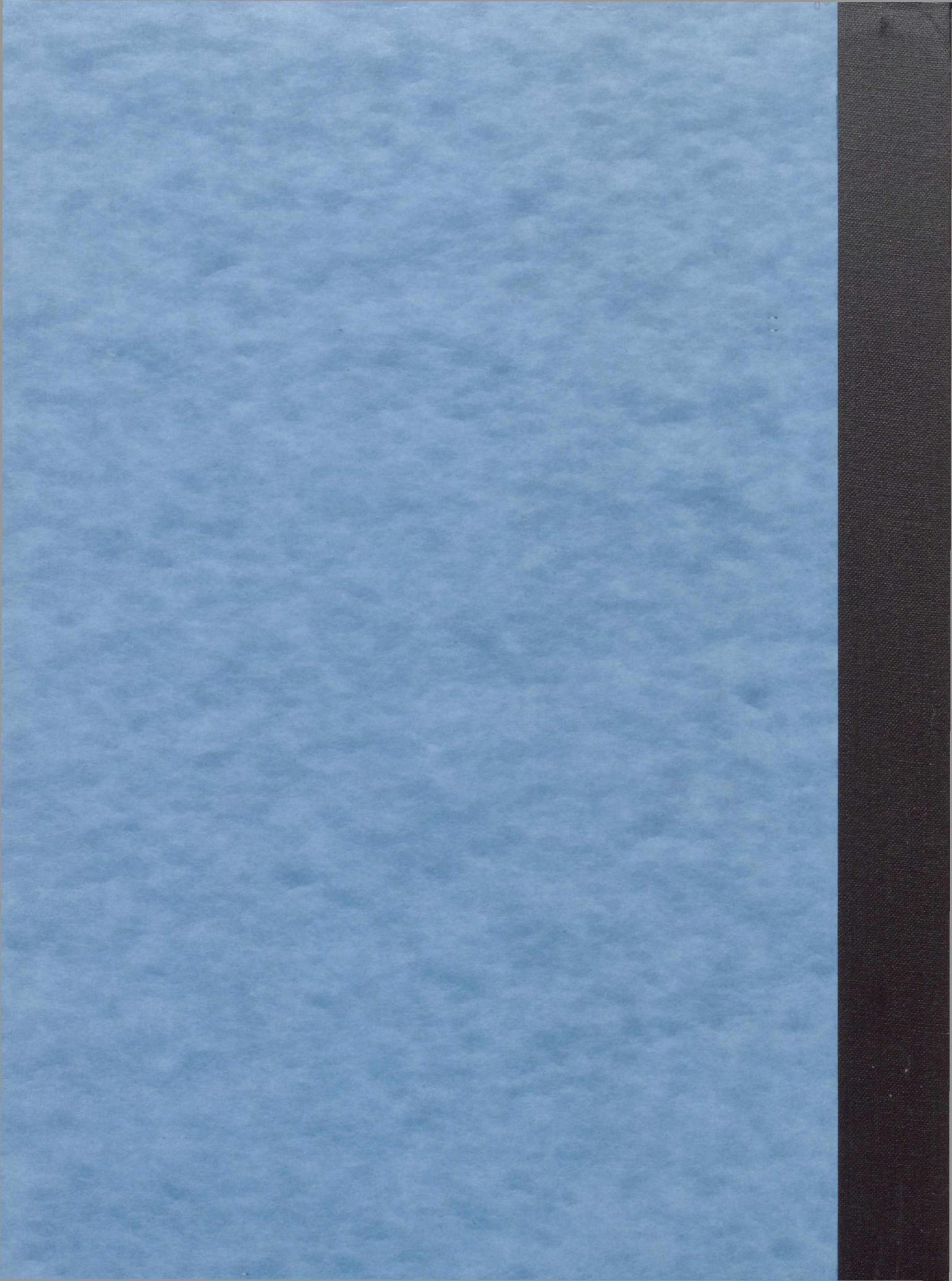


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# Terrorism

## The Report of the Second

## Special Committee of the Senate on Terrorism and Public Safety

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34-2  
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A12

*Chairman*

**The Honourable William M. Kelly**

*Deputy Chairman*

**The Honourable Daniel P. Hays**

1989



REPORT OF THE COMMITTEE

The Special Committee of the Senate on Terrorism and Public Safety has the honour to present its

SECOND AND FINAL REPORT

In obedience to the Order of Reference of 1987, your Committee has proceeded to study the Report of the Special Committee of the Senate on Terrorism and Public Safety, entitled "Thoughts", tabled in the Senate on 10th August, 1987, and your

# TERRORISM

## The Report of the Second Special Committee of the Senate on Terrorism and Public Safety



*Chairman*  
The Honourable William M. Kelly

*Deputy Chairman*  
The Honourable Daniel P. Hays

JUNE 1989



## REPORT OF THE COMMITTEE

### Membership of the Committee

The Special Committee of the Senate on Terrorism and Public Safety has the honour to present its

### SECOND AND FINAL REPORT

In obedience to the Order of Reference of Tuesday, May 9, 1989, your Committee has proceeded to study the Report of the Special Committee of the Senate on Terrorism and Public Safety, entitled: "Terrorism", tabled in the Senate on 10th August, 1987, and now presents its final report.

BOGA, Peter

CONNOR, John

FLYNN, Joseph

KERRY, John

MACDONALD, Nigel

\* MACRACHE, Allan (for P.M.)

\* MITCHELL, Lowell (for Deputy)

Ex Officio Members

Note: The Honourable Senators signified their presence at various stages.

Line Director

Chief of the Committee



## Membership of the Committee

---

The Honourable William M. KELLY, *Chairman*

The Honourable Daniel HAYS, *Deputy Chairman*

And

The Honourable Senators:

BOSA, Peter

MACDONALD, Finlay

CORBIN, Eymard

\* MACEACHEN, Allan J. (or Frith)

FLYNN, Jacques

\* MURRAY, Lowell (or Doody)

KENNY, Colin

\* Ex Officio Members

Note: The Honourable Senators Gigantès and Fairbairn also served on the Committee at various stages.

Line Gravel

*Clerk of the Committee*



Order of Reference

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Extract from *the Minutes of Proceedings of the Senate*, Tuesday, May 9, 1989:

"The Honourable Senator Kelly moved, seconded by the Honourable Senator Kenny:

That a special committee of the Senate be appointed to review the recommendations contained in the Report of the Special Committee of the Senate on Terrorism and Public Safety, entitled: "Terrorism", tabled in the Senate on 10th August, 1987;

That, notwithstanding Rule 66(1) (b), the Honourable Senators Bosa, Corbin, Fairbairn, Flynn, Hays, Kelly, Kenny, MacDonald (*Halifax*), MacEachen (or Frith) and Murray (or Doody) act as members of the special committee, and that three members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee; and

That the committee present its final report to the Senate no later than 30th June, 1989.

After debate,

The question being put on the motion, it was --

Resolved in the affirmative".

Gordon Barnhart

*Clerk of the Senate*



## TABLE OF CONTENTS

<b>FOREWORD</b> .....	1
<b>PREAMBLE</b> .....	3
<b>The First Senate Special Committee</b> .....	3
<b>Government Response to the First Committee's Report</b> .....	4
<b>Note - Counter-Terrorism Task Force</b> .....	6
<b>PART I: The Nature and Extent of the Terrorist Threat to Canada</b> .....	7
<b>Summary</b> .....	7
<b>Background</b> .....	7
Tactical Adjustments .....	9
New Trends .....	9
<b>PART II: The Federal Government's Counter and Anti-terrorism Establishment</b> .....	11
<b>Summary</b> .....	11
<b>Background</b> .....	11
The Cheriton Task Force Recommendations .....	11
<b>Committee Observations and Recommendations</b> .....	12
The "Lead Minister" Concept .....	12
CSIS .....	15
CSIS and the RCMP .....	15
SERT .....	16
Intelligence - Gathering and Threat Analysis .....	16
Transport and Air Security .....	16
<b>PART III: Intergovernmental Arrangements and Co-operation</b> .....	19
<b>Summary</b> .....	19
<b>Background</b> .....	19
The Cheriton Task Force .....	20
<b>Committee Observations and Recommendations</b> .....	21
Subsection 61(2) Agreements .....	21
Inter-Police Force Agreements .....	21
Joint Training and Exercises .....	24
Co-ordination Between CSIS and Crown Prosecutors .....	25
CSIS and Local Police Forces .....	26

<b>PART IV: The Role of the Media</b> .....	27
<b>Summary</b> .....	27
<b>Background</b> .....	27
<b>Committee Observations and Recommendations</b> .....	29
The Public Affairs Function .....	30
Media Guidelines .....	31
Police-Media Relations .....	32
<b>Conclusion</b> .....	33
<b>APPENDIX A: Historical Perspective on the Extent and Nature of the Terrorist Threat to Canada and Canadians</b> .....	35
<b>APPENDIX B: List of Witnesses</b> .....	43

## Foreword

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In the aftermath of the bus hi-jacking that ended on Parliament Hill on April 7, 1989, several Senators associated with the first Senate Special Committee on Terrorism and Public Safety began to wonder if the federal government was better prepared to respond to a terrorist crisis than it had been when the Committee reported in July 1987. In particular, we wondered at the extent to which the government had reviewed, and responded to the Committee's Report. Accordingly, a new Committee was established by the Senate consisting of many of the members of the first Committee.

As with the first Committee, we held most of our sessions *in camera* for security purposes and to encourage government and law enforcement officials to be as open and candid as possible. Only the section of hearings relating to the role of the media was held in public.

I am sincerely grateful to all members of the Committee who, once again, sat through hearings that often were lengthy and dealt with complicated issues.

The Committee wishes to express its appreciation to the Clerk of the Committee, Line Gravel and to Don Gracey, Marc Kealey, Pina Shore, Grace Tam, and Nancy Coldham from C. G. Management and Communications Inc. of Toronto for their assistance in doing background research and analysis, organizing hearings, preparation and editing the Report.

Finally, the Committee is grateful to the government officials, law enforcement officers and other witnesses who appeared before the Committee, in some cases more than once, sometimes giving up free time to do so.

W. M. Kelly

Chairman

Brussels, June 1989.



## Preamble

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### The First Senate Special Committee

The first Senate Special Committee on Terrorism and Public Safety was established in October, 1986. After research, analysis and hearings that extended until May, 1987, the Committee released its Report in July of that year.

In essence, that Report concluded that the Canadian government was not as prepared as it could or should be to respond to terrorist threats and incidents occurring in Canada or involving Canadian or Canadian interests abroad. Deficiencies identified related to the organization and co-ordination of federal departments and agencies having a role in counter-terrorism and crisis management; co-ordination and co-operation between levels of government, particularly between the RCMP on one hand and provincial and municipal police forces on the other; and the federal government's immigration policies and procedures. The Committee also reviewed and commented on the role of the media -- primarily the broadcast media -- in covering terrorist threats and incidents and concluded that better police-media relations and media guidelines were required to reduce the risk of media coverage jeopardizing the resolution of terrorist incidents and perhaps endangering lives.

On April 7th, 1989, a bus with 11 passengers on board was hi-jacked in Montreal and ended up on Parliament Hill in Ottawa. Although the incident was brought to a speedy and bloodless solution, the handling of the incident prior to the bus' arrival on Parliament Hill indicated that certain of the deficiencies noted by the Committee two years earlier persisted and important work remained to be done. While not wishing to diminish the RCMP's success, the Committee notes that good fortune may also have come into play. There was an unusual police and security presence on Parliament Hill that day for the state visit of the President of Costa Rica. A legitimate question is whether the RCMP could have reacted as quickly to isolate the incident otherwise.

On that basis, on May 9, 1989 the Senate approved a Motion that another Committee of the same name be established to review developments and progress and any

response to the first Committee's recommendations over the past two years. After a preliminary period of research and analysis, the Committee began hearings on June 12.

The Committee's investigation did not extend, in any detail, to the events of April 7th. The Solicitor General has directed the Commissioner of the RCMP to undertake an investigation, in consultation with the Sûreté du Québec and the other police forces involved. The Committee decided not to do anything that would duplicate that investigation but looks forward to the results of the Commissioner's review.

### **Government Response to the First Committee's Report**

There is no question in the Committee's mind that the government treated the Report of the first Committee seriously and responded effectively to a number of the Committee's observations and recommendations.

On September 15, 1987, on the initiative of the Privy Council Office, it was decided to set up a Counter-Terrorism Task Force. The Task Force would operate under the auspices of the Privy Council Office and the Ministry of the Solicitor General and would respond to the Committee's recommendations relating to the machinery of government issues, co-ordination and co-operation within the federal government and to federal-provincial-municipal co-ordination and co-operation. The full text of the Task Force's terms of reference is set out in the note on page 6. The Task Force consisted of individuals seconded from those departments and agencies having a major role to play in counter-terrorism and crisis management, namely the Privy Council Office, National Defence, Transport Canada, the Canadian Security Intelligence Service, the RCMP, the Department of the Solicitor General, External Affairs and the Communications Security Establishment.

In December of that year, Major General G. R. Cheriton (Ret'd) was appointed to head the Task Force and in January, 1988 work got underway. An interim report was submitted in April, 1988 to the Interdepartmental Committee on Security and Intelligence (ICSI) and ICSI directed that the Task Force continue its work and prepare, as well, a draft "National Counter-Terrorism Plan". In January, 1989 the Plan was approved by ICSI and is being implemented on an administrative basis, pending Cabinet approval expected sometime this summer. After Cabinet approval, the Plan will form the basis for discussions with the provinces leading ultimately to their integration into the Plan and its implementation.

The Committee is generally pleased with the Cheriton Task Force Report, as far as it goes. In a general sense, the Committee wonders why another bureaucratic exercise

over 18 months was necessary essentially to confirm the Committee's observations and findings and why, more importantly, Cabinet has yet to review and approve the Plan. In the first Committee's Report, the Committee expressed concerns over the lack of political oversight of the federal government's counter-terrorism policies and establishment. The apparent lack of direct political involvement in the Cheriton Task Force process and the fact that Cabinet approval remains outstanding, indicate that Ministers and their senior political advisors remain reluctant to involve themselves directly in this important aspect of government. As long as this situation persists, counter-terrorism policies and procedures will not receive the attention and priority they deserve.

The Committee also has concerns or reservations about several specific recommendations in the Task Force report. These will be noted at appropriate points in the following Report.

In its 1987 Report, the Committee reviewed Canada's immigration policies and procedures in the context of counter-terrorism. Since then, the government has proposed and Parliament has approved amendments to the *Immigration Act* (Bills C-55 and C-84) that should go a long way to resolving many of the deficiencies identified by the Senate Committee. Given the extensive debate on that subject during the two Bills' review by Parliament and since it is too soon to judge their operational impact, the Committee did not revisit the subject of immigration policies and procedures.

The Report that follows sets out the Committee's understanding of developments and changes, including the response to the Committee's Report, in the other areas reviewed by the Committee in 1986-1987. The Report begins, however, with a brief on the extent and nature of the terrorist threat to Canada, focusing on any trends or developments over the past two years since the first Committee's last set of hearings.

In its Report released in July 1987, the Committee took pains to describe in some detail the background to and structure of the various aspects the Committee was reviewing. This Report does not duplicate those descriptions. Instead, the first page of each Part of this Report gives the reader the relevant page reference in the first Committee's Report for the descriptive background.

## Note - Counter-Terrorism Task Force

### Terms of Reference

"... a counter-terrorism Task Force is established for the purpose of planning and putting in place a comprehensive counter-terrorism contingency planning and crisis management capability for the federal government. The Task Force shall perform this task within the framework of approved government policies on counter-terrorism and existing Ministerial responsibilities for this subject.

Specifically, the Task Force shall address:

- the required interdepartmental policies, plans and procedures to ensure that the government is well equipped to respond in a coordinated and effective way to terrorist threats to Canada and Canadian interests and to manage terrorist related incidents effectively and efficiently;
- the means and resources required to test and maintain these capabilities;
- the required improvements in federal-provincial-municipal police and intergovernmental relationships in the counter-terrorism area, both government-wide and between individual agencies;
- the need for counter-terrorism research and development; and
- the need for policy development or actions by individual departments, in areas of government-wide impact.

The Task Force is to perform these functions in two phases; the planning of the capability should be completed by the end of January 1988. Implementation of the plan shall be completed by the end of 1988."

## The Nature and Extent of the Terrorist Threat to Canada<sup>1</sup>

---

### Summary

The number of terrorist incidents in Canada or affecting Canadians has fallen since the first Committee's Report. This is due to a number of factors, including a change in tactics by the major group in Canada responsible for "international" terrorist activities. That group has shifted away from terrorist threats and incidents in Canada to fund-raising for arms and operations for incidents mounted elsewhere. Improved security intelligence and law enforcement work also appear to be major contributing factors, although it is always difficult to make a direct causal connection. As one representative of CSIS said before the Committee: "It's always easy to know when we've failed. It's not as easy to demonstrate where we've been successful because nothing happens".

International terrorism continues to be the major terrorist threat to Canada, but the Committee notes the concern that domestic terrorism may once again be on the rise. "Narco-terrorism" and "mercenary terrorism" which are on the rise world-wide, have yet to make a significant impact on Canada.

### Background

In the few years prior to the first Committee's Report, there had been a series of incidents in Canada or involving Canadians that appeared to indicate that Canada's relative immunity to the scourge of terrorism was over. These incidents included two attacks by Armenian nationalist groups on Turkish diplomats in Ottawa, one resulting in death and the other in long-term paralysis (1982); the attempted assassination of a Punjabi Cabinet Minister on Vancouver Island by Sikh extremists (1986); an attack on the Turkish Embassy in Ottawa by Armenian nationalists that led to the death of the security guard (1985); a hostage-taking at the Bahamian High Commission in Ottawa (1986); a bomb-threat

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1. Corresponds to INTRODUCTION pages 1 through 17 of first Committee's Report.

(1985)

involving the Toronto Transit Commission subway system, and of course, the sabotage of Air India flight 182 that caused 329 deaths (1985).

Since 1987 and in spite of Canada acting as the host of four major international events that would be expected to attract terrorists' attention, the actual incidence of terrorism in Canada or affecting Canadians is down. There have, however, been a few incidents that demonstrate we can no longer be sanguine on the question: The editor of the *Indo-Canadian Times* in Surrey, B. C. was gunned down by Sikh extremists in August, 1988. In handing down his sentence, the judge termed the incident "a political act". Two Canadians were on board Pan Am flight 103 when it was blown apart over Lockerbie, Scotland. They, of course, were innocent bystanders in the event, caught in the cross-fire of an act apparently aimed at the U.S.. The April 7th bus hi-jacking falls within the definition of terrorism, but was quickly and effectively resolved by the police authorities. Otherwise, there have been a number of incidents of slogan-painting, vandalism, fire-bombing and so on that cross back and forth the boundaries between dissent, common-garden criminality and terrorism. These incidents have been linked to extreme elements of groups concerned about language issues in Quebec, animal rights or animal liberation, or "white supremacy".

The evident decrease in terrorist activity in Canada may be due to any number of factors including effective security intelligence and law enforcement work in Canada and abroad, the hardening of targets world-wide particularly in the developed countries, the continuing focus on Western Europe because of the relative ease of movement from country to country, the fact that terrorism generally seems to be moving to the under-developed countries who lack the resources to maintain sophisticated security systems and to harden their targets and tactical adjustments by certain groups who remain active in Canada.

The first Committee was surprised to discover during its hearings that no department or agency of the federal government maintained an accurate or up-to-date inventory of terrorist incidents for trend analysis purposes, or otherwise to assist policy makers in counter-terrorism. Since then, work on compiling such an inventory has been undertaken within the Department of the Solicitor General from public sources. The results were presented to the Committee and are reproduced, in part, in Appendix A to this Report.

That analysis and testimony from other sources indicates that the trend identified by the Committee in 1987 continues: Although the number of incidents is down

overall, international terrorism<sup>2</sup> continues to be the major threat to Canada. The three groups referred to in the first Committee's Report continue to be the major source of such terrorism, with the first group constituting, by far, the most serious threat.

### Tactical Adjustments

One of the reasons for the number of terrorist incidents affecting Canada having declined since the first Committee's Report is that tactics and strategies have changed somewhat. The group responsible for the largest number of incidents of international terrorism in Canada had, prior to 1987, mounted a number of actions in Canada and Canadians or people resident in Canada had been killed or injured.

Since 1987, this group has used Canada more as a venue for fund-raising activities to purchase arms and otherwise finance terrorism elsewhere; as a sanctuary for members of the group implicated in terrorist acts; and sometimes as a place of tranquillity to plan terrorist actions. This situation may mislead Canadians into feeling that terrorism is of little or no concern to them, because the threat from actual incidents in Canada is reduced. In fact, terrorist activity is on-going within Canada and it is part of our international responsibilities to continue to be vigilant against it, even when it does not impact directly on Canada or Canadians.

### New Trends

The Committee was advised of two disturbing trends in international terrorism. The first is "narco-terrorism": the development of symbiotic relationships between terrorists and major illicit drug empires. For the terrorist, the relationship provides a source of financing for arms and operations. For the drug lords, the relationship provides protection. The two also have many logistical and tactical problems and approaches in common. The second is "mercenary terrorism": terrorist groups or individuals who have outgrown or outlived a particular cause and are now available for hire to apply their skills and experience to any group that can pay the price. Mercenary terrorism was a concern expressed by the first Committee in its Report.

According to security intelligence and law enforcement officials, neither trend has yet been evidenced in Canada to any significant degree.

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2. Defined by the first Committee as terrorism motivated by issues or grievances springing from past or current actions or situations in another country and the ultimate focus is on that other country's people and government.

Although international terrorism remains for the foreseeable future the principal threat to Canada and Canadians, evidence by security intelligence and law enforcement officials indicated that they are concerned about what may be a re-emergence of "domestic"<sup>3</sup> terrorism.

Domestic terrorism reached its zenith in Canada in the late 1960's and early 1970's due largely to the activities of the FLQ in Quebec. There was a surge of domestic terrorism once again in the period 1979 to 1983, due to the activities of a number of groups, many of whom were identified with left-wing causes. Domestic terrorism was clearly on the wane, however, since 1983. Language issues, native concerns, and groups associated with the animal rights or animal liberation movement and "white power" groups may provide the level of emotionalism and radicalism that will attract to their fringes people who will be inclined to engage in terrorist activity.

Responding to and curtailing the threat from international terrorism puts particular emphasis on our relationships and co-operation with law enforcement and security intelligence agencies of foreign governments, on immigration policy and procedures and on security at borders and other points of entry, such as airports. Domestic terrorism puts more emphasis on CSIS' own intelligence-gathering and threat assessment capability and on co-operation and co-ordination with law enforcement agencies within Canada.

The extent to which the federal counter-terrorism establishment has been improved to respond to the threat identified in 1987 and to the change in tactics and the re-emergence of domestic terrorism will be reviewed in the following two Parts of this Report.

---

3. Defined by the first Committee as terrorism motivated by Canadian issues, or concerns and focusing ultimately on Canadian governments, wholly or in part.

## The Federal Government's Counter and Anti-Terrorism Establishment<sup>1</sup>

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### Summary

A number of reforms have been implemented on an administrative basis that respond to the first Committee's Report. The Committee believes, however, that a fundamental structural problem persists: The continuation of the Ministry of the Solicitor General as the "Lead Ministry" for responding to terrorist crises. The Committee persists in the view that the Ministry has neither the resources, the stature nor the statutory authority in order to effect this role as a matter of practice. The Committee recommends that a generic "crisis management" function be created within the PCO.

By their nature, airports and aircrafts will continue to be vulnerable points in our counter-terrorist defence system. The Committee recognizes that progress has been made, but supports the commitment of increased resources and priority to airport security.

### Background

#### The Cheriton Task Force Recommendations

In its report to ICSI, the Counter-Terrorism Task Force listed four major shortcomings of relevance to this Part in the federal government's counter-terrorism policy planning and crisis management. Some of these shortcomings had been identified by the first Committee in its Report. The shortcomings related to lack of an effective organization (in resource, location and mandate terms) to co-ordinate the development of a counter-terrorism program and to manage the program, a need for improved integration and co-ordination of government policy direction and police operations during a specific incident, a requirement for enhanced intelligence support in the management of a crisis and a need to regularly test and improve the system through training and exercises.

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1. Corresponds to PART II, pages 45 through 70 of first Committee's Report.

PART II

Three basic solutions were proposed: First the creation of a central co-ordinating body within the Police and Security Branch of the Ministry of the Solicitor General. This body, called the National Security Co-ordination Centre (NSCC) was established in March, 1989 and has a total of 14 people assigned to it on a full-time basis.<sup>2</sup> In essence, its mandate is to handle the strategic management of the national counter-terrorism program and to co-ordinate the response to a terrorist incident within Canada. It includes an operations centre, manned during working hours and otherwise accessible through a duty officer, that would be fully activated in the event of a terrorist threat or incident occurring within Canada. (The Committee was advised that up to 35 people would be working in the NSCC during an actual incident. ) In responding to such an incident, the NSCC becomes the National Policy Centre, co-ordinating and integrating government policy with police operational requirements. Also attached to the NSCC is an Operations and Exercises Division to continually test and refine the system through training and exercises.

Second, the creation of a central Plan for dealing with terrorism and responding to a terrorist incident. The National Counter-Terrorism Plan which now awaits Cabinet review and approval is the product of discussions and negotiations among the key federal departments and agencies. After Cabinet approval, consultations will begin with the provinces with a view to integrating them into the Plan and -- in specific response to the first Committee's recommendation -- the extension of the federal government's Interdepartmental Terrorist Alert System (ITAS) to law enforcement agencies at all levels.

Third, joint intelligence cells, each having specific intelligence responsibilities, will be created for each terrorist crisis to support the police commander at the scene and the policy-makers at the NSCC.

### **Committee Observations and Recommendations**

#### The "Lead Minister" Concept

In the federal government, no one department or agency has had the breadth of powers and duties to be able to deal alone with terrorism or a terrorist incident. Powers and duties are, in fact, shared among a number of departments and agencies as set out in the first Committee's Report.

---

2. Compared to 13 assigned to its predecessor the Security Planning and Co-ordination Directorate.

Because of the distribution of duties and powers, a co-ordinator is needed. For counter-terrorism policy planning in general, that co-ordinator is the Department of the Solicitor General, namely the new NSCC. As in its 1987 Report, the Committee agrees with this designation and hopes that the implementation of the organizational and other reforms proposed by the Cheriton Task Force will help the Department fulfil its mandate more effectively than has been the case in the past.

For the management of the response to actual terrorist crises, the co-ordinator becomes the lead Minister or Ministry. As in 1987, the lead Minister for the response to terrorist incidents involving Canadians or Canadian interests in a foreign country is External Affairs; for a terrorist incident involving a Canadian carrier in international or Canadian airspace or waters, the lead Ministry is Transport; for a terrorist incident within Canada, the lead Ministry is the Solicitor General.

To the Committee's understanding in 1987, the "lead Ministry concept" meant that the Ministry had the co-ordination responsibilities, but also by statute, international treaty or whatever, had the power in the absence of a consensus, to make or force a decision. This was subject only perhaps to the Prime Minister's concurrence for certain actions and in recognition, as for any government action, that as events and their implications expand, other decision-makers will be involved and perhaps the locus of decision-making would move upwards. While witnesses appearing before the Committee had varying definitions or explanations of the concept, in the cases of External Affairs and Transport they appear to be lead Ministries in the way the concept was originally understood by the Committee.

The lead Ministry concept appears to be materially different in the case of the Department of the Solicitor General in response to a domestic terrorist incident. In this circumstance, the Department seems more akin to a "convener", making sure that all the necessary decision-makers are gathered, requisite information and intelligence provided, a consensus encouraged and decisions communicated to the operational people. When a consensus is reached, the process works. When a consensus is not reached, the Solicitor General appears to lack either the statutory or conventional power to force or make a decision at virtually any stage or level. In such a case, the Privy Council Office becomes the de facto lead Ministry (as originally understood by the Committee), either forcing a decision, or taking the matter to higher political levels where a decision will be made. In fact, the NSCC and the National Counter Terrorism Plan explicitly provide for the locus of decision-making moving upwards in such instances or in response to very serious incidents. Certain

initiatives, such as the deployment of the RCMP SERT, cannot be taken without the Prime Minister's direct involvement.

The Committee concludes that this situation is a natural function of the relatively junior status of the Solicitor General and his Department and, unlike Transport and External, the absence of clear statutory powers and obligations. It is perhaps simplistic, but the operations centres of the Ministry of Transport and the Department of External Affairs are larger, more sophisticated and have substantially more experience in responding to a range of crises than the NSCC in the Department of the Solicitor General.

Defenders of the Solicitor's General and Department's role claim that over time with training, exercises and experience the system will be proved to work, officials will become comfortable in and confident of the Plan and the role of the Solicitor General and both will become accepted and entrenched. While the Committee recognizes the merit behind this approach, it also recognizes that constant turnover in personnel will vitiate its chances of success. In this regard, the Committee has noted that since tabling its Report in July, 1987 virtually all of the senior security and intelligence personnel in Solicitor General's, PCO, External, RCMP, CSIS and Immigration have changed. The Committee recognizes that this personnel fluidity is, to a considerable degree, a function of the job. Unless one is committed to a career in the security intelligence and law enforcement field, these positions do not hold much attraction in bureaucratic terms other than as short-term postings. Constant personnel turn-over will continue to be the rule, enhancing the importance of agreements and understandings that do not rely solely, or even largely, on personalities and inter-personal relationships.

The Committee reaffirms the concern expressed in the first Committee's Report about the ability of the Department of the Solicitor General to effectively manage the government's response to a terrorist emergency. The Committee persists in the belief that the proper location of this function -- for all terrorist incidents involving Canadians or Canadian interests -- is in the PCO. Once again, the Committee was faced with the opposition by the PCO to assuming this role for the reasons set out in the first Committee's Report. In all candour, however, the PCO's objective in maintaining the function in the Department of the Solicitor General seems to be to keep the function at arm's-length from the Prime Minister and the PCO, but still easily within their grasp. The rationale behind the PCO's position is not to overburden the Prime Minister with responsibility for the on-going management of the system, but to give him the ability to take control if and when he wishes. This begs the question of whether the PCO is equipped or otherwise adequately prepared to manage a response to a major terrorist crisis.

In this situation the Committee has two alternate recommendations:

Either develop in the PCO a general crisis management centre with the mandate and capability to respond to a wide range of crises from terrorist incidents, through natural disasters to major political crises under the direction of the Prime Minister and Cabinet. The development of an infrastructure around the centre, plus the wide range of uses to which it would be put would give it the relevant experience and credibility to respond to terrorist incidents as one type of crisis management within its mandate;

Or, at a minimum, vest the Solicitor General and the Department of the Solicitor General with clear statutory powers that give it the ability to force or make decisions, within the general framework of the Cabinet government, in response to a terrorist emergency.

In any event, the Committee recommends that the Solicitor General be given clear statutory powers to be the de jure lead Ministry within the federal government on counter-terrorism policy and planning.

### CSIS

CSIS evidently has made progress in stabilizing its operations and in establishing good working relationships with foreign security intelligence agencies. All this is important in the fight against terrorism. While resources committed to the Counter-Terrorism Branch have remained constant, there has been an increase in the number of CSIS personnel committed to Canadian missions abroad.

After the first Committee's Report, CSIS reviewed its internal contingency planning for terrorism. Of particular interest to the Committee is CSIS' apparent increased commitment to analytical resources, including the hiring or secondment of outside experts to assist in the interpretation of events around the world that may be of relevance to Canada in our fight against terrorism. This was an area of concern identified in the first Committee's Report.

### CSIS and the RCMP

The Committee is pleased at the evident progress made in working relations between CSIS and the RCMP in the last few years. Joint exercises and operations have obviously helped considerably. The Committee remains concerned, however, that CSIS is

still denied full access to CPIC, but has been assured that full on-line access is scheduled for completion by December, 1989.

### SERT

The RCMP Special Emergency Response Team (SERT) appears to be gaining recognition by its foreign peers as a well-trained, highly competent and able unit.

While witnesses indicated that some consideration had been given to the question, the Committee notes again with concern that no policy decision has been made or legal authority yet exists for the deployment of SERT in international waters or in foreign territory in response to a request from a foreign government to assist in the response to a terrorist incident that involves Canadians or Canadian interests abroad. The Committee points out again that policies should be defined and the necessary legal framework in place in advance of such incidents so that Canada at least has the option to respond quickly if asked.

The Committee reserves its comments on joint training between SERT and provincial and municipal police forces for Part III of this Report.

### Intelligence-Gathering and Threat Analysis

Little attention appears to have been given, by the Cheriton Task Force or otherwise, to the concerns raised by the first Committee about the gathering, co-ordination and dissemination of intelligence and threat analyses, within the federal government by the myriad departments and agencies engaged in this activity.

The Committee wonders whether intelligence from these sources within and outside the federal government is gathered, co-ordinated, analyzed and disseminated quickly and effectively. The Committee refers to the recommendation in the first Committee's Report to expand and enhance the Security and Intelligence Secretariat of the PCO for this purpose and suggests this option be given further consideration.

### Transport and Air Security

The Committee is pleased at the evident progress made by the Ministry of Transport, particularly in the area of airport security, but much work remains to be done. In the first Committee's Report the Committee noted that RCMP detachments assigned to federal airports reported to the airport manager. However, the practical reporting relationships to both the airport manager and RCMP headquarters had real potential for

confusion. Now, the RCMP detachment works under a contract with the airport manager that specifies performance deliverables relating to security matters. Transport has also initiated a number of exercises involving the RCMP, airport personnel and the police forces of local jurisdiction.

One area of persistent concern, however, relates to the security clearances of airport personnel. In the first Committee's Report, the Committee noted that regulations were being prepared to allow for security clearances of airport personnel such as private security personnel working under contract, cleaners and so on. Such individuals are now going through the security clearance process operated by CSIS, but the time being taken in individual cases averages out to about 60 days. In the meantime, the individual may work at the airport, but must be accompanied at all times until fully cleared. Because of the transitory nature of the workforce involved, a large percentage of those on duty at any one time will not have been cleared for security purposes. Although the escort system helps, it does not guard effectively against security risks using their access to reconnoiter or infiltrate airports and sensitive areas.

To a considerable degree, the problem is insoluble since many of the people concerned are immigrants from countries that are unable to respond quickly and effectively to security clearance requests from CSIS and it would be impractical -- and perhaps unconstitutional -- to deny them the right to work until they had been cleared.

Under the circumstances, the Committee can only encourage CSIS to give priority to the security clearance of airport personnel and to use every available means to process the clearances expeditiously.

The Committee was also concerned about the apparent continued vulnerability of the system, as displayed through Transport Canada's own tests. New leading edge but proven technology is required together with a closer examination of passengers prior to boarding and, in general, an increased commitment of resources to the security of airports under federal control. The Committee urges the government to give particular attention to the requirements of airport security in the transfer of any airports to municipal, provincial or private sector ownership and control.



## Intergovernmental Arrangements and Co-operation <sup>1</sup>

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### Summary

In its Report, the first Committee was concerned at the state of federal-provincial-municipal co-operation in counter-terrorism policy planning and in crisis management. Since then, considerable progress has been made, but some of the apparent progress may be counter-productive.

The Committee is concerned about the 61(2) agreements negotiated between the RCMP and certain other police forces in that they may erode the RCMP's "primary responsibility" and may continue uncertainty over "who is in charge" during an incident. The Committee is also very concerned that a basic 61(2) agreement is still not in place with the Government of Quebec, a full five years after the *Security Offences Act* was passed.

The Committee also notes that much more could be done in joint training and exercises between the RCMP (particularly the RCMP SERT) and provincial and local police emergency response teams.

### Background

As was reflected in the first Committee's Report, the Committee was very concerned about the extent of co-operation and co-ordination between the federal government and provincial and municipal agencies in counter-terrorism policy planning and in crisis management. Of particular concern to the Committee were relations between the RCMP and provincial and municipal police forces.

Under the *Security Offences Act* (Section 61(1)), Parliament has given the RCMP "primary responsibility" in the response to security offences as defined under the Act. Even at that, it is difficult to imagine a terrorist incident that involves only the RCMP. The local and perhaps the provincial police force will also be engaged. In fact, the local police force will usually be the first on the scene and will assume responsibility for at least the

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1. Corresponds to **Intergovernmental Arrangements and Cooperation: Crisis Management**, pages 36 through 42 in first Committee's Report.

initial response. As a consequence, good working relationships, joint exercises and training and mutual agreements that are clearly, mutually understood for the inter-force handling of terrorist incidents are critical.

There is no doubt, from testimony heard by the Committee, that much progress has been made in inter-police relations since the first Committee's Report. It is also evident that much work remains to be done. Some of the problems that persist were illustrated by the police response to the April 7th bus hi-jacking incident. The Committee feels a certain amount of impatience, wondering what or how long it will take to address these issues.

#### The Cheriton Task Force

The Cheriton Task Force identified three major shortcomings of relevance to intergovernmental co-ordination and co-operation. They were the absence of a national contingency plan and common procedures at the national and provincial levels; the lack of federal-provincial consultations and agreement on counter-terrorism arrangements; and the failure to test the crisis management system with provincial and municipal players.

The Task Force has produced the National Counter Terrorism Plan which now awaits Cabinet approval. That Plan was characterized to the Committee as a fluid document that will be regularly up-dated to reflect experience, changing circumstances and requirements. The Plan will eventually include provincial participation as an integral part of the response and one assumes that the fluidity of the document is, in large part, to accommodate consultations, negotiations and arrangements with the provinces.

It was clearly part of the Task Force's mandate to address the requisite improvements in federal-provincial-municipal police and inter-governmental relationships in the counter-terrorism area. Yet the Plan, as now cast, was prepared with little or no provincial consultation or contribution. Those responsible for the Plan say that it was necessary for the federal government to get its own house in order before approaching the provinces and municipalities. Recognizing that there is a certain logic in this position and recognizing the complexities of federal-provincial relations, the Committee is concerned that this strategy will be seen by the provinces as a continuation of the paternalistic attitude which has too often characterized the federal approach to counter-terrorism policy planning issues in the past and will delay or frustrate provincial incorporation into the Plan. The Committee encourages the government to proceed with all possible haste to consult the provinces and achieve their integration into the Plan.

## Committee Observations and Recommendations

### Subsection 61(2) Agreements

Subsection 61(2) of the *Security Offences Act* authorizes the Solicitor General, with the approval of the Governor in Council, (i.e. federal Cabinet) to enter into arrangements with the provinces concerning the responsibilities of the RCMP and provincial and municipal police forces to assist the RCMP in its execution of its primary responsibility under the Act. In the first Committee's Report, the Committee noted that agreements were in place with all provinces except Ontario and Quebec and that the agreements in place were broad and vague and amounted essentially to a restatement of the *Security Offences Act* (Section 57).

Since 1987, Ontario has signed an agreement. Although an agreement exists with New Brunswick, certain issues apparently remain outstanding. No agreement exists with Quebec, although high-level discussions on a draft agreement are currently underway. There is reason to believe that the lack of a 61(2) agreement with Quebec may have been a factor in the apparent communications break-down between the RCMP and the Sûreté du Québec during the early stages of the April 7th bus hi-jacking incident.

Further, the quality of the agreements has not improved since 1987. While the formal requirement for agreements has been met, the Committee has little faith in their practical or operational utility.

The Committee's evaluation of the 61(2) agreements was not seriously attacked by witnesses before the Committee and was, in fact, supported by the Cheriton Task Force. Several witnesses explained, however, that the 61(2) agreements' essential purpose was to allow for bi-lateral agreements between the RCMP and provincial and local police forces which are much more important from a practical and operational point-of-view. The Committee accepted this logic, at least in part, and turned, therefore, to an evaluation of the police arrangements.

### Inter-Police Force Agreements

Bi-lateral agreements between the RCMP on one hand and provincial and municipal police forces on the other, subsidiary to the federal-provincial 61(2) agreements,

exist with: the Metro Toronto Police Force, the Peel Regional Police Force, the Ottawa Police Force <sup>2</sup>, the Calgary Police Force and the Edmonton Police Force. Accordingly, with several notable exceptions such as Vancouver, Montreal, Quebec and Halifax, agreements with the larger metropolitan police forces are now in place.

The RCMP and the Department of the Solicitor General negotiated an agreement with the Metro Toronto Police (MTP) first and used that agreement as a model for and as leverage with other police forces. The strategy appears to have worked. Based on the Toronto precedent, other police forces, including Windsor and London, Ontario have indicated a willingness to follow suit.

The Committee, however, has grave reservations about the content of these arrangements, particularly from the perspective of RCMP primacy. As indicated earlier, Parliament, through the *Security Offences Act*, has unambiguously vested "primary responsibility" with the RCMP in the resolution of "security offences" as defined by section 57 of the Act. In the Committee's mind, that statutory responsibility imposed on the RCMP is clear and cannot be abrogated or delegated.

Yet, in the agreements reached to date, the RCMP appears to have done just that. Pursuant to the agreement entered into with the Metro Toronto Police Force, the approach to a security incident unfolds as follows:

- The first police force to respond (RCMP, OPP or MTP) takes all necessary steps to isolate the incident, safeguard human life, prevent destruction of property and prevent continuation of the offence.
- If the first police force to respond is other than the RCMP, the police force immediately advises the RCMP "of the circumstances and status relative to the situation".
- As other police forces arrive, the original police force continues to exercise "lead responsibility" unless and until the lead responsibility is transferred to one of the other forces (not necessarily the RCMP) by mutual agreement of the police forces of jurisdiction who have responded to the incident. Agreement emanates from the "management team" set up at the site consisting of representatives of all police forces

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2. Known only as "Working Arrangements to Facilitate Enforcement of the Security Offences Act Within Ottawa".

at the site. The "management team" also decides "...duties and responsibilities under which each police force will act". In the case of an incident in Metro Toronto, the "management team" could consist of one representative from each of the RCMP, OPP and MTP, meaning that the OPP and MTP would have the *de facto* power to decide which force assumes "lead responsibility".

Although the agreements vary in detail and specifics, the "mutual agreement" principal is common to all of them.

In the first Committee's Report, the Committee expressed two generic concerns about the federal primacy formulation in the *Security Offences Act*. First, that it may be operationally impractical recognizing that the local police force would almost always be first on the scene and would wish to carry through with the resolution. Second, that federal primacy may be taken literally by the RCMP, requiring a "hand-off" from one police force to the RCMP at some point during the incident, thereby running the risk of confusing or jeopardizing resolution of the incident. The Committee recommended joint, co-operative police responses, underwritten by extensive joint training, joint exercises and prior operational agreements and understandings.

RCMP witnesses appearing before the Committee argued that under the new agreements responses would be joint, that transitions of lead responsibility (if any) would be handled smoothly and that nothing in the agreements would prejudice the exercise of federal primacy.

Other police force witnesses were not as comforting. It appears that if the "management team" could not reach agreement on who would exercise lead responsibility, the decision would be referred to a higher level, ultimately to the provincial Attorney General and the federal Solicitor General. This is no improvement on the situation described in the first Committee Report and is unacceptable in responding to a rapidly-unfolding, emergency situation. The RCMP, if they are to effect their "primary responsibility", must have the means to delegate operational command or assume operational command themselves, at the site and with no argument. There is nothing in the agreements that clearly allows the RCMP to do so, in fact quite the contrary, and this represents a serious deficiency.

In fact, local police forces seem to believe that the RCMP can delegate its primary responsibility to them and that such a decision could be made by mutual agreement within the "management team". Witness, for example, an excerpt from Standing Order

No. 70 of the Metro Toronto Police (November 7, 1988) which endeavours to interpret for operational purposes the RCMP-MTP agreement:

Section 61(1) of the *Security Offences Act* provides that members of the Royal Canadian Mounted Police have primary responsibility to perform the duties that are assigned to peace officers in relation to any offence referred to in Section 57 of the *Security Offences Act*.

However, by agreement of the federal and provincial Solicitor Generals (sic) this responsibility can be specifically ceded to local authorities. (emphasis added)

The Committee has been consistently concerned that confusion over "who is in charge" at a terrorist incident can endanger life and property, frustrate resolution of the incident and militate against the impression that must be generated that the authorities and not the terrorist are in control of the situation. The Committee feels that the RCMP - local police agreements, rather than clarifying the situation, have only papered over and may continue the confusion and "turf wars" which the Committee witnessed two years ago. The Committee also points out, that regardless of the merits of the primary responsibility formulation in the *Security Offences Act*, no one short of Parliament may cede that responsibility to any other police force, regardless of the circumstances.

The Committee strongly recommends that all RCMP - local police agreements contain a clause that clearly and unambiguously allows the RCMP, at its own discretion to exert "operational command and primary responsibility" at any time in the response to a terrorist incident, recognizing that the response will, in most cases, continue as a joint force operation.

#### Joint Force Training and Exercises

Given the practical realities of responding to a terrorist incident, in virtually all imaginable cases, the response will involve two or more police forces. It is imperative, therefore, that police forces learn to work together and that is best accomplished through joint training and exercises. In the first Committee's Report, the Committee expressed grave concerns about the lack of joint training and exercises and the impact this could have on the effective response to an incident.

Much progress has been made in this regard since 1987. The Commonwealth Heads of Government Meeting, the Conference of La Francophonie in Quebec City, the

Calgary Olympics and the Economic Conference in Toronto have each acted as catalysts for police forces to plan and work together. These have been set-piece exercises, however, for which it was possible to have extensive planning. The response to an actual crisis is different in many respects and puts the response system to its maximum test. There have also been several major exercises involving the RCMP, provincial, municipal and foreign police forces, including a major international exercise this June. All this has greatly improved understandings, co-operation and co-ordination among police forces as evidenced in testimony before the Committee.

A consistent plea made by representatives of provincial and local police forces appearing before the Committee, however, was for more joint training and exercises, particularly with the RCMP SERT. The Committee has heard that while the RCMP SERT has held joint training and exercises with analogous foreign units such as the British SAS and the US Delta Force, it has held no joint training or exercises with other Canadian police forces' emergency response teams. While Peel Regional Police and Metro Toronto Police have had joint training and operations with the RCMP ERT, nothing has occurred with the RCMP SERT. Further, to-date, SERT has not been called upon to respond to any terrorist incidents, while since its creation in 1982, the Metro Toronto ERT has responded to 1,400 situations involving firearms, explosives or hostages.

In the Committee's view, the benefits of joint training and exercises are self-evident. The Committee cannot understand the RCMP's apparent reluctance to engage in more joint training, especially involving the SERT. Before the first Committee, the RCMP expressed a somewhat condescending attitude to local and provincial police ERTs as a reason for their reluctance to engage in joint training. At that time, their argument was somewhat circular: The SERT should be located with the RCMP because it is essentially a police operation. But joint training was eschewed because the RCMP SERT was qualitatively different in its response to that of local and provincial police forces. The Committee trusts that this attitude no longer prevails and that joint training and exercises will proceed and will be extended to other police forces and the commitment of the necessary resources will occur in order to allow this to happen.

#### Co-ordination Between CSIS and Crown Prosecutors

In the first Committee's Report, the Committee noted the frustration that some Crown prosecutors had in prosecuting alleged terrorists without benefit of witnesses or information from CSIS. The Committee was of the view that this frustration originated due to a lack of understanding of CSIS' role: CSIS has no mandate to gather evidence to support

criminal prosecutions and must protect its sources in order not to prejudice on-going investigations.

The Committee was pleased to hear that CSIS has embarked on a program of consultations with Crown prosecutors to open channels of communication and to inform them of the limitations imposed by CSIS' mandate.

#### CSIS and Local Police Forces

Since the transfer of the security intelligence function from the RCMP to CSIS, CSIS has encountered problems in obtaining the requisite degree of co-operation and communication with provincial and municipal police forces. Much of this is due to CSIS not being a "police force" and to difficulty some police forces have in categorizing CSIS and understanding and appointing its role.

CSIS witnesses before the Committee claimed that CSIS has enhanced its liaison with provincial and local police forces and smooth working relationships now exist with police in dealing with terrorism. Although some progress has been made, the view from the other side is not quite as encouraging. Some local police forces continue to have difficulty relating with CSIS and more work remains to be done.

### The Role of the Media<sup>1</sup>

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#### Summary

As explained in the first Committee's Report, live media broadcasts of a terrorist incident have great potential for harm. In its 1987 Report, the Committee was equally critical of the media and the police for its handling of terrorist incidents from the media perspective.

While the major media outlets and personalities seem to be more sensitive and have adjusted policies and actions accordingly, they have done so largely without assistance from the police, in particular the RCMP. Although the RCMP has taken some actions to consult with the media, the RCMP simply must do more to acquaint the media with the operational requirements and limitations of the police during an incident and to work towards jointly-agreed and understood guidelines and a framework for the conduct of police-media relations. Since personalities change, this will be a continuous exercise by the RCMP and the media.

#### Background

In the first Committee's Report, the Committee reviewed the role of the media in its coverage of terrorist threats and incidents and police-media relations during and immediately after an incident. It is not possible to study terrorism without some look at the media because the essential purpose of terrorism is to draw attention to a cause or a grievance and the most effective way for a terrorist to do so is through the media.

From testimony before the first and this Committee, it is clear that the media can and does perform a beneficial role in the handling of terrorist incidents. For example, media cameras can provide police and security officials with pictures that are useful for operational purposes; media coverage can provide a safety-valve, demonstrating to a terrorist that his cause or grievance has been aired and there is no purpose served by

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1. Corresponds to PART IV, pages 97 through 114 in first Committee's Report.

prolonging the incident, or by increasing the level of violence; media coverage can also communicate an important message to the public that police and government officials are in control of the incident, not the terrorist; and media coverage will also be the most effective mechanism through which police and law enforcement officials can be brought to account and their performance judged.

It was, however, clear to the first Committee (from testimony provided by law enforcement officials) that media coverage can also be harmful, in some cases prejudicing the resolution of the incident and jeopardizing the lives of hostages and police officers. The first Committee examined, with law enforcement and media representatives, media coverage of the Turkish Embassy incident which occurred in Ottawa on April 1, 1986. It appeared that coverage of that incident by the broadcast media jeopardized or potentially jeopardized the operation in three generic areas:

First, the media physically or by telephoto lenses penetrated the police cordon set up around the site.

Second, until police belatedly cut the lines, the media contacted the terrorists directly by telephone, tying up phone lines into the site and communicating who the terrorists were and their demands.

Third, coverage disclosed the location of the police operations centre, police sharpshooters, the disposition of SWAT teams and their likely mode and point of entry into the Embassy and the hiding-place of the Ambassador who was the principal target of the terrorists.

The first Committee was also critical of the police in their handling of media relations during the incident. Some sensitive information was actually disclosed by police officers to the media and the general conduct of police-media relations did not maintain a high level of professionalism.

The first Committee made several recommendations relating to police-media relations and the preparation of guidelines jointly by the police and media for the coverage of terrorist threats and incidents.

The major challenge facing the first Committee was to find a balance between the media's beneficial role --particularly the accountability function --and the potentially harmful role.

### **Committee Observations and Recommendations**

Based on prior research, discussions with the RCMP and on a review of some of the tapes of media coverage of the April 7th bus hi-jacking incident, several Committee members were prepared to be quite critical of the media's performance. It appeared that the same generic problems identified in the Turkish Embassy incident had occurred again: Journalists had penetrated the police cordon and had continued to stay inside that cordon; media coverage had appeared to disclose the strategic movements of police officers and SWAT teams and the position and relative vulnerability of hostages and the hostage-taker.

In informal discussions and in *in camera* hearings with RCMP representatives, they expressed concerns, giving examples of media coverage that was potentially harmful. Yet, RCMP testimony also indicated that there was no facility currently available to monitor all media broadcasts "in real time" during a terrorist incident to determine if coverage was harmful or potentially harmful, nor to-date has there been *post facto* analysis of coverage of the April 7th incident to arrive at any conclusions in this regard. Then during the public segment of hearings, the RCMP could not or would not give any examples of media coverage that caused or could have caused operational problems on April 7th.

Journalists appearing before the Committee who were involved in the April 7th coverage were impressive in their testimony and suggested that the April 7th incident was considerably different from the Turkish Embassy incident: The April 7th incident took place on Parliament Hill in full view of thousands of spectators; the hostage-taker had a wide range of view to see for himself the movement of police and SWAT teams; although police removed personnel from the adjoining buildings, they made no attempt to move a media car located some 30 yards from the bus from which live broadcasts emanated; no deaths or injuries had occurred and at all times police appeared to be in full control of the operation and no armed police assault seemed to be in prospect; and the media had, in fact, withheld information from broadcasts that they thought might reasonably be expected to harm the operation in some fashion. As one witness stated: "The media has a right to know, but (this) is not paramount to the safety and security of the police or hostages". The CBC, in particular, appears to have substantially altered its approach to coverage over that of the Turkish Embassy incident.

It is the Committee's opinion based on a common-sense point-of-view that some live broadcasts from the scene had the potential to cause operational problems or jeopardize lives. Live coverage did disclose the location and movement of police officers including SWAT team members, it did disclose that negotiations had reached a decision to wait the hostage-taker out and not attempt an armed assault, it did disclose that a change in dress by the hostage-taker had made him less visible to sharpshooters and others watching his movements and, as occurred with the Turkish Embassy incident, reporters broadcast information that they had picked up by eavesdropping on conversations between police officers.

The Committee rejects the argument that the hi-jacker himself had a full field of vision from which he could view officers' movements. At any one time, he could not be looking in all directions and one would assume that personnel tactical movements would take place when the subject was looking elsewhere or otherwise occupied.

Furthermore, if the media witnesses themselves claim an understandable ignorance of police operational tactics, they are poor judges of what can be broadcast and what cannot from the perspective of harming those tactics.

#### The Public Affairs Function

The first Committee expressed concerns and reservations about the role and management of the public affairs function and the type of people who staff the function, particularly in the RCMP. The Committee was concerned that police-media relations, in general and during a terrorist incident, would not be placed on the best possible footing unless changes were made. These concerns and reservations persist. In areas of direct concern to the Committee, the public affairs function appears to have been overly reactive, tentative and to a considerable degree ineffective in meeting the concerns and recommendations of the first Committee. Public affairs officers from the RCMP appearing before the Committee gave testimony that was often conflicting and confusing. Because this particular session was held in public, the Committee also concluded that these particular RCMP witnesses were engaging in a public affairs exercise, indicating that they were making every effort to improve police-media relations while only rarely addressing this relationship in analytical or experiential terms during the course of an actual incident. When operational questions were asked relative to media coverage, the RCMP witnesses demurred, suggesting they lacked the operational experience to respond.

The Committee can only recommend again that the RCMP and the Department of the Solicitor General take a fresh and objective look at the staffing, mandate and management of their public affairs areas. The effective operation of this area is critical to an improvement in police-media relations generally, towards the development of practicable guidelines and to a good working relationship with the media during a terrorist incident.

### Media Guidelines

Within hours of the first Committee releasing its Report, the then Solicitor General stated that neither he nor his Department would initiate discussions with the media towards the preparation of guidelines on the handling of a terrorist threat or incident.

Since 1987, however, several quarters of the media have made substantial progress in preparation or improvement of their own guidelines. They must have done so in a considerable vacuum, however. Media witnesses appearing before the Committee on the April 7th incident claimed an understandable ignorance of police tactics during a terrorist incident and in what fashion or to what extent they might be prejudiced by media coverage. The media witnesses held that it was up to the police to advise the media on when live broadcast might undermine those tactics.

On May 25th, the Commissioner of the RCMP met with senior managers responsible for policy matters within the principal Canadian media organizations to review, in part, media coverage of the April 7th incident. Arising out of that meeting, according to RCMP witnesses before the Committee, was agreement from the media organizations represented to cease live coverage of a terrorist incident if such was necessary in the view of the RCMP for the safety of individuals and the successful handling of the incident. A larger symposium between the RCMP and media representatives will be held within three to four months to continue this discussion.

The Committee welcomes this initiative. The Committee notes, however, that the May 25th meeting obviously occurred after the April 7th incident and was, therefore, a reaction driven by the incident rather than the issue. The Committee all along has tried to convince government and police officials to take a pro-active, rather than a reactive, stance to terrorism in order to be in a better position to respond.

Further, from testimony from media witnesses, it is clear that the RCMP and other police agencies have a lot more to do in acquainting the media with their operational limitations and requirements. In this regard, the Committee heard from media witnesses

that the CBC made proposals relating to media coverage and police-media relations to the RCMP and Ottawa Police Force after the Turkish Embassy incident. While the Ottawa Police Force responded, the RCMP has not. The Committee is clearly disappointed with the RCMP's apparent reluctance or inability to respond and can only encourage and support the RCMP to accelerate its discussions with the media towards guidelines that balance the needs and circumstances of the media and the police.

### Police-Media Relations

Improvements have evidently been made in the conduct of police-media relations during a terrorist incident since the first Committee's Report.

During the April 7th incident police cordoned off the area quickly, even though the objective was considerably neutralized by high-rise buildings in close proximity that afforded journalists and cameras excellent vantage-points; a briefing room and regular half-hour briefings were provided by the police to the media while the incident was still going on; an RCMP corporal was provided to give the briefings and to respond to questions from the media; RCMP and Ottawa police officers provided a full briefing to the press after the incident. No pool arrangements were set up, however, that would have allowed a few journalists a vantage point over the site to record --and in some instances broadcast --the event as it unfolded. Nor did the police counsel the media on what was acceptable to broadcast from an operational point-of-view and what was not. The Committee agrees with a media witness' testimony that the police cannot count on an institutional memory within media organizations. Accordingly, the police have to take the initiative to counsel journalists on what can be broadcast with impunity and what cannot prior to, during and after an incident.

The Committee believes it essential that the RCMP establish a facility for monitoring local radio and television coverage in real time during a terrorist incident in order to be able to counsel media on coverage and, in severe situations, to ask a particular outlet or outlets to cease their live broadcasts or to modify those broadcasts to the extent police believe information is being broadcast that can reasonably be expected to jeopardize lives or prejudice the operation. This means having the technical and manpower capability to monitor continuously each radio and television outlet whose signal can be received by the terrorist, with a facility to communicate directly with each newsroom in order to advise on information or activities that should not be broadcast live.

The Committee also finds it difficult to comprehend why the RCMP did not move the television journalists parked in a clearly-marked television car parked within 30

yards of the bus. The journalists within that car clearly had the means to broadcast live commentary from the scene that could have jeopardized the operation. Yet the RCMP made no attempt to move either the car or its occupants<sup>2</sup>.

Finally, the Committee urges reconsideration of a pool arrangement for journalists selected by lot to be allowed access to film events and question operational people. The resultant footage would be made available for live broadcast through all outlets for those portions that do not cause operational problems or potential problems and for complete broadcast after the event for historical and accountability purposes.

## Conclusion

The Committee feels that police actions and police-media relations during a terrorist incident should follow the following generic principals and procedures:

**First**, the police should not frustrate, but instead try to facilitate within reasonable bounds, media monitoring of the incident for historical and *post facto* accountability purposes.

**Second**, the police have an obligation as a first priority, to minimize the risk to life and property and bring the incident to a quick close.

**Third**, the police have a duty and a right to secure the area for operational purposes by establishing a police cordon, cutting telephone or other communication lines into the terrorist and so on. The media have an obligation to respect the police cordon.

**Fourth**, the police should set up a briefing room and arrange for regular briefings for the media by a knowledgeable, senior, police officer experienced in media relations.

**Fifth**, depending on the location of the incident, the police should provide for a vantage-point from which journalists selected on a pool basis could provide continuous monitoring of the incident and police operations. Some of the coverage could be broadcast

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2. On this matter, there was some confusion in testimony before the Committee. One RCMP representative said the RCMP thought the car was empty; another RCMP officer said they knew the car was occupied and had a communications facility, but decided the dangers in moving the car outweighed the risk in leaving it there; the journalist said he knew the RCMP was aware he was there from 3:30 on, yet he postponed his broadcast until 6:00 to avoid prompting the RCMP to move him.

live; other, on the advice of the police, would have to be withheld until the incident had terminated.

**Sixth**, the RCMP must have a facility to monitor live media coverage "in real time" and must be able to communicate directly with newsrooms in broadcast outlets during an incident. This would allow the police to advise those responsible for the broadcasts on material that should not be transmitted live for operational purposes and to advise the station(s) on broadcasts of information that could be jeopardizing operations. A post facto analysis of all broadcasts and communication of problem areas to the relevant stations is also important.

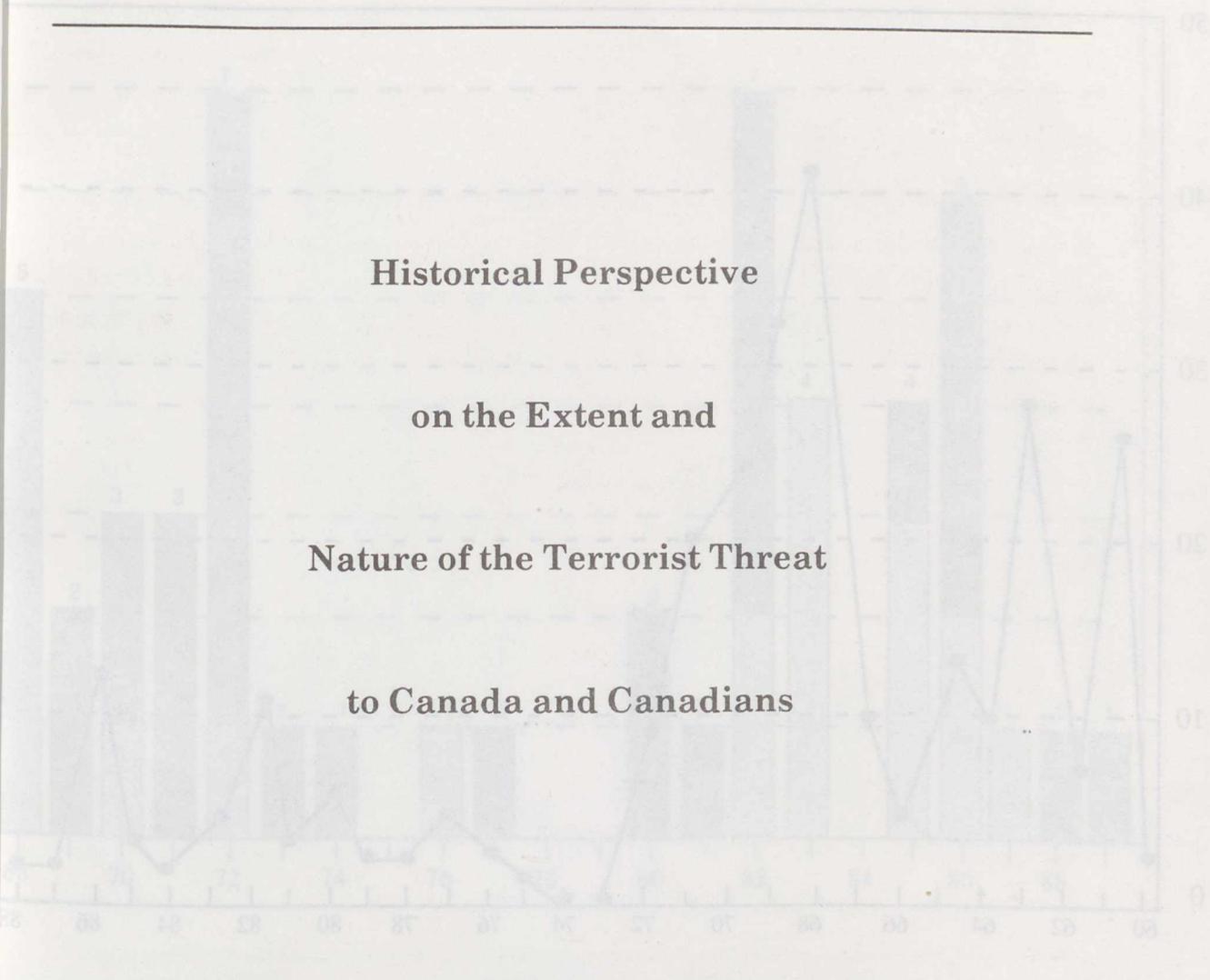
**Seventh**, the RCMP should undertake on-going education and communication programs with the media to acquaint them with the operational problems that may be caused for the police by live broadcasts during a terrorist incident. The focus of these programs should be at the producer or editor level, the people who decide what goes on the air during such live broadcasts. The Committee hopes that the media would be receptive to and attend such briefings.

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**Historical Perspective  
on the Extent and  
Nature of the Terrorist Threat  
to Canada and Canadians**



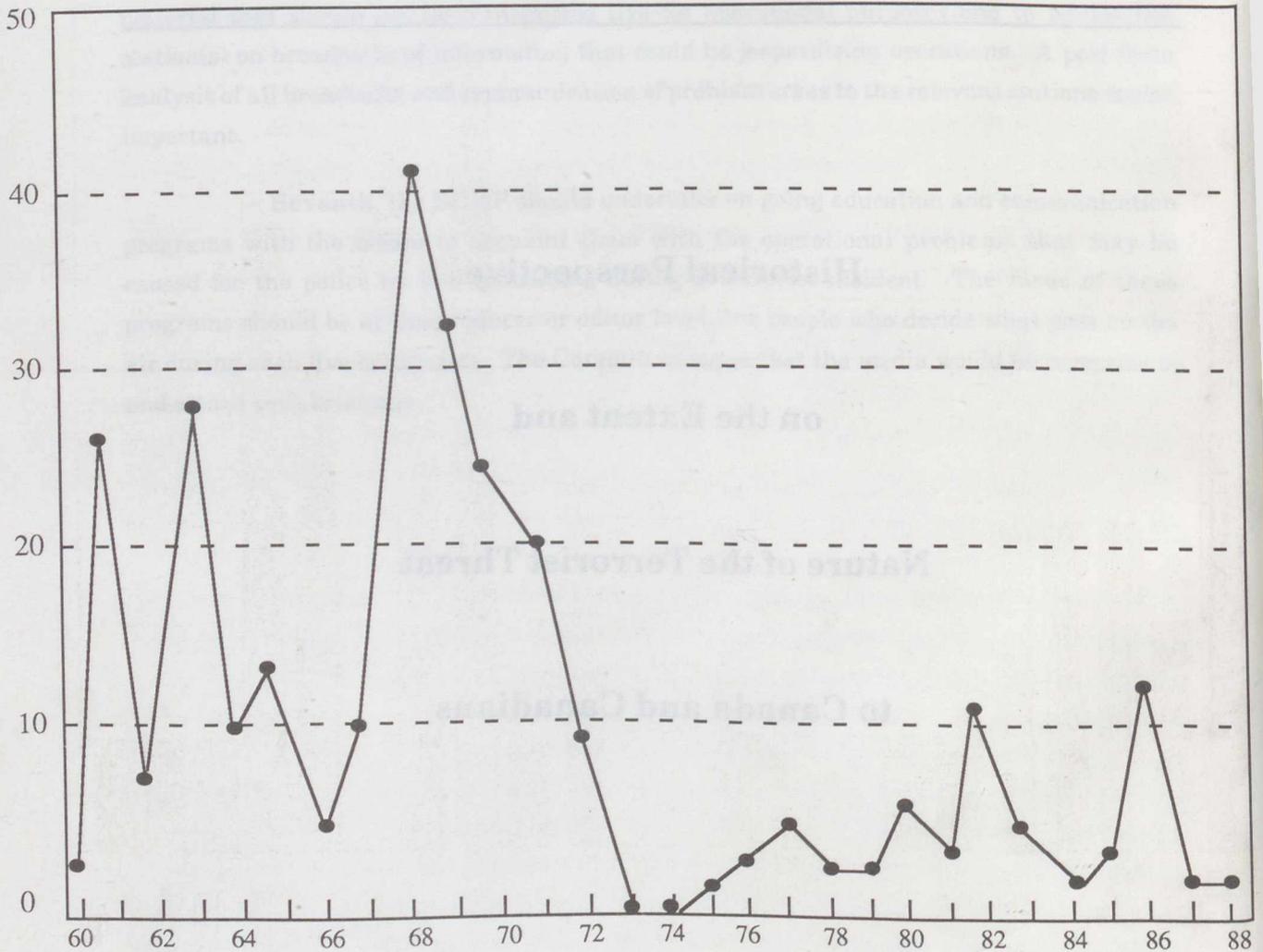
External Incidents      Internal Incidents

NOTE: Preliminary Data

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## TERRORISM IN CANADA

1960-1988

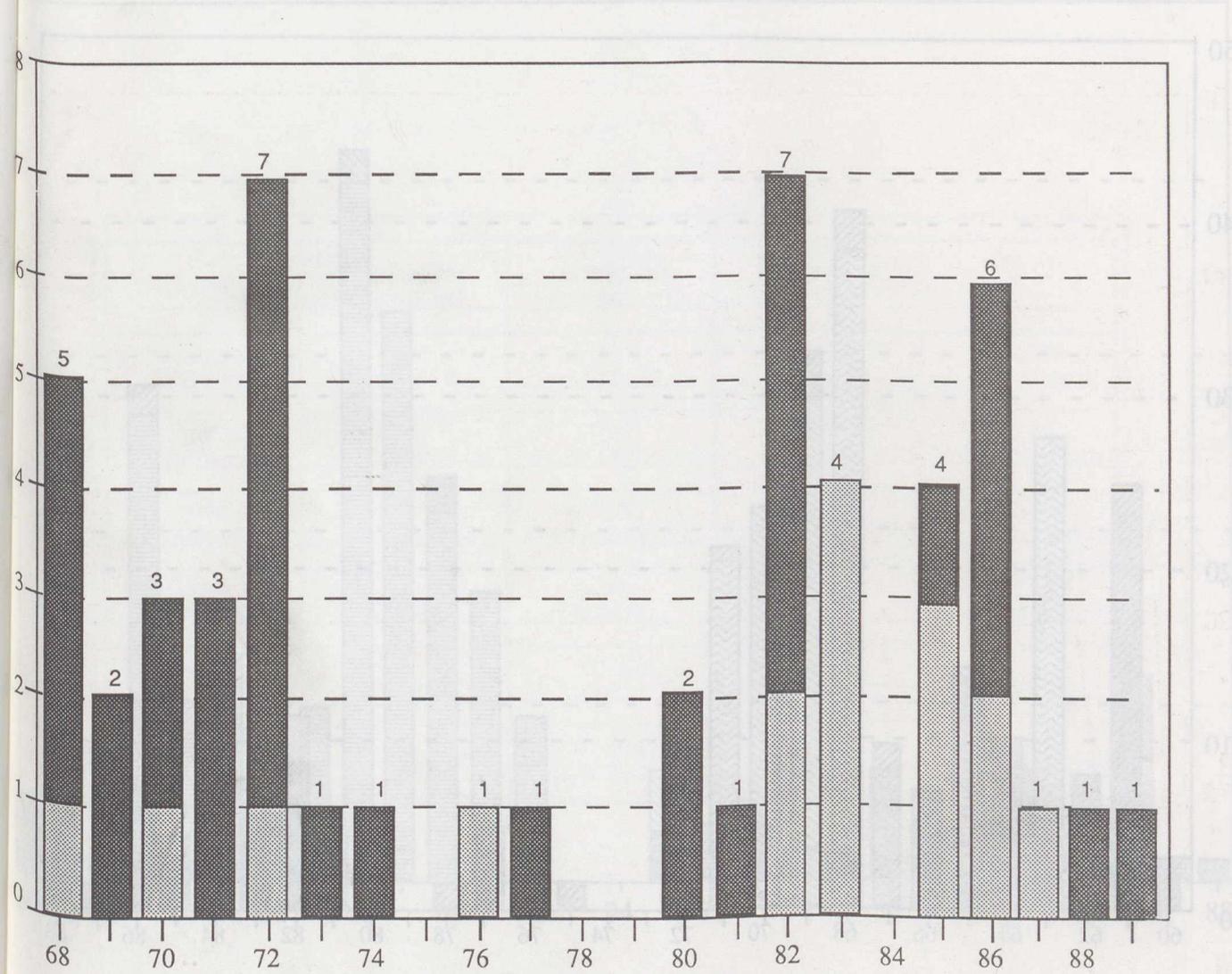


NOTE: Preliminary Data

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# INTERNATIONAL TERRORISM, CANADA 1968-89

## ANNUAL SUMMARY



External Incidents

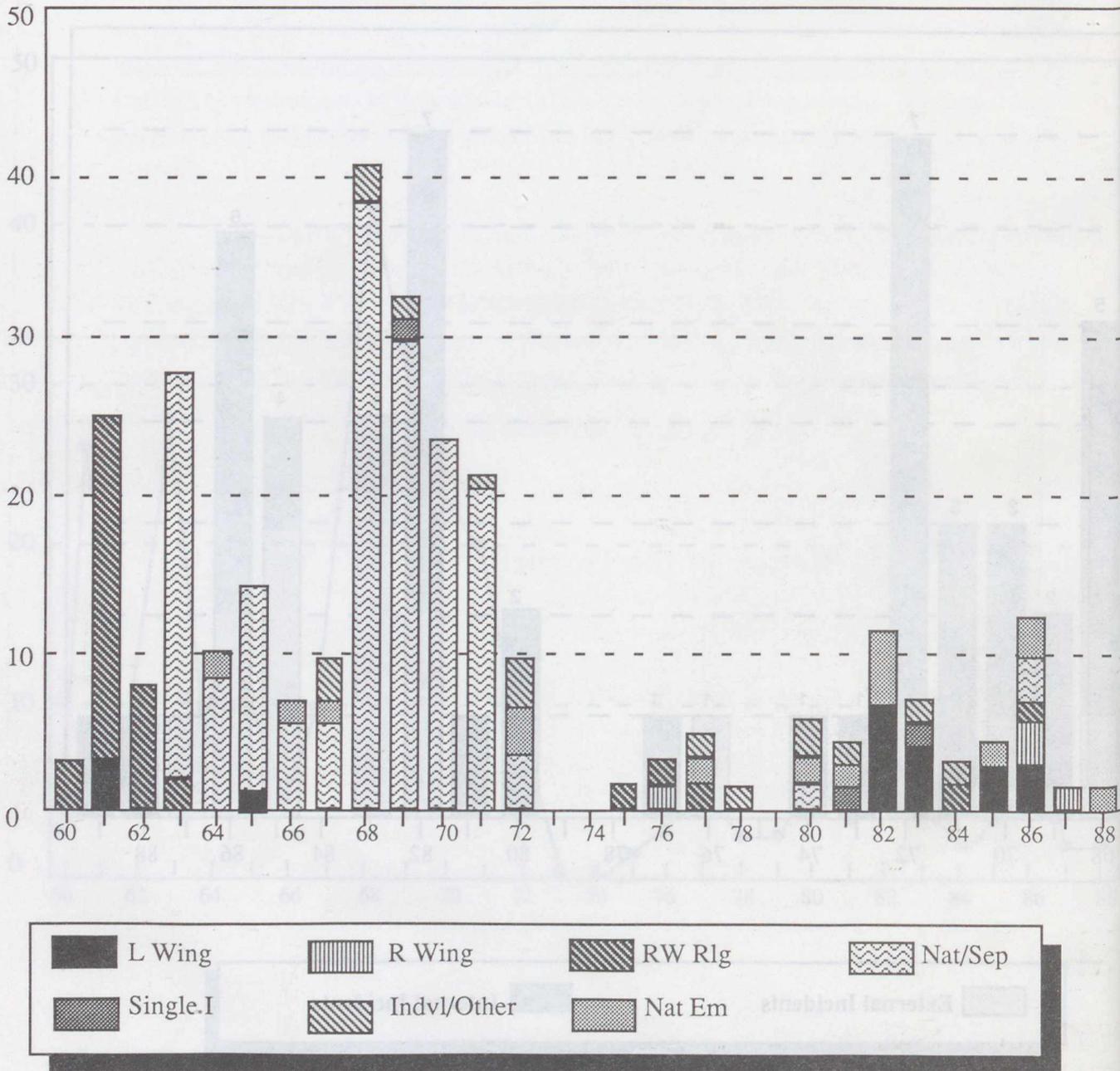


Internal Incidents

Reproduced courtesy of the Department of the Solicitor General

# TERRORIST GROUP TYPES IN CANADA

1960-1988

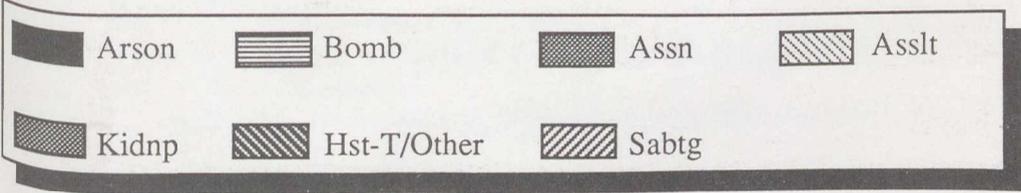
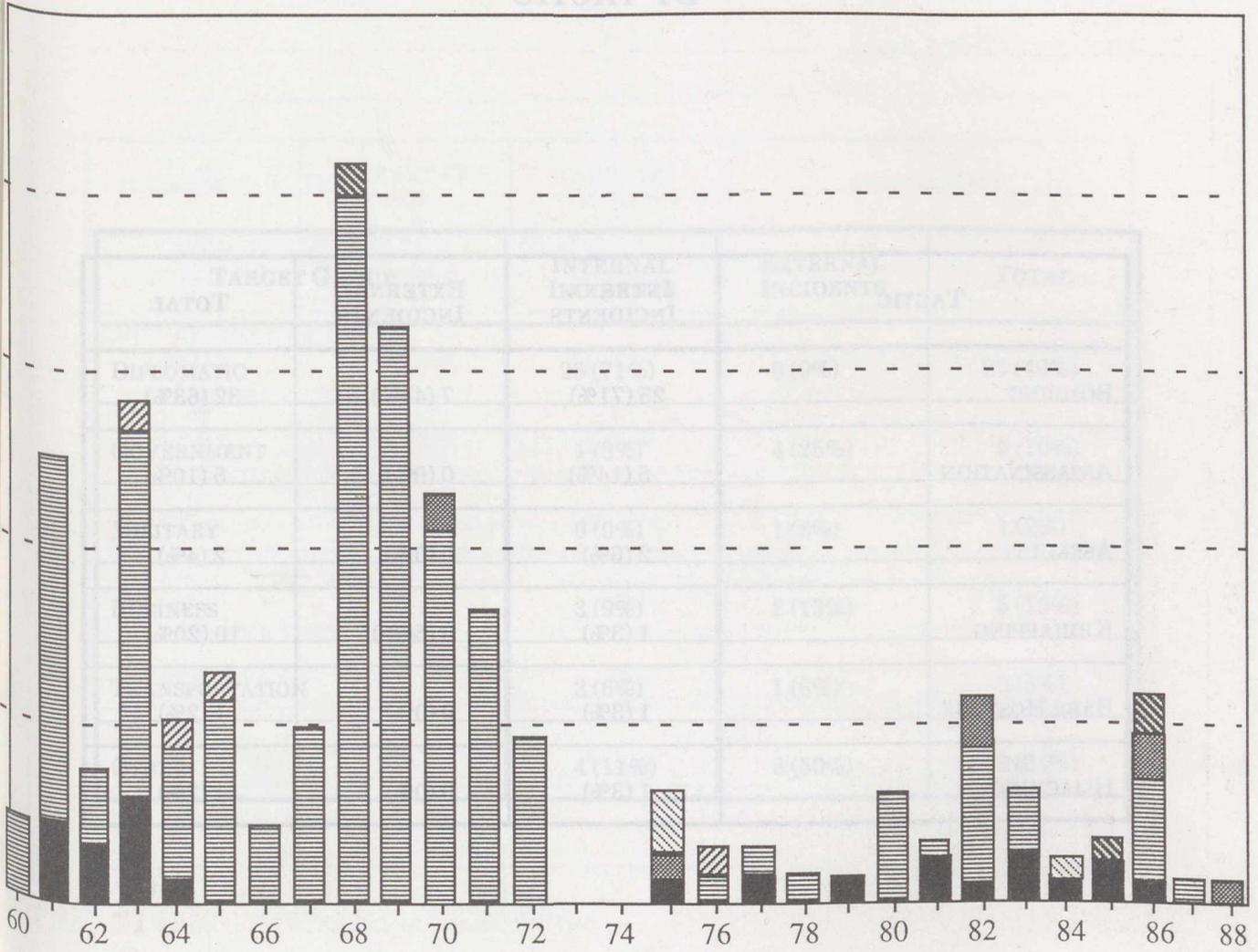


NOTE: Preliminary Data

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# TERRORIST TACTICS IN CANADA

1960-1988



NOTE: Preliminary Data

Reproduced courtesy of the Department of the Solicitor General

**INTERNATIONAL TERRORISM IN CANADA 1968-1989**  
**BY TACTIC**

TACTIC	INTERNAL INCIDENTS	EXTERNAL INCIDENTS	TOTAL
BOMBING	25 (71%)	7 (44%)	32 (63%)
ASSASSINATION	5 (14%)	0 (0%)	5 (10%)
ASSAULT	2 (6%)	0 (0%)	2 (4%)
KIDNAPPING	1 (3%)	9 (56%)	10 (20%)
BARR-HOSTAGE	1 (3%)	0 (0%)	1 (2%)
HIJACKING	1 (3%)	0 (0%)	1 (2%)

Reproduced courtesy of the Department of the Solicitor General

# INTERNATIONAL TERRORISM IN CANADA 1968-1989

## BY TARGET

TARGET GROUP	INTERNAL INCIDENTS	EXTERNAL INCIDENTS	TOTAL
DIPLOMATIC	25 (71%)	0 (0%)	25 (49%)
GOVERNMENT	1 (3%)	4 (25%)	5 (10%)
MILITARY	0 (0%)	1 (6%)	1 (2%)
BUSINESS	3 (9%)	2 (13%)	5 (10%)
TRANSPORTATION	2 (6%)	1 (6%)	3 (6%)
OTHER	4 (11%)	8 (50%)	12 (24%)

From the Peel Regional Police:  
Deputy Chief Robert Collins.

From the Metro Toronto Police:  
Superintendent Grant Waddell.

From the OPP:  
Chief Superintendent Joe Cooney.

From the RCMP:  
Commissioner N. D. Jolicoeur,  
Mr. J.L.G. Fawcett, Deputy Commissioner, Law Enforcement and Protective Services,  
Mr. Henry Jensen, Deputy Commissioner, Operations.

From the Ottawa Police:  
Superintendent John A. McDermott.

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# INTERNATIONAL TERRORISM IN CANADA 1968-1989

## BY GROUP

GROUP TYPE	INTERNAL INCIDENTS	EXTERNAL INCIDENTS	TOTAL
EMIGRE	19 (63%)	2 (13%)	21 (47%)
NATIONALIST-AUTONOMIST	4 (13%)	4 (27%)	8 (18%)
REVOLUTIONARY	0 (0%)	3 (20%)	3 (7%)
SUB-REVOLUTIONARY	6 (20%)	1 (7%)	7 (16%)
SINGLE-ISSUE	0 (0%)	1 (7%)	1 (2%)
GUERRILLA	0 (0%)	2 (13%)	2 (4%)
OTHER	1 (3%)	2 (13%)	3 (7%)
UNASSIGNED	5 -	1 -	6 -

Reproduced courtesy of the Department of the Solicitor General

## APPENDIX B

### List of Witnesses

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**Friday, June 9, 1989**

*From the Canadian Security Intelligence Service:*

Mr. J.S. Warren, Assistant Director, Requirements and Analysis.

**Monday, June 12, 1989**

Morning Session

*From the Counter Terrorism Task Force:*

Major General Cheriton, Chairman.

*From the Office of the Solicitor General:*

Mr. Ian Glen, Assistant Deputy Solicitor General, Police and Security Branch;  
Mr. R.W. Christensen, Director General, Police and Law Enforcement.

Afternoon Session

*From the Department of Transport:*

Mr. John Rodocanachi, Director General, Security and Emergency Planning.

*From the Department of External Affairs:*

Mr. Martin Collacott, Director General, Security Services Bureau.

*From the Peel Regional Police:*

Deputy Chief Robert Collins.

*From the Metro Toronto Police:*

Superintendent Grant Waddell.

*From the OPP:*

Chief Superintendent Joe Crozier.

*From the RCMP:*

Commissioner N. D. Inkster;

Mr. J.L.G. Favreau, Deputy Commissioner, Law Enforcement and Protective  
Services;

Mr. Henry Jensen, Deputy Commissioner, Operations.

*From the Ottawa Police:*

Superintendent John A. McCombie.

*From the Office of the Solicitor General:*

Mr. Ian Glen, Assistant Deputy Solicitor General, Police and Security Branch.

Thursday, June 15, 1989

*From the Office of the Solicitor General:*

Mr. Anthony Kellett, Chief of Research, National Security Coordination  
Centre, Police and Security Branch;  
Mr. David Davidson, Director General, Communications.

*From the Royal Canadian Mounted Police:*

Mr. J. Michael Shoemaker, Deputy Commissioner, Corporate Management;  
Mr. John R. Bentham, Chief Superintendent and Director, Communications  
and Media Relations Directorate;  
Mr. Sandy Hunter, Special Advisor, Media Relations.

*From the CBC National News:*

Mr. Don Newman, Senior Parliamentary Editor;  
Mr. Elly Alboim, Bureau Chief.

*From CJOH:*

Mr. Richard Gizbert, Reporter.



Thursday, June 15, 1980

*From the Office of the Solicitor General:*

Mr. Anthony K. West, Chief of Research, National Security Coordination  
Centre, Police and Security Branch;

Mr. David Davidson, Director General, Communications.

*From the Royal Canadian Mounted Police:*

Mr. J. Michael Shecmaker, Deputy Commissioner, Corporate Management,

Mr. John R. Bentham, Chief Superintendent and Director, Communications  
and Media Relations Directorate,

Mr. Sandy Hunter, Special Advisor, Media Relations.

*From the CBC National News:*

Mr. Don Newman, Senior Parliamentary Editor;

Mr. Elly Alboim, Bureau Chief.

*From CJOH:*

Mr. Richard Gilbert, Reporter.



# **Terrorism**

**The Report of the  
Second  
Special Committee of the Senate  
on Terrorism and  
Public Safety**

*Erratum*

*October 1989*

Terrorism

The Report of the

Second

Special Committee of the Senate

on Terrorism and

Public Safety

Volume

Order 100-100

ERRATUM

# TERRORISM

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**on Terrorism and**

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*Erratum*

*October 1989*

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# TERRORISM

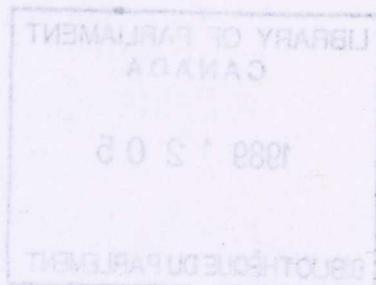
## The Report of the Second Special Committee of the Senate

### on Terrorism and

### Public Safety

By  
The Special Committee

October 1989



## ERRATUM

TO THE SENATE REPORT ENTITLED: "Terrorism - The Report of the Second Special Committee of the Senate on Terrorism and Public Safety" tabled in the Senate on the 28th June 1989.

- In Part III of the Report:      Wherever Subsections «61(1)» and/or «61(2)» of the *Security Offences Act* appears the reader should replace them with Subsections «6(1)» and/or «6(2)» of the *Security Offences Act*, as per the Revised Statutes of Canada, 1985.
- Page 7, 3rd paragraph, 5th line:      Strike out «(1986)» and replace with «(1982)».
- Page 7, 3rd paragraph, 7th line:      Strike out «(1986)» and replace with «(1985)».
- Page 8, 1st line:      Insert «(1985)» immediately after the words «subway system».
- Page 8, 2nd line:      Insert «(1985)» immediately after the words «329 deaths».
- Page 8, 1st paragraph, 5th line:      Strike out the word «extremists» and replace it with «extremist».
- Pages 36 to 42:      Replace pages 36 to 42 with replacement pages attached.
- Page 44, 1st line:      Strike out the word «Monday» and replace it with «Thursday».

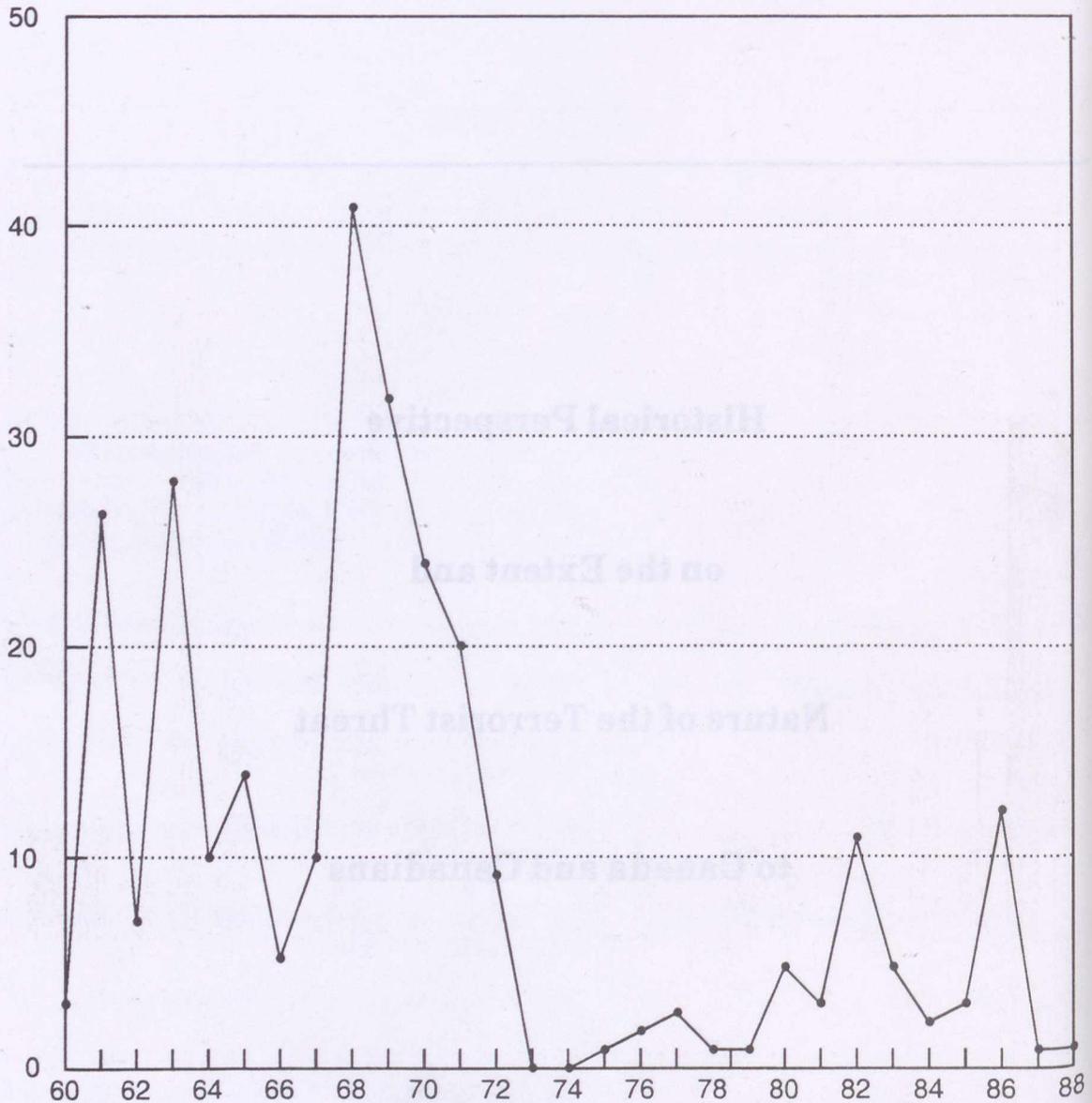


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**Historical Perspective  
on the Extent and  
Nature of the Terrorist Threat  
to Canada and Canadians**

## TERRORISM IN CANADA

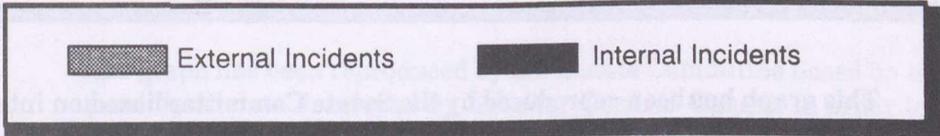
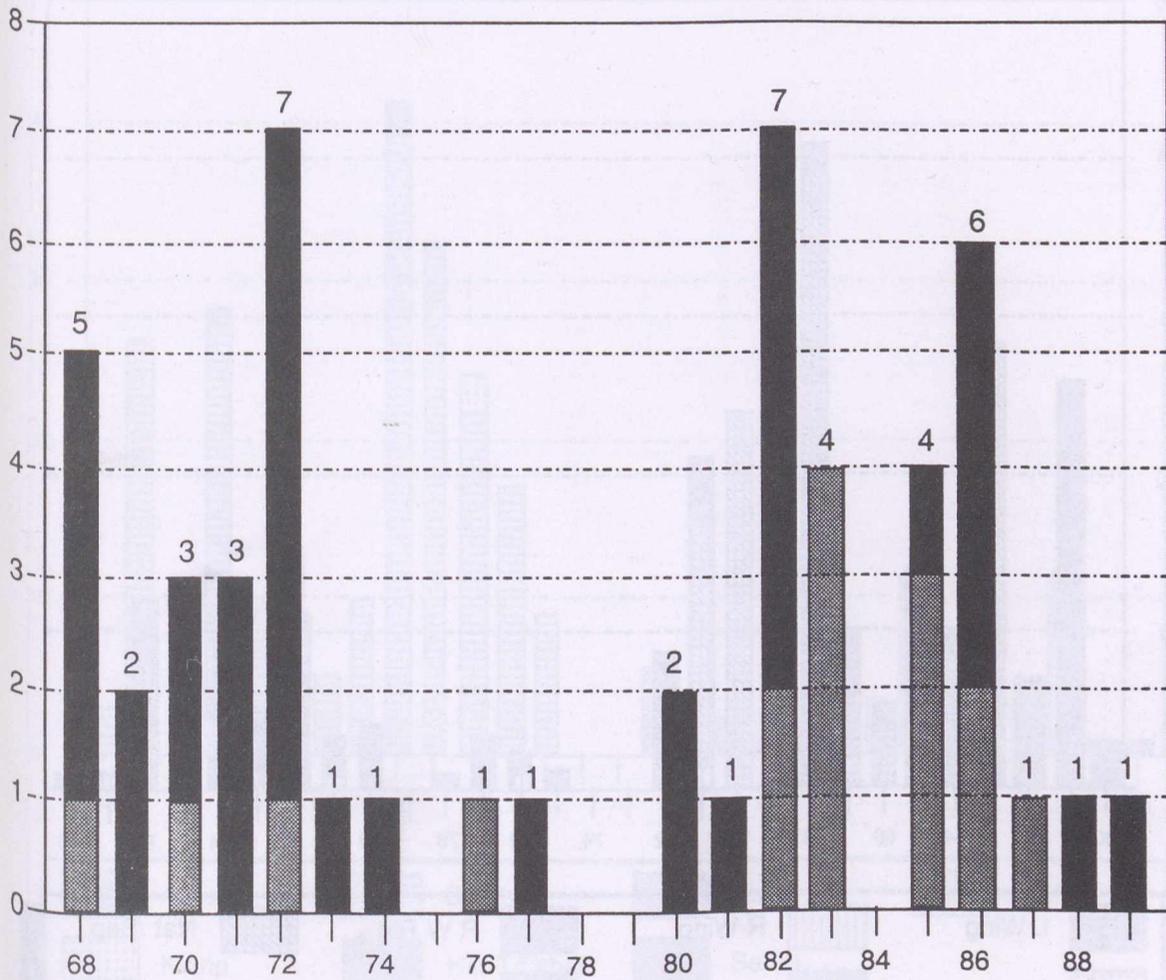
1960-1988



**NOTE:** This graph has been reproduced by the Senate Committee based on interim and unvalidated data developed by Solicitor General Canada in order to provide a general indication of the pattern of terrorism in Canada. As such, this graph should not be considered representative of the view of the source, and should not be subjected to statistical interpretation.

# INTERNATIONAL TERRORISM, CANADA 1968-89

## ANNUAL SUMMARY

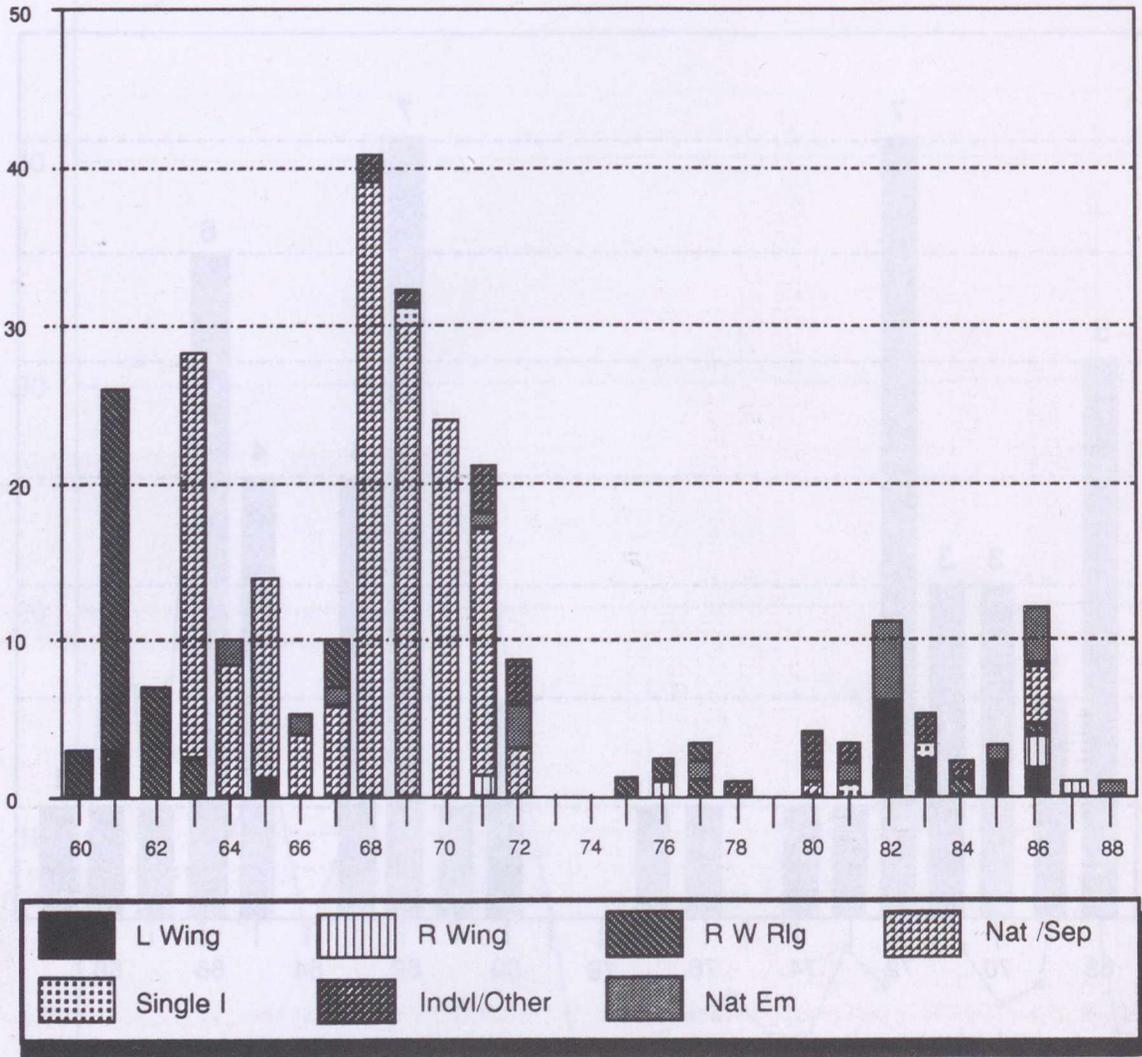


NOTE: Data extracted from from the Department of National Defence ORAE Report 1988 R100 (updated 1989)

Reproduced courtesy of the Department of the Solicitor General

# TERRORIST GROUP TYPES IN CANADA

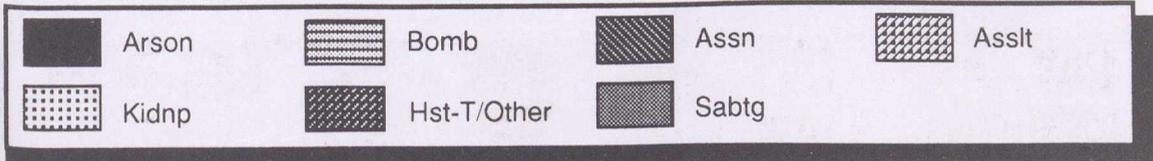
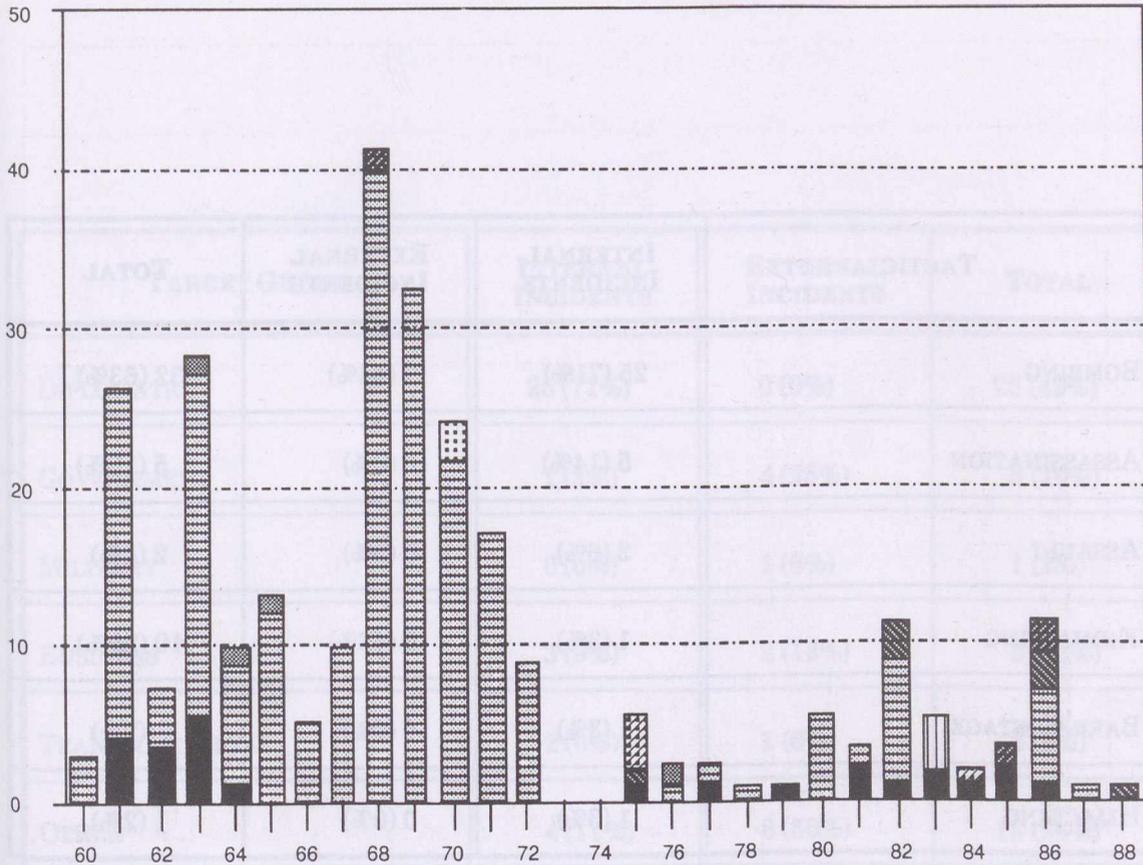
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# TERRORIST TACTICS IN CANADA

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**INTERNATIONAL TERRORISM IN CANADA 1968-1989**  
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