



Ruling on a Request for an *in camera*, *ex parte* Hearing

1. This is a ruling on a request by the Government of Canada for leave to have part of the evidence that will be called by Commission counsel received in the absence of the public, on the grounds that the disclosure of this evidence would be injurious to national security.

Background

2. One of the Institutional Reports (IRs) submitted to the Commission by the Government of Canada pertained to the role of the Canadian Security Intelligence Service (CSIS) in the matters under consideration by the Commission. This IR was made available to the Parties on the Party Database on October 6, 2022. Shortly after the Government submitted the CSIS IR, it submitted a classified version of that report. The classified version of the IR augments the public version with information that, in the Government's view, would be injurious to national security if disclosed to the public.

3. Commission counsel then advised the Government that, in addition to a public examination of the CSIS witnesses and a witness from the Integrated Terrorism Assessment Centre (ITAC) on the public version of the IR, they intend to examine the CSIS witnesses on the classified version of the IR. In response to this notice, the Government applied to me in writing, pursuant to the Commission's *Rules*, for leave to have the examination of the CSIS and ITAC witnesses on the classified version of the IR heard *in camera* and *ex parte*; that is to say, in the absence of the public and the Parties. The Government's request was supported by representations on the injury to



national security that would arise if the examination on the classified version of the CSIS IR was to take place in public.

4. In summary, the Government described the following categories of injury that could be expected from the disclosure of information and intelligence:

- a. CSIS's interest in individuals, groups or issues, including the existence or non-existence of past or present files or investigations, the intensity of investigations, or the degree or lack of success of investigations;
- b. Methods of operation and investigative techniques utilized by CSIS;
- c. Relationships that CSIS maintains with other police, security and intelligence agencies and the information exchanged in confidence with such agencies;
- d. Employees, internal procedures and administrative methodologies, and telecommunications systems used by CSIS;
- e. Persons who provided information to CSIS.

Ruling

5. Having considered the Government's representations, I am satisfied that the burden has been met for this evidence to be heard in the absence of the public. It is my expectation that the hearing will take approximately three hours. The evidence will be called by Commission counsel who are experienced in national security matters.

6. It should be noted that this ruling pertains only to the manner in which the evidence will initially be called. When I have heard the evidence, I will decide whether the evidence must remain confidential. I may decide that some or all of the evidence



can be made public, for example in a summary that describes the evidence without disclosing information that must remain confidential.

Input from Parties

7. Parties are invited to provide input on this part of the Commission's work. If a Party has a question or a topic that they would like to see addressed during the *in camera* session, they should advise Commission counsel of same by the close of business on November 3, 2022.

Signed

The Honourable Paul S. Rouleau
Commissioner

October 26, 2022