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**Thursday, September 28, 2006**

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**Chair**

**Mr. Garry Breitkreuz**

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## Standing Committee on Public Safety and National Security

Thursday, September 28, 2006

•(1000)

[English]

**The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)):**  
I would like to call to order the tenth meeting of the Standing Committee on Public Safety and National Security. According to Standing Order 108(2), we'll be examining the study of the report of the commission of inquiry on the events relating to Mr. Maher Arar.

Our witness this morning from the Royal Canadian Mounted Police is Commissioner Zaccardelli. Mr. Zaccardelli, I welcome you to the committee. We will give you an opportunity to make some remarks, ten minutes or so, however you see fit, and then we will allow time for questions. This meeting will run for approximately two hours. The procedure at the committee, as you probably know, is to have the official opposition begin the questioning. We then rotate according to parties and keep going in rotation.

Again, welcome to the committee. We'll begin with any remarks you would like to make in regard to this issue.

Thank you.

**Commissioner Giuliano Zaccardelli (Commissioner, Royal Canadian Mounted Police):** Good morning, Mr. Chairman and members of the committee.

[Translation]

I have been looking forward to this opportunity to meet with the Committee in order to respond to the Report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar and to respond to your questions.

[English]

I believe that the importance of the review that has been carried out cannot be overstated. It is just such open, challenging, and intensive analysis that assures Canadians that mistakes will never be swept under a carpet in this country, nor will institutions or individuals in power be absolved from accountability in any instance where questions arise.

The famous scholar Arnold Toynbee wrote that the evolution of an individual, organization, or society is determined by the ability to respond successfully to challenges, both human and environmental.

As have all Canadians, I have observed the dignity of Mr. Arar's and Ms. Mazigh's response to the nightmare they found themselves thrust into three years ago.

Mr. Arar, I wish to take this opportunity to express publicly to you, to your wife, and to your children how truly sorry I am for

whatever part the actions of the RCMP may have contributed to the terrible injustices that you experienced and the pain that you and your family endured.

I know that an apology can never give back to Mr. Arar what was taken from him, but what we can do is move forward with changes and reform. That means in very concrete terms identifying and acknowledging errors that were made, implementing whatever change is required to address them, and by recommitting ourselves to the very heart of our purpose: to do our best to serve and protect all Canadians and our country.

My objective today is not so much to go into the details of this case, as that has exhaustively been addressed by Justice O'Connor.

•(1005)

[Translation]

Rather, it is to share with the Committee and through you, to the public, my personal reaction to Justice O'Connor's report, as well as the actions that the RCMP already has taken and will take going forward.

[English]

My ultimate goal is to assure Canadians that I and indeed all who work in the Royal Canadian Mounted Police will do whatever we can to see that no other Canadian citizen will ever suffer what happened to the Arar family.

At this time I'd like to commence specifically with three elements of the report. First, on the Project A-O Canada team, the investigative unit of the RCMP created in the aftermath of 9/11, Justice O'Connor confirmed that Project A-O Canada was comprised of a first-rate team of investigators that had extensive experience in large and complicated investigations. It lacked, however, experience and training with respect to the unique aspect of national security investigations, including the area of information sharing with the Americans. The investigative team wasn't provided with appropriate guidance and direction from within the RCMP.

Second, on the actions undertaken by the RCMP, appropriate investigative steps were taken by Project A-O Canada, the investigative unit of the RCMP created in the aftermath of 9/11. However, information was provided to U.S. agencies without first screening for relevance or reliability or for personal information. Furthermore, written caveats were not attached to information provided. Although a specific effort was made to correct the mistaken label while Mr. Arar was still in custody in New York, Justice O'Connor found it to be inadequate. Justice O'Connor determined that while the border lookout request was a reasonable investigative step, it mischaracterized Mr. Arar and his wife and labelled them unfairly.

Having addressed that, Justice O'Connor underscored that there was no bad faith shown by the RCMP investigators. In no way did they intend or know that their actions would contribute to the removal of a Canadian citizen to Syria. He also found that RCMP officials did not know, participate in, or acquiesce to the U.S. decision to detain and remove Mr. Arar to Syria. With regard to the actions of the RCMP, Justice O'Connor found that a high-level briefing to senior government officials was incomplete and lacked balance.

These are mistakes that were indeed made. They would not happen today.

Third, on the context within which these events occurred, I think it is vitally important that the events in question be put into context, a context of a unique time in the world and for all of the areas of government responsible for responding to terrorism.

[Translation]

As Justice O'Connor stated in his report:

Following the events of September 11, 2001, those involved in protecting Canada's national security were confronted with unprecedented challenges.

An all-out effort was being made by western intelligence and law enforcement agencies, including Canada's, to track down individuals involved in the 9/11 conspiracy. Moreover, there was a significant fear, not without foundation, of a second wave of attacks.

[English]

It is true that the early days after 9/11 were confusing and challenging. Of course, this doesn't excuse us or allow us to avoid facing head-on the ramifications of that time, but the fact is we were in a very different world on September 12, a world that was new to us, to all of us, especially to those of us charged with the safety and security of our country.

We've learned valuable lessons in security since then, and some of them, particularly in this case, we learned painfully.

• (1010)

[Translation]

I accept the recommendations in the report without exception. Many changes are already underway in the RCMP that align with the recommendations that have been made.

[English]

These include the following.

We have strengthened our management through implementation of a new secure record system, allowing for real-time supervision of ongoing investigative information.

We have made changes to policy and procedures to provide concise direction on information handling and sharing. This includes the creation of a sensitive document-handling unit at RCMP headquarters that will ensure criminal intelligence is properly vetted and controlled.

Our national security training program has been modernized to address mandates, policy, and instruction on sensitivities to cultural norms.

We have expanded our outreach programs and created a prototype National Security Community Advisory Committee in Ottawa that will serve as a model nationwide.

We have been continuously reviewing our written agreements, our compliance with policy and ministerial directives, central coordination, and information sharing.

We have initiated a number of ongoing quality control programs and have developed a template for a memorandum of understanding in the national security context.

In addition to these, we will be moving swiftly to implement all changes that will achieve the overall goal I have already stated.

[Translation]

Ladies and Gentlemen I know that you will have many questions in the time that we have today, and I look forward to responding. But before we move to that, I would like to make two additional comments.

[English]

First, I would like you to know that this terrible event has had a profound impact on the RCMP. Ever since Mr. Arar was sent to Syria, many thoughtful people have been struggling with the question of what is the appropriate role of a modern-day police force.

It is a terrible truth that we have had to acknowledge that in the pursuit of justice against those who would destroy our way of life, innocent people can be swept up in our search to find those who might harm us. It happened in this instance. Nothing is more important than preventing such a mistake from happening again. Neither is anything more important than protecting Canadians and our very existence in the face of those who are committed to doing us harm in the horrific ways that we have seen.

I am not sure what the answer is to these bigger questions we are grappling with. Certainly the work of Justice O'Connor helps us all gain a better understanding of how to achieve both of these goals.

[Translation]

Second, I'd like to share with you the one shining certainty that illuminates, for me, the way forward in this dark time, for myself and for the Force.

[English]

And it is this. As we in the RCMP undertake the complex and sometimes overwhelming task of keeping our country safe and our communities vital, nothing undermines our shared and deep determination to serve and protect. There isn't a Mountie in this country who did not enter their chosen career with the sole intention to do their best; to make their unique contribution to law enforcement and the well-being of communities and of others; who doesn't know that on the day they graduate from the academy in Regina that their career will involve sacrifice, difficulty, danger, and yes, even the fear of making mistakes.

[Translation]

Thirty six years ago I made that same commitment—that I would serve my country to the best of my ability, uphold and live by the law and do all that I could to live the values that define what is best in all of us.

[English]

Today, I reaffirm this commitment and assure you that, personally and as a leader of this great Canadian institution, I will strive to meet the challenges before us in that same spirit.

Ladies and gentlemen, I have the honour of working with and alongside the most dedicated and duty-bound men and women you could ever imagine. Our dream is of a safe, just, and peaceful Canada. I know that every Canadian shares in the same, and that together we will continue to strive to maintain all that we have achieved in this remarkable country towards that goal.

Thank you.

• (1015)

[Translation]

Thank you, Mr. Chairman.

[English]

**The Chair:** Thank you, Commissioner, for your opening statement.

We will now proceed to questions. The procedure at this committee is that the questions and answers will be seven minutes. I will adhere strictly to that guideline. Each one of the political parties will have an opportunity to have a turn on the seven-minute round, and then we will go to five-minute rounds, with the agreed rotation that we had previously.

So without any further ado, Mr. Cotler, would you please proceed with your questions?

**Hon. Irwin Cotler (Mount Royal, Lib.):** Thank you, Mr. Chairman.

I also would like to welcome you, Commissioner, and express my appreciation to you for your public apology this morning on behalf of the RCMP to Maher Arar and his family for the terrible injustice, as you put it, that they experienced and the nightmare they endured, and also for putting in place the recommendations set forth by the O'Connor commission

As you know, Commissioner, the principal findings of the O'Connor commission were not only that Maher Arar was an

innocent person, but that indeed he was the innocent victim of both the American and Syrian governments and the actions of Canadian officials. In particular, the commission found that while the RCMP, as you yourself stated, did not know, participate in, or acquiesce in the United States' decision to deport Mr. Arar to Syria, RCMP officials, nonetheless, one, conveyed false and misleading information to American authorities, which, in the words of the commission, likely contributed to Arar's removal to Syria and the torture he then experienced; two, provided inaccurate and misleading information to the Privy Council and the government ministers; and three, deliberately leaked false and misleading information to the public after Maher Arar's release—and one would say knowingly so—the consequences of which were devastating for Maher Arar and his reputation, as the commission put it.

My question, then, to you, Commissioner, is this. What did you know and when did you know it? In particular, were you aware of the conveyance of the false and misleading information by RCMP officials to a U.S. authority that likely contributed to his removal, for example, that Maher Arar and his wife were Islamic extremists who were associated with the al-Qaeda terrorist movement, a characterization that, as the commission put it, would have disastrous consequences if so made as it was?

Those are my questions to you, Commissioner.

**The Chair:** Thank you, Mr. Cotler.

Commissioner, perhaps you would like to reply to that, please.

**Commr Giuliano Zaccardelli:** I appreciate the question, Mr. Chairman.

Mr. Chairman, with respect to what I knew about the mislabelling or false information concerning Mr. Arar, I was aware a serious investigation had been going on for some time. I was aware that there was a person in the file by the name of Mr. Arar who was a person of interest.

I personally became directly involved in the file after Mr. Arar was detained and sent to Syria. After he was in Syria, the matter was brought to my attention. I informed myself of that. I asked for the file and I asked for specific documents relating to what happened.

In the process of getting that information, I found out that investigators were speaking with American officials while he was in detention. As part of that discussion or that correspondence with RCMP officials, I learned that in this process they tried to correct what was labelled as false or incorrect information with regard to Mr. Arar. That was the first time it came to my attention that there was a possibility or that we had mislabelled or mischaracterized Mr. Arar in our dealings with him in the investigation. That was my first point of knowledge about the matter, and I inquired further how this had happened.

Does that answer the question? I'm willing to take further questions. I think the point was when did I know, and I think I've explained that. That's the first point.

• (1020)

**The Chair:** There are approximately two minutes left. Do you have a supplementary question?

**Hon. Irwin Cotler:** I have a supplementary question.

Commissioner, in the post-9/11 environment, as you characterize it—and this false and misleading characterization was made before the actual detention by American authorities—if a characterization was made of a person of interest like Maher Arar to the effect that he was an Islamic extremist associated with the al-Qaeda terrorist movement, ought you to have known? It is not whether you knew, as you said you did not, but in the post-9/11 environment in your capacity as Commissioner of the RCMP, ought you to have known such a significant characterization was being made?

**Commr Giuliano Zaccardelli:** Mr. Chairman, right after 9/11, the RCMP was involved in literally thousands of investigations related to matters of national security. There were many people who were the subject of investigations or discussions and so on.

As I stated, I was not personally aware of this case. When I became aware of it, I became involved in the matter.

**The Chair:** Is there any further questioning?

Monsieur Ménard, you have seven minutes, please.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Thank you, Mr. Chairman.

Commissioner, first of all, I take note that you readily accept Justice O'Connor's criticisms and that you intend to implement all his recommendations.

The first question that came to my mind was the same as that of my colleague, Mr. Cotler. When did you learn that it was the wrong information given by the RCMP that likely contributed to what happened to Mr. Arar and to his removal to Syria?

I also have a further question. When did you become personally convinced that Mr. Arar was not a terrorist and had no links whatsoever to any terrorist organization?

**Commr Giuliano Zaccardelli:** Thank you for your question.

As I explained to Mr. Cotler, this happened at the same time. It is when I was inquiring into what happened in Mr. Arar's case that I learned that our investigators were trying to correct the false information that had been conveyed to the U.S. authorities. It is at that time that I was made aware of the correspondence between the Americans and the RCMP investigators. This is then that I found out that false information had been conveyed concerning Mr. Arar.

**Mr. Serge Ménard:** Then, if that information was false, an innocent man had been subjected to a terrible ordeal.

When the minister enquired about this matter, why didn't you let him know that you were convinced that mistakes had been made and that Mr. Arar was not a terrorist, that there was no reason to send him to a country where he might probably be tortured?

**Commr Giuliano Zaccardelli:** Mr. Chairman, as I have said, I learned that a mistake had been made, that the information concerning Mr. Arar was false, after Mr. Arar was imprisoned. At the same time, I learned that the investigators had made an effort to correct that false information, but it was after Mr. Arar was imprisoned.

**Mr. Serge Ménard:** Didn't you realize, at any time, that the minister believed that Mr. Arar was a terrorist when you knew that he was not?

**Commr Giuliano Zaccardelli:** Mr. Chairman, usually, the minister is not aware of criminal investigations conducted by the RCMP. I cannot make any comments concerning the exact information in the hands of the minister. Normally, when there is a national security investigation, which was the case, the minister is not informed of what the RCMP is doing in conducting a national security investigation.

**Mr. Serge Ménard:** Didn't you think that it was important even then to correct the damage to Mr. Arar's reputation?

• (1025)

**Commr Giuliano Zaccardelli:** When we learned what had occurred, we had discussions with the minister to inform him of the situation and we began to notify the authorities of what had happened in this case.

**Mr. Serge Ménard:** At a certain time, Mr. Arar's lawyer tried to get the agreement of the RCMP on four specific points. It seems apparent that the RCMP did not agree. Why? This letter could have facilitated the release of Mr. Arar from Syria.

**Commr Giuliano Zaccardelli:** It was part of the investigation. The investigators had several discussions with the lawyer. The fact is that on some points, the RCMP investigators were ready to support what the lawyer requested, but there was a specific point on which they could not agree. This fact was raised in Justice O'Connor's inquiry.

**Mr. Serge Ménard:** In any case, you found out later on that there seemed to be some leaks from the RCMP, to the press, confirming once more that if Mr. Arar was detained, it was because he was a terrorist after all.

You were not too happy with those leaks, isn't it?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I know that leaks have occurred. The RCMP has launched an investigation on its own to find the source of these leaks. As Justice O'Connor has said, the source of these leaks is still unknown and the investigation on that issue is going on.

**Mr. Serge Ménard:** If you find the people involved in those leaks, how do you intend to deal with them?

**Commr Giuliano Zaccardelli:** We shall proceed as we usually do in criminal investigations. We shall meet the Crown prosecutor and try to establish if formal accusations can be submitted. What occurred is disgraceful. Such leaks are illegal. We always investigate. As you know, it is still before the courts and we didn't have access to some documents that we would have liked to study after executing our search warrants.

**Mr. Serge Ménard:** Mr. Zaccardelli, if you think that the false information conveyed by the RCMP has resulted in Mr. Arar's terrible ordeal, considering that you don't seem to have done much to help him return from Syria and to repair the damage to his reputation, that there were leaks, do you really think that, as you said in a memo to your people, the RCMP has done a good job?

[*English*]

**The Chair:** That will be the last question, Monsieur Ménard.

[Translation]

**Commr Giuliano Zaccardelli:** Mr. Chairman, Justice O'Connor said in his report that mistakes have been made, but he also said that neither the RCMP nor any other Canadian participated in the decision to detain Mr. Arar in New York and send him to Syria.

[English]

**The Chair:** Thank you, Commissioner.

We'll now move to Mr. Comartin from the NDP for his round of questions.

Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Thank you, Mr. Chair.

Thank you, Commissioner Zaccardelli, for being here today.

Mr. Commissioner, I appreciate—and I can tell you that I'm sure Mr. Arar and Dr. Mazigh appreciate—the apology you gave this morning, but I can tell you from communications I've had from them as recently as this morning that they're very distressed. They're distressed at what happened yesterday, when your spokespeople indicated—at least one of them did, and then we got a contradiction—that there may still be a file open by the RCMP. They wouldn't deny it; they wouldn't admit it. But they left open the possibility, in *La Presse* yesterday, in Gilles Toupin's article. I don't know if you've seen that. I don't know if you know who these people are within your agency. But they're still leaving open the possibility that there's an investigation going on involving Mr. Arar.

Secondly, this week we've had one of your former members, now at the municipal police force level, come out and in effect generally repudiate the determinations of fact that were made by Justice O'Connor. We've heard nothing from you in terms of saying that you disagree with Chief Clement.

I'm asking you today, is there any investigation by the RCMP of Mr. Arar or his family? Will you repudiate the comments Chief Clement has made in the press over the last three days?

•(1030)

**Commr Giuliano Zaccardelli:** Mr. Chairman, I can state categorically to Mr. Arar and Monia Mazigh that there is no RCMP investigation into them or their family, without question.

With respect to the second part of the question, which deals with comments made by a former member of the RCMP who was involved in the investigation, I accept totally the comments and recommendations and findings of Justice O'Connor. There were mistakes that were made. He has recommended that certain actions be taken. We have accepted and put into place many of them, and we will continue to ensure that all of them are implemented as soon as possible.

**Mr. Joe Comartin:** So, Commissioner, you stand by your statement and you do not accept any comments that Chief Clement made in opposition to it?

**Commr Giuliano Zaccardelli:** Absolutely, I stand by my statement.

I stand by Justice O'Connor's statement. I believe it was balanced. He praised the members who were trying to work under very

difficult circumstances and said they did a very thorough job. That is true; he identified that.

But the fact remains that they made mistakes, and those mistakes have been accepted by the RCMP, by me personally. I am committed to correcting those errors and making us a better organization than we were before this matter.

**Mr. Joe Comartin:** Regarding the leaks—the points that Mr. Ménard raised—in terms of a timeline, when did you become aware that these leaks were occurring and were potentially coming from RCMP sources?

**Commr Giuliano Zaccardelli:** Mr. Chairman, Justice O'Connor clearly stated in the report that the source of those leaks is unknown. I do not know the source of those leaks.

The matter first came to our attention, I believe—and I could be corrected—when the Arar family itself started to raise concerns about them. When this became public, we were immediately very concerned that these leaks were hurting Mr. Arar and his family. It was for this reason that on our own we initiated an investigation, because those leaks go right to the very heart of what we stand for, to the heart of trust in a society. What happened is deplorable. We deplore it, and that's why we actively undertook an investigation to get to the bottom of this.

**Mr. Joe Comartin:** Would you appreciate, Commissioner Zaccardelli, that you may be investigating yourself or members of your agency?

**Commr Giuliano Zaccardelli:** Mr. Chairman, like justice, investigations are blind. We investigate where the evidence and the information takes us, regardless of who it might be. It does not matter who is ultimately found culpable; we will get to that person or people. It does not matter what organization it might be.

**Mr. Joe Comartin:** I take it the answer is yes, you recognize there is a possibility that it may have been RCMP officers who were leaking this information.

**Commr Giuliano Zaccardelli:** Justice O'Connor has said he doesn't know the source of the leak. That means all possibilities exist. Yes, Mr. Chairman, the RCMP obviously falls within that possibility.

**Mr. Joe Comartin:** At any time, did you consider having the investigation conducted by an independent force other than the RCMP?

**Commr Giuliano Zaccardelli:** Mr. Chairman, no, we did not. Leaks are very unique in a lot of ways, especially these types of leaks, and unfortunately we have done many of them. But that is not something that we considered.

**Mr. Joe Comartin:** In retrospect, do you think that was a mistake?

**Commr Giuliano Zaccardelli:** I have full confidence in our people to carry out whatever investigation is required to be carried out. We investigate in an impartial and blind way. I can assure you and all Canadians of that, regardless of how the situation might appear.

•(1035)

**Mr. Joe Comartin:** At what level was this investigation being conducted within the RCMP, in terms of who was in charge?

**Commr Giuliano Zaccardelli:** It was directed by the deputy commissioner, my right hand person at headquarters. He's the one who came to me. We discussed it and we said we must do this investigation. He took personal charge of the matter in directing the field people.

**The Chair:** Mr. Comartin, this will have to be your last question.

**Mr. Joe Comartin:** Mr. Commissioner, you are the head of the largest police force in this country. Yet in spite of that and all the RCMP's high qualities, which I recognize, you still have not been able to break the case.

My basic question is, because I think this is what Canadians are asking, why not?

**Commr Giuliano Zaccardelli:** Mr. Chairman, leaks are probably some of the most difficult investigations to undertake and succeed at.

As is well known, we conducted a number of searches relative to this matter; we carried out certain court orders. We have been challenged by the media on this matter, within their rights.

The results of those searches have been held up in court or are part of a process, and we have not had access to them. That's been going on for quite some time. That is due process.

But we are committed to getting to the bottom of this, if we possibly can.

**The Chair:** Thank you very much, sir.

We will now move to the government side for a seven-minute round of questioning.

Mr. MacKenzie.

**Mr. Dave MacKenzie (Oxford, CPC):** Thank you, Commissioner.

I do recognize, and I think Canadians recognize, that this was not the only matter before the RCMP. There are a great deal of other ongoing investigations, and it's impossible that the commissioner would know each and every one of them. But at some point it does end up at the top.

One of the things that has been focused on is that the Americans acted on the information from the RCMP. Is it fair to say that they only acted on the information from the RCMP, or did they also have information from other sources?

**Commr Giuliano Zaccardelli:** Justice O'Connor does not come to a definitive conclusion on this point in his report. He does not state categorically what information the Americans acted on, because the Americans did not testify.

They clearly had information from us. That information was false, as I have stated. We know that now from the findings. We tried to correct that information. So there has been no definitive conclusion. I cannot state with certainty what the reasons or grounds were upon which any action was taken by the Americans.

**Mr. Dave MacKenzie:** While this was going on, did your organization receive any direct or indirect political direction on what should occur with respect to the information once it was known that the Americans might have been acting on some incorrect information from Canada?

**Commr Giuliano Zaccardelli:** To my knowledge, we have never received any direction from anyone at the political level in this country. The independence of the police when they're carrying out criminal investigations is well-established. I am not aware of and have never been subject at any time to any type of political direction or directive to help me deal with my work. That simply has never happened, and it didn't happen in this case.

**Mr. Dave MacKenzie:** You've indicated, and I think others have indicated, that in light of 9/11 people reacted differently. There were different thought processes. Sometimes the emotions of the people in the field—and not being critical of them—were also part of it.

I'll read you a quote from an op-ed in *The New York Times* dated May 2004: "But defeating terror requires violence. It may also require coercion, secrecy, deception, even violation of rights."

Would that be a concern or comment that would apply to a number of Canadians after 9/11? If some of those things don't end up permeating into our organizations without direct thought...but if I said that was written by a current member of Parliament in 2004, would I be wrong in saying that many Canadians may have felt that way?

• (1040)

**Commr Giuliano Zaccardelli:** I can assure you that in the RCMP and all the other organizations in this country that have dealt with national security matters, none of them support or believe or have acted in any way according to what has been described. At all times and in all circumstances we have said and will continue to say that we operate by the charter and under the charter at all times.

We face difficulties in dealing with terrorism, but never can people's rights be violated and never can the charter not be respected. We may make mistakes—and as I said, I'm painfully sorry for that—but never can the charter be disregarded in any type of investigation—criminal, national security, or otherwise.

**Mr. Dave MacKenzie:** Thank you very much. I appreciate that.

You indicated earlier that as a result of what you know today, and partly through the inquiry into Mr. Arar's situation, that would not happen today in the Royal Canadian Mounted Police. Could you give us a brief explanation of what changes have occurred inside the organization to ensure it doesn't happen?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I can assure you that all national security investigations, for example, in the RCMP are now highly centralized and controlled at the centre.

Our training, which Justice O'Connor clearly highlights wasn't available because of the exigent circumstances at the time, has been put into place. In our relationship with CSIS, for example, we meet on a regular basis to exchange information and work together in a collaborative way. The way we manage the files.... Most important is the thread that comes through Justice O'Connor's report, and I think Mr. Cotler alluded to it. It is that we now know and have a much greater appreciation of the impact of what words or statements mean if they are not considered and weighed appropriately. That's the big lesson for me.



We have the systems in place, I guarantee you. The consequences would be much more severe, but I believe we now have in place a very good system to avoid the reoccurrence of that type of repetition or that type of error.

**Mr. Dave MacKenzie:** My friends opposite have talked about the leaks. Having had the opportunity of looking at this and knowing that leaks are an extremely difficult... Would you agree with me that generally two people are involved in a leak? One of them is inside the organization and one is on the outside. The one on the outside is not going to be obligated, nor will they reveal the source of the leak.

To identify a leak becomes a very difficult, almost impossible, task. That being said, you can spend a great deal of time at it, and there are some circumstances, but how can we be sure now that the opportunity to create the leak from inside, if it did come from your organization, would be minimized or eliminated?

**Commr Giuliano Zaccardelli:** The great challenge, of course, is that you can't guarantee or you can't eliminate it, but it is a very insidious crime. It goes right to the heart of the issue of trust in society.

We put into place policies and regulations to try to prevent that, to the best of our ability, and I believe we are much more effective now in controlling and tracking information, which is a major way to determine how the leaks may or may not occur. We have improved the system substantially in this area. As you said, sir, the issue of leaks is very difficult, but that should never ever stop us from undertaking the investigations and putting the resources required to try to get to the bottom of the issue.

• (1045)

**The Chair:** Thank you, Commissioner.

Your time is up, Mr. MacKenzie.

We will now move to the second round of questions. These are five minutes in duration. We'll begin with Mr. Holland, from the Liberal Party.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Thank you, Mr. Chairman, and thank you, Commissioner, for appearing before us today.

Commissioner, certainly I appreciate the apology deeply, as I'm sure the Arar family does; this has been said.

The concern that I have up front, Commissioner, is that we are now nine days past the date that Justice O'Connor's report was issued. We have waited over that period of time—the Arar family has waited, the Canadian public has waited—for a response, yet none has been forthcoming until this point in time, and I think it's prudent to point out that in fact your presence here today is as a result of the committee's request for you to appear.

A statement was not offered by you without your having been requested to have one, which is a concern to me. That leads me to a couple of yes or no questions that I hope we can get through rather quickly to find out why that happened, and then there are some questions to follow that.

First, were you at any time, directly or indirectly, told, or did you receive any political direction from the government, not to publicly

discuss the findings of the Justice O'Connor report over the last nine days?

**Commr Giuliano Zaccardelli:** Mr. Chairman, this is a very serious matter. This is the committee of Parliament that deals with this very serious matter. I believe this was the right place to come and make the statement that I knew I needed to make. That's what I did. I was ready to appear before this committee had you sat sooner. I heard indications last week you might be sitting. This is a serious matter. This is a serious committee, and that's why I'm here today.

**Mr. Mark Holland:** I'll repeat the question. Did you receive any political direction not to discuss publicly the findings of the O'Connor report in the last nine days? Further, is it true that your office prepared a statement responding to the report, a statement you intended to deliver publicly at a press conference or by another means?

**Commr Giuliano Zaccardelli:** The only statement that I prepared to deliver anywhere was the statement I made here this morning. I came here because I believed, on my own, that this was the right place to come at this time.

**Mr. Mark Holland:** Did you receive any political direction to not publicly discuss the report?

**Commr Giuliano Zaccardelli:** Absolutely not.

**Mr. Mark Holland:** Did you at any time offer to tender your resignation, in light of the report's findings?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I have read Justice O'Connor's report. I have looked very clearly at the actions of the members involved in this very difficult and complex investigation. I believe the analysis, in my respectful opinion, does not call for me to step down.

I'd like to make one further comment, Mr. Chairman.

You know, there are two kinds of people in this world. There are those who are faced with difficulties and they throw up their hands and walk away from the challenge. There are those who roll up their sleeves and decide they're going to fix what went wrong. I'm a person who fits in the latter category.

I, and the members of the RCMP, understand the issues here and the mistakes we made. We're committed to correcting those mistakes, working with Canadians, and by learning, we will be a better organization because of that.

**Mr. Mark Holland:** Just to repeat the question, Mr. Chair, in light of the report's findings, did you offer your resignation, and did you in fact prepare a letter of resignation?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I have just stated that I roll up my sleeves and do my work. I'm the Commissioner of the RCMP and I intend to continue being the Commissioner of the RCMP.

**Mr. Mark Holland:** Are you choosing not to answer the question?

**Commr Giuliano Zaccardelli:** Mr. Chairman—

**Mr. Mark Holland:** It's just yes or no. Did you offer your resignation at any point in time over the last nine days?

**Commr Giuliano Zaccardelli:** I did not, but as I said, Mr. Chairman, I accept my responsibilities; I accept Justice O'Connor's report; and I am working diligently to lead this great organization to be better than it is by learning from our mistakes, for the benefit of all Canadians.

**Mr. Mark Holland:** Mr. Chairman, we know that the leaks in fact began even before the period of time that Justice O'Connor looked at; they began in 2002. In fact, those leaks were used by the then opposition Conservatives to characterize Mr. Arar as a terrorist and to attack the Canadian government for not moving more quickly to condemn him and cooperate with U.S. authorities.

In light of the fact that these leaks occurred over 2002 and beyond—over a very long, protracted period of time—why was the attention of the RCMP at the highest level, at the commissioner level, not focused on this to ensure that further mistakes did not happen, when in fact we know that during the period between 2003 to 2005 misleading information was still being given to U.S. authorities?

You said you've accepted the findings of the O'Connor report that said full information was not given. Why did we not see intervention at the highest level, starting as early as the first leaks in 2002, to ensure that the type of thing that has happened didn't occur?

• (1050)

**Commr Giuliano Zaccardelli:** Mr. Chairman, I cannot accept a number of the premises that preceded the question.

When we found out about the leaks in the RCMP, as I stated, we undertook a serious criminal investigation at the highest level. And that is ongoing today.

**The Chair:** We'll now have to move to the Bloc Québécois.

Ms. Bonsant.

[Translation]

**Ms. France Bonsant (Compton—Stanstead, BQ):** Good morning, Mr. Zaccardelli. I just have a comment to make. Yesterday, I was deeply touched to see a picture of Mr. Arar laughing. After the terrible ordeal that he suffered during three years with his wife, I was deeply touched to see him smiling.

To make sure that no other family will live what he had to go through, I want to know if your famous Project A-O Canada is still in existence. If yes, will the same people continue doing the same work following the same directives?

**Commr Giuliano Zaccardelli:** Mr. Chairman, the project that I mentioned in my presentation still exists because we are still pursuing a criminal investigation.

[English]

**The Chair:** You are going to be sharing your time with Monsieur Ménard?

[Translation]

**Ms. France Bonsant:** Yes. I shall share my time with Mr. Ménard.

**Commr Giuliano Zaccardelli:** Mr. Chairman, there was a second part to that question. Many changes are occurring within the Project A-O Canada team, as it is often the case. The investigators are not

the same as in 2001-2002. There has been some changes, but I cannot give you precisely the names of the team members. I know that the first two investigators are no longer part of the team.

**The Chair:** Mr. Ménard.

**Mr. Serge Ménard:** Commissioner, I already said how I appreciate that you have accepted the criticisms, your intention to correct the situation and the excuses that you submitted to the Arar family, which I hope will be followed by others who should do the same.

However, I am very concerned over a fundamental issue after listening to your statement. As soon as you knew that Mr. Arar was in Syria, you asked to see the file. You knew that a mistake made by the RCMP had resulted in his ordeal. As everyone can tell, you let him rot for almost a year in a Syrian prison. Before the publication of the O'Connor Inquiry Report, most Canadians—not all—thought that Mr. Arar had terrorist links, but you knew that it was false.

How could you, as a police officer, leave in jail someone you knew to be innocent? It was your organization that triggered what led to his imprisonment.

Furthermore, seeing the numerous attempts to tarnish his reputation in order to justify his incarceration, why didn't you find a way to intervene and personally inform correctly the minister? You also knew that political authorities and the minister of that time seemed to believe those who told them that if Mr. Arar was not a terrorist he had at least terrorist links and was deep down partly responsible for his own situation.

Furthermore, I can see that the reform plans you have told us about have not been developed only after the release of Justice O'Connor's report. From what you told us, you knew that this was a serious problem to which you had already started to find some solutions.

Why didn't you make all possible efforts to see to it that Mr. Arar was returned to Canada and his reputation was repaired before the release of the report?

**Commr Giuliano Zaccardelli:** Mr. Chairman, Justice O'Connor said clearly in his report that he couldn't be 100% sure of the information used by the Americans in their decision to detain Mr. Arar in New York and send him to Syria. This is very clearly stated in the report.

• (1055)

**Mr. Serge Ménard:** I am sorry to interrupt you but our time is so short here. Have you asked the Americans what was the reason for sending him to Syria?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I shall continue my answer.

Justice O'Connor said that he could not be 100% sure of the reason why he was sent to Syria. We acknowledged that false information had been conveyed to the Americans, that while Mr. Arar was in New York, we have clearly said to the U.S. authorities that our information was wrong. We attempted to correct that information. Except for that, I have no information nor any indication on the reason why the Americans made their decision.

After we learned that Mr. Arar was detained in Syria, as Justice O'Connor said, several attempts were made to get him released. Discussions occurred between several departments here in Canada. Justice O'Connor said that all possible efforts might not have been made, that there might have been a lack of communication between departments. This is true and we shall do our best to improve cooperation between various agencies.

[English]

**The Chair:** Thank you, sir.

We'll now move over to the government side.

Mr. Brown.

**Mr. Gord Brown (Leeds—Grenville, CPC):** Thank you very much, Mr. Chairman.

Thank you, Commissioner, for appearing today. I appreciate that you see this as the committee that should be hearing from you.

I do think all Canadians are happy that the RCMP has taken this responsibility. We all know that this happened right after 9/11, when Ground Zero was still smouldering. But there are so many questions that are I think still left unanswered.

First, do you know if the Americans were investigating Mr. Arar prior to Canada and the RCMP getting involved?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I do not have any information on what the Americans were doing, nor do I have any information on what was the basis of their decision to detain him and send him to Syria.

**Mr. Gord Brown:** So it's your belief that any actions they took came out of information that was supplied by the RCMP.

**Commr Giuliano Zaccardelli:** Mr. Chairman, as I've stated, Justice O'Connor himself says he cannot be definitive on what was the basis of the Americans' actions in this matter. We do not know that. We know that we attempted to, and we did, clarify—the RCMP did clarify—the false information they had provided. We did that while he was still in New York.

**Mr. Gord Brown:** Thank you for that.

Did you ever have any ministerial directives after Mr. Arar was detained and sent to Syria?

**Commr Giuliano Zaccardelli:** Mr. Chairman, a lot of discussions took place after Mr. Arar was imprisoned. Discussions took place that did lead to ministerial directions from the minister. So we discussed those, and a number of directives were given to the RCMP relative to investigations in the area of national security matters.

**Mr. Gord Brown:** That said about national security matters, can you share any of those directives with us?

**Commr Giuliano Zaccardelli:** They exist, obviously, as a record. I don't have them here with me, but I'm sure the department...or Justice O'Connor, I believe, has seen those. I stand to be corrected on this, but I'm sure all of that type of information would have been made available to Justice O'Connor.

**Mr. Gord Brown:** There are so many questions I'd like to ask, but one of the areas I have a great deal of concern about is these leaks and the investigation by the RCMP of their own.

What did you do upon first finding out about these leaks? Has there been a thorough investigation? You've obviously taken some responsibility on that, but have these officers been given polygraphs? Maybe you can tell us a little more about the investigation, because I think it gets right to the heart of this, and there are still some questions left unanswered in this area.

• (1100)

**Commr Giuliano Zaccardelli:** I respectfully have to correct the honourable member, Mr. Chairman, in that we don't know where the leaks have come from. Justice O'Connor himself says we don't know where the leaks have come from.

As I've repeated several times, when we became aware of the leaks, we recognized the damage it was doing to Mr. Arar. We undertook at the highest level to put together a team and we had an investigation undertaken. We executed a number of search warrants relative to that. Some of the results or the seizures of that search warrant have been in court, subject to challenges by the media. We respect that. It is an active investigation.

I am very concerned, because, as I said, leaks of this manner go right to the heart of what this democracy is all about. There is nothing I take more seriously than trying to get to the bottom of this matter, but as has been said here, these are some of the most difficult and complex types of investigations to undertake and to succeed at.

**Mr. Gord Brown:** Are there still ongoing attempts to get to the bottom of that? As you said, this goes right to the heart of our democracy.

**Commr Giuliano Zaccardelli:** Absolutely. And we're hopeful that we're going to be successful in court to get access to the information that we seized under the search warrants, which were issued by a lawful court. We will continue this investigation until every avenue possible has been explored.

**Mr. Gord Brown:** Thank you.

**The Chair:** We will now move to the third round of questioning. There are two questioners in this round, one from the opposition side and one from the government side.

Mr. McTeague, please.

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Commissioner, thank you for being here today. I also appreciate the apology you have offered to Mr. Arar and Monia Mazigh.

I have some questions dealing with the existing protocols governing the sharing of criminal intelligence with foreign entities prior to 9/11. I want to know if you can inform this committee as to the nature of those protocols, and if indeed those same protocols were applicable to the sharing of national security information and intelligence after 9/11.

If there were strict guidelines with respect to the sharing of intelligence with foreign agencies, can you tell this committee who authorized the RCMP, and more specifically Project A-O, to circumvent the existing protocols in the Arar case? Have you tried to find out if anyone from Project A-O was in fact responsible for this? Did they ever voice concerns to you? And why didn't you raise these concerns with the minister?

**Commr Giuliano Zaccardelli:** Mr. Chairman, there are protocols and laws that regulate the exchange of information among countries. It's important to understand that when the RCMP do what is considered a national security investigation, it is still a criminal investigation, which we are mandated to carry out, so we do that. There are protocols that govern this exchange of information in terms of caveats and so on, as you've heard.

There were policies, and there are policies, in place that Justice O'Connor recognized as being good policies pre-9/11 and post-9/11, although we have made some changes and tried to improve them and tighten them up. The issue here, and I accept responsibility for it, is that certain of those policies were not followed or were not respected, and some information was exchanged contrary to that policy by members of the investigation team.

On this investigation team, it's important to remember that this was in October 2001, when there was huge pressure and a lot of concern. So there was an attempt to maximize the exchange of information for the benefit of everyone, especially for protecting Canadians. The exchange of information with our friends and allies around the world is critical to the safety and security of Canadians, but it must always be done within the rules and the policies that exist.

**Hon. Dan McTeague:** Commissioner, I think many of us were concerned about the move by the RCMP in this case, and in three other cases that I want to allude to, from your traditional role of investigative enforcement into the area of sharing of criminal intelligence. It's a matter that is clearly, as identified by the commissioner himself, not your responsibility. I'm hoping there isn't the need for another royal commission to determine that, but I think it's very clear that a serious line has been crossed here, and I think your comments reflect that.

Commissioner, in light of the findings of the same report by Justice O'Connor, can you guarantee to this committee that you have personally examined similar actions and cases with respect to Ahmad El Maati, Abdullah Almalki, and Muayyed Nureddin? If not, why not? If you have done so, are you confident that these men were not subject to the same excesses that Mr. Arar was subject to, in light of the determination of the case by Justice O'Connor?

On a personal note, as someone who has actively sought the release of these individuals, I must tell you that I find it both unacceptable and unconscionable that dubious information would have been given by your agency such that these individuals would find themselves having that same information shared not with U.S. officials...but with the same questions asked of Syrian officials.

I would like to ask you this. Are you absolutely sure, and are you prepared to apologize to those three individuals, and for that matter any other Canadian for whom the RCMP has misleadingly given information that may jeopardize their lives or standing as they travel abroad?

• (1105)

**Commr Giuliano Zaccardelli:** Mr. Chairman, I must respectfully disagree with the premise of the honourable member's questions.

The first part of his question deals with our presence in criminal investigations related to national security matters. We clearly have

that mandate, and we've always had that mandate. That mandate goes right back to Justice McDonald and the McDonald inquiry. Every national security issue, every terrorist attack, from Bali to Spain to London, has been investigated in part as a criminal matter by the police. It's our role, and that's what we have done.

**Hon. Dan McTeague:** Does that include the sharing of information with foreign entities, Commissioner?

**Commr Giuliano Zaccardelli:** Mr. Chairman, we are only talking about—

**Hon. Dan McTeague:** I think my question is very specific, Mr. Chairman.

**Commr Giuliano Zaccardelli:** —sharing intelligence, criminal intelligence, with our friends and allies. Justice O'Connor clearly recognizes the importance of that to ensure the safety of Canadians.

**The Chair:** Thank you, sir.

**Commr Giuliano Zaccardelli:** Mr. Chairman, if I could just comment further, the honourable member mentioned a number of other cases.

There are criminal investigations going on that I cannot allude to. But the exchange of information relative to any case is always done with respect to the law, and that's what we've done in every case. Where we've made mistakes, as Justice O'Connor has indicated them, we have accepted them and we have put into place measures to correct them.

**Hon. Dan McTeague:** You should apologize to those three men.

**The Chair:** Thank you,

We'll now move to Mr. Hawn.

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Thank you, Mr. Chair.

Thank you, Commissioner, for being here.

I only want to follow up on and solidify something my honourable colleague said.

Recommendation 6 says:

The RCMP should maintain its policy of sharing information obtained in the course of national security investigations with other agencies and police departments, both domestic and foreign.

He goes on to say in his report that :

RCMP's current policies with respect to information sharing are essentially sound.

Would you comment on that, or agree or disagree?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I totally agree. Not to share information would put the security of Canadians at serious risk.

**Mr. Laurie Hawn:** The main purpose in looking backwards at anything, I think, is to see our way forward.

I think it's fair to say that the RCMP, like other organizations, such as the Canadian Forces, have over the past number of years been undermanned, underfunded, and overtasked. In a situation like that it is natural that experience levels decline, and it's probably natural that mistakes are made. Certainly mistakes were made in this case.

It's obviously a very subjective question for a very subjective answer, but how much impact do you think the long-term undermanning, underfunding, and overtasking had in mistakes that were made in this particular case?

**Commr Giuliano Zaccardelli:** Mr. Chairman, when 9/11 happened there wasn't a country in the world, a police force or a security agency in the world, that didn't find itself underresourced in terms of personnel, in terms of equipment and other resources. What we all did, and especially we in Canada from that very day, was move to redeploy resources to improve the situation. We did have to put, in some cases, people into positions that they may not have been trained for, but our men and women in law enforcement in this country are trained to take on a multitude of tasks, even though they may not have the particular expertise, and that's what we did.

The previous government and this government have given us substantial resources to deal with these matters, and we're very pleased with that. There's always a need for more resources. It's a question of balance. It's a question of leveraging our collective resources and working together, as Justice O'Connor has said, with CSIS and the RCMP and other agencies, and with our foreign partners so that we can work better and protect the citizens of all our countries.

• (1110)

**Mr. Laurie Hawn:** We've dwelled a lot on the mistakes in the Maher Arar case and some other cases that have just been mentioned, and those are obviously regrettable. Can you give us some sense of the other side of that? How many cases or how many situations have been averted to the benefit of Canadian and/or international security?

**Commr Giuliano Zaccardelli:** Proving the negative, Mr. Chairman, is always difficult, but it's very clear, because we deal with thousands of cases. Unfortunately, we've had to deal with thousands of cases in this country and also in partnership with our other allies around the world. A lot of them have been successful, and they don't make the news, but we have heard about some very successful ones. We will continue to do the best we can to keep Canadians as safe as possible.

**Mr. Laurie Hawn:** You've already mentioned that you have, in your view, the ability and the willingness to keep serving in your current role. I'm trying not to make this sound unfair, but you've served 36 years in uniform, which is tremendous, and six years as the commissioner. You have, in your view, the ability and willingness to go on. Do you think you have the confidence of your department and the government—and don't ask the question back to me, please—to carry on in your current position?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I think the record is clear. My minister has made his statement. I believe I've received nothing but the greatest support from my organization.

I'm an immigrant to this country. My father said, "You're here now, serve the country." That's all I've ever wanted to do. This is the only uniform I will ever wear; this is the only job I will ever do.

**Mr. Laurie Hawn:** Thank you, Commissioner.

We talked about experience and a lack of training and so on. When the information was given to the U.S. personnel or agencies, were you relying, or do you think your folks might have been

relying, on the U.S. agencies doing due diligence on the information given to them?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I was personally shocked when I heard that possibly the only basis of whatever action was taken may have been the RCMP's information. Our information was not correct.

I thought about that, and I thought about what, if I had received that information and the roles were reversed, we would have done. I can assure you we would have done due diligence, we would have carried out an investigation, we would have looked to see if there was any evidence, we would have gone to a crown attorney, we would have consulted. That's what we would have done. I don't know the information that was relied upon, and Justice O'Connor clearly states he can't be definitive on that. If that's what was relied upon...I was shocked.

**The Chair:** Thank you. The time is up. We'll now move to the fourth round, and we're back to the official opposition.

Mr. Holland, please.

**Mr. Mark Holland:** Thank you, Mr. Chair.

Commissioner, I'm wondering if you can tell me if either last Friday or last Sunday you had a meeting with Minister Day.

**Commr Giuliano Zaccardelli:** Yes, I believe...I have a lot of meetings. I know I had a meeting on Wednesday and on Thursday, and we've had a number of discussions, Mr. Chairman.

**Mr. Mark Holland:** In meeting with Mr. Day, what were the conversations that took place? Did they concern the O'Connor report and your response to the O'Connor report or the government's position with respect to the O'Connor report?

**Commr Giuliano Zaccardelli:** We discussed a number of things, including, obviously, this report.

**Mr. Mark Holland:** Commissioner, you had earlier told me that there was no political direction given with respect to the O'Connor report. You're now saying that you did meet with the minister, that you did discuss the report. In that meeting, was there a discussion about interaction with the media, a public statement, how you should handle this matter, how Minister Day should handle this matter?

• (1115)

**Commr Giuliano Zaccardelli:** Mr. Chairman, I meet with my minister, with my boss, on a regular basis and we discuss a wide latitude of issues. I am not prepared here, unless I am directed, Mr. Chairman, to get into personal discussions about the work and what we do with the minister.

**Mr. Mark Holland:** Earlier, Commissioner, you said you did not receive any political direction with respect to this matter, and now you're being less clear on that. I'm wondering if you can tell me if at any point in the last nine days you wrote to Minister Day regarding your wish to respond to this report.

**Commr Giuliano Zaccardelli:** Mr. Chairman, my personal discussions and correspondence with the minister are personal relative to the work I'm doing.

**Mr. Mark Holland:** Okay, but earlier you had stated that this was your decision, to wait until the committee asked you to come, and that you didn't express a desire to speak earlier. Now you're being less clear on that, in terms of whether or not you did in fact write to the minister over the last nine days with respect to your desire to make a statement.

**Commr Giuliano Zaccardelli:** Mr. Chairman, I've stated that I've been ready to come before the committee. I said this is the important committee that deals with this matter. I've been ready, and here I am answering your questions and making my statement.

**The Chair:** I'd like to just intervene for a minute.

I think, Mr. Holland, you'll recognize that Mr. Zaccardelli cannot violate cabinet confidences.

**Mr. Mark Holland:** I'm just trying to match up the earlier statements with the questions and answers that are being given now.

**Hon. Dan McTeague:** And the minister acknowledged it in the House.

**Mr. Mark Holland:** The minister acknowledged it in the House.

I just want to go to another question that comes back to the earlier question that I asked, and that is to specifically ask this time if you received any direction from Minister Day, verbally, in the meetings that you now say you had, or in writing or electronically, or from any other member of the government, suggesting you should restrict your access to the media on this matter.

**Commr Giuliano Zaccardelli:** Mr. Chairman, I have not received any instructions that I should restrict myself from the media at all. As a matter of fact, I was on Parliament Hill on Sunday honouring over 700 men and women who died in the line of duty. I saw the minister. I shook hands with him. His wife hugged me. We had a good conversation. I have not restricted myself. The media were there. They asked me a question, and I answered a couple of questions.

**Mr. Mark Holland:** In your meetings with Mr. Day...because earlier you said you didn't receive any political direction; now you're being less clear about that and saying that there was in fact a meeting that took place with Mr. Day over the last nine days. You can understand that it would be difficult to believe that when you met with Mr. Day in that intervening period you would not have discussed this case and how you were going to present this matter publicly.

So I would ask again, specifically with respect to dealing with this matter and the findings of the O'Connor report, did you either verbally or in written fashion, either electronically or otherwise, have any instructions from the minister with respect to how to handle this matter, or did you discuss how this matter should be handled with the media in your meetings with Mr. Day?

**Commr Giuliano Zaccardelli:** Mr. Chairman, the honourable member keeps saying that I'm trying to be less than clear on the answers. I will try to be very clear because I believe I've been consistently clear.

I've dealt with the minister. I've stated that. I've met with him a number of times. The minister has not given me any direction on how to deal with the media, whether I should meet with them or not. I did meet with them, because they were on Parliament Hill and I did talk to them.

**The Chair:** Mr. Norlock, you'll have five minutes, please.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Commissioner, thank you for being here this morning. Thank you for your forthrightness and for your apology to Mr. Arar and family.

You alluded to specific changes that you made in your organization to ensure that such occurrences as we are meeting here today to discuss don't occur again.

I have two questions.

The first one is, specifically what changes in your organizational structure and reporting have you taken to ensure that there is proper supervision over such investigations?

Secondly, what are the philosophical or practical reasons why you would not wish to have an external police agency take a second look at what you're doing or specifically assist in an investigation where you may have a member or members who have broken the law? The reason I ask that question is related to some experiences I've seen in other police forces, whereby an external police force will come in to ensure that there is an independent oversight, just to make sure that justice not only is done but appears to have been done from an investigative point of view.

• (1120)

**Commr Giuliano Zaccardelli:** Mr. Chairman, in terms of the restructuring, a number of things have been done, but I believe the most fundamental change, which was very substantial for an organization like a police organization, was that in this area all files are centrally controlled, all operations are centrally controlled, all exchanges of information with our partners and so on are centrally vetted. That is a fundamental shift from the normal way police forces deal with their normal criminal investigation. That is the major shift.

Then the other day I had a meeting here in Ottawa with all my senior criminal people to re-emphasize that very issue: that nothing can be done in this field unless it is vetted and controlled and directed through Ottawa.

With respect, Mr. Chairman, to the issue of an outside agency possibly doing an investigation, in particular of the leak, in the RCMP we don't have a strict rule or policy on getting outside police forces to carry out certain investigations.

As I stated, leaks at this level are unique in this country...and they usually are not done by other police forces. So I was concerned about that. We do from time to time ask other police forces to do investigations for us. It is on a case by case basis.

There's what we've seen in the papers recently relative to certain investigations, where we had the Ottawa city police do an investigation for us. We've had the OPP do an investigation for us; we do it for them. Right throughout the country there are exchanges. And there are protocols; each province has a different protocol. When the tragedy happened in northern Manitoba with a particular shooting, we had somebody from the outside come in to review it.

So we do that. In this case, it was a judgment call by the most senior people, including myself, that we would do it, and we gave it the most serious consideration.

**Mr. Rick Norlock:** Let me go back to the last question. We have several large police forces in Canada that have in the past had experiences with information jeopardizing an investigation or being inappropriately released. Sometimes, or as is the case occasionally, these police forces will share best practices with respect to how they go about ensuring that standing orders, or the ways in which they conduct themselves from an administrative and investigative point of view, compare with those of other modern, large police forces.

I'm wondering if the RCMP undertakes those types of "best practices" sharing with other police forces, in this specific case with respect to leaks, if you contemplated doing it or do contemplate doing it.

**Commr Giuliano Zaccardelli:** Mr. Chairman, that's a very good point.

We do exchanges and best practices in all areas, whether it's aboriginal policing, serious crime investigations, drug investigations...and so on. We have multidisciplinary teams where we work together so that we learn from each other right on the ground.

I like the idea. I don't think we've ever done an exchange of best practices in this particular area—fortunately because there haven't been a whole lot of cases, when you consider it—but I like the idea and I accept your recommendation. I will look at that and try to do it.

**The Chair:** I'm sorry, the time is up.

We have gone full circle and we will now return to the same procedure we had to begin with. Mr. Cotler, you will lead off, followed by the Bloc, the New Democratic Party, and the Conservative Party.

• (1125)

**Hon. Irwin Cotler:** Thank you, Mr. Chairman.

Commissioner, you said you did not know that false or misleading information had been initially conveyed to the U.S., but you learned that it had been corrected during the time of his detention, which was presumably when you learned of this development.

My first question is, once you learned that false and misleading information conveyed to the U.S. authorities had been corrected, in your own words, why was the Canadian government not briefed about that fact? Why did the RCMP continue to convey false and misleading information to Canadian authorities after they had already corrected it with American authorities, and doing so even after Maher Arar's return to Canada?

Second, once you learned again about the false and misleading information to the United States, why did the RCMP, as Justice O'Connor has reported, not support the one voice initiative letter to Syria, which, as Justice O'Connor reports, undermined facilitating his earlier release and return to Canada? My question here is, were you involved in the discussions regarding the one voice initiative? If yes, were you supportive of it? If not, why were you not involved?

My third and last questions is, whether or not the damaging leaks came from the RCMP, once these damaging leaks were publicly made to the Canadian public, one year after the initial detention of Maher Arar, why did you not correct the public record? Since you knew that the false and misleading information had been corrected to the Americans one year earlier, Commissioner, why did you not

speak up and correct the public record here in Canada, where Maher Arar's reputation and that of his family was being badly damaged, after it was clear that there was no evidence against him?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I do not accept part of the premise of the questions that were asked.

With respect to the first question, the RCMP has never misled Canadian authorities relative to this matter. Absolutely not. When I became aware of the fact that there was erroneous information, attempts were made to speak with one voice. Discussions did take place relative to that between officials in Canada. A number of discussions took place. My officials were involved in those discussions. On one particular point, both the RCMP and CSIS did not agree with the position that was being advanced.

I accept Justice O'Connor's position that as Canadian officials and agencies we could have done better. I accept that. I was never personally called to a discussion or a meeting where I was asked to give input to or to discuss this issue. It was never raised to my level, but I knew about it and my officials were involved in those discussions.

In terms of the last point, as I said, we corrected that information with the American authorities. We also let the Canadian officials know. When we were asked for the timelines and when this matter became very public, we provided the best information we had to PCO and others, in terms of what our involvement was.

**Hon. Irwin Cotler:** Commissioner, I don't believe you've answered a number of the questions, but specifically one of them.

When you had corrected the information with American authorities one year earlier, after Maher Arar's return from the imprisonment and ordeal, and public damaging leaks were made, and you knew at that time that Mr. Arar was not a suspect and the evidence was clear that he was not implicated in any terrorist activity, why did you not correct publicly those damaging leaks? Why did you allow headlines in Canadian newspapers to say, "Canada 100% sure that Maher Arar is involved in terrorist activity", and this after his release and return to Canada from Syria?

**Commr Giuliano Zaccardelli:** I did not know, Mr. Chairman, that Mr. Arar was not involved with terrorist situations before he was arrested. I learned about it when I reviewed the information. We tried to correct it with the Americans. We let Canadian officials know about that, and we gave them all the information we had. The question is correct. I did not make a public statement. I didn't know everything about Mr. Arar.

• (1130)

**The Chair:** Thank you.

These are five-minute rounds. We will now move on to Monsieur Ménard.

[Translation]

**Mr. Serge Ménard:** Commissioner, when you learned that the U.S. authorities had based their decision on information conveyed by Canada you were probably aware of the fact that if Mr. Arar was sent to Syria as someone suspected of terrorism, there was a very strong probability that he would be tortured, weren't you?

**Commr Giuliano Zaccardelli:** Is it a question?

**Mr. Serge Ménard:** You are saying that you have corrected...

**Commr Giuliano Zaccardelli:** Excuse me, Mr. Chairman, but I did not answer that question.

Do you want an answer?

**Mr. Serge Ménard:** I said that you knew that there were a good chance that upon arriving in Syria as someone suspected of terrorism, Mr. Arar would be tortured.

**Commr Giuliano Zaccardelli:** Yes, there was information to that effect.

**Mr. Serge Ménard:** You said that you corrected the false information conveyed to the Americans. Did you ask them if they had other reasons to make such a radical decision to send Mr. Arar to Syria?

**Commr Giuliano Zaccardelli:** The U.S. authorities did not give us any other information. We made requests to the Americans, but they did not give us any other information.

**Mr. Serge Ménard:** I find it strange. The Americans must have had their own reasons for not intervening later on, for not trying to get Mr. Arar out of that unfair situation which was the result of your information, and for having used such a radical method.

Is this what you thought?

**Commr Giuliano Zaccardelli:** Mr. Chairman, as I already said and as Justice O'Connor said himself, we cannot be 100% sure of the reasons why the Americans made the decision to send Mr. Arar to Syria. According to Justice O'Connor's report, it is not exact to say that they acted only on the basis of information conveyed by Canada.

**Mr. Serge Ménard:** Precisely, if the Americans had their own reasons, those reasons had to do with your cooperation in that common fight you lead with intelligence authorities in the U.S. In this case, these reasons relate to a Canadian citizen, then to a person of interest for you.

In such circumstance, would it not be normal that intelligence authorities in Canada be informed of the exact reasons why intelligence authorities in the U.S. decided to send someone to a country where he would be exposed to torture?

**Commr Giuliano Zaccardelli:** Mr. Chairman, as I already said, we do not know on what basis the Americans have made their decision. We very clearly know that several attempts have been made by various agencies, and particularly Foreign Affairs, to know what was happening, why Mr. Arar was in prison and how he was treated.

It cannot be said that Canada did nothing. There were a number of attempts and efforts. We accept the comment by Justice O'Connor that we have missed the opportunity to speak in one voice. I also accept that criticism.

**Mr. Serge Ménard:** Did you ask the Americans what were those reasons?

**Commr Giuliano Zaccardelli:** Mr. Chairman, the Americans did not give us...

**Mr. Serge Ménard:** Did you ask them why they sent Maher Arar to Syria?

**Commr Giuliano Zaccardelli:** Mr. Chairman, we made representations to the Americans. They said clearly and publicly that they made that decision themselves and unilaterally. We tried to find out why they made it, but we were unsuccessful.

**Mr. Serge Ménard:** Mr. Zaccardelli, I have some concerns about your statement on that subject even if the beginning of your presentation was very good. I congratulate you for it.

I would not say that it is unavoidable, but I believe that there will probably be other mistakes considering the difficulty of gathering intelligence on terrorist groups and the need to share information between countries.

I would like to make sure that, in the future, when you make a mistake of the kind that leads to unfair consequences, you will be able to agree on a way to communicate rapidly between your organizations in order to put rapidly an end to the ordeal of the person who is victimized by that mistake.

• (1135)

[English]

**The Chair:** Thank you.

The time has actually expired. Do you have a brief comment, sir?

[Translation]

**Commr Giuliano Zaccardelli:** As I said—and it was mentioned by Justice O'Connor—, our investigators have tried to correct the false information with the Americans.

[English]

**The Chair:** Thank you.

We will now move over to Mr. Comartin for five minutes, please.

**Mr. Joe Comartin:** Mr. Commissioner, let's go back to the leaks and—to use Mr. Norlock's words—best practice, the quality of the investigation. You left an impression, and I don't know if you intended to, that part of the difficulty was that most of these leaks were verbal, and it's hard tracking those. But there are also leaks of documents that came out of the files of the RCMP. Has the investigation identified everyone who had access to those files within the RCMP, within CSIS, and within Foreign Affairs?

**Commr Giuliano Zaccardelli:** Mr. Chairman, as I stated before, this is an active criminal investigation, so the committee can appreciate that I cannot comment any further on that. But I can assure the committee that absolutely everything possible is being done and will continue to be done to assure that we have all the information and will get to the bottom of this matter. I want to reassure this committee of that.

**Mr. Joe Comartin:** I'm having some difficulty with the reassurance, Mr. Zaccardelli, and that's not anything personal about you. Given the history of what's gone on in this file, what I see is an obvious conflict within the department. There are very good reasons why these leaks would have occurred from your department, from CSIS, or from Foreign Affairs and International Trade, in terms of protecting their own interests. I'm not asking you to tell me who those people are. I'm simply asking whether you have identified everyone who had access to those files.



**Commr Giuliano Zaccardelli:** Mr. Chairman, I can assure you that everything possible is being done to get to the bottom of the leaks. I also would like to state that nobody is tougher on rogue police officers, or any police officers who commit a crime, than other police officers who investigate them. The proof is in the pudding. We have investigated and arrested members and sent them to prison. That's how seriously we take our work. We do not look at members and say that because they are members they get special treatment. They are subject to the law just like everybody else, because the trust of Canadians, the confidence of Canadians, depends on that.

I want to assure the honourable member and this committee that everything possible will be done. Everybody is being looked at; nobody is excused or will not be looked at in this investigation. No document will not be looked at or examined if we can access it through whatever legal means we can.

**Mr. Joe Comartin:** Commissioner Zaccardelli, that would have much more credibility if we didn't have the meeting you're having this afternoon with your own department on the way they conducted that investigation in terms of internal improprieties in your department and of letting the time limit run out. That's not a question; that's just a statement.

**Commr Giuliano Zaccardelli:** Mr. Chairman, I would like to comment on that, because I think it's an important point.

I have two points. I would like to first make the comment that there is a lot of assumption here that the leaks came from the RCMP, and I only directed that—

**Mr. Joe Comartin:** I have made it very clear, Mr. Commissioner, that I had.... Look, I'm as worried as you are about the fact that that person or that group of people were so despicable that they did this, not just because of what they did to Mr. Arar and Dr. Mazigh, but because of what they did to the reputation of the RCMP. I'm not suggesting that at any time I have drawn any definite conclusion as to whether they were the source of the leaks. It could just as easily have been CSIS; it could just as easily have been Foreign Affairs. I understand that.

**Commr Giuliano Zaccardelli:** Mr. Chairman, I would also like to comment on a point that was made about my meeting this afternoon, which will be after I meet with the media. I am meeting with the divisional representative of the force. This is a labour-management issue. We discuss issues. This is a regular meeting to discuss this. Obviously, my appearance here will be part of that discussion, but we're there to discuss issues of interest to the well-being of the force, to make it better, and to deal with those issues. That's what that meeting is about.

• (1140)

**The Chair:** You have only five seconds left, Mr. Comartin.

**Mr. Joe Comartin:** I'll pass.

**The Chair:** Okay. Thank you.

We'll now go over to the government side.

Mr. MacKenzie, please.

**Mr. Dave MacKenzie:** Thank you, Chair.

Commissioner, there has been a great deal of discussion about what directions you've been given or haven't been given on talking to

the media and so on. Canadians heard a great deal in the last few days about how at the solemn event that was held on the Hill this last weekend you and the current minister didn't speak with each other and had no contact, and I'm sure Canadians may be surprised to hear what you just said a few minutes ago, that in fact you did have a conversation and shook hands, however briefly, and also met the minister's wife. The point is that not everything you hear or see is actually factually true. There are opportunities to straighten that record, and I'm pleased that you did so here today.

Having said that, one of my concerns, as the honourable member across was discussing, is about letting Canadians know when you knew what was wrong in this whole affair and straightening it out. When did you let the political body in Ottawa know that there had been errors made and it may have resulted in what happened to Mr. Arar? How soon did that occur?

**Commr Giuliano Zaccardelli:** Mr. Chairman, as you can imagine, when the matter surfaced, government agencies, the Privy Council Office, everybody was concerned about these things, because they are serious issues and we all take them very seriously. Of course, this led to us starting to provide briefings. As soon as the matter started to become very public and people were concerned, everybody started to provide information, working up briefing notes and so on, and getting the information together. Some of it took a long time to get. It wasn't easy. It's in different parts of the country with different agencies, so the coordination of that took a long time.

It was almost immediately that we started preparing this information. As you can imagine, ministers are concerned. The PCO, bureaucrats, we all wanted to know. I wanted to know what was going on, so it was almost immediately that the machinery in government and the departments kicked into place to come to the bottom of what took place. So the briefings started. Justice O'Connor refers to that.

**Mr. Dave MacKenzie:** But in actual time, approximate dates, when would the minister who you reported to in those days have been made aware that there may have been some errors made in our sharing of wrong information?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I'm sorry, I could get the dates. I don't have the right dates, but I do know that briefings and timelines started to be prepared for him as the matter came up, and we started providing that information.

**Mr. Dave MacKenzie:** When my friend says that you could have corrected the public record, the political people could have also corrected that public record at an earlier date.

**Commr Giuliano Zaccardelli:** We started providing the information as best we could.

**Mr. Dave MacKenzie:** It seems that the other concern is what you may or may not have been directed to do in the last eight days. I would fail to see what that has to do with what we're looking at today. We're trying to determine what went wrong and how to fix it going forward.

One of the other issues dealing with that was the comment earlier about the sharing of information. As I read it, sections 6 through 12 of the report deal with the sharing of information. I don't think there has ever been a suggestion from Mr. Justice O'Connor that we shouldn't continue to share information of a criminal or intelligence nature, but where there may have been a problem was with how it was shared. Can you tell us if those issues have been resolved?

**Commr Giuliano Zaccardelli:** Mr. Chairman, that is absolutely correct. Justice O'Connor makes it very clear that the sharing of information is vital to our safety and security. There are rules and regulations that govern that in Canada and outside of Canada. We accept Justice O'Connors' findings that in the context of 9/11, under such difficult circumstances, mistakes were made in how some of that information was classified, with the tragic consequence for Mr. Arar, as I've stated and we've discussed. We are committed, using Justice O'Connor's recommendations, to correct and improve on that. We've already started doing that. We will continue to do that until it is completed.

• (1145)

**Hon. Dan McTeague:** A point of order, Chair.

I just wanted to point out that there have been two comments made by my colleagues across. They are citing recommendations 6 to 10. I wanted to point out to them section 2.6, since it's been mentioned twice by my colleagues. I've given the information to Mr. Hawn. It cites very clearly:

Project A-O Canada provided information to American agencies in a manner that contravened RCMP policies requiring that information be screened for relevance, reliability and personal information....

It's very clear, Mr. Chairman, that we are dealing here with a breach of the protocols of the policies, and that was indeed the nature of my question. I would not want to allow my colleagues to be confined to only recommendations 6 and 10, when in fact chapter 2 talks about it abundantly and plentifully, as the commissioner suggested.

Thank you, Chair.

**The Chair:** Yes. I think you could have done that when it was your turn, which would have been next.

We will now go to the second round of questioning.

Mr. Bevilacqua, go ahead, please.

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Thank you very much, Mr. Chairman.

Commissioner, first of all, let me express to you my gratitude for your appearance here today and for offering your perspective on this very important issue of not only national importance but indeed international importance.

You've offered your apology, which speaks to the fact that you do in fact take this issue extremely seriously.

We've covered all sorts of ground here in this meeting, from leaks to timelines, your own personal involvement, the personnel challenges, and training issues that have arisen, whether or not there was political direction in this case, Justice O'Connor's report, his recommendations, the exchange of international information, and the problems that sometimes arise as a result of that.

I also took note that there's been a shift in police culture as a result of September 11, not only in this country but in fact internationally. There has been clarification as well that there is no investigation of the Arar family taking place.

The point I want to focus on is that in fact mistakes were made, and when mistakes are made, hopefully lessons are learned.

Commissioner, you, as an individual who has served this country and indeed the RCMP for over 36 years, would clearly understand that the Royal Canadian Mounted Police is an institution in our country. It is an organization that we as Canadians look to. It exercises a very important role in our civil society. What assurances can you, as commissioner, provide the Canadian public, who may in fact be viewing the committee hearings, that these errors will not repeat themselves and that in fact the RCMP can fulfill its responsibilities into the future?

**Commr Giuliano Zaccardelli:** Mr. Chairman, with respect to reassuring Canadians, I can state categorically that we have looked at this report and we have accepted without question the recommendations. We in fact, long before the report came out, were dealing with a number of the recommendations because we ourselves saw the need to strengthen and change some of the issues related to centralization and sharing of information.

We've made mistakes in the past, but this is a difficult business that we're in, as I stated in my statement, and we are committed to learning from this. We have learned. We are doing a number of things to improve the quality and the competency of our people. We believe fundamentally in Canadian values and the values of the RCMP, and we hold people to high standards because Canadians expect us to operate at that level. I can assure Canadians that the only thing we are concerned about now is moving ahead, learning from our mistakes, accepting those recommendations, and moving forward.

That's my commitment. I know that is the commitment of every man and woman in the RCMP.

**The Chair:** Thank you, Mr. Bevilacqua.

We will now move over to the Bloc.

Ms. Bonsant, go ahead, please.

[Translation]

**Ms. France Bonsant:** Thank you.

Earlier, I listened to Mr. Comartin when he was speaking about the reputation of the RCMP. I think that in the 1970s, you have also succeeded to making mistakes. Everybody will remember the explosives placed everywhere and the FLQ. At that time a committee was created. In 2001, you were given back exactly what you had in 1970 and the situation has repeated itself.

What assurance can I get that in five or ten years from now, these events will not occur again given that you don't change your attitude? How can I be sure, as a Quebecker, as a human being, that the same mistake will not be repeated year after year, in the next 10, 20 or 30 years? I am very interested in your answer to that question.

●(1150)

**Commr Giuliano Zaccardelli:** Mr. Chairman, I wish to thank Mrs. Bonsant for her question. She said that we received a new mandate following 9/11. As I tried to explain earlier, our mandate did not change after 9/11 but it was changed after the 1970s. Justice MacDonald's report itself clearly mentioned that the RCMP had an important role to play in criminal investigations.

What are we doing today? What have we been doing since September 11? We have simply continued to fulfill our mandate. There have been some legislative changes to make a crime of certain actions. Parliament has passed new laws. If a crime is committed, we must investigate. This is what we did. Our mandate has not changed. The agency which was created after the MacDonald Inquiry Commission still exists and this won't change. We work very well with it. Our mandate is still the same. We launch an investigation only if a crime has been committed. A terrorist act is a crime. If a bomb explodes here or in another country, a policy agency must investigate. We need the help of intelligence agencies and this is what occurs. This cooperation must exist.

As I said earlier, who has investigated the criminal acts, the crimes committed by extremists in Bali, Madrid and in England? It was the local police, the national police. This is what we do and this is what we shall continue to do. We are going to protect Canadians. Our mandate has not been changed. Laws have been passed. If Parliament passes a law, we must enforce it. This is the only thing that has changed; not our mandate.

**Ms. France Bonsant:** I don't find it very reassuring. I know that you have a mandate, that laws have been passed, but if I was citizen listening to you, how could you reassure me and convince me that the RCMP will not falsify things again? People trust you because you represent government and you represent a country. I am not accusing you, but you seem to use your power to frighten some people.

**Commr Giuliano Zaccardelli:** Mr. Chairman, our activities are supervised on various levels and particularly by this parliamentary Committee. You have been elected and I must appear before you to answer your questions. As you know, the second part of Justice O'Connor's report will be released in a couple of months. In that part, Justice O'Connor will suggest what type of committee or organization should supervise or help the RCMP to fulfill its mandate which is to deal with crime, which relates to national security. I expect him to make certain recommendations.

When I appeared before Justice O'Connor, I clearly said that I would accept his recommendations with no questions even if I did not know them yet. Other committees, other organizations in our country have access to what we are doing, when we are doing it. They can review all our files. Lastly, there are Canadian courts and Parliament. There are several ways to verify what we are doing, when we are doing it and how we are doing it.

**Ms. France Bonsant:** I don't find this very reassuring.

[*English*]

**The Chair:** Thank you, sir.

We now have to move to our final questioner for this morning, Mr. Brown.

●(1155)

**Mr. Gord Brown:** Thank you, Mr. Chairman. It looks as if I'm going to be the last questioner.

Commissioner, one of the most disturbing revelations of the O'Connor report has nothing to do with Mr. Arar and everything to do with the integrity and trustworthiness of the institution with whose leadership you have been entrusted.

Justice O'Connor speaks of a November 14, 2003, briefing note, which was after Mr. Arar was returned to Canada. It was riddled with inaccuracies and omissions that to me were the product of either incompetence, negligence, or deliberate deception.

Do you accept that characterization? If so—same ultimate question, sir—were you personally involved in making that decision? If yes, what is your explanation? If no, given the notoriety of the case, why weren't you?

**Commr Giuliano Zaccardelli:** Mr. Chairman, I have to make an assumption that the honourable member is referring to the briefing to the Privy Council Office.

**Mr. Gord Brown:** Yes.

**Commr Giuliano Zaccardelli:** I am aware of that matter, Mr. Chairman.

As we've discussed before, when this matter became public and the machinery of government started to look at it, we were asked by PCO for a briefing note and to produce a timeline within 24 hours. It was literally impossible for us to comply wholly with that request because, as this is a complex file, some of the information and documents were in Ontario, some were in Quebec, and elsewhere. We simply could not do that, but over time we incrementally provided PCO with every piece of information we had as quickly as we possibly could.

I wish to make one more statement, Mr. Chairman. This is such a serious case that if I had had knowledge, or if there was one iota of indication that anybody in the RCMP deliberately misled the Privy Council Office on any matter, no matter what their rank, that would be automatic grounds for dismissal. That is how serious this is.

We do not take this lightly. We did the very best we could to provide that information. I accept that what I've just stated is at variance somewhat with what Justice O'Connor has said, but I have reviewed the testimony of our people and there was never any intent whatsoever...and all the information we had was clearly provided to Justice O'Connor in the subsequent commission of inquiry.

**Mr. Gord Brown:** Thank you, Commissioner.

I'm going to get the last question in here. It's something important to me and it's on an unrelated subject. It's about the government's plan to arm our border guards. It's clear that you've been opposed to that, as is Alain Jolicoeur, president of the CBSA. You've said that border officers shouldn't have guns, and he said that they wouldn't. He even said he'd resign if the government went ahead with that plan. I see he hasn't proceeded with that.

I've been told as recently as this week that you and Monsieur Jolicoeur have met privately about this issue, and I just wanted to know where that sits right now.

**The Chair:** Can I interrupt for a minute? As chair, I will have to rule that question out of order, given the mandate we have this morning.

**Mr. Gord Brown:** Maybe we can see if the commissioner might answer that.

**The Chair:** You'd need the unanimous consent of this committee to proceed.

Does Mr. Brown have the consent of this committee?

**Some hon. members:** No.

**The Chair:** I'm sorry.

Unless you have something that pertains to the topic, I will now ask this committee to suspend for a few minutes. We will move into the third section of our meeting. We have to clear the room for 12 o'clock for the appearance of the minister.

Thank you very much.

• (1155) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1205)

**The Chair:** The meeting will resume. This is the third part of meeting number 10 of the Standing Committee on Public Safety and National Security. According to the orders of the day, we now have and welcome to the committee, the Minister of Public Safety, the Honourable Stockwell Day.

I would like to ask the media to please vacate the room. I believe this is still going to be televised, so you'll have to pick it up another way.

According to the procedures that we have established at this committee, we'll ask the minister to give us his statement of approximately 10 minutes, and that will be followed by questions from the opposition and government MPs on the committee.

Welcome, sir, to the committee. You may now begin your statement.

**Hon. Stockwell Day (Minister of Public Safety):** Thank you, Mr. Chair, and thank you to members of your committee for your interest in this very important matter. Thank you for having me here to speak to you about the very important findings of Mr. Justice O'Connor on the actions of Canadian officials in relation to Mr. Maher Arar, his deportation to Syria from the United States, and his detention in Syria.

[Translation]

A second report, dealing with the establishment of a review mechanism for the RCMP's activities with respect to national security which should be released later this fall. According to what has been said, this should be a very important report.

[English]

The second report dealing with a review mechanism for the national security activities of the Royal Canadian Mounted Police is

expected later this fall. I know that members are interested in that one also.

[Translation]

I wish to congratulate Justice O'Connor and all the people who have worked on that report. Justice O'Connor's report is an important document. It is shining light on a very complex and very difficult aspect of the mandate of our security agencies.

[English]

I'd like to commend, once again, Mr. Justice O'Connor and all who worked on this report. This report is a vitally important document. It provides insight into a very complex and difficult part of our security agency's work.

Some have said that all of these situations took place under a former government, but I want everyone to know that the new government of Canada and the Prime Minister very clearly indicated that we accept responsibility for all 23 of the recommendations of this report. Others have also said that in the backdrop of 9/11, there was a need to move quickly and take action on matters of security, that there were pressures at the time that had to be addressed, and what was in place at the time in terms of investigation and its capabilities may not have been optimal. The backdrop realities may be a fact of life, but there is no excuse for mistakes that were made. Decisions were made and actions were taken that had serious and grave consequences for Mr. Arar, his life, and his family. What he and his family went through was unacceptable and unjust.

Last week, right here in the House of Commons, as individual members, we stood in unity in a vote expressing our feeling and our sentiment on that matter. We reflected the sentiment that apologies are appropriate and need to be undertaken, by taking that vote and demonstrating the regrets.

By his work, Mr. Justice O'Connor has given us much to think about. In fact, he's painted a map that can help to guide us, and it is guiding us already.

[Translation]

Mr. Chairman, the Government of Canada accepts that report. We are going to implement its recommendations. In fact, we have already started to do so and we shall continue.

[English]

The Government of Canada accepts the report of Justice O'Connor. We will implement its recommendations; indeed we have started to do so already.

We are giving full consideration to all implementation capabilities, and we will move on all 23 of these recommendations. In the first part of the report, recommendations 1 through 11 are directly and principally concerned with the role of the RCMP and its national security work, as well as its efforts to coordinate with other agencies.

Consistent with statutory authorities, cooperation between the RCMP and CSIS is critical in these areas. I can tell you that now, on at least a monthly basis, the officials of the RCMP and CSIS meet to coordinate their efforts and align their priorities. This was not the case at the time of Mr. Arar's removal and detention; it is the case now under the new government of Canada.

Recently, under the auspices of the new government of Canada, CSIS and the RCMP signed an updated memorandum of understanding that guides their work in counterterrorism and supports joint training. In fact, a new national security corps training standard has been developed and will be delivered jointly under that memorandum of understanding.

Commissioner Zaccardelli has also informed me that the RCMP currently has four integrated national security enforcement teams in major centres across Canada. These teams include other federal agencies as well as provincial and municipal policing services. This will help to maximize our law enforcement efforts. We saw some demonstration of this last June with the arrests that were made in Toronto.

Also now in place is a centralized oversight of national security investigations from RCMP headquarters.

• (1210)

[Translation]

One of the main issues raised in the report deals with the sharing of information for public safety and national security purposes. Justice O'Connor has made recommendations on that subject.

[English]

A central issue in the report is the question of information sharing for public safety and national security purposes. Mr. Justice O'Connor makes a number of recommendations on this.

I was also pleased to read that Mr. Justice O'Connor strongly endorsed the importance of information sharing in protecting Canada's national security interests and addressing threats to our security. I am now informed that the RCMP has revised its policies on information sharing in national security operations to provide more precision and more clarity. The report will help further guide consideration in this important area.

I'm also particularly interested in the RCMP's centralized approach to managing all aspects of national security investigations, including the consistent application of caveats. To this end, I have been assured that a review is under way of all existing caveats.

I look forward to the second report of Mr. Justice O'Connor because he will clarify his thinking on the review of RCMP activities and oversight considerations. I know that is a compelling interest of my colleagues around this table.

Recommendations 12 through 15 deal with the management of relationships with foreign governments and associated human rights concerns when information is shared. This affects many departments and agencies. I can assure you that work is already under way on these recommendations. For example, CSIS has developed a new caveat to accompany all of its information that is shared with foreign agencies, to ensure that this information will not be misused.

The Canada Border Services Agency and the Department of Foreign Affairs are both now undertaking a review of information sharing practices in their areas, and in this one in particular. In addition to that, the Department of Foreign Affairs is already sharing human rights reports on various countries with security and intelligence agencies, as recommended by Mr. Justice O'Connor.

This helps to support effective decision-making in this area and was a problem in the past.

CSIS has amended its procedures for foreign liaison and cooperation, as well as its targeting policy, to make it explicit that the human rights records of other countries must be taken into consideration.

Further review is going to take place in light of these particular and specific recommendations.

[Translation]

In his report, Mr. Justice O'Connor made recommendations, numbers 16, 17 and 18, related to consular affairs. I want to show you that my colleague, the Minister of Foreign Affairs, has committed to these steps along the lines of the recommendations as laid out by Justice O'Connor and as required.

[English]

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[Translation]

I am also advised that current training for consular personnel is being enhanced and made available to an increasing number of front-line staff.

• (1215)

[English]

I'm also advised that current training for consular personnel is being enhanced and made available to an increasing number of front-line staff.

Mr. Justice O'Connor has made other recommendations, specifically numbers 19 and 20, dealing with training and policies. I support, as I know you do, better training and clear policies in federal departments and agencies to address possible concerns related to racial, religious, or ethnic profiling. I say this recognizing that some organizations already have well-established policies and training programs in place in this area.

Nevertheless, learning is a never-ending process, and we will continue along the lines of these recommendations.

I've also asked the agencies in my portfolio to move to implementation of Justice O'Connor's recommendation 21 concerning the use of border lookouts. I can confirm, as my colleagues will know, that we took action last week, within 24 hours of the release of the report, and the Canada Border Services Agency removed the names of Mr. Arar, his wife, and family from its lookout list. There is no active lookout on Mr. Arar. In addition, all references to Ms. Mazigh and her two children have been removed from the intelligence management system, again as per Mr. Justice O'Connor's recommendation. We acted on that very quickly.

I've also written to the U.S. Secretary for Homeland Security to inform him of the report's main conclusion, that there is no evidence to indicate that Mr. Arar has committed any offence "or that his activities constitute a threat to the security of Canada". I also informed him that I have ordered the removal—and the removal has taken place—of references to Mr. Maher Arar or his family on any of our CBSA lookouts. I shared this information with the United States to ensure that no measures or actions would be taken based on inaccurate information, and I encouraged them to follow suit.

[*Translation*]

I also want to add that in 2004, Canada and the United States have signed a protocol.

[*English*]

Mr. Chairman, it's important to note that there is a protocol in place between Canada and the United States to provide that each would notify the other if contemplating the removal of a national of the other country to a third country. We have sought this understanding to avoid a repetition of the circumstances of the Arar case. Our dialogue with the U.S. government is ongoing in this regard.

I believe that we are the only country to have such an understanding with the United States. The Government of Canada has already expressed its concerns to the Government of Syria with regard to the detention of Mr. Maher Arar. It is pursuing Mr. Justice O'Connor's recommendations in this regard.

Mr. Justice O'Connor's final recommendation, number 23, is that the Government of Canada should assess Mr. Arar's claim for compensation and respond accordingly. The government has already instructed counsel to contact Mr. Maher Arar's counsel to pursue mediation in this regard. That contact has been made.

Mr. Justice O'Connor reports that he has heard enough evidence about the cases of Messrs. Almalki, El Maati, and Nureddin to observe that these cases should be reviewed through an independent and credible process. He does not recommend or suggest that this be done through a full public inquiry, as was the Arar case, but he does recommend that this be done. The government is now pursuing the most efficient and capable way of doing that—and we will do that.

We must take this opportunity, Mr. Chairman, to learn from past events, so that all agencies and departments that are charged with national security responsibilities meet the needs and expectations of Canadians. The fact that this entire affair took place under a previous government does not diminish the responsibility of the new government of Canada.

After looking at Mr. Justice O'Connor's report, it is important to state that while he notes there were serious concerns about how information concerning Mr. Maher Arar was used and how agencies worked together, he does not find evidence that Canadian officials participated or acquiesced in the United States' decision to detain Mr. Arar or to remove him to Syria.

**Mr. Mark Holland:** On a point of order, Mr. Chair, ten minutes is given for the opening statement, and if we only have an hour to question the witness, I'd request that we move to questions.

● (1220)

**The Chair:** Mr. Day, are you almost—

**Hon. Stockwell Day:** In conclusion, Mr. Chairman, it is evident that mistakes were made and that practices need to be put in place to avoid repetition of the type of injustice that has befallen Mr. Arar and his family. This is how political institutions evolve.

The RCMP continues to have the confidence of the Government of Canada. That confidence is underlined by the way in which the commissioner has committed to implement the decisions and the recommendations that impact the RCMP.

Thank you, Mr. Chairman. Thank you, colleagues.

**The Chair:** Thank you very much, sir.

We now will go to our first round of questioning.

Mr. Holland, please, for seven minutes.

**Mr. Mark Holland:** Mr. Chair, could I ask for unanimous consent to extend the meeting by 10 minutes, if there's all-party agreement?

**The Chair:** We need unanimous consent to extend the meeting. I think we were five minutes late in starting.

Does he have consent to extend the meeting? No. Okay.

**Mr. Mark Holland:** I guess they want to make sure they don't face too many questions, Mr. Chairman.

**Hon. Dan McTeague:** The Conservatives.

**Mr. Mark Holland:** The Conservatives, that is.

I'll start, Mr. Chair.

Thank you very much, Minister Day, for appearing before the committee.

You've stated in the last couple of days that you have confidence in and that you stand behind Commissioner Zaccardelli. I'm wondering if you could reaffirm that, and secondly, confirm that this is the position of your caucus, and most importantly that it is the position of the Prime Minister that he stands behind and supports Commissioner Zaccardelli.

**Hon. Stockwell Day:** It is.

**Mr. Mark Holland:** I want to go, if I could, to the issue of political interference. We had some less than clear answers from Commissioner Zaccardelli on a variety of issues. Obviously, I think it's been very disappointing to this committee and to Canadians that we've had to wait this length of time to get an answer. In fact, it was this committee that had to ask Commissioner Zaccardelli to appear before us before we could get answers to these important questions.

The first question I have with respect to the issue of political interference is this. Why were all media requests commenting on Justice O'Connor's report that came into the RCMP directed to your office?

**Hon. Stockwell Day:** Mr. Chairman, I want to correct something, as far as the information I have is concerned. In fact, I was the one who approached my parliamentary secretary to communicate with the chair and then to members of the committee the opportunity to present. I did not actually receive from this committee, though I'm sure it would have been coming, a demand or a request. I think we all assumed that this would be the primary item of attention, and I initiated that request.

I also received from Commissioner Zaccardelli his very clear intention. He informed me—I did not inform him—that he would be appearing before the media and any other venue once he and his officials had contemplated the report and had done the work they needed to do to make a responsible response to that report. He informed me that he would be doing that.

Further, if I can add to that, the development of this particular report and this investigation were some two and a half years in the making. I stand to be corrected, but some 65,000 documents were presented and there were more than 100 witnesses. Just the report that is available here is some quarter of a million words, 1,400 pages, and covers a variety of agencies.

For the record, Mr. Chairman, as I already indicated, within 24 hours of receipt of that report, which I received at the same time everybody else did, we were already moving on some of the recommendations. We indicated very clearly, out of respect for the huge amount of work that was done, that we needed time to digest this report, to look into it, to make sure we could move ahead with the recommendations.

I appreciate the fact that even though I was ready on Tuesday—I believe Commissioner Zaccardelli was also ready—we know that this good committee had to constitute itself, had to elect its chair, and had to do some work. So even though we were ready on Tuesday, you were here on Thursday. And I think that was very expeditious.

**Mr. Mark Holland:** Mr. Minister, there are two elements. One is that you didn't answer the question of why all media requests that came into the RCMP were directed to your office. Perhaps you could comment on that.

Before you do, you said that Commissioner Zaccardelli informed you that he would be appearing in front of this committee and discussed that with you. Commissioner Zaccardelli has just finished telling this committee that he didn't have conversations with you about these matters and how he was going to be handling this issue.

I'm wondering as well if you could talk about any written communications you would have received from the commissioner in the last nine days and any discussions you would have had with respect to handling this, both in front of the committee and with the media.

•(1225)

**The Chair:** Mr. MacKenzie.

**Mr. Dave MacKenzie:** Mr. Chair, with all due respect, I think Mr. Holland has not really properly addressed what the context of the conversation was with the commissioner. I think the commissioner said he had a number of conversations with the minister. He wasn't prepared to tell us exactly what all those conversations were about. I

don't think that at any time for a minute has there been a difference in what has been said.

**Mr. Mark Holland:** I appreciate the offer of an answer from the member opposite, but I'm interested in answers—

**Hon. Stockwell Day:** I'll answer the question. I appreciate the intervention, thank you.

I realize there's a lot of information coming at Mr. Holland in a short period of time and that's not always easy to assimilate in a meeting like this. I respect his sincerity, but I caught on television, live, some of Commissioner Zaccardelli's report. I heard him say that he and I talked on Wednesday. It's a fact that we met, and then he couldn't remember if it was Thursday or Friday—it was Friday—and we talked again on Sunday.

So I'm not sure why Mr. Holland—I'm sure it's an honest mistake on his part—is trying to characterize that no discussion had taken place, but we did in fact meet and we talked.

**Mr. Mark Holland:** That's correct. He did acknowledge that you met and talked, but the question I asked—and perhaps you could answer this question. Again, there are two questions. You still haven't answered why media requests were directed to your office instead of the commissioner's.

Secondly, you didn't answer the question, and neither did Commissioner Zaccardelli really, about what specifically you talked about, whether or not you received any communication from Mr. Zaccardelli expressing a desire to speak on this issue, whether or not you directed Mr. Zaccardelli on how he should be interacting with the media. These were all things he was very evasive on. I'm wondering if you could be more direct in telling us, specifically, in those conversations and meetings that you had with Mr. Zaccardelli in the last nine days, when you had the opportunity to talk to him, was his interaction with the media part of those discussions, how he was to relate, and did he in fact write to you at any point in time expressing a desire to communicate or to speak earlier?

Lastly, did he ever at any point offer his resignation to you?

**Hon. Stockwell Day:** I think there were five, six, seven questions there. I'll try to recap them all, if I may.

Again, I guess it's a matter of perception. I listened to and I did hear a good part of Commissioner Zaccardelli's testimony here and I heard him say very clearly, and I can concur, that he did not receive political direction that he wasn't to be talking to the media or to others. He certainly didn't get it from me and he certainly didn't get it from anywhere else.

I'll repeat again, he informed me that at the time when they had done the necessary review, he would be and he wanted to be talking publicly about this matter. I don't know how much clearer we can be on that. Mr. Holland seems to be one of the—

**Mr. Mark Holland:** I think you could be clearer by answering another couple of questions, and this one I will ask now for the fourth time.

**The Chair:** You have about five seconds left and I've—

**Mr. Mark Holland:** Five seconds, perhaps, to ask the fourth question for the fourth time. Why were all media requests directed to the commissioner redirected to your office?

**Hon. Stockwell Day:** I have no idea why certain offices direct certain questions somewhere. I do know that when media phone around when they're questioning something, they will phone a variety of offices and agencies. The hard-working ones will do that. Are you telling me that every media request that came to the RCMP went to my office? I don't know that to be true, and I would certainly want you to check your facts on that.

**The Chair:** Monsieur Ménard, for seven minutes, please.

[*Translation*]

**Mr. Serge Ménard:** Thank you, Mr. Minister, for coming before us.

You said that you accept the 23 recommendations. I understand that it includes recommendation 22 which states:

The Government of Canada should register a formal objection with the Governments of the United States and Syria concerning their treatment of Mr. Arar and Canadian officials involved with his case.

Are you going to register a formal objection?

I see you nodding your head, but your answer has to be recorded. Are you answering yes?

**Hon. Stockwell Day:** Yes. I already made a comment about it. I sent a communication to Michael Chertoff, the Secretary of State for Homeland Security in the United States. I told him that I was hoping that he would cancel the look-outs for Mr. Arar and his family as we did ourselves.

We have also said that we would follow the process suggested by Justice O'Connor in recommendation 22. My colleague the Minister for Foreign Affairs could tell you the exact steps.

• (1230)

**Mr. Serge Ménard:** Minister, we have learned this morning that Commissioner Zaccardelli, when Mr. Arar was sent to Syria, did ask for the file so that he could study it thoroughly himself and that he came rapidly to the conclusion that Mr. Arar was innocent and should not have been sent to Syria.

He then asked that the wrong information conveyed to the Americans, and that seemed to have contributed to his removal to Syria, be corrected. I think that it is about all that was done. Mr. Arar was kept in prison for close to another year. During a very long period before the release of the report several Canadians were convinced that he probably had links with terrorist groups.

Do you think that what was done to correct that mistake was sufficient in the circumstances? Should we not have asked more forcefully the Americans if they had other reasons to send Mr. Arar to a Syrian jail? If they had other reasons it would have been concerning a Canadian citizen which was under investigation in Canada which should have interested us. Do you consider that it was sufficient to correct the wrong information to repair the harm caused to Mr. Arar?

**Hon. Stockwell Day:** Mr. Chairman, I do not know why the previous government did not ask the very important questions raised by my hon. colleague. It is not my responsibility to repair the mistakes made by the previous government. However, as the new Government of Canada, we shall respect all the recommendations made by Justice O'Connor.

Sir, your questions are very important. Justice O'Connor mentioned that there were problems in the government at the time. He underlined that the government could not answer in one voice while Mr. Arar was imprisoned. It is regrettable. They might submit their excuses, but I do not know. This was a very serious situation. I do not know why they didn't ask the questions that you have raised.

**Mr. Serge Ménard:** Precisely, the fact that they did not ask the right questions... I suppose that you are talking about Commissioner Zaccardelli and that when you speak about the government, you talk about the American government, isn't it?

**Hon. Stockwell Day:** No, I am talking about the Government of Canada. Justice O'Connor said very clearly that the government did not raise the important questions. He said that the previous government did not speak with one voice to Syrian authorities.

**Mr. Serge Ménard:** The previous government didn't know that the RCMP Commissioner thought that Mr. Arar was innocent because that information was never conveyed. For that reason, they couldn't ask more questions.

Do you believe that we should have done more than simply correct the false information given to the Americans and that probably led them to send Mr. Arar to Syria, a country where, according to every information available, people suspected of terrorism are tortured?

**Hon. Stockwell Day:** Justice O'Connor has said that the RCMP and other security agencies did send corrected information to the American authorities asking them to take it into account. He also said that it was not enough. Of course, they sent that information, but it was not enough. This is why it is important to implement all the recommendations.

• (1235)

**Mr. Serge Ménard:** Does that finding undermine your confidence in Commissioner Zaccardelli?

**Hon. Stockwell Day:** Mr. Chairman, there is something interesting in this report. It says that there were a lot of mistakes in the information provided. It even said on page 225 that a memo to Commissioner Zaccardelli contained informations that were not accurate.

This is the tragedy in that whole matter! Much information was not accurate. It is possible that several civil servants made decisions that were the wrong ones. This is why there is a report with recommendations.

[*English*]

**The Chair:** Thank you. We're a little overtime on that round from the Bloc Québécois.

We'll now move to Mr. Comartin for seven minutes.

**Mr. Joe Comartin:** Thank you, Minister, for being here.

I'm going to ask you three questions. Again, for brevity of time, would you hold until I've finished each one of them for your answer.



First, your new government has taken exactly the same position as the old government and refused, up to this point, to apologize to Mr. Arar and his family, in spite of a specific recommendation by Justice O'Connor that you not take a legalistic approach to dealing with Mr. Arar and the whole issue of compensation. I'm asking you why you haven't apologized. That's the first question.

Second, as of yesterday your new government has taken the same position as the old government: that you're going to pursue the lawsuit Justice O'Connor has been forced to bring with regard to claims of information not being disclosed for national security reasons. Had that litigation not been proceeding, this report would have been we don't know how much longer. So I'm asking you why you have taken that position.

Third, your new government, like the old government, has still not brought forth a piece of legislation for parliamentary oversight of our intelligence services, and my question is why not.

**Hon. Stockwell Day:** On the first question, related to the apology, let me refer members again to the report. We want to be careful to be doing as Justice O'Connor suggested.

I'll just read to you from the report itself:

...if the Government of Canada chooses to negotiate with Mr. Arar,

—and in fact we do, and we have sent the indication and have begun to do that—

negotiated arrangements can be more creative than a mere damage award. A compensation agreement could involve anything from an apology to an offer of employment or assistance in obtaining employment.

That's the recommendation of Justice O'Connor.

Let me answer your question, Joe; you've asked me to do that, and I want to.

We intend to go farther than simply offering employment, but this is a discussion between Mr. Arar and his lawyers. Justice O'Connor, as a person who understands these judicial processes, also understands that within the context of compensation is the issue of apology.

If I can use another example, we had the situation of the Chinese head tax—just follow me on this. That was something that was put in place by another government, but this government took responsibility to address it. But before there was an apology stated, there was a lot of discussion that went on with those who were working their way through the civil process. We had to make sure the apology would be something that was sufficient for those who had been hurt.

It's precisely the same process in principle that's being applied here. Justice O'Connor is saying that if the government wants to do this—and we do—then do it this way. It could include an apology; it could include other things. That's why, out of respect for Mr. Arar, out of respect for what he and his family went through, we want to make sure this is done correctly.

On the second question, of national security, about 99.5% of everything Justice O'Connor wanted to publish has been published. For some matters of national security—

● (1240)

**Mr. Joe Comartin:** On what basis are you saying that?

**Hon. Stockwell Day:** I take the advice of national security. I take the advice of those who work with other security agencies. And on the basis of national security, and for the importance of maintaining proper relationships with other security agencies, with our allies, a decision was made to retain a tiny portion of the information.

Now it's very important to note that Justice O'Connor, though he does not share that view with us, did say that nothing of the information that was being held stopped or restricted in any way the report he put out here, his criticisms, or the recommendations. So nothing has restricted in any way his ability to come out with some very good recommendations.

I just have to say, when looking at this information, that when it comes to national security, the risk to Canadians, and the risk to some of those involved in our security agencies, I will have to do what I think is right and make the recommendation that a very tiny portion of this information, which could be harmful not to Mr. Arar—Mr. Arar has been given a clear assurance from us that we want things cleared for him.... But I am taking that position.

As a matter of fact, we're taking a statutory position, and we have advised Justice O'Connor of this. We will take the necessary steps, through a court order, to protect what we believe are national security interests. Now if that proceeds to court, then the courts obviously will decide and it will have to stay with that. So that's why we're taking that particular position; it's in the interest of the security of Canadians.

As far as parliamentary oversight, as Mr. Comartin, I think, knows, Justice O'Connor has said he wants to come back, and is coming back, with a second report. Much of it has to do with policies, but a significant portion of it will have to do with the question of parliamentary oversight.

I have indicated publicly, even when I was a member of the opposition, that I want to see some kind of oversight mechanism. It was also part of our campaign commitment coming into the last election, and it is still the Prime Minister's commitment. We want to see proper parliamentary oversight by an all-party group.

Some around this table have brought forward excellent recommendations on that in the past. We're going to proceed with that at some point, but I think in deference to Justice O'Connor, we have to hear his views on it. We'll continue to proceed in that particular direction.

**Mr. Joe Comartin:** Mr. Minister, with regard to the other three—Mr. Almalki, Mr. El Maati, and Mr. Nureddin—again, Justice O'Connor was quite clear about the need for an expedited methodology or model to be used to conduct the investigation into those files. Do you have a timeline as to when you're going to take a position?

I want to say to you that I have a model or a couple of models that I can suggest to you. Do you have a timeline as to when your government is going to make a decision about how those three files are going to be handled?

**Hon. Stockwell Day:** Thanks for that question.

We have said that we want to go ahead with that.

In terms of the best means, following the recommendations of Justice O'Connor and the timeline, I'm saying to my officials that as soon as possible, let's look at the best way of doing it. You have had good ideas in the past that have made sense and will continue to do so. If you want to get that information to me, I'll also give that to officials. We should look at the most effective, most efficient, and most expeditious way to get these answers.

**The Chair:** Thank you very much.

We'll now go over to the government side.

Mr. MacKenzie.

**Mr. Dave MacKenzie:** Thank you, Chair.

Thank you, Minister, for being here.

I will share with the committee that the minister did indicate, last weekend, that he would be prepared to be here on Tuesday. He thought the commissioner would also be available. I checked with the chair and there was some discussion. It was determined that we didn't have time to do it on Tuesday. This was the first reasonable opportunity. I think my friend, Mr. Ménard, had a notice of motion to do exactly the same thing. So I think, with all due respect, that Canadians should feel comfort in the fact that this was the first reasonable opportunity for both the commissioner and you to be here, and I do appreciate that.

Recommendation 23 has received a great deal of discussion from members in the House and outside with respect to compensation to Mr. Arar. I think the one issue that gets raised frequently is that we should avoid applying a strictly legal assessment. Without going into any discussion with Mr. Arar, what would it cost the Government of Canada today to satisfy Mr. Arar's outstanding civil claim?

• (1245)

**Hon. Stockwell Day:** Do you mean how much is...what the figure is that's out there at this point?

**Mr. Dave MacKenzie:** Yes. What would be the dollar figure, without negotiating?

**Hon. Stockwell Day:** Well, you know how civil claims are, and I can only state what I know to be public. There was a claim of something in the order of \$400 million, but are you asking what the final settlement would be, or are you asking if that's the existing notion that's there right now?

**Mr. Dave MacKenzie:** I'm asking if that's what's there without any negotiations.

**Hon. Stockwell Day:** I understand that's a figure, but we want to proceed, as I've already indicated, in discussions between lawyers. We've given that indication; we want that to take place.

I'm very concerned about Mr. Arar and his family, and I'm concerned that they know and understand that we recognize what they've been through, and that it be addressed, but I really can't get into further discussion, as I have to respect him, his lawyers, and government lawyers on that point.

**Mr. Dave MacKenzie:** The other issue, Minister, that's been frequently raised is with respect to apologies and so on to Mr. Arar and his family. Was there anything that precluded the former government from offering those apologies prior to today?

**Hon. Stockwell Day:** There's no precluding anybody, or the former government, from offering an apology. As a matter of fact, Justice O'Connor raised the question of the inability of the government of the day, when Mr. Arar was in prison, to act with one voice—to say he was a person we were not worried about in terms of security and criminal background.

We had a case in which the Prime Minister apparently at one point wanted to send such a letter. The Solicitor General didn't agree to sign it, and if the security people weren't signing it, that had some impact, according to Justice O'Connor, on the Syrian officials. Justice O'Connor says there were statements made by different members—ministers, at the time, in the former government—that resulted in some ongoing grievance.

I think in those cases, individual members who are no longer with the government would have to decide on their own if they think an apology is forthcoming from them individually.

**Mr. Dave MacKenzie:** I think you've already mentioned it, but I think it's worthy of further comment. Mr. Justice O'Connor recommended in his report released last week that Mr. Arar's name and his family's name be removed from the Canada Border Services Agency lookout. Can you confirm if that in fact has occurred?

**Hon. Stockwell Day:** Yes. As I indicated, within about 24 hours of receiving the report, I gave that instruction, and that instruction was followed through.

**Mr. Dave MacKenzie:** As we go forward with these 23 recommendations—some of which you have already indicated deal with the RCMP, CSIS, and others—what plans or commitment can you give to this committee and Canadians that those will be corrected and followed out?

**Hon. Stockwell Day:** I think my indication is clear. I've been very specific in terms of numbering the recommendations themselves, indicating which ones were already moving ahead and the commitment to move ahead on all of them, and looking at the best way to do that.

Some directly affect the RCMP. Some affect both the RCMP and other agencies. Some of those are already in place, and others are moving forward expeditiously. I would welcome the committee to check on our progress a month or two months from now to make sure we are moving as we indicated.

**The Chair:** Okay, you're done, Mr. MacKenzie.

We are moving to the Liberal Party for their second round. Next is Mr. Alghabra.

**Mr. Omar Alghabra (Mississauga—Erindale, Lib.):** Thank you, Mr. Chair.

Thank you, Minister, for joining us here today.

After 9/11, and after the deportation of Mr. Arar, many civil rights advocates and community groups spoke about the attitude and the rush to conclusion that many officials had done, and the suspension of due process. I want to specifically address the point that you, the Prime Minister, and several members of your caucus criticized the government at the time for trying to get Mr. Arar released. Is that true or not?

•(1250)

**Hon. Stockwell Day:** No, that's not true. As a matter of fact, although some members—

**Mr. Omar Alghabra:** Okay, you've answered my question.

**Hon. Stockwell Day:** I can't answer for intentions, but I can say I'm on the record very clearly, and I was putting questions to the government of the day on this issue. As a matter of fact, at one point I asked, "Why won't you just give Mr. Arar the answer to his fair questions? Why are you running him the risk of a huge, expensive, and time-consuming process? Why won't you just give us?"—

**Mr. Omar Alghabra:** You've answered my question. I'm referring to the time when Mr. Arar was deported by the U.S. to Syria. Didn't you call for an inquiry to determine why the Prime Minister of the time was defending a man who was suspected of links to al-Qaeda?

**Hon. Stockwell Day:** Correct me if I'm wrong, but I don't think I ever talked about al-Qaeda. But I stand corrected. I don't think so. I made a lot of statements, if I can assure my colleague, on this very question.

**Mr. Omar Alghabra:** Please answer my question. Did you call for an inquiry or not?

**Hon. Stockwell Day:** I'm answering the question in the context in which you gave it. I think it's really important to note that this is partly addressed in terms of comments people made at the period of time. For instance, there's an interesting one here—

**Mr. Omar Alghabra:** Minister, I only have five minutes. I really would appreciate your cooperation. Did you not call for an inquiry on why the government was defending a man who had terrorist links?

**Hon. Stockwell Day:** No. I called for an inquiry to ask why the government was saying one thing at one time, another thing at another time, and not answering the fair questions that Mr. Arar had. I said those are fair questions.

**Mr. Omar Alghabra:** Didn't Ms. Ablonczy say it took the U.S. to find this person who had links to al-Qaeda and that the Liberal Party didn't do anything about it?

**Hon. Stockwell Day:** Mr. Chairman, we could do "he said, she said" all day long.

If you'd allow me to answer, my friend, I'm trying to do that. It says here that Minister Graham's statements were inaccurate. Mr. Graham in a scrum, related to the very question you raise.... There were Human Rights Commission allegations that Mr. Arar had been tortured. Mr. Graham replied that he had spoken to officials in his department, that Mr. Arar had been interviewed independently by consul officials that day, and that as far as Mr. Graham was concerned he was in good condition. He rejected all allegations of torture.

I really don't think we're going to gain a lot of ground by dragging these types of things forward. The main thing is, Justice O'Connor has come out with 23 recommendations, and the new government of Canada has said let's get going on this so that this type of injustice never again befalls a Canadian.

**Mr. Omar Alghabra:** Thank you. Obviously you're not going to answer my question. The record is very clear, so we all know. I

wanted to give you an opportunity to express your personal apology for jumping to conclusions at the time.

**Hon. Stockwell Day:** I'll respond to that by saying I stood with other members on that particular question of apology in the House of Commons. It was a wonderful non-partisan vote.

**Mr. Omar Alghabra:** You obviously have acknowledged how serious these findings and recommendations are. You have demonstrated your commitment to getting those recommendations implemented. Do you not think that some individuals who are responsible should be held accountable? If so, when will we do that?

**Hon. Stockwell Day:** I agree there needs to be thorough research on the question of accountability. Again, Justice O'Connor didn't make specific recommendations on that, but he did say that people who have the ability to look into these matters should do so, and we are doing that. I've certainly given instructions to my officials and to others to see if there are some areas that need to be followed through on that. That's a good point you raise, and I understand the RCMP is doing the same.

**Mr. Omar Alghabra:** Justice O'Connor made it very clear that members of the RCMP made egregious mistakes. Now the question is this, and I know you're looking into it. Do you agree that when we get to the bottom of it some people should be held accountable with disciplinary action and perhaps termination?

**Hon. Stockwell Day:** Accountability is key. That's why these types of questions are being pursued throughout various agencies, keeping in mind that Justice O'Connor also said that in no way did any Canadian officials acquiesce in the removal from the United States to Syria. He does say the information that was provided to the Americans may well have had an impact on that, and Justice O'Connor also says they did not act in bad faith.

I don't know what you do, sir, in a situation if you find an employee who has made a mistake, but it hasn't been in bad faith. I don't know if it's termination. I think you weigh it out on each situation, and we're doing that. We're looking at what happened under the previous government, with previous government officials. We are looking at that. We want to be careful to make sure in all aspects that this type of injustice never happens again.

•(1255)

**The Chair:** Thank you.

We're going to move on to the next questioner.

Ms. Bonsant.

[Translation]

**Ms. France Bonsant:** Thank you, Mr. Minister.

Since this morning, everybody is submitting apologies. I would like to know if you intend to ask the RCMP authorities to identify the person responsible for the bad management of that Force. Are you ready to ask the RCMP to identify someone who will accept the responsibility of that situation?

**Hon. Stockwell Day:** I heard most of Mr. Zaccardelli's comments. He said that he would accept to be held responsible concerning the report and the mistakes made by his agency.

**Ms. France Bonsant:** Do you still have confidence in Mr. Zaccardelli?

**Hon. Stockwell Day:** I also heard him apologizing. Of course, we're going to pursue this matter.

**Ms. France Bonsant:** Do you still trust the Commissioner?

**Hon. Stockwell Day:** Yes, of course. And I said so.

**Ms. France Bonsant:** What happened before belongs to the past. You are now assuming that responsibility. What does the Conservative Government intend to do so that it won't happen again?

**Hon. Stockwell Day:** The Prime Minister said that we have accepted each of the 23 recommendations made by Justice O'Connor. We want to implement every one of them so that that kind of situation will never occur again. We are committed to do it.

**Ms. France Bonsant:** You said that you had written a letter to Mr. Chertoff concerning American security. Have you received an answer? As Canada is sharing information with other countries, will you ask the United States to share information with our country?

**Hon. Stockwell Day:** Certainly. I said so in my letter to Mr. Chertoff. Each country is sovereign and can make its own decisions, but I expressed the hope that he would follow our lead as we have eliminated all our look-outs for Mr. Arar and his family.

**Ms. France Bonsant:** When the Americans decided to send Mr. Arar to Syria, it was known that that country was using torture to force people to speak. Why did the Americans not advise our minister? Why didn't they take into account the fact that they were ruining a life? A year in the life of Mr. Arar and his family has been ruined.

I am a mother and if my husband had been caught in that area, I would have been very worried. What should the U.S. Government have done to inform Canada that it had made a mistake? Was it misplaced vanity?

**Hon. Stockwell Day:** I agree with you. I cannot imagine such an ordeal happening to one of my sons, to a member of my family or anyone else. It is terrible. It was difficult for Justice O'Connor to determine what was the reason because the Americans and the Syrians have refused to appear before him.

• (1300)

**Ms. France Bonsant:** Are you going to formally request an apology from the United States and Syria for what they did to those four Canadians?

**Hon. Stockwell Day:** There is now a protocol in place between Canada and the United States, the Monterey Protocol. The two countries have signed an agreement. If we want to send a citizen from the other country to a third country, it is mandatory to notify the other country.

**Ms. France Bonsant:** This is not what I asked you. I want to know if you are going to ask the United States and Syria to submit an apology to Mr. Arar.

**Hon. Stockwell Day:** Following Justice O'Connor's recommendations, we are going to take some steps concerning the United States. The Department for Foreign Affairs has said that they would

take the necessary measures to make sure that the Americans understand that this is a tragedy, that we do not agree with what occurred and that we do not want it to ever happen again.

[English]

**The Chair:** We have less than a minute left.

Mr. Hawn, very briefly.

**Mr. Laurie Hawn:** I have a quick question that goes back to the situation the RCMP found itself in.

Mr. Minister, I think it's safe to say the RCMP has been underfunded for the last decade or more. That leads to an undermanned situation, which leads to a person-overtasking situation, which leads to a situation where you perhaps cannot generate enough experience or get enough training to deal with a particular challenge that comes up.

What role might this have played in the mistakes that were made, and what are we doing to correct it?

**Hon. Stockwell Day:** The new government of Canada has consistently and conspicuously increased resources to the RCMP. I won't take the committee's time to go through all of that. We recount those numbers regularly. I think it shows again the element of confidence, Mr. Chairman. People will use different things to try to misinterpret confidence in the RCMP. Sometimes it's the smallest things.

With respect to the memorial here on Parliament Hill, where a reporter for the *Globe and Mail*, Jeff Sallot, said that I didn't shake hands with a commissioner and therefore we didn't have confidence in him, when in fact it wasn't true.... I even tried to correct the record, actually, by sending a letter to the editor on that fact, and the *Globe and Mail*, uncharacteristically, wouldn't even allow me to publish it.

There are many signals that can go out that can serve to undermine the government's confidence in the RCMP. It can be small signals like that one or big ones like proper resourcing. That's why we've indicated we want to increase by 1,000 personnel the number of RCMP across the country. We've already, in our first budget, put \$161 million to do that—\$37 million to increase the training facilities at the RCMP National Training Academy Depot. We're taking a number of steps to show...whether it's small items, like shaking the hands of the brave men and women across this country who participate in what I believe is the finest federal police force in Canada, or large items, like making significant budgetary commitments to making sure the RCMP has all the resources it needs to do its job of keeping our country safe and secure.

**The Chair:** Thank you very much.

We have come to the end of our meeting. I'd like to thank the minister for appearing before the committee. I thank everyone here.

This meeting stands adjourned.







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