

Court File No.: T-536-04

**IN THE FEDERAL COURT**

**BETWEEN:**

**OMAR AHMED KHADR by his Next Friend FATMAH EL-SAMNAH**

**Plaintiff**

and

**HER MAJESTY THE QUEEN**

**Defendant**

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**AFFIDAVIT OF WILLIAM HOOPER**

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I, William Hooper, of the City of Ottawa, in the Province of Ontario, MAKE OATH AND SWEAR THAT:

1. I have been a member of the Canadian Security Intelligence Service (the "Service") since 1984. Prior to joining the Service, I was a member of the Royal Canadian Mounted Police ("RCMP") from 1974 to 1984 where from 1980 to 1983, I was a counter intelligence investigator with the RCMP Security Service. Currently, I am the Assistant Director of Operations with the Service and have held that position for 3 years. As such, I have personal knowledge of the facts hereinafter deposed to except where stated to be based on information and belief, and where so stated, I believe the same to be true.

2. The mandate of the Service under section 12 of the *Canadian Security Intelligence Service Act*, R.S.C. 1985, c.C-23 (the "Act") is to collect, analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting

threats to the security of Canada and report to and advise the Government of Canada. The Service fulfills its mandate bearing in mind its role within the Canadian Government as described in sections 12, 13 and 14 of the *Act*.

3. The Service is neither a police nor an enforcement agency and as such, does not have the mandate to investigate matters of a criminal nature. Investigations of threat-related activities are not analogous to investigations of a criminal nature pursuant to the *Criminal Code*. There are no restrictions as to the geographical area in which the Service may collect information or intelligence concerning threats to Canada's security.

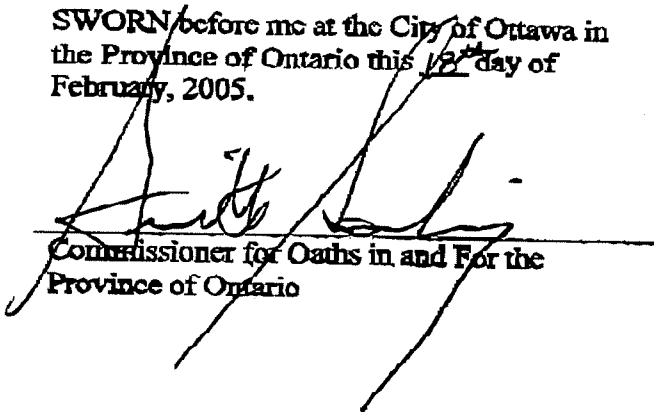
4. One of the current major threats to the national security of Canada arises from transnational terrorism, particularly from Sunni Islamic extremists either directly aligned with or supporting the ideology espoused by Al Qaeda. Al Qaeda is an umbrella organization of Sunni Islamic terrorist groups whose stated goal is the elimination of western influence within the Islamic cultures and the creation of an Islamic theocracy in the Muslim world.

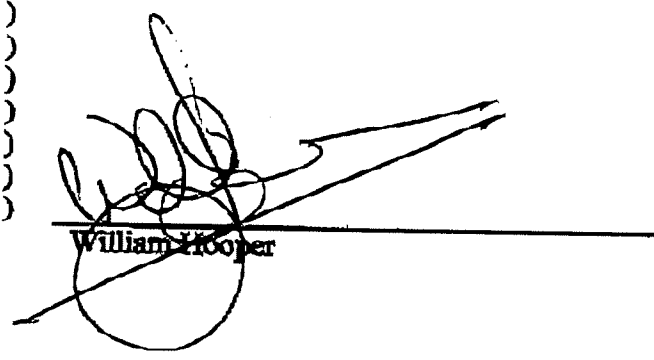
5. Service employees interviewed Omar Khadr in Guantanamo Bay, Cuba, pursuant to its mandate under section 12 of the *Act*, for the purpose of collecting information that may be of assistance to the Service in its investigations regarding Al Qaeda. The information was not collected for the purposes of bringing or assisting any prosecution of Omar Khadr.

6. Any efforts to limit or fetter the Service's investigative powers pursuant to section 12 of the *Act* will hamper the Service's ability to advise the Canadian Government and is injurious to the public interest from a national security perspective.

7. I swear this affidavit in response to a motion for an interim injunction to prevent Canadian officials from interviewing Omar Khadr in the future.

SWORN before me at the City of Ottawa in the Province of Ontario this 18<sup>th</sup> day of February, 2005.

  
Commissioner for Oaths in and For the Province of Ontario

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William Hooper