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Chair

Mr. Garry Breitkreuz

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•(0910)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): I'd like to bring this meeting to order. This is meeting number 24 of the Standing Committee on Public Safety and National Security. We are dealing with Standing Order 108(2), a study of the report of the commission of inquiry into the events relating to Maher Arar.

We would like to welcome our witness this morning, the Commissioner of the Royal Canadian Mounted Police.

Mr. Zaccardelli, welcome to the committee. We appreciate your coming before us today.

Mr. Mark Holland (Ajax—Pickering, Lib.): I have a point of order.

The Chair: A point of order.

Mr. Mark Holland: Mr. Chairman, further to pages 861 and 862 in Marleau and Montpetit, I would ask that the witness be sworn in.

The Chair: Okay. Does the committee consent to that?

Some hon. members: Agreed.

The Chair: Are there any objections?

Okay. We will have the witness sworn in.

Go ahead, sir.

Commissioner Giuliano Zaccardelli (Royal Canadian Mounted Police): The evidence I shall give in this examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

The Chair: Thank you very much.

Commissioner, we usually allow an opening statement of approximately ten minutes, or whatever you need. Then we'll open it up to questions, beginning with the Liberal Party. So when you're ready, you may begin.

Commr Giuliano Zaccardelli: Thank you, Mr. Chairman.

Good morning, ladies and gentlemen.

[Translation]

Good morning, ladies and gentlemen. I am pleased to be here today and to have the opportunity to review and discuss with you a number of matters arising from my appearance here in September to discuss Justice O'Connor's report of the events relating to Maher Arar.

[English]

My last appearance before this committee occurred, as you know, within a fairly short time of the release of the report. I know that the committee shared my desire to hear the response of the RCMP as soon as possible, and I personally believed it was important to extend an apology to Mr. Arar and his family without delay. I also looked forward to sharing with the committee details on the important work the RCMP is doing to implement the recommendations.

As a result, I believe that some aspects of my prior testimony could have been more precise or more clearly stated. A number of misconceptions have resulted, and, as I indicated in my letter to the committee, I have been anxiously awaiting the opportunity to set the record straight, both for the committee and the Canadian public.

At this point I believe it would be helpful for me to outline a number of key facts, including what I personally knew and when, what was included in ministerial and other briefings, and the matter of our organizational response.

[Translation]

The following facts are itemized and confirmed within Justice O'Connor's report.

[English]

In the fall of 2001, Mr. Arar was legitimately identified as a person of interest in the post-9/11 RCMP counter-terrorism investigation known as Project A-O Canada. At that time, Mr. Arar and Ms. Mazigh, as part of a request to U.S. Customs, were included in a list that resulted in their being inaccurately described as "Islamic Extremist individuals suspected of being linked to the Al Qaeda terrorist movement".

[Translation]

After this, Mr. Arar moved in and out of the United States on two occasions without incident. Indeed, Justice O'Connor concludes that he could not ascertain with any certainty what steps were taken by the Americans as a result of the request.

[English]

I think it is important to note here that Justice O'Connor states that senior officers were generally aware that the U.S. Customs request had been made, but not of its specifics, nor, I can tell you, would they ever receive that level of detail in the reporting relationship.

In the spring of 2002, the RCMP shared information with their American counterparts in the form of three CDs containing extensive documentary information collected during the investigation to date. Of these documents, 94 made reference to Mr. Arar, and some inaccurate factual information was later found in them by Justice O'Connor.

In July, Project A-O Canada learned that Mr. Arar and his family had left Canada for Tunisia. The investigators later referred to this departure as "sudden". They also characterized the conditions placed by Mr. Arar's lawyer on an interview as a refusal. Justice O'Connor found that these were two instances that contributed to an incorrect and potentially inflammatory picture of Mr. Arar. However, during this time period there was no recognition within Project A-O Canada that such an incorrect portrayal was emerging.

In September 2002, Mr. Arar was detained by American authorities while travelling through New York. In discussions with the Americans at this time, the RCMP were clear that Mr. Arar could not be linked to al-Qaeda. They informed their U.S. colleagues of this in both written and personal communications. Staff involved were consistent in their approach and continued to tell the Americans that the RCMP had no basis to detain Mr. Arar, to charge him with a criminal offence, or to prevent him from re-entering Canada.

On October 5 and 7 respectively, RCMP staff advised the FBI that the RCMP could not link Mr. Arar to al-Qaeda. Here, Mr. Chairman, I will refer to my letter that I sent to the committee on November 2. In the letter, I state:

Nevertheless, the fact remains that RCMP investigators clearly informed U.S. officials that there was no evidence to support criminal charges against Mr. Arar in Canada, that he could not be prevented from entering Canada and that we were unable to link him to Al Qaeda.

This should have had the effect of correcting any inaccurate information that had been provided previously. When I stated on September 28, 2006, that we had corrected the record, this is what I was referring to. While my remarks could have perhaps been clearer, I think Mr. Easter recognized the unfounded basis for some of the committee's questions when he cautioned against reading too much into what I had said.

On October 11, 2001, I was formally briefed that Mr. Arar had been removed to Syria by U.S. authorities, that the RCMP had shared our investigative material with them, and that Mr. Arar was considered to be a person of interest.

• (0915)

[Translation]

Again, as Justice O'Connor clearly states, it is important to reiterate that no senior staff—including myself—were told of the inaccuracies in the information provided to the Americans.

[English]

Over the fall of 2002 and spring and summer of 2003, the RCMP continued to interact with Canadian agencies, such as PSEPC, DFAIT, CSIS, and PCO, to ensure that ministers were appropriately briefed on the circumstances relating to Mr. Arar.

Deputy Commissioner Garry Loepky was the primary lead for the RCMP. When representing the RCMP at numerous and regular

interdepartmental meetings, he expressed what was known to us at the time: that the RCMP had shared investigative material with the U.S., that the RCMP had told U.S. officials that it could not charge Arar criminally or refuse his entry into Canada, and that the RCMP could not indicate links to al-Qaeda.

Deputy Commissioner Loepky periodically and regularly briefed me, and Minister Easter was also briefed, regarding the situation as I have described it. Specifically, in November 2003, Minister Easter was given a comprehensive operational briefing, which included that Mr. Arar was deported to Syria unilaterally by American authorities, that the RCMP had shared investigative information, and that Mr. Arar remained a person of interest.

I think it is important to note that for the RCMP, Mr. Arar remained a person of interest during the whole period I have outlined. This is what I knew—all that I knew—during the three years from Mr. Arar's deportation until the release of Justice O'Connor's report.

On this key question of what was known by whom and when, I think it is helpful to really reiterate two statements from Justice O'Connor's report.

The first statement, with regard to the inaccurate information that was contained in the 2001 U.S. Customs request, Justice O'Connor states that "senior officers...were not apprised of the fact that Project A-O Canada had described Mr. Arar and Dr. Mazigh as Islamic extremists in its border lookout request to U.S. Customs."

Second, with regard to the questions the RCMP sent to the American authorities while Mr. Arar was detained in New York, he states:

...I note that the senior officials at "A" Division and in the Criminal Intelligence Directorate (CID) were unaware that the communication was being sent...

It was during the inquiry that the compilation of all facts related to the events surrounding Mr. Arar were painstakingly pieced together by Justice O'Connor. But it is important to remember that Justice O'Connor confirms what I, too, believe: that no bad faith could be attributed to members of Project A-O Canada. This is made even more evident by the fact that Project A-O Canada staff did not identify or report any inaccuracies to senior staff, believing that any information used by the U.S. would be verified and that Mr. Arar would be subject to due process, as is standard operating procedure for police.

As I've noted before, the decisions made by senior officers, which I support, have been to accept these problems at an institutional level and to put into place corrective measures that focus on, first, strong central governance; second, information sharing; third, extensive training; and fourth, effective integration. Such measures are designed to increase our organizational effectiveness in the very challenging arena of national security and terrorism and to ensure that similar problems never reoccur.

As former Deputy Prime Minister and Minister of Public Safety, Anne McLellan, told this committee just last week:

Accountability takes very many forms, and we have to get past the notion that heads must roll to have accountability. Sometimes maybe they should.

It may mean that you change the procedures that you had in place that led to the mistake, to make sure that it doesn't happen again.

In other cases it will be something else that is perhaps more important in terms of the culture of that organization.

• (0920)

Mr. Chairman, I want to be very clear about the significance of what I have said here today. For a government official, nothing is more fundamental than ensuring that the information they provide to ministers is accurate and complete. To improperly withhold information or to misrepresent facts is a cardinal sin. If I had been guilty of such actions, no one would have to ask for my resignation, Mr. Chairman. The facts of the matter are, however, that due to circumstances I have described, we were unaware of some important information until the completion of Justice O'Connor's inquiry this year. My colleagues and I deeply regret that mistakes were made, but it is important to recognize that at all times we acted in good faith.

Finally, before we move to questions, I would like to thank you for giving me this opportunity to speak with you today. As I stated on September 28, it is such steps that assure all Canadians of the existence of transparent, accountable, and responsible leadership within the Canadian democratic system that is the very bedrock of a safe and civil society.

Thank you. *Merci*.

The Chair: Thank you very much, Commissioner Zaccardelli.

As is the usual practice at this committee, we begin questioning with a seven-minute round. All political parties participate, beginning with the official opposition.

Mr. Holland, I believe you have some questions for the Commissioner. Go ahead, sir.

• (0925)

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

Thank you, Mr. Zaccardelli, for coming before the committee today.

I'd like to start with a quote from September 28. The quote is: "...I found out that investigators were speaking with American officials while he was in detention." The "he" is Maher Arar. "...I learned that in this process they tried to correct what was labelled as false or incorrect information with regard to Mr. Arar." ... "That was my first point of knowledge about the matter..."

This wasn't one reference. We count eight separate references saying precisely the same thing, stating that your first point of knowledge of this matter was much, much earlier than you are saying today. Because you are now saying today that you were in the dark and you didn't know anything until Justice O'Connor's report came forward, I'm wondering on which day you perjured yourself before this committee, today or September 28?

Commr Giuliano Zaccardelli: Mr. Holland, I first had an opportunity to read Justice O'Connor's report when I returned from overseas. As soon as I received the 1,200-page report, I immersed myself in that report, and I tried to come before the committee as quickly as I could. We had contact with the committee. I tried to get as many of the facts as I possibly could.

I have to honestly tell you that in preparation for coming here on September 28, I thought I was preparing myself to deal mainly with

the recommendations on the way forward. When I came here and testified, I gave the best answers with the best knowledge I had at the time. Subsequent to my testimony, in reviewing my testimony and in hearing comments, I realized that some of my testimony and comments were not as precise as they possibly could have been. That is why I did everything I could to try to get back before the committee to correct the record. The information I gave on the 28th was the best information I had.

The first time I became aware of this matter was in 2002, after Mr. Arar was in Syria and it became very public. It was then that I started to inform myself. That's the first time I started.

Mr. Mark Holland: Let me say this. On the basis of what you said today and on the basis of what you said on September 28, there really are two conclusions that one could draw, depending upon which version of what you put before the committee we're going to take.

One is that you knew nearly from the beginning and that you did very little. To be honest, when we go through the testimony and we hear both what you said and subsequent information that we obtained from Shirley Heafey, who is the former RCMP public complaints commissioner, who stated that the RCMP stonewalled her when she was trying to get information about national security cases.... She is on record as saying that the RCMP's direct refusals to release files for investigation of public complaints was an attempt to frustrate the complaints process.

Mr. Dave MacKenzie (Oxford, CPC): I have a point of order.

The Chair: One moment, Mr. Holland.

Mr. MacKenzie, you have a point of order.

Mr. Dave MacKenzie: She never appeared before us as a witness.

Mr. Mark Holland: I didn't say she did. I said that in reviewing the information and from the information I was able to get, I found these statements—

Mr. Dave MacKenzie: I think you need to make that more clear.

Mr. Mark Holland: No, she never appeared before this committee, but these are statements by Ms. Heafey, who was the chair of the RCMP public complaints commission.

Let me finish, because this is important.

The second conclusion, if we are to accept it—and I find it extremely hard to accept the second possibility—is that you were in the dark and you knew nothing, that as head of the RCMP you were so out of touch with your organization that you had no idea what was going on and you weren't asking questions in that period of time.

Both conclusions are unacceptable. Frankly, to be honest with you, one way or the other, you either misled the committee or you did not tell the truth before this committee.

The question is really no longer whether or not you should be fired, Mr. Zaccardelli. In my opinion, it's not. That has been made clear today. The question is why the government, Minister Day, and Prime Minister Harper went to such extraordinary lengths to protect you.

In the ten days intervening between September 18, when the O'Connor report was released, and September 28, I want to know what happened. What meetings took place? What discussions occurred?

This is what I want to get to, because I don't understand. When we had Minister Day before this committee, he said that he and the Prime Minister stood 100% behind you. We reserved judgment. We waited, we listened, and we said let's make sure we get everything in front of us. They didn't. Despite all the contradictions, despite all of the problems, and despite every reason in the universe to at least take a pause and ask some questions, they asked none. It was left to us on this side, all of the opposition parties, to ask questions.

Let me go to that intervening period of time. When you appeared before this committee at the time I'm referring to...can you tell us if you met with Minister Day between September 18 and September 28? If so, what was the content of the meeting? What was discussed? Was there any discussion on a communication strategy for how to deal with it?

• (0930)

Commr Giuliano Zaccardelli: Mr. Chairman, out of all of that, there are two questions that I want to address.

First of all, as I've said in my statement, I want to be very clear—and Justice O'Connor states this in his report—that no senior officer was aware of any of the errors and mistakes and mislabelling of Mr. Arar in the report.

Mr. Mark Holland: Mr. Chair, I—

Commr Giuliano Zaccardelli: I would like to finish my answer, Mr. Chairman.

Mr. O'Connor states that in his report very clearly. I and my senior officers became aware of the errors and mislabelling at the conclusion of Justice O'Connor's report. It is only Justice O'Connor who takes all of these various elements of the mistakes and the mislabelling and brings them together, as an auditor, to examine these, brings them together and comes to this conclusion. That's the first time it was all brought together, and in his report he states very clearly that no senior officer was aware of that.

In my testimony on September 28, I clearly inferred that some of the knowledge I got when I read the report. I implied that I may have had it in 2002. That was a mistake on my part, and that's why I wanted to come back here to correct the record. But that is very clear, and it's important for the committee to understand that.

No senior officer was aware of it, and all of us became aware after the report was published by Justice O'Connor.

With respect to the second question that Mr. Holland raised, I will go to the point of my discussions with the minister relative to the so-called muzzling, as you called it the last time I appeared, Mr. Holland.

Mr. Chairman, the report was issued on September 18. I was overseas. I was in Brazil at the Interpol conference. That was on the Monday that the report was issued. I came back late Wednesday afternoon. I went to my office, I changed, and I went and met with Minister Day.

We had a discussion about the report. He asked me if I had read the report. I told him I had just gotten the report and I was in the process of trying to read it. I had not slept because I had flown all night. He said, "You should get some sleep." That's what I did.

I read the report, and then the next day, the next morning, I was in my office and I got the first indication that this committee might be meeting. So I called the minister's office and I set up a meeting. At the same time, that day I wrote a letter to the minister indicating my desire to appear before the committee and to make a public response to the report.

We met the next day, Mr. Chairman, and we—I'm sorry, not the next—on Thursday. That was when I wrote the letter, and I had the discussion and heard that the committee might be meeting.

On Friday I met with the minister. The minister and I discussed the report and we discussed the possibility of the meeting. By Friday afternoon we had indications that the committee would be meeting on Tuesday. We both agreed that would be the ideal time and place to have my first appearance.

That's exactly what happened. That's what transpired between the minister and me. At no time, Mr. Chairman, was I ever directed, was I ever given any instructions, was I ever sent any indication that I was not to talk about it. We understood that this committee was to meet as soon as possible and we agreed that this was the proper place to explain what happened.

The Chair: Thank you very much.

Monsieur Ménard, seven minutes.

[*Translation*]

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

I'd like to begin by asking you a simple question. What should a police officer do when he finds out an innocent person is in prison, likely because of a mistake on the part of subordinate officers?

[*English*]

Commr Giuliano Zaccardelli: Well, this is an interesting question, Mr. Chairman, because if one reads the report, is aware of the report, one would see that Mr. Arar was a person of interest from the moment he came into this file. He maintains that designation in the investigation.

And again I go to Justice O'Connor. He was a person of interest before he was detained in New York. He continued to be a person of interest when he was in Syria. He continued to be a person of interest until Justice O'Connor issued his report that said he was not involved in any criminal activity or any terrorist activity.

Mr. Arar was always considered a person of interest, and Justice O'Connor states that. That's why he supports that the investigation by the RCMP was legitimate and we were entitled to pursue that investigation. He was always a person of interest, Mr. Ménard.

•(0935)

[Translation]

Mr. Serge Ménard: Commissioner, I don't think you've answered my question. Since we don't have a great deal of time, I'll settle for that answer. Not answering the question is an answer in and of itself, as I'm sure everyone understands.

[English]

Commr Giuliano Zaccardelli: If I could add to that question, Mr. Ménard—

[Translation]

Mr. Serge Ménard: When you were last here, I asked you the following question: when did you become convinced that Mr. Arar was not connected in any way with a terrorist organization?

You told me, as you had told Mr. Cotler, that soon after Mr. Arar was arrested, deported to Syria and imprisoned, you learned the facts of this case and became convinced of his innocence.

Do you stand by that answer?

[English]

Commr Giuliano Zaccardelli: Monsieur Ménard, I want to clarify that matter. As I said, I am here to clarify any misinformation that I may have provided inadvertently.

I learned of Mr. Arar and the errors that were made related to him and the mislabelling of Mr. Arar once Justice O'Connor issued his report. And Justice O'Connor supports that, because he says that is when senior officers were not aware of those mistakes and that mislabelling.

I apologize if I, in any way, gave the wrong impression when I testified the first time, but that is what I want to clarify here today.

[Translation]

Mr. Serge Ménard: I understand. So then, you admit that your initial testimony before our committee may have left us with the wrong impression.

Commr Giuliano Zaccardelli: I do. And that's why I wanted to clear up any misconceptions here today, Mr. Ménard.

Mr. Serge Ménard: I see. Wouldn't it have been more appropriate to do that the first time around...? As you can tell from my questions, I was convinced at the time that you knew Mr. Arar had no ties whatsoever to any terrorist organizations at the time of his detention in Syria.

When I asked you this question, Commissioner, you responded that immediately upon learning of Mr. Arar detention in Syria, you asked to see his file. You knew that an error by the RCMP had led to this chain of events. According to everyone, you left him to rot in a Syrian prison for almost a year. In the minds of most, but not all, Canadians, prior to the release of Justice O'Connor's report, Mr. Arar was linked to terrorists and you knew that was false. I said as much to you on September 28 last.

I then asked you this question: why is it that you did not find some way to intervene and advise the minister personally of this mistake?

In essence, why did you not do everything in your power to gain Mr. Arar's release and to restore his reputation prior to the report's release?

Would this not have been a good opportunity, Commissioner, if what you're telling us this morning is true, to correct our impression that you knew, while Mr. Arar was being detained in a Syrian prison, that he had no ties whatsoever to terrorists and yet was being detained in one of the worst prisons in the world?

[English]

Commr Giuliano Zaccardelli: Mr. Chairman, again I go back to my previous answer. I tried to inform myself as best I could from reading the report. I wanted to appear as quickly as possible. I've indicated that I may not have totally represented the facts as they were, but Justice O'Connor, in his report, very clearly states that no senior officers were aware of these mistakes or this mislabelling—none of us were. We only found out after Justice O'Connor brought all of these things together through his exhaustive analysis.

I use the analogy of an audit, Mr. Chairman. An audit often goes into a large organization and takes disparate pieces of information and brings them together, and then we can see the picture. Mr. Arar was neither innocent nor guilty for us; he was a person of interest from the beginning right till the end of the report. Again, Justice O'Connor states that we had every right to consider him a person of interest throughout this ordeal, and that's what I've tried to clarify here today.

•(0940)

[Translation]

Mr. Serge Ménard: Answer me yes or no, Commissioner. When Mr. Arar was being held in a Syrian jail, did you know, firstly, that he had no links whatsoever to any terrorist organizations and secondly, that he had most likely been sent to one of the worst prisons in the world on the strength of erroneous information passed along by the RCMP to US authorities? Did you know this?

[English]

Commr Giuliano Zaccardelli: Again, Mr. Chairman, for us, Mr. Arar was always a person of interest. I did not learn about the mislabelling or the mistakes until after the conclusion of Justice O'Connor's report. Therefore, I could not have known that when he was detained in the United States or in Syria. I only learned of the mislabelling after the conclusion of the report.

[Translation]

Mr. Serge Ménard: So then, why did you not clear up any misconception I may have had when I put the question to you last time around?

[English]

Commr Giuliano Zaccardelli: Mr. Chair, can I answer that?

The Chair: Yes, go ahead.

Commr Giuliano Zaccardelli: Again, I have stated that if I was incorrect or if I wasn't as precise as I should have been, I'm here to correct that mistake. I accept that I may have made a mistake in some of my answers, and I have looked forward to correcting that ever since I learned about it, when the media started to report some of this.

The clerk knows that my office tried to get hold of the clerk to come back. I wrote to the committee, Mr. Chairman, to get back here as soon as I could. I did everything I could once I realized that I might not have been as precise as possible in my testimony.

The Chair: Thank you, sir.

Mr. Comartin for seven minutes, please.

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

Thank you, Commissioner, for being here.

I have to say to you that in the letter to us, you said something about where there was a misperception of your evidence when you came the first time, and you're repeating that today. I have practised law in the courts for 27 years, and I've read the transcript of your testimony. I've read it a number of times, Commissioner.

In response to four different members, including Mr. Cotler on the second occasion, you repeated over and over again that you knew, and the upper level of the RCMP knew, as early as when Mr. Arar was being detained in New York, that false and misleading accusations against him had been conveyed to the Americans. You repeated that, sir, at least five times in your testimony.

So will you agree with me that this isn't a misperception on the part of the people who asked those questions that day? It's not a misperception on the part of the people who listened to your testimony that day. This was a straight mistake on your part of conveying that information to us.

Commr Giuliano Zaccardelli: Mr. Comartin, I totally accept that I made a mistake, and again I can only attribute that to my rush to get before you, in front of the committee, and to my trying to absorb as much of the 1,200 pages of the report as I possibly could.

Clearly I made a transfer of the knowledge that I had acquired in 2006 to what I knew in 2002, which was incorrect. I accept that I made a mistake in this situation.

Mr. Joe Comartin: Then the information, which you gave us on these false accusations against Mr. Arar being communicated to your political masters—and I suppose I have to say mistresses as well—to the ministers in that period of time, was also incorrect, because there was no way you could have communicated this information if you didn't have it.

Commr Giuliano Zaccardelli: What I communicated to the minister through the briefings was the information, which we had, that he was a person of interest, that we had exchanged information, and so on.

This is why Minister Easter and others have testified that I didn't brief them about it. I couldn't have briefed them because I didn't know that information. I gave them all the information I had at the time.

Mr. Joe Comartin: Commissioner Zaccardelli, one of the troubling parts of your testimony is now a problem for me. In those five or six times—or maybe Mr. Holland is correct that you repeated the story eight times—you said that we, meaning the RCMP, had attempted, both while Mr. Arar was in custody in New York and while he was in custody in Syria, to correct the false information. You did. You repeated this a number of times. How could you have

corrected false information when you didn't know there was false information?

• (0945)

Commr Giuliano Zaccardelli: Mr. Comartin, that's a very good question. What I knew was that the members at the time transmitted certain information to the Americans about what Mr. Arar's status was to the RCMP. We told the Americans four days before he was deported that we can't link him to al-Qaeda, we can't lay a criminal charge against him, and we can't detain him or prevent him from coming to Canada.

Now I realize that when the members were telling them, they weren't actually telling them to correct the record, because as I've learned since, when the members testified before O'Connor, they said that if the Americans had this wrong impression or false information, the testimony or information about Mr. Arar not being linked to al-Qaeda was given to them and should have corrected the record. That's what I was referring to about correcting the record.

If the false information had gone, which we didn't know had gone, the effect of telling the Americans that we can't link him to al-Qaeda, we can't arrest him, and we can't detain him should have been to correct the false information they may have had.

Mr. Joe Comartin: Mr. Commissioner, that just is not logical. It doesn't make sense. Why would your staff be correcting something that they didn't know...? Why would they be talking about correcting anything? Why would they simply not be saying he's a person of interest, and stop at that point? Where does the link with al-Qaeda, or his being a terrorist, an Islamic fundamentalist, or a fanatic...? Why would they be addressing that to the Americans unless they knew?

That, Mr. Commissioner, is really my problem. Is there more information that they communicated to the Americans that didn't come out in the O'Connor report and that you've not disclosed to us?

Commr Giuliano Zaccardelli: Absolutely not to my knowledge, Mr. Comartin. What took place is, the Americans had Mr. Arar in detention. They called the Canadians and said, what do you have on him? Can you detain him? Can you charge him? At that point the response was no, we don't have anything to link him to al-Qaeda, we can't charge him, we don't have any evidence to charge him, we can't detain him, and we can't prevent him from coming back in. That's all they passed on.

Mr. Joe Comartin: Sir, are you absolutely certain those questions came from the Americans, or was that us—the Canadian officials—being defensive?

Commr Giuliano Zaccardelli: No.

Mr. Joe Comartin: Have you looked at the specific exchanges that went on at that time?

Commr Giuliano Zaccardelli: I did look. That was my first entry into the file—looking at that exchange. That's contained in Justice O'Connor's report. He clearly states that. The members themselves, when they provided that information in 2002, were providing it not with the objective of correcting anything, because they actually didn't know that any errors had been made; this is one of the issues. They were simply responding to an American request as to whether they could arrest him or whether we could detain him. They simply gave him what we considered Mr. Arar to be in Canada, regardless of the mistakes, the mislabelling that had taken place.

The members only testified to the question of possibly having a corrective effect when they testified in front of Justice O'Connor. They said, if the Americans were unsure of what we had on him, what we told them at that time should have clearly put them in the knowledge that we couldn't arrest him or do anything with him.

The Chair: Go ahead.

Mr. Joe Comartin: Do you know, today, who the people were, within your force, who put Dr. Mazigh and Mr. Arar on that customs list?

Commr Giuliano Zaccardelli: I don't know the specific name, but I know the people who prepared that list.... It's important to remember that the list contained a number of suspects who were clearly identified by the RCMP in an investigation as Islamic extremists. Mr. Arar and Ms. Mazigh were add-ons to that list. So a number of people on that list were legitimately classified as Islamic extremists. The mistake was that when they added on Mr. Arar and Ms. Mazigh, they didn't indicate that those two were only persons of interest; they didn't distinguish that. There is an individual in the RCMP who actually did that, but that person—and Justice O'Connor accepts that testimony—did not believe they were doing anything wrong when they put that person on the list. That's why that issue never was briefed up, along with the other mistakes that were made.

• (0950)

Mr. Joe Comartin: Even after the fact, they never came to tell you? When it became so obvious to any Canadian citizen in this country how damaging that was to him, they never disclosed it to you?

Commr Giuliano Zaccardelli: But they didn't realize it. No, it never came up—only when Justice O'Connor brought it all together.

The Chair: We have to wrap up this final round of questioning.

Mr. MacKenzie is next, please, for seven minutes.

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

Thank you, Mr. Commissioner, for being here.

I understand that yesterday, Commissioner, you attended a public function and spoke about the Arar case. I'd just like to read to you one quote from there, talking about the inaccurate information:

This was not recognized by the RCMP at the time, and senior officials, including myself, were not informed until the Commission of Inquiry completed its work. All the above information is documented and detailed in the Justice O'Connor's report.

My friends opposite have talked about the differences, and I would read to you a couple of other quotes from September 28, from the record. One of your answers was:

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

And then on to Mr. Ménard again:

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

Then you went on to say, again in answer to Mr. Ménard:

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

I think Canadians legitimately would question what's happened here. I know you've indicated that after reading Mr. O'Connor's report, but I don't see what Mr. O'Connor's report has to do with either one of these situations.

I think it was pretty clear to the committee—and I understand why our friends opposite are upset—that on September 28, you were very clear about when you learned what you learned and some of the information that was passed. Can you tell us how that difference comes about today?

Commr Giuliano Zaccardelli: Sir, the difference comes about today because, since my testimony on September 28, I have read and reread and reread again. I have tried to inform myself, as best I could.

I realized after my testimony that my testimony was not as precise and as accurate as it could have been, and that I had made a mistake. Therefore, I did two things. I tried to come back before the committee as quickly as I could, and I informed myself by reading the report as many times as I could and by talking to other people about it.

I recognize that I made a mistake in inferring or leaving the impression that I knew information about those mistakes in 2002, when in fact I couldn't have known. I knew the information in 2006, because from the moment I picked up the report until I testified here, I was absorbed with this report. I clearly made the mistake of inferring that the knowledge I was acquiring from the report, in reading it in 2006, was actually knowledge that I had in 2002. I clearly didn't have it then, and Justice O'Connor clearly states that I didn't have it.

One other point I would make is that if I knew that information at that time, or if any of my senior officers knew at that time, I think Justice O'Connor, in his exhaustive report, would have probably picked that up and pointed it out, because it does become a very important issue. But Justice O'Connor does not.

So as I said, I accept that I was imprecise and made a mistake. My mistake seems to be constant in my answers, but I'm here to try to correct that as best I can.

• (0955)

Mr. Dave MacKenzie: But, sir, with all due respect, as a police officer...I recognize that we keep notes and our staff members keep notes. Since September 28 until today, you haven't gone back and verified with anybody what you had said to us then? You're only relying on what you've read in Justice O'Connor's report to say that you made a mistake?

Commr Giuliano Zaccardelli: No, I have reread my testimony. Absolutely.

Mr. Dave MacKenzie: I mean the notes and the information from whomever. When you said to us that you learned the investigators had passed on wrong information and tried to correct it—and we're talking about back in 2002. Since September 28 until yesterday, when you publicly said you hadn't had the information, did you go back to any of those people?

Commr Giuliano Zaccardelli: I'm sorry, I—

Mr. Dave MacKenzie: All I'm saying is you were very clear to us on September 28 that investigators had informed you that mistakes had been made.

Commr Giuliano Zaccardelli: But that was incorrect because they had not informed me.

Mr. Dave MacKenzie: All I'm saying is, have you gone back to them since then and confirmed that they did or they didn't tell you anything, or are you relying on what's in Mr. Justice O'Connor's report?

Commr Giuliano Zaccardelli: Well, I have gone back to my senior officers, and none of them was informed. I have talked to my senior officers, and they've verified with me that the reason they didn't brief me was because they were not aware of it. This is consistent with what Justice O'Connor says in his report, that no senior officer was aware. The briefing up didn't take place because the investigators, who were separate and apart...and this was never brought together until Justice O'Connor brought all these small pieces of information together. They didn't believe they were actually making mistakes at the time, and Justice O'Connor accepts that. That's why it was never briefed up.

Mr. Dave MacKenzie: Are you saying that no debriefing took place between your staff before Mr. Justice O'Connor's hearings began? That was an issue that was pretty prominent in the news. Typically, we would have debriefings and review it. Didn't that occur?

Commr Giuliano Zaccardelli: Well, the debriefings took place between—

Mr. Dave MacKenzie: Debriefings between staff—

Commr Giuliano Zaccardelli: Yes, there were debriefings about some of that, but I was in the position where I had to be very careful about what was coming out of Justice O'Connor's inquiry, because Justice O'Connor had the mandate to bring all this together, to analyse it. I could not intervene on any one section because then I would run the risk of intervening in Justice O'Connor's inquiry, and we had to wait until we saw the full picture before we could fully analyse it. It would have been irresponsible of me to intervene just after one or two witnesses. You want to wait until the whole picture comes out, which occurred when the report came out on September 18.

Mr. Dave MacKenzie: Okay, I understand that, but Mr. Justice O'Connor wasn't appointed to hold that inquiry until late in the day. Between the time of Mr. Arar being released and brought back to Canada and his appointment, were there never senior staff or investigators debriefed as to what had gone on?

Commr Giuliano Zaccardelli: No, because the only thing we knew was the fact that he was a person of interest, that we couldn't charge him, and that he wasn't linked to al-Qaeda. The mistakes were not briefed up because the investigators didn't believe they had made a mistake, and that's what they testified to before Justice O'Connor.

For example, there is one point that Justice O'Connor talks about. In the amount of time between when Mr. Arar sold his house and went to Tunisia, there was a five-month gap. The investigators remarked in their notes that Mr. Arar departed suddenly from Canada. Justice O'Connor, in his conclusion, says it wasn't sudden—five months is not sudden—but that's a conclusion he draws at the end of the inquiry. The investigator didn't think that was a mistake. That was one of the inaccuracies and that was the issue here. These disparate little pieces of misinformation or errors were not seen as errors at the time, until Justice O'Connor did the comprehensive audit and brought it together and arrived at this conclusion.

The Chair: Thank you.

We'll now move to our second round, which is five minutes of questions and answers.

Mr. Alghabra, please.

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

Commissioner Zaccardelli, thank you for coming.

I want to try to briefly summarize what's going on.

Justice O'Connor's report describing a massive failure and violation of RCMP protocols in conveying false information to the American law agencies came out on September 18. Canadians were eagerly waiting to hear from you. It took ten days for you to come to this committee to give us your reaction. You said—it was very clear, not imprecise, not impressions—you had found out in 2002 about sharing misinformation with the Americans, that you tried to correct it, and that you shared it with ministers at the time.

I should also mention that between the 18th and the 28th, before your arrival at this committee, Minister Day was firm in his support of your office. In fact, there were reports that the PMO was not so confident at the time, and then they eventually conversed and stood together in supporting what you had done and said.

After your testimony, where you reported you shared that information in 2002 with the ministers at the time, three former ministers have come to this committee and told us they were never informed by you.

Then somehow, yesterday, you gave a speech to the Economic Club, clarifying these mistakes. By the way, I find that very interesting, because at the time—on the 28th—you said the reason you had not spoken publicly was because you thought this committee was the only proper forum to report to Canadians what you had done and hadn't done and what your responsibilities are. Yet yesterday you chose to make those statements in front of the Economic Club instead of this committee.

Having said that, today you told us you were forthcoming about meetings with Minister Day, even though it took a lot of effort from this committee to get some type of description from you at the time about whether you had any political meetings, or any meetings, with Minister Day. Now, today, you told us you met with Minister Day.

Could you please tell us when you met with Minister Day and who was present at the meeting?

•(1000)

Commr Giuliano Zaccardelli: Okay. Thank you very much, sir, for the questions.

Just on your last point, yes, at the last hearing on the 28th, I was not as forthcoming about explaining my meetings. The reason I couldn't do that was because I hadn't spoken to Minister Day. I thought it was proper to ask permission and talk to him about whether I could give evidence or speak about those discussions. That's why I didn't do it then. Since the 28th, I have talked to Minister Day and he said yes, go ahead and explain that. So I will explain.

Mr. Omar Alghabra: That's an interesting point. So you are admitting that Minister Day had some influence on how you testified and your statement. It's a very relevant point, and I'm glad you clarified it.

Mr. Mark Holland: Political interference.

Mr. Omar Alghabra: Can you answer my question, please?

I have very limited time, so I apologize.

I want an answer to this question. What did you discuss with Minister Day between the 18th and the 28th, and who was present at the meeting? Please, those are the answers I'm looking for.

The Chair: Please give the commissioner a chance to answer.

Commr Giuliano Zaccardelli: I have to clarify this point, because there was no influence. I simply asked the minister whether he would agree to me relating personal discussions that he and I had to this committee. I think that was the proper way to do it. It would be improper for me to relay discussions that took place between the minister and me without his permission.

As I said, I came back on the Wednesday afternoon. On the Thursday morning I learned that this committee might be sitting. I then wrote a letter to the minister that same day indicating that I was anxious to appear to respond to the issue. The very next day, I met with the minister. We discussed the matter. It was during this discussion that we found out the committee was sitting on the following Tuesday. We said this is the proper—

Mr. Omar Alghabra: Didn't the committee compel you to testify?

Commr Giuliano Zaccardelli: Not at that point. We heard about it, but we said very clearly that the first place to discuss this very important issue was before this committee. That's why I took so much criticism from the press. I didn't go out right away to speak to the press. I purposely held back so this would be the first place I spoke.

As it turned out, I wish I had actually had more time, given that I didn't fully grasp all the implications of the details of this report.

Mr. Omar Alghabra: Sir, who was present at the meeting when you met with Minister Day?

Commr Giuliano Zaccardelli: Mr. Day was present and his deputy minister.

Mr. Omar Alghabra: Were there any notes or briefing notes shared at the time that you can share with this committee?

Commr Giuliano Zaccardelli: No, there were no briefing notes taken; it was a very simple, short discussion. The committee was meeting, and we both agreed that it was the best place to do it, and that's why we set out to come here. But on that Tuesday you didn't sit, because the committee had some meetings, and it was put off until the Thursday. That was the 28th.

•(1005)

The Chair: Thank you very much.

Monsieur Ménard, five minutes.

[*Translation*]

Mr. Serge Ménard: Commissioner, are you still unaware of the reasons why the Americans decided to deport Maher Arar to Syria?

Comm. Giuliano Zaccardelli: I'm sorry...

Mr. Serge Ménard: Are you still unaware of the reasons why the Americans decided to deport Maher Arar to Syria?

Commr Giuliano Zaccardelli: I am.

Mr. Serge Ménard: You haven't received any additional information about Mr. Arar from US authorities?

Commr Giuliano Zaccardelli: None at all.

Mr. Serge Ménard: Yet, given the struggle that civilized countries and their allies are waging, when one country has information about a citizen of another country that is serious enough to warrant drastic action such as deporting that individual to Syria, where he is likely to face all kinds of risks, isn't it natural to share that information with the intelligence service of that person's country of citizenship?

[English]

Commr Giuliano Zaccardelli: Mr. Chairman, I do not know to this day the basis of the decisions by the Americans to send Mr. Arar to Syria. Justice O'Connor was not able to come to a decisive conclusion on that because, as he said, the Americans did not testify. I have no information I'm aware of that was shared between anybody relative to this matter, either the Syrians or the Americans.

[Translation]

Mr. Serge Ménard: So then, the Americans most likely decided to deport Mr. Arar to Syria after receiving exaggerated reports or erroneous information from the RCMP, knowing full well the fate that awaited him? Isn't that right?

[English]

Commr Giuliano Zaccardelli: Again, Justice O'Connor was not able to come to a 100% conclusion as to the basis of the American decision because no American testified. He did state that Canadian information, RCMP information, was in their hands, and he said some of that information very likely contributed to that decision. But he could not come to a definitive decision on that.

[Translation]

Mr. Serge Ménard: Commissioner, I find it unlikely that the Americans, had they been in possession of other information linking Mr. Arar to terrorist networks, would not have shared that information with Canadian authorities. I for one find it unacceptable that a police officer, upon learning that mistakes made by his subordinate officers had resulted in a person's imprisonment, would not do everything in his power to secure that person's release from prison.

I also find it unacceptable that the minister was kept in the dark. That's why I'm asking you to do the honourable thing and resign.

[English]

Commr Giuliano Zaccardelli: Mr. Chairman, I have repeated several times today.... I've tried to be as precise and as correct as I possibly can. I've admitted that I made a mistake and may have misstated certain things that were not as accurate.... I did not have any information about the mistakes or the errors that were committed by members of the RCMP, nor did any of my senior officers, until these came out in the report in 2006. Justice O'Connor clearly stated that. I quoted Justice O'Connor today. So to say I had that information at the time Mr. Arar was in New York or was in Syria is inaccurate.

[Translation]

Mr. Serge Ménard: Yet, you knew full well that this is what we understood when you gave your initial testimony. Yet, you didn't set us straight then. Could it be that in the interim, you have come to understand the serious nature of the information not contained in the O'Connor report, but that you have since shared with us?

[English]

Commr Giuliano Zaccardelli: Mr. Chairman, I've come here to try to correct the record and to be as forthright as I possibly can. I don't think I'm the first person who's ever come before a committee to clarify some issue that may not have been presented in the most appropriate way; I probably won't be the last. I've made mistakes in the past, and I probably will make them in the future, but I'm here to

correct the record as best I can and to assist the committee in arriving at its conclusions.

The Chair: Is there a final question?

Go ahead.

[Translation]

Mr. Serge Ménard: You told Mr. Cotler that upon learning of Mr. Arar's detention in Syria, you asked to see his file and realized that mistakes had been made and corrected. Therefore, you had all the facts you needed to understand that if the Americans weren't telling you anything more, it was as a direct result of these errors that Mr. Arar had been jailed and that consequently, an innocent person was in jail in Syria and that more than likely, the erroneous information found on file was likely the catalyst for the ensuing chain of events.

• (1010)

[English]

Commr Giuliano Zaccardelli: Again, Mr. Chairman, I did not learn of the errors and the mistakes and the mislabelling until the report came out. If I said anything that was inaccurate about what knowledge I had in 2002, I've tried to explain that I was absorbed by the report, and I probably made the mistake of transferring some of the knowledge I acquired in 2006 to what I knew in 2002. In 2002 all I knew was that Mr. Arar was a person of interest. He was from the beginning right until the conclusion of the report.

The other thing that I knew was that we could not arrest him. We could not charge him. We could not prevent him from coming back into Canada. That is all I knew. That is what I was told. That is what I briefed to the minister to the best of my ability, and we continued to provide that information to the minister to the best of our ability. That is what all our senior officers knew. Justice O'Connor clearly states that this information was not briefed because the investigators believed that this was not erroneous information. Justice O'Connor, in his exhaustive auditing of the file, brought it all together and came to this conclusion, which we have accepted totally. We have moved very far in implementing his excellent recommendations to try to prevent these types of mistakes from ever occurring again.

The Chair: Thank you very much.

We'll now go over to Mr. Brown for five minutes.

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

Commissioner, this really is a tragic episode in the storied history of the RCMP. I'm very disappointed.

Commissioner, you told Mr. Holland that you were not as precise in your answers as you should have been on September 28 when you testified here, and frankly, that really makes no sense. You were very precise. You gave us a timeframe of when you supposedly informed yourself. You described learning of the errors, and you even went so far as to give an excuse of the short response time for the misleading PCO briefing, which we now know to be completely false. Do you dispute this? What is your explanation for your false info about the PCO briefing, which I asked about on September 28?

Commr Giuliano Zaccardelli: Thank you for that question, Mr. Brown.

As to the question of the PCO briefing, as I tried to explain...and again, I was not as accurate as I could have been or should have been because that was the best information I had at the time. I stated that we had to prepare the brief within 24 hours. We actually had, I believe, about nine or fourteen days. The 24 hours comes in when I was actually briefed about the fact that my staff was briefing PCO and preparing the timeline. Twenty-four hours before we actually had to produce the timeline to PCO, my deputy advised me we had to give a brief in 24 hours. So I assumed we had 24 hours to prepare it. I was not aware—and I learned later—that we actually had nine or fourteen days during which we had actually started accumulating that information. Even though we had started nine or fourteen days before, we were not able to gather all the information that was actually out there, which we needed to produce.... That is why we provided the information as best we could, but in an incremental way. So when we did provide the first batch of information, we knew and we explained to PCO that it wasn't all that we had to give them, because we had not been able to physically bring out all that information.

So the 24 hours has to do with the fact that I was told there were 24 hours before it was to be delivered; my deputy told me we had 24 hours to deliver it. I thought, well, how could they give us just 24 hours? But actually we had been working on it for, I believe, nine or fourteen days, and there I'm not sure. Even in that period of time, we had not been able to gather it all, and we advised PCO that this would be coming to them incrementally, as best we could....

• (1015)

Mr. Gord Brown: Okay.

You also said that Justice O'Connor found all these facts that somehow eluded you. Now, Commissioner, the information that Justice O'Connor got about the RCMP errors came from RCMP officers. How on earth can it be that the commissioner can't get information from his own organization, even if he weren't misleading this committee and covering up the truth, as you are now claiming? Doesn't this suggest that you really failed in your duties as Commissioner of the RCMP?

Commr Giuliano Zaccardelli: Well, again, that's a good question.

You know, I have 25,000 employees. I have literally tens and tens of thousands of investigations and files that are out there at any given time. We have a system that tries to funnel the most important files, the ones that I need to be briefed on, and at what time and so on. This was a file that, remember, targeted a number of suspected Islamic terrorists. Mr. Arar is a peripheral figure; he's a person of

interest that comes into the file. This is not something that I would normally be briefed on. So when he did become of interest, after he was in prison in Syria, I did start to get briefed on the file.

Again, on the false information, as I've stated, and Justice O'Connor states, the members who actually produced the false information or the false labelling were not aware themselves that this was false information. It is only when Justice O'Connor brings it all together in an audited way.... This is normal in a large organization where you have disparate pieces of information all over the place. You don't know what they mean until somebody brings them together when an inquiry or an audit is done.

This is what happened in this case. That's why none of my senior officers was actually aware and that's why they couldn't have briefed me, because the people on the front end were not aware that these were errors or that this was a mislabelling. That's one of the big lessons from O'Connor. That's why we've put into place rigorous training. We've put in rigorous policy in terms of information sharing. That's what O'Connor has done for us, enabled us to really learn from this so that we don't repeat these mistakes again.

Mr. Gord Brown: Commissioner, this is very important. We had a man sent to Syria who was tortured. We have the taxpayers of Canada now potentially on the hook for up to \$400 million.

I want to quote a bit from what you said in your presentation today. We need to get past the notion that you were quoting former Minister McLellan, but we also need to get past the notion that heads must roll to have accountability. Sometimes maybe they should. Do you think maybe they should in this case?

I'm sure I'm running out of time, but the second part is that you referred to changes in the procedures that have to be in place. You talked a little bit about that. What other procedures are you putting in place to ensure that this never happens again?

Commr Giuliano Zaccardelli: As I said, based on Justice O'Connor's report, we now have a very rigid governance structure, which means that no information is shared outside of the RCMP without a series of vetting and review in headquarters. Then, that information is only shared once the most senior officers review it to make sure that all the policies are followed and are complete. That is a very rigorous and centralized governance structure.

We have extensive training now for members to be very sensitive to the fact that when you label someone, especially in a national security area, you can make a serious mistake or it can have serious repercussions if you're not very careful. This is something that we are taking even beyond our national security area. So there is a very rigid learning process.

The exchange of information is very tightly controlled. The training is much better now. We have new MOUs with CSIS. We have a very rigid and very detailed MOU so that we understand what each other is doing. We have actually put in place and are well down the road to incorporating all the lessons that we have learned from Justice O'Connor. That's why, although we can never guarantee, I believe we are a long way down the road to ensuring that this type of mistake never happens again.

But I must also come back to the point that Justice O'Connor made about the investigators. He said they were hard-working, dedicated investigators. They made honest mistakes. They didn't have any malintent. They did not do this with any intention to hurt anyone. They were doing the best they could in an environment that was very charged and very difficult. That is why Justice O'Connor, I believe, is very fair in terms of accountability. He takes into consideration the whole context in which they were operating and he gives us lessons learned, and he gives us the proper recommendations so that we don't do this again.

• (1020)

Mr. Gord Brown: Would you be supportive of a parliamentary oversight committee, a committee of parliamentarians?

Commr Giuliano Zaccardelli: As you know, later this month Justice O'Connor is going to be coming down with a report on oversight, and I will accept whatever recommendations the government agrees with and goes along with. I've stated in my testimony before Justice O'Connor that I will accept any oversight that is imposed or that is put upon us, because I cannot have any diminution of the trust Canadians have in their national police force. I will support any decision by the government relative to oversight, whether that involves the parliamentary committee or other types of committee or oversight.

The Chair: Thank you.

We're going to move to the third round here, but before we do, I have an obvious question. Following the meeting on September 28, you must have gone back to your senior staff and asked for some kind of a briefing. Could you describe any of the briefing notes that you would have been given by your staff? Could you also provide to this committee those corrective briefing notes that your staff would have given you? Would you be willing to do that, sir?

Commr Giuliano Zaccardelli: I honestly don't know if there are any briefing notes, Mr. Chair. When I went back after September 28, of course I sat down with my staff and with my advisers, and we reviewed what happened. Of course, then it started to come out about...I was advised that my answers were not as precise as maybe they could have been, and then we started again reviewing what was in the report. We started examining that to make sure, and getting the transcripts and looking at what I said, looking at how that matched against the report and what the actual information was and so on.

As you recall, shortly thereafter I believe members of the committee were talking with former solicitors general, and there were reports that the commissioner didn't brief, and the answer was that, well, no, we didn't get that, and so on. That's when we started calling the clerk and the committee to try to come back before the committee.

So there was a series of discussions in terms of analyzing my testimony, what was in the report, and what actually took place, but I will check, and if there are any notes or anything, Mr. Chair, I will certainly provide you with that.

The Chair: I'm thinking more that there must have been some kind of an investigation that you would have put in place within your own department to find out what happened. And you're saying there were no briefing notes that you received as a result of this?

Commr Giuliano Zaccardelli: We didn't do an investigation. What we did is we looked at what I had said, what the questions were, what my answers were, what O'Connor said, and what the testimony was in front of Justice O'Connor. That's what we concentrated on. That's what we looked at.

The Chair: Okay.

Mr. Cotler, are you prepared to begin the next round?

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

Commissioner, I have some questions that are really straightforward in terms of requiring just a factual answer. I think the answers may even be known already from the public record.

Is it the case that RCMP officials, under your overall superintending authority, gave false and misleading information to American officials—information that, in Justice O'Connor's words, likely contributed to Mr. Arar's deportation to Syria—and that this false and misleading information was subsequently corrected to American authorities by Canadian officials? You yourself have testified to that effect, I might add.

Commr Giuliano Zaccardelli: I think I would say, to the best of my ability, yes to the first part, in the sense that yes, we did provide that information, that information that was mislabelled, that was inaccurate. Yes, we did provide that—

Hon. Irwin Cotler: That's all I wanted to know, Commissioner.

Commr Giuliano Zaccardelli: —but there was a second part to your question; we never corrected that with the Americans.

Hon. Irwin Cotler: I thought you had stated that the false and misleading information had been corrected. Now you're saying it had not been corrected. I don't know which version, Commissioner, to appreciate in this matter, so let me go on.

Is it the case that the RCMP officials gave to American officials false and misleading information you never gave to Canadian officials, and that the information was corrected with American officials but never corrected with Canadian officials?

•(1025)

Commr Giuliano Zaccardelli: No. Information was given—and this applies to your first question—to Americans that our investigators did not believe was false or inaccurate, but that Justice O'Connor, in his report, finds to be inaccurate, false, and misleading, and we did not...so we never provided that information to our ministers, because we never believed.... I didn't have that information; it was never briefed up.

Hon. Irwin Cotler: Let me ask you this question, Commissioner. Did you know that the RCMP, in an unprecedented manner, to use Justice O'Connor's words, had supplied the entire SuperText database to American officials regarding Mr. Arar and any relevant investigations thereto?

Commr Giuliano Zaccardelli: I learned that from Justice O'Connor's report.

Hon. Irwin Cotler: You did not know that something as serious and as unprecedented as the conveyance of an entire SuperText database had been done without your authority and knowledge, though you are the overall superintendent official responsible for the activities of the RCMP? This had never been done, ever.

Commr Giuliano Zaccardelli: That's right. There are several points to that.

Hon. Irwin Cotler: Just answer yes or no. Did you know?

Commr Giuliano Zaccardelli: No, but they were unprecedented times. That's why there were unprecedented exchanges of information.

Hon. Irwin Cotler: I'm using Justice O'Connor's words, that this was an unprecedented conveyance.

Let me ask you the next question. Whatever version—

Commr Giuliano Zaccardelli: Well, Mr. Chairman—

Hon. Irwin Cotler: No, Commissioner, I just asked you it as a statement of fact. Your answer was that you did not know.

Commr Giuliano Zaccardelli: I didn't answer the question, Mr. Chairman. I want to be able to answer the question.

The Chair: Go ahead, Mr. Zaccardelli.

Commr Giuliano Zaccardelli: It was unprecedented, and I accept Justice O'Connor's report. If my memory serves me correctly, I may have seen one or two briefing notes that made reference to the fact that this extraordinary exchange of information between the Canadians and Americans did in fact take place, but that was also confirmed with Justice O'Connor.

I want to be very precise here. I believe I would have heard about that after the fact, from a briefing that I would have gotten as commissioner.

Hon. Irwin Cotler: Mr. Commissioner, whatever version one takes of your testimony, that of September 28 or that of today, what is clear is that you never corrected the public record, including damaging leaks to the effect that Mr. Arar was a terrorist and “a very bad guy”, which Justice O'Connor said had a devastating effect on Maher Arar, even though you knew, by your own statement then and your own statement today—and that at least is consistent—that there was no evidence to the effect that Mr. Arar was an Islamic extremist associated with al-Qaeda. As you stated today, there was no basis to

arrest him, to detain him, to refuse his entry into Canada. Yet when all these damaging leaks came out—and Mr. Justice O'Connor refers to eight damaging leaks—seriously prejudicing, have a devastating effect on Mr. Arar, you never once corrected the public record. Don't you think that as the Commissioner of the RCMP you had a responsibility, when a Canadian citizen was in a place we knew routinely tortured Canadian citizens, to correct the public record?

Commr Giuliano Zaccardelli: Mr. Cotler, as I've stated previously and in my testimony today, Mr. Arar was a person of interest from the very beginning of this investigation. He continued to be a person of interest to the RCMP when he was detained in New York, while he was detained in Syria, in jail, and throughout the inquiry. He ceased to be a person of interest to us only at the conclusion of Justice O'Connor's report.

He was always a person of interest to us. Justice O'Connor says we legitimately had every right to label him as a person of interest and to investigate him. That is why I could not say anything about that. At the first opportunity, after the report came out, I publicly apologized for the part the RCMP may have had in the ordeal that Mr. Arar was subjected to.

Hon. Irwin Cotler: I have one last question.

The Chair: It will be your final question, quickly, please.

Hon. Irwin Cotler: Whatever version one takes of your testimony, September 28 or today, it is clear that you never advised Canadian ministers, as Justice O'Connor says, of the detailed timeline and investigative information that they ought to have known. Two, you never corrected the public record, as I indicated today. Three, you did not support the one-voice letter, as Justice O'Connor said you should have, though Mr. Arar's rights had been and continued to seriously be abused after that point. Fourth, you did not take pains, though asked to do so as Commissioner of the RCMP, to determine the full truth about a Canadian who was being held in detention. Forget about what you would have been told and what you were not. You did not, yourself, take the pains.

•(1030)

The Chair: Your time is up, Mr. Cotler.

Hon. Irwin Cotler: My question to you is, should a person who is the Commissioner of the RCMP, with all the failures that I have just itemized and others, continue to be responsible for the activities of the RCMP when there was a clear failure and breach of those responsibilities as I have described them and as Justice O'Connor describes them?

The Chair: Could I have a brief response?

Commr Giuliano Zaccardelli: Mr. Cotler, you've asked me about seven questions in one question. I will try to answer as best I can.

You talk about the fact that I did not or the RCMP did not brief the ministers on these errors or these facts. As I've stated previously, and as the report of Mr. O'Connor states, I could not have advised them because I was not aware of that information. That information only came out after Justice O'Connor did his comprehensive auditing and review of this file. As soon as that happened, I came before this committee and I issued an apology, as I stated, in order that Mr. Arar would understand that we were sorry for whatever part we played in the ordeal that took place.

We did everything we could. I did inform myself. I was told repeatedly, and I passed this on to our ministers and to PCO, that Mr. Arar was a person of interest. He continued to be a person of interest throughout the investigation. We could not charge him criminally. We could not detain him if he came back to Canada. We could not prevent him from coming to Canada. We passed on all the information I knew. I could not pass on information that I did not have, and Justice O'Connor states that in his report.

The Chair: Thank you.

Mr. Norlock, please.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Good morning, Commissioner. Thank you for attending again.

The last time you were here I asked you a question with regard to the process you were undertaking to make sure this would not happen again. I think I referred to perhaps sharing best practices with other larger police organizations, whether they be in Canada or elsewhere—I perhaps didn't say elsewhere, and we do have other organizations within Canada.

Today you have told the committee that you have put in place a structure whereby the circumstances surrounding Mr. Maher Arar would not occur again. I'm wondering whether you had anyone else, from outside your organization, take a look at the implementation of that plan to ensure that perhaps a pair of fresh eyes might shed more light on the situation.

I guess my question is, did you in fact go elsewhere to get some information or to ask for an opinion? If so, who would it have been, and what kind of information exchange did you have?

Commr Giuliano Zaccardelli: Thank you very much for that question.

Yes, we have gone outside the RCMP. In particular, as I stated earlier, we have renewed our memorandum of understanding, for example, with CSIS such that we now are much more in tune and work with them much more closely in the work we do, in understanding our mandates much more clearly, in making sure that our work is synchronized. We have learned from them their best practices in terms of managing sensitive information—how you exchange sensitive information.

We've also gone outside of Canada. We've gone to Great Britain, for example. As you know, Great Britain has been challenged in a lot of ways relative to national security issues. We've talked to the Met in England and we've talked to people from MI5. We've gone to other countries; we've talked to Australia, New Zealand, and other countries that are facing the same types of challenges in terms of terrorism and how you bring security agencies and law enforcement

agencies together in a seamless integration to work on these files. We've exchanged information.

We've looked at best practices. I sent a team around the world, literally, to look at best practices. We've incorporated that work, along with Justice O'Connor's recommendations, in what we have done in policies, practices, training, and so on.

Again, I can't guarantee anything in this business. Justice O'Connor said that our policies were actually very good even before 9/11. I believe we have a very good system now that would stand the best scrutiny of Justice O'Connor or anybody else and is comparable to if not better than those of a lot of countries. It has to be, because we've learned a lot of lessons from here. A lot of people have been hurt in this situation. I myself have gone through some not easy weeks since my last testimony. If there is anybody who has taken some serious hits because of information that wasn't precise, it has been me.

So we've all learned. This is what I'm trying to do. I'm looking forward, not forgetting the past, but trying to correct those mistakes, and we've gone around the world looking for those best practices.

• (1035)

Mr. Rick Norlock: There are a couple of small questions in here. When I say "small", they may be short questions, but they sure aren't small in scope.

In your testimony here today, you said that you cannot, the RCMP cannot, afford the diminution of the faith of the people of Canada and in particular on the relationship that your police force has with it, do you think that perhaps organizationally there need to be additional changes—in fact, as the top officer, you did make some changes—as far as personnel and their current responsibilities, and going further with that, and carrying on from what Mr. Ménard—

My question would be, as a police officer of some 36 or 37 years, when you see the repercussions resulting from the testimony you made before this committee, on both the institution of government and in particular on the relationship that your police force has with it, do you think that perhaps organizationally there need to be additional changes—in fact, as the top officer, you did make some changes—as far as personnel and their current responsibilities, and going further with that, and carrying on from what Mr. Ménard—

The Vice-Chair (Mr. Joe Comartin): Could you wrap up? Your time has run out.

Commissioner, could you give us a short answer?

Mr. Rick Norlock: Yes, but going further regarding what Mr. Ménard said, when one realizes that they've done something that results in something having gone wrong, should they not go directly to the people they've misinformed? In other words, perhaps when you noticed that you had misinformed this committee, would you not have thought of an immediate memorandum to the committee chair, so we wouldn't get the news from another public function that you were at?

Commr Giuliano Zaccardelli: As you know, sir, my office started calling the clerk and the ministry immediately to get in contact with the committee, but the committee had other work and so on. We were hoping to get on before other witnesses, and I wrote a letter, dated November 2, which was more than a month ago.

We tried everything we could, but we were working closely with the committee to accommodate each other. I believe I did everything I could. I recognized that the matter needed correction immediately, and we took all the steps we could.

The Chair: Mr. Chan, please.

Hon. Raymond Chan (Richmond, Lib.): Mr. Zaccardelli, on September 28 you made some statements that had huge implications. You are so sure of what happened in this case. I believe there must be some circumstances that made you make those statements, because of the implications. And things wouldn't just appear, just happen. There must be some circumstances that made you make those kinds of statements.

Now I want to get down to the motive and the circumstances under which you make those statements that you are now trying to deny as facts.

First, between September 18 and September 28, you were recounting your meeting with Minister Day. You went as far as meeting Minister Day on Friday September 22. Can you tell us who was at that meeting and what was talked about? What was being discussed at that meeting and at any other meetings you had with Minister Day?

• (1040)

Commr Giuliano Zaccardelli: Mr. Chairman, I'd like to answer the first part of the question.

Hon. Raymond Chan: Mr. Zaccardelli, we don't need an answer to that. We need an answer to what was discussed with Mr. Day, who was there, and about any other meetings you had with Mr. Day before the testimony.

Commr Giuliano Zaccardelli: Mr. Chairman, as part of that question, certain things were said that I believe I need to address.

The first part is in terms of the September 28 testimony that is in question. I've thought a lot about it. The consequences have been severe for me. I don't think I would have done it on purpose.

As I've said, I tried to give the best explanation I could, and I tried to absorb the best information. But I clearly made a mistake in transferring what I learned and what I was driven by in 2006 from the report. I implied and stated that I may have had it in 2002, which I clearly did not.

It has been very difficult for the last few weeks because of that. I'm the only one who has suffered as a consequence.

Hon. Raymond Chan: No.

Commr Giuliano Zaccardelli: Mr. Chan, I appreciate the question.

When I met with the minister on the Friday, the only other person who was in the room was the Deputy Minister of the Department of Public Safety and Emergency Preparedness, Madam Suzanne Hurlbise.

The only thing that was discussed was the appearance before this committee. On Thursday we knew the committee was possibly going to meet, and on Friday we knew the committee would probably meet on Tuesday. We therefore said it was the appropriate venue for us to respond to this matter.

It's why I did not go public through the media, and it's why I was severely criticized by the media, because they said I should have responded. They asked me questions at the memorial service on Parliament Hill.

We both decided on the best venue.

Hon. Raymond Chan: Mr. Zaccardelli, in the discussions with Minister Day, did you talk about any communications strategy for what you were going to talk about at this meeting?

Commr Giuliano Zaccardelli: Absolutely none.

Hon. Raymond Chan: Okay. Thank you.

Between September 18 and September 28, did you meet or communicate in any way with senior department officials from PSEPC or any other government department concerning the report or your statements concerning the report to either the media or this committee?

Commr Giuliano Zaccardelli: I don't know if I can be exact here. I believe I talked to the Deputy Minister of the Department of Public Safety and Emergency Preparedness, and I expressed a desire to try to find a venue as soon as possible for me to speak on this matter. I am not sure if there was any correspondence or a dialogue with anybody at the PCO, the Privy Council Office.

But I said to a number of my friends and to some other people that I was very anxious to deal with the matter. It was a very high-profile matter and I wanted to appear to speak about it. None of those people in any way said anything to me or gave me any direction or advice, because they don't give direction or advice to the Commissioner of the RCMP.

In my discussions with the minister, he in no way indicated that I should do anything or say anything, nor did he direct me in any way.

Hon. Raymond Chan: Between September 18 and—

The Chair: I'm sorry, your time is up, Mr. Chan. We'll come back to you, but we want to give everybody a chance.

Mr. Hawn.

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

Mr. Zaccardelli, today you said that on October 5 and October 7, 2002, respectively, RCMP staff advised the FBI that the RCMP could not link Mr. Arar to al-Qaeda.

On October 11, you were formally briefed that Mr. Arar had been removed to Syria by U.S. authorities, that the RCMP had shared investigative material with them, and that Mr. Arar was considered a person of interest.

Surely the fact that the U.S. deported him to Syria would have suggested that they certainly considered him to be more than a person of interest. It would have behooved you or somebody in the RCMP to have taken action at that time, either on your own authority or in coordination with government authorities, to try to protect the rights of a Canadian citizen or to intervene on behalf of a Canadian citizen. Would that not have twigged him as someone who was more than a person of interest in somebody's mind?

•(1045)

Commr Giuliano Zaccardelli: Well, as you correctly stated, we provided the best analysis of the information, intelligence, or evidence that we had relative to Mr. Arar. They asked for it. We told them what our situation was. We gave them the information. They subsequently took action to remove him.

We don't exactly know what they relied on, and Justice O'Connor said they most probably relied on some Canadian information. We tried to find out from the Americans how they came to make this decision. We did not get any response from American officials.

One of the solicitors general—I'm not sure if it was Mr. Easter or Mr. MacAulay—had discussions with Attorney General Ashcroft subsequent to that, and Mr. Ashcroft stated to the minister that they used various sources of information to make their decision.

Mr. Laurie Hawn: Surely you obviously knew before the O'Connor report in 2006 that something else had gone on back there. I'm a bit incredulous that a police officer with 36 years' experience could make such a mistake of transferring knowledge gained in 2006 to a situation in 2002 in a matter that serious. I have not been a police officer, but I would think that I would have gone back and checked my notes, which surely I or somebody else under my authority would have kept at the time, to verify whether the knowledge gained in 2006 was really knowledge they had in 2002. I have a hard time accepting the fact that you could make such a mistake of transferring knowledge to four years previously.

Commr Giuliano Zaccardelli: As I said, as soon as I came back, I absorbed myself in the report and I read the report completely. When I walked into this room on September 28, I had as much knowledge as I was able to absorb. I obviously did state certain things that were not accurate, so I said I apologize for that.

Mr. Laurie Hawn: Police officers keep very good notes—I know that—and on a matter this serious, were it me, I would have certainly gone back to my notes from that period and found out whether the knowledge I had just gained was knowledge I had really just gained or I was transferring back.

I'm sorry, I'm just a bit incredulous that a police officer with your experience would make that kind of mistake.

Commr Giuliano Zaccardelli: But I didn't have any notes back then. The only information I had was in the report. Back then, at the time, when I involved myself, once Mr. Arar was in Syria, I asked what had taken place, who was Mr. Arar, and I was told he was a person of interest. I was told that we'd exchanged investigative information with the Americans. I was told that we advised them that we couldn't charge him. That is what I was told, and that is what we subsequently told the minister and briefed up.

It's only when I read the report that I found out, besides that, that there were some errors that had been made previous to his detention in New York by investigators. Justice O'Connor said those mistakes were honest mistakes, and that's why they weren't briefed up. So they never came to me or to my senior officials.

Mr. Laurie Hawn: I think you can appreciate why, on both sides of this committee, we find that a little hard to believe.

Commr Giuliano Zaccardelli: I can understand that, sir.

Mr. Laurie Hawn: I have a very brief question. I know what the answer is going to be, but I want to get it on the record anyway.

Ms. McLellan said that perhaps it goes to something more important in terms of the culture of that organization. Is there a problem with the culture of the RCMP, for which I have the utmost respect?

Commr Giuliano Zaccardelli: I don't believe there is any problem at all with the culture.

Again, sir, I go back to what Justice O'Connor says. He says this team was a team of highly experienced investigators, extremely dedicated to doing their work. They were put into a situation in a context that was literally unknown, unprecedented. By the way, this is the same situation that has been faced by all democratic countries around the world. He says they weren't the best trained in this area, although they had other expertise, but he understands the situation, and therefore he balances the gravity of the mistake. He recommends how we can improve, and that's what we put into place. These are highly skilled, dedicated members who gave everything they could for this investigation. They did make some mistakes, and Justice O'Connor recognizes that. As the commissioner, I have to take that into consideration when I decide what to do with those members relative to those mistakes.

I also am very much aware of the culture of the organization and what has to be done to move this ahead. That's why, as I said, I have taken the recommendations and accepted them wholly. We have put most of those into place. We have gone around the world to learn best practices and learn from each other. That is what we've done, and I'm committed to continuing to do that.

•(1050)

Mr. Laurie Hawn: I agree with your assessment of your members.

Thank you.

The Chair: We have gone through our entire rotation. I just have a question for the committee. Do all the political parties still have another question, a wrap-up question? The Bloc do, the NDP do. We're going to have maybe a two-minute round, then, in order to—

Mr. Mark Holland: We've always had five-minute rounds, Mr. Chair.

The Chair: Well, we just have five minutes. Do we want to end it now?

Mr. Mark Holland: No, Mr. Chair. I have a question. I am requesting my five minutes, please, in accordance with how we always do—

The Chair: So you would deny the other political parties their time.

Mr. Mark Holland: This is how we've always done it.

The Chair: No. If we get close to the end, we all share the time. I'm sorry.

Mr. Mark Holland: They're saying they're accepting that I get five minutes.

The Chair: All right, go ahead.

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

I want to start by saying that it was made clear through testimony today that in fact there was political interference. In fact, what you have stated to us is that you had to get permission from the minister about what you could testify about, which is again yet another major contradiction to what came before.

What I want to ask are a couple of questions—

The Chair: There's a point of order.

Mr. Mark Holland: I'm moving on. I've made my point on that. I have a couple of questions, if I could.

The Chair: Yes, but we have a point of order, so we'll just hold off for a second here.

Go ahead.

Mr. Dave MacKenzie: First off, I think you've interpreted something totally different from what was said.

Mr. Mark Holland: This is a point of debate, not a point of order, Mr. Chair.

Mr. Dave MacKenzie: But you've made a point that there was political interference. I don't think we ever heard that story.

Mr. Mark Holland: I'm allowed an opinion. This is a debate. This is not a point of order. What's your point of order?

Mr. Dave MacKenzie: You're trying to put something on the record that wasn't said.

The Chair: Mr. Holland, go ahead.

Mr. Mark Holland: If I could, in the period from September 18 going forward, can you tell me if you had any consultant's advice on how you should handle this matter when dealing with the media or dealing with this committee, yes or no?

Commr Giuliano Zaccardelli: Mr. Chair, I would like to come back to the first point raised by Mr. Holland.

Mr. Mark Holland: I only have five minutes. Can you please answer the question that was posed to you?

Commr Giuliano Zaccardelli: Mr. Chairman, my answer is—

Mr. Mark Holland: Can you please, Commissioner Zaccardelli, answer the question that was posed to you?

Commr Giuliano Zaccardelli: I made it very clear on September 28 and I've made it clear today that there was never any political direction or influence on my decision when to speak, how to speak, or what to say relative to this matter. Any suggestion along that line is totally inaccurate, Mr. Chair.

Mr. Mark Holland: You contradicted yourself on that, but I have a question, and I'd appreciate it if I could get an answer. Did you receive any consultant's advice on how to deal with the media or this committee at any time from September 18 to the present, yes or no?

Commr Giuliano Zaccardelli: I received advice from a number of sources in preparation for my testimony before the committee.

Mr. Mark Holland: Including consulting firms?

Commr Giuliano Zaccardelli: Yes, I did.

Mr. Mark Holland: Are you willing to provide this committee with a complete copy of an agenda or schedule that your office kept that would show all the meetings that were held between the release

of the report on September 18 up to the testimony on September 28, yes or no?

Commr Giuliano Zaccardelli: A schedule of what?

Mr. Mark Holland: Your agenda, your calendar between the 18th and the 28th. Are you willing to provide the committee with that, yes or no?

Commr Giuliano Zaccardelli: Mr. Chair, I will take legal advice on that point. If I can provide the agenda, I certainly will do it.

Mr. Mark Holland: Are you willing to provide the committee with any phone logs you may have kept from the period of September 18 to September 28, yes or no?

Commr Giuliano Zaccardelli: Mr. Chairman, the same answer applies.

Mr. Mark Holland: Are you willing to provide the committee with all correspondence you received, including e-mails that may have been circulated between your office, senior officials of the RCMP, senior officials and political staff at PSEPC, Minister Day, the Prime Minister, any member of the PMO, and any outside third party, such as an adviser or a consultant, relating to and concerning the commission of inquiry report, between the 18th and the 28th?

Commr Giuliano Zaccardelli: Mr. Chairman, my same answer applies to that question.

Mr. Mark Holland: Yesterday, you gave a speech at the Château Laurier that touched upon, among other things, the testimony you were going to give here today. Can you tell me who was made aware that you were going to give this speech? In particular, was Minister Day, anyone from his staff or the Prime Minister's Office, or any outside adviser or consultant aware that you were going to make this speech?

Commr Giuliano Zaccardelli: Very shortly before I gave the speech, I sent a copy of my notes to the department, as I usually do, and to PCO. It was literally within half an hour of me giving that speech.

Mr. Mark Holland: So they were made aware of the speech yesterday, then.

Commr Giuliano Zaccardelli: Yes.

Mr. Mark Holland: Did anyone else see a draft of your speech before it was delivered? If so, who? Were there comments on the draft? If so, what was the substance of those comments?

• (1055)

Commr Giuliano Zaccardelli: Mr. Chairman, I talked to a lot of people about getting ready, for notes—

Mr. Mark Holland: This was a big speech. You would remember who you talked to. Who did you speak to on the speech and its substance?

Commr Giuliano Zaccardelli: Mr. Chairman, I spoke to a lot of people about—

Mr. Mark Holland: Did those people include people in Minister Day's office or the PMO?

The Chair: Mr. Holland, with all respect, give the witness a chance to answer.

Commr Giuliano Zaccardelli: To answer that specific question, no. Nobody from the minister's office had anything to do with that speech, nor did anyone from the PCO.

Mr. Mark Holland: Was the decision to give the speech yours and yours alone? Was the speech made in conjunction with or on the behest of anyone? If so, who in particular? Was Minister Day, anyone from his staff or the PMO, or any outside adviser or consultant involved with the decision to deliver that speech?

Commr Giuliano Zaccardelli: The only person who had anything to do with making that speech was me. I was asked by the Canadian Club if I was willing to make a speech. I said yes. I did not consult anybody else in government relative to making the speech. It just happened that the two days, by coincidence, were back to back, because—

Mr. Mark Holland: Other than the fact that you made them aware you were going to make the speech.

The Chair: Your time is up, Mr. Holland.

Commr Giuliano Zaccardelli: Yes, it was coincidental. I was trying to get back before the committee. Actually, I believe I had sent the letter requesting to come to the committee before I actually accepted the date. It was only very recently that it was confirmed what date I would be coming here, so it was simply coincidental that the two were back to back, Mr. Holland.

The Chair: The Bloc has given up their time, so, Mr. Comartin, go ahead with a brief question.

Mr. Joe Comartin: Thank you, Mr. Chair.

Commissioner, when you were here the last time, you led us to believe a certain set of facts. I was critical at that time that you had not reported to your minister. As we now know, you didn't have that information to report. I'm now critical of you and the officials in the department, in the force, in this sense.

As I said earlier, there wasn't anybody in this country who wouldn't have appreciated the significance of those false accusations, especially in the period of time we were talking about, so soon after 2001, after 9/11. Do you not have any sense of responsibility, as the commissioner, to take disciplinary action? Is this not a serious enough case that people did not report those false accusations to you? You found out about them through the O'Connor report. Is this not one of those cases in which simply changing the procedure, which Justice O'Connor, quite frankly, found was pretty good...? That's not where Justice O'Connor's criticism was. It was in the application, or, more specifically, the non-application, of the policies by your front-line staff. Is this not a case in which their immediate supervisors, rather than being promoted—as we understand a number of them have been—should perhaps have been disciplined?

Commr Giuliano Zaccardelli: Mr. Comartin, that's a very good question and I would like to take some time to answer that.

Mr. Joe Comartin: Mr. Zaccardelli, I just want to throw this in. Don't give me former Minister MacLellan's answer. I already told her that I didn't agree with her on that one.

The Chair: Could we have your final submission, in the form of a brief response?

Commr Giuliano Zaccardelli: The response may take a little bit longer, but I won't get into whether heads should roll or not. That's for another day.

When we talk about mistakes that were made, first of all, there was a document, the lookout document, that contained the names of a number of people. Those people were legitimate targets of Islamic extremist investigation. Mr. Arar and his wife were added to that list. They should not have been. If they were, they should have been identified. That is the first mistake we're talking about. But in Justice O'Connor's report, he clearly states that after that lookout was put out, Mr. Arar did travel back and forth twice to the United States and nothing happened to him. He also states in his report that he can't determine what use the Americans made of that statement.

The other errors, if we want to call them that, are things like a statement that was made, as I said before, that Mr. Arar sold his house and left for Tunisia “suddenly”, as we described it having been done. Justice O'Connor, when he analyzed that three years later, said we should not have described it as “suddenly”.

There was another mistake when the investigators said Mr. Arar was actually in Washington on September 11, 2001. He wasn't in Washington.

The other mistake was that when he had the so-called meeting here with one of our main targets at that café, the investigators said he came from Quebec City for the meeting. Instead, he was actually here.

Individually, although Justice O'Connor said he didn't believe these were conscious errors on their part—let me just finish, Mr. Comartin—at the end, when he analyzed this, when he did his extensive audit and brought all of it together, he came to the conclusion that those small errors, taken together, could have created an inflammatory impression or created the impression in the Americans' minds that Mr. Arar was a more serious person than we actually thought. I accept that totally.

But then Justice O'Connor says in his report that the investigators didn't do this intentionally. They didn't have the right training. The organization hadn't given them the right training, so Justice O'Connor put what they did in context. I'm grappling with how we deal with somebody who makes an honest mistake when a judge —

• (1100)

Mr. Joe Comartin: But doesn't it tell you, Mr. Zaccardelli, that this is what the problem is?

The Chair: We're running out of time here.

Mr. Joe Comartin: That's what the problem is: they did not report it to you. That's where the big mistake was.

Commr Giuliano Zaccardelli: Because they didn't believe it was an error.

The Chair: We'll have to end this. We have to give everybody a chance.

Two minutes.

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

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

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

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

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

Commr Giuliano Zaccardelli: No.

Mr. Dave MacKenzie: Thank you.

The Chair: I appreciate your coming before the committee.

I thank the committee for the questions. I'm sure we've all been informed by them.

The meeting is adjourned.

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