

**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 mardi 14 juin 2005

Held at:

Algonquin Room
Old City Hall
111 Sussex Drive
Ottawa, Ontario

Tuesday, June 14, 2005

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1 Ottawa, Ontario / Ottawa (Ontario)

2 --- Upon commencing on Tuesday, June 14, 2005

3 at 9:34 a.m. / L'audience reprend le mardi

4 14 juin 2005 à 9 h 34

5 THE REGISTRAR: Please be seated.

6 Veuillez vous asseoir.

7 THE COMMISSIONER: Good morning.

8 AMBASSADOR PILLARELLA: Good

9 morning, Mr. Commissioner.

10 MR. CAVALLUZZO: Good morning,

11 Commissioner.

12 Today we are going to hear from

13 Mr. Franco Pillarella. Mr. Pillarella will be

14 testifying today and tomorrow.

15 I wonder if he might be sworn.

16 THE COMMISSIONER: He was sworn

17 before. Is it necessary to do it again?

18 MR. CAVALLUZZO: It is not

19 necessary to do it again, unless people who were

20 not in attendance at the in camera proceedings

21 would prefer that, and I assume that there is no

22 preference.

23 THE COMMISSIONER: I think it is

24 fair enough. Mr. Pillarella has been sworn in.

25 Your evidence will be given

1 under oath.

2 AMBASSADOR PILLARELLA: Correct.

3 PREVIOUSLY SWORN: FRANCO PILLARELLA

4 THE COMMISSIONER: Thank you.

5 MR. CAVALLUZZO: Commissioner, the
6 evidence of Mr. Pillarella will be broken down
7 into five separate and distinct areas.

8 Initially I want to review with
9 him his education and professional background.

10 Second, I will review with him the
11 role of a Canadian Ambassador abroad, in
12 particular relationships with Canadian agencies.

13 Third, in light of
14 Mr. Pillarella's experience in Syria, we will be
15 looking at the political landscape in Syria,
16 including its human rights record.

17 Fourth, we will be dealing with
18 the role of the embassy in relation to other
19 detained Canadians in Syria, in particular
20 Mr. El Maati and Almalki,

21 Then, finally, the bulk of his
22 evidence will relate to the Arar time line,
23 starting initially with the search for Mr. Arar in
24 October of 2002.

25 I am wondering if before you,

1 Mr. Commissioner, you would have Exhibit P-134,
2 which is entitled Ambassador Franco Pillarella,
3 newly redacted volumes, and Exhibit P-137, which
4 was introduced yesterday. It is a loose-standing
5 exhibit. I wonder if the witness may have that in
6 front of him as well?

7 AMBASSADOR PILLARELLA: I do have
8 a copy.

9 MR. CAVALLUZZO: No, it is another
10 document. Okay, we will have that.

11 As well as Exhibits 26, 27, 28
12 and 29.

13 EXAMINATION

14 MR. CAVALLUZZO: Now,
15 Mr. Pillarella's curriculum vitae can be found
16 behind Exhibit P-85, tab 125. There is no need to
17 go to it as I will summarize his education and
18 professional background through questioning.

19 Mr. Pillarella, I understand that
20 in 1966 you graduated from the University of
21 Ottawa Law School, the civil law program.

22 Is that correct?

23 AMBASSADOR PILLARELLA: That is
24 correct.

25 MR. CAVALLUZZO: After that time

1 you spent one year articling and then wrote the
2 Quebec Bar exams?

3 AMBASSADOR PILLARELLA: Correct.

4 MR. CAVALLUZZO: In 1967 you
5 started your career in the foreign service in the
6 Legal Bureau Section?

7 AMBASSADOR PILLARELLA: I did.

8 MR. CAVALLUZZO: Okay.
9 Between 1988 and 1992 you were the Resident Head
10 of the Canadian Military Mission, Consul General,
11 in Berlin?

12 AMBASSADOR PILLARELLA: That is
13 correct.

14 MR. CAVALLUZZO: Between 1992 and
15 1997 you were the Director of the Foreign
16 Intelligence Division.

17 Is that correct?

18 AMBASSADOR PILLARELLA: That is
19 correct.

20 MR. CAVALLUZZO: That is the
21 position that during the material time was held by
22 Mr. Scott Heatherington.

23 Is that correct?

24 AMBASSADOR PILLARELLA: Correct.

25 MR. CAVALLUZZO: Periodically

1 during that five-year period, I understand that
2 you filled in as an Acting Director, in other
3 words the ISB position, periodically during
4 that time?

5 AMBASSADOR PILLARELLA: That is
6 correct.

7 MR. CAVALLUZZO: Okay. Between
8 1997 and 2000 you had your first posting as
9 Canadian Ambassador in Algiers?

10 AMBASSADOR PILLARELLA: Correct.

11 MR. CAVALLUZZO: For our purposes
12 the material time is between November 1, 2000 and
13 September 13, 2003, you were posted as the
14 Canadian Ambassador to Syria?

15 AMBASSADOR PILLARELLA: Correct.

16 MR. CAVALLUZZO: From the 29th of
17 September 2003 until the current time, you are now
18 the Canadian Ambassador to Romania?

19 AMBASSADOR PILLARELLA: Accredited
20 also to Bulgaria, Moldova and High Commissioner
21 to Cyprus.

22 MR. CAVALLUZZO: Okay.

23 Initially, I would like to just
24 talk generally about the period of time when you
25 were in Damascus and, more particularly, between

1 October 2002 and the time at which you left in
2 September 2003, and talk initially about the
3 embassy in Damascus.

4 I understand that at that time
5 there were approximately 100 employees?

6 AMBASSADOR PILLARELLA: More or
7 less, yes.

8 MR. CAVALLUZZO: These were both
9 Canadian employees as well as local employees, or
10 Syrian employees?

11 AMBASSADOR PILLARELLA: There were
12 approximately 27 Canada-based people and the rest
13 were local employees.

14 MR. CAVALLUZZO: Okay. I
15 understand as well that not all of the employees
16 assigned in the embassy in Damascus were members
17 of the Department of Foreign Affairs

18 Is that correct?

19 AMBASSADOR PILLARELLA: That is
20 true. There were representatives of Immigration,
21 for instance, representatives of the RCMP and
22 CSIS.

23 All the programs -- various
24 programs were represented at the embassy, programs
25 related to other departments of the government.

1 MR. CAVALLUZZO: I understand that
2 about half of the employees were dedicated to
3 immigration issues?

4 AMBASSADOR PILLARELLA: Yes,
5 because Damascus is a hub. Damascus was
6 responsible for several countries in terms of
7 immigration. For instance, we were responsible
8 for Jordan, Iran, Iraq, Lebanon, Cyprus, and
9 obviously for Syria.

10 MR. CAVALLUZZO: Okay.
11 These employees, for example these immigration
12 employees, would be members of CIC and not
13 of DFAIT?

14 AMBASSADOR PILLARELLA: That is
15 correct.

16 MR. CAVALLUZZO: Okay. As far as
17 the other half of the employees are concerned, we
18 have heard a great deal about consular affairs,
19 and I assume that there were other people
20 dedicated from the DFAIT to issues other than
21 consular affairs.

22 Is that correct?

23 AMBASSADOR PILLARELLA: Yes.
24 Well, there were representatives of International
25 Trade, for instance, and representatives from the

1 political side and public diplomacy and, of
2 course, consular affairs.

3 MR. CAVALLUZZO: Right. Okay.

4 In respect of these employees
5 and other matters, I would like to move on now
6 to the role of the Canadian Ambassador abroad
7 and focus as well on relationships with other
8 Canadian agencies.

9 Initially, if you could refer the
10 witness to Exhibit 11, which is the Book of
11 Documents for Mr. Sigurdson.

12 AMBASSADOR PILLARELLA: Thank you.

13 MR. CAVALLUZZO: If you refer,
14 Mr. Pillarella, to tab 7, we will see the
15 legislation which is governing your duties and
16 responsibilities, and that is the Department of
17 Foreign Affairs and International Trade Act.

18 As far as the duties and
19 responsibilities of an Ambassador are concerned, I
20 would refer you to section 13(2). That particular
21 provision -- and let me read it to you, and for
22 those who do not have it -- provides that:

23 "Except as otherwise
24 instructed by the Governor in
25 Council, a head of

1 mission..."

2 That is defined as including an

3 Ambassador:

4 "...a head of mission shall
5 have the management and
6 direction of his mission and
7 its activities and the
8 supervision of the official
9 activities of the various
10 departments and agencies of
11 the Government of Canada in
12 the country or portion of the
13 country or at the
14 international organization to
15 which he is appointed."

16 So it would appear that you have
17 management and direction responsibilities related
18 to the mission and its activities, and you have,
19 if we can call it, supervisory responsibilities in
20 respect of the official activities of the various
21 departments and agencies.

22 As far as direction of these Heads
23 of Mission, if you would refer to section 10,
24 which is the empowering provision relating to the
25 Minister of Foreign Affairs. This is

1 section 10(2).

2 Do you have that?

3 AMBASSADOR PILLARELLA: Is this
4 the same tab?

5 MR. CAVALLUZZO: Yes, the
6 very same tab, section 10. It should be the
7 previous page.

8 AMBASSADOR PILLARELLA: Yes.

9 MR. CAVALLUZZO: If you go to
10 subsection 2, it provides that the Minister, and
11 obviously that is the Minister of Foreign Affairs
12 and International Trade:

13 "In exercising his powers and
14 carrying out his duties and
15 functions under this Act ...
16 shall"

17 And I am going to refer to two
18 paragraphs. Shall 2(g):

19 "coordinate the direction
20 given by the Government of
21 Canada to the heads of
22 Canada's diplomatic and
23 consular missions:

24 (h) have the management of
25 Canada's diplomatic and

1 consular missions".

2 Now, in principle, although the
3 Minister of Foreign Affairs is given powers of
4 management, and so on, as specified in these two
5 paragraphs, you are not appointed by the Minister
6 of Foreign Affairs in respect of your position.

7 Is that correct?

8 AMBASSADOR PILLARELLA: That is
9 correct. The misconception usually about a Head
10 of Mission, Ambassador or Consul General, is that
11 he or she represents the Department of Foreign
12 Affairs, and that is not correct.

13 A Head of Mission is appointed by
14 Order in Council, that is by the Prime Minister
15 and the Cabinet, and the letters of credence are
16 signed by the Governor General. In other words,
17 the Head of Mission is the representative of the
18 Canadian State abroad. He or she does not
19 represent one single department.

20 The responsibilities of a Head of
21 Mission are that of representing Canada with all
22 the various departments and agencies that may be
23 part of that government.

24 MR. CAVALLUZZO: I think it is
25 fair to say that anything that transpires between

1 Canada and the host government should be done
2 with your knowledge and guidance, as being the
3 Head of Mission?

4 AMBASSADOR PILLARELLA: Correct.

5 MR. CAVALLUZZO: Okay. Now, I
6 would like to get a little more specific in
7 respect of your duties and responsibilities.

8 Our challenge there is made
9 somewhat easier if we refer to the evidence of
10 Mr. Livermore. You can refer to Exhibit P-134 in
11 the newly redacted documents, and we can find the
12 overview statement of Mr. Livermore behind tab 26.

13 I am going to refer to certain
14 aspects of Mr. Livermore's statement and ask you
15 to comment if you want to add anything.

16 If we start at paragraph number 7
17 at the bottom of page 4, we see that, as you have
18 stated, you are appointed to your position by the
19 Order in Council, which means you are appointed by
20 the Prime Minister and the Cabinet, and then it
21 goes on.

22 In terms of that important
23 distinction Mr. Livermore stated, at the top of
24 page 5, that -- rather than Head of Mission, I'm
25 going to refer to the Ambassador:

1 "The (Ambassador) is ...
2 responsible for the
3 activities of the various
4 departments and agencies of
5 the Government of Canada in
6 his area of accreditation,
7 not simply those of Foreign
8 Affairs Canada."

9 You would agree with that?

10 AMBASSADOR PILLARELLA: Yes.

11 MR. CAVALLUZZO: He is:

12 "...responsible for the
13 conduct of bilateral
14 relations."

15 Then, as you have stated:

16 "In principle, everything
17 that transpired between
18 Canada and the host
19 government should have been
20 done with (your) knowledge
21 and guidance."

22 Is that correct?

23 AMBASSADOR PILLARELLA: The
24 Ambassador interprets the views of Canada to the
25 foreign country and does the same interpreting

1 that country to Canada.

2 MR. CAVALLUZZO: Okay. It goes on
3 in paragraph 8 to say that:

4 "...the (Ambassador)
5 maintains coherence in the
6 relationship and guides its
7 development. He does this
8 based on deep knowledge of
9 the interests Canada may have
10 in that relationship, an
11 understanding of how that
12 country and society work, the
13 networks his embassy
14 maintains with the
15 influential people and
16 decision-makers, and his
17 skills of persuasion and
18 leadership."

19 You would agree with that?

20 AMBASSADOR PILLARELLA: Yes,
21 absolutely.

22 MR. CAVALLUZZO: So since, as you
23 have described, you are the interpreter of Syria
24 to the Canadian government, it is very important
25 that you have a good idea of the political and

1 economic conditions within Syria, as well as who
2 are the key decision-makers in Syria?

3 AMBASSADOR PILLARELLA: I would
4 say that if the Ambassador doesn't do that, then
5 he is not doing his job.

6 MR. CAVALLUZZO: Okay. Now, it
7 goes on and refers to Canadian staff, which we
8 need not refer to, but it goes on in the
9 second-last sentence and says:

10 "While the ambassador is his
11 direct supervisor..."

12 That is Mr. Leo Martel, who is the
13 consular official that we will be hearing from
14 next Monday.

15 "...he receives day-to-day
16 guidance..."

17 This is Mr. Martel would receive:

18 "...day-to-day guidance as
19 required from appropriate
20 headquarters divisions within
21 Foreign Affairs."

22 So that although you are
23 responsible for the management of the activities,
24 Mr. Martel's day-to-day supervision would come
25 from headquarters?

1 AMBASSADOR PILLARELLA: That is
2 correct.

3 MR. CAVALLUZZO: Then in the next
4 paragraph it goes on to deal with Canada-based
5 staff and non-residents, and so on.

6 Then it goes on, in the second
7 sentence -- let me just read the whole thing:

8 "It is worth noting that most
9 missions have Canada-based
10 staff members who are
11 `non-resident'. That means
12 that they do not reside in
13 the country in which the
14 mission is located, but are
15 accredited to it and travel
16 back and forth from another
17 city to do their work. This
18 is a common arrangement with
19 liaison officers representing
20 CSIS, the RCMP or indeed the
21 Canadian Armed Forces..."

22 Then finally it states:

23 "They are expected, in
24 respect of their activities
25 when visiting another post,

1 to report to the head of
2 mission and be guided by his
3 instructions, while carrying
4 out home agency
5 responsibilities."

6 We cannot disclose the location of
7 the CSIS liaison officer, but I understand that
8 there is a CSIS liaison officer in the area that
9 periodically comes to Damascus.

10 Is that correct?

11 AMBASSADOR PILLARELLA: That is
12 correct. There is an officer from CSIS and, as
13 well, an officer from the RCMP.

14 As for the Armed Forces, he was
15 resident in Damascus.

16 MR. CAVALLUZZO: The RCMP liaison
17 officer has the fortune to be located in Rome?

18 AMBASSADOR PILLARELLA: If it is
19 public knowledge, yes.

20 MR. CAVALLUZZO: It is public
21 knowledge and it is in Mr. -- what, public
22 knowledge being a good place to be in Rome?

23 AMBASSADOR PILLARELLA: Both.

24 MR. CAVALLUZZO: That is
25 public knowledge.

1 AMBASSADOR PILLARELLA: Both.

2 MR. CAVALLUZZO: Let us go on.

3 In paragraph 10 at page 6,

4 Mr. Pillarella, it states:

5 "For management purposes, the
6 specific objectives of a head
7 of mission are worked out by
8 a geographic branch at
9 Foreign Affairs, in
10 consultation with functional
11 branches..."

12 We have seen that there are --
13 for example, there is the Middle East and North
14 African Bureau, there is the Middle East Division
15 within that bureau, and there are other bureaus
16 and divisions that may be called into play as a
17 result of the nature of the problem that you were
18 dealing with. For example, we will see something
19 called foreign intelligence, security and
20 intelligence, and they certainly were particular
21 players, and we will come back to that in a
22 second.

23 Then it goes on, halfway through
24 paragraph 10, and states:

25 "The (Ambassador) is expected

1 to exercise latitude and
2 initiative in carrying out
3 responsibilities in his
4 country or region, and in
5 doing so, he and the staff
6 deal with a wide variety of
7 other actors both public and
8 private. A head of mission
9 or an ambassador knows the
10 main players in his country
11 of accreditation, and he
12 knows how the country works.
13 In the case of Syria, the
14 (Ambassador) would know which
15 departments of the Syrian
16 government were effective
17 interlocutors with Canada.
18 Indeed, a key objective of a
19 new head of mission, upon
20 arriving in the host country,
21 is to get to know, quickly
22 and effectively, the
23 individuals who are the true
24 decision-makers in that
25 country."

1 Then, finally:

2 "The (Ambassador) is also
3 considered a major
4 `interpreter' of that country
5 in Canada, to governments and
6 others. In the case of
7 Syria, the Canadian head of
8 mission would be expected to
9 analyze and explain to the
10 Government of Canada Syria's
11 influence in the Middle East
12 peace process, Syria's
13 attitude towards its
14 neighbours, and Syria's
15 foreign policy objectives
16 more generally."

17 Then, finally, it states that:

18 "The influence and leadership
19 that the head of mission can
20 exercise both in the country
21 of residence and in Canada is
22 a major factor in the success
23 of his mission."

24 I would like to now turn,

25 Mr. Pillarella, to a number of questions relating

1 to your relationship with other aspects of Foreign
2 Affairs as well as other Canadian agencies.

3 Initially I would like to deal
4 with Foreign Affairs, and that is ask you
5 whether there is any policy, practice or protocol
6 with respect to your communications with ISD,
7 or security intelligence, and foreign
8 intelligence, in other words the Security
9 Intelligence Branch, in respect of when they have
10 duties relating to Syria?

11 AMBASSADOR PILLARELLA: I don't
12 know if I understand your question well, but it
13 seems to me that the communication from the
14 embassy to headquarters is directed to the
15 division or the bureau or the branch that is most
16 directly concerned with the issue at hand. So if,
17 for instance, there is something that, as you
18 suggest, concerns security, then obviously the
19 message would be addressed to that particular
20 division or bureau, but it could also be copied to
21 other divisions that might have an interest as
22 well.

23 So in this particular case it
24 could be addressed to ISI or ISD. If it were a
25 political issue, it would be addressed to the

1 political division. Depending upon the content of
2 that particular message, one might decide as well
3 to copy other divisions and even, for instance,
4 the Security and Intelligence Bureau.

5 MR. CAVALLUZZO: Just let me
6 understand. Is that a practice or is it a
7 written protocol or policy relating to what you
8 have just described?

9 AMBASSADOR PILLARELLA: I don't
10 believe that there is any written protocol that
11 exists. It is the common practice.

12 MR. CAVALLUZZO: Right.

13 AMBASSADOR PILLARELLA: I think
14 the communication, I believe that in some places
15 it was described as being horizontal and vertical
16 and this is one example, where the information may
17 be distributed horizontally as well as vertically.

18 MR. CAVALLUZZO: So if we take a
19 concrete example like Mr. Arar's situation, which
20 may have a consular aspect, may have a security
21 aspect, may have a political aspect as well, in
22 respect of reporting back to headquarters you
23 would use your own discretion as to which
24 particular divisions may be notified in respect of
25 your reporting responsibilities?

1 AMBASSADOR PILLARELLA: Correct.
2 And depending on the subject matter the addressees
3 or the action addressees might be multiple, might
4 be, for instance, in this particular case, the
5 Consular Bureau as well as the Security and
6 Intelligence Bureau.

7 MR. CAVALLUZZO: Right, okay.

8 AMBASSADOR PILLARELLA: Or even,
9 for that matter, the political bureau.

10 MR. CAVALLUZZO: Okay. Within
11 Consular you may be sending something to Mr. Pardy
12 and at the same time sending it to the Middle East
13 desk, and so on and so forth?

14 AMBASSADOR PILLARELLA: Correct.

15 MR. CAVALLUZZO: There may be
16 multiple addressees.

17 AMBASSADOR PILLARELLA: I must
18 make one distinction, is that it is never
19 addressed outside of the department. In other
20 words, it stays within the confines of the
21 Department of Foreign Affairs.

22 MR. CAVALLUZZO: Okay. Then
23 let us move on to agencies outside of Foreign
24 Affairs and ask whether there is any policy,
25 practice or protocol with respect to

1 communications with Canadian law enforcement and
2 security intelligence agencies.

3 I just want to focus on relating
4 to Canadians who are detained abroad. Let's not
5 worry about other aspects. We are going to focus
6 on Canadians detained abroad, and in particular
7 I'm looking at the law enforcement agency being
8 the RCMP and the security intelligence agency
9 being CSIS, and that is whether there is a
10 practice, protocol or policy in respect of your
11 reporting, if any, to these two Canadian agencies?

12 AMBASSADOR PILLARELLA: Again, I
13 would say that there are memoranda of
14 understanding that exists between the Department
15 of Foreign Affairs and the other agencies that
16 exist. However, when it comes to the reporting
17 from the mission, as I have indicated a moment
18 ago, the reporting is done through the Department
19 of Foreign Affairs, and then it is for the
20 department and the various bureaus and divisions
21 to decide what to do with that information,
22 whether it is going to be disseminated elsewhere
23 or not. But it is not the mission that does that.

24 MR. CAVALLUZZO: Okay. I'm
25 wondering, then, if you might help us in terms of

1 describing your relationship as the Head of
2 Mission, or the Ambassador, in respect of what has
3 been referred to in the Livermore document as the
4 RCMP and the CSIS liaison officers?

5 Taking initially the RCMP, the
6 liaison officer from Rome, who may periodically
7 come to Damascus, what is your relationship with
8 him or her?

9 AMBASSADOR PILLARELLA: Well, the
10 relationship is the same as with any other head of
11 program. The only difference is that he or she
12 may be sitting elsewhere, not in Damascus.

13 So when the head of the program
14 travels to Damascus in order to discharge his
15 business, then it is obvious that he or she will
16 report to the Ambassador and usually inform the
17 Ambassador what the purpose of the visit may be.
18 They may have cases to discuss with their
19 counterparts and normally they can deal directly
20 with these counterparts.

21 Sometimes they require the
22 assistance of the Ambassador, and because it is
23 the responsibility of the Head of Mission to
24 assist them, then obviously the Ambassador will
25 try to facilitate their work. But the Ambassador

1 does not substitute himself to the head of the
2 program. It is for the head of program to do his
3 or her job.

4 MR. CAVALLUZZO: Right. Well, let
5 me just get a little more specific as far as one
6 of these agencies, and let's just take the RCMP.

7 Assume that I am the liaison
8 officer in Rome and I come to Damascus, I report
9 to the Ambassador at the embassy, and I say, "I
10 have this ongoing investigation in relation to a
11 Canadian who is detained in Syria. What can you
12 do for me?"

13 In that situation, what could you
14 do in terms of assisting the RCMP officer in
15 respect of the investigation that he or she is
16 conducting?

17 AMBASSADOR PILLARELLA: Well, it
18 depends on what the actual case might be. You are
19 sort of speaking in general. There is no concrete
20 example. For instance --

21 MR. CAVALLUZZO: Let me give you a
22 concrete example. Let me be as specific as I
23 possibly can at this point in time.

24 I come to you as the LO from Rome,
25 RCMP, and I say, "I have this Canadian who is

1 detained at the Palestine Branch, which is under
2 the supervision or jurisdiction of the Syrian
3 Military Intelligence. I would like to question,
4 or I would like to do whatever, talk to the Syrian
5 Military Intelligence in respect of what
6 information they have on this individual."

7 What could you do in those
8 circumstances?

9 AMBASSADOR PILLARELLA: I think I
10 will not retain your example because I would have
11 to correct it because I don't think it applies
12 like that.

13 But let me say this: What I could
14 do for him or her is simply to open doors, to
15 facilitate the access to whoever may be
16 responsible for this particular case, and then try
17 to facilitate the contact.

18 MR. CAVALLUZZO: Right.

19 AMBASSADOR PILLARELLA: But I
20 would not go beyond that. In other words, I would
21 not act for the liaison officer. I will try to
22 open doors.

23 MR. CAVALLUZZO: I assume that the
24 same thing would be true if I used the example of
25 a CSIS liaison officer? It would be the same

1 thing, that you could open doors, but after that
2 it was up to them to pursue their --

3 AMBASSADOR PILLARELLA: Correct.

4 MR. CAVALLUZZO: -- their own
5 duties and responsibilities.

6 Is that correct?

7 AMBASSADOR PILLARELLA: Correct.

8 MR. CAVALLUZZO: Just a question
9 relating to that, and that is, assuming once
10 again -- and we are going to get very specific
11 with Mr. Arar's case, but assuming that this
12 individual that is being detained in the Palestine
13 Branch under the supervision of the Syrian
14 Military Intelligence wants to get back to Canada,
15 and as a result of that consular officials within
16 your jurisdiction or supervision, like Mr. Martel,
17 is trying to get his release from Syrian
18 detention, pursuing the instructions, for example,
19 of Mr. Pardy, as we will see in this case.

20 The question that I have is: Is
21 there not a conflict that you see when, on the one
22 hand, you are supervising Mr. Martel to get this
23 Canadian released from Syrian detention back to
24 Canada and, on the other hand, you are opening the
25 door for either CSIS or the RCMP to get

1 information from the Syrian authorities in respect
2 of that same Canadian detainee?

3 AMBASSADOR PILLARELLA: Well,
4 again I think the example that you are providing
5 is a little bit misleading.

6 First of all, you are talking
7 about a Canadian being detained by the -- now, is
8 this a Canadian with dual nationality or is this a
9 Canadian with just the --

10 MR. CAVALLUZZO: It is a Canadian
11 with dual nationality.

12 AMBASSADOR PILLARELLA: Well, a
13 Canadian with dual nationality means that the
14 country in question is not obliged by any
15 international treaty or international law to
16 recognize the second citizenship, which means that
17 if the country, in this particular case that you
18 are quoting, refuses to recognize the Canadian
19 citizenship of that individual, there is very
20 little that we can do.

21 We can certainly press the country
22 to say, "We believe and we consider that this
23 individual is a Canadian citizen and, as such, is
24 entitled to the assistance of the Canadian
25 government." Of course we can say that, and we

1 normally do that. The point is that the country
2 is not obliged to listen to us. So that is one
3 thing.

4 To your question regarding the
5 conflict between -- I think that -- no, I don't
6 see any conflict at all, because these are two
7 separate things.

8 The fact is that even if the
9 individual is detained for whatever reason, that
10 the country considers that -- for instance, they
11 consider that he has broken some law, I don't
12 know, he is still entitled to consular assistance.

13 MR. CAVALLUZZO: Right.

14 AMBASSADOR PILLARELLA: Therefore,
15 the fact that a Canadian agency -- in this case
16 you mentioned the RCMP -- wants to have access to
17 this individual to pursue their investigation,
18 that is fine.

19 But, on the other hand, that
20 person, that Canadian citizen, is still entitled
21 to the assistance of the Canadian government, and
22 therefore the consular section of the embassy will
23 do all it can to see -- because please keep in
24 mind that consular access does not mean that the
25 person will be released. Consular access means

1 that we have to verify that the person is
2 well-treated, that the laws of the country are
3 applied to this particular individual, as in any
4 other case.

5 In other words, consular access
6 doesn't necessarily mean that a person is going to
7 be released.

8 MR. CAVALLUZZO: Oh, absolutely.
9 Certainly if we look at the case of Mr. Arar, the
10 initial objective of Mr. Pardy in terms of the
11 instructions given to consular officials was, "We
12 want Mr. Arar released from Syria." That doesn't
13 mean, of course, that they will release him, but
14 that seems to be the objective.

15 The point I guess I'm raising is,
16 if you go to the Syrians on Monday saying, we want
17 Mr. -- let's use a hypothetical, "We want Jim
18 Jones released. He is being detained here. By
19 the way, Tuesday I'm going to introduce you to the
20 RCMP. They want to come over and question
21 Mr. Jones." Don't you see that there may be a
22 conflict here?

23 AMBASSADOR PILLARELLA: But, you
24 see, you are giving me one example which is a
25 general one, and then you are giving me the

1 example of Mr. Arar. I would say let's take the
2 general example.

3 The general example is, if you
4 have a Canadian citizen who has broken some law
5 into that particular country, that means that he
6 or she will have to be submitted to the process in
7 that particular country, and consular access does
8 not mean that he is going to be freed.

9 Because in any other country --
10 for instance, if you are in the United States and
11 you break some law in the United States and you
12 are arrested, of course you will be subject to the
13 American law. You can still have access by a
14 consular officer, but you are still submitted to
15 the law of the country. If you have broken the
16 law and if you are sentenced, then the consular
17 access -- well, it will assist you, but it will
18 not -- if due process is followed and the person
19 is sentenced, there isn't much that one can do.

20 MR. CAVALLUZZO: Well, let me then
21 get very specific in terms of the policies which
22 are applicable.

23 If you go once again to
24 Exhibit P-11, which is the Book of Documents of
25 Mr. Sigurdson, at tab 22 we have something called

1 the "Manual of Consular Instructions"

2 Do you see that?

3 AMBASSADOR PILLARELLA: Yes.

4 MR. CAVALLUZZO: Okay. If you go
5 to page 13 of 75 you see the title under
6 paragraph 2.4.10 that talks about "Police Liaison
7 Programs. The initial part talks about the RCMP,
8 and we have discussed that.

9 About halfway down, it says "these
10 programs" -- and they are talking about police
11 programs and consular.

12 "These programs should not
13 conflict, any more than, for
14 example, law enforcement and
15 legal aid programs on Canada,
16 and missions should ensure
17 that conflict is avoided both
18 in reality and appearance.
19 Potential conflicts of
20 interest, including perceived
21 precedence of responsibility
22 in police liaison and
23 consular matters, should be
24 adjudicated by the Head of
25 Mission, who must weigh the

1 merits of any case in the
2 context of relations with the
3 country concerned and of the
4 rights and interests of the
5 Canadian citizen involved, in
6 consultation as appropriate
7 with Headquarters..."

8 That would seem to suggest that
9 there is a possibility -- there is a possibility,
10 of conflict in respect of the execution of both
11 programs, the police program and the consular
12 program, and if such a conflict arises then the
13 conflict should be resolved to the best of the
14 ability of the Head of Mission, if perhaps in
15 consultation with headquarters?

16 AMBASSADOR PILLARELLA: If there
17 should be some conflict, yes, of course it would
18 be resolved with the assistance of headquarters.

19 But you, as I said, gave a very
20 general example where there is no such conflict.
21 I mean, if the person is coming to inquire, as it
22 is indicated here, it is prohibited from pursuing
23 an investigation in the host country. So the
24 liaison officer is not coming for that.

25 So, yes, if there should be a

1 conflict, yes, the conflict will be resolved.
2 This is where the responsibility of the Head of
3 Mission comes into play, because I can make a
4 recommendation.

5 MR. CAVALLUZZO: Right.

6 AMBASSADOR PILLARELLA: If the
7 liaison officer tells me something with which I do
8 not agree, for whatever reason, I can try to
9 convince him, to say, "We should act in this way
10 and not in the way that you are proposing." If he
11 says, "No, I disagree," then, yes, of course, we
12 go back to headquarters, and this is what --

13 MR. CAVALLUZZO: That is the
14 example I would like to focus on at this time.

15 Assuming that the RCMP liaison
16 officer comes and says, "I want to question the
17 Canadian detained" or "I want to have the Syrians
18 ask questions for me", and you say, "I don't think
19 that is a good idea at this particular point in
20 time because of other things we are doing in
21 respect of that Canadian detainee."

22 So what you seem to be saying is,
23 you don't have the authority to make the decision.
24 You can make recommendations.

25 Is that right? Or can you say,

1 "No, it is not happening"?

2 AMBASSADOR PILLARELLA: Let me put
3 it this way. I can tell the liaison officer, "No,
4 it is not going to happen." The liaison officer
5 then will turn back and say, "Well, fine, I will
6 accept your decision, but I will go back to my
7 headquarters." Then his headquarters will get in
8 touch with Foreign Affairs. This is where the
9 issue will be discussed.

10 Then, if I receive instructions,
11 written instructions from headquarters saying you
12 do it, if the Minister says that, well then it is
13 very difficult. I have done what I should do, but
14 then if I'm overruled, well, I'm overruled.

15 MR. CAVALLUZZO: As we saw in
16 section 10(2)(g), the Minister basically can give
17 direction as he has management of the diplomatic
18 missions abroad?

19 AMBASSADOR PILLARELLA:
20 Absolutely.

21 MR. CAVALLUZZO: Okay.

22 I would like to move on to the
23 political landscape in Syria. Let's start, since
24 you are the key interpreter of Syria.

25 I am going to refer now,

1 Mr. Pillarella, to a number of exhibits that you
2 should have in front of you, starting with
3 Exhibit P-26, which is U.S. Department of State
4 Background Note For Syria.

5 What I'm going to do here to
6 save some time, I am going to focus on certain
7 aspects of this report and ask you whether you
8 agree or not with it and ask you to supplement or
9 add any comments you want relating to the
10 particular issue.

11 But initially I would like to deal
12 with the key players in Syria at the material
13 point in time.

14 The President at the time was who?

15 AMBASSADOR PILLARELLA: When I
16 arrived it was Bashar Assad, the son of Hafiz
17 Assad.

18 MR. CAVALLUZZO: Okay. He
19 continued to be the President? In fact he is the
20 President today?

21 AMBASSADOR PILLARELLA: Yes. He
22 is still President today. Yes.

23 MR. CAVALLUZZO: Do you recall who
24 the Prime Minister was?

25 AMBASSADOR PILLARELLA: To tell

1 you the truth, no.

2 MR. CAVALLUZZO: Okay. We will
3 come to his name in this document.

4 The Minister of Foreign Affairs
5 was, we have heard, is Mr. Al-Shara'?

6 AMBASSADOR PILLARELLA: Shara'a,
7 yes.

8 MR. CAVALLUZZO: We will see from
9 the evidence that you really dealt with two Deputy
10 Ministers of Foreign Affairs.

11 Is that correct?

12 AMBASSADOR PILLARELLA: That is
13 correct.

14 MR. CAVALLUZZO: Who are they?

15 AMBASSADOR PILLARELLA: If I can
16 answer that -- I think the names --

17 MR. CAVALLUZZO: The names
18 are public.

19 AMBASSADOR PILLARELLA: One was
20 Vice-Minister Mouallem, the other one was
21 Vice-Minister Haddad.

22 MR. CAVALLUZZO: I understand
23 that during that point in time that Mr. Haddad
24 left that position and became chair of the
25 parliamentary committee relating to Foreign

1 Affairs?

2 AMBASSADOR PILLARELLA: That is
3 correct.

4 MR. CAVALLUZZO: Without telling
5 tales out of school, who would be the more
6 influential of those two gentlemen?

7 AMBASSADOR PILLARELLA: I would
8 say that Mr. Haddad was.

9 MR. CAVALLUZZO: Okay. The head
10 of Syrian Military Intelligence we understand was
11 General Khalil?

12 AMBASSADOR PILLARELLA: Correct.

13 MR. CAVALLUZZO: Finally, we will
14 see the name of a senior Syrian Military
15 Intelligence official whose name is Colonel Saleh?

16 AMBASSADOR PILLARELLA: Yes.

17 MR. CAVALLUZZO: He was
18 Mr. Martel's contact?

19 AMBASSADOR PILLARELLA: Yes.

20 MR. CAVALLUZZO: Your contact
21 would be General Khalil?

22 AMBASSADOR PILLARELLA: Correct.

23 MR. CAVALLUZZO: The Syrian
24 Ambassador to Canada at that point in time was
25 Mr. Arnous?

1 AMBASSADOR PILLARELLA: Correct,
2 yes.

3 MR. CAVALLUZZO: I'm wondering
4 whether you had any relationship or knowledge at
5 all of the Syrian Ambassador to the United States
6 at the time?

7 AMBASSADOR PILLARELLA: Not at
8 all.

9 MR. CAVALLUZZO: Okay.
10 We are going to have a very quick
11 Syria 101 and rely to a great extent on the
12 Department of State documents which are fairly
13 reliable. As I say, I will read portions to you
14 and ask you to comment on them, starting initially
15 with Exhibit P-26.

16 Now, I understand that Syria is a
17 republic under a particular political party, and
18 that party is the...?

19 AMBASSADOR PILLARELLA: The Ba'ath
20 Party.

21 MR. CAVALLUZZO: Okay. That
22 regime, I understand, has been in existence since
23 March of 1963?

24 AMBASSADOR PILLARELLA: Correct.

25 MR. CAVALLUZZO: The Ba'ath Party,

1 is it related to the Ba'ath Party that we have
2 heard under the Saddam's regime in Iraq?

3 AMBASSADOR PILLARELLA: Yes.

4 MR. CAVALLUZZO: Okay. Also if we
5 could just ask you, is there a particular minority
6 that controls the Ba'ath Party that we should be
7 aware of?

8 AMBASSADOR PILLARELLA: Well, yes.
9 The Alawites clan, which represents approximately
10 11 per cent of the Syrian population, clan of
11 President Bashar al-Assad. That clan controls
12 basically all the levers of power. The rest,
13 particularly the trade side, has been left to the
14 Sunnis, but the Alawites do control the apparatus
15 of the State basically. They are a minority, as I
16 said. The Sunnis represent approximately 70 per
17 cent, whereas the Alawites represent approximately
18 11 per cent.

19 MR. CAVALLUZZO: As we will see
20 from this document, about 10 per cent, 10 or
21 11 per cent are Christian in Syria?

22 AMBASSADOR PILLARELLA: Correct.

23 MR. CAVALLUZZO: If we can just
24 pick up in terms of the political history
25 respecting Syria at page 3 this document, we see

1 in the second paragraph from the bottom -- this is
2 once again when the regime started, it says:

3 "Various coups culminating on
4 March 8, 1963 in the
5 installation by leftist
6 Syrian Army officers of the
7 National Council of the
8 Revolutionary Command (NCRC),
9 a group of military and
10 civilian officials who
11 assumed control of all
12 executive and legislative
13 authority."

14 Just cutting across a number of
15 coups which occur between --

16 AMBASSADOR PILLARELLA: There were
17 several of them.

18 MR. CAVALLUZZO: There were
19 several of them. I don't want to go through each
20 one, although it is very interesting reading.

21 Let's come to when Mr. Assad's
22 father became President. If we go to the next
23 page, at page 4, in the last sentence at the
24 paragraph at the top, we see:

25 "On November 13, 1970,

1 Minister of Defence, Hafiz
2 al-Asad affected a bloodless
3 military coup, ousting the
4 civilian party leadership and
5 assuming the role of prime
6 minister."

7 We see, as you have stated
8 earlier, that he maintained the leadership of the
9 country until his death in 2000?

10 AMBASSADOR PILLARELLA: In 2000,
11 yes. The 10th of June I believe.

12 MR. CAVALLUZZO: I'm sorry?

13 AMBASSADOR PILLARELLA: The 10th
14 of June I believe.

15 MR. CAVALLUZZO: Okay. If we
16 go on, there is an important political event that
17 happens in the 1970s and 1980s that I would refer
18 to in the middle paragraph on page 4.

19 It states that:

20 "The authoritarian regime was
21 not without its critics,
22 though most were quickly
23 dealt with. A serious
24 challenge arose in the late
25 1970s, however, from

1 fundamentalist Sunni Muslims,
2 who reject the basic values
3 of the secular Ba'ath program
4 and object to rule by the
5 Alawis whom they consider
6 heretical. From 1976 until
7 its suppression in 1982, the
8 arch conservative Muslim
9 Brotherhood led an armed
10 insurgency against the
11 regime. In response to an
12 attempted uprising by the
13 brotherhood in February 1982,
14 the government crushed the
15 fundamentalist opposition
16 centered in the city of Hama,
17 levelling parts of the city
18 with artillery fire and
19 causing many thousands of
20 dead and wounded. Since
21 then, public manifestations
22 of anti-regime activity have
23 been very limited."

24 I focus on that, of course,
25 because initially the Syrians alleged that

1 Mr. Arar was a member of the Moslem Brotherhood,
2 you will recall, and we will come to that.

3 AMBASSADOR PILLARELLA: Mm-hmm.

4 MR. CAVALLUZZO: Okay?

5 We see that Mr. Al-Assad, in the
6 second paragraph from the bottom, as you stated,
7 died on June 10, 2000, after 30 years in power.

8 Then we see:

9 Immediately following
10 Al-Asad's death, the
11 Parliament amended the
12 constitution, reducing the
13 mandatory minimum age of the
14 President from 40 to 34 years
15 old, which allowed his son,
16 Bashar Al-Asad legally to be
17 eligible for nomination by
18 the ruling Ba'ath party. On
19 July 10, 2000, Bashar Al-Asad
20 was elected President by
21 referendum in which he ran
22 unopposed, garnering 97.29%
23 of the vote, according to
24 Syrian government
25 statistics."

1 As you have stated, he continues
2 to be in power, and certainly was in power by the
3 time you left in September of 2003?

4 AMBASSADOR PILLARELLA: Mm-hmm.

5 MR. CAVALLUZZO: Are there any
6 comments, additional comments you would like to
7 make in respect of that description?

8 AMBASSADOR PILLARELLA: Perhaps
9 the only thing I can say is that when Hafiz
10 al-Assad died and his son was elected President a
11 month later, there was a certain hope that the
12 regime might open up, because his father had kept
13 a very tight control of the country.

14 MR. CAVALLUZZO: Right.

15 AMBASSADOR PILLARELLA: So the
16 hope in the population was that perhaps with a
17 younger President, a President who had also been
18 educated in the west, he was studying
19 ophthalmology in England at the time when he was
20 called back.

21 Because you should know that it
22 was not Bashar al-Assad who was supposed to
23 succeed to his father but his older brother. His
24 older brother unfortunately killed himself in a
25 car accident on the road to Beirut.

1 So therefore, when that happened
2 Bashar al-Assad was called back to Syria to
3 receive the training. Unfortunately, his father
4 died much too quickly for the training to be
5 completed so when Bashar al-Assad became President
6 perhaps he did not have all the knowledge and the
7 know-how that his father had.

8 MR. CAVALLUZZO: Right.

9 AMBASSADOR PILLARELLA: However,
10 as I have said, the hope was that he might open up
11 the regime. This happened at the very beginning,
12 but the President had to fight, and perhaps he is
13 still fighting, a certain entrenched clan which
14 was resistant to the change.

15 MR. CAVALLUZZO: Now, just a brief
16 description of the political conditions. If you
17 would refer now to page 6 of the Department of
18 State report. As I have said earlier, officially
19 Syria is a republic. In reality, however, it is
20 an authoritarian regime that exhibits only forms
21 of a democratic system.

22 Then if you go down a few lines,
23 it says:

24 "The President and his senior
25 aides, particularly those in

1 the military and security
2 services, ultimately make
3 most basic decisions in
4 political and economic life,
5 with a very limited degree of
6 public accountability.
7 Political opposition to the
8 President is not tolerated.
9 Syria has been under a state
10 of emergency since 1963."

11 That is a long emergency.

12 "Syrian governments have
13 justified marshal law by the
14 state of war, which continues
15 to exist with Israel and by
16 continuing threats posed by
17 terrorist groups."

18 Then finally, if you go to the
19 middle of the next paragraph, it states:

20 "The President's continuing
21 strength is due also to the
22 army's continued loyalty and
23 the effectiveness of Syria's
24 large internal security
25 apparatus, both comprised

1 largely of members of Asad's
2 own Alawi sect. The several
3 main branches of the security
4 services operate
5 independently of each other
6 and outside of the legal
7 system. Each continues to be
8 responsible for human rights
9 violations."

10 We will come back to that, but can
11 you give us a general idea of, to your knowledge,
12 how many separate security services there may be
13 in Syria?

14 AMBASSADOR PILLARELLA: Let me
15 just say that there are several.

16 MR. CAVALLUZZO: Okay.

17 AMBASSADOR PILLARELLA: But I will
18 add just one thing: Yes, this report states that
19 it is an authoritarian regime. What I would like
20 to add is that, as I started saying a moment ago,
21 when President Bashar al-Assad took over there was
22 a movement to open up the system and perhaps this
23 did not go as far as people had wanted it to go.

24 However, whereas before there
25 was very little criticism of the regime during

1 my time, I think that Syrians in general from
2 all walks of life were speaking quite openly
3 and freely, something which would not have
4 been possible some years before, and now this
5 was happening.

6 So it was a measure of openness,
7 and this is still the case today.

8 MR. CAVALLUZZO: Right. A
9 few comments about the economy. There is a
10 Canadian aspect to this and this is why I want to
11 ask you about this. This picks up at page 7 of
12 the report.

13 Obviously Syria is a developing
14 country and I understand that it has a budding
15 petroleum industry which accounts for a lot of its
16 export income with the States, and indeed the
17 government has successfully begun to work with
18 international energy companies attempting to
19 encourage foreign investment in Syria.

20 I'm just wondering during that
21 time whether you have any knowledge of a couple of
22 Canadian companies, such as Petro-Canada and
23 Tanganyika, wanting to make oil deals in terms of
24 investing in Syria?

25 AMBASSADOR PILLARELLA: That is

1 true.

2 However, I must say that the trade
3 between Canada and Syria was almost non-existent,
4 and the same with investments. Certainly, we had
5 been trying to do more and, in fact, during my
6 tenure I tried to convince some Syrian
7 businesspeople to come to Canada and see what was
8 possible. In fact, I did accompany a Syrian trade
9 delegation to Canada, but not much came of this.

10 MR. CAVALLUZZO: Certainly
11 in terms of any kind of leverage that Canada
12 may have in regard to that bilateral
13 relationship, I think it is pretty clear that the
14 Syrians wanted investment from Canada, as well as,
15 obviously, other countries, and that gave us some
16 kind of leverage.

17 Isn't that correct?

18 AMBASSADOR PILLARELLA: That is
19 correct. But I think that the Syrians also
20 appreciated Canada's positions with regard to the
21 Middle East and, therefore, they thought that we
22 could be an extremely valuable interlocutor, and
23 therefore they were very much interested in
24 keeping close political relations with Canada.

25 MR. CAVALLUZZO: Another aspect of

1 the bilateral relationship which I think is
2 important during this material time, of course, on
3 March 17, 2003 the coalition forces invaded Iraq.
4 Obviously Canada didn't join the coalition and I
5 would think that the Syrians would be very happy
6 with that turn of events.

7 AMBASSADOR PILLARELLA: That is
8 absolutely correct, yes.

9 MR. CAVALLUZZO: Okay.

10 Now, I would like to move because
11 the bilateral relationship between Syria and the
12 United States may be relevant to the facts that we
13 will be coming to assess relating to Mr. Arar.
14 Once again if you would come back to this report
15 at page 4 of 13.

16 If you refer to the bottom
17 portion of that page for the years 2000 to 2004,
18 it states:

19 "In the aftermath of 9/11,
20 the Syrian government began
21 limited cooperation with the
22 United States in the global
23 war against terrorism.
24 However, Syria opposed the
25 Iraq war in March 2003, and

1 bilateral relations with the
2 U.S. swiftly deteriorated.
3 In December 2003 President
4 Bush signed into law the
5 Syria Accountability and
6 Lebanon Sovereignty
7 Restoration Act of 2003,
8 which provided for the
9 imposition of sanctions."

10 We have heard evidence about this
11 and you will see in May of 2004 that sanctions
12 were indeed imposed.

13 So it would appear that at least
14 for a certain period of time during the relevant
15 period that the Syrians were attempting to
16 accommodate the Americans in respect of the global
17 war against terrorism, but it reached a point in
18 time where the relationship deteriorated as a
19 result of the war in Iraq?

20 AMBASSADOR PILLARELLA: That is
21 true.

22 CAVALLUZZO: I'm just wondering in
23 respect of the role of one of the security
24 services that we will hear some evidence on, and
25 that is the Syrian Military Intelligence. We have

1 heard -- there are media reports that the
2 Americans were collaborating with Syrian
3 intelligence during the period of time prior, of
4 course, to the war in Iraq, and I wonder whether
5 you can comment on that, whether you knew in
6 particular the Syrian Military Intelligence were
7 collaborating with the Americans in respect of the
8 global war against terrorism?

9 AMBASSADOR PILLARELLA: All I can
10 say is that, yes, there was cooperation between
11 the United States and Syria with regard to
12 combatting terrorism. Now, at what level that
13 cooperation was taking place, that I don't know;
14 therefore, I think that it would be very difficult
15 for me to tell you whether it was with the
16 military intelligence or with any other security
17 apparatus, but, yes, there was cooperation.

18 MR. CAVALLUZZO: One other
19 question related to that, Mr. Pillarella, and that
20 is that in particular if we focus in in September
21 of 2002, when Mr. Arar was deported from the
22 United States -- I'm sorry?

23 AMBASSADOR PILLARELLA: Perhaps if
24 I can add just one thing?

25 MR. CAVALLUZZO: Sure.

1 AMBASSADOR PILLARELLA: If one
2 wonders why suddenly the Syrians were cooperating
3 with the Americans, for instance, in terms of
4 combatting terrorism, I think that the answer is
5 fairly simple, is that by helping the Americans
6 they were helping themselves, because they were in
7 an area where they were still traumatized, if I
8 can use that expression, by what had happened with
9 the Moslem Brotherhood, and therefore, it was in
10 their interests to combat terrorism, combat
11 al-Qaeda and any other organization.

12 So it was not surprising in
13 the aftermath of 9/11 that the Syrians decided
14 that it was in their interests to cooperate with
15 the Americans.

16 MR. CAVALLUZZO: Right. That went
17 back some years. Of course back in 1991 they
18 participated with the American coalition in
19 respect of the first Gulf War?

20 AMBASSADOR PILLARELLA: Mm-hmm.

21 MR. CAVALLUZZO: Coming back to
22 the last question in this area relating to
23 September of 2002, and that is whether you were
24 aware at that time, in September-October of 2002,
25 which they refer to in these proceedings as the

1 American practice or policy of extraordinary
2 rendition, whereby the Americans may send
3 somebody, whether it be from their own country or
4 from another country, to a preferred country for
5 particular questioning, which, for whatever
6 reason, is done in a particular country like
7 Syria, Egypt and Jordan, for example, and wonder
8 whether you were aware of this policy of rendition
9 at this point in time?

10 AMBASSADOR PILLARELLA: No, I was
11 not.

12 MR. CAVALLUZZO: Okay. The final
13 contextual area that I would like to deal with,
14 Mr. Pillarella, relates to the human rights record
15 of Syria. If we can start with Exhibit P-28.

16 Excuse me. Why don't we start
17 with P-27. This is one of the loose documents
18 that you have in front of you.

19 AMBASSADOR PILLARELLA: Yes.

20 MR. CAVALLUZZO: Okay.

21 Exhibit P-27 is, once again, another Department of
22 State document. It is "The Country Report on
23 Human Rights Practices for Syria for the Year
24 2002," and it was released, as you can see, March
25 31, 2003, so it would have been applicable during

1 a portion of the material period.

2 I will just highlight certain
3 aspects of this report.

4 I assume you are familiar with
5 this publication, the Human Rights Reports that
6 are compiled by the American Department of State?

7 AMBASSADOR PILLARELLA: Yes.

8 MR. CAVALLUZZO: Okay. Starting
9 on page 1, just in the first paragraph -- we have
10 covered much of this, but just the last sentence
11 which provides that:

12 "The Constitution provides
13 for an independent judiciary,
14 but security courts are
15 subject to political
16 influence. The regular
17 courts generally display
18 independence, although
19 political connections and
20 bribery may influence
21 verdicts."

22 So I assume you were aware of the
23 security courts within Syria?

24 AMBASSADOR PILLARELLA: I'm aware
25 of what is written here, yes.

1 MR. CAVALLUZZO: We will be a
2 little bit more specific later on.

3 It goes on in the next paragraph
4 to state that:

5 "The powerful role of the
6 security services in
7 government, which extends
8 beyond strictly security
9 matters, stems in part from
10 the state of emergency that
11 has been in place almost
12 continuously since 1963."

13 Then the government justifies the
14 marshal law and the state of war with Israel and
15 past threats from terrorist groups.

16 Then it goes on to deal with what
17 we are concerned about. It says:

18 "Syrian Military Intelligence
19 and Air Force Intelligence
20 are military agencies, while
21 General Security, State
22 Security, and Political
23 Security come under the
24 purview of the Ministry of
25 Interior."

1 The question I would have is
2 whether you were aware of that, that the Syrian
3 Military Intelligence was a military agency?

4 AMBASSADOR PILLARELLA: Well, the
5 title says it. I mean, it is the Military
6 Security Intelligence.

7 MR. CAVALLUZZO: Okay. Then it
8 goes on:

9 "The branches of the security
10 services operated
11 independently of each other
12 and outside the legal
13 system."

14 Then it states:

15 "The security forces were
16 under effective government
17 control. Their members
18 committed serious human
19 rights abuses."

20 I would ask whether you are aware
21 of this, that certainly the general knowledge at
22 that point in time was these serious human rights
23 abuses occurred within Syria?

24 AMBASSADOR PILLARELLA: I can only
25 say what I see here. Perhaps, Commissioner, you

1 will remember that in camera I have provided some
2 testimony on this for which I cannot comment
3 publicly. So I think that you have heard my
4 comments on these issues.

5 MR. CAVALLUZZO: Well, we heard an
6 anecdote that you related, and obviously we are
7 not going to share that publicly.

8 But the question that I have is
9 just generally speaking you agree with me that
10 certainly the general knowledge, if we can put it
11 at that, is that there were serious human rights
12 abuses in Syria committed by the services at this
13 point in time?

14 AMBASSADOR PILLARELLA: All I can
15 say is that I have read the report and that is
16 all. I have provided my own comments in camera
17 and I don't believe that I can repeat these
18 comments.

19 MR. CAVALLUZZO: That's fine, you
20 have read the report. I'm not concerned about
21 whether you have read the report. What I'm
22 concerned about is what you thought at this
23 particular -- just let me finish the question --
24 at this particular point in time.

25 Whether you saw a serious human

1 rights abuse is neither here nor there. The
2 question that I have for you is at that point in
3 time in 2002 and 2003, when you were the
4 Ambassador, whether you were aware that serious
5 human rights abuses were being committed in Syria?

6 AMBASSADOR PILLARELLA: No, I was
7 not. I did not have any indication that there
8 were serious human rights abuses committed that I
9 could verify.

10 MR. CAVALLUZZO: Whether you could
11 verify them or not, are you saying that since you
12 couldn't verify them your position was they
13 weren't occurring?

14 MR. BAXTER: Mr. Commissioner, if
15 I can remind Mr. Cavalluzzo what Mr. Livermore
16 said when this type of question was referred to
17 him. It is a very delicate position he is putting
18 the Ambassador in and he is displayed some
19 reluctance at this point to go beyond this in the
20 public setting. There is certainly some
21 international relations interests here that I
22 think my friend is asking Mr. Pillarella to
23 comment on and perhaps compromise.

24 AMBASSADOR PILLARELLA: Can I
25 reply --

1 THE COMMISSIONER: Just wait a
2 minute. I will hear from Mr. Cavalluzzo next.

3 MR. CAVALLUZZO: You will get your
4 chance, Mr. Pillarella.

5 Just in response,
6 Mr. Commissioner, I am dealing with a very public
7 record at the present point in time, which is very
8 clear as to its assertions on human rights abuses.
9 All I'm asking the witness at this point in time
10 is when he was the Head of Mission for this
11 country in Syria whether he was aware that human
12 rights abuses were occurring or whether he is
13 saying that because he didn't see them they
14 weren't occurring. That is all I'm --

15 THE COMMISSIONER: I suppose
16 in the end another question that comes from that
17 which has been asked of several witnesses in
18 public: Was he aware that there was a reputation
19 that Syria had for these types of human rights
20 abuses?

21 MR. BAXTER: I think the
22 answer is --

23 THE COMMISSIONER: We will hear
24 from the witness.

25 MR. BAXTER: No, not as to his

1 answer but in terms of Canadian officials
2 commenting on the human rights records of other
3 countries. That was the nuance that I was
4 attempting to draw to Mr. Cavalluzzo's and your
5 attention, sir. Mr. Livermore explained the logic
6 behind the reluctance to do so.

7 THE COMMISSIONER: But am I wrong
8 that other witnesses have not been asked and have
9 answered about Syria's reputation?

10 MR. BAXTER: About the reputation
11 that is true, sir.

12 MR. CAVALLUZZO: Well, then let me
13 put the question that way.

14 Were you aware in 2002 and 2003
15 that Syria had this reputation as being referred
16 to here of serious human rights abuses?

17 AMBASSADOR PILLARELLA: Well, the
18 reputation, yes, I may have heard about it. I
19 certainly have heard about it, but I was going to
20 say that it is not in our habit to comment on the
21 human rights records of another country. But I
22 have admitted that I have read this document, I
23 know what the document says --

24 MR. CAVALLUZZO: Right.

25 AMBASSADOR PILLARELLA: -- but if

1 you ask me did you have any --

2 MR. CAVALLUZZO: Let me ask you
3 this, from that statement: Are you saying that if
4 you reasonably believed that Syria was engaging in
5 torture in respect of a detained Canadian, that
6 you wouldn't comment on that to the Syrians, or
7 indeed publicly?

8 Is that what you are saying?

9 AMBASSADOR PILLARELLA: No, I'm
10 not saying any such thing.

11 MR. CAVALLUZZO: Okay. So that
12 you would. If there was a reasonable belief that
13 torture was occurring in respect of a detained
14 Canadian, you could --

15 AMBASSADOR PILLARELLA: I would
16 have to have evidence of that.

17 MR. CAVALLUZZO: Right. But you
18 could comment on it to the Syrians, and indeed, if
19 necessary, you could comment on it publicly.

20 Is that correct?

21 AMBASSADOR PILLARELLA: I'm not
22 saying whether I would comment publicly or not.
23 All I'm saying is that I would need to have
24 evidence and then how that evidence would be
25 brought to the attention of the Syrians, that is

1 another matter.

2 I don't believe that it would be
3 useful for me to comment publicly on what would be
4 done, because we are getting into a very delicate
5 area. If you are talking about the way that we
6 conduct business, that is something that is to be
7 reserved, because if you want to conduct business
8 and get concrete results you cannot put it on the
9 public place.

10 MR. CAVALLUZZO: Right. But let
11 me just understand this. Once again, if you
12 reasonably suspected that a Canadian was being
13 subjected to torture at the hands of the Syrians,
14 are you saying that you would, because of your
15 concern with the relationship with the Syrians,
16 that you would be hesitant --

17 AMBASSADOR PILLARELLA: No.

18 MR. CAVALLUZZO: -- in discussing
19 this publicly?

20 I just want to be clear on this.
21 So, if necessary, you would state publicly --
22 listen to the question, please.

23 AMBASSADOR PILLARELLA: Yes.

24 MR. CAVALLUZZO: You would state
25 publicly that there was a reasonable suspicion

1 that this Canadian was being subjected to torture
2 by the Syrians, even if that offended the Syrians?

3 You agree with that?

4 AMBASSADOR PILLARELLA: It is not
5 a question of offending anybody, the Syrians or
6 anybody else, it is a question of being effective,
7 that's all.

8 If something like that were taking
9 place and you want to be effective, and for the
10 alleged torture to cease, well, there are many
11 ways to do that. Going public is perhaps one way,
12 but it is not always the best way.

13 MR. CAVALLUZZO: All right.

14 AMBASSADOR PILLARELLA: But to
15 say, or to suggest as I thought you were
16 suggesting, that I would remain silent, the answer
17 is no. All I'm saying is that I'm not commenting
18 on what kind of action I might take, but certainly
19 I would not remain silent.

20 MR. CAVALLUZZO: That's fine. I
21 just wanted to make that clear.

22 Let us go on in respect of
23 Syria's reputation as captured by the Department
24 of State in the second paragraph, the bottom
25 paragraph. It states:

1 "The government's human
2 rights record remained poor,
3 and it continued to commit
4 serious..."

5 AMBASSADOR PILLARELLA: Excuse me.
6 Where are you now?

7 MR. CAVALLUZZO: I'm still on the
8 first page, in the bottom paragraph where it
9 states:

10 "The government's human
11 rights record..."

12 Okay?

13 AMBASSADOR PILLARELLA: Mm-hmm.

14 MR. CAVALLUZZO: It says:

15 "...remained poor, and it
16 continued to commit serious
17 abuses."

18 Then, if you skip a sentence
19 there, it states:

20 "Continuing serious abuses
21 included the use of torture
22 in detention; poor prison
23 conditions; arbitrary arrest
24 and detention; prolonged
25 detention without trial;

1 fundamentally unfair trials
2 in the security courts; an
3 inefficient judiciary that
4 suffered from corruption and,
5 at times, political
6 influence; and infringement
7 on privacy rights."

8 So in 2002 and 2003, were you
9 aware of Syria's reputation in this regard?

10 AMBASSADOR PILLARELLA: I have
11 indicated before that, yes, the reputation, but
12 that is all.

13 MR. CAVALLUZZO: Okay. Then if
14 you go on to page 2 we see that there is a section
15 specifically dealing with torture and other cruel,
16 inhuman, or degrading treatment or punishment. It
17 states in the opening sentence:

18 "Despite the existence of
19 constitutional provisions and
20 several Penal Code penalties
21 for abusers, there was
22 credible evidence that
23 security forces continued to
24 use torture, although to a
25 lesser extent than in

1 previous years."

2 Were you aware of that reputation?

3 AMBASSADOR PILLARELLA: Again I

4 can only repeat what I have said. I have read

5 this report, so I know what the report states.

6 MR. CAVALLUZZO: Okay. It

7 goes on:

8 "Former prisoners, detainees,

9 and the London-based Syrian

10 Human Rights Organization

11 reported that torture methods

12 included administering

13 electrical shocks..."

14 I need not go through that, but I

15 want to refer to the last sentence, and it states:

16 "Although it occurs in

17 prisons, torture was most

18 likely to occur while

19 detainees were being held at

20 one of the many detention

21 centers run by the various

22 security services throughout

23 the country, especially while

24 the authorities were

25 attempting to extract a

1 confession or information."
2 You had obviously read that
3 in 2002.

4 A couple of other portions. It
5 goes on:

6 "The government has denied
7 that it uses torture and
8 claims that it would
9 prosecute anyone believed
10 guilty of using excessive
11 force or physical abuse."

12 Now, as far as prison conditions
13 are concerned, if you go to the second paragraph
14 from the bottom, it states:

15 "Prison conditions generally
16 were poor and did not meet
17 international standards for
18 health and sanitation.
19 However, there were separate
20 facilities for men, women and
21 children."

22 Then it goes on:

23 "Pre-trial detainees,
24 particularly those held for
25 political or security

1 reasons, were usually held
2 separately from convicted
3 prisoners. Facilities for
4 political or national
5 security prisoners generally
6 were worse than those for
7 common criminals."

8 In terms of arbitrary arrest and
9 detention, at the next page, page 3, it says, just
10 generally, the opening statement:

11 "Arbitrary arrest and
12 detention were significant
13 problems."

14 Then it goes on, five lines down:

15 "Nonetheless, in cases
16 involving political or
17 national security offenses,
18 arrests were often carried
19 out in secret. Suspects may
20 be detained incommunicado for
21 prolonged periods without
22 charge or trial and are
23 denied the right to a
24 judicial determination
25 regarding the pretrial

1 talks about:

2 "...defendants are not
3 present during the
4 preliminary or investigative
5 phase of the trial, during
6 which the prosecutor presents
7 evidence. Trials usually
8 were closed to the public.
9 Lawyers were not ensured
10 access to their clients..."

11 Et cetera, et cetera.

12 Once again, this is the reputation
13 of the security court of which you are aware
14 because you had read this in 2002 and 2003.

15 Is that correct?

16 AMBASSADOR PILLARELLA: Yes. Once
17 again I repeat, I did read the document.

18 MR. CAVALLUZZO: Okay. Now, if we
19 go to tab 28, it is the very same human rights
20 report. I won't take you through that --

21 AMBASSADOR PILLARELLA: Tab 28
22 of...

23 MR. CAVALLUZZO: No, Exhibit P-28,
24 I'm sorry. It is a loose document. It is the
25 Human Rights Report for 2003. I won't take you to

1 that. I just leave that for counsel to read
2 because it is very similar to the 2002 report.

3 Now, just out of interest, I
4 understand although it is a classified document we
5 have heard there is a Human Rights Report prepared
6 for each country under the jurisdiction of DFAIT.

7 Is that correct?

8 AMBASSADOR PILLARELLA: Yes.

9 MR. CAVALLUZZO: And there was a
10 human rights report created for Syria under your
11 supervision while you were there?

12 AMBASSADOR PILLARELLA: Yes.

13 MR. CAVALLUZZO: Okay. The final
14 exhibit I would refer to is Exhibit P-29. This is
15 the Amnesty International report for 2002.

16 I will ask you whether, at the
17 material time, you had read this document?

18 AMBASSADOR PILLARELLA: I may
19 have. I can't really recall.

20 MR. CAVALLUZZO: Let me just refer
21 to a couple of portions.

22 In the very first paragraph,
23 referring to political prisoners, if I could just
24 pick it up at the second or third sentence, it
25 says:

1 "Hundreds of political
2 prisoners, including
3 prisoners of conscience,
4 continue to be held, most
5 following unfair trials
6 before the Supreme State
7 Security Court (SSSC) and
8 Field Military Courts."

9 It goes on:

10 "Torture and ill-treatment
11 continue to be used against
12 political prisoners,
13 especially during
14 incommunicado detention.
15 There were reports that the
16 health of prisoners of
17 conscience and political
18 prisoners was deteriorating
19 as a result of a lack of
20 medical care."

21 Specifically I would refer to
22 page 2 of the Amnesty report for 2002 under the
23 title, "Torture and Ill-treatment" on the right
24 hand portion, and it states that:

25 "Torture and ill-treatment

1 continue to be inflicted
2 routinely on political
3 prisoners, especially during
4 incommunicado detention at
5 the Palestine Branch and
6 Military Interrogation Branch
7 detention centres."

8 I wonder and ask whether in 2002
9 you were aware of the Palestine Branch?

10 AMBASSADOR PILLARELLA: No.

11 MR. CAVALLUZZO: You were not
12 aware of it?

13 AMBASSADOR PILLARELLA: No.

14 MR. CAVALLUZZO: So that you did
15 not know its reputation?

16 AMBASSADOR PILLARELLA: No.

17 MR. CAVALLUZZO: There are other
18 portions of this which I leave to counsel to read.

19 Mr. Pillarella, with that context
20 in mind I would like to move on now to another
21 area, and that is the question of other Canadians
22 who were detained in Syria in 2001 and 2002, prior
23 to Mr. Arar's arrival in Syria, and first dealing
24 with Mr. El Maati.

25 You recall that there was a

1 Canadian by the name of El Maati who was detained
2 in Syrian detention during your --

3 AMBASSADOR PILLARELLA: Yes.

4 MR. CAVALLUZZO: Do you recall
5 when you first became aware that Mr. El Maati was
6 detained in Syrian detention?

7 AMBASSADOR PILLARELLA: When the
8 name was mentioned to me by the RCMP liaison
9 officer.

10 MR. CAVALLUZZO: Okay. Do
11 you recall in terms of timing when that would
12 have been.

13 Just let me give you the
14 contextual facts that we have. We understand that
15 Mr. El Maati was arrested sometime in November
16 2001 and sometime in the early part of 2002 was
17 transferred to Egypt, of which he was a national.

18 With that context in mind, can you
19 be of assistance in terms of when you may have
20 learned of Mr. El Maati's detention from the RCMP?

21 AMBASSADOR PILLARELLA: If my
22 memory serves me well, I believe that it was much,
23 much later when the RCMP liaison officer mentioned
24 it, but I do not believe that the embassy was
25 aware of his presence in Syria. I -- no, I don't

1 recall that.

2 MR. CAVALLUZZO: Do you not
3 recall attempting to obtain consular access for
4 Mr. El Maati while he was in Syria?

5 AMBASSADOR PILLARELLA: If this
6 were the case, then there would be a document
7 indicating that, in other words a note verbale.

8 Do you have such a document?

9 MR. CAVALLUZZO: I can't answer
10 that question.

11 AMBASSADOR PILLARELLA: We are
12 going back to almost four years ago. You are
13 asking me to remember what happened four years
14 ago. If you have a document that you can show me,
15 then that will refresh my memory, otherwise I
16 can't answer.

17 MR. CAVALLUZZO: Well, we can
18 speak to government counsel about that.

19 Just let me ask you a few other
20 general questions. Do you recall the purpose for
21 which the RCMP notified you about Mr. El Maati?
22 Were they attempting to seek anything?

23 AMBASSADOR PILLARELLA: I believe
24 that they were conducting an investigation and I
25 believe that they wanted information and that was

1 the purpose of their visit.

2 MR. CAVALLUZZO: As you said
3 earlier in your evidence, did you open the doors
4 for them in this regard?

5 AMBASSADOR PILLARELLA: Yes, I
6 did.

7 MR. CAVALLUZZO: You introduced
8 them to somebody?

9 AMBASSADOR PILLARELLA: That is
10 correct.

11 MR. CAVALLUZZO: Who was that?

12 AMBASSADOR PILLARELLA: On the
13 basis of NSC, Commissioner, can I answer that.
14 I'm not sure.

15 MR. BAXTER: I'm not sure that is
16 in the public record, Mr. Commissioner. I think
17 you have heard evidence in camera that will allow
18 you to tell Mr. Cavalluzzo that you are satisfied
19 that you know the answer to the question.

20 AMBASSADOR PILLARELLA: I did
21 provide that answer, Commissioner, in the
22 in-camera hearing.

23 THE COMMISSIONER: Right.

24 MR. CAVALLUZZO: What I'm seeking
25 here is an individual whose name is quite public.

1 I don't know what interest there is in attempting
2 to assert NSC.

3 THE COMMISSIONER: What would
4 the interest at this stage be? I think I know
5 the answer.

6 MR. BAXTER: This is another case,
7 as I understand it.

8 THE COMMISSIONER: Right.

9 MR. BAXTER: I'm not aware of any
10 public document relating to the incidents in
11 question.

12 THE COMMISSIONER: But that is not
13 the sole test for whether something is subject to
14 an NSC, is it?

15 MR. BAXTER: I agree, there are
16 other tests, Mr. Commissioner.

17 THE COMMISSIONER: Well, I'm
18 inclined to direct that the question be answered.

19 I think the process should be if
20 you wish to object to it given my ruling, then you
21 should be given an opportunity to do so.

22 MR. BAXTER: May I take
23 instructions, Mr. Commissioner?

24 THE COMMISSIONER: Okay.

25 MR. BAXTER: I'm sorry to do this.

1 I just need to respect the process here and I
2 would like to get instructions.

3 THE COMMISSIONER: So for the time
4 being the question will remain unanswered.
5 Mr. Baxter will seek instructions.

6 MR. CAVALLUZZO: In any event,
7 you testified that you opened the door and we will
8 come back to who was on the other side of
9 the door.

10 AMBASSADOR PILLARELLA: I opened
11 the door, but it was the liaison officer that
12 conducted the business, not me.

13 MR. CAVALLUZZO: But I'm more
14 interested in who was on the other side of the
15 green door for now and we will come back to that.
16 Okay?

17 Now, in respect of Mr. El Maati,
18 there is a very strong public record that in
19 August 2002, while he was detained in Egypt,
20 Mr. El Maati alleged that he was tortured while he
21 was in detention in Syria between, as I said
22 before, November 2001 and sometime in the early
23 part of 2002 when he was transferred to Egypt.

24 I'm wondering whether you
25 were aware of Mr. El Maati's allegations that he

1 was tortured while in Syrian detention at that
2 point in time?

3 AMBASSADOR PILLARELLA: Not at
4 that time. This information came to me much, much
5 later.

6 MR. CAVALLUZZO: By "much, much
7 later", would it be fair to say after you left
8 your post in Syria?

9 AMBASSADOR PILLARELLA: No. I
10 can't recall exactly when it came to my attention,
11 but it was still probably while I was in Syria,
12 but I can't give you a date or a timeframe.

13 MR. CAVALLUZZO: You would agree
14 with me that that would be a very important piece
15 of information which you should have had as the
16 Syrian Ambassador, or Canada's Ambassador to
17 Syria, in respect of knowing what is going on in
18 that country.

19 You would agree with that?

20 AMBASSADOR PILLARELLA: Yes.

21 MR. CAVALLUZZO: Do you know who
22 should have notified you of Mr. El Maati's
23 allegations that he was tortured while in
24 detention in Syria?

25 AMBASSADOR PILLARELLA: To tell

1 you the truth, I don't know. I mean, if there was
2 a report that was prepared, that report should
3 have been copied to me at some point.

4 MR. CAVALLUZZO: Right.

5 AMBASSADOR PILLARELLA: I can't
6 say who in particular should have provided that
7 information.

8 MR. CAVALLUZZO: Do you know if
9 the RCMP liaison officer gave you that information
10 subsequently, that that is how you found out?

11 AMBASSADOR PILLARELLA: No, I
12 cannot tell that because I don't recall how it
13 came to my attention.

14 MR. CAVALLUZZO: Okay. The other
15 questions relating to other detained Canadians at
16 that point in time would be Mr. Almalki,
17 Mr. Abdullah Almalki.

18 Were you aware that he was
19 detained in Syria at that time?

20 AMBASSADOR PILLARELLA: Yes.

21 MR. CAVALLUZZO: How did you
22 become aware of Mr. Almalki's detention?

23 AMBASSADOR PILLARELLA: If I
24 remember well, I think that we were notified by
25 Ottawa that there was a Canadian by the name of

1 Almalki who might be detained in Syria, and
2 immediately we sent a note verbale to the Foreign
3 Ministry asking for access -- first of all, to
4 confirm that --

5 MR. CAVALLUZZO: He was there.

6 AMBASSADOR PILLARELLA: -- we
7 understood that Mr. Almalki was being detained
8 and, therefore, as a Canadian citizen, we were
9 asking for access, consular access.

10 MR. CAVALLUZZO: Did you ever get
11 consular access in respect of Mr. Almalki while
12 you were the Syrian Ambassador?

13 AMBASSADOR PILLARELLA: The
14 Canadian Ambassador you mean.

15 MR. CAVALLUZZO: The Canadian
16 Ambassador.

17 AMBASSADOR PILLARELLA: No.

18 MR. CAVALLUZZO: Okay.

19 AMBASSADOR PILLARELLA: In fact,
20 perhaps I should underline the fact that we
21 started by saying, "Please give us access."

22 If I remember well, the note
23 verbale was sent sometime in August or
24 September -- there is a document on that.

25 MR. CAVALLUZZO: Yes. That

1 is 2002.

2 AMBASSADOR PILLARELLA: We never
3 received a reply until about a year later, or
4 something like that. Of course for us this was a
5 consular case.

6 However, in the meantime the
7 family of Mr. Almalki had indicated to us that we
8 should not continue to deal with the case, for
9 their own reasons, and we respected their wishes.

10 MR. CAVALLUZZO: In the course of
11 your role as Ambassador, did you assist the RCMP
12 in attempting to get access to Mr. Almalki?

13 AMBASSADOR PILLARELLA: No,
14 because they -- I don't think that they ever
15 asked, but I certainly did not assist.

16 MR. CAVALLUZZO: So you are
17 not aware of whether they asked or whether you
18 attempted to assist?

19 AMBASSADOR PILLARELLA: No.

20 MR. CAVALLUZZO: Now, in respect
21 of further -- you don't recall any further
22 activities on behalf of Mr. Almalki; that is
23 whether Mr. Martel ever got access to him?

24 AMBASSADOR PILLARELLA: If that
25 happened it must have happened after I had left

1 Damascus.

2 MR. CAVALLUZZO: Okay.

3 Mr. Commissioner, I am going to
4 now move on to the Arar chronology. It is now
5 five after 11:00. It may be an appropriate time
6 to take the morning break.

7 THE COMMISSIONER: We will take
8 15 minutes.

9 THE REGISTRAR: Please stand.

10 --- Upon recessing at 11:05 a.m. /

11 Suspension à 11 h 05

12 --- Upon resuming at 11:22 a.m. /

13 Reprise à 11 h 22

14 THE REGISTRAR: Please be seated.
15 Veuillez vous asseoir.

16 MR. CAVALLUZZO: I wonder,
17 Mr. Pillarella, if you could have Exhibit P-134 in
18 front of you as well volume 1 of the DFAIT
19 documents. We are now going to move into the
20 situation respecting Mr. Arar. Okay?

21 If we refer initially to the
22 Exhibit P-134, which is the smaller Book of
23 Documents, to the newly redacted tab 1, which is
24 tab 61 of volume 1.

25 I'm going to be referring,

1 Commissioner, throughout to the newly redacted
2 documents, obviously, and maybe pointing out which
3 has been newly redacted.

4 Mr. Pillarella, this is an e-mail
5 which is dated October 10, 2002 and it is sent to
6 Damascus C4R. We understand that that is you?

7 AMBASSADOR PILLARELLA: Mm-hmm.

8 MR. CAVALLUZZO: It is from
9 Mr. Daniel Livermore, who was Director General of
10 Security and Intelligence Bureau.

11 Is that correct?

12 AMBASSADOR PILLARELLA: Correct.

13 MR. CAVALLUZZO: What this e-mail
14 notes is that we are wondering at this point in
15 time where Mr. Arar is. I assume at this point in
16 time, until you get this e-mail, you had never
17 heard of this Mr. Maher Arar?

18 AMBASSADOR PILLARELLA: Never.

19 MR. CAVALLUZZO: Okay. This
20 e-mail points out a couple of things which are
21 important. First of all, it says:

22 "This message is to advise
23 you of the removal of a dual
24 Canadian/Syrian citizen from
25 the United States to Syria."

1 So that is the first indication
2 that we are dealing with a dual national that you
3 referred to earlier.

4 It goes on in the next paragraph
5 to say that:

6 "Maher Arar ... is known to
7 the RCMP, and is one of the
8 subjects of their `O Canada'
9 investigations...."

10 Then it describes some personal
11 aspects of Mr. Arar's employment history, where he
12 lives, and then in the next paragraph describes
13 what happened to him while he was in the United
14 States, and of course was deported sometime in the
15 morning of October 8th.

16 Then it goes on in the next
17 paragraph and it says:

18 "At the direction of JPD.."

19 Who is, of course, Mr. Pardy:

20 "...JPE/Harris..."

21 That is Helen Harris:

22 "...has contacted Leo Martel
23 and asked that he make
24 official inquiries about
25 Arar..."

1 Then it goes on. He is asked to
2 locate him.

3 Then there is this line which has
4 been newly unredacted, or the redaction has been
5 removed, and Mr. Livermore states:

6 "There are concerns that Arar
7 may be aggressively
8 questioned by Syrian security
9 services."

10 Then finally it just says:

11 "Grateful you make requests
12 using your own resources to
13 determine the location,
14 status and condition of
15 Arar."

16 I guess the question that I have
17 is: These concerns that were expressed by
18 Mr. Livermore that "Arar may be aggressively
19 questioned by Syrian" authorities, I ask you what
20 your interpretation of that particular admonition
21 was at the time?

22 AMBASSADOR PILLARELLA: Well, what
23 does the word "aggressively" mean? It can mean
24 anything. Rough handling. I don't know.
25 "Aggressively" means aggressively, that you are

1 forceful in asking whatever questions you may ask.

2 MR. CAVALLUZZO: Did that lead you
3 to suspect that: You know what, this guy may be
4 tortured. They are going to aggressively question
5 this guy Arar. It is quite possible they may
6 torture him.

7 Did that come to mind?

8 AMBASSADOR PILLARELLA: First of
9 all, this is the first I hear of a Canadian
10 citizen being detained. Yes, there is an
11 indication that he -- there are concerns that he
12 might be aggressively questioned. Why should I
13 jump to conclusions at that moment to say, "Oh,
14 that means torture"? Why should I?

15 MR. CAVALLUZZO: Well, I'm not
16 going to answer that question, but I would put it
17 to you that if you are not going to jump to that
18 conclusion at least it would have raised your
19 antennae as to how Mr. Arar might be treated by
20 the Syrians.

21 You agree with that?

22 AMBASSADOR PILLARELLA: But it
23 did. It did. When I saw that, yes, that raised
24 concerns in me.

25 What I'm saying is that, yes,

1 this is a concern, but I don't make a jump and
2 conclude to something else, because I know
3 absolutely nothing at this point when I received
4 that message.

5 MR. CAVALLUZZO: Okay. The other
6 question that I would have, we read a lot in the
7 public record about what goes on while the Syrians
8 are holding detainees incommunicado, and we have
9 this period of time when we don't know where
10 Mr. Arar is. We suspect that he is in Syria.

11 At this point in time, did
12 that come to mind, this knowledge you had that
13 there could be trouble while detainees are
14 held incommunicado while they attempt to extract
15 statements?

16 AMBASSADOR PILLARELLA: Many
17 things go through one's mind. The thing is that
18 between the time that I received this message and
19 the time that I could meet with anybody to ask the
20 question, there was no certainty that he was in
21 Syria. I mean, it was implied that he might be
22 detained in Syria, but we certainly had no
23 certainty that this was the case.

24 MR. CAVALLUZZO: No, but the
25 question is a very clear one, and that is: At

1 this point in time were you concerned that he may
2 be held incommunicado and we know what happens
3 when detainees are held incommunicado in Syria?

4 AMBASSADOR PILLARELLA: I don't
5 know that, because, as I have said, we had no idea
6 that he was even in Syria at the time.

7 If, for instance, I had been
8 certain that he was there, I might have --
9 something might have come to my mind, but at this
10 point I just can't --

11 MR. CAVALLUZZO: Well, let's come
12 then to --

13 AMBASSADOR PILLARELLA: -- I can't
14 agree with your conclusion.

15 MR. CAVALLUZZO: Let us come then
16 to your response at tab 106?

17 AMBASSADOR PILLARELLA: Tab 106?

18 MR. CAVALLUZZO: Yes, tab 106 is a
19 CAMANT note.

20 AMBASSADOR PILLARELLA: Mm-hmm.

21 MR. CAVALLUZZO: This is a letter
22 from Mr. Pardy to Dr. Mazigh, but it captures
23 apparently what you did.

24 If you look at the second
25 paragraph, it says:

1 "The Canadian Ambassador to
2 Syria first raised the matter
3 with Syrian authorities on
4 Friday, October 11
5 immediately after we were
6 informed by the American
7 authorities that Mr. Arar had
8 been deported to Syria."

9 Do you see that?

10 AMBASSADOR PILLARELLA: Yes.

11 MR. CAVALLUZZO: Do you recall on
12 October 11th who you raised the matter with in
13 respect of Syrian authorities?

14 AMBASSADOR PILLARELLA: Let me
15 just read this paragraph.

16 MR. CAVALLUZZO: Okay. Please do.

17 --- Pause

18 MR. CAVALLUZZO: Do you recall who
19 you raised it with on October 11th?

20 AMBASSADOR PILLARELLA: Yes, it
21 must have been with the Vice-Minister of the
22 Foreign Ministry.

23 MR. CAVALLUZZO: Which one is
24 that, Haddad or Mouallem?

25 AMBASSADOR PILLARELLA: It must

1 have been Vice-Minister Haddad.

2 MR. CAVALLUZZO: Just before we go
3 to tab 73, what would you have said to
4 Mr. Mouallem, "There is this Canadian --"

5 AMBASSADOR PILLARELLA: Sorry,
6 Mr. Haddad.

7 MR. CAVALLUZZO: Mr. Haddad. "We
8 have this Canadian who we have been told by the
9 Americans has been deported to Syria. Could you
10 locate him for us?" Something to that effect, or
11 how would you have broached it?

12 AMBASSADOR PILLARELLA: I asked
13 him whether he was in Syria or not.

14 MR. CAVALLUZZO: Mr. Haddad said
15 that he would check and get back to you on that?
16 Obviously he wouldn't have known presumably off
17 the top?

18 AMBASSADOR PILLARELLA: Correct,
19 yes.

20 MR. CAVALLUZZO: Okay. At tab 73,
21 this once again is a CAMANT note from Mr. Pardy
22 dated October 14th where he says:

23 "Spoke earlier today to
24 Ambassador in Damascus and
25 Consular Officer in Amman.

1 Neither mission has had any
2 response from their
3 respective authorities on
4 their requires for
5 information. Damascus has
6 submitted a Note Verbale but
7 Ambassador does not believe
8 that anything will be
9 forthcoming until his contact
10 on these matters return on
11 Wednesday."

12 Do you recall sending a note
13 verbale in respect of Mr. Arar?

14 AMBASSADOR PILLARELLA: If there
15 is a note verbale, the note verbale should be on
16 record somewhere in the --

17 MR. CAVALLUZZO: Do you recall who
18 the contact was, your contact was, who would be
19 returning on Wednesday?

20 You have a calendar --

21 AMBASSADOR PILLARELLA: It was the
22 Vice-Minister.

23 MR. CAVALLUZZO: Vice-Minister
24 Haddad. Okay.

25 AMBASSADOR PILLARELLA: This is

1 incorrect when it says -- no, it is in the other
2 one that it said "another official." It is the
3 same official.

4 MR. CAVALLUZZO: It is the same.
5 It is Mr. Haddad.

6 If you go then to tab 81, I assume
7 this is the diplomatic note that --

8 AMBASSADOR PILLARELLA: Mm-hmm.

9 MR. CAVALLUZZO: This is dated
10 October 15th and obviously is asking about --

11 AMBASSADOR PILLARELLA: October
12 14th.

13 MR. CAVALLUZZO: Or 14th.

14 AMBASSADOR PILLARELLA: Yes.

15 MR. CAVALLUZZO: And is asking
16 about, I guess, the whereabouts of Mr. Arar.

17 These diplomatic notes like this,
18 would this have been prepared by you or
19 Mr. Martel, or do you recall?

20 AMBASSADOR PILLARELLA: No, this
21 would have been prepared by Mr. Martel.

22 MR. CAVALLUZZO: We won't take you
23 through all of them, but there are several
24 diplomatic notes that are exchanged during this
25 period of time.

1 The diplomatic note, of
2 course, would go to the Syrian Ministry of
3 Foreign Affairs?

4 AMBASSADOR PILLARELLA: That is
5 correct. That is the normal procedure.

6 MR. CAVALLUZZO: Right. Now, if
7 you go to tab 96 on October the 17th? As I said,
8 I'm not going to take you through the diplomatic
9 notes in respect of Mr. Arar.

10 While you were there, once again,
11 in Damascus, did you ever get a response from the
12 Ministry of Foreign Affairs to any of your
13 diplomatic notes?

14 AMBASSADOR PILLARELLA: To the
15 best of my recollection, until the day I left the
16 Syrians never acknowledged having Mr. Arar in
17 their country. They never responded to any --
18 even though we were meeting with Mr. Arar,
19 Mr. Martel was meeting with Mr. Arar, I don't
20 believe that officially from the Foreign Ministry
21 we had an acknowledgment that Mr. Arar was in the
22 country.

23 MR. CAVALLUZZO: Okay.

24 At tab 96 we see a couple of
25 e-mails between you and Mr. Pardy.

1 AMBASSADOR PILLARELLA: Mm-hmm.

2 MR. CAVALLUZZO: This is dated
3 October 17th, which is a Thursday. It is to Pardy
4 from you and it says:

5 "I have a meeting scheduled
6 for next Sunday to discuss
7 subject."

8 That, of course, the subject is
9 Mr. Arar.

10 Mr. Pardy's response is:

11 "Franco, a slight reed no
12 matter how distant is most
13 helpful. MJM..."

14 Do you know who that is, MJM?

15 AMBASSADOR PILLARELLA: That was
16 the ADM at the time, John McNee.

17 MR. CAVALLUZZO: Okay.

18 "(Mr. McNee) will also raise
19 the matter with the Syrian
20 ambassador here later today.
21 Gar."

22 Was this once again Mr. Haddad --

23 AMBASSADOR PILLARELLA: Haddad.

24 MR. CAVALLUZZO: -- that you would
25 be meeting with on the Sunday?

1 If you go to tab 106 now. I
2 guess this is just referencing that there will
3 be a meeting on -- there is reference to
4 October 17th. Just picking up that same paragraph
5 it says:

6 "The Canadian Ambassador ...
7 raised the matter ... on
8 Friday, October 11
9 immediately after we were
10 informed by the American
11 authorities that Mr. Arar had
12 been deported to Syria. He
13 has again raised the matter
14 with them including most
15 recently on October 17."

16 Then it goes on:

17 "So far the Syrians have not
18 responded to his
19 representations. It appears
20 that the Syrians are fully
21 aware of the matter. There
22 appears to be a
23 misunderstanding of Maher's
24 citizenship on the part of
25 the Syrians with one official

1 suggesting that he has
2 American citizenship."

3 That reference there that the
4 Syrians seem to be fully aware of the matter and
5 are confusing his citizenship, do you know where
6 Mr. Pardy was getting that information?

7 AMBASSADOR PILLARELLA: I really
8 don't know, for the very simple reason that I have
9 learned all this during my meeting on the 20th.
10 So I don't know where he is getting that
11 information from.

12 MR. CAVALLUZZO: Okay. At the
13 previous tab, tab 105, just to keep in chronology,
14 this is a message dated October 19th from
15 Mr. Pardy to you in Damascus, and it says:

16 "Sub: Syria: Detained
17 Canadians."

18 And it states:

19 "Further to our conversation
20 this morning this is to
21 confirm your discussion on
22 Sunday morning you raise the
23 following cases."

24 Certainly the first case that you
25 are to raise is Mr. Maher Arar, et cetera.

1 "Mr. Arar entered Canada on
2 September 1, 1987 and became
3 a citizen of Canada in 1991.
4 It is our understanding that
5 Mr. Arar was deported from
6 the United States on
7 October 8 and was escorted to
8 Syria by American officials.
9 He has Canadian passport ...
10 does not have American
11 citizenship."

12 Then it says:

13 "Mr. Arar is not a subject of
14 a police investigation in
15 Canada and can return to
16 Canada at any time."

17 So that would seem to be the
18 initial indication that we seem to see from
19 Mr. Pardy, is that he wants the return of Mr. Arar
20 as soon as possible --

21 AMBASSADOR PILLARELLA: Yes.

22 MR. CAVALLUZZO: -- is the
23 direction we are getting. Okay.

24 Now, let's come to your meeting on
25 October the 20th. If we can go back to the

1 smaller book there is a newly redacted document.
2 This is at tab 2.

3 This is a message from Damascus to
4 Ottawa, Mr. Pardy and ISI and ISD, and it is
5 stated that:

6 "Ambassador Pillarella and
7 the Third Secretary..."

8 That is a Canadian official, the
9 Third Secretary?

10 AMBASSADOR PILLARELLA: Yes.

11 MR. CAVALLUZZO: Okay.

12 "...met with the (somebody)
13 to request confirmation
14 concerning the whereabouts of
15 Mr. Arar, a Syrian-Canadian
16 allegedly deported to Syria
17 by US authorities."

18 It says "As you know" and then it
19 is blacked out.

20 Then it says:

21 "He therefore remains the
22 essential conduit to the
23 security services."

24 I assume that is the person
25 that you were talking to is the conduit with

1 security services.

2 Is that correct?

3 AMBASSADOR PILLARELLA: That is
4 correct.

5 MR. CAVALLUZZO: In the next
6 paragraph we see that you briefed this individual,
7 emphasizing that he wasn't the subject of a police
8 inquiry. Then you talked about the American
9 citizenship, and so on, and tried to clarify that.

10 In the next paragraph you
11 acknowledged that there was this dual citizenship
12 problem and the Syrians may not regard him as a
13 Canadian citizen. However, it seems that you:

14 "...emphasized, however, that
15 it was in Syria's interests,
16 given our good bilateral
17 relations, to co-operate on
18 this case."

19 It goes on:

20 "The issue of Arar's
21 whereabouts was coming under
22 increasing scrutiny by the
23 media and the Canadian public
24 and we did not want this
25 issue to mar our good

1 relations."

2 So that what you seem to be doing
3 here, and correct me if I'm wrong, you seem to be
4 trying to apply a bit of pressure on the Syrians,
5 saying, "This is becoming a notorious situation in
6 Canada and let's cooperate and resolve this
7 problem so that it doesn't mar our relationship"?

8 AMBASSADOR PILLARELLA: That is
9 correct.

10 MR. CAVALLUZZO: Okay. Then in
11 the fourth paragraph it states that whoever this
12 person is:

13 "...stated emphatically that
14 Arar was not in Syria."

15 It goes on.

16 "He suggested that we request
17 more detail from the US
18 including an itinerary and
19 flight numbers. The ...
20 stated more than once that he
21 had not heard from the
22 Americans regarding this case
23 and did not understand why
24 the Americans would have
25 deported Arar to Syria when

1 he..."
2 Held a Canadian passport."
3 Then he said:
4 "...he was `99% certain' that
5 Arar was not in Syria..."
6 Just an administrative matter,
7 Mr. Commissioner.

8 In this newly redacted document
9 you will see that there is a white box and it says
10 "Not relevant and/or is personal information."
11 This is the position of the government. We
12 haven't had the opportunity to go carefully
13 through these documents to assess whether or not,
14 in our view, they are relevant. So that when that
15 notation is there it is the government's position.

16 This meeting was held,
17 Mr. Pillarella, on -- is it October? I guess
18 October 19th.

19 Is that correct?

20 AMBASSADOR PILLARELLA: Twentieth.

21 MR. CAVALLUZZO: Twentieth,

22 Because it says, if you look a
23 third of the way down, it says:

24 "REFTEL - 19 OCT 02"

25 AMBASSADOR PILLARELLA: That's

1 right, but this message is dated from Damascus
2 October 20th.

3 MR. CAVALLUZZO: Right. Okay, so
4 that is the --

5 AMBASSADOR PILLARELLA: The report
6 would have been drafted immediately after the
7 meeting and sent back to Ottawa.

8 MR. CAVALLUZZO: Okay. That is
9 the Sunday meeting that we referred to earlier?

10 AMBASSADOR PILLARELLA: That is
11 correct.

12 MR. CAVALLUZZO: Okay. If we go
13 back to volume 1, the bigger book in front of you,
14 we see that we get confirmation that Mr. Arar is
15 in Syria at tab 119.

16 This is once again a CAMANT note
17 and is dated October 21, and it states that:

18 "JPD/Pardy just had a call
19 from DMCUS/Pillarella
20 advising that his contact in
21 the Syrian [Ministry of
22 Foreign Affairs] (Deputy
23 Minister, MFA)..."

24 Is that Mr. Haddad?

25 AMBASSADOR PILLARELLA: Yes.

1 MR. CAVALLUZZO: Okay.

2 "...informed him that subj.
3 has just arrived in Syria
4 from Jordan. HOM Pillarella
5 has requested Consular access
6 to subj., so we are awaiting
7 response to this request."

8 Then it goes on that Mr. Pardy
9 discussed this with Mr. Arar's relatives.

10 A couple of questions. First of
11 all, when you received this notification was it a
12 telephone call from Mr. Haddad?

13 AMBASSADOR PILLARELLA: Yes. It
14 was late in the evening, I was at the residence.
15 I don't recall exactly the time, but it was
16 between 9 and 10 o'clock in the evening that I
17 received the telephone call from the Vice-Minister
18 informing me of the presence of Mr. Arar in Syria.

19 MR. CAVALLUZZO: If we go back to
20 tab 2 in terms of the meeting with this gentleman
21 on the previous day where he says he was 99 per
22 cent certain that Arar was not in Syria, did this
23 advice receive -- or were you concerned about
24 this, that you were clearly getting a different
25 message from Haddad and then the next day he

1 phones to say, "Oh, by the way, the guy is here.

2 He just got here from" --

3 AMBASSADOR PILLARELLA: Look,
4 there was nothing that I had any idea whether he
5 was there or whether he was not there. He had
6 told me that he was certain 99 per cent that he
7 was not in Syria, but that doesn't necessarily
8 mean that he was lying to me because the next day
9 he came back and says "Yes, he is here." It might
10 simply have meant that the information had not
11 been passed on to him. When he made inquiries he
12 was told, "Yes, he is here."

13 So there is nothing that
14 should have -- yes?

15 MR. CAVALLUZZO: You had made
16 inquiries of him on the 17th. You talked to him
17 before on the 11th, the 17th, the 20th, he said
18 99 per cent sure he is not here. He phones you on
19 the 21st and says, "By the way, he is here."

20 AMBASSADOR PILLARELLA: Please,
21 please, don't forget that he was out of town. So
22 I may have spoken with him but then he left town
23 so I could not speak with him. And he probably
24 had other business to attend to.

25 So the fact that some time

1 elapsed between the first time and the second
2 time I spoke with him doesn't necessarily mean
3 anything specific.

4 MR. CAVALLUZZO: Right. The
5 question that I would have is?: When you got
6 this information on the 21st from Haddad that
7 he was in Syria, did that raise any concerns
8 with you? "You know what, this guy may have been
9 held incommunicado between October 8th, 9th and
10 the 21st?"

11 Did that come to mind?

12 AMBASSADOR PILLARELLA: Why should
13 I have thought of something like that when, at the
14 same time, Ottawa was saying that maybe he was
15 in Jordan?

16 So I had no basis on which to say,
17 "Oh, maybe he is been detained or eight, nine,
18 10 days before they tell me that he is here."

19 MR. CAVALLUZZO: So at this point
20 in time going through your head as well there was
21 a possibility that he could be in Jordan and
22 therefore that --

23 AMBASSADOR PILLARELLA: At this
24 point in time there was only one concern for me:
25 Determine where he was. Suddenly we had

1 determined that he was in Syria, and that was the
2 important thing.

3 MR. CAVALLUZZO: Just one
4 question, once again in respect of tab 2 of the
5 smaller book.

6 I notice now that ISI and ISD are
7 being copied on the e-mails relating to Mr. Arar.
8 Could you tell us how the interest of ISD and ISI
9 was engaged as a result of Mr. Arar's situation?

10 AMBASSADOR PILLARELLA: I don't
11 know why you seem to be surprised when the first
12 message that I received about Mr. Arar was from
13 ISD, because there was -- there seemed to be a
14 security aspect of it. So it is only normal that
15 suddenly I do locate where Mr. Arar is and I copy
16 both the ISD, ISI and the Consular Bureau.

17 MR. CAVALLUZZO: Yes, okay.

18 Could you go to the last tab,
19 tab 125. You will see that this is October 21, it
20 is an e-mail from Pardy. It states that the
21 information you received -- it says:

22 "I have just received a call
23 from the Canadian Ambassador
24 in Damascus. He was just
25 contacted by the person with

1 whom he spoke yesterday and
2 was informed that Mr. Arar
3 arrived in Syria earlier
4 today from Jordan."

5 So the information that you
6 received at this point in time was that on
7 October 21st -- that Arar had arrived earlier that
8 day on October the 21st from Jordan?

9 AMBASSADOR PILLARELLA: Correct.

10 MR. CAVALLUZZO: Okay.

11 I would like to move now in terms
12 of time to another newly redacted document. This
13 is Exhibit P-137.

14 AMBASSADOR PILLARELLA: Thank you.

15 MR. CAVALLUZZO: If you go to
16 page 7 of 15, this is a note to you from
17 Mr. Pardy.

18 AMBASSADOR PILLARELLA: Mm-hmm.

19 MR. CAVALLUZZO: He, in effect as
20 the Head of Consular affairs, is giving certain
21 guidance or directions to you. I just want to
22 read those to you starting in paragraph number 2.

23 It says:

24 "In your representations to
25 the Syrians the following

1 points should be registered:
2 - Mr. Arar is a citizen of
3 Canada and has lived
4 continuously in Canada since
5 1987. He has extensive
6 family ties here...
7 - For reasons that are not
8 known to us, the American
9 authorities decided to deport
10 him on October 8 to Syria via
11 Jordan..."

12 And so on. It goes on.

13 Then third:

14 "The Government of Canada
15 would appreciate the
16 cooperation of the Syrian
17 authorities in arranging a
18 consular visit at the
19 earliest possible time so
20 that we can convey to
21 Mr. Arar family proof of his
22 well being."

23 Then, finally:

24 "Equally, the government of
25 Canada would appreciate if

1 the government of Syria could
2 permit the return of Mr. Arar
3 to Canada, a country that he
4 can return to at any time."

5 So it would appear that Mr. Pardy
6 once again is giving an indication that Arar can
7 return at any time with the cooperation of the
8 Syrian authorities?

9 AMBASSADOR PILLARELLA: Correct.

10 MR. CAVALLUZZO: Okay. We see, if
11 you go to the very first page of Exhibit P-137,
12 that there is a meeting, a 45-minute meeting
13 between yourself and General Khalil, the head of
14 Syrian Military Intelligence.

15 Is that correct?

16 AMBASSADOR PILLARELLA: Correct.

17 MR. CAVALLUZZO: This meeting was
18 held on October 22nd?

19 AMBASSADOR PILLARELLA: Correct.

20 MR. CAVALLUZZO: Which would have
21 been Tuesday of the following week?

22 AMBASSADOR PILLARELLA: Mm-hmm.

23 MR. CAVALLUZZO: Could you tell us
24 how this meeting came about, that you were meeting
25 Mr. Khalil?

1 AMBASSADOR PILLARELLA: Well,
2 first of all perhaps I should give you a wider
3 context how this happened.

4 You must understand that, first of
5 all, when it comes to dual nationals the Syrians
6 do not recognize the second nationality of someone
7 who is a Syrian citizen as well. Therefore, to
8 obtain a meeting with someone like General Khalil
9 even to discuss the case was rather exceptional.
10 In particular, it was exceptional also because
11 someone who is detained by military intelligence,
12 they don't allow outsiders to come in and to
13 discuss these cases.

14 So the fact that I had been
15 able to obtain this meeting showed already a
16 certain favourable disposition to try to be
17 cooperative with us.

18 At that point I still did not
19 know to what extent this cooperation would go but,
20 in any event, I think it is important to
21 understand that.

22 MR. CAVALLUZZO: Okay. The
23 question was, though, how did the meeting happen?
24 Did General Khalil phone you up and say, "Come on
25 over Franco"?

1 AMBASSADOR PILLARELLA: No, that
2 morning I received a telephone call from my
3 contact at the Foreign Ministry and said,
4 "Ambassador, General Khalil will see you in half
5 an hour." That is how the meeting happened.

6 MR. CAVALLUZZO: And --

7 AMBASSADOR PILLARELLA: Within
8 half an hour I was at the office of the General.

9 Now, I must say that I didn't know
10 how to get there. My driver was instructed to go
11 to a certain place. At that place somebody got
12 into the car and directed the driver to go to this
13 location where General Khalil was, and we were
14 shown in and I met with General Khalil.

15 MR. CAVALLUZZO: Do you know the
16 location at which you met General Khalil? Was it,
17 first of all, in Damascus?

18 AMBASSADOR PILLARELLA: It was in
19 Damascus. It was a sort of a compound, but I had
20 no idea what that compound was. It was obviously
21 a security compound, but I did not know the name
22 or anything.

23 MR. CAVALLUZZO: Did you
24 subsequently come to find out that that is what is
25 called the Palestine Branch?

1 AMBASSADOR PILLARELLA: No.

2 MR. CAVALLUZZO: Did you ever
3 inquire as to whether it was the Palestine Branch?

4 AMBASSADOR PILLARELLA: No.

5 MR. CAVALLUZZO: Do you know of
6 the existence of the Palestine Branch?

7 AMBASSADOR PILLARELLA: Well, I
8 have heard about it afterwards, but my answer is
9 still the same, I had no idea what this place was
10 called nor that it was the Palestine Branch.

11 MR. CAVALLUZZO: Okay. Was
12 this the first occasion upon which you met
13 General Khalil?

14 AMBASSADOR PILLARELLA: No, it was
15 not.

16 MR. CAVALLUZZO: When had you met
17 Khalil before?

18 AMBASSADOR PILLARELLA:
19 Commissioner, once again, I believe that I have
20 given indication of this in camera and under NSC I
21 don't know if I can answer that question.

22 MR. CAVALLUZZO: Well, you can
23 answer this question then: How many times had you
24 met General Khalil prior to October 22nd?

25 AMBASSADOR PILLARELLA: Once only.

1 MR. CAVALLUZZO: Okay. This
2 particular meeting with General Khalil, was it in
3 his office, or was it in a boardroom, was it
4 located somewhere in a --

5 AMBASSADOR PILLARELLA: I was
6 taken into some kind of living room, there was
7 even a dining table. I don't know if he uses that
8 for entertaining purposes, but in any event, I was
9 taken into that room and then General Khalil
10 came in.

11 MR. CAVALLUZZO: The prior
12 occasion upon which you met General Khalil, was it
13 the same location? Was it his office, in other
14 words, if that was his office?

15 AMBASSADOR PILLARELLA: It was in
16 the same location, yes.

17 MR. CAVALLUZZO: Okay. We will
18 come now to the first page of 137 because it
19 describes the meeting itself. I just have a
20 number of questions relating to the meeting.

21 First of all, in paragraph 2
22 it says:

23 "Gen. Khalil said that Arar
24 appeared at the Jordan/Syrian
25 border yesterday without

1 warning, escorted by
2 Jordanian officials who
3 handed him over. When I
4 asked the General whether the
5 Americans had not forewarned
6 him of Arar's arrival..."

7 We don't know the answer to that.

8 In any event, it goes on in
9 paragraph 3. It states:

10 "According to Gen. Khalil,
11 Arar has apparently already
12 admitted that he has
13 connections with terrorist
14 organizations, (the General
15 alluded to Pakistani groups)
16 and they would continue to
17 interrogate him."

18 At that point in time where
19 the General advises that Arar arrived the day
20 before at the Syrian border and that he has
21 already admitted to terrorist connections, did
22 you think that that was a pretty quick admission
23 by Mr. Arar? Did that raise any questions in
24 your mind?

25 AMBASSADOR PILLARELLA: I don't

1 know if this was a quick admission by Mr. Arar,
2 and I really do not know what happened. But if
3 you ask me how this is possible, one can imagine
4 that Mr. Arar had been picked up in New York, had
5 been detained by the Americans for two weeks, I
6 believe --

7 MR. CAVALLUZZO: Mm-hmm.

8 AMBASSADOR PILLARELLA: -- had
9 been interrogated by the Americans, despite the
10 fact that there was consular access. Then,
11 suddenly, in the middle of the night he is removed
12 from New York, he is put on a plane, he is
13 taken he doesn't know where, he arrives in a
14 foreign country and then he is removed to another
15 foreign country. He must have been very afraid --

16 MR. CAVALLUZZO: Mm-hmm?

17 AMBASSADOR PILLARELLA: -- not
18 knowing what was happening to him. So one can
19 speculate that in order to avoid any further -- I
20 don't know how to call it -- pressure put on him,
21 that he decided that he would indicate to them
22 whatever they wanted to hear. I don't know.

23 I mean, if you are asking me why
24 in this short time this could be an explanation,
25 but I really don't know.

1 MR. CAVALLUZZO: No, I'm not
2 asking you that. I'm asking you whether when you
3 are given this information in terms of a context
4 where there is a period of time between
5 October 8th and October 21st where we don't know
6 where Mr. Arar is, and then the Syrians through
7 Khalil tells you that he appeared the day before,
8 he has is already admitted to terrorist
9 connections, I'm wondering whether you suspected
10 that Mr. Arar may have been tortured and as a
11 result gave an admission?

12 AMBASSADOR PILLARELLA: I have no
13 basis on which to say, yes, he has been detained
14 for eight days, ten days, I don't know. All I
15 know is what I'm told. I have to be sceptical,
16 but I have no way of saying, yes, he was there for
17 10 days. No.

18 MR. CAVALLUZZO: Right. But we
19 are going to come to a document wherein you are
20 advised that he was there for 10 days.

21 AMBASSADOR PILLARELLA: Yes.

22 MR. CAVALLUZZO: But before coming
23 to that document I am putting it to you that in
24 light of the public record of the human rights
25 abuses that we talked about, particularly with

1 these kinds of forces, that I'm putting it to you
2 that when one of these people, one of these
3 security forces people, tells you that they got an
4 admission within --

5 AMBASSADOR PILLARELLA:

6 Apparently --

7 MR. CAVALLUZZO: Can I finish the
8 question, please?

9 Got an admission within 24 hours,
10 I'm putting it to you that in light of a public
11 record, there could have been a reasonable
12 suspicion that that admission was the product of
13 torture?

14 AMBASSADOR PILLARELLA: I don't
15 know that because, again, first of all, the text
16 says "apparently." So that is not even -- that is
17 not a certainty.

18 Second, I really don't know what
19 happened. I have absolutely no basis on which to
20 say, "Yes, he has been detained for eight,
21 10 days," and what happened in these 10 days, I
22 have absolutely no knowledge of that.

23 MR. CAVALLUZZO: But are you
24 saying that if you were aware that he was there
25 for eight or 10 days then that would have given

1 rise to suspicions of torture?

2 AMBASSADOR PILLARELLA: You see --

3 MR. CAVALLUZZO: Can you answer
4 the question first and then you can expand on it.

5 AMBASSADOR PILLARELLA: All I can
6 say is this: The Syrians are not obligated in
7 anything because they consider that he is a Syrian
8 citizen, he is not a Canadian citizen. They
9 accept, first, through the Vice-Minister to
10 arrange a meeting, and therefore they are willing
11 to discuss this with me. The fact is that after
12 this discussion the Syrians agree to have a
13 Canadian official to meet with him, so why should
14 I at this point, not knowing what has happened,
15 immediately jump to your conclusion, torture?

16 MR. CAVALLUZZO: Well, I guess one
17 of the bases might be a knowledge of the public
18 record that this was a real possibility?

19 AMBASSADOR PILLARELLA: But in
20 that case the Syrians would have simply ignored my
21 request for a meeting, if that --

22 MR. CAVALLUZZO: I'm not
23 suggesting that you should have said, "Khalil, you
24 tortured Mr. Arar." All I'm asking is whether
25 your antennae were raised, saying, "You know what,

1 there is a real possibility here that they are
2 abusing Mr. Arar. That he has come up with an
3 admission within a short period of time."

4 That is the only question. Did
5 you suspect that?

6 AMBASSADOR PILLARELLA: Well, I
7 gave you an explanation of why, for instance, an
8 admission might have been made in 24 hours.

9 MR. CAVALLUZZO: Right.

10 AMBASSADOR PILLARELLA: But --
11 but, in order to be able to verify that Mr. Arar
12 was in good shape or that he was safe, was
13 precisely to get access. That was the most
14 important thing for me to get from the General to
15 be able to verify directly to meet with
16 Mr. Arar --

17 MR. CAVALLUZZO: I understand
18 that totally and that is a very reasonable method
19 of operation.

20 The only question I'm asking is:
21 Before you get access, are you suspicious that
22 perhaps Mr. Arar has been tortured or abused in
23 any way?

24 AMBASSADOR PILLARELLA: All I can
25 say is that we wanted to have access to him as

1 quickly as possible in order to verify that he was
2 safe, and the only way to do that was to obtain
3 permission to meet with him.

4 Now, anything can go through one's
5 mind and say, "Yes, maybe he is been handled
6 roughly, I don't know. Maybe his detention
7 conditions are bad." All this I will admit to
8 you, all these things go through one's mind --

9 MR. CAVALLUZZO: But I'm asking,
10 did it go through your mind?

11 AMBASSADOR PILLARELLA: Of course
12 it did go through my mind.

13 MR. CAVALLUZZO: That is all I
14 was asking.

15 You are saying that on
16 October 22nd when Khalil is giving you this
17 information, going through your mind was the
18 possibility that he was tortured?

19 AMBASSADOR PILLARELLA: I didn't
20 say that he was tortured, that he might have been
21 roughly handled, because I had no basis at that
22 time to say torture.

23 MR. CAVALLUZZO: Right.

24 AMBASSADOR PILLARELLA: I have
25 nothing to go by and that is what we wanted to

1 verify.

2 MR. CAVALLUZZO: I'm going to
3 leave this area very shortly, but this is what you
4 had at that point in time:

5 You had the public record, which
6 we have reviewed with you. Right?

7 You had the letter from Livermore,
8 the very first indication saying that Mr. Arar may
9 be "aggressively" questioned. You had that.

10 Unfortunately, at this time you
11 didn't have the knowledge that another Canadian
12 had alleged that he was tortured a month or two
13 before that time? You didn't know of El Maati's
14 allegations?

15 AMBASSADOR PILLARELLA: No.

16 MR. CAVALLUZZO: So that what you
17 had at that point in time you had Livermore saying
18 aggressively questioned; you had the public
19 record; and on top of that, of course, you have a
20 situation where the General says he arrived
21 yesterday, he is apparently admitted already.

22 So those are the objective facts
23 that you had.

24 The final question, once again
25 is -- and I assume the answer is "yes" -- is you

1 suspected there was a possibility of mishandling
2 in terms of extracting this admission?

3 AMBASSADOR PILLARELLA: I will
4 answer: You quoted Mr. Livermore and I will quote
5 him back to you. I believe that Mr. Livermore
6 said, "You cannot go from the generic to the
7 particular." He testified to the effect that he
8 had known cases when he was in South America where
9 Canadians were detained in a country with the
10 worst record of human rights and yet those
11 individuals were not submitted to torture.

12 MR. CAVALLUZZO: But why, because
13 they were Canadians?

14 AMBASSADOR PILLARELLA: No,
15 because -- you cannot -- yes, you can have a
16 general statement, allegations, but it doesn't
17 necessarily mean that because you have those
18 general allegations that in each particular case
19 everyone is going to fit into that.

20 MR. CAVALLUZZO: Oh, absolutely.
21 Go on.

22 AMBASSADOR PILLARELLA: My answer
23 to what you said before, you say you had this, you
24 had that. Indeed. But I can also say that we had
25 suddenly the Syrians showing cooperation with us,

1 so why, with this willingness to cooperate with
2 us, should I jump to the conclusion of torture?

3 MR. CAVALLUZZO: You are
4 misunderstanding the question. The question isn't
5 saying to the Syrians, "You have tortured this
6 guy." The only question I'm saying is that there
7 was a reasonable suspicion -- in all of the
8 circumstances that I mentioned there could have
9 been a reasonable suspicion that they extracted
10 this confession through mishandling or torture?
11 That's all I'm saying. And I think you said that,
12 yes, you thought --

13 AMBASSADOR PILLARELLA: I said
14 because we could imagine that maybe something had
15 happened it was important that we could get and
16 see Mr. Arar immediately, and that happened.

17 MR. CAVALLUZZO: Mm-hmm. In light
18 of the fact that Khalil goes on to say they would
19 continue to interrogate him?

20 AMBASSADOR PILLARELLA: Mm-hmm.

21 MR. CAVALLUZZO: Did that raise
22 causes for concern? In other words, if you are
23 saying if there is a possibility that they have
24 extracted a confession through torture or
25 mishandling and then they are saying on top of

1 that, "We are going to continue to interrogate
2 him", did that raise any concerns?

3 AMBASSADOR PILLARELLA: The word
4 "interrogate" has been used as I could have used
5 any other word. In other words, what it means is
6 that the Syrians believe that Mr. Arar has ties
7 with terrorist organizations, and therefore --
8 again I come back to the word "apparently" which
9 means that there is no certainty -- they will
10 continue to investigate, call it interrogate,
11 "interroger", whatever word you want to use, but
12 they will continue to try and find out whether
13 Mr. Arar is indeed connected to terrorist
14 organizations and whether this represents a threat
15 to their country.

16 MR. CAVALLUZZO: And you told us
17 before in terms of the contextual evidence
18 regarding the human rights situation in Syria, the
19 political conditions, that they treat terrorism
20 very, very seriously, and indeed that is one of
21 the justifications upon which they have had
22 emergency rule and marshal law for over 40 years.

23 Isn't that correct?

24 AMBASSADOR PILLARELLA: Mm-hmm,
25 yes.

1 MR. CAVALLUZZO: Okay. So if
2 they have a guy that they suspect is a terrorist,
3 they have extracted a confession within 24 hours
4 and then they say to you, "By the way, we are
5 going to continue to interrogate him because we
6 suspect he is a terrorist," did that not raise
7 questions in your mind as to how they were going
8 to treat Mr. Arar?

9 AMBASSADOR PILLARELLA: I can only
10 repeat what I have said before. We had no
11 evidence at that point of anything and we want to
12 ensure that we could have access to Mr. Arar
13 precisely to determine in what condition he was.

14 MR. CAVALLUZZO: By "we didn't
15 have any evidence," the only evidence you could
16 have had would be an admission by the Syrians that
17 they tortured him, and presumably they wouldn't
18 do that?

19 AMBASSADOR PILLARELLA: Perhaps I
20 did not express myself correctly. What I wanted
21 to say is that I did not know what had happened.
22 In order for us to find out what had happened, we
23 needed to have access to Mr. Arar.

24 MR. CAVALLUZZO: Okay.

25 AMBASSADOR PILLARELLA: And this

1 is what I obtained from General Khalil.

2 MR. CAVALLUZZO: So if we go,
3 then, to the next paragraph, Mr. Pillarella,
4 paragraph 4, we see that Khalil's ready to
5 cooperate. He would allow consular officer to
6 visit with Mr. Arar. This is an exceptional
7 measure, stated in this note, and it says:

8 "...the consular officer
9 could continue to visit Arar
10 at intervals of 4-5 days..."

11 Then the concluding comment you
12 say that:

13 "In the Syrian context this
14 apparent openness and
15 readiness to cooperate by the
16 security service is unheard
17 of. Yet, I believe that Gen.
18 Khalil will deliver on his
19 promises."

20 You are talking about the promises
21 of cooperation and consular access there.

22 Is that correct?

23 AMBASSADOR PILLARELLA: Consular
24 access, yes, because that was our main concern.
25 That was my main concern at the time.

1 You see, once again, when I hear
2 the head of Syrian Military Intelligence
3 accepting, on an exceptional basis, unheard of --
4 this is what has to be kept in mind. This is
5 unheard of in Syria, that they would allow a
6 foreign diplomat to meet with someone who is
7 considered to be a Syrian citizen, that (a) they
8 accept that we meet with him, and (b) that those
9 visits can continue to take place almost on a
10 weekly basis.

11 I put it to you this simply never
12 happened before. Never.

13 And therefore when you say to me,
14 "Didn't this go through your mind that he might be
15 roughly handled and tortured?" Yes, indeed,
16 because of the reputation of -- but at the same
17 time I have to ask myself what would be the
18 interest of the Syrians to do that when they are
19 accepting that a Canadian consular officer will be
20 able to meet with Mr. Arar and will be able to
21 meet with him on a weekly basis.

22 MR. CAVALLUZZO: Well, you
23 provide the answer in paragraph 5. You state in
24 paragraph 5:

25 "Syrians must be aware of the

1 interest this case has
2 generated in Canada,
3 something I emphasized
4 several times..."

5 So that is one reason why Khalil
6 may have given you access.

7 AMBASSADOR PILLARELLA: Indeed,
8 but --

9 MR. CAVALLUZZO: It goes on. It
10 goes on and talks about our bilateral
11 relationship. It says:

12 "...during our conversation,
13 and in the context of the
14 present regional unrest,
15 Syria is becoming more
16 conscious of the image it
17 projects abroad."

18 Of course what is going down at
19 this time is there is the prospect of a war in
20 Iraq and Syrians wanted Canadian cooperation.

21 Isn't that correct?

22 AMBASSADOR PILLARELLA: But all
23 this was in our favour.

24 MR. CAVALLUZZO: Absolutely.

25 AMBASSADOR PILLARELLA: This was

1 in favour of Mr. Arar, so it is irrelevant. For
2 whatever reason the important thing was that we
3 were getting what we wanted, access to Mr. Arar.

4 MR. CAVALLUZZO: But you were
5 asking me the question, why were they giving us
6 such exceptional access, and I'm just giving you
7 your response in paragraph 5, is that we had some
8 leverage with Syria, in other words, at that point
9 in time.

10 AMBASSADOR PILLARELLA: It was
11 little leverage, but some leverage.

12 MR. CAVALLUZZO: Some leverage,
13 okay.

14 Then the final sentence in that
15 paragraph is very telling:

16 "They may also believe that
17 they will gain more credit in
18 letting a Canadian consular
19 officer visit Arar, when they
20 could legitimately claim that
21 when in Syria he is only a
22 Syrian citizen."

23 So it would seem, at least at that
24 point in time, that what you are saying is, you
25 know what, we have some leverage here.

1 Let me just finish the question.

2 AMBASSADOR PILLARELLA: Sorry.

3 MR. CAVALLUZZO: I'm repeating
4 what you said. This is becoming a notorious
5 dispute in Canada. They are concerned about their
6 image in Canada. On top of that we have a very,
7 very difficult situation in the Middle East where
8 there may be a war in Iraq and, as a result of
9 that, they may want to have a good relationship
10 with Canada. As a result of that, that may be why
11 they are being cooperative at this point in time.

12 AMBASSADOR PILLARELLA: I was
13 using the very few things that I had in hand to
14 obtain that access.

15 MR. CAVALLUZZO: Okay.

16 Finally, if you go to the next
17 page of your note, Mr. Pillarella, it says, in the
18 last sentence:

19 "Finally, General Khalil has
20 promised to pass on to me any
21 information they may gather
22 on Arar's implication in
23 terrorist activities."

24 I want to ask you first of all,
25 did you ask for that?

1 AMBASSADOR PILLARELLA: I don't
2 know how this came about. I mean, I can't say the
3 exact -- but it was important for me to know
4 exactly what it was that the Syrians had or
5 suspected that Mr. Arar might be involved in.
6 Therefore, any information I could send back to
7 Ottawa and say, "Look, this is what the Syrians
8 claim" and this could be checked whether it was
9 true or not, this would play -- or would be in
10 favour of Mr. Arar.

11 So the information that he
12 promised to provide was that this would be
13 something welcome because we would know everything
14 that we needed to know if we wanted to defend
15 Mr. Arar's interests.

16 MR. CAVALLUZZO: You say this
17 would be in the interests of Mr. Arar.

18 AMBASSADOR PILLARELLA: Yes.

19 MR. CAVALLUZZO: I guess it
20 wouldn't be if in their interrogations they are
21 torturing him. Right? If they are going to
22 continue their interrogation and they are engaging
23 torture methods, then it wouldn't be in the
24 interests of Mr. Arar for them to, at the end of
25 the process, give you the information they have

1 extracted through these kinds of methods?

2 AMBASSADOR PILLARELLA: But again,
3 you are jumping to conclusions, and at that time,
4 at that particular point in time, during my first
5 meeting with General Khalil, I could not jump to
6 that conclusion for the reasons that I gave you
7 before. That is the reason why, I repeat once
8 more, we needed to have access to Mr. Arar.

9 MR. CAVALLUZZO: Just out of
10 interest, did you say to the General, "Listen,
11 this is a very highly visible case in Canada and I
12 would ask you not to continue your interrogation
13 of Mr. Arar until such time as we get to see him"?

14 AMBASSADOR PILLARELLA: We saw him
15 the very next day, and he said that we would see
16 him immediately so --

17 MR. CAVALLUZZO: A lot can
18 happen in 24 hours though, as we have seen from
19 the first statement.

20 AMBASSADOR PILLARELLA: But again
21 I say to you, if you are severely torturing
22 somebody how can you produce that somebody less
23 than 24 hours later to a foreign diplomat?

24 MR. CAVALLUZZO: Okay. Well,
25 let's see what happens 24 hours later.

1 If you go back to the little book?

2 AMBASSADOR PILLARELLA: Which one?

3 MR. CAVALLUZZO: This is the
4 Exhibit P-134, the little book of documents that
5 are newly redacted. This is tab 3.

6 Just before we come to the first
7 consular visit, which is that of Mr. Martel -- and
8 we will have the opportunity to ask him questions
9 next week.

10 Just prior to doing that, in terms
11 of the General's suggestion or offer that he would
12 give you the results of the interrogation, did it
13 come to mind that that may have left the General
14 with a mixed signal in the sense that, you know,
15 on the one hand you are saying, "Release this guy
16 immediately" and on the other hand "Thanks for the
17 information on this guy after the interrogation",
18 did that come to mind?

19 AMBASSADOR PILLARELLA: No.

20 MR. CAVALLUZZO: Okay. Then let
21 us come to the consular visit, which I understand
22 you did not attend. This was Mr. Martel?

23 AMBASSADOR PILLARELLA: That is
24 correct.

25 MR. CAVALLUZZO: This is tab 130,

1 the newly redacted documents tab 3 of the new Book
2 of Documents.

3 In terms of headquarters
4 directions in terms of what to look for regarding
5 this consular visit, if you go to tab 131 of the
6 big book, which is Book 2 or volume 2?

7 AMBASSADOR PILLARELLA: Tab 131?

8 MR. CAVALLUZZO: That's correct,
9 of volume 2. If you have volume 2.

10 This is a message from Mr. Pardy
11 which is dated October 22, and it is to yourself,
12 Head of Mission, as well as Mr. Martel.

13 The directions from Pardy would be
14 as follows:

15 "Realize that the
16 circumstances in which you
17 will see Mr. Arar may
18 preclude your ability to do
19 much more than observe his
20 situation or ask most
21 transparent of questions.
22 But in the event that
23 circumstances may allow
24 something more, would suggest
25 the following:

1 (a) we are in daily contact
2 with his wife and brother and
3 they express their deep and
4 abiding concern for his
5 welfare. His wife and
6 children remain in Tunis and
7 will stay there until such
8 time as they obtain
9 information on his welfare
10 and well being. You can say
11 that he is constantly in
12 their prayers and thoughts.
13 (b) his situation and what
14 has happened has been a
15 matter of great public
16 concern in Canada. The
17 government of Canada will not
18 rest until he is back home
19 and reunited with his family.
20 The foreign minister
21 Mr. Graham has protested to
22 the American authorities the
23 actions that they have taken
24 and will continue to make
25 high level representations

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1 about what has happened."

2 The fourth point is that there
3 will be more information as:

4 "we have not been able to
5 obtain accurate details as to
6 what happened to him since
7 early October when Ms Girvan
8 from the consulate in New
9 York visited him on October 3
10 and his lawyer saw him on the
11 morning of Oct 5. It is our
12 understanding that he was
13 removed from the United
14 States on the early morning
15 of Oct 8, the day after there
16 was an Immigration hearing in
17 New York. It is our further
18 understanding that he was
19 flown to Jordan and remained
20 there until October 21 when
21 he was taken by Jordanian
22 officials to the Syrian
23 border and was turned over to
24 Syrian officials."

25 The fourth point is that:

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1 "the Syrian authorities have
2 assured us that we can visit
3 every three or four days and
4 we will continue to do so..."

5 Then the fifth point is:

6 "our objective is to try and
7 make arrangements for his
8 return to Canada but this may
9 take some time and in the
10 meantime we will do
11 everything to ensure that he
12 is provided with the
13 appropriate amenities. If
14 there is anything that is
15 needed please let us know."

16 So that those would be the
17 directions that you and Mr. Martel were given in
18 respect of the first visit.

19 AMBASSADOR PILLARELLA: Mm-hmm.

20 MR. CAVALLUZZO: Just one question
21 that I would have is: At that point in time, did
22 the Ministry, through the Syrian Embassy of
23 Canada, have any instructions as to what to look
24 for if you may suspect that a Canadian has been
25 tortured or mishandled by foreign authorities?

1 AMBASSADOR PILLARELLA: I'm sorry.
2 The beginning of your question was...?

3 MR. CAVALLUZZO: The question is
4 whether the Department of Foreign Affairs or
5 whether the Embassy in Damascus had any
6 instructions, training, or whatever, guidance to
7 be given to a consular official to look for signs
8 of torture if there is a suspicion that a Canadian
9 may be subjected or had been subjected to torture?

10 AMBASSADOR PILLARELLA: I don't
11 know that there is any document which says that,
12 but I think that every consular officer that
13 receives training is provided with clues on what
14 to look for when meeting with a detainee and make
15 observations.

16 MR. CAVALLUZZO: Well, Mr. Graham
17 testified publicly that in his view after the Arar
18 situation he was of the view that more could be
19 done in order to train, advise, or whatever, guide
20 consular officials in looking for incidents of
21 torture in the future?

22 AMBASSADOR PILLARELLA: I agree
23 with that. I think that one can always improve.

24 MR. CAVALLUZZO: Right. Were
25 there any -- was there any training given to

1 consular officials in respect to how to detect
2 torture?

3 AMBASSADOR PILLARELLA: I don't
4 know if there was anything specific, but I can
5 tell you one thing is that I had a very, very,
6 very experienced officer in Mr. Martel. I don't
7 think that you can find anyone better than him in
8 the department who has been dealing with consular
9 affairs throughout his career, and if anyone had
10 an indication of what to look for, Mr. Martel
11 would have had it.

12 MR. CAVALLUZZO: Would it
13 surprise you if Mr. Martel will tell us that he
14 received no training?

15 AMBASSADOR PILLARELLA: Well, he
16 may not have received any training, but do you
17 know the expression, "apprendre sur la tas"?

18 MR. CAVALLUZZO: No. You
19 better --

20 AMBASSADOR PILLARELLA: That means
21 that you learned as you go by, and Mr. Martel has
22 had ample time to learn as he went by throughout
23 his career.

24 MR. CAVALLUZZO: So that is
25 training on the job, so to speak?

1 AMBASSADOR PILLARELLA: Well,
2 sometimes it is the best training that you can
3 get.

4 MR. CAVALLUZZO: But was there
5 anybody in the embassy, for example, that was an
6 expert in torture or mishandling of detainees by
7 Syrian authorities?

8 AMBASSADOR PILLARELLA: Frankly, I
9 don't know how to answer that question. You say
10 "an expert in torture". Where do you find an
11 expert in torture? Obviously --

12 MR. CAVALLUZZO: You should have
13 been here last week, we had three experts who
14 testified about torture.

15 AMBASSADOR PILLARELLA: Do they
16 work in embassies?

17 MR. CAVALLUZZO: Pardon me?

18 AMBASSADOR PILLARELLA: Do they
19 work in embassies?

20 MR. CAVALLUZZO: Well, they
21 don't have to work in embassies but presumably
22 an expert could have been called on at any point
23 in time.

24 AMBASSADOR PILLARELLA: Oh, you
25 believe that if being in Damascus we could have

1 called on some expert to come and visit Mr. Arar?

2 MR. CAVALLUZZO: I assume the
3 answer is no.

4 AMBASSADOR PILLARELLA: Obviously
5 not.

6 MR. CAVALLUZZO: Okay. Then
7 let's see what took place at the meeting, going
8 back to tab 3.

9 Even though you didn't attend it
10 would appear you approved this particular report.
11 If you go to the second page it says approved by
12 Mr. Pillarella?

13 AMBASSADOR PILLARELLA: I approved
14 most of the reports. And that is simply a way of
15 working. I mean, if it is anything that is
16 routine, I may not need to approve it, but
17 anything of importance I want to be aware. So
18 approval means simply knowledge of what goes out.

19 MR. CAVALLUZZO: Okay. In any
20 event, in the first paragraph, it says we were
21 granted access on October 23rd.

22 Then it says:

23 "Arar is being detained by
24 the anti-terrorist unit, a
25 branch of the Syrian security

1 services."

2 So that emphasizes once again it
3 is a terrorism-related activity that he is being
4 suspected of. Then it goes on to say:

5 "Col Majid Salah, who was
6 present at the meeting
7 between Gen. Khalil and Amb,
8 was the contact point and
9 Martel was taken to the site
10 in an unmarked vehicle after
11 being met at a rendez-vous
12 point in the City."

13 So that Saleh was his contact
14 person and Khalil was yours.

15 Paragraph 2, it says:

16 "Arrived on site at 1000
17 hours and was greeted by an
18 officer who declined to give
19 his identity."

20 Now, just that line there. That
21 would have raised your antennae saying, what are
22 we dealing with here? We are dealing with an
23 officer who refuses to give his identity.

24 Did that raise any questions?

25 AMBASSADOR PILLARELLA: I will let

1 you finish and I will respond to --

2 MR. CAVALLUZZO: No, that is the
3 question. Did that raise any suspicions, when you
4 see that there is an officer there who greets him
5 and the guy refused to give his identity?

6 AMBASSADOR PILLARELLA:
7 Mr. Cavalluzzo, please keep in mind what I said
8 earlier.

9 MR. CAVALLUZZO: Mm-hmm?

10 AMBASSADOR PILLARELLA: This is
11 terra incognita for the Syrians. They have never
12 done anything like this. We were certainly
13 anxious to meet with Mr. Arar, but I can assure
14 you that they were extremely nervous about that
15 meeting because to them this was something that
16 they were not accustomed to.

17 So General Khalil authorized the
18 meeting, but this gentleman, in the Syrian
19 context, it is quite understandable that he
20 doesn't know what to do. This is something
21 totally unheard of for him. He declines to give
22 his name. I don't see anything ominous in that.

23 MR. CAVALLUZZO: Okay. It goes on
24 in that paragraph and says:

25 "Importance that Canadian

1 authorities attach to this
2 high profile consular case
3 was emphasized..."

4 So that Martel is passing on the
5 same message that you did before.

6 Then it says:

7 "Officials took minutes
8 during this entire initial
9 period."

10 Then 10:30 arrives and the:

11 "...meeting with Martel
12 lasted approximately one-half
13 hour. It was not possible to
14 see where exactly Arar was
15 being detained."

16 Now, is that a problematic
17 situation? In other words, you don't know what
18 the conditions of detention are, and...

19 AMBASSADOR PILLARELLA: Well, I
20 would submit that even in other countries, or even
21 in Canada, if a detainee is met by a consular
22 officer he is not met inside of where he is being
23 detained. I believe that Mr. Arar, when he was
24 met by Ms Girvan in New York, she did not meet
25 Mr. Arar in the cell where he was being detained.

1 So I don't -- yes, it would have
2 been much better to be able to see where he was
3 being detained. I agree with you.

4 MR. CAVALLUZZO: What I'm
5 referring to, of course, is once again the public
6 record on prison conditions, particularly in these
7 detention centres in Syria, we know that they are
8 very problematic --

9 AMBASSADOR PILLARELLA: I agree
10 with you, it would have been ideal if Mr. Martel
11 could have seen Mr. Arar where he was being
12 detained, but --

13 MR. CAVALLUZZO: It goes on:

14 "Questioning starting along
15 the lines of your
16 instructions..."

17 This is obviously to Mr. Pardy:

18 "...but it was obvious subj
19 was not free to answer all of
20 the questions. Conversation
21 took place in English and was
22 translated into Arabic
23 immediately. Notes were
24 taken at all times by the
25 Syrians."

1 Did this concern you, that
2 Arar was not free to answer all of the questions
3 and that notes were taken of everything that was
4 said by the Syrians, since the conversation was in
5 Arabic?

6 AMBASSADOR PILLARELLA: Yes.

7 MR. CAVALLUZZO: It goes on in the
8 same paragraph to say that Arar was shown a seat
9 at some distance.

10 Did that concern you?

11 AMBASSADOR PILLARELLA: Yes.

12 MR. CAVALLUZZO: Why would that
13 concern you, that he was given a seat at some
14 distance?

15 AMBASSADOR PILLARELLA: It could
16 mean anything, that they didn't want -- again, I
17 don't know. I wasn't there and I don't know what
18 "a distance" means. You would have to ask
19 Mr. Martel that.

20 MR. CAVALLUZZO: Did you ask
21 Mr. Martel that?

22 AMBASSADOR PILLARELLA: To tell
23 you the truth, I don't remember.

24 MR. CAVALLUZZO: Okay. Four:
25 "Subj appeared to be healthy

1 but this is difficult to
2 assess. He looked resigned
3 and submissive. Numerous eye
4 signals seemed to indicate
5 that he was not free to speak
6 out. At least that is the
7 impression we had."

8 So once again it would appear that
9 for whatever reason that Mr. Arar clearly does not
10 feel free to speak out.

11 I guess a question that some
12 intervenors would have related to this is, at any
13 time, particularly in light of the circumstances
14 in which we see in the first report, at any time
15 did anyone from the Canadian Embassy say to the
16 Syrians, "We would like a private meeting with
17 Mr. Arar, not in front of four Syrians officials.
18 We would like a private meeting"?

19 AMBASSADOR PILLARELLA:

20 Mr. Cavalluzzo --

21 MR. CAVALLUZZO: Yes?

22 AMBASSADOR PILLARELLA: -- in an
23 ideal world everything would be possible. I hope
24 that you will allow me this expression. In this
25 particular case, we were beggars, not choosers.

1 We were on their territory, not on ours.

2 We had to act according to the
3 circumstances on the ground. Therefore, we had to
4 make those assessments right on the spot. To make
5 the suggestions that you are making, that would
6 have been the perfect question in an ideal world,
7 but we are not dealing in an ideal world and we
8 had to consider ourselves very fortunate that we
9 were having a meeting, that we were able to see
10 Mr. Arar, that Mr. Arar was alive.

11 I will concede to you that this
12 report does have some negative aspects, that he
13 was not free to express himself, that the meeting
14 was taking place in front of Syrian Intelligence,
15 that perhaps he was sending signals with his eyes
16 that -- there are many negative aspects.

17 But there are also some very
18 positive aspects to it, and those very positive
19 aspects are that Mr. Arar came into the room by
20 himself. In other words, he did seem to be in
21 fairly good shape. He shook hands with Mr. Martel
22 and his handshake was a firm handshake. I seem to
23 recall that -- you know, there was indication that
24 there were bruises and so on. When Mr. Martel
25 shook hands with Mr. Arar he did not feel any

1 bruises, and certainly Mr. Arar did not withdraw
2 his hand in pain or something. These were
3 positive points.

4 I admit that the document, this
5 document, does raise questions. But you have to
6 make a balance. This document is complete. It
7 says: "We are happy, we have seen him and he
8 seems to be in fairly good health, even if it is
9 difficult to assess."

10 But at the same time we are
11 indicating in our report that there are some
12 issues that preoccupy us and, because of that, we
13 insist for another meeting, precisely to see if
14 there is any evolution between the first and the
15 second one.

16 MR. CAVALLUZZO: I assume you
17 didn't ask for a private meeting?

18 AMBASSADOR PILLARELLA: Sorry?

19 MR. CAVALLUZZO: You didn't ask
20 for a private meeting?

21 AMBASSADOR PILLARELLA: No. But I
22 explained to you why this would have been
23 impossible to obtain.

24 MR. CAVALLUZZO: You said that in
25 this situation, we were beggars?

1 AMBASSADOR PILLARELLA: Yes.

2 MR. CAVALLUZZO: Canadians would
3 say to you, you are selling us short on that.
4 Here we have a country -- here we have a country
5 that wants better relationships with Canada, wants
6 foreign investment, is in a very precarious
7 position because the relationship with the
8 Americans is going quickly into the toilet. At
9 the same time, they want our cooperation
10 respecting the prospective war in Iraq.

11 It seems to me that we had a lot
12 to bring to the table and that we were not beggars
13 in those circumstances, Mr. Pillarella.

14 AMBASSADOR PILLARELLA: When I say
15 "beggars" I mean that we did not have the type of
16 leverage that could have changed or induced the
17 Syrians to act differently. In fact, the little
18 leverage that we had, we used it and we obtained
19 what we wanted, access to Mr. Arar. That was the
20 foremost preoccupation we had.

21 So we had to do with what we had.
22 We could not invent things.

23 MR. CAVALLUZZO: Okay. It goes on
24 in the next paragraph -- this is paragraph 5 now,
25 it talks about, five lines down:

1 "When prompted further for
2 answers, the Syrians told him
3 in Arabic he was not to
4 answer those questions."

5 Once again signalling whether he
6 was free to speak.

7 It goes on.

8 "He said he only stayed in
9 Jordan for a couple of hours
10 before being taken to the
11 Syrian border. He would
12 therefore have been detained
13 in Syria for the past two
14 weeks, contrary to what we
15 were led to believe."

16 There you are advised by Mr. Arar
17 that he has been there for two weeks. Not
18 24 hours, two weeks.

19 When you got that information did
20 you say, "These guys have been holding Mr. Arar
21 incommunicado for two weeks, and I know what
22 happens, why they keep people incommunicado,
23 because they extract information they want through
24 aggressive techniques"?

25 Did that come to mind?

1 AMBASSADOR PILLARELLA: Maybe.

2 But we will never know the answer because we
3 really don't know what happened.

4 MR. CAVALLUZZO: Just a minute.

5 AMBASSADOR PILLARELLA: Yes?

6 MR. CAVALLUZZO: What do you mean,
7 "We really don't know what happened"?

8 AMBASSADOR PILLARELLA: Well, you
9 say that Mr. Arar was being controlled and, of
10 course, we said that he was not free to speak, and
11 at the same time he is allowed to say something
12 which is contrary to what they have been saying.
13 I mean, I have a --

14 MR. CAVALLUZZO: No. Do you
15 accept -- do you accept what Mr. Arar, a Canadian,
16 has told your consular official, that he was only
17 in Jordan for a few hours and that he had been in
18 Syria for two weeks?

19 Do you accept that today?

20 AMBASSADOR PILLARELLA: That is
21 what he said.

22 MR. CAVALLUZZO: I didn't ask you
23 if he said that. We all know he said that.

24 I said, do you accept that?

25 AMBASSADOR PILLARELLA: I don't

1 know what happened.

2 Again, the point is you say that
3 Mr. Arar is being controlled, and at the same time
4 the Syrians would allow him to say something which
5 is contrary to what they have been saying. It is
6 because of that that I really don't know what to
7 think.

8 MR. CAVALLUZZO: What you are
9 telling me today, in 2005, you are telling me
10 today you don't know who to believe as to how long
11 he was in Syria, Mr. Arar or General Khalil?

12 Is that what you are telling me?

13 AMBASSADOR PILLARELLA: No, I'm
14 not telling you that.

15 The only thing I'm saying is
16 that -- I would like to know the exact answer.
17 The point is that Mr. Arar you say is not free to
18 talk, except that on this particular point the
19 Syrians allow him to say that. I don't know what
20 to think.

21 MR. CAVALLUZZO: But
22 Mr. Pillarella -- Mr. Pillarella, this is a
23 crucial point, because if you don't accept what
24 Mr. Arar told your consular official on
25 October 22nd, then this whole idea of being held

1 incommunicado is irrelevant, and therefore all of
2 the public record we have -- just let me finish
3 the question.

4 AMBASSADOR PILLARELLA: I didn't
5 say anything.

6 MR. CAVALLUZZO: All the
7 public record we have on what the Syrians do when
8 someone is held incommunicado didn't come to bear
9 in respect of any decision you took relating to
10 Mr. Arar.

11 AMBASSADOR PILLARELLA: But,
12 Mr. Cavalluzzo, I don't know that Mr. Arar was
13 held incommunicado, as you say. I don't know.

14 MR. CAVALLUZZO: But he has told
15 you. We have a Canadian citizen who has told you
16 that he has been there for two weeks, and you have
17 General Khalil saying, "No, it was one day."

18 I'm asking you: Why wouldn't you
19 believe the word of a Canadian?

20 AMBASSADOR PILLARELLA: I believe
21 facts. When Mr. Martel met with Mr. Arar there
22 was no evidence -- no evidence that Mr. Arar had
23 been physically tortured. There was no such
24 evidence.

25 Because I can tell you one thing,

1 if that evidence had been there, that evidence
2 would have been reported to Ottawa.

3 MR. CAVALLUZZO: But, you see,
4 Mr. Pillarella, the problem with that response is
5 that is why someone is held incommunicado, so that
6 they stop torturing somebody at a certain point in
7 time when there will be objective observers coming
8 to see him. So, in other words, if they had
9 tortured Mr. -- just listen to the question -- if
10 they had tortured Mr. Arar in the first week in a
11 particular way -- and I assume they may be experts
12 at it to do it in such a way that it won't show
13 after a particular point in time -- so that it
14 seems to me that whether he was there for two
15 weeks or one day was terribly relevant in terms of
16 how you should have responded in terms of
17 representing Mr. Arar.

18 AMBASSADOR PILLARELLA: Well, in
19 fact, I have read somewhere that Mr. Arar had been
20 hit with electrical wires on the palm of his hands
21 and that bruises and redness lasted for something
22 like three weeks, and I accept that this might
23 have happened.

24 The point is that when Mr. Martel
25 met with him for the first time and shook hands

1 with him, Mr. Martel did not feel any bruises in
2 his hands and Mr. Arar did not withdraw his hand
3 because of pain or something.

4 MR. CAVALLUZZO: Okay.

5 AMBASSADOR PILLARELLA: So this is
6 a fact. And I repeat, if Mr. Martel had noticed
7 anything untoward, that would have been reported.

8 MR. CAVALLUZZO: Okay. We
9 will have the opportunity to speak to Mr. Martel
10 next week.

11 Paragraph 7, it goes on to say:

12 "When asked if he wished the
13 Embassy to provide him with
14 anything he might need he
15 answered that his needs were
16 all taken care of by his
17 Syrian hosts..."

18 Then it says in brackets:

19 "... (his answer was dictated
20 to him in Arabic by the
21 Syrians)."

22 That obviously is a concern.

23 AMBASSADOR PILLARELLA: That is
24 another negative point. These are the negative
25 points I was mentioning earlier.

1 MR. CAVALLUZZO: Okay. Then let's
2 go to another negative point at the top of page 2.

3 It says:

4 "He also repeated in English
5 after his hosts, speaking
6 Arabic, prompted him to do
7 so..."

8 This is what Mr. Arar
9 apparently stated:

10 "`I am Syrian and I obey the
11 laws of Syria. I am proud of
12 my country of origin and I am
13 also proud of Canada, my
14 country of adoption. I have
15 been respected by my Syrian
16 brothers and I am happy to
17 have come back to Syria. The
18 authorities have not
19 exercised any pressure on me.
20 You can see I feel well.
21 Anything I ask for I
22 receive'."

23 Now, needless to say, you would
24 have thought that that was just a pile of baloney?

25 AMBASSADOR PILLARELLA: Yes.

1 MR. CAVALLUZZO: Okay. It goes on
2 in paragraph 8:

3 "Syrian authorities have
4 indicated they would detain
5 Arar in this location until
6 interrogation is completed."

7 Okay. Now, let me put it to you:
8 If you had known that this was the Palestine
9 Branch, and if you were aware of the public record
10 as demonstrated in the Amnesty report of 2002 that
11 I read to you, this statement, that he is going to
12 remain there until his interrogation is completed,
13 would have concerned you immensely?

14 AMBASSADOR PILLARELLA: Well, it
15 certainly concerned us, and because of that we
16 asked for another immediate meeting to see, as I
17 have said earlier, what evolution there might be.

18 MR. CAVALLUZZO: Okay. Then it
19 goes on -- because, you know, the point about the
20 Palestine Branch, I don't want to repeat it to
21 you, is that they are apparently experts in
22 extracting information that they want through
23 methods that we certainly wouldn't condone.

24 AMBASSADOR PILLARELLA: As I have
25 said, I didn't know whether this was the

1 Palestinian Branch or not.

2 MR. CAVALLUZZO: Okay. Then,
3 finally, it says:

4 "Col. Salah Majid said Arar
5 had confessed to knowing
6 members of a terrorist
7 group."

8 Then, finally, in terms of the
9 comment in paragraph 10, Martel says:

10 "What is rather puzzling
11 however, is Arar's statement
12 that he had been in Jordan
13 for only a few hours (and
14 therefore would have been in
15 Syria for the past two
16 weeks), whereas both ... and
17 General Khalil maintained
18 that Arar had arrived in
19 Syria only a few days ago."

20 So what Martel seems to be saying
21 is this is a troublesome area, and that is the
22 point that we discussed with you.

23 AMBASSADOR PILLARELLA: But, as I
24 have admitted earlier, this message contains
25 positive and negative points.

1 MR. CAVALLUZZO: Right.

2 AMBASSADOR PILLARELLA: And
3 perhaps the negative points are longer than the
4 positive points, and because of that, and because
5 this was the very first meeting, we wanted to make
6 sure that we could verify as quickly as possible,
7 within a few days, whether there was going to be
8 an evolution in his appearance and to be able to
9 verify his well-being.

10 MR. CAVALLUZZO: This idea of you
11 are getting these visits and we will see whether
12 in fact he is tortured and Martel shook his hand,
13 have you ever heard of mental torture?

14 AMBASSADOR PILLARELLA: What?

15 MR. CAVALLUZZO: Mental torture?

16 AMBASSADOR PILLARELLA: Yes.

17 MR. CAVALLUZZO: So you understand
18 that the definition of torture, both in
19 international conventions and Canadian law,
20 includes mental torture --

21 AMBASSADOR PILLARELLA: Yes.

22 MR. CAVALLUZZO: -- not just
23 physical beatings?

24 AMBASSADOR PILLARELLA:

25 Absolutely.

1 MR. CAVALLUZZO: Right? Would you
2 agree with me that if someone was subject to
3 mental torture, quite apart from physical torture,
4 that it may be difficult to discern that in the
5 context of this kind of meeting?

6 AMBASSADOR PILLARELLA: That is a
7 possibility. However, I was referring to
8 something that was reported publicly by Mr. Arar
9 himself. So I'm not making things up.

10 MR. CAVALLUZZO: Mr. Arar didn't
11 report it --

12 AMBASSADOR PILLARELLA: No, no.

13 MR. CAVALLUZZO: -- until a year
14 after the fact. What I am concerned about is what
15 you were thinking about at this particular point
16 in time, in 2002.

17 AMBASSADOR PILLARELLA: But even
18 mental torture will show effects that perhaps one
19 can detect not as easily as physical torture --

20 MR. CAVALLUZZO: How do you
21 know that?

22 AMBASSADOR PILLARELLA: Hmm?

23 MR. CAVALLUZZO: How do you
24 know that?

25 AMBASSADOR PILLARELLA: Because, I

1 mean -- I am no expert in the matter, but I can
2 only imagine that if you have been subjected to
3 mental torture that you will show some outward
4 sign of not being with it, if I can say -- if I
5 can use that expression.

6 MR. CAVALLUZZO: So I think you
7 would agree with me that Mr. Graham's statement
8 that there should be more training in this area of
9 consular officials is a good suggestion?

10 AMBASSADOR PILLARELLA: I have
11 already agreed to that.

12 MR. CAVALLUZZO: Okay. Let us
13 move on, then, to the second visit, which was a
14 few days later, on October the 28th. This is at
15 tab 4.

16 Do you have that in front of you?
17 Once again, this is Mr. Martel,
18 approved by you. Once again, Mr. Martel will
19 testify to this so I won't spend a lot of time on
20 it

21 In terms of the important portions
22 for us today, it states in paragraph 4 that:

23 "Syrians have briefly
24 indicated their investigation
25 was progressing but were not

1 prepared nor authorized to
2 provide details. Only
3 General Khalil was in
4 authority to do so and the
5 latter has assured the (Head
6 of Mission) he would do so
7 once the investigation is
8 completed."

9 So what this seems to suggest
10 is the interrogation is continuing, it would
11 continue for some time, according to Mr. Khalil,
12 and that information would be given to Canadians
13 once the investigation was completed? We heard
14 that earlier.

15 The question I have is: If there
16 is a reasonable suspicion that the interrogation
17 is being conducted in a way which would violate
18 international norms, such as the Convention
19 Against Torture, or hard or mishandling or
20 whatever one wants to call it, and Canada is
21 saying, "When you have completed your
22 interrogation can you give us the fruits of the
23 interrogation process?" does that not indicate
24 that Canada may be complicit --

25 AMBASSADOR PILLARELLA: No.

1 MR. CAVALLUZZO: -- in getting
2 information which may be the product of torture?

3 AMBASSADOR PILLARELLA: No. I
4 completely disagree with your assessment.

5 First of all, we are not asking.
6 I never asked the Syrians to continue to
7 interrogate him so that we can get information.
8 No.

9 My point was: What is it that you
10 have against him, because we in Canada have
11 nothing against him? We consider that he is not
12 sought for any offence, crime or anything, and
13 therefore, we want him back in Canada. That was
14 the mantra from day one to the very last day when
15 Mr. Arar was released.

16 In other words, for us Mr. Arar
17 was an innocent person and we want him back. Now,
18 you Syrians are holding on him. Well, let us know
19 what it is that you have against him, because if
20 you do have something against him then put him on
21 trial. But what we want is his return in Canada."
22 So when you suggest --

23 MR. CAVALLUZZO: But -- I'm sorry.

24 AMBASSADOR PILLARELLA: -- that we
25 are complicit in the interrogation, I'm sorry, but

1 I do strongly disagree with such an affirmation.

2 MR. CAVALLUZZO: But you would
3 agree with me that if the information you obtained
4 from the Syrians was the product of torture and
5 you took it back to Canada --

6 AMBASSADOR PILLARELLA: I never
7 said -- I said that we never had any indication or
8 evidence that Mr. Arar was being tortured. Had we
9 had that indication, we would have reported to
10 Ottawa. So whatever information he has provided,
11 from what we know and from all the visits and, in
12 fact, you will notice that from Visit 1 to Visit
13 9, there is a marked evolution. In fact, that
14 evolution you can already see in Visit No. 2, that
15 Mr. Arar was not subject to physical torture. So
16 you are reaching that conclusion --

17 MR. CAVALLUZZO: Just a minute.
18 Where does it say that he is not subject to
19 physical torture in the second visit?

20 AMBASSADOR PILLARELLA: Well, it
21 says he was -- I mean, I would have to reread this
22 message --

23 MR. CAVALLUZZO: It certainly
24 doesn't say that --

25 AMBASSADOR PILLARELLA: -- I

1 haven't seen it in a long time.

2 But all I know is that the message
3 is quite different from the very first one. The
4 tenseness of the first meeting is gone from this
5 second meeting. Mr. Arar is more relaxed. He
6 doesn't appear confused or anything like that.

7 So already, if I had to follow
8 your line of reasoning, that should not be,
9 because, according to your conclusion, he would
10 have been tortured during this week in the --

11 MR. CAVALLUZZO: No, I'm not. I'm
12 not suggesting that.

13 What I'm suggesting to you is that
14 there is a real possibility, I'm putting it to
15 you, that Mr. Arar may have been tortured in that
16 period when he was held incommunicado, I'm putting
17 it to you, the first two weeks. That is what I'm
18 suggesting. He may have been physically tortured.

19 AMBASSADOR PILLARELLA: My answer
20 is, I have no indication that he was being held
21 incommunicado and, two, there was no evidence that
22 Mr. Martel could verify that assumption of yours.

23 MR. CAVALLUZZO: Did it ever occur
24 to you that if Mr. Arar, a Canadian, was telling
25 the truth, that he -- just wait for the

1 question -- that he was only in Jordan for a few
2 hours and that he was in Syria for two weeks, and
3 the Syrians are saying, "He just got here," dud
4 you ever suspect as to why the Syrians would have
5 been lying about that?

6 AMBASSADOR PILLARELLA: Everything
7 is possible, but --

8 MR. CAVALLUZZO: Can you give
9 us one good reason as to why the Syrians may
10 have been lying about that, if Mr. Arar was
11 telling the truth?

12 AMBASSADOR PILLARELLA: But I
13 don't know that. I can't --

14 MR. CAVALLUZZO: But can you think
15 about it? Can you think about it and say, "If
16 Mr. Arar was telling the truth and I believe him,
17 then why did the Syrians lie to me about this?"

18 AMBASSADOR PILLARELLA: You are
19 asking me to make a choice on something that I
20 have no knowledge of, and that that is extremely
21 difficult.

22 MR. CAVALLUZZO: No, I'm
23 asking you to make a choice to believe a Canadian
24 over General Khalil. That is what I'm asking you
25 to do.

1 AMBASSADOR PILLARELLA: Why should
2 you ask me to make such a choice? I mean, I
3 need facts, and I don't have the facts to make
4 the choice.

5 MR. CAVALLUZZO: Okay.

6 Final question regarding the
7 second visit is the second last paragraph. This
8 is number 6. It says:

9 "The question of where things
10 are with the Syrians is being
11 investigated by the (Head of
12 Mission). Visits by RCMP or
13 CSIS officials could not be
14 discussed at this level."

15 AMBASSADOR PILLARELLA: Mm-hmm.

16 MR. CAVALLUZZO: That question or
17 that statement relates back to a question that you
18 received from Mr. Pardy, does it not?

19 AMBASSADOR PILLARELLA: To tell
20 you the truth, I can't recall.

21 Do you have this document --

22 MR. CAVALLUZZO: Okay. Let me
23 show it to you. Let me show it to you. It is
24 Exhibit P-98.

25 AMBASSADOR PILLARELLA: I'm

1 sorry --

2 MR. CAVALLUZZO: Exhibit P-98.

3 The clerk will get this for you.

4 AMBASSADOR PILLARELLA: Oh, okay.

5 Thank you.

6 MR. CAVALLUZZO: This is a note
7 from Mr. Pardy to Damascus and Head of Mission and
8 Martel. The last paragraph, Mr. Pardy says:

9 "Would appreciate if you
10 could report if you obtain
11 any information on possible
12 visits by RCMP and CSIS
13 officials, either to meet
14 with Maher..."

15 Then there is some redaction.

16 "...or Syrian officials.

17 Many thanks, Gar." (As read)

18 Do you recall receiving that
19 message from Gar Pardy --

20 AMBASSADOR PILLARELLA: Yes.

21 MR. CAVALLUZZO: -- asking about
22 reporting about any information concerning visits
23 by the RCMP?

24 AMBASSADOR PILLARELLA: Yes.

25 MR. CAVALLUZZO: Do you have any

1 idea what Mr. Pardy's concern was respecting
2 possible visits to Mr. Arar by CSIS or the RCMP?

3 AMBASSADOR PILLARELLA: I don't
4 know.

5 I assume that you have asked that
6 question of Mr. Pardy.

7 MR. CAVALLUZZO: Well, did it
8 not raise a question in your mind when you
9 received this?

10 AMBASSADOR PILLARELLA: Well,
11 there was a security aspect in all this. I mean,
12 there was a consular case but there was also a
13 security aspect to it, so I can only assume. But
14 the best answer can be provided to you by
15 Mr. Pardy himself --

16 MR. CAVALLUZZO: So you don't
17 recall any discussions you may have had with
18 Mr. Pardy as to his concern about possible RCMP or
19 CSIS officials' visits to see Mr. Arar?

20 You don't recall any conversations
21 to that effect?

22 AMBASSADOR PILLARELLA: To tell
23 you the truth, I don't remember. This may have
24 been discussed, but I -- per se, I do not
25 remember, no.

1 MR. CAVALLUZZO: Just one final
2 question before we break for lunch.

3 In these circumstances, presumably
4 when the consular head or director is saying,
5 "Watch out" or "Can you tell me about any visits
6 by the RCMP or CSIS", then presumably he would
7 have the controlling voice in terms of if they did
8 show up. You would report back to him and say --

9 AMBASSADOR PILLARELLA: Of course
10 I would have. Yes. Absolutely.

11 MR. CAVALLUZZO: Commissioner, it
12 is one o'clock. This may be an appropriate time.

13 THE COMMISSIONER: Is 2:15 okay?

14 MR. CAVALLUZZO: That's fine.

15 THE COMMISSIONER: We will break
16 until 2:15.

17 THE REGISTRAR: Please stand.

18 --- Upon recessing at 1:00 p.m. /

19 Suspension à 13 h 00

20 --- Upon resuming at 2:16 p.m. /

21 Reprise à 14 h 16

22 THE REGISTRAR: Please be seated.
23 Veuillez vous asseoir.

24 THE COMMISSIONER: Go ahead.

25 MR. CAVALLUZZO: Thank you,

1 Commissioner.

2 Mr. Pillarella, at the break, we
3 reviewed the second visit of Mr. Arar, and in that
4 it said that the question of the RCMP and CSIS
5 couldn't be reviewed at that level, and I'm
6 wondering if, in respect of Mr. Pardy's memo,
7 which is P-98, wherein he said:

8 "If you could report/obtain
9 any information on possible
10 visits by RCMP and CSIS
11 officials to meet Mr. Arar."

12 (As read)

13 Whether you did your own
14 investigation to see whether that had happened or
15 was going to happen, or did you just leave it and
16 just wait to see what happened?

17 AMBASSADOR PILLARELLA: I don't
18 remember that there was anything done about that.

19 MR. CAVALLUZZO: Okay.

20 I'm wondering if you could, once
21 again, go back to 134, which is the small booklet,
22 and let's pick up at tab 5. We're now at October
23 30th of 2002, and this is the former ...

24 The same date, but just before
25 that, I'm wondering if -- there was a newly

1 redacted document, P-97. If you might give that
2 to the witness?

3 THE COMMISSIONER: P-97.

4 MR. CAVALLUZZO: Okay.

5 Now, P-98, which I showed you
6 before the break, is dated October 28 from Pardy,
7 where he's asking about reporting on information
8 of possible CSIS visits or RCMP visits.

9 P-97 is two days later,
10 October 30, from Pardy to yourself and Martel, and
11 it states in paragraph 2:

12 "With respect to paragraph 6
13 of referenced message, I
14 would appreciate if
15 ambassador could report if
16 there has been any contact
17 with RCMP and CSIS liaison
18 officials indicating interest
19 in visiting Syria or contact
20 with Syrian officials with
21 respect to the case. There
22 have been indications of this
23 from RCMP and letters being
24 prepared by ISI, suggesting
25 that this not happen in the

1 current circumstances."

2 (As read)

3 And once again, upon receiving
4 this, did you investigate this or did you just
5 wait to see if anything happened in respect to the
6 RCMP and CSIS?

7 AMBASSADOR PILLARELLA: To my
8 recollection, there was no indication on the part
9 of the RCMP and CSIS liaison officers indicating
10 an interest in visiting, so -- because the way I
11 read it is, if they had approached me for a visit,
12 and I don't recall any such approach.

13 MR. CAVALLUZZO: Okay. Then once
14 again, now, if you go back to 134, tab 5, on the
15 same date, there is a report or a message which is
16 dated August -- or, excuse me, October 31, 2002.
17 It's from Damascus to headquarters, including
18 Pardy, Harris, ISI, and others. And it says --
19 drafted by Mr. Shaw. Now, Mr. Shaw is the
20 political officer in Damascus?

21 AMBASSADOR PILLARELLA: He was the
22 political counsellor at the time, yes.

23 MR. CAVALLUZZO: And approved by
24 the ambassador.

25 Then it says:

1 "During GXD's meeting with
2 Deputy Foreign Minister Walid
3 Mouallem on October 30 ..."

4 Now, GXD, if you could help us,
5 what is that?

6 AMBASSADOR PILLARELLA: GXD was
7 the special coordinator for the Middle East peace
8 process. He was an official from Foreign Affairs.
9 He was dealing strictly with the Middle East peace
10 process.

11 MR. CAVALLUZZO: Okay.

12 And so that he was in Damascus at
13 the time and met with Mouallem?

14 AMBASSADOR PILLARELLA: Yes, he
15 came to visit in that particular context. Not in
16 the context of Mr. Arar.

17 MR. CAVALLUZZO: Okay. As far as
18 you're concerned, in the second paragraph, it
19 says:

20 "The ambassador thanked the
21 Deputy Minister for his
22 cooperation in the Arar case.
23 He noted that Canada
24 understood that according to
25 Syrian law, Arar was a Syrian

1 national, and appreciated
2 that Syria had on an
3 exceptional basis accorded
4 consular access. This access
5 had helped to assuage some
6 concerns raised by the
7 Canadian press. Nonetheless,
8 the case was continuing to
9 generate considerable
10 interest in Canada."

11 And then it goes on:

12 "Members of Parliament are
13 asking the Canadian
14 Government when Arar will be
15 able to return to Canada. As
16 the Ambassador was travelling
17 to Canada on November 4, he
18 fully expected to be queried
19 on this case. For this
20 reason, the Ambassador had
21 once again asked to see
22 General Khalil, Head of
23 Military Intelligence ...
24 before November 4 to receive
25 the latest information on the

1 Arar case."

2 Then it goes on, finally:

3 "The Deputy Minister
4 committed to calling General
5 Khalil to facilitate this
6 meeting ..."

7 Now, in respect of your travel to
8 Canada, you were going to be travelling back to
9 Ottawa on November the 4th of 2002, or
10 thereabouts?

11 AMBASSADOR PILLARELLA: Yes, that
12 is correct.

13 MR. CAVALLUZZO: And in effect
14 what you were saying at this meeting with the
15 Deputy Minister is that you would like a meeting
16 with Khalil because he had promised to give you
17 information, the fruits of the interrogation,
18 prior to your return to Canada. Is that correct?

19 AMBASSADOR PILLARELLA: No.

20 MR. CAVALLUZZO: No? Why don't
21 you give us the context --

22 AMBASSADOR PILLARELLA: The reason
23 I asked for that particular meeting is because
24 (a), as you indicated, I was returning to Canada
25 and because of the interest generated in Canada, I

1 knew that I was going to be asked how things were
2 evolving, and the only person who could tell me
3 how things were evolving was General Khalil, and
4 therefore I said, could I get a meeting with
5 General Khalil so that he can tell me how things
6 are going, because we need to know. I mean, the
7 pressure is on us to get Mr. Arar back to Canada,
8 but we need to have all the facts, and that is the
9 reason why I asked for the meeting.

10 MR. CAVALLUZZO: And did the
11 meeting take place?

12 AMBASSADOR PILLARELLA: It did.

13 MR. CAVALLUZZO: Okay. And the
14 meeting took place on November 3?

15 AMBASSADOR PILLARELLA: I believe
16 so.

17 MR. CAVALLUZZO: If you go to
18 volume 2, tab 164.

19 AMBASSADOR PILLARELLA: Which tab,
20 sorry?

21 MR. CAVALLUZZO: 164.

22 AMBASSADOR PILLARELLA: 164.
23 You're probably right. It was November 3, but I
24 can't ...

25 Yes, it was November 3, yes.

1 MR. CAVALLUZZO: And how did that
2 meeting come about?

3 AMBASSADOR PILLARELLA: I'm sorry,
4 what do you mean?

5 MR. CAVALLUZZO: How did that
6 meeting -- did General Khalil call you and say --

7 AMBASSADOR PILLARELLA: No, no,
8 no. No. I can't remember who called me, but I
9 did receive a call saying General Khalil will see
10 you at such and such a time, and the same
11 procedure was followed, you know --

12 MR. CAVALLUZZO: Same location?

13 AMBASSADOR PILLARELLA: Same
14 location.

15 MR. CAVALLUZZO: They brought your
16 car to a location, somebody jumped in the car?

17 AMBASSADOR PILLARELLA: That is
18 correct, yes.

19 MR. CAVALLUZZO: And brought you
20 to -- okay.

21 Now, tab 164 is a report dated
22 November 3, 2002. It's for Ottawa. And you
23 mention in the opening paragraph that:

24 "An hour long meeting,
25 with ..."

1 Well, it's blacked out. But I
2 assume it's the same meeting we're talking about.

3 " ... to review the Arar case
4 proved to be extremely
5 positive and confirmed the
6 continued cooperation ..."

7 Of the Syrians. And then it goes
8 on:

9 "When I asked ... whether I
10 could get a resume of
11 information obtained so far
12 from Arar that I could take
13 to Canada with me, he agreed
14 to do so. He promised I
15 would receive it before my
16 departure, unfortunately only
17 in Arabic."

18 So here it is you that are asking
19 the General for the resume or the information?

20 AMBASSADOR PILLARELLA: And I can
21 explain that.

22 MR. CAVALLUZZO: Okay. Go ahead.

23 AMBASSADOR PILLARELLA: He kept --
24 the General kept saying, that, you know, Mr. Arar
25 had affiliation with terrorists and things like

1 that, and I must say that I pushed the envelope at
2 this point and I said, "Well, if this is the case,
3 can we have any proof that -- of what you're
4 saying?"

5 But I must admit, that when I said
6 that, I was not believing that the General would
7 comply. In fact, I asked, because it was in our
8 interests to know exactly what it was that the
9 Syrians had against Mr. Arar --

10 MR. CAVALLUZZO: Right.

11 AMBASSADOR PILLARELLA: But I
12 never believed, in spite of the fact he said he
13 would provide this information to me before I
14 left.

15 And as I was leaving in the middle
16 of the night, this was the 3rd of November, and
17 planes normally for Europe leave around two
18 o'clock or three o'clock in the morning, I thought
19 to myself, yes, he has promised, but he is not
20 going to deliver.

21 MR. CAVALLUZZO: Right.

22 AMBASSADOR PILLARELLA: And to my
23 surprise, around seven or eight o'clock in the
24 evening, somebody showed up at the residence,
25 somebody from General Khalil, with an envelope,

1 and he refused to give the envelope to the staff
2 at the residence. I had to come down and get it
3 myself. And that is how it happened.

4 MR. CAVALLUZZO: And if you go
5 back to the smaller Book of Documents, at tab 6 --

6 AMBASSADOR PILLARELLA: Sorry,
7 which tab?

8 MR. CAVALLUZZO: Tab 6?

9 AMBASSADOR PILLARELLA: Six?

10 MR. CAVALLUZZO: We see that it's
11 stated, and this has been newly redacted, but in
12 any event it states, and this is the former
13 tab 165:

14 "On November 3, 2002, the
15 Canadian Ambassador to Syria
16 received a document (written
17 in Arabic) from Syrian
18 Military Intelligence (SMI).
19 The Ambassador brought the
20 document to Canada personally
21 and gave it to ISI on
22 November 6. ISI sent it to
23 CSIS for translation. The
24 document, an undated
25 three-paragraph *bout de*

1 *papier*, was translated on
2 November 7. The document
3 alleges that Arar spent time
4 in Afghanistan in Mujaheddin
5 camps, and that he knew ...
6 The document was sent to CSIS
7 for translation by the CSIS
8 Liaison Officer in ISI. The
9 translated document was
10 returned to ISI and the
11 information was shared with
12 JPD, the RCMP and CSIS."

13 Now, just a number of questions
14 relating to that document, and I guess the first
15 would be, and I come back to what I had asked
16 before: Did you suspect that this document may
17 have been the product of torture, and as a result,
18 of limited reliability?

19 AMBASSADOR PILLARELLA: With
20 regard to reliability, we had to take that with a
21 certain scepticism. As to know whether this was
22 the result of physical torture, my answer is, as
23 this morning, it might have happened, but I really
24 don't know, and from the visits by Leo Martel with
25 Mr. Arar, there was no such evidence.

1 MR. CAVALLUZZO: So I assume that
2 at this point in time then, you concluded, since
3 there was no evidence of torture, that this
4 particular document, which you brought back from
5 Syria, was not a product of torture, and therefore
6 reliable?

7 AMBASSADOR PILLARELLA: I said a
8 moment ago, I really don't know. I can't -- it
9 might have happened. I really don't know.

10 MR. CAVALLUZZO: But, you see,
11 we're going to come to -- let us then just ask
12 you, before we come to this meeting: This
13 document was obviously sent to CSIS for
14 translation, and then it would appear that the
15 document was shared with the RCMP and CSIS, and
16 I'd like to know who made the decision that the
17 RCMP and CSIS would have access to this document?

18 AMBASSADOR PILLARELLA: If you
19 look at all the documents that go from Damascus,
20 there is not a single document that goes to the
21 RCMP or CSIS, which means that all my
22 communications were with the Department of Foreign
23 Affairs. The information was distributed to those
24 divisions or bureaus, and then, if there is a
25 decision made to share that information with an

1 outside agency, that decision was taken in Ottawa,
2 not by me.

3 MR. CAVALLUZZO: Now, do you
4 know -- do you have any idea of who made the
5 decision that this information would be shared
6 with CSIS and the RCMP?

7 AMBASSADOR PILLARELLA: I don't
8 know.

9 MR. CAVALLUZZO: Now, you did
10 attend an interagency meeting on November 6.
11 Isn't that correct?

12 AMBASSADOR PILLARELLA: That is
13 correct.

14 MR. CAVALLUZZO: And this was a
15 meeting at DFAIT headquarters?

16 AMBASSADOR PILLARELLA: Yes.

17 MR. CAVALLUZZO: And at the
18 meeting there were in attendance DFAIT people,
19 including ISI?

20 AMBASSADOR PILLARELLA: To my
21 recollection, yes.

22 MR. CAVALLUZZO: There were people
23 from the RCMP?

24 AMBASSADOR PILLARELLA: Yes.

25 MR. CAVALLUZZO: And people from

1 CSIS?

2 AMBASSADOR PILLARELLA: Yes.

3 MR. CAVALLUZZO: Now, if you go to
4 tab -- staying in the small booklet, 134, at
5 tab 9. This is a message, or a comment, or
6 memorandum from Jonathan Solomon, who we
7 understand -- actually, it's from Scott
8 Heatherington to a number of people, and it starts
9 with reference to JPD -- that's Mr. Pardy, in
10 particular:

11 "... a memo providing a
12 chronology of the Maher Arar
13 case, I think it would be
14 useful to provide you with a
15 translated copy of the
16 summary of Arar's confession,
17 provided to DFAIT by Syrian
18 intelligence."

19 Now, do you know who decided that
20 this particular document has now turned into a
21 confession? Were you referring to the document as
22 a confession, or is this just --

23 AMBASSADOR PILLARELLA: No, I
24 never referred to the document as a confession.
25 This is -- well, I see the word "confession"

1 written down here, but it was certainly not my
2 expression.

3 MR. CAVALLUZZO: Okay. The
4 message or memorandum goes on. It says:

5 "The summary was provided to
6 Ambassador Pillarella in
7 Damascus ..."

8 And then there's some redaction.

9 Then it goes on:

10 "... and immediately before
11 the Ambassador's return to
12 Ottawa for meetings. The
13 document was discussed in a
14 meeting with ISI, the
15 Ambassador, CSIS, and the
16 RCMP on 6 November."

17 And then it says:

18 "... CSIS made no comments
19 about the credibility of the
20 document, but said that even
21 if true, it was not
22 necessarily damning evidence
23 against him."

24 Okay? So CSIS would appear -- do
25 you know who was there for -- I guess we can't ask

1 you that. But certainly the representative of
2 CSIS' view was, not expressing any opinion on the
3 reliability of the document; however, even if it's
4 true, it's not, in their words, damning evidence
5 against Mr. Arar.

6 Now, the question that I would
7 have for you: At this meeting, was there any
8 discussion, any discussion at all, about the
9 reliability of this alleged confession because of
10 all of the concerns we discussed with you this
11 morning, that is, the possibility of torture, the
12 possibility of mishandling, any kind of
13 possibility where there was any kind of coercion
14 involved?

15 AMBASSADOR PILLARELLA: As far as
16 I can recall, yes, everyone took the contents of
17 that particular message with a certain scepticism
18 because we had no way of knowing whether this was
19 true or not. In fact, one of the reasons for
20 getting information from the Syrians on what they
21 had against Mr. Arar was precisely to be able to
22 verify that by our own means and see whether this
23 was correct or not.

24 MR. CAVALLUZZO: But was -- go on.
25 I'm sorry.

1 AMBASSADOR PILLARELLA: And,
2 again, you're asking me to remember what happened
3 over three years ago. As I seem to recall, yes,
4 there was general discussion, but -- yes. No one
5 came to any conclusion. In fact, you have the
6 conclusion there, when CSIS says, well -- they
7 made no comment on the credibility of the
8 document.

9 MR. CAVALLUZZO: No, but what I'm
10 asking you, since you're the expert, you're the
11 interpreter of Syria to Canadian officials, did
12 you yourself, as being the interpreter of Syria,
13 say, "This document should be viewed with a great
14 deal of scepticism because it may be the product
15 of torture"? Did you say that?

16 AMBASSADOR PILLARELLA: I did
17 it -- I don't know if I said that in those terms,
18 but I certainly did it, as others around the
19 table, that we were taking this document with a
20 certain scepticism, yes.

21 MR. CAVALLUZZO: And why the
22 scepticism? Why was everybody taking this with --
23 leaving apart the CSIS conclusion, even if it's
24 true, it doesn't help us. But just in terms of
25 the process of getting the confession, as it's

1 called, why was there scepticism expressed?

2 AMBASSADOR PILLARELLA: Because we
3 had no way of knowing whether, for instance, if
4 Mr. Arar, finding himself in the situation where
5 he was, thought it might be better to cooperate
6 and let the Syrians hear what they wanted to hear
7 so that, you know, he would be safe.

8 I don't know. Again, we wanted
9 the information to be able to verify whether there
10 was any veracity to this information provided by
11 the Syrians. It is better to check than not. And
12 that is the reason why we wanted to do it.

13 Because if, for instance, we could
14 have checked that that information was false or
15 did not correspond to reality, we could have gone
16 back to the Syrians and said, "Look, this is what
17 you're telling us, but we have evidence which says
18 otherwise, and therefore, please let Mr. Arar go."

19 MR. CAVALLUZZO: Now, was there
20 any discussion at this interagency meeting on
21 November 6 of the possibility that Mr. Arar had
22 been in Syria for those two crucial weeks at the
23 beginning, and that the Syrians were lying about
24 his arrival in Syria and so that there would have
25 been a period of time where he was incommunicado?

1 Was there any discussion along those lines.

2 AMBASSADOR PILLARELLA: Not that I
3 recall.

4 MR. CAVALLUZZO: Did you talk to
5 Mr. Pardy about the possibility of whether
6 Mr. Arar was tortured in the first two weeks that
7 I've been referring to as being incommunicado?

8 AMBASSADOR PILLARELLA: Never.

9 MR. CAVALLUZZO: Would it surprise
10 you to know that Mr. Pardy's evidence was that he
11 believed that Mr. Arar, that he had been in Syria
12 for the first two weeks, that he was
13 incommunicado, and that it's quite reasonable to
14 assume that there may have been torture which
15 produced the document which was discussed on
16 November 6. Would that surprise you?

17 AMBASSADOR PILLARELLA: Well, let
18 me -- let me say this: I have known Mr. Pardy for
19 a very long time. He was a former colleague, a
20 friend, and I know that there is no one in the
21 Department that has taken more interest in
22 consular affairs, and he has done tremendous
23 things to try to get Canadians freed from
24 imprisonment and to have consular access to these
25 Canadians detained abroad. I think that he has

1 dedicated, with passion, his last years in the
2 Department to consular affairs; and therefore, I
3 have the greater respect for him.

4 But I must say that if this is
5 what he has said in his testimony, I'm afraid that
6 I have to say that this was never discussed
7 between us --

8 MR. CAVALLUZZO: No, he did not --
9 he did not say -- he did not say that he discussed
10 it with you.

11 AMBASSADOR PILLARELLA: Hmm.

12 MR. CAVALLUZZO: What I'm saying
13 he said, is that based with the facts that he
14 had --

15 AMBASSADOR PILLARELLA: Yes.

16 MR. CAVALLUZZO: -- which were
17 similar to the facts that you had, that he
18 believed that Mr. Arar was in Syria for the first
19 two weeks, was held incommunicado, and any
20 statements may have resulted from torture. That
21 was his --

22 AMBASSADOR PILLARELLA: If that is
23 what he thought, he never shared these thoughts
24 with me. Never.

25 MR. CAVALLUZZO: Well, I guess he

1 may have assumed that since you were the
2 interpreter of Syria to Canadian officials, that
3 you would have been operating on the same
4 assumption as him.

5 AMBASSADOR PILLARELLA: Well,
6 then, he should have read the reports coming out
7 of Damascus, which were not indicating -- they
8 were not saying "Yes" or "No", they were saying,
9 based on the evidence that we have, there is no
10 such indication; and therefore, I don't know how
11 he could assume, because if -- I said it this
12 morning -- if, for instance, we had had any
13 inkling that there might have been physical
14 torture, this would have been reported. But we
15 could not do that, Mr. Martel could not do that,
16 because there was no such evidence.

17 MR. CAVALLUZZO: How he could
18 assume that, Mr. Pillarella, is that he believed
19 Mr. Arar. He believed Mr. Arar when Mr. Arar
20 said, "I was only in Jordan for a few hours and
21 I've been in Syria for a few weeks, and those
22 Syrians were lying about that." That's what he
23 believed and as a result of that made certain
24 assumptions based on the public record.

25 AMBASSADOR PILLARELLA: I cannot

1 presume what Mr. Pardy was thinking. I can only
2 say what we could verify on site.

3 MR. CAVALLUZZO: Okay. And we've
4 been through that and there's no reason to revisit
5 those discussions.

6 Let us then move to the third
7 consular visit at tab 192 in volume 2. This is
8 November 12.

9 But before doing that, what was
10 the result of that interagency meeting? What was
11 going to happen as a result of the three -- DFAIT,
12 ISI, CSIS and RCMP -- meeting about this alleged
13 confession of Mr. Arar? Who was going to do what?

14 AMBASSADOR PILLARELLA: Look, this
15 was left in the hands of the headquarters. I was
16 there for a very short period of time. I was not
17 in Canada --

18 MR. CAVALLUZZO: Okay.

19 AMBASSADOR PILLARELLA: -- for the
20 purpose of Mr. Arar, I was here for other reasons,
21 and therefore, you know, I presented what I had
22 but then I left it to headquarters to --

23 MR. CAVALLUZZO: Now, was it your
24 working assumption, when you left that meeting,
25 and after seeing the CSIS response, that the

1 alleged confession was of no assistance because
2 even if it was true, it didn't move the ball down
3 the court in any sense?

4 AMBASSADOR PILLARELLA: I'm not
5 sure that I know what -- what I should answer to
6 that. What is it that you're asking?

7 MR. CAVALLUZZO: What I'm asking
8 you is, was the conclusion, was the consensus at
9 the meeting that this statement was useless? That
10 even if it was true, it didn't assist in advancing
11 whatever you were doing in respect of Mr. Arar?

12 AMBASSADOR PILLARELLA: Well, I
13 don't know about that, but one thing is certain,
14 is that on my return to Damascus, I kept going
15 back to the Syrian authorities, repeating the same
16 message.

17 So, in other words, we did not
18 leave things hanging. I kept doing what I was
19 supposed to do in trying to persuade the Syrians
20 to let Mr. Arar go.

21 MR. CAVALLUZZO: And did you say
22 to them that, "This statement, that this alleged
23 confession you have, General Khalil, is useless?
24 It doesn't advance the ball at all? That my
25 intelligence agency says that it's not worth --"

1 AMBASSADOR PILLARELLA: But what I
2 could say, and what they believed -- I mean, that
3 was -- what was important for themselves was what
4 they believed, not what I might say.

5 Of course, I can say: "To us,
6 this doesn't prove anything," and in fact we kept
7 saying, "Please let him go." But the Syrians were
8 convinced otherwise --

9 MR. CAVALLUZZO: And you didn't
10 say to them, "The conclusion of our security
11 intelligence agency is that even if this document
12 is a true statement Mr. Arar's, it doesn't prove
13 anything. It doesn't prove that he's a terrorist
14 or he has terrorist connections"?

15 AMBASSADOR PILLARELLA: I had no
16 basis to say that. We had only one short comment
17 from CSIS saying well -- first of all, they made
18 no comment, so they did not verify it. They just
19 said -- where is the --

20 MR. CAVALLUZZO: It's tab 9. It
21 looks to me like they made a comment. It looks
22 like a conclusion. They made no comment about the
23 credibility of the document. But read on.

24 "... but said that even if
25 true, it was not necessarily

1 damning evidence against
2 him."

3 AMBASSADOR PILLARELLA: That's as
4 far as we're concerned in our system. But as I've
5 said, for the Syrians, it was different. I
6 mean -- and there I had no influence. I kept
7 telling the Syrians, "Mr. Arar is not sought for
8 any offence in Canada, and therefore, we want him
9 returned. Please let him go."

10 MR. CAVALLUZZO: But
11 Mr. Pillarella, we keep hearing from DFAIT
12 witnesses, the reason why we got CSIS involved,
13 the reason why we got the RCMP involved, was to
14 help Mr. Arar, right? And here you have a
15 conclusion from one of these agencies, CSIS,
16 saying that, even if it's true, it's not
17 necessarily damning evidence against him.

18 Why wouldn't you bring that back
19 to the Syrians and say, "Our security intelligence
20 agency says it doesn't prove anything"? If CSIS
21 was in the game to help Mr. Arar?

22 AMBASSADOR PILLARELLA: But if it
23 doesn't prove anything for us does not mean that
24 it doesn't prove anything for them.

25 MR. CAVALLUZZO: No, but the

1 expert opinion of your security intelligence
2 agency may have gone a long way with the Syrian
3 Military Intelligence who like to, we understand,
4 like to deal with security intelligence agencies.

5 AMBASSADOR PILLARELLA: Well, then
6 perhaps you should put the question to CSIS
7 because --

8 MR. CAVALLUZZO: And we will.
9 In other words -- I just want to
10 be sure -- you didn't put that position forward
11 with Khalil?

12 AMBASSADOR PILLARELLA: No.

13 MR. CAVALLUZZO: Okay. Let's move
14 then to the third consular visit. This is
15 November 12.

16 Now, this says, "Drafted by Leo
17 Martel" and this one doesn't say it's approved --

18 AMBASSADOR PILLARELLA: Which tab?

19 MR. CAVALLUZZO: I'm sorry,
20 it's 192 of volume 2.

21 AMBASSADOR PILLARELLA: Yes.

22 MR. CAVALLUZZO: This doesn't
23 appear to be approved by you, perhaps because you
24 were in Canada at the time?

25 AMBASSADOR PILLARELLA: That's

1 probably the case, yes.

2 MR. CAVALLUZZO: Okay. And what
3 this does, it's just the third consular meeting,
4 and this is in the third paragraph:

5 "Was able to discuss for
6 approximately 15 minutes with
7 Arar who was appreciative of
8 the visit."

9 However, it would appear in the
10 preceding paragraph that Mr. Martel spoke with
11 officials for approximately 30 minutes. Martel
12 brought some reading material.

13 In paragraph 4, this is "He", Arar
14 :

15 "... asked the following be
16 sent to his wife and asked
17 that she continued dating her
18 letters. He spoke Arabic (as
19 requested by the Syrians) and
20 Col. Majed acted as
21 interpreter."

22 And then in the second last
23 paragraph, 5:

24 "Martel tried to obtain some
25 information on the

1 progression of the
2 investigation but the Syrians
3 remained silent. They said
4 the HOM had been provided
5 with a full report. They
6 gave no indication that Maher
7 Arar would be release any
8 time soon."

9 Now, here they're telling you --
10 here they're telling you that you've been
11 provided -- that's you, the Head of Mission -- was
12 provided with a full report. And what you know at
13 this point in time is that your security
14 intelligence agency is saying there's nothing
15 there, and I'm wondering, when you read that,
16 whether you went back to them and said, "CSIS says
17 there's nothing there"?

18 AMBASSADOR PILLARELLA: I don't
19 know that the statement says that there is nothing
20 there. The statement says they did not comment on
21 the credibility and they said even if it were true
22 that this probably would not amount to much.

23 I don't know --this was a comment
24 made by an officer present -- whether he had had
25 the time to consult experts on whether this had

1 any value or not. I don't know that.

2 MR. CAVALLUZZO: Did you ask him?

3 AMBASSADOR PILLARELLA: I don't
4 know that.

5 MR. CAVALLUZZO: But you didn't
6 ask him?

7 AMBASSADOR PILLARELLA: Ask who ?

8 MR. CAVALLUZZO: Ask the CSIS
9 person what they were relying upon when they
10 reached that conclusion?

11 AMBASSADOR PILLARELLA: I
12 indicated to you that I left the meeting and I
13 left it in the hands of the headquarters to decide
14 what they were going to do about it. It was for
15 them to do so, not for me.

16 MR. CAVALLUZZO: Mm-hmm. Right.
17 But this is a document coming from ISI, which is
18 in DFAIT. Presumably they would have sent this to
19 you?

20 AMBASSADOR PILLARELLA: Yes?

21 MR. CAVALLUZZO: Do you recall
22 reading it before? I assume they would have sent
23 this to you. You would have been the person -- if
24 anyone should know this information, it would have
25 been you.

1 AMBASSADOR PILLARELLA: In fact,
2 this memo was not even copied to me.

3 MR. CAVALLUZZO: So that you
4 didn't even receive a copy of this memo?

5 AMBASSADOR PILLARELLA: Well, I
6 don't see -- I don't see my name on it.

7 MR. CAVALLUZZO: Do you find that
8 astounding? Do you find that astounding that your
9 Department, your ISI, is not sending you such
10 crucial information about this alleged confession
11 about Mr. Arar?

12 AMBASSADOR PILLARELLA: Well, you
13 are saying that this is crucial information. I
14 don't know. The point is, it can happen that this
15 was an internal document and, yes, they should
16 have sent it to me. I recognize that. For some
17 reason, it wasn't copied to me.

18 MR. CAVALLUZZO: But you're
19 carrying the spear for Mr. Arar. You're
20 Mr. Arar's representative, trying to get him out,
21 and here we have a conclusion reached by the
22 Canadian Security Intelligence Agency that they
23 don't seem to share with you. I find that
24 astounding.

25 AMBASSADOR PILLARELLA: I don't

1 know if it is astounding, but I admit that this
2 should have been communicated to me. The fact
3 that it was not, it might have been an oversight.
4 I don't know. I can't -- perhaps you should ask
5 those who sent the memo why I wasn't copied on it.
6 I really don't know. I can't answer that.

7 MR. CAVALLUZZO: So you don't know
8 this conclusion. At this time are you aware of
9 the El Maati allegations, that he was tortured
10 while he was in Syrian custody? These are the
11 allegations I talked about before, that were made
12 in August of 2002?

13 AMBASSADOR PILLARELLA: Well, even
14 if at that particular time I had been made aware
15 of the allegations of Mr. El Maati, I don't know
16 what this would prove, because from the start,
17 when we met with Mr. Arar, that Mr. Martel met
18 with Mr. Arar, at this point in time, I think
19 we're already at the third visit, and there was no
20 indication -- I know that I'm repeating myself --
21 but there was no evidence of any physical torture.

22 So even the fact that Mr. El Maati
23 might have said that he had been tortured, I don't
24 see how this would apply to this particular case
25 because each case should be viewed separately.

1 Maybe Mr. El Maati had been
2 tortured. In this particular case, we did not
3 have evidence that Mr. Arar was being tortured.

4 MR. CAVALLUZZO: But don't you
5 think it might have helped you to know that
6 another Canadian, another Canadian that was
7 detained in a Syrian facility, was tortured in the
8 same facility?

9 AMBASSADOR PILLARELLA: But even
10 if this is the case, I've said this morning that
11 each case is different, and because Mr. El Maati
12 might have been tortured, it doesn't necessarily
13 follow that Mr. Arar will have been tortured. If
14 we had had any evidence of it, an inkling of
15 evidence, maybe, but we did not have it.

16 MR. CAVALLUZZO: But doesn't it
17 suggest -- it suggests to me, and I'm putting it
18 to you that it suggests to you that if you have
19 evidence within a matter of months that the
20 Syrians were prepared to torture a Canadian with a
21 Canadian passport, who happened to be a dual
22 national, and Mr. Arar comes on to the scene
23 shortly thereafter, a Canadian with a Canadian
24 passport, a dual national, that it might have
25 assisted you in your representation of Mr. Arar in

1 terms of suspecting whether Mr. Arar had been
2 tortured?

3 AMBASSADOR PILLARELLA: I've said,
4 and I repeat, even if we had some suspicions that
5 this might have happened, the meetings we had,
6 that Mr. Martel had with Mr. Arar, seemed to show
7 otherwise; and therefore, the fact that Mr. El
8 Maati allegedly said that he had been tortured did
9 not necessarily apply to Mr. Arar.

10 MR. CAVALLUZZO: But -- and this
11 is the last go at this, and once again, I will
12 repeat, I will repeat, I'm not talking about
13 whether he's being physically tortured in November
14 and in December, in January. What I'm talking
15 about are those two crucial weeks in the
16 beginning. That's what I'm talking about.

17 AMBASSADOR PILLARELLA: And I've
18 said this morning that I don't know about these
19 two crucial weeks.

20 MR. CAVALLUZZO: Okay.

21 AMBASSADOR PILLARELLA: I simply
22 don't.

23 MR. CAVALLUZZO: Okay. Then let
24 us move on now to the CSIS visit to Syria in
25 November of 2002, and if you go to Exhibit 7 of

1 the new book. This is the former tab 208. And
2 it's dated November 18th of 2002. And the sender
3 is Jonathan Solomon, who, as we know, is in ISI.

4 And the recipient is Head of
5 Mission in Damascus, and it says:

6 "For your personal
7 information, following a
8 meeting with DMA --"

9 Do you know what DMA stands for?

10 AMBASSADOR PILLARELLA: That was
11 the Associate Deputy Minister.

12 MR. CAVALLUZZO: Do you know if
13 that person is the person -- was that Jonathan
14 Fried?

15 AMBASSADOR PILLARELLA: No, no,
16 no. Who was DMA at the time? I can't recall.

17 MR. CAVALLUZZO: Well, we'll get
18 that information. That's fine if you can't recall
19 it because I can't recall it.

20 AMBASSADOR PILLARELLA: I can't
21 recall either.

22 MR. CAVALLUZZO: Okay. So in any
23 event ...

24 "... following the meeting
25 with DMA of the 18 November,

1 senior DFAIT representatives
2 officials asked to delay
3 their visit to Syria. While
4 CSIS indicated they would not
5 attempt to visit Maher Arar,
6 they still intended to
7 continue with their planned
8 visit to ..."

9 And that's redacted. And then it
10 goes on:

11 "... PCO chose not to
12 intervene on this debate, so
13 unless the Minister attempts
14 to block this visit, CSIS
15 will arrive in Damascus on
16 schedule. Updates to
17 follow."

18 So it would appear -- did you
19 receive a copy of this message from Mr. Solomon?

20 AMBASSADOR PILLARELLA: Yes.

21 MR. CAVALLUZZO: Did you
22 facilitate the meeting between CSIS and whoever
23 they were going to meet in Syria?

24 AMBASSADOR PILLARELLA: No.

25 MR. CAVALLUZZO: Okay. So that

1 CSIS had made contact on their own without your
2 intervention?

3 AMBASSADOR PILLARELLA: Correct.

4 MR. CAVALLUZZO: Okay. And if we
5 go on to tab 8, the new tab 8 of the new Book of
6 Documents, this, once again, is from Solomon.
7 It's the next day, November 19, and it is sent to
8 you?

9 AMBASSADOR PILLARELLA: Mm-hmm.

10 MR. CAVALLUZZO: And we can pick
11 up halfway in the first paragraph, it states:

12 "You will remember that at an
13 interdepartmental meeting
14 held on Wednesday, November
15 6, it was agreed that it
16 would be useful if CSIS were
17 to travel to Syria to speak
18 to Syrian authorities on
19 international terrorism."

20 Now, do you recall that discussion
21 took place on November 6, that there was consensus
22 that CSIS would visit Syria to discuss global
23 terrorism -- or international terrorism?

24 AMBASSADOR PILLARELLA: Now that I
25 read it, yes, I --

1 MR. CAVALLUZZO: You recall that?
2 AMBASSADOR PILLARELLA: Yes.
3 MR. CAVALLUZZO: Then it goes on:
4 "In light of recent media
5 reporting on Arar, we had
6 doubts about the timeliness
7 of the CSIS visit, although
8 not about its substance.
9 This issue went before the
10 Minister on November 18. He
11 did not wish to defer the
12 visit; however, he indicated
13 that he wished to have a full
14 report on the visit and the
15 discussions with the Syrians
16 before he communicated with
17 the Syrian Foreign Minister.
18 He also requested an
19 assessment of Arar's possible
20 involvement in terrorist
21 activities. Any further
22 information beyond your
23 report of November 3 would be
24 extremely useful in this
25 respect."

1 So it would appear, at least in
2 DFAIT, that despite what CSIS said about that
3 report of November the 3rd, that at least DFAIT
4 are going to be using that report because it says:

5 "Any further information
6 beyond your report of
7 November 3 report would be
8 extremely useful..."

9 AMBASSADOR PILLARELLA: Well...

10 MR. CAVALLUZZO: That is what it
11 says and that is what it --

12 AMBASSADOR PILLARELLA: Well, I
13 mean, it is normal that I should continue to see
14 if there was anything new, because once again we
15 wanted to use whatever we could get to assist
16 Mr. Arar.

17 MR. CAVALLUZZO: Okay. Now, do
18 you recall this issue? It says:

19 "This issue went before the
20 Minister on November 18."

21 Were you party to those
22 discussions as to the Minister's decision as
23 to whether or not to intervene and defer the
24 CSIS visit?

25 AMBASSADOR PILLARELLA: No. I

1 took this at face value. I received that message
2 and I had no reason to question it. As I said, I
3 took it at face value.

4 MR. CAVALLUZZO: If you look at
5 the next paragraph, paragraph 2, it says:

6 "We have consulted with CSIS.
7 ... We have been informed
8 that the..."

9 Then there is a redaction. It
10 says:

11 "The purpose of the visit is
12 to consult with Syrian
13 intelligence and take
14 advantage of their knowledge
15 on Al-Qaeia and terrorist
16 threats. CSIS is not
17 visiting Maher Arar, but
18 given the high profile of
19 this issue in Canada, we
20 suggest below the press lines
21 in the unlikely event that
22 there will be press coverage
23 of the visit".

24 Unfortunately, you should know the
25 unlikely event occurred last week when there was a

1 leak of that visit in The Toronto Star. In any
2 event, we dealt with that yesterday.

3 But the press lines are:

4 "We do not comment on
5 security matters
6 the visit in question was
7 planned some time ago to
8 discuss terrorism-related
9 issues
10 the purpose of the visit is
11 not to deal with the Arar
12 case; he will not be visited
13 by these officers."

14 Okay. Those are the press lines
15 in the unlikely event that this is released.

16 Just to give some context to this,
17 were you aware that around this time there was to
18 be a scheduled phone call between Minister Graham
19 and Foreign Minister Shara'a?

20 AMBASSADOR PILLARELLA: Yes.

21 MR. CAVALLUZZO: Were you aware
22 that the phone call between Shara'a and Graham was
23 postponed or was put off?

24 AMBASSADOR PILLARELLA: Yes.

25 MR. CAVALLUZZO: Do you know why

1 the phone call between Shara'a and Graham was put
2 off? Was it because of the CSIS visit?

3 AMBASSADOR PILLARELLA: No. I
4 don't know for a fact, but I think that it is
5 simply that the times couldn't coincide between
6 the two Ministers, and that was the only reason
7 why the --

8 MR. CAVALLUZZO: That occurred in
9 December, because there was going to be another
10 phone call in December, and schedules. We will
11 come to a document.

12 AMBASSADOR PILLARELLA: I'm
13 talking about this telephone call in December. I
14 didn't know that there was another telephone call
15 in November. I don't recall.

16 MR. CAVALLUZZO: Okay. Well, let
17 me bring you to the documents that will refresh
18 your memory.

19 AMBASSADOR PILLARELLA: Because
20 the embassy was involved in trying to arrange
21 these telephone calls, but I seem to recall that
22 it was in December. But I can't...

23 MR. CAVALLUZZO: Go to tab 12 of
24 the same document book.

25 Yes.

1 MR. CAVALLUZZO: This is a
2 memorandum or message from you --

3 AMBASSADOR PILLARELLA: Mm-hmm.

4 MR. CAVALLUZZO: -- to Michael
5 Chesson. He is the GMR -- who is the GMR.

6 AMBASSADOR PILLARELLA: Yes, the
7 Middle East Division.

8 MR. CAVALLUZZO: Okay. He says:
9 "Further to your message, I
10 would like to make."

11 Or you say:

12 "Further to your message, I
13 would like to make the
14 following two points. My
15 first point relates to the
16 cancelled phone call between
17 the (Minister and Foreign
18 Minister) MINA and FM
19 Shara'a. You will recall
20 that when the Syrians were
21 informed that the call would
22 not take place, they were
23 somewhat puzzled and despite
24 our explanation that the call
25 was not being cancelled but

1 simply postponed, they
2 remained unconvinced."

3 AMBASSADOR PILLARELLA: Yes.

4 MR. CAVALLUZZO: Okay? I'm
5 putting it to you that that phone call, the
6 initial phone call, was to take place in
7 November 2002.

8 AMBASSADOR PILLARELLA: As I have
9 said, I don't recall when this telephone call was
10 supposed to take place, but you asked me whether
11 this was related to the CSIS visit and my answer
12 is I don't believe so. I have no knowledge of
13 that.

14 MR. CAVALLUZZO: Mm-hmm. Okay. I
15 may come back to that.

16 In any event, so you didn't
17 facilitate the CSIS visit --

18 AMBASSADOR PILLARELLA: No.

19 MR. CAVALLUZZO: -- in your role
20 as Ambassador?

21 Did you know if the CSIS visit
22 took place?

23 AMBASSADOR PILLARELLA: I'm sorry?

24 MR. CAVALLUZZO: Did you know if
25 the CSIS visit took place?

1 AMBASSADOR PILLARELLA: Yes, of
2 course.

3 MR. CAVALLUZZO: Okay. Did anyone
4 from CSIS come to visit you?

5 AMBASSADOR PILLARELLA: Yes.

6 MR. CAVALLUZZO: You can't tell us
7 who, but so that before the visit to the
8 authorities they were going to deal with they came
9 to visit you?

10 AMBASSADOR PILLARELLA: Yes, I
11 believe it was a Thursday they came to the embassy
12 and we sat down and we spoke in general of the
13 situation in Syria and they said that they had
14 come to visit their counterparts to discuss
15 terrorist issues.

16 MR. CAVALLUZZO: Okay. Were the
17 CSIS visitors to come back to speak to you after
18 their visit with the Syrian counterparts?

19 AMBASSADOR PILLARELLA: Yes.

20 MR. CAVALLUZZO: Did they come
21 back to you?

22 AMBASSADOR PILLARELLA: No.

23 MR. CAVALLUZZO: Were you
24 surprised?

25 AMBASSADOR PILLARELLA: I think I

1 was very upset, yes.

2 MR. CAVALLUZZO: Okay. Well,
3 let's look at tab 11, as to that issue, and this
4 is a message from you dated -- this is tab 10, I'm
5 sorry. Tab 10 of the new booklet. It is dated
6 November the 25th.

7 AMBASSADOR PILLARELLA: Mm-hmm.

8 MR. CAVALLUZZO: It is to ISI and
9 several others, including ISD, GMD, and so on.
10 The subject matter is the CSIS visit. You say:

11 "Following my meeting with
12 ... it was agreed that they
13 would come back to the
14 Embassy ... for a debrief on
15 their meetings with Syrian
16 counterparts which would be
17 held..."

18 And that is redacted.

19 "Parallel to this, I informed
20 them that I was trying to
21 arrange a meeting with
22 General Khalil for
23 However, I could not
24 guarantee that the meeting
25 would take place given the

1 last minute request. In the
2 end, meeting with General
3 Khalil could not be arranged
4 and I never saw ... again, as
5 they did not come back to the
6 Embassy on ... as previously
7 agreed. Several messages
8 left at their hotel on Sunday
9 to call me went unanswered
10 and I found out ... that they
11 had checked out of the hotel
12 and presumably had left
13 Damascus."

14 You go on.

15 "Maybe there is a good
16 explanation for this bizarre
17 behaviour but I confess that
18 I cannot think of one at the
19 moment. All I can say is
20 that in terms of
21 co-operation, this is less
22 than satisfactory to say the
23 least. Not having been able
24 to meet with General Khalil I
25 have no further info on what

1 we can expect with regard to
2 Arar. I would hope that you
3 will be able to obtain a full
4 debrief from CSIS on this
5 curious visit and find out
6 whether they discussed the
7 Arar case."

8 Was there a discussion that they
9 were going to discuss the Arar case when you met
10 with the CSIS representatives when they were at
11 your embassy prior to the visit?

12 AMBASSADOR PILLARELLA: No, no.

13 MR. CAVALLUZZO: Then it goes on:

14 "I am quite prepared to ask
15 for another meeting with
16 General Khalil on this issue,
17 but I need clear instructions
18 from you, once you have
19 decided on how you wish to
20 proceed."

21 So that you describe this as
22 bizarre behaviour, then not reporting back to you?

23 AMBASSADOR PILLARELLA: Well, as I
24 have said, I was very upset because I thought that
25 we had reached an agreement that they would

1 debrief me after their meetings. I didn't know
2 who they were meeting with. I had no idea,
3 because they did not indicate with whom they were
4 going to meet. Therefore, I thought it was, yes,
5 rather bizarre, because in terms of cooperation,
6 that is not what I call cooperation. So the
7 message is very clear.

8 MR. CAVALLUZZO: I guess one of
9 the concerns that I would express is if CSIS is
10 going to be involved we get them involved on
11 November the 6th because they are going to help
12 Mr. Arar. It would seem quite peculiar that they
13 left Damascus without talking to you, the person
14 who is on the front lines trying to get Mr. Arar
15 out of Syria back to Canada. Very odd behaviour,
16 one would think.

17 AMBASSADOR PILLARELLA: That is
18 the reason why I say that this was very bizarre
19 behaviour. And I don't even know whether Mr. Arar
20 was discussed with somebody in Syria. I simply
21 don't know. In fact, I have never known why they
22 acted in this matter or what was discussed, so I
23 cannot make any comments.

24 MR. CAVALLUZZO: Okay.

25 AMBASSADOR PILLARELLA: To this

1 day, I'm still in the dark.

2 MR. CAVALLUZZO: Well, we will try
3 to find out for you.

4 One very troubling thing with this
5 document, which is at tab 10. This is the message
6 that goes to you. This isn't your document
7 itself, but it shows you the problems when we are
8 dealing with these kinds of allegations.

9 Because if you look in the top
10 right corner, you will see it says "File
11 9690-04/BIN LADEN" and then "(Arar)".

12 AMBASSADOR PILLARELLA: I don't
13 know where this is coming from. This is certainly
14 not my doing.

15 MR. CAVALLUZZO: You have
16 absolutely not a scintilla of evidence to suggest,
17 to your knowledge, that Mr. Arar is in any way --
18 in any way -- associated with Mr. bin Laden?

19 AMBASSADOR PILLARELLA: But I'm
20 seeing this for the first time -- or when I saw
21 it -- you would have to ask those who filed it why
22 they filed it in this manner. I don't know. This
23 is the first time that I see "BIN LADEN (ARAR). I
24 don't know.

25 MR. CAVALLUZZO: So coming back to

1 the CSIS visit, you never did get a satisfactory
2 response in respect of why they --

3 AMBASSADOR PILLARELLA: No.

4 MR. CAVALLUZZO: -- left without
5 talking to you?

6 AMBASSADOR PILLARELLA: No.

7 MR. CAVALLUZZO: If you go to
8 tab 12, this once again comes to the phone call
9 between Shara'a and Graham which will demonstrate,
10 it would seem to me, that there was a call in
11 November.

12 --- Pause

13 MR. CAVALLUZZO: It's like lifting
14 weights.

15 AMBASSADOR PILLARELLA: Sorry.

16 MR. CAVALLUZZO: It's like lifting
17 weights.

18 If you stay in volume 2, at
19 tab 212?

20 AMBASSADOR PILLARELLA: Yes.

21 MR. CAVALLUZZO: Just get tab 212.
22 You will see that there is an e-mail at the
23 bottom, November 17, 2002. At the bottom it says:
24 "Minister Graham has decided
25 over the week end to call by

1 telephone his Syrian
2 counterpart sometime Tuesday
3 morning prior to Cabinet....
4 Can you arrange for this
5 phone call to take place?"

6 If you refer to volume 3, tab 215,
7 you will see that there was a briefing note
8 prepared for the Minister on November 18, 2002 for
9 the phone call with Mr. Shara'a.

10 AMBASSADOR PILLARELLA: Mm-hmm.

11 MR. CAVALLUZZO: Do you see that?

12 AMBASSADOR PILLARELLA: Yes.

13 MR. CAVALLUZZO: Does that refresh
14 your memory now as to whether there was a phone
15 call to take place --

16 AMBASSADOR PILLARELLA: Yes, so it
17 was the same telephone call. I mean, it was --
18 yes.

19 MR. CAVALLUZZO: I'm asking you
20 whether you recall the reason as to why the phone
21 call was postponed? I'm putting it to you it was
22 because of the CSIS visit that was postponed?

23 AMBASSADOR PILLARELLA: To my
24 knowledge, the telephone call did not take place
25 because the times could not be arranged between

1 the two Ministers. That is my recollection.

2 To tie it to the visit of
3 CSIS, I have no knowledge of that and I don't
4 believe that this was the reason why the call
5 was postponed.

6 MR. CAVALLUZZO: Okay. Let us
7 look at tab 12, because you do refer to it in your
8 message at tab 12, this phone call.

9 This is dated December 12th?

10 AMBASSADOR PILLARELLA: Mm-hmm.

11 MR. CAVALLUZZO: This is
12 once again to Michael Chesson at the Middle
13 Eastern desk:

14 "Further to your message, I
15 would like to make the
16 following two points. My
17 first point relates to the
18 cancelled phone call between
19 MINA and FM Shara'a. You
20 will recall that when the
21 Syrians were informed that
22 the call would not take
23 place, they were somewhat
24 puzzled and despite your
25 explanation that the call was

1 not being cancelled but
2 simply postponed, they
3 remained unconvinced."

4 AMBASSADOR PILLARELLA: Mm-hmm.

5 MR. CAVALLUZZO: Does that
6 refresh your memory, that obviously the phone call
7 was cancelled, as we see, but you don't seem to
8 recall as to why.

9 AMBASSADOR PILLARELLA: Again I
10 repeat, I believe that the call did not take place
11 because we could not arrange a suitable time for
12 the two Ministers to talk.

13 MR. CAVALLUZZO: Well, who was
14 involved in the scheduling? Were you involved in
15 the scheduling of the phone call that was to take
16 place in November --

17 AMBASSADOR PILLARELLA: No, no.
18 As you see in this message, it says, we want it at
19 such and such time. You must understand that, for
20 instance, when I was trying to get a time for
21 Minister Shara'a, it was no easy task, believe me.
22 Even trying to reach somebody in the Minister's
23 office was already some undertaking, and therefore
24 it was extremely difficult to pin down the
25 Minister and set a certain time.

1 MR. CAVALLUZZO: Okay. Now, on
2 November 26th, if you go to tab 229, we come to
3 the fourth consular visit. This is now in volume
4 3, tab 229, on November 26th.

5 Do you see that?

6 You once again appear not to have
7 been in Damascus, as it was drafted and approved
8 by Mr. Martel?

9 AMBASSADOR PILLARELLA: I don't
10 know where I was. I might have been in Cyprus on
11 that occasion. I don't know. I don't remember.

12 MR. CAVALLUZZO: Okay. Well,
13 even if you weren't in Damascus at the material
14 time, would you likely have reviewed this consular
15 report?

16 AMBASSADOR PILLARELLA: Oh, I
17 would have certainly read it on my return, yes.

18 MR. CAVALLUZZO: Okay. As far as
19 Mr. Arar's condition is concerned, if we refer to
20 the seventh paragraph, it states that:

21 "Maher appeared to..."

22 AMBASSADOR PILLARELLA: Which
23 paragraph?

24 MR. CAVALLUZZO: Seven.

25 AMBASSADOR PILLARELLA: Seven.

1 MR. CAVALLUZZO: It states:
2 "Maher appeared to be in good
3 physical and mental health.
4 Officials made him stand up
5 to show that he was well
6 being taken care of. No
7 change could be seen in his
8 state of health from that of
9 the last visit. Upon being
10 questioned on his current
11 health compared to the day he
12 was first visited he
13 indicated that he had been
14 afraid at the beginning as
15 the investigation was more
16 intensive. He seemed more
17 relaxed and he said his only
18 moment of joy was when he
19 received our visit. He
20 continued to say he was being
21 treated well and when
22 prompted by the officials he
23 said 'my brothers are
24 treating me very well'. He
25 indicated he was feeling as

1 well as anyone would feel
2 when being imprisoned."

3 Now, this prompting that is still
4 going on and his response, "My brothers are
5 treating me well," once again is a concern to you?

6 AMBASSADOR PILLARELLA: Well, I
7 concede to you that being detained in Syria is far
8 from being a picnic, and I concede to you as well
9 that the conditions of detentions may not be what
10 we would like them to be. Therefore, yes, there
11 is a concern.

12 On the other hand, however, this
13 is now the fourth visit, and from the first to the
14 fourth we can see that the atmosphere is much more
15 relaxed, that Mr. Arar appears to be in good
16 health, and, yes, there may still be some
17 prompting on the part of the Syrians but I think
18 on the overall what Mr. Martel could verify was
19 extremely positive, having conceded that being in
20 a Syrian jail must be a very painful experience.

21 MR. CAVALLUZZO: He is still in
22 the same jail?

23 AMBASSADOR PILLARELLA: I assume
24 so because he is being met always at the same
25 place.

1 MR. CAVALLUZZO: Was there
2 any discussion with Mr. Martel that, "Well, maybe
3 now is the time that we should ask to see his
4 prison conditions," or would that be an
5 unreasonable request?

6 AMBASSADOR PILLARELLA: I would
7 use your own words, that this would have been an
8 unreasonable request. Because I can say, knowing
9 the conditions in Syria, knowing what the Syrians
10 were prepared to do for us, that this would have
11 gone beyond the -- and, you see, we had to be
12 careful of one thing, and I believe that this is
13 important to remember. What we want to do is not
14 to lose the possibility of meeting with Mr. Arar
15 on a regular basis and, therefore, we had to
16 tread very carefully in what we might ask the
17 Syrians to do.

18 So if one keeps that in mind, then
19 perhaps you have the answer to your own question.

20 MR. CAVALLUZZO: Right. Of
21 course, the General had already reneged on his
22 original commitment. Remember originally he said
23 that Mr. Arar could be visited every three or
24 four days?

25 AMBASSADOR PILLARELLA: Well, I

1 would not say that he had reneged. Yes, he might
2 have said that, but then you have to understand
3 that in the Middle East when you say "10 minutes"
4 it may stretch into an hour, or when you say three
5 days, it may stretch into one week or two weeks.
6 So I wouldn't make too much of that.

7 MR. CAVALLUZZO: Or when you say
8 24 hours, it might be two weeks?

9 AMBASSADOR PILLARELLA: I said
10 before, I don't know.

11 MR. CAVALLUZZO: Okay. We Are in
12 December now. If we go to tab 11. This is in
13 terms of the status of their investigation, and
14 this is December 4th. We estimate this document
15 is December 4, 2002, and it would appear that the
16 Syrians are alleging that Mr. Arar is a member of
17 the Moslem Brotherhood.

18 I guess Mr. Pardy is asking for --
19 in the fourth paragraph:

20 "Would also appreciate any
21 information you could provide
22 on the importance of the
23 Moslem Brotherhood in Syria.
24 It was our understanding that
25 it was a decimated force and

1 one of little or no
2 consequence to the Syrian
3 authorities. Gar."

4 So at least at that point in time
5 they seemed to be thinking that he is a member of
6 the Moslem Brotherhood?

7 AMBASSADOR PILLARELLA: Mm-hmm.

8 MR. CAVALLUZZO: Okay. Did that
9 allegation surprise you at all, since we saw on
10 the record that, as Pardy says, that they were
11 decimated at the town of Hama in 1982? Now they
12 are saying this guy is a member of the Moslem
13 Brotherhood?

14 AMBASSADOR PILLARELLA: Well, the
15 answer to that is that, yes, they were decimated
16 in Syria, but the Moslem Brotherhood existed
17 elsewhere in the world, not just in Syria. I'm
18 not talking about Mr. Arar now, but anybody could
19 be a sympathizer of the Moslem Brotherhood, maybe
20 in Egypt, in Syria, or elsewhere in the world.

21 So personally I don't find
22 anything surprising there.

23 MR. CAVALLUZZO: You did respond
24 to Mr. Pardy in terms of describing what the
25 Brotherhood is? If you go to tab 247.

1 AMBASSADOR PILLARELLA: Tab 247?

2 MR. CAVALLUZZO: We will go to
3 tab 240 first?

4 AMBASSADOR PILLARELLA: There
5 isn't much in tab 247.

6 MR. CAVALLUZZO: Right. That is
7 why we will try to get it another way.

8 You will see at tab 240 there is
9 a message from Pardy to you on December 5th, and
10 it says:

11 "Many thanks for the update
12 and we look forward to your
13 report. Assume consular
14 visit is taking place this
15 week."

16 Then it says:

17 "Ref. paragraph 4 of my Dec 4
18 message. Would appreciate
19 your assessment of the
20 subject organization. As
21 such would appreciate that at
22 your earliest opportunity."

23 That subject organization I
24 understand is the Moslem Brotherhood. It is
25 totally redacted, but in any event you have

1 responded to his inquiry?

2 AMBASSADOR PILLARELLA: Yes.

3 MR. CAVALLUZZO: The fifth
4 consular visit occurs on December 10th. If you
5 would go to tab 248.

6 As I say, this is the fifth, and
7 if you read the fifth line down:

8 "Arar appeared to be in good
9 physical condition and no
10 change was been noticed since
11 last visit. I talked at
12 length with him about
13 everything and anything. He
14 asked to be told again about
15 the PM's press attache's
16 story."

17 And so on and so forth.

18 Nothing unusual about that
19 particular visit?

20 AMBASSADOR PILLARELLA: No.

21 MR. CAVALLUZZO: Okay.

22 Now, at tab 251, at the bottom
23 there we have an e-mail from Jonathan -- excuse
24 me, an e-mail -- that is the, I guess from Martel
25 to Pardy. This concerns the consular visit.

1 It says:

2 "Access to subject was once
3 again granted today..."

4 This is December 10th:

5 "... to consular officer and
6 a separate CAMANT note is
7 being filed."

8 That is what we looked at in the
9 previous tab.

10 It goes on:

11 "During conversation with
12 contact consular officer
13 enquired about (Head of
14 Mission's) desire for a
15 further meeting with high
16 level official. Response
17 provided was that high level
18 official close to the case
19 had been quite ill recently
20 and a meeting with HOM had
21 therefore not been possible.
22 The matter is being pursued
23 and you will be kept informed
24 of developments."

25 So that if there is a problem in

1 terms of contact, somebody in Syria and Damascus
2 is ill and you are having trouble meeting with him
3 at that time?

4 AMBASSADOR PILLARELLA: Yes.

5 MR. CAVALLUZZO: Okay. Now, if
6 you go to tab 250, you will see on 11 December --
7 this is from Mr. Chesson, once again the GMR, or
8 the Middle East desk, to you, and it says:

9 "As you are aware, MINA had
10 considered placing a call to
11 ... some weeks ago to discuss
12 the Arar case."

13 That is the November call we
14 referred to earlier?

15 AMBASSADOR PILLARELLA: Yes.

16 MR. CAVALLUZZO: That shouldn't be
17 redacted, but in any event it is.

18 "Some members of the
19 government caucus have
20 suggested to him the idea of
21 sending a special envoy..."

22 This would be a special envoy
23 to Syria.

24 "We would appreciate your
25 assessment of ... continuing

1 interest in Arar and whether
2 (somebody) would be receptive
3 to a call from MINA on the
4 subject. (Your) views would
5 be of interest, if he is
6 available. If MINA so
7 decided and ... call would be
8 made on Monday, December 16,
9 prior to MINA's departure for
10 Christmas leave."

11 This is what I have been referring
12 to as the December phone call.

13 If you go to tab 12, this is the
14 newly redacted message of the next day. This is
15 where you are talking about the postponed call,
16 message it left with the Syrians, wondering what
17 is going on, and so on and so forth, and we have
18 reviewed that with you.

19 In terms of this issue of the
20 Moslem Brotherhood, you do refer to that in the
21 second paragraph --

22 AMBASSADOR PILLARELLA: Mm-hmm.

23 MR. CAVALLUZZO: -- of this
24 message about halfway down:

25 "Following his interrogation,

1 Arar is considered to be a
2 case of internal security
3 linked it seems to the Muslim
4 Brotherhood, not to Al-Qaeda
5 (see my reftel on Muslim
6 Brotherhood) and therefore
7 the Syrians will act with
8 extreme prudence having in
9 mind their national interest
10 as the foremost priority.
11 Should they consider that by
12 releasing Arar and returning
13 him to Canada he could still
14 represent a potential menace
15 for Syria, they will likely
16 refuse to release him."

17 Now, in terms of coming
18 back to this particular question of a special
19 envoy, whether it would have been a good idea at
20 that point in time to send a special envoy, what
21 were your views as to that idea, if we can call
22 it that?

23 AMBASSADOR PILLARELLA: If I
24 recall at the time, my view was, on the basis of
25 what we had, that the special envoy might not have

1 helped much.

2 MR. CAVALLUZZO: What do you mean
3 by that, on the basis of --

4 AMBASSADOR PILLARELLA: Well, on
5 the basis of the fact --

6 MR. BAXTER: Could I refer the
7 witness to paragraph 3 of the same document that
8 Mr. Cavalluzzo is in.

9 THE COMMISSIONER: Sure.

10 MR. BAXTER: I think that might
11 perhaps refresh his memory.

12 AMBASSADOR PILLARELLA: I was
13 going to say that it was because of the internal
14 security issues, and that was -- as indicated in
15 paragraph 3:

16 "Given that Arar is being
17 detained for internal
18 security reasons, it is
19 doubtful that a special envoy
20 could do much to obtain his
21 release."

22 In other words, their national
23 interests had priority. It is for that reason
24 that I thought that a special envoy might not help
25 much, not that I was opposed to a special envoy

1 coming to Damascus.

2 MR. CAVALLUZZO: Yes, I
3 understand that.

4 AMBASSADOR PILLARELLA: But they
5 were asking me what I thought about it, and I
6 said, well, I don't think it will help much.

7 MR. CAVALLUZZO: As you know,
8 subsequently in July of next year a special
9 envoy went on behalf of the Prime Minister, and
10 I'm wondering if you thought that that had any
11 effect in the sense of his subsequent release two
12 months later?

13 AMBASSADOR PILLARELLA: I think
14 that in retrospect, yes, one can say that it did
15 have some effect. But at this point in time, that
16 we are talking of a special envoy in December, it
17 did not seem that it would help much.

18 The other thing is that one tries
19 every avenue --

20 MR. CAVALLUZZO: Right.

21 AMBASSADOR PILLARELLA: -- and at
22 one point in July we tried this other avenue with
23 the letter from the Prime Minister.

24 MR. CAVALLUZZO: Okay. Just
25 moving in terms of time, if you go now to tab 260,

1 we have another Solomon, ISI, message to Damascus,
2 and Head of Mission. It says "Ambassador" -- it
3 is a very short one:

4 "In preparation for your
5 conversation with Scott
6 Heatherington, please find
7 below a bootleg copy of a
8 draft MINA briefing for his
9 conversation with Syrian FM
10 Sharaa. It is still
11 undergoing modifications, and
12 its final version will not
13 contain language urging the
14 early release of Arar,
15 probably a softer line also
16 mentioning the level of press
17 coverage the issue is
18 receiving in Canada."

19 Do you have any idea of why --
20 since I thought all along what we were trying to
21 do was to get the earlier release of Arar -- ISI,
22 in the final version, would not contain that
23 language but go for a softer approach?

24 AMBASSADOR PILLARELLA: To tell
25 you the truth, I don't know, because I was not

1 involved in this discussion, so I really don't
2 know what prompted that.

3 MR. CAVALLUZZO: Okay. Then let
4 us move into 2003.

5 At tab 274 we have a message
6 dated January 5th from yourself to Mr. Pardy, and
7 it says:

8 "Gar, I can assure you that
9 he..."

10 This would be Mr. Arar.

11 "...is constantly present in
12 our thoughts. Unfortunately,
13 there are no news for the
14 moment. Léo will again ask
15 for another meeting this week
16 and we shall see what kind of
17 reply we will get. For
18 myself, I have had no luck in
19 meeting with my usual
20 contact; I have therefore
21 tried a different tack and I
22 was supposed to have met
23 vice-minister this morning at
24 11h. Yesterday I received a
25 telephone call at the OR

1 saying that the meeting would
2 have to be rescheduled..."

3 Et cetera, et cetera

4 So at this point you seem to be
5 having trouble dealing with your usual contact?

6 AMBASSADOR PILLARELLA: Yes, and I
7 believe that it was related to the fact that the
8 individual in question was severely ill.

9 MR. CAVALLUZZO: Okay. Was this
10 also a difficult period in terms of the
11 relationship with Syria in terms of extraneous
12 political factors at this point in time?

13 AMBASSADOR PILLARELLA: Well, we
14 are in January. There are rumours of war.
15 Obviously Syria, being right next to Iraq, you can
16 well imagine that the concern of the Syrians was
17 that particular event. In fact, gradually that
18 issue took over everything else, and, you know,
19 anything that was not related to that was simply
20 of no interest to the Syrians basically.

21 MR. CAVALLUZZO: Okay. Tab 276 is
22 the sixth visit, sixth consular visit, which took
23 place on January 7, 2003.

24 Do you see that?

25 AMBASSADOR PILLARELLA: Mm-hmm.

1 MR. CAVALLUZZO: In terms of
2 Mr. Arar, in the second paragraph it states that:
3 "Arar looked in good health
4 and no noticeable change was
5 observed since last visit.
6 He was warmly dressed and
7 was, of course, very pleased
8 to be visited. He expressed
9 his gratitude to us as well
10 as to the Syrian
11 authorities."

12 In the seventh paragraph:
13 "We also raised the question
14 of what the next steps might
15 be for Arar's case. While
16 contact was unable or not
17 willing to elaborate he
18 indicated it was too early to
19 tell. He said in all
20 likelihood Arar would be
21 detained for a long time and
22 also would be likely
23 prosecuted. When asked if
24 the authorities were going to
25 keep subj forever the answer

1 was, `we do not think so but
2 at the moment it is a
3 question of national security
4 for Syria'."

5 This information would seem to be
6 pretty serious now. It looks like the Syrians are
7 now saying that Mr. Arar is going to be there for
8 a long time and that this is a national security
9 case for Syria.

10 AMBASSADOR PILLARELLA: Yes.

11 MR. CAVALLUZZO: Was there any
12 suggestion at this point in time, because of this
13 new information, that maybe Canada's strategy
14 should change because we should ratchet it up?
15 This is looking very, very serious for Mr. Arar.

16 Was there any suggestion about
17 changing its approach?

18 AMBASSADOR PILLARELLA: The point
19 is that there wasn't much more that we could do.
20 I mean, we kept trying.

21 You have to understand that, yes,
22 the principal actor in all this was the military
23 intelligence. They had the key. But every time I
24 had the occasion of raising this issue with other
25 senior officials at the Syrian government, I would

1 do so. I mean, this was a constant. It was not
2 something that was left there in abeyance and
3 waiting. It was a constant repetition of our
4 message at all levels.

5 In fact, I can say that in all
6 the time that I was in Damascus, I have never,
7 never spent so much time than on the case of
8 Mr. Arar. I mean, this had become -- I think I
9 have used this expression before -- this had
10 become an obsession.

11 So when you say a change of
12 strategy, it is easily said but it is not easily
13 done, because for that you need leverage. And,
14 yes, we had some leverage, as indicated this
15 morning, but our leverage was not of the
16 heavy-duty type.

17 MR. CAVALLUZZO: Let me just put
18 it to you as a lay observer. I would have thought
19 with the Iraq war on the horizon, and Canada's
20 participation in the war being a huge question, it
21 would seem to me, for the Syrians, that that would
22 have given Canada a great deal of leverage at this
23 point in time.

24 AMBASSADOR PILLARELLA: My answer
25 to this is that I was told in no uncertain terms

1 that when these events were occurring in the
2 region all we wanted to talk about was Mr. Arar.
3 The Syrians, believe me -- and I'm not talking
4 about military intelligence now, I'm talking about
5 the other side of the house -- they couldn't
6 understand that, that basically we just wanted to
7 talk about Mr. Arar, which we were doing.

8 But I'm trying to explain to
9 you that with the events that were about to
10 take place in the region to the Syrians this
11 was unbelievable.

12 So I don't see when you say that
13 we should have used that as a leverage, I don't
14 know how we could have done it because, I repeat,
15 they did not understand that we wanted to talk
16 only about Mr. Arar and not to talk about the
17 geopolitical conditions in the region.

18 MR. CAVALLUZZO: Well, let me
19 throw out one suggestion. You sit down with
20 General Khalil, which you did on January 9th, two
21 days later, and you say, "You know, General,
22 Mr. Arar's case is highly visible in Canada, and
23 the Canadian government is getting a lot of
24 pressure from Canadians saying, 'What is going on
25 with this guy, Arar, in Syria?' If we are getting

1 pressure like that, General, and if we are going
2 to cooperate in other areas, like not joining the
3 coalition and going into Iraq, you have to give
4 something here, General"?

5 An idea like that? Something
6 like that?

7 AMBASSADOR PILLARELLA: Well, if
8 you believe that I did not put all these points to
9 the General, then I would say that you're
10 mistaken. The only thing that I will admit is
11 that it was not for me to say, "If you release
12 Mr. Arar, we're not going to join the coalition."
13 I mean, let's be realistic.

14 MR. CAVALLUZZO: You wouldn't put
15 it that way, would you?

16 AMBASSADOR PILLARELLA: Sorry?

17 MR. CAVALLUZZO: You wouldn't put
18 it that way, would you?

19 AMBASSADOR PILLARELLA: Well,
20 probably not. But, I mean, the point was made not
21 once, not twice --

22 MR. CAVALLUZZO: Okay.

23 AMBASSADOR PILLARELLA: -- it was
24 made many times.

25 MR. CAVALLUZZO: Now, the meeting

1 with the General, which did take place on January
2 9, as I said, can be found behind tab 13 of the
3 new Book of Documents.

4 AMBASSADOR PILLARELLA: Mm-hmm.

5 MR. CAVALLUZZO: And it's
6 redacted, but the portions that we can read, it
7 says:

8 "I met with General Khalil,
9 Head of Military
10 Intelligence."

11 And then down to paragraph 5:

12 "Once more the discussion
13 digressed and then, something
14 rather unexpected happened.
15 For the umpteenth time I was
16 trying to explain to the
17 General that Canada was not
18 defending a terrorist;
19 however, because for us Arar
20 was considered to be a
21 Canadian citizen, we had a
22 consular responsibility
23 towards him and his family,
24 even accepting the fact that
25 he was in Syria and was

1 considered to be a Syrian
2 citizen. Again, I reiterated
3 to General Khalil that it was
4 in the interests of Syria and
5 its image abroad to be seen
6 to be co-operating with us,
7 as they had done thus far by
8 allowing consular visits."

9 And then it goes on:

10 "I explained to the General
11 that if we were to seriously
12 consider a visit to Damascus
13 by Arar's wife for a meeting
14 with her husband, this would
15 certainly show Canada was
16 doing all it could to
17 safeguard the interests of
18 its citizen, but more
19 importantly, this would do
20 wonders for the image of
21 Syria."

22 Now, there's a lot of -- there
23 appears to be a lot of discussion that we can't
24 get into there, but were there other things that
25 were affecting the relationship between Canada and

1 Syria other than the pending Iraq war?

2 AMBASSADOR PILLARELLA: No, I
3 think the -- our relations, there was nothing that
4 was an impediment to our relations except that I
5 was very, very irritated on this issue because I
6 couldn't -- I didn't seem to get anywhere with
7 the -- in the case of Mr. Arar.

8 But this message proves to you, if
9 there is any need for that, that, you know, my
10 message to the General was the same message from
11 the start and repeated continuously.

12 Here, the idea of having Mrs. Arar
13 come and visit, you know, was another indication
14 of how far we were willing to push the General.

15 MR. CAVALLUZZO: Were you getting
16 any indications from Khalil, or anybody else, any
17 of your other Syrian contacts, saying,
18 "Pillarella, what are you talking about? I'm
19 getting messages from another agency that they
20 don't want him back in Canada"?

21 AMBASSADOR PILLARELLA: This was
22 mentioned once, almost *en passant*, and then my
23 answer to that was, "I don't know what others may
24 be telling you. What I can tell you is that I am
25 the Ambassador representing Canada; and therefore,

1 when I say, in the name of Canada, that Mr. Arar
2 is not wanted in Canada for any offence, crime, or
3 anything, and that if you release him, we will
4 take him back to Canada, this is the message from
5 Canada, regardless of who might have said
6 something different --"

7 MR. CAVALLUZZO: Who mentioned
8 this *en passant*?

9 AMBASSADOR PILLARELLA: If I
10 remember well, I believe that it was General
11 Khalil at one point, but --

12 MR. CAVALLUZZO: Did anyone else
13 mention that besides General Khalil?

14 AMBASSADOR PILLARELLA: Yes, but
15 this was a repetition of what had been said
16 before. It was not as if, you know, another
17 message had been supposedly passed on to the
18 Syrians. I mean, it was always the same.

19 MR. CAVALLUZZO: But who? Who? I
20 want to know who. Khalil is saying this. Who
21 else?

22 AMBASSADOR PILLARELLA: I
23 believe -- I believe that it was one of the
24 Vice-Ministers, but -- but that's it.

25 MR. CAVALLUZZO: And one of the

1 Vice-Ministers. Was it Haddad or Mouallem?

2 AMBASSADOR PILLARELLA: Can I
3 mention that? I'm not sure.

4 MR. BAXTER: Can you show him at
5 tab 285, Mr. Cavalluzzo?

6 MR. CAVALLUZZO: Go to tab 14.

7 AMBASSADOR PILLARELLA: Which is
8 that?

9 MR. CAVALLUZZO: Tab 14, newly
10 redacted 285. There's no need to go to 285.
11 Tab 14. The second page in. January 15. It's a
12 message from you.

13 AMBASSADOR PILLARELLA: We're
14 talking about the message January 15? Is that it?

15 MR. CAVALLUZZO: Yes, yes. It
16 says:

17 "I met this morning with ..."

18 Do you know who you met on
19 January 15, or is that redacted -- for whatever
20 reason?

21 Okay. You met with somebody...

22 "... to discuss the possible
23 visit of Mrs. Arar to
24 Damascus."

25 AMBASSADOR PILLARELLA: Yes.

1 MR. CAVALLUZZO: Okay. It says:
2 "In reviewing the case with
3 ... I took the opportunity to
4 thank the Syrian authorities
5 through him for the
6 outstanding cooperation they
7 had demonstrated thus far."

8 Do you think that was going over
9 the top, the "outstanding cooperation" that the
10 Syrian had given so far?

11 AMBASSADOR PILLARELLA: The fact
12 that they were accepting that Mrs. Arar could
13 visit?

14 MR. CAVALLUZZO: Yes. Yes. Your
15 view at this point in time, at least in the middle
16 of January 2003, is that you felt that you were
17 getting "outstanding cooperation" from the
18 Syrians?

19 AMBASSADOR PILLARELLA: Yes, yes.

20 MR. CAVALLUZZO: Okay. It goes
21 on:

22 "I added that if they were to
23 agree to a visit by Mrs. Arar
24 this would certainly be
25 extremely positive for the

1 image of Syria abroad ...
2 3. During the
3 conversation ... made two
4 points which I thought were
5 rather curious. The first
6 was that according to his
7 information ... Arar did not
8 wish to return to Canada."
9 Now, what did you think of that
10 statement?

11 AMBASSADOR PILLARELLA: I thought
12 this was bizarre, and I said that I never heard
13 that.

14 MR. CAVALLUZZO: Okay. It goes
15 on:

16 "The second, again according
17 to his information, was that
18 CSIS would have indicated to
19 ... that they have no wish to
20 see Arar return to Canada and
21 that they were quite content
22 with the way things were. If
23 true, this would be a rather
24 surprising situation. As to
25 the statement that Arar does

1 not wish to return to Canada,
2 Léo Martel indicated in
3 Arar's letters to his wife,
4 he expressed the exact
5 opposite."

6 Okay? So that you're getting this
7 message with whoever you are meeting with on
8 January 15.

9 AMBASSADOR PILLARELLA: But this
10 gentleman is repeating what I had been told
11 before, so it's not as if there were several
12 messages to that effect --

13 MR. CAVALLUZZO: Right. But
14 you're getting it from different people in the
15 Syrian --

16 AMBASSADOR PILLARELLA: Two
17 people, that's all.

18 MR. CAVALLUZZO: That's all.

19 AMBASSADOR PILLARELLA: Not a
20 series of people.

21 MR. CAVALLUZZO: And how far up in
22 the hierarchy were these two different people?

23 AMBASSADOR PILLARELLA: These
24 people, these two people, were often in contact.
25 So it's understandable that --

1 MR. CAVALLUZZO: Could you answer
2 the question, please?

3 AMBASSADOR PILLARELLA: Yes.

4 MR. CAVALLUZZO: How high up in
5 the hierarchy were these two people that were
6 giving you this message?

7 AMBASSADOR PILLARELLA: Well, they
8 were very high up, yes.

9 MR. CAVALLUZZO: Did that concern
10 you?

11 AMBASSADOR PILLARELLA: Of course
12 it concerned me, and I kept saying, and what I
13 said a moment ago, I said, "I don't know what
14 people have been telling you. What I am telling
15 you, as the Ambassador of Canada and representing
16 Canada and speaking for Canada, this is what you
17 have to accept as being the wish of Canada: The
18 return of Mr. Arar."

19 And that message was always the
20 same at every level and every time I raised the
21 issue of Mr. Arar. So there was no doubt in the
22 minds of the Syrians at no point, despite what
23 they were saying --

24 MR. CAVALLUZZO: Despite what they
25 were saying.

1 AMBASSADOR PILLARELLA: -- there
2 was no doubt that the wish of Canada was to see
3 Mr. Arar returned to Canada because he was not
4 sought for any offence, crime, or anything else.

5 MR. CAVALLUZZO: Was Martel
6 getting the same message from the Syrians, that
7 CSIS didn't want him back?

8 AMBASSADOR PILLARELLA: You should
9 ask the question of Mr. Martel. But the point
10 is --

11 MR. CAVALLUZZO: Did you discuss
12 it with Mr. Martel? Did he tell you that he got
13 the same message ?

14 AMBASSADOR PILLARELLA: I do not
15 remember. I do not remember. That is the reason
16 why I'm saying perhaps you can ask the question of
17 Mr. Martel.

18 MR. CAVALLUZZO: Now, that led to
19 Mr. Graham's phone call to Shara'a the next day,
20 on January 16? If you go to tab -- the new tab
21 15?

22 AMBASSADOR PILLARELLA: Yes.

23 MR. CAVALLUZZO: This is a
24 briefing point for MINA, or for the Minister,
25 which is dated January 15?

1 AMBASSADOR PILLARELLA: Yes.

2 MR. CAVALLUZZO: "Phone call to
3 ... Shara'a"?

4 AMBASSADOR PILLARELLA: Mm-hmm.

5 MR. CAVALLUZZO: And if you go
6 into the second page, you'll see one of the
7 talking points, or bullet points, is at the
8 bottom:

9 "I understand from recent
10 reports --"

11 That's plural, "recent reports".

12 "-- that the Syrian
13 authorities may have the
14 impression that Canada has no
15 wish to see Mr. Arar return
16 to Canada. I would like to
17 make it very clear that the
18 Canadian government would
19 like Mr. Arar to be returned
20 to Canada."

21 And then if you go to the next
22 page, under "BACKGROUND," it states in the bottom
23 paragraph:

24 "CSIS has had discussions
25 with the Syrian authorities

1 concerning Arar. The ...
2 informed the Ambassador that,
3 according to his information,
4 CSIS had indicated to Syrian
5 military intelligence that
6 they have no wish to see
7 Mr. Arar return to Canada and
8 are quite content with the
9 way things are. CSIS has
10 informed the Department that
11 this is not the case, that
12 they only told the Syrians
13 that Arar was not an active
14 target or a priority for
15 them."

16 Now, what it says here, that
17 somebody informed the Ambassador that, according
18 to his information, CSIS had indicated to the
19 Syrian Military Intelligence that they had no wish
20 to see Mr. Arar returned to Canada, I'm going to
21 ask you: Were you told that this communication
22 from CSIS to the Syrian Military Intelligence was
23 made during CSIS's visit to Syria on November 20,
24 or 21, of 2002?

25 AMBASSADOR PILLARELLA: The answer

1 is no.

2 MR. CAVALLUZZO: When was the
3 communication from CSIS made to the Syrians?

4 AMBASSADOR PILLARELLA: I have no
5 idea.

6 MR. CAVALLUZZO: Did you not ask?

7 AMBASSADOR PILLARELLA: I was told
8 in one of my meetings that this is what had been
9 mentioned to them. I don't -- I didn't see any
10 need to ask at what time or at what date this was
11 done.

12 MR. CAVALLUZZO: You might have
13 asked who, who in CSIS gave you this impression?
14 Did you ask that question?

15 AMBASSADOR PILLARELLA: No.

16 MR. CAVALLUZZO: Why not?

17 AMBASSADOR PILLARELLA: It's easy
18 to ask that question now. When one is engaged in
19 a discussion and you're in the heat of the
20 discussion, perhaps that question doesn't come to
21 mind, to ask who in particular.

22 It was sufficient to know that
23 CSIS apparently had said that, and I don't see
24 what the name of the person might have added at
25 this particular point.

1 MR. CAVALLUZZO: Well, you might
2 have found out who was leaving the impression with
3 the Syrians -- we have a Canadian that's sitting
4 in detention. You would agree with me, very poor
5 conditions of detention. And Canada is trying to
6 get his return. And a Canadian agency would
7 appear to be undermining that effort. And I would
8 have thought that the name of the individual
9 concerned may have been very useful.

10 AMBASSADOR PILLARELLA: Well, I
11 think that if one wanted to have the name, it
12 could have easily been found by simply checking
13 who had been travelling to Syria at the time and
14 then you would have had names.

15 I mean, I don't see -- I don't see
16 what -- the important point is, the information
17 was passed on to me. Whether it was correct or
18 not, I passed it back to Ottawa, and that
19 information was passed to the Minister.

20 MR. CAVALLUZZO: See, there's a
21 very similar situation which occurred on November
22 5, 2003.

23 AMBASSADOR PILLARELLA: What was
24 that?

25 MR. CAVALLUZZO: And that is the

1 Americans were saying that somebody in Canada,
2 somebody in Canada gave the Americans the
3 impression that -- I can finish first -- that they
4 didn't want Mr. Arar returned to Canada, and both
5 the Prime Minister and the Minister of Foreign
6 Affairs said, "Give us a name. Because if you
7 give us a name, then we will know." And that's
8 the only question -- I still find it odd that you
9 wouldn't have asked for a name.

10 AMBASSADOR PILLARELLA: May I
11 answer?

12 MR. CAVALLUZZO: Yes.

13 AMBASSADOR PILLARELLA: You say
14 somebody in Canada. Here it's different. It's
15 not somebody in Canada. Here it says CSIS. Which
16 is quite different than somebody.

17 In other words, it would have been
18 easy to check who had travelled to Syria from CSIS
19 and then you would have found the name. That's
20 the way I see it.

21 MR. CAVALLUZZO: Okay. And did
22 you check in to see who had travelled to Syria
23 from CSIS?

24 AMBASSADOR PILLARELLA: I passed
25 the information to headquarters. If

1 headquarters -- I don't know if they verified or
2 not, but it was certainly not for me to verify
3 that information.

4 The information was that
5 apparently CSIS had provided that information, and
6 I said to the Syrians, "I don't care who has said
7 what to you. What counts is what I am telling
8 you."

9 MR. CAVALLUZZO: Mm-hmm. Did you
10 ever hear that the Syrian Military Intelligence
11 liked to deal with the Canadian security
12 intelligence, their counterparts?

13 AMBASSADOR PILLARELLA: Yes.

14 MR. CAVALLUZZO: So that you knew
15 that there was that relationship?

16 AMBASSADOR PILLARELLA: Well, the
17 intelligence organizations like to deal with other
18 intelligence organizations.

19 MR. CAVALLUZZO: And I guess the
20 only other question relating to that is whether
21 you're aware of whether anybody in DFAIT contacted
22 CSIS at this point in time and said, "You guys,
23 there may be a misunderstanding here, but you guys
24 better straighten it out"?

25 AMBASSADOR PILLARELLA: This might

1 have happened. I don't know. I was sitting in
2 Damascus.

3 MR. CAVALLUZZO: Okay.

4 Commissioner, it's five to four.

5 THE COMMISSIONER: Why don't we
6 take a fifteen-minute break? Okay.

7 THE REGISTRAR: Please stand.

8 --- Upon recessing at 3:54 p.m. /

9 Suspension à 15 h 54

10 --- Upon resuming at 4:13 p.m. /

11 Reprise à 16 h 13

12 THE REGISTRAR: Please be seated.

13 Veuillez vous asseoir.

14 MR. CAVALLUZZO: Commissioner, I
15 plan to proceed until five o'clock, at which time
16 I'll break.

17 THE COMMISSIONER: That's fine.

18 Thank you.

19 MR. CAVALLUZZO: Now,

20 Mr. Pillarella, before we move on, as we are in
21 the middle of January of 2003, and we've now dealt
22 with the Minister-to-Minister phone call on
23 January 16, and you mentioned that you were
24 advised at this particular meeting on January 15
25 that CSIS indicated to whoever you were meeting

1 that they had no wish to see Arar returned to
2 Canada, and you told us that prior to that time
3 you had been given the same message from -- is it
4 General Khalil?

5 AMBASSADOR PILLARELLA: Yes, but,
6 as I've said, I don't think that there was much
7 time in between, so --

8 MR. CAVALLUZZO: Okay. That's
9 what I wanted to try and tie down. Could you tell
10 us how much time before the meeting on January 15
11 you would have been given that information?

12 AMBASSADOR PILLARELLA: No, I
13 can't. I can't recall, really.

14 MR. CAVALLUZZO: But you do think
15 it was shortly before?

16 AMBASSADOR PILLARELLA: I can't
17 say, I'm sorry.

18 MR. CAVALLUZZO: Okay. Then let
19 us move on. Staying in Exhibit 134. This is an
20 e-mail message dated January 17, from --

21 AMBASSADOR PILLARELLA: P-134?

22 MR. CAVALLUZZO: Yes, 134, tab 16.
23 Small booklet.

24 AMBASSADOR PILLARELLA: Oh, tab
25 16. Okay.

1 MR. CAVALLUZZO: This is, I guess,
2 just a summary of a meeting between GMR, who you
3 told us before was the --

4 AMBASSADOR PILLARELLA: Middle
5 Eastern desk.

6 MR. CAVALLUZZO: -- Middle Eastern
7 desk. It says in the second bottom paragraph:

8 "GMR informed Syrian
9 Ambassador Arnous --"

10 This, of course, is the Syrian
11 Ambassador to Canada.

12 "-- of the phone call --"

13 And that is the one we have just
14 covered. And it says:

15 "... Ambassador Arnous was
16 well aware of the discussions
17 regarding the possible visit
18 by Mrs. Arar, including a
19 request for a note verbale,
20 which we informed him had
21 already been sent."

22 And then it goes on:

23 "Ambassador Arnous also was
24 pleased to hear that Minister
25 Graham had informed his

1 Minister that it was the
2 position of the Canadian
3 Government that the preferred
4 option is the return of Arar
5 to Canada. Arnous
6 volunteered that he had also
7 been informed that the Syrian
8 security services had been
9 told by their Canadian
10 counterparts that Canada did
11 not wish to see Arar return
12 to Canada."

13 Now, were you aware of this
14 particular e-mail message?

15 AMBASSADOR PILLARELLA: I was
16 aware of it, when it came to me, yes.

17 MR. CAVALLUZZO: Right. So it
18 would appear that we have the Syrian Ambassador to
19 Canada, we have General Khalil, and we have
20 somebody else who is high up in the Syrian
21 hierarchy, all of the same view that they've
22 received a message somehow that CSIS did not want
23 the return of Arar to Canada?

24 AMBASSADOR PILLARELLA: Yes,
25 apparently, yes.

1 MR. CAVALLUZZO: And you would
2 agree with me that in respect of your efforts to
3 get Mr. Arar's return to Canada, that this would
4 make your job far more challenging, difficult, and
5 perhaps impossible, if it was true that our
6 security intelligence agency was telling their
7 counterparts that they didn't want Arar returned
8 to Canada?

9 AMBASSADOR PILLARELLA: Well, in
10 the end it was not an impossible job because we
11 did manage to get Mr. Arar back to Canada, but, as
12 I've said, CSIS has denied having said -- provided
13 this information. I don't know. I can't really
14 comment on it. The only thing I know is that the
15 three people that you have mentioned are all
16 referring to the same -- to the one time that this
17 allegedly has been --

18 MR. CAVALLUZZO: How do you know
19 that?

20 AMBASSADOR PILLARELLA: I'm sorry?

21 MR. CAVALLUZZO: How do you know
22 that?

23 AMBASSADOR PILLARELLA: Because it
24 was never repeated again. I mean, this was always
25 more or less in the same -- at the same time.

1 MR. CAVALLUZZO: How do you know
2 that Mr. Arnous -- did you ever speak to
3 Mr. Arnous about this?

4 AMBASSADOR PILLARELLA: I did not
5 speak to Mr. Arnous about this, but Mr. Arnous
6 seems to be repeating what I had been told, and
7 because Mr. Arnous was very much involved -- he
8 was, after all, the Syrian ambassador in Canada,
9 therefore he had to be involved in what was going
10 on.

11 MR. CAVALLUZZO: Now, you said
12 that your job didn't become impossible because
13 Mr. Arar returned to Canada.

14 AMBASSADOR PILLARELLA: Well, you
15 said that, "it made your job impossible," and I
16 said, "in the end, no, because Mr. Arar was
17 returned to Canada." But --

18 MR. CAVALLUZZO: Nine months
19 later.

20 AMBASSADOR PILLARELLA: I will say
21 that in the Syrian context, and in a case like
22 this, I know that for Mr. Arar one additional day
23 was one day too many.

24 MR. CAVALLUZZO: That's right.

25 AMBASSADOR PILLARELLA: But in the

1 context of what we're dealing with, nine months
2 was an extremely quick time to resolve the
3 problem. I mean, we may not accept that -- I
4 mean --

5 MR. CAVALLUZZO: It wasn't nine
6 months, it was 12 months.

7 AMBASSADOR PILLARELLA: Well --

8 MR. CAVALLUZZO: Well, it's a few
9 months when you're being --

10 AMBASSADOR PILLARELLA: We're not
11 going to say nine months. You said nine months so
12 I repeated nine months --

13 MR. CAVALLUZZO: Nine months
14 later, after these events are occurring.

15 AMBASSADOR PILLARELLA: The point
16 remains that we may not like it, in the Canadian
17 context. I am putting it to you that in the
18 Syrian context, and with what was going on in the
19 region at the time, and with what the Syrians were
20 saying about the involvement of Mr. Arar in
21 terrorist activities which had national security
22 implications, I say that the period of time that
23 it took for Mr. Arar to return to Canada was
24 extremely rapid.

25 MR. CAVALLUZZO: Did it seem odd

1 to you that -- you know, once again we saw that
2 CSIS report in or about November 8, 2003, that
3 said that even if Arar's alleged confession was
4 true or was credible, that there was nothing
5 there, did it seem odd to you that the same agency
6 that had reached that conclusion may have been,
7 and we'll have to make findings of fact in this
8 regard, may have been undermining your efforts or
9 DFAIT's efforts to get Mr. Arar returned to
10 Canada?

11 AMBASSADOR PILLARELLA: I was of
12 one-track mind. I couldn't care less what others
13 were allegedly saying. What I was saying to the
14 Syrians was always the same message, which I will
15 not repeat, because you know what the message was,
16 and that was my only concern: Get Mr. Arar back
17 to Canada by any means one can.

18 MR. CAVALLUZZO: What I just find
19 interesting is after the contextual evidence in
20 terms of your duties and responsibilities as
21 Ambassador, that you are in control of all
22 activities that occur in Syria --

23 AMBASSADOR PILLARELLA:
24 Theoretically.

25 MR. CAVALLUZZO: Theoretically.

1 Well, let's make it practical then. I just find
2 it odd that if you found out that this had
3 happened, that this message somehow had drifted to
4 the Syrians, that you wouldn't have ensured that
5 CSIS would have met General Khalil and said, "It's
6 not true. We want him back."

7 AMBASSADOR PILLARELLA: This was
8 something that headquarters had to decide.

9 MR. CAVALLUZZO: Okay.

10 AMBASSADOR PILLARELLA: If
11 headquarters had asked me to arrange a meeting for
12 CSIS, let's say, in Damascus, I would have gladly
13 done so, but I was not asked, and I know that at
14 headquarters there were discussions taking place
15 all the time between the various agencies and
16 departments.

17 MR. CAVALLUZZO: Okay. Let's go
18 to the seventh consular visit, which can be found
19 behind tab 17 of P-134. This is on February 18,
20 2003.

21 AMBASSADOR PILLARELLA: Yes?

22 MR. CAVALLUZZO: And in the second
23 paragraph, it says:

24 "Arar said he was (and
25 appeared) to be in good

1 health and we have not
2 noticed any changes since
3 last visit."

4 And then in the bottom of the
5 CAMANT note it talks about possible charges. For
6 example, in paragraph 4 --

7 AMBASSADOR PILLARELLA: I'm sorry,
8 are you talking about a CAMANT note?

9 MR. CAVALLUZZO: Or the message?

10 AMBASSADOR PILLARELLA: It's the
11 same message.

12 MR. CAVALLUZZO: Right, same
13 message. In paragraph 4(b), it says:

14 "As previously indicated we
15 had no indication that
16 charges had been laid against
17 Arar and security services
18 confirm the fact. They also
19 indicated that if/when
20 charges will be laid,
21 consular access might cease.
22 This is probably because in
23 the Syrian system, when
24 someone is charged for
25 offences relating to National

1 security, the trial takes
2 place in front of a military
3 tribunal with no access to
4 any outsider."

5 -- And so on.

6 "A lawyer for the defendant
7 is generally designated by
8 the State."

9 -- And it goes on. Then in
10 paragraph (c) it states:

11 "Investigation is ongoing and
12 there is no indication as to
13 when it will be completed.
14 Arar continues to be
15 interrogated and is still
16 apparently providing valuable
17 information to the
18 authorities."

19 Now, this reference, and this is
20 one of the consular reports which was approved by
21 you, this reference, "that he is still being
22 interrogated and still providing valuable
23 information...", did you ever receive any of that
24 new valuable information that Mr. Arar was giving
25 to the Syrians?

1 AMBASSADOR PILLARELLA: No.

2 MR. CAVALLUZZO: Then if you go to
3 the second page, at paragraph 6, it states:

4 "With regard to MINA's
5 statement to Min Shara'a that
6 the preferred option of the
7 Canadian government would be
8 that Arar be returned to
9 Canada, this concept does not
10 seem to find an echo with the
11 Syrian authorities, at least
12 for the moment. As long as
13 they consider that their
14 investigation is ongoing, the
15 Syrians will not release
16 Arar. We suspect that the
17 only possibility of a return
18 to Canada could happen only
19 at the end of an
20 investigation that could not
21 justify the laying of charges
22 against Arar. For the
23 moment, this remains an open
24 question."

25 So that what seems to be the

1 situation as of this date, in February, is that
2 the investigation is ongoing, they are continuing
3 to get valuable information from Mr. Arar, and
4 that if he is charged, then consular access will
5 come to an end. Correct?

6 AMBASSADOR PILLARELLA: Yes.

7 MR. CAVALLUZZO: Okay. Now as we
8 move into March, we are going to deal with a new
9 area, and that is that we understand that MPs
10 Catterall and Assadourian wanted to visit Syria on
11 behalf of Mr. Arar?

12 AMBASSADOR PILLARELLA: And this
13 is --

14 MR. CAVALLUZZO: Well, for
15 example, if you go to tab 338 in volume 4.

16 AMBASSADOR PILLARELLA: Did you
17 say 338?

18 MR. CAVALLUZZO: Yes. And this is
19 a message, once again, from Harold Hickman of the
20 Middle Eastern desk, and it concerns the possible
21 visit of parliamentarians in March?

22 AMBASSADOR PILLARELLA: Mm-hmm.

23 MR. CAVALLUZZO: Okay. And just
24 leading to their visit, you are attempting to get
25 them to be able to visit the President, or the

1 Vice Minister, and so on and so forth. So you are
2 involved in trying to arrange their meeting.

3 Is that correct?

4 AMBASSADOR PILLARELLA: Yes.

5 MR. CAVALLUZZO: And then if you
6 go to 343, we see that -- this is a message from
7 you to Pardy -- that you were not able to get a
8 final answer from the Syrians on the Members of
9 Parliament visit. This is, I guess, about five
10 days before the invasion of Iraq by the Americans,
11 so presumably the Syrians may have their minds on
12 other issues than the visit of two
13 parliamentarians?

14 AMBASSADOR PILLARELLA: Yes.

15 MR. CAVALLUZZO: Okay. Then if
16 you go back to the smaller volume, at tab 18 --
17 or, excuse me, it's another exhibit. Exhibit
18 P-117, tab 18. It's Mr. Easter's.

19 --- Pause

20 AMBASSADOR PILLARELLA: Which tab
21 is this one?

22 MR. CAVALLUZZO: Tab 18.

23 AMBASSADOR PILLARELLA: Tab 18.

24 MR. CAVALLUZZO: And really, this,
25 once again, is dated March 12th, and it's a

1 message relating to their visit. In particular,
2 if you go to the second page, which is another
3 message, we'll see that the -- I guess the
4 parliamentarians' visit has been put off somewhat.
5 They eventually visit in April?

6 AMBASSADOR PILLARELLA: Mm-hmm.

7 MR. CAVALLUZZO: Okay. Now, I
8 want to show you now -- we're in March. We're
9 coming to the end of March. And in particular, on
10 March 21st. I'd like to show you Exhibit P-99.

11 This is a confidential note which
12 is dated March 24th, and it concerns a telephone
13 call between Ms Catterall and Myra Pastyr-Lupul,
14 and we see in this exhibit that it states that:

15 "Marlene Catterall and Sarkis
16 Assadourian --" (As read)

17 Who of course are the two
18 parliamentarians that are about to come to Syria.

19 "Met with the Syrian
20 ambassador last Wednesday,
21 March 21. They discussed the
22 case of Maher Arar and made a
23 humanitarian pitch to ask for
24 the release of Mr. Arar and
25 asked what it takes for the

1 relating to him two months before, but were you
2 aware that in the end of March, Mr. Arnous was
3 still under the impression that CSIS did not want
4 Mr. Arar back?

5 AMBASSADOR PILLARELLA: No.

6 MR. CAVALLUZZO: So you've never
7 seen this --

8 AMBASSADOR PILLARELLA: No.

9 MR. CAVALLUZZO: -- note before?

10 AMBASSADOR PILLARELLA: No, no.

11 MR. CAVALLUZZO: No one advised
12 you that Arnous still had this view on March 21st?

13 AMBASSADOR PILLARELLA: Well, I
14 learned about it later, but you asked me whether I
15 had seen this, and my answer is no.

16 MR. CAVALLUZZO: No, but what I
17 want to know at this point in time, did someone
18 notify you, advise you, tell you, that here we are
19 in late March and the Syrian ambassador to Canada
20 is still saying that CSIS does not want Mr. Arar's
21 return?

22 AMBASSADOR PILLARELLA: As I said,
23 this may have come to my attention later on, but
24 at this particular point in time, I didn't know
25 what Mrs. Catterall and Mr. Assadourian had spoken

1 with the Syrian Ambassador, so I was not privy to
2 the content of their conversation, so I did not
3 know about it.

4 MR. CAVALLUZZO: Right. But I
5 just want to know whether anybody in DFAIT told
6 you, "Franco, you should be aware that we're now
7 at late March, and we're still getting the same
8 message, that CSIS doesn't want Arar back"? No
9 one told you that?

10 AMBASSADOR PILLARELLA: I can't
11 recall anything to that effect.

12 MR. CAVALLUZZO: Okay. Then if we
13 move on in time to March 24th, tab 18 of the
14 smaller book. This is an e-mail from Damascus,
15 sent to headquarters, and really the essence of it
16 is that:

17 "Military Intelligence, Col
18 Saleh Majed returned Martel's
19 phone call today and
20 indicated there was a change
21 of procedure. Embassy would,
22 in future, have to obtain
23 MFA's concurrence for
24 consular access to Arar."

25 Now, is there any -- are you aware

1 of any reason as to why this particular change of
2 procedure?

3 AMBASSADOR PILLARELLA: Well, if
4 you read paragraph 2, it says there:

5 "... We do not believe the
6 change is a result of the
7 current Iraqi events but may
8 be linked to recent pressure
9 Syrians have come under when
10 pressed to accept the MP's
11 visit. We had indicated in
12 our earlier correspondence
13 that putting additional
14 pressure on Syrians could
15 result in loss of consular
16 access. It appears that this
17 may have now happened."

18 The point is that, what I said
19 earlier, that in the events leading up to the war,
20 we kept talking about Mr. Arar only and we did not
21 seem interested in talking about what was
22 happening in the region, and then, right in the
23 middle of it, we go to the Syrians and say, "You
24 have to receive two Members of Parliament to
25 discuss about Mr. Arar." Well, once more, I

1 repeat, for us, this was extremely important. For
2 us, this was a priority. For us, this was an
3 undertaking that was ongoing, and we were not
4 letting up the pressure on the Syrians.

5 On the other side, the Syrians
6 were concerned about bombs that might fall on the
7 country, that a country right next door was being
8 attacked by the Americans. You have to understand
9 that Mr. Arar, despite all I said a moment ago,
10 was perhaps not a priority, and they had shown, I
11 repeat, incredible cooperation with us, they had
12 tried to accommodate us as much as possible, even
13 though that kept Mr. Arar still in jail, but the
14 fact is that they had made an effort when they
15 could have not made that particular effort.

16 And yet, in the midst of the war
17 we're saying, "You have to accept the visit of
18 these two MPs." I can only say that they were
19 irritated by this and this may have prompted --
20 that's why we say here, this might have been the
21 reason why a change of procedure.

22 MR. CAVALLUZZO: Do you think they
23 may also have been irritated at Canada because of
24 the listing of a particular terrorist organization
25 as part of the Criminal Code?

1 AMBASSADOR PILLARELLA: They might
2 have. I --

3 MR. CAVALLUZZO: You're not aware
4 whether they were perturbed about the listing of
5 Hezbollah?

6 AMBASSADOR PILLARELLA: Of course,
7 of course, they were affected, and that might have
8 played a role as well. But I think that it's not
9 one single factor --

10 MR. CAVALLUZZO: Right.

11 AMBASSADOR PILLARELLA: -- but
12 several.

13 MR. CAVALLUZZO: Well, let's come
14 to the visit of the MPs, and that can be found
15 behind tab 392 in volume 4.

16 --- Pause

17 Okay. Now, this meeting took
18 place on April the 22nd. Is that correct?

19 AMBASSADOR PILLARELLA: Yes.

20 MR. CAVALLUZZO: And you
21 facilitated the meeting, you organized the
22 meeting?

23 AMBASSADOR PILLARELLA: Yes.

24 MR. CAVALLUZZO: Okay. And it
25 would appear from the document on page 1 that the

1 parliamentarians met with deputy foreign minister
2 Mouallem. Is that correct?

3 AMBASSADOR PILLARELLA: That's
4 correct.

5 MR. CAVALLUZZO: And who else
6 participated in the initial meeting?

7 AMBASSADOR PILLARELLA: Well, Mrs.
8 Catterall, obviously, and Mr. Assadourian, and
9 Mr. Shaw, who was the political counsellor. The
10 reason why it was Mr. Shaw that accompanied me and
11 not Mr. Martel is because the two MPs were going
12 to discuss about political issues, and therefore,
13 the political counsellor came along.

14 MR. CAVALLUZZO: Okay. If we look
15 in the summary, eight lines down, it says -- this
16 is the first paragraph:

17 "Intelligence officers told
18 Mrs. Catterall and
19 Mr. Assadourian that they had
20 completed their investigation
21 of Mr. Arar and that he would
22 soon be charged with
23 belonging to al-Qaida and
24 having received military
25 training in al-Qaida camps in

1 of al-Qaeda in Syria? Do they still have capital
2 punishment?

3 AMBASSADOR PILLARELLA: I believe
4 so, yes.

5 MR. CAVALLUZZO: So it's possible
6 that Mr. Arar, if the charges against him were
7 that he was a member of al-Qaeda, it's possible
8 that he could be subject to capital punishment?

9 AMBASSADOR PILLARELLA: I would
10 assume that that might have been a possibility.

11 MR. CAVALLUZZO: So this is a very
12 serious situation at this point in time,
13 obviously, regardless of what the Syrians think.

14 AMBASSADOR PILLARELLA: Yes.

15 MR. CAVALLUZZO: In terms of the
16 investigation, if you go to the second page at
17 paragraph 6 -- well, before that, just above that
18 paragraph 6, it says in paragraph 5:

19 "The result of this
20 questioning was that Syrian
21 Security Services still had
22 concerns that Arar could be
23 connected to al-Qaida. Then
24 in the presence of the MPs,
25 the Deputy Foreign Minister

1 phoned Khalil, the head of
2 Syrian Military Intelligence,
3 to arrange for an immediate
4 visit with Mr. Arar."

5 So this meeting with the Deputy
6 Vice-Minister opens up into a meeting with
7 Mr. Arar, which would be the one and only time you
8 met Mr. Arar?

9 AMBASSADOR PILLARELLA: Correct.

10 MR. CAVALLUZZO: Okay. Now, in
11 the next paragraph, it states that -- still with
12 the SMI:

13 "The Colonel explained that
14 they had finished their
15 investigation of Mr. Arar and
16 would shortly be sending him
17 to stand trial on charges of
18 belonging to al-Qaida and
19 having received military
20 training in al-Qaida camps in
21 Afghanistan. Mrs. Catterall
22 again explained that the
23 Solicitor General had
24 indicated that Mr. Arar was
25 not wanted in Canada for

1 criminal activities and that
2 his young family was
3 suffering tremendously
4 because of this detention.
5 She conceded that for the
6 Syrian Government, Mr. Arar
7 was a Syrian citizen. The
8 Colonel said that the case
9 would now be the
10 responsibility of the Syrian
11 courts."

12 And then at the bottom there, it
13 says:

14 "... the Colonel also said
15 that once Mr. Arar was handed
16 over to the court
17 authorities, he would be
18 moved to another detention
19 centre and that the Embassy
20 would need to go through the
21 MFA..."

22 -- et cetera, et cetera.

23 Now that they have completed their
24 investigation and it appears that he is going to
25 be charged with being a member of al-Qaeda, did

1 you ask -- did you ask for the information they
2 had as a result of their investigation?

3 AMBASSADOR PILLARELLA: If I asked
4 whether they could provide to me that information?
5 No.

6 MR. CAVALLUZZO: Yeah. Why not?
7 Since you had on the earlier occasion.

8 AMBASSADOR PILLARELLA: Why not --
9 asking for the information?

10 MR. CAVALLUZZO: Mm-hmm.

11 AMBASSADOR PILLARELLA: Well, at
12 this point, they had completed their
13 investigation. They said that they were going to
14 put Mr. Arar on trial. The only thing that we
15 could do at this point was to assist Mr. Arar for
16 his trial, and obviously, in assisting for the
17 trial, the charges will have to come out.

18 MR. CAVALLUZZO: Now, did it
19 concern you at this point in time -- he's going to
20 be charged with a national security offence, that
21 is, being a member of al-Qaeda.

22 AMBASSADOR PILLARELLA: Yes.

23 MR. CAVALLUZZO: Penalty could be
24 capital punishment, and we know how the security
25 courts in Syria operate.

1 AMBASSADOR PILLARELLA: At this
2 particular point in time, we did not know in front
3 of which court he was going to go.

4 MR. CAVALLUZZO: Well, if you're a
5 member of al-Qaeda, I assume you're not going
6 before the Economic Security Court.

7 AMBASSADOR PILLARELLA: Well,
8 somewhere else, in all these messages, there is an
9 indication that Mr. Arar was going to be presented
10 to a civilian court --

11 MR. CAVALLUZZO: That's in late
12 August.

13 AMBASSADOR PILLARELLA: That's
14 right.

15 MR. CAVALLUZZO: We're talking
16 April now.

17 AMBASSADOR PILLARELLA: Yeah. But
18 I said at this point we had no idea where he was
19 going to be prosecuted. They said that he was
20 going to be prosecuted, but we had no idea where.

21 MR. CAVALLUZZO: Well, it might be
22 a safe assumption that it was the State Security
23 Court, and I'm wondering if this raised alarm
24 bells. Here's a guy -- a Canadian, right? And
25 they're flip-flopping. Initially, "You're a

1 member of al-Qaeda -- no, no, no, you're a member
2 of the Muslim Brotherhood -- no, no, you're a
3 member of al-Qaeda." Okay?

4 We have the State Security Court.
5 We know what their due process rights there are.
6 Your lawyer is lucky to see you before the trial.
7 He may be subject to capital punishment as a
8 result of a conviction, and it would seem to me
9 that that should have or would have raised huge
10 alarm bells for the Canadian government.

11 AMBASSADOR PILLARELLA: But of
12 course it raised alarm bells. But then, my
13 question is: What could we do? After all, he was
14 being detained by the Syrians. He was considered
15 to be a Syrian citizen. He was under Syrian law.
16 We were doing all we could to try and extract him
17 from there. But we couldn't do that by force.

18 MR. CAVALLUZZO: Well, one thing I
19 guess that could have been done, you could have
20 ensured that there were no mixed signals that
21 continued to be given.

22 AMBASSADOR PILLARELLA: There were
23 no mixed signals.

24 MR. CAVALLUZZO: There were no
25 mixed signals.

1 AMBASSADOR PILLARELLA: As far as
2 I'm concerned, there was only one signal, and I
3 repeated constantly to General Khalil and to
4 everybody else I was speaking to about Mr. Arar,
5 that there was only one voice that was speaking
6 for Canada, and that was myself.

7 MR. CAVALLUZZO: Now, in light of
8 the fact that we are in a very, very serious
9 situation here, where we are talking national
10 security offence, we are talking likely the State
11 Security Court, we are talking possible capital
12 punishment, I assume at that point in time that
13 you wanted to ensure that all of the Canadian
14 government got together in an attempt to get
15 Mr. Arar back to Canada?

16 AMBASSADOR PILLARELLA: All these
17 messages were meant for headquarters so that
18 everyone would know what the situation was. It
19 was not my role as Ambassador, sitting in
20 Damascus, to convene meetings in Ottawa to do
21 precisely what you are suggesting. I can only say
22 these are -- "This is the situation in Damascus."

23 MR. CAVALLUZZO: Right.

24 AMBASSADOR PILLARELLA: "And these
25 are our concerns. Now it's up to you."

1 MR. CAVALLUZZO: Now, would it
2 surprise you to know that in the next month, in
3 May and June, that Mr. Pardy, on behalf of the
4 Government of Canada, in particular DFAIT, tried
5 to get a consensus amongst the Canadian agencies
6 to send a letter, jointly signed by the Minister
7 of Foreign Affairs and the Solicitor General, and
8 that that effort failed because CSIS and the RCMP
9 balked? Does that surprise you?

10 AMBASSADOR PILLARELLA: Yes, this
11 may be the case, indeed. But my question to you
12 is: What could I do about it? I mean, this
13 was -- but, yes, I was aware of the -- of what was
14 going on, but there wasn't much that I could do
15 about it.

16 MR. CAVALLUZZO: Okay. In any
17 event, Mr. Arar comes in to the meeting at
18 paragraph 7.

19 AMBASSADOR PILLARELLA: Yes.

20 MR. CAVALLUZZO: And he was
21 introduced to the MPs and the embassy staff.

22 "He appeared tired and
23 disoriented but generally in
24 good health. Mr. Arar was
25 instructed by Colonel George

1 to speak only in Arabic (so
2 that the Syrian staff could
3 understand what he was
4 saying)."

5 Here we are, this is very late in
6 the day, and it looks like he is still being
7 dictated to by the Syrians as to how he will
8 conduct himself in this kind of meeting.

9 AMBASSADOR PILLARELLA: Well, I
10 think that you have the answer there. Not
11 everyone, aside from the Colonel, who spoke
12 English -- the others had no knowledge of English,
13 and therefore, if everyone was to understand what
14 was being said, that is the reason why he was
15 asked to speak in Arabic.

16 But you will also note in the
17 report that this restriction was relaxed several
18 times and Mr. Arar was able to express himself in
19 English without any problems.

20 MR. CAVALLUZZO: If we pick that
21 up in paragraph 7:

22 "During the interview, this
23 restriction was relaxed
24 several times, especially
25 when it came for Mr. Arar to

1 dictate a letter to his wife.
2 The Colonel also told
3 Mr. Arar to refrain from
4 commenting on security
5 aspects of his case and to
6 speak about his health,
7 prison conditions, and family
8 matters."

9 And how long, to your
10 recollection, how long did the meeting with
11 Mr. Arar last?

12 AMBASSADOR PILLARELLA: I can't
13 recall for sure, but I think that it must have
14 been at least 20 minutes, but I --

15 MR. CAVALLUZZO: In any event,
16 after this meeting, as you go to paragraph 9 now,
17 it says:

18 "In a debriefing with the
19 Ambassador..."

20 And this is Catterall and
21 Mr. Assadourian.

22 "...expressed disappointment
23 that all of the security
24 aspects of the Arar case, as
25 seen by the Syrians, had not

1 been explained to them
2 earlier. Mrs. Catterall even
3 suggested that perhaps
4 Minister Graham had been kept
5 in the dark concerning some
6 of this information, a view
7 that was not shared by
8 Mr. Assadourian. Both MPs
9 indicated that had they been
10 more fully briefed in Ottawa,
11 they would have reconsidered
12 undertaking their mission to
13 Damascus."

14 Now, Ms Catterall has reviewed
15 this document and denies that particular aspect.

16 AMBASSADOR PILLARELLA: Well, what
17 I can say is this: There were three people
18 present during that debrief: Myself, Mr. Martel,
19 and Mr. Shaw. I don't know what Mrs. Catterall
20 might have meant to say, but what Mrs. Catterall
21 did say is what is in this report, and the report
22 was written immediately after the debrief. There
23 were three people who read the report before it
24 was dispatched, and the three people agreed that
25 this reflected precisely what had been said.

1 So all I can say is that perhaps
2 Mrs. Catterall meant to say something else, but
3 what the three of us heard was what is reported in
4 here.

5 We're not in the habit of making
6 things up. We report things as we hear them.

7 MR. CAVALLUZZO: Okay. I would
8 like to move now to the final and ultimate
9 paragraph and the comment on page 3 of 3. The
10 comment is stated:

11 "Syrian officials once again
12 demonstrated a remarkable
13 level of cooperation in the
14 Arar case."

15 Now, if I'm Mr. Arar and I know
16 that I'm about to be charged with being a member
17 of al-Qaeda, I know that I'm subject to capital
18 punishment, and I know that I'm going to be tried
19 before some court which has very little due
20 process, to say the least, and my Ambassador is
21 saying that the Syrians are demonstrating "a
22 remarkable level of cooperation," I would wonder
23 what my Ambassador was talking about. Do you want
24 to comment on that?

25 AMBASSADOR PILLARELLA: Yes. My

1 comment is that we are in the field, we are in a
2 certain situation, we are in a foreign country.
3 That foreign country is not obligated to us in any
4 way when it comes to what they consider to be a
5 Syrian citizen.

6 Yes, what you are saying is very
7 serious and, yes, this is very little comfort to
8 Mr. Arar if he has to face a trial in these
9 conditions. I concede all that. But the fact
10 remains that what the Syrians did, starting in
11 October until the day that they met with the MPs,
12 I know that I'm repeating myself, but this was
13 unheard of. This was totally and completely
14 unheard of.

15 There is one indication in one of
16 the documents where even our lawyer, who was a
17 Syrian, who said to us that we were extremely
18 privileged; and how this had happened, he could
19 not explain, that we had had all this access and
20 that we had been able, almost without any
21 impediment, to have access to Military
22 Intelligence, to have access to Mr. Arar, and to
23 do all that we were doing.

24 So I put it to you: Yes, it is
25 perhaps not sufficient, seen from our perspective

1 and from the perspective of Mr. Arar, but we
2 had -- we were given a hand and we dealt with that
3 in a way -- the best we could.

4 And I say that it was
5 unexceptional and unheard-of cooperation. But I'm
6 not -- and I'm not -- by saying this, I am simply
7 indicating what has happened to us, because there
8 were other cases of other countries where their
9 nationals were being detained and they did not
10 have the same type of access that we had been able
11 to get.

12 MR. CAVALLUZZO: Okay. And I
13 guess -- I've already asked you about the months
14 subsequent, when Mr. Pardy attempted to --
15 obviously, because of the seriousness of the
16 situation, attempted to get the government ad idem
17 or a consensus, and that unfortunately failed from
18 Mr. Arar's perspective.

19 Now, if you go to the small Book
20 of Documents at tab 19. I just want you to look
21 at a document to ensure that -- this is a document
22 that we have received in our document demand, but
23 it's dated May 13, 2003, and it says:

24 "On Wednesday, May 15th,
25 Canada's Ambassador to Syria,

1 Franco Pillarella, handed
2 over to DFAIT/ISI a document
3 received earlier that month
4 from ... The document, an
5 undated..."

6 And so on and so forth and was
7 sent to CSIS.

8 This obviously, I believe, refers
9 to the document that we looked at earlier of
10 November the 3rd or 4th, yet we have this document
11 now, dated May 15th, and I'm wondering if you can
12 help explain what this means and just to ensure
13 that it must be a mistake.

14 AMBASSADOR PILLARELLA: On here it
15 says that -- it is a mistake because there is no
16 other document. I received only one single
17 document from the Syrians, and that was November
18 the 3rd.

19 MR. CAVALLUZZO: Okay. Now, I'd
20 like to just ask you a few final questions before
21 we come to the envoy.

22 In fact, we're coming to the visit
23 of the Deputy Minister Lavertu in May of 2003, and
24 Mr. Commissioner, I suggest that we perhaps
25 adjourn at this point in time.

1 In terms of my examination, I will
2 likely be another hour -- one hour, maximum.

3 THE COMMISSIONER: Okay. Just for
4 our scheduling tomorrow, do you have any idea at
5 this point, Mr. Waldman?

6 MR. WALDMAN: I would expect a few
7 hours. Mr. Cavalluzzo has been very thorough.

8 THE COMMISSIONER: Yes, I think
9 that's a fair comment.

10 Mr. Baxter?

11 MR. BAXTER: I would -- I, first
12 of all, should advise you, I won't be here. It
13 will be Ms McIsaac tomorrow with Mr. Flaim.

14 I would assume it will be in the
15 range of, from what we've heard to date,
16 approximately 45 minutes at the outside,
17 Mr. Commissioner.

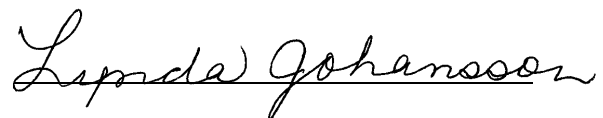
18 THE COMMISSIONER: Ten o'clock
19 then, do you think, on that basis?

20 MR. CAVALLUZZO: I think ten
21 o'clock would be more than sufficient. I need a
22 bit of sleep and --

23 THE COMMISSIONER: Yeah, I think
24 that will -- okay. We'll start at ten o'clock
25 tomorrow.

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THE REGISTRAR: Please stand.
--- Whereupon the hearing adjourned at 4:56 p.m.,
to resume on Wednesday, June 15, 2005 at
10:00 a.m. / L'audience est ajournée à
16 h 56, pour reprendre le mercredi 15 juin
2005 à 10 h 00



Lynda Johansson,
C.S.R., R.P.R.

A

Abdullah 6747:17	6694:16,24,25	action 6687:3	6827:24	6690:6 6722:20
abeyance 6913:2	6695:5 6696:7,13	6730:18	admonition	6865:15 6866:4
abiding 6803:4	6696:17 6737:10	actions 6803:23	6753:20	6940:15 6962:5
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6802:18	6748:11,21	activities 6673:7,9	advance 6863:24	6688:7,8 6694:15
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6795:20,20	6787:13,21,25	6680:24 6749:22	advice 6771:23	6865:20 6866:2
6804:4 6813:2	6793:12,23	6798:23 6877:21	advise 6751:22	6868:14 6870:22
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