

**Commission d'enquête
sur les actions des
responsables canadiens
relativement à Maher Arar**



**Commission of Inquiry into
the Actions of Canadian
Officials in Relation to
Maher Arar**

Audience publique

Public Hearing

Commissaire

L'Honorable juge /
The Honourable Justice
Dennis R. O'Connor

Commissioner

Tenue à:

Salon Algonquin
Ancien hôtel de ville
111, Promenade Sussex
Ottawa (Ontario)

le mercredi 1^{er} juin 2005

Held at:

Algonquin Room
Old City Hall
111 Sussex Drive
Ottawa, Ontario

Wednesday, June 1, 2005

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Ms Marie Henein Mr. Hussein Amery	National Council on Canada-Arab Relations
Mr. Steven Shrybman	Canadian Labour Congress/Council of Canadians and the Polaris Institute
Mr. Emelio Binavince	Minority Advocacy and Rights Council
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APPEARANCES / COMPARUTIONS

Mr. Kevin Woodall	The International Commission for Jurists, The Redress Trust, The Association for the Prevention of Torture, World Organization Against Torture
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Ms Barbara Olshansky	Centre for Constitutional Rights
Mr. Riad Saloojee Mr. Khalid Baksh	Canadian Council on American-Islamic Relations
Mr. Mel Green	Canadian Arab Federation
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1 Ottawa, Ontario / Ottawa (Ontario)
2 --- Upon commencing on Wednesday, June 1, 2005 at
3 9:07 a.m. / L'audience débute le mercredi
4 1^{er} juin 2005 à 9 h 07

5 LE COMMISSAIRE : Bonjour,
6 Sénateur.

7 L'HON. PIERRE DE BANÉ : Bonjour,
8 Monsieur le Commissaire. C'est mon honneur. It's
9 my pleasure.

10 M^e DAVID : Alors, Monsieur le
11 Commissaire, nous allons... Je vous présente le
12 Sénateur de Bané, qui va témoigner ce matin
13 concernant son implication.

14 Alors, monsieur le Sénateur va
15 témoigner concernant son implication personnelle
16 lorsqu'il est allé se déplacer en Syrie à la
17 demande du gouvernement canadien afin de
18 représenter le Premier Ministre de notre pays, et
19 c'est dans ce sens-là que le Sénateur va fournir
20 son témoignage ce matin.

21 Alors, Monsieur le Sénateur, si
22 vous voudriez bien soit prêter le serment ou
23 l'affirmation solennelle, Monsieur le Commissaire
24 va vous assermenter.

25 ASSERMMENTÉ : PIERRE DE BANÉ

1 INTERROGATOIRE

2 M^e DAVID : J'aimerais débiter,
3 Monsieur le Sénateur, en présentant votre
4 curriculum vitae, et j'aimerais mettre au dossier
5 certains éléments de votre C.V.

6 THE COMMISSIONER: That will
7 be 114.

8 MR. DAVID: Thank you.

9 EXHIBIT NO. 114: Curriculum
10 Vitae of Senator Pierre
11 de Bané.

12 M^e DAVID : Alors, dans un premier
13 temps, Monsieur le Sénateur, je note que vous avez
14 eu et vous continuez à avoir une longue carrière
15 dans notre Parlement.

16 Vous avez été élu à la Chambre des
17 Communes en 1968, et vous avez, par la suite, été
18 représentant, député durant un total de cinq
19 mandats, cinq élections ?

20 L'HON. PIERRE DE BANÉ : En effet.

21 M^e DAVID : Et donc, votre carrière
22 de député, et de ministre aussi parce que vous
23 avez été ministre de l'État, votre carrière à la
24 Chambre des Communes s'est étalée de 1968 jusqu'à
25 au début des années 1980 ?

1 L'HON. PIERRE DE BANÉ : Oui, j'ai
2 été membre de la Chambre des Communes, comme vous
3 le dites, de 1968 à 1984.

4 M^e DAVID : Et c'est au mois de
5 juin 1984 que vous avez été désigné Sénateur par
6 le Premier Ministre de l'époque, monsieur
7 Trudeau ?

8 L'HON. PIERRE DE BANÉ : En effet.

9 M^e DAVID : Et je comprends que,
10 dans votre service de Sénateur, vous occupiez au
11 sein de certains comités du Sénat, dont les
12 Affaires extérieures ?

13 L'HON. PIERRE DE BANÉ : Oui, en
14 effet, je suis membre du Comité du Sénat sur les
15 Affaires étrangères.

16 M^e DAVID : Et je note aussi que
17 dans votre carrière politique, vous avez été
18 ministre de ce qu'on... en anglais, on dit
19 External Relations; en français, j'imagine qu'on
20 dit...

21 L'HON. PIERRE DE BANÉ : Relations
22 extérieures.

23 M^e DAVID : Relations extérieures.
24 Et ça, vous avez été désigné ministre des
25 Relations extérieures en 1982 ?

1 L'HON. PIERRE DE BANÉ : En effet,
2 et Relations extérieures, ça concerne
3 principalement la coopération, alors que la
4 politique étrangère relève, évidemment, du
5 ministre des Affaires étrangères. Les Relations
6 extérieures, c'est plutôt le domaine de la
7 coopération pour les pays en voie de
8 développement.

9 M^e DAVID : Merci pour cette
10 précision.

11 Finalement, Monsieur le Sénateur,
12 j'aimerais simplement souligner le fait que vous
13 êtes né en Palestine.

14 L'HON. PIERRE DE BANÉ : En effet.

15 M^e DAVID : Et vous êtes d'origine
16 libanaise; vos parents sont d'origine libanaise ?

17 L'HON. PIERRE DE BANÉ : En effet.

18 M^e DAVID : Et je comprends aussi
19 que vous conversez de façon complète en arabe ?

20 L'HON. PIERRE DE BANÉ :
21 Malheureusement, non. Il fut un temps, évidemment,
22 quand j'étais jeune, quand je suis arrivé au
23 Canada, où je parlais, bien sûr, l'arabe très
24 bien, mais à cause des circonstances, je n'ai pas
25 eu l'occasion de pratiquer la langue, et la

1 famille, évidemment, est une famille
2 essentiellement libanaise, mais j'ai également des
3 origines syriennes et égyptiennes, parce que,
4 comme vous le savez, ce sont tous des pays
5 limitrophes. Alors, la famille, j'avais de la
6 parenté dans ces différents pays.

7 M^e DAVID : Et je comprends,
8 Monsieur le Sénateur, que, en l'an 2000, vous avez
9 même accompagné le Premier Ministre de l'époque,
10 monsieur Jean Chrétien, lors d'un voyage officiel
11 dans le Moyen-Orient ?

12 L'HON. PIERRE DE BANÉ : Oui, en
13 effet, j'ai accompagné monsieur Chrétien lors de
14 son voyage dans les pays du Moyen-Orient et dans
15 le Golfe Persique. Je pense que nous avons fait
16 sept ou huit pays, dont le Liban, la Syrie,
17 Israël, l'Égypte, et caetera.

18 M^e DAVID : Et quel était votre
19 rôle dans cette délégation ?

20 L'HON. PIERRE DE BANÉ : Membre de
21 la délégation parlementaire qui accompagnait le
22 Premier Ministre.

23 M^e DAVID : Merci.

24 Monsieur de Bané, je vais vous
25 référer à certains documents. Une très grande

1 partie de ces documents-là ne vous concernent pas
2 directement, personnellement, mais je veux
3 simplement les étaler pour les fins de les mettre
4 au dossier, et dans d'autres cas, par contre, vous
5 êtes impliqué directement, et je vais vous
6 demander vos commentaires et votre témoignage.

7 Alors, je débute, premièrement, en
8 soulignant qu'en termes de la chronologie des
9 événements -- et si on pouvait référer le témoin à
10 l'onglet 250 de l'Exhibit P-42, c'est le volume
11 3 -- et c'est un exemple, Monsieur de Bané, d'un
12 document où vous n'êtes pas impliqué directement
13 ou concerné directement, mais simplement pour
14 souligner que, dès le mois de décembre, le 11
15 décembre 2002, l'idée d'envoyer un représentant du
16 gouvernement canadien auprès des autorités
17 syriennes était déjà évoquée, et Monsieur le
18 Commissaire, si je peux vous référer au premier
19 paragraphe de ce document-là, qui dit ceci :

20 « As you are aware, MINA... »

21 -- MINA étant le ministre des
22 Affaires extérieures --

23 « ...has considered placing a
24 call to ... »

25 -- et là, le nom est noirci --

1 « ... some weeks ago to
2 discuss the Arar case. Some
3 members of the government
4 caucus have suggested to him
5 the idea of sending a special
6 envoy. »

7 Et la suite de ce document-là se
8 retrouve à l'onglet 253, où l'Ambassadeur canadien
9 en Syrie, l'Ambassadeur Franco Pillarella, fournit
10 ses commentaires sur l'opportunité qu'un émissaire
11 soit envoyé en Syrie à cette époque-là, et les
12 commentaires de l'Ambassadeur se retrouvent aux
13 paragraphes 3 et 4 de sa note à l'onglet 253, et
14 j'en fais lecture :

15 « Given that Arar is being
16 detained for internal
17 security reasons, it is very
18 doubtful that a special envoy
19 could do much to obtain his
20 release. The sending of a
21 special envoy would also
22 raise this issue at the
23 political level. In the
24 Syrian context this would
25 most likely cause

1 considerable embarrassment
2 because it is far from
3 evident that the 'civilians'
4 would be able to prevail over
5 the security services. »

6 Et l'Ambassadeur poursuit au
7 paragraphe 4, et c'est à mi-chemin environ :

8 « Again, in my view, a
9 special envoy at this time
10 could probably not achieve
11 much. If the Syrians
12 maintain that Arar represents
13 a potential menace, they will
14 not yield to the entreaties
15 of a special envoy. »

16 Alors ça, c'est à l'époque du mois
17 de décembre 2002, et comme je vous dis, Monsieur
18 le Sénateur, je ne vous demande pas vos
19 commentaires là-dessus.

20 Mais allons-y maintenant au vif du
21 sujet et à votre implication personnelle dans le
22 dossier, et j'aimerais vous référer à l'onglet
23 466, et c'est dans le volume 5, et à cet onglet,
24 Monsieur le Sénateur, vous allez retrouver cinq
25 courriels, auxquels j'aimerais vous référer, qui

1 font état de votre implication personnelle dans le
2 dossier de monsieur Arar et dans le désir que le
3 gouvernement... que vous représentiez le
4 gouvernement canadien en Syrie.

5 Alors, allez à la page 3 de cet
6 onglet-là et vous avez les cinq courriels en
7 question.

8 Le premier se retrouve au bas de
9 la page et il est daté du 3 juillet 2003. Le
10 document... le courriel émane de monsieur Gar
11 Pardy, qui est un haut fonctionnaire du ministère
12 des Affaires extérieures, et est adressé à
13 monsieur Robert Fry, qui est un représentant du
14 ministre Graham dans son bureau politique, et
15 monsieur Pardy dit ceci à monsieur Fry :

16 « ...spoke to PCO ... »

17 -- Privy Council Office --

18 « ... and the have agreed
19 that Senator De Bané can be
20 asked to go to Syria as a
21 special envoy of the Prime
22 Minister. The Senator is
23 being asked if he can do so
24 today. Do not anticipate a
25 problem. Will draft a letter

1 from the Prime Minister over
2 the weekend along with
3 updating the letter from the
4 Minister. Will have further
5 news on Monday. »

6 Nous allons, suite à ce premier
7 courriel, au deuxième, qui est juste au-dessus, et
8 là, la réplique de monsieur Fry à monsieur Pardy
9 la même journée qui dit :

10 « Sounds good, Gar. Who is
11 speaking to Senator De Bané?
12 Carmen? I know him well and
13 spoke to him originally so
14 unless PMO is going to call
15 him, I would like to speak to
16 him myself on this. »

17 Le troisième courriel dans cette
18 chaîne est daté du 7 juillet -- et encore là se
19 retrouve environ à mi-chemin -- et là, c'est
20 monsieur Pardy qui écrit à monsieur Fry encore une
21 fois, et là, il s'agit du lundi le 7 juillet, et
22 monsieur Pardy dit ceci :

23 « Carmen was going to try and
24 speak to him on Friday. Will
25 check and let you know.

1 However, in the meantime
2 please go ahead and call the
3 Senator. Gar. »

4 Le quatrième courriel se retrouve
5 au-dessus, et là, c'est encore monsieur Pardy qui
6 écrit, cette fois-ci à monsieur (sic) Carmen
7 Sylvain, en date du 7 juillet, et pose la
8 question :

9 « Were you able to speak... »
10 L'HON. PIERRE DE BANÉ : À madame.
11 M^e DAVID : À madame. Je m'excuse,
12 vous avez raison. J'ai dit monsieur, mais c'est
13 madame.

14 « Were you able to speak to
15 the Senator on Friday?
16 Gar. »

17 Et là, finalement, la réponse, qui
18 se retrouve au-dessus :

19 « Yes, I spoke with the
20 Senator and he has agreed to
21 go to Syria. I informed Jill
22 Stirk. »

23 Alors, Monsieur le Sénateur,
24 j'arrive donc à mes questions pour vous.

25 Voulez-vous nous dire qui vous a

1 approché en premier, et de quelle façon est-ce que
2 la situation vous a été exposée ?

3 L'HON. PIERRE DE BANÉ : Sauf
4 erreur, j'ai reçu un téléphone, je pense, de
5 quelqu'un du Cabinet du ministre, monsieur Graham,
6 me disant: « Sénateur, est-ce que vous accepteriez
7 d'aller porter une lettre personnelle du Premier
8 Ministre du Canada aux autorités de l'Arabie
9 Saoudite et de la Syrie et pourriez-vous partir
10 incessamment ? »

11 J'ai tout de suite répondu :
12 « Avec grand plaisir. Je serai heureux de remplir
13 cette mission, mais malheureusement je ne peux pas
14 partir aujourd'hui ni demain parce que j'ai des
15 engagements ici jusqu'au 12 ou au 13 juillet. Mais
16 à ce moment là je peux certainement partir et
17 remplir la mission que vous me demandez de
18 remplir. »

19 M^e DAVID : Est-ce que vous savez,
20 Monsieur le Sénateur, pourquoi vous étiez le
21 représentant indiqué ici, dans cette situation ci,
22 pour les fins de représenter notre Premier
23 Ministre ?

24 L'HON. PIERRE DE BANÉ : J'ai
25 présumé que, étant moi-même d'origine arabe et

1 ayant été très impliqué dans les affaires
2 étrangères et connaissant ces pays là, que
3 peut-être c'était l'un des facteurs, un des
4 facteurs qui a joué.

5 Mais évidemment, je ne suis pas le
6 seul parlementaire, à mon avis, qui pouvait
7 remplir cette mission là. Mais je présume que cela
8 a été certains des facteurs qui ont joué. Mais
9 d'autres facteurs auraient pu jouer également en
10 faveur de choisir d'autres candidats. Voilà.

11 M^e DAVID : Est-ce que j'ai raison
12 de comprendre que dès qu'on vous a approché il
13 s'agissait de représenter le Premier Ministre par
14 rapport à deux cas différents, et c'était la
15 compréhension des choses dès le départ ?

16 L'HON. PIERRE DE BANÉ : Oui, oui,
17 oui. Absolument. D'aller dans ces deux pays là et
18 voir les chefs de l'État des deux pays.

19 M^e DAVID : Afin de représenter les
20 intérêts du Canada par rapport --

21 L'HON. PIERRE DE BANÉ : C'est
22 cela. Et de leur porter un message très personnel
23 du Premier Ministre du Canada.

24 M^e DAVID : Merci.

25 Alors, si vous voulez bien,

1 toujours à l'onglet 466, passer à la page 2.

2 J'aimerais simplement me référer,
3 environ à la mi-page, à un message qui provient
4 toujours de monsieur Gar Pardy en ce qui concerne
5 votre voyage. Monsieur Pardy dit ceci -- et c'est
6 toujours en date à cette époque ci, environ autour
7 du 7 juillet.

8 Alors, le message :

9 « Below is the draft of the
10 letter from the Prime
11 Minister to the President of
12 Syria that would be delivered
13 by Senator de Bane. The
14 Senator has confirmed that he
15 will visit Beirut following
16 his visit to Riyadh in
17 connection with... »

18 Et cela, j'imagine que cela réfère
19 à l'autre cas, pour l'autre Canadien que monsieur
20 Arar.

21 « ... A separate message is
22 going out to Ambassador
23 Pillarella providing
24 information on the visit and
25 requesting that he seek an

1 appointment with the
2 President for Senator de
3 Bane. It is anticipated that
4 Senator de Bane would visit
5 Damascus around July 19. »

6 Alors, ma question est la
7 suivante, Monsieur le Sénateur : Est-ce que
8 c'était votre compréhension des choses au départ
9 que vous deviez rencontrer le Président de la
10 Syrie.

11 L'HON. PIERRE DE BANÉ : Oui, en
12 effet. En effet.

13 Nous sommes à quelle page ?

14 M^e DAVID : À la page 2 de cet
15 onglet.

16 L'HON. PIERRE DE BANÉ : Page 2.

17 M^e DAVID : Oui.

18 L'HON. PIERRE DE BANÉ : Oui.

19 Alors, je vois ici -- quel
20 paragraphe ?

21 M^e DAVID : C'est à mi-chemin,
22 juste en-dessous de -- cela dit -- il y a une
23 ligne de trait.

24 L'HON. PIERRE DE BANÉ : Oui.

25 M^e DAVID : Cela dit « Email ».

1 L'HON. PIERRE DE BANÉ : Oui.

2 « Below is the draft of the
3 letter... »

4 M^e DAVID : Voilà.

5 L'HON. PIERRE DE BANÉ : Oui.

6 Alors, donc, en effet, moi, je
7 m'en allais porter une lettre au chef de l'État de
8 facto de l'Arabie Saoudite et ensuite en Syrie
9 pour remettre une lettre à Son Excellence le
10 Président de la République.

11 M^e DAVID : Merci.

12 Sous le texte du courriel de
13 monsieur Gar Pardy, vous avez aussi le projet de
14 lettre que devait signer le Premier Ministre, que
15 monsieur Pardy a rédigée.

16 Ma question, c'est : Est-ce que
17 vous avez de quelque façon que ce soit participé
18 au langage, à la rédaction, au libellé de cette
19 lettre ?

20 L'HON. PIERRE DE BANÉ : Non.

21 M^e DAVID : Étiez-vous au courant
22 de l'évolution des différentes versions de cette
23 lettre ?

24 L'HON. PIERRE DE BANÉ : Non.

25 M^e DAVID : D'accord.

1 J'aimerais vous amener maintenant
2 à l'onglet 459, toujours dans ce même volume là.
3 Ici, il s'agit d'un courriel, d'un message de
4 monsieur Pardy à l'Ambassadeur canadien en Syrie.

5 La date précise, je ne pourrais
6 pas vous dire, mais c'est environ le 7 juillet. Et
7 là, monsieur Pardy dit ceci :

8 « PCO and MINA... »

9 Donc, le ministre Graham.

10 « ...have given approval for
11 the appointment of Senator
12 Pierre de Bane as the Prime
13 Minister's Special Envoy who
14 will go to Syria in order to
15 deliver a letter from the
16 Prime Minister to the
17 President seeking action on
18 Mr. Arar. A copy of the
19 draft letter is given
20 below. »

21 Et là, au troisième paragraphe,
22 Monsieur, on demande de façon spécifique à
23 monsieur Pillarella de :

24 « ...make informal inquiries
25 as to the availability of the

1 President to meet with the
2 Prime Minister's special
3 envoy in the time frame
4 envisaged. »

5 Alors, c'est clair que, je pense,
6 que de part et d'autre, tout le monde comprenait
7 que la volonté était que vous rencontreriez le
8 Président de la Syrie.

9 L'HON. PIERRE DE BANÉ : En effet.
10 M^e DAVID : D'accord.

11 Maintenant --

12 Commissioner, I just want to
13 highlight in the two tabs I have just referred to,
14 which was 466 and 459, that there is a change in
15 the language in the draft letter.

16 At 466, Mr. Pardy, you'll see, at
17 the second paragraph, his first version says that:

18 "Earlier this year, members
19 of the Canadian parliament
20 met with your officials in
21 Damascus and to emphasize
22 Canada's continuing concern
23 that Mr. Arar remains in
24 custody..."

25 And then goes on to say:

1 "...without any complete
2 understanding of the reasons
3 for his detention or the
4 intentions of your officials
5 with respect to his case."

6 And I just want to highlight to
7 you that in the final version the portion after
8 "custody", that is, "without any complete
9 understanding of the reasons for his detention or
10 the intentions of your officials with respect to
11 his case.", was removed.

12 Alors, revenons, Monsieur de Bané,
13 à l'onglet 450, je m'excuse, 467. Il faut aller à
14 l'onglet 467.

15 J'aimerais vous référer à --
16 encore là, c'est simplement pour les étaler pour
17 le dossier -- mais, à quatre courriels différents.

18 Premièrement, à la page 2, un
19 courriel en date du 9 juillet. Il s'agit d'un
20 courriel de monsieur Pardy à monsieur Fry -- c'est
21 en haut de la page, en date du 9 juillet, qui dit
22 ceci :

23 « For your information.

24 2. Nicolas, will be
25 briefing the Senator on

1 Friday morning... »

2 Une référence au 11 juillet.

3 « ...will the letter be
4 signed by then ? »

5 Et monsieur Pardy indique aussi
6 que monsieur Fry, Robert Fry :

7 « ...will join us for the
8 briefing... »

9 Alors, il s'agissait ici, Monsieur
10 de Bané, d'un briefing, c'est-à-dire d'un -- on
11 allait vous rencontrer pour vous fournir avec des
12 éléments suffisants pour comprendre votre mission.

13 Donc, une rencontre est proposée
14 avec vous, qui devait -- qui doit se tenir le 11
15 juillet, dans ce courriel.

16 Le prochain courriel auquel
17 j'aimerais vous référer est à la page 1. Il s'agit
18 d'un courriel toujours en date du 9 juillet où
19 l'on indique qu'il est peu probable que la lettre
20 du Premier Ministre soit signée en temps.

21 Là, on dit :

22 « It is doubtful that the
23 letter will be signed by
24 then. I will, nonetheless,
25 attempt at speeding up the

1 process. I will keep you
2 informed as soon as the
3 signed letter is received
4 back from Shawinigan. »

5 Et on sait bien que monsieur le
6 Premier Ministre est natif de Shawinigan.

7 Le prochain courriel est à la page
8 2. Il s'agit d'un courriel en date du 9 juillet.
9 C'est le deuxième message à cette date là, qui
10 vient de Patty Goodfellow, JPO -- donc, du
11 ministère des Affaires extérieures -- à monsieur
12 Léo Martel, qui est un représentant pour le
13 consulat en Syrie, pour le gouvernement canadien.

14 Là, madame Goodfellow dit à
15 monsieur Martel et aussi à l'Ambassadeur
16 Pillarella que :

17 « The Prime Minister has
18 appointed The Honourable
19 Pierre DeBané as his Personal
20 Envoy for the purpose of
21 travelling to Saudi Arabia
22 and Syria to meet with HRH
23 the Crown Prince Abdullah bin
24 Abdul Aziz Al-Saud and
25 President Bashar al-Asad,

1 respectively. In addition to
2 conveying the Prime
3 Minister's respects, Senator
4 DeBané will express Canadian
5 hopes that the cases of... in
6 Saudi Arabia and Maher Arar
7 in Syria can be resolved
8 quickly and favourably. The
9 Senator's trip has not been
10 made public. »

11 Alors, j'ai à vous demander :
12 Est-ce que c'était votre compréhension des choses
13 que vous deviez « express Canadian hopes that the
14 cases of... Maher arar in Syria can be resolved
15 quickly and favourably » ?

16 Est-ce que c'était une de vos
17 tâches ?

18 L'HON. PIERRE DE BANÉ : C'était
19 toute la raison d'être de ma mission d'apporter
20 cette lettre au Président et d'obtenir idéalement
21 la libération immédiate de monsieur Arar et
22 également, dans le cas de l'Arabie Saoudite,
23 évidemment, de libérer quelqu'un qui a été
24 condamné à mort.

25 M^e DAVID : D'accord.

1 J'aimerais vous amener maintenant
2 à l'onglet 470, qui est en date du 10 juillet.
3 Encore là, c'est simplement une série de trois
4 courriels que j'aimerais étaler.

5 Dans un premier temps, à la
6 page 1, le premier courriel se retrouve à
7 mi-chemin. Il vient de Robert Fry à Gar Pardy. Il
8 dit ceci, et c'est en date du 10 juillet, à 10 h
9 35 :

10 « When we are ready to let it
11 be know Senator DeBane is
12 going to... and Syria.

13 We should let Marlene break
14 the news to Monia. »

15 Cela est un référence à madame
16 Marlene Caterall.

17 « We need to get some media
18 play on this as well.

19 However we don't want to do
20 anything that hurts the trip
21 either so I will rely on your
22 advice and experience as to
23 when you think we can release
24 this info. »

25 La réplique vient de monsieur

1 Pardy à 11 h 12, qui dit :

2 « ...I spoke to Marlene... »

3 Encore là une référence à madame
4 Caterall, Marlene Caterall.

5 « ...on Syria and agree that
6 I will give her a heads up on
7 when she can speak to
8 Monia. »

9 Et le dernier message qui concerne
10 votre rencontre afin de vous sensibiliser à votre
11 mandat se retrouve en haut de la page et une
12 référence de monsieur Fry, qui dit :

13 «...we can use A-10
14 boardroom.

15 I will ask Francine to
16 reserve it. »

17 Donc, on se prépare à vous
18 rencontrer le lendemain afin de vous préparer pour
19 ce voyage.

20 J'aimerais vous référer également
21 à l'onglet 470, ou j'aimerais vous demander,
22 Monsieur le Sénateur, lorsqu'on réfère au fait que
23 vous allez être « briefé » -- ce n'est pas le bon
24 mot, mais --

25 L'HON. PIERRE DE BANÉ : Oui, oui.

1 On l'emploie de plus en plus ici : les séances de
2 breffage.

3 M^e DAVID : Bon, alors, séance de
4 breffage. Est-ce que vous vous rappelez, vous vous
5 souvenez, de cette séance, le 11 juillet, et
6 est-ce que vous pourriez nous dire qu'est-ce qui
7 vous a été dit, quels étaient les paramètres qu'on
8 vous a expliqués par rapport à votre mandat ?

9 L'HON. PIERRE DE BANÉ : Alors,
10 donc, je me suis rendu au ministère et j'ai eu le
11 bénéfice d'un briefing. C'était dans une salle de
12 conférence où il y avait une dizaine de
13 fonctionnaires des Affaires étrangères.

14 Et le président de ce groupe était
15 monsieur Gar Pardy, et il m'a donné un briefing
16 qui a duré, je dirais, environ une heure, une
17 heure et demi, sur les deux cas, les deux
18 dossiers, où j'irais porter une lettre au Prince
19 héritier Abdullah en Arabie Saoudite et au
20 Président Bashar.

21 Et je pense pouvoir dire sans
22 crainte de me tromper que le dossier qui a pris le
23 plus de temps était celui du Canadien en Arabie
24 Saoudite, monsieur Sampson, parce que lui avait
25 été jugé et condamné à mort et il y avait toutes

1 sortes d'aspects assez complexes dans ce dossier.
2 Donc, la partie principale du briefing a porté sur
3 le cas Sampson.

4 Et, évidemment, après m'avoir tout
5 expliqué de ce que je devais savoir sur le cas
6 Sampson, monsieur Pardy m'a donné également un
7 briefing sur le dossier de monsieur Arar.

8 M^e DAVID : Est-ce que vous vous
9 souvenez, vous vous rappelez, de ce qu'on vous a
10 dit concernant le cas de monsieur Arar ?

11 L'HON. PIERRE DE BANÉ : Oui,
12 certainement.

13 M^e DAVID : Est-ce que vous
14 pourriez nous relater les propos ?

15 L'HON. PIERRE DE BANÉ : La chose
16 qui m'a -- qui est très vivace dans mon esprit,
17 c'est que monsieur Pardy m'a dit ceci.

18 Il m'a dit : Les Américains ont
19 dit aux Services canadiens -- je ne me rappelle
20 plus s'il parlait de CSIS ou de la GRC. Il m'a dit
21 : Les Américains ont dit aux Services canadiens,
22 nous sommes prêts à vous remettre monsieur Arar à
23 condition que vous vous engagiez à l'arrêter, le
24 mettre en prison et porter des accusations contre
25 lui.

1 Ce à quoi les Services canadiens
2 ont dit aux Américains : Nous avons une Charte des
3 droits au Canada et nous n'avons pas des éléments
4 qui nous justifieraient d'arrêter ce monsieur, de
5 porter des accusations contre lui, de demander son
6 incarcération.

7 Donc, une demande formelle des
8 États-Unis et le refus formel des Canadiens. Cela
9 est quelque chose dont je me souviens très bien.

10 L'autre chose qu'il ma dite, c'est
11 que, après que les autorités syriennes ont reçu
12 monsieur Arar, est qu'ils étaient étonnées lorsque
13 les Américains leur ont amené monsieur Arar parce
14 qu'ils ne s'attendaient pas à le voir. Ils ne
15 s'attendaient pas du tout à le voir.

16 La coopération entre les autorités
17 syriennes et l'Ambassade du Canada a été
18 réellement remarquable en ce qu'on permettait à
19 l'Ambassade au début d'aller rendre visite à
20 monsieur Arar sur une base hebdomadaire. Ensuite,
21 cela a été à toutes les deux semaines. Ensuite, à
22 toutes les trois semaines. Ensuite, à tous les
23 mois. Et que, depuis quelques mois, aucune autre
24 visite n'a été permise à l'Ambassade du Canada.

25 Donc, cela a commencé avec

1 beaucoup de collaboration de la part des autorités
2 syriennes, qui on donné un accès un accès
3 réellement exceptionnel à notre Ambassade : à
4 toutes les semaines, à toutes les deux semaines,
5 ensuite toutes les trois semaines, un mois, et
6 puis à un moment donné zéro. Bon.

7 Et, si je me rappelle bien, la
8 visite des parlementaires canadiens, madame
9 Caterall et Assadourian, était la dernière visite
10 où des Canadiens ont pu rendre visite à monsieur
11 Arar.

12 Donc, et moi, on était rendu en
13 juillet -- donc, cela faisait déjà quelques mois
14 qu'aucun Canadien n'a pu lui rendre visite. Donc,
15 la situation, s'est détériorée au cours des mois.

16 Voilà les deux choses dont je me
17 souviens le plus de ce briefing.

18 M^e DAVID : Alors, vous nous dites,
19 par rapport à -- le message que vous venez de
20 relater, Monsieur de Bané, a été livré par
21 monsieur Pardy.

22 L'HON. PIERRE DE BANÉ : Oui,
23 monsieur Pardy, en effet.

24 M^e DAVID : Et vous vous --

25 L'HON. PIERRE DE BANÉ : Et j'ai

1 été frappé quand il m'a dit : On a dit aux
2 Américains, la Charte des droits canadienne ne
3 nous permet pas d'arrêter ce monsieur. Nous
4 n'avons pas quoi que ce soit qui nous justifierait
5 d'incarcérer et de porter des accusations.

6 Voilà. Ça, ça m'a beaucoup frappé
7 quand il m'a dit cela.

8 M^e DAVID : Est-ce que vous êtes
9 bien certain, et je vous demande de bien
10 considérer la matière, monsieur de Bané, parce que
11 votre témoignage est important par rapport à cette
12 question-là, est-ce que vous êtes bien certain que
13 monsieur Pardy vous a indiqué que les Américains,
14 les autorités américaines étaient prêtes à livrer
15 monsieur Arar au Canada en autant que certaines
16 mesures soient appliquées ici au Canada ?

17 L'HON. PIERRE DE BANÉ : Cela est
18 très vivace dans mon esprit. Je suis absolument
19 sûr que je reflète bien l'essentiel de ce qui m'a
20 été dit parce que ça m'a saisi quand ça m'a été
21 dit.

22 M^e DAVID : Est-ce que monsieur
23 Pardy est allé aussi loin d'identifier les agences
24 qui étaient concernées ? Soit les agences
25 américaines, soit les agences ou les autorités

1 canadiennes.

2 M^e DAVID : Peut-être qu'il me l'a
3 dit, mais je ne me souviens pas qui a dit ça au
4 nom du gouvernement américain, qui était là au nom
5 des organes de l'État canadien, non, je ne me
6 souviens pas, malheureusement.

7 M^e DAVID : Cette rencontre-là,
8 c'est définitivement la rencontre du 11 juillet
9 2003.

10 L'HON. PIERRE DE BANÉ : Vous
11 parlez de la séance de briefing à laquelle j'ai
12 dit...

13 M^e DAVID : Oui.

14 L'HON. PIERRE DE BANÉ : Oui, en
15 effet.

16 M^e DAVID : Cette séance s'est
17 tenue à quel endroit ?

18 L'HON. PIERRE DE BANÉ : Au
19 ministère des Affaires étrangères à Ottawa dans
20 une salle de conférence où il y avait une dizaine
21 de fonctionnaires du côté des Affaires étrangères
22 et le président de la réunion, c'était monsieur
23 Pardy.

24 M. BAXTER : Il était entouré de
25 tous ses collaborateurs.

1 M^e DAVID : Vous aviez bien
2 identifié monsieur Pardy, êtes-vous en mesure
3 d'identifier d'autres gens qui étaient présents à
4 cette rencontre-là ?

5 L'HON. PIERRE DE BANÉ : Vous avez
6 nommé madame Goodfellow.

7 M^e DAVID : Patricia.

8 L'HON. PIERRE DE BANÉ : Oui. Je me
9 souviens d'elle. Les autres, non, je ne peux pas
10 me rappeler, non, parce que madame Goodfellow,
11 j'ai eu affaire avec elle à mon retour de voyage
12 pour des raisons administratives, compte de
13 dépenses, et caetera. Alors, je me souviens
14 d'elle.

15 Mais le gros du briefing,
16 évidemment, m'a été donné par monsieur Pardy qui
17 lui maîtrisait parfaitement le dossier.

18 M^e DAVID : Est-ce qu'il y a eu
19 d'autres fonctionnaires du Ministère qui vous ont
20 adressé la parole ?

21 L'HON. PIERRE DE BANÉ : Oui, mais
22 très accessoirement. C'est lui qui présidait la
23 réunion et il avait convoqué une dizaine de
24 fonctionnaires et je pense ne pas me tromper en
25 disant que la plupart étaient dans la trentaine,

1 quoi.

2 M^e DAVID : Est-ce que vous avez,
3 Monsieur le Sénateur, pris des notes lors de cette
4 rencontre-là, des notes personnelles ?

5 L'HON. PIERRE DE BANÉ : Oui. J'ai
6 pris des notes. Malheureusement, je n'arrive pas à
7 retrouver mon calepin dans lequel j'avais pris des
8 notes.

9 Oui, en effet, j'avais pris des
10 notes parce que... Mais je me souviens très bien
11 que j'aie pris des notes.

12 Évidemment, le Ministère m'a remis
13 un cahier de briefing.

14 M^e DAVID : Avant ou après ?

15 L'HON. PIERRE DE BANÉ : Lorsque je
16 suis arrivé là. On m'a remis les lettres de
17 monsieur Chrétien que je viens de remettre, plus
18 ils m'ont remis un cahier de briefing.

19 La première partie portait sur
20 l'Arabie Saoudite. La deuxième portait sur la
21 Syrie. Et mes deux lettres.

22 M^e DAVID : Est-ce que vous
23 comprenez pour quelle raison est-ce qu'il était
24 nécessaire que monsieur Pardy vous explique que
25 déjà les Américains auraient offerts aux Canadiens

1 la livraison, si je peux m'exprimer ainsi, de
2 monsieur Arar ici au Canada ?

3 Est-ce que vous avez compris
4 pourquoi monsieur Pardy vous a dit cela, pourquoi
5 c'était nécessaire de vous dire cela ?

6 Dans quel contexte est-ce que ça
7 vous a été dit ?

8 L'HON. PIERRE DE BANÉ : Je présume
9 qu'il m'a dit cela pour me conforter, me
10 convaincre que voilà quelqu'un qui mérite toute
11 l'aide du gouvernement canadien parce que nous, on
12 n'était pas prêt-à-porter des accusations contre
13 lui. Nous n'avions pas quoi que ce soit en vertu
14 de notre Charte des droits qui aurait justifié de
15 porter des accusations, de l'incarcérer, et
16 caetera, et caetera.

17 Donc, j'avais une excellente cause
18 entre les mains. Et qu'il méritait tout l'appui du
19 gouvernement canadien.

20 C'est comme ça que moi j'ai
21 interprété cela.

22 M^e DAVID : Est-ce que quelqu'un
23 d'autre présent à cette réunion-là a fait des
24 commentaires par rapport à cette information que
25 monsieur Pardy vous livrait ? Est-ce qu'on a mis

1 en doute l'exactitude ou est-ce qu'on a corrigé
2 monsieur Pardy ou est-ce qu'on a appuyé monsieur
3 Pardy par rapport à ces propos-là ?

4 L'HON. PIERRE DE BANÉ : Écoutez,
5 je me souviens de ce que je viens de vous dire
6 comme si ça m'a été dit hier. Donc, j'en suis
7 absolument sûr, ça m'a tellement frappé que c'est
8 resté dans ma mémoire que les Américains ont dit :
9 « Nous allons vous le remettre si vous vous
10 engagez à l'arrêter, et caetera, à l'incarcérer. »
11 Et les Canadiens ont dit : « Ce n'est pas
12 possible. »

13 M^e DAVID : Est-ce que monsieur
14 Pardy vous a indiqué la source qu'il avait pour
15 ces renseignements-là ?

16 L'HON. PIERRE DE BANÉ : Non. Non.
17 Non.

18 M^e DAVID : D'où il tenait ces
19 renseignements.

20 L'HON. PIERRE DE BANÉ : Non. Moi
21 je savais, évidemment, que monsieur Pardy était le
22 directeur général des Affaires consulaires et en
23 cette qualité, évidemment, il faisait affaire avec
24 tous les organes de l'État. Mais non, je ne lui ai
25 pas demandé : Qui vous a dit ceci. Non, non.

1 M^e DAVID : Nous allons continuer,
2 si vous le permettez on va changer de volume, il
3 faut aller à l'exhibit P-48. Conservez, monsieur
4 de Bané, le volume que vous avez parce que je vais
5 y revenir.

6 --- Pause

7 THE COMMISSIONER: Volume 1?

8 MR. DAVID: It's volume 1 and it's
9 tab 20.

10 L'onglet 20, monsieur de Bané.

11 THE COMMISSIONER: Tab?

12 MR. DAVID: Twenty.

13 Encore là, monsieur de Bané, c'est
14 simplement pour mettre certains documents au
15 dossier de notre Commission.

16 J'aimerais vous référer à la page
17 2 de cet onglet. Il s'agit d'un... encore là le
18 terme que j'ai appris jusqu'à date, c'est un
19 « briefing note »

20 L'HON. PIERRE DE BANÉ :

21 Exactement. Une séance de breffage. Une note de
22 breffage.

23 M^e DAVID : Il s'agit d'une note de
24 breffage. Merci. Je n'ai pas eu l'occasion souvent
25 d'interroger en français jusqu'à date.

1 A la page 2, nous avons la note de
2 breffage qui est adressée au Premier Ministre et
3 qui demande, finalement, sa signature de la lettre
4 en question qui est datée du 11 juillet et vous
5 avez, dans les faits, copie de la lettre à la page
6 3 de ce volet-là, de cet onglet-là, et donc aux
7 pages 3 et 4, vous avez le texte que le Premier
8 Ministre a, en fait, signé dans une première
9 lettre qui est datée du 11 juillet.

10 Au premier paragraphe de la lettre
11 du Premier Ministre, le Premier Ministre dit
12 ceci :

13 « I have asked Senator de
14 Bané to travel to Syria at
15 this time so that I could
16 bring to your attention the
17 case of Maher Arar, a
18 Canadian citizen who has been
19 detained in your country
20 since last October. »

21 (Tel que lu)

22 Et au troisième paragraphe, le
23 Premier Ministre du Canada dit :

24 « I would further ask that
25 consideration be given on

1 humanitarian and
2 compassionate grounds to
3 having Mr. Arar released and
4 permitted to return to
5 Canada. I can assure you that
6 there is no Canadian
7 government impediment to his
8 return. » (Tel que lu)

9 Si je comprends bien, monsieur de
10 Bané, vous avez pris connaissance du contenu de
11 cette lettre avant votre départ.

12 L'HON. PIERRE DE BANÉ : On me l'a
13 remise en mains propres. L'original.

14 M^e DAVID : D'accord. Est-ce que
15 vous avez eu quelque communication que ce soit
16 avec le Premier Ministre concernant le contenu de
17 la lettre ou concernant votre mandat, votre
18 voyage ?

19 L'HON. PIERRE DE BANÉ : Non. On
20 m'a remis une lettre déjà signée par le Premier
21 Ministre, mais je n'ai pas du tout été consulté
22 sur la rédaction de la lettre, non.

23 M^e DAVID : Merci.

24 J'aimerais, monsieur de Bané, vous
25 référer maintenant à l'exhibit P-88, qui sont les

1 notes...

2 L'exhibit P-88, c'est l'onglet 1.
3 Simplement pour vous situer, ce sont les notes
4 personnelles de monsieur Gar Pardy qui ont été
5 transcrites dans ce volume-là.

6 J'aimerais vous référer à la page
7 27, monsieur de Bané, de ces notes-là pour une
8 inscription en date du 15 juillet 2003. C'est
9 simplement, encore là, pour étaler pour le
10 dossier.

11 On note que monsieur Pillarella
12 [sic] a eu une conversation téléphonique avec
13 monsieur Franco Pillarella, l'Ambassadeur canadien
14 en Syrie. Il y a eu aussi une communication entre
15 vous et monsieur Pardy qui réfère que vous l'avez
16 appelé, vous avez appelé monsieur Pardy en date du
17 15 juillet et que vous étiez pour quitter Jeddah.
18 La note dit :

19 « In the meantime Senator
20 called. Out of Jeddah
21 tonight. »

22 Ma question, c'est est-ce que vous
23 vous souvenez d'avoir appelé monsieur Pardy alors
24 que vous étiez à l'extérieur du pays en date du 15
25 juillet ?

1 L'HON. PIERRE DE BANÉ : Oui. Si
2 vous me permettez, j'aimerais vous donner un peu
3 la toile de fond de tout cela.

4 J'ai rencontré dans l'après-midi
5 le Crown Prince, le Prince héritier d'Arabie
6 Saoudite, et j'étais accompagné de l'Ambassadeur
7 du Canada, évidemment, en Arabie Saoudite. J'ai
8 eu, je pense, une audience qui a duré presque deux
9 heures de temps.

10 M^e DAVID : Monsieur de Bané, si
11 vous me permettez.

12 L'HON. PIERRE DE BANÉ : Oui.

13 M^e DAVID : Je vais juste vous
14 interrompre. C'est parce que la date en question à
15 laquelle je vous réfère, c'est le 15 juillet alors
16 que vous êtes, il me semble, en Arabie Saoudite.

17 L'HON. PIERRE DE BANÉ : Oui, c'est
18 ça. J'arrive à cela.

19 M^e DAVID : OK. Je m'excuse.

20 L'HON. PIERRE DE BANÉ : Vous allez
21 voir. Alors donc, j'ai mon audience avec le Prince
22 héritier, je passe avec lui deux heures de temps,
23 je plaide la cause de ce Canadien qui était
24 condamné à mort.

25 M^e DAVID : Peut-être que ce n'est

1 pas nécessaire d'aller dans les détails.

2 L'HON. PIERRE DE BANÉ : Bon. En
3 tout cas. Donc, ça a fait tout ça. Bon. Ensuite,
4 l'Ambassadeur du Canada en Arabie Saoudite m'a
5 conduit dans sa voiture à l'aéroport de Jeddah
6 pour prendre l'avion et partir pour la Syrie. Le
7 Liban et la Syrie.

8 Nous arrivons à l'aéroport et on
9 doit attendre durant deux, trois heures, je pense,
10 dans le salon de la compagnie aérienne.

11 Nous en profitons, de ce délai de
12 deux, trois heures, pour appeler à Ottawa et faire
13 rapport à monsieur Pardy de notre audience avec le
14 Prince héritier Abdullah.

15 Et là monsieur Pardy me dit :
16 « Sénateur, j'ai une nouvelle pour vous. La lettre
17 que je vous ai donnée à Ottawa signée par monsieur
18 Chrétien et qui ne parle que d'un seul sujet, la
19 libération de monsieur Arar, à la réflexion, nous
20 allons plutôt vous faire parvenir une autre lettre
21 que vous remettrez au Président Bashar, laquelle
22 lettre, contrairement à celle qu'on vous a remise
23 à Ottawa, couvrira non seulement le dossier Arar,
24 mais également d'autres sujets d'intérêt bilatéral
25 entre le Canada et la Syrie. »

1 Je me souviens qu'il m'a dit cela
2 alors que j'étais dans le salon en Arabie
3 Saoudite.

4 Nous l'appelions pour lui faire
5 part de notre conversation avec le Prince héritier
6 sur le cas Sampson, lui en a profité, il m'a dit :
7 « Je suis très heureux de ce que vous me
8 racontez. » Tout ça. Il dit : « Maintenant, moi
9 j'ai des nouvelles pour vous » et là il m'a parlé
10 de ça.

11 M^e DAVID : D'ailleurs, Monsieur le
12 Sénateur, si vous permettez, allez à la page 28,
13 la prochaine page des notes de monsieur Pardy. En
14 haut de la page il dit, d'ailleurs :

15 « Senator de Bane ready to
16 speak on other matters. »

17 M^e DAVID : J'imagine que ça
18 réfère, justement, à votre mandat qui a pris un
19 peu d'expansion ou qui maintenant doit aussi
20 concerner des questions plus larges que celle de
21 seulement monsieur Arar.

22 L'HON. PIERRE DE BANÉ : C'est ça.
23 Le Ministère, lui, est arrivé à la conclusion que
24 ma visite en Syrie aurait plus de succès si la
25 lettre du Premier Ministre couvrait également

1 d'autres sujets d'intérêts mutuels.

2 M^e DAVID : D'accord. Monsieur le
3 Sénateur, simplement pour appuyer vos prétentions,
4 j'aimerais vous référer à l'onglet 470.

5 Je m'excuse, on change de volume.

6 THE COMMISSIONER: What tab?

7 MR. DAVID: 470, and if you could
8 go to page 6. À la page 6. Vous avez la
9 numérotation en bas de la page à droite, monsieur
10 de Bané.

11 L'HON. PIERRE DE BANÉ : Merci.

12 M^e DAVID : A la page 6 de 8, vous
13 avez un message de monsieur Pardy à plusieurs
14 personnes, Michael Chesson, Nicolas Chapdelaine,
15 John Ausman, Jillian Stirk et Patty Goodfellow à
16 laquelle vous avez déjà référé, et monsieur Pardy
17 dit ceci :

18 « As you are aware Ambassador
19 Pillarella is having
20 difficulty in obtaining a
21 response from the Syrians
22 with respect to the entry of
23 Senator de Bane and the
24 meeting with the President.
25 Ambassador Pillarella has

1 indicated that if there was a
2 message from the Prime
3 Minister announcing the visit
4 and indicating that the visit
5 was not a one-subject one,
6 then the chances of having
7 the Senator meet with the
8 President would be improved.
9 I spoke to Ambassador
10 Arnous... »

11 -- qui est l'Ambassadeur de la
12 Syrie --

13 « ...earlier this afternoon
14 and received the same
15 message. »

16 M^e DAVID : Justement, c'est le
17 contexte dans lequel je crois que monsieur Pardy
18 vous indiquait qu'il y aurait une deuxième lettre
19 du Premier Ministre.

20 Vous avez, au deuxième paragraphe
21 de ce message, la référence de monsieur Pardy :

22 « With that in mind, and as
23 suggested to Nicolas this
24 afternoon, we would not
25 change the Prime Minister's

1 letter but a message from the
2 Prime Minister to the
3 President that Ambassador
4 Pillarella could use would
5 improve the chances of
6 access. The message could be
7 along the following
8 lines: ... »

9 M^e DAVID : Et là le texte est
10 noirci.

11 Il s'agit, évidemment, d'une
12 référence à un mandat qui a peut-être pris de
13 l'expansion où vous aurez à discuter de questions
14 qui vont au-delà de la question de monsieur Arar.
15 C'était votre compréhension des choses.

16 L'HON. PIERRE DE BANÉ : En effet.

17 M^e DAVID : D'accord. Est-ce que
18 monsieur Pardy vous a mis au courant qu'ils
19 éprouvaient des difficultés à obtenir l'accès au
20 Président pour vous ?

21 L'HON. PIERRE DE BANÉ : Oui.

22 M^e DAVID : Quand est-ce qu'il vous
23 a mis au courant de ce qu'il...

24 L'HON. PIERRE DE BANÉ : C'est ça.
25 Quand je l'ai appelé, l'Ambassadeur du Canada et

1 moi, nous l'avons appelé du salon de la compagnie
2 aérienne à l'aéroport de Jeddah. Il m'a dit : « On
3 a de la difficulté à obtenir un rendez-vous et
4 notre Ambassadeur pense qu'il faudrait couvrir
5 d'autres sujets » et caetera.

6 M^e DAVID : Est-ce que vous étiez
7 au courant que c'était également l'opinion de
8 l'Ambassadeur Arnous, l'Ambassadeur syrien au
9 Canada qu'il fallait prendre une approche un peu
10 différente ?

11 L'HON. PIERRE DE BANÉ : Non.

12 M^e DAVID : D'accord. J'aimerais
13 vous référer maintenant à l'onglet 20 des
14 documents de PCO.

15 L'onglet 20, monsieur de Bané.
16 Nous gérons beaucoup de documents, je m'en excuse.
17 J'aimerais simplement vous référer
18 à la première page de cet onglet-là.

19 Il s'agit, premièrement, dans le
20 premier point, de la confirmation que le Premier
21 Ministre avait signé la première lettre qui est
22 datée du 11 juillet, il l'a signée dimanche le 13
23 juillet. Et là, nous avons référence, aux deuxième
24 et troisième points, à la deuxième lettre que le
25 Premier Ministre doit signer, et on dit ceci :

1 « Therefore recommended that
2 you sign a second letter that
3 the Ambassador will deliver
4 which introduces the Senator
5 and places the visit in a
6 broader context. We
7 recommend that you sign the
8 attached letter to President
9 Bashar Assad. »

10 Et la deuxième lettre, Monsieur de
11 Bané, se retrouve à l'onglet 472 du volume que
12 vous aviez auparavant -- 472, 472 -- et là, dans
13 cette lettre-là, qui est datée du 17 juillet,
14 signée par le Premier Ministre, le Premier
15 Ministre dit ceci -- et c'est environ à
16 mi-chemin -- :

17 « I have asked Senator Pierre
18 de Bané to travel to Syria
19 this week in order to meet
20 with you and discuss various
21 matters in the Canada-Syria
22 relationship. I would hope
23 that you could take a few
24 moments from your schedule to
25 meet with him so that I can

1 have your views on the many
2 issues and developments in
3 your region. Thank you for
4 your consideration. »

5 Donc, on voit bien que le
6 langage...

7 L'HON. PIERRE DE BANÉ : Quel
8 onglet ?

9 M^e DAVID : Quatre cent
10 soixante-douze, 4-7-2.

11 L'HON. PIERRE DE BANÉ : Oui, oui,
12 oui. Absolument.

13 M^e DAVID : Et cette lettre-là, par
14 contre, vous étiez déjà outre-mer, vous ne l'aviez
15 pas en votre possession ? Est-ce que vous avez
16 pris possession de cette lettre-là en Syrie ?

17 L'HON. PIERRE DE BANÉ : Oui, les
18 méthodes de communication... évidemment, entre le
19 siège social du ministère ici à Ottawa et les
20 différentes ambassades, ils ont un système de
21 transmission entre eux, et si je me rappelle bien,
22 monsieur Pardy m'avait dit : « Monsieur le
23 Sénateur » -- quand je l'ai appelé de Djedda --
24 « quand vous arriverez à Damas, cette lettre,
25 cette nouvelle lettre du Premier Ministre sera

1 déjà là. »

2 M^e DAVID : D'accord, et j'aimerais
3 vous référer à l'onglet 471 -- 471 -- et c'est une
4 lettre de monsieur Pardy à l'Ambassadeur syrien
5 ici à Ottawa, qui dit Monsieur l'Ambassadeur :

6 « Your Excellency,
7 Further to our telephone
8 discussion yesterday, I am
9 attaching a letter from the
10 Prime Minister of Canada, the
11 Right Honourable Jean
12 Chrétien, to His Excellency
13 Bashar Al Assad, President of
14 the Syrian Arab Republic. It
15 would be appreciated if this
16 letter could be forwarded to
17 your authorities in Damascus
18 at the earliest possible
19 time. »

20 Alors, on fait état de la façon
21 dont cette deuxième lettre du Premier Ministre a
22 été livrée.

23 Est-ce que, à votre connaissance,
24 d'autres lettres étaient impliquées dans votre
25 mission en Syrie ? Est-ce que vous avez livré

1 d'autres documents au Président syrien ?

2 L'HON. PIERRE DE BANÉ : Non.

3 M^e DAVID : Alors, allons
4 maintenant à l'onglet 473, et c'est très bref par
5 rapport à cet onglet-là parce qu'il est
6 complètement noirci. Il s'agit, en titre, d'une
7 référence à vous :

8 « Senator Pierre De Bané
9 Visit to Damascus
10 July 19, 2003
11 Topics and Intervention
12 Points »

13 Alors, je comprends de ce
14 document-là qu'on vous a rencontré en Syrie pour
15 encore vous faire un briefing ?

16 L'HON. PIERRE DE BANÉ : Oui, et si
17 vous me permettez, je vais vous raconter les
18 circonstances. J'ai quitté...

19 M^e DAVID : C'est-à-dire qu'il faut
20 faire attention ici, Monsieur de Bané, parce que
21 le document dans son entité est complètement
22 noirci.

23 L'HON. PIERRE DE BANÉ : Oui.

24 M^e DAVID : Donc, il y a une
25 réclamation ici...

1 L'HON. PIERRE DE BANÉ : Oui.

2 M^e DAVID : ...du secret

3 national...

4 L'HON. PIERRE DE BANÉ : Oui. Oui.

5 M^e DAVID : ...et donc, il faut

6 faire très attention...

7 L'HON. PIERRE DE BANÉ : Oui.

8 M^e DAVID : ...dans vos propos de
9 ne pas dévoiler des renseignements qui sont
10 protégés.

11 L'HON. PIERRE DE BANÉ : Je vous
12 remercie.

13 Alors, quand j'ai pris l'avion à
14 Djedda, c'était un vol Djedda-Le Caire-Beyrouth.
15 Bon, j'ai arrivé à Beyrouth et j'étais en
16 communication quotidienne avec notre Ambassadeur à
17 Damas, monsieur Pillarella.

18 Et monsieur Pillarella... bon,
19 moi, j'étais à Beyrouth. C'est environ une heure
20 et demie en voiture entre Beyrouth et Damas. Et
21 monsieur Pillarella me disait : « Bon, je
22 travaille pour vous obtenir un rendez-vous. » Et
23 finalement, un moment donné, il m'a dit : « Bon,
24 Monsieur de Bané, j'ai obtenu un rendez-vous.
25 Demain, vous allez avec moi rencontrer le

1 sous-ministre des Affaires étrangères de Syrie à
2 Damas, monsieur Mouallem. »

3 Alors, l'ambassade du Canada au
4 Liban m'a amené dans une voiture de l'ambassade à
5 la frontière. Là, monsieur Pillarella m'attendait
6 à la frontière libano-syrienne. Je suis monté avec
7 lui dans sa voiture. Il m'a donné également un
8 briefing dans la voiture, et je pense que nous
9 nous sommes rendus directement au ministère des
10 Affaires étrangères de la République syrienne, où
11 j'ai été reçu, avec l'Ambassadeur Pillarella, par
12 monsieur Mouallem.

13 Donc, le briefing a eu lieu dans
14 la voiture entre... à la frontière jusqu'à...
15 environ une affaire de moins d'une heure.

16 M^e DAVID : D'accord. Merci pour
17 cette précision.

18 J'aimerais vous référer
19 maintenant... je reviens aux notes personnelles de
20 monsieur Pardy...

21 L'HON. PIERRE DE BANÉ : Mm-hmm.

22 M^e DAVID : ...que vous avez à
23 votre droite là. Non, c'est l'autre volume. Oui,
24 voilà, et j'aimerais vous référer à la page 28 de
25 ses notes -- page 28...

1 L'HON. PIERRE DE BANÉ : Oui.

2 M^e DAVID : ...et c'est une
3 référence au 21 juillet 2003...

4 L'HON. PIERRE DE BANÉ : Mm-hmm.

5 M^e DAVID : ...et c'est une
6 référence au fait que vous aviez rencontré le
7 Deputy Foreign Minister des Affaires étrangères de
8 la Syrie, et monsieur Pardy dit ceci :

9 « Franco Pillarella... »

10 Donc, il a une conversation avec
11 l'Ambassadeur Pillarella.

12 « Ar Residence with
13 Senator... »

14 Ça doit être :

15 « - At Residence with Senator
16 De Bané

17 - Mtg at 1100am with Vice
18 Minister

19 - Two letters.

20 - Only deliver first letter.

21 - Senator De Bané

22 - First letter.

23 - Very much interested in
24 events in region. Views on
25 the regional issues. »

1 Alors, les notes semblent indiquer
2 que vous avez, dans les faits, livré qu'une seule
3 des deux lettres que vous aviez. Est-ce que vous
4 avez un souvenir en rapport à cette question ?

5 L'HON. PIERRE DE BANÉ : Non. Ce
6 qui est très clair dans mon esprit, c'est que
7 monsieur Pardy m'avait dit au téléphone :
8 « Monsieur de Bané, nous devrions préparer une
9 lettre qui couvre davantage que le dossier de
10 monsieur Arar, et nous allons faire cela. » Et
11 donc ça, c'est très clair dans mon esprit.

12 Bon! Et monsieur Pardy m'a fait
13 part, non pas d'un projet qui n'était pas sûr,
14 non, non, il m'a dit : « Voilà la décision qu'on a
15 prise. Nous allons préparer une nouvelle lettre,
16 et avec cette lettre, vous aurez le rendez-vous,
17 et caetera, qui va vous permettre de remettre la
18 lettre du Premier Ministre. » Bon, tout ça, c'est
19 clair dans mon esprit.

20 Maintenant, quelle est la lettre
21 que l'Ambassadeur ou moi, on a remis à monsieur
22 Mouallem, cette partie-là, franchement, ce n'est
23 pas très clair dans mon esprit.

24 M^e DAVID : D'accord.

25 Dans votre esprit, Monsieur de

1 Bané, vous alliez rencontrer le Président de la
2 Syrie ?

3 L'HON. PIERRE DE BANÉ : Oui.

4 M^e DAVID : Quand est-ce que
5 vous...

6 L'HON. PIERRE DE BANÉ : Et
7 monsieur Pillarella, lorsqu'il m'a rejoint à
8 Beyrouth -- parce qu'on se parlait tous les
9 jours -- à partir du moment où je suis arrivé à
10 Beyrouth, il m'a dit : « Bon, vous allez
11 rencontrer monsieur Mouallem et non pas le
12 Président de la République. »

13 Alors, j'ai dit : « Bon, monsieur
14 Mouallem, je le connais. Il était Ambassadeur de
15 la Syrie à Washington. Je l'avais déjà rencontré
16 là-bas, et caetera. » Donc, c'est un monsieur que
17 je connaissais. Je connaissais son influence. Et
18 j'ai dit : « Bon, puisque c'est le rendez-vous que
19 vous avez pu obtenir pour moi, c'est parfait, je
20 serai là. Et vous me dites demain. Je pars en
21 voiture et j'y serai. »

22 M^e DAVID : Et est-ce qu'on vous a
23 fourni une explication... est-ce qu'on vous a
24 expliqué comment se faisait-il que maintenant vous
25 rencontreriez le vice -- le député -- « the Vice

1 Deputy Foreign Affairs Minister », plutôt que le
2 Président de la Syrie ? Est-ce qu'on vous a
3 expliqué...

4 L'HON. PIERRE DE BANÉ : Oui. Je me
5 souviens que durant les jours que j'ai passés à
6 Beyrouth, où je parlais tous les jours à notre
7 Ambassadeur monsieur Pillarella, bon, il me disait
8 toutes les représentations qu'il faisait pour
9 m'obtenir le rendez-vous, disant aux autorités
10 syriennes : « Le Sénateur de Bané est porteur
11 d'une lettre personnelle du Premier Ministre du
12 Canada à l'attention du Président... », bon. Et il
13 me disait : « J'ai de la difficulté à obtenir le
14 rendez-vous... », et caetera, bon.

15 Après quelques jours, il m'a dit :
16 « Bon, j'ai finalement une réponse. C'est le
17 sous-ministre qui va vous recevoir. » Bon.

18 Alors donc, j'ai été rendre visite
19 au sous-ministre, et quand j'ai vu monsieur
20 Mouallem -- je pourrais en parler lorsque vous le
21 voudrez -- la première chose qu'il m'a dite, il
22 dit : « Je tiens à vous transmettre les regrets de
23 notre Président, et caetera, et caetera.
24 Malheureusement, le temps était tellement court
25 qu'on n'a pas pu organiser la rencontre avec le

1 Président, et je voudrais vous exprimer nos
2 regrets. » Bon.

3 M^e DAVID : D'accord.

4 L'HON. PIERRE DE BANÉ : Il a dit
5 cela.

6 M^e DAVID : Maintenant, le briefing
7 que vous avez reçu concernant monsieur Arar de
8 monsieur l'Ambassadeur canadien, monsieur
9 Pillarella, vous l'avez reçu durant le trajet qui
10 vous a amené du Liban à Damas ?

11 L'HON. PIERRE DE BANÉ : En effet.

12 M^e DAVID : J'aimerais ça que vous
13 nous racontiez qu'est-ce qui vous a été dit
14 concernant monsieur Arar. Quels étaient les
15 renseignements qu'on vous a fournis, que
16 l'Ambassadeur vous a fournis concernant
17 spécifiquement monsieur Arar ?

18 L'HON. PIERRE DE BANÉ : Ce qui m'a
19 frappé particulièrement dans le briefing que j'ai
20 eu de monsieur l'Ambassadeur Pillarella, c'est que
21 les autorités syriennes avaient donné un accès
22 réellement pas ordinaire, excellent, à l'ambassade
23 du Canada pour qu'ils puissent rendre visite à
24 monsieur Arar à partir du moment où, je pense, en
25 octobre lorsqu'il est arrivé... lorsqu'il était

1 arrivé en Syrie, et que l'accès de l'ambassade
2 graduellement est devenu de plus en plus
3 difficile.

4 Au début, c'était sur une base
5 hebdomadaire, ensuite toutes les deux semaines,
6 ensuite toutes les trois semaines, ensuite tous
7 les mois, ensuite trois mois, puis ensuite rien du
8 tout, et l'Ambassadeur n'était pas content du tout
9 de cela et il était réellement très déçu de cet
10 état de fait, que l'ambassade n'avait pas accès à
11 monsieur Arar aussi fréquemment qu'avant, parce
12 que l'une des choses qui était très importante
13 pour monsieur Pillarella, c'est de savoir dans
14 quel état était monsieur Arar et pourquoi on le
15 gardait en prison alors qu'on avait promis de
16 porter des accusations et de l'amener dans un
17 procès public, et caetera, bon.

18 Et deuxièmement, ces visites-là
19 permettaient à monsieur Pillarella et ses
20 collaborateurs de s'assurer de... comment
21 dirais-je... si monsieur Pillarella [sic] était en
22 bonne santé ou non. Alors, ils n'avaient plus
23 accès à lui. Donc, ça créait une grande
24 inquiétude, et caetera.

25 Alors ça, je me souviens qu'il

1 m'avait parlé de cela, que autant au début, ça
2 allait très bien les visites, autant ces visites
3 avaient été suspendues complètement.

4 M^e DAVID : Et est-ce qu'on...
5 l'Ambassadeur canadien vous a fourni des détails
6 sur les raisons qui pouvaient justifier la
7 détention de monsieur Arar par les Syriens, les
8 éléments de preuve que les Syriens pouvaient
9 posséder à l'égard de monsieur Arar, finalement,
10 qu'est-ce qui pouvait expliquer le traitement que
11 recevait monsieur Arar en Syrie ?

12 --- Pause

13 L'HON. PIERRE DE BANÉ : Je vais
14 vous donner un fait qui est très vivace dans ma
15 mémoire et l'autre qui est plutôt une conclusion
16 qui me semble logique.

17 Je commence par la déduction. La
18 déduction, c'est que c'est les Américains qui
19 l'ont amené là. Je me souviens que monsieur Pardy
20 m'avait dit que les Syriens étaient étonnés
21 lorsque les Américains leur ont dit, à partir
22 d'Amman, je pense : « On aimerait vous confier
23 monsieur Arar. » Les Syriens, paraît-il, étaient
24 très étonnés, très surpris que les Américains leur
25 demandaient de prendre monsieur Arar sous leur

1 contrôle. Ça, c'est une déduction. Je pense
2 c'est... bon.

3 Mais la chose qui est très vivace
4 dans mon esprit, c'est que lorsque j'ai rencontré
5 monsieur Mouallem et que je lui ai expliqué
6 pourquoi monsieur Arar devait être libéré, un
7 moment donné, il a dit : « C'est la faute des
8 Américains. » Ça, je me souviens de cela.

9 M^e DAVID : Alors, arrivons,
10 Monsieur de Bané, à la rencontre avec monsieur
11 Mouallem. J'aimerais vous référer à l'onglet 476.

12 L'HON. PIERRE DE BANÉ : Si vous
13 voulez arrêter deux minutes.

14 M^e DAVID : Oui. Oui, absolument.

15 L'HON. PIERRE DE BANÉ : Merci.

16 MR. DAVID: Mr. Commissioner, I
17 think Mr. de Bané would appreciate a break at this
18 point.

19 THE COMMISSIONER: Okay. We will
20 take a fifteen-minute break.

21 MR. DAVID: Thank you.

22 THE REGISTRAR: Please stand.

23 Veuillez vous lever.

24 --- Suspension à 10 h 15 /

25 Upon recessing at 10:15 a.m. /

1 --- Reprise à 10 h 33 /

2 Resuming at 10:33 a.m.

3 THE SECRETARY : Please, be seated.

4 Veuillez vous asseoir.

5 M^e DAVID : Alors, Monsieur de
6 Bané, j'aimerais vous référer à l'onglet 476. Nous
7 en étions à faire rapport sur votre rencontre avec
8 monsieur Mouallem, et j'aimerais vous référer à
9 cet onglet là simplement pour faire état de la
10 discussion et vous demander si ce qui est contenu
11 dans ce rapport est votre souvenir de cette
12 rencontre là.

13 Alors --

14 L'HON. PIERRE DE BANÉ : Nous
15 parlons de --

16 M^e DAVID : De l'onglet 476.

17 L'HON. PIERRE DE BANÉ : Oui, c'est
18 cela.

19 M^e DAVID : Four seventy-six.

20 L'HON. PIERRE DE BANÉ : Oui.

21 M^e DAVID : Alors, il s'agit d'un
22 message qui provient de l'Ambassadeur canadien,
23 qui est envoyé au Canada et qui concerne -- qui
24 est un compte rendu, finalement, de votre
25 rencontre avec le vice -- le vice -- « Deputy

1 Foreign Minister » de la Syrie.

2 Alors, on dit ceci :

3 « Senator de bané met,
4 July 22 with Foreign Deputy
5 Minister Mouallem to present
6 PM Chrétien's letter bringing
7 to the attention of President
8 Bashar the case of Maher
9 Arar. In handing the letter
10 to Mouallem the Senator
11 explained the importance PM
12 Chrétien attached to this
13 question and sought the
14 assurance that the letter
15 would be brought to the
16 personal attention of the
17 President. »

18 Est-ce que c'est votre souvenir
19 des choses ? Que vous avez demandé --

20 L'HON. PIERRE DE BANÉ : En effet.

21 M^e DAVID : D'accord.

22 Deuxième paragraphe, on souligne
23 que vous avez dit que :

24 « Senator de Bané explained
25 why the case was important to

1 Canada. Referring to the
2 fact that Canada was a
3 multicultural country made up
4 of immigrants, he himself had
5 been born in Haifa,
6 Palestine, every Canadian,
7 whether by birth or acquired
8 citizenship had the same
9 rights and obligations under
10 the law and thus entitled to
11 the same protection by the
12 Canadian Government when in
13 need.. The Senator was well
14 aware that under Syrian law,
15 Arar was considered to be a
16 Syrian citizen, but as a
17 Canadian citizen the Canadian
18 government had a duty to
19 intervene on his behalf. »

20 Est-ce que cela reflète vos
21 propos, Monsieur le Sénateur ?

22 L'HON. PIERRE DE BANÉ : Oui.

23 Et, ce que je voudrais dire aussi,
24 pour donner un peu l'atmosphère de la rencontre,
25 c'est que je connais monsieur Mouallem.

1 Nous nous connaissons et nous
2 nous sommes -- nous étions heureux de nous revoir,
3 et je lui ai expliqué que, bien sûr, monsieur Arar
4 a la citoyenneté syrienne de leur point de vue,
5 mais, pour nous, les Canadiens, il est un citoyen
6 canadien.

7 Et le Canada est sans doute le
8 seul pays dans le monde qui a mis dans sa loi
9 suprême, dans la Constitution du pays, que le
10 Canada est un pays multiculturel. Et c'est une
11 terminologie canadienne pour dire que le Canada
12 est constitué de gens qui viennent de tous les
13 pays du monde et qu'ils ont tous les mêmes droits.

14 J'ai dit : On est, je pense, le
15 seul pays dans le monde qui avons mis cela dans la
16 loi suprême du pays, que tous les Canadiens,
17 qu'ils soient nés au Canada, qu'ils viennent de
18 l'étranger, sont des citoyens de première classe.

19 Et donc, même si pour lui monsieur
20 Arar est un Syrien, pour nous c'est une Canadien.
21 Et c'est la raison pour laquelle le Premier
22 Ministre du Canada ne cesse de dire publiquement
23 qu'il va tout faire pour libérer monsieur Arar.
24 Bon.

25 Alors, j'ai commencé donc d'une

1 façon extrêmement énergique à lui expliquer
2 pourquoi, même si les autres pays aussi ont des
3 processus de naturalisation, chez nous cela va
4 beaucoup plus loin.

5 Ça prend trois ans pour devenir
6 citoyen canadien. Il y a au-delà de 40 membres du
7 Parlement qui sont nés à l'étranger. Plusieurs
8 sont ministres et sont nés à l'étranger. Et
9 cetera, et cetera.

10 Donc, j'ai essayé de lui faire
11 saisir que ce n'est pas seulement des mots, c'est
12 une réalité. C'est une réalité.

13 Et, donc j'ai insisté beaucoup
14 là-dessus. Je lui parlé également à quel point la
15 communauté canadienne d'origine syrienne apporte
16 une contribution exceptionnelle au développement
17 du Canada.

18 Bref, cette partie là de mon
19 discours, de mon intervention, pour dresser le
20 tableau de fond était pour moi très importante,
21 parce que, comme vous savez, dans beaucoup de pays
22 dans le monde, celui qui n'est pas né dans ce pays
23 là, ce n'est pas la même chose.

24 Moi, je voulais lui dire : Non,
25 non. Au Canada, c'est très différent. Et c'est

1 pour cela que le Premier Ministre parle si
2 énergiquement de ce dossier.

3 C'était pour cadrer l'affaire.

4 M^e DAVID : Merci.

5 Je vous réfère au troisième
6 paragraphe du rapport, Monsieur de Bané. Et voilà
7 qu'on dit que vous avez parlé de :

8 « ...unparalleled
9 co-operation the Syrian
10 authorities had first shown
11 in this case by allowing the
12 Canadian consul to visit Arar
13 on a number of occasions and
14 later, allowing two members
15 of the Canadian Parliament to
16 also meet with him. Senator
17 de Bané thought this was a
18 reflection of the good
19 relations which existed
20 between our two countries.
21 It was therefore
22 disappointing and
23 incomprehensible to see that
24 since the visit of the MPs
25 last April, no other visit

1 from the Canadian Consul had
2 been allowed, nor had Arar
3 been put on trial as we had
4 been assured he would be. »

5 Est-ce que ces propos reflètent
6 votre conversation avec monsieur Mouallem ?

7 L'HON. PIERRE DE BANÉ : En effet.
8 Je lui ai dit : Écoutez, on vous remercie d'avoir
9 permis à notre Ambassade ici, à notre Ambassadeur,
10 à ses collaborateurs, de rendre visite sur une
11 base fréquente même assez exceptionnelle à
12 monsieur Arar, mais là, franchement, depuis
13 quelques mois, ils n'ont plus accès à monsieur
14 Arar, et cela est une situation complètement
15 inacceptable.

16 M^e DAVID : Alors, je poursuis. Et
17 le texte continue. Il dit :

18 « It was in this context that
19 PM Chrétien was now asking
20 President Bashar to give his
21 urgent attention to this
22 matter. The PM was further
23 asking that consideration be
24 given, on humanitarian and
25 compassionate grounds, to

1 have Mr. Arar released and
2 permitted to return to
3 Canada. The Senator added
4 there was no impediment to
5 Mr. Arar's return to Canada
6 and if Syria were to allow
7 such return, Canada would not
8 forget. »

9 M^e DAVID : Est-ce que cela reflète
10 bien les propos ?

11 L'HON. PIERRE DE BANÉ :
12 Absolument. Je lui ai dit : « Écoutez, monsieur
13 Mouallem, le Premier Ministre du Canada qui, sur
14 une base régulière, dit qu'il ne ménagera aucun
15 effort pour la libération de monsieur Arar vous
16 demande de le libérer. Je peux vous dire, en tant
17 que représentant personnel du Premier Ministre du
18 Canada que le Canada n'oubliera pas si vous
19 libérez monsieur Arar. »

20 M^e DAVID : Je termine en vous
21 référant au dernier paragraphe, le paragraphe 5,
22 la dernière phrase où on dit :

23 « Finally, Mouallem assured
24 the Senator that the PM's
25 letter would be brought to

1 the personal attention of the
2 President, adding that for
3 himself, he hoped that
4 something positive in the
5 affair could happen soon. »

6 M^e DAVID : Est-ce que vous vous
7 souvenez de cette assurance de la part de monsieur
8 Mouallem ?

9 L'HON. PIERRE DE BANÉ : Ça c'est
10 réellement un moment que je n'oublie pas. Parce
11 que ça faisait une heure que j'expliquais
12 l'importance de ce dossier pour le Premier
13 Ministre du Canada et là je lui ai dit :
14 « Monsieur Mouallem, nous nous connaissons très
15 bien tous les deux. Je suis ici en mission
16 officielle porteur d'une lettre du Premier
17 Ministre du Canada à Son Excellence le Président
18 de la République et j'ai absolument besoin de
19 rapporter au Premier Ministre du Canada la réponse
20 du gouvernement syrien. »

21 Là monsieur Mouallem m'a répondu
22 deux choses qui sont très vivaces dans ma mémoire.
23 Il m'a dit : « Numéro un, dites au Premier
24 Ministre du Canada que je vais personnellement
25 remettre sa lettre au Président de la République,

1 monsieur Bashar al Assad. Numéro deux, en autant
2 que je suis concerné, je vais appuyer la demande
3 du Premier Ministre du Canada auprès du
4 Président. »

5 Évidemment, j'étais très fier
6 lorsqu'il m'a dit le deuxième point, non seulement
7 « Je vais remettre personnellement la lettre à
8 Monsieur le Président Bashar al Assad, mais je
9 vais personnellement l'appuyer et dire au
10 Président syrien, à mon Président, que j'appuie la
11 lettre de votre Premier Ministre. »

12 M^e DAVID : Est-ce que vous vous
13 souvenez d'avoir suggéré à monsieur Mouallem que
14 monsieur Arar pouvait être remis entre les mains
15 de monsieur Pillarella et que si jamais il était
16 responsable de quelque acte criminel ou autrement,
17 responsable d'infraction, que le Canada s'en
18 occuperait ?

19 L'HON. PIERRE DE BANÉ :
20 Absolument. Moi j'ai dit : « Écoutez un peu, nous
21 avons des lois au Canada contre le terrorisme,
22 contre toutes les infractions, des crimes d'État,
23 et donc nous pouvons, évidemment, s'il y a eu
24 quelque infraction aux lois canadiennes, nous
25 pouvons nous en occuper. »

1 Je me souviens des représentations
2 énergiques de notre Ambassadeur, monsieur
3 Pillarella, qui a dit à monsieur Mouallem :
4 « Écoutez, vous m'aviez promis, vous m'aviez dit
5 que vous aviez certaines appréhensions, et
6 caetera. Si oui, nous, le Canada, nous exigeons un
7 procès public, si vous avez des choses à reprocher
8 à monsieur Arar, nous voulons que les accusations
9 soient faites dans un procès où les avocats
10 canadiens pourront assister, et caetera. »

11 Notre Ambassadeur a eu -- comment
12 dirais-je ? -- il a parlé avec une franchise très
13 directe que cette façon de garder un citoyen
14 canadien in communicado était inacceptable et que
15 de deux choses l'une, ou il était libéré
16 immédiatement ou, s'ils avaient des accusations à
17 porter contre lui, qu'ils le fassent dans un
18 procès public où le gouvernement canadien pourrait
19 assister au procès. Alors, monsieur Pillarella a
20 été très très énergique.

21 M^e DAVID : Monsieur le Sénateur,
22 j'aimerais vous référer à l'onglet 709 dans le
23 volume 8. Vous ne l'avez pas en main.

24 L'onglet 709 et si vous pouviez,
25 en bas de la page, retrouver la page 15 de 19.

1 C'est la référence qui est vraiment dans le coin
2 inférieur à droite, la page 15 de 19. On y réfère
3 aussi comme étant la page 14 un peu petit plus
4 haut.

5 Il y a une référence en bas de la
6 page pour le 22 juillet 2003. Le document en
7 question ici, il s'agit d'une chronologie qui a
8 été préparée par le ministère des Affaires
9 extérieures sur la trame factuelle de l'affaire
10 Arar.

11 On réfère dans cette chronologie,
12 qui a été préparée au mois de novembre 2003, pour
13 que vous le sachiez, à votre rencontre avec
14 monsieur Mouallem le 22 juillet.

15 J'aimerais simplement vous lire un
16 extrait. A partir de la phrase... En fait,
17 laissez-moi vous le lire pour vous donner le plein
18 contexte.

19 « Senator Pierre de Bané
20 discusses the case with
21 Syrian Vice Minister of
22 Foreign Affairs Walid
23 Mouallem and hands over the
24 letter from PM Chrétien for
25 transmission to the

1 President. The PM asked that
2 consideration be given, "on
3 humanitarian and
4 compassionate grounds," to
5 releasing Arar and allowing
6 him to return to Canada.
7 Senator de Bané explains the
8 PM's concerns about the
9 plight of a Canadian citizen
10 and sought an assurance that
11 the letter would be
12 transmitted to the personal
13 attention of the President. »

14 M^e DAVID : Voilà ce qui est
15 nouveau en termes du rapport qu'on vient de
16 réviser ensemble à l'onglet 476.

17 « Mouallem states that the
18 Minister of Foreign Affairs
19 is following the case very
20 closely, but that new
21 elements had widened the
22 scope of the Syrian
23 investigation, hence Arar had
24 not been put on trial and the
25 Embassy has not been

1 permitted access. »

2 (Tel que lu)

3 M^e DAVID : J'ai des questions à
4 vous poser. Premièrement, est-ce que vous vous
5 souvenez que monsieur Mouallem vous a dit cela ?
6 Je vous avertis d'avance, monsieur de Bané, il va
7 falloir faire très attention ici sur les propos
8 que vous allez rapporter de monsieur Mouallem,
9 mais dites-nous dans un premier temps, est-ce que
10 monsieur Mouallem vous a dit ce qu'on cite ici
11 comme étant ses paroles que le ministère des
12 Affaires extérieures :

13 « ...is following the case
14 very closely but that new
15 elements had widened the
16 scope of the Syrian
17 investigation and that Arar
18 had not been put on trial and
19 the Embassy had not been
20 permitted access. »

21 (Tel que lu)

22 M^e DAVID : Est-ce que monsieur
23 Mouallem vous a dit cela ? Est-ce que vous vous
24 souvenez de ces paroles-là ?

25 Encore là, je fais la mise en

1 garde, je ne pense pas qu'on devrait aller au-delà
2 de ça.

3 L'HON. PIERRE DE BANÉ : Oui, je me
4 souviens fort bien qu'en réponse aux
5 représentations de notre Ambassadeur qui
6 expliquait son mécontentement, sa déception que
7 l'ambassade n'avait plus accès à monsieur Arar,
8 monsieur Mouallem a dit qu'il comprenait ce
9 désappointement, qu'il verrait comment il pourrait
10 s'y prendre pour permettre de nouveau à un consul
11 de notre ambassade de rendre visite à monsieur
12 Arar, que s'il n'a pas pu donner suite jusqu'à
13 maintenant, si les visites ont arrêté, c'est parce
14 que l'enquête a pris une autre dimension.

15 « ...that new elements had
16 widened the scope of the
17 Syrian investigation. »
18 (Tel que lu)

19 Alors donc, il disait ça, il dit :
20 « C'est ce qui a fait en sorte qu'on va porter des
21 accusations bientôt », et caetera.

22 C'est la raison qui expliquerait
23 pourquoi l'ambassade n'a plus eu la permission.
24 Mais il s'était engagé à dire : « Écoutez, je vais
25 voir comment on pourrait reprendre ces

1 visites-là. »

2 Il a parlé de cela en réponse aux
3 représentations de monsieur Pillarella qui a dit :
4 « Comment ça se fait que je n'ai plus le droit
5 d'envoyer mes collaborateurs visiter ce
6 monsieur ? »

7 M^e DAVID : Ces nouveaux éléments
8 de preuve auxquels réfère le document qu'on vient
9 de lire ensemble, sans que vous les rapportiez,
10 est-ce que quelqu'un a demandé des explications,
11 est-ce que des explications vous ont été fournies
12 par rapport à ces nouveaux éléments ? Encore là je
13 vous demanderais de...

14 L'HON. PIERRE DE BANÉ : Non, non,
15 il a parlé en termes généraux.

16 M^e DAVID : Très général.

17 L'HON. PIERRE DE BANÉ : Il a parlé
18 en termes généraux. Il a commencé, voyez-vous,
19 après nos représentations, il a commencé sur une
20 base plus globale.

21 Il m'a dit : « Un, je voudrais
22 vous dire que le Président apprécie énormément les
23 conversations téléphoniques qu'il a avec votre
24 Premier Ministre. Mon ministre des Affaires
25 étrangères apprécie énormément les conversations

1 qu'il a avec votre ministre des Affaires
2 étrangères. Trois, je remercie le Canada pour la
3 façon que vous avez accueilli les Syriens qui ont
4 émigré au Canada. »

5 Donc, il y avait toute cette
6 partie-là positive où il tenait à dire son
7 appréciation au gouvernement canadien.

8 Là il dit : « Écoutez, au sujet de
9 monsieur Arar, oui, Monsieur l'Ambassadeur, je
10 comprends votre déception, mais l'enquête a pris
11 une autre tournure et je vais voir qu'est-ce que
12 je peux faire pour reprendre les visites et le
13 ministère que je dirige comme Secrétaire général,
14 comme Vice-ministre, accorde une très grande
15 importance à ce dossier », et caetera, et caetera.

16 Il y avait, donc, un message
17 politique d'appréciation pour le Canada, pour les
18 communications entre les deux gouvernements, pour
19 l'accueil qui a été fait au Canada à la communauté
20 syrienne, il y avait tout cela, évidemment.

21 Quand il a terminé en disant :
22 « Je vais donner la lettre de monsieur Chrétien au
23 Président, je vais l'appuyer », là je me suis dit
24 : mission... elle est sur une bonne route.

25 M^e DAVID : Merci.

1 Vous êtes revenu au pays le 28
2 juillet, Monsieur de Bané, et par la suite, est-ce
3 que vous avez eu des briefings avec les autorités
4 canadiennes ici ?

5 L'HON. PIERRE DE BANÉ : Oui. De
6 retour au pays, j'ai parlé avec monsieur Pardy qui
7 m'avait donné le briefing avant de partir et je
8 lui ai dit : « Je pense que dans les deux pays ça
9 a bien été et que dans les deux, sans me promettre
10 d'une façon formelle qu'on va donner droit aux
11 deux requêtes de monsieur Chrétien, que
12 l'impression que j'ai, c'est que nous allons avoir
13 des réponses positives.

14 Monsieur Pardy m'a dit : « J'ai eu
15 des échos semblables de nos ambassadeurs. »

16 M^e DAVID : Simplement pour le
17 dossier, les notes de monsieur Pardy reflètent que
18 vous avez eu une conversation avec lui le 31
19 juillet. Donc, vous êtes revenu le 28, le 31,
20 est-ce que vous avez rencontré en plus monsieur
21 Pardy, est-ce que vous avez rencontré...

22 L'HON. PIERRE DE BANÉ : Je ne
23 pense pas. Je lui ai fait rapport au téléphone que
24 je pense avoir rempli les mandats qui m'ont été
25 confiés et il m'a répondu : « Je suis très

1 satisfait de votre performance et j'ai eu des
2 échos de nos ambassadeurs dans les deux pays et
3 également ils sont très positifs. »

4 M^e DAVID : Est-ce que vous avez
5 rencontré madame Mazigh, l'épouse de monsieur Arar
6 à votre retour ?

7 L'HON. PIERRE DE BANÉ : Non.
8 Là-dessus j'aimerais vous dire un mot. Ni avant ma
9 mission, ni pendant ma mission, ni après ma
10 mission je n'ai parlé à qui que ce soit de ce
11 voyage que j'ai fait.

12 Parce que j'ai des relations avec
13 ces pays-là et mon instinct, mon appréciation,
14 c'est que pour que je garde ces relations avec ces
15 pays-là, je ne dois pas ajouter des
16 communications, soit à travers les médias
17 canadiens, soit aux personnes concernées pour ne
18 pas -- comment dirais-je -- apporter quelque
19 élément qui réduirait mes contacts avec ces
20 pays-là.

21 Donc je n'ai jamais, à part
22 aujourd'hui, parlé de ces missions-là. C'est la
23 première fois que j'en parle. J'ai toujours refusé
24 de parler à qui que ce soit.

25 Les journaux m'ont appelé, bien

1 sûr, souvent depuis ce temps-là, mais je n'ai
2 jamais voulu parler à qui que ce soit.

3 M^e DAVID : Merci.

4 J'aimerais maintenant arriver au 3
5 octobre, Monsieur le Commissaire, à l'onglet 37
6 des documents du PCO, c'est l'exhibit P-48.

7 P-48, tab 37, and it's for the
8 record only, Mr. Commissioner.

9 Il s'agit d'une note de briefing
10 au Premier Ministre en date du 3 octobre 2003. On
11 réfère au fait qu'il n'y a jamais eu de suivi
12 donné par le Président de la Syrie à sa lettre du
13 11 juillet 2003 et on recommande ici au Premier
14 Ministre canadien d'avoir une conversation
15 téléphonique avec son homologue en Syrie. C'est
16 simplement pour...

17 L'HON. PIERRE DE BANÉ : Quel
18 onglet, ça ?

19 M^e DAVID : C'est l'onglet 37,
20 Monsieur de Bané. J'aimerais maintenant vous
21 référer à l'onglet 590 qui concerne aussi cette
22 même question là, donc je ne pense pas que c'est
23 nécessaire de...

24 Mais encore, il s'agit d'une
25 recommandation faite au Premier Ministre canadien

1 qu'il téléphone au Président syrien en date du 3
2 octobre simplement pour assurer un suivi de sa
3 lettre du 11 juillet que vous avez livrée.

4 Est-ce que vous étiez au courant
5 qu'il n'y avait pas eu de suivi donné à la lettre
6 du Premier Ministre déjà au mois d'octobre 2003,
7 ça, est-ce que vous avez gardé contact pour
8 l'évolution du dossier ?

9 L'HON. PIERRE DE BANÉ : Une chose
10 que je me souviens, c'est que ça a été fort
11 concerté en faveur de monsieur Arar. Évidemment,
12 il y a l'intervention du Premier Ministre du
13 Canada ; il y a l'intervention du ministre des
14 Affaires étrangères ; il y a le travail du
15 quartier général à Ottawa auprès de monsieur
16 Arnous ici ; il y a le travail du siège social et
17 de notre ambassade dirigée par l'Ambassadeur
18 Pillarella ; les interventions auprès de Amr
19 Moussa, ancien ministre des Affaires étrangères
20 d'Égypte et Secrétaire général de la ligue arabe.

21 Bref, il y a un tas de monde qui
22 ont apporté leur contribution dans tout cela.

23 Mais je me souviens d'avoir lu
24 dans le « Ottawa Citizen » une déclaration de
25 monsieur Pardy disant : « Je pense que tout ce

1 travail de tout le monde a été un facteur et que
2 sans doute celui qui a joué le plus, c'est la
3 lettre personnelle de monsieur Chrétien au
4 Président Bashar. » Je pense avoir lu ça.

5 Alors, je suis un peu étonné quand
6 vous me dites qu'il n'y a pas eu de suite à la
7 lettre de monsieur Chrétien parce que dans les
8 deux cas de monsieur Samson et de monsieur Arar,
9 dans les deux cas les deux personnes, les
10 autorités ont fait droit à la demande de monsieur
11 Chrétien.

12 Je crois avoir lu dans le
13 « Citizen » monsieur Pardy dire : « Je pense que
14 c'est la lettre de monsieur Chrétien, dans les
15 deux cas, qui a joué le rôle déclencheur. »

16 M^e DAVID : Simplement pour noter,
17 monsieur Arar a été libéré de la Syrie le 5
18 octobre et est revenu au pays le 6 octobre.

19 Vous êtes retourné en date du 24
20 novembre 2003 en Syrie pour un deuxième voyage,
21 Monsieur de Bané. J'aimerais vous référer à
22 l'onglet 742, qui est dans le volume 8, volume 8,
23 742.

24 Alors, j'aimerais vous référer à
25 la page 5 de 13, où on peut lire un message qui

1 provient de monsieur Pillarella, de Damas, le 24
2 novembre 2003, qui fait état d'une visite, et
3 donc, de notes qu'il a rédigées par rapport à
4 cette visite, et le message dit :

5 « Please find attached draft
6 notes for the visit of
7 Senator De Bane, with
8 appendix on the commercial
9 success stories. »

10 Alors évidemment, monsieur Arar
11 est revenu au pays, il est au Canada, vous
12 retournez en Syrie le 24 novembre, et j'aimerais
13 vous référer à l'onglet 474 concernant le compte
14 rendu de cette visite.

15 --- Pause

16 M^e DAVID : Alors, à l'onglet 474,
17 Monsieur de Bané, vous avez le compte rendu de
18 cette deuxième visite-là. Le sommaire indique
19 qu'il s'agissait essentiellement d'un voyage qui
20 concernait des intérêts économiques.

21 On peut lire au sommaire que :

22 « Key themes raised by the
23 Senator included Canada's
24 balanced policy on the Middle
25 East peace process, the

1 differences between Canada
2 and the US, the welcome
3 Canada has given to Arab
4 Canadians like himself, the
5 pride that Arab Canadians
6 felt for the Syrians'
7 principled stance on the
8 Arab-Israeli conflict, and
9 the need for Syria to develop
10 better links with the
11 Syrian-Canadian community. »

12 Et dans le rapport, beaucoup du
13 rapport, encore une fois, a été noirci.

14 Simplement, Monsieur de Bané, je
15 comprends que vous avez rencontré, lors de cette
16 deuxième visite, le Président de la Syrie?

17 L'HON. PIERRE DE BANÉ : Oui, en
18 effet, et comme vous voyez au paragraphe 2 --

19 M^e DAVID : Oui.

20 L'HON. PIERRE DE BANÉ : -- la
21 visite a eu lieu le 3 et le 4 décembre.

22 M^e DAVID : Voilà, le 3 et 4
23 décembre à Damas.

24 Et là, sans entrer dans aucun
25 détail, je comprends que vous avez eu des

1 discussions avec le Président et que, en partie,
2 vous avez touché le sujet de monsieur Arar et de
3 ce qui était arrivé et que vous avez eu une
4 conversation avec le Président sur ce cas-ci.
5 C'est exact?

6 L'HON. PIERRE DE BANÉ : Oui, et...

7 M^e DAVID : Il ne faudrait donner
8 aucun détail, malheureusement.

9 L'HON. PIERRE DE BANÉ : Je ne peux
10 pas vous donner de détails là-dessus?

11 M^e DAVID : Vous ne pouvez pas
12 donner aucun détail sur cette rencontre-là, mais
13 c'est tout simplement pour mettre au dossier le
14 fait qu'il y a eu cette rencontre-là et que des
15 discussions ont eu lieu là, parce que, autrement,
16 vous voyez par la nature du document qui est
17 devant vous, il y a eu des réclamations pour
18 protéger ces renseignements-là concernant votre
19 rencontre.

20 Alors, Monsieur le Sénateur,
21 cela...

22 L'HON. PIERRE DE BANÉ : En tout
23 cas, je peux vous dire, en tout cas, sans
24 références, puisque vous ne voulez pas que je vous
25 raconte ma conversation en détail avec le

1 Président Bashar, que j'ai vu, je pense, pour une
2 période d'environ une heure et demie à deux
3 heures.

4 Bon, ensuite, j'ai vu le Premier
5 Ministre également. J'ai vu également plusieurs
6 ministres. J'ai eu plusieurs rencontres, et
7 monsieur Arar avait été libéré deux mois plus tôt,
8 je pense. Bon.

9 Et donc, j'ai discuté avec le
10 Président, avec le Premier Ministre et avec
11 d'autres sur d'autres sujets aussi. Donc, si vous
12 ne voulez pas que je vous en parle, je n'en
13 parlerai pas.

14 M^e DAVID : Je crois que c'est plus
15 sage. Merci, Monsieur le Sénateur. Là-dessus, je
16 termine mon examen. Merci.

17 L'HON. PIERRE DE BANÉ : Merci.

18 THE COMMISSIONER: Mr. Waldman. Do
19 you want to get one of the lecterns.

20 --- Off microphone / Sans microphone

21 THE COMMISSIONER: Okay. Take
22 your time.

23 Sorry. Did you want to take a
24 break for five minutes?

25 MR. WALDMAN: No, no. I said I

1 won't be more than ten minutes.

2 --- Off microphone / Sans microphone

3 THE COMMISSIONER: I see.

4 EXAMINATION

5 MR. WALDMAN: My French -- I can
6 understand it, but I can't speak well enough to
7 question in French. So I'm just making sure...

8 First of all, Senator, on behalf
9 of Mr. Arar, I would like to thank you for
10 everything you did for him.

11 HON. PIERRE DE BANÉ: It is my
12 duty. C'est mon devoir.

13 MR. WALDMAN: I just want to ask
14 you one or two clarifying questions about the
15 briefing with Mr. Pardy.

16 Mr. Pardy briefed you and said
17 that the Americans had said to the Canadians and
18 RCMP that while he was in New York they're ready
19 to send him here to Canada on condition that they
20 committed to arresting themselves, and that when
21 the Canadians said they could not arrest him,
22 that's when the Americans sent him to Syria?

23 HON. PIERRE DE BANÉ: Post facto,
24 we know that they have decided to do that when the
25 Canadians refused, but they did not -- I think,

1 they did not say to the Canadians, "Hey, if you
2 don't commit yourself to incarcerate Mr. Arar,
3 then we're going to fly him to Damascus."

4 I don't think they conveyed that
5 information to the Canadian parties. They told
6 them, "We are ready to give you back this
7 gentleman on the condition that you incarcerate
8 him." The Canadians said no.

9 But I don't think that they
10 informed the Canadians, "If you say no, we're
11 going to ship him to Damascus," I don't think so.
12 I think the Canadians were taken by surprise when
13 they learned about it. I think --

14 M^e BAXTER : Juste pour vous
15 rappeler, Sénateur de Bané, vous avez le droit de
16 vous exprimer en français ou en anglais. Je sais
17 que vous avez tenté de répondre en anglais. Je
18 sais que tout le monde en est reconnaissant, mais
19 vous avez le droit de vous exprimer en français --

20 HON. PIERRE DE BANÉ: As long as I
21 manage to get understood, I want to answer him in
22 the other official language of my country.

23 MR. WALDMAN: Okay. Thank you
24 very much. I appreciate that.

25 So what was your reaction when you

1 heard this?

2 HON. PIERRE DE BANÉ: I was proud
3 to see that those fundamental rights, recognized
4 to all Canadians, are well understood by the
5 Canadian authorities, and they said no to the
6 Americans. "We cannot promise you that because we
7 do not have proper grounds to incarcerate him." I
8 was proud to learn that.

9 MR. WALDMAN: Now, I'd like to go
10 on to another area.

11 When you were approached by the
12 Government of Canada to ask as a special envoy for
13 the government, would it be fair to say that you
14 thought that, given your background, that you
15 would be able to make a contribution?

16 HON. PIERRE DE BANÉ: You're
17 absolutely right. You see, as a Member of
18 Parliament, of course, when I'm asked by my
19 government, "Can you bring your modest
20 contribution to help a Canadian who is in prison
21 abroad or condemned to death?", it is my duty to
22 say yes.

23 And in this case, it was even
24 more. It was in an Arab country that I know. So
25 it was another reason why -- it was another

1 reason, bon. But, of course, I would have done
2 that for any other country in the world, for any
3 Canadian, irrespective of his background.

4 Here there were some more things
5 because I knew the people, I have been there. I
6 have been to Syria twice in six months. But it is
7 my duty as a Member of Parliament to answer, "Yes,
8 I stand up to be counted when our Canadians abroad
9 need help, according to my government." Sure. I
10 did not hesitate one second.

11 MR. WALDMAN: Okay. And from your
12 description, you feel the meetings with the Syrian
13 deputy Foreign Minister went very well?

14 HON. PIERRE DE BANÉ: Yes.
15 Particularly when he said at the end, "I'm going
16 to support that."

17 MR. WALDMAN: So the government
18 was receptive to your efforts at this time?

19 HON. PIERRE DE BANÉ: Well, you
20 know, I played a very, very minor role. I realize
21 that that was the fruits of a lot of people,
22 Ambassador Pillarella, the other staff of the
23 Embassy in Damascus, Ottawa, the headquarters, the
24 Minister, the Prime Minister -- I played a very
25 modest role, and something, of course, very, very,

1 important, is the country I was representing.

2 Canada -- we do not realize that
3 in this country commands a lot of respect, a lot
4 of respect, in the Arab world. That I have seen
5 so often in the last 37 years as I have been
6 Member of Parliament, how much this country
7 commands respect in the Arab world. I am so proud
8 when I tell them, you know, that I'm a Canadian,
9 and they all know -- they all know how Canadians
10 of Arab descent are treated in this country.

11 Just in Lebanon, you have 50,000
12 people living there who have their Canadian
13 passport in their pockets, bon. So Canada is
14 known, Canada is respected, Canada is loved. And
15 this is one thing that Mouallem told me, "We
16 appreciate how well you receive -- you have taken
17 care of the Canadian community of Syrian descent,"
18 you know? All that. So my role is very minimal
19 compared to what my country that I represented has
20 done toward the Arab world.

21 MR. WALDMAN: Well, we have in the
22 material before us, and I'll just read it to you.
23 There's a notation in tab 709 that when the Syrian
24 Foreign Minister phoned Minister Graham to inform
25 him that he would be released, he said it was

1 because of the Prime Minister's request that was
2 communicated to him in the letter that you
3 delivered.

4 Do you think it was extremely
5 important that the Prime Minister wrote a letter
6 and he wrote it on behalf of the Government of
7 Canada?

8 HON. PIERRE DE BANÉ: No doubt
9 about it, in my opinion. But, you see -- how can
10 I say?

11 More competent people than me can
12 weigh all the different factors that played in it,
13 but in my humble opinion, it was a concerted
14 effort of a lot of people.

15 Number one, of course, the Prime
16 Minister, because when the Prime Minister of our
17 country conveyed a personal message to another
18 head of government, of course it carries a lot of
19 weight.

20 But also the country that you
21 represent. The efforts of our Foreign Affairs
22 department, the Minister, Mr. Amir Moussa, the
23 whole staff of the Canadian embassy, the publicity
24 of the media in Canada -- you know, there are so
25 many things that played a part in it.

1 So other people more competent
2 than me can explain the weight of each of those
3 elements.

4 MR. WALDMAN: The fact that you
5 went in an official capacity representing the
6 Government of Canada, do you believe that was very
7 important in achieving the success as opposed to
8 being in a personal capacity?

9 HON. PIERRE DE BANÉ: I think so,
10 I think so. But I want to emphasize that I was
11 there as part of a great team of people who worked
12 on it, bon, and I like to think that being of Arab
13 descent myself and having roots in Syria and
14 speaking to them with all my passion, how much I
15 was privileged to be accepted in Canada as an
16 immigrant, then elected Member of Parliament,
17 Minister of the Crown, Senator -- you know, I told
18 them, I said, "Look it. My father used to tell
19 me, Pierre, I kiss the soil of this land every day
20 to thank God for being here."

21 So it's part of me. Myself, it's
22 the same thing every day. I feel privileged to be
23 a citizen of this country, because I have a
24 background coming from a very troubled region.

25 MR. WALDMAN: You've told us that

1 you were briefed in the car on the way to the
2 meeting. In your conversations with
3 Mr. Pillarella, did he emphasize the need to ask
4 for consular access? Was that the main focus of
5 his conversation with you regarding Mr. Arar?

6 HON. PIERRE DE BANÉ: What I can
7 tell you, that he was profoundly disappointed that
8 the frequent visits of his people to Mr. Arar had
9 been stopped; that, he was very, very, very vocal
10 about it.

11 And he also said, "Look it. They
12 cannot keep that person in prison. If they have
13 any charge about him, we have to insist to have a
14 public trial where Canadian experts can attend and
15 see what they have to say against him." You know?

16 So he was -- Mr. Pillarella is a
17 man who does not mince words, you know? And I
18 have seen him in Algeria, I have him seen in
19 Syria, I have seen that very, very senior
20 diplomat. He is very, very -- very direct, and he
21 does not, you know, practice what other diplomats
22 do, what I would call, having been Minister of
23 Exterior Relations, positive ambiguity.

24 This is not his style. He goes
25 directly to it and he said, "Mr. Mouallem, I am

1 very disappointed that I am not able to visit my
2 compatriot. It's terrible. If you have something
3 against him, bring him to trial in a public trial
4 where our own people can assess what you have
5 against him."

6 And we had also the other
7 strategy, "Look it. The best thing, get him out,
8 put him in the custody of Mr. Pillarella, and
9 Mr. Pillarella will bring him back to Canada
10 forthwith."

11 MR. WALDMAN: If you had been
12 approached to do this job earlier, would you have
13 done it, before July?

14 HON. PIERRE DE BANÉ: Well, you
15 see, I have learned through this documentation
16 that Maitre David has shown me, that when I
17 received a phone call at the end of June from the
18 Minister's office, Mr. Graham, that option, of
19 sending somebody there, was in the works for
20 several months. I was not aware of that.

21 MR. WALDMAN: But if you had been
22 approached earlier to go, would you have made
23 yourself available, given your --

24 HON. PIERRE DE BANÉ: Of course,
25 of course, of course. You know, it is my duty as

1 a Member of Parliament. If the government tells
2 me, "Hey, there is a Canadian somewhere in need,
3 and would you please go and convey a message of
4 the government or of the Minister, of the Prime
5 Minister," et cetera, I would never hesitate to do
6 that.

7 And as you know, on average there
8 are about always 3,000 Canadians in prisons abroad
9 at any moment. So if I am asked to do that, I
10 would never hesitate.

11 Now, why the department decided at
12 that moment to do it, I do not master the file to
13 give a learned opinion on it. But I would have
14 done it at any time.

15 MR. WALDMAN: Thank you, sir.

16 THE COMMISSIONER: Mr. Baxter?

17 MR. BAXTER: Mr. Commissioner,
18 given the good progress we are making and my
19 undertaking to you to be extremely brief, might I
20 have a brief adjournment for ten minutes just to
21 get some instructions?

22 THE COMMISSIONER: Absolutely.

23 MR. BAXTER: And I undertake to be
24 extremely brief on return.

25 THE COMMISSIONER: All right. So

1 we will rise for ten minutes.

2 THE REGISTRAR: Please stand.

3 --- Upon recessing at 11:21 a.m. /

4 Suspension à 11 h 21

5 --- Upon resuming at 11:30 a.m. /

6 Reprise à 11 h 30

7 THE REGISTRAR: Veuillez vous
8 asseoir. Please be seated.

9 THE COMMISSIONER: Mr. Baxter.

10 EXAMINATION

11 MR. BAXTER: Just two questions,
12 Mr. de Bané.

13 I wanted to clarify an answer you
14 gave to my friend Mr. Waldman just before the
15 break. He was asking you questions about the
16 briefing you received from the DFAIT officials,
17 and he asked you about the conversation which
18 Mr. Pardy related to you between American
19 officials and Canadian officials.

20 Did I understand you correctly to
21 say that the Americans never mentioned anything
22 about sending Mr. Arar to Syria?

23 HON. PIERRE DE BANÉ: Yes, that
24 was clear to me, that they said to Canadians, "We
25 will put him in your custody on the condition that

1 you do this and this and this," and the Canadians
2 said, "No, that we cannot do." But that was it.

3 MR. BAXTER: That was the end of
4 your briefing --

5 HON. PIERRE DE BANÉ: That was the
6 end of it. And Canadians were not told in advance
7 what would happen.

8 MR. BAXTER: Of course. If I
9 could ask the greffier to put before you the
10 Garvie report, which is a document you have not
11 seen.

12 It is P-19 and it is at page 30,
13 Mr. de Bané, and it is tout en anglais, so I will
14 read it to you in English, the relevant portions.

15 Just to situate the Commissioner
16 and yourself, Senator de Bané, this was a report
17 that was written after the fact for an
18 investigation conducted for the RCMP. At page 30
19 you have the text of a letter that was received on
20 the 18th of October, 2002, from DFAIT -- pardon
21 me, at DFAIT from RCMP.

22 The second-last question on page
23 30 states:

24 "Did the U.S. approach
25 Canadian authorities

1 regarding the possibility of
2 Arar's deportation?"

3 The answer provided by the RCMP is
4 as follows:

5 "U.S. authorities requested
6 the RCMP provide information
7 that might assist in the
8 filing of criminal charges
9 against Arar. U.S.
10 authorities made enquiries as
11 to the level of interest the
12 RCMP had in pursuing Arar
13 criminally. They also made
14 enquiries as well as the
15 RCMP's ability to refuse
16 Arar's entry into Canada.
17 The U.S. authorities were
18 advised that the RCMP was
19 interested in Arar from a
20 criminal perspective. They
21 were also advised that where
22 Arar is a Canadian citizen,
23 the RCMP could not refuse his
24 entry into Canada."

25 Do you see that question and

1 answer there, Mr. de Bané?

2 HON. PIERRE DE BANÉ: Yes.

3 MR. BAXTER: Is that consistent
4 with what Mr. Pardy told you at the briefing that
5 you just referred to?

6 HON. PIERRE DE BANÉ: I don't
7 remember all those points, no. All I remember is
8 that -- that struck me, you know, it was very
9 potent information. He said the Americans said to
10 the Canadians, "We are ready to give you back
11 Mr. Arar on the condition that you bring him back
12 to Canada, you incarcerate him, you make charges
13 against him," et cetera, et cetera. And the
14 Canadian party said, "No, the Canadian Charter of
15 Freedoms does not allow us to do what you are
16 asking. We do not have proper grounds to do what
17 you are asking."

18 And as a Canadian, as a lawyer, I
19 was very proud that our security forces answered
20 in that way.

21 MR. BAXTER: Thank you, Mr. de
22 Bané. Those are my questions.

23 THE COMMISSIONER: Mr. David --
24 M^e David?

25 MR. DAVID: I have no questions,

1 Monsieur le Commissaire.

2 THE COMMISSIONER: Thank you very
3 much, Senator, for coming, and the time that you
4 took in preparing and coming to give evidence
5 here. Let me join with Mr. Waldman and thank you
6 for undertaking your mission to Damascus.

7 HON. PIERRE DE BANÉ: Thank you so
8 much.

9 THE COMMISSIONER: I am very
10 pleased that you had done that. I am very
11 appreciative for the help you have given to the
12 Commission.

13 HON. PIERRE DE BANÉ: If I may
14 tell you, Your Lordship, in those two cases, one
15 was condemned to death. The other one was also in
16 prison. And there is no doubt in my mind that the
17 fact that I was representing Canada, that was the
18 major factor that played to save those two people.

19 I saw firsthand what Canada meant
20 in those Arab countries, and I hope that my fellow
21 Canadians realize how Canada is well regarded
22 abroad.

23 THE COMMISSIONER: That's
24 certainly good to hear. Thank you very much.

25 HON. PIERRE DE BANÉ: Thank you.

1 THE COMMISSIONER: We will rise
2 and resume at two o'clock.

3 THE REGISTRAR: Please stand.
4 Veuillez vous lever.

5 --- Upon recessing at 11:36 a.m. /
6 Suspension à 11 h 36

7 --- Upon resuming at 2:02 p.m. /
8 Reprise à 14 h 02

9 THE REGISTRAR: Please be seated.
10 Veuillez vous asseoir.

11 PREVIOUSLY SWORN: MARLENE ANN CATTERALL

12 THE COMMISSIONER: Good afternoon,
13 Ms Catterall.

14 MS CATTERALL: Good afternoon.

15 THE COMMISSIONER: Mr. David.

16 EXAMINATION (Continued)

17 MR. DAVID: Monsieur Commissaire.

18 Ms Catterall, when we left off
19 your testimony yesterday we were basically
20 reviewing the document that deals with the report
21 of your visit in Syria and the day that you spent
22 with various officials and with Mr. Arar, and that
23 was April 22nd, 2003.

24 If you could now return to tab
25 395, which is in Volume 4, we will deal with the

1 last portion of that day's events, and that was
2 the debriefing with Ambassador Pillarella
3 afterwards.

4 I would bring you to paragraph 9
5 of that day's report. And the officials review
6 your debriefing with the ambassador and note the
7 following:

8 "In a debriefing with the
9 Ambassador, Mrs. Catterall
10 and Mr. Assadourian expressed
11 disappointment that all the
12 security aspects of the Arar
13 case, as seen by the Syrians,
14 had not been explained to
15 them earlier. Mrs. Catterall
16 even suggested that perhaps
17 Minister Graham had been kept
18 in the dark concerning some
19 of this information, a view
20 that was not shared by
21 Mr. Assadourian."

22 Could you comment on that?

23 MS CATTERALL: Yes. I can't
24 remember how much of this we may have covered
25 yesterday, but as far as I can recall, any

1 information I had received in Canada was not
2 specific as to charges or the investigations that
3 the Syrians were conducting and what kinds of
4 conclusions they were coming to, although it
5 certainly appeared from the briefings I got in
6 Damascus that our ambassador there was aware of
7 the concerns the Syrians had with respect to
8 possible terrorist activities.

9 MR. DAVID: All right. Did you
10 express disappointment, as it is noted here, to
11 the ambassador?

12 MS CATTERALL: I don't know if
13 "disappointment" is the right word. I was
14 certainly concerned that the information I had
15 been given in Ottawa was incomplete for sure.

16 MR. DAVID: And I believe
17 yesterday you mentioned the part that you had not
18 been briefed on that was new to you was the
19 training in Afghanistan?

20 MS CATTERALL: Yes -- well, the
21 fact that the Syrians were zeroing in on an
22 involvement with al-Qaeda, according to them,
23 specifically training in Afghanistan.

24 MR. DAVID: It goes on to say:
25 "Both MPs indicated that had

1 they been more fully briefed
2 in Ottawa, they would have
3 reconsidered undertaking
4 their mission to Damascus."

5 MS CATTERALL: I can't speak for
6 Mr. Assadourian, but that was certainly not the
7 case for myself, and I don't know where that
8 impression could have come from.

9 MR. DAVID: "On the humanitarian
10 side, Mrs. Catterall was very
11 concerned that the news of an
12 impending trial against
13 Mr. Arar on charges of
14 terrorism would devastate
15 Mrs. Arar. She has requested
16 that no part of this report
17 be conveyed by DFAIT to Mrs.
18 Arar before she has the
19 chance to speak to her
20 directly."

21 MS CATTERALL: That is correct.

22 MR. DAVID: Thank you. Did you
23 ever suggest that according to your assessment of
24 things, because you had learned new information in
25 Syria from either the officials, the Syrian

1 officials, or possibly the ambassador, that the
2 Minister in question, Minister Graham, had not
3 been fully briefed on the Arar facts?

4 MS CATTERALL: I did express that
5 concern.

6 MR. DAVID: And did you express
7 those concerns to the ambassador?

8 MS CATTERALL: I think it was at
9 that time that I said I couldn't help wondering if
10 Mr. Graham was getting full information. I
11 certainly felt in Ottawa that both Mr. Graham's
12 office and officials in Foreign Affairs, notably
13 Mr. Pardy, were being quite open with me about
14 whatever they knew, and this level of specificity
15 about the Syrians questioning and coming to the
16 conclusions about al-Qaeda involvement and
17 training was not something I had previously heard.

18 MR. DAVID: And so you did not
19 feel that information was being held back from you
20 by either Mr. Pardy or Mr. Fry?

21 MS CATTERALL: No, I did not.

22 MR. DAVID: I would like to come
23 now to the -- do you want to say anything else
24 about the debriefing with the ambassador, other
25 than what is there?

1 MS CATTERALL: No, I don't think
2 so.

3 MR. DAVID: Okay. If you could
4 just go to the beginning of this tab, there is a
5 message that is going to Gar and Dan from Pierre
6 Guimond of the Minister's office. It is dated
7 April 25th, so a few days later. And Gar is Gar
8 Pardy and Dan is Dan Livermore from ISD.

9 It says:

10 "Further to the report below
11 and the apparent unhappiness
12 of Ms Catterall, the Office
13 of the Minister and Robert
14 Fry would like a more
15 complete readout on what the
16 Syrian intelligence would
17 have told her and how this
18 corresponds to the most
19 recent information we, in
20 this government, have about
21 Mr. Arar. We would need a
22 complete report from Damascus
23 on what the Syrians told Ms
24 Catterall about Mr. Arar and
25 how much of it we believe to

1 be accurate."

2 The characterization here of
3 unhappiness on your behalf, I guess, does that
4 reflect really how you reacted to the information
5 you had learned in Syria?

6 MS CATTERALL: Well, I think the
7 word "unhappiness" is reflecting the word
8 "disappointment" in Ambassador Pillarella's
9 report. It certainly was a concern, yes.

10 MR. DAVID: And for the office of
11 the Minister to be getting involved, is it that
12 you complained to his office, to Mr. Fry?

13 MS CATTERALL: No, I don't think I
14 specifically complained to Mr. Fry.

15 MR. DAVID: So this would be
16 initiated by Ambassador Pillarella's report?

17 MS CATTERALL: I would think so,
18 yes.

19 MR. DAVID: If you could just now
20 tell us, there was a --

21 MS CATTERALL: I am sorry, can I
22 be clear about who that e-mail is from?

23 MR. DAVID: Yes, it is Pierre
24 Guimond, who is from the Minister's -- he is the
25 liaison officer between the political office of

1 the Minister and DFAIT.

2 MS CATTERALL: Thank you.

3 MR. DAVID: If you could brief us
4 now, Mrs. Catterall, for a part that is not
5 covered in this document, and that is the
6 remainder of the day.

7 There was a reception, I believe,
8 wherein you met Syrian parliamentarians, and if
9 you could just tell the Commissioner --

10 MS CATTERALL: Ambassador
11 Pillarella had arranged a dinner with members of
12 the Foreign Affairs Committee. There had just
13 been elections in Syria, which frankly I had
14 forgotten until I began re-reading some of these
15 notes.

16 The person chairing the Foreign
17 Affairs Committee was a quite well-known and very
18 well-respected member of the Syrian Parliament,
19 and Ambassador Pillarella felt that it would be
20 good to make Members of Parliament aware of the
21 situation with Mr. Arar.

22 MR. DAVID: And you left Syria at
23 about three o'clock in the morning --

24 MS CATTERALL: Two o'clock in the
25 morning.

1 MR. DAVID: Two o'clock in the
2 morning, okay.

3 When you returned, did you report
4 to Monia Mazigh on your trip?

5 MS CATTERALL: Yes. I am trying
6 to remember when we would have gotten back in
7 Ottawa. You may have dates and times. I don't.

8 MR. DAVID: There is a
9 reference -- it's an indirect reference, and we
10 can go to it. It's tab 393.

11 As I say, it is an indirect
12 reference to the fact that you met Ms Mazigh, and
13 if you want, I will just read that to you.

14 It is a CAMANT note dated April
15 24th:

16 " Monia Mazigh called
17 JPO/Pastyr-Lupul to find out
18 if MPs were able to visit
19 subject. I advised that yes,
20 they did visit on April 22
21 and that Marlene Catterall
22 was supposed to call her
23 yesterday to brief her on the
24 meeting. However, when
25 Marlene called Monia

1 yesterday, she was not at
2 home, so Monia missed the
3 call. I told Monia that
4 Marlene will surely call her
5 as soon as she is back in
6 Ottawa, as she is enroute to
7 Ottawa at the moment."

8 That is the only reference I can
9 give you.

10 MS CATTERALL: I would not have
11 called her before leaving Damascus simply because
12 we had the dinner with the parliamentarians, left
13 directly from there for the airport, caught a two
14 o'clock flight. So I would have had no choice but
15 to wait until I was back in Ottawa to speak with
16 her.

17 MR. DAVID: Okay. And in terms of
18 briefing, I would like to refer you now to Exhibit
19 P-88, which are Mr. Pardy's personal notes.

20 It is at tab 1, page 22.

21 Again, this is an indirect
22 reference of a briefing that Mr. Pardy is
23 receiving about your trip. However, he is
24 receiving it from Mr. Pillarella, and I just want
25 to briefly review that with you.

1 This conversation that Mr. Pardy
2 had with Mr. Pillarella was dated Wednesday, April
3 23rd. About halfway down, there is a reference to
4 the following:

5 "- Investigation is over."

6 I don't know if you see that?

7 MS CATTERALL: Yes.

8 MR. DAVID: And then:

9 "- Lawyer, yes

10 May be closed."

11 Does that jog your memory in any
12 way?

13 MS CATTERALL: The "may be closed"
14 was with respect to questions that we had asked
15 following the meeting with Maher about whether the
16 family would have access to any court trial. They
17 had just informed us, remember, that he was going
18 to be charged.

19 MR. DAVID: Okay. And this you
20 would have found out from the colonel after --

21 MS CATTERALL: Yes.

22 MR. DAVID: After -- yes, it was
23 before you met Mr. Arar?

24 MS CATTERALL: No. It would have
25 been after Maher left the room.

1 MR. DAVID: And the reference to
2 "investigation is over", does that ring a bell?

3 MS CATTERALL: Yes, we were told
4 that, that they had completed their investigation.

5 MR. DAVID: And further on down,
6 about three-quarters of the way down, there is a
7 reference to:

8 "Mrs. Catterall spoke of his
9 family. Spoke openly."

10 And then it says:

11 "Syrians around him and
12 appeared sympathetic."

13 It says "sympatric" but I would
14 say sympathetic.

15 Is that an observation that you
16 were able to make, that the Syrians in the room
17 present during your interview -- or your meeting
18 with Mr. Arar -- seemed to be sympathetic to him?

19 MS CATTERALL: I really couldn't
20 say because I just looked at him.

21 MR. DAVID: Okay. Again, my last
22 reference to this document is a reference halfway
23 in the message.

24 Above "investigation is over", it
25 says:

1 "Seemed a bit upset and may
2 not have come."

3 MS CATTERALL: Again, I don't know
4 where that impression could have come from. If
5 anything, in retrospect, had I known the situation
6 was that serious, I would have been more
7 determined to go.

8 MR. DAVID: Okay. I bring you now
9 to page 23 of Mr. Pardy's notes, and it's an entry
10 for April 25th.

11 In this entry, we see that you met
12 with Monia Mazigh and that you are providing to
13 Mr. Pardy a report of that meeting. And the entry
14 is as follows, in the third box:

15 "Marlene Catterall"

16 And then it's:

17 "Monia:

18 - Visit.

19 - Back in..."

20 I don't know. That must be
21 "February".

22 "Permission from Foreign
23 Affairs.

24 - Franco and Sarkis: Spoke to

25 - Wayne Easter..."

1 Anyway, there is a reference here
2 to the fact that you would have met Monia. Do you
3 recall that meeting?

4 MS CATTERALL: Yes, because -- of
5 course I had the letter from her husband for her.

6 MR. DAVID: Where did you meet
7 her?

8 MS CATTERALL: In my constituency
9 office. It's close to where she lives.

10 MR. DAVID: Is this an accurate
11 date, April 25th, as to when you would have met
12 her?

13 MS CATTERALL: Yes.

14 MR. DAVID: And what did you
15 discuss at this meeting?

16 MS CATTERALL: I would have told
17 her everything about the meeting. I would have
18 told her what we were told by the Syrians.

19 MR. DAVID: So did you discuss the
20 fact that there were impending charges?

21 MS CATTERALL: Yes, I believe I
22 did. I wouldn't have kept that from her at that
23 point.

24 MR. DAVID: Okay. And did you
25 also inform her that there were allegations of

1 participation or membership in al-Qaeda and of
2 training in Afghanistan, if you recall?

3 MS CATTERALL: I can't be
4 absolutely sure, but I can't think of any reason I
5 would not have told her that.

6 MR. DAVID: Could we go to tab
7 399. This is an entry for April 28th, and it's a
8 meeting that you are having with Mr. Pardy and the
9 discussion of an action plan.

10 Again, the date is April 28th, and
11 the message is as follows:

12 "Further to this e-mail,
13 JPD/Pardy and
14 JPO/Pastyr-Lupul contacted
15 Monia by telephone to advise
16 that we would be meeting with
17 Marlene Catterall later in
18 the day to discuss the trip
19 and possible options for
20 action at this point. Monia
21 had met with John Manley on
22 Sunday evening at a dinner
23 and addressed the topic of
24 assisting with her husband's
25 release. See her letter to

1 Manley in the next note."

2 And then it says:

3 "JPD/Pardy will be writing a
4 summary of the April 28th
5 meeting which took place in
6 Marlene Catterall's office
7 with Sarkis Assadourian,
8 GMD/Don Sinclair and JPO/Myra
9 Pastyr-Lupul."

10 Do you recall that meeting on
11 April 28th, is my first question. And what was
12 the nature of the action plan that seems to be
13 referred to?

14 MS CATTERALL: I don't recall that
15 specific meeting.

16 MR. DAVID: Okay. If you go to
17 tab 398, this is a letter that is drafted by
18 Ms Mazigh and it's going to Mr. John Manley.
19 There is a copy to you, the second "cc". It's
20 dated April 28th also.

21 It refers to the fact that
22 Ms Mazigh was able to meet with Mr. Manley at a
23 function where he gave a speech at the Ottawa
24 Muslim Women's Organization, I believe, on the day
25 before, on April 27th.

1 You were in attendance at this
2 meeting?

3 MS CATTERALL: Yes, I was.

4 MR. DAVID: When Monia met with
5 John Manley, were you present?

6 MS CATTERALL: I can't recall for
7 sure that I was in on the conversation.

8 MR. DAVID: Okay. I bring you now
9 to Mr. Pardy's notes on page 24.

10 It is an entry for April 30th, and
11 it refers to the fact that you are having a
12 conversation with John Manley.

13 It says:

14 "Marlene Catterall
15 Spoke to John Manley"

16 So do you recall speaking to
17 Mr. Manley?

18 MS CATTERALL: I would have spoken
19 to John Manley. I believe at that time he had an
20 upcoming meeting with his American counterpart,
21 Tom Ridge, and I would have asked him to raise the
22 issue of Mr. Arar at any opportunity he had.

23 MR. DAVID: And how did you
24 understand that Mr. Ridge could possibly help or
25 assist Mr. Arar in the situation --

1 MS CATTERALL: I had no idea. It
2 was just any possible avenue to help.

3 MR. DAVID: Okay. I bring you now
4 to Exhibit P-107. This is an entry in
5 Mr. Graham's personal notes for April 30th also.

6 If you could go to page --
7 actually, it is not sequentially paged, but if you
8 could go to the entry for April 30th, it is about
9 a third of the way in.

10 MS CATTERALL: Okay.

11 MR. DAVID: There is an entry in
12 Mr. Graham's personal notes and they read as
13 follows:

14 "Marlene C."

15 I would suggest that's Marlene
16 Catterall?

17 MS CATTERALL: It is.

18 MR. DAVID: "The ambassador..."

19 And I would suggest that is
20 Ambassador Pillarella.

21 "... said that he'd been
22 sending advice back that Arar
23 would be charged.

24 This is an opening bid in
25 negotiations. With the

1 Americans is this real or a
2 'ritual dance'? She's
3 horrified with what Penny C.
4 told me last night about what
5 the American ambassador is
6 saying about Arar."

7 It is a bit convoluted, but I will
8 tell you how I understand it and you could tell me
9 if you agree. Or maybe you could tell us what you
10 understand.

11 It says:

12 "... (that the Americans were
13 told that we didn't want him
14 back)."

15 MS CATTERALL: As I recall,
16 Mr. Graham had had a conversation with me -- I
17 think it was right after Question Period. It
18 might have been after caucus because that was a
19 Wednesday morning.

20 He told me that he had heard from
21 Penny about a speech Mr. Cellucci gave at a
22 Harvard Club dinner and we have said pretty well
23 what's said in the notes.

24 MR. DAVID: We understand that
25 Penny C. is Penny Collette?

1 MS CATTERALL: Yes.

2 MR. DAVID: The wife of Minister
3 Collenette?

4 MS CATTERALL: Yes.

5 MR. DAVID: Could you repeat what
6 you just said?

7 MS CATTERALL: That Minister
8 Graham let me know that Penny had contacted him;
9 that she had been at a dinner at the Harvard Club
10 where Ambassador Cellucci spoke, and he had said
11 that the Americans were told that we didn't want
12 him back.

13 MR. DAVID: So, in other words,
14 the American Ambassador is saying to Canadians, in
15 about this time period, April or the end of April
16 of 2003, that the message the Americans had
17 received from the Canadians is that they did not
18 want Mr. Arar back in Canada.

19 MS CATTERALL: Yes.

20 MR. DAVID: And you discussed this
21 issue with Mr. Graham?

22 MS CATTERALL: Yes. He informed
23 me of his conversation.

24 MR. DAVID: And what came of it,
25 Ms Catterall?

1 MS CATTERALL: I think it was just
2 part of another discussion about the seriousness
3 of the situation and what more we needed to do.

4 MR. DAVID: Was it your
5 understanding that Mr. Graham had been in
6 attendance at this function where the ambassador
7 spoke?

8 MS CATTERALL: No, that was not my
9 understanding.

10 MR. DAVID: Okay. I bring you
11 again to Mr. Pardy's notes on page 24 for an entry
12 on May 5th, and as well I would bring you to PCO
13 tab 17, which is P-48, Volume 1.

14 There are basically two references
15 in each of these documents that speak on the theme
16 of Canada speaking with one voice to Syria.

17 On the May 5th Pardy entry it
18 says:

19 "Marlene Catterall ..."

20 He is referring to the fact that
21 he had a phone conversation with you, and the
22 issue of Brian, I think it's Klunder, was
23 discussed, and the message in Mr. Pardy's notes
24 says:

25 "- Need a clear government

1 position.

2 - Spoke to Monia on Friday
3 night."

4 So the idea here is we that need a
5 clear government position.

6 If you go to tab 17, there is a
7 draft version of a memo that is going to Minister
8 Graham that is dated May 5th, in which this same
9 thing is being repeated.

10 Again, this is a draft. The final
11 version is dated June 5th. I will refer you
12 eventually to it, but for the time being, let me
13 refer you to the first page of the draft memo, the
14 first bullet, wherein Mr. Pardy is saying to his
15 Minister:

16 "Efforts continue to
17 establish a common
18 understanding within the
19 Government of Canada on this
20 case, with the objective of
21 the issuance of a statement
22 signed by the Solicitor
23 General and the Minister of
24 Foreign Affairs that could be
25 used with the Syrian

1 authorities."

2 And the final bullet on that page:

3 "If necessary that you meet
4 with the Solicitor General
5 and the Deputy Prime Minister
6 to arrive at a common
7 understanding in the case."

8 And I bring you to the
9 before-last-page of the memo, wherein it is
10 paragraph 10, and Mr. Pardy is suggesting that:

11 "In the days ahead, efforts
12 had to concentrate on
13 convening a meeting of
14 Canadian officials
15 representing CSIS, the RCMP,
16 PCO and the Office of the
17 Deputy Prime Minister to
18 develop a common Canadian
19 approach that could be
20 sufficiently clear to
21 communicate to the Syrian
22 authorities."

23 So you seem to have had a
24 discussion with Mr. Pardy on this theme. Do you
25 recall the contents of your discussion with him?

1 MS CATTERALL: I think it is
2 fairly evident that I had had several
3 conversations with Mr. Pardy on this theme,
4 before, after, throughout this whole ordeal.

5 MR. DAVID: Above and beyond what
6 you have already spoken to on this theme, this
7 does not bring on any new elements?

8 MS CATTERALL: No, except that,
9 you know, I felt this was the kind of thing that
10 needed to be done all along. I actually never saw
11 this memo before, so I really haven't read it
12 carefully and I can't comment on it.

13 But this is certainly what I had
14 felt needed to be done all along.

15 MR. DAVID: Okay. If we could now
16 go to tab 414 in Volume 5, I just want to refer
17 you to the contents of an e-mail that is coming
18 from Monia Mazigh to Gar Pardy, dated May 21,
19 2003.

20 It is on the first page of that
21 tab. Let's go about halfway down where Ms Mazigh
22 is saying to Mr. Pardy:

23 "Mrs. Catterall promised to
24 talk to the US ambassador,
25 she did not. She promised

1 she will call Damascus to
2 follow up with a discussion
3 she had with one Senior
4 official there at her visit,
5 she didn't yet."

6 Final comment:

7 "She promised to talk to
8 Mr. Manley and I don't know
9 what happen."

10 Do you have any comments about
11 those three issues?

12 MS CATTERALL: Yes. I didn't meet
13 with the U.S. ambassador because --

14 MR. DAVID: You did not?

15 MS CATTERALL: I did not. Because
16 it had become pretty clear to me that that would
17 be quite pointless, frankly; that they were very
18 consistent in saying "it's your own people", in
19 different words.

20 MR. DAVID: And when would you
21 have told Ms Mazigh that it was your intention at
22 one point to do so?

23 MS CATTERALL: I can't recall.

24 MR. DAVID: Okay.

25 MS CATTERALL: It might have been

1 right after I came back from Syria. I really
2 don't know.

3 In terms of Mr. Manley, yes, I did
4 talk to Mr. Manley.

5 MR. DAVID: And the contact in
6 Damascus?

7 MS CATTERALL: No, I didn't follow
8 up on that. Their parliament was just re-forming,
9 and it's just one of those things that did not get
10 done.

11 MR. DAVID: And what did that
12 refer to as a possibility?

13 MS CATTERALL: I think it might
14 have referred to one of the Members of Parliament
15 we had met.

16 MR. DAVID: So basically a contact
17 you had developed --

18 MS CATTERALL: Yes.

19 MR. DAVID: A potential contact.

20 MS CATTERALL: A potential contact
21 within the Parliament. But it seemed fairly clear
22 that this matter wasn't going to be dealt with by
23 parliamentarians in any case.

24 MR. DAVID: Moving on to June 12th
25 now, if I could bring you to tab 443, which is a

1 reference to a meeting with Minister Graham and
2 yourself and Monia Mazigh.

3 Do you recall that meeting?

4 MS CATTERALL: Yes, I do.

5 MR. DAVID: I bring you to the
6 reference on the first page, in the last complete
7 paragraph. In this summary of the meeting held on
8 June 12th there is reference to the following:

9 "Riad Saloojee raised the
10 point that US Ambassador
11 Cellucci responded to a
12 question about Mr. Arar at a
13 dinner recently, stating that
14 Canadian elements ordered his
15 deportation and that 'certain
16 wanted to see him go to
17 Syria'. Riad asked what were
18 those 'certain elements'.
19 Marlene Catterall responded
20 by saying that 'certain
21 elements' did not object to
22 his deportation to Syria.
23 Dr. Mazigh asked how she
24 could defend his rights if
25 this was the case."

1 Could you provide us with some --

2 MS CATTERALL: I believe that Riad
3 Saloojee was referring to the reports out of the
4 Harvard Club dinner about what the ambassador had
5 said and that he certainly had a different
6 interpretation of what was said than what was
7 noted in Minister Graham's notes, and also in my
8 recollection of what Minister Graham told me about
9 the conversation with Penny Collette.

10 I think all I would have said --
11 the only reason I would have commented on that was
12 because it was different than what I knew about
13 that speech that Ambassador Cellucci had given.

14 MR. DAVID: So basically you are
15 providing the understanding of what Mr. Graham and
16 yourself had discussed?

17 MS CATTERALL: Yes.

18 MR. DAVID: All right. We can
19 move now to Mr. Pardy's notes --

20 MS CATTERALL: Let me just
21 clarify --

22 MR. DAVID: Yes.

23 MS CATTERALL: -- because that
24 suggests that I felt at the time that certain
25 elements in the Canadian government knew about his

1 possible deportation to Syria and didn't object.
2 I don't think that's a fair interpretation.

3 MR. DAVID: Okay. What would a
4 fair interpretation be?

5 MS CATTERALL: I think I would
6 only have said that his understanding was
7 different than mine of that conversation, that
8 this was not precisely what Ambassador Cellucci
9 had said.

10 MR. DAVID: We can move now to
11 Mr. Pardy's notes at page 25, for an entry on June
12 26.

13 There is a reference at the very
14 bottom of page 25:

15 "Marlene Catterall...."

16 With your fax number.

17 "Fax: copy of PM letter.

18 Brian Kunder."

19 We know, Ms Catterall, that the
20 Prime Minister signed a letter dated June -- July
21 11th --

22 MS CATTERALL: Yes.

23 MR. DAVID: -- to Mr. De Bané. Is
24 this a reference to that letter?

25 MS CATTERALL: Yes.

1 MR. DAVID: So it was faxed to
2 you. Was it faxed to you at your request, and why
3 was it being faxed to you? Did you participate in
4 the drafting of the letter?

5 MS CATTERALL: I didn't
6 participate in the drafting of the letter. I
7 would have asked to see a copy when I knew that it
8 had been prepared.

9 MR. DAVID: And so you were aware
10 of the proposed trip by Senator De Bané?

11 MS CATTERALL: Yes, I was.

12 MR. DAVID: If we can go to page
13 26 of Mr. Pardy's notes, there is a reference for
14 July the 8th.

15 In this reference you had a
16 telephone conversation with Gar Pardy, and you are
17 reporting on a phone call that you had with
18 Mr. Fry.

19 The notes say:

20 "- Spoke to Robert Fry"

21 And then it says "John Manley".

22 Do you have any recollection about
23 that reference on July the 8th?

24 MS CATTERALL: No.

25 MR. DAVID: If you go now to tab

1 497 for an entry for August the 8th, this is a
2 CAMANT note. It is simply an upload of a media
3 article.

4 I would like to bring you through
5 some of the language there, because this article
6 is apparently quoting you.

7 So about halfway down the article,
8 it is where it says:

9 "Arar. A Sun Media article
10 reports..."

11 Do you see that?

12 MS CATTERALL: Okay.

13 MR. DAVID: It says:

14 "A Sun Media article reports
15 that according to Ottawa
16 West-Nepean MP Marlene
17 Catterall, the federal
18 government must demand the
19 U.S. press Syria to release
20 Maher Arar. Ms Catterall,
21 who notes that Mr. Arar is
22 being detained because of a
23 U.S. deportation order, is
24 quoted: 'I think at this
25 point in time we need to be

1 considering asking the U.S.
2 to intervene... They created
3 this problem by deporting a
4 Canadian citizen to a country
5 he hasn't been in since he
6 was a teenager. My view is
7 that some indication from the
8 Americans that they don't
9 object to him being returned
10 to Canada would be extremely
11 helpful.'"

12 Do you recall being quoted --

13 MS CATTERALL: Yes.

14 MR. DAVID: Is this an accurate
15 quote?

16 MS CATTERALL: Yes.

17 MR. DAVID: Was that your belief
18 at this time?

19 MS CATTERALL: Yes, and I suppose
20 it had been for a while. It had been the subject
21 of some discussion, part of my asking John Manley
22 to speak with Tom Ridge or any other American
23 officials he could because it just seemed to me --
24 and this is only an interpretation -- that this
25 was a problem the Syrians would be just as happy

1 to get rid of, but they were maybe afraid of
2 offending the Americans if they sent him back to
3 Canada, and that perhaps more efforts were needed
4 to get the Americans to say, if not openly, oops,
5 we made a mistake, and to indicate to the Syrians
6 that they would have no objections if he were
7 returned.

8 MR. DAVID: Okay. If we could go
9 to page 30 of Mr. Pardy's notes for an entry on
10 August 11th. It's at the very top.

11 It refers to a conversation with
12 you and a reference to the fact that:

13 "Nothing to show stress when
14 they saw..."

15 Arar. So there seems to be some
16 sort of inquiry or questions being posed about
17 Mr. Arar's conditions at this time.

18 MS CATTERALL: That may have
19 been -- I can tell you that at the time that would
20 have been my first Monday back from holidays after
21 a holiday with my grandchildren. So that would
22 have been the first thing I would have checked
23 back on.

24 I am trying to recall if -- I was
25 asked a number of times after we returned from

1 Syria if I saw any signs that he had been
2 tortured, and I said -- my standard answer was,
3 "No. He looked pale. He looked thinner than I
4 thought he had looked in previous photographs. I
5 didn't see any obvious signs of mistreatment, but
6 I am not an expert in torture."

7 MR. DAVID: And do you recall why
8 this issue was being raised at this time by
9 Mr. Pardy on August 11th? This was several months
10 after you had returned and had seen Mr. Arar.

11 MS CATTERALL: I can't be sure.

12 MR. DAVID: Do you recall if it
13 coincided with the release of a human rights
14 report?

15 MS CATTERALL: Well, that's the
16 only reason that I can think that we would be
17 revisiting this, Mr. Pardy and I.

18 MR. DAVID: But basically you are
19 not certain?

20 MS CATTERALL: I am not.

21 MR. DAVID: Okay. We come now to
22 Mr. Arar's return to Canada, Mrs. Catterall. The
23 date is October 5th of his release in Syria, and
24 his return is on the 6th.

25 So I would like to spend some time

1 with you now about the chain of events that
2 occurred on both those days.

3 MS CATTERALL: Which reference are
4 we at?

5 MR. DAVID: There is no document
6 to refer you to.

7 MS CATTERALL: Okay.

8 MR. DAVID: Other than your
9 recollection of the events.

10 Who informed you that Mr. Arar was
11 released?

12 MS CATTERALL: Minister Graham.

13 MR. DAVID: Did you learn of his
14 release before Ms Mazigh?

15 MS CATTERALL: Yes.

16 MR. DAVID: Did you inform
17 Ms Mazigh of this? Do you know who informed
18 Ms Mazigh of her husband's release?

19 MS CATTERALL: I did.

20 MR. DAVID: Okay.

21 MS CATTERALL: And I am trying to
22 recall. I think my first call may have come not
23 from Minister Graham but from probably Robert Fry
24 saying that this was going to happen and that as
25 soon as it was sure, the Minister would be in

1 touch with me personally.

2 They didn't want to, and I did not
3 want to, inform Monia until he was actually on the
4 plane and it was certain that he was on his way
5 home.

6 MR. DAVID: So you wanted --

7 MS CATTERALL: I think you will
8 find several times throughout I said I didn't tell
9 her until things were happening because I didn't
10 want to have her hopes dashed again.

11 MR. DAVID: Right. And so you are
12 the one that informed Mrs. Arar once it had been
13 confirmed to you that Mr. Arar was, as you say, in
14 the air?

15 MS CATTERALL: Yes.

16 MR. DAVID: And what happened
17 thereafter?

18 MS CATTERALL: Well, the Minister
19 did phone to tell me that yes, I could inform her
20 now that it was going to happen.

21 The day he arrived, I went to the
22 airport in a van with Mr. Pardy, Monia and the
23 children, Kerry Pither, who had been helping
24 her --

25 MR. DAVID: I believe Sarkis

1 Assadourian?

2 MS CATTERALL: Sarkis was with me,
3 yes. We went to the airport.

4 MR. DAVID: This was the Montreal
5 Pierre Trudeau Airport?

6 MS CATTERALL: Yes. He was met in
7 the arrival area by his wife and his mother and
8 then came into a waiting room where a number of us
9 had been waiting.

10 Again, it was a very emotional
11 moment, and I guess one of the highlights of my
12 political life when he put his arms around me and
13 said "Ms Marlene" and ...

14 --- Pause

15 MS CATTERALL: And then he spent
16 time with his family and myself, Sarkis, Leo
17 Martel, who had come home with him. A couple of
18 other people were waiting in another room.

19 MR. DAVID: And thereafter where
20 did you go, what did you do?

21 MS CATTERALL: As you know, Maher
22 and his wife, along with Alex Neve, did a press
23 conference.

24 MR. DAVID: And this was at the
25 airport?

1 MS CATTERALL: Yes, at the
2 airport.

3 We then left. I left with Sarkis
4 and the people from Foreign Affairs. He left with
5 his family to go to -- I can't remember if it was
6 his parents' home or his brother's home.

7 The others I was in the van with
8 went to the home but were going out to get some
9 dinner, and I decided I wanted to stay with the
10 family.

11 MR. DAVID: So in terms of
12 non-family members, if I can so express myself,
13 were you the only non-family member at this point
14 in time in the Arar home?

15 MS CATTERALL: As far as I know.
16 There were a lot of people there.

17 MR. DAVID: No. But, I mean, in
18 terms of the --

19 MS CATTERALL: None of the
20 officials that I had came down with, no.

21 MR. DAVID: That's what I mean.

22 MS CATTERALL: No.

23 MR. DAVID: So they went on to
24 have supper in some restaurant somewhere and you
25 stayed on in the home?

1 MS CATTERALL: Yes.

2 MR. DAVID: Could you just
3 describe to us what happened, what occurred?

4 MS CATTERALL: I was quite
5 surprised when Maher came and sat down beside
6 me -- and I can remember exactly where we were
7 sitting on the couch -- and began talking to me
8 about his experience. I was surprised because his
9 whole family was there, but he almost seemed to
10 need to talk about it. He spoke about being in
11 Jordan --

12 MR. DAVID: Was this conversation
13 that you were having with Mr. Arar in any way
14 prompted by yourself?

15 MS CATTERALL: No.

16 MR. DAVID: It just came about
17 from Mr. Arar's initiative?

18 MS CATTERALL: Yes.

19 MR. DAVID: And was there --

20 MS CATTERALL: No, I wasn't
21 grilling him, believe me. I felt this was his
22 time to be with his family and to begin to have
23 his life back.

24 MR. DAVID: And when Mr. Arar
25 spoke to you, was there anybody else close by?

1 Was this a private conversation?

2 MS CATTERALL: It was a private
3 conversation. There were family sitting on either
4 side of us. People were coming in and out and he
5 would introduce me to cousins and relatives.

6 MR. DAVID: It was essentially a
7 celebration.

8 MS CATTERALL: Yes.

9 MR. DAVID: A family celebration?

10 MS CATTERALL: Very much.

11 MR. DAVID: So you spent some --
12 we call it quality time when we are parents. You
13 spent some precious time with Mr. Arar?

14 MS CATTERALL: Yes.

15 MR. DAVID: Alone with him, and he
16 spoke to you?

17 MS CATTERALL: Yes.

18 MR. DAVID: And how long did that
19 conversation last, approximately?

20 MS CATTERALL: I would estimate
21 somewhere between ten and fifteen minutes, you
22 know, with interruptions for introductions and so
23 on.

24 MR. DAVID: Sure. Could you
25 provide us with as much detail as possible,

1 Ms Catterall, about what Mr. Arar informed you of
2 his ordeal.

3 You were referring to Jordan? I
4 think that's where you were.

5 MS CATTERALL: He referred to
6 being in Jordan and being -- I don't remember what
7 words he used -- but roughed up, and saying to the
8 people who were detaining him there that they
9 better be careful because his family knew people.
10 I guess he convinced them not to be quite as rough
11 with him.

12 MR. DAVID: And this is for the
13 portion of time he was in Jordan?

14 MS CATTERALL: It's the time he
15 was in Jordan, yes.

16 MR. DAVID: Did he tell you how
17 long he had been in Jordan?

18 MS CATTERALL: I don't think so,
19 no.

20 MR. DAVID: What else did he
21 discuss with you?

22 MS CATTERALL: He talked about his
23 early days of detention in Syria and the terrible
24 conditions he had been held in. The way he
25 described it -- I don't remember if he used this

1 word or if this was my image -- it was almost like
2 being in a coffin. No room to stand up. It was
3 dark all the time and crowded.

4 The image I had in my mind was
5 like being in a coffin.

6 MR. DAVID: I guess what I am
7 asking you is basically if you could give us as
8 much detail as possible about --

9 MS CATTERALL: Okay. He talked
10 about the consular visits and he said it had been
11 clear to him, although not explicit, but that Leo
12 Martel, who was the person in the Damascus
13 embassy -- it was clear to him from Leo that, when
14 they were having their consular visits, there were
15 certain things that he and Leo were not allowed to
16 talk about.

17 He did mention, however, that at
18 the last consular visit, he had essentially
19 decided that he had nothing to lose and he talked
20 to Leo about his treatment.

21 MR. DAVID: Do you know when that
22 occurred?

23 MS CATTERALL: As far as I know,
24 that was in August.

25 MR. DAVID: Mr. Arar mentioned

1 this to you?

2 MS CATTERALL: Mm-hmm.

3 MR. DAVID: So concerning this
4 August consular visit --

5 MS CATTERALL: That was the first
6 visit since Mr. Assadourian and I had been there
7 in April.

8 MR. DAVID: Could you provide us
9 with as much detail about what he told you about
10 that visit?

11 MS CATTERALL: That's what I
12 recall. He told me that notwithstanding the
13 precautions he had operated under from the
14 beginning, he decided at that point he had nothing
15 to lose. He wasn't specific about what he had
16 said to Leo but said that he had been very blunt
17 about his treatment.

18 MR. DAVID: So he was candid with
19 Mr. Martel?

20 MS CATTERALL: Yes, even though
21 the Syrians were there, as they were there on
22 every visit he had had.

23 MR. DAVID: Did he discuss your
24 meeting with him when you were there?

25 --- Pause

1 MS CATTERALL: Only to say, you
2 know, that he couldn't be very frank in that
3 situation.

4 There is something that I -- there
5 is another element of that conversation that I am
6 overlooking.

7 MR. DAVID: I believe it's a
8 reference to perhaps when he was brought -- or was
9 going to be told that he was going to the Canadian
10 embassy?

11 MS CATTERALL: Yes. He was
12 brought into court that afternoon and he was
13 released, and I am not sure he knew why. I am not
14 sure we know why even yet, but he didn't really
15 believe it. And even when he was in the car on
16 the way to the embassy, he thought this was just
17 another trick to break him down and really didn't
18 believe that he would be going home.

19 MR. DAVID: Okay. Any other
20 recollection of your conversation with Mr. Arar in
21 his home?

22 MS CATTERALL: Those are the main
23 things that I remember talking to him about.

24 MR. DAVID: If I could bring you
25 to an entry for October 10th, Ms Catterall, that

1 would be tab 613 in Volume 7.

2 There are two messages here and
3 the first is the bottom part. It is coming from
4 Michelle Lobo, from the Minister's Office, to
5 DFAIT.

6 It says:

7 "Graeme,
8 As per our conversation can
9 we arrange a phone call for
10 Marlene with Leo for Tuesday
11 morning our time. She can be
12 reached on her cell ... She
13 will provide a land line..."

14 The message above says "Leo" -- so
15 it is going to Leo Martel:

16 "Please see below. MP
17 Marlene Catterall has asked
18 to talk with you..."

19 Do you recall that request, and do
20 you recall speaking to Leo, and do you recall why
21 you would want to have spoken to him?

22 MS CATTERALL: I recall the
23 request. I would have wanted to speak to Leo just
24 to thank him for being basically Mr. Arar's main
25 contact with Canada through a number of months.

1 Personally, when he arrived at the
2 airport in Montreal, I was very relieved to see
3 that it was Leo who was with him. And I think I
4 wanted to call him.

5 I wanted to find out a bit more,
6 if possible, about why it had come about that he
7 had been released. I am not sure we know yet why.

8 To tell you the truth, I really
9 can't recall the conversation.

10 MR. DAVID: Thanks. The next
11 entry in our chronology, Ms Catterall --

12 MS CATTERALL: That just reminded
13 me that my cell phone is on, I think.

14 MR. DAVID: The next entry I would
15 like to refer you to has to do with a CTV news
16 report, Joy Malbon. You saw something on the news
17 that upset you and you acted on it, and if you
18 could tell us about the circumstances?

19 MS CATTERALL: I don't think you
20 gave me the tab number.

21 MR. DAVID: And I don't think I
22 have one.

23 --- Laughter / Rires

24 MS CATTERALL: It was sometime in
25 November. There had been a number of issues I

1 continued to pursue.

2 MR. DAVID: I understand that the
3 news report was on October 23rd.

4 MS CATTERALL: I mean, I remained
5 concerned and active in trying to get resolution
6 to this whole matter because simply being back in
7 Canada, in my view, was obviously not enough. I
8 mean, this man needed an opportunity for his own
9 sake, for his family's sake, and for the sake of
10 justice to clear his name, and it seemed that
11 there was no way that that was going to happen.
12 So I continued to pursue ways of making that
13 happen.

14 But the Joy Malbon report on CTV
15 infuriated me because she was quoting government
16 officials as saying that Mr. Arar had informed on
17 other people.

18 I was outraged, because who could
19 have said that? That puts this man's life in
20 danger and his family in danger if it's true, or
21 even if it's not true. And the fact that somebody
22 within government would have been so irresponsible
23 was an outrage to me.

24 I thought of those kids. I mean,
25 I had sat there, I had held them on my knee. I

1 had given his little son a sip of my tea and my
2 cookie. And I could not believe that somebody
3 could be this irresponsible.

4 The first thing the next morning I
5 called Alex Himelfarb. I had never spoken to the
6 Clerk of the Privy Council before. I said, "Alex,
7 you are the only person I know who can find out
8 what is going on here, who is saying what. What
9 government official could possibly have done that?
10 I don't know if it was somebody in Foreign
11 Affairs, somebody in the RCMP, somebody in CSIS,
12 but you are the only one who can reach into every
13 department of this government and find out who did
14 that."

15 MR. DAVID: And what was the
16 reaction?

17 MS CATTERALL: Mr. Himelfarb took
18 it as seriously as I did. Obviously he didn't
19 tell me specifically what he did, but I am
20 convinced he took action.

21 MR. DAVID: So he did indicate to
22 you he was going to be looking into it?

23 MS CATTERALL: Yes.

24 MR. DAVID: We come now to
25 November the 4th, 2003, Ms Catterall, and that's

1 the day that Mr. Arar held his press conference.

2 I understand that you were in
3 attendance at this press conference?

4 MS CATTERALL: Yes, I was.

5 MR. DAVID: My question to you is
6 very simple: In terms of what you heard Mr. Arar
7 say about his ordeal, and in terms of the
8 information that you had obtained from Mr. Arar in
9 his home, or in his family's home, on October the
10 6th in Montreal, were there any discrepancies
11 between the two versions that you noted?

12 MS CATTERALL: None. Obviously
13 his statement was much more complete, but nothing
14 contradicted anything he said to me that night.

15 MR. DAVID: All right. And my
16 last question is I want your appreciation, your
17 opinion, your assessment, of the actions of
18 Canadian authorities, of Canadian officials.

19 In your assessment was what you
20 witnessed, in terms of providing assistance to
21 Mr. Arar, was it according to standards?

22 MS CATTERALL: I am not a
23 bureaucrat. I don't know what standards are. I
24 do know that if my husband or my child were in a
25 similar situation, I would trust Gar Pardy with

1 their life.

2 MR. DAVID: Those are my
3 questions, Ms Catterall. Thank you very much.

4 THE COMMISSIONER: Mr. Waldman?
5 EXAMINATION

6 MR. WALDMAN: Are we on the same
7 time limitation, one hour for me, and one hour for
8 my friend?

9 THE COMMISSIONER: Well, I don't
10 want to unduly curtail your cross-examination.
11 It's important.

12 MR. WALDMAN: I can do it in an
13 hour.

14 THE COMMISSIONER: Okay. If you
15 can, that's fine. I think it is important but we
16 would like to get through it.

17 And you let me know, Mr. Waldman,
18 at what time it would suit you to have the break,
19 or Ms Catterall.

20 MR. WALDMAN: If you want to go
21 for about half an hour more I think I am --

22 THE COMMISSIONER: Okay. That
23 would be about the regular time.

24 MR. WALDMAN: My guess, I may be
25 wrong. I never know.

1 I had one document that I gave to
2 my friends yesterday. It is an e-mail that
3 Mr. Arar got under Access. I just want to
4 introduce it as an exhibit.

5 THE COMMISSIONER: Okay. 115.

6 --- Off microphone / Sans microphone

7 EXHIBIT NO. P-115: E-mail
8 from Keith (R) Clark to
9 Françoise Lang and Allen
10 Nause, dated Wednesday
11 October 29, 2003, 4:06 p.m.,
12 re Minister Catterall request
13 to protect Mr. Arar

14 MR. WALDMAN: I'll take her to
15 that in a minute.

16 I just want to cover a few areas
17 with you. The first is about the mixed signals
18 that we seem to be getting.

19 If I could ask you to go to
20 tab 324. The last -- item 5, there are some
21 talking notes, and there are six items on this --

22 MS CATTERALL: I'm just trying to
23 get to 324, if you don't mind?

24 MR. WALDMAN: Oh, I'm sorry.

25 MS CATTERALL: Thank you. Okay.

1 MR. WALDMAN: My understanding is
2 this is one draft of the talking notes, and in
3 this draft there are six items, and one of the
4 items, if you go over to the next page, said:

5 "The Canadian government
6 would be extremely pleased if
7 Mr. Arar could be returned to
8 Canada."

9 But, if you go to tab 328, we get
10 another version, and that specific talking note is
11 left out, being pleased about Mr. Arar being
12 returned to Canada.

13 Were you aware of the differences
14 between the two versions of talking notes? Was
15 this ever pointed out to you or discussed with
16 you?

17 MS CATTERALL: No. You know, I
18 was more aware of general messages I needed to
19 convey than of specific wording.

20 MR. WALDMAN: Okay. So the
21 version on 328, was that the set that was given to
22 you to take to --

23 MS CATTERALL: Sorry, there's 324
24 and then there's 328 --

25 MR. WALDMAN: 328. Because what I

1 find noteworthy is that the version on 328 left
2 out the request that Mr. Arar be returned.

3 MS CATTERALL: Well, I guess it's
4 maybe good that I didn't memorize these, because I
5 certainly conveyed that message.

6 MR. WALDMAN: But yes, does this
7 ever raise any concerns about -- you know, we were
8 talking about the conflicting messages, that there
9 seemed to be different messages being given by
10 different peoples. Do you see this as another
11 example?

12 MS CATTERALL: I'm only
13 speculating, but the difference between those
14 two -- I mean, as far as I know, they both seem to
15 have the same date.

16 MS McISAAC: Mr. Commissioner, I
17 think it's fairly clear that the document at 328
18 is provided by the political branch to Mr. Pardy
19 for him to use as suggestions and that, in fact,
20 the document at 324 is what Mr. Pardy prepared so
21 that he added the additional wording after the
22 political branch had given the first draft.

23 THE COMMISSIONER: Thank you,
24 Ms McIsaac.

25 MR. WALDMAN: Perhaps Ms

1 McIsaac --

2 MS CATTERALL: But it seems to me
3 what that reflects is in fact the kind of changing
4 that was going on in Mr. Graham's letters as well.

5 MR. WALDMAN: Right. That's the
6 point I'm trying to make.

7 Regardless of what was the final
8 version, was that there seemed to be disputes in
9 terms of what was the wording that could be said
10 and what couldn't be said within the department,
11 and also between departments.

12 Is that a fair assessment of what
13 you were experiencing during this time?

14 MS CATTERALL: My sense was that
15 if there were differences it was between
16 departments, not within.

17 MR. WALDMAN: Okay.

18 Now, the second point I want to
19 take you to is how you actually ended up going,
20 and in what capacity.

21 If I could ask you to go to tab
22 338? This is item 3.

23 MS CATTERALL: Mm-hmm.

24 MR. DAVID: It says:

25 "...I understood that the Mps

1 are coming in a private
2 capacity..."

3 MS CATTERALL: Okay. This is from
4 who to whom? Oh, from Ambassador Pillarella.

5 MR. WALDMAN: Yes.

6 MS CATTERALL: Please remind me
7 who Harold Hickman is.

8 MR. WALDMAN: Harold Hickman is
9 someone in the Minister's office, I believe --

10 MS McISAAC: No, he's in the
11 political branch of the Middle East at Foreign
12 Affairs.

13 MR. WALDMAN: Okay, thank you.

14 So Mr. Pillarella obviously was
15 under the belief that you were coming in a private
16 capacity.

17 Was that your desire and intent,
18 to come in a private capacity or, rather, as a
19 representative of the Government of Canada?

20 MS CATTERALL: I guess I saw
21 myself in both capacities, frankly, but having
22 seen both the draft and the final version of
23 Minister Graham's letter, there was obviously a
24 specific change in that letter to not indicate
25 that Mr. Assadourian and I were there on behalf of

1 the government.

2 MR. WALDMAN: Do you think you
3 would have been more effective in your
4 representations if you had been representing the
5 government?

6 MS CATTERALL: To me that was the
7 whole point of having a letter from our Minister
8 to the Syrian Minister, was that it was not a
9 personal plea on my behalf, or on behalf of
10 Mr. Assadourian; we were delivering a message on
11 behalf of our government, that we wanted Mr. Arar
12 returned to Canada.

13 MR. WALDMAN: Okay. Well, if we
14 go to tab 343, this tab seems to suggest that the
15 idea was for you to go representing the
16 government?

17 --- Pause

18 MS CATTERALL: I'm sorry. I'm
19 just reading it again.

20 --- Pause

21 And this was before the first
22 attempt to visit.

23 I'm sorry, your question,
24 Mr. Waldman?

25 --- Pause

1 MR. WALDMAN: Sorry, it's tab 344.

2 Do you know -- do you recall --
3 you're not sure who this is from. This is a tab
4 from you -- an e-mail to you, copied to Gar Pardy,
5 but do you recall who this was from?

6 MS CATTERALL: I'm not sure.

7 MS McISAAC: What document,
8 please?

9 MR. WALDMAN: 344.

10 MS CATTERALL: I honestly do not
11 remember seeing this before. Even though it says
12 it's to me.

13 MR. WALDMAN: Do we know who it's
14 from? Do you know?

15 MR. DAVID: I believe Ms McIsaac
16 indicated that it was an official from DFAIT.

17 MR. WALDMAN: Right, that was my
18 understanding.

19 Right, but the point I'm trying to
20 point out here, it is an official from DFAIT.
21 That was clearly established yesterday.

22 MR. DAVID: That's what Ms McIsaac
23 indicated yesterday.

24 MR. WALDMAN: And in this document
25 it says that:

1 "Canada *must* officially ask
2 the Syrian Government for
3 Maher's release."

4 So do you feel that to a certain
5 extent your trip was undermined by the fact that,
6 instead of going in an official governmental
7 capacity, you were going in a personal and private
8 capacity?

9 MS CATTERALL: The objective was
10 to hopefully achieve Mr. Arar's release. I don't
11 know that we would have achieved that anyway.

12 You know, I've said often I tried
13 not to get Monia's hopes up at any time. I tried
14 to do the same for myself, frankly. And you
15 always hope for the best.

16 I had visions of flying home with
17 him, but I knew that wasn't particularly
18 realistic.

19 Look, I don't know what diplomats
20 read between the lines. I don't know what the
21 change in wording in Mr. Graham's letter would
22 have meant to the Syrian officials.

23 Obviously I wanted a much stronger
24 letter in terms of no charges against Mr. Arar, no
25 basis on which to charge him in Canada, or if

1 there were, I presume charges would have been
2 laid, and that we wanted him back, and that the
3 government wanted him back.

4 MR. WALDMAN: Right. So you
5 thought it was important that it be clear that it
6 was the government that wanted Mr. Arar back?

7 MS CATTERALL: Yes.

8 MR. WALDMAN: Okay. Thank you.

9 If I could ask you to go to P-99
10 for a second?

11 Maybe just look at it for a
12 second. It's that e-mail note on Arar, March 24,
13 2002. One page.

14 --- Off microphone / Sans microphone

15 MS CATTERALL: Thank you.

16 THE COMMISSIONER: P-99.

17 MR. WALDMAN: P-99. That's not
18 it.

19 THE COMMISSIONER: Just a second.
20 Ms Catterall, he'll get it for you. The registrar
21 will. There we go.

22 MR. WALDMAN: I know we went over
23 this. I just have a few questions to ask you
24 about it. If you could just refresh your memory
25 briefly?

1 --- Pause

2 Have you read it? Okay.

3 With respect to this, do you
4 recall this conversation?

5 MS CATTERALL: With Mr. Arnous or
6 with Myra?

7 MR. WALDMAN: With Myra.

8 MS CATTERALL: Not particularly,
9 but -- I mean, I don't recall talking to Myra.

10 I do know that when Mr. Pardy
11 wasn't available I would convey whatever I needed
12 to convey to him through Myra.

13 I obviously knew that our
14 conversation with the Syrian ambassador was
15 significant.

16 MR. WALDMAN: I just have one
17 question to clarify with that.

18 The idea of the miscommunication,
19 my understanding from your evidence is that that
20 came from Sarkis, Mr. Assadourian -- is that
21 correct ? -- in terms of the miscommunication
22 between the Syrians and CSIS?

23 MS CATTERALL: Sarkis was the one
24 who reacted initially. I had been doing most of
25 the talking up to that point.

1 MR. WALDMAN: Okay. But the idea
2 of the miscommunication was when Sarkis heard --
3 or Mr. Assadourian --

4 MS CATTERALL: Yes.

5 MR. DAVID: -- heard that, he was
6 the one who said, "Oh, this must have been a
7 miscommunication." That was his response, so it
8 came from him, not from the ambassador?

9 MS CATTERALL: Yes.

10 MR. WALDMAN: Thank you. With
11 respect to the clear message in writing, do you
12 recall that that was what you thought was
13 important, that there be a clear message in
14 writing, as being part of what you thought should
15 be done?

16 MS CATTERALL: Yes.

17 MR. WALDMAN: And were you ever
18 able to achieve getting a clear message in writing
19 from CSIS with respect to Mr. Arar despite all
20 your efforts?

21 MS CATTERALL: No.

22 MR. WALDMAN: And did you ever
23 get -- I know you've already told us that you
24 spoke to Mr. Easter about this on several
25 occasions. Did you ever get any clear explanation

1 as to why you could not get this clear statement
2 from CSIS?

3 MS CATTERALL: My recollection is
4 that Foreign Affairs was going to be speaking for
5 Canada on this matter, but it was pretty clear
6 that security was also having a say about what
7 Foreign Affairs was going to be saying.

8 MR. WALDMAN: Right. So then even
9 in terms of the context of what Foreign Affairs
10 was saying, your understanding was that the
11 security officials had a say in what the minister
12 was going to say on behalf of Canada, the Minister
13 of Foreign Affairs was going to say on behalf of
14 Canada?

15 MS CATTERALL: I think that's
16 fairly normal. Not that I accept the kind of
17 changes that took place from the draft of the
18 letter to the final letter. I think it's quite
19 normal that there is a government position that
20 brings in comments from other departments as well.

21 MR. WALDMAN: Okay. But you said
22 that you didn't accept in this case the changes.
23 What was it that bothered you about the changes in
24 the version --

25 MS CATTERALL: That they were not

1 very clear. I thought the letter should have been
2 very clear, that Mr. Arar is not under suspicion
3 or under charge in Canada. That he has no
4 criminal record. That he has been a good citizen
5 for over half his life.

6 MR. WALDMAN: Right. So you were
7 frustrated at your inability to get them to agree
8 to a letter that was clear in the terms that you
9 thought might be very helpful to Mr. Arar?

10 MS CATTERALL: Yes.

11 MR. WALDMAN: Thank you.

12 --- Pause

13 MR. WALDMAN: Okay. I'd like to
14 move on.

15 You told us in your evidence that
16 when you met with the Syrian officials when you
17 visited Syria on behalf of Mr. Arar, that you told
18 them that Mr. Arar was not wanted for criminal
19 activity in Canada.

20 If we go back to the speaking
21 notes, I don't think that was, in fact, in the
22 speaking notes.

23 So, did you -- this was clearly
24 not in the speaking notes --

25 MS CATTERALL: No.

1 MR. WALDMAN: -- that were given
2 to you.

3 So could you explain to us why you
4 would say that if it weren't in the speaking
5 notes?

6 MS CATTERALL: Because it was the
7 truth.

8 MR. WALDMAN: Okay. And did you
9 think it was important to communicate that?

10 MS CATTERALL: Yes.

11 MR. WALDMAN: So you took it of
12 your own initiative that, even though it wasn't
13 part of what you had been instructed to say?

14 MS CATTERALL: Yes.

15 MR. WALDMAN: And you did that
16 consciously?

17 MS CATTERALL: Yes. A simple
18 statement of fact shouldn't be controversial, I
19 don't think.

20 MR. WALDMAN: Well, I would agree
21 with you.

22 Do you believe that if the letter
23 had said that clearly it would have had a greater
24 impact? I mean instead of coming from --

25 MS CATTERALL: I have no way of

1 knowing that. I have no way of knowing that.

2 My impression -- no, it's not fair
3 to give you impressions, I guess, but my
4 impression was that if people from either CSIS or
5 the RCMP were having discussions internationally,
6 then it almost had to come from them.

7 MR. WALDMAN: Right. Okay. I'd
8 like to take you to P-85, volume 5.

9 --- Pause

10 Have you ever seen this document
11 before?

12 MS CATTERALL: I don't think you
13 gave me a tab number.

14 MR. WALDMAN: Tab 30, sorry.

15 MS CATTERALL: Thank you.

16 No, I haven't seen this before.

17 MR. WALDMAN: Perhaps you could --
18 the first page isn't particularly relevant. It
19 just gives us background.

20 The second page is what I'd like
21 you to look at, where it starts with "CONCERN".

22 MS CATTERALL: If you don't mind
23 me taking a few minutes to read the first page to
24 kind of put it in context.

25 MR. WALDMAN: That's fine. That's

1 fine.

2 --- Pause

3 MS CATTERALL: Okay.

4 MR. WALDMAN: Well, I'll take you
5 to the handwritten notes in a minute. It says:

6 "The Members of Parliament
7 are seeking intervention at
8 the Prime Ministerial level
9 for the release of ARAR and
10 his return to Canada."

11 Do you assume that they might be
12 referring to you as being one of the members who
13 were lobbying the Prime Minister?

14 MS CATTERALL: I would suspect so,
15 yes.

16 MR. WALDMAN: So you would accept
17 that you were the one lobbying -- or one of the
18 members -- I know there might have been others.

19 Then it goes on to say:

20 "The potential for
21 embarrassment exists should
22 the Prime Minister become
23 involved in a similar fashion
24 to the incident following the
25 Egyptian bombing in 1995..."

1 And then they refer to the Khadr
2 case.

3 So how do you respond to the
4 suggestion that the Prime Minister should not have
5 intervened in this case because it might lead to
6 embarrassment?

7 MS McISAAC: I don't think the
8 memo says the Prime Minister shouldn't intervene.
9 It simply says there's a potential for
10 embarrassment.

11 MS CATTERALL: I'm sorry, I
12 couldn't hear Ms McIsaac's comments.

13 THE COMMISSIONER: I think the
14 question can be phrased, then, how do you respond
15 to the suggestion that there was the potential for
16 embarrassment because of the Khadr case?

17 MR. WALDMAN: What is your view of
18 the suggestion that there be potential for
19 embarrassment, and why would someone raise the
20 Khadr case in the light of your efforts to bring
21 Mr. Arar back?

22 What do you think the purpose of
23 that was, and how do you respond to it?

24 MS CATTERALL: I was conscious of
25 the fact that the Prime Minister had intervened on

1 behalf of Mr. Khadr and had secured -- appeared to
2 have secured his release and that it was
3 subsequently revealed that in fact this man did
4 have terrorist connections and had been involved
5 in terrorist activities.

6 It occurred to me that that
7 experience might make it less likely that the
8 Prime Minister would intervene again.

9 On the other hand, in terms of my
10 personal efforts, I was more persuaded by the
11 argument that the Prime Minister's intervention is
12 something you use when everything else has failed,
13 because once you have used that avenue, if it
14 fails, then you have nothing left.

15 MR. WALDMAN: Right. But did
16 you -- when you read this, do you get the sense
17 that there are people who are raising the Khadr
18 experience as a way of trying to pressure the
19 Prime Minister to not intervene so that your
20 efforts wouldn't be successful?

21 MS CATTERALL: I wasn't aware of
22 that happening personally.

23 MR. WALDMAN: Okay. But when you
24 read this, how do you respond to that?

25 --- Pause

1 MS CATTERALL: I am not sure it is
2 fair to ask me to interpret what was in somebody
3 else's mind when they did something.

4 MR. WALDMAN: Ms McDonough told us
5 in her evidence that there were suggestions made
6 to her by different officials that Mr. Arar was a
7 bad person and she should be careful about
8 intervening on his behalf.

9 Did you ever have that experience
10 yourself?

11 MS CATTERALL: I don't believe so.
12 I don't believe anybody ever said to me, "You
13 shouldn't be intervening on his behalf." It was
14 obvious that some people had that opinion. My
15 response was only, "If you have evidence, charge
16 him. If you don't, shut up."

17 And, you know, even after his
18 return, quotes in the newspapers about him being,
19 quote, "dirty" -- I mean, to me, that was coming
20 from somewhere in government and it was absolutely
21 appalling; that, again, this man's life continued
22 to be undermined by people who didn't have enough
23 evidence to lay any charges. It was just
24 unconscionable to me that people could continue to
25 say things like that.

1 MR. WALDMAN: Speaking of those
2 leaks, did you ever think of why people were
3 leaking -- I mean, there were leaks that went on
4 before Mr. Arar came back. You recall that.
5 There was a series of articles before he came
6 back. You reacted to them.

7 Did you have any sense in your
8 mind why people might be leaking -- doing these
9 leaks? What was your opinion as to the purpose
10 behind them? Referring to the ones before he came
11 back, and then the ones after; if you had any
12 thoughts at the time.

13 MS CATTERALL: I didn't speculate
14 about why people were doing it. I just found it
15 absolutely appalling that it was happening.

16 MR. WALDMAN: Thank you.
17 You told us about your phone call
18 to Mr. Himelfarb concerning your concern about
19 Mr. Arar's safety.

20 I believe I handed you up the -- I
21 gave out the e-mail.

22 This is the last exhibit, I
23 believe.

24 MS CATTERALL: This one? Okay.

25 MR. WALDMAN: P-115. If you could

1 just take a quick look at that.

2 Actually to save some time, there
3 are two versions. They are almost identical
4 except that we got them under two different Access
5 requests and the second one is the slightly more
6 complete one. It starts on page 3.

7 MS CATTERALL: The one that has
8 7989 at the bottom of it?

9 MR. WALDMAN: Yes, and 7990.

10 --- Pause

11 MS CATTERALL: I had forgotten
12 about this part.

13 MR. WALDMAN: So you recall this?
14 So this was at the same time as you spoke to
15 Mr. Himelfarb?

16 MS CATTERALL: Yes, it was. In
17 addition to saying you have got to find out who
18 did this and stop it, I had said, "Is there some
19 way we can provide some protection for the
20 family?"

21 MR. WALDMAN: Right. And so after
22 that you were contacted by the Ottawa Police, and
23 basically you expressed your concern to the
24 police.

25 MS CATTERALL: Who is Fran Lang,

1 if you don't mind? I don't know who either of
2 these people are.

3 MR. WALDMAN: I don't know either.

4 I think Fran Lang, if I am not --
5 reading the e-mail, my understanding is he was
6 with the RCMP. But I am just speculating. I have
7 no idea.

8 But these are obviously people
9 that were contacted as a result of your
10 interventions.

11 What I am more concerned with is
12 that someone apparently spoke with you and said
13 that he couldn't be provided protection because he
14 is not an internationally protected person, from
15 the RCMP.

16 It goes on to say you said:

17 "... the information
18 pertaining to the threat came
19 from information she got from
20 the federal authorities."

21 Could you explain to me what you
22 mean by that?

23 MS CATTERALL: I am just reading
24 it. I have no idea what OIC Protective Services
25 is.

1 MR. WALDMAN: I guess what I am
2 trying to understand is what you meant when you
3 said --

4 MS CATTERALL: Yes, I didn't say
5 the information pertaining to the threat came from
6 information I got from federal authorities.

7 What I would have done was said
8 that my concern about the threat was based on
9 information provided by federal authorities as
10 contained in Joy Malbon's news report.

11 MR. WALDMAN: Okay. Thank you for
12 clarifying that.

13 At the end it says:

14 "It was apparent that you
15 were not happy with the
16 answer I gave."

17 MS CATTERALL: No, I was not.

18 MR. WALDMAN: Did you carry this
19 through further? Did you do anything more about
20 your concern about Mr. Arar's safety than that?

21 MS CATTERALL: I honestly don't
22 recall what I did next. I think I probably would
23 have spoken to Mr. Himelfarb again.

24 MR. WALDMAN: Well, I am just
25 going to move on.

1 At tab 389 -- you don't have to go
2 to it, unless it's necessary -- there is a
3 reference that you were given a briefing by
4 Mr. Pardy in Cairo. You have covered some of
5 this. I just want to ask you some questions.

6 In that briefing or any of the
7 other briefings, was the human rights situation in
8 Syria discussed by Mr. Pardy or any of the other
9 officials?

10 MS CATTERALL: Not that I recall.

11 MR. WALDMAN: Were you briefed on
12 the lack of due process in Syria and the lack of a
13 fair and independent judicial system?

14 MS CATTERALL: No, but I was
15 certainly aware of it.

16 MR. WALDMAN: Were you briefed by
17 Mr. Pardy as to the likelihood that Mr. Arar might
18 have been tortured during the initial stages of
19 his detention?

20 MS CATTERALL: Not before we
21 visited him in Syria, no.

22 MR. WALDMAN: Were you briefed at
23 any other time by Mr. Pardy about the likelihood
24 he might have been tortured in the initial stages
25 of his detention?

1 MS CATTERALL: I think Mr. Pardy
2 and I would only have discussed that when the
3 report from the Syrian Human Rights Committee
4 became public.

5 MR. WALDMAN: So at that point
6 Mr. Pardy mentioned to you that it was likely --

7 MS CATTERALL: No, he wouldn't
8 have mentioned it to me. It would have been
9 probably part of one of our conversations, or many
10 conversations trying to get this resolved.

11 MR. WALDMAN: Do you recall what
12 he said to you about the issue of Mr. Arar being
13 tortured?

14 MS CATTERALL: No.

15 MR. WALDMAN: Had you formed any
16 opinion as to the likelihood that Mr. Arar might
17 have been tortured before you went to Syria?

18 MS CATTERALL: Not before I went
19 to Syria, because that honestly had not come up as
20 a discussion. My whole focus was this is a
21 Canadian citizen who has been deported without any
22 due process and without any good reason, and it's
23 our responsibility to get him back as quickly as
24 possible.

25 MR. WALDMAN: I just want to ask

1 you a few quick questions about your involvement
2 in this file.

3 I just want to be clear. You
4 never obtained any briefing from the Solicitor
5 General or the RCMP on Mr. Arar at any point?

6 MS CATTERALL: No.

7 MR. WALDMAN: Were you aware of
8 any members of any other political party who might
9 have received a briefing?

10 I am recalling statements of
11 interviews that were given by some Members of
12 Parliament shortly after Mr. Arar was arrested. I
13 don't know if you recall them?

14 MS CATTERALL: I don't know. I
15 don't recall.

16 MR. WALDMAN: You don't know.

17 So it is fair to say, though, that
18 you agree with what Ms McDonough had told us
19 earlier, that at least Mr. Graham was saying he
20 was having difficulty getting information on the
21 file?

22 MS CATTERALL: The first time I
23 felt that might be the case was when I got a
24 substantially different impression of the
25 situation in Damascus than I had had before I

1 left: the fact that the charges they were looking
2 at were quite serious -- were much more serious
3 than I had heard and much more specific than I had
4 heard; that their investigation had provided
5 information to justify that; that our ambassador
6 was aware that things had gone this far but that
7 any of the briefings that I had had or any of the
8 discussions I had had in Canada had certainly not
9 reflected the seriousness of the situation that I
10 felt both from Mr. Pillarella's briefing and from
11 what I heard directly from the Syrian intelligence
12 people.

13 MR. WALDMAN: Did Mr. Pillarella
14 advise you that he obtained a copy of the
15 statement that the military intelligence had taken
16 from Mr. Arar during the initial stages when, of
17 course, Mr. Arar says he was tortured?

18 Did he ever tell you that he
19 obtained that statement?

20 MS CATTERALL: No.

21 MR. WALDMAN: So obviously he
22 didn't advise you of the contents of that
23 statement?

24 MS CATTERALL: No.

25 MR. WALDMAN: Did he advise you

1 that he brought the statement back to Canada, and
2 that it was given to CSIS and the RCMP?

3 MS CATTERALL: No.

4 MR. WALDMAN: How do you react to
5 learning that Mr. Pillarella, our ambassador,
6 actively solicited the statement that was taken
7 and, according to Mr. Arar, under torture?

8 THE COMMISSIONER: You should only
9 answer a question like that if you feel
10 comfortable and you feel you have enough facts to
11 answer it.

12 MR. WALDMAN: If you don't feel
13 comfortable, feel free to say that you don't.

14 --- Pause

15 MS CATTERALL: I am not sure how
16 relevant my feelings are in this matter.

17 It was evident to me during our
18 briefings in Damascus that the ambassador had had
19 several briefings, had had briefings and contact
20 with security officials at a high level in Syria;
21 that he seemed convinced by what they were telling
22 him.

23 And it was my sense that the level
24 of seriousness of the concerns the Syrians had and
25 their conviction of Mr. Arar's guilt had not been

1 conveyed to the Minister or his political staff,
2 or to Mr. Pardy who was responsible for the
3 consular elements of this case. And I think that
4 comment was made at some point in the briefing
5 note.

6 Mr. David asked me earlier if I
7 had any comments on the work of officials, and it
8 was just a sense that if this information was
9 getting back to Ottawa, it wasn't getting to
10 Minister Graham because I felt that any -- I felt
11 that Minister Graham's office, himself, his
12 political people, as well as people in consular
13 service, were being quite open with me about the
14 situation and were doing their best.

15 I have all kinds of questions,
16 frankly, about who was getting informed if the
17 Minister wasn't getting informed. Who did that
18 report go to in Foreign Affairs? If it was sent
19 by the ambassador, who was it sent to? And why
20 wasn't the Minister made aware -- because I
21 honestly don't believe that he was.

22 I have since had reasons to find
23 out that not only is there a Ministry of Foreign
24 Affairs, there is a security unit within Foreign
25 Affairs. What role do they play? Do they screen

1 what the Minister gets told? I don't know.

2 I have a whole lot of questions,
3 and these are the questions that are before this
4 inquiry.

5 Why was Mr. Arar's computer seized
6 by customs and at whose request? I don't for a
7 moment believe that he had not paid GST on a
8 computer that he had been using for quite some
9 time. And what did they do with it while they had
10 it?

11 I trust you have addressed all
12 those things in other hearings.

13 How can we have the RCMP, at
14 least, talking to officials in Washington about a
15 Canadian citizen who -- I presume they were
16 talking about him while he was in detention,
17 because they made a great point of saying that
18 they were waiting for him at the Dorval Airport
19 for his return --

20 THE COMMISSIONER: Those are all
21 questions that are before the inquiry.

22 MS CATTERALL: Yes.

23 THE COMMISSIONER: And I can
24 assure you that while a lot of the evidence is --

25 MS CATTERALL: Well, I hope a lot

1 of the answers are going to be public answers
2 because --

3 THE COMMISSIONER: Well, you have
4 some allies in that.

5 --- Laughter / Rires

6 MS CATTERALL: Quite frankly, the
7 fact that our national police force can be aware
8 that a Canadian citizen is in custody in New York
9 and doesn't even contact Foreign Affairs to find
10 out if we are aware of that as a government, it
11 astounds me.

12 MR. WALDMAN: I have a few more
13 questions. Do you want me to finish them --

14 MS CATTERALL: I am sorry if I
15 have taken some of your time.

16 MR. WALDMAN: No, that's fine.

17 THE COMMISSIONER: No, no.

18 MR. WALDMAN: I have about five
19 more minutes. Do you want me to finish and then
20 take the break?

21 THE COMMISSIONER: It would
22 probably be easiest then for you, Ms McIsaac, then
23 we have the break before your cross.

24 MR. WALDMAN: I am just picking up
25 a few things from notes of your examination

1 yesterday.

2 Just going back to that
3 conversation with the Syrian ambassador, do you
4 believe that the misunderstanding or the
5 communication that was given that CSIS didn't want
6 Mr. Arar back, do you think that likely had an
7 impact on his return?

8 That the Syrians were told that
9 CSIS didn't want him back, do you think that
10 impeded Mr. Pardy's efforts in getting him back?

11 MS CATTERALL: Well, I can only
12 assume that in that conversation the Syrian
13 Ambassador was saying to us, "You are telling us
14 your government wants him back, but we are hearing
15 another message."

16 Obviously, it was having an
17 impact.

18 MR. WALDMAN: Just one last thing.
19 This is going to Minister Graham's notes, which is
20 P-107.

21 MS CATTERALL: Okay.

22 MR. WALDMAN: We took you to the
23 page about Marlene C. on April 30th. On the next
24 page after that, there is something that says
25 "Sarkis Assadourian"?

1 MS CATTERALL: Yes.

2 MR. DAVID: And he goes on to say:
3 "Arar. What an experience.
4 There's a difference of
5 opinion between the Syrian
6 Foreign Ministry and their
7 intelligence (in cahoots with
8 the Americans?)"

9 Were you aware of this? I mean,
10 you were part of the briefing, all the briefing,
11 as was Mr. Assadourian. This notation struck me.

12 MS CATTERALL: In fact, I am sure
13 Mr. Assadourian had conversations with the
14 Minister, with other people, that I wasn't aware
15 of.

16 MR. WALDMAN: No, I understand
17 that. But my question is I am more interested in
18 the content of what is said, because it seems to
19 be he is reporting to Minister Graham after he
20 comes back about the trip.

21 MS CATTERALL: Okay.

22 MR. WALDMAN: And he says "What an
23 experience", and then he goes on to say:

24 "There is a difference of
25 opinion between the Syrian

1 Foreign Ministry and
2 Intelligence."

3 Was that communicated to you in
4 any of your briefings?

5 MS CATTERALL: It was clear to me,
6 and I think it was from the briefing by Ambassador
7 Pillarella, that decisions on this would be made
8 by the intelligence people, not by the Foreign
9 Affairs people, in Syria.

10 MR. WALDMAN: But was it also
11 communicated that there might have been a
12 difference of opinion between the Foreign Affairs
13 and the intelligence?

14 MS CATTERALL: I didn't -- it
15 wasn't something I explicitly was aware of, no.

16 MR. WALDMAN: And was it
17 communicated to you that their intelligence
18 service was working in cahoots with the Americans?
19 Was that something that was mentioned?

20 MS CATTERALL: It's not something
21 that was mentioned during our briefings, no.

22 MR. WALDMAN: Thank you. Those
23 are my questions.

24 MS CATTERALL: But can I just tie
25 that to another answer I did give yesterday,

1 though?

2 It was clear, and I think I
3 pointed out that I had not recognized the
4 significance of this at the time it happened, but
5 when the Syrian Deputy Foreign Minister referred
6 to the fact that they had expected him to be
7 deported to Canada, it was clear that there had
8 been contact between the American government and
9 the Syrian government while Mr. Arar was still in
10 detention in New York.

11 MR. WALDMAN: Thank you.

12 THE COMMISSIONER: We will take
13 the afternoon break for 15 minutes.

14 THE REGISTRAR: Please stand.

15 --- Upon recessing at 3:41 p.m. /

16 Suspension à 15 h 41

17 --- Upon resuming at 3:58 p.m. /

18 Reprise à 15 h 58

19 THE REGISTRAR: Please be seated.

20 THE COMMISSIONER: Ms McIsaac?

21 You need the podium.

22 EXAMINATION

23 MS McISAAC: Ms Catterall, I would
24 like to start by asking you a few questions about
25 the period of time when Mr. Arar was incarcerated

1 in New York.

2 As I understood your evidence, you
3 indicated that at some point you spoke with
4 Maureen Girvan?

5 MS CATTERALL: My office spoke
6 with Maureen Girvan. I am not sure that I
7 personally did.

8 MS McISAAC: But your office did?

9 MS CATTERALL: Yes, twice, I
10 believe. Initially she contacted Catherine Clark
11 in my office, and then Catherine phoned her back.

12 MS McISAAC: And was it your
13 understanding from those conversations that
14 Ms Girvan was going to be visiting with Mr. Arar
15 in prison?

16 MS CATTERALL: Yes.

17 MS McISAAC: Then you said you
18 spoke with Ms Mazigh during this period of time.

19 MS CATTERALL: Yes.

20 MS McISAAC: And my note indicates
21 that she raised with you a concern that Mr. Arar
22 might be deported to Syria?

23 MS CATTERALL: Yes.

24 MS McISAAC: Did you report that
25 to Ms Girvan?

1 MS CATTERALL: No. I would have
2 discussed it with Mr. Pardy, though.

3 MS McISAAC: Are you certain you
4 discussed it with Mr. Pardy?

5 MS CATTERALL: Yes.

6 MS McISAAC: And in what context
7 did you discuss it with Mr. Pardy?

8 MS CATTERALL: Well, I dealt with
9 Mr. Pardy on a number of occasions on different
10 immigration cases -- sorry, cases of constituents
11 of mine who were in trouble in one way or another,
12 and just regarded him as my prime contact in those
13 situations.

14 MS McISAAC: All right. But you
15 discussed the issue with Mr. Pardy, the fact that
16 Ms Mazigh had expressed this concern.

17 And can you advise me what it was
18 that Mr. Pardy then told you about the concern?
19 Was he concerned?

20 MS CATTERALL: Ms Girvan had told
21 Catherine Clark in my office and, as I recall, Gar
22 Pardy repeated to me that they just didn't think
23 that would happen; that as a Canadian citizen, he
24 would be returned to Canada.

25 MS McISAAC: I also understand you

1 had a discussion with Michelle Lobo in the
2 Minister's office?

3 MS CATTERALL: Yes.

4 MS McISAAC: All right. Did you
5 raise any concerns about Mr. Arar being deported
6 to Syria when you spoke with Michelle?

7 MS CATTERALL: I can't remember
8 specifically if I did or not.

9 MS McISAAC: If we could move
10 ahead to the period of time when arrangements were
11 under way for the trip that you and
12 Mr. Assadourian took to Syria, you indicated that
13 at some point there was a discussion about whether
14 Ms Mazigh might accompany you on that trip.

15 MS CATTERALL: Whether she might
16 go or whether she might go on her own for a visit
17 with her husband.

18 MS McISAAC: But that was a
19 discussion point?

20 MS CATTERALL: Yes.

21 MS McISAAC: All right. And,
22 again, my note shows that you indicated that it
23 was her position or her concern that she did not
24 want to go because she did not want to give
25 legitimacy to the Syrians holding him.

1 Is that accurate?

2 MS CATTERALL: Yes.

3 MS McISAAC: Can you explain that?

4 I am afraid I just don't understand what the
5 concern would be.

6 --- Pause

7 MS CATTERALL: One of the
8 difficult things in this whole situation was that,
9 according to Syria, he is a Syrian citizen. So he
10 is subject to Syrian laws when he is in Syria and
11 even when he is not.

12 She just felt that to visit him in
13 a Syrian jail would legitimize their right to have
14 him there, and she just didn't feel they did; that
15 he is a Canadian citizen and he belonged back in
16 Canada.

17 And that was her whole focus, as
18 it was mine.

19 MS McISAAC: All right. Could I
20 ask the registrar, please, to provide you with tab
21 385 and tab 324? I think they are probably in
22 different volumes.

23 They are in the same one,
24 Mr. Registrar.

25 You can go to 324 first.

1 MS CATTERALL: Right.

2 MS McISAAC: Just to set the
3 background, as I understand it, your trip was
4 originally planned or there was a hope that you
5 would be able to travel in the month of March.

6 MS CATTERALL: Yes.

7 MS McISAAC: And there were some
8 issues with respect to visas, and you eventually
9 only went in April.

10 Just to set the stage. Of course,
11 you will recall that in March, I think the 17th of
12 March, the United States invaded Iraq.

13 So would I be right in assuming
14 that throughout this period one of the
15 difficulties in the background to your trip was
16 the fact of the Iraq war?

17 MS CATTERALL: Not in my mind.

18 MS McISAAC: All right. But in
19 terms of arranging your trip?

20 MS CATTERALL: I don't think so,
21 except I think later on in April it was a concern
22 of the Syrians because obviously they were focused
23 on -- I mean, there was a war going on virtually
24 on their borders, and they were concerned about
25 that.

1 That was mentioned in one of the
2 documents that is in here, I think from our
3 embassy in Damascus.

4 MS McISAAC: But notwithstanding
5 the political situation, of course, was that ever
6 voiced as a concern or a difficulty by the
7 Department of Foreign Affairs with respect to the
8 trip?

9 MS CATTERALL: Not to me.

10 MS McISAAC: Not to you. Okay.

11 If we go to tab 324, these are the
12 notes prepared by Mr. Pardy. You will recall you
13 discussed these with Mr. Waldman and I think
14 yesterday with Mr. David as well, and that is the
15 talking points or the messages that you were to
16 convey to the Syrians when you arrived in Syria.

17 And on the second page, I see that
18 one of the ideas that you were to convey was that
19 the Canadian government would be extremely pleased
20 if Mr. Arar could be returned to Canada.

21 MS CATTERALL: Mm-hmm.

22 MS McISAAC: And you would be
23 expressing that, I assume, on behalf of the
24 Canadian government when you were in Syria.

25 Similarly, if I could ask you to

1 look at the letter that you took with you, which
2 is tab 385 -- my colleague reminds me that you
3 will have to say "yes".

4 MS CATTERALL: Yes.

5 MS McISAAC: So that we have it on
6 the record.

7 Have you got tab 385?

8 MS CATTERALL: I do.

9 MS McISAAC: All right. Now,
10 there was some concern about the wording of this
11 letter, and I would like to take you to the end of
12 the first paragraph, where the wording is as
13 follows.

14 You see:

15 "Ms Catterall and
16 Mr. Assadourian are visiting
17 Syria at this time in order
18 to reaffirm their hope that
19 Mr. Arar would be permitted
20 to return to Canada at the
21 earliest possible time. I
22 fully share their desire."

23 And of course this is signed by
24 Minister Graham.

25 Quite frankly, when I read that,

1 that strikes me as being a statement by the
2 Canadian government, that they would like to have
3 Mr. Arar back.

4 You would agree with that,
5 wouldn't you?

6 MS CATTERALL: I don't think it is
7 as strong a statement as was in the draft letter.

8 MS McISAAC: But it nevertheless
9 conveys the impression -- not the impression, but
10 the view that Mr. Graham shares the desire that
11 Mr. Arar be permitted to return to Canada?

12 MS CATTERALL: That says
13 Mr. Graham personally does, and we have heard a
14 number of other indications that the Syrians were
15 hearing other things from other people in the
16 Canadian government.

17 MS McISAAC: But Mr. Graham is the
18 Foreign Minister of the Government of Canada.

19 MS CATTERALL: Mr. Graham is the
20 Foreign Minister. But if we go back to the draft,
21 which you haven't referred to me, it was clearly a
22 much stronger statement in the original draft.

23 MS McISAAC: Were you involved in
24 the preparation of the document?

25 MS CATTERALL: No, I was not.

1 MS McISAAC: Did you complain
2 about the format of the letter that you were
3 eventually provided with?

4 MS CATTERALL: No, I did not.

5 MS McISAAC: After you had your
6 lunch with the ambassador and it was conveyed to
7 you that there was possibly mixed messages or that
8 something might have been said by CSIS with
9 respect to Mr. Arar's return, I need to make this
10 clear from you, if I can.

11 My note shows that you said you
12 would have made Mr. Graham and Mr. Easter aware of
13 your conversation.

14 My question is: Did you make
15 Mr. Easter or Mr. Graham aware of that discussion?

16 MS CATTERALL: I cannot remember a
17 specific conversation.

18 MS McISAAC: Now, going back to
19 the two letters that we have been discussing, the
20 letter at tab 385, which is the final version, and
21 the earlier version at tab 388, my note indicates
22 that you testified you were aware that the letter
23 was being revised.

24 How were you aware of that,
25 Ms Catterall?

1 MS CATTERALL: At that time I was
2 having conversations both with Robert Fry in the
3 Minister's office and with Mr. Pardy. I knew that
4 a letter was being drafted. I also knew that
5 there was some consultation with -- there were
6 objections from the security services to the
7 content of the letter and it was being revised.

8 MS McISAAC: Who told you that?

9 MS CATTERALL: I do not recall if
10 it was Mr. Fry or Mr. Pardy.

11 MS McISAAC: Did you discuss the
12 wording of the letter with Mr. Pardy?

13 MS CATTERALL: No.

14 MS McISAAC: Did you discuss the
15 wording of the letter with Mr. Fry?

16 MS CATTERALL: No. I was not
17 aware of the wording of either the draft or the
18 final letter.

19 MS McISAAC: If we could move on
20 to the time that you were actually in Syria and
21 your meeting with the Syrian officials, first of
22 all, can you be clear on exactly what it was that
23 they told you their charges or claims against
24 Mr. Arar were?

25 Did you make any notes or write

1 anything down at the time?

2 MS CATTERALL: No, I did not.

3 MS McISAAC: But you do recall
4 from your earlier testimony, I gather, that the
5 Syrians were zeroing in on the fact that they
6 believed Mr. Arar to be somehow affiliated with
7 al-Qaeda?

8 MS CATTERALL: The essence of it
9 was that they intended to charge him soon and with
10 being a member of al-Qaeda and having trained in
11 Afghanistan.

12 MS McISAAC: Did I understand your
13 evidence that none of that was pointed out to you
14 or made clear to you before you travelled to
15 Syria?

16 MS CATTERALL: Yes. None of that
17 was made clear to us before we went to Syria.

18 MS McISAAC: But I understand that
19 Mr. Pillarella, when he briefed you prior to the
20 visit, indicated that that was the situation.

21 MS CATTERALL: He wasn't specific
22 that they intended to charge him. It came -- I
23 suppose I should have been prepared from what he
24 said, but it came as a shock to me to actually
25 hear them say they intended to charge Mr. Arar

1 soon.

2 MS McISAAC: But he may not have
3 known they were planning to charge him.

4 MS CATTERALL: He may not have
5 known.

6 MS McISAAC: After the visit,
7 then, Mr. Pillarella arranged for you and
8 Mr. Assadourian to meet with a number of Syrian
9 parliamentarians. Is that right?

10 MS CATTERALL: Yes, he arranged a
11 dinner.

12 MS McISAAC: Can you tell us a
13 little bit about that discussion and what was the
14 reaction of the Syrian parliamentarians?

15 I understood you to say that the
16 reason for this was to allow you to express to
17 them Canada's concern.

18 MS CATTERALL: I can't say I
19 remember a great deal of detail from that dinner.
20 It was a dinner. It was, in part, informal and it
21 was -- I think, in part, it was exhaustion that I
22 just don't remember the details of who was there
23 or what we discussed except that I would have
24 conveyed exactly the same message I did with the
25 Deputy Prime Minister -- or Deputy Foreign

1 Minister.

2 MS McISAAC: You would have
3 conveyed the same messages to them.

4 MS CATTERALL: Yes.

5 MS McISAAC: But you don't recall
6 anything about their response to that?

7 MS CATTERALL: No, I don't.

8 MS McISAAC: Okay. When you
9 returned from the trip to Syria, I understand that
10 you were the one who first spoke with Ms Mazigh
11 about the details of the trip, the meeting with
12 Mr. Arar and such. And you told her, did you,
13 about the allegations that had been conveyed to
14 you by the Syrians?

15 MS CATTERALL: I can't remember if
16 I told her that on the phone or waited until we
17 met on the Friday afternoon.

18 MS McISAAC: But at some point you
19 conveyed to her the situation that Mr. Arar was in
20 and the allegations.

21 And what was her reaction?

22 --- Pause

23 MS CATTERALL: I can't remember
24 specifically. Obviously, she was deeply concerned
25 about what kind of a trial he would get, what did

1 they mean by "soon"? She was receiving his
2 letter.

3 I can't remember specifically what
4 she said in reaction.

5 MS McISAAC: I think you still
6 have the book there that has tab 399?

7 MS CATTERALL: Yes.

8 MS McISAAC: There was, I
9 understand, a debriefing with Mr. Pardy and
10 presumably others from Foreign Affairs on April
11 28th. Do you recall that?

12 I refer you to --

13 MS CATTERALL: I don't have a
14 clear memory of that discussion.

15 MS McISAAC: But I assume that it
16 would be logical, after having undertaken this
17 trip, that you would have debriefed?

18 MS CATTERALL: Yes.

19 MS McISAAC: But you don't recall
20 the debriefing.

21 And you wouldn't have had any
22 notes that you took as a result of it or for the
23 purposes of it?

24 MS CATTERALL: No. I said very
25 early on in this hearing, this is a time of

1 regretting that I don't keep detailed notes on
2 every conversation that I have, but it's just not
3 possible.

4 MS McISAAC: Could I ask you now
5 to look at tab 613, and that's just to remind you
6 about your desire to have a discussion with
7 Mr. Martel.

8 This is the e-mail that was sent
9 to Mr. Martel indicating that you wished to speak
10 with him.

11 Did you speak with Mr. Martel?

12 MS CATTERALL: Yes, I did.

13 MS McISAAC: All right. And could
14 you tell us again why you wanted to speak to
15 Mr. Martel and what you said to him?

16 MS CATTERALL: I wanted to thank
17 him for what he had done while Maher was in
18 detention. I had the feeling that he was very
19 sympathetic and that he had been sort of the one
20 constant Canadian contact for Maher while he was
21 in prison.

22 I wanted to -- I really don't
23 recall our conversation, but I also wanted to
24 understand better how it came about that he was
25 released.

1 MS McISAAC: And did you learn
2 anything more as to why Mr. Arar was released?

3 MS CATTERALL: No.

4 MS McISAAC: When you met Mr. Arar
5 and Mr. Martel at the airport and then
6 subsequently spent some time with him at his
7 family's home, did Mr. Arar convey any information
8 to you about Mr. Martel?

9 MS CATTERALL: Yes, he talked
10 about his consular visits and Mr. Martel conveying
11 to him, not explicitly, but it was very clear to
12 him from Mr. Martel that there were things he
13 should not talk about in their consular visits.

14 MS McISAAC: Understood. Did he
15 say anything to you about the importance of those
16 consular visits?

17 MS CATTERALL: I don't recall that
18 he did.

19 MS McISAAC : All right.

20 Now, with respect to the issue of
21 torture, and I want to be careful here because I
22 want to speak of torture specifically in the
23 context of physical abuse.

24 Was it your understanding from
25 your discussions with Mr. Arar that the torture

1 had taken place at the beginning of his
2 incarceration in Syria?

3 MS CATTERALL: He talked to me
4 about the conditions in which he was held. I
5 really didn't have a sense of how long that had
6 lasted, but that it had changed at some point.

7 MS McISAAC: Now, one last point
8 before --

9 I'm actually going to be much
10 shorter than I thought I would, Mr. Commissioner.
11 I really only have one last series of questions.

12 That relates to the fall of 2003,
13 after Mr. Arar has returned, and you were
14 particularly concerned about a report by Joy
15 Malbon on CTV in which apparently it was reported
16 that Mr. Arar, or somebody said that Mr. Arar had
17 given information about other people --

18 MS CATTERALL: Yes.

19 MS McISAAC: I don't think we
20 actually have the report.

21 MS CATTERALL: And I couldn't
22 find -- I do know that I had, at one point, the
23 transcript, but I couldn't find it.

24 MS McISAAC: Right. But you were
25 concerned about that, obviously.

1 MS CATTERALL: Yes.

2 MS McISAAC: And you were
3 concerned about Mr. Arar's safety, I think you
4 were saying?

5 MS CATTERALL: I was concerned, as
6 I recall, she said government officials had said
7 that.

8 MS McISAAC: Okay. I asked this
9 question of Ms. McDonough. I think most people
10 would be concerned about that sort of thing being
11 leaked by government officials, if it was
12 government officials who leaked that kind of
13 information.

14 What's your concern, or are you
15 concerned, by the fact that CTV would see fit to
16 broadcast that allegation and possibly put
17 Mr. Arar's life in jeopardy?

18 MS CATTERALL: I think it is not
19 fair to hold the media responsible for publishing
20 information that they were given. It may not have
21 occurred to them, even, that that might put his
22 life in danger.

23 But I think that anybody in a
24 position to make that kind of a statement would
25 certainly have known that.

1 MS McISAAC: Could I ask you now
2 to turn to Exhibit P? -- was the e-mail exchange
3 entered as an exhibit?

4 THE REGISTRAR: P-115.

5 MS McISAAC: P-115.

6 THE COMMISSIONER: 115? Yes.

7 MS CATTERALL: Okay.

8 MS McISAAC: And Mr. Waldman had
9 taken you to the third page of the e-mail and read
10 you the exchange at the bottom, which appears to
11 be somebody reporting with respect to a call that
12 they had received from your office expressing
13 concern about Mr. Arar's welfare, correct? That's
14 your understanding of what it is?

15 MS CATTERALL: No, it was a call
16 from myself, it was part of --

17 MS McISAAC: Oh, from yourself,
18 I'm sorry.

19 MS CATTERALL: -- part of my
20 conversation with the Privy Council Clerk that
21 morning.

22 MS McISAAC: I just wanted to take
23 you to the -- move up to the e-mail chain to the
24 next e-mail, which occurs -- the first one is at
25 3:29. The next one up in the line is 3:55.

1 "Further to our telephone
2 conversation, I spoke to the
3 Minister's Executive
4 Assistant, Ken Moreau..."

5 -- and I assume that's

6 Mr. Easter --

7 "...and advised him that we
8 would ask one of our
9 counterparts at the Ottawa
10 Police Service to give
11 Ms. Catterall a call to
12 discuss her/Mr. Arar's
13 concerns. I explained that
14 she may get the same message
15 from us. This is understood,
16 but our efforts in
17 facilitating the call is
18 greatly appreciated."

19 And then he provides the telephone
20 numbers to how you can be reached.

21 So the RCMP did immediately make
22 arrangements for the Ottawa Police to become
23 involved in this matter.

24 My question is: Did you hear from
25 the Ottawa Police?

1 MS CATTERALL: I do not remember.

2 MS McISAAC: Did you do anything
3 else to follow up on your concerns with respect to
4 Mr. Arar's safety?

5 MS CATTERALL: I do not remember.

6 MS McISAAC: All right.

7 Thank you very much.

8 THE COMMISSIONER: Mr. David?

9 MR. DAVID: I have no questions,
10 Monsieur le Commissaire.

11 THE COMMISSIONER: Okay. That
12 completes your evidence, Mrs. Catterall.

13 Let me take a moment just to thank
14 you for coming here and to comment on your
15 involvement throughout this affair.

16 I think Mr. Arar was indeed
17 fortunate to have you as his Member of Parliament,
18 and I appreciate very much the time to come back
19 twice. Thank you very much.

20 MS CATTERALL: And I appreciate
21 the work you are doing.

22 THE COMMISSIONER: Thank you.

23 Now, for tomorrow, we're scheduled
24 for nine o'clock, is that right, with Mr. Graham,
25 and then we'll carry on with Mr. Pardy in the

1 afternoon? Okay.

2 We'll rise till nine o'clock.

3 THE REGISTRAR: Please stand.

4 --- Whereupon the hearing adjourned at 4:24 p.m.,

5 to resume on Thursday, June 2, 2005,

6 at 9:00 a.m. \ L'audience est ajournée

7 à 16 h 24, pour reprendre le jeudi 2 juin 2005

8 à 09 h 00

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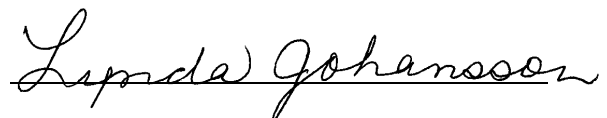
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Lynda Johansson,

C.S.R., R.P.R.

StenoTran

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