

Federal Court



Cour fédérale

**Date: 20171206**

**Docket: DES-4-16**

**Citation: 2017 FC 1042**

**Ottawa, Ontario, December 6, 2017**

**PRESENT: The Honourable Mr. Justice O'Reilly**

**BETWEEN:**

**ATTORNEY GENERAL OF CANADA**

**Applicant**

**and**

**AWSO PESHDARY**

**Respondent**

**ORDER AND REASONS**

[1] The Attorney General of Canada has made a request for an Order prohibiting disclosure to Mr. Awso Peshdary of certain information contained in 34 documents emanating from the Canadian Security Intelligence Service (“the Service”). Counsel for the AGC, Mr. Marc Edmunds, and the amicus curiae, Mr. Ian Carter, have agreed on most of the redactions and substitutions proposed by the AGC. There remain two issues:

1. Can the Service’s rationale for varying the payments made to an informant, Mr. Milton, be disclosed?

2. Can the details of the incidental expenses incurred by Mr. Milton be disclosed?

[2] In an earlier Order dated September 1, 2017, I explained why the amount of money paid to Mr. Milton should be disclosed to Mr. Peshdary: The degree to which Mr. Milton was motivated by financial rewards is a function of the amounts he was being paid. Mr. Milton's motivation is a matter of obvious significance to Mr. Peshdary.

[3] In respect of the first issue, I am satisfied that the Service's reasons for varying Mr. Milton's remuneration reflect the Service's methods in its handling of human sources. Those reasons are unrelated to the nature or degree of motivation on Mr. Milton's part. Accordingly, I find that the information the AGC seeks to protect is of little relevance to Mr. Peshdary's defence and relates to a genuine issue of national security. On balance, therefore, the interests favouring non-disclosure outweigh the public interest in disclosure.

[4] On the second issue, at first blush, the need to protect information about the minor expenses for which Mr. Milton was compensated by the Service appears tenuous. Most of the amounts involved (which are to be disclosed) are small. However, those expenses were incurred by Milton in the carrying out of instructions he received from the Service. To disclose the expenses would be to disclose the instructions. Here again, there is a genuine national security interest in protecting the Service's methods in its handling of human sources, and the value of this information to Mr. Peshdary is low. I am satisfied, therefore, that the public interest favouring disclosure of this information is outweighed by the interests in non-disclosure.

**ORDER in DES-4-16**

**THIS COURT ORDERS that:**

1. The documents in issue shall be disclosed to Mr. Peshdary with the redactions sought by the AGC.

“James W. O’Reilly”

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Judge

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

**DOCKET:** DES-4-16

**STYLE OF CAUSE:** ATTORNEY GENERAL OF CANADA AND AWSO  
PESHADARY

**PLACE OF HEARING:** OTTAWA, ONTARIO

**DATE OF HEARING:** NOVEMBER 3, 2017

**ORDER AND REASONS:** O'REILLY J.

**DATED:** NOVEMBER 16, 2017

**APPEARANCES:**

Mr. Marc Edmunds

FOR THE APPLICANT

Mr. Ian Carter

*AMICUS CURIAE*

**SOLICITORS OF RECORD:**

William F. Pentney  
Deputy Attorney General of  
Canada  
Ottawa, Ontario

FOR THE APPLICANT

Bayne Sellar Boxall  
Ottawa, Ontario

*AMICUS CURIAE*