

Federal Court



Cour fédérale

~~TOP SECRET~~

Date: 20230811

Docket: DES-3-18

Citation: 2023 FC 1100

Ottawa, Ontario, August 11, 2023

**PRESENT:** Madam Justice St-Louis

**BETWEEN:**

**THE ATTORNEY GENERAL OF CANADA**

**Applicant**

**and**

**ABOUSFIAN ABDELRAZIK  
AND LAWRENCE CANNON**

**Respondents**

**JUDGMENT AND REASONS**

I. Overview

[1] On September 14, 2018, the Attorney General of Canada [the Applicant or the AGC] filed an application under subsection 38.04(1) of the *Canada Evidence Act*, RSC 1985, c C-5 [the

CEA], asking the Court for an order with respect to disclosure of information about which notices were given to the AGC [the Information at Issue] under subsections 38.01(1) and 38.01(3) of the CEA [the Application].

[2] The AGC filed his Application in the broader context of a civil liability action [the underlying proceeding] commenced in September 2009 by Mr. Abousfian Abdelrazik, one of the Respondents in this Application. In his underlying proceeding, Mr. Abdelrazik claims damages against both His Majesty the King and Mr. Lawrence Cannon for serious violations of his fundamental human rights as protected and guaranteed by the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B of the *Canada Act 1982 (UK), 1982, c 11 [the Charter]* and the customary international law prohibition against torture. Mr. Abdelrazik seeks a total of \$27 million in damages from the Defendants for, generally (a) his arrest and detention in Sudan; (b) his alleged mistreatment and torture while in prison in Sudan; and (c) the alleged failure of Canadian officials to facilitate his return to Canada prior to June 2009. Approximately 6000 documents produced by the AGC to Mr. Abdelrazik in the underlying proceeding contained redactions under section 38 of the CEA.

[3] In the notices given to the AGC, Department of Justice counsel advised that they believed sensitive or potentially injurious information, contained in a total of 1469 documents, may be disclosed in connection with the underlying proceeding. The AGC thus brought his Application in respect of this subset of 1469 documents which contain Information at Issue that is redacted in said documents.

[4] In his Application, the AGC asks the Court for an order under subsection 38.06(3) of the CEA confirming the prohibition of disclosure of the Information at Issue, except as previously

authorized by the AGC under subsection 38.03(1) of the CEA. In his Memorandum of Fact and Law, the AGC also asks the Court, where advisable, to authorize the issuance of his proposed summaries under subsection 38.06(2) of the CEA.

[5] Mr. Abdelrazik seeks an order pursuant to section 38.06 of the CEA authorizing the disclosure of some of the Information at Issue.

[6] As part of the proceedings in this Application, the Court appointed two *amici curiae* [the *amici*] to assist it in performing its statutory obligations under section 38 of the CEA. Before being given access by the Court to the classified information submitted for review, the *amici* met with counsel for Mr. Abdelrazik to discuss his position in the underlying proceeding and thus guide the *amici* in reviewing the Information at Issue. As detailed below, the *amici* have participated in the *in camera ex parte* proceeding; they ask the Court to direct the disclosure of any of the contested Information at Issue that is found not to be injurious and, for the Information at Issue that the Court determines would be injurious, they request the disclosure of their proposed summaries as part of the balancing exercise that they submit must be conducted under subsection 38.06(2) of the CEA.

[7] As the result of the considerable work they have accomplished, the AGC and the *amici* agree on required redactions and permissible summaries for over 90% of the documents at issue. They have produced three charts that set out their position about the Information at Issue in each of the 1469 documents subject to this Application. The charts divide the documents into the three subsets described below and they are each organized by AGC production document number.

A. *Uncontested Documents Chart (Annex A)*

[8] For a first subset of 1333 documents, referred to as the Uncontested Documents chart (or Annex A), the AGC and the *amici* agree that the Court should confirm the prohibition of disclosure (for 29 of these documents, the AGC has lifted, or removed, all section 38 redactions during the course of these proceedings).

B. *Agreed-Upon Summaries Chart (Annex B)*

[9] For a second subset of 17 documents and one overarching summary, referred to as the Agreed-Upon Summaries chart (or Annex B), the AGC and the *amici* agree that the Court should protect the Information at Issue, although they also agree that the Court should disclose some information in the form of summaries. Particularly, in four of these documents (AGC00851, AGC01152, AGC02679, and AGC05098) the AGC identifies information that is subject to third party approval, and in regards to which the *amici* are not themselves requesting disclosure, although they do not contest the information being disclosed in the form of summaries as proposed by the AGC. Therefore, if the third party, or foreign agency, request is denied, the *amici* do not contest the AGC removing these four summaries. As for the other documents, the *amici* agree that the summaries in Annex B, if disclosed, will provide adequate disclosure of the information relevant to the interests of Mr. Abdelrazik in the underlying proceeding, while in a format most likely to limit the injury, as outlined below.

C. *Contested Summaries Chart (Annex C)*

[10] For a third subset of 119 documents plus two overarching summaries, referred to as the Contested Summaries chart (or Annex C), the AGC seeks confirmation of the prohibition of disclosure or, alternatively, that the Court authorizes the disclosure of his proposed summaries,

except where the AGC identifies that the disclosure is subject to third party approval, in which case the AGC asks for a confirmation of the prohibition of disclosure and does not submit any summaries. Again, in two documents (AGC01750 and AGC01824) the AGC identifies information that is subject to third party approval that the *amici* are not themselves requesting be disclosed, although they do not contest that the information be disclosed in the form of summary proposed by the AGC. Therefore, if the foreign agency request is denied, the *amici* do not contest the AGC removing this information in regards to these two documents.

[11] In regards to Annex C, in some instances the *amici* request that some Information at Issue actually be disclosed rather than a summary, and in other instances they agree that the disclosure of a summary is appropriate, but they request additions be made to the summaries proposed by the AGC.

D. *Outline of the legal test and of the findings*

[12] As is well settled, applications under section 38 of the CEA are determined on the basis of subsection 38.06, which is further detailed by subsection 38.06(2), and the test set out in the seminal decision of (*Attorney General*) v *Ribic*, 2003 FCA 246 [*Ribic*]. As recently summarized by the Federal Court of Appeal in *Canada (Attorney General) v Hutton*, 2023 FCA 45 at paragraph 31 [*Hutton*], this test requires the designated judge [the judge] to answer the following three main questions:

- (a) Is the information sought to be protected relevant to the underlying proceeding?
- (b) If so, is that information injurious to national security, national defence or international relations?

(c) If the answer to (a) and (b) are both “yes”, does the public interest in non-disclosure outweigh [in importance] the public interest in disclosure?

[13] If the judge concludes that the public interest in non-disclosure outweighs in importance the public interest in disclosure, then the information sought to be protected will not be disclosed, and the judge shall confirm the prohibition of disclosure (subsection 38.06(3) of the CEA).

[14] If, on the contrary, the judge concludes that the public interest in disclosure outweighs in importance the public interest in non-disclosure, the judge must, before ordering disclosure, consider, as required by subsection 38.06(2) of the CEA, the form of, and any potential conditions on, the disclosure that are most likely to limit the injury to national security, national defence or international relations (*Hutton* at paragraph 32).

[15] In brief, and for the reasons outlined below, after careful consideration of the material, the evidence, the parties’ submissions, the applicable law, and the legal test set out by the Federal Court of Appeal in *Ribic*, I find:

1. That the Information at Issue is relevant;
2. That the AGC has met his burden to establish that disclosure of the Information at Issue would be injurious to international relations or national defence or national security per subsection 38.06(1) of the CEA;
3. In regards to the Information at Issue in the production documents listed in Annex A: that the public interest in non-disclosure of the Information at Issue outweighs in

importance the public interest in disclosure. Consequently, pursuant to subsection 38.06(3) of the CEA, I will confirm the prohibition of disclosure;

4. In regards to the Information at Issue in the production documents listed in the Annex B and in Annex C that is subject to third party approval—and in regards to which third parties have not yet responded to the AGC's disclosure requests: that the public interest in non-disclosure outweighs in importance the public interest in disclosure. Consequently, pursuant to subsection 38.06(3) of the CEA, in those cases, I will confirm the prohibition of disclosure.

However, I will remain seized of the matter and will re-examine it if a response is received. I will cease to be seized on the first day of the hearing of the underlying proceeding and will also cease to be seized if the action is terminated prior to its hearing. I will thus remain seized of the matter until said time for the information identified in AGC01107, AGC01162, AGC01176, AGC01750, AGC01824, AGC02639, AGC02642, AGC02867, AGC03779, AGC07903, AGC00851, AGC01152, AGC02679, and AGC05098;

5. In regards to the Information at Issue in the production documents listed in Annex C that was subject to third party approval—and in regards to which third parties have refused disclosure requests, which includes disclosure of any summaries: that the public interest in non-disclosure outweighs in importance the public interest in disclosure. Consequently, pursuant to subsection 38.06(3) of the CEA, in those cases, I will confirm the prohibition of disclosure;

6. In regards to the Information at Issue that is not subject to third party approval in the production documents listed in Annex B and in Annex C—and having weighed a number of factors, that I enumerate at paragraphs 66 and following below, I find that: except in AGC02798, the public interest in disclosure outweighs in importance the public interest in non-disclosure per subsection 38.06(2) of the CEA.

Having further considered both the public interest in disclosure as well as the form of, and conditions to disclosure that are most likely to limit the injury, I find that the disclosure must be subject to the condition that it be disclosed in the form of summaries, again per subsection 38.06(2) of the CEA. With respect to Annex B, the Agreed-Upon Summaries—that are not subject to third party approval—are upheld. With respect to Annex C, the Contested Summaries, the AGC’s final position on summaries—that are not subject to third party approval—is upheld throughout with one notable exception that relates to a summary for a specific employee of the Canadian Security Intelligence Service [CSIS or the Service] found in AGC00318, AGC01089, AGC01097, AGC01098, AGC01101, AGC01107, AGC01176, AGC02642, AGC07820, and AGC07903; and

7. In regard to the Information at Issue in AGC02798 listed in Annex C, and having weighed the factors that I enumerate at paragraphs 66 and following below, I find that the public interest in non-disclosure outweighs in importance the public interest in disclosure and I will thus confirm the prohibition of disclosure pursuant to subsection 38.06(3) of the CEA.



[16] My order will thus:

1. Allow in part the AGC's Application.
2. Confirm the prohibition of disclosure in regards to the Information at Issue contained in the production documents identified in Annex A, in application of subsection 38.06(3) of the CEA.
3. Confirm the prohibition of disclosure in regards to the Information at Issue contained in the production documents identified in Annex C that was subject to third party approval and to which foreign agencies have refused the disclosure requests, in application of subsection 38.06(3) of the CEA.
4. Confirm the prohibition of disclosure in regards to the Information at Issue contained in the production documents identified in Annex B and in Annex C that is subject to third party approval and to which foreign agencies have not yet responded to the disclosure requests, in application of subsection 38.06(3) of the CEA. However, in this regard, I will remain seized of the matter and will re-examine it if a response is received. I will cease to be seized on the first day of the hearing of the underlying proceeding and will also cease to be seized if the action is terminated prior to its hearing.
5. Confirm the prohibition of disclosure in regards to the Information at Issue contained in AGC02798 of Annex C, in application of subsection 38.06(3) of the CEA.

6. Authorize the disclosure of the Information at Issue in the production documents identified in Annex B and Annex C—that are not subject to third party approval. However, in application of subsection 38.06(2) of the CEA, and as a condition of disclosure, I will impose that the information be disclosed in the form of the summaries which are stated in Annex B and Annex C.

## II. Background

[17] The AGC is the defendant in the underlying proceeding. On June 22, 2018, the parties signed a Partial Agreement of Facts setting out the facts that are not in dispute; on September 13, 2018, Mr. Abdelrazik filed an Amended Fresh as Amended Statement of Claim; and on September 17, 2018, the AGC filed an Amended Amended Statement of Defence. I will refrain from presenting any details of the underlying proceeding, apart from underlining, below, the elements counsel for Mr. Abdelrazik has stressed as being important in this Application.

[18] On September 17, 2018, considering the Notice of Application the AGC had filed just a few days before and considering the clear language of subsection 38.04(1) of the CEA, this Court reluctantly adjourned, until further order, the trial scheduled to begin the same day in the underlying proceeding.

[19] While approximately 6000 documents produced by the AGC to Mr. Abdelrazik in the underlying proceeding contained redactions under section 38 of the CEA, this Application was brought by the AGC in respect of the aforementioned subset of 1469 of those documents.

[20] Part of the proceeding in this Application was conducted publicly while another part was conducted *in camera ex parte*.

### III. Public Proceeding

[21] In support of his Application, the AGC filed seven public affidavits: one for each of the seven government departments and agencies that made the claims, hence the affidavit of Joseph (CSIS), Yannick Michaud (Canadian Armed Forces), Scott Millar (Communications Security Establishment [CSE]), John Velho (Transport Canada), Rabih Adallah (the Royal Canadian Mounted Police [the RCMP]), Brett Bush (Canadian Border Service Agency [CBSA]), and Ian Myles (Global Affairs Canada [GAC]). Counsel for Mr. Abdelrazik cross-examined the affiants from the RCMP, CBSA, GAC, and Transport Canada. These affidavits were understandably general in nature as they cannot identify publicly or discuss the information which is the subject of the Application, and also because the affiants do not hold a personal knowledge of the Information at Issue.

[22] The AGC and Mr. Abdelrazik submitted public written submissions and, in September 2022, the Court held a public hearing where counsel for Mr. Abdelrazik had the opportunity to identify and stress certain points of particular importance in the underlying proceeding that he asserted have an impact on this Application.

#### A. *Mr. Abdelrazik's Submissions*

[23] Mr. Abdelrazik submitted the affidavit of Ms. Trudy Moore, affirmed September 22, 2022 and introducing 21 exhibits, as well as the transcript of the cross-examination of the public affiants (the RCMP, CBSA, GAC, and Transport Canada) on November 6, 2020.

[24] Mr. Abdelrazik questioned the reliability and probative value of the public affidavits and he provided the Court with the factual and procedural background of the file. He confirmed that

the first step in the *Ribic* test is not at issue in this Application as there is no dispute that the Information at Issue is relevant.

[25] On the second step of the test, relating to the injurious nature of the Information at Issue, Mr. Abdelrazik cautioned the Court regarding the third party rule as it is not an imperative rule and is not absolute, and stressed that the Court should thus carefully consider third party rule claims (*Jama v Canada (Attorney General)*, 2019 FC 533 at paragraph 158 [*Jama*]; *Canada (Attorney General) v Almalki*, 2010 FC 1106 at paragraph 133 [*Almalki FC*]). Mr. Abdelrazik added that the Court should consider whether any specific evidence of harm was lead about concerns raised by the United States [U.S.] following the Court's earlier judgement in *Abdelrazik v Canada (Minister of Foreign Affairs)*, 2009 FC 580. Mr. Abdelrazik cautioned against other potential injury claims which he presented as largely prospective and speculative, such as the suggestion that foreign agencies may lose faith in Canada to protect third party information and that this may impact their willingness to provide information in the future, or the suggestion that disclosure of criticism of foreign officials could harm bilateral relationships. Finally, Mr. Abdelrazik noted that the CSIS public affiant testified that identifying the names of CSIS personnel "could" endanger their safety, which does not meet the "would cause" probable injury standard, and that the CBSA and GAC affiants were unconvincing.

[26] In balancing public interests in favour of disclosure or of non-disclosure, which is the third step in the test, Mr. Abdelrazik submitted that the Court should find that in any cases of risk to relationships with foreign countries or agencies, the public interest must weigh in favour of exposing egregious human rights violations. He identified the following four factors as relevant to the balancing exercise: (1) the extent or magnitude of the potential injury (non-existent or low

at best); (2) the degree of relevance and the importance of the redacted information to key issues in the underlying proceeding ; (3) the importance of the open court principle (*Sherman Estate v Donovan*, 2021 SCC 25 at paragraph 1 [*Sherman Estate*]); and (4) whether there are higher interests at stake, such as fundamental human rights, democratic accountability, the rule of law and Canada's international obligations (violations of customary international law norms such as the prohibition against torture and arbitrary detention are inherently different, *Nevsun v Araya*, 2020 SCC 5 at paragraph 124).

[27] Regarding the second factor, i.e., the degree of relevance of the Information at Issue to the key issues in the underlying proceeding, Mr. Abdelrazik submitted that, from his perspective, information was being withheld on the following nine issues he identified as key:

- (a) The timing and nature of information shared by CSIS with foreign agencies in the days, weeks and months immediately prior to the Respondent's arrest by Sudanese authorities on September 10, 2003;
- (b) How, when and by whom CSIS was informed of the Respondent's arrest on September 10, 2003;
- (c) The nature of the relationship and agreement between CSIS and Sudan's National Intelligence and Security Service [NISS], and how and under what conditions were questions sent by CSIS to be posed to the Respondent while in detention;
- (d) The timing, nature and content of all communications between CSIS and NISS from December 18, 2003, until the Respondent's release on July 22, 2004, including and in particular the meeting on December 22, 2003 in Khartoum and any other visits by CSIS to Sudan during that period;
- (e) Any internal information, communications or views about the risk of torture faced by the Respondent in Sudanese custody;
- (f) Any information communicated directly or indirectly to airlines that refused to carry the Respondent in July 2004, or any other information about the airlines' decision;

(g) Any information that CSIS received from any foreign agencies about why the Respondent was detained on October 16, 2005;

(h) Any information that CSIS received at any time from [a] foreign country about the Respondent's conditions of detention or information derived from any questioning or interrogation of the Respondent by foreign agencies, including the timing of when the information was received; and

(i) Any information or views received directly or indirectly by CSIS or the Respondent Cannon from foreign agencies regarding the Respondent's safe haven in the Canadian Embassy in 2008 and the potential for his return to Canada in 2008 to 2009.

[28] Mr. Abdelrazik confirmed he had not contested the redactions under section 38 of the CEA, being concerned that the process would delay the underlying proceeding. He even went so far as to emphasize that he had enough to litigate his case without the Information at Issue. This being said, at the hearing he argued that in this case, the AGC had not established injury in regards to the third party rule claims and in regards to the identity of the Service employees. Mr. Abdelrazik stressed that these are of key importance to the underlying proceeding.

B. *The AGC's Submissions*

[29] In his submissions, the AGC agreed that the applicable test in an application under section 38 of the CEA is the one set out by the Federal Court of Appeal in *Ribic* and that the 1469 documents are relevant to the underlying proceeding, so that the first part of the *Ribic* test is therefore not at issue in this Application.

[30] Regarding the second part of the *Ribic* test that relates to injury, the AGC outlined he was also filing classified affidavits from officials of the seven government departments or agencies that contain specific evidence of the injury. The AGC stressed that (1) the third party rule and

necessity to maintain the confidentiality of the exchanges with foreign countries and foreign agencies has long been recognized by the Court (*Tursunbayev* at paragraph 102; *Almalki FC* at para 150); (2) in *Jama*, the Federal Court recognized the importance of the third party rule and refused to disclose information that would identify foreign agencies unless consent was obtained; and (3) the Federal Court of Appeal (*Canada (Attorney General) v Almalki*, 2011 FCA 199 at paragraphs 35-37 [*Almalki FCA*]) overturned the Federal Court's decision in *Almalki FC* and confirmed the principle.

[31] In regards to the balancing of public interests, the AGC agreed that the relevant factors included the ones identified by Mr. Abdelrazik, but noted other factors should also be considered, including the nature of the underlying proceeding, the remedy sought, and the usefulness of the information.

#### IV. *In Camera Ex Parte* Proceeding

[32] In the *in camera ex parte* proceeding, the AGC adduced seven additional affidavits to support the claims made in all 1469 documents subject to this Application; namely, the affidavits of [REDACTED] (CSIS), [REDACTED] (GAC), [REDACTED] (CSE), [REDACTED] (CBSA), [REDACTED] [REDACTED] (Department of National Defence), [REDACTED] (the RCMP), and [REDACTED] (Transport Canada).

[33] In November 2022, the Court heard oral testimony from the affiants for CSE, GAC, and the Service on the contested Information at Issue as part of an *in camera ex parte* hearing. These three affiants were then cross-examined by the *amici*. The AGC and the *amici* subsequently filed written submissions, and on March 14, 2023 the Court heard their oral submissions.

[34] The AGC submits that (1) he has satisfied his burden to establish that disclosure of the Information at Issue would cause injury to Canada's national security or national defence or international relations; and (2) on balance, the public interest in disclosure does not outweigh the public interest in protection of the sensitive Information at Issue, hence in non-disclosure. The AGC adds that if the Court determines that all or part of the Information at Issue ought to be disclosed, the Court may issue the summaries proposed by the AGC.

[35] The *amici* (1) generally agree that the AGC has met his burden to establish that disclosure would cause injury except in the three instances they confirmed at the hearing; and (2) in any event submit that on balance, the public interest in disclosure in the form of the summaries outweighs the public interest in non-disclosure. The *amici* disagree partly on the form the disclosure must take as to limit the injury, per subsection 38.06(2) of the CEA, and thus propose their own version of the summaries.

## V. Issues

[36] Per the language of the CEA and the test set out by the Federal Court of Appeal in *Ribic*, the issues raised in this Application are to examine and decide:

1. Whether the Information at Issue is relevant to the underlying proceeding;
2. Whether the disclosure of the Information at Issue would be injurious to international relations, or national defence or national security, per subsection 38.06(1) of the CEA;



3. In the event that the disclosure of the Information at Issue is relevant and would be injurious, whether the public interest in disclosure outweighs in importance the public interest in non-disclosure of the Information at Issue, taking into consideration the relevant factors, which I enumerate at paragraphs 66 and following below, pursuant to subsection 38.06(2) of the CEA;
4. In the event that the public interest in disclosure outweighs in importance the public interest in non-disclosure, the judge shall authorize disclosure (*Ribic* at paragraph 35).

However, before actually authorizing disclosure, the judge must consider both the public interest in disclosure and the form of conditions to disclosure that are most likely to limit the injury—and decide whether to subject the disclosure to any conditions, per subsection 38.06(2) of the CEA. A public summary of the Information at Issue sought to be kept secret is one such form contemplated by that provision (*Hutton* at paragraph 32);

5. In the event that the public interest in non-disclosure outweighs in importance the public interest in disclosure, the judge does not authorize disclosure and shall confirm the prohibition of disclosure of the Information at Issue pursuant to subsection 38.06(3) of the CEA.

[37] I will outline the legal test, as it informs how I must assess the issues raised, and I will subsequently examine these issues under each of the aforementioned subsets of documents (Annexes A, B, and C) established as between the AGC and the *amici*.

VI. Section 38 of the CEA: Legislative Framework and Applicable Legal Test

[38] Before addressing the aforementioned issues, it is important to outline the legislative framework and the applicable legal test in a proceeding under section 38 of the CEA.

[39] Section 38 of the CEA establishes a procedure whereby sensitive or potentially injurious information, as defined in the CEA, may be protected from disclosure before a court, person or body with the jurisdiction to compel production if its disclosure would be injurious to international relations or national defence or national security. In such a circumstance, pursuant to section 38.01, notice of the possibility of disclosure of sensitive or potentially injurious information is to be given to the AGC under any of subsections 38.01(1) to (4) of the CEA. Section 38.02 then prohibits disclosure of information about which notice is given.

[40] As Justice Gagné (as she then was) outlined in her decision *Canada (Attorney General) v Charkaoui*, 2018 FC 849 [*Charkaoui*], section 38 of the CEA contains a complex and comprehensive code governing the use and protection of “sensitive” or “potentially injurious” information.

[41] Where the AGC does not authorize disclosure under section 38.03, or does not enter into an agreement for partial or conditional disclosure under subsection 38.03(1), the AGC or a person described in the CEA may apply to this Court for an order with respect to the disclosure of information about which notice was given (subsections 38.04(1) and (2) of the CEA).

[42] Particularly, under subsection 38.04(1) of the CEA, the AGC may, at any time and in any circumstances, apply to the Federal Court for an order with respect to the disclosure of information about which notice was given. This is the provision that allowed the AGC to file his Application on the eve of the start of the trial in the underlying proceeding, leading me to reluctantly adjourn the trial. Again, Mr. Abdelrazik had not challenged the prohibition of disclosure.

[43] Where the AGC applies to the Federal Court for an order to confirm the prohibition of disclosure, as he did in the present proceeding, subsections 38.06(1) to (3) provide the type of orders the Court may grant. The designated judge must thus determine whether to authorize the disclosure of the information subject to the notice pursuant to subsection 38.06(1), whether to authorize the disclosure pursuant to subsection 38.06(2)—which includes determining whether the information should be disclosed subject to conditions, or only partially or in the forms of summaries to limit any injury—or whether to confirm the prohibition of disclosure pursuant to subsection 38.06(3). The Federal Court of Appeal in *Ribic* set out a process in assessing whether the judge should make an order pursuant to section 38.06 of the CEA.

[44] It is thus the Court's mandate under sections 38.04 and 38.06 of the CEA to decide whether to authorize the disclosure of information to which notice was given, and subject to what conditions or in what form, or whether to confirm the prohibition of disclosure. An application under section 38 of the CEA is not a judicial review of the AGC's decision not to authorize disclosure. Rather, the designated judge must "make his [or her] own decision as to whether the statutory ban ought to be lifted or not and issue an order accordingly" (*Ribic* at paragraph 15).

A. *Relevance*

[45] First, the party seeking disclosure of the redacted information—the Information at Issue—bears the onus of establishing that said information is in all likelihood relevant evidence to the underlying proceeding (*Ribic* at paragraph 17). This is not a live matter here as the parties and the Court agree that the Information at Issue is relevant.

B. *Subsection 38.06(1): Injury*

[46] Second, if the redacted information is found to be relevant, the burden shifts to the party seeking the non-disclosure to demonstrate that disclosure of such information would be injurious to international relations or national defence or national security (*Ribic* at paragraph 20).

[47] Subsection 38.06(1) of the CEA states that:

**38.06 (1)** Unless the judge concludes that the disclosure of the information or facts referred to in subsection 38.02(1) would be injurious to international relations or national defence or national security, the judge may, by order, authorize the disclosure of the information or facts.

[48] Subsection 38.06(1) requires the judge to authorize the disclosure of the redacted information, unless he or she concludes that the disclosure “would” be injurious to international relations or national defence or national security. This threshold must be applied keeping in mind the teachings of the Federal Court of Appeal in *Ribic*, that this second step involves an examination or inspection of the information to which notice was given, and that the judge must be satisfied that executive opinions as to potential injury have a factual basis which has been established by evidence. Put differently, the verb “would” means that the AGC must show a probability of injury: it cannot be speculative (*Tursunbayev* at paragraphs 83-84).

[49] Important to this proceeding, the Federal Court of Appeal in *Ribic* at paragraph 19 also stated that the AGC's submissions regarding his assessment of the injury to national security or national defence or international relations should be given considerable weight, and if the AGC's assessment of the injury is reasonable, the judge should accept it. Where the AGC can show a reasonable basis for his assessment that the disclosure of the redacted information would cause injury to international relations or national defence or national security, the judge must then proceed to the third step of the test (*Almalki FC* at paragraph 71; *Huang v Canada (Attorney General)*, 2017 FC 662 at paragraph 46 [*Huang*]). Although the burden of establishing injury rests with the AGC, the Court must show a certain degree of deference to the AGC's review of the matter. In short, the AGC assumes a protective role with respect to the security and safety of the public and if the AGC's assessment of the injury is reasonable, the judge should accept it (*Ribic* at paragraph 19).

[50] The Court in *Almalki FC* at paragraphs 109 and 110 set out a few relevant factors to a determination of whether injury would result to the protected interests, such as the age of the investigation, the fact that the information or operating method in question is already publicly known, and the fact that the information concerns operating methods that are no longer used and policies that are no longer in effect because of identified deficiencies and flaws.

[51] If the AGC cannot satisfy his burden to establish that the disclosure of the Information at Issue would be injurious, the judge will authorize disclosure per subsection 38.06(1) of the CEA. If the AGC satisfies his burden, then the judge moves on to the third step of the assessment.

[52] As detailed below, I find the AGC has met his burden to establish that the disclosure of the Information at Issue would be injurious to international relations or national defence or national security.

C. *Subsection 38.06(2): Balancing of Public Interests*

[53] Lastly, if the redacted information is found to be both relevant and injurious, the burden shifts back to the party seeking disclosure to demonstrate that the public interest favours disclosure (*Ribic* at paragraph 21; *Telbani v Canada (Attorney General)*, 2014 FC 1050 at paragraph 22).

[54] Subsection 38.06(2) reads as follows:

(2) If the judge concludes that the disclosure of the information or facts would be injurious to international relations or national defence or national security but that the public interest in disclosure outweighs in importance the public interest in non-disclosure, the judge may by order, after considering both the public interest in disclosure and the form of and conditions to disclosure that are most likely to limit any injury to international relations or national defence or national security resulting from disclosure, authorize the disclosure, subject to any conditions that the judge considers appropriate, of all or part of the information or facts, a summary of the information or a written admission of facts relating to the information.

[55] There is no question that the judge must conduct a balancing exercise of the public interests at play.

[56] If the judge finds the public interest in non-disclosure outweighs the public interest in disclosure and does not authorize disclosure, the judge shall confirm the prohibition of disclosure per subsection 38.06(3) of the CEA.

[57] As I outlined at the *in camera ex parte* hearing, if the public interest weighs in favour of the disclosure of the redacted information (first analysis), the judge will authorize the disclosure. However, before doing so, and per the clear language of the statute, the judge must consider both the public interest in disclosure and the form of and conditions to disclosure that are most likely to limit the injury resulting from the disclosure in order to decide whether to subject the disclosure to any conditions considered appropriate, namely to the issuance of summaries in this case (*Hutton* at paragraph 32; *Ribic* at paragraphs 37-39) (second analysis). The judge must resort to the means that are the least prejudicial to the injury (*Ribic* at paragraph 37).

[58] At the *in camera ex parte* hearing, the *amici* did not agree with my interpretation. The *amici* outlined that it was not entirely accurate to state that there are two distinct analyses to be conducted. They asserted that it is more accurate to say that there is an interplay between the summarizing process, or the generalizing process, and the identification of injury because it is often through the summary that you can remove the injury and tip the balance toward disclosure. Hence, the *amici* opined in essence, that I need not decide if the raw words subject to redaction ought to be disclosed, or that the public interest favours disclosure of those redacted words and then if so, if I can dial back the injury through summarizing. They asserted that it is more of an interaction.

[59] The AGC overall agreed with the *amici*, but noted that the injury that the AGC was talking about is in respect of lifting the redaction at the second step. The AGC added that for efficiency purposes, it makes more sense to engage in the consideration of specific summaries when considering the second and third steps of the *Ribic* test in order that solutions can be proposed if the judge does find injury in lifting a redaction.

[60] I agree with the *amici* that the summaries can play a role in the balancing of the public interests and I outline how below. However, this being said, I am convinced that the language of subsection 38.06(2) of the CEA does clearly mandate two distinct analyses.

[61] Notably, in *Ribic*, the Federal Court of Appeal examined which standard of review applied to the Federal Court judge's orders and in its assessment. The Federal Court of Appeal made a distinction as between the power conferred by subsection 38.06(2) of the CEA, i.e., the condition that must first be met for it—the power—to be exercised, and the actual exercise of the power (*Ribic* at paragraph 36). The Federal Court of Appeal clearly indicated that the power conferred to the judge under subsection 38.06(2) is the one to disclose sensitive information which would otherwise be kept secret. It went on to state that this power is subject to a condition being met, that is to say, that the public interest in disclosure is greater than the public interest in keeping the information secret (*Ribic* at paragraph 35). Only if this condition is met, can the judge gain his or her power to authorize disclosure.

[62] Then, when exercising the power to authorize disclosure, and before actually authorizing disclosure, the judge, while bearing in mind the public interest in disclosure, must ensure that the form of and conditions to disclosure are most likely to limit any injury to national security, national defence or international relations resulting from disclosure (*Ribic* at paragraph 37).

[63] Hence, the Federal Court of Appeal actually considered subsection 38.06(2) contained two distinct successive analyses (*Ribic* at paragraphs 35-39), and examined the standard of review that applied to each. The first analysis consists in determining whether the public interest in disclosure is greater than the public interest in non-disclosure. Provided that the conditions to authorize disclosure under 38.06(2) are met, i.e., the public interest in disclosure outweighs the



one in non-disclosure, then the judge must consider the public interest in disclosure with the form of and conditions to disclosure that are most likely to limit any injury resulting from disclosure before making its order to authorize disclosure (*Ribic* at paragraph 37). It may then subject its authorization to certain conditions, namely to the issuance of summaries instead of the disclosure of the integral information subject to the notice.

[64] This scheme has been confirmed by our Court in *Telbani* at paragraph 76, *Huang* at paragraph 82 and *Tursunbayev* at paragraphs 107 and 108, and more recently by the Federal Court of Appeal in *Hutton* at paragraphs 31 and 32. The Supreme Court of Canada has also stated that the judge may order the disclosure of all or part of the information on such conditions as he or she sees fits, provided the judge had first concluded that the public interest in disclosure outweighed in importance the public interest in non-disclosure (*Charkaoui v Canada (Citizenship and Immigration)*, 2007 SCC 9 at paragraph 77).

[65] The balancing exercise between the public interests that must first be conducted remains a case-by-case analysis, the factors to be considered are “rooted in the issues of the specific underlying proceeding” and the ones identified by the courts are not exhaustive (*Tursunbayev* at paragraph 90; *Canada (Attorney General) v Khawaja*, 2007 FC 490 at paragraph 163 [*Khawaja*]).

[66] When weighing the public interests at stake, each piece of information must be reviewed and the judge must determine which factors it deems necessary to consider in the circumstances (*Khawaja* at paragraph 93). Among the factors deemed to be relevant, the following non exhaustive list of factors can be identified (see e.g., *Khan v Canada (Minister of Citizenship and*

*Immigration*), (1996) 1 FTR 81 at paragraph 26 [*Khan*]; *Ribic* at paragraph 22; *Telbani* at paragraph 78):

1. The nature of the public interest sought to be protected by confidentiality;
2. The seriousness of the criminal charges or issues raised in the underlying proceeding;
3. The admissibility of the documentation, its usefulness and the probative value of the information it contains;
4. Whether the party seeking disclosure has established that there are no other reasonable ways of obtaining the information;
5. Whether the disclosures sought amount to general discovery or a fishing expedition;
6. Whether the evidence in question will probably establish a fact crucial to the defence;
7. Whether the information is already known to the public, and if so, the manner by which the information made its way into the public domain;
8. The importance of open court principle; and

9. Whether there are higher interests at stake such as a breach of *Charter* rights, human rights issues, the right to make full answer and defence in the criminal context, etc.

[67] This being said, I am also guided by the words of the Supreme Court of Canada in *R v Ahmad*, 2011 SCC 6 at paragraph 44 [*Ahmad*] confirming that section 38 creates a scheme that is designed to operate flexibly and that subsection 38.06(2) of the CEA:

[...] affirmatively requires the Federal Court judge to consider the public interest in making disclosure along with what conditions are “most likely to limit any injury to international relations or national defence or national security” (s. 38.06(2)). In making this determination, the Federal Court judge may authorize partial or conditional disclosure to the trial judge, provide a summary of the information, or advise the trial judge that certain facts sought to be established by an accused may be assumed to be true for the purposes of the criminal proceeding.

[68] From this perspective, I am satisfied that the Court can also consider the fact that the Information at Issue can be summarized as one of the factors in balancing the public interests. Hence, depending on the circumstances, it may be beneficial to look at what the parties are actually seeking to disclose in weighing the public interests at stake.

[69] In the circumstances of the present case, I acknowledge that the Information at Issue can be summarized and I appreciate the importance the proposed summaries carry. I will consider the possibility to limit the injury with summaries as one of the factors in the balancing of the public interests. This will ensure the interplay and efficiency defended by the *amici* and the AGC as vital to the balancing of the public interests in play while adhering to the text of the statute and the teachings of the Federal Court of Appeal. In the end, the result will be the same in this case.

VII. Analysis

A. *Uncontested Documents Chart (Annex A)*

[70] With respect to the 1333 documents for which the AGC is seeking a prohibition of disclosure of the Information at Issue under subsection 38.06(3) of the CEA, I note that the *amici* agree that the prohibition of disclosure should be confirmed. As a reminder, for 29 of these documents, the AGC has lifted all section 38 redactions during these proceedings pursuant to subsection 38.03(1) of the CEA (see Annex A). For the remaining documents, I am satisfied that the elements of the CEA and of the *Ribic* test are met in that (1) the Information at Issue is relevant, keeping in mind the *caveat* outlined by the AGC (at paragraph 17 of the AGC's *ex parte* Memorandum of Fact and Law); (2) the disclosure of the Information at Issue would be injurious to national security or national defence or international relations; and (3) the public interest in non-disclosure of the Information at Issue outweighs the public interest in disclosure.

[71] I will thus confirm the prohibitions of disclosure per subsection 38.06(3) of the CEA (see Annex A).

B. *Agreed-Upon Summaries Chart (Annex B)*

[72] With respect to the 17 documents and one overarching summary that have been summarized jointly by the AGC and the *amici* and that are proposed for disclosure by the Court (Annex B), and which are not subject to third party approval, I am satisfied that the elements of the CEA and of the *Ribic* test are met in that (1) the Information at Issue is relevant, keeping in mind the *caveat* outlined by the AGC (at paragraph 17 of the AGC's *ex parte* Memorandum of Fact and Law); (2) the disclosure of the Information at Issue would be injurious to national

security or national defence or international relations; and (3) the public interest in disclosure of the Information at Issue outweighs the public interest in non-disclosure, taking into account the factors enumerated at paragraphs 66 and following. Keeping in mind both the public interest in disclosure and the forms of and conditions to disclosure that are most likely to limit any injury, I will authorize the disclosure of the Information at Issue as it pertains to the production documents listed in Annex B subject to the condition that it be disclosed in the form of the summaries as agreed upon between the AGC and the *amici*, per subsection 38.06(2) of the CEA.

[73] As for the Information at Issue in the four production documents of Annex B (the Agreed-Upon Summaries chart) that remain subject to foreign agency approval (AGC00851, AGC01152, AGC02679, and AGC05098) and for which no response has yet been received following a request, the *amici* do not contest the prohibition of disclosure if the foreign agency request is denied. I am satisfied that (1) the Information at Issue is relevant, keeping in mind the *caveat* outlined by the AGC (at paragraph 17 of the AGC's *ex parte* Memorandum of Fact and Law); (2) the disclosure of the Information at Issue would be injurious to national security or national defence or international relations; and (3) the public interest in non-disclosure outweighs the public interest in disclosure in regards to the Information at Issue in these four production documents and I will thus confirm the prohibition of disclosure pursuant to subsection 38.06(3) of the CEA. I will remain seized of the matter and will re-examine it if a response is received. I will cease to be seized on the first day of the hearing of the underlying proceeding and also cease to be seized if the action is terminated prior to its hearing.

C. *Contested Summaries Chart (Annex C)*

(1) Overview

[74] The Information at Issue remaining for litigation is contained in 119 documents and two overarching summaries and is claimed to be sensitive or potentially injurious by three agencies: CSE (one document), GAC (16 documents) and CSIS (105 documents and two overarching summaries). Some of the Information at Issue in the documents have overlapping claims from two different departments/agencies.

[75] The AGC (1) agrees that all the Information at Issue in this subset of documents is relevant as it has been identified for disclosure in the underlying proceeding; (2) contends that he has satisfied his burden to establish that disclosure of the Information at Issue would be injurious to Canada's national security or international relations; and (3) contends that on balance, the public interest in disclosure does not outweigh the public interest in protection of the potentially injurious and sensitive Information at Issue. The AGC thus asks the Court to confirm the prohibition of disclosure of all the redacted information found in the documents listed in Annex C, pursuant to subsection 38.06(3) of the CEA.

[76] Alternatively, the AGC submits that the Court may authorize disclosure in the form of the summaries he proposes, pursuant to subsection 38.06(2) of the CEA.

[77] The *amici* (1) contend there is no dispute that the Information at Issue in this subset of documents is relevant to the proceedings; (2) generally agree that the AGC has met his burden to establish that disclosure would be injurious, but carve out three instances, or types of information, regarding which they assert the injury has not been made out (the information in the

sole CSE document; the identity of the [Service employee] or [redacted] and [redacted] (13 documents); and the information linked to testimony suggesting information “could” be injurious if released, in regards to the injury raised by the AGC of perceived criticism of [redacted] (11 plus one documents)); and (3) in any event submit that on balance, the public interest in disclosure in the form of the summaries outweighs in importance the public interest in non-disclosure. The *amici* thus request that the Court directs the disclosure of any of the Information at Issue that is found not to be injurious pursuant to subsection 38.06(1) of the CEA. As for the Information at Issue that the Court determines to be injurious, the *amici* request the disclosure of their proposed summaries.

[78] The chart the AGC and the *amici* have prepared (Annex C) outlines their respective proposed summaries and highlights the terms they disagree about.

[79] In 66 instances, the AGC has indicated that at least parts of the summaries are subject to foreign agency approval. Requests for disclosure have been made to all the foreign agencies, except for [one country and a second country] when the Information at Issue pertained to references to [redacted].

(2) *Legal Test Set Out in Ribic*

[80] I will examine each prong of the *Ribic* test for the Information at issue in Annex C.

(a) *Relevance*

[81] The threshold is “low” (*Khawaja* at paragraph 62; *Khadr v Canada (Attorney General)*, 2008 FC 549 at paragraph 52; *Ribic* at para 17; *Almalki FC* at paragraph 60) and I agree that it

has been met in this case. I agree with the parties the Information at Issue is relevant, keeping in mind the *caveat* outlined by the AGC (at paragraph 17 of the AGC's *ex parte* Memorandum of Fact and Law).

[82] The first prong of the *Ribic* test is met.

(b) *Injury*

[83] As noted earlier, the AGC bears the burden to establish that the disclosure of the Information at Issue would be injurious to national security or national defence or international relations, per subsection 38.06(1) of the CEA. The use of the word "would" means that the AGC must satisfy the Court that the injury alleged must be probable, and not simply a possibility or merely speculative (*Tursunbayev* at paragraphs 83-84).

[84] In *Ribic*, the Federal Court of Appeal stated that the AGC's submissions regarding his assessment of the injury to national security or national defence or international relations, because of his access to special information and expertise, should be given considerable weight by the judge required to determine, pursuant to subsection 38.06(1) whether disclosure of the Information at Issue would cause the alleged and feared injury. The AGC assumes a protective role vis-à-vis the security and safety of the public; if his assessment of the injury is reasonable, the judge should accept it. As Justice Mosley put it in *Almalki FC* at paragraph 70: "probable injury is assessed on a reasonableness standard".

[85] At this stage, the injury is assessed in regards to the Information at Issue, not in regards to any summaries. This is clearly set out in subsection 38.06(1) which refers to subsections



38.02(1) to (4) (see *Amalki FC* at paragraph 194). It is only at the third prong of the *Ribic* test that the judge should consider summaries, as outlined earlier.

[86] The AGC submits that he has satisfied his burden to establish that disclosure of the redacted Information at Issue found in all of the 119 documents claimed by CSIS, GAC and CSE would be injurious to Canada's national security or international relations.

[87] As outlined already, the Court heard from three AGC affiants in the *in camera ex parte* hearing and the *amici* cross-examined them. Each of the affiants identified categories of information which they considered posed a risk of injury to Canada's national security or international relations.

[88] The CSIS affiant listed the categories of concern in relation to the claims CSIS made in 105 documents and two overarching summaries regarding national security. He testified that the disclosure of the Information at Issue would cause injury to national security as the information would:

- identify or tend to identify relationships that the Service maintains with foreign agencies, and the information exchanged in confidence with such agencies (third party rule) (CSIS Foreign Agency information |);
- identify or tend to identify the Service's interest in individuals, groups or issues, including the existence or nonexistence of past or ongoing active investigation, the intensity of investigations, or

the degree or lack of success of investigations (CSIS Investigative interest ▯);

- identify or tend to identify its employees or past employees which, if disclosed, would put their life in danger, that of their colleagues and the safety of their families, and negatively impact the capacity of CSIS to operate and identify or tend to identify the station (CSIS Identity of employees ▯).

[89] The GAC affiant listed the categories of concern in relation to the claims GAC made in the 16 documents regarding international relations. He testified that if released, the Information at Issue (i) would be perceived as criticism of a foreign government; or (ii) would jeopardize Canada's relations with other countries by reducing their trust in Canada's ability to maintain the confidentiality of information shared with Canada, thereby reducing the flow of information to Canada, as the information was provided in confidence by foreign governments or organizations or foreign officials (third party rule) (GAC International Relations ▯).

[90] The CSE affiant cited concerns in disclosing the one claim by CSE (AGC01630) as the information was exchanged in confidence from other intelligence agencies and if disclosed, it would injure the relationships with such agencies (CSE relationships with other intelligence agencies and information exchanged in confidence with such agencies ▯).

[91] The *amici* submit that the AGC has not met the burden of establishing that the disclosure of certain types of redacted information would be injurious to national security or international relations. At the hearing, the *amici* confirmed their position that injury had not been established

in regards to (1) the CSE Information contained in one document—AGC01630; (2) the identification of a particular service employee—employee title [REDACTED] referred to in 13 documents; and (3) the Information at Issue referred to at paragraphs 37 and 52 of their *ex parte* Memorandum of Fact and Law pertaining to [REDACTED] references, regarding what can be described as the evidentiary threshold or the “could vs would” testimony referred to in 12 documents (AGC01059, AGC01061, AGC02582, AGC02605, AGC03752, AGC03800, AGC05877, AGC06010, AGC07903, AGC08132, AGC08693, and AGC06825).

[92] The *amici* also ask the Court, at this stage, to assess if the summaries they proposed are injurious or not. However, I must decline their invitation as I cannot assess, under the second prong of the *Ribic* test, hence, under injury, whether the disclosure of the summaries proposed by the parties would be injurious. As stated above, under the second prong of the test, the judge must consider whether the disclosure of the actual Information at Issue would be injurious; it is only at the third prong of the *Ribic* test that the judge can consider summaries as part of the analysis (see discussion at paragraphs 66 and following).

[93] The *amici* further assert, as counsel for Mr. Abdelrazik did in the public hearing, that in the circumstances they highlighted, the third party rule does not apply and the AGC has therefore not met his burden to establish injury.

[94] As for the rest of the documents in play in Annex C, the *amici* confirmed at the hearing that they agree with the AGC that the disclosure of the Information at Issue would be injurious to national security or international relations.

[95] The *amici* request that the Court direct the disclosure of any of the contested Information at Issue that is found not to be injurious pursuant to subsection 38.06(1) of the CEA. As for the Information at Issue that the Court determines would be injurious, the *amici* request the disclosure of their proposed summaries, which will be examined in the next section.

[96] First, in relation to the Information at Issue where injury is not contested by the *amici*, I am satisfied that the AGC has met his burden to establish that disclosure of the Information at Issue would be injurious to national security or international relations.

[97] Second, in relation to the Information at Issue where injury is contested, and for the reasons that follow, I am also satisfied that the AGC has met his burden to establish that disclosure of the Information at Issue would be injurious to national security or international relations. I will examine each contested injury matter in turn.

(i) CSE Information

[98] The Information at Issue is contained in AGC01630. It is a report dated December 1, 1999 from CSIS. CSE's claim protects the information [REDACTED]. CSE's claim, highlighted [REDACTED], is to protect CSE's relationship with other intelligence agencies and information exchanged in confidence with such agencies.

[99] The AGC affiant for the CSE claim testified before the Court in the *in camera ex parte* proceeding and was cross-examined by the *amici*. She confirmed, generally, that CSE seeks to protect information that would identify, or tend to identify, information obtained by foreign agencies and exchanges with foreign agencies and information that would reveal details about

[REDACTED]

[REDACTED].

[100] Particularly, she confirmed that the information at [REDACTED] of AGC01630, while contained in a CSIS case report, [REDACTED] [REDACTED] and ultimately shared by CSE with CSIS. She added that regarding this specific information, CSE went back to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

[101] The affiant testified that [REDACTED] [REDACTED] cannot be used without the express permission of that originator of the product or data. She added that disclosure would injure the trust that [REDACTED] [REDACTED] to release it after a request has been denied and the sensitivity has been confirmed would call into question CSE's ability to protect [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[105] In the present Application, it is established that CSE made a foreign agency request [REDACTED]

[REDACTED] requesting that the information be disclosed, and that this request was refused— [REDACTED]

[REDACTED]. The AGC submits that if this information is released [REDACTED]

[REDACTED], which was subject to the declined foreign agency request, was released.

[106] The affiant confirmed the information was public. While there is a presumption that information already in the public domain cannot be protected from disclosure as there will be no injury from its further disclosure (*Almalki FC* at paragraph 81), this presumption is rebuttable by evidence to the contrary. As Justice Noël observed in *Canada (Attorney General) v Canada (Commission of Inquiry into the Actions of Canadian Officials in relation to Maher Arar)*, 2007 FC 766, at paragraph 56 [*Arar*]:

There are many circumstances which would justify protecting information available in the public domain, for instance: where only a limited part of the information was disclosed to the public; information is not widely known or accessible; the authenticity of the information is neither confirmed nor denied; and where the information was inadvertently disclosed.

[107] I am satisfied the AGC has established that the disclosure of the information would be injurious to national security or international relations. His assessment of the injury is reasonable (*Ribic* at paragraph 19). Information that is shared [REDACTED] information, that is, it cannot be used without the express permission of that originator, who is, as noted above, [REDACTED], particularly after a request was made and refused, it would injure the trust [REDACTED] Canada's ability to protect [REDACTED].

(ii) Service Employee |

[108] In regards to the 13 documents at issue in this section, CSIS redacted the information that identifies or tends to identify CSIS employees [REDACTED] [REDACTED] which pertains, in this proceeding, to (1) a particular CSIS employee's identity; (2) [REDACTED]; and (3) titles of the particular CSIS employee, [REDACTED].

[109] This information is claimed in production documents AGC00318, AGC01089, AGC01097, AGC01098, AGC01101, AGC01107, AGC01142, AGC01176, AGC02642, AGC07242, AGC07820, AGC07903, and AGC08711.

[110] The *amici* have confirmed to the Court their challenge of these claims as non-injurious. It is not entirely clear if the *amici* have based their assessment on the actual Information at Issue, i.e., the actual name, title [REDACTED] of the CSIS employee, or on the summarized information. As stated above, the assessment of the injury in the second prong of the *Ribic* test must be conducted against the actual redacted information (i.e., the Information at Issue), not against any summaries. Hence, out of caution, I will examine whether the AGC has met his burden to establish that the disclosure of the CSIS employee's name, title [REDACTED] would be injurious and the same for [REDACTED].

[111] The CSIS affiant testified before the Court in the *in camera ex parte* proceeding and he was cross-examined by the *amici*.

[112] The affiant affirmed that CSIS seeks to protect from disclosure information that would tend to identify its employees, information that includes their name, position title, work, location,



including liaisons posts abroad that are not publicly acknowledged by CSIS, telephone numbers and e-mail addresses. He asserted that knowledge of this information would be valuable to those who interests are inimical to Canada. Generally, the affiant affirmed that identification of employees would impair the employees' and the Service's ability to investigate threats to the security of Canada and could endanger their personal safety. The affiant described the threats that can be leveraged against service employees should their identity or location become known, and he provided examples and the danger they, as well as their families, can be exposed to.

[113] The affiant affirmed that the Service is seeking to protect the [REDACTED] [REDACTED] for Service employees [REDACTED] in documents/context in which [REDACTED] [REDACTED]. The Service is seeking to protect information that would reveal the Service's [REDACTED] [REDACTED]. He also affirmed that the Service seeks to protect the term [REDACTED] [REDACTED] because it divulges the official title used for Service employees [REDACTED] [REDACTED]. Using the term [REDACTED] would permit an informed reader to determine that there are [REDACTED].

[114] The affiant confirmed that identification of an employee [REDACTED] [REDACTED] could seriously jeopardize the Service [REDACTED] [REDACTED], it could potentially put the individual at grave risk.

[115] At paragraphs 72 to 74 of their *ex parte* Memorandum of Fact and Law, the *amici* take issue with the evidence provided by the CSIS affiant in relation to [REDACTED] [REDACTED] a possible identification of the identity of the service employee. However, the *amici* then discussed the injury in regards to the summaries they propose, rather than the redacted information itself. As stated above it, injury must be assessed against the Information at Issue and not against the summaries proposed. I will thus examine this argument under the third prong of the test below.

[116] The *amici* note that the affiant testified that hostile states/agencies [REDACTED] [REDACTED] [REDACTED] come to a relatively definitive conclusion about who a person was, where they were, and what their identity was at that particular time. The *amici* do not dispute that these [REDACTED] exist, but they assert that no evidence, of probable injury, was presented of [REDACTED] [REDACTED], that the affiant could not confirm as much in cross-examination and that he provided hypothetical scenarios, impossible to quantify, to justify his position on injury. They further assert that the information is so dated as to be even more difficult to uncover.

[117] I must be satisfied that executive opinions as to potential injury have a factual basis which has been established by evidence (*Ribic* at paragraph 18). As mentioned earlier, the AGC's submissions regarding his assessment of the injury to national security or international relations, because of his access to special information and expertise, should be given considerable weight; if his assessment of the injury is reasonable, the judge should accept it. In

this case, I am satisfied that the AGC has met his burden and established that disclosure of the CSIS employee's identity, title [REDACTED] would be injurious to national security or international relations.

(iii) Could vs Would Testimony

[118] During the *in camera ex parte* hearing, the *amici* confirmed their position that the AGC had not met his burden to establish injury in regards to the injury linked with perceived criticism; specifically, they referred to paragraphs 37 and 52 of their *ex parte* Memorandum of Fact and Law. There are 12 documents at issue in this area.

[119] Paragraph 37 of the *amici ex parte* Memorandum of Fact and Law refers to AGC01059, AGC01061, AGC02582, AGC02605, AGC03752, AGC03800, AGC05877, AGC06010, AGC07903, AGC08132, and AGC08693. In those documents, CSIS redacted information that references [REDACTED]. Each of these references to [REDACTED] relate to information received from [REDACTED] (directly or indirectly). CSIS's claim, highlighted in [REDACTED], is thus to protect information that would identify or tend to identify relationships that the Service maintains with foreign agencies, and the information exchanged in confidence with such agencies. The Service has not presented any request to [REDACTED] in respect to disclosing references to [REDACTED] because even the request, the AGC opines, could be construed as a criticism of [REDACTED]. Needless to say the AGC opposes any mention of [REDACTED] in his summaries.

[120] The *amici* refer to the CSIS affiant's testimony during the hearing in regards to the criticism linked with making reference to [REDACTED] and to the fact that the perceived criticism is

the reason for not seeking foreign approval. The amici cite the affiant who indicated that making reference to ██████████ could be construed as a criticism [...] it could open up an area of debate or criticism about ██████████. The *amici* take issue with the choice of words and argue that the difference between the words “could” versus “would” is directly connected to the threshold required to prove injury. The word “would” imposes a higher degree of evidence. The *amici* contend that the AGC must satisfy the judge that the injury is probable, and not possible, and has not done so in this case.

[121] At paragraph 52 of their *ex parte* Memorandum, the *amici* refer to AGC06825 in which the information CSIS redacted describes a Service employee expressing concern about confronting another ██████████ and referred to ██████████. CSIS’s claim, highlighted in ██████, is thus to protect information that would result in injury to the Service’s relationship with ██████████ that would arise to the level of a national security injury.

[122] The *amici* contend that the AGC’s evidence falls short of establishing injury, as it describes a possibility of an injury and not a probability. Again, the *amici* take issue with the fact that the affiant, under cross-examination, used the word “could” when answering.

[123] As it relies on the use of the word “could” by the affiant, I consider the *amici*’s position is inconsistent with the teachings in *Ribic* at paragraph 19 and *Almalki* at paragraph 70; I agree with the AGC that the evidence to support the claims of national security must be considered as a whole and an undue focus on the use of the word “could” is unwarranted.

[124] In addition, I also agree that the use of the term “could” does not necessarily mean that there is no probability of injury. Prior to finding that injury had been made out, at paragraph 79 of *Arar*, Justice Noël explained the following in relation to the third party rule:

If Canada were to breach the third party rule, depending on the particular circumstances injury could occur. However, the extent of the harm which may follow would not be easy to assess as it is impossible to predict the future. In other words, a breach of the third party rule may cause harm and may affect the flow of information to Canada. However, in many cases, only the non-breaching party will fully know the effect of a breach to this rule.

[125] Further, the AGC confirmed at the hearing that CSIS often leans on the third party rule as the source of injury, and the criticism ground is identified as a reason why a foreign agency request was not made and was not invoked as a standalone injury.

[126] In the full context of the evidence before me, I am satisfied the AGC has met his burden and has established that disclosure of the information about references to the [REDACTED] or to [REDACTED] *would* be injurious to international relations and national security.

(iv) Relationships and Third Party Information

[127] CSE, CSIS and GAC have claims on information they received in confidence by foreign agencies, states or government officials. The AGC submits that disclosure of this information would be injurious to national security or international relations under what is known as the third party rule. I have already determined that disclosure of the Information at Issue claimed by CSE would be injurious to the protected interests under the originator-controlled principle which, per the AGC’s representations, is akin to the third party rule. I will thus only examine CSIS’s and GAC’s claims under the third party rule.

[128] The majority of the contested Information at Issue claimed under the third party rule is information that (1) would identify or tend to identify relationships that CSIS maintains with foreign agencies or countries, or that would disclose or tend to disclose information exchanged with CSIS in confidence with such partners; or (2) was provided in confidence to GAC by foreign governments or organisations, intelligence agencies or foreign officials. With respect to GAC's claims, the numerous excerpts sought to be protected by GAC under this category concern information related to security and intelligence reports, and assessments that were conveyed to GAC, or through GAC channels. Examples include the official positions, requests and intelligence assessments of foreign governments on sensitive bilateral and multilateral issues; the personal impressions of foreign officials concerning their own governments; and assessments of the motives, actions and intentions of a third government (i.e., neither Canada nor the source's).

[129] As the AGC outlines, this information is usually subject to what is known as the third party rule. This means that the information is provided on the condition that it will not be further shared or disclosed by the receiving party without the permission of the party that provided it. The originating agency trusts that the recipient will respect the third party rule and prevent further dissemination without their consent.

[130] Counsel for Mr. Abdelrazik in the public hearing and the *amici* in the *in camera ex parte* hearing questioned the applicability of the third party rule in certain circumstances.

[131] In the public hearing, Mr. Abdelrazik acknowledged that the jurisprudence is clear that the designated judge assesses probable injury on a reasonableness standard, but also outlined that the courts have repeatedly expressed the caution that the government has a tendency to

exaggerate claims of national security confidentiality. Mr. Abdelrazik pointed out that the Supreme Court of Canada in *Canada (Citizenship and Immigration) v Harkat*, 2014 SCC 37, emphasized the judge's role as "the gatekeeper against this type of overclaiming" (at paragraphs 63-64).

[132] Mr. Abdelrazik submitted that this Court should carefully consider third party rule claims. First, he stressed that this Court has held the third party rule is not an imperative rule of law and is not absolute. He added that Canada's law enforcement and security agencies operate in a constitutional democracy and are subject to the rule of law and the courts and asserted that they are consequently unable to provide confidentiality guarantees to any foreign agency, outlining that any foreign country that Canadian agencies deal with would be aware of that fact. Mr. Abdelrazik argued that the Court should also be careful about accepting any generalized claims that foreign agencies, particularly those from the U.S., would be upset if information about their role in his detention were disclosed.

[133] Based on the public evidence, Mr. Abdelrazik submitted that the injuries appear to be largely prospective and speculative and that any testimony that referred to a disclosure that "could" harm or endanger does not meet the "would cause" injury standard.

[134] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. The *amici* add

that a disclosure resulting from a Court's ruling in a section 38 application could not cogently be described as a breach of the third party rule.

[135] It is not entirely clear if the *amici* request the disclosure of the redacted information or if they limit their submission to requesting disclosure of more detailed summaries than the ones proposed by the AGC. The *amici* have indicated that they were not challenging that the injury based on the third party rule was made out (second prong of the *Ribic* test) but they have also simultaneously argued that the third party rule did not apply in some circumstances. This is difficult to reconcile; if the third party rule was found not to apply to protect the redactions, it would logically entail that the claims of injury, based on the third party rule, would be unsustainable and that disclosure would ensue. I will thus, out of caution, examine whether the AGC has met his burden to establish that the third party rule applies and that its breach, i.e., disclosure of the Information at Issue, would cause injury to national security and international relations.

[136] As Justice De Montigny stated in *Telbani*, at paragraph 61, the third party rule:

[i]s an acknowledgement that foreign agencies provide information to the Service not only because agreements are entered into to ensure that that information will be utilized in confidence, but also because those agencies are confident that the Canadian government in general, and the Service in particular, are fully aware of and recognize the need to preserve the confidentiality of that information and have taken steps in that respect.

[137] I recognize that the third party rule is not absolute, as noted again by Justice de Montigny in *Telbani* at paragraph 70:

[...] There is no statutory basis for that "rule", and the mere fact that a foreign agency did not relieve the Service (or any other



Canadian agency) of its confidentiality obligation cannot suffice, on its own, to conclude that the disclosure of information thus obtained would be injurious to national security. Other factors must be considered, including the fact that the information in question was subsequently disclosed and is now in the public domain, as well as the passage of time. There must also consideration for how the sharing of information, both quantitative and qualitative, with a foreign agency might be important for Canada. My colleague, Justice Noël, stated the following in *Arar* (at paragraph 80):

When determining whether disclosure will cause harm, it is also important to consider the nature of Canada's relationship with the law enforcement or intelligence agency from which the information was received. It is recognized that certain agencies are of greater importance to Canada and thus that more must be done to protect our relationship with them. Consequently, care must be taken when considering whether to circumvent the third party rule in what concerns information obtained from our most important allies.

[138] In *Charkaoui*, Justice Gagné (as she then was) outlined that:

In addition, it is incumbent upon the AGC to show that the Canadian agencies concerned have made reasonable efforts to seek the consent of the foreign agency for the disclosure of the information in question (*Ruby v Canada (Solicitor General)*, [2000] 3 FC 589 (FCA) at paragraphs 110-111, rev'd on other grounds in *Ruby SCC*), or if a request for disclosure had been made, it would have necessarily been refused (*Canada (AG) v Canada (Commission of Inquiry into the Actions Canadian Officials in Relation to Maher Arar)*, 2007 FC 766 at paragraph 73). This obligation seems to carry more weight where the right to security of the person who has an interest in the information, guaranteed by section 7 of the *Charter*, is engaged (*Almalki FC* at paragraph 142). Such is not the case here.

In *Khawaja*, Justice Richard Mosley clearly set out the purpose of the rule and the limits to its exception: Clearly, the purpose of the third party rule is to protect and promote the exchange of sensitive information between Canada and foreign states or agencies, protecting both the source and content of the information exchanged to achieve that end, the only exception being that

Canada is at liberty to release the information and/or acknowledge its source if the consent of the original provider is obtained.

[139] The evidence presented *in camera ex parte* establishes that the documentation in respect of which the third party rule is raised contains security intelligence from [REDACTED] foreign agencies from [REDACTED] countries.

[140] The Court has had the benefit of the CSIS affiant's testimony that the Service [REDACTED] [REDACTED] information on potential or specific threats to Canada's national security. He explained that the disclosure of information received in confidence from a foreign agency without their consent would deter these agencies from providing information in the future and would thus hinder the Service's ability to investigate threats to the security of Canada and provide advice on matters of national security that could ultimately lead to loss of life or severe damage to property.

[141] In cross-examination, the CSIS affiant mentioned that foreign agencies would most likely view all unapproved disclosures of information to be breaches of the third party rule, even if the Court, as opposed to CSIS, ordered the disclosure. He gave two examples of other countries that have disclosed such information—through court proceedings similar to this one—without permission to do so, and that have faced either a suspension or reduction of information from that foreign agency. He testified that the same consequence would likely occur to Canada if it disclosed information received in confidence from a foreign agency, without permission to do so, even in the context of a section 38 proceeding.

[142] In addition, the GAC affiant testified that the Information at Issue was provided in confidence by [REDACTED] government agencies and officials and that it must be protected.

He testified that Canada's international relations and foreign objectives require cooperation, confidence and trust from international partners. Failure to protect the information received pertaining to comments or assessments critical of foreign governments, information received in confidence and the sources of that information, information related to the personal information of certain foreign officials, or details of Canadian diplomatic efforts, such as this case, would erode trust, cause injury to those officials involved in the communications and could negatively impact the free flow of information to Canada.

[143] GAC's affiant added that Canada's relationship with [REDACTED] and must be protected. As for Canada's relationship with [REDACTED], he says it must also be maintained, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

[144] AGC has adduced evidence to confirm that requests from CSIS and GAC were made to all but [REDACTED] of the agencies in order to obtain their consent to the disclosure of the information (or summaries of such information) they had provided. [REDACTED] agencies approved the release of the information (which resulted in the lifts of the redactions or in agreed-upon summaries and are therefore not at issue here), while the others either denied or did not respond. Affiants from CSIS and GAC testified that disclosing information in the face of a declined or unanswered foreign agency request would be particularly injurious to national security and international relations by violating the foreign country's expectations of confidentiality and, in the case of the denied

foreign agency request, be a clear indication to that country that Canada ignored its request to protect it.

[145] In two instances, namely with [one country] and, in regards to limited documents, with [another country], no request was made. As for [redacted], the contested redaction that GAC is protecting concerns confidential assessments by [redacted] which may differ from the views of their government and requesting to disclose the information could endanger the safety of the official in question. CSIS also did not make any requests to disclose information received from the [redacted] for several reasons, including that such requests could have negative repercussions on Mr. Abdelrazik [redacted]. As for [redacted], CSIS did not request permission from [redacted] to disclose any references to [redacted] as it could be perceived as criticism. Further, CSIS did not make a request when the information the *amici* seek to disclose is information that [redacted] had themselves first received from other foreign agencies.

[146] I am satisfied that:

1. The Canadian agencies met their obligation of taking reasonable measures to obtain the consent of foreign agencies to the disclosure of the information provided by them;
2. The AGC has demonstrated the importance of Canada's relationship with each of the foreign agencies, the importance to the security of Canada of preserving that relationship, and the fact that it is of utmost importance to Canada that the type of security intelligence in question, given the countries of origin, continue to be provided to Canadian agencies; and

3. The disclosure of the information as identified would result, if granted, in a breach of the third party rule with regard to each agency, which would be injurious to national security and international relations. The fact that no request was made in some instances in no way affects the confidential nature of this information and the expectations of the agency or individuals. The information, were it to be disclosed, would reveal the existence and the nature of the relationship between CSIS and this agency.

[147] Accordingly, I am satisfied that the AGC's assessment of injury in regards to the Information at Issue received in confidence by foreign agencies or representatives is reasonable and that the AGC has established that the disclosure of the Information at Issue in breach of the third party rule would be injurious to national security and to international relations.

(v) Conclusion on the Second Part of the *Ribic* Test-Injury (Annex C)

[148] The other claims of injury as evidenced by the AGC were not challenged by the *amici*.

[149] I am satisfied that the AGC's assessment is reasonable based on the evidence he adduced and that disclosure of the Information at Issue in the 119 documents would be injurious.

(c) *Balancing of Public Interests*

[150] Subsection 38.06(2) of the CEA provides that where a decision has been reached that the disclosure of information would be injurious, it must then be determined whether the public interest in disclosing the injurious information outweighs in importance the public interest in not disclosing that information.

[151] In balancing the competing public interests, the judge will consider many different factors that will vary from case to case. In *Khan* at paragraph 26, the Court outlined some of the relevant factors that may be considered “[i]n assessing whether an apparent case for disclosure has been made out”. The Supreme Court of Canada indicated, in *Ahmad* at paragraph 44, that the section 38 scheme was flexible and in *Charkaoui v Canada (Citizenship and Immigration)*, 2007 SCC 9 at paragraph 77, the “considerable discretion” section 38 confers on the designated judge.

[152] In this case I find the appropriate factors for the balancing test are:

- The extent of the injury of disclosing the Information at Issue;
- The possibility of minimizing the injury by disclosing summaries;
- The seriousness of the issues involved;
- Whether the information will establish a fact crucial for Mr. Abdelrazik to argue his case;
- Whether the information is already known to the public; and
- The importance of the open court principle.

[153] In brief, the extent of the injury, the fact that the information is already known to the public and the fact that counsel for Mr. Abdelrazik has indicated, at the public hearing, that he had enough evidence without the Information at Issue, and that the Information at Issue would, save for one, not establish a crucial fact weigh in favor of the public interest in non-disclosure.

[154] On the other hand, the possibility of considerably minimizing the injury by disclosing summaries rather than the actual Information at Issue, the seriousness of the issues involved and, in one instance, the importance of the Information at Issue to establish a crucial point weigh in favor of public interest in disclosure.

[155] Violating the third party rule would be highly injurious in most instances. This case involves information shared with Canada [REDACTED], including [REDACTED], and involves countries where Canada's [REDACTED]. The AGC made reasonable efforts to obtain consent for disclosure and evidence was presented that such requests were made or refused. When the AGC has not requested the disclosure of the information to the foreign partners, the AGC provided evidence of the injury that could result from the request.

[156] Further, disclosing CSIS employee names [REDACTED] would be highly injurious and would jeopardize employee safety. However, in respect to the identity of CSIS employees, I consider that the *amici* are not seeking to reveal the names of the employees, but simply the fact that in some instances it is the same employee, and both the AGC and the *amici* proposed summaries to limit the injury, as will be further discussed in the next section.

[157] Additionally, disclosing details of CSIS investigations would be injurious to national security. The Service cannot operate effectively if information identifying targets or past targets of an investigation, the intensity of the investigation, or even the eventual success of an investigation is disclosed (*Telbani* at paragraphs 45 and 50). This would allow subjects of investigation to actively circumvent the Service's investigative efforts.

[158] There is also injury in disclosing information that could be perceived as a criticism of a foreign government, and more particularly, releasing some of the Information at Issue would be perceived as a criticism and cause friction to Canada's intelligence-sharing relationship with [REDACTED].

[159] The underlying proceeding is a civil action. While Mr. Abdelrazik's liberty interests are not in play, he has raised serious allegations in the underlying proceeding concerning the *Charter* and human rights abuses. This Court has stated that while maintaining access to the courts to achieve redress for civil wrongs is an important public interest, the Court must be cognizant of the risk of present and future damage to Canada's national interests if injurious information is ordered to be disclosed (*Almalki FC* at paragraphs 82-84).

[160] In a civil case, there must be consideration of whether the information sought would establish a fact crucial to the case of the party seeking it. I note, and took into consideration, that the key issue identified by Mr. Abdelrazik at the public hearing in regards to CSIS employees was that it was crucial for him to know when the same employee was being referred to; he did not raise particular concerns with respect to [REDACTED].

[161] I also consider, to a lesser extent, and as counsel for Mr. Abdelrazik raised at the public hearing, that the Supreme Court of Canada recently emphasized in *Sherman Estate* at paragraph 1, the importance of the open court principle as constitutionally protected and as "a central feature of a liberal democracy". However, he has not challenged the constitutionality of the section 38 scheme which, in the precise circumstances that apply to it, allows for information to remain protected from disclosure.



[162] I take into account the fact that Mr. Abdelrazik did not challenge the prohibition of disclosure. Although he expressed the view that though some information is being withheld on some key issues, he stated that he already had enough information to establish the allegations raised in the underlying proceeding. This being said, I also must consider the degree to which some information is relevant to his claim (*Canada (Attorney General) v Shen*, 2017 FC 118; aff'd 2018 FCA 7, at paragraph 36).

[163] Some information in this case is in the public domain, either because it has been inadvertently disclosed, or has been disclosed through a leak. This Court has previously confirmed that there are many circumstances which would justify protecting information available in the public domain, including where the authenticity of the information is neither confirmed nor denied, and where the information was inadvertently disclosed. Inadvertent release of information for which a claim of privilege is advanced under section 38 is not a waiver (*Arar* at paragraphs 56 and 57; *Almalki FC* at paragraph 190). This weighs in favour of the public interest in non-disclosure.

[164] Finally, and most importantly, the fact that the injury may be limited by disclosing the Information at Issue in the form of a summary weighs in favour of the public interest in disclosure. The summaries, when they are possible, avoid revealing particularly sensitive or injurious information such as the names of Service employees, [REDACTED], foreign officials or agencies, information for which third parties have refused disclosure, or the nature of information that was shared in confidence or/and consent to disclose has been received from the foreign agency in question. To the contrary, where I am satisfied that the injury cannot be

neutralized or limited by a summary, having weighed the different factors, I find that the public interest in non-disclosure outweighs the public interest in disclosure.

[165] Having weighed the different factors, and particularly the fact that summaries of the Information at Issue are possible to limit the injury, I am satisfied that the public interest in disclosure outweighs the public interest in non-disclosure of the Information at Issue except in the cases highlighted below.

[166] I find that the public interest in non-disclosure outweighs the public interest in disclosure of information provided in confidence by third parties where a request to disclose has been denied by the foreign agency or where no request was possible without disrespecting the third party rule. In those instances, I am satisfied that the Information at Issue was sent by a foreign partner and/or discusses involvement of another third party agency. I am satisfied the AGC established that the third party rule applies, that a request for permission to disclose this information could not be made to the foreign agency without disrespecting the third party rule, or that a request for permission to disclose this information was refused.

[167] Finally, where I am satisfied that the third party rule applies and the response of the foreign agency for the disclosure requests have not been received, having balanced the different factors, I conclude that the public interest in non-disclosure outweighs the public interest in disclosure of the Information at Issue—specifically, AGC01064, AGC01107, AGC01176, AGC01750, AGC01824, AGC02579, AGC02639, AGC02642, AGC03763, AGC03779, AGC07903, and AGC08693—pending a response. Accordingly, I will remain seized of the matter and will re-examine it if a response is received. I will cease to be seized on the first day of

the hearing of the underlying proceeding and also cease to be seized if the action is terminated prior to its hearing.

(d) *The Form of and the Conditions of the Disclosure*

[168] Where I found that public interest favors disclosure, the next step is to consider both the public interest in disclosure and the form of and conditions to disclosure that are most likely to limit any injury before actually authorizing disclosure (*Ribic* at paras 37 -39; *Almalki FCA* at para 37; *Hutton* at para 32). Both parties presented summaries that, in their view, provide the gist or the essence of the redacted Information to ensure fairness in the underlying proceeding while also minimizing or limiting the injury to national security or international relations.

[169] The Federal Court of Appeal instructs me, while bearing in mind the public interest in disclosure, to ensure that the form of and conditions for disclosure are most likely to limit any injury to international relations or national defence or national security resulting from disclosure. It directs me to resort to the means that are the least prejudicial to these interests and stresses that Parliament's intent is clear: any injury ought to be limited as much as possible and appropriate measures ought to be taken to that end, that is to say measures that are most likely to produce that result (*Ribic* at para 37).

[170] Bearing this in mind, I am satisfied that in all but one instance, the AGC's proposed summaries, and the one overarching summary that was not subject to third party approval, are the most likely to limit any injury, and I will thus order disclosure in the form of and under the condition that it be in the form of the summaries proposed by the AGC. However, I will retain the *amici's* proposition in regards to the designation of one specific employee.

[171] The *amici* have identified 11 documents referencing the involvement of a particular [Service employee]. The *amici* are not seeking to disclose the actual identity of the employee, but are seeking to disclose the fact that the same employee is indeed referenced throughout these 11 documents. In particular, the *amici* would like to identify this employee as “CSIS employee 1” in those 11 documents. They stressed that their summaries would limit the injury, if any, while allowing Mr. Abdelrazik to benefit from a key piece of information in the underlying proceeding.

[172] The AGC disagrees with the *amici*’s proposition in that regard and instead proposes for ten of the 11 documents identified by the *amici* that either a CSIS employee or CSIS be used in its summaries. The AGC asserts that if the *amici*’s summaries were to be preferred, identifying when an employee is the same individual in the documents at play [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

[173] I find this issue is at play in the AGC s summaries in ten documents, hence: AGC00318, AGC01089, AGC01097, AGC01098, AGC01101, AGC01107, AGC01176, AGC02642, AGC07820, and AGC07903.

[174] In the present case, the information in question refers to events that took place about 20 years ago, and in this instance, the timeframe and the passage of time significantly reduce the injury. While the CSIS affiant testified that with the *amici*’s proposed summaries [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Furthermore, counsel for Mr. Abdelrazik considered the identities of CSIS officials who were involved in Mr. Abdelrazik's case as being a "crucial" piece of information in his proceeding. Having considered the form most likely to limit the injury and the public interest in disclosure, and I find that "CSIS employee 1" is an appropriate summary in the AGC's summaries in those ten documents.

#### VIII. Conclusion

[175] As a last comment, I would like to thank counsel for the AGC as well as the *amici* for their helpful submissions and for their continuous cooperation, particularly in the exceptional circumstances of the pandemic. I also thank Mr. Abdelrazik for his patience throughout this process.

**JUDGMENT in DES-3-18**

**THIS COURT'S JUDGMENT is that:**

1. The AGC's Application is allowed in part.
2. The prohibition of disclosure in regards to the Information at Issue contained in the production documents identified in **Annex A** is confirmed pursuant to subsection 38.06(3) of the CEA.
3. The prohibition of disclosure in regards to the Information at Issue contained in the documents listed in **Annex C** that was subject to third party approval, for which third parties have refused disclosure requests which includes disclosure of any summaries—regardless of whether or not the prohibition was challenged by the *amici*—is confirmed in application of subsection 38.06(3) of the CEA, in accordance with these reasons.
4. The prohibition of disclosure in regards to the Information at Issue contained in the production documents identified in **Annex B and Annex C** that is subject to third party approval—to which foreign agencies have not yet responded to the disclosure requests—is confirmed pursuant to subsection 38.06(3) of the CEA. In this regard, I will remain seized of the matter and will re-examine it if a response is received. I will cease to be seized on the first day of the hearing of the underlying proceeding and will also cease to be seized if the action is terminated prior to its hearing.

5. The prohibition of disclosure in regards to the Information at Issue contained in the document AGC02798 listed in **Annex C** is confirmed in application of subsection 38.06(3) of the CEA, in accordance with these reasons.
6. The disclosure of the Information at Issue in the production documents identified in **Annex B** and **Annex C** that are not subject to third party approval is authorized. However, in application of subsection 38.06(2) of the CEA, and as a condition of disclosure, the Court imposes that the information be disclosed in the form of the summaries which are stated in **Annex B** and **Annex C**.
7. The *amici* will be able to consult this classified judgment and reasons in the Federal Court's Designated Proceedings Registry.
8. The AGC will propose, in consultation with the *amici*, a public version of this judgment and reasons for disclosure to the Respondent 20 days after the deadline for the AGC to appeal this classified judgment and reasons or on any other such earlier date if the AGC decides not to appeal.
9. The limitation period for the Respondent to appeal the public version of this judgment and reasons, under section 38.09 of the CEA, will only begin as of the date on which it is issued.
10. This classified judgment and reasons shall not form part of the public record.
11. The classified file of the Court shall be kept in the Designated Proceedings Registry, to which the public does not have access.

12. Should further applications pursuant to section 38 of the CEA related to the underlying proceeding be filed with the Court, I will remain seized of said applications.
  
13. Without costs.

“Martine St-Louis”

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Judge



**ANNEX A**

**List of Uncontested Documents for which no summaries were authorized and for which redaction is confirmed in application of subsection 38.06(3) of the CEA**

Count	AGC Production No	Count	AGC Production No	Count	AGC Production No
1.	AGC00001_R	37.	AGC00359_R	73.	AGC00730_R
2.	AGC00030_R	38.	AGC00369	74.	AGC00731_R
3.	AGC00042_R	39.	AGC00378_R	75.	AGC00733_R
4.	AGC00043_R	40.	AGC00382_R	76.	AGC00736_R
5.	AGC00049_R	41.	AGC00383_R	77.	AGC00737_R
6.	AGC00050_R	42.	AGC00385_R	78.	AGC00738_R
7.	AGC00058_R	43.	AGC00386_R	79.	AGC00739_R
8.	AGC00066_R	44.	AGC00390_R	80.	AGC00741_R
9.	AGC00092_R	45.	AGC00394_R	81.	AGC00749_R
10.	AGC00109	46.	AGC00396_R	82.	AGC00752_R
11.	AGC00110	47.	AGC00403_R	83.	AGC00755
12.	AGC00133_R	48.	AGC00404_R	84.	AGC00756_R
13.	AGC00156_R	49.	AGC00410_R	85.	AGC00757
14.	AGC00162	50.	AGC00415_R	86.	AGC00760
15.	AGC00172	51.	AGC00416_R	87.	AGC00764_R
16.	AGC00187_R	52.	AGC00417_R	88.	AGC00766
17.	AGC00205_R	53.	AGC00419_R	89.	AGC00770
18.	AGC00221	54.	AGC00433_R	90.	AGC00771_R
19.	AGC00222	55.	AGC00435_R	91.	AGC00772_R
20.	AGC00225_R	56.	AGC00437_R	92.	AGC00773_R
21.	AGC00239	57.	AGC00438_R	93.	AGC00774_R
22.	AGC00256_R	58.	AGC00439_R	94.	AGC00775_RR
23.	AGC00270_R	59.	AGC00441_R	95.	AGC00778
24.	AGC00276_R	60.	AGC00442_R	96.	AGC00779
25.	AGC00277_R	61.	AGC00446_R	97.	AGC00780_R
26.	AGC00278	62.	AGC00517_R	98.	AGC00782
27.	AGC00286	63.	AGC00616_R	99.	AGC00785_RR
28.	AGC00296_R	64.	AGC00619	100.	AGC00786_R
29.	AGC00300_R	65.	AGC00624_R	101.	AGC00788_R
30.	AGC00308_R	66.	AGC00655	102.	AGC00790_R
31.	AGC00309_R	67.	AGC00658_R	103.	AGC00795_R
32.	AGC00336_R	68.	AGC00661_R	104.	AGC00798
33.	AGC00338_R	69.	AGC00662_R	105.	AGC00800
34.	AGC00343	70.	AGC00663	106.	AGC00801
35.	AGC00344_R	71.	AGC00727_R	107.	AGC00802

36.	AGC00345_R	72.	AGC00728	108.	AGC00803
109.	AGC00804_R	146.	AGC00899	183.	AGC00990_R
110.	AGC00805_R	147.	AGC00901_R	184.	AGC00996_R
111.	AGC00806_R	148.	AGC00902	185.	AGC01003
112.	AGC00807_R	149.	AGC00903	186.	AGC01004
113.	AGC00808_R	150.	AGC00905	187.	AGC01005
114.	AGC00809_R	151.	AGC00908	188.	AGC01014
115.	AGC00810_R	152.	AGC00909	189.	AGC01015
116.	AGC00812	153.	AGC00910	190.	AGC01016
117.	AGC00813	154.	AGC00911	191.	AGC01017
118.	AGC00814	155.	AGC00912_R	192.	AGC01018
119.	AGC00815	156.	AGC00913	193.	AGC01019
120.	AGC00820_R	157.	AGC00916	194.	AGC01021_RR
121.	AGC00821	158.	AGC00925_R	195.	AGC01022_R
122.	AGC00822	159.	AGC00929	196.	AGC01023_R
123.	AGC00823	160.	AGC00931_R	197.	AGC01026
124.	AGC00826	161.	AGC00937	198.	AGC01028
125.	AGC00829	162.	AGC00943	199.	AGC01030
126.	AGC00830	163.	AGC00946_R	200.	AGC01031
127.	AGC00831_R	164.	AGC00949_R	201.	AGC01033
128.	AGC00838_R	165.	AGC00950	202.	AGC01034
129.	AGC00839_R	166.	AGC00952	203.	AGC01035
130.	AGC00844	167.	AGC00953	204.	AGC01036_R
131.	AGC00846_R	168.	AGC00955_R	205.	AGC01037
132.	AGC00848_R	169.	AGC00956_R	206.	AGC01038
133.	AGC00853	170.	AGC00959_R	207.	AGC01039_R
134.	AGC00854_R	171.	AGC00963_R	208.	AGC01040
135.	AGC00863	172.	AGC00964_R	209.	AGC01042
136.	AGC00865	173.	AGC00966	210.	AGC01044_R
137.	AGC00867	174.	AGC00967	211.	AGC01045_R
138.	AGC00872	175.	AGC00969	212.	AGC01046_R
139.	AGC00874_R	176.	AGC00975	213.	AGC01047_R
140.	AGC00876_R	177.	AGC00976_R	214.	AGC01048_R
141.	AGC00888	178.	AGC00979_R	215.	AGC01049_R
142.	AGC00890	179.	AGC00980	216.	AGC01050_R
143.	AGC00893_R	180.	AGC00984	217.	AGC01051_R
144.	AGC00897	181.	AGC00988	218.	AGC01052
145.	AGC00898_R	182.	AGC00989	219.	AGC01053_R
220.	AGC01054_R	257.	AGC01154_R	294.	AGC01279_R

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222.	AGC01057_R	259.	AGC01156_R	296.	AGC01284_R
223.	AGC01062	260.	AGC01158_R	297.	AGC01285_R
224.	AGC01063	261.	AGC01159_R	298.	AGC01286_R
225.	AGC01064	262.	AGC01160_R	299.	AGC01287_R
226.	AGC01065_R	263.	AGC01161_R	300.	AGC01289_R
227.	AGC01069_R	264.	AGC01169_R	301.	AGC01294
228.	AGC01071_R	265.	AGC01170_R	302.	AGC01296_R
229.	AGC01072	266.	AGC01171_R	303.	AGC01297_R
230.	AGC01074_R	267.	AGC01172_R	304.	AGC01300_R
231.	AGC01075_R	268.	AGC01174_R	305.	AGC01301_R
232.	AGC01076_R	269.	AGC01177_R	306.	AGC01302_R
233.	AGC01079_R	270.	AGC01178_R	307.	AGC01306_R
234.	AGC01083_R	271.	AGC01188_R	308.	AGC01313_R
235.	AGC01084_R	272.	AGC01189_R	309.	AGC01314_R
236.	AGC01091_R	273.	AGC01192_R	310.	AGC01315_R
237.	AGC01093_R	274.	AGC01198_R	311.	AGC01326_R
238.	AGC01096_R	275.	AGC01200_R	312.	AGC01328_R
239.	AGC01099_R	276.	AGC01201_R	313.	AGC01338_R
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243.	AGC01110	280.	AGC01215_R	317.	AGC01465_R
244.	AGC01111_R	281.	AGC01217_R	318.	AGC01470_R
245.	AGC01114_R	282.	AGC01220_R	319.	AGC01481_RR
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247.	AGC01116_RR	284.	AGC01237_R	321.	AGC01499_R
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249.	AGC01121_R	286.	AGC01248_R	323.	AGC01502_R
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251.	AGC01137_R	288.	AGC01263_R	325.	AGC01541
252.	AGC01144_R	289.	AGC01267_R	326.	AGC01542_R
253.	AGC01145_R	290.	AGC01272_R	327.	AGC01555
254.	AGC01147_RR	291.	AGC01273_R	328.	AGC01556_R
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342.	AGC01633_R	379.	AGC01866_R	416.	AGC02185_R
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344.	AGC01640_R	381.	AGC01883_R	418.	AGC02190
345.	AGC01642_R	382.	AGC01891_R	419.	AGC02197_R
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356.	AGC01692_R	393.	AGC01988	430.	AGC02285_R
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362.	AGC01718	399.	AGC02023	436.	AGC02321
363.	AGC01722_R	400.	AGC02028_R	437.	AGC02323_R
364.	AGC01723_R	401.	AGC02035_R	438.	AGC02333_R
365.	AGC01728_R	402.	AGC02058_R	439.	AGC02342
366.	AGC01729_R	403.	AGC02062	440.	AGC02347_R
367.	AGC01733_R	404.	AGC02063	441.	AGC02348_R
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443.	AGC02358	480.	AGC02581_R	517.	AGC02784_R
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446.	AGC02373_R	483.	AGC02585_R	520.	AGC02799

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450.	AGC02417_R	487.	AGC02590_R	524.	AGC02809_R
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453.	AGC02434_R	490.	AGC02598	527.	AGC02822_R
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455.	AGC02447_R	492.	AGC02602	529.	AGC02829_R
456.	AGC02448_R	493.	AGC02603	530.	AGC02833_R
457.	AGC02450_R	494.	AGC02607	531.	AGC02834_R
458.	AGC02454	495.	AGC02611	532.	AGC02838_R
459.	AGC02471_R	496.	AGC02615_R	533.	AGC02848_R
460.	AGC02472	497.	AGC02632_R	534.	AGC02855_R
461.	AGC02493	498.	AGC02638	535.	AGC02859_R
462.	AGC02494_R	499.	AGC02640_R	536.	AGC02861
463.	AGC02496	500.	AGC02641	537.	AGC02864
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466.	AGC02528_R	503.	AGC02680	540.	AGC02870_R
467.	AGC02529_RR	504.	AGC02700	541.	AGC02875_R
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469.	AGC02539_RR	506.	AGC02717_R	543.	AGC02888
470.	AGC02547	507.	AGC02719_R	544.	AGC02892_R
471.	AGC02559	508.	AGC02723	545.	AGC02902_R
472.	AGC02563_R	509.	AGC02730	546.	AGC02907_R
473.	AGC02565	510.	AGC02731	547.	AGC02917
474.	AGC02566_R	511.	AGC02737_R	548.	AGC02921_R
475.	AGC02567_R	512.	AGC02760	549.	AGC02923_R
476.	AGC02568_R	513.	AGC02762_R	550.	AGC02935
477.	AGC02569	514.	AGC02772_R	551.	AGC02947_R
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555.	AGC02974_R	592.	AGC03714_R	629.	AGC03856_R
556.	AGC02975	593.	AGC03736	630.	AGC03859_RR
557.	AGC02984_R	594.	AGC03737	631.	AGC03875
558.	AGC02985_R	595.	AGC03742_R	632.	AGC03888_R
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563.	AGC03090_R	600.	AGC03757_R	637.	AGC04247_R
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566.	AGC03150_R	603.	AGC03764	640.	AGC04347_R
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573.	AGC03382_R	610.	AGC03780_R	647.	AGC04448_R
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575.	AGC03541_R	612.	AGC03783_R	649.	AGC04450_R
576.	AGC03542_R	613.	AGC03784_R	650.	AGC04459
577.	AGC03554	614.	AGC03785_R	651.	AGC04472_R
578.	AGC03555_R	615.	AGC03788	652.	AGC04494
579.	AGC03556_R	616.	AGC03789	653.	AGC04497
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582.	AGC03588_R	619.	AGC03794_R	656.	AGC04543
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587.	AGC03670_R	624.	AGC03806_R	661.	AGC04591_R
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589.	AGC03688_R	626.	AGC03810_R	663.	AGC04622_R
664.	AGC04623_R	701.	AGC05071_R	738.	AGC05474
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666.	AGC04626_R	703.	AGC05081_R	740.	AGC05478
667.	AGC04648_R	704.	AGC05084	741.	AGC05479
668.	AGC04650	705.	AGC05085_R	742.	AGC05480_R
669.	AGC04683_R	706.	AGC05086	743.	AGC05483
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673.	AGC04717_R	710.	AGC05129_R	747.	AGC05488_R
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675.	AGC04828	712.	AGC05149	749.	AGC05505_R
676.	AGC04863	713.	AGC05152	750.	AGC05506
677.	AGC04872	714.	AGC05159_R	751.	AGC05509
678.	AGC04958_R	715.	AGC05161_R	752.	AGC05510_R
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682.	AGC04987	719.	AGC05188	756.	AGC05548
683.	AGC04990	720.	AGC05189	757.	AGC05553_R
684.	AGC04992_R	721.	AGC05202_R	758.	AGC05554_R
685.	AGC05009	722.	AGC05204	759.	AGC05588_R
686.	AGC05014_R	723.	AGC05210_R	760.	AGC05590
687.	AGC05018	724.	AGC05214_R	761.	AGC05594
688.	AGC05024_R	725.	AGC05215_R	762.	AGC05595_R
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690.	AGC05027	727.	AGC05225_R	764.	AGC05604_R
691.	AGC05030	728.	AGC05229	765.	AGC05605_R
692.	AGC05037	729.	AGC05232	766.	AGC05606_R
693.	AGC05039_R	730.	AGC05384	767.	AGC05610
694.	AGC05046_R	731.	AGC05416_R	768.	AGC05611_R
695.	AGC05048_R	732.	AGC05417	769.	AGC05613
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700.	AGC05057_R	737.	AGC05462_R	774.	AGC05619_R
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776.	AGC05623	813.	AGC05755	850.	AGC05874_R
777.	AGC05624_R	814.	AGC05756_R	851.	AGC05879
778.	AGC05626_R	815.	AGC05757	852.	AGC05880_R
779.	AGC05627_R	816.	AGC05759_R	853.	AGC05881_R
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781.	AGC05631_R	818.	AGC05767_R	855.	AGC05892_R
782.	AGC05632	819.	AGC05768_R	856.	AGC05893_R
783.	AGC05634	820.	AGC05769	857.	AGC05894
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788.	AGC05640	825.	AGC05787_R	862.	AGC05934_R
789.	AGC05641_R	826.	AGC05788_R	863.	AGC05937
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791.	AGC05645_R	828.	AGC05790_RR	865.	AGC05952
792.	AGC05647_R	829.	AGC05795_R	866.	AGC05953_R
793.	AGC05662_R	830.	AGC05800_R	867.	AGC05965
794.	AGC05686_R	831.	AGC05802_R	868.	AGC05968
795.	AGC05690_R	832.	AGC05804_R	869.	AGC05969_R
796.	AGC05693_RR	833.	AGC05808_R	870.	AGC05978
797.	AGC05694	834.	AGC05809_R	871.	AGC05981
798.	AGC05695	835.	AGC05813	872.	AGC05984_R
799.	AGC05696	836.	AGC05821_R	873.	AGC05986
800.	AGC05697_R	837.	AGC05826	874.	AGC05988_R
801.	AGC05700_R	838.	AGC05829	875.	AGC05989_R
802.	AGC05701_R	839.	AGC05833_RR	876.	AGC05997_R
803.	AGC05702_R	840.	AGC05834_R	877.	AGC06000_R
804.	AGC05718_R	841.	AGC05836_R	878.	AGC06001_R
805.	AGC05719	842.	AGC05847	879.	AGC06009_R
806.	AGC05725	843.	AGC05850_R	880.	AGC06013_R
807.	AGC05728_RR	844.	AGC05858_R	881.	AGC06014_R
808.	AGC05729_RR	845.	AGC05862_R	882.	AGC06041_R
809.	AGC05736	846.	AGC05866	883.	AGC06048_R
810.	AGC05745_R	847.	AGC05867_R	884.	AGC06050
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886.	AGC06054	923.	AGC06232_R	960.	AGC06562_R
887.	AGC06056	924.	AGC06238_R	961.	AGC06577_R
888.	AGC06057_R	925.	AGC06239_R	962.	AGC06595_R
889.	AGC06058_R	926.	AGC06249_R	963.	AGC06597
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891.	AGC06062_R	928.	AGC06251_R	965.	AGC06618_R
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893.	AGC06070_R	930.	AGC06270	967.	AGC06631_R
894.	AGC06072_R	931.	AGC06285_R	968.	AGC06643_R
895.	AGC06074_R	932.	AGC06303	969.	AGC06646_R
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898.	AGC06091_R	935.	AGC06351	972.	AGC06659_R



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910.	AGC06149_R	947.	AGC06458_R	984.	AGC06770_R
911.	AGC06150_R	948.	AGC06476	985.	AGC06774
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913.	AGC06180_R	950.	AGC06492_R	987.	AGC06796_R
914.	AGC06181_R	951.	AGC06504_R	988.	AGC06805
915.	AGC06184	952.	AGC06511_R	989.	AGC06812_R
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918.	AGC06192	955.	AGC06526	992.	AGC06837_R
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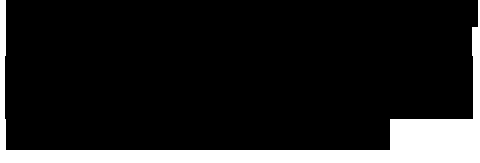

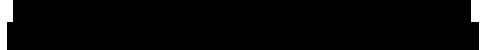
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1330.	AGC09185				
1331.	AGC09187				
1332.	AGC09190				
1333.	AGC09192				

## ANNEX B Agreed-Upon Summaries




Count	AGC Prod No.	Agreed-upon Summaries	The disclosure of the Information at Issue in the production documents identified is authorized. However, in application of subsection 38.06(2) of the CEA, and as a condition of disclosure, the Court imposes that the information be disclosed in the form of the summary agreed upon by both parties:	The prohibition of disclosure in regards to the Information at Issue to which foreign agencies have not yet responded to the disclosure request—is confirmed pursuant to subsection 38.06(3) of the CEA. In this regard, the Court will remain seized of the matter and will re-examine it if a response is received. The Court will cease to be seized on the first day of the hearing of the underlying proceeding and will also cease to be seized if the action is terminated prior to its hearing:
1.	AGC00436_R		<p>“This document is a string of emails to and from DFAIT officials between December 11-12, 2007.</p> <p>The redaction at page 2 refers to the letter sent from the Government of Canada to the UN 1267 Committee. The redaction describes the various scenarios that can occur once the letter is reviewed by the Committee. The letter mentions that “there is no substantive Canadian [information] to substantiate a continued listing”. The email also states that Canada was “not the</p>	

			designating State” for the 1267 listing.  Some elements must be redacted because they would be injurious to international relations.”	
2.	AGC00750		“This report, dated April 16, 1999, was prepared by CSIS.  It contains a request to the Target Approval and Review Committee (TARC) of the CSIS for authorization to raise the investigation on Abdelrazik to a level 2 target. · Paragraph 1 explains how Abdelrazik came to the attention of CSIS;  · Paragraph 2 describes the travel history of Abdelrazik prior to his arrival in Canada.  · Paragraph 4 and 5 describes Abdelrazik’s travels abroad in 1997 and 1998. Lastly, it provides details about Abdelrazik’s contacts with individuals of interest to CSIS.  The remainder of the report must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications	



			system of CSIS; operational methods or investigative techniques used by CSIS; the identity of persons that provided information to CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”	
3.	AGC00751_R		<p>“This report, dated May 18, 1999, was prepared by CSIS.</p> <p>The report contains a CSIS request for a trace check on Abdelrazik.</p> <p>Page 1 redactions must be maintained because they would reveal the identity of a CSIS employee, an internal procedure, an administrative process or a telecommunications system of CSIS.</p> <p>Paragraph 2 describes how Abdelrazik came to the attention of CSIS via his contacts with certain individuals;</p> <p>Paragraphs 5 and 6 some elements must be redacted because they would reveal CSIS’ interest in an individual (other than Abdelrazik), operational methods or investigative techniques used by CSIS.</p>	

			<p>The bottom part of page 3, page 4 and 5 must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>	
4.	AGC00847_R	    	<p>"This report, dated September 25, 2000 was prepared by CSIS.</p> <p>The document is a CSIS update of Abdelrazik's activities.</p> <ul style="list-style-type: none"><li>· Page 1: Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS.</li><li>· Page 2, paragraph 6: CSIS states that they are closely monitoring Abdelrazik and would provide a timely tip off to the foreign agency recipients, should Abdelrazik choose to travel.</li></ul>	






			<p>Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>	
5.	AGC00851		<p>"This report, dated September 28, 2000, was prepared by CSIS:</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>	

		[REDACTED]		[REDACTED]
6.	AGC01152_R	[REDACTED]		[REDACTED]
7.	AGC01320_R	[REDACTED]	"This report, dated August 6, 2006, was prepared by CSIS.	



			<p>The redaction at page 2 refers to a foreign intelligence agency.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS, or would be injurious to international relations.”</p>	
8.	AGC01668_R		<p>“This report, dated March 17, 2000, was prepared by CSIS.</p> <p>The report provides information about Abdelrazik’s travel from Canada in October of 1999.</p> <p>At page 2, paragraph 2, the report mentions that the Service is currently not in position to confirm the exact location of Abdelrazik. However, the Service believes he remains abroad, but may attempt to reenter Canada shortly.</p> <p>The remainder of the report must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the</p>	

			relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”	
9.	AGC02679	[REDACTED]	“This email, dated May 27, 2004, was prepared by CSIS.  Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”	[REDACTED]
10.	AGC05098_R	[REDACTED]	“This report dated August 16, 2004 contains a request sent by CSIS to a foreign agency regarding Abdelrazik.”	[REDACTED]



		[REDACTED]		
11.	AGC05561_R	[REDACTED]	<p>“This report dated, August 29, 2000, was prepared by CSIS.</p> <p>A witness travelled to Afghanistan from Canada via Brussels in 1996 with Sudanese Abou Sofiane Abdelrazik where he received military training including weapons handling (Macarov, Kalachnikov, Bica and Garnov) during two months near 'Khust' in a camp financed by “Oussama Ben Laden” under instructor supervision (Eritreans, Libyans, Egyptians).</p> <p>In 1999, the witness could not reach Samir EZZINE 'the Moroccan' and Abou Sofiane Abderazik 'the Sudanese' in Chechnya because of security measures.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a</p>	

			telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”	
12.	AGC05573_R		"In AGC01761, the Service passed a report to numerous agencies. The current document (AGC05573), is a response by one of those agencies to the Service. "	
13.	AGC05840_R		“This document is a CSIS report dated July 21, 2003, which includes messages received from foreign agencies.  Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group	

		<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>	
14.	AGC07531_R	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>“This report, dated June 6, 2002, was prepared by CSIS.</p> <p>At pages 1 and 2 it states, amongst other things, that the Tabligh Jamaat is a Sunni ultra-orthodox movement that is generally peaceful and apolitical. Its members are sometimes called upon to travel across the world, from Mosque to Mosque, to listen to religious teachings and often proselytize. In these cases, their travel is considered to be a retreat in order to reinforce their faith and devotion to Islam.</p>	

			<p>The remainder of the report must be redacted because it would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>	
15.	AGC07595		<p>"This report, dated March 27, 2003, was prepared by CSIS.</p> <p>CSIS is utilizing investigative techniques with the assistance of its partners to determine information about Abdelrazik while he is in Sudan.</p> <p>Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information</p>	



			exchanged in confidence from such agencies.”	
16.	AGC07600		<p>“This report, dated April 7, 2003, was prepared by CSIS.</p> <p>CSIS is utilizing investigative techniques with the assistance of its partners to determine information about Abdelrazik while he is in Sudan.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or operational methods or investigative techniques used by CSIS.”</p>	
17.	AGC07616		<p>“This report, dated July 21, 2003, was prepared by CSIS.</p> <p>CSIS is utilizing investigative techniques with the assistance of its partners to determine information about Abdelrazik while he is in Sudan.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a</p>	

		[REDACTED]	telecommunications system of CSIS; or operational methods or investigative techniques used by CSIS.”	
18.	Overarching Summary	[REDACTED]	“CSIS had information indicating that, in the late 1990s and early 2000s, the Plaintiff associated with numerous individuals and organizations with known links to terrorism.”	



						seized if the action is terminated prior to its hearing in regards to the following information:	
1.	AGC00060_R	GAC	[REDACTED]	[REDACTED]			<p>“This report, dated October 6, 2003, was prepared by DFAIT.</p> <p>The redacted information on page 1 indicates that if the allegations are well founded against Abdelrazik, DFAIT anticipates that the Sudanese will turn him over to a foreign government and he could end up detained indefinitely.”</p>
2.	AGC00061	GAC CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 16, 2003, was prepared by DFAIT.</p> <p>The document is in large part unredacted.</p> <p>The redacted information at paragraph 1 indicates that a foreign government might eventually want to detain Abdelrazik indefinitely.</p>

							<p>It enumerates a number of individuals as Abdelrazik's Montreal associates with links to terrorism.</p> <p>Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event, or identifies the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies, or be injurious to international relations."</p>
3.	AGC00273_R	GAC					<p>"This report, dated March 29, 2005, was prepared by DFAIT.</p> <p>The redactions at page 2 state that Abdelrazik was arrested upon the request of a foreign government.</p> <p>The redaction at the top of page 3 refers to a foreign intelligence agency."</p>

4.	AGC00284	CSIS	[REDACTED]	[REDACTED]			<p>“This undated report was prepared by DFAIT.</p> <p>It reports that if Abdelrazik returns to Canada the Canadian authorities will continue to work closely with foreign agencies on this matter.</p> <p>The redactions at page 9 would reveal, among other things, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS.”</p>
5.	AGC00291_R	GAC	[REDACTED]	[REDACTED]			<p>“This document is an email correspondence between DFAIT officials, dated December 16, 2005. It states at page 2 paragraph 2 that Abdelrazik was arrested at the request of a foreign government.</p> <p>The redactions at page 2 paragraph 3 state that</p>

				     			<p>Abdelrazik was re-detained because of pressure from a foreign government.</p> <p>The redactions at page 3 indicate that one foreign intelligence service is still interested in Abdelrazik; however, they have not shown and/or produced any information to justify his continued detention. A foreign intelligence service is pushing for Abdelrazik to be transferred to a jurisdiction under their authority. The Sudanese do not prefer this option, but it is becoming more difficult to refuse it.</p> <p>The redactions at page 4 paragraphs 2 and 3 discuss about the possibility of Abdelrazik being transferred to a foreign jurisdiction where he may be detained indefinitely, and the pressure, coming from a foreign government, not to allow Abdelrazik to be released.”</p>
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6.	AGC00293_R	GAC		   			<p>“This document is an email correspondence between DFAIT officials, dated January 3, 2006.</p> <p>The email discusses the pressure exerted by a foreign government in the ongoing detention of Abdelrazik.”</p>



7.	AGC00294_RR	GAC	[REDACTED]	[REDACTED]			<p>“This report, dated January 17, 2006, was prepared by DFAIT.</p> <p>It reports that in August 2003 Abdelrazik was arrested and detained by the Sudanese at the instigation of a foreign government.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, or would be injurious to international relations.”</p>
8.	AGC00318_R	CSIS	[REDACTED]	[REDACTED]			<p>This report, dated November 2, 2006, was prepared by DFAIT.</p> <p>The redaction at page 2 identifies CSIS employee 1.</p>

				[REDACTED]			
9.	AGC00503_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated June 25, 2008, was prepared by DFAIT.</p> <p>Some elements must be redacted because they would reveal operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

10.	AGC00799	CSIS					<p>“This report, dated July 4, 2000, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process, used by CSIS or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
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11.	AGC00816_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated August 9, 2000, was prepared by CSIS. This report is the CSIS reply to AGC00799.</p> <p>Some elements must be redacted because they the identity of an employee, an internal procedure, an administrative process or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
12.	AGC00900	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated July 16, 2001, was prepared by CSIS.</p>

			[REDACTED]	[REDACTED]	[REDACTED]		Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."
13.	AGC01000	CSIS	[REDACTED]	[REDACTED]			"This report, dated October 4, 2002, was prepared by CSIS.  In this report CSIS is asking information from a

			[REDACTED]	[REDACTED]			foreign agency regarding a foreign phone number.  Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."
14.	AGC01002_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		"This report, dated October 18, 2002, was prepared by CSIS.  Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications

			[REDACTED]	[REDACTED]	[REDACTED]		system of CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
15.	AGC01009_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This report, dated January 23, 2003, was prepared by CSIS.  In this report, CSIS is providing Abdelrazik’s

			[REDACTED]	[REDACTED]	[REDACTED]		passport information to a foreign agency  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
16.	AGC01025_R	CSIS	[REDACTED]	[REDACTED]			“This report, dated March 24, 2002, was prepared by CSIS.  It confirms that CSIS verbally advised a foreign agency on March 24, 2003,



			[REDACTED]	[REDACTED]			<p>about the departure of Abdelrazik from Canada.</p> <p>Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>
17.	AGC01029	CSIS	[REDACTED]	[REDACTED]			<p>"This report, dated March 25, 2003, was prepared by CSIS.</p> <p>In this report, CSIS informed foreign agencies that Abdelrazik's final destination appears to be Sudan.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an</p>

			[REDACTED]	[REDACTED]			administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
18.	AGC01032	CSIS	[REDACTED]	[REDACTED]			<p>“This report, dated March 31, 2003, was prepared by CSIS.</p> <p>In this report, CSIS is informing foreign agencies that Abdelrazik has been in Khartoum since March 25, 2003.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

19.	AGC01056_R	CSIS					<p>“This report, dated September 15, 2003, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
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20.	AGC01058_R	CSIS					<p>“This report, dated September 17, 2003, was prepared by CSIS.</p> <p>In the report, CSIS is sending a list of questions to a foreign agency to be used for Abdelrazik’s debriefing. Questions 3 to 7 are about Abdelrazik’s knowledge of current whereabouts or relationship with other individuals of interest to CSIS.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual</p>

			[REDACTED]	[REDACTED]			(other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process used by CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
21.	AGC01059_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This report, dated September 18, 2003, was prepared by CSIS.  The report summarizes events between March and September 2003.  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”

22.	AGC01060_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated September 18, 2003, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

23.	AGC01061_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated September 29, 2003, was prepared by CSIS.</p> <p>It contains details about Abdelrazik’s past, until the time of his arrest and interrogation in Sudan.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

24.	AGC01067_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 7, 2003, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>



				[REDACTED]			
25.	AGC01068	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 7, 2003, was prepared by CSIS.</p> <p>This report is a reply to a request made by a foreign agency to CSIS on September 30, 2003.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or</p>

			[REDACTED]	[REDACTED]			investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
26.	AGC01073_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This report, dated October 22, 2003, was prepared by CSIS  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an

			[REDACTED]	[REDACTED]	[REDACTED]		administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
27.	AGC01077_R	CSIS	[REDACTED]	[REDACTED]			“This report, dated November 17, 2003, was prepared by CSIS.  In this report CSIS describes its operational travel to Khartoum in late October 2003, in order to interview Abdelrazik.

			[REDACTED]	[REDACTED]			<p>The first interview occurred on October 29, 2003, at approximately 9:00 pm. Abdelrazik was brought to a room where he was questioned by CSIS in the presence of officials from a foreign agency. Only officials from one foreign agency were allowed to be present during CSIS interviews.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
28.	AGC01080_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated November 21, 2003, was prepared by CSIS. Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships</p>

			[REDACTED]	[REDACTED]	[REDACTED]		that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
29.	AGC01089	CSIS	[REDACTED]	[REDACTED]			“This report, dated December 12, 2003, was prepared by CSIS.  At Page 3 paragraph 4 CSIS is asking CSIS employee 1 if they can confirm the validity of the information with their foreign agency counterpart.

			[REDACTED]	[REDACTED]			Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
30.	AGC01097_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This document contains a chain of email correspondence between CSIS and DFAIT, dating from December 17 until December 19, 2003.</p> <p>At page 1 it states that CSIS employee 1 will travel to Khartoum for the period of December 22-25, 2003.</p> <p>At page 3 para 3 the redactions refer to a foreign agency.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an</p>

			[REDACTED]	[REDACTED]			administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
31.	AGC01098_R	CSIS	[REDACTED]	[REDACTED]			<p>“This document is an email correspondence from CSIS, dated December 24, 2003.</p> <p>The email summarizes a meeting between CSIS employee 1 and a foreign agency regarding Abdelrazik.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in</p>

			[REDACTED]				confidence from such agencies.”
32.	AGC01100_R	CSIS	[REDACTED]	[REDACTED]			“This report, dated January 5, 2004, was prepared by CSIS.  It contains a detailed account of Abdelrazik’s interview on October 29 and 30, 2003. The interview was conducted by CSIS. The redactions refer to the questions of CSIS and the answers given by Abdelrazik, as well as comments made by



							<p>CSIS on the given answers.</p> <p>Some elements must be redacted because it would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; the identity of persons that provided information to CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>
33.	AGC01101_R	CSIS					<p>"This report, dated January 8, 2004, was prepared by CSIS.</p> <p>The report contains an internal CSIS correspondence dated December 15, 2003. In the telex, CSIS employee 1 is outlining a discussion he had with a foreign agency.</p>

			<p>[REDACTED]</p>	<p>[REDACTED]</p>			<p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
34.	AGC01102_R	CSIS	<p>[REDACTED]</p>	<p>[REDACTED]</p>			<p>“This report, dated January 9, 2004, was prepared by CSIS.</p> <p>At page 2, the second redaction identifies a foreign agency.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques</p>

			[REDACTED]	[REDACTED]			used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
35.	AGC01119_R	CSIS	[REDACTED]	[REDACTED]			“This report, dated March 22, 2004, was prepared by CSIS.  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or

			[REDACTED]	[REDACTED]			identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
36.	AGC01122	CSIS	[REDACTED]	[REDACTED]			<p>“This report, dated April 14, 2004, was prepared by CSIS. The report contains correspondence from a foreign agency to CSIS dated December 18, 2003.</p> <p>At page 2, paragraph 2, the redactions mention a foreign agency.</p> <p>At pages 4-6, the report contains a copy of correspondence sent to CSIS on December 18, 2003 by a foreign agency.</p> <p>Some elements must be redacted because it would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques</p>

			[REDACTED]	[REDACTED]			used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
37.	AGC01127_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This report, dated May 21, 2004, was prepared by CSIS.  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a

							<p>telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
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			[REDACTED]	[REDACTED]	[REDACTED]		
38.	AGC01141_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		"This report, dated June 14, 2004, was prepared by CSIS.

			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
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39.	AGC01142_R	GAC CSIS					<p>“This report, dated June 14, 2004, was prepared by CSIS.</p> <p>The redacted portions state that a foreign government also told the Sudanese security division to hold Abdelrazik, and contains a personal impression about Abdelrazik’s detention.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or would</p>

			[REDACTED]				be injurious to international relations.”
40.	AGC01143_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This document is an internal email correspondence from CSIS, dated June 15, 2004.  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or would identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”

				[REDACTED]			
41.	AGC01162_R	CSIS	[REDACTED]	[REDACTED]		[REDACTED]	<p>“This report, dated July 21, 2004, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

			[REDACTED]	[REDACTED]			
42.	AGC01164_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated July 22, 2004, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the</p>

			[REDACTED]	[REDACTED]			information exchanged in confidence from such agencies.”
43.	AGC01168_RR	CSIS	[REDACTED]	[REDACTED]			“This report, dated July 28, 2004, was prepared by CSIS.  This report summarizes Sunni Islamic extremists who are currently detained, recently

			[REDACTED]	[REDACTED]			<p>detailed, who may soon be detained or who remain at large.</p> <p>At page 7, the first redaction under Abdelrazik's name must be redacted because it would reveal operational methods or investigative technique used by CSIS.</p> <p>The remaining redacted information must be redacted because it would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>
44.	AGC01175_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>"This report, dated August 5, 2004, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify</p>

			[REDACTED]	[REDACTED]			the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
45.	AGC01176_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	“This report, dated August 6, 2004, was prepared by CSIS.  Under “ACTION TAKEN / ACTION PRISE:” it states that CSIS employee 1 is currently in Khartoum with the objective to follow the evolution of Abdelrazik’s eventual release from detention. Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee,

			[REDACTED]	[REDACTED]				<p>an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
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46.	AGC01191_R	CSIS					<p>“This report, dated October 7, 2004, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
47.	AGC01208_R	CSIS					<p>“This report, dated November 26, 2004, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a</p>

			   				<p>telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies, and would be injurious to international relations.”</p>
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			[REDACTED]				
48.	AGC01216_R	CSIS	[REDACTED]	[REDACTED]			<p>“This report, dated January 7, 2005, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
49.	AGC01277_R	GAC	[REDACTED]	[REDACTED]			<p>“This report, dated January 5, 2006, was prepared by CSIS.</p> <p>The report contains an integral copy of an email</p>

			    	    			<p>correspondence between DFAIT officials.</p> <p>At page 6 it states that Abdelrazik was arrested on September 10, 2003 at the request of a foreign government and the recommendation of CSIS. Abdelrazik was re-detained because of pressure from a foreign government.</p> <p>The redactions at page 7 indicate that one foreign intelligence service is still interested in Abdelrazik, however, they have not shown and/or produced any information to justify his continued detention. Mr. Altayeb manifested his own frustration in the continued detention of Abdelrazik. A foreign intelligence service is pushing for Abdelrazik to be transferred to a jurisdiction under their authority. The Sudanese do not prefer this option, but it is becoming more difficult to refuse it.</p> <p>At page 8 paragraph 3 the first two redactions refer to the possibility of Abdelrazik being transferred to a foreign</p>
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			[REDACTED]	[REDACTED]			<p>jurisdiction where he may be detained indefinitely. The last redaction mentions pressure from a foreign government.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or would be injurious to international relations.”</p>
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				[REDACTED]			
50.	AGC01310_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated July 20, 2006, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal CSIS’ interest in an individual</p>

			[REDACTED]	[REDACTED]	[REDACTED]	(other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
51.	AGC01316_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]	<p>“This report, dated August 1, 2006, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal</p>

			[REDACTED]	[REDACTED]	[REDACTED]		procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
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52.	AGC01468_R	CSIS					<p>“This report, dated June 26,2008, was prepared by CSIS.</p> <p>This report summarizes information received by a foreign agency about Abdelrazik.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

			[REDACTED]				
53.	AGC01469_R	CSIS	[REDACTED]	[REDACTED]			<p>“This report, dated September 2, 2008, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

			[REDACTED]				
54.	AGC01580_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 13, 1999, was prepared by CSIS. The report is addressed to a foreign agency.</p> <p>It contains information on Abdelrazik and other individuals of interest to CSIS.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a</p>

			[REDACTED]	[REDACTED]	[REDACTED]		telecommunications system of CSIS, operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
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55.	AGC01630_R	CSE					<p>“This report, dated December 1, 1999, was prepared by CSIS.</p> <p>The remainder of the report must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies, and be injurious to international relations.”</p>
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				[REDACTED]			
56.	AGC01750_R	CSIS	[REDACTED]	[REDACTED]		[REDACTED]	“Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”

			[REDACTED]	[REDACTED]		[REDACTED]	
			[REDACTED]	[REDACTED]		[REDACTED]	
			[REDACTED]	[REDACTED]		[REDACTED]	
			[REDACTED]	[REDACTED]		[REDACTED]	
			[REDACTED]	[REDACTED]		[REDACTED]	

				[REDACTED]		[REDACTED]	
57.	AGC01790_R	CSIS	[REDACTED]	[REDACTED]			<p>“This report, dated September 14, 2000, was prepared by CSIS.</p> <p>In this report, CSIS is conveying to a foreign agency that it is investigating Abdelrazik and will provide them with a timely tip off should he choose to travel.</p>



			[REDACTED]	[REDACTED]			Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."
58.	AGC01824_R	CSIS	[REDACTED]	[REDACTED]		[REDACTED]	"This report dated, September 27, 2000, was prepared by CSIS.  Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, operational methods or investigative techniques

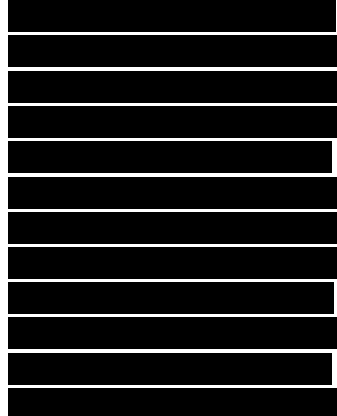
			[REDACTED]	[REDACTED]		[REDACTED]	used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
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			[REDACTED]	[REDACTED]		[REDACTED]	
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				[REDACTED]		[REDACTED]	
59.	AGC02551	CSIS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	"This report, dated August 5, 2003, was prepared by CSIS.  Some elements must be redacted because they would reveal CSIS's

			<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p>		<p>interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
<p>60.</p>	<p>AGC02560_R</p>	<p>CSIS</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>			<p>“This report, dated September 10, 2003, was prepared by CSIS. The redactions in this document, except for a</p>

			  	   			<p>portion of page 3, relate to past or current CSIS individuals of interest.</p> <p>At page 3 it states that CSIS believes that Abdelrazik and another individual of interest have transited through Georgia in order to get to Chechnya. However, CSIS does not have specific information regarding any transit route.</p> <p>The information must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; an internal procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>
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61.	AGC02564	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This document is an email from CSIS to DFAIT officials, dated September 12, 2003.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>



			[REDACTED]	[REDACTED]			
62.	AGC02582	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This document is an email from DFAIT and CSIS, dated October 2, 2003. Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”

			[REDACTED]	[REDACTED]			
63.	AGC02592	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 21, 2003, was prepared by DFAIT.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in</p>

			[REDACTED]	[REDACTED]			confidence from such agencies.”
64.	AGC02601	CSIS	[REDACTED]	[REDACTED]			“This document is an email from CSIS to DFAIT dated November 6, 2003.  At page 2, para 2, the first redaction refers to a CSIS employee.  “Under “General Comments:” the redactions make reference to another intelligence agency not having been permitted access to Abdelrazik.”  Some elements must be redacted because they

			[REDACTED]	[REDACTED]			would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
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			[REDACTED]				
65.	AGC02605_RR	CSIS	[REDACTED]	[REDACTED]			<p>“This report, dated November 12, 2003 was prepared by GAC.</p> <p>At page 1 the redactions at paragraph 1 identify CSIS officials.</p> <p>The information in paragraphs 2, 3 and 4 must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS.</p> <p>At page 2 last paragraph the redacted information indicates that a foreign agency has an interest in Abdelrazik.</p>

			[REDACTED]	[REDACTED]				<p>The redactions at paragraphs 13 and 14 identify a CSIS official.</p> <p>Some elements must be redacted because the information would reveal the following: CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>
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			[REDACTED]				
66.	AGC02639_R	CSIS	[REDACTED]	[REDACTED]		[REDACTED]	"This document is an email from CSIS to

			[REDACTED]	[REDACTED]		[REDACTED]	<p>DFAIT dated January 20, 2004.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies, and would be injurious to international relations.”</p>
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67.	AGC02642_R	CSIS	[REDACTED]	[REDACTED]		[REDACTED]	<p>“This report, dated January 22, 2004, was prepared by CSIS.</p> <p>Page 3 the redactions at the top state that a foreign agency received a visit from CSIS employee 1 prior to Christmas 2003. During this visit, the foreign agency was given the CSIS report from the October 2003 interview of Abdelrazik. The foreign agency stated that they reviewed all the information provided by CSIS and other intelligence agencies.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications</p>

			[REDACTED]	[REDACTED]			system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
68.	AGC02726	CSIS	[REDACTED]	[REDACTED]			“This document is an email from CSIS dated July 27, 2004.  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in

			[REDACTED]	[REDACTED]			confidence from such agencies.”
69.	AGC02798	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		

			[REDACTED]				
70.	AGC02807_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated February 15, 2005, was prepared by CSIS.</p> <p>The remainder of the report must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in</p>

			[REDACTED]	[REDACTED]	[REDACTED]		confidence from such agencies.”
71.	AGC02818_R	GAC	[REDACTED]	[REDACTED]			“This report, dated March 29, 2005, was prepared by DFAIT.  The redactions at page 1 state that Abdelrazik was arrested upon the request of a foreign government.  At page 2 at the top, the redaction is over an intelligence agency.  Some elements must be redacted because they

			[REDACTED]	[REDACTED]			would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or would be injurious to international relations.”
72.	AGC02867_R	GAC	[REDACTED]	[REDACTED]		[REDACTED]	“This document is an email from DFAIT dated April 12, 2006.  The redaction is a feature of the position taken by foreign authorities.”
73.	AGC02896_R	GAC	[REDACTED]	[REDACTED]			“This document is an email from DFAIT dated July 3, 2006.

			[REDACTED]	[REDACTED]			<p>The redaction on page 1 states that there is a standing request from a foreign government that Abdelrazik should not be released from Sudanese custody.</p> <p>At page 2 NIS/Eltayeb states that despite being a partner in the “war on terror”, Sudan will not continue to detain Abdelrazik in the absence of any supporting evidence.”</p>
74.	AGC02901	GAC	[REDACTED]	[REDACTED]			<p>“This document is an email from DFAIT dated July 18, 2006.</p> <p>The redactions refer to a foreign intelligence service.”</p>
75.	AGC02903	GAC	[REDACTED]	[REDACTED]			<p>“This document is an email from DFAIT dated July 20, 2006.</p> <p>The redactions refer to comments made by a foreign government to Sudan.”</p>

			[REDACTED]	[REDACTED]			
76.	AGC02912	GAC	[REDACTED]	[REDACTED]			<p>“This document is a fax sent from a foreign government to DFAIT on July 24, 2006.</p> <p>Some elements must be redacted because they would be injurious to international relations.”</p>


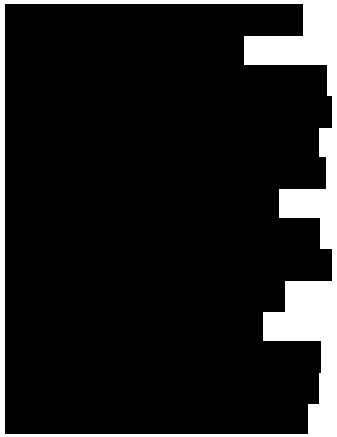





			[REDACTED]				
78.	AGC03188_R	CSIS	[REDACTED]	[REDACTED]			<p>“This report, dated September 2, 2008, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
79.	AGC03410_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated December 9, 2009, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal CSIS’s</p>

			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
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80.	AGC03752_R	CSIS	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>		<p>“This report, dated September 12, 2003, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
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81.	AGC03754_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 1, 2003, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

			[REDACTED]	[REDACTED]			
82.	AGC03756_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 8, 2003, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>



			[REDACTED]	[REDACTED]			
83.	AGC03763_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This report, dated November 17, 2003, was prepared by CSIS. On October 29, 2003, CSIS officials were

			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>granted access to Abdelrazik during Ramadan.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
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			[REDACTED]	[REDACTED]			
84.	AGC03768_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This document is a string of emails between CSIS and DFAIT officials, from December 17-19, 2003.</p> <p>At page 2 paragraph 1, it mentions that a CSIS official will travel to Sudan at the end of December, as well as the purpose for this travel.</p>

			<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>			<p>Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>
85.	AGC03772	CSIS	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>			<p>"This document, dated February 26, 2004, was prepared by DFAIT.</p> <p>The first redaction is about a communication between CSIS and a foreign agency.</p>

			[REDACTED]	[REDACTED]			<p>The second redaction identifies a CSIS official.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process, used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
86.	AGC03779_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>“This document, dated July 15, 2004, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in</p>

			[REDACTED]	[REDACTED]			confidence from such agencies.”
87.	AGC03791_R	CSIS	[REDACTED]	[REDACTED]			“This report, dated October 13, 2004, was prepared by CSIS.  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications

			[REDACTED]	[REDACTED]				system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
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			[REDACTED]				
88.	AGC03800_R	CSIS	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]			<p>“This report, dated February 3, 2006, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>



							
							
							
89.	AGC04400_R	CSIS					<p>“This report, dated September 30, 2003, was prepared by the RCMP. Some elements must be redacted because they</p>

			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of persons that provided information to CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies; or would be injurious to international relations."
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90.	AGC04861	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 18, 2002, was prepared by CSIS. The remainder of the report must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

91.	AGC05207_R	CSIS					<p>“This document is an email correspondence between CSIS officials, dated May 5, 2008.</p> <p>In this email, CSIS is summarizing a meeting with a foreign agency on the subject of Abdelrazik. The foreign agency mentioned that they have little information to go on other than the information provided by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in</p>

			[REDACTED]				confidence from such agencies.”
92.	AGC05668	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This report, dated October 23, 2001, was prepared by CSIS.  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”

			[REDACTED]	[REDACTED]			
93.	AGC05786_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 10, 2002, was prepared by CSIS.</p> <p>CSIS replied with various names including that of Abdelrazik.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a</p>

			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
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			[REDACTED]	[REDACTED]			
94.	AGC05830_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated April 28, 2003, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an</p>



			[REDACTED]	[REDACTED]	[REDACTED]		administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
95.	AGC05877	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This report, dated April 18, 2004, was prepared by CSIS.

			[REDACTED]	[REDACTED]	[REDACTED]		Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."
96.	AGC06010_R	CSIS	[REDACTED]	[REDACTED]			"This report, dated August 18, 2006, was prepared by CSIS.

			   	 			<p>Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>
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			[REDACTED]				
97.	AGC06141_R	CSIS	[REDACTED]	[REDACTED]			<p>“This undated document is from CSIS.</p> <p>At the bottom of page 4 it is mentioned that CSIS undertook numerous exchanges of information with foreign agencies.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process, a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>

			[REDACTED]				
98.	AGC06761_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated January 24, 2003, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications</p>

			[REDACTED]	[REDACTED]			system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
99.	AGC06825	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This undated document was prepared by CSIS.  This document is the CSIS response to questions asked by the OIG in relation to the approval of the Service employees’ interview of Abdelrazik in Khartoum.  Some elements must be redacted because they would reveal CSIS’s

			[REDACTED]	[REDACTED]			interest in an individual (other than Abdelrazik), a group or an event; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
100.	AGC06828_R	CSIS	[REDACTED]	[REDACTED]			“This report, dated October 20, 2003, was prepared by CSIS.  Some elements must be redacted because they would reveal the following: CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal

			[REDACTED]	[REDACTED]			procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
101.	AGC07242	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This undated document was prepared by CSIS.</p> <p>The report is divided in various themes covering different topics about Abdelrazik’s case. Each topic is further subdivided in bullet points.</p> <p>At page 4, in the footnotes, the report states that the Service’s investigation has not revealed any contact between Abdelrazik and Khattab.</p> <p>The remainder of the report must be redacted because it would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an</p>



			[REDACTED]	[REDACTED]			administrative process or a telecommunications system of CSIS, operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
102.	AGC07252_R	CSIS	[REDACTED]	[REDACTED]			<p>Pg 7 – The redactions at 2008 06 identify a foreign agency.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, or tend to identify a contact of information for the Service or the content of information provided by a</p>

			[REDACTED]	[REDACTED]			contact, an internal procedure, an administrative process or a telecommunications system of CSIS, operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
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103.	AGC07577_R	CSIS	[REDACTED]	[REDACTED]			<p>“This document is an email from CSIS, dated February 28, 2003.</p> <p>In this email, CSIS is concerned with the risk associated with Abdelrazik leaving Canada uncontrolled.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process, used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
104.	AGC07578	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This document is a CSIS internal email, dated February 28, 2003.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an</p>

			[REDACTED]	[REDACTED]			internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
105.	AGC07686	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This document is an email from CSIS, dated July 16, 2004.  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications

			[REDACTED]	[REDACTED]	[REDACTED]		system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
106.	AGC07807_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		“This report, dated July 24, 2006 was prepared by CSIS.  Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a

			[REDACTED]	[REDACTED]			group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
107.	AGC07813_R	CSIS	[REDACTED]	[REDACTED]			“This document is an email from CSIS, dated October 12, 2006.  Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process, a telecommunication system

			[REDACTED]	[REDACTED]			of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
108.	AGC07820_R	CSIS	[REDACTED]	[REDACTED]			<p>“This report, dated November 9, 2006, was prepared by the Office of the Inspector General of the CSIS.</p> <p>· Page 3/23 states:  OPS 602, section 4.1:  Service employees verbally passed on classified security intelligence to a foreign agency during the interview of detainee Abdelrazik.</p> <p>· Page 4/23 states:  The review also showed a gap in terms of operational policies regarding “the quasi-consular role” which Service employees were</p>

			[REDACTED]	[REDACTED]			<p>called upon to play with respect to detainee Abdelrazik. In October 2003, a foreign agency gave Service employees access to detainee Abdelrazik, while denying this access to Foreign Affairs Canada (FAC) employees. In this case, Service employees reportedly played in Sudan a “quasi-consular role” with respect to detainee Abdelrazik.</p> <p>· Page 5/23 states:</p> <p>The Sudanese allegedly indicated that, if Canada wanted Abdelrazik released, they had to send them a written message in this regard. DFAIT informed the Service that they did not have a choice about sending a note to the Sudanese authorities demanding that Abdelrazik be charged or released. The Service also mentioned its security concerns concerning Abdelrazik and his extremist activities.</p> <p>· Page 5/23 – footnote # 4 states:</p>
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			 	   			<p>Intelligence note The release of Abdelrazik in Sudan seems increasingly likely 15 01 2004;</p> <p>· Page 12/23 states:</p> <p>One objective of the trip to Sudan was to interview detainee Abdelrazik, a Canadian citizen and Service target; and</p> <p>The Foreign Liaison Branch (FLV) sent instructions to CSIS employees going to Sudan about two weeks before their departure, that is, on 14 October 2003. In fact, the FLV sent an email to CSIS employee 1, as well as a copy to the Deputy Director General of Counter Terrorism (CT), informing them of the objectives and details of the trip. Key parties were advised that discussions in Sudan should be at a general level.</p> <p>· Page 13/23 states:</p> <p>Authorization to travel to Sudan was obtained through a briefing note approved by the Acting Director at the time, as outlined in OPS 203. A</p>
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			[REDACTED]	[REDACTED]			<p>delegation made up of a Quebec Region employee and of the DDO CT travelled to Khartoum, Sudan, on 29 and 30 October 2003 to interview detainee Abdelrazik, who had been incarcerated by the Sudanese authorities due to his links to terrorist networks. CSIS employee 1 was also present at the interrogations. The interviews were conducted in the presence of members of a foreign agency which did take notes but did not participate in the interview.</p> <p>Some elements of the report must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik); a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies."</p>
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			[REDACTED]				
109.	AGC07902_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated April 25, 2008, was prepared by CSIS.</p> <p>Some elements must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods, investigative techniques used by CSIS, or identify the relationships that CSIS</p>

			[REDACTED]	[REDACTED]			maintains with other agencies and the information exchanged in confidence from such agencies.”
110.	AGC07903_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	“This report, dated April 28, 2008, was prepared by CSIS.  The report is divided in paragraphs and every paragraph makes reference to a specific date. The dates are in chronological order with the first entry starting at September 10, 2003 and the last entry ending at September 22, 2009.  · 2003-09-15: CSIS copies DFAIT with the information received on 2003 09 11.  · 2003-10-02: CSIS sends an update to DFAIT on Abdelrazik. It

			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>also informs DFAIT that a foreign agency may want to detain Abdelrazik.</p> <ul style="list-style-type: none"><li>· 2003-10-03: CSIS sends a list of questions to a foreign agency for Abdelrazik's debriefing;</li><li>· 2003-10-22– 2003-10-28: CSIS advised a foreign agency that they will sending two agents on October 28, 2003 for debriefings of Abdelrazik. Both agents left Canada on the 27 of October and arrived in Khartoum on the 28 of October.</li><li>· 2003-10-29: The CSIS agents met with foreign agency representatives and were provided with updates on the Abdelrazik matter.</li><li>· 2003-10-30: CSIS advised David Hutchings that they intend to raise the issue of consular access with the Sudanese. CSIS was advised by the Sudanese that CSIS access will be considered to be "Canadian access" and therefore no other consular</li></ul>
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			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>access will be permitted at this time.</p> <ul style="list-style-type: none"><li>· 2003-11-04– 2003-11-17: The redactions identify CSIS officials;</li><li>· 2003-11-28: CSIS advised a foreign agency that they would likely receive a request for information on Abdelrazik from DFAIT.</li><li>· 2003-12-12: CSIS requested information from foreign agencies regarding the possibility that Abdelrazik may be released that week.</li><li>· 2003-12-15: In response to the CSIS request of 2003 12 12, CSIS employee 1 advises that Abdelrazik is still in detention.</li><li>· 2003-12-17: In a follow-up to the meeting of 2003 12 16, CSIS emails Heatherington at DFAIT and reports that he has briefed the ADO and DDO on the case. CSIS recaps the threat-related information on Abdelrazik provided to Heatherington</li></ul>
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			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>by CSIS at the meeting, as well as CSIS' concerns should Abdelrazik return to Canada. CSIS was informed that DFAIT was in communication with the SIB regarding Abdelrazik's arrest and detention. CSIS will, however, be giving, Sudanese authorities copies of Abdelrazik's interview reports from Khartoum.</p> <p>· 2003-12-18: Paragraph 1: Heatherington responds to CSIS [...];</p> <p>Paragraph 3: It notes that a copy of Abdelrazik's interview report was sent to a foreign agency.</p> <p>A Briefing Note (BN) is also prepared for the CSIS executive outlining the circumstances of Abdelrazik's case. It also notes that a copy of Abdelrazik's interview report was sent to another foreign agency.</p> <p>· 2003-12-19: Paragraph 1: CSIS responds to Hetherington's email [...];</p>
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			[REDACTED]	[REDACTED]	[REDACTED]		<p>Paragraph 2: The redactions refer to a foreign agency;</p> <ul style="list-style-type: none"><li>· 2004-01-12: A meeting is held between DFAIT and DG CT of CSIS regarding a visit by Hutchings with the SIB. Reportedly, a foreign agency reviewed all the information provided by CSIS and other services, and despite the information, appeared ready to release Abdelrazik in the near future. CSIS informed DFAIT of their upcoming visit to a foreign country and asked that they wait for the end of that trip before pressing the Sudanese for Abdelrazik's release.</li><li>· 2004-01-30: CSIS meets with DFAIT [...]</li><li>· 2004-03-16– 2004-03-18: The redactions identify CSIS officials;</li><li>· 2004-05-17: The redactions identify a CSIS official;</li><li>· 2004-05-27:</li></ul>
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			[REDACTED]	[REDACTED]	[REDACTED]	<p>Paragraph 2: CSIS sends an email to Heatherington of DFAIT [...]. A CSIS official requested that they be informed immediately if Abdelrazik is released and provided with a copy of his itinerary;</p> <ul style="list-style-type: none"><li>· 2004-06-03: Internal CSIS emails discussing about Abdelrazik's potential release;</li><li>· 2004-06-07: CSIS communicated with a foreign agency to get an update on the status of the interviews with Abdelrazik;</li><li>· 2004-06-30: The redaction identifies a CSIS official;</li><li>· 2005-06-29: This is an internal correspondence sent by a CSIS employee regarding an individual who was in contact with FAC.</li><li>· 2005-08-09, 2005-10-17-2005-12-14: The redactions identify CSIS officials;</li><li>· 2006-01-24:</li></ul>
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			[REDACTED]	[REDACTED]	[REDACTED]		<p>The redactions refer to the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS</p> <ul style="list-style-type: none"><li>· 2006-02-01: The redactions refer to the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, and operational methods or investigative techniques used by CSIS;</li><li>· 2006-02-02: The redactions refer to the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.</li><li>· 2006-04-03: The redactions identify CSIS employees.</li><li>• 2006-05-02:</li></ul>
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			[REDACTED]	[REDACTED]			<p>CSIS replies to the request of a foreign agency made on April 12, 2006.</p> <p>· 2006-06-23– 2006-06-26: The redactions refer to the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.</p> <p>· 2006-07-20: CSIS has been keeping a foreign agency informed of the investigation, in Canada, on Abdelrazik since 1996-1997.</p> <p>· 2006-07-31: The redactions refer to the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.</p>
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			[REDACTED]	[REDACTED]			<ul style="list-style-type: none"><li>· 2006-09-14: An update was sent to the RCMP regarding Service assistance to possible criminal proceedings against ABDELRAZIK in another country.</li><li>· 2007-08-02: A National Program Overview (NPO) was provided to the Executive regarding a foreign agency's request for document disclosure on Abdelrazik.</li><li>· 2007-09-04 – 2007-10-21: The redactions refer to the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.</li><li>• 2007-12-05: The redactions refer to the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or</li></ul>
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			[REDACTED]	[REDACTED]			<p>identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.</p> <p>· 2008-05-05: CSIS is asking foreign agencies if they hold information that is independent of CSIS information in regard to Abdelrazik's terrorist related activities;</p> <p>Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, operational methods or investigative techniques used by CSIS, or the identity of persons that provided information to CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies, or would be</p>
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			[REDACTED]	[REDACTED]				injurious to international relations.”
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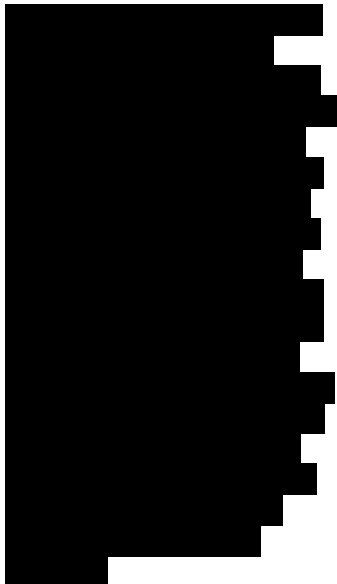






			[REDACTED]	[REDACTED]			
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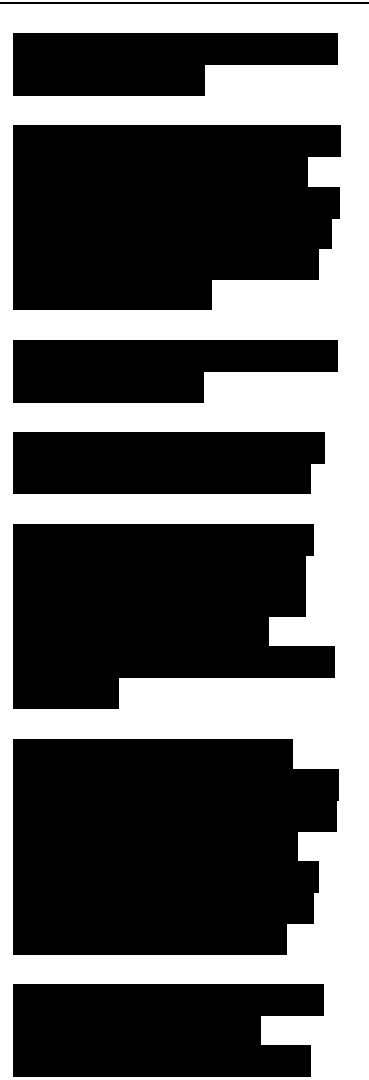
			[REDACTED]	[REDACTED]			
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111.	AGC08111	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated June 30, 2009, was prepared by CSIS.</p> <p>The remainder of the report must be redacted because it would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, operational methods or investigative techniques used by CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies, or the identity of persons that provided information to CSIS.”</p>
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112.	AGC08120_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated August 25, 2009, was prepared by CSIS.</p> <p>At page 2, the 7th bullet point mentions that since 1999, the Service has shared extensive information with foreign agencies from its investigation of Abdelrazik.</p> <p>At page 26, 3rd bullet point (this information is related to AGC07252 – pg 7 – 2008 06):</p> <p>“While this leads us to believe that the [foreign agency] information was relatively current, Abdelrazik had already been living at the Canadian embassy in 2008 06. Subsequent request to [the foreign agency] for clarification remained unanswered.</p>

							<p>Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; or the identity of persons that provided information to CSIS; or identify operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies; or would be injurious to international relations."</p>
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				[REDACTED]			
113.	AGC08132_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated October 30, 2009, was prepared by CSIS.</p> <p>At page 1 it mentions that Abdelrazik came to the Service’s attention in 1996</p>

			[REDACTED]	[REDACTED]	[REDACTED]		<p>in Montreal during the investigation of another Service target.</p> <p>At page 13 paragraph 1, it states that Abdelrazik denied an allegation made by CSIS and refused to answer questions.</p> <p>At page 13 it also states that in 2001 the RCMP commenced a second criminal investigation against Abdelrazik dubbed Project Chacal. The investigation did not lead to criminal charges.</p> <p>Some elements must be redacted because it would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or the identity of persons that provided information to CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in</p>
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			[REDACTED]	[REDACTED]			confidence from such agencies.”
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			[REDACTED]				
114.	AGC08133_R	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		<p>“This report, dated November 2, 2009, was prepared by CSIS.</p> <p>At page 39 all the redactions with the exception of the footnotes refers to foreign agencies.</p> <p>Some elements must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; operational methods or investigative techniques used by CSIS; or the identity of persons that</p>

			[REDACTED]	[REDACTED]			provided information to CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”
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				[REDACTED]			
115.	AGC08693_R	CSIS GAC	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>“This report, dated May 28, 2013, was prepared by the Security Intelligence Review Committee.</p> <p>The redaction at page 3 paragraph 3 identifies a foreign agency.</p> <p>The redactions at page 10 paragraph 1 state that CSIS provided Abdelrazik’s passport information to a foreign agency. CSIS wished to keep the foreign agency abreast of Abdelrazik’s travel plans because of the capabilities of the agency in question.</p> <p>The redactions at page 12 state that CSIS provided a foreign agency with biographical information on Abdelrazik while he was in Sudan.</p> <p>On page 14, it indicates that CSIS notified DFAIT of the situation. By early October 2003, CSIS informed DFAIT that the analysis of the intelligence obtained from a foreign</p>



			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>agency, following debriefings of the individual arrested, strongly suggested that it was Abdelrazik.</p> <p>At page 14-15, SIRC found no indication that CSIS ever directly requested or recommended to a foreign agency that Abdelrazik be detained should he leave Canada.</p> <p>At page 15, para 4, it indicates that one objective of the trip to Sudan was to interview Abdelrazik. In advance of this trip, the Foreign Liaison Branch (FLV) sent an email to the delegation going to Sudan that discussions in Sudan should be at a general level.</p> <p>At page 16 in the paragraph that starts with "Accordingly, a CSIS delegation [...]", both redactions refer to a foreign agency.</p> <p>At page 16 the last paragraph states that in the course of these two interviews, CSIS also asked Abdelrazik questions on CSIS targets</p>
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			[REDACTED]	[REDACTED]	[REDACTED]	<p>in the presence of foreign agency officials who took copious notes. CSIS provided the foreign agency with a written report of its interviews. Accordingly, SIRC found that in the context of its October 2003 interviews of Abdelrazik in Sudan, and in its subsequent report, CSIS disclosed personal and classified information to a foreign agency.</p> <p>At page 17, both redactions refer to a foreign agency.</p> <p>At page 18, it indicates that CSIS also told SIRC that “the CSIS Act does not require the Service to share information with other GoC departments, it allows for it.” The Service could have passed much more useful, timely, and helpful information to DFAIT than it did.</p> <p>At page 20 paragraph 2 the redactions state that even when DFAIT took the lead on the consular case, CSIS remained a point of contact.</p> <p>On July 20, the US issued a demarche to Transport</p>
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			<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Canada. On July 21, the US issued another demarche to DFAIT.</p> <p>Page 32, paragraph 2 the redactions identify foreign agencies</p> <p>Page 32 the last paragraph discusses the need to standardize definitions like “extremist”, “fundamentalist” and “terrorist”. It would have been useful in Abdelrazik’s case and may have helped contextualize the products describing the nature of the threat which he represented.</p> <p>Page 35 and 36 under “SIRC FINDINGS” it mentions:</p> <p>SIRC found no indication that CSIS ever directly requested or recommended to a foreign agency that Abdelrazik be detained should he leave Canada.</p> <p>Although SIRC found no indication that CSIS shared information on Abdelrazik with Sudanese officials prior to the October 2003 visit, a foreign agency did learn from CSIS of some of the intelligence the Services</p>
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			<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>		<p>possessed on him during the Service's interviews of Abdelrazik in Khartoum.</p> <p>SIRC found that in the context of its October 2003 interviews of Abdelrazik in Sudan, and in its subsequent report, CSIS disclosed personal and classified information to a foreign agency.</p> <p>Some elements must be redacted because they would reveal CSIS's interest in an individual (other than Abdelrazik), a group or an event; the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS; the identity of persons that provided information to CSIS; operational methods or investigative techniques used by CSIS; or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies; or would be injurious to international relations."</p>
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			[REDACTED]	[REDACTED]	[REDACTED]		
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			[REDACTED]	[REDACTED]	[REDACTED]		
			[REDACTED]	[REDACTED]	[REDACTED]		
			[REDACTED]	[REDACTED]	[REDACTED]		
			[REDACTED]	[REDACTED]	[REDACTED]		

			[REDACTED]	[REDACTED]	[REDACTED]		
			[REDACTED]	[REDACTED]			
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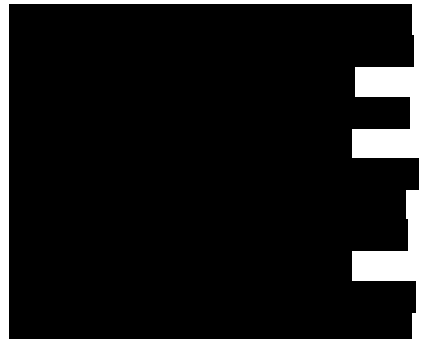

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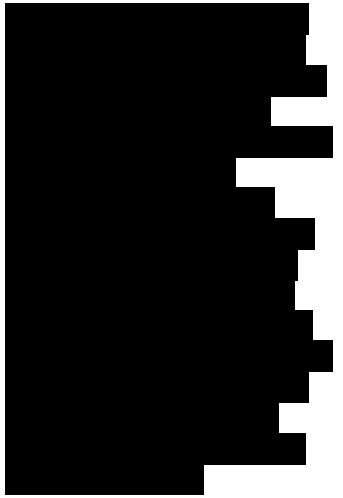
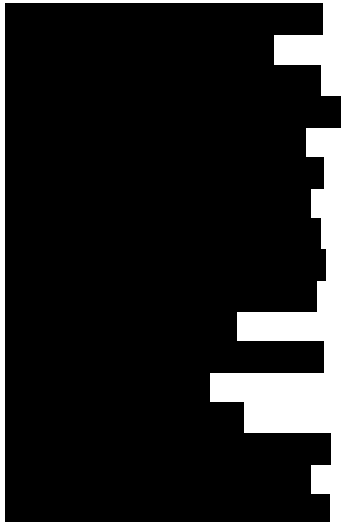
							
							
							

			[REDACTED]	[REDACTED]			
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			[REDACTED]	[REDACTED]			
			[REDACTED]	[REDACTED]			
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116.	AGC08711	CSIS	[REDACTED]	[REDACTED]			<p>“This document, dated February 11, 2004, is a chart made by CSIS regarding various individuals of interest to CSIS.</p> <p>Some parts of this report must be redacted because they would reveal CSIS’s interest in an individual (other than Abdelrazik), a group or an event, the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>
117.	AGC08832	GAC	[REDACTED]	[REDACTED]			<p>“This 2006 information memo was prepared by Foreign Affairs Canada.</p> <p>The redactions at page 1 mention that the Sudanese authorities detained Abdelrazik and have alleged they did this at the request of a Foreign Government and CSIS.</p>

			[REDACTED]	[REDACTED]			The redactions at page 3 state that if Abdelrazik is not returned to Canada the Sudanese will hand him to the custody of a Foreign Government.”
118.	AGC08855	CSIS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>“This document is a string of emails between CSIS officials, from July 2-4, 2008.</p> <p>The redactions at the bottom of page 1 and on page 2 describe that CSIS needs to be clear on what and when they knew about the intentions of foreign actors.</p> <p>It further states that in March 2003, CSIS had located Abdelrazik in the Sudan.</p> <p>Some parts of this report must be redacted because they would reveal the identity of an employee, an internal procedure, an administrative process or a telecommunications system of CSIS, or identify the relationships that CSIS maintains with other agencies and the information exchanged in confidence from such agencies.”</p>



				  			
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119.	Overarching Summary	CSIS	[REDACTED]	[REDACTED]	[REDACTED]		
120.	Overarching Summary	CSIS	[REDACTED]	[REDACTED]			<p>“Foreign agencies from at least 7 countries (including Canada) were interested in the Plaintiff, with some dating back to at least the mid-1990s. Notwithstanding Canada, two of the remaining six countries developed an interest in Abdelrazik because of Service requests for information.”</p>

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** DES-3-18

**STYLE OF CAUSE:** THE ATTORNEY GENERAL OF CANADA v.  
ABOUSFIAN ABDELRAZIK AND LAWRENCE  
CANNON

**PLACE OF HEARING:** OTTAWA, ONTARIO  
MONTRÉAL, QUÉBEC

**DATE OF HEARING:** SEPTEMBER 27, 2022  
NOVEMBER 28 & 29, 2022  
MARCH 14, 2023

**JUDGMENT AND REASONS:** ST-LOUIS, J.

**DATED:** AUGUST 11, 2023

**APPEARANCES:**

Maria Barrett-Morris  
Michelle Lutfy

FOR THE APPLICANT

Paul Champ  
Bijon Roy

FOR THE RESPONDENT  
ABOUSFIAN ABDELRAZIK

Gordon Cameron  
Harout Haladjian

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