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# **Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development**

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**EVIDENCE**

**Thursday, May 13, 2010**

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**Chair**

**Mr. Scott Reid**



## Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

Thursday, May 13, 2010

• (1310)

[Translation]

**The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)):** I would like to call the meeting to order once again. We are now in public session.

We have with us today four witnesses who are appearing as part of our study on the situation of Nathalie Morin.

I believe you have four short presentations to make. I encourage you to be as brief as possible, as we do not have much time. Please begin.

**Ms. Marie-Ève Adam (Member, Nathalie Morin Support Committee):** First of all, on behalf of Nathalie Morin's Support Committee, I would like to thank members of the Sub-Committee on International Human Rights of the Standing Committee on Foreign Affairs and International Development for agreeing to hear from us today. I would like to briefly introduce the four people who are here today, and we will each be speaking after that.

First of all, Nathalie Morin's Support Committee was founded in December of 2009 to assist Ms. Johanne Durocher, Nathalie's mother, with her fight to bring her daughter and grandchildren back to Canada. The Committee is a non-profit, citizen-based organization which represents individuals but has the support of many women's groups, members of Parliament and citizens.

We will begin our presentation with opening comments from Ms. Durocher, who is Nathalie's mother and is the President of the Support Committee. She will briefly talk about Nathalie's and her children's living conditions since 2005. She will also describe the actions or inaction of the government, the Canadian Embassy in Riyadh and consular services in Ottawa.

For today's presentation, we asked Mr. Stéphane Beaulac, a professor at the Law Faculty of the University of Montreal, to be with us, in order to address the international mechanisms which allow a government to intervene in a foreign country, particularly as regards consular cases. Professor Beaulac teaches international public law and human rights interpretation.

Ms. Christelle Bogosta, who is also a member of the Support Committee and is a graduate of the University of Montreal in community health, will talk about the effects of the abuse and deprivation that Nathalie and her children have been suffering for several years now on their physical and psychological health.

I, too, am a member of the Support Committee and am an assistant to the member of Parliament for La Pointe-de-l'Île, Ms. Francine Lalonde. We have been supporting Ms. Durocher's efforts since April of 2008. As a result of that, we have had a number of exchanges with Minister Lawrence Cannon and with Foreign Affairs here in Ottawa. We also met with the Saudi Arabian Ambassador, Mr. Osamah Al Sanosi Ahmad on May 3rd. I will be addressing that in my comments.

I would like to turn it over now to Ms. Durocher. Thank you.

**Mrs. Johanne Durocher (Committee Chair and Mother of Nathalie, Nathalie Morin Support Committee):** Good afternoon.

My name is Johanne Durocher, and I am the mother of Nathalie Morin and grandmother of Samir, Abdullah and Sara. Since December of 2005, my daughter has been detained in Saudi Arabia, where she has been subject to domestic violence, abuse and forcible confinement by a violent spouse. My three grandchildren have also been abused. Although Nathalie has asked repeatedly, in the last five years, that the Canadian government repatriate herself and her children, the Department of Foreign Affairs does not take the situation seriously. It claims that this is a private matter and is not doing everything it could to negotiate her and the children's repatriation with Saudi Arabia.

My daughter Nathalie's story is a simple one. Had these events occurred in Canada, they would not have given rise to any media coverage. In 2001, Nathalie met Saeed Al Shahrani in Quebec, when she was 17 years of age. Soon after that, Nathalie became pregnant with his child. They were never married. They were not living together. Nathalie gave birth to Samir Morin. One month later, Saeed had to leave Canada to go back to his native country, Saudi Arabia. The couple continued their relationship at a distance from 2002 to 2005. Nathalie planned to start a family with him. What could be more normal?

During that period, Nathalie travelled with their son to Saudi Arabia on two occasions. In 2005, when she returned to Saudi Arabia a third time, he began to abuse her. He beat her and, from that point on, began to threaten her. He demanded that she find a way to help him emigrate to Canada, and if she refused, he threatened to keep her in Saudi Arabia against her will, with his son Samir. Those threats became reality.

Since 2005, my daughter Nathalie, has been forcibly confined by a violent spouse in Saudi Arabia. The violence is getting worse, as is her distress. He beats her, harasses her, wakes her up in the middle of the night to prevent her from sleeping and compels her to have unwanted sexual relations. In other words, he sexually assaults her; as a result, Nathalie became pregnant again. In fact, under compulsion, he gave her two more children. He mistreats the children, bites them, whips them with electric cables, burns them and tries to crush their hands and feet. Nathalie and the children are deprived of food, human contact, affection and support. They have become the hostages of Mr. Al Shahrani.

Since January of 2008, Nathalie and her children have been forcibly confined in Mr. Al Shahrani's apartment—in other words, locked in a room with the windows covered over with paper, so that light barely filters through, with no possibility of obtaining a key and no opportunity to communicate independently with the outside world, either by telephone or the Internet, and without visits or support.

Mr. Julius Grey, an eminent Canadian lawyer, described the situation as “civil detention”. During that time, Mr. Al Shahrani has made multiple requests for money and material goods: an apartment, a car, furniture, and so on, from the Saudi government, which was alerted to the situation. To save the country's honour, the Saudis have agreed to provide the material goods and money that he is taking full advantage of, even though Nathalie and the three children are poorly nourished. During certain periods, they were given only bread and water. Mr. Al Shahrani does not work. And yet he is receiving benefits from the Saudi government because he has a conjugal relationship with a Canadian woman and children who also have Canadian nationality and are asking to leave the country because of abuse.

My daughter and my grandchildren are therefore instruments by which Mr. Al Shahrani enriches himself, since he is able to ask his government for money and material goods, supposedly to improve his family's living conditions, even though Nathalie and the children derive little or no benefit.

Since December of 2005, my daughter Nathalie has been asking to be repatriated to Canada with her children. For five years now, I have bent all my energies towards removing them from that living hell. What have the Government of Canada and the Department of Foreign Affairs done to help my daughter and my grandchildren? In those five years, the Canadian government has either ignored or minimized the domestic violence, abuse and forcible confinement to which Nathalie and her children have been subjected. Furthermore, no serious effort has been made to try and shelter them from the violence and abuse they have suffered.

●(1315)

I might add that, on a number of occasions, the Canadian embassy refused to give shelter to Nathalie and her children at the embassy.

So, on January 4, 2006, Nathalie went to the Canadian embassy with her son, Samir. She asked to be repatriated, but the embassy official, Mr. Omer ElSouri, refused. He then encouraged Nathalie to write to ask that her file remain confidential and advised her at the time to wait until her second child had been born to return. In that regard, you have received documents prepared by the Department of

Foreign Affairs. There are notes on the case dated January 30, 2006, January 28, 2006, as well as the letter in which Nathalie asks that her file be kept confidential, something she was advised to do by Mr. ElSouri.

You have in front of you the affidavit signed by Nathalie in 2009, when I visited her and which relates a number of other troubling facts. Two years later, she states, and I quote:

On November 14, 2008, Saeed was prepared to drive the children and me back to the embassy, so I could give birth there. Chuck Andeel, a consular official at the Canadian Embassy in Riyadh, told me over the telephone not to come, as the embassy was unable to care for an eight-month pregnant woman. Nicolas Gauthier texted me a message to Saeed's cell phone, telling me to wait until I had recovered physically and psychologically before thinking of returning to Canada.

Do you realize that a Canadian official advised a Canadian citizen, who was subject to domestic violence and whose safety was in question, to give birth in Saudi Arabia, rather than repatriating her? Not only did that decision forced her to continue to live in dangerous conditions, but in so doing, she also diminished her chances of one day being repatriated with her children.

I would like to quote another passage from Nathalie's affidavit, which you have in front of you.

Saeed regularly slaps me in the face, kicks me and hits me on the head [...]. He has repeatedly poked my eyes with his fingers, twisted my arm, twisted my thumb, beat me with his fist, threatened to kill me by holding a knife to my throat and beat me on my back.

When I cry, he hits me.

When I laugh, he hits me.

When I talk, he hits me.

When I get angry, he beats me.

Every day that passes finds me terribly worried. My daughter's safety is threatened. Her psychological and physical state, as well as that of the children, is deteriorating, and the Minister of Foreign Affairs, the Honourable Lawrence Cannon, continues to see this as a private affair, thereby justifying shameful inaction on the part of the Canadian government, which refuses to repatriate them without delay. Not only is this unacceptable, it is inhumane.

This week, another young Canadian women, Nazia Quazi, who was forcibly confined and assaulted by her father in Saudi Arabia, was released after waiting for two years. My daughter has now been waiting five years. What is the Canadian government waiting for to remove my daughter and my three grandchildren from their torturer?

I am a citizen and a mother who is doing all she can to reassure her daughter that her country, Canada, will repatriate her. I cannot lose hope and abandon my daughter. I am asking the Prime Minister, the Right Honourable Stephen Harper, and the Minister of Foreign Affairs, the Honourable Lawrence Cannon, to stop turning a blind eye to this and to take action before the G20 Summit, by repatriating my daughter, Nathalie, and my three grandchildren, Samir, Abdullah and Sara. Thank you.

●(1320)

**The Chair:** Thank you, Ms. Durocher.

Ms. Adam, please.

**Ms. Marie-Ève Adam:** Thank you. I will make my comments, and then turn it over to Mr. Stéphane Beaulac and Ms. Christelle Bogosta.

In support of the facts that I will be presenting, you have been given two translated documents that are in both languages. I also brought with me other documents that support the facts I will be presenting. Some are in English, and others in French, but they are not translated into both official languages. If the Committee would like to receive them, it will have to give its consent. I have made copies for everyone.

**The Chair:** The clerk can accept them and we can then have them translated into both official languages for Committee members.

**Ms. Marie-Ève Adam:** I was told that Committee members had to give their consent.

**The Chair:** It is not necessary for Committee members to give their unanimous consent just to accept documents that you will be providing to the clerk. However, for just distribution purposes, we would need the members' unanimous consent.

I can ask them now.

[English]

Is there consent to distribute these documents?

**Some hon. members:** No.

**The Chair:** Apparently there isn't, so we can't do that.

[Translation]

Let's continue then.

**Ms. Marie-Ève Adam:** All right.

I would like to give you the background behind our intervention.

Once again, I am an assistant to the member of Parliament, Ms. Francine Lalonde.

The mother of Nathalie Morin, Ms. Johanne Durocher, contacted our office at the end of March, 2008. We have therefore been working on this case for almost two years now.

With the help of documents forwarded to us by Ms. Durocher, we quickly ascertained that Nathalie was not in fact married. Ms. Durocher had documents in Arabic that she had brought back from her first trip to Saudi Arabia in 2006. We had them translated, and realized that what was supposed to be their marriage certificate was actually a marriage confirmation certification referring to a marriage that had apparently taken place in Montreal in 2001. But Ms. Durocher told us categorically that Nathalie never married in Montreal in 2001. Furthermore, at the time, Nathalie was a minor; she was 17 years of age. She would have required her parents' permission in order to marry. Following an inquiry, the Office of the Registrar of Civil Status in Quebec confirmed that Nathalie had never married in Quebec.

We then discovered that, when Nathalie went to Saudi Arabia in 2003, the Saudi embassy in Ottawa had issued a spouse's visa and a visa for her son, Samir, in the name of the father, Al Bishi—to avoid any confusion, I just want to mention that, at the time, his name was Al Bishi, and that he changed his name to Al Shahrani as soon as he returned to Saudi Arabia—when, in actual fact, no father was named on Samir's Quebec birth certificate. His name was Morin, like his mother.

Armed with this new information, we contacted officials at the Department of Foreign Affairs to tell them that there had been a mistake, that Nathalie was not married and that she should therefore not be subject to decisions made by Mr. Saeed Al Bishi regarding her return to Canada with her children. Foreign Affairs officials told us, however, that whatever her actual status, the Saudis consider them to be married. As a result, we had to abide by their laws and, in this case, the husband's permission was required. We were also told to keep this information to ourselves, because in Saudi Arabia, that meant that Nathalie was living illegally and could potentially be put in prison. As a result, we kept this information to ourselves for a number of months, even though that did not prevent us from continuing to pressure the Canadian government to negotiate their return with Saudi authorities, as we had received serious allegations of mistreatment, forcible confinement and abuse inflicted on Nathalie and her children.

The events I am about to relate here were first reported to me by Ms. Durocher. Following that, Nathalie related them in a similar fashion, but in greater detail, in the affidavit that Mr. Julius Grey asked her to write in the summer of 2009—you will find this in the documents you have been given and which were translated into both official languages. The two versions say exactly the same thing in each language. Then, following an access to information request that I filed with the Department of Foreign Affairs, I received almost 2,000 pages of notes on the case, corroborating Nathalie's and her mother's version of events, although presenting the issues from the standpoint of the government. I would like to relate some of those events now, with supporting documents, hoping that you will agree to receive them.

I would now like to discuss what happened in January of 2006. First of all, I should mention, once again, that Nathalie went to Saudi Arabia in March of 2005 with the intention of living there. In December of 2005, when Nathalie was pregnant with her second child, her mother went to visit her and saw that her daughter had been beaten and mistreated by Mr. Al Shahrani—he even beat her in front of Ms. Durocher. They filed a complaint with the Canadian embassy in Riyadh.

At the embassy, Mr. ElSouri told Ms. Durocher to call him back two days later and that he would find a way to get Nathalie and Samir back to Canada. When Ms. Durocher called back on the day in question—

● (1325)

[English]

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Can you slow it down, please?

[Translation]

**The Chair:** The interpreters are having trouble following.

**Ms. Marie-Ève Adam (Member, Nathalie Morin Support Committee):** When Ms. Durocher called back on the day in question, Mr. ElSouri had left on vacation for two weeks. So, Ms. Durocher had no choice but to return to Canada alone, without her daughter. On January 23, 2006, among the papers was a report written by Mr. ElSouri entitled “Change of travel plans”, in which he stated that Nathalie and Saeed had come to an agreement and that Nathalie had accepted the idea of giving birth in Saudi Arabia. He added that Nathalie was in control of her life, that she was able to get along with her husband and that she was sure she would be able to travel the following summer with her two children.

Five days later, on January 28, Mr. ElSouri forwarded to Ms. Lavigne, in Ottawa, a letter written by Nathalie in which she asked Foreign Affairs to no longer discuss her case with her mother, saying that she was old enough to know what she was doing. However, in the affidavit written by Nathalie in July of 2009, of which you have a copy, she discusses this incident on page 2. She says that the letter was written in the presence of Mr. ElSouri, his wife and Saeed in a restaurant in Al Khobar. She states that they told her it would be better if her mother did not involve herself in her personal affairs. They convinced her to write that letter. They even told her to put a false date on the letter.

When we checked the embassy notes, we did, in fact, see that the date on the letter did not jibe with the date when Mr. ElSouri had reportedly met with Nathalie and Saeed. He states that he met with them on February 9, which suggests that Nathalie did not draft a letter in his presence. As a result of Nathalie's letter, Ms. Durocher was not able to involve herself in her daughter's case, and her daughter subsequently gave birth to Abdullah in Saudi Arabia in June, 2006. She was never able to return to Canada with her two boys after giving birth, as promised by Saeed.

After Abdullah was born, Nathalie became increasingly depressed. Her living conditions deteriorated and she was in poor health. Nathalie again gave her consent to disclose information to her mother in September. In October of 2006, Saeed agreed to take Nathalie to the embassy, but without the children. From there, consular officials organized her departure through Bahrain, a neighbouring country, and back to Montreal. Following her departure, there was an exchange of e-mails between Ottawa and the embassy. Here is an excerpt from an e-mail dated October 19:

• (1330)

[English]

When I last spoke with her just prior to her departure for Bahrain, I recommended she erase the past five years and become a 17-year-old again. She realizes she will miss the children but wants to get on with her life. If anybody is pushing for repatriation of the children, it is Johanne, not Nathalie. Once Nathalie gets a life in Montreal—and away from her mother—she might think again of having the children, but I don't think we will see it in the near future.

...Maybe we will get the kids to Canada to be with their high school-educated 22-year-old unemployed mother. Maybe—just maybe—the children are better off here.

[Translation]

Six weeks after her return to Canada, Nathalie got on a plane again, unbeknownst to her mother, to be with her children again in Saudi Arabia. She left a note on the kitchen table saying that she did

not know whether she would ever be able to return to Canada, but that she was sacrificing herself for her children.

In June of 2008, Nathalie sent an e-mail to the Canadian embassy outlining her first complaint of mistreatment. In the days that followed, February 19, 2008, she sent similar complaints to several human rights organizations in Saudi Arabia. In June of 2008, the embassy organized a consular visit to Jubail to meet with Nathalie and Saeed. Nathalie was pregnant with her third child, as a result of unwanted and violent sexual relations forced on her by Saeed. In other words, she had been raped. Following that visit, we requested a copy of the report on several occasions. The only information that we had was through the Saudi media, which presented Saeed's side of the story. We finally received that report in the Foreign Affairs' notes we obtained through Access to Information in July of 2009, one year later. I invite you to read it. It speaks volumes about Nathalie and her children's living conditions.

This is one of several documents I would like to make available to you. It is written in English.

Despite our continuing to pressure the Department, so that Nathalie could return to Canada to give birth, Nathalie gave birth to her daughter, Sara, in Saudi Arabia on November 18, 2009. Three days before she gave birth, however, Saeed was prepared to take Nathalie and the children to the embassy in Riyadh. Nathalie called the consular officer, Mr. Nicolas Gauthier, to ask him to receive them. We also wrote to Minister Cannon, asking him to intervene so that the embassy would provide shelter to Nathalie and her children while it negotiated their departure with Saudi authorities; but our efforts were in vain. Mr. Gauthier sent a text message to Nathalie saying that it would be better for her physical and psychological health, that she give birth in Saudi Arabia. Yet they had ample evidence of the mistreatment Saeed was inflicting on them. Nathalie recounted that episode on page 3 of her affidavit.

On December 22, 2008, Mr. Deepak Obhrai, Parliamentary Secretary to the Minister of Foreign Affairs, went to Saudi Arabia and met with Nathalie and Saeed. There again, Foreign Affairs did not inform us of that visit. At that point, Ms. Durocher had had no contact with her daughter for several weeks. She was therefore unaware that her daughter had received this important visit by a Canadian official. We would only hear about it subsequently through the Saudi newspapers.

Ms. Durocher was told by Ms. Huda Alsunari, counsel for the Saudi Arabian Human Rights Commission, who was present at the meeting, that Nathalie was crying and asked Mr. Obhrai that she be allowed to return to Canada with him, saying that her life was a living hell. Mr. Obhrai said that he knew about her circumstances and had come to try and find a solution with her husband. He then spoke to Saeed in English only. Later the Canadian media questioned Mr. Obhrai about that visit. In response to the question: “How was Nathalie when you met with her?”, he said: “Nothing stood out of concern to me”. In that regard, we refer you to the report of Mr. Obhrai's visit in the Foreign Affairs notes dated December 24, 2008 and Nathalie's account of what occurred on page 3 of her affidavit.

On September 22, 2009, embassy officials went to see Nathalie, at Saeed's request.

[English]

**The Chair:** We have a point of order.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** I think there was a break in the translation. I think those cameras are supposed to stay stationary as well.

**The Chair:** Yes, that's okay. Actually, they can go on you when you're talking.

**Mr. David Sweet:** But I believe there was a break in the translation. There was a comment that apparently was made by the parliamentary secretary, but it did not come through the translation, so could you just say that again?

**Ms. Marie-Ève Adam:** Do you mean the comment to the media?

**Mr. David Sweet:** Yes.

**Ms. Marie-Ève Adam:** I will tell you in English. The question from the journalist was, "How was Nathalie when you met with her?" The answer from Mr. Obhrai was, "Nothing stood out of concern to me".

• (1335)

[Translation]

On September 22, 2009, embassy officials went to see Nathalie at Saeed's request. Before they arrived, Saeed locked Nathalie and the children in a room, so that she could not be present for the meeting. We were made aware of that meeting by Saeed, who called me at the office to tell me he was prepared to let Nathalie and the children leave unconditionally, but that he first wanted to speak to people at the embassy.

The day after that meeting, Nathalie Tenorio-Roy, a case officer with Foreign Affairs in Ottawa, called Ms. Durocher. Ms. Durocher immediately sent me an e-mail recounting her conversation with the departmental officials—which I will be providing to you—and dated September 24, 2009. It says that Saeed asked for \$300,000 U.S. in exchange for releasing Nathalie and the children. Furthermore, the Department of Foreign Affairs and International Trade refused to use that information, even though, in our opinion, that is clearly a ransom demand related to negotiating Nathalie's and the children's return to Canada with Saudi authorities.

It was only on October 22 that Ms. Tenorio-Roy put that information in written form—you can refer to the e-mail of October 22 in that regard. She added that the Department verified the legality of that demand in Saudi Arabia and that an article of the Sharia allows it. We asked to be given a copy of that article of Sharia law. This is a practice involving a refund of the dowry that was paid—something that a spouse can ask of her husband when she asks for a divorce. However, Nathalie was never married, she did not receive a dowry and, furthermore, she did not ask for a divorce because in Saudi Arabia, if she asked for a divorce, she would lose custody of her children when they reached the age of seven, and would no longer be able to take them out of the country.

In closing, I would just like to mention that Ms. Francine Lalonde, the member of Parliament for La Pointe-de-l'Île, and myself met with the Saudi Ambassador, Mr. Osamah Al Sanosi Ahmad at the Embassy of Saudi Arabia on May 3. He began by saying that he had met with the Canadian Ambassador in Riyadh and together they had

discussed the case of Nathalie Morin. He said that the Canadian Ambassador never told him that Nathalie had been beaten and forcibly confined by her spouse, nor that she wanted to return to Canada with her children. When we insisted, saying that there were multiple pieces of written evidence from Nathalie regarding her living conditions in Saudi Arabia, he finally said that if we forwarded the information to him, his government would take action.

I would now like to turn it over to Mr. Stéphane Beaulac.

**The Chair:** Monsieur Beaulac—

[English]

We have a problem here, committee members, in that there are 20 minutes left in our proceedings and we're only partway through the testimony that we've received.

Even if we try to extend our time, we can only do it a little bit, because we're not in our usual place just down the hall from the House of Commons. It will be difficult for us to have both questions and the rest of the testimony, so I want to find out what the committee wants to do at this point.

May I have advice from the members?

**Mr. Mario Silva (Davenport, Lib.):** Let's have questions.

**The Chair:** Would you prefer to go to questions, or would you prefer to hear the rest of the testimony and not have questions?

I'll ask the first option—

**Mr. David Sweet:** Maybe we should ask Dr. Beaulac how long his intervention is right now.

**The Chair:** Would that be the last one, or do we have Madame Bogosta?

**Mr. Stéphane Beaulac (Associate Professor, Faculty of Law, University of Montreal):** I'll keep it down to five minutes.

**Ms. Christelle Bogosta (Committee Member, Nathalie Morin Support Committee):** I can speak very briefly. It will be three minutes.

**The Chair:** Okay, that leaves us with just 10 minutes. It leaves two minutes each for questions, essentially.

**Ms. Marie-Ève Adam:** I have a one- or two-minute conclusion, though.

**The Chair:** Okay, that's what the committee's up against. I'm just asking your advice. I'm not going to tell you what to do; I'm going to find out what the committee wants to do.

Go ahead, Ms. Glover, please.

**Mrs. Shelly Glover (Saint Boniface, CPC):** Thank you, Mr. Chair.

I've heard a number of inconsistencies already with regard to the things being said and the things being provided in documentation by Marie-Ève Adam. I really do believe it's in the interest of this committee to proceed to questions immediately, because we need to clear up these inconsistencies.

**The Chair:** Okay. I'll just ask.

Those who are in favour of going to questions now, please raise your hands.

Okay, that's the majority, so we're going to go to questions now.

We do this as always—Liberals, Bloc, New Democrats, Conservatives. We will start with Mr. Silva and we have five minutes each. We're supposed to be cutting this off at the end of five minutes each, but it means we're going to go a tiny bit past 2:00 p.m.

Okay, fire away.

[*Translation*]

**Mr. Mario Silva:** Thank you for your testimony.

I want you to know that I understand the way you feel and sympathize with your concern for your child and your grandchildren. We are well aware of the situation in Saudi Arabia when it comes to human rights: they are not respected.

You made your presentation and asked the government to intervene. I would simply like to ask you one thing. I believe that you asked several times that the Prime Minister and Minister of Foreign Affairs repatriate your daughter and do everything possible to help her. Thus far, what has the government's response been?

• (1340)

**Mrs. Johanne Durocher:** The government is refusing to repatriate Nathalie and her children, saying that this is a family affair.

**Mr. Mario Silva:** If other people wish to comment or provide information that could help us, please feel free to do so.

**Mr. Stéphane Beaulac:** I would just like to briefly mention that, not so long ago, all family violence in Canada was deemed to be a private matter. However, we all know that in this country, it is no longer acceptable to think in those terms, and in my opinion, our reasoning should be exactly the same when Canadian women or men are subject to violence by a spouse in a foreign country. We should not allow facile excuses based on law to justify inaction.

**Mr. Mario Silva:** Thank you.

Mr. Cotler, would you like to add something?

**Hon. Irwin Cotler (Mount Royal, Lib.):** You mentioned that you filed a complaint with the United Nations Human Rights Commission. Have you received an answer from the Commission?

**Mrs. Johanne Durocher:** I contacted Ms. Da Costa at the U.N. They agreed to open a case file and look into it. Of course, their actions are confidential.

**Hon. Irwin Cotler:** You say you met with the ambassador. That probably happened here in Ottawa. He said that he had not received any information with respect to what you told him. Did you forward that information to him subsequently, and did the Canadian ambassador also communicate that information?

**Ms. Marie-Ève Adam:** No. We undertook to forward the information that we had to the ambassador. However, Nathalie filed written complaints—of which we have copies—with human rights authorities in Saudi Arabia. We know that Nathalie's complaints were even passed on to the Saudis. In any case, the ambassador related a conversation he had had with the Canadian ambassador. Ms. Lalonde contacted the former Canadian Ambassador, Mr. Davidson, who was well acquainted with the case. There is now a new ambassador, Mr. Chatterson. The Canadian ambassador and the Saudi ambassador took up their respective positions pretty

well at the same time. Having said that, consular service officials at the embassy are well acquainted with the case. I received almost 2,000 pages of notes that had been exchanged by Foreign Affairs and the embassy. This is a huge case for them. Therefore, the Canadian ambassador would certainly have been aware of all the complaints made by Nathalie. He had been given the June, 2008 report in which Nathalie made her complaints directly to an embassy official and also put them in writing. I don't know whether the Saudi ambassador met with Mr. Davidson or Mr. Chatterson, because I am not sure exactly when their meeting occurred, but he should certainly have provided his successor with the information that Nathalie wanted to return to Canada and was being mistreated there.

**The Chair:** Mr. Dorion, please.

**Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ):** Mr. Chairman, it is highly regrettable, in my view, that the decision was made to open it up for questions right away, because Mr. Beaulac and Ms. Bogosta were unable to make a number of important points.

To compensate, I would like to ask the two of them—or one or the other, as they wish—whether there are any important points they would like to add to what has been said thus far.

• (1345)

[*English*]

**Ms. Christelle Bogosta:** I would like to add that as time goes by—this is the content of the presentation you have in both English and French—the psychological and physical effects for Nathalie and her children are only getting worse, and it really compromises the possibility of recovery.

The different elements are outlined in the document I have furnished to the members of this committee.

[*Translation*]

**Mr. Stéphane Beaulac:** I would like to make two brief points. The first is that, under international law, Canada can intervene in the Nathalie Morin case. Also, under Canadian law, and specifically the Canadian Charter of Rights and Freedoms, we know, as a result of several Supreme Court rulings, that Canada has a duty to act. That does not mean that it should just do the bare minimum or ensure there is a paper trail. The duty to act means protecting Canadians who find themselves in difficult circumstances in a foreign country. It is an obligation based on results, rather than means. Under the circumstances, and in the specific case of Nathalie Morin, that means the government should be asking for her repatriation—nothing less.

**Mr. Jean Dorion:** My question is for Ms. Durocher or Ms. Adam.

First of all, Ms. Durocher, I feel tremendous compassion for your circumstances. This is a terrible tragedy you have been living through and it is very worrisome to see the Canadian government not defending one of its own citizens in circumstances such as these.

What could possibly have motivated an official like Mr. ElSouri? In practice, he seems to have constantly blocked your efforts to try and get your daughter out of Saudi Arabia. In your opinion, what would prompt someone to behave in that manner?



**Mrs. Johanne Durocher:** I cannot possibly know the exact reason, except that Mr. ElSouri is not Canadian. He is a Sudanese married to a Saudi woman of Saudi culture, whereas we are Canadian.

So, when he explained to Nathalie that it would be better for the children to be raised in Saudi Arabia... That was really a reflection of his own culture. He may also have had contact; a lot of information found its way to Saeed. Did he have personal contact with Mr. Al Shahrani? I do not know, but that is possible. I cannot be certain of that, however.

**The Chair:** You have one minute left.

**Mr. Jean Dorion:** I had an opportunity—and I believe many people at this table did as well—to see a video made at Nathalie's house in Saudi Arabia.

Could you briefly explain how you were able to enter that house and make that video under the circumstances that we are all aware of?

**Mrs. Johanne Durocher:** From the very beginning, Mr. Al Shahrani has wanted to come to Canada. For him, the excuse was that he wanted to be able to visit his children. So, when I asked him point-blank if I could go and see Nathalie, he proudly answered, saying that, in Saudi Arabia, family rights are recognized, that there was no problem at all, that his country would welcome me, that I would be given a visa and that I could go and see Nathalie and the children. It is quite clear that that message was intended to make him look good. Of course, I only stayed for a week. That was enough, because I was living under the same roof as him.

I went over there with my son. Only once were we able to get him out of the house with my son so that I could be alone with Nathalie. We were able to film in the living room. When we would hear a noise in the corridor, I would stop the camera and then start it up again. During the night, Nathalie wrote the affidavit that you now have. We would stay up all night, Nathalie and I—during the daytime, Saeed was always there—so that I could give her information and question her. A week is very short.

The person who signed the affidavit, as a witness to each of the pages, was Ms. Huda Alsunari, the representative of the Saudi Arabian Human Rights Commission. So, she is well aware of the fact that Nathalie wrote this for Canada, even though she was unable to read it, because she does not understand French. She acted as a witness.

Ms. Alsunari was also the person who came to see me at the airport and gave me copies—folded in her hand, so that Saeed would not see them—of all the complaints filed by Nathalie in Saudi Arabia. She gave them to me secretly, asking me not to let anyone know that she was the one who had given them to me.

• (1350)

**Mr. Jean Dorion:** Thank you, Ms. Durocher.

[English]

**The Chair:** We'll go to Mr. Marston.

**Mr. Wayne Marston:** Thank you, Mr. Chair.

I'd like to welcome you here.

It's a very trying story. For me, it's almost personal, because I spent six months in Saudi Arabia in 1979. Upon my arrival, within the first five days there was a beheading of a so-called criminal. There were amputations. The culture shock was absolutely amazing.

The position we find ourselves in here is actually a clash of cultures, to a great extent. Saudi Arabia is a kingdom, and within that particular country the male's rights supersede the woman's rights. Certainly we don't agree with this, but taking into account what's happening... If you compare some things to Canada, in a family dispute if a spouse wants to remove a child from a province, he or she has to get permission.

As I listen to the evidence, the paper trail in Saudi Arabia sounds very convoluted. There have been mistakes made on someone's part, whether deliberate or by accident.

My experience over there was that the king holds a day on which any Saudi can sit down and petition the king. It strikes me that the only avenue that may well be open here is a direct petition to the king.

Ms. Adam, I think you mentioned that there were ongoing negotiations. Were you suggesting that the Canadian government is somehow negotiating with the Saudi government? Are you aware of who would be involved?

[Translation]

**Ms. Marie-Ève Adam:** In fact, there were discussions. We don't know exactly what was said. However, a tripartite committee was set up in Saudi Arabia. It included Saudi officials from the Department of the Family, the Department of the Interior and the Department of Foreign Affairs, I believe. They were in contact with the embassy.

What I know is that this tripartite committee tried to determine what Nathalie's living conditions were. At one point, we received a medical certificate regarding the child, Samir, who is the eldest. You have a copy of that. It stated that his health, both psychological and physical, was worrisome. We sounded the alarm at that point, and there were meetings. However, they still have not sent—

[English]

**Mr. Wayne Marston:** If I can interject here for a second, when you say negotiations, it implies negotiations for release rather than—

[Translation]

**Ms. Marie-Ève Adam:** I understand.

[English]

**Mr. Wayne Marston:** I'm not really wanting to dig too far into the evidence we've already had. We have the affidavits and all of that. My concern was whether you had any direct information of direct negotiations between our government and the Saudi government for the release of these folks.

Dr. Beaulac, are you aware of any precedents with any country dealing with Saudi Arabia of a person being able to leave the country with the children? My understanding of what it is like over there is that it is highly unlikely for that to ever happen, as long as the paper supports the fact of the parent being the father in that country.

**Mr. Stéphane Beaulac:** To my knowledge, there isn't any judicial precedent. These are not the types of cases that appear before an international tribunal. What you are referring to in terms of negotiation is done more often than not at the interstate level. What is very unusual in this case is the lack of real representation by a national country, by a sovereign state, in order to repatriate—

**Mr. Wayne Marston:** It was for that reason that I asked the earlier question on whether there were direct negotiations.

**Mr. Stéphane Beaulac:** Exactly. It is very unusual for a sovereign state not to do everything possible in order to help out a national who is stuck or in need of assistance abroad.

**Mr. Wayne Marston:** Okay.

Going back to my own experience in that country, I was there with Bell Canada working for Saudi Tel. If a Canadian were to accidentally run over a Saudi national, you'd pay 30,000 riyals to the family for forgiveness, which was about \$10,000.

The system that was in place was one that... Some of the testimony sounded as if there was some pressure for bribery going on. You might well be into negotiations that involve a cash deal.

• (1355)

**Mr. Stéphane Beaulac:** There's nothing that prevents that at international law, and there's nothing nationally, either, that would prevent the federal government from involvement in that type of negotiation. It's really the end result that matters.

**Mr. Wayne Marston:** Is it your position that the federal government has not been interceding on her behalf?

**Mr. Stéphane Beaulac:** With the evidence that we have gathered, it is my opinion that not everything has been done to reach the result.

[*Translation*]

I repeat; in my opinion, the obligation relates to results, rather than means.

[*English*]

The result has been waiting for over four years now.

**Mr. Wayne Marston:** Mr. Chair, I'll relinquish the rest of my time to the government side because of the seriousness of what's being said here.

**The Chair:** Thank you.

I understand it's going to be Ms. Glover.

**Mrs. Shelly Glover:** Thank you, Mr. Chair, and thank you for allowing me to take part in this committee today.

I want to mention that I'm interested in your case because I've spent most of my life fighting for victims' and children's rights. I have been party to many investigations involving missing children, and in particular in international cases. I have been a witness at a number of child custody cases as well.

I take issue with some of the things that have been said here today. First and foremost, I must take issue with what Mr. Beaulac has said. Sir, have you taken part in many custody cases, here in Canada or elsewhere?

**Mr. Stéphane Beaulac:** I'm a professor of international law at the University of Montreal.

**Mrs. Shelly Glover:** So the answer is no?

**Mr. Stéphane Beaulac:** Well, your question is whether or not I consult on cases involving family law, and the answer is no.

**Mrs. Shelly Glover:** Okay. I'm taking that to heart, sir, because some of the things you've said are just incorrect. We do need to correct the record here.

Canada has a wonderful record in doing everything it can when it has the opportunity to do so. I note that we are prevented as a country from directing other countries in a number of areas, including the area we're talking about today.

We have done many things to try to help the situation. I make note that Ms. Morin has been repatriated on two occasions, and we are still to date ready to repatriate her. In fact, Madame Durocher has commented that Natalie has returned to Canada on two occasions.

**Ms. Christelle Bogosta:** It's only one time. Your information is wrong.

**Mrs. Shelly Glover:** That is why I'm trying to get to the inconsistencies.

I'll point to another inconsistency. It's unfortunate that we don't have more time, because I would like to hear more and I would like to discuss more.

This is the affidavit that you distributed that you refer to that Nathalie did. In your statement, Ms. Adam, you made mention that when Parliamentary Secretary Obhrai visited, Nathalie had a conversation with him, and you clearly said that Mr. Obhrai indicated that he would do what he could to help her, correct? Yet this affidavit, on page 3, says the absolute contrary.

Once again, I've been in this business for a long time. Quite often there are two sides to every story, and somewhere in the middle, given all of the facts and considerations, is the truth. I would like to get to the truth here today, because I think a number of things are inconsistent. I don't have much time to get to others, but I do want to mention a couple of things that have been said that are, again, inconsistent.

We talked about the status of the apartment and how it was in squalor, and yet this video that Mr. Dorion referred to from *Enquête* in Quebec clearly shows that although it is a modest apartment, it is by no means in squalor. In fact, I've seen places—

**Ms. Christelle Bogosta:** That's the man's side of the apartment that Nathalie doesn't have access to. That's clearly described in the 22-minute video that was sent to all members of this committee.

**Mrs. Shelly Glover:** Fair enough, but that's why I'm saying that in the short period of time we have, it's very hard to get to some of these inconsistencies. I want to make note of a few very important key pieces here.

When Mr. Obhrai, our parliamentary secretary, visited in December, he got to speak with Nathalie. It was as a result of his visit that the Human Rights Commission in Saudi Arabia became engaged. In fact, furnishings were also provided by the Human Rights Commission, thanks to Mr. Obhrai's interference, and also Mr. Obhrai and government officials—

**Mrs. Johanne Durocher:** Excuse me—

**Mrs. Shelly Glover:** I only have a short period of time. I'm sorry. We did give you more than half of—

**Mrs. Johanne Durocher:** There's a very big mistake.

**Mrs. Shelly Glover:** That's why I'm saying there are two sides to this, and we need to get to the bottom of it.

**Mrs. Johanne Durocher:** You go very fast with your mistake. We don't have time to say anything on it.

**Mrs. Shelly Glover:** Your mistakes as well were done very quickly—

**Mrs. Johanne Durocher:** I don't think I make mistakes.

**The Chair:** Go ahead, Mr. Sweet.

**Mr. David Sweet:** Mr. Chairman, I think we had opening remarks of about 35 or 40 minutes. My colleague has a couple of moments, and she's been interrupted now multiple times. I think she's trying to make a couple of points if she could, please.

• (1400)

**The Chair:** We'll let Ms. Glover finish the points she has to make, and then we'll turn it over to Madame Durocher or others for response. It may cause us to go a little bit past the five minutes we've allocated for this, but that way both individuals get a chance to—

**Mrs. Shelly Glover:** I wish I had more time so that we could actually do a dialogue, but unfortunately that's not the way the committee works. I have five minutes and only five minutes, so please let me finish.

Mr. Obhrai and the minister have been working very hard on this. In fact, Mr. Obhrai and government officials have visited the home repeatedly, and the Human Rights Commission has visited the home repeatedly. We can never, ever forget that there is no constitutional obligation—and I take issue with what you said, Monsieur Beaulac—

**Mr. Stéphane Beaulac:** Read the cases.

**Mrs. Shelly Glover:** May I finish?

There is no obligation to help Canadians when they are abroad, because the charter only applies in Canada. I wish it might be different, but unfortunately the charter only applies in Canada, and once a Canadian leaves Canada, that person is subject to the laws and regulations of the state they are in. We cannot impose Canadian law in sovereign states. The fact remains that this is still a custody issue and that the father in Saudi Arabia has rights too, which we as Canadians cannot erase.

That comes down to the point that needs to be made here today. We would like to help Nathalie be repatriated. That will not change. We are ready to repatriate Nathalie. We cannot, right now, through any means, law, or regulation repatriate children who are Saudi citizens, because their father has rights in the country of origin. That is just the way it is. We are continuing to monitor. We are going to continue to monitor, because our government believes that we ought to be monitoring. However, this is a complex case that requires more time than what we've been allotted—

**Mr. Stéphane Beaulac:** More than four years....

**Mrs. Shelly Glover:** —and I assure you, the government is on it.

**Mr. David Sweet:** Mr. Chairman, is the time finished?

**Mrs. Shelly Glover:** One last comment—

**The Chair:** Yes, but I did say we'd have a little extra time here for the response.

*Madame Durocher, s'il vous plaît.*

[Translation]

**Mrs. Johanne Durocher:** Nathalie was repatriated only once—in 2006, at my expense. When Mr. Obhrai visited Nathalie, Ms. Huda Alsunari, from the Saudi Arabian Human Rights Commission, was present. She had already been working on the case for several months. The Human Rights Commission had been dealing with the case before Mr. Obhrai's visit. I also want to point out that I recently spoke to Mr. Al-Qahtani. I am not sure that I have his name right. He is the vice-chair of the National Society for Human Rights in Saudi Arabia. He did not know who was dealing with Nathalie's case, either at the embassy or here in Canada.

I would just like to close by saying that Saeed Al Shahrani sent a letter last week, in which he stated that if the Canadian government wanted to repatriate Nathalie, he would not be the one to decide. Rather, Prince Naif and his government would have the final say. However, if the Canadian government does not negotiate with King Abdallah, Prince Naif or the Department of the Interior, Nathalie will not be able to return. That is what Saeed said, and I have that in writing. Saeed is not the one who will make the final decision; the government and King Abdallah will.

[English]

**Mr. Stéphane Beaulac:** This case is not about whether or not the Canadian charter applies extraterritorially. This case is about consular assistance to the benefit of a Canadian citizen in a situation of peril abroad. It is a red herring and an excuse to invoke issues of extraterritoriality.

Decisions on diplomatic protection are made in Ottawa on Canadian soil. Even a first-year law student knows they are submitted to the Canadian Charter of Rights and Freedoms.

Second, whether or not my expertise is in family law is, in my view, irrelevant, because the problematic aspects with regard to Nathalie Morin involve international law.

**Mr. David Sweet:** Mr. Chairman, this is absolutely germane to the closing comments of Madam Durocher. Minister Cannon did meet with the prince today regarding this case. He spoke with him today.

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

**Ms. Marie-Ève Adam:** May I add something?

**The Chair:** Please do, but be brief. When you're finished, I'm going to ask that someone stay behind to provide any documents you might have to our clerk, who will take them and distribute them.

Please go ahead, Madame Adam.

•(1405)

[*Translation*]

**Ms. Marie-Ève Adam:** I want to extend my sincere thanks to you for allowing us to distribute the documents. That will dispel any ambiguities regarding Mr. Obhrai's visit. Indeed, an embassy report deals with Mr. Obhrai's visit, and he states that Nathalie was crying at the time.

However, I would like to come back to the child custody thing. Both parents must always be considered when children are involved. To begin with, the government is always referring us back to the Hague Convention. But that Convention does not apply in this case; it only applies when both parties are signatories. Canada is, but Saudi Arabia is not. Also, article 7 of The Hague Convention states that children who are mistreated by a parent in the country where they live are not required to stay in that country when their safety, their life or their health are in danger. In that case, the children can be removed from that parent. Here we have evidence that the children

are being mistreated and that it is not appropriate to leave them with that parent, who in fact is prepared to exchange them for money. The Hague Convention does not apply in such a case. I simply wanted to make that point.

[*English*]

**The Chair:** I think that basically wraps up the time we have. We've actually gone over. I apologize to our witnesses.

[*Translation*]

We started later than the time noted on the agenda. That was our fault. Thank you very much for your presentations regarding Ms. Morin.

[*English*]

Thank you very much.

The meeting is adjourned.

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