

**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

	Page
<u>Submissions on behalf of the Privacy Commissioner of Canada</u>	110
<u>Submissions by Mr. Waldman</u>	151
<u>Submissions on behalf of Amnesty international</u>	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
insofar 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
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
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