

Court File No. T-1492-17

FEDERAL COURT

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

CERTIFIED TRIBUNAL RECORD
Volume XI

PROTECTED B INFORMATION

In Camera Hearing

File No. 1500-481

THE SECURITY INTELLIGENCE REVIEW COMMITTEE
COMITÉ DE SURVEILLANCE DES ACTIVITÉS DE RENSEIGNEMENT
DE SÉCURITÉ

CASE NO. 146

IN THE MATTER of a Complaint filed by The British
Columbia Civil Liberties Association, pursuant to
Section 41 of the *Canadian Security Intelligence*
Service Act, R.S.C. 1985, c. C-23

BETWEEN:

British Columbia Civil Liberties Association

Complainant

- and -

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

Transcript of *In Camera* Hearing, held on Wednesday,
August 12, 2015, at Vancouver, British Columbia,
commencing at 2 p.m.

BEFORE: The Honourable L. Yves Fortier, P.C., C.C.,
O.Q., Q.C., Presiding Member

(Volume 1)

Official Court Reporters: Keeley Reporting Services
Inc.:
Per: N.C. Keeley, C.S.R.

APPEARANCES

P. Champ) for the BCCLA
B. Roy)

C. Bowers for SIRC

S. Dion for CSIS

Also in Attendance:

CSIS ER&L Staff (1)

S. Stawicki Hearings Registrar

Noel C. Keeley, C.S.R. Court Stenographer

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J. Paterson, for BCCLA

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1 Protected B:

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4 Volume 1:

5 --- The Hon. L. Yves Fortier, P.C., C.C., O.Q., Q.C.,

6 Presiding Member

7 --- Upon commencing at Vancouver, British Columbia, on
8 Wednesday, August 12, 2015, at 2 p.m.:

9 Preliminary/Procedural Matters:

10 THE PRESIDING MEMBER: Good afternoon
11 to you all. Please be seated.

12 I see some faces that I am familiar
13 with and I see some faces that I am less familiar with;
14 however, I trust that within the next few minutes,
15 everyone will be identified and introduced.

16 Let me commence by saying that it is
17 important for me to remind everyone of the provisions
18 of Section 48(1) of the *CSIS Act*.

19 As I am sure everyone in the room
20 knows, Subsection 48(1) of the *CSIS Act* provides ---

21 I will just take a moment to read it,
22 for the record.

23 Subsection 48(1) of the *CSIS Act*
24 provides as follows:

25 "Every investigation of a

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1 *complaint...by the Review Committee*
2 *shall be conducted in private..."*

3 For reasons of security and
4 confidentiality, I want to inform the Parties that no
5 electronic devices, including Cellular Phones, I-Pads,
6 Recorders, et cetera, are allowed in this Hearing Room.

7 At this point, I will ask the Parties
8 to confirm that they have left all electronic devices
9 outside the Hearing Room.

10 Madam Dion...?

11 **MADAM DION:** Yes, Mr. Fortier.

12 My cell phone and other devices, and
13 those of my Client have been left outside of the
14 Hearing Room.

15 **THE PRESIDING MEMBER:** Thank you,
16 Madam Dion.

17 Mr. Champ...?

18 **MR. CHAMP:** Yes, Mr. Fortier.

19 Paul Champ and Bijon Roy, appearing
20 as Counsel for BCCLA, along with the BCCLA's Executive
21 Director, Josh Paterson.

22 I can confirm for the record that we
23 have left all electronic devices outside the Hearing
24 Room.

25 **THE PRESIDING MEMBER:** And that

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1 includes you and your colleagues?

2 MR. CHAMP: Yes, It does.

3 THE PRESIDING MEMBER: Very well.

4 Thank you.

5 It is a pleasure meeting the two of
6 you, Mr. Roy and Mr. Paterson.

7 I welcome all of you to this Hearing
8 in Vancouver today. My name is Yves Fortier. I am a
9 Member of SIRC, the Security Intelligence Review
10 Committee, also known as "the Committee", and I am the
11 Presiding Member in the present Investigation of the
12 Complaint filed by the British Columbia Civil Liberties
13 Association (BCCLA), under SIRC File Number 1500-481
14 and Committee Case Number 146.

15 I am accompanied by Madam Chantal
16 Bowers, Counsel for the Committee; by Madam Shayna
17 Stawicki, the Registrar for the Committee; and by Mr.
18 Noel Keeley, the Court Reporter.

19 We never leave home without him!

20 I will again ask the Parties to
21 identify themselves for the record, starting with the
22 Complainant...

23 MR. CHAMP: Yes. Thank you, Mr.
24 Member.

25 Once again, Paul Champ, Counsel for

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1 the B.C. Civil Liberties Association. I am joined by
2 Mr. Bijan Roy, as Co-Counsel, a member of my Law Firm.
3 We also have with us Mr. Josh Paterson, who is the
4 Executive Director of the B.C. Civil Liberties
5 Association.

6 THE PRESIDING MEMBER: And I take it
7 that you would like Mr. Paterson -- whom I know to be a
8 witness in his capacity as the Secretary of the BCCLA
9 -- to be with you at your Table during the Hearing.

10 Is that correct?

11 MR. CHAMP: Yes, that's correct.

12 THE PRESIDING MEMBER: Do you have
13 anything to say about that, Madam Dion?

14 MADAM DION: No, Mr. Member. We have
15 no objection to the Client Representative being present
16 in the Hearing Room.

17 THE PRESIDING MEMBER: Very well.
18 Permission granted.

19 MR. CHAMP: Thank you.

20 THE PRESIDING MEMBER: And for the
21 Canadian Security Intelligence Service...?

22 MADAM DION: Yes, Mr. Fortier.
23 Stéphane Dion for the Service, and I am joined by a
24 representative of the Service, from the External Review
25 and Liaison Branch.

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1 THE PRESIDING MEMBER: Very well.

2 Welcome to you all.

3 Madam Dion, I have been informed that
4 you have representations to make to me today.

5 Have I been correctly informed in that
6 regard?

7 Section 48(1): Privacy of Proceedings:

8 Submissions by Ms. Dion, on behalf of CSIS:

9 MADAM DION: Mr. Fortier, we do have a
10 concern, yes.

11 It has come to our attention that the
12 Complainant has made available on its Website a Pledge
13 Form for individuals to obtain recaps of the
14 Proceedings of today, tomorrow and Friday.

15 As you mentioned in your Opening
16 Remarks, these Hearings are to be conducted in private.
17 As such, it seems to us that offering such recaps to
18 people outside the Hearing Room would not be in
19 conformity with the *CSIS Act*, which states that these
20 Investigations are to be "conducted in private".

21 THE PRESIDING MEMBER: Mr. Champ, do
22 you have anything to say about this on behalf of your
23 Client?

24 What I hear from Madam Dion is that
25 she has information that the BCCLA intends on providing

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1 recaps of the testimony of the witnesses in this
2 Hearing.

3 First of all, is that true, or not?

4 MR. CHAMP: If I may have a moment...

5 THE PRESIDING MEMBER: Yes, certainly.

6 (Off-Record Discussion among the BCCLA Representatives)

7 MR. CHAMP: Thank you, Mr. Chair.

8 Submissions by Mr. Champ, on behalf of BCCLA:

9 The B.C. Civil Liberties Association's
10 intention is to broadcast details about the Hearing
11 that are permissible.

12 So that is an issue that we can canvas
13 with the Member.

14 At this point, what the Client intends
15 to do is to just advise the public about who will be
16 testifying on particular days, and so forth, along with
17 the anticipated testimony of those witnesses.

18 So it would be prior to their
19 appearing as a witness.

20 I recognize that under Section 48, the
21 Act refers to this Proceeding as a "private" Hearing.

22 It is my understanding that that is
23 generally referring to an *In Camera* Hearing at which
24 others can't be present in the room as the evidence is
25 being called.

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1 At this point, I am open to hearing
2 further instructions or guidance from you, as the
3 Presiding Member, on what you feel that entails.

4 I am aware of previous cases where
5 Complainants have spoken regularly about what has
6 occurred in a given Hearing, or at least in the
7 portions of the Hearing for which they were present.

8 At this point, that had not been our
9 plan. But I can tell you that I know some of the
10 witnesses have been asking us what they can speak about
11 concerning their testimony after they have testified.

12 I am thankful to Ms. Dion for raising
13 this issue, and we are happy to discuss the matter with
14 you and get further guidance from the Committee in that
15 regard.

16 THE PRESIDING MEMBER: Madam Dion,
17 having heard the explanations of Mr. Champ, do you have
18 anything to add?

19 Reply Submissions by Ms. Dion, on behalf of CSIS:

20 MADAM DION: Simply to say that the
21 concern for us is to avoid this turning into a media
22 circus or something of that sort.

23 These Proceedings are meant to be held
24 in private.

25 In the French-language version of the

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1 Act, it reads "sont tenues en secret".

2 To us, this entails that what occurs
3 during these Hearings remains "secret": secret or
4 private.

5 Again, I am not sure what the
6 intentions of the Complainant are. But just
7 speculating, would what is suggested go as far as
8 providing the transcripts of the Hearings to members of
9 the public?

10 There is some concern because, again,
11 there is a fine line, for the Service, as to
12 classified/unclassified information.

13 I understand these are *In Camera*
14 Proceedings and generally there is no classified
15 information that gets divulged. However, sometimes the
16 line between classified and unclassified is a difficult
17 one, requiring us to thread lightly.

18 Those are my remarks, Mr. Member.

19 THE PRESIDING MEMBER: Thank you,
20 Madam Dion.

21 Madam Bowers, do you have any
22 representations to make to me on this point?

23 Submissions by Ms. Bowers, on behalf of SIRC:

24 MS. BOWERS: I would simply encourage
25 you to consider the actual Subsections of Section 48,

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1 Subsection 48(1) and Subsection 48(2).

2 I don't know whether everyone has a
3 copy of the Act before them. If so, perhaps we could
4 take a moment to read Section 48 of the Act.

5 MR. CHAMP: I am familiar with Section
6 48 of the Act.

7 THE PRESIDING MEMBER: I have it
8 before me.

9 --- (A Short Pause)

10 MS. BOWERS: And specifically, I draw
11 the attention of the Parties to the last portion of
12 Subsection 48(2), which reads:

13 "...no one is entitled as of right
14 to be present during, to have
15 access to or to comment on
16 representations made to the Review
17 Committee by any other person."

18 THE PRESIDING MEMBER: Yes.

19 Ruling:

20 I am mindful of Subsection 48(1),
21 which is the guiding principle that "every
22 *Investigation is to be conducted in private*" and, as
23 Madam Dion has pointed out, in the French-language
24 version, the scope of the privacy is extended somewhat:
25 "*sont tenues en secret*".

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1 And, yes, I do note, in Subsection
2 48(2), that no one is entitled as of right to be
3 present at the Hearing.

4 I have given Mr. Paterson permission
5 to stay with BCCLA Counsel during the Hearing.

6 But I continue:

7 *"...no one is entitled as of right*
8 *to be present during, to have*
9 *access to or to comment on*
10 *representations made to the Review*
11 *Committee by any other person."*

12 As far as I am concerned, the
13 disclosure by the Complainant of who are the witnesses
14 who appear before me this week does not breach the
15 provisions of the Act, at all. But I would not be
16 comfortable, to say the least, if there were a Summary
17 of the Evidence of the Witnesses that are heard over
18 the course of the next three days put out at-large to
19 the Media, and I would be grateful if you would so
20 instruct your Client, Mr. Champ.

21 MR. CHAMP: Yes, Mr. Fortier.

22 THE PRESIDING MEMBER: If necessary, I
23 am prepared to issue an Order. But if you give me your
24 commitment, Mr. Champ, that you will so instruct your
25 Client and your Client accepts my Directions, then that

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1 will be the end of it.

2 --- (A Short Pause: Off-Record Discussion among the
3 BCCLA Representatives)

4 Further Submissions by Mr. Champ, on behalf of BCCLA
5 (Clarifications):

6 MR. CHAMP: Yes, Mr. Member.

7 I can advise the Committee that Mr.
8 Paterson is also a lawyer of long-standing -- I think
9 he is over a 10-year Call now -- and, as such, he fully
10 understands the commitments and undertakings that we
11 will be providing. He can also personally provide an
12 Undertaking in that regard. But before we go further,
13 just a matter of clarification, if we may.

14 In terms of the "testimony that is
15 provided", does that also include people speaking about
16 testimony that they may provide?

17 I believe some of the witnesses, prior
18 to their Appearance, may be speaking to the Media about
19 the testimony that they anticipate providing.

20 We can certainly provide an
21 Undertaking right now that no details of any kind about
22 what is said in the Hearing will be provided to the
23 Media. But I am wondering whether the Member's Order
24 or indeed the Section expands to include people
25 speaking about the anticipated testimony.

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1 And I will just add this, Mr. Member:
2 It is my understanding that the intention or purpose
3 behind Section 48 Sub (1) is to avoid information
4 getting out inadvertently that may compromise national
5 security.

6 I have been involved in SIRC Hearings,
7 in portions of SIRC Hearings in which I and my Client
8 were present, where some information has come out
9 inadvertently, where witnesses, including, sometimes,
10 the Service's own witnesses, inadvertently disclose
11 confidential information, or "national security", or
12 "Special Operational" information, and how that is
13 dealt with is that we stop at that point and advise
14 everyone that the information disclosed is "Special
15 Operational" information and should not be divulged
16 under any circumstances, and then the Transcripts that
17 we subsequently get of those Hearings where we are
18 present, not *Ex Parte*, just have those portions
19 extracted out.

20 It has always been my understanding
21 that Subsection 48(1) is directed at providing the
22 highest confidence and protection insofar as
23 information being inadvertently disclosed from these
24 Hearings is concerned.

25 I just wanted to add that caveat.

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1 THE PRESIDING MEMBER: Yes.

2 Madam Dion...

3 Further Submissions by Ms. Dion, on behalf of CSIS

4 (Clarifications):

5 MADAM DION: I don't really have any
6 further comment to make.

7 I agree as to the purpose. The
8 concern of the Service is, for the most part, in
9 respect of Service information, as you can appreciate.

10 THE PRESIDING MEMBER: Yes.

11 As I said earlier, the overriding
12 principle here is the "private" nature of the Hearings.

13 That is what the Legislature has said:
14 *that the investigation of any Complaint by SIRC should*
15 *be held in private, "en secret".*

16 This goes to the integrity of the
17 Proceedings.

18 But I take Madam Dion's comment: it
19 is mainly in respect of what could be the evidence of
20 witnesses called on behalf of the Service.

21 Mr. Champ, to answer your precise
22 question, I have no trouble, no difficulty, with any of
23 your witnesses in effect saying: *"What I intend to*
24 *tell the representative of SIRC who is hearing this*
25 *Complaint is such-and-such."*

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1 My Order goes to the actual evidence,
2 the actual testimony of the witnesses, which should
3 not, in any form, either by way of a Summary or by way
4 of "*This is what I have said*" kind of a statement be
5 divulged.

6 That is what is encompassed by my
7 Order.

8 Okay?

9 MR. CHAMP: And just to be clear, that
10 would include the witnesses themselves after they have
11 testified?

12 You are suggesting that they should
13 not speak about their testimony?

14 THE PRESIDING MEMBER: That is
15 correct.

16 MR. CHAMP: Thank you.

17 THE PRESIDING MEMBER: Thank you.

18 ---

19 To go back to the "script": Mr.
20 Champ, I have been informed by yourself that you will
21 be calling seven witnesses to testify.

22 There has been no change in the number
23 of witnesses?

24 MR. CHAMP: Not *per se*, Mr. Member. I
25 have some comments to make about preserving our rights

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1 and canvassing that with the Committee and my friend,
2 in the light of some of the concerns that I expressed
3 in the Case Conference that took place a couple of
4 weeks ago.

5 THE PRESIDING MEMBER: Yes.

6 MR. CHAMP: I have some comments about
7 that, as follows: Provided the Complainant has the
8 right to not only recall witnesses or to make a request
9 to examine witnesses or to call new witnesses once we
10 receive Summaries of the Evidence called in the *Ex*
11 *Parte* Proceedings, and it is understood that we have
12 that right, then we would, for now, be limited to the
13 seven witnesses ---

14 THE PRESIDING MEMBER: Yes. You have
15 that right, subject to your making an Application in
16 that regard to me and my ruling on that Application.
17 But it is provided for in the *Rules of Procedure* of the
18 Committee, as you know.

19 MR. CHAMP: Right.

20 THE PRESIDING MEMBER: So that's fine.

21 MR. CHAMP: I am not sure how we plan
22 to proceed beyond this point, Mr. Chair, but I was
23 hoping I could provide a short Opening Statement, just
24 to kind of connect some of the dots of the evidence
25 that you will hear in respect of this Complaint and

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1 also to speak to the specific concern of BCCLA, the
2 legal framework, and how we see the evidence in respect
3 of the Complaint fitting the unlawful nature of the
4 actions, as we see it; and to that extent, I was going
5 to talk about some of the evidence that you may hear
6 and where we might want to call other evidence,
7 depending upon the information that comes out of the *Ex*
8 *Parte* Hearing.

9 THE PRESIDING MEMBER: I think I would
10 be helped by what in other jurisdictions might be
11 called an "Opening Statement".

12 And obviously should Madam Dion wish
13 to make an Opening Statement, she would be at liberty
14 to do so.

15 But let me just clear up one other
16 matter, before we get to Opening Statements.

17 Madam Dion, you had informed me that
18 you were going to bring one witness forward ---

19 MADAM DION: Yes, Member Fortier.

20 THE PRESIDING MEMBER: And you still
21 intend to bring one witness forward in this portion of
22 the Hearing?

23 MADAM DION: That's correct, Mr.
24 Member.

25 THE PRESIDING MEMBER: Very well.

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1 Thank you.

2 Mr. Champ, if you would like to
3 proceed with an Opening Statement, I am listening...

4 MR. CHAMP: Thank you very much, Mr.
5 Member ---

6 THE PRESIDING MEMBER: By the way, I
7 have been told that we have to vacate this room,
8 unfortunately, shortly before 4:30 today.

9 MR. CHAMP: That's fine.

10 THE PRESIDING MEMBER: Tomorrow, there
11 is no pre-set Closing Hour. The "Happy Hour" will last
12 until late into the evening, if necessary.

13 --- (Laughter)

14 MR. CHAMP: Yes. That is our
15 understanding as well, and we have framed our timing,
16 both in terms of the witnesses and the evidence we will
17 provide, to cover that.

18 We anticipate today, just for the
19 assistance of CSIS and SIRC Counsel, calling only Mr.
20 Paterson.

21 We think our Opening Statement and Mr.
22 Paterson's evidence is all that we could reasonably
23 achieve today.

24 Then tomorrow, we are going to try to
25 get in the bulk of our witnesses.

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1 We have them kind of set up through
2 parts of the day tomorrow. But we shouldn't have any
3 difficulty in achieving that.

4 **THE PRESIDING MEMBER:** Very well.

5 And on Friday, I indicated we might
6 finish by 12 o'clock; however, I am now told that we
7 in fact have the room until 2 o'clock on Friday.

8 **MR. CHAMP:** Okay. That is helpful.
9 Thank you.

10 Mr. Member, Mr. Chair...

11 Mr. Fortier, how would you prefer that
12 I address you?

13 Sometimes I address you as "Mr. Chair"
14 and sometimes ---

15 You are the Chair of this Proceeding.

16 **THE PRESIDING MEMBER:** As long as you
17 don't call me ---

18 **MR. CHAMP:** Would you prefer that I
19 call you "Mr. Chair", or ---

20 **THE PRESIDING MEMBER:** So long as you
21 don't call me late for dinner!

22 --- (Laughter)

23 **MR. CHAMP:** Is "Mr. Chair" acceptable?

24 **THE PRESIDING MEMBER:** Yes, certainly.
25 That's fine.

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1 MR. CHAMP: Thank you.

2 Opening Statement by Mr. Champ, on behalf of the BCCLA:

3 Mr. Chair, this is a Complaint filed
4 by the B.C. Civil Liberties Association, pursuant to
5 Section 41 of the CSIS Act, concerning any type of
6 conduct by the Service.

7 The allegation of the BCCLA, as set
8 out in their Complaint, dated February 6th, 2014, has
9 two components: first, that the BCCLA believes that
10 the Service was gathering information -- or, in
11 accordance with the language of Section 12 of the
12 Statute, "collecting" information -- about Canadian
13 citizens and groups engaging in peaceful and lawful
14 expressive activities"; and then the second part of
15 the Complaint is that they were then sharing this
16 information with Government Bodies and Private Sector
17 actors.

18 So those are the two components of the
19 Complaint.

20 As you are aware, Mr. Chair, in our
21 correspondence and communications with the Service and
22 with the Committee beforehand, Ms. Dion and I were able
23 to work out some Questions that framed the issues that
24 we believe this Committee will be called upon to
25 decide, those four Questions being as follows:

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1 First: *Did the Service collect*
2 *information about groups or individuals for their*
3 *activities in relation to the Northern Gateway Pipeline*
4 *Project?*

5 That is the first Question, and it is
6 a factual one, in a sense, I would say.

7 And then secondly: *If so, was that*
8 *collection lawful?*

9 The Third Question is: *Did the*
10 *Service provide information relating to individuals or*
11 *groups opposed to the Northern Gateway Pipeline Project*
12 *to the National Energy Board or non-governmental*
13 *members of the Petroleum Industry?*

14 Again, Mr. Chair, that is a factual
15 question, I would suggest.

16 And then the fourth and final Question
17 is: *If so, was it lawful to provide this information?*

18 I thank my friend Ms. Dion for working
19 with us to frame those Questions in that way. I think
20 they do capture quite well the nature of the Complaint.

21 As set out in the Complaint Letter,
22 the BCCLA is relying, first, upon information that
23 initially came out in the Press in November of 2013
24 that suggested that the RCMP and CSIS were collecting
25 intelligence or information on groups and individuals

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1 opposed to the Northern Gateway Pipeline and then,
2 secondly, that they were sharing that information with
3 the National Energy Board and members of the Petroleum
4 Industry.

5 This information was quite alarming to
6 both the BCCLA and, naturally, to some of the Groups
7 named in those documents.

8 Some of the Groups named in those
9 documents include LeadNow, ForestEthics, the Council of
10 Canadians, the Dogwood Initiative, EcoSociety, and the
11 Sierra Club of British Columbia.

12 You will be hearing evidence from most
13 of those Groups. We have representatives from most of
14 those Groups who will be testifying before you, to
15 provide a bit of background about their respective
16 Groups and Organizations, and, in particular, about
17 their activities in relation to the Northern Gateway
18 Pipeline Project. But just for our purposes now, I
19 would just like to highlight that none of these Groups
20 are criminal organizations, nor do they have any
21 history whatsoever of advocating, encouraging or
22 participating in violent or other criminal activity.

23 And by way of further background to
24 this matter, Mr. Chair, we have some of the comments
25 that have emanated from the Federal Government about

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1 "radical environmentalists" and "extremist
2 environmentalists", which comments have, sort of,
3 heightened the concerns of some of these Environmental
4 Groups that they are in some way viewed as "enemies of
5 the State".

6 The documents that have been obtained
7 from some of the Journalists came through Access to
8 Information. Some documents were obtained from the
9 National Energy Board, and there is a smaller number of
10 documents obtained from CSIS itself.

11 A summary of some of those key
12 documents is set out at Pages 2 and 3 of our Complaint.

13 These documents are not only e-mails
14 -- there is a large volume of e-mails between the
15 National Energy Board and the RCMP and CSIS, as well as
16 internal National Energy Board e-mails -- but also
17 Security Assessment Reports by the NEB itself wherein
18 there is reference to CSIS and obtaining intelligence
19 from CSIS at the national level and at the Regional
20 Headquarters level.

21 The information also indicates that
22 these Groups "will continue to be monitored".

23 One e-mail, for example, comes from
24 the RCMP wherein the RCMP Members says that they will
25 "continue to monitor all aspects of the anti-Petroleum

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1 *Industry Movement*" and confirmed that this information
2 *"will be shared with their Intelligence Partners"*, who
3 we believe would be CSIS.

4 So even in that context, if the RCMP
5 is sharing information with CSIS, in that context, that
6 would, in our view, fall under Section 12 of the *CSIS*
7 Act, "collecting information".

8 But, in any event, in terms of the
9 first Question that was set out -- *Did the Service*
10 *collect information on these Groups or individuals?* --
11 we believe that it seems quite clear from these
12 Government documents, these NEB documents, that they
13 were indeed sharing information and collecting
14 information.

15 There are clear statements from the
16 NEB Head of Security that they are getting information
17 at the National and the Regional Levels from CSIS.

18 Another portion of these documents
19 that is disconcerting and is a part of our Complaint
20 concerns sharing information with the anti-Petroleum
21 Industry.

22 Some of the documents indicate that
23 Natural Resources Canada holds Briefings, Security
24 Briefings, with not only the RCMP and CSIS but also
25 with members of the Petroleum Industry.

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1 Some of the documentation that we have
2 indicates that these Meetings are held at CSIS
3 Headquarters in Ottawa and, further, that some of these
4 Petroleum Industry actors, including, in particular,
5 Enbridge, which is the Proponent of the Northern
6 Gateway Pipeline, were not only participating but in
7 fact were sponsoring certain aspects of the events.

8 They were paying for meals and
9 hospitality opportunities for both CSIS and the RCMP
10 and these Petroleum Industry actors.

11 We don't have direct information, in
12 that context, of what information CSIS was sharing with
13 Enbridge and these other oil companies; but we do see,
14 from the Agenda, that there was going to be discussion
15 about Environmental Groups.

16 Given the timing of these Briefings
17 and the reference to "sharing information about
18 Environmental Groups", and given the participation of
19 these various actors, it is our view that a reasonable
20 inference to draw, and the inference that was drawn by
21 the B.C. Civil Liberties Association and the targeted
22 Groups mentioned, is that information about them had
23 been shared.

24 Our concern in terms of the legal
25 framework, why the BCCLA is saying that this

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1 information is unlawful, is, first of all, right within
2 the confines of the Act.

3 Section 12 of the CSIS Act speaks to
4 collecting information "by investigation or otherwise"
5 relating to "activities that may on reasonable grounds
6 be suspected of constituting threats to the security of
7 Canada".

8 In our view, there is no way that the
9 involvement -- or, should I say, the activities -- of
10 these Environmental Groups opposed to the Northern
11 Gateway Pipeline Project could fall under the
12 definition of "threats to the security of Canada", as
13 set out in Section 2 of the Act.

14 We have reviewed Section 2 and
15 "threats to the security of Canada" and the only thing
16 we could imagine as falling under it, as set out in
17 Paragraph (c) of Section 2, is:

18 (c) activities within or relating
19 to Canada directed toward or in
20 support of the threat or use of
21 acts of serious violence against
22 persons or property for the purpose
23 of achieving a political, religious
24 or ideological objective within
25 Canada or a foreign state..."

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1 From the documents that we have seen,
2 it would appear that that is the perceived threat to
3 the security of Canada posed by these, so-called,
4 "extreme" or "radical" Environmental Groups, and we
5 submit that the "reasonable grounds" required under
6 Section 12 of the Act cannot possibly be met.

7 Again, obviously, we don't know what
8 other confidential information the Chair may hear from
9 CSIS in the *Ex Parte* Hearings; however, the
10 reputations of these Organizations are very well known,
11 and the history of their activities, at least what is
12 known publicly, is very well known.

13 Turning to the evidence, you will hear
14 testimony from some of these Organizations' witnesses,
15 individuals who were directly involved in their
16 activities and their Campaigns around this Pipeline
17 Project, that will make it crystal clear that these
18 were completely peaceful, democratic, grassroots,
19 organizing and expression activities around the
20 Northern Gateway Pipeline Project.

21 These Groups are not only strongly
22 opposed to any form of violence but these particular
23 Groups are even opposed to civil disobedience; that
24 is, stuff like blocking roads or chaining oneself to a
25 door, or what-have-you, these kinds of activities --

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1 which, incidentally, from our perspective, would not
2 fall, in any way, under "*threats to the security of*
3 *Canada*".

4 That is not violence. Civil
5 disobedience may be unlawful, but it is not "violent"
6 activity and would not constitute a threat to the
7 security of Canada.

8 But in any event, the evidence that
9 you will hear, Mr. Chair, is that these Groups are all
10 at the "very professional" end of that spectrum and
11 that they do not engage even in those types of
12 activities.

13 Some of them have formal Policies and
14 Statements around those issues, which we have
15 introduced to you, and will introduce to you during the
16 course of our evidence.

17 They are in our Books of Documents.

18 From our perspective, it is
19 unfathomable that these Groups' activities could fall
20 under the definition of "*threats to the security of*
21 *Canada*".

22 Thus, activities by CSIS in collecting
23 information about these Groups would be unlawful and
24 contrary to Section 12.

25 We don't know whether there are other

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1 objectives of CSIS or other issues of concern with
2 these Groups. We do know, Mr. Chair, that there have
3 been statements by Federal Cabinet Ministers concerning
4 some of these Groups, saying that they are in some way
5 "illegitimate" or "sinister" Groups because they
6 receive, quote/unquote, "foreign funding".

7 We don't know whether that is a factor
8 or an issue for CSIS as well.

9 These Groups will be testifying about
10 the extent to which they do receive donations from
11 Foundations in the United States. But in our view,
12 again, that does not fall under the definition of
13 "threats to the security of Canada".

14 The definition is this:

15 "...foreign influenced activities
16 within or relating to Canada that
17 are detrimental to the interests of
18 Canada and are clandestine or
19 deceptive or involve a threat to
20 any person..."

21 THE PRESIDING MEMBER: You are reading
22 from...?

23 MR. CHAMP: That is in the definition
24 of "threats to the security of Canada", Paragraph (b).

25 THE PRESIDING MEMBER: Yes. Thank

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1 you.

2 MR. CHAMP: We don't know whether that
3 is what has piqued the interest or whether that would
4 be a justification that the Service may present to you
5 in the *Ex Parte* portion of the Hearings. But given the
6 statements from Federal Cabinet Ministers, that does
7 seem to be a potential concern and, as such, we will be
8 addressing that in our evidence.

9 I will say, now, that Sub (b), under
10 "*threats to the security of Canada*" in the Act, has
11 been one of serious concern to many for a very long
12 time.

13 In fact, this Committee itself, in
14 1989, did a Report, when Mr. Atkey was Chair of the
15 Security Intelligence Review Committee, wherein the
16 Committee recommended that that provision be amended or
17 removed from the Act; that it was too broad and
18 generalized and, in particular, the language "*to the*
19 *interests of Canada*".

20 What does "*detrimental to the*
21 *interests of Canada*" mean?

22 No doubt that phrase means different
23 things for different people. Some people might find
24 that having oil companies, which, incidentally, are
25 partially owned by foreign countries, in joint ventures

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1 ---

2 Enbridge is in joint ventures with
3 Chinese oil companies exploiting the Tar Sands to the
4 greatest extent possible, notwithstanding the
5 environmental damage that might be caused.

6 -- could be defined as "*detrimental to*
7 *the interests of Canada*".

8 It would appear that for others,
9 however, that Groups that oppose the development of the
10 Tar Sands and the building of pipelines to generate
11 economic activity related to the Tar Sands could be
12 viewed as detrimental to the interests of Canada.

13 Again, Mr. Chair, I don't know what
14 evidence you will hear in the *Ex Parte* Hearings; but I
15 will flag right now that if it is under this, we have
16 serious concerns.

17 We don't think, even on its face, that
18 receiving foreign donations that are publicly disclosed
19 and are known could fall within that. But if it does,
20 we believe that it's an issue that could constitute a
21 *Charter* issue.

22 This definition is sufficiently vague
23 and ambiguous that it could well, in our opinion,
24 engage *Charter* issues.

25 Turning to the *Charter*, more broadly,

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1 that we have framed these issues around, it is our view
2 that these activities of CSIS that we allege appear to
3 have been taking place not only violate Section 12 of
4 the Act but also violate certain *Charter* rights and
5 freedoms, in particular Sections 2(b), 2(c), and 2(d)
6 of the *Charter*; that is, freedom of expression,
7 freedom of peaceful assembly, and freedom of
8 association. And also Section 8 of the *Charter*; that
9 is, unreasonable search and seizure.

10 The extent to which groups or
11 individuals may be subject to investigation or having
12 their personal information collected by CSIS would be a
13 violation of Section 8.

14 It would not be reasonable if these
15 Groups are involved in activities that cannot fall or
16 would not fall under Section 12.

17 It is the fundamental right to
18 privacy.

19 When an Intelligence Agency is
20 following you and you are not doing anything wrong,
21 where you are just engaging in democratic and peaceful
22 activities, that is, in our view, *prima facie*, a
23 violation of Section 8 of the *Charter*.

24 In terms of 2(d) ---

25 THE PRESIDING MEMBER: That is an

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1 interesting argument.

2 MR. CHAMP: I don't think it's ---

3 Mr. Chair, collecting information ---

4 There is *R. v Wakefield*, by the
5 Supreme Court of Canada; *R. v Diamond*, from the early
6 1980s; *R. v Wong*, from the early 1980s, all Decisions
7 of the Supreme Court of Canada speaking to the right of
8 privacy and the extent to which it is protected by
9 Section 8 of the *Charter*.

10 In our view, covertly collecting
11 information about individuals, personal information
12 about individuals, would constitute a violation of
13 Section 8.

14 We think that is established, and we
15 will make those submissions to you in more detail in
16 Final Submissions.

17 We will provide you with a Written
18 Brief setting out how, in our view, those kinds of
19 activities would constitute a violation of Section 8
20 with reference to that Jurisprudence.

21 With respect to Subsections 2(b), 2(c)
22 and 2(d), as set out in the Complaint, and what you
23 will hear in the Evidence, when there is a perception
24 or a fear among Canadians that their activities, their
25 expressive activities, their Associational activities,

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1 or when they attend Rallies or Demonstrations, or
2 Protests, might cause them to be monitored or
3 surveilled, or investigated by the Canadian Security
4 Intelligence Service, that causes a serious chilling
5 effect on those activities. It not only causes some
6 Canadians to be more reluctant to engage in those
7 activities but it also shapes or suppresses what they
8 might be willing to say in different contexts.

9 You will hear direct evidence about
10 that, Mr. Chair: about the impact that these
11 revelations have had on these Groups, both in terms of
12 their Staffs, in terms of their Volunteers, and in
13 terms of their Members: the different ways that this
14 information, that was initially reported in the Press
15 in November of 2013, has had an impact on their
16 activities and the nature of the chilling effect that
17 that can have.

18 It's deeply corrosive, in our view,
19 Mr. Chair, and I think that when you hear the
20 qualitative evidence from people like Ms. Terry Dance-
21 Bennink ---

22 She is a retired College Administrator
23 who is involved as an Organizer, for example, with
24 Dogwood, and she will speak to you about the different
25 people who were previously Volunteers with the

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1 Organization but who no longer would wish to be
2 publicly associated with the Organization at all once
3 it came out that it appeared that CSIS may have been
4 surveilling or monitoring the Organization. She will
5 tell you that people are concerned in direct ways;
6 that young people that she was dealing with, or working
7 with, are concerned about whether it will affect or
8 impact their ability to find a job later in life: *If*
9 *they ended up on some kind of List or in some kind of*
10 *File, would that infringe on, or affect, their ability*
11 *to find employment in the Federal Government or*
12 *elsewhere?*

13 Some people who are dual citizens are
14 concerned, or people who are married to non-citizens.

15 These aren't hypotheticals; these are
16 real stories that you will hear.

17 People are concerned that perhaps if
18 they are involved in the activities of Dogwood
19 Initiative, it could lead to CSIS surveilling them and
20 that that might in some way affect their rights or
21 interests.

22 She will even speak about older
23 people, people who are retired, that fear that perhaps
24 their pensions could be affected.

25 Mr. Chair, your average Canadian

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1 doesn't always know, understandably, about the extent
2 or scope of Government powers and what can and can't be
3 done, and when they learn that their activities may be
4 secretly monitored by the Canadian Security
5 Intelligence Service because they are speaking out on a
6 Project that is strongly supported by the Prime
7 Minister and the Federal Government, that causes them
8 fear. That causes them fear in many ways and in many
9 dimensions.

10 I will just say again that I, and my
11 Client in particular, we have been concerned that the
12 Service's position throughout this Proceeding is going
13 to be, apparently, that they will neither confirm nor
14 deny that they have been collecting information or
15 investigating these Groups or individuals.

16 Frankly, that is just going to
17 perpetuate that fear and the kinds of impacts it is
18 having on these Organizations and these individuals
19 involved in these peaceful, democratic activities,
20 activities in which every Canadian has a right to
21 engage.

22 You will hear about that, and I hope
23 that the Service learns a bit from this Hearing in that
24 respect, in that context: *the impact that it does have*
25 *on these Organizations and individuals.*

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1 Whether or not you hear that in the *Ex*
2 *Parte* Evidence, again we still believe that you can
3 draw those conclusions clearly from the *Access to*
4 *Information* documents.

5 I would hope that the Service and the
6 Chair will think about the evidence that you are going
7 to hear over the next couple of days and the impact
8 that it has on these Groups and individuals.

9 Even if Groups are being, as one might
10 call it, passively monitored or investigated, it does
11 have an impact.

12 When your Facebook ---

13 Even at that level. If they know that
14 their Facebook Accounts or their Tweets are being
15 monitored by CSIS, that can be concerning. Or if they
16 are holding Webinars or holding Public Education or
17 Awareness Workshops and they feel that there might be
18 either a CSIS Agent there or perhaps a confidential
19 human informant there, that causes them serious concern
20 and fear and impacts on how they organize their
21 activities.

22 And it has had an impact.

23 So that is the evidence you are going
24 to hear over the next few days, Mr. Chair.

25 The seven witnesses you are going to

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1 hear from ---

2 Mr. Paterson is going to be testifying
3 first on behalf of the B.C. Civil Liberties Association
4 -- and, to be clear, the B.C. Civil Liberties
5 Association has no position one way or the other on the
6 Northern Gateway Pipeline Project.

7 That is not their concern.

8 What is the concern of the B.C. Civil
9 Liberties Association is that Canadians should all have
10 the right, if they wish, to express their opinions, to
11 organize and assemble around those issues if they so
12 choose, free from surveillance or monitoring by State
13 Agencies like CSIS.

14 So that is the interest of the BCCLA
15 in bringing forward this Complaint.

16 Mr. Paterson will speak about that,
17 and he will speak about how we obtained the *Access to*
18 *Information* documents. He will testify about speaking
19 to some of these Groups to hear some of their concerns
20 that form the basis of the Complaint, and he will speak
21 about a couple of the Groups that we haven't included
22 in our Witness List.

23 We want to give you a slice, if you
24 will, of the kinds of activities that these Groups and
25 individuals were engaged in, as well as the

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1 demographics of some of these Groups and the impacts
2 that these revelations have had on them.

3 Mr. Paterson will just touch on a
4 couple of the other Groups that aren't necessarily
5 appearing before you, just to sort of explain that
6 aspect.

7 So that will be the nature of his
8 evidence.

9 The other witnesses that you will be
10 hearing from over the next couple of days will include
11 two witnesses from the Dogwood Initiative, which is a
12 non-profit Society in British Columbia, Celine Trojand,
13 who is a Staff Member of Dogwood Initiative, and then a
14 Ms. Terry Dance-Bennink, who is a Volunteer Organizer
15 for the Organization.

16 You will also hear from Caitlyn
17 Vernon. She is a Staff Member of Sierra Club of
18 British Columbia, another non-profit Society and a
19 registered Charity: Sierra Club BC.

20 Nikki Skuce will also be testifying.

21 Ms. Skuce is with ForestEthics
22 Advocacy.

23 That Group is a relatively new Group
24 in Canada. As such, she will testify about the
25 background of that Group, about its structure and its

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1 Objects and Goals, as well as her role in the
2 organizing around the NEB Proceedings.

3 ForestEthics is the one Group that was
4 actually a formal Intervener or Party in the NEB
5 Proceedings. The other Groups that you will be hearing
6 from weren't formal Parties or Interveners before the
7 NEB; however, they were very, very active in assisting
8 individuals to participate in those Hearings.

9 Then you will hear from Jamie Biggar,
10 who is a Volunteer with LeadNow, which is a social-
11 justice environmental organization that gets involved
12 in these issues.

13 The final witness that we have, Mr.
14 Chair, is Professor Reg Whitaker. He is a Professor of
15 History and Political Science and is quite well known.

16 He is, I would say, probably the most
17 well-known Historian on security intelligence
18 activities in Canada.

19 He has studied the RCMP Security
20 Intelligence activities from the late 1800s up to the
21 current day, with the Canadian Security Intelligence
22 Service.

23 He will not be speaking about the
24 activities involved in this Complaint *per se*. Rather,
25 he will simply be providing a bit of context, Mr.

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1 Chair.

2 Of course, we know that CSIS was
3 formed in 1984 for a particular purpose, and that was
4 because there were concerns around the activities of
5 the RCMP Security Intelligence Branch and the Targets
6 that they were choosing.

7 Make no mistake, there is a bit of a
8 continuum here. The concerns being raised by the B.C.
9 Civil Liberties Association are the same kinds of
10 concerns that were raised by Groups and individuals in
11 the 1970s about *"Who are legitimate Targets of Security*
12 *Intelligence Investigations?*

13 THE PRESIDING MEMBER: Which gave rise
14 to the McDonald Commission.

15 MR. CHAMP: Precisely. There was the
16 McDonald Commission and the Krever Inquiry, and that
17 led to the formation of the *CSIS Act* in 1984.

18 We plan, in our Final Submissions, Mr.
19 Chair, to provide you with a bit of a historical
20 context, because we think that the concerns that are
21 raised here by the BCCLA today have deep historical
22 roots. They are the same concerns or problems that we
23 have seen again and again in Canada with the activities
24 of Canada's Security Intelligence Agency, if you want
25 to call it that, when it was the Security Intelligence

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1 Branch of the RCMP to, later, CSIS.

2 *What does "subversion" mean, for*
3 *example?*

4 One Report we will be putting to you
5 in Final Submissions, and a Report that Professor
6 Whitaker will speak to, in part, is one that will speak
7 to the Counter-Subversion Branch within CSIS that was
8 disbanded in 1989.

9 There is a Report by Senior Public
10 Servant Gordon Osbaldeston ---

11 You may well have known him at that
12 time, Mr. Chair.

13 -- who completed and tabled a Report
14 speaking to the fact that CSIS's activities at that
15 time, the first five years of the Service, were,
16 unfortunately, raising some of the same concerns that
17 the RCMP was engaged in; that is, that the RCMP
18 Security Intelligence Branch had a difficult time
19 identifying who were appropriate Targets.

20 We are also going to be putting to
21 you, for example, a Report put out by SIRC in 1988
22 about the infiltration of the Québec Labour Movement.

23 There was a Human Source who was a
24 paid Informant, paid by both the RCMP and, later, CSIS.

25 That was the Boivin Affair.

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1 I am not sure whether you recall that.
2 It was a Marc-André Boivin.

3 THE PRESIDING MEMBER: I do.

4 MR. CHAMP: Again, SIRC investigated
5 that ---

6 THE PRESIDING MEMBER: Not in a
7 Professional capacity.

8 MR. CHAMP: No, no. But historically,
9 for sure.

10 In any event, Mr. Chair, the issues
11 around those Investigations, that the activities of
12 Labour or Trade Unions were somehow contrary to the
13 interests of Canada ---

14 Make no mistake: they were contrary
15 to certain segments of the "interests of Canada".
16 Certain, I would suggest, wealthy elites or Corporate
17 Canada would have concerns with Labour.

18 And it is not just us that are saying
19 that perhaps the RCMP and CSIS's activities in that
20 regard were ill-placed. That was in fact the Finding
21 of the McDonald Commission.

22 So we are going to try to tie all of
23 that together in speaking about how there is quite a
24 bit of resonance, we would suggest ---

25 THE PRESIDING MEMBER: Yes. You want

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1 to reincarnate me as a Royal Commissioner, Mr. Champ!

2 MR. CHAMP: Well, not precisely, Mr.
3 Chair. But I think this is the role of SIRC, I would
4 suggest, in that awareness of that historical
5 continuum, I think, is helpful in a ---

6 THE PRESIDING MEMBER: We will see how
7 the evidence unfolds, obviously.

8 MR. CHAMP: Yes. And again, we are
9 not going to be present in the *Ex Parte* portion of the
10 Hearing and will have no idea as to what CSIS is
11 saying. But make no mistake: if CSIS is looking into
12 these Groups, I have a hard time imaging how you will
13 be unable to find that they have run afoul of Section
14 12 of the *CSIS Act*.

15 The individuals from these Groups, Mr.
16 Chair, have agreed to voluntarily appear before you and
17 they do so knowing that they may well be extensively
18 cross-examined by Counsel for CSIS about their
19 activities, about their Groups' activities, about
20 anyone who might be associated with them.

21 They believe that there is nothing
22 wrong with their activities.

23 That doesn't mean, then, that they
24 shouldn't be concerned; that *"if you are not doing*
25 *anything wrong, you shouldn't be worried about CSIS*

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1 following you and looking into your activities". But
2 it is a concern when different segments of our
3 population, individuals who are expressing views on
4 public issues, are being subjected to investigation.

5 That, in our view, is unlawful, and
6 that is going to be the thrust of our Complaint.

7 One last point with respect to
8 Professor Whitaker.

9 In terms of timing for this week,
10 Professor Whitaker is not going to be able to appear on
11 the Friday.

12 We were going to ask -- and I will
13 speak with Ms. Dion about this.

14 We were going to propose that we might
15 put his Evidence forward in an Affidavit.

16 Unfortunately, he is not going to be
17 available on Friday.

18 He is not speaking to the particular
19 issues raised in the Complaint; rather, he is speaking
20 to the historical issues and the different Reports ---

21 THE PRESIDING MEMBER: You have
22 explained it very well, and I have seen ---

23 MR. CHAMP: In the "Will-Say".

24 THE PRESIDING MEMBER: Yes.

25 MR. CHAMP: And then after that, if

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1 Ms. Dion wishes to cross-examine Professor Whitaker, we
2 could probably set that up.

3 As it stands right now, Mr. Chair,
4 given that the Hearing Day on Friday is to be a bit
5 truncated and that today is also a truncated Hearing
6 Day, and given the fact that CSIS has a witness that
7 they want to put forward in this Phase of the Hearing,
8 I think that having one witness for whom we would put
9 in the Evidence by way of Affidavit will actually make
10 it much easier in terms of using the days that we have
11 allocated for the Hearing here in Vancouver. We should
12 be able to get in all of the evidence anticipated for
13 this Phase and not have to come back another time.

14 THE PRESIDING MEMBER: I will ask you
15 to discuss that matter, as you are proposing to do,
16 with Madam Dion and report back to me on that
17 discussion and we will then determine where we go from
18 there.

19 MR. CHAMP: I will. Thank you, Mr.
20 Chair.

21 That concludes my Opening Statement,
22 Mr. Chair. I don't think at this point you would want
23 me to point you to some of the *Access to Information*
24 documents where there are some of the comments or
25 references to CSIS in question.

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1 Again, I recognize the Service is
2 saying that it can "neither confirm nor deny". But we
3 think those documents, those Government documents,
4 speak for themselves in that respect.

5 Obviously, when we prepare our Final
6 Submissions, we will be explaining in detail the
7 different comments in those documents and how we
8 understand them.

9 THE PRESIDING MEMBER: That's fine.
10 That has been very helpful, Mr. Champ. Thank you very
11 much.

12 MR. CHAMP: Thank you, Mr. Chair.

13 THE PRESIDING MEMBER: Do you wish to
14 make an Opening Statement at this point, Madam Dion?
15 Or do you wish to defer until it is your time to
16 present your Evidence?

17 MADAM DION: If I may, I would like to
18 make a few remarks at this point...

19 THE PRESIDING MEMBER: Certainly.

20 MADAM DION: I will be brief.

21 THE PRESIDING MEMBER: I will listen
22 to you now.

23 Opening Statement by Ms. Dion, on behalf of CSIS:

24 MADAM DION: Thank you, Mr. Chair.

25 As my friend has explained, we are

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1 here today because the British Columbia Civil Liberties
2 Association filed a Complaint alleging that the Service
3 has been monitoring or collecting information on Groups
4 that are opposed to the Northern Gateway Pipeline, and,
5 further, it alleges that the Service provided the
6 information it collected to the National Energy Board
7 and other private members of the Oil Industry.

8 I think it is important to say that
9 the Service acknowledges the role that Organizations
10 like the BCCLA play with respect to civil liberties
11 issues. However, a Complaint to the Review Committee
12 has to be in respect of "*any act or thing done by the*
13 *Service*", as set out in Section 41 of the *CSIS Act*.

14 It is our submission, Mr. Member,
15 there is at least a minimal burden of proof that lies
16 on the Complainant to establish that "*act or thing done*
17 *by the Service*".

18 In this case, Mr. Member, as my friend
19 has pointed out, the information that is at the basis
20 of this Complaint is the *Access to Information*
21 documentation that is found at Tab 4 of the
22 Complainant's Book of Documents.

23 I would like to mention, Mr. Member --
24 and we will go into that a little bit later. But CSIS
25 is mentioned five times in the Documents that are

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1 filed, at Tab 5.

2 So out of the hundred-and-twenty-five-
3 page *Access to Information* Release -- which comes from
4 the NEB.

5 These are not CSIS documents. These
6 are mostly, and I think exclusively, National Energy
7 Board documents.

8 There are five mentions of CSIS in 125
9 pages of documents.

10 And again, they are redacted. So
11 sometimes they are difficult to read. However, I have
12 not interpreted these documents as my friend is
13 interpreting them.

14 For instance -- and again, I won't be
15 too long on this. But if we look at Page 14 of the
16 *Access to Information* Release ---

17 At the bottom of the page, we see a
18 long number, "000014" ---

19 THE PRESIDING MEMBER: What Tab is
20 that?

21 MADAM DION: It's at Tab 4 of the
22 Complainant's Book of Documents.

23 --- (A Short Pause)

24 THE PRESIDING MEMBER: Yes. Thank
25 you.

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1 MADAM DION: You will see an e-mail
2 from Timothy O'Neil -- and from the address, I can tell
3 that this is an RCMP employee -- to Rick Garber, from
4 the NEB, and other individuals, and CSIS is actually a
5 recipient of that e-mail and also a "c.c.". But if you
6 actually read the Message, you will see that CSIS is
7 mentioned at the very end ---

8 THE PRESIDING MEMBER: Excuse me. I
9 have Tab 4, but if you could give me the ---

10 MADAM DION: Sorry. Page 14.

11 If you look at the bottom of the page,
12 you will see a fairly long number, and I am just
13 referring to the last digits of that number.

14 So "000014".

15 THE PRESIDING MEMBER: "14"?

16 MADAM DION: Fourteen, yes: 1-4.

17 THE PRESIDING MEMBER: Okay. I heard
18 "40".

19 MADAM DION: Sorry. I apologize.

20 As we can see from this e-mail, it is
21 an e-mail from Timothy O'Neil of the RCMP to Rick
22 Garber of the NEB -- and I will acknowledge that CSIS
23 actually received this e-mail and is also c.c.'d on it.
24 But if you actually read the entire e-mail, you will
25 see that CSIS is mentioned only at the very end of the

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1 e-mail.

2 If you look at the second page, you
3 will see that it simply says:

4 *"I have included RCMP's CITT*
5 *Divisional Analysts...and...(CSIS)*
6 *within this Message."*

7 So this is the extent of CSIS's
8 involvement in this issue, at least for this Message.

9 And all of the other documents, I
10 submit, are very similar.

11 If you look, for instance, at Page 37
12 of that same ATIP Release ---

13 THE PRESIDING MEMBER: Page 37?

14 MADAM DION: Page 37, yes.

15 --- (A Short Pause)

16 THE PRESIDING MEMBER: Yes.

17 MADAM DION: Again, you have an e-mail

18 -- and from the signature, we can see that it is Rick
19 Garber of the NEB -- to Sheila Leggett, Kenneth
20 Bateman, and Hans Matthews.

21 Again, I can tell you, just from
22 looking it up myself, that these individuals are the
23 Panel Members that conducted the Hearings into the
24 Northern Gateway Pipeline.

25 But if you read the body of the

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1 Message, you will see that it simply says:

2 *"In response to your query, the*
3 *Security Team has consulted today*
4 *with CSIS at national and regional*
5 *levels; RCMP at national, regional*
6 *levels and local (Prince Rupert*
7 *Detachment) level and conducted a*
8 *thorough review of open source*
9 *intelligence, including social*
10 *media feeds."*

11 So what this tells you, Mr. Member, is
12 that the NEB, on January 31st, 2013, "consulted" CSIS.

13 There is no evidence of a response
14 provided by CSIS, and especially not that the Service
15 provided information on any of the Groups that are
16 mentioned in the Complaint Letter.

17 I am pointing these things out to you,
18 Mr. Member, because I think it is important to
19 carefully read these documents and to look at who these
20 documents emanate from.

21 SIRC is here to investigate "any act
22 or thing done by the Service", not "any act or thing
23 done be the NEB", or by the RCMP, or any other Sector
24 of Government.

25 We have to limit this Complaint to

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1 "any act or thing done by the Service", and I submit,
2 Mr. Member, that the allegations are based on
3 inferences drawn from a reading of these documents,
4 documents that come from the NEB in relation to things
5 that the NEB did. But they don't prove that any act or
6 thing was actually done by the Service, and especially
7 not the collecting of information by the Service. All
8 you have here is information to the fact that the NEB
9 "consulted" CSIS on certain Questions.

10 That is it.

11 All of that notwithstanding, SIRC has
12 accepted jurisdiction over this Complaint, and the
13 Service has collaborated fully with SIRC, and will
14 continue to collaborate fully with SIRC, in order to
15 provide the Committee, and you, Mr. Fortier, with all
16 of the information needed by you to conduct this
17 Investigation. However, that doesn't mean that the
18 Complainant will have access to information that would
19 otherwise be classified, and that includes any
20 information in relation to specific Service
21 Investigations, or the lack thereof.

22 The Service, in the context of this
23 Complaint, will not be able to acknowledge or deny that
24 an Investigation actually took place and that the
25 Service did or did not collect information.

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1 All of that will be done in the *Ex*
2 *Parte* portion of the Hearing -- and the Service has
3 already made a request for an *Ex Parte* Hearing in
4 relation to this matter.

5 We are confident, Mr. Member, that at
6 the end of these Hearings, you will find that the
7 Service acted within its legislative authority and that
8 information collected or shared, if any, was done
9 within CSIS's authority under Sections 12 and 19 of the
10 *CSIS Act*.

11 As previously announced, the Service
12 will call one witness in these *In Camera* Proceedings,
13 that being "Robert, a Senior Manager with the B.C.
14 Region, with nearly thirty years of experience with the
15 Service".

16 "Robert" will testify on the mandate
17 of the Service. He will testify on Authorities and how
18 the Service collects information with regards to its
19 Investigations -- again, in a general fashion.

20 He will talk about the circumstance in
21 which a Warrant is necessary. That type of general
22 information.

23 He will also testify as to the mandate
24 of the Service to advise the Government of Canada,
25 under Section 12, as well as other circumstances where

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1 information can be shared with others, generally, under
2 Section 19 of the *CSIS Act*.

3 THE PRESIDING MEMBER: Does "Bob" have
4 any ---

5 Time will tell. But, does "Bob" have
6 any knowledge of the facts alleged by the Complainant
7 in this case?

8 MADAM DION: He does not. He will be
9 testifying as to the Service's mandate and the process
10 in relation to how the Service conducts its
11 Investigations, or at least what can be said in that
12 regard in an unclassified forum.

13 So he will not be answering any
14 questions as to whether or not information was
15 collected on these Groups or on any individuals
16 involved in these Groups. But this information will be
17 made available to the Committee in the *Ex Parte* Phase
18 of the Hearing.

19 We expect that "Robert's" testimony
20 will take approximately one hour.

21 I would like to make a few comments on
22 some of the documents that are being presented by my
23 friend as evidence for the Committee.

24 I have already made a few comments on
25 the *Access to Information* documents.

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1 I understand that we will not be
2 hearing from the Authors of the various e-mails and
3 other documents that are found, for instance, at Tab 4.
4 I am also very aware of Subsection 50(c) of the *CSIS*
5 *Act*, which states that SIRC may accept evidence that
6 would otherwise not be admissible in a Court of Law.

7 So I am not making a formal objection;
8 however, I would caution the Committee to read these
9 documents extremely carefully and to avoid making
10 inferences on things that the documents simply do not
11 contain.

12 As an example of this statement,
13 looking at the Complaint, you will see, at Page 2 --
14 and my friend has already referred you to this.

15 He makes a summary of the information
16 that is found in the *Access to Information* documents.

17 If you look, for instance, at Page 2,
18 the Bullet at the bottom of the page, it says:

19 *"Documents released by the NEB*
20 *indicate that CSIS provided the*
21 *Board with intelligence information*
22 *beyond the open-source information*
23 *its own security staff were capable*
24 *of gathering."*

25 And then it refers to that "Richard

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1 Garber" e-mail of January 31st which I have already
2 brought to your attention.

3 If we look at that e-mail again, at
4 Page 37 of Tab 4, I submit that what this e-mail says
5 is that the "*NEB consulted...with CSIS at national and*
6 *regional levels*", period.

7 It doesn't have any information as to
8 what information was provided, if any.

9 So I would caution the Committee, when
10 reading these e-mails, to read them with extreme care.

11 And again, as I have already pointed
12 out, these are NEB documents. The Service does not
13 have unredacted versions of these documents, for the
14 most part.

15 While we appreciate the difficulties
16 the Complainant is faced with in substantiating its
17 Complaint, given the nature of the Service's
18 activities, I think it is important to read these
19 documents for what they say and not to extrapolate from
20 them.

21 The other comment I would like to make
22 is with regard to the Media Articles.

23 There are quite a few Articles that
24 have been filed.

25 Again, normally these are not

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1 documents that would be admissible, at least to prove
2 their content.

3 I am not sure whether my friend is
4 relying on these Media Articles to prove their content;
5 but this, to me, would be problematic, considering we
6 don't have the person that originated these Articles.
7 And also, for the most part, they are based on these
8 NEB documents.

9 The Committee has the documents and
10 can arrive at its own Findings of Fact, as opposed to
11 relying on somebody else's conclusions made on those
12 same documents.

13 THE PRESIDING MEMBER: As to weight,
14 you can trust me ---

15 MADAM DION: Again, I am not making a
16 formal objection. I just wanted to make the comments I
17 have.

18 I am very aware of Subsection 50(c) of
19 the CSIS Act.

20 Those are my Opening Remarks, Mr.
21 Member.

22 THE PRESIDING MEMBER: Thank you,
23 Madam Dion. That is also helpful.

24 MADAM DION: Thank you, Mr. Member.

25 ---

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1 Filing of Exhibits:

2 THE PRESIDING MEMBER: I realize that
3 I should have proceeded to the filing of the Exhibits
4 in advance of hearing Opening Statements.

5 My apologies for that oversight.

6 The Exhibits to be filed have been
7 referred to, and I myself have referred to them during
8 the course of the Submissions of Counsel.

9 You have submitted two Books of
10 Documents, Mr. Champ, to the Committee, on the 8th of
11 July...

12 MR. CHAMP: Yes, we did, Mr. Chair;
13 and then, later, we submitted a Supplemental Book of
14 Documents, last week

15 THE PRESIDING MEMBER: Recently, yes,
16 on August the 5th.

17 Right?

18 MR. CHAMP: That's right.

19 THE PRESIDING MEMBER: And you wish to
20 have these documents entered as Evidence?

21 MR. CHAMP: Yes, we would, Mr. Chair
22 We will also have witnesses speak to each Tab of those
23 documents.

24 THE PRESIDING MEMBER: I look forward
25 to hearing from your witnesses.

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1 Madam Registrar, would you please
2 enter the Complainant's three Books of Documents as
3 Exhibits at this time...

4 **THE REGISTRAR:** Yes, certainly.

5 Volume I of II will be Exhibit C-1;
6 Volume II of II will be Exhibit C-2; and the
7 Complainant's Supplementary Book of Documents will be
8 entered as Exhibit C-3

9 **THE PRESIDING MEMBER:** Thank you,
10 Madam Stawicki.

11 --- EXHIBIT C-1:

12 Complainant's Book of Documents,
13 Volume I of II

14 --- EXHIBIT C-2:

15 Complainant's Book of Documents,
16 Volume II of II

17 --- EXHIBIT C-3:

18 Complainant's Supplementary Book of
19 Documents

20 **MR. CHAMP:** Thank you.

21 **THE PRESIDING MEMBER:** Madam Dion, you
22 have submitted a Book of Documents to the Committee, on
23 the 17th of July, and you have provided a copy to your
24 friend, Counsel for the Complainant.

25 Is that correct?

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1 MADAM DION: That's correct.

2 THE PRESIDING MEMBER: Thank you.

3 I will ask the Registrar to enter this
4 Book of Documents as an Exhibit at this point...

5 THE REGISTRAR: The Respondent's ---

6 MADAM DION: Excuse me for
7 interjecting.

8 We have taken the liberty, if the
9 Committee thinks it appropriate to do so ---

10 You will that at each of our Tabs, at
11 the bottom left corner, we have put the number "CSIS-
12 1", for instance at Tab 1; "CSIS-2" at Tab 2, and so
13 on and so forth.

14 We have identified each document in
15 that way.

16 So if the Committee would like to
17 enter these documents individually or as a whole
18 Book...

19 For the purposes of making
20 Submissions, I personally find it is easier if the
21 documents are individually identified, as opposed to
22 referring to the Tab Numbers.

23 We have taken the liberty of
24 identifying the documents in that way, if the Committee
25 is inclined to accept ---

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1 THE PRESIDING MEMBER: That is useful.

2 So the CSIS Book of Documents for the

3 *In Camera* Hearing, Madam Registrar, will be

4 labelled...?

5 THE REGISTRAR: The Book, in its

6 entirety, will be entered as Exhibit CSIS-1, if that is

7 agreeable, and what we will do is have the Tabs that

8 you did kindly enumerate marked as CSIS-1.1, CSIS--1.2,

9 and so on.

10 Does that work?

11 THE PRESIDING MEMBER: Now you have

12 lost me!

13 THE REGISTRAR: My apologies.

14 The entire Book of Documents is being

15 labelled as Exhibit CSIS-1 ---

16 THE PRESIDING MEMBER: Yes.

17 THE REGISTRAR: -- and then, just for

18 reference purposes ---

19 I won't actually enter the documents

20 individually, unless you request that I do so...

21 THE PRESIDING MEMBER: I don't think

22 that is necessary.

23 In due course, if either Counsel

24 refers to one of these thirteen documents, he or she

25 will refer to it with specificity.

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1 MADAM DION: Very well. Thank you,
2 Mr. Member.

3 --- EXHIBIT CSIS-1:

4 Respondent's Book of Documents,
5 Tabs 1-13 (*In Camera* Hearing)

6 THE PRESIDING MEMBER: Are there any
7 procedural issues/housekeeping matters which either
8 Party would like to raise at this time?

9 Mr. Champ...?

10 MR. CHAMP: None beyond what I have
11 already spoken to, Mr. Chair.

12 THE PRESIDING MEMBER: Madam Dion...?

13 MADAM DION: No. Thank you, Mr.
14 Member.

15 THE PRESIDING MEMBER: Madam
16 Registrar...?

17 THE REGISTRAR: I do, actually.

18 Before the Complainant arrived, when
19 CSIS only was in the room, I provided a copy of the
20 Committee's Book of Documents, comprised of documents
21 that Mr. Champ had already seen.

22 That Book of Documents will be entered
23 as Exhibit SIRC-1.

24 MR. CHAMP: This is all of the
25 correspondence, is it?

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1 THE REGISTRAR: It is correspondence.
2 You will have already seen these documents.

3 I can give you a moment, if you would
4 like to review it or revise it.

5 --- (Referenced Book of Documents Provided to Mr.
6 Champ)

7 My apologies for not getting it to you
8 sooner.

9 THE PRESIDING MEMBER: There are
10 thirteen Tabs, I believe, in this Book of Documents.

11 Right, Madam Registrar?

12 THE REGISTRAR: Right.

13 THE PRESIDING MEMBER: And this will
14 be Exhibit...?

15 THE REGISTRAR: It will be entered as
16 Exhibit SIRC-1.

17 --- EXHIBIT SIRC-1:

18 SIRC's Book of Documents (*In Camera*
19 Hearing)

20 THE PRESIDING MEMBER: Very well. We
21 shall now commence to hear the evidence of witnesses,
22 live witnesses, starting, I understand, with Mr.
23 Paterson.

24 MR. CHAMP: Yes, Mr. Chair.

25 --- (J. Paterson called to the Witness Table)

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1 THE PRESIDING MEMBER: Good afternoon,
2 Mr. Paterson.

3 Madam Stawicki will swear you in.

4 THE REGISTRAR: Good afternoon, Sir.

5 Do you solemnly affirm that the
6 evidence you are about to give to the Committee shall
7 be the truth, the whole truth, and nothing but the
8 truth?

9 THE WITNESS: I do so affirm.

10 J. S. PATERSON, Called and Affirmed:

11 THE REGISTRAR: For the record, would
12 you please state your full name, spelling your last
13 name...

14 THE WITNESS: I am Joshua Stephen
15 Paterson, spelled P-A-T-E-R-S-O-N.

16 THE REGISTRAR: Thank you, Sir.

17 Secondly, I would like to read to you
18 Section 51 of the *Canadian Security Intelligence*
19 *Service Act*, which provides protection to witnesses
20 appearing before the Committee.

21 It reads as follows:

22 "Except in a prosecution of a
23 person for an offence under
24 section 133 of the *Criminal Code*
25 (false statements in extra-

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1 judicial proceedings) in
2 respect of a statement made under
3 this Act, evidence given by a
4 person in proceedings under this
5 Part and evidence of the
6 existence of the proceedings are
7 inadmissible against that person
8 in a court or in any other
9 proceedings."

10 Do you understand?

11 THE WITNESS: Yes, I do. Thank you.

12 THE REGISTRAR: Thank you. You may be
13 seated.

14 THE PRESIDING MEMBER: Mr. Paterson, I
15 understand you are a lawyer...

16 THE WITNESS: I am, yes.

17 THE PRESIDING MEMBER: You are a
18 Member of the Law Society of British Columbia?

19 THE WITNESS: I am, yes.

20 THE PRESIDING MEMBER: So you will
21 also give evidence under your Oath as a lawyer.

22 THE WITNESS: Yes.

23 THE PRESIDING MEMBER: Excellent!
24 Mr. Champ...

25 MR. CHAMP: Thank you, Mr. Chair.

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1 Examination-in-Chief by Mr. Champ:

2 Q. Josh, can you just tell us again
3 what your Position is with the British Columbia Civil
4 Liberties Association?

5 THE WITNESS: I notice my mic isn't
6 on and isn't pointed at me.

7 Do I need to be worried about that?

8 THE PRESIDING MEMBER: No. The
9 microphones are not operative for this Hearing, so I
10 will ask you to keep your voice up.

11 THE WITNESS: Okay. Thank you.

12 Mr. Chairman, my name is Josh
13 Paterson. I am the Executive Director of the British
14 Columbia Civil Liberties Association, and I am also a
15 lawyer employed with the B.C. Civil Liberties
16 Association.

17 MR. CHAMP:

18 Q. And how long have you been in that
19 Position?

20 A. I joined the BCCLA in January of
21 2013. So two years and eight months.

22 Q. So, two-and-a-half years. Okay.

23 And do you have Volume I of the
24 Complainant's Book of Documents before you, Exhibit C-1
25 as it has been introduced?

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1 A. I do.

2 Q. I will ask you to turn to Tab 14,
3 the final Tab...

4 A. Yes.

5 Q. My next question is just to have
6 you tell us about the B.C. Civil Liberties Association.

7 Tell us about its organization and its
8 structure, as well as its mandate?

9 And in answering my question, you can,
10 if you wish, refer to this document, which I understand
11 is taken from the BCCLA Website.

12 A. Thank you, Counsel.

13 This document is taken from the
14 BCCLA's Website.

15 The B.C. Civil Liberties Association
16 is a non-partisan non-profit charitable organization
17 that was established in 1962, incorporated in '63, and
18 our mandate is to promote, defend, and extend human
19 rights and freedoms within Canada.

20 We do that through a variety of means,
21 including education -- so, public education about
22 rights issues; we do individualized Case Work with
23 individuals that come to us with complaints about their
24 rights having been violated; we engage in law reform;
25 and, finally, we engage in litigation if the other

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1 avenues through which we choose to advance rights don't
2 come to fruition.

3 Q. And is there a Board of Directors?

4 A. Yes. We are governed by a Board
5 of Directors and a President, as you might imagine.

6 Any non-profit Society in British
7 Columbia is governed in the same way.

8 We have Members numbering, I believe,
9 around 1500.

10 I report to the Board of Directors,
11 and I have a Staff that fluctuates between eight and
12 nine people, other than myself, all of whom report to
13 me. Some of them are lawyers, and some are employed in
14 other capacities.

15 THE PRESIDING MEMBER: Mr. Paterson,
16 Mr. Champ knows the answers you are going to give. I
17 don't. As such, I will ask you to look at me ---

18 MR. CHAMP: Forget me!

19 THE WITNESS: Yes. Forgive me.

20 THE PRESIDING MEMBER: I know this is
21 not the normal instinct, but ---

22 THE WITNESS: Yes. I will try to look
23 at you, Sir.

24 MR. CHAMP:

25 Q. And you are headquartered in

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1 Vancouver; is that correct?

2 A. We are.

3 Q. I would now like to ask you a few
4 questions ---

5 THE PRESIDING MEMBER: Who is the
6 President of the Association at the moment?

7 THE WITNESS: It is Ms. Lindsay
8 Lyster, who is a lawyer here in Vancouver.

9 MR. CHAMP:

10 Q. And can you tell us a bit about
11 the funding of the B.C. Civil Liberties Association?

12 A. The BCCLA receives anywhere from
13 25 to 30 percent of its funding from individual donors.
14 The remainder of the funding comes from a variety of
15 sources, including a core-supporting Grant from the Law
16 Foundation of British Columbia, which has historically
17 been around 30 percent of our Budget but which right
18 now is about 15 percent of our Budget. We also then
19 cobble together other Project-specific Grants.

20 Perhaps we are going to write a
21 Research Report of some kind. We may get a Grant for
22 that. We also have some Beneficial Trusts set up in
23 favour of the BCCLA from which we derive investment
24 income.

25 Altogether, our Budget is roughly \$1

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1 million per year.

2 THE PRESIDING MEMBER: How much?

3 THE WITNESS: \$1 million per year.

4 MR. CHAMP:

5 Q. And can you tell us about ---

6 You mentioned litigation.

7 Has the B.C. Civil Liberties

8 Association appeared in the Supreme Court of Canada?

9 A. Yes. We appeared in the Supreme
10 Court of Canada many times, most often in the course of
11 Interventions.

12 We are a frequent Intervener. At any
13 given time, we may be involved in as many as twenty
14 Cases at different levels of Court.

15 Over time, I believe we have been
16 involved in somewhere getting up to seventy or eighty
17 Cases. In some Cases, we ourselves are the Plaintiff,
18 including, at the Supreme Court, the recent Case on
19 Physician-Assisted Dying.

20 We were a Plaintiff in that Case.

21 We are currently the Plaintiff in our
22 own right in a number of other Cases: a challenge to
23 the constitutionality of solitary confinement in this
24 country and a challenge to CSEC in relation to their
25 gathering of metadata and other data under the *National*

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1 *Defence Act.*

2 Q. You have mentioned seventy to
3 eighty Cases. That is seventy to eighty Cases overall,
4 or seventy to eighty Cases in relation to what?

5 A. That is overall, and that is on
6 matters as diverse as police accountability, drug
7 policy, patients' rights, refugee and immigration
8 issues, and criminal due process issues.

9 And, of course, national security
10 issues are in there as well.

11 Q. And that is seventy to eighty
12 Cases before the Supreme Court of Canada?

13 A. Oh, I'm sorry.

14 I would have to refresh myself on the
15 precise number of Cases before the Supreme Court of
16 Canada. It goes to several pages when we file our
17 Intervention Records. I think it is probably around
18 fifty or sixty Cases before the Supreme Court of Canada
19 over time. But in Cross-Examination, my exact
20 enumeration of those Cases may not stand up entirely.
21 This is from my recollection.

22 Q. Okay. And with respect to
23 national security and issues around civil liberties and
24 national security, has the B.C. Civil Liberties
25 Association been involved in those kinds of issues

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1 before?

2 A. We have, yes. Specifically, we
3 have been involved in litigating a Case, along with
4 Amnesty International, in relation to No Fly Lists.

5 We have been involved in a number of
6 other Cases over time.

7 Many of those Cases came before my
8 time. It has been a long-standing interest of the B.C.
9 Civil Liberties Association. And as I have noted,
10 currently, we are before the Federal Court of Canada in
11 litigation with CSEC in relation to their data
12 gathering.

13 Q. And I believe BCCLA was one of the
14 Parties involved in the McDonald Inquiry initially, in
15 the seventies.

16 A. I believe that to be true. We
17 have also participated in various other Commissions of
18 Inquiry over time.

19 The matter of national security issues
20 has been one of our key preoccupations over the length
21 of our existence.

22 Q. I will now turn to this Case, if I
23 may, and I will start by turning your attention to Tab
24 9 in Volume I of the Complainant's Book of Documents...

25 A. Yes.

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1 Q. This is a printout from the
2 Vancouver Observer.

3 I will ask you to take a look at that
4 document and let us know whether you are familiar with
5 that Story...

6 A. Yes, I am familiar with it.

7 Q. Can you recall seeing this Story
8 when it came out?

9 A. I do, yes. I remember when it
10 came out, yes.

11 Q. We see in the title that it is
12 about the National Energy Board.

13 Were any concerns raised with BCCLA
14 about this Story? And if so, by whom?

15 A. Yes. When this Story came out, we
16 were concerned about what was described in the Story.

17 Issues around people's ability to
18 engage in democratic processes, issues around people
19 being able to engage in dissent and protest have always
20 been an interest of ours, and so the facts described in
21 this Story clearly raised a concern for us.

22 I cannot recall whether the Journalist
23 contacted me or whether I contacted him, but we were in
24 contact after he had filed this Story and he provided
25 me with the documents that had formed the basis of his

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1 Story.

2 Q. And are those the documents that
3 we find at Tab 4?

4 A. Yes, that's right.

5 Q. We see reference in this Article
6 to a number of different Organizations: ForestEthics,
7 Sierra Club, EcoSociety, LeadNow, Dogwood Initiative,
8 Council of Canadians, and so forth.

9 Were you and the BCCLA in contact with
10 those Groups as a result of this Story?

11 A. Yes -- but not all of them. We
12 contacted representatives of ForestEthics, Sierra Club,
13 LeadNow and the Dogwood Initiative.

14 Those are the only Organizations on
15 this List that we have been in contact with about this
16 Complaint.

17 Q. And we will hear from individuals
18 from those Organizations, but can you tell us, for our
19 purposes now, the nature of the information that was
20 coming from those Groups to the BCCLA, just generally
21 speaking?

22 A. Do you mean at the time of those
23 early conversations ---

24 Q. Yes. Were they expressing
25 concerns or ---

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1 A. Yes. All of the Groups that I
2 talked to, or the Staff Members that I spoke to in
3 those Organizations, were concerned about the Story.
4 Some of them spoke about it in subsequent Media
5 Stories, both with this Outlet and with other Outlets.

6 They expressed to me their concerns
7 that they personally and their Organizations, and
8 people associated with their Organizations, may have
9 been spied on.

10 Q. I will just go through a few other
11 Newspaper Stories, just to follow along on that.

12 At Tab 11, there is another Story by
13 the *Vancouver Observer*.

14 This one is titled "*Government under*
15 *fire for spying on environmental groups*".

16 This relates to the previous Story and
17 documents about the National Energy Board.

18 You are familiar with that Story at
19 the time?

20 A. I am, yes; and I was.

21 Q. And if you would then turn to Tab
22 10...

23 I am just going through these
24 chronologically.

25 At Tab 10, we have a Story by the

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1 *Globe and Mail.*

2 A. Yes, I see that.

3 Q. And were you familiar with that

4 Story at the time?

5 A. Yes, I was.

6 Q. And Tab 12...

7 --- (A Short Pause: Witness reviewing referenced
8 documentation)

9 A. Yes, I see that, and I was
10 familiar with that Story at the time.

11 Q. If you turn to Tab 13, we see
12 another *Vancouver Observer* Story, referring to
13 EcoJustice.

14 Are you familiar with that Group?

15 THE PRESIDING MEMBER: We are in Book
16 II now, are we, at Tab 15?

17 MR. CHAMP: No. Tab 13.

18 THE PRESIDING MEMBER: Tab 13. Thank
19 you.

20 THE WITNESS: Yes, I am familiar with
21 EcoJustice.

22 MR. CHAMP:

23 Q. And what was their involvement in
24 the National Energy Board or these issues?

25 Are you aware as to their involvement

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1 in ---

2 A. I am. EcoJustice was acting for a
3 number of other non-profit Societies that were
4 Interveners at the National Energy Board Proceeding.
5 Those included ForestEthics. I believe they also
6 included at least two other Organizations, Living
7 Oceans Society and one other, the name of which I
8 cannot recall at this time.

9 I spoke with their Counsel, Barry
10 Robinson, referred to in this Story at or about the
11 time that this Story was coming out and I was aware
12 that they were writing a Letter to the National Energy
13 Board expressing the concern of one of their Clients
14 that surveillance in relation to that Client was being
15 passed to or somehow being shared with the National
16 Energy Board and how that might potentially prejudice
17 the Client.

18 Q. Just by way of a bit of
19 housekeeping, have you ever represented any of these
20 Groups as Counsel?

21 A. I have not.

22 Q. Okay. Thank you.

23 And with respect to Enbridge, have you
24 ever represented Enbridge?

25 A. No, I have not.

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1 Q. And have you ever represented or
2 had involvement with the National Energy Board?

3 A. I have had involvement with the
4 National Energy Board.

5 Until I took this job, I was employed
6 as an Environmental First Nations lawyer at an
7 Organization called West Coast Environmental Law,
8 another non-profit here in Vancouver.

9 In that context, I was invited by the
10 National Energy Board to sit on the Steering Committee
11 of their Stakeholder Advisory Group.

12 The National Energy Board has a
13 Stakeholder Group called Land Matters Group, made up of
14 farmers, landowners, First Nations and other
15 stakeholders that might in one way or another be
16 involved with the National Energy Board and its
17 regulation of Federally-regulated Energy Industries.

18 From time to time, they consult with
19 that Group about "Oh, we're thinking about bringing out
20 a new Direction on how we are going to consult with the
21 Public" or "We think we're going to bring out something
22 new on what steps need to be taken to decommission
23 pipelines", and it would bring those proposals to this
24 Group, which had about fifty or sixty representatives
25 as part of the larger Group.

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1 There was a smaller Group that was
2 composed of ---

3 Actually, Enbridge sat on it. I sat
4 on it, for West Coast Environmental Law. There was a
5 Métis Group that sat on it. There were Landowner
6 Groups that sat on it.

7 There were about eight of us.

8 The Alberta Energy Regulator sat on
9 it.

10 And together, we provided direction to
11 the NEB as to how they ought to consult with the wider
12 Stakeholder World on their Initiatives.

13 So in that context, I frequently
14 attended Meetings at the National Energy Board Office.

15 I was brought to Calgary several times
16 a year, where I was dealing with Panel Members and with
17 Staff Members.

18 I left my voluntary position with the
19 NEB's Committee when I assumed my role with the B.C.
20 Civil Liberties Association.

21 My other involvement with the National
22 Energy Board is that I testified in my own right, as a
23 private individual, at the Public Hearings in relation
24 to the Enbridge Northern Gateway Pipeline.

25 THE PRESIDING MEMBER: I'm sorry. I

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1 didn't hear that.

2 THE WITNESS: I testified in my own
3 right, as an individual, a private member of the
4 public, at the Public Hearings that were held here in
5 Vancouver into the Enbridge Northern Gateway Pipeline.

6 That was as a private citizen.

7 THE PRESIDING MEMBER: Did this have
8 anything to do with the Gateway Project?

9 THE WITNESS: It did have to do with
10 the Gateway Project, yes. It was the Hearings in
11 relation to the Gateway Project ---

12 THE PRESIDING MEMBER: Oh! Okay. I'm
13 sorry. I didn't hear that.

14 THE WITNESS: I will repeat: There
15 were Hearings in relation to the Gateway Project in
16 which hundreds ---

17 THE PRESIDING MEMBER: When was that?

18 THE WITNESS: That was in January of
19 2013.

20 THE PRESIDING MEMBER: Of 2013?

21 THE WITNESS: Yes.

22 THE PRESIDING MEMBER: Before you
23 joined the BCCLA?

24 THE WITNESS: I had just started my
25 job. But I had registered to participate about a year-

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1 and-a-half earlier than that.

2 THE PRESIDING MEMBER: Thank you.

3 MR. CHAMP:

4 Q. And was BCCLA involved in the
5 National Energy Board Hearings concerning the Northern
6 Gateway Pipeline Project?

7 A. No. The B.C. Civil Liberties
8 Association takes no position on this Project. It was
9 not a Party in the Hearings.

10 There was one point alone on which the
11 BCCLA as an Organization spoke up in relation to the
12 Hearings, and that was when Hearings were being held
13 here in Vancouver and those Hearings were closed to the
14 public for what at the time was cited as "security
15 reasons".

16 The BCCLA wrote a Letter to the
17 National Energy Board stating that, according to the
18 Open Courts principle, we questioned why those Hearings
19 ought to be closed off to the public.

20 The NEB responded: *"Thank you. But,*
21 *we're going to carry on."*

22 That was the extent of the BCCLA's
23 involvement in those Proceedings.

24 And that was not as a Party. It was
25 as a third party sending a Letter in to the National

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1 Energy Board.

2 Q. I am going to turn now, Mr.
3 Paterson, to the Complaint itself.

4 You will see it at Tab 1 of Exhibit C-
5 1, the Complainant's Book of Documents, Volume I.

6 I will go through one or two points in
7 here, but I will start by just asking you to tell us,
8 generally ---

9 You have indicated that the BCCLA did
10 not take a position on the Northern Gateway Pipeline
11 Project.

12 What is, or was, the BCCLA's interest
13 in this issue? Why was this Complaint filed?

14 A. The BCCLA's interest in this is
15 that we consider ourselves, in keeping with our
16 established history, as being a Watchdog in relation to
17 people's right to protest and to be engaged in public
18 processes, both here in B.C. and across the country.

19 That dates back a long way, and at
20 least to 1971, when there were Police actions against
21 demonstrations here in the City of Vancouver.

22 The BCCLA -- which was very small at
23 the time -- rose to prominence, in part, for its
24 defence of the rights of protesters against what was
25 found to be some Police brutality at the time.

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1 Our interest in this, then, is solely
2 in relation to the fact that we were concerned, and
3 remain concerned, about the possibility that Security
4 Services of the Government of Canada were gathering
5 information or participating somehow in the collection
6 of information on the activities of people engaged in
7 lawful, democratic and peaceful political activities.

8 Q. Thank you.

9 And just to talk a bit about some of
10 the documents attached ---

11 Maybe I should take you to Tab 4, and
12 specifically to Document 37 ---

13 That is "000037", in the bottom right
14 corner.

15 -- which was addressed by CSIS in its
16 Opening Statement.

17 This is an e-mail from Rick Garber,
18 sent January 31, 2013.

19 A. Yes, I see that.

20 Q. Okay. And we will see that the
21 first full paragraph reads:

22 *"In response to your query, the*
23 *Security Team has consulted today*
24 *with CSIS at the national and*
25 *regional levels..."*

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1 What conclusions, if any, did you draw
2 from that about whether or not the NEB was
3 communicating with CSIS?

4 THE PRESIDING MEMBER: I apologize,
5 Mr. Champ.

6 This is Page thirty...?

7 MR. CHAMP: Page 37, Mr. Chair.

8 My apologies, Mr. Chair.

9 THE PRESIDING MEMBER: So we are back
10 to ---

11 MR. CHAMP: Yes. It is a document
12 that Ms. Dion was addressing ---

13 THE PRESIDING MEMBER: Yes.

14 MR. CHAMP: I am not going to take us
15 through many of these documents; but there are a
16 couple that I think it would be helpful to reference.

17 THE PRESIDING MEMBER: And it starts
18 *"In response to your query..."*?

19 MR. CHAMP: That's it. Exactly.
20 Exactement.

21 THE PRESIDING MEMBER: Yes. Thank
22 you.

23 MR. CHAMP:

24 Q. When it says *"the Security Team*
25 *has consulted today with CSIS at national and regional*

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1 levels", what, if any, inferences did you draw about
2 communications between the NEB and CSIS?

3 A. Well, it was clear that the
4 National Energy Board had at least contacted CSIS in
5 relation to the Hearings that were going to be taking
6 place.

7 We drew an inference from the
8 sentences that follow -- which read "*We consulted these*
9 *two Agencies*"; "*we've received intelligence*" -- we
10 drew an inference that some of that intelligence might
11 have come from CSIS, and that was part of the concern
12 that we had.

13 Q. And the next paragraph, a one-
14 sentence paragraph, reads:

15 "*Based on the intelligence*
16 *received...*"

17 Is that what you are referring to:
18 "*intelligence received*"?

19 A. That's right. From the sentence
20 "*Based on the intelligence received*" in relation to the
21 above-noted consultations, we drew the inference that
22 the NEB had asked for, and received, information from
23 both CSIS and the RCMP.

24 Q. And if we look to the last
25 paragraph of that particular e-mail, right under the

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1 big blackout, where it says "The Security Team", it
2 reads:

3 *"The Security Team, together with*
4 *our police and intelligence*
5 *partners, will continue to monitor*
6 *all sources of information and*
7 *intelligence..."*

8 Where it says "intelligence partners",
9 what inference did you draw as to whom that might refer
10 to?

11 A. We understood that to refer to
12 CSIS.

13 Q. I am going to take you to two
14 other documents...

15 --- (A Short Pause)

16 If you turn to Page 68, 000068...

17 --- (A Short Pause)

18 A. In my Documents, that is the Title
19 Page.

20 Q. It says "Appendix 11 - Enbridge
21 Northern ---"

22 A. Yes.

23 Q. "-- Gateway Project Security Plan,
24 Prince Rupert"?

25 A. Yes.

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1 Q. This appears to be a National
2 Energy Board document?--The Security Plan.

3 A. It appears, to me, to be that way,
4 based on its Letterhead.

5 Q. Okay. And if you would turn to
6 Page 000077 ---

7 It is a page later, in the same
8 document.

9 A. Yes.

10 Q. Under "Threat Assessment",
11 "National-level Intelligence Resources", it says:

12 *"The NEB has consulted the Canadian*
13 *Security Intelligence Service, both*
14 *National Headquarters and regional*
15 *offices..."*

16 What inference did you draw, or did
17 the BCCLA draw, about whether or not the NEB was
18 receiving information from the Canadian Security
19 Intelligence Service?

20 A. It was clear that the NEB had at
21 least consulted with CSIS, and we drew the inference
22 that they received information from CSIS as a part of
23 their Threat Assessment.

24 Q. And if you turn to Page 000080...
25 So, a later page in this same Report.

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1 There is a Heading at the top saying
2 *"Security Information - Background"*.

3 A. Yes.

4 Q. And then we read *"Planned*
5 *Protests"*.

6 First we see *"Idle No More"*.

7 Idle No More is referred to in the
8 Complaint.

9 Can you give us your understanding
10 about who is *"Idle No More"*, what that Group is?

11 A. Idle No More was a Movement, more
12 than a Group.

13 To my understanding, it was an
14 organized series of Gatherings, principally of First
15 Nations, Indigenous, Métis and Inuit people, held right
16 across the country, to draw attention to what in their
17 view, as was clear from what they were saying, was the
18 poor state of relations between Indigenous Peoples and
19 the Canadian State, making various Statements on a
20 whole range of topics around indigenous rights.

21 From coast to coast, there were many,
22 many different Events identified by the name *"Idle No*
23 *More"*: everything from Round Dances in Christmas-time
24 Shopping Malls to more traditional Marches and Protests
25 outside.

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1 Q. And are you aware of any of those
2 Events being violent?

3 Have you heard of ---

4 Are you personally aware of any of
5 those Events organized by Idle No More being violent?

6 A. No, I am not.

7 Q. If we go further down the page, we
8 will see another Heading, "*LeadNow and Dogwood*
9 *Initiative*".

10 These are two Groups with which the
11 BCCLA did communicate.

12 Is that correct?

13 A. Yes.

14 Q. And we will hear more about the
15 nature of those Organizations from the individuals
16 coming from those Organizations, but, for our purposes,
17 can you tell us, to the best of your knowledge, whether
18 those Organizations have ever been involved in violent
19 activities?

20 A. No. To the best of my knowledge,
21 the answer is "no".

22 Q. And we see here a reference that:
23 "*On 27 Jan*" (27 January), "*the*
24 *LeadNow and Dogwood Initiative will*
25 *be providing an afternoon workshop*

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1 and skills training that will
2 provide tool and strategies for
3 community resistance and solidarity
4 to members of the public."

5 These kinds of activities, Workshop
6 and Skills Training, do you know anything about those
7 kinds of Workshops that are organized by Groups like
8 Dogwood Initiative and LeadNow?

9 A. I was present at this Workshop. I
10 have some awareness in general of these kinds of
11 Workshops taking place among Environmental Groups here
12 in British Columbia.

13 Q. And what is the nature of these
14 Workshops? To the best of your knowledge, what is the
15 purpose of these Workshops and what kinds of skills are
16 taught at these Events?

17 A. My understanding is that they
18 generally involve things like safety around being in
19 Protests; making more effective banner signs and
20 placards; practising on certain chants or songs that
21 may be used in protest; talking about what kinds of
22 musical instruments you might use...

23 Again, I don't know precisely what was
24 discussed at this Workshop, but at these kinds of
25 Workshops in general, this is what I understand would

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1 take place.

2 I also know that oftentimes there is a
3 component, something usually called "Know Your Rights",
4 where members of the public are given Primers on their
5 rights in relation to members of the Police Service
6 should they come in contact with them as part of their
7 Marching and Protest activities.

8 Q. Thank you.

9 You told us earlier that, based on the
10 inference that you drew, it appears that the Canadian
11 Security Intelligence Service, at both National
12 Headquarters and Regional Offices, had provided the
13 referenced information to the NEB.

14 Do we know positively one way or
15 another whether this type of information was provided
16 by CSIS to the NEB?--This information about Dogwood
17 Initiative, LeadNow and Idle No More.

18 A. Are you asking me if I know ---

19 Q. Yes. Do you have direct knowledge
20 about whether it came from them, or not?

21 A. I have no direct knowledge about
22 who provided these bits of information to the National
23 Energy Board.

24 Q. Thank you.

25 Turning back to the Complaint ---

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1 (To the Presiding Member): And
2 incidentally, Mr. Chair, there are a number of other
3 documents that are similar in nature to the two I have
4 just referred Mr. Paterson to.

5 We are not going to go through all of
6 them, but I believe you get the sense of the nature of
7 those documents.

8 THE PRESIDING MEMBER: So far.

9 MR. CHAMP: Yes.

10 Q. If I take you to Tab 2 of this
11 Volume, Mr. Paterson...

12 Take a moment to review that document
13 and then tell us what that is, to the best of your
14 knowledge.

15 THE PRESIDING MEMBER: Tab 2?

16 MR. CHAMP: Tab 2.

17 --- (A Short Pause: Witness reviewing referenced
18 document)

19 THE WITNESS: This is a Letter from
20 CSIS to you, in your capacity as Counsel for the BCCLA.

21 MR. CHAMP:

22 Q. And did they acknowledge the
23 validity of our concerns or complaint?

24 A. No.

25 Q. Looking at the last page of that

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1 Letter, we see it is signed by a "Tom Venner, Assistant
2 Director of CSIS".

3 Do you know Mr. Venner, by any chance?

4 A. I do not.

5 Q. Thank you.

6 I will turn now to Tab 3.

7 This is a Letter from myself to the
8 Security Intelligence Review Committee, with some
9 documents that are attached.

10 Can you tell us how the BCCLA came
11 into possession of the documents that are attached to
12 that Letter?

13 A. Yes. These documents were
14 provided to us by Jim Bronskill, a Reporter for the
15 Canadian Press, who had himself obtained them under an
16 Access to Information Request.

17 Q. Thank you.

18 Now we will turn to Tab 5, if we
19 could...

20 A. Yes.

21 Q. Is this the package that you
22 received from Mr. Bronskill?

23 A. Yes, it is.

24 Q. Just looking at a couple of these
25 documents, if you turn to the first document after the

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1 Letter to Mr. Bronskill, titled "*Memorandum to the*
2 *Director: Meeting of the Deputy Ministers' Committee*
3 *on Resources and Energy*", who do you understand to be
4 meant by "*Memorandum to the Director*"?

5 Who is the "Director"?

6 A. My understanding is that this is
7 to the Director of CSIS.

8 Q. Thank you.

9 And then if we turn over to the next
10 page ---

11 Much of this is blanked out. But we
12 do see, in the middle:

13 "*Traditional Aboriginal and treaty*
14 *rights issues, including land use,*
15 *persist across Canada...*"

16 And then:

17 "*Discontent related to natural*
18 *resource development across Canada*
19 *is largely an extension of*
20 *traditional concerns. In British*
21 *Columbia, this is primarily related*
22 *to pipeline projects (such as*
23 *Northern Gateway).*"

24 Did you draw any inference about which
25 Project "Northern Gateway" is referring to?

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1 A. It was clear to me that it was
2 referring to the Enbridge Northern Gateway Pipeline
3 Project.

4 THE PRESIDING MEMBER: You are back to
5 your "bad habits"!

6 THE WITNESS: Yes. My apologies.

7 It was clear to me that in referring
8 to "Northern Gateway", this Memo was describing the
9 Enbridge Northern Gateway Pipeline Project.

10 MR. CHAMP:

11 Q. If you now go to ---

12 (To the Presiding Member): And I
13 apologize, Mr. Chair. These pages aren't numbered at
14 the bottom.

15 In my experience, CSIS has a different
16 way of numbering when they produce documents under the
17 Access to Information Act.

18 As you saw with the NEB documents, not
19 only do they number them at the bottom, but when they
20 black-out stuff, they will usually put the Sections of
21 the Act that they rely upon to exempt.

22 That is not CSIS's practice. They
23 don't like to give us that assistance.

24 Q. If you go through to the next full
25 document, we see that it says "Unclassified:

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1 Government Operations Centre, Government of Canada Risk
2 Forecast ---"

3 A. Yes. I see that, yes.

4 Q. "-- 2014 Protests & Demonstrations
5 Season".

6 A. Yes.

7 THE PRESIDING MEMBER: Give me a
8 moment to find the reference...

9 MR. CHAMP: Yes. It is about seven
10 pages in...

11 THE PRESIDING MEMBER: Yes:
12 "Government Operations Centre..."

13 MR. CHAMP: That's correct.

14 THE PRESIDING MEMBER: "-- Government
15 of Canada Risk Assessment..."

16 MR. CHAMP: Yes. GOC. "2014 Protests
17 & Demonstrations Season".

18 THE PRESIDING MEMBER: Yes. Thank
19 you.

20 MR. CHAMP:

21 Q. Mr. Paterson, what is your
22 understanding about who or what is the "Government
23 Operations Centre"?

24 A. We understand the "Government
25 Operations Centre" to be a Federal centralized Bureau

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1 that, among other things, tracks the incidence of
2 protests, wherever they may happen in Canada, and
3 shares that information with other Federal Departments.

4 It is our understanding that they
5 receive that information from a variety of Federal
6 sources.

7 I have seen Lists produced by the GOC,
8 and they list Protest Date, Subject-Matter of Protest,
9 and Location.

10 Q. Does the BCCLA have any position
11 or view on the Government Operations Centre collecting
12 information in a systematic way about protests and
13 demonstrations across Canada?

14 A. We have publicly expressed
15 concerns about the Government Operations Centre's work
16 in this regard.

17 While, of course, it is completely
18 appropriate for Government to take note of Protests --
19 indeed, part of the purpose of most Protests is to
20 catch the attention of Government -- it seems to us,
21 from what we understand of the GOC, that its purpose is
22 not to provide Policy input to, say, Fisheries and
23 Oceans Canada or other Ministries about what people are
24 concerned about; rather, it is more gathering this
25 kind of information in order to make these kinds of

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1 assessments of threat and provide that information to
2 Government Agencies.

3 That is our understanding of the work
4 that they are engaged in.

5 Q. What is the BCCLA's position
6 around whether Protests are a threat to Government?

7 A. In general, it is our position
8 that people have the right to engage in peaceful
9 protest.

10 That is clear to us.

11 Our concerns around what the GOC has
12 been doing is that it at least tends to a suggestion
13 that the Government, or at least portions of the
14 Government, are viewing protest in a spirit other than
15 democratic engagement; that it is viewing protest,
16 rather, as something to be concerned about, monitored,
17 and reported upon.

18 Q. Thank you.

19 If we go to the next document in this
20 Tab ---

21 (To the Presiding Member): And for
22 your assistance, Mr. Chair, this is the last document
23 in this Tab, the last four pages.

24 It is a 4-page document numbered Page
25 1 of 4, 2 of 4, 3 of 4, and it starts on Page 1 with

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1 "Memorandum to the Director".

2 THE PRESIDING MEMBER: I have it.

3 Thank you.

4 MR. CHAMP:

5 Q. It reads:

6 "Memorandum to the Director:
7 Meeting of the Deputy Ministers'
8 Committee on Resources and Energy,
9 ...Monday, 19 June 2014".

10 Who do we understand this "Director"
11 to be, Mr. Paterson?

12 A. Forgive me. To clarify, the date
13 here is "Monday, 19 June 2014"?

14 Q. That's correct.

15 A. I understand this to be written to
16 the Director of CSIS.

17 Q. And we will see, on that first
18 page, in bold block letters, capital letters,
19 underlined: "Northern Gateway Pipeline Decision".

20 It seems like we have a couple of
21 pages on this.

22 What inference, if any, did you draw,
23 or did the BCCLA draw, about whether or not CSIS is
24 collecting information on Groups opposed to the
25 Northern Gateway Pipeline Project, from this document?

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1 A. Well, it seemed clear to us that
2 in order to write such a Memorandum, CSIS had to have
3 collected information about Groups opposed to the
4 Northern Gateway Pipeline Project.

5 Q. And we see, looking at the final
6 page of this document, that it appears to have been
7 prepared by "Tom Venner, Assistant Director of CSIS".

8 It appears to be the same individual
9 who wrote me a Letter about this Complaint.

10 A. I see that, yes.

11 Q. And just in closing, Mr. Paterson,
12 are you aware of any of these Organizations that we are
13 talking about here, ForestEthics, Dogwood, Sierra Club,
14 LeadNow ---

15 To your knowledge, have any of these
16 Organizations been involved in violent activities,
17 either with respect to the Northern Gateway Pipeline or
18 otherwise?

19 A. The answer is "no". In fact, to
20 my knowledge, these are Organizations that are
21 committed to non-violence in their actions.

22 They are well-known Organizations in
23 British Columbia. They are Organizations that I have,
24 living here, seen around for years, been observing for
25 years.

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1 I have known people who are working
2 for these Organizations at various times, and I have
3 absolutely no knowledge of any involvement in any kind
4 of violent activity. And quite to the contrary, I am
5 aware of their commitment against violent actions.

6 MR. CHAMP: Thank you.

7 I will just be a moment, Mr. Chair...

8 THE PRESIDING MEMBER: Yes.

9 --- (A Short Pause: Off-Record Discussion between
10 Complainant's Counsel and Client Representative)

11 MR. CHAMP: Thank you, Mr. Chair.

12 Q. Mr. Paterson, I will ask you to
13 turn to Volume II of the of the Complainant's Books of
14 Documents.

15 This is Exhibit C-2.

16 A. Yes.

17 Q. There are a couple of documents
18 near the back on which I would like you to provide us
19 with a little bit of information concerning
20 Organizations that aren't appearing but which were
21 named in these documents.

22 If you could turn, first, to Tab 48...

23 A. Yes.

24 Q. What are these two documents
25 about?

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1 A. The documents in Tab 48 relate to
2 an Organization called The Council of Canadians. They
3 are from their Website and they describe, in general
4 terms, what they are about as an Organization, and
5 specifically that they are a social-action
6 Organization, with Chapters nation-wide, and that they
7 are engaged in a number of different issues, from water
8 to economic issues.

9 The second page is their Statement on
10 Non-Violence: *that they specifically do not condone,*
11 *and are opposed to, the use of violence in carrying out*
12 *their advocacy.*

13 Q. Thank you.

14 And at Tab 49, there is a bit more
15 information about The Council of Canadians.

16 I think you might have touched on this
17 already. It just sets out a bit of their structure,
18 and so forth.

19 A. Yes. I am familiar with this
20 document, and while I have not been involved with The
21 Council of Canadians, I understand, from having met
22 people who work for them, that they are headquartered
23 in Ottawa and that they are, sort of, a Federation of
24 Chapters that operate nation-wide.

25 Q. And do you have any knowledge of

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1 The Council of Canadians ever being involved in or
2 promoting violent activities?

3 A. No, I don't have any such
4 knowledge. And again, to the contrary, I am aware of
5 their publicly-stated commitment against such
6 activities.

7 Q. Okay. Thank you.

8 Next, Tab 50, Mr. Paterson.

9 This is an Organization called the
10 West Kootenay EcoSociety.

11 First of all, do you know whether the
12 EcoSociety was involved in the National Energy Board
13 Northern Gateway Pipeline issue at all?

14 A. I understand that they organized
15 some of their members to attend a Protest at National
16 Energy Board Review Panel Hearings near to them.

17 I don't think there were any Hearings
18 in the Kootenay Region, where they are, so I think they
19 went to the nearby Hearing in the Okanogan Region.

20 Q. And this document at Tab 50, I
21 understand, is from their Website...

22 A. Yes.

23 Q. And what else do we know,
24 generally speaking, about the West Kootenay EcoSociety?

25 A. I know that they are a respected

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1 local Group that works, principally, on a variety of
2 local environmental issues in their region of British
3 Columbia.

4 Q. And if you turn to the final Tab
5 here, Tab 51, we see their Report "*Progress in 2014*":
6 *Working for the Future We Want*".

7 Is there anything in this document
8 that indicates that they are involved in violent
9 activity at all?

10 A. No. There is no such indication
11 in this document. Everything that is described in
12 here, from organizing local markets to working on
13 transportation infrastructure, is all non-violent.
14 --- (A Short Pause)

15 MR. CHAMP: Thank you, Mr. Paterson.
16 Those are all the questions I have for you.

17 THE WITNESS: Thank you.

18 THE PRESIDING MEMBER: Thank you, Mr.
19 Champ.

20 Madam Dion, do you have any questions
21 for the witness?

22 MADAM DION: May I have just a few
23 moments...

24 THE PRESIDING MEMBER: Certainly.

25 --- (A Short Pause: Off-Record discussion between

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1 Respondent's Counsel and ER&L Client Representative)

2 MADAM DION: Thank you, Mr. Member.

3 Cross-Examination by Ms. Dion:

4 Q. During your testimony, Mr.
5 Paterson, you referred to the *Vancouver Observer*
6 Article found at Tab 9 of Exhibit C-1.

7 I understand this is the Article that
8 sparked your interest in this issue.

9 Am I correct?

10 A. That's correct.

11 Q. And I understand that you
12 contacted the Journalist that wrote that Article to
13 obtain the documents that are mentioned in this
14 Article.

15 Is that correct?

16 A. I can't recall if I contacted him
17 or if he contacted me for comment. I recall talking to
18 him, whoever initiated the call.

19 Q. So you were in contact?

20 A. We were in contact, and he did
21 provide me with the documents.

22 Q. And those are the documents
23 provided at Tab 4?

24 A. That's right.

25 Q. And I understand that you have

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1 read these documents ---

2 A. I have.

3 Q. -- in their entirety?

4 A. Yes, I have.

5 Q. You are aware that the Committee
6 has jurisdiction to investigate acts or things done by
7 the Service?

8 A. I am, yes.

9 Q. So this is not a matter of
10 investigating the Government as a whole or the RCMP.
11 These are allegations specific to the Service.

12 A. Yes. I am quite familiar with
13 that, and for that reason, our Complaint, first to CSIS
14 and then referred to SIRC, focused on CSIS, rather than
15 the RCMP.

16 Q. During your testimony, you
17 referred to Page 37 at Tab 4...

18 A. Yes.

19 Q. And you said that from reading
20 this e-mail from Rick Garber -- and again, from the
21 signature, I make the assumption that Rick Garber is an
22 NEB employee -- you made the finding that the NEB
23 consulted with CSIS in this instance.

24 A. Well, the document states that the
25 NEB consulted with CSIS.

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1 Q. And I understand that you have
2 some previous experience with the NEB, the National
3 Energy Board...

4 A. I have, yes.

5 Q. Are you aware of its enabling
6 Statute?

7 A. I am. I could not quote chapter
8 and verse to you; but I have gone into the *NEB Act*
9 from time to time.

10 Q. And is it your understanding that
11 the National Energy Board falls under the Government of
12 Canada; that it is a part of, or a sector of, the
13 Government of Canada?

14 A. My understanding is that it is a
15 quasi-judicial tribunal that is exercising authority
16 conferred on it under the *National Energy Board Act* by
17 Parliament and, therefore, in the broadest sense, they
18 would be considered part of the Crown.

19 There has been some jurisprudence
20 about whether they are a part of the Executive or not,
21 particularly in relation to Aboriginal Consultation
22 Cases. But my understanding is that they are, broadly
23 speaking, exercising the Crown's authority.

24 Q. Thank you.

25 And reading ---

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1 THE PRESIDING MEMBER: I will ask both
2 of you to keep your voices up.

3 THE WITNESS: Yes. Forgive me, Mr.
4 Chair.

5 MADAM DION: I apologize.

6 THE PRESIDING MEMBER: I will have the
7 Transcript, but...

8 THE WITNESS: The angle is even worse
9 this time.

10 Yes, I will speak up and I will orient
11 my body towards you, Mr. Chair, and ask Ms. Dion to
12 forgive me for being a bit turned away from her.

13 MADAM DION: That's fine. Thank you.

14 THE PRESIDING MEMBER: And I am sure
15 Madam Dion will not take offence.

16 MADAM DION: Absolutely not.

17 Q. Again, on that document, when you
18 testified, you were referred to the sentence in the
19 second paragraph, where it reads:

20 "Based on the intelligence
21 received..."

22 I understand that from this sentence,
23 you make the inference that CSIS actually did provide
24 information to the NEB.

25 A. That's right. Of course, based on

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1 this document, and particularly with the redaction, I
2 could do no more than make an inference in that regard.

3 Q. Can you read the section that
4 follows the comma after "*Based on the intelligence*
5 *received...*"

6 A. It says:
7 "...we have no indications of
8 threats to the Panel at this time."

9 Q. If we move on to the document that
10 is found at Page 68...

11 A. Yes.

12 Q. I understand from your testimony
13 that you understand this to be a National Energy Board
14 document, the title being "*Enbridge Northern Gateway*
15 *Pipeline Project, Security Plan, Prince Rupert*".

16 A. Yes, that's correct.

17 Q. Looking at the Table of Contents
18 at the next page, we can see that the Report contains
19 many Sections. For instance, Section 1: "*Sign-off on*
20 *Security Risk Level and Hearing Security Management*
21 *Plan*"; Section 2, "*Contacts*"; Section 3, "*Staff*
22 *Contacts*"; "*Maps*"; "*Venue Floor Plans*"; and so on
23 and so forth.

24 A. I see that, yes.

25 Q. If we go through the pages that

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1 follow, we find those Sections, including "Floor
2 Plans", "Communications", "Media", "Itinerary".

3 I take you to Page 77...

4 A. Yes.

5 Q. There is a Section, Section 10,
6 called "Threat Assessment".

7 A. I see that, yes.

8 Q. And it says, under "National-level
9 Intelligence Resources":

10 "The NEB has consulted the Canadian
11 Security Intelligence Service, both
12 National Headquarters and regional
13 offices..."

14 And then we can see that there is a
15 line that has been redacted.

16 Correct?

17 A. I see that, yes.

18 Q. And then we can find the same type
19 of information for the ---

20 The following Section reads:

21 "NEB Security and the RCMP have
22 been in regular communications
23 since an initial meeting on October
24 24, and have discussed the
25 Hearings, associated venues and

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1 *threat intelligence. Ongoing*
2 *liaison with Prince Rupert RCMP*
3 *Detachment..."*

4 A. I see that.

5 Q. And do you understand that to be
6 the NEB consulting the RCMP on security matters or
7 threats?

8 A. That portion which you have just
9 read, yes, I understand that to refer to the RCMP.

10 Q. And if we move on in that Report,
11 there is Section 11, "Security Level", Section 12,
12 which has been redacted, "Security Management Plan",
13 and then we move on to the last Section, Section 14,
14 "Community Profile" ---

15 THE PRESIDING MEMBER: Page...?

16 MADAM DION: It is on the same page,
17 Page 78.

18 Q. So, "Community Profile".

19 And then if we go on, there is a
20 "General" section; then there is a "Crime" Section, at
21 Page 79.

22 Then I take you to Page 80, which you
23 were referred to during your in-Chief Examination...

24 A. Yes.

25 Q. Could you please read ---

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1 Under "Security Information -
2 Background" ---

3 I understand that there is a part that
4 is redacted, and then it says:

5 "Lee has since conducted more
6 research and had discussions with
7 the RCMP regarding Kelowna
8 hearings. A summary of this
9 information follows..."

10 Is there any indication in this
11 document that would suggest that any of this
12 information about these planned protests that you refer
13 to, or the events, was information that was actually in
14 fact provided by the Service?

15 A. There is nothing that hasn't been
16 redacted that states that the information on this page
17 was provided by CSIS. At least on this page.

18 I should say, it is not clear that
19 this page follows from the page before and so I
20 couldn't say that elsewhere in the document there
21 wasn't such a reference. But under this Heading, as
22 you have described, "Security Information -
23 Background", I see no reference right here to CSIS.

24 THE PRESIDING MEMBER: That is an
25 interesting orphaned word at the top of Page 80...

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1 THE WITNESS: Yes.

2 MADAM DION: Mr. Member, these are not
3 CSIS's documents ---

4 THE PRESIDING MEMBER: No, no. I know
5 that. I am simply reflecting.

6 THE WITNESS: Yes.

7 MADAM DION: And that is the
8 difficulty. We are making inferences on redacted
9 documents.

10 THE PRESIDING MEMBER: I take your
11 point, Madam Dion.

12 MADAM DION:

13 Q. You talked a little bit, during
14 your testimony, about the GOC, the Government
15 Operations Centre.

16 Is that correct?

17 A. I did.

18 Q. And you were referring to the
19 documents that are found at Tab 5.

20 We might as well go there at this
21 point.

22 --- (A Short Pause)

23 A. I am there.

24 Q. To your knowledge, is the
25 Government Operations Centre a CSIS initiative or a

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1 Program that falls under CSIS's authority?

2 A. I am not aware of its relationship
3 to CSIS. I am not in a position to answer that.

4 Q. If we take the document that
5 follows, the GOC Assessment, the Memorandum to
6 Director...

7 So, for the June 19th Meeting.

8 A. Yes.

9 Q. I understand from your testimony
10 that it is your understanding that this document
11 demonstrates that the Service investigated, or at least
12 collected information on Groups involved in the
13 Northern Gateway Pipeline Project Hearings.

14 Is that a correct statement, an
15 accurate statement?

16 A. I would rely on whatever the
17 Transcript says I said before; but I think you have
18 accurately summed up what I said.

19 Q. I will ask you to turn to Page 3
20 of that document...

21 A. Yes. I have that.

22 Q. Obviously, the document has been
23 redacted, in part. However, I will ask you to look at
24 the last paragraph, which has not been redacted, and I
25 will ask you to read that for us, please.

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1 A. It reads:
2 *"The Service recognizes that many*
3 *of these issues involve legitimate*
4 *protest and dissent and, as such,*
5 *have no nexus (to CSIS's mandate)."*
6 (As Read)

7 Q. So would it be possible -- and
8 again, I understand that we are working with redacted
9 materials. But would it be possible that the Service
10 actually recognizes that lawful protest and advocacy
11 cannot be investigated under the *CSIS Act*, unless there
12 is a threat component, as per Section 2 of the *CSIS*
13 *Act*?

14 A. The document states that the
15 Author of the document has set out that such activities
16 have no nexus to CSIS's mandate. The document also
17 states, and seems to summarize and get information from
18 somewhere, that there is opposition; that that
19 opposition is peaceful; that there are First Nations
20 who are concerned about Treaty Rights issues.

21 And then it says: *"Oh, and none of*
22 *this is within our mandate."*

23 And yet there is a whole Report that
24 apparently is talking about what these Groups are
25 doing.

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1 I can't see what precedes this.

2 So I see that the document says that
3 there is "no nexus to CSIS's mandate"; but the
4 document also gives rise to a very strong suggestion
5 that the Service has information about the activities
6 of these First Nations Groups and their positions on
7 the Northern Gateway Pipeline Project.

8 MADAM DION: Those are of the
9 questions I have for the witness, Mr. Fortier.

10 THE PRESIDING MEMBER: Thank you,
11 Madam Dion.

12 Madam Bowers, do you have questions
13 for the witness?

14 MS. BOWERS: I have a couple of
15 questions, yes.

16 Thank you, Mr. Fortier.

17 Examination by Ms. Bowers:

18 Q. I would like some clarity as to
19 the origin of some of the documents.

20 Looking at Tab 4, I understand that
21 the majority of those documents were received from a
22 Journalist.

23 Is that correct?

24 A. They were received by me from a
25 Journalist. My understanding is that they were

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1 received by him from the National Energy Board under
2 *Access to Information*.

3 Q. And that Journalist is ---

4 A. His name is Matthew Millar. He
5 was, at the time, employed by a local News Website
6 called the *Vancouver Observer*. He doesn't work there
7 now, and I don't know what he is up to these days.

8 Q. But that is a separate set of
9 documents that you would have received, because you
10 also received documents from Mr. Bronskill ---

11 A. That's right.

12 Q. -- under Tab 5?

13 A. That's right. More than a year
14 later, we got documents from Mr. Bronskill.

15 Q. Who had also made an ATIP Request?

16 A. I recall him saying that he did.

17 The Letter here suggests that he did
18 make such a Request and that CSIS provided these
19 documents in response to his Request.

20 Q. And then he provided the documents
21 to you?

22 A. He did. He wrote a Story about
23 it...

24 I can't remember offhand whether he
25 interviewed me for that Story; but we were talking

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1 about it and he provided the documents to me.

2 Q. Thank you.

3 In some of the documents -- and I
4 think Mr. Champ referred to the fact that there has
5 been justification for the redaction, which I am
6 assuming came from ---

7 I am assuming the redaction was
8 referring to the Section of the Act.

9 If you look, for instance, at Tab 4,
10 picking a random page in Tab 4, along the side column,
11 there are Section Cites: So, Section 16(2)(c), for
12 instance...

13 A. Yes. Those are in various places
14 throughout the document. They are not always at the
15 side. Sometimes they are in close proximity to where
16 the redaction occurred. So you could have a Section
17 cited in the middle of the page.

18 Q. Okay. That's fine.

19 A. And those are references to the
20 exemptions under the *Access to Information* ---

21 Q. The ATIP. Okay.

22 But those were provided, not by you,
23 but by ---

24 A. No. Those came to us ---

25 Q. As such?

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1 A. -- as such.

2 I would speculate that those came from
3 the National Energy Board.

4 I cannot believe that it was the
5 Reporter who went through the documents, so helpfully,
6 and did that.

7 MS. BOWERS: Yes. I think reference
8 was made to that earlier.

9 Those are my questions. Thank you
10 very much.

11 THE PRESIDING MEMBER: Thank you,
12 Madam Bowers.

13 THE WITNESS: I would add, in response
14 to your question, that we went through what these
15 exemptions meant, why these things were being redacted,
16 and at least some of them were in reference to
17 protecting the identity of a confidential informant.

18 We don't know who. We don't know what
19 Agency. We don't know anything about that.

20 It was another thing that gave us
21 concern in relation to these Groups: Idle No More, and
22 others.

23 If I recall correctly, it was in
24 relation to Idle No More.

25 We were concerned that someone,

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1 anyways, within the Government of Canada was relying on
2 informants within the Idle No More Movement. But we
3 have no confirmation of that.

4 **THE PRESIDING MEMBER:** I have no
5 questions, Mr. Paterson.

6 I am grateful to you for having taken
7 the time and effort to give evidence before me this
8 afternoon. You are now excused. However, you may
9 remain with your Counsel in the Hearing Room throughout
10 the Proceeding.

11 **THE WITNESS:** Thank you.

12 --- (The Witness Stood Down and took his seat at the
13 Counsel Table)

14 **Preliminary/Procedural Matters, (Cont'd):**

15 **THE PRESIDING MEMBER:** Our timing this
16 afternoon is excellent, given that it is now 4:30.

17 Mr. Champ, you will be calling five
18 more witnesses.

19 I have never held Counsel to a
20 guesstimate -- and I won't make an exception in your
21 case -- but how long do you think you will be with your
22 five witnesses tomorrow?

23 **MR. CHAMP:** Thank you very much for
24 that question, Mr. Chair.

25 For your benefit and for the benefit

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1 of Ms. Dion, we are anticipating that we would get
2 through the two Dogwood Initiative witnesses, Ms.
3 Trojand and Ms. Dance-Bennink tomorrow morning.

4 We are estimating, with Cross, the
5 evidence of each of them will take an hour-and-a-half
6 to two hours.

7 THE PRESIDING MEMBER: So a couple of
8 hours for each?

9 MR. CHAMP: Yes. That is our
10 guesstimate. They will each be probably an hour or so
11 in Direct, and perhaps as long in Cross.

12 That is what we are estimating ---

13 THE PRESIDING MEMBER: You are
14 estimating for Madam Dion!

15 MR. CHAMP: That's true. But actually
16 my estimate for Mr. Paterson's evidence worked out as I
17 anticipated it.

18 Ms. Vernon and Ms. Skuce would be the
19 next two witnesses.

20 We are hopeful that both of those will
21 be shorter, on the order of an hour to an hour-and-a-
22 half each; and the for Mr. Biggar, about an hour-and-
23 a-half.

24 So we are anticipating that there is a
25 good chance that we could get all of those witnesses

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1 done tomorrow. But if that is not the case, then we
2 would call one of them on Friday, and that would likely
3 be Mr. Biggar.

4 Mr. Biggar is the one that is a bit
5 more flexible in terms of time. But if necessary, we
6 could call him on Friday, and that would leave us
7 sufficient time to get in "Robert" on Friday as well.

8 THE PRESIDING MEMBER: Or maybe
9 tomorrow afternoon.

10 MR. CHAMP: Theoretically, yes.

11 THE PRESIDING MEMBER: I appreciate
12 having this information.

13 Madam Dion, your Cross-Examination of
14 the witnesses will obviously depend upon the Direct
15 Evidence of the witnesses.

16 MADAM DION: It is difficult to
17 anticipate the time required.

18 THE PRESIDING MEMBER: I appreciate
19 that.

20 I will ask you to have "Bob" on call
21 for tomorrow afternoon.

22 MADAM DION: We have advised him to
23 clear his schedule and to be available as of 2 p.m.
24 tomorrow through until Friday. However, he does
25 require one hour's notice to get here.

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1 THE PRESIDING MEMBER: Very well.

2 Thank you, all ---

3 MR. CHAMP: Just before we adjourn,
4 Mr. Chair, I wonder if I might have a moment to consult
5 with my Client on one point?

6 THE PRESIDING MEMBER: Yes, certainly,
7 Mr. Champ.

8 --- (A Short Pause: Off-Record Discussion between
9 Complainant's Counsel and Client)

10 Section 48(1): Privacy of Proceedings - Request for
11 Clarification:

12 MR. CHAMP: Thank you, Mr. Chair.

13 In consulting with Mr. Paterson, he
14 expresses to me some concern about getting a bit of
15 clarification around your Direction of earlier today
16 concerning the matter of speaking about testimony.

17 Mr. Paterson well understands the
18 Direction not to speak about testimony; however, the
19 general concerns that he has testified about are part
20 of the BCCLA's general concerns regarding the
21 Complaint. As such, subject to any further Direction,
22 he may well speak about the reasons why BCCLA filed the
23 Complaint, and so forth, which is essentially what he
24 has testified about today.

25 In doing so, would he be acting

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1 contrary to your Direction regarding speaking about
2 one's testimony?

3 My own view is that that should be
4 acceptable, provided he doesn't make an indication
5 along the lines of *"Well, this is what I told the*
6 *Committee"*, or *"I told the Committee this"*, or *"I told*
7 *the Committee that"*.

8 THE PRESIDING MEMBER: Yes. There is
9 a fine line here.

10 Mr. Paterson is a lawyer. He has
11 heard what my general directions were, my reference to
12 Subsection 48(1) and the importance of preserving the
13 integrity of the Proceedings, and, as such, I am
14 prepared to leave this to his judgment. But if it
15 should come to pass that any communication to the Media
16 is of a nature to, in effect, put in different words
17 the evidence that he has given before me today, I would
18 view that negatively.

19 MR. CHAMP: Yes. I understand, Mr.
20 Chair, and both he and I will be directed and governed
21 by that. I would, however, flag the fact that, as the
22 Committee is aware, there is a great deal of Media
23 attention and public interest in this matter, and far
24 more than we had anticipated in fact.

25 The BCCLA has been contacted by Media

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1 Organizations across the country.

2 The issue that is raised by this
3 Complaint has very much hit a nerve among many
4 Canadians, and I want to flag that for the Committee.

5 We are all aware that the issues
6 raised in this Complaint and in this Proceeding are of
7 great interest to Canadians.

8 THE PRESIDING MEMBER: I hear you.

9 It is important to clarify that there
10 has been a Complaint filed pursuant to the Act, that
11 the Committee has accepted jurisdiction over the
12 Complaint and that, now, the Committee, through my
13 humble personage, is proceeding with the Inquiry into
14 the facts alleged by the Complainant to see whether or
15 not the Complaint is a well-founded one.

16 It is vitally important for Mr.
17 Paterson to explain that there has been a Complaint
18 filed and that, now, there is an Inquiry, with the
19 facts still to come before me, to be analyzed and
20 weighed by me in the light of the applicable
21 legislation.

22 MR. CHAMP: Yes.

23 THE PRESIDING MEMBER: This is not
24 just a matter of *"Here's what we have said, and that's*
25 *the truth"*.

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1 MR. CHAMP: Of course.

2 THE PRESIDING MEMBER: I trust Mr.
3 Paterson to nuance any statement that he may make to
4 the Press.

5 MR. CHAMP: Yes -- and, to be clear,
6 that is how we are governing ourselves.

7 We are explaining to the Media the
8 nature of the Body, of SIRC, as well as the nature of
9 the process, how it is conducted.

10 Obviously, this is a unique -- and I
11 emphasize the word "unique".

12 There is no other Legal Proceeding
13 like this in Canadian Law ---

14 THE PRESIDING MEMBER: That is
15 correct.

16 MR. CHAMP: -- and so, as such, we
17 have been involved in some public education, Media
18 education, as to how this Proceeding works.

19 So we have been speaking about the
20 Proceeding in that sense.

21 THE PRESIDING MEMBER: And such
22 education is welcome.

23 MR. CHAMP: Of course. Exactly.

24 THE PRESIDING MEMBER: Madam Dion, do
25 you have anything to say in response?

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1 MADAM DION: No. Thank you, Mr.

2 Member.

3 THE PRESIDING MEMBER: Very well.

4 We stand adjourned until 9 o'clock
5 tomorrow morning.

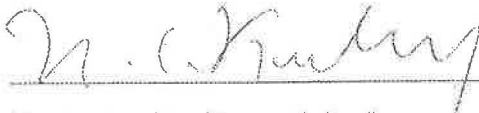
6 I wish you all a good evening.

7 MR. CHAMP: Thank you very much, Mr.
8 Chair.

9 MADAM DION: Thank you.

10
11 --- The Hearing Adjourned, to reconvene on Thursday,
12 August 13, 2015

13
14 Certified Correct:

15 
16
17 Noel C. Keeley, C.S.R.

18

PROTECTED B INFORMATION
In Camera Hearing
File No. 1500-481

THE SECURITY INTELLIGENCE REVIEW COMMITTEE
COMITÉ DE SURVEILLANCE DES ACTIVITÉS DE RENSEIGNEMENT
DE SÉCURITÉ

CASE NO. 146

IN THE MATTER of a Complaint filed by The British
Columbia Civil Liberties Association, pursuant to
Section 41 of the *Canadian Security Intelligence*
Service Act, R.S.C. 1985, c. C-23

BETWEEN:

British Columbia Civil Liberties Association

Complainant

- and -

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

Transcript of Case Management Conference (via
TeleConference), held on Friday, July 24, 2015, at
Ottawa, Ontario, commencing at 11 a.m.

BEFORE: The Honourable L. Yves Fortier, P.C., C.C.,
O.Q., Q.C., Presiding Member

(Case Management Conference)

Official Court Reporters: Keeley Reporting Services
Inc.:
Per: N.C. Keeley, C.S.R.

APPEARANCES

P. Champ	for the BCCLA
C. Bowers	for SIRC
S. Dion	for CSIS

Also in Attendance:

CSIS ER&L Staff (1) - via teleconference)

S. Stawicki	Hearings Registrar
Noel C. Keeley, C.S.R.	Court Stenographer

1 Protected B:

2 Personal-Protected Information

3 In Camera Hearing

4 Case Management Conference:

5 --- The Hon. L. Yves Fortier, P.C., C.C., O.Q., Q.C.,
6 Presiding Member

7 --- Upon commencing at Ottawa, Ontario, on Friday, July
8 24, 2015, at 11 a.m.:

9 --- The Parties to the Case Management Conference
10 participating via TeleConference having been introduced
11 and identified, the Proceedings continued as follows:

12 THE CONFERENCE CALL OPERATOR: All
13 Parties to the Conference Call are now on the line, Ms.
14 Stawicki.

15 Should anyone on the Call require
16 assistance, please press "star-zero" on your telephone
17 keypad and we will be happy to assist you.

18 Please go ahead, Ms. Stawicki.

19 MS. STAWICKI: Thank you, Operator.

20 I will just have everyone confirm
21 their attendance, for the record.

22 THE PRESIDING MEMBER: This is Yves
23 Fortier speaking, and I am on the line.

24 Thank you, Ms. Stawicki.

25 Mr. Champ, you are on the line, I

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1 understand...

2 MR. CHAMP: Yes, Mr. Fortier: Paul
3 Champ, Counsel for the Complainant.

4 THE PRESIDING MEMBER: Thank you, Mr.
5 Champ.

6 And Madam Dion, for the Service...?

7 MS. DION: Yes, Member Fortier. Also,
8 I am joined on the Line by a representative of the ER&L
9 Branch of the Service.

10 THE PRESIDING MEMBER: Very well.
11 Thank you.

12 THE PRESIDING MEMBER: And from the
13 Offices of the Committee, we have Madam Bowers on the
14 Line...

15 MS. BOWERS: Yes, Mr. Fortier.
16 Bonjour.

17 THE PRESIDING MEMBER: Bonjour.

18 And also on the Line is Shayna
19 Stawicki, the Registrar for the Committee, who has
20 already identified herself on the record.

21 I am Yves Fortier and I am the Member,
22 as you all know, who is seized with this matter, which
23 is scheduled for a Hearing in Vancouver commencing on
24 the 12th of August 2015.

25 Mr. Champ, I have seen your Letter of

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1 14 July asking whether I could schedule a further Case
2 Management Conference, and I am happy to have agreed to
3 that request.

4 I recall that we were all together,
5 including Madam Bowers, who has replaced "Her
6 Ladyship", as she is now, Madam Roussel, who was
7 appointed to the Federal Court Bench a few weeks ago.

8 I also note that at the time of our
9 last Pre-Hearing Conference, Madam Bowers was assisting
10 Madam Roussel on this File.

11 MS. BOWERS: Precisely. Oui.

12 THE PRESIDING MEMBER: As such, you
13 are fully "in the picture" on this File, Madam Bowers?

14 MS. BOWERS: Correct.

15 THE PRESIDING MEMBER: Mr. Champ, I
16 have seen the Book of Documents which you have filed
17 with the Registrar, as well as the "Will-Say"
18 Statements of your Witnesses.

19 Madam Dion, I have also seen the Book
20 of Documents that you have filed with the Registrar, as
21 well as the "Will-Say" Statements of your witnesses.

22 If I read Mr. Champ's Letter
23 correctly, along with his e-mail of 17 July, which is
24 very explicit, it is Mr. Champ's view that,
25 notwithstanding the many nice Printouts from the CSIS

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1 Website, the documentation produced is not adequate,
2 from the Complainant's perspective.

3 As such, I am happy to listen to your
4 submissions in that regard today, Mr. Champ, following
5 which I will provide Madam Dion with the opportunity to
6 respond.

7 Please proceed, Mr. Champ.

8 Submissions by Mr. Champ, on behalf of the Complainant:

9 MR. CHAMP: Thank you very much,
10 Member Fortier.

11 Our concern, Mr. Chair, is that the
12 Service is apparently not going to put forward or call
13 any evidence related to these incidents in the Hearing
14 in which the Complainant will be present.

15 I don't know what evidence the Service
16 intends to call during the *Ex Parte* portion of the
17 Hearing; however, in our view, there should at least
18 be some evidence that the Service should be required to
19 call in the *In Camera* portion of the Hearing, the
20 portion of the Hearing where the Complainant is
21 present.

22 When one looks at the documents that
23 we have obtained under *Access to Information*, we see
24 that there are some CSIS Officials who are in
25 communication with the National Energy Board. We see

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1 that there are e-mails between Mr. Rick Garber, who is
2 the Head of Security for the NEB, and at least two CSIS
3 Officials, [REDACTED] and [REDACTED]

4 Notwithstanding that those names are
5 available in those public documents and that, clearly,
6 these Officials are involved in this matter to some
7 extent, there has been no evidence whatsoever produced
8 by CSIS in that regard.

9 Given that we are able to obtain this
10 information under *Access to Information*, I don't see
11 why that kind of evidence or information should be held
12 strictly to the *Ex Parte* portion of the Hearing.

13 And that, of course, is based on the
14 assumption that [REDACTED] and/or [REDACTED] are going
15 to be called by the Service in the *Ex Parte* Hearing.

16 Similarly, in our Book of Documents,
17 Volume 1, Tab 5, we have included some Memoranda to the
18 Director of CSIS that were obtained under the *Access to*
19 *Information Act*, and those Memoranda refer to this
20 issue of environmentalists participating in the NEB
21 Hearing in respect of the Northern Gateway Pipeline
22 Decision.

23 We note that those Memos are both
24 signed by Tom Venner, Assistant Director of CSIS, and
25 one of which, the last document under Tab 5, is all

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1 about the Northern Gateway Pipeline Decision; but yet
2 again, there is nothing whatsoever in the CSIS
3 Disclosure, neither in their Witness List nor the
4 documents that they have produced, the nice Printouts
5 from the Public Website, that gives us any insight
6 whatsoever or any opportunity for the Complainant to
7 learn more about the involvement of the Service in the
8 issue.

9 Again, I highlight the fact that if
10 this information can be disclosed under the *Access to*
11 *Information Act*, I have a hard time understanding how
12 any reasonable argument can be made that any of this
13 type of evidence should be reserved for the *Ex Parte*
14 portion of the Hearing.

15 That is our concern, Mr. Chair.

16 At the end of the day ---

17 I did not bring a Motion in this
18 regard specifically.

19 One option that I have canvassed with
20 my Client is that we ask the Committee to issue a
21 Summons for one or two of these individuals, with a
22 Subpoena Duces Tecum to produce documents if,
23 presumably, they have other documents on this matter
24 that are not strictly prohibited from disclosure under
25 Section 38 of the *Canada Evidence Act*. But before

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1 taking that step, I thought I would address the issue
2 with you, Mr. Fortier, and with the Service, in an
3 effort to gain some insight as to how the Service sees
4 this issue.

5 From our perspective, it is not
6 helpful at all when we have no idea what the Service's
7 position is on any of these issues.

8 THE PRESIDING MEMBER: I thank you for
9 your comments, Mr. Champ. I well understand your
10 position.

11 At this point, I will ask Madam Dion
12 for her Reply Submissions, following which we will look
13 to where we go from here.

14 Madam Dion...

15 Submissions by Ms. Dion, on behalf of CSIS:

16 MADAM DION: Thank you, Mr. Fortier
17 and Mr. Champ.

18 As you will recall, at the Pre-Hearing
19 Conference, we agreed on the four Issues or Questions
20 that would be the subject of this Complaint, and those
21 Issues/Questions were as follows: First, whether the
22 Service collected, by investigation or otherwise,
23 information related to the eight Groups that are
24 identified in relation to the Northern Gateway Pipeline
25 and the NEB Hearings"; second, whether such collection

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1 or investigation was lawful; third, whether there was
2 information about these Groups that was shared with the
3 NEB or other non-governmental members of the Petroleum
4 Industry; and fourth, whether or not the sharing of
5 such information was lawful.

6 The Service is committed to providing
7 the Committee with all of the necessary information
8 required to fully investigate this Complaint; however,
9 the Service is precluded from providing information in
10 an Open Hearing that would be prejudicial to national
11 security, and that includes the existence or non-
12 existence of an investigation on a specific topic or
13 subject, and for this reason we cannot, and will not,
14 in the context of the Open Hearing, confirm or deny
15 whether or not information was collected.

16 This aspect will be fully addressed in
17 the *Ex Parte* Hearing. But unfortunately, this aspect
18 cannot be addressed in an Open Hearing.

19 What the proposed witness for the Open
20 Hearing will testify about will be Questions 2 and 4,
21 where he will explain the mandate of the Service, and
22 then, using the testimony from the Open Hearing as well
23 as the information that you will gain in the *Ex Parte*
24 Hearing, the Committee will be in a position to
25 determine whether what the Service did was lawful or

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1 not and whether the information sharing, if there was
2 information sharing, was lawful or not.

3 I understand that there are Access to
4 Information Requests that led to the release of certain
5 information; however, if you look at the Access to
6 Information Request Response of the NEB at Tab 4, you
7 will see that CSIS is mentioned a total of five times,
8 and those are e-mails that are sent, for the most part,
9 from the NEB to the NEB, with some to the RCMP. But
10 they say things like "Oh, we'll consult with CSIS".

11 Well, that doesn't establish anything
12 beyond the fact that CSIS is consulted. But as to
13 whether or not information was provided and, if
14 information was provided, what the content of that
15 information was, the release of that information would
16 be prejudicial to national security. As such, we
17 object to providing that evidence in the Open
18 Proceeding.

19 What we did announce as a witness for
20 the Open Hearing is "Robert, a Senior Manager from the
21 B.C. Region", and that "he will be testifying on the
22 Service's mandate under Section 12, as well as on the
23 definition of 'threats to the security of Canada' in
24 the context of domestic extremism investigation".

25 We go on to say that, "as the Senior

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1 *Manager, Robert has personal knowledge of the Service*
2 *Investigation under the responsibility of the B.C.*
3 *Regional Office".*

4 As I said earlier, the Committee has
5 access, and will continue to have access, to all of the
6 Service's information; however, this access to
7 information does not extend to the Complainant.

8 Filing a Complaint with SIRC does not
9 provide a Complainant with the right to access
10 otherwise classified information.

11 On one other topic mentioned by Mr.
12 Champ, that of the names of the CSIS employees in the
13 NEB document, those names should have been redacted.

14 Had the Service been consulted on
15 those Access to Information Request Responses, those
16 names would have been redacted. As such, I would ask
17 that from this point forward, we refrain from using the
18 names of the CSIS employees.

19 That is our position, Member Fortier,
20 taken pursuant to the Rules of Procedure of SIRC, which
21 have been deemed by the Supreme Court of Canada to
22 respect the principles of fundamental justice. As
23 such, this is as far as we can go in the context of an
24 Open Hearing.

25 **THE PRESIDING MEMBER:** Thank you,

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1 Madam Dion.

2 Do you have anything to say in Reply,
3 Mr. Champ?

4 Further Submissions by Mr. Champ, on behalf of the
5 Complainant:

6 MR. CHAMP: Yes, I do, Mr. Member.

7 A lot of what my friend is saying
8 relates to discretionary decisions of CSIS. Confirming
9 or denying whether there was the collection of
10 information under Section 12 is a discretionary
11 decision on the part of CSIS. There is not a
12 prohibition on that. If they wish, they can share that
13 information with the Committee. That is something that
14 could be determined under Section 38 of the *Canada*
15 *Evidence Act*, if it truly is information that could be
16 a threat to national security.

17 I frankly have a hard time imagining
18 that it is. But if that is truly what the concern is,
19 that is what they can do.

20 And again, they say "*we won't confirm*
21 *or deny*". But right or wrong, we see in these
22 documents that there was communication with CSIS, that
23 there was a sharing of information between CSIS and the
24 NEB, clearly, and for CSIS to now try to close the barn
25 door that has already been opened is not consistent

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1 with the principles of fundamental justice.

2 Additionally, I seriously doubt that it can be
3 characterized as "national security".

4 If CSIS is sharing information with
5 third parties, whether it be the NEB or Contractors, or
6 Natural Resources Canada, from our perspective, if it
7 is being shared outside of CSIS in that way, that
8 should seriously undercut any argument that they are
9 trying to make or could attempt to make that this is
10 "national security information".

11 Again, given that these documents
12 clearly demonstrate that there has been some collection
13 of information under Section 12, with all due respect,
14 I think it is a bit disingenuous for the Service to
15 argue now, or to attempt to argue throughout this
16 Proceeding, in the Open portion of the Proceeding, that
17 they can "neither confirm nor deny".

18 Those are my comments.

19 At the end of the day, I may well be
20 put to making a request of the Committee to issue a
21 Summons on our behalf to call those individuals; but
22 frankly, I just don't see how that is a principled way
23 for this Hearing to proceed.

24 When we do know the names of these
25 individuals and when we do know that they prepared

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1 information and collected information about the
2 Northern Gateway Pipeline Decision, we should be able
3 to test that information to some extent and not simply
4 be provided with a witness who ---

5 It was unclear to me what Ms. Dion was
6 saying; but it doesn't sound like "Robert, from B.C."
7 has any direct involvement in this matter.

8 THE PRESIDING MEMBER: Thank you, Mr.
9 Champ.

10 Anything in Reply, Madam Dion...?

11 Further Submissions by Ms. Dion, on behalf of CSIS:

12 MADAM DION: I will just say one
13 thing: With regard to what these documents are saying
14 -- and I think that will be one of the comments I will
15 be making later, when we are asked about objections to
16 the production of certain documents.

17 We have to be careful with the NEB
18 ATIP Disclosure. We cannot make the documents say
19 things that they do not say. What the documents say is
20 that "*CSIS was consulted*".

21 That is it. There is no "*information*
22 *sharing*"; there is no indication that information was
23 shared by CSIS.

24 The Complaint is based on this ATIP
25 Request Response, and here we are saying: *What is*

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1 under the redaction probably means that CSIS shared
2 information.

3 We have to be extremely careful about
4 that.

5 I think that is one of the
6 difficulties with this Complaint.

7 The documents do not say that the
8 Service shared information. The documents at Tab 4 say
9 that CSIS "*was consulted by the NEB*" -- which, by the
10 way, is a Government Agency. It is "Government of
11 Canada".

12 **THE PRESIDING MEMBER:** Thank you,
13 Madam Dion.

14 The Committee has accepted to
15 investigate the Complaint filed by the Complainant in
16 this matter, and I am the Member of the Committee that
17 has been designated by the Committee to carry out that
18 Investigation.

19 It is important to underline again ---

20 It is elementary, but I will say it
21 again: It is the Committee's Investigation, and I
22 intend to carry out this Investigation pursuant to the
23 Rules that govern such Investigations, always ensuring
24 that the principles of fundamental justice are adhered
25 to, are respected. But there is an overriding concern,

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1 as you are well aware of, Mr. Champ and Madam Dion, and
2 that is the "national security" facet of any evidence
3 that is brought before me, which is why we have both an
4 *In Camera* Hearing, in the presence of the Complainant,
5 and an *Ex Parte* Hearing, wherein matters pertaining to
6 national security are conveyed/communicated to the
7 Presiding Member in the course of my thorough and
8 complete Investigation of the Complaint in question.

9 I think, Mr. Champ -- and I am not
10 going to give you any Instruction. But I will say
11 this: I think you would be well-advised to wait until
12 we have had the *In Camera* Hearing before taking further
13 steps in this regard. You should wait until those
14 witnesses who have been identified by the Service have
15 been heard and after the documents which the Service
16 has filed have been examined, and if at the conclusion
17 of the *In Camera* Hearing you continue to have some
18 concern that some evidence which, from your
19 perspective, you feel should have been presented in the
20 course of the *In Camera* Hearing has not been presented,
21 I assure you that I will listen to you carefully in
22 that regard and take whatever decision needs to be
23 taken at that time.

24 But I think it would be premature to
25 take any further steps in that regard at this time.

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1 I have listened to your submissions
2 very carefully, Mr. Champ. You have articulated your
3 position very clearly. I have heard the submissions of
4 Madam Dion, and she has articulated the position of the
5 Service very clearly. But I think it would be
6 premature to make any Application in that regard at
7 this point in time.

8 If you do decide to file an
9 Application, I assure you that I will deal with it
10 pursuant to my authority. But bear in mind that this
11 is my Investigation, and in carrying out my
12 Investigation, I have to weigh, on the one hand,
13 respect for the rules of fundamental justice from the
14 perspective of the Complainant and, on the other hand,
15 the overriding obligation to ensure that nothing is put
16 in the Open Proceeding which could be prejudicial to
17 national security interests.

18 That is not a determination that I can
19 make at this point on the basis of the documents that I
20 have seen.

21 That is the situation as I see it
22 today, Mr. Champ and Madam Dion.

23 If either one of you has any reaction
24 to that at this point, I am happy to hear from you.
25 Otherwise, I will adjourn this matter to the scheduled

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1 Hearing in Vancouver next month.

2 Mr. Champ...?

3 MR. CHAMP: Thank you for your
4 comments, Mr. Chair.

5 I am just wondering whether I might
6 ask you, or perhaps Ms. Bowers, whether *Ex Parte*
7 Hearing dates have been scheduled and whether the
8 Committee has been provided with further "Will-Say"
9 Statements from other witnesses?

10 THE REGISTRAR: This is Shayna
11 Stawicki speaking.

12 We are not allowed to confirm or deny
13 whether or not the *Ex Parte* dates have been set as yet,
14 nor are we allowed to comment on the documentation
15 provided for the *Ex Parte* Proceeding.

16 You will be receiving a Summary of
17 Evidence, vetted for national security issues, once the
18 *Ex Parte* Proceeding has been completed. But
19 unfortunately, it is not public information until such
20 time as the Summary of Evidence is prepared.

21 THE PRESIDING MEMBER: To be clear,
22 the Complainant will, in the fullness of time, be made
23 aware as to whether or not there has been an *Ex Parte*
24 Hearing and will receive, assuming an *Ex Parte* Hearing
25 did take place, a Summary of the Evidence, redacted so

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1 as to ensure that nothing is in the public domain that
2 could be prejudicial to national security.

3 So in the fullness of time, you will
4 be informed as to those steps, Mr. Champ.

5 MR. CHAMP: Mr. Chair, and Ms.
6 Stawicki, with great respect, I would appreciate
7 knowing what statutory provision prohibits the
8 disclosure of whether or not dates are set and whether
9 or not the Committee has received *Ex Parte* Evidence.

10 I have to say that that is not
11 consistent with my experience, nor is it consistent
12 with what I understand the role of SIRC Counsel to be.

13 In my prior experience, there have
14 been times when I have known ---

15 I may not know specifically when the
16 *Ex Parte* dates are -- although, frankly, I have known
17 at times. But SIRC Counsel has met with me to say
18 "Look, I want to ask you some questions. I want to
19 gain some information..."

20 Without disclosing what they have
21 received, they definitely advised me of the fact that
22 they had received information and had reviewed it and
23 they are therefore asking us, as the Complainant
24 Counsel Team, for information to assist them in leading
25 the *Ex Parte* Hearing.

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1 So, frankly, from that perspective,
2 Mr. Chair, I am a bit surprised to hear Ms. Stawicki's
3 statement.

4 I am unfamiliar with such a statutory
5 provision; and moreover, it seems to me to be
6 inconsistent with at least how I understand those *Ex*
7 *Parte* Proceedings to be held.

8 **THE REGISTRAR:** If I may comment, you
9 will be provided with an opportunity to ask questions,
10 through SIRC Counsel, in the *Ex Parte* process.

11 After the *In Camera* Hearing is
12 concluded, SIRC Counsel will consult with you in terms
13 of whether there is anything that you wish SIRC Counsel
14 to raise on your behalf in the *Ex Parte* Hearing.

15 So there will be a discussion with you
16 in that regard.

17 I was speaking specifically about the
18 dates of the *Ex Parte* Hearing and the content of the
19 Documentation and Evidence provided to the Committee
20 for that Hearing. All of that remains classified.

21 **MS. BOWERS:** Let me just interject to
22 say that I am familiar with the procedures -- and, of
23 course, the transition from Ms. Roussel to me has been
24 made.

25 As Shayna has mentioned, certainly we

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1 will be in touch with you, Mr. Champ, following the
2 close of the *In Camera* portion of the Hearing for the
3 purpose of your communicating to us at that point any
4 comments or concerns that you wish to be addressed by
5 the Committee on your behalf in the *Ex Parte* Hearing.

6 Very clearly, the role of SIRC Counsel
7 is to assist the Member in his or her deliberations.

8 That role has been enunciated before
9 the Courts and is set out in both the Case Law and in
10 the Rules of Procedure of SIRC.

11 THE PRESIDING MEMBER: Thank you for
12 those comments, Madam Bowers.

13 To be clear, Mr. Champ, the date of
14 any *Ex Parte* Hearing is secondary. What is foremost is
15 whether or not there will in fact be an *Ex Parte*
16 Hearing held, and at the conclusion of the *In Camera*
17 Session, I will be happy to enter into an exchange with
18 you with respect to any *Ex Parte* Hearing that may be
19 scheduled to take place in this File.

20 MR. CHAMP: If I understand correctly,
21 then, the Complainant will not know whether an *Ex Parte*
22 Hearing is even held, with the only indication of such
23 a Hearing having been held being the Committee
24 providing us with a redacted Transcript of that
25 Proceeding; and if we don't receive that type of

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1 Transcript, we can then assume that no *Ex Parte* Hearing
2 was held in this matter?

3 THE PRESIDING MEMBER: That is
4 correct.

5 THE REGISTRAR: You will also have an
6 opportunity, once the Summary of Evidence is provided
7 to you, to present any additional evidence you feel is
8 required, based on your review of the Summary of
9 Evidence from the *Ex Parte* Hearing.

10 So you will have that additional
11 opportunity to ask further questions and/or to provide
12 further evidence at that time, before Final Submissions
13 are due.

14 THE PRESIDING MEMBER: Paramount, as I
15 said earlier, from my perspective, is respect for the
16 rules of fundamental justice, both from the point of
17 view of the Complainant and the overriding concern
18 which guides the Committee, which is to ensure that
19 there is nothing in the Open Proceedings that is
20 prejudicial to national security interests.

21 There is a fine but nevertheless
22 important line to be drawn in that regard, as has been
23 recognized by the Federal Court.

24 I know that both Counsel are well
25 aware of that principle.

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1 MR. CHAMP: I do know that very well,
2 Mr. Chair. Obviously, there is a necessary balancing
3 in that regard, with a line to be drawn.

4 The underlying theme or thrust of what
5 I am saying today is that there is no balance here,
6 that it is all tilted completely away from the
7 Complainant on the basis of any remote chance of
8 "national security" concerns, and, with all respect, I
9 don't think that is consistent with the Act.

10 But I have taken note of your
11 comments, Mr. Chair, as well as the comments of Ms.
12 Bowers, and I will take the matter up with my Client
13 and seek Instructions.

14 THE PRESIDING MEMBER: Very well.
15 Thank you, Mr. Champ.

16 At this point, I will ask our
17 Registrar to confirm on the record the dates on which
18 we will reconvene in-person in Vancouver for the In
19 Camera Hearing in this matter...

20 THE REGISTRAR: Thank you, Mr.
21 Fortier.

22 We will reconvene on August 12th at 2
23 o'clock in the afternoon. On the following day, August
24 13th, we have permission to sit until 8:30 in the
25 evening, if deemed necessary, resuming on Friday the

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1 14th, with an intended adjournment time of 12-noon.

2 THE PRESIDING MEMBER: I trust, Mr.
3 Champ and Ms. Dion, that you are both prepared to sit
4 late on Thursday the 13th, if deemed necessary.

5 We have secured the approval of the
6 appropriate Court Officials to use the Hearing Room
7 until 8:30 that evening.

8 I appreciate that it could make for a
9 long day for all of us.

10 MR. CHAMP: I received a notice from
11 Ms. Stawicki in that regard, and we will be available
12 for that eventuality.

13 I appreciate it will be a long day for
14 all concerned, including the Member.

15 THE PRESIDING MEMBER: Thank you.

16 MADAM DION: The Service will also be
17 available to sit late on the Thursday.

18 THE PRESIDING MEMBER: Thank you,
19 Madam Dion.

20 If there isn't anything else to be
21 brought before me in the course of this Case Management
22 Conference ---

23 MS. BOWERS: If I may, Mr. Chair...

24 THE PRESIDING MEMBER: Please proceed,
25 Madam Bowers.

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1 MS. BOWERS: I have reviewed the notes
2 in relation to the Pre-Hearing Conference held on May
3 20th last and I can confirm, in response to the
4 question posed to me, that at that time we did speak
5 about the request for an *Ex Parte* Hearing.

6 As the Notes indicate:

7 "Pursuant to Subsection 48(2) of
8 the CSIS Act, a Party may request
9 an *Ex Parte* Hearing, in the absence
10 of the Complainant, and possibly
11 the other Parties, if applicable,
12 to present further evidence which,
13 for reasons of national security or
14 other reasons considered valid by
15 the Committee, cannot be disclosed
16 to the other Party or their
17 Counsel." (As Read)

18 We then went on to say:

19 "During such Hearings, the
20 Committee's Legal Team will cross-
21 examine the witnesses, if needed,
22 to ensure that the evidence is
23 appropriately tested and reliable.
24 This provides the Presiding Member
25 with the most complete and accurate

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1 factual information relating to the
2 Complaint." (As Read)

3 And then:

4 "At the end of that portion of the
5 Hearing, the Committee will
6 determine whether the substance of
7 the evidence can be disclosed to
8 the excluded Parties and a Summary
9 would be provided..." (As Read)

10 There was a question as to whether or
11 not a Party would be requesting an *Ex Parte* Session in
12 this matter, and I understand that the Service
13 indicated on the record that there would be such a
14 request made.

15 THE PRESIDING MEMBER: Yes. I am also
16 reading the Notes of the Pre-Hearing Conference held on
17 May 20th.

18 MS. BOWERS: Yes.

19 THE PRESIDING MEMBER: I think that
20 speaks, in part, to your concern, Mr. Champ. But we
21 can revert to it as necessary at the *In Camera* Hearing
22 in Vancouver next month.

23 MR. CHAMP: Yes. Thank you, Member.

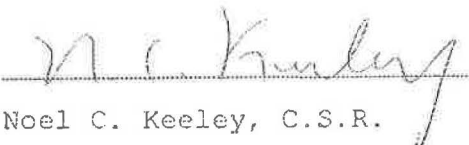
24 THE PRESIDING MEMBER: Thank you, Mr.
25 Champ; thank you, Madam Dion; thank you, Madam Bowers

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1 and Madam Stawicki. This Case Management Conference is
2 now closed.

3
4 --- The Case Management Conference Closed at 11:35 a.m.

5
6
7
8 Certified Correct:

9
10 
11 Noel C. Keeley, C.S.R.
12

PROTECTED B INFORMATION
In Camera Hearing
File No. 1500-481

THE SECURITY INTELLIGENCE REVIEW COMMITTEE
COMITÉ DE SURVEILLANCE DES ACTIVITÉS DE RENSEIGNEMENT
DE SÉCURITÉ

CASE NO. 146

IN THE MATTER of a Complaint filed by The British
Columbia Civil Liberties Association, pursuant to
Section 41 of the *Canadian Security Intelligence*
Service Act, R.S.C. 1985, c. C-23

BETWEEN:

British Columbia Civil Liberties Association

Complainant

- and -

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

Transcript of Case Management Conference (via
TeleConference), held on Friday, July 24, 2015, at
Ottawa, Ontario, commencing at 11 a.m.

BEFORE: The Honourable L. Yves Fortier, P.C., C.C.,
O.Q., Q.C., Presiding Member

(Case Management Conference)

Official Court Reporters: Keeley Reporting Services
Inc.:
Per: N.C. Keeley, C.S.R.

APPEARANCES

P. Champ	for the BCCLA
C. Bowers	for SIRC
S. Dion	for CSIS

Also in Attendance:

CSIS ER&L Staff (1) - via teleconference)

S. Stawicki	Hearings Registrar
Noel C. Keeley, C.S.R.	Court Stenographer

1 Protected B:

2 Personal-Protected Information

3 In Camera Hearing

4 Case Management Conference:

5 --- The Hon. L. Yves Fortier, P.C., C.C., O.Q., Q.C.,
6 Presiding Member

7 --- Upon commencing at Ottawa, Ontario, on Friday, July
8 24, 2015, at 11 a.m.:

9 --- The Parties to the Case Management Conference
10 participating via TeleConference having been introduced
11 and identified, the Proceedings continued as follows:

12 THE CONFERENCE CALL OPERATOR: All
13 Parties to the Conference Call are now on the line, Ms.
14 Stawicki.

15 Should anyone on the Call require
16 assistance, please press "star-zero" on your telephone
17 keypad and we will be happy to assist you.

18 Please go ahead, Ms. Stawicki.

19 MS. STAWICKI: Thank you, Operator.

20 I will just have everyone confirm
21 their attendance, for the record.

22 THE PRESIDING MEMBER: This is Yves
23 Fortier speaking, and I am on the line.

24 Thank you, Ms. Stawicki.

25 Mr. Champ, you are on the line, I

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1 understand...

2 MR. CHAMP: Yes, Mr. Fortier: Paul
3 Champ, Counsel for the Complainant.

4 THE PRESIDING MEMBER: Thank you, Mr.
5 Champ.

6 And Madam Dion, for the Service...?

7 MS. DION: Yes, Member Fortier. Also,
8 I am joined on the Line by a representative of the ER&L
9 Branch of the Service.

10 THE PRESIDING MEMBER: Very well.
11 Thank you.

12 THE PRESIDING MEMBER: And from the
13 Offices of the Committee, we have Madam Bowers on the
14 Line...

15 MS. BOWERS: Yes, Mr. Fortier.
16 Bonjour.

17 THE PRESIDING MEMBER: Bonjour.

18 And also on the Line is Shayna
19 Stawicki, the Registrar for the Committee, who has
20 already identified herself on the record.

21 I am Yves Fortier and I am the Member,
22 as you all know, who is seized with this matter, which
23 is scheduled for a Hearing in Vancouver commencing on
24 the 12th of August 2015.

25 Mr. Champ, I have seen your Letter of

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1 14 July asking whether I could schedule a further Case
2 Management Conference, and I am happy to have agreed to
3 that request.

4 I recall that we were all together,
5 including Madam Bowers, who has replaced "Her
6 Ladyship", as she is now, Madam Roussel, who was
7 appointed to the Federal Court Bench a few weeks ago.

8 I also note that at the time of our
9 last Pre-Hearing Conference, Madam Bowers was assisting
10 Madam Roussel on this File.

11 MS. BOWERS: Precisely. Oui.

12 THE PRESIDING MEMBER: As such, you
13 are fully "in the picture" on this File, Madam Bowers?

14 MS. BOWERS: Correct.

15 THE PRESIDING MEMBER: Mr. Champ, I
16 have seen the Book of Documents which you have filed
17 with the Registrar, as well as the "Will-Say"
18 Statements of your Witnesses.

19 Madam Dion, I have also seen the Book
20 of Documents that you have filed with the Registrar, as
21 well as the "Will-Say" Statements of your witnesses.

22 If I read Mr. Champ's Letter
23 correctly, along with his e-mail of 17 July, which is
24 very explicit, it is Mr. Champ's view that,
25 notwithstanding the many nice Printouts from the CSIS

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1 Website, the documentation produced is not adequate,
2 from the Complainant's perspective.

3 As such, I am happy to listen to your
4 submissions in that regard today, Mr. Champ, following
5 which I will provide Madam Dion with the opportunity to
6 respond.

7 Please proceed, Mr. Champ.

8 Submissions by Mr. Champ, on behalf of the Complainant:

9 MR. CHAMP: Thank you very much,
10 Member Fortier.

11 Our concern, Mr. Chair, is that the
12 Service is apparently not going to put forward or call
13 any evidence related to these incidents in the Hearing
14 in which the Complainant will be present.

15 I don't know what evidence the Service
16 intends to call during the *Ex Parte* portion of the
17 Hearing; however, in our view, there should at least
18 be some evidence that the Service should be required to
19 call in the *In Camera* portion of the Hearing, the
20 portion of the Hearing where the Complainant is
21 present.

22 When one looks at the documents that
23 we have obtained under *Access to Information*, we see
24 that there are some CSIS Officials who are in
25 communication with the National Energy Board. We see

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1 that there are e-mails between Mr. Rick Garber, who is
2 the Head of Security for the NEB, and at least two CSIS
3 Officials, a and a .

Notwithstanding that those names are available in those public documents and that, clearly, these Officials are involved in this matter to some extent, there has been no evidence whatsoever produced by CSIS in that regard.

9 Given that we are able to obtain this
10 information under *Access to Information*, I don't see
11 why that kind of evidence or information should be held
12 strictly to the *Ex Parte* portion of the Hearing.

13 And that, of course, is based on the
14 assumption that and/or are going
15 to be called by the Service in the *Ex Parte* Hearing.

16 Similarly, in our Book of Documents,
17 Volume 1, Tab 5, we have included some Memoranda to the
18 Director of CSIS that were obtained under the *Access to*
19 *Information Act*, and those Memoranda refer to this
20 issue of environmentalists participating in the NEB
21 Hearing in respect of the Northern Gateway Pipeline
22 Decision.

23 We note that those Memos are both
24 signed by Tom Venner, Assistant Director of CSIS, and
25 one of which, the last document under Tab 5, is all

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1 about the Northern Gateway Pipeline Decision; but yet
2 again, there is nothing whatsoever in the CSIS
3 Disclosure, neither in their Witness List nor the
4 documents that they have produced, the nice Printouts
5 from the Public Website, that gives us any insight
6 whatsoever or any opportunity for the Complainant to
7 learn more about the involvement of the Service in the
8 issue.

9 Again, I highlight the fact that if
10 this information can be disclosed under the *Access to*
11 *Information Act*, I have a hard time understanding how
12 any reasonable argument can be made that any of this
13 type of evidence should be reserved for the *Ex Parte*
14 portion of the Hearing.

15 That is our concern, Mr. Chair.

16 At the end of the day ---

17 I did not bring a Motion in this
18 regard specifically.

19 One option that I have canvassed with
20 my Client is that we ask the Committee to issue a
21 Summons for one or two of these individuals, with a
22 Subpoena Duces Tecum to produce documents if,
23 presumably, they have other documents on this matter
24 that are not strictly prohibited from disclosure under
25 Section 38 of the *Canada Evidence Act*. But before

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1 taking that step, I thought I would address the issue
2 with you, Mr. Fortier, and with the Service, in an
3 effort to gain some insight as to how the Service sees
4 this issue.

5 From our perspective, it is not
6 helpful at all when we have no idea what the Service's
7 position is on any of these issues.

8 THE PRESIDING MEMBER: I thank you for
9 your comments, Mr. Champ. I well understand your
10 position.

11 At this point, I will ask Madam Dion
12 for her Reply Submissions, following which we will look
13 to where we go from here.

14 Madam Dion...

15 Submissions by Ms. Dion, on behalf of CSIS:

16 MADAM DION: Thank you, Mr. Fortier
17 and Mr. Champ.

18 As you will recall, at the Pre-Hearing
19 Conference, we agreed on the four Issues or Questions
20 that would be the subject of this Complaint, and those
21 Issues/Questions were as follows: First, whether the
22 Service collected, by investigation or otherwise,
23 information related to the eight Groups that are
24 identified in relation to the Northern Gateway Pipeline
25 and the NEB Hearings"; second, whether such collection

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1 or investigation was lawful; third, whether there was
2 information about these Groups that was shared with the
3 NEB or other non-governmental members of the Petroleum
4 Industry; and fourth, whether or not the sharing of
5 such information was lawful.

6 The Service is committed to providing
7 the Committee with all of the necessary information
8 required to fully investigate this Complaint; however,
9 the Service is precluded from providing information in
10 an Open Hearing that would be prejudicial to national
11 security, and that includes the existence or non-
12 existence of an investigation on a specific topic or
13 subject, and for this reason we cannot, and will not,
14 in the context of the Open Hearing, confirm or deny
15 whether or not information was collected.

16 This aspect will be fully addressed in
17 the *Ex Parte* Hearing. But unfortunately, this aspect
18 cannot be addressed in an Open Hearing.

19 What the proposed witness for the Open
20 Hearing will testify about will be Questions 2 and 4,
21 where he will explain the mandate of the Service, and
22 then, using the testimony from the Open Hearing as well
23 as the information that you will gain in the *Ex Parte*
24 Hearing, the Committee will be in a position to
25 determine whether what the Service did was lawful or

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1 not and whether the information sharing, if there was
2 information sharing, was lawful or not.

3 I understand that there are Access to
4 Information Requests that led to the release of certain
5 information; however, if you look at the Access to
6 Information Request Response of the NEB at Tab 4, you
7 will see that CSIS is mentioned a total of five times,
8 and those are e-mails that are sent, for the most part,
9 from the NEB to the NEB, with some to the RCMP. But
10 they say things like "Oh, we'll consult with CSIS".

11 Well, that doesn't establish anything
12 beyond the fact that CSIS is consulted. But as to
13 whether or not information was provided and, if
14 information was provided, what the content of that
15 information was, the release of that information would
16 be prejudicial to national security. As such, we
17 object to providing that evidence in the Open
18 Proceeding.

19 What we did announce as a witness for
20 the Open Hearing is "Robert, a Senior Manager from the
21 B.C. Region", and that "he will be testifying on the
22 Service's mandate under Section 12, as well as on the
23 definition of 'threats to the security of Canada' in
24 the context of domestic extremism investigation".

25 We go on to say that, "as the Senior

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1 *Manager, Robert has personal knowledge of the Service*
2 *Investigation under the responsibility of the B.C.*
3 *Regional Office".*

4 As I said earlier, the Committee has
5 access, and will continue to have access, to all of the
6 Service's information; however, this access to
7 information does not extend to the Complainant.

8 Filing a Complaint with SIRC does not
9 provide a Complainant with the right to access
10 otherwise classified information.

11 On one other topic mentioned by Mr.
12 Champ, that of the names of the CSIS employees in the
13 NEB document, those names should have been redacted.

14 Had the Service been consulted on
15 those Access to Information Request Responses, those
16 names would have been redacted. As such, I would ask
17 that from this point forward, we refrain from using the
18 names of the CSIS employees.

19 That is our position, Member Fortier,
20 taken pursuant to the Rules of Procedure of SIRC, which
21 have been deemed by the Supreme Court of Canada to
22 respect the principles of fundamental justice. As
23 such, this is as far as we can go in the context of an
24 Open Hearing.

25 THE PRESIDING MEMBER: Thank you,

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1 Madam Dion.

2 Do you have anything to say in Reply,
3 Mr. Champ?

4 Further Submissions by Mr. Champ, on behalf of the
5 Complainant:

6 MR. CHAMP: Yes, I do, Mr. Member.

7 A lot of what my friend is saying
8 relates to discretionary decisions of CSIS. Confirming
9 or denying whether there was the collection of
10 information under Section 12 is a discretionary
11 decision on the part of CSIS. There is not a
12 prohibition on that. If they wish, they can share that
13 information with the Committee. That is something that
14 could be determined under Section 38 of the *Canada*
15 *Evidence Act*, if it truly is information that could be
16 a threat to national security.

17 I frankly have a hard time imagining
18 that it is. But if that is truly what the concern is,
19 that is what they can do.

20 And again, they say "we won't confirm
21 or deny". But right or wrong, we see in these
22 documents that there was communication with CSIS, that
23 there was a sharing of information between CSIS and the
24 NEB, clearly, and for CSIS to now try to close the barn
25 door that has already been opened is not consistent

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1 with the principles of fundamental justice.

2 Additionally, I seriously doubt that it can be
3 characterized as "national security".

4 If CSIS is sharing information with
5 third parties, whether it be the NEB or Contractors, or
6 Natural Resources Canada, from our perspective, if it
7 is being shared outside of CSIS in that way, that
8 should seriously undercut any argument that they are
9 trying to make or could attempt to make that this is
10 "national security information".

11 Again, given that these documents
12 clearly demonstrate that there has been some collection
13 of information under Section 12, with all due respect,
14 I think it is a bit disingenuous for the Service to
15 argue now, or to attempt to argue throughout this
16 Proceeding, in the Open portion of the Proceeding, that
17 they can "neither confirm nor deny".

18 Those are my comments.

19 At the end of the day, I may well be
20 put to making a request of the Committee to issue a
21 Summons on our behalf to call those individuals; but
22 frankly, I just don't see how that is a principled way
23 for this Hearing to proceed.

24 When we do know the names of these
25 individuals and when we do know that they prepared

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1 information and collected information about the
2 Northern Gateway Pipeline Decision, we should be able
3 to test that information to some extent and not simply
4 be provided with a witness who ---

5 It was unclear to me what Ms. Dion was
6 saying; but it doesn't sound like "Robert, from B.C."
7 has any direct involvement in this matter.

8 THE PRESIDING MEMBER: Thank you, Mr.
9 Champ.

10 Anything in Reply, Madam Dion...?

11 Further Submissions by Ms. Dion, on behalf of CSIS:

12 MADAM DION: I will just say one
13 thing: With regard to what these documents are saying
14 -- and I think that will be one of the comments I will
15 be making later, when we are asked about objections to
16 the production of certain documents.

17 We have to be careful with the NEB
18 ATIP Disclosure. We cannot make the documents say
19 things that they do not say. What the documents say is
20 that "*CSIS was consulted*".

21 That is it. There is no "*information*
22 *sharing*"; there is no indication that information was
23 shared by CSIS.

24 The Complaint is based on this ATIP
25 Request Response, and here we are saying: *What is*

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1 under the redaction probably means that CSIS shared
2 information.

3 We have to be extremely careful about
4 that.

5 I think that is one of the
6 difficulties with this Complaint.

7 The documents do not say that the
8 Service shared information. The documents at Tab 4 say
9 that CSIS "*was consulted by the NEB*" -- which, by the
10 way, is a Government Agency. It is "Government of
11 Canada".

12 **THE PRESIDING MEMBER:** Thank you,
13 Madam Dion.

14 The Committee has accepted to
15 investigate the Complaint filed by the Complainant in
16 this matter, and I am the Member of the Committee that
17 has been designated by the Committee to carry out that
18 Investigation.

19 It is important to underline again ---

20 It is elementary, but I will say it
21 again: It is the Committee's Investigation, and I
22 intend to carry out this Investigation pursuant to the
23 Rules that govern such Investigations, always ensuring
24 that the principles of fundamental justice are adhered
25 to, are respected. But there is an overriding concern,

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1 as you are well aware of, Mr. Champ and Madam Dion, and
2 that is the "national security" facet of any evidence
3 that is brought before me, which is why we have both an
4 *In Camera* Hearing, in the presence of the Complainant,
5 and an *Ex Parte* Hearing, wherein matters pertaining to
6 national security are conveyed/communicated to the
7 Presiding Member in the course of my thorough and
8 complete Investigation of the Complaint in question.

9 I think, Mr. Champ -- and I am not
10 going to give you any Instruction. But I will say
11 this: I think you would be well-advised to wait until
12 we have had the *In Camera* Hearing before taking further
13 steps in this regard. You should wait until those
14 witnesses who have been identified by the Service have
15 been heard and after the documents which the Service
16 has filed have been examined, and if at the conclusion
17 of the *In Camera* Hearing you continue to have some
18 concern that some evidence which, from your
19 perspective, you feel should have been presented in the
20 course of the *In Camera* Hearing has not been presented,
21 I assure you that I will listen to you carefully in
22 that regard and take whatever decision needs to be
23 taken at that time.

24 But I think it would be premature to
25 take any further steps in that regard at this time.

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1 I have listened to your submissions
2 very carefully, Mr. Champ. You have articulated your
3 position very clearly. I have heard the submissions of
4 Madam Dion, and she has articulated the position of the
5 Service very clearly. But I think it would be
6 premature to make any Application in that regard at
7 this point in time.

8 If you do decide to file an
9 Application, I assure you that I will deal with it
10 pursuant to my authority. But bear in mind that this
11 is my Investigation, and in carrying out my
12 Investigation, I have to weigh, on the one hand,
13 respect for the rules of fundamental justice from the
14 perspective of the Complainant and, on the other hand,
15 the overriding obligation to ensure that nothing is put
16 in the Open Proceeding which could be prejudicial to
17 national security interests.

18 That is not a determination that I can
19 make at this point on the basis of the documents that I
20 have seen.

21 That is the situation as I see it
22 today, Mr. Champ and Madam Dion.

23 If either one of you has any reaction
24 to that at this point, I am happy to hear from you.
25 Otherwise, I will adjourn this matter to the scheduled

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1 Hearing in Vancouver next month.

2 Mr. Champ...?

3 MR. CHAMP: Thank you for your
4 comments, Mr. Chair.

5 I am just wondering whether I might
6 ask you, or perhaps Ms. Bowers, whether *Ex Parte*
7 Hearing dates have been scheduled and whether the
8 Committee has been provided with further "Will-Say"
9 Statements from other witnesses?

10 THE REGISTRAR: This is Shayna
11 Stawicki speaking.

12 We are not allowed to confirm or deny
13 whether or not the *Ex Parte* dates have been set as yet,
14 nor are we allowed to comment on the documentation
15 provided for the *Ex Parte* Proceeding.

16 You will be receiving a Summary of
17 Evidence, vetted for national security issues, once the
18 *Ex Parte* Proceeding has been completed. But
19 unfortunately, it is not public information until such
20 time as the Summary of Evidence is prepared.

21 THE PRESIDING MEMBER: To be clear,
22 the Complainant will, in the fullness of time, be made
23 aware as to whether or not there has been an *Ex Parte*
24 Hearing and will receive, assuming an *Ex Parte* Hearing
25 did take place, a Summary of the Evidence, redacted so

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1 as to ensure that nothing is in the public domain that
2 could be prejudicial to national security.

3 So in the fullness of time, you will
4 be informed as to those steps, Mr. Champ.

5 MR. CHAMP: Mr. Chair, and Ms.
6 Stawicki, with great respect, I would appreciate
7 knowing what statutory provision prohibits the
8 disclosure of whether or not dates are set and whether
9 or not the Committee has received *Ex Parte* Evidence.

10 I have to say that that is not
11 consistent with my experience, nor is it consistent
12 with what I understand the role of SIRC Counsel to be.

13 In my prior experience, there have
14 been times when I have known ---

15 I may not know specifically when the
16 *Ex Parte* dates are -- although, frankly, I have known
17 at times. But SIRC Counsel has met with me to say
18 "Look, I want to ask you some questions. I want to
19 gain some information..."

20 Without disclosing what they have
21 received, they definitely advised me of the fact that
22 they had received information and had reviewed it and
23 they are therefore asking us, as the Complainant
24 Counsel Team, for information to assist them in leading
25 the *Ex Parte* Hearing.

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1 So, frankly, from that perspective,
2 Mr. Chair, I am a bit surprised to hear Ms. Stawicki's
3 statement.

4 I am unfamiliar with such a statutory
5 provision; and moreover, it seems to me to be
6 inconsistent with at least how I understand those *Ex*
7 *Parte* Proceedings to be held.

8 **THE REGISTRAR:** If I may comment, you
9 will be provided with an opportunity to ask questions,
10 through SIRC Counsel, in the *Ex Parte* process.

11 After the *In Camera* Hearing is
12 concluded, SIRC Counsel will consult with you in terms
13 of whether there is anything that you wish SIRC Counsel
14 to raise on your behalf in the *Ex Parte* Hearing.

15 So there will be a discussion with you
16 in that regard.

17 I was speaking specifically about the
18 dates of the *Ex Parte* Hearing and the content of the
19 Documentation and Evidence provided to the Committee
20 for that Hearing. All of that remains classified.

21 **MS. BOWERS:** Let me just interject to
22 say that I am familiar with the procedures -- and, of
23 course, the transition from Ms. Roussel to me has been
24 made.

25 As Shayna has mentioned, certainly we

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1 will be in touch with you, Mr. Champ, following the
2 close of the *In Camera* portion of the Hearing for the
3 purpose of your communicating to us at that point any
4 comments or concerns that you wish to be addressed by
5 the Committee on your behalf in the *Ex Parte* Hearing.

6 Very clearly, the role of SIRC Counsel
7 is to assist the Member in his or her deliberations.

8 That role has been enunciated before
9 the Courts and is set out in both the Case Law and in
10 the Rules of Procedure of SIRC.

11 THE PRESIDING MEMBER: Thank you for
12 those comments, Madam Bowers.

13 To be clear, Mr. Champ, the date of
14 any *Ex Parte* Hearing is secondary. What is foremost is
15 whether or not there will in fact be an *Ex Parte*
16 Hearing held, and at the conclusion of the *In Camera*
17 Session, I will be happy to enter into an exchange with
18 you with respect to any *Ex Parte* Hearing that may be
19 scheduled to take place in this File.

20 MR. CHAMP: If I understand correctly,
21 then, the Complainant will not know whether an *Ex Parte*
22 Hearing is even held, with the only indication of such
23 a Hearing having been held being the Committee
24 providing us with a redacted Transcript of that
25 Proceeding; and if we don't receive that type of

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1 Transcript, we can then assume that no *Ex Parte* Hearing
2 was held in this matter?

3 THE PRESIDING MEMBER: That is
4 correct.

5 THE REGISTRAR: You will also have an
6 opportunity, once the Summary of Evidence is provided
7 to you, to present any additional evidence you feel is
8 required, based on your review of the Summary of
9 Evidence from the *Ex Parte* Hearing.

10 So you will have that additional
11 opportunity to ask further questions and/or to provide
12 further evidence at that time, before Final Submissions
13 are due.

14 THE PRESIDING MEMBER: Paramount, as I
15 said earlier, from my perspective, is respect for the
16 rules of fundamental justice, both from the point of
17 view of the Complainant and the overriding concern
18 which guides the Committee, which is to ensure that
19 there is nothing in the Open Proceedings that is
20 prejudicial to national security interests.

21 There is a fine but nevertheless
22 important line to be drawn in that regard, as has been
23 recognized by the Federal Court.

24 I know that both Counsel are well
25 aware of that principle.

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1 MR. CHAMP: I do know that very well,
2 Mr. Chair. Obviously, there is a necessary balancing
3 in that regard, with a line to be drawn.

4 The underlying theme or thrust of what
5 I am saying today is that there is no balance here,
6 that it is all tilted completely away from the
7 Complainant on the basis of any remote chance of
8 "national security" concerns, and, with all respect, I
9 don't think that is consistent with the Act.

10 But I have taken note of your
11 comments, Mr. Chair, as well as the comments of Ms.
12 Bowers, and I will take the matter up with my Client
13 and seek Instructions.

14 THE PRESIDING MEMBER: Very well.
15 Thank you, Mr. Champ.

16 At this point, I will ask our
17 Registrar to confirm on the record the dates on which
18 we will reconvene in-person in Vancouver for the In
19 Camera Hearing in this matter...

20 THE REGISTRAR: Thank you, Mr.
21 Fortier.

22 We will reconvene on August 12th at 2
23 o'clock in the afternoon. On the following day, August
24 13th, we have permission to sit until 8:30 in the
25 evening, if deemed necessary, resuming on Friday the

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1 14th, with an intended adjournment time of 12-noon.

2 THE PRESIDING MEMBER: I trust, Mr.
3 Champ and Ms. Dion, that you are both prepared to sit
4 late on Thursday the 13th, if deemed necessary.

5 We have secured the approval of the
6 appropriate Court Officials to use the Hearing Room
7 until 8:30 that evening.

8 I appreciate that it could make for a
9 long day for all of us.

10 MR. CHAMP: I received a notice from
11 Ms. Stawicki in that regard, and we will be available
12 for that eventuality.

13 I appreciate it will be a long day for
14 all concerned, including the Member.

15 THE PRESIDING MEMBER: Thank you.

16 MADAM DION: The Service will also be
17 available to sit late on the Thursday.

18 THE PRESIDING MEMBER: Thank you,
19 Madam Dion.

20 If there isn't anything else to be
21 brought before me in the course of this Case Management
22 Conference ---

23 MS. BOWERS: If I may, Mr. Chair...

24 THE PRESIDING MEMBER: Please proceed,
25 Madam Bowers.

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1 MS. BOWERS: I have reviewed the notes
2 in relation to the Pre-Hearing Conference held on May
3 20th last and I can confirm, in response to the
4 question posed to me, that at that time we did speak
5 about the request for an *Ex Parte* Hearing.

6 As the Notes indicate:

7 "Pursuant to Subsection 48(2) of
8 the CSIS Act, a Party may request
9 an *Ex Parte* Hearing, in the absence
10 of the Complainant, and possibly
11 the other Parties, if applicable,
12 to present further evidence which,
13 for reasons of national security or
14 other reasons considered valid by
15 the Committee, cannot be disclosed
16 to the other Party or their
17 Counsel." (As Read)

18 We then went on to say:

19 "During such Hearings, the
20 Committee's Legal Team will cross-
21 examine the witnesses, if needed,
22 to ensure that the evidence is
23 appropriately tested and reliable.
24 This provides the Presiding Member
25 with the most complete and accurate

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1 factual information relating to the
2 Complaint." (As Read)

3 And then:

4 "At the end of that portion of the
5 Hearing, the Committee will
6 determine whether the substance of
7 the evidence can be disclosed to
8 the excluded Parties and a Summary
9 would be provided..." (As Read)

10 There was a question as to whether or
11 not a Party would be requesting an *Ex Parte* Session in
12 this matter, and I understand that the Service
13 indicated on the record that there would be such a
14 request made.

15 THE PRESIDING MEMBER: Yes. I am also
16 reading the Notes of the Pre-Hearing Conference held on
17 May 20th.

18 MS. BOWERS: Yes.

19 THE PRESIDING MEMBER: I think that
20 speaks, in part, to your concern, Mr. Champ. But we
21 can revert to it as necessary at the *In Camera* Hearing
22 in Vancouver next month.

23 MR. CHAMP: Yes. Thank you, Member.

24 THE PRESIDING MEMBER: Thank you, Mr.
25 Champ; thank you, Madam Dion; thank you, Madam Bowers

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1 and Madam Stawicki. This Case Management Conference is
2 now closed.

3 ---

4

5 --- The Case Management Conference Closed at 11:35 a.m.

6

7 ---

8

9 Certified Correct:

10

11

12 _____
Noel C. Keeley, C.S.R.

13 ---

[REDACTED]

DATE
20150703

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

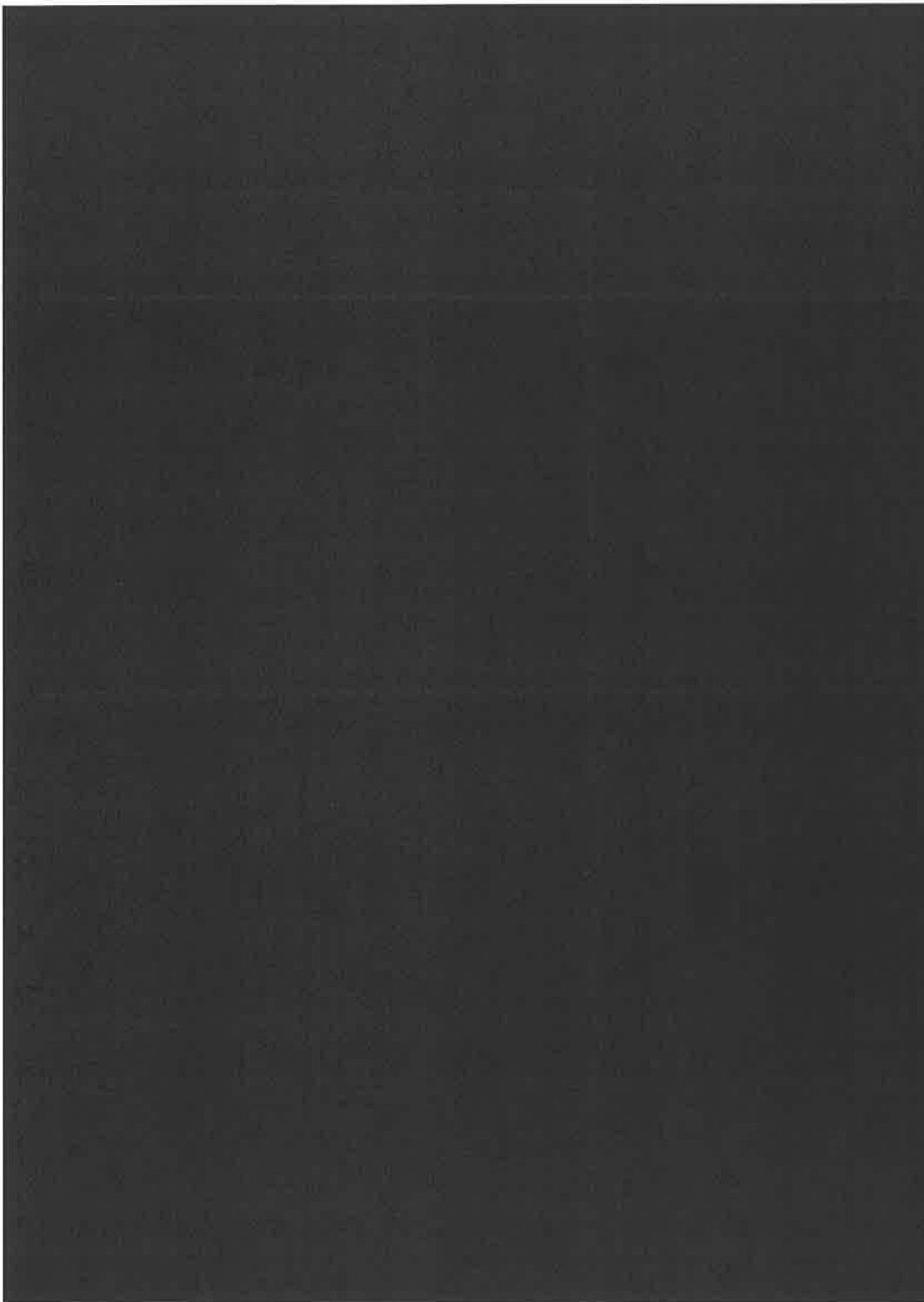
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INFORMATION / RENSEIGNEMENTS:

[REDACTED]



[Redacted]

Tab/Onglet 6

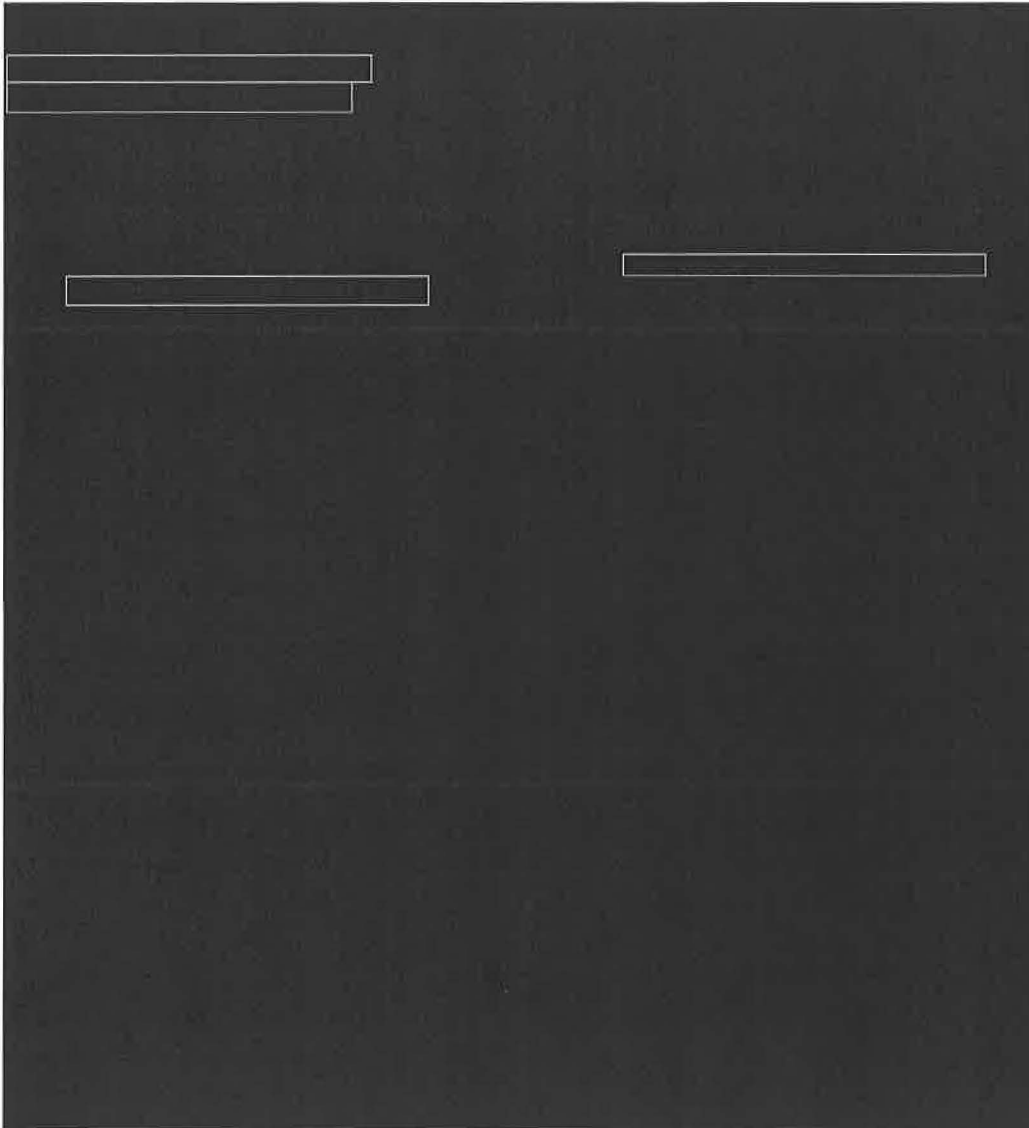
Page 2201

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ANALYSIS / ANALYSE:

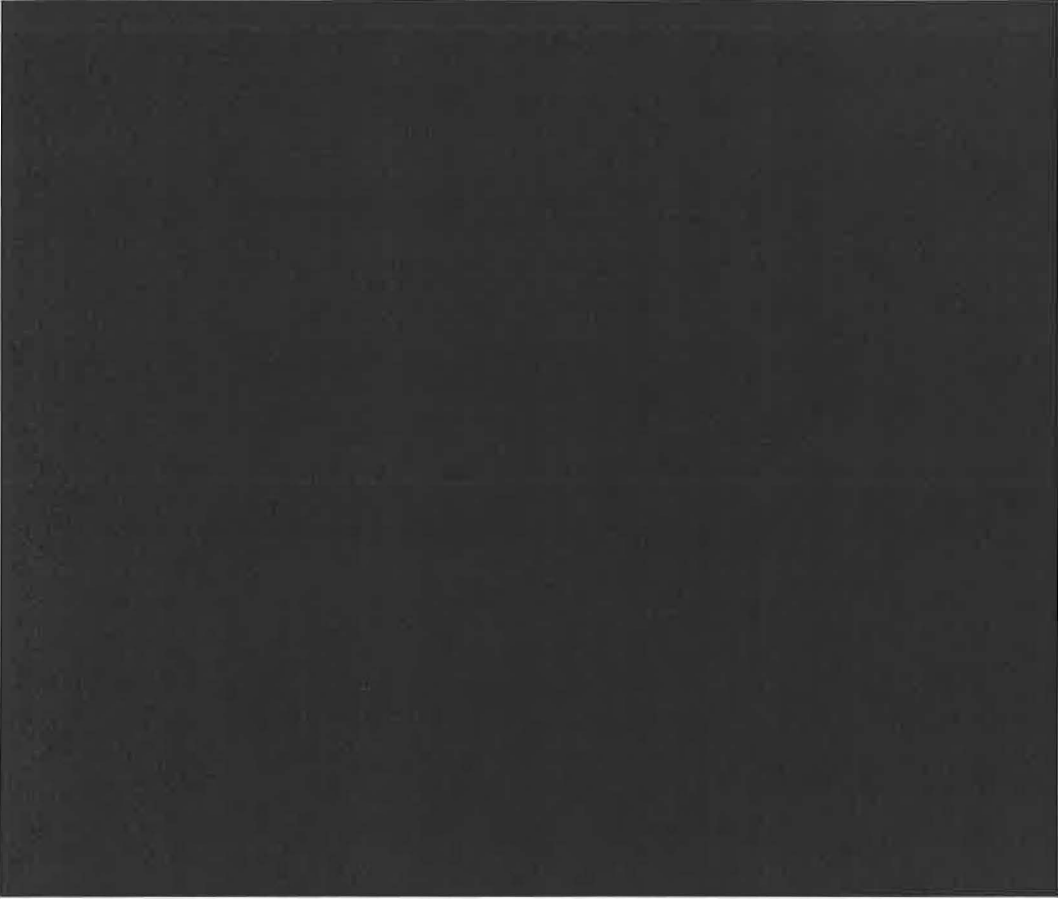
2) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

[REDACTED]







DATE
20150702

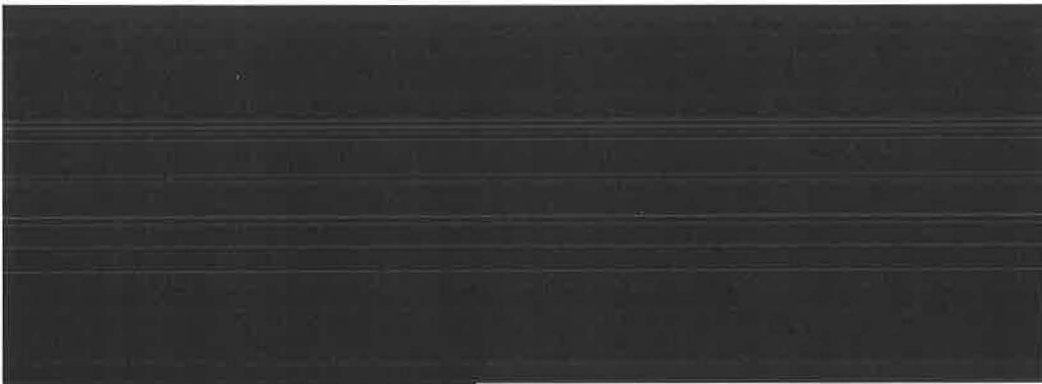


RE / OBJET:

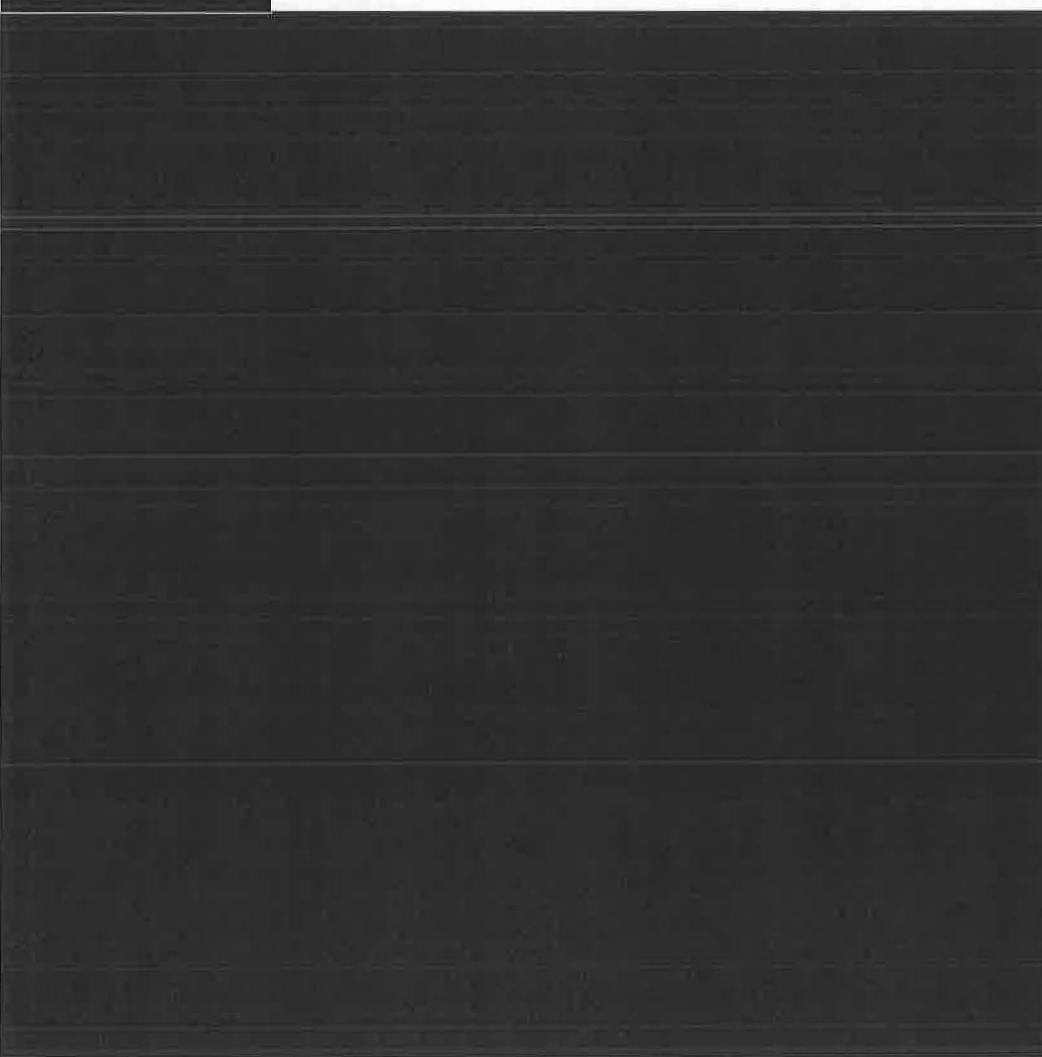


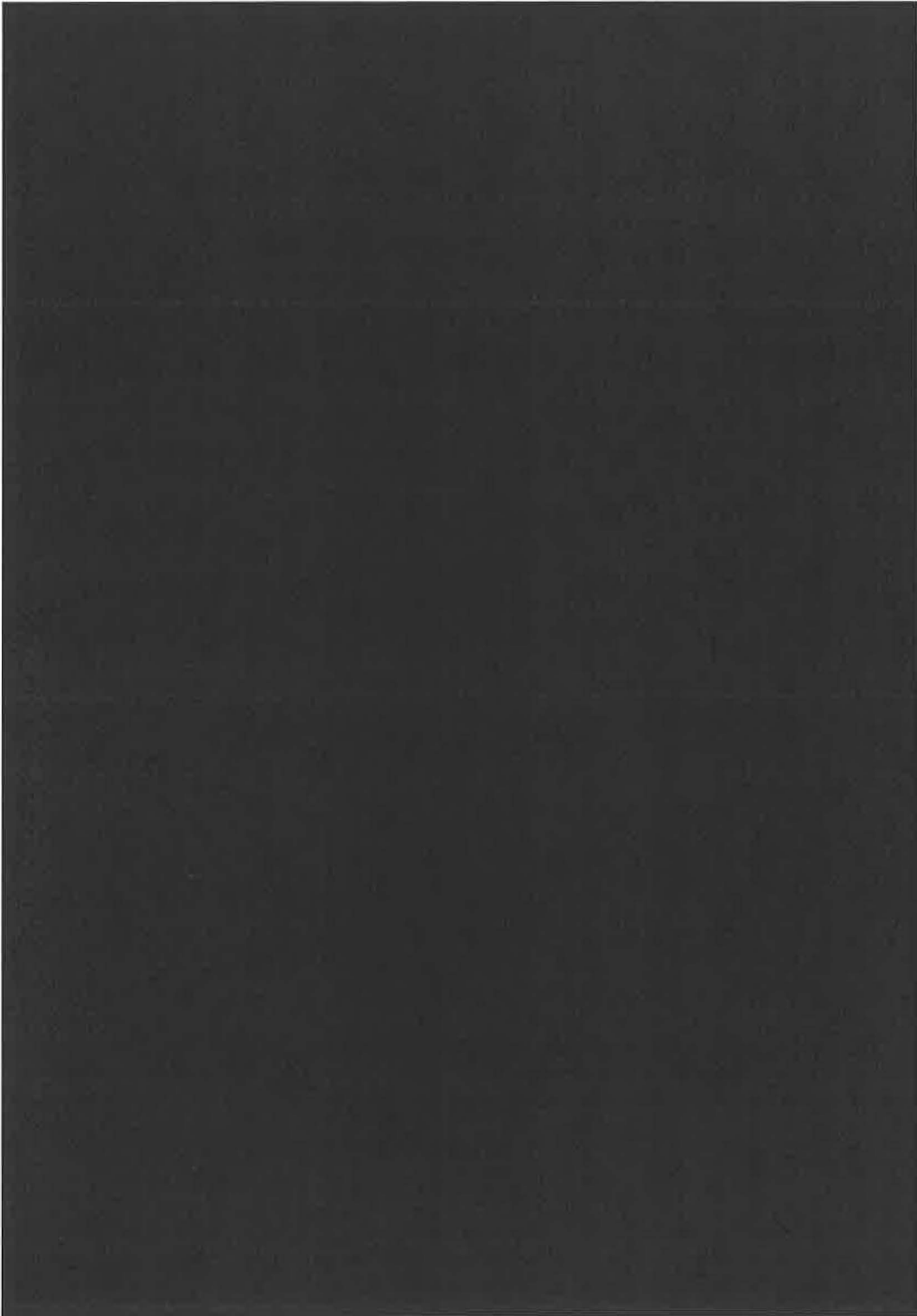
SYNOPSIS / SOMMAIRE:

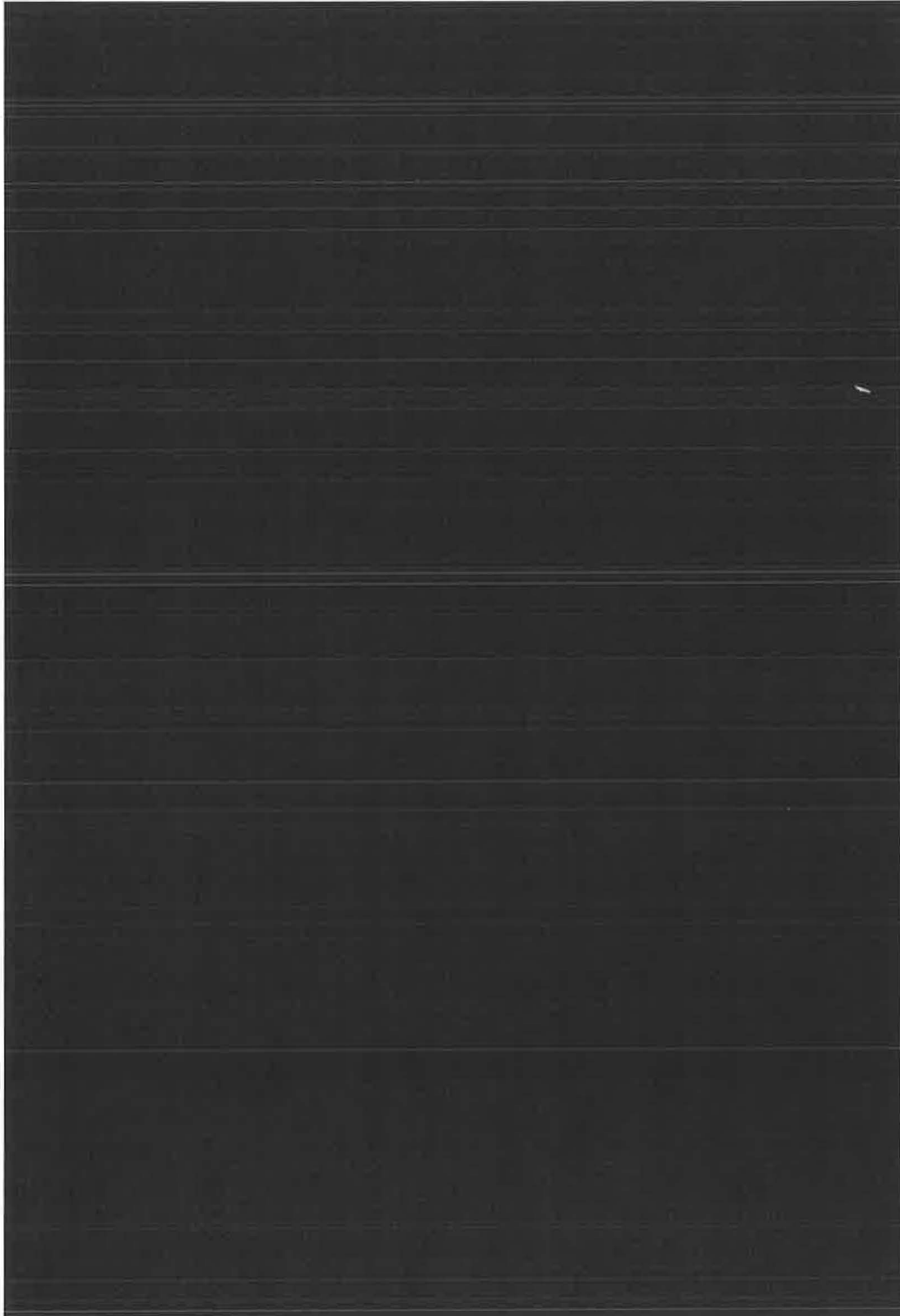




INFORMATION / RENSEIGNEMENTS:



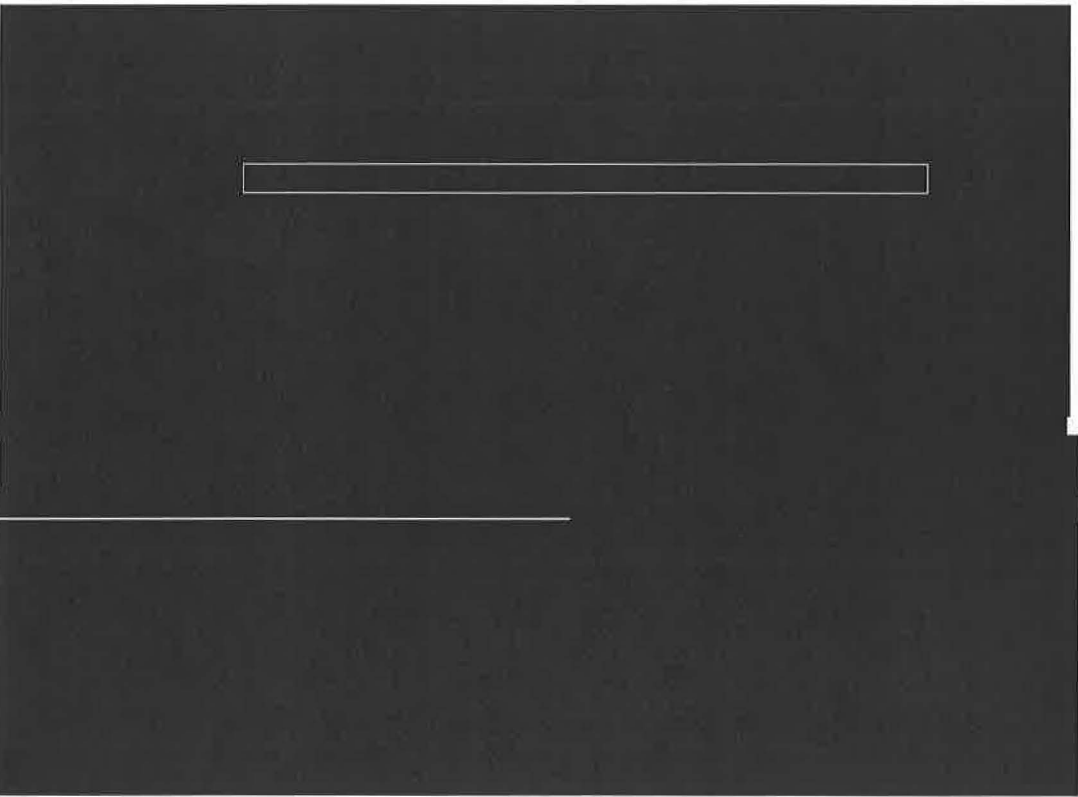


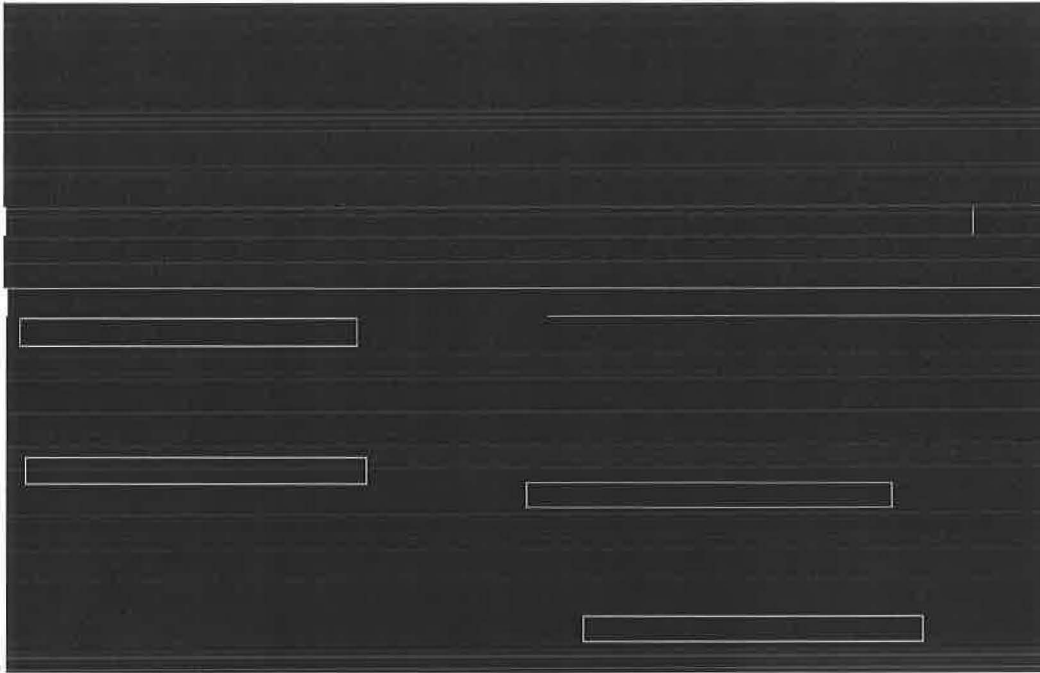




ANALYSIS / ANALYSE:

10) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.



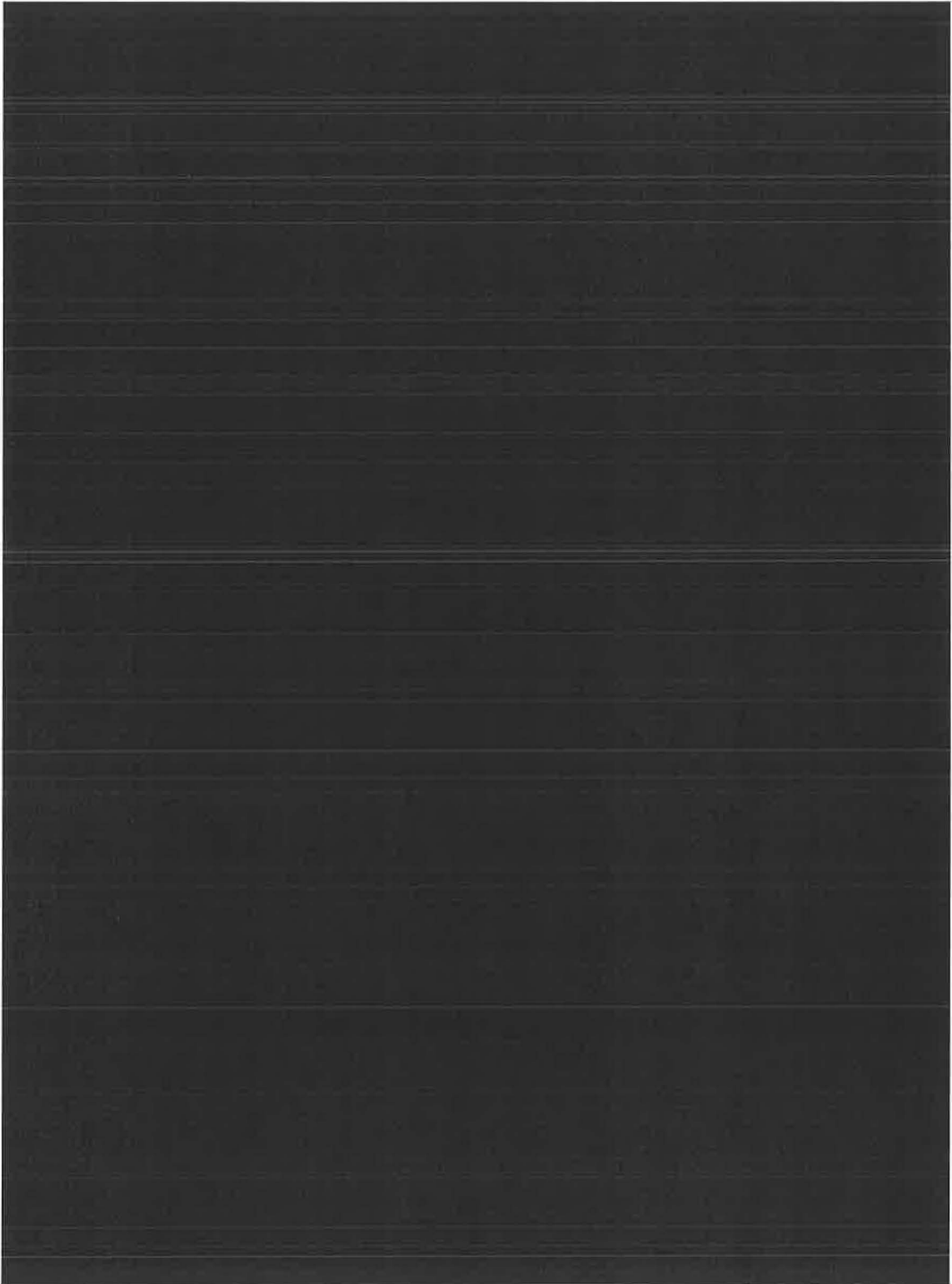


DATE
20150630

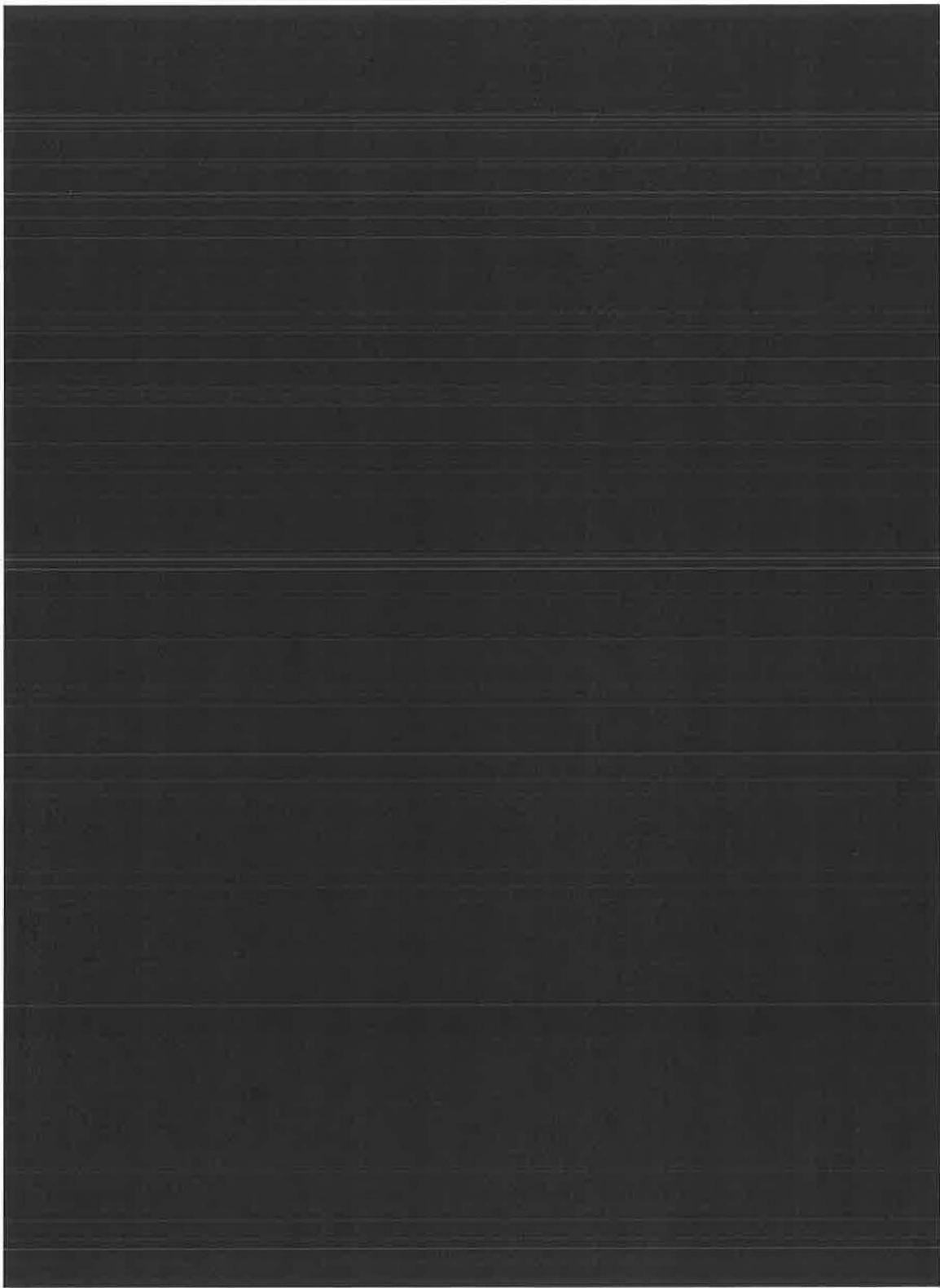
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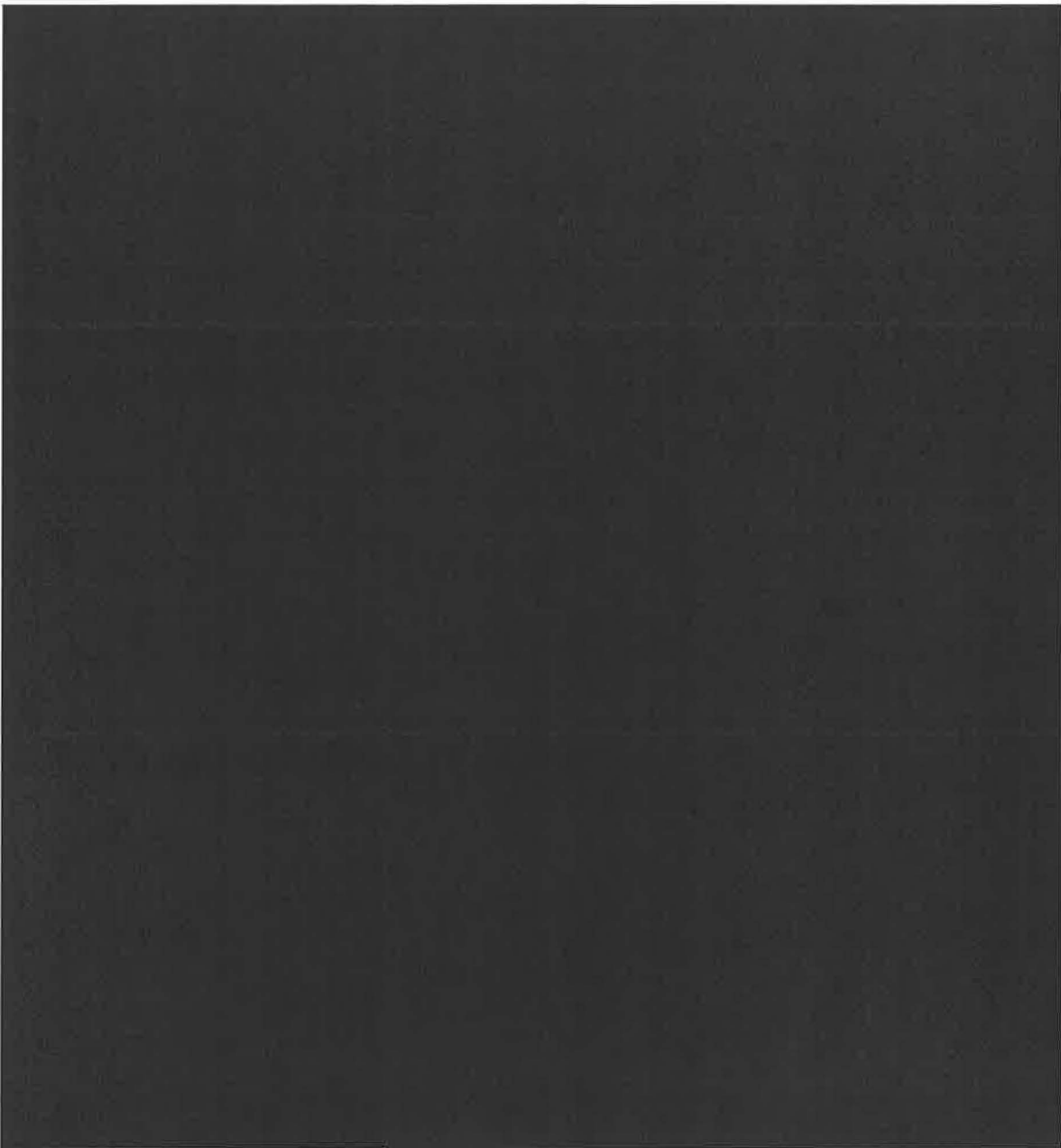
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INFORMATION / RENSEIGNEMENTS:







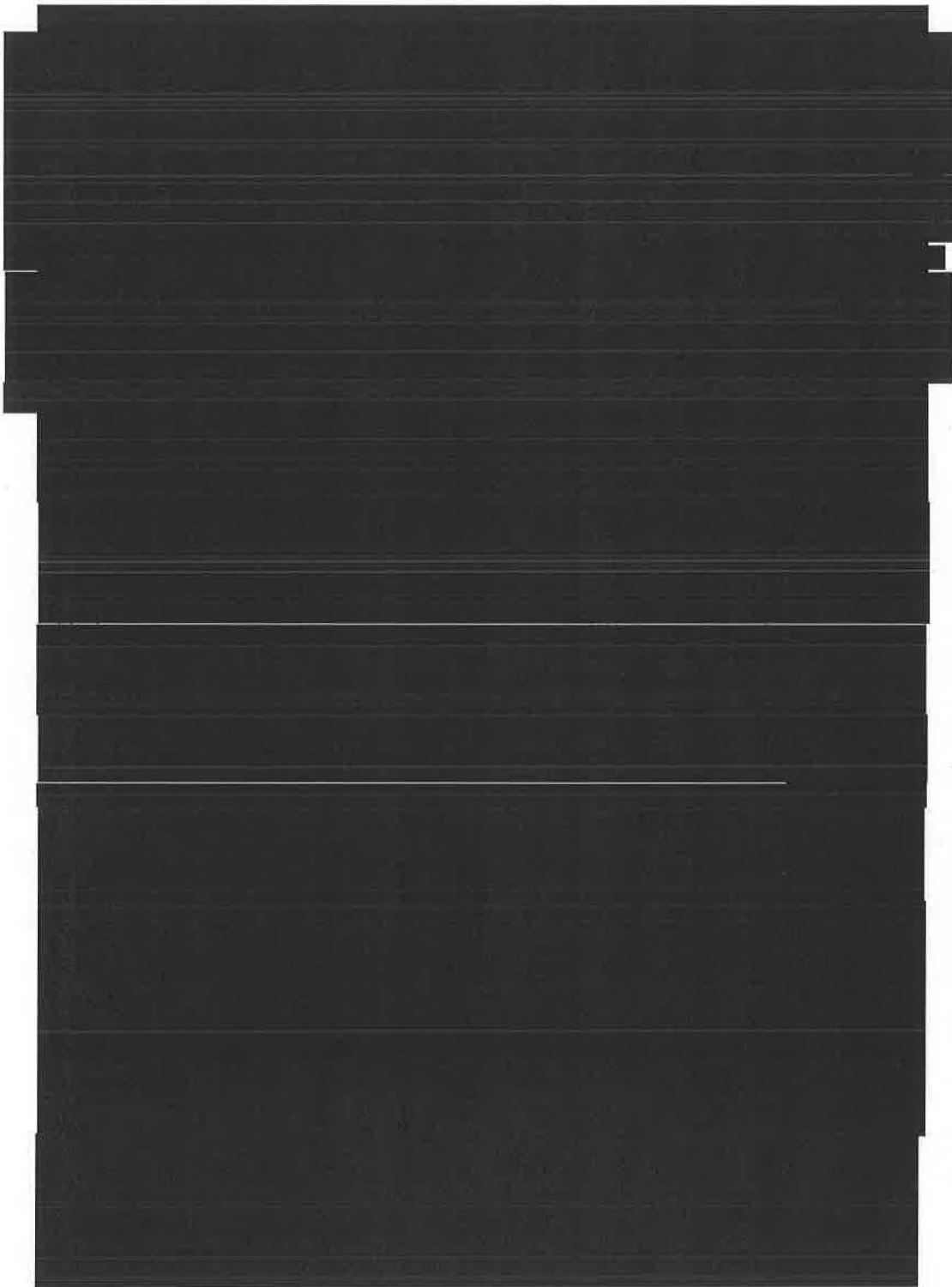


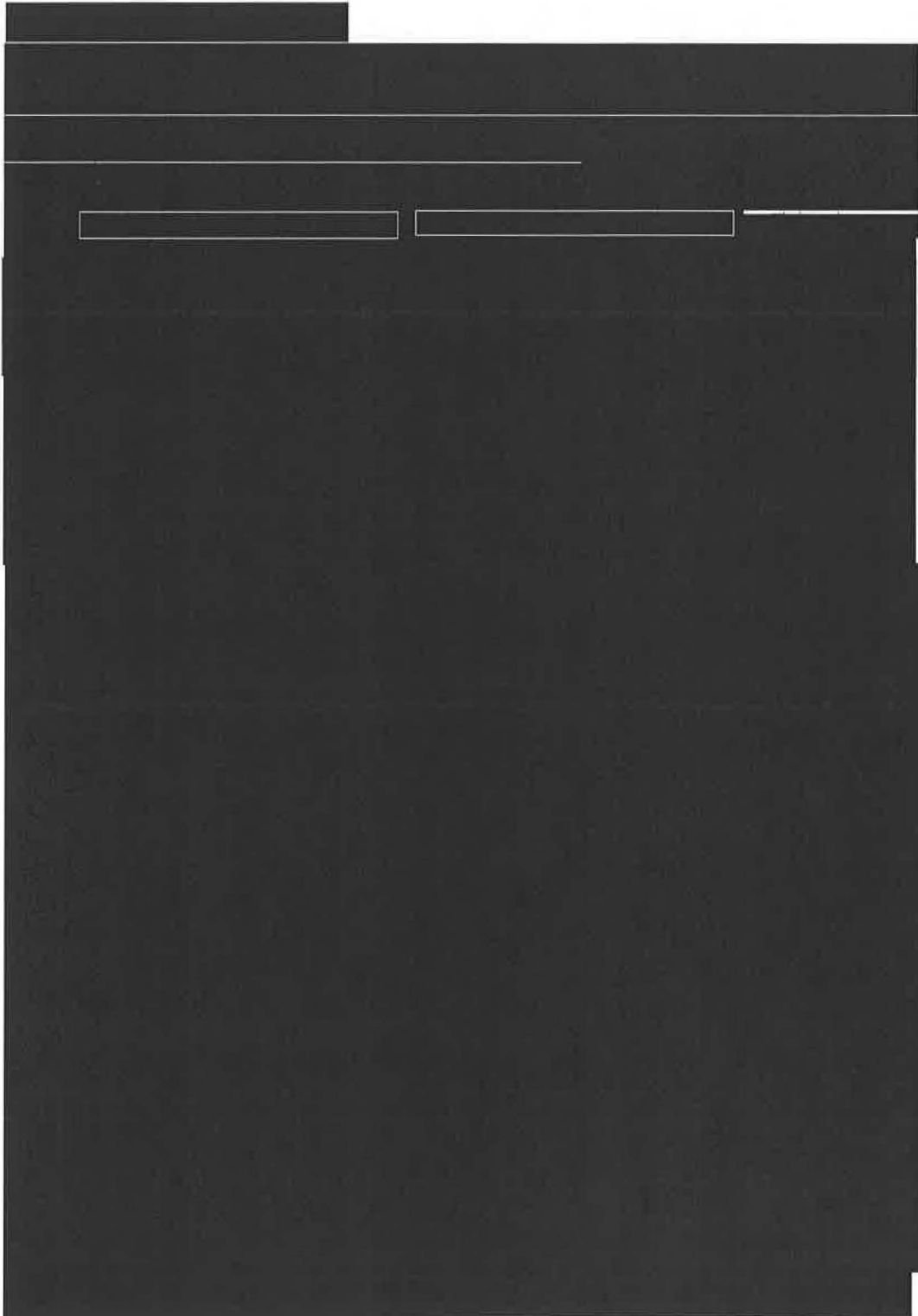
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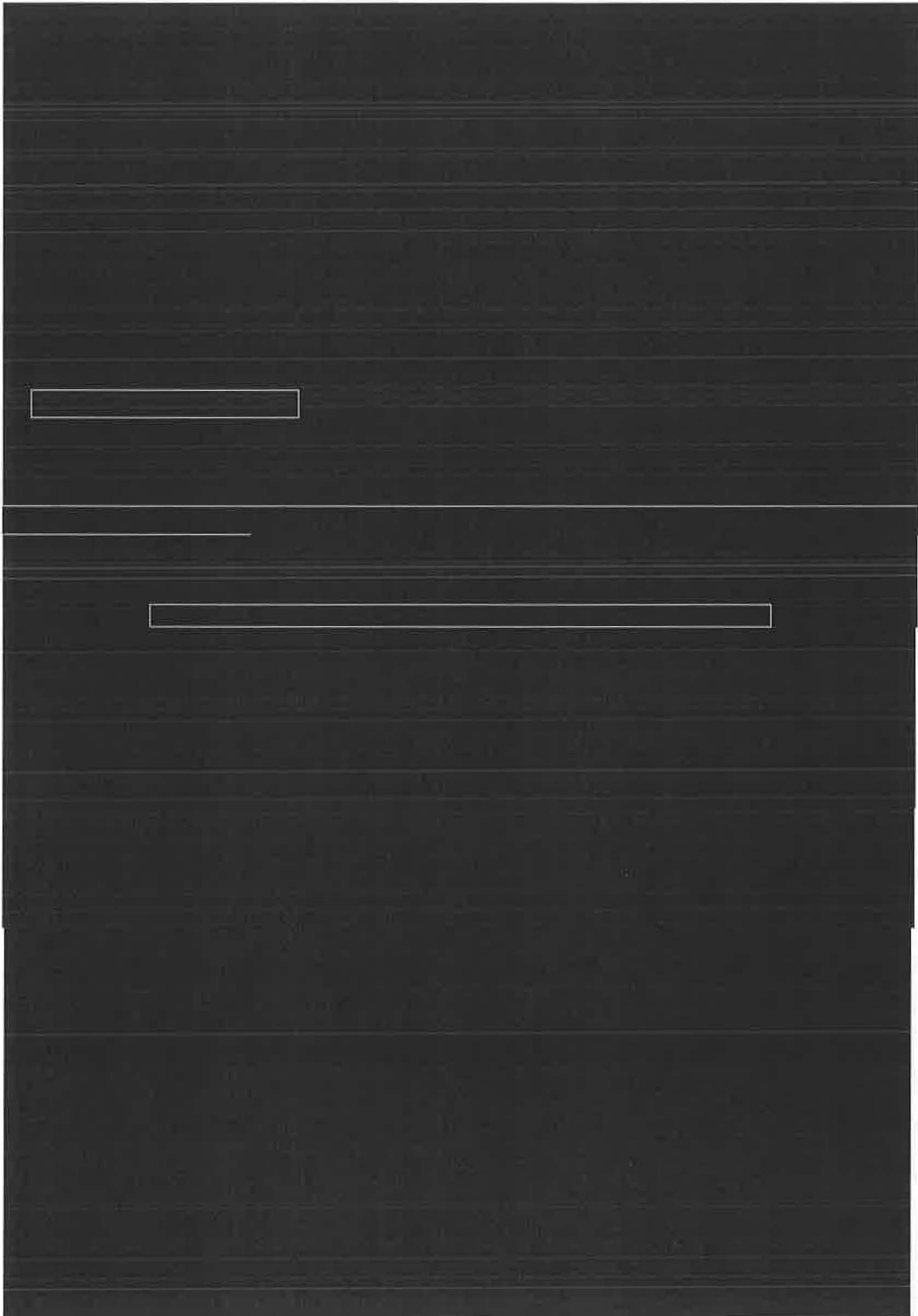
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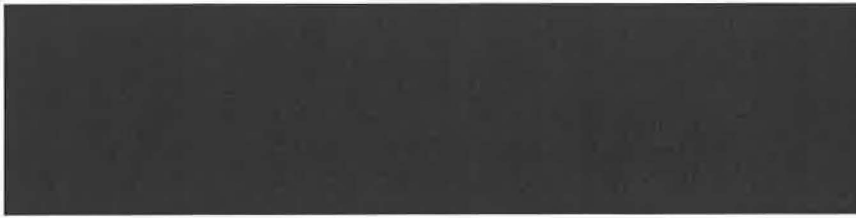
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[REDACTED]

DATE
20150625

[REDACTED]

RE / OBJET:

[REDACTED]

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SYNOPSIS / SOMMAIRE:

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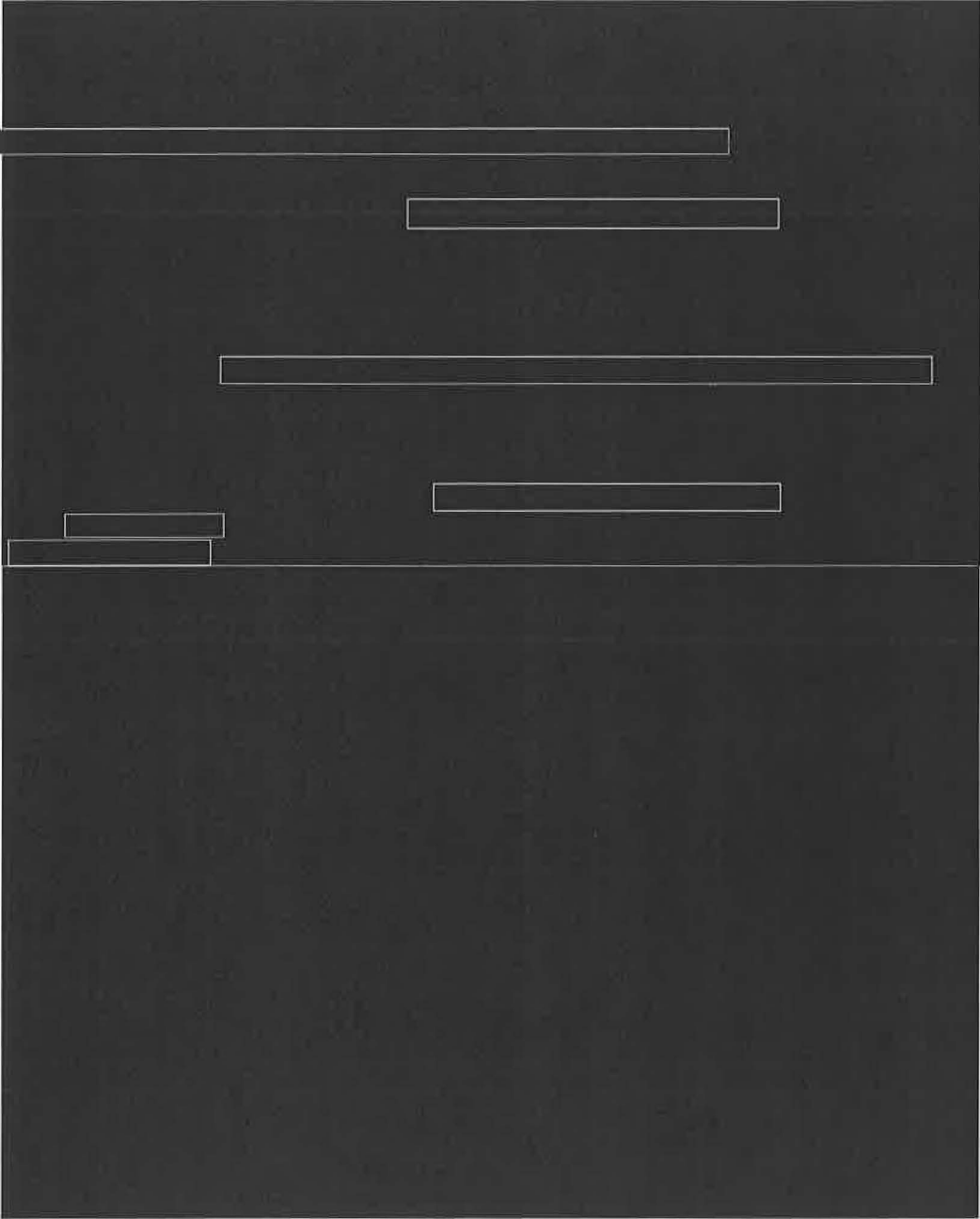
INFORMATION / RENSEIGNEMENTS:

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ANALYSIS / ANALYSE:

2) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate

focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.





DATE
20150618



RE / OBJET:



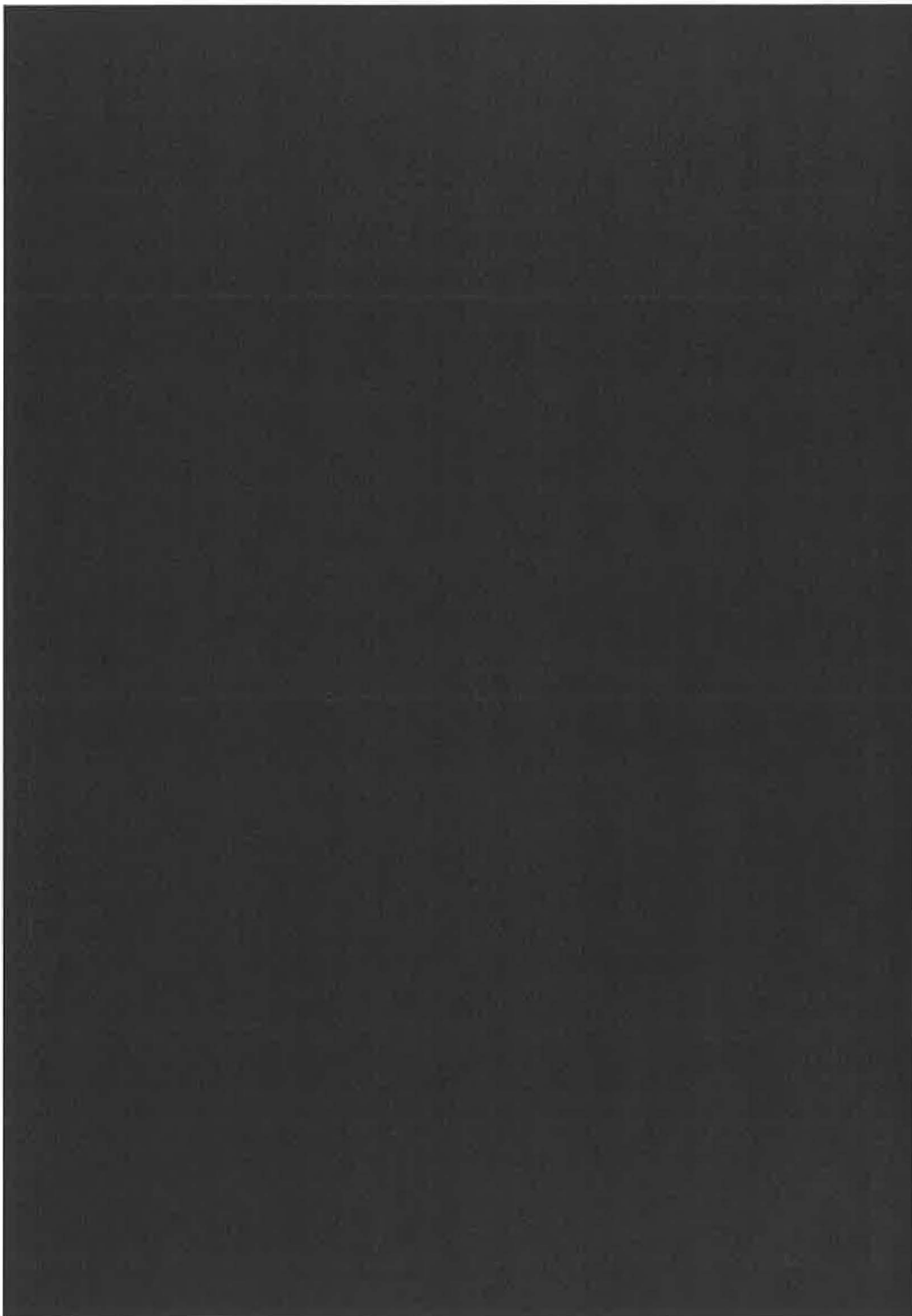
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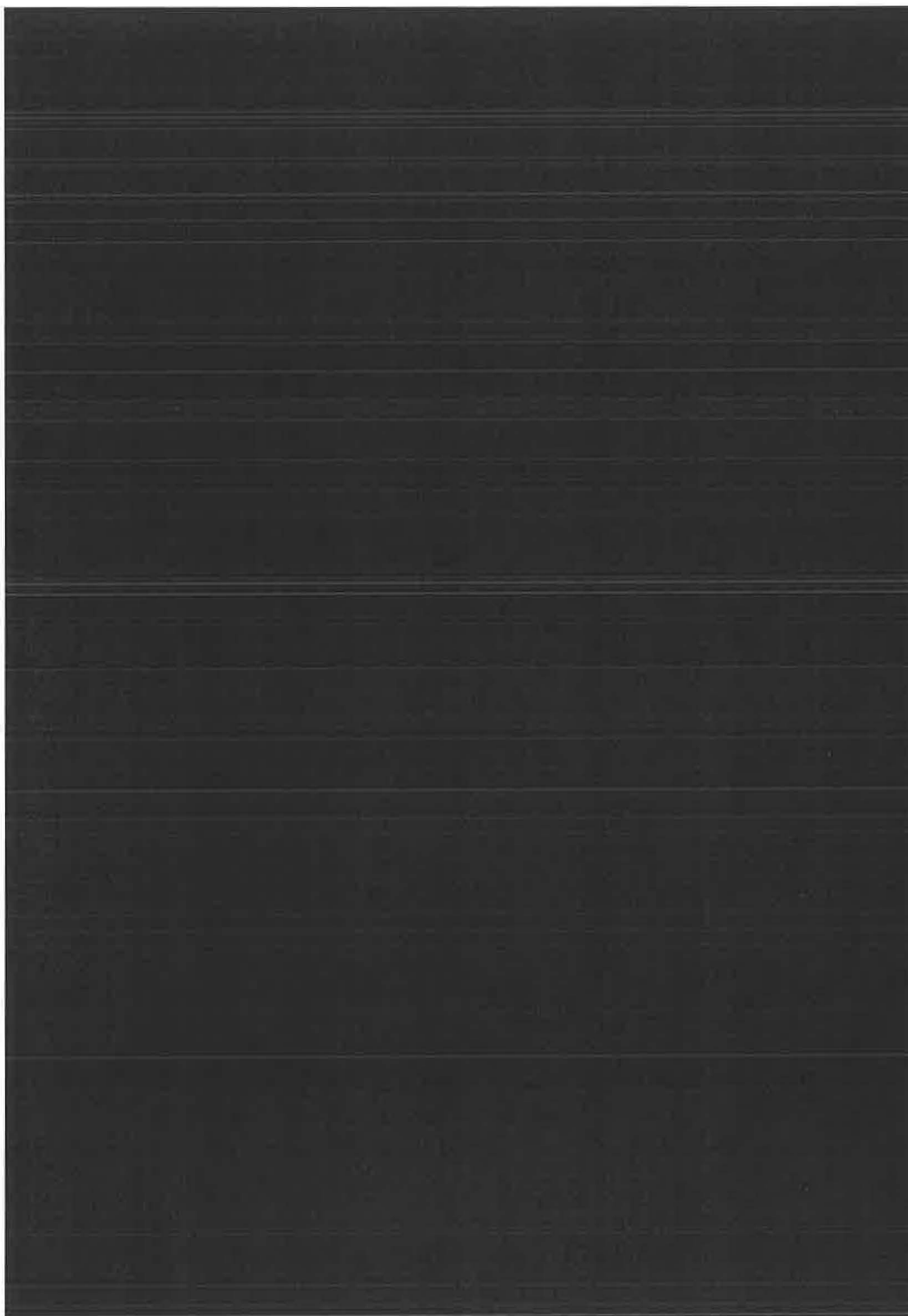
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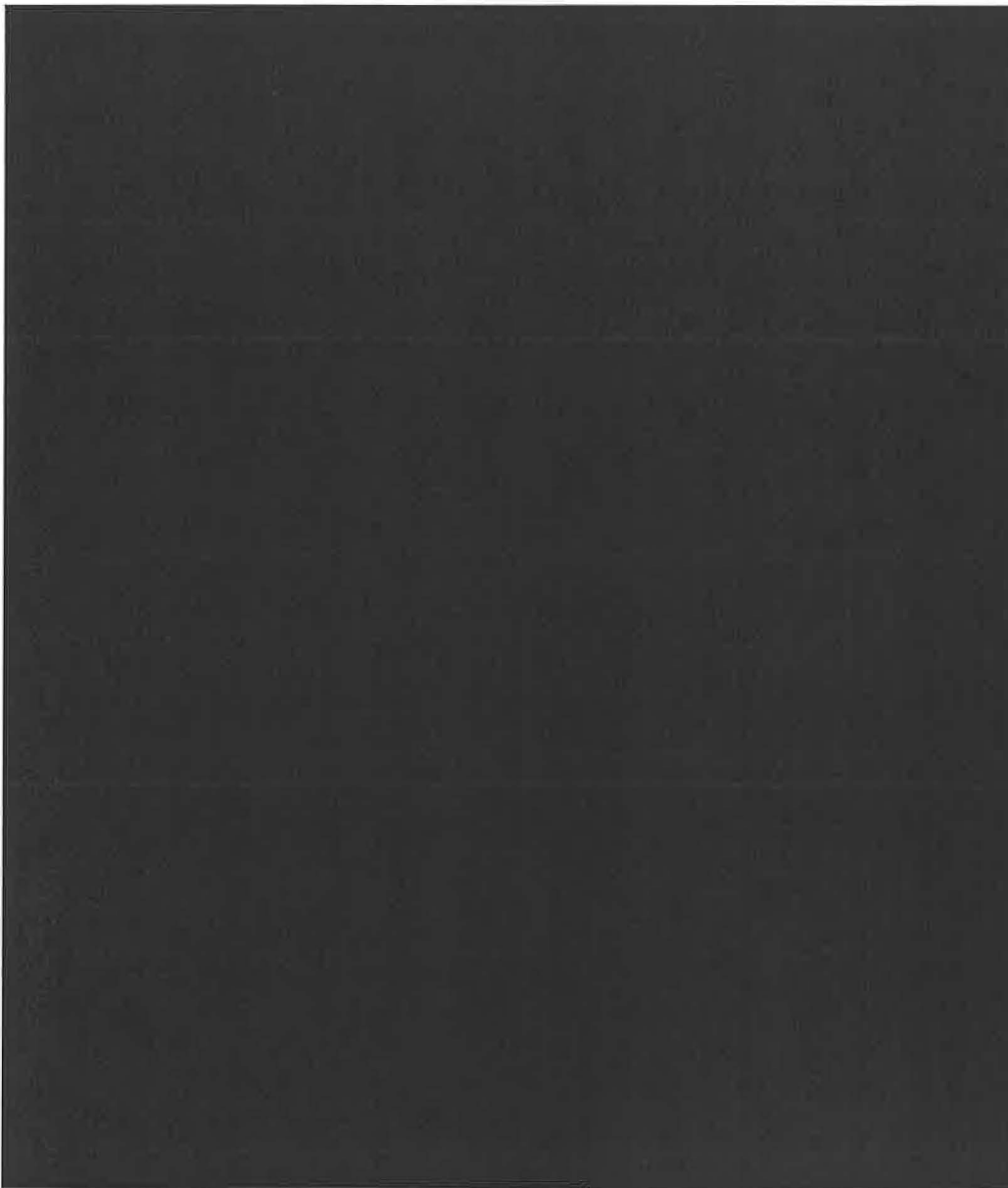
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Page 2185



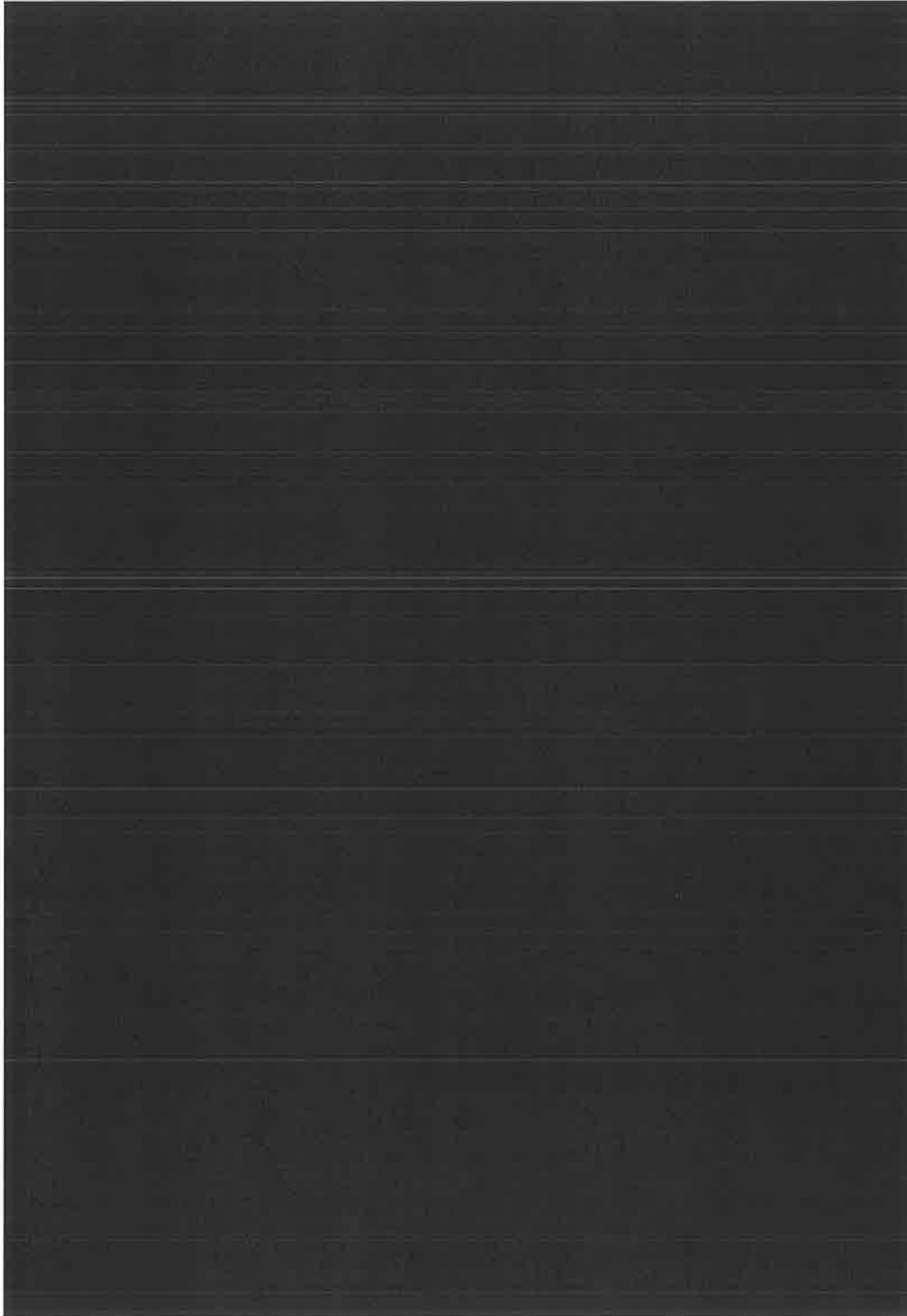
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ANALYSIS / ANALYSE:

11) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.





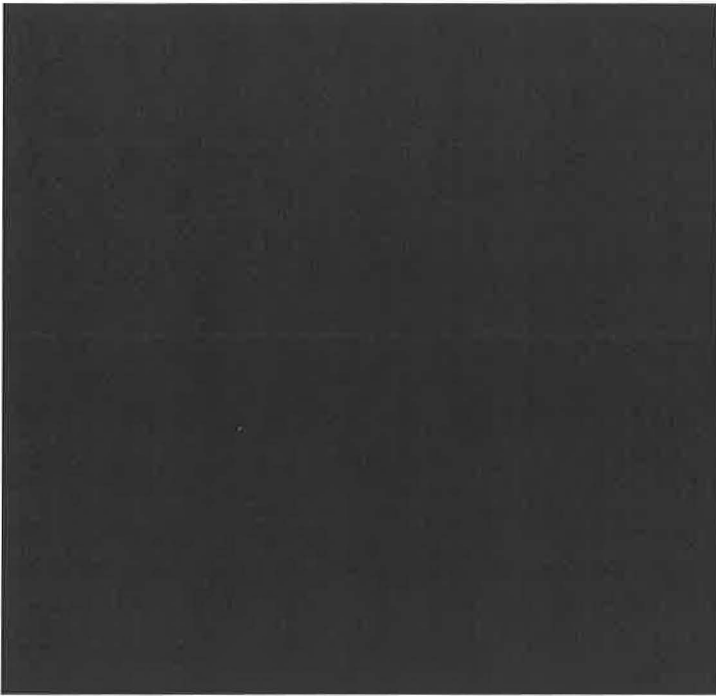
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Tab/Onglet 6

Page 2188

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[REDACTED]

DATE
20150617

[REDACTED]

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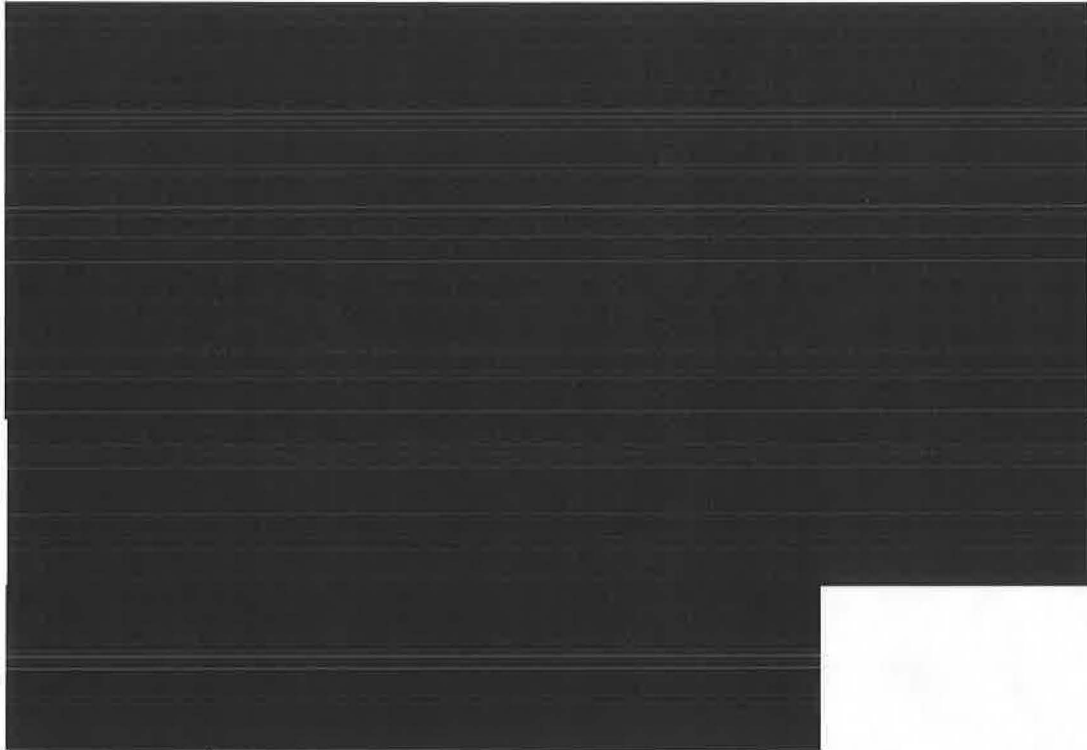
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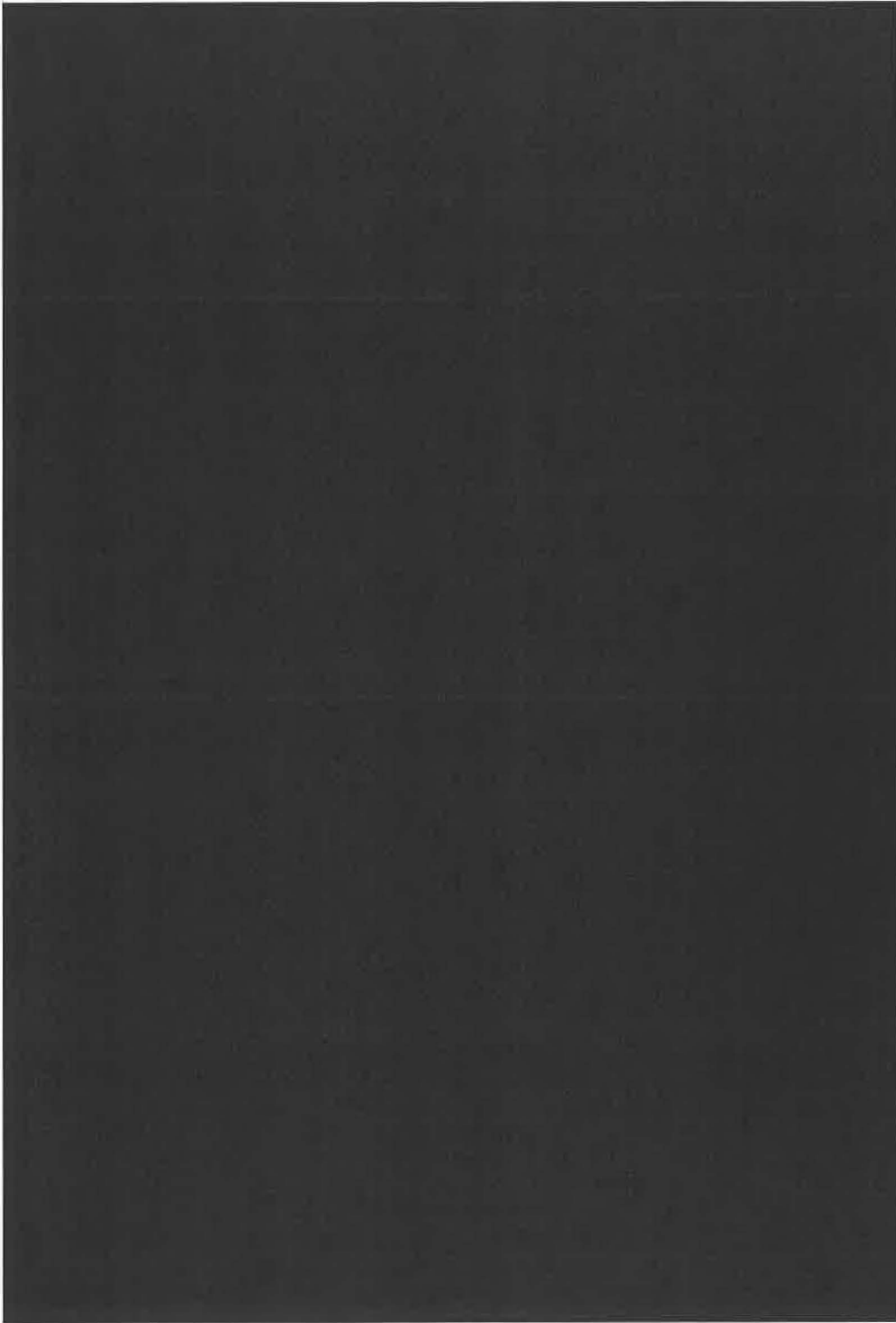
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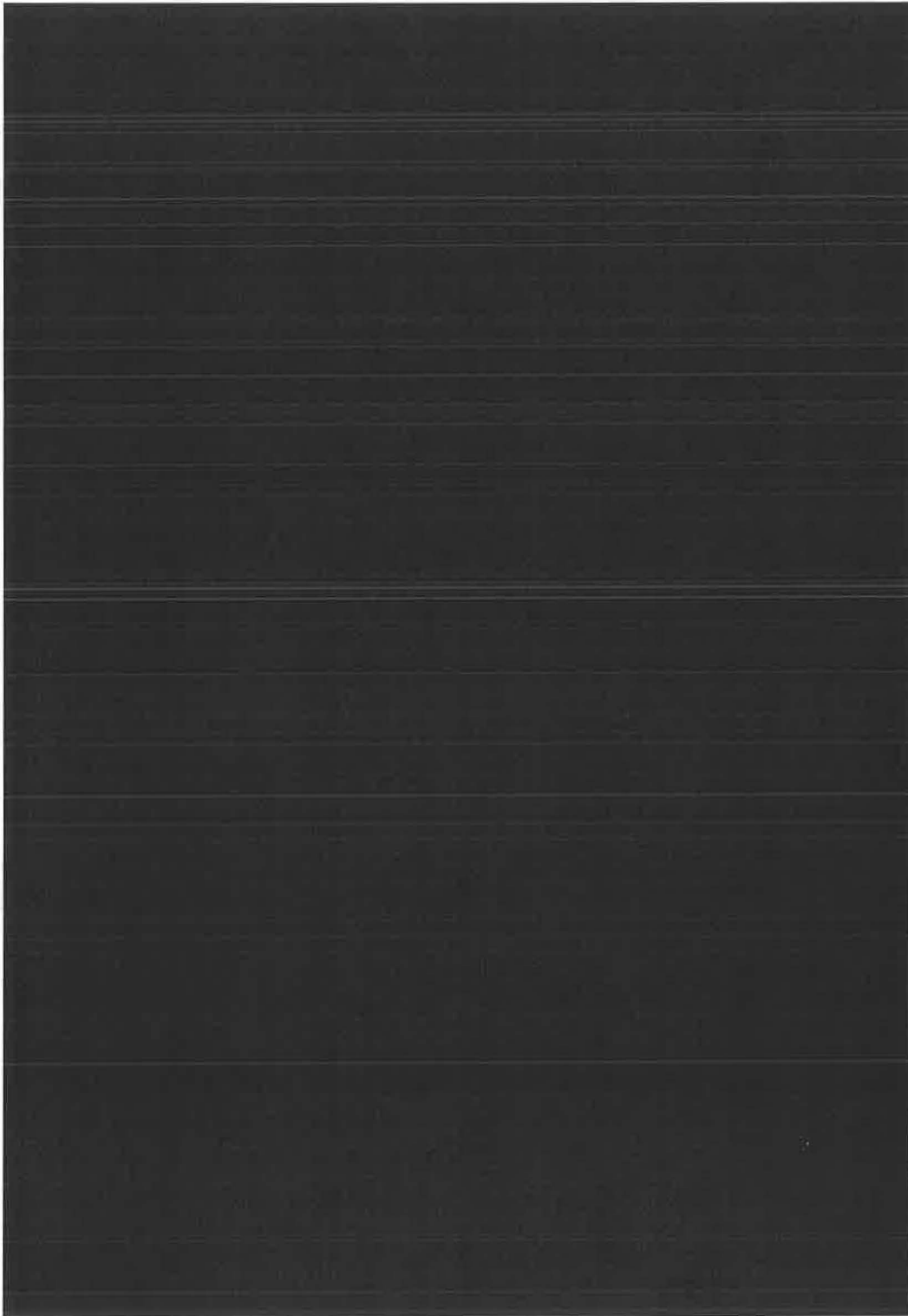
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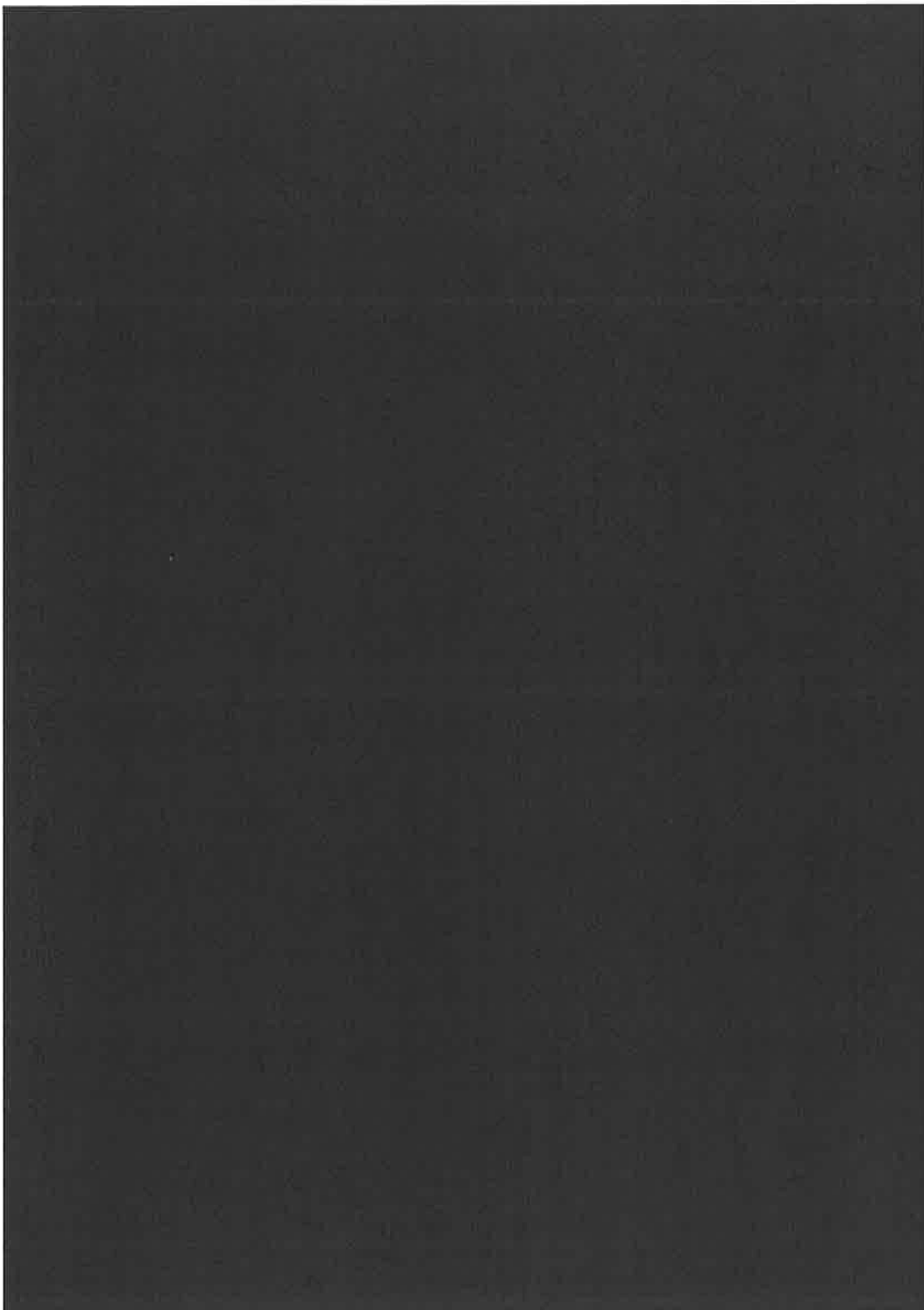
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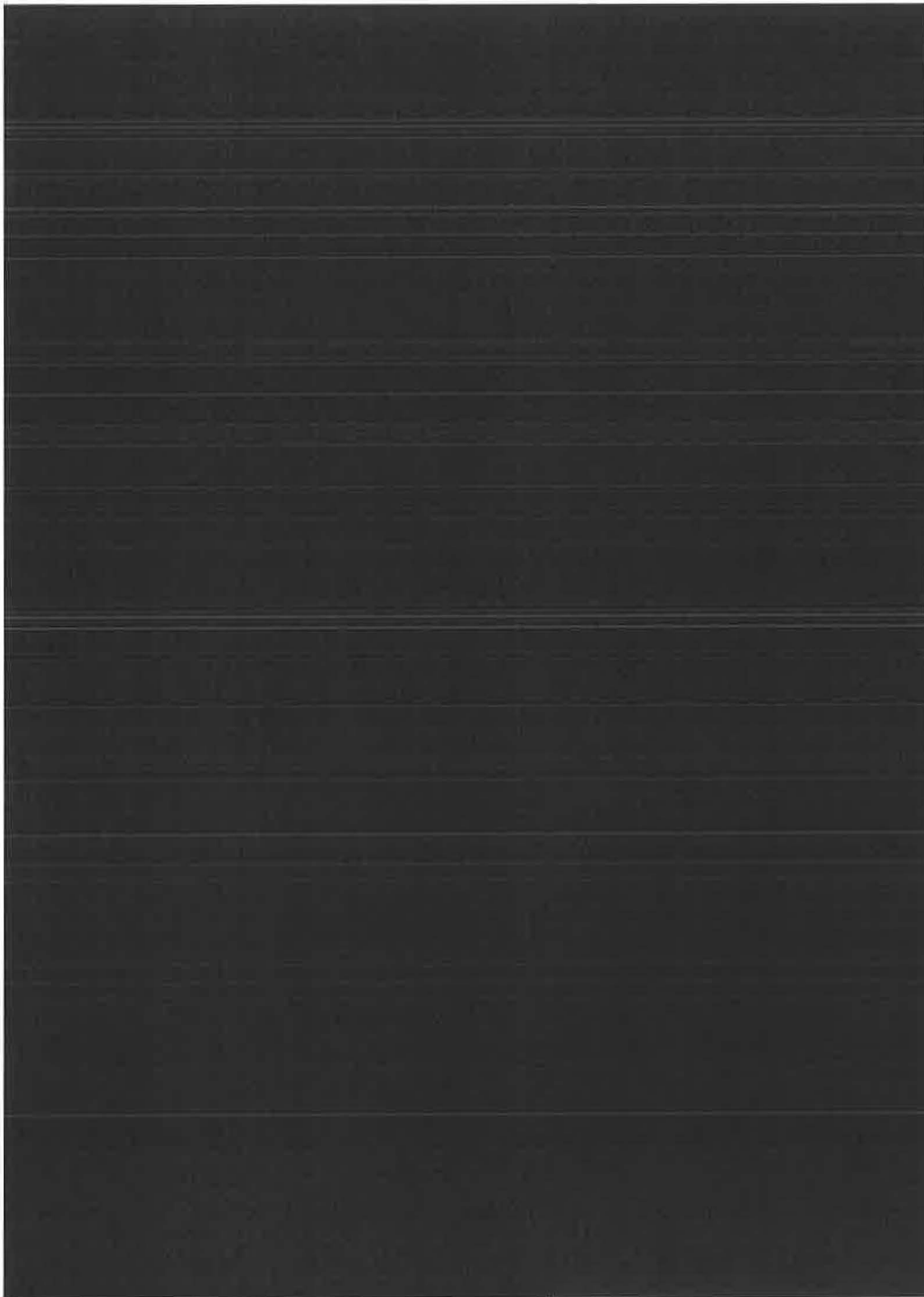


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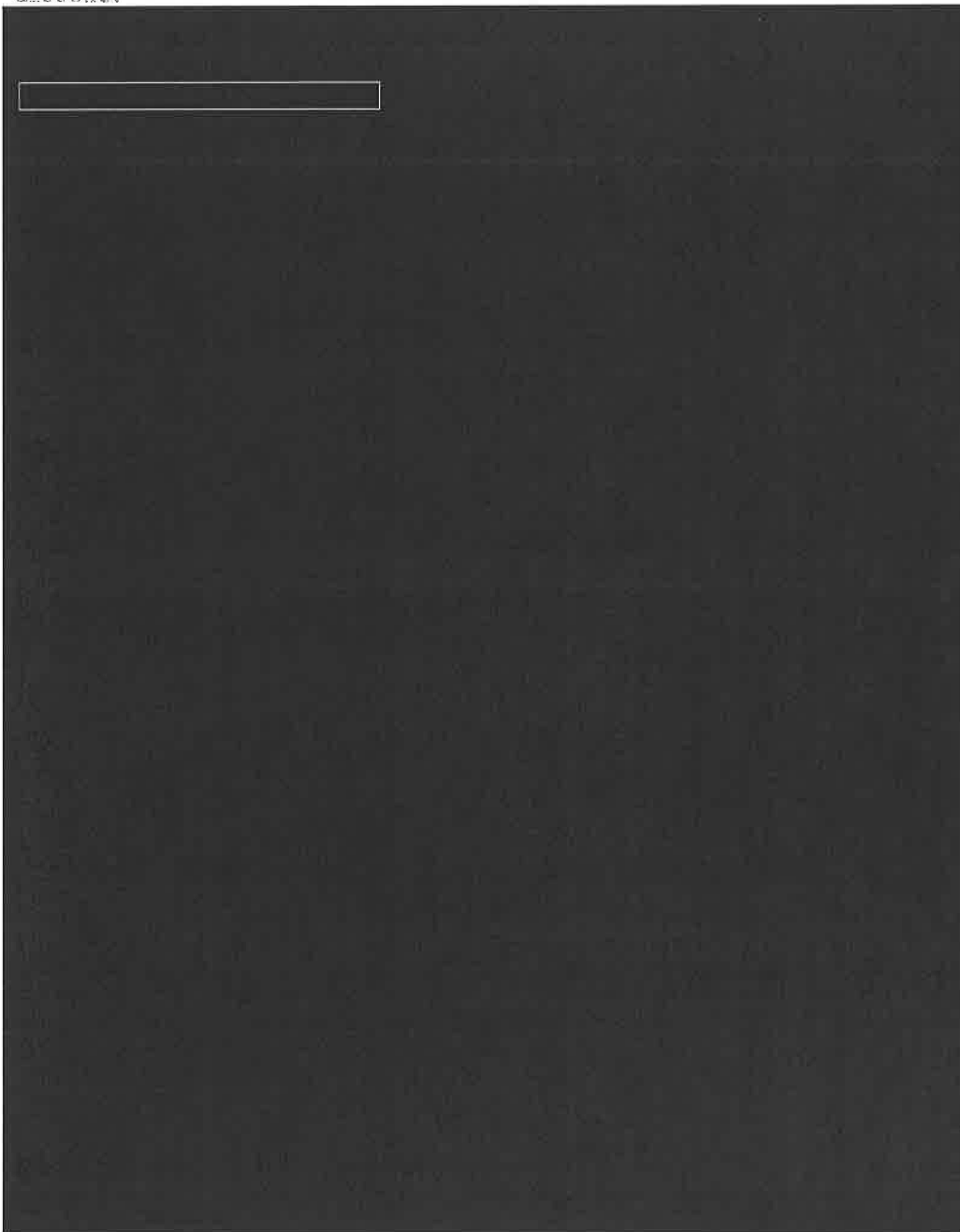


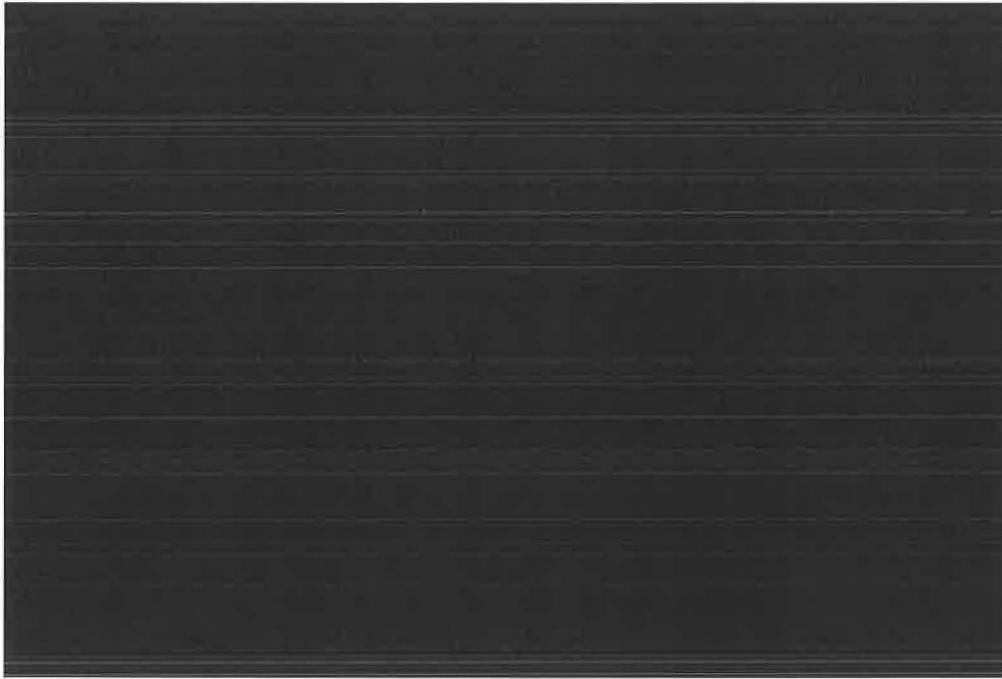


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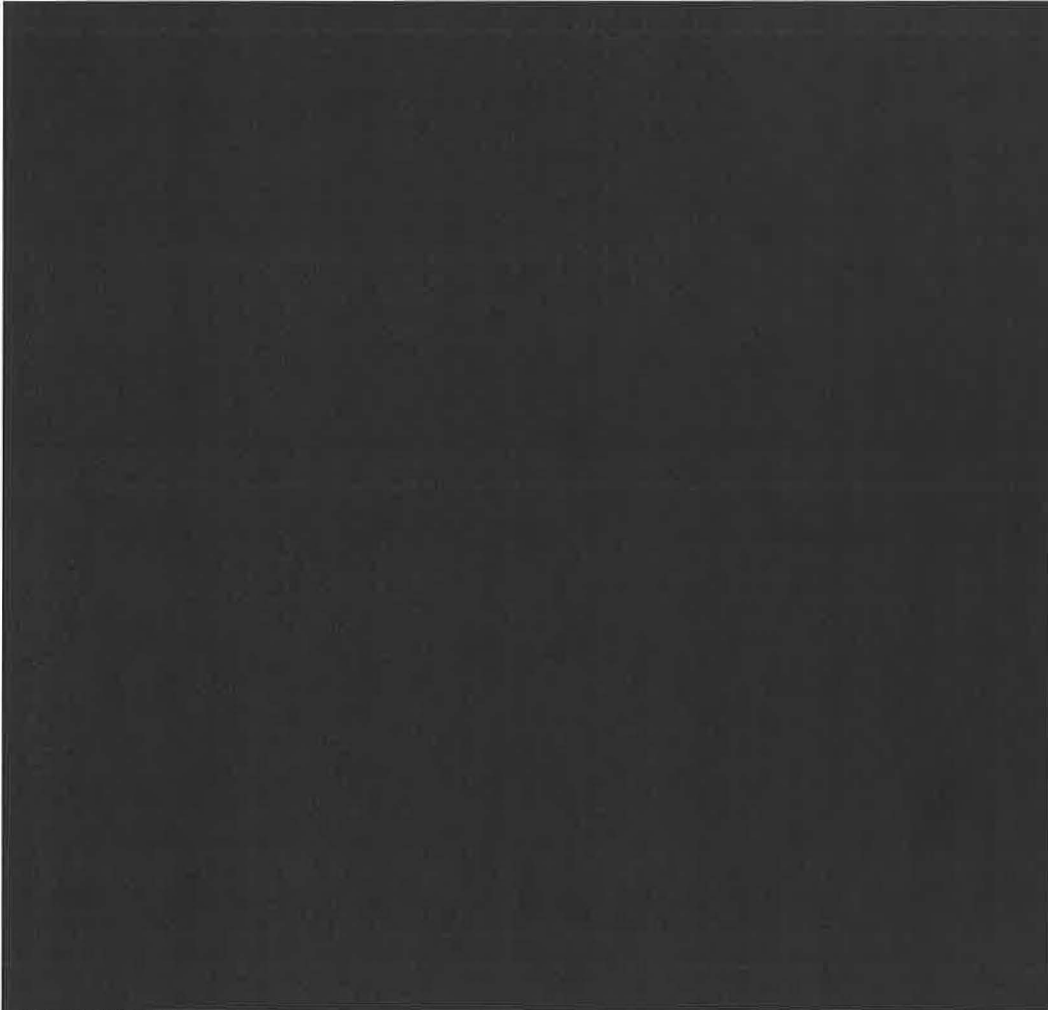
2) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.



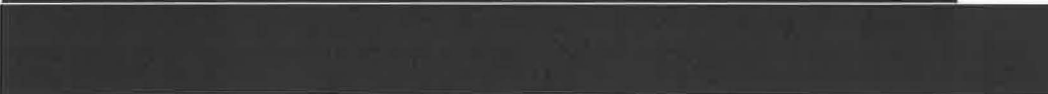


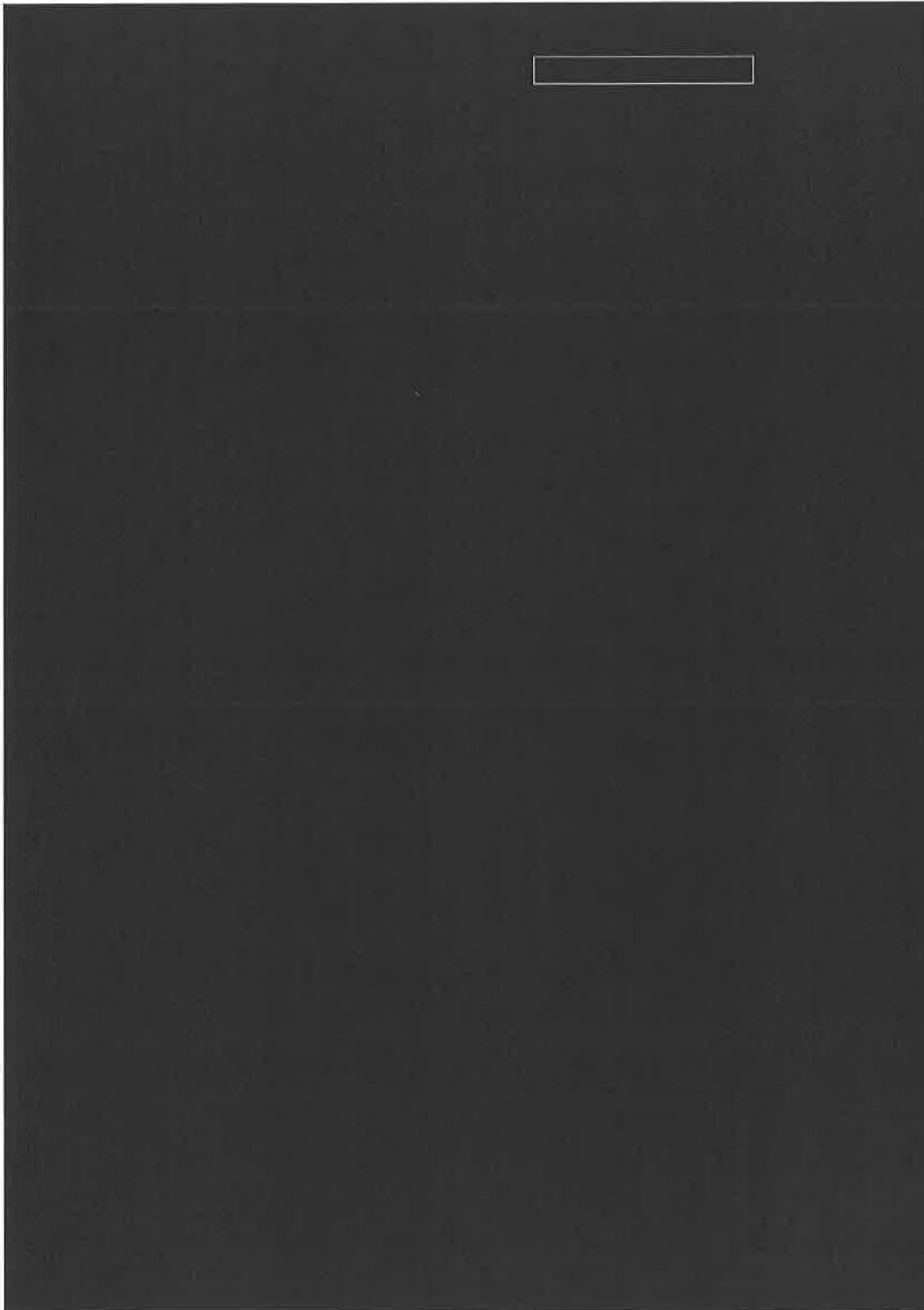


DATE
20150611



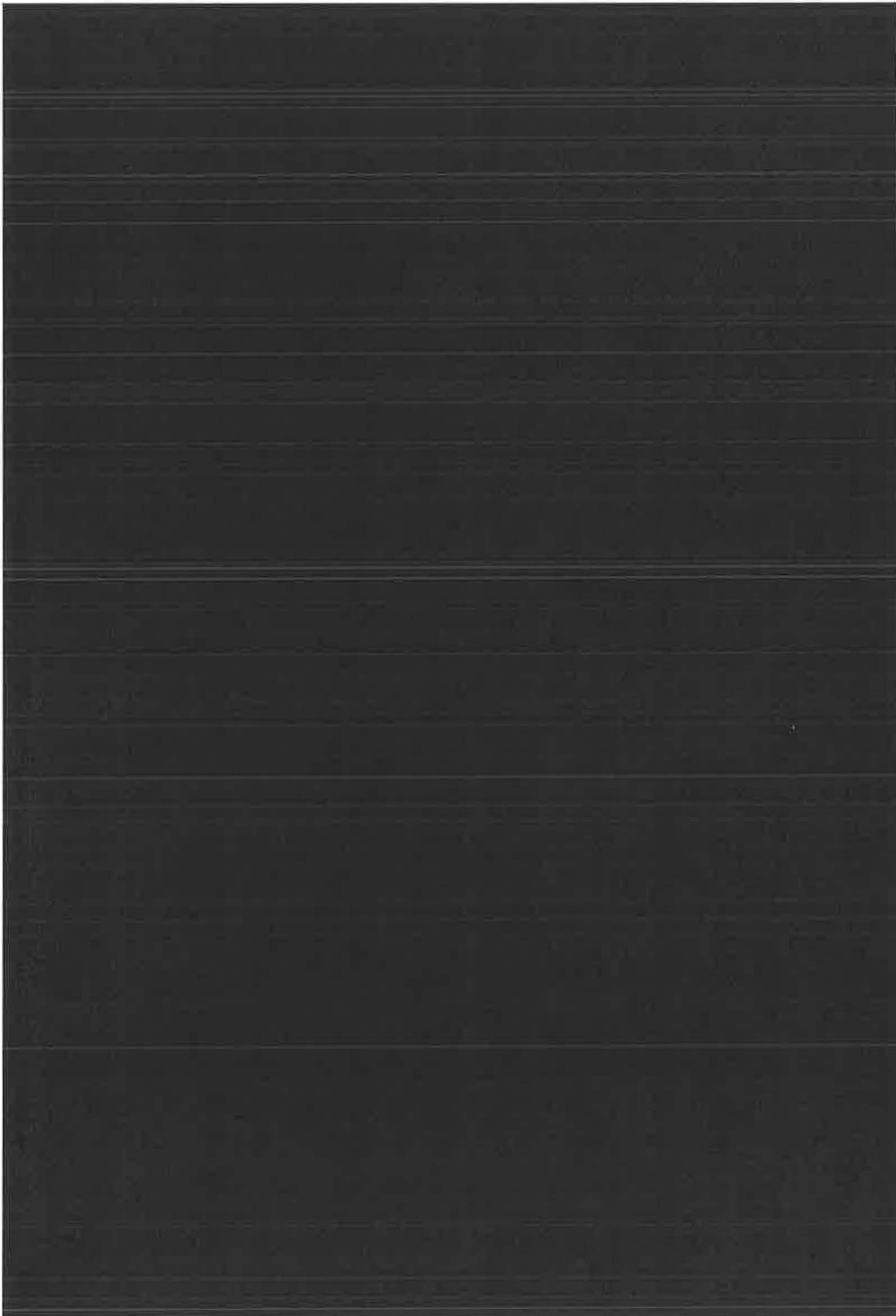
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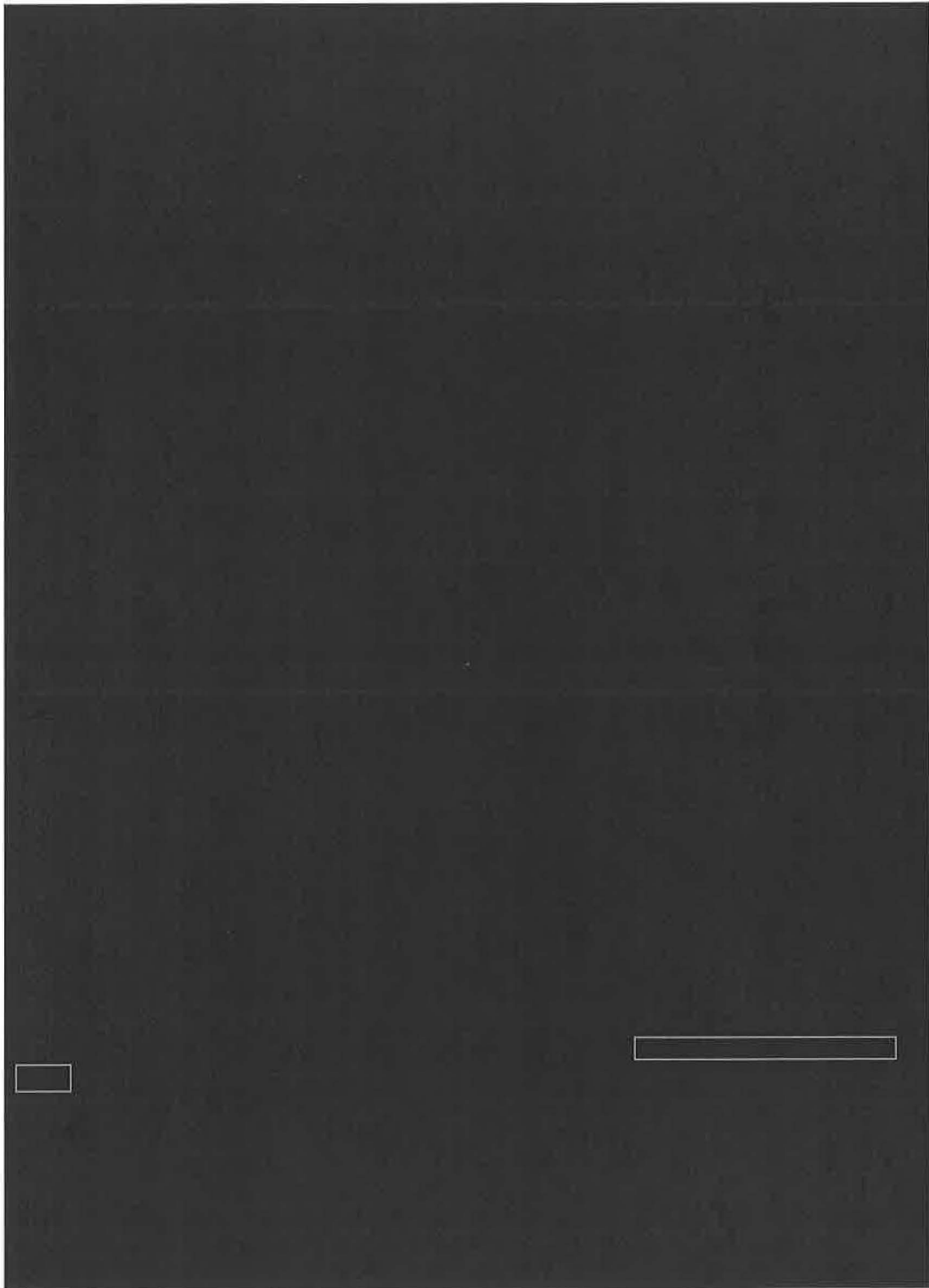




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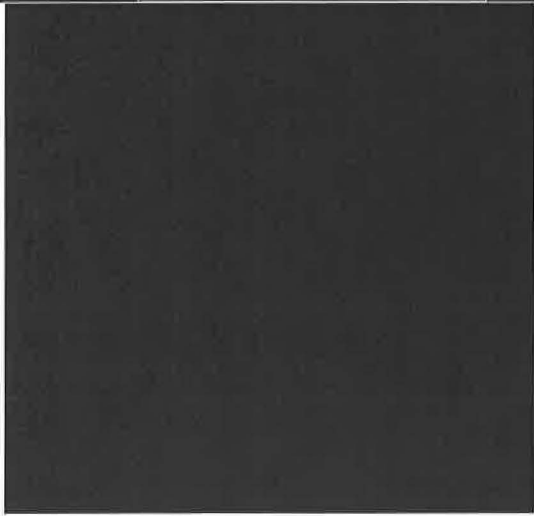
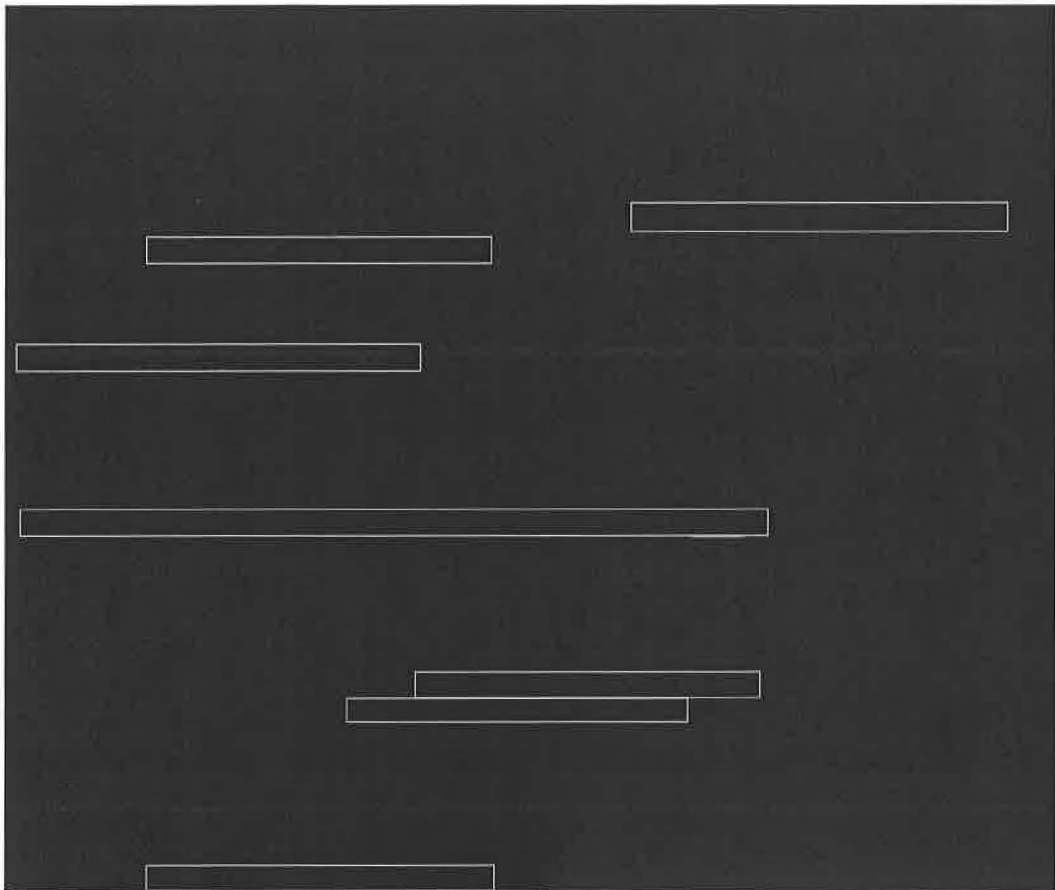
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ANALYSIS / ANALYSE:

11) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

[REDACTED]





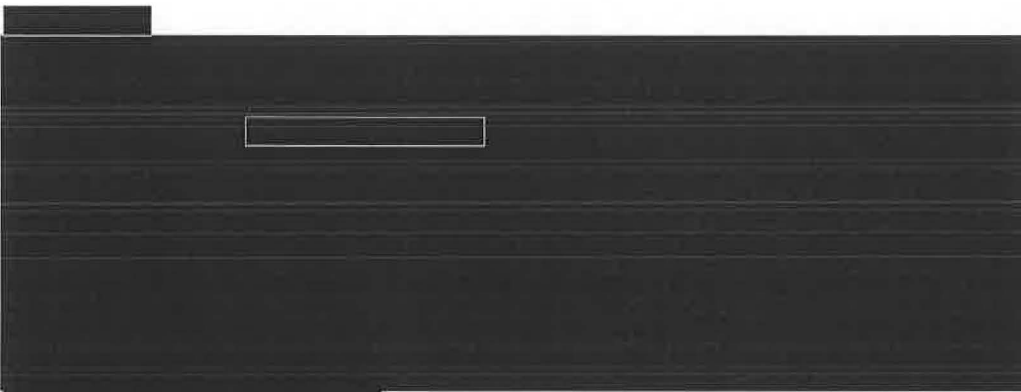
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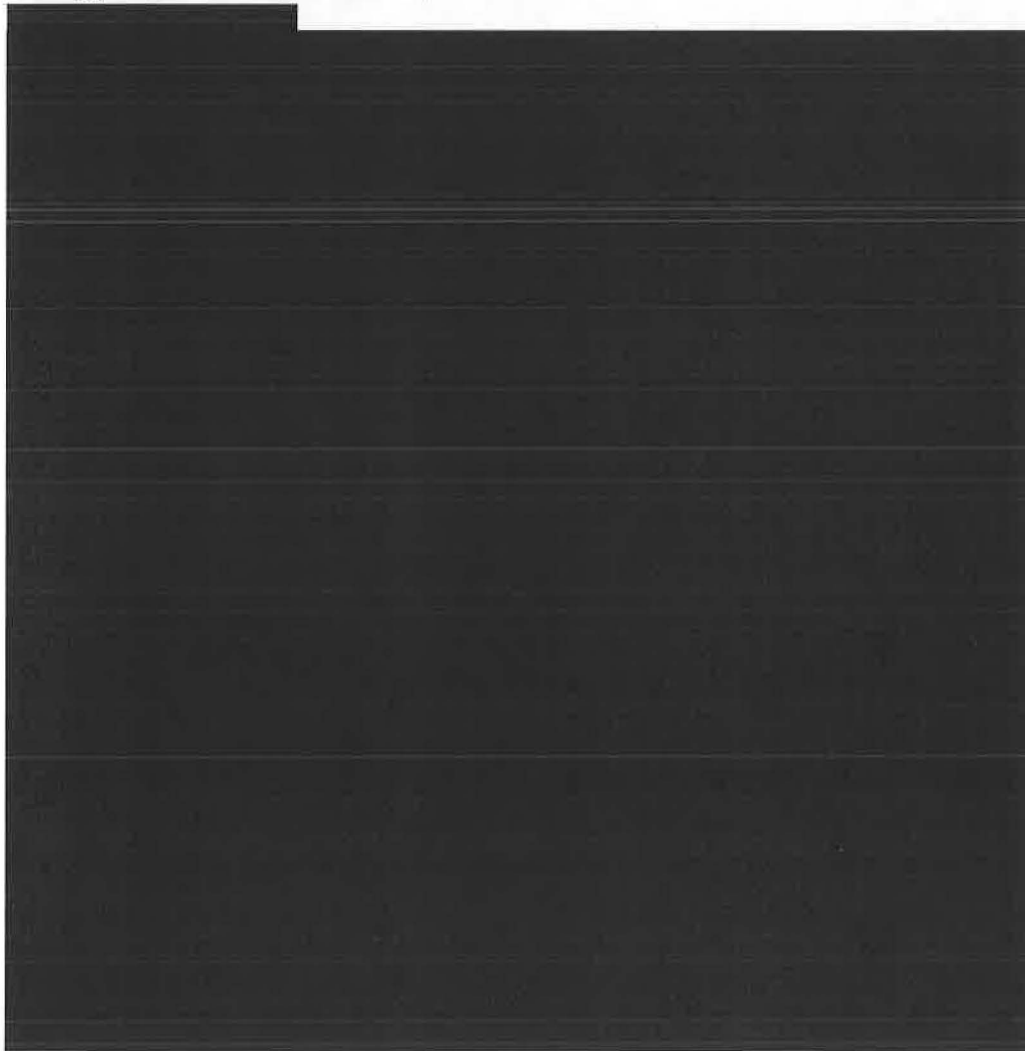
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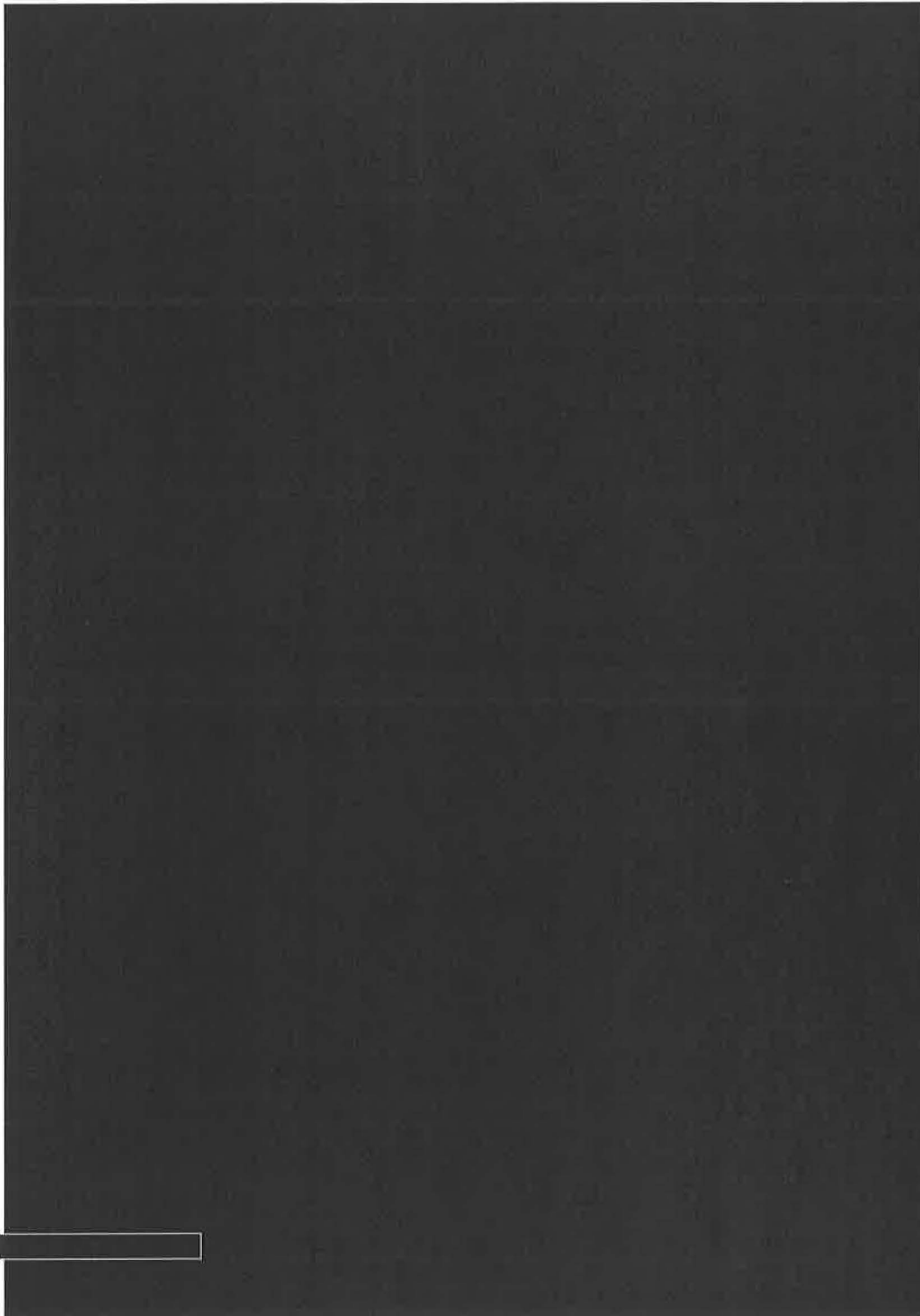


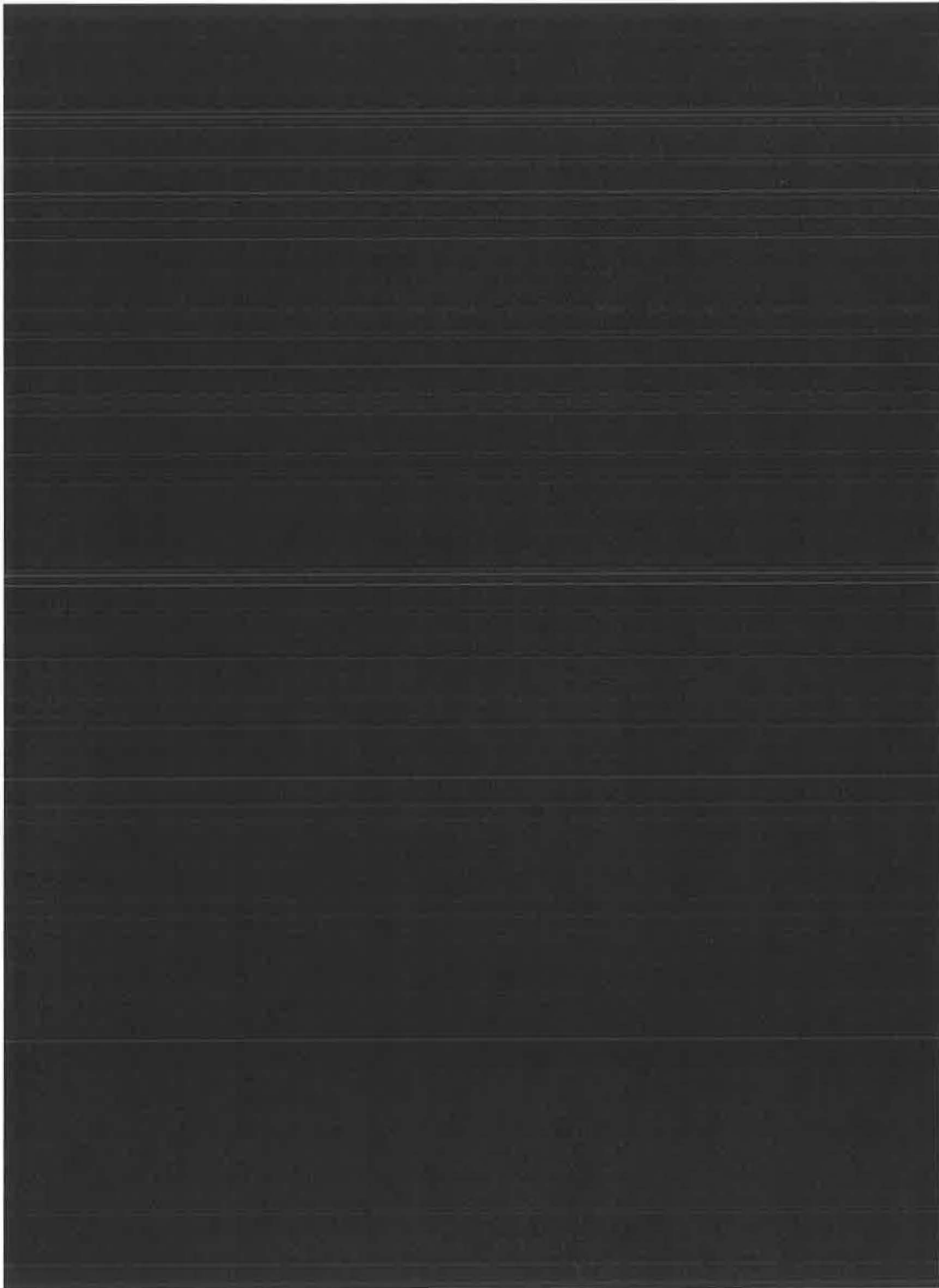
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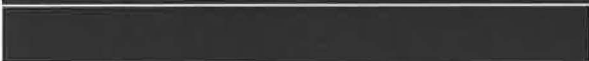
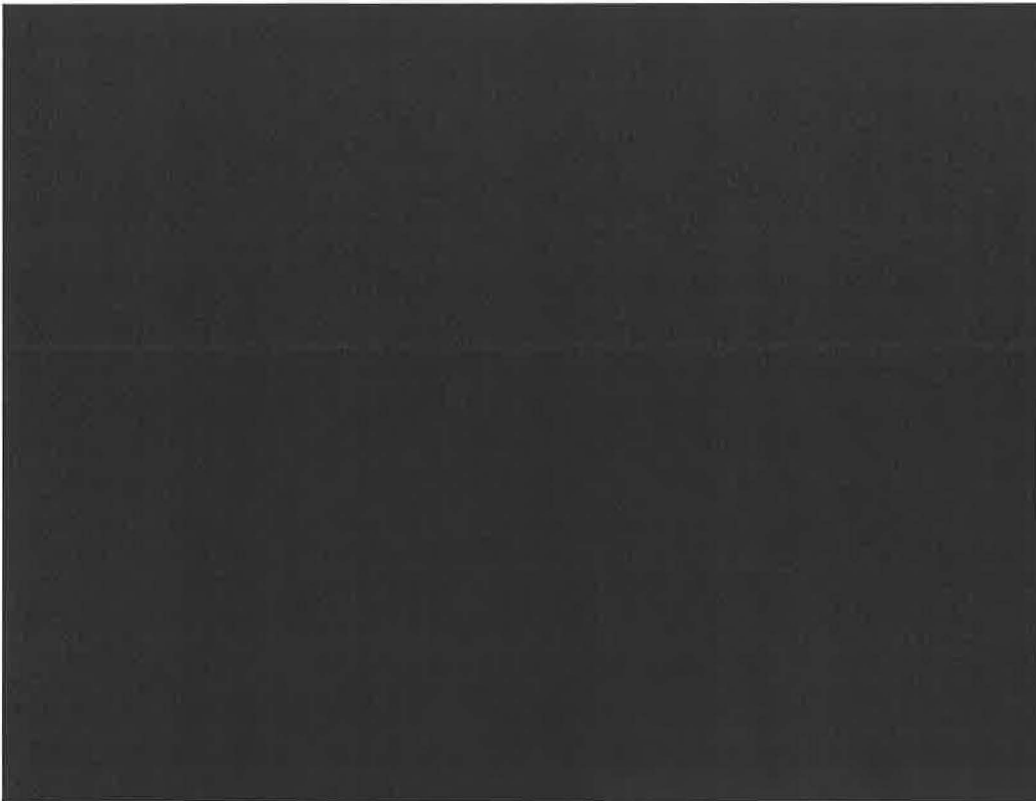


INFORMATION / RENSEIGNEMENTS:



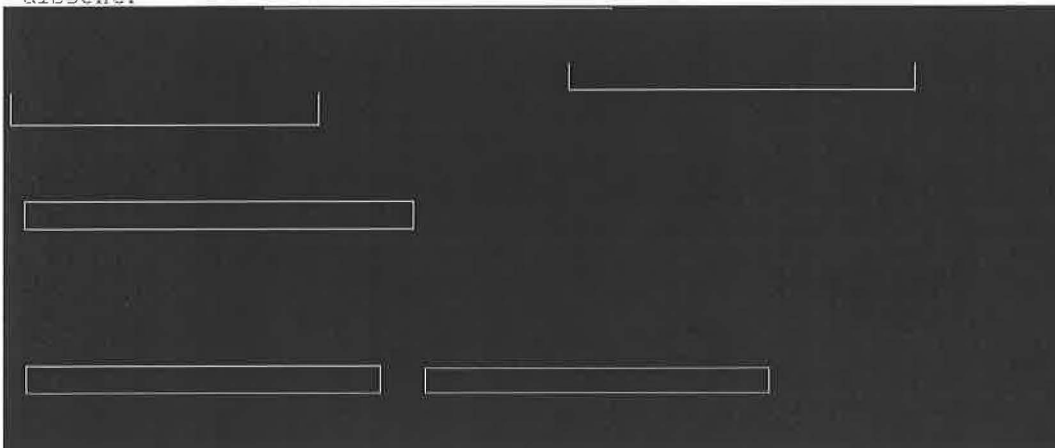


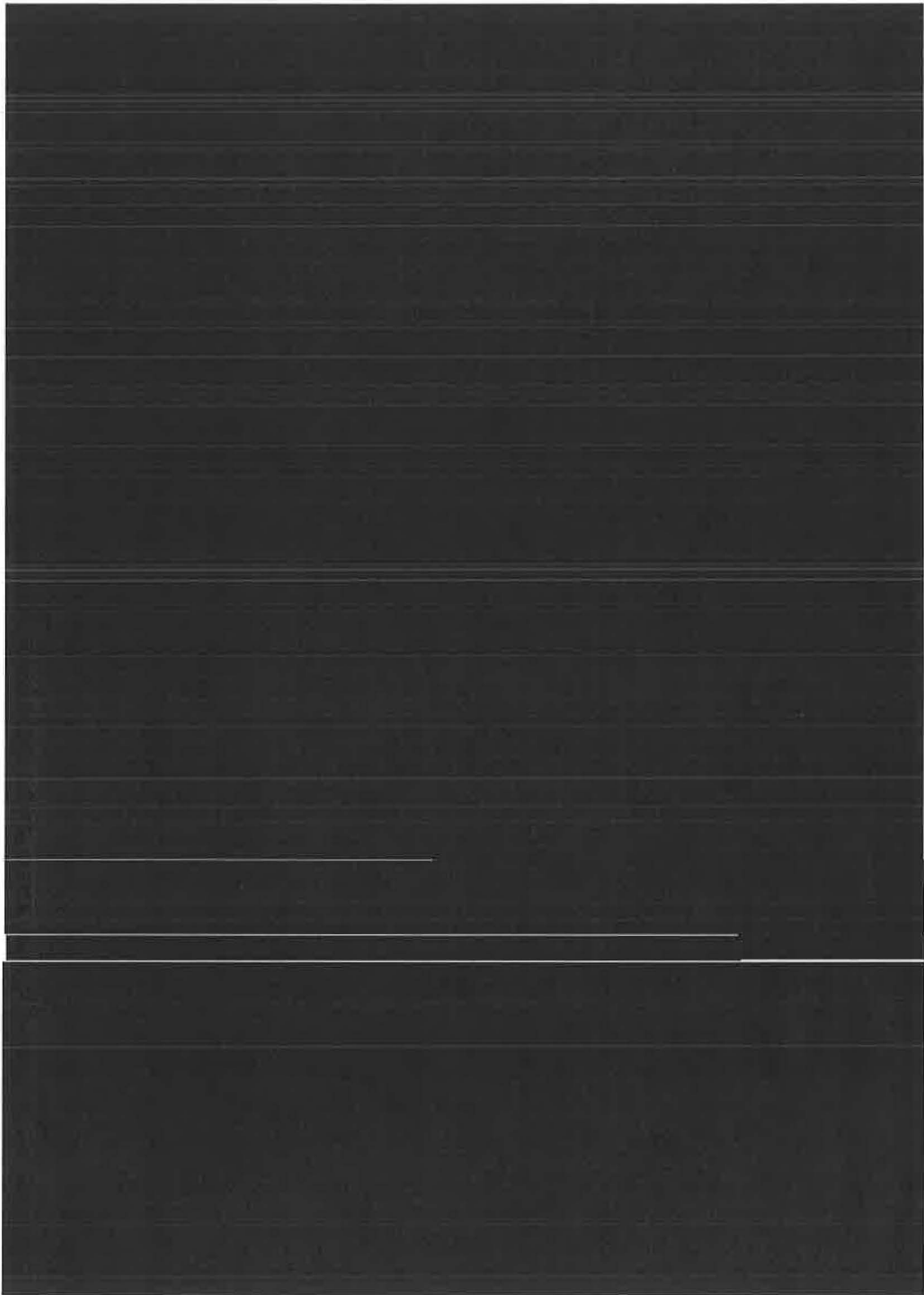




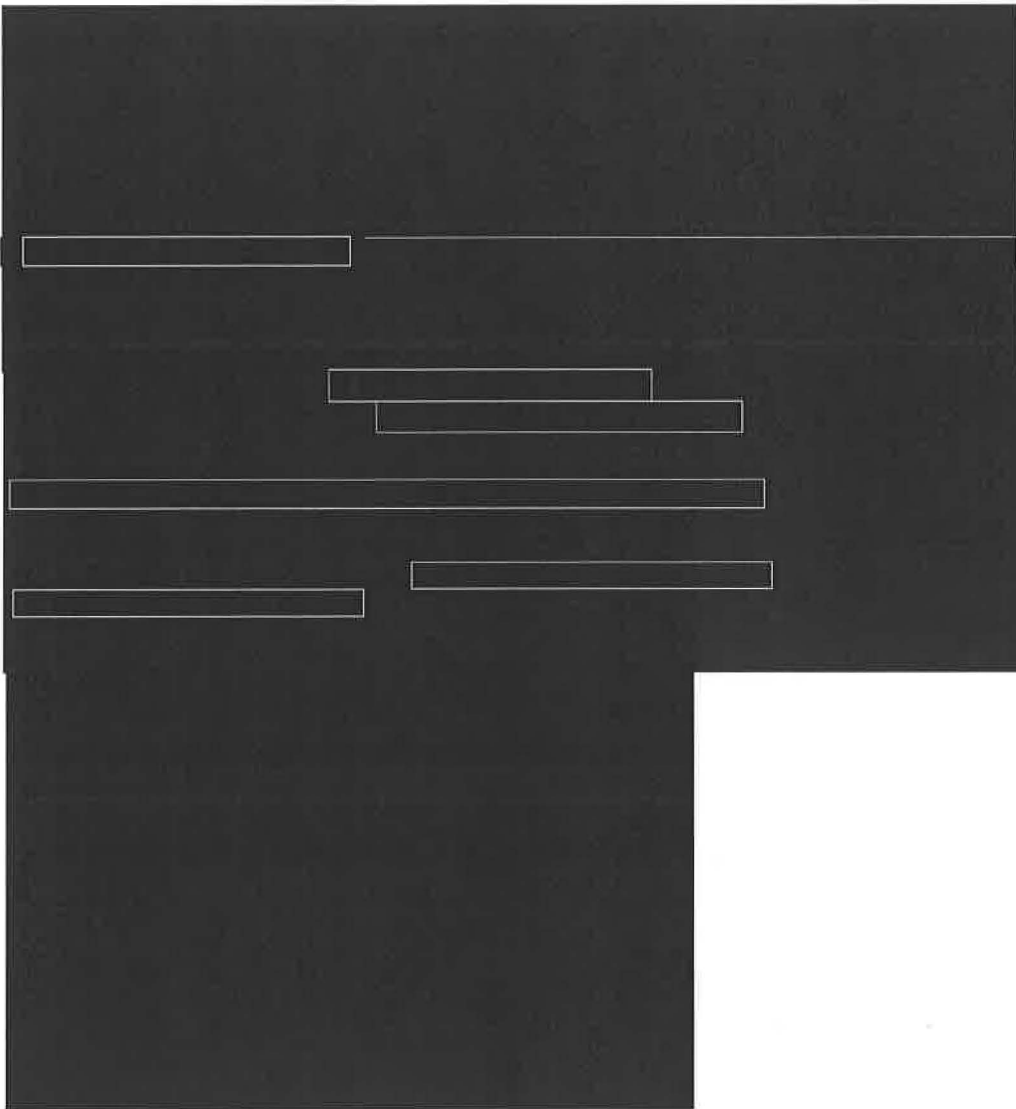
ANALYSIS / ANALYSE:

2) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.



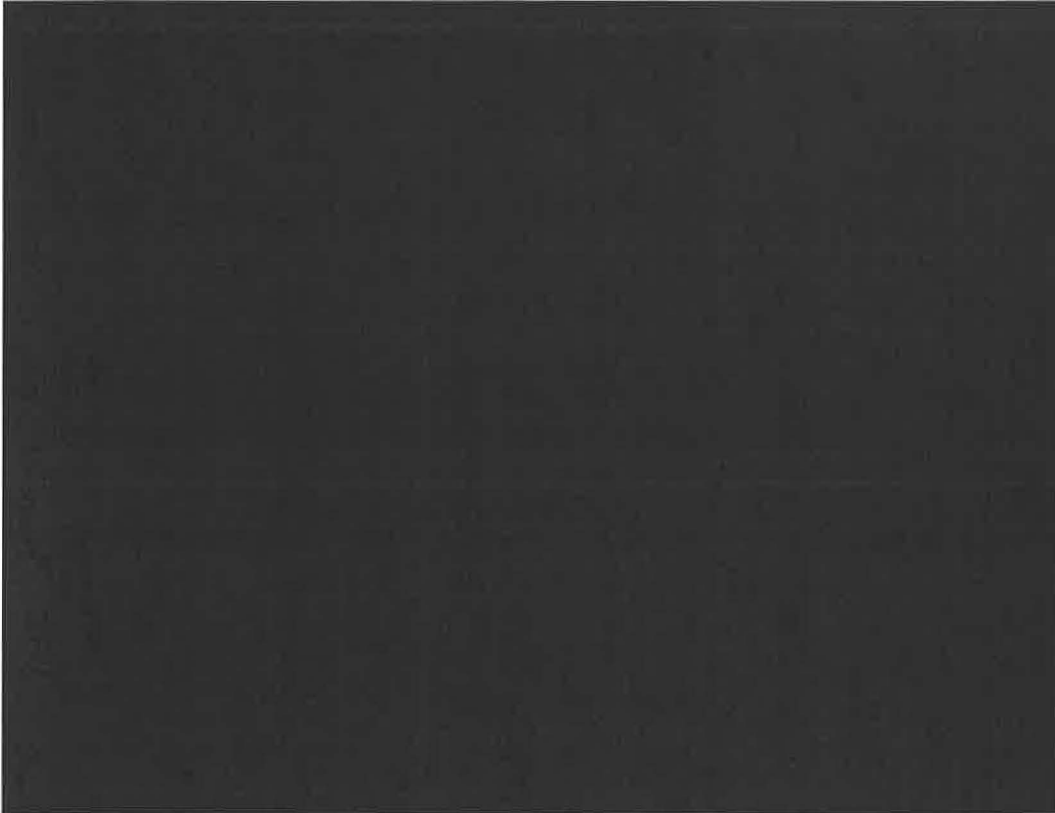


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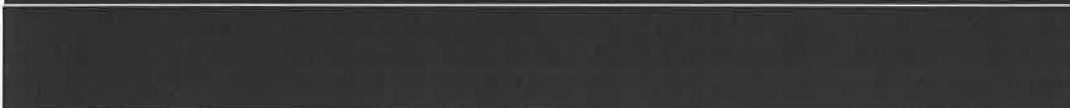




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20150601



RE / OBJET:



SYNOPSIS / SOMMAIRE:

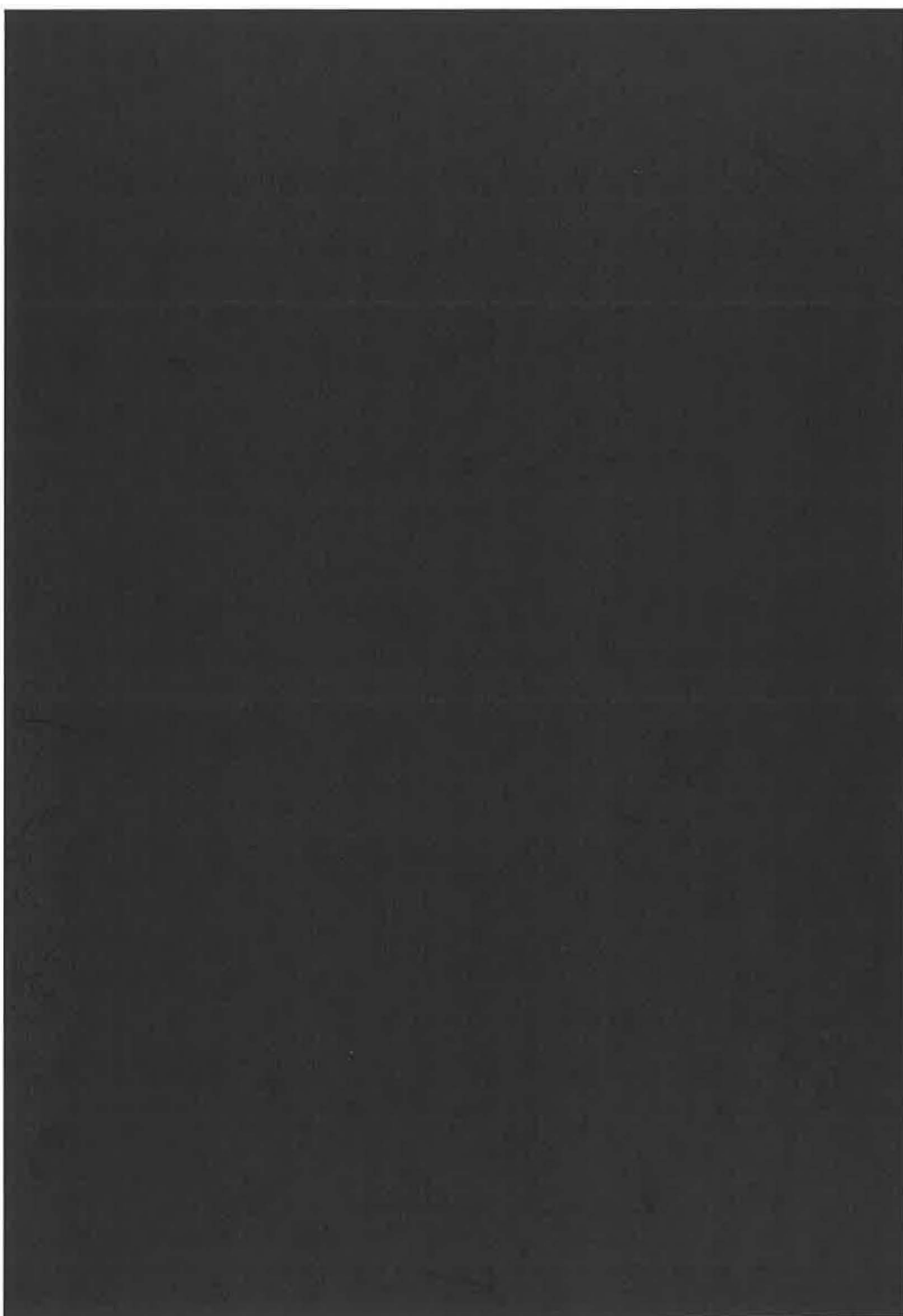


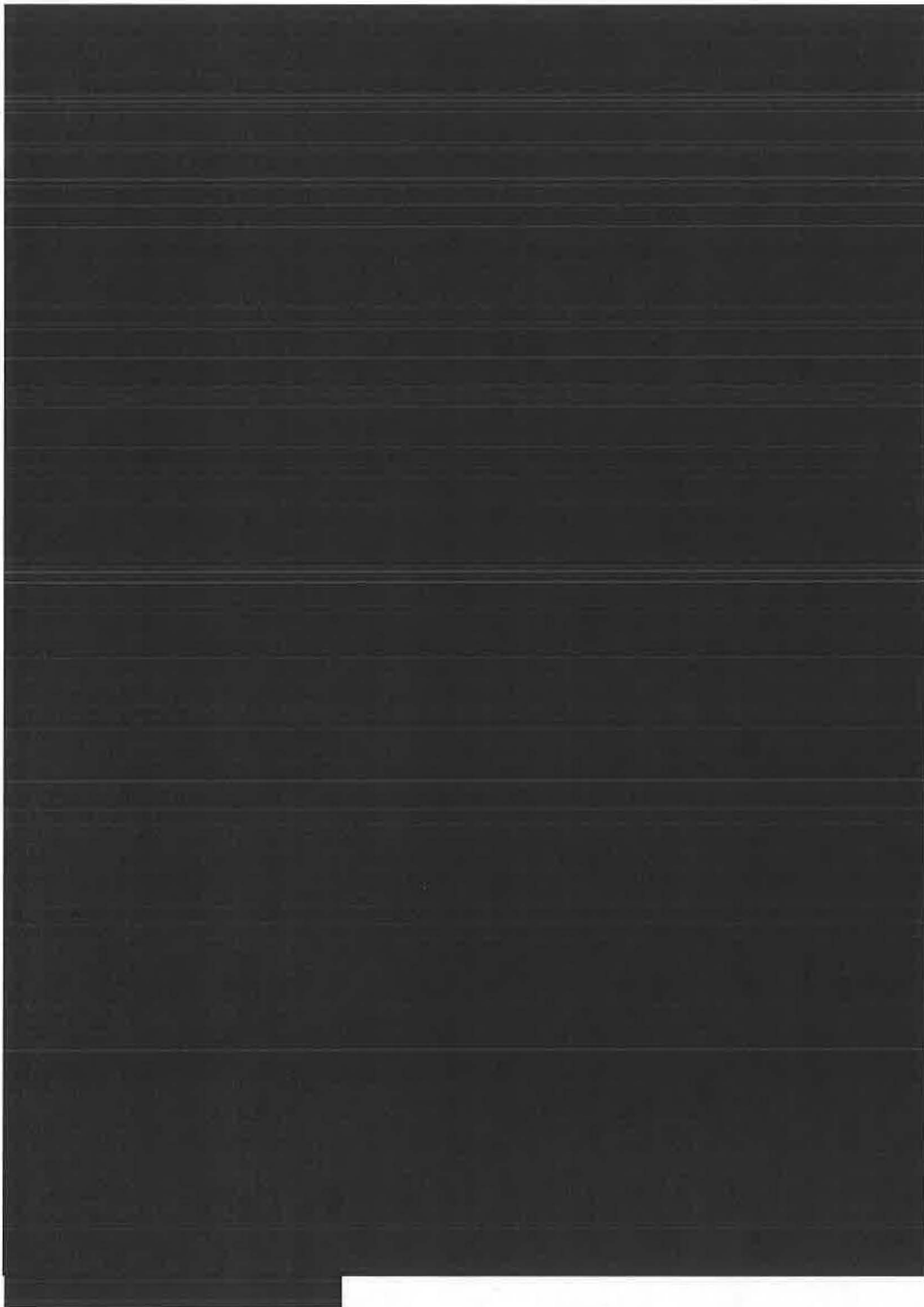
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INFORMATION / RENSEIGNEMENTS:

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[REDACTED]





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[REDACTED]

ANALYSIS / ANALYSE:

2) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

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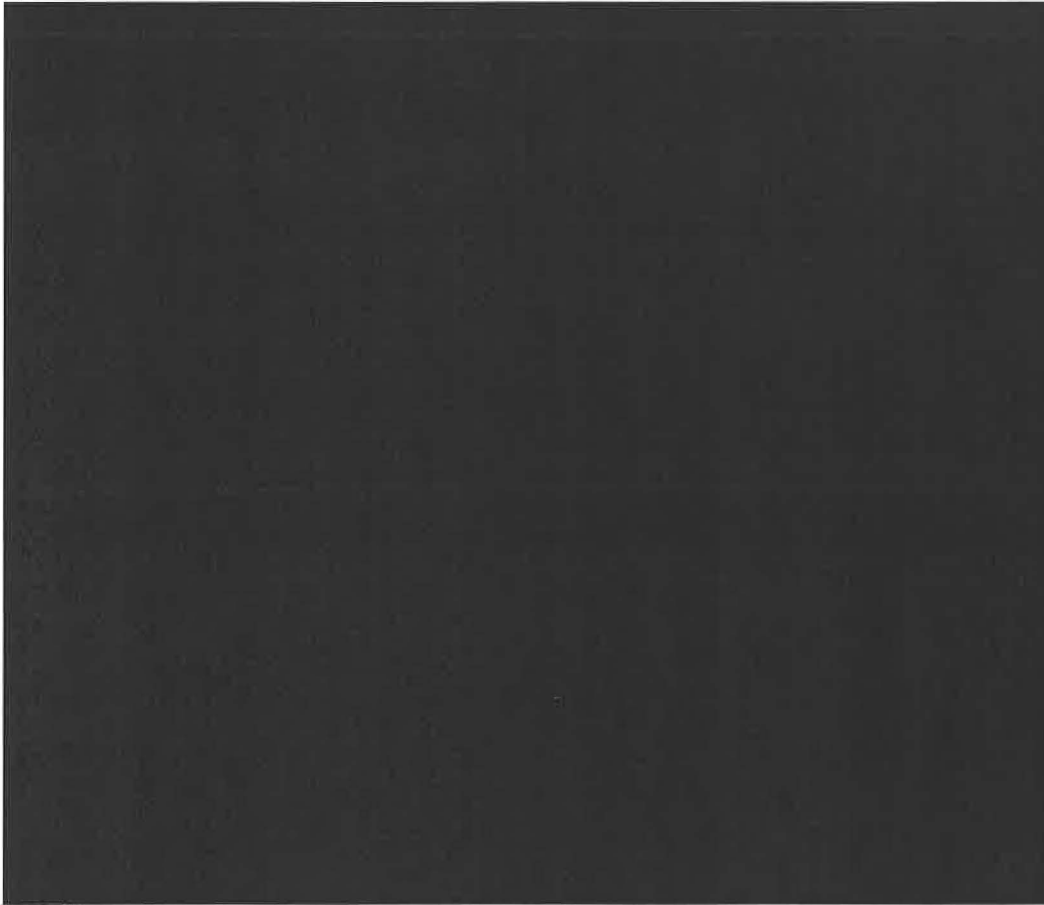
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DATE
20150525

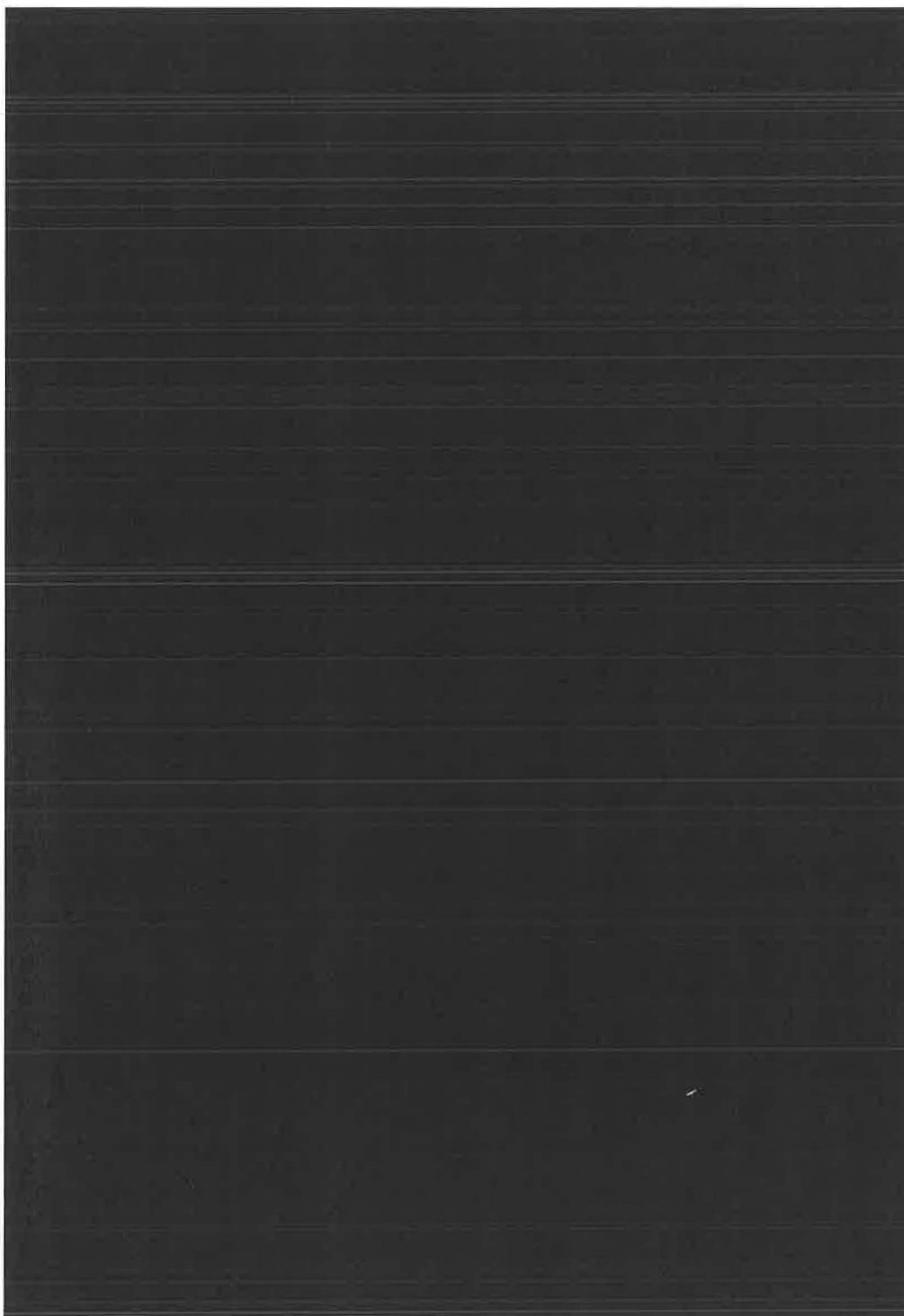


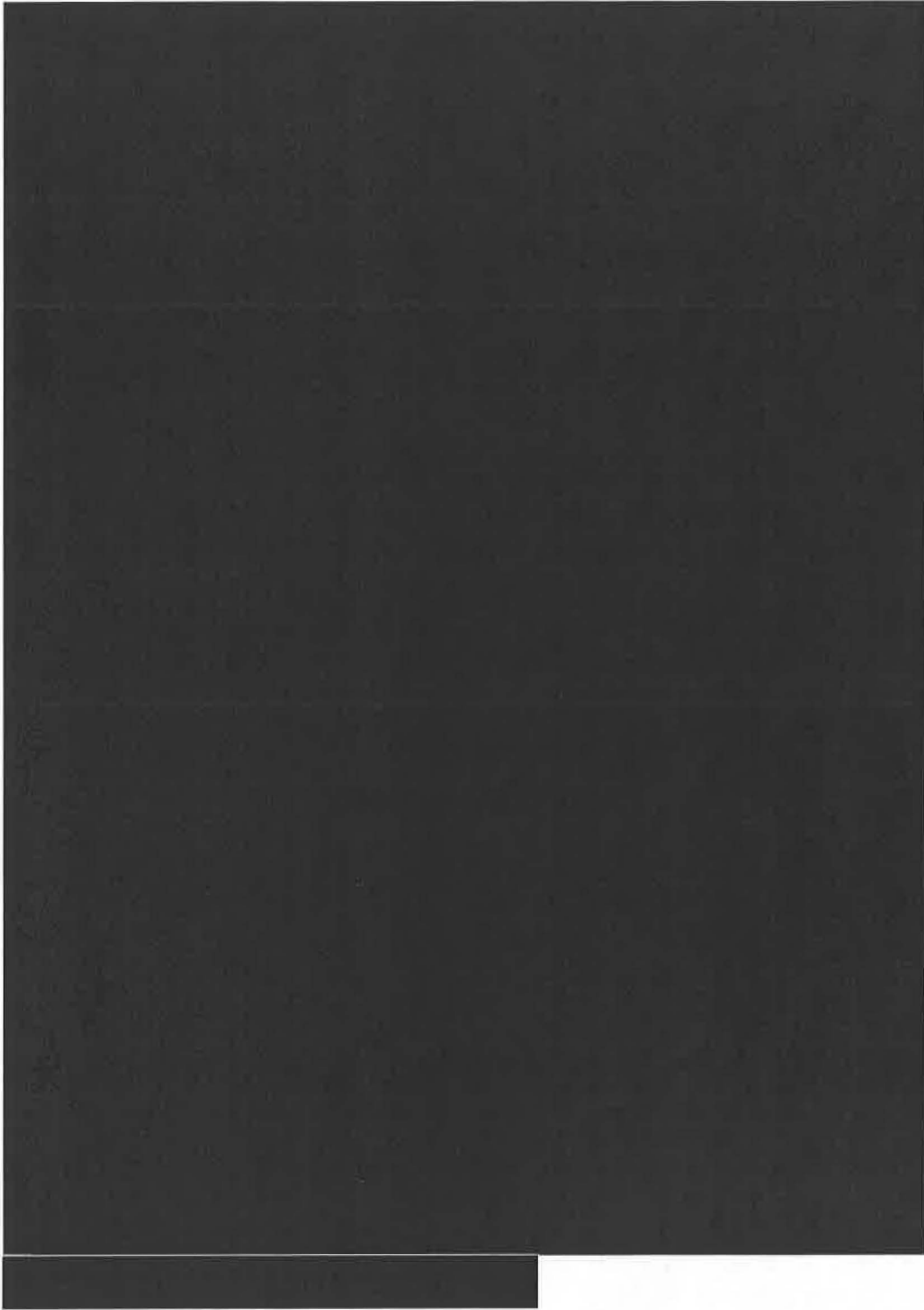
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SYNOPSIS / SOMMAIRE:

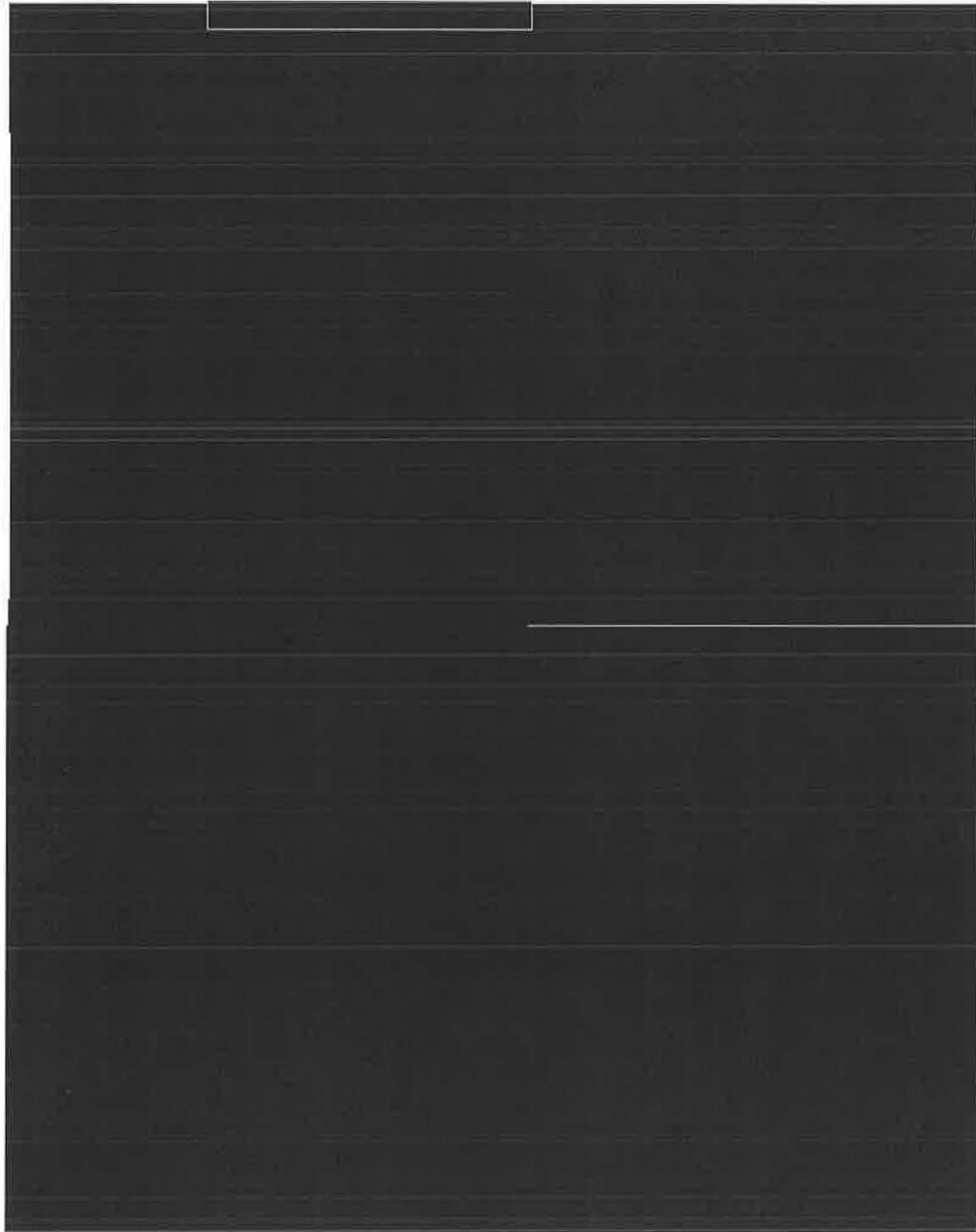


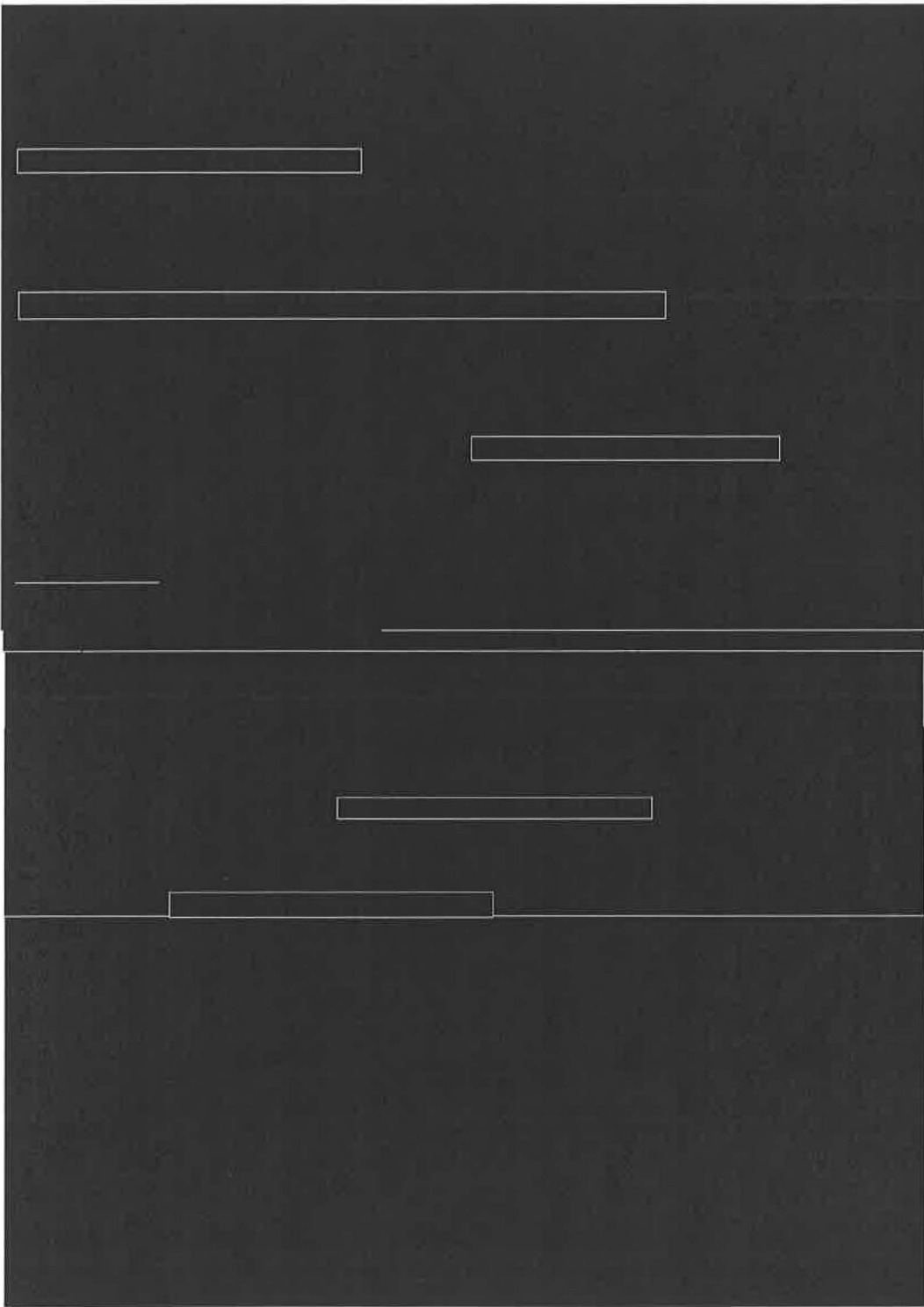


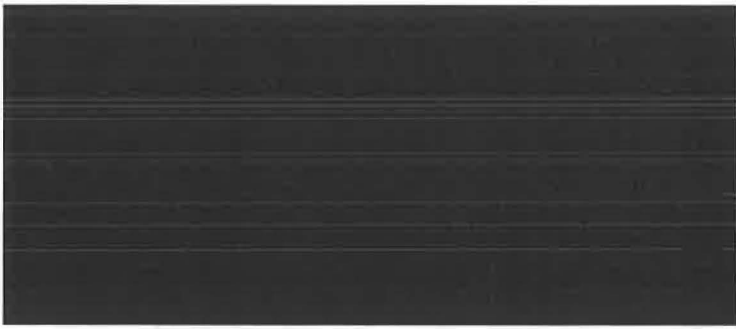


ANALYSIS / ANALYSE:

12) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.












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20150525

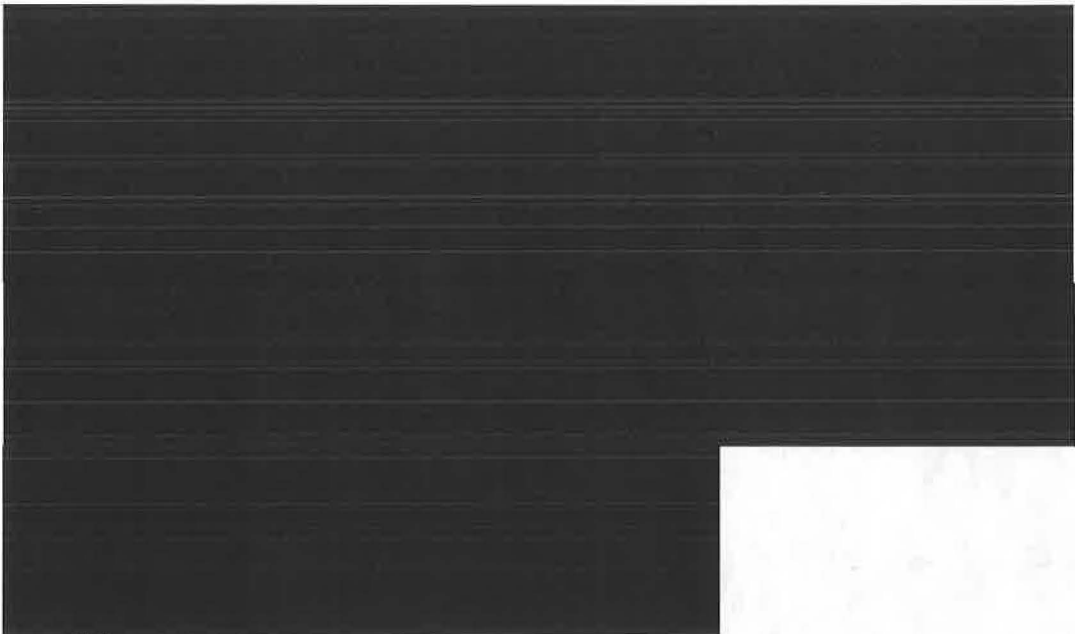


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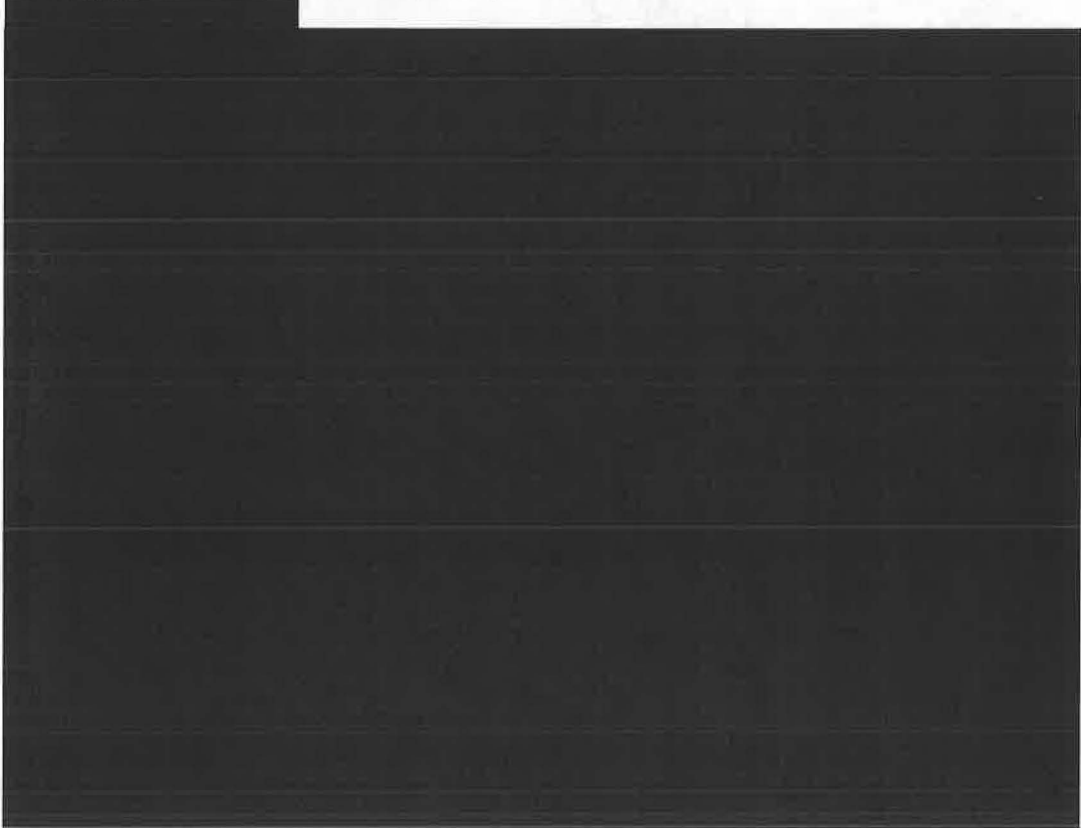


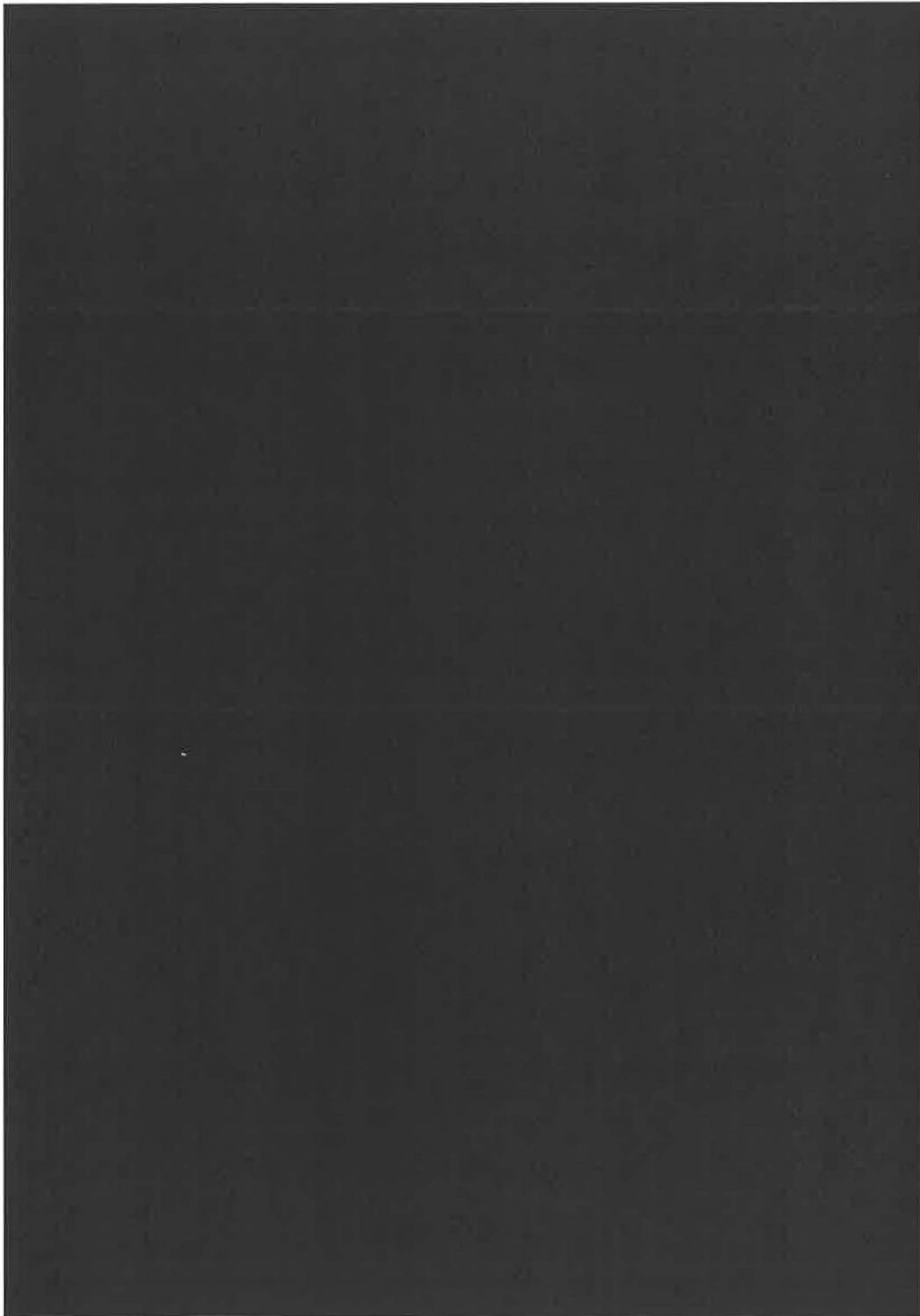
SYNOPSIS / SOMMAIRE:





INFORMATION / RENSEIGNEMENTS:





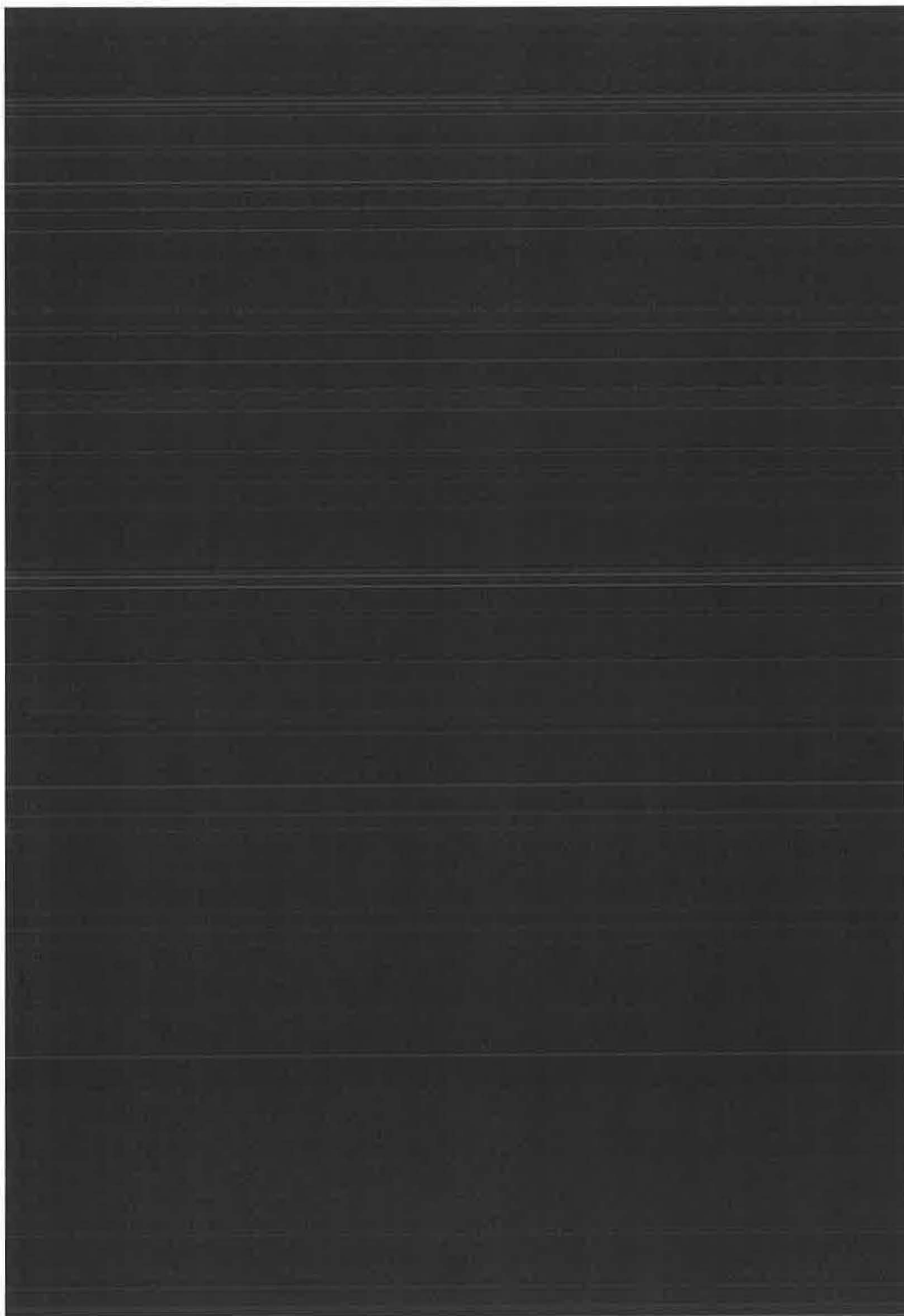
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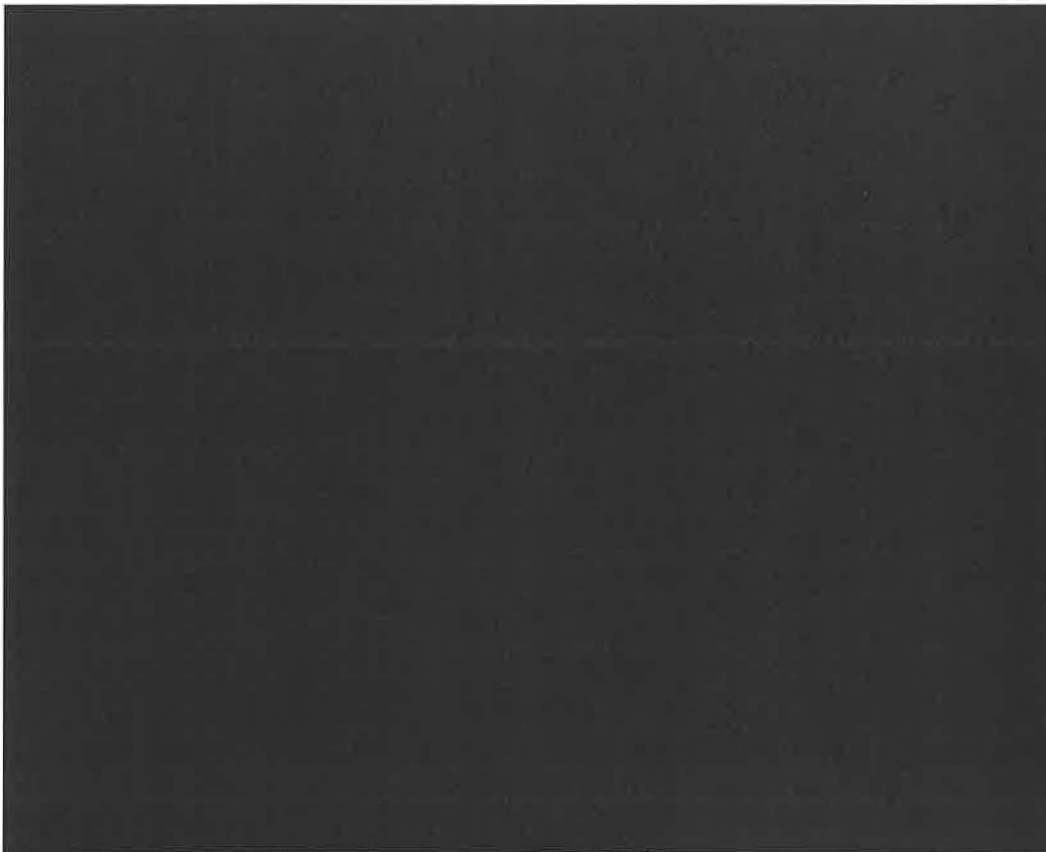
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Page 2144

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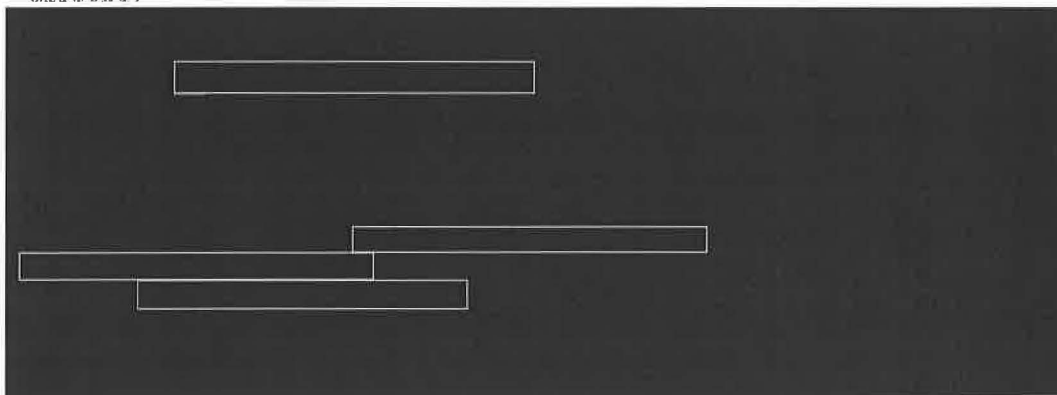
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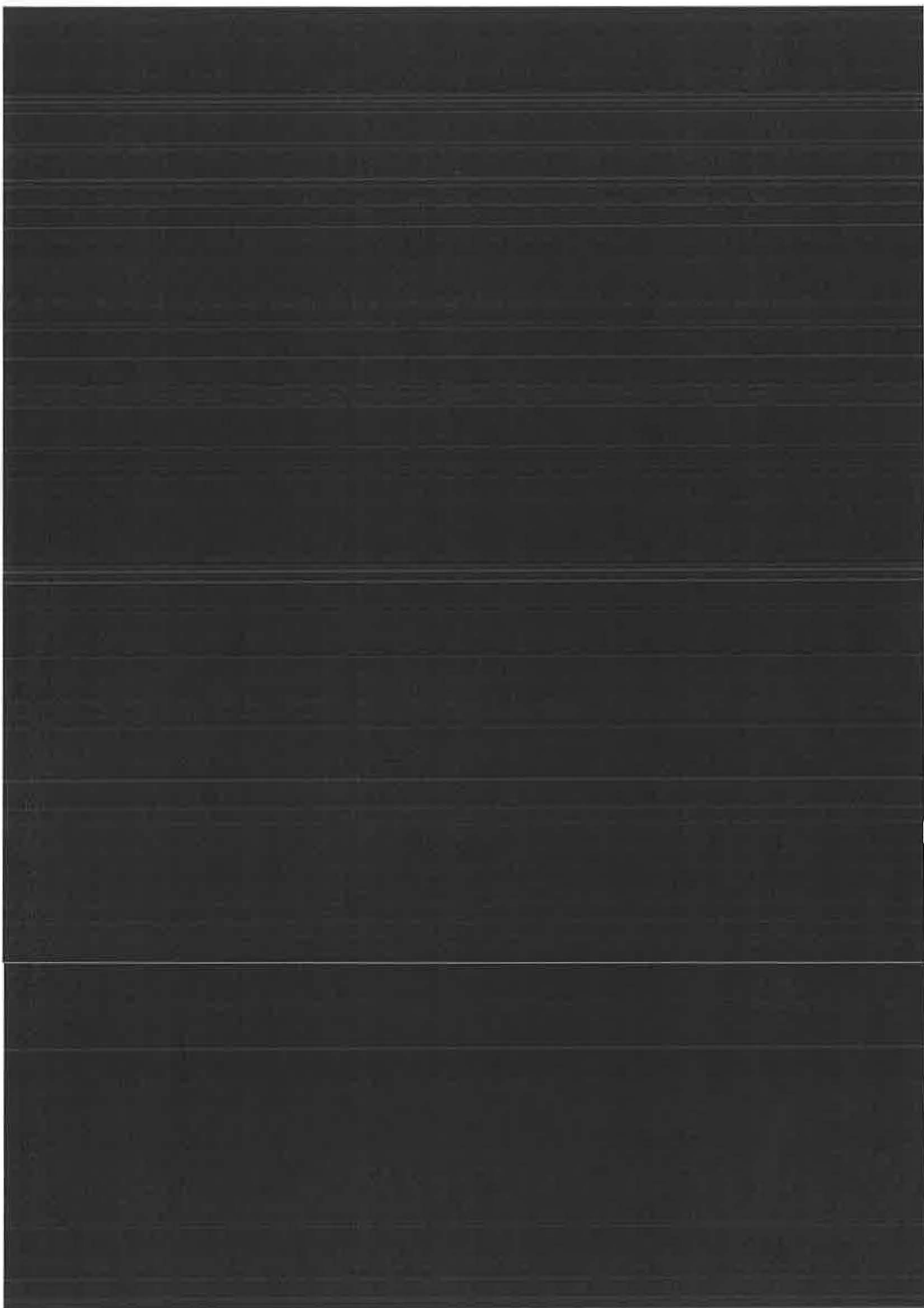


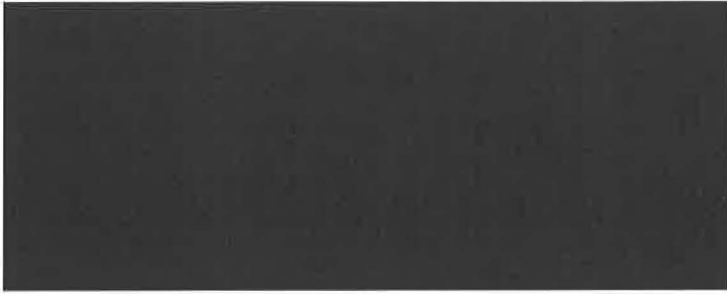


ANALYSIS / ANALYSE:

2) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

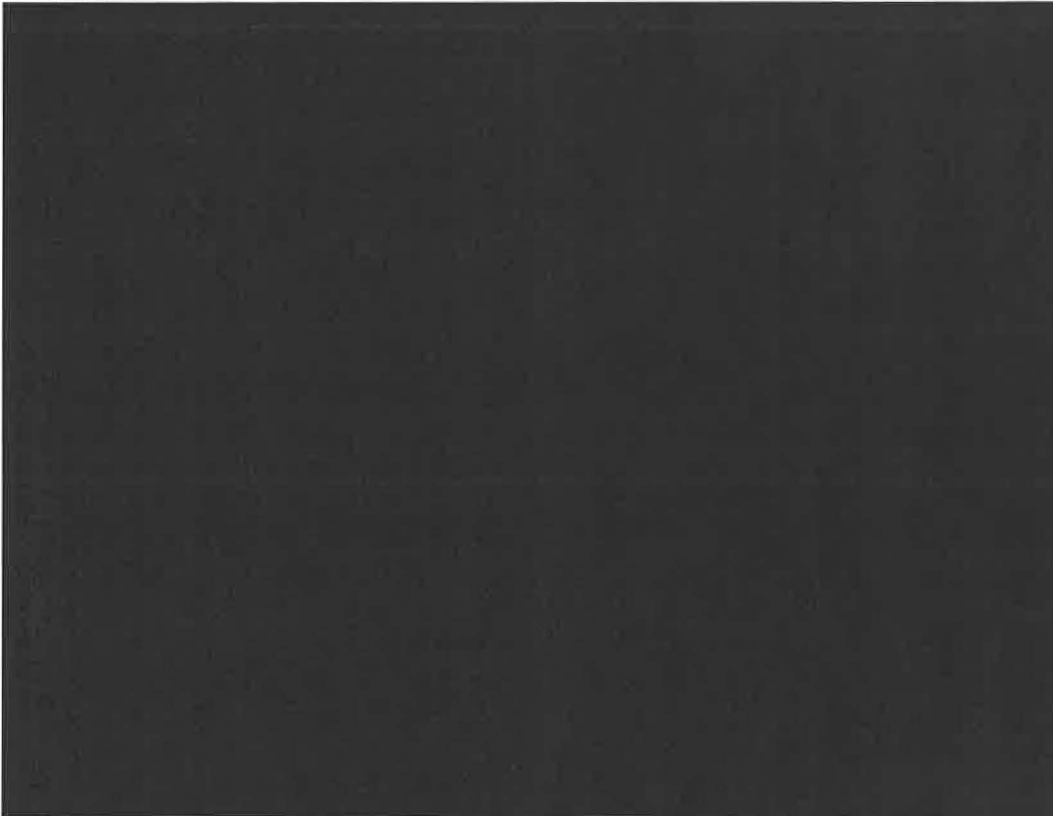




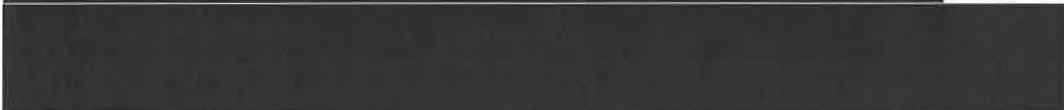




DATE
20150525

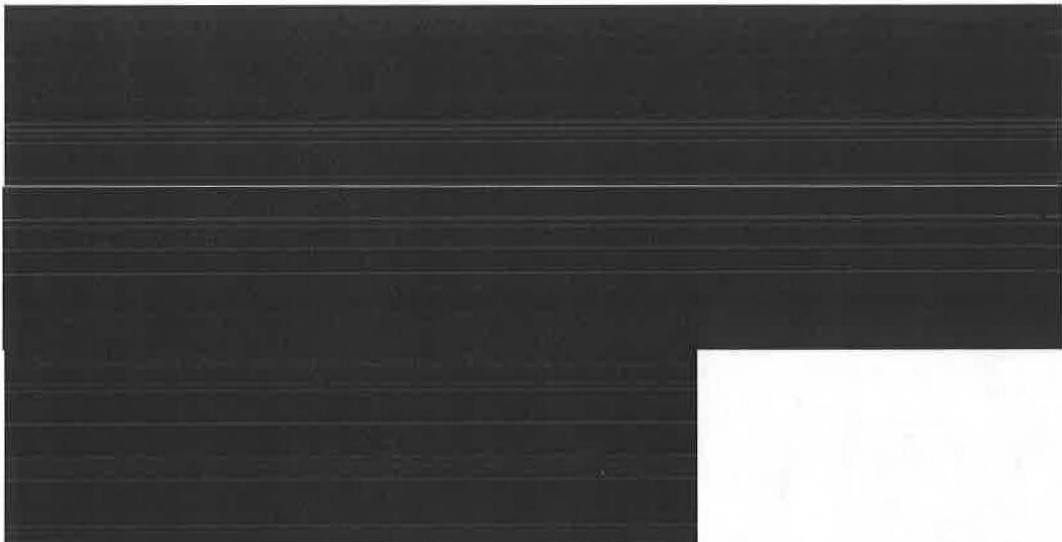


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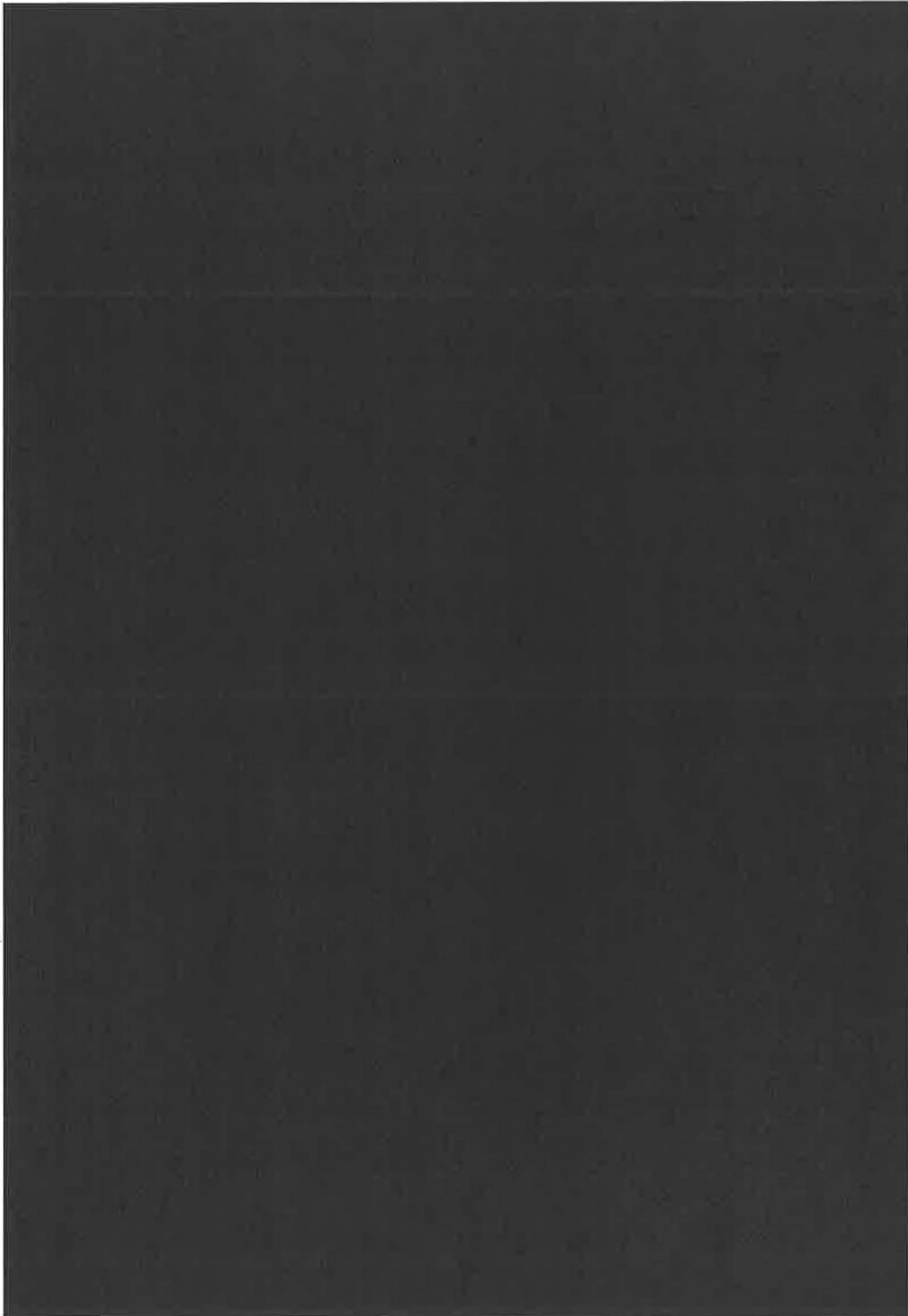
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INFORMATION / RENSEIGNEMENTS:

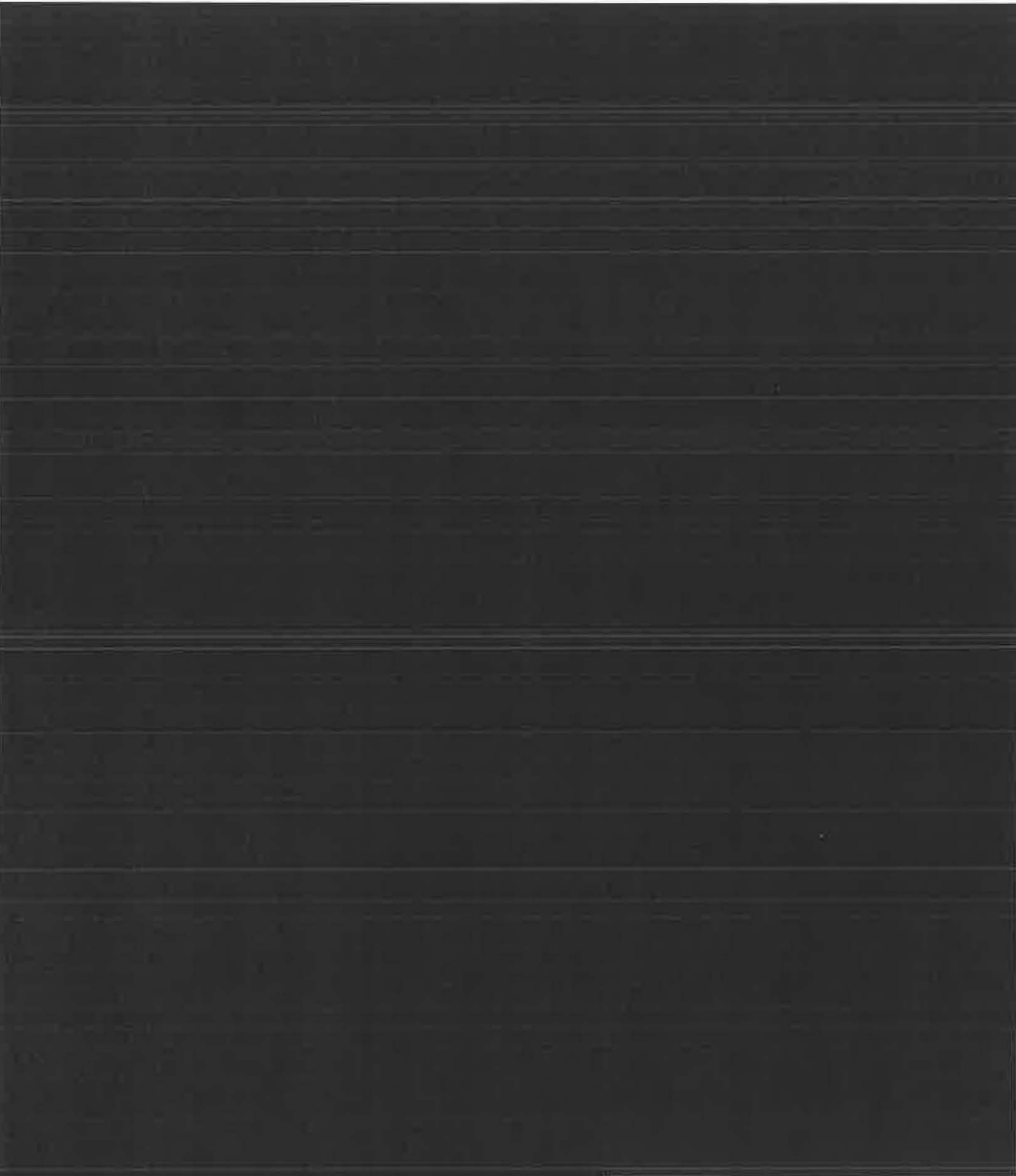




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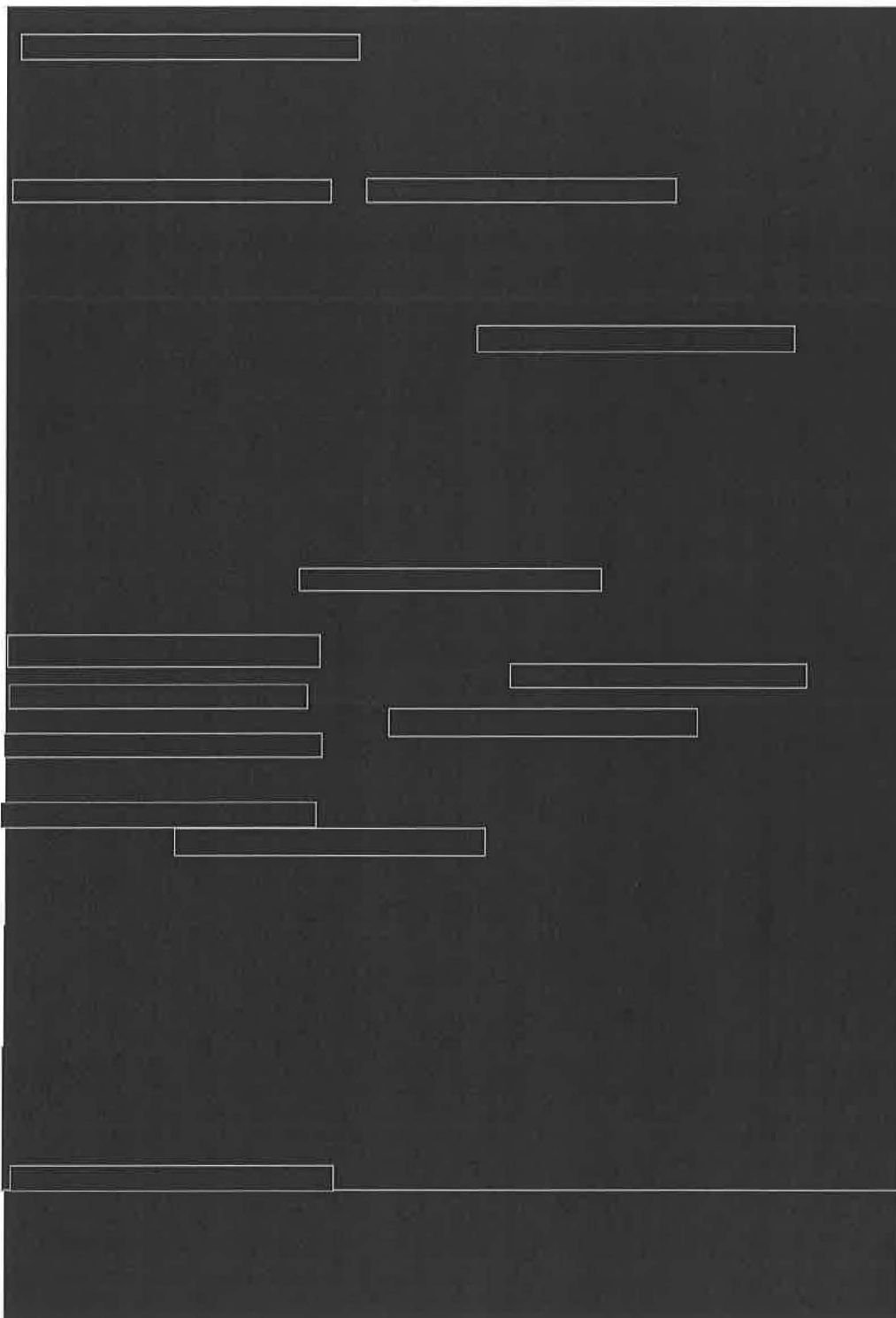
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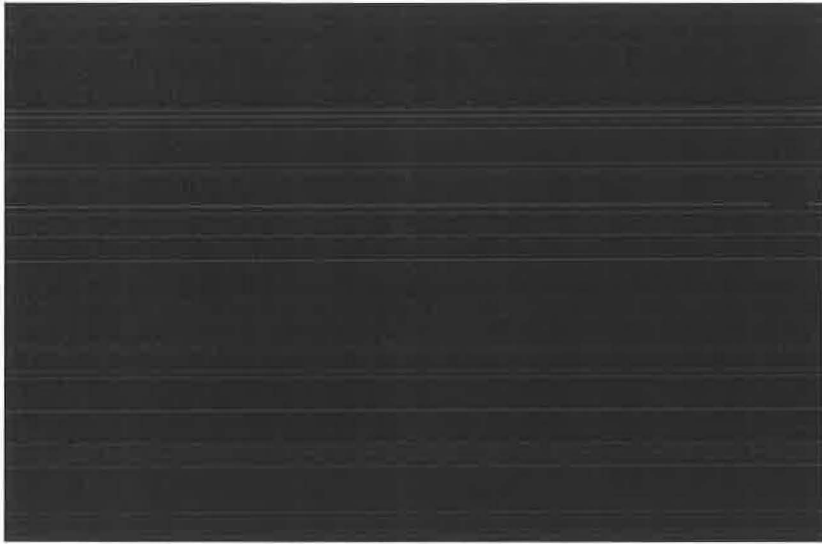
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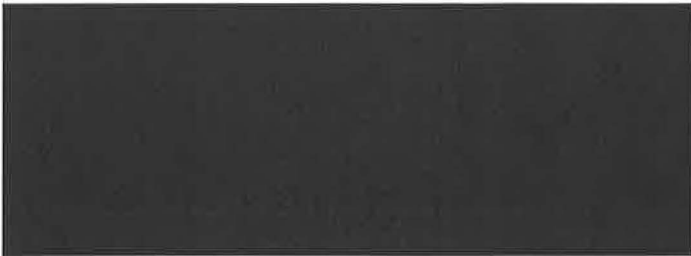
2) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.



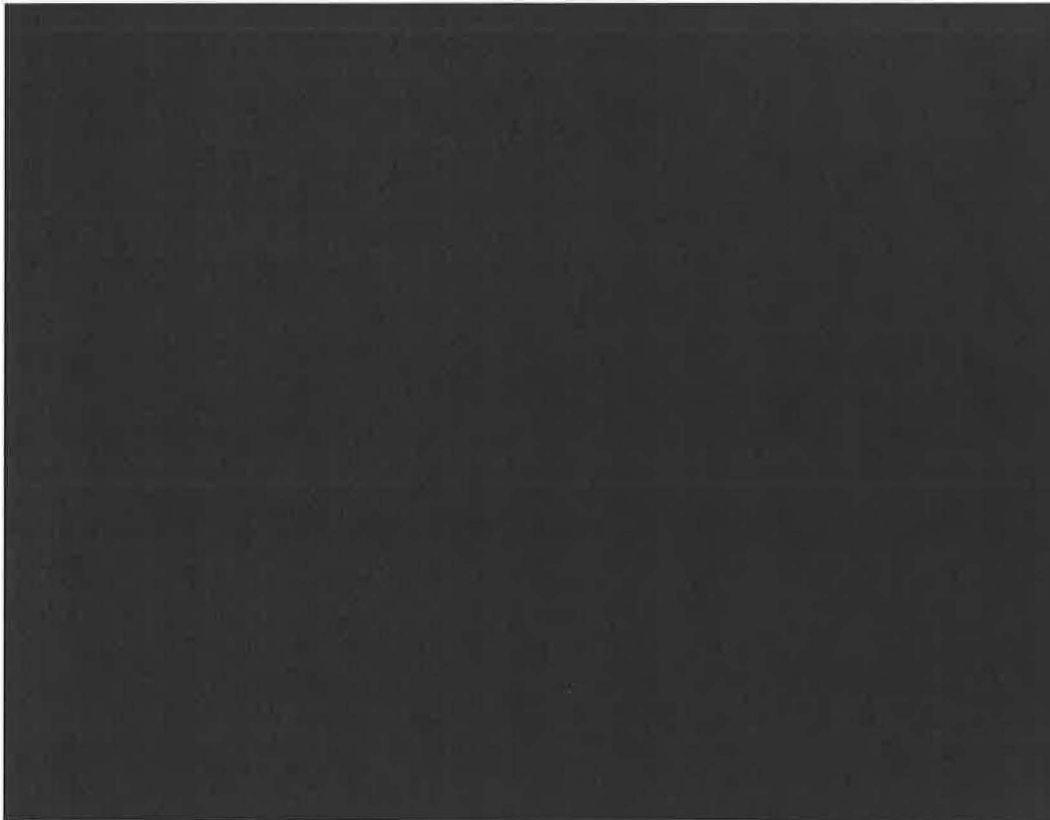


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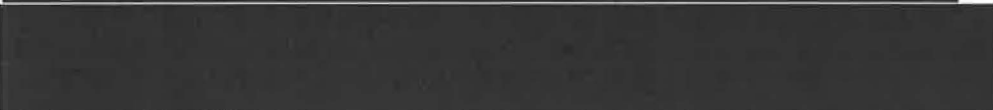




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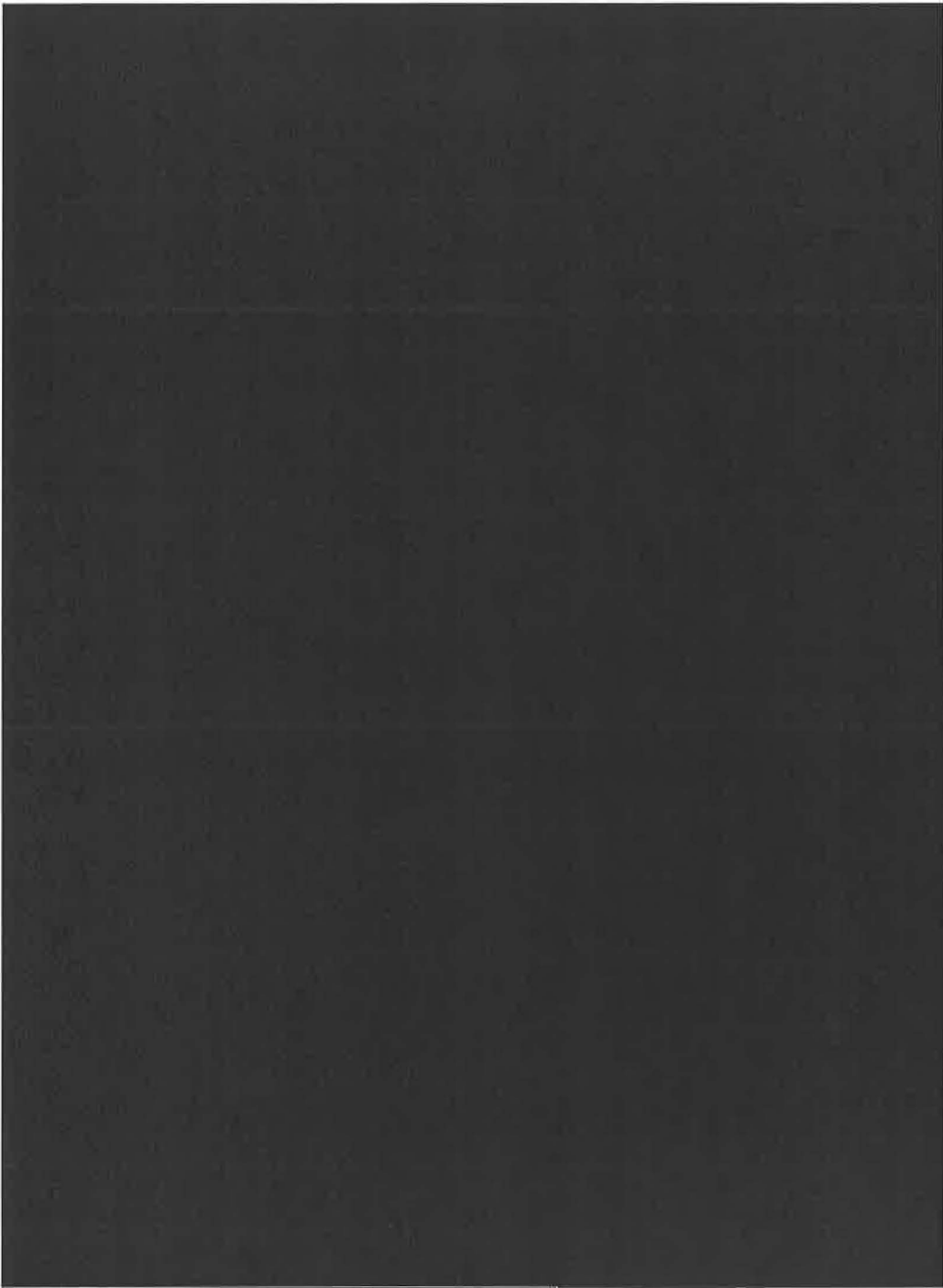


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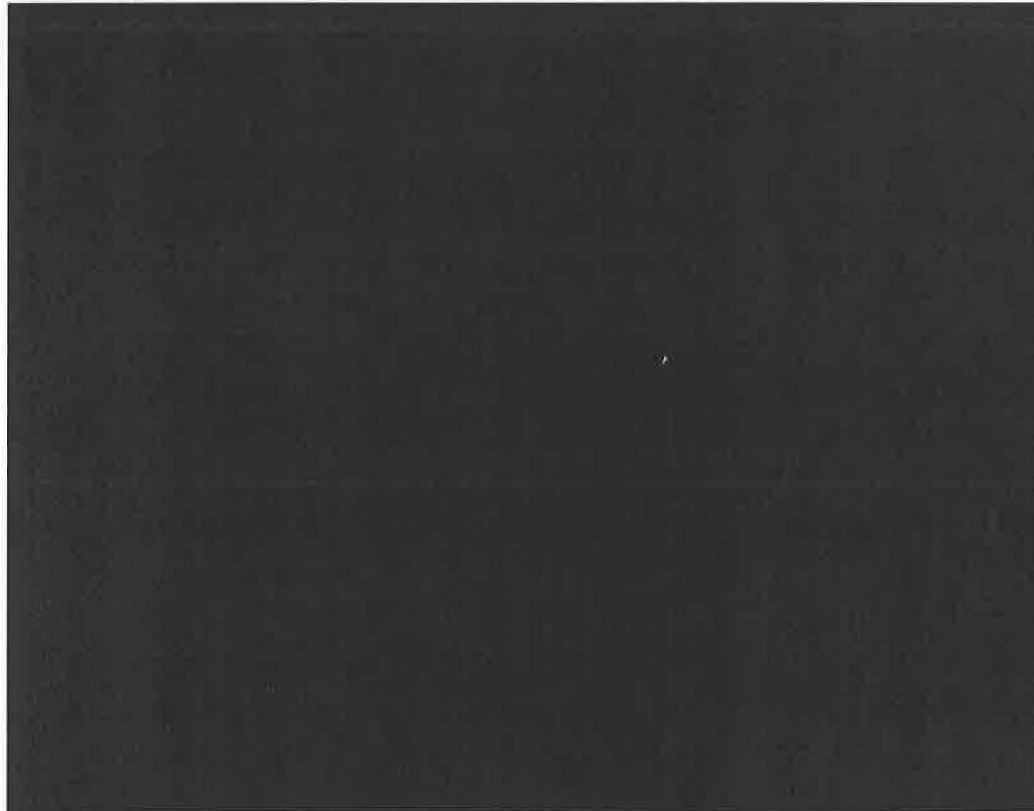
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20150522

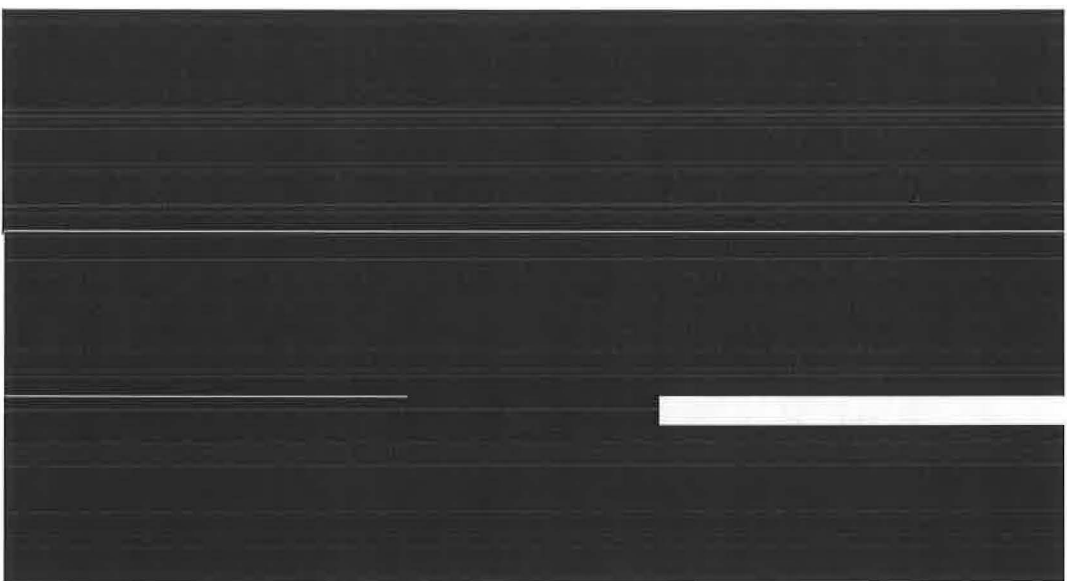


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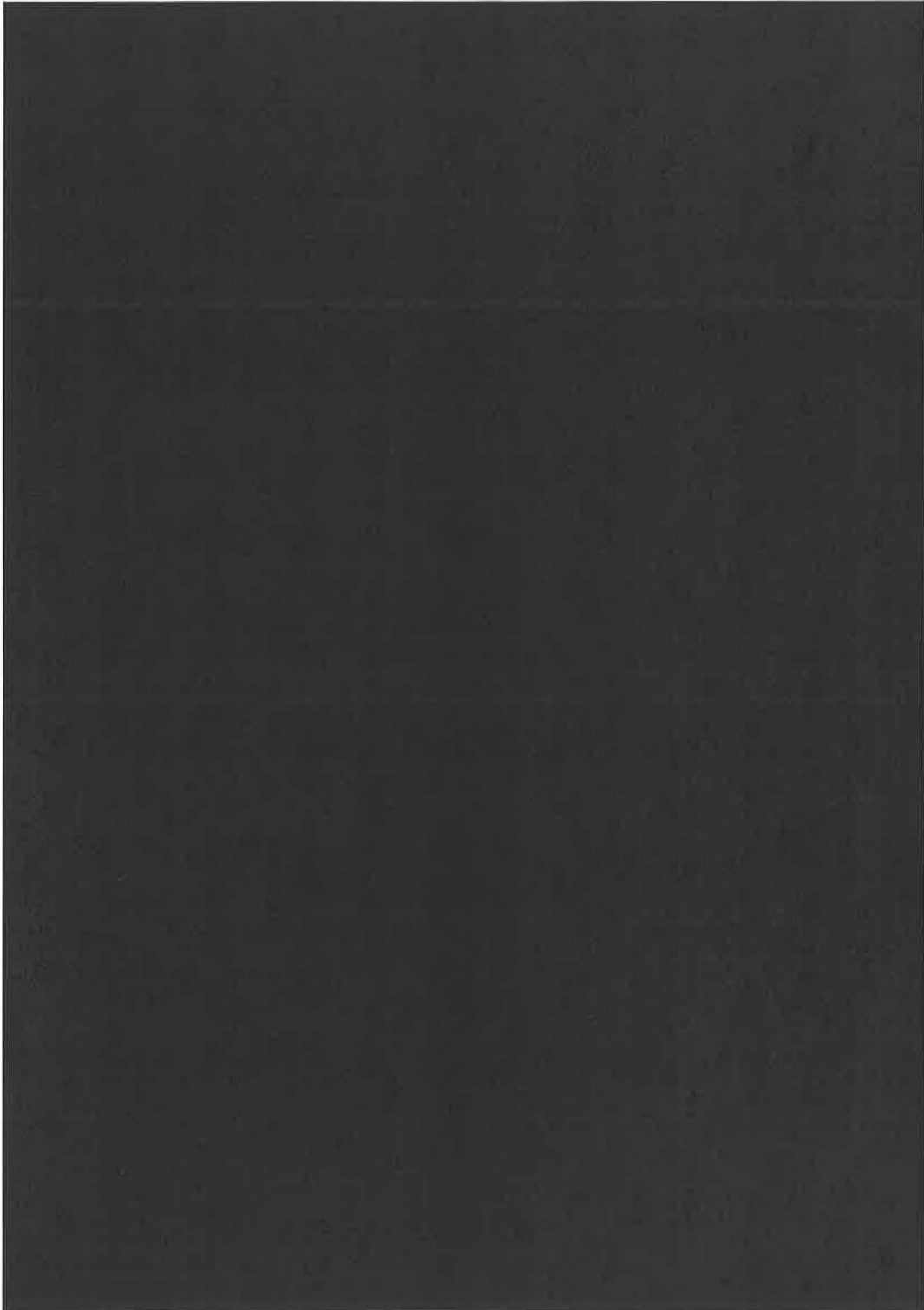
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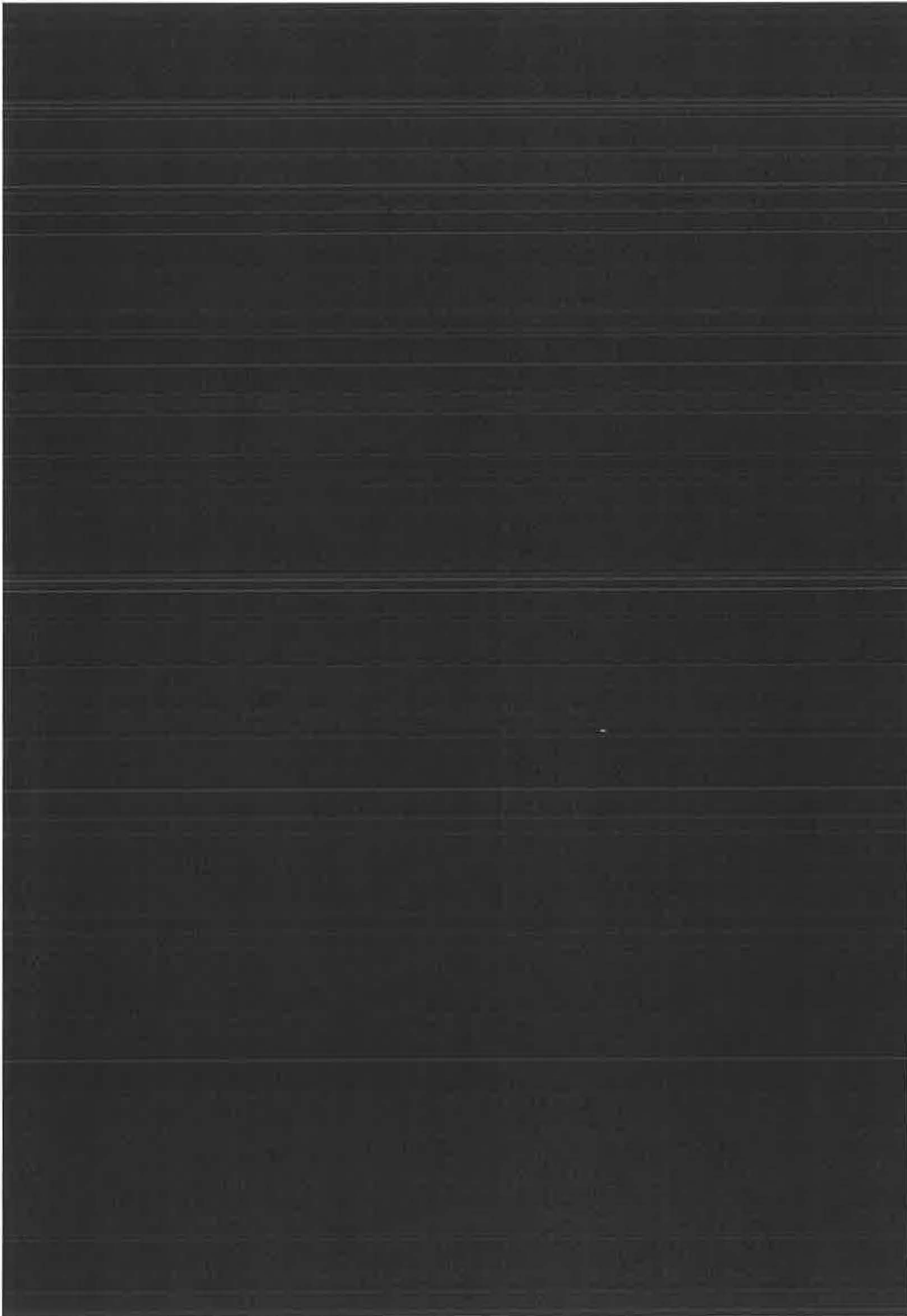
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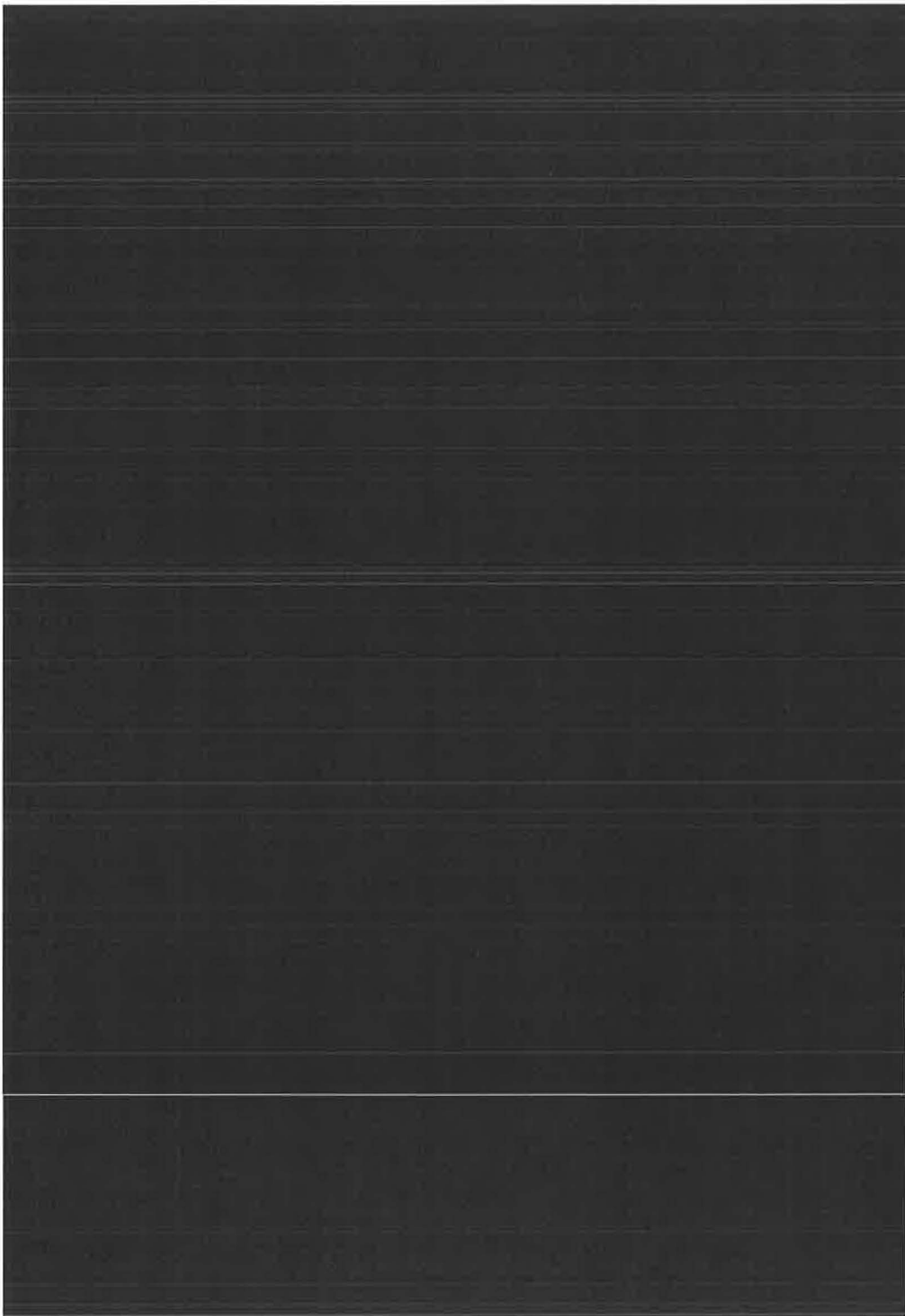
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ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]





PROTECTED B INFORMATION

In Camera Hearing

File No. 1500-481

THE SECURITY INTELLIGENCE REVIEW COMMITTEE
COMITÉ DE SURVEILLANCE DES ACTIVITÉS DE RENSEIGNEMENT
DE SÉCURITÉ

CASE NO.146

IN THE MATTER of a Complaint filed by The British
Columbia Civil Liberties Association, pursuant to
Section 41 of the *Canadian Security Intelligence*
Service Act, R.S.C. 1985, c. C-23

BETWEEN:

British Columbia Civil Liberties Association
Complainant

- and -

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

Transcript of Pre-Hearing Teleconference held on
Wednesday, May 20, 2015, at Ottawa, Ontario, commencing
at 10 a.m.

BEFORE: The Honourable L. Yves Fortier, P.C., C.C.,
O.Q., Q.C., Presiding Member

(Pre-Hearing Conference)

Official Court Reporters: Keeley Reporting Services
Inc.:
Per: N.C. Keeley, C.S.R.

APPEARANCES

P. Champ	for the BCCLA
S.E. Roussel	for SIRC
S. Dion	for CSIS

Also in Attendance:

CSIS ER&L Staff (1) - via teleconference)

Chantelle Bowers, Assistant Executive Director, SIRC

S. Stawicki	Hearings Registrar
Noel C. Keeley, C.S.R.	Court Stenographer

1 Protected B:

2 Personal-Protected Information

3 In Camera Hearing

4 Pre-Hearing Conference:

5 --- The Hon. L. Yves Fortier, P.C., C.C., O.Q., Q.C.,
6 Presiding Member

7 --- Upon commencing at Ottawa, Ontario, on Wednesday,
8 May 20, 2015, at 10 a.m.:

9 --- The Parties to the Pre-Hearing Conference
10 participating via TeleConference having been introduced
11 and identified, the Proceedings continued as follows:

12 THE CONFERENCE CALL OPERATOR: All
13 Parties to the Conference Call are now on the line.

14 Should anyone on the Call require
15 assistance, please press "star-zero" on your telephone
16 keypad and we will be happy to assist you.

17 Please go ahead, Ms. Roussel.

18 MS. ROUSSEL: Thank you, Operator.

19 We are ready to proceed, Mr. Fortier.

20 Introduction and Identification of the Parties:

21 THE PRESIDING MEMBER: Thank you,
22 maître Roussel.

23 Good morning to you all. My name is
24 Yves Fortier. I am a Member of the Security
25 Intelligence Review Committee, and I have been assigned

1 to preside over the Investigation of the Complaint
2 filed by the British Columbia Civil Liberties
3 Association.

4 I am speaking to you this morning from
5 Montreal.

6 In Ottawa, I note that Shayna
7 Stawicki, the Registrar for the Committee, is on the
8 Line.

9 At this point, I will ask Shayna to
10 acknowledge her presence.

11 THE REGISTRAR: Yes. Good morning,
12 everyone.

13 THE PRESIDING MEMBER: Thank you,
14 Shayna.

15 Also in Ottawa is Sylvie Roussel,
16 Counsel for the Committee.

17 Sylvie, please acknowledge your
18 presence, for the record.

19 MS. ROUSSEL: Good morning everyone.

20 THE PRESIDING MEMBER: Thank you,
21 Sylvie.

22 Also in Ottawa is Mr. Noel Keeley, the
23 Court Reporter.

24 I don't know whether he has a
25 microphone available to him, or not.

1 MS. ROUSSEL: I don't believe he has,
2 Mr. Fortier; however, we can vouch for his attendance
3 as the Court Reporter for the Pre-Hearing Conference
4 this morning.

5 THE PRESIDING MEMBER: Thank you,
6 maître Roussel.

7 I understand that you have someone
8 else accompanying you this morning, maître Roussel, in
9 Ottawa...

10 MS. ROUSSEL: Yes, Mr. Fortier. We
11 have in attendance Ms. Chantelle Bowers, who is the new
12 Deputy Executive Director of the Committee. She will
13 be sitting in on the Call this morning.

14 MS. BOWERS: Good morning, everyone.

15 THE PRESIDING MEMBER: Thank you.
16 Welcome, Ms. Bowers.

17 At this time, I will ask the Parties
18 to introduce themselves, starting with the Complainant.

19 I understand the British Columbia
20 Civil Liberties Association is represented by Mr. Paul
21 Champ.

22 Mr. Champ, you are on the Line. I
23 heard you earlier, during the Introductions.

24 I would be grateful if you could
25 acknowledge that you can hear me well.

1 MR. CHAMP: I am present and, yes, I
2 can hear you quite well, Mr. Fortier.

3 Thank you.

4 THE PRESIDING MEMBER: Thank you, Mr.
5 Champ.

6 And representing the Respondent, CSIS,
7 I understand, is maître Stéphanie Dion.

8 Maître Dion, we haven't heard from you
9 as yet. I would welcome confirmation that you are in
10 fact on the Line...

11 MS. DION: Good morning, Mr. Fortier.
12 I am present and I have with me an employee of the
13 Service, an individual from the External Review and
14 Liaison Unit of the Service.

15 THE PRESIDING MEMBER: Very well.

16 Is there anyone else on the Line who
17 would like to declare himself or herself as being
18 present?

19 --- (No Response)

20 In the absence of a response, I will
21 assume that there is no one else on the Line.

22 For the information of the Parties,
23 this Pre-Hearing Conference is being recorded by Mr.
24 Noel Keeley, the Court Reporter, and a copy of the
25 Transcript of the Proceedings will be provided to all

1 Parties once it is available.

2 There was an Agenda that was
3 circulated, and I will go now go through the Items on
4 that Agenda. We are now at Item 2, the "Purpose of the
5 Conference".

6 Purpose of the Conference:

7 The purpose of this Pre-Hearing
8 Conference is to discuss the issues and the procedures
9 that pertain to the Hearing of the Complaint of the
10 BCCLA, filed pursuant to Section 41 of the *CSIS Act*,
11 the *Canadian Security Intelligence Service Act*.

12 The issues that I would like to cover
13 with you today are set out in the Agenda Document that
14 was distributed to the Parties through the Registrar on
15 the 6th of May 2015.

16 Once we have dealt with the Items set
17 out on the Agenda, should either Party have any
18 additional issues they would like to raise, I will
19 invite them to do so at that point.

20 Identification of the Document(s) Setting out the
21 Complaint:

22 For the reference of the Parties, the
23 document that sets out the Complaint is a Letter from
24 the Complainant, the BCCLA, a copy of which I have
25 before me at this time, along with the Attachments

1 thereto. It is a Letter dated February 6, 2014, and it
2 is a Letter from Mr. Champ to the Committee.

3 Allegation(s) of the Complaint to be Investigated:

4 Item 4 on the Agenda relates to the
5 allegations of the Complaint to be investigated.

6 Mr. Champ's Letter sets out the
7 Complaint, alleging that the Service "improperly and
8 unlawfully gathered information about Canadian citizens
9 and groups engaging in peaceful and lawful activities"
10 and that it "*shared this information with other*
11 *Government Bodies and Private Sector actors*".

12 I note that there was an exchange of
13 correspondence between Mr. Champ and maître Dion, as a
14 result of which the Parties have come to an agreement
15 on the Issues to be examined as part of the
16 Investigation of this Complaint. These Issues are
17 outlined in a Letter, a copy of which I also have
18 before me, dated 15 April 2015, from maître Dion to Mr.
19 Champ.

20 Questions Set Out in the April 15, 2015 Letter:

21 The Parties have received, from the
22 Committee's Registrar, a Letter dated May 15, 2015,
23 advising that, as the Presiding Member, I had a few
24 questions which arose from the Letter from maître Dion
25 to Mr. Champ.

1 At this time, I would like
2 confirmation from Mr. Champ and maître Dion that the
3 Letter of May 15, 2015 from the Registrar was duly
4 received.

5 Mr. Champ...?

6 MR. CHAMP: Yes, it was duly received,
7 Mr. Fortier.

8 THE PRESIDING MEMBER: Thank you.

9 Maître Dion...?

10 MS. DION: Yes, it was received by the
11 Service. Thank you.

12 THE PRESIDING MEMBER: The Questions
13 which arose from my perspective once I read Madam
14 Dion's Letter of April 15, 2015 are clearly set out, I
15 believe, in the Registrar's Letter of May 15, 2015 to
16 the Parties. As such, given that I am addressing
17 experienced Counsel, I don't think it is necessary for
18 me to read those Questions into the Record at this
19 point. However, I do invite the Parties to address the
20 points that I have set out in my Letter to the Parties
21 via the Committee's Registrar.

22 There are four Questions, four Issues,
23 which I set out. There is also the confirmation that,
24 for purposes of Documents Disclosure, the document
25 collection shall only include information which arose

1 after 31 December 2009.

2 That is a further Point that is
3 mentioned in Madam Dion's Letter of April 15, 2015, to
4 Madam Roussel.

5 Let's take these Questions seriatim.

6 As far as the first Question is
7 concerned, I would like to first hear from Mr. Champ,
8 Counsel for the Complainant, following which I will
9 hear the comments of maître Dion, Counsel for the
10 Respondent.

11 Mr. Champ...

12 **MR. CHAMP:** Yes. Thank you very much,
13 Mr. Fortier.

14 I thank you for setting out your
15 Questions as you have. I think they are very helpful
16 in further clarifying the matters before the Committee,
17 and I think I have responses for you on all four
18 Questions.

19 With respect to your first Question,
20 let me first say that I think you have quite correctly
21 identified that the language in the Issue is perhaps a
22 shade too narrow. It was indeed the intention of the
23 Complainant to include in the word "investigation"
24 effectively the language in Section 12 of the CSIS Act,
25 which speaks to the collection of information "by

1 *investigation or otherwise".*

2 The entire Complaint sets out that it
3 is really about intelligence gathering by a variety of
4 means and sharing it with other actors.

5 As such, I would like to clarify and
6 confirm that the first Issue, where it refers to
7 "investigate", should be clarified to read "*collection*
8 *of information, by investigation or otherwise, about*
9 *those groups and/or individuals*".

10 **THE PRESIDING MEMBER:** Thank you, Mr.
11 Champ.

12 Maître Dion...?

13 **MS. DION:** Thank you, Mr. Fortier.

14 Just to explain, the word
15 "investigation" was used simply because that is the
16 wording that is used in the CSIS Policies regarding
17 Targetting.

18 I appreciate, given the issue brought
19 forward by yourself, the word "investigation" could be
20 seen as too-narrow an interpretation.

21 It was always our intention that it
22 include everything that is set out in Section 12 of the
23 *CSIS Act*.

24 I agree with Mr. Champ that perhaps it
25 could be worded as "*collect, by investigation or*

1 otherwise".

2 This is what we intended to include as
3 part of the first Question.

4 THE PRESIDING MEMBER: In other words,
5 that it be faithful to the wording set out in Section
6 12 of the Act.

7 MS. DION: Exactly.

8 THE PRESIDING MEMBER: Very well.
9 Thank you.

10 Madam Roussel, do you have anything to
11 add? Would you like to offer any comment at this point
12 on the first Question and the comments/observations of
13 Mr. Champ and Madam Dion?

14 MS. ROUSSEL: There is one comment I
15 might add, and it relates to the wording in Mr. Champ's
16 Letter of Complaint. It may be that that Mr. Champ can
17 elaborate on it.

18 In his Letter of Complaint, he speaks
19 of "gathering" -- and he has spoken to that today. But
20 he also speaks of "monitoring".

21 I am wondering whether he makes a
22 distinction between the "monitoring" and the
23 "gathering".

24 THE PRESIDING MEMBER: "Monitoring" is
25 mentioned, Mr. Champ, in the third paragraph of your

1 Letter of 6 February 2014.

2 MR. CHAMP: Yes. We use the word
3 "monitoring" a few times throughout the Letter, and we
4 do believe that "monitoring" is a bit broader than
5 simply "gathering".

6 Some of the examples we have set out
7 involve CSIS receiving intelligence from the RCMP.

8 So that would be part of "collecting
9 information".

10 So, "monitoring" could include
11 indirect monitoring by that means; however, it could
12 also involve more direct monitoring by CSIS through the
13 various techniques available to the Service.

14 THE PRESIDING MEMBER: Any further
15 comments, Madam Dion?

16 MS. DION: I am not sure I understand
17 exactly what it is that Mr. Champ is referring to.

18 We are talking about "receiving
19 information".

20 That would include information that is
21 provided by anyone to the Service which would then be
22 included in the Complaint?

23 This seems extremely broad.

24 If it were to include unsolicited
25 information, it would make the Complaint much broader

1 than it is.

2 THE PRESIDING MEMBER: Mr. Champ...?

3 MR. CHAMP: I don't know what my
4 friend is referring to when she speaks of "unsolicited
5 information".

6 If it is part of the Service's defence
7 that they "received" information, that they weren't
8 "monitoring" or "actively surveilling", or "actively
9 gathering or collecting information" about groups, that
10 they were, rather, receiving information, unsolicited,
11 with no interactions with groups or individuals, that
12 there were other actors that provided them with that
13 information, that is one thing. But I don't think that
14 it is accurate to characterize it as vastly expanding
15 the scope of the Complaint.

16 When we deal with the other Questions
17 that you set out, Mr. Fortier, I can confirm and
18 clarify that we are speaking here only about the
19 Northern Gateway Pipeline, and to the extent that CSIS
20 is receiving information, either through actively
21 soliciting it or otherwise, it would, in our view, be
22 part of the Complaint.

23 We should at least see or know about
24 the information that they are receiving, and if it is
25 part of their defence that "we did not actively solicit

1 that information", then that has both a factual aspect
2 to it as well as an Argument aspect to it.

3 We will try to determine, factually,
4 whether that is accurate or not and then make Legal
5 Submissions to the Member at the close of the
6 Evidentiary Phase of the Proceeding.

7 That is how we would envisage that
8 unfolding.

9 So we don't think it is too broad.

10 **THE PRESIDING MEMBER:** I hear you,
11 Counsel. My remit is that I am limited to the
12 parameters of the Act, of course.

13 I know that all Counsel are well aware
14 of that.

15 Also, I would ask the same question in
16 relation to the word "surveillance" that maître Roussel
17 asked regarding the word "monitor".

18 The second Bullet Point on Page 6 of
19 your Letter, Mr. Champ, reads:

20 *"For how long has CSIS been*
21 *involved in surveillance of these*
22 *and other groups."* (As Read)

23 Does that go somewhat beyond the word
24 "investigation" in Article 12 of the Act? Or do you
25 think it is encompassed within it?

1 MR. CHAMP: I think it is encompassed,
2 Mr. Fortier.

3 In our Complaint of February 2014, we
4 use a number of different words, all with the aim of
5 ensuring that the Complaint is as broad as possible,
6 the broadest being "information gathering" or
7 "intelligence gathering" -- and we use that a few
8 different times.

9 To the extent that there is further
10 context -- and I am sure we will address this further
11 during our Conversation -- the ambit of our Complaint
12 is about the Northern Gateway Pipeline. But that does
13 not mean that it would be impossible that we might hear
14 information or evidence that goes slightly beyond that,
15 in the event that CSIS says *"Well, we've been following*
16 *this Group for a long time"*, and so on, and so forth,
17 as I think that would then potentially raise other
18 issues. Such as: *Was it valid to be following them in*
19 *advance of the Northern Gateway Proceedings?*

20 I have been involved in these kinds of
21 Proceedings a few times, Mr. Fortier, and I can tell
22 you that it is difficult, from the Complainant's
23 perspective, to know exactly what happened or even
24 generally what happened with the Service's activities.

25 As I have described it on occasion, it

1 is a bit like shadow boxing. As such, we have to
2 speculate a bit, from the Complainant's perspective.
3 But I don't think it expands the scope of the
4 Complaint. Our Complaint is indeed focussed on the
5 Northern Gateway Proceedings before the NEB.

6 To the extent that we would like to
7 hear some evidence or information to provide context to
8 that situation and CSIS's involvement in monitoring or
9 collecting information about groups in those
10 Proceedings, then I think it would be appropriate for
11 you to hear a bit more about that context. But
12 certainly we are not in any way looking to expand this
13 Complaint beyond the focus as set out in our Letter.

14 MS. ROUSSEL: If I may ask a question
15 of Mr. Champ...?

16 THE PRESIDING MEMBER: Yes, certainly,
17 maître Roussel.

18 MS. ROUSSEL: Is it going to be your
19 argument, Mr. Champ, that "monitoring" constitutes
20 "collection" under Section 12 of the Act?

21 MR. CHAMP: Yes. Indeed.

22 MS. ROUSSEL: Thank you.

23 THE PRESIDING MEMBER: You have made
24 your position very clear, Mr. Champ.

25 Madam Dion, do you have any further

1 reaction/comment at this juncture?

2 MS. DION: To be frank, it is a bit
3 difficult to anticipate how this discussion will impact
4 the Document Production process.

5 I understand the Complainant's
6 difficulty. They are a bit blind in terms of what the
7 information is. However, I think we should focus,
8 under Section 12, on the mandate of the Service, and
9 the Question is: *Did the Service collect, by*
10 *investigation or otherwise, information or intelligence*
11 *about the groups that are involved in protesting the*
12 *Northern Gateway Pipeline?*

13 The matter of unsolicited information
14 received could be a problem, given that it could come
15 from a variety of sources.

16 And again, I don't know at this point
17 what is on the Record or what is in the Service's
18 Holdings. But I anticipate that this could raise a few
19 difficulties.

20 I understand Mr. Champ's
21 preoccupations in that regard; however, I feel that
22 maybe this is a subject that will have to be addressed
23 in an *Ex Parte* Hearing, with a view to seeing how the
24 Document Collection process should be conducted.

25 THE PRESIDING MEMBER: To use an over-

1 used expression, we will cross that bridge when we get
2 to it.

3 I appreciate the observations of both
4 Counsel on this Question. I think we have covered it
5 to a sufficient degree at this point.

6 Let's turn to Question 2, which reads:

7 *"Whether the 'groups or*
8 *individuals' referred to in*
9 *Questions 1 and 3 of the April 15th*
10 *Letter are those set out on Pages 2*
11 *and 6 of Mr. Champ's Letter of*
12 *Complaint of 6 February 2014?"*

13 I will turn to you first, Mr. Champ,
14 for your comments on this Question.

15 **MR. CHAMP:** Thank you, Mr. Fortier.

16 Yes, I can confirm that that is what
17 we are referring to: groups or individuals, to the
18 extent that it is individuals or members of those
19 groups that are specifically named in the February 2014
20 Complaint.

21 That is the extent of our focus in
22 respect of this Complaint.

23 If CSIS was gathering information
24 about other groups or individuals, about individuals
25 who aren't members of the referenced groups, we are not

1 interested in that information. It would not a focus
2 of the Complaint.

3 THE PRESIDING MEMBER: Thank you for
4 that clarification.

5 Madam Dion, is that sufficient for
6 your purposes for now?

7 MS. DION: I believe so.

8 THE PRESIDING MEMBER: Yes. From my
9 perspective, it is sufficient.

10 Let's turn now to Question 3, which
11 reads:

12 *"Whether the expression 'non-*
13 *government members of the*
14 *petroleum industry' is limited to*
15 *the Private-Sector Industry?"*

16 Mr. Champ...?

17 MR. CHAMP: I would say that, yes, it
18 is, Mr. Fortier, with the caveat that it is not
19 entirely clear to us, for example, who it is that takes
20 part in the NRCan Intelligence Briefings. But, yes, it
21 is our intention, in referring to "non-government
22 members of the petroleum industry", to refer to the
23 Private-Sector Industry -- although we do, of course,
24 in our February 2014 Complaint, speak about information
25 sharing with the NEB itself.

1 THE PRESIDING MEMBER: Yes. I noted
2 that.

3 Madam Dion...?

4 MS. DION: Yes, Mr. Fortier, that was
5 our intention also: to include the Private-Sector
6 Industry as "non-government members".

7 If at all possible, I would like to
8 ask a question, given that it is a matter that has been
9 raised by Mr. Champ.

10 For the "information sharing with the
11 NEB and non-government members of the Petroleum
12 Industry" Issue, are we only interested in those
13 Classified Briefings, those NRCan Briefings, to which
14 Mr. Champ referred? Or does it go broader than that?

15 THE PRESIDING MEMBER: Mr. Champ...?

16 MR. CHAMP: It goes broader than that,
17 to include any kind of information that is shared with
18 either the Private Sector or the NEB about groups or
19 individuals, or members of those groups, participating
20 in the NEB Proceedings or speaking out about the
21 Northern Gateway Pipeline.

22 We would want this Complaint to be
23 about all forms of information sharing and not simply
24 the Intelligence or Security Briefings.

25 MS. DION: And again only in relation

1 to these groups or individuals?

2 MR. CHAMP: That is correct.

3 THE PRESIDING MEMBER: Did you get the
4 answer you wanted, Madam Dion?

5 MS. DION: Yes. And I actually do
6 have an additional question, if I may.

7 I want to make sure that Section 13
8 Security Assessments would be excluded from that Issue
9 of the Complaint.

10 Section 13 empowers the Service to
11 conduct Security Assessments of employees/contractors
12 on behalf of, let's say, the NEB.

13 I want to make sure that this category
14 of information sharing would not be part of the
15 Complaint.

16 MR. CHAMP: Yes, that would be
17 excluded, Ms. Dion. We are not looking to include that
18 type of information sharing.

19 THE PRESIDING MEMBER: Thank you,
20 Counsel, for that useful and constructive exchange.

21 Let's turn to Question 4 -- and I
22 think you have already answered the Question, Mr.
23 Champ. However, I will give you the opportunity to do
24 so again.

25 The Question reads:

1 *"While the issues to be examined in*
2 *the April 15th Letter only refer to*
3 *the Northern Gateway Project, the*
4 *March 25th Letter refers to*
5 *'protests concerning the petroleum*
6 *industry, including the Northern*
7 *Gateway Project' and the attachment*
8 *to the Letter refers to hydraulic*
9 *fracturing protests in New*
10 *Brunswick. What is the intended*
11 *purpose of the references to the*
12 *protests in New Brunswick?"*

13 I will ask you to speak to that
14 Question, Mr. Champ.

15 Is it simply background?

16 MR. CHAMP: Yes, it is just
17 background. It is a part of the same Briefing. As
18 such, it is just background. We are not in any way
19 looking to expand the scope of this Complaint to
20 include any information gathering or sharing regarding
21 the New Brunswick protests, at all. This Complaint is
22 focussed solely on the Northern Gateway Project
23 protests, including those in the Northern Gateway
24 Project Proceedings before the NEB.

25 THE PRESIDING MEMBER: That is quite

1 clear, from my perspective.

2 Do you have any comments, Madam Dion?

3 MS. DION: Thank you, Mr. Fortier.

4 No. I agree with what Mr. Champ is proposing.

5 This is good for the Service.

6 THE PRESIDING MEMBER: You can say "my
7 friend".

8 --- (Laughter)

9 MS. DION: I do have a supplementary
10 question in relation to information that will be
11 produced as part of the Disclosure.

12 As you may have seen from the recently
13 published CSIS Report, there is an espionage threat by
14 foreign States that may target the Energy Sectors,
15 including the Oil Industry, and I want to make sure
16 that this information would be excluded from the
17 Document Production process.

18 THE PRESIDING MEMBER: Mr. Champ...?

19 MR. CHAMP: We are not looking to
20 learn in any way about an Investigation, by information
21 collection or otherwise, regarding espionage, or
22 potential espionage activities, unless, I suppose,
23 there is going to be some defence that any of these
24 groups are fronts for foreign governments.

25 I appreciate that that would raise a

1 number of other complicated questions for both CSIS and
2 SIRC in respect of what could or could not be disclosed
3 to us. But assuming that is not the case, that there
4 was no investigation of these groups because of a
5 suspicion that they are fronts for espionage by foreign
6 governments, we are not in any way looking for
7 productions of any kind regarding investigations of
8 potential espionage activities.

9 THE PRESIDING MEMBER: It is a little
10 early to be anticipating what may or may not be raised
11 as the evidence unfolds.

12 I don't know whether you wish to add
13 anything further, Madam Dion.

14 From my perspective, I think that is
15 sufficient for now.

16 MS. DION: Thank you, Mr. Fortier. I
17 am of the same view.

18 These unusual questions are being
19 brought up because of the nature of the Complaint.

20 This is a bit of an unusual Complaint
21 and we want to make sure that we use this Pre-Hearing
22 Conference to cover all of the questions and issues
23 that we anticipate may arise in the Hearing itself.

24 I appreciate having the opportunity to
25 do so.

1 THE PRESIDING MEMBER: As I do. I
2 thank both Parties for their comments and observations.

3 MR. CHAMP: If I may, Mr. Fortier...

4 THE PRESIDING MEMBER: Yes, certainly,
5 Mr. Champ.

6 MR. CHAMP: Frankly, I think you would
7 be handcuffed a bit, Ms. Dion, if your Client didn't
8 produce any documents related to espionage, only to
9 have you learn in the Hearing that in fact that is why
10 they were investigating this group or that group.

11 But, I don't expect that we have any
12 issues such as that whatsoever.

13 If your question is simply related to
14 whether you have to produce information related to
15 other Investigations involving espionage, then I fully
16 agree with you. We definitely don't want to bring in
17 those kinds of issues.

18 MS. DION: Thank you.

19 THE PRESIDING MEMBER: Thank you, Mr.
20 Champ and Madam Dion, for those clarifications.

21 You understand, of course, that the
22 thrust of these Questions is to remind both Parties of
23 the scope of my mandate in this particular
24 Investigation -- and perhaps you don't need reminding.
25 You are both experienced Counsel in these matters. But

1 as I said earlier, my mandate is defined by the Act.

2 It is important that I receive the
3 clarifications that I have now received, and I am
4 grateful to you both for those clarifications.

5 I did allude to a further point when I
6 introduced my Questions for your consideration.

7 In your Letter of April 15th, 2015,
8 Madam Dion, you refer to the fact that you and Mr.
9 Champ are in agreement that document collection "*shall*
10 *include information dated December 31, 2009 and later*".

11 I would like to have confirmation on
12 the record of this Pre-Hearing Conference Call that
13 this is still the case.

14 Mr. Champ...?

15 MR. CHAMP: Yes, that is all we are
16 seeking, Mr. Fortier.

17 THE PRESIDING MEMBER: Thank you, Mr.
18 Champ.

19 Madam Dion, does that assist you?

20 MS. DION: Yes. We had originally
21 proposed the date of December 2011, given that that was
22 the latest SIRC Review. However, Mr. Champ proposed
23 going back to December 31, 2009, which is when the
24 Northern Gateway Fund was announced, and we have no
25 issue with that.

1 THE PRESIDING MEMBER: Thank you. I
2 noted the exchange between Counsel in that regard.

3 Madam Roussel, do you have anything to
4 add before I move on to Item 5 of the Agenda?

5 MS. ROUSSEL: Before going further, I
6 will perhaps just try to summarize the scope of the
7 first Question that we are going to be looking at.

8 As I see it, it would come down to the
9 following: *Did the Service collect, by investigation or*
10 *otherwise, information or intelligence about groups or*
11 *individuals for their activities in relation to the*
12 *Northern Gateway Project?*

13 Is that correct?

14 MR. CHAMP: That is exactly how I
15 would rephrase it.

16 Thank you, Ms. Roussel.

17 MS. ROUSSEL: Thank you.

18 Maître Dion...?

19 MS. DION: We agree with that. Thank
20 you.

21 MS. ROUSSEL: Thank you.

22 THE PRESIDING MEMBER: That is very
23 clear.

24 Thank you, maître Roussel.

25 Format of the Hearing: In Writing or Orally:

1 Let's move to Item 5 on the Agenda,
2 the format of the Hearing: in Writing or Orally.

3 I will go through the script here;
4 however, I think I know the answer.

5 There are two ways in which the
6 Hearing can be conducted: Subsection 48(2) of the *CSIS*
7 Act provides that the Parties to a Complaint have the
8 right to make their case in person, or, in other words,
9 through an Oral Hearing. That said, the Parties may
10 also agree to conduct the Hearing in Writing, making
11 their respective cases only through Affidavit Evidence,
12 with Written Cross-Examination and Written Submissions.

13 At this point, I will ask you, Mr.
14 Champ, on behalf of the Complainant, to speak to the
15 kind of Hearing the Complainant would prefer...

16 MR. CHAMP: We would prefer that the
17 evidence be heard orally, Mr. Fortier.

18 THE PRESIDING MEMBER: Thank you, Mr.
19 Champ.

20 And Madam Dion, what is CSIS's
21 position in respect of the format of the Hearing?

22 MS. DION: We are in agreement with
23 the Complainant as to an Oral Hearing. We feel that
24 would be a good way by which to proceed.

25 THE PRESIDING MEMBER: Thank you.

1 Given that the Parties are in
2 agreement that the Hearing proceed orally, that is how
3 we will proceed.

4 In the light of that decision, there
5 are certain issues of a logistical nature that need to
6 be addressed at this time, as follows:

7 Number and Identify of Witnesses, including a Brief
8 Summary of the Nature of their Testimony:

9 I need to know the number of witnesses
10 that each Party intends to call, as well as the
11 identity of the witnesses, along with a brief summary
12 of the nature of their testimony.

13 Mr. Champ, are you in a position to
14 provide me with this information today?

15 MR. CHAMP: Not all of the
16 information, Mr. Fortier, no. I can tell you that the
17 number of witnesses that we intend to call is in the
18 six-to-seven range. But the precise identity of all of
19 our witnesses, I cannot confirm at this point. That is
20 a matter on which we are continuing to work with the
21 Groups.

22 If we can agree on a date, Mr.
23 Fortier, that will make it easier for us to confirm the
24 availability of witnesses.

25 Obviously, we are in communication

1 with these Organizations about this issue, and the
2 persons who come forward to appear on behalf of those
3 Groups will depend upon availability on the relevant
4 dates. So if we can confirm the Hearing Dates, we can
5 then go ahead and confirm the availability of the
6 individuals who will appear as witnesses.

7 Once that is done, I suggest that we
8 come up with a date by which the Complainant provides
9 the List of Witnesses, together with a brief Statement
10 or Summary as to the nature of their testimony, if that
11 is agreeable to all Parties.

12 **THE PRESIDING MEMBER:** Before speaking
13 to that, I will ask Madam Dion for her comments, if
14 any...

15 **MS. DION:** We have no issue with what
16 Mr. Champ is proposing.

17 Thank you, Mr. Fortier.

18 **THE PRESIDING MEMBER:** I find it to be
19 an acceptable approach to take, in the circumstances.

20 We will be addressing the matter of
21 Hearing Dates and Place of Hearing shortly and so I
22 will revert to this question at that point in our
23 discussions this morning.

24 Madam Dion, are you able to provide me
25 with the number and identity of the witnesses that the

1 Service will be calling for the *In Camera* Hearing?

2 MS. DION: At this point, we have
3 identified one CSIS witness, and that witness will be
4 speaking to the mandate of the Service and the
5 authority to collect information and investigate, as
6 well as the parameters under which information is
7 shared with Government and Non-Government Bodies, under
8 Section 12 of the *CSIS* Act.

9 At this point, I am not sure that the
10 identity of the witness can be revealed publicly. That
11 is a matter that we will have to look into further. As
12 such, at this point I am unable to identify the witness
13 by name.

14 Number of Days for Testimony:

15 THE PRESIDING MEMBER: I have heard
16 Mr. Champ say he will be calling six to seven witnesses
17 on behalf of the Complainant and I have now heard you,
18 Madam Dion, say that you will be calling one witness on
19 behalf of CSIS.

20 I will now ask both of you to provide
21 me with your estimates as to how much Hearing time you
22 feel we will need to hear the evidence in this matter,
23 starting with Mr. Champ.

24 Mr. Champ, how much time do you think
25 you will need to present the evidence on behalf of the

1 Complainant?

2 MR. CHAMP: I am thinking in the order
3 of two to three days for the Complainant's witnesses.

4 We don't anticipate that any of these
5 witnesses will be on the Stand for a particularly long
6 time; however, when you have six or seven witnesses to
7 be called, there is always time taken up in the
8 logistics of people coming and going and getting set
9 up, and so on, and so forth.

10 So we would estimate two to three days
11 for the Complainant's evidence.

12 One caveat that I would raise at this
13 point, Mr. Fortier, is that in respect of all of the
14 documents that are referred to in our Complaint --
15 which includes not only documents obtained under *Access*
16 *to Information* but also some of the newspaper articles
17 -- we would be seeking to introduce all of those
18 documents at the outset of the Hearing.

19 I am uncertain as to whether there is
20 going to be any objection to that information being
21 presented in that way.

22 I have dealt with a number of cases
23 where this kind of information, Government documents
24 or, in some cases, more exceptionally, newspaper
25 information is admitted into the Hearing Record.

1 I am flagging that at this point.

2 If there are objections to that, we
3 might have to call another witness or two, or perhaps
4 deal with that issue, if we could, in advance with the
5 Committee.

6 So I put that one caveat forward at
7 this point. It could take a bit of extra time to deal
8 with that issue, if it is an issue. But aside from
9 that, we would expect the presentation of our case to
10 take two to three days.

11 THE PRESIDING MEMBER: Thank you, Mr.
12 Champ. That is very helpful.

13 Madam Dion, how long do you estimate
14 it will take for the evidence of the one CSIS witness
15 that you intend to call in the *In Camera* Hearing?

16 MS. DION: We think a half-day would
17 be sufficient for the evidence of our witness.

18 THE PRESIDING MEMBER: Thank you.

19 I will revert to the matter of the
20 communication of the names of witnesses, once we have
21 settled on the venue for the Hearing.

22 I am aware that the Complainant is
23 based in British Columbia. As well, I have been
24 informed by the Registrar that she has spoken to
25 Counsel about the location of the Hearing, as a result

1 of which I know that the Complainant would like to have
2 the *In Camera* Hearing take place in Vancouver.

3 At this point I will ask you to
4 confirm that understanding, Mr. Champ...

5 MR. CHAMP: Yes, I can confirm that
6 understanding, Mr. Fortier.

7 THE PRESIDING MEMBER: Thank you, Mr.
8 Champ.

9 And Madam Dion, do you have any
10 objection to the Hearing being held in Vancouver?

11 MS. DION: Not at all, Mr. Fortier.

12 THE PRESIDING MEMBER: Very well.

13 I know that the subject of Hearing
14 Dates has been mooted by the Registrar with Counsel.

15 As it happens, I am going to be in
16 Vancouver during the week of August 10th. I have
17 Meetings on the 10th, the 11th, and on the morning of
18 the 12th. As such, provisionally, I would be prepared,
19 assuming it meets the convenience of all Parties, to
20 commence the Hearing in Vancouver in the afternoon of
21 August 12th and continuing on the Thursday and the
22 Friday, as required, as necessary.

23 Starting in the afternoon of August
24 12th, Mr. Champ, would give you a little more time to
25 recover from the Wedding that you will be attending on

1 the 9th of August.

2 MR. CHAMP: Actually, it is on the
3 8th. But, yes, that would be agreeable as far as the
4 Complainant is concerned.

5 THE PRESIDING MEMBER: That would give
6 you a bit more time to recover!

7 MR. CHAMP: Yes.

8 THE PRESIDING MEMBER: You wouldn't
9 have to take a "red-eye" flight!

10 MR. CHAMP: Exactly. I have done that
11 on occasion and in general, it is not a problem. But,
12 yes, after a family event such as that, it would be
13 more difficult.

14 THE PRESIDING MEMBER: As I say,
15 starting in the afternoon of the 12th has to be
16 provisional at this point. I will know within the next
17 couple of weeks, hopefully, whether I am available to
18 start, say, at 2 o'clock on the afternoon of the 12th.
19 But certainly the 13th and the 14th can be set aside by
20 the Parties for the Hearing.

21 Would that be agreeable, Mr. Champ?

22 MR. CHAMP: That is agreeable to the
23 Complainant.

24 Thank you, Mr. Fortier.

25 THE PRESIDING MEMBER: And Madam

1 Dion...?

2 MS. DION: That is agreeable to the
3 Service as well.

4 THE PRESIDING MEMBER: And Madam
5 Roussel...?

6 MS. ROUSSEL: Yes, that is fine for
7 us.

8 THE PRESIDING MEMBER: Very well.
9 As I say, all that is provisional in
10 those dates is the afternoon of the 12th.

11 Number and Identify of Witnesses, including a Brief
12 Summary of the Nature of their Testimony (Cont'd):

13 Now that we have settled on the
14 Hearing Dates, would it be possible for the
15 Complainant, Mr. Champ, to provide the names of the
16 witnesses to be called, along with a Summary of their
17 evidence, within two weeks of today's date?

18 Is that a possibility, Mr. Champ?

19 MR. CHAMP: That might be just a shade
20 tight, Mr. Fortier. I have a number of Hearings ahead
21 of me, and I know that my Contact at BCCLA, the
22 Executive Director, is away from his Office for a bit.

23 If I may, could I propose June 17th as
24 the date for the filing of that information?

25 That would still be nearly two months

1 in advance of the start of the Hearing.

2 THE PRESIDING MEMBER: That is
3 agreeable insofar as I am concerned, Mr. Champ.

4 Madam Dion, do you have any issue with
5 June 17th as the date for the filing of documentation
6 outlining the identity of the witnesses to be called on
7 behalf of the Complainant, along with a Summary of the
8 evidence of those witnesses?

9 MS. DION: The Service has no
10 objection to that date, Mr. Fortier. Thank you.

11 THE PRESIDING MEMBER: Very well.
12 Thank you.

13 And I ask the same question of you,
14 Madam Dion: Could you provide the Committee and the
15 Complainant with a Summary of your witness's evidence
16 by June 17th?

17 MS. DION: Yes. That is something we
18 can definitely do, yes. As I indicated earlier, there
19 is perhaps a question in respect of identifying the
20 witness by name publicly. But, I understand you are
21 quite familiar with that type of situation, as is Mr.
22 Champ, in all likelihood.

23 THE PRESIDING MEMBER: Yes.

24 MS. DION: That being the case, I
25 don't suppose this will pose a problem.

1 MR. CHAMP: No. The first name of the
2 witness is fine, from the Complainant's perspective.

3 I am familiar with those constraints.

4 THE PRESIDING MEMBER: Thank you,
5 Counsel.

6 That is agreeable to the Committee,
7 also.

8 MS. DION: Thank you.

9 THE PRESIDING MEMBER: So the filing
10 date for the Witness Information is set at June 17th.

11 Use of Electronic Devices:

12 I will now move on to Item 9, the use
13 of electronic devices, something with which, again, you
14 are both familiar.

15 There is a provision in the Act,
16 Subsection 48(1), whereby every investigation of a
17 Complaint by the Committee "*shall be conducted in*
18 *private*". As such, for reasons of security and
19 confidentiality, no electronic devices, including
20 cellular telephones, portable computers, electronic
21 Agendas, et cetera, are prohibited in the Hearing Room
22 throughout the Hearing.

23 That applies to anyone participating
24 in the Hearing, including me as the Presiding Member.

25 Schedule for the Filing of Documents Prior to Hearing:

1 I will turn now to the schedule for
2 the filing of documents prior to the Hearing, which is
3 Item 10 on the Agenda.

4 We now have a date for the filing of
5 the Witness Information, that being June 17th.

6 Mr. Champ, you are familiar with the
7 processes for these Hearings. I would like you to
8 provide me with any documents that you intend to
9 introduce as exhibits in the Hearing in advance of the
10 Hearing Date.

11 Would July 8th, which would be thirty-
12 five days in advance of the start of the Hearing, be a
13 realistic and acceptable date for you to submit any
14 documentation that you intend to introduce in the
15 Hearing?

16 MR. CHAMP: That is agreeable, Mr.
17 Fortier. In fact, I will likely have that
18 documentation to you in advance of that date.

19 THE PRESIDING MEMBER: Thank you, Mr.
20 Champ.

21 And the documents of the Service
22 should be filed, then, within a week of July 8th.

23 Is that agreeable, Madam Dion?

24 MS. DION: That is agreeable, Mr.
25 Fortier. Thank you.

1 THE PRESIDING MEMBER: Very well.

2 And five copies of each document or
3 Book of Documents should be provided to the Committee,
4 which the Registrar will then distribute to the
5 appropriate Parties.

6 Need for an Interpreter and/or Simultaneous

7 Translation:

8 The next Item on the Agenda has to do
9 with the need for an Interpreter and/or simultaneous
10 translation.

11 Do any of the Parties require an
12 Interpreter and/or simultaneous translation?

13 Mr. Champ...?

14 MR. CHAMP: We do not have any such
15 requirement, Mr. Fortier.

16 May I ask a question with respect to
17 Agenda Item Number 10?

18 THE PRESIDING MEMBER: Surely.

19 Schedule for the Filing of Documents Prior to Hearing

20 (Cont'd):

21 MR. CHAMP: It is a question more
22 directed to Ms. Roussel and Ms. Dion.

23 I am wondering whether Counsel can
24 advise as to whether the Service has completed its
25 review and collection of the documents set out in our

1 Letters and when those documents will be produced to
2 the Committee.

3 MS. ROUSSEL: Mr. Champ, We are in the
4 process of retrieving the documents. It is an ongoing
5 process. It is not a question of saying that there is
6 a particular date by which that process must be
7 completed. As I say, it is an ongoing process.
8 However, now that we have identified the Allegations,
9 we are going to be able to complete that process.

10 THE PRESIDING MEMBER: Madam Dion, any
11 comments?

12 MS. DION: As Ms. Roussel has
13 indicated, there has been already a partial Disclosure,
14 with the process currently ongoing. But there are
15 documents that have been disclosed to SIRC at this
16 point.

17 THE PRESIDING MEMBER: Is that
18 satisfactory for the time being, Mr. Champ?

19 MR. CHAMP: Not entirely, Mr. Fortier.
20 I am wondering whether I can get an indication from
21 both Counsel as to when they anticipate the completion
22 of that Production to the Committee...

23 THE PRESIDING MEMBER: Madam
24 Roussel...?

25 MS. ROUSSEL: What one needs to

1 understand is that the Document Disclosure process, as
2 I indicated earlier, is an ongoing one.

3 I am assuming, for the sake of
4 argument, that there is going to be an *Ex Parte*
5 Hearing, and the important thing that we need to
6 remember is that prior to going into the *Ex Parte*
7 Hearing, we have to have completed our review of the
8 CSIS documents.

9 Once we have the *Ex Parte* Hearing, it
10 is not unusual for SIRC Counsel and/or the Member to
11 request additional documents, at which point there will
12 be a further Disclosure.

13 As I say, it is an ongoing process.
14 But what is important to keep in mind is that once we
15 get to the *Ex Parte* Hearing, we have looked at the vast
16 majority of the documentation that is relevant to the
17 issues that need to be addressed in that Forum.

18 **THE PRESIDING MEMBER:** Do you have
19 anything to add, Madam Dion?

20 **MS. DION:** I would simply say that
21 SIRC has access to all of the Service's Holdings. So
22 regardless of the Disclosure process, SIRC is free to
23 view the Service's Databases.

24 SIRC has access to all of the
25 Service's Holdings, with the exception of Cabinet

1 Confidences.

2 As Ms. Roussel has pointed out, the
3 disclosure process in an ongoing one, and certainly,
4 SIRC has ongoing access to all of the Service's
5 Holdings.

6 THE PRESIDING MEMBER: Thank you,
7 Madam Dion.

8 Do you need to take this matter any
9 further, Mr. Champ, at this point?

10 MR. CHAMP: I will set out my concerns
11 in writing, Mr. Fortier.

12 I have to confess, I am not entirely
13 satisfied with the answers I have received from my
14 friends this morning. I would appreciate getting a
15 little more clarity on that matter at some point.

16 I know that in the past I have had, on
17 occasion, a different view on the role of SIRC Counsel
18 in these Proceedings.

19 I recall working with Ms. Roussel's
20 predecessor, Ms. McGrath, as well as with Appointed
21 SIRC Counsel, where we have had different kinds of
22 understandings as to what SIRC was doing.

23 Obviously, the details of what SIRC
24 was doing in that regard were not made known to me;
25 however, I was often much more informed of what was

1 occurring.

2 I will raise some of those issues with
3 Ms. Roussel and my friend in writing.

4 At this point, I am basically being
5 told: *Yeah. We'll work together in meeting with CSIS*
6 *and SIRC. Don't worry about it."*

7 That is not entirely satisfactory,
8 from our perspective.

9 MS. ROUSSEL: Perhaps we can have that
10 discussion at a later point and you can convey your
11 concerns and your thoughts on the matter.

12 MR. CHAMP: I will do so. Thank you.

13 THE PRESIDING MEMBER: And I will
14 follow the exchange with a great deal of interest and
15 intervene as necessary.

16 MR. CHAMP: Thank you, Mr. Fortier.

17 MS. ROUSSEL: Thank you.

18 MS. DION: Thank you, Mr. Fortier.

19 Need for an Interpreter and/or Simultaneous Translation
20 (Cont'd):

21 THE PRESIDING MEMBER: We went from
22 Item 11 to 10. I will come back to Item 11 to ask
23 Madam Dion whether the Service will need the services
24 of an Interpreter and/or simultaneous translation...

25 MS. DION: Thank you, Mr. Fortier.

1 No, that won't be necessary.

2 THE PRESIDING MEMBER: Thank you,
3 Madam Dion.

4 Request for an Ex Parte Hearing:

5 Continuing with the Agenda, I will now
6 move to Item 12.

7 Both Parties are familiar with
8 Subsection 48(2) of the *CSIS Act*, whereby a Party may
9 request an *Ex Parte* Hearing, to be conducted in the
10 absence of the Complainant, for the purpose of
11 presenting any evidence which, for reasons of national
12 security or other reasons considered valid by the
13 Committee, cannot be disclosed to the other Party or
14 their Counsel.

15 During such *Ex Parte Hearings*, the
16 Committee's Legal Counsel will cross-examine the
17 witnesses called, as might I, as the Presiding Member,
18 to ensure that the evidence is appropriately tested and
19 is reliable.

20 This process allows the Presiding
21 Member to gain a complete and accurate picture of the
22 factual information relating to the Complaint.

23 Once the *Ex Parte* Hearing is
24 completed, the Committee will determine whether any of
25 the evidence presented therein can be disclosed to the

1 excluded Party, the Complainant; and if so, the
2 Committee will prepare a Summary of that Evidence and
3 provide it to the Complainant, once it has been vetted
4 for reasons of national security concerns.

5 My question for Madam Dion is: Will
6 you be requesting an *Ex Parte* Hearing?

7 MS. DION: Thank you, Mr. Fortier.
8 The Service will in fact be requesting that an *Ex Parte*
9 Hearing be held, for reasons of national security
10 concerns.

11 THE PRESIDING MEMBER: Thank you,
12 Madam Dion.

13 It is so noted.

14 In the circumstances, I ask you to
15 provide to me, in writing, Madam Dion, with the names
16 of the witnesses you intend to call in the *Ex Parte*
17 Session, along with a summary of their testimony and an
18 estimate of the length of time required for their
19 testimony, and I ask you to do so within two weeks of
20 today's date, putting that date at the 3rd of June
21 2015.

22 MS. DION: Would it be possible to
23 extend that to a date beyond the filing deadline of
24 June 17th for that same information for the *In Camera*
25 Hearing?

1 THE PRESIDING MEMBER: I have no
2 problem with that. It seems to me to make sense.

3 So that information will be provided
4 by June 22nd?

5 MS. DION: That is perfect. Thank
6 you, Mr. Fortier.

7 THE PRESIDING MEMBER: And any
8 documents, any exhibits, that you intend to introduce
9 during the *Ex Parte* Hearing must be delivered to the
10 Committee no later than thirty-five days prior to the
11 date fixed for the *Ex Parte* Hearing.

12 MS. DION: That is perfect. Thank
13 you, Mr. Fortier.

14 Written Submissions:

15 Next, Item 13, "Written Submissions".

16 Again, Counsel are aware of the
17 procedures in respect of the filing of Written
18 Submissions.

19 We will set precise dates for the
20 filing of Final Written Submissions once the
21 Evidentiary Phase of the Hearing has been completed.

22 As Counsel are aware, the normal
23 process is for the Written Submissions of the
24 Complainant to be filed with the Registrar four weeks
25 after the close of the Evidentiary Phase, with the

1 Written Submissions of the Respondent being due three
2 weeks after the Complainant's Submissions are received,
3 and any Reply Submissions of the Complainant being due
4 two weeks after the Written Submissions of the
5 Respondent are in-hand.

6 And once again, five copies of each
7 set of Final Written Submissions are to be mailed to
8 the Committee and the Committee, in turn, will
9 distribute copies to all Parties.

10 Other Matters:

11 Are there any other matters that any
12 of the Parties would like to raise with the Committee
13 at this point?

14 Mr. Champ...?

15 MR. CHAMP: I have nothing further to
16 raise on behalf of the Complainant.

17 Thank you, Mr. Fortier.

18 THE PRESIDING MEMBER: Thank you.

19 Madam Dion...?

20 MS. DION: There is one matter, and it
21 relates to an issue identified by Mr. Champ when we
22 were discussing the matter of the witnesses that he
23 would be calling for the *In Camera* Hearing. At that
24 time, Mr. Champ indicated that he wanted to produce as
25 part of the evidence he will be presenting before SIRC

1 the Newspaper Articles that are attached to his
2 Complaint.

3 To be frank, I haven't looked into
4 this issue fully; however, there does seem to be some
5 issue regarding hearsay and/or relevance insofar as
6 these Articles are concerned.

7 So, I am not sure I am prepared at
8 this point to say that the Service wouldn't be
9 objecting to the filing of these Newspaper Articles as
10 Exhibits in the Hearing.

11 I am unsure as to how that might
12 impact Mr. Champ's strategy in terms of who he will
13 bring forward as witnesses; however, at this point, I
14 can't take a firm position on whether or not the
15 Service will be objecting to the introduction of those
16 Newspaper Articles into evidence.

17 But, as I say, there does seem to be
18 an issue with the introduction of such Newspaper
19 Articles into evidence.

20 **THE PRESIDING MEMBER:** As you are well
21 aware, the weight to be accorded to Newspaper Articles
22 is something which the Adjudicating Officer, the
23 Presiding Member, has to determine. At this juncture,
24 I don't believe we can go further than that.

25 That said, Mr. Champ, I am happy to

1 hear any observations that you may have in reacting to
2 Madam Dion's comments.

3 MR. CHAMP: I have nothing to add at
4 this point, Mr. Fortier. In fairness to Ms. Dion, it
5 is an issue that I had flagged as something for her to
6 think about. It is an issue that we can deal with down
7 the road, once she has had further opportunity to think
8 about the matter.

9 If Ms. Dion wishes to send me a
10 Letter, as we have done in the past, we might be able
11 to work out the purpose for which these Articles are
12 relied upon, and so on, and so forth.

13 In that way, it may be that we can
14 resolve that issue without taking it up further with
15 the Committee.

16 THE PRESIDING MEMBER: Thank you, Mr.
17 Champ.

18 I do commend Counsel for having
19 communicated with one another over the course of this
20 process, allowing you to resolve, amicably, a number of
21 issues.

22 That is something the Committee
23 encourages and welcomes, and I commend both of you for
24 having done so. It makes my life easier.

25 Summary:

1 To summarize, by June 17th, I will be
2 receiving from Mr. Champ the names of his six or seven
3 witnesses, along with a Summary of their respective
4 evidence.

5 As I mentioned, insofar as the dates
6 are concerned, I have confirmed, with the consent of
7 the Parties, that an Oral Hearing will take place in
8 Vancouver, British Columbia, to commence either at 2
9 p.m. on the afternoon of Wednesday, August 12th or at 9
10 a.m. on the morning of the 13th.

11 It will be up to me to let you know
12 about my own Schedule.

13 I should be able to provide you with a
14 definitive answer in that regard within the next two or
15 three weeks.

16 You will hear from me, via the
17 Registrar, as to the precise time and date of the
18 commencement of the Oral Hearing in Vancouver.

19 Are there any other matters that
20 Counsel wish to raise at this point?

21 Mr. Champ...?

22 MR. CHAMP: No. That is satisfactory.

23 Thank you very much for your time today, Mr. Fortier.

24 THE PRESIDING MEMBER: Madam Dion...?

25 MS. DION: No. Thank you, Mr.

1 Fortier.

2 THE PRESIDING MEMBER: Madam

3 Roussel...?

4 MS. ROUSSEL: No. Thank you, Mr.

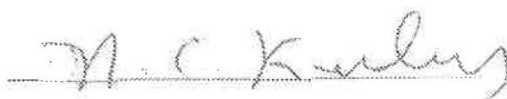
5 Fortier.

6 THE PRESIDING MEMBER: It remains for
7 me to thank you all for your participation in this Pre-
8 Hearing Conference, and with that, this Pre-Hearing
9 Conference is closed. I look forward to seeing you all
10 in Vancouver in August.

11 MS. ROUSSEL: Thank you, Mr. Fortier.

12 ---
13
14 --- The Pre-Hearing Conference Closed at 11:05 a.m.
15 ---
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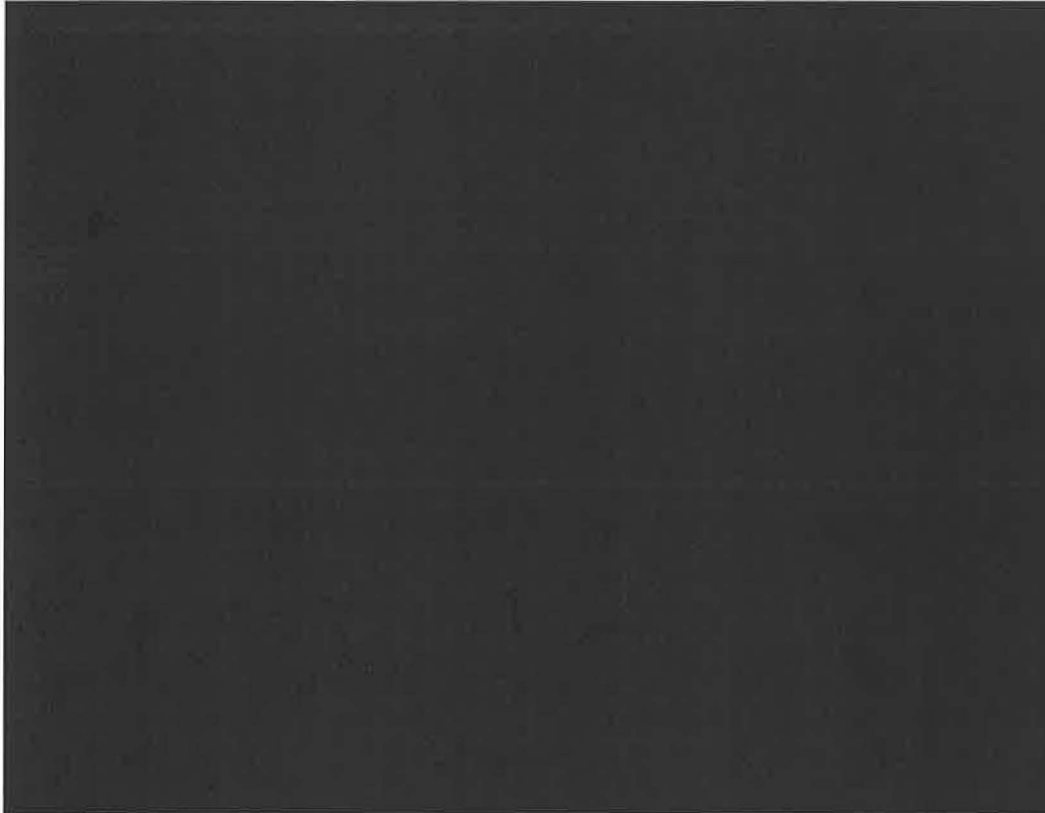
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20 Noel C. Keeley, C.S.R.
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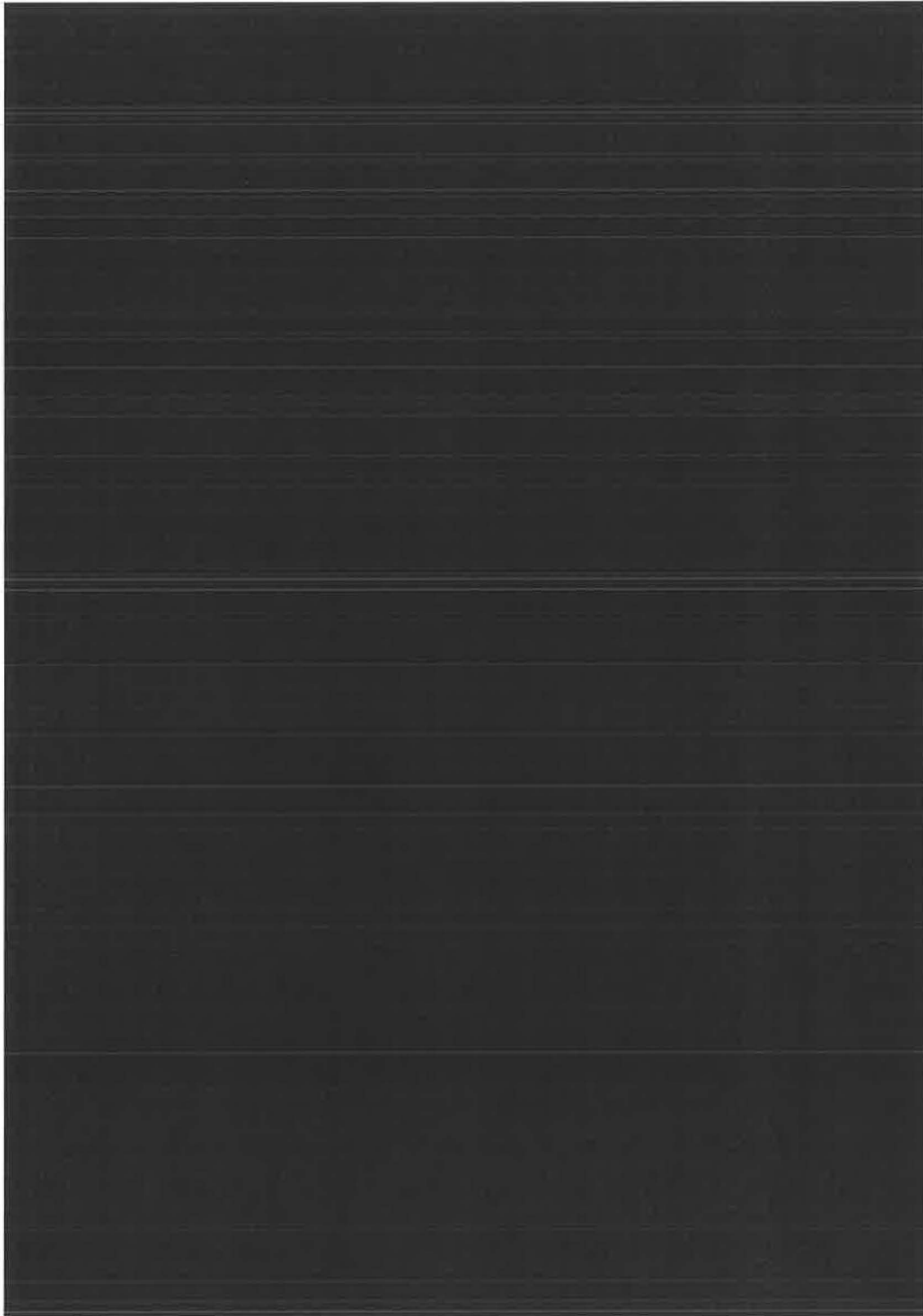
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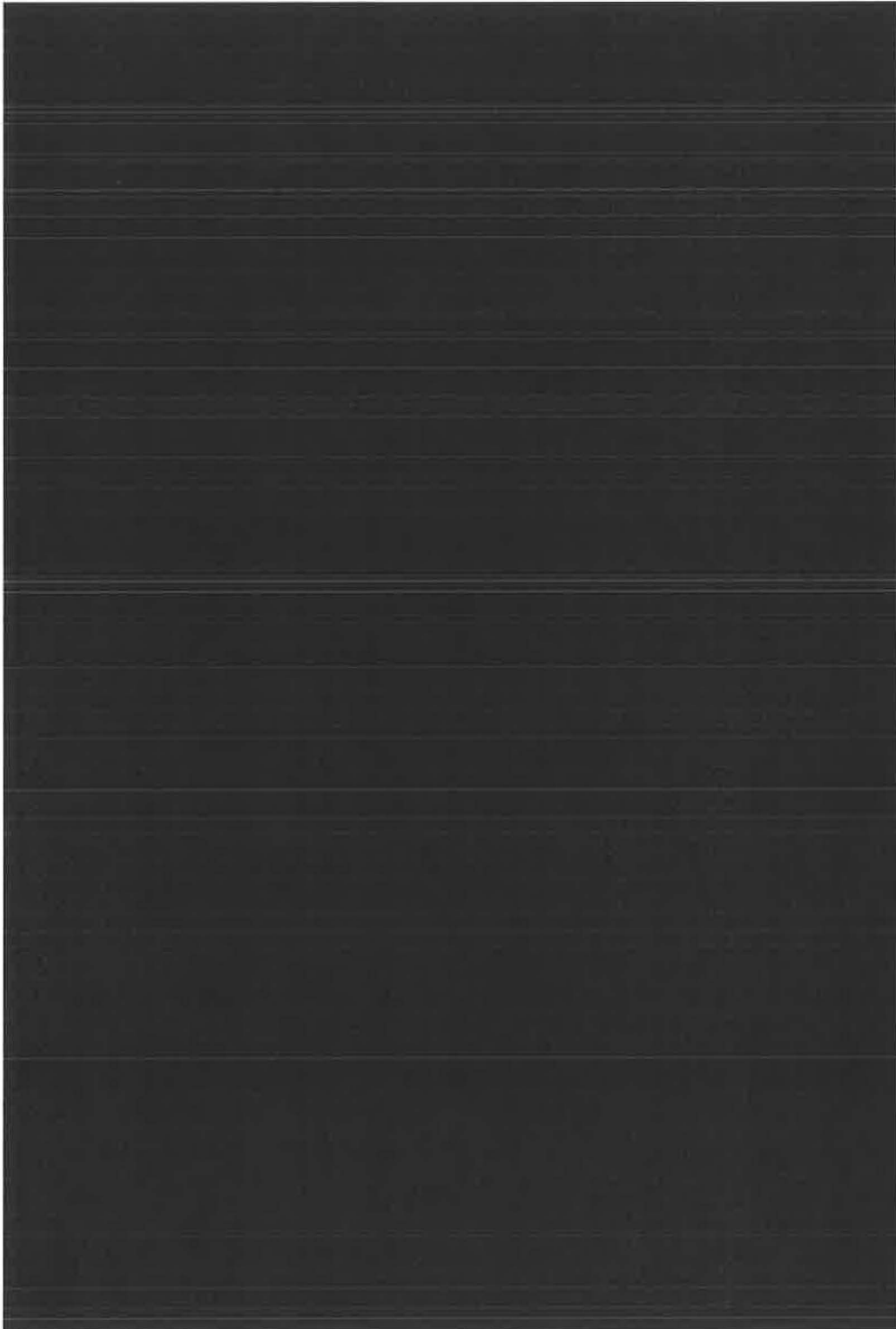
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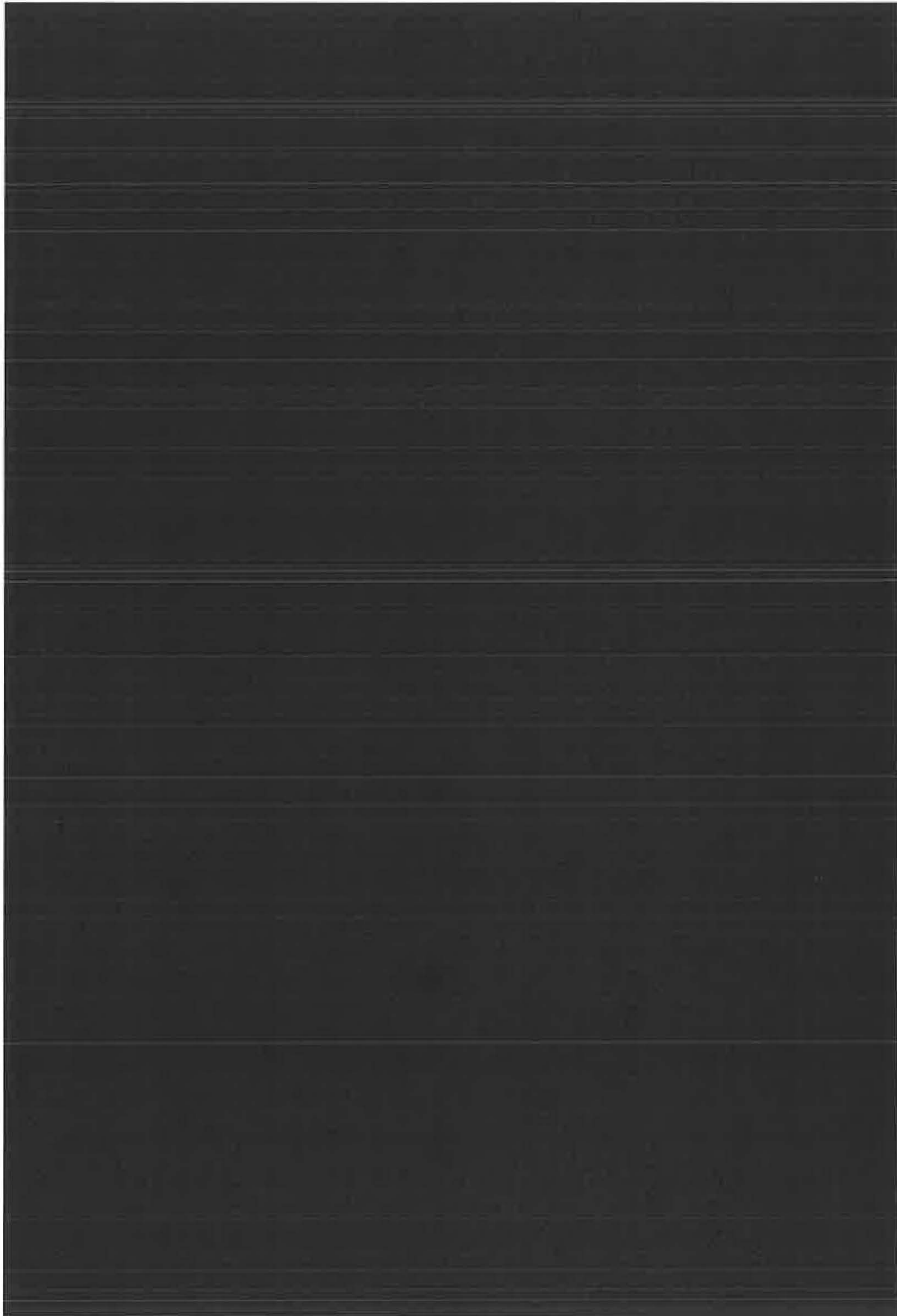
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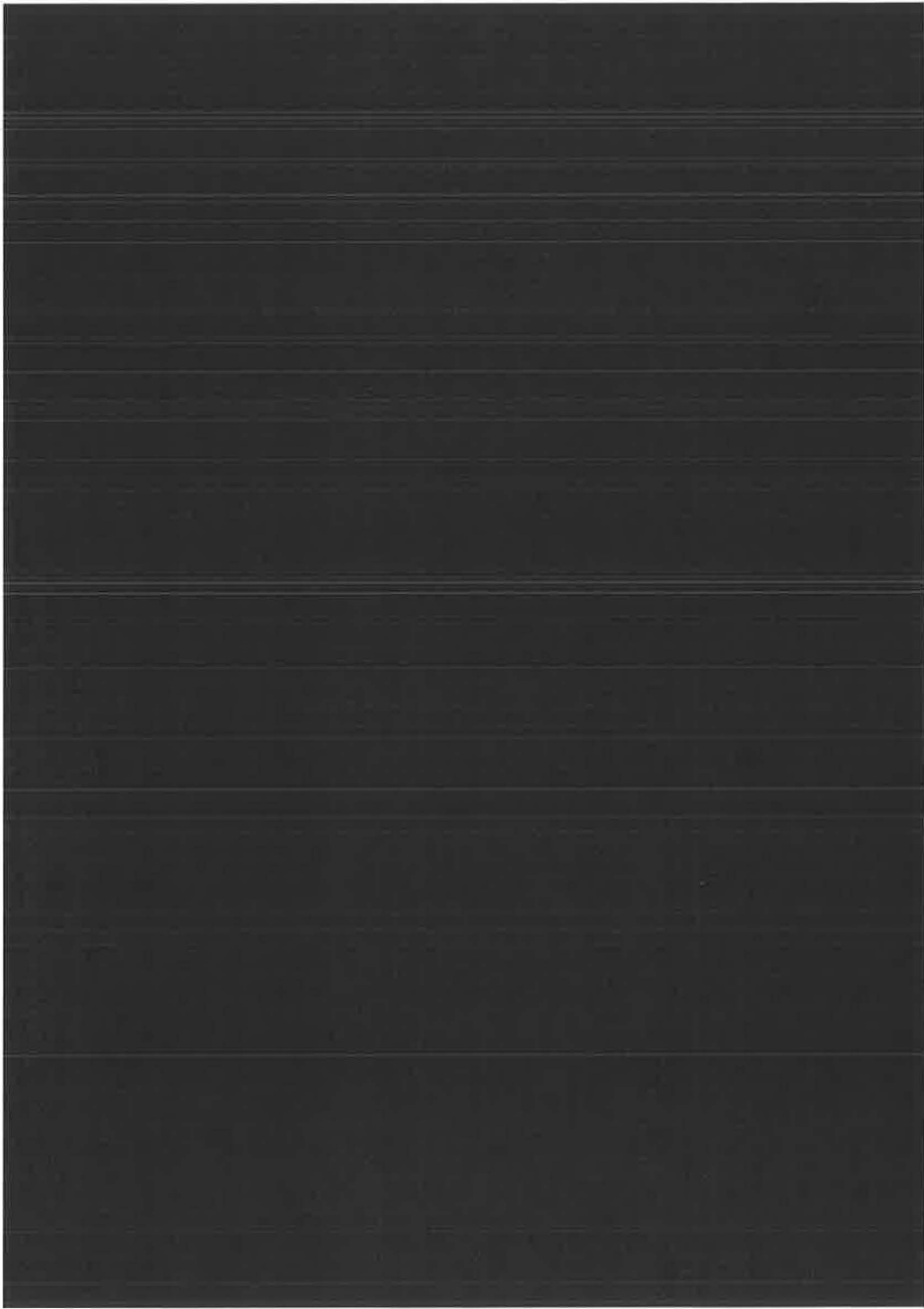


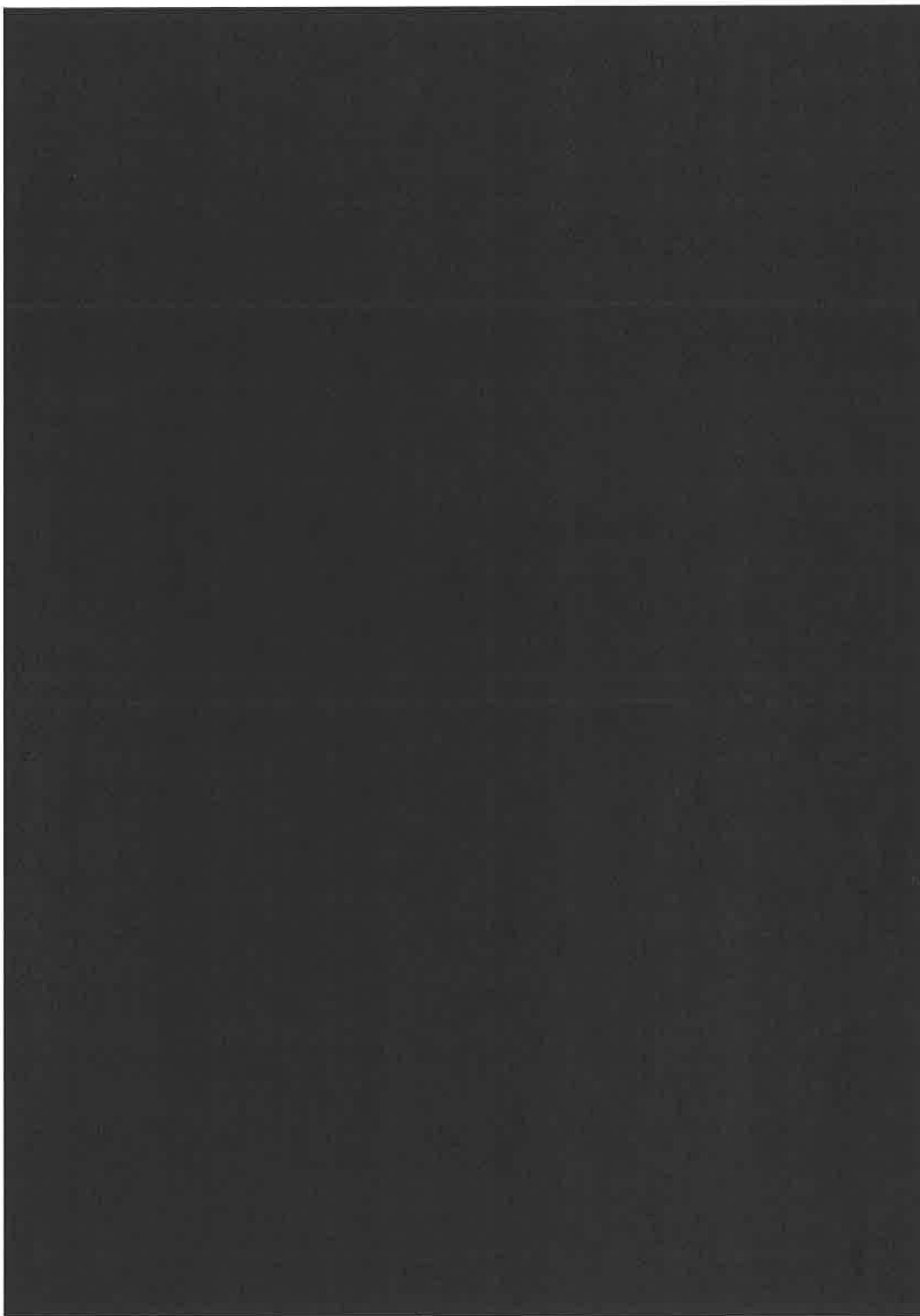


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Tab/Onglet 6

Page 2109

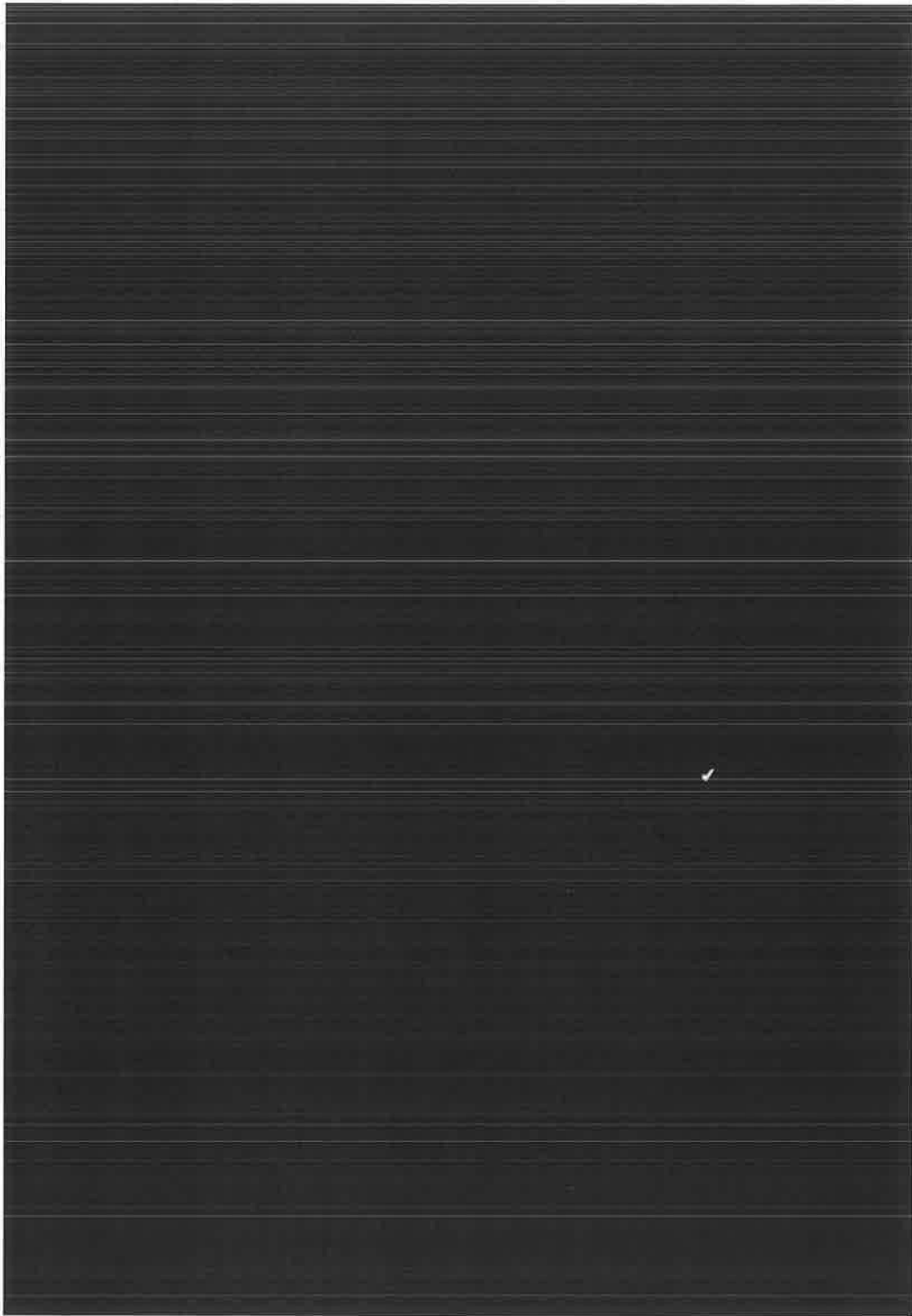


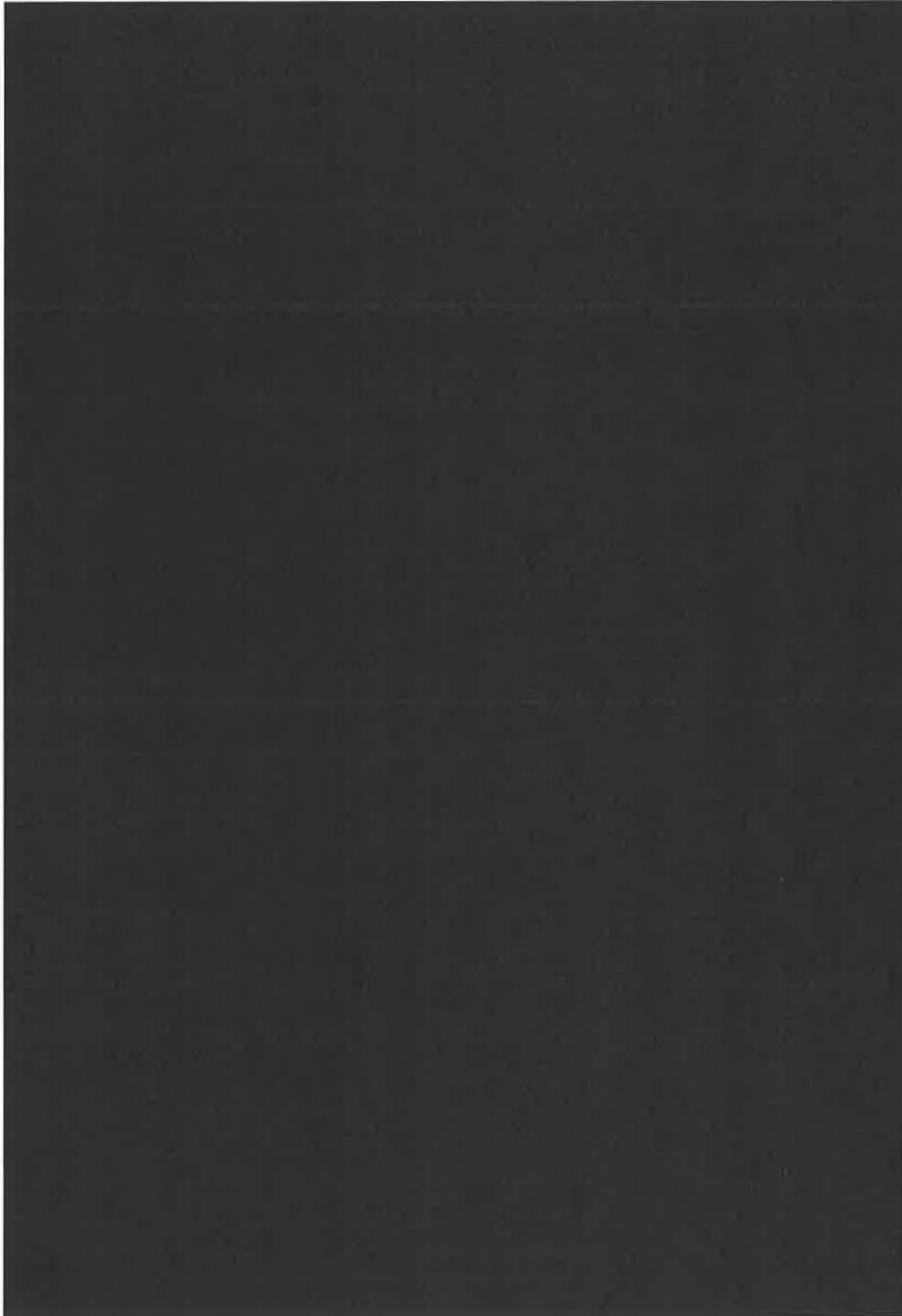


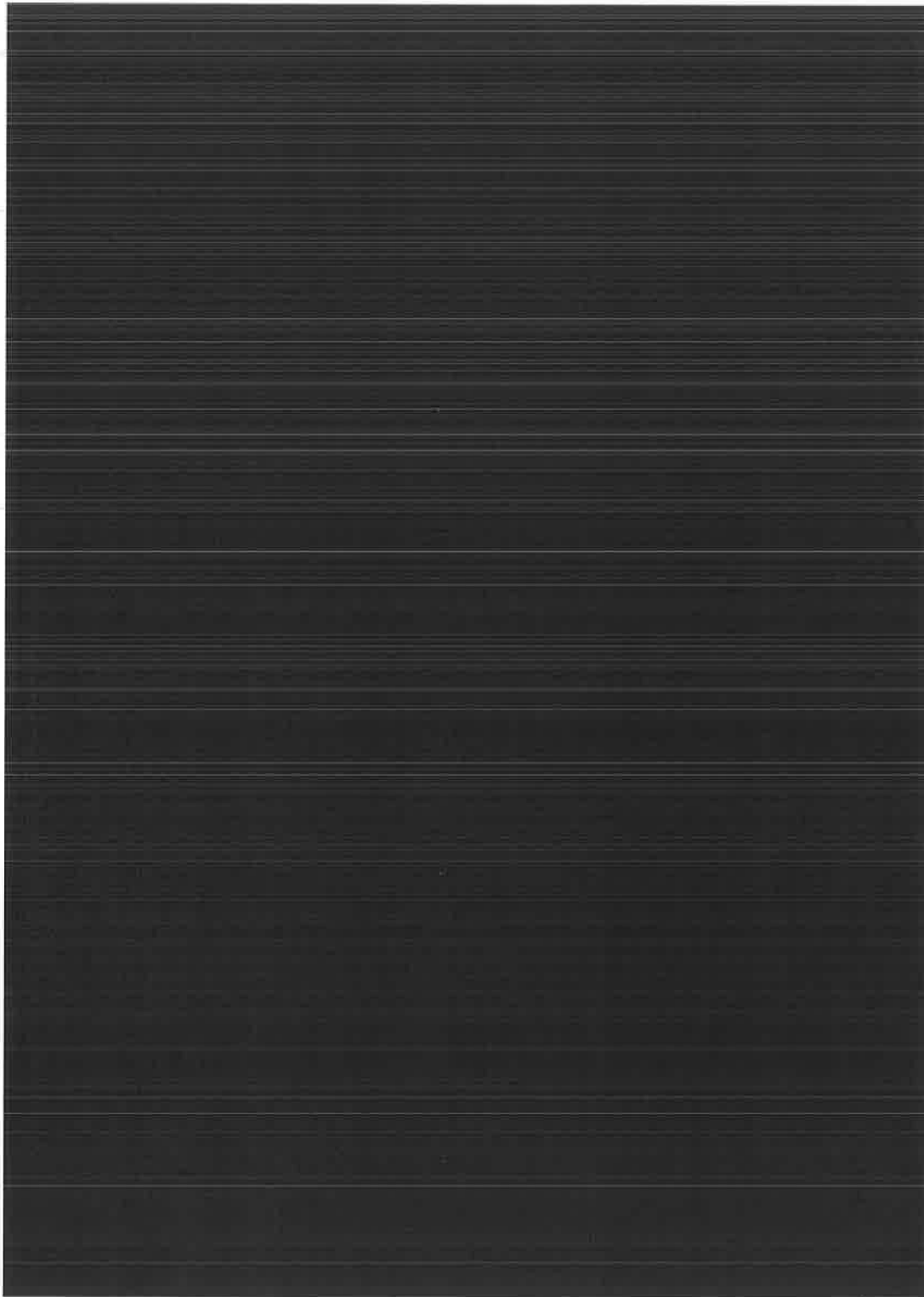
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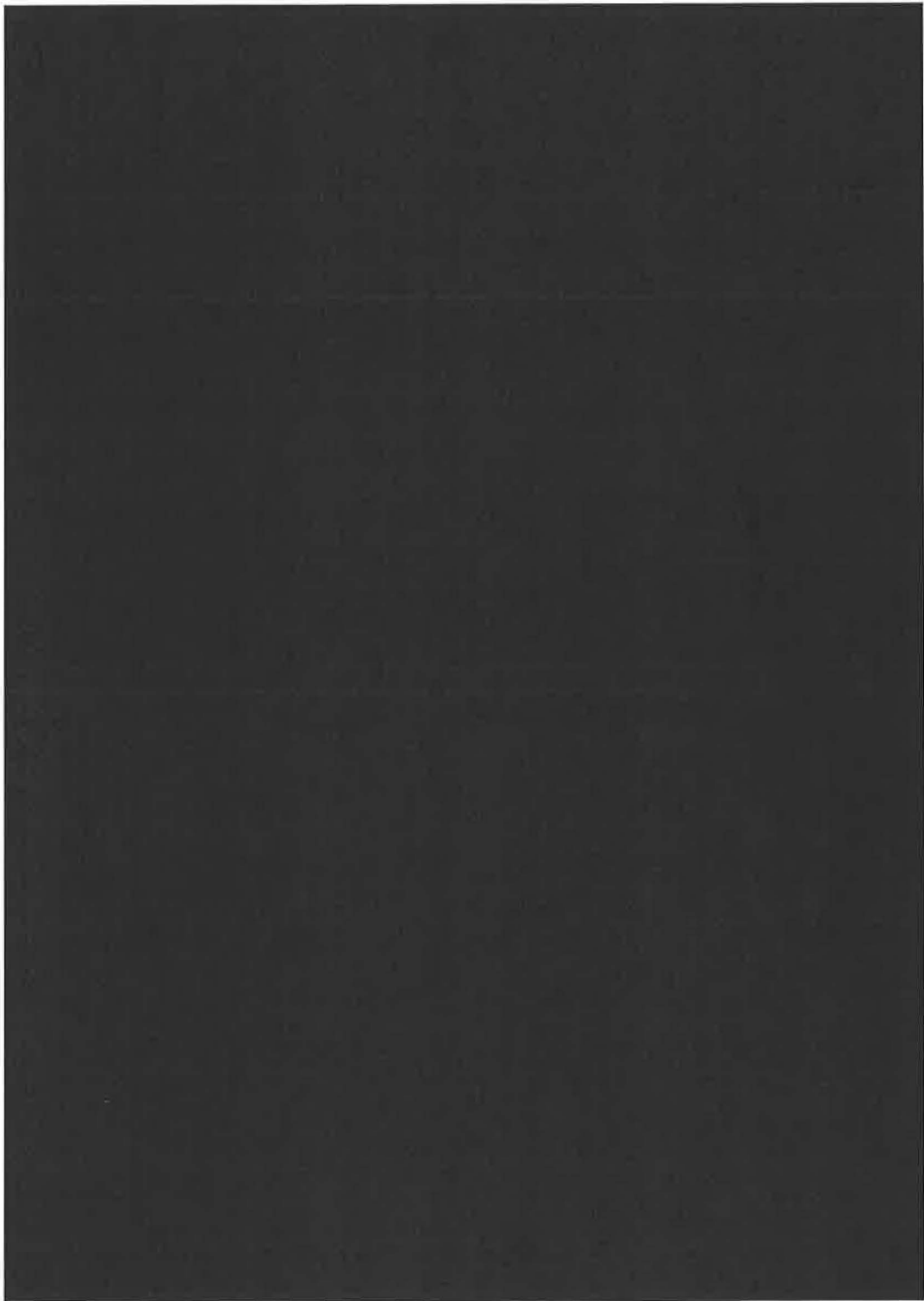
Tab/Onglet 6

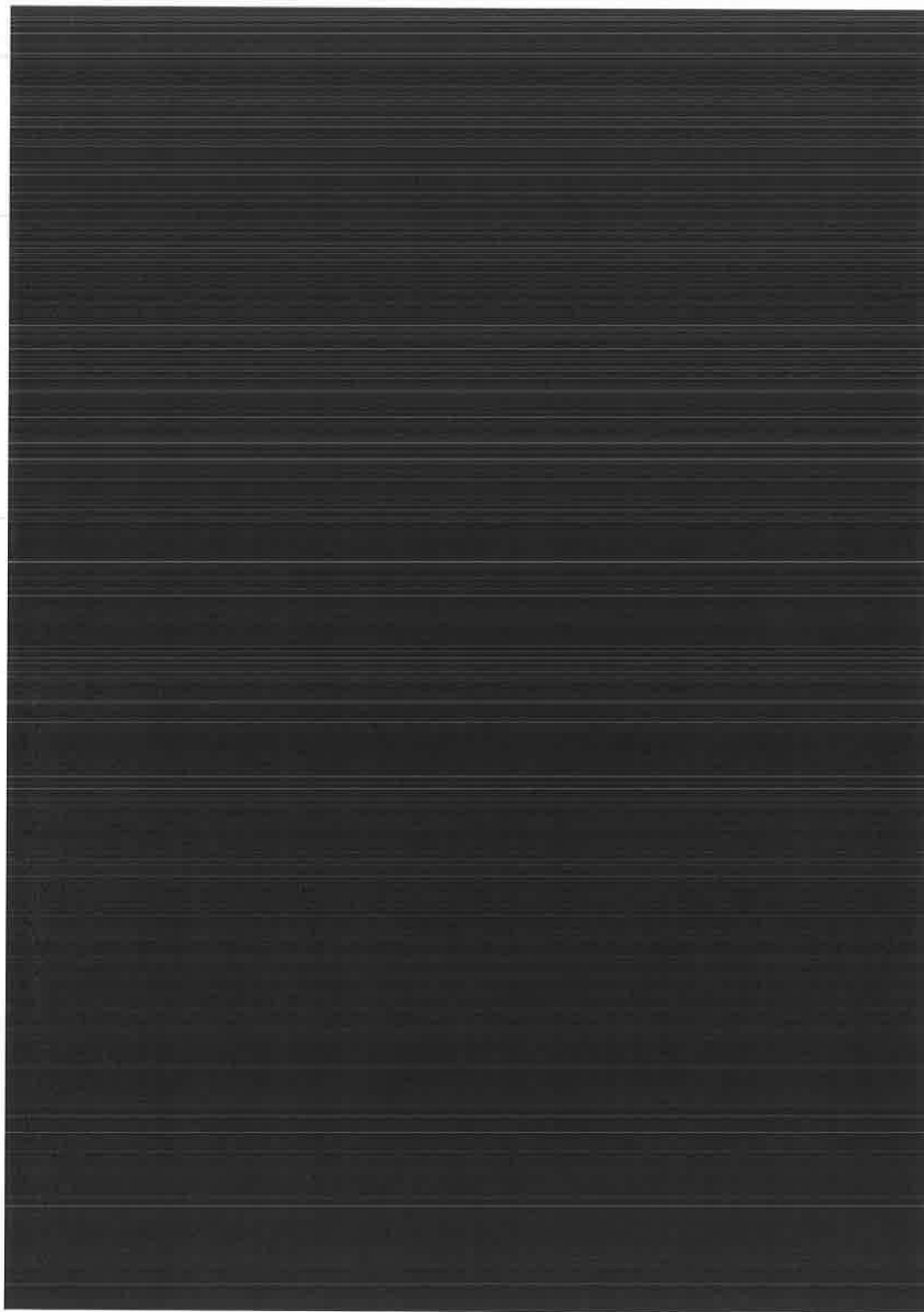
Page 2111

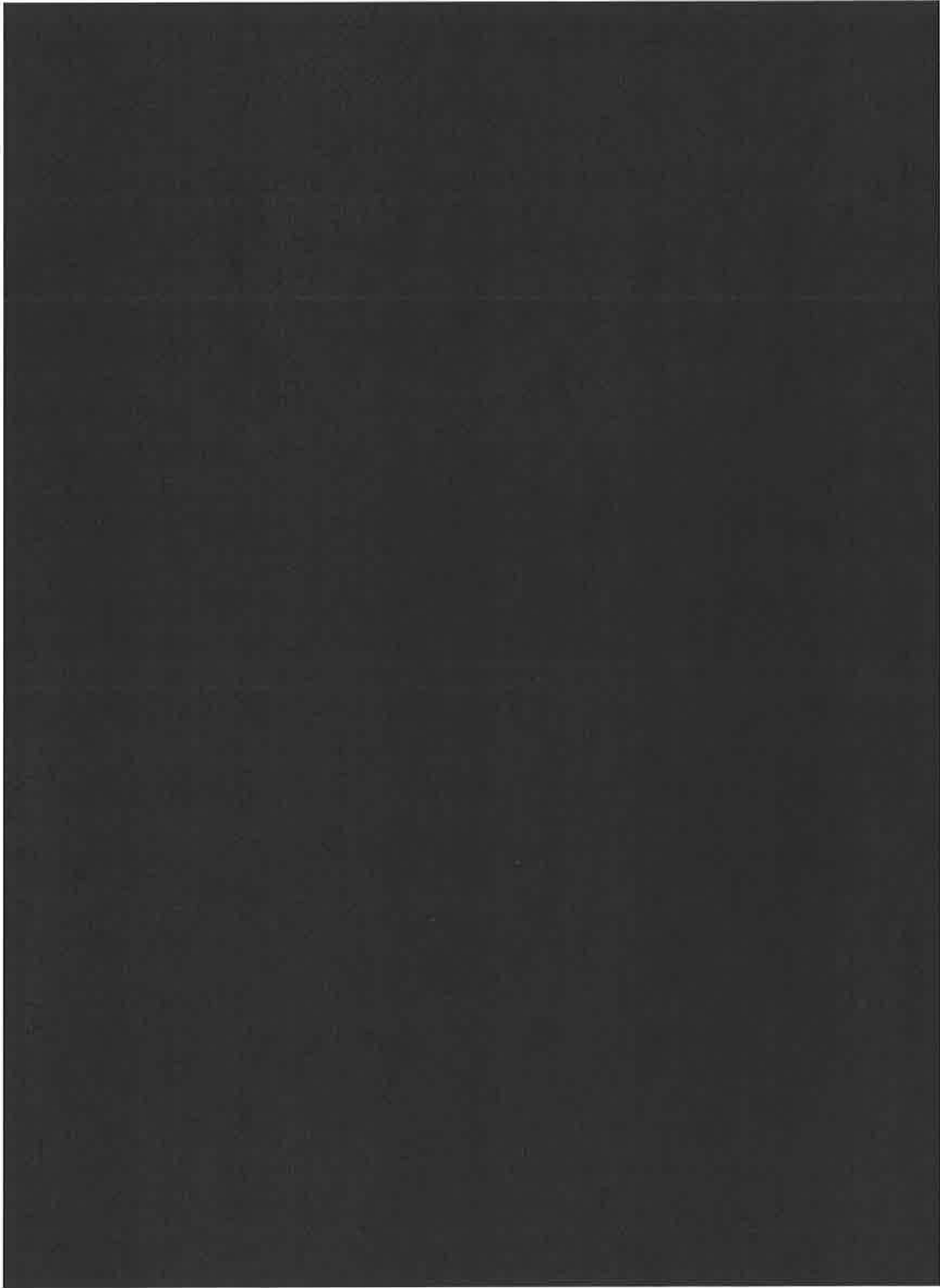






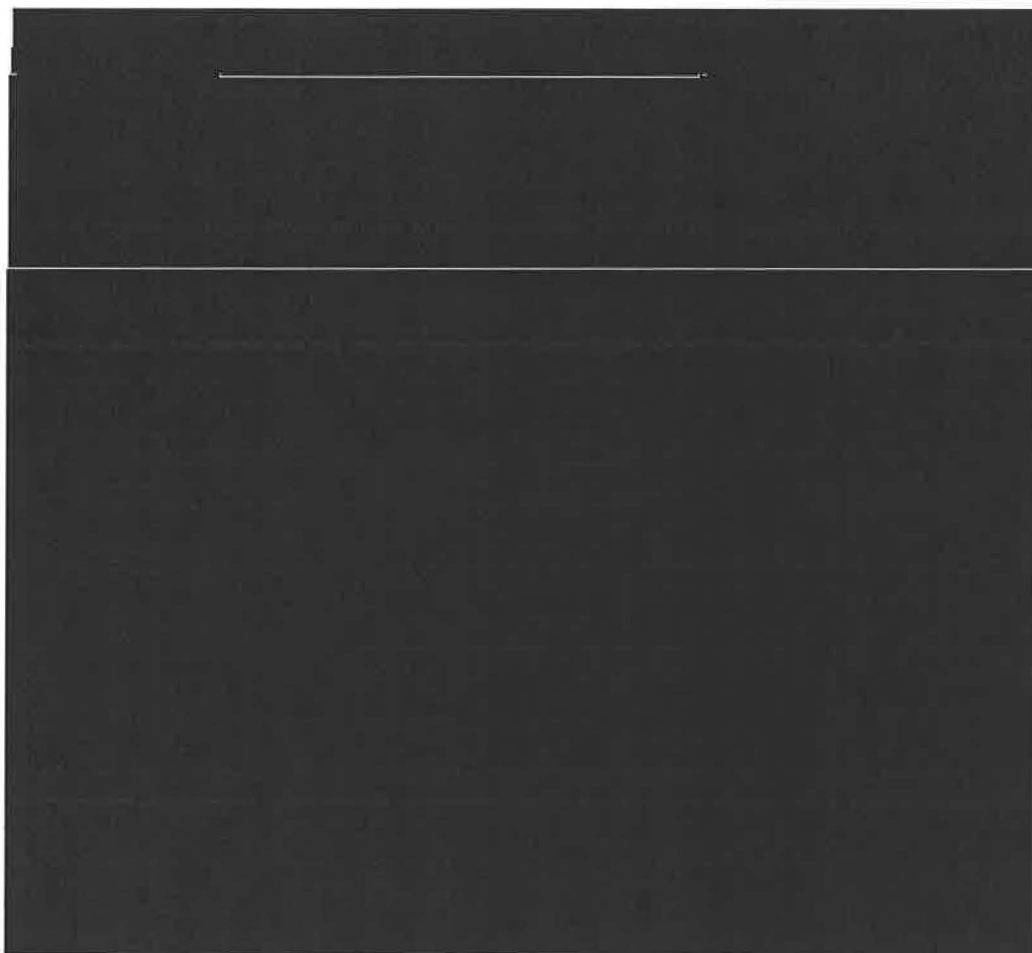






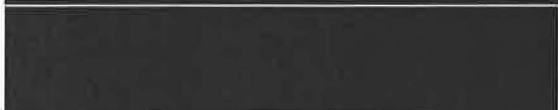


This image shows a dark gray, almost black, blank page. There are visible vertical banding artifacts across the entire surface, suggesting it might be a scan of a physical document or film. A few small, white dust specks are scattered throughout. The overall texture appears slightly grainy.

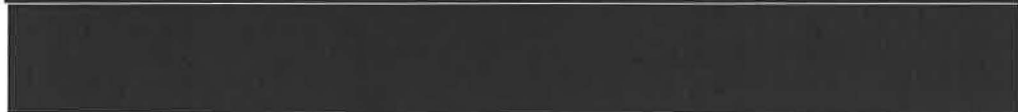




DATE
20150423



RE / OBJET:



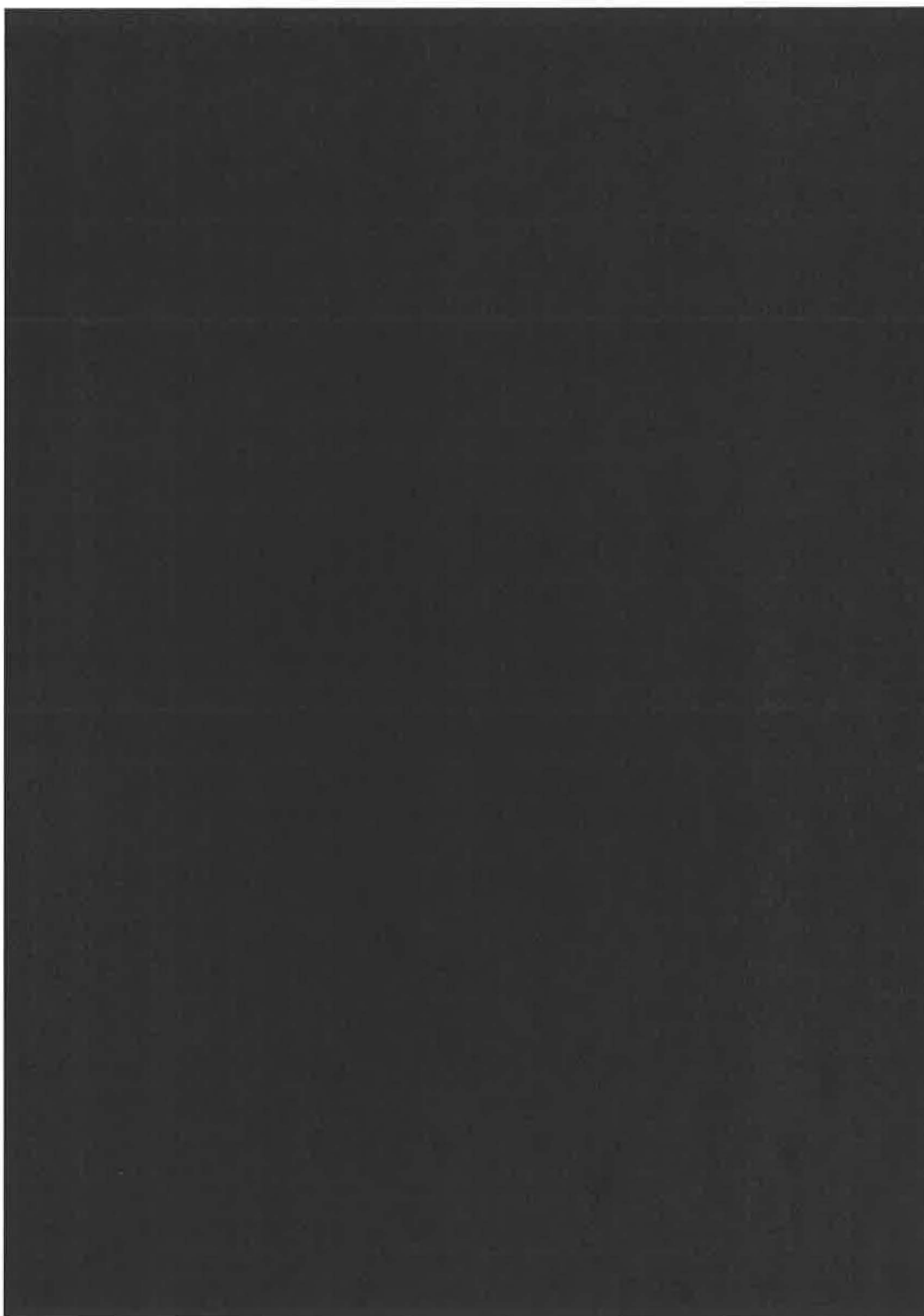
SYNOPSIS / SOMMAIRE:



[REDACTED]

[REDACTED]

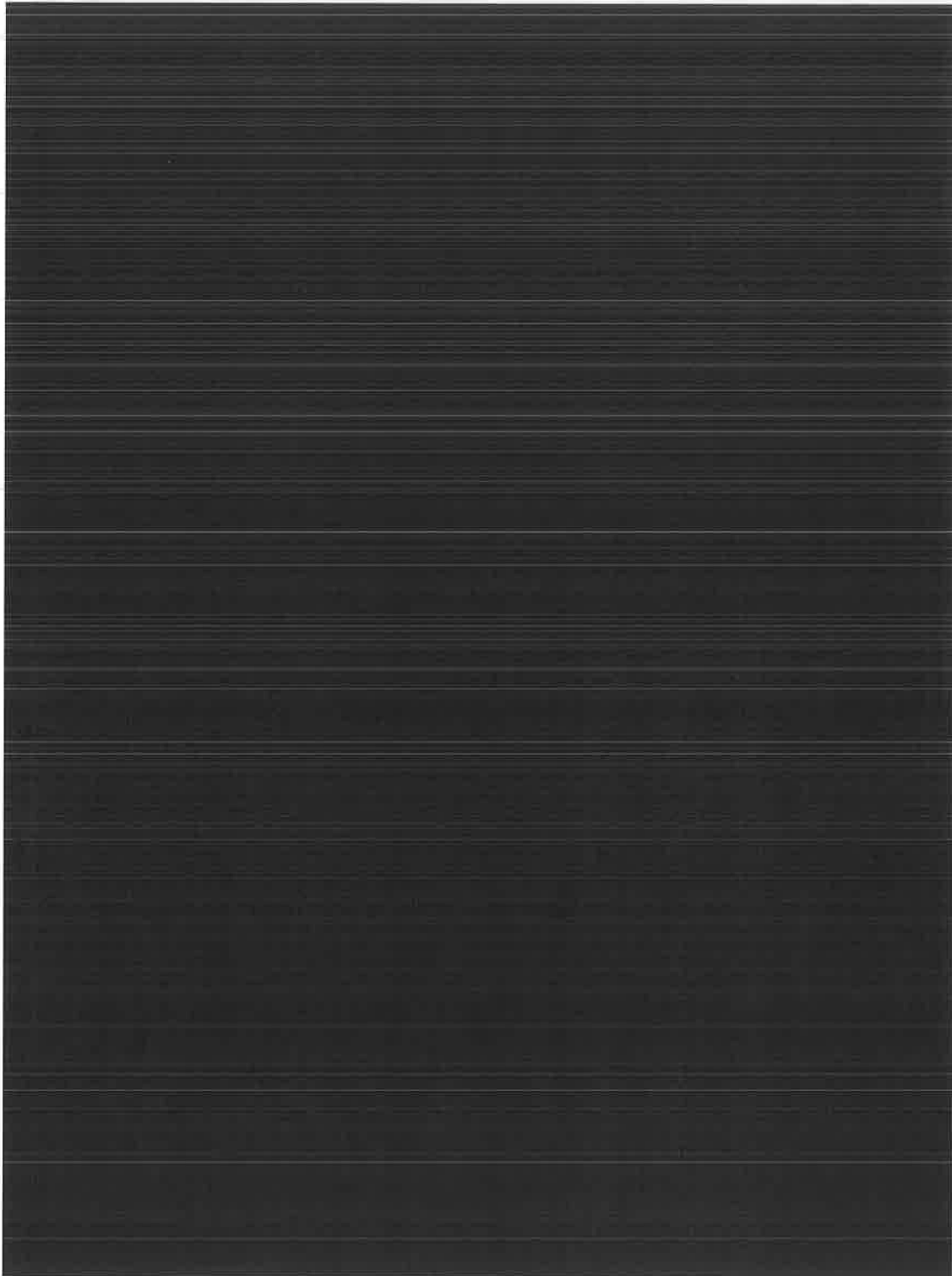
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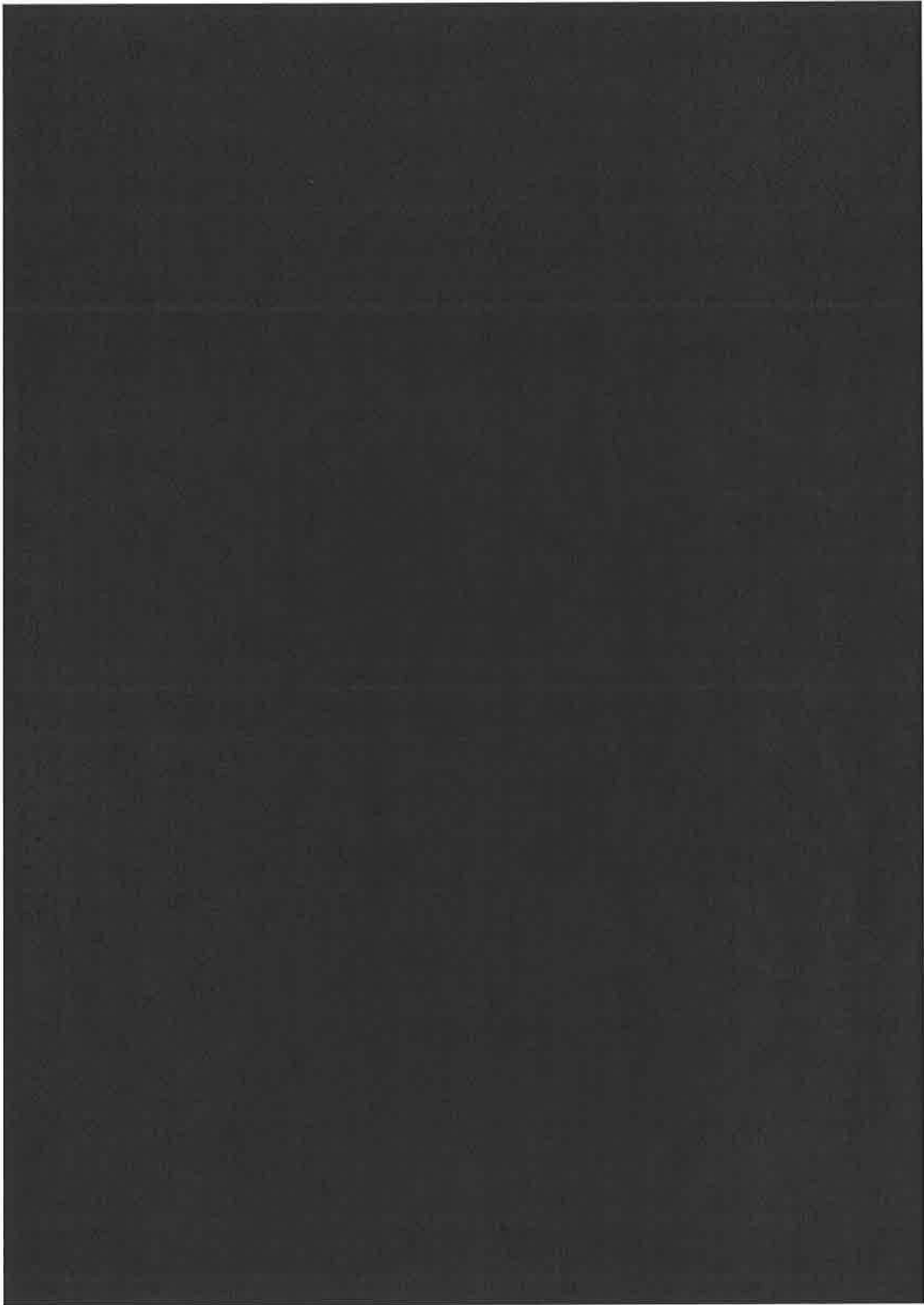


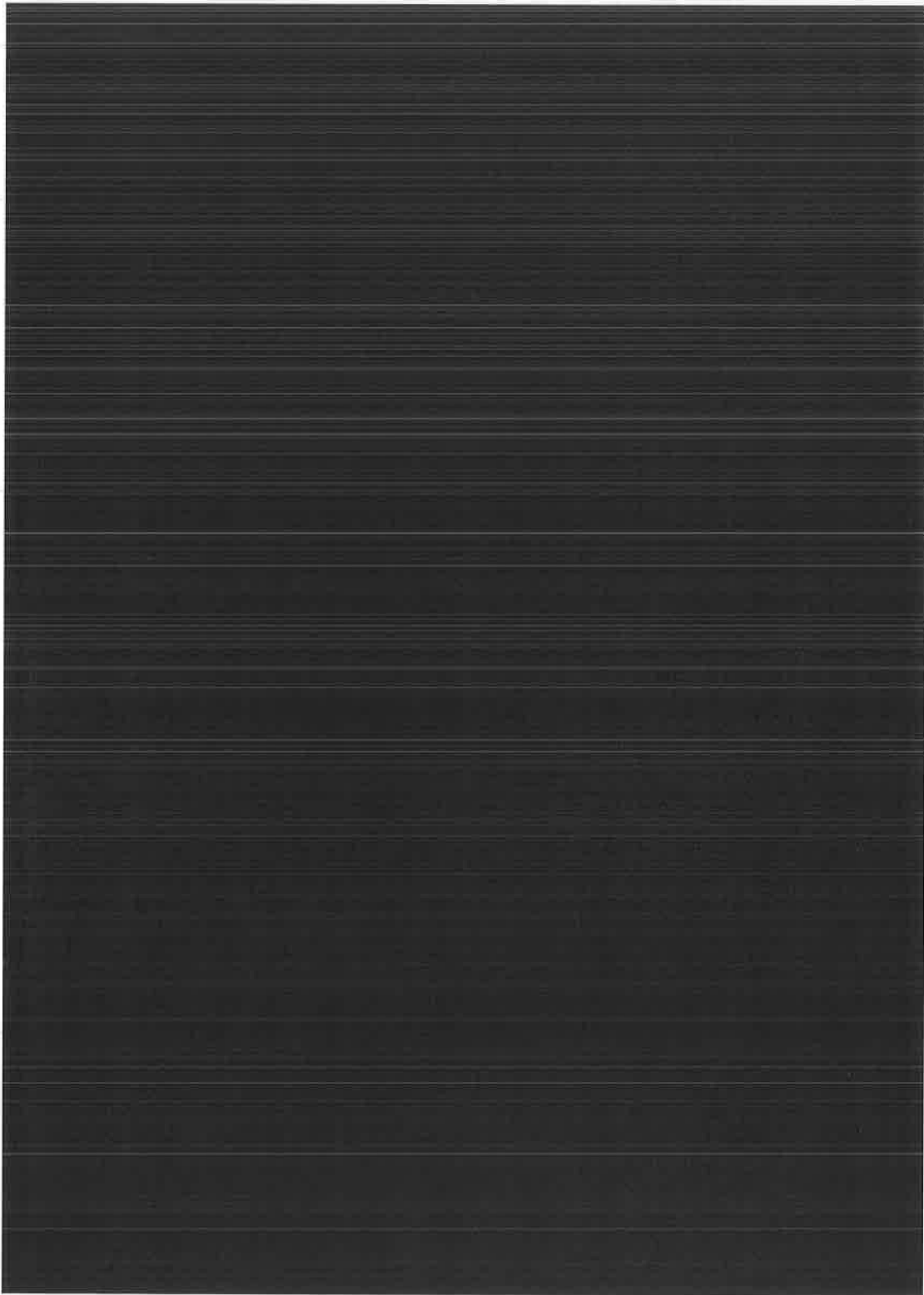
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Tab/Onglet 6

Page 2086

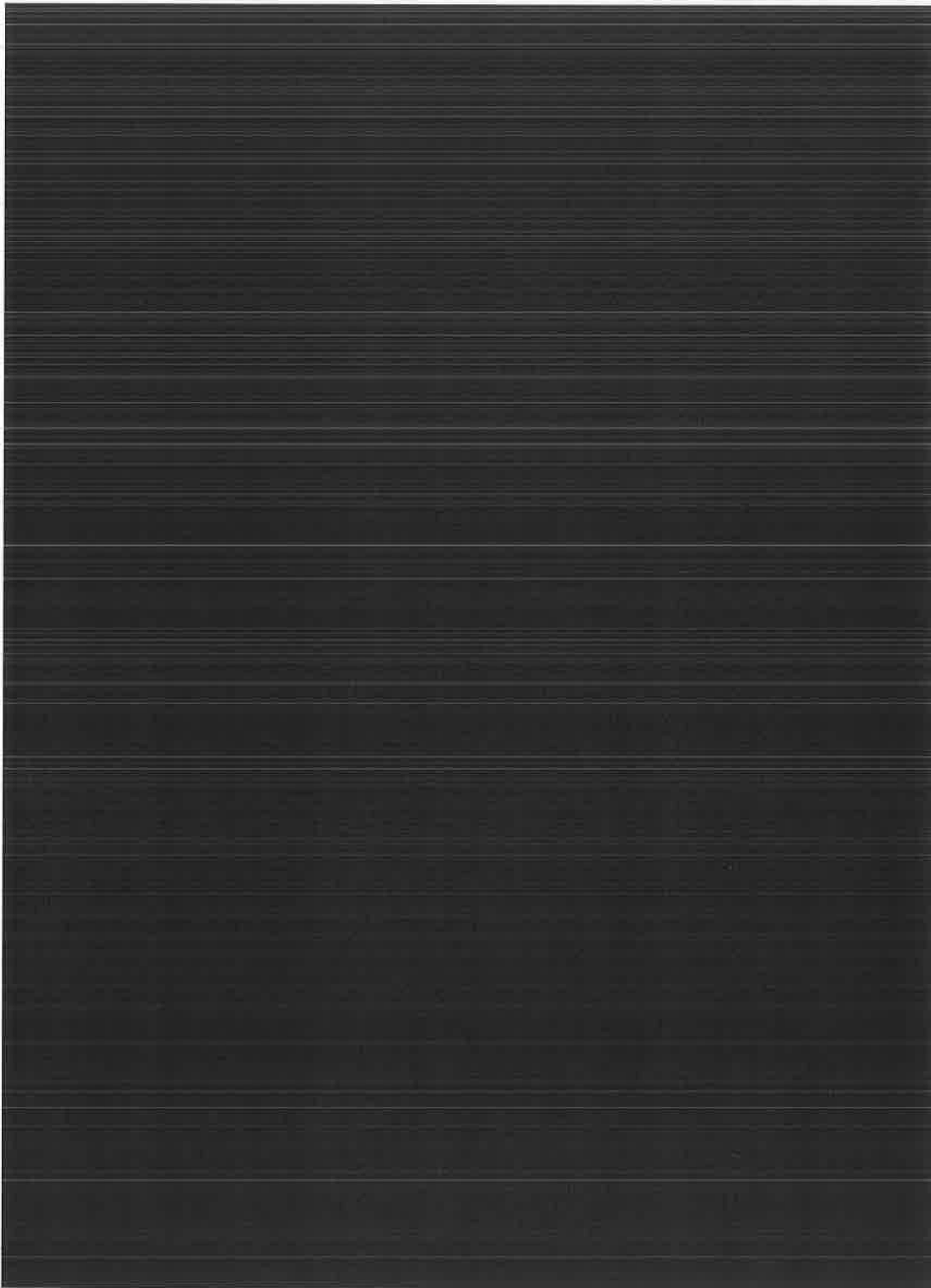


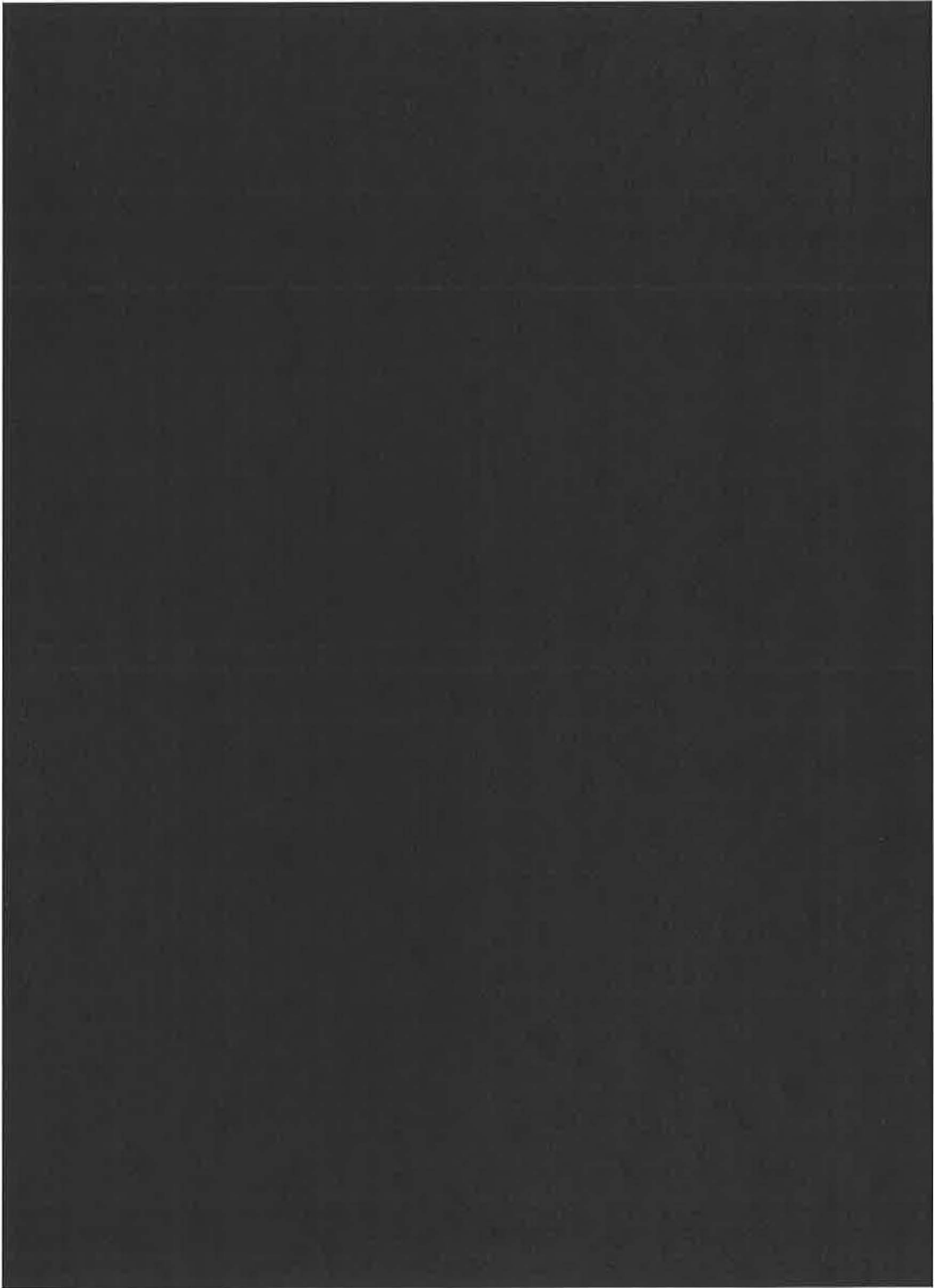


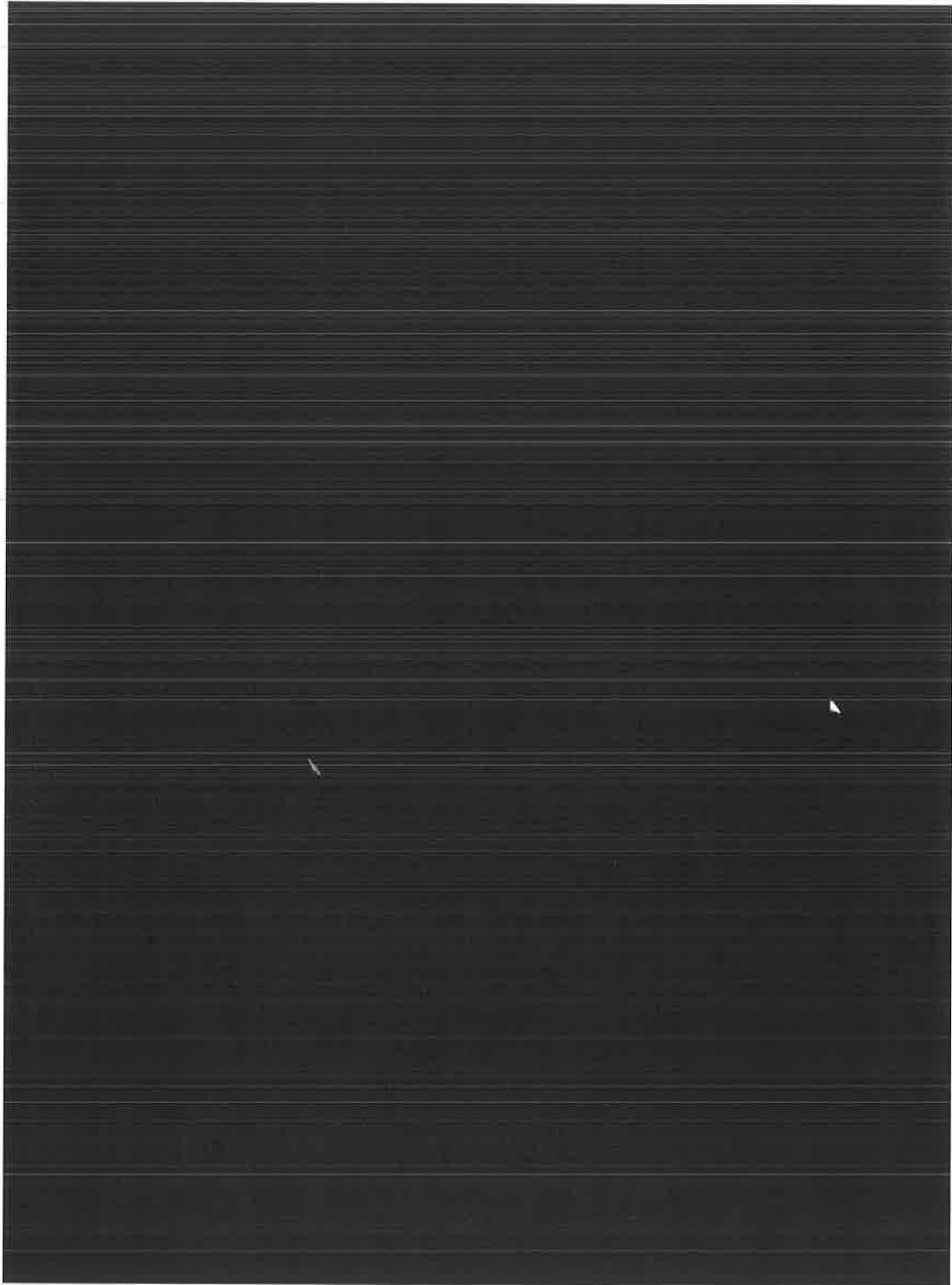


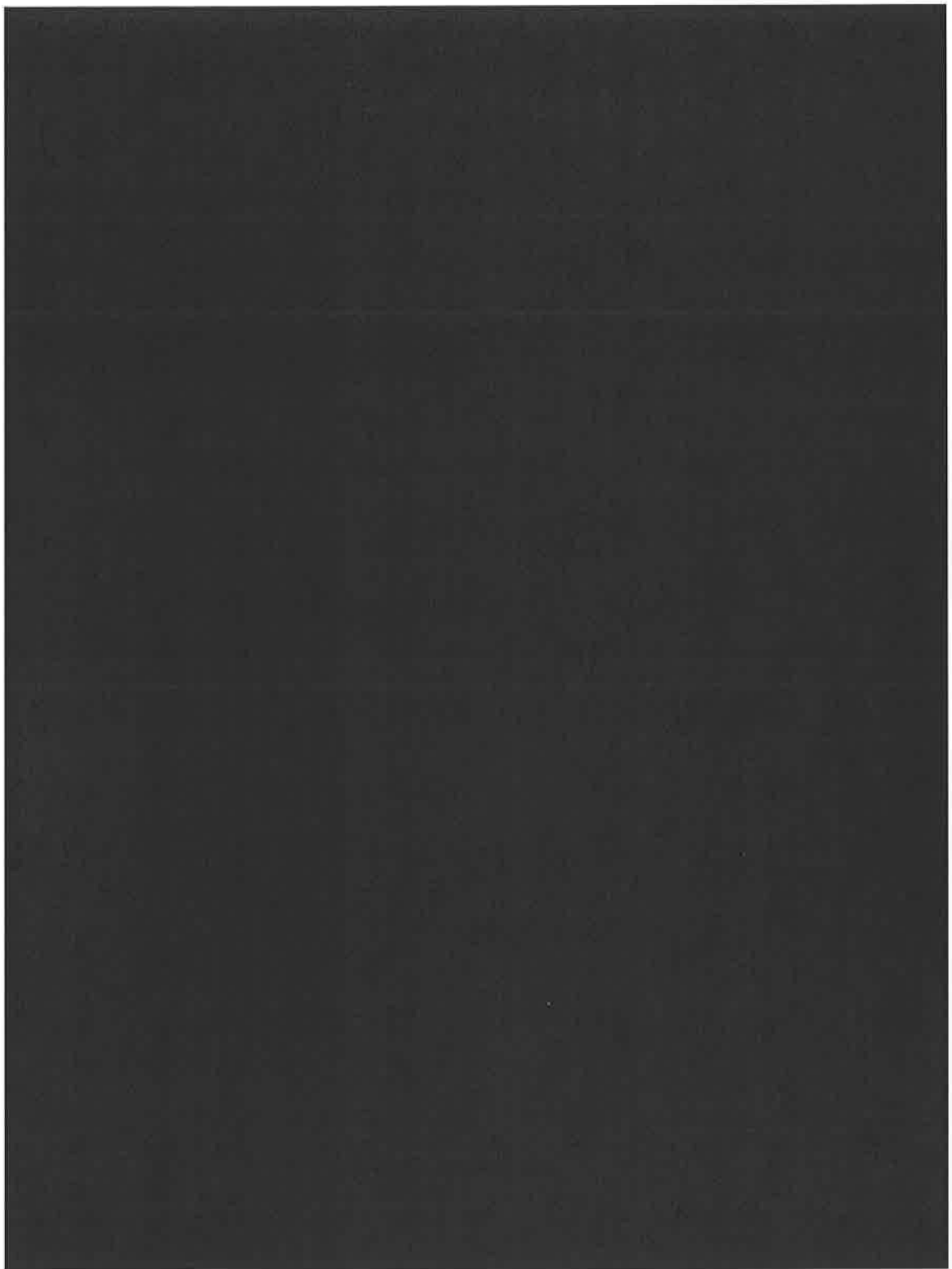


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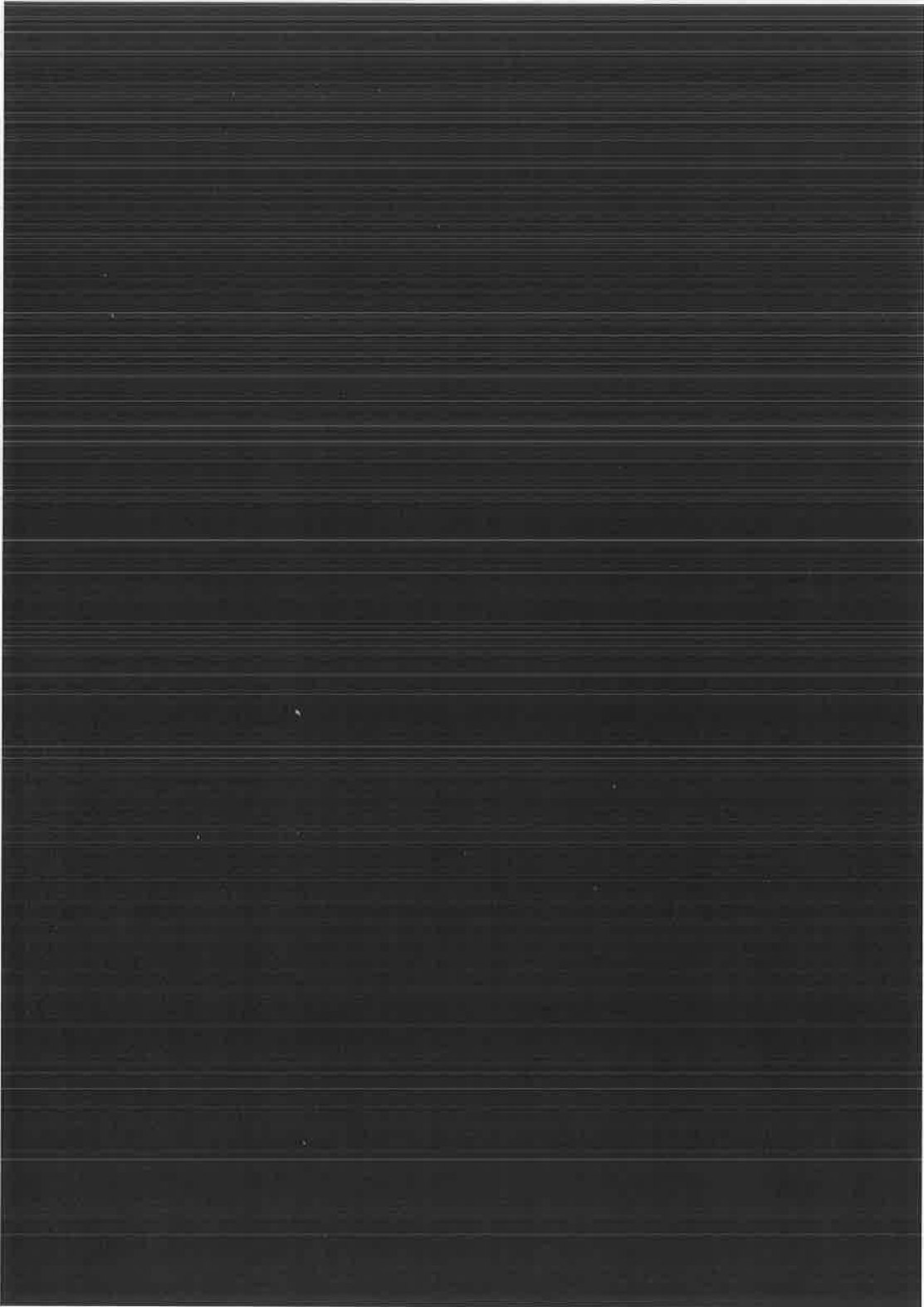


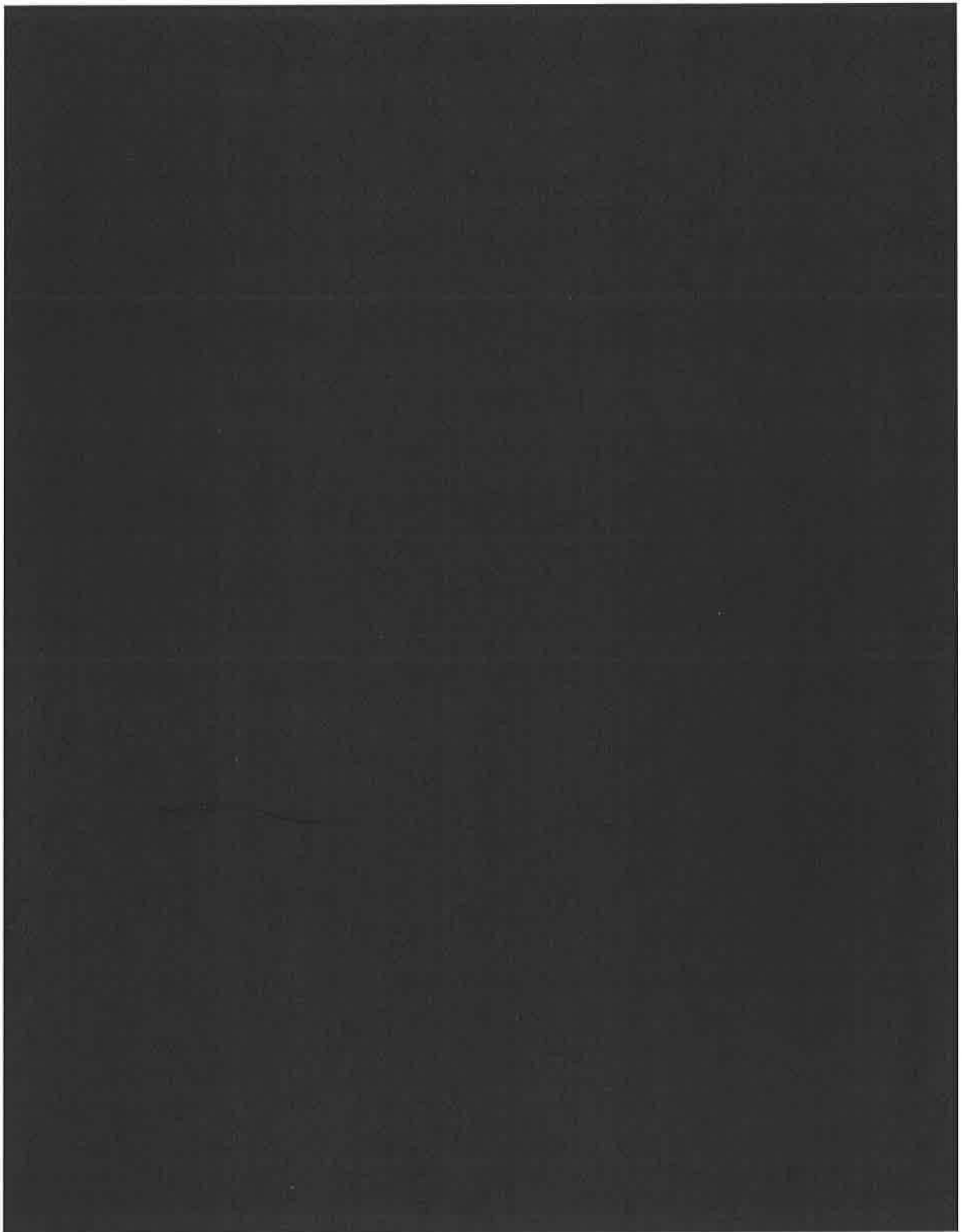


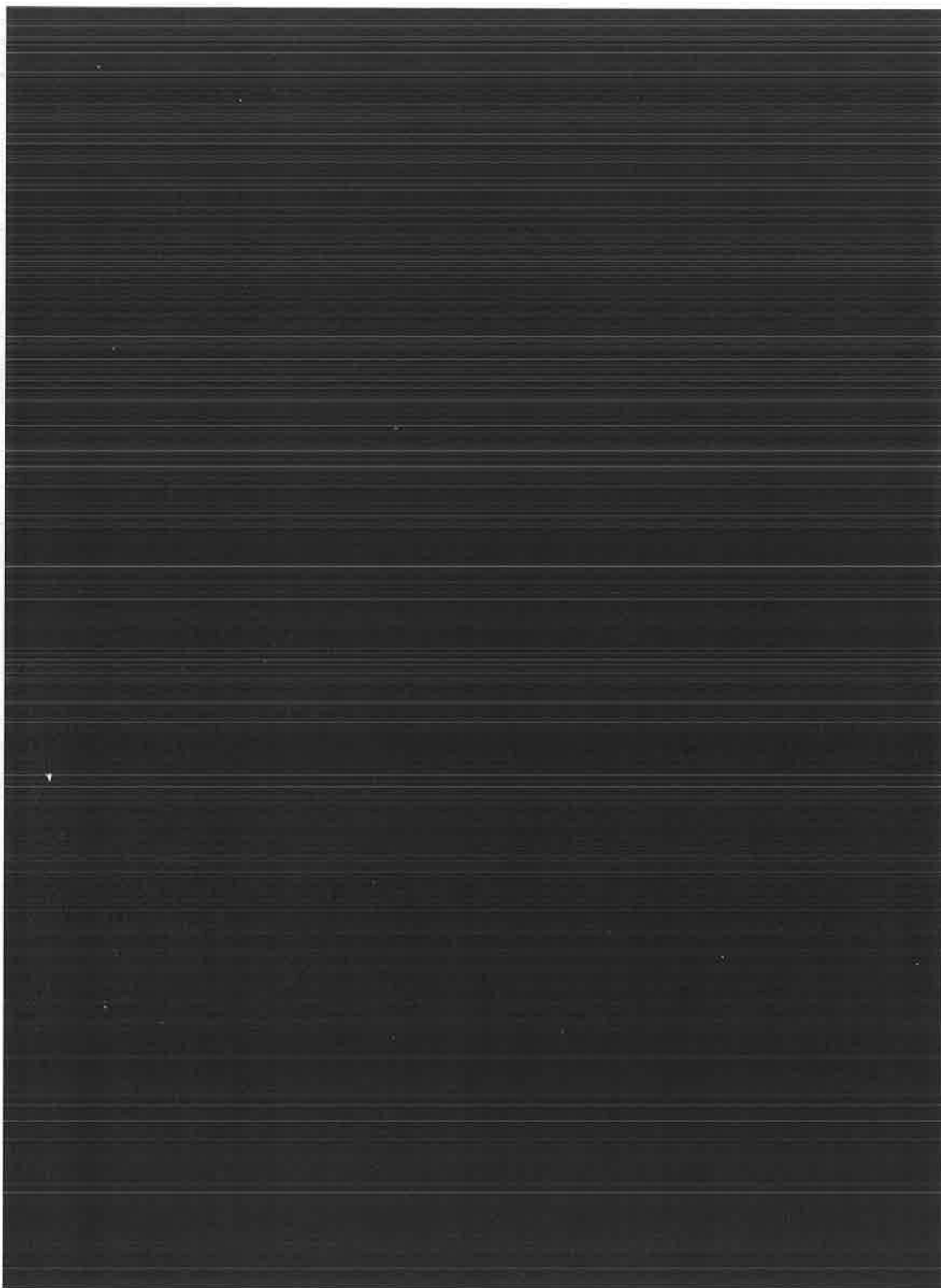


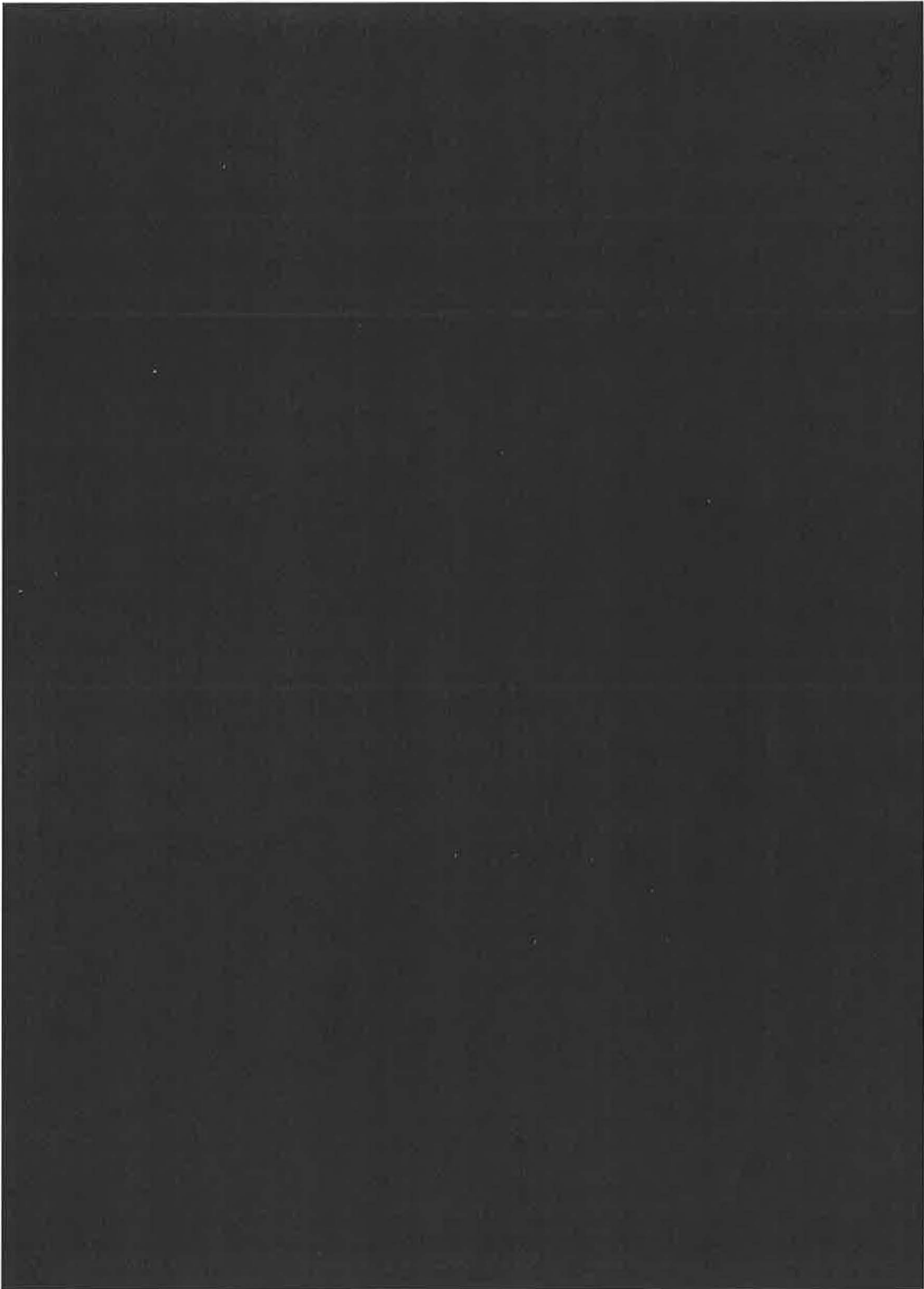


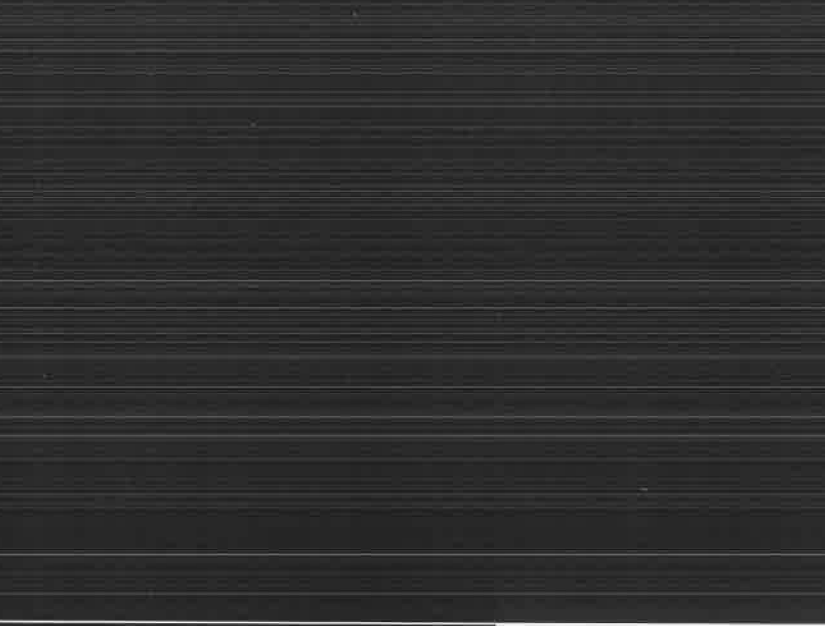
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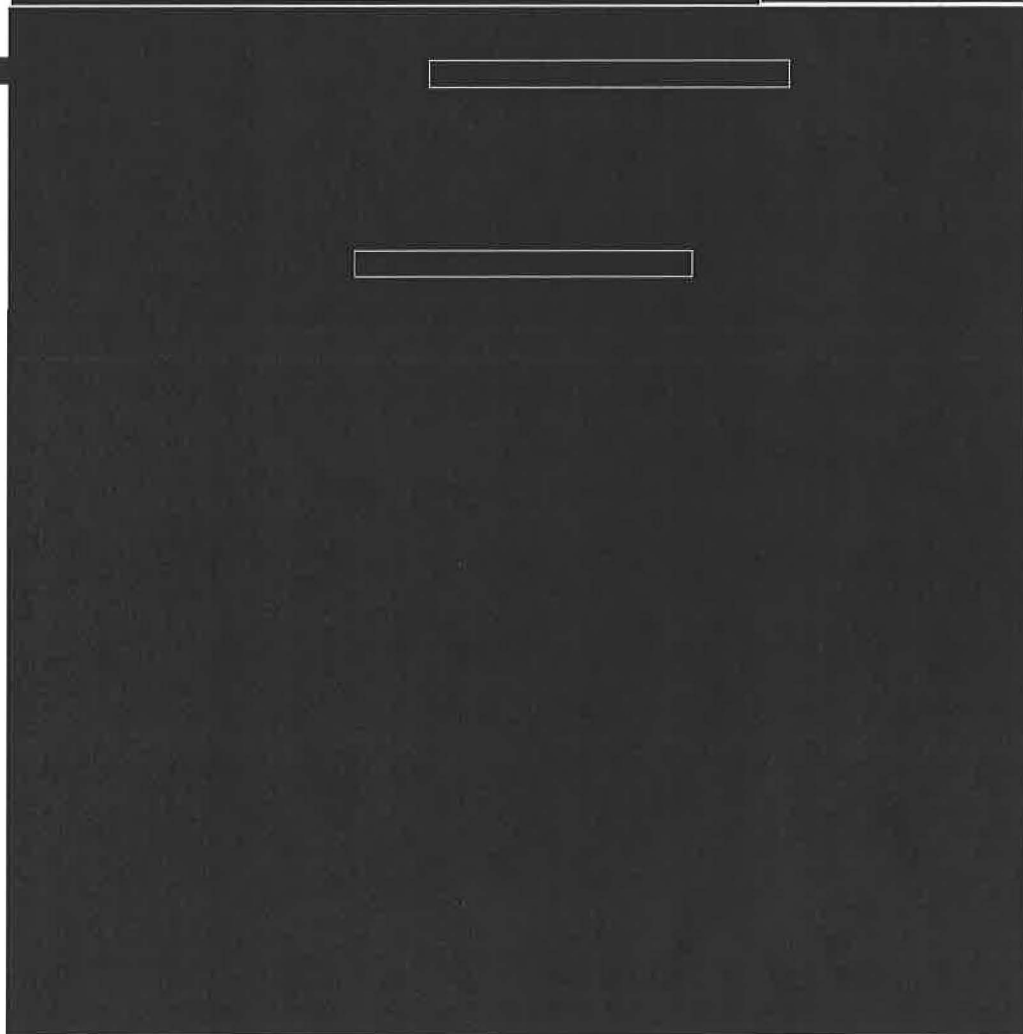
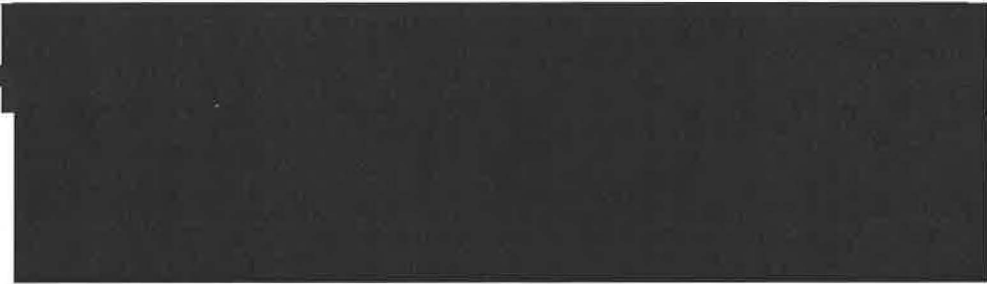








Circumstance	Percentage (%)
If someone is attacking you	~85
If someone is threatening you	~75
If someone is harassing you	~65
If someone is insulting you	~55
If someone is annoying you	~45



[REDACTED]

DATE
20150421

[REDACTED]

RE / OBJET:

[REDACTED]

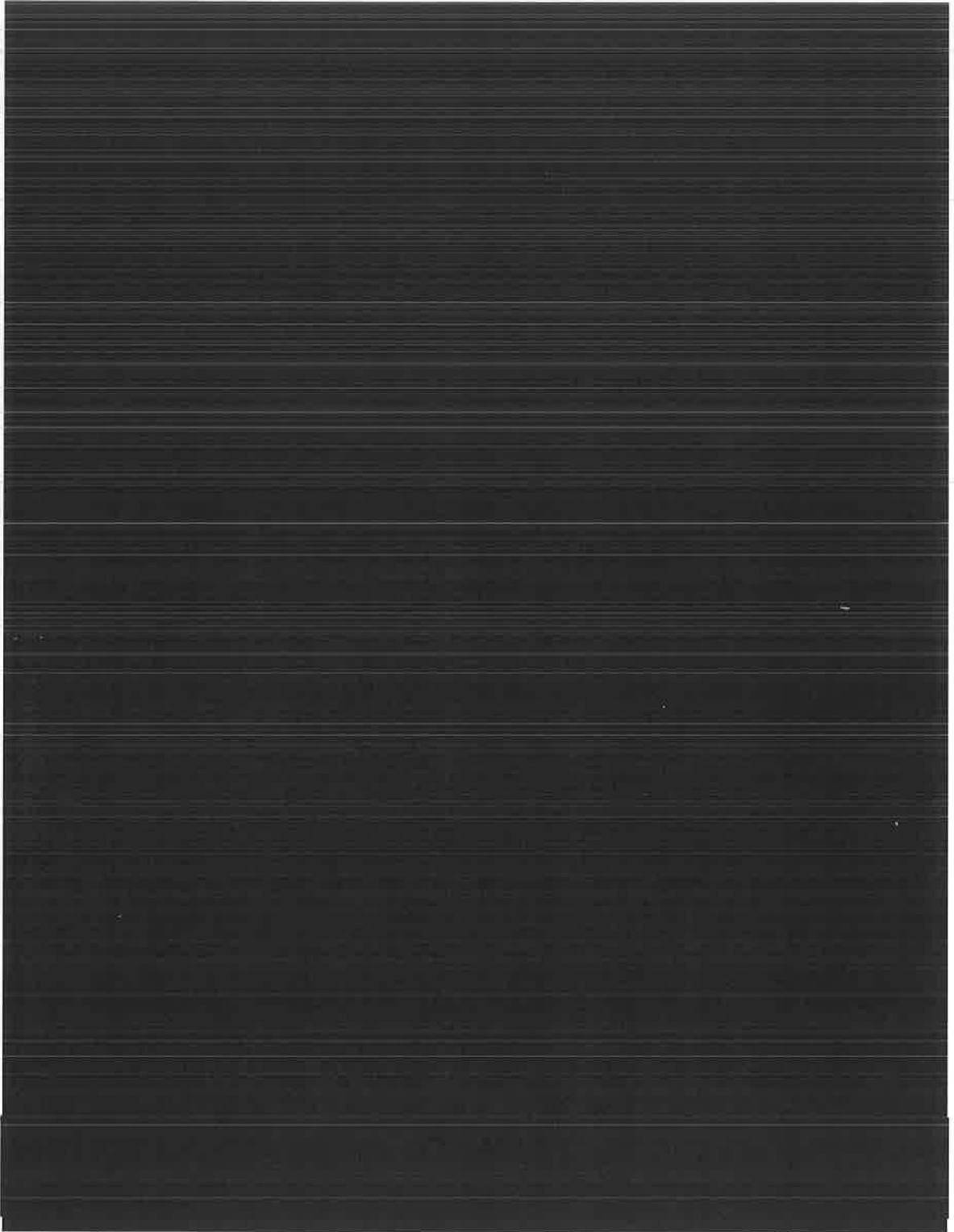
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[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]



[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]

DATE
20180415

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

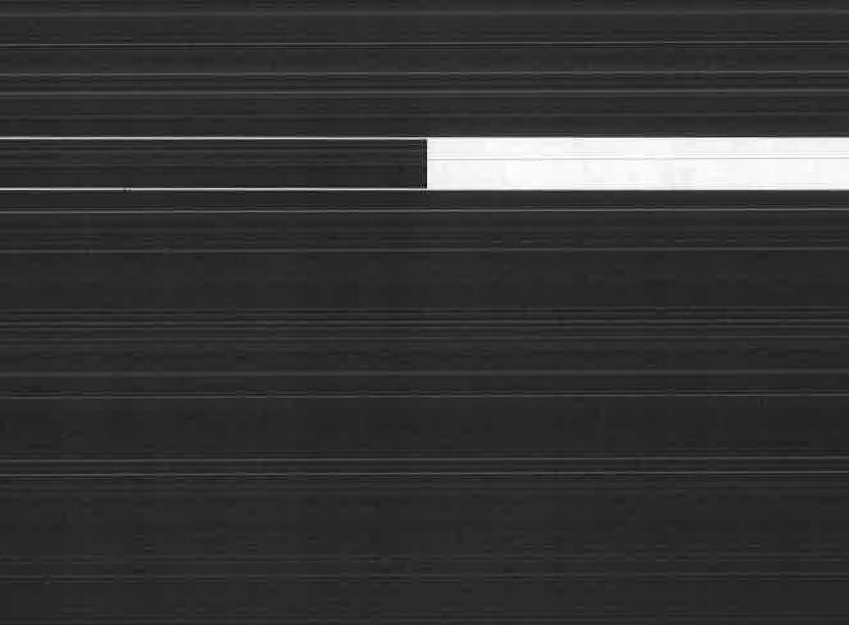
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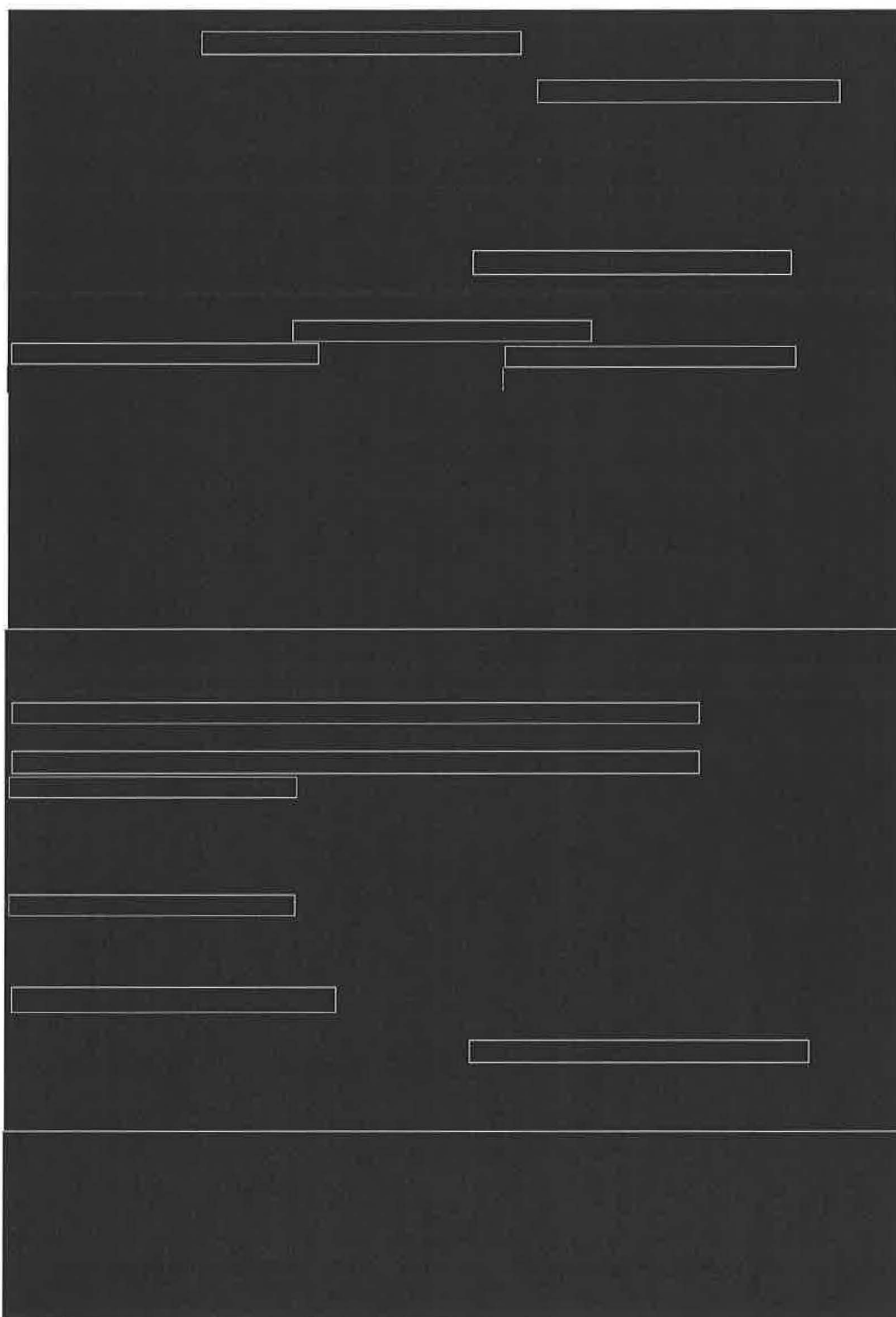
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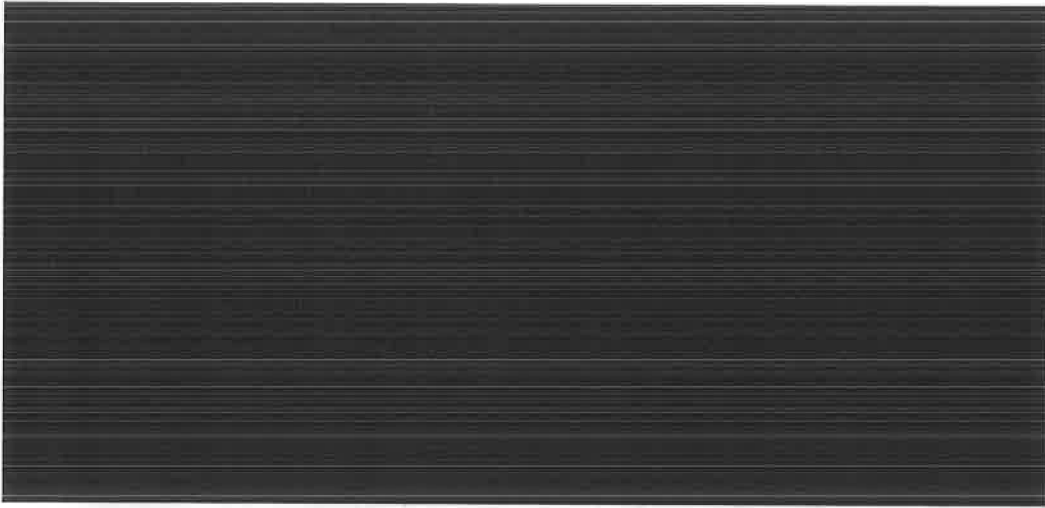
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[REDACTED]







DATE
20150325



RE / OBJET:



SYNOPSIS / SOMMAIRE:

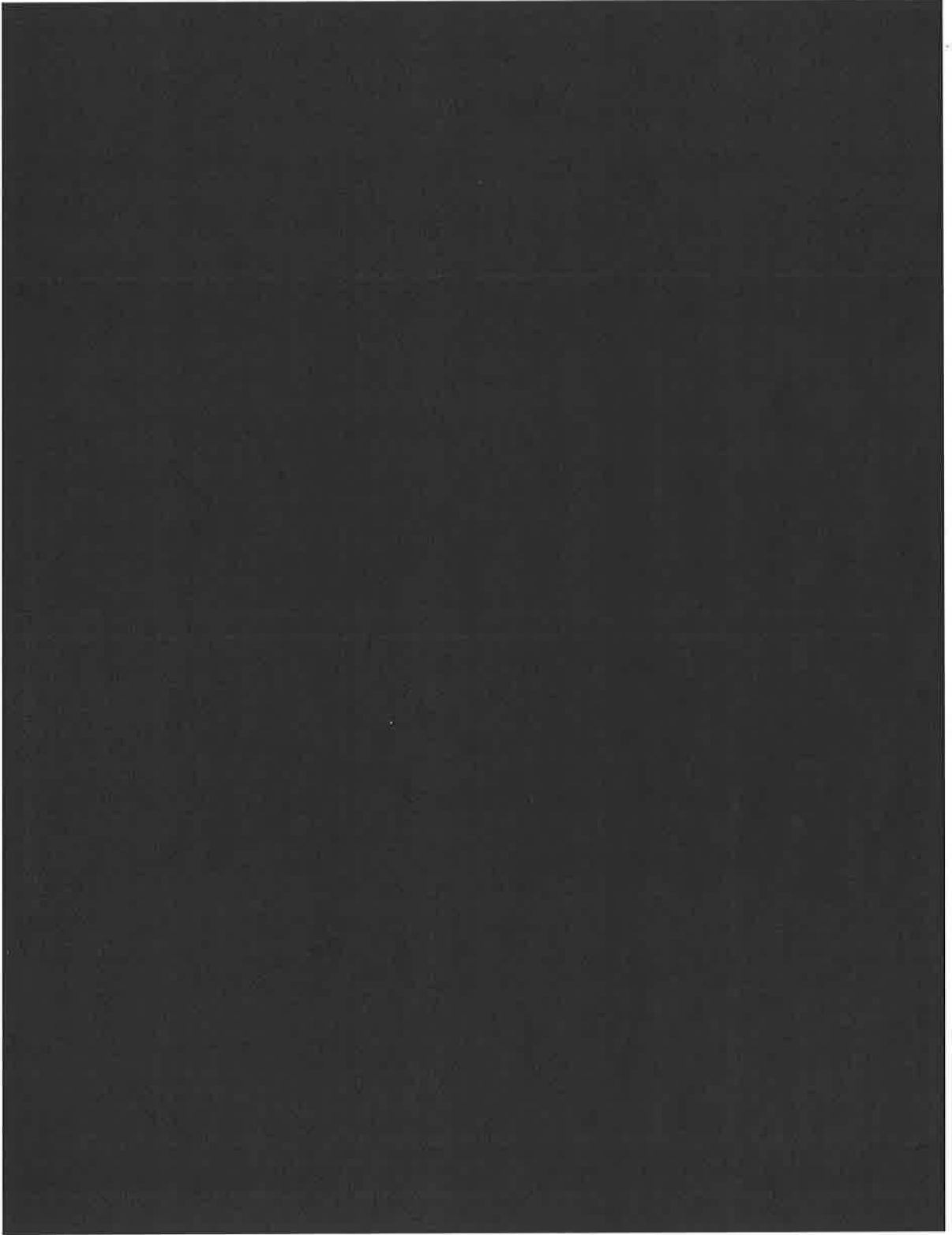


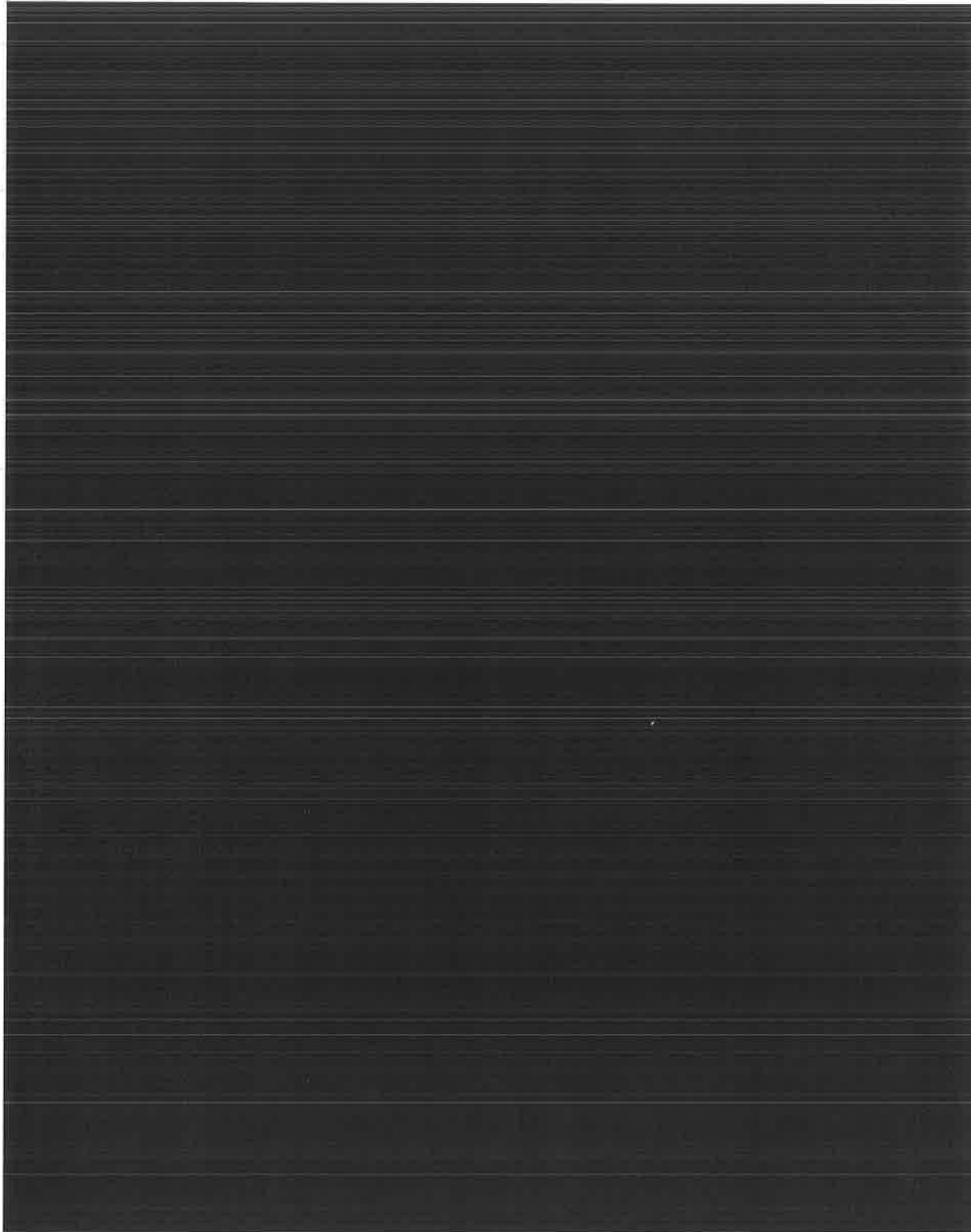
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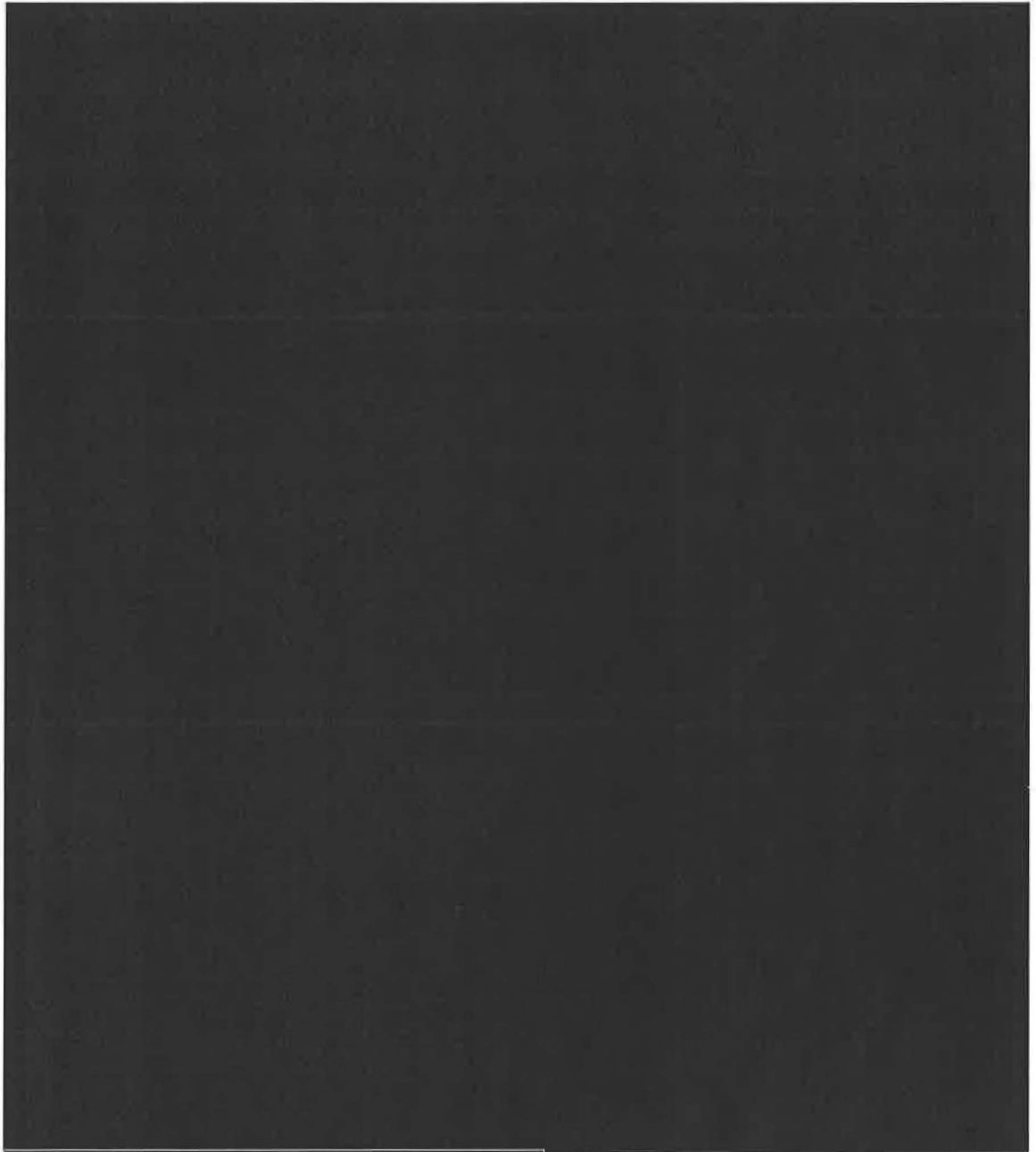
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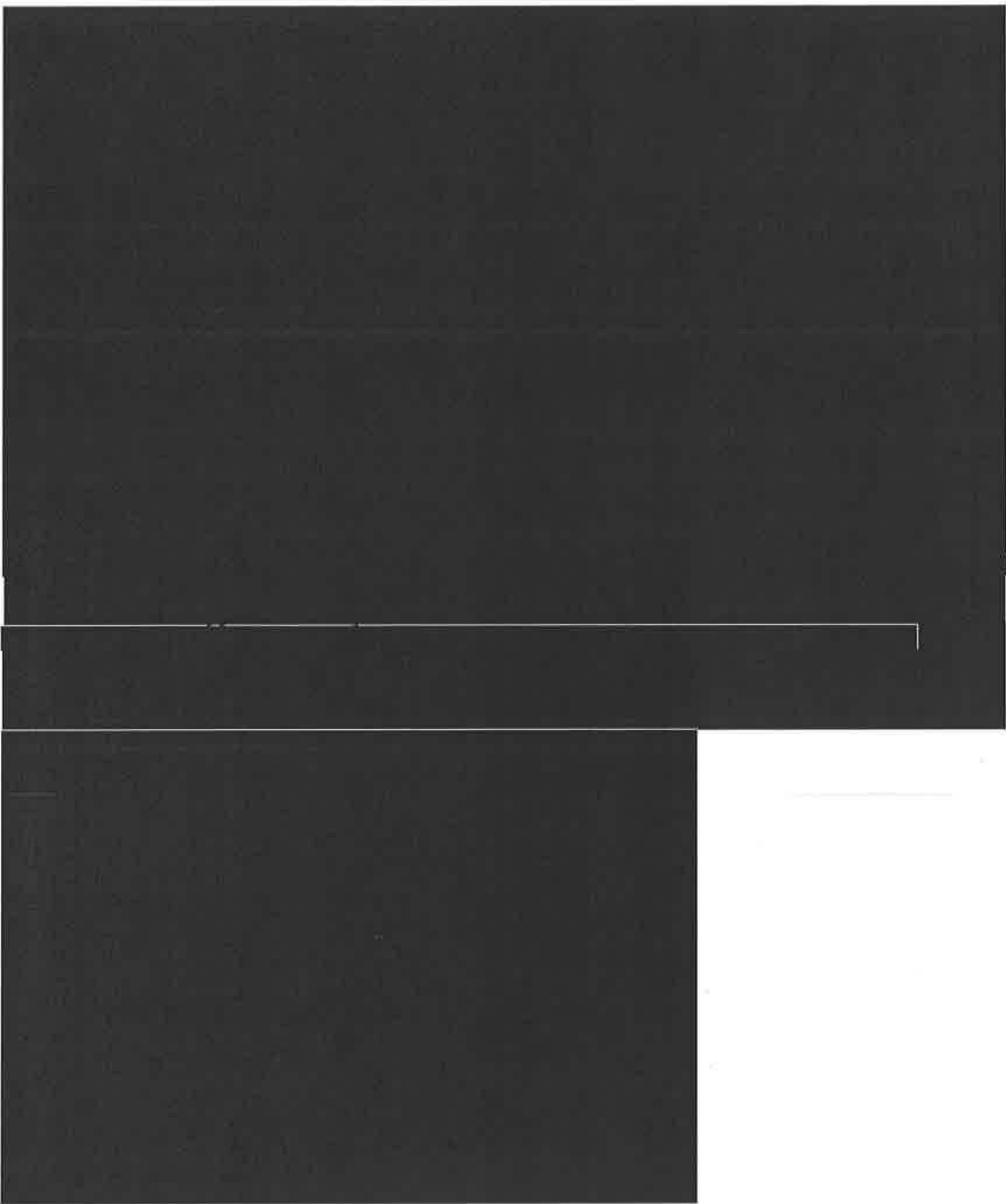
[REDACTED]







This image is a dark gray, almost black, rectangular area representing a redacted page. It contains three white rectangular boxes: one in the middle left and two at the bottom, suggesting redacted text or images.



[REDACTED]

DATE
20190313

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

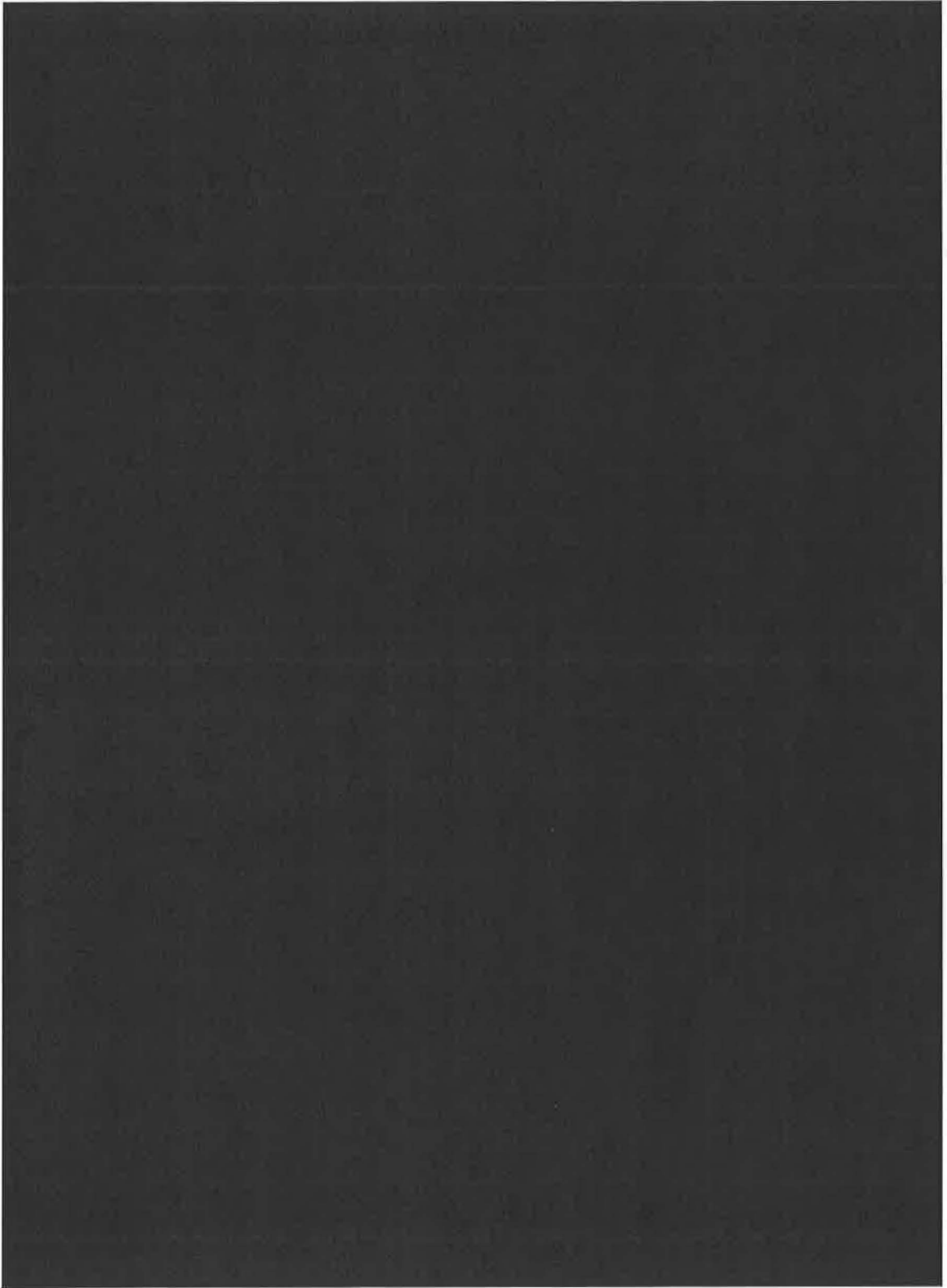
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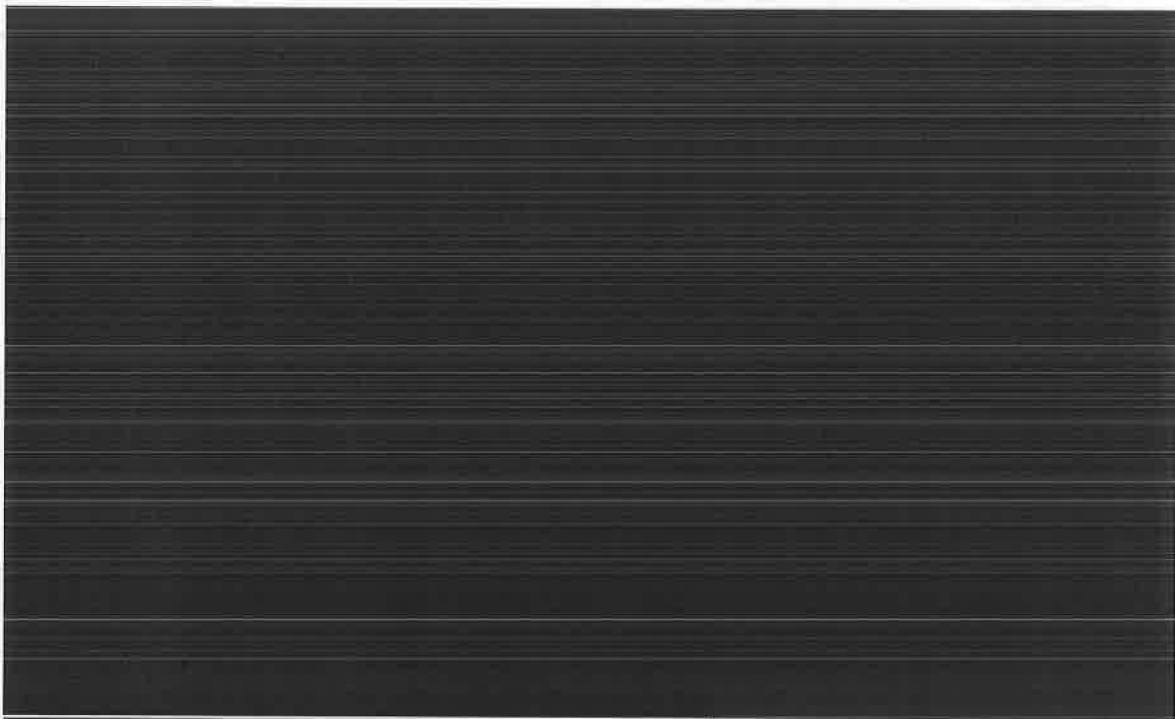
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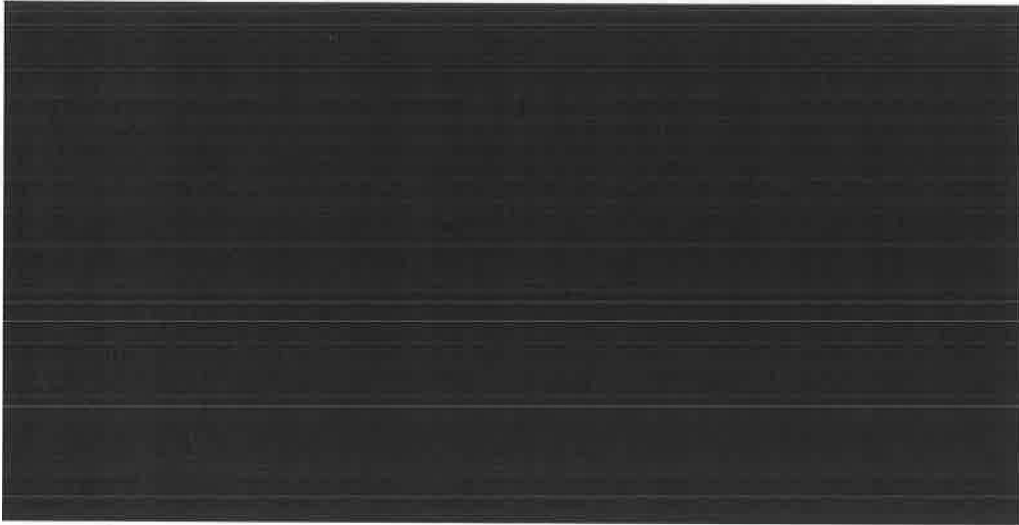
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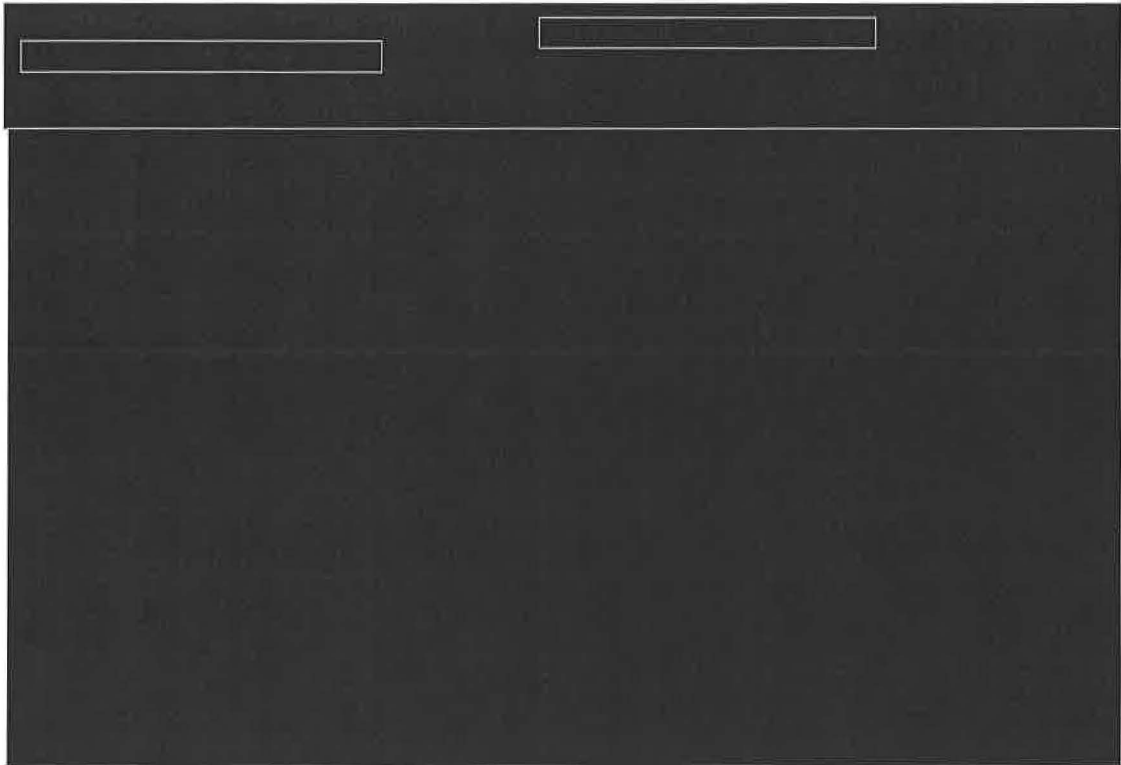


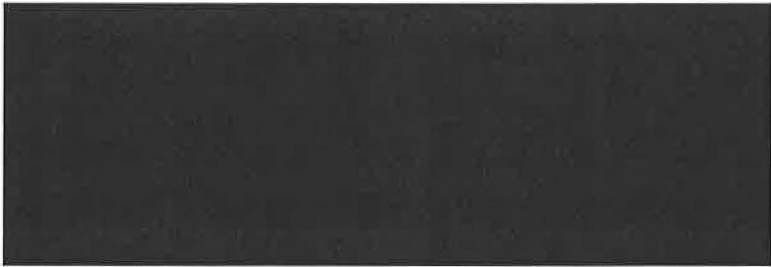


ANALYSIS / ANALYSE:

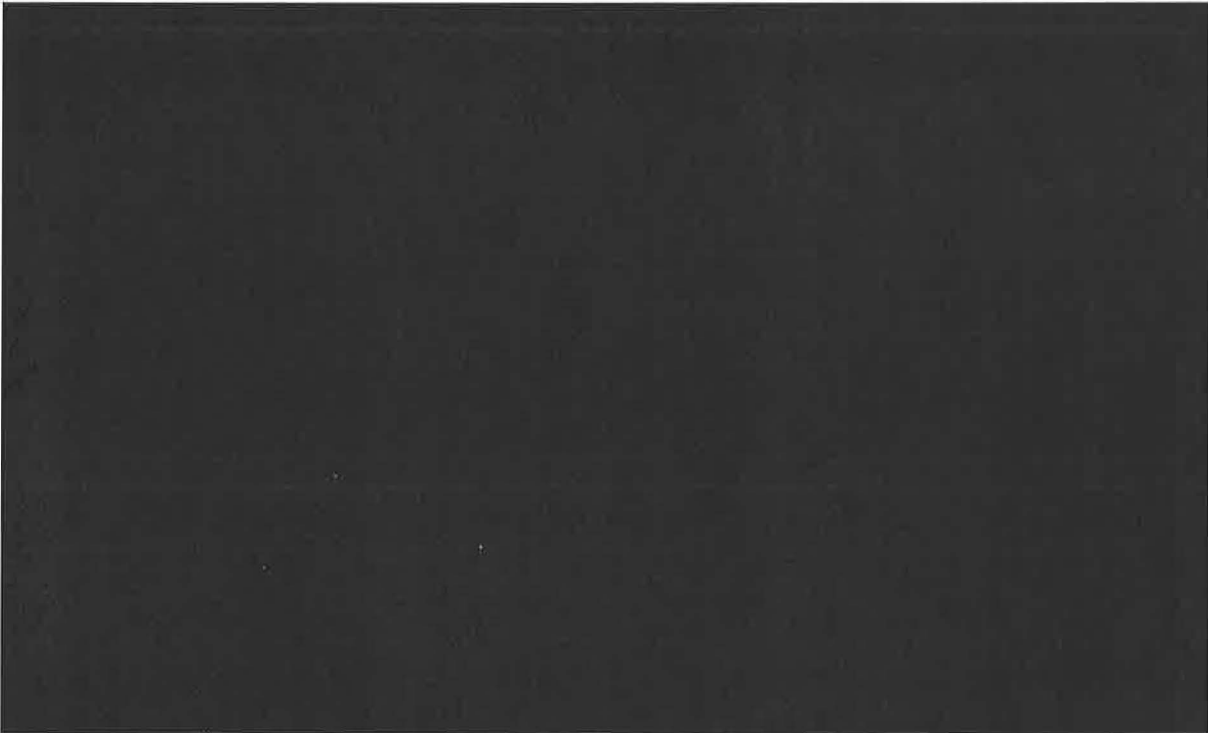
2) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.







DATE
20150313



RE / OBJET:



SYNOPSIS / SOMMAIRE:

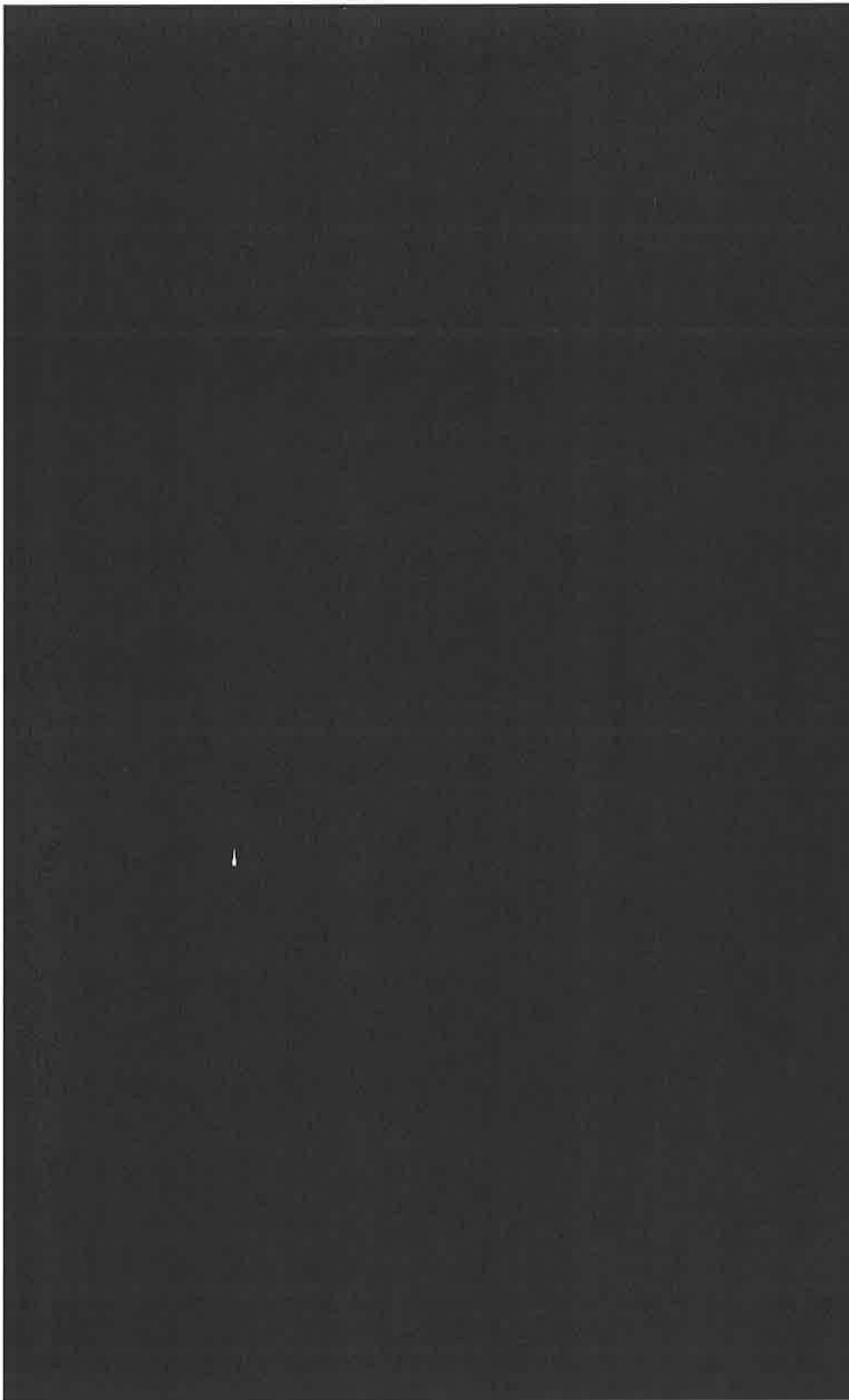


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INFORMATION / RENSEIGNEMENTS:

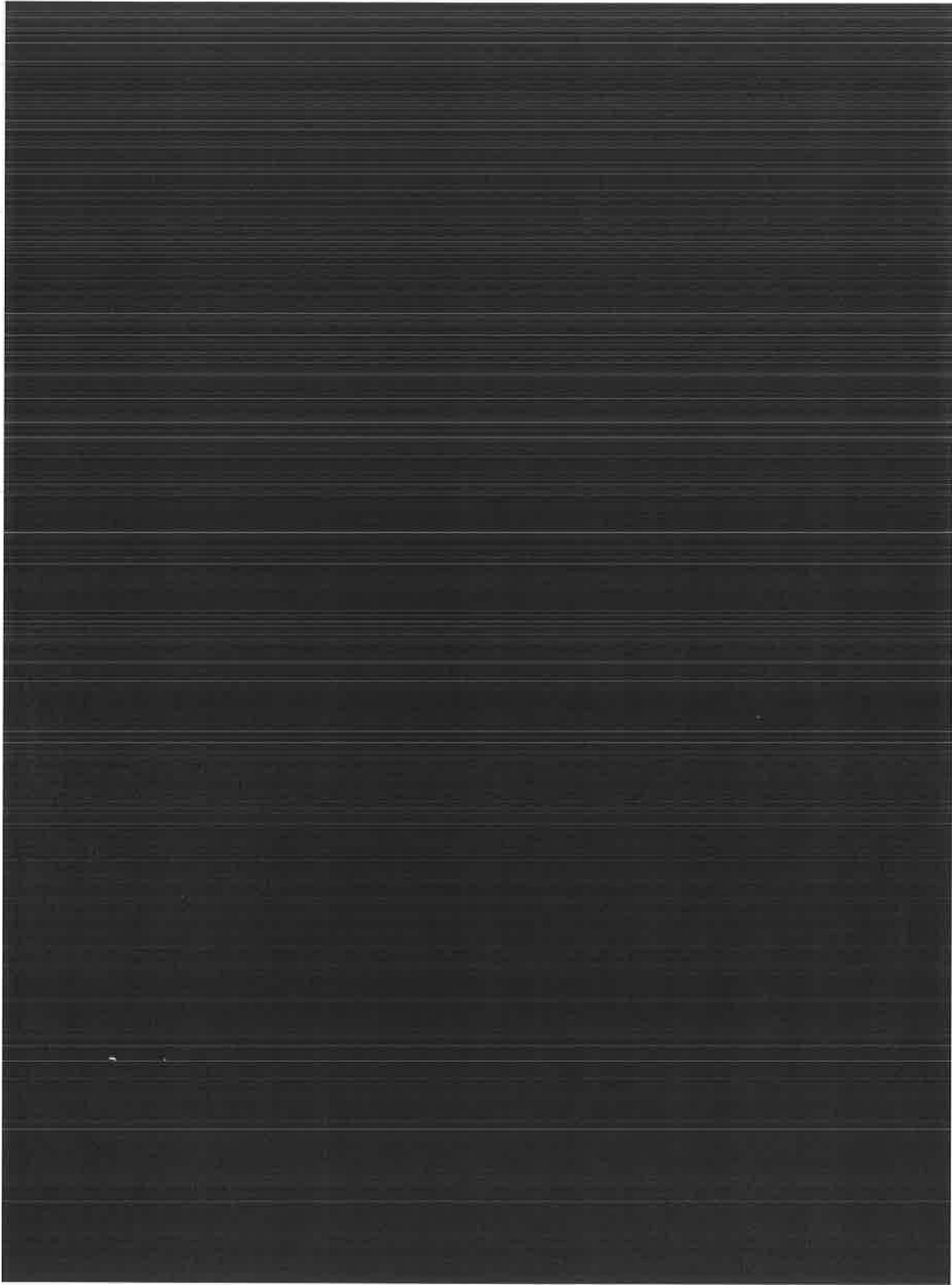
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[REDACTED]



Tab/Onglet 6

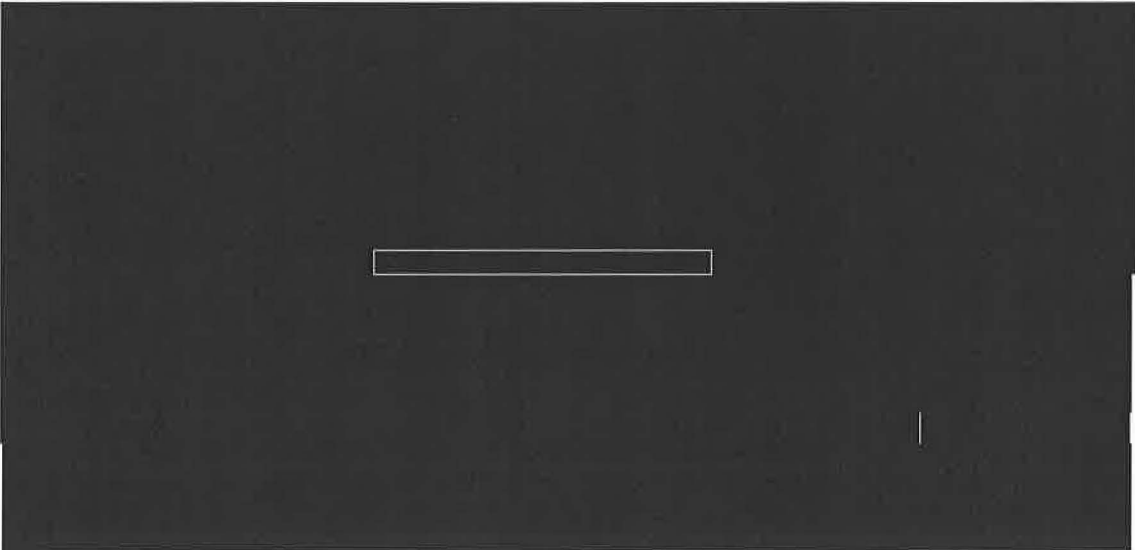
Page 2065

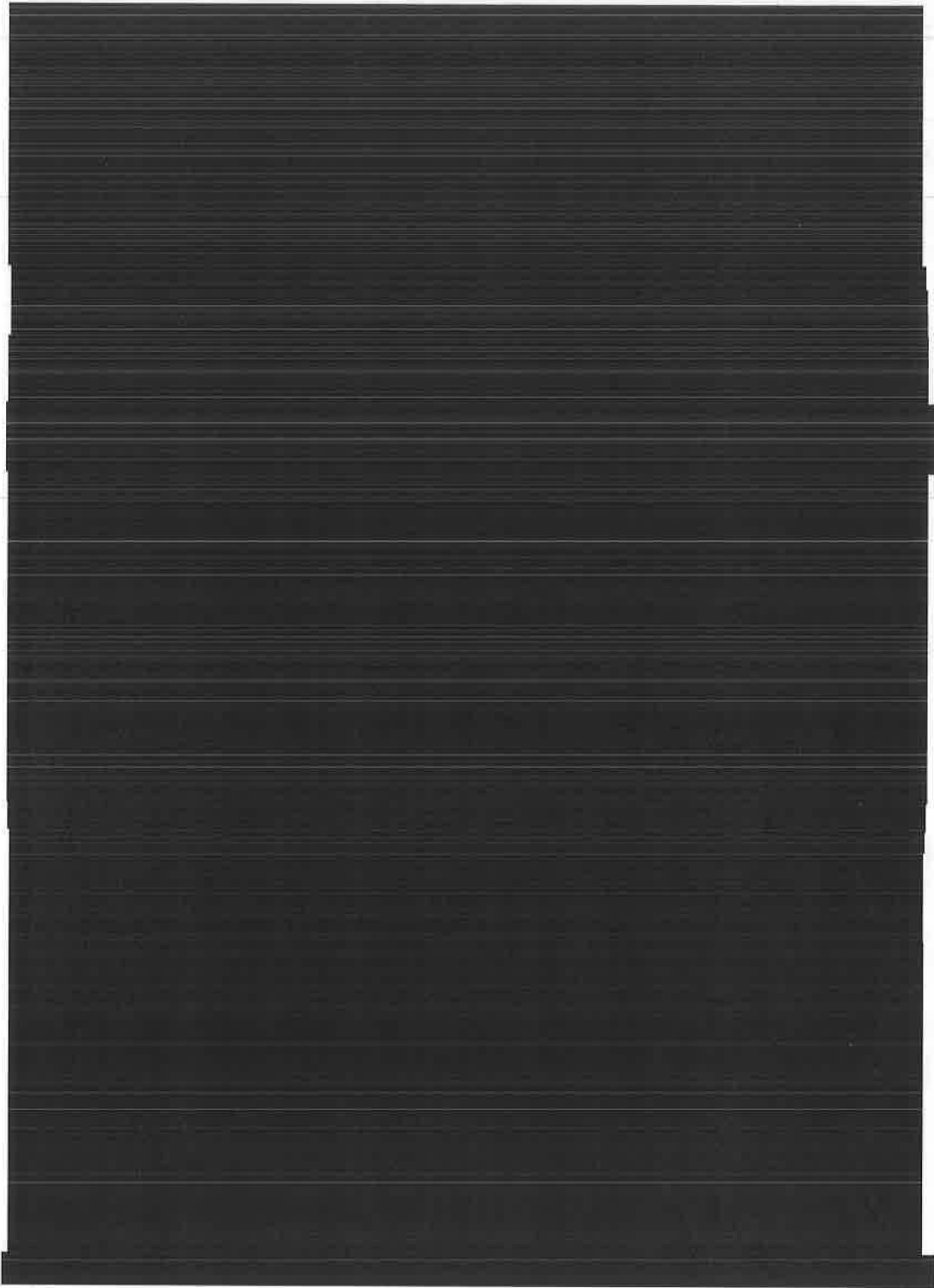


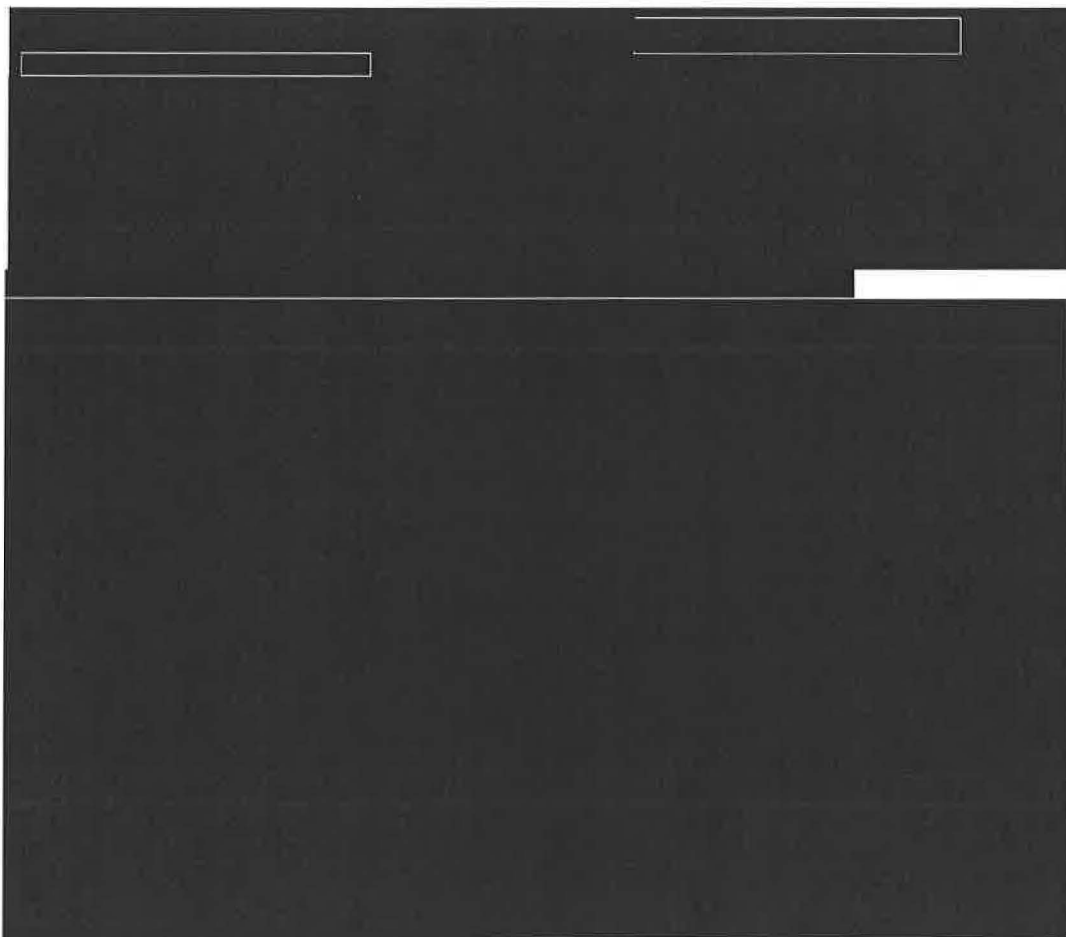


ANALYSIS / ANALYSE:

2) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

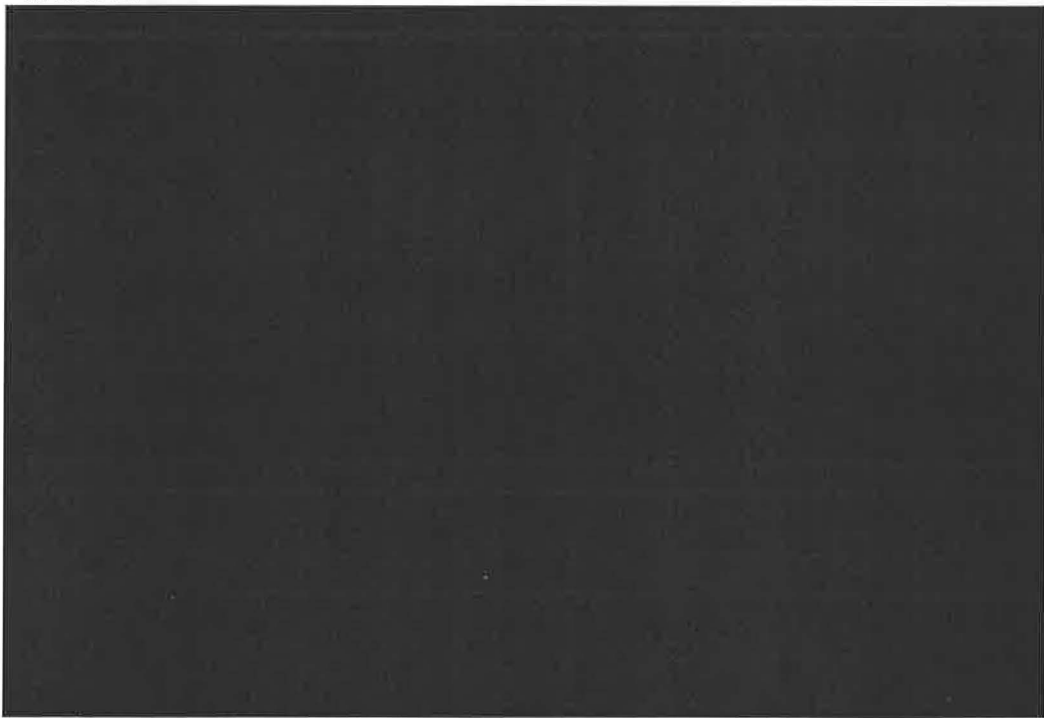




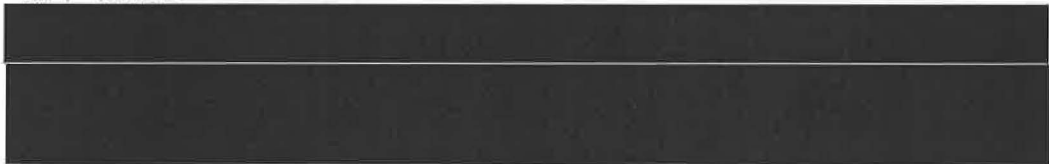




DATE
20150312

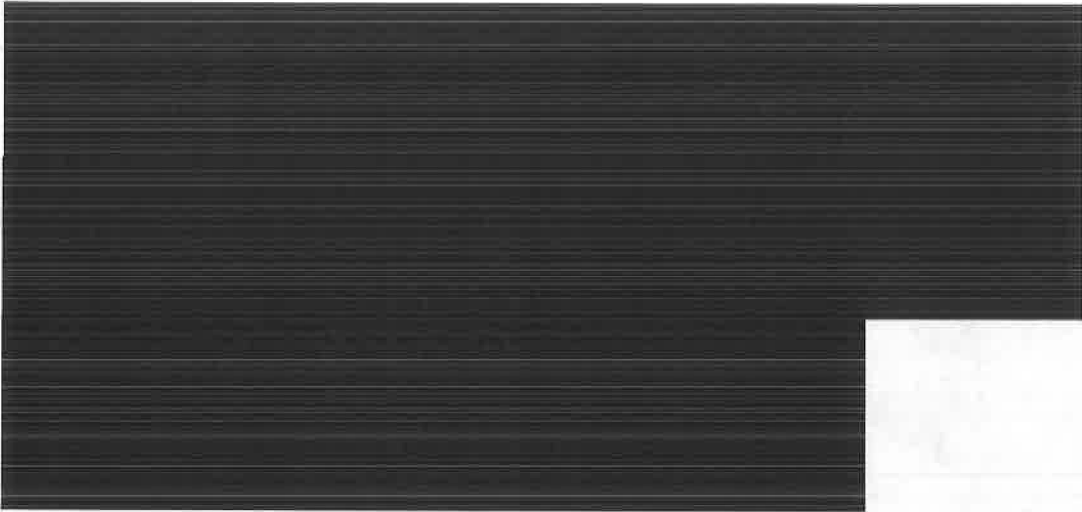


RE / OBJET:

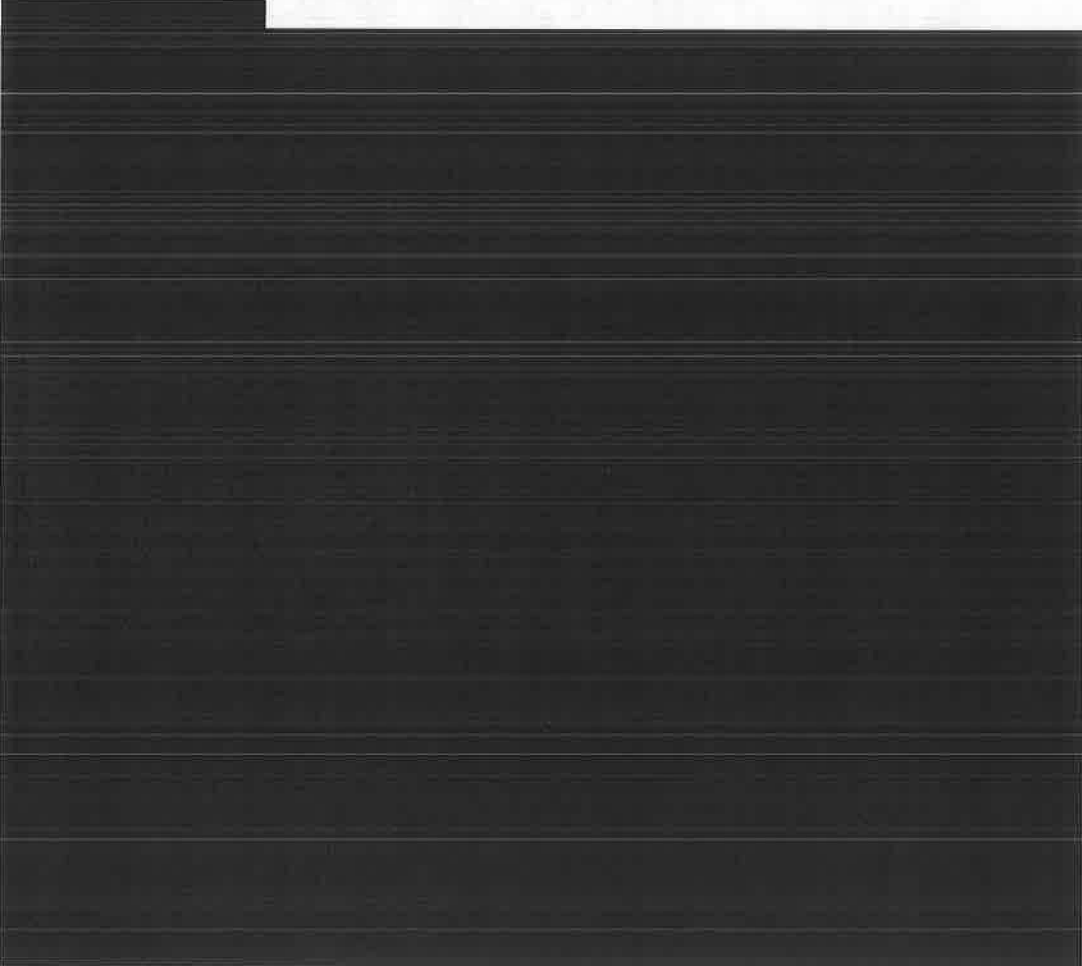


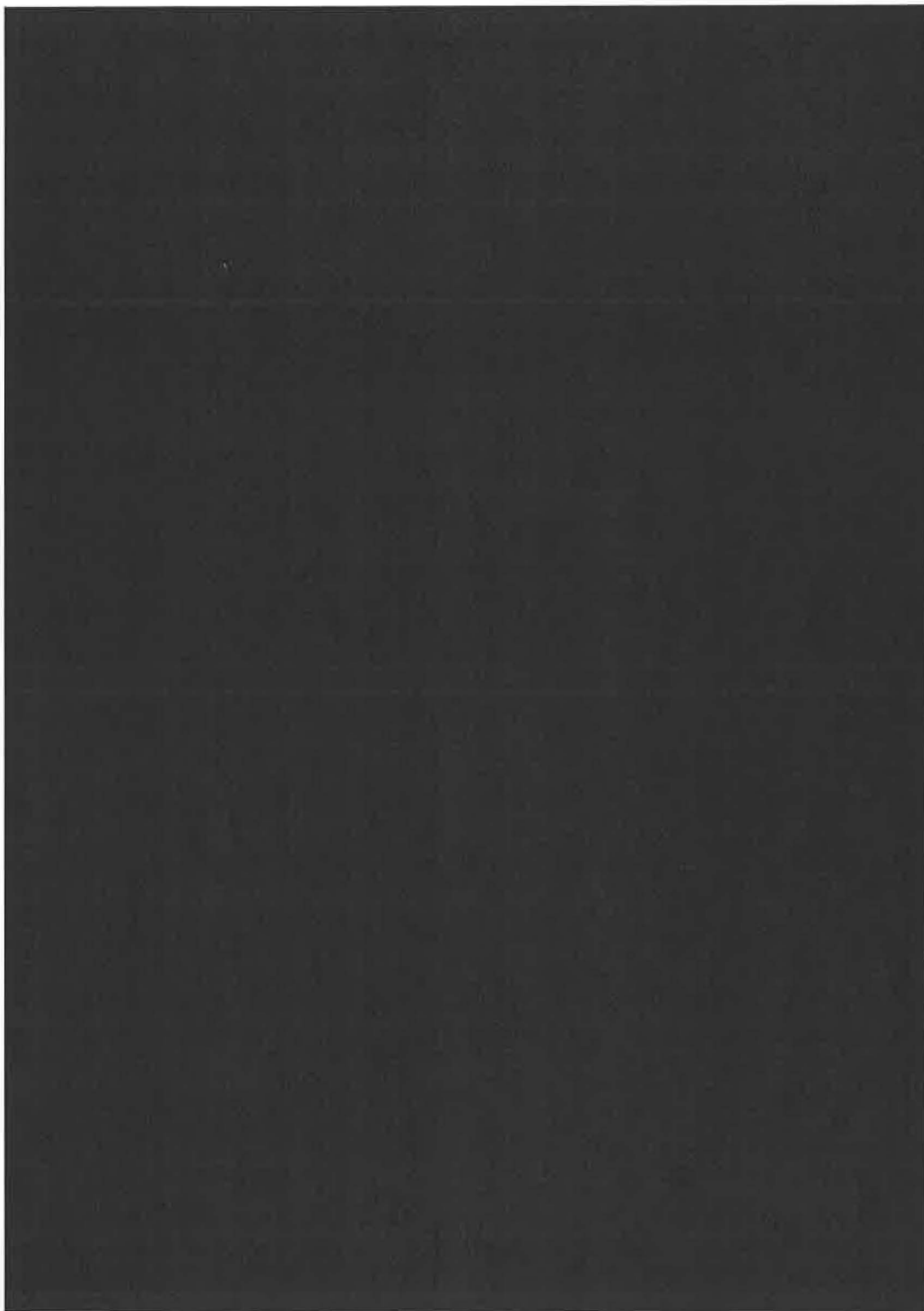
SYNOPSIS / SOMMAIRE:



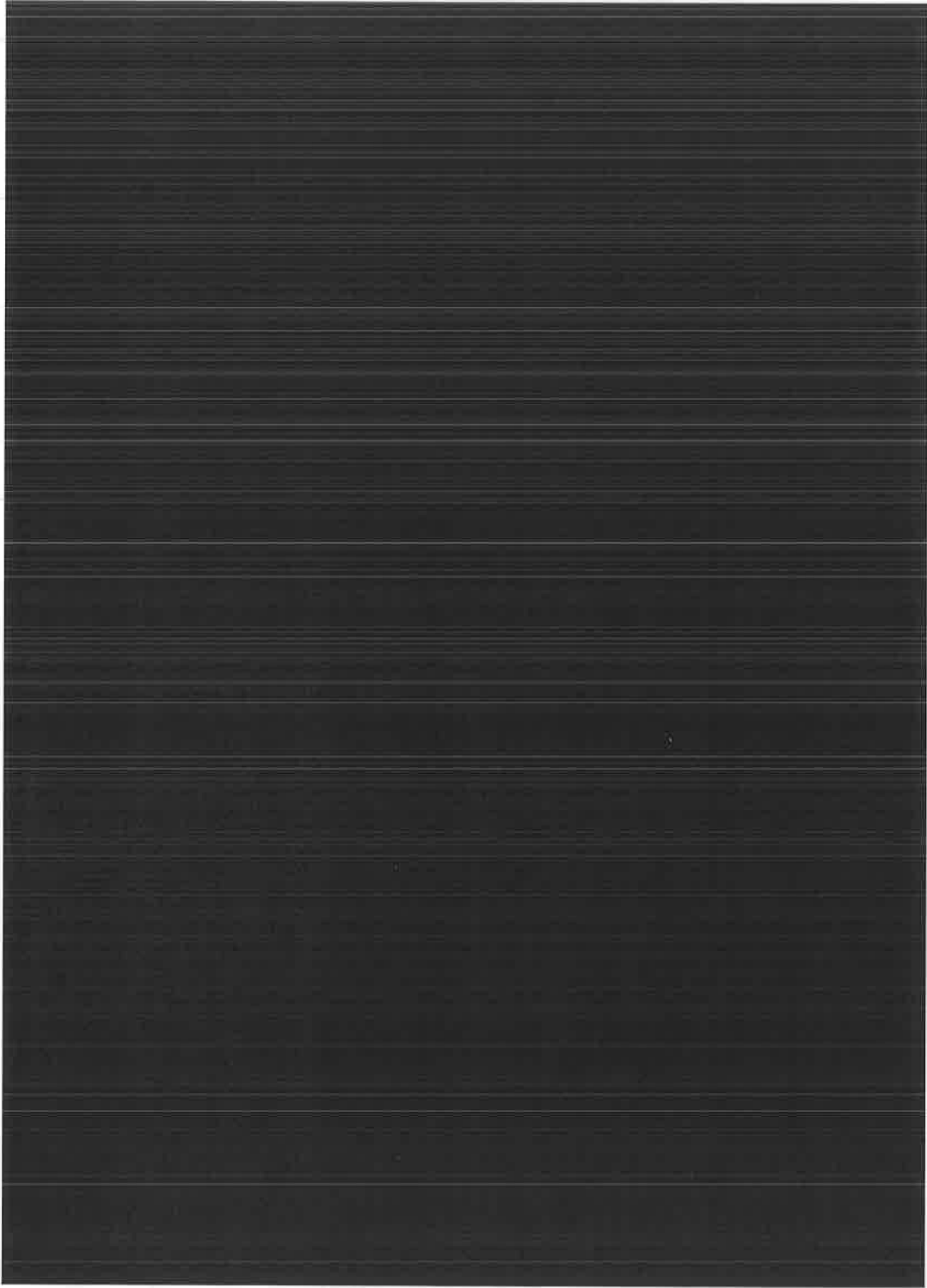


INFORMATION / RENSEIGNEMENTS:





[Redacted]



[REDACTED]

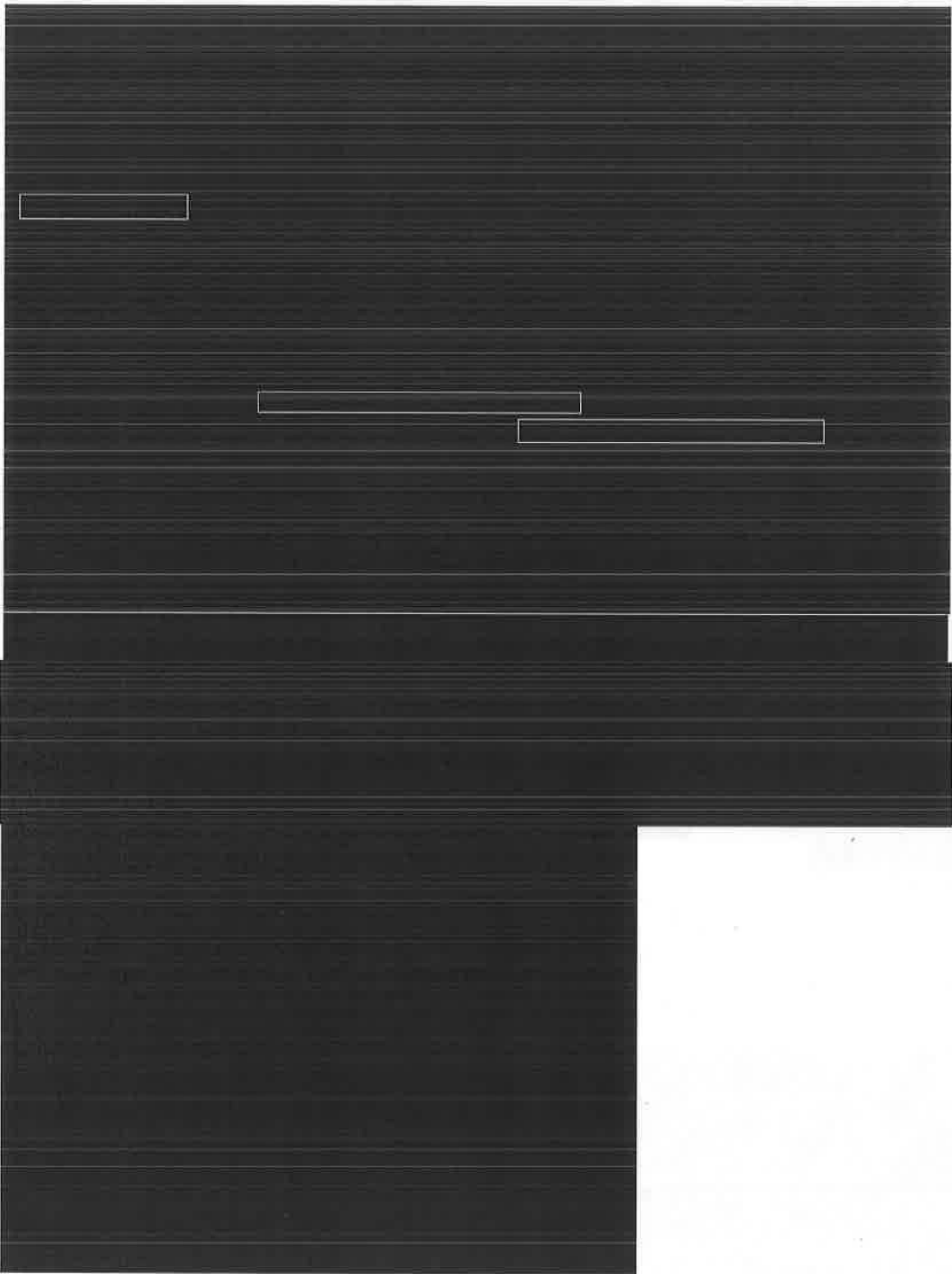
[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

12) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

[REDACTED]



[Redacted]

[REDACTED]

DATE
20150312

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

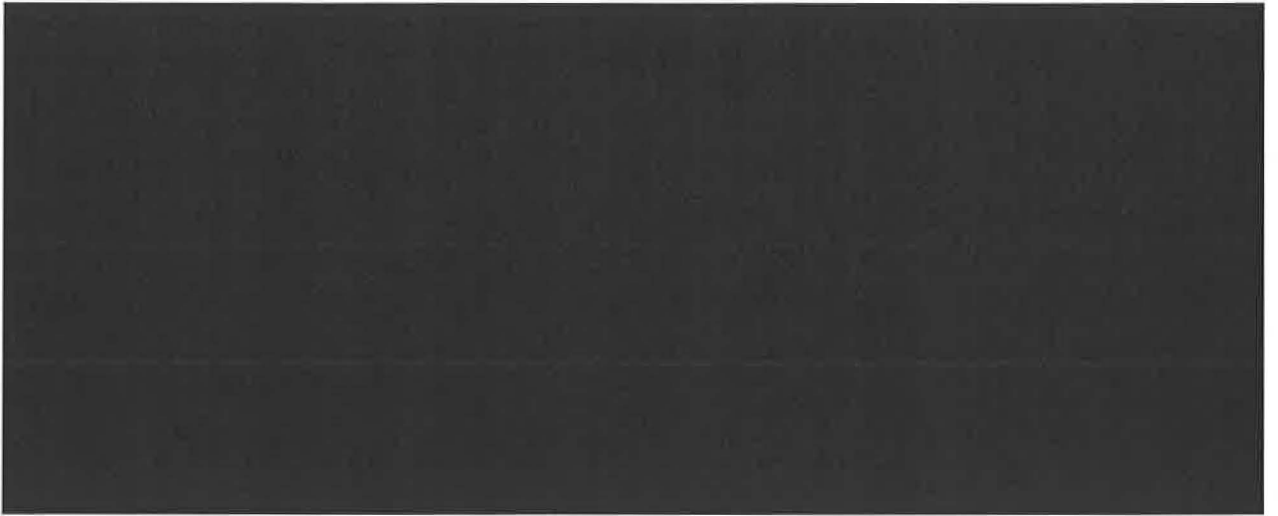
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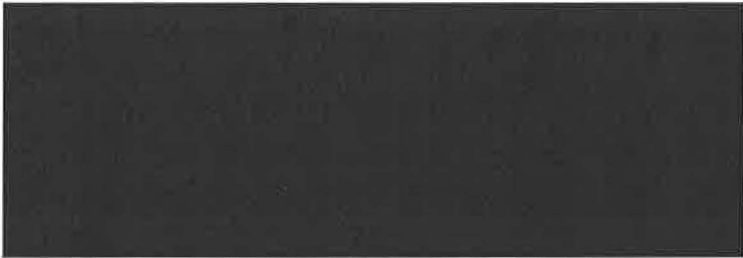
ANALYSIS / ANALYSE:

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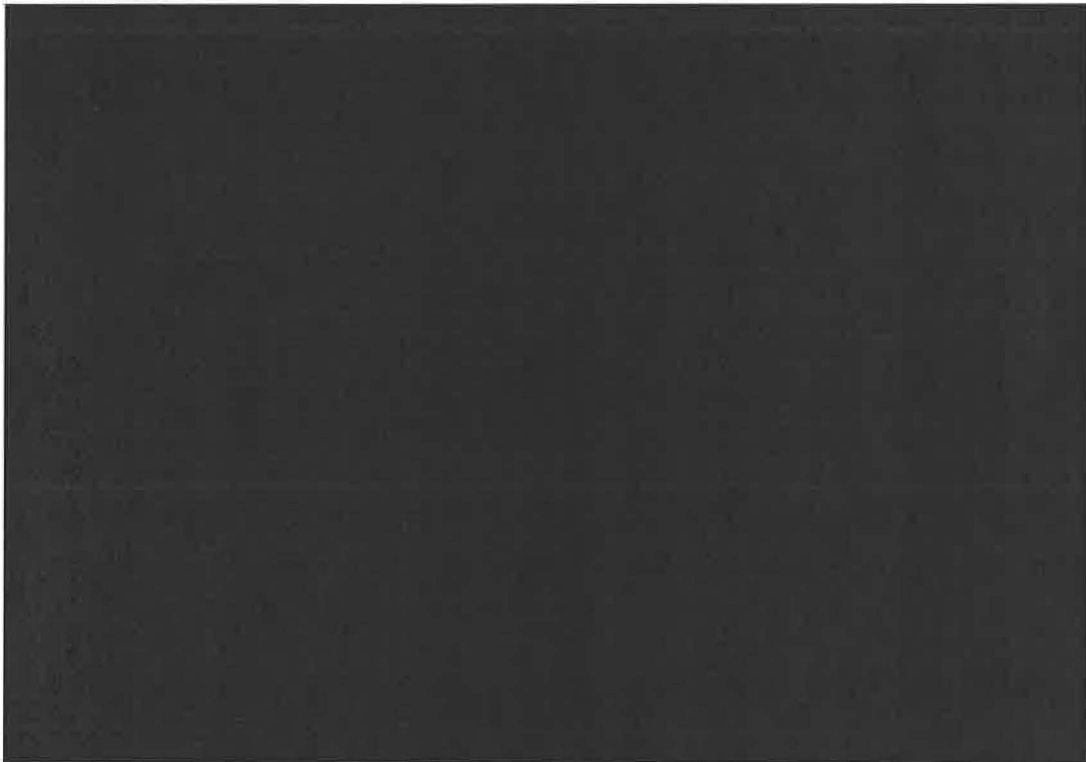
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[REDACTED]

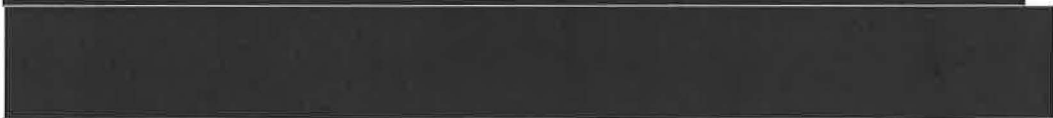




DATE
20150310



RE / OBJET:



SYNOPSIS / SOMMAIRE:



[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

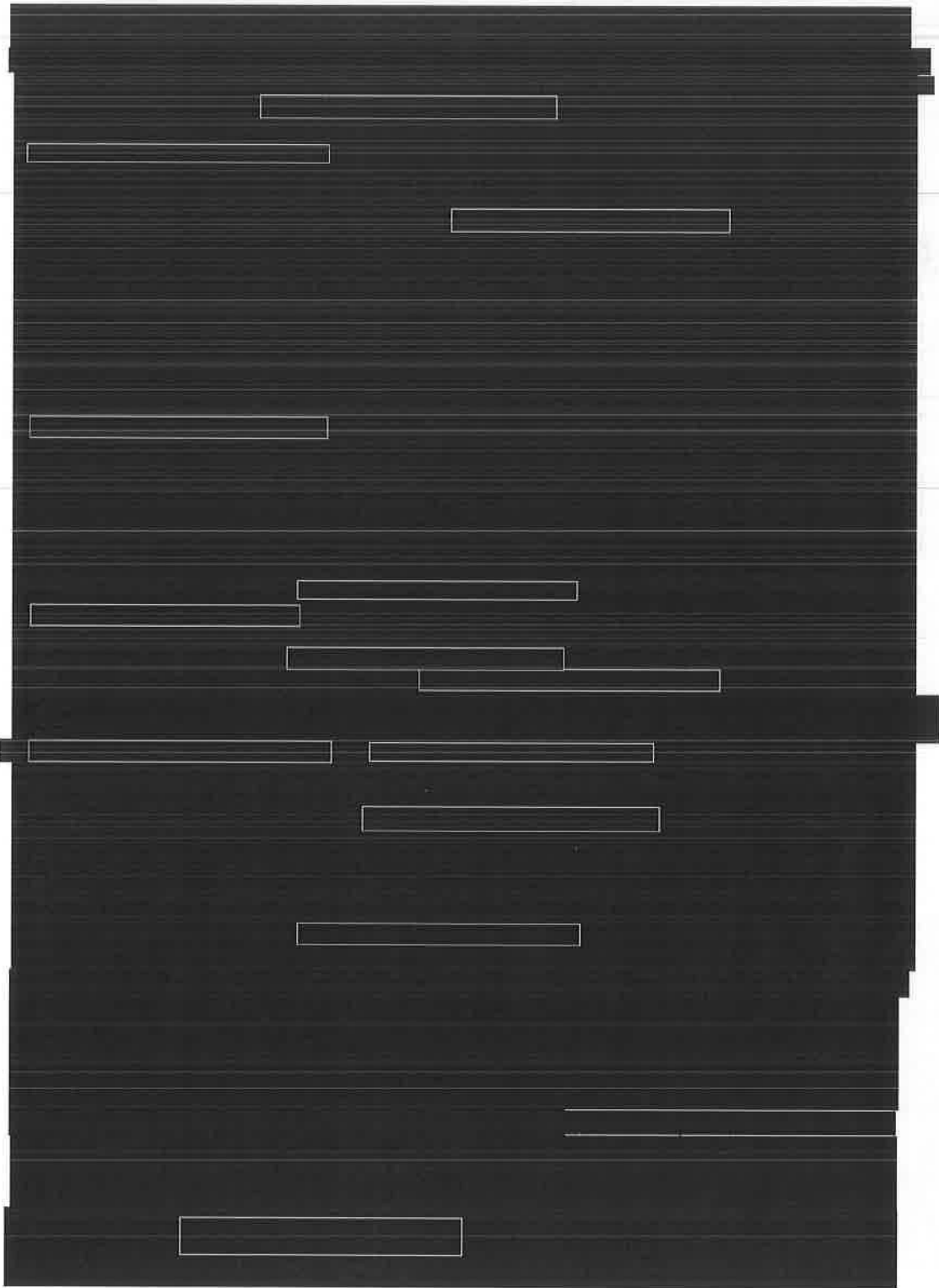
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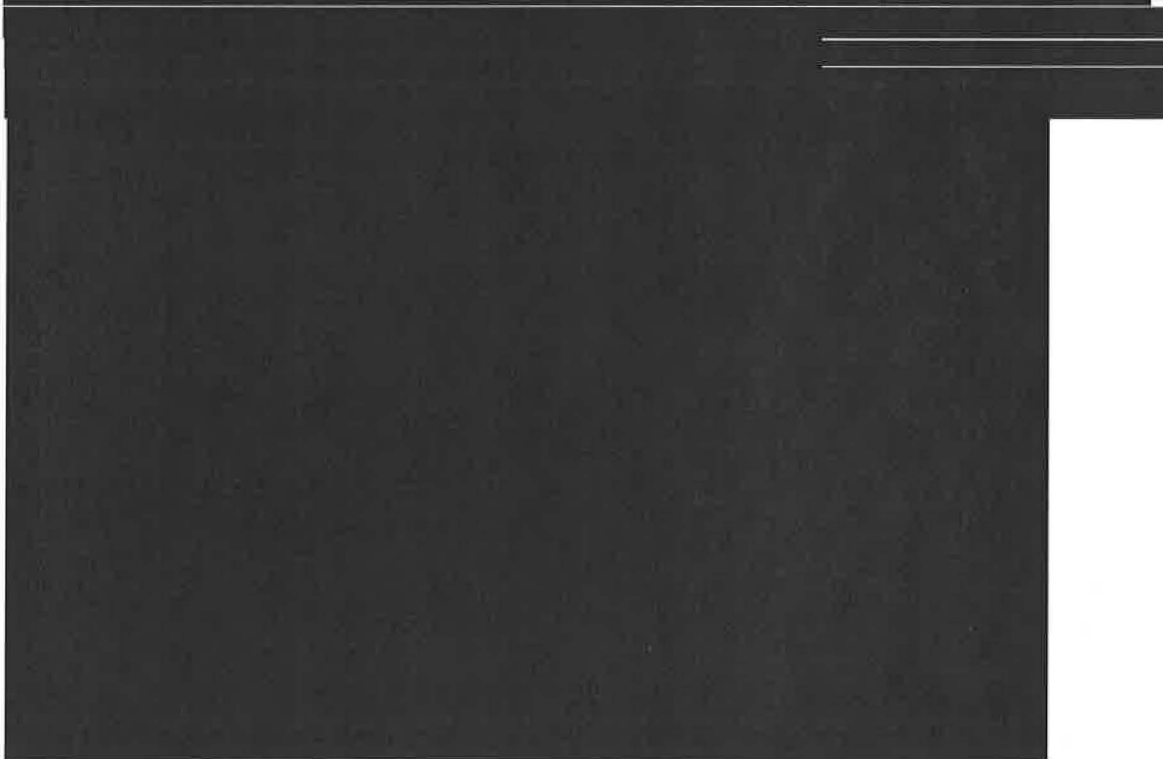
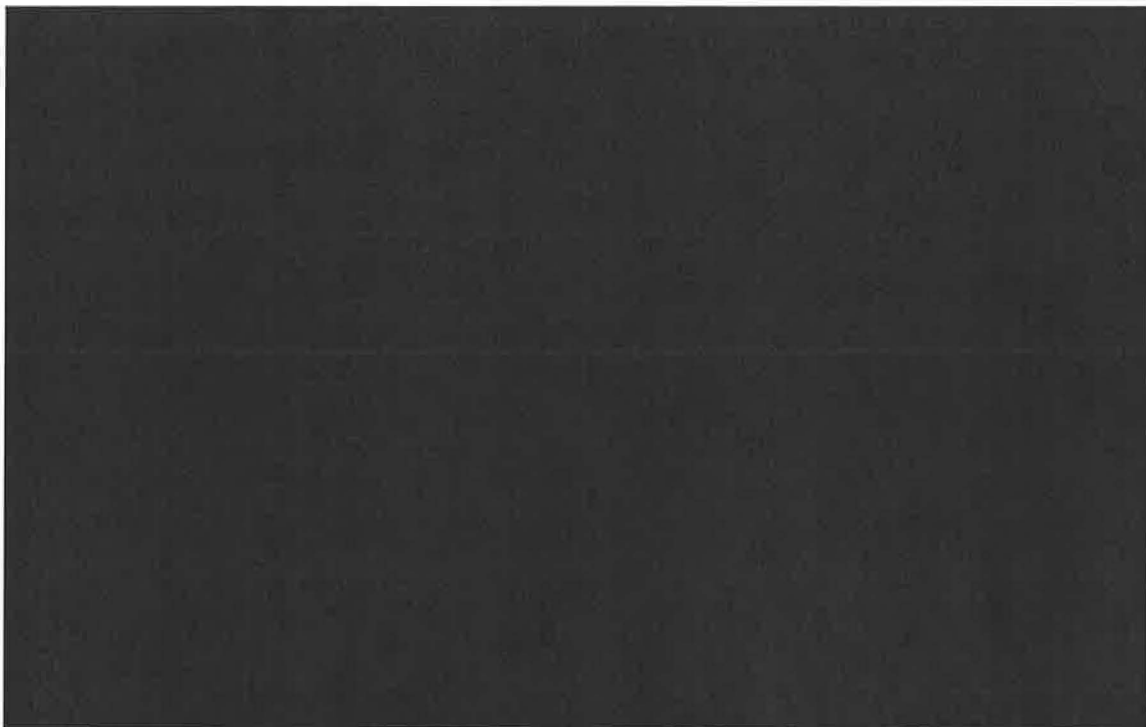
ANALYSIS / ANALYSE:

10. Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

[REDACTED]

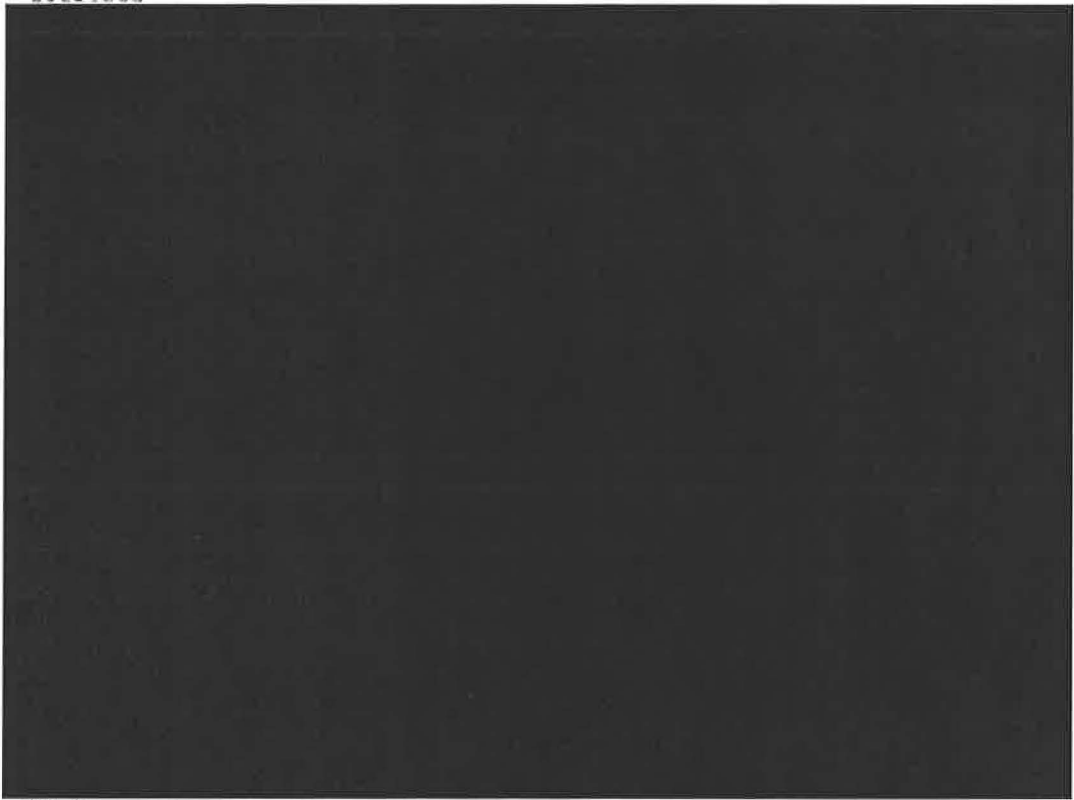
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DATE
20150305



RE / OBJET:



SYNOPSIS / SOMMAIRE:



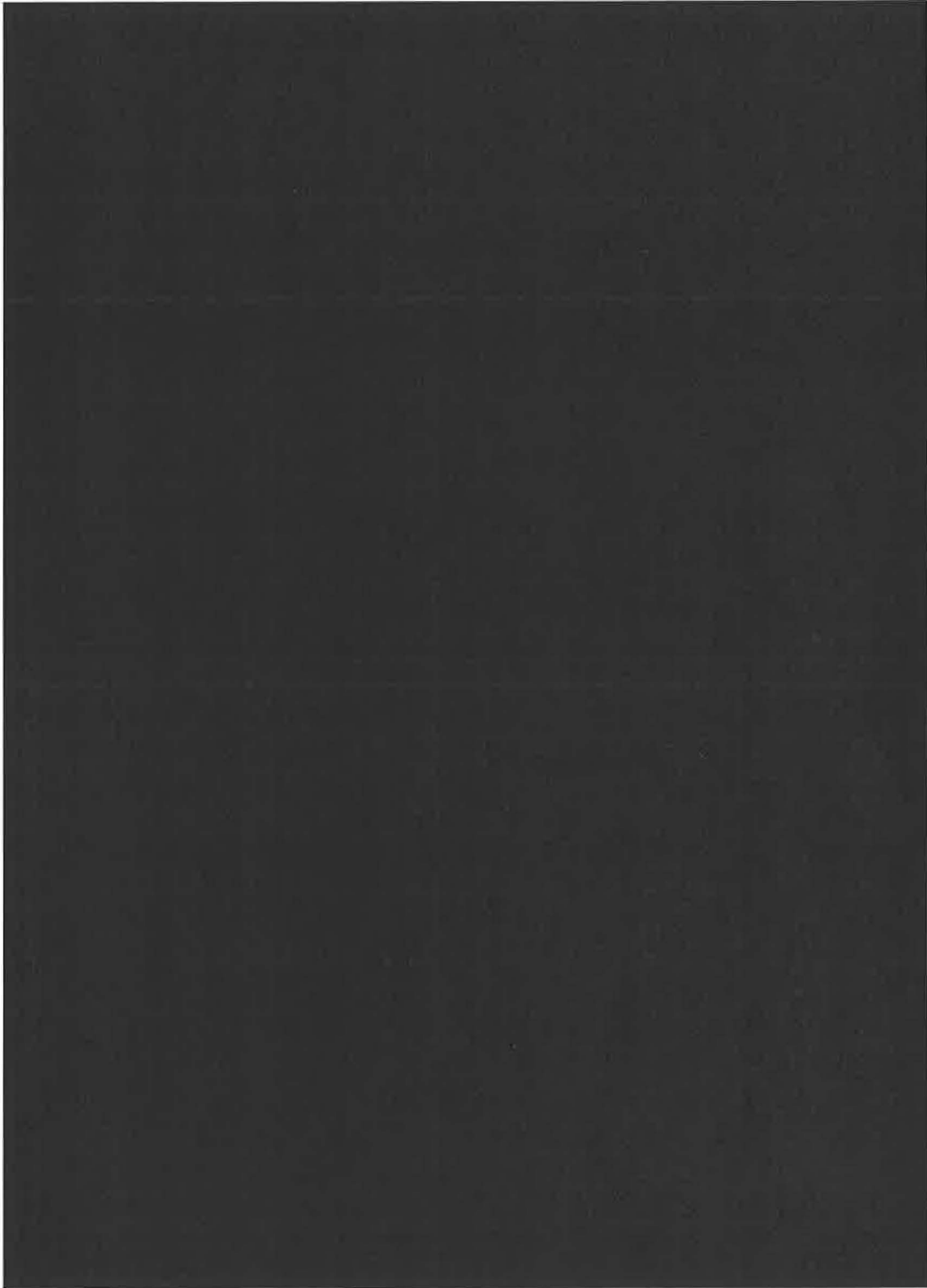
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[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

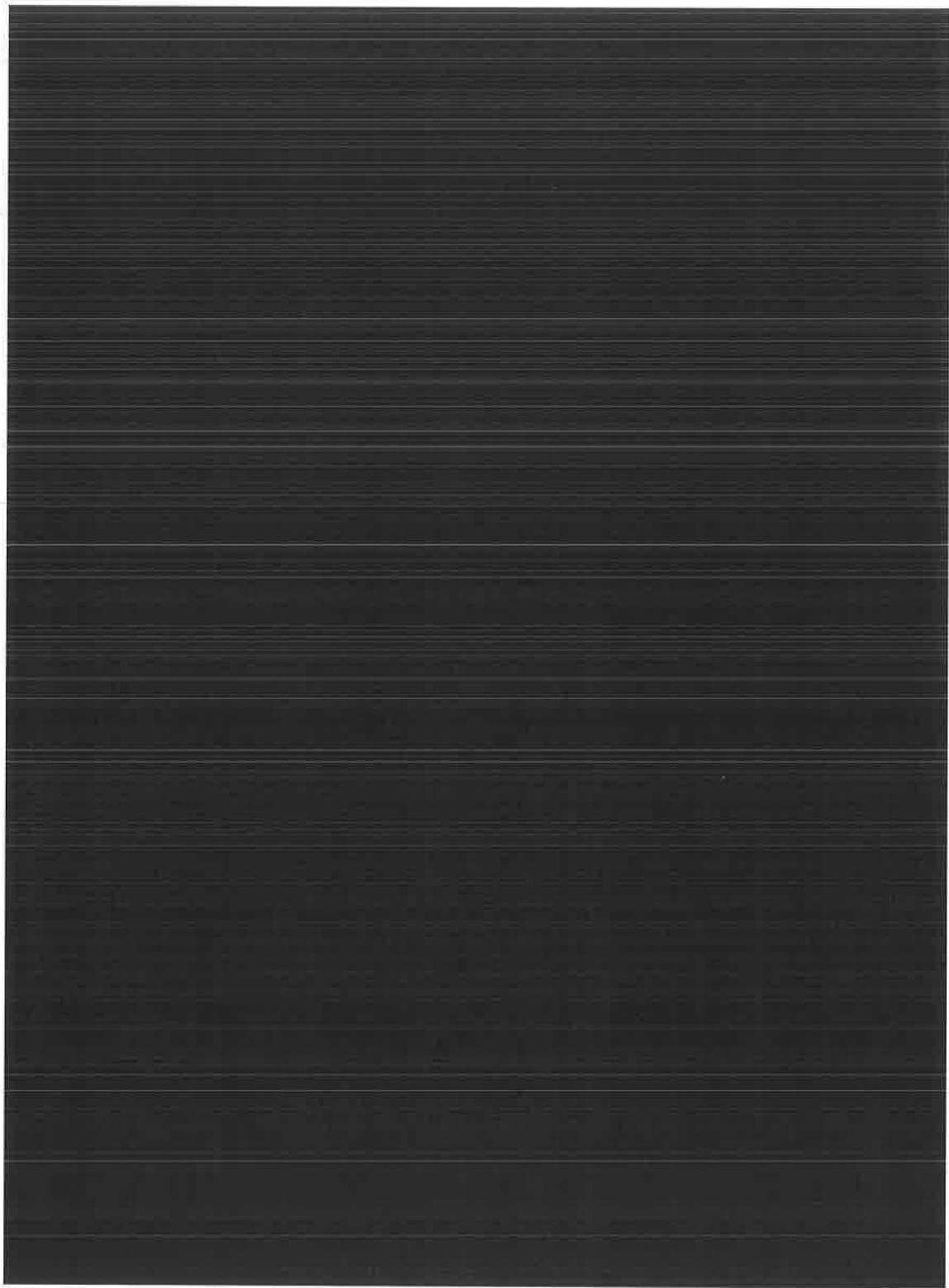
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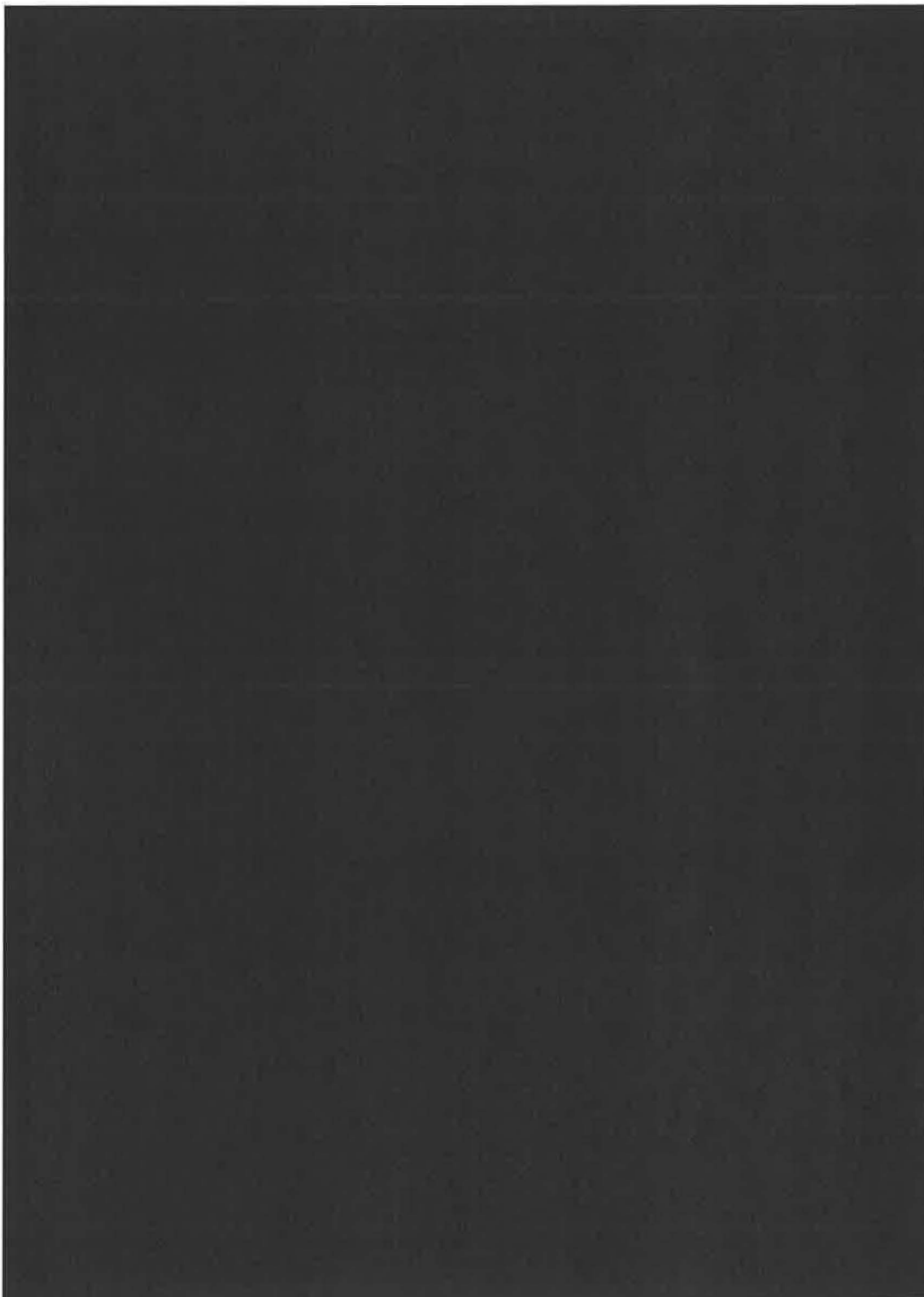


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Tab/Onglet 6

Page 2041





[Redacted]

[REDACTED]

[REDACTED]

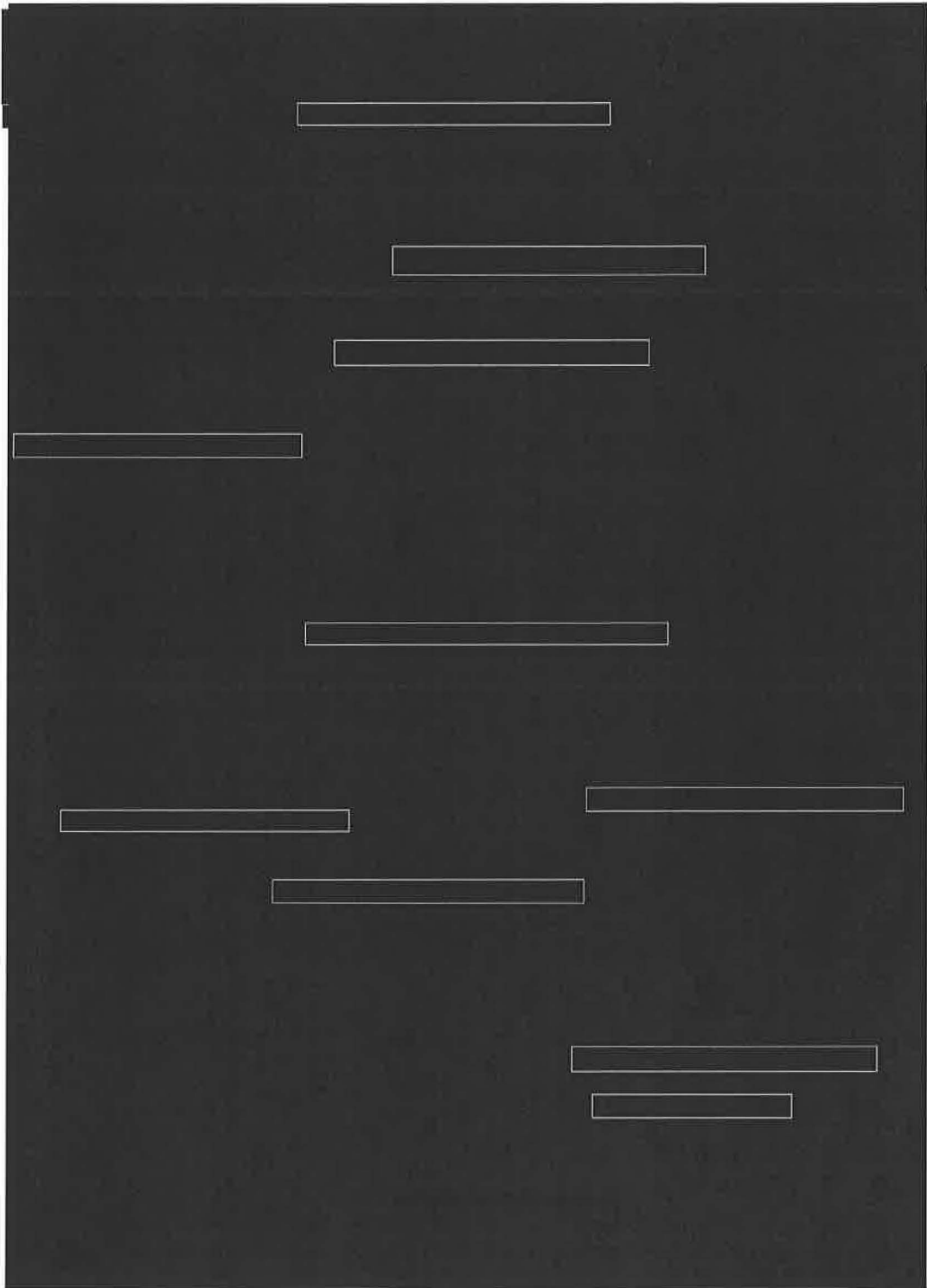
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ANALYSIS / ANALYSE:

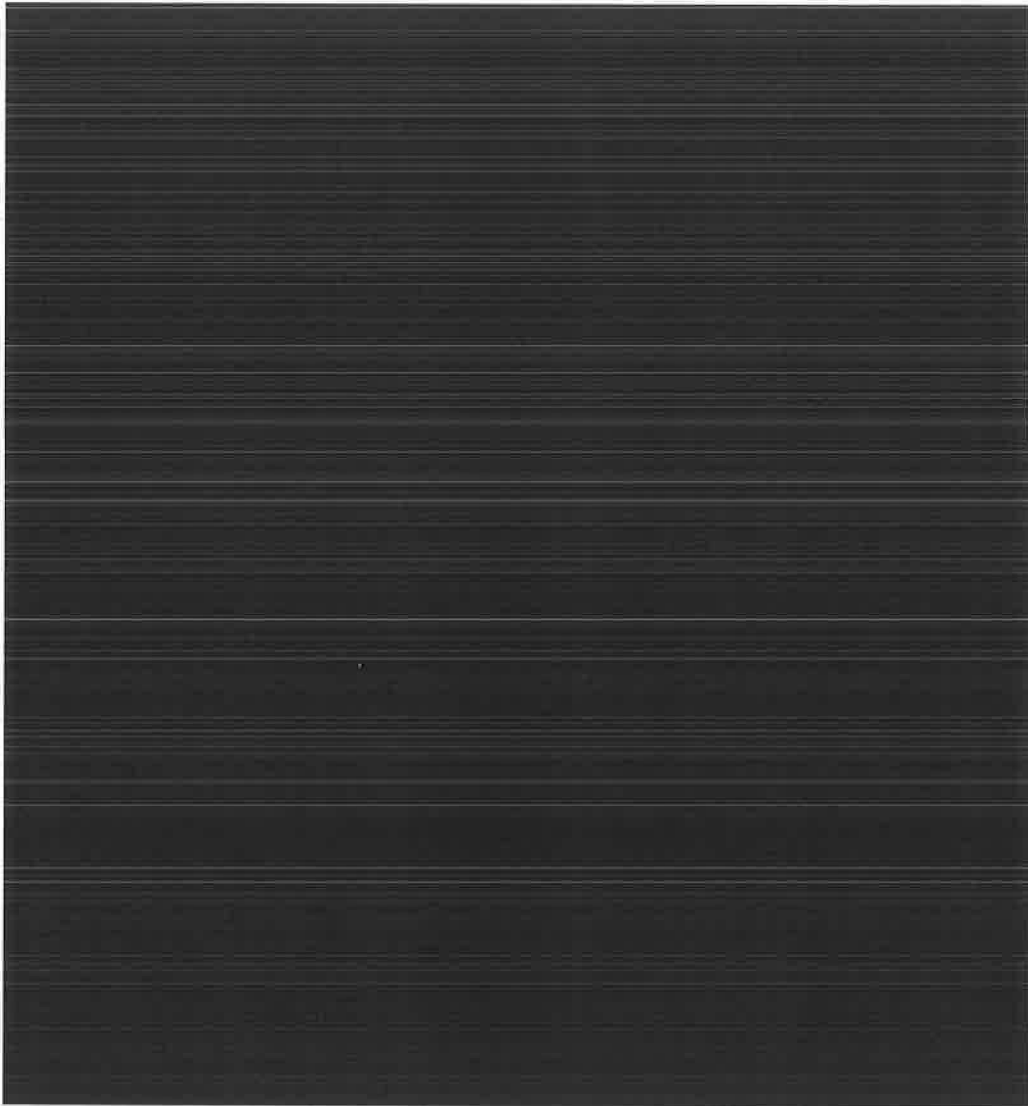
12) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent

[REDACTED]

[REDACTED]



[Redacted]



[REDACTED]

DATE
20150225

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

LEADNOW is an independent advocacy organization that runs campaigns on the major issues of our time, engages people in participatory decision-making, and organizes in communities across Canada. Their mission statement notes: 'We envision a country where people work together to build an open democracy, create a fair economy, and ensure a safe climate for all generations'.

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]

[REDACTED]

DATE
20150210

[REDACTED]

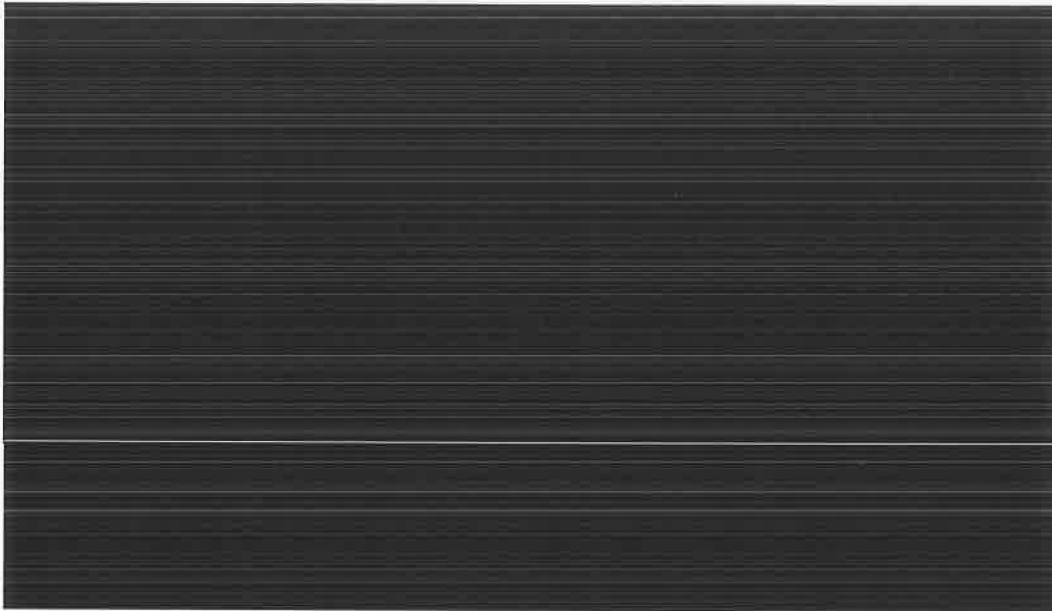
RE / OBJET:

[REDACTED]

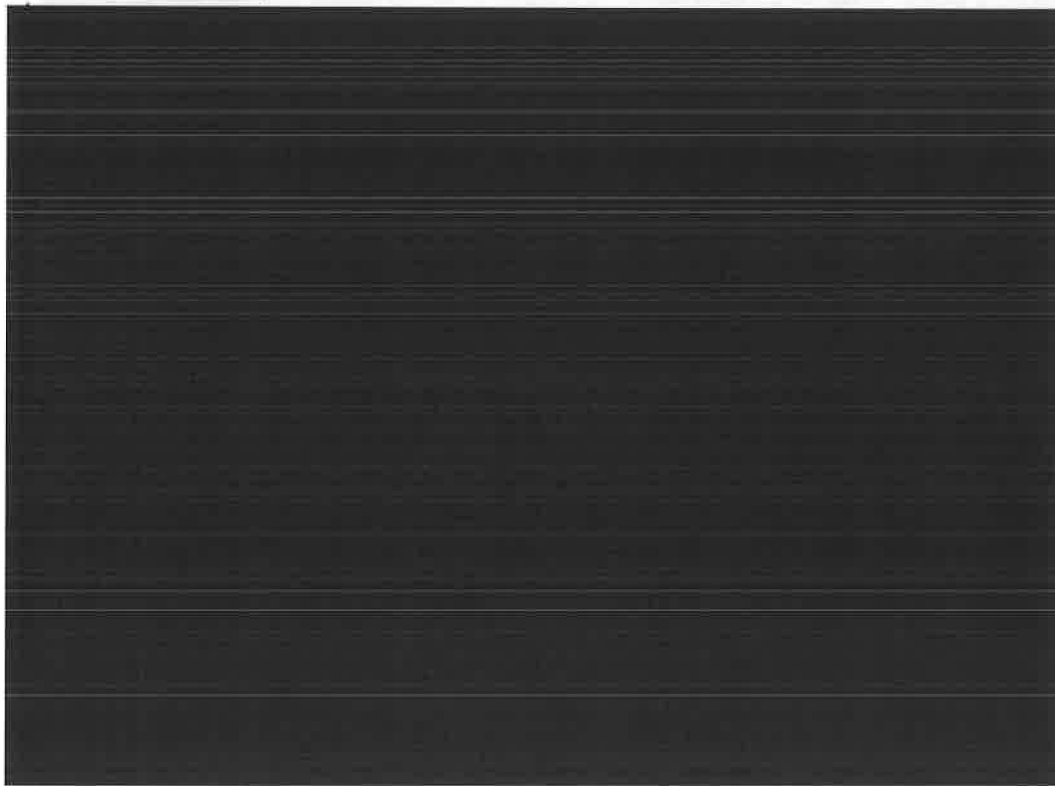
SYNOPSIS / SOMMAIRE:

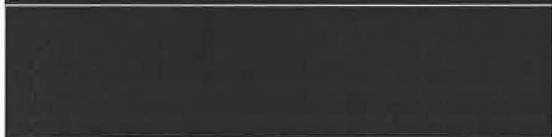
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[REDACTED]



INFORMATION / RENSEIGNEMENTS:



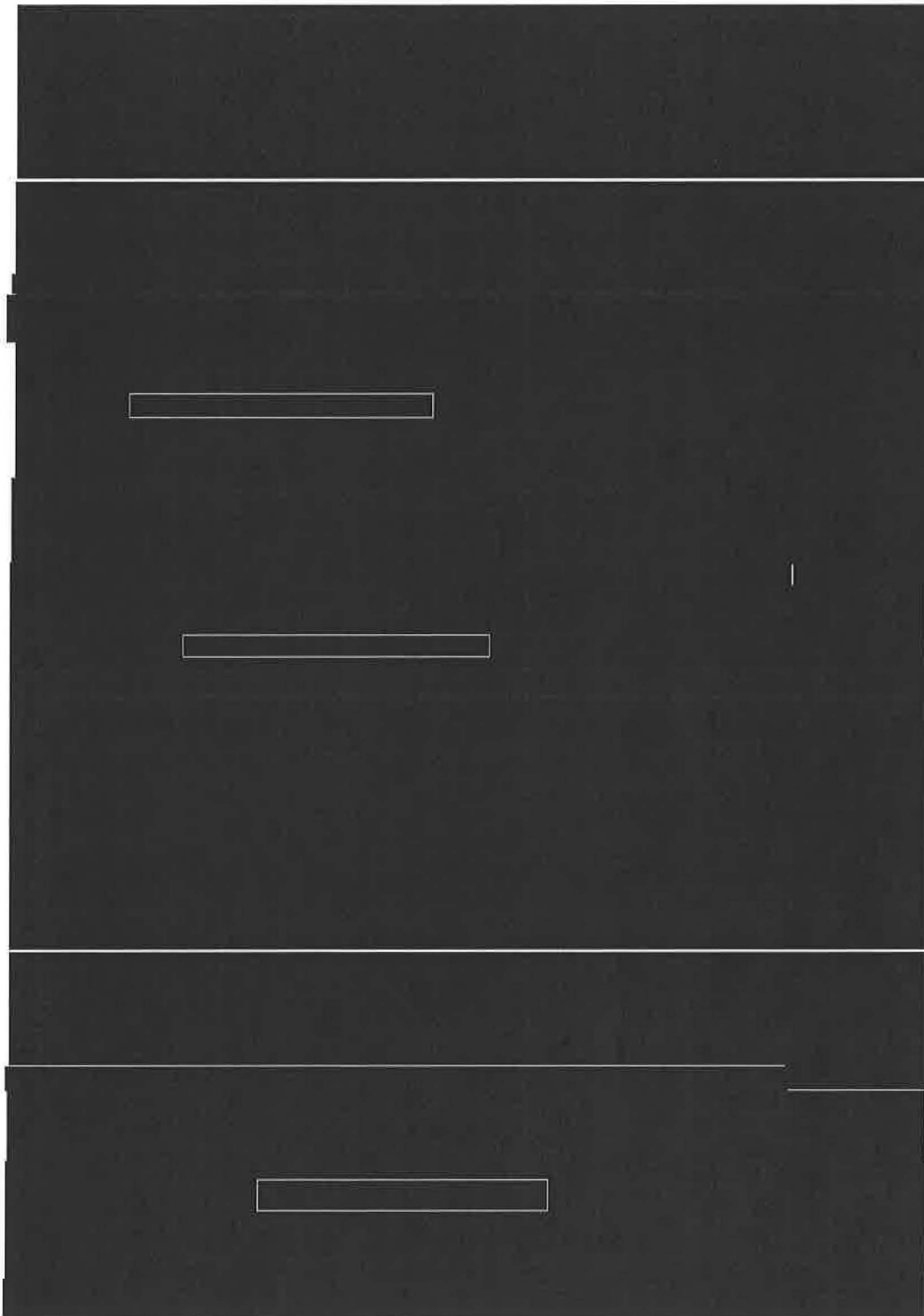


[REDACTED]

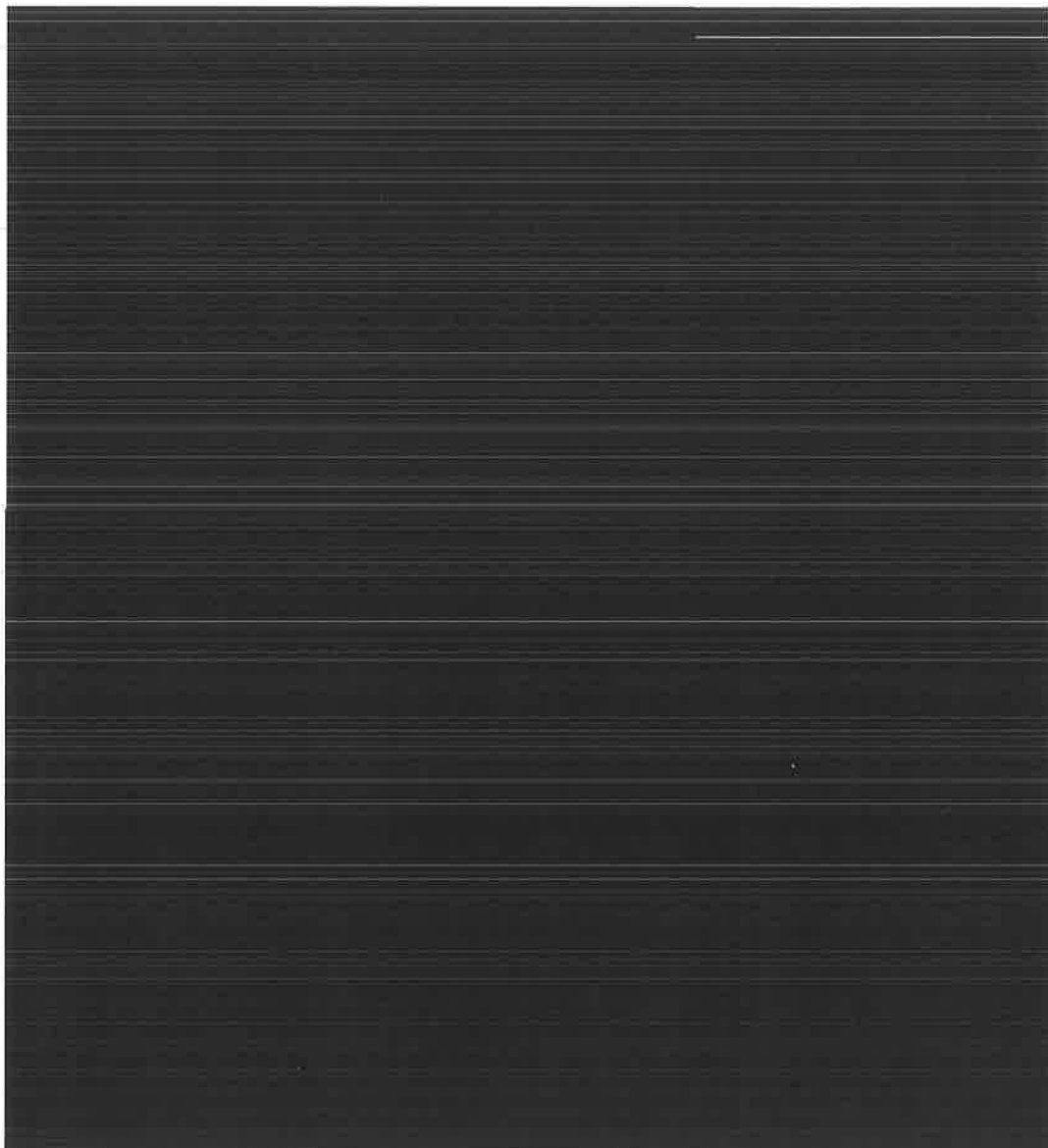
ANALYSIS / ANALYSE:

14. Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

[REDACTED]



[Redacted]



DATE
20141223

RE / OBJET:

SYNOPSIS / SOMMAIRE:

[REDACTED]

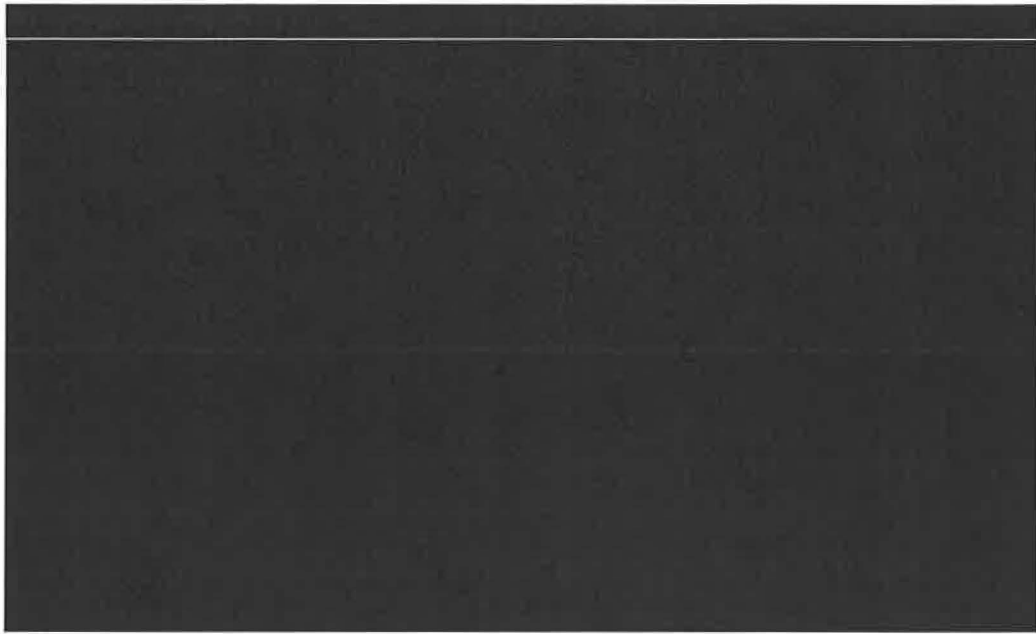
INFORMATION / RENSEIGNEMENTS:

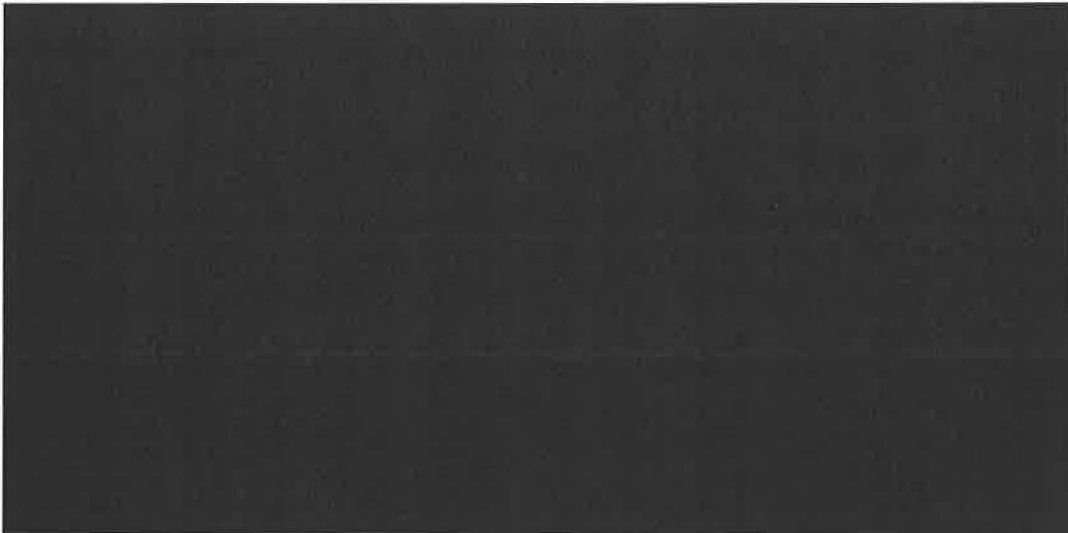
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ANALYSIS / ANALYSE:

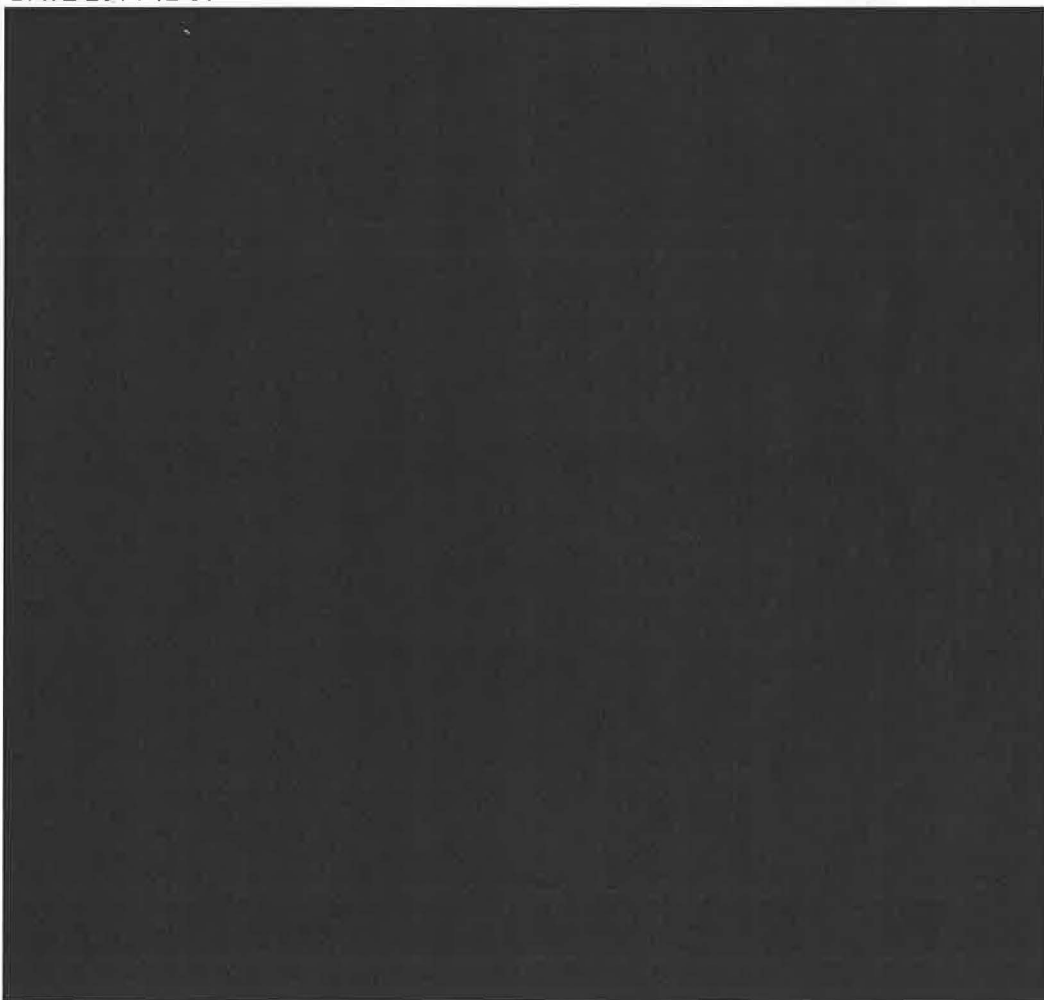
5) The above information is reported to assist the Service in assessing the threat environment and the potential for serious violence stemming from [REDACTED]

[REDACTED]





DATE 2014 12 01



[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

SUBJECT / SUJET:

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

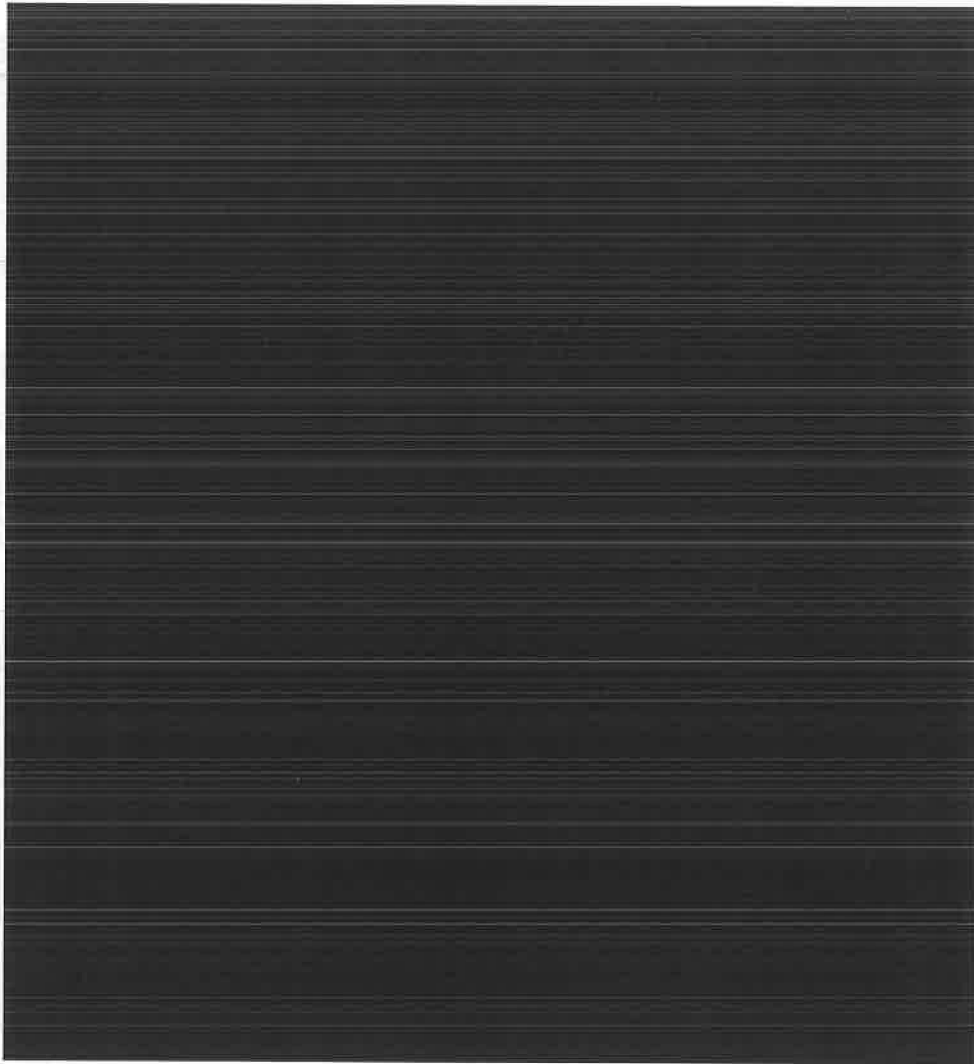
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[REDACTED]

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[REDACTED]

[REDACTED]



[REDACTED]

DATE
20141121

[REDACTED]

RE / OBJET:

[REDACTED]

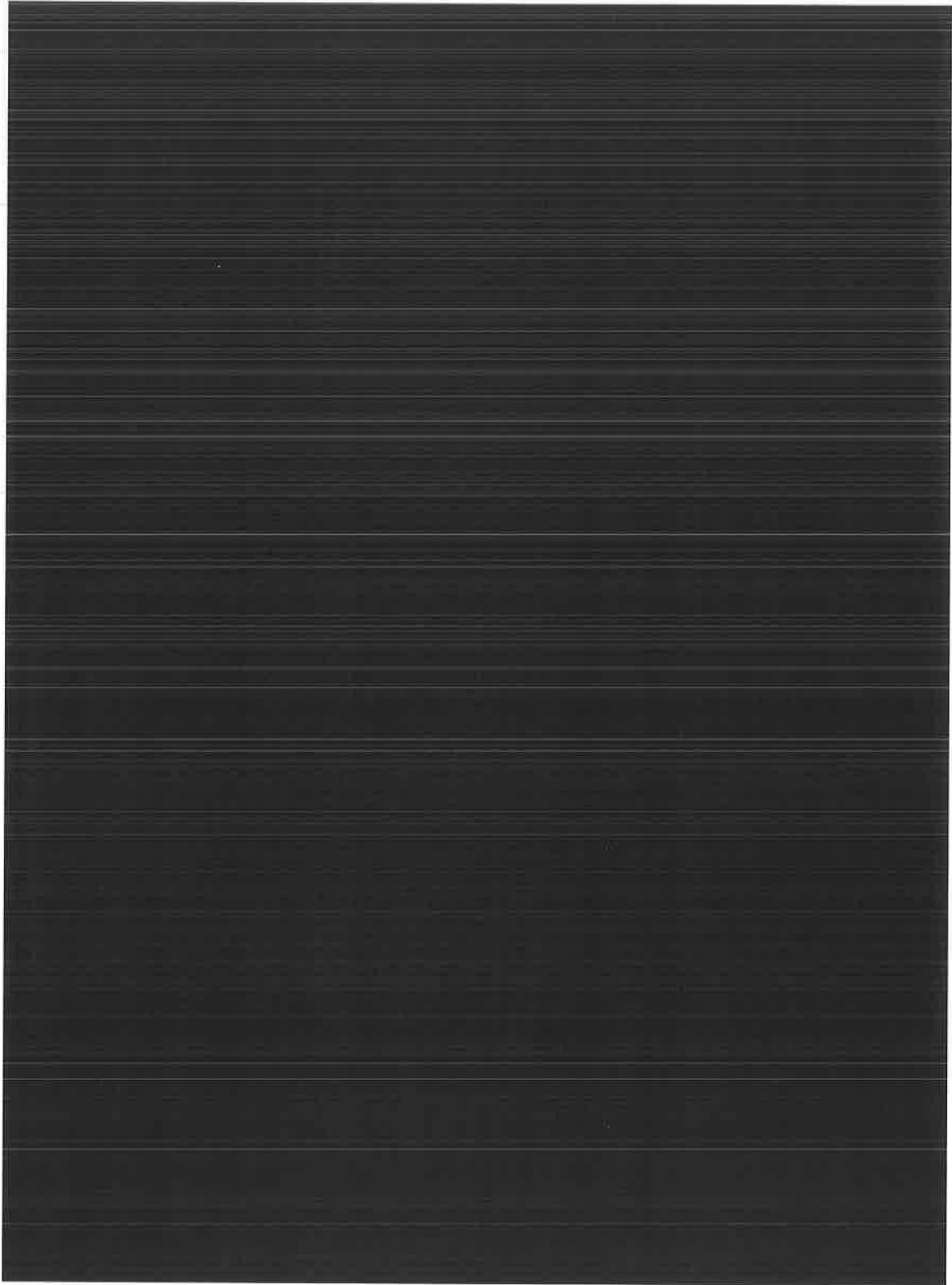
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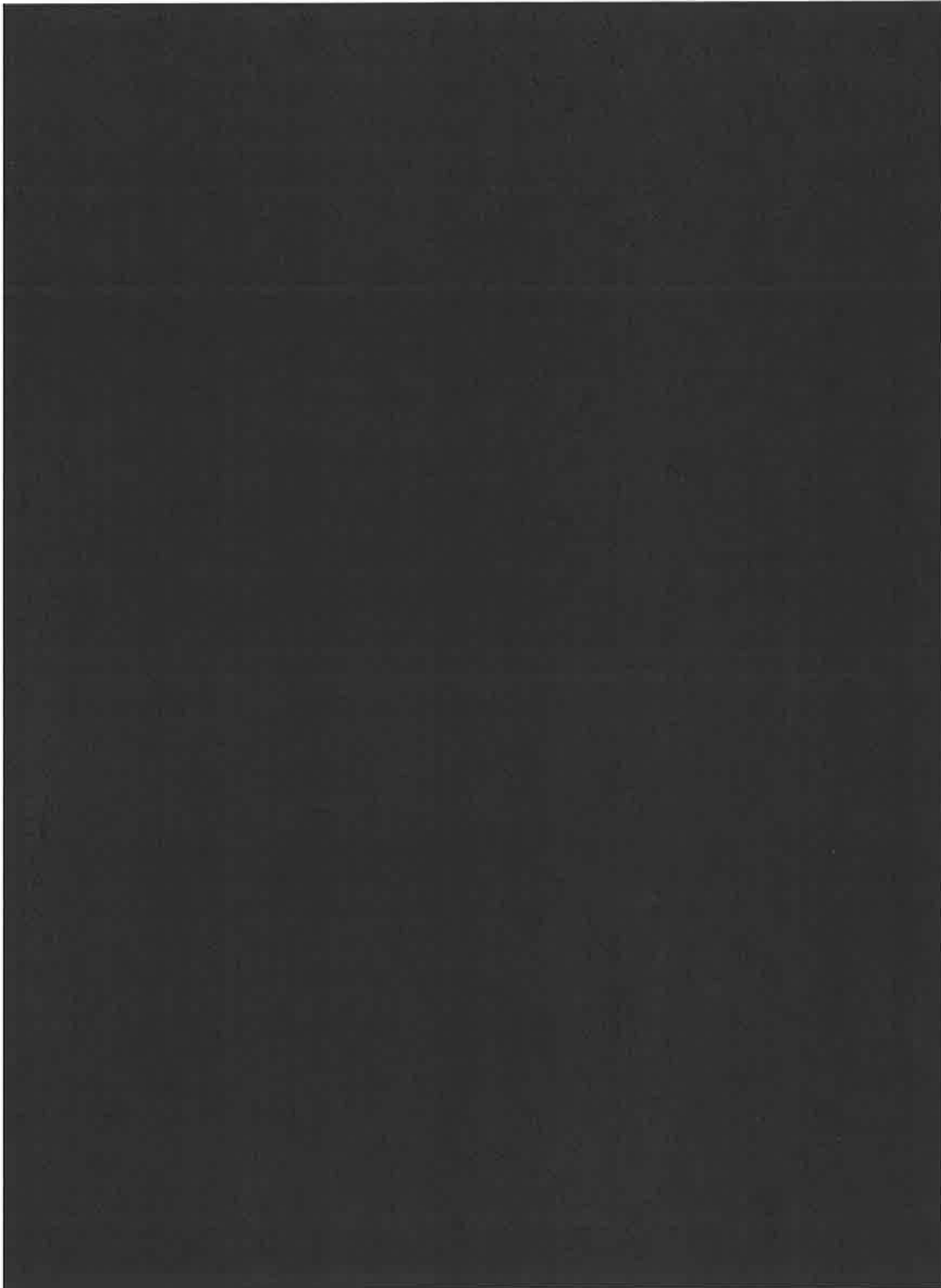
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[REDACTED]

[REDACTED]

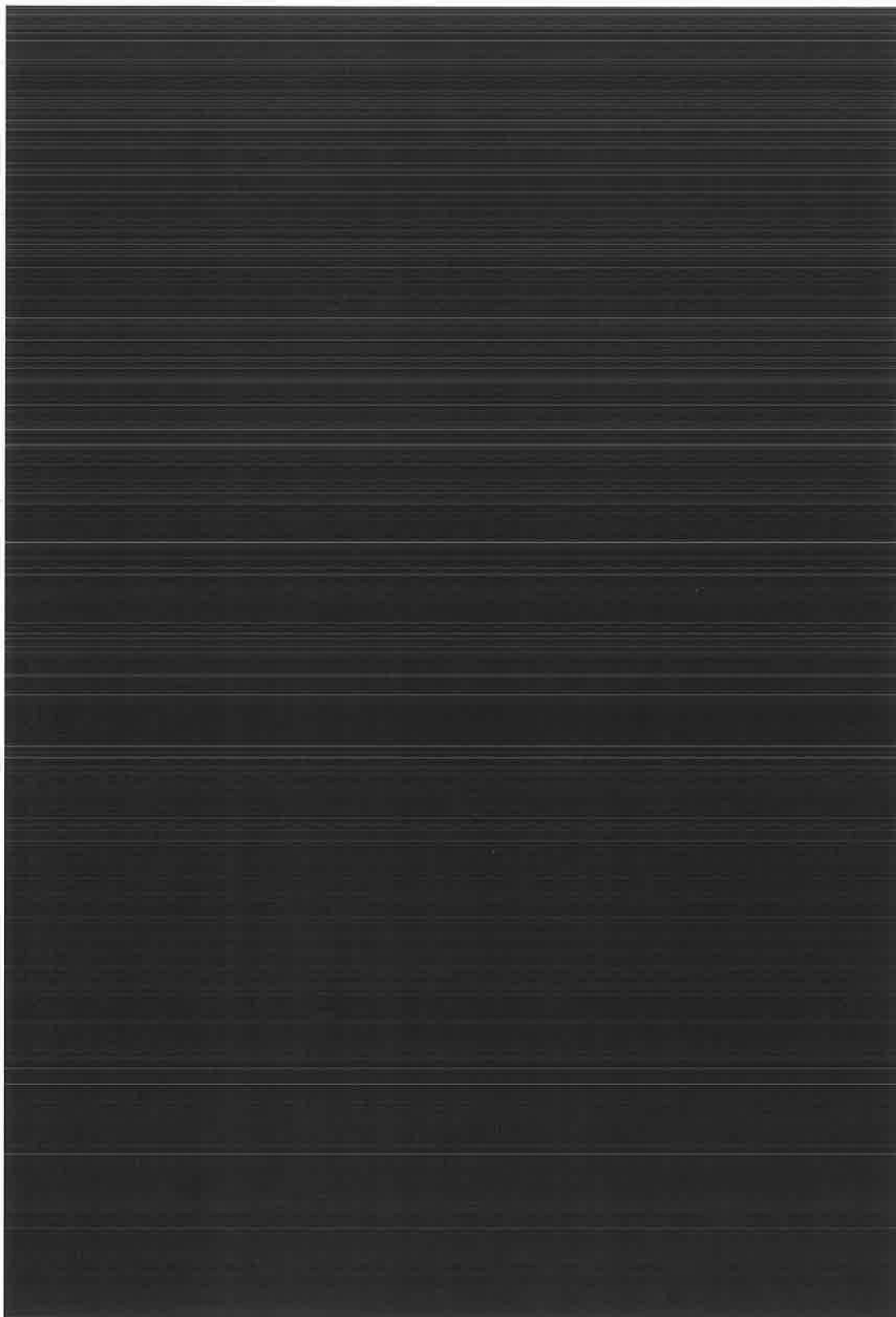
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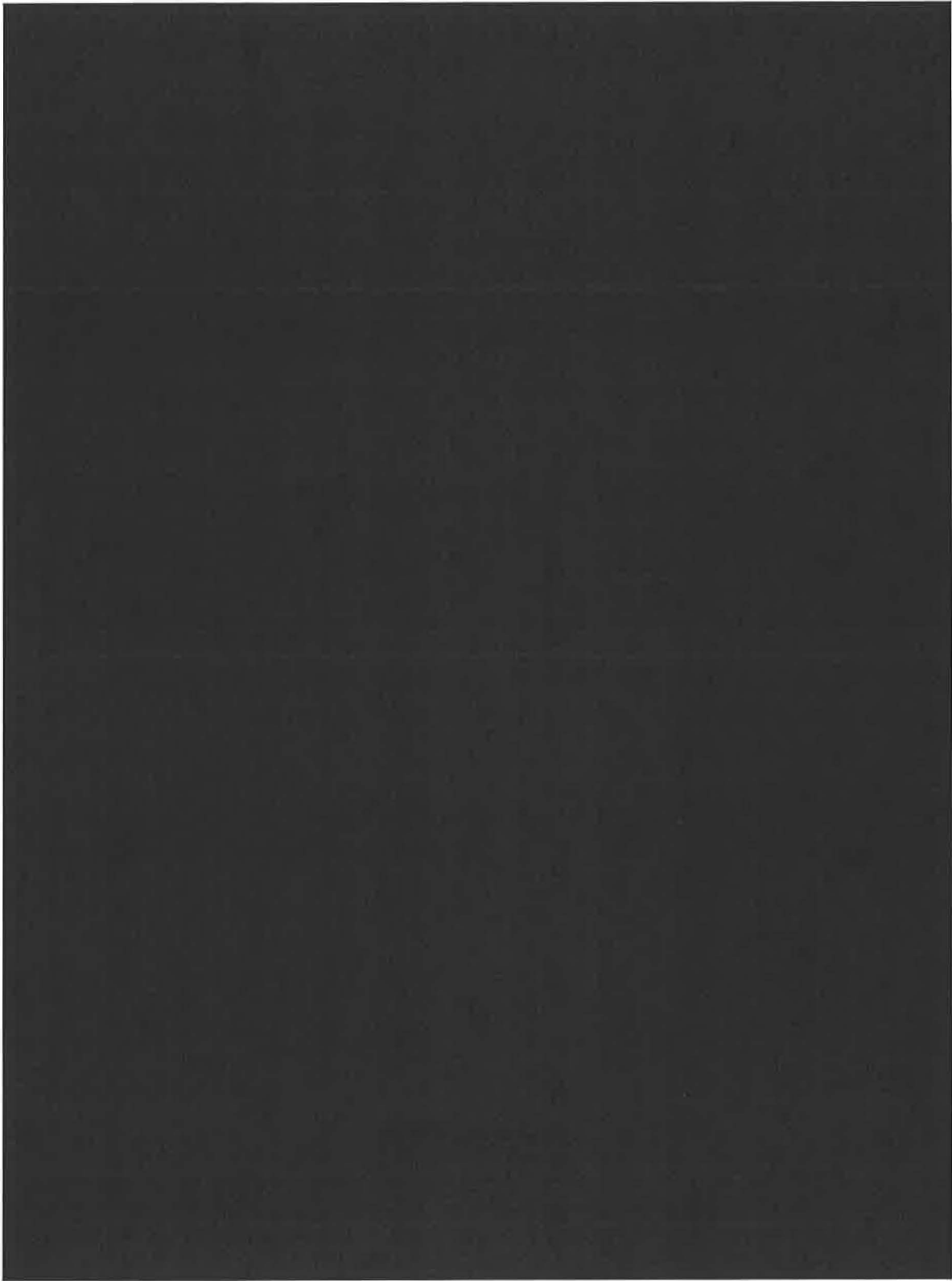


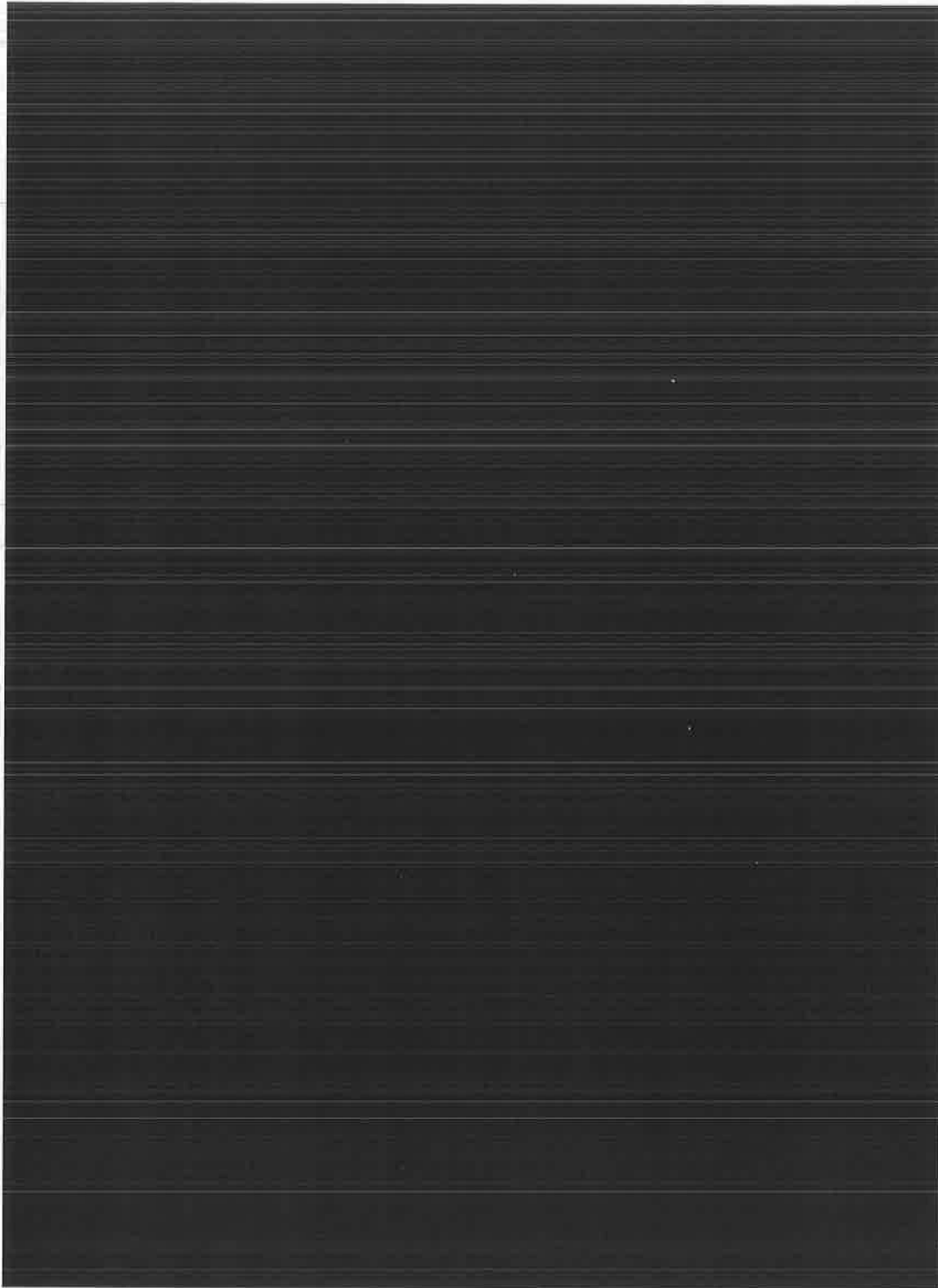


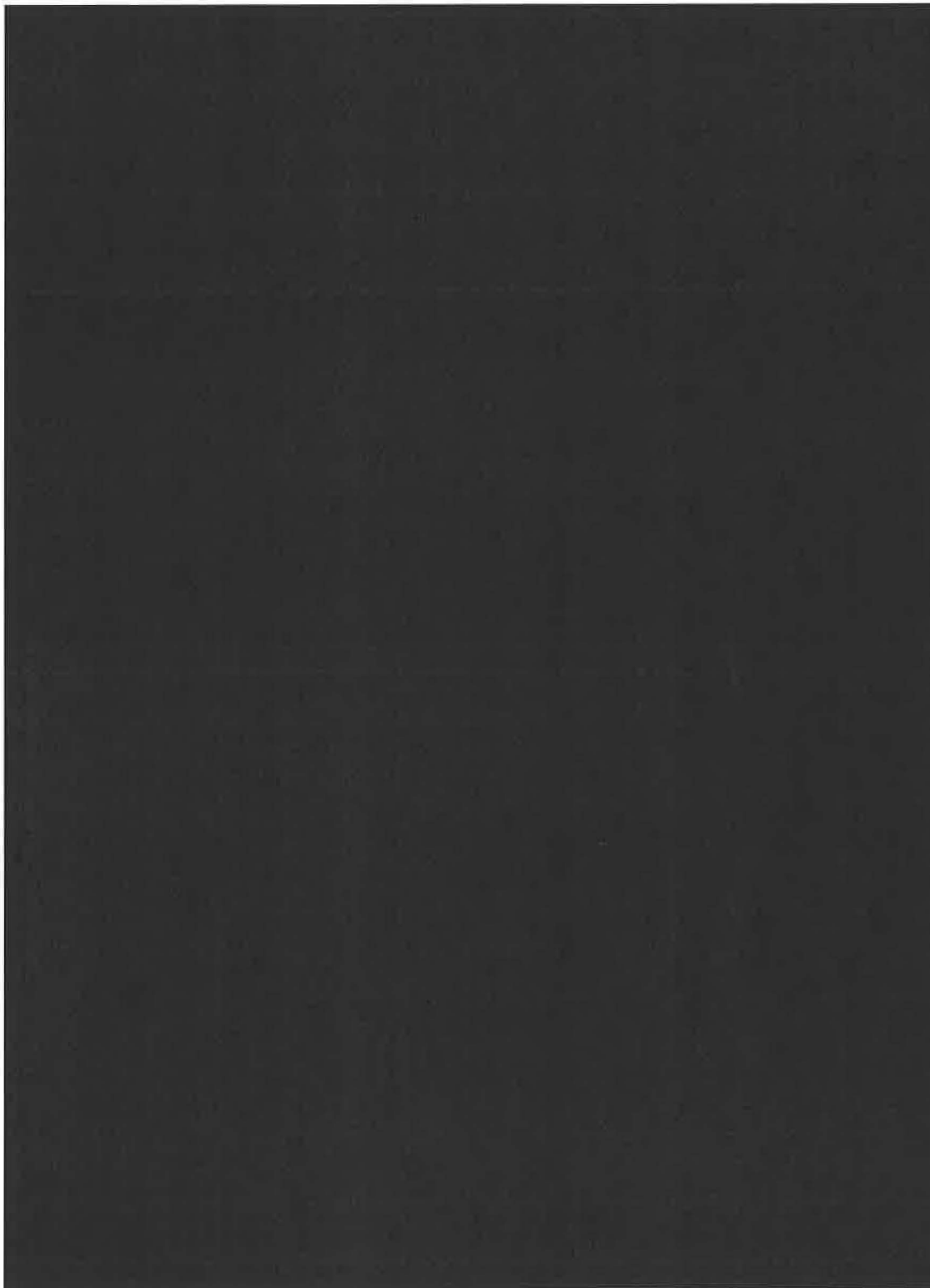
Tab/Onglet 6

Page 2007



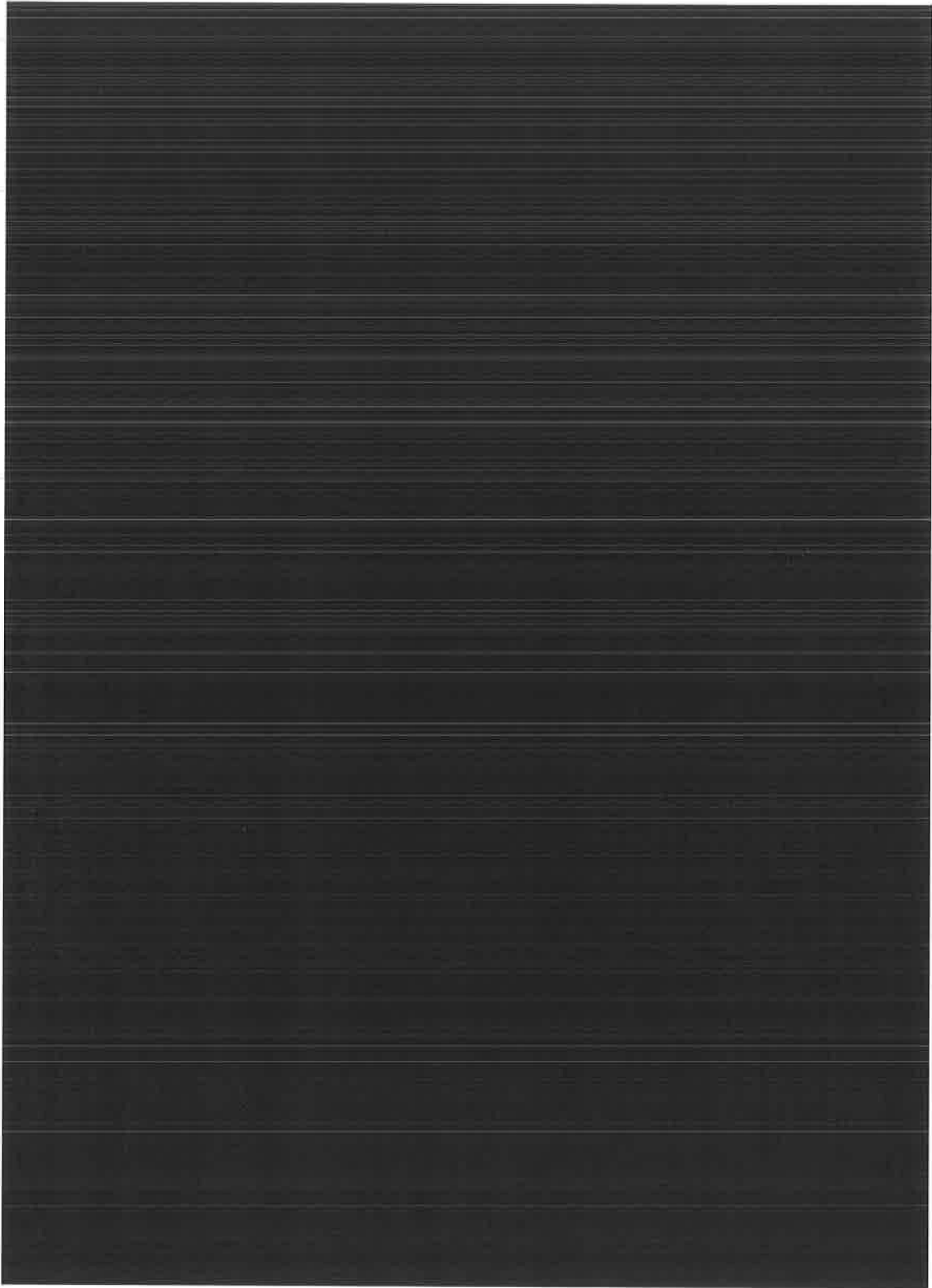


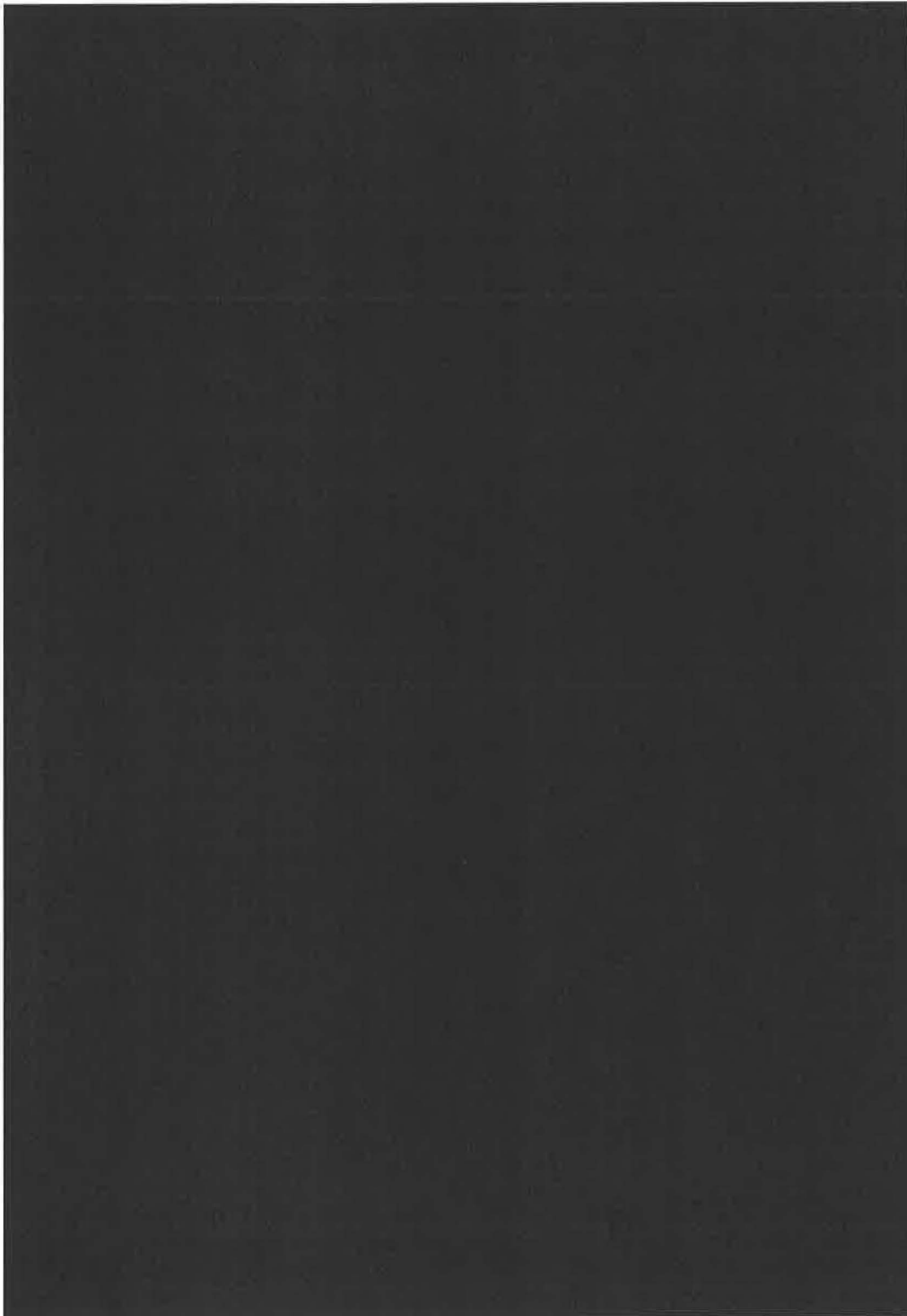


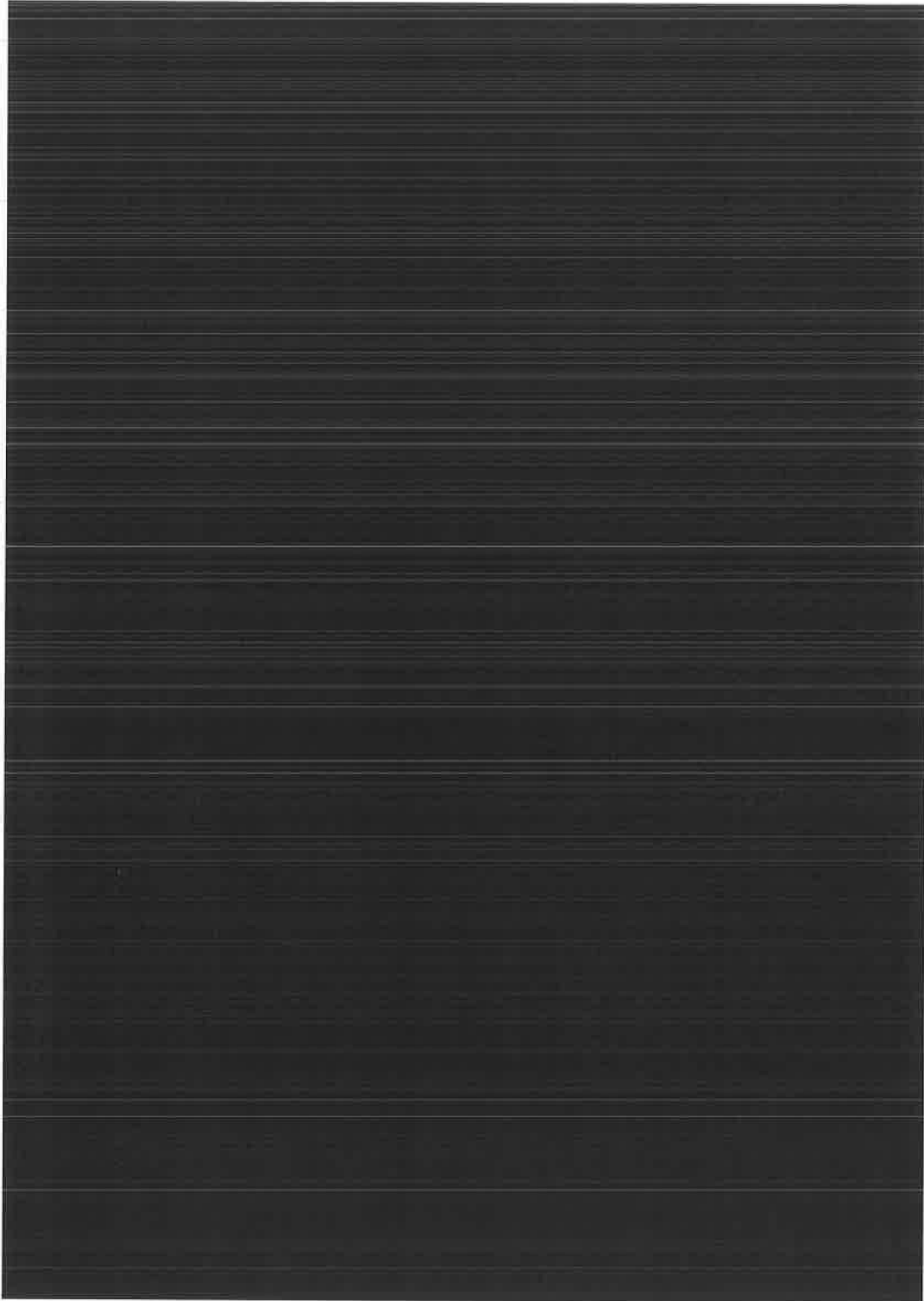


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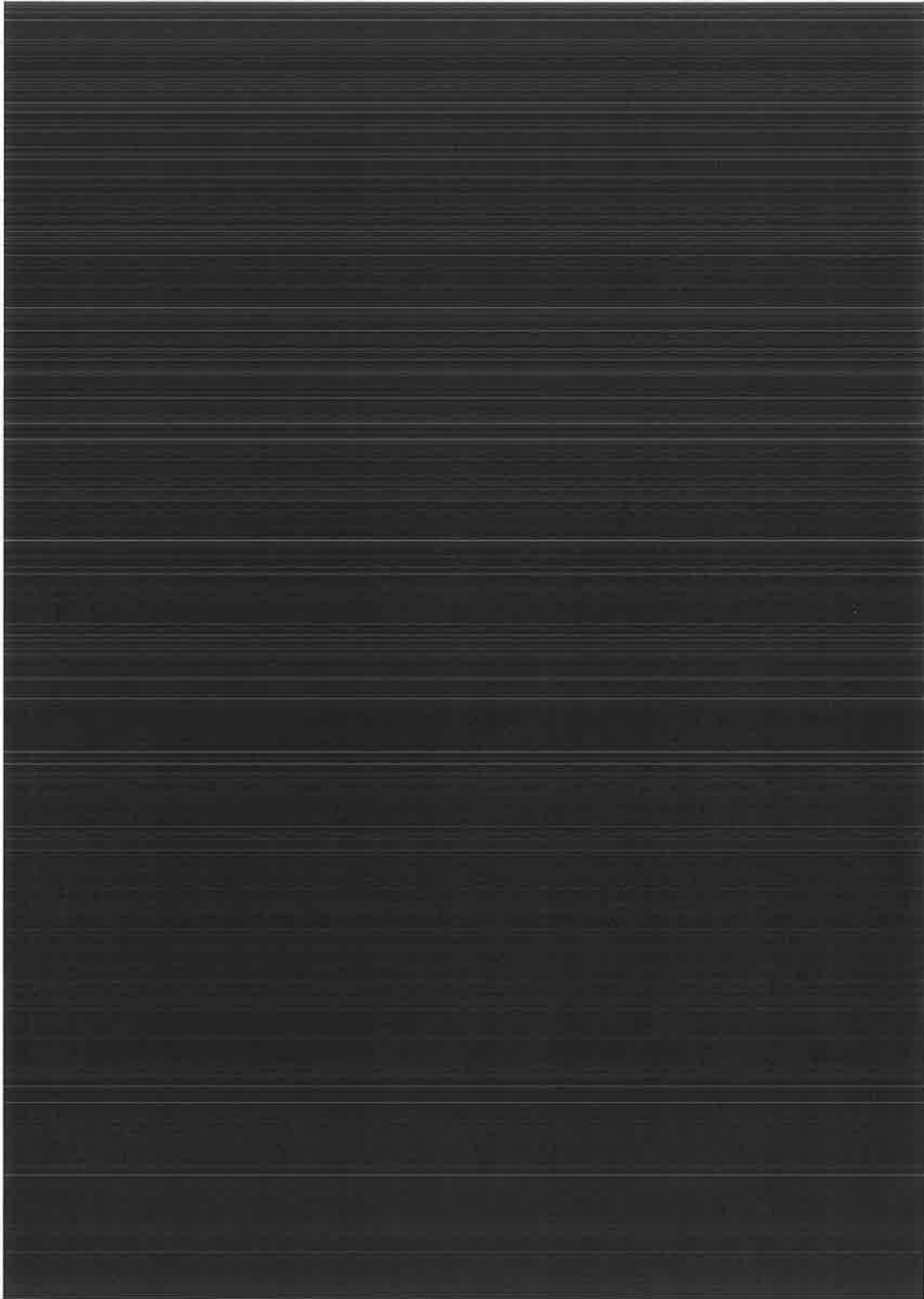
Page 2011

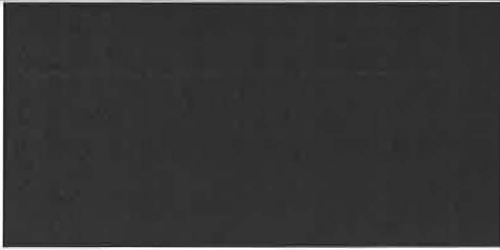














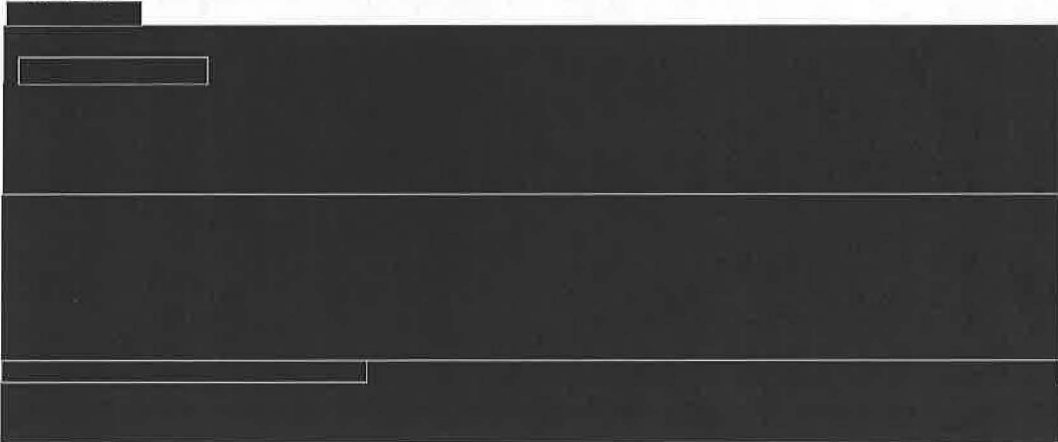
DATE
20141120



RE / OBJET:



SYNOPSIS / SOMMAIRE:



INFORMATION / RENSEIGNEMENTS:

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[REDACTED]

ANALYSIS / ANALYSE:

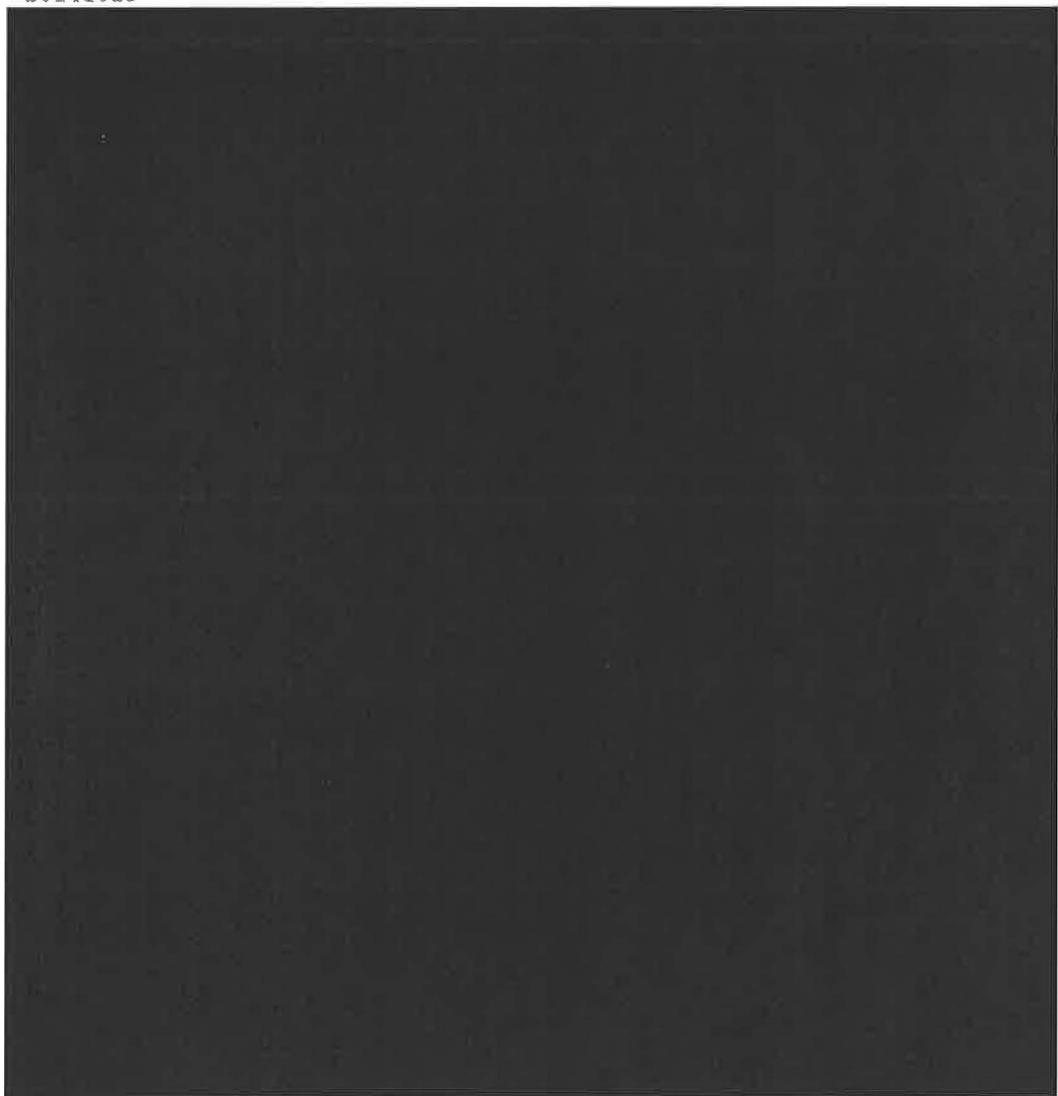
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[REDACTED]





DATE
20141023



RE / OBJET:



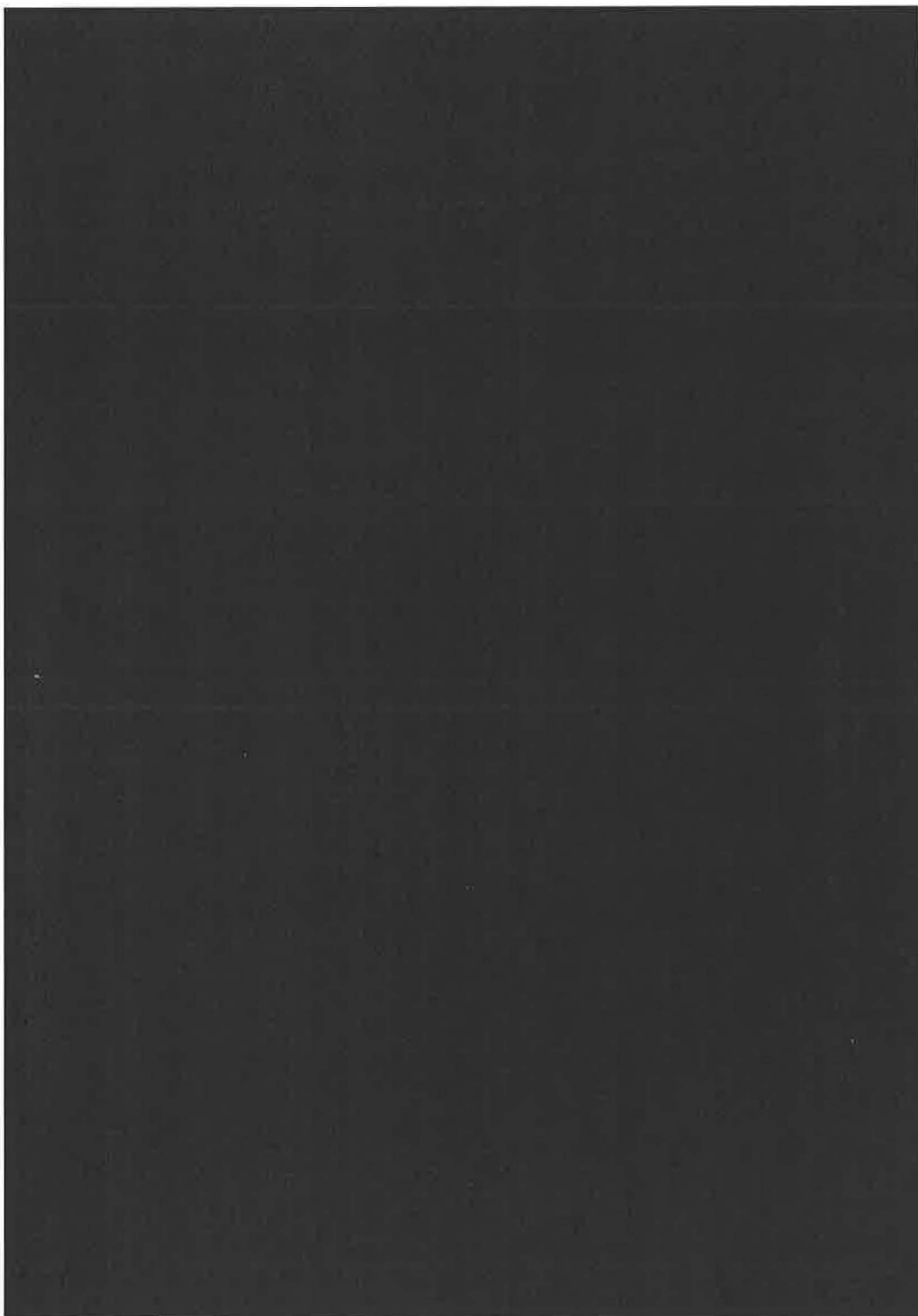
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SYNOPSIS / SOMMAIRE:

[REDACTED]

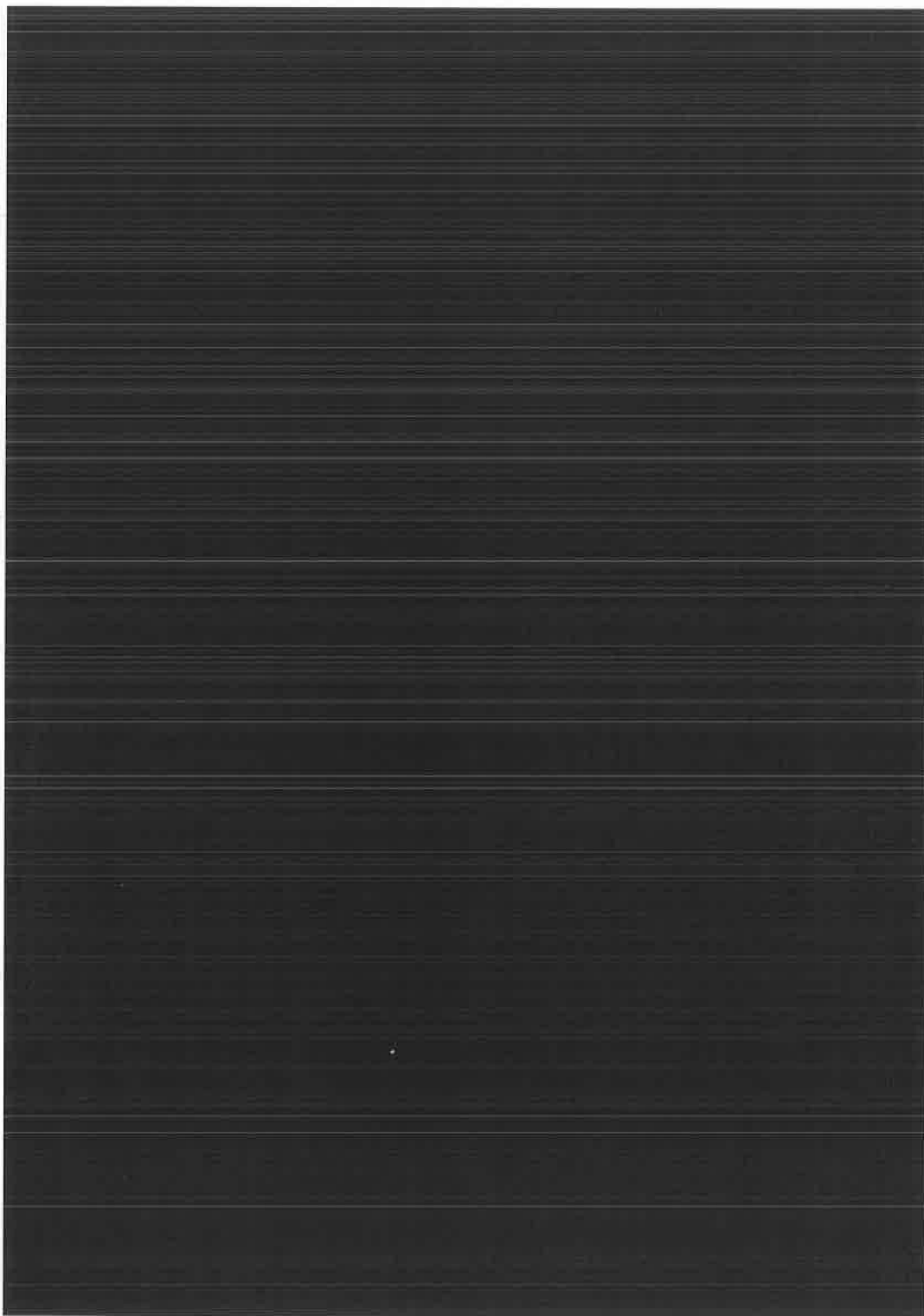
INFORMATION / RENSEIGNEMENTS:

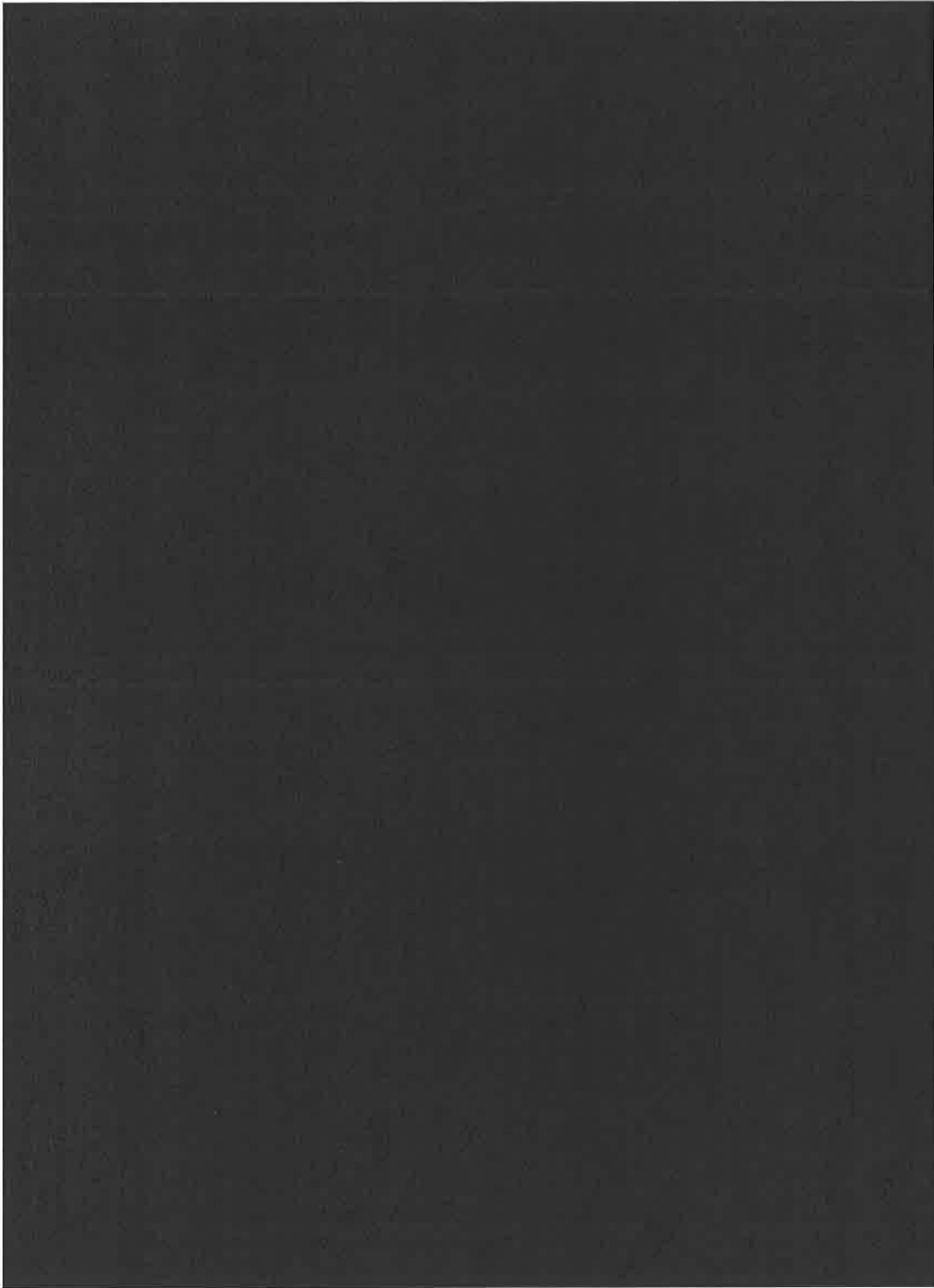
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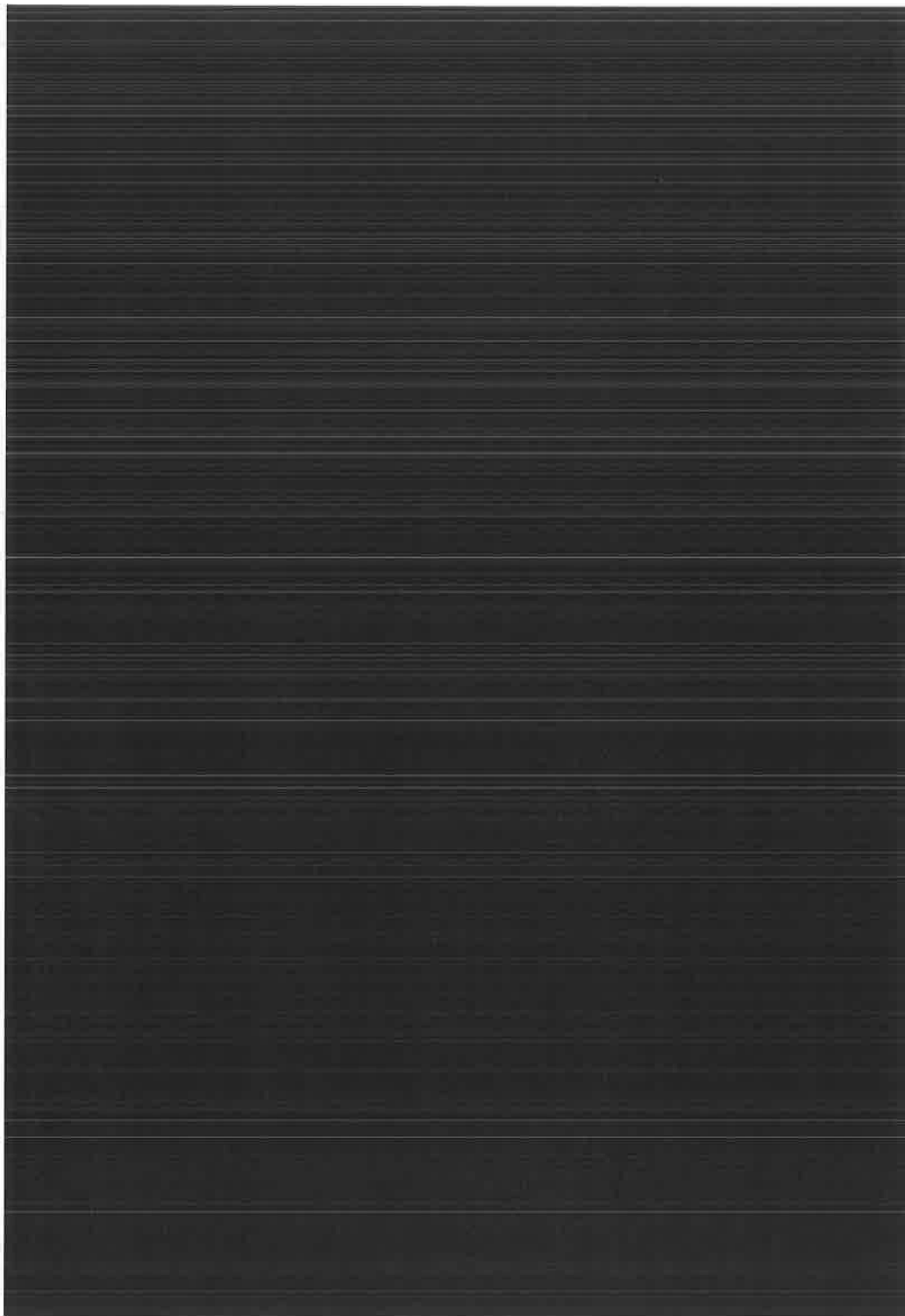


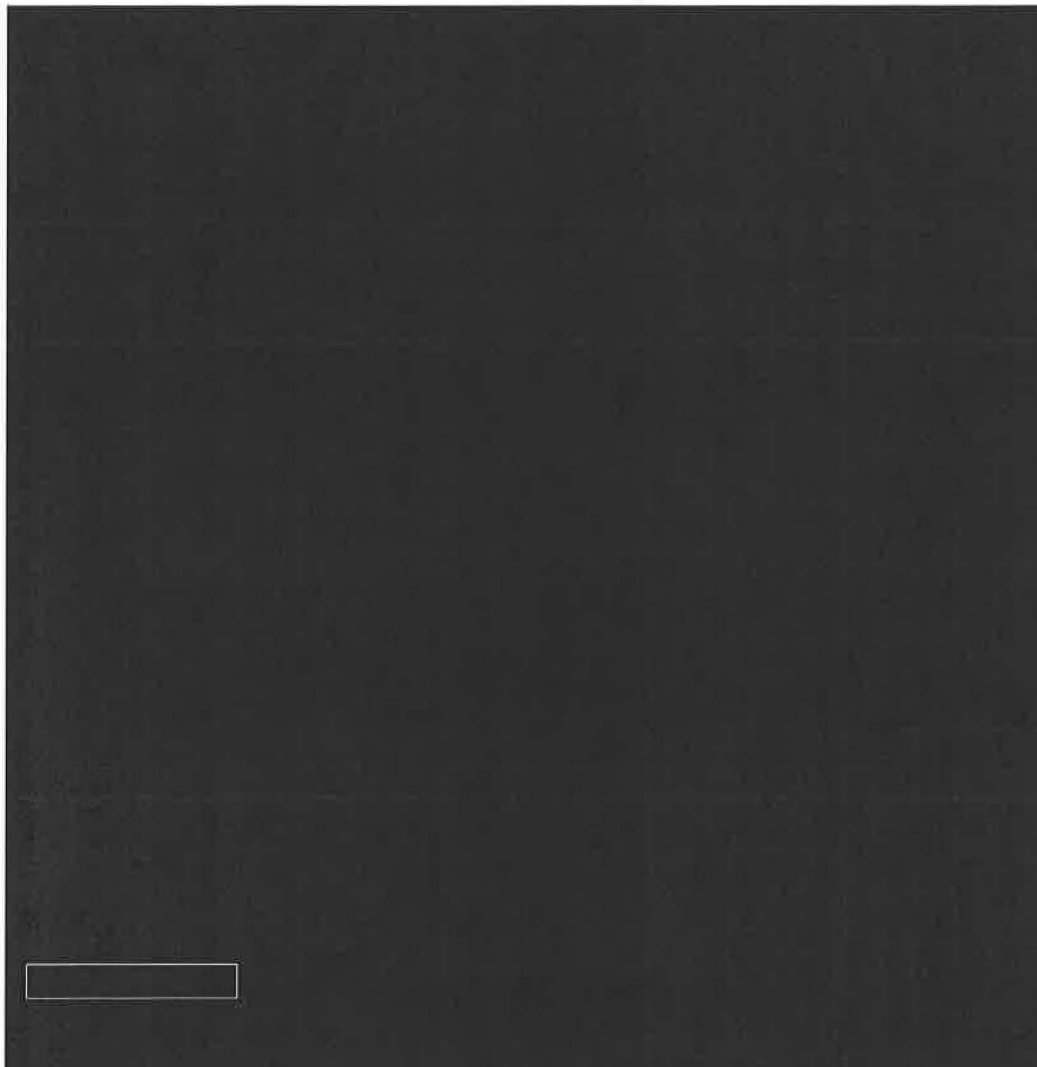
Tab/Onglet 6

Page 1999









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ANALYSIS / ANALYSE:

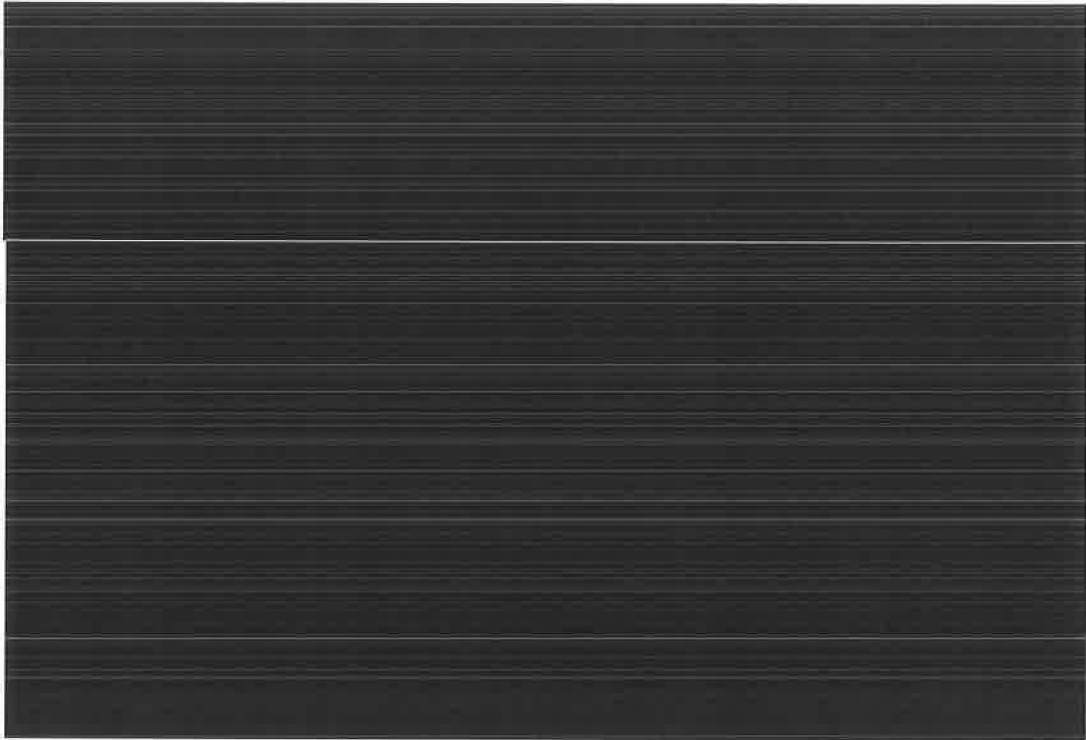


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[Redacted]

[Redacted]

[Redacted]



[REDACTED]

DATE
20141015

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

- uploaded for reference purposes.

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

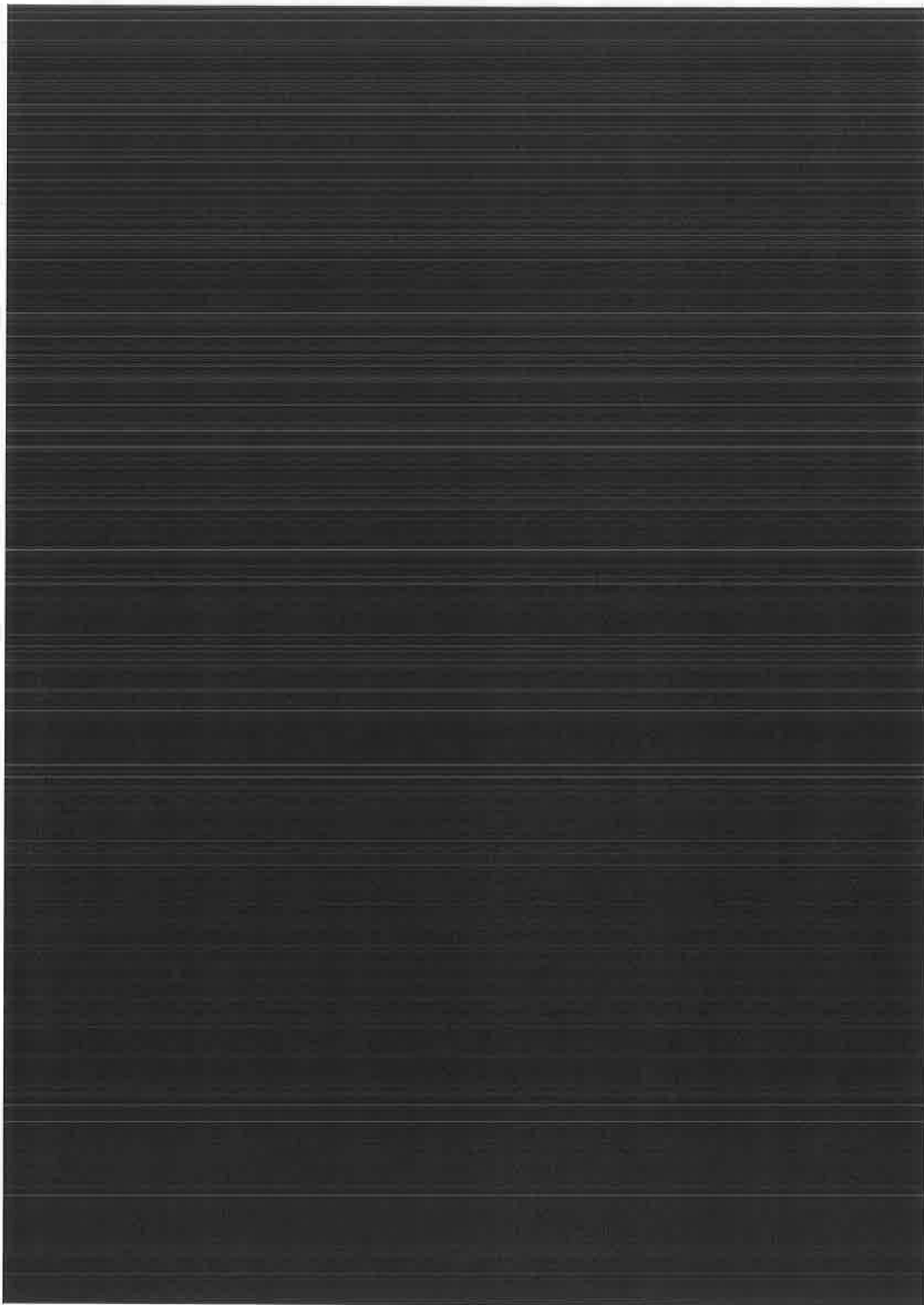
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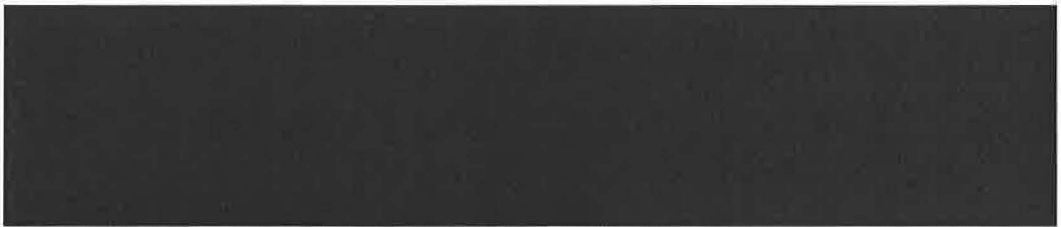


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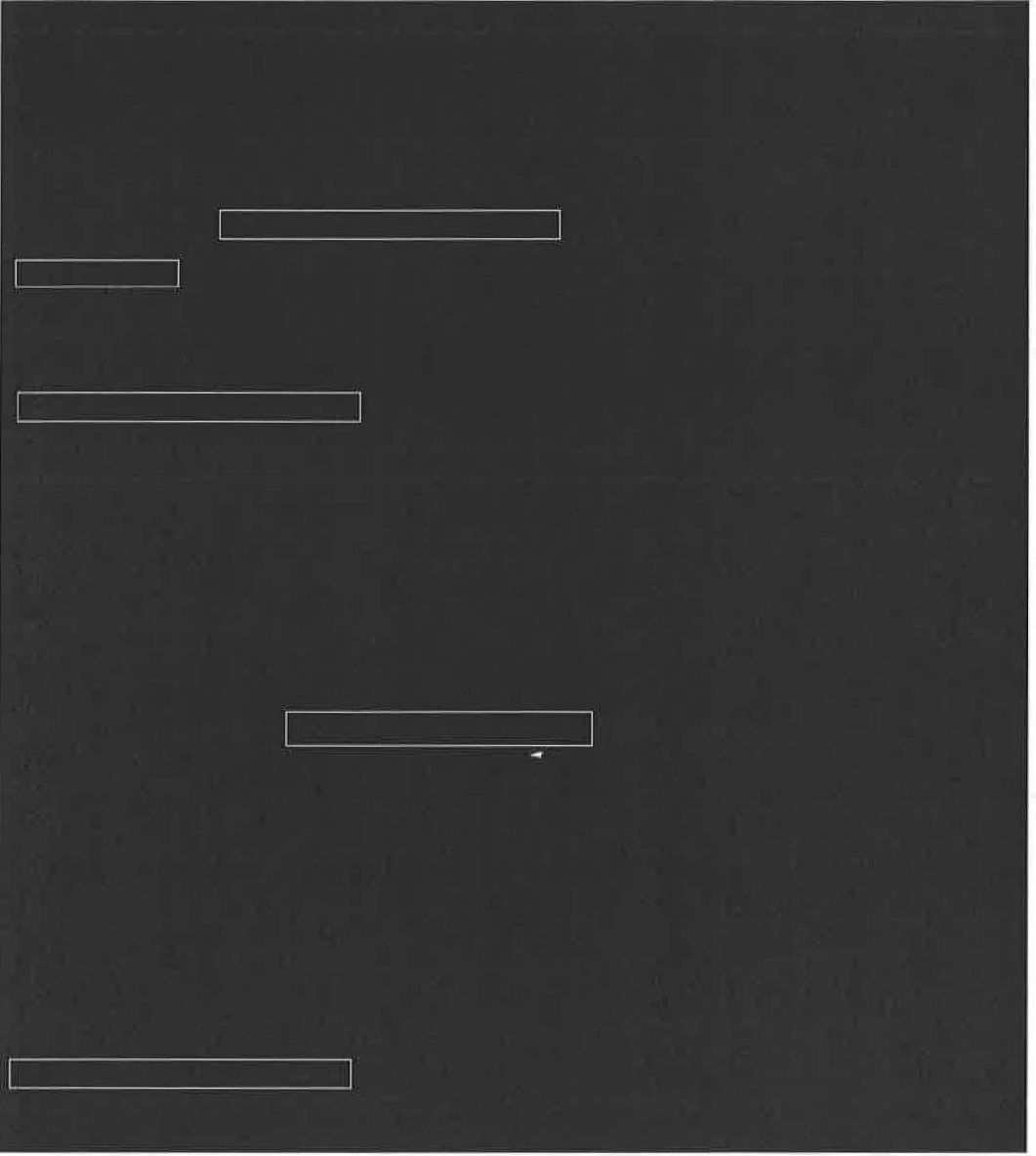
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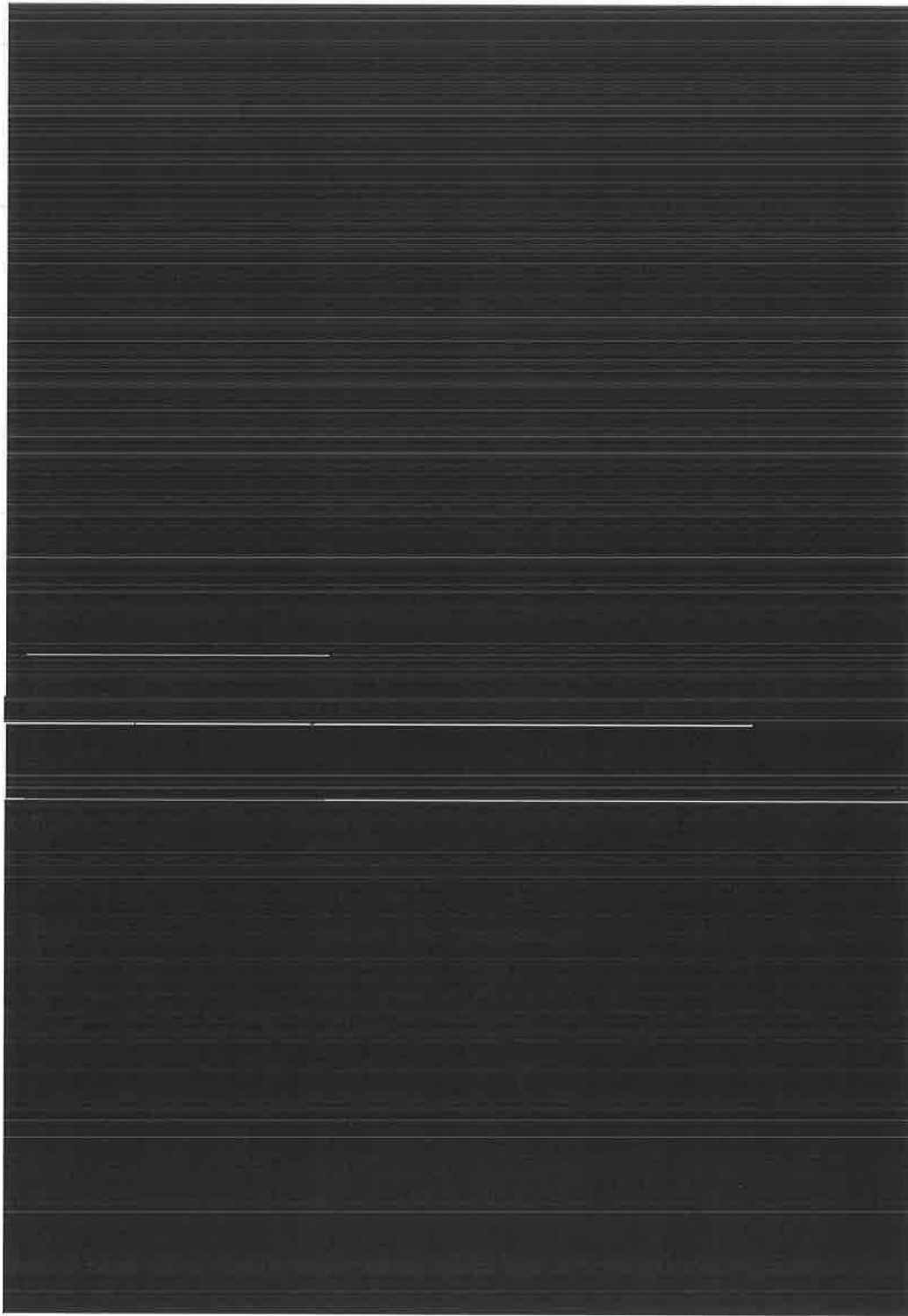
Page 544





ANALYSIS / ANALYSE:







[REDACTED]

DATE
20140912

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

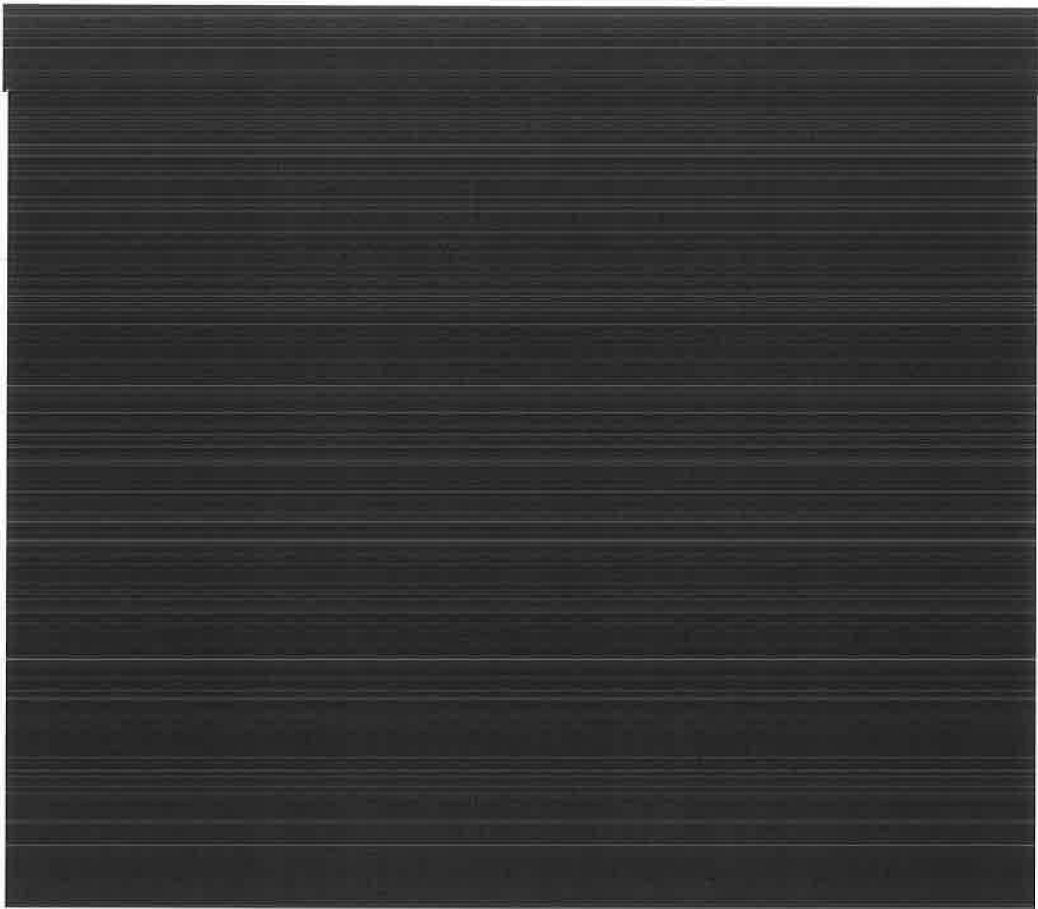
[REDACTED]

ANALYSIS / ANALYSE:

9. In reference to paragraph 1 and 9, Bill C-10, also known as the Tackling Contraband Tobacco Act, is legislation that would amend the Criminal Code to add a charge of trafficking in 'contraband' tobacco for anyone caught in possession of 10,000 cigarettes (or 50 cartons) or more

[REDACTED]

[REDACTED]

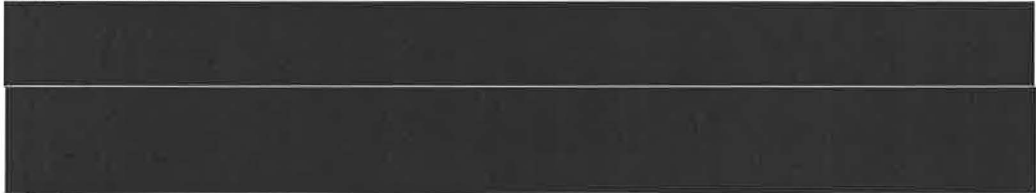




DATE
20140909



RE / OBJET:



SYNOPSIS / SOMMAIRE:





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[REDACTED]

DATE
20140808

[REDACTED]

RE / OBJET:

[REDACTED]

AUTHORITY / AUTORITÉ:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

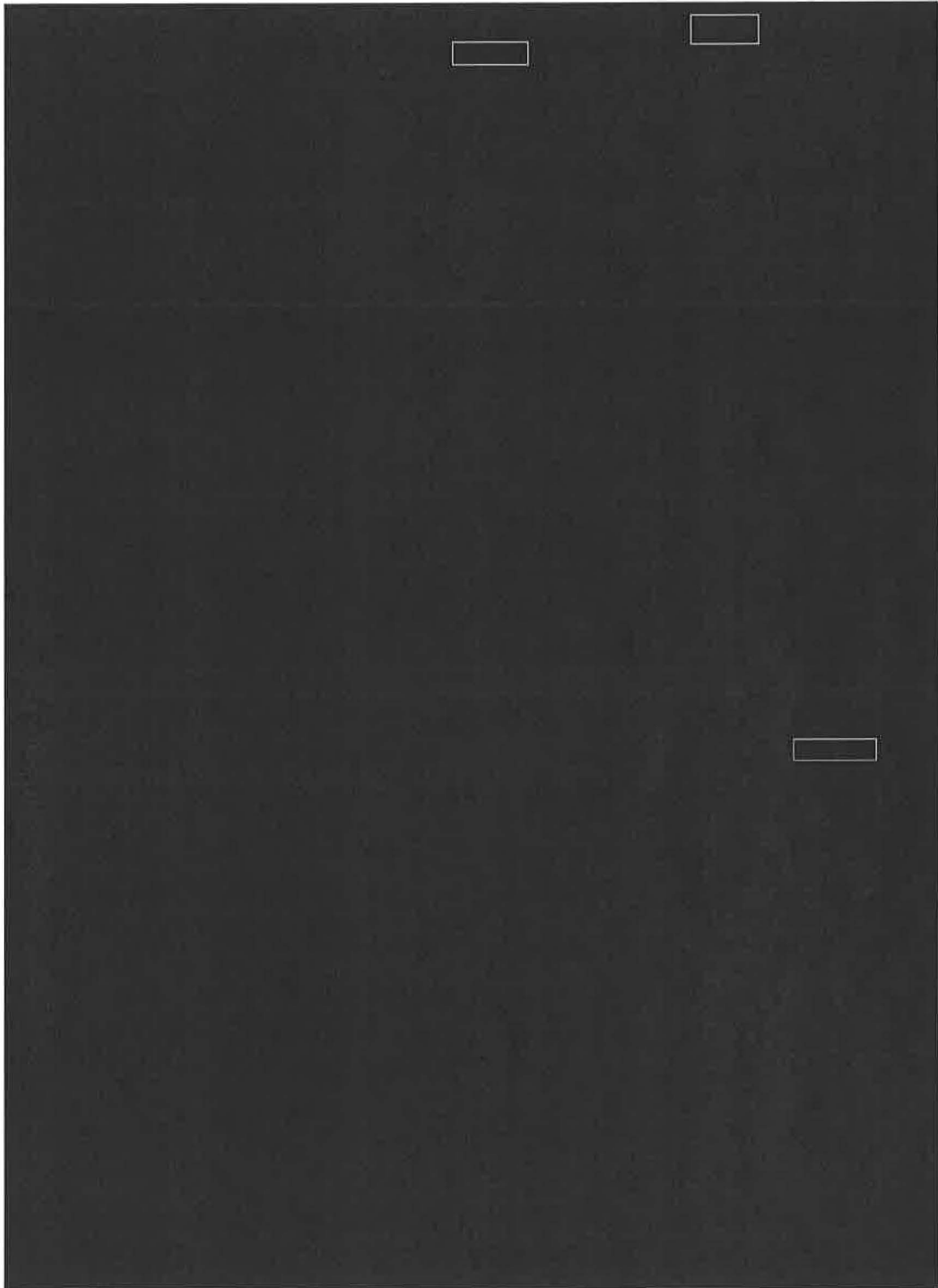
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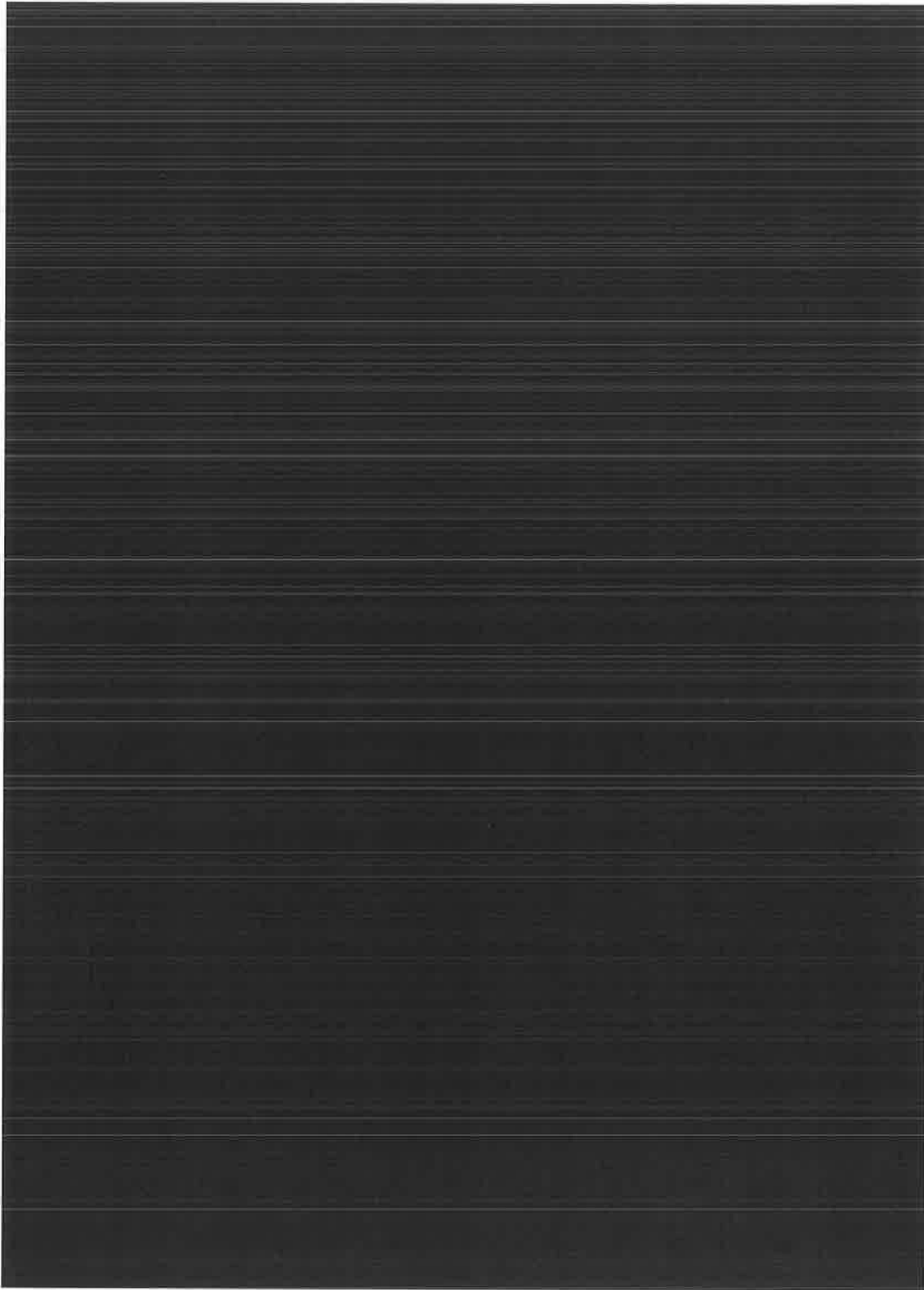
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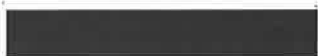


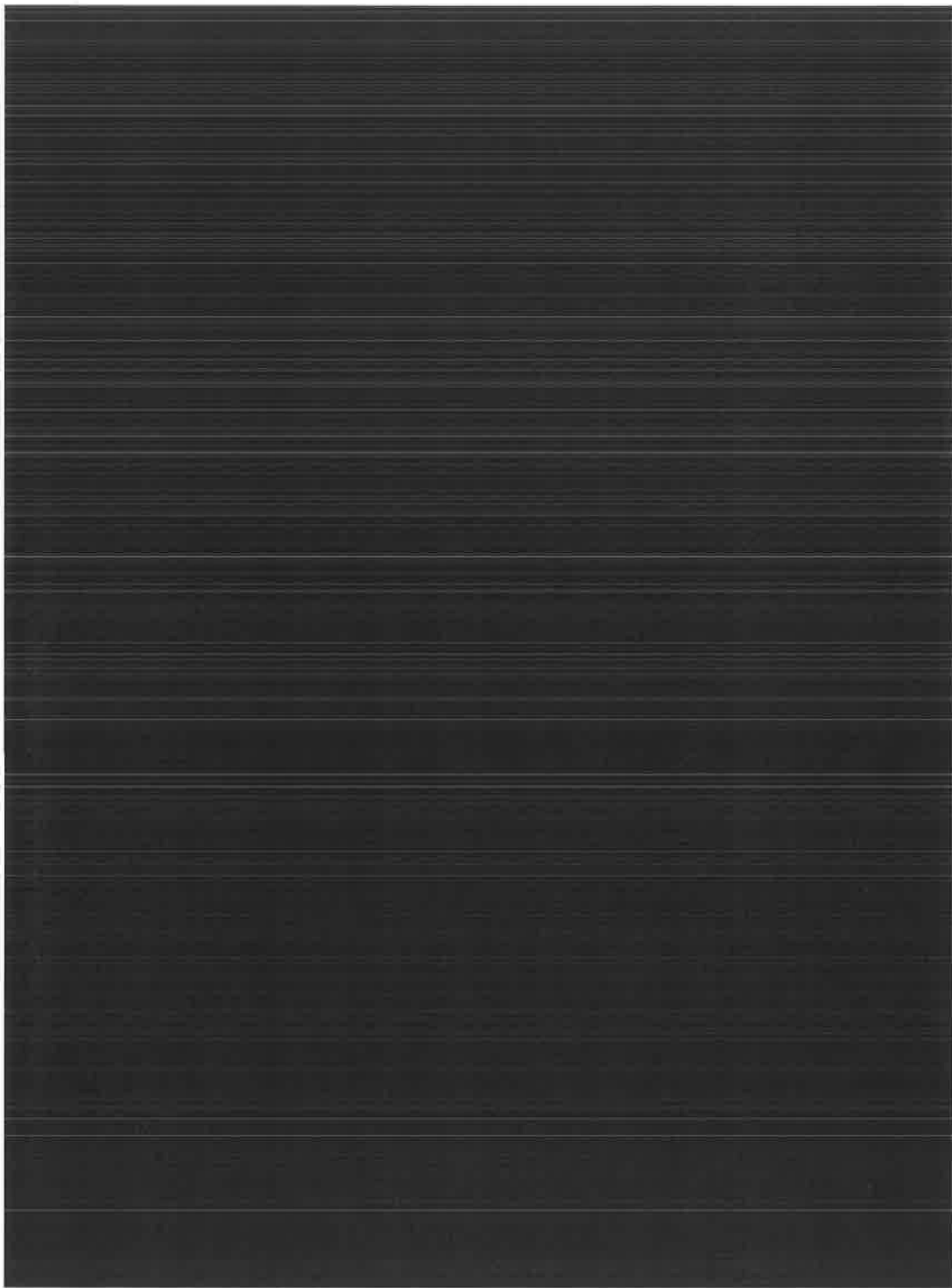
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ANALYSIS / ANALYSE:





[Redacted]

Tab/Onglet 6

Page 1957

[REDACTED]

DATE
20140730

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

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INFORMATION / RENSEIGNEMENTS:

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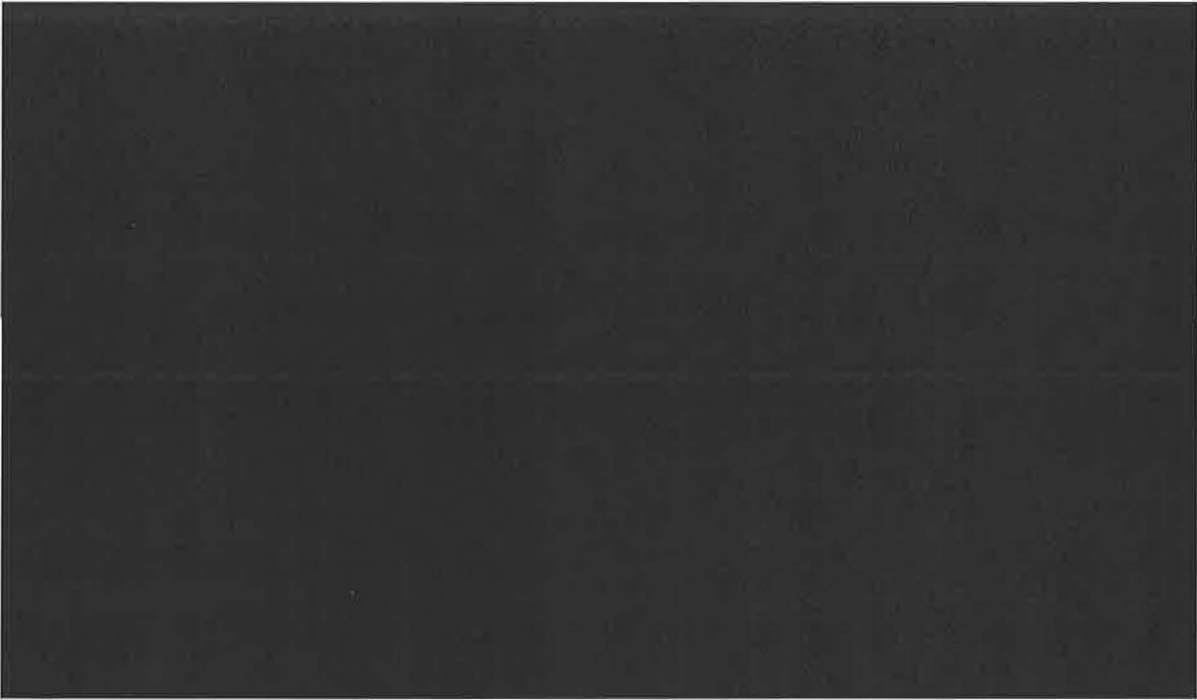
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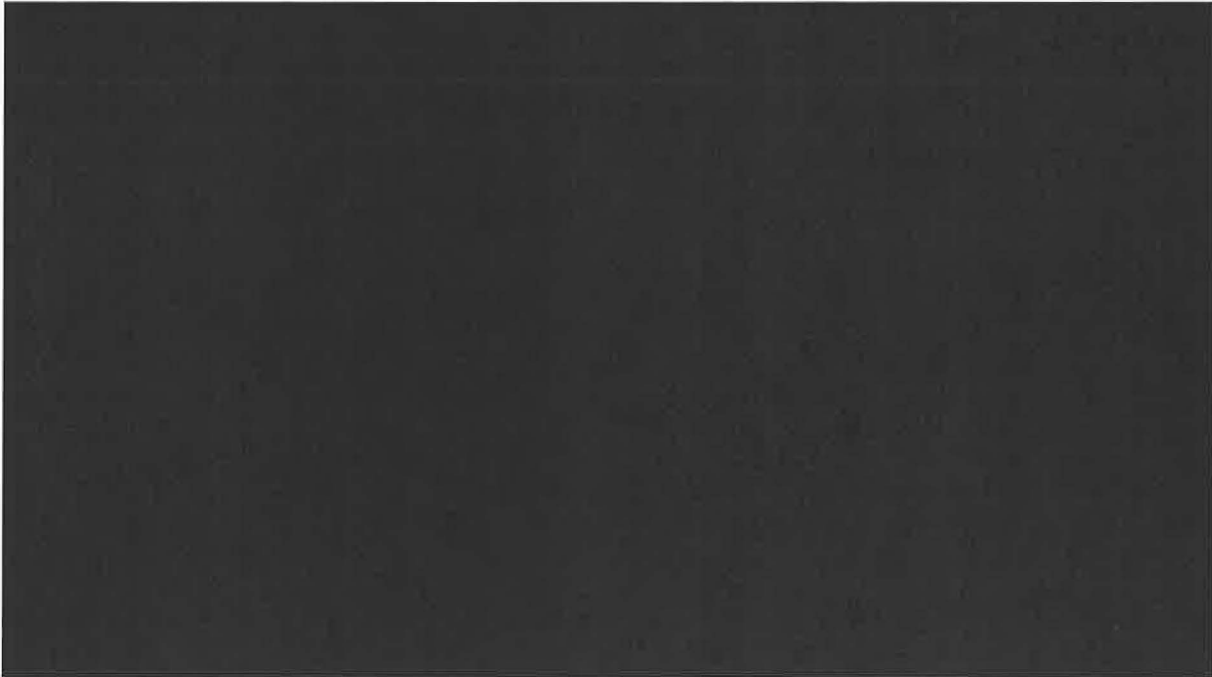
ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]



8) HQ may wish to consider disclosing the above - noted information to the RCMP.



[REDACTED]

DATE
20140722

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

3) Recipients: Uploaded for future reference and retrieval purposes. Best regards.

[REDACTED]

[REDACTED]

[REDACTED]

DATE
20140717

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

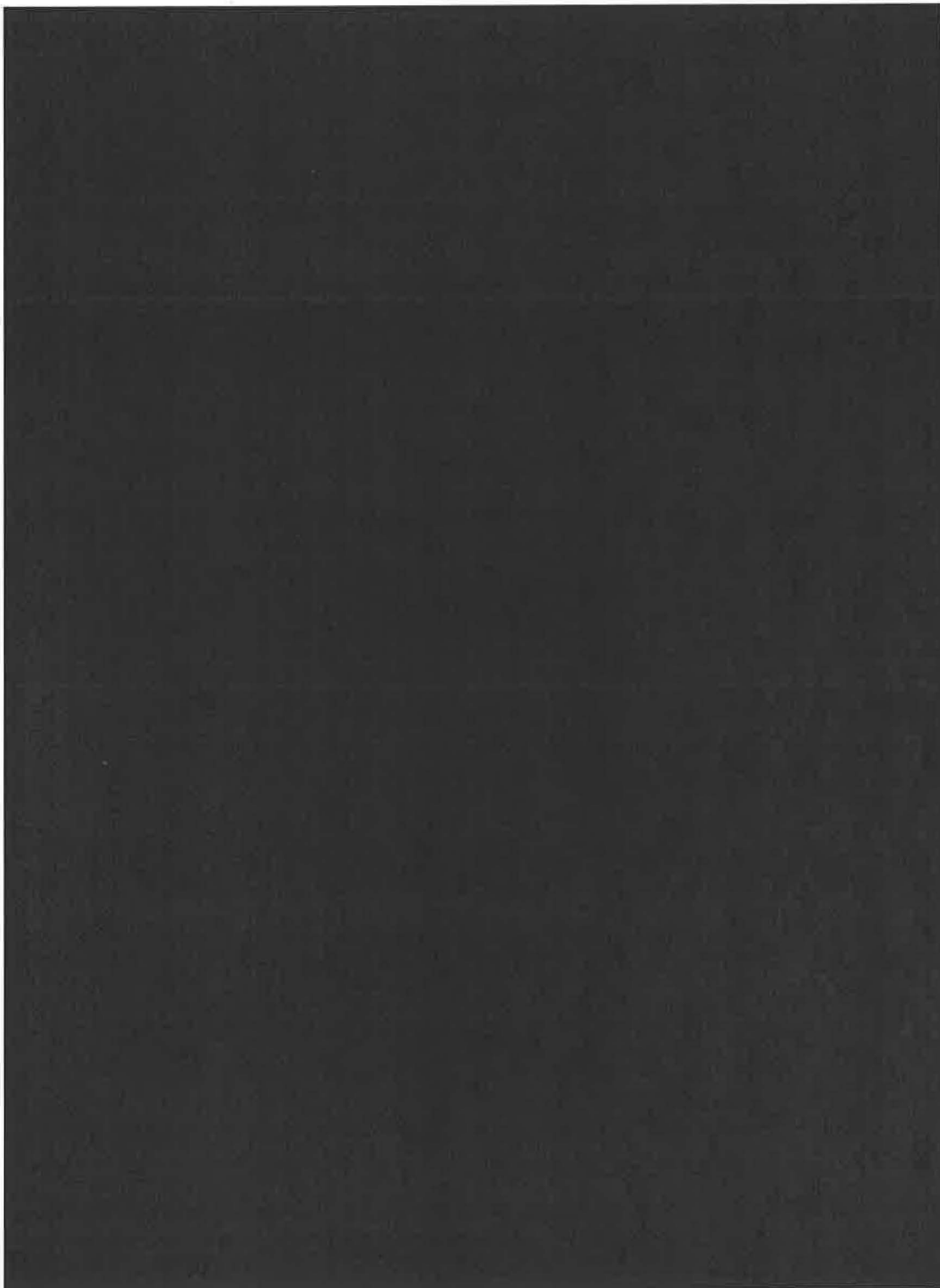
[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]





ANALYSIS / ANALYSE:

2) This information is being provided in view of the potential for ideological-motivated violence. 



[REDACTED]

DATE
20140715

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

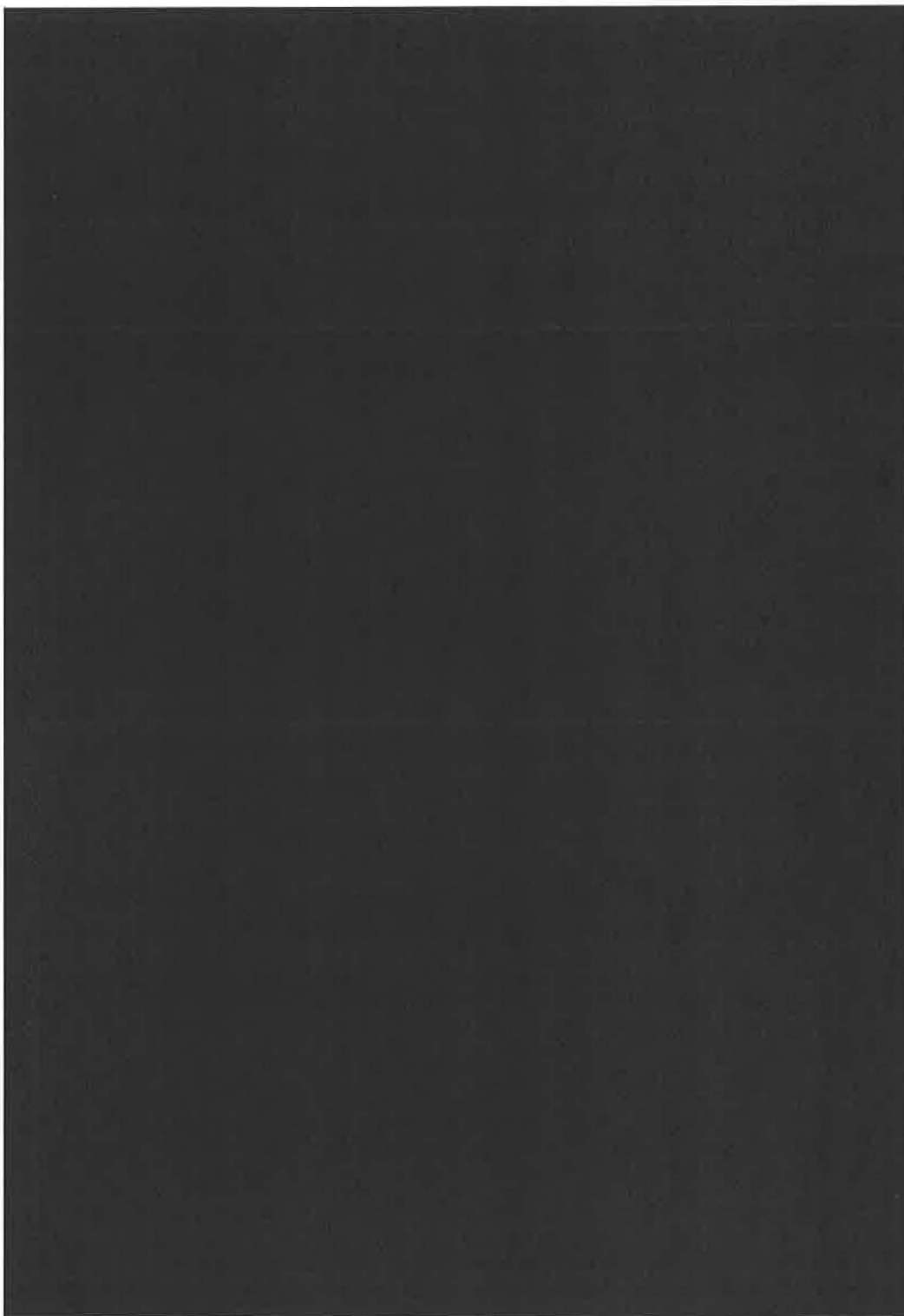
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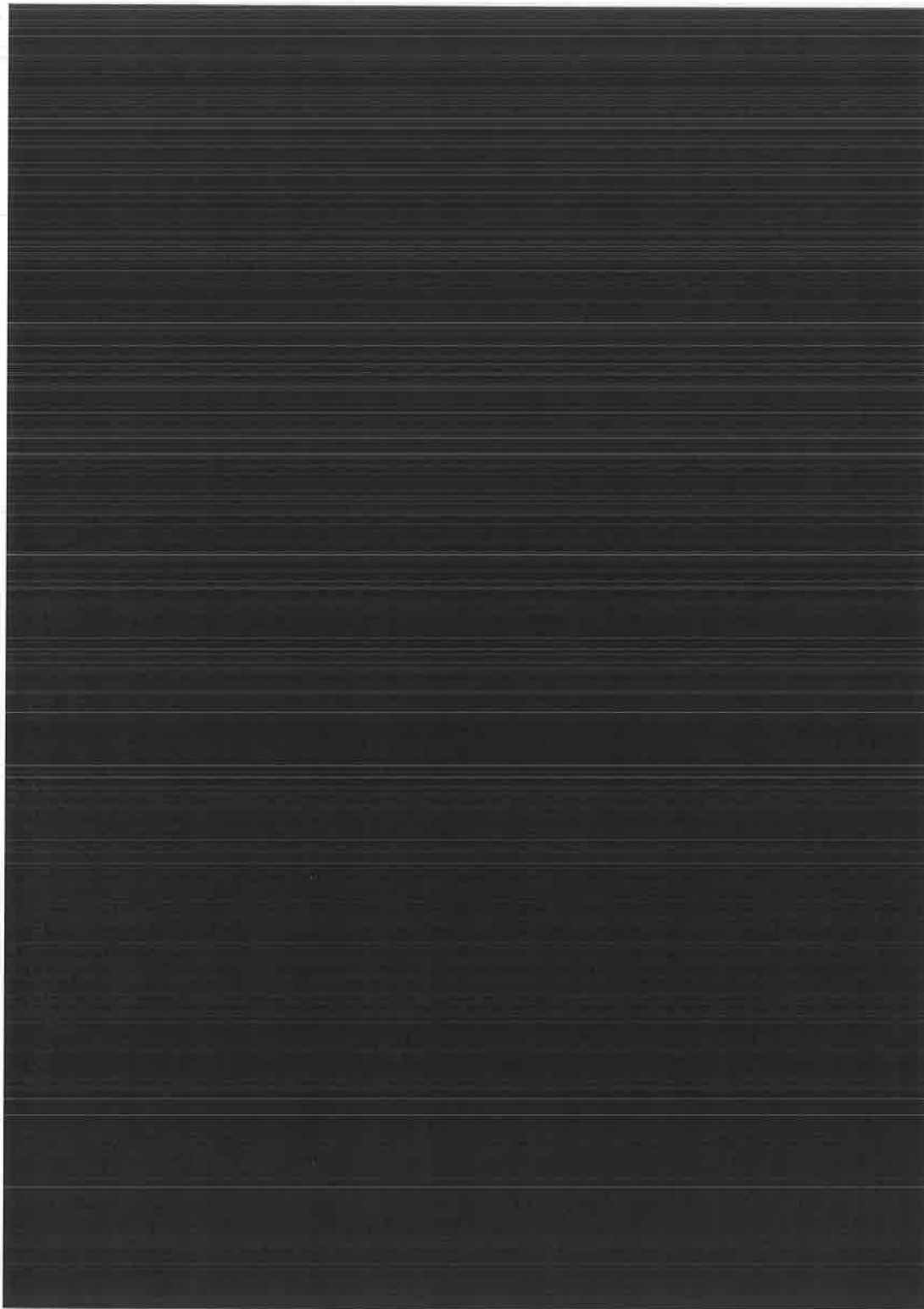
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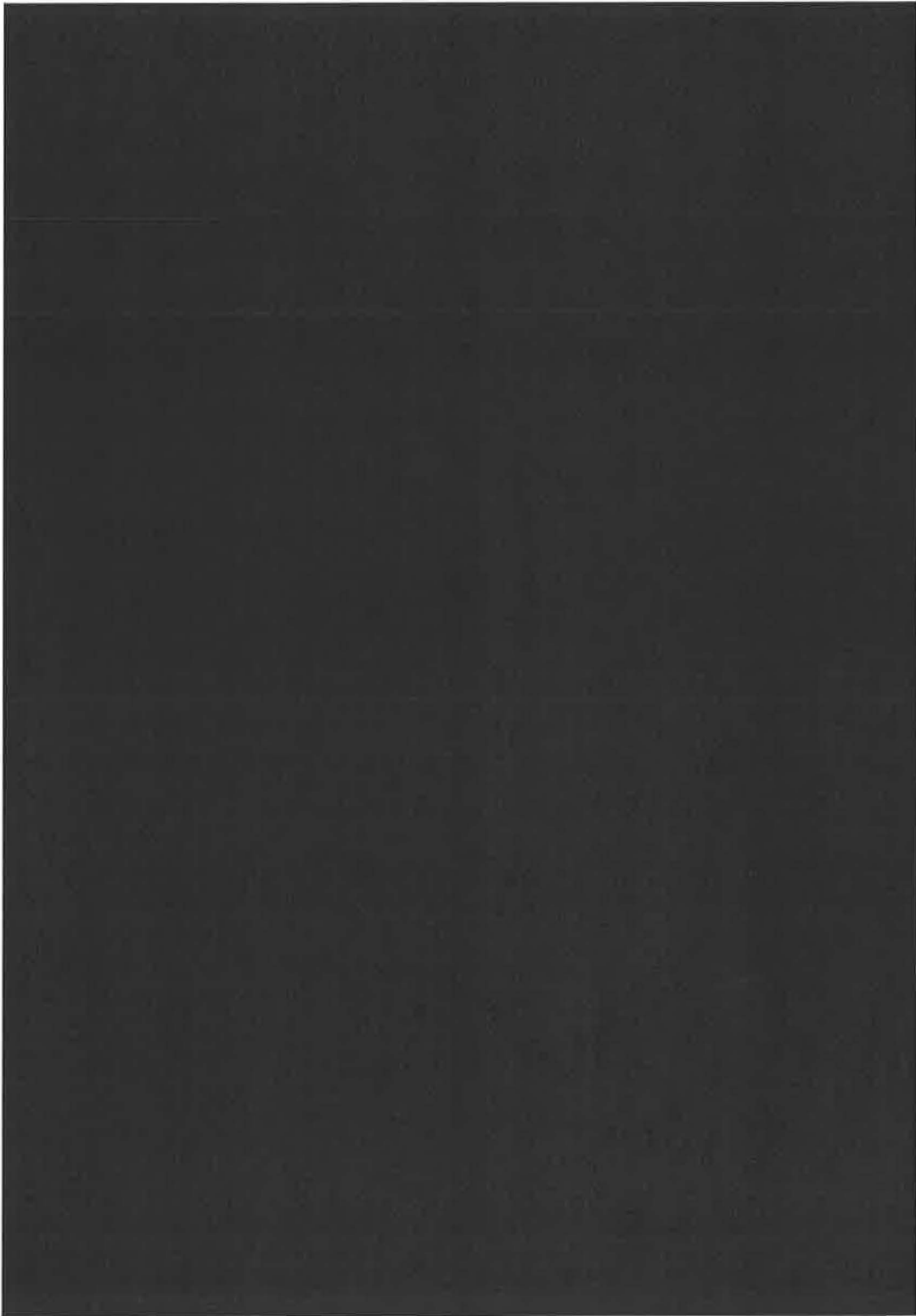
INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]







[REDACTED]

-UNQUOTE-[REDACTED]

ANALYSIS / ANALYSE:

2) This information is being provided in view of the potential for ideological-motivated violence. HQ [REDACTED] analysis to follow.

[REDACTED]

[REDACTED]

[REDACTED]

DATE
20140630

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

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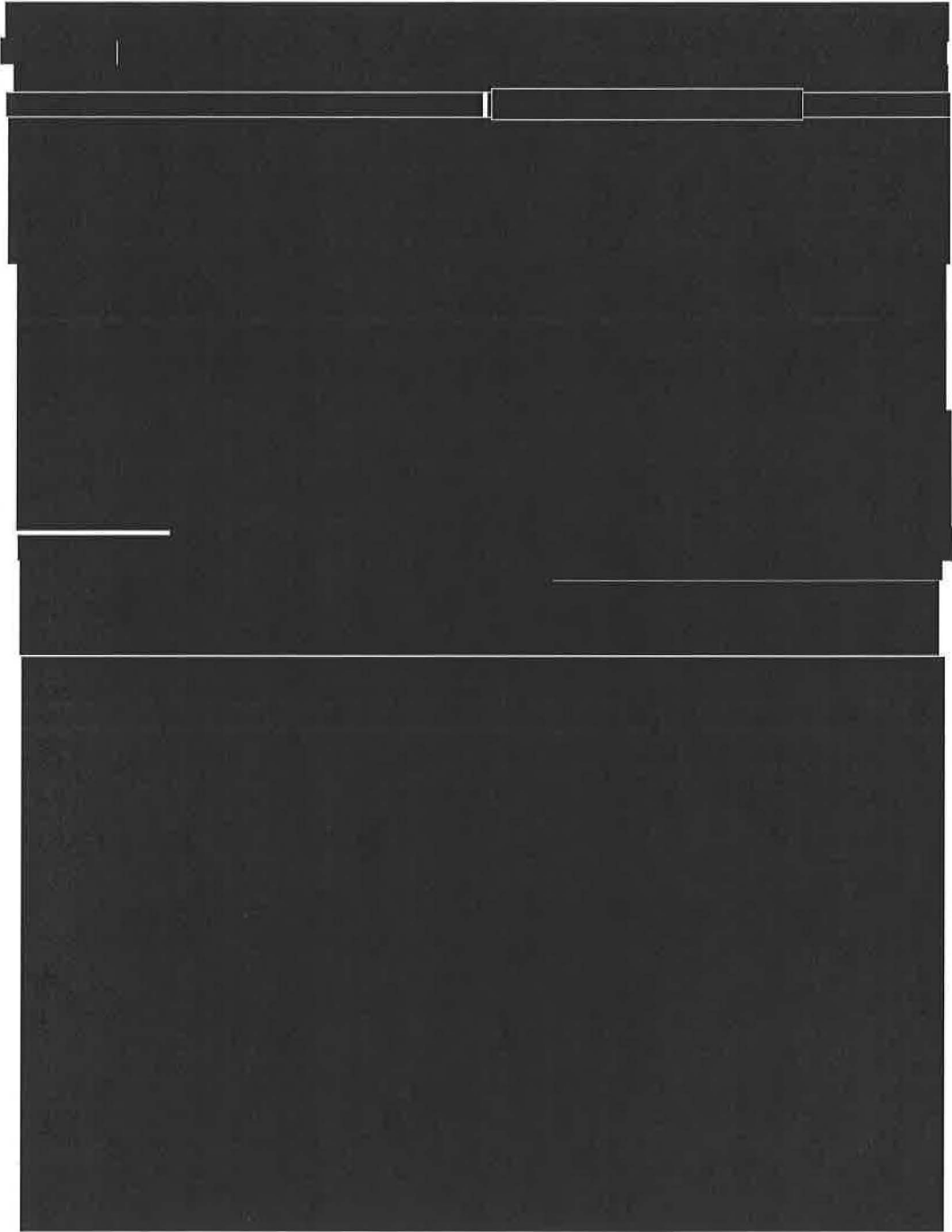
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[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]



[Redacted]

[REDACTED]

DATE
20140630

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

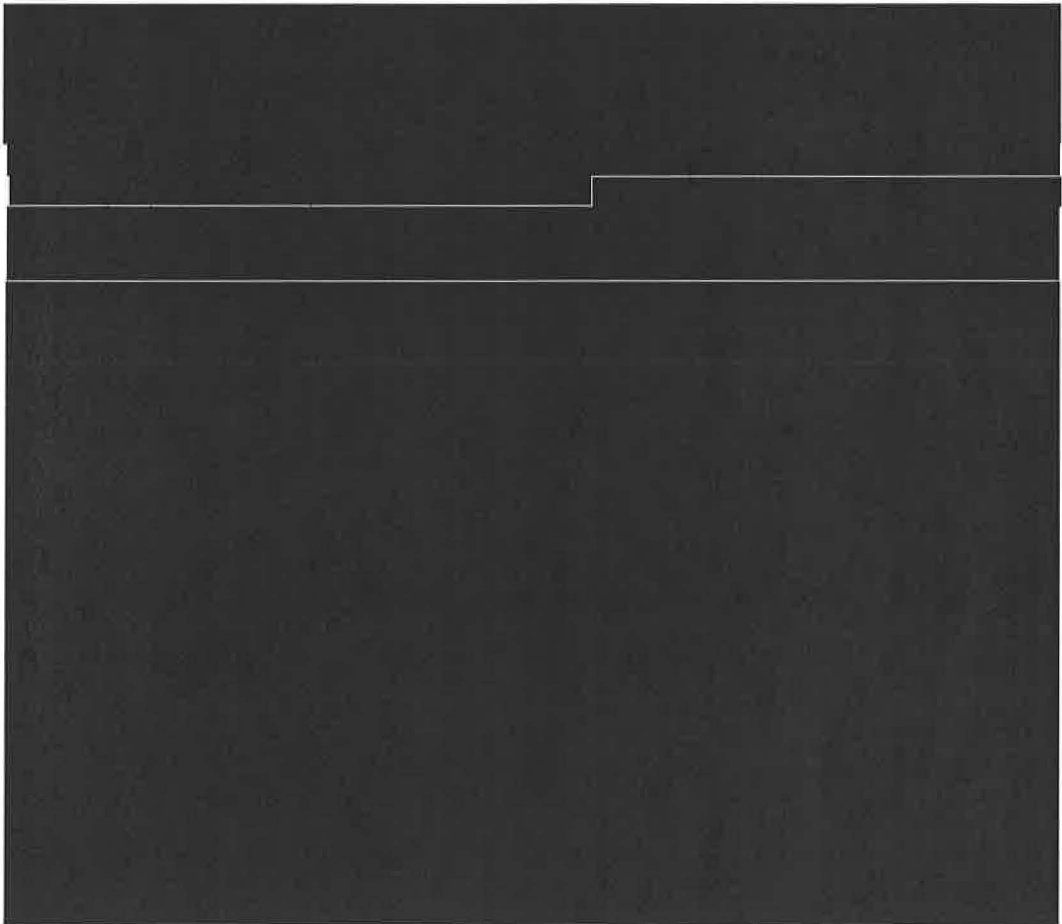
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[REDACTED]

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ANALYSIS / ANALYSE:

[REDACTED]



[REDACTED]

DATE
20140618

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

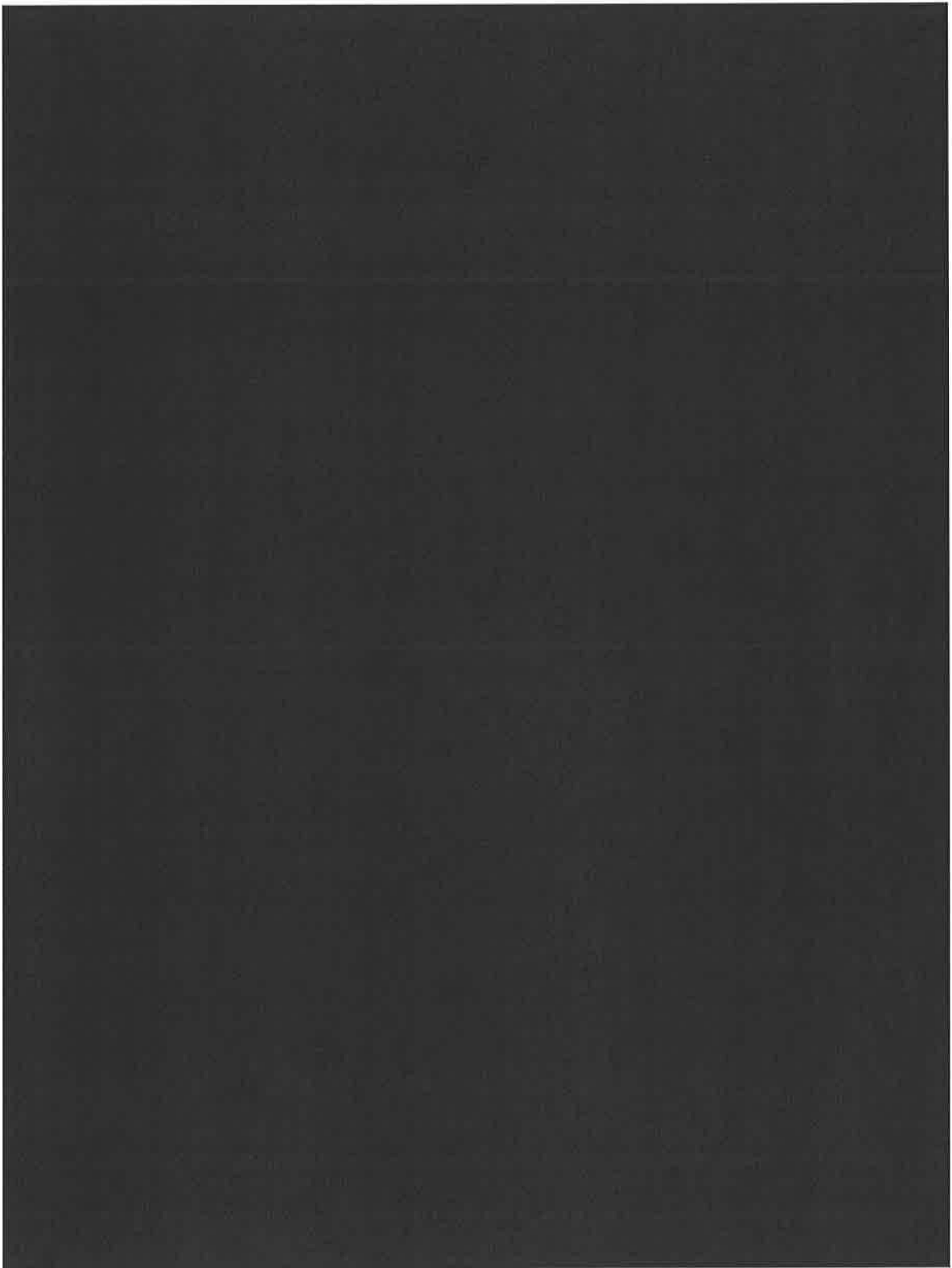
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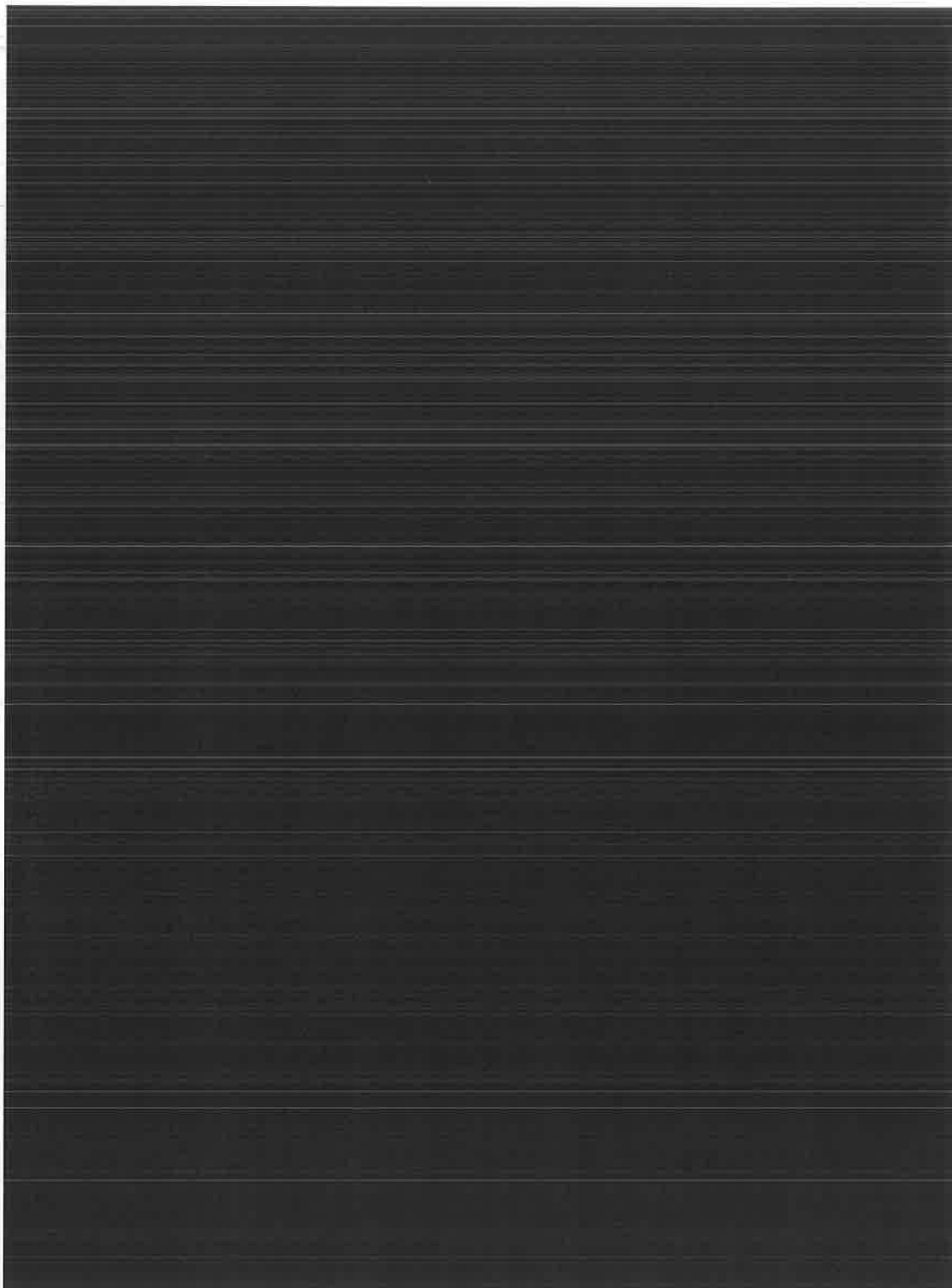
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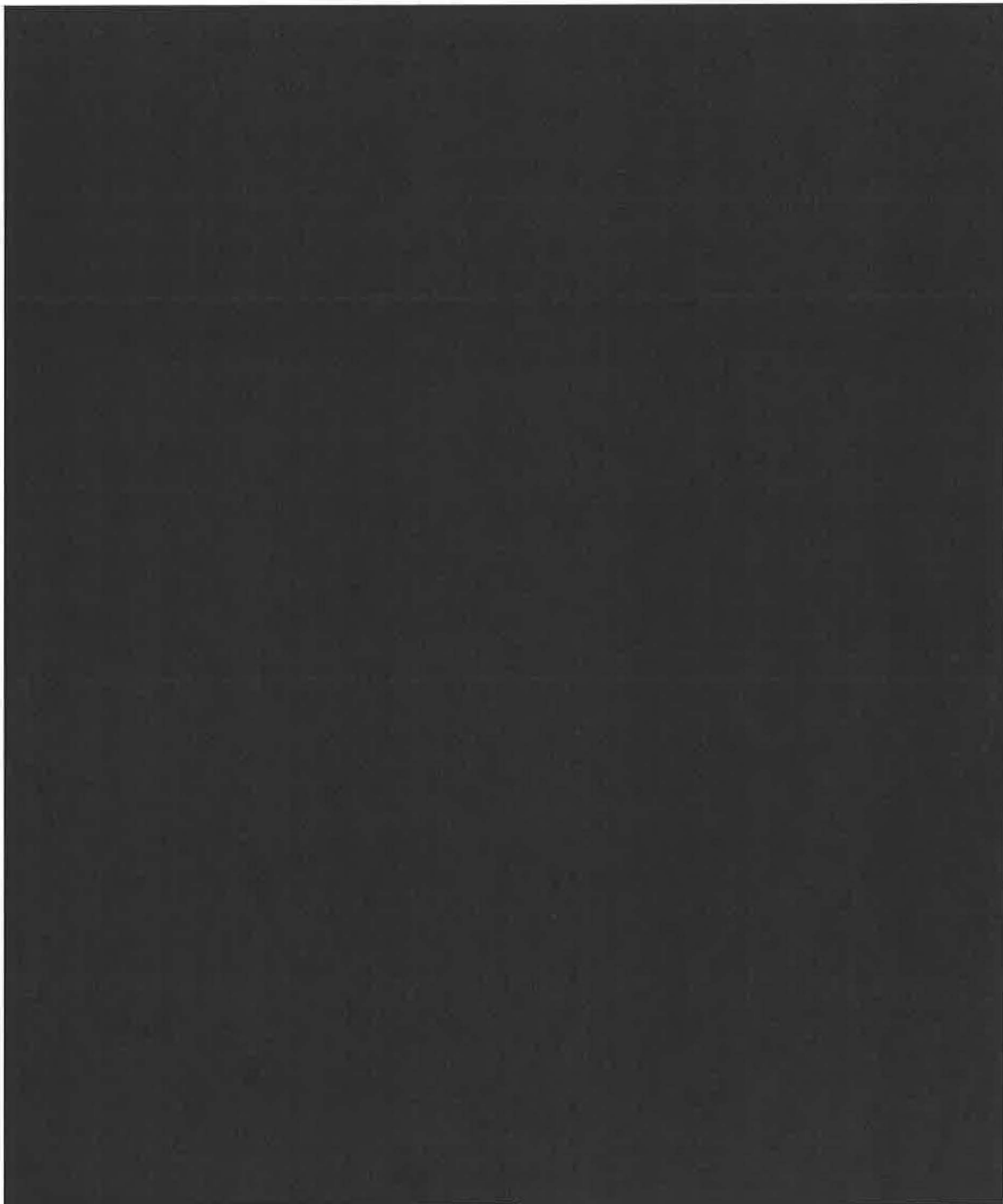
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[REDACTED]







[REDACTED]

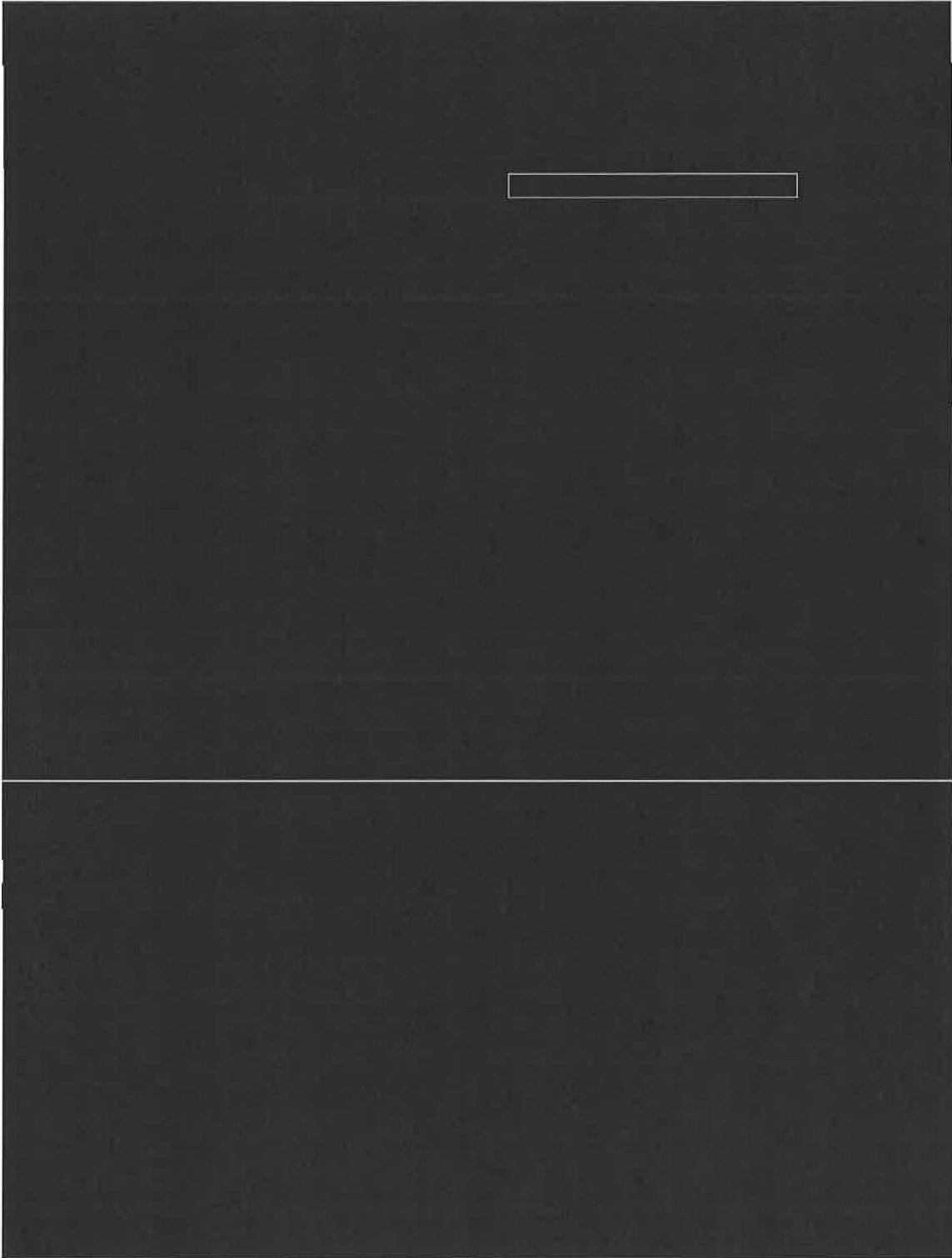
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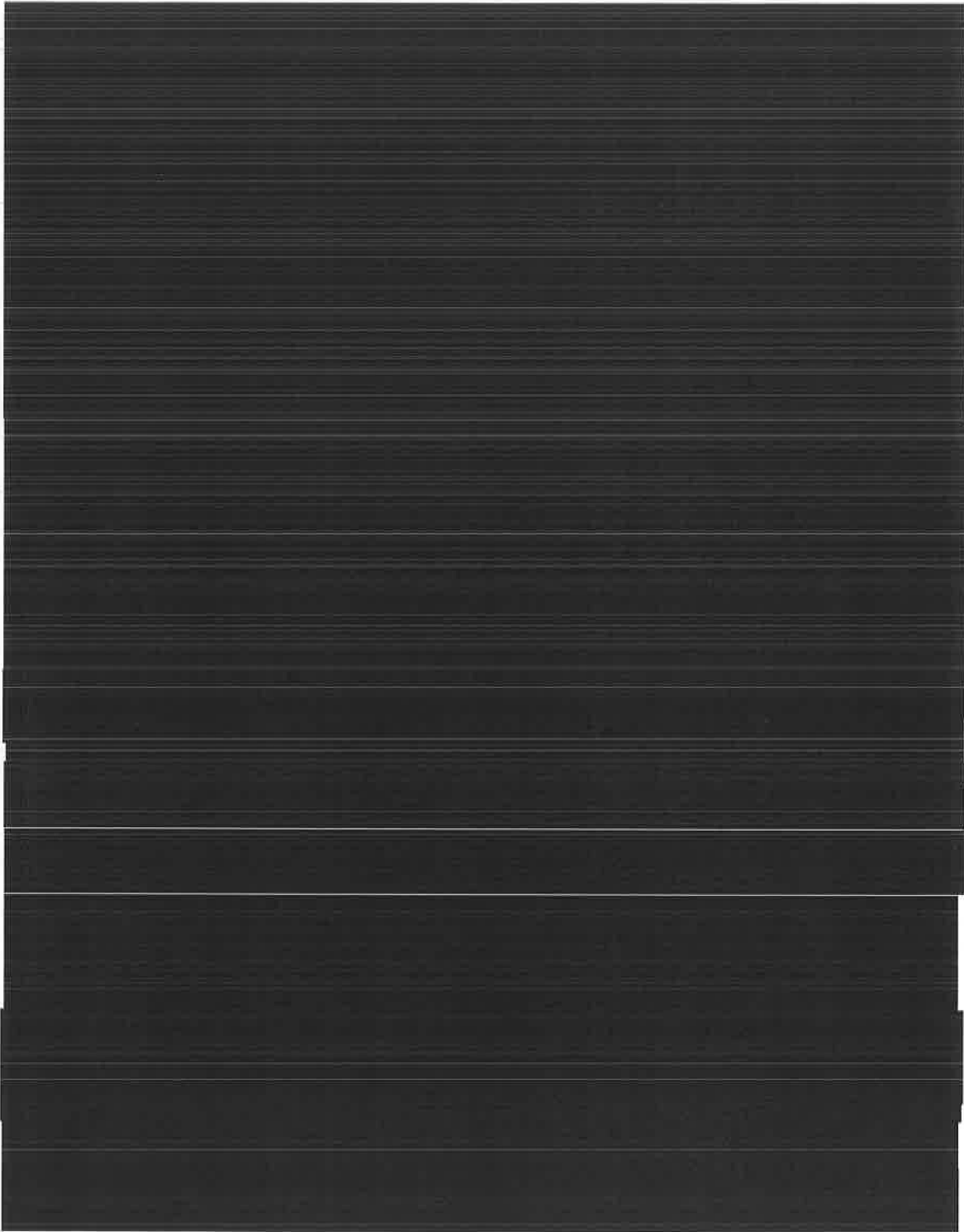
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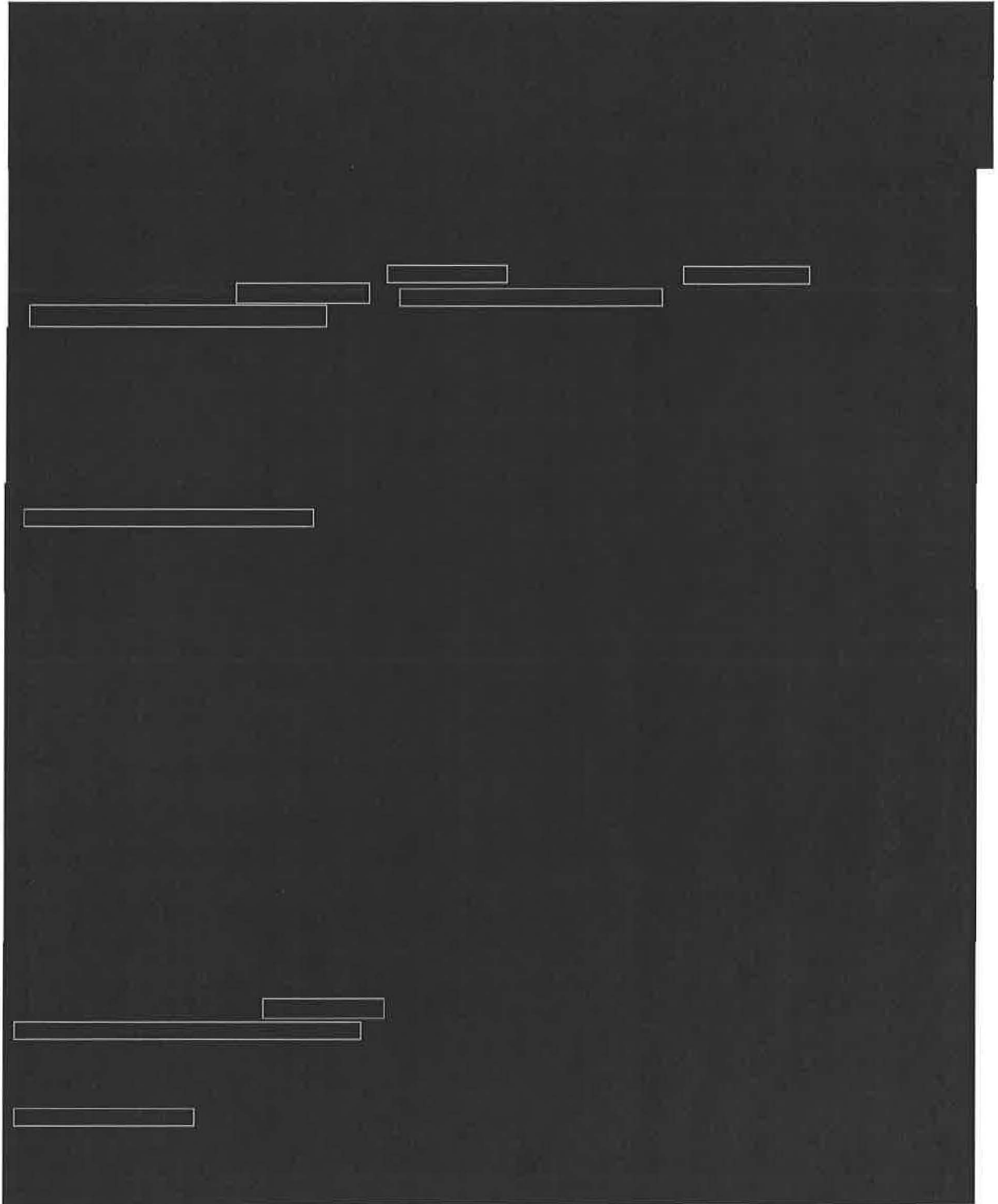
ANALYSIS / ANALYSE:

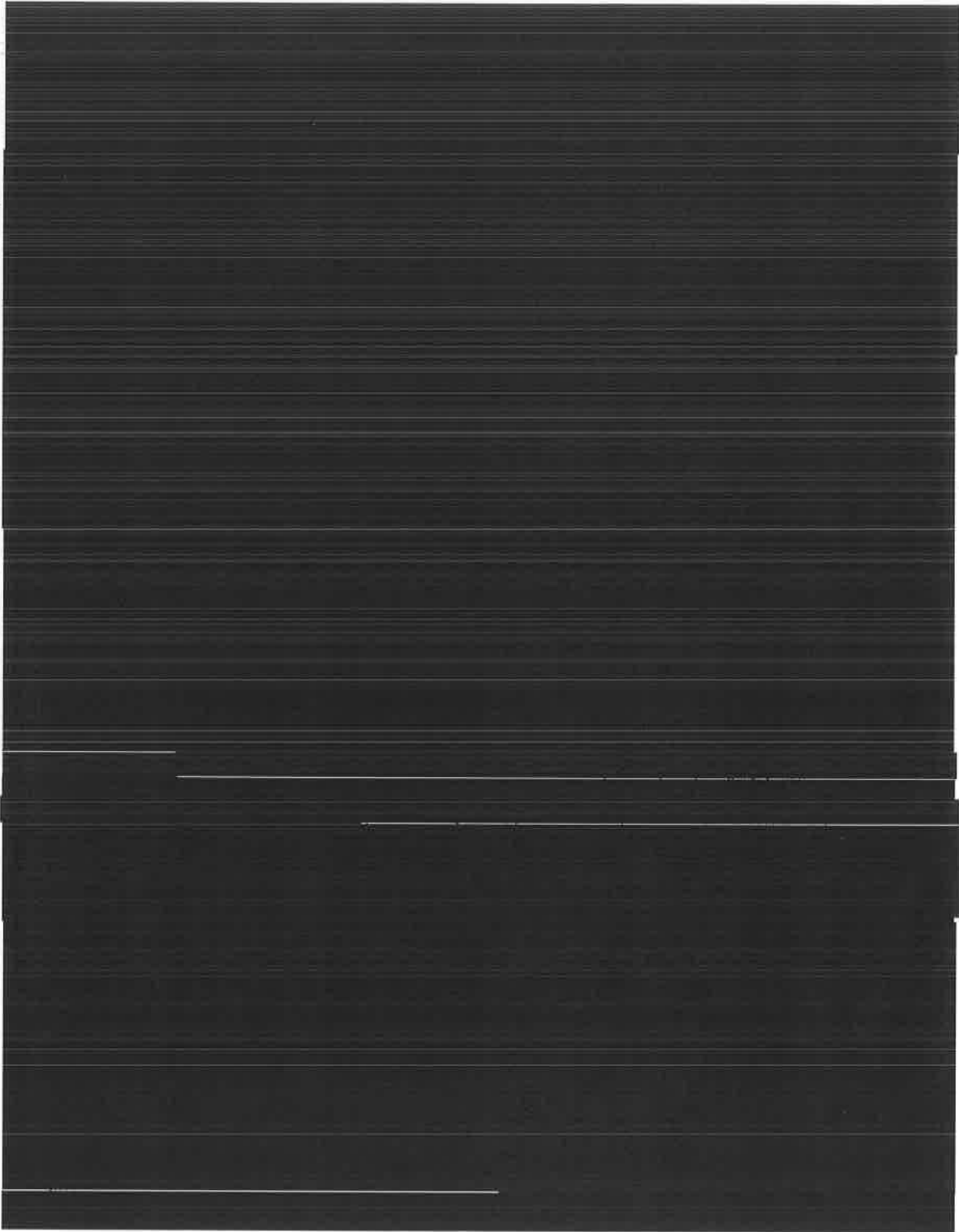
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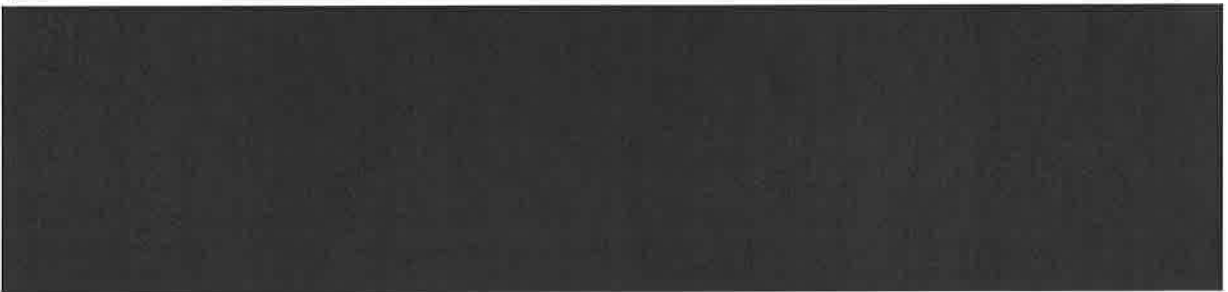
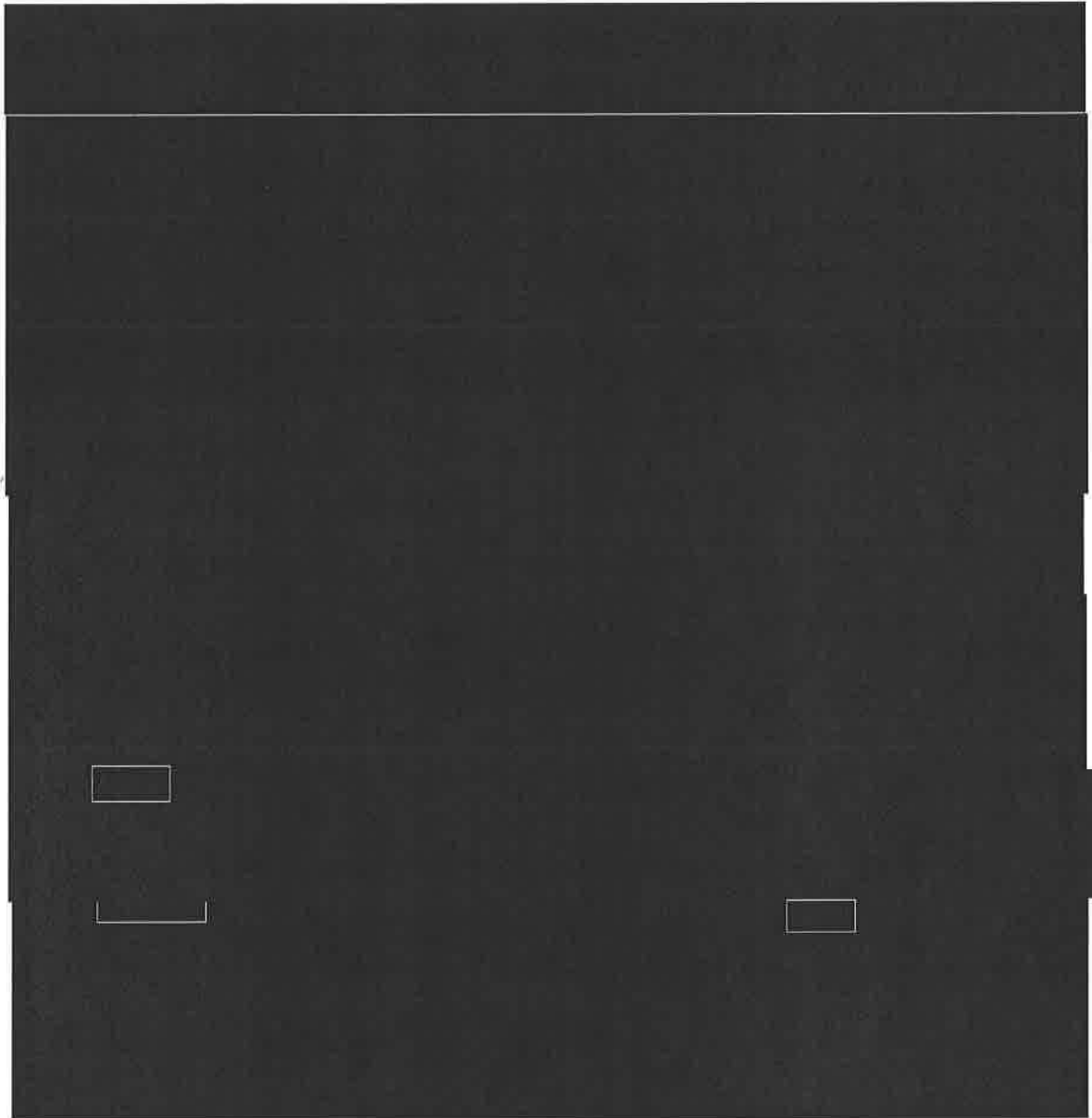
[REDACTED]













DATE
20140618

RE / OBJET:

SYNOPSIS / SOMMAIRE:

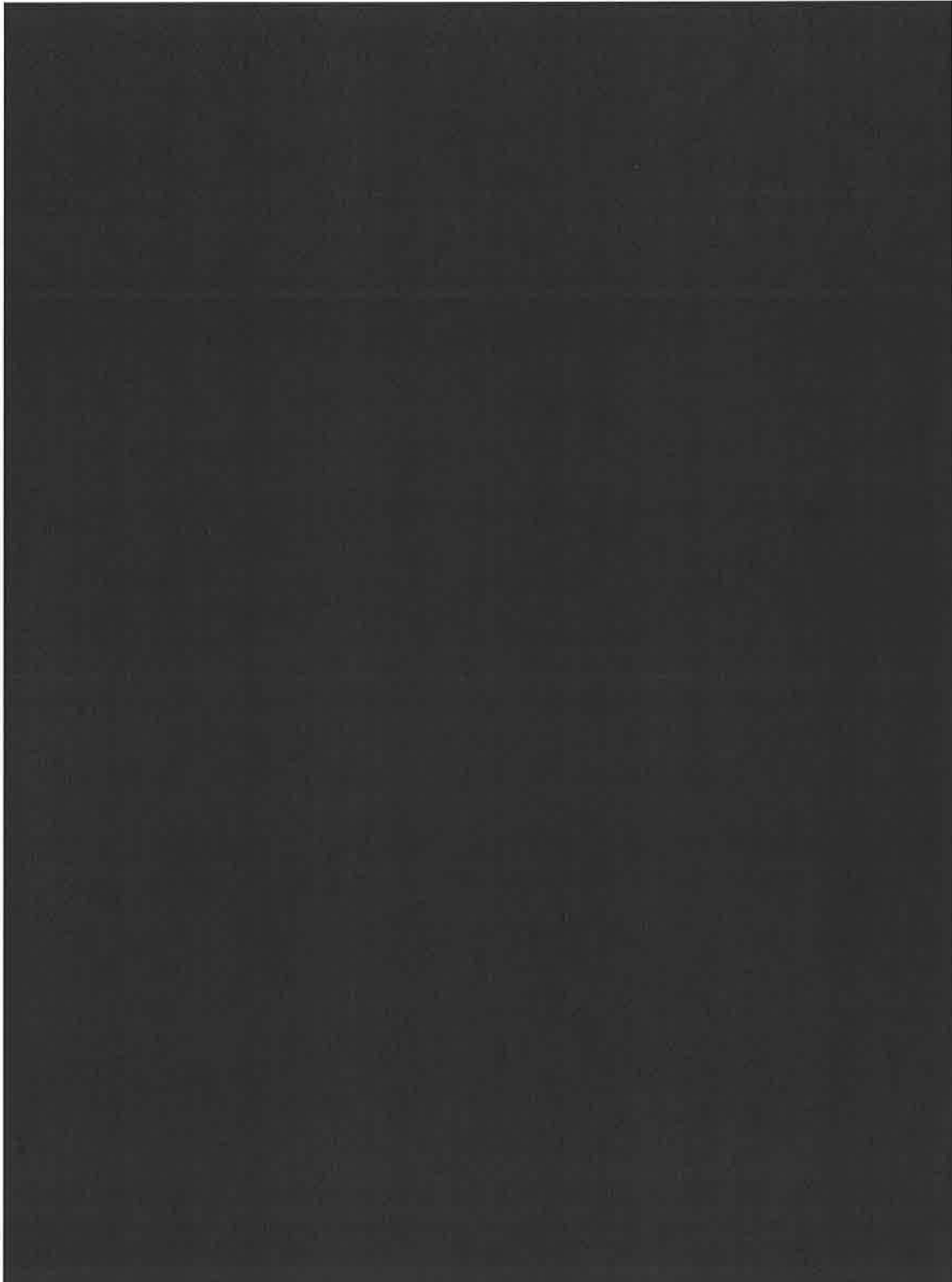
[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

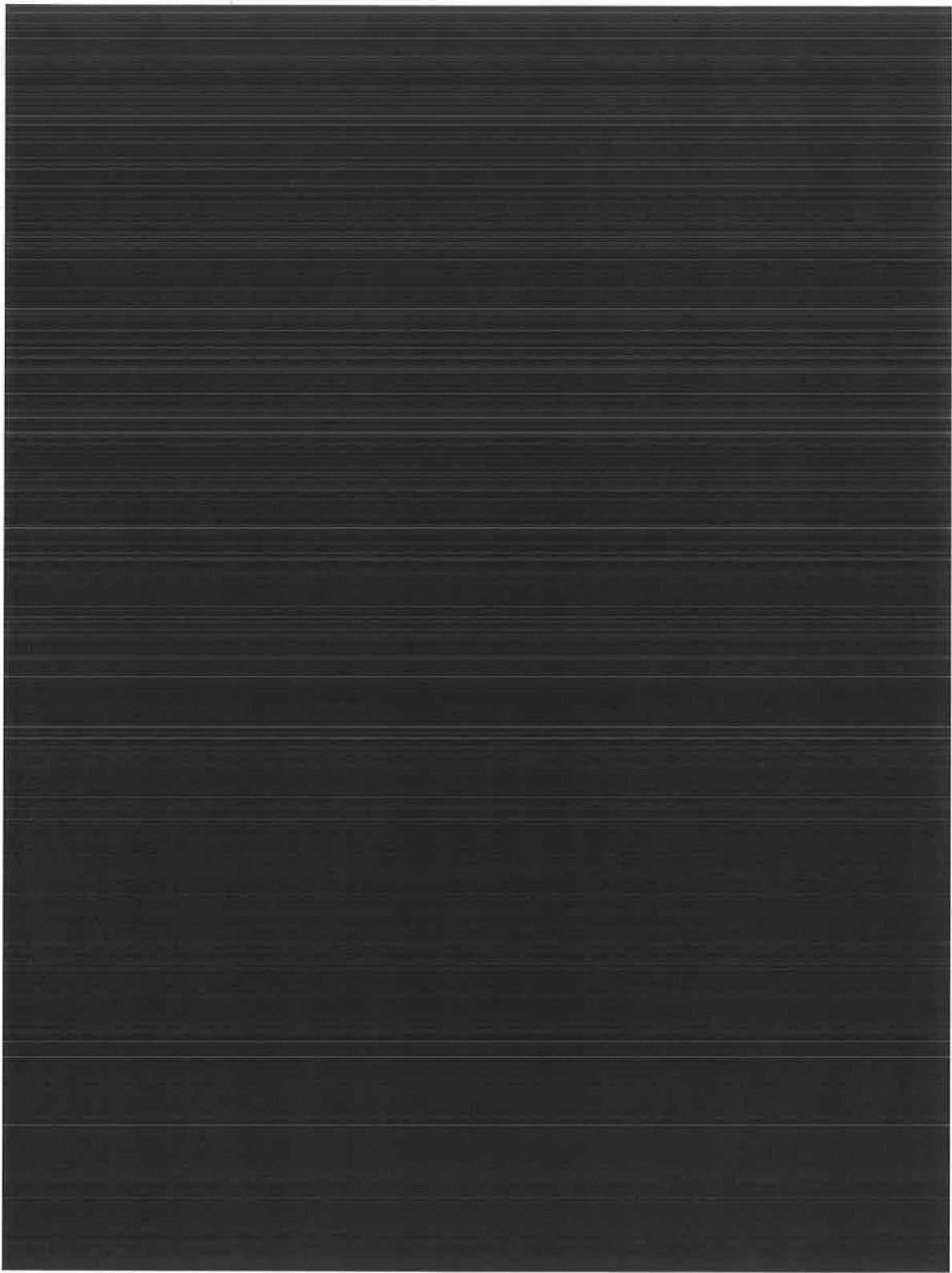
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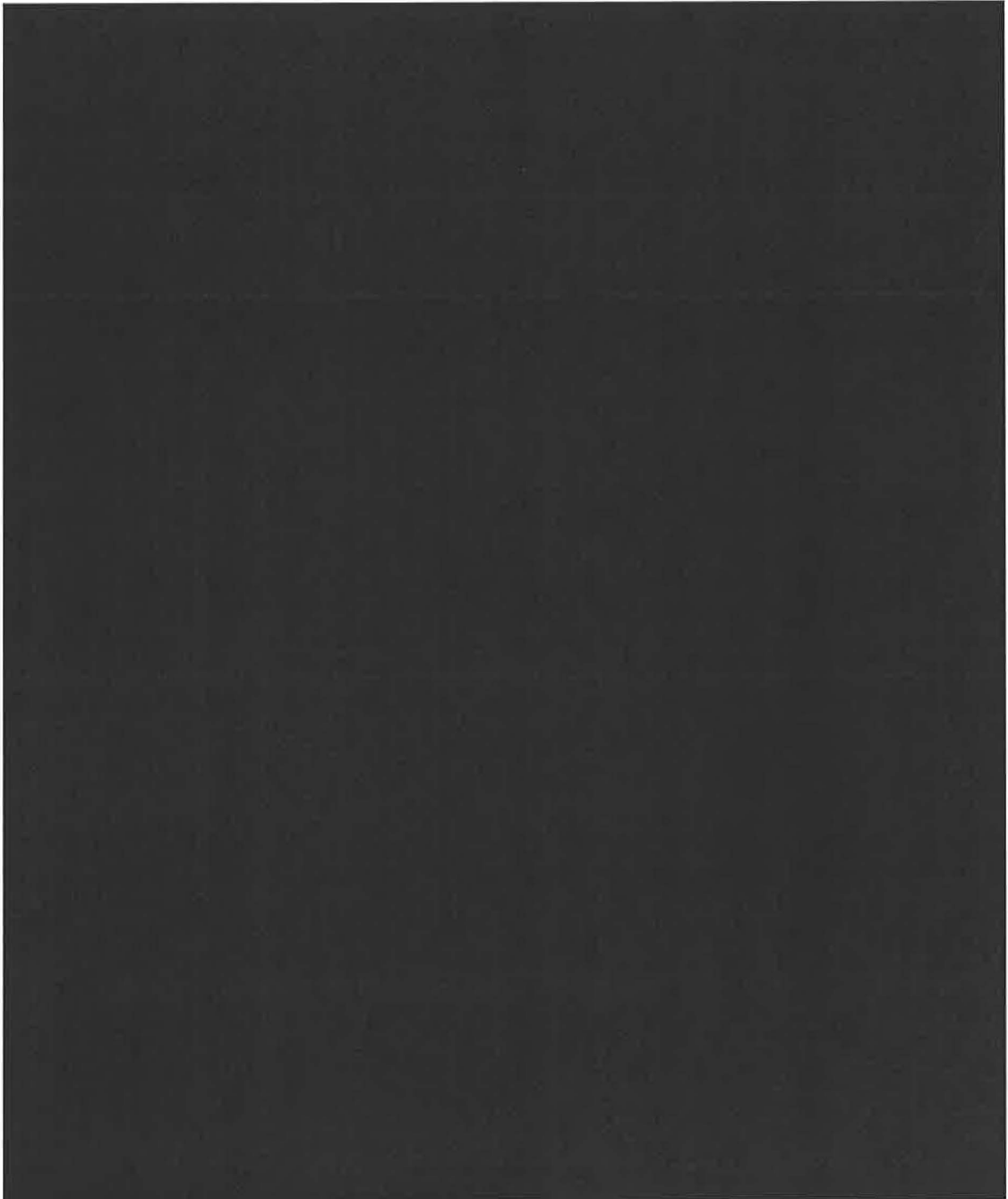


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Tab/Onglet 8

Page 60





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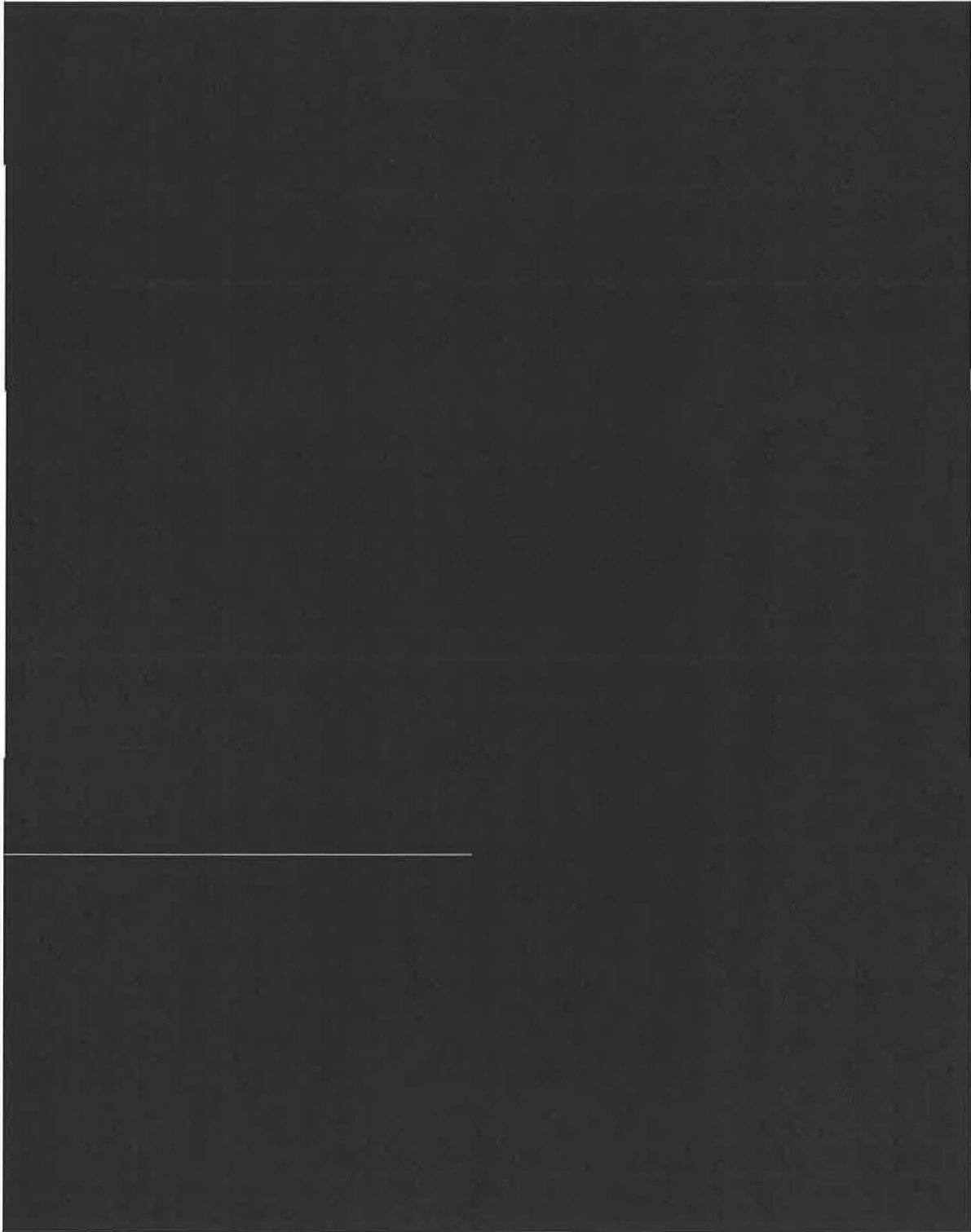
10-10-10

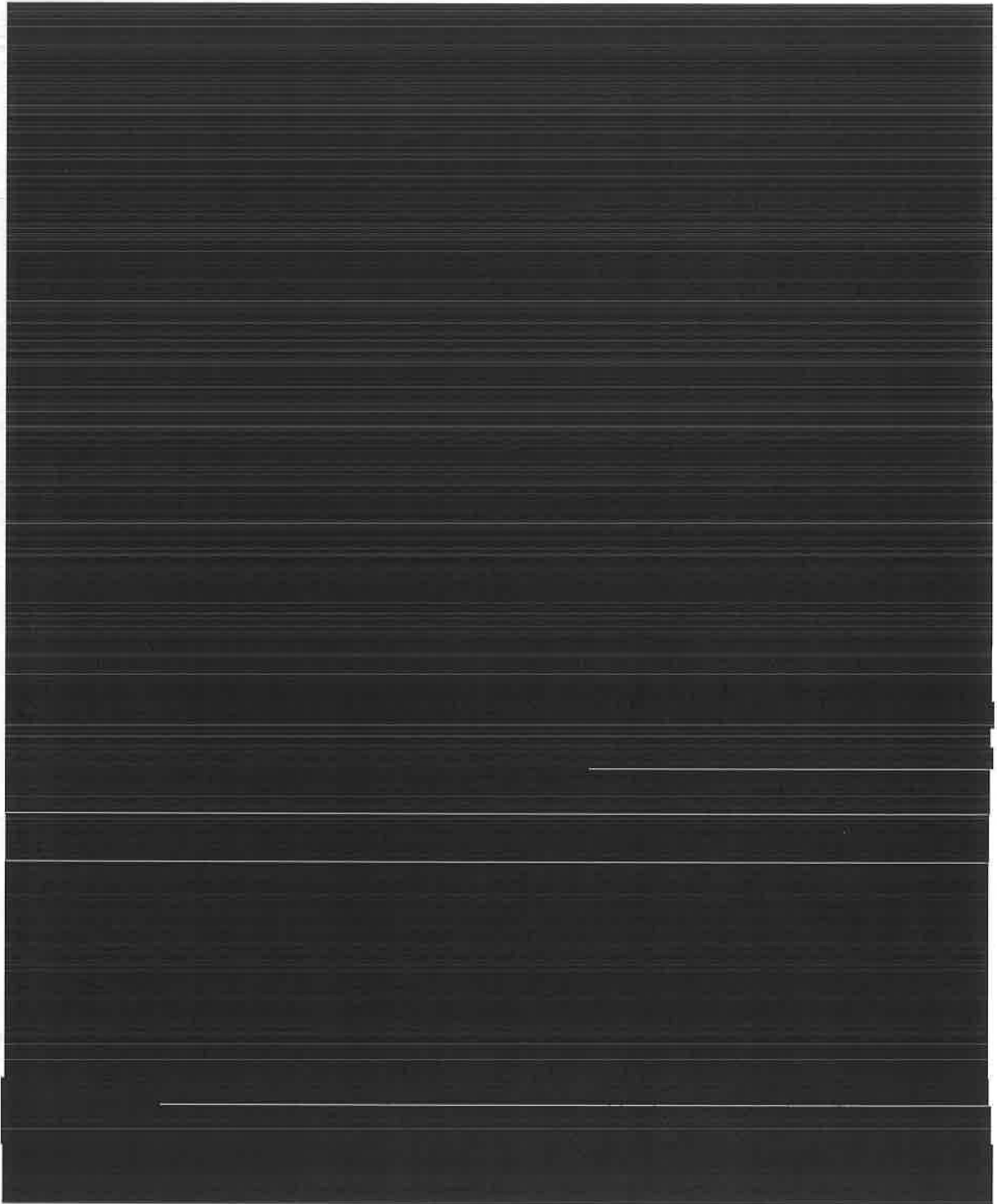
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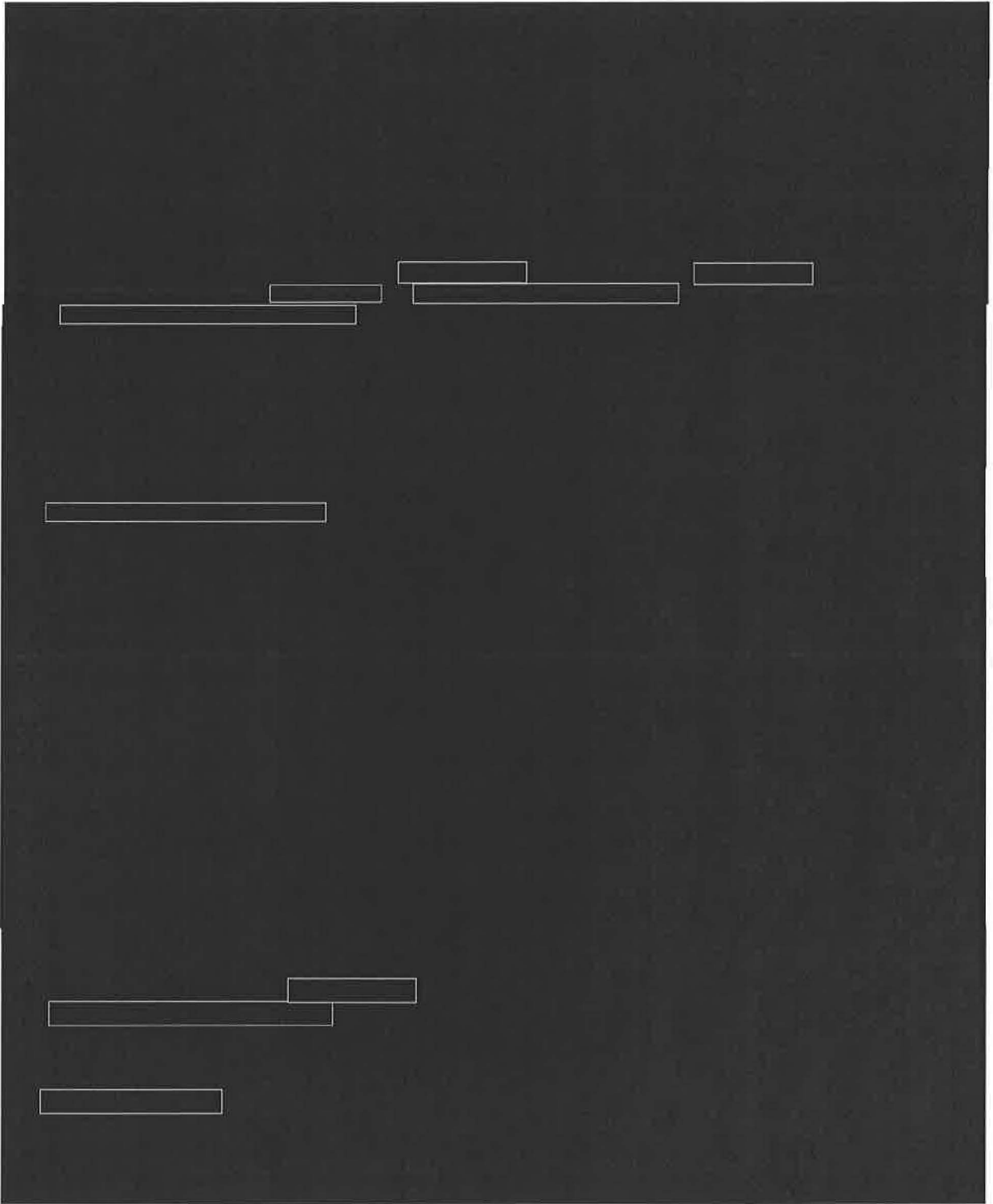
ANALYSIS / ANALYSE:

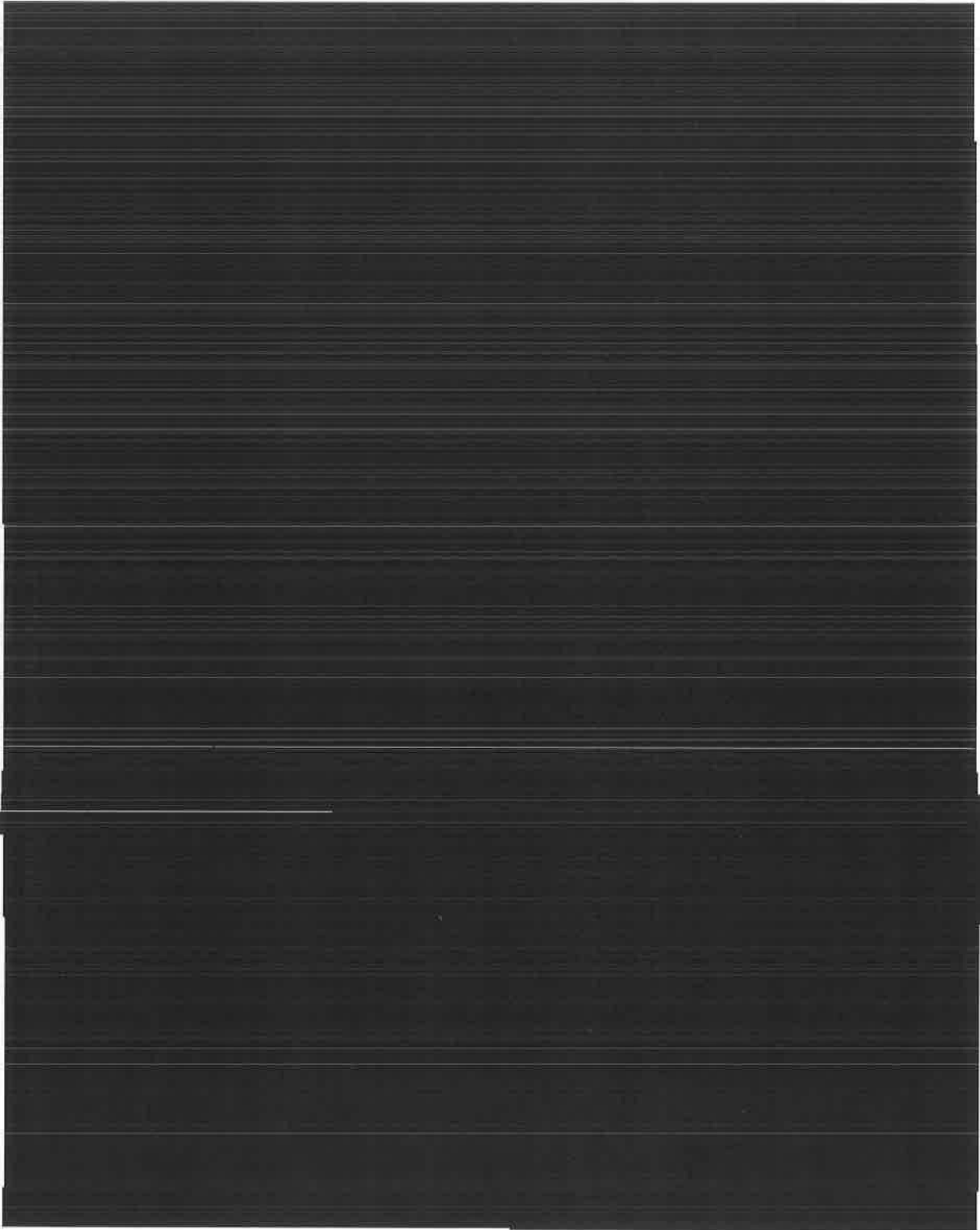
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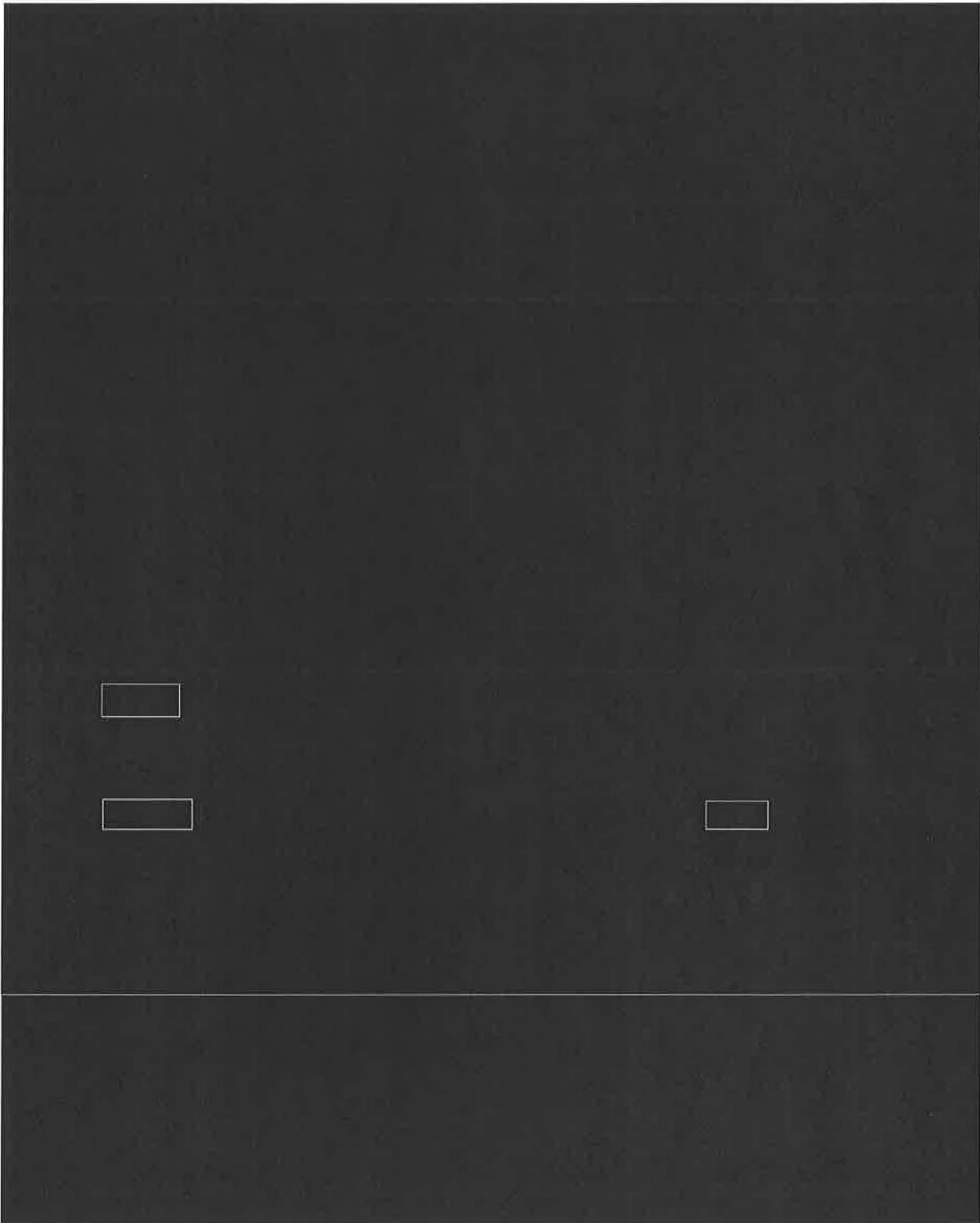
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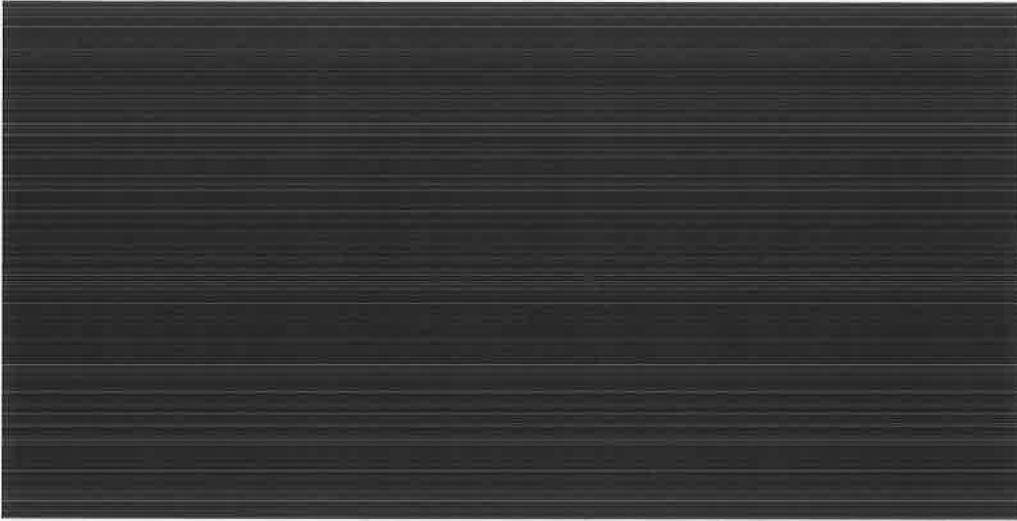












[REDACTED]

DATE
20140610

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

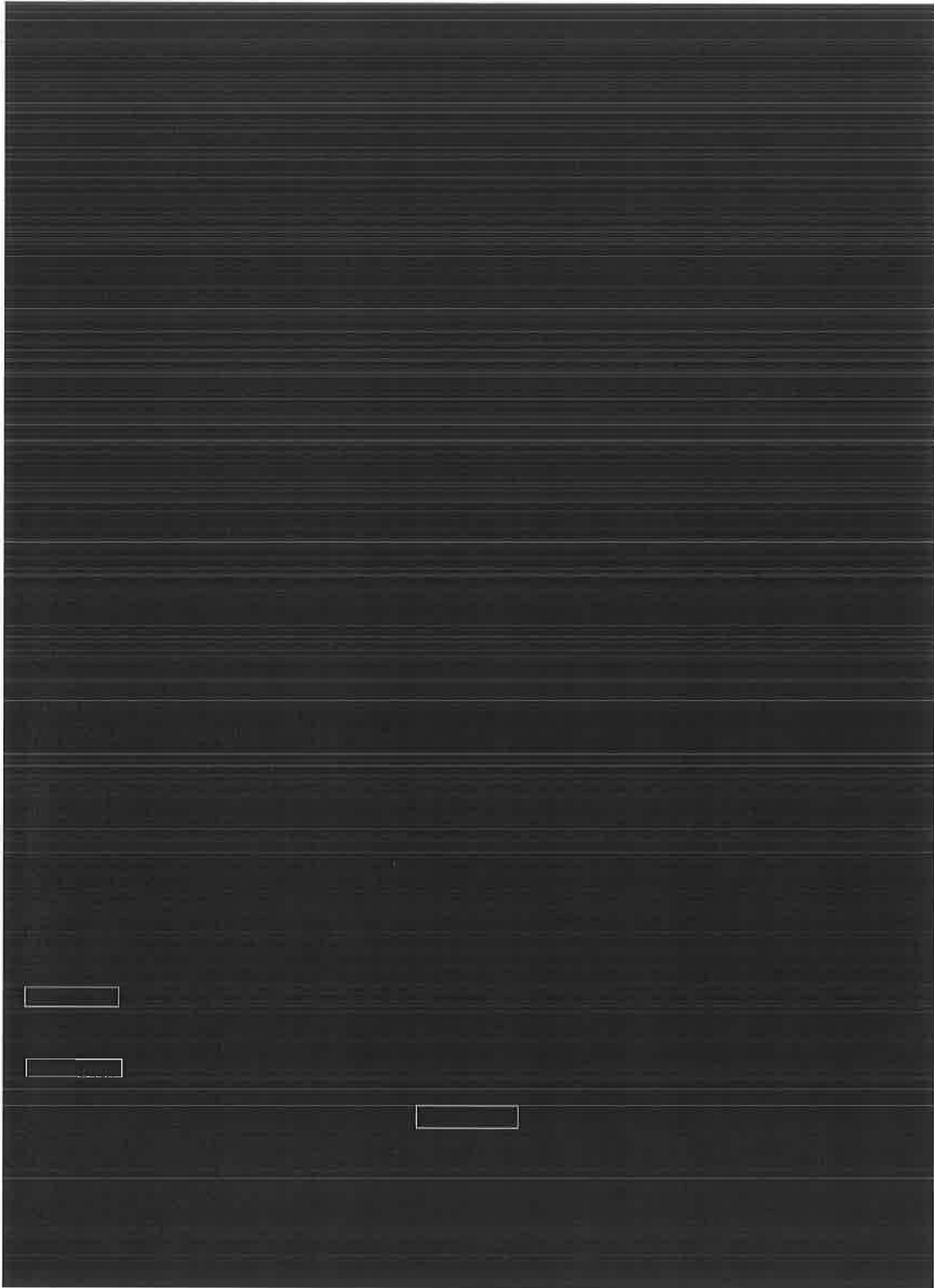
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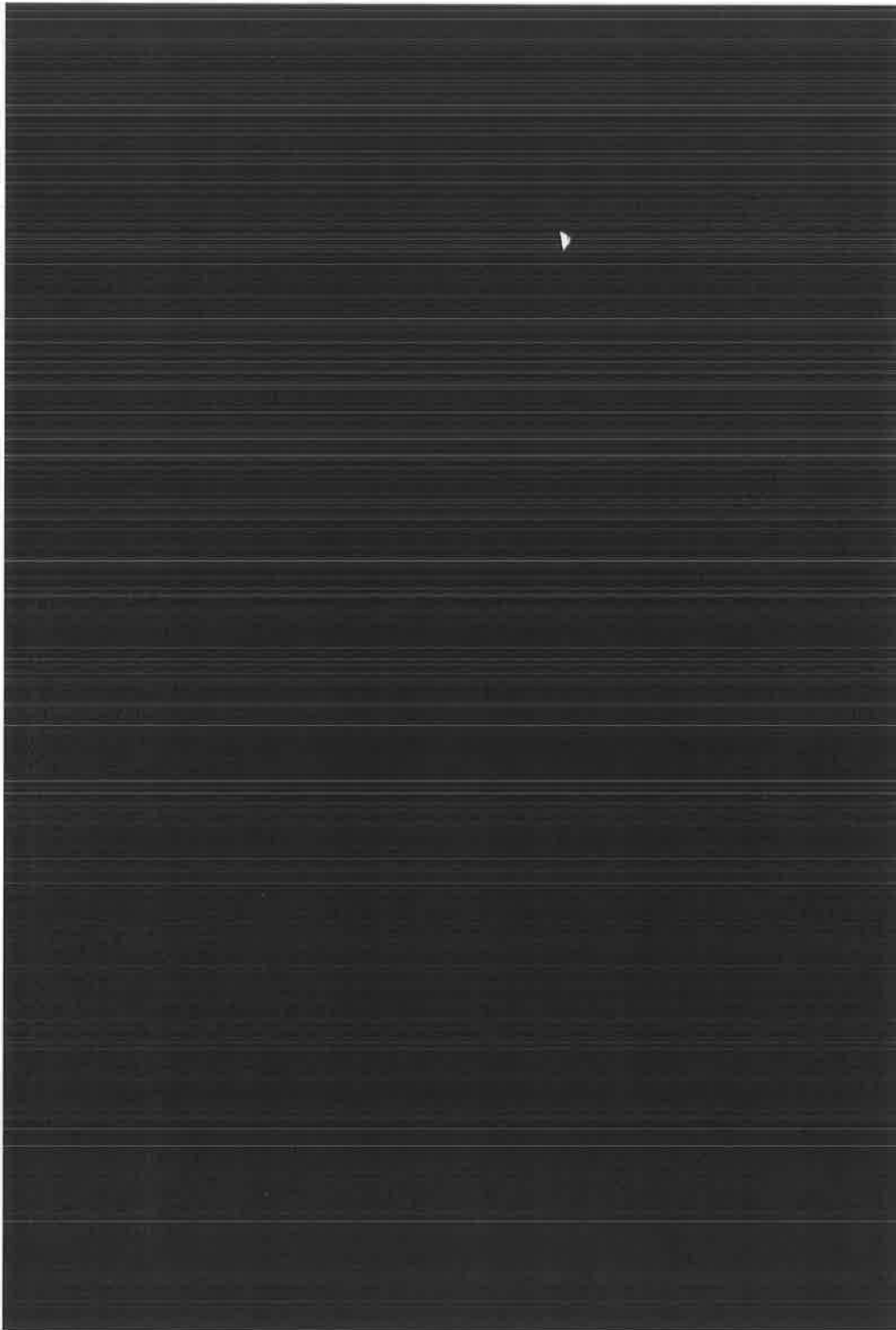


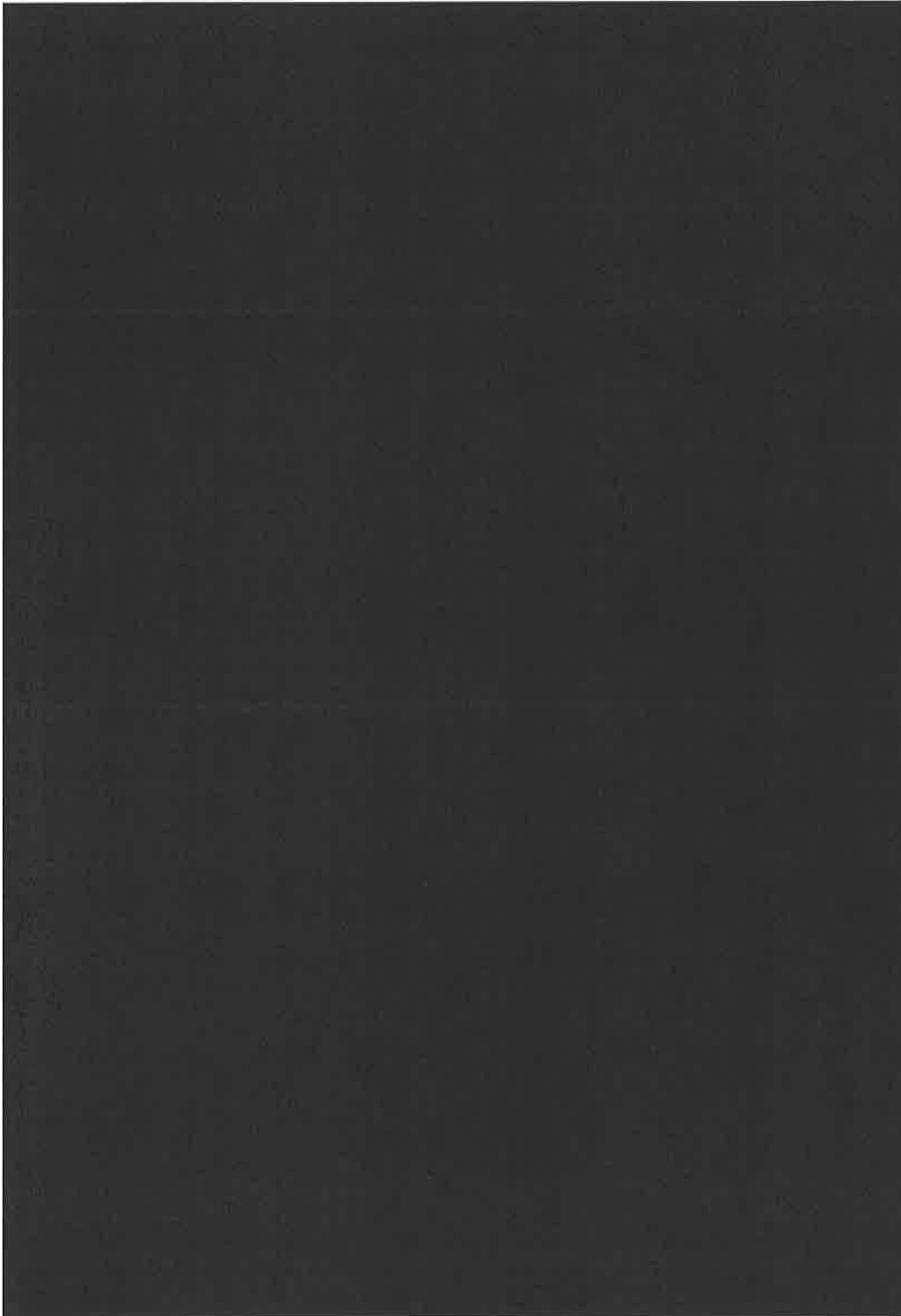
Tab/Onglet 6

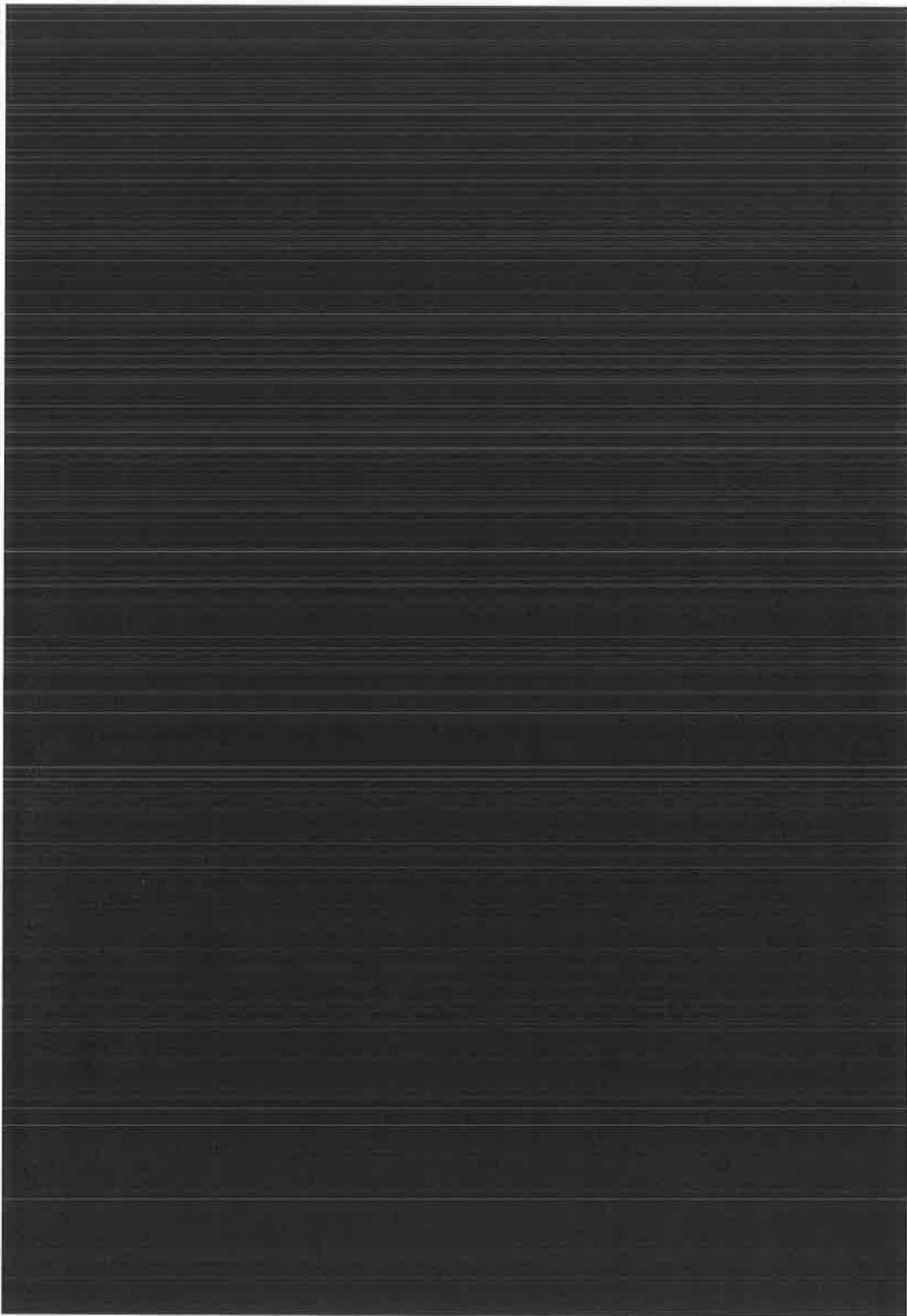
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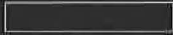
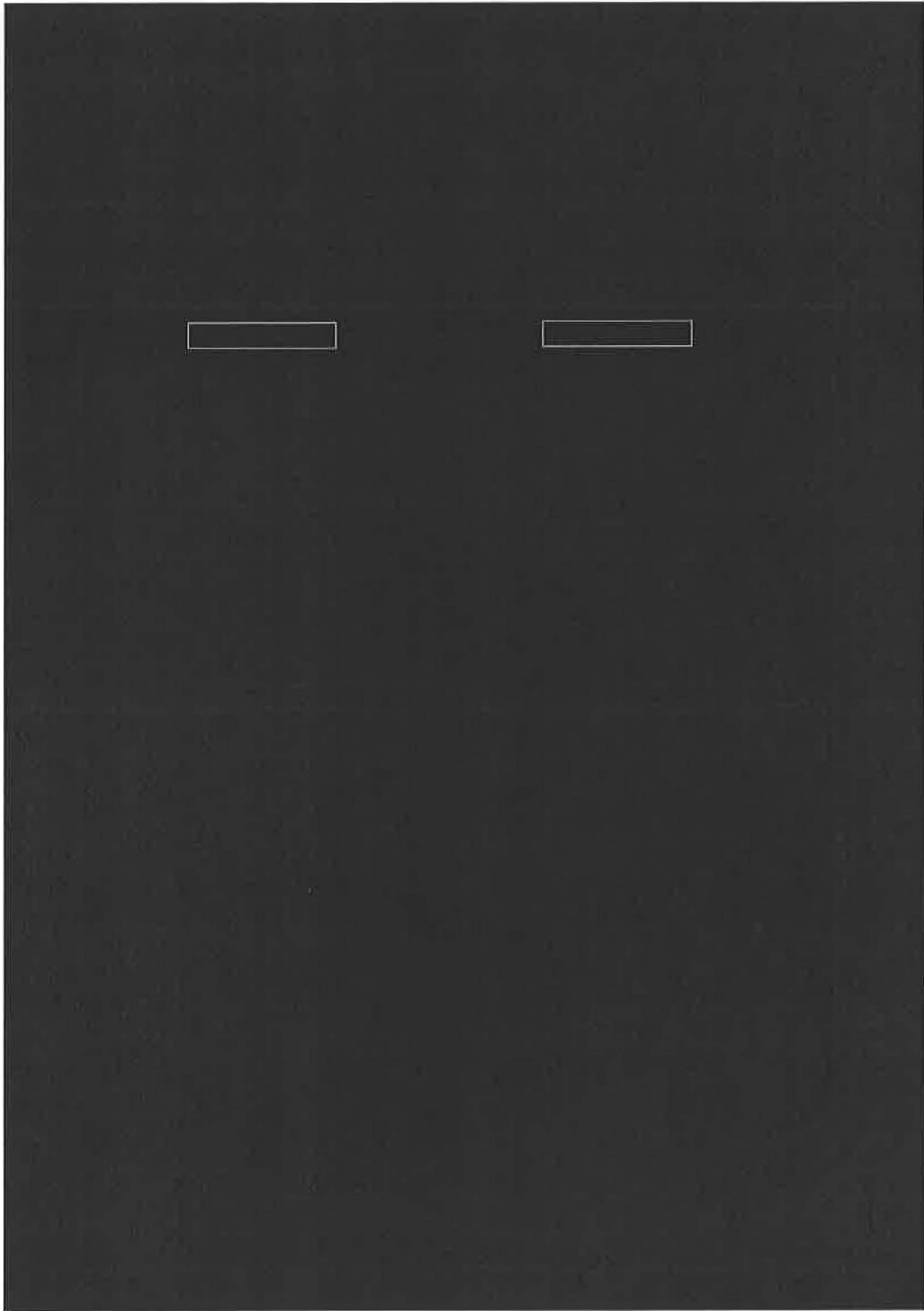




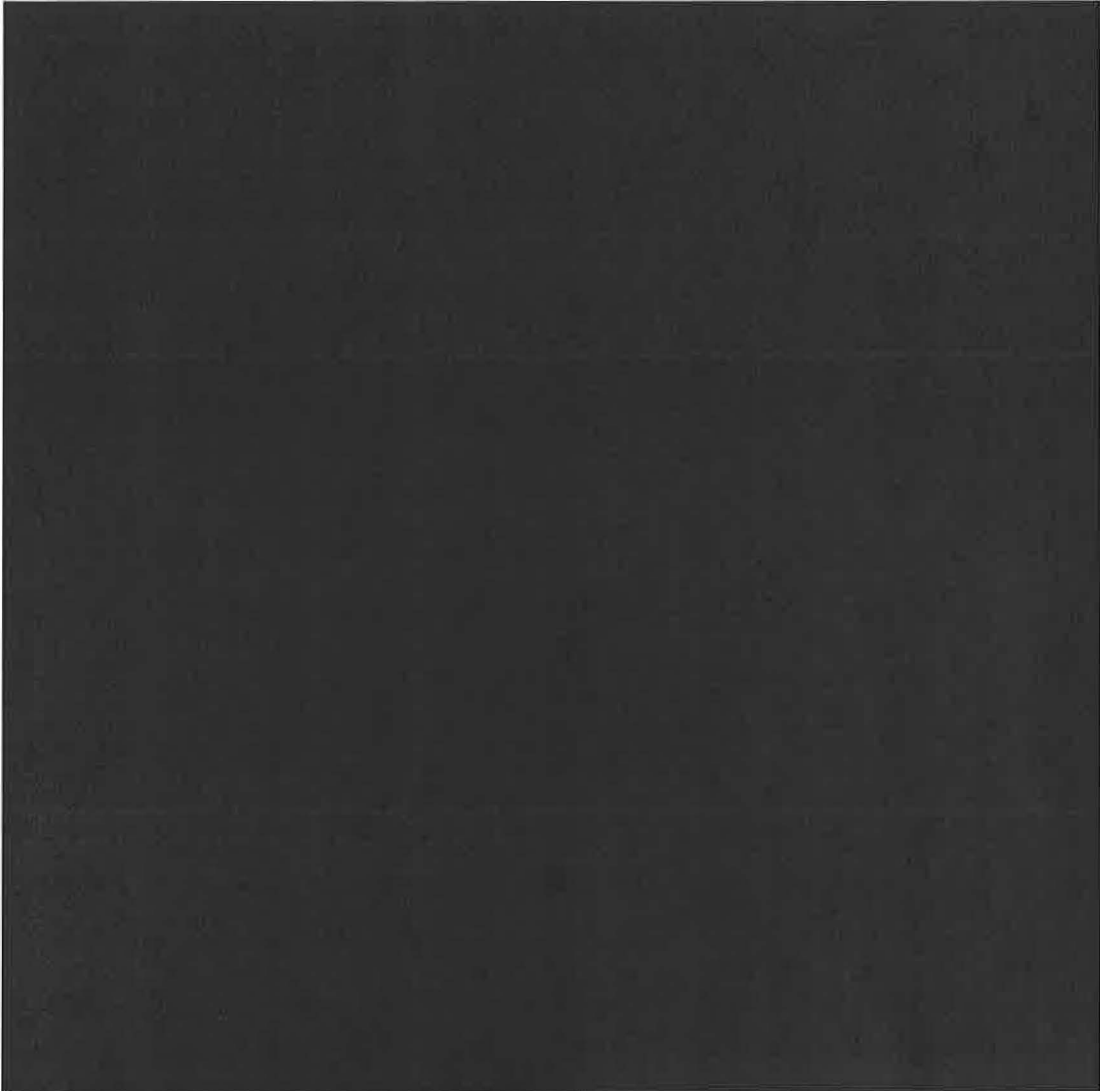








ANALYSIS / ANALYSE:



[REDACTED]

DATE
20140530

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]

[REDACTED]

DATE
20140530

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]

[REDACTED]

DATE
20140522

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

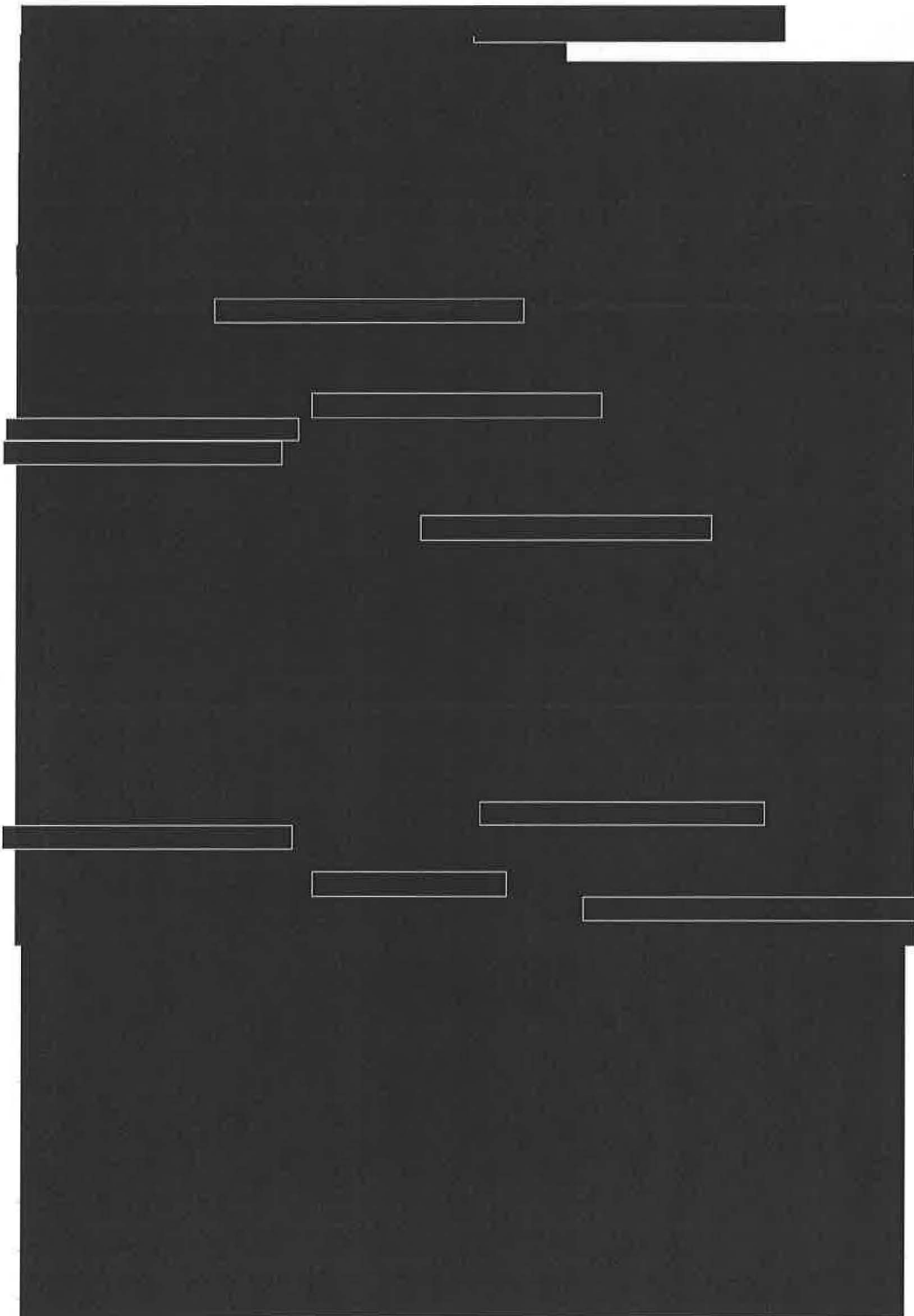
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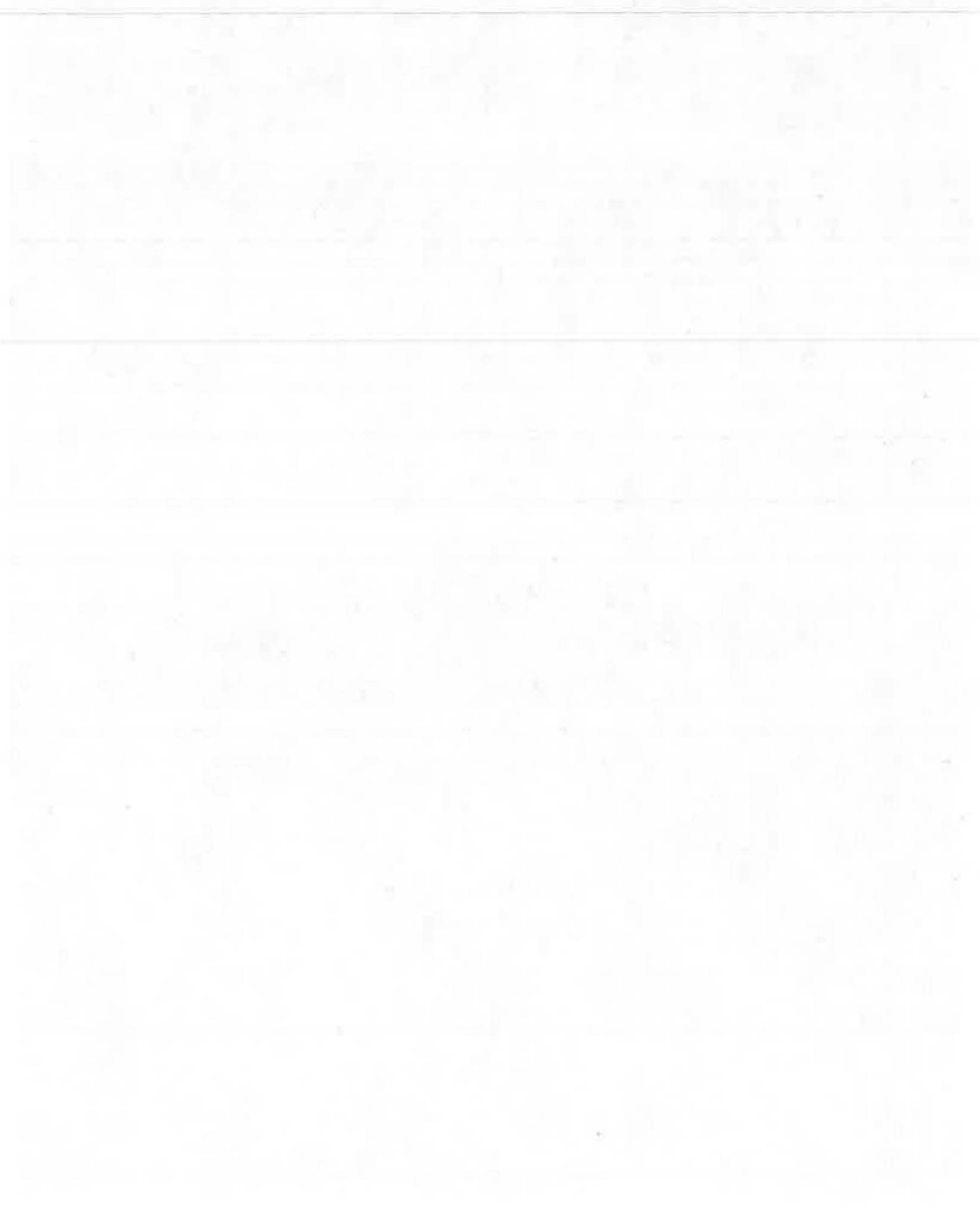
6. The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for serious violence stemming [REDACTED]

[REDACTED]

[REDACTED]



[Redacted]



[REDACTED]

DATE
20140521

[REDACTED]

RE / OBJET:

[REDACTED]

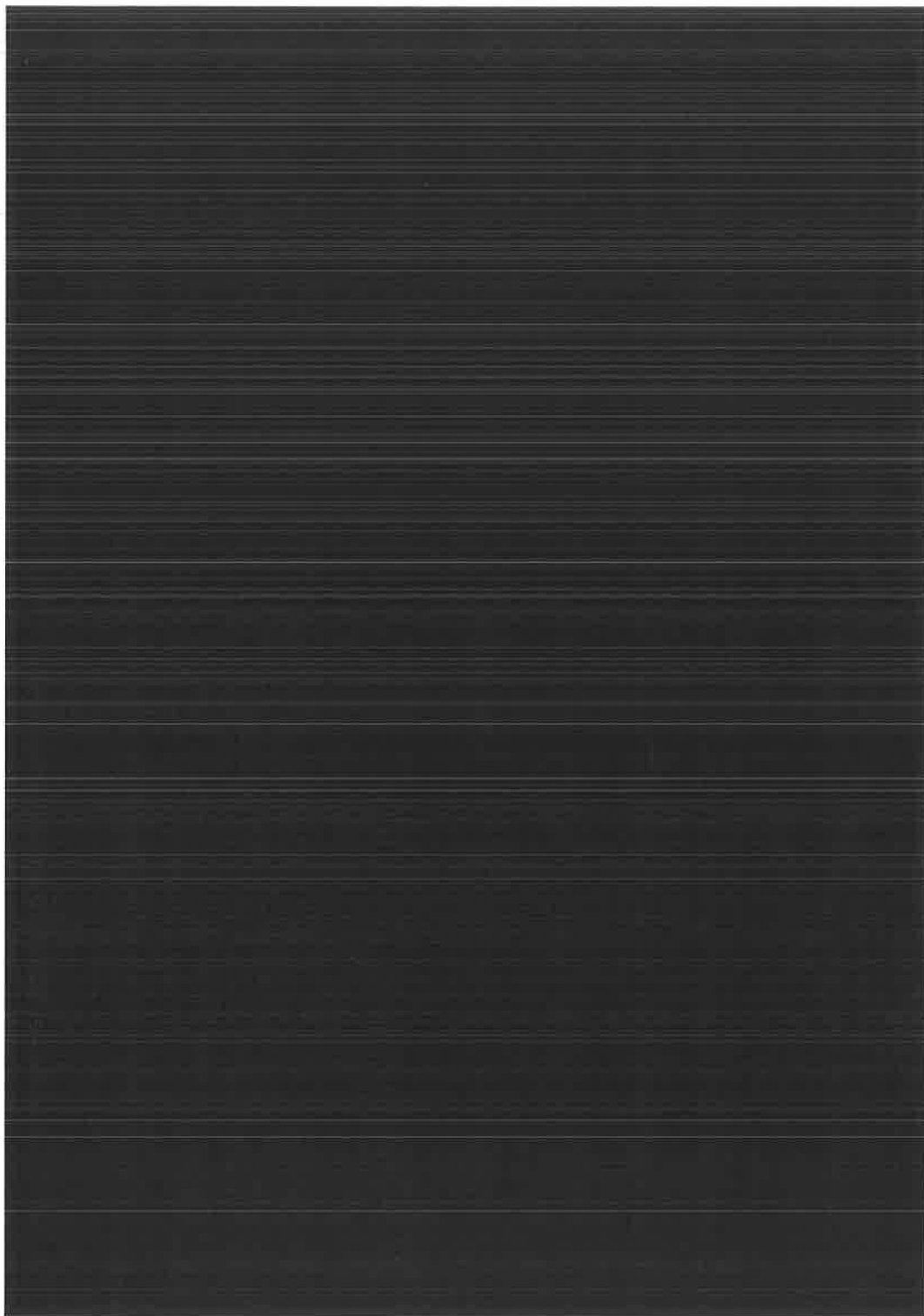
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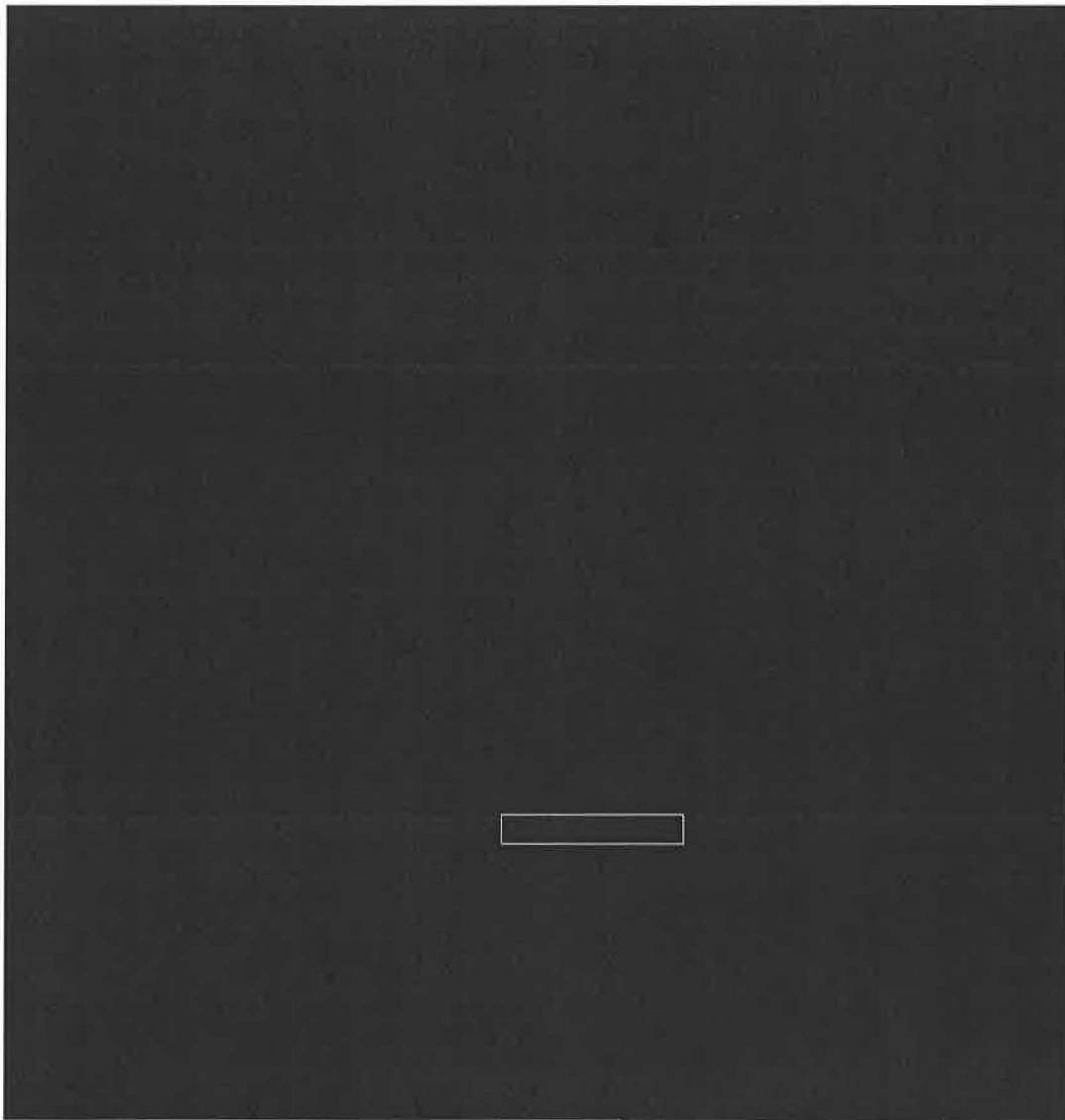
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[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]





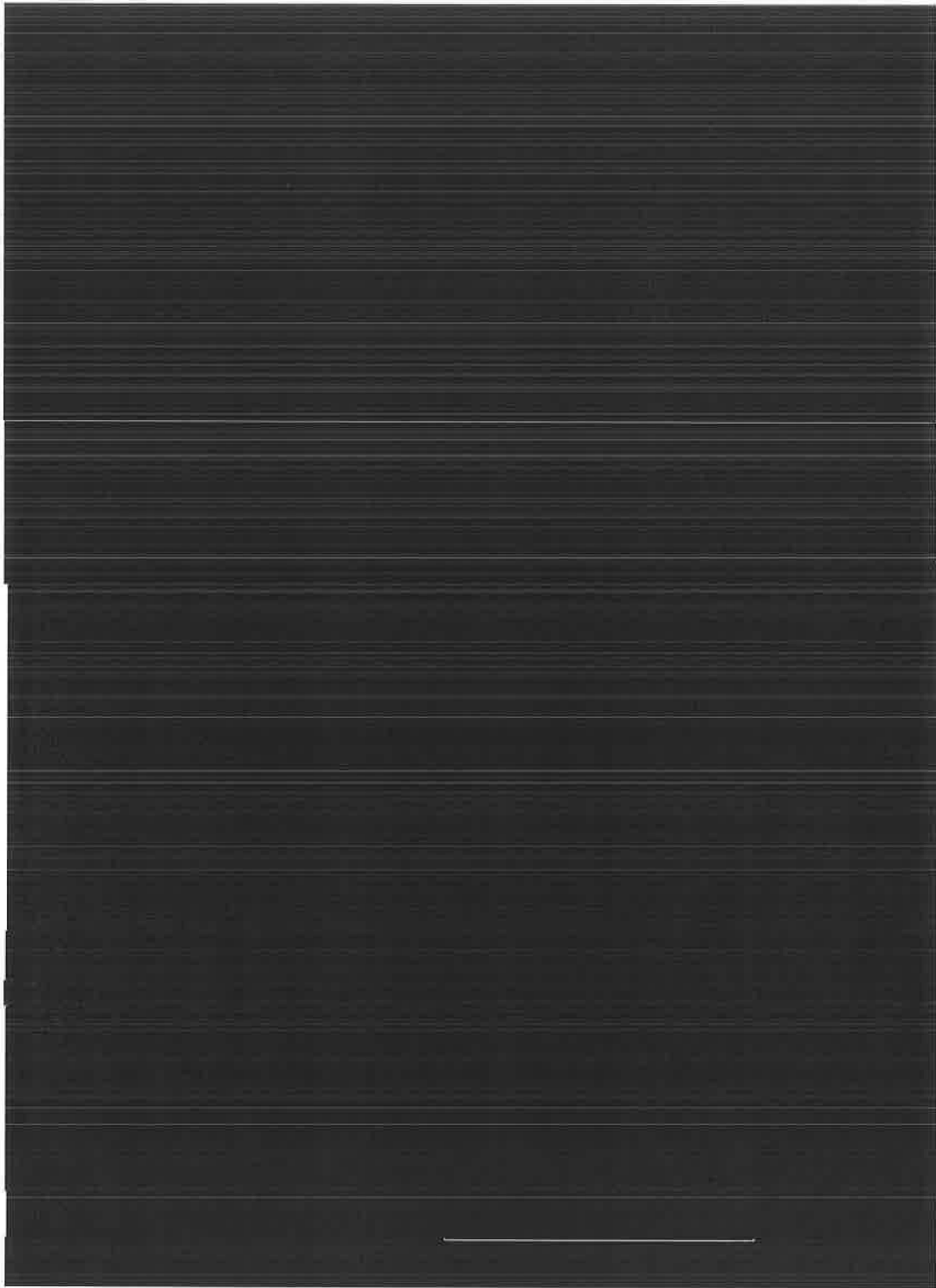
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ANALYSIS / ANALYSE:

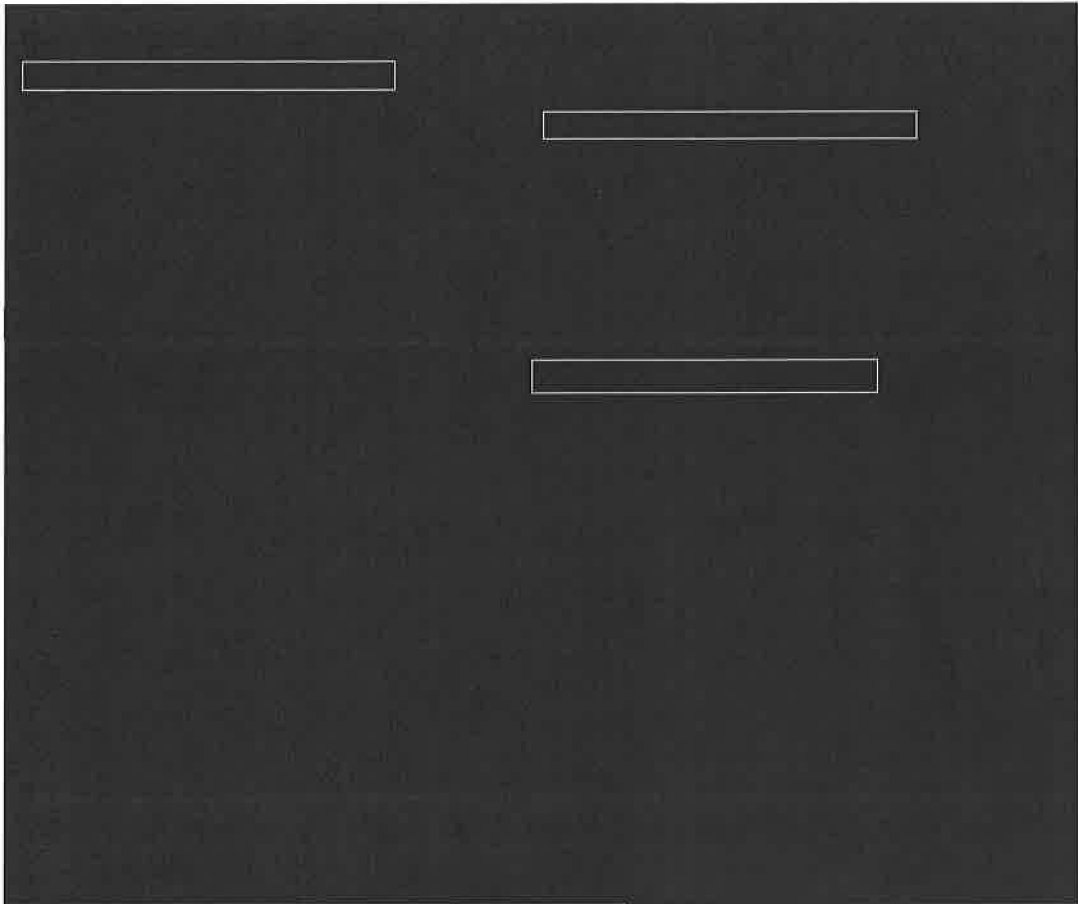
4) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

[Redacted]





[Redacted]





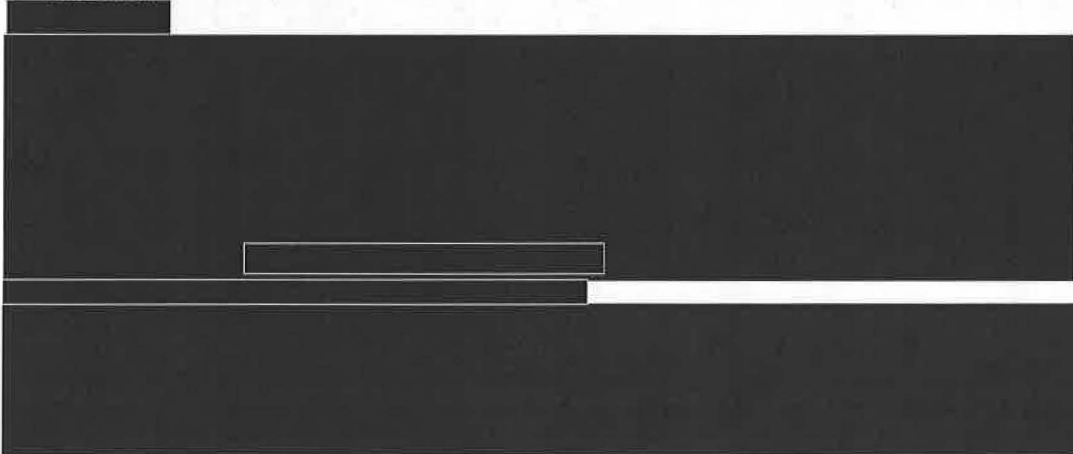
DATE
20140515

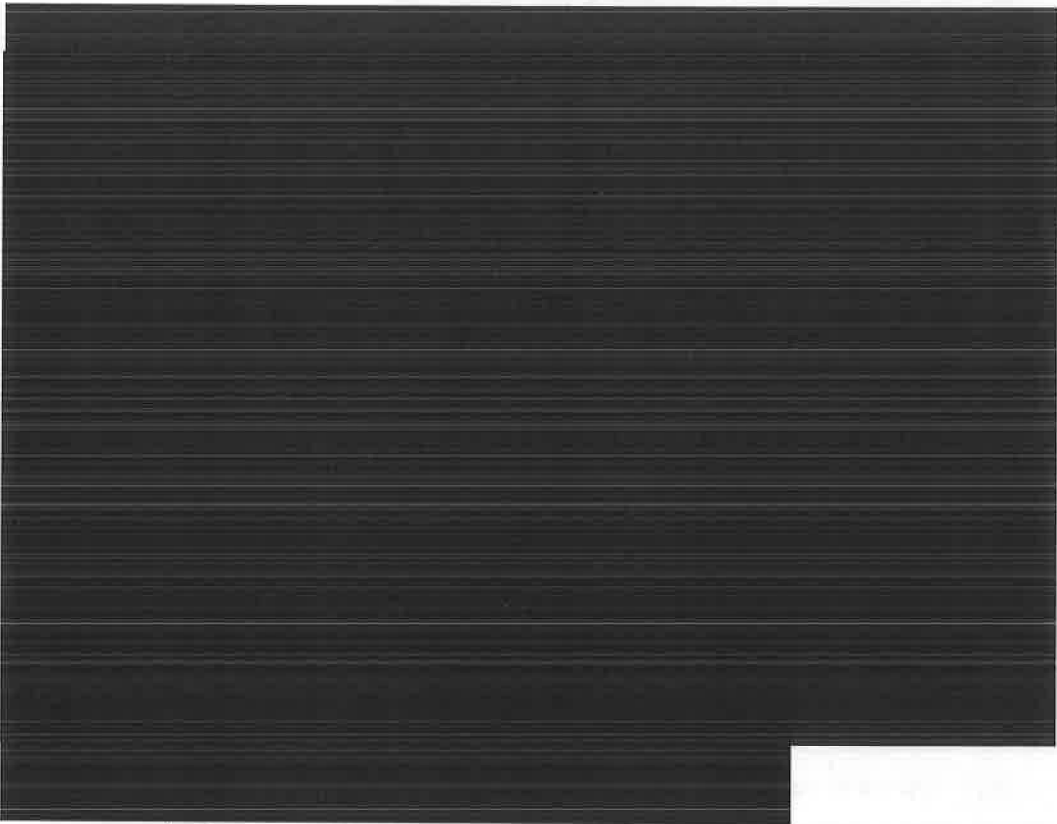


RE / OBJET:



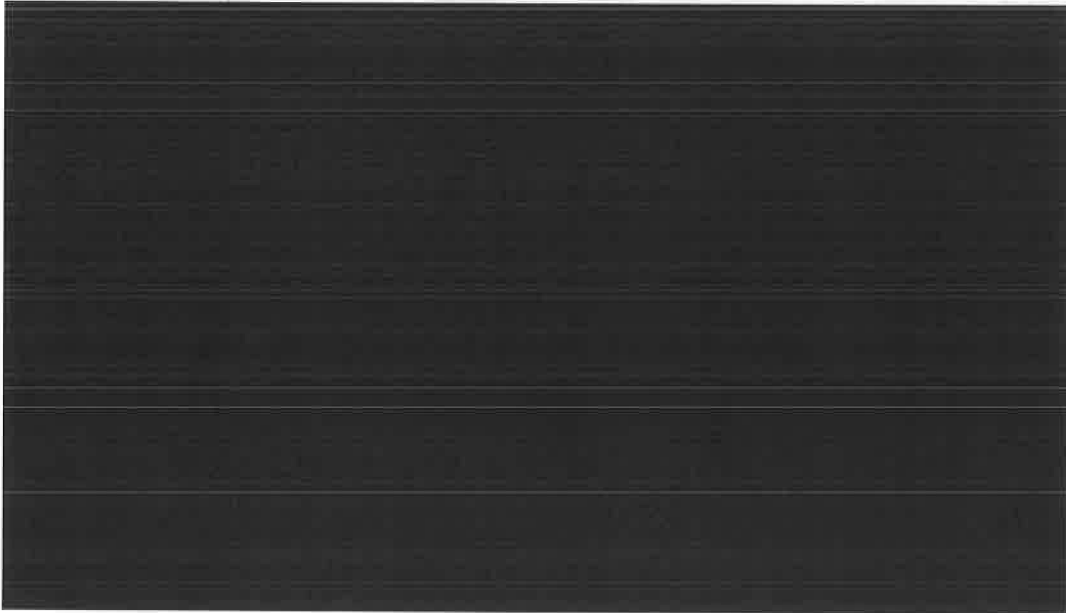
SYNOPSIS / SOMMAIRE:





ANALYSIS / ANALYSE:

3) Uploaded for future reference and retrieval.





[REDACTED]

DATE
20140429

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

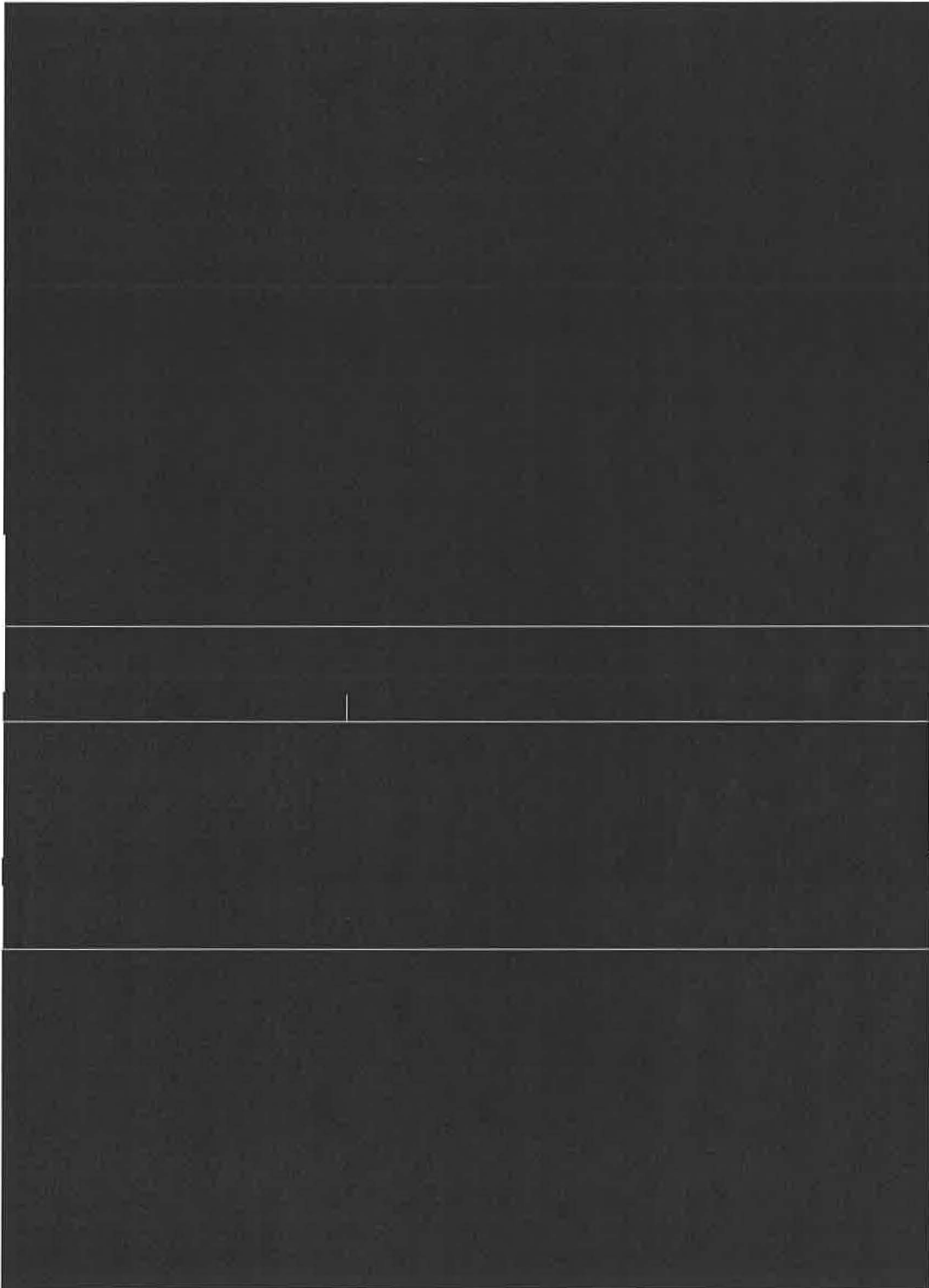
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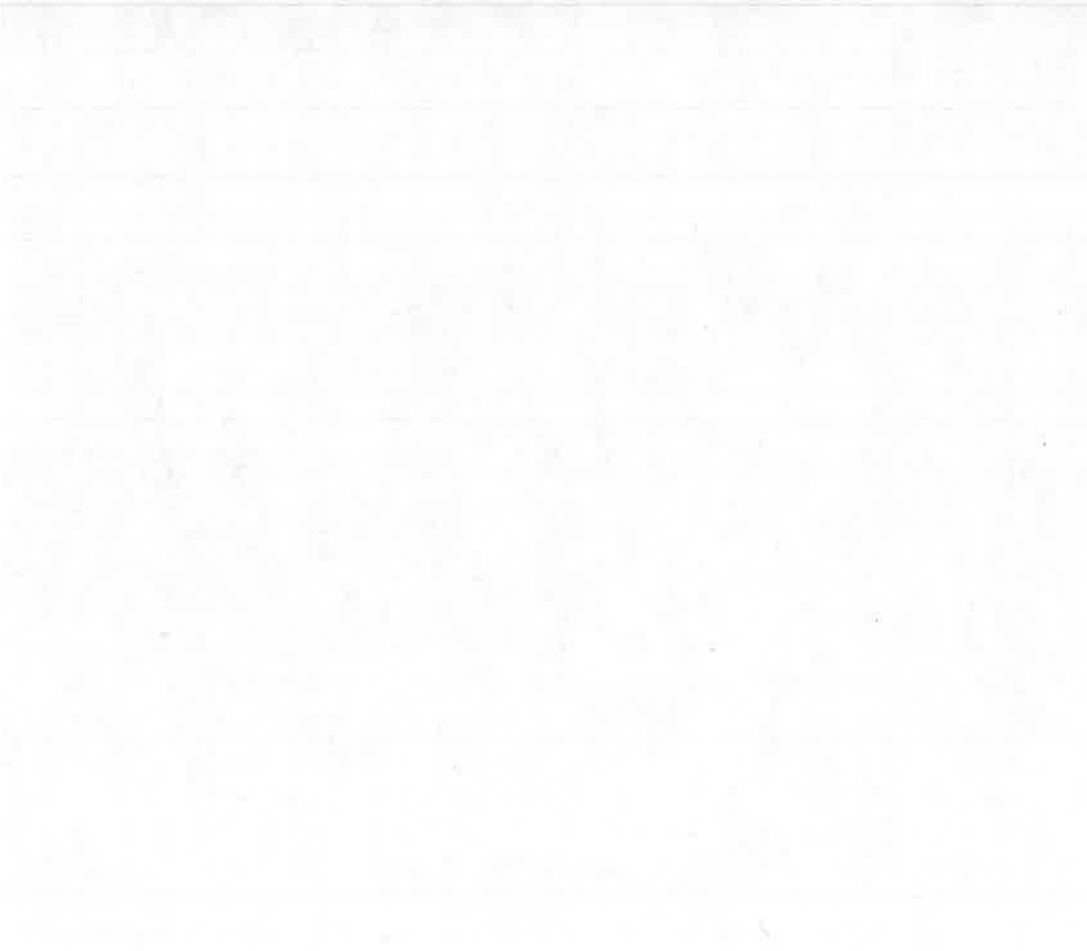
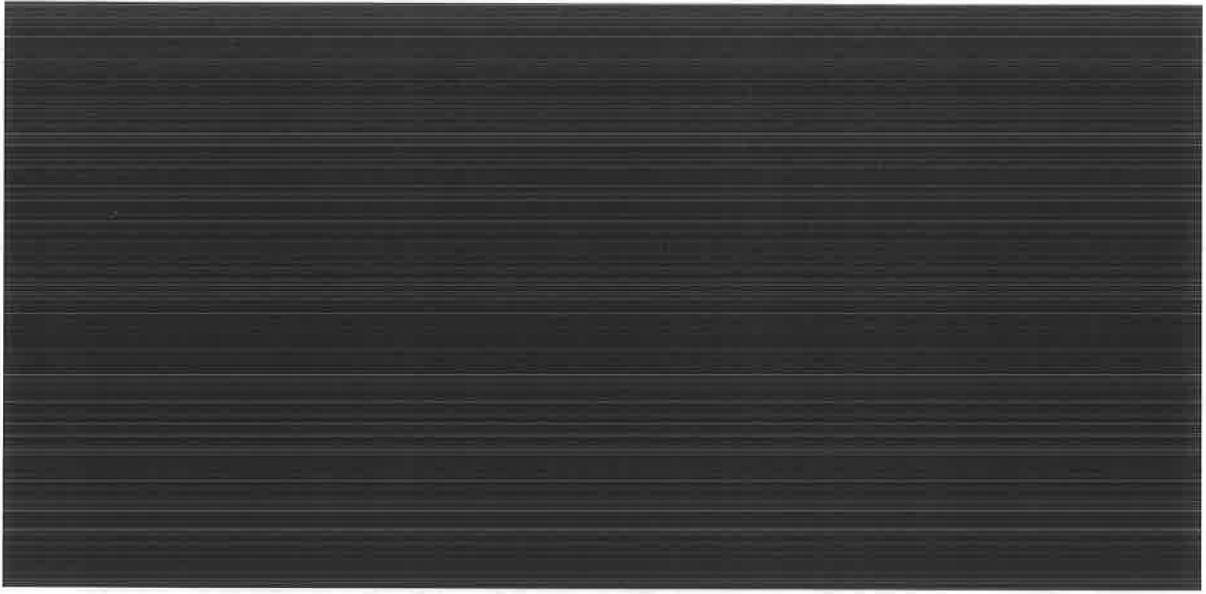
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ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]





[REDACTED]

DATE
20140428

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

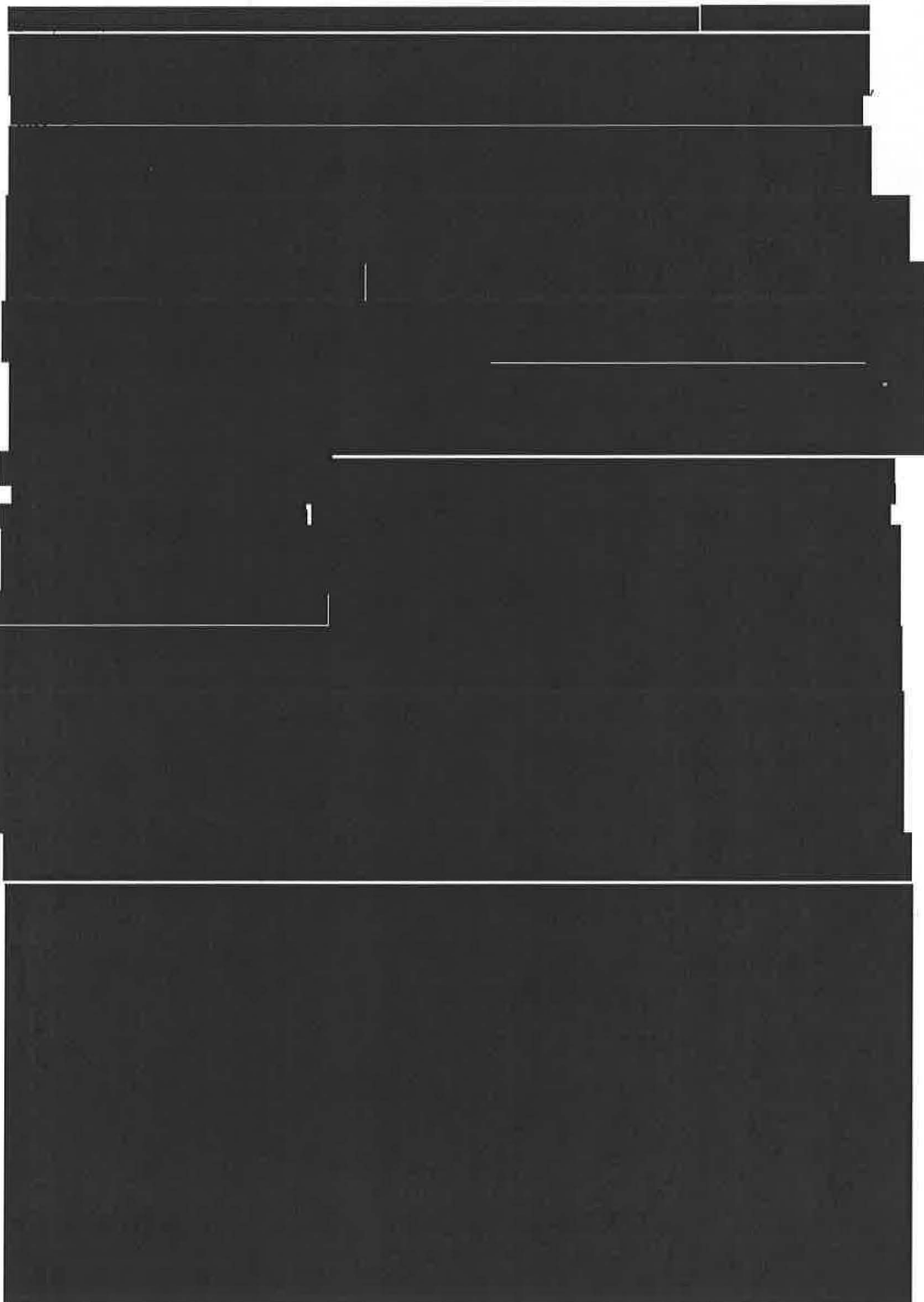
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[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]





[REDACTED]

DATE
20140428

[REDACTED]

RE / OBJET:

[REDACTED]

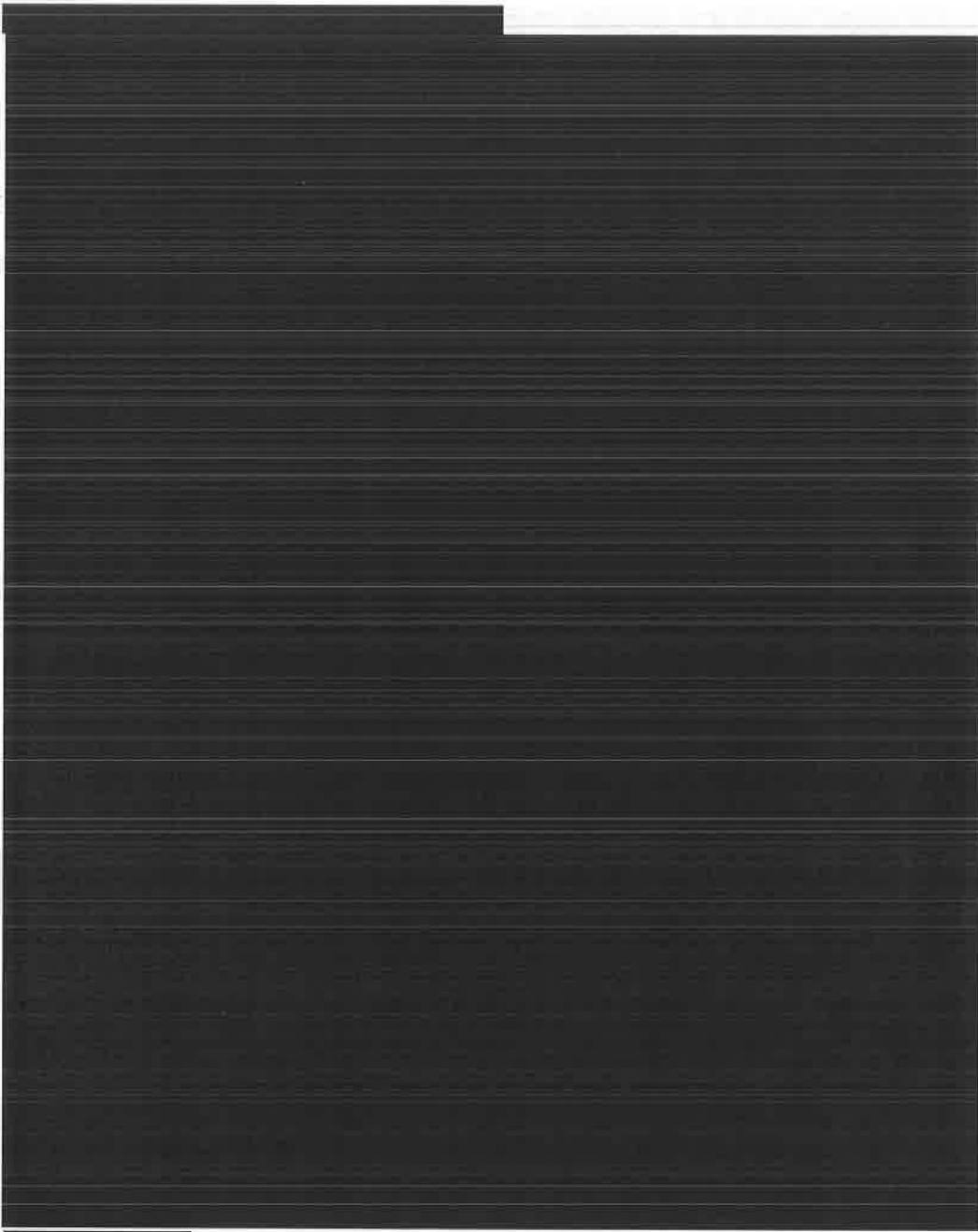
SYNOPSIS / SOMMAIRE:

[REDACTED]

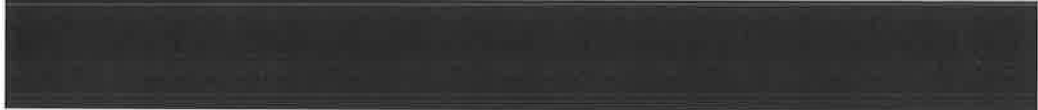
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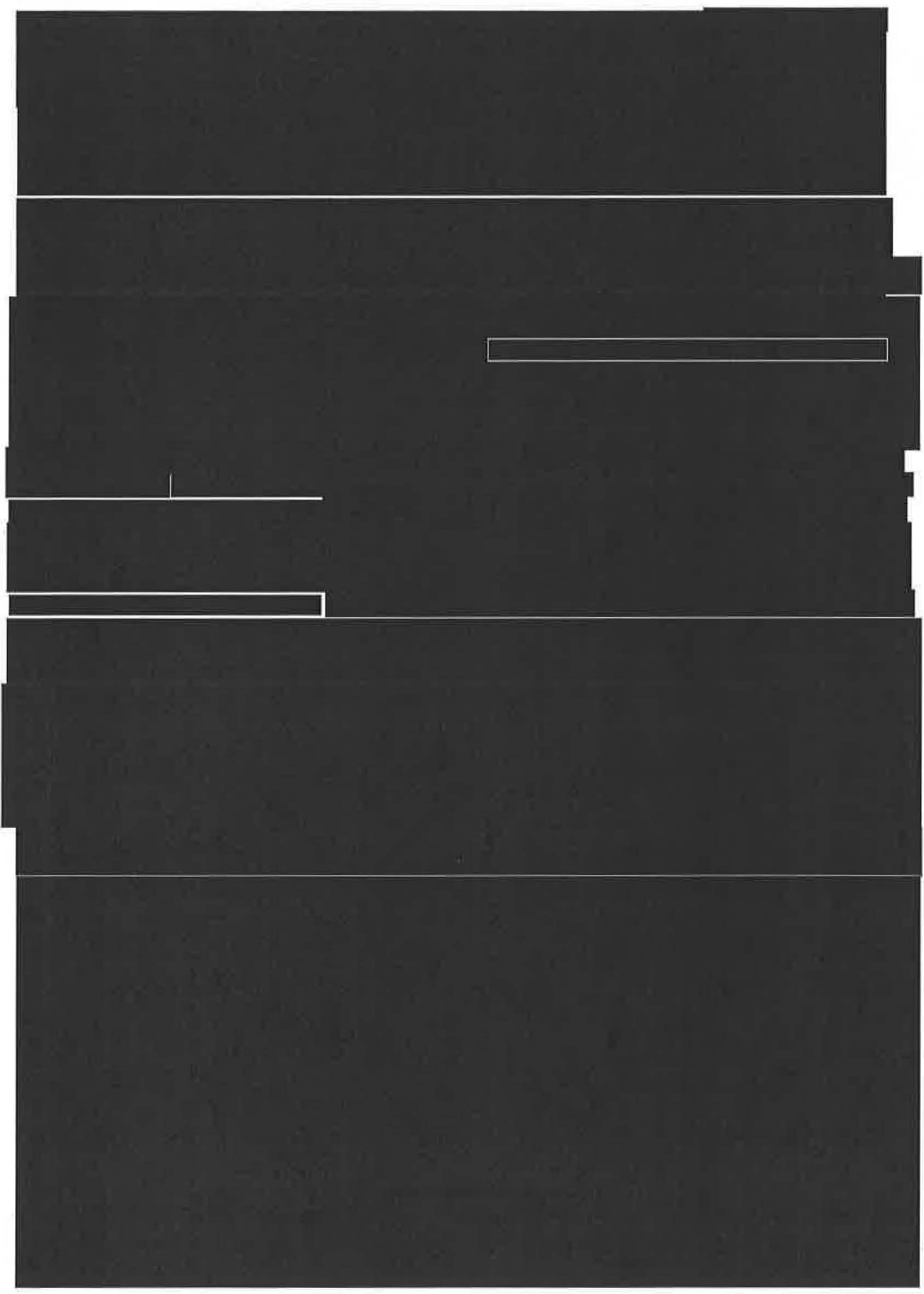
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[REDACTED]



ANALYSIS / ANALYSE:





[Redacted]



[REDACTED]

DATE
20140422

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]
INFORMATION / RENSEIGNEMENTS:

[REDACTED]

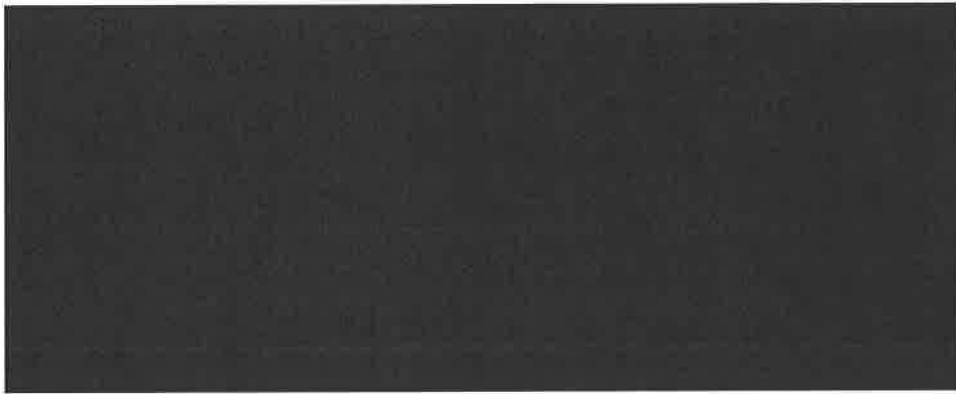
[REDACTED]
ANALYSIS / ANALYSE:

4. The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for serious violence stemming from [REDACTED]

[REDACTED]

6. The Council of Canadians is a national group promoting social and economic issues in Canada [REDACTED]

[REDACTED]



[REDACTED]

DATE
20140417

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]



[REDACTED]

DATE
20140416

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]

DATE
20140416

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]

[REDACTED]

DATE
20140411

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

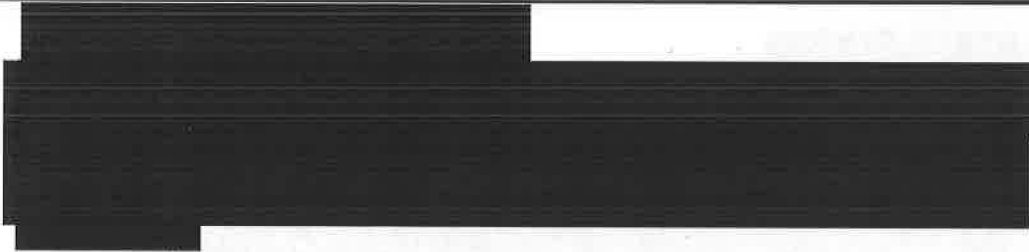
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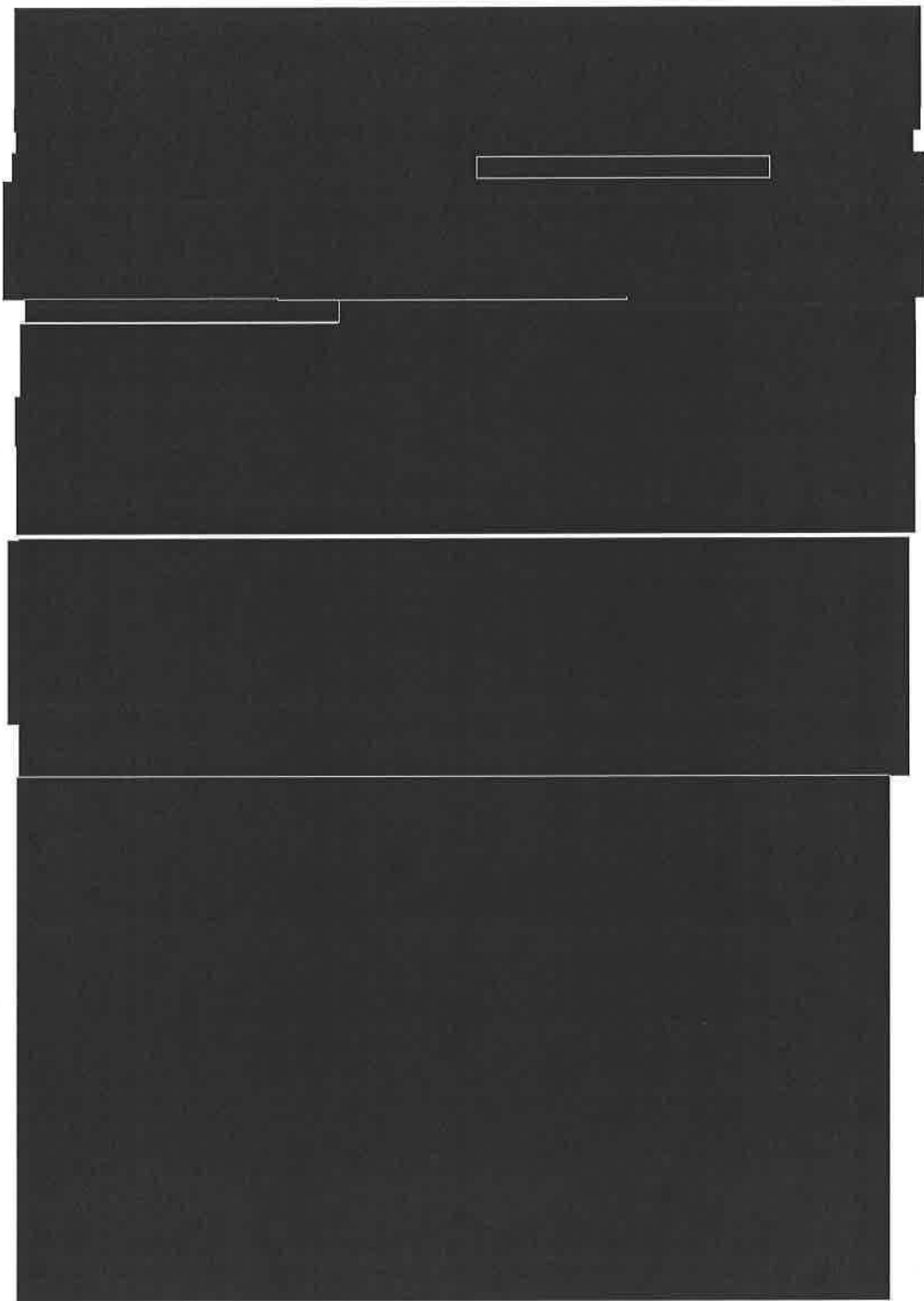
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[REDACTED]



ANALYSIS / ANALYSE:





[Redacted text]

[Redacted text]



[REDACTED]

DATE
20140411

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

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[REDACTED]

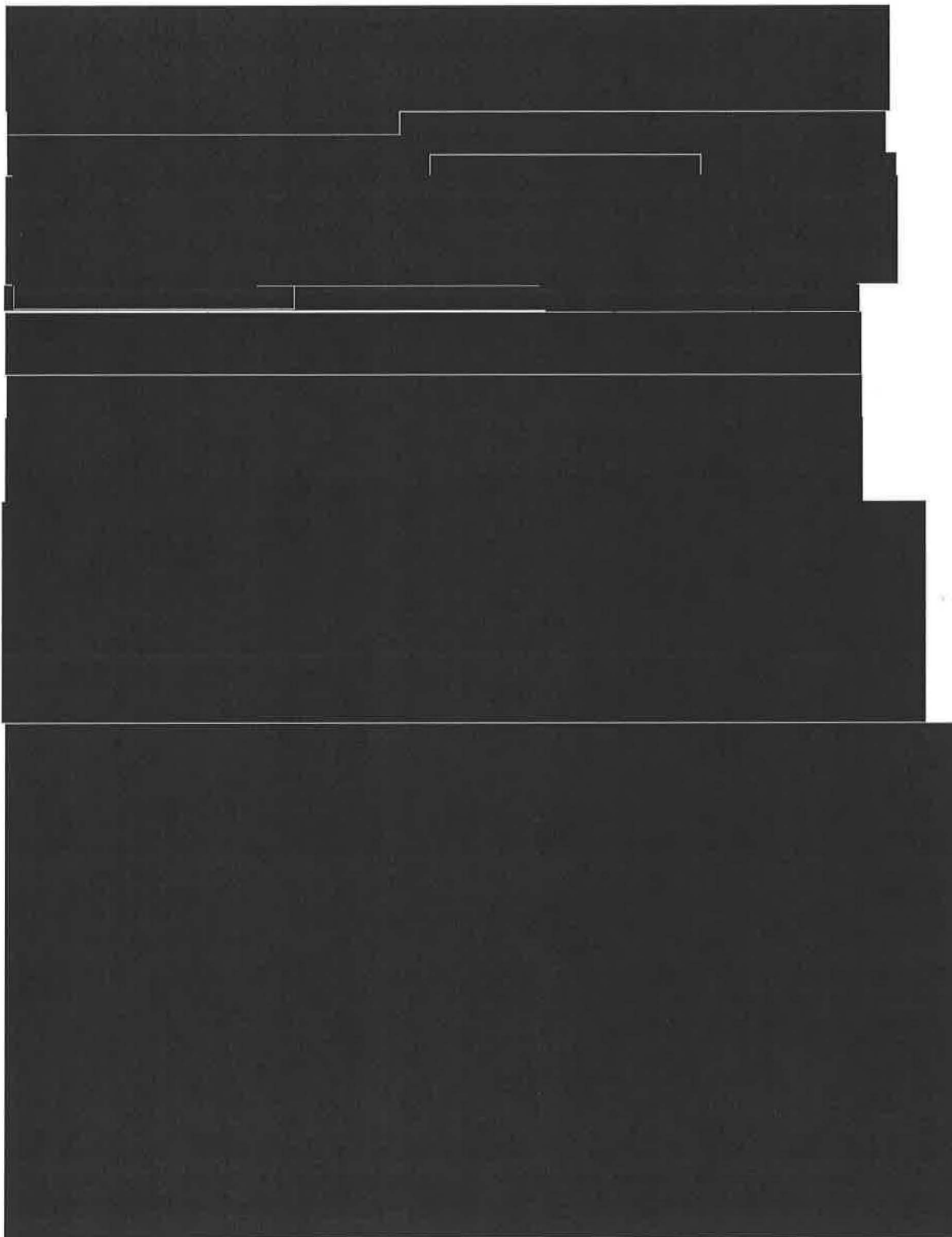
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[REDACTED]

[REDACTED]
ANALYSTS / ANALYSE:

[REDACTED]

[REDACTED]





[REDACTED]

DATE
20140407

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

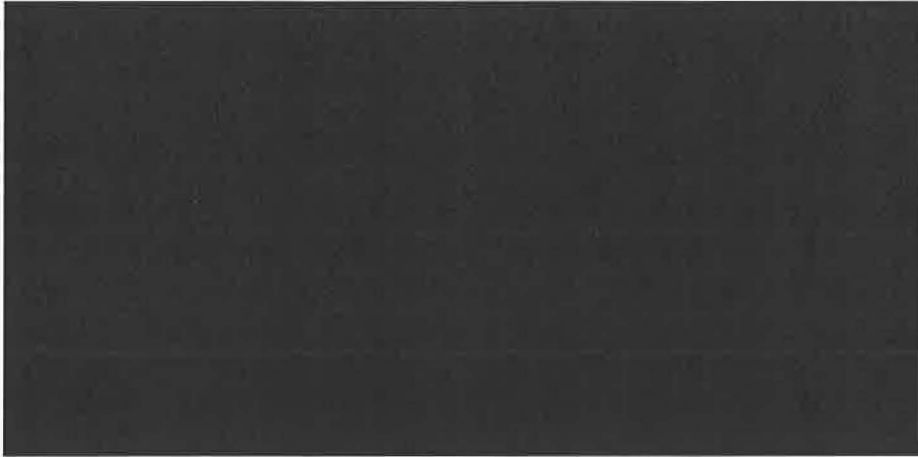
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[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]



[REDACTED]

DATE
20140407

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]



[REDACTED]

DATE
20140401

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

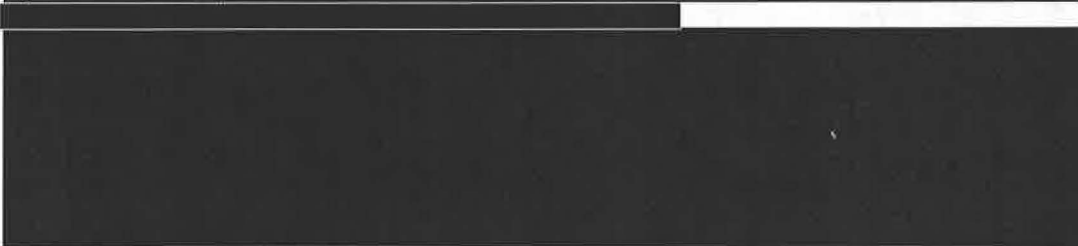
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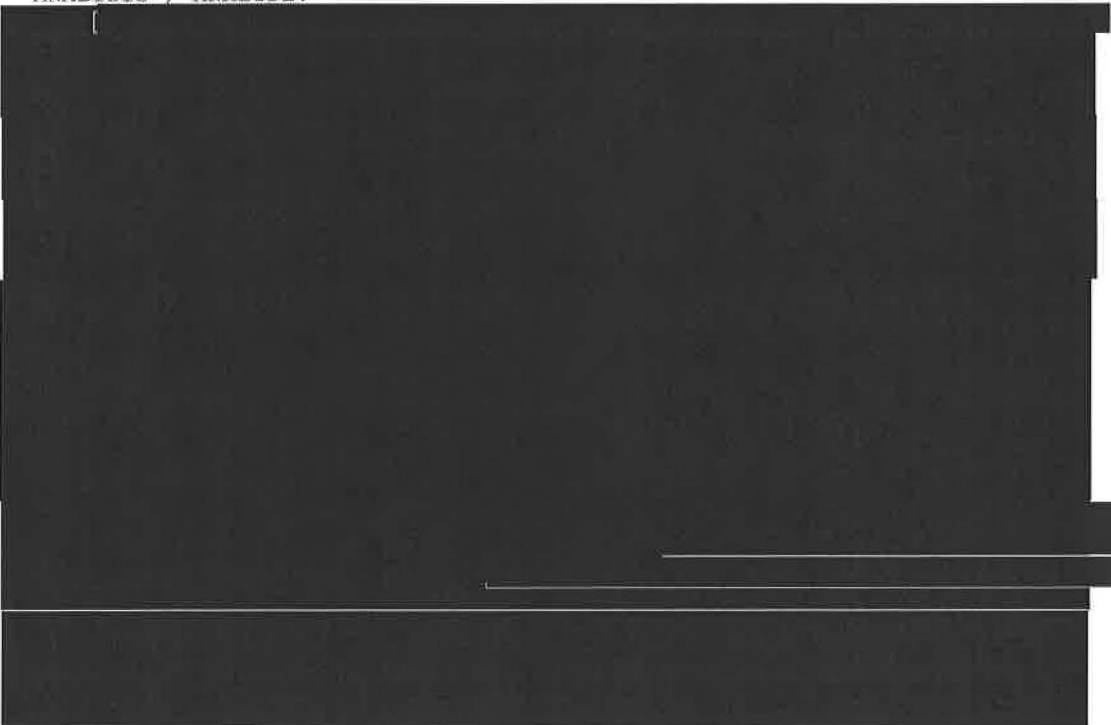
INFORMATION / RENSEIGNEMENTS:

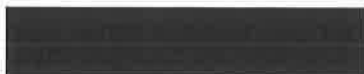
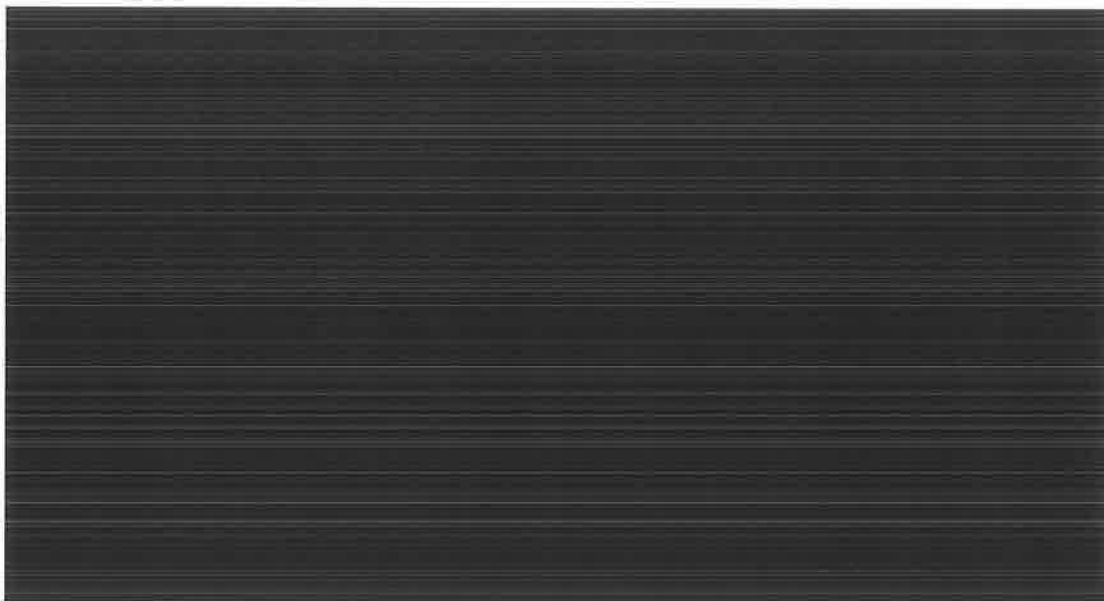
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ANALYSIS / ANALYSE:





[REDACTED]

DATE
20140331

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

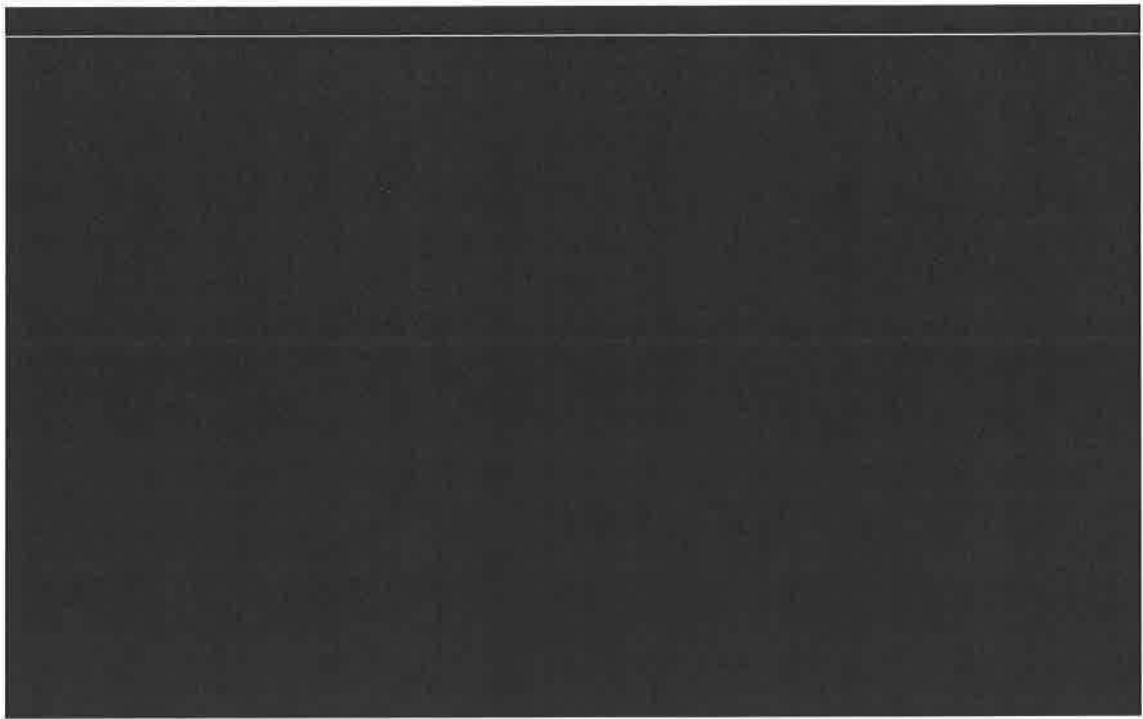
INFORMATION / RENSEIGNEMENTS:

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]



[REDACTED]

DATE
20140331

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

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[REDACTED]

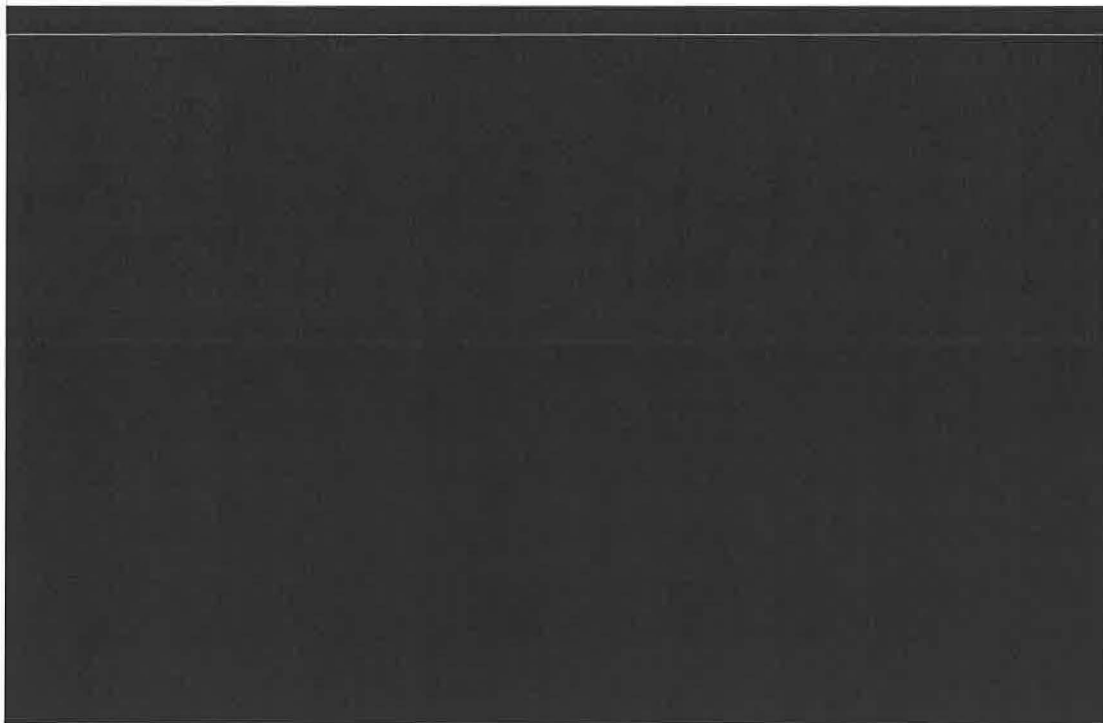
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[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]



[REDACTED]

DATE
20140320

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

HQ [REDACTED] please see request in paragraph 29

[REDACTED]

[REDACTED]

[REDACTED]

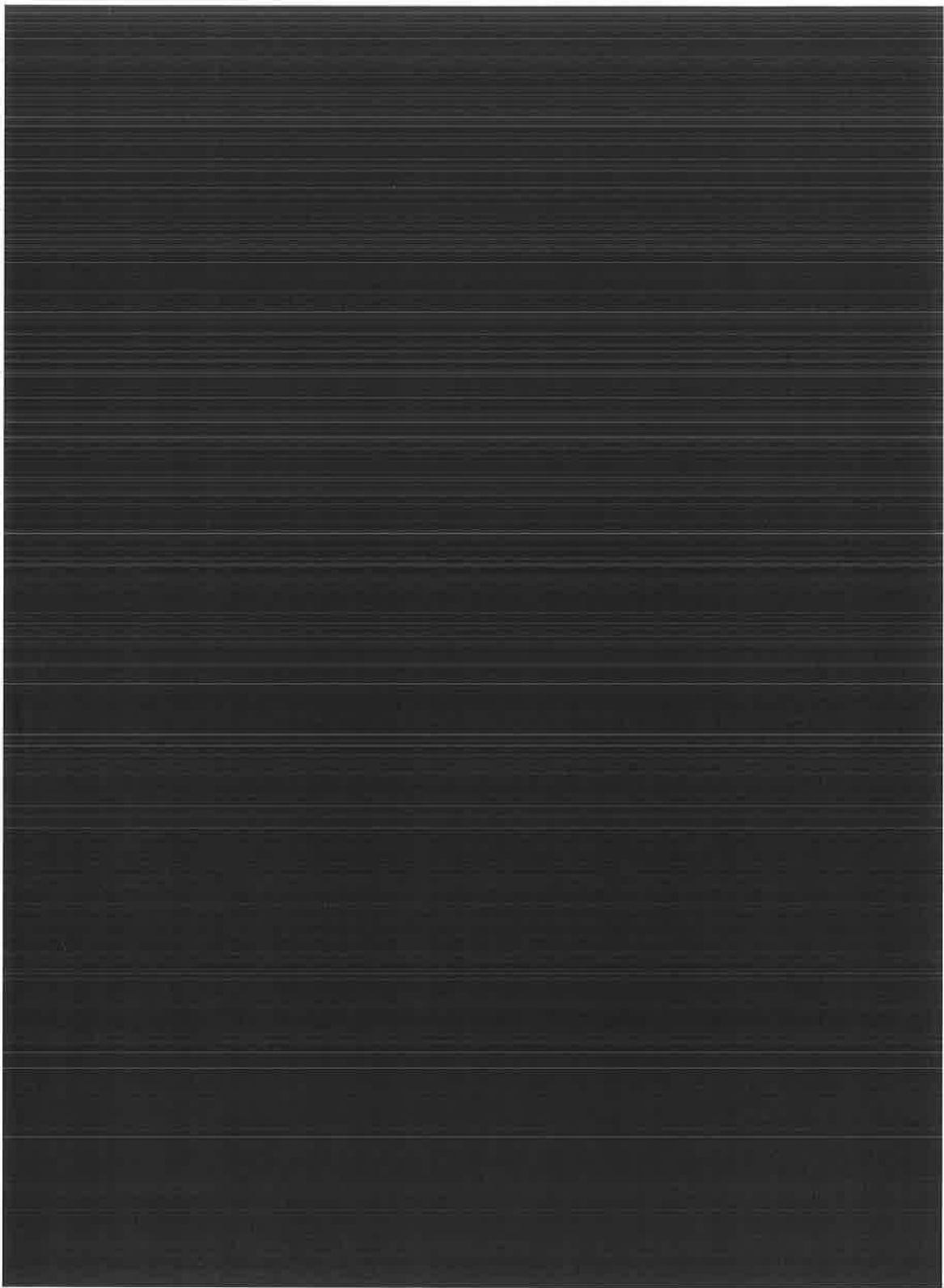
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[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]





[Redacted]

Tab/Onglet 4

Page 456

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSTS / ANALYSE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

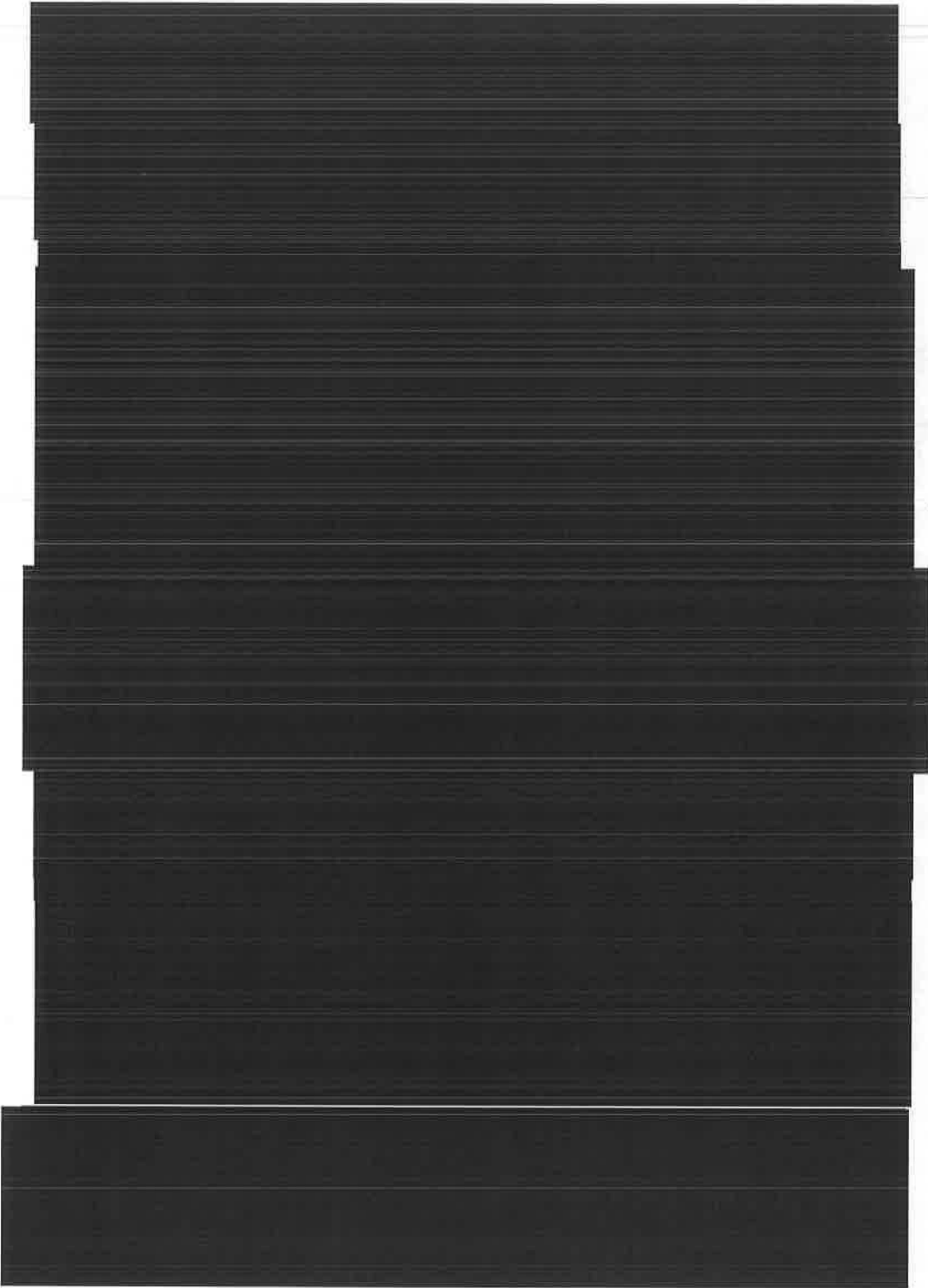
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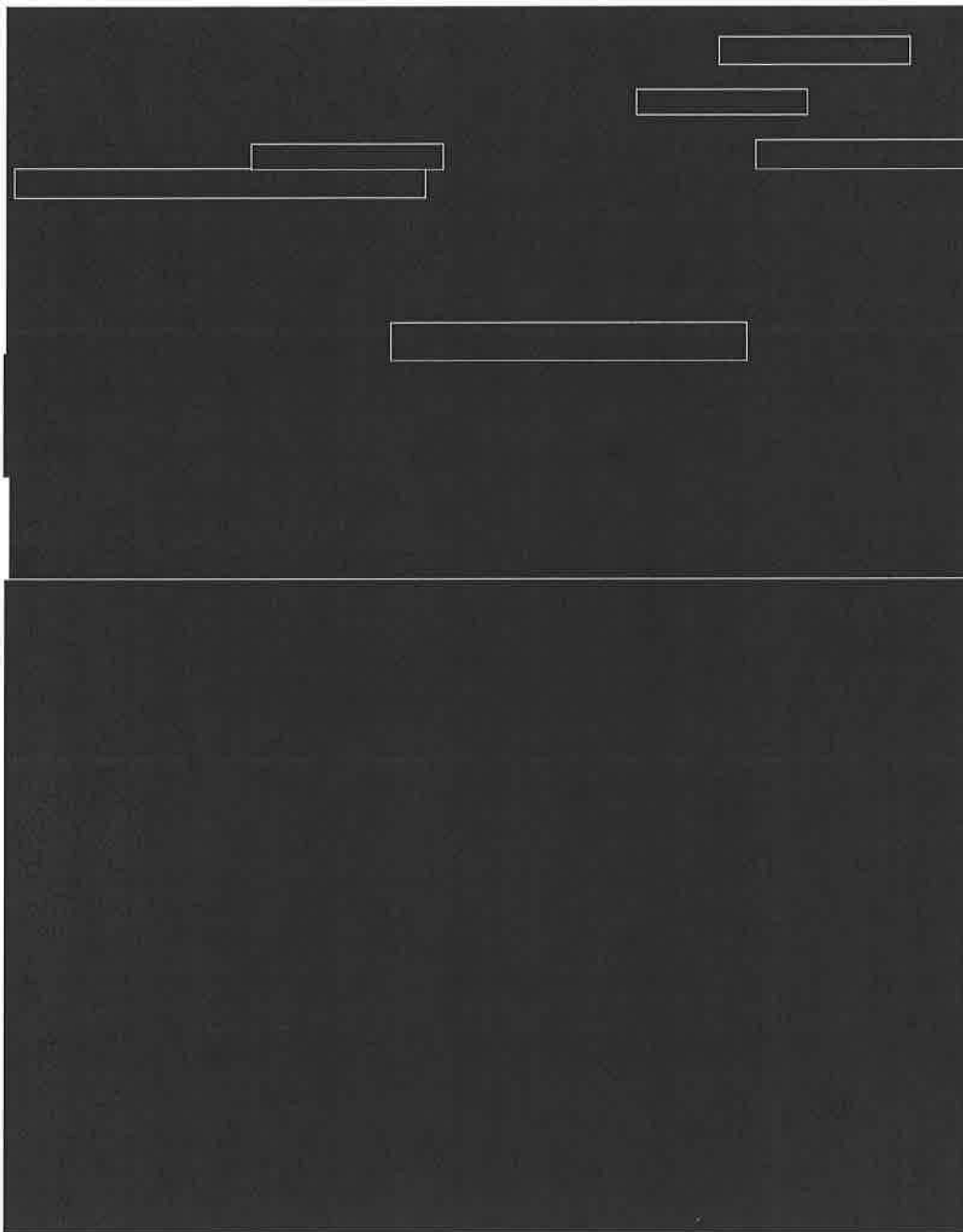
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[Redacted]



[REDACTED]

DATE
20140320

[REDACTED]


RE / OBJET:

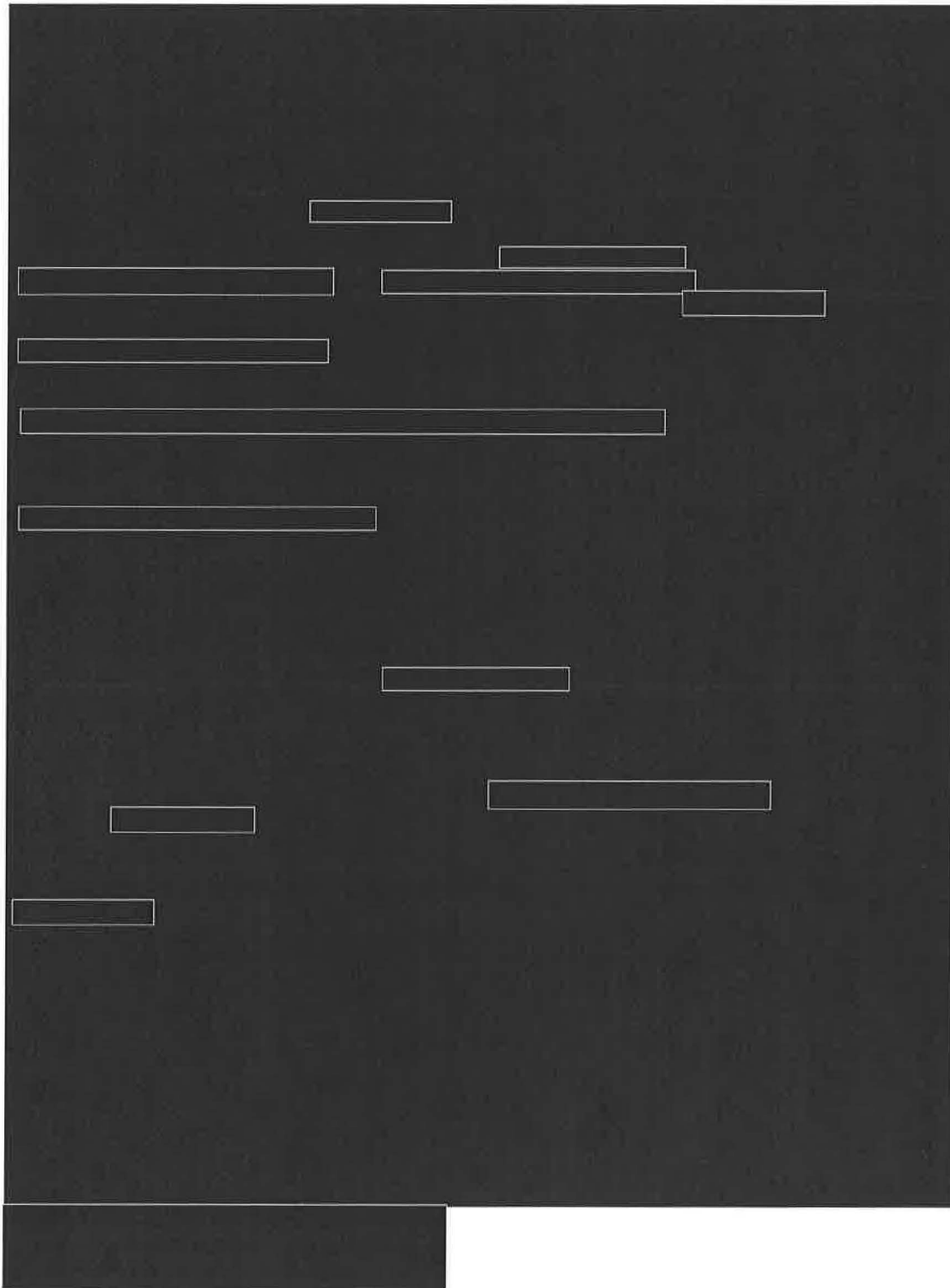
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SYNOPSIS / SOMMAIRE:

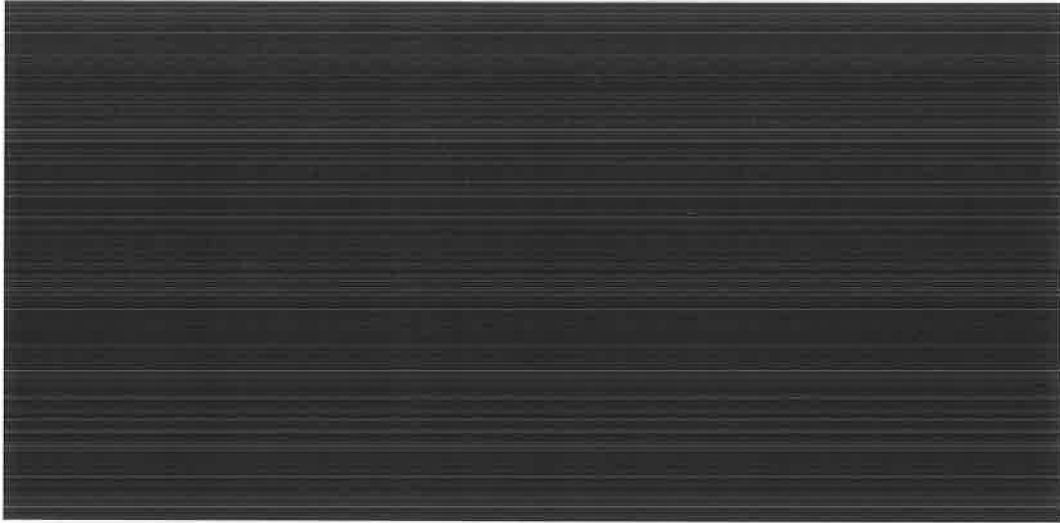
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[Redacted]



[REDACTED]

DATE
20140320

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RE / OBJET:

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SYNOPSIS / SOMMAIRE:

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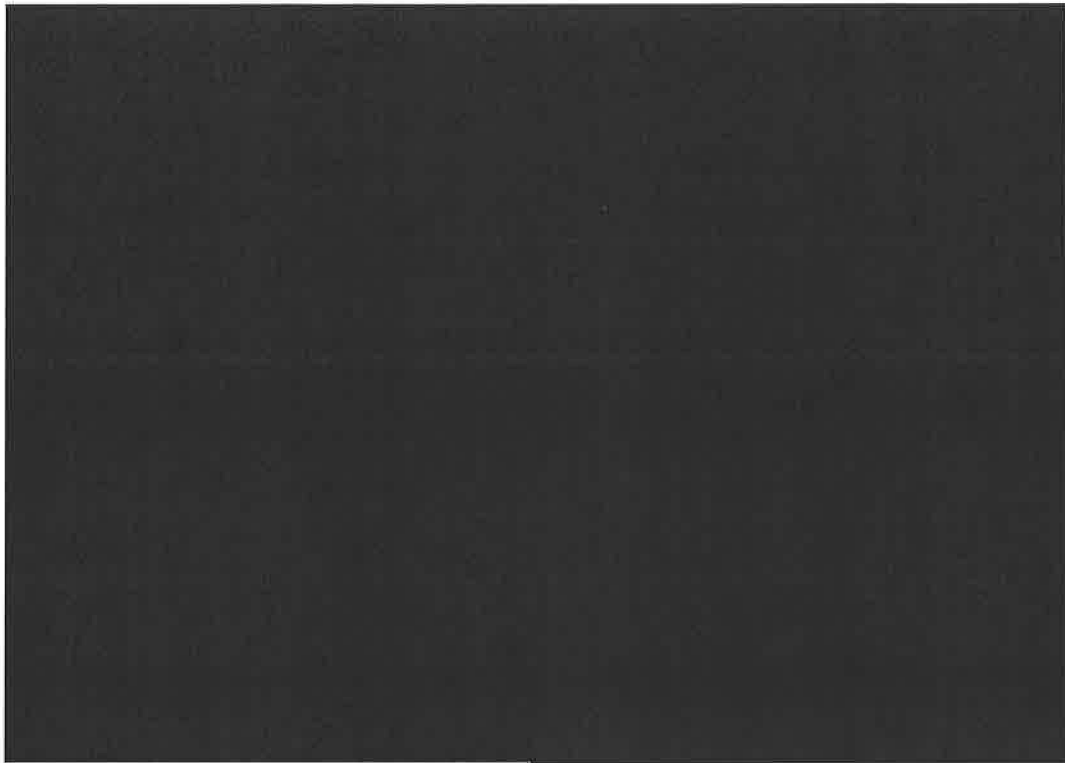
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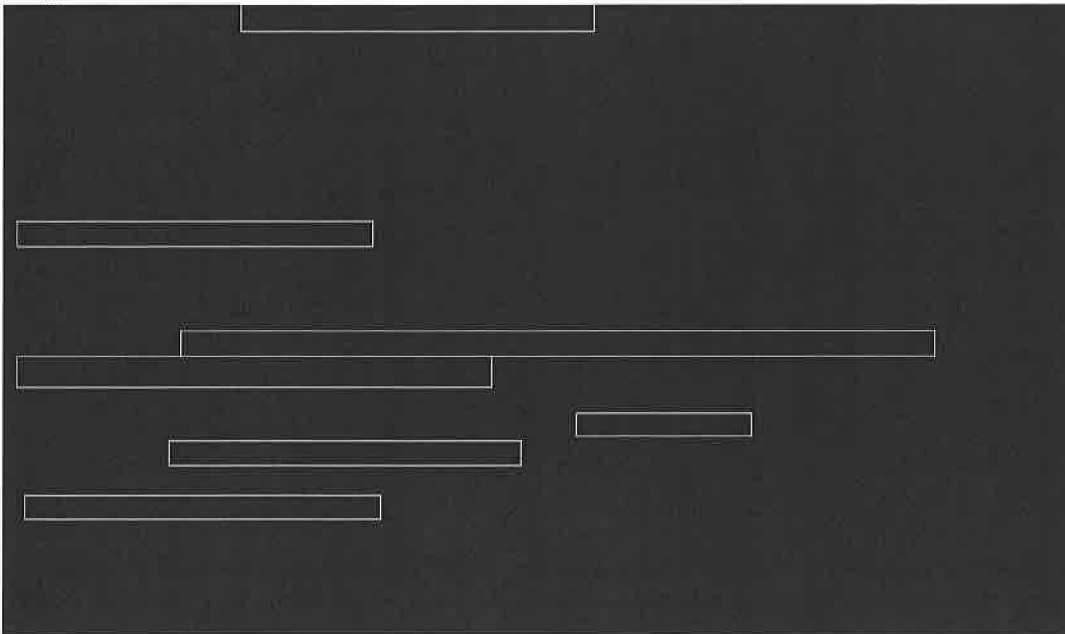
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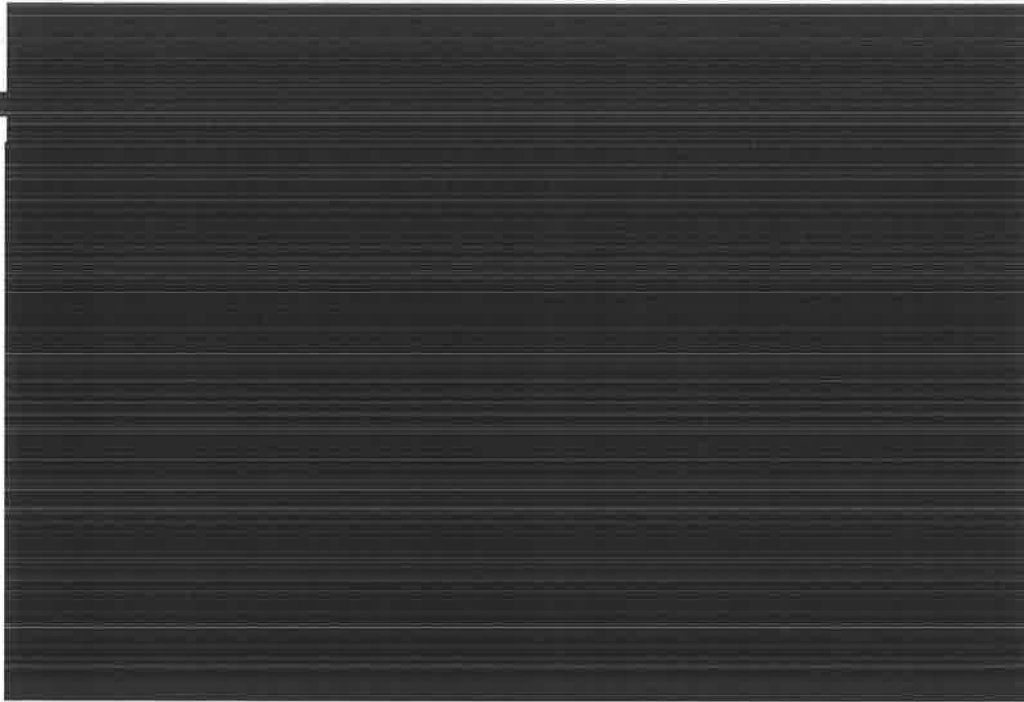
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[REDACTED]



ANALYSIS / ANALYSE:





[REDACTED]

DATE
20140320

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

HQ [REDACTED] please see request in paragraph 29

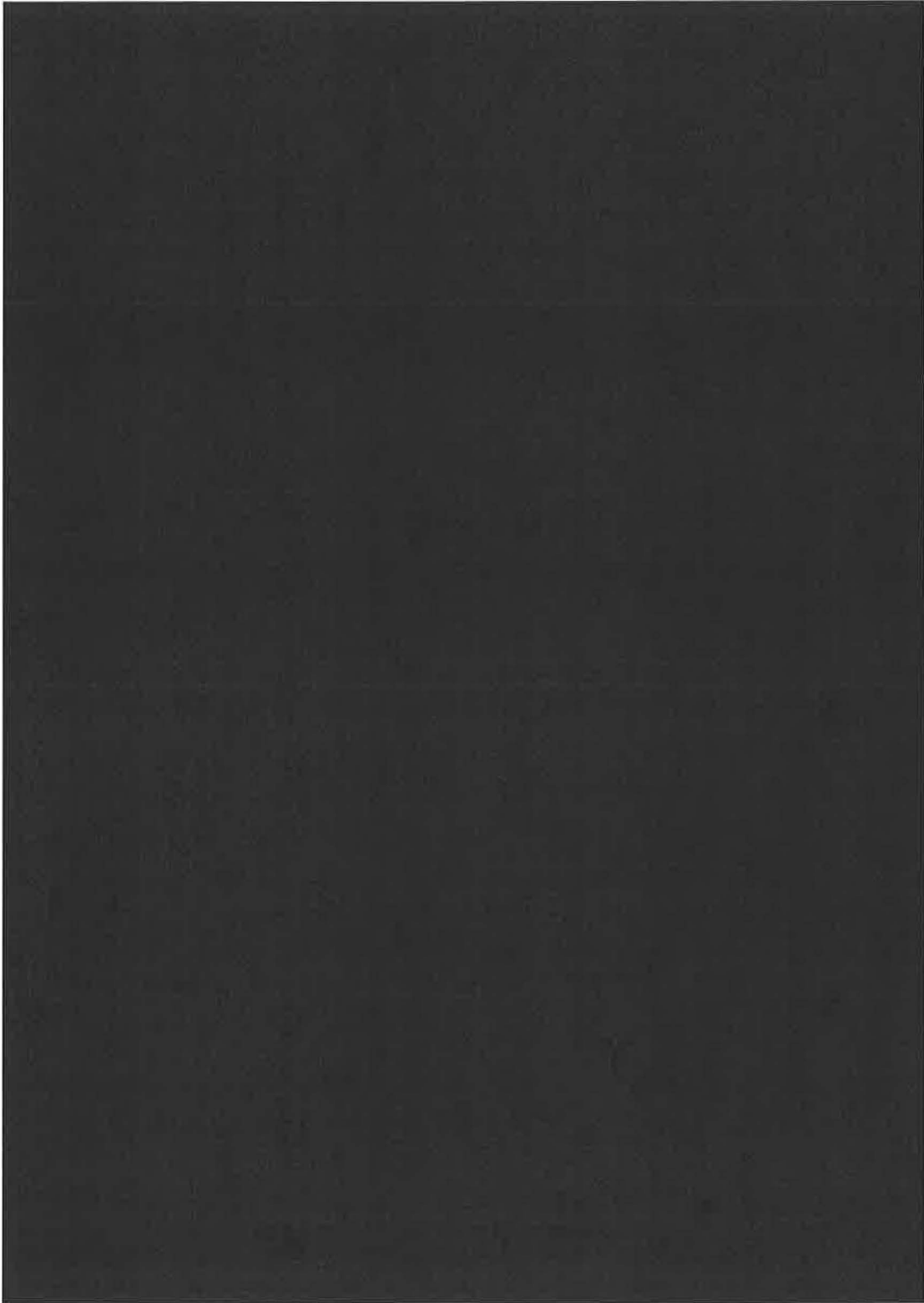
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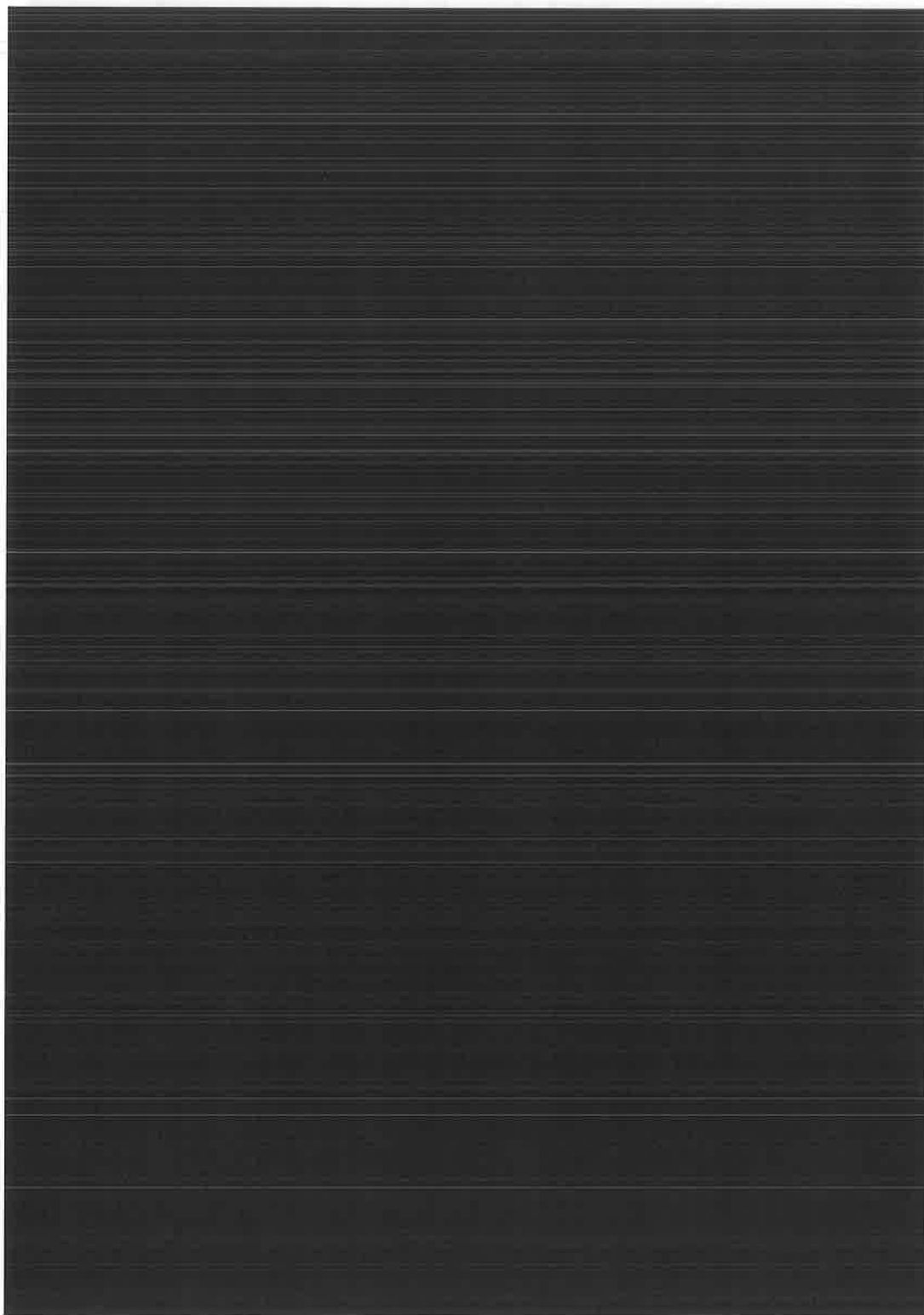
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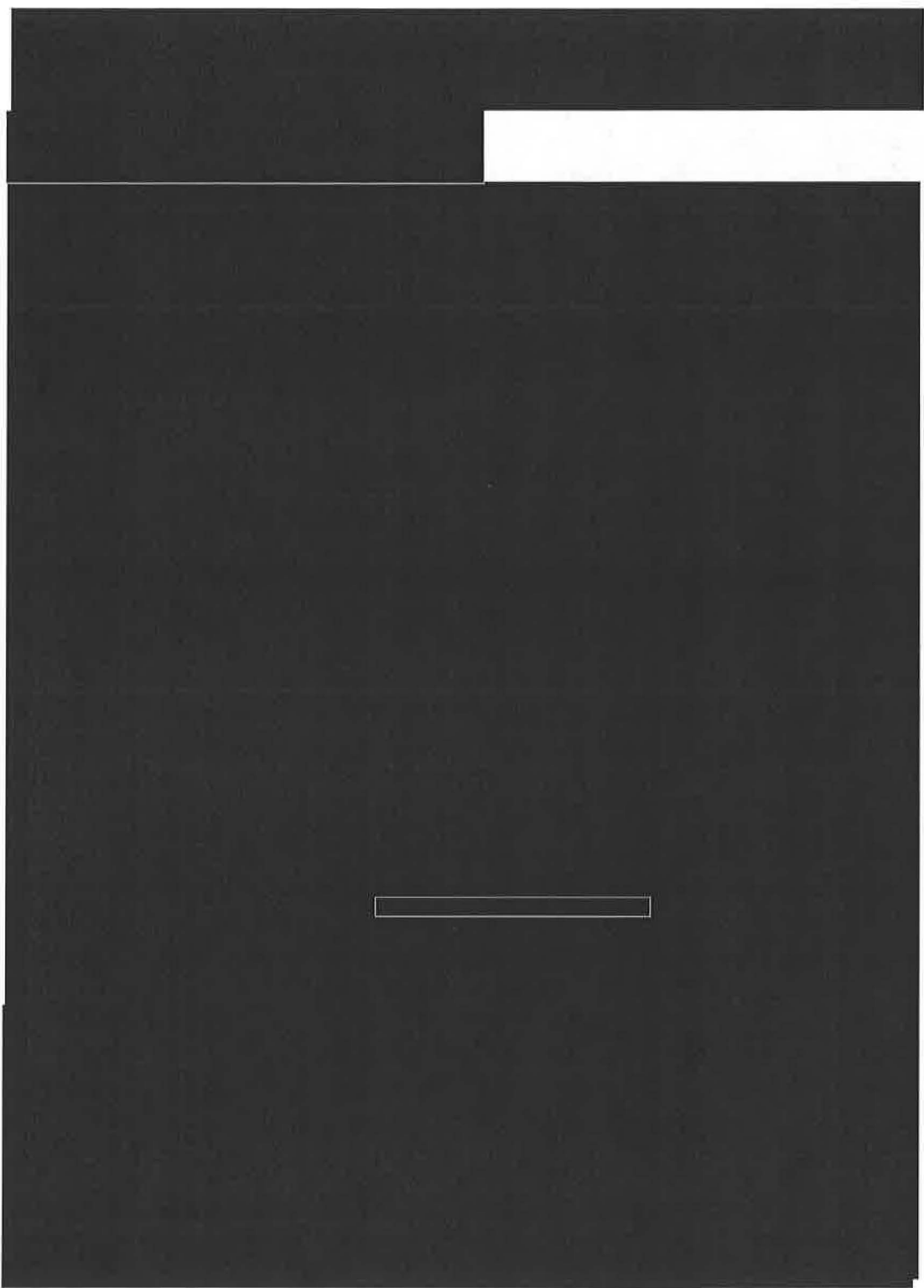
[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]







[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

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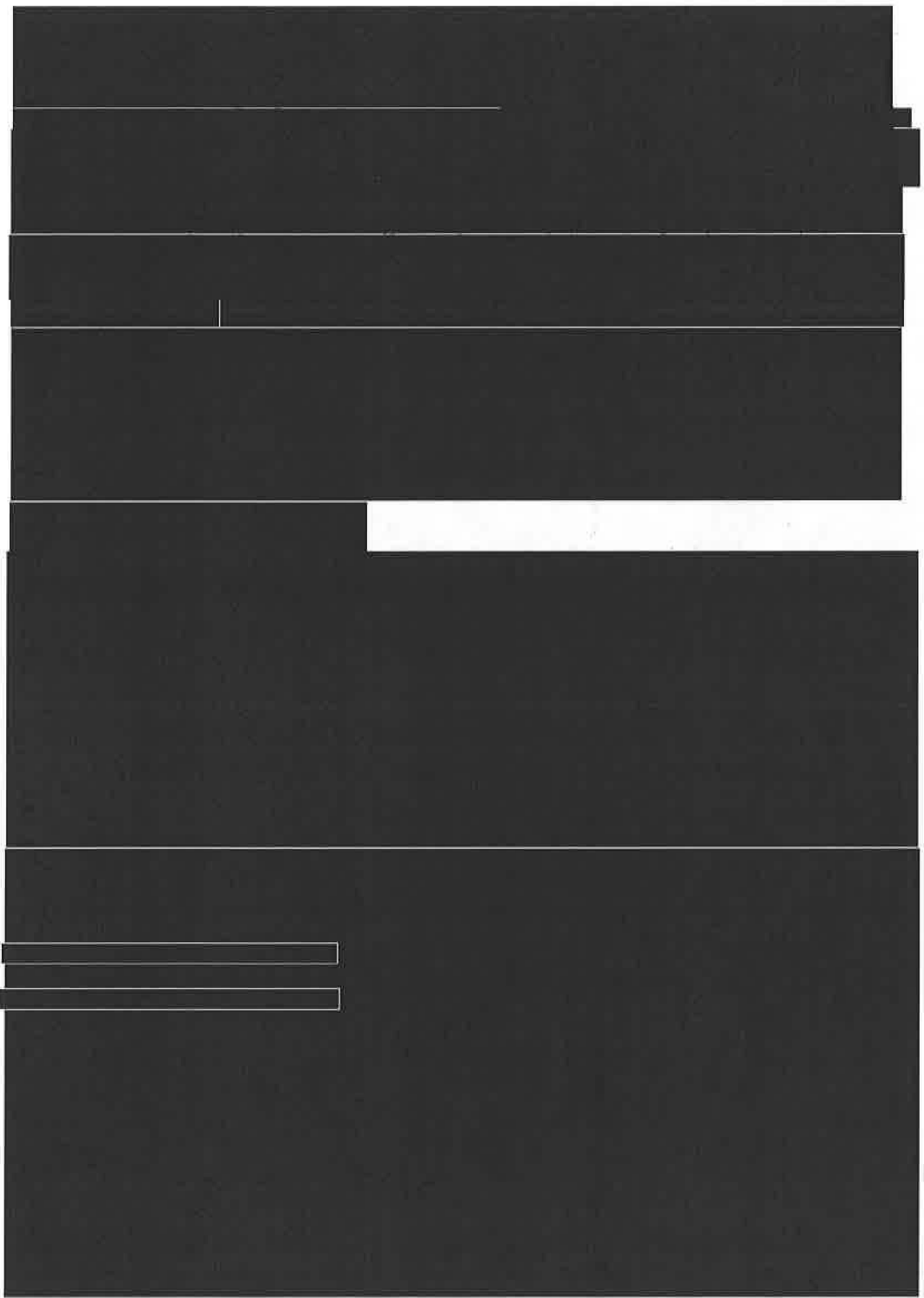
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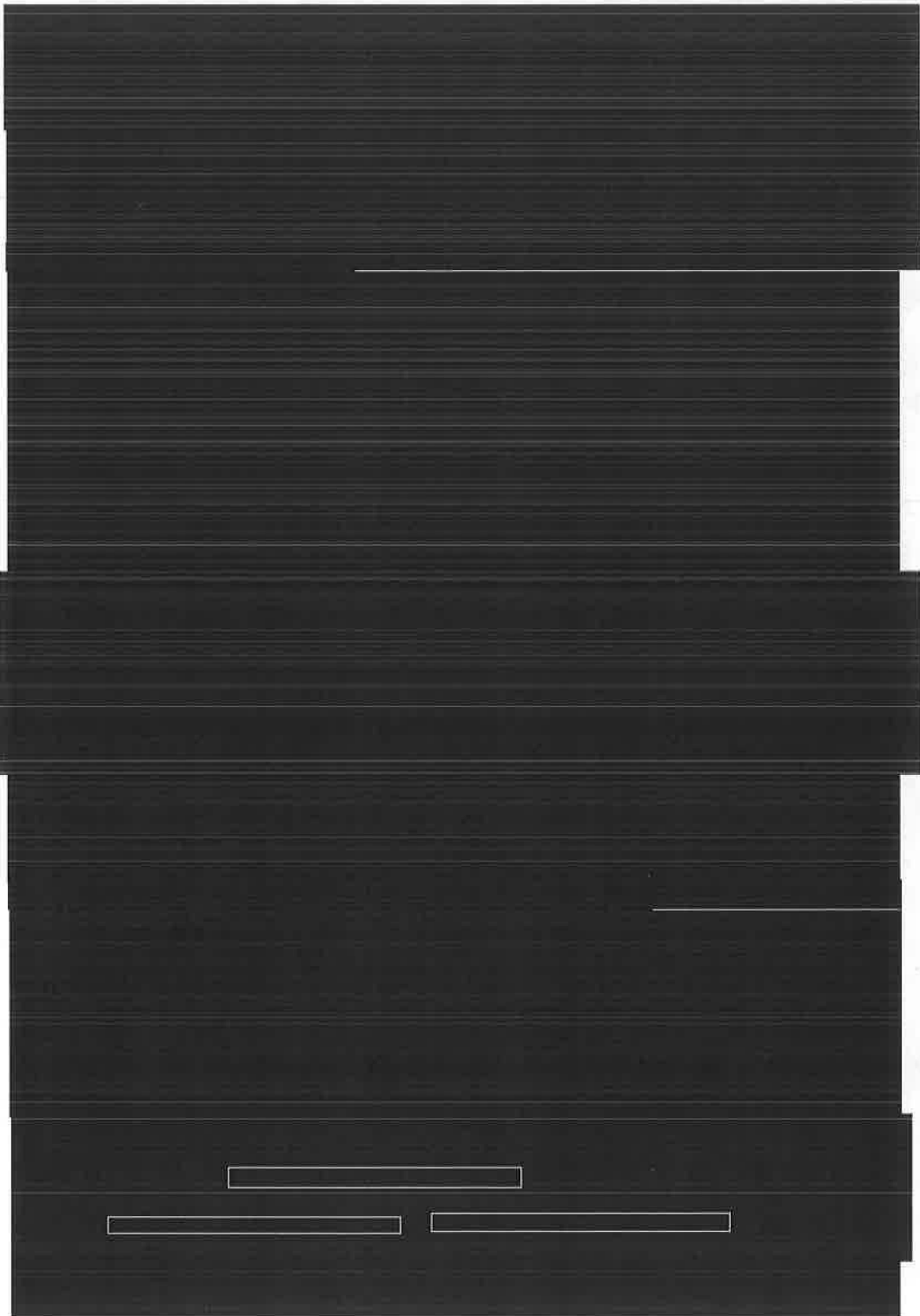
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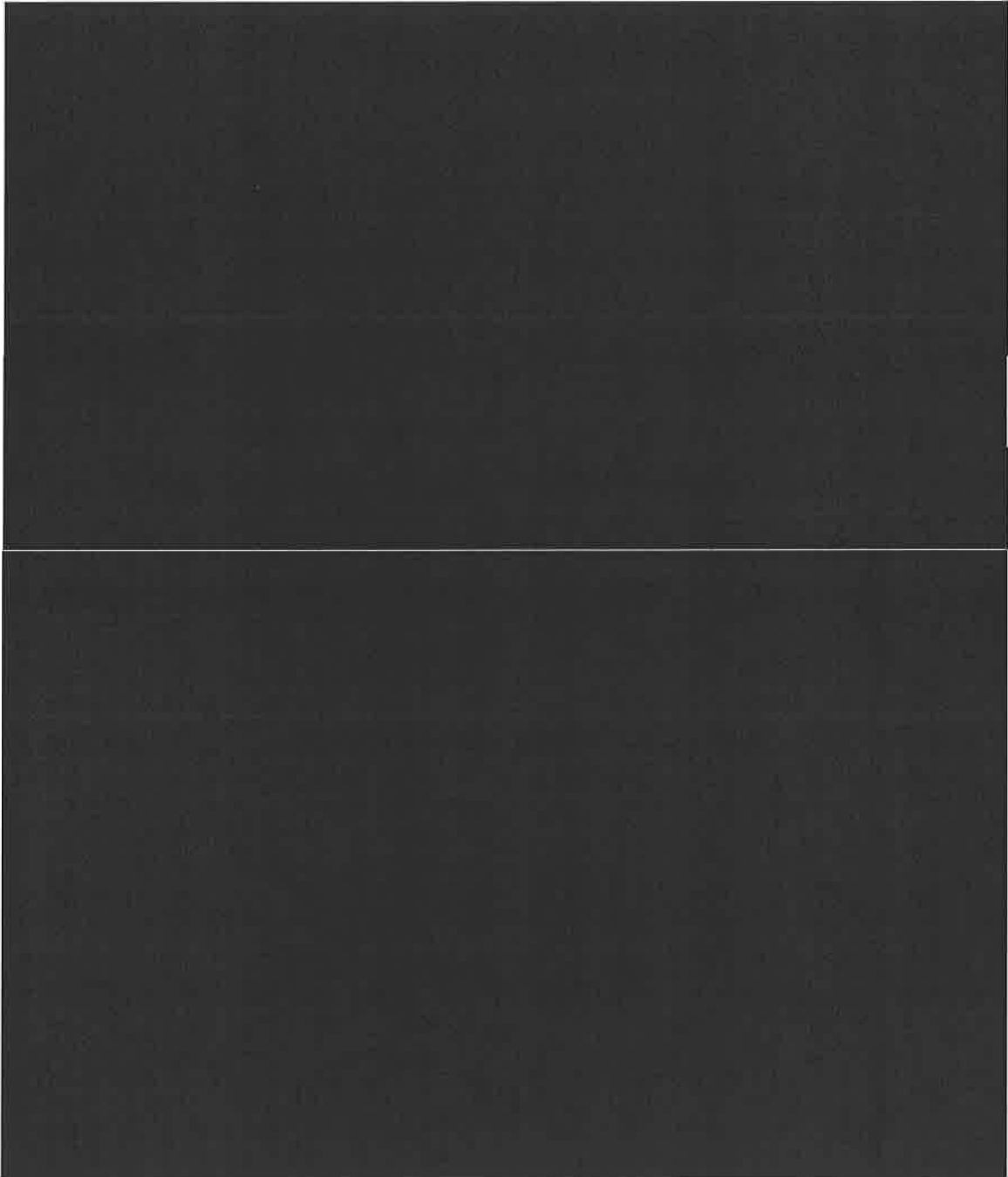
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[REDACTED]





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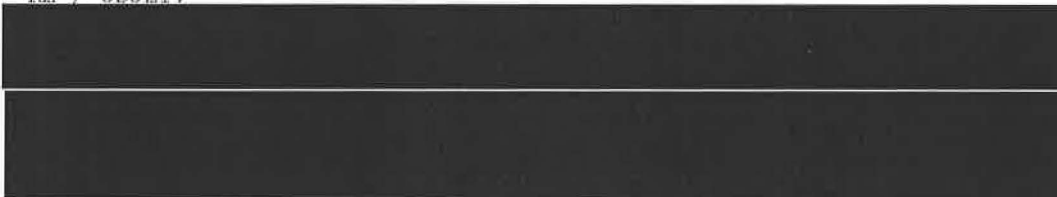




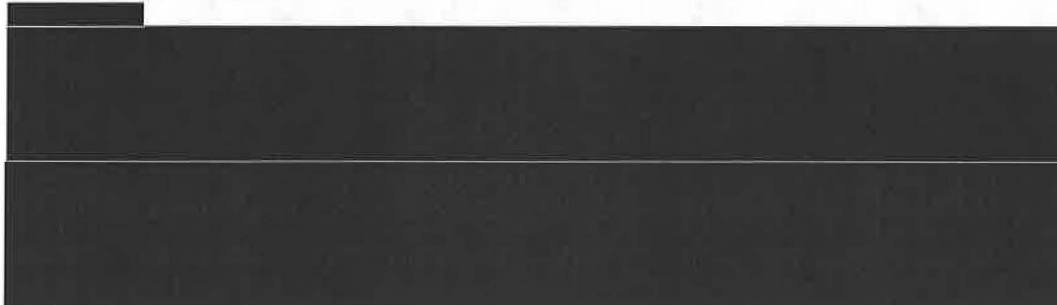
DATE
20140319



RE / OBJET:



SYNOPSIS / SOMMAIRE:



[REDACTED]

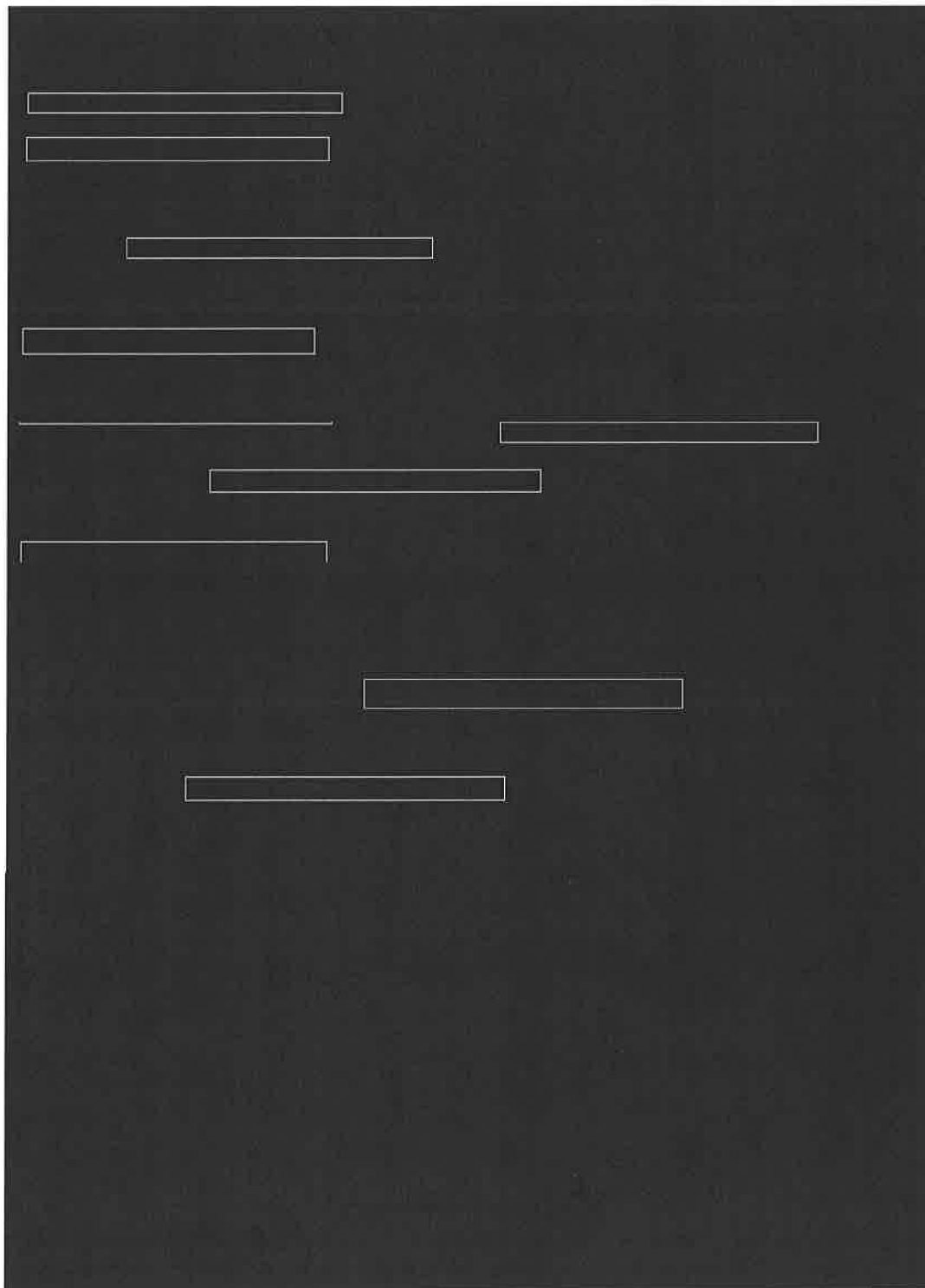
INFORMATION / RENSEIGNEMENTS:

[REDACTED]

ANALYSIS / ANALYSE:

3) Emerging threats concerning the potential for serious violence related to demonstration / protest activity remains a legitimate focus of Service investigation. That said, the Service must conduct mandated investigations while respecting, and being seen to respect, the integrity of the right to engage in legitimate protest and dissent.

[REDACTED]



[REDACTED]

DATE
20140313

[REDACTED]

RE / OBJET:


[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

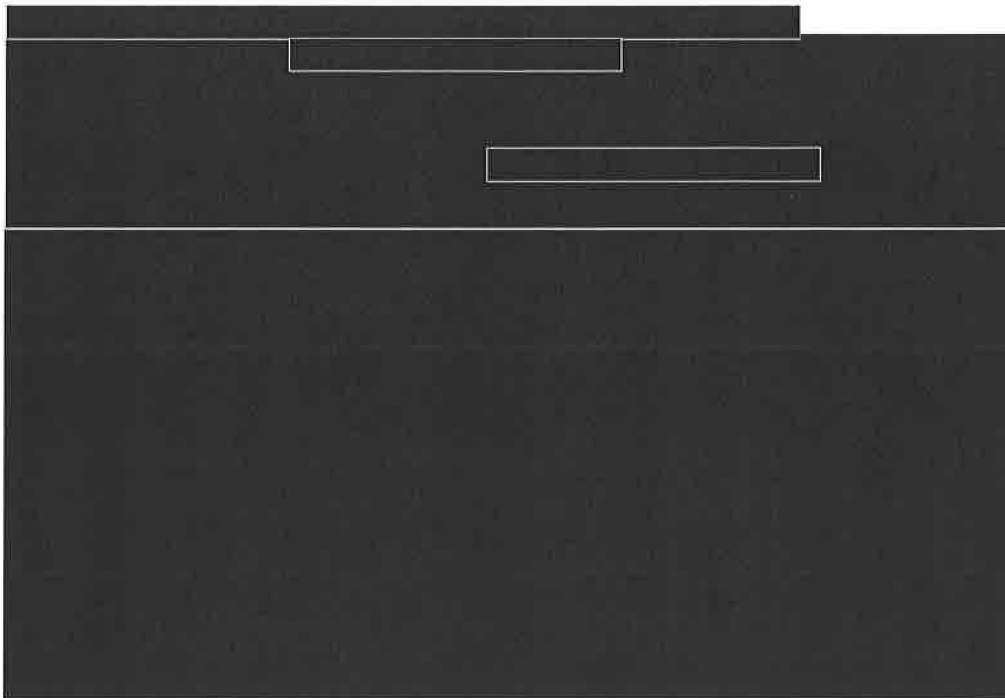
[REDACTED]

As a result of the above, the authors have concluded that the use of the proposed model is not only feasible but also effective in predicting the behavior of the composite beams. The authors also believe that the proposed model can be used to design composite beams with different materials and cross-sections.



ANALYSIS / ANALYSE:

4. The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for serious violence stemming from [REDACTED]



[Redacted]

[REDACTED]

DATE
20140312

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]

7) Please note that the information in paragraph 1 was provided to PR
Manitoba [REDACTED] by BCR [REDACTED] on 2014 03 07
via email.

[REDACTED]

