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Chair

Mr. Garry Breitkreuz

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• (1000)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): Order, please.

This is meeting number 25 of the Standing Committee on Public Safety and National Security. We are going to be dealing with the report of the commission of inquiry on the events relating to Maher Arar.

As is the usual practice at our committee, we will allow our witness, the Honourable Stockwell Day, to make an opening statement of approximately 10 minutes, if he so chooses, and then we will go to the Liberal Party, the official opposition, with the first round of questions. Our first round of questions will be seven minutes.

Any time you are ready, Mr. Minister, go ahead.

Hon. Stockwell Day (Minister of Public Safety): Thank you, Chairman.

[Translation]

Thank you very much, ladies and gentlemen. It's encouraging to know that there are MPs like yourselves who are concerned about Mr. Arar's plight and about all the events associated with Justice O'Connor's report.

[English]

As you know, it's been two and a half months since the report of Justice O'Connor came out. I have to say, overall, I'm pleased with the progress that's been made following the report coming out. As you know, there were 23 recommendations that Mr. Justice O'Connor came forth with. I believe it was within the first 24 hours of the report coming out, after we had a chance to look first at the recommendations, that the government indicated that we wanted to accept all 23 of those recommendations. That has been done.

When you look at what has happened since then, this whole unfortunate affair, which resulted in tremendous grief and a negative impact on Mr. Arar and his family...though it was done under the auspices of a former government, the new government has to take responsibility for the actions. I believe we've done that. As a result, there is some silver lining on the dark lining of that cloud of activity that took place under the former government. Whenever either an individual or an institution gets severely looked at and criticized, looking has to become inward for a period of time. You have to say, on the criticisms, are they fair; are they valid; and if so, what can you

do to improve? The net result is that there have been some significant improvements.

The first 10 of those recommendations affect the RCMP. They have put in place a number of systems already to address those 10 recommendations. For instance, they now have a national security management system. They've moved back from what was a regionalized approach, especially on major investigations, to bringing in some more central control and central management. It reduces the risk of the types of mistakes that happened in the Arar situation from happening again. They also have established new memorandums of understanding in terms of working with CSIS on information sharing that has been positive. There was already a move over the last several years towards a more proper and adequate information-sharing partnership back and forth between the RCMP and CSIS, but this whole investigation and Justice O'Connor's recommendations have built an even stronger and more appropriate relationship there.

The way in which caveats are managed was a huge problem and central to the difficulty that Mr. Arar went through. That has been brought forward and clarified, and systems have been put in place to make sure caveats accompany all material that may involve an individual, if there are caveats when they're sharing with other agencies. It also resulted in high-level contact from the highest levels of governments right down to, and including, various levels of officials.

As you know, Prime Minister Harper made it a point to contact President Bush about concerns about the file and how things were handled on the U.S. side. The Minister of Foreign Affairs, in some very clear manners, both verbally and by letter, communicated with the Secretary of State to say that we are very concerned in terms of protocols, especially when a Canadian citizen is apprehended in the United States and might possibly face deportation, especially if they have dual citizenship.

I'll give some credit to the Liberal administration. They did set in motion something called the Monterrey protocol, which was solidified in 2004 and then underlined again with the communication between Mr. MacKay and Secretary of State Condoleezza Rice. That protocol basically firms up the fact that if there's a Canadian who's being detained, there must be certain information relayed. There must be contact from the United States back to Canada, and certain things cannot happen without Canadian approval. The minister was very diligent to pursue that and secure that commitment by letter from the Secretary of State.

Also, there was communication from the Minister of Foreign Affairs to the Syrian officials, very clear concerns that had to be addressed in terms of what happens.

•(1005)

A number of things have also been established in terms of protocols when we're dealing with information sharing related to countries with human rights records that are less than glowing. There has to be some clear delineation of that. There has to be some communication to other agencies, to individuals involved, and to the public in general, and some limitations that come into effect when you're dealing with agencies and countries that have shoddy human rights records. There still needs to be, at times, some information sharing if our citizens are detained in those areas, but it has to be very clearly and carefully articulated.

The situation related to compensation for Mr. Arar is something that we looked into right away. As you know, Mr. Arar has a claim, and we wanted to make sure lawyers were actively engaged and in discussions on that. We made sure that was happening. I can tell you—I don't think it's revealing anything that's not known—that on December 14 and 15 some very formal discussions are going to be taking place, and we hope that moves the file along considerably.

Steps were taken, from my point of view, to make sure—and this happened within the first week of the O'Connor report—that all information about Mr. Arar that appears on what are called “lookouts” in Canada were removed so that there wouldn't be any kind of designation or any flags on the travel of Mr. Arar or his family.

There are two issues still outstanding, of course. In part two of the report, which will be tabled, coming from Justice O'Connor next week, I'm really looking forward to the recommendations he has in terms of oversight. We've had some good discussions around the table here on that. We were also advised that there should be a follow-up investigation of some sort related to three other individuals who were mentioned in the Justice O'Connor report. I can tell you that we're very close to finalizing both the mandate, the points of reference, and, we think, the individual who will lead that up. I'm hoping I can have that information out to you before Christmas.

Mr. Chairman, I think that just about completes the time allotted to me. I actually have a couple more minutes, but I won't take up too much time other than to say that this committee has been very aggressive, and rightly so, appropriately so, on this file. Information that I've seen come from this committee has been helpful to me in terms of deliberations and things that fall under my jurisdiction. I hope the committee will continue to do so and play an effective role.

Thank you, Mr. Chair.

•(1010)

The Chair: Thank you very much.

Now we will go to seven minutes for questions. We have only one hour with you, Mr. Minister. I'm going to try to keep to the time so everybody can at least get an opportunity to pose their questions. I presume there will be some questions.

Mr. Holland, for seven minutes, please.

Mr. Mark Holland (Ajax—Pickering, Lib.): Thank you, Mr. Chair, and thank you, Minister Day, for appearing today.

Minister Day, on Tuesday, both you and the Prime Minister expressed surprise at the reversal in testimony that was given by Commissioner Zaccardelli, but in fact, that was an act. On November 2, the government chair of this committee, your parliamentary secretary, and all members of this committee received a letter from Commissioner Zaccardelli explaining that he would make that contradiction. We asked questions about contradictions. In fact, as of September 28, I even called for his resignation based upon the testimony that was given at that time.

The reality is that you knew and you did nothing. You knew that you could have, at that stage in time, before it reached this crescendo of anger, before this public outpouring of rage, acted at that moment and did not.

It wasn't just the letter. There were a series of contradictions. You said you followed the testimony of this committee. Then you would have also known, Minister, that throughout the course of the testimony that was occurring there were all kinds of contradictions. Despite all that, you said that the government, you, and the Prime Minister had full confidence in the commissioner, even after the speech when the commissioner went public with what you knew last Monday. When the country was reeling in disbelief, you still expressed confidence in the commissioner. Perhaps today we start to learn why, and this leads to my question.

CP reports that—and I quote here—you had made a direct appeal to the Prime Minister at one cabinet meeting this fall, according to a government official. The quote is:

“Day asked straight out. He said, ‘This is not right. Why is this man still here?’” one of the government sources said.

The prime minister avoided the subject.

“Harper just changed the channel. He said, ‘Now, moving along to the next subject.’

“He just cut him dead.”

So my question to you is, did you push the Prime Minister for the commissioner to be released or fired? Yes or no?

Hon. Stockwell Day: Mr. Holland, you have an amazing propensity for hyperbole, which is certainly your right to do. All of us, when the cameras go on and the lights go up in politics, behave a little differently.

Mr. Mark Holland: Yes or no?

Hon. Stockwell Day: Your persona changes quite radically, so it just takes me a minute to adjust.

So let me just say this. Why did you not continue to read the article, where my comment is there?

Mr. Mark Holland: Can you answer the question I posed to you? I get seven minutes; I get to ask you a question. My question is very simple. Did you ask the Prime Minister for the commissioner to be released, in the fall? Yes or no?

Hon. Stockwell Day: And I'm asking you, because my answer is in the article.

Mr. Mark Holland: I'm not a witness before this committee. You are, sir. I'm asking you a question. Would you please answer it, yes or no?

Hon. Stockwell Day: In fact, Mr. Holland, you do have to give an account for your behaviour.

Mr. Mark Holland: Why don't you answer that question, and then I'll answer the one you posed to me. Why don't we do it fairly? Yes or no? Answer the question, and then I'll be happy to answer the question you have for me.

Hon. Stockwell Day: Continue reading the article instead of stating half truths, and the whole committee will have the answer.

Mr. Mark Holland: I'm asking you a question. Did you, or did you not, push for the commissioner to be fired in the fall? Yes or no?

Hon. Stockwell Day: It's in the article.

Mr. Mark Holland: Yes or no? I'm just asking you a question. Can you answer the question, please?

Hon. Stockwell Day: I've answered the question.

Mr. Mark Holland: You didn't.

The national security adviser is the most senior public servant on security issues and directly advises the Prime Minister. This is Margaret Bloodworth, who is going to be appearing before this committee next Tuesday. Did she identify any inaccuracies in Commissioner Zaccardelli's testimony? Did she advise you or the Prime Minister about these inaccuracies?

Hon. Stockwell Day: No.

Mr. Mark Holland: At no time did she?

Hon. Stockwell Day: I've answered the question.

Mr. Mark Holland: Okay.

Commissioner Zaccardelli testified under oath before this committee that he met with senior officials in the government, by which he meant senior public servants. Can you tell us who those public servants would be?

Hon. Stockwell Day: The public servants that Mr. Zaccardelli met with over what period of time?

Mr. Mark Holland: We're talking about the period of time between the September 18 release of the O'Connor report and the 28th, when he appeared before the committee, and also immediately afterwards. Can you tell us who he meant when he said before this committee under oath that he had met with senior officials? Who would he mean by that? He specifically meant senior public servants. Who would those individuals have been?

Hon. Stockwell Day: I don't keep track of his agenda. It would be interference for me to do so. I have no idea.

Mr. Mark Holland: But I'm talking about government; I'm not talking about people or friends of his outside the government. I'm talking about individuals who worked with the government, who would have had conversations with Mr. Zaccardelli, which he said took place.

Are you telling me he lied to us under oath, or are you telling me there were public servants he met with and you're refusing to tell me who they were? Who from the government met with Commissioner Zaccardelli through that period of time?

•(1015)

Mr. Gord Brown (Leeds—Grenville, CPC): I have a point of order, Mr. Chair.

The Chair: A point of order, Mr. Brown.

Mr. Gord Brown: Mr. Chair, part of Mr. Holland's comments and questions concern something that happened in camera and was not in fact dealt with publicly. So I think privilege has been breached here. I don't know how we would deal with that.

Mr. Mark Holland: Mr. Chair, the outcomes of an in camera meeting are public. That was an outcome. I did not discuss at any time the proceedings of the in camera meeting. What I discussed was the outcome of an in camera meeting, and that most certainly is public.

Mr. Gord Brown: I'd like to hear from Madam Clerk on that point.

The Chair: Let me clarify that.

We are not sure that Ms. Bloodworth is going to be here next Tuesday. We have simply decided to invite her, and I think you have to walk very carefully here, Mr. Holland.

Mr. Mark Holland: Okay.

This didn't come out of my time, correct?

The Chair: No, the clock is stopped.

Mr. Mark Holland: Mr. Day, first of all, you still haven't answered the question about senior officials. Are you declining to respond?

Hon. Stockwell Day: You haven't taken a breath so that I could.

Mr. Mark Holland: I'm asking you now. This is your opportunity.

Hon. Stockwell Day: Mr. Chair, I can tell you that I do not keep track of the commissioner's schedule. It would be political interference.

Mr. Mark Holland: Do you keep track of your own officials?

Hon. Stockwell Day: I'm trying to be respectful and to listen to you, though you go on at quite a rate. You've asked me a question and now you don't let me reply. Mr. Holland, it takes some time to answer the question, because you state things that aren't true as if they were, and then continue with the question.

Mr. Mark Holland: But you won't answer my questions; that's my dilemma. You will not answer the questions I pose to you.

The Chair: Mr. Holland, perhaps you could give the minister a chance to reply.

Hon. Stockwell Day: Perhaps you could just inhale a couple of times and let me do this. I do not keep track of the commissioner's schedule. It would be political interference. I can't give you a list of the government officials he's met with and talked with. I'm sure he could.

Let me say in a broad way, Mr. Chairman, that I can tell you unequivocally that I do not politically interfere with the Commissioner of the RCMP. One of Mr. Holland's colleagues has acknowledged that publicly; others have also. It's only Mr. Holland who sees a conspiracy behind every rock and every tree. As the cape crusader or, as I said the other day, Perry Mason on steroids, however you want to characterize yourself, this is not *L.A. Law*, Mr. Holland. This is Canada. And you know that generally we take people at their word, until it's proven differently.

Mr. Mark Holland: Mr. Day, if I could—

Hon. Stockwell Day: I would like you to retract the comment you made yesterday when you said that Mr. Zaccardelli sat here and said that he had to have permission from me before he spoke.

Would you be willing to retract that, Mr. Holland?

Mr. Mark Holland: No, and I would reference the quote.

But let me say two things. What happened to Mr. Arar was a tremendous tragedy. If I have to ask hard questions and you don't like it, then I apologize that you don't like answering tough questions. I asked specifically about whether or not the Prime Minister interfered in this matter. You refused to answer that question. It was a pointed and direct question.

Hon. Stockwell Day: No, I answered it.

Mr. Mark Holland: And I will not, absolutely not, stand here and throw softball questions to please you in this matter. You were one of the first people, Mr. Day, who labelled Mr. Arar as a terrorist.

The Chair: Your time is up, sir.

Monsieur Ménard, for seven minutes, please.

[*Translation*]

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

Minister, again, I have a number of good questions for you.

Hon. Stockwell Day: And I'll try to give you some good answers.

Mr. Serge Ménard I hope so, because I know you're capable of doing just that when principles on which all political parties agree are involved.

In response to Mr. Holland, you indicated that to some extent, as Minister of Public Safety, you're not like a general in charge of an army. I have often been called a police boss and most likely you've been called the same thing occasionally. However, you know that the relationship is different.

However, law enforcement bodies can look to the responsible minister for moral leadership. I'd like to ask you a question about this very subject.

In your opinion, Mr. Day, what steps should a police officer take upon learning that an innocent person is in prison because of mistakes made by his subordinate officers?

Hon. Stockwell Day: That's a good question, Mr. Chairman, but a difficult one as well.

In my opinion, if a police officer, especially a police chief, realizes that inappropriate action has been taken or that something wrong or

illegal was done, he must immediately set the record straight and demand that those responsible for the wrongdoing be questioned immediately.

• (1020)

Mr. Serge Ménard: You've already answered the other question that I had for you, albeit succinctly. I imagine your response will be the same this time.

With respect to the Arar incident, we now know that more than likely, Mr. Arar was detained and deported to Syria as a result of erroneous information passed along to the Americans. We know that the chief of police himself believed in Mr. Arar's innocence. Isn't this the kind of information that should be conveyed to the minister? It comes down to trust and the minister needs to trust the chief of police.

After September 28, you knew that Commissioner Zaccardelli had erred on two nonetheless very important points. When he became convinced of Mr. Arar's innocence, he did nothing and made no attempt to secure his release. He kept ministers in the dark about his error, which could have resulted in his incarceration.

How can you continue to have confidence in Commissioner Zaccardelli?

Hon. Stockwell Day: You've put your finger squarely on the problem, because we now realize that there are contradictions in his testimony. The Commissioner initially gave one version of the facts, while later, he provided another contradictory version. It wasn't until this past Monday that we realized how significant this contradictory testimony actually was.

Mr. Serge Ménard: Sir, between September 28 and the moment you learned about the inconsistencies in his testimony, you were in fact unaware that there were any inconsistencies. However, there are still two troubling facts about this case, namely that the Commissioner allowed Mr. Arar to languish in prison for over a year without taking any action and that he kept the ministers in the dark. These facts cannot be disputed. Isn't that serious enough to warrant your losing faith in RCMP Commissioner Zaccardelli?

Hon. Stockwell Day: I asked the very same question.

Mr. Serge Ménard: To whom did you ask that question?

Hon. Stockwell Day: I asked myself that question because as I said, when the ministers in the previous government realized that eventually they were going to have a major problem on their hands, they finally ordered an inquiry. I wondered why they had not asked the RCMP Commissioner any questions at the time. I find it rather odd that they did not put any questions to him at the time.

[*English*]

And because of the language here, I want to be careful to be specific, so I'll say this part in English, if you'll allow, for translation.

There is a line between somebody, for whatever reason, contradicting himself and perjury. The only person I have heard publicly accuse the commissioner of perjury, outside of the assembly, is Mr. Holland. That's a very serious accusation.

I've spent a lot of time with the commissioner over a lot of issues to do with safety and security. To this day, never once have I felt that the commissioner lied to me or tried deliberately in any way to lead me astray. I want to get that on the record. The only person who has publicly said that it's a matter of perjury is Mr. Holland.

There could be other reasons for the contradiction, and other reasons, as the commissioner has said, that finally resulted in his resignation. But I just want to be clear on that.

•(1025)

The Chair: You have 30 seconds.

[*Translation*]

Mr. Serge Ménard: We know that two individuals are responsible for the error. Have you made any effort to identify the individuals who passed along the erroneous information to US authorities?.

Hon. Stockwell Day: Yes, Mr. Chairman. I asked my officials to track them down. It's a difficult situation, but not so difficult that I cannot look for an answer, for two reasons. First, I want to know the truth. Secondly, our government was not in power at the time. The previous government was. Therefore, we don't have a problem with this, from a political standpoint. Officials are continuing their investigation. At this time, I don't have an answer to your questions. However, I'm continuing to press for answers and I hope they'll have some information for me.

Mr. Serge Ménard: Why haven't you put the question directly to Commissioner Zaccardelli?

[*English*]

The Chair: Mr. Comartin, please, for seven minutes.

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

Thank you, Mr. Minister, for being here.

This is going to be somewhat unusual, but my role, and I think this committee's role, is to also look into the whole issue of ministerial responsibility. My questions are in part going to be directed in that regard. I am not, quite frankly, expecting that you may be able to answer these. You may have to go back to your staff. I know that a number of your officials are here with you today.

I find that there may be a further contradiction in Commissioner Zaccardelli's evidence. I want to point you specifically to page 303 of the analysis and recommendations volume of Mr. Justice O'Connor's report.

In that paragraph, the second full paragraph, he in fact discloses that—in my belief—either Commissioner Zaccardelli or some other senior person within the government knew earlier than when the report came out about the border lookouts and the documents that accused Mr. Arar and Dr. Mazigh of being Islamic extremists, which I think everybody on this committee thinks triggered his ultimate incarceration in Syria.

Commissioner Zaccardelli had put out in his letter, at paragraph four of page two, that he was never told. But the way the process works is that at some point—and this is what Justice O'Connor is referring to on page 303—the government claimed national security

for these documents and would not disclose them, in the sense of allowing Justice O'Connor to disclose them publicly.

What he's saying in that paragraph is that in the fall of last year—it doesn't say that in the paragraph, but it would have been chronological—that was waived. But on two occasions, someone in the government would have had to make a decision to claim national security status for those documents and then waive them.

My analysis tells me that this would have been either the commissioner or somebody at his level of the RCMP, because those documents were within their control, I believe. It might have been somebody from the Border Services Agency; it could possibly have been CSIS; it might have been somebody in PCO, specifically the national security adviser; it could have been your predecessor.

I have three questions. First of all, do you know, at the time they decided they were going to claim national security for these documents, when that was waived? Second, in particular, was that waived when your administration came in or was it waived when it was the Liberal administration? Did it get all the way up to the ministerial level? Was the decision made at the ministerial level to either claim or waive the clearance for these documents, or was it at some lower level? If the decision was made at a lower level, was that ever reported to the ministerial level?

To go back to my opening comment, Mr. Minister, I think the problem we are having is that we have to be sure this never happens again to Mr. Arar or somebody else, and I don't think we can do that without this information. I think it falls into your lap now to let us know that.

I have to ask you, though, if that decision on the waiver was made during your administration, then why was something not done at that point rather than waiting another whole year? It would have been a good year. That decision to waive was made in the fall of 2005, and the O'Connor report didn't come out until the fall of 2006, almost a year later. For a whole year, Mr. Arar was sitting with his reputation besmirched. You know all the pressure that was on him. If that information was at your level at any point during that period of time, I would suggest to you that you would have had to do something about it.

I'll leave it at that. I don't know if you can answer any of this. If you can't, then I would like a commitment from you to this committee that you will give us answers to those questions.

•(1030)

Hon. Stockwell Day: I'll do my best to find out when the waiver took place, anything prior to my being there, so that would be the fall of 2005 that you're talking about.

In the process of a decision being made on what information should still be kept not public because of national security concerns, the areas that that fell under my purview were, of course, after assuming the file, and my instructions were that everything had to be public that absolutely could be, unless it was clearly a case that national security could be at risk. So there are two factors there.

First of all, I had to know for sure that Justice O'Connor had seen even material that was going to be blocked out and that nothing was kept from him. On page 10 of his report he said he did see all relevant information.

I made some decisions related to CSIS concerns—and it was CSIS, because you asked which force it would come from, CBSA or another force—related to information sharing that they felt could impair their proper relationships with other intelligence agencies—not just the U.S., but others. So a decision was made in a few areas, and they're marked there in the report. I would have made those final decisions in terms of saying yes, I concur with CSIS on these; I maybe don't concur on these. In certain areas it was my decision to say that in the interests of national security and the protection of our citizens, this has to be blocked out.

On those other waivers, I don't know where they came from, but I'll do my best to find out and report back to this committee.

Mr. Joe Comartin: And also who made the decision.

Hon. Stockwell Day: Yes.

Mr. Joe Comartin: Thank you.

If I can switch—

The Chair: You have about half a minute.

Mr. Joe Comartin: With regard to the replacement of the commissioner, Mr. Broadbent in the last Parliament put forward a proposal, as part of the democratic reform, of establishing criteria for those senior positions and having some screening process by a parliamentary or an ad hoc committee. Have you given any consideration to the process you're going to use to replace the commissioner?

Hon. Stockwell Day: We have given some consideration. Obviously we can't leave it unattended. I'm looking for guidance from around this table either related to process or to individuals. There is a process that's been followed in the past that we could follow and use with some precedent, but I want to make sure it's appropriate.

Very soon you will hear the name of a person who will be installed in that capacity on an interim basis, and then I'll look for your guidance on the process. Actually, I miss Mr. Broadbent's interventions, because he has a lot of good thoughts on that also.

The Chair: Okay, thank you.

Mr. MacKenzie, for seven minutes.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Mr. Chair, and thank you, Minister, for being here.

I'd like to try to clear up a couple of the misconceptions that I believe have come from Mr. Holland's thing.

I read to you from the last meeting we had on Tuesday of this week the question that I had put to the commissioner, and this always speaks to the issue about the political interference. I think you, Minister, have addressed that. My question to Commissioner Zaccardelli was:

I'd just like to make this perfectly clear. Mr. Holland, you've tried to put on the record that there was political interference.

I would like the commissioner to make it perfectly clear to Mr. Holland, who doesn't understand the word "no", that what you said was that you did not receive direction.

He seems to be more concerned about a period of time in September than in 2002, when his minister should have been asking the hard questions.

Was there any political interference? Very clearly, so that he understands.

My question to Commissioner Zaccardelli was, did he receive political interference or direction from you? Would you confirm that his answer, which was no, would be the same response from the minister's side?

Hon. Stockwell Day: Yes, I said at the start of my comments, and I'll say it again, I have never interfered in a political way with the commissioner—in any way whatsoever. That would be inappropriate.

I don't mind that question being asked. There's been some reference that I don't like tough questions; I like tough questions. Mr. Holland's questions aren't tough. Most of the time they're ridiculous, but they're not tough.

The other thing about questions is that I don't mind getting hit from committee members on tough stuff, but what I don't like is for anybody—Mr. Holland or anyone—to characterize a statement that has been made very clearly as something different. You can say, "I don't believe that", but don't say the commissioner said I politically interfered, because the commissioner never said that. Mr. Holland said that again yesterday—I have the quote—and he doesn't want to retract it. That's his issue, but there has been no political interference. It would be inappropriate.

I can tell you that I have met with the commissioner many times so far in my tenure in office, because there are a lot of issues out there related to safety and security. There was one issue recently, the issue of cadet pay at a depot in Regina and the fact that cadets in training don't get paid. I don't think that's right. We're looking at that; we want to reverse it. It was a Liberal decision to first put them on allowance and then finally take it all away. There's a lot of competition right now for good young men and women in police forces, and the RCMP is at a disadvantage if they can't pay their cadets while they're in training.

I use that as an example of a discussion that would take a couple of hours for me, first of all, to comprehend, to understand. It's not that I'm interfering; that's a Treasury Board issue, and I have to make sure I have all the information. I'm giving you one little thing that was probably a two-hour discussion just to make sure I was up to speed when the item came up in Treasury Board.

I meet with the commissioner a lot, but I've never politically interfered.

● (1035)

Mr. Dave MacKenzie: One of the other issues I'd like to clarify from today—and Mr. Holland has obviously attached my name to it—is the letter that came from the commissioner. It was stamped November 2, 2006. I would say to you that I have read it and that other people have read it. I haven't found anyone other than Mr. Holland who seems to find something in that letter that says the commissioner was totally going to change his story, as he did this week.

That having been said, if you had reacted to whatever Mr. Holland thinks was in the letter that no one else could find, would you consider it to be political interference in telling the commissioner what he should have done as a result of that?

Hon. Stockwell Day: I did fear.... I don't want to be paranoid, but as people say, just because you're paranoid doesn't mean they're not out to get you, and I felt some kind of trap being laid there that had to do with this letter, because of course if I had....

The implication seemed to be that this letter was out, the mystery letter that the whole world knew about, so why didn't you do something like reel in the commissioner or slap him around or say, "What do you think you're doing?" When the commissioner indicates to a standing committee of the Government of Canada that he wants to appear for a certain reason, for me to call him to account for that or to demand what he thought he was doing or to interfere in any way would be contempt. I wouldn't do that, and I didn't do that.

Mr. Dave MacKenzie: One other thing I want to clear up today—and I think Mr. Holland was accurate, for once—is on the issue of the terrible thing that occurred to Mr. Arar, his detention and subsequent removal to Syria. Under whose watch did that occur?

Hon. Stockwell Day: Just so everybody knows, I didn't give that question to the member, but I'll take it anyway. He's making a point. This is why we are being transparent.

First, I would hope that even if this had happened under our watch—which it didn't—I would still want all the answers and I would hope I would still be transparent. But it didn't. This happened under someone else's watch.

I'm not saying this to be partisan, but I have to say that I don't understand why the ministers didn't call in the officials. Now, the ministers didn't have the information, and I'm not holding them to account for that, but when they knew something was frightfully wrong, why didn't they call those officials in, be it the commissioner or somebody else, and ask what was going on?

As someone has already pointed out—actually I think it was Mr. Holland who quite rightly pointed it out—for another year or for another period of time these things continued to hang over Mr. Arar's head. I don't understand why questions weren't asked. We in the Government of Canada that's in place now ask those tough questions of each other and of our officials. We want answers. The people of Canada deserve transparency, and they're going to get it.

● (1040)

Mr. Dave MacKenzie: I think that is why we wanted to have the former cabinet ministers here.

Mr. Cotler quite rightly recused himself from issues at cabinet with respect to Mr. Arar. He informed us of that. But there were people around that cabinet table who knew that there were problems with that. It was in the press every day.

Would you agree, rightfully so, that somebody should have been pushing officials to find the answer? Nobody seems to have done that. We haven't heard from anyone to date.

Hon. Stockwell Day: I agree, and as I've said, that's of great concern.

I think there is a time and a place for an investigation or a commission in certain instances. Forgive me if this sounds too simplistic, but I'd like to just call people in and ask what happened. This particular commission cost \$13.5 million. I think it was money well spent, because some good has come out of the heartbreak and the travesty that took place, but surely you can just call people in and demand answers. If you don't get them, then maybe go to a commission.

The Chair: Thank you.

Mr. Cotler, go ahead for five minutes, please.

Hon. Irwin Cotler (Mount Royal, Lib.): On that point, that's exactly what did happen, Mr. Day. As Mr. MacKenzie said, I was acting as counsel. I even asked the government of the day, and I counselled Mr. Arar to put these questions to the appropriate officials—RCMP and the like.

They did put those questions. They did not get the answers. That is why we ended up having a commission of inquiry, which we recommended so that we could get the answers. Now we do have the answers that should have been given, as Justice O'Connor said, before the commission of inquiry was even set up. That is why we ended up with Commissioner Zaccardelli's resignation.

I thought that ought to be stated, for the record.

Let me just go to some questions that have arisen from your testimony today. You mentioned that there are going to be discussions about compensation on December 14 and 15 and that you were making that public. Along with that, I just want to say that Mr. Arar's lawyers have amended the statement of claim. They are now seeking \$37 million, not \$400 million. I think it's important that this also be put on the record.

The second thing is that you mentioned that Maher Arar had been removed from the lookouts in Canada. You mentioned representations that have been made by the Prime Minister and the Minister of Foreign Affairs to their counterparts in the United States regarding Maher Arar.

My question to you is whether Maher Arar and his family are still on the American watch list, and if they are, what the Canadian government is doing to remove them from the American watch list.

Hon. Stockwell Day: First, on the question of compensation, the member is more at liberty than I am to discuss that. It's before the courts right now, but I don't have a problem with his bringing that information out. That's a point of interest, and I'll take it as that.

On the question of lookouts, I've asked that question directly. As a matter of fact, I met with the Attorney General of the United States on that question, and the response was—I'm not saying I was totally satisfied with it—that because it was a matter of privacy, if Mr. Arar or perhaps his lawyers would contact the State Department, they could find that out.

He indicated to me—and he used the terminology “may or may not”—that they may or may not have information separate from anything that Canadian intelligence has ever said. I can't say for sure if Mr. Arar's lawyers have followed that path, but that was the response we were given.

I made it very clear that he's been removed. Obviously if another country tells us who we should or shouldn't have on a lookout, we might take that as information, but no other country is going to tell us in a final way who should be on a lookout, and that's the position they're taking.

I think he will get that answer if he follows through with the State Department, and we will do anything to assist in terms of making it clear that we have nothing, and that there is no reason he should be on the lookout.

Hon. Irwin Cotler: On the matter of representations to Syria, as you know, Justice O'Connor concluded in his report on the finding of fact that a Canadian citizen—in this instance, Maher Arar—had in fact been tortured. Has the Canadian government held Syria accountable for the torture of a Canadian citizen, and has the government sought redress for that torture?

Hon. Stockwell Day: I know it's been brought to the attention in a matter of concern by the Department of Foreign Affairs and by the minister. There has been a letter. There has been discussion.

I'll have to get back to this committee after talking with the Minister of Foreign Affairs to see what other steps have taken place, but I—

Hon. Irwin Cotler: Would you be able to have tabled before this committee the representations made by the Canadian government to the Syrian government in the matter of both protest and of securing appropriate redress?

• (1045)

Hon. Stockwell Day: I think that's fair, and I will see what I can do to get that and to make that happen.

Hon. Irwin Cotler: I have one final question. Maher Arar now has a suit before the American courts in which he seeks compensation for violations of his rights by Americans, including, I might add, the breach of the Vienna Convention on Consular Relations since they did not advise him of his consular rights or advise Canada that they were detaining a Canadian citizen. The judge dismissed the suit on the grounds that the suit would be prejudicial to American national security, but in the course of the judgment, also said that it would be arguably prejudicial to Canadian national security.

My question is whether the American government consulted the Canadian government as to whether or not the Canadian government would regard any American response to be prejudicial to Canadian national security in that case.

The Chair: That is your final question, I guess.

Hon. Stockwell Day: I have to say these are tough questions. I prefer Mr. Holland's.

Some hon. members: Oh, oh!

Hon. Stockwell Day: I think you're on a fair point. And I'm going to be honest with you; I don't have an answer to that, and we

probably should have pursued that. I'm not saying we didn't, but again on that question, if you would allow me some time, I'll seek an answer, and if we have not pursued that, I'll ask my colleagues why we have not.

The Chair: Thank you very much.

Mr. Ménard.

[*Translation*]

Mr. Serge Ménard: Minister, we agreed when we last spoke that based on the information received when Commissioner Zaccardelli testified on September 28, the Commissioner had made two serious errors, one in his capacity as a police officer, and a second, as head of a police force. As a police officer, he failed to act or to take steps to secure the release of an innocent person. As a police chief, he failed to fully inform the minister, the person to whom he is accountable, of mistakes made by the RCMP.

Following his testimony, did you ask the Commissioner why he had not done anything to secure Mr. Arar's release from a Syrian jail and why he failed to inform the ministers of the errors committed by the RCMP?

Hon. Stockwell Day: We discussed these matters, but in a more general way, since Justice O'Connor's report had already been released.

I can't answer for Commissioner Zaccardelli. However, as we now know, in a large organization, when an investigation is launched, the chief or deputy chiefs may not be fully aware of the facts associated with another investigation. That doesn't excuse matters, but it's a possibility.

Because of the many details of this case, it's also possible that there was some confusion. I'm not making excuses, but it's possible. I can understand how things can happen.

I have to rely on the report which says that mistakes were made by certain individuals and agencies. That's why it's important that Mr. Arar be compensated.

I can't explain the answers — or lack thereof — given by the commissioner, his deputy commissioners and some ministers. I don't have all the answers but I'm now responsible for any answers given by my government. What I can say is that we will follow through with Justice O'Connor's recommendations.

Mr. Serge Ménard: I will sum up your answer. You started by asking him a simple question: why did he not inform the minister? Then, you asked him a second question: why did he not take steps to secure Mr. Arar's release? You received a lengthy answer which either you didn't find satisfactory or you didn't understand very well.

Mind you, you would have found yourself in the same situation as the members of this committee when we put the question to him.

• (1050)

Hon. Stockwell Day: He told me the exact same thing that he had told the committee, namely that his officials and officers had kept the information secret for quite some time. According to what he told me and according to his testimony to the committee, it was some time before he learned of the facts.

Mr. Serge Ménard: From what you're telling me, I don't get the sense that he won over your trust with his answer. This continues to puzzle me. Why, knowing what you did prior to December 4, prior to the contradictory testimony, did you not lose confidence in the commissioner who had a duty to share with you information vital to your office and why did you not ask for his resignation?

Hon. Stockwell Day: I admit that during the interview, I stated that the reason why the Commissioner was still on the job was because we not only had confidence in him, but in the entire RCMP as well. I can understand why you might be puzzled.

After learning of the Commissioner's contradictory testimony, we began asking other questions. That's why, after a day or two, Commissioner Zaccardelli decided to step down.

[English]

The Chair: Thank you.

Mr. Brown, please.

Mr. Gord Brown: Thank you, Mr. Chairman.

Minister, it's good to see you again.

My friend Mr. Holland has been going on at length about how you should have known in advance of Mr. Zaccardelli's bombshell reversal of this Tuesday because of his November 2 letter to the committee, which in my view shows no such detail. But last week when former Minister Anne McLellan was before us—this was a week before Mr. Zaccardelli's reversed memory—she was asked a question from Mr. Hawn. She responded by saying that she knew he was reappearing, and that perhaps—I quote—“He may very well clarify some of his comments on what he knew when.”

Now, I don't want to join Mr. Holland's conspiracy theory club here, but the fact is that this whole mess happened when his party was in charge. They were the ones in charge of this whole mess. It seems that his whole theory got going when our government took over.

Are you aware of any communications that are ongoing between any of your officials or those in the PCO and Ms. McLellan? I can tell you that this seems pretty coincidental to me.

Hon. Stockwell Day: It sounds like you're on to a conspiracy of some kind.

As I said, in regard to discussions, in terms of who the commissioner talks with when he's not talking with me, I don't have a record of that. I wouldn't want that record. I haven't asked for it. I don't know if officials either at the Prime Minister's Office or the Privy Council Office have talked with Ms. McLellan. I have no idea.

My concern is to make sure Canadians understand that we've taken action since this report has come out. We're following all the recommendations. We want to see the right systems put in place.

The questions you're raising are important, and they're tough questions related to Ms. McLellan and others. I don't think it's a dereliction on my part to say, you know, I'm just not spending all that much time on what she may or may not have said to an official then. My concern is, what's in place now? Do we have a system that's going to work?

As Mr. Comartin said, we never want to see this happen again. Mr. Cotler has reflected that sentiment. Mr. Holland has reflected that sentiment. I think all of us are agreed on one thing around here: we don't want to see this happen again. That's where my focus is, and that's where my energies are.

These are tough questions you're asking, and I'll pass them down the line, but I have to tell you I have so much energy, and it's going to be put first to the safety and security of Canadians.

•(1055)

Mr. Gord Brown: Of course. And Minister, that brings me to a question that is of great—

Hon. Stockwell Day: I wasn't saying I have so much energy. I meant I have only so much energy, and that's where it's going to be directed.

Mr. Gord Brown: Thank you, Minister. That brings me to a question that's of a great deal of interest to me, and it's something that I've asked all of the witnesses we've heard concerning the Arar inquiry over the last number of months. It's about the O'Connor report.

In the first report—and we know the second report's coming next week—he included amongst his 23 recommendations a call for a strong arm's-length national security review process. As I said, we know he's going to table his second report on Monday, and I expect it's going to have some recommendations to do with that. But could you provide the committee with some examples of national security oversight models from around the world, so that we can get an idea of what we might do going forward?

Hon. Stockwell Day: We're looking into that. I know that this committee has previously looked into that. There are a number of models, and they vary from country to country.

As you know, in the United States there's a certain oversight model. People are sworn in and they spend a lot of time on committee processes like this, which some people probably find entertaining. And some actually do some good. New Zealand has a certain model. Great Britain has a certain model. Some of those involve members from all parties, selected by leaders or selected by the leader, who take an oath of secrecy. Some of them take an oath for as long as they're in office, others take an oath for life, which is a considerable thing to do, but it's on the grounds that they will be aware of certain national security interests that are vital to the safety of their country, and they don't want them writing a book ten years later exposing how their country protects itself.

There are a variety of models, but I can tell you that I've looked at some of the suggestions that Mr. Comartin has brought forward and that Mr. Cotler has brought forward. I know that Mr. Ménard has *des idées*. I think everybody had some ideas on that. That's why we're not being presumptuous. I have some ideas on what I think would work. I want to wait, first, to see what Justice O'Connor has. I'd like to run those ideas by this committee.

We do need an oversight capacity of some kind that we don't have now. I don't want that to drag on forever, either. With this committee, and under provisions of the ATA, a lot of work has gone into that. I don't want to go over the old ground. I think we can take what Justice O'Connor—I don't want to sound presumptuous—offers next week, and then let's compare notes and let's get to it and come up with something that works for Canada.

The Chair: We'll go to Mr. Alghabra for about one minute.

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

Minister, you talk about hyperbole. First of all, I want to say that I'm sickened by your attitude today, making jokes about something as serious as uncovering and getting to the bottom of what happened to Mr. Arar, who almost died because of errors that were indisputably caused by RCMP officials. That is indisputable, and you are making jokes about that and hyperbole.

Do you remember what you were doing when you were in opposition? Do you remember calling Mr. Arar a terrorist? Please answer this question with humility and thoughtfulness. Do you regret what you did when you were in opposition, and will you apologize for calling him a terrorist?

Hon. Stockwell Day: Thanks, Mr. Chairman.

First of all, I never did. Second, you seem to be affected by the person immediately to your left—

Mr. Omar Alghabra: Again, you're joking. There is no need for patronizing. This is a very serious question. Please answer it with modesty and thoughtfulness, and reflect your position.

Hon. Stockwell Day: If you'd let me do that, I'm trying.

The Chair: I'll adjourn the meeting if you remain out of order, Mr. Alghabra.

Hon. Stockwell Day: You are, unfortunately, taking on a habit of your friend to the left, who quotes partial news releases and half-truths. It's a very dangerous thing to do. You would find, if you took the time, that I've been on record demanding from the Minister of Foreign Affairs at the time why he was allowing this to happen and talking about the things that Mr. Arar was going through. You should put all of that on record. Also—

Mr. Omar Alghabra: Are you going to apologize for some of the comments you made?

It's my time, Chair.

Hon. Stockwell Day: I do wish you'd let me answer.

The Chair: Your time expired a long time ago, sir.

Mr. Omar Alghabra: It has not—

Hon. Stockwell Day: Also, I think the record is very clear. I have used humour at times to try to deflect what is an outrageous and at times equally humorous approach that one person likes to take—it's well known that he takes certain approaches, and I find at times that

his approach is somewhat laughable. But in terms of what happened to Mr. Arar, I think you—well, I know you won't retract it—are absolutely wrong in terms of thinking I made any kind of humorous reflection on what happened to Mr. Arar. That is wrong. That is an absolutely false characterization. I'll continue to use humour from time to time when people are using sarcasm on me, just to try to expose that.

But there is nothing humorous in what happened to Mr. Arar. There's nothing humorous about the fact that this continued for so many years without being addressed. We are very concerned about that, and we are not the government that was there when the affair took place; we're the government taking action to make sure it never happens again.

• (1100)

The Chair: Thank you, Mr. Day.

We have a point of order from Mr. Comartin.

Mr. Joe Comartin: Perhaps this is a correction. The second report is coming out on Tuesday morning, not on Monday. It's going to be released in the House at 10 o'clock on Tuesday morning.

The Chair: Thank you, Mr. Minister, for appearing before the committee.

Hon. Stockwell Day: I'd like to thank you and I'd like to thank all committee members.

Let me also thank the men and women of the RCMP, who every day are out there on the front lines. They're the ones who want wrong exposed, whether it's in organized crime or within their organization. I can tell you that they are not discouraged today. Maybe they don't like what happens or what goes on, but they're out there aggressively. Another very major announcement is coming out today about a significant drug operation being broken.

You know, I think we should have tough questions about the RCMP. I'd like to let committee members know that I'm asking that the act be reviewed. This one-year provision unfortunately gives the appearance that people who may have done some wrong within the RCMP get off because of the one year. I'm asking that this be changed.

As much as we always have to pursue any possible wrongdoing among police forces, every now and then it's nice to mention the incredible work they do—the biggest organized crime bust in history last week, for instance, with 700 officers involved. Far more than that were involved in this operation. There are good things happening every day with our members in the RCMP, and I congratulate them for that.

Thank you.

The Chair: Thank you very much.

The meeting stands adjourned.

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