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# Standing Committee on Public Safety and National Security

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**Chair**

**Mr. Garry Breitkreuz**

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## Standing Committee on Public Safety and National Security

Tuesday, January 30, 2007

•(1535)

[English]

**The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)):** I'd like to call this meeting to order.

This is meeting 27 of the Standing Committee on Public Safety and National Security. We are considering the report of the commission of inquiry on the events relating to Maher Arar.

We have with us this afternoon Ms. Margaret Bloodworth, from the national security advisory to the Prime Minister, and associate secretary to the cabinet; and William Elliott, associate deputy minister.

Welcome, very much. We look forward to any information you can give us in relation to this topic. If you have any opening statements or you would like to introduce yourselves, I'll give you a moment to do that.

**Ms. Margaret Bloodworth (National Security Advisor to the Prime Minister & Associate Secretary to the Cabinet, Privy Council Office):** No, I do not have an opening statement, Mr. Chair. We're certainly here to try to answer any questions you have. I don't think I need to add anything further.

**The Chair:** Thank you.

And Mr. Elliott?

**Mr. William Elliott (Associate Deputy Minister, Department of Public Safety and Emergency Preparedness):** No, Mr. Chairman. I'm happy to be here and I'll try to respond to any questions.

**The Chair:** Okay.

As is the practice at this committee, we will now go over to the Liberal Party for seven minutes of questions and comments.

**Hon. Sue Barnes (London West, Lib.):** Thank you, Mr. Breitkreuz.

This is my first meeting at the committee, so I'm very happy to start with this group from all parties around the table. We'll move forward constructively, I hope.

Welcome to our witnesses today. Both are very well-known professionals in their work.

I would like to add at the outset that in terms of the security of Canada, I feel that you serve us well and very professionally in your work in your specific areas.

As was stated by our chair, Ms. Bloodworth is the national security adviser to the Prime Minister, and as such is the most senior

public servant on security matters and directly advises the Prime Minister. Mr. Elliott in his role does the same for the Minister of Public Safety. Since we've had a break and it's been a while, I'd like them both to take us back over some timelines to just get some basic facts.

So Mr. Elliott and Ms. Bloodworth, could you just state for the record whether you met with former Commissioner Zaccardelli in advance of his September 28 appearance before this committee? And if so, who was in attendance at that meeting?

**Ms. Margaret Bloodworth:** No, I did not, if you're talking in relation to this, or to the Arar report. I of course met Mr. Zaccardelli often on many things, but I did not meet him before his testimony in regard to this matter.

**Hon. Sue Barnes:** Mr. Elliott.

**Mr. William Elliott:** I did not meet the commissioner with respect to his testimony in advance of his appearance on September 28.

**Hon. Sue Barnes:** Okay.

Secondly, did either of you meet with former Commissioner Zaccardelli between September 28 and December 5? If you did meet with him during that period, did it concern his testimony of September 28?

**Ms. Margaret Bloodworth:** Sorry, was December 5 the second day he testified?

**Hon. Sue Barnes:** Yes. I'm asking if you had meetings concerning his testimony from the meeting on September 28, in the interval between his first and second testimony times.

**Ms. Margaret Bloodworth:** I did have meetings with him; I did not discuss his testimony on September 28.

**Hon. Sue Barnes:** Okay.

Mr. Elliott.

**Mr. William Elliott:** After the commissioner's appearance on September 28...well, between the two appearances, I met with him on a number of occasions. On one occasion shortly after his testimony, in the margins of a meeting on another subject, he mentioned that he was anxious to come back before the committee. I met with him just days before his testimony on December 5. We didn't talk about the appearance, except that he indicated he was scheduled to appear on December 5.

**Hon. Sue Barnes:** Mr. Elliott, were there any other people in attendance at that meeting?

**Mr. William Elliott:** The Minister of Public Safety.

**Hon. Sue Barnes:** Okay, so the minister was there. Obviously, then, you were not briefing him, because he was fully aware of whatever conversation you had between the three of you by being present in the room.

**Mr. William Elliott:** Yes.

**Hon. Sue Barnes:** Thank you.

There was a letter sent by the former commissioner on November 2 to the chair of the committee, which was distributed to the members of the committee. Did either of you see that November 2 letter?

**Ms. Margaret Bloodworth:** Yes, I did. I saw it on, I believe, the Thursday or Friday of the week before he appeared December 5.

**Hon. Sue Barnes:** That was the first time you saw the letter. Were you aware of the contents of the letter before that time?

**Ms. Margaret Bloodworth:** No, I wasn't aware there was a letter. I was certainly aware the commissioner wanted to go back to the committee, and then I was aware he was going to the committee, but I was not aware of the letter.

**Hon. Sue Barnes:** Mr. Elliott, same question.

**Mr. William Elliott:** I think I saw a copy of the letter a few days after it was sent.

**Hon. Sue Barnes:** So the letter was received November 2, and that would be probably at least three weeks before his appearance.

**Mr. William Elliott:** Yes.

**Hon. Sue Barnes:** Okay.

At any point since December 5, have either of you met with the minister, or the Prime Minister, or officials from the Prime Minister's Office to discuss the second testimony that we heard in this committee on December 5?

Ms. Bloodworth first of all, please.

**Ms. Margaret Bloodworth:** With the Prime Minister? No.

Who were the other people?

**Hon. Sue Barnes:** Any PMO staff.

**Ms. Margaret Bloodworth:** No.

**Hon. Sue Barnes:** After December 5, did you have discussions or meetings regarding Mr. Zaccardelli's testimony here on December 5?

**Ms. Margaret Bloodworth:** No, I met with Mr. Zaccardelli. I did not discuss it with the Prime Minister.

**Hon. Sue Barnes:** Thank you.

Mr. Elliott.

**Mr. William Elliott:** I may have had discussions with my deputy minister. I had no meetings with anyone else nor did I have any discussions with anyone else.

**Hon. Sue Barnes:** Okay.

We've all heard or seen some changes between Mr. Zaccardelli's first testimony and the second time he appeared at this committee. I was just wondering, which one of those two various testimonies do you believe fits the reality of the situation? Which one do you believe?

**Ms. Margaret Bloodworth:** I'm not sure I can answer that question.

**Hon. Sue Barnes:** Mr. Elliott?

**Mr. William Elliott:** I take the former commissioner at his word when he indicated in his December 5 testimony that he wanted to clarify his responses to previous questions. Therefore, I take his December 5 testimony as a more accurate reflection of his recollection of events.

**Hon. Sue Barnes:** But Mr. Elliott, you just said that you saw the November 2 letter three weeks before, and there were some differences pointed out in that letter also from the testimony of September 28. What did you do about inquiries, in your responsibility, in the variations that were apparent from the November 2 letter?

• (1540)

**Mr. William Elliott:** I made no inquiries.

**Hon. Sue Barnes:** Is there a reason why you wouldn't be curious about changes?

**Mr. William Elliott:** The commissioner indicated in his letter that his hope and his intention was to come back before the committee to clarify his responses, and I understood that this in fact would happen.

**Hon. Sue Barnes:** So in fact you weren't at all concerned about some discrepancy or some variance in the testimony in terms of what you saw in the letter on November 2 and what the testimony was on December 5?

**Mr. William Elliott:** Sorry, you're now asking about discrepancies between the letter and the testimony on....?

**Hon. Sue Barnes:** December 5.

**Mr. William Elliott:** I'm not sure—

**Hon. Sue Barnes:** On September 28 he said one thing. The letter started to clarify on November 2. We had variance in testimony on December 5.

You were obviously responsible for the file inside the department. You've said that you didn't do any further investigation. I'm surprised that you weren't curious, having read it, and that you didn't start some sort of internal investigations when you saw the November 2 letter.

**Mr. William Elliott:** I took it from the letter that the commissioner hoped to come before the committee to clarify his testimony.

**Hon. Sue Barnes:** Thank you very much.

How much time is left?

**The Chair:** Your time has expired.

**Hon. Sue Barnes:** That's what I thought.

Thank you very much. I just wanted to get those timelines straight for everyone.

**The Chair:** Does anyone from the Bloc have any questions in regard to this?

Monsieur Ménard.

[Translation]

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

Ms. Bloodworth, I gather that you were Deputy Minister of Public Safety and Emergency Preparedness Canada at the time of the so-called Arar affair, and more specifically, during the time when he was detained in Syria. Am I right?

[English]

**Ms. Margaret Bloodworth:** No, it's not, Monsieur Ménard. I was deputy minister at Public Safety starting in December 2003, when the department was created, when Ms. McLellan became the minister. I was deputy minister at Defence while Mr. Arar was detained in Syria.

[Translation]

**Mr. Serge Ménard:** Very well.

Mr. Elliott, were you working for Public Safety and Emergency Preparedness Canada while Mr. Arar was detained in Syria?

[English]

**Mr. William Elliott:** No, I was not. At the beginning of Mr. Arar's detention, I was an assistant deputy minister at the Department of Transport. I was appointed assistant secretary to the cabinet for security and intelligence on June 23, 2003. I was appointed national security adviser to the Prime Minister on April 19, 2005.

[Translation]

**Mr. Serge Ménard:** To show you that I always use my allotted time wisely and that I have good questions when I have only a little time, I have no further questions, Mr. Chairman.

[English]

**The Chair:** Thank you.

Mr. Comartin, do you have any questions?

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Yes I do, Mr. Chair, thank you.

Thank you, Ms. Bloodworth and Mr. Elliott, for being here.

There has been something bothering me with regard to the commissioner's two different testimonies. It involves the knowledge he would have had around claims for national security and documents not being disclosed. I don't have the page here, sorry, but in his report Justice O'Connor actually makes some reference to this—of course because he's irritated by it.

I'm wondering who makes the decision when a claim is made for a national security classification on material. I'm asking that particularly with regard to the watch list. Who would be the person determining that national security applies to that material, if it did in fact apply or if there was a claim for that, which I understand there was?

**Ms. Margaret Bloodworth:** First of all, with a claim of national security, which can happen in relation to many things, including access requests, in general the determination would be made by the head of the organization, or to whomever they delegated, that owned the information—for example, CSIS in relation to CSIS information,

the RCMP in relation to theirs, and Public Safety in relation to their information.

The O'Connor inquiry obviously was a different case because we had many thousands of pages from a number of organizations, primarily the Department of Foreign Affairs, CSIS, and the RCMP. There was actually a working group led by Justice counsel and our outside counsel who represented the government during that inquiry. They went through the many pages, some of them many times. The first cut was what that group decided.

At the end, the final decisions that happened toward the end in the report, there were.... I wasn't actually involved in it myself; it was before I came to this job. There were actually decisions, up to and including the level of the government, as to.... In the end, we only claimed on 0.05%.

So it was a process that primarily involved an interdepartmental group.

● (1545)

**Mr. Joe Comartin:** Okay. So going specifically to the watch list, we've heard both from the O'Connor report and I think from other witnesses who have been before this committee that the material was originally prepared by individuals who were RCMP officers...or, I'm sorry, the material that was given to them, if I can put it that way, the material in effect naming Mr. Arar—as we now know, falsely—as an Islamic fundamentalist or fanatic. Those types of terminologies were used.

So if that material was prepared by them, who would have made the initial claim for national security for that material? Would it have been this committee, or would it have been somebody within the RCMP hierarchy?

**Ms. Margaret Bloodworth:** I think Mr. Elliott has more specific information.

**Mr. William Elliott:** Mr. Chairman, perhaps I could describe the process and then try to respond with respect to specific kinds of information.

There were several stages throughout the conduct of the inquiry by Mr. Justice O'Connor. The initial stage dealt with the production of documents for the inquiry. The complete documents that were relevant were provided to Mr. O'Connor and his team, including his lawyers. Then there was a process whereby documents were redacted. In other words, each document was considered, and for material about which there were concerns with respect to confidentiality based on national security, there were redactions made. Documents in the redacted form were then submitted to commission counsel.

Throughout the period, there were discussions largely between commission counsel and government counsel with respect to those redactions. The redactions were the subject of discussions initially in relation to public hearings as opposed to in camera hearings. In other words, what documents and in what form would be referred to and relied on in the public hearings as opposed to the in camera hearings. Then redactions were also the subject of discussion in the context of the commission making either summaries of evidence or reports.

As Mrs. Bloodworth has indicated, there was an interdepartmental group that was involved in the redaction of documents, was involved in support to our government counsel in discussions with commission counsel in an effort to reduce the amount of material that was redacted, and in an effort to come to a common understanding between counsel with respect to which exemptions were appropriate and which were not.

**Mr. Joe Comartin:** I'm sorry, Mr. Elliott, but I'm going to interrupt. As you can appreciate, having been before this committee, we are short of time always.

My real issue is this: did at any time Commissioner Zaccardelli involve himself in the decisions around what was going to be redacted and what was not going to be? I have the same question for ministers, either of Public Safety or of Justice, and then yourselves as national security advisers, or Ms. Bloodworth in her role as deputy minister.

**Mr. William Elliott:** Where there were disagreements between our counsel and the commission counsel, redactions were the subject of interdepartmental discussion, including at the level of deputy head, which would have included the commissioner or someone designated by the commissioner.

Ultimately, in the context of the final report from the commission, there were recommendations made to the government, and the government made decisions with respect to redactions.

With respect to the specific area you asked about, which is watch lists, my understanding is that all of the issues relating to redactions with respect to the watch lists were resolved in discussions between government counsel and commission counsel. So there was no involvement of either deputies or ministers in that decision.

• (1550)

**Mr. Joe Comartin:** What about the commissioner?

**Mr. William Elliott:** I don't believe the commissioner would have been involved.

**The Chair:** Thank you.

We'll now go over to the government side.

Mr. Norlock, I believe you have some questions.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you, Mr. Chair.

To carry on with Mr. Comartin's questioning, just so that we all understand what a redaction is—we know these proceedings are televised—would a redaction be actually the honing down or consolidation of a lot of loose material into a smaller amount of material, but yet the redacted list would have in it all the information requisite?

**Ms. Margaret Bloodworth:** It's a good question, because we do tend to use the term a lot. I myself recall asking what it meant. Redaction is when you take a document and say, "This piece of that document should not be revealed publicly", for whatever reason, and you block it out.

That is the process of redaction. You actually see the document but with some pieces blacked out.

**Mr. Rick Norlock:** So instead of reducing it, you're actually obliterating some of the information that may be sensitive in nature.

**Ms. Margaret Bloodworth:** For what goes public. The commissioner and his staff would have had it all; it's just for what goes public.

**Mr. Rick Norlock:** That was going to be my next question, if the commission did actually know what that material was but for the purpose of public consumption it couldn't be released.

**Ms. Margaret Bloodworth:** Exactly. And I think the commissioner was quite clear about that. He had access to all the documents and in their complete form.

**Mr. Rick Norlock:** Again, my questions are more for those watching the proceedings.

Some of the lines of questioning and some of the questions raised in some quarters were basically...and you can confirm this. I think Commissioner O'Connor was certain that he received all the information necessary to make his determinations and final recommendations.

**Ms. Margaret Bloodworth:** I believe he confirmed that, and he confirmed that even though he did not in the end agree with the government on this 0.05%, he was comfortable that he could make public everything he needed to for his recommendations.

Just to be clear, there is 0.05% on which he disagrees with us, but he said it didn't affect his recommendations.

**Mr. Rick Norlock:** That's what I was coming to. There was no information that he wasn't able to release or see or relate to the public at large. You're saying that didn't influence in any way, shape, or form his ability to come to the recommendations he did. You're confident from the government's perspective at this time, and given what you know about it, that this is the case.

**Ms. Margaret Bloodworth:** Well, I guess more important than whether I'm confident or not is what Mr. Justice O'Connor said. I read what he said, and he said that he was comfortable that he had seen everything and that he was able to make his recommendations.

**Mr. Rick Norlock:** Very good.

Those are all the questions I have for now.

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

That ends the first round of questioning. We'll now go to the next round.

Mr. Alghabra, you're on my list. Do you have some questions?

**Mr. Omar Alghabra (Mississauga—Erindale, Lib.):** Yes, please.

**The Chair:** For five minutes, go ahead.

**Mr. Omar Alghabra:** Thank you, Mr. Chair.

Good afternoon to both of you, and thank you for coming.

I'm going to start by asking if you, like most of us, were surprised on September 28 by the testimony of Commissioner Zaccardelli when he said that he knew about the mishandling, perhaps, of the file of Arar in 2002. Were you surprised by that testimony?

**Ms. Margaret Bloodworth:** I was actually out of the country when he testified, so I did not hear his testimony. I did see the press reports. I knew very shortly thereafter that Mr. Zaccardelli wanted to return to the committee and clarify remarks.

I was not surprised he wanted to clarify his remarks. I wasn't clear what he had actually said.

• (1555)

**Mr. Omar Alhabra:** You weren't clear on what he had said on September 28?

**Ms. Margaret Bloodworth:** No. I saw the press reports, but I was not here on September 28 to hear what Commissioner Zaccardelli said.

**Mr. Omar Alhabra:** Okay.

Mr. Elliott, you heard the testimony, perhaps through TV or from reading the transcripts. When Commissioner Zaccardelli said he knew something had gone wrong in 2002, what was your reaction?

**Mr. William Elliott:** I was surprised that he indicated that.

**Mr. Omar Alhabra:** You were surprised. So what actions did you or anybody in the department take in response to that surprise?

**Mr. William Elliott:** None other than to acknowledge that the commissioner requested an opportunity to come back before the committee to clarify his evidence.

**Mr. Omar Alhabra:** I understand that the commissioner did not request to come back until November 2. So there is the period between September 28 and November 2.

**Mr. William Elliott:** That's not my understanding.

**Mr. Omar Alhabra:** When did he request to come back to committee?

**Mr. William Elliott:** I don't know the specifics, but my understanding was that there had been communications with the committee, I believe with the clerk, prior to the letter. But I don't have the details of that.

**Mr. Omar Alhabra:** Okay.

Let's get back to the fact that we were all surprised by that testimony. Did you share your surprise with the minister, deputy minister, or anybody involved on that file?

**Mr. William Elliott:** No.

**Mr. Omar Alhabra:** Do you think the department was surprised by that testimony?

**Mr. William Elliott:** I don't really know how to answer that. How the commissioner's testimony was understood and reported was not consistent with my understanding of what had happened.

**Mr. Omar Alhabra:** What I'm trying to find out is that, really, at the time of our surprise, the first reaction from the government was we're standing behind Commissioner Zaccardelli 100%, and firmly. Yet officials, including yourselves, were surprised by the nature of the testimony. Certainly legitimate questions would have been raised in someone's head.

I want to know what was done by anybody—if anybody raised any flags, said anything, called for a meeting, asked for a clarification. I think these are important questions that Canadians are really interested in knowing the answers to.

**Mr. William Elliott:** You asked me a direct question, whether I was surprised, and I answered that question. My impression of the commissioner's testimony was that it was not as clear as it could have been.

**Mr. Omar Alhabra:** It was very contradictory in nature. I know he was trying to say he was misunderstood, but there's a difference between him saying that he knew something went wrong in 2002, and then saying, on December 5, when he came here, that, no, he didn't.

Again, I'm really flabbergasted by the fact that nothing had happened, or so it appears. If something had happened, we'd like to know what was done, after the testimony of the commissioner, to clarify...even until November 2, because the committee received no communication from the commissioner or the department between September 28 and November 2 about clarifying that so-called misunderstanding.

**Ms. Margaret Bloodworth:** I can't speak to what communications there were with the committee, but like Mr. Elliott, I certainly was well under the impression, well before that, that the commissioner wanted to go back to the committee and clarify.

And I must say, I would not have considered it appropriate for me—and I suspect Mr. Elliott feels the same—to call the commissioner in and say, “Well, tell us what you said before the committee and what you're going to say again.” I think we might have been subject to an accusation that we were trying to shape his testimony.

It seems to me that if he was not clear before the committee, the appropriate place for him to clarify that was to come back to the committee, and I agreed with the idea of him going back.

**Mr. Omar Alhabra:** Ms. Bloodworth, this is not an exercise to assign you guilt or anything. What we're trying to do is find out why the government didn't—

**Ms. Margaret Bloodworth:** I'm just telling you my views.

**The Chair:** I'll have to interrupt for a minute.

Your time is up, Mr. Alhabra. I'm sorry, you're going to have to come back in the next round.

We'll go to the Bloc now.

Ms. Mourani, do you have any questions?

[*Translation*]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Thank you, Mr. Chairman.

I thank you for appearing before us.

Earlier, you said that the documents that Mr. O'Connor received for his investigation had been expurgated for security reasons.

In your opinion, is the report that was published yesterday, namely the O'Connor report, the same as the one that was given to the Prime Minister or is this an expurgated version?

•(1600)

[English]

**Ms. Margaret Bloodworth:** It's the same report, but there are indications in the report where Mr. Justice O'Connor has put a few stars indicating there were some redactions. And there was a confidential report, yes, where he dealt with all of the national security information, including information that he went through and agreed was national security confidential. But the report you have is the same one that the Prime Minister got.

[Translation]

**Mr. William Elliott:** Mr. Chairman, perhaps I can clarify certain issues.

[English]

I referred to documents being redacted or portions of documents being blacked out, but those very same documents, in their unredacted form, with no blackouts, were provided to the commissioner. So he got all of the information. On some of the 21,000-and-some documents that he got, he did receive two versions of those, a complete version and a version on which certain information was blacked out.

[Translation]

**Mrs. Maria Mourani:** Thus, as I understand it, a confidential version was provided, and some parts of this version were not included in the so-called public version. Is this what you mean?

[English]

**Ms. Margaret Bloodworth:** In the public version of the report by Mr. O'Connor, there are a few places, not a lot, where he has a few stars—I think that's what he used—to mark information that was removed, and he referred to that in his report. That's the 0.05% of the information I talked about on which Mr. Justice O'Connor and the government agreed to disagree. He said that he'd removed it at the request of the government, even though he'd believed it should be in.

So in that sense, there is some information. It's 0.05%, I think, of the whole report. That's what I was talking about. The government knows what that information is and the public doesn't, so in that sense there is a difference, if I can put it that way.

[Translation]

**Mrs. Maria Mourani:** How does one decide whether or not information should be published? What were the criteria for blacking out the percentage of information that you mentioned? Of course, this was in the interest of national security.

Nevertheless, Mr. O'Connor said that he did not see any national security problem. Is this not what you said?

[English]

**Ms. Margaret Bloodworth:** Let me first say that there is a great deal of information on which Mr. Justice O'Connor and ourselves, the government, agreed—a great deal that is public, that we agreed could be made public, including material that would not normally have been made public. Then there's a great deal of information that was not made public that Mr. Justice O'Connor agreed should not be made public because of potential damage to national security. In between those two, there was a very small amount of information that we believed was injurious to national security, but—I don't like

to speak for Mr. Justice O'Connor, but I think he would put it thus—that he felt the public interest outweighed.

I think that is before the courts right now, so I can't really comment further than this. But just to be clear, on the vast bulk of the information, both what went public and what didn't go public, Mr. Justice O'Connor and the government agreed on whether it was public or not. We're talking about a very small amount on which there was not agreement.

[Translation]

**Mrs. Maria Mourani:** I am trying to understand the criteria for deciding whether or not a certain piece of information presents a national security problem. How are these things decided?

[English]

**Mr. William Elliott:** I think, Mr. Chairman, the question in part relates to the grounds on which national security claims of confidentiality are made. In general terms, those claims are made when it is felt that the release of information to the public would be prejudicial to Canada's national security, to our national defence, or to international relations.

In general terms, that would include, for example, information about vulnerabilities; it would include information received from a foreign government in confidence. Those are just a couple of examples of the categories of information that might be prejudicial to national security.

Who makes the decision? As I said, in the context of the inquiry, there were decisions taken at several levels. From the government side, initial positions with respect to national security and confidentiality were taken by a working group of officials. Ultimately, some matters went to deputy ministers and the heads of agencies, and then to the government.

Again, speaking more generically—and Mrs. Bloodworth had indicated that the matter, with respect to the O'Connor report, is before the courts—there's a specific role for the Attorney General of Canada with respect to that process and the application of claims to national security confidentiality.

•(1605)

**The Chair:** Thank you. Very good.

We will now move over to Mr. Calkins.

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Thank you, Mr. Chairman.

I'd like to thank our guests for appearing before committee today. I'm going to change direction here a little bit.

From my perspective, and knowing what my constituents have told me in regard to this matter, they want some progress made so that something like this doesn't happen again in the future. I think everybody would agree that some of the things that have happened in the past have dismayed a lot of Canadians. It's important, from my perspective and our government's perspective; we want to get it right. We've been very clear about our support for Justice O'Connor's 23 recommendations.



I would like to get your feedback on the status of the implementation of those recommendations, from the times you were involved in this, and your feedback on the progress that's being made on those recommendations from part one of Justice O'Connor's report.

**Ms. Margaret Bloodworth:** Perhaps I could start, Mr. Calkins, and then I'll let Mr. Elliott fill in with what I might omit.

I think all of us who read Mr. Justice O'Connor's report would say it's a very constructive and helpful report. If you look at his recommendations, a vast majority of them are forward-looking, about things we should do to improve our system.

There were some specific things, and I'll start with those. He recommended that the government do something with regard to compensation—I don't think he was quite that direct—and that was resolved last week when the Prime Minister announced the settlement with Mr. Arar and apologized to Mr. Arar and his family on behalf of the Government of Canada.

It wasn't a specific recommendation, but he made a comment suggesting that he favoured a review of the cases of Mr. Almalki, Mr. El Maati, and Mr. Nureddin. That is under way by former Justice Iacobucci. He talked about making objections to Syria and the United States, both of which have been made.

In terms of the departments involved, he made a number of recommendations having to do with Foreign Affairs training their consular staff with regard to further awareness about torture and how to recognize it, and about making more widely known and more widespread among government agencies, including CSIS and the RCMP, their human rights reports. That is already under way and has been done.

He made a number of recommendations about the RCMP in terms of centralizing their national security investigations, which they have done, and instituting further training, which they have done. Some of that may still be under way. In fact, if you're interested in the details, probably the current commissioner of the RCMP could speak in more detail. But they have done a lot of work in that regard.

He also made some recommendations to CSIS about some of their training, and they have instituted those as well. In addition, CSIS and the RCMP have updated their memorandum of understanding as to how they deal with one another on national security cases.

That's a general overview, Mr. Calkins.

Bill, is there anything I missed that you want to add?

**Mr. William Elliott:** I might also mention the Canada Border Services Agency. There are recommendations that touch on their areas of responsibility—for example, with respect to lookouts. They in fact have prepared a new lookouts policy.

I would say that overall there's been significant progress in implementing the recommendations. A number of those recommendations I would describe as being evergreen: there will be an ongoing requirement for policies to be reviewed and adapted. There certainly has been significant activity under each of the 23 recommendations brought forward by Mr. O'Connor.

•(1610)

**Mr. Blaine Calkins:** That's very good.

I have a little bit of time left, and I'll be as brief as I can, Mr. Chair.

It's very encouraging to hear that we're making that progress. Of course situations change over time. We always have to be vigilant, and I'm sure that's happening.

From a perspective of knowing how we're doing, it's often constructive to compare ourselves with what other countries are doing in regard to national security. I'm wondering what your personal perspectives and opinions are on how we're doing with our national security activities compared with other nations that have similar issues.

**Ms. Margaret Bloodworth:** That's a large question to answer in a short period of time.

**Mr. Blaine Calkins:** I suppose it is.

**Ms. Margaret Bloodworth:** I guess I would say that overall there are some things we do as well or better and some things we don't do as well.

Let me give you a concrete example, which is probably all I can do in the time available. I think we have lessons to learn from the British on how security agencies and the police work together. Indeed, CSIS and the RCMP did send a delegation over to talk to MI5 and the Special Branch on that. That's because the British have been dealing with Irish terrorism for many years and have learned some lessons. There are still some lessons we can learn from them on that.

I think CSIS is an excellent intelligence organization. I've had foreign counterparts tell me that they have a great deal of respect for what they do. I think CSIS would say they have a very young workforce. They've recruited a lot of new agents in the last five years, and experience will help in getting them even better.

So it's a mixed bag. I think we've done many things quite well, and we have a lot of things we still have to work at to do better on.

**The Chair:** Thank you.

If we had another hour or two, I'm sure you could elaborate on that list.

**Mr. Blaine Calkins:** I don't know, I might have the permission from committee members to allow this to go on....

**The Chair:** Yes. Anyway, thank you.

That finishes the second round. We will now go to the third round.

Mr. Holland.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Thank you, Mr. Chair, and thank you to the witnesses.

Maybe I could start with a point of common understanding. That would be that on September 28 certainly, at the earliest, but by November 2 or November 4 or November 5 when, Mr. Elliott, you saw the letter, it was clear that the testimony Commissioner Zaccardelli had given was shaky, unclear, and question-ridden.

Would that not be a fair assessment, based on your surprise and what you witnessed at that point in time?

**Mr. William Elliott:** I would say it was clear that the testimony of the then commissioner required clarification.

**Mr. Mark Holland:** There were a lot of questions at that point.

That's a simple question: there were a lot of questions emanating out of that testimony.

**Mr. William Elliott:** I guess.

**Mr. Mark Holland:** Okay.

When you received the letter on November 4—or November 5, because you said it was a couple of days after you received it, sent on November 2—the letter really spelled out the contradictions in very clear terms. The commissioner had stated on September 28 that he was aware of Maher Arar, his detention, and also the inaccurate information that had been given by the RCMP at that point in time; yet in the letter he contradicts that.

So if you were surprised at his testimony on September 28, you must have been shocked when you read the letter on November 2. What was your reaction when you read the letter on November 2?

**Mr. William Elliott:** I didn't have much of a reaction to the letter on November 2. I read it and I took from it that he wanted to come back before the committee to clarify his testimony. I assumed that this would happen.

**Mr. Mark Holland:** Did you talk about this with Minister Day?

**Mr. William Elliott:** I did not.

**Mr. Mark Holland:** You had questions on September 28, so did it add additional questions for you when you read that letter?

**Mr. William Elliott:** I don't actually think I had questions on September 28.

**Mr. Mark Holland:** You didn't have questions? You were fine with the letter? When he said on September 28 that he knew about Maher Arar not only being detained in New York, but that the RCMP had given misleading information, and now the letter was suggesting that he didn't know that, it didn't raise concerns in your mind?

**Mr. William Elliott:** I guess I would agree with what I took from the commissioner's letter, that his testimony had not been very clear, and I think there was a mixing of timeframes. The commissioner talked in his testimony about evidence to, I believe he said, correct the mistakes that were made. I took from this that he was referring to the answers the RCMP had provided to the Americans when Mr. Arar was detained, which included, for example, questions about whether or not he'd face any charges in Canada, whether he was admissible to Canada. I took from Mr. O'Connor's report that quite specific information and specific answers were provided to the Americans at that time.

• (1615)

**Mr. Mark Holland:** Yes, but if I may, the letter was clearly contradictory. You were surprised by the evidence that was before September 28, yet you didn't have conversations with Minister Day. Well, one has to suspend belief to think that you weren't in some way passing these thoughts along.

Then we had Minister Day, who was saying he stood 100% behind the commissioner, who later said in December that the first point when he realized there were questions about the testimony of

Commissioner Zaccardelli was Monday, December 5. That was the first point at which he said he knew there were questions.

What you're saying is that as far back as September 28, and certainly on November 4 or November 5 when you saw the letter, you knew there were questions. Are you saying that the minister is that incompetent that he wasn't capable of understanding and seeing those questions, and that you were not relaying these concerns or questions at that point in time?

I'm trying to understand why these questions or concerns wouldn't have been there and why the minister would have said he was so shocked on December 5.

**Mr. William Elliott:** I'm having some difficulty with respect to the assertion that there were questions. It was apparent from my reading of the commissioner's letter that clarification with respect to his testimony was required.

That did not move me to ask questions of the commissioner. I thought the commissioner would come back before this committee and would clarify his responses and that arrangements would be made to do that. As Mrs. Bloodworth has indicated, I did not think it necessary or appropriate for me to review with the commissioner or to ask the commissioner the specifics of what evidence or testimony he would give—

**The Chair:** I'll have to interrupt here.

Your time has actually expired, Mr. Holland.

**Mr. Mark Holland:** All right, I will be in the next round.

**The Chair:** Mr. MacKenzie.

**Mr. Dave MacKenzie (Oxford, CPC):** Thank you, Chair, and thank you to the witnesses.

I'm not sure if the last line of questioning was incompetent or if he just didn't understand, but I thought you made it perfectly clear that the testimony on September 28 did not raise any alarms in your mind. It wasn't until you read the letter dated November 2, whenever you read it, that questions were raised.

**Mr. William Elliott:** I thought that the testimony of the commissioner was unclear, and I knew shortly after he appeared that he wanted to come back to clarify his testimony.

**Mr. Dave MacKenzie:** Okay, fair enough.

I'm not sure where my friends have the problem with the whole issue, but I would like to go back to the timelines. Mr. Arar was detained in New York and then ultimately transported to Syria in 2002.

**Mr. William Elliott:** Yes.

**Mr. Dave MacKenzie:** This thing went on for something like 375 days, plus or minus, I believe, his incarceration in Syria?

**Ms. Margaret Bloodworth:** I think it was just under a year.

**Mr. Dave MacKenzie:** After he was ultimately released, or even during that period of time, there were cabinet ministers in the former government who denied that we should bring our officials back from Syria because we didn't trust the information we had received. Is that a fair assessment of what was going on during that period of time?

To be fair, there may have been some misunderstanding within the reporting from folks in Syria and the people here of the true nature of Mr. Arar's incarceration and treatment in Syria.

**Ms. Margaret Bloodworth:** Mr. MacKenzie, the only way I can do this is to refer to Mr. O'Connor's report, because I was in the defence department at the time. So I don't actually have firsthand knowledge of any of that period with regard to Mr. Arar.

• (1620)

**Mr. Dave MacKenzie:** Your understanding, though, is that back when Mr. Easter was the Solicitor General, he didn't wish to have a public inquiry.

**Ms. Margaret Bloodworth:** I can't speak to that. I have never discussed the issue with Mr. Easter. I was in—

**Mr. Dave MacKenzie:** I think it was public knowledge. I think it was in the House where he was asked about it.

**Ms. Margaret Bloodworth:** That could be. I just didn't follow it that closely.

**Mr. Dave MacKenzie:** Okay.

Mr. Justice O'Connor's inquiry was constructed as a result of Minister McLellan's intervention in 2004.

**Ms. Margaret Bloodworth:** I believe it was announced around January 28 or 29, 2004. I do recall that. By then I was in Public Safety.

**Mr. Dave MacKenzie:** And I think that's the information we have.

Mr. Justice O'Connor's report came out on September 18, 2006.

**Ms. Margaret Bloodworth:** That's correct.

**Mr. Dave MacKenzie:** The commissioner appeared before us on September 28, 2006, ten days later. Fair enough; in that time period he would not have had a great deal of opportunity to examine entirely the complete report by Mr. Justice O'Connor.

**Ms. Margaret Bloodworth:** I would assume so, but I'm guessing.

**Mr. Dave MacKenzie:** Yes, fair enough.

From the time Commissioner Zaccardelli appeared before this committee on September 28 until November 2, 2006, the date of that letter you saw, a number of former cabinet ministers took some offence to what had been said. There was public knowledge that some former cabinet ministers disagreed with what he'd said to this committee.

**Ms. Margaret Bloodworth:** Getting ready for today, I did read Mr. Easter's and Ms. McLellan's testimony, and I didn't read that they took offence. I think it is fair to say they disagreed.

**Mr. Dave MacKenzie:** If the former cabinet ministers felt there were inconsistencies in what Commissioner Zaccardelli said, would you not expect it to be normal that he would write or ask the committee to come back and explain any issues he had, whether he was correcting the record on what he had or hadn't said? Would that not be a normal thing?

**Ms. Margaret Bloodworth:** Well, it would be, Mr. MacKenzie, but to my recollection, Mr. Zaccardelli wanted to come back to the committee from very shortly after he was here. I can't speak to the

communications, but I do recall that. And I do know that the commissioner—

**Mr. Dave MacKenzie:** Did you read the letter?

**Ms. Margaret Bloodworth:** Yes, I did.

**Mr. Dave MacKenzie:** In his first paragraph, he said, "Committee members have stated publicly that they have additional questions to ask me." Now, he didn't say "former cabinet ministers", but I think members opposite made it very clear, after his September 28 appearance before the committee, that they had additional questions given what some former cabinet ministers had said.

As a matter of common sense, would it not make sense that the commissioner would want to come back to explain?

**Ms. Margaret Bloodworth:** I don't disagree with that. All I'm saying, Mr. MacKenzie, is that I agree it would be natural that he would want to come back. It's just my understanding that he wanted to come back before that letter was written. That's the difficulty I'm having—

**Mr. Dave MacKenzie:** No, that's fair enough.

**The Chair:** That completes the third round.

Mr. Holland, I believe you wanted to continue with your questions.

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

So we did establish...because I believe you had said, Mr. Elliott, that Mr. Day was in the room when you received the letter. You didn't forward the letter to Mr. Day but he was aware of the letter. Is that correct?

**Mr. William Elliott:** No, that's not correct, Mr. Chairman. I talked about having received the letter. My understanding is that the letter was copied to the Deputy Minister of Public Safety. It was received in our offices the day it was sent or the day after. I saw it some days after that.

I referred to a meeting that I attended with Mr. Day and the commissioner shortly before the commissioner's appearance on December 5, which was a considerable time after the department had received a copy of the commissioner's letter.

**Mr. Mark Holland:** So despite all the contradictions, you didn't feel it necessary to share it with him. But even in this meeting, which happened a few days before, did the commissioner outline in any way, shape, or form the contradictions that really he had outlined already in the letter to you, and that he further outlined when he appeared before the committee?

• (1625)

**Mr. William Elliott:** He simply indicated that he was coming back before the committee on December 5 to clarify his testimony.

**Mr. Mark Holland:** So when you met with him, you didn't have any interest in pursuing what contradictions or misconceptions he might want to clarify.

**Mr. William Elliott:** I did not—

**Mr. Mark Holland:** And the minister did not have an interest in that either.

**Mr. William Elliott:** Neither of us asked the commissioner about the contents of the letter or the specifics of his appearance.

**Mr. Mark Holland:** So what I'm trying to understand...because this committee saw further contradictions as his testimony went along. In fact members of the public were shocked, I think, as we went along and had contradiction after contradiction. Witness after witness, the testimony simply didn't add up.

We kept pointing it out on the opposition side. In fact when the commissioner then made a statement on the Monday before he appeared at the committee, on the Tuesday in early December, the anger had reached a crescendo, with people being really upset at all of these contradictions.

What you're telling me is that there was not any real interest to question these contradictions, as they were going along, or to make any kind of effort, in a written form or any other way, to understand them.

But moreover, at the very least, was there anybody, as a national security adviser, who counselled Minister Day or the Prime Minister, to say, guys, slow down; don't give 100% support, and stop saying that you support the RCMP commissioner 100%, unconditionally, unqualified...as they said even on the Monday, even after the commissioner had said these things?

So with all of these questions that had been raised, all of these contradictions—you yourself, Mr. Elliott, were surprised by his testimony on the 28th—did you not at least counsel the Prime Minister to slow down, to not give unconditional support?

**Ms. Margaret Bloodworth:** Mr. Holland, I can make a general comment that I would never recommend to any government to give only half-hearted support to the Commissioner of the RCMP.

**Mr. Mark Holland:** Would you not recommend—

**Ms. Margaret Bloodworth:** I think the Commissioner of the RCMP either has the confidence of the government or he doesn't. This commissioner decided, as I believe he said on December 6, that it was in the best interests of the RCMP and the people of Canada that he resign, and he did so.

**Mr. Mark Holland:** But would it not have been appropriate to say that there is a committee studying the issue, we look forward to their recommendations so that we can better understand what's going on, and we reserve judgment until we're able to hear the committee testimony?

I mean, when he said he had 100% support despite all these questions and contradictions, didn't that cause problems?

As another question, I'm trying to understand how, as a national security adviser, you had said that you didn't... We're talking about an individual Canadian citizen who was deported to Syria and tortured for a year. We had the RCMP Commissioner in front of us giving testimony about this. But you said—and I do understand, as you said, that of course you weren't in the country—that you'd never read the transcripts of that conversation, which is surprising to me.

Further, you said earlier that it wasn't really important to you, or you didn't have an opinion, as to what version of what the RCMP Commissioner said was true.

So was the Prime Minister not asking you about these things? Did he not have concern about these contradictions, about which version of the truth was going on, about what happened in the testimony?

Were these things that you weren't counselling him on, or were these things that he didn't really care about asking about?

**Ms. Margaret Bloodworth:** I believed it was very appropriate for the Commissioner of the RCMP to come back to this committee. If he had testimony that was unclear—and it clearly was—the appropriate place to come and clarify it was here. I think it would have been inappropriate for me to try to talk to him about what he should or shouldn't say to this committee.

**Mr. Mark Holland:** You said the testimony was unclear. At what point did you know the testimony was unclear and that you had questions?

**Ms. Margaret Bloodworth:** Well, I certainly knew from the media, after his appearance.

**Mr. Mark Holland:** You would disagree, then, with the Prime Minister and the minister who said that it was all news to them and it was a shock on December 5. You're saying that you knew back at that point in time.

**Ms. Margaret Bloodworth:** Are you referring me to a particular statement of the Prime Minister? Could I see it, if you'd like me to answer a question about that?

**Mr. Mark Holland:** Yes; he said in question period on the Monday that followed the speech that was given by Commissioner Zaccardelli that this was a shock, that this was all brand new news to them, and Minister Day repeated the same thing. What you have just said is that you knew there were questions and that the testimony was unclear going back into the early part of November. I'm asking when, specifically, you knew you had questions about that testimony and when you knew the testimony was unclear.

**The Chair:** That'll have to be your final question, Mr. Holland.

**Ms. Margaret Bloodworth:** I guess I don't understand the distinction you're making between what I said and what was purported to have been said by the Prime Minister.

**Mr. Mark Holland:** Just so I could get an answer to the question, my question very specifically asked when you knew. Forget the rest for a second. I'll deal with that. When did you know specifically that the testimony was unclear, that it was questionable, and that there were questions on it? At what point did you know?

**Ms. Margaret Bloodworth:** I knew there were questions raised in the media about its being unclear shortly after; I don't know what day, but shortly after.

**The Chair:** Mr. Brown, do you have some questions?

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

I'd like to thank our witnesses for coming today.

I'd like to shift gears a little, because it's clear that Mr. Holland is not finding the smoking gun he's looking for.

● (1630)

**Mr. Mark Holland:** I think I have, actually.

**Mr. Gord Brown:** I'm keenly interested in what went on back in 2002 and 2003. I know, Ms. Bloodworth, you were working with Minister McLellan at the time, but I'm keenly interested in this PCO briefing in November of 2003. That was where there was faulty information. Mr. Arar had come back from Syria and there were ongoing briefings, but once again there was faulty information well after faulty information was sent to the Americans. Were you aware of that, and the content of that, at the time?

**Ms. Margaret Bloodworth:** I wasn't, because I didn't go to Public Safety until a month later, but it's not my understanding that Mr. O'Connor called that faulty information. I think he said he felt some material information had been omitted. I don't think he made any finding as to whether it was deliberate or not.

**Mr. Gord Brown:** Did you meet with the commissioner at that time?

**Ms. Margaret Bloodworth:** I wasn't in a position to have met; I was still in Defence in November of 2003.

**Mr. Gord Brown:** I thought you were, at that point. But you were working with Minister McLellan after that time.

**Ms. Margaret Bloodworth:** I started in December of 2003.

**Mr. Gord Brown:** Did both of you read the O'Connor report?

**Ms. Margaret Bloodworth:** Yes.

**Mr. William Elliott:** Yes.

**Mr. Gord Brown:** It's clear that Justice O'Connor picked up on a lot of the inaccuracies that were going on at the time. To go back to this PCO briefing, you weren't involved in that, Ms. Bloodworth, but afterwards, when you did hook up and were working with Ms. McLellan, did you not think to ask some of the questions at the time?

**Ms. Margaret Bloodworth:** When I arrived in mid-December of 2003, at that point in time there was certainly one independent inquiry under way. The police complaints commission had announced they were doing one, and SIRC either had done or was doing it very shortly thereafter. There were two inquiries going on, one to do with the RCMP and one to do with CSIS with regard to the situation of Mr. Arar.

The issue for the government of the day was whether or not that was sufficient, whether to wait for the outcome of those inquiries before deciding to do anything else or whether to call an inquiry under the Inquiries Act. Between mid-December and the end of January 2004, they decided to call an inquiry under the Inquiries Act. That was Mr. Justice O'Connor in January of 2004.

**Mr. Gord Brown:** After Commissioner Zaccardelli appeared here in September, we heard from former ministers on an ongoing basis where there contradictions with a lot of the testimony that we were hearing, going back to what had gone on prior to that PCO briefing. We heard from Mr. Alcock and Mr. Judd from CSIS, and they had said they had no idea whatsoever about the content at the time, much less the accuracy of the information that was supplied by the RCMP to the U.S. officials about Mr. Arar through Project A-O Canada.

So isn't there something disturbing in the comment on the CSIS relationship with the RCMP or its involvement in national security intelligence-related matters, especially involving a foreign government? Is that not really of concern to you?

**Ms. Margaret Bloodworth:** Well, as a general matter, it would be inappropriate for CSIS to have knowledge of every criminal investigation or every involvement with a foreign country about a criminal investigation that the RCMP had. So that in itself is not disturbing.

The fact is that Mr. Justice O'Connor took from January of 2004 until September of 2006, a period in which he went through thousands of documents and heard many, many witnesses, to come to the conclusions he did. So I don't find it surprising that not everybody at the time, in December of 2003, or indeed at any time in between, had put together every piece of it. It took a very capable judge of the superior court and his whole staff many months to do that. It was a very complex issue with many thousands of pieces of paper and many witnesses. It was a big job for him to do.

So I don't find it surprising that there were not individuals who had put all of that together ahead of time, before he'd done that.

**Mr. Gord Brown:** Right.

Okay, thank you very much.

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

That brings us to the end of the first of four rounds of questions.

I have had two people indicate that they have another question. I'll let the committee decide. We'll continue with the questions. The procedure here is to start from the beginning again.

How many people still have questions? Four questions. Okay, we'll deal with those four questions.

Ms. Barnes, go ahead, please.

• (1635)

**Hon. Sue Barnes:** Thank you very much.

Mr. Elliott, you had those meetings after you were aware of the November 2 letter. You've said that Mr. Day was in the room during those meetings. You've said you were surprised, and we've heard, too, that by the time the information came from Mr. Zaccardelli during his December 5 testimony there was a change. There were two different situations.

In your capacity, what are you doing now to ascertain which version was the true version? Obviously they both can't be true. What things are you...? Did you just do nothing? Are you doing anything now to follow up and see if it is the testimony on September 28 or the testimony on December 5 that Canadians should believe as the true-fact situation over this story and over a chain of events that hopefully will never be repeated for another person?

I want to talk to you in a couple of minutes about going forward, but what investigations have you done in your capacity of advising the minister?

I think, Ms. Bloodworth, people here are not looking for your comments...to be talking to former Commissioner Zaccardelli, but certainly you are the person who the Prime Minister would be talking to.

First of all, Mr. Elliott.

**Mr. William Elliott:** First of all, Mr. Chairman, perhaps I could clarify that I referred to one meeting that I attended with the Commissioner of the RCMP and the Minister of Public Safety a few days before the commissioner's testimony on December 5. The only mention of the testimony on December 5 or the appearance on December 5 was that the commissioner was going to appear.

Secondly, with respect to the facts and what happened, Mr. Justice O'Connor went through a very lengthy process. He looked at documentation, he heard evidence in public and in camera, and he did an exhaustive examination. I think his report details what happened with respect to Mr. Arar and the role of Canadian officials with respect to those events.

**Hon. Sue Barnes:** My question was about what you've done inside to... Are you just leaving it at, "Well, there's the new testimony, and now I accept that new testimony as being the real version"?

I'm asking you personally, as the person who is the deputy minister on this—and you've said that you were surprised—did you not do any follow-up or have questions at any point, even after December 5?

**Mr. William Elliott:** No.

**Hon. Sue Barnes:** Thank you. That's what I was looking for.

Now that former Commissioner Zaccardelli has stepped down, the concern can still remain that his successor can be in a situation where he's not fully informed. We've talked about some of the steps that have been taken from the first report, but there's a second report out now. I'd like to hear what you have to say about the recommendations in the second report from the commissioner.

We have an interim RCMP commissioner now, but there'll be another one in the future, hopefully soon, and we don't want a commissioner who would be ignorant of the facts of files that are so material, with that information not being moved on for the benefit of the security of Canadians.

I'm wondering what you think of the second report, the review mechanism report, or if you wish to comment at this time.

• (1640)

**Mr. William Elliott:** With respect to information, I think the ten recommendations in Mr. O'Connor's part one report addressed to the RCMP, and the steps taken by the RCMP and others to improve the management and sharing of information, are very appropriate and helpful in addressing all of the underlying factors that gave rise to the events that were the subject of the inquiry.

On the part two report, clearly there is an acknowledged need for more and better review of the national security activities of the Royal Canadian Mounted Police. Mr. O'Connor has made recommendations with respect to review more broadly. The government is considering those recommendations, and I have no doubt we'll be bringing forward proposals in due course.

**The Chair:** Thank you.

Monsieur Ménard.

[Translation]

**Mr. Serge Ménard:** Mr. Elliott, in your opinion, what is the most important thing that needs to be clarified in Mr. Zaccardelli's testimony of September 28?

[English]

**Mr. William Elliott:** The issue that Commissioner Zaccardelli indicated in his letter was largely in relation to when he had what knowledge.

[Translation]

**Mr. Serge Ménard:** In fact, if I understand correctly, we had to determine whether he had been informed of this shortly after Mr. Arar's arrival in Syria or much later. Am I right?

[English]

**Mr. William Elliott:** I think the general question is when did he have knowledge of the fact that inaccurate information had been provided to American officials?

[Translation]

**Mr. Serge Ménard:** Yes. According to his testimony on September 28, it was shortly after Mr. Arar arrived in Syria, was it not? This is the point that needed clarifying.

[English]

**Mr. William Elliott:** That's certainly one aspect, but I can't speak to all of the things that the commissioner felt required clarification.

[Translation]

**Mr. Serge Ménard:** Mr. Elliott, I am aware of the fact that there were several issues. This is why I asked you which one was the most important. If I understand correctly, in your opinion, the most important issue was to find out exactly when he was informed that the RCMP had made mistakes.

[English]

**Mr. William Elliott:** That's certainly an important question. It is the area in which I found his testimony unclear when I heard his testimony.

**Ms. Margaret Bloodworth:** Perhaps I can add something, Mr. Ménard. I actually believe that whatever he felt was not clear, he should have come back and clarified. So I'm not sure I would...

I don't have his testimony in front of me, so I can't pick out one example, but I would say that as a general principle, for any of us who appear, if there's anything we've said that has been unclear, or, when we go back, we say, gee, we didn't really mean that, we made a mistake, then we should clarify that. I'm not sure I'd pick out anything said before a parliamentary committee and say, oh well, that doesn't matter; yes it was unclear, and it wasn't really a fact, but you shouldn't clarify it.

So I think that may be why we're having a little trouble with the question. I don't think we'd pick and choose in that way.

[Translation]

**Mr. Serge Ménard:** However, I asked Mr. Elliott to make his own choice. It happens to be my opinion as well. This is the most important issue.

At the end of the interrogation, Mr. Zaccardelli was given an opportunity to correct what he had said about the time when he was informed about the mistakes made by the RCMP, and he did not do so. Do you believe that the true version is the one that he gave on December 5 and not the one that he spontaneously provided on September 28?

• (1645)

[English]

**Mr. William Elliott:** As I indicated earlier, I take at face value what the commissioner said.

[Translation]

**Mr. Serge Ménard:** When?

[English]

**Mr. William Elliott:** On December 5.

[Translation]

**Mr. Serge Ménard:** On September 28, I said to Mr. Zaccardelli that I was disturbed when I heard him say that he knew that the individual was innocent but that he had left him to rot for over a year in one of the worst jails on this planet.

What would the natural response to this question have been if, while Mr. Arar was in Syria, Commissioner Zaccardelli had not yet been advised of the errors made by the RCMP and if he had discovered these facts only when he read the O'Connor report?

[English]

**Mr. William Elliott:** I'm sorry, I don't understand the question.

[Translation]

**Mr. Serge Ménard:** Do you not understand the question? On September 28, Mr. Zaccardelli said that he had been aware of the facts shortly after Mr. Arar's arrival in Syria, whereas on December 5 he stated that he only learned about this through the O'Connor report.

[English]

**The Chair:** Okay. Is that—

[Translation]

**Mr. Serge Ménard:** On September 28, I told him that I was disturbed by the fact that he was aware at the time that this man was innocent, but that he had left him to rot in jail. Naturally, he should not have replied that he apologized for having misled us, but he should have said that he only learned about the RCMP's mistakes when he read the O'Connor report, do you not agree?

[English]

**The Chair:** We're over time, but do you want to respond to that, Mr. Elliott?

**Mr. William Elliott:** I guess I have difficulty being asked to... including without the benefit of the transcripts of Mr. Zaccardelli's testimony. But even with them, I'm uncomfortable being cast in a role of deciphering, examining, and making conclusions—including it being based on a comparative analysis—with respect to his testimony.

He said one thing, he said it was unclear, and he came back and said another thing.

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin:** I have to say to you, Mr. Elliott, that it wasn't unclear, it was just wrong. He told us he knew about it on this date. In fact he didn't know about it, based on his second round of testimony, until some three or four years later, when the O'Connor report finally came out. That's not a clarification, that's an outright mistake on his part.

But back to questions. I think the frustration I have with this process is that I don't see any change within our intelligence services in terms of responsibility for reporting up to the deputy ministerial level and, more importantly, to the ministerial level.

It's quite clear from the testimony we got from former ministers McLellan and Easter that in that period of time, and in particular near the end of the time of Mr. Arar's incarceration, they and Mr. Graham, the foreign affairs minister, were asking very direct questions, some even coming from the Prime Minister's Office, that, look, this man is being held—we're hearing more and more—improperly, illegally, but we're not getting information from within the RCMP that false information had been given to the Americans that might have precipitated his incarceration.

I don't hear, from the testimony we had from Mr. Day and Commissioner Zaccardelli, and now from you today, any change that would say to me that if we had mid-level or line staff who had the same situation as we had in that year when Mr. Arar was in custody, that they would still not hold that information back from the upper echelons of their respective agencies.

Can you give me some assurances that this would not happen again?

• (1650)

**Ms. Margaret Bloodworth:** Let me take a try at it.

I would say that Mr. Justice O'Connor did explicitly find that Mr. Arar was appropriately a person of interest in the inquiry. So he did make that...about the RCMP, who were the ones investigating.

More generally, I would say that CSIS is a very centralized organization by the nature of its being an intelligence organization. They do report centrally. They control their information centrally and they report all investigations. In fact, there's a very elaborate system, one level for proving them within the service, but then warrants are approved by the minister, and so on. Any liaison relationship they have is approved by a couple of ministers. So there's a very elaborate system within CSIS with regard to overall control of and accountability for what they investigate.

With the RCMP, one of the recommendations Mr. Justice O'Connor made was that their national security investigations post-9/11, when they had increased the amount they were doing, were not centralized enough. They were still being run too much like, if I can put it this way, ordinary police investigations, which is often at the district or command-post level, because that's how criminal investigations unfold. His recommendation, with which the government agrees and I personally agree, is that when you're dealing with national security, it is appropriate that it be more centralized. The RCMP have actually moved to do that, and therefore it's more centralized in the RCMP.

Now does that guarantee there will never be another error? No. Obviously we are organizations of human beings, and there may be errors. Does it help greatly to mitigate what happened here? Yes, I believe it does.

**Mr. Joe Comartin:** I have to say to you that I don't have the same sense of confidence.

Just specifically, in the report there was a reference to a Rose Mutombo. She was one of the early people who questioned and stopped Mr. Arar. She refused to cooperate. She's in Massachusetts, or at least she was at the time of the report.

Was any attempt made by the government...? I believe she worked for the RCMP. There were attempts made by the commission, but I don't see any reference in Mr. Justice O'Connor's report as to whether any attempts were made to get to her.

The reason I'm asking about her is that, quite frankly, I don't think we're ever going to find out who the despicable people were who consistently leaked that information against him after he came back unless we get a whistle-blower, and I'm wondering if she's one of the potential whistle-blowers.

**Ms. Margaret Bloodworth:** I honestly don't know whether there were any efforts. I can certainly agree that I believe, and I would concur with Mr. Justice O'Connor, that people who leak...it was a breach of their trust. Unfortunately, in my experience the people who are willing to breach their trust are not usually inhibited from lying about doing so.

So I agree with you; unfortunately, it's very difficult to find the people who leak.

**Mr. Joe Comartin:** Have there been any steps within the department, the agencies, to encourage...? I have to believe, Ms. Bloodworth, that other people, who weren't part of leaking this, in fact know who did leak the information. Has there been any attempt to encourage them to come forward?

**Ms. Margaret Bloodworth:** I'll turn to Mr. Elliott, because he... but I believe there have been two administrative inquiries. Then there was a criminal investigation.

I'm at a loss as to what further we can do about this, really.

**Mr. William Elliott:** The Commissioner of the RCMP—and many others before the commission and certainly the commissioner himself—talks about the negative consequences of leaks and how they are a breach of our fundamental values. That certainly is a message that has gone out, and I would hope it will influence individuals and organizations with respect to appropriate behaviour.

If I may, Mr. Chairman, I'd like to touch on Mr. Comartin's earlier question. With respect to things being done to enhance accountability and reporting, I'd again refer to all of the ten recommendations addressed to the RCMP by Mr. Justice O'Connor. Those recommendations, as we touched on, are being acted upon. They include the centralization of information holdings, the strengthening of policies and procedures, the enhancement of training, the clearer definitions of rules and responsibilities, and heightened responsibilities with respect to reporting. The last recommendation relates to review, which leads into the part two report.

All 23 recommendations, but the 10 that deal specifically with the RCMP and further enhancements for review, should go a long way to decrease the likelihood of events occurring in the future as happened in the past.

• (1655)

**The Chair:** You're a couple of minutes over. Are you done, Mr. Comartin?

**Mr. Joe Comartin:** I do have one more question, Mr. Chair.

I just want to know the status of the lawsuit that Mr. O'Connor has brought against the—

**The Chair:** Can you pose it very quickly? We'd like to wrap this up.

**Mr. Joe Comartin:** What is the status of the lawsuit? Is the government maintaining their position?

**Ms. Margaret Bloodworth:** Yes. I can't tell you the exact stage it's at, but we are maintaining the position.

**The Chair:** Okay.

The final questioner here is Mr. Alhabra.

**Mr. Omar Alhabra:** Thank you, Mr. Chair.

One of the reasons we are having these committee hearings is to understand the apparent lack of enthusiasm or intent on behalf of the government to do something beyond saying we accept Mr. O'Connor's report—i.e., holding accountability measures to the conduct that happened in the past, to the mistakes that happened with regard to Mr. Arar. So we are asking questions about why there appears to be a lack of firm reaction or intent with regard to digging to the bottom of it and finding out who is responsible.

I understand you are in a delicate position here today. You're obviously making sure you don't contradict the minister, or the Prime Minister, or any of the statements you made.

On the one hand, Mr. Elliott, you tell us you were surprised by the testimony on September 28, yet you say no questions were raised in your head. I don't know, but a natural reaction by a human being, when you're surprised by something, is to at least wonder why that action happened. Even though you know it's inaccurate, it's still a legitimate thing to ask, if you are surprised by an action, why it happened. Don't you think it is part of an associate deputy minister's responsibility to convey that surprise to the minister?

On the other hand, Ms. Bloodworth, you'd say the government either has 100% confidence in the commissioner or it doesn't; yet after December 4 or 5, the Prime Minister refused to reaffirm that confidence, and said we'll wait and see what happens. So he did actually express a position where he was in between, until the commissioner resigned.

You know, we're getting the sense that we're not getting a lot of clear answers.



Mr. Elliott, again, you were surprised by the testimony on September 28. Did you have questions in your head with regard to why that testimony was not consistent with what you thought would be said?

**Mr. William Elliott:** First, Mr. Chairman, I'd like to comment on the honourable member's lead-in to his question. I would say quite strongly that on behalf of both ministers and officials, there is no lack of enthusiasm with respect to taking steps to make sure that what happened to Mr. Arar does not happen again. We took the O'Connor inquiry very seriously. We have worked very hard, both before and after Mr. O'Connor made his recommendations, to improve how it is that national security agencies and our national police conduct themselves. I guess I just react quite strongly to that.

With respect again to the questions relating to the testimony of the then Commissioner of the RCMP on September 28, I guess I would repeat that I was surprised, because, at least in part, what he said was not consistent with my understanding. Shortly after that testimony, I understood that the commissioner wanted to come back before this committee. I believed that any questions I had would be answered in his further testimony.

I would just add one other thing: in general, human communication is very imprecise. I know that when I go over the transcripts from today's testimony, there will be things where I will think, gee, I might have better said it this way. And if there are significant things, I will certainly ask to come before this committee. But it is not uncommon or surprising that one needs to clarify communications.

• (1700)

**Ms. Margaret Bloodworth:** I would just point out, Mr. Alghabra, that I think that less than 36 hours after the Prime Minister expressed his comments on the 4th, the Commissioner of the RCMP had resigned.

**Mr. Omar Alghabra:** But he was in the position where he didn't advocate full confidence or lack of confidence—

**Ms. Margaret Bloodworth:** And the Commissioner of the RCMP resigned.

**Mr. Omar Alghabra:** Let me tell you something. The unfortunate thing is that the resignation didn't even come until.... It was because of the contradiction. Nothing happened because of what happened to Mr. Arar. That is the really frustrating element. Nobody....

Even last week, the Prime Minister was asked about what the government will do about finding the people who made this mistake and holding them accountable. His response was that this is behind us and we are going to move forward. So to this day, we still have not seen the individuals who are responsible for that mistake held accountable.

The former commissioner resigned only because of the contradiction, not because of the handling of the Arar case. So we still have a lot of questions, and unfortunately we're not getting many of them answered here today. The reality is that....

Mr. Elliot, wouldn't you think it was your job to brief the minister, who is Commissioner Zaccardelli's boss, that you were surprised by the testimony in between the 28th and December 4, or November 2, the date of the letter?

**The Chair:** Is that your final question?

**Mr. Omar Alghabra:** If I have more time, I have more questions.

**The Chair:** You are considerably over time.

**Mr. William Elliott:** I did not think it was necessary or appropriate for me to brief the minister, no.

**The Chair:** All right....

We're meeting from 11 to 1 on Thursday, Mr. Holland. Is that your question?

**Mr. Mark Holland:** No, no, this is my last meeting, as I'm sure you'll be very disappointed to hear. I'm moving to natural resources.

I'm just wondering what time the committee was scheduled to meet until.

**Hon. Sue Barnes:** Until 5:30.

**The Chair:** Yes. We have time; however, there are no more questions.

**Mr. Mark Holland:** I do have one very quick follow-up question.

**The Chair:** Okay, but first I'd like to make an announcement.

Just so you know, we're meeting from 11 to 1—our times have changed because some of you have to leave—on the border guard study on Thursday. We're also going to have, at the very end of it, a discussion on future business of the committee.

I should also make a note that we invited the Federation of Canadian Municipalities to come here next week. They are not able to come, so we will fall back on what we originally had to do, and that was to invite the Mayor of Point Edward to come with regard to the border study.

That's it for the housekeeping.

Ms. Barnes.

**Hon. Sue Barnes:** I have a follow-up to your housekeeping. We're going to be losing our vice-chair, as you and I have already discussed, and we'll have to elect a new vice-chair. I would think it would be appropriate to have a steering committee before a House business meeting.

**The Chair:** We did not have steering committee meetings here, at this committee, because everything had to come to the regular committee—

**Hon. Sue Barnes:** I would like to defer to the witnesses, and not take up the witnesses' time, but that's something really new to me, not having steering committees.

Thank you.

**The Chair:** If you want an explanation, everything had to come to the big committee anyway, so....

Mr. Holland.

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

I just wanted to explore, Ms. Bloodworth, what you had stated about the distinction you were trying to make between the point Mr. Alghabra was making, which was....

You had said, in response to one of my questions, that the Prime Minister had to have either 100% support or no support, that there was no middle ground, and that although the Prime Minister had a middle ground, where he said what in my opinion he should have said all along, that we should wait and find out what the results are of the committee's questioning, because a lot of questions are being asked and we want to wait and find out what that process is and we reserve judgment...and he took that position. And you said yes, but he resigned 36 hours later, so it's no big deal.

So did the Prime Minister know, then? I mean, when he was saying that, the distinction you're making must be that the Prime Minister knew 36 hours in advance of him resigning. That's the only way I could understand the distinction you just made. Because as far as the Prime Minister knew...as he was saying, he had no intention for the commissioner to resign, so the distinction you make doesn't jibe. The fact that he was 36 hours...it could have been 10 years later as far as he knew when he made that statement.

• (1705)

**Ms. Margaret Bloodworth:** First of all, I'll point out that I never said "no big deal" at any time, Mr. Holland. And I stand by what I said: no, the Prime Minister did not know—

**Mr. Mark Holland:** So the Prime Minister was wrong when he did that, in your opinion?

**Ms. Margaret Bloodworth:** No, I never said that.

**Mr. Mark Holland:** Okay. You said that either you're 100% behind the commissioner or you don't have confidence in the commissioner. There's no in-between position. Then the Prime Minister took a position, an in-between position, that he was going to reserve judgment until the committee had finished its process.

**Ms. Margaret Bloodworth:** I didn't say any of those things you said, Mr. Holland. What I will say, and I'll repeat, is I don't think you can long remain the head of a national police force if the government of the day does not have confidence in you.

**Mr. Mark Holland:** Okay. The only reason I make the distinction is that you had said that you couldn't have a midway position. The Prime Minister did, and your explanation was that it was only 36 hours. You only had that position for 36 hours, and that's why it was a tenable position.

**Ms. Margaret Bloodworth:** I never said any of those words, Mr. Holland.

**Mr. Mark Holland:** We'll go back to the blues, but you did.

**Ms. Margaret Bloodworth:** I never said he only did that; you're putting words in my mouth.

I am saying that I don't think anyone who works for the government—and I picked the RCMP, but you can pick any national organization where the head works for the government—can long remain in that position if the government of the day does not have confidence in them.

**Mr. Mark Holland:** The position that was taken by—

**Ms. Margaret Bloodworth:** I think that's a statement of fact.

**Mr. Mark Holland:** But is it a responsible position? This will be my last question on this. Is it a responsible position to say that you would reserve judgment on the commissioner until such time as the

process had finished itself and questions could be answered? Would that be a fair position for the Prime Minister to take?

**Ms. Margaret Bloodworth:** I think what the Prime Minister did was fine.

**Mr. Mark Holland:** But would the position I've just described be a fair position to take?

**Ms. Margaret Bloodworth:** It's a hypothetical I'm not going to answer.

**Mr. Mark Holland:** So it was fine for him to take that position on December 4, but it wasn't fine for him to take that position on September 28.

**Ms. Margaret Bloodworth:** I never said that.

**Mr. Mark Holland:** But I'm asking you. I'm asking you now.

**Ms. Margaret Bloodworth:** I think you're asking me impossible questions. I think I've said what my position is. My position, and I include myself in that, is that if the government of the day does not have confidence in me, whichever government that is, whether it's the current government or the previous government, for whom I worked many years as well, I don't think I can long remain in my position.

That's the only point I was making and I reiterate it. I think it's a fact of life. I think you ask any of my colleagues, if you ask any minister of the crown, if you ask any prime minister, including this one and any former one, they would all agree with me.

**Mr. Mark Holland:** Okay, but just explain to me...because you had made a contradiction. I just want to know, if it was an acceptable position on December 4 for the Prime Minister to take that position, why was it not an acceptable position on September 28, when you told me before there was a position that couldn't be taken?

**Ms. Margaret Bloodworth:** I think I've answered the question, Mr. Holland.

**Mr. Mark Holland:** No, I don't think so.

**Mr. Dave MacKenzie:** Mr. Chairman, with all due respect—

**Mr. Mark Holland:** If you don't want to answer the question, that's fine.

**Mr. Dave MacKenzie:** —he's just badgering the witness.

**Mr. Mark Holland:** I'm trying to understand—

**Mr. Dave MacKenzie:** You're just badgering. You had the answer.

**Mr. Mark Holland:** No, there were contradictions I was trying to understand.

**Mr. Dave MacKenzie:** You had the answer sufficiently.

**Mr. Mark Holland:** I appreciate that you think that, Mr. MacKenzie, but I don't believe I did.

If you don't want to answer the question, it's certainly your prerogative. I'm saying there were contradictions that I was trying to—

**Ms. Margaret Bloodworth:** No, I believe I have answered the question, Mr. Holland.

**Mr. Mark Holland:** I disagree.

**The Chair:** I guess that brings us to the end of the meeting.

I forgot to welcome you all back at the beginning of the meeting. Maybe I'll do that now. I look forward to working with you all, I think, and we'll see you all again on Thursday.

I want to thank our witnesses. Thank you very much, Ms. Bloodworth and Mr. Elliott, for coming before the committee. We'll see you again.

**Mr. William Elliott:** Thank you, Mr. Chairman.

**The Chair:** This meeting stands adjourned.

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