

Federal Court



Cour fédérale

Date: 20120731

Docket: T-1463-10

Citation: 2012 FC 940

Ottawa, Ontario, July 31, 2012

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

CHIMEN MIKAIL

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

and

**SECURITY INTELLIGENCE REVIEW
COMMITTEE**

Intervener

REASONS FOR JUDGMENT AND JUDGMENT

I. Overview

[1] Ms. Chimen Mikail laid a complaint against the Canadian Security and Intelligence Service [CSIS] alleging that CSIS agents had intimidated, harassed and threatened her at her home and

workplace in the course of questioning her about her background in Turkey. She also alleged that CSIS interfered with her security status. The Security Intelligence Review Committee [SIRC] considered her complaint and dismissed it. SIRC found that, while Ms. Mikail was justifiably alarmed about the way she was questioned, CSIS agents had not acted improperly in the circumstances.

[2] Ms. Mikail argues that SIRC's decision failed to recognize the legal parameters that govern the conduct of CSIS agents, particularly the provisions of the *Canadian Charter of Rights and Freedoms*, and the *Canadian Security Intelligence Service Act*, RSC 1985, c C-23 [CSIS Act]. She maintains that CSIS agents had no lawful authority to question her repeatedly and, in particular, no business confronting her at her place of work. She also contends that SIRC made an unreasonable finding of fact about whether CSIS violated its own policy on workplace visits. She asks me to quash SIRC's decision and order it to reconsider her complaint.

[3] I can find no legal or factual grounds for overturning SIRC's decision and must, therefore, dismiss this application for judicial review. SIRC had no obligation to deal with the legal questions Ms. Mikail has presented in this application – she did not raise them before SIRC, and SIRC could not, therefore, have been expected to address them. Further, while SIRC made a clear error about when the CSIS policy on workplace visits came into effect, the error was inconsequential in the circumstances.

[4] Most of the substantive submissions by the parties were made before me in a public hearing. However, in an *ex parte* hearing in the presence of counsel for the Attorney General of Canada and

counsel for SIRC, I reviewed some of the evidence that had been heard by SIRC in the absence of Ms. Mikail and her counsel in order to protect information whose disclosure would affect national security. This evidence was relevant only to the question of whether the CSIS agents had a valid reason for wishing to question Ms. Mikail. Ms. Mikail has not argued that CSIS had no reason to interview her. Therefore, it is unnecessary for me to say anything further about the basis on which CSIS agents decided to question Ms. Mikail about her past.

[5] There are two issues:

1. Did SIRC err by failing to consider the legal parameters that govern CSIS investigations, most notably the rights guaranteed by the Charter?
2. Did SIRC err by failing to recognize that the CSIS policy respecting workplace visits was in effect at the time Ms. Mikail was interviewed?

II. Factual Background

[6] Ms. Mikail is a Canadian citizen of Kurdish-Iraqi origin who arrived here in 1987. After she married Mr. Shapour Badoshiveh in 1993, she travelled with him to Germany and then was taken against her will to a village in the mountains bordering Iran and Turkey. She escaped and returned to Canada in 2001. She found a job, remarried, and began a family in Gatineau. In 2004, she secured a term position at the Department of National Defence. The following year, she began looking for other public service jobs, but was unable to obtain the necessary “reliability status” that

many positions required. She was able to acquire the necessary status in 2007 and has been employed full-time in the public service since then.

[7] During 2005 and 2006, CSIS agents interviewed Ms. Mikail four times. The first three interviews took place at her home. The fourth transpired near her workplace on a street where she had parked her car.

[8] The first interview took place in May 2005 after an unannounced visit by CSIS agents at Ms. Mikail's apartment. The discussion centered on Ms. Mikail's former husband, who was by then deceased. Ms. Mikail shared her experience of living in Turkey involuntarily from 1994 to 2001. She also explained that she had not seen her ex-husband for many years. Ms. Mikail's current husband arrived home during the interview. He made it plain he did not appreciate the spontaneous visit from CSIS agents. He asked that, in the future, they call ahead of time.

[9] The second interview took place in February 2006. The agents again arrived unannounced.

[10] The third interview took place in April 2006. This time, the agents called ahead of time. The interview started out on friendly terms, but deteriorated when the agents mentioned that security forces in other countries could arrest persons of interest (and explained that CSIS had no arrest powers), and referred to potential problems with Ms. Mikail's ability to acquire her reliability status.

[11] The latter two interviews focussed on Ms. Mikail's involvement with Kurdish or Islamic extremists while she was living in Turkey. Ms. Mikail denied any such association. The agents were

not satisfied with her answers, and wished to speak to her again, preferably in the absence of her husband.

[12] After the third interview, a CSIS agent called Ms. Mikail at work and invited her for coffee. Ms. Mikail declined. In August 2006, an agent waited for Ms. Mikail beside her car, which was parked on a street near her workplace. The agent asked Ms. Mikail more questions about her background, but Ms. Mikail did not provide any further information. The purpose of this interview was to clarify some information Ms. Mikail had provided in previous interviews. The subject of Ms. Mikail's security status came up again.

III. SIRC's Decision

[13] Hearings took place over several days before the Honourable Gary Filmon. He heard evidence from Ms. Mikail and the CSIS agents involved, and considered a large volume of documentation from government departments. Where necessary for purposes of national security, some of the evidence was heard without Ms. Mikail or her counsel being present. That evidence, however, was summarized and provided to Ms. Mikail.

[14] SIRC began by acknowledging that Ms. Mikail's concerns were understandable in the circumstances, particularly her belief that CSIS had interfered with her efforts to obtain the security status she required. However, it concluded that there was no such interference. In fact, there was no communication between CSIS and the department responsible for her security status (Public Works and Government Services Canada [PWGSC]) until June 2007, when PWGSC requested information

from CSIS. The Government Security Policy at the time required that such requests be approved by Treasury Board, yet there was no approval in Ms. Mikail's case. However, SIRC concluded that this oversight was inconsequential in the circumstances because PWGSC withdrew its request before CSIS responded to it. Further, it found that the problems with Ms. Mikail's security status were caused by PWGSC, not CSIS. In any event, Ms. Mikail eventually received the necessary clearance and obtained a permanent public service position.

[15] SIRC went on to consider Ms. Mikail's complaints about the conduct of CSIS agents during the interviews. She raised concerns about their aggressive questioning, and their suggestion that there was a connection between her responses and her ability to acquire a security clearance.

[16] SIRC noted that questioning by CSIS personnel can be aggressive without being improper. Here, the interviews raised questions that were difficult for Ms. Mikail to answer and caused her to become emotional. This led to her to misread the intentions and conduct of the agents.

[17] With respect to the visit of a CSIS agent near her workplace, SIRC concluded that this type of visit was discouraged by a policy that was implemented subsequent to that event. Still, the interview might have been justified, even in the face of that policy, given that the agent felt it was important to question Ms. Mikail in the absence of her husband.

[18] As for the suggestion that CSIS agents made a connection between Ms. Mikail's cooperation and her ability to obtain security status, SIRC found that the agents' statements were factually accurate. If Ms. Mikail had been dishonest in her answers, her ability to obtain a security

clearance would be impaired. However, SIRC also noted that statements along those lines could be interpreted by some interviewees as threats, especially by persons who, like Ms. Mikail, had experiences in other countries that would naturally make them suspicious of the agents' motives. Here, SIRC concluded that it was important for the agents to advise Ms. Mikail of the potential consequences of any lack of candour on her part. This information was provided in her best interests, not as an improper inducement for her to cooperate.

[19] Therefore, SIRC dismissed Ms. Mikail's complaint entirely. It recommended, however, that steps be taken to ensure that the Government Security Policy, described above, was observed.

IV. Issue One – Did SIRC err by failing to consider the legal parameters that govern CSIS investigations, most notably the rights guaranteed by the Charter?

[20] Ms. Mikail argues that CSIS agents harassed her by making repeated, unannounced visits, questioning her in an aggressive fashion, and stalking her at work. She maintains that this conduct offends legal standards that apply to CSIS, including those guaranteed by the Charter.

[21] In particular, Ms. Mikail points to s 12 of the CSIS Act, which states that the service can collect information relating to the security of Canada only "to the extent that it is strictly necessary" (enactments cited are set out in Annex A). Agents have no common law powers and no authority to harass or intimidate sources. The agents' behaviour, she maintains, was akin to criminal harassment.

[22] In addition, CSIS agents are bound by ss 8 and 9 of the Charter. Section 8 protects against unreasonable invasions of privacy. Ms. Mikail contends that CSIS agents violated s 8 in the manner of their interrogations and by tracking her to her workplace. The agents should have left her alone when she made clear she would not answer any further questions.

[23] Section 9 of the Charter prohibits arbitrary detention. Ms. Mikail suggests that the agent who met her outside her workplace prevented her from leaving and, therefore, detained her without any justification. She did not believe she had any choice but to stay and listen to the officer's questions, even though she was in a hurry to pick up her son at day care. Her perception was reasonable, she says, in light of her experience with security agencies in the Middle East, such as the Mukhabarat, who operate without any legal constraints.

[24] In sum, Ms. Mikail maintains that SIRC did not give any consideration to the legal parameters that govern the conduct of CSIS agents and, therefore, its decision dismissing her claim should be quashed because it was based on errors of law.

[25] I cannot agree with Ms. Mikail's submissions.

[26] Generally speaking, SIRC's mandate is to investigate complaints, review the manner in which CSIS performs its functions and direct CSIS, or its Inspector General, to conduct a review of specific activities of CSIS (CSIS Act, ss 38, 40). While the CSIS Act does not specifically grant SIRC the power to decide legal questions, it must, in order to carry out its mandate, have jurisdiction to apply prevailing laws, including the Charter (*Procureur général du Canada c Hani*

Al Telbani, 2012 CF 474, at para 105). In particular, SIRC has jurisdiction to determine whether CSIS agents have complied with the law.

[27] However, while SIRC can decide legal issues, its mandate is broader than that. Any person can complain to SIRC about any “act or thing” done by CSIS (CSIS Act, s 41). SIRC must investigate all complaints that are not “trivial, frivolous, vexatious or made in bad faith” (CSIS Act, s 41(1)(b)). It must then report its findings and make any recommendations it considers appropriate in the circumstances (CSIS Act, s 52(1)).

[28] Accordingly, SIRC’s powers include deciding questions of law, but are not confined to legal issues. If a complainant maintains, for example, that CSIS has acted unlawfully, SIRC no doubt must decide the legal questions that arise out of that complaint. Failure to do so would give rise to a valid basis for judicial review of SIRC’s decision. On the other hand, where a person complains about some “act or thing” CSIS has done, but does not allege a violation of the law, SIRC must respond to the substance of the complaint. It would not necessarily have to consider whether CSIS’s conduct was unlawful. CSIS could be acting improperly even though it was within the bounds of the law.

[29] Here, Ms. Mikail complained to SIRC that CSIS agents had interfered with her security status and had behaved in a coercive, harassing and intimidating manner. She did not suggest that the agents had violated s 12 of the CSIS Act, or that they had infringed her Charter rights. Ms. Mikail alluded to the possibility that the agents had engaged in criminal harassment, but

acknowledged that they may have been acting within their lawful authority. She argued that, notwithstanding that authority, the agents had acted improperly.

[30] SIRC reviewed a substantial body of evidence relating to the circumstances surrounding the encounters between Ms. Mikail and CSIS agents, including her testimony, the agents' testimony, written reports of the various interviews, and documentary evidence from a variety of sources. It concluded that the agents had not acted inappropriately. None having been specifically raised, it did not decide any questions of law.

[31] Therefore, I cannot agree with Ms. Mikail's contention that SIRC was obliged to determine the legal parameters that define the proper scope of CSIS's agents' conduct in response to her complaint. Nor is that a valid basis on which to seek to overturn SIRC's decision. The power to decide legal issues does not create an obligation to do so when none have been raised.

[32] In addition, applicants for judicial review cannot, generally speaking, raise issues that were not put before the tribunal whose decision is under review, particularly constitutional questions. Ms. Mikail points to an oblique reference to the Constitution in her counsel's closing arguments to SIRC and suggests that that was sufficient to create a duty on SIRC to decide whether her Charter rights had been violated. To my mind, this general submission was not a sufficient foundation for a Charter argument. SIRC could not have been expected to imagine what provisions of the Constitution Ms. Mikail was purporting to rely on, anticipate the submissions that might have been made in respect of those provisions, and provide a detailed constitutional analysis in its reasons, without full argument on the point.

[33] Further, the necessary factual foundation for the alleged Charter breaches had not been laid. For example, there was no evidence before SIRC to support a claim that CSIS agents had intruded on Ms. Mikail's reasonable expectations of privacy by tracking her to her place of employment. Nor was there evidence that Ms. Mikail, psychologically speaking, was detained when a CSIS agent met her by her car and posed a few questions. Accordingly, the necessary factual foundation for Ms. Mikail's Charter arguments was not established before SIRC. In the circumstances, SIRC could not respond meaningfully to any constitutional issues rising from Ms. Mikail's complaint, even if Ms. Mikail had urged it to do so, which she did not. Further, the lack of a factual record also prevents me from addressing those issues. (*Canada (Justice) v Khadr*, 2008 SCC 29, at para 15; *AA v BB* (2007), 83 OR (3d) 561 (ONCA).

[34] In effect, therefore, Ms. Mikail is raising her legal and constitutional arguments for the first time before me. With rare exceptions, it is not the role of the Court on judicial review to address issues that were not before the tribunal whose decision is contested (*Toussaint v Canada (Labour Relations Board)*, [1993] FCJ No 616, at para 6; *Poirier v Canada (Minister of Veterans Affairs)*, [1989] 3 FC 233, at para 16). Since SIRC does have jurisdiction to decide legal issues, including Charter arguments, Ms. Mikail should have raised her legal arguments before SIRC. It could then have ensured that the necessary evidence was presented and that full submissions on them were heard. Only then could it have responded to them in a meaningful way.

[35] Therefore, I need not deal with the substance of Ms. Mikail's arguments in respect of alleged breaches of the CSIS Act and the Charter. Those arguments were not presented in the

hearing before SIRC. SIRC did not, therefore, have a proper opportunity to consider them.

Accordingly, Ms. Mikail's legal arguments before me do not present valid grounds for allowing her application for judicial review.

V. Issue Two – Did SIRC err by failing to recognize that the CSIS policy respecting workplace visits was in effect at the time Ms. Mikail was interviewed?

[36] Ms. Mikail argues that SIRC made a critical error of fact when it found that the CSIS policy on workplace visits was not in effect at the time when the CSIS agent confronted her outside her office building. In fact, the policy was adopted in November 2005, more than eight months before that interview. This evidence actually came out in cross-examination of the agent involved, while Ms. Mikail and her counsel were excluded from the hearing. Therefore, not only did SIRC make an error of fact, it treated her unfairly by precluding her from making submissions to SIRC on the application of the policy to her circumstances.

[37] Clearly, SIRC made an error. The workplace policy set out in a November 2005 memo was in effect in August 2006 when a CSIS agent met Ms. Mikail next to her car. However, in my view, that error was inconsequential.

[38] The workplace policy was put in place after concerns had been expressed about CSIS's practices at a hearing before the Senate Special Committee on the *Anti-Terrorism Act* on October 31, 2005. Then Director of CSIS, Mr. Jim Judd, explained to Senators why CSIS agents sometimes interview individuals in the workplace:

Normally we try to conduct these interviews where we are most likely to find the people. For many people, that is during normal business hours and that is usually at their place of employment. However, in the event that they prefer the interview to take place in another location we will accommodate their preference. (Minutes of Proceedings, 31-10-2005, 18:12)

Senator Fraser asked Mr. Judd why CSIS would normally visit people at work when this could be disruptive:

It seems to me that for many people, and not only for people belonging to certain minority communities but also for many people the mere arrival at their place of work of a CSIS agent would be a disruptive element. You have to stop doing your work, find a private place to talk and explain to your boss why you are finding a private place to talk. It would have a daunting effect on many, many people, and quite possibly affect the atmosphere of their workplace. (18:14)

Mr. Judd undertook to address this concern:

[P]eople are quite free to tell our investigators that they prefer to meet elsewhere, at home, a restaurant, a café, or in a park. That is a point we will make better known within the service. We will encourage our investigators to give people the option of picking a venue for investigations. There was nothing ill-intentioned about it. I noted that several witnesses have said that it has had a negative impact, which is not at all the kind of outcome we want. (18:14)

[39] A memorandum dated November 23, 2005, signed by W.J. Hooper, Deputy Director of Operations, referred to Mr. Judd's appearance before the Senate Committee and stated that, while unannounced workplace visits were a "legitimate investigative strategy", they raised "potential controversy features". Accordingly, CSIS employees should "exercise good judgment in using this technique and ... consider alternative interview venues."

[40] Clearly, this policy did not apply in the circumstances. Ms. Mikail was not disturbed at her workplace. She was met on a public street. The concern that gave rise to the policy was the embarrassment and inconvenience associated with CSIS agents appearing unannounced at the

workplaces of interview subjects. That concern simply did not arise in the circumstances of this case.

[41] Further, even if the policy had applied, the interview did not offend it. The policy recognized that unannounced workplace visits were a “legitimate investigative strategy” and that CSIS employees should use “good judgment” in deciding whether to conduct a workplace interview. Here, the CSIS agent gave a valid reason for wishing to speak to Ms. Mikail in the absence of her husband, and for choosing to do so as Ms. Mikail left work for the day. In the circumstances, this was a “legitimate investigative strategy”, permitted by the workplace interview policy.

[42] Accordingly, while SIRC erred in finding that the workplace policy was not in effect at the relevant time, that error had no effect on its conclusion. Ms. Mikail was not interviewed in her workplace. Even if she had been, the interview would have amounted to a legitimate investigative strategy in the circumstances. Therefore, the fact that Ms. Mikail did not have an opportunity to make submissions to SIRC on the scope and application of the workplace policy did not result in any unfairness to her.

VI. Conclusion and Disposition

[43] I cannot conclude that SIRC erred when it dismissed Ms. Mikail’s complaint. The legal issues put forward by Ms. Mikail on this application for judicial review were not raised before SIRC and, therefore, do not constitute valid grounds for overturning SIRC’s decision. Further, SIRC’s

factual error regarding CSIS's workplace interview policy was, in the circumstances, inconsequential. Therefore, I must dismiss Ms. Mikail's application for judicial review with costs.

JUDGMENT

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is dismissed with costs.

“James W. O’Reilly”

Judge

Annex "A"

Canadian Charter of Rights and Freedoms, RS 1982, c C-00

Charte canadienne des droits et libertés, LR 1982, ch C-00

Search or seizure

Fouilles, perquisitions ou saisies

8. Everyone has the right to be secure against unreasonable search or seizure.

8. Chacun a droit à la protection contre les fouilles, les perquisitions ou les saisies abusives.

Detention or imprisonment

Détention ou emprisonnement

9. Everyone has the right not to be arbitrarily detained or imprisoned.

9. Chacun a droit à la protection contre la détention ou l'emprisonnement arbitraire.

Canadian Security Intelligence Service Act, RSC, 1985, c C-23

Loi sur le Service canadien du renseignement de sécurité, LRC, 1985, ch C-23)

Collection, analysis and retention

Informations et renseignements

12. The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada.

12. Le Service recueille, au moyen d'enquêtes ou autrement, dans la mesure strictement nécessaire, et analyse et conserve les informations et renseignements sur les activités dont il existe des motifs raisonnables de soupçonner qu'elles constituent des menaces envers la sécurité du Canada; il en fait rapport au gouvernement du Canada et le conseille à cet égard.

Functions of Review Committee

Fonctions du comité de surveillance

38. The functions of the Review Committee are

38. Le comité de surveillance a les fonctions suivantes :

(a) to review generally the performance by the Service of its duties and functions and, in connection therewith,

a) surveiller la façon dont le Service exerce ses fonctions et, à cet égard :

(i) to review the reports of the Director and certificates of the Inspector General transmitted to it pursuant to subsection 33(3),

(i) examiner les rapports du directeur et les certificats de l'inspecteur général qui lui sont transmis en conformité avec le paragraphe 33(3),

(ii) to review directions issued by the Minister under subsection 6(2),

(ii) examiner les instructions que donne le ministre en vertu du paragraphe 6(2),

(iii) to review arrangements entered into by the Service pursuant to subsections 13(2) and (3) and 17(1) and to monitor the provision of information and intelligence pursuant to those arrangements,

(iv) to review any report or comment given to it pursuant to subsection 20(4),

(v) to monitor any request referred to in paragraph 16(3)(a) made to the Service,

(vi) to review the regulations, and

(vii) to compile and analyse statistics on the operational activities of the Service;

(b) to arrange for reviews to be conducted, or to conduct reviews, pursuant to section 40; and

(c) to conduct investigations in relation to

(i) complaints made to the Committee under sections 41 and 42,

(ii) reports made to the Committee pursuant to section 19 of the *Citizenship Act*, and

(iii) matters referred to the Committee pursuant to section 45 of the *Canadian Human Rights Act*.

(iii) examiner les ententes conclues par le Service en vertu des paragraphes 13(2) et (3) et 17(1), et surveiller les informations ou renseignements qui sont transmis en vertu de celles-ci,

(iv) examiner les rapports et commentaires qui lui sont transmis en conformité avec le paragraphe 20(4),

(v) surveiller les demandes qui sont présentées au Service en vertu de l'alinéa 16(3)a),

(vi) examiner les règlements,

(vii) réunir et analyser des statistiques sur les activités opérationnelles du Service;

b) effectuer ou faire effectuer des recherches en vertu de l'article 40;

c) faire enquête sur :

(i) les plaintes qu'il reçoit en vertu des articles 41 et 42,

(ii) les rapports qui lui sont transmis en vertu de l'article 19 de la *Loi sur la citoyenneté*,

(iii) les affaires qui lui sont transmises en vertu de l'article 45 de la *Loi canadienne sur les droits de la personne*.

Review

40. For the purpose of ensuring that the activities of the Service are carried out in accordance with this Act, the regulations and directions issued by the Minister under subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Service of any of its powers, the Review Committee may

Recherches

40. Afin de veiller à ce que les activités du Service soient conduites conformément à la présente loi, à ses règlements et aux instructions du ministre visées au paragraphe 6(2), et qu'elles ne donnent pas lieu à l'exercice par le Service de ses pouvoirs d'une façon abusive ou inutile, le comité de surveillance peut :

(a) direct the Service or Inspector General to conduct a review of specific activities of the Service and provide the Committee with a report of the review; or

(b) where it considers that a review by the Service or the Inspector General would be inappropriate, conduct such a review itself.

a) soit faire effectuer par le Service ou l'inspecteur général des recherches sur certaines activités du Service et exiger d'eux qu'ils lui en fassent rapport;

b) soit effectuer ces recherches lui-même s'il juge qu'il serait contre-indiqué de les faire effectuer par le Service ou l'inspecteur général.

Complaints

41. (1) Any person may make a complaint to the Review Committee with respect to any act or thing done by the Service and the Committee shall, subject to subsection (2), investigate the complaint if

(a) the complainant has made a complaint to the Director with respect to that act or thing and the complainant has not received a response within such period of time as the Committee considers reasonable or is dissatisfied with the response given; and

(b) the Committee is satisfied that the complaint is not trivial, frivolous, vexatious or made in bad faith.

Plaintes

41. (1) Toute personne peut porter plainte contre des activités du Service auprès du comité de surveillance; celui-ci, sous réserve du paragraphe (2), fait enquête à la condition de s'assurer au préalable de ce qui suit :

a) d'une part, la plainte a été présentée au directeur sans que ce dernier ait répondu dans un délai jugé normal par le comité ou ait fourni une réponse qui satisfasse le plaignant;

b) d'autre part, la plainte n'est pas frivole, vexatoire, sans objet ou entachée de mauvaise foi.

Other redress available

(2) The Review Committee shall not investigate a complaint in respect of which the complainant is entitled to seek redress by means of a grievance procedure established pursuant to this Act or the *Public Service Labour Relations Act*.

Restriction

(2) Le comité de surveillance ne peut enquêter sur une plainte qui constitue un grief susceptible d'être réglé par la procédure de griefs établie en vertu de la présente loi ou de la *Loi sur les relations de travail dans la fonction publique*.

Report of findings

52. (1) The Review Committee shall,

(a) on completion of an investigation in relation to a complaint under section 41, provide the Minister and the Director with a report containing the findings of the

Rapport et recommandation

52. (1) Le comité de surveillance :

a) à l'issue d'une enquête sur une plainte présentée en vertu de l'article 41, envoie au ministre et au directeur un rapport contenant ses conclusions et les recommandations

investigation and any recommendations that the Committee considers appropriate; and

(b) at the same time as or after a report is provided pursuant to paragraph *(a)*, report the findings of the investigation to the complainant and may, if it thinks fit, report to the complainant any recommendations referred to in that paragraph.

qu'il juge indiquées;

b) en même temps ou plus tard, fait parvenir au plaignant les conclusions de son enquête; s'il le juge à propos, il peut y joindre tout ou partie des recommandations mentionnées à l'alinéa *a)*.

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-1463-10

STYLE OF CAUSE: CHIMEN MIKAIL
v
ATTORNEY GENERAL OF CANADA
and
SECURITY INTELLIGENCE REVIEW COMMITTEE

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: FEBRUARY 1 & 3, 2012

REASONS FOR JUDGMENT
AND JUDGMENT: O'REILLY J.

DATED: July 31, 2012

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