

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 XIX

TOP SECRET INFORMATION
Ex Parte/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/Ex Parte* Hearing held on
Thursday, January 28, 2016, at Ottawa, Ontario,
commencing at 9:30 a.m.

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

(Volume 3A - *Ex Parte*)

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

APPEARANCES

| | |
|-----------|----------|
| C. Bowers | for SIRC |
| S. Dion | for CSIS |

Also in Attendance:

| | |
|------------------------|---------------------|
| [REDACTED] | ER&L Representative |
| S. Stawicki | Hearings Registrar |
| Noel C. Keeley, C.S.R. | Court Stenographer |

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| | |
|------------|----------|
| [REDACTED] | for CSIS |
| [REDACTED] | for CSIS |
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1 TOP SECRET:

2 Ex Parte/In Camera Hearing

3 Volume 3A:

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

6 --- Upon commencing at Ottawa, Ontario, on Thursday,
7 January 28, 2016, at 9:30 a.m.:

8 Preliminary/Procedural Matters:

9 THE PRESIDING MEMBER: Bonjour.

10 Asseyez-vous.

11 Good morning to you all. We meet
12 again!

13 We were last together in Vancouver, in
14 August.

15 For the record, I am Yves Fortier, and
16 I am the Member of the Security Intelligence Review
17 Committee who is presiding over the Investigation of
18 the Complaint filed by the BCCLA, the British Columbia
19 Civil Liberties Association.

20 For the record, that is Committee File
21 Number 1500-481 and Committee Case Number 146.

22 We held the *In Camera* portion of the
23 Hearing in Vancouver in August, and we are now ready to
24 begin the *Ex Parte* portion of the Hearing here in
25 Ottawa.

1 As we are all aware, the purpose of
2 this *Ex Parte* Hearing is to hear the classified
3 evidence. In doing so, we proceed in the absence of
4 the Complainant.

5 As I have already indicated, we had
6 the *In Camera* portion of the Hearing, held in the
7 presence of the Complainant, on August 12 and 13 last
8 in the City of Vancouver.

9 While we are all veterans of these
10 Hearings, I need to reference Subsection 48(1) of the
11 CSIS Act, which provides that every Investigation of a
12 Complaint by the Committee is to be conducted "in
13 private". As such, for reasons of security and
14 confidentiality, there are no electronic devices
15 allowed in this Hearing Room.

16 This includes cellular telephones,
17 laptops, tablets, et cetera.

18 I am sure that is well understood by
19 all of us who are here today.

20 MS. DION: Yes, Sir.

21 THE PRESIDING MEMBER: Accompanying me
22 this morning are Madam Chantelle Bowers, Counsel to the
23 Committee; Madam Shayna Stawicki, the Registrar for
24 the Committee; and our devoted Court Reporter, Mr.
25 Noel Keeley, who is in the booth behind me.

1 I did see him earlier and I know he is
2 with us.

3 At this point, I will ask those in
4 attendance on behalf of the Service to identify
5 themselves for the record, starting with Madam Dion...

6 MS. DION: Yes. Good morning, Mr.
7 Fortier. I am Stéphanie Dion, Counsel for the Canadian
8 Security Intelligence Service.

9 THE PRESIDING MEMBER: Thank you,
10 maitre Dion.

11 [REDACTED] And I am [REDACTED]
12 [REDACTED] and I am with the External Review and Liaison
13 Branch of CSIS.

14 THE PRESIDING MEMBER: Thank you.
15 Good morning to you both again.

16 I will also ask Madam Bowers to
17 identify herself, for the record...

18 MS. BOWERS: Yes. Good morning,
19 everyone. I am Chantelle Bowers, and I am Senior
20 Counsel and the Executive Director for SIRC.

21 THE PRESIDING MEMBER: Thank you,
22 Madam Bowers.

23 Maitre Dion, I have been informed that
24 CSIS will be presenting three witnesses today.

25 Is that correct?

1 MS. DION: That is correct, Member
2 Fortier.

3 THE PRESIDING MEMBER: Thank you.
4 I have seen the "Will-Say" Statements.
5 I won't hold you to it, but how long
6 do you expect the testimony of your three witnesses to
7 take?

8 MS. DION: Member Fortier, it will
9 depend upon the degree of detail the Committee wishes
10 to get into in terms of the evidence.

11 As we have commented on in the past,
12 this is a bit of an unusual Complaint, in that not only
13 does the Service have to prove what it did but also
14 what it did not do, and in order to prove what it did
15 not do ---

16 THE PRESIDING MEMBER: Proving a
17 negative is always difficult.

18 MS. DION: Exactly. As such, the
19 process could be quite tedious.

20 In respect of the Books of Documents,
21 we have produced, at Volumes 1A, 1B and 1C, all
22 Operational Reports [REDACTED]

23 [REDACTED]
24 If we were to go through all of these
25 Reports and explain to SIROC why it is that [REDACTED]

1 [REDACTED] ended up in the Service's holdings, it
2 could make for quite a tedious and time-consuming
3 process.

4 THE PRESIDING MEMBER: Yes.

5 MS. DION: What we are hoping to do,
6 and the approach I am suggesting, as you may have
7 gathered from the "Will-Say" Statement of [REDACTED]
8 is to go through a sample of these Reports, explaining
9 why it is they are in the Service's holdings and why it
10 is that they fall within the Service's mandate.

11 THE PRESIDING MEMBER: Yes.

12 MS. DION: But that said, the Reports
13 we have selected, as reflected in Volume 2 of the Books
14 of Documents, are numerous, and if we were to go
15 through every single one of them, it could be quite a
16 time-consuming exercise, with the Hearing lasting a
17 full two days, I would expect. However, if at some
18 point the Committee is satisfied that the documents, on
19 their face, speak to the reason why they are in our BRS
20 Database, then perhaps we could move through the
21 process a bit more expeditiously.

22 THE PRESIDING MEMBER: Yes. I want to
23 be fully informed, of course; however, I think you can
24 make the assumption that I have some experience in
25 these matters and that I am a "quick study".

1 MS. DION: I appreciate that, Member
2 Fortier. I just want to make sure that the Service is
3 not put into a situation where, at the conclusion of
4 the Hearing, matters are raised that we did not have
5 the opportunity to explain.

6 THE PRESIDING MEMBER: Fair enough.
7 Let's commence in the way you have
8 suggested and we will see how matters evolve. If at
9 some point, I feel I have learned enough, that the
10 samples you have referred to in the course of the
11 evidence have sufficiently educated me, we can move
12 through the process a little more expeditiously.

13 MS. DION: Perfect! Thank you very
14 much, Member Fortier.

15 THE PRESIDING MEMBER: Very well.
16 Thank you.

17 Are there any further procedural
18 issues that anyone would like to raise before we
19 proceed to the hearing of the first witness?

20 MS. DION: I have a few comments in
21 respect of the Books of Documents, and at the same time
22 we can have them entered as Exhibits, for the record.

23 THE PRESIDING MEMBER: Very well.
24 Thank you.

25 Please proceed, Madam Dion.

1 MS. DION: As I was explaining in my
2 initial remarks, the way in which we have approached
3 the Document Production in this case is a bit different
4 from the way in which it is normally done.

5 As I have already indicated, Books 1A,
6 1B and 1C contain all of the BRS Reporting [REDACTED]
7 [REDACTED] for the Period December
8 31, 2009 through to ---

9 I believe the "Pull" was done in July
10 of 2015.

11 So any Reports in BRS in [REDACTED] will
12 have found their way into these three Volumes.

13 THE PRESIDING MEMBER: Those three
14 Books.

15 Very good. Thank you.

16 So at this point, we will enter those
17 three Volumes as Exhibits.

18 Madam Stawicki...

19 THE REGISTRAR: Thank you, Mr.
20 Fortier.

21 Volume 1A will be entered as Exhibit
22 CSIS-2A; Volume 1B will be entered as Exhibit CSIS-3A;
23 and Volume 1C will be entered as Exhibit CSIS-4A.

24 THE PRESIDING MEMBER: Very good.
25 Thank you, Madam Stawicki.

1 --- EXHIBIT CSIS-2A:

2 CSIS Book of Documents (Ex Parte
3 Hearing), Volume 1A

4 --- EXHIBIT CSIS-3A:

5 CSIS Book of Documents (Ex Parte
6 Hearing), Volume 1B

7 --- EXHIBIT CSIS-4A:

8 CSIS Book of Documents (Ex Parte
9 Hearing), Volume 1C

10 THE PRESIDING MEMBER: Then there are
11 these two additional Books...

12 MS. DION: We can move on to Volume 2
13 at this point.

14 Volume 2 of the Books of Documents is
15 the Book that will be used by [REDACTED] in giving her
16 testimony.

17 This Book contains samples of the
18 Reports that are found in Volumes 1A, 1B, and 1C, as
19 well as other information: information on Targeting,
20 information on Policies, and that type of material.

21 So that Volume can be entered as an
22 Exhibit at this point. And, as I say, the Witness will
23 refer to it in giving her testimony.

24 THE PRESIDING MEMBER: Very well.
25 Thank you.

1 Madam Stawicki...

2 THE REGISTRAR: Volume 2 of the Books
3 of Documents will be entered as Exhibit CSIS-5A.

4 THE PRESIDING MEMBER: Thank you.

5 --- EXHIBIT CSIS-5A:

6 CSIS Book of Documents (Ex Parte
7 Hearing), Volume 2

8 MS. DION: The next Book is Volume 3,
9 which is what we have been calling, internally, the
10 "IAB Book", the "Intelligence Assessments Branch Book".

11 So that Volume will be referenced by
12 [REDACTED] and [REDACTED] both of whom will testify
13 later on in the Hearing.

14 THE PRESIDING MEMBER: Very well.
15 Thank you.

16 MS. DION: So that can be entered as
17 an Exhibit at this point...

18 THE REGISTRAR: Thank you. CSIS Book
19 of Documents, Volume 3, will be entered as Exhibit
20 CSIS-6A.

21 --- EXHIBIT CSIS-6A:

22 CSIS Book of Documents (Ex Parte
23 Hearing), Volume 3

24 THE PRESIDING MEMBER: Excellent!
25 Thank you.

1 MS. DION: I have two more Volumes for
2 filing.

3 THE PRESIDING MEMBER: You have two
4 more...

5 MS. DION: Yes, Member Fortier.

6 Ms. Bowers was made aware of this.

7 I also made the Committee aware of
8 Volume 4, which is the "sensitive" Book.

9 It hasn't been filed with the
10 Committee as yet because it contains information that
11 is of a higher Classification Level than what SIRC can
12 hold in their Holdings. As such, having made up this
13 Volume, it was retained at the Service's premises.

14 Ms. Bowers came to the Service's
15 premises for the purpose of reviewing the documents
16 that comprise this Volume.

17 We have copies of this Volume for use
18 by the Committee today; however, because of the
19 sensitive nature of the information contained herein,
20 these two Books have to be retained at the Offices of
21 the Service. As such, following the close of the
22 Hearing, we will seal these Volumes and return them to
23 our Offices for retention.

24 THE REGISTRAR: Can we write on these
25 Volumes?

1 MS. DION: They are for the Committee.

2 That is why they will be sealed at the close of the
3 Hearing. No one within the Service will unseal them.
4 No one will be opening them. They are for the
5 Committee. However, given that the infrastructure
6 currently in place doesn't allow for [REDACTED]
7 information to be held here, these Books will be sealed
8 at the close of the Hearing and retained at the
9 premises of the Service.

10 THE PRESIDING MEMBER: Yes. Thank
11 you.

12 THE REGISTRAR: So that can be entered
13 as Exhibit CSIS-7A.

14 --- EXHIBIT CSIS-7A:

15 CSIS Books of Documents (Ex Parte
16 Hearing - Sensitive Information)

17 THE PRESIDING MEMBER: Thank you,
18 Madam Registrar.

19 Do you have any comments, Madam
20 Bowers, in respect of this Volume of sensitive material
21 that Madam Dion has now tendered into Evidence?

22 MS. BOWERS: Not at this time, Sir.
23 Thank you.

24 THE PRESIDING MEMBER: Very well.
25 Thank you.

1 MS. DION: And for the information of
2 the Committee, Member Fortier, this Volume comprises
3 the information that was collected from the [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 THE PRESIDING MEMBER: I see that
8 reference on the Cover Page.

9 Thank you.

10 MS. DION: And finally, we have for
11 filing with the Committee Volume 5.

12 At the time that Ms. Bowers came to
13 our Offices for the purpose of reviewing these
14 documents, they hadn't as yet been compiled into a
15 bound Book of Documents. However, she was provided
16 with copies of the documents in question for her review
17 and examination. Also, there are a few extra documents
18 that the witnesses wanted to have on-hand for their
19 review, as well as some of the Tables that were already
20 filed in Volume 3 but which didn't print properly at
21 the time of their inclusion in Volume 3. As such, we
22 reprinted those Tables in a format that makes them more
23 easily read and referenced.

24 THE PRESIDING MEMBER: Very well.
25 Thank you.

1 MS. DION: So that is Volume 5.

2 THE REGISTRAR: And we keep this
3 Volume?

4 MS. DION: Yes. That Volume is for
5 the Committee to keep.

6 Thank you.

7 THE PRESIDING MEMBER: So that will be
8 Exhibit 8A, Madam Registrar.

9 THE REGISTRAR: Yes. Volume 5 of the
10 Books of Documents will be entered as Exhibit CSIS-8A.

11 THE REGISTRAR: Thank you.

12 --- EXHIBIT CSIS-8A:

13 CSIS Book of Documents (*Ex Parte*
14 Hearing), Volume 5

15 MS. DION: Thank you, Member Fortier.
16 That completes the Service's Filings at this point.

17 THE PRESIDING MEMBER: Thank you. And
18 now, Madam Dion, you are going to summarize what is in
19 these eight Exhibits in the next ten minutes!

20 --- (Laughter)

21 MS. DION: Hopefully!

22 Again, Member Fortier, because we are
23 faced with a situation where we are proving a negative,
24 we end up with a voluminous amount of paper. However,
25 as we go through the Hearing, and particularly the

1 testimony of [REDACTED] it will become apparent, I feel,
2 that the documents speak for themselves and, as such,
3 it will not be necessary to have detailed testimony on
4 each one of them.

5 THE PRESIDING MEMBER: Very good.
6 Thank you.

7 I take it we are now ready to hear
8 from your first witness...

9 MS. DION: Yes. Our first witness
10 will be [REDACTED]

11 Before calling in [REDACTED] let me
12 just take a moment to check my notes for any other
13 points that I wish to bring to the Committee's
14 attention before hearing from the witnesses...

15 THE PRESIDING MEMBER: Yes, certainly.
16 --- (A Short Pause)

17 MS. DION: I think it is important to
18 mention, Member Fortier, that in this case ---

19 As you well know, SIRC has
20 jurisdiction over CSIS and not over the NEB or the
21 RCMP.

22 This Complaint is based, for the most
23 part, on an ATIP Request that was made at the NEB
24 level.

1 As you are aware, some of the
2 documents we reviewed at the *In Camera* Hearing were
3 redacted in part; however, because these are not CSIS-
4 redacted documents, we do not necessarily have copies
5 of the unredacted versions of the documents, as they
6 are not documents in CSIS's Holdings.

7 However, in some instances, we did
8 have those documents, either because we were consulted
9 on them or ---

10 Actually, because we were consulted on
11 them, we got them from the ATIP Branch.

12 So those are found at Tab 9 of Volume
13 3 of the Books of Documents.

14 It is not my intention to bring
15 forward a witness to testify to those documents, given
16 the context.

17 As I say, they are documents that have
18 their origin in other Departments.

19 If you look at Volume 3, Tab 9...

20 THE PRESIDING MEMBER: That is Exhibit
21 CSIS-6A?

22 MS. DION: Yes. I apologize. I will
23 get used to the numbering.

24 THE PRESIDING MEMBER: And it is
25 Tab...?

1 MS. DION: Tab 9.

2 If you skip the first document, which
3 is a document that one of our witnesses will speak to,
4 and move to the second document, you will see ---

5 It starts at Page 616.

6 At the bottom corner, we numbered all
7 of the pages consecutively, for ease of reference
8 during the Hearing.

9 THE PRESIDING MEMBER: Yes.

10 And you are pointing me to Page...?

11 MS. DION: Page 616 and following,
12 Member Fortier.

13 --- (A Short Pause)

14 THE PRESIDING MEMBER: Yes.

15 MS. DION: These are all documents
16 that we found in our Holdings, some of which were filed
17 by the Complainant.

18 We have the benefit of having them in
19 unclassified versions.

20 Even though we are not putting forward
21 a witness to speak to these documents, I expect, and I
22 hope, that SIRC will accept these documents into
23 evidence, as it accepted the redacted versions into
24 evidence in the *In Camera* Hearing, because, clearly,
25 they do represent the "best evidence" in this case, as

1 opposed to the redacted versions that were filed on the
2 Record of the In Camera Hearing.

3 THE PRESIDING MEMBER: Any comments,
4 Madam Bowers...?

5 MS. BOWERS: No comments. Thank you,
6 Mr. Fortier.

7 THE PRESIDING MEMBER: Very well.

8 MS. DION: Thank you.

9 Those are all of the preliminary
10 comments I have to this point. If there are any
11 additional points, I will speak to them during the
12 course of the testimony of the witnesses, if that is
13 acceptable...

14 THE PRESIDING MEMBER: That's fine.
15 Thank you.

16 So let's move on to the testimony of
17 the first witness...

18 MS. DION: Thank you.

19 --- [REDACTED] Called to the Witness Table)

20 MS. DION: For the information of the
21 Committee, we will be referring, for the most part, to
22 Volume 2 for this portion of the Hearing.

23 THE PRESIDING MEMBER: Volume 2...

24 MS. DION: I apologize. That is
25 Exhibit CSIS-5A.

1 I promise to have the numbering
2 mastered by the end of the Hearing!

3 THE PRESIDING MEMBER: Exhibit CSIS-
4 5A. Thank you.

5 MS. DION: We have tried to organize
6 the Books by witnesses, to avoid having to go back and
7 forth in the Books.

8 THE PRESIDING MEMBER: Thank you.
9 And you are suggesting I have in-hand
10 Volume 2, which is Exhibit CSIS-5A.

11 MS. DION: That is correct.

12 THE PRESIDING MEMBER: Thank you.

13 Good morning, [REDACTED]

14 THE WITNESS: Good morning.

15 THE PRESIDING MEMBER: At this point,
16 I will ask our Registrar to swear you in...

17 THE REGISTRAR: Good morning, Ms.

18 [REDACTED]
19 Do you solemnly affirm that the
20 evidence you are about to give to the Committee shall
21 be the truth, the whole truth, and nothing but the
22 truth?

23 THE WITNESS: Yes, I do.

24 [REDACTED] Called and Affirmed:

25 THE REGISTRAR: Thank you.

1 For the record, would you please state
2 your full name, spelling your last name...

3 THE WITNESS: Yes. [REDACTED] and
4 the last name is spelled [REDACTED]

5 THE REGISTRAR: Thank you.

6 Secondly, I would like to read to you
7 Section 51 of the Canadian Security Intelligence
8 Service Act, which provides protection to witnesses
9 appearing before the Committee.

10 It reads as follows:

11 "Except in a prosecution of a
12 person for an offence under
13 section 133 of the Criminal Code
14 (false statements in extra-
15 judicial proceedings) in respect
16 of a statement made under this
17 Act, evidence given by a person
18 in proceedings under this Part
19 and evidence of the existence of
20 the proceedings are inadmissible
21 against that person in a court or
22 in any other proceedings."

23 Do you understand?

24 THE WITNESS: Yes, I do.

1 THE REGISTRAR: Thank you. You may be
2 seated.

3 THE PRESIDING MEMBER: Madam Dion,
4 your witness...

5 MS. DION: Thank you.

6 (To the Witness): Good morning.

7 THE WITNESS: Good morning.

8 Examination-in-Chief by Ms. Dion:

9 Q. Could you begin by giving us an
10 overview of your experience with the Service?

11 A. Yes. I was hired in 2001. So
12 I've had fifteen years' experience with the Service,
13 for the most part working for Counter-Terrorism. But I
14 also have some experience with Counter-Intelligence.

15 Most recently, I was Chief in [REDACTED]
16 which is [REDACTED] Chief of the
17 Domestic Extremism, [REDACTED]
18 [REDACTED]

19 Q. This might be self-explanatory,
20 but what is the [REDACTED] Branch responsible for?

21 A. The [REDACTED] Branch is responsible for
22 various things, one of which is [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 [REDACTED] the Domestic Extremism Desk.

1 Q. Thank you.

2 And as Chief, what exactly do you
3 oversee?

4 A. I oversee the three Heads of the
5 Desks that fall below me. Some of my responsibilities
6 include approving Messages to be put into our Systems,
7 our Databases, as well as managing Human Sources in
8 general terms.

9 The Heads also manage them; but I do
10 so at a higher level.

11 The delegation of authority to the
12 Chiefs involves certain matters, such as authorizing
13 travel and different aspects of managing
14 Investigations.

15 Q. Generally speaking, what guidance
16 does the Service get from Parliament in terms of which
17 Investigations to conduct and the priority to be given
18 to the different Investigations?

19 A. Almost on a yearly basis, we get a
20 Ministerial Directive from our Minister outlining the
21 Service's Priorities for the upcoming year.

22 There are standard ones that come out
23 all the time, such as Terrorism and Extremism, Counter-
24 Intelligence, and that sort of thing.

1 We get our Priorities given to us in a
2 list of Tiering, meaning the number one priorities for
3 the Government of Canada.

4 They fall like that in the document.

5 Q. I would like you to take us
6 through an example of those Ministerial Directives.

7 I refer you to Tab 1 of Exhibit CSIS-
8 5A, which is also known as "Volume 2".

9 A. Sure.

10 Q. The first document that you see is
11 the Letter to the Director ---

12 You are at Page 1; right?

13 A. Yes. I am at Page 1 under that
14 Tab, yes.

15 That is a Cover Letter that comes
16 every time a Ministerial Direction is sent to us. But
17 it would be on Page 2 that you see the start of the
18 Intelligence Priorities.

19 There is a little Introduction, and
20 then all of the Priorities are listed.

21 You will see "Terrorism and
22 Extremism", beginning on Page 2. But you will see, on
23 Page 3, where it specifically discusses "domestic
24 extremism

[REDACTED]

Q. And is that something that we see every year?

A. Yes.

It is one of the standard Priorities for the Government of Canada.

Q. If we look at Page 5 of that same Ministerial Directive, we see that there is a Heading "Vancouver Winter Olympic Games".

A. Yes.

Q. Can you tell me a little bit about that, please?

A. Yes. As one of the issues under my Desk, we are given responsibility for any major event that takes place in Canada, on Canadian soil, and the reason that this would be a priority is that any sort of violence erupting during the Vancouver Olympic Games could cause ---

Well, obviously there are public safety implications, as well as controversy for the Government of Canada, writ large.

So the Games took place in this Year, and that is why you will see it showing up there.

1 MS. DION: This might seem a bit
2 counter-intuitive, but I will ask you to direct your
3 answers to the Member, please.

4 THE WITNESS: Yes.

5 MS. DION:

6 Q. For how long are the Ministerial
7 Directives in force?

8 A. Typically on a yearly basis.

9 That is the standard. However, a lot
10 of times ---

11 Well, there are some instances where
12 they will skip a year and then the Priorities from
13 before remain. They continue throughout that Year.

14 Q. Once the Service receives the
15 Ministerial Directives setting out the Priorities --
16 which, as we have seen, include, in some instances,
17 Domestic Extremism [REDACTED] what
18 does the Service do with these Priorities? How does it
19 apply them to its Operations?

20 A. The Service gets the Priorities
21 and then our IAB, our Intelligence Assessments Branch,
22 is responsible for creating what we call IRDs, which
23 are Intelligence Requirements.

24 The reason we do this is, first, that
25 it actually sets the basis for what the Service

1 collects -- and there are little Codes that you will
2 see later on, and it shows that we have to collect
3 based on those Intelligence Requirements.

4 In other words, information is not
5 collected on just any sort of issue. It has to fall
6 into one of the IRDs.

7 And the IRDs are -- and you will hear
8 more about this from the next witness.

9 Basically, there is a formula that the
10 Service takes into account.

11 So it will be the Priorities of the
12 Government of Canada.

13 If Terrorism is Number 1 and Counter-
14 Espionage is Number 2, that is going to be reflected in
15 the Tiering of our Priorities.

16 Tier 1 would be "full resources", for
17 example, and Tier 3 would be "only if resources
18 permitting would we collect".

19 And those Intelligence Priorities are
20 all tiered.

21 Q. How many tiers are there?

22 A. There are three tiers, and then
23 Tier 4 ---

24 Technically, there are four tiers;
25 but the fourth tier is a "Watch Brief", what is called

1 a "Watch Brief", which means, basically, that resources
2 may be deployed on actionable intelligence.

3 So we are monitoring the situation,
4 and if there is an actionable piece of intelligence,
5 then at that point we will deploy resources.

6 Q. Can you explain what an
7 "actionable piece of intelligence" is?

8 A. Right. If, for example, we were
9 to have a Watch Brief on Domestic Extremism and we got
10 an indication from either a Source or from a foreign
11 agency, a bit of information that indicates violence,
12 we would have to follow up on that indication, given
13 that our main priority is public safety.

14 Q. I appreciate that we are going to
15 discuss the IRDs with the next witness, but perhaps it
16 would be useful to just have a look at these at this
17 point so that we see what they look like.

18 I am not sure whether you have a copy
19 of Volume 3 ---

20 A. I have.

21 MS. DION: Actually, if you grab
22 Volume 5, which is Exhibit CSIS-8A, we have an example
23 of Intelligence Requirements at Tab 1.

24 (To the Presiding Member): Mr.
25 Fortier, it is the thinner Volume...

1 THE PRESIDING MEMBER: Volume 5,
2 Exhibit CSIS-8A?

3 MS. DION: Yes.

4 So as to save a little bit of paper,
5 you will see, Mr. Fortier, that we took out the
6 [REDACTED] portion of the IRD.

7 We didn't include [REDACTED]

8 [REDACTED]

9 --- (A Short Pause)

10 Page 6 would probably be the best page
11 to reference.

12 THE PRESIDING MEMBER: I have it.

13 Thank you.

14 MS. DION:

15 Q. Can you explain, using the
16 examples from this IRD, the Priorities and what exactly
17 HQ and the Regions get tasked to do?

18 A. Yes. [REDACTED] for example, is related
19 to [REDACTED]

20 [REDACTED]

21 So, for example, the Vancouver
22 Olympics.

23 So, any Reporting about possible
24 violence related to the Vancouver Olympics would have
25 been coded as [REDACTED] in our Reports.

1 [REDACTED]
2 [REDACTED] you will always see an IRD
3 associated with the information that is collected.

4 [REDACTED]
5 [REDACTED] and they are all coded in that way, such
6 that it is easily identifiable that the information in
7 question is being collected against that Intelligence
8 Requirement.

9 Q. Okay. Thank you.

10 We can put Volume 5, also known as
11 "CSIS-8A", aside for the moment.

12 Apart from those IRDs, Intelligence
13 Requirements, what other guidance is issued to the
14 Regions as to how to conduct their Investigations on a
15 day-to-day basis?

16 A. Headquarters Branch is responsible
17 for sending out what we call "Directional Statements".

18 We send these out for a couple of
19 different reasons. We send them out to the Regions so
20 that they are able to prioritize and put their
21 resources towards what is important and what is deemed
22 a higher priority for the Service.

23 One of our HQ functions is to send out
24 the IRDs in a Message, telling the Regions what they
25 should be collecting on and what the priorities are.

1 In that way, the Directors-General of
2 the Regions can put their resources towards the
3 Investigations considered to be the more important and
4 fewer resources towards those that are not, such as a
5 Watch Brief, for example.

6 We also send, sometimes, Directional
7 Statements post-issue -- and a perfect example of that
8 would be, not on the Domestic Terrorism side, but the
9 Paris Attacks.

10 As soon as a big incident happens
11 internationally or in Canada, we send out a Directional
12 Statement, the reason being that we sometimes need to
13 mobilize resources in a different area.

14 So our priorities are ever-shifting in
15 that sense, depending upon world events.

16 Q. I would like to take you to a few
17 of the Directional Statements that were issued on the
18 Domestic side, and those are found in CSIS-5A, or
19 Volume 2, [REDACTED]...

20 --- (A Short Pause: Witness reviewing referenced
21 documentation)

22 Am I correct in saying that this is a
23 Directional Statement that was issued by Headquarters
24 to the Regions?

25 A. Yes, it is.

1 Q. Can you tell us ---

2 THE PRESIDING MEMBER: Excuse me. I
3 don't think I am with you as yet...

4 MS. DION: Apologies. It is Volume 2,
5 Exhibit CSIS-5A.

6 THE PRESIDING MEMBER: Yes. Okay.
7 Thank you.

8 MS. DION: And I am at [REDACTED] of that
9 Volume.

10 THE PRESIDING MEMBER: All right.
11 Thank you.

12 MS. DION: I apologize. I appreciate
13 there is a bit of "jumping back-and-forth" involved in
14 this process.

15 THE PRESIDING MEMBER: No, no. That's
16 fine. I have the reference.

17 Thank you.

18 MS. DION: Thank you, Mr. Fortier.

19 Q. Looking at the first Directional
20 Statement, can you advise us as to the date this
21 Statement was issued?

22 A. Yes. That was issued [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. Thank you.

And what prompted this Directional
Statement?

A. This specific Directional
Statement was sent due to [REDACTED]

[REDACTED]

THE PRESIDING MEMBER: And I missed...
The date of this Directional Statement

[REDACTED]

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THE WITNESS: [REDACTED]

THE PRESIDING MEMBER: Yes.

THE WITNESS: [REDACTED]

THE PRESIDING MEMBER: All right.

Thank you.

MS. DION:

Q. [REDACTED]

correct?

A. Yes.

THE PRESIDING MEMBER: Okay. Thank

you.

MS. DION:

Q. At that time, was there any

indication of [REDACTED]

A. [REDACTED]

(As Read)

[REDACTED]

If you look to [REDACTED], Number 3, starting with "Emerging threats", this is a caveat that we almost always add to our Directional Statements, and it indicates, basically, that we are interested in emerging threats and the potential for serious acts of violence and that the Service has to conduct itself properly, while respecting, and be seen to respect, legitimate protest and dissent.

We always put this caveat in as a reminder to the Regions, when they are collecting information, when they are sensitizing Sources, that they need to be mindful of this.

If you look at Paragraph 4, you will see that we are requesting that only what is "strictly necessary" is dealt with.

So the threats posed in respect of the potential for serious violence associated with the protests and not the protests themselves.

Q. Thank you. [REDACTED]

[REDACTED]

1 A. Just so I understand what you are
2 asking me, your question is in relation [REDACTED]
3 [REDACTED]

4 Q. [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 [REDACTED] (As
16 Read)

17 A. Yes. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

[REDACTED]

Q. Is there, typically, a response that is provided by the Regions to these Statements?

A. Not always. Typically ---

We like to see a response. But if something is self-explanatory and it is just us indicating an interest, then they won't respond back, because it would be a Response saying "We note it", and that is not something that you want to see.

We will see a Response when they are actually mobilizing resources or tasking Sources, and that sort of thing.

In that circumstance, we will see a Response to our Directional Statements.

But as I say, it doesn't always happen.

Q. Okay. Thank you.

If we could turn to the next Directional Statement, which is at [REDACTED] under [REDACTED]

[REDACTED]

--- (A Short Pause)

A. Yes.

Q. Again, can you tell us when it was that this Directional Statement was issued?

1 A. This Directional Statement was
2 issued on [REDACTED]

3 Q. And what is the topic of this
4 Directional Statement?

5 A. This one is [REDACTED]
6 [REDACTED]

7 Q. [REDACTED]; correct?

8 A. Yes. [REDACTED] yes.

9 Q. If I look at the "Object" Line, it
10 says [REDACTED]
11 [REDACTED]

12 Is that same thing as [REDACTED]

13 A. Yes. That is the Title of the
14 Certificate, which encompasses all of ---
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 THE PRESIDING MEMBER: What
19 Certificate are you referring to here?

20 THE WITNESS: The Service has what we
21 call a Certificate which is ---

22 A good example would be [REDACTED]
23 [REDACTED]

24 So it is the banner under which all of
25 the Targets then fall.

1 With a Certificate, you have to make
2 the case that "this issue is actually a problem or a
3 threat to the security of Canada", and once that is
4 established, you have a Validity Date -- because you
5 always have to renew it.

6 The Certificates have to be renewed
7 every two years or so.

8 When you target an individual, they
9 fall under one of the Certificates.

10 It is a way of organizing, in a sense,
11 our Targets.

12 For example, under this one,

13 [REDACTED]
14 It is called the [REDACTED]
15 [REDACTED]

16 Under this one, you will have
17 [REDACTED]
18 [REDACTED]

19 They are all under that banner.

20 THE PRESIDING MEMBER: And do I have
21 the Certificate in this Book?

22 MS. DION: If you turn to [REDACTED]
23 Member Fortier, you will see that what we have done is
24 to include a snapshot from the [REDACTED]
25 including ---

1 And perhaps the Witness can comment on
2 this.

3 You will see that we included the
4 Title of the Certificate and the Validity Date; and
5 then below you will see that we copied the names of all
6 of the Targets that fall under that Certificate.

7 We weren't able to read it from the
8 Screen Shot that we took in relation to that Exhibit.

9 Q. Perhaps you could comment on the
10 first one, for instance, which is, I think, the [REDACTED]
11 Certificate that you were already referring to...

12 A. Yes.

13 So this is an example of the [REDACTED]
14 Certificate. It is valid from [REDACTED]

15 This is our most recent Certificate.

16 Under that Certificate, you have all
17 of the different Targets.

18 Every time we target an individual or
19 a Group under this banner, we need to make a specific
20 case for that individual or that Group that they pose a
21 threat to national security.

22 So it is not just enough to say that
23 we are looking at them under their Certificate. They
24 each have their own Targeting Authority.

1 THE PRESIDING MEMBER: I see here, at
2 the bottom of the page, [REDACTED]

3 [REDACTED]
4 THE WITNESS: Right.

5 THE PRESIDING MEMBER: "-- [REDACTED]
6 [REDACTED]

7 THE WITNESS: Right.

8 THE PRESIDING MEMBER: And it is in a
9 direct relationship to ---

10 THE WITNESS: To the Certificate.

11 THE PRESIDING MEMBER: -- to the
12 Directional Statement on [REDACTED]

13 THE WITNESS: Yes.

14 THE PRESIDING MEMBER: So that comes
15 first. The Certificate, obviously, is at the top of
16 the pyramid.

17 THE WITNESS: Yes. Exactly. So your
18 Certificate is the banner for what ---

19 So, for example, [REDACTED]
20 [REDACTED] and then under
21 that, you have the Targets associated with that
22 specific Certificate.

23 And I say "Targets". It could be a
24 Group or it could be an individual. It is not always a
25 person. It could also be a Group.

1 THE PRESIDING MEMBER: Okay. Thank
2 you.

3 MS. DION:

4 Q. And if you receive information
5 that doesn't relate to specific Targets, where would
6 that information be reported?

7 A. Well, if it is threat-related
8 information, then it would still be reported in the
9 System, under the Certificate.

10 Q. So that is when you would see ---

11 A. That is why you see ---

12 Q. -- [REDACTED]
13 [REDACTED] for instance?

14 A. Yes. You would also see the same
15 Title as you have for the Certificate as a Level.

16 If it is general information, threat-
17 related, that has to do with that topic, it would go
18 under that File Number.

19 MS. DION: Mr. Fortier, for your
20 information, at [REDACTED] we have included the Targeting
21 Authorities for that Period.

22 So it covers the Targets and the
23 Renewals of the Authorities for that Period.

24 I didn't intend on having the Witness
25 comment on them. I feel that the overview of the

1 Certificate and the Authorities at [REDACTED] is sufficient;
2 however ---

3 THE PRESIDING MEMBER: Oui, oui. That
4 is what I am interested in: the overview. Yes.

5 MS. DION: And that is available to
6 SIRC, should you want further information on specific
7 Targets and the threats posed by each of those Targets.
8 But unless you have specific questions, it is not my
9 intention to ask the Witness to ---

10 THE PRESIDING MEMBER: That's fine.
11 Thank you.

12 MS. DION: Thank you.

13 Q. We have moved forward a bit.
14 I would like to go back to the
15 Directional Statements.

16 We were at [REDACTED]...

17 A. Yes.

18 Q. You were saying that this

19 Directional Statement concerned [REDACTED]
20 [REDACTED]

21 A. Right.

22 Q. Is there any specific event that
23 prompted the issuance of this Direction?

24 A. In this specific case, it is more
25 of a generalized Directional Statement, noting that

1 there are certain triggers, sometimes, that will
2 motivate violence.

3 If you look to [REDACTED], for example,
4 our Intelligence Assessments Branch noted that,

5 [REDACTED]
6 [REDACTED]

7 So you have [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 [REDACTED] These are the
13 things that are going on and that there is a potential
14 for violence associated with certain things that end up
15 being really important to people.

16 Q. Okay. Thank you.

17 I would like to talk a little bit
18 about the [REDACTED] Issue.

19 If we turn to Paragraph 7 [REDACTED]
20 [REDACTED]

21 A. Yes.

22 Q. How did the Service see the threat
23 at that point in time?

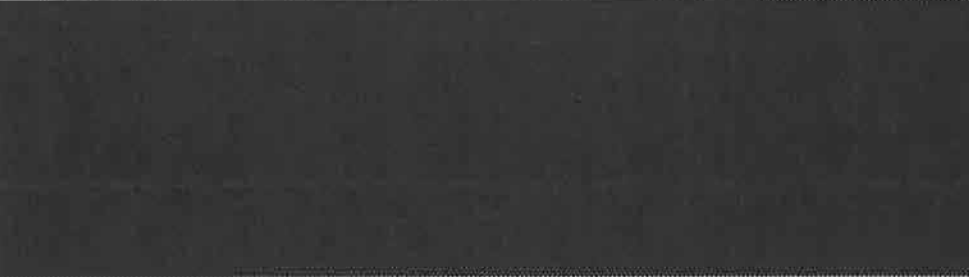
24 A. You are talking about Paragraph 7
25 in the "Liaison" Document?

1 Q. Yes.

2 A. Okay. We liaise on a regular
3 basis with our Law Enforcement Partners.

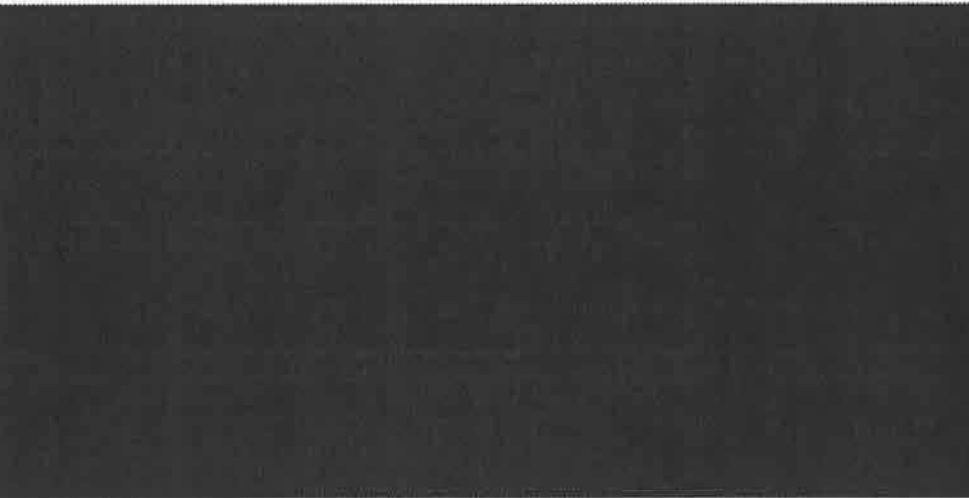
4 Typically ---

5 This is a very hard File to
6 understand, in the sense that much of it is



12 The typical riots are a Police matter
13 and it is for the Police to look at those matters.

14 So we have a lot of liaison.



24 And that is what we are describing in
25 Paragraph 7.

1 THE PRESIDING MEMBER: What do the
2 letters [REDACTED]

3 THE WITNESS: [REDACTED]
4 [REDACTED]

5 In other words, they didn't provide us
6 exact information on the Criminal nature of the
7 threats.

8 THE PRESIDING MEMBER: Thank you.

9 THE WITNESS: It wouldn't be something
10 that we would ask, as a Service.

11 We are not interested in the Criminal
12 aspects. We are only interested in issues of national
13 security.

14 So that is why we wouldn't have asked
15 for further clarification.

16 MS. DION:

17 Q. Based on that information, what is
18 the Service asking of the Region?

19 A. Based on this information ---

20 And it is not specific information;
21 it is general threat-nature information.

22 In other words: *This is the threat*
23 *picture we are looking at.*
24 [REDACTED]
25 [REDACTED]

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We say that because ---

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Q. I will take you, now, to

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--- (A Short Pause)

14

A. Yes.

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please?

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A. Yes.

18

Again, this is a Directional Statement

19

to the Regions.

20

--- (A Short Pause: Witness reviewing referenced

21

documentation)

22

Oh! Response to our

23

Tasking.

24

Pardon me. So they come back and they

25

indicate what they are doing from a Regional

1 perspective to meet the Requirements as set out in our
2 Directional Statement.

3 Q. So in response to the document we
4 just looked at?

5 A. Right.

6 Q. And how do you know that, for the
7 benefit of the Committee?

8 A. In the Introduction, on [REDACTED],
9 you will see:

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Q. Okay. Thank you.

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Q. [REDACTED]

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A. [REDACTED]

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Q. Okay. Thank you.

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I would like to take you to

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Paragraph 3,

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A. Yes.

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Q.

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A. Right. So:

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(As Read)

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Q.

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(As Read)

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Maybe you could help me out with the

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pronunciation...

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A. [REDACTED]

Q. Thank you.

And can you tell us what that is,
please?

A. Yes. [REDACTED]

[REDACTED] I believe.

I would have to go back and check.

[REDACTED]
I would have to go and look at the
Targeting File.

THE PRESIDING MEMBER: At that point
in time, what do you know [REDACTED]

THE WITNESS: [REDACTED]
[REDACTED]

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[REDACTED]

THE PRESIDING MEMBER: And this is in

[REDACTED]

THE WITNESS: Yes.

THE PRESIDING MEMBER:

[REDACTED]

[REDACTED]

THE WITNESS: Right.

THE PRESIDING MEMBER: Thank you.

MS. DION:

Q. I would like you to turn to

[REDACTED]

[REDACTED], where it says, at Paragraph (b):

[REDACTED]

(As Read)

[REDACTED]

A. Right.

Q.

[REDACTED]

[REDACTED]

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A. Right.

Q. Can you tell us a little bit about

A. Yes.

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[REDACTED]

Q. [REDACTED]

A. [REDACTED]

[REDACTED]

THE PRESIDING MEMBER: Could you spell
that for my benefit?

THE WITNESS: Yes, I can. It is
spelled: [REDACTED]

THE PRESIDING MEMBER: Thank you.

MS. DION: You will have the
opportunity to see that name in the documentation.

THE WITNESS: It is mentioned in some
of the documents, yes.

Sorry. [REDACTED]

[REDACTED]

1 THE PRESIDING MEMBER: Okay. Thank
2 you.

3 MS. DION:

4 Q. And what about [REDACTED]
5 [REDACTED]

6 A. Right. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Q. All right. Thank you.

17 I would like to take you to another
18 Directional Statement, [REDACTED]...

19 A. [REDACTED]

20 MS. DION: Yes.

21 (To the Presiding Member): I
22 apologize. This may seem a little bit of a lengthy
23 process; however, it does provide a good overview of
24 the Investigation as at that time and, as such, I

1 thought this would be perhaps the most efficient means
2 of presenting it to the Committee.

3 THE PRESIDING MEMBER: Yes. Very
4 good, so far.

5 MS. DION:

6 Q. Again, what date was this
7 Directional Statement issued?

8 A. This was issued on [REDACTED]
9 [REDACTED]

10 Q. And what is it on? What is the
11 Subject?

12 A. This one is on [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
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21 [REDACTED]
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[REDACTED]

Q. Looking at [REDACTED], at Number (i),

I see:

[REDACTED]

(As Read)

I assume that is a Heading; correct?

A. Yes.

Q. And then under that is a
description of the [REDACTED]

A. Yes.

Q. Can you give us some information
about ---

What is [REDACTED] to the
Service?

A. Right. [REDACTED]

[REDACTED]

But these are all issues only that
escalate to violence.

1 So when we say "extremism",
2 specifically we are interested in issues that go from,
3 rather than peaceful demonstrations, to acts of serious
4 violence.

5 Q. I see, at [REDACTED], we talk about
6 identifying "threats to critical infrastructure".

7 If you look about one-third down the
8 page, there is a Bullet that reads "Identify threats to
9 critical infrastructure".

10 Can you explain how that is linked to
11 the Service's mandate?

12 A. When we are talking about
13 "critical infrastructure", we are talking about things,
14 for example, like dams and ---

15 Things that have serious public safety
16 implications.

17 Railway disruption, and that sort of
18 thing. [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 So it is very much of interest to us,
24 and obviously an interest of the Government of Canada:

1 our dams and our railways, and our airlines, for
2 example.

3 Q. And what guidance is given with
4 regard to lawful advocacy, protest and dissent in
5 investigating threats to critical infrastructure?

6 A. Again, we always write a Caveat
7 that says: *The Service must conduct mandated*
8 *investigations; but we still have to respect*
9 *legitimate protest and dissent.*

10 It serves as a reminder to the Regions
11 that although we are well-sensitized to our Act --
12 which indicates that we do not look at, nor do we look
13 at, legitimate protest and dissent, unless it is
14 associated with serious acts of violence.

15 So it is just a reminder to the
16 Regions that the focus of our investigative efforts has
17 to be directed towards the threat.

18 Q. Looking at [REDACTED], we see a
19 comment, again at Paragraph (c)...

20 --- (A Short Pause: Witness reviewing referenced
21 documentation)

22 A. Yes.

23 Q. Is this something we see in other
24 Directional Statements, Statements on other issues,
25 such as, for instance, [REDACTED]

1 A. Yes. In a sense, yes. Not
2 particularly like this -- because this one is extremely
3 sensitive. It is considered very important for us to
4 make sure that we don't get in the way of civil
5 liberties.

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 So you will see [REDACTED]

10 [REDACTED] The reminder on that.

11 Our Policy is very strict with respect
12 to things like that, and we are very careful not to
13 cross that line.

14 In this case, "legitimate protest and
15 dissent", obviously, because it is specific to Domestic
16 Extremism.

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Q. Okay. Thank you.

23 I would like to now take you to the
24 [REDACTED] Response again, which is -- and correct me
25 if I am wrong. I believe it is at [REDACTED]

1 THE PRESIDING MEMBER: Page...?
2 MS. DION: [REDACTED]
3 They were put into chronological
4 order, which explains why we are jumping back and forth
5 like this.
6 --- (A Short Pause: Witness reviewing referenced
7 documentation)
8 I am sorry. I think I gave you ---
9 THE WITNESS: No. That doesn't seem
10 right.
11 MS. DION: It should be [REDACTED]
12 I apologize.
13 --- (A Short Pause: Witness reviewing referenced
14 documentation)
15 THE WITNESS: Yes.
16 So, here, this is the [REDACTED]
17 responding to the ---
18 [REDACTED]
19 [REDACTED]
20 [REDACTED] responding to our Directional Statement.
21 In the Intro, again, it says that this
22 is a response to our Directional Statement, and then
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 It is a response to us. It has
2 nothing to do with collection of intelligence.

3 On [REDACTED] you will see that they
4 are [REDACTED]

5 [REDACTED]
6 [REDACTED]

7 MS. DION:

8 Q. Do you know what [REDACTED]
9 [REDACTED] which is mentioned in the middle of [REDACTED]
10 refers to?

11 A. Yes.

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Q. Sorry. [REDACTED]

17 A. [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. It also talks about [REDACTED]
22 [REDACTED] at the bottom of [REDACTED]

23 Can you tell us a little bit about
24 what [REDACTED] is?

1 A. Yes.

14 Q. All right.

15 I believe we have two more Directional
16 Statements to go through.

17 The next one is at ...

18 --- (A Short Pause)

19 A. Yes.

20 Q. Again, on what date was this
21 Directional Statement issued?

22 A. This one was in

23
24 Q. And did anything specific prompt
25 the issuance of this Directive?

1 A. [REDACTED]
2 [REDACTED]

3 When the Ministerial Direction comes
4 out to the Service ---

5 The Service's main thing is we collect
6 information; we analyze it. But we also have to
7 report back to Government.

8 The Government is interested in the
9 situational awareness surrounding these types of
10 things: [REDACTED]

11 Our Clients are asking us for
12 information, and we are basically going out to the
13 Regions to indicate: *These are the gaps that we see in*
14 *our Intel Collection.*

15 Q. If we turn to [REDACTED], at
16 Paragraph 2...

17 A. Yes.

18 Q. It talks about a [REDACTED]
19 [REDACTED]

20 Can you explain what happened there?

21 A. Yes.
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. Moving to Paragraph 3,

[REDACTED]

I see there is an overview on the next page, [REDACTED].

A. Um-umm (Witness Nodding in the Affirmative).

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

Q. What are some of the issues that are being identified in the course of this investigation?

A. [REDACTED]

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[REDACTED]

Q. I would like to take you to [REDACTED]

[REDACTED] In the middle of the page, we see that [REDACTED]
[REDACTED] is named in this Overview.

Can you explain why that is?

A. Yes, I can.

[REDACTED]

Q. And what comments are made with
respect to [REDACTED] Is it peaceful? Is it a
threat?

1 A. Yes. So we specifically say, in
2 the Directional Statement, that it was important to
3 note that [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Q. If we move on to the next page,
12 [REDACTED] we see that it says, at the top of the page:

13 [REDACTED]
14 [REDACTED]

15 [REDACTED] (As Read)

16 A. [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]



So a commitment by the Regions to make sure that they are understanding the nature of the threat.

Q. At Paragraph (vi) of that Section, it says:

"Identify and liaise with companies associated with natural resource development..." (As Read)

Why is the Service directing Regions to liaise with private-sector companies?

A. They always liaise with contacts in the Community so as to get a general sense of what is going on and the threat that we are looking at.

A lot of times these companies would be aware of things that we are not.

So it is more of: *"This is the threat picture, or the threat environment."*

1 So liaising with Police Officers and
2 that sort of thing provides us with that knowledge.

3 So the good and the bad.

4 If everything is peaceful, then we
5 don't have to worry about it, and that is what we
6 report back to the Canadian Government: that there is
7 no indication of potential for serious violence.

8 That is also important for the
9 Government to know and to be aware of.

10 Q. But practically speaking, what
11 does the Private Sector have to offer the Service?

12 A. Well, a lot of times they could
13 get threats, for example, from different Extremist
14 Groups. They could get ---

15 They have the "lay of the land", in
16 other words.

17 They know who is on their property;
18 they know who has threatened them.

19 So it is a matter of "public safety",
20 in general terms.

21 [REDACTED]
22 [REDACTED]
23 [REDACTED] It is everyone's safety that
24 matters. So it is in terms of that mandate [REDACTED]
25 [REDACTED]

1 Q. If we turn to the Response that
2 was provided [REDACTED] to this Directional
3 Statement, at [REDACTED], I believe -- and again, please
4 correct me if I am wrong...

5 A. Sorry. [REDACTED]?

6 Q. Yes.

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

9 A. Yes. So that is [REDACTED]

10 [REDACTED] Response to our Directional Statement.
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
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Q. Can you comment on that?

Have Warrants ever been sought ---

A. [REDACTED]

[REDACTED]

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[REDACTED]

Q. And then what comment is made by [REDACTED] with respect to the Tasking to reach out to the Private Sector?

If you look at [REDACTED], around the middle...

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

A. Yes. So it says: [REDACTED] continues to maintain ongoing dialogue..." (As Read)

So, RCMP [REDACTED] which we do on a regular basis, [REDACTED]

[REDACTED]

Q. Okay. Thank you.
And the last Directional Statement ---
--- (A Short Pause)

1 That is not the case. There is one
2 more.

3 Referring to the second-to-last
4 Directional Statement, at [REDACTED]: Again, when was
5 this issued and what File is it under?

6 A. This is [REDACTED]
7 [REDACTED] and it was issued in
8 [REDACTED]

9 Q. Can you walk us through the
10 Introduction and the Overview of the threat environment
11 at that time?

12 A. Right.

13 The Introduction basically gives the
14 "lay of the land".

15 In other words, we are seeing an
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 So we are just sensitizing the Region
24 that we need to be able to advise the Government of
25 Canada of any developments on this File and so they

1 need to be aware of what is going on: threats to
2 public safety, and that sort of thing.

3 And again, we discuss the triggers.

4 Q. If we turn to [REDACTED], and
5 specifically [REDACTED] what are the issues [REDACTED]
6 [REDACTED] identified?

7 A. All right.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 --- (A Short Pause)

15 MS. DION: Mr. Fortier, at the bottom
16 of the page, you will see ---

17 THE WITNESS: Yes.

18 I was going to say [REDACTED] at the
19 bottom.

20 [REDACTED]
21 [REDACTED]

22 THE PRESIDING MEMBER: I see that.

23 Thank you.

24 MS. DION:

1 Q. And again, what is the Tasking
2 that is given to the Regions in this Directional
3 Statement?

4 A. Specific to [REDACTED]

5 Q. [REDACTED]
6 [REDACTED]

7 A. As a typical rule, it is about
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 --- (A Short Pause: Witness reviewing referenced
13 documentation)

14 If you look at [REDACTED], you can see
15 [REDACTED]
16 [REDACTED]

17 So we are asking them to continue to
18 liaise with companies and with their Law Enforcement
19 counterparts.

20 The main goal is to identify
21 individuals who are going to use violence as a means of
22 promoting their agendas.

23 Q. The Response to this,
24 unfortunately, is found in Volume 5.

25 So, Exhibit CSIS-8A.

1 It wasn't included when we produced
2 this Book back in early December.

3 A. Yes.

4 Q. Do you have Volume 5 in front of
5 you?

6 It is at Tab 8, I believe.

7 THE PRESIDING MEMBER: Tab 8?

8 MS. DION: Yes, Mr. Fortier. Tab 8.

9 --- (A Short Pause)

10 Q. Looking at Page 141, can you talk
11 to us about [REDACTED]

12 [REDACTED]
13 A. Yes. Sorry, I don't have the
14 Book. So I am just going by ---

15 Sorry. I don't have page numbers.

16 Is it closer to the end, or...

17 Q. If you have Volume 5 in front of
18 you...

19 (To the Presiding Member): May I
20 approach the Witness?

21 THE WITNESS: Oh, sorry. Volume 5.

22 MS. DION: Yes. It is at Tab 8.

23 So it is the same thing as...

24 --- (A Short Pause: Witness reviewing referenced
25 documentation)

1 THE WITNESS: Now I can't remember the
2 question.

3 Are you asking me about just what they
4 are responding in general?

5 MS. DION:

6 Q. Yes. [REDACTED]
7 [REDACTED]

8 A. Okay. So they are liaising with
9 Law Enforcement ---

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19 --- (A Short Pause: Witness reviewing referenced
20 documentation)

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24 Q. And at Page 141, Paragraph 2, who
25 are [REDACTED]

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A. Paragraph 2?

Is that what you are saying?

Q. Yes. The top of the page:

[REDACTED]

A. Yes. [REDACTED]

And the first sentence, just to

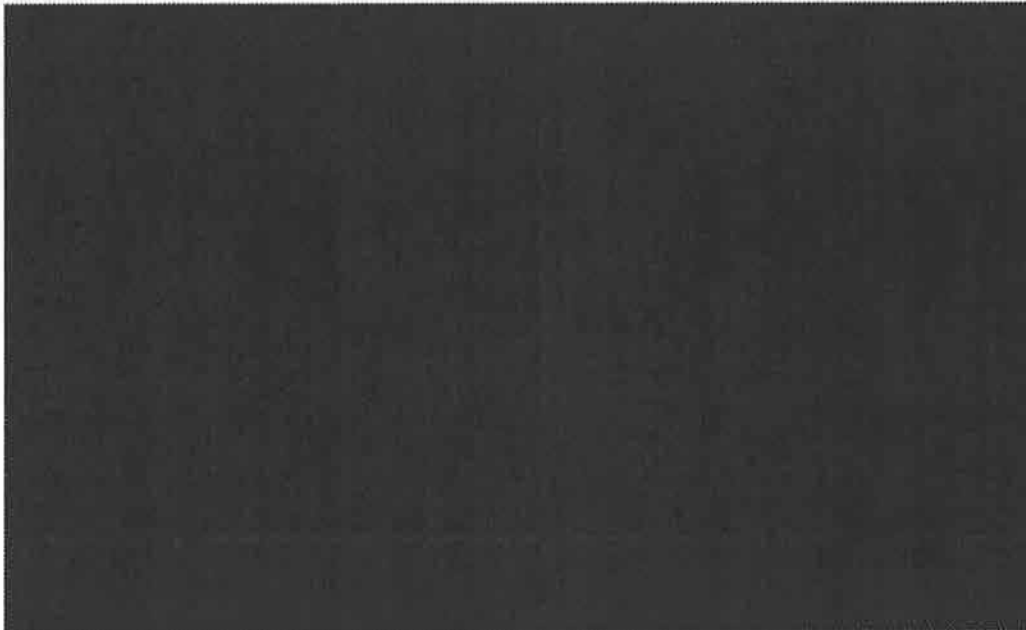
clarify ---

[REDACTED]

Q. At Paragraph 6, [REDACTED]

[REDACTED]

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So...

Q. Is that the Service's mandate: to look out for these private companies' security?

A. It is not "private companies"; it's "Canadian citizens", which is the mandate of the Service.

THE PRESIDING MEMBER: Could you repeat that, please?

THE WITNESS: Yes. Our mandate is to protect Canadians, writ large. Not a company-specific but, rather, individuals.

MS. DION:

Q. And the last Directional Statement -- and I mean it this time!

1 The last Directional Statement -- and
2 we are going back to Volume 2, Exhibit CSIS-5A, at [REDACTED]
3 [REDACTED]

4 --- (A Short Pause: Witness reviewing referenced
5 documentation)

6 A. Yes.

7 Q. First of all, when was this
8 Directional Statement issued?

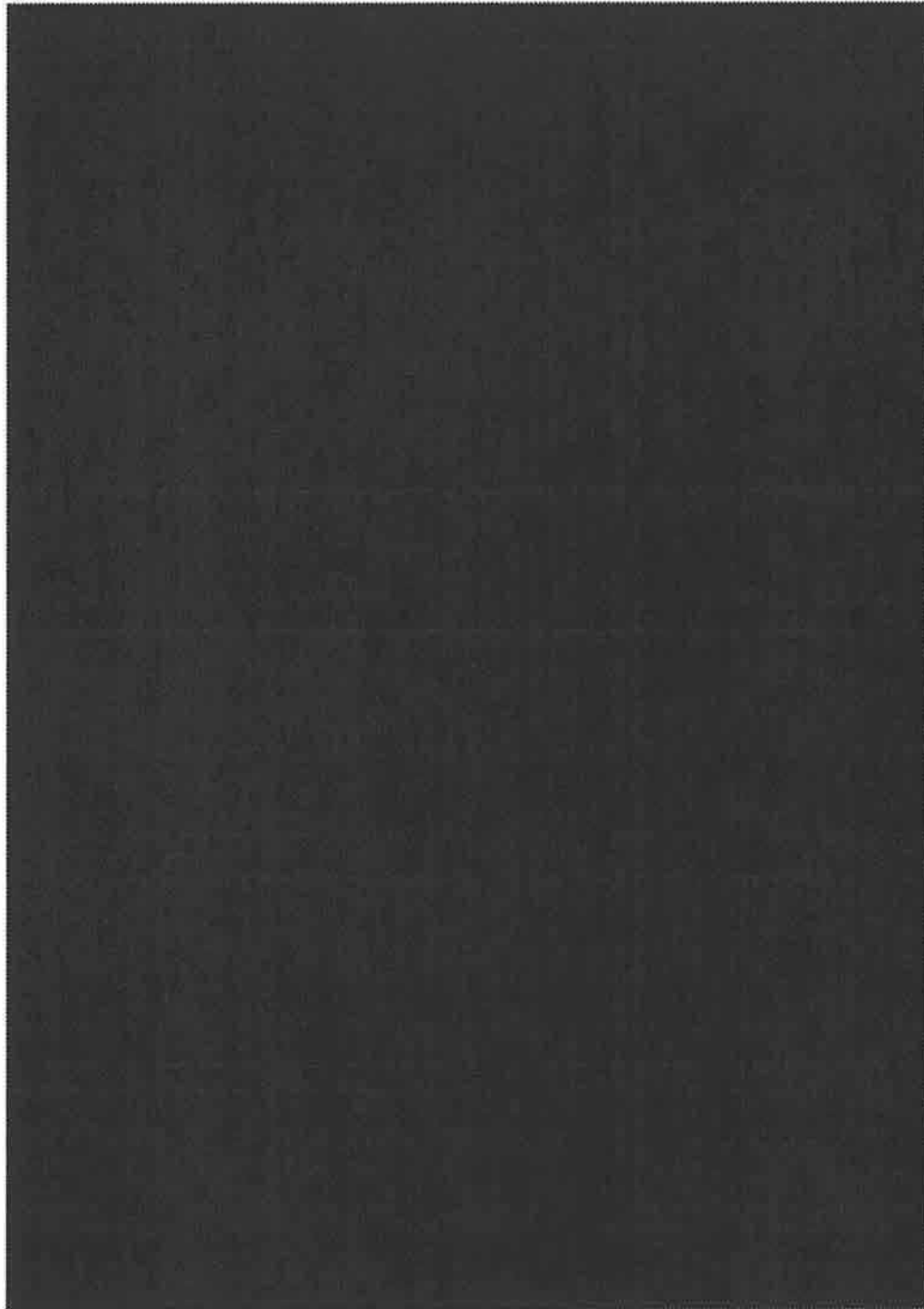
9 A. This was issued in October of
10 2014.

11 Q. And if we look at [REDACTED] and
12 specifically [REDACTED] Paragraph 3,
13 what are the main Investigations that are mentioned
14 here?

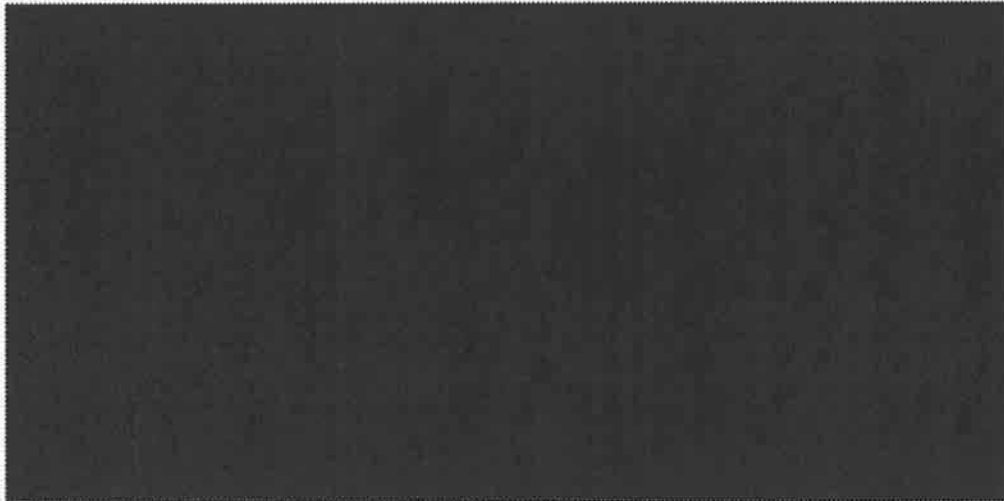
15 A. I will first of all explain the
16 nexus of this Directional Statement.

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
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22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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Q. Is this something ---
You have talked about "Tiers".
Are "Tiers" the same thing as
"Levels"?

When we talk about Targets, if a
Target is a "Level 2", is that the same thing as a
"Tier 2"?

A. No. The Tiering System is for the
Service, just to get a sense of what we should be
looking at as a priority versus not necessarily a
priority.

Our IRDs are tiered in the sense that



That is how we look at tiering in
general.

1 Because we don't have the resources to
2 look at ---

3 It is hard, because we use the word
4 "tier" a lot. But all it means is: *If you have the*
5 *resources, this is what we need you to focus on.*

6 It is just a way for the Regions to
7 focus on what they need to do.

8 They can't do everything. Some of the
9 things end up being Watch Briefs, as I noted earlier,
10 because there are simply not enough resources to
11 monitor everything to the fullest extent.

12 Q. Can you explain the Targeting
13 Levels for the different Targets?

14 If a Target is "Level 1", what does
15 that mean? If the Target is "Level 2" ---

16 A. Yes. As a general rule, we go
17 from the least intrusive methods to more intrusive.

18 With a "Level 1", you can do a few
19 things; and then you could do more with a Level 2.

20 And once you get a Warrant, then
21 obviously that ---

22 You go to Court to do more intrusive
23 techniques.

24 Unless we have really big threat-
25 related information, a lot of times we will start with

1 a Level 1 and do a few things, to just hash out whether
2 or not the person really is a threat.

3 If we have information suggesting that
4 there is the potential for serious violence, we would
5 go right to a Level 2.

6 But we have to make the case. It is a
7 Targeting Level.

8 And the Level gives us certain powers,
9 such as Physical Surveillance; [REDACTED]

10 [REDACTED]
11 We can't do that under a Level 1.

12 Surveillance, we can. [REDACTED]

13 [REDACTED]
14 It is going from the least intrusive
15 to the more intrusive, depending upon the information
16 related to the threat posed by the individual or Group.

17 Q. So you have to make the case for
18 the Level requested.

19 Who do you make the case to?

20 A. We make the case to our Director-
21 General for our Levels.

22 And it is under the Certificate.

23 The Certificate is already in place
24 and you have to make the case under that Certificate

1 that the person or Group in question poses a threat to
2 national security.

3 Q. And what Level do you need to be
4 at to obtain Warrant Powers?

5 A. You have to have a Level 2.

6 Q. And what Level would you need to
7 be at to conduct surveillance?

8 A. Level 1 is sufficient for
9 surveillance specifically.

10 Q. Do you conduct surveillance
11 against non-targets?

12 A. No...

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22 we don't conduct
23 surveillance on individuals who are not Targets.

24 Q. What are the Authorities that need
25 to be in place to, for instance, search an e-mail

1 account or to intercept telephone calls or text
2 messages?

3 A. The only way we can do that is
4 with a Warrant.

5 We have to go in front of a Court and
6 make the case that we have reasonable grounds to
7 believe that they represent a threat to national
8 security.

9 MS. DION: This takes us to some of
10 the BRS Messages that are contained in Volume 2.

11 At this point, I will invite the
12 Witness to turn to [REDACTED] of Volume 2 of the Books of
13 Documents.

14 --- (A Short Pause)

15 Q. First of all, can you explain to
16 be what "BRS" is?

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 That is where we put all of the
23 information that we collect, for the most part.

24 [REDACTED]
25 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

THE PRESIDING MEMBER: But [REDACTED] is...?

THE WITNESS: [REDACTED]

[REDACTED]

THE PRESIDING MEMBER: Yes. And [REDACTED]

[REDACTED]

THE WITNESS: [REDACTED]

[REDACTED]

THE PRESIDING MEMBER: Right.

[REDACTED]

1 THE WITNESS: [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 MS. DION:

6 Q. Do you have Volume 4 in front of
7 you?

8 --- (A Short Pause)

9 It is Exhibit CSIS-7A.

10 A. I may...
11 [REDACTED]

12 Q. [REDACTED]

13 I just want to confirm with you what
14 [REDACTED] is.

15 --- (A Short Pause: Witness reviewing referenced
16 documentation)

17 A. Oh, sorry. It might be ---
18 Sorry. [REDACTED]
19 [REDACTED]

20 Q. And what is [REDACTED] just
21 briefly?

22 A. Yes. So it's [REDACTED]
23 [REDACTED]

24 THE PRESIDING MEMBER: Yes.

25 MS. DION:

1 Q. How does the Service determine
2 what gets reported in [REDACTED]
3 [REDACTED]

4 A. Right. Any information that the
5 Service collects is considered intelligence and it is
6 put into our Database. It is logged.

7 That is where we retain all of our
8 information [REDACTED]

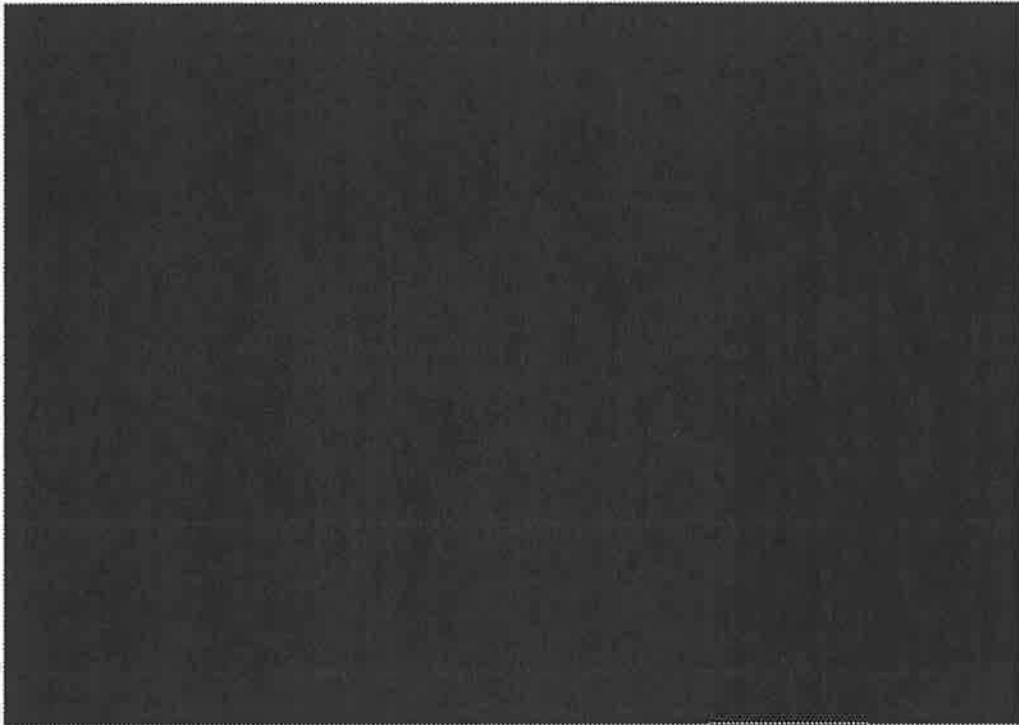
9 Q. Yes. So an example of the type of
10 information would be ---

11 You said [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Q. [REDACTED]
21 [REDACTED]

22 A. [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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Q. If we could turn to [redacted] of
Volume 2, CSIS-5A, at [redacted], the first document...

A. Yes.

Q. I would just like to go through
the different fields that we find in the BRS Report and
have you explain what those fields are, what they refer
to.



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A.

Q.

A.

Then there is the date below that.

You will see "2010...":

"January 7, 2010".

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Q.

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Q. And can you distinguish between the "Information" Section that we see at the bottom of the page and the "Analysis" Section, which is found a little bit later on?

A. Yes. So, "Information" is the facts -- what we collected -- and "Analysis" is our research.

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[REDACTED]

Q.

[REDACTED]

A.

[REDACTED]

Q.

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A. [REDACTED]

Q. Okay. Thank you.

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. Before getting into the various documents, you are aware that we are here in the context of a Complaint that was filed by the BCCLA wherein one of the allegations is that the Service investigated or collected information on seven Groups, those Groups being Dogwood Initiative, Sierra Club,

1 EcoSociety, LeadNow, Council of Canadians, Forest
2 Ethics, and Idle No More.

3 A. Um-umm (Witness Nodding in the
4 Affirmative).

5 Q. Had you ever heard of these Groups
6 prior to receiving this Complaint, or reading this
7 Complaint?

8 A. The only ones I had ever heard of
9 were Idle No More and Council of Canadians.

10 Q. Can you tell us the context in
11 which you had heard about these Groups?

12 A. Yes.

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18 So it is all in the context of

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20 THE PRESIDING MEMBER: And yet, if I
21 look at the documents [REDACTED] to which Madam Dion
22 has referred you, I see [REDACTED]

23

24 If you look, for example, at [REDACTED],
25 I have [REDACTED]:

1 And each document should be a "read-
2 alone".

3 If I am looking at this, I shouldn't
4 have the question: "Well, what is [REDACTED]"

5 "Well, it's in the Analysis."

6 And that is why it is in the
7 "Analysis" portion.

8 So we are explaining who or what

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 [REDACTED] and this is why it is being
25 reported. And then in the "Analysis", we are

1 explaining [REDACTED] -- because,
2 just looking at it, you wouldn't ---

3 You need to understand why [REDACTED]
4 [REDACTED]

5 MS. DION:

6 Q. And for instance, with [REDACTED]
7 would that go anywhere beyond looking at the Website
8 and seeing [REDACTED] ?

9 A. No. So what it does is, it just
10 explains ---
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Q. And why is it important to
17 research ---

18 Using this as an example, why is it
19 important to know who [REDACTED]
20 [REDACTED]

21 A. Well, it depends upon the context.
22 For example, as I have just explained,
23 in this context, [REDACTED]
24 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 So that can be explained in this
6 particular context. But in other contexts ---

7 If I got a Report from a Contact I
8 went out to meet and they said: "You know, I'm really
9 concerned about Mr. X. They've been claiming they want
10 to bomb a building..."

11 We put it in the System. We do our
12 follow-up.

13 That is a bit extensive.

14 Let's say it was something like "they
15 believe that this individual is a threat".

16 Later on ---

17 So I do my research on that person
18 and, later on, if that person comes up again, I go back
19 and I see that this person came to our attention
20 before.

21 So it is a logging of all information
22 in the Database which builds either a case to target,
23 or not. So in this case, it is more of an incidental:
24 that it happens that [REDACTED]
25 [REDACTED]

1 THE PRESIDING MEMBER: I've heard you.
2 Thank you.

3 MS. DION:

4 Q. If we go back -- and I think we
5 can probably go through it fairly quickly, given the
6 amount of information you have given to us.

7 If we go back to the Message at [REDACTED]

8 [REDACTED]

9 A. Yes.

10 Q. This is the first document we
11 pulled for the Period that was requested by the
12 Complainant. So after December 31, 2009.

13 This is done in the File of [REDACTED] I
14 believe...

15 A. Um-umm (Witness Nodding in the
16 Affirmative).

17 Q. I understood you to say that this
18 is done in [REDACTED] and I understood you
19 to say that this is [REDACTED]

20 A. [REDACTED] yes.

21 Q. So presumably a [REDACTED]

22 [REDACTED] or...

23 A. Um-umm (Witness Nodding in the
24 Affirmative).

1 Q. If we look at the "Analysis"
2 Section, what does that tell us in regard to
3 information that the Service [REDACTED]
4 [REDACTED]

5 A. In the Analysis Section, it says:
6 [REDACTED]
7 [REDACTED] (As Read)

8 Is that what you are ---

9 Q. That is the first one. The second
10 paragraph...

11 --- (A Short Pause: Witness reviewing referenced
12 documentation)

13 A. Yes. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 (As Read)

19 Q. But there is no [REDACTED]
20 [REDACTED] right?

21 A. Well, it is saying that ---

22 Sorry. [REDACTED]
23 [REDACTED]
24 [REDACTED]

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Q. [REDACTED]

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A. [REDACTED]

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THE PRESIDING MEMBER: I can "follow

12

the movie".

13

MS. DION: Okay.

14

Q. We have already discussed the next

15

Exhibit, which is in the same context.

16

If we move on to [REDACTED]...

17

A. Um-umm (Witness Nodding in the

18

Affirmative).

19

Q. This one is different. This is

20

under [REDACTED]

21

22

Can you tell us what the source of

23

this information is and why it is collected...

24

A. Yes. So in our regular liaison

25

activities with companies, it looks like what happened

1 here is that they provided us with information

2

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Q. Who is "they"?

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A.

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10 This is an individual providing us
11 with information that we are logging.

12 --- (A Short Pause: Witness reviewing referenced
13 documentation)

14 So this is letting us
15 know what was going on, most likely because they have a
16 concern with

17 Q. And once the Service receives this
18 information, what does it do with it?

19 A. We log it.

20

21 And that is all we do with it, unless
22 there is Reporting of an act of serious violence, in
23 which case we have to follow up.

24 Q. So all the information that is
25 found in the "Information" Section -- so Paragraphs

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[REDACTED]

Q. Moving on to the next document, at

[REDACTED]

A. Yes.

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

Q. What is the source of this information here?

A. So, [REDACTED]

[REDACTED]

Q. And what is the information that is given to the Service?

A. [REDACTED]

[REDACTED]

--- (A Short Pause)

THE PRESIDING MEMBER: Madam Dion, I think you should try to be a little more focussed...

1 MS. DION: Unfortunately, the problem
2 we have with this Complaint is that it is quite
3 difficult ---

4 Unless you have specific questions,
5 the only way that we really see us explaining why
6 mentioned is to go through the documentation
7 and say

8
9
10 If SIRC is satisfied that that falls
11 within the Service's mandate, then we don't necessarily
12 need to go further. However, I feel it is important
13 that SIRC is made aware as to why the information was
14 collected and that the Witness is given an opportunity
15 to comment on that.

16 THE PRESIDING MEMBER: Oui, oui.

17 MS. DION: As I've said, we've really
18 tried to make it as efficient as possible -- and it is
19 honestly quite difficult.

20 We are faced with proving a negative.

21 THE PRESIDING MEMBER: Oui, oui. I
22 appreciate that.

23 It is your case.

24 MS. DION: But I understand that it
25 can be quite tedious.

1 If SIRC is satisfied that information
2 received, for instance, from a Police Force or from a
3 Provincial Government [REDACTED] and that
4 the putting of that information into BRS is in
5 conformity with the CSIS Act, then we can skip those.

6 If the concern is more with the
7 Private Sector, we could focus on those.

8 However, because I don't necessarily
9 know what the Committee will be concerned about, I am
10 faced with the situation where I have to go through
11 everything.

12 THE PRESIDING MEMBER: Okay. I
13 understand.

14 MS. DION: But I welcome any guidance
15 that you can provide on any issues that the Committee
16 is concerned about, in which case we can focus on those
17 issues.

18 THE PRESIDING MEMBER: The Witness has
19 been very helpful. She has explained how these various
20 names pop up in the course of Investigations.

21 We have talked about [REDACTED]
22 [REDACTED] in particular, and [REDACTED] has answered my
23 question about how it was considered necessary by the
24 Service: [REDACTED]

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[REDACTED]

As I said, I follow. "I follow the movie".

Do you have other Reports where some of the [REDACTED] are mentioned in the same way that [REDACTED] is mentioned here?

MS. DION: For [REDACTED], as you can see from the Book, [REDACTED]

[REDACTED]

They are giving the information and the Service is putting that information into its System.

THE PRESIDING MEMBER: Yes.

MS. DION: For [REDACTED], I would say that that is probably all there is.

If you want to move on to [REDACTED] which is [REDACTED]...

THE PRESIDING MEMBER: That is what I would suggest we do, yes.

--- (A Short Pause)

So [REDACTED]?

MS. DION: [REDACTED], yes.

1 We have two different types of
2 documents for [REDACTED] The first one -- and again, I
3 will let [REDACTED] comment on what Investigation it
4 falls under here...

5 THE WITNESS: Yes. Maybe I'll start
6 out by giving ---

7 I think we are going to run into the
8 same problem [REDACTED], to be honest.

9 When the Service is actively
10 collecting information, we are doing so via the Tasking
11 of a Source or we are intercepting communications
12 because we have a Warrant.

13 Unless we are doing that ---

14 If somebody gives us information, we
15 need to put it into the System.

16 What we do with it after that is ---

17 We just see whether the person has
18 come to our attention before, and that's the end of it.

19 I am just introducing it like this
20 because for each of these Reports, it is going to be
21 exactly the same thing. We've never tasked a Source in
22 that context unless with ---

23 And we will get into the Policy.
24 There are [REDACTED] Policy exceptions.

1 So in this case, again it is on the
2 [REDACTED] File. So I can't speak too much to the [REDACTED]
3 File. However, again, it is in that context that we
4 are getting a [REDACTED]

5 So I am guessing that on the [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 And I will have to look...

11 MS. DION:

12 Q. If you look to [REDACTED] at the
13 bottom...

14 --- (A Short Pause: Witness reviewing referenced
15 documentation)

16 A. Yes.

17 So [REDACTED] ...

18 THE PRESIDING MEMBER: There it is,

19 yes.

20 THE WITNESS: [REDACTED]
21 [REDACTED]

22 So it is just a document ---

23 And actually, you see [REDACTED]

24 here.

25 [REDACTED] in here.

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[REDACTED]
[REDACTED] at the end of the
day.

So this is just, as I said, a Report.

I don't think there is that much
Analysis that was done...

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

Yes. So:

[REDACTED] " (As
Read)

Mostly in the case of [REDACTED]

[REDACTED]
[REDACTED] (As Read_
That means that [REDACTED]
[REDACTED]

MS. DION:

Q. The next Report is another example
of incidental Reporting.

A. Right. In this case, it is
under...

It looks like a [REDACTED]
Yes.

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[REDACTED]

[REDACTED]

THE PRESIDING MEMBER: What page are
you on?

THE WITNESS: We are on [REDACTED]

[REDACTED]

We have a [REDACTED]

[REDACTED]

They were searching, it looks like...

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

Okay. So [REDACTED]

MS. DION:

Q. What is [REDACTED]

A. [REDACTED]

[REDACTED]

(Reading):

[REDACTED]

(As Read)

1 So that is this context.

2 And then, of course, in the
3 "Analysis", we will say: [REDACTED]
4 [REDACTED]

5 Q. Which is the Report we just saw?

6 A. Which is the Report we just saw,
7 yes.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 THE PRESIDING MEMBER: Yes.

14 MS. DION:

15 Q. Moving on to [REDACTED],
16 can you tell us what the source of this Report is?

17 A. Let me just look at the [REDACTED]
18 [REDACTED]

19 --- (A Short Pause: Witness reviewing referenced
20 documentation)

21 So this is just a CSIS Report for the
22 Executive.

23 It looks like a Briefing. Sort of a
24 Situational Report, a Situation Update.

25 THE PRESIDING MEMBER: Following the

1 Olympic Torch ---

2 THE WITNESS: Right. Exactly.

3 During the Olympics, [REDACTED]

4 [REDACTED]

5 I want to call them "Committees".

6 The Joint Task Force for Protection.

7 It is usually run by ---

8 In this case, it would be the RCMP
9 that would have jurisdiction for that. [REDACTED]

10 [REDACTED]

11 MS. DION: And if you look to

12 [REDACTED]

13 [REDACTED]

14 THE PRESIDING MEMBER: Paragraph...?

15 MS. DION: [REDACTED]

16 under the "CSIS Information" Section.

17 THE PRESIDING MEMBER: [REDACTED]

18 Yes.

19 It is the same explanation ---

20 THE WITNESS: Yes. Again, it is ---

21 THE PRESIDING MEMBER: It came up
22 tangentially.

23 THE WITNESS: Exactly. A tangential
24 mention.

25 [REDACTED]

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[REDACTED]

THE PRESIDING MEMBER: Okay. Thank
you.

MS. DION:

Q. And the next Report, at [REDACTED]

[REDACTED]

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

I can take you to the [REDACTED]

[REDACTED] which is found at [REDACTED], Paragraph (8)...

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

THE PRESIDING MEMBER: What page?

MS. DION: [REDACTED], Paragraph (8),

under the ---

I believe this is the "Analysis"
Section.

THE WITNESS: Oh, yes.

So here [REDACTED]

[REDACTED]

THE PRESIDING MEMBER: Got it!

1 THE WITNESS: Yes.

2 MS. DION:

3 Q. And the same type of Report on the
4 next page, [REDACTED]...

5 A. This one is a Report given to us

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 THE PRESIDING MEMBER: Yes.

18 MS. DION: And the reference [REDACTED]
19 [REDACTED] is found at [REDACTED], at the very top of the
20 page.

21 THE WITNESS: [REDACTED]
22 [REDACTED]

23 THE PRESIDING MEMBER: I see. Thank
24 you.

25 MS. DION: And if you look at the

1 "Analysis" Section, at [REDACTED], Paragraph 19 ---

2 THE PRESIDING MEMBER: Yes.

3 MS. DION: -- you have comments on
4 [REDACTED] again.

5 --- (A Short Pause)

6 THE PRESIDING MEMBER: Yes. Thank
7 you.

8 MS. DION: That brings us to [REDACTED]
9 [REDACTED]

10 Q. Looking at the first Report here,
11 can you tell us the source of that Reporting?

12 A. Yes. It looks like it is [REDACTED]
13 [REDACTED] if I am not mistaken...

14 --- (A Short Pause: Witness reviewing referenced
15 documentation)

16 Yes. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 If I am not mistaken...

24 --- (A Short Pause: Witness reviewing referenced
25 documentation)

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[REDACTED]

Q. At Paragraph 1, where it says ---
There are a number of names mentioned,
and then it says ---

A. [REDACTED]

Q. Is that [REDACTED] giving you that
information? Or is that the Service searching that
information?

A. No. That is [REDACTED] giving us
that information.

[REDACTED]

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

[REDACTED]

THE PRESIDING MEMBER: There is a
reference to [REDACTED]

THE WITNESS: Yes, [REDACTED]

[REDACTED]

THE PRESIDING MEMBER: Yes.

MS. DION:

Q. Looking at the "Analysis" Section,

1 the last paragraph on [REDACTED], what are the comments
2 that are being made as to the reason why this
3 information is collected?

4 A. Right. It says:

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 [REDACTED] (As Read)

11 Q. The next Report, at [REDACTED]: Can
12 you tell us what the source of that information is?
13 --- (A Short Pause: Witness reviewing referenced
14 documentation)

15 A. This is, I believe...

16 (Reading):

17 [REDACTED]
18 [REDACTED]

19 Q. What are the indicators that lead
20 you to believe [REDACTED]

21 A. Looking in the Book ---

22 It is easier when you are at Work,
23 where we have documents outlining what Source is what.

24 If I look at the [REDACTED]
25 ---

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[REDACTED]

[REDACTED]

(As Read)

[REDACTED]

THE PRESIDING MEMBER: Okay.

MS. DION:

Q. At Paragraph (2), [REDACTED]

[REDACTED] is discussed.

A. Yes. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

THE PRESIDING MEMBER:

[REDACTED]

THE WITNESS: Exactly.

MS. DION:

Q. The next Report is at [REDACTED]

Can you tell us the source of that
information?

A. I can.

(Reading):

[REDACTED]

[REDACTED]

(As Read)

Q. And what is the [REDACTED]

[REDACTED]

A.

[REDACTED]

[REDACTED]

Q.

[REDACTED]

[REDACTED]

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

A. It states:

[REDACTED]

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[REDACTED]

[REDACTED]

(As Read)

THE PRESIDING MEMBER: Paragraph 4.

Right.

Okay. I understand.

THE WITNESS: Thank you.

MS. DION: We can skip the next one.

The next one is [REDACTED] and

it is apparent from the Report.

Q. If we go to [REDACTED]...

This is information from the private
sector; correct?

A. Yes.

[REDACTED]

[REDACTED]

Q. And what is the information ---

(Reading):

[REDACTED]

A. (Reading):

[REDACTED]

Q. Okay. So is [REDACTED]

1 A. Yes. [REDACTED]
2 it looks like.
3 Q. And what is the information that
4 is given to you by [REDACTED]
5 A. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 That's it.
9 Q. And what does the Service do with
10 this information?
11 A. We just log it. We show that,
12 one, we have ---
13 A good example is this: We have
14 received this information from [REDACTED] We put it in
15 our System. It is not actionable. It just sits there.
16 But should something happen, should violence erupt,
17 then we will go back to this and be able to see that we
18 had the information.
19 But again, it is just information that
20 was given to us, and we need to log it.
21 Should something happen after and we
22 hadn't logged it, then we are at fault for not keeping
23 the information.
24 Q. Okay. Thank you.
25 We can skip [REDACTED].

1 If we go to [REDACTED]...

2 --- (A Short Pause: Witness reviewing referenced
3 documentation)

4 Who is reporting this information?
5 What type of Source?

6 A. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Q. And what is the information
11 reported?

12 A. Okay. [REDACTED]
13 [REDACTED]

14 That is the [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 --- (A Short Pause: Witness reviewing referenced

1 documentation)

2 And then that we passed that
3 information to the RCMP.

4 Q. Why is that information passed on
5 to the RCMP?

6 A. In terms of Officer safety.

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
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[REDACTED]

So it's for their safety.

That is why we are always in-contact
with the RCMP on this matter.

Q. I am trying to skip some;
however, I would like you to take [REDACTED], the next
one...

A. Yes.

Q. Again, what is the source of the
information here?

A. Sorry. Where are you?

Q. [REDACTED].

A. Okay. I thought I should mention,
on the previous page, [REDACTED]

[REDACTED]

1 Q. Who is providing the information?

2 A. [REDACTED]

3 [REDACTED]

4 Q. And what is [REDACTED]

5 [REDACTED]

6 A. [REDACTED] in

7 general terms.

8 THE PRESIDING MEMBER: [REDACTED]

9 [REDACTED]

10 THE WITNESS: [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 MS. DION:

14 Q. And then Paragraph (1): What are

15 some of the topics of discussion that are being

16 discussed, that are being reported as being discussed?

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

19 A. [REDACTED]

20 [REDACTED]

21 Q. Which is...?

22 A. [REDACTED]

23 [REDACTED]

24 Sorry.

25 --- (A Short Pause: Witness reviewing referenced

1 documentation)

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] (As Read)

6 Q. And why is it important for the

7 Service to know what the topics of discussion were?

8 A. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. In regards to the [REDACTED]

12 [REDACTED] and I will take you to [REDACTED], at the

13 top of the page...

14 --- (A Short Pause: Witness reviewing referenced

15 documentation)

16 A. Yes.

17 Q. Who is reporting on [REDACTED]

18 A. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 And then there are a lot of ---

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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[REDACTED]

That is how we report it.

And so I'm guessing...

--- (A Short Pause)

Yes:

[REDACTED]

(As Read)

[REDACTED]

THE PRESIDING MEMBER: Yes.

If there are more of the same, Madam
Dion, you can simply give me the page references and I
can look them up for myself.

MS. DION: Okay. The next couple of
Reports, at [REDACTED], are in regards to

[REDACTED]

--- (A Short Pause)

We can skip some of the other ones.

1 They are quite apparent as to what they are.

2 For instance, [REDACTED]: I believe the
3 Witness has already said that there were [REDACTED]
4 [REDACTED]

5 THE PRESIDING MEMBER: That name has
6 become familiar by now.

7 MS. DION: Yes. So we can see -- and
8 again, I don't mean to be the one testifying for [REDACTED]
9 [REDACTED] here; however, we see the name of [REDACTED]

10 This is at Paragraph (c).

11 -- [REDACTED], and, again, there
12 is going to be a [REDACTED]
13 [REDACTED] in the "Analysis" Section.

14 --- (A Short Pause)

15 I would like to spend a little bit of
16 time on [REDACTED]
17 because, as we go on in the Reporting, we will see that
18 these are topics that come up.

19 (To the Witness): I will take you to
20 the first Report, which I believe is at [REDACTED]...

21 --- (A Short Pause: Witness reviewing referenced
22 documentation)

23 Q. What is the type of Reporting
24 here? [REDACTED]

25 A. [REDACTED]

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Q.

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Q. At Paragraph 1, I see there is

11

information on

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A. Yes, indicating

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Q. And then, looking at the

16

"Analysis" Section, can you tell us whether

17

had ever been reported in BRS?

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A.

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(As Read)

22

And then they say:

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(As Read)

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[REDACTED]

MS. DION: And for your information,
Mr. Fortier, all of these Reports are in the Books of
Documents that have been provided to you.

If you want the page number that
corresponds to each of the Reports, we can provide
that.

THE PRESIDING MEMBER: Yes.

MS. DION:

Q. How is [REDACTED]
described in the "Analysis" Section?--At the same
paragraph.

A. (Reading):

[REDACTED]

(As Read)

And that is written in there so that
if I am looking at that and I am an Investigator, I
realize: Okay. I don't have to worry about [REDACTED]
[REDACTED]

It is purely for that reason: so that
you don't have to keep searching documents.

Q. [REDACTED]

A. I couldn't tell you off the top of my head, unless I see the documents.

So I would have to look through the documents.

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

So you'll see, on the next couple of documents, it is in relation to [REDACTED]

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

Yes. [REDACTED]

MS. DION: Okay. Thank you.

--- (A Short Pause)

THE PRESIDING MEMBER: Madam Dion, if you wish to sort out your papers...

MS. DION: Yes. I am just trying to

1 make the process as efficient as possible.

2 THE PRESIDING MEMBER: Yes. I can
3 call a Comfort Break. We can take ten minutes, if you
4 wish...

5 MS. DION: Yes. Thank you.

6 If we can do that, I think we will be
7 able to finish with [REDACTED] evidence and then break
8 for lunch, after which we will have our next witnesses
9 available to be called this afternoon.

10 THE PRESIDING MEMBER: Very well.

11 So we will take a ten-minute break at
12 this point.

13 MS. DION: Perfect! Thank you.

14 THE PRESIDING MEMBER: We will resume
15 at about 12 noon.

16 MS. DION: Thank you, Mr. Fortier.

17 --- (A Short Recess)

18 --- Upon Resuming:

19 THE PRESIDING MEMBER: Okay. We will
20 resume the Hearing.

21 Madam Dion...

22 MS. DION: Thank you, Mr. Fortier.

23 I have a few more BRS Reports in
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

We will look at just one or two of
those Reports.

THE PRESIDING MEMBER: Very well.

MS. DION: Also, it should be noted

[REDACTED]

That is because the results ---

THE PRESIDING MEMBER: We don't have a
what?

MS. DION:

[REDACTED]

[REDACTED]

THE PRESIDING MEMBER: Okay. Thank
you.

That is on the record now.

--- (Off-Record Discussion between CSIS Counsel and
ER&L Representative)

MS. DION: Actually, yes, I should
point that out.

I didn't explain this in my Opening
Statement, but

[REDACTED]

[REDACTED]

For instance, the first Tab is

Well, it is possible that there are
documents under

THE PRESIDING MEMBER: Understood.

MS. DION: Thank you, Mr. Fortier.

Examination-in-Chief by Ms. Dion, (Cont'd):

Q. The next Report I would like to
take you to is to be found at

I would like you to provide a little
information on ---

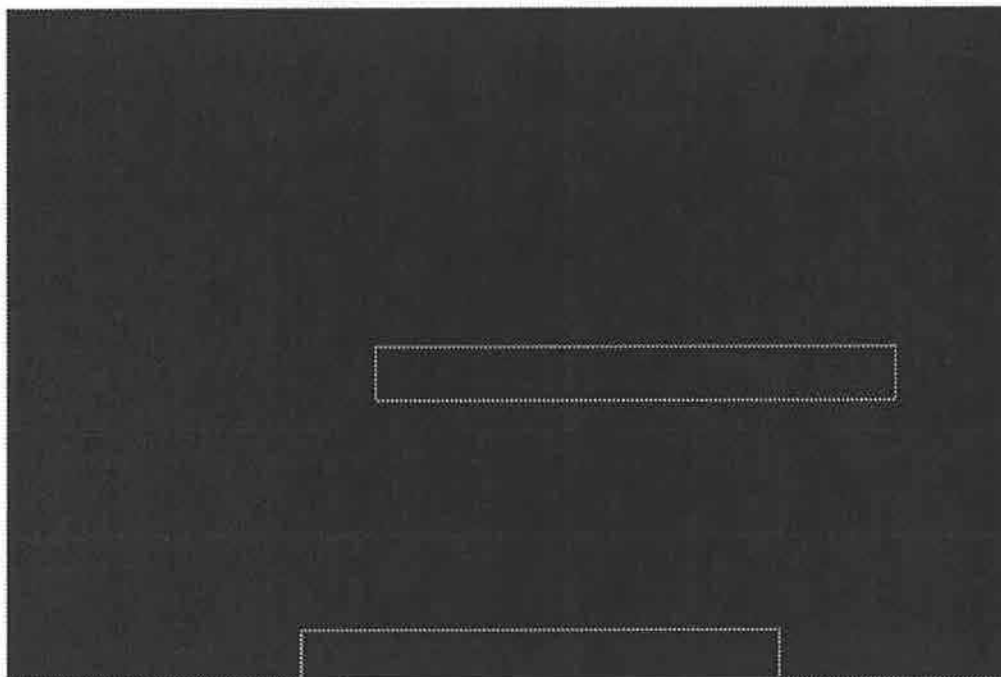
You see, under

it says:

Can you tell us a little bit about
that?

A. I can tell you what I do know.

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Q. I will now take you to the Report

at [REDACTED] ...

A. Yes.

Q. We see:



[REDACTED] " (As Read)

Am I correct in believing that this is



A. [REDACTED] yes.

Q. And in the Information provided,
it says:



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(As Read)

4

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Is that information that is of
interest to the Service?

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A. Yes.

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I would have to go look at [REDACTED] from
that date, but it is likely a [REDACTED]

9

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Any time ---

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A good example would be [REDACTED]

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Q. If we turn to the next Report, at

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A. Yes.

22

23

Q. What is the information that is
being conveyed to the Service here?

24

A. Again, it looks like [REDACTED]

25

1 ---- (A Short Pause: Witness reviewing referenced
2 documentation)

3 [REDACTED]
4 [REDACTED]
5 Sorry.

6 So it's from [REDACTED]
7 [REDACTED]

8 Q. Okay. And what is the information
9 that is being given to the Service?

10 A. (Reading):

11 [REDACTED]
12 [REDACTED]
13 [REDACTED] (As Read)
14 [REDACTED]
15 [REDACTED]

16 And then we just write another
17 comment, saying:

18 "The above information is reported
19 to assist the Service in assessing
20 the threat environment..." (As
21 Read)

22 Again, sometimes when you see [REDACTED]
23 information on something, it doesn't mean we take it at
24 face value. It is just one piece of information.

25 And again, if everything else

1 indicates that it is [REDACTED] it wouldn't be
2 followed up.

3 And then in Paragraph (5), we just
4 indicate who [REDACTED] is.

5 Q. If we look at Paragraph (6), what
6 is the request that is being made here?

7 A. It says:

8 "HQ [REDACTED]

9 That is our Headquarters [REDACTED] Branch.

10 [REDACTED]
11 [REDACTED]
12 Which is our [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED] (As Read)

23 Q. And do you know whether this was
24 actually done?

25 A. I actually can speak exactly to

1 that.

2 I was Chief at the time and I refused
3 the request.

4 So we did not [REDACTED]
5 [REDACTED] because I didn't believe that they had
6 made enough of an argument that would indicate that the

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 If you are unwittingly [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 So we didn't action this request.

19 MS. DION: That completes the Reports
20 I wanted to go over in respect of [REDACTED]

21 In respect of [REDACTED] which
22 is at [REDACTED] ...

23 I will just refer the Committee to the
24 first Report, to give, again, context as to why [REDACTED]
25 [REDACTED] in BRS.

1 Q. If you could tell us what this
2 Report is, please...

3 --- (A Short Pause: Witness reviewing referenced
4 documentation)

5 A. It looks like it is a [REDACTED]
6 [REDACTED]

7 Q. Okay. And what is the [REDACTED]
8 [REDACTED]

9 A. Right. So it is on [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 And then we also note, in the
17 "Analysis" Section ---

18 In the [REDACTED] Pardon me.

19 (Witness Reading):
20 [REDACTED]
21 [REDACTED]
22 [REDACTED] (As
23 Read)

24 Q. Sorry. You said it is the
25 "Analysis", the [REDACTED] ...

1 A. In the "Analysis".

2 Q. In the "Analysis". Okay.

3 A. So we are writing ---

4 We analyze every bit of information,
5 as I noted -- because we have to provide advice to the
6 Government.

7 In this case, we are saying: [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 Q. Okay. Thank you.

11 If we can now move on to [REDACTED]

12 [REDACTED]

13 I will take you to [REDACTED]...

14 A. Is that [REDACTED]?

15 Q. Yes, [REDACTED].

16 A. And which page?

17 Q. [REDACTED].

18 --- (A Short Pause: Witness reviewing referenced
19 documentation)

20 A. Okay.

21 Q. What is the information that is
22 being reported here, and what is the source?

23 A. [REDACTED]
24 [REDACTED]

25 Q. I refer you to Paragraph 1(c)...

1 A. Paragraph 1(c) is:

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 (As Read)

8 Q. And why is that ---

9 A. [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 Q. Thank you.

16 Next, I would like to refer you to the
17 Report at [REDACTED]...

18 --- (A Short Pause: Witness reviewing referenced
19 documentation)

20 A. Yes.

21 Q. What prompted this Message?

22 A. This is a [REDACTED]

23 [REDACTED]

24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. I refer you to Paragraph (v), at

[REDACTED]

A. Yes. We have to describe what we are interested in and what we are not. So the Chief at the time reaffirmed that the Service is not interested in investigating lawful advocacy activities [REDACTED]

[REDACTED] and then we said: That said, should there be a link to violence, a potential link to violence, then the Service would like to be informed.

Which is consistent with our mandate.

MS. DION: Those are all of the BRS

[REDACTED] Reports I wish to reference.

I will just refer the Witness to one of the [REDACTED] Reports.

In terms of the others, if the Committee has any questions, I invite you to ask them of the Witness. But for the most part, the documents are self-explanatory.

Q. I refer you to Volume 4, which is Exhibit CSIS-7A...

1 It is the thin Book.

2 I invite you to turn to Tab 2, the
3 first Report, which is at Page 13...

4 --- (A Short Pause: Witness reviewing referenced
5 documentation)

6 A. Yes.

7 Q. Can you tell us what is happening
8 here?

9 A. Yes. So, there, we are
10 documenting that the

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Q.

A.

Q. Generally, does the Service have
Policies on

A. Yes. We have a General Targeting
Policy...

On Page 864, I think it is...
--- (A Short Pause: Witness reviewing referenced
documentation)

No. Page 871 of the larger Binder has
our Policy.

Q. So Volume 2, Exhibit CSIS-SA?

A. Yes.

1 THE PRESIDING MEMBER: You are
2 referring to Page 871

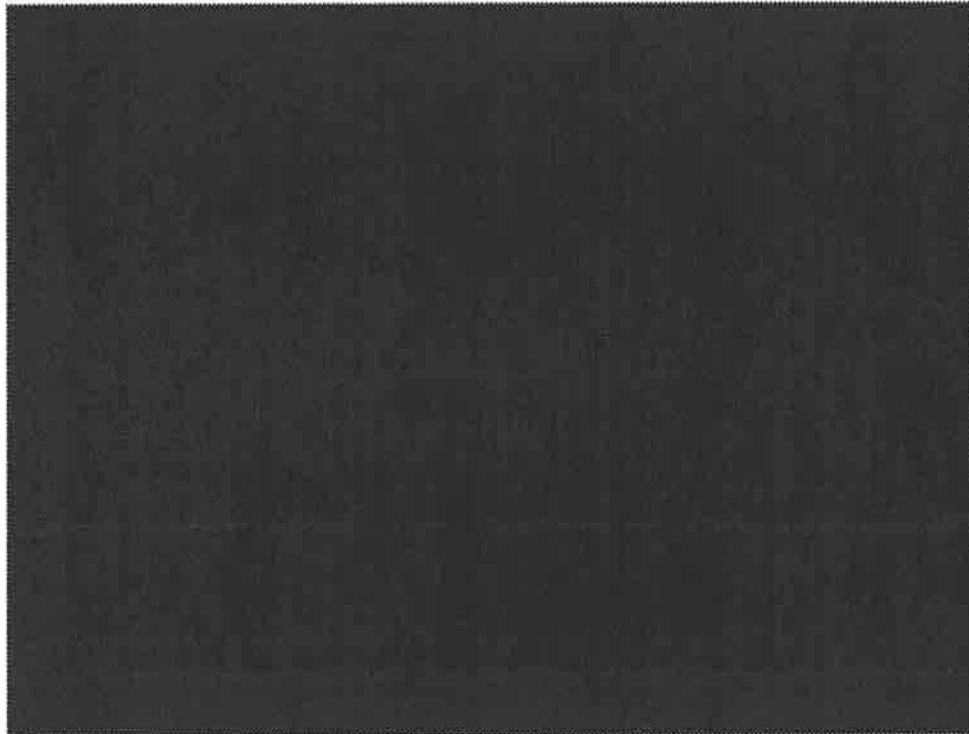
3 THE WITNESS: Page 871, yes. Near the
4 top, we have a Section on [REDACTED]
5 [REDACTED]

6 THE PRESIDING MEMBER: Right.

7 THE WITNESS: The decision [REDACTED]
8 [REDACTED] rests with the Regional
9 Director-General -- which is a very high level for us,
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 So here it is "with the appropriate
14 approvals" -- which, as I said, is with our Regional
15 Director-General.
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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That is our interest.

MS. DION: Thank you. Those are all
of the questions I have.

Thank you, Mr. Member.

THE PRESIDING MEMBER: Thank you,
Madam Dion.

Madam Bowers, do you have any
questions for the Witness?

MS. BOWERS: I do. Thank you, Mr.
Fortier.

(To the Witness): Good morning,

THE WITNESS: Good morning.

MS. BOWERS: I have a couple of
general questions for you with respect to the
discussions earlier regarding Certificates ---

THE WITNESS: Okay.

MS. BOWERS: -- and the linkages with
Warrants.

I will put it that way.

THE WITNESS: Sure.

Examination by Ms. Bowers:

Q. Could you explain, generally, the
Domestic Target Certificates?

A. So, explain the Domestic Issues
Certificates in general?

Q. Yes.

A. Okay. The Certificate is
considered, also, a level for collection.

For example, information

in general terms

1 So that provides us with the Authority
2 to collect information in that regard.

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 Q. And under what Authority do you
8 receive the [REDACTED] ?

9 A. Sorry. We create the [REDACTED]
10 [REDACTED]

11 We have to make the case that there
12 are reasonable grounds to suspect that there is a
13 threat posed by individuals under that banner.

14 Q. And who do you make that case to?

15 A. Our Director-General.

16 Q. You then spoke about the Targeting
17 Levels.

18 A. Yes.

19 Q. You explained to us the "Level 1",
20 the "Level 2"...

21 I think you also mentioned "Level
22 3"...

23 A. No. Level 1 and Level 2 are our
24 Targeting levels.

25 Tiering is a different System. There

1 is Level 1 Targets, Level 2 Targets, and then Warranted
2 Level 2 Targets.

3 Q. Okay. So the Warrant then follows
4 with the Level 2?

5 A. Right.

6 Q. I see. Okay. Thank you.

7 And then you indicated to us that [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 A. [REDACTED]

14 Q. -- and that was [REDACTED]

15 A. Yes.

16 Q. And you indicated that there were
17 [REDACTED]
18 [REDACTED]

19 Is that correct?

20 A. Correct. The Court gives you
21 Warrant Powers for, let's say, a year's period -- that
22 could vary -- [REDACTED] and once it
23 comes up for Renewal, we have to make the case to the
24 Court on why we need Warrant Powers.
25 [REDACTED]

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[REDACTED]

Q. And do you recall the date that

[REDACTED]

A. I don't have it at-hand. It would have been...

--- (A Short Pause)

I want to say ---

(To Ms. Dion): I don't know whether you have a copy, Stéphanie, but I think it would have

[REDACTED]

(To Ms. Bowers): But I don't have the exact date.

[REDACTED]

MS. DION: We could undertake to provide the Committee with the [REDACTED] in this case...

1 THE PRESIDING MEMBER: That would be
2 helpful.

3 MS. DION: Okay.

4 THE PRESIDING MEMBER: Thank you.

5 UNDERTAKING NO. 1:

6 To provide copies [REDACTED]
7 [REDACTED]

8 MS. BOWERS:

9 Q. To be clear, then, for [REDACTED]
10 [REDACTED]

11 A. [REDACTED]

12 Q. And yet, [REDACTED]
13 [REDACTED]

14 A. [REDACTED]

15 Q. Okay. [REDACTED]
16 [REDACTED]

17 A. Yes. It is "and/or". So we
18 either do a Level 1 ---

19 Once we do a Level 2, all of the
20 things that we could do under a Level 1 Authority
21 continue to apply to what we can do under a Level 2,
22 and we can do a bit more.

23 So it is all incremental.

24 Q. Okay. Fair enough.

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A. Yes.

Q.

A.

Q. You talked about

earlier ---

1 A. [REDACTED]
2 Q. [REDACTED]
3 [REDACTED]
4 A. Yes.
5 Q. [REDACTED]
6 [REDACTED]
7 A. Exactly.
8 Q. Do you know whether [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 A. Not to my knowledge. [REDACTED]
13 [REDACTED]
14 Q. Yes.
15 A. No. Not to my knowledge.
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Q. At Tab 9 of the most recent Book
23 we have referenced, the CSIS Book of Documents, Exhibit
24 CSIS-8A ---
25 --- (A Short Pause)

1 So Volume 5 of the Books of Documents,
2 CSIS-Exhibit 8A, Tab 9...

3 --- (A Short Pause: Witness reviewing referenced
4 documentation)

5 A. Yes.

6 Q. So, this is a fairly recent
7 document ---

8 A. Yes.

9 Q. [REDACTED]
10 [REDACTED]

11 A. Yes.

12 Q. My understanding is that [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 Could you explain that to us, please?

16 A. Sure. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Earlier, we talked about the different
tiering systems.

[REDACTED]

Q. Is it fair to say, then, that this
File ---

We are calling it a "File". But it is

[REDACTED]

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A. Yes.

Q. Would it be fair to say that that

A. [REDACTED]

Q. Okay. Thank you.

And one last question related to that,

Can you explain to me, then, given

[REDACTED] how the Certificates play
in?

So, the existing Certificates that you
have, [REDACTED]

A. Right. [REDACTED]

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[REDACTED]

That is a possible scenario.

[REDACTED]

Q. Okay. Thank you.

And just to be clear, then, to your knowledge, have any of the seven Organizations listed ever been a Target?

A. [REDACTED]

MS. BOWERS: Thank you. Those are my questions.

Thank you, Mr. Fortier.

THE PRESIDING MEMBER: Thank you, Madam Bowers.

Any questions arising, Madam Dion?

1 MS. DION: I just want to clarify one
2 matter with regard to the Certificate.

3 Re-Examination by Ms. Dion:

4 Q. I refer you to Tab 3.



10 How does that work?

11 A. Yes.



19 MS. DION: Thank you.

20 That was the only question I had, Mr.
21 Fortier.

22 THE PRESIDING MEMBER: Thank you,
23 Madam Dion.

24 I just have a few questions for you,



Examination by Mr. Fortier:

Did you read the Transcript of the In
Camera that was held in this case in August, in
Vancouver?

THE WITNESS: No, I did not.

THE PRESIDING MEMBER: You did not.

If I told you that some of the
witnesses I heard who were associated with one or
another of these Organizations which have filed the
Complaint said "we felt that we were targeted"; "we
felt that we were being spied on"; "it was all very
disconcerting" -- and I am quoting verbatim -- how
would you ---

Given your vast experience and the
explanations that you have given in answer to Madam
Dion's questions, how would you react to such
statements?

THE WITNESS: Just my personal
opinion?

THE PRESIDING MEMBER: Knowing what
you know about the File ---

You have just answered Madam Bowers'
last question by saying

1 I saw, going through Volume 2, that,
2 tangentially -- that is the word that I use --

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 THE WITNESS: Right.

7 THE PRESIDING MEMBER: Would you
8 understand that, on occasion, because of the way the
9 Service was doing its Investigation, they could have
10 felt that they were being targeted?

11 THE WITNESS: The only comment I can
12 make without having my System in front of me ---

13 What could have happened -- and this
14 is just conjecture on my part, because I don't work in
15 that Area any more. So I am just speaking from my
16 experience.

17 What could have happened would be that
18 if I have a Target and you are in contact with my
19 Target, I may go see you to find out about my Target.

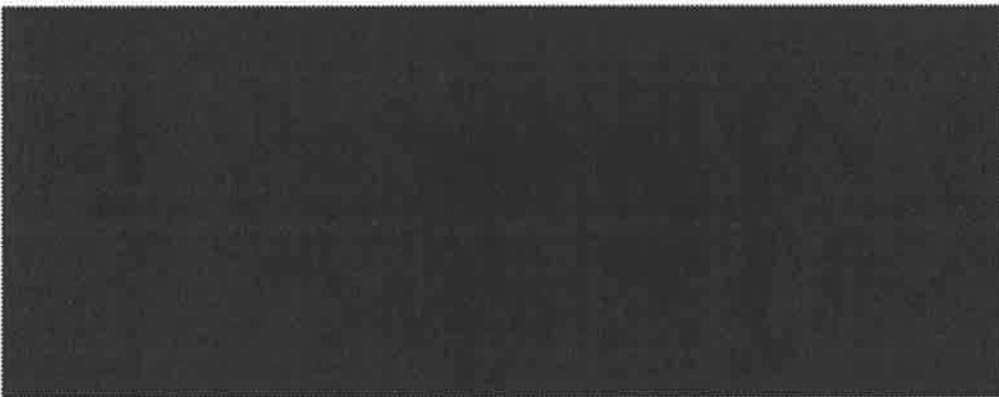
20 So the perception could be that I am
21 interested in you, when really I am interested in the
22 Target.

23 That is a possibility.

24 THE PRESIDING MEMBER: Yes.

1 THE WITNESS: It is always a
2 possibility, when we are doing community interviews,
3 that they could feel as though ---

4 I mean, without knowing what the
5 Service is and what the Service does, some people could
6 jump to the conclusion that we are after them or that
7 our interest is in them, when in fact that is not the
8 case.



16 We are very cautious to point out, as
17 you can see, even in our Directions to the Regions,
18 that they are to be mindful, [REDACTED]

19 [REDACTED] of the fact that we are not interested in
20 legitimate protest and dissent, specifically because we
21 know that it is such an important factor.

22 THE PRESIDING MEMBER: You have said
23 that you have not read the Transcript of the *In Camera*
24 Hearing; however, in preparation for your evidence
25 here today, were you shown some of the documents that

1 were filed by the Complainant for the In Camera
2 Session?

3 THE WITNESS: The Complaint?

4 THE PRESIDING MEMBER: The actual
5 Exhibits, if you wish, to the Complaint.

6 THE WITNESS: I read the Complaint --
7 because I was on the Desk when it came in.

8 That is what I read.

9 THE PRESIDING MEMBER (To the
10 Registrar): I wonder if the Witness could be shown the
11 Complainant's Supplementary Book of Documents, which
12 was entered as Exhibit C-3...

13 --- (Document Provided to the Witness)

14 THE WITNESS: Thank you.

15 THE PRESIDING MEMBER: Under Tab 7,
16 there is Statement by the then Minister of Natural
17 Resources, The Honourable Joe Oliver ---

18 Do you have that in front of you, [REDACTED]
19 [REDACTED]

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

21 THE PRESIDING MEMBER: This is a
22 Letter from The Honourable Joe Oliver, Minister of
23 Natural Resources, in January of 2012, and ---

24 Well, I will give whatever time you
25 need to read the Article.

1 I invite you to focus principally on
2 Paragraphs 3 and 4...

3 --- (A Short Pause: Witness reviewing referenced
4 documentation)

5 THE WITNESS: Okay. I have read
6 Paragraphs 3 and 4.

7 THE PRESIDING MEMBER: First of all,
8 did you see that Release, that Press Release, at the
9 time that you were ---

10 THE WITNESS: I can't recall having
11 seen it at that point, no.

12 THE PRESIDING MEMBER: You can't
13 recall?

14 THE WITNESS: No.

15 THE PRESIDING MEMBER: In the third
16 paragraph, we see the statement:

17 "Unfortunately, there are
18 environmental and other radical
19 groups that would seek to block
20 this opportunity to diversify our
21 trade..." (As Read)

22 THE WITNESS: Um-umm (Witness Nodding
23 in the Affirmative).

24 THE PRESIDING MEMBER: And then the
25 following paragraph:

1 "These groups ----"
2 Which are not identified. But, "there
3 are environmental and other radical groups".

4 "These groups threaten to hijack
5 our Regulatory system to achieve
6 their radical ideological agenda."
7 (As Read)

8 From your perspective, in the light of
9 the evidence, the very useful evidence that you have
10 given, do you think that any one of these Organizations
11 that are Complainants in this case could conclude that
12 they were characterized as being "radical groups"?

13 THE WITNESS: I think any legitimate
14 group could infer that from this statement.

15 It is a very large statement, and it
16 is a one-sided opinion of a complex issue.

17 THE PRESIDING MEMBER: Yes. But it is
18 issued by the Minister of Natural Resources at the
19 time, with which ---

20 I heard evidence that the Department
21 of Natural Resources was in contact with some of the
22 Service's Senior Officers [REDACTED]
23 [REDACTED]

24 THE WITNESS: Right.

25 THE PRESIDING MEMBER: So I...

1 Well, I think you have answered my
2 question.

3 If you turn to Tab 9 of the
4 Complainant's Book of Documents, Volume 1 of 2, Exhibit
5 C-1...

6 THE WITNESS: Yes.

7 THE PRESIDING MEMBER: And again, of
8 course, I will give you a moment to read as much of the
9 Article, which was published in the Vancouver Observer
10 on the 19th of November 2013.

11 --- (A Short Pause: Witness reviewing referenced
12 documentation)

13 This is not a CSIS document. This is
14 not a "Minister Oliver" document. It is a Journalist
15 who writes -- and much was said about that Newspaper
16 Article by the Complainants and their Counsel during
17 the In Camera Hearing.

18 (Reading):

19 "The federal government has been
20 vigorously spying on anti-oil sands
21 activists and organizations in BC
22 and across Canada since last
23 December, documents obtained under
24 the Access to Information Act
25 show." (As Read)

1 And in the second paragraph, there are
2 references to these Organizations whose names have been
3 mentioned: Idle No More, ForestEthics, Sierra Club,
4 EcoSociety, LeadNow, Dogwood Initiative, Council of
5 Canadians, the Peoples' Summit.

6 Take your time and read the Article.

7 On the second page, you will see,
8 according to the Journalist ---

9 I am not putting it on a higher plane
10 than that.

11 (Reading):

12 "The documents show the NEB..."

13 And you know what that is, of course:
14 The National Energy Board.

15 "...working with CSIS and the RCMP
16 to make 'security plans'..." (As
17 Read)

18 Et cetera.

19 He speaks about "actively coordinating
20 with officials from Enbridge and TransCanada
21 Corporation and a private security contractor hired by
22 the NEB".

23 --- (A Short Pause: Witness continuing her review of
24 referenced documentation)

25 There are references, on the third

1 page, as you can see, to ---

2 (Reading):

3 "On May 23, 2013, Natural Resources
4 Canada ---"

5 Whose Minister, as we know, was Mr.
6 Oliver.

7 "--- hosted a 'Classified Briefing
8 for Energy and Utility Sector
9 Stakeholders' in collaboration with
10 CSIS and the RCMP at CSIS's
11 Headquarters in Ottawa." (As Read)

12 THE WITNESS: What I can say, from my
13 experience ---

14 I am not aware of that Meeting, and
15 the reason would be that we are on the Operational
16 Desk.

17 The Intelligence Assessments Branch
18 reaches out to Partners on a regular basis. That is
19 under their purview. So they would be best-placed to
20 speak to that. But what I can say is ---

21 As you can see from all of the
22 information the Service has [REDACTED]

23 [REDACTED] at no time did we brief to
24 the Government of Canada [REDACTED]

25 [REDACTED]

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[REDACTED]

So in terms of the general security environment, it is possible that our Intelligence Assessments Branch would give a Threat Overview, a picture of the Threat; but they wouldn't have said

[REDACTED]

So what I am saying is that I think the best people to explain it would be the people who were involved in these Meetings, possibly involved in these Meetings.

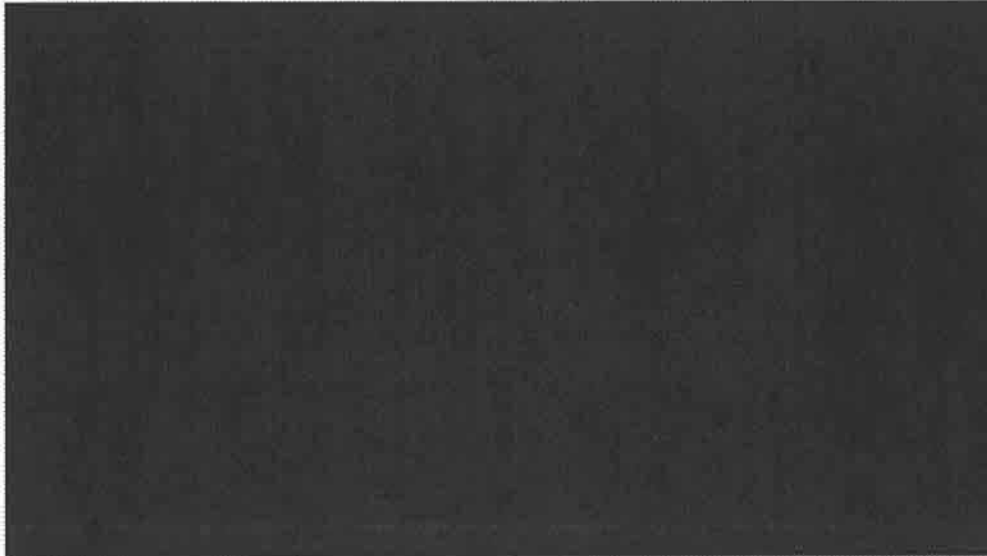
The Operational Branch would not have been involved in any of this.

We don't go out and give Briefings to companies.

As well, the Regional Representatives would have ongoing dialogue with the companies,

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THE PRESIDING MEMBER: And you speak
as a Senior Member of the Operational Branch of the
Service, of course.

THE WITNESS: Exactly. Yes.

THE PRESIDING MEMBER: That is very
helpful.

Madam Dion, neither of your two
remaining witnesses ---

I apologize. I will frame it as a
question.

Your other two witnesses, would they
be able to answer my questions about these two
Exhibits?

MS. DION: Absolutely. That is why
they are being brought to testify.

1 [REDACTED] is from the Intelligence
2 Assessments Branch and he specializes in [REDACTED]
3 [REDACTED] So he will be able to testify as to that
4 and the Assessments that were given, including specific
5 Assessments that were given to the NEB.

6 And [REDACTED] who specializes in the
7 Energy Sector, will be talking about the NRCan
8 Briefings.

9 He is a Coordinator for those
10 Briefings since 2010.

11 THE PRESIDING MEMBER: Excellent!
12 Thank you very much.

13 That completes my questions for this
14 Witness.

15 Any questions arising?

16 MS. DION: No. Thank you, Mr.
17 Fortier.

18 MS. BOWERS: No. Thank you.

19 THE PRESIDING MEMBER: Very well.

20 I am very grateful to you, [REDACTED]
21 for having come before the Committee to give evidence
22 on this matter today.

23 You are now excused.

24 THE WITNESS: Thank you very much.

25 --- (The Witness Stood Down and Withdrew from the

1 Hearing Room)

2 THE PRESIDING MEMBER: This would be
3 an appropriate point at which to take the Luncheon
4 Break...

5 MS. DION: Yes.

6 THE PRESIDING MEMBER: It is now
7 twenty-minutes-to-one.

8 We will adjourn until 1:30, if that
9 gives participants sufficient time to get something to
10 eat...

11 MS. DION: That's perfect. Thank you,
12 Mr. Fortier.

13 The two next witnesses have been
14 summoned for this afternoon. So everyone will be in
15 place and ready to go at 1:30.

16 THE PRESIDING MEMBER: Excellent!
17 We are adjourned until 1:30. Bon
18 appétit!

19 MS. DION: Thank you.

20 --- (Luncheon Adjournment)

21 --- Upon Resuming:

22 THE PRESIDING MEMBER: Alors, votre
23 prochain témoin; your next witness, Madam Dion...

24 MS. DION: Yes. Our next witness is
25 going to be [REDACTED]

1 He is in the Lobby waiting to be
2 called.

3 THE PRESIDING MEMBER: Very well.
4 Thank you.

5 --- ([REDACTED] Called to the Witness Table)

6 THE PRESIDING MEMBER: Good afternoon,

7 [REDACTED]
8 THE WITNESS: Good afternoon.

9 THE PRESIDING MEMBER: You are
10 appearing as a witness on behalf of the Service...

11 --- (A Short Pause)

12 I will give you a moment to unlock and
13 open your briefcase...

14 --- (A Short Pause)

15 Now that you have opened your
16 briefcase, we will ---

17 MS. DION: Sorry. That's the trouble
18 with classified documents.

19 THE WITNESS: Yes. It always take a
20 second, Sir.

21 THE PRESIDING MEMBER: I understand.
22 At this point, you are going to be
23 sworn-in by the Registrar.

24 THE REGISTRAR: Good afternoon, Sir.

1 Do you solemnly affirm that the
2 evidence you are about to give to the Committee shall
3 be the truth, the whole truth, and nothing but the
4 truth?

5 THE WITNESS: I do.

6 [REDACTED] Called and Affirmed:

7 THE REGISTRAR: For the record, would
8 you please state your full name, spelling your last
9 name...

10 THE WITNESS: Sure. It is [REDACTED]

11 [REDACTED] spelled: [REDACTED]

12 THE REGISTRAR: Thank you.

13 Secondly, I would like to read to you
14 Section 51 of the Canadian Security Intelligence
15 Service Act, which provides protection to witnesses
16 appearing before the Committee.

17 It reads as follows:

18 "Except in a prosecution of a
19 person for an offence under
20 section 133 of the Criminal Code
21 (false statements in extra-
22 judicial proceedings) in respect
23 of a statement made under this
24 Act, evidence given by a person
25 in proceedings under this Part

1 and evidence of the existence of
2 the proceedings are inadmissible
3 against that person in a court or
4 in any other proceedings."

5 Do you understand?

6 THE WITNESS: Yes, I do.

7 THE REGISTRAR: Thank you. You may be
8 seated.

9 THE PRESIDING MEMBER: Good afternoon
10 again, [REDACTED] You will be questioned first by
11 maitre Dion and then by maitre Bowers, who is acting
12 for the Committee.

13 Maitre Dion, your witness...

14 MS. DION: Thank you, Mr. Fortier.

15 Examination-in-Chief by Ms. Dion:

16 Q. Good afternoon, [REDACTED]

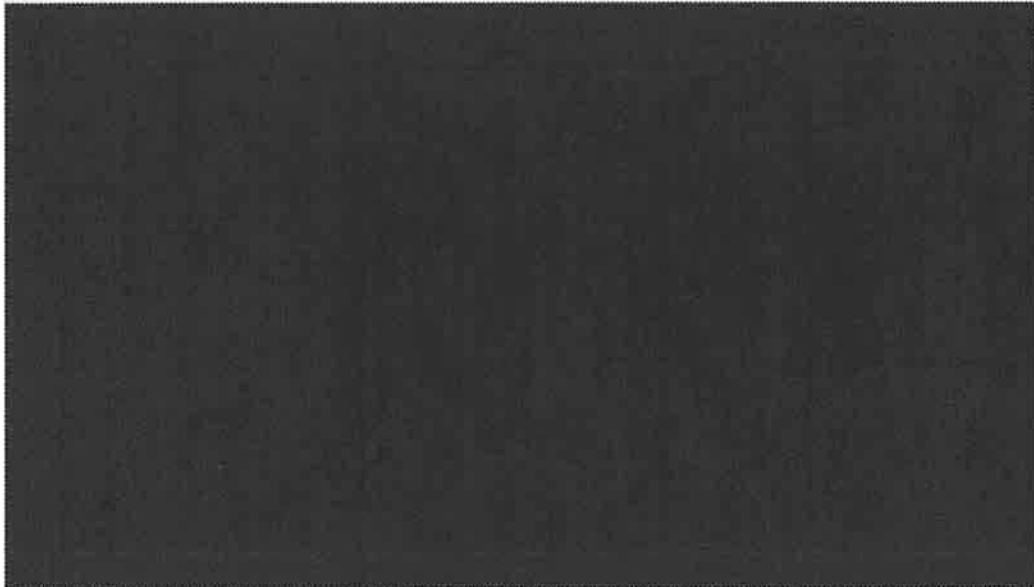
17 I will ask you to begin by providing
18 the Committee with an overview of your career with the
19 Service and with the Public Service before that.

20 A. Sure.

21 I began with the Service as a
22 Strategic Analyst, in [REDACTED] I worked in
23 the Intelligence Assessments Branch within the Service.

24 Prior to that, I was with the
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Q. Thank you.

And can you provide an explanation or an overview as to what the Intelligence Assessments Branch does? What is its role? What are its responsibilities?

A. Sure. The Intelligence Assessments Branch, or IAB, is the analytic function within the Service, as opposed to the Operational side of the house. It is comprised primarily of Strategic Analysts.

Within the Service, the Cycle for Intelligence is Collection, Analysis, and then Advice to Government.

We fulfil that middle piece of the Intelligence Cycle.

1 In my role as a Strategic Analyst,
2 among other Files, I cover the Domestic Extremism File.

3 So, I am the Analyst that takes both
4 open source information and Service Reporting in order
5 to then provide Analytic Products for the Government of
6 Canada.

7 I provide Briefings to our Government
8 of Canada Partners, Advice to Government.

9 At the same time, I provide support to
10 our Operational side of the house when it comes to
11 Domestic Extremism or the other Areas that I work on.

12 Q. What would you say are your Areas
13 of core expertise?

14 A. Based on my career and my career
15 development, I have specialized in [REDACTED]

16 ---

17 THE PRESIDING MEMBER: I figured as
18 much!

19 --- (Laughter)

20 THE WITNESS: For the last twenty-plus
21 years, I've worked in a variety of different Areas,

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23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Sort of across the board.

So my background is there. But more generally, because it is the Intelligence Assessments Branch, my background is in History, and my experience, primarily, is in research, analysis and writing.

MS. DION:

Q. As you are aware, [REDACTED] testified before you on the Operational side, and she explained the different Certificates under the Domestic Extremism Investigation, we'll say.

Can you tell me the Certificate or Certificates under which [REDACTED] tend to fall?

A. Sure. Going back to 2010, after the Winter Olympics and the G-8/G-20, the Service

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[REDACTED]

Q. And can you give us an overview of the threat landscape you were seeing during those years?--And we are talking about end of 2009 until today, or 2014, say.

A. Sure. Like I said, I focussed on [REDACTED] That was my primary Area.

[REDACTED] who covered sort of the broad Area.

Leading up to 2010, there were several key components to the landscape. One was that the Winter Olympics were coming up; and also G-8/G-20 was coming up in the Summer of 2010.

So there was a lot of work on the Service's behalf trying to identify any potential threats or possible threats from domestic extremists for either of those Events.

At the same time, we had seen domestic extremism express itself going back to [REDACTED]

[REDACTED]

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[REDACTED]

So there were individuals [REDACTED]

[REDACTED]

that we were concerned about engaging in, or
trying to encourage others to engage in, serious acts
of ideologically-motivated violence.

[REDACTED]

That was another issue that was at
play at the same time.

1 So within the "Domestic" landscape,
2 there was a fair bit that was going on.

3 We also had some [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 It wasn't my File.
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 So there was really a lot going on.

12 And then, of course, as you know,
13 [REDACTED] the Winter Olympics and the G-8/G-20 was the
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 So there was a fair bit going on that
20 we were looking at.

21 Subsequent to that, as SIRC pointed
22 out in their Review of the DIET Programme that came out
23 in 2013, after the Olympics and after G-8/G-20, even
24 though there was some violence on the ground, the
25 Service, to a large degree, cut back their Domestic

1 Extremism Investigations.
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 [REDACTED] But it still does exist, and a lot of the
15 work we did at that time identified a cyclical nature
16 to domestic extremism ---

17 THE PRESIDING MEMBER: You still have
18 a job!

19 THE WITNESS: I still have a job, for
20 now!

21 --- (Laughter)

22 But again -- and it may have been
23 raised this morning.

24 As a Service, our Domestic
25 Investigation will [REDACTED]

1 [REDACTED] what we consider Domain Awareness,
2 and that will be [REDACTED]

3 THE PRESIDING MEMBER: Could you
4 explain that for me?

5 I saw the words "Domain Awareness" in
6 your Will-Say Statement.

7 I know what the word "domain" means in
8 legal terms; but I don't understand what it means
9 here.

10 THE WITNESS: Yes. We don't look --
11 and I am not a lawyer. But we don't look at in terms
12 of "domain" from a legal perspective.

13 For us, when we talk about "domain
14 awareness" -- and our Director has talked about it to
15 us -- it is having a baseline understanding of issues
16 or subject-matter areas such that if an event happens,
17 if a violent act happens, as a Service, you are not
18 running around from Base Zero trying to figure out
19 "Well, what are anarchists all about?" Or: "What are
20 insurrectionary anarchists?"

21 It is having an understanding, for
22 example, of [REDACTED]

23 Given that I have worked [REDACTED]
24 [REDACTED] for twenty-plus years and given that I really
25 enjoy the Area just generally, it is a matter of

1 understanding: What are the confrontation triggers
2 that are currently out there? What is the general
3 feeling within [REDACTED]
4 [REDACTED]

5 When we look back, for example, at the
6 [REDACTED] it is, you know, understanding
7 their mindset, where they are coming from, such that if
8 violence did occur there, we have a baseline
9 understanding of: Well, what are they all about? What
10 are the issues? How do they perceive what the issue
11 is?

12 And then: What are all the other
13 tangential pieces?

14 We have done a lot of work over the
15 years in looking at [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 THE PRESIDING MEMBER: You have
19 explained ---

20 THE WITNESS: Sorry. I didn't ---

21 THE PRESIDING MEMBER: No, no. You
22 have explained it very well. I still don't understand
23 the etymology of the word "domain" in that context.

24 THE WITNESS: Okay.

25 THE PRESIDING MEMBER: But I have

1 followed your explanation.

2 Thank you.

3 MS. DION:

4 Q. On Domain Awareness, what are the
5 tools that are available to you when you conduct those
6 activities?

7 A. Within the Government of Canada,
8 GOC, writ large, there really aren't a lot of Analysts
9 out there who look at domestic extremism.

10 There are a few.

11 [REDACTED]
12 Beyond that, there are not a lot.

13 [REDACTED]
14 [REDACTED]

15 Part of the Domain Awareness is
16 keeping in touch with the GOC Community, the Analysts;
17 it is keeping in touch with Law Enforcement and their
18 Analysts across the country -- OPP/SQ-type Communities
19 -- in terms of what people are seeing: *What are the*
20 *emerging issues and potential threats?*

21 And then for me, it is a lot of open
22 source reading.

23 A lot of it is open media or
24 Alternative Media, if you will. But it is open source:
25 Academic Articles, Academic Literature that is being

1 produced.

2 It is probably split between dealing
3 with my counterparts in the GOC and Law Enforcement and
4 open source research.

5 Q. Okay. Thank you.

6 You said earlier in your testimony "as
7 SIRC pointed out".

8 Can you tell us what you are referring
9 to there?

10 A. Sure.

11 --- (A Short Pause)

12 Q. You were talking about the

13 [REDACTED] I
14 believe.

15 A. With regard to "Domain Awareness",
16 you mean?

17 Q. You were talking about it in the
18 context of the Domestic Investigation [REDACTED]

19 I don't want to put words in your
20 mouth.

21 My next question will have to do with
22 Domain Awareness. But first of all, could you refer
23 the Member to the SIRC document that you were referring
24 to earlier in your testimony?

25 A. Sure. That is at Tab 10, the SIRC

1 Study of 2012-02,

2 Q. You are in Volume 3...

3 A. Yes.

4 MS. DION: For the record, that is
5 Exhibit CSIS-6A.

6 Q. Which page were you referencing?

7 A. Page 730. That is where it is in
8 that Volume.

9 Q. Okay. Thank you.

10 And in this Report, does SIRC make
11 comments as to the legitimacy of "Domain Awareness"?

12 A. Sure. I was part of that Review
13 at the time by SIRC and we actually discussed domain
14 awareness in great detail -- *What it is and why we do*
15 *it -- and SIRC at that time pointed out, in their*
16 *Review, the value of domain awareness.*

17 I believe the comment they made at
18 that time -- and I think it is Page 740 -- related to
19 the *importance of ascertaining "potential triggers and*
20 *flashpoints"* and to *"ensure that CSIS is aware of what*
21 *is happening should a threat arise".*

22 A really good example in this case of
23 what I do in terms of domain awareness would involve
24 [REDACTED]
25 [REDACTED]

1 It is not someone we investigate.

2 From my Assessments, what I have
3 always said is: "[REDACTED] It doesn't
4 meet our threshold."

5 But by the same token, I was aware of
6 it evolving, based on open source information, on
7 things that were happening, and I was like: Oh! What
8 is this all about? Who is behind it? Is it linked to
9 any of our Targets? Is there any potential for
10 violence?--Which I assessed there wasn't.

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Our ADMS sit on various National
15 Security Committees with other GOC Partners, and a
16 request came down from our Executive saying: [REDACTED]

17 [REDACTED] What's it all about? I need to
18 know, when I am sitting there with all my other
19 Partners within the GOC, what I am going to say.

20 So, for me, that is where domain
21 awareness comes into play.

22 So, there are a few Assessments,
23 Analytic Pieces that I wrote, that went up-the-line,
24 that went to our Deputy Minister and our ADMS, wherein
25 I said: I've looked at it from a domain awareness

1 perspective and I don't think there is a threat and I
2 don't believe it meets our threshold in any way. It is
3 peaceful and it is legitimate.

4 In that sense, I was aware of it. I
5 knew about it. I had referred to it in some of my
6 Intelligence Assessments. But at the same time, I had
7 to tell my Management: I don't see any threat here.

8 But at least they know what it is,
9 such that when they are sitting with the RCMP and their
10 other counterparts, they can say: From a Service
11 perspective, it doesn't meet our threshold.

12 THE PRESIDING MEMBER: I was not a
13 Member of the Committee at that time, but I have
14 thumbed my way through that Report.

15 MS. DION: Thank you. We just thought
16 it would be useful to bring it to the Committee's
17 attention.

18 THE PRESIDING MEMBER: Absolutely.
19 Very relevant. Yes.

20 MS. DION:

21 Q. What is IAB's role in establishing
22 priorities and in guiding HQ on that matter?

23 A. Sure.

24 Well, within the IAB, within the
25 Intelligence Assessments Branch, [REDACTED]

1 [REDACTED] and they are
2 responsible for the Intelligence requirements for the
3 Service, in terms of putting them together, and ---

4 Ultimately what the Service does,
5 obviously, is guided by the Act and guided by our
6 mandate. But higher than that, Privy Council/PCO sets
7 the Security Intelligence Requirements, or the SIRs.

8 They put together, with input from
9 Departments, obviously, the Security Intelligence
10 Requirements. In doing so, they lay out the core areas
11 from the perspective of the Government of Canada,
12 saying: *From a security perspective, here are the main*
13 *areas that we are interested in, and here is the*
14 *priority of them.*

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 So they set those Requirements, and
20 the List goes out to all Departments, via Ministerial
21 Letters, and then the Service takes that Letter -- and
22 it is this little Unit within our Branch, working with
23 the Ops side and working with the Executive and with
24 everyone else -- and they basically set what we call
25 our "Intelligence Requirements" for the Service, based

1 on what the Service mandate is, what the interest is
2 from the Government of Canada and, at the same time,
3 what we as the Service see the threat to be.

4 Just because it is a Priority of
5 Government, if we don't see the threat, we can't go
6 forward.

7 They put out, as I've said, our
8 "Intelligence Requirements" document.
9 [REDACTED]

10 So it is constantly evolving.

11 And within that, for all the Areas
12 that the Service has an involvement in, [REDACTED]

13 [REDACTED] puts tiers or levels on the
14 Areas that we cover, all the way from a Tier 1 ---

15 A Tier 1 is, sort of, the highest High
16 Priority. [REDACTED]

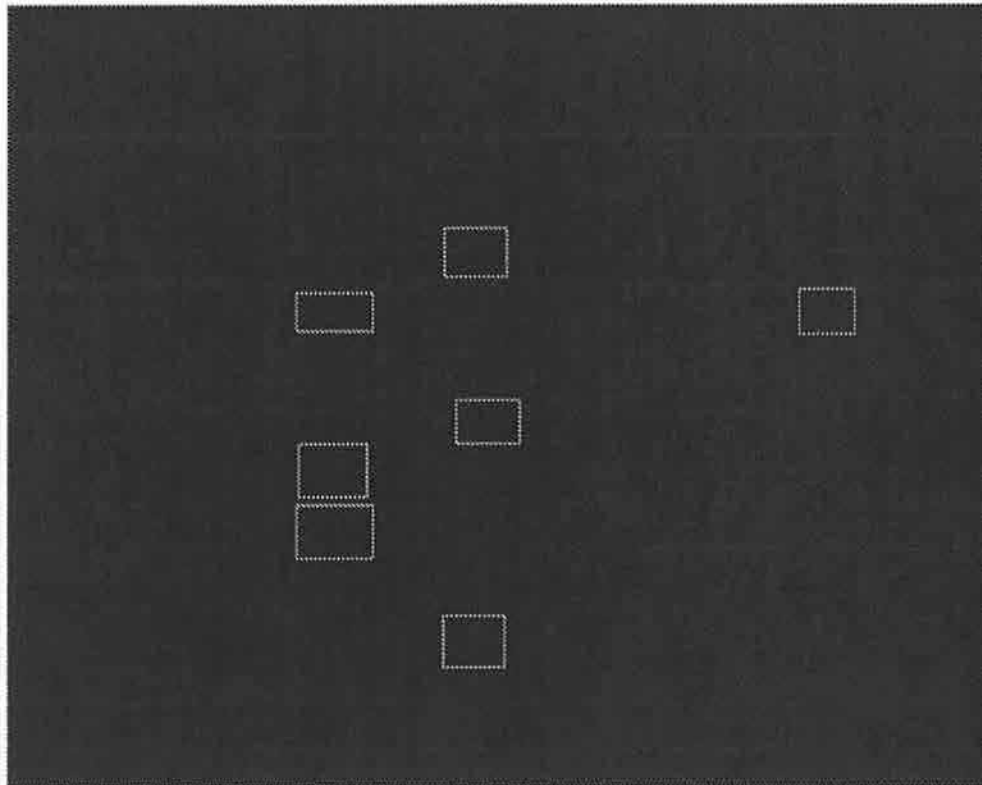
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 -- down to a Tier 2 and a Tier 3 and a
21 "4", which is the lowest.

22 A Tier 4 is essentially a Watching
23 Brief, which means: [REDACTED]
24 [REDACTED]
25 [REDACTED]

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And over the years that I have been
around, Domestic Extremism, in terms of tiering, in
terms of the Areas that we look at, of which there are



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It is one that I don't work on. That
is why I always forget it.

Over time, the levels that have been
set on those go up and down.

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[REDACTED]

[REDACTED] if something were to happen,
if a serious act of ideologically-motivated violence
happened, given that these things are reviewed very
regularly, they could move up and down fairly quickly.

So we take the broad Direction from
PCO, incorporate it into our understanding of the
threat landscape, and set it up as Tiers, at which
point that goes out to all of the Regions and the

[REDACTED]

When they collect information, they
can record it against [REDACTED] or whatever
the Tier is, in terms of accounting for where resources
are and how productive they are: *What are you
collecting against each of the Areas in which you are
conducting Investigations?*

Q. I invite you to take in-hand one

1 of these Intelligence Requirements.

2 I refer you to Tab 8 of Volume 3,
3 Exhibit CSIS-6A...

4 A. Sure.

5 If we turn to Page 574, we have the
6 Intelligence Requirement document for 2013-2014.

7 As you can see, when you open it up to
8 Pages 575 and 576, [REDACTED]

9 [REDACTED]
10 [REDACTED]

11 When you move down to Page 580, we
12 have the page for [REDACTED]

13 As you can see, the first one is

14 [REDACTED]

15 and, as I said earlier, that is [REDACTED]

16 And where there is a [REDACTED] it says:

17 [REDACTED]

18 We had it as a [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 Below that, you see [REDACTED]

25 [REDACTED]

1 THE PRESIDING MEMBER: What page are
2 you referencing?

3 THE WITNESS: Sorry. Page 580.

4 THE PRESIDING MEMBER: Okay. Thank
5 you.

6 THE WITNESS: And then when you flip
7 to Page 581, you can see that [REDACTED]

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Whenever people out in the Regions or
our Office Folk were collecting and they had
information that came in relative to [REDACTED]
[REDACTED] they would code that
information as a [REDACTED].

When you saw the Operational
Information this morning from [REDACTED] that is where
each of these would be coded against.

[REDACTED]

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[REDACTED]

MS. DION:

Q. Okay. Thank you.

Can you tell us what the Intelligence Products are that are prepared by the IAB?

A. Sure. IAB produces a variety of products.

The key product that I produce is called the IA, or the Intelligence Assessment, and those are Analytic Pieces based on Service Reporting, as well as on open information.

Some are more "big picture" strategic: you know, the overview of the threat environment: *How is it evolving? How is it emerging? How is it changing?*

Others are a little more tactical, where you are looking at an event that is happening or where you are looking at something like the [REDACTED]

[REDACTED] for example: [REDACTED]
[REDACTED] *What is the potential for violence?*

Those are IAs.

1 Those are written primarily for our
2 Government of Canada Partners.

3 That is who we write them for.

4 We write them either because we have
5 been directed to by the Executive ---

6 We will get requests saying: *Please*
7 *write me a Paper on "X".*

8 That happens a fair bit.

9 We will write them because one of our
10 Government of Canada Partners says: *"I would like an*
11 *Intelligence Assessment on..."*

12 On an issue or an event that is coming
13 up.

14 *"It is something we need to know*
15 *about."*

16 So we will do that.

17 Or occasionally the SAs themselves
18 will see that there is information there that needs to
19 be written about, and we do so.

20 So the IA is the core product that, as
21 SAs, we produce.

22 IAB also produces what we call a
23 "CIR", C.I.R., which is a CSIS Intelligence Report.

24 The CIR is what we call our ---

25 It is the dissemination of raw intel,

1 where we have information [REDACTED]
2 [REDACTED]

3 We think it is valuable, that there is
4 a threat nexus, regardless of what the File is.

5 Usually, they are no more than one or
6 two pages.

7 And we send them out.
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Again, they are primarily designed for
18 our Government of Canada Partners. They also go to Law
19 Enforcement.

20 And if it is specifically a threat
21 relative to someone in Industry or the Private Sector,
22 then it would go out to them as well.

23 So that is what a "CIR" is.

24 On top of that, we also write TRAs,
25 Threat and Risk Assessments.

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[REDACTED]

Threat Assessments are written for
Government of Canada Departments by request.

So someone will say: [REDACTED]

[REDACTED]

A few years ago, a TRA was written for
the NEB

They put a request in saying: "Could
we have a Threat Assessment?"

So a Threat Assessment was written for
the NEB

It is in the Book.

Primarily, it focussed on the [REDACTED]

[REDACTED]

It wasn't written by me, [REDACTED]

[REDACTED]

1 And then the last Piece that we write
2 is what is called an N.S.A.W.B., which is the National
3 Security Advisor Weekly Brief.

4 That is a document that is prepared
5 specifically for the NSA.

6 He gets a weekly update of key issues
7 and events that are emerging in the Department. But
8 the NSAWB is where SAs are asked to sort of write a
9 one-pager on something, following up on something or on
10 an emerging issue, just for him, where we are saying:
11 *"Look, here's something really interesting happening*
12 *that we think you will be interested in."*

13 Or it could be something that he has
14 expressed an interest in, and we will write about it
15 going-forward.

16 [REDACTED]
17 [REDACTED]
18 [REDACTED] So when something comes in that is very
19 relevant to that, I write it.

20 Those are sort of the four main
21 Products that we produce.

22 Q. Are you familiar with ITAC?

23 A. I am. ITAC is sort of a stand-
24 alone Organization, housed in our Building. It reports
25 through our Director.

1 They are a ---
2 Up until 2011, "ITAC" stood for
3 "Integrated Threat Assessment Centre".

4 They have Analysts; they have
5 individuals from a number of different Federal
6 Departments who go on Secondment there.

7 ITAC produces two core or key
8 products. One is what they would call a [REDACTED]
9 [REDACTED] the
10 [REDACTED] whatever.

11 They are the ones who get out, right
12 away, both the classified and unclassified documents,
13 saying: "Here's what's happening. Here's what we
14 know. Boom! Here's what we see as potential going-
15 forward."

16 They get them out very quickly, and
17 they do a really good job at getting sort of quick
18 information out to both classified and unclassified
19 audiences ---

20 So, Energy, Front-Line Responders.
21 You name it.

22 They also provide sort of "bigger
23 picture", more similar to our Intelligence Assessments,
24 more analytic Pieces.

25 However, as I mentioned, their name

1 changed and their mandate changed in 2011.

2 Up until then, it was "Integrated
3 Threat Assessment Centre", which could be interpreted
4 to be quite broad. However, it changed in 2011 to
5 "Integrated Terrorist Assessment Centre".

6 So that very much narrowed the focus
7 of what they can look at.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 We are on the same page as ITAC.

12 So, you know, [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 So by and large, since 2011, very,
16 very rarely will [REDACTED]
17 [REDACTED]

18 MS. DION: Just for your information,
19 Mr. Fortier, because of that distinction between
20 "threat" and "terrorism", we have included, at Volume
21 5, Exhibit CSIS-8A, Tab 10, the list of ITAC
22 recipients, if you like. However, we weren't planning
23 on bringing forward a witness to testify in that
24 regard.

25 But just for the Committee's

1 information, you have a fairly lengthy list of people
2 from various Organizations who do receive these
3 Products that [REDACTED] described for you generally.

4 THE PRESIDING MEMBER: Perhaps you
5 could just ---

6 I am not sure I understand: "ITAC
7 Password Protected Website Users..."

8 MS. DION: Those are the unclassified
9 recipients to whom the ITAC Reports are disseminated,
10 the ITAC Products; and then there is another List in
11 Volume 3, Exhibit CSIS-6A, at Tab 5, which is the
12 Classified Reporting, the recipients to whom the
13 Classified Reporting would get disseminated to.

14 Originally, that List was put in after
15 the Tab. But it didn't print properly, so we reprinted
16 it.

17 If the Committee wishes more
18 information on ITAC Products and ---

19 THE PRESIDING MEMBER: No, no. I just
20 want to ---

21 I don't think that is necessary. I
22 just want to be certain that I understand the thrust of
23 these Exhibits.

24 Tab 10 in Volume 5...

25 It is what it says it is. Those are

1 the Website Users who are "ITAC Password Protected..."

2 MS. DION: Who can access ITAC
3 Products.

4 THE PRESIDING MEMBER: Right.
5 And we see the Organization to which
6 they belong.

7 These are some of the Federal
8 Departments, Provincial Departments, Municipal
9 Departments...

10 MS. DION: Yes. And you have Private
11 Sector...

12 It is quite a lengthy list, as you can
13 see.

14 THE PRESIDING MEMBER: So I see, yes.
15 --- (A Short Pause)

16 MS. DION:

17 Q. Going back to IAB Products, you
18 mentioned a TRA, a Threat Assessment that went to the
19 NEB

20 I would like you to take you to that
21 Threat Assessment...

22 A. Sure. It is at Tab 2.

23 Q. Yes. So, Tab 2 of Volume 3,
24 Exhibit CSIS-6A,

25 A. Yes.

1 Q. Walking us through the Report --
2 again, in a very summary fashion -- can you tell us
3 what the threats were that were identified in regards
4 to the National Energy Board at that time?

5 A. Sure.

6 The first page lays out sort of the
7 core assessments, on Page 30. You will see, right at
8 the front, it says:

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[REDACTED]

(As

Read)

That was the crux of the Threat
Assessment. That was the rationale for why it was done
in the first place.

[REDACTED]

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[REDACTED]

That was another area that was looked
at.

And it goes on.

And then, as you can see on Page 40,
in [REDACTED]
[REDACTED]

When you do a TRA, you want to include
all aspects that might have a nexus to the Department
or the asset that you are writing about.

So I wrote the [REDACTED]

As you can see, it doesn't get into
great detail.

It is a high-level Piece. We are not
looking at nitty-gritty or Groups or names, or anything
else. It is, sort of: Here's what we see, as a
Service.

We do, sort of ---

In the latter part of that Paragraph,
we say:

[REDACTED]

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[REDACTED]

" (As Read)

[REDACTED]

like I said, we kept it fairly "high-level", "big picture", as opposed to getting into the nitty-gritty of Groups or names, or anything like that.

Q. Thank you.

Moving on to what you have identified as "CIRs" ---

So, CSIS Intelligence Reports...

A. Yes.

MS. DION: For the Committee's information, at Tab 3, Pages 60 and 62, we have the CSIS Intelligence Reports that were pulled [REDACTED]

[REDACTED]

Q. I will ask you to explain to the Committee, [REDACTED] why these Reports were written.

1 What was the threat? What was the
2 information that the Service wished to disseminate?

3 A. To convey. Sure.

4 The first one, on Page 60 ---

5 Just by way of some context, in terms
6 of the dissemination, that would be the List of the
7 Federal Departments that received it.

8 When we talk about the "Source", [REDACTED]

9 [REDACTED]
10 [REDACTED]
11 That is a good way of putting it.

12 So under "Source", it says:

13 [REDACTED]
14 [REDACTED]
15 [REDACTED] (As Read)

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 It goes on to say:

21 [REDACTED]
22 [REDACTED] " (As
23 Read)

24 [REDACTED]
25 [REDACTED]

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[REDACTED]

The information in this one talks

about:

[REDACTED]

[REDACTED] (As Read)

[REDACTED]

Where it got interesting from a
Service perspective and where information came to light
that we thought it important that our GOC Partners

1 hear, we had ---

2 And again, as you will have noticed,
3 we don't give names of individuals. It is not written
4 in that way.

5 It goes on, in Paragraph 2, near the
6 bottom, to say:

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8

9

[REDACTED]
(As Read)

10 And then in the following paragraph,
11 it goes on and says:

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(As Read)

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[REDACTED]

And then on the second page, if you
flip it over, we actually give a CSIS Comment -- and we
are just explaining why: *Why did we send this out?*
Why, as a Service, did we write this CIR?

And we are saying: *We are putting*
this out as contextual information, [REDACTED]

THE PRESIDING MEMBER: I don't see any
reference here, [REDACTED]

THE WITNESS: No. At the end of the
day, we wouldn't necessarily ---

[REDACTED]

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[REDACTED]

So...

--- (A Short Pause)

(To Ms. Dion): Do you want to talk
about the second one?-[REDACTED]

[REDACTED]

MS. DION: Yes, please.

THE WITNESS: Sure.

If you turn over to Page 62, we have
the "Dissemination", the "Source", the "Information".

This one actually specifically
references [REDACTED]

[REDACTED]

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[REDACTED]

It goes on a little bit more, saying:

[REDACTED]

And we also know -- and it is within
one of our IAs later on -- that [REDACTED]

[REDACTED]

1 At that time, we had Reporting coming
2 in that an [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 I have a Paper that is included in
8 here on what it all includes. But there is certainly
9 an extreme element to it and that understanding that

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 MS. DION:

23 Q. Was this Report shared with the
24 NEB?

25 A. No, it was not. It only went to

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[REDACTED]

Q. Do you have a list of CIRs [REDACTED]

[REDACTED]

A. Yes. Right at the beginning, I believe, of Tab 3, in that same Binder...

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

If you turn to Page 54, you can see a listing of dissemination on each of those.

Starting on Page 54 and going on to Pages 55, 56, 57, 58, and 59.

In each of those, in Column "D", you will see that [REDACTED]

[REDACTED]

A whole bunch of other areas that, at the time that those CIRs were written by the Requirements Officers who write them, they believed that, at some level or for some reason, there was a nexus to [REDACTED]

[REDACTED]

1 We went back and checked and all of
2 the Domestic CIRs [REDACTED]
3 that we wrote -- [REDACTED]

4 Q. You are aware of the allegations
5 that are being made in this case: that the Service
6 shared information about seven Groups, Dogwood
7 Initiative, Sierra Club, Council of Canadians,
8 EcoSociety, ForestEthics, LeadNow, Idle No More, with
9 the NEB and also with private sector oil industry
10 members.

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 A. [REDACTED] The main forum that
15 the Service has for sharing classified information with
16 the Energy Sector is through the Classified Briefings.
17 They have been going on since the
18 early 2000s.

19 They are held twice a year.
20 I believe SIRC took a look at the
21 Classified Briefings in their Review in ---

22 I think it was 2011 that it came out.
23 It looked at the Service's
24 collaboration/interaction with the Private Sector, and
25 I believe that SIRC at that time identified the

1 Classified Briefing as "a good mechanism for sharing
2 classified information with the Energy Partners".

3 So, yes. Like I said, the Classified
4 Energy Sector Briefings are held twice a year.

5 We don't run them. They are
6 coordinated and organized by Natural Resources Canada.

7 They are hosted in our Building.

8 At those Briefings, there are ---

9 It is a one-day event.

10 There are Speakers from ITAC and the
11 RCMP, and the Energy Sector.

12 So there is a real range. There is no
13 specific focus of topics. There is a whole range. [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 Well, I speak at them generally once a
19 year. I usually do the Spring Session. I am usually
20 invited to speak.

21 NEB is part of that Group. So they do
22 come; they do attend.

23 I speak about a range of issues. [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 That is one area that I focussed on.
2 But by and large what I speak on is
3 [REDACTED] in the "big
4 picture".

5 When I speak and Present, we look at
6 it on that broader level. We look a lot at ---

7 Initially, because we hadn't spoken at
8 this Forum before on Domestic Extremism, the first
9 couple of times there was a lot of discussion of: *What*
10 *is domestic extremism, in the Service's view? What are*
11 *examples of serious acts of ideologically-motivated*
12 *violence, from a Service perspective, on the Domestic*
13 *File?*

14 I have spoken a fair bit to that Group
15 about triggers: *What are the confrontation triggers*
16 *that lead to the potential for violence?*

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Additionally, I've spoken, for
22 example, about the violent [REDACTED]

23 [REDACTED]
24 [REDACTED]

25 I've spoken in a "bigger picture" way

1 [REDACTED] not so
2 much on who the people are, but what it is and what it
3 represents, and why it is happening, and trying to talk
4 about it at that level.

5 But to bring it back to [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 And because I had done the work on the
12 Domain Awareness research already for our Management, I
13 did a quick Talk on what it is.

14 And I was very clear. I said: I
15 don't see this as a threat. We have done the
16 Assessment. Here's what it's all about. Here's why
17 [REDACTED]
18 [REDACTED]

19 And so we followed it through. We
20 talked about it.
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 And oftentimes when we write
25 Assessments -- and there is at least one Assessment in

1 your Binders -- we will write and say: "We don't see a
2 threat."

3 We often will write about that.

4 In this case, we are saying: "We
5 don't see the threat. It's not there."

6 Likewise, this past Spring ---

7 THE PRESIDING MEMBER: Is this at one
8 of these ---

9 THE WITNESS: Yes.

10 THE PRESIDING MEMBER: -- so-called
11 Classified Briefings?

12 THE WITNESS: Yes. Yes, it was.

13 The last time I spoke, [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 So that is what the focus of the Talk
21 was.

22 I wasn't the only one on the Panel.
23 ITAC was there, and there were others. But that is
24 what I focussed on.

25 What we are trying to do when we speak

1 is to provide something to Industry that they might not
2 already know.

3 And even though they are Classified
4 Briefings, ---

5 As you can imagine, [REDACTED]
6 the information that I was basing all my Assessments on
7 was open source. It's just that it is not something
8 that they had done before. So the fact that it was in
9 a Classified Forum, it wouldn't have mattered in many
10 ways, because what I was sharing wasn't necessarily
11 classified.

12 MS. DION:

13 Q. You have spoken [REDACTED]
14 at these Conferences. Have you ever spoken about
15 [REDACTED]?

16 A. I have not spoken about any of the
17 other Groups at these Forums. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 Q. In relation to what?

23 A. In relation to [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 (To the Presiding Member): Would you
2 like the background on it, or do you care?

3 I mean, I think you ---

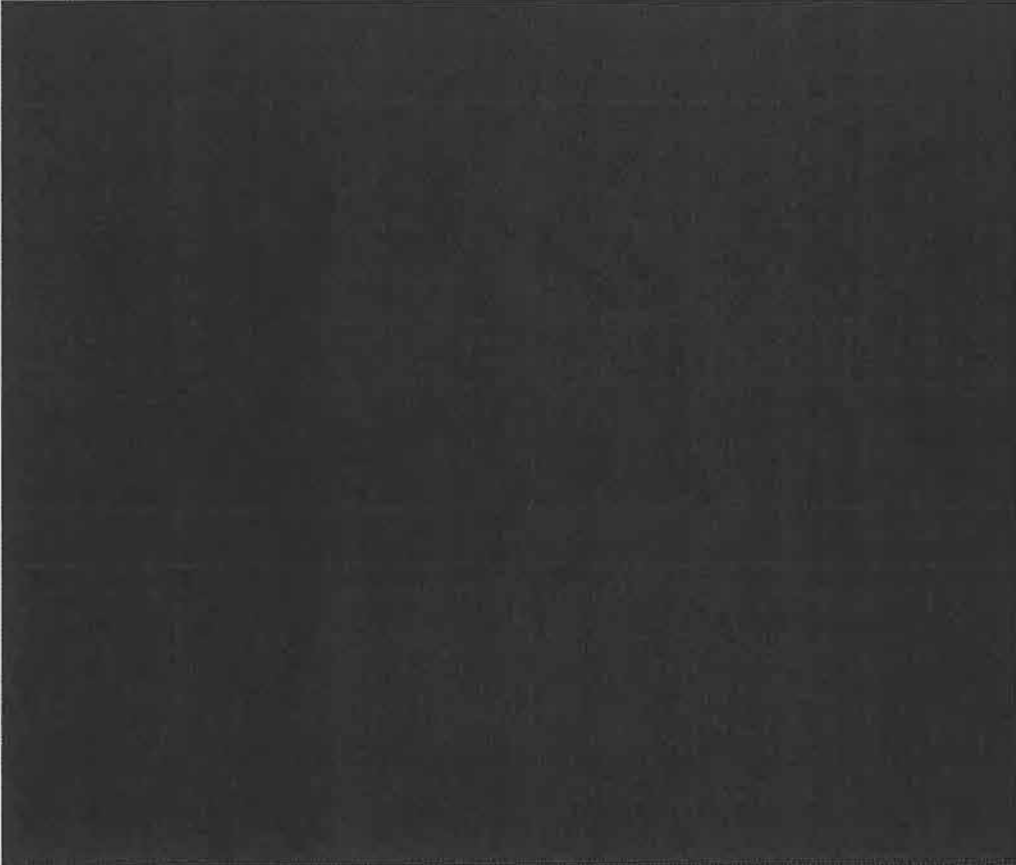
4 THE PRESIDING MEMBER: It was
5 mentioned by ██████████ this morning.

6 THE WITNESS: Okay. So would you like
7 some ---

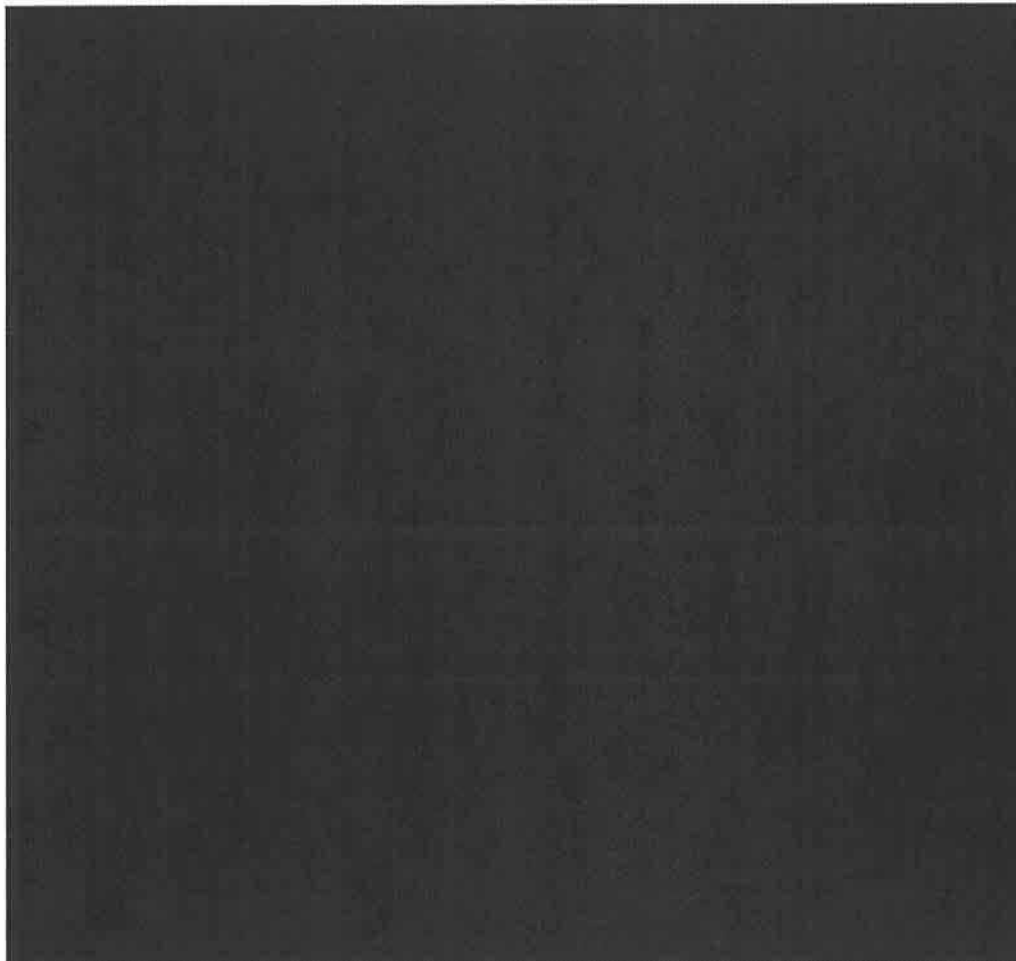
8 THE PRESIDING MEMBER: Yes, sure.

9 THE WITNESS: Okay. I didn't want to
10 take up any unnecessary time.

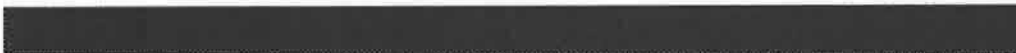
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Where it meets our threshold is that



have expressed repeatedly their belief that violence
will be the only way that they are going to be
successful in the end.

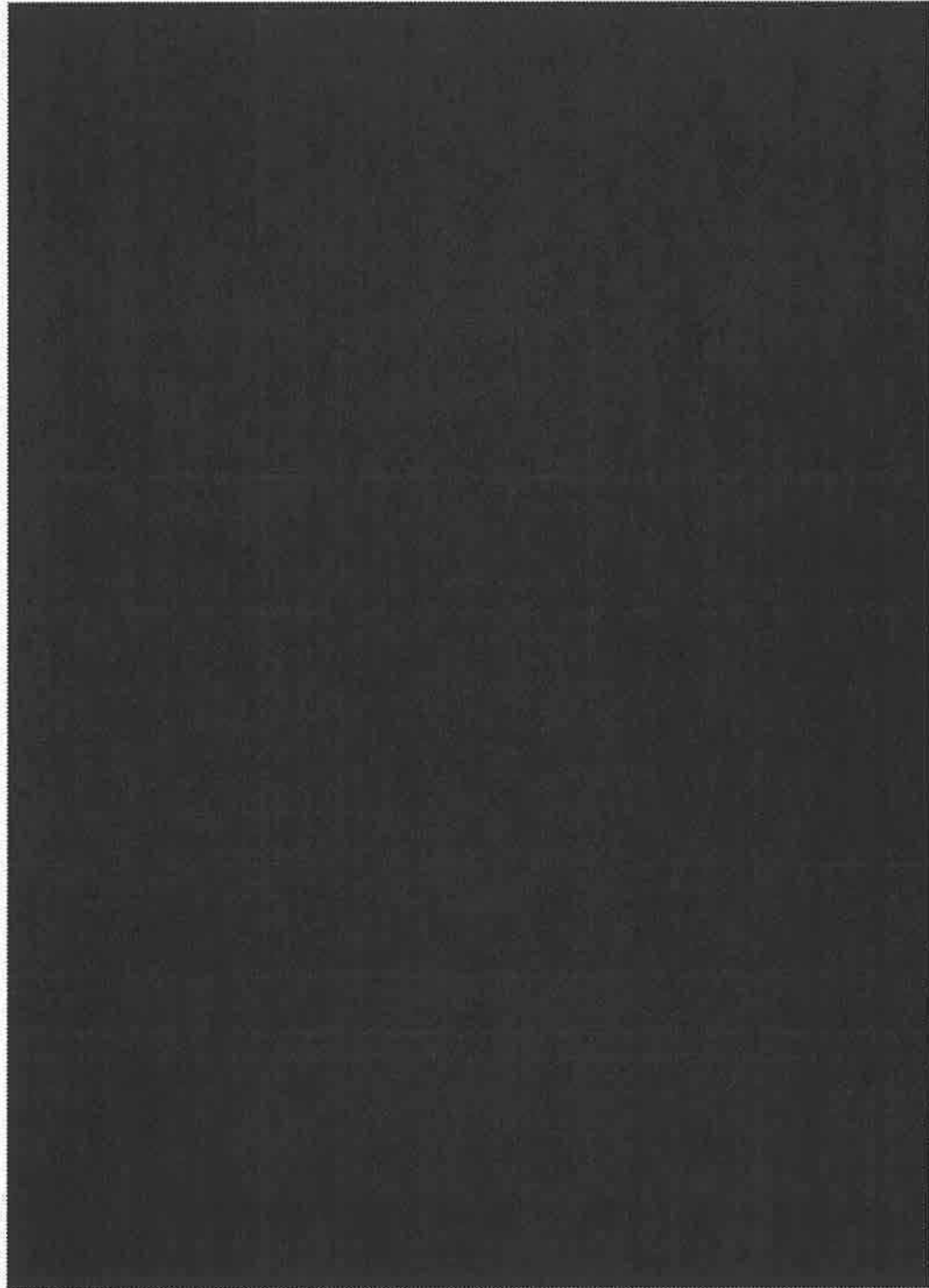


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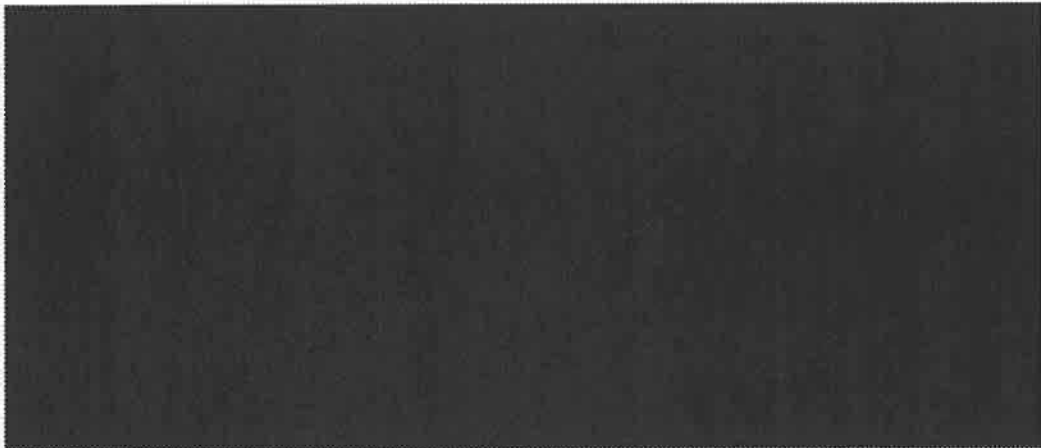
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[REDACTED]
in-ch. (Dion)

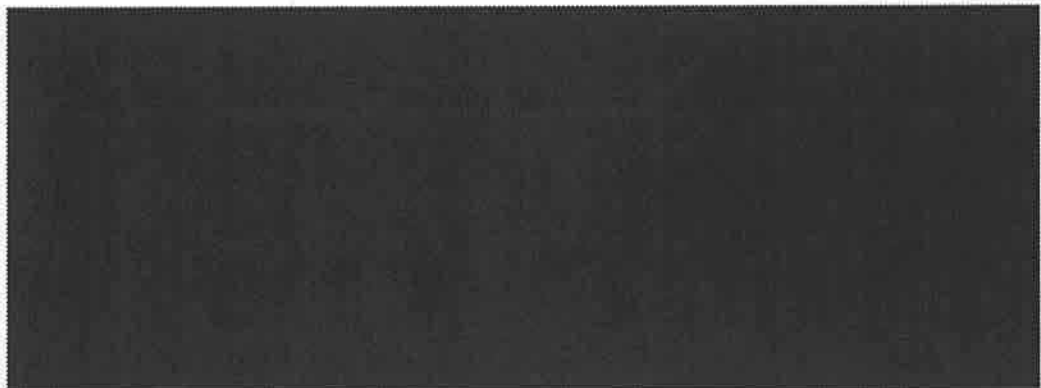
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It was an internal Report. It was
"CSIS Eyes Only".



MS. DION:

Q. Can you take us to that Report,
the [REDACTED] Report that you are referring to?

A. Sure. It is in Tab 4, I think...

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

Sure. It is on Page 333. That is
where it starts.

1 Q. And who did this Report go to?

2 A. This is "CSIS Eyes Only".

3 So it didn't leave the building.

4 This is a Paper I wrote in December
5 2014.

6 It didn't leave the building. But if
7 you turn to Page 335, Paragraph 9 ---

8 As I did my research, you can see that
9 I say: [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Ultimately, I had a more generic Piece
17 that went out on the [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Q. I would like to refer to that
22 Report.

23 Do you have Volume 5 in front of you?

24 A. Yes.

25 Q. This is Exhibit CSIS-8A, at Tab 2,

1 Page...

2 I believe ---

3 A. Page 8, yes.

4 Q. That is Page 8?

5 A. (Reading):

6 [REDACTED]

7 [REDACTED]

8 No. That's ---

9 Sorry. Hold it.

10 --- (A Short Pause: Witness reviewing referenced

11 documentation)

12 Q. I refer you to Page 38...

13 A. Okay.

14 THE PRESIDING MEMBER: Which Tab

15 again?

16 MS. DION: We are at Tab 2 of Volume

17 5, Exhibit CSIS-8A.

18 THE PRESIDING MEMBER: And Page...?

19 THE WITNESS: Page 38.

20 THE PRESIDING MEMBER: Thank you.

21 MS. DION:

22 Q. Is this the Report you are

23 referring to?

24 A. This is the Report.

25 Q. Okay. Thank you.

1 Could we find the corresponding
2 paragraph to the one that refers to the [REDACTED] in the
3 "CSIS Eyes Only" one?

4 --- (A Short Pause: Witness reviewing referenced
5 documentation)

6 A. Maybe this Tab over here...

7 Q. If I were to refer you to Page
8 42...

9 A. And it's Paragraph 18. It starts
10 at Paragraph 18, where it says:

11 [REDACTED]
12 [REDACTED] (As Read)

13 And in Paragraph 20, it goes on to
14 say:

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED] (As Read)

19 [REDACTED] in
20 that paragraph and in Paragraph 19 as well, where we
21 say:

22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED] (As Read)

2 So rather than saying [REDACTED]

3 [REDACTED] it's just a generic [REDACTED]

4 [REDACTED]

5 Q. Okay. Thank you.

6 If I take you to Volume 3 again, at

7 Tab 4...

8 Again, this is Exhibit CSIS-6A.

9 Looking at the first page, can you
10 tell us what that is, please?

11 A. Page 50?

12 Q. Page 64. Sorry. Tab 4.

13 A. Page 64...

14 --- (A Short Pause: Witness reviewing referenced
15 documentation)

16 Sorry. Which Volume did you want?

17 MS. DION: Volume 3.

18 THE PRESIDING MEMBER: The first page;
19 right?

20 MS. DION: Yes, the first page.

21 THE WITNESS: Sure.

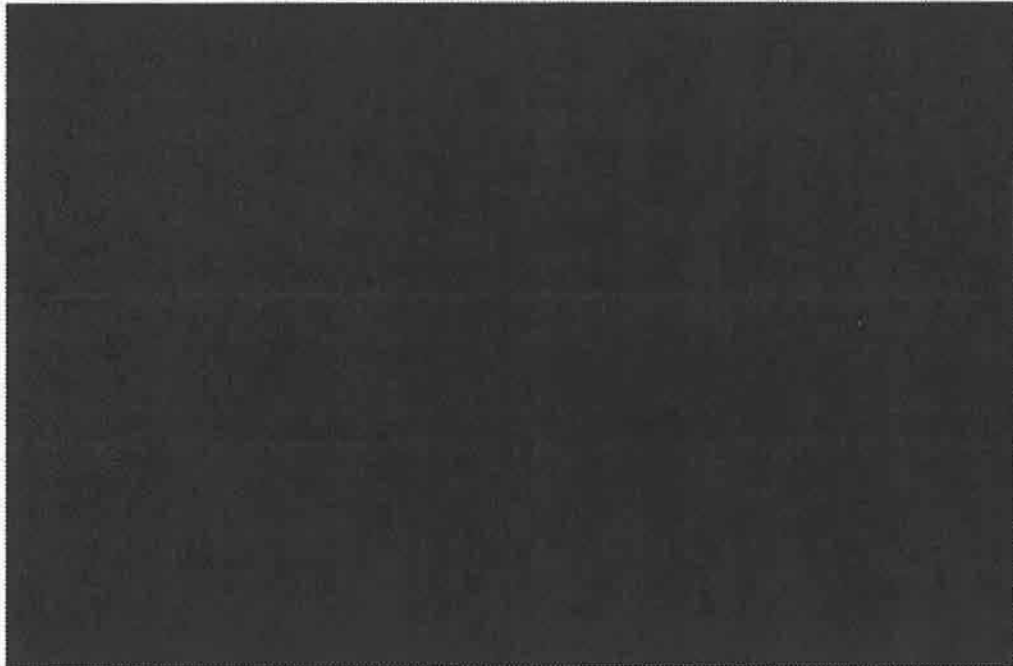
22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 That whole first Piece is Intelligence

1 Assessments, predominately written by myself ---
2 Some were written by my colleague.
3 -- all of which have somewhere in them
4 a nexus to resource development in Canada.



17 But, yes, that first bit, those are
18 predominantly IAs that I've written.

19 MS. DION:

20 Q. For the IAs on Energy and Domestic
21 Extremism, do you know which, if any, of these were
22 sent to the National Energy Board?

23 A. None of these went to the National
24 Energy Board. The only one that I am aware of is the
25 Threat Assessment that we wrote for the National Energy

1 Board.

2 And the way we would know is, whenever
3 we write an Intelligence Assessment, [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 Q. I will take you to Volume 5, Tab
13 2, Page 27...

14 --- (A Short Pause: Witness reviewing referenced
15 documentation)

16 A. Yes. And I said "none of the ones
17 on the list".

18 I wasn't sure that [REDACTED]
19 was there.

20 This is the one IA that did go to the
21 NEB.

22 Sorry.

23 When I looked back at the last second,
24 I remember the [REDACTED] was on it.

25 This was a Paper that I wrote in 2013

1 ON [REDACTED]

2 This again fits within that "Domain
3 Awareness" category.

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 were asked by Management to write a Piece and to do an
10 Assessment on whether [REDACTED] might
11 constitute a "serious act of ideologically-motivated
12 violence".

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] "no, we don't see it as
17 a threat to serious acts of ideologically-motivated
18 violence".

19 It was decided at the time that this
20 was the one Paper we could share with the NEB because
21 it was so generic, in a sense. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

So we sent that to them as an Awareness Piece, to say: "This is an FYI. We are not saying it is a national security issue. However, we believe that you may come across it"

[REDACTED]

THE PRESIDING MEMBER: Where do I see that this Report was sent to the NEB?

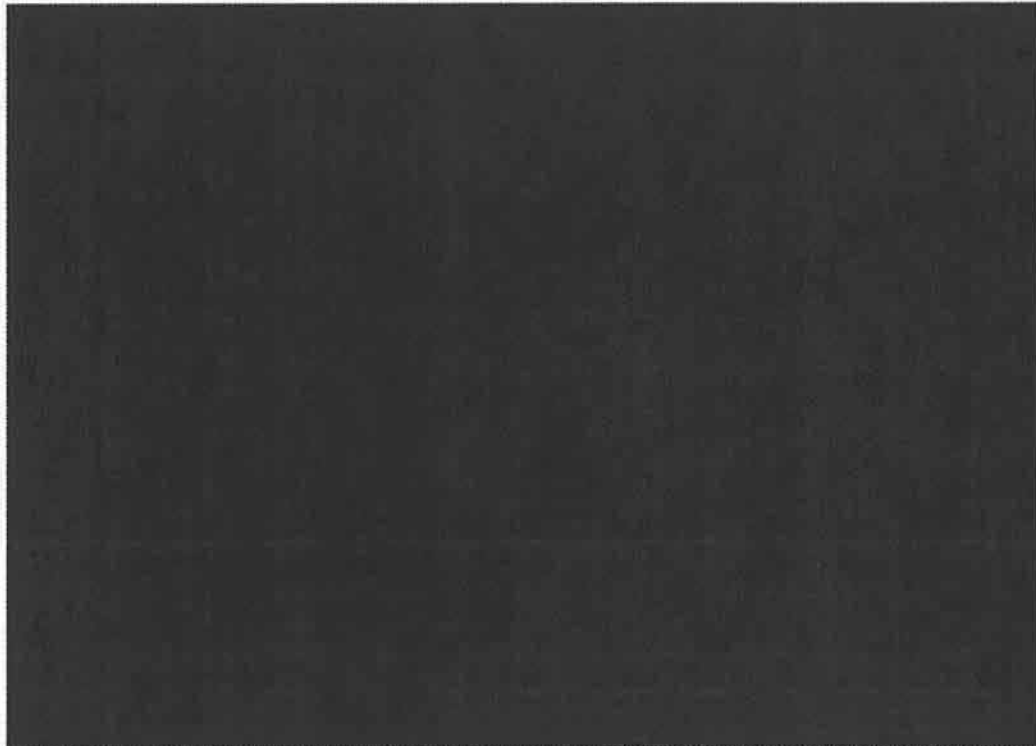
MS. DION: As the Witness has explained, the [REDACTED]

Q. Perhaps you could comment, [REDACTED]
[REDACTED] on the length of [REDACTED] and ---

A. Sure.

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THE PRESIDING MEMBER: You would have a shorter list of people and agencies who didn't receive it!

THE WITNESS: Oh, it would be easier to go the other way around. Absolutely!

MS. DION:

Q. What steps did you take to verify what went to the NEB, prior to the Hearing?

A. We have an Administration person who coordinates all of those Forms.

Once they are filled out ---

Like, the Analysts fill them out the

1 first time.

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 So we went back and asked her to take
6 a look through [REDACTED] to see which ones
7 went to the NEB, and the TRA did and then this one did,
8 on the "Domestic" side.

9 MS. DION: If that is something that
10 SIRC would like to see, we could always provide it. We
11 just decided, because of the length of the document and
12 the fact that the Witness was able to testify that it
13 went to the NEB, it wouldn't be necessary ---

14 THE PRESIDING MEMBER: Sure. Yes.

15 MS. DION: SIRC, of course, has access
16 to all of the Service's holdings. So it is obviously
17 something we could provide.

18 THE PRESIDING MEMBER: I think that is
19 sufficient.

20 MS. DION: Thank you.

21 Q. Did this Intelligence Assessment
22 mention any of the Groups that are the subject of this
23 Complaint?

24 A. No, it did not.

25 Q. Besides these Intelligence

1 Assessments and the CIRs you talked about, the Threat
2 Assessments, what other means are there for the IAB or
3 the Service to share information with, and to liaise
4 with, Provincial Partners, Private Sector entities,
5 other Government of Canada ---

6 A. Sure.

7 As I mentioned earlier, there is the
8 Classified Briefings, which are held twice a year.

9 They are a really good mechanism for
10 getting information out.

11 At the same time, our Regional
12 Offices, all of our Regional Offices, have either
13 stand-alone Liaison Units or individuals who serve
14 Liaison functions, and one of the things that our
15 Liaison People had heard for a number of years from
16 Industry, even when I first started [REDACTED]

17 Law Enforcement was different.

18 But from Industry especially, what
19 they heard was: *The Service always wants information*
20 *from Industry about all of these areas, but there is*
21 *never anything to give back.*

22 You know, it was: "You want
23 everything. But, you give us nothing" -- regardless of
24 what that was -- and so the CIRs, for example, do go to
25 Industry.

1 If there is a CIR that comes out that
2 has direct relevance/relation to Industry, and
3 especially for those industries that are working
4 internationally ---
5 [REDACTED]
6 [REDACTED]

7 "If we get raw intel that says, you
8 know, there is a threat to your installation [REDACTED]
9 [REDACTED] "it will get
10 forwarded to you."

11 And as the Service always says to
12 Industry: "If there was ever a CIR that we had, or
13 information that we turned into a CIR that was domestic
14 extremism, something that meets our threshold, that was
15 a clear threat to one of your facilities or to one of
16 your Hearings, we would get it to you -- because that
17 is a necessity of doing our job. We have to let you
18 know. [REDACTED]

19 However, going back to our Liaison Folks, we have
20 developed a fairly extensive Liaison Programme ---"

21 Which SIRC reviewed in ---

22 I think it was in 2010, and the Report
23 came out in 2011.

24 "--- and partly, Liaison's job is to go
25 out and help people understand what it is we do ---"

1 Because we haven't been around that
2 long. A lot of people don't have a full understanding
3 of what we look at and what we don't look at, what our
4 mandate is.

5 *"But beyond a "CSIS-101", it has*
6 *evolved, and so there are Presentations, generically,*
7 *on* [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 So all SAs, to varying degrees, are
13 called upon by the Regions, often at higher levels, to
14 go out with Liaison to Industry to talk about whatever
15 the area of concern is.

16 [REDACTED]
17 [REDACTED]
18 I have been asked a number of times to
19 go out to different Regions to brief Law Enforcement,
20 to brief Provincial Governments, and to brief Industry
21 on domestic extremism: You know, what do we see ---

22 And again, we are not there to say
23 *"Oh, I'm seeing Person X in your area."*

24 As a Strategic Analyst, I don't get
25 into the weeds quite that much.

1 You know what I mean.

2 I try to keep mine at a little bit of
3 a higher level.

4 When we go out with Liaison, in many
5 ways we survey ---

6 We are assisting Operations in that
7 "give-to-get" approach to things.

8 There have been several instances --
9 which are actually in my Highlights -- where I wrote,
10 when I came back from a trip: "I went out and did a
11 Presentation. Because of the Presentation, one of our
12 Ops persons was invited to have a Meeting to discuss
13 something operational with one of the Attendees."

14 For me, that shows that we are doing
15 our job in terms of getting out there and sharing
16 information.

17 Oftentimes, because of what I do and
18 so much having to do with Domain Awareness, it's not
19 even classified information.

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[REDACTED]

So we find that the Liaison Folks really lean on us as part of what they do, when they talk about collaboration and the importance of collaboration, the requirement for Liaison to have strategic engagement with the Private Sector.

And so increasingly, it has evolved that we assist in fulfilling that function.

Q. Have you ever given such Briefings to the National Energy Board?

A. I've met with the National Energy Board. Classified Briefings. I've chatted with them. You get to know them.

So I've had Meetings with them, Briefings; small group Briefings.

They are in the Highlights. I've never been to NEB's building. I've never gone out and had meetings with them.

Other SAs have. There have been Briefings directly to NEB Executives: [REDACTED]

[REDACTED]

1 They are in the Highlights. But no, I
2 haven't gone out to see them.

3 I've met with them, obviously, when
4 they're here for part of the Classified Briefings, or
5 if they are in town and they come out to our building,
6 we'll have a chat. But we are discussing "bigger
7 picture". You know: *What's going on? What are the*
8 *trends? What are emerging threats?*

9 But I haven't been out to them
10 specifically to talk.

11 Q. When you refer to "Highlights",
12 what exactly are you referring to?

13 A. Sure. The highlights are in Tab
14 6, Binder 3.

15 Every time any SA in our Branch has a
16 Meeting that goes above your "normal day-to-day doing
17 your job at your desk" or meeting with the Operational
18 Folks ---

19 So any time you meet with another
20 Government of Canada person, any time you brief a
21 Minister, any time you brief the Provinces, or Law
22 Enforcement, or you meet with anyone in Industry, you
23 write up what we call a "Highlight".

24 And they are fairly short. We are
25 told not to make them very long.

1 You can see, starting on Page 397...

2 This is how many there are [REDACTED]

3 [REDACTED] These are all ones that I've written over

4 [REDACTED]

5 Going back to, I guess, 2009 or so.

6 There are a lot. Year-over-year,
7 there is quite a pile.

8 So you can get a sense of who we meet
9 with, what we are talking about, and why we're doing
10 it.

11 The ones that you may be interested in
12 specifically ---

13 If you turn to Page 418 and you go
14 down to [REDACTED]

15 (Reading):

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

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[REDACTED]
[REDACTED] (As Read)

And then the last part says:

[REDACTED]

(As Read)

And it got cut off. But, you know,
that is sort of something that came out, as an example,
of often what happens when we are talking to Industry.

They realize: "Okay. It's a 'give-
to-get' in some ways."

So...

MS. DION: For your information, Mr.
Fortier ---

Again, we had some issues with the
printing of these documents. They were in Excel and
once they were uploaded in our System, some of the
things got cut off.

So we have reprinted them in Book 5.

So you will have the full information,
and we've added some of the missing Years as well that

1 hadn't been included the first time.

2 So those are at Tabs 4 and 5 of Book
3 5, of Volume 5, Exhibit CSIS-8A.

4 I apologize. We were struggling to
5 meet the early December filing deadline for those
6 Books.

7 THE PRESIDING MEMBER: Very well.

8 MS. BOWERS: I apologize. I missed
9 the reference.

10 Where in Volume 5...?

11 MS. DION: Volume 5, Tabs 4 and 5.

12 You will see that at Tab 4, it reads

13 "IAB's [REDACTED]
14 "related to the energy sector"; and then Tab 5: "IAB
15 Energy, Domestic Extremism-related briefings".

16 These are reprints of the ones that
17 didn't print properly in Volume ---

18 MS. BOWERS: Okay. So they are the
19 same information; just in a different format?

20 MS. DION: With the exception of some
21 of the Briefings. Some of the Years were missing and
22 so they were added on as well, just to give SIRC the
23 full picture in respect of all figures covered under
24 this Complaint.

25 THE PRESIDING MEMBER: Thank you.

1 MS. DION: I don't intend on having
2 the Witnesses go through them. It was just a matter of
3 providing SIRC with the full information.

4 THE PRESIDING MEMBER: Yes. Thank
5 you, Madam Dion.

6 MS. DION:

7 Q. To your knowledge, has SIRC ever
8 reviewed these relationships and Liaison with Private
9 Sector members?

10 A. They have. That was a Review that
11 took place in, I believe it was, 2010. It came out in
12 2011.

13 It is right at the beginning of Tab
14 10. It is "Review of CSIS's Private Sector
15 Relationships".

16 I think it is Page 712.

17 As I understand it, this was the first
18 time that SIRC had looked at the Service's Liaison
19 capacity, and it looked at it from a Regional ---

20 Looking at it from a Regional
21 perspective, how does Liaison interact?

22 And as SIRC points out as you go
23 through it, the importance ---

24 As part of the Government of Canada's
25 broader CT strategy, Counter-Terrorism strategy, and as

1 part of, more generally, critical infrastructure
2 protection, the importance of collaboration, not only
3 the Service with Government of Canada and Law
4 Enforcement Partners but also with Industry.

5 It makes a comment -- if I can find it
6 -- about "collaboration and the importance of
7 collaboration going-forward".

8 Q. I have only a few more questions
9 for you, [REDACTED]

10 For my next question, I would like you
11 to turn to Tab 9, Page 633...

12 A. Yes.

13 Q. Have you seen this document
14 before?

15 A. Yes. This is from June 2014.

16 As it says at the top, this was a Memo
17 to our Director for the Meeting of the Deputy
18 Ministers' Committee on Resources and Energy.
19 [REDACTED]

20 This was -- and I referenced this a
21 little bit earlier.

22 This was a Deputy Ministers' Meeting
23 downtown where ---

24 These are Committees at the "high
25 levels" that meet regularly to discuss a variety of

1 issues, which normally we have no involvement with.

2 This one was interesting because this
3 was looking at ---

4 It says "Government Operations Centre,
5 Risk Forecast 2014".

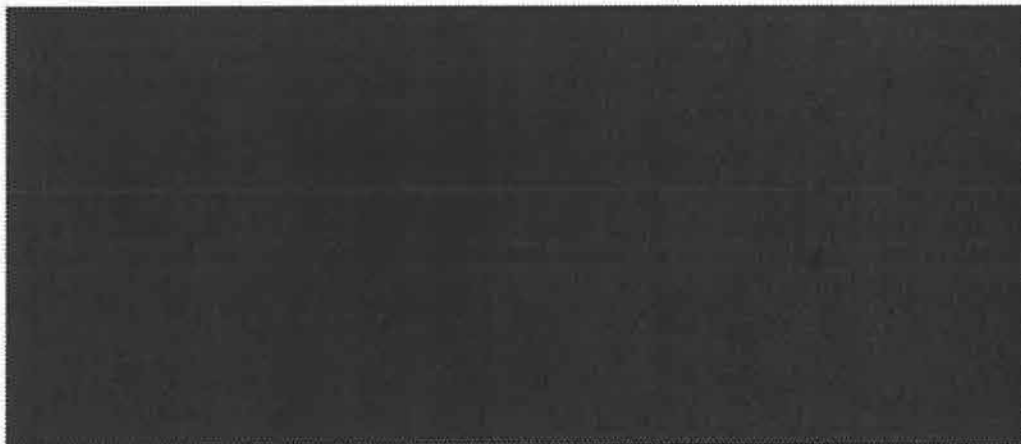
6 The Government Operations Centre
7 operates within Public Safety, the broad Public Safety,
8 and they had put out a Piece looking at the potential
9 for protest activity during the Summer of 2014.

10 I had seen it earlier. They had sent
11 me a copy to comment on it, before it was released.

12 On Page 633, you will there is a
13 Section that has been shaded out.

14 A fair bit of what this Memo is, [REDACTED]
15 comments for our Executive on [REDACTED] their
16 document.

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"The Service supports the broad GOC

1 assessment of the potential for
2 protests and demonstrations during
3 the summer of 2014; however, it
4 should be noted that the focus of
5 the report falls largely outside
6 CSIS's mandate, which does not
7 extend to non-violent legitimate
8 protest or dissent. Because of
9 this, [REDACTED] the
10 Service did not attend the 2014

11 [REDACTED]
12 [REDACTED] Meeting in
13 support of the Report's
14 development. CSIS met with GOC
15 privately and provided a strategic
16 overview of extremism, reiterated
17 the Service's mandate related to
18 legitimate protest and
19 demonstration activities..." (As
20 Read)

21 And on and on.

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[REDACTED]

[REDACTED] made the recommendation for that Year, for 2014, that we not go, "because it is not us; it is not our lane".

The Report that got put together -- which is in there. And it is fine. But you will notice there is very little of it that comes even close to our mandate.

So rather than going to this Meeting and, by our presence, people perhaps taking it to mean "Oh, it's serious; CSIS is here", we made the decision not to go and we just met with their Analysts privately.

MS. DION: And again just for the Committee's benefit, this is one of the documents that got filed by the Complainant in the redacted format.

So here you have the benefit of having access to the redacted information.

THE PRESIDING MEMBER: Thank you.

What Exhibit Number is it?

MS. DION: It is at Tab 5 of Volume 1, which is ---

Perhaps the Registrar can help me with

1 the exhibit number...

2 THE REGISTRAR: It is Exhibit C-1.

3 THE PRESIDING MEMBER: Volume 1 of the
4 Complainant's ---

5 MS. DION: It would be Exhibit C-1,
6 yes.

7 So that document is found at Tab 5.

8 THE PRESIDING MEMBER: Very well.

9 Thank you.

10 MS. DION:

11 Q. And then the following document,
12 at Page 667...

13 A. Yes.

14 Q. Were you involved in the
15 preparation of this document?

16 A. [REDACTED] This is "Meeting of the
17 Deputy Ministers' Committee on Resources and Energy".

18 Very similar. This was more [REDACTED]
19 contextual information that the Executive had asked
20 for.

21 They wanted to have ---

22 They just wanted to get a sense, in
23 their minds, [REDACTED], of, you know:
24 Where are we in terms of the threat landscape? What do
25 we see? [REDACTED]

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[REDACTED]

Yes. So it was sort of that kind of an overarching Piece that they wanted to have, essentially, in their back pockets when they went to the Briefing.

And then we attached, as part of that, some of the IAs that we had written recently.

This was June 2014 and the violence that had occurred in Rexton was the previous October.

So it was still "fresh". So we have information on that as well.

[REDACTED] and as well on the first page, you'll see that there is a reference to "Gateway".

This is June 2014, and the Decision for the Gateway Pipeline came down shortly thereafter.

So we were just making some comments on what might happen based on what the Decision might ultimately be vis-à-vis [REDACTED]

[REDACTED]

MS. DION: And again for the Committee's information, this is also found at Tab 5 of Exhibit C-1.

THE PRESIDING MEMBER: I apologize.

1 Could you repeat that, please...

2 MS. DION: This document is also found
3 at Tab 5 of the Complainant's Book of Documents,
4 Exhibit C-1, in a redacted format.

5 THE PRESIDING MEMBER: The document
6 that ---

7 MS. DION: The document that we just
8 commented on at Pages 666 and 667...

9 THE PRESIDING MEMBER: Thank you. I
10 was on the wrong page here.

11 MS. DION: My apologies.

12 At Page 667, we have "Memorandum to
13 the Director", "Meeting of the Deputy Ministers'
14 Committee on Resources and Energy".

15 THE PRESIDING MEMBER: Yes. Thank
16 you.

17 And that was in Tab 5 of Volume 1 of
18 Exhibit C-1?

19 MS. DION: Correct.

20 Q. I have two more questions for you,
21 [REDACTED]

22 I will ask you to turn to Tab 9, Page
23 607...

24 A. Yes.

25 Q. This is one of the documents that

1 was pulled as part of the searches that were done

2 [REDACTED]

3 [REDACTED]

4 Can you explain for us what this
5 document is, please?

6 A. Sure. This is a document that I
7 put together.

8 On the last page of it, Page 615, you
9 can see that my name is on the bottom.

10 I pulled it together.

11 And then the recipients ---

12 If you go just near the end, the
13 bottom of Page 615, there are a bunch of names.

14 At the time, those were individuals
15 who were operationally working on Domestic Extremism.
16 Different parts of the country.

17 And then the date.

18 So it is "January 2012".

19 The reason I pulled this together is
20 that ---

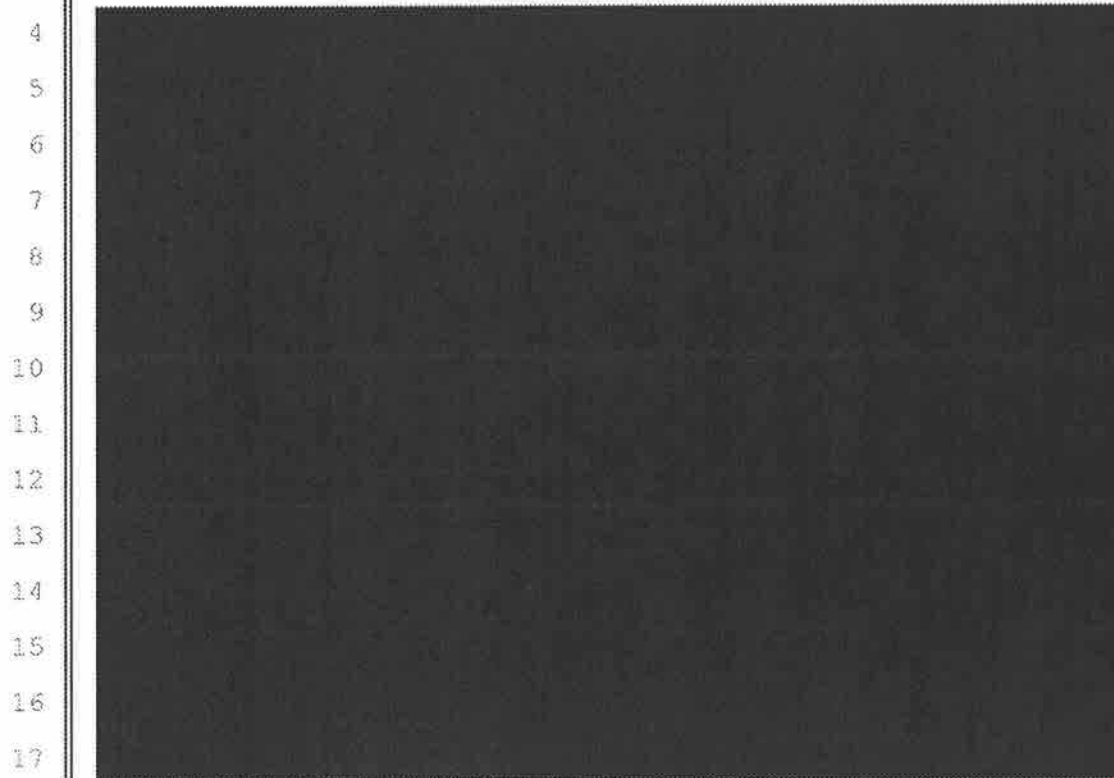
21 As part of my job, I brief Deputy
22 Ministers and Assistant Deputy Ministers.

23 [REDACTED]

24 [REDACTED]

25 In late 2011/early 2012 ---

1 We usually try to do it once a year.
2 We had been out and we heard from one
3 of the ADMs, one of the Deputy Ministers ---



18 At the time, I think it was Minister
19 Oliver who made a comment about "radical groups and
20 foreign funding disrupting NEB Hearings" and the like,
21 and so I ---

22 Basically, this is a little packet of
23 some of the Articles from the Time Period, trying to
24 pull together a little bit of domain awareness, just
25 for our Regional Folks, to say: "You may see some

1 references to this in the mainstream media. You are
2 certainly going to see references to it in Alternate
3 Media, Online Media. Here's what it's about, and
4 here's what people are writing."

5 So in it, when it talks about
6 "Foundation Funding", about "American Foundations
7 funneling money to Canadian Groups to oppose pipeline
8 Hearings" and the like ---

9 If you turn to Page 608, for example,
10 and you go down midway, it talks about "San Francisco's
11 Moore Foundation", and then it goes on and on.

12 It makes reference, for example, to
13 the Dogwood Initiative.

14 So when you did the "Pull" you
15 referred to, their name came up, [REDACTED]

16 [REDACTED]
17 [REDACTED] because, in the course of me
18 doing my job and keeping people in the loop about
19 issues that are evolving or that may be evolving, or
20 that might become important down the road, their name
21 was in the document.

22 And I think that document...

23 --- (A Short Pause)

24 Where did it come from...?

25 It's mainstream media. I forget which

1 one it is.

2 Where does it come from...?

3 --- (A Short Pause: Witness reviewing referenced
4 documentation)

5 I think it is the *Globe and Mail*.

6 Yes. So the name came up.

7 As it turned out, "Foundation Funding"

8 ---
9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 But routinely, as part of Domain
15 Awareness, little issues like this will pop up and it
16 is my job to pull information together so as to keep
17 people in the Service apprised as to what the issues
18 are all about.

19 And oftentimes, they are short-lived.

20 Q. And with regard to Minister
21 Oliver's Statement, at Page 607 ---

22 Again, it reads:

23 "These groups threaten to hijack
24 our regulatory system to achieve
25 their radical ideological agenda.
They seek to exploit any loophole

1 they can..." (As Read)

2 Do these statements come from CSIS
3 information, to your knowledge?

4 Was Mr. Oliver briefed on this?

5 A. No. [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 So, no.

9 As a Service, we never found out where
10 he was coming from, where he got this information or
11 who had briefed him.

12 So we're not sure where he got it.
13 But it wasn't from us.

14 Q. Sorry. I meant to refer you to
15 the first paragraph, where it says:

16 "...there are environmental and
17 other radical groups..." (As Read)

18 That is what it refers to when it says
19 "these groups"?

20 A. Yes.

21 Q. And finally, the last document I
22 would like to refer you to is found at Page 617.

23 It is a little hard to see, but I
24 understand that under the shaded "CSIS name" is [REDACTED]
25 [REDACTED]

1 Is that correct?
2 A. That's it, yes.
3 Q. So, this is a Meeting that you
4 attended?
5 A. It is.
6 THE PRESIDING MEMBER: What page are
7 you on?
8 THE WITNESS: Page 617.
9 THE PRESIDING MEMBER: Oh, yes. Um-
10 umm.
11 MS. DION: So this is also a document
12 that you have seen as part of the Complainant's Book of
13 Documents, Mr. Fortier.
14 THE PRESIDING MEMBER: Yes. It looks
15 familiar.
16 MS. DION:
17 Q. So you participated in that
18 Meeting?
19 A. I did.
20 Q. Whose document is this?
21 A. This is an RCMP document. From
22 the appearance of it, it is one of ---
23 It is very detailed document -- more
24 so than we would write -- to go "up the line",
25 summarizing a Meeting: What came out of the Meeting

1 and what was agreed to in the Meeting.

2 Q. Did you receive this after the
3 Meeting?

4 A. No. The first time I saw it was
5 as part of this Process.

6 Q. And what does it say that you
7 agreed to, as part of this Meeting?

8 A. Well, what both [REDACTED] and I took
9 umbrage with, for lack of a better term, is ---

10 On Page 618, it's ---

11 You know, it's an overview of the
12 Northern Gateway Project, along with some other basic
13 information -- which was fine.

14 We did attend this Meeting.

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 There were RCMP Analysts there, both
20 from HQ but also from some of their Detachments that
21 were in town from B.C.

22 What was interesting, or what we
23 looked at -- and we were, like: "Okay. Well, that's
24 not what we agreed to."

25 It says:

1 "It was agreed that the RCMP [REDACTED]
2 [REDACTED] would collaborate in the
3 production of classified and
4 unclassified intelligence product
5 for the benefit of the RCMP and
6 other law enforcement agencies,
7 other federal and provincial
8 departments, related stakeholders
9 and not exclusively: Natural
10 Resources Canada..." (As Read)

11 And on and on and on, including the
12 National Energy Board [REDACTED]

13 What we took umbrage with is ---

14 Well, first of all, (a), we never
15 agreed to any of this, partly because, first off, we
16 don't ---

17 THE PRESIDING MEMBER: What do you
18 mean "any of this"?

19 THE WITNESS: That "It was agreed
20 that..."

21 We never agreed to that.

22 THE PRESIDING MEMBER: Where do I see
23 that?

24 THE WITNESS: Page 619, right at the
25 top.

1 THE PRESIDING MEMBER: "It was
2 agreed..."

3 THE WITNESS: "It was agreed..."
4 It was not agreed.

5 And if you read that first paragraph
6 where it says "It was agreed", and it goes on about
7 what we would be doing, what the ---

8 First off, as Analysts, we don't
9 produce unclassified information. We don't produce
10 unclassified Written Assessments, or CIRs, or IAs, or
11 anything else.

12 So we certainly wouldn't have agreed
13 to something that we couldn't have done.

14 Second of all, we don't do
15 collaborative works with anyone.

16 We consult with our GOC Partners on
17 Drafts. But we've never written ---

18 I've never written a Collaborative
19 Piece, nor would we, just because of the nature of our
20 work, with anyone else.

21 On top of that, [REDACTED] and I are
22 Analysts. We aren't Management. We wouldn't have been
23 in a position to have agreed to this. We wouldn't have
24 had the authority to.

25 I wrote a Highlight when I got back --

1 which you pulled -- which gives my interpretation of
2 it, which said: No. It was one of our routine
3 Meetings, and these people were there. [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED] But we
7 weren't there to talk about 'Oh, we've agreed to do
8 collaborative Pieces and write unclassified stuff',
9 because (a), we don't; and (b), we didn't have the
10 authority to."

11 And then at the end of the day,
12 nothing ever came of this, in the sense that we've
13 never produced, subsequent to this, unclassified
14 Pieces, Reports that were shared [REDACTED]
15 collaborative Pieces with the RCMP.

16 We haven't done any of that. Like,
17 that never happened.

18 So...

19 You know, it was one of those ---

20 Like when you ask...

21 I mean, we didn't see this at the
22 time. We were never provided a copy. And so this
23 never went anywhere, because, in our view, that didn't
24 happen.

25 MS. DION: Perhaps it would be useful

1 to refer to the Highlight that you prepared following
2 this Meeting.

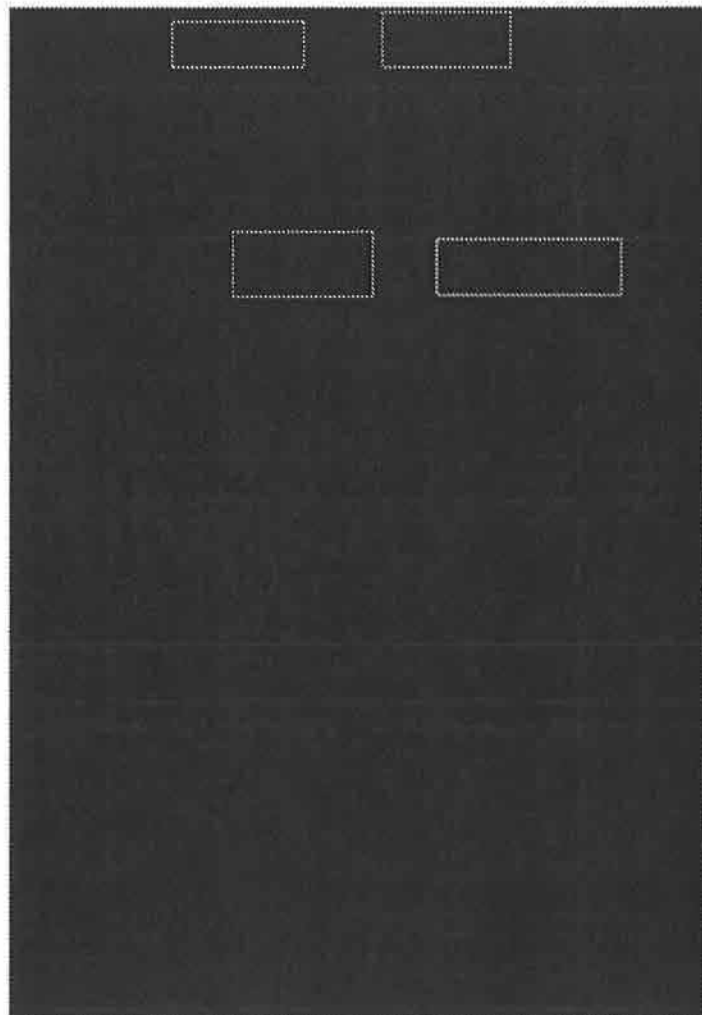
3 I can refer you to it...

4 A. Sure.

5 Q. It is at Volume 5, Tab 5, Page
6 79...

7 A. Okay. So it is "2010-08-06" and
8 it is:

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1 [REDACTED] " (As
2 Read)

3 At the time, [REDACTED] was prepping for
4 [REDACTED]

5 I believe it is actually listed in the
6 other Binder.

7 -- and so, as we often do before we
8 start a Paper, we will go to other Departments that
9 have more knowledge or that might have insight and say:
10 "Well, what's your background? What do you know about
11 the issue and background and context?"

12 Because of the nature of what we do,
13 what we write about, it's often easier, for example, if
14 I need to know something about [REDACTED]
15 [REDACTED] and simply say:
16 "Can you tell me about this issue?"

17 We consider that "collaboration".
18 That is how ---

19 You know, it is working with your GOC
20 Partners.

21 But I mean, we didn't ---

22 As you can see from the Highlight, it
23 doesn't say that we agreed to do stuff with them, if
24 you know what I mean, going-forward.

25 So...

1 MS. DION: Those are all the questions
2 I have.

3 Thank you, [REDACTED]

4 THE PRESIDING MEMBER: Thank you,
5 Madam Dion.

6 Madam, Bowers, any questions for the
7 Witness?

8 MS. BOWERS: I have a few, Mr. Member.
9 Thank you.

10 (To the Witness): Good afternoon, [REDACTED]

11 [REDACTED]

12 How are you doing?

13 THE WITNESS: Good. Thank you.

14 Examination by Ms. Bowers:

15 Q. I am going to go in reverse order.
16 I will start with the document that we just referred
17 to, the RCMP document...

18 A. Um-umm (Witness Nodding in the
19 Affirmative). Yes.

20 Q. Did you ever correct that
21 information? Was there ever an occasion for you to
22 correct that information?

23 A. We didn't see it at the time. The
24 first time I saw it was as part of this Process. The
25 person who wrote it has long been retired.

1 So, yeah. And it was just 2010. By
2 the time I saw it, it was five years out.

3 Q. But what would be the Service's
4 procedure in general when an error such as that comes
5 to light?

6 Would that be something that you would
7 seek to correct? Or would you ---

8 A. If this were sent to me -- and
9 oftentimes, you know, we will be sent stuff after a
10 Meeting; within a week or two -- we would simply e-
11 mail back and say: "That is not what we agreed to."
12 Or: "We didn't agree to this." Or: "This isn't..."

13 In this case, because it was so long
14 after-the-fact and because nothing ever came of it in
15 terms of products or what we produced, or any of that,
16 and the fact that the person who wrote it had, like I
17 said, been retired, we didn't at that point think that
18 there was any benefit to changing an archive document.

19 Q. We were referred to the fact that
20 this document in question had also formed part of the
21 Complainant's Book of Documents, originally.

22 I am just trying to find where that
23 was...

24 --- (A Short Pause: Reviewing referenced
25 documentation)

1 It is the Book of Documents in the In
2 Camera Session...

3 THE PRESIDING MEMBER: Yes. I am
4 looking for it myself.

5 --- (A Short Pause)

6 MS. BOWERS: It is part of a series of
7 documents that the Complainant put forward as part of
8 the ATIP requested information that was released.

9 That is my understanding.

10 --- (A Short Pause)

11 THE PRESIDING MEMBER: Yes. Some of
12 it is in ---

13 MS. BOWERS: It is in Tab 5.

14 THE PRESIDING MEMBER: Some of it is
15 in Tab 9 of Volume 1, Exhibit C-1.

16 MS. BOWERS: I also have a reference
17 of Tab 5 of the Complainant's Book of Documents, Volume
18 1, Mr. Member.

19 (To the Witness): I don't know
20 whether you have a copy of that, [REDACTED]

21 THE WITNESS: No. It is not one of
22 the Books ----

23 --- (Document Produced to the Witness)

24 MS. BOWERS:

1 Q. So it is Volume 1 of the
2 Complainant's Book of Documents, at Tab 5...

3 A. Yes.

4 Q. There is the Introductory Letter
5 here, and then on the next page are excerpts of some of
6 the documents that Ms. Dion had taken you to earlier...

7 A. Yes.

8 Q. What we called the "redacted
9 versions", I guess, in the Memo of that Meeting that
10 you referred to, the "downtown Meeting", and so forth.

11 --- (A Short Pause)

12 I am just trying to find ---

13 I see the "GOC", and I am just trying
14 to find the "RCMP" document...

15 --- (A Short Pause: Reviewing referenced
16 documentation)

17 MS. DION: I believe I am the one who
18 made that comment. I may have been mistaken. I was
19 under the impression that that was part of the
20 Complainant's Release of Documents.

21 I may be mistaken.

22 THE PRESIDING MEMBER: I am quite sure
23 it was. For some unknown reason, I can't put my hands
24 on it.

25 --- (A Short Pause)

1 I saw it as recently as this morning.

2 MS. DION: Yes.

3 --- (A Short Pause)

4 MS. BOWERS: Perhaps while we are
5 looking for that, I can go to a related question for
6 the Witness...

7 THE WITNESS: Sure.

8 MS. BOWERS:

9 Q. Those documents, the redacted
10 versions that we find in the Complainant's Book of
11 Documents, found their way, if you will, into the
12 Complainant's possession through an Access to
13 Information Request.

14 Is that your understanding?

15 A. Yes, it is. Yes.

16 Q. And the Access to Information
17 Request was made to whom, to your knowledge?

18 Was it made to the Service?

19 A. I don't know. I am sorry.

20 I know there were a number that made
21 their way through for different documents. But
22 honestly, I don't know. I'm sorry.

23 Q. My understanding is that the
24 Access to Information Request was made, I thought, to
25 the NEB ---

1 A. Okay.

2 Yeah. I knew there were several to
3 NEB, yes.

4 Q. -- and that it would have been the
5 National Energy Board that would have done the
6 redactions on the documents that we have been looking
7 at, for instance.

8 A. Well, you don't mean the Meeting
9 of the Deputy Ministers' Committee; right?

10 Q. That is one of the documents ---

11 A. I can't imagine the NEB would have
12 had that document. They wouldn't have been a part of
13 that Meeting.

14 That is a Deputy Ministers' Meeting.
15 So they wouldn't have been there, I
16 don't think.

17 I wasn't there. So...

18 You know, [REDACTED]

19 Q. Okay. So you are not sure who
20 would have done these redactions?

21 A. No, I am not. No.

22 Q. Are you aware of the Information
23 Sharing ---

24 I am going to talk to you about some
25 of the information sharing Agreements in general.

1 A. Okay.

2 Q. So, just to give you some context
3 there.

4 Are you aware as to whether there are
5 any Memoranda of Understanding, or Agreements, writ
6 large, pursuant to which the Service conducts these
7 Information Sharing Sessions?

8 A. I am not.

9 Q. Has the Service conducted its
10 Information Sharing in the context of its Section 12
11 mandate, for instance, in respect of the collection of
12 information?

13 A. What do you mean exactly? Like...

14 Q. Well, within their legal ambit to
15 collect information under Section 12, would the Service
16 then take it from that legal authority to go about
17 information sharing with other Government
18 Organizations?

19 A. I would imagine so. But again, it
20 is not really my area. That is not our ---

21 People who write the CIRs and do the
22 dissemination ---

23 I would imagine so; but I am not
24 really sure.

25 Q. Thank you.

1 Would you consider the NEB to be a
2 Government Organization?

3 A. Well, they report through the
4 Minister ---

5 I know they report through the
6 Minister of Natural Resources.

7 So in that sense, they do report up
8 that Chain.

9 Q. Would it be fair to say that the
10 Petroleum Industry, for instance -- private companies
11 and so forth -- wouldn't fall within the ambit of
12 "Government Organizations"?

13 A. Correct. Yes.

14 Q. And yet there were meetings with
15 the Petroleum Industry, in various formats, what you
16 have referred to as "Classified Meetings" ---

17 A. "Classified Briefings", yes.

18 Q. -- two times a year?

19 A. Yes.

20 Q. On the premises of CSIS but not
21 sponsored by the Service?

22 A. Correct.

23 Q. And you are not sure as to the
24 legal authority under which those Briefings would have
25 taken place?

1 A. No.

2 Q. Can you provide any context as to
3 whether or not ---

4 The information that was provided to
5 the NEB, was it done in the context of a request from
6 the NEB?

7 For instance, you mentioned earlier
8 that the NEB had requested a Threat Risk Assessment...

9 A. Correct. Yes.

10 Q. So it was at the request of the
11 NEB ---

12 A. It was.

13 Q. -- that you provided information?

14 A. It was.

15 Q. You have also testified, [REDACTED]

16 [REDACTED] that, generally speaking, the NEB did not
17 receive the plethora of documents that you took to this
18 Committee ---

19 A. Yes, that's correct.

20 Q. -- in the Books of Documents, with
21 the exception of one example, which was the [REDACTED]
22 document.

23 A. Yes.

24 Q. So it is fair to say that some
25 information was shared with the NEB?

1 A. Yes.

2 Q. But not always at their request?

3 A. Correct.

4 Q. So it seems that the Service will
5 determine whether it is appropriate to share with other
6 Organizations ---

7 A. Speaking again only from my little
8 piece of the "Domestic" World.

9 Q. And you are not sure, as you have
10 already mentioned, whether an Agreement exists between
11 the Service and the NEB?

12 A. Yes. No.

13 Q. You mentioned, [REDACTED] that a
14 lot of your research has been done through open
15 source...

16 A. Correct.

17 Q. Has there been occasion where you
18 have conducted research that would have required a
19 Warrant?

20 A. No. I don't do "Warrants" stuff.

21 Q. I will give you an example.
22 If you were to find something on
23 Facebook ---

24 That would be a public source
25 information that you could have access to?

1 A. It depends. I don't have a
2 Facebook Account. I don't have any Social Media ---
3 For my job, I don't have any Social
4 Media Accounts.

5 Like, I don't have a Twitter Account;
6 I don't have a Facebook Account, or a Linked-In Account
7 for my job.

8 So I can't go into Facebook and log on
9 in order to see things. If I do see something that is
10 on a Facebook Page, it has to be a completely open
11 page, as opposed to a logging-on-to-get-in-to-see-it
12 type of thing.

13 The same with Blogs, and the like.
14 --- (A Short Pause)

15 MS. BOWERS: I have one further
16 question, Mr. Member. I just need to find the
17 reference.

18 THE PRESIDING MEMBER: By all means.
19 --- (A Short Pause)

20 MS. BOWERS:

21 Q. You made mention of some of the
22 Targets of the Service.

23 For instance, you have made mention of
24 individuals such as [REDACTED]

25 A. Yes.

1 Q. And that came up in the context of
2 some of your research into [REDACTED]

3 A. Well, it was research on [REDACTED]
4 But I don't know where it came up, in that sense.

5 Q. Understood.

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 A. [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 Q. [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 A. That's correct.

16 Q. But that is just something that
17 you came across in your research?

18 A. No. That was Reporting. That was
19 Service Reporting.

20 MS. BOWERS: I see.

21 Those are my questions. Thank you,

22 [REDACTED]

23 Thank you, Member Fortier.

24 THE PRESIDING MEMBER: Thank you,
25 Madam Bowers.

Examination by Mr. Fortier:

I have just one line of questions for you, [REDACTED]

When you were shown the Memo from the RCMP Assistant Commissioner, monsieur Michaud ---

It is at Page 619.

I think you have it open before you...

THE WITNESS: Yes.

THE PRESIDING MEMBER: -- you said:
"No, that is not true. No such thing was agreed to."

THE WITNESS: Correct.

THE PRESIDING MEMBER: And you were asked whether you had corrected it, and you replied that you had only seen it in the course of your preparation for the evidence that you have given here today.

Correct?

THE WITNESS: Correct.

THE PRESIDING MEMBER: On the other hand, at Page 607, in this lengthy Memo that you wrote, that you authored, you reproduce a Release by Minister Oliver almost ---

Not "almost". Verbatim.

(Reading):

1 "Recently, Minister Oliver wrote
2 the following..." (As Read)
3 Do you have it there, [REDACTED]
4 THE WITNESS: Um-umm. Yes.
5 THE PRESIDING MEMBER: (Reading):
6 "Unfortunately, there are
7 environmental and other radical
8 groups that would seek to block
9 this opportunity..." (As Read)
10 Et cetera.
11 In answer to a question from Madam
12 Dion, you said you don't know where Mr. Oliver got this
13 information...
14 THE WITNESS: Correct.
15 THE PRESIDING MEMBER: Well, with
16 respect to this statement by a Minister of the Crown,
17 did you initiate, did CSIS initiate, any research vis-
18 a-vis Minister Oliver, saying "Where did your Minister
19 get this information?"
20 THE WITNESS: No.
21 THE PRESIDING MEMBER: You didn't
22 think it would have been appropriate to do so?
23 THE WITNESS: Well, at the time when
24 we learned of the information from the ADM, from the

1 Assistant Deputy Minister and the Deputy Minister of
2 Indian Affairs ---
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12 Part of the issue, at the heart of it,
13 is that there was nothing in these Articles about the
14 potential for violence.

15 They are talking about "foreign
16 interference" and "foreign-influenced activity", which
17 is really different from how we would normally look at
18 domestic-type issues ---

19 THE PRESIDING MEMBER: Look at the
20 third paragraph -- and again, this is on Page 607:

21 "These groups threaten to hijack
22 our regulatory system to achieve
23 their radical ideological agenda."

24 (As Read)

25 THE WITNESS: Correct.

1 THE PRESIDING MEMBER: (Reading):
2 "They seek to exploit any loophole
3 they can find, stacking public
4 hearings..." (As Read)

5 Et cetera.

6 THE WITNESS: Yes.

7 THE PRESIDING MEMBER: (Reading):
8 "They use funding from foreign
9 special interest groups..." (As
10 Read)

11 You didn't think that it was
12 worthwhile for CSIS to know where Minister Oliver had
13 obtained the information which allowed him to make
14 these statements?

15 THE WITNESS: No.

16 THE PRESIDING MEMBER: I am a little
17 surprised that you ---

18 THE WITNESS: Well, like I said, we
19 met with our Management Chain and discussed it, and

20
21
22
23 And just because he says it doesn't
24 mean he got it from Government.

1 Ezra Levant was writing extensively at
2 that time, through EthicalOil.com, about this topic,
3 along with ---

4 THE PRESIDING MEMBER: Oui, oui.

5 THE WITNESS: You know what I mean.

6 So, yeah.

7 --- (A Short Pause)

8 THE PRESIDING MEMBER: Okay. You have
9 given me your answer. I am grateful. Thank you.

10 I have no further questions.

11 Madam Dion, any questions arising...?

12 MS. DION: Just one quick question, if
13 I may, in relation to the "legal authority" question to
14 share information.

15 Re-Examination by Ms. Dion:

16 Q. In response to the "legal
17 authority" question regarding the sharing of
18 information, you talked about the "give-to-get"
19 concept, or principle.

20 Can you explain what that is, please?

21 A. Sure.

22 As I understand it, from my role and
23 my career in the Organization, it is our ability as
24 SAs, for example, to go out to the Regions and meet
25 with our Liaison Folks, where we are able to assist

1 them in doing their Collection Job by presenting to
2 them information that they may not know, be it
3 classified or not, on topics that they may have an
4 interest in, regardless of what those topics are.

5 It is part of that relationship-
6 building with all of our Client base.

7 I know our National Strategy on
8 Counter-Terrorism talks about "collaboration" and that
9 "CT isn't just one organization or one department; that
10 it is Government, it is Law Enforcement, it is the
11 Provinces, it's Industry, all working on the same
12 page".

13 And so for us going out and working
14 with Liaison, we are helping to build the relationships
15 with Industry, which, in turn, allows Industry to feel
16 that it is worthwhile to give back, that it makes sense
17 to give back in terms of their information to the
18 Service that might be threat-related in nature.

19 MS. DION: Thank you. That is the
20 only question I had.

21 Thank you, Mr. Fortier.

22 THE PRESIDING MEMBER: Thank you,
23 Madam Dion.

24 Thank you very much, [REDACTED] for
25 your testimony today. You are now excused.

1 THE WITNESS: Thank you, Sir.
2 THE PRESIDING MEMBER: You can now put
3 your documents back into your briefcase!
4 THE WITNESS: My locked briefcase!
5 --- (The Witness Stood Down and Withdrew from the
6 Hearing Room)
7 THE PRESIDING MEMBER: Madam Dion, you
8 have one more witness, in the person of ██████████...
9 MS. DION: Yes.
10 THE PRESIDING MEMBER: How long do you
11 expect to be with ██████████?
12 MS. DION: I would say, at the most,
13 one hour.
14 THE PRESIDING MEMBER: About one hour?
15 MS. DION: At the most. We could
16 focus on the NRCan Briefings.
17 I think that is probably what the
18 Committee is most interested in.
19 THE PRESIDING MEMBER: Yes.
20 MS. DION: We could focus it in that
21 fashion, and certainly we could finish today...
22 THE PRESIDING MEMBER: It is obvious
23 that we will be able to finish today.
24 MS. DION: Yes.

1 THE PRESIDING MEMBER: Yes. That's
2 good!

3 We will adjourn for fifteen minutes.
4 We will resume at a quarter-to-four and go until 5:30
5 or 6 o'clock, or whatever, so as to complete the
6 Hearing today.

7 MS. DION: Perfect! Thank you.

8 --- (A Short Recess)

9 --- Upon Resuming:

10 THE PRESIDING MEMBER: Alors, Witness
11 Number 3...

12 MS. DION: Yes. We will have [REDACTED]

13 [REDACTED] brought in...

14 --- ([REDACTED] Called to the Witness Table)

15 THE PRESIDING MEMBER: Good afternoon,
16 [REDACTED]

17 THE WITNESS: Good afternoon.

18 THE PRESIDING MEMBER: [REDACTED] you
19 are appearing as a witness today on behalf of the
20 Canadian Security Intelligence Service...

21 THE WITNESS: That's correct.

22 THE PRESIDING MEMBER: At this time,
23 you will be sworn-in by the Registrar...

24 THE WITNESS: Thank you.

25 THE REGISTRAR: Good afternoon, Sir.

1 Do you solemnly affirm that the
2 evidence you are about to give to the Committee shall
3 be the truth, the whole truth, and nothing but the
4 truth?

5 THE WITNESS: I do.

6 [REDACTED] Called and Affirmed:

7 THE REGISTRAR: For the record, would
8 you please state your full name, spelling your last
9 name...

10 THE WITNESS: My full name is [REDACTED]

11 [REDACTED] The last name is spelled: [REDACTED]

12 THE REGISTRAR: Thank you.

13 Secondly, I would like to read to you
14 Section 51 of the *Canadian Security Intelligence*
15 *Service Act*, which provides protection to witnesses
16 appearing before the Committee.

17 It reads as follows:

18 "Except in a prosecution of a
19 person for an offence under
20 section 133 of the *Criminal Code*
21 (false statements in extra-
22 judicial proceedings) in respect
23 of a statement made under this
24 Act, evidence given by a person
25 in proceedings under this Part

1 and evidence of the existence of
2 the proceedings are inadmissible
3 against that person in a court or
4 in any other proceedings."

5 Do you understand?

6 THE WITNESS: Yes, I do.

7 THE REGISTRAR: Thank you. You may be
8 seated.

9 THE PRESIDING MEMBER: Madam Dion,
10 your witness...

11 MS. DION: Yes. I will just give the
12 Witness a moment to open his secure briefcase.

13 THE PRESIDING MEMBER: Yes.

14 --- (A Short Pause)

15 THE WITNESS: Thank you.

16 Examination-in-Chief by Ms. Dion:

17 Q. Good afternoon, [REDACTED]

18 Could you please begin by providing
19 the Committee with an overview of your education and
20 career path?

21 A. Yes, certainly.

22 In terms of my Education, I have a

23 [REDACTED] Degree [REDACTED]

24 [REDACTED] I have a J.D., a Jurist Doctor

25 Degree, [REDACTED] and I have a

1 Master's [REDACTED] and a Certificate in
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] and I joined the
18 Canadian Security Intelligence Service in 2009. Late
19 in 2009.

20 Q. Thank you.

21 And what Position are you presently in
22 at CSIS?

23 A. I work as a Strategic Analyst in
24 the Intelligence Assessments Branch, where my Portfolio
25 is responsible for the Energy Security File.

1 Q. Can you give us a very broad
2 overview of the Energy Security File, that you are
3 responsible for?

4 A. The broad overview of it is ---
5 It was a subject, when I joined, of
6 some ---

7 It was a little bit vague when I
8 joined.

9 For example, "energy security" means
10 different things to different people. Primarily, to
11 the layman, it would mean things related to the
12 accessibility and availability of energy: whether
13 there is enough gasoline available at the gas pump and
14 whether there is enough electricity entering into your
15 home.

16 But that is not a subject of interest
17 to the Canadian Security Intelligence Service. So my
18 Portfolio is restricted to threats to energy, and
19 specifically to critical energy infrastructure
20 primarily; and secondarily, economic threats or
21 threats to Canada's economic interests related to
22 energy in the area of proprietary information, let's
23 say, and then, subsequently, threats to Canada's
24 economic interests -- and those threats could arise
25 from a variety of sources.

1 In the primary case, in the first
2 case, of infrastructure, primarily from domestic
3 extremism, terrorism, or possibly foreign States.

4 In the case of Canada's economic
5 interests, largely from foreign States and espionage,
6 and threats of that nature.

7 Q. Thank you.

8 As you are aware, one of the facts
9 that was seen as being problematic for the Complainant,
10 that was raised by the Complainant, as far as the
11 Complaint is concerned, is the biannual (sic) NRCan or
12 Natural Resources Canada Classified Briefings.

13 Are you aware of those Briefings at
14 all?

15 A. Yes, I am aware of those. Those
16 were a portion of my job that I was introduced to when
17 I joined the Service.

18 At that time, another individual was
19 largely responsible for the coordination of those
20 Classified Briefings.

21 Initially, I was the Under-Study,
22 let's say, to that task, and then I subsequently took
23 it over entirely.

24 These Briefings are ---

1 My understanding, from my predecessor,
2 is that the Briefings had commenced in approximately
3 2005, are held twice a year, and they continue to do
4 so.

5 My understanding is that the origin of
6 the Briefings had to do with the outfall and aftermath
7 of the attacks on New York on 9/11 and the fact that
8 there was great concern in Canada and elsewhere, in
9 Government and elsewhere, and in various industries, of
10 possible threats to critical infrastructure, industries
11 like the Canadian Nuclear Industry, the Electricity
12 Sector, the Energy Sector, Refineries, Pipelines, Oil
13 Sands Projects, including the shipment/trans-shipment
14 and the storage of oil, the Offshore Sector, and so on.

15 I act as a Coordinator for that
16 Briefing at CSIS...

17 Shall I go on into all of the details
18 here, or ---

19 Q. Absolutely.

20 A. Okay.

21 My understanding is that the primary
22 agency, the lead agency, for the Classified Briefings
23 is Natural Resources Canada and that CSIS cooperates
24 with NRCan and with the RCMP to put on these Classified
25 Briefings, held twice a year.

1 The subject-matter of what is
2 discussed is in the hands of NRCan, as is the List of
3 invitees, who attend on the basis of their "need to
4 know" and on having the requisite Security Clearance.

5 The arrangements are really what I
6 handle, in terms of making sure that the Briefing Room
7 that we have, which is a secure facility, is available
8 to Natural Resources Canada as a convenience, so that
9 they can bring in members of the Private Sector,
10 largely individuals responsible for security at their
11 respective companies, individuals who are with various
12 Associations -- [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] and so on -- and other participants,
17 occasionally from Government.

18 Also, some of our own Officers attend
19 from time to time.

20 --- (A Short Pause)

21 I am sort of lost a little bit now...
22 If I haven't gotten everything out,
23 just redirect me.

24 THE PRESIDING MEMBER: I understand.

25 MS. DION:

1 Q. But practically speaking, what
2 does the Service do in regard to the planning of these
3 Briefings and then at the Briefings themselves?

4 A. Well, the planning is pretty
5 straightforward.

6 I just receive telephone calls and e-
7 mails from time to time from the Lead Person at Natural
8 Resources Canada, Doctor Felix Kwamena: K-W-A-M-E-N-A.

9 We chat from time to time. The dates
10 are settled. I ensure that the facility is available
11 -- because it has to be authorized at a High Level.

12 Once before each Meeting, a month or
13 two before, we get together to discuss the type of
14 Speakers that should be there, who will be attending.

15 Then I make sure that the facility is
16 available.

17 Occasionally, individuals have to come
18 in with Presentations that have to be ---

19 There is a complex procedure in terms
20 of getting classified material into the Briefing,
21 sometimes from colleagues in the United States and from
22 others, to just get their overheads into the building.

23 So I look after that. But NRCAN, for
24 example, will even handle all of the details relating
25 to the Lunch and getting individuals into the building.

1 They maintain the list of individuals
2 coming, and they make that list available to the
3 Security Personnel in our Building.

4 So I am not even responsible for that
5 part.

6 Again...

7 I have covered part of that. But you
8 asked ---

9 Q. I was asking what the Service does
10 in preparation, and then also what the Service does
11 during the actual Briefings.

12 What is the role of the Service during
13 the Briefings?

14 A. During the Briefings, the Service
15 occasionally has, or usually has, I should say,
16 Speakers who Present at the Briefing.

17 That's pretty much it.

18 Q. Who typically attends those
19 Briefings?

20 And I can refer you to Page 499 of
21 Volume 3, which is Exhibit CSIS-6A...

22 --- (A Short Pause: Witness reviewing referenced
23 documentation)

24 A. Well, that is a good example of
25 Lists of Attendees.

1 I should remind the Review Committee
2 that not all of the people, sometimes, on the List
3 attend.

4 These are Lists of people eligible to
5 attend. Normally, they confirm their attendance, but
6 sometimes they are a little lax in that regard and
7 while they may be on the List, they may not actually
8 have attended.

9 But as you can see, we have a variety
10 of Private Sector interests; RCMP; CSIS Personnel;
11 and so on.

12 Q. And do you personally speak at
13 these Briefings?

14 A. The short answer to that is "no",
15 other than to welcome guests and to read out the
16 Security Protocols at the beginning about, you know,
17 not having recording devices and electronic devices
18 there and to make sure that they do not wander off in
19 the Building.

20 But I have prepared Speaking Notes for
21 my Director-General on at least four occasions -- and I
22 think you will see some of those Speaking Notes that
23 were written by me. Obviously, my Director-General is
24 not obligated, and does not, follow those Speaking
25 Notes word-for-word.

1 They are guidelines for the Director-
2 General, who has opened the Classified Briefings on
3 several occasions.

4 You will see some of those starting at
5 Page 523. So I have a hand in it. But I have not
6 spoken at these Briefings, mostly because the Industry
7 participants are interested ---

8 The issue that they are most
9 interested in is domestic extremism threats to the
10 infrastructure sector, whereas my job is mostly
11 preoccupied with threats to Canada's economic interests
12 and threats from espionage, and so on.

13 That is a subject -- Investment
14 Threats, let's say, to Canada's Energy Sector -- that
15 is not of particular interest to the Private Sector.

16 In fact, they would probably ---

17 They have an interest in attracting as
18 much investment as they can. So anybody speaking to or
19 looking at threats to that Sector is not particularly
20 of interest to them. So I don't address that subject.

21 Q. Looking at the Speaking Notes you
22 referred the Committee to, at Page 523, we see there is
23 a series of Headings, and there is "Introduction",
24 "Terrorism", and then ---

25 A. Sorry. You are on Page 523?

1 Q. Yes. Page 523, yes.

2 Those are the Speaking Notes you were
3 referring to; correct?

4 A. Right.

5 Q. There is the "Terrorism" Section,
6 and then Section 2, at Page 525, is the "Domestic
7 Extremism" Section.

8 Did you prepare this?

9 A. I did. But obviously, I rely on
10 my colleagues to provide a good deal of input and
11 information about that.

12 For example, that List on Domestic
13 Extremism, I would not have known that by myself,
14 unless I had consulted, for example, with my colleague
15 [REDACTED] who was here, I believe, just before me.

16 Q. And would you say that the
17 information that is found in this Section is
18 classified?

19 A. In that Section "Domestic
20 Extremism"?

21 Q. Yes.

22 A. I think that is all ---

23 --- (A Short Pause)

24 It is pretty much open source, I
25 think.

1 I think anyone would have known about
2 those activities.

3 So, "classified" meaning "Is it
4 Secret?"

5 No. I think that's open source.

6 Q. These are all events that
7 happened.

8 Correct?

9 A. These are all events that
10 happened, and I believe they were all reported ---

11 Well, I know they were all reported in
12 the Newspapers.

13 Q. What is the usefulness of these
14 Briefings, from a Service point of view?

15 A. Well, from a Service point of
16 view...

17 First of all, we were asked to do
18 them.

19 But my understanding is that the
20 usefulness is that the Service contributes to the
21 Government of Canada's strategy, through Public Safety,
22 on the ---

23 It's called the "National Strategy and
24 Action Plan on the Protection of Critical
25 Infrastructure" -- "infrastructure" more generally;

1 not just energy infrastructure. The infrastructure of
2 the Financial Sector; the infrastructure of the
3 Transportation Sector, and the Water Sector, and the
4 Agricultural Sector, the Health Sector.

5 Energy being one of them.

6 So that is the purpose. That is what
7 the Service contributes to. And it just so happens
8 that the Energy Sector, I suppose ---

9 Because of the earlier start that the
10 Energy Sector got on this Critical Infrastructure
11 Sector due to what I was alluding to earlier, the
12 events of 9/11, this is a more developed Briefing, if
13 you will.

14 Public Safety has other Briefings that
15 they run themselves for other Sectors that are ---

16 I think it is called the Cross-
17 Sectoral Forum, where many of the other Sectors get
18 together at a High Level to discuss some of the same
19 things.

20 The Financial Sector, for example.

21 One of my colleagues handles that and
22 briefs ---

23 They have Classified Briefings for the
24 Financial Sector.

25 That happens a little less frequently.

1 I think once every year or once every
2 year and a half.

3 Transport Canada, for example, I think
4 handles its own Briefings with respect to the
5 Transportation Sector.

6 The Energy Sector Briefings are part
7 of a broader Government of Canada strategy on the
8 protection of critical infrastructure, more generally.

9 Q. Does the Service collect
10 information as a result of these Briefings as per
11 Section 12, under Section 12.

12 A. I've never seen any information
13 collected at the Classified Briefing.

14 As a result of the Classified
15 Briefing, it is possible, because it engenders good
16 relationships and networking between the Private Sector
17 and the Service ---

18 Early on, in 2010, [REDACTED]
19 [REDACTED] occasionally there would be [REDACTED]
20 [REDACTED] from Regional Offices who would attend and
21 there was an opportunity to meet each other and
22 exchange names, and so on, and to make Private Sector
23 participants aware of the resources that they had
24 available in their Region and who to contact if they

1 had something to tell us about anything of concern to
2 them.

3 That is normally the way that that
4 flow of information is handled.

5 I have always made sure that members
6 of the Private Sector understand that if they have
7 anything they wish to tell the Service, they actually
8 don't tell me; that they tell the Regional
9 Intelligence Officers.

10 That is what I was instructed when I
11 first joined CSIS: that the flow of information was to
12 go to Regional Intelligence Officers.

13 And I believe from time to time ---

14 When I talk to Regional Intelligence
15 Officers, they say they maintain good relations with
16 the Private Sector and, from time to time, I have seen
17 Intelligence coming through in that way.

18 Q. Okay. Thank you.

19 At Tab 7, we have a few of the
20 Conference Agendas reproduced.

21 Can you take us through a couple of
22 the Presentations that were given by the Service over
23 the course of these NRCan Classified Briefings?

24 A. Should we start at Page 465?

25 MS. DION: Yes.

1 THE PRESIDING MEMBER: You don't have
2 to speak to all of them!

3 MS. DION:

4 Q. Just an overview: the title,
5 broad subject...

6 A. Okay.

7 At Page 465, for example, you see the
8 name I mentioned, Felix Kwamena. He is the Chair. He
9 usually invites his own Director-General to make
10 Opening Remarks.

11 Sometimes those Directors-General
12 attend; sometimes they don't. But as we move down,
13 for example, there is [REDACTED].

14 He was an individual who spoke
15 frequently at the Classified Briefings.

16 He, himself, was Assistant Director of
17 [REDACTED]
18 [REDACTED]

19 And if I may just backtrack a minute,
20 when I said spoke of the areas of most interest to the
21 Private Sector, I said it was domestic extremism.

22 Today, that would be followed by, or
23 led by, perhaps, the Cyber component of that.

24 The threat of cyber attacks against
25 critical infrastructure is very much on the minds of

1 the Private Sector. For example: Is there a
2 possibility that a foreign Government or a terrorist
3 group could use cyber or computer methods, if you will,
4 to get into the process-controlled systems of a
5 refinery, of a nuclear installation, of the electrical
6 grid particularly, so as to damage it or shut it down.

7 That was [REDACTED] specialty. So he
8 addressed the Classified Briefings frequently.

9 And I had the benefit with [REDACTED] of
10 never having to write his Speaking Notes.

11 The Speaking Notes that I have
12 included in the Book here, those are from about the
13 last two years or so. Before that, before [REDACTED]
14 retired, we would just invite him and he would walk in
15 and he would just start speaking, and it was just
16 wonderful.

17 He knew all about technology, and that
18 was of great interest to the Classified Briefings.

19 I think he is the ---

20 Is he the only one from CSIS who was
21 speaking that day...?

22 I think so.

23 Q. This is for May 2006?

24 A. That was May 2006.

25 Do we have other Agendas?

1 Q. If we turn to Page 486...

2 A. Page 486. Thank you.

3 --- (A Short Pause: Witness reviewing referenced
4 documentation)

5 You don't need me to go through who
6 else was speaking ---

7 THE PRESIDING MEMBER: No, no.

8 MS. DION: No.

9 THE WITNESS: -- about other things?

10 For example, Andrew Easton is from the
11 New Brunswick Government, and they Presented there.

12 THE PRESIDING MEMBER: No. That's
13 fine.

14 THE WITNESS: Mostly, RCMP Speakers
15 there ---

16 THE PRESIDING MEMBER: I can read the
17 document for myself, Madam Dion.

18 MS. DION: Okay. Thank you.

19 If the Committee is content with
20 accepting these as evidence under Section 50, then ---

21 THE PRESIDING MEMBER: Yes. The
22 Committee is, yes.

23 MS. DION: Perfect!

24 Q. We can move on, then,

1 Apart from the NRCan Classified
2 Briefings, do you participate in other Briefings or
3 Liaison with either Government or Private Sector?

4 A. I do -- but they are not many.

5 Q. Can you give us a couple of
6 examples ---

7 A. I can give a few.

8 Other than the Classified Briefing,
9 there is an Unclassified Briefing for what is called
10 the International Pipeline Security Forum, which
11 alternates between Canada and the United States.

12 It is always held in Ottawa when it is
13 in Canada, and in various cities in the United States
14 when the U.S. is hosting.

15 That is yet a subset of the Critical
16 Infrastructure Sector.

17 It is unclassified. I've never spoken
18 at it. I attend those.

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So we may have seen the last of that.

On a previous occasion, I prepared Notes and was scheduled to attend a Meeting of that Forum in Western Canada but was unable to due to the illness of one of my children. But my colleagues delivered my Presentation, which was really a Summary of the Service's involvement and the assistance that we could provide to the Sector.

That was delivered in Calgary to the Private Sector, including a number of Association Groups: the National Association of Energy Security Professionals and the Oil Sands Security Professionals, a group that comprises mostly Law Enforcement and Security Professionals from various companies.

I did travel myself to a Briefing in Eastern Canada, held in Halifax and St. John's, Newfoundland, to brief, for the most part, Government Officials, particularly those with the Canada-Newfoundland and Labrador Petroleum Board and the Canada-Nova Scotia Offshore Petroleum Board.

There were additional Briefings to the Private Sector that I did not participate in, again

1 because my Briefing to the Groups just mentioned were
2 largely in relation to economic threats.

3 One of my colleagues on the Cyber side
4 delivered a more "Domain Awareness" Briefing to the
5 Private Sector related to what they could expect if



11 That was a fairly large Presentation
12 on the Cyber threat involved.

13 There may be more; but at the moment,
14 I can't think of them.

15 THE PRESIDING MEMBER: That's
16 sufficient.

17 You can get a little more narrowly
18 focussed here, Madam Dion.

19 MS. DION: Okay. I only have one more
20 line of questions, Mr. Fortier, and it is regarding a
21 document that was provided by the Complainant.

22 (To the Registrar): Could we provide
23 the Witness with Exhibit C-1, please...

24 THE PRESIDING MEMBER: Yes.
25 --- (Document Produced to the Witness)

1 MS. DION:
2 Q. I will ask you to take ---
3 THE PRESIDING MEMBER: That is
4 Exhibit...?
5 MS. DION: Exhibit C-1, and we are at
6 Tab 4.
7 The page numbering is a bit confusing.
8 These are Access to Information
9 Requests and they are numbered as such. The last
10 digits are "00014".
11 That is the page that you are looking
12 for.
13 --- (A Short Pause)
14 THE PRESIDING MEMBER: Thank you.
15 I've got it.
16 MS. DION:
17 Q. Have you ever seen this e-mail?
18 A. I have.
19 Q. Who is it from?
20 A. It seems to be from Tim O'Neil.
21 THE PRESIDING MEMBER: [REDACTED]
22 [REDACTED]
23 THE WITNESS: [REDACTED]
24 MS. DION:
25 Q. [REDACTED]

1 A. Yes.
2 Q. [REDACTED]
3 [REDACTED]
4 A. No.
5 Q. Can you tell us about the e-mail:
6 What is in it, and what is requested of the Service?
7 --- (A Short Pause: Witness reviewing referenced
8 documentation)
9 A. Well, it seems to be a discussion
10 by Tim ---
11 He seems to be responding to a request
12 from ---
13 --- (A Short Pause: Witness reviewing referenced
14 documentation)
15 Who is he writing to...?
16 He is writing to "Roberta"...
17 --- (A Short Pause: Witness reviewing referenced
18 documentation)
19 He is discussing the possible threats
20 to National Energy Board Hearings and concludes, I
21 believe, that there is nothing specific that he is
22 aware of.
23 He mentions that he has included [REDACTED]
24 [REDACTED] in the
25 Message...

1 And that's that.

2 He doesn't ask anything of the
3 Service, in my ---

4 Unless you see something. But I
5 don't.

6 Q. Did you [REDACTED]

7 A. [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Q. This was sent to Mr. Garber, and
18 we can see that Mr. O'Neil invites Mr. Garber "to
19 discuss concerns with Security Officials at the NRCan
20 Classified Briefings".

21 Were you present at the May 23rd, 2013
22 NRCan Classified Briefing?

23 A. Yes. I was present at all of
24 them.

1 Q. And do you recall discussing any
2 concerns that would have been raised by Mr. Garber?

3 A. I don't. I believe Mr. Garber may
4 have approached me and we shook hands during the
5 Classified Briefing. But I have no recollection of
6 anything he asked me, specific or otherwise.

7 Q. Looking at Mr. Garber's e-mail, at
8 the bottom, can you tell us what day and time the e-
9 mail was sent?

10 --- (A Short Pause: Witness reviewing referenced
11 documentation)

12 A. Sorry. Can I see that at the top?
13 You mean ---

14 Q. In the middle ---

15 A. It was sent on April 19th, 2013,
16 at 6:51 a.m.

17 Q. No. At the middle of the page, it
18 is "Rick Garber", "Richard Garber@NEB..."

19 A. Hold on a second...

20 Oh! You are on Page 15 now?

21 Q. Yes. I am asking for the time
22 that Mr. Garber's e-mail was sent to Mr. O'Neil...

23 --- (A Short Pause: Witness reviewing referenced
24 documentation)

1 A. What time was Mr. Garber's e-mail
2 sent to...

3 --- (A Short Pause: Witness reviewing referenced
4 documentation)

5 Q. If you look at the page with the
6 last digits "15", you will see, in the middle of the
7 page, there is ---

8 A. Oh, I see it now. Right.

9 Q. So what is the date the e-mail was
10 sent ---

11 A. Oh, the 18th of ---

12 It looks like the 18th of April, at
13 2:45 in the afternoon.

14 Q. Okay. Thank you.

15 I will now ask you to turn to Volume
16 3, Exhibit CSIS-6A...

17 MS. BOWERS: Sorry. I am lost...

18 THE PRESIDING MEMBER: Yes. Me, too.

19 MS. BOWERS: I can't find where it is
20 you are referring to...

21 MS. DION: Page 15 of the
22 Complainant's Book ---

23 THE PRESIDING MEMBER: Okay. I see
24 it. It is buried in the middle of the ---

25 MS. DION: It is buried in there.

1 THE PRESIDING MEMBER: Yes. Okay.

2 "Rick Garber@NEB..."

3 Yes. Okay.

4 MS. DION: On April 18th, at 2:45,
5 saying:

6 "Tim, enclosed please find the link
7 to a recent YouTube item" (As
8 Read)

9 THE PRESIDING MEMBER: Yes. And your
10 question now is...?

11 MS. DION: I am asking the Witness to
12 turn to Volume 3 in the CSIS Books of Documents, which
13 is Committee's Exhibit CSIS-6A, and to turn Tab 9 and,
14 more specifically, to Page 623...

15 THE PRESIDING MEMBER: Okay. Thank
16 you.

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

19 THE WITNESS: The e-mail from Rick
20 Garber to [REDACTED]

21 MS. DION:

22 Q. Do you know who [REDACTED] is?

23 A. I think I have met her, yes.

24 Q. Does she work for the Service?

25 A. I believe she does.

1 Q. I understand that Mr. Garber had
2 sent an e-mail to [REDACTED] asking ---

3 (Reading):

4 "Your assistance is sought in
5 establishing whether this
6 represents a credible threat to NEB
7 Panel Members from the CSIS
8 perspective." (As Read)

9 Can you tell us what the Answer was
10 that was provided by [REDACTED]?

11 A. It seems to say:

12 "Rick: at this time [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] (As Read)

18 Q. And this is following a request
19 that was sent on what day and at what time?

20 A. We just said a minute ago that
21 Rick Garber sent that e-mail on April 18th, in the
22 afternoon, and this one would be on April 19th, in the
23 morning.

24 Q. If you look at Mr. Garber's e-
25 mail...

Sorry.

I believe you are looking at

A. Oh! Right. Sorry.

You are right: April 18th, at 2:47.

So that looks like--What?--two
minutes, two-and-a half minutes later.

Is that ---

Am I reading that right?

I think so.

MS. DION: Again, we didn't bring a
witness from the Prairie Region to explain her
Response. We feel it is self-explanatory.

THE PRESIDING MEMBER: That was wise.

MS. DION: We still thought it would
be useful for the Committee's Investigation.

Those are all of the questions I have
for this Witness.

THE PRESIDING MEMBER: Thank you,
Madam Dion.

Madam Bowers...?

MS. BOWERS: Oui. Thank you.

Examination by Ms. Bowers:

Q. Good afternoon, How
are you today?

1 A. Fine.

2 Q. Could you tell us, please, if you
3 know whether there is an Agreement of some kind, an
4 M.O.U., in place for these bi-annual (sic) Meetings
5 between the Service and NRCan?

6 A. I am not aware of there being an
7 M.O.U.

8 Twice a year, I have to write a Memo
9 to my Management to explain what it is for -- because
10 they rotate and they don't seem to know.

11 I try to explain it as best I can.

12 I always send the same Memo. But I am
13 not aware of ---

14 An M.O.U. is a formal Agreement, a
15 formal document.

16 I don't think there is one. I haven't
17 seen it.

18 Q. You testified that they have been
19 in existence since approximately 2005...

20 A. In their current format, yes.

21 Q. And that they happen twice a
22 year...

23 A. Twice a year.

24 Q. Okay.

1 Does the Service offer its facilities
2 to other Government Organizations such as NRCan?

3 A. My understanding is that it does.

4 Q. But again, you are not aware of
5 any M.O.U.s that exist ---

6 A. No.

7 Q. -- with those other Organizations?

8 A. No. Just to give an example, I
9 believe we have made our facility available to the
10 Classified Briefing for the Financial Sector on at
11 least one occasion. But on other occasions ---

12 The Energy Sector seems to rely on our
13 facility routinely, whereas other Sectors seem to
14 sometimes move it around a bit.

15 Q. You have mentioned that these
16 Meetings, these bi-annual (sic) Meetings, are really
17 the remit of NRCan.

18 In other words, they prepare the
19 Agenda; they prepare the list of Attendees, and so
20 forth.

21 And yet, what I've noticed in some of
22 the documentation -- and I can take you, if you wish,
23 to Tab 7 of the Service's Volume 2.

24 A. Um-umm (Witness Nodding in the
25 Affirmative).

1 Q. We will just take the first one
2 that we see there.

3 So this is the Agenda for the
4 Classified Briefing, and what I see in this case, and
5 on the following page, being the Speaking Notes, are
6 the words "in collaboration".

7 So is it fair to say that the Service
8 is collaborating with, working together with, NRCAn?

9 A. It is fair to say that we work
10 together with them.

11 We try to be cooperative and ---

12 Collaboration extends, largely, to
13 supplying the venue.

14 Q. Does NRCAn pay for the Lunch, for
15 instance?

16 A. NRCAn makes the financial
17 arrangements for it, but I believe they recover that
18 "Lunch Money", if you will, from Sponsors in the
19 Private Sector, or they have most recently.

20 There was a time, I can tell you,
21 early-on when nobody paid for it and Doctor Kwamena
22 paid for it out of his own pocket on at least one
23 occasion. But I believe subsequently, in the last
24 several years, that has been sponsored by the Private
25 Sector.

1 Q. Can you tell me who participates
2 in these Briefings?

3 You started to give some examples
4 earlier.

5 I wasn't able to catch all of the
6 names.

7 Could you give us a sampling of who
8 would be attending those Meetings?

9 A. Individuals, or Associations ---

10 Well, it is always an individual. But
11 on behalf of...

12 Q. Yes. I will give you an example.
13 What I had written down, for instance,
14 was the [REDACTED]

15 [REDACTED]
16 A. Correct. And go on from there.

17 Q. Can you give us some other
18 examples?

19 A. Sure. We always get ---

20 A good one is the [REDACTED]
21 [REDACTED]

22 And that is an interesting one because
23 we always attract representatives from the United
24 States in that regard. Then there would be, for
25 example, Speakers from the Department of Homeland

1 Security, [REDACTED]
2 [REDACTED]

3 These are people who are invited, but
4 they also speak at the Briefings.

5 The other Associations attending ---

6 For example, there would be the
7 [REDACTED]

8 We have representatives [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 [REDACTED] I believe.

12 From the nuclear Sector, we would have
13 representatives, for example, from the [REDACTED]

14 [REDACTED] and from [REDACTED]

15 Q. Is there a standard List of people
16 or individuals or organizations that would be invited?

17 A. I believe NRCan maintains that.

18 It may be surprising to you, but it is
19 so much in the hands of NRCan that, until just very
20 recently ---

21 I think the last one was the first
22 time I actually asked for a List and had a look at it
23 myself.

24 Q. And does the Service have that in
25 any of the documents that ---

1 A. I think there are versions of
2 it...

3 MS. DION: We have under Tab 7
4 everything we managed to pull together, some of which
5 are from Access to Information and some of which were
6 actually in CSIS's Holdings. But they are scattered.
7 We definitely don't have it for every
8 Year.

9 THE WITNESS: It became a little bit
10 of a problem, actually. This List was so lengthy that
11 once I finally had a closer look at it, I realized that
12 NRCan was just really having ---

13 It was almost like a Mailing List.

14 These were not always people who
15 actually attended.

16 In fact, it got so bad that people who
17 had died were still on the List -- and that wasn't
18 good.

19 For the most recent Classified
20 Briefing, I had a look at it and struck out a number of
21 names and asked NRCan to submit to me a more realistic
22 List of who was more likely to attend, rather than just
23 what amounts to a large number of people, some of whom
24 never attend.

25 MS. BOWERS:

1 Q. You did testify that a couple of
2 the criteria for participation would be "need to know"
3 and the requisite ---

4 I am assuming Top Secret Clearance...

5 A. Just "Secret".

6 Q. And I guess what I am hearing you
7 say, as well, is that the composition will change from
8 time to time; the composition of these Attendees.

9 A. There can be new people and there
10 can be other people falling off. But there seems to be
11 a reasonable core of individuals who come more
12 frequently.

13 Q. I have a question with respect to
14 whether or not you would consider the Petroleum
15 Industry as part of "Sensitive Institutions".

16 Does that say anything to you?

17 A. Do I consider the Petroleum
18 Industry to be a sensitive ---

19 Q. Yes.

20 A. In what regard? And what do you
21 mean by "sensitive"?

22 Q. Mention was made, in the In Camera
23 portion of the Hearing ---

24 And perhaps I could quickly take you
25 to that...

1 (To the Registrar): If we could find
2 that, Madam Registrar...

3 It would have been in the In Camera
4 Hearing. It is Page 288 of the Transcript ---

5 THE REGISTRAR: We don't have the In
6 Camera Transcripts here.

7 MS. BOWERS: I am the only one that
8 has that.

9 Okay. My apologies.
10 --- (Copy of referenced Transcript provided to the
11 Registrar)

12 (To the Witness): I will refer you to
13 Page 288...

14 (To Ms. Dion): Do you have a copy of
15 that, Ms. Dion?

16 MS. DION: I apologize. I did not
17 bring those Transcripts with me today.

18 THE REGISTRAR: Do you want me to go
19 ahead and ---

20 MS. BOWERS: We will show it to
21 Counsel first.

22 THE REGISTRAR: Do you have notes in
23 here?

24 MS. BOWERS: I don't know.

25 MS. DION: I will ignore them.

1 MS. BOWERS: Let me have a quick peak
2 at it first...

3 (To the Presiding Member): I
4 apologize. I don't want to take up so much time with
5 this, Mr. Member. I will make it quick...

6 THE PRESIDING MEMBER: Just read it
7 into the record, please.

8 MS. BOWERS: Very well. I can read it
9 into the record.

10 THE PRESIDING MEMBER: Yes. Go ahead.

11 MS. BOWERS:

12 Q. This is Page 290, and this is
13 Counsel for the Complainant speaking:

14 "Q. It is my understanding, just
15 coming out of the early days of
16 the establishment of CSIS, that
17 the "sensitive information"
18 exceptions refer to Churches,
19 Universities, Unions or Media,
20 and that if there is a Target in
21 any one of those four sensitive
22 institutions, you require
23 approval from the Director?" (As
24 Read)

25 Then the question was:

1 "Can you tell us what that phrase
2 means for the Service?" (As Read)
3 And they were asking about "sensitive
4 institutions".

5 At that time, Ms. Dion, what you
6 advised the Witness was that "this would be concerning
7 national security concerns".

8 I am just trying to get a sense of ---
9 Maybe [REDACTED] can speak to that...

10 MS. DION: I think this must have been
11 a question that would have been better answered by the
12 Operational Side. However, if [REDACTED] is
13 comfortable answering it, if he knows what the
14 "sensitive institutions" are in Service Investigations,
15 he may testify to them.

16 But this is more of an Operational
17 issue.

18 MS. BOWERS: I see. Okay.

19 THE PRESIDING MEMBER: Yes. I think
20 Ms. Dion is correct in that regard.

21 MS. BOWERS: Okay. That's fine.

22 THE WITNESS: And I can confirm that I
23 don't have much to say about it that I would know.

24 MS. BOWERS: Okay. That's fine.

25 Thank you.

1 Q. My last question is with respect
2 to the documents on Domestic Extremism.

3 We asked you whether or not they were
4 classified, and you thought that they were available in
5 open source.

6 So I guess there is ---

7 I will put it in the form of a
8 question.

9 Is there a Minute that comes out of
10 these NRCan Meetings? Are there Minutes taken?

11 A. Not since I've been involved in
12 them. I believe in the early days, maybe before I
13 joined the Service ---

14 I've seen one Report -- and it is in
15 one of these Tabs -- where it is a fairly lengthy
16 summary of what went on there.

17 Q. And who would receive a copy of
18 that?

19 A. I think that was just an internal
20 CSIS document, meant to summarize what went on for the
21 record, or for the File.

22 What I have written is ---

23 I am not sure I've ever written a
24 summary of them. But ---

1 Well, perhaps a very brief one in
2 these [REDACTED]. I think in the early days, I might have
3 written a brief summary.

4 What I would have reported on would
5 have simply been what people said, and everyone there
6 heard it. So there was no need for me to sort of
7 encapsulate what everyone else had already heard.

8 Q. The reference I am referring you
9 to, then, is in the CSIS Book of Documents, Volume 3,
10 Exhibit CSIS-6A, and it is Tab 7, Page 525...

11 A. Right.

12 Q. These are the Speaking Notes that
13 you would have prepared...

14 A. Right. And, for example, that
15 segment, I think you might see almost in exactly the
16 same format again on ---

17 It appears more than once, I believe.

18 But, yes, I would have prepared that.

19 Q. And would this be something, then,
20 that would be restricted only to yourself and the
21 Speaker?

22 A. These Notes?

23 Q. These Notes, yes.

24 I take it he would have given this
25 speech at the ---

1 A. I would have given this to my
2 Director-General ---

3 The first one, I believe, actually was
4 delivered by my ---

5 It would have been the Assistant
6 Director, Intelligence.

7 But regardless, one of those two
8 individuals...

9 Yes, I prepared that as personal Notes
10 for my Director-General.

11 So I saw it and he saw it.

12 Q. But presumably he would have given
13 those Notes as an Address to the audience at the
14 Briefing...

15 A. Oh, right. Yes.

16 He has them in front of him and he
17 sometimes reads from them. But often does not. He
18 uses them as a guide.

19 Correct.

20 Q. And your point, though -- and I
21 just want to make sure I understand this -- is that
22 even if it were shared, it wasn't classified
23 information because this is all open source?

24 A. Yes. Those Bullet Points about
25 those events are open source.

1 Now, I have to read what else he is
2 saying in here...

3 --- (A Short Pause: Witness reviewing referenced
4 documentation)

5 You know, sometimes there are judgment
6 calls on his part where he is adding an interpretation
7 to that.

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

10 Yes. This particular Section ---

11 If you are looking at Section 2, I
12 don't know that there is anything there that ---

13 MS. BOWERS: That's fine. You have
14 answered my question.

15 THE WITNESS: Yes.

16 MS. BOWERS: Thank you very much.

17 THE WITNESS: Okay.

18 THE PRESIDING MEMBER: Thank you,
19 Madam Bowers.

20 Madam Dion, any questions arising?

21 MS. DION: No. Thank you, Mr.
22 Fortier.

23 THE PRESIDING MEMBER: Well, [REDACTED]
24 [REDACTED] that didn't hurt, did it!

25 THE WITNESS: No!

1 THE PRESIDING MEMBER: That completes
2 your evidence. I am grateful to you for having
3 attended before the Committee today to give evidence,
4 and you are now excused.

5 THE WITNESS: Thank you.

6 --- (The Witness Stood Down and Withdrew from the
7 Hearing Room)

8 THE PRESIDING MEMBER: Madam Dion, do
9 you have any other witnesses to call?

10 MS. DION: No, Mr. Fortier. That
11 completes our evidentiary portion.

12 THE PRESIDING MEMBER: Thank you.
13 Very efficient. I am very grateful to you, in
14 particular, Madam Dion, for your cooperation today.
15 This Hearing has been completed earlier than we had
16 anticipated it would.

17 Copies of the Transcript of today's
18 Proceeding will be made available in due course, and
19 the Registrar will be in touch with you in the near
20 future about the way forward in this important Case.

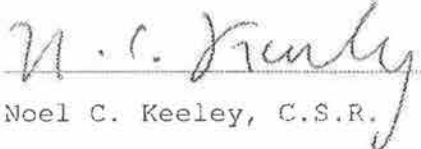
21 MS. DION: Thank you.

22 THE PRESIDING MEMBER: I thank you,
23 Madam Dion, and I thank Madam Bowers, as well as the
24 Registrar and our Court Reporter for their
25 participation.

1 I now declare these *Ex Parte*
2 Proceedings closed.

3
4 ~~--- The~~ *Ex Parte* Hearing Closed

5
6 Certified Correct:

7
8 
9 Noel C. Keeley, C.S.R.

10

SC-3

TOP SECRET

File No. 1500-481

SECURITY INTELLIGENCE REVIEW COMMITTEE

IN THE MATTER of a complaint filed pursuant
to section 41 of the *Canadian Security Intelligence
Service Act*, RSC 1985, c. C-27

BETWEEN

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

-and-

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

RESPONDENT'S CLASSIFIED SUBMISSIONS

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Submitter for the Respondent

3536/16
Copy 3 of 3

SECURITY INTELLIGENCE REVIEW COMMITTEE

IN THE MATTER of a complaint filed pursuant
to section 41 of the *Canadian Security Intelligence
Service Act*, RSC 1985, c C-23

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Respondent

RESPONDENT'S CLASSIFIED SUBMISSIONS

OVERVIEW

1. This is a complaint filed with the Security Intelligence Review Committee ("the Committee" or "SIRC") in February 2014 by the British Columbia Civil Liberties Association ("BCCLA" or "Complainant") pursuant to section 41 of the *Canadian Security Intelligence Service Act (CSIS Act)*¹.

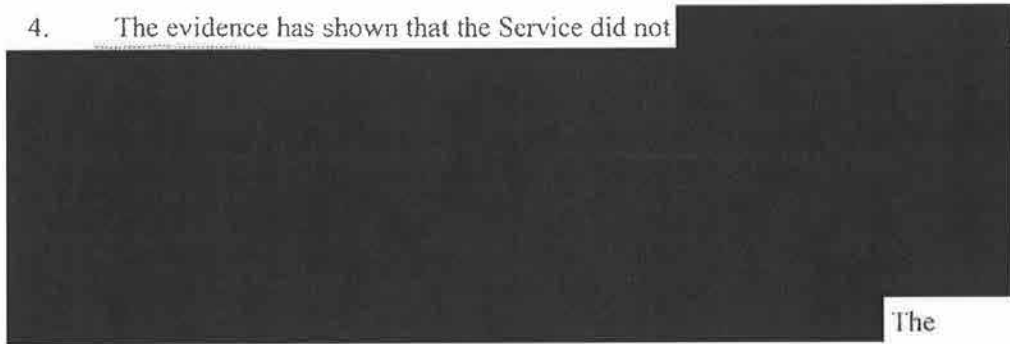
2. BCCLA's complaint is based on media reports alleging that the National Energy Board ("NEB") has engaged in information and intelligence gathering about

¹ RSC 1985, c C-23.

organizations seeking to participate in the NEB's Northern Gateway Project hearings. The Complainant alleges that records obtained under the *Access to Information Act* ("ATIP release")² demonstrate that this information and intelligence gathering was undertaken with the cooperation and involvement of the Canadian Security Intelligence Service ("Service", "CSIS" or "Respondent") and other law enforcement agencies, and that CSIS participated in sharing intelligence information with the NEB's security personnel, the Royal Canadian Mounted Police ("RCMP"), and private petroleum industry security firms.³

3. These classified submissions are based on the evidence presented to the Committee in the *ex parte* hearings and classified exhibit books.⁴ Unclassified submissions have also been filed by the Respondent, both sets of Respondent's submissions are to be read together.

4. The evidence has shown that the Service did not



The evidence has shown that CSIS did not disseminate other intelligence about the groups and their activities either with the NEB or private members of the oil industry during the period of review.⁶

² Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*.

³ Exhibit SIRC-1, tab 1, *Complaint letter*; Complainant's opening remarks, Transcript of *In Camera* Proceedings, vol. 1, pp. 21-22.

⁴ Exhibits CSIS-2A, CSIS-3A, CSIS-4A, CSIS-5A, CSIS-6A, CSIS-7A, CSIS-8A.

⁵ Exhibit SIRC-1, tab 1, *Complaint letter*.

⁶ The parties agreed to limit the collection to information dated December 31, 2009 and later: Exhibit SIRC-1, tab 12, *Respondent's letter of April 15, 2015*.

I. THE ISSUES TO BE DETERMINED IN THE COMPLAINT

5. The issues agreed to by the parties are:

- Did CSIS collect information about groups or individuals for their activities in relation to the Northern Gateway Pipeline Project? If so, was it lawful?
- Did CSIS provide information relating to individuals or groups opposed to the Northern Gateway Pipeline Project to the NEB or non-governmental members of the petroleum industry? If so, was it lawful?⁷

6. The "groups" mentioned in the issues above are the groups listed in the Complaint letter of February 2014.⁸ They are: Leadnow, ForestEthics Advocacy Association, Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia, and Idle No More.⁹

7. As explained in the Respondent's unclassified submissions, the Complainant has not established, on a balance of probabilities, that the Service has done the "acts or things" alleged in the complaint.¹⁰ The Complainant has also failed to establish a causal connection between the acts or things done or allegedly done by the Service and the "chilling effect" on freedom of expression and association.¹¹

8. The Complainant has established, on a balance of probabilities, two "acts or things" done by the Service: (1) the Service received requests for information or advice from the NEB; and (2) the Service was involved in the NRCan classified briefings. We submit that the lawfulness and appropriateness of those "acts or things" are the only matters that ought to be examined by SIRC.

⁷ Exhibit SIRC-1, tab 12, *Respondent's letter of April 15, 2015*; Transcript of Pre-Hearing Conference of May 20, 2015.

⁸ Transcript of Pre-Hearing Conference of May 20, 2015, pp. 18-19.

⁹ Exhibit SIRC-1, tab 1, *Complaint letter*, p. 6.

¹⁰ Respondent's unclassified submissions, para. 34-43.

¹¹ *Ibid.*, para. 44-60.

9. In light of the inferences drawn by the Complainant from the ATIP release, the Respondent has provided evidence on individuals and groups targeted during the relevant period in the event that SIRC may deem this information relevant to its investigation.

II. ANALYSIS

a) NEB'S request to CSIS

10. CSIS's involvement in the preparation of threat-assessments by the NEB has been established in documents contained in the ATIP release which includes e-mail exchanges¹², the NEB's Enbridge Northern Gateway Project Integrated Security, Logistics and Communications plan dated January 24, 2013, regarding the January 28, 2013 Kelowna hearing¹³ and the NEB's Enbridge Northern Gateway Project Security Plan dated January 23, 2013, regarding the Prince Rupert hearings taking place between February 4 to May 17, 2013¹⁴.

11. CSIS did not locate records of these consultations and cannot confirm or comment on when and how these consultations unfolded. Searches did however reveal a consultation from the NEB pursuant to the *Access to Information Act* containing an email exchange between Mr. Rick Garber (NEB) and [REDACTED] (CSIS). Mr. Garber was seeking CSIS's assistance in establishing whether threats in a YouTube item represented a credible threat to the NEB panel members from a CSIS perspective. The response from [REDACTED] was "Rick: at this time [REDACTED]

¹² Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, p. A0008929_42-000042; Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929_37-000037 - A0008929_38-000038.

¹³ Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929_50-000050 - A0008929_67-000067.

¹⁴ Exhibit C-1, tab 4, *National Energy Board ATIP Release Package*, pp. A0008929_68-000068 - A0008929_79-000079.

[REDACTED]

12. Mr. [REDACTED] the supervisor for the Unit responsible for the Domestic Extremism investigation in the British Columbia Region ("BCR") between 2010 and 2013, testified that from a British Columbia ("BC") perspective, [REDACTED]

[REDACTED]

13. Mr. [REDACTED] testified on the different intelligence products produced by the Intelligence Assessment Branch ("IAB"). They include threat and risk assessments ("TRA"), Intelligence Assessments ("IA") and CSIS Intelligence Reports ("CIR").

14. One TRA was prepared by the Service for the NEB.¹⁷ The 18-page assessment was prepared at the request of the NEB¹⁸ and is focused on [REDACTED]

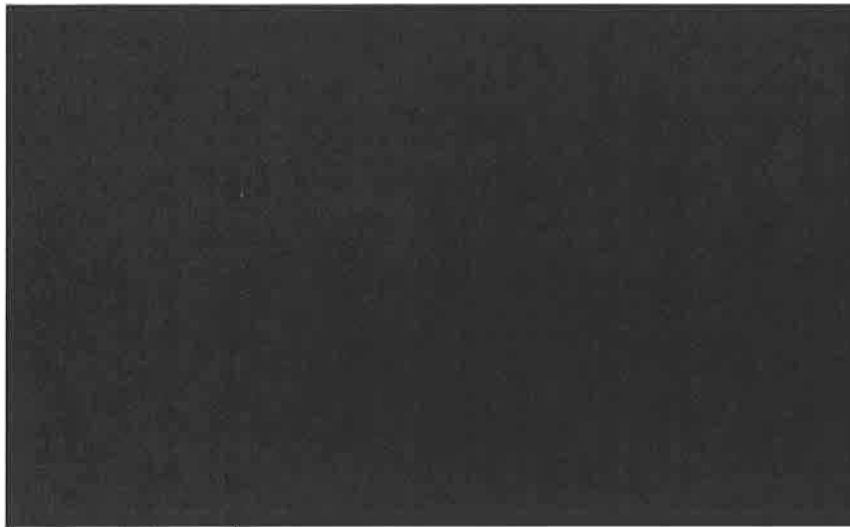
[REDACTED]

¹⁵ Exhibit CSIS-6A, tab 9, p. 623; Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, pp. 307-314.

¹⁶ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 4A, pp. 41-42.

¹⁷ Exhibit CSIS-6A, tab 2, pp. 30-47.

¹⁸ *Ibid*, p. 32.



15. IAs are primarily shared with Government of Canada ("GoC") partners, they are analytic pieces based on CSIS reporting and open information. Some are an overview of the threat environment, how it is evolving, emerging and changing while others are more tactical. They are prepared either at the request of the executive or at the request of a GoC partner.¹⁹

16. The Respondent produced a list of IAs from January 1, 2010 to July 30, 2015, written on the issues of energy and domestic extremism. The list contains [REDACTED] IAs. [REDACTED] testified on the methodology used by CSIS to record the dissemination of the IAs it produces.²¹ [REDACTED] testified that, upon review of the dissemination matrices, it was determined that only one of the [REDACTED] IAs was shared with the NEB.²² The IA shared with the NEB is entitled [REDACTED]

[REDACTED]²³ One of the key assessments made was that [REDACTED]

¹⁹ *Ibid.*, p. 40.

²⁰ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, pp. 196-197.

²¹ *Ibid.*, pp. 233-235.

²² *Ibid.*, p. 235.

²³ Exhibit CSIS-8A, tab 2, pp. 27-37.

[REDACTED] did not comprise a threat to national security.²⁴ The assessment made no mention of the Northern Gateway pipeline or the groups.

17. CIRs contain raw intelligence, information that has not been analysed that is of interest to the GoC or their partners.²⁵ 106 CIRs [REDACTED] December 31, 2009 and January 31, 2015.²⁶ [REDACTED]

18. CSIS provides advice to the NEB pursuant to section 12 and subsection 19(2) of the *CSIS Act*.²⁹ Advice and information provided to the NEB during the review period [REDACTED] Only one IA [REDACTED] was disseminated to the NEB during the review period (paragraph 16). Neither this IA nor other intelligence product disseminated to the NEB during the review period contained a reference to the groups.³⁰

b) NRCan briefings and information sharing with private sector

19. The Complainant's allegations of improper information sharing between CSIS and the private petroleum industry stem from CSIS's involvement in the NRCan classified briefings. The Complainant alleges that the timing of these briefings, the reference to "sharing information about Environmental Groups" and

²⁴ *Ibid.*, p. 27.

²⁵ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, pp. 198-199.

²⁶ Exhibit CSIS-8A, tab 7, pp. 120-139.

²⁸ Exhibit CSIS-8A, tab 7, p. 122; synopsis: [REDACTED]

²⁹ Respondent's unclassified submissions, paras. 14, 61-62.

³⁰ [REDACTED]

the participation of various actors create a reasonable inference that information about the groups had been shared by CSIS.³¹

20. The reference to "sharing information about Environmental Groups" above, probably more appropriately refers to "Challenges to energy projects by environmental groups" found in the Vancouver Observer article.³² This presentation is found in the Agenda of the Classified Briefing of November 17, 2011.³³ The "Challenges to energy projects by environmental groups" portion of the briefing was held between 8:20 a.m. and 12:00 p.m. and included presentations from the [REDACTED] the RCMP – Maritime Security Operations Centre, the [REDACTED] and the RCMP – Great Lakes Maritime Security Operations Centre. This portion of the briefing included presentations and lessons learned from [REDACTED] Lessons Learned from RCMP, Shipping Nuclear Reactor Core Through the St. Lawrence River to Europe and Security Challenges Presented by Radicalized individuals – The Great Lakes Example.³⁴ CSIS's involvement in that particular NRCan briefing included "CSIS Welcome and Protocols" and the participation of a CSIS Senior legal counsel on a panel discussion on the "Legal challenges of infrastructure protection: collecting evidence for prosecution in the Canadian experience."³⁵

21. CSIS was not a participant in the particular presentation that the Complainant alleges created a reasonable inference that information was shared about the groups. Furthermore, the topics discussed appeared to have no nexus to the activities of the groups as described during the course of the *in camera* hearings.

³¹ Complainant's opening remarks, Transcript of *In Camera* Proceedings, vol. 1, p. 25.

³² Exhibit C-1, tab 9, p. 4 of 5; Complainant's final submissions, para. 176.

³³ Exhibit CSIS-6A, tab 7, pp. 494-495.

³⁴ *Ibid.*, p. 494.

³⁵ *Ibid.*, pp. 494-495.

22. [REDACTED] testified that he recalled [REDACTED] who frequently attends and presents at the briefings,³⁷ provided details on presentations he has given on the subject of Domestic Extremism at the NRCan Briefings, there were discussions of "What is domestic extremism, in the Service's view?" Examples of serious acts of ideologically-motivated violence, from a Service perspective.³⁸ [REDACTED] has also spoken about triggers: What are the confrontation triggers that lead to the potential for violence? [REDACTED]

[REDACTED] also spoke about the violent [REDACTED]

23. [REDACTED] testified that he spoke on one occasion about [REDACTED]⁴⁰
He explains:

[REDACTED]
And because I had done the work on the Domain Awareness research already for our Management, I did a quick Talk on what it is. And I was very clear. I said: I don't see this as a threat. We have done the Assessment. Here's what it's all about. Here's why [REDACTED]

[REDACTED] And so we followed it through. We talked about it. [REDACTED]

What we are trying to do when we speak is to provide something to Industry that they might not already know. And even though they are Classified Briefings, --- As you can imagine, [REDACTED] the information that I was basing all my Assessments on was open source. It's just that it is not

³⁶ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, pp. 216-221.

³⁷ *Ibid.* p. 217.

³⁸ *Ibid.* pp. 218.

³⁹ *Ibid.* pp. 218-219.

⁴⁰ *Ibid.* p. 219.

something that they had done before. So the fact that it was in a Classified Forum, it wouldn't have mattered in many ways, because what I was sharing wasn't necessarily classified.⁴¹

24. Mr. [REDACTED] the CSIS representative responsible for coordinating the NRCan Briefings,⁴² testified on the origins of the NRCan Briefings which had to do with the outfall and aftermath of the attacks of 9/11, and great concern in Canada and elsewhere of possible threats to critical infrastructure and industries like the nuclear industry, the electricity sector, the energy sector, refineries, pipelines, oil sands projects, and the offshore sector.⁴³

25. The lead agency for the Classified Briefings, NRCan, cooperates with CSIS and the RCMP to put on these briefings twice a year.⁴⁴ The subject-matter of what is discussed and the list of invitees is determined by NRCan, the attendees must have the "need to know" and appropriate security clearance.⁴⁵ CSIS usually has speakers who present at the briefings.⁴⁶

26. These briefings contribute to the GoC's "National Strategy and Action Plan on the Protection of Critical Infrastructure".⁴⁷

27. [REDACTED] testified that the NRCan briefings engender good relationships and networking between the private sector and the Service.⁴⁸ In 2010, prior to [REDACTED] from the regional offices would attend and there was an opportunity to exchange names and make private sector participants

⁴¹ *Ibid.*, pp. 219-221.

⁴² Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, p. 289.

⁴³ *Ibid.*, vol. 3A, p. 290.

⁴⁴ *Ibid.*, p. 290.

⁴⁵ *Ibid.*, p. 291.

⁴⁶ *Ibid.*, p. 293.

⁴⁷ *Ibid.*, p. 297.

⁴⁸ *Ibid.*, p. 299.

aware of the resources available in the regions and who to contact if they had something to tell CSIS that was of concern to them.⁴⁹

28. In a review of CSIS's Private Sector Relationships (SIRC Study 2010-02)⁵⁰ SIRC stated that the "NRCan bi-annual classified briefings are a good example of how the Service can participate in a public-private relationship between its federal government partner (NRCan) and the private sector on a security issue."⁵¹

29. CSIS maintains relationships with the private sector outside of the NRCan briefings. [REDACTED] in reference to a [REDACTED]⁵² discussed the importance of liaising with companies associated with natural resource development. According to [REDACTED]

[REDACTED]⁵³ Liaison with the private sector is important to obtain threat related information from these private companies, and is necessary to protect Canadians.⁵⁴

30. [REDACTED] of BCR also testified on contacts between BCR and the private sector, [REDACTED] as examples. He explained how contacts with these companies are important when looking for triggers and flashpoints where violence could erupt [REDACTED]. For example, [REDACTED] explained [REDACTED]

⁴⁹ *Ibid.*, pp. 299-300.

⁵⁰ Exhibit CSIS-6A, tab 10, pp. 712-729.

⁵¹ *Ibid.*, p. 727.

⁵² Exhibit CSIS-8A, tab 8, p. 141.

⁵³ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, p. 70.

⁵⁴ *Ibid.*, p. 77.

██████████ explained that CSIS may share some information with the private company on the general scenario, the "lay of the land" type of information.⁵⁵

31. In the same SIRC review, citing the ██████████ SIRC found that developing a rapport with specific individuals is "key to CSIS tapping into private sector information."⁵⁶ SIRC concluded its study in stating:

SIRC observed that there is a new emphasis on increasing integration and collaboration in security intelligence, and that there is a private sector component of this trend. The consensus appears to be that collaboration is both good and necessary. This is consistent with SIRC's own observations with respect to the utility of developing relationships with the private sector. SIRC applauds the efforts of the Regions to be more strategic and focused with respect to engagement of the private sector and encourages the Service to go further in this regard.⁵⁷

c) Collection of information related to the groups

32. Based on information in the ATIP release received from the Vancouver Observer journalist, the Complainant drew inferences that information was collected by CSIS and shared with the NEB and private members of the petroleum industry. These inferences are based on information found in the NEB documents such as "[w]e consulted these two Agencies"; "we've received intelligence".⁵⁸ Inferences were also drawn from the *Access to Information Act* exceptions contained in the ATIP release.⁵⁹ The Complainant claims that the ATIP release indicates that CSIS provided the NEB with intelligence beyond open-source information its own staff was capable of gathering.⁶⁰

⁵⁵ Testimony of ██████████ Transcript of *ex parte* Proceedings, vol. 4A, pp. 33-34.

⁵⁶ Exhibit CSIS-6A, tab 10, p. 720.

⁵⁷ *Ibid.*, p. 728.

⁵⁸ Testimony of Josh Paterson, Transcript of *In Camera* Proceedings, vol. 1, pp. 86-88, 92.

⁵⁹ *Ibid.*, pp. 119-120.

⁶⁰ Complainant's final submissions, para. 59.

33. [REDACTED] have testified [REDACTED]
[REDACTED]

34. The Respondent's evidence with respect to the collection of information [REDACTED] is twofold: (1) the Service presented evidence on the subjects of investigation under a targeting authority for the period agreed to by the parties; and (2) the Service provided, in Exhibits CSIS-2A, 3A, 4A and 7A, all the operational reporting [REDACTED] dated after December 31, 2009.

1) Service's Domestic Investigations

35. [REDACTED] Chief of the Domestic Extremism [REDACTED] Unit, testified on the Ministerial Direction received from the Minister of Public Safety and Emergency Preparedness which outline the Service's intelligence priorities for the upcoming year.⁶¹ The Ministerial Direction typically includes domestic extremism investigations [REDACTED]
[REDACTED]⁶²

36. [REDACTED] discussed the Directional Statements sent to the regions by CSIS Headquarters to prioritize and attribute resources towards what is deemed a higher priority for the Service.⁶³ [REDACTED] also testified on caveats that are often found in Directional Statements given to the regions with respect to lawful advocacy, protest and dissent ("LAPD").⁶⁴

⁶¹ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, p. 22; Exhibit CSIS-5A, tab 1, pp. 1-45.

⁶² Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, pp. 23-24.

⁶³ *Ibid.*, p. 29; Exhibit CSIS-5A, tab 2, pp. 46-89, 110-198.

⁶⁴ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, p. 34.

37. [REDACTED] explained that the regions are sensitized to the current threat environment to assist in identifying potential for violence associated with certain issues, she also specified that the Service's mandate includes the investigation of threats of serious violence. With respect to [REDACTED], the instructions to the regions from Headquarters were that [REDACTED]

65

38. The Respondent provided SIRC with the list of groups and individuals that were CSIS targets at the time. [REDACTED]

39. [REDACTED] of BCR testified that as a supervisor of the Domestic Extremism Unit, he is aware of all actions taken under his remit.⁶⁷ [REDACTED] had never heard of [REDACTED]. He states that he may have heard of [REDACTED] but couldn't remember the context. Mr. Jones testified that he was aware of the other groups through the press or incidental reporting [REDACTED]. As head of the Domestic Extremism Unit in BC, [REDACTED] stated that CSIS [REDACTED]

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⁶⁵ Ibid. pp. 43-46.

⁶⁶ [REDACTED]

⁶⁷ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 4A, p. 19.

⁶⁸ Ibid. p. 20.

2) Operational Reports [REDACTED]

40. CSIS found [REDACTED] operational reports issued during the review period with reference [REDACTED]

[REDACTED] This prompted the Service to conduct an open-source search on what the

[REDACTED] In another instance, [REDACTED] provided information to CSIS [REDACTED]

[REDACTED] was also mentioned in an operational report related to the activities of [REDACTED]

41. CSIS found [REDACTED] operational reports issued during the review period with a reference to [REDACTED] In one instance, [REDACTED] is named in [REDACTED]

[REDACTED] In another instance, [REDACTED] is mentioned because [REDACTED]

[REDACTED] This prompted CSIS to conduct a Google search to obtain information on [REDACTED]

42. [REDACTED] was mentioned in [REDACTED] operational reports issued during the review period.⁷⁷ In some cases [REDACTED] is mentioned because [REDACTED]

43. [REDACTED] is mentioned in [REDACTED] operational reports issued during the review period which vary in nature.⁷⁹ Some reports⁸⁰ refer to [REDACTED]

[REDACTED] was also the subject of operational reports with respect to [REDACTED]

[REDACTED] Based on the information, [REDACTED]

[REDACTED] refused the request because she felt that there was not enough of an argument that would indicate that the [REDACTED]

⁸² [REDACTED] Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, pp. 137-139.

⁸⁴ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, p. 139.

44.

[REDACTED]

This assessment is classified "CSIS EYES ONLY"⁸⁷ and [REDACTED] testified that this IA did not leave CSIS' premises.⁸⁸ In fact, a more generic piece was disseminated outside of CSIS (however not to the NEB) which did not mention [REDACTED] the "CSIS EYES ONLY" assessment.⁸⁹

45. [REDACTED] is referenced in [REDACTED] operational reports issued during the review period. [REDACTED] is referenced for example because [REDACTED]

In another instance, [REDACTED]

46. [REDACTED] is mentioned in [REDACTED] operational report [REDACTED]

[REDACTED]

⁸⁵ Exhibit CSIS-6A, tab 4, pp. 333-342.

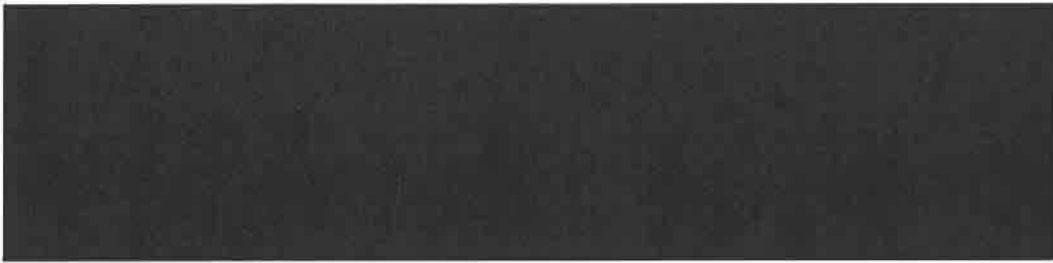
⁸⁶ *Ibid*, p. 335.

⁸⁷ *Ibid*, p. 333.

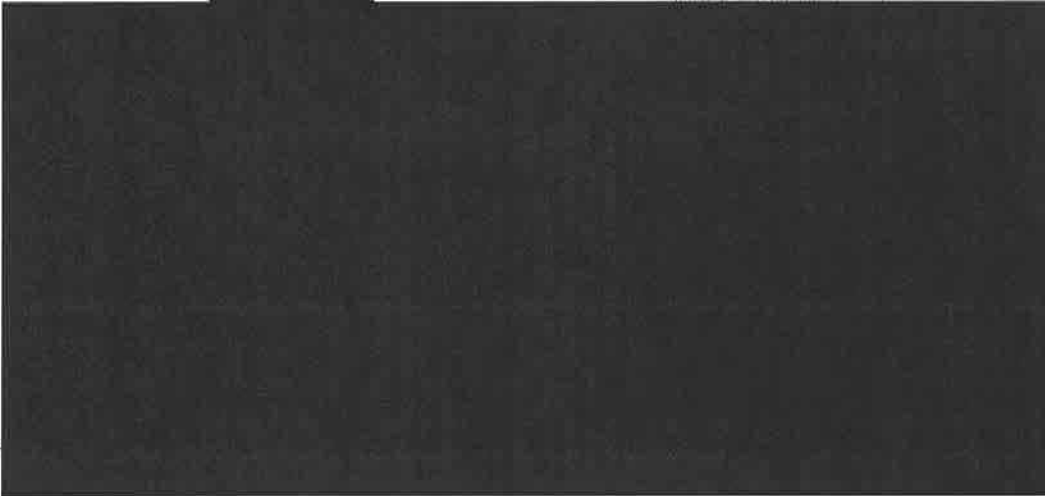
⁸⁸ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, p 226.

⁸⁹ *Ibid*, pp. 226-228; Exhibit CSIS-8A, tab 2, pp. 38-48.

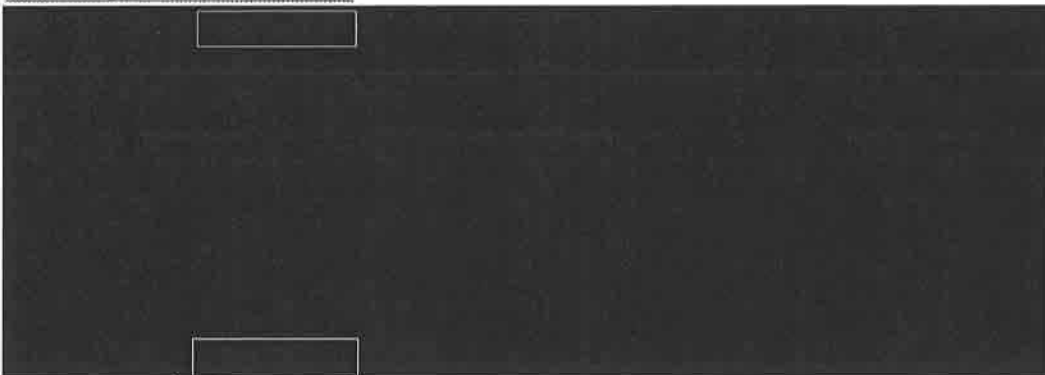
⁹⁰ [REDACTED]



47. [redacted] is mentioned in [redacted] operational reports issued during the review period.⁹⁵ [redacted] was also mentioned in a CSIS Directional Statement



48. Some examples of references to [redacted] in operational reports



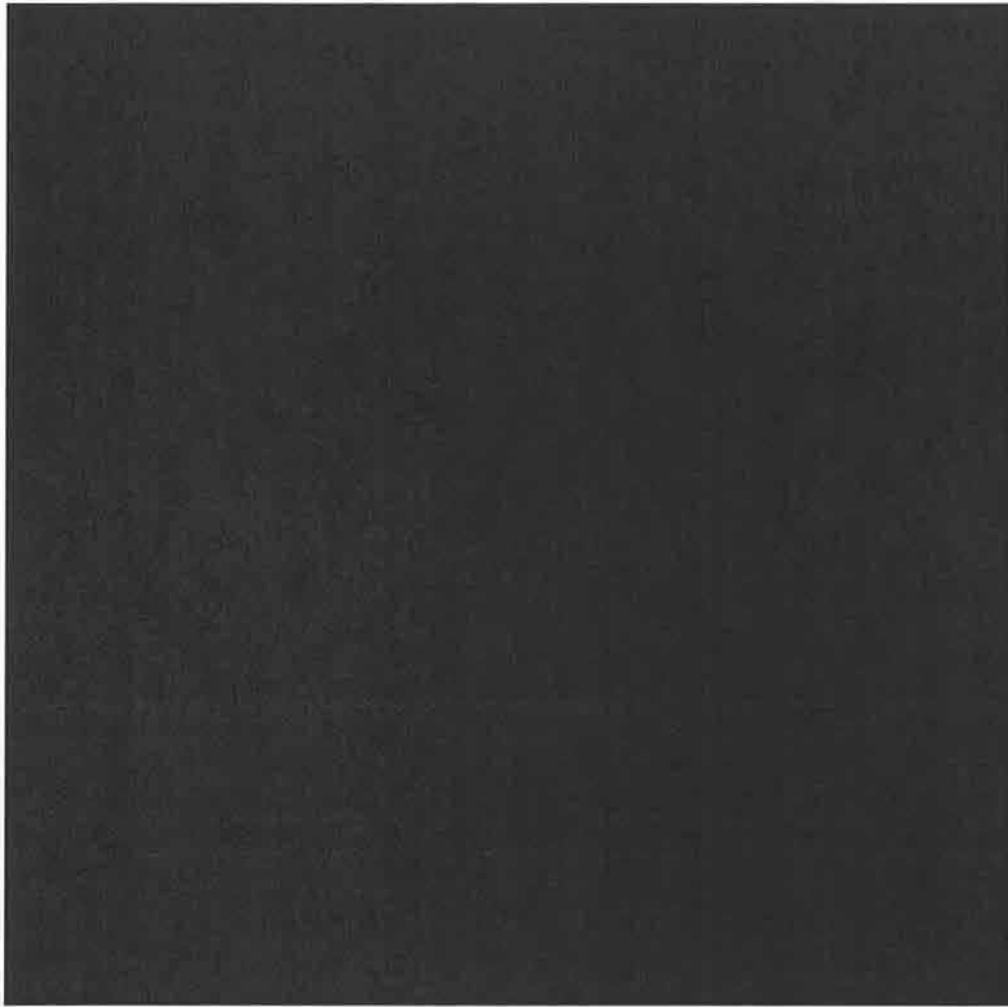
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[REDACTED] that CSIS was not investigating the LAPD activities [REDACTED] but would like to be informed of a potential for violence in relation to upcoming events.¹⁰⁰

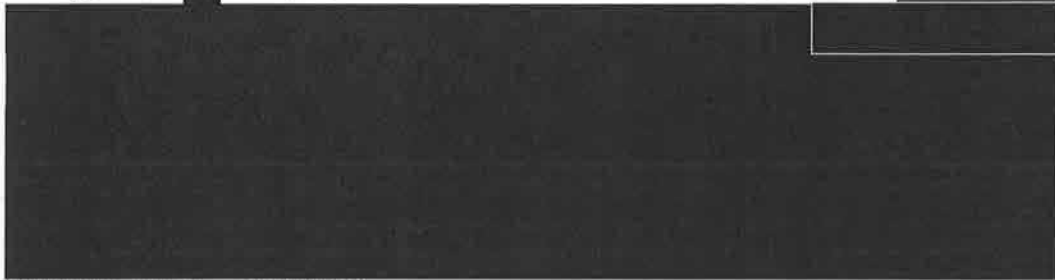
49. In another instance, [REDACTED] is mentioned because [REDACTED]

50. [REDACTED] testified that [REDACTED] a request came down from the executive asking [REDACTED] [REDACTED] from a domain awareness perspective [REDACTED] was not a threat, that it did not meet CSIS's threshold -- it is peaceful and legitimate. Having this information, members of CSIS's executive could tell their counterparts [REDACTED] does not meet CSIS's threshold.¹⁰³ [REDACTED]

¹⁰³ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, pp. 188-189.



51. Of the [REDACTED] CIRs prepared between January 1, 2010 and July 31, 2015 [REDACTED]



¹⁰⁹ Exhibit CSIS-8A, tab 6, pp. 106-119.



[REDACTED] was not shared

with the NEB.¹¹²

3) CSIS Procedures : Targeting

52. The requirement for CSIS to collect information that is "strictly necessary" (section 12 of the *CSIS Act*), places a qualification on the scope or magnitude of information the Service may legally collect. This limitation serves as a balance against the Service's ability to intrude on the privacy of individuals. The intrusion must be proportionate to the harm sought to be avoided.

53. CSIS's Targeting policy lists the methods of collection that may be deployed by the Service depending on the threat level; the policy reflects the proportionality requirement of section 12. For instance, only higher threat targets (level 2) target may be the subject of a warrant application to the Federal Court for intrusive investigation techniques.¹¹³ Less intrusive techniques may be used with respect to individuals, groups, issues and events without a targeting authority under what is referred to as a "general authority".¹¹⁴

¹¹² *Ibid*, pp. 214-216;

CSIS-8A, tab 6, p. 116.

¹¹³ Exhibit CSIS-5A, tab 11, pp. 820-827, section 3.4.

¹¹⁴ *Ibid*, section 3.1.

Exhibit

54. Techniques included under the general authority are the least intrusive techniques used, they include conducting research and using open information and accepting and reporting unsolicited information. The techniques may be deployed for the purpose of conducting "domain awareness".¹¹⁵

55. In the examples provided above with respect to information collected on [REDACTED] the information was collected in conformity with established CSIS policies. For example, the Service did conduct some Internet searches [REDACTED]

Also, [REDACTED] demonstrated that CSIS policies were followed with respect [REDACTED]

[REDACTED] were denied by Headquarters because it was considered that there was not sufficient information to support that the [REDACTED] 116

d) Other documents part of the complaint

56. In support of its allegation that CSIS collected information on the groups, the Complainant has filed two Memoranda to the Director prepared in the context of meetings of the Deputy Ministers' Committee on Resources and Energy also obtained under the Access to Information regime.¹¹⁸ The Complainant submits that

¹¹⁵ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, pp. 185-186; Exhibit CSIS-5A, tab 10, p. 740-742.

¹¹⁶ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, p. 139; [REDACTED]

¹¹⁸ Exhibit C-1, tab 5, Letter of [REDACTED] to J. Bronskill, with enclosures.

these documents "confirm that the Service was indeed collecting information about opponents to the Northern Gateway pipeline project".¹¹⁹

57. The unredacted Memoranda to the Director demonstrate that the Complainant's assumption or inference that CSIS is collecting information about opponents to the Northern Gateway pipeline project is unfounded.¹²⁰ On the contrary, the Memoranda demonstrate that CSIS is cognisant of the fine line between natural resource and energy issues across Canada and LAPD and the triggering of the CSIS's mandate only where there are threats of acts of serious violence that are politically or ideological motivated.¹²¹

58. The issue of Minister Oliver's letter was addressed in the Respondent's unclassified submissions.¹²² However, [REDACTED] did provide some additional insight at the hearing with respect to this letter. [REDACTED] referred to an email he wrote where he referred to Minister Oliver's letter. In his email, he states:

[REDACTED]
[REDACTED]¹²³

59. [REDACTED] explained that the issue of [REDACTED] had been raised in late 2011 or early 2012 in the context of briefings with the Deputy Ministers and Assistant Deputy Ministers [REDACTED]
[REDACTED]¹²⁴ [REDACTED] prepared the email as part of domain awareness on the issue. [REDACTED]¹²⁵

¹¹⁹ Complainant's final submissions, para. 66.

¹²⁰ Exhibit CSIS-6A, tab 9, pp. 631-711.

¹²¹ *Ibid.* pp. 633-635, 667-670.

¹²² Respondent's unclassified submissions, para. 51-52.

¹²³ Exhibit CSIS-6A, tab 9, pp. 607-615.

¹²⁴ Testimony of [REDACTED] Transcript of *ex parte* Proceedings, vol. 3A, pp. 253-254.

¹²⁵ *Ibid.* pp. 254-256.

60. [REDACTED] also testified that he was not aware who briefed Minister Oliver on the issues addressed in his letter to the Globe and Mail, he states: "so we're not sure where he got it. But it wasn't from us."¹²⁶

CONCLUSION

61. For the reasons outlined above and for the reasons outlined in the Respondent's unclassified submissions, we submit that the evidence has shown that CSIS's actions were lawful and in accordance with its mandate pursuant to the CSIS Act.

62. Firstly, the Complainant has failed to substantiate its allegations of the "acts or things" done by the Service. The Complainant has also not established a direct link between CSIS's conduct and the chilling effect, hereby failing to establish a violation of its Charter rights.

63. The evidence has shown that CSIS [REDACTED] Any information collected [REDACTED] was incidental in the course of CSIS's investigations of activities for which there are reasonable grounds to suspect that they constitute a threat to the security of Canada, or as part of the Service's assessment of potential triggers and flashpoints that could motivate acts of serious violence. [REDACTED]

64. Since CSIS [REDACTED] The evidence has shown that CSIS's intelligence products disseminated to the NEB [REDACTED] CSIS witness has testified that [REDACTED] The assessment [REDACTED]

¹²⁶ Ibid, p. 257.



All of which is respectfully submitted this 17th day of October 2016.

A handwritten signature in dark ink, appearing to be 'Stéphanie Dion', written over a horizontal dotted line.

Stéphanie Dion

Document communiqué en vertu de l'Accès à l'information

Copy 4 of 7
SIRC Member

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CTO

File No. 1500-481

SECURITY INTELLIGENCE REVIEW COMMITTEE

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

and

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

CSIS BOOK OF DOCUMENTS VOL. 4
Sensitive material: BRS [REDACTED] Reporting: to be retained at CSIS NHQ

Per: Stéphanie Dion
Department of Justice Canada
National Security Litigation &
Advisory Group
P.O. Box 8127, Station T
Ottawa, Ontario, K1G 3H6

Tel: 613-842-1356
Fax: 613-842-1345

Counsel for the Respondent

SIRC / CSARS

SIRC Case # 146

Exhibit # CSIS 7A

Date January 28-2016

Entered by CSIS (Dion)

Registrar Shauna Stawicki

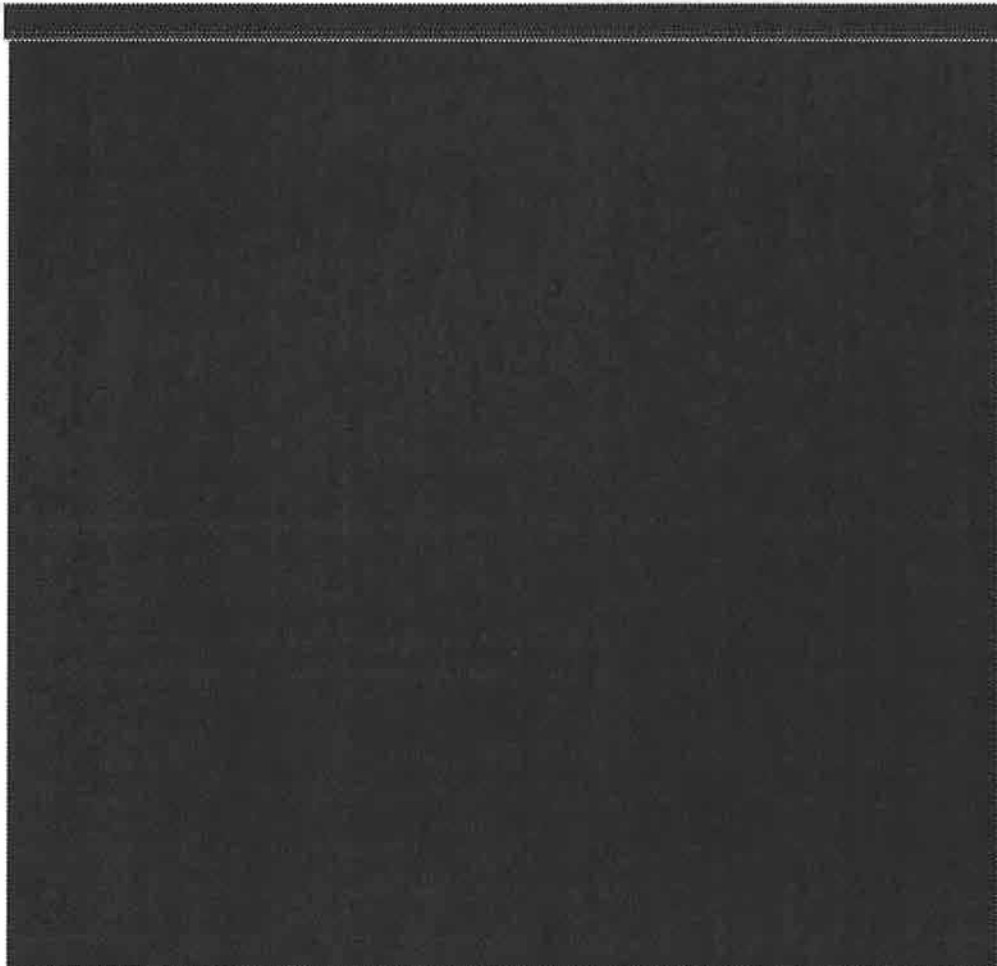
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| | 26/05/2015 | [REDACTED] | 109 |
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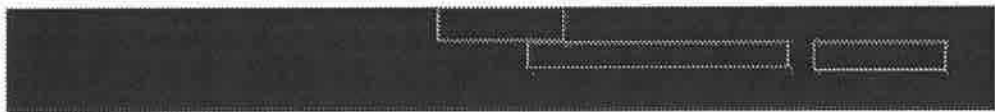
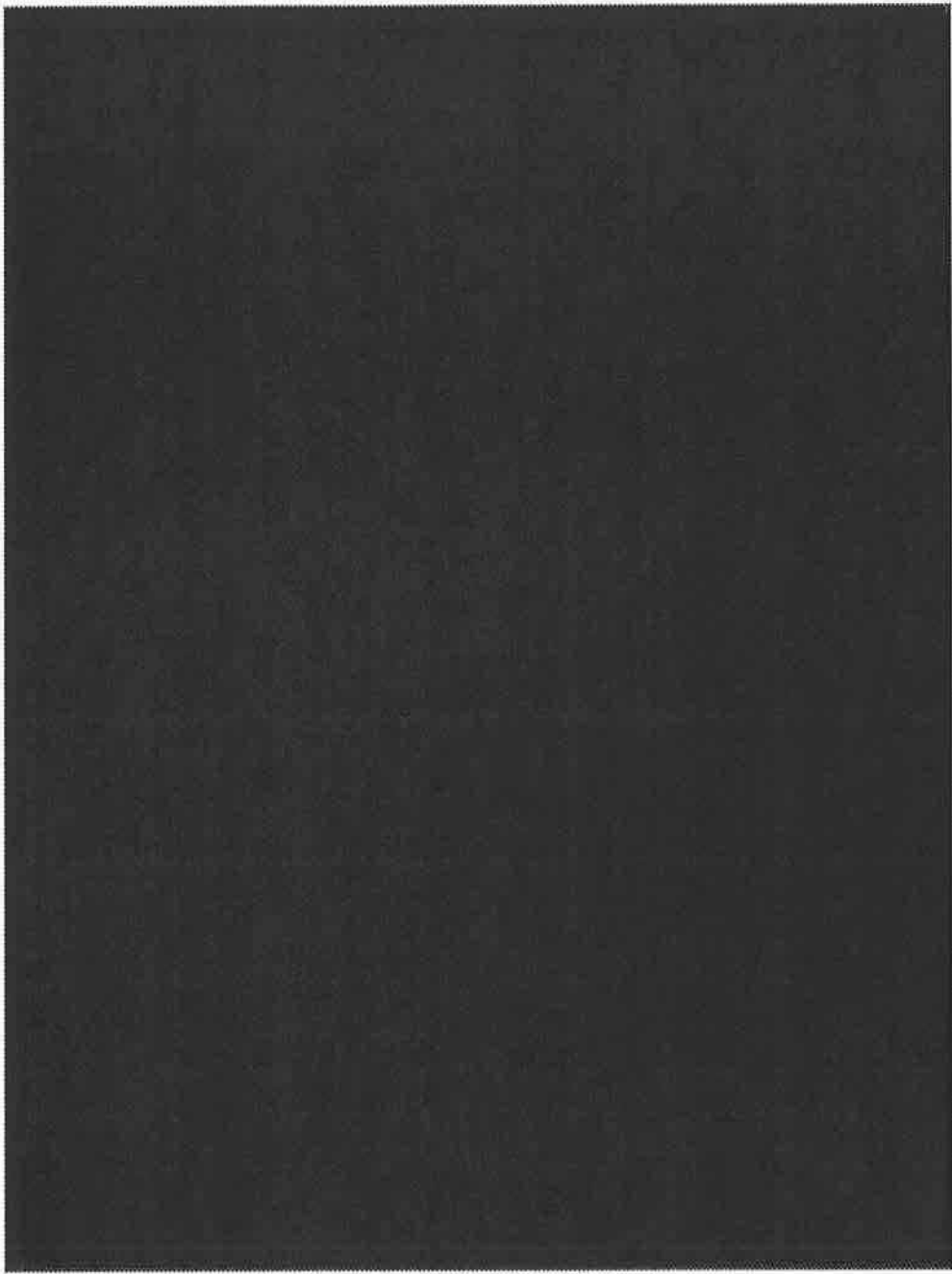
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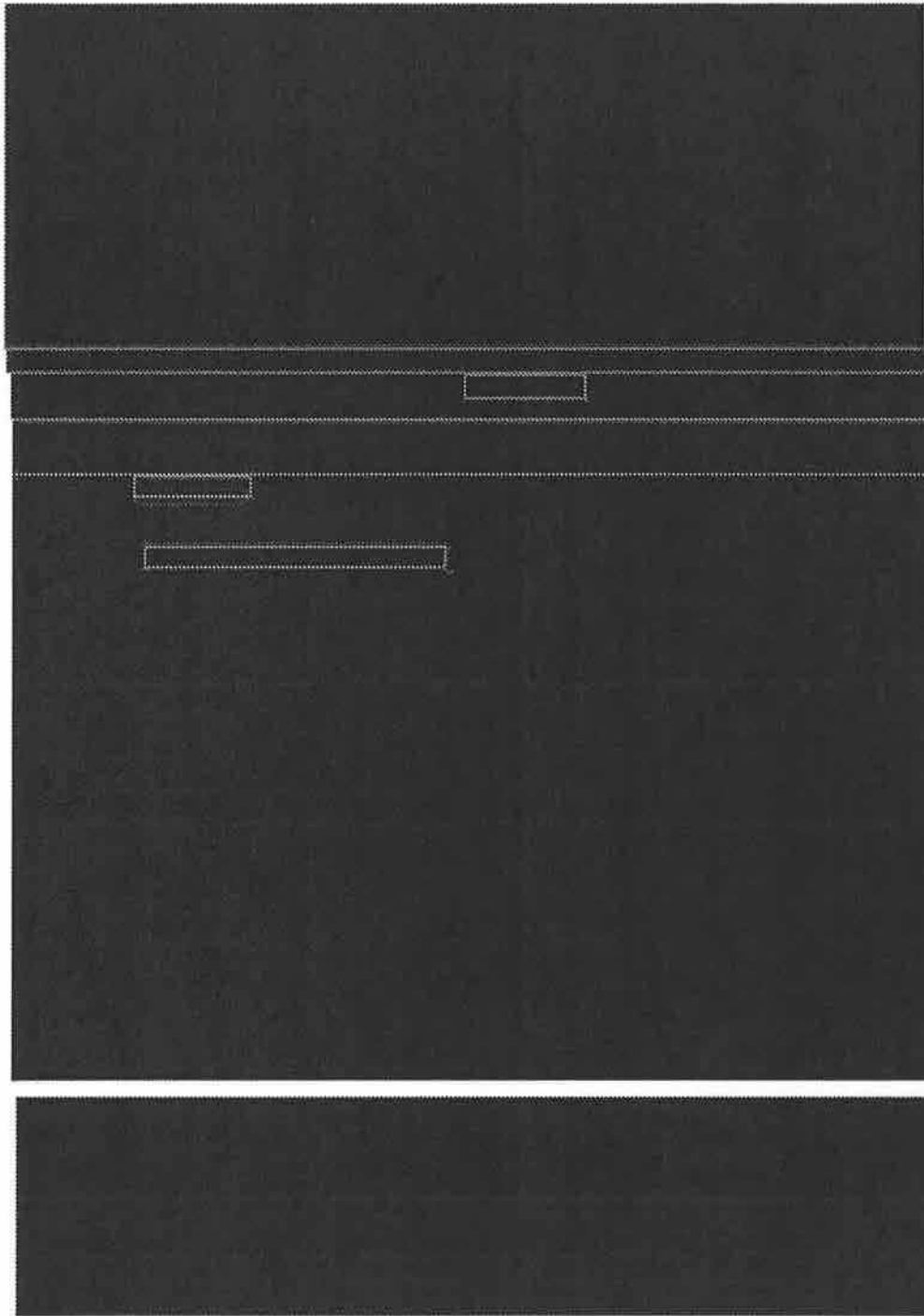
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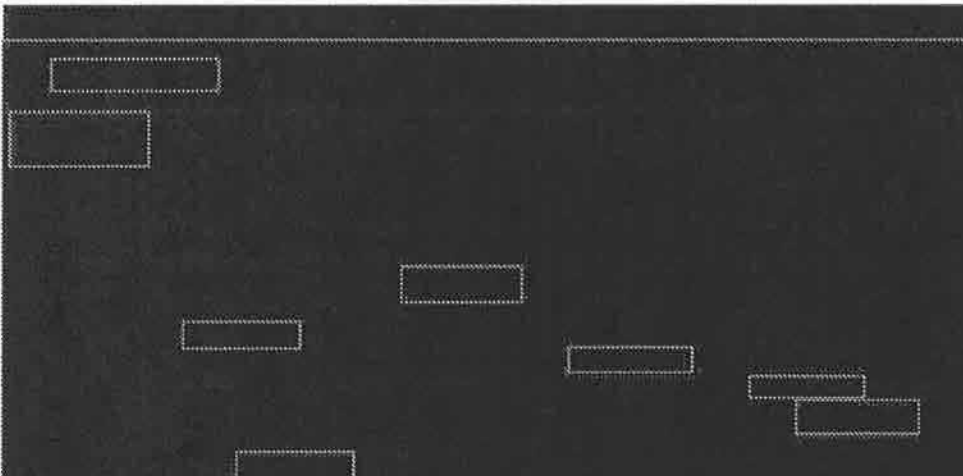
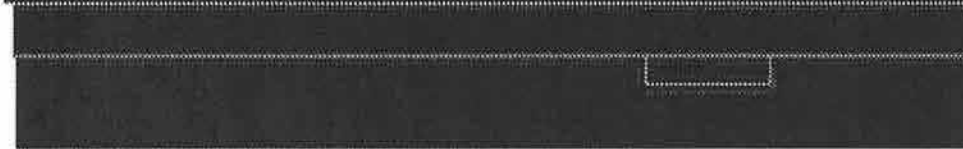
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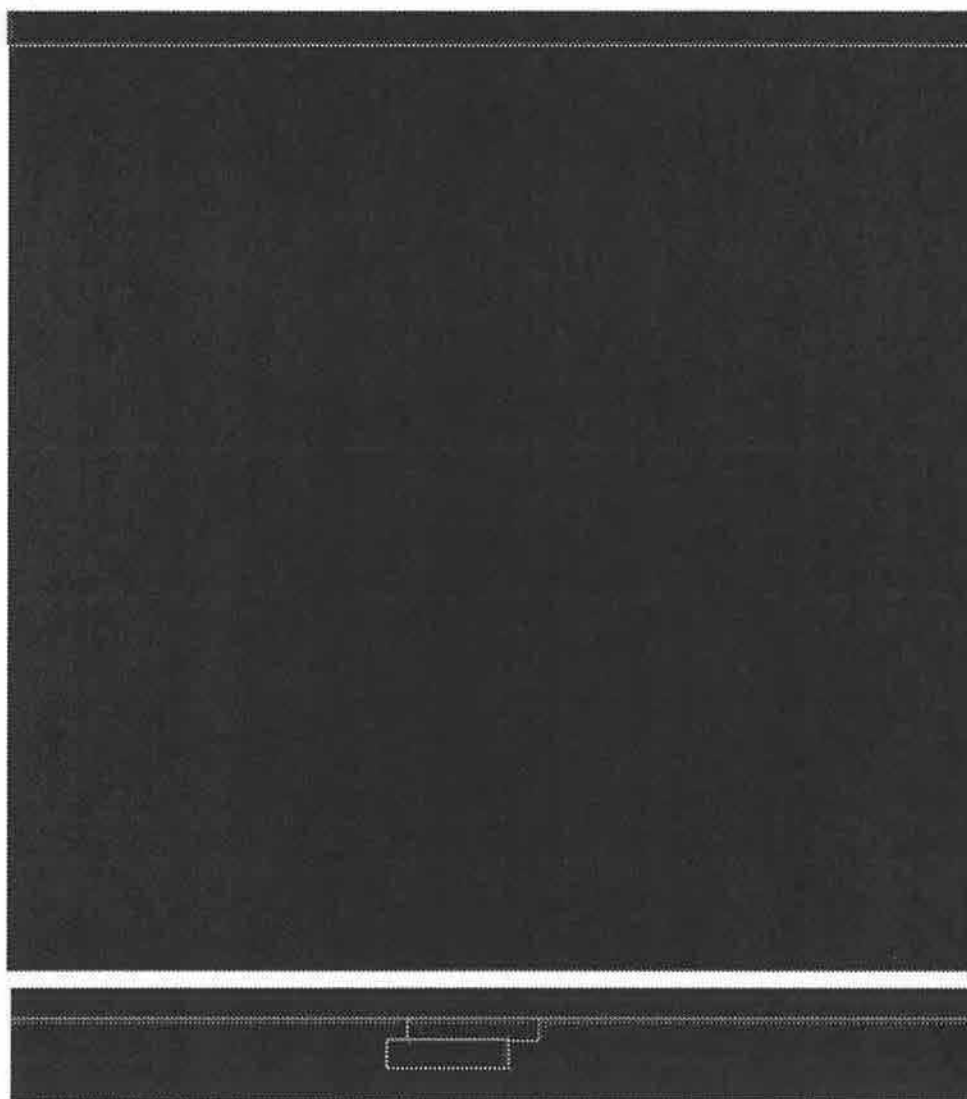
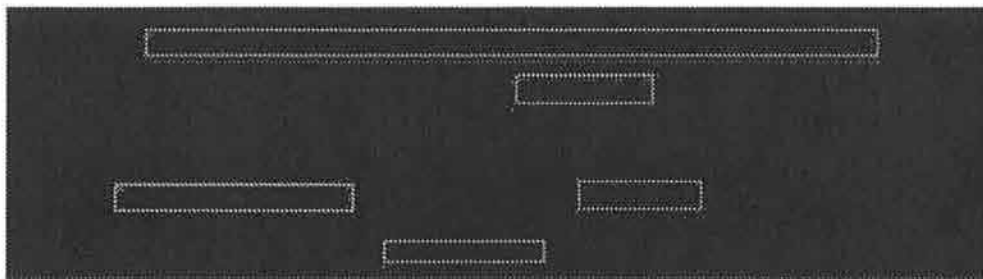


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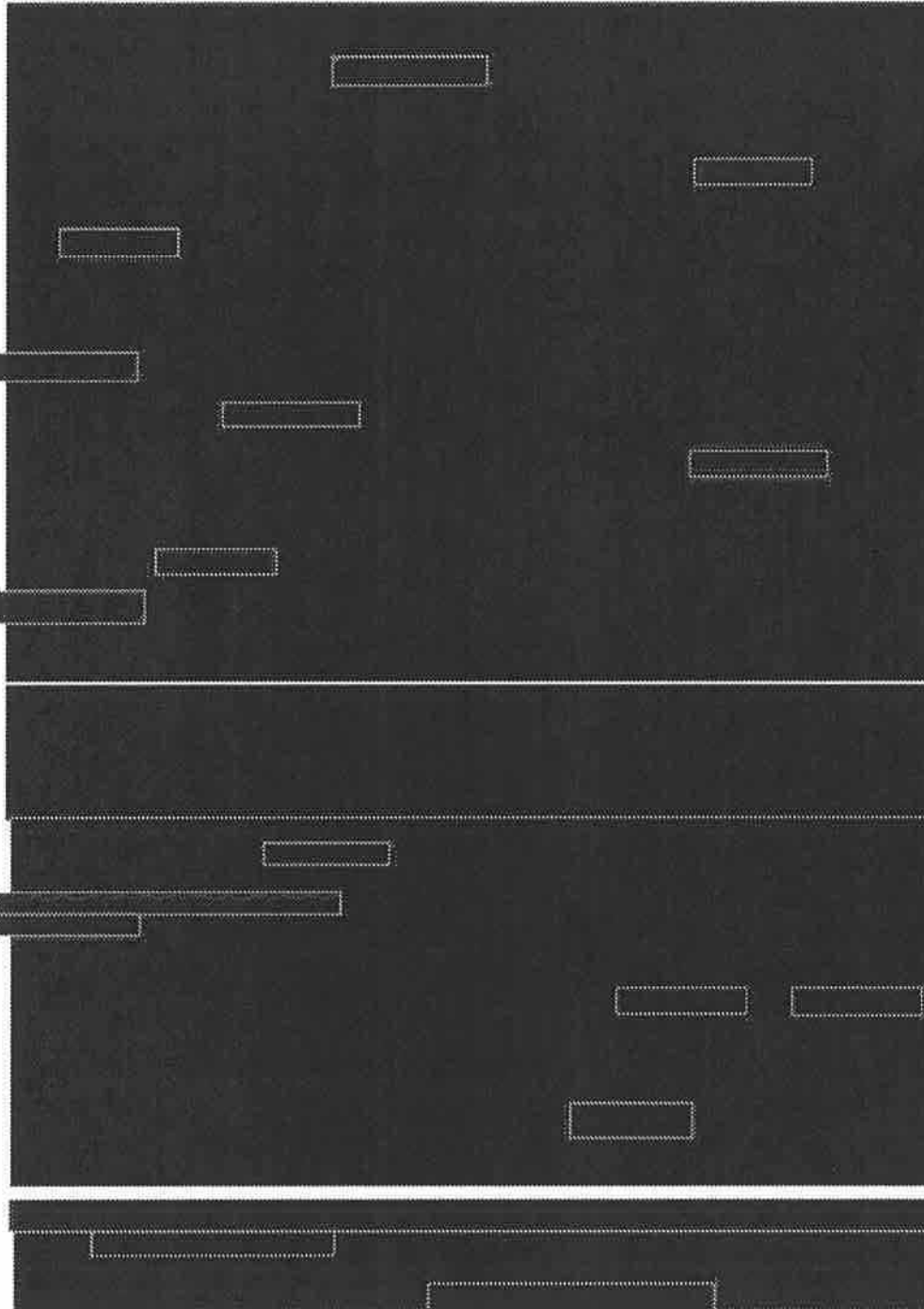
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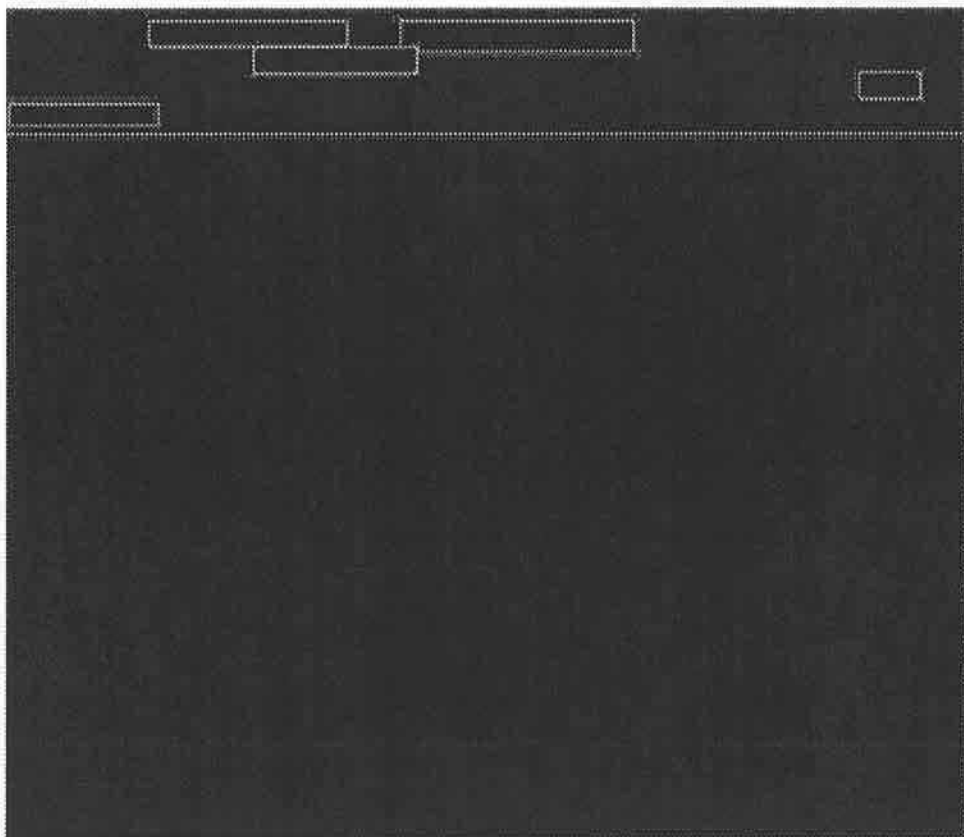
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RE / OBJET:

SYNOPSIS / SOMMAIRE:

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

(i) There is significant opposition to the pipeline; [REDACTED]

[REDACTED] To mitigate safety and security risks, all [REDACTED]

(iii) [REDACTED]

[REDACTED] the three - person NEB Panel, who will make the ultimate decision regarding the Northern Gateway Pipeline. The panel will consist of Sheila LEGGITT, Kenneth BATEMAN and Hans MATTHEWS, and the Hearing manager will be Ruth MILLS.

3) The Northern Gateway Pipeline is actually two pipelines; one ships the petroleum product, which is mixed with bitumen / condensate, from Edmonton to Kitimat, and the other ships the bitumen back to Edmonton to be reused.

4) Maps of the route proposed by ENERIDGE were provided by NEB. The maps indicate the study area communities, rural municipalities and Aboriginal territories in Alberta and British Columbia.

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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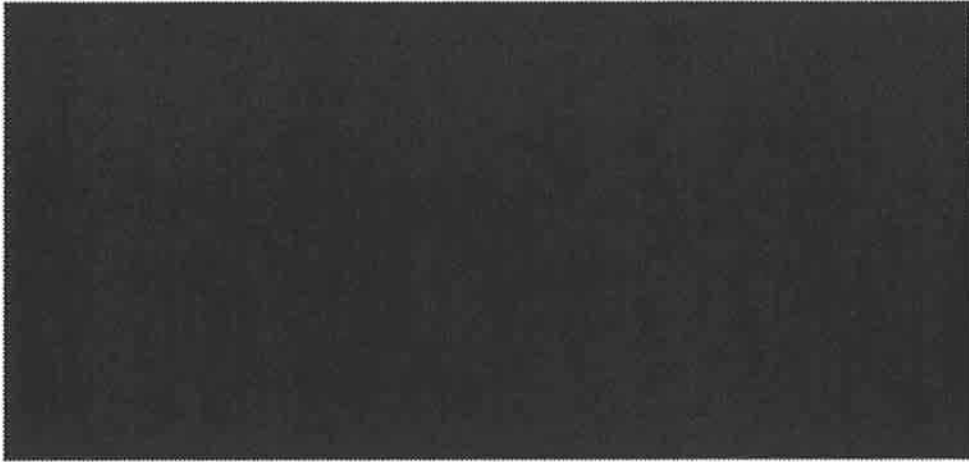
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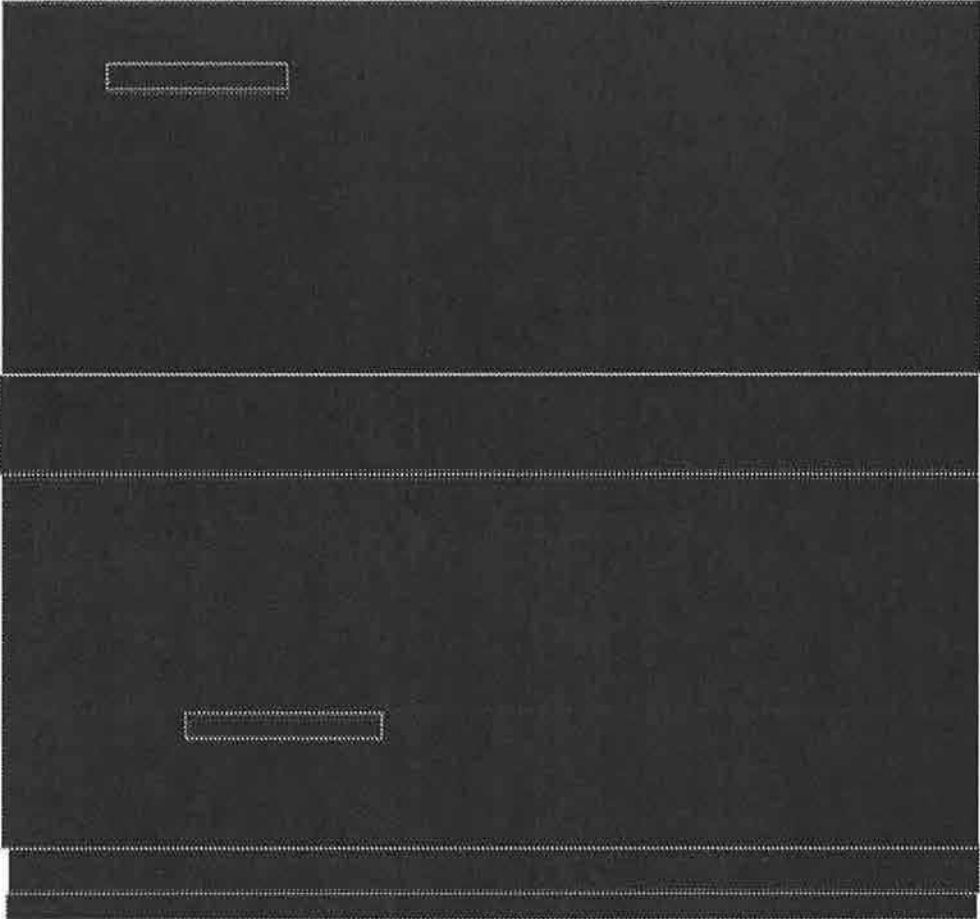
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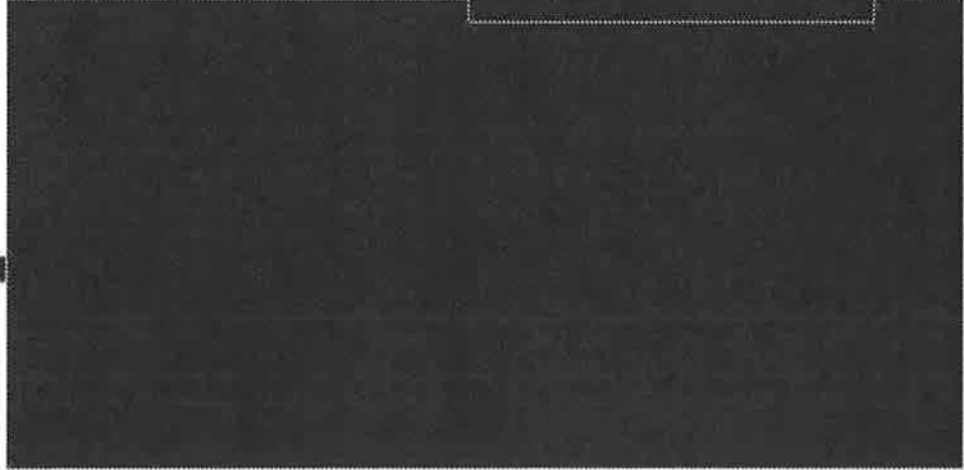
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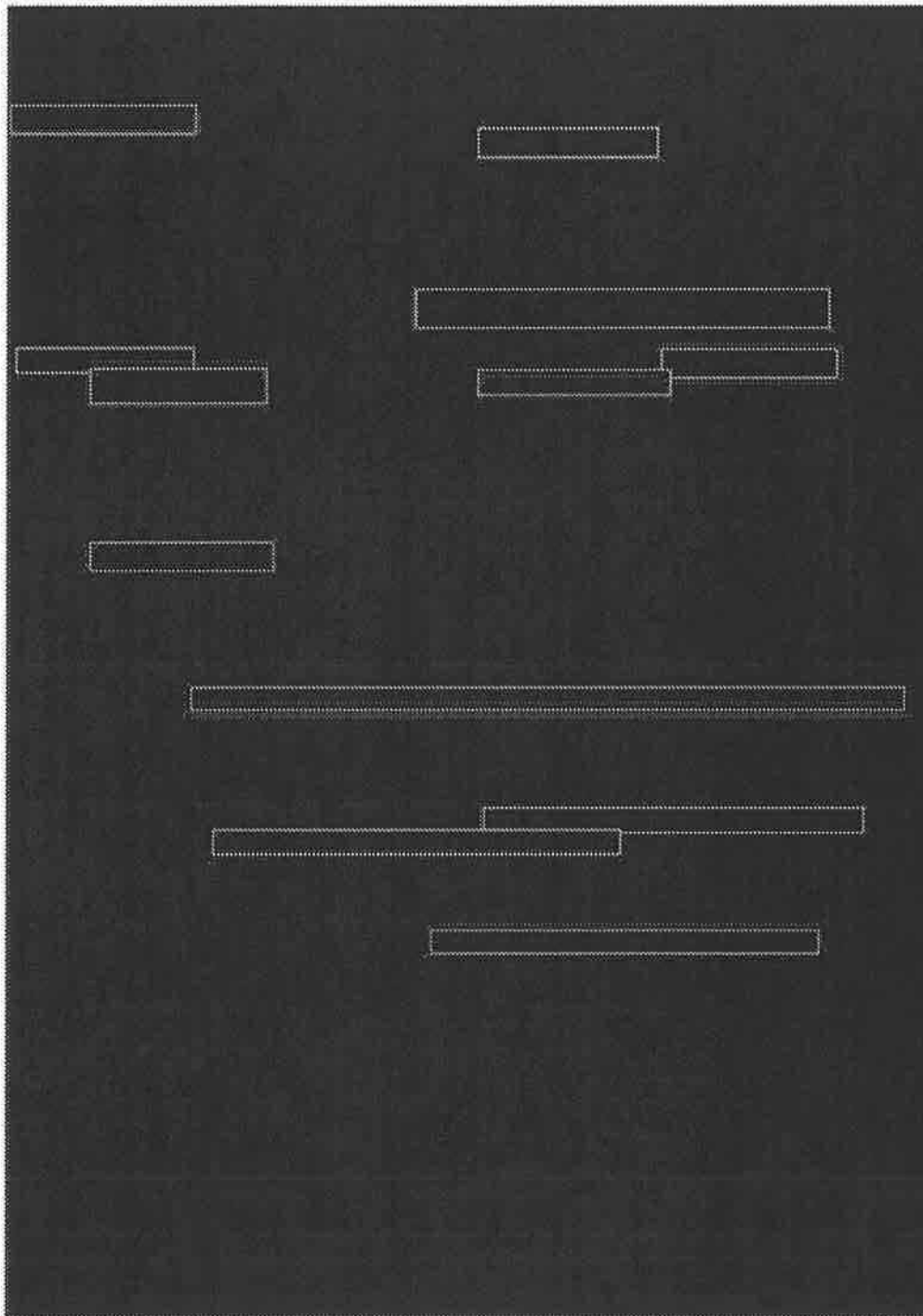
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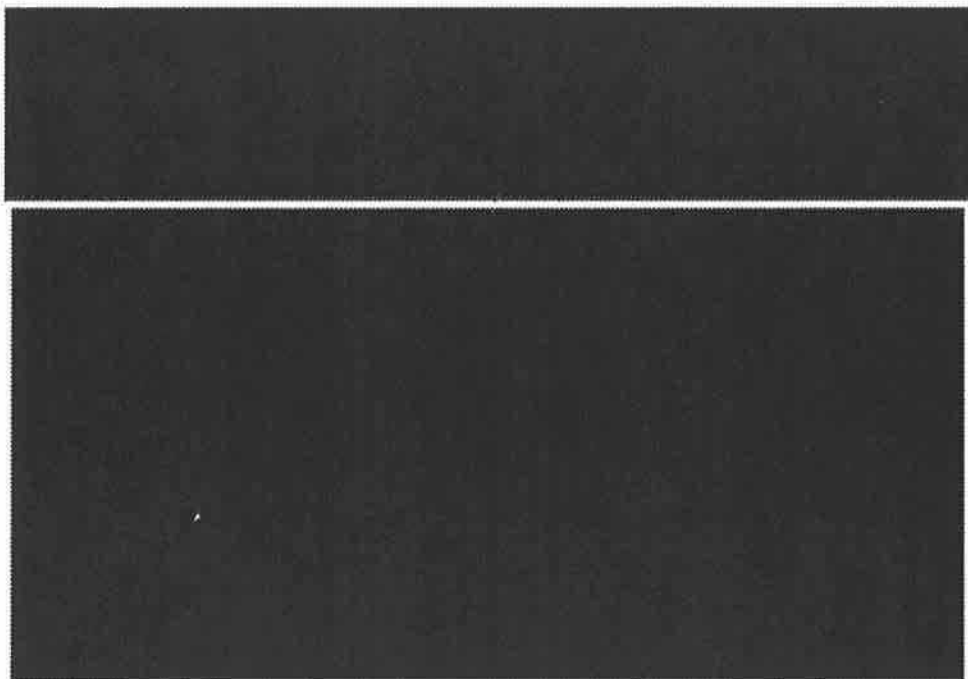
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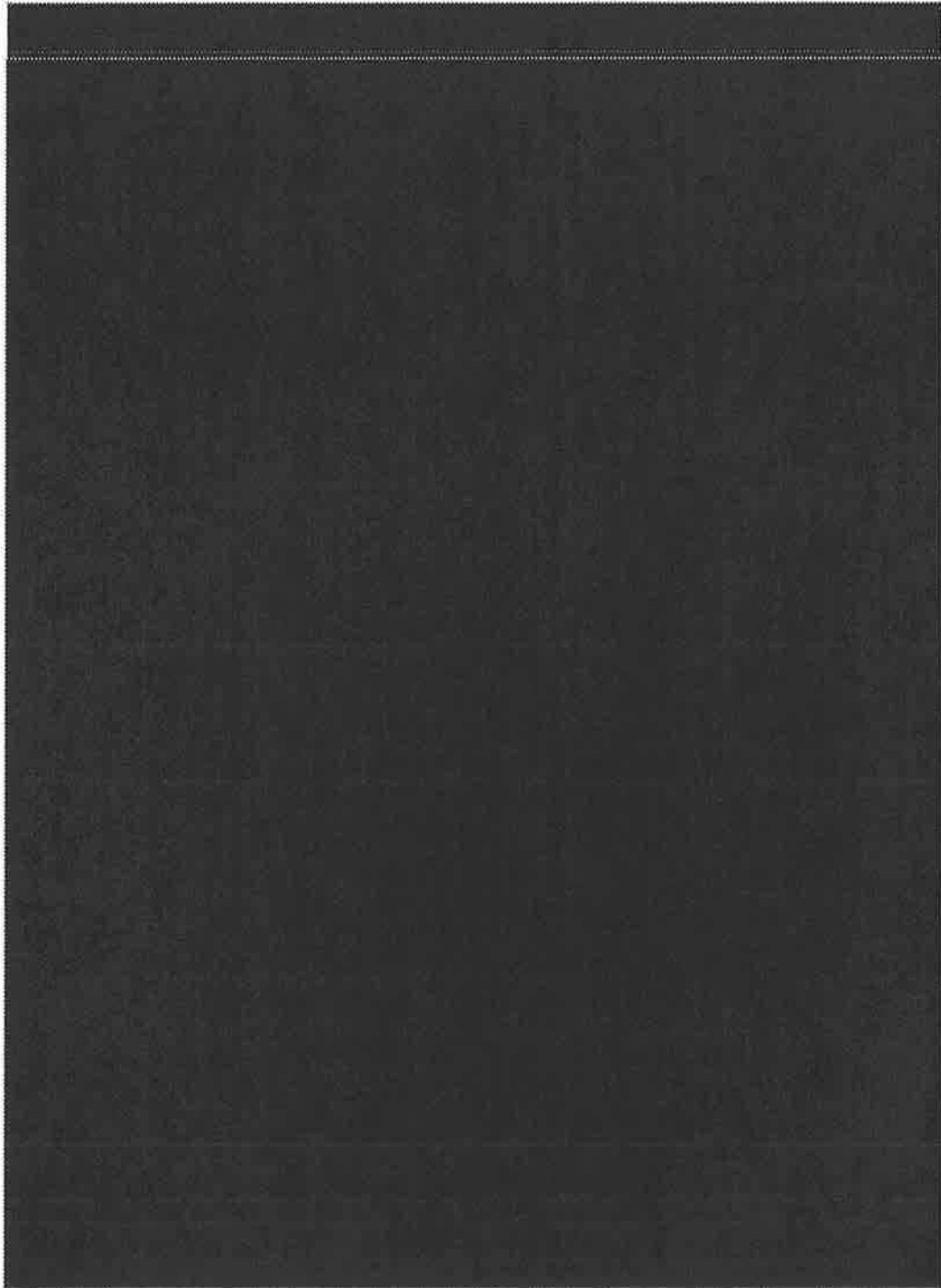
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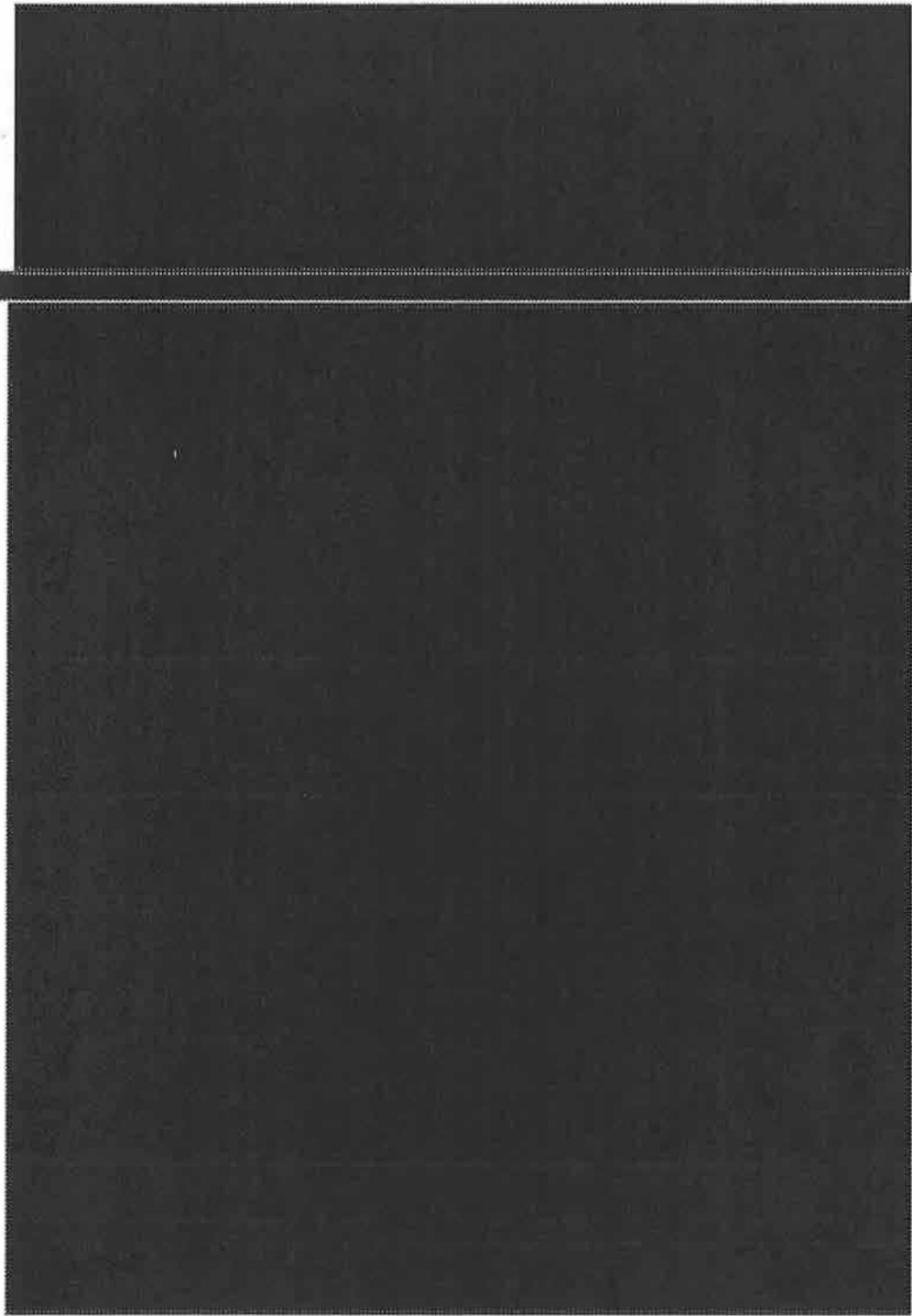
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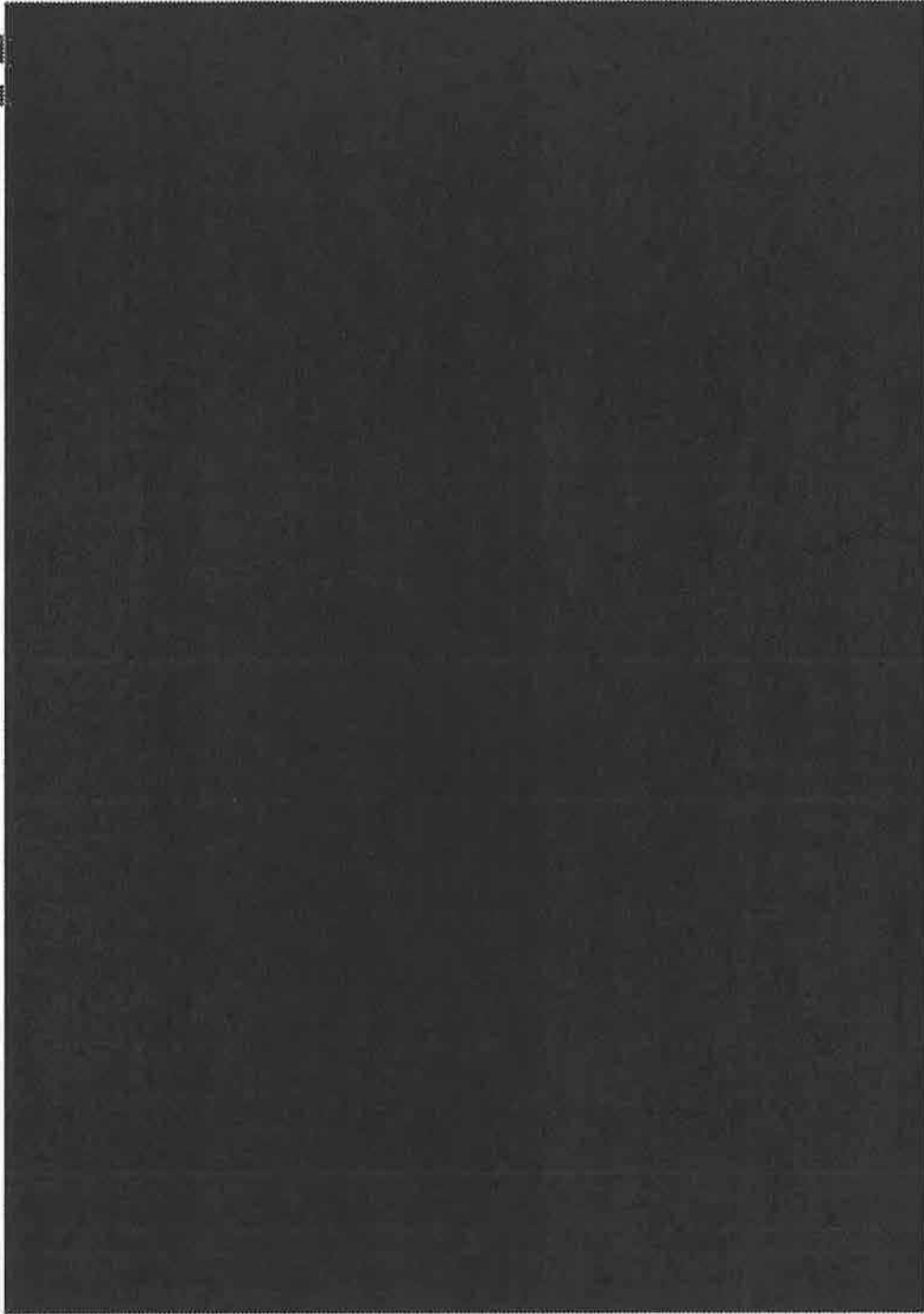
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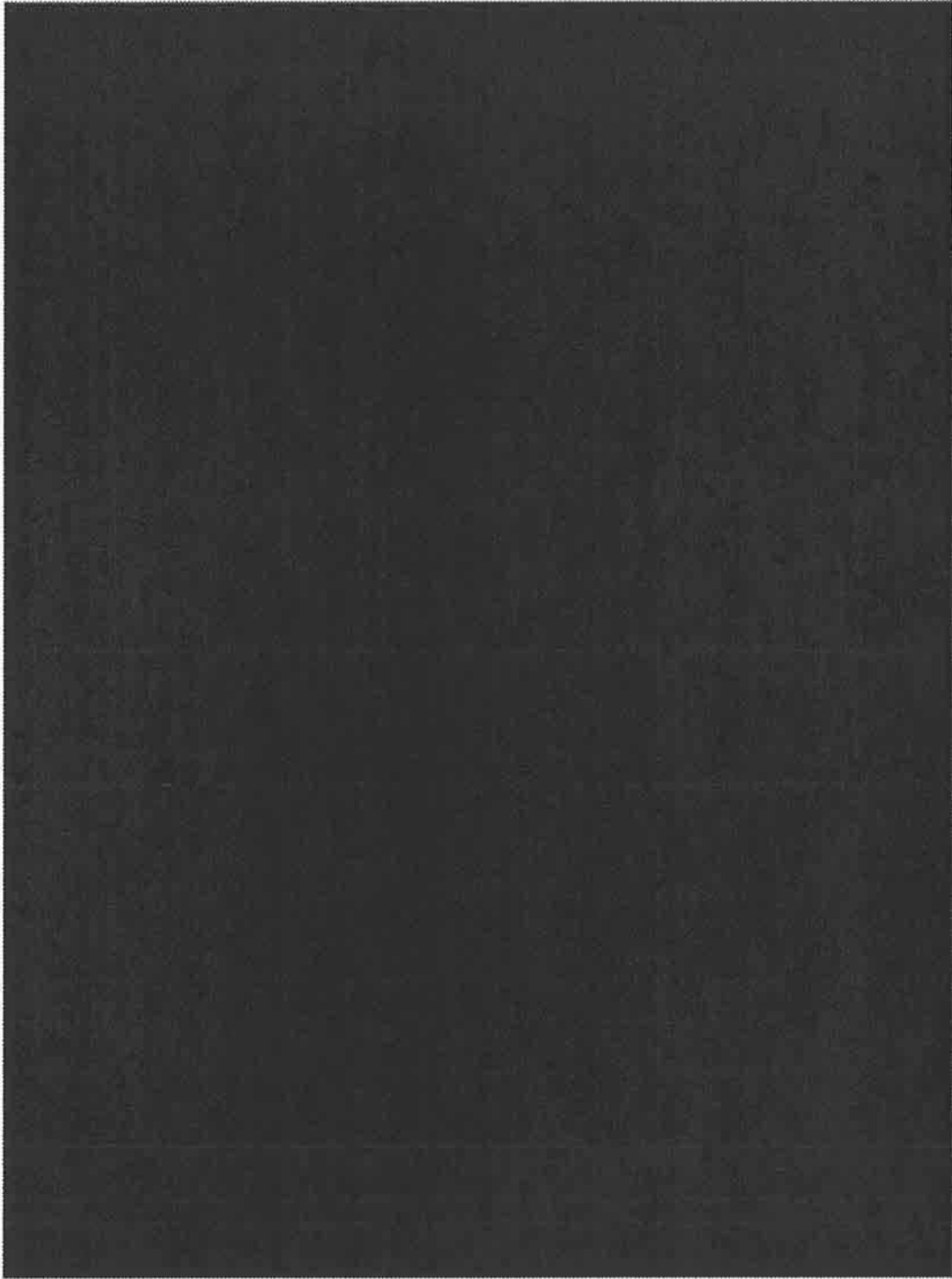
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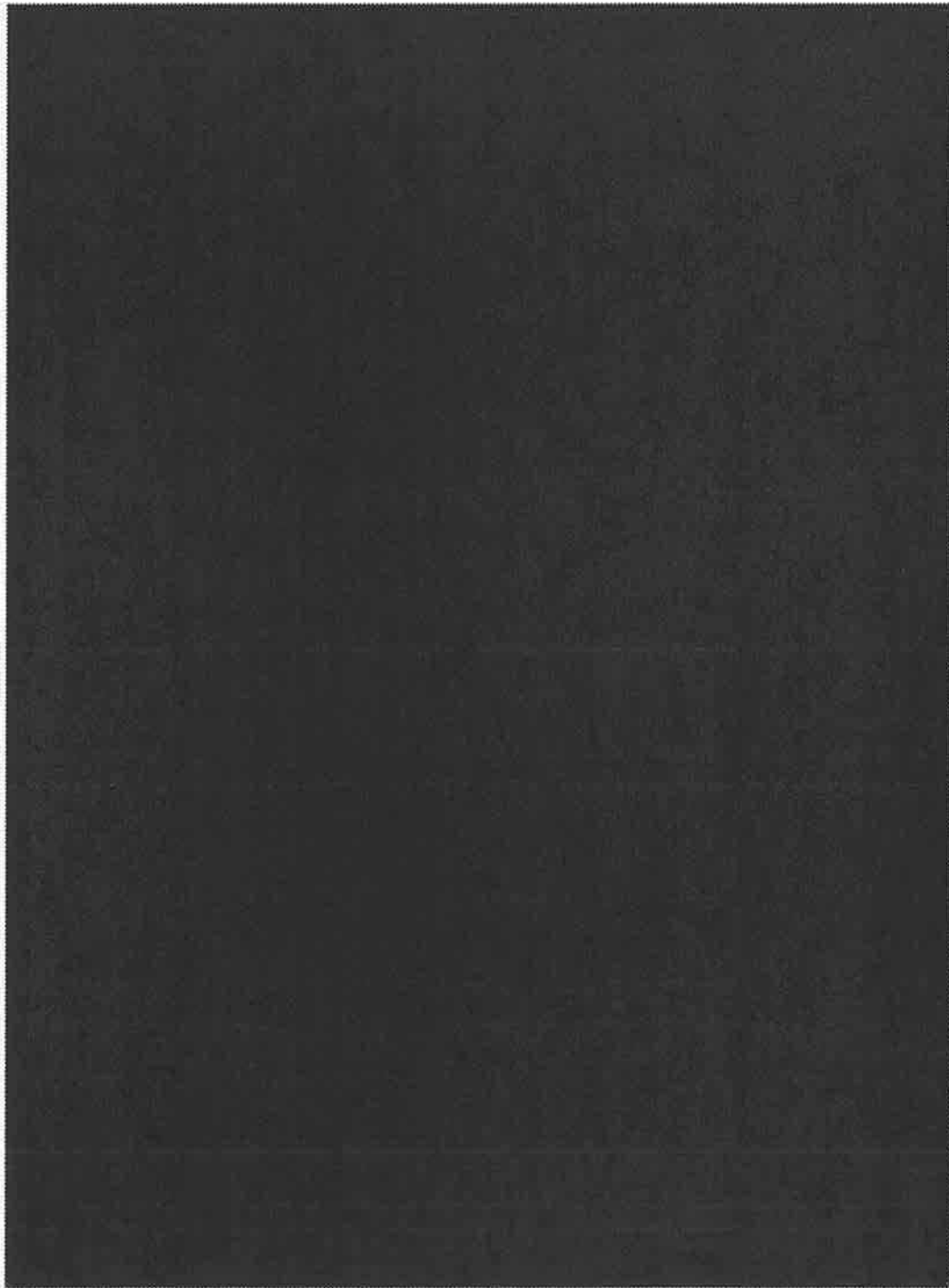
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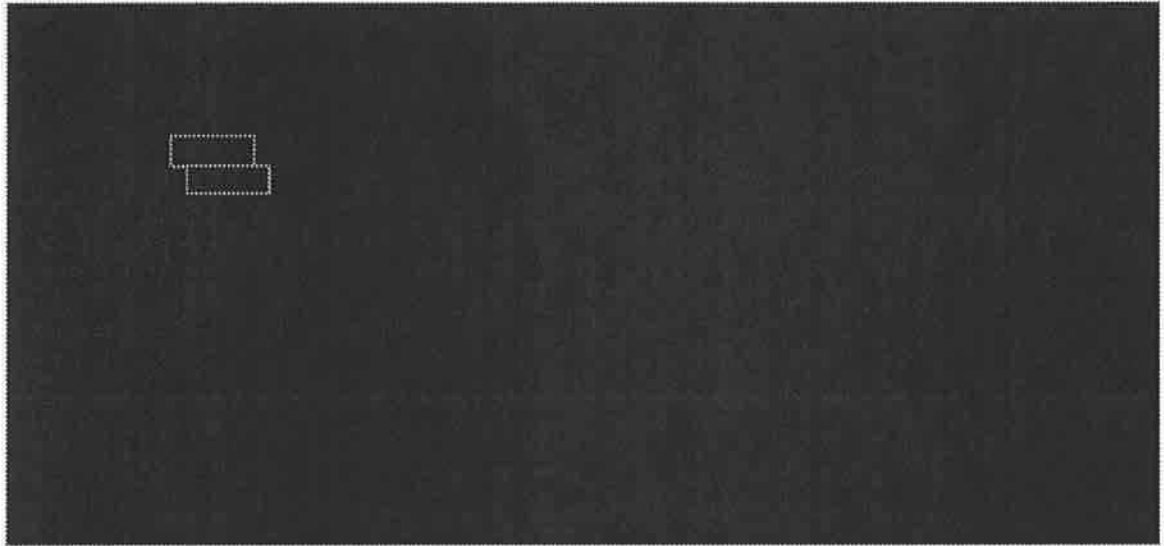
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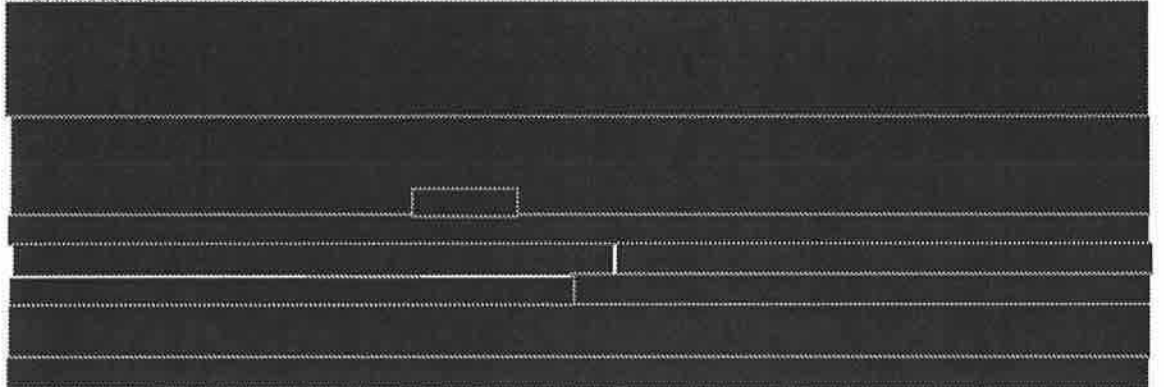
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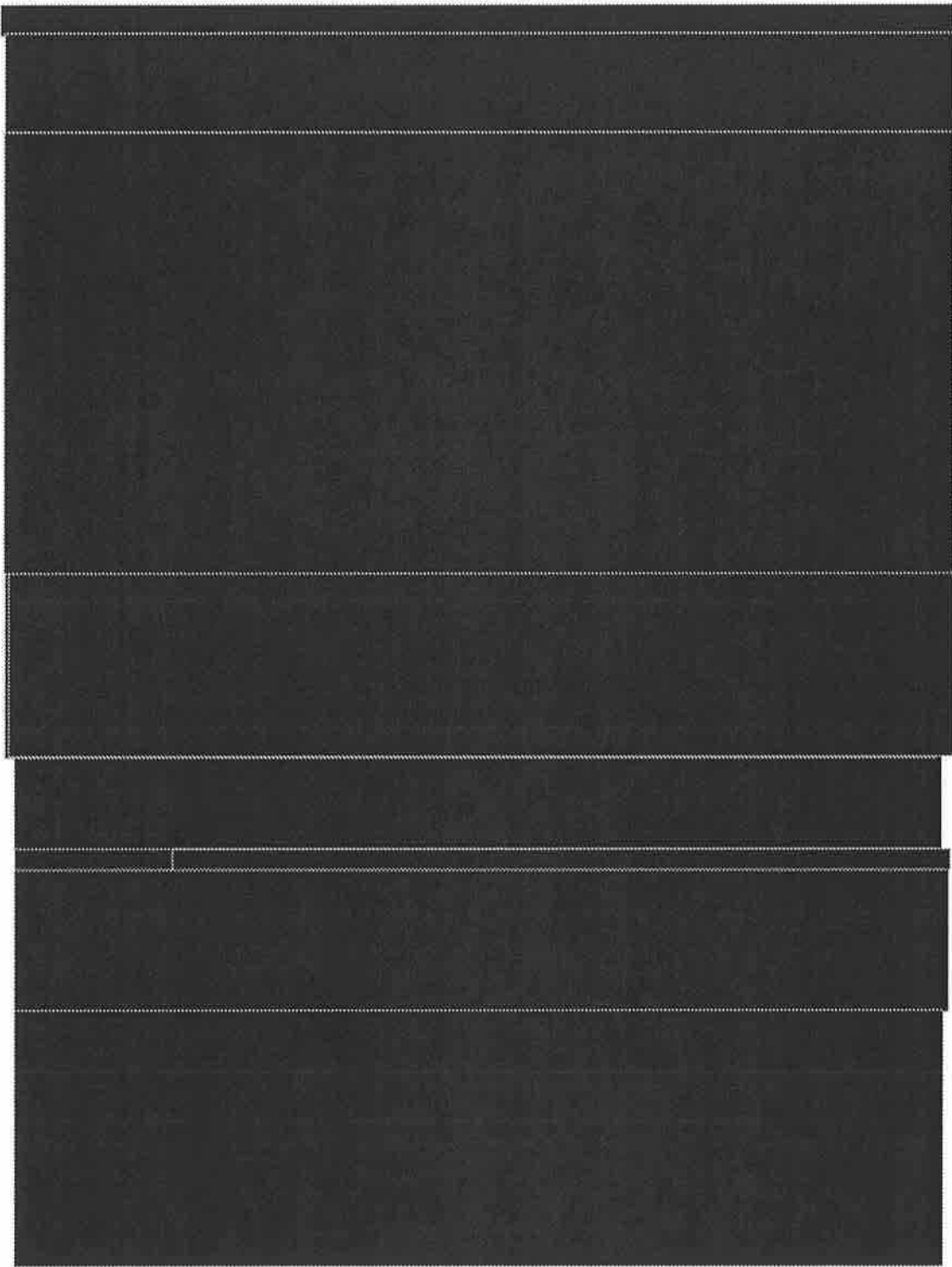


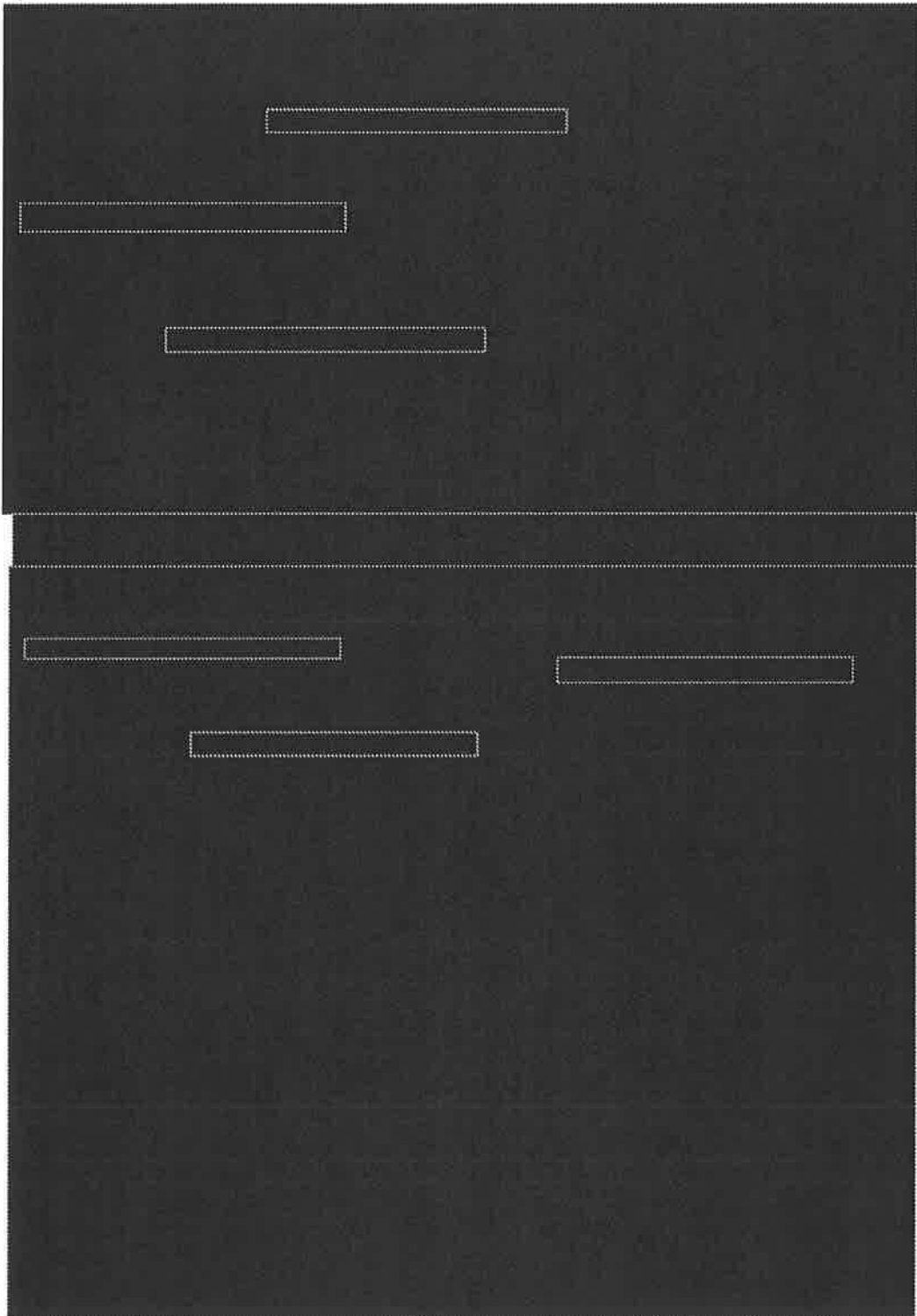
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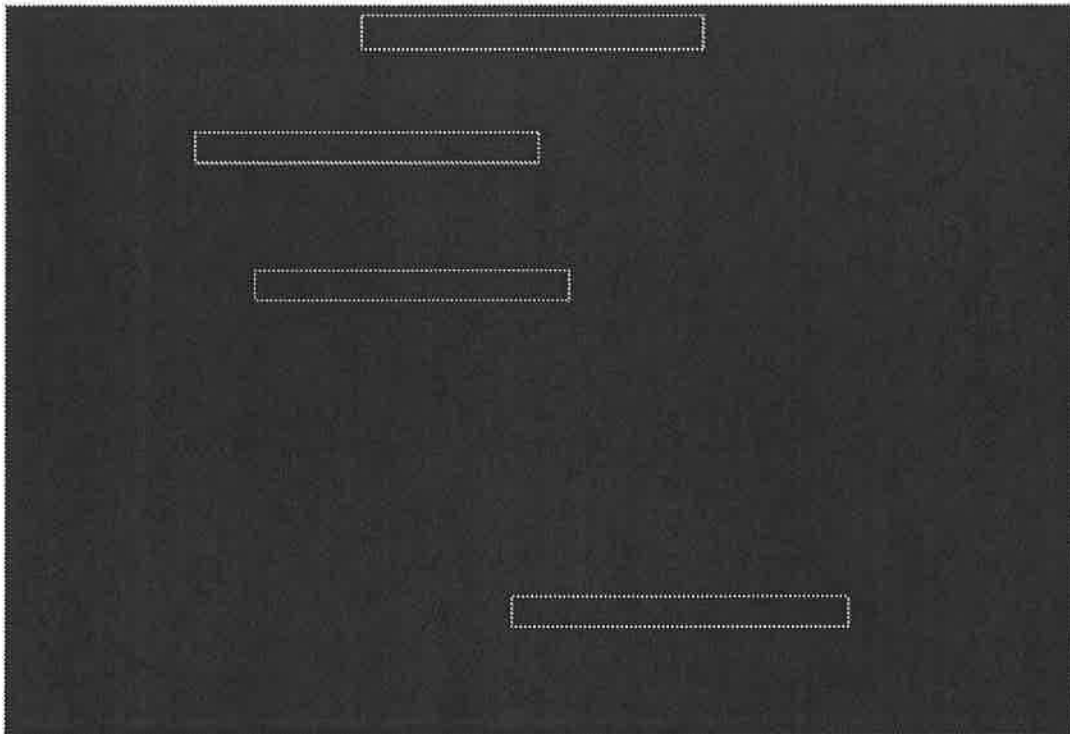
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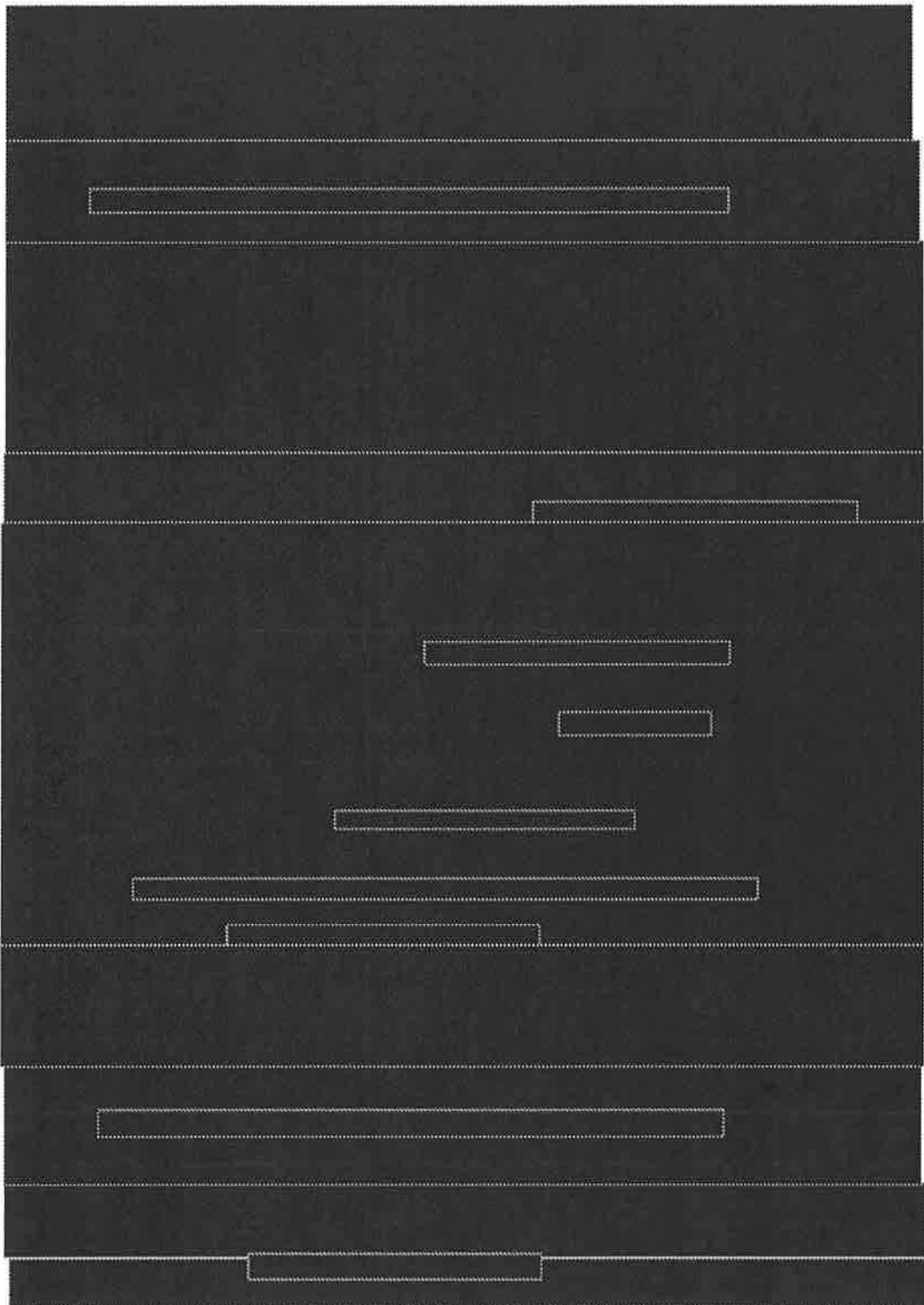
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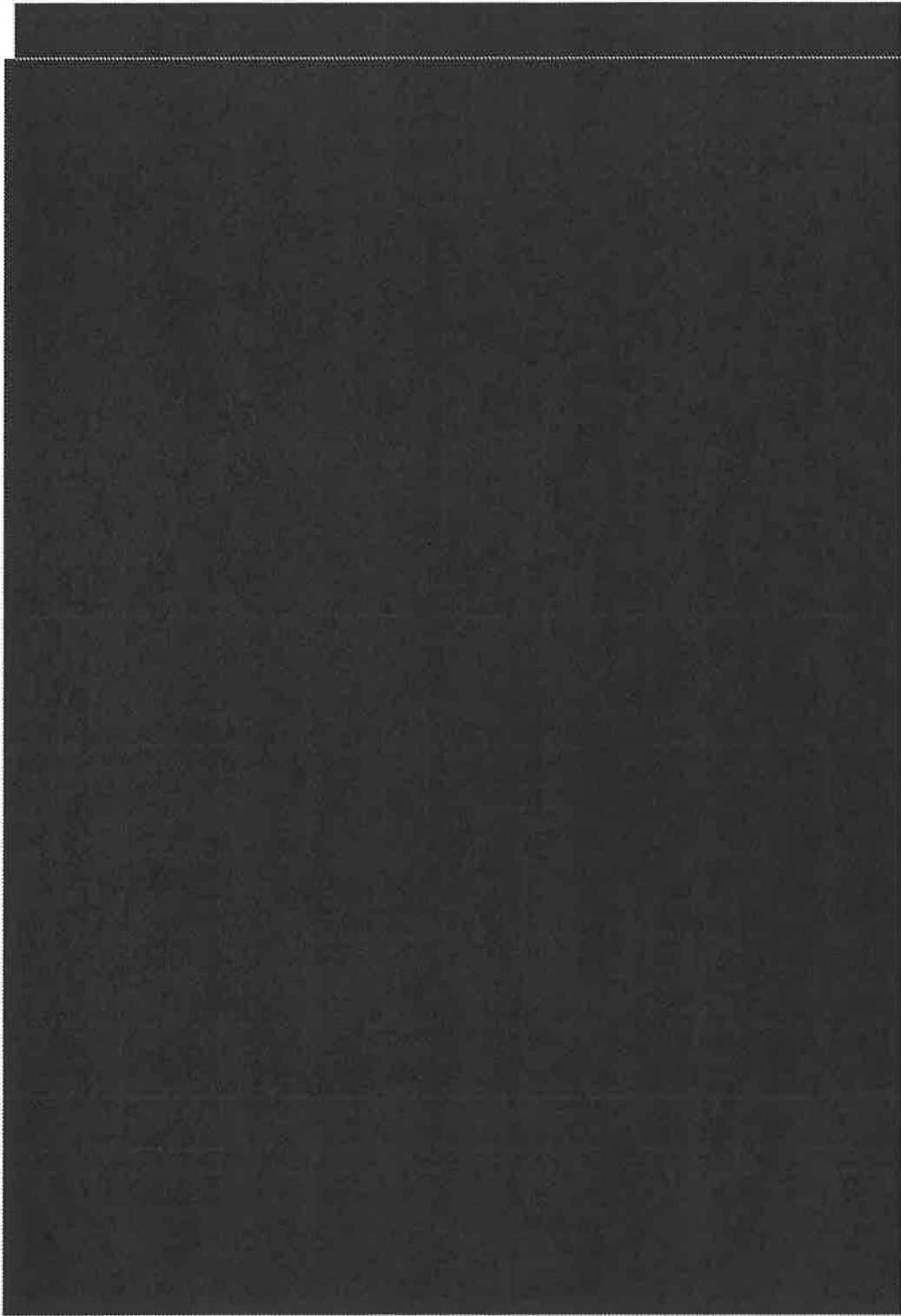


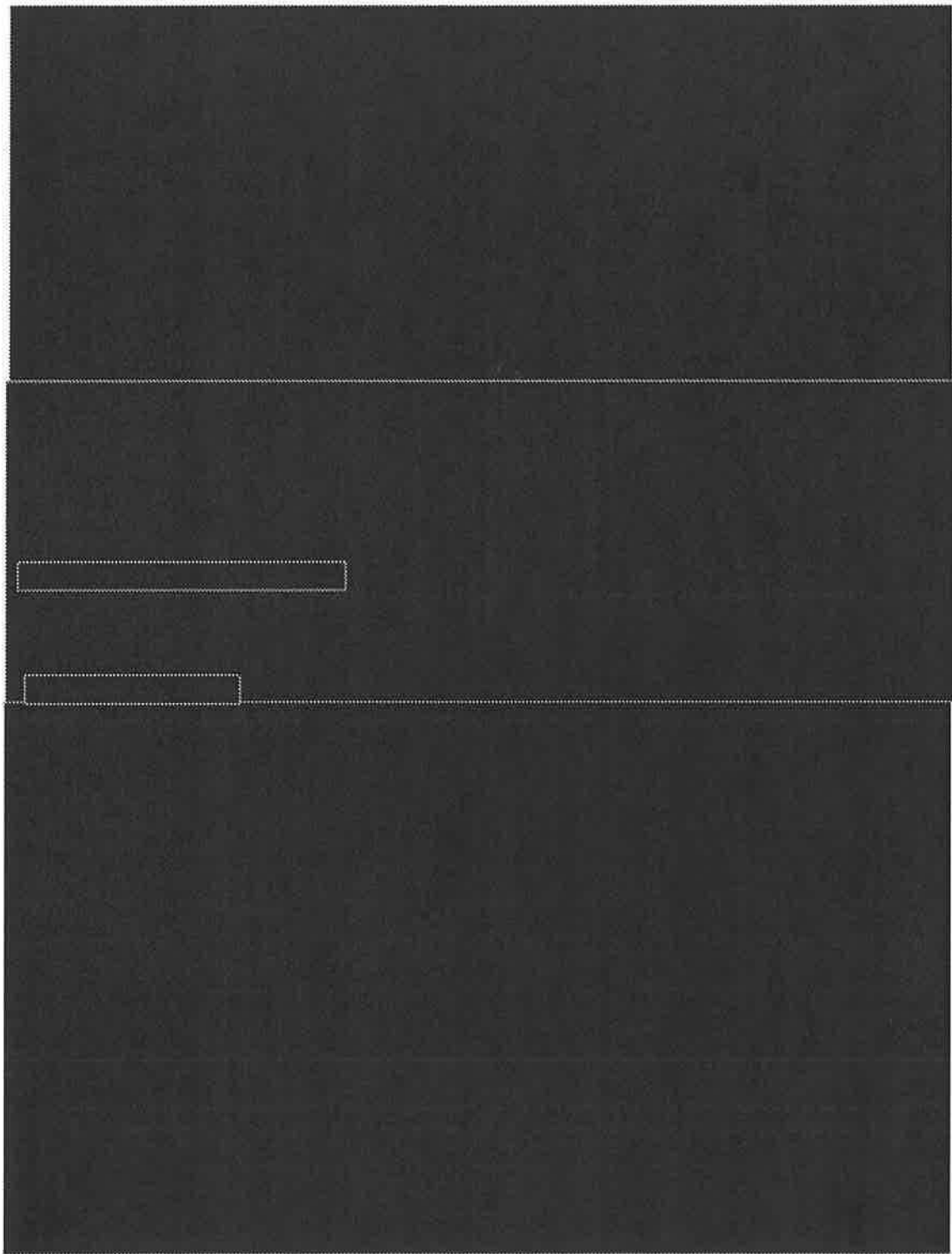












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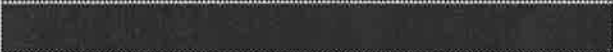
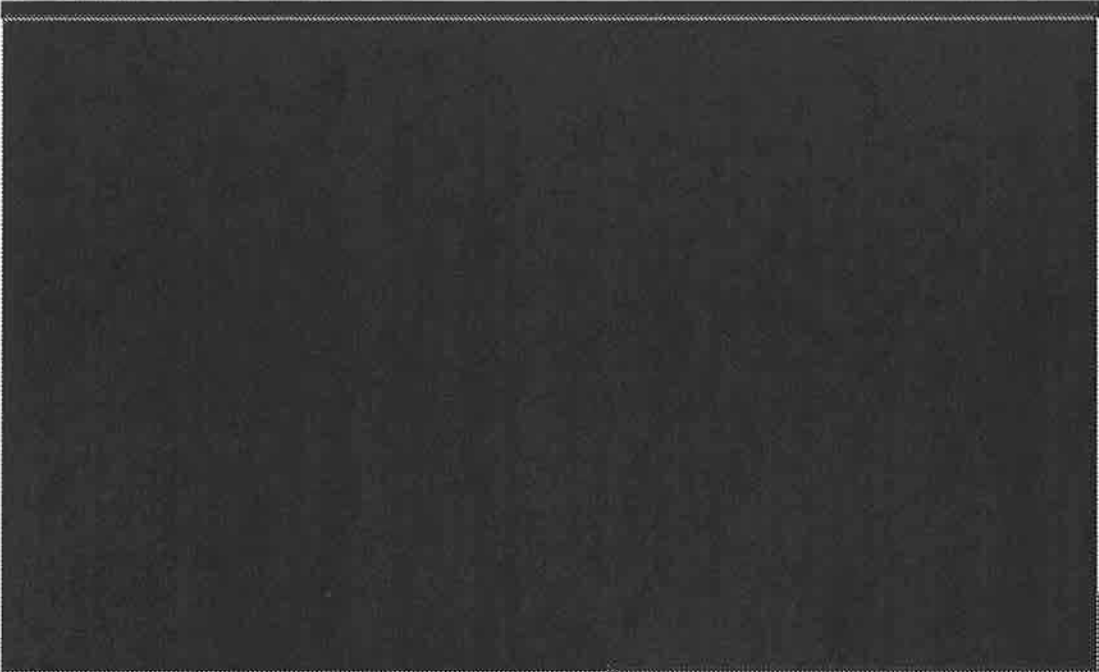
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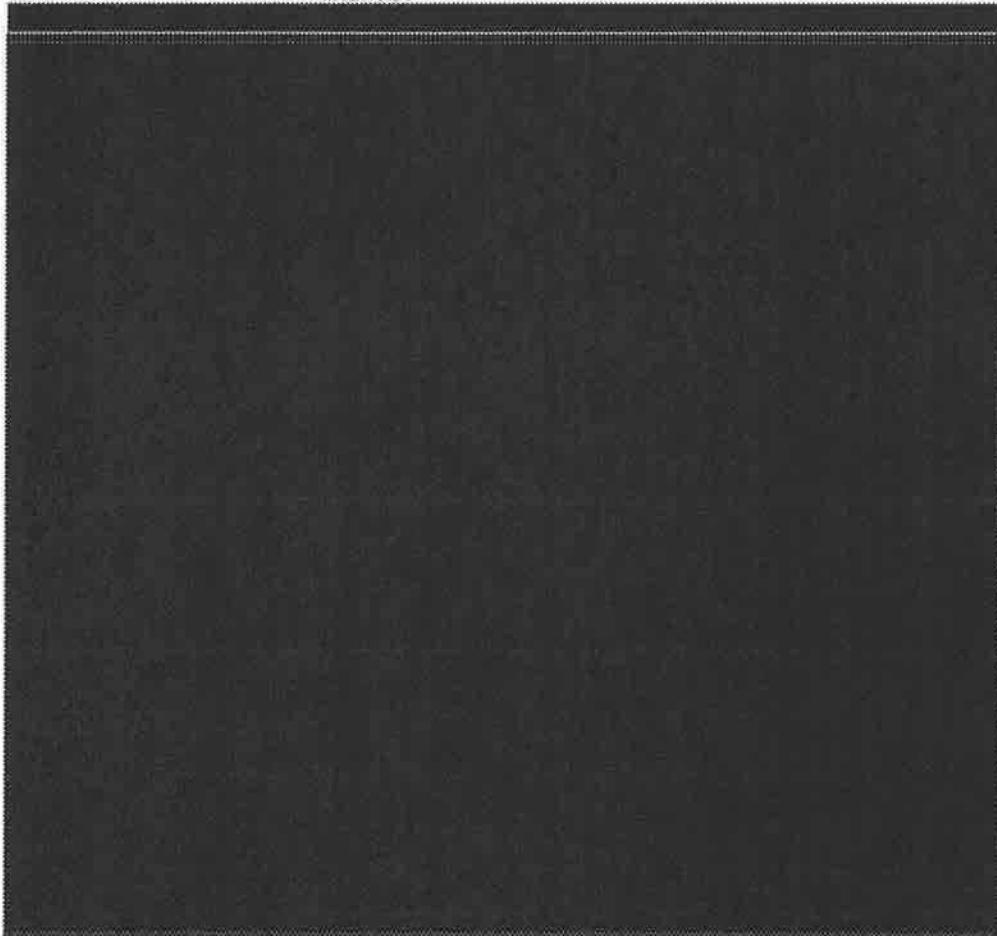
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SYNOPSIS / SOMMAIRE:



INFORMATION / RENSEIGNEMENTS:



ANALYSTS / ANALYSE:

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