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Chair

Mr. Garry Breitkreuz

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• (0905)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): This is the fifteenth meeting of the Standing Committee on Public Safety and National Security. Pursuant to Standing Order 108(2), we are dealing with a the study of the report of the commission of inquiry on the events relating to Maher Arar.

We would like to welcome as our witness the former Solicitor General, the Honourable Wayne Easter.

We thank you very much, sir, for appearing before this committee. We are honoured by your presence and we look forward to your testimony. The usual procedure is to give you whatever time you need—ten minutes or whatever. We're not going to be too tight on that. Of course, you know how it works then with questioning and so on, beginning with the official opposition and ending up with the government.

If you are ready, sir, we will turn the microphone over to you.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, Mr. Chair. I think an opening of ten minutes, or perhaps not quite that, should adequately do it. I have prepared an opening statement.

First of all, thank you, Mr. Chairman and committee members, for the opportunity to appear before the committee.

During my tenure as Solicitor General of Canada, as I pointed out in testimony before the commission of inquiry, I was engaged in a number of the initiatives that Justice O'Connor has identified in his report, the most critical being a more secure and mutually agreed upon code of conduct with respect to the sharing of information with foreign governments and agencies, most critically the United States.

From my review of the evidence presented to the committee, the specific reason for the committee's request for my testimony surrounds evidence presented by the Commissioner of the RCMP on September 28 of this year. I will try to speak directly to that matter.

The commissioner testified to the following, and I'll quote directly from the evidence of this committee. At page 3 of the evidence, the commissioner stated:

I personally became directly involved in the file after Mr. Arar was detained and sent to Syria.

The commissioner went on to state, still at page 3 in the testimony:

...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.

Apparently, according to the commissioner, there had been an effort by the RCMP to correct the information prior to the deportation of Mr. Arar, which would place the time sequence between the end of September and very early in October.

At page 4 of the evidence of the committee, the commissioner made the following statement:

When we learned what had occurred, we had discussions with the minister to inform him of the situation...

I must assume that the commissioner is referring to the discovery of what has been described as false information having been conveyed to officials in the United States.

I'd like to address this latter point insofar as it applies to me as Solicitor General at the time. Given that the commissioner in testifying before this committee did not provide, insofar as I am aware, any specific timeframe within which this information was conveyed to me as minister, I will speak to what I have established from a review of the record and discussions with staff who would have been present at any such meetings.

However, I would begin with a quote from Justice O'Connor's report as providing context for the following. At page 29 in the analysis and recommendations of the report, Justice O'Connor writes, referring to Project A-O Canada:

while the Project pointed out that it was unable to indicate links between Mr. Arar and al-Qaeda, it did not go further and correct the inaccurate information already provided to the American agencies about Mr. Arar, including the label of Islamic extremist.

I would advise the committee that I had the opportunity of examining again the documentation that had been available to me as Solicitor General, and I did that yesterday. I have reviewed the relevant briefing materials that had been prepared for me, which included briefing notes and House book cards.

While I'm not at liberty to reveal the specific contents of the documents in question, I would advise the committee that the material in question has been available to Justice O'Connor, and I did testify to the contents of the material before the commission, for the most part in camera.

As an aside, Mr. Chair, the dilemma for MPs on this committee I think makes the argument for a parliamentary oversight committee with the power to access national security documents, cabinet documents, and so on, under certain conditions as recommended to government by a committee that I and a number of you around this table sat on.

●(0910)

If there's ever an instance of when MPs, under certain conditions, need to access those documents, I think it's this one. We're all at a disadvantage when we're dealing with documents that some of us have seen and some of us can't see.

However, if the committee is able to gain access to the following documentation, the issue as to whether I as Solicitor General was apprised of the errors—and of the false information having been conveyed to the United States authorities, with a concerted effort undertaken to correct such information—will be made abundantly clear to you. I was not so informed. I will state that again: I was not so informed.

I have identified that prior to my assuming office on October 22, two briefing notes had been prepared for the Commissioner of the RCMP. Justice O'Connor makes reference to the one of October 9, 2002, on page 177 of volume I of the factual background material. Justice O'Connor makes no reference to any errors or corrective measures.

In the briefing note of October 18, 2002, made reference to by Justice O'Connor at page 498 of volume II of the factual background material, there again is no reference to the commissioner having been informed of any errors or corrective measures being taken.

Thus, upon assuming my office, the record, insofar as I have examined the briefing notes prepared for the commissioner, provides absolutely no indication that the information that had been conveyed to the United States was incorrect.

After assuming the office of Solicitor General, the first occasion upon which I was made aware of the Arar file was when it was presented to me in a House book card. The House book card is prepared for ministers by officials of their relevant departments and agencies in anticipation of questions in the House. The RCMP prepared this specific card. It's dated October 25, 2002. As well, there was an updated card dated November 15, 2002. There was no reference to errors in information, no reference to false information, and no reference to any corrective efforts having been made by the RCMP with respect to any of the information that may have been shared.

On June 26, 2003, my office requested from the RCMP a briefing note on the Arar file. In the briefing note prepared by the RCMP for the Solicitor General, dated June 27, 2003, there is no reference to the RCMP being aware of having provided erroneous or inaccurate information to the United States, nor is there any reference to efforts by the RCMP at corrective measures of any kind related to information conveyed to United States authorities.

In a briefing note prepared for my office, dated July 10, 2003, in preparation for a meeting I was to have with United States Attorney General John Ashcroft, there again is no reference to inaccurate information or corrective measures that the RCMP had undertaken with United States officials.

One would assume that the Solicitor General would have been made aware if senior officials in the RCMP had been aware that erroneous information had been conveyed to the U.S., or that U.S. authorities answering to the Attorney General would have made him

aware of the errors that allegedly resulted in the detention and deportation of Mr. Arar. Attorney General Ashcroft, had that been the case, would undoubtedly have raised that point with me, since part of my purpose for meeting with him was to express my displeasure at what had happened to Mr. Arar at the hands of the U. S.

So I certainly feel very confident, and really believe, that given the relationship I had with Attorney General Ashcroft, if I were going to the U.S. and basically giving the Attorney General hell for the handling of Mr. Arar and his deportation to Syria, he would in no uncertain terms have said to me, "But Wayne, you provided us with misinformation." And that never happened, Mr. Chair.

●(0915)

The actions I undertook as Solicitor General with respect to the case of Mr. Arar were based upon the advice provided by officials with the RCMP and CSIS. If errors are made and corrective measures are required or taken, it is the expectation of any minister that they will be informed of those situations.

Mr. Chair, I think all of you on this committee, as I do, recognize that there is some difficulty with the information flow as it relates to the Solicitor General and the RCMP, because we don't operate the same way as they do in the U.S. Solicitors General are not informed of operations. That's the nature of the job. However, as it relates to security matters with CSIS, you in fact are. So the Solicitor General does not get into operational matters as such.

As Solicitor General, I was operating on the fact that Mr. Arar had been and remained a person of interest. I am in complete accord with the following statement found on page 69 of Justice O'Connor's report:

I have no reason to believe that it was not appropriate, throughout the relevant time period, for the RCMP as a law enforcement agency to continue its main investigation, in which Mr. Arar came to the investigators' attention from time to time.

On pages 18 and 19, Justice O'Connor further refers to Mr. Arar as "properly a person of interest" in two other contexts.

I will make one final point, and that relates to information held by the United States on Mr. Arar. On page 156 of Justice O'Connor's report, he states:

The question arises as to whether the American authorities relied upon information provided by the RCMP in making the removal order. Without the evidence of the American authorities or access to the classified addendum to the removal order, I cannot be sure what information they used.

On page 14 of the evidence on September 28, 2006, the Commissioner of the RCMP, in testimony before this committee, stated that

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.

In conclusion, Mr. Chair, as it relates to Justice O'Connor's report and his recommendations, I might say that I do believe Justice O'Connor wrote an excellent report. I advise people to read not only the parts that are somewhat sensationalized in the media, but to read the whole report. There's a lot of information in that report.

As I've said publicly, I do agree with the recommendations that Justice O'Connor made. We'll see what he does in his second report, but based on my experience, I certainly believe that there does have to be a different oversight agency for the RCMP.

It was recommended by the McDonald Commission that the RCMP get out of national security matters. As a result of 9/11, they started getting back into security matters. Therefore, I think it does require a different kind of oversight body. In fact, we were working on that during my term as Solicitor General, but it never came to be completed. But I will say this. It does require a different oversight that is somewhat closer to the CSIS arrangement, but maybe something in between. I'll just conclude on that point.

Thank you, and I'm open for questions.

The Chair: Thank you very much, sir. You have given us lots of material. I'm sure there will be plenty of questions.

Looking at the clock, I would like to ask the committee's permission to go to five-minute rounds, in order to get everyone a round. Would anybody object to going to five-minute rounds? Otherwise, there'll be many here who—

• (0920)

Mr. Mark Holland (Ajax—Pickering, Lib.): I do object.

The Chair: You want seven minutes.

Mr. Mark Holland: In the opening round, yes.

The Chair: I'm surprised I didn't get permission, but we'll move ahead then.

Mr. Holland.

Mr. Mark Holland: Thank you, Mr. Chairman.

Thank you, Mr. Easter, for appearing before the committee.

I'm wondering if we could begin in May of 2003, when there were discussions about preparing a one-voice letter. This would have said that the Canadian government had no reason to suspect Mr. Arar was involved in terrorism. I wanted to confirm again that the RCMP deputy commissioner had advised you not to sign that. Secondly, did you receive similar advice and direction from CSIS?

In advising you not to sign, did the RCMP lead you to believe or give you information at that time that there was still reason to think Mr. Arar was a terrorist or that there was information to believe that he was a terrorist?

Hon. Wayne Easter: The advice coming forward to me from both parties in question was not to sign the letter. My own judgment as well was not to sign the letter, because as is stated—and Justice O'Connor does in fact agree on this—under the conditions we were operating in, Mr. Arar was considered a person of interest during the whole time.

Also, the fact of the matter is that I personally believe too much is read into the letter and the idea that the Solicitor General should have signed off on that. In the way that Canada acts, our face abroad is presented through the Minister of Foreign Affairs and the Prime Minister. At the end of the day, I believe the best approach was taken. The Prime Minister did sign a letter, and that's the letter that was conveyed abroad.

Mr. Mark Holland: You say that at that point in time, though, the RCMP was still giving to you, as the Solicitor General, information that stated or would lead you to believe there was still a possibility of considering Mr. Arar a terrorist. Did that continue to be their position? In other words, there are concerns raised by Justice O'Connor in terms of the information that was flowing forward at the time when that letter was put in front of you. Were the RCMP still conveying that same concern, the same directives that he was a person of interest and that he was a potential terrorist?

Hon. Wayne Easter: The information that was conveyed to me, as I indicated earlier—and this is again confirmed by Mr. O'Connor—really relates to not so much the aspect you're talking about—that Mr. Arar was a terrorist—as it does to the fact that he was a person of interest. That's basically what was provided to me: that he was a person of interest. That's what was indicated in briefing notes relative to the matter as well.

Mr. Mark Holland: Not to belabour this, but I just want to be clear that they were not giving the impression, at that point, that Mr. Arar had terrorists links at that point in time.

Hon. Wayne Easter: No such impression was given to me. If you go back to the O'Connor report in terms of some of the information that was exchanged with the U.S., you could draw that impression from that exchange with American authorities. I would point out, though, that Justice O'Connor, in his report, also indicates—and I can find it in here, Mr. Chair—that there was basically not malicious intent in doing that.

Mr. Mark Holland: Mr. Zaccardelli testified before this committee in September, and I want to go to a couple of comments that he made. One of them surrounds asking if the RCMP ever admitted that they had made a mistake. When Mr. Zaccardelli testified, he stated that the RCMP corrected the inaccurate information that had been provided to the United States as soon as they were aware of it. He further said, "When we learned what had occurred, we had discussions with the minister to inform him of the situation". Can you comment as to whether or not Mr. Zaccardelli did inform you, in the manner in which he testified before the committee?

• (0925)

Hon. Wayne Easter: Well, I read that testimony of Commissioner Zaccardelli's closely, and that's why, in terms of my opening remarks, Mr. Chair, I dwelled on that point so much. The fact is that no, I was not informed, by briefing note, by House book card, or by any other measure, that the RCMP had provided misinformation.

I think this is a question you're basically going to have to raise with the commissioner again. I wonder if people are reading too much into the commissioner's statement before this committee. In any event, I'll make it clear that I went back through all the documents, I've discussed with people who were my staff at the time, and there is no situation where the RCMP came to me and basically said, "We screwed up; we provided improper information", and that information certainly never came forward to me.

Mr. Mark Holland: I suggest that's certainly a matter the committee would want to come back to.

I'm going to press forward, though, with questions now—

The Chair: That will be your last...

Mr. Mark Holland: That's fine. Yes, I appreciate that.

These are questions with regard to the leaks in 2003. In July 2003 and afterwards, there were many leaks that appeared to the media that suggested Mr. Arar had terrorist links. Of course, some of these leaks were still occurring when Mr. Arar was in Syria, a number of them occurring in October 2003 even after Mr. Arar had returned to Canada.

Do you have any information suggesting which agency or department or which individuals those leaks might have come from?

The Chair: You have time for a brief reply.

Hon. Wayne Easter: No, I do not. The simple answer is no, Mr. Chairman. I had asked this myself, as soon as there were leaks out there, that an investigation occur within the departments I was responsible for. That investigation did in fact take place, and you know the result: there was nothing found.

The Chair: Thank you, sir.

We'll now move to the Bloc Québécois, Monsieur Ménard.

[Translation]

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

If I understand you properly, it is from words you often used, namely “person of interest”.

To your knowledge, did Mr. Zaccardelli at a given time tell you that he was himself convinced that Mr. Arar was innocent of any link with terrorist movements ?

[English]

Hon. Wayne Easter: I'm not really clear on your question, Serge. Basically, to my knowledge, in information provided to me right up until probably November 2003, where the briefings did in fact get more extensive and the background was provided, during that whole time, Mr. Arar was considered a person of interest, and that was that.

[Translation]

Mr. Serge Ménard: These are the words you always use, namely a “person of interest”.

In your mind, is a person of interest a person linked to terrorist movements or simply a person about whom we don't know whether she is linked to such movements or not, but we saw having contacts which may have been innocent, but which may also have indicated that she was in fact linked to terrorist movements?

[English]

Hon. Wayne Easter: There was no indication provided to me, as I said, until a very extensive briefing in November 2003, that there was anything more to Mr. Arar other than he was a person of interest—that's the bottom line. He was just a person of interest, peripheral to another investigation—I guess I could put it that way.

● (0930)

[Translation]

Mr. Serge Ménard: That's what I want to know, because a person of interest can be a person which was seen having contacts with terrorist movements, without knowing whether these contacts were to terrorist purposes or whether they were innocent like, for example, someone who goes to rent premises from a landlord. The landlord has obviously had contacts with that person but may very well not be aware that that person is a terrorist. Is that what you were thinking of Mr. Arar or did you think that he could in fact be involved in terrorist activity?

[English]

Hon. Wayne Easter: One of the difficulties, Mr. Chair, is that... I will say I am disappointed in the Clerk of the Privy Council. I asked the Clerk of the Privy Council for advice or assistance about what is considered to be a national security issue, what is considered operational, and what is considered secret. I'm in a bit of difficulty with which is which in my own mind, even though I went through some documents yesterday, some of which have been declassified and some of which have not.

In any event, I guess I'd put it this way, Serge: the fact of the matter is—and the Americans were informed of this and I did acknowledge this—that we had no evidence on Mr. Arar on which to make an arrest within Canada, if he was here. He was considered to be, as they indicated, a person of interest—and it's mentioned in Justice O'Connor's report—the interest being due to his connection to other subjects who were involved in other terrorist activity.

[Translation]

Mr. Serge Ménard: In fact, you did not know that Mr. Zaccardelli was convinced that Mr. Arar was completely innocent of any involvement in terrorist activity?

[English]

Hon. Wayne Easter: No. As I indicated in my opening submission, I was not informed that the RCMP had provided inaccurate information to the U.S. I've outlined that fairly extensively, and I would advise the committee, if they can access any of those documents that I've outlined, to do so. I think you'll come to the same conclusion. In particular, especially when I was going to meet Attorney General Ashcroft, we were very disappointed, angered, and frustrated at the United States and how they had treated Mr. Arar. He should have been sent back to Canada.

Attorney General Ashcroft certainly never said to me, “But I've been informed that Canada has provided us with misinformation.” He never raised that with me. I know the man, and I know he certainly would have raised it with me if I'd have—

[Translation]

Mr. Serge Ménard: I am going to be forced to ask you a subjective or hypothetical question.

Would you have had knowledge of it if Mr. Zaccardelli thought that Mr. Arar was innocent? Would your attitude in government have been very different with your minister colleagues in the steps you would have taken to have him freed from Syria?

• (0935)

[English]

Hon. Wayne Easter: I don't think now is the time to get into hypotheticals, Serge. The fact is, the best report on this matter, the individual with more information than anybody else from all the sources, is Justice O'Connor. Justice O'Connor maintains the "person of interest" approach throughout his document. He outlines some of the errors, but I think it would be inappropriate for me to get back into hypotheticals of what would have happened if.... The fact of the matter is, they didn't.

The Chair: Mr. Comartin, for seven minutes.

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

Thank you, Mr. Easter, for being here.

On that last point, it seems to me Justice O'Connor was quite critical of both the RCMP and CSIS for not taking part in letting that letter go from DFAIT. I'll just make that as a comment.

I would ask you to turn to page 28 of the report, the volume on analysis and recommendations. You already referred to page 29. In the second-last paragraph at the bottom, it starts, "On October 3, 2002...", and there's material blanked out there. Are you able, recognizing the constraints you're operating under in terms of national security, to tell us whether you were the person who requested that information referred to in that paragraph?

Hon. Wayne Easter: No, I was not the person who requested that information, but I would point out, on your first comment, Mr. Comartin, that yes, Justice O'Connor is critical of the RCMP and CSIS not recommending the letter. He also states in this report that he understands why they did, basically. I'll try to find that.

Mr. Joe Comartin: I agree with that; don't bother. I agree with that characterization, but he's still critical. He understands the constraints you're operating under, so let me go to that point. At that period of time, if we accept your evidence today, you were still operating as the minister under the impression that Mr. Arar—again, I'm referring to the quote that you gave from the report on page 29—was still labelled in the minds of the RCMP as an Islamic extremist. You have never been told, up to the time of that letter, that this assessment by the RCMP had changed. Is that correct?

In the minds of the RCMP, at the time of that letter it was your belief—not necessarily theirs, because I think we know now that it was not their belief at the time, but they didn't tell you that—that Mr. Arar was an Islamic fundamentalist, or extremist, using their terminology.

Hon. Wayne Easter: No, because the information provided to me—and I would have to go back to the documents to be absolutely sure—stopped at person of interest. It did not include Islamic terrorist.

Mr. Joe Comartin: So throughout the entire period of time that you were minister and responsible for the RCMP, you never saw any documentation that characterized Mr. Arar as an Islamic extremist?

Hon. Wayne Easter: Not up until, as I indicated earlier, I would say November 2003.

Mr. Joe Comartin: So after the whole—

Hon. Wayne Easter: This is the difficulty, Mr. Chair, that we don't have the documents. It would have been possibly in July, but I don't think so. I think it was November before the words "Islamic extremist" came to my attention from the RCMP.

• (0940)

Mr. Joe Comartin: When did you first become aware that this information was incorrect? Was it when the O'Connor report came out, sometime during the hearings? When did you first become aware that this classification of Mr. Arar was in fact false?

Hon. Wayne Easter: During the O'Connor inquiry....

Mr. Joe Comartin: By reviewing documentation, or because of evidence that came out of that...?

Hon. Wayne Easter: It was because of evidence that came out.

Mr. Joe Comartin: I would just like to close off other avenues here. In terms of the chain of command, in terms of communications, is it possible that the RCMP, the commissioner or senior members, communicated to deputy ministers within the Solicitor General's office information that didn't come to you regarding this particular issue?

Hon. Wayne Easter: I think it's probably.... It is possible.

Mr. Joe Comartin: Have you discussed with your deputy ministers whether they had information communicated to them that this information on Mr. Arar was false or misleading?

Hon. Wayne Easter: No, not recently.

Mr. Joe Comartin: How many deputy ministers would there have been during this period of time when the Arar case was going on?

Hon. Wayne Easter: Only one with me.

Mr. Joe Comartin: Who was that?

Hon. Wayne Easter: Nicole Jauvin.

Mr. Joe Comartin: Then, Mr. Easter, in terms of communications, you've talked about documentation, the House book card, and other memos that came to you from the RCMP. Were there any verbal communications to you that the information the RCMP initially had on Mr. Arar was false or misleading?

Hon. Wayne Easter: No, and I've indicated that in my opening statement. I've checked that as well with other people who would have been with me during those verbal communications.

Mr. Joe Comartin: In terms of your recollection in this regard, how would you categorize the Arar case in terms of its seriousness for your department and for you, personally, as a minister?

Hon. Wayne Easter: It was in the early period, November-December 2001, January 2002, one of many, but the issue did take on an increasing criticalness as the months progressed.

The Chair: Thank you very much. Unfortunately, we're out of time. Thank you, Mr. Comartin.

We'll now move over to the government side. Mr. MacKenzie, please.

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

Thank you, Mr. Easter.

I am a little confused. I think there's an article in one of the media today indicating that you first knew about this erroneously labelled information only a month ago. If I understood your response to Mr. Comartin, you actually knew about it back when the O'Connor—

Hon. Wayne Easter: My response to Mr. O'Connor was when the report came down.

Mr. Dave MacKenzie: Oh, okay. I'm sorry. I thought it was during the hearings. That's fine.

You were Solicitor General, you were not only an MP in the House. When you were aware of the seriousness—and I think we accept very much that initially this was probably a little bit under the radar because it was of one of many things, and I think we've heard that same line, basically, from the commissioner—once it began to take on some importance, did you never question anyone, the commissioner or anyone in your ministry, about if they were sure of the accuracy of the information that was used? When you were going to the U.S. to talk to them, you had to feel that you needed to have the information.

Hon. Wayne Easter: Yes, Mr. MacKenzie, absolutely. Especially in the spring of 2003, prior to going to a meeting with Attorney General Ashcroft, we asked for a full briefing, we asked tough questions on Mr. Arar, because it was a public issue. We were concerned about the detention and deportation. There were lots of questions asked, yes.

• (0945)

Mr. Dave MacKenzie: And they would have been asked of the commissioner?

Hon. Wayne Easter: They could have been asked of the commissioner, they could have been asked of both, really, Deputy Commissioner Loepky and Commissioner Zaccardelli, and others who may have attended with the commissioner and deputy commissioner.

Mr. Dave MacKenzie: So there would be no question that in mid-2003 those hard questions were being asked about the authenticity of the information that was passed to the Americans. At that time there was never any suggestion there had been an error.

Hon. Wayne Easter: No, and this is....

When you go through O'Connor's report, it would be absolutely amazing to me, if there had been errors admitted to in any material or in conversations, that it wouldn't be included in Justice O'Connor's report. And it's not, other than to say the ministers weren't provided with perhaps all the information.

I would think, given Justice O'Connor's report and the availability of documentation—I mean, there are thousands of pages—from so many sources, that he would certainly raise it in his report if it had been admitted to.

Mr. Dave MacKenzie: I'm not questioning that. I just want to be certain that the questions were actually asked and either a denial or misinformation was provided by the officials at that time.

Hon. Wayne Easter: As I indicated at the beginning as well, the difficulty here is the RCMP and Solicitor General relationship in

terms of operations. Yes, hard questions were asked, but I think the response was basically along the lines that the facts are as were provided to me in briefing notes and House book cards.

Mr. Dave MacKenzie: And the same scenario was that while this was going on there was the talk of the one-voice letter. Obviously this was not a run-of-the-mill situation by that point. Did that relationship between the Solicitor General and the RCMP change in any way, shape, or form, where they became more willing to talk, if you will, to the Solicitor General about what was going on?

This issue had gotten larger than law enforcement. It had crossed international boundaries, and it was a major issue in many minds, but was there still no indication that errors had been made in the information passed to the American authorities?

Hon. Wayne Easter: No, not on errors being made. As I indicated to other questions and questioners earlier, there were certainly more extensive briefings as time went on, on some of the background and parameters around Mr. Arar and why he was a person of interest. That was not until, I believe, about November 2003.

Mr. Dave MacKenzie: When you became aware of the information flow between the Canadian authorities and the Americans, as the Solicitor General, did anyone, either yourself or any of your officials, confirm that the caveats that are supposed to be in place were in fact adhered to?

Hon. Wayne Easter: I think the assumption was made that they were. One of the requirements is certainly that there be a flow of information between the various law enforcement agencies, between our two countries and the security agency. It's important that there is a flow of information.

I actually believe that part of the problem here in that information flow—and it relates to what I said earlier in terms of the RCMP to a great extent getting back into national security issues—is that it is two different individuals. Policemen tend to take information, gather it, lay a charge, and provide it to the courts to deal with. That's not the way security matters operate, so you have to be absolutely sure that the information is accurate and has the checks and balances. I think Mr. O'Connor certainly has recommended that, and I agree with that 100%.

• (0950)

The Chair: Thank you, sir.

We'll move now to the next round.

From the Liberal Party, Mr. Alhabra, please.

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

Good morning, Mr. Easter, and thank you for coming.

I want to go back to the question of the leaks. In July 2003, as you mentioned and as the committee knows, several leaks were made alleging and including items that Mr. Arar had travelled to Afghanistan and had some activities related to terrorist activities. As the Solicitor General, were you ever briefed on those allegations, as to whether in fact, yes, those were things that the RCMP believed; or no, we don't know where these leaks came from and they contain inaccurate information?

Hon. Wayne Easter: As I indicated earlier, Omar, as Solicitor General I asked when the leaks occurred, and whether they were accurate or inaccurate. I asked for an investigation to be held within all our branches, which would have included CSIS and the RCMP.

I believe there were further investigations elsewhere about whether the leaks could have come out of the Department of Foreign Affairs or the Privy Council, and that investigation did occur. As is well known, the investigation led nowhere and had no results.

Mr. Omar Alhabra: But if you allow me, the leaks happened, so I'm curious if you were ever briefed. You could have been briefed on two things: whether that was information the RCMP believed actually happened; or once the RCMP officials realized those leaks were inaccurate, did they ever brief you that those leaks were inaccurate, that they didn't really believe those things?

Hon. Wayne Easter: We stuck to trying to find out whether or not there were leaks. There's all kinds of information out there. Some of it is accurate; some of it probably isn't. But the key for us was what, if any, information was coming out of the offices under our responsibility or from the government as a whole. That's what was key for us: that somebody, somewhere was using information, accurate or otherwise, to undermine the credibility of Mr. Arar, and that was our concern.

Mr. Omar Alhabra: The attitude at that time, in 2003—before, during, and after the whole situation—caused by leaks and I also recall by opposition members, who were the Alliance then.... Do you recall what types of questions they had for the government, what kind of pressure they exerted on the government, and what type of impact that had on the government and your office?

Hon. Wayne Easter: Certainly. On the questions on the file, let's put it this way: they ranged all over the map. They ranged from questions by Mr. Day, I believe, and others at the time that the government wasn't tough enough on terrorists. Whether that was referring to any of the people in the news at that time, I would have to go back and look. But certainly there were very tough questions from Mr. Day that we weren't doing enough on fighting terrorism. There were questions from the other side, in particular the NDP, saying that we weren't doing enough to protect civil liberties. So they ranged right across the map.

• (0955)

The Chair: Thank you.

We'll have a shorter round this time, and if we're going to get around, we'll have to move to Mr. Ménard from the Bloc.

Thank you.

[Translation]

Mr. Serge Ménard: We would have to agree first on the words, Mr. Easter. A person of interest and an extremist terrorist or an Islamic terrorist are, for you, two different things, aren't they?

[English]

Hon. Wayne Easter: Yes.

[Translation]

Mr. Serge Ménard: If I understood properly the answer...

[English]

Hon. Wayne Easter: Mr. Ménard, I think a person of interest could lead anywhere, from being absolutely innocent to being a terrorist. It could lead in any direction. It means that there's information there that leads a law enforcement agency to have an interest in this individual, based on connections or whatever else, which may lead somewhere. It may be good; it may be bad.

[Translation]

Mr. Serge Ménard: Now, if I understood properly your answer to Mr. Comartin, until November 2003 or July 2003 — you seem unsure about the exact date — for you, Mr. Arar had always been characterized as a person of interest but not as an extremist terrorist or an Islamic terrorist. Is it correct?

[English]

Hon. Wayne Easter: That is correct.

[Translation]

Mr. Serge Ménard: When he was characterized as an extremist terrorist or an Islamic terrorist, namely in November 2003 or in July 2003, is it really by the RCMP that he was characterized as such?

[English]

Hon. Wayne Easter: Yes, I believe it did.

[Translation]

Mr. Serge Ménard: I agree. Then, have you discussed it...

[English]

Hon. Wayne Easter: Let me backtrack a little bit on that, Mr. Ménard. That would have been very late in my time as Solicitor General, and that would have been at least their allegation at one point in time.

[Translation]

Mr. Serge Ménard: Am I wrong to think, Mr. Easter, that the fact that an extremist terrorist or an Islamic terrorist was sent to Syria by U.S. authorities is much less surprising for you than if it was simply a person of interest, without being an extremist terrorist?

[English]

Hon. Wayne Easter: The fact of the matter is—and I've answered this a number of times, and Justice O'Connor goes into this as well—that there were no officials, not the RCMP, not CSIS, involved in the decision by the Americans to deport. Mr. Justice O'Connor indicates that the information provided of Canada likely was one of the reasons for that decision, but elsewhere in the report he indicates that there was information globally as well.

The Chair: This is your final question, Monsieur Ménard.

[Translation]

Mr. Serge Ménard: I come back to your relationship with Mr. Ashcroft, from the United States. If you had known that Mr. Arar was innocent of any link with terrorist activity, you would have mentioned it to Mr. Ashcroft and you would have asked him: why did you send him to Syria? You would have asked him this to know if, precisely, they had their own reasons to send him to Syria.

• (1000)

[English]

Hon. Wayne Easter: Let's be clear—

[Translation]

Mr. Serge Ménard: Finally, as this is my last question, the issue was to know whether they had their own reasons to send him to Syria because, if this citizen came back from Syria, it remains that it was a Canadian citizen.

Then it was good to know if he was an extremist terrorist or simply an innocent individual.

[English]

Hon. Wayne Easter: Just let's be absolutely clear. With respect to Mr. Arar and the decision by the U.S. to detain and deport, we did complain strenuously to the U.S., to Mr. Ashcroft. We—or I did, at least—operated under the view that they violated international law in terms of what they did. Mr. Arar was innocent, from my point of view, and should not have been detained and deported to Syria. We made that very clear to Mr. Ashcroft. We asked the question, why did you deport him, but no answers were forthcoming. Mr. Ashcroft would maintain that they did it under their laws and they had the right to do so. I disagree with that. We argued that point strenuously.

The Chair: Thank you.

Mr. Brown, for a brief round.

With your permission, Mr. Easter, we're going to go over by a few minutes. Is that all right?

Hon. Wayne Easter: It isn't a problem.

The Chair: Okay, these are the last questions.

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

Mr. Easter, it's always good to see you. Thanks for coming today.

I have many questions and only a few minutes to ask them, so I'll fire these off pretty quickly.

First of all, from your information, do you believe that the United States was investigating Mr. Arar, or did they rely solely on information from the RCMP?

Hon. Wayne Easter: I think the problem is that we get into judgment calls here. Justice O'Connor covers that in some detail. But I can tell you this, absolutely—and it's quoted in, I think, volume 3—Attorney General Ashcroft indicated to me that no, the information was not just from Canada.

Mr. Gord Brown: So there was other information.

You talked about questions from the opposition. Were there questions from your own party about Mr. Arar?

Hon. Wayne Easter: There were questions from all parties, yes.

Mr. Gord Brown: What was the tone of the questions from your own party?

Hon. Wayne Easter: They ranged across the map. In my own party they would range from the civil liberty point of view to whether we were doing enough to fight the national security issues worldwide.

Mr. Gord Brown: Why did the government block, for many months, efforts to free Arar?

Hon. Wayne Easter: The government did not block the efforts to free Arar. From the very beginning—and this would be a better question for the Department of Foreign Affairs—Foreign Affairs worked in New York to try to ensure that Arar came to Canada. We were under the opinion that Arar would be coming to Montreal, and Foreign Affairs and the Prime Minister's Office worked strenuously to get Arar back to Canada. I do believe that if it hadn't been for those efforts, Arar might not be here yet.

Mr. Gord Brown: If that's the case, then why did the government not probe more strenuously the RCMP case against Arar? Why were they not trying to get to the bottom of it more than they did? You were counting on information from the RCMP, but clearly you didn't probe that enough, in my view.

Hon. Wayne Easter: I think we certainly did probe it. We raised the questions with the RCMP that needed to be raised. I think the best source of whether we were strenuous enough is to go to Justice O'Connor's report; he's the one who has all the information. I think that yes, there were some lessons learned, and that's why I agree with all the recommendations that Justice O'Connor suggests. Further, as I indicated earlier, I do believe there has to be a different kind of oversight agency.

• (1005)

Mr. Gord Brown: That's one of my questions. Like Mr. Alghabra, I'm very concerned about these leaks. Why do you think they didn't get to the bottom of that? These leaks were damaging and have led us to where we are today, in large part, from my perspective.

Hon. Wayne Easter: If you go back to Commissioner Zaccardelli's testimony, you'll see that he indicated that one of the most difficult investigations is leaks. I do know that there was a very strenuous investigation into the leaks, and that's probably ongoing. That's a question this committee asked Commissioner Zaccardelli, and he's a far better person to answer it than I. I can only say that we were very concerned about the leaks, right up to the Prime Minister's Office, and the investigations did take place, they did occur, but I still have to admit there are no answers to that.

Mr. Gord Brown: Thank you.

I want to ask if you will support the creation of a national security oversight committee.

Hon. Wayne Easter: We'll have to see what the committee looks like when its structure and form come out. As a number of other members around here did, I sat on a committee that looked at oversight and made some recommendations in that regard, and as I said in the beginning, we definitely need one in this country.

The Chair: Okay, thank you.

Thank you very much, and I appreciate your coming before the committee, Mr. Easter. The time has gone by very quickly.

I thank all members here for the questions they have posed.

We stand adjourned, and we meet again Thursday.

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