rights, national security activities,  
25 however they are defined, policing, intelligence

1 and knowledge of the various agencies involved.

2 Being from a human rights  
3 organization, of course I am going to make some  
4 comments on the human rights standards at play  
5 here. I think it is important that the breadth of  
6 those standards is understood as well as their  
7 universal application.

8 If you think merely of policing,  
9 the list of standards is extensive. I actually  
10 have a list of two pages of standards here, but I  
11 will just mention a few to give you a sense of  
12 what that is.

13 It includes the Convention Against  
14 Torture, the Standard Minimum Rules for the  
15 Treatment of Prisoners, UN Code of Conduct for Law  
16 Enforcement Officials, the Convention on the  
17 Elimination of All Forms of Racial Discrimination  
18 and documents such as the Declaration of Basic  
19 Principles for Justice for Victims of Crimes and  
20 Abuse of Power.

21 Whether one is dealing with  
22 so-called everyday policing or police operations  
23 connected to national security activities, these  
24 human rights standards remain constant. National  
25 security and community safety are certainly not

1 exclusive concepts, and I think this was mentioned  
2 in the scenarios in the supplementary questions.  
3 But an investigation that starts out in one place  
4 may very well end up in another. It might move  
5 back to another place, and so on. They move  
6 around.

7 So similarly, the same human  
8 rights standards also apply to the other agents of  
9 the state or government agencies. Any technique  
10 that is being used, any approach that is being  
11 used regardless of the actor has to be held up  
12 against these standards. And inherent in this,  
13 from our perspective, is also the legality of the  
14 operations in question.

15 These standards should not shift  
16 with the context as is all too often argued in  
17 relation to some anti terrorism or security  
18 activities.

19 I am actually going to use an  
20 example from the states, because it is a very  
21 clear one and has recently been in the news.

22 The recent attempt to exempt CIA  
23 operatives, for example, from the Prohibition  
24 Against Torture, represents a particularly  
25 dangerous attempt to establish different standards

1           for different agencies or actors in particular  
2           situations. In this case the result would have  
3           been that human rights violations could be  
4           officially endorsed and enabled.

5                           It is in times of perceived crisis  
6           or uncertainty that we should pay particular  
7           attention to the human rights framework rather  
8           than look for exceptions, as we have seen in the  
9           recent debates in the U.S. Senate. When national  
10          security is asserted, however it may be defined  
11          and whether it is in a specific case or more  
12          generally, the implication from a human rights  
13          perspective is invariably a secretive approach to  
14          information gathering, investigation and  
15          ultimately any legal proceedings, whether those  
16          are immigration proceedings, criminal trials and  
17          so on.

18                          Part of the value of having a  
19          comprehensive and specialized oversight mechanism  
20          or agency is to develop a body of knowledge on the  
21          multi-dimensional impact of invoking secrecy.  
22          Again a benefit here could be developing and  
23          ensuring a consistency of approach, one that of  
24          course has human rights protections at its core.

25                          This public inquiry will itself no

1           doubt contribute to how we work with issues and  
2           national security confidentiality.

3                           In an international context, there  
4           are too many examples of human rights violations  
5           and abuses which occur in the shadows and behind  
6           closed doors. Secrecy plays an undeniable role in  
7           undermining human rights protections and enabling  
8           perpetrators of abuses. The reports of torture  
9           which fact-finder Steven Toop confirmed in his  
10          recent report is an example of precisely what I am  
11          referring to here.

12                          When I look back at the early  
13          Amnesty International material on the case of  
14          Maher Arar, we issued a number of urgent actions  
15          from our international secretariat.  
16          Interestingly, the case was initially described as  
17          a disappearance, which in many ways is the  
18          ultimate example of a government invoking secrecy.  
19          The reason I mention this is because it is in  
20          those moments when people are the most at risk,  
21          their human rights are the most at risk.

22                          Canadian agencies must ensure that  
23          they neither benefit from nor contribute to --  
24          whether that is directly or indirectly -- human  
25          rights violations and impunity that the

1 perpetrators all too often enjoy.

2 I would like to make two brief  
3 comments on independence and transparency, and  
4 these are straight out of our written submission,  
5 I confess.

6 The review body's independence  
7 from government should be well defined and  
8 protected, and the review body should report the  
9 results of its work publicly, including to  
10 Parliament.

11 I am just going to conclude with a  
12 couple of comments on the accessibility of the  
13 complaint mechanism, because that has certainly  
14 been a theme in what I have been talking about.

15 From our point of view, a  
16 complaint should not be ruled out, rejected or  
17 failed to be properly categorized on the grounds  
18 that handling the complaint could confirm that  
19 there is a national security aspect.

20 I note when saying this that in  
21 the submission of the Privacy Commissioner there  
22 were some interesting suggestions about how to  
23 deal with that that might be -- sort of a  
24 disclaimer about the handling of a complaint does  
25 not sort of confirm or deny that it has a national

1 security aspect; that that, from our point of  
2 view, might be one of the acceptable ways to  
3 ensure that a complaint is not sort of set aside.

4 And mostly that the review body  
5 should engage in wide-ranging public education,  
6 including outreach to ethnic and religious  
7 communities which are most directly impacted by  
8 national security investigations.

9 There is a credibility crisis here  
10 that is quite real and should be taken seriously.

11 The outreach should also involve  
12 accessible information that builds awareness and  
13 develops trust such that individuals who may have  
14 complaints are confident in bringing them forward,  
15 certainly know where to go, know what kind of  
16 support they can get and feel very confident in  
17 the process.

18 I will leave my comments there for  
19 now, and I would be happy to answer any questions  
20 that you may have.

21 Thank you.

22 THE COMMISSIONER: One of the  
23 issues that came up in your written material, I  
24 think, had to do with the composition of the  
25 review body, whatever body is chosen. The issue,

1           sort of broadly put, is on the one hand should  
2           people who are on a review body of this sort be  
3           selected obviously for their independence from  
4           government, but just simply as having no  
5           constituency or not representing any particular  
6           group? Or I think the point you might make is  
7           that it would be important to have certain groups  
8           represented on the review body itself.

9                         So the two models, if you will,  
10           the extreme -- and we talked about this at one of  
11           the round tables. The two models of the extreme  
12           have people who are not representative of any  
13           particular point. They seem to be totally  
14           independent, presumably with the expertise  
15           required, but not advocates for any position.

16                         The other would be to have at  
17           least some of the members who do represent the  
18           specific interest groups, minorities or whatever,  
19           who may be more impacted by the type of activities  
20           that are being reviewed.

21                         Do you have any comments on that,  
22           and do you want to elaborate on the thought?

23                         MS HOMES: What we did mention in  
24           our written submission, our very brief written  
25           submission, was that diversity should be

1           acknowledged in the membership of the review body.

2                           Whether this is an actual  
3           representative role is something we did not  
4           elaborate on, and I think it is something to be  
5           given some thought, some cautious thought.

6                           I think when Amnesty International  
7           looks at issues of oversight, it is more from the  
8           perspective that both those that do the policing  
9           and those that oversee the police should reflect  
10          the community in total. Too often we have seen  
11          situations where the notion of who is in the  
12          community, so who the police serve and protect, is  
13          really only part of the community. And the  
14          oversight body can end up reflecting this as well.

15                          It is more the level of ensuring  
16          that both elements understand and reflect  
17          communities and build bridges with communities and  
18          this sort of thing. Absolute representation is  
19          not necessarily a guarantee of whatever result you  
20          are looking for anyway, because it does raise  
21          questions of communities themselves have diversity  
22          within them, who is the absolute representative.

23                          And there are certain notes of  
24          caution to be sounded there.

25                          I think the more important step is

1 really opening sort of lines of communication and  
2 building trust with communities, and who may then  
3 become sort of logical people to be part of a  
4 review body following that may be more apparent.  
5 But to move straight to sort of representation may  
6 be missing a very important step of understanding  
7 the community in the first place in total.

8 THE COMMISSIONER: And indeed, I  
9 think the point you are touching on as well is  
10 that having diversity of backgrounds on a review  
11 body doesn't in itself involve any particular  
12 member representing a particular point of view or  
13 community. Just because people come from  
14 different backgrounds doesn't mean --

15 MS HOMES: Often the assumption is  
16 the person can be much more representative than,  
17 in fact, they can be. And that can be a dangerous  
18 assumption.

19 THE COMMISSIONER: And certainly  
20 in a review body one would want to make it clear  
21 that the role of the members of any review body  
22 is not to represent a particular point of view.  
23 It is to review in accordance with the standards  
24 and --

25 MS HOMES: Exactly.

1 THE COMMISSIONER: -- protocols  
2 that are in place and to carry out that function  
3 independently and objectively, not on a subjective  
4 basis.

5 MS HOMES: That's right, because I  
6 think a number of times I referred to the value of  
7 consistency of approach.

8 THE COMMISSIONER: Yes.

9 MS HOMES: When you are looking at  
10 creating that, though, it is not disconnected from  
11 making sure you understand what the breadth of  
12 community is, what the breadth of our society is.

13 THE COMMISSIONER: If you are not  
14 comfortable answering this question, please say  
15 so, no problem.

16 Do you have any observation on,  
17 if I can call it, sort of the community outreach  
18 education initiative that you have just referred  
19 to, that role for a review body.

20 Do you have any observations about  
21 if anybody is doing that well now?

22 MS HOMES: Actually, on a  
23 completely different subject, I was at a meeting  
24 earlier this year of the Toronto Police Services  
25 Board, and while I cannot remember the exact

1           specifics because I wasn't there for this  
2           particular part of the agenda -- I was addressing  
3           a different issue on the agenda, but I was sitting  
4           through the entire -- never mind.

5                           At any rate, they were looking  
6           into the fact that the complaints process in that  
7           city was not very well known and not well  
8           understood and they had been working with a number  
9           of organizations to do exactly that, understand  
10          what the problem was, design an outreach program,  
11          make recommendations and then carry it out.

12                          From what I heard, there was the  
13          start of some good discussion and practice there  
14          and certainly some people are looking at it, but  
15          that is a significant problem.

16                          Many people are not aware that  
17          complaints mechanisms exist. Even when they see  
18          them, it is not clear to them how they work, what  
19          they can expect to have happen, how to navigate  
20          through them.

21                          Interestingly, if you look at  
22          the list of agencies that is in point 16 of the  
23          supplementary questions --

24                          THE COMMISSIONER: Right.

25                          MS HOMES: -- with a few of them

1           it is fairly clear that a complaints body exists  
2           and how you might go about doing it, if you are a  
3           human rights worker, you know, if you are someone  
4           who works for these agencies, if you are very good  
5           at using Google, you know, you might be able to  
6           figure this out. For many of them, how you would  
7           even lodge a complaint and who you would talk to  
8           is extremely unclear. So I think that is --

9                           THE COMMISSIONER: Most of them  
10           don't have an independent review body --

11                          MS HOMES: That's right.

12                          THE COMMISSIONER: -- a complaints  
13           body.

14                          MS HOMES: That's right. Not even  
15           every police force in Canada -- according to a  
16           meeting of civilian oversight bodies that I was at  
17           back in September, not even every police force in  
18           Canada has an oversight body and a clear  
19           complaints mechanism and there aren't  
20           consistencies there.

21                          Trying to navigate through that,  
22           which you would think would be a fairly  
23           straightforward, thing is not very straightforward  
24           when you then look at this whole variety of  
25           agencies. The person who has experienced

1 something may not even understand how they  
2 interrelate, may not be aware of all the players.  
3 It sort of becomes increasingly complex. I really  
4 think the point of view of the complainant has to  
5 be taken seriously here.

6 THE COMMISSIONER: Yes. As you  
7 say, it I think what follows out of that is that  
8 if somebody is going to make a complaint, if they  
9 are not particularly sophisticated or they don't  
10 understand at least the way the system works, they  
11 are as likely not to know that it is an  
12 independent complaints -- if it is an independent  
13 complaints process. For a complainant, that can  
14 be a pretty important factor, if it is  
15 independent.

16 MS HOMES: That's right. Yes.  
17 The other challenge is really how  
18 many times does a person have to lodge a complaint  
19 with different agencies around what is  
20 essentially -- they have had a collection of  
21 experiences and how many separate elements of that  
22 do they have to lodge complaints about, you know.  
23 When you think of a person's life, it is their  
24 total experience. To then have to dissect that,  
25 depending on who you have interacted with, and

1           turn that into a series of complaints, that is a  
2           very difficult process to ask someone to even  
3           contemplate let alone try to navigate through.

4                         THE COMMISSIONER: I think the  
5           message you give and one that I am hearing  
6           frequently, is that the need for there to be a  
7           single place or system when somebody has a  
8           complaint relating to national security -- because  
9           that is all I'm concerned about -- is that whether  
10          there are one or more review bodies, that there  
11          not be more than one review. So that one needs  
12          access to a system --

13                        MS HOMES: A comprehensive system.

14                        THE COMMISSIONER: A comprehensive  
15          system, a system that will respond to a complaint  
16          if it goes to this institution over here but there  
17          are two more involved, that the system doesn't  
18          start saying you have to file multiple complaints  
19          and figure out and so on, that the system deals  
20          with the complaint in an integrated way.

21                        MS HOMES: Yes. And the system  
22          can also figure out the breadth of essentially  
23          where that trail has to go.

24                        THE COMMISSIONER: Yes. That is  
25          interesting because that hasn't come up

1 specifically today.

2 But the power of a review body --  
3 and we are talking here the RCMP -- but of an  
4 effective review body should be able to follow the  
5 trail wherever it goes.

6 Now, the mandate may be as a  
7 result of a complaint against the RCMP, but that  
8 may take you, in order to deal with that  
9 complaint --

10 MS HOMES: Many places.

11 THE COMMISSIONER: -- it may take  
12 you many places. If one was going to do that,  
13 then that would involve subpoena powers with  
14 respect to documents and personnel of more than  
15 just the RCMP. You would have to be able to  
16 follow it into each corner in order to get the  
17 information.

18 So that if one is going to really  
19 recognize the integration problem, that would be  
20 another feature of doing it, is making sure that  
21 you can follow the trail. I think that is a good  
22 point.

23 MS HOMES: Certainly.

24 Really, it has to be able to deal  
25 with what is an integrated operational reality,

1 and I think in more than one sense, because there  
2 are operations which are specifically identified  
3 as joint operations, whether it is the INSET teams  
4 or --

5 THE COMMISSIONER: Yes, IBET.

6 MS HOMES: -- some other  
7 partnerships, but then there are simply other  
8 relations which exist which are still important.

9 THE COMMISSIONER: Yes. And there  
10 are. And there can be casual connections rather  
11 than formalized connections between agencies and  
12 departments and certainly one has to be able to  
13 pursue that.

14 MS HOMES: And to have the will to  
15 pursue it as well, Mr. Commissioner.

16 THE COMMISSIONER: Yes. The  
17 power too.

18 MS HOMES: The power and the will.  
19 Well, the two have to go together, yes.

20 THE COMMISSIONER: Yes, I guess  
21 that is true.

22 I take it from your submission  
23 that you favour an all-encompassing function-based  
24 agency that would look at national security.

25 Many of the questions that I would

1 ask you that I have asked others then move down to  
2 the operational level.

3 MS HOMES: We do not have a  
4 specific recommendation.

5 THE COMMISSIONER: I appreciate  
6 you make that point. I think that's fair enough.

7 Then I'm fine. I have had my  
8 questions sort of on the general level.

9 Does anybody else have any other  
10 questions? I don't think so. These three sit  
11 over here and I just ask them that occasionally.

12 MS HOMES: Okay. That's fine.

13 THE COMMISSIONER: I can look over  
14 and see if they are still awake. No.

15 --- Laughter / Rires

16 THE COMMISSIONER: In any event,  
17 let me thank you very much, Ms Homes. That was  
18 very useful. I have appreciated, as I have said  
19 on other occasions, the participation of Amnesty  
20 International in the inquiry.

21 MS HOMES: Thank you.

22 THE COMMISSIONER: It has been  
23 very --

24 MS HOMES: We have followed it  
25 with great interest.

1 THE COMMISSIONER: Yes, you have.  
2 And you have participated with great effect. It  
3 has been very useful. I think it is so important  
4 that organizations like yours do get involved in  
5 important public policy issues like this and lend  
6 their experience and their views. So thank you  
7 very much.

8 MS HOMES: Thank you for the  
9 opportunity.

10 THE COMMISSIONER: We are going to  
11 break now and we stand adjourned until 9 o'clock  
12 tomorrow morning.

13 --- Whereupon the hearing adjourned at 5:21 p.m.,  
14 to resume on Thursday, November 17, 2005 at  
15 9:00 a.m. / L'audience est ajournée à 17 h 21,  
16 pour reprendre le jeudi 17 novembre 2005  
17 à 9 h 00

18  
19  
20  
21  
22  
23  
24  
25



Lynda Johansson,

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

---

**A**

---

**Abdullah** 191:23  
**ability** 117:11 138:24 141:19  
167:16 197:11  
**able** 125:10 126:24,24 129:18  
140:9 142:23 148:10 160:8  
166:25 174:8 175:3 181:19  
181:23 193:20 194:6 195:6  
197:2 209:5 212:4,15,24  
213:12  
**abroad** 128:24  
**absence** 133:7  
**absent** 109:18  
**absolute** 205:18,22  
**absolutely** 130:23  
**abundance** 111:23  
**abuse** 189:24 198:20  
**abuses** 189:18 201:5,8  
**acceded** 162:11  
**accept** 116:12 120:23  
**acceptable** 203:2  
**Accepting** 166:5  
**access** 115:16 119:6 121:17  
130:13 138:23,25 140:1  
141:3,10 197:9 211:12  
**accessibility** 202:12  
**accessible** 196:11 203:12  
**accommodating** 188:22  
**accompanied** 197:7  
**accomplis** 148:4  
**accorded** 121:12  
**accordés** 114:6  
**accountability** 118:23 127:14  
174:15,20 175:7 186:3  
187:4  
**accroissement** 112:11,20  
**accrus** 114:4  
**accumulate** 140:12  
**achieve** 190:6  
**acknowledged** 205:1  
**acknowledgment** 153:12  
**act** 114:12 115:22,25 116:6,17  
116:22 117:1,4,5,6,11,16,18  
118:4 120:16 121:10,13  
122:14,16 123:5 124:1,2,4,6  
130:11,24 131:23 141:3  
144:25 145:22 147:22 148:6  
148:15 149:10  
**action** 174:25 175:3  
**actions** 168:17 190:9 201:14  
**activities** 116:1 117:22 118:14  
119:10 120:6,13 125:11  
158:11 166:9 168:12,13  
169:10,21 170:9 175:24  
176:2,22 177:1 181:10,17  
191:2 193:12,22 197:20,24  
198:23 199:18 204:19  
**activity** 125:18 177:4 194:9  
**activités** 113:2,3

**actor** 199:11  
**actors** 120:7 200:1  
**actual** 168:16 205:2  
**add** 120:22 148:22  
**addition** 138:17 155:13  
**additional** 124:9 138:16  
191:20 192:10  
**address** 117:7 119:16 122:5  
123:22 142:8 172:22 179:2  
**addressed** 117:10 128:9,9  
133:10 190:17  
**addressing** 208:2  
**adequate** 122:5 123:8,22  
166:15 191:4  
**adjourned** 215:11,13  
**administering** 126:6 135:8  
**administrative** 131:5 137:10  
137:18,24 138:9  
**admit** 195:12  
**adopted** 132:17  
**advantage** 133:24 158:13  
182:22  
**advantages** 182:11  
**advice** 150:7  
**Advisor** 110:13  
**advocates** 204:15  
**Aeronautics** 147:22  
**affect** 187:10  
**afield** 143:17  
**afternoon** 109:7 110:6 150:20  
150:21 188:18,20,24  
**age** 122:11 123:9 140:9  
142:22  
**agences** 113:16  
**agencies** 111:4 114:15,19  
117:24 118:24 120:7,12,19  
120:22 121:23,24 123:15  
125:2 126:7 129:10 146:12  
148:8,9 164:3 167:17 171:4  
171:5 172:7,8 181:4,23  
182:23,24 184:6 191:1  
193:16,25 194:12,20 195:3  
195:24 196:17 197:21 198:1  
199:9 200:1 201:22 208:22  
209:4,25 210:19 213:11  
**agency** 116:16 117:20 118:15  
118:17 119:9,10,16 120:5  
123:21 124:8,10,14,24  
125:7,9,14,15,20 126:13  
127:11,24 128:21 130:17  
140:8 143:2 145:19 146:13  
146:18,19 164:1,25 166:7  
166:10 167:9 168:4 169:8  
172:9,24 173:7 175:19,21  
180:25 182:8,12,21 183:4  
183:22 193:9,10,20 194:24  
195:9 200:20 213:24  
**agenda** 208:2,3  
**agents** 199:8

**ago** 116:10 147:23  
**agreed** 127:20  
**agreement** 119:4 135:7  
**agreements** 129:1 149:2  
**agrees** 172:21  
**ahead** 131:6 147:17,18  
**Ahmed** 191:23  
**airlines** 147:23,24  
**ajournée** 215:15  
**alive** 137:24 154:17 178:21  
**allegations** 115:12  
**allow** 116:20 118:9  
**allowed** 147:23  
**allowing** 188:23  
**allows** 130:11 174:24  
**all-encompassing** 172:9,24  
173:3,7,23 174:1,8 175:19  
178:8 179:14,17 213:23  
**Almalki** 191:23 195:20  
**amendments** 147:22  
**American** 147:25 148:9  
**Amnesty** 188:16 190:12 193:5  
194:15 201:13 205:6 214:19  
**amount** 141:14 165:21  
**analysis** 153:9,13,20 154:9  
161:3 174:18 187:7  
**analyze** 153:6  
**analyzed** 159:5  
**and/or** 193:22  
**angle** 135:6  
**annual** 116:4 117:4 122:13  
127:16,22 146:23 147:2  
186:20  
**answer** 119:20 120:25 140:16  
143:3,6,13 144:2 189:11  
203:19  
**answering** 207:14  
**anti** 199:17  
**anticipate** 119:12  
**anti-terroriste** 112:9,18  
113:17  
**anybody** 207:21 214:9  
**anyway** 205:20  
**APIPNR** 147:12  
**apologize** 119:24  
**apparent** 191:16 206:4  
**apparently** 195:19 196:19  
**appeal** 132:10,16 144:15,17  
144:18  
**appear** 187:20  
**appeared** 151:3  
**appearing** 185:11  
**appears** 121:22 178:5  
**application** 198:7  
**applied** 135:10  
**applies** 117:16 190:18  
**apply** 199:8  
**appreciate** 109:24 110:4  
150:5 155:9 174:9 188:6

214:5  
**appreciated** 214:18  
**apprehension** 137:13  
**approach** 132:17 135:12  
151:12 152:23 153:2,4  
155:23 185:16,20 196:14  
199:10 200:13,23 207:7  
**approached** 154:5  
**appropriate** 109:15 111:3  
117:13 124:11 130:2  
**appropriately** 124:13,17,23  
**approximately** 114:14  
**Arar** 151:3,7,13 152:24 153:1  
156:11 160:2,22 162:20  
163:4,6 185:5 191:9 195:20  
201:14  
**Arar's** 155:14 160:13 163:19  
165:9 191:19  
**area** 124:19 126:8 135:21  
137:12 150:8 162:17 189:12  
190:20  
**areas** 128:13 154:12 169:4  
172:5 197:23  
**argue** 109:19 172:23 176:13  
**argued** 199:16  
**argues** 173:2  
**argument** 125:23 133:1  
168:10 169:19 170:5 171:21  
175:15 176:6  
**arguments** 142:13  
**arisen** 137:25  
**arises** 121:10 172:14 191:11  
**arrangement** 186:14  
**arrangements** 194:18,19  
**arrest** 190:7 192:20 197:12  
**arrived** 162:22  
**articulated** 158:1  
**ascertain** 132:8  
**aside** 120:25 203:3  
**asked** 123:5 127:13 142:16  
163:3,18 179:16 180:4  
214:1  
**asking** 143:22 162:15  
**aspect** 131:8 202:19 203:1  
**aspects** 133:1  
**asserted** 200:10  
**assessments** 128:3  
**assistance** 109:21 150:14  
**assisted** 149:17  
**assume** 166:14 172:22 175:13  
**assumed** 191:18  
**assuming** 121:9 123:21  
160:18 176:7  
**assumption** 206:15,18  
**assure** 185:18  
**attach** 144:8  
**attached** 177:9  
**atteinte** 113:12  
**attempt** 199:22,25

**attempts** 189:25  
**attention** 131:2 157:14 200:7  
**atténuées** 113:20  
**au** 113:13  
**audit** 115:24 116:6 119:3  
120:18 121:3 128:12,14,15  
128:17 129:9,14 133:10,15  
133:17 134:15,20,22 135:1  
136:14,23 137:5 138:4,10  
138:17 146:19 148:25 176:7  
186:4 196:25  
**audits** 129:4  
**augmentation** 112:14,23  
**augmented** 126:15  
**aujourd'hui** 111:6  
**authorities** 148:1  
**authority** 115:23  
**aux** 113:12  
**avec** 112:15,24  
**avenues** 195:21  
**avocat** 111:9  
**avoid** 155:3 167:25  
**avoids** 180:8  
**avons** 111:8,9 113:1  
**awake** 214:14  
**aware** 120:4 141:9 145:12  
164:3 176:17 189:8 208:16  
210:2  
**awareness** 203:12  
**awfully** 171:8  
**a.m** 215:15

---

## B

**back** 126:17 127:23 141:13  
148:9,11,14,16 150:22  
160:24 163:15 179:24 183:7  
188:15 199:5 201:12 209:17  
**backgrounds** 206:10,14  
**bad** 156:5  
**Baggeley** 110:12,15 147:19  
150:4  
**banks** 116:6,7,9,11  
**based** 153:13 154:6 160:3,3  
166:24 170:23 177:12  
**basic** 195:21 198:18  
**basically** 109:12 132:9,13,16  
148:3 149:1 185:6  
**basis** 127:21 131:3 151:4  
207:4  
**becoming** 128:22  
**beef** 133:14  
**beginning** 126:11,19 142:19  
196:5  
**begins** 127:4  
**behalf** 151:6  
**believe** 115:7 124:21 143:15  
163:11 166:1 167:14 171:13  
174:1 179:20 193:7  
**believes** 193:6 194:15

**benefit** 200:22 201:23  
**best** 169:25 188:25  
**better** 118:7 134:9 166:25  
174:7  
**beyond** 118:10  
**bias** 137:13 138:11  
**binding** 194:17  
**bit** 128:12 144:6 146:6  
**blame** 155:17  
**blanket** 124:7 132:13,17  
**block** 144:9  
**blurred** 171:11  
**board** 133:13 194:15 207:25  
**bodies** 134:7 135:17 136:16  
161:21 162:1 172:17 178:16  
179:10 180:3 181:2 193:13  
209:16 211:10  
**body** 115:21 118:7 123:22  
129:23 136:1,24 137:15  
151:16 157:5,5,10,15 159:1  
161:12,20 165:25 166:11,18  
166:21,25 169:7 170:8,18  
171:13 173:3 174:8,12  
175:6,25 177:2,4,5 178:8  
179:17,21,25 180:5 181:1,5  
183:1,7,23 184:1,17,21,22  
186:16 194:5,20 197:2,14  
197:19,22 200:20 202:8  
203:4,25,25 204:2,8 205:1  
205:14 206:4,11,20,21  
207:19 209:1,10,13,18  
212:2,4  
**body's** 202:6  
**border** 128:21 129:1 146:19  
194:11  
**bottom** 155:18  
**branch** 173:14  
**branches** 173:24  
**breadth** 198:5 207:11,12  
211:22  
**break** 188:8 195:6 215:11  
**bridges** 205:17  
**brief** 188:25 189:4 202:2  
204:24  
**briefly** 109:11 114:22 151:9  
**bring** 135:7 196:12  
**bringing** 203:14  
**brings** 143:12 153:7  
**broad** 118:8  
**broader** 184:11,21  
**broadly** 204:1  
**brought** 146:3 149:24 157:13  
**build** 205:17  
**building** 206:2  
**builds** 203:12  
**bulk** 133:5  
**bump** 178:22  
**bumped** 130:4  
**Burbidge** 185:19

---

## C

**call** 117:4 139:17 164:24  
191:10 207:17  
**called** 147:12 161:14 164:2  
190:19 192:10 193:9  
**calling** 139:18  
**camera** 154:20  
**Canada** 110:7 113:13 119:15  
132:7 145:17 146:1 147:15  
148:5,16 149:3 164:12  
183:17 193:13 194:16,17  
209:15,18  
**Canada's** 192:8  
**Canadian** 122:24 126:4  
128:20 145:25 146:19 148:7  
164:1,13 192:11,13,19  
194:12 201:22  
**Canadians** 124:17 128:23  
146:1 148:8,11  
**canadiens** 113:25  
**capacity** 119:3 133:12 153:16  
**caractérisé** 112:11,20  
**careful** 170:7  
**carefully** 134:22 151:17  
161:17  
**Carman** 110:12  
**carry** 120:18 122:1 123:9  
195:14 207:2 208:11  
**carrying** 129:13  
**case** 129:6 135:22 137:17,25  
156:11 160:13 161:6 162:24  
163:12 164:4 165:9,9 169:1  
169:2 175:14 176:3 177:19  
177:20 185:5 189:10 191:9  
191:11,16,19 194:25 195:16  
200:2,11 201:13,16  
**cases** 125:11 132:14,18  
133:22 145:7 159:14 164:24  
165:4,7,7 177:12,18 178:7,8  
191:21 192:10,12,25 196:14  
196:19,23  
**casual** 213:10  
**categorized** 202:17  
**caught** 160:11  
**cause** 190:10  
**caution** 205:24  
**cautious** 205:5  
**CBSA** 121:1,23 163:25  
164:12 169:16,24  
**ce** 113:4,10  
**central** 190:4  
**centralization** 158:10  
**centralized** 158:6  
**certain** 132:15 148:14 204:7  
205:23  
**certaines** 113:4  
**certainly** 119:14 122:8 124:1  
128:19 135:11 149:5,11  
155:17 159:6 189:7,25  
193:23 196:11 198:25  
202:13 203:15 206:19  
208:14 212:23 213:12  
**certainly** 111:7  
**ces** 113:19 114:4  
**cetera** 159:10  
**chair** 181:6  
**chairs** 181:5 186:7  
**challenge** 109:19 126:3,4  
178:6 210:17  
**challenges** 117:7  
**challenging** 195:10  
**chance** 120:10  
**change** 159:2 188:22  
**changements** 112:13,22  
**changing** 159:3  
**charged** 194:21  
**chargés** 111:14 112:2,7  
**charter** 133:1 168:23  
**choose** 134:21 143:5 180:4  
**chosen** 203:25  
**CIA** 199:22  
**CID** 158:9  
**circumscribed** 125:10  
**circumstances** 129:20 148:7  
148:15 189:21 197:13  
**cited** 160:6  
**citizens** 192:13  
**city** 208:7  
**civil** 179:13  
**civilian** 209:16  
**claim** 144:20  
**claims** 144:11 153:10 154:7  
167:6 179:15  
**class** 187:23  
**classes** 132:15  
**classified** 197:10  
**clause** 180:11  
**clear** 142:19 158:3 171:8  
179:5 199:21 206:20 208:18  
209:1,18  
**cleared** 130:7  
**clearly** 157:25 158:15 160:7  
162:11,18 176:19 180:1  
197:8  
**closed** 201:6  
**closest** 183:12  
**Code** 198:15  
**colleagues** 119:20 120:21  
136:7 189:19  
**collected** 115:20 124:18 127:1  
137:7  
**collecting** 150:9  
**collection** 118:2 123:17  
210:20  
**collector** 187:8  
**collectors** 121:24  
**come** 121:3 123:18,23 125:14  
129:10,14 134:8 140:1

160:19 188:1 191:21 206:13  
211:25  
**comes** 131:2 136:20 138:14  
147:14 149:10 158:14 165:1  
168:15 169:20 172:6 179:20  
**comfortable** 129:22 135:14  
207:14  
**coming** 110:15 131:17 150:11  
155:16  
**comme** 113:14  
**commencerai** 111:6  
**commencing** 109:2  
**commend** 152:1,7  
**comment** 148:24 151:9 153:8  
**commentary** 189:5  
**commented** 147:12  
**comments** 146:22 182:2 189:1  
191:6 196:6 198:4 202:3,12  
203:18 204:21  
**Commission** 110:4 111:1  
118:18 177:23 188:21 192:3  
**commissioner** 109:5 110:7,9  
110:14,21,25 111:16,19,22  
114:11,21 119:15,19,22  
120:24 121:8,21 123:7,12  
123:14,20 124:25 128:11,23  
129:12 130:3,8,19 131:1,6,8  
131:11 133:7,19,22 134:2,5  
134:13,25 135:13 136:3,11  
136:12 137:20 138:1,12  
139:9 140:12,19,23 141:11  
141:18 142:3,14,25 143:7  
143:11,16 144:3,19 145:10  
145:14 146:7,24 147:6,9,16  
148:4,20 149:13 150:2,16  
150:19,22,25 152:2,17,22  
153:14 154:14 155:10  
157:19 159:18 164:7,11,20  
165:15,18 166:3 167:22,25  
168:6 170:22 171:18,20  
172:12 175:9,11,17,20  
176:9,15,19,24 177:7  
178:15 180:7,13,17,23  
181:15 183:18 184:11,15  
185:3 186:6,8,13,22 187:6  
187:12,15,21 188:2,6,14  
202:21 203:22 206:8,19  
207:1,8,13 208:24 209:9,12  
210:6 211:4,14,24 212:11  
213:5,9,15,16,20 214:5,13  
214:16,22 215:1,10  
**Commissioners** 176:1  
**commitment** 184:18  
**committed** 184:25  
**committee** 158:8,9 174:23  
175:2 182:9 183:8 185:2  
192:9  
**Committee's** 193:2  
**common** 159:14 196:13

**communication** 206:1  
**Communications** 114:20  
**communities** 203:7 205:17,17  
205:21 206:2  
**community** 114:21 189:20  
198:25 205:10,12,13 206:7  
206:13 207:12,17  
**compel** 138:24 139:25 140:10  
141:12,20 142:7,20,23  
143:1,18 197:11  
**compelling** 141:6  
**compensation** 197:16  
**compete** 194:2  
**complain** 131:15 133:9,18  
**complainant** 192:5 196:7,16  
210:4,13  
**complainants** 189:18  
**complained** 163:17  
**complaint** 114:23,25 115:11  
117:12,12 118:1 121:9  
126:8,9 129:13 130:25  
131:2 134:14 136:22 146:17  
160:1 161:8,9 162:8,13  
163:9,21,22 167:18 168:18  
177:24 195:16 196:10 197:1  
197:5 202:13,16,18,24  
203:3 209:7 210:8,18 211:8  
211:15,20 212:7,9  
**complaints** 115:2,4,5,8,16  
117:21 118:18,19 120:17,23  
121:3 131:17 133:8 136:14  
138:4,18 162:19 166:8,10  
166:17,20 168:11 176:20  
177:5 192:2,3 203:14 208:6  
208:17 209:1,12,19 210:12  
210:13,22 211:1,18  
**complaints-driven** 131:12  
**complementary** 135:11  
**completed** 154:15  
**completely** 207:23  
**complex** 167:7 168:21 210:3  
**complexity** 194:8  
**compliance** 194:22  
**compliment** 152:18  
**comply** 158:19  
**component** 195:8  
**composing** 181:11  
**composition** 203:24  
**comprehensive** 193:8 196:9  
197:18 200:19 211:13,14  
**compreons** 113:24  
**concept** 181:16,22  
**concepts** 189:16 199:1  
**concern** 129:6 148:9 162:3,4  
169:22 171:23 178:21  
183:21 185:25 196:16  
**concernant** 113:19  
**concerned** 123:4 127:6 128:23  
148:2 160:2 169:9 184:6

211:9  
**concerns** 123:13,23 127:21  
158:25 171:22 178:10  
179:13 182:2 183:24 184:17  
**concise** 189:1  
**conclude** 128:6 179:23 202:11  
**concluded** 115:17  
**concluding** 192:7  
**conclusion** 127:10 160:18  
**concrete** 148:17  
**conditions** 127:2  
**conduct** 158:16,18 164:17  
198:15  
**conducted** 116:1 195:3  
**confess** 202:5  
**confident** 203:14,16  
**confidential** 197:10  
**confidentiality** 167:6 201:2  
**confirm** 131:24 132:14,18  
202:18,25  
**confirmed** 132:11 139:14  
144:14 201:9  
**confronted** 125:21 146:10  
**connected** 198:23  
**connection** 195:15  
**connections** 213:10,11  
**consider** 159:3 183:5  
**considerations** 128:1 141:4  
**considering** 156:8 161:17  
191:3  
**considers** 190:12  
**consistencies** 209:20  
**consistency** 200:23 207:7  
**consistent** 190:15  
**constant** 198:24  
**constantly** 116:21  
**constaté** 113:1  
**constituency** 204:5  
**constitutional** 123:3  
**consumed** 184:7  
**contemplate** 211:3  
**contents** 143:25  
**context** 125:22 135:5 153:11  
199:16 201:3  
**contextual** 171:8  
**continuation** 176:13  
**continue** 138:15 150:14 169:7  
175:20 176:20 194:10  
**continues** 138:19  
**Continuing** 195:14  
**contraintes** 113:19  
**contribute** 201:1,23  
**contributed** 189:23  
**contribution** 155:23  
**control** 116:8  
**controls** 129:2 151:15 157:21  
174:19  
**convenons** 112:4  
**Convention** 198:13,16

**conventional** 190:19  
**convince** 148:5  
**cooperate** 135:9 194:2  
**cooperation** 117:24 135:17  
**cooperative** 194:19  
**cooperatively** 119:13  
**coordinate** 181:20  
**coordinating** 181:1,5  
**coordinators** 119:7  
**core** 139:22 200:24  
**corner** 212:16  
**correct** 134:4 137:22  
**correctly** 141:15  
**councillors** 175:2  
**counsel** 110:13 149:15,22  
152:24 177:23 187:25  
**counterparts** 194:13  
**countries** 147:7 192:16  
**country** 146:14 158:2  
**couple** 138:8,21 168:7 202:12  
**course** 126:6 146:20 152:13  
159:25 161:7,15 163:14,18  
178:14 190:1,22 191:10  
198:3 200:24  
**Court** 132:7,10,16 137:11  
139:14 144:14,18  
**courts** 114:18 180:18  
**covering** 134:16,17  
**covers** 181:3  
**co-counsel** 151:3  
**CPC** 133:21 138:15 161:16,23  
166:14 177:16,24 178:9  
185:6  
**CPC's** 168:9  
**CRA** 164:11  
**cracks** 168:1 170:2 172:18  
181:8  
**craignons** 113:7  
**create** 116:23 125:13 140:5,10  
141:7,21 142:16 181:4  
**created** 114:19 117:20 119:16  
120:5 124:9 126:14 127:12  
136:16 142:13,24  
**creating** 127:13 178:21  
207:10  
**creation** 119:8 143:18  
**credibility** 203:9  
**Crimes** 198:19  
**criminal** 171:10 200:16  
**crisis** 200:5 203:9  
**criteria** 122:25  
**criticism** 153:11  
**cross** 194:3,14  
**crucial** 195:8  
**CSC** 176:17 186:7  
**CSE** 114:11,16,23 115:1,17  
116:8 118:20 121:1,23  
133:21 169:14,23 175:11,20  
176:1,6 181:3 185:1 186:24

**CSIS** 114:11,16,23,25 115:16  
116:8 118:20 121:1,23  
131:21 132:1,8 133:21  
134:16 135:1 164:1,15  
165:7 167:19,21 169:13,23  
181:3  
**culture** 135:25  
**cumbersome** 195:17  
**current** 191:4 192:23  
**currently** 118:18 196:22  
**Customs** 164:12,13  
**cynic** 167:13 184:16  
**c'est** 111:12  
**C.S.R** 215:25

---

## D

---

**dangerous** 126:23 199:25  
206:17  
**dans** 111:8 112:13,22  
**data** 140:13,15 147:12 160:7  
**databank** 129:7  
**database** 144:1  
**databases** 140:15 142:24  
**date** 115:10  
**day** 109:8 123:9 173:11  
185:12  
**day-to-day** 190:19  
**de** 111:7,12,13,14 112:1,2,4,7  
112:8,10,12,13,14,17,19  
112:21,22 113:2,4,5,7,8,9,9  
113:11,11,15,16,17,17,19,20  
113:22,25 114:3  
**deal** 110:1 116:19 117:21  
118:17 120:13,17 122:9  
125:10 126:6 129:18 165:18  
165:22,24 166:6 167:1,8,10  
172:10,15,25 181:4 189:9  
191:8 193:20 202:23 212:8  
212:24  
**dealing** 134:14 138:17 167:2,3  
168:11 169:20 172:14  
173:15 185:21 198:21  
**deals** 117:23 211:19  
**dealt** 115:5 119:13 126:12  
134:9 180:11  
**debates** 200:9  
**deciding** 171:4 172:7  
**decisions** 158:12 187:10  
**Declaration** 198:18  
**decline** 117:11  
**defence** 156:4  
**defending** 190:5  
**defined** 197:8,25 200:10  
202:7  
**definitions** 125:16 179:6  
**demands** 183:22  
**democracy** 127:5 174:4  
**denials** 115:15  
**deny** 131:24 132:14,18 195:10

202:25  
**department** 125:7,14,15  
127:10,14,24 128:5 145:1  
169:15  
**departmental** 127:20  
**departments** 114:15 118:24  
120:7,11 129:10 132:1  
213:12  
**depend** 124:1 157:1  
**dependent** 157:12  
**depending** 160:10 195:24  
210:25  
**depends** 170:15  
**des** 111:7,14 112:6,12,21,23  
113:10,15,16,25 114:3  
**described** 201:16  
**design** 191:15 208:10  
**designed** 116:18 177:10  
**designing** 172:7  
**desirable** 117:18 136:21 137:1  
137:4  
**desire** 155:17  
**despite** 196:24  
**detail** 185:13 189:7,9  
**details** 122:14 195:12  
**detained** 192:16  
**detention** 121:16 163:7  
**deter** 128:8 178:2  
**determination** 179:11,18,22  
**determine** 192:18  
**develop** 119:1 173:8 200:20  
**developed** 171:16 193:1  
**developing** 174:13 195:9  
200:22  
**develops** 203:13  
**devons** 114:2  
**DFAIT** 164:7,9,10,15 173:13  
173:15  
**dialogue** 159:9 182:25  
**diapers** 152:5  
**difference** 153:1,18 154:3,22  
156:20 160:11,12  
**different** 125:7 126:5 127:2  
136:18 137:14 139:24 153:3  
156:2 157:22 159:14 160:23  
161:21 162:1 165:16 169:14  
196:20 199:25 200:1 206:14  
207:23 208:3 210:19  
**difficult** 111:20 122:22 124:25  
157:18 164:17 176:13 178:1  
211:2  
**difficulty** 163:7  
**direct** 137:19  
**directly** 190:10 192:19 201:24  
203:7  
**disappearance** 201:17  
**discipline** 197:16  
**disclaimer** 202:24  
**disclosure** 115:6,12 118:3

197:11  
**disconnected** 207:10  
**discretion** 117:14,19 126:16  
130:25 179:23  
**Discrimination** 198:17  
**discuss** 144:7  
**discussing** 118:21 187:22  
**discussion** 208:13  
**discussions** 191:13  
**disempowered** 189:22  
**disputes** 180:2  
**dissect** 210:24  
**distinction** 113:2 126:21  
**diversity** 204:25 205:21  
206:10  
**division** 124:11  
**DNA** 129:7  
**document** 140:5 141:8,21  
142:12 143:20  
**documents** 117:15 138:23,25  
138:25 139:1 140:1,4,10  
141:7,13 142:7,21,21  
143:18 144:9 173:11 197:12  
198:18 212:14  
**doing** 110:18 134:20 135:1,3  
136:6 139:15 142:17 146:1  
160:16 167:19 171:24  
178:10 184:23 207:21 209:2  
212:20  
**donc** 111:6,11,25 114:8  
**donnons** 114:4  
**door** 131:17 148:13,14  
**doors** 201:6  
**doubt** 196:16 201:1  
**Doubtless** 126:2  
**draw** 109:20 177:3 178:24  
**drawing** 177:17 178:1  
**draws** 125:2  
**droits** 113:12  
**du** 112:11,20,23 113:21  
**dump** 160:7  
**duplicating** 135:2  
**duty** 135:9  
**dynamic** 156:24 159:6,12,17  
174:1  
**début** 112:9,18  
**début** 109:3  
**développer** 111:12  
**développés** 111:8  
**d'application** 113:3,15  
**d'autres** 112:16,25 113:18  
**d'avoir** 113:25  
**d'organismes** 112:2  
**d'un** 112:10,19  
**d'une** 111:13 112:1,5

---

## E

---

**earlier** 185:4 207:24  
**early** 160:15 201:12

**education** 203:5 207:18  
**Edwardh** 173:12  
**effect** 215:2  
**effective** 116:13 152:25 162:2  
162:9 167:8 175:1 183:22  
184:17 190:13,24 192:25  
193:4 212:4  
**efficaces** 114:1  
**efforts** 132:7 149:7  
**either** 117:11 129:13 156:18  
**EI** 191:23 195:20  
**elaborate** 146:5 147:19  
204:22 205:4  
**elaborated** 139:7  
**elbows** 135:20  
**electronic** 117:15 122:11,17  
140:9,10 142:22  
**elements** 191:9 205:16 210:21  
**Elimination** 198:17  
**emerge** 167:2  
**Emergency** 127:12 191:25  
**emphasis** 170:16,17,19  
183:25  
**empowered** 189:22  
**en** 112:9,10,18,19 113:1,2,4  
113:12 114:2  
**enable** 193:1  
**enabled** 200:4  
**enabling** 201:7  
**encouraging** 155:12  
**endless** 178:12  
**endorsed** 132:16 200:4  
**ends** 127:4  
**enforcement** 116:3 147:4,4  
168:13 169:8 171:17 172:1  
198:16  
**engage** 203:5  
**engaged** 187:3  
**engaging** 159:8  
**enhance** 137:5  
**enhanced** 166:13,14  
**enjoy** 202:1  
**ensure** 192:11 201:22 203:3  
**ensuring** 158:7 181:7 184:8  
190:14 200:23 205:15  
**enter** 194:17  
**entire** 184:12 208:4  
**entities** 121:18  
**entraîner** 113:10  
**entre** 113:2  
**entrusted** 116:15  
**environment** 116:19 135:25  
**environnement** 112:10,19  
**envisage** 117:25  
**envision** 166:15 175:10  
**equally** 189:1 196:16  
**equipped** 123:21  
**ERET** 181:15  
**ERET(ph)** 181:14

**escent** 114:7  
**especially** 118:24 183:24  
**essence** 174:4  
**essential** 174:22  
**essentially** 168:12 210:20  
211:22  
**est** 113:25 215:15  
**establish** 199:25  
**Establishment** 114:20  
**estompée** 113:6  
**et** 111:9,13 112:1,6,14,15,23  
112:24 113:3,9,14,16,18,20  
113:21,24 114:5,5 159:10  
**ethnic** 203:6  
**event** 170:12 214:16  
**everybody** 172:21 193:18  
**everyday** 198:22  
**evidence** 154:20,20 171:8  
**exact** 207:25  
**exactly** 142:2 206:25 208:9  
**examination** 124:22 192:8  
**examine** 118:9  
**examining** 117:2  
**example** 122:13 126:8 132:5  
138:3,10 140:13 147:20  
148:17,24 158:1,22 160:13  
161:3 165:10,12 190:7  
199:20,23 201:10,18  
**examples** 147:2 156:12 201:4  
**excellent** 110:2  
**exception** 121:7 124:7 191:20  
**exceptional** 197:13  
**exceptions** 124:5 200:8  
**exchange** 149:19  
**exchanging** 122:25  
**Exclusion** 189:23  
**exclusive** 199:1  
**exclusively** 116:16 190:2  
**excuse** 147:4  
**executives** 119:5  
**exempt** 116:6,7,9,11 145:23  
199:22  
**exempted** 115:18  
**exemption** 115:20  
**exemptions** 124:2  
**exercise** 116:13 118:20  
126:19 127:7 153:25 155:8  
168:21  
**exercised** 137:15  
**exercé** 112:12,21  
**exist** 131:20 132:5,22 138:15  
140:4 142:12,17 143:20  
149:2 156:9 165:4 179:7  
208:17 213:8  
**existed** 162:14  
**existence** 131:25 191:7  
**existing** 119:9 126:14 140:13  
141:13 172:16 177:5 181:2  
**exists** 134:18 157:3 209:1

**expect** 186:24 187:2 208:19  
**expense** 115:2  
**experience** 114:10,23 128:18  
130:4 133:20 135:16,16  
136:25 138:22 139:3 141:2  
144:20 163:20 166:24  
170:24 184:9 210:24 215:6  
**experienced** 189:24 209:25  
**experiences** 210:21  
**expertise** 118:8 129:19,23  
169:3,8,17 170:1 171:16,24  
171:25 172:5 197:17,19,23  
204:14  
**explain** 109:11 139:2 145:4,4  
**explored** 116:4  
**exposures** 186:15  
**expressed** 173:21  
**extend** 193:11,18  
**extends** 190:25  
**extension** 189:20  
**extensive** 198:9  
**extent** 122:4 157:2 174:9  
179:2 182:18 183:15  
**external** 152:3,10 156:4,7,25  
157:1,2,5,10,17 158:14,20  
159:1,7,13,15 160:7 174:19  
176:8  
**extreme** 162:14 204:10,11  
**extremely** 139:11 171:11  
184:4 209:8  
**eye** 154:21

---

## F

---

**facilitated** 192:20  
**fact** 128:8 132:10 133:13  
146:16 147:5,24 158:15  
160:8 161:22 163:14 177:25  
185:8 194:9 206:17 208:6  
**factor** 210:14  
**facts** 151:12 153:5,6,13,16,20  
153:24 154:11 155:13  
**factual** 151:5 155:1,6  
**fact-finder** 201:9  
**failed** 132:25 202:17  
**failure** 154:2 161:4  
**fair** 214:6  
**faire** 111:7  
**fairly** 121:7 124:6 129:25  
132:20 172:14 188:24 189:3  
209:1,22  
**fall** 172:18  
**falling** 168:1 170:2  
**familiar** 186:23  
**far** 118:5 143:17 152:9 160:2  
**fashion** 135:11  
**favour** 213:23  
**façon** 113:22  
**fait** 148:4  
**feared** 192:16

**feature** 212:20  
**features** 136:18  
**federal** 120:6 137:11 139:14  
140:20 144:14,18  
**federal-regulated** 117:17  
**feeds** 175:6  
**feel** 118:12 129:17 135:14  
161:8 170:23 193:11 197:2  
203:16  
**fell** 181:7  
**field** 153:21 156:13  
**figure** 125:7 155:3 185:23  
209:6 211:19,22  
**file** 121:17 130:13 179:19  
211:18  
**files** 130:12,16 132:8 177:24  
**final** 117:23  
**finally** 162:11  
**find** 109:17,21 132:4 154:11  
155:16  
**fine** 214:7,12  
**finish** 169:18  
**firm** 160:19  
**first** 110:5 126:21 152:1 153:7  
156:2,3,23 157:13 158:17  
162:3 173:13 177:13,16  
179:4 187:23 188:20 189:24  
206:7  
**firsthand** 187:7  
**fit** 110:19  
**flexible** 109:12  
**flood** 141:20  
**floor** 151:21  
**flow** 121:11,12 122:10,17  
145:15,16,18 146:9 147:13  
148:16  
**flowed** 146:11,13  
**flows** 116:22  
**focus** 121:14 156:7  
**focused** 155:14 160:1  
**folded** 175:12  
**follow** 111:20 194:6 212:4,16  
212:21  
**followed** 158:7,24 160:21  
214:24  
**following** 160:17 192:8 206:4  
**follows** 210:7  
**fondamentaux** 112:13,22  
**fora** 126:5  
**force** 127:8 140:5 190:7  
209:15,17  
**forced** 152:8 153:5 186:15  
**forceful** 168:10  
**forces** 193:24  
**foreign** 171:3,5 194:12,19  
**forever** 125:19  
**forgot** 165:13  
**form** 138:19 142:12  
**formalized** 176:11 213:11

**Forms** 198:17  
**forth** 160:24  
**forum** 117:13  
**forward** 125:23 128:2 130:1  
138:14 161:15 203:14  
**found** 137:3 159:20,22 168:22  
**founded** 115:2  
**four** 116:1,7 121:22 164:3  
177:10 195:19  
**frames** 171:21  
**framework** 116:24 128:4  
200:7  
**frameworks** 119:2  
**frankly** 178:10  
**frequently** 132:1 171:2 211:6  
**front** 148:13  
**fulfilling** 184:20  
**full** 154:10 161:12 162:5  
195:5  
**fully** 174:9 176:5,17 182:18  
**fulsome** 153:16,20 164:17  
173:8 183:1,9  
**function** 120:18 128:12,16,18  
136:14,22,23 137:6 139:21  
157:4 166:8 175:5 176:7  
183:25 184:5 207:2  
**functioned** 156:20  
**functions** 120:1 183:6  
**function-based** 213:23  
**fundamental** 174:5  
**fundamentally** 183:11  
**further** 120:9 124:5,21 152:6  
152:9 177:8 187:16 191:6  
**future** 155:4

---

## G

---

**gain** 166:25  
**gaining** 128:18  
**garantir** 114:3  
**gathering** 200:14  
**general** 121:21 148:24 157:21  
214:8  
**generalist** 169:12  
**generally** 189:5 200:12  
**generic** 124:15  
**getting** 137:12 141:12 143:21  
148:13  
**give** 145:1 147:20 198:11  
211:5  
**given** 124:10 134:7 162:25  
165:12,20 167:11,16 179:12  
183:13,21 189:15 205:5  
**gives** 161:2  
**giving** 142:11 163:12  
**go** 118:10 122:14 124:4  
126:17,19 127:23 128:1,14  
129:3 130:1 131:6 143:17  
147:17,18 156:13 162:14  
167:15 174:17 178:7 182:4

182:6 203:15 209:2 211:23  
213:19  
**goal** 135:23  
**God** 178:24  
**goes** 174:3 177:4 211:16 212:5  
**going** 123:14,17 127:3 152:12  
152:15 155:7 157:17 160:24  
162:22 163:3 165:12,21  
169:12,16 170:8 173:9  
174:6,8 176:25 177:2,18  
178:5 182:13 183:17 184:2  
185:22 187:24 196:22 198:3  
199:19 202:11 210:8 212:12  
212:18 215:10  
**good** 109:7 110:1 138:1  
150:20,21 151:18 152:17  
154:18 157:16 187:22  
188:18,20 208:13 209:4  
212:21  
**goodness** 180:10  
**Google** 209:5  
**gouvernement** 113:22  
**gouvernements** 112:16,25  
**govern** 194:18  
**government** 114:15 118:23  
122:24 126:4 131:23 132:24  
133:16 145:1,25 147:15  
148:5,7 149:2 161:14,22  
162:11,15 192:11 193:25  
199:9 201:18 202:7 204:4  
**governmental** 145:22  
**government-wide** 149:12  
**grande** 111:13 112:1,5 113:11  
**granted** 190:6  
**grasping** 150:9  
**great** 188:3,7 214:25 215:2  
**greater** 118:13 138:20  
**greatest** 169:22  
**greatly** 149:17  
**ground** 134:16,17,23  
**grounds** 202:17  
**group** 110:5 148:25 161:24  
189:22 204:6  
**groups** 204:7,18  
**guarantee** 205:19  
**guess** 128:16,22 132:5 139:17  
143:6 152:24 171:12 172:6  
172:13 185:22 186:10  
213:20  
**guide** 189:6

---

## H

**h** 109:4 188:11,13 215:15,17  
**half** 156:9  
**hand** 153:22 204:1  
**handle** 149:1  
**handled** 118:18 122:6 196:20  
**handling** 114:13 118:10 120:8  
128:20 130:25 196:14

202:18,24  
**hands** 131:20 132:23 137:18  
**happen** 116:21 132:22 155:20  
208:19  
**happened** 132:12 156:6  
173:20 177:16  
**happening** 174:10 183:8  
**happy** 119:20 203:19  
**haystack** 141:25  
**head** 184:25 185:1  
**heads** 182:23  
**Heafey** 162:5  
**hear** 111:20 140:3 178:3  
**heard** 134:2 136:4 164:22  
171:7 187:6 191:22 208:12  
**hearing** 211:5 215:13  
**hearings** 109:8 151:4 154:16  
**hears** 135:18  
**heart** 193:1  
**Hedy** 110:13  
**held** 199:11  
**help** 188:1  
**helpful** 110:3 149:14 150:4,10  
151:18 155:11 171:21  
187:18  
**helpfully** 151:11  
**highest** 152:18  
**highlights** 161:19 162:12  
163:20,21  
**highly** 124:23 129:5,7  
**Hilary** 188:17  
**hit** 181:25  
**holding** 121:16 123:1  
**Homes** 188:17,18,20 204:23  
206:15,25 207:5,9,22  
208:25 209:11,14 210:16  
211:13,21 212:10,23 213:6  
213:14,18 214:3,12,17,21  
214:24 215:8  
**honest** 176:17  
**honestly** 144:2  
**hope** 135:22 149:10  
**hoped** 191:19  
**house** 162:23  
**huge** 122:10 141:14  
**human** 126:7 152:15 174:3  
189:14 190:5,11,15 192:9  
194:17 197:24 198:2,4,24  
199:7 200:3,7,12,24 201:4,7  
201:21,24 209:3  
**hypotheticals** 177:9,11,22

---

## I

**IBET** 213:5  
**IBETs** 146:22 165:20  
**idea** 133:15 156:16 158:9  
163:13 171:13,15  
**ideally** 186:9  
**identical** 178:16

**identified** 190:17 213:2  
**ill** 192:17  
**illustrate** 177:10  
**immigration** 173:16 200:16  
**immodestly** 169:2  
**impact** 128:3 157:11 161:1  
162:21 200:21  
**impacted** 203:7 204:19  
**impede** 189:25  
**implement** 119:1  
**implication** 200:12  
**implications** 148:19 152:10  
**importance** 118:22  
**important** 111:1 116:15  
139:11 140:6 158:11 169:17  
170:10 172:3,4 173:6 179:9  
181:21 182:11,20 183:19  
184:5 194:23 196:3,13,15  
198:5 204:7 205:25 206:6  
210:14 213:8 215:3,5  
**impose** 137:10  
**imposed** 137:11  
**impossible** 120:25 177:19  
**imprisonment** 192:21  
**improper** 115:12  
**improved** 149:11 157:9  
**improvement** 149:6 151:14  
**improvements** 154:23  
**impunity** 201:25  
**imputabilité** 111:13 112:1,5  
**inability** 162:6  
**inadequate** 122:9 192:4  
**incidental** 118:4  
**include** 119:2 127:21  
**included** 185:17  
**includes** 114:18 193:24  
198:13  
**including** 114:15 116:2 197:8  
197:23 202:9 203:6  
**inconsistency** 196:23  
**increased** 165:21  
**increasing** 116:21  
**increasingly** 210:3  
**independence** 202:3,6 204:3  
**independent** 151:16 161:11  
162:10,13 163:16,18 181:6  
192:12 204:14 209:10  
210:12,12,15  
**independently** 207:3  
**indicators** 119:6  
**indirectly** 190:10 192:20  
201:24  
**individual** 118:1 131:14 132:3  
183:1,22 184:6,19 192:5  
**individualized** 187:1  
**individuals** 131:19 192:1  
195:19 203:13  
**individual's** 118:6 197:4  
**informal** 109:13

**information** 109:20 114:14  
115:6,13,18,20 116:6,14,22  
117:15 118:3,11 119:7,25  
120:9,14 121:4,11,12,17,25  
122:2,6,10,18,23 123:1,13  
123:24 124:3,13,17 125:3  
125:12,17 126:22,25 127:16  
127:17,17 128:1,20,24  
129:9,15 130:14,15 131:25  
132:10,15,23 133:16 134:9  
137:6 140:2 141:3,14 142:8  
142:11,23 143:19 145:2,6,7  
145:9,15,17,18,23 146:1,9  
146:11 147:3,14,24,25  
148:8,11,16 149:8,17,20  
150:7,9 158:2,23,24 160:14  
160:24 169:23 171:3,5  
182:19 192:14 196:3 197:9  
200:14 203:12 212:17  
**information-sharing** 149:1  
194:18  
**informed** 120:12  
**informer** 144:20  
**informing** 184:1  
**inherent** 199:12  
**initial** 128:19 175:15 179:18  
**initially** 191:18 201:16  
**initiative** 197:4 207:18  
**initiatives** 113:5  
**inquiries** 192:18  
**inquiry** 109:9 111:1 128:19  
151:5 155:1,6 161:14  
162:10,15 167:5 173:20  
182:15 185:16 190:22 191:7  
191:11 192:10,12,24 200:25  
214:20  
**INSET** 181:12 213:3  
**INSETs** 116:3 146:23 165:12  
165:20  
**inssofar** 123:12 169:9  
**instance** 144:25  
**instances** 129:16,20 145:12,16  
**institution** 131:24 170:6  
211:16  
**institutional** 138:11  
**insufficient** 122:15 191:8  
**integrated** 116:2 167:11,17  
168:4 181:9,11,16,18  
193:21 211:20 212:25  
**integration** 164:21,23,24  
165:3,7,11,21 167:23 170:2  
172:10,15,16,22 173:4  
174:11 181:22 185:6,9,21  
185:25 186:2 212:19  
**intelligence** 167:3 171:3,5,9  
190:25 193:13 197:25  
**intelligently** 135:10  
**intensity** 122:18  
**intensive** 128:17

**interact** 194:1  
**interacted** 196:3 210:25  
**interaction** 194:11 195:7  
196:4  
**interagency** 193:22  
**interest** 192:6 204:18 214:25  
**interesting** 142:4 144:4  
147:21 170:15 185:4,10  
187:10 202:22 211:25  
**Interestingly** 201:16 208:21  
**interests** 118:6  
**internal** 118:23 119:2 151:14  
154:2 156:3,8,25 157:2,4,6  
157:11,12,16,21 159:7,8,13  
159:16,20,23 160:6 161:5  
174:18,19 176:7  
**internally** 158:5  
**international** 147:13 188:17  
190:12 193:5 194:15 201:3  
201:13,15 205:6 214:20  
**interpreted** 140:3  
**interpreting** 141:2  
**interrelate** 210:2  
**interrelated** 196:19  
**interrelationships** 196:24  
**intervenor** 194:4  
**inter-Canadian** 145:19  
**inter-department** 145:18  
**introduction** 151:20  
**intrusive** 116:19 123:18  
168:18 169:21,24  
**invariably** 145:6 200:13  
**investigate** 117:12 162:7,16  
**investigated** 170:10  
**investigating** 143:2 167:17  
171:16  
**investigation** 115:17 117:13  
131:12 133:6 139:16 142:18  
160:20 161:22,25 163:4  
164:18 167:20,21 168:14  
170:21 171:11,14,25 199:3  
200:14  
**investigations** 122:1 163:23  
167:11 168:17 170:19 171:1  
171:2 181:20 183:16 195:15  
195:23 203:8  
**investigative** 115:21 140:8  
173:14,18,24 182:13  
**inviting** 110:25  
**invoking** 200:21 201:18  
**involve** 145:8 169:7 171:2  
179:15 194:11 203:11  
206:11 212:13  
**involved** 115:4,11 120:8  
123:14,16 129:21 133:23,24  
133:25 145:16 150:8 161:21  
162:24 163:25 164:4,25  
165:14 170:25 172:2 184:10  
185:2 191:9 193:17 195:3

195:25 198:1 211:17 215:4  
**involves** 129:15  
**involving** 115:1  
**irregularities** 149:4  
**ISI** 164:8,10 173:12 186:25  
187:6  
**isolated** 195:1  
**isolation** 190:24  
**issue** 116:25 121:9 128:7,7  
134:3 138:6 139:4 159:25  
163:10 165:16 172:6 174:15  
197:11 203:25 208:3  
**issued** 201:14  
**issues** 117:9 118:2,5 119:16  
136:20 137:13,24 138:11,13  
147:13 151:15 159:23 167:1  
167:3 176:25 180:18 201:1  
203:23 205:7 215:5

### J

**January** 162:23  
**je** 111:6,25  
**Jennifer** 110:8  
**jeudi** 215:16  
**Johansson** 215:24  
**joint** 213:3  
**judge** 168:22 178:10  
**judicial** 178:12 180:9  
**jurisdiction** 120:17 125:9  
126:11 146:12 163:22 179:6  
179:11,19,20,22 186:17  
**jurisdictional** 177:3 178:21  
**jurisprudence** 140:2 168:24  
**Justice** 198:19  
**j'aimerais** 111:12

### K

**keep** 170:1 189:2  
**keeping** 154:21  
**kind** 126:15 129:9 136:5  
154:1 162:21 163:4 203:15  
**Kirkby** 110:13,14 131:7 134:4  
136:11 144:16,24 145:11  
146:5,15 148:23 150:3  
**knew** 154:6 173:16 182:16  
**know** 114:17 122:22 124:4  
127:4 133:8,17 134:11,21  
135:13 136:7,10,15 140:21  
140:22,25 141:9 144:2,22  
145:17 149:15 151:1 152:12  
153:6,19,23 154:13 160:3  
161:1 163:25 164:16,16  
165:5 166:12 167:13 170:4  
170:12 172:21 173:1,14,21  
178:18 180:20 186:6,19  
203:15,15 209:3,5 210:11  
210:22  
**knowing** 131:19 172:2 178:17  
**knowledge** 131:13 132:21

154:11 169:5 198:1 200:20  
**knowledgeable** 143:22  
**known** 116:3 117:16 208:7

### L

**la** 111:8,9,12,12,13,14,25  
112:1,2,4,7,8,17 113:2,4,7,9  
113:9,12,15,17,17,18,20,21  
**lack** 119:24 162:4,8  
**lacking** 183:11  
**landing** 148:1  
**languages** 110:19  
**large** 116:15 131:5 133:5  
157:2  
**larger** 114:17  
**largest** 128:25  
**Laughter** 180:16,22 214:15  
**launch** 197:3  
**law** 137:18,24 147:3,4 168:13  
169:8 171:16 172:1 177:13  
194:16 198:15  
**lawyer** 162:24  
**lawyers** 178:17  
**layer** 194:8  
**le** 109:3 111:11 112:9,18  
113:14 215:16  
**lead** 125:19  
**leadership** 119:3  
**leading-edge** 129:8  
**leads** 167:14 194:7  
**leaks** 163:17  
**learned** 152:11 173:22 182:15  
**learning** 182:14  
**leave** 181:2 203:18  
**leaving** 120:25  
**led** 162:10  
**left** 110:12 153:21 156:13  
**legal** 200:15  
**legality** 199:13  
**legislation** 127:13 144:6  
168:23  
**legitimate** 143:14  
**lend** 215:5  
**les** 112:13,15,22,24 113:2,3,8  
113:15,19 114:3  
**letter** 139:7 163:7  
**letters** 181:13  
**lettre** 111:8  
**let's** 109:5 144:7 158:3 172:21  
**level** 132:11 139:21 181:17  
189:6 197:18 205:15 214:2  
214:8  
**levels** 193:8 196:24  
**liberties** 179:14  
**life** 180:12 210:23  
**light** 191:21  
**limitation** 154:4  
**limited** 132:20 133:4 148:6  
153:9 154:6

**limiting** 148:15  
**line** 125:2 156:3 171:6,9 177:3  
177:17 178:1,25  
**lines** 206:1  
**linked** 117:1  
**list** 169:4 185:15 193:15,16,19  
198:9,10 208:22  
**listened** 170:4  
**listening** 185:14,19  
**literally** 193:25  
**litigating** 178:18,24  
**litigation** 125:19  
**little** 122:21 128:12 130:25  
146:6 185:13 186:12  
**lives** 187:11  
**lodge** 192:2 209:7 210:18,22  
**lodged** 162:20  
**logical** 206:3  
**logique** 113:7  
**loi** 112:8,17 113:4,9,16,17,18  
**long** 109:15 169:4 178:20  
189:2 193:16  
**longer** 175:11  
**look** 118:15 120:10,22 124:16  
125:13 130:10 141:5,24  
144:10 147:10 148:25 153:5  
153:16,24 162:1 169:19  
177:25 186:9 191:6 195:7  
200:8 201:12 208:21 209:24  
213:24 214:13  
**looked** 142:22 147:11  
**looking** 111:2 120:21 128:4  
130:12,14 143:19 145:15  
146:9,18 151:12 154:19  
155:1 164:18,19 172:9  
186:12 189:16 190:2 205:20  
207:9 208:5,14  
**looks** 205:7  
**Lorne** 151:2  
**lose** 118:22 169:16  
**lot** 149:4 151:23 152:6,11  
159:14 173:22 182:15,16  
183:24 187:3 191:6 196:1  
**lots** 149:6  
**low** 122:20 123:1  
**Lynda** 215:24  
**L'adoption** 112:8,17  
**L'anti-terrorisme** 113:8  
**L'application** 113:9  
**L'après** 113:5  
**L'audience** 109:3 215:15  
**L'utilisation** 113:19  
**L'échange** 112:14  
**L'État** 112:12,14,21,23  
**L'étranger** 112:16

### M

**Maati** 191:23 195:20  
**Maher** 191:9,19 201:14

**main** 136:18  
**maintain** 171:23,25  
**major** 172:4  
**making** 133:13 135:14 155:13  
155:15 161:20 189:5 207:11  
212:20  
**managed** 148:5  
**management** 119:2  
**mandate** 118:9,25 119:9  
123:10 136:17 146:8 184:20  
184:23 212:6  
**mandates** 119:12  
**marginalization** 189:23  
**marqué** 112:9,18  
**marquée** 113:22  
**material** 119:23 180:24  
201:13 203:23  
**matière** 112:10,19 113:2  
**matter** 129:21 131:2 149:9  
168:14,18  
**matters** 117:2 118:9 123:16  
129:24 172:1  
**mauvais** 114:6  
**mean** 118:16 141:7 142:6  
146:10 153:11 167:2 175:15  
180:10 184:8 206:14  
**means** 132:19 158:7 189:16  
190:14 197:23  
**meant** 135:1  
**mechanism** 152:25 156:18,19  
157:3 158:14,20 159:16  
160:1,6 161:8,10 162:9,13  
163:16,21,22 166:6 175:8  
180:2 186:21 187:1 191:4,8  
192:25 193:4,10 196:9  
200:19 202:13 209:19  
**mechanisms** 111:3 152:3  
156:3,8,9 157:1,6,16 161:5  
187:5 208:17  
**media** 114:21 173:21  
**meeting** 182:24 207:23 209:16  
**meetings** 127:19  
**meilleure** 113:24  
**member** 135:21 206:12  
**members** 204:17 206:21  
**membership** 205:1  
**mention** 129:7 198:11 201:19  
204:23  
**mentioned** 121:23 130:20  
164:1 199:1  
**mercredi** 109:4  
**merely** 198:8  
**message** 211:5  
**mesures** 113:18  
**met** 149:16  
**metaphor** 194:10  
**method** 196:21  
**mettre** 114:2  
**microphone** 110:17

**milieu** 136:1  
**mind** 124:22 208:4  
**minimum** 182:4 198:14  
**minister** 127:15 187:2 191:25  
**ministry** 127:24  
**minorities** 204:18  
**mirrored** 181:18  
**missed** 154:12  
**missing** 196:2 206:6  
**misspoke** 134:25  
**mixture** 129:4  
**mode** 146:17  
**model** 175:9,23 182:4,6 183:6  
**models** 204:9,11  
**moments** 201:20  
**monitoring** 194:22  
**monster** 125:13  
**monumental** 125:6  
**morass** 178:22  
**morning** 215:12  
**mount** 169:1,2  
**move** 166:18 167:16 169:11  
199:4,5 206:5 214:1  
**moved** 122:7  
**Moving** 155:25  
**Muayyed** 191:22  
**multiple** 193:24,24 211:18  
**multiplicity** 193:23  
**multi-agency** 165:25  
**multi-dimensional** 118:8  
200:21

---

**N**

---

**named** 128:2  
**names** 191:22  
**national** 111:4 114:17 115:6  
115:13,19 116:2 117:22  
118:13,25 119:10 120:6,8  
120:13,14 121:4,19 122:2  
123:13,16,24 124:3,12,20  
125:3,11,12,17,17 126:22  
129:15,24 132:15 148:18  
152:14 153:10 154:6 158:11  
160:20 163:23 165:6 166:8  
166:16,20,22 167:5,10  
168:5,15 169:10,20 170:9  
170:18,20,25 171:14,24  
172:5 173:7,17,23 174:2  
175:24 176:2 177:1,20  
178:8 179:14,17 180:5  
182:13 183:16 184:2 187:3  
190:21 191:1 193:11 194:9  
197:10,24 198:23,24 200:9  
201:2 202:19,25 203:8  
211:8 213:24  
**nationale** 111:15 112:3,7,11  
112:20 113:3,16  
**nature** 123:21 153:10 167:11  
170:20 171:14 189:15 196:4

197:20  
**navigate** 208:19 209:21 211:3  
**ne** 114:6  
**necessarily** 177:2 183:2  
194:10 205:19  
**necessary** 110:17 119:24  
136:21 137:1,4 145:4  
**need** 117:7 118:13 127:1  
133:17 139:21 149:11  
150:15 162:12 163:20,21  
166:1 167:23 170:17 173:4  
173:25 174:22 190:24 191:6  
211:6  
**needed** 197:20  
**needle** 141:24  
**needs** 117:6 138:19 197:19  
211:11  
**neighbour** 128:25  
**neither** 201:23  
**never** 143:25 144:24 173:16  
208:4  
**new** 117:8,20 119:9,16 127:11  
127:13 129:7 133:14 136:16  
139:24 140:5,10 141:7  
142:7,23 143:18 144:1  
160:22 166:18,21,24 173:23  
177:2,4 178:7 183:6 194:20  
**news** 199:21  
**NGO** 114:21  
**non** 139:15  
**non-national** 124:16 176:21  
**normative** 116:23  
**notable** 196:18  
**notably** 133:14  
**notches** 138:8  
**note** 202:20  
**notes** 205:23  
**notice** 146:4  
**notion** 121:2 205:11  
**notre** 114:8  
**nous** 111:8,8 112:4 113:1,7,23  
113:24 114:2,4  
**nouvel** 112:10,19  
**November** 109:2 215:14  
**novembre** 109:4 112:9,18  
215:16  
**number** 109:25 116:11 119:22  
133:4 157:7,8,22 165:6  
166:4 179:7,8 195:2,14,24  
201:14 207:6 208:8  
**numbers** 196:8  
**Nureddin** 191:22 195:21  
**nécessaire** 113:25  
**nécessaires** 114:5  
**nécessité** 111:13,25 112:5  
**n'imprègne** 113:8

---

**O**

---

**objectively** 207:3

**objects** 109:18  
**obligation** 143:12  
**observation** 135:14,24 207:16  
**observations** 128:22 192:7  
207:20  
**observed** 149:5  
**obvious** 154:4 165:10 189:4  
**obviously** 109:20 110:19  
135:21 148:18 153:9 154:1  
154:16 161:8,18 204:3  
**occasion** 141:23  
**occasionally** 214:11  
**occasions** 141:22 214:19  
**occur** 201:5  
**occurred** 154:19  
**offer** 182:7  
**office** 110:6 114:10 116:9  
119:14 133:3,6 135:17  
136:8 145:12 148:25  
**official** 165:14  
**officially** 200:4  
**officials** 127:20 192:19 198:16  
**Oh** 152:17 165:12  
**okay** 109:5 110:21,23 111:23  
111:24 136:12 146:15  
149:13 178:7 184:24 187:15  
214:12  
**old** 116:18  
**ombudsman** 137:9,23 139:12  
139:13  
**once** 124:19 132:23 196:1  
**ones** 136:19 155:6 157:2  
169:21 171:6  
**one's** 121:17  
**ont** 113:16,20,22  
**Ontario** 109:1,1  
**opaque** 122:21  
**open** 152:20 195:22  
**openers** 131:16 145:5  
**opening** 206:1  
**operate** 120:1  
**operates** 176:18  
**operation** 171:10  
**operational** 181:17,19 189:7,9  
193:21 195:11 212:25 214:2  
**operations** 189:6 190:13,15  
190:20 198:22 199:14 213:2  
213:3  
**operatives** 199:23  
**opinion** 123:2  
**opportunity** 109:22 215:9  
**opposed** 137:20 138:9 183:4  
**opt** 183:3  
**option** 161:15  
**options** 185:15,17 186:19  
**order** 122:5 123:9 160:19  
197:12 212:8,16  
**ordinary** 129:11  
**organismes** 111:14 112:6

113:15 114:4  
**organization** 139:8 187:5  
198:3  
**organizations** 109:25 115:24  
134:21 139:16 184:19  
186:25 187:3 208:9 215:4  
**organization's** 189:15  
**organized** 139:18  
**Ottawa** 109:1,1 152:14  
165:13  
**outcome** 160:13,23 161:6  
**outcomes** 154:25  
**outline** 194:23  
**outlined** 161:10  
**outré** 113:1  
**outreach** 203:6,11 207:17  
208:10  
**outside** 145:17 146:17 187:5  
**overall** 135:25  
**overarching** 175:21,25 180:25  
182:12,21 183:5 184:1  
185:2  
**overextended** 168:19  
**overlap** 119:12 133:21  
**overriding** 123:2  
**oversee** 119:10 205:9  
**overseen** 196:17 197:21  
**oversight** 111:4 114:13,17  
116:13 117:24 118:13,20,21  
118:23 152:16,25 153:18  
157:5 170:18 174:16,23  
175:5 184:12 186:4 187:23  
189:17 190:3,13,24 191:4  
191:14 192:25 193:4 194:5  
194:14 197:22 200:19 205:7  
205:14 209:16,18  
**overview** 184:12  
**o'clock** 215:11  
**O'Connor** 110:25  
**où** 113:23

## P

**pages** 198:10  
**paper** 151:24 161:10  
**papers** 152:4,12,15  
**par** 111:7,9 112:11,12,14  
112:20,21,21,23 113:17  
**Parallèlement** 113:14  
**paramilitary** 139:17  
**paramount** 171:22,23  
**parliament** 114:18,19 174:24  
174:25 175:7 184:1 202:10  
**parliamentary** 175:2 182:9  
183:7  
**parse** 141:6  
**part** 114:17 122:23 131:14  
133:2 139:11 156:23,24  
157:4 158:18 161:18 169:17  
186:3,12,20 190:8 196:6

200:18 205:13 206:3 208:2  
**partage** 112:23  
**partial** 162:1  
**participate** 184:24  
**participated** 215:2  
**participating** 184:20  
**participation** 214:19  
**particular** 129:5 138:20 187:1  
194:25 200:1,6 204:5,13  
206:11,12,22 208:2  
**particularly** 117:20 128:25  
139:16 178:15 199:24 210:9  
**partnerships** 213:7  
**parts** 189:8  
**party** 197:6  
**pas** 114:6  
**pass** 114:9 123:19  
**passed** 122:7 147:22  
**passenger** 147:13  
**Pause** 111:21  
**pay** 200:6  
**pays** 113:23  
**people** 109:23 110:10 122:22  
133:8 135:19,22 138:14  
143:2 145:17 153:4 154:24  
162:20 163:1 168:19 175:18  
178:3 181:19 186:15 189:10  
191:14,21 193:8 196:17  
201:20 204:2,12 206:3,13  
208:14,16  
**people's** 187:11  
**perceived** 200:5  
**percent** 115:8  
**perfectly** 129:18  
**performance** 119:4,5  
**period** 161:13  
**permettant** 114:3  
**permits** 131:23  
**perpetrators** 201:8 202:1  
**person** 143:21 183:13 206:16  
209:25 210:18  
**personal** 114:14 115:13  
116:14,22 117:14 118:3,10  
124:13 127:15,17,25 129:8  
137:6 141:2 149:7  
**personally** 144:23  
**personnel** 138:24 139:1  
212:14  
**personnels** 112:15,24  
**person's** 210:23  
**perspective** 189:14,17 190:3  
192:5 199:13 200:13 205:8  
**pertaining** 115:6  
**pervasive** 172:1  
**phase** 160:4,4  
**pick** 169:11  
**piece** 143:19 195:1  
**pieces** 195:2,5,7 196:2  
**PIPEDA** 117:16 145:24

**place** 114:3 132:13 157:13  
181:2 183:24 189:24 199:3  
199:5 206:7 207:2 211:7  
**places** 157:23,24 159:22 160:5  
192:4 193:14,16 212:10,12  
**planned** 129:3  
**play** 190:4 191:1 198:4  
**played** 194:24  
**players** 193:23 210:2  
**plays** 201:6  
**please** 155:16,19 207:14  
**pleasure** 187:20  
**plus** 111:13 112:1,5 113:11,12  
**point** 111:11 117:23 124:6,12  
130:4 132:20 135:15 138:2  
149:4 154:17,18 163:3,8,11  
163:24 169:4 172:19,20  
177:10 178:2 182:10 183:19  
185:4,24 189:1 191:17  
195:18 196:6,7,15 202:15  
203:1 204:6,13 206:9,12,22  
208:22 210:4 212:22 214:6  
**pointed** 138:21 159:21 195:18  
**points** 111:7 119:18 126:20  
139:6 152:20 153:17,23  
156:16 161:19 162:18  
**police** 165:13 168:19,25 190:4  
190:9,13,14,23 191:13  
193:24 194:19 198:22 205:9  
205:12 207:24 209:15,17  
**policies** 168:23 191:15  
**policing** 190:19,20 193:12  
197:25 198:8,22 205:8  
**policy** 109:8 110:12 132:11,13  
132:17 151:8 158:4 215:5  
**political** 174:15,20  
**portant** 113:11  
**portion** 109:9  
**position** 125:5 204:15  
**positive** 155:22  
**possession** 123:19 192:14  
**possibility** 134:6  
**possible** 111:3 123:6 134:14  
150:10 163:8 179:5 182:25  
185:20 192:24  
**possibly** 127:1 169:24  
**post-September** 117:8  
**potential** 134:18 142:8 189:17  
190:9  
**potentially** 148:18  
**pour** 215:16  
**pourrait** 113:10  
**poursuis** 111:25  
**pouvoir** 112:12,21  
**pouvoirs** 113:15,20 114:4  
**power** 124:15 130:21 133:10  
133:15,17 134:7 137:21  
138:5,5,17,20 139:11,25  
140:20 143:8,9,17 159:2

167:9 179:10 180:4 197:12  
197:15 198:20 212:2 213:17  
213:18  
**powers** 122:4,9,14 123:9,18  
123:22 124:9 126:15 137:14  
137:19 138:10 139:13,22  
140:7 143:1 145:5 147:15  
161:12 162:5 166:13,15  
168:19,25 169:22,24 178:16  
190:6,7 197:8,22 212:13  
**practical** 114:10 185:22  
**practice** 128:20 149:5 173:16  
208:13  
**precisely** 155:4 201:10  
**premier** 111:11 114:8  
**prepared** 110:1 119:15  
**Preparedness** 127:12 192:1  
**preparing** 191:5  
**present** 110:5,11 133:11  
140:20 188:23  
**presentation** 109:14,23  
150:12 151:8,19 188:9  
**presented** 151:7  
**presenter** 151:2 188:16  
**presenting** 109:13  
**presently** 116:7  
**pressure** 110:1  
**pressures** 174:6  
**presumably** 134:5 135:5  
143:11 204:14  
**Presuming** 124:8  
**pretty** 111:20 126:9 210:14  
**previous** 147:1  
**primer** 187:22  
**primitive** 180:11  
**principles** 189:6 198:19  
**Prisoners** 198:15  
**privacy** 110:6,9 114:11,12  
115:22,25 116:5,17,21,24  
117:1,4,10,18 118:4 119:1,3  
119:3,5,7,14 120:16 121:10  
121:13 122:13 123:5,14,20  
124:6 126:9 128:1,3,3,22  
130:11,24 131:10,23 136:3  
141:3 144:25 145:22 149:10  
202:21  
**private** 117:17 145:24  
**privilege** 144:11,12,21  
**privileges** 144:5,8  
**privy** 175:2  
**privée** 113:13  
**probably** 120:4 124:11 125:12  
160:5 174:13 180:8 189:3  
**problem** 125:25 126:2 131:5  
136:5 137:9,16,17 141:11  
160:16 161:18 164:23,24  
165:3 172:10,15,16,23  
180:9 185:6 207:15 208:10  
208:15 212:19

**problematic** 166:1  
**problems** 122:6 157:13 160:9  
160:10 165:8  
**procedures** 160:18,21  
**proceedings** 200:15,16  
**process** 109:11 125:15 131:10  
131:11,12 133:4 156:17  
162:19 176:21 184:10  
186:12 196:10 203:17 208:6  
210:13 211:2  
**processes** 174:21  
**processus** 114:3  
**produce** 140:4  
**product** 174:16,21  
**production** 138:24 139:25  
141:7,12 142:7,20  
**program** 144:1 208:10  
**programmed** 140:18  
**Prohibition** 199:23  
**prompted** 128:21  
**properly** 115:18 126:7,12  
156:20 157:7,9 162:6  
202:17  
**proportionnés** 114:5  
**proposals** 136:16  
**prosecution** 197:16  
**protect** 149:7 205:12  
**protected** 202:8  
**protecting** 144:21 174:2,3,4  
**protection** 117:15 119:5  
127:15,25  
**protections** 190:16 200:24  
201:7  
**protects** 116:24  
**protocols** 194:17 207:1  
**provide** 140:16 147:24  
**provided** 145:7,11 147:25  
149:18  
**provision** 117:18 131:22,25  
149:19  
**provisions** 121:13 148:6,14  
**public** 109:8 111:1 118:19  
127:11 132:20 135:21  
149:19 151:4 153:13 154:19  
162:15 167:5 191:7,10,25  
192:3,6,11,23 193:17  
200:25 203:5 215:5  
**publicly** 202:9  
**publique** 113:10,18  
**purpose** 109:19 166:13  
**purposes** 115:14 120:15 147:3  
147:4 169:11 194:3  
**pursue** 213:13,15  
**pursued** 195:21 196:22  
**purview** 186:9  
**put** 125:5,23 129:25 130:15  
148:6,15 153:25 168:7  
170:16 180:5 184:7 185:15  
194:4 204:1

**putting** 125:22 161:15 168:1  
170:17,19  
**p.m** 109:3 188:10,12 215:13

---

**Q**

**qua** 139:15  
**qualities** 193:3  
**quality** 110:2 130:14  
**quantity** 131:16  
**que** 111:7,8,11 113:1,7 114:3  
114:4  
**queries** 144:2  
**question** 111:12 120:25 139:6  
143:13 160:14 164:22 165:1  
165:22,23 166:14 172:13  
186:13 187:13 190:2 196:25  
199:14 207:14  
**questions** 109:16,18 111:10  
119:21,23 120:10 140:17  
143:3,23 149:21 152:7,8,21  
156:14 166:4 177:8,13  
187:17 189:8,11 193:15  
197:2 199:2 203:19 205:21  
208:23 213:25 214:8,10  
**qui** 113:4,10  
**quicker** 163:9,12  
**quite** 123:4 136:8,17 178:9  
191:14 203:10  
**Québec's** 141:2  
**qu'il** 113:24  
**qu'ils** 114:6

---

**R**

**Racial** 198:17  
**raise** 185:13 205:20  
**raised** 151:19 152:8 164:22  
176:25  
**raises** 118:2  
**range** 136:18  
**rapid** 122:10  
**rare** 121:7 146:2  
**rate** 191:12 208:5  
**RCMP** 114:11,16,23 115:2,4  
115:9,11,16 116:1,8 118:14  
119:11 121:1,23 125:22  
131:20 132:2 136:23 151:15  
163:25 164:15,18 165:6  
166:10 167:18,20 168:12  
169:9,10,17,23 176:21  
177:4 181:3 192:3 212:3,7  
212:15  
**RCMP's** 117:21 166:8 177:1  
**reach** 124:19  
**reaching** 118:5  
**react** 170:13  
**reaction** 175:16 185:12  
**read** 119:23 151:9,17 157:19  
**reading** 109:23 152:4,11  
173:11 177:8

**real** 125:25 126:2,3 128:7  
177:12,25 203:10  
**reality** 153:12 193:21 212:25  
**realized** 152:4 156:2 173:13  
**really** 121:24 132:19 141:5  
146:3 152:5,5 161:19  
163:20 169:21 170:15  
171:21 172:4 174:5 183:14  
183:24 184:19 185:1 186:3  
187:17 205:13 206:1 210:3  
210:17 212:18,24  
**reason** 124:21 127:1 142:5,6  
143:14 172:8 173:5 175:17  
178:11 201:19  
**reasonable** 137:13  
**reasons** 117:5 121:19 166:21  
177:22  
**reassure** 145:4,5  
**recall** 161:13  
**receipt** 197:4  
**receive** 121:2 144:9  
**received** 115:15  
**receiving** 171:3  
**recessing** 188:10  
**recipe** 178:12  
**recipients** 122:2  
**recognize** 116:12 212:19  
**recognized** 185:6  
**recommend** 137:21 138:5  
157:24 158:5  
**recommendation** 159:3 193:2  
214:4  
**recommendations** 151:14  
155:15,20 175:4 197:15  
208:11  
**recommended** 125:9 157:22  
174:14,14  
**reconfigure** 140:15  
**redress** 189:25  
**reduction** 116:10  
**refer** 117:12 146:21 158:8  
**reference** 185:8  
**referenced** 192:9  
**referral** 130:21 134:7  
**referred** 193:9 195:19 207:6  
207:18  
**referring** 115:21 129:22  
201:11  
**reflect** 197:20 205:9,16  
**reflecting** 205:14  
**reform** 117:1,5,10 123:5  
149:10  
**reformed** 117:6 194:16  
**refusal** 121:17,19  
**refuse** 131:24  
**refused** 145:1  
**refusing** 132:12,13,18  
**regardless** 199:11  
**regime** 172:17,25

**regular** 151:4  
**regulates** 116:22  
**reiterate** 189:10,13  
**reject** 161:16  
**rejected** 202:16  
**relate** 121:10,16,19  
**related** 117:21 131:21 192:15  
**relates** 121:4  
**relatifs** 113:12  
**relating** 118:2 123:23 211:8  
**relation** 199:17  
**relations** 213:8  
**relationship** 159:12  
**relationships** 193:22  
**relatives** 189:19  
**released** 117:3  
**relevant** 139:1,1  
**relied** 132:1  
**religious** 203:6  
**relying** 179:6  
**remain** 198:24  
**remarks** 126:18 127:10,23  
**remember** 139:23 173:11  
207:25  
**remit** 176:1  
**remove** 170:8  
**renseignements** 112:15,24  
114:1  
**repeatedly** 162:5  
**repetitious** 195:17  
**report** 116:4 117:4 122:13  
127:16,22 146:23 147:2  
154:17 174:14 176:8 182:8  
183:7 186:20 201:10 202:8  
**reporting** 186:4,21 187:1  
**reports** 174:24 201:8  
**reprendre** 215:16  
**represent** 204:17 206:22  
**representation** 205:18 206:5  
**representative** 204:12 205:3  
205:22 206:16  
**represented** 204:8  
**representing** 163:1 204:5  
206:12  
**represents** 199:24  
**Reprise** 188:13  
**request** 147:25  
**requested** 145:2 197:5  
**require** 194:16  
**required** 119:1 129:19 204:15  
**requires** 131:13 166:23  
**resolution** 163:10,12  
**resolve** 180:2  
**resources** 133:14 184:8  
**respect** 120:18 132:14 136:22  
139:4 149:12 159:23 176:2  
179:11,18 183:8 185:5  
212:14  
**respond** 211:15

**responsabilisation** 113:21  
**response** 129:13  
**responses** 179:3  
**responsibilities** 119:4 124:12  
**responsibility** 111:5 114:13 194:21  
**responsible** 146:9 181:7  
**rest** 121:24 136:24 166:9  
**result** 116:10 119:11 131:18 132:8 136:17 173:20 195:23 200:2 205:19 212:7  
**results** 202:9  
**resume** 215:14  
**resuming** 188:12  
**revenue** 164:1  
**review** 109:8 111:3 115:24 118:7 120:5 125:20 126:13 134:24 135:17 136:1 151:8 151:16 152:3,10 154:2 156:3,5,8 157:5,10,17 158:14,16,18,22 159:15,16 159:24 160:8 161:15 163:16 163:18 165:25 167:23 168:16 169:11 172:16 174:18,19,20,21,23 176:8 180:9,15 181:2,9,11,18,23 183:1 192:12 194:20 197:2 197:14,18 202:6,8 203:4,25 204:2,8 205:1 206:4,10,20 206:21,23 207:19 209:10 211:10,11 212:2,4  
**reviewed** 116:9 175:25,25 179:19 204:20  
**reviewing** 168:12,13 169:8,13  
**reviews** 116:1 157:4 178:12 195:4 197:3  
**revised** 124:4  
**revising** 119:9  
**revived** 128:16  
**rid** 150:23  
**right** 121:8 123:11 130:8 132:6 133:19 135:4 138:12 140:14 141:17 142:1 143:24 144:3 148:20 150:25 153:14 159:9,10,18 165:17 167:24 170:22 172:11 176:9,15,23 178:13 180:13,17 196:18,23 207:5 208:24 209:11,14 210:16  
**rightly** 191:14  
**rights** 126:7 152:15 174:3 189:14 190:5,11,15 192:9 194:17 197:24 198:2,4,24 199:8 200:3,7,12,24 201:4,7 201:21,25 209:3  
**Rires** 180:16,22 214:15  
**rise** 126:4  
**risk** 167:15 201:20,21  
**road** 152:9

**role** 119:6 128:4 158:23 190:4 191:1 194:24 201:6 205:3 206:21 207:19  
**roles** 182:8  
**room** 149:6  
**rouages** 112:13,22  
**round** 204:11  
**routine** 129:9  
**routinely** 120:23  
**Ruby** 132:7,25  
**rule** 158:24,25 159:2,4  
**ruled** 202:16  
**rules** 109:12 159:9 198:14  
**ruling** 185:7  
**run** 143:25 167:15  
**réduites** 113:22  
**règne** 113:23  
**répondra** 111:10  
**résumé** 111:7  
**R.P.R** 215:25  
**rôle** 113:14

---

**S**

**safeguarding** 145:6  
**safest** 167:14  
**safety** 191:25 198:25  
**sanctions** 137:11  
**satisfied** 172:24  
**saw** 177:11  
**saying** 126:18 131:9 155:16 161:2 170:8 178:20 202:20 211:18  
**says** 157:3 167:20  
**scale** 192:23  
**scenarios** 199:2  
**schedule** 188:23  
**school** 177:13  
**scope** 129:11 147:15 174:9 183:15 193:11,18  
**se** 194:15  
**second** 109:8 111:2,17 127:9 131:22 158:5,20 160:15 162:4 183:25  
**secrecy** 200:21 201:6,18  
**secret** 130:7  
**secretariat** 201:15  
**secretive** 200:13  
**section** 116:5 133:1 152:16  
**sections** 115:19 118:3  
**sector** 117:17 145:24  
**secure** 180:5  
**security** 111:5 114:20 115:7 115:13,19 116:2 117:22 118:14,25 119:10 120:6,9 120:13,14 121:5,20 122:2 123:13,16,24 124:3,13,17 124:20 125:3,11,12,17,18 126:22 129:15,24 132:15 147:3 148:18 152:14 153:10

154:7 158:11 160:20 163:23 165:6 166:9,17,20,22 167:5 167:10 168:5,15 169:10,20 170:9,18,20 171:1,14,25 172:5 173:7,14,17,17,23 174:2 175:24 176:2,22 177:1,20 178:9 179:14,17 182:13 183:16 184:2 187:4 190:21,25 191:1 193:12,12 193:17 194:9,20 197:10,24 198:23,25 199:17 200:10 201:2 202:19 203:1,8 211:8 213:24  
**see** 110:19 130:12 133:4 135:10 149:22 150:8 159:11 166:7 177:24,25 178:18 185:10 187:25 208:17 214:14  
**seen** 154:21 200:8 205:10  
**select** 128:13  
**selected** 204:3  
**Senate** 200:9  
**send** 131:3 179:24  
**senior** 110:12 119:5  
**sense** 121:25 130:16 169:7 179:15,16 180:8 183:15 198:11 213:1  
**sensitive** 129:5,8  
**separate** 177:1,18 195:2,4,4 195:15 196:2 210:21  
**September** 209:17  
**septembre** 113:5  
**series** 211:1  
**serious** 139:15 184:17 190:10  
**seriously** 128:9,10 203:10 210:5  
**serve** 205:12  
**served** 118:7  
**Service** 127:12  
**services** 113:25 128:21 146:19 207:24  
**sessions** 109:17  
**set** 118:5 120:11 139:13,22 158:16 166:23 169:14,15 170:24 203:3  
**sets** 155:11 157:20  
**shadows** 201:5  
**share** 171:4  
**shared** 128:24 129:1 147:5,6 158:2 182:19  
**sharing** 158:23,24 160:14 169:23  
**shift** 167:19 199:15  
**shoes** 153:25  
**short** 188:8  
**shortcomings** 190:16  
**shown** 190:23  
**shows** 161:23  
**side** 131:13 133:6

**sight** 118:22  
**significant** 165:6,9 178:6 195:13 208:15  
**significantly** 133:9  
**silos** 181:21  
**similar** 117:17  
**similarly** 199:7  
**simply** 116:15 122:15 124:6 126:18 131:19 133:8 143:22 185:14,25 186:16 189:9 192:2 204:4 213:7  
**sine** 139:15  
**single** 116:16 183:4 211:7  
**singled** 163:5  
**SIRC** 134:10,15,17,20 135:2 138:3 161:15,23 175:10,19 176:1,11,14 184:23,25 185:1,5,8,8 186:7,19 192:2  
**sit** 214:10  
**sitting** 160:22 208:3  
**situated** 186:9  
**situation** 117:25 118:6 129:14 129:17,20 147:5 151:13  
**situations** 145:3,8 146:3,10 177:14,25 200:2 205:11  
**six** 141:22  
**skill** 170:6,7  
**skills** 167:1 169:4  
**skillsets** 166:23  
**skill-sets** 170:25  
**slightly** 126:5 139:24  
**society** 207:12  
**solely** 176:1  
**solicitor-client** 144:11,12  
**solution** 165:1  
**solve** 170:1  
**somebody** 141:24 155:17 172:20 186:5 210:8 211:7  
**sont** 114:5,5,6  
**soon** 123:5  
**sophisticated** 210:9  
**sorry** 111:23  
**sort** 125:2 153:6 162:1 167:18 167:23 176:6 183:9 185:16 196:8 202:23,25 203:3 204:1,2 205:18 206:1,3,5 207:17 210:3 214:8  
**sorting** 142:9  
**soumise** 111:9  
**sounded** 205:24  
**source** 144:21  
**so-called** 166:7 198:22  
**speak** 110:17,18 135:20 136:9 144:23 145:9  
**speaking** 141:1 189:14  
**special** 129:19 139:13 170:24  
**specialized** 114:19 124:23 126:25 129:23 130:17 166:23,25 167:1 168:21

170:7,20 171:15 197:19  
200:19  
**specific** 117:9 131:11 133:3  
141:23 147:20 148:23  
156:14 191:16 194:24  
200:11 204:18 214:4  
**specifically** 212:1 213:2  
**specifics** 208:1  
**spell** 140:7 196:7  
**sphères** 113:8  
**staff** 130:7 150:15 152:2  
**stage** 111:2 168:11  
**stand** 215:11  
**standard** 126:9 128:2 158:1,4  
158:7,22 196:13 198:14  
**standards** 125:16 149:11  
157:25 158:13,19 159:10  
168:22 169:14 198:4,6,9,10  
198:24 199:8,12,15,25  
206:23  
**start** 134:22 170:8 185:7  
188:9 208:13 211:18  
**started** 152:4  
**starts** 177:19 199:3  
**state** 117:8 199:9  
**stated** 162:5  
**statement** 109:14  
**states** 146:13 148:2,12 149:3  
199:20  
**statute** 140:20 142:18  
**statutes** 135:9 179:7  
**statutory** 130:21  
**stay** 166:10,17 178:9  
**stays** 177:5  
**step** 205:25 206:6  
**Steven** 201:9  
**stick** 172:8  
**Stoddart** 110:8,11,20,23  
111:18,24 120:20 121:6,15  
122:8 123:11,25 126:1  
128:15 130:1,6,9,23 131:4  
133:11 134:1,11,19 135:4  
136:2 137:3,22 138:7,14  
139:5,10 140:14,21,25  
141:16 142:1,10,15 143:4,9  
143:15,24 144:13,17,22  
145:21 146:16 147:1,8,11  
147:18 150:1,3,13,18  
**Stoddart's** 178:2  
**stop** 160:17 194:11  
**stopped** 156:21  
**store** 123:19  
**stored** 122:7,23 124:18  
127:18 137:7 182:19  
**story** 133:3 173:10 195:1,6  
**straight** 202:4 206:5  
**straightforward** 209:23,23  
**street** 178:23  
**strengthened** 119:6

**strictly** 141:6  
**strike** 176:5,12 179:8,12  
**strikes** 143:18 162:23 167:8  
175:1,23 180:2 185:20  
**strong** 109:18 116:23 197:8  
**strongly** 118:12 155:14,19  
161:9  
**struck** 185:18 186:2  
**structure** 122:16  
**structured** 193:10  
**struggle** 167:4 174:2  
**struggled** 155:25  
**studied** 183:13  
**stuff** 127:4  
**subject** 115:24 128:14 129:21  
130:13 143:22 168:14,18  
180:14 207:23  
**subjective** 207:3  
**submission** 133:13 139:23  
151:8 168:9 177:17 188:24  
194:5 202:4,21 204:24,25  
213:22  
**submissions** 110:22 151:22  
154:25 155:5,5,11,13,14,15  
155:18 157:20 160:4 188:19  
**submit** 175:18  
**submitted** 109:24  
**subpoena** 212:13  
**subpoenas** 197:11  
**substantial** 133:14  
**sudden** 188:22  
**suffer** 184:13  
**sufficient** 149:3 173:1  
**suggest** 137:23 138:15,16  
182:6 191:24  
**suggesting** 126:13 141:19  
**suggestions** 120:3 180:24  
202:22  
**suite** 111:9 113:17  
**summarize** 114:22 161:11  
**summarizes** 141:22  
**summary** 119:18  
**summons** 143:4,8,10  
**super** 120:5 127:11 166:7,9  
171:13 182:6,11 193:9  
195:9  
**superficial** 130:10  
**supervising** 159:8  
**supplement** 131:8  
**supplementary** 189:8 193:15  
197:1 199:2 208:23  
**support** 168:4 203:16  
**supporting** 171:13  
**suppose** 134:12 179:22 181:6  
181:10  
**Supreme** 132:6  
**sur** 111:25 113:18  
**sure** 147:16 152:22 155:20  
163:24 164:21 180:8 181:12

186:19 188:2,25 207:11  
212:20  
**surely** 181:22  
**surveillance** 111:14 112:2,6  
112:12,21 113:11,20 116:20  
117:8  
**survivor** 189:18  
**suspect** 132:3  
**suspected** 192:13,14  
**Suspension** 188:11  
**system** 114:18 122:22 184:12  
210:10 211:7,12,13,15,15  
211:17,19,21  
**systems** 191:15  
**systèmes** 113:10  
**sécurité** 111:14 112:2,7,10,19  
113:3,9,16,18,24  
**s'est** 113:5  
**s'ils** 114:5

---

## T

---

**tables** 204:11  
**take** 110:16 138:16 146:17  
147:9 154:10 155:23 158:3  
168:17 169:9 170:11 174:25  
175:3,10 178:1 185:24  
188:8 212:8,11 213:22  
**taken** 124:14 138:8 151:12  
152:6 153:4 203:10 210:5  
**talk** 126:8 209:7  
**talked** 139:24 204:10  
**talking** 134:6 202:14 212:3  
**task** 116:14 125:6  
**teaching** 152:13  
**teams** 116:3 181:11 213:3  
**technique** 199:9  
**techniques** 128:2  
**technologies** 116:20  
**tell** 128:11 129:12 153:20  
173:10 177:7 195:5  
**telling** 180:21  
**terms** 121:22 122:18 133:21  
149:6 152:9 157:21 159:7  
160:12,23 161:4 162:5  
197:17  
**terribly** 176:17  
**territorial** 135:19 181:24  
**terrorism** 192:15 199:17  
**terrorists** 192:13  
**test** 168:7  
**testimony** 171:7  
**thank** 110:15,24 111:23 139:5  
150:3,11,13,16,18 155:24  
188:5,21 203:21 214:17,21  
215:6,8  
**thanks** 188:4  
**theme** 202:14  
**thing** 138:8 156:2 158:20  
172:4 173:2 177:15 181:24  
205:18 209:23  
**things** 124:16 129:7,11 138:11  
138:21 151:25 154:12 155:2  
156:1,21 157:22 160:7  
167:25 173:19 174:12,13  
181:21 197:3  
**think** 109:15 117:1 122:14  
124:15 125:1 126:2,3,23  
127:5,7,24,25 128:7 129:6  
130:2,17 133:2 135:7,8  
137:17 139:6,10,15,20  
140:6 141:4 142:18,21  
145:21 146:2 149:18,23  
151:17 152:6,9 153:3 154:8  
154:18 156:9 157:1 158:6  
158:21,21 159:13 160:5  
161:17 162:22,25 164:2,5  
164:12 165:5,11,13 166:16  
166:19,22,24 167:4 168:10  
169:2,19 170:14,16 171:20  
173:6,6,19,25 174:5,6,7,17  
174:25 175:22 176:3,5  
178:3 179:2,4,15 182:5,14  
182:14,18,20 183:10,12,14  
183:18 184:4,5,13 185:7,11  
189:3 191:12 196:12 198:5  
198:8 199:1 203:24 204:6  
205:4,6,25 206:9 207:6  
209:8,22 210:4,7,23 211:4  
212:21 213:1 214:6,10  
215:3  
**thinking** 187:21 191:5  
**third** 197:5  
**thought** 130:20 131:7 133:24  
134:9 135:6 152:2 155:12  
155:22 159:22 162:9 186:8  
204:22 205:5,5  
**thoughts** 125:24 137:2 139:3  
151:18 152:24 159:20 168:7  
**threat** 179:13  
**three** 147:23 197:3 214:10  
**thresholds** 122:20  
**Thursday** 215:14  
**thème** 114:8  
**time** 110:1 116:9 133:12  
134:1 135:3 148:4 156:4  
160:25 162:24 163:6 173:6  
173:13,21 185:16 191:11  
**times** 200:5 207:6 210:18  
**today** 183:11 189:2 212:1  
**told** 124:20 145:8 148:3  
**tolerated** 192:20  
**tomorrow** 185:11 215:12  
**Toop** 201:9  
**top** 130:7  
**topical** 129:6  
**Toronto** 207:24  
**torture** 192:17 198:14 199:24  
201:8

**total** 205:10 206:7 210:24  
**totally** 176:16 204:13  
**touching** 206:9  
**tous** 112:4 113:23  
**toutes** 113:8  
**trail** 194:6,9 211:23 212:5,21  
**trait** 113:4  
**transcript** 110:16  
**transferable** 141:5  
**transgressions** 190:17  
**transparence** 112:6 113:21  
**transparency** 122:21 202:3  
**Transport** 169:15  
**travelling** 148:11  
**Treasury** 133:13  
**treated** 127:17  
**treatment** 192:18 198:15  
**trials** 200:16  
**tribunal** 137:10  
**tribunals** 138:9  
**tried** 132:25 148:25 179:2  
**truck** 141:13  
**true** 135:19 213:21  
**truly** 195:12  
**trumps** 171:15  
**trust** 203:13 206:2  
**try** 125:7 132:4 135:9 155:25  
187:25 211:3  
**trying** 155:2 164:5 178:6  
179:5 209:21  
**turn** 116:25 129:10 149:22  
151:20 211:1  
**turned** 137:8  
**twist** 139:25  
**two** 110:10 114:24 136:4  
157:8,22 159:12,17 160:4  
161:25 179:3,8,9 186:18  
192:4 198:10 202:2 204:9  
204:11 211:17 213:19  
**type** 140:19 145:9 161:3 171:1  
182:25 204:19  
**types** 118:17 123:23 137:14  
142:23  
**typical** 177:14

---

## U

---

**ultimate** 201:18  
**ultimately** 200:15  
**un** 111:7 112:11,20 113:23  
192:8 193:1 198:15  
**uncertainty** 200:6  
**unclear** 209:8  
**undeniable** 201:6  
**undergo** 192:17  
**undergone** 192:17  
**underlying** 151:13  
**undermining** 201:7  
**understand** 109:25 110:9  
120:15 129:16 130:22 146:8

146:24 156:1 179:1 182:18  
187:8 194:24 205:16 207:11  
208:9 210:1,10  
**understandable** 192:22  
196:10  
**understanding** 120:20 121:6  
173:8 206:6  
**understands** 174:12  
**understood** 163:2 198:6 208:8  
**undertake** 154:9  
**une** 112:14,23 113:24  
**unevenness** 149:5  
**unfortunately** 191:20  
**unhindered** 197:9  
**unique** 190:6  
**United** 146:13 148:1,12 149:3  
**universal** 198:7  
**University** 152:14  
**upholding** 190:5  
**urge** 166:12 183:5  
**urgent** 201:14  
**use** 115:5,12 116:13 118:2  
134:12 148:10 152:15 190:7  
199:19  
**useful** 109:17 130:18,20  
149:18 150:6 154:8 214:18  
215:3  
**usefully** 149:23  
**uses** 129:8  
**usually** 130:12 156:5  
**utilisés** 114:6  
**U.S** 200:9

---

## V

---

**valuable** 117:20  
**value** 123:3 200:18 207:6  
**variety** 136:15 197:23 209:24  
**various** 125:1 196:19 198:1  
**versus** 196:25  
**victim** 189:18  
**Victims** 198:19  
**vie** 113:12  
**view** 132:20 163:11 168:3  
171:19 182:11,12,21 183:1  
183:9 196:6,7,15 202:15  
203:2 206:12,22 210:4  
**views** 118:15,16 162:6 215:6  
**violations** 189:19 190:10  
200:3 201:4,25  
**virtually** 177:19  
**vision** 122:15  
**vital** 190:14  
**vitality** 117:1  
**Voilà** 114:8  
**volume** 122:18 142:8,11  
**voluntary** 127:21  
**vos** 111:10  
**votre** 111:9  
**voulons** 113:23

---

## W

---

**wait** 111:17 160:15  
**Waldman** 150:19,21,23 151:2  
151:6,11,21,23 152:19,23  
153:15 155:9,24 158:17  
159:19 164:9,13 165:11,17  
165:23 166:19 167:24 168:3  
170:14,23 171:19 172:11  
173:5 175:10,13 176:4,10  
176:16,23 177:6 178:13  
179:1 180:10,14,20 181:14  
182:1 183:20 184:13,16  
186:1,11,18,23 187:9,14,19  
187:24 188:4,5  
**walls** 168:1 195:6  
**want** 124:4 141:5 142:6,19,23  
143:16 151:25 152:1,12,20  
154:9,10 175:22 189:10  
204:22 206:20  
**wanted** 126:20  
**wasn't** 185:17 208:1  
**way** 109:6 120:8,12 122:6  
130:10 137:6 139:19 143:20  
153:21 160:16,24 164:4  
167:8,15 170:3 174:24  
175:1 178:20 188:15 210:10  
211:20  
**ways** 119:25 159:12 172:14  
179:5 186:7 191:5 196:20  
196:21 201:17 203:2  
**Wednesday** 109:2  
**welcome** 109:7 110:9,18  
119:8 150:14,22  
**well-founded** 114:25 115:3,5  
115:8  
**well-known** 132:5  
**went** 132:6 155:1,2 161:3  
189:8  
**weren't** 109:10 155:16 182:5  
**wide-ranging** 203:5  
**wife** 162:20  
**win** 132:25  
**wing** 173:17,18  
**winter** 146:20  
**wish** 109:14 148:21  
**witness** 143:12 182:17  
**witnesses** 143:5,10  
**wondering** 122:3 123:8  
145:19 146:8 189:11  
**word** 142:21  
**wording** 122:16  
**words** 184:22  
**work** 110:2 119:15 126:3  
133:5 136:5 139:20 146:22  
156:10,18 157:16 160:6  
161:18 181:22 184:7 189:15  
190:23 194:3 201:1 202:9  
208:18  
**worked** 186:1

**worker** 209:3  
**working** 149:16 154:16 157:6  
157:7,8 172:17 194:1 208:8  
**works** 128:13 159:11 209:4  
210:10  
**world** 122:17 182:14 184:3  
**worse** 156:22 174:6  
**wouldn't** 133:17 135:5 148:12  
162:2,14 183:2  
**writing** 149:20  
**written** 109:23 122:12 144:6  
151:7 180:24 188:24 194:5  
202:4 203:23 204:24,24  
**wrong** 153:19 154:12 155:2,2  
158:21

---

## Y

---

**year** 115:3,7 129:4 177:13  
207:24  
**years** 114:24 116:10,18 136:4  
147:23 173:16 178:22  
**year's** 116:4  
**yesterday** 109:11 164:22  
170:5 185:19  
**York** 160:22

---

## À

---

**à** 109:4 111:9,10 112:16 113:4  
113:11,12 114:4,6 188:13  
215:15,17

---

## É

---

**échelle** 113:11  
**également** 114:2  
**élargis** 113:17  
**États-Unis** 112:15,24  
**été** 113:16,20,22  
**évidemment** 111:10

---

## 0

---

**00** 215:17

---

## 1

---

**10** 178:22  
**11** 113:5  
**11th** 117:8  
**14** 109:4  
**15** 116:10  
**150** 114:15  
**16** 109:2,4 188:11,13 195:22  
208:22  
**17** 215:14,15,16

---

## 2

---

**2:57** 109:3  
**20** 116:18  
**2001** 112:9,18  
**2002** 115:25  
**2003** 115:25

**2003-2004** 115:1  
**2004-2005** 117:3  
**2005** 109:3,4 215:14,16  
**21** 115:19 215:15  
**21(1)(a)** 115:20  
**24** 120:11,18  
**25** 173:16

---

**3**

---

**32** 188:11  
**36** 116:5

---

**4**

---

**4** 118:4  
**4:32** 188:10  
**4:52** 188:12  
**45** 115:3

---

**5**

---

**5:21** 215:13  
**52** 188:13  
**56** 115:1  
**57** 109:4

---

**6**

---

**607** 115:3

---

**7**

---

**7** 115:8 133:1

---

**8**

---

**8** 118:4

---

**9**

---

**9** 215:11,17  
**9:00** 215:15