

**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

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111 Sussex Drive
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Monday, August 29, 2005

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1 Ottawa, Ontario / Ottawa (Ontario)

2 --- Upon commencing on Monday, August 29, 2005

3 at 9:03 a.m. / L'audience reprend le lundi

4 29 août 2005 à 9 h 03

5 MR. DAVID: Good morning,
6 Mr. Commissioner. We have Mr. Lawrence Dickenson
7 before you this morning, and Mr. Dickenson, at the
8 relevant time, was the Assistant Secretary to the
9 Cabinet for security intelligence and thus part of
10 the PCO organization.

11 THE COMMISSIONER: Would you like
12 to be sworn or affirmed?

13 MR. DICKENSON: Sworn, please.

14 THE COMMISSIONER: Could you stand
15 then and take the Bible in your right hand and I
16 will administer the oath.

17 SWORN: LAWRENCE THOMAS DICKENSON

18 THE COMMISSIONER: Your full name?

19 MR. DICKENSON: Lawrence Thomas
20 Dickenson.

21 THE COMMISSIONER: Thank you. You
22 may be seated.

23 MR. DAVID: I would like to file,
24 Mr. Commissioner, a book that is entitled "Newly
25 Redacted Documents for Lawrence Dickenson".

1 THE COMMISSIONER: That will be
2 340.

3 EXHIBIT NO. 340: Book
4 entitled "Newly Redacted
5 Documents for Lawrence
6 Dickenson"

7 EXAMINATION

8 MR. DAVID: Mr. Dickenson, if I
9 could refer you to tab 1 of the document in
10 question, it is your CV. I would just like to
11 review that briefly with you.

12 You have a Bachelor of Science
13 from the University of Guelph. You joined the
14 Canadian foreign service in 1969 and retired
15 recently, and that is in 2003?

16 MR. DICKENSON: 2003.

17 MR. DAVID: Thank you. You
18 reached within the Public Service of Canada the
19 Director General level in 1986. You were
20 Ambassador to Kuwait and a number of other
21 countries, including Bahrain, Qatar, Oman and the
22 UAE from 1988 to 1992. You were Ambassador to
23 Indonesia from 1992 to 1996, and you joined the
24 Privy Council Office in September of 1997, became
25 Assistant Secretary to the Cabinet for security

1 intelligence in January of 1999 until your
2 retirement in May of 2003?

3 MR. DICKENSON: That's right.

4 MR. DAVID: Thank you. And from
5 your CV I see that you are presently Vice Chair
6 for the National Police Services Advisory Council
7 which is affiliated to the RCMP?

8 MR. DICKENSON: That's right.

9 MR. DAVID: Thank you.

10 A brief overview of
11 Mr. Dickenson's testimony.

12 Mr. Dickenson is the only public
13 witness from the Privy Council Office. We will
14 have an overview of the PCO with Mr. Dickenson,
15 its structure, its functions, and then
16 Mr. Dickenson will have a few comments on the Arar
17 chronology per se.

18 Before we begin, Mr. Dickenson, I
19 just want to ensure that there are no personal
20 notes that are related to this Commission of
21 Inquiry in your possession.

22 MR. DICKENSON: No.

23 MR. DAVID: Thank you. Let us now
24 go to tab 3 of the Book of Documents. I want to
25 briefly review the PCO structure and functions.

1 You have probably encountered in
2 your career with the PCO an understanding that
3 sometimes it is mysterious in the public's eye
4 what PCO is about, and we are going to try to
5 de-mystify that and try to clarify exactly what
6 the role of PCO is within our government.

7 I would ask you to go to tab 3,
8 and if you could go to page 2 of this document, I
9 will briefly read to you the first paragraph and
10 ask for your comments.

11 By way of introduction it says
12 that:

13 "The PCO, the Privy Council
14 Office, reports directly to
15 the Prime Minister and is
16 headed by the Clerk of the
17 Privy Council and Secretary
18 to the Cabinet. It is both
19 the Cabinet Secretariat and
20 the Prime Minister's source
21 of public service advice
22 across the entire spectrum of
23 policy questions and
24 operational issues facing the
25 government, including matters

1 relating to the management of
2 the federation and
3 constitutional development."

4 This document is dated February of
5 1999. It was downloaded from the Internet site of
6 PCO very recently, in August of this year, and I
7 am going to ask you, first of all, is this still
8 an accurate description of what PCO is about or
9 what its mandate is?

10 MR. DICKENSON: I couldn't really
11 comment on the structure of PCO at the moment. I
12 think the document speaks for itself. It
13 certainly is an accurate reflection of the Privy
14 Council Office when I was there.

15 MR. DAVID: Thank you. And I now
16 bring you to Exhibit P-33, please, which was filed
17 in our public documents. There are a number of
18 org. charts that have been filed previously to
19 your testimony, Mr. Dickenson, and there are eight
20 periods covered by this document, which spans from
21 January of 2002 to November of 2004.

22 Let us go to the first period that
23 is indicated in January of 2002. First of all, I
24 see that there are green boxes and there are blue
25 boxes and there are white boxes. Could you

1 distinguish between those colours, what they
2 represent on this document?

3 MR. DICKENSON: Yes. The
4 nomenclature of offices and individuals in PCO is
5 not similar to virtually any other department in
6 government. So you have Deputy Secretaries. They
7 are the equivalent of a Deputy Minister in a
8 department. You have Assistant Secretaries, and
9 they are the equivalent of an Assistant Deputy
10 Minister in a department.

11 The green boxes are, as the legend
12 shows, senior management. Those are individuals
13 that would meet frequently, usually daily. The
14 green plus the blue boxes represent the most
15 senior cadre in the Privy Council Office, and we
16 refer to them as staff.

17 It is an ironical description for
18 people of this seniority, but that is what they
19 are described, and they would meet on a weekly
20 basis.

21 MR. DAVID: Let's just identify
22 where you are indicated in this org chart.

23 If we take the third blue column
24 to the right and the third box down, we see
25 Lawrence Dickenson, Assistant Secretary Security

1 Intelligence. Now, this is as of January 2002.

2 Eventually I understand that
3 Mr. Elliott replaced you in that role. Is that
4 accurate?

5 MR. DICKENSON: He replaced me
6 sometime after I left. I don't know the exact
7 date. But he was my replacement.

8 MR. DAVID: Okay. Now, below your
9 box is the box of Gregory Fyffe, Executive
10 Director Intelligence Assessment Secretariat,
11 known as IAS.

12 MR. DICKENSON: Right.

13 MR. DAVID: Are these boxes in
14 hierarchical order or --

15 MR. DICKENSON: No. It is just
16 basically everybody is of the same rank. The
17 names you all see are all ADM-level positions, all
18 reporting to the Deputy Secretary. Where you are
19 positioned in these boxes doesn't represent
20 anything other -- just convenient to where the box
21 is.

22 MR. DAVID: Thank you. I bring
23 you now to the green boxes, and if you can go to
24 the second row, the second name from the right is
25 Claude Laverdure?

1 MR. DICKENSON: Right.

2 MR. DAVID: He is Foreign Policy
3 Advisor to the Prime Minister and Assistant
4 Secretary to the Cabinet, and it also indicates
5 Foreign and Defence Policy.

6 Was he playing a role in terms of
7 the mandate of your box?

8 MR. DICKENSON: Not really.
9 Mr. Laverdure was a peer, but a peer with a bit of
10 a difference in the sense that of all these boxes,
11 he was one of the few who had a direct
12 communication with the Prime Minister.

13 MR. DAVID: You reported, in fact,
14 to Mr. Ron Bilodeau?

15 MR. DICKENSON: At this point I
16 reported to Mr. Fadden, as this org diagram shows.

17 MR. DAVID: We will see that there
18 was an evolution in terms of the org chart, and
19 maybe we could go to that right now.

20 If you could go to the fourth
21 evolution of these org charts, that would be as of
22 September of 2002. I understand that sometime
23 before September of 2002 there was a modification
24 to the PCO structure?

25 It is dated September 23rd --

1 MR. DICKENSON: It's the one
2 without colour; right?

3 MR. DAVID: Well, there is a bit
4 of yellow, perhaps.

5 MR. DICKENSON: Yes.

6 MR. DAVID: If you look at the
7 right-hand side, September 23rd, 2002 is the
8 relevant date.

9 MR. DICKENSON: That's right.

10 MR. DAVID: This chart that I have
11 entitled the fourth chart is basically indicating
12 the time when a fairly important structural
13 reorganization occurred within PCO?

14 MR. DICKENSON: That's right.

15 MR. DAVID: Could you bring us
16 through this chart?

17 MR. DICKENSON: Well, the main
18 difference here is that myself and my colleague,
19 Gregory Fyffe, were reporting directly to Ron
20 Bilodeau, who was the No. 2 in the Privy Council
21 Office. He had the function of being No. 2, the
22 Associate Secretary to Cabinet, and also the
23 Security Intelligence Coordinator.

24 So he took on part of the
25 functions of Mr. Fadden in addition to what he was

1 doing before.

2 MR. DAVID: So if I understand, if
3 we compare to other Canadian agencies you are
4 basically at the ADM level?

5 MR. DICKENSON: That's right.

6 MR. DAVID: And then Mr. Bilodeau
7 would be at Deputy Minister level?

8 MR. DICKENSON: That's right.

9 MR. DAVID: And then Mr. Himelfarb
10 would be -- how would you describe him?

11 MR. DICKENSON: Mr. Himelfarb is
12 the most senior public servant.

13 MR. DAVID: He is in a category by
14 himself?

15 MR. DICKENSON: So he is in a
16 category all by myself.

17 MR. DAVID: We have seen one of
18 the roles of PCO, Mr. Dickenson, is to brief the
19 Prime Minister on issues that concern him. They
20 can be policy issues, they can be operational
21 issues.

22 Can you give us a sense how that
23 occurs? What is the process that is encountered
24 when the Prime Minister is to be briefed by the
25 PCO?

1 MR. DICKENSON: Well, there are
2 two types of briefings. One is oral and one is
3 written. Oral briefings would tend to come almost
4 uniquely from Mr. Himelfarb, who is his Deputy
5 Minister, the Clerk of the Privy Council, and/or
6 the Foreign Policy Advisor, Mr. Laverdure. The
7 bulk of the briefings for the Prime Minister is in
8 written form, and it would start out with an
9 analyst doing a draft and then that draft would be
10 worked on as it got towards final form.

11 Nothing would go to the Prime
12 Minister without the Clerk's signature or somebody
13 designated by the Clerk, should he be ill or away
14 or travelling.

15 MR. DAVID: And who initiates that
16 process? Is this coming from the top, in other
17 words, from the Prime Minister, or are sometimes
18 briefings to the Prime Minister, written
19 briefings, initiated from the actual PCO members?

20 MR. DICKENSON: Again, I would say
21 there are two types of briefings: some are pushed
22 and some are pulled.

23 The ones that are pulled are
24 requested by somebody in the management category.
25 It could be at the level I was at, the ADM level,

1 asking his or her staff to draft something. That
2 would be a pull.

3 A push would be where they
4 initiate something and they push it up the line
5 saying, "We think this is something the Prime
6 Minister needs to know," and then it would be a
7 decision-making process by senior management
8 whether that was actually the case.

9 MR. DAVID: We will shortly review
10 the October 18th memo to the Prime Minister that
11 was prepared by PCO concerning the Arar affair.

12 Before getting to that,
13 Mr. Dickenson, I would like to bring you to tab 2
14 of the book of documents, and to specifically deal
15 with the structure of S&I, Security and
16 Intelligence Secretariat.

17 I understand that the documents
18 included in tab 2 reflect the structure of your
19 secretariat at two different time periods, the
20 first being September of 2002, and then if you go
21 three pages in the second time period would be
22 April of 2003?

23 MR. DICKENSON: I would have to
24 look at them one by one. They are not in a
25 structure that I was, frankly, familiar with.

1 These are not documents I would have prepared or
2 signed off on, but if you want to review them one
3 by one, I am prepared to do that.

4 MR. DAVID: As I say, the first
5 three documents, the first three pages, concern
6 the period of time of September 2002, and pages 2
7 and 3 are the breakdown of page 1.

8 So basically as we read, as we can
9 understand the document, your secretariat is
10 divided into two different sectors. One would be
11 operations and the second would be security
12 operations?

13 MR. DICKENSON: That's right.

14 MR. DAVID: Okay. Then if we go
15 to page 2 we have the breakdown for operations.

16 MR. DICKENSON: And it is broken
17 into two basic streams: one a national security
18 and the other would be foreign intelligence.

19 MR. DAVID: Okay. And then the
20 third page reflects security operations.

21 MR. DICKENSON: That's right.

22 MR. DAVID: So let's talk
23 generally now about S&I before breaking it down
24 into operations and security operations.

25 What is S&I's mandate? What did

1 you do?

2 MR. DICKENSON: Basically, like
3 all secretariats in Privy Council Office, you
4 liaise with those departments and agencies
5 relevant to your mandate. In my case it was
6 security intelligence.

7 You manage the process of items
8 going to Cabinet. There is a quality control
9 there; there is a timing, scheduling, agendas,
10 whatever.

11 You provide briefings as
12 appropriate, as we have just been discussing, and
13 they are either pushed or pulled, as I mentioned.
14 That is the basic structure.

15 It is a policy coordination
16 function.

17 MR. DAVID: And when we refer to
18 security and intelligence, what is the domain that
19 you are interested in?

20 MR. DICKENSON: There is an
21 evolution over time as to what security
22 intelligence would be. I would say the inner core
23 would be portions of Foreign Affairs, portions of
24 National Defence, CSIS, the RCMP, portions of the
25 Solicitor General's Office, not all of it, the

1 CSE, the Communications Security Establishment.
2 Those would be the inner core.

3 Then, to the extent that they
4 relate to security issues, you would have
5 Immigration, you would have -- at the time it was
6 called Customs, or the Revenue Agency.

7 MR. DAVID: CCRA?

8 MR. DICKENSON: Exactly.
9 Transport Canada, Food Inspection Agency, Justice,
10 of course, Finance. Certain elements of those
11 departments and agencies would have a role.

12 MR. DAVID: And how many people
13 reported to you, Mr. Dickenson, in terms of S&I?

14 MR. DICKENSON: Approximately 24,
15 25, something like that.

16 MR. DAVID: If we could go to the
17 fourth page of tab 2, that would be the org chart
18 for April of 2003. I just want to briefly go
19 through that with you.

20 Principally two people reported to
21 you. One was director of operations, Mr. Grinius?

22 MR. DICKENSON: That's right.

23 MR. DAVID: And the second was the
24 Director of Security Operations, Mr. Deneault?

25 MR. DICKENSON: That's right.

1 MR. DAVID: Let's deal first with
2 the security operations mandate. What
3 specifically do they do?

4 If you want, we can go to the last
5 page, which is the breakdown of security
6 operations.

7 MR. DICKENSON: I don't think
8 that's necessary. They have very specific
9 functions. They provide the actual security when
10 Cabinet meets. They provide the actual security
11 when the Prime Minister hosts a meeting, for
12 example, with provincial premiers. They provide
13 security briefings to cabinet ministers and their
14 offices. They do security clearances for
15 employees of the Privy Council Office.

16 They do actual physical security
17 for PCO and PMO, which are co-located in various
18 buildings.

19 They are liaison point with the
20 RCMP for the physical security of the Prime
21 Minister and the Governor General. Those are the
22 broad functions.

23 MR. DAVID: So essentially
24 physical security of the top members of our
25 government?

1 MR. DICKENSON: And security of
2 documentation as well.

3 MR. DAVID: Documentation. Very
4 good.

5 Now, let's go to the fifth page,
6 or the before-last-page of the document, and
7 that's the breakdown of the operations sector of
8 your secretariat.

9 I have referred to Mr. Grinius
10 already. Can you tell us what the mandate of this
11 specific sector is or was?

12 MR. DICKENSON: Well, there are
13 two streams there. One is foreign intelligence
14 and the other is national security.

15 The national security element at
16 that point in time primarily was a support
17 mechanism for PSAT, the ad hoc Committee of
18 Ministers on Public Safety and Anti-terrorism.

19 MR. DAVID: We have heard
20 testimony from Mr. Manley about the creation of
21 PSAT. It was created in the days following the
22 9/11 crisis?

23 MR. DICKENSON: That's right.

24 MR. DAVID: And Mr. Manley was the
25 designated cabinet member in charge, chairing this

1 committee?

2 MR. DICKENSON: That's right.

3 MR. DAVID: And so part of the
4 function was support in terms of the operation of
5 the ad hoc committee?

6 MR. DICKENSON: That was a huge
7 function, a huge portion of the mandate for that
8 group.

9 MR. DAVID: And it was Mr. Anthony
10 Ritchie that was one of the key players in that
11 regard?

12 MR. DICKENSON: That's right.

13 MR. DAVID: So that is the
14 national security portion in terms of foreign
15 policy?

16 MR. DICKENSON: Not foreign
17 policy, foreign intelligence.

18 MR. DAVID: Foreign intelligence,
19 I am sorry.

20 MR. DICKENSON: The foreign
21 intelligence wing of this secretariat primarily
22 was involved with working with their peers across
23 government in establishing intelligence
24 priorities. These are very, very high-level
25 priorities that were consulted upon and

1 established.

2 MR. DAVID: I don't know if you
3 see the asterisks. It says "identity of
4 individuals redacted". There is a number of the
5 boxes on page 5 of the document that indicate that
6 people are being seconded from other agencies.
7 For instance, there is a secondment from DFAIT,
8 secondment from CSE, secondment from CSIS and
9 secondment from the RCMP.

10 MR. DICKENSON: This is completely
11 typical of the Privy Council Office.

12 MR. DAVID: We just want a sense
13 of that, if you could explain the composition of
14 the team and how it is created and why it is
15 created this way.

16 MR. DICKENSON: The Privy Council
17 Office is made up of employees that actually come
18 in and out on a fairly frequent basis. The Privy
19 Council Office draws on expertise from across
20 government to staff their secretariats.

21 In the case of this secretariat,
22 it is a blend of Privy Council employees and
23 experts on loan for two or three years from other
24 departments and agencies, and they would tend to
25 be CSIS, the RCMP, CSE, Foreign Affairs and

1 Defence.

2 MR. DAVID: Let's go back briefly
3 to P-33, Mr. Dickenson. That is the original org
4 chart. I just want to get a sense.

5 There is a box that is very close
6 to yours, and I have referred to it. It is
7 Mr. Fyffe's box and it is IAS, Intelligence
8 Assessment Secretariat.

9 Can you give us a sense of what
10 their mandate is as compared to yours? What
11 distinguishes security intelligence from
12 intelligence assessment?

13 MR. DICKENSON: The secretariat I
14 used to manage was a policy shop.

15 MR. DAVID: When you say "policy",
16 that is to distinguish it from operations?

17 MR. DICKENSON: Absolutely. And
18 the IAS, which Mr. Fyffe was responsible for --
19 and the Executive Director is an ADM-level
20 position; it is the same level as an Assistant
21 Secretary -- that is made up of a group of
22 analysts that have language skills. They have
23 background experience. They tend to be drawn from
24 Foreign Affairs and National Defence.

25 They have access to public

1 information, they have access to intelligence, and
2 they bring to the table their own experience.
3 They provide analyzed reports to senior
4 management, primarily Foreign Affairs and Privy
5 Council and to selected senior officers in the
6 government.

7 They tend to be highly classified
8 documentation. The distribution tends to be
9 limited on a need-to-know basis. The person
10 receiving the document has to have the security
11 clearance that goes with the level of
12 classification of the document.

13 MR. DAVID: Okay. And if we
14 compare that to your structure, to your mandate at
15 I&S -- I mean S&I -- what distinguishes their work
16 from your work?

17 MR. DICKENSON: Everything. We
18 did not provide analyzed documents to senior
19 management. That was their only function. We
20 provided briefing notes, policy advice. They are
21 totally different.

22 MR. DAVID: And who --

23 MR. DICKENSON: As a matter of
24 fact, I would rarely interact with Mr. Fyffe, even
25 though we shared the same senior management.

1 MR. DAVID: And who would be the
2 end recipient of your briefing notes?

3 MR. DICKENSON: People directly
4 above, so the Deputy Secretary, on some occasions
5 the Clerk, and on other occasions through them to
6 the Prime Minister.

7 MR. DAVID: If we compare I&S, it
8 was somewhat of a -- their clients, if I could
9 express myself in such a way, were wider than
10 scope. Other government agencies would be
11 receiving their work product?

12 MR. DICKENSON: That's right.

13 MR. DAVID: Whereas your work
14 product essentially was remaining within PCO and
15 ultimately destined for the Prime Minister?

16 MR. DICKENSON: Prime Minister
17 and/or Cabinet.

18 MR. DAVID: And/or Cabinet and/or
19 PSAT, as we have already seen?

20 MR. DICKENSON: That's right.

21 MR. DAVID: And Mr. Fyffe reported
22 to whom? Let's take a latter structure as of the
23 reform in 2002 and thereafter.

24 MR. DICKENSON: In the September
25 23rd document, Mr. Fyffe and myself both reported

1 to Mr. Bilodeau.

2 MR. DAVID: And that remained to
3 be the case until your departure?

4 MR. DICKENSON: That's right.

5 MR. DAVID: And in terms of IAS'
6 focus, we understand that they are doing
7 high-level intelligence assessments. How do you
8 compare that to CSIS's mandate?

9 Also we have heard evidence that
10 CSIS would be doing intelligence assessments.
11 What would distinguish the two mandates, if you
12 can explain?

13 MR. DICKENSON: The CSIS
14 assessments would tend to be more operational.
15 IAS assessments are extremely high-level. You
16 know, to use the impression, it's like they are
17 flying at 30,000 feet. It would be what is
18 happening to a country that is a failed state or a
19 country that is going through a revolution. It
20 would be of that nature as opposed to operational
21 assessments.

22 MR. DAVID: Can you tell us about
23 the MOU, if you are knowledgeable about that.
24 There is a Memorandum of Understanding that exists
25 between the Department of Foreign Affairs and IAS

1 in terms of the sharing of information and the
2 sharing of personnel.

3 MR. DICKENSON: I have no
4 direct -- I mean, I know it exists, but I am not
5 sure if I ever read it and I am not in a position
6 to comment on it. I just know it exists.

7 MR. DAVID: Were you aware that at
8 a given moment there was a shift of DFAIT
9 personnel from the Department of Foreign Affairs
10 to IAS?

11 MR. DICKENSON: Yes.

12 MR. DAVID: Do you know when that
13 occurred?

14 MR. DICKENSON: No, I can't give
15 you a precise date.

16 MR. DAVID: Let's go to tab 3,
17 Mr. Dickenson, and I refer you to pages 8 and 9.

18 Basically now the theme I want to
19 develop briefly with you is your interaction, your
20 interfacing with other Canadian agencies to fulfil
21 your mandate.

22 You have described your mandate as
23 being policy-related?

24 MR. DICKENSON: That's right.

25 MR. DAVID: And that is to pose it

1 in terms of being operational. You are not
2 concerned with specific operations?

3 MR. DICKENSON: That's right.

4 MR. DAVID: For instance, if we
5 take what our concern is, you would not be
6 operationally involved in the Arar chronology?

7 MR. DICKENSON: No.

8 MR. DAVID: So on pages 8 and 9,
9 there is -- again, it is a download from the
10 internet site of the PCO, and it is a document
11 that is a bit dated but is still being
12 distributed. It goes back to 1999, but it was
13 downloaded by us this month.

14 At the bottom of page 8, there is
15 a description for the Deputy Secretary Security
16 Intelligence. Now, would that be you?

17 MR. DICKENSON: No. That would
18 be -- it would initially be Mr. Fadden and then
19 towards the end of my period it was Mr. Bilodeau.
20 Deputy Secretary is like a Deputy Minister.

21 MR. DAVID: Thank you. Let us
22 review what it says about the Deputy Secretary for
23 S&I.

24 It says there are four main
25 functions. The first is:

1 "To support the Prime
2 Minister by providing
3 information, advice and
4 recommendations on security
5 intelligence policy matters."

6 Is that accurate still today?

7 MR. DICKENSON: I can't comment on
8 what is happening today. I have been gone two and
9 a half years.

10 MR. DAVID: Put it this way
11 then --

12 MR. DICKENSON: That was accurate
13 as of April 2003.

14 MR. DAVID: Thank you. The second
15 point in terms of functions is:

16 "To ensure the effective
17 coordination among the
18 members of the security
19 intelligence community."

20 MR. DICKENSON: That's right.

21 MR. DAVID: Is that an accurate
22 statement as of your departure?

23 MR. DICKENSON: That's right.

24 MR. DAVID: Thirdly:

25 "To be responsible, together

1 with the Deputy Minister of
2 National Defence, to the
3 Minister of National Defence,
4 for the Communication
5 Security Establishment, an
6 agency which provides the
7 government with foreign
8 intelligence and guidance on
9 the security of government,
10 telecommunications and
11 electronic data processing."

12 MR. DICKENSON: That's right.

13 MR. DAVID: And finally:

14 "To oversee the intelligence
15 assessment function, a
16 service based on
17 interdepartmental
18 contributions which produces
19 and coordinates intelligence
20 assessments on a wide range
21 of subjects for the Prime
22 Minister, other Ministers and
23 senior officials of the
24 government."

25 MR. DICKENSON: That's right.

1 MR. DAVID: And that is a
2 reference to IAS?

3 MR. DICKENSON: That's right.

4 MR. DAVID: If we go to the next
5 page, we have a breakdown, I believe, of your box,
6 S&I, and it says that there are two secretariats.
7 One is the S&I Secretariat and the second is IAS.

8 In terms of your secretariat, the
9 first one, it says that:

10 "The S&I secretariat provides
11 overall coordination and
12 policy direction to the
13 security and intelligence
14 sector. It supports the
15 Interdepartmental Committee
16 on Security and Intelligence,
17 ICSI, which is a committee of
18 deputy ministers chaired by
19 the Clerk of the Privy
20 Council and Secretary to the
21 Cabinet and vice chaired by
22 the Deputy Secretary Security
23 and Intelligence. The
24 secretariat plays a
25 coordinating role in the

1 overall management and
2 priorities of intelligence
3 organizations and provides
4 policy guidance to the
5 intelligence community."

6 Is that an accurate statement?

7 MR. DICKENSON: That's right.

8 MR. DAVID: We see that there is
9 reference in a couple of places, Mr. Dickenson, to
10 this idea of overall coordination.

11 Could you speak to that, please?

12 MR. DICKENSON: Basically the
13 coordination is very, very high-level in terms of
14 budgets, legislation, items going for review by
15 Cabinet. After 9/11, the biggest job for ICSI, or
16 my office, was supporting PSAT. That was a huge
17 function. So that required coordination across
18 government in terms of quality control of
19 documentation that would go for review at the
20 political level.

21 MR. DAVID: So what mechanisms
22 were in place to ensure that coordination? For
23 instance, were there liaison officers in place?
24 Was it an informal coordination or exchange? How
25 did the agencies interact?

1 MR. DICKENSON: The coordination
2 was meetings without end, meetings that were
3 taking place. The ICSI, after 9/11, was meeting
4 daily. Later on they would meet in coordination
5 just prior to a meeting of PSAT.

6 There was a whole infrastructure
7 that was in place before 9/11 that got ratcheted
8 up in terms of frequency of meeting.

9 MR. DAVID: And certainly part of
10 the mechanism for interaction with other agencies
11 is the fact that you would second some of your
12 personnel from these other agencies, and that in
13 itself would lead to exchanges.

14 Is that accurate?

15 MR. DICKENSON: That's right.
16 That's true of virtually every secretariat.

17 MR. DAVID: And would you receive
18 formal briefings on occasion from either the RCMP,
19 or CSIS, or DFAIT? Was that part of the
20 mechanism?

21 MR. DICKENSON: That wasn't part
22 of the mechanism, no.

23 MR. DAVID: So staying in the loop
24 was basically an informal process?

25 MR. DICKENSON: No. Staying in

1 the loop was both informal and formal. You have
2 this ICSI, I-C-S-I, that was a very formal
3 structure, and it had an agenda and dealt with the
4 documentation going to PSAT.

5 Informally, there would be phone
6 calls, side bar conversations on the margins of
7 meetings. There is a constant ebb and flow of
8 communications between secretariats in the Privy
9 Council Office and their liaison partners across
10 government at all levels. Communications would
11 take place at the Ministerial level, at the Deputy
12 Minister level, at my level, the ADM level, and
13 further down in the organization between and
14 amongst analysts.

15 MR. DAVID: So, for instance,
16 Mr. Dickenson, who was your counterpart at the
17 RCMP that you would be communicating with?

18 MR. DICKENSON: Garry Loepky.

19 MR. DAVID: And in terms of CSIS?

20 MR. DICKENSON: Dale Neufeld.

21 MR. DAVID: So these were people
22 that you had regular rapport with?

23 MR. DICKENSON: Regular. Regular.

24 MR. DAVID: And that was part of
25 the informal structure? If you needed

1 information --

2 MR. DICKENSON: Both formal and
3 informal. You pick up the phone. You say,
4 "What's this about? What's happening?" And then
5 you would see them formally, at meetings in
6 preparation for policy decisions at the political
7 level.

8 MR. DAVID: We are going to move
9 now to the Arar chronology, Mr. Dickenson.

10 Would it occur, just as a general
11 question, that S&I would be informed from time to
12 time about specific investigations, about specific
13 threats, potential threats, that individuals could
14 present to the security of Canada?

15 MR. DICKENSON: In terms of
16 operational details, the answer would be no. In
17 terms of threats to Canada where it was believed
18 that the Prime Minister would need to know, the
19 answer would be yes.

20 MR. DAVID: Okay. For instance --
21 and let's get specific now. A-OCANADA is a term
22 that you are obviously familiar with today. When
23 did you become aware of the RCMP's investigation
24 that was called Project A-OCANADA?

25 MR. DICKENSON: I am only aware of

1 A-OCANADA since the start of this inquiry. I was
2 not aware of it at the time.

3 MR. DAVID: Were you generally
4 aware that the RCMP was dedicating resources at
5 the time that you were ADM to suspected al-Qaeda
6 presence in Ottawa, in the Ottawa region?

7 MR. DICKENSON: That level of
8 specificity, no. There were structures in place
9 before 9/11 that were ramped up. The whole world
10 was concerned about al-Qaeda. Every agency
11 responsible for security and intelligence and law
12 enforcement in every western country, I am sure --
13 certainly we did -- increased resources dedicated
14 to countering terrorism.

15 MR. DAVID: And at any time did
16 you become aware within the PCO function and
17 structure of a free flow arrangement in terms of
18 sharing intelligence amongst Canadian agencies,
19 the RCMP, CSIS, and including the FBI and the CIA?

20 Was that part of what was
21 knowledge to you in the post-9/11 environment?

22 MR. DICKENSON: I think you have
23 to go further back than that, M. David. Before
24 9/11, there were arrangements in place. They are
25 called IBETs. I am not sure whether that has come

1 up at this --

2 MR. DAVID: It has.

3 MR. DICKENSON: I don't need to
4 describe what an IBET is. There was a
5 cross-border crime forum.

6 These -- it's hard to call them
7 organisations -- these systems, these methods of
8 working had police forces at all levels, not just
9 federal, provincial, municipal, agreeing to share
10 information across the border. They were done in
11 structures. There had to be rules of the road in
12 place to be followed in terms of sharing
13 information.

14 Post-9/11, those are ratcheted up.
15 We have referred earlier to additional resources
16 being directed towards al-Qaeda and countering
17 terrorism. So decisions were made to increase the
18 number of IBETs, for example. To my mind, clearly
19 there was a direction that information should be
20 shared with those who could make a difference, and
21 the Canadian public, the American public, would be
22 totally intolerable if they thought that one
23 agency was not sharing information that was
24 directly relevant to the national security of
25 Canada and/or the security of North America. That

1 sharing of information, though, was according to
2 the laws of Canada and according to the mandates
3 of each agency, and one understood that each
4 agency had their own rules of the road in terms of
5 how they would do that.

6 So the volume of information being
7 shared definitely increased after 9/11. It didn't
8 start with 9/11.

9 MR. DAVID: Was this a result of
10 political will? Was it just the environment that
11 dictated this increasing --

12 MR. DICKENSON: I would take you
13 back, Mr. David, well before 9/11, and if you can
14 recall, the millennium incident, when an
15 individual, Mr. Ressam, was apprehended crossing
16 the border in the United States. That was a
17 wake-up call to a lot of people in security and
18 intelligence around the world. It certainly was
19 in Washington and it certainly was in Ottawa.

20 So political level, senior
21 bureaucrats, middle-level bureaucrats increasingly
22 understood that the silos could not be maintained
23 in the same rigid structure as before; that people
24 had to share information that was relevant to
25 national security, and were expected to.

1 MR. DAVID: In terms of a specific
2 new arrangement that would have come into place
3 post-9/11 as a response to 9/11, as a direct
4 response to 9/11, of information-sharing of
5 intelligence amongst the RCMP, CSIS, and the CIA
6 and the FBI, do you have any knowledge of such a
7 specific arrangement that would have been created?

8 MR. DICKENSON: I am not aware of
9 any new arrangements, as I mentioned earlier.
10 Those were well in place before 9/11. They were
11 ramped up post-9/11.

12 MR. DAVID: We are going to move
13 now to the Arar chronology per se.

14 As you are well aware by now,
15 Mr. Arar arrives in New York City in September of
16 2002. When did you first, on a personal basis,
17 learn of Mr. Arar's name, of what had happened?

18 MR. DICKENSON: To the best of my
19 knowledge, best of my recollection, it was through
20 the press.

21 MR. DAVID: Okay.

22 MR. DICKENSON: And I don't have a
23 specific date, but whenever it appeared in the
24 press, that's when I would have learned that.

25 MR. DAVID: And certainly in the

1 days and weeks that followed Mr. Arar's detention
2 and deportation from the United States, there were
3 many, many press reports, and we have filed such
4 reports, for instance, at tab 80.

5 I don't think it's necessary to go
6 there, but at tab 80 of the DFAIT documents, P-42,
7 and tab 90, you have examples of articles that
8 were being released in The Globe and Mail, in the
9 Ottawa Citizen, in the New York Times, October
10 12th, October 16th, et cetera.

11 So there was a lot of media
12 interest and the issue was quite prominent in the
13 media at the time.

14 And was this the impetus that
15 created the creation of a briefing note for the
16 Prime Minister on the Arar affair?

17 MR. DICKENSON: I don't recall
18 whether it was a document that was pushed or
19 pulled, to be perfectly frank. If you want to
20 direct me to a document, we can discuss it.

21 MR. DAVID: Well, we can go to --
22 now I will refer you to the PCO documents, and
23 that would be Exhibit P-48. There are two
24 volumes. The first volume is tab 4.

25 And I am not sure that we have the

1 push or pull answer in this document, but I will
2 at least refer you to the document as being the
3 draft --

4 THE COMMISSIONER: Volume 1 or
5 volume 2?

6 MR. DAVID: It's in volume 1,
7 Mr. Commissioner.

8 MR. DICKENSON: This one?

9 THE COMMISSIONER: And the tab?

10 MR. DAVID: Tab 4.

11 THE COMMISSIONER: Thank you.

12 MR. DICKENSON: Thanks.

13 MR. DAVID: This document, or this
14 tab, reflects a number of different documents.
15 The first is the draft version that was addressed
16 to -- I believe it was to Mr. Bilodeau.

17 MR. DICKENSON: I am sorry. What
18 tab are you at?

19 MR. DAVID: I am at tab 4.

20 MR. DICKENSON: The first thing I
21 see is a draft to the Prime Minister.

22 MR. DAVID: Correct. If you go to
23 the second document, which is about the fifth page
24 in, you will see the same draft signed by you and
25 it's addressed to Mr. Bilodeau.

1 MR. DICKENSON: Well, my signature
2 box is there but my signature isn't, so I am not
3 sure this was ever the document that went forward.

4 MR. DAVID: No, and we will come
5 to the document. In terms of the process, this is
6 a typical example of how a document is prepared
7 for the Prime Minister, a briefing note?

8 MR. DICKENSON: No. This is a
9 typical example of how one informs senior
10 management of an issue, an item, a situation.
11 Whether or not this becomes a document for the
12 Prime Minister would be a decision made probably
13 by myself and Mr. Bilodeau, eventually.

14 MR. DAVID: And the second
15 document, the fifth page in, is addressed to
16 Mr. Bilodeau where your unsigned name appears.

17 MR. DICKENSON: Right.

18 MR. DAVID: Does this indicate
19 that S&I prepared this document?

20 MR. DICKENSON: That's right,
21 that's right.

22 MR. DAVID: Would this have been
23 the first briefing to the Prime Minister, or an
24 attempt to brief the Prime Minister, to your
25 knowledge, on the Arar affair?

1 MR. DICKENSON: Well, as I have
2 just mentioned, Mr. David, this would be our first
3 written briefing of the Deputy Secretary. Whether
4 or not this would become a note to the Prime
5 Minister would evolve.

6 MR. DAVID: Okay. Just to further
7 review the contents of this tab, tab 4, if you go
8 the third document in, it is entitled -- and it is
9 all blacked out, it is redacted. It is a briefing
10 note. Do you see that at the top?

11 MR. DICKENSON: Yes.

12 MR. DAVID: And if you go to the
13 next document, there is also another document, and
14 it is obviously a memo, it is in memo form. And
15 then finally you have "Suggested Press Lines".

16 If you go back to the beginning of
17 the tab and go to page 2, more than halfway down,
18 below the black paragraph, there is a sentence
19 that reads:

20 "It is unknown at this time
21 if Mr. Arar is under criminal
22 investigation by the RCMP."

23 So my first question to you is:
24 How do these draft briefing notes get prepared?
25 What is the sourcing? What information is

1 referred to? Who prepares these? Is this
2 something that you do yourself or is there a
3 policy analyst within your unit that does this
4 kind of thing?

5 Could you explain the process?

6 MR. DICKENSON: The process would
7 be that a policy analyst would have checked other
8 departments and agencies and potentially had
9 access to classified information through a
10 classified sharing, a communication system that
11 shares classified information. Those would be the
12 two sources of information that would go into a
13 document like this.

14 MR. DAVID: And in terms of --

15 MR. DICKENSON: I am sorry. Your
16 question was more complex than that.

17 I would not have drafted this. An
18 analyst would have drafted it.

19 MR. DAVID: And then it would be
20 submitted to you for your approval --

21 MR. DICKENSON: That's right.

22 MR. DAVID: -- or your review and
23 up the chain?

24 MR. DICKENSON: That's right. And
25 probably a few people before it got to me.

1 MR. DAVID: Okay. The reference
2 to the fact that it is unknown at this time if
3 Mr. Arar is under criminal investigation by the
4 RCMP. I mean, obviously our record now shows
5 that, yes, he was -- well, perhaps not. He was a
6 person of interest, put it that way, to the RCMP
7 at this time.

8 Why would this information not be
9 provided to what potentially could be going to the
10 Prime Minister, which would be potentially
11 relevant information?

12 MR. DICKENSON: I am not sure I
13 would come to the conclusion that's implied by
14 your question. To me it is not a question of it
15 not being shared. It wasn't known at that time.

16 Frequently documents like this are
17 prepared with very, very tight time lines. It is
18 not unknown for you to have an hour or so to get
19 something up the line, as we would say, to senior
20 management.

21 My read of this is that the
22 question was asked and the answer had not been
23 acquired yet when the drafter sent this wherever
24 it went.

25 MR. DAVID: If you go,

1 Mr. Dickenson, to the next tabs, you will see tabs
2 5, 6, and 7 of the PCO documents.

3 MR. DICKENSON: Right.

4 MR. DAVID: There is a variety of
5 reports that are from CSIS. They are entitled
6 "Reports".

7 They are entitled, "CSIS
8 Intelligence Brief", and there are four in all and
9 they are all dated October 18th, 2002.

10 MR. DICKENSON: Mm-hmm.

11 MR. DAVID: Can you tell us
12 whether these briefs formed part of the background
13 material for the preparation of this draft memo?

14 MR. DICKENSON: I have no idea.
15 It is not clear to me what they refer to.

16 MR. DAVID: And can you tell us
17 whether, generally speaking, this would be a
18 normal kind of source of information for preparing
19 such a draft memo, CSIS intelligence reports?

20 MR. DICKENSON: It would depend
21 very much on what the issue was being -- upon
22 which the draft is prepared. But I can't tell you
23 what these reports are. I have no idea.

24 MR. DAVID: I am not asking you to
25 describe the contents. I am just asking you in

1 terms of process generally --

2 MR. DICKENSON: It is not excluded
3 that they would have been referred to, but it
4 isn't a guarantee that they were.

5 MR. DAVID: And so there is
6 nothing abnormal in terms of the process to refer
7 to CSIS briefs for the preparation of such a
8 briefing note?

9 MR. DICKENSON: No.

10 MR. DAVID: Now, assuming,
11 Mr. Dickenson -- I understand that you cannot tell
12 us whether tabs 5, 6, and 7, they are actually
13 source documents for the draft briefing note. But
14 assuming that they are, are there any protocols in
15 place in terms of sharing the information, the
16 CSIS information, with PCO? How does that take
17 place?

18 These documents, first of all, let
19 me inform you, for your knowledge, tabs 5 and 6
20 and 7, are in the PCO collection. They were not
21 produced independently by CSIS. They were
22 produced to us by PCO. So they are in your
23 holdings; they were in your holdings.

24 So I am asking you basically what
25 is the process in place in terms of the exchange

1 of this kind of information?

2 MR. DICKENSON: There are very
3 strict protocols. One has to have the appropriate
4 security clearance to receive a document of this
5 nature. There is also a need-to-know. When I was
6 assistant secretary, chunks of my secretariat were
7 not privy to what was happening in other chunks of
8 secretariat because they didn't need to know. So
9 something in the foreign intelligence area was not
10 necessarily a need-to-know in national security or
11 with security ops.

12 So within my secretariat, only one
13 or two people probably would have access to this
14 type of document, and I would rarely see something
15 like this.

16 MR. DAVID: Okay. But basically
17 you are confirming that in terms of processing
18 these memos, this was a normal course of action to
19 be referring to a CSIS --

20 MR. DICKENSON: It is not
21 excluded.

22 MR. DAVID: So we see there can be
23 collaboration from CSIS and PCO in preparing these
24 drafts, in preparing these memos, to the Prime
25 Minister.

1 Would the same occur with regard
2 to the RCMP?

3 MR. DICKENSON: I am not sure I
4 would use the word "collaboration". PCO would be
5 responsible for its own drafts. Other departments
6 and agencies would not be privy to the actual
7 wording that goes in to a document to the Prime
8 Minister of Canada.

9 There would be liaison with the
10 RCMP. There would be liaison with CSIS. But they
11 would not work on the actual wordsmithing.

12 MR. DAVID: I guess really what I
13 am getting to is in terms of sourcing the
14 information that would eventually potentially go
15 to the Prime Minister, the sourcing does take into
16 account CSIS information?

17 MR. DICKENSON: That's right.

18 MR. DAVID: And the sourcing, you
19 are saying, I understand, could also take into
20 account RCMP investigations?

21 MR. DICKENSON: It likely would.

22 MR. DAVID: And would you agree
23 with me that in appearance that this document, tab
24 4, the draft version of the memo concerning
25 Mr. Arar, there does not seem to be any RCMP

1 sourcing of information in terms of the
2 contribution to its content?

3 MR. DICKENSON: I am not sure I
4 would come to that conclusion. The only
5 conclusion I can draw from reading this is we did
6 not know whether or not Mr. Arar was under
7 criminal investigation. I suspect other elements
8 within this document -- other pieces of
9 information -- would have come from conversations
10 with other departments and agencies, including the
11 RCMP.

12 MR. DAVID: And if the RCMP was
13 asked by PCO -- because you are preparing a
14 briefing note to the Prime Minister here; you want
15 him to be well-informed and you want him to be
16 accurately informed, too. Would the RCMP, in your
17 experience, confirm or deny the existence of such
18 an investigation?

19 MR. DICKENSON: They would.

20 MR. DAVID: And so you have no
21 reason -- or you cannot explain the fact that in
22 this draft memo, the fact that it is still stated
23 as being unknown whether Mr. Arar is under
24 criminal investigation by the RCMP?

25 MR. DICKENSON: My view of the

1 wording here is that the question had been asked,
2 the answer had not yet arrived. I would not draw
3 any conclusion that the information was being
4 denied.

5 MR. DAVID: Thank you.

6 Now, is it the responsibility of
7 the analyst drafting to go and get the
8 information? Is that one of his roles and duties?

9 MR. DICKENSON: Yes.

10 MR. DAVID: And this information
11 is not necessarily systematically distributed to
12 PCO by CSIS or the RCMP? Is it on a -- basically
13 I am asking you: Is this on a need-to-know basis,
14 or are these in your holdings the essentials of --

15 MR. DICKENSON: As I have
16 described earlier, Mr. David, there is a push
17 me/pull you syndrome that affects anything like
18 this, and the push me/pull you is oral and
19 written. So an analyst can phone and get
20 information over the phone through secure
21 telephone communications. An analyst can go to
22 databanks, provided they have the right security
23 clearances and a need-to-know and access certain
24 classified information. Or one of the departments
25 and agencies may actually push a piece of

1 information anywhere in government, including to
2 PCO, where there is a need-to-know and the
3 appropriate security clearance.

4 MR. DAVID: Okay. We can go now
5 to the PCO document that you have in hand and go
6 to tab 3.

7 Could you identify that this is
8 the final version of the memo that went to the
9 Prime Minister?

10 MR. DICKENSON: Yes, definitely.

11 MR. DAVID: Concerning Mr. Arar?

12 MR. DICKENSON: That's right.

13 MR. DAVID: Okay. And we will see
14 that in the final form -- and it is at page 2 of
15 the actual content of the memo -- it was still
16 recorded as being unknown if Mr. Arar was under
17 criminal investigation by the RCMP?

18 MR. DICKENSON: Yes, I see that.
19 And I also note it is the same date --

20 MR. DAVID: It is the same date.

21 MR. DICKENSON: So this document
22 was probably prepared minutes -- or within an hour
23 or two of the earlier draft.

24 MR. DAVID: And it is a little bit
25 shorter than the draft version 2.

1 Let's now move to tab 6 of your
2 Book of Documents, not the PCO documents, the
3 Dickenson documents that we filed today.

4 MR. DICKENSON: Right.

5 MR. DAVID: And we will see that
6 three days later, on October 21st, Mr. Bilodeau is
7 a bit concerned. He is concerned that -- there
8 are two documents that went to the Prime Minister,
9 and one is your document, the S&I document, and
10 the other I believe is coming from foreign policy?

11 MR. DICKENSON: Yes, Foreign and
12 Defence, that's right.

13 MR. DAVID: And he is concerned
14 that there may be inconsistencies between both
15 documents.

16 MR. DICKENSON: I am not sure he
17 was concerned. He just wanted assurance that what
18 we were providing the Prime Minister was accurate.

19 MR. DAVID: And there were maybe
20 slight differences between both documents?

21 MR. DICKENSON: There inevitably
22 would be. They are very different documents. One
23 is a classified document at the secret level. The
24 other one is what we call a QP note, which by
25 definition -- sorry, QP note, do you know what

1 that is?

2 MR. DAVID: Question period card?

3 MR. DICKENSON: That's what some
4 people called them. We always called them QP
5 notes, and it says QP at the top of it.

6 This is a card or note that is
7 prepared for the Prime Minister in preparing him
8 to go to Question Period. And you will note that
9 it is not briefing him to respond. It is saying,
10 "This is what the Minister of Foreign Affairs will
11 answer if he is asked."

12 So this is not words for the Prime
13 Minister to use. This is informing him, as
14 background, that if a question comes up in the
15 House, the Minister of Foreign Affairs is expected
16 to say what is in the suggested answer.

17 And because it is unclassified
18 document, then the wording has to be -- it cannot
19 contain classified information.

20 MR. DAVID: And so one document
21 being prepared by your secretariat at the S&I and
22 the other prepared by the foreign policy
23 secretariat?

24 MR. DICKENSON: That's right,
25 that's right.

1 MR. DAVID: And so he is asking
2 you to look into this --

3 MR. DICKENSON: That's right.

4 MR. DAVID: -- on the 21st?

5 MR. DICKENSON: That's right.

6 MR. DAVID: There is a "cc" to
7 Claude Laverdure, who was the foreign policy
8 advisor --

9 MR. DICKENSON: That's right.

10 MR. DAVID: -- to the Prime
11 Minister at the time. And his message is:

12 "Are we coordinated with
13 Claude?"

14 In other words, Claude Laverdure.

15 "We gave the P.M. different
16 advice which is a bit
17 different."

18 MR. DICKENSON: That's right.

19 MR. DAVID: There is a response to
20 this concern or query, and you can go to tab 7 of
21 your book again.

22 MR. DICKENSON: Right.

23 MR. DAVID: This is a draft
24 response, Mr. Dickenson, to Mr. Bilodeau, that is
25 being addressed to you?

1 MR. DICKENSON: It would appear to
2 be, yes.

3 MR. DAVID: Okay. And if we
4 summarize this document, the draft response to
5 Mr. Bilodeau, the second bullet is explaining
6 that:

7 "On Thursday, October 17th,
8 having noted articles in the
9 Ottawa Citizen and The Globe
10 and Mail respecting Mr. Arar
11 and his deportation to the
12 United States, I contacted
13 CSIS HQ CT --"

14 So that's headquarters
15 counter-terrorism.

16 "...to [something] --"

17 And it is redacted.

18 "...in order to see if it
19 merited a note to yourself."

20 So that's a push?

21 MR. DICKENSON: That's a push.

22 MR. DAVID: Okay. And that would
23 indicate to you that the memo to the P.M. on the
24 18th was therefore a push?

25 MR. DICKENSON: Mm-hmm.

1 MR. DAVID: Okay. The fourth --

2 MR. DICKENSON: No, no, no.

3 MR. DAVID: I am sorry?

4 MR. DICKENSON: That would
5 indicate that the memo to Mr. Bilodeau was a push.
6 Whether the memo to the Prime Minister was a push
7 or a pull, I don't remember.

8 Whether Mr. Bilodeau said, "Would
9 you please convert this into a note for the Prime
10 Minister," I don't recollect. But this is a push
11 to Mr. Bilodeau.

12 MR. DAVID: Okay. The fourth
13 bullet also refers that there was contact with
14 DFAIT on October 17th and additional inquiries
15 with DFAIT were made and DFAIT reportedly had a
16 meeting at their building on Wednesday -- and that
17 would have been the 16th of October -- that CSIS
18 and the RCMP also attended?

19 MR. DICKENSON: Mm-hmm.

20 MR. DAVID: You learn at the next
21 bullet, which is bullets 5 and 6, that there was
22 contact with Mr. Elcock, who is the Director of
23 CSIS, and there the analyst finds out that CSIS
24 had spoken with Mr. Bilodeau regarding Arar and a
25 meeting was scheduled between the Deputy Minister

1 Manley and the U.S. Homeland Security chief, Tom
2 Ridge, on a number of matters, and it was
3 understood that the DPM, Deputy Prime Minister
4 Manley, may raise the Arar case with Governor
5 Ridge.

6 And then the analyst says:

7 "I was informed that the
8 Director had encouraged
9 against the Deputy Prime
10 Minister raising the Arar
11 case."

12 So we find out at this bullet that
13 in terms of again background context, Mr. Elcock
14 is recommending to Mr. Bilodeau that there be no
15 contact between -- that Mr. Manley not be
16 encouraged to raise the matter with Mr. Ridge.

17 And we know, finally, at the next
18 bullet, that the Bilodeau-Elcock tel. con. had
19 been occasioned by other enquiries.

20 Do you have any knowledge as to
21 what explains Mr. Elcock's position as reported
22 here in the document?

23 MR. DICKENSON: I don't. I have
24 no knowledge of the content of the discussion
25 between Mr. Bilodeau and Mr. Elcock.

1 MR. DAVID: Had you read this
2 draft memo, Mr. Dickenson?

3 MR. DICKENSON: I frankly have no
4 idea. If I haven't signed it, I may not have read
5 this.

6 MR. DAVID: Were you aware of the
7 telephone conversation between Mr. Bilodeau and
8 Mr. Elcock at this time?

9 MR. DICKENSON: I can't -- I don't
10 know. I really don't know.

11 MR. DAVID: Finally, did you
12 contribute anything -- we will come to the final
13 version of this memo. But did you contribute
14 anything between this draft version and the final
15 version that went up to Mr. Bilodeau?

16 MR. DICKENSON: I can't really
17 accurately reply to that because I am not sure I
18 ever saw the draft.

19 MR. DAVID: Okay. So let's go now
20 to tab 8, the next tab.

21 MR. DICKENSON: Right.

22 MR. DAVID: This is the final
23 version of the memo.

24 MR. DICKENSON: Right.

25 MR. DAVID: Is that accurate?

1 MR. DICKENSON: It would appear to
2 be because my signature is at the top of the front
3 page, and I say:

4 "Ron, this is background
5 information for you."

6 MR. DAVID: Okay. And if you go
7 to the last bullet on that page, the reference to
8 the Bilodeau-Elcock call, there is no longer any
9 reference to the fact that there is a
10 recommendation being made by Mr. Elcock to
11 Mr. Manley not to raise the matter of Arar with
12 Mr. Ridge.

13 MR. DICKENSON: Right.

14 MR. DAVID: Do you know what
15 explains the removal of that reference from the
16 draft to the final version?

17 MR. DICKENSON: I don't. It may
18 be that the draft was inaccurate. It may be that,
19 on reflection, people concluded that that wasn't
20 necessary because Mr. Graham had already spoken to
21 Mr. Cellucci, the American Ambassador, on this
22 issue a few days earlier.

23 I don't know why it was removed,
24 but it may have been removed because it wasn't
25 accurate. That is the problem with a draft.

1 Things get taken out in the final version because
2 they are irrelevant or they are inaccurate.

3 MR. DAVID: The person who
4 prepared this memo or this draft or, in fact, the
5 final memo that went up to you, we see contacted
6 somebody at CSIS, contacted somebody at DFAIT.
7 And there was again no contact with the RCMP.

8 Do you know what explains the fact
9 that the RCMP was not queried about this?

10 MR. DICKENSON: I am not sure you
11 can come to the conclusion that they were not
12 contacted. Just the fact that they are not
13 mentioned does not mean that they were not
14 contacted.

15 MR. DAVID: Okay. You have no
16 recollection in that regard?

17 MR. DICKENSON: No, no.

18 MR. DAVID: And I bring you to the
19 last sentence of the final memo at tab 8.

20 MR. DICKENSON: Right.

21 MR. DAVID: And it says:

22 "We have agreed with
23 Foreign --"

24 MR. DICKENSON: "...and Defence."

25 MR. DAVID: "And defence." And

1 "P" is policy?

2 MR. DICKENSON: That's right.

3 MR. DAVID: "...that future notes
4 on this matter will be
5 consulted back and forth."

6 MR. DICKENSON: Right.

7 MR. DAVID: Now, "this matter",
8 that's obviously the Arar matter?

9 MR. DICKENSON: That's right.

10 MR. DAVID: Okay. Could you tell
11 us about that resolution?

12 MR. DICKENSON: My guess, and it
13 is only a guess, that the analyst spoke to his or
14 her counterpart in F and DP and just agreed that
15 they would talk to each other, share drafts,
16 whatever, before they went forward the next time.
17 That's what I am assuming.

18 It would take place at that level.
19 It would not be at my level.

20 MR. DAVID: Those are my questions
21 concerning the briefing note to the Prime
22 Minister.

23 Let's move on now to your
24 discussions with Mr. Loepky concerning a meeting
25 between Minister Graham and Mr. Powell, a meeting

1 that occurred on November 15th.

2 Just by way of background, let me
3 quickly review certain documents with you.

4 If you could go to the PCO binder
5 and go to tab 11, there is reference to the
6 Graham-Powell meeting which occurred on November
7 15th, and there is what is called a Canadian
8 diplomatic report that was drafted. It is almost
9 completely redacted.

10 In terms of distribution, it is
11 going to PCO, and that's on the bottom of the
12 first page, and it is going to Mr. Bilodeau and
13 Mr. Fawnberg?

14 MR. DICKENSON: That's right.

15 MR. DAVID: And then DFP, that
16 would be?

17 MR. DICKENSON: That would be
18 Defence and Foreign Policy. They have just
19 inverted it.

20 MR. DAVID: So Defence and Foreign
21 Policy, or Foreign Policy and Defence Policy.
22 Laverdure, Ausman. It is going to IAS.

23 MR. DICKENSON: Mm-hmm.

24 MR. DAVID: Dickenson, Barnes and
25 then it is also going to the Borders Task Force?

1 MR. DICKENSON: That's right.

2 MR. DAVID: S&I is not included in
3 that distribution list?

4 MR. DICKENSON: That's right.

5 MR. DAVID: Is that usual? Is
6 that normal?

7 MR. DICKENSON: That doesn't
8 surprise me. At this point in time it is clearly
9 a consular case.

10 MR. DAVID: Okay. And then one of
11 the concerns that came from this meeting was
12 coordinating media responses.

13 Could you go to tab 10 of the
14 documents, the PCO documents?

15 MR. DICKENSON: The Dorian one?

16 MR. DAVID: Yes, exactly. This is
17 an e-mail from the Department of Foreign Affairs
18 to the Solicitor General's Office. It is going
19 from Mr. Doiron to Blaine Hardy of the Solicitor
20 General's Office, and basically what is being
21 highlighted here is that the media is closely
22 following the issue of whether the U.S. provided
23 reasons or rationale for Mr. Arar's deportation,
24 and in this document, DFAIT suggests a meeting
25 under PCO's lead to coordinate media responses.

1 MR. DICKENSON: Mm-hmm.

2 MR. DAVID: And we will see the
3 next document I would refer you to is P-132, tab
4 2. That would be tab 2, Mr. Dickenson, and if you
5 could go to page 2.

6 It is a series of three e-mails.
7 And basically the point is -- P-132, tab 2, and it
8 would be on page 3 of 4.

9 MR. DICKENSON: I am sorry, you
10 want me to go to page 3?

11 MR. DAVID: Yes, go to page 3 of
12 4. Basically we see that Caroline Quenuelle(ph.)
13 who is Assistant Communication Consultation from
14 the PCO, was agreeing that this meeting or this
15 conference will take place, and so there seems to
16 be an acknowledgment by PCO to what is being
17 suggested by Mr. Doiron in terms of coordinating
18 media responses.

19 My question very simply is: Is
20 this a usual role for PCO to be playing in this
21 kind of scenario, if you could just comment on
22 that.

23 MR. DICKENSON: Absolutely. In my
24 experience in Privy Council Office, PCO frequently
25 coordinated communications across government,

1 whether it was a flood, or an airplane crash, or
2 an instance like this, so that there were
3 consistent talking points for spokespeople in
4 various departments and agencies.

5 MR. DAVID: Then if you could go
6 to tab 209 of P-42, which would be in the DFAIT
7 collection. That's volume 2, thank you.

8 MR. DICKENSON: I am sorry, what
9 was the number?

10 MR. DAVID: 209. This is actually
11 the reproduction of an Ottawa Citizen article that
12 was published on the 18th that concerned the
13 Powell-Graham meeting on the 15th.

14 MR. DICKENSON: Mm-hmm.

15 MR. DAVID: And it says:

16 "After denying for nearly two
17 months that U.S. officials
18 had provided evidence to
19 Canada linking an Ottawa man
20 deported to Syria to the
21 terrorist network al-Qaeda,
22 Foreign Affairs officials
23 were embarrassed to learn
24 during last week's visit by
25 Secretary of State Colin

1 Powell the RCMP received the
2 information from the FBI
3 weeks ago."

4 And the second paragraph goes on
5 and says:

6 "Officials from Foreign
7 Affairs, the Solicitor
8 General's Department and the
9 Privy Council will meet
10 today --"

11 That is November 18th.

12 "... to discuss the
13 information provided by the
14 U.S. about Maher Arar, a
15 Canadian citizen who was
16 deported on October 8th by
17 the United States. He was
18 sent to his native Syria
19 after he was detained in
20 September as he switched
21 planes at New York's Kennedy
22 Airport."

23 So there is a reference here to a
24 meeting on Monday, November 18th, Mr. Dickenson,
25 in the article with Foreign Affairs, the SOL-GEN

1 and PCO.

2 Do you know who convened this
3 meeting?

4 MR. DICKENSON: I am not sure
5 whether a meeting took place or not. I would not
6 conclude based on a press article that there was a
7 meeting.

8 MR. DAVID: Okay. So you don't
9 know who was at this meeting?

10 MR. DICKENSON: I don't know that
11 there was a meeting.

12 MR. DAVID: And obviously you
13 don't know what outcome there was if this meeting
14 took place?

15 MR. DICKENSON: If I don't know
16 there is a meeting, I don't know whether there is
17 an outcome.

18 MR. DAVID: Okay. Let's just go
19 to P-182, please, and this is also on the 18th of
20 November. This maybe will --

21 MR. DICKENSON: Is it in this one?

22 MR. DAVID: No, it is another
23 document. This maybe will refresh your memory
24 about that November 18th meeting.

25 This is an e-mail from you to

1 Jacques Corteau at nine o'clock in the morning and
2 the subject is "Ottawa Citizen and Arar!", and it
3 obviously refers to this Ottawa Citizen article
4 that we have just reviewed and the issue is the
5 apparent lack of coordination between DFAIT and
6 the RCMP.

7 You are writing an e-mail and
8 let's go through it.

9 First of all, Jacques Corteau,
10 Mr. Dickenson?

11 MR. DICKENSON: Jacques Corteau is
12 a civilian lawyer on loan from the RCMP to my
13 secretariat.

14 MR. DAVID: Okay. So he was a PCO
15 officer. The first message to Jacques is:

16 "Please work asap with
17 SOLGEN, RCMP between PCO
18 communications on QP notes
19 for MFA and SOL-GEN for
20 today's HOC."

21 I will show you how good I am now
22 with these acronyms. QP is the Question Period
23 note for the Minister of Foreign Affairs and the
24 Solicitor General for today's House of Commons.

25 "See front page of today's

1 Ottawa Citizen."

2 So obviously that is a reference
3 to the article.

4 MR. DICKENSON: Right.

5 MR. DAVID: So that's fair enough.
6 The second paragraph of your
7 e-mail says:

8 "Spoke with Paul K. --"

9 And that's Paul Kennedy of the
10 Solicitor General's Office.

11 "... this a.m. and noted I
12 was unaware of meeting to
13 which paper refers. However
14 he notes that Zach is meeting
15 SOL-GEN at eight o'clock this
16 morning and the issue will
17 come up. That exchange
18 should be helpful to craft
19 appropriate lines. Contact
20 point in SOL-GEN will be
21 Blaine Harvey."

22 So obviously you are now alerted
23 to the meeting that you know nothing about?

24 MR. DICKENSON: I would underline
25 that that is a meeting between the Commissioner of

1 the RCMP and his political senior, the Solicitor
2 General. It doesn't imply an interdepartmental
3 meeting --

4 MR. DAVID: No, I am --

5 MR. DICKENSON: This does not
6 refer -- that does not confirm that there was any
7 such interdepartmental meeting.

8 MR. DAVID: It is because you say
9 in your first sentence:

10 "I am unaware of meeting to
11 which paper refers."

12 That's what I was --

13 MR. DICKENSON: That's right. And
14 I am still unaware.

15 MR. DAVID: Okay. And basically,
16 were you looking for briefing material for the
17 Prime Minister so that he could respond to
18 questions? Is that what you are doing there?

19 MR. DICKENSON: I think the first
20 sentence of this e-mail says it all. I am saying
21 to one of my employees find out what other
22 departments and agencies are briefing their
23 Ministers to say in the House of Commons should
24 there be a question based on the Citizen's
25 article.

1 So our process would be like the
2 QP note we referred to earlier, is to inform the
3 Prime Minister what some of his Cabinet Ministers
4 are likely to say should they be questioned.

5 MR. DAVID: Now, there is also a
6 second agenda in this e-mail, and obviously there
7 is some controversy brought on by the fact that
8 DFAIT feels that they were embarrassed at this
9 Graham-Powell meeting and I guess they are a
10 little concerned about the fact that the RCMP
11 maybe had not shared relevant information with
12 them.

13 You seem to be intervening in that
14 regard, and you are doing so by calling
15 Mr. Loepky. And you speak to Mr. Loepky both on
16 November 15th and November 18th. Is that correct?

17 MR. DICKENSON: I don't think you
18 can draw any conclusion from what is written here
19 in terms of what I understand is happening between
20 the RCMP and Foreign Affairs, and certainly I
21 wouldn't conclude anything based on a newspaper
22 article.

23 MR. DAVID: Okay. But going back
24 to the article, it says:

25 "Foreign Affairs officials

1 were embarrassed to learn
2 during last week's visit with
3 Secretary of State Colin
4 Powell the RCMP received the
5 information from the FBI
6 weeks ago."

7 And that is, you know, what
8 explained the deportation.

9 MR. DICKENSON: Well, that's an
10 assertion by a journalist. I am not -- I can't
11 comment on that.

12 MR. DAVID: Did you further that?
13 Did you make inquiries in that regard to
14 understand what this article was referring to or
15 to try to speak to the issue that seems to be
16 flagged in the article about the disconnect
17 between the RCMP and DFAIT?

18 MR. DICKENSON: No, no. That
19 wasn't -- I don't read that out of this e-mail.

20 MR. DAVID: But without referring
21 to the e-mail, I am asking you, generally,
22 Mr. Dickenson, is that what you were doing in
23 speaking to Mr. Loepky on November 15th and
24 November 18th?

25 MR. DICKENSON: Well, clearly --

1 and I remember clearly I had frank conversations
2 with Mr. Loepky to make sure that we had accurate
3 information, should we need to advise the Prime
4 Minister.

5 MR. DAVID: So you were doing it
6 on behalf of PCO?

7 MR. DICKENSON: That's right.

8 MR. DAVID: And you were not
9 trying to --

10 MR. DICKENSON: Not to sort out
11 their relationship with Foreign Affairs.

12 MR. DAVID: Sort out with DFAIT.

13 So for your own purposes, for your
14 own agenda, for your own mandate, you wanted to
15 know, "Hey, Mr. Loepky, do we have the full
16 picture"? Is that accurate?

17 MR. DICKENSON: That is right.

18 MR. DAVID: And your reference to
19 the phone calls, you say this:

20 "My best read based upon
21 input from Garry Loepky on
22 Friday and again a moment ago
23 was that U.S. had asked RCMP
24 if they had enough info on
25 Arar to arrest him, and the

1 answer was negative.
2 Understand that that was the
3 same for U.S. side, i.e.,
4 insufficient information to
5 hold Arar. Also understand
6 that RCMP is/was displeased
7 with U.S. that Arar was
8 deported before they had a
9 chance to interview him.
10 Garry was emphatic that RCMP
11 had not met with Arar in New
12 York but had wished to do so
13 before arrangements could be
14 made. Arar was deported."

15 So did you contact at this time
16 anybody from -- you obviously took steps with
17 regard to the RCMP and you spoke to Mr. Loeppky
18 twice. Did you do so with regard to CSIS?

19 MR. DICKENSON: The focus was on
20 the RCMP because that's where the story was. So
21 this was making sure that we were adequately
22 informed by the RCMP what the read was. The
23 newspaper articles were not focusing on CSIS.

24 MR. DAVID: And was this your
25 first conversation with Mr. Loeppky concerning

1 Mr. Arar?

2 MR. DICKENSON: No, I don't
3 recall, to be perfectly frank.

4 MR. DAVID: And did you seek
5 clarification about Mr. Arar's status with the
6 RCMP from Mr. Loepky?

7 MR. DICKENSON: I don't recall
8 that particular detail. My information was, I
9 wanted to make sure that -- that the erroneous
10 reports that were in the newspaper, that the RCMP
11 had provided to the Americans information which
12 they used, was not accurate.

13 MR. DAVID: Did you get a sense
14 from Mr. Loepky during these two calls that
15 Mr. Arar was somehow tied in to a joint
16 U.S.-Canadian investigation?

17 MR. DICKENSON: No, I
18 can't conclude that.

19 MR. DAVID: You can't conclude it.
20 But I am asking you is that something that you
21 asked about? Did you question Mr. Loepky about
22 that?

23 MR. DICKENSON: Well, clearly,
24 from this third paragraph, I sought and was given
25 assurance that we did not have -- Canadians did

1 not have information that would lead to Mr. Arar's
2 arrest, nor did the Americans. So obviously I had
3 asked him the question.

4 MR. DAVID: Normally, without you
5 having to ask Mr. Loeppky these questions, would
6 you have expected to have been briefed by the RCMP
7 on issues that you were concerned about? Was that
8 something that would normally have been shared
9 with PCO?

10 MR. DICKENSON: On an operational
11 basis, no.

12 MR. DAVID: In the last paragraph,
13 you say the following:

14 "Understood from DFAIT that
15 [somebody] did not want Arar
16 back. From above the message
17 would seem to have been more
18 nuanced than that."

19 Was this discussed with
20 Mr. Loeppky by yourself?

21 MR. DICKENSON: The answer to that
22 is yes, and he emphatically said that that was
23 inaccurate; that nobody in the RCMP had told the
24 Americans they did not want him back.

25 MR. DAVID: What else did you find

1 out about this allegation, if anything?

2 MR. DICKENSON: I can't speculate.
3 I have no idea what has been blacked out.

4 MR. DAVID: And did you further
5 investigation the allegation with anybody else
6 than with Mr. Loepky?

7 MR. DICKENSON: That was not
8 necessary because Mr. Loepky was No. 2 in the
9 RCMP and assured me that they had done their own
10 research up and down the management and working
11 level and had been assured at all levels that
12 information had not been shared that would lead
13 the Americans to that conclusion.

14 MR. DAVID: We are going to now go
15 to the PCO's involvement with what became the CSIS
16 trip in November of 2002 to Syria.

17 Just to lead up to that,
18 Mr. Dickenson, I would like to first remind you
19 that -- or at least assert, put it that way, that
20 in early November, November 6th of 2002, we know
21 that Ambassador Pillarella, around November the
22 4th, 2002, brought back to Canada what we have
23 called a summary of confession that was obtained
24 by Syrian authorities from Mr. Arar.

25 The PCO holdings don't reflect

1 that you had possession of this document. There
2 was an interagency meeting between DFAIT, ISI,
3 Ambassador Pillarella, the RCMP, and CSIS on
4 November the 6th, to discuss the intelligence that
5 was provided by the Syrians at this time. And
6 obviously this is important in terms of
7 understanding the Arar fact line. It is an
8 important facet of that fact line.

9 So to your knowledge, my first
10 question: Were you given a summary of that
11 confession, a document that came from Syria?

12 MR. DICKENSON: I have no
13 recollection of having seen it.

14 MR. DAVID: Do you know if S&I,
15 PCO was invited at this November 6th interagency
16 meeting to discuss the contents, among other
17 things, of --

18 MR. DICKENSON: I assume not, if
19 we were not there. If we had been invited, we
20 probably would have gone.

21 MR. DAVID: Normally, in normal
22 course of business, would you have expected S&I or
23 PCO more generally to have been present at such a
24 meeting?

25 MR. DICKENSON: Not really. Can

1 you just refresh for me, Mr. David, who was there?

2 MR. DAVID: The RCMP. We know
3 that CSIS was there. We know that Ambassador
4 Pillarella was there --

5 MR. DICKENSON: And obviously
6 Foreign Affairs.

7 MR. DAVID: And ISI, yes, of the
8 Foreign Affairs bureau.

9 MR. DICKENSON: Those are all the
10 relevant bodies. From an operational point of
11 view, it is either a criminal issue, a terrorism
12 issue, and it is certainly a consular issue. So
13 the relevant bodies were there.

14 MR. DAVID: Okay. Does it
15 occur -- and this is a general question. Does it
16 occur that the Prime Minister should be concerned,
17 or is concerned, with operational information
18 concerning certain investigations?

19 MR. DICKENSON: There is almost an
20 allergic reaction to providing the political level
21 with operational information. It is
22 inappropriate.

23 MR. DAVID: And so there is no
24 explicable circumstances where operational
25 information, such as on Mr. Arar, should

1 be flagged to the Prime Minister?

2 MR. DICKENSON: I -- nothing is
3 totally bulletproof, but it would be very rare;
4 very, very rare.

5 MR. DAVID: If it was to occur,
6 then who was responsible for operationally
7 briefing the Prime Minister? Would it be PCO, or
8 would it be the agency that would be most
9 concerned?

10 MR. DICKENSON: The only people
11 who would, in a written sense, brief the Prime
12 Minister would be the Privy Council Office.
13 Orally it could be one of his fellow Ministers, on
14 the margins of a cabinet meeting, in a phone call,
15 in a handwritten note, whatever.

16 MR. DAVID: My last question is
17 concerning the summary of confession.

18 To your knowledge, was there any
19 involvement of PCO in terms of assessing the
20 reliability of the contents of that document, of
21 what apparently is coming from Mr. Arar? For
22 instance, was the IAS involved, the Intelligence
23 Assessment Unit involved in any way?

24 MR. DICKENSON: No. They would
25 never see a document like that. They don't work

1 at that level. It is far too operational.

2 MR. DAVID: Mr. Commissioner, it
3 is 10:30. We have been going for an hour and a
4 half.

5 THE COMMISSIONER: We will take a
6 15-minute break.

7 MR. DAVID: Thank you.

8 THE REGISTRAR: Please stand.

9 --- Upon recessing at 10:31 a.m. /
10 Suspension à 10 h 31

11 --- Upon resuming at 10:45 a.m. /
12 Reprise à 10 h 45

13 THE COMMISSIONER: Mr. David.

14 MR. DAVID: I would like to now
15 deal, Mr. Dickenson, with the CSIS trip per se to
16 Syria, and refer you to two documents. The first
17 is P-134, tab 8, and the second would be tab 10 of
18 your Book of Documents.

19 MR. DICKENSON: Okay.

20 MR. DAVID: And just let me remind
21 you, on November the 6th, there was a meeting that
22 we have already referred to where the participants
23 discussed and agreed that it would be useful if
24 CSIS were to travel to Syria.

25 There is reference to that, if you

1 go to P-134, tab 8, and that would be the top
2 message dated November 19th. It is about halfway
3 through, and you'll see that there's reference
4 that:

5 "You will remember that at an
6 interdepartmental meeting
7 held on Wednesday, November
8 6th, it was agreed that it
9 would be useful if CSIS were
10 to travel to Syria to speak
11 to Syrian authorities on
12 international terrorism."

13 So that's basically just by way of
14 context, and I want to bring you now to the
15 message -- the first message, which is the bottom
16 message, dated November the 18th. Let me just
17 read that to you.

18 It is coming from Jonathan
19 Solomon, who is an ISI officer at DFAIT, and it's
20 going to Ambassador Pillarella in Syria.

21 He says:

22 "For your information,
23 following meeting with
24 DMA --"

25 Deputy Minister of ...

1 MR. DICKENSON: I think that would
2 be Paul Thibeault. The acronym would be the
3 Associate DM, I think.

4 MR. DAVID: "... of November 18,
5 senior DFAIT representatives
6 asked CSIS to delay their
7 visit to Syria. While CSIS
8 indicated that they would not
9 attempt to visit Maher Arar,
10 they still intended to
11 continue with their planned
12 visit to [something] or
13 [somebody]."

14 And then it says:
15 "PCO chose not to intervene
16 on this debate. So unless
17 the Minister attempts to
18 block this visit, CSIS will
19 arrive in Damascus on
20 schedule. Updates to
21 follow."

22 So that's the first reference I
23 wanted to bring you to.

24 I would like to bring you also to
25 tab 10 of your documents, and I would like to

1 refer you to what's identified as paragraph 3.

2 It says:

3 "Re the CSIS mission to
4 Syria, I touched base --"

5 And this is Dan Livermore
6 speaking, who is Director of ISD.

7 "... I touched base with all
8 parties, RCMP, CSIS and PCO
9 (Dickenson again yesterday
10 and today)."

11 So it seems that Mr. Livermore
12 spoke to you twice on November 21st, that would
13 be -- no, that would be November 20th, I'm sorry.

14 "The CSIS people have a clear
15 idea of what they can discuss
16 with the Syrians and what
17 they can receive, which is
18 pretty comprehensive in
19 scope."

20 Do you recall being contacted by
21 Mr. Livermore, or by anybody, concerning this
22 proposed trip to Syria?

23 MR. DICKENSON: I certainly was
24 aware that the trip was on the horizon. I take
25 you back to the first document. I have no idea

1 who Jonathan Solomon is and who he is referring to
2 or why he is making that assertion.

3 MR. DAVID: The assertion that you
4 speak to is that PCO chose not to intervene --

5 MR. DICKENSON: That's right.

6 MR. DAVID: -- on this debate?

7 MR. DICKENSON: That's right.

8 MR. DAVID: So you --

9 MR. DICKENSON: I don't know why
10 he is saying that. I don't know what his basis is
11 for saying that.

12 MR. DAVID: Okay. And then
13 Mr. Livermore's reference to his two telephone
14 conversations with you, which he says occurred on
15 November 20th and 21st.

16 MR. DICKENSON: Right.

17 MR. DAVID: Again, by implication,
18 you seem to be involved in some sort of discussion
19 amongst parties about the trip. Do you have
20 any --

21 MR. DICKENSON: I certainly was
22 aware it was happening. We would not intervene to
23 say it should not happen. That wouldn't be our
24 role. This is an operational issue.

25 I don't know whether Mr. Livermore

1 initiated the conversations or I initiated the
2 conversations, I don't know whether they were
3 phone calls on the margins of other meetings. I
4 just don't know the context.

5 It may well have been that this
6 wasn't the only issue discussed. It may have been
7 a side bar conversation. I can't draw any
8 conclusion from that.

9 MR. DAVID: Clearly there's
10 debate, there's active debate between CSIS and
11 DFAIT about the appropriateness of the trip at
12 this time.

13 MR. DICKENSON: It would appear to
14 be the case.

15 MR. DAVID: You get a sense from
16 that from the e-mail at P-134, tab 8, where
17 apparently DFAIT went up to Minister Graham to
18 have him intervene on the timing of the trip at
19 this --

20 MR. DICKENSON: And I note that he
21 chose not to.

22 MR. DAVID: That's right. So my
23 more general question to you is: Does PCO get
24 involved and act as a mediator or as a broker of
25 consensus amongst Canadian agencies when not

1 necessarily everybody is operating on the same
2 plane or on the same "longueur d'onde"?

3 MR. DICKENSON: On occasion. It's
4 not unheard of for a department or agency to want
5 PCO to get involved because they are not prepared
6 to, frankly, do their job. And these departments
7 and agencies are much larger than PCO, have
8 legislated mandates, have Ministers, have Deputy
9 Ministers, they meet all the time, they talk all
10 the time.

11 PCO, frankly, expects them to sort
12 out their differences between and amongst
13 themselves.

14 MR. DAVID: And there seems to
15 have been an appeal to PCO. My question is:
16 Would PCO have had the ability to block this trip
17 if it had assessed that it was not appropriate, as
18 DFAIT had, in terms of timing?

19 MR. DICKENSON: I'm not sure you
20 can conclude that there was an appeal to PCO to
21 block the trip. Certainly you can't draw that
22 conclusion from Jonathan Solomon's e-mail.

23 Were we aware it was happening?

24 Yes.

25 Were we aware that there were

1 differences between Foreign Affairs and CSIS? I
2 believe we were.

3 Foreign Affairs did what you would
4 expect them to do. If they were unhappy about
5 something, they consulted their Minister. The
6 Minister made the decision that it wasn't worth
7 blocking. And that's the way government works.

8 MR. DAVID: We go now,
9 Mr. Dickenson, to -- I would like you to read,
10 actually, two documents together. And the issue
11 is understanding what happened to Mr. Arar by
12 speaking to the United States, and the subsidiary
13 issue is also the uncertainty as to CSIS's role.

14 And so I would like to refer you
15 to tab 9 of your Book of Documents, and I also
16 would like to refer you to tab 10; so both tabs 9
17 and 10. And as I say, we'll read these together.

18 Tab 9 is an e-mail that is coming
19 from you and that is going to Mr. Livermore, and
20 the date is November 20th of 2002, and you say
21 this:

22 "Dan: Spoke with Paul T --"

23 And Paul T. is Paul Thibeault?

24 MR. DICKENSON: That's right.

25 MR. DAVID: Who was the Associate

1 Deputy Minister of Foreign Affairs?

2 MR. DICKENSON: That's right.

3 MR. DAVID: "... a moment ago on
4 the margins of PSAT Deputy
5 Ministers."

6 So it was a Deputy Minister level
7 meeting of the ad hoc Cabinet committee.

8 MR. DICKENSON: That's right.

9 MR. DAVID: "He sought me out. I
10 shared with him my comments
11 to Jim Wright."

12 And Jim Wright is the ADM,
13 Associate Deputy Minister of DFAIT in terms of
14 security and intelligence --

15 MR. DICKENSON: Yes, ISI reported
16 to Jim Wright.

17 MR. DAVID: In fact ISD also
18 reported.

19 MR. DICKENSON: Or ISD.

20 MR. DAVID: That's fine. You see,
21 I'm getting used to them.

22 MR. DICKENSON: You have your
23 acronyms better than I do.

24 MR. DAVID: It says:

25 "I shared with him my

1 comments to Jim Wright ... on
2 this issue without clarity on
3 CSIS' role if any and only
4 then making a decision."

5 And then there are redactions and
6 it says:

7 "Thus, please be careful --
8 So you are saying this to

9 Mr. Livermore.

10 "... please be careful as
11 there seems to be differing
12 views in DFAIT at least
13 between Jim and Paul. What a
14 surprise!!"

15 Signed, Larry.

16 Let's now go immediately to the
17 second document, and this one is dated a day
18 later, and I think it will help you to understand
19 the context.

20 I bring you to the second
21 paragraph of the tab 10.

22 MR. DICKENSON: Mm-hmm.

23 MR. DAVID: This is now going from
24 Dan Livermore to Damascus --

25 MR. DICKENSON: No, it's going to

1 Jim -- his boss in Prague.

2 MR. DAVID: Correct, I'm sorry.
3 You are absolutely right. It's going to Jim
4 Wright, who is in Prague.

5 And he says the following:

6 "At a meeting at PCO on a
7 different subject on
8 Wednesday --"

9 That again is a reference to
10 November 20th, the day before.

11 "... Paul Thibeault talked to
12 Larry Dickenson about this
13 issue --"

14 The issue was again talking to the
15 U.S.A., and you'll see it's identified.

16 "... and offered the view
17 that we (Canada) should not
18 bother trying to talk to the
19 USA about this issue, even to
20 correct their version of the
21 events. In Paul's view, it
22 was water under the bridge.
23 Larry related this to me in a
24 matter-of-fact way, neither
25 agreeing with Paul nor

1 disagreeing. I think the PCO
2 view is that 'timing is
3 everything.'"

4 I have a few questions for you in
5 this regard.

6 Was there a lack of clarity, in
7 your mind, about CSIS' role in what had happened
8 to Mr. Arar in the United States at this time, in
9 November, and towards the end of November of 2002?

10 Was that still a live issue? Was
11 it an issue that --

12 MR. DICKENSON: I take it from Tab
13 9 that I was suggesting to senior management in
14 Foreign Affairs that they assure themselves that
15 they have clarity on CSIS' role before they did
16 something. Now, it's a little unclear what they
17 were going to do because of the redactions.

18 MR. DAVID: Clearly the idea --

19 MR. DICKENSON: It's the usual
20 sort of mantra of senior management to make sure
21 you have the truth, the facts, when you go forward
22 with a briefing note with a QP note or whatever.

23 I'm not sure, because of the
24 redactions, that I can say much more.

25 MR. DAVID: Well, clearly what was

1 being contemplated is some sort of consultation
2 with the U.S. about trying to figure out what
3 happened to Mr. Arar. That's by implication the
4 message here --

5 MR. DICKENSON: Well, there are
6 two things at play. That is one possibility, and
7 the other was discussion that was going on between
8 Foreign Affairs and CSIS on the CSIS mission to
9 Syria.

10 MR. DAVID: Okay. And did you
11 have any personal thoughts about CSIS' involvement
12 at this time when you raised the issue, let's
13 inquire or "I suggest that we find out what CSIS'
14 role is"? Did you have any information to suspect
15 anything or to think anything in any way in that
16 regard?

17 MR. DICKENSON: I wasn't concerned
18 that there was any problem. I was flagging to
19 Mr. Livermore that his boss, and his boss' boss,
20 had a differing view on something.

21 MR. DAVID: And why advise
22 Mr. Livermore of this at this time?

23 MR. DICKENSON: As a good friend,
24 so that he would be aware that his boss and his
25 boss' boss had differing views.

1 MR. DAVID: And what was your
2 understanding at this time, in this time frame, of
3 CSIS' interest in Mr. Arar?

4 MR. DICKENSON: My assumption is
5 that CSIS in its role on counter terrorism wanted
6 to make sure that they had information from the
7 Syrians on a range of issues, of which Mr. Arar
8 might be one.

9 MR. DAVID: Okay. We go now at
10 Tab 10 and I am going to bring you now to the
11 second paragraph.

12 It says that Mr. Thibeault's view
13 on the matter was that it was water under the
14 bridge concerning the consultation with the U.S.
15 and that it wasn't worthwhile even bothering to
16 talk to them or even to correct their version of
17 events.

18 What is your understanding is the
19 meaning of his position?

20 MR. DICKENSON: My assumption is
21 that he was referring to assertions from the U.S.
22 Government that were in the media --

23 MR. DAVID: The Colin Powell
24 statements?

25 MR. DICKENSON: Exactly. And he

1 just wasn't -- he didn't think it was worth the
2 candle of challenging that because Mr. Arar by
3 this time was a consular case in Syria.

4 MR. DAVID: Okay. Mr. Livermore
5 goes on and says:

6 "I think the PCO view is that
7 'timing is everything.'"

8 MR. DICKENSON: That has to be
9 read in context of the sentence that immediately
10 precedes it:

11 "Larry related this to me in
12 a matter-of-fact way, neither
13 agreeing with Paul nor
14 disagreeing."

15 So my advice, I assume to Paul and
16 anybody else in this case, Mr. Livermore, who
17 transmitted my thoughts to his boss, Jim Wright,
18 was if you are going to make a démarche on another
19 country you have to have your facts, and timing is
20 everything. Who does it? When do they do it?
21 What's the context? Is it the only issue
22 discussed? Is it one of a multiple series of
23 subjects in the field of security or in the field
24 of bilateral relations? It's the big picture.

25 MR. DAVID: All right. I would

1 like to bring you now to the last topic for your
2 testimony, Mr. Dickenson, and that is the
3 coordination between agencies in terms of
4 responding to terrorist cases. And if I could
5 bring you to P-183 as an initial document, it is
6 dated February 28th of 2003.

7 This is an e-mail and it's coming
8 from Mr. Ritchie and going to you. It is dated
9 March 3rd, but it's in reference to a meeting that
10 occurred on February 28th that Mr. Ritchie
11 attended. It was a meeting with DFAIT and the
12 RCMP, and in terms of subject matter identified,
13 it says "DFAIT DEC, consular services related to
14 terrorist cases".

15 Were you aware of this DFAIT
16 initiative at this time?

17 MR. DICKENSON: Yes, I was.

18 MR. DAVID: And the role that PCO
19 was expected to play in such an initiative? Your
20 presence at this meeting, is that something that
21 was in the normal course of business?

22 MR. DICKENSON: My assumption, the
23 fact that we were invited and the fact that I was
24 represented by Mr. Ritchie was that this was a
25 subject that might or might not have gone to

1 Cabinet, to PSAT, because Mr. Ritchie managed that
2 process on behalf of PCO.

3 MR. DAVID: Okay. Now in terms of
4 the attendance at this meeting, there is an
5 undertaking, Mr. Commissioner, that I would like
6 to read into the record at this point in terms of
7 who was present at this February 28th meeting.

8 It reads as follows and simply to
9 facilitate the matter, copies of what I'm reading
10 have been provided to the stenographer.

11 THE COMMISSIONER: Thank you.

12 MR. DAVID: It says:

13 "In attendance at the
14 meeting held on February 28,
15 2003 at DFAIT offices, and
16 chaired by Dan Livermore,
17 were Inspector Rick Reynolds,
18 Inspector Richard Roy and
19 Inspector Ron Lauzon of the
20 RCMP; Gar Pardy, Don
21 Sinclair, James Gould and
22 Jonathan Solomon of DFAIT;
23 and Anthony Ritchie of PCO.
24 CSIS has no recollection of
25 any of its personnel having

1 attended this meeting.'" "

2 I bring you now to P-42, and that
3 would be tabs 317A. This is a --

4 MR. DICKENSON: I'm sorry, can you
5 give me the number again?

6 MR. DAVID: 317 and then it's "A".

7 MR. DICKENSON: Okay.

8 MR. DAVID: We understand that
9 this is a draft version of the DFAIT deck that was
10 distributed. It is dated February 28th.

11 I would bring you to page 7 of 7,
12 and there's a summary of recommendations. The
13 first is:

14 "In cases where there are
15 allegations of involvement in
16 terrorism by Canadian
17 citizens, the Deputy Minister
18 of Foreign Affairs or the
19 Privy Council Office would
20 convene a meeting of
21 concerned deputies to provide
22 advice to Ministers."

23 The second is:

24 "A coordinated plan of action
25 and relevant media lines

1 would be agreed."

2 And the third is:

3 "An agreed spokesperson for
4 the government would be
5 designated."

6 Were you aware of these
7 recommendations and were you briefed on these
8 recommendations by Mr. Ritchie?

9 MR. DICKENSON: I don't recall
10 ever having seen this document.

11 MR. DAVID: And were you briefed
12 by Mr. Ritchie about this initiative at this time?

13 MR. DICKENSON: Not to my
14 recollection.

15 MR. DAVID: In terms of the PCO
16 presence, who was leading the PCO work on this
17 issue?

18 MR. DICKENSON: Well, to the
19 extent that PCO was working on it, it would have
20 been Mr. Ritchie.

21 MR. DAVID: Okay. We then have,
22 Mr. Dickenson, a document filed as P-238.

23 MR. DICKENSON: It's in the same
24 binder?

25 MR. DAVID: No, no. It will come

1 to you. It's a memo that went to the Minister of
2 Foreign Affairs and was drafted by Mr. Pardy, and
3 it's dated April 7th.

4 It seems to be in line with the
5 February 28th document.

6 The first page, the
7 recommendations from the Foreign Affairs --

8 MR. DICKENSON: I'm sorry, what is
9 the reference on February 28?

10 MR. DAVID: The reference? It was
11 P-317A.

12 MR. DICKENSON: The one that --

13 MR. DAVID: Yes, the one we just
14 reviewed.

15 MR. DICKENSON: Yes.

16 MR. DAVID: Okay?

17 MR. DICKENSON: I'm sorry, I'm
18 getting lost in terms of this chronology.

19 Which document did you just refer
20 to?

21 MR. DAVID: I just referred to the
22 draft deck dated February 28th at P-317A.

23 MR. DICKENSON: Okay.

24 MR. DAVID: Okay?

25 MR. DICKENSON: Thank you.

1 MR. DAVID: I'm bringing you now
2 to a memo that is being addressed to the Minister
3 of Foreign Affairs, Mr. Graham, dated April 7th,
4 2003, and the issue is "Improving coordination
5 across government on security-related consular
6 cases". So in terms of content, it is very
7 similar to the draft DFAIT deck that had been
8 reviewed on February 28th.

9 And in terms of recommendations,
10 there is a recommendation to bring greater
11 coordination and coherence across government when
12 dealing with security-related consular cases.

13 At this point, in the beginning of
14 April, Mr. Dickenson, was the issue raised at your
15 level?

16 MR. DICKENSON: I'm not sure you
17 can draw a direct line from the deck to this
18 document, so -- I haven't read the deck. I
19 haven't seen the deck, so I'm not going to comment
20 on that part of it, Mr. David.

21 MR. DAVID: That's in reference to
22 the documents. Let's talk about the issue.

23 MR. DICKENSON: But the issue,
24 there certainly was a discussion, and I believe
25 that I attended a meeting on this issue at Foreign

1 Affairs.

2 MR. DAVID: Did PCO express any
3 views with regard to what was being recommended to
4 the Minister of Foreign Affairs at this time?

5 MR. DICKENSON: We would have been
6 aware of what in general was going forward to the
7 Minister. We would not have been part of the
8 wordsmithing process, and I don't believe we were
9 ever copied on this. Not that I remember.

10 MR. DAVID: And in terms of the
11 concerns raised in the document and the
12 recommendations, "the need for greater
13 coordination, coherence, across government", is
14 that something PCO was attuned to at this time?

15 MR. DICKENSON: I would say yes.

16 MR. DAVID: Would you have been
17 supportive of such an issue?

18 MR. DICKENSON: Yes, we were. We
19 were encouraging, as I mentioned earlier,
20 Mr. David, for departments and agencies to do
21 their job. In this case, the meeting was convened
22 by Foreign Affairs because it was a consular case,
23 and they brought to the table those individuals --
24 or agencies, I should say -- that they thought
25 were relevant.

1 MR. DAVID: I bring you now to, if
2 you go to your Book of Documents, tab 11. This is
3 a draft memo prepared by Mr. Pardy and it's dated
4 May the 5th, 2003.

5 I bring you to pages 3 and 4 of
6 the document. There are handwritten notes that
7 appear written on the document, and we understand
8 that Mr. Glen Robinson wrote these notes in on the
9 document itself.

10 Let me bring you to page 3 as a
11 starting point, and it says in the third line:

12 "From the early days of this
13 case, Canadian police
14 officials (CSIS initially
15 indicated that it had no
16 interest in Mr. Arar) have
17 stated that their interest in
18 Mr. Arar was based on his
19 contacts with persons in
20 Ottawa who were of interest
21 to them."

22 And then the side note, the
23 handwritten note, from Mr. Robinson is that this
24 is not true. What is not true is that CSIS
25 initially indicated that it had no interest in

1 Mr. Arar.

2 Did you have any information about
3 that, that assertion?

4 MR. DICKENSON: My last day on the
5 job was April 24, 2003, so I can't really comment
6 on this document.

7 MR. DAVID: I'm not asking you so
8 much to comment on the document as to what PCO
9 knew or did not know about CSIS' interest, or not,
10 in Mr. Arar. The fact is Mr. Robinson from PCO is
11 making a comment with regard to the assertion that
12 CSIS initially indicated that it had no interest
13 in Mr. Arar, and he is saying, Mr. Robinson is
14 saying, that that is not true.

15 And my question to you is: On
16 what he is saying, did you have any information?

17 MR. DICKENSON: My recollection is
18 that both the RCMP and CSIS saw Mr. Arar as a
19 person of interest. Beyond that, I really can't
20 comment.

21 MR. DAVID: Okay. Now, in the
22 context of this May 5th memo, there were two
23 meetings to discuss what was being recommended,
24 and one of the things being recommended is the
25 fact that both the Solicitor General and the

1 Minister of Foreign Affairs should sign a document
2 making representations for Mr. Arar's release to
3 their Syrian counterpart, that is, the Syrian
4 Foreign Minister.

5 There were two meetings that were
6 held to discuss that initiative and that proposal,
7 and one was held on May 8th and the other was held
8 on May the 12th. Mr. Pardy has testified that PCO
9 was involved in those meetings. Mr. Graham has
10 testified that PCO was also involved, and the
11 Garvie report also mentions that PCO was involved.

12 I would like to bring you now or I
13 would like to read into the record, in fact, an
14 undertaking with regard to the presence of PCO as
15 regard to May 12th, and it goes as follows:

16 "In attendance at the
17 interagency meeting on May
18 12, 2003 were Inspector Rick
19 Reynolds of the RCMP,
20 together with two other RCMP
21 representatives; Gar Pardy,
22 Scott Heatherington and Myra
23 Pastyr-Lupul of DFAIT; and
24 two CSIS representatives. Ms
25 Helen Banalesku of the

1 Solicitor General's Office
2 may also have attended this
3 meeting.'"

4 Were you aware of any presence of
5 PCO at this meeting to discuss the initiative of a
6 joint document that would be going from Canada to
7 Syria?

8 MR. DICKENSON: I couldn't be
9 aware. I wasn't working in PCO at that time.

10 MR. DAVID: Okay. And in terms
11 of -- did you have any knowledge -- when did you
12 leave PCO?

13 MR. DICKENSON: April 24.

14 MR. DAVID: Okay. And previous to
15 that, there had been no issue, to your knowledge,
16 of a joint letter leaving Canada --

17 MR. DICKENSON: I have no
18 recollection of that.

19 MR. DAVID: There is a third
20 undertaking, Mr. Dickenson, that I would like to
21 read into the record concerning the letter that
22 was issued eventually on July 11th, 2003.

23 --- Pause

24 MR. DAVID: I'm sorry, there is
25 another undertaking that I would like to read into

1 the record that I forgot to mention. And it
2 concerns again the May 8th and May 12th meetings,
3 Mr. Commissioner.

4 It goes as follows:

5 "'PCO has confirmed that
6 there was no individual
7 within PCO that was in charge
8 of coordinating efforts in
9 regard to Gar Pardy's
10 proposed letter. The idea of
11 sending a joint letter was an
12 initiative of DFAIT, which
13 engaged the Department of the
14 Solicitor General, CSIS and
15 the RCMP. PCO participated
16 in some discussions on the
17 proposed letter but had no
18 lead or coordinating role.'"

19 And furthermore:

20 "'Glenn Robinson from the PCO
21 Security and Intelligence
22 Secretariat was scheduled to
23 attend meetings held at
24 Foreign Affairs on May 8 and
25 May 12, 2003, to discuss the

1 proposal for a joint letter.
2 PCO has no records to confirm
3 that he actually attended one
4 or both of those scheduled
5 meetings. However,
6 Mr. Robinson does recall
7 discussion of the subject of
8 a joint letter at a meeting
9 held by Foreign Affairs
10 around that time, which he
11 attended.'"

12 And finally:

13 "'Mr. Robinson is also the
14 person who wrote the
15 notations on the Memorandum
16 of May 5, 2003..."

17 Which we have just reviewed.

18 "... which was provided to
19 him, although that copy of
20 the document was not
21 distributed within PCO. It
22 does not appear that DFAIT
23 was able to obtain a
24 consensus on a joint letter
25 and PCO did not attempt to

1 impose one.'"

2 Those are three undertakings that
3 were given in response to the involvement of PCO
4 with regard to May 8th and May 12th.

5 Finally in terms of undertakings,
6 Mr. Commissioner, dealing with the Prime
7 Minister's letter that was issued in July of 2003,
8 there is an undertaking and the text is as
9 follows:

10 "The recommendation that the
11 Prime Minister sign the
12 letter to the Syrian
13 President was made by the
14 Clerk of the Privy Council,
15 consistent with normal
16 practice and procedure. The
17 Foreign and Defence Policy
18 Secretariat, under the
19 leadership of Claude
20 Laverdure, coordinated and
21 prepared the letter and
22 supporting briefing material.
23 The Security and Intelligence
24 Secretariat was consulted.
25 Any such decisions regarding

1 consular cases are made
2 following the recommendations
3 of the Consular Services
4 Bureau of Foreign Affairs
5 Canada with respect to the
6 usefulness, timing and
7 expected impact of a formal
8 intervention of this
9 nature.'"

10 So that, I think, concludes the
11 matter in terms of undertakings.

12 One last document I would like to
13 bring you to, Mr. Dickenson, and that is tab 12.
14 It is dated July 30th, 2003. I understand that
15 you are no longer there. You are enjoying
16 retirement and you are enjoying your family.

17 This is a draft S&I memo, and it
18 concerns an article that was published on the same
19 date, on July 30th, referring to rogue elements
20 within the RCMP, which we have reviewed in
21 extenso. I am not going to ask you any questions
22 that regard because I'm fully aware that you are
23 not around.

24 I'm going to bring you to the
25 second page, and there is a title that says "S&I

1 Advice" and the first bullet says:

2 "The incident points to the
3 need to centralize control
4 over RCMP national security
5 investigations and ensure
6 better accountability and
7 information flow."

8 So that's obviously a
9 recommendation of substance. Obviously such a
10 recommendation is not thought of overnight, and my
11 question to you is: In your tenure, was such a
12 view held? Was it your position, and was this
13 shared with the RCMP?

14 MR. DICKENSON: I think it
15 reflects the ongoing challenge, management
16 challenge, of any agency that is highly
17 decentralized to what extent you delegate down and
18 on what issues.

19 The RCMP is a perfect example of
20 such an agency. You have 17,000 people spread
21 across this country. They are the provincial
22 police force in many provinces; they are the
23 municipal police force in many cities and
24 municipalities; they are the police force in some
25 Indian reservations.

1 The challenge for management
2 always is to what extent do you retain control at
3 the centre and what is the impact on that in terms
4 of actually doing the job on the ground. I think
5 that's what it reflects and that ebbs and tides --
6 ebbs and flows, sorry.

7 MR. DAVID: And was this proposal,
8 this idea, floating around during your time?

9 MR. DICKENSON: I was aware of the
10 ongoing challenge of getting it right to the
11 extent of how much you centralize versus how much
12 you delegate, but whether I would've chosen those
13 words or not, I can't really say.

14 MR. DAVID: Do you know if the
15 idea was shared, again, during your tenure with
16 the RCMP?

17 MR. DICKENSON: This idea?

18 MR. DAVID: Yes.

19 MR. DICKENSON: To my mind, no.

20 MR. DAVID: And just to tie up a
21 few loose ends, Mr. Dickenson, going back to the
22 CSIS trip. Did PCO ever get a briefing on the
23 CSIS trip from anybody at CSIS?

24 MR. DICKENSON: Not to my
25 recollection, nor would we normally get one. CSIS

1 conversations with other intelligence agencies are
2 profoundly operational.

3 MR. DAVID: And in your
4 discussions with Mr. Neufeld, your counterpart at
5 CSIS, was Mr. Arar ever described as a person of
6 interest, to your knowledge, to your recollection?

7 MR. DICKENSON: I don't recollect
8 whether it was a conversation or a document -- I
9 don't remember. I just remember that was what I
10 understood.

11 MR. DAVID: As to the source of
12 that understanding?

13 MR. DICKENSON: I'm sorry?

14 MR. DAVID: As to the source of
15 that understanding, was --

16 MR. DICKENSON: Well, I don't
17 remember whether it was oral or written, so I
18 really can't give you a source.

19 MR. DAVID: Thank you. Those are
20 my questions, Mr. Commissioner.

21 THE COMMISSIONER: Thank you,
22 Mr. David.

23 Mr. Waldman?

24 Do you know how long you are
25 likely to be, Mr. Waldman?

1 MR. WALDMAN: I knew you were
2 going to ask me that question.

3 --- Laughter / Rires

4 MR. WALDMAN: Not very long.

5 THE COMMISSIONER: Okay, thanks.

6 MR. TZEMENAKIS: Mr. Commissioner,
7 I was wondering if we could simply read in the
8 complete answer to the undertaking dealing with
9 the Gar Pardy memo. There was one additional
10 paragraph that should be read into the record. If
11 my friends don't have it, I would be more than
12 happy to read it in for them.

13 THE COMMISSIONER: Sure, why don't
14 you do that.

15 Do you have it, Mr. David?

16 MR. DAVID: I do.

17 THE COMMISSIONER: Please read it
18 in.

19 MR. DAVID: I'm just not sure,
20 Mr. Commissioner.

21 THE COMMISSIONER: We'll have it
22 read in. It doesn't matter.

23 MR. TZEMENAKIS: The last
24 paragraph dealing with the individual in the PCO
25 office that was in charge of coordinating efforts

1 in relation to Gar Pardy's proposed joint letter
2 to be signed by the Minister of Foreign Affairs
3 and the Solicitor General reads:

4 "While Gar Pardy, former
5 Director General, Consular
6 Affairs Bureau, DFAIT,
7 continued to pursue the idea
8 of a joint letter from the
9 two Ministers, he also
10 approached PCO with the idea
11 of a letter being sent from
12 the Prime Minister to the
13 President of Syria. This was
14 supported by PCO and a letter
15 to the President of Syria
16 from the Prime Minister was
17 delivered to the Syrian
18 vice-Minister of Foreign
19 Affairs by Senator De Bané
20 when he visited Syria in late
21 January 2003. The Foreign
22 and Defence Policy
23 Secretariat of PCO was the
24 lead on the preparation of
25 that letter which was done in

1 consultation with the
2 Security and Intelligence
3 Secretariat.'" "

4 Thank you.

5 THE COMMISSIONER: Thank you.

6 Mr. Waldman?

7 EXAMINATION

8 MR. WALDMAN: I might as well
9 start with that. This is all new to me.

10 Were you aware of this initiative
11 by Mr. Pardy to get the joint letter, or was this
12 after --

13 MR. DICKENSON: No, it was after.

14 MR. WALDMAN: Would it have been
15 normal for someone at Mr. Pardy's level to go
16 directly to the PCO? This seems to be the
17 suggestion in this undertaking.

18 I mean, I find it a bit
19 surprising, don't you?

20 MR. DICKENSON: Not at all. There
21 are daily conversations, e-mails, whatever, at all
22 levels. It could even start below that level. So
23 that where it starts isn't an issue.

24 MR. WALDMAN: So someone at the
25 level of Director General of consular affairs

1 would have access to the people in the PCO
2 directly?

3 MR. DICKENSON: Absolutely,
4 absolutely.

5 MR. WALDMAN: And the fact that
6 Mr. Pardy, having tried for several months to get
7 a joint letter, took an independent initiative to
8 go to PCO, would that suggest to you that he felt
9 that his efforts to reconcile the RCMP and CSIS,
10 on the one hand, and DFAIT on the other, were not
11 leading anywhere, so he tried to take a direct
12 route to the PCO to solve the problem?

13 MR. DICKENSON: I can't draw any
14 conclusion. This all happened after I left.

15 MR. WALDMAN: Right. Okay.

16 I don't have a lot of issues,
17 given that a lot of the issues I would liked to
18 have explored with you happened after you had
19 left, so I think you are not the right person to
20 ask a lot of the things that emerged. We had a
21 lot of concerns around the letter and around the
22 leaks and around the decision to call the inquiry,
23 but obviously those are all matters that only
24 emerged after you left.

25 So focusing on the time period

1 that you were there, I would like to ask you a few
2 questions.

3 I just want to understand a bit
4 about the decision to prioritize security matters
5 after 9/11, and I think after 9/11 there's a
6 decision to allocate more funds to national
7 security matters, correct, and more resources?

8 MR. DICKENSON: There were
9 many elements in the S&I community after 9/11.
10 There was significant legislative initiatives.
11 There was a budget that was designed to deal with
12 a need for more resources, financial and human,
13 across the S&I community. There was the creation
14 of an ad hoc committee of Cabinet. So it's a
15 multifaceted response. It's a very broad
16 response.

17 MR. WALDMAN: I would like to
18 focus a bit on this new Cabinet committee, PSAT, I
19 think it was called?

20 MR. DICKENSON: It was an ad hoc
21 committee.

22 MR. WALDMAN: What is PSAT?

23 MR. DICKENSON: Public Security
24 and Anti-Terrorism.

25 MR. WALDMAN: So I gather the

1 decision to create a new, albeit ad hoc -- what
2 would be the difference -- explain to us neophytes
3 the difference between an ad hoc committee and an
4 actual Cabinet committee?

5 MR. DICKENSON: Oh, wow.

6 MR. WALDMAN: Was there any real
7 difference other than one was ad hoc and the other
8 was not?

9 MR. DICKENSON: I'm not sure I can
10 really answer that question. When you create a
11 formal committee of Cabinet, it's something that
12 sort of endures until there's a machinery of
13 government change.

14 There are ad hoc committees of
15 Cabinet created for all sorts of things. You'll
16 see in my curriculum vitae I was Director General
17 of the Millennium Task Force, which became the
18 Millennium Bureau of Canada. The Prime Minister
19 of the day created an ad hoc committee which
20 helped us in decision-making on running the
21 millennium initiatives.

22 So it's a structure that sort of
23 pops up and deals with issues and eventually will
24 probably go away, unless it's formalized into a
25 Cabinet committee.

1 That's probably the best I can do
2 with that question.

3 MR. WALDMAN: But during the time
4 it exists, it has the same importance in the
5 Cabinet structure as a regular committee?

6 MR. DICKENSON: Absolutely,
7 absolutely.

8 MR. WALDMAN: The fact it's an ad
9 hoc committee doesn't detract --

10 MR. DICKENSON: It's membership is
11 decided by the Prime Minister, and there are
12 agendas and all the normal approach.

13 MR. WALDMAN: And I gather, given
14 that you told us a great deal of your
15 secretariat's resources went into the ad hoc
16 committee, it was probably a very deliberate
17 decision by the Prime Minister based upon a
18 clearly perceived need to have a Cabinet committee
19 dealing expressly with public safety and terrorism
20 issues?

21 MR. DICKENSON: Absolutely.

22 MR. WALDMAN: Right. And it was
23 certainly an important priority of the government
24 at that time?

25 MR. DICKENSON: That's right.

1 MR. WALDMAN: And I assume that
2 the Prime Minister, before he created the ad hoc
3 committee, would have been careful about who he
4 chose to be members of the committee as well;
5 right?

6 MR. DICKENSON: That's right.

7 MR. WALDMAN: If I understood your
8 evidence correctly, the purpose of this was to
9 provide broad political guidance and oversight to
10 the government in general and the Cabinet about
11 national security matters. Is that correct?

12 MR. DICKENSON: That's right.

13 MR. WALDMAN: Right. But it
14 wouldn't be involved in operational matters?

15 MR. DICKENSON: Never, never.

16 MR. WALDMAN: And the choice of
17 John Manley as the Deputy Prime Minister and chair
18 of this committee was a careful decision,
19 obviously taken by the Prime Minister, believing
20 that he was the person best-suited to do the job;
21 correct?

22 MR. DICKENSON: You would have to
23 ask the Prime Minister.

24 MR. WALDMAN: Right. And John
25 Manley's counterpart would have been Mr. Ridge.

1 Is that correct?

2 MR. DICKENSON: That's right.

3 MR. WALDMAN: So it would be
4 appropriate for --

5 MR. DICKENSON: His counterpart in
6 his capacity as chair of this ad hoc committee.

7 MR. WALDMAN: Right. So it would
8 be natural for them to meet when they are
9 discussing national security issues?

10 MR. DICKENSON: It would be
11 natural for them to meet. They primarily looked
12 at border issues.

13 MR. WALDMAN: Border issues,
14 right. But Mr. Manley, as chair, and the Cabinet
15 committee's mandate, extended far beyond border
16 issues; correct?

17 MR. DICKENSON: That's right.

18 MR. WALDMAN: Right. So the fact
19 that he would meet with Mr. Ridge only on border
20 issues didn't mean that was the only area that the
21 Cabinet committee was interested in?

22 MR. DICKENSON: I can't comment on
23 discussions that took place in Cabinet.

24 MR. WALDMAN: No, but the role of
25 the Cabinet committee, this ad hoc committee,

1 wasn't just border issues; it was broader than
2 that?

3 MR. DICKENSON: My view was it
4 dealt with legislation, which is broader than
5 border. It dealt with money, which is broader
6 than border; basic overall political guidance at a
7 very high level.

8 MR. WALDMAN: Right. So that it
9 would be fair to say that the function of this
10 committee would be to discuss the broad,
11 high-level policy issues that would be decided
12 before they would go to the full Cabinet --

13 MR. DICKENSON: Right.

14 MR. WALDMAN: -- and give policy
15 direction on them?

16 MR. DICKENSON: That's right.

17 MR. WALDMAN: And your function
18 was to provide assistance, and indeed a great deal
19 of resources were spent on assisting this
20 committee; correct?

21 MR. DICKENSON: That's right.

22 MR. WALDMAN: So one of the
23 questions I have in this regard was that you
24 testified about the need that was very apparent to
25 everyone after 9/11 of all the problems of the

1 silo effect of information-sharing.

2 So one of the issues that I
3 imagine would have been of concern to the Cabinet
4 committee would have been, in broad general terms,
5 how to deal with the problem of sharing
6 information amongst agencies and things like that,
7 not on a specific operational level but on a
8 general theoretical level. Is that correct?

9 Would that be the kind of thing
10 that this Cabinet committee would look at given
11 the obvious concerns that were being raised after
12 9/11 about problems in information-sharing?

13 MR. TZEMENAKIS: Mr. Commissioner,
14 I would like to help my friend and remind the
15 witness that we do have some concerns about
16 Cabinet confidence and whether or not certain
17 issues were raised and/or discussed at Cabinet,
18 discussed amongst Ministers who were part of the
19 committee at Cabinet.

20 To the extent that my friend is
21 going to put questions of this nature to the
22 witness, he will be restricted in the answers that
23 he can give which we would be more than happy to
24 elaborate further, if required.

25 MR. WALDMAN: So now in addition

1 to National Security Confidentiality I have to
2 deal with Cabinet confidence as well.

3 THE COMMISSIONER: I'm not sure
4 it's a big issue. Why don't we just see if we can
5 deal with the question in general terms?

6 MR. WALDMAN: I'm not asking for
7 specific -- I want to make it absolutely clear
8 that where I'm going with this has nothing to do
9 with specific questions about what was discussed
10 in Cabinet but just about general themes and
11 topics that might have been appropriate.

12 THE COMMISSIONER: See if
13 Mr. Dickenson can answer.

14 MR. DICKENSON: I would draw you
15 back to, Commissioner, an earlier response I gave
16 to Monsieur David, and that is this all didn't
17 start with 9/11. There was information-sharing
18 before 9/11. People recognized that terrorism in
19 North America was an issue with Ressay at the time
20 of the millennium. There was a general trend line
21 that if any agency was holding information which
22 could be legally shared with another agency,
23 whether it was in Washington, on the border, in
24 Ottawa, that affected national security,
25 international crime, whatever, they had better be

1 sharing it. Those are the trend lines.

2 MR. WALDMAN: I understand. But
3 clearly one of the things we saw after 9/11 was
4 this immense concern because of what you, I think,
5 appropriately described as the silo effect, there
6 wasn't proper sharing of information. I mean,
7 indeed, you know, in the United States there was
8 all this soul-searching about how they probably
9 had the information about what was going to happen
10 shared between different agencies and it wasn't
11 properly shared.

12 So without going through the
13 specifics of Cabinet confidentiality, I am just
14 wondering whether those are the types of policy
15 issues that would have been discussed in the
16 Cabinet committee. I'm just trying to get some
17 sense of what was being discussed, and what types
18 of issues would be discussed over and above the
19 broad general strokes, given that it took up so
20 much of your time?

21 MR. DICKENSON: I think I've been
22 as clear as I can, frankly. Border issues,
23 budgets, legislation, big, broad mandate issues.
24 I can't really go deeper than that.

25 MR. WALDMAN: Is that because of

1 Cabinet confidentiality or ...

2 MR. DICKENSON: Absolutely.

3 MR. WALDMAN: Okay. Well, that
4 makes my -- I guess one of the concerns I had was
5 Mr. Manley's evidence about -- he described his
6 role, as chair of this ad hoc Cabinet committee,
7 as being basically to keep the border open. And
8 when he was asked any questions about any of the
9 specifics of the issues that emerged from the Arar
10 hearings, he said that wasn't part of his mandate.

11 I just find that a bit surprising
12 given the way you described how much time and
13 energy that Cabinet committee required, and you
14 suggested that it took up so much of your energy.

15 Mr. Manley did say that he was
16 preoccupied during a good chunk of this time with
17 the leadership campaign. But I'm just wondering
18 whether there was an expectation on the part of
19 Mr. Manley, as chair of this committee, to be more
20 engaged in some of these broad strokes policy
21 issues that were being discussed or would have
22 been discussed, like information-sharing,
23 protecting other Canadians from suffering the fate
24 of Mr. Arar, things like that, that must have
25 emerged as broad-based policy issues during your

1 tenure?

2 MR. DICKENSON: I think that's a
3 question you would have to put to Mr. Manley, what
4 his expectations were. I assume he was here as a
5 witness.

6 MR. WALDMAN: But I was asking you
7 about what your expectations were, not of the role
8 of Mr. Manley per se, but of the Cabinet committee
9 and whether it was only restricted to really
10 dealing with border issues?

11 MR. DICKENSON: Absolutely not.

12 THE COMMISSIONER: I think you
13 have the answer that you want earlier in response
14 to Mr. David's question. Mr. Dickenson, as I
15 heard him say, said that there was obviously going
16 to be an emphasis in sharing information, but it
17 was going to be in accordance with law and as he
18 said in accordance with the rules of the road of
19 the institutions.

20 I'm not sure whether he attributed
21 that to the Cabinet committee, but that was the
22 understanding he had in his position.

23 I just wonder if you need to go
24 beyond that.

25 MR. WALDMAN: No, I was more --

1 actually the whole of this line of questioning was
2 more directed towards Mr. Manley's role and his
3 testimony as to what his role, what he perceived
4 his role to be as opposed to what I perceive to be
5 the evidence of this witness as to the role of the
6 cabinet committee.

7 THE COMMISSIONER: I see.

8 MR. WALDMAN: Now, with respect to
9 this question of information-sharing, I just have
10 a few questions on that.

11 At no point were you ever aware
12 that people within the -- because we know that
13 there are rules, and you may or may not be aware
14 of them, about how information was shared between
15 agencies and that there would be caveats on
16 information, that they could only be shared in
17 certain ways.

18 Are you generally aware that there
19 are such things as caveats on information that's
20 shared with foreign governments?

21 MR. DICKENSON: In broad general
22 terms, yes.

23 MR. WALDMAN: Right. And at any
24 point was it ever brought to your attention in the
25 PCO that the rules -- not that the emphasis on

1 more sharing, but on changing the rules about how
2 information was going to be shared, was that ever
3 discussed?

4 MR. DICKENSON: No, no.

5 MR. WALDMAN: So you had no
6 knowledge that there might have been some
7 officials in some of the government departments
8 that believed that after 9/11 all the rules were
9 thrown out the window and that we should just
10 freely share information regardless of the
11 consequence?

12 MR. DICKENSON: I would have
13 assumed quite the opposite. All of these -- not a
14 lot of them but the agencies that we have been
15 discussing have legislation, they have oversight
16 bodies, they have Cabinet ministers. They have
17 Cabinet ministers that give them direction. There
18 are a lot of checks and balances there.

19 And one assumes that they are
20 followed. You don't assume that they are not.

21 MR. WALDMAN: The fact that 9/11
22 happened wouldn't justify changing the rules
23 without careful consideration of why the rules
24 would be changed, especially when it comes to
25 sharing information about Canadian citizens with

1 foreign agencies; correct?

2 MR. DICKENSON: That's right.

3 MR. WALDMAN: If I could ask you
4 to go to P-239, I just want to take you to one
5 sentence in that document.

6 The very last sentence on the
7 first page says:

8 "I was informed that the
9 Director had encouraged --"
10 That's Elcock.
11 "... had encouraged against
12 the DPM raising the Arar
13 case."

14 I know you testified that because
15 it was taken out of the final version we can't be
16 certain of it. But if we assume for a second that
17 it is true -- I mean, I'm sure there must be
18 evidence or it would be possible to get evidence
19 asserting that but we are not going to get it in
20 the public hearings anyways. I'm not sure if this
21 issue has arisen or not.

22 But if we assume that it's true, I
23 wanted to ask you a few questions about your view
24 about Mr. Manley raising with his counterpart,
25 Mr. Ridge, the Arar case, whether you would have

1 thought there would have been anything
2 inappropriate about that happening?

3 MR. DICKENSON: I believe I dealt
4 with this at length with Monsieur David. I don't
5 know why that sentence is there. I'm not sure I
6 ever saw the sentence. This is a draft. It's not
7 the final product. I can't vouch for or against
8 its accuracy.

9 As I mentioned earlier, I am aware
10 that prior to the drafting -- I'm not sure of the
11 date on this -- but prior to the drafting of this,
12 that Minister Graham had raised the issue in
13 pretty frank terms in diplomacy with Mr. Cellucci,
14 the American Ambassador in Ottawa. There could be
15 a whole range of reasons why it might be
16 inappropriate. I just don't know whether this was
17 the case or not.

18 MR. WALDMAN: Well, I wasn't --
19 I'm not asking you to confirm or deny whether it
20 was the case. I was more interested in you
21 commenting on the reasons why such advice would
22 have been -- first of all, there is nothing
23 inappropriate about Director Elcock communicating
24 directly with your superior, Mr. Bilodeau, I
25 gather. That would be routine.

1 MR. DICKENSON: No, absolutely.
2 But it would be inappropriate if that was an
3 inaccurate sentence.

4 MR. WALDMAN: Yes, okay. Well, we
5 are assuming, for a second, that it's accurate. I
6 was wondering -- I can see several good reasons
7 why the Arar issue should be raised at every
8 opportunity with U.S. officials, in terms of
9 protesting the U.S. conduct of deporting a
10 Canadian citizen to a third country.

11 That would be a reasonable reason
12 to raise it. Would you agree?

13 MR. DICKENSON: I'm not going to
14 speculate on what the sentence means or doesn't
15 mean because it wasn't in the final product.

16 MR. WALDMAN: Okay. Now, I just
17 want to make sure. You were not and as far as you
18 know, no one in PCO was aware of the A-OCANADA
19 investigation. The most knowledge you would have
20 had would be a general knowledge that there was
21 some investigation involving --

22 MR. DICKENSON: I certainly
23 personally was not. As mentioned earlier in
24 replies to Monsieur David, part of my staff, a
25 portion of my staff, were secondees with very high

1 security clearances from other departments and
2 agencies. They could well have known but would be
3 unlikely to share it with others because of its
4 operational nature. There were silos within my
5 own secretariat for security reasons.

6 MR. WALDMAN: That's fine. But
7 you weren't aware?

8 MR. DICKENSON: I was not aware.

9 MR. WALDMAN: And you weren't
10 aware that this was an investigation where U.S.
11 investigators were actively involved in
12 participating with A-OCANADA investigators?

13 MR. DICKENSON: I couldn't,
14 because I didn't know it was happening.

15 MR. WALDMAN: Okay. Were you
16 aware in general terms that there might be
17 investigations where joint Canada-U.S. national
18 security investigations were going on --

19 MR. DICKENSON: Absolutely. We
20 had spoken earlier about IBETs. There was a lot
21 of cooperation just because of the nature of our
22 economy, of our society, of our border between
23 agencies, intelligence and law enforcement, along
24 the border and between the capitals.

25 MR. WALDMAN: But I think there's

1 a big distinction between an IBET, which was an
2 agency that was -- I think it was border
3 enforcement. They were co-situated on the border
4 involving different officials, and they were
5 basically concerned about the movement of people
6 across the border as opposed to an ongoing
7 national security investigation in Canadian
8 territory involving Canadian citizens and joint
9 American participation in that investigation.

10 MR. DICKENSON: I don't think
11 there's a big difference at all. There's a lot of
12 things that happen on the border. A lot of
13 terrorism is funded by illegal activities. Like,
14 the crosswalks are very, very robust.

15 MR. WALDMAN: So you don't see any
16 significant difference between what was happening
17 at the border and the IBET in terms of the
18 limited -- I mean, I think the evidence even went
19 further. I would have to go back and look. But
20 my recollection is that the investigators didn't
21 have access, the U.S. investigators didn't have
22 access to the Canadian information, whereas we
23 know from our understanding of the A-OCANADA that
24 the information was shared freely and openly with
25 the A-OCANADA investigators.

1 MR. DICKENSON: I don't see a
2 question in what you just said.

3 MR. WALDMAN: I'm asking if you
4 were aware -- well, I'm just suggesting to you,
5 sir, that there was a very significant difference
6 between what was happening in A-OCANADA and what
7 was happening at IBET.

8 MR. DICKENSON: I didn't know
9 A-OCANADA existed, so I can't really draw a
10 conclusion.

11 MR. WALDMAN: Now, I would like to
12 deal with another area, and I think one of the
13 themes that has emerged from your testimony was
14 the acknowledgment that it was important that all
15 of the different government departments try to
16 speak with one voice on all of the issues, and
17 that was part of the role that you had at PCO?

18 MR. DICKENSON: I think that was
19 in the context of primarily communications.

20 MR. WALDMAN: Right.

21 MR. DICKENSON: Which is different
22 than operational matters.

23 MR. WALDMAN: And you did testify
24 that you were aware that there was a divergence of
25 opinion between CSIS and DFAIT over the proposed

1 trip to Syria. You were aware of that fact.

2 MR. DICKENSON: That's right.

3 MR. WALDMAN: And that you
4 decided -- or you weren't asked to intervene, as
5 far as you recall?

6 MR. DICKENSON: That's right.

7 MR. WALDMAN: Were you aware,
8 however, of another difference, shall we say,
9 between CSIS and the RCMP, which was the fact that
10 there were statements attributed to CSIS at
11 various times suggesting that CSIS had told the
12 Syrians that they did not want Mr. Arar back?

13 Did you ever become aware of that?

14 There was a series of documents
15 that I won't -- well, I mean, given that we have
16 gone over them so many times in the last few days,
17 I won't take you to them.

18 But I think it's fair to say that
19 on the documentary record that we have, there are
20 suggestions starting very early on that CSIS
21 indicated that they did not want Mr. Arar back.
22 Were you aware that?

23 MR. DICKENSON: I will only
24 comment if you show me a document.

25 MR. WALDMAN: So you weren't aware

1 in general?

2 MR. DICKENSON: If you show me a
3 document, then we can discuss it. I'm not going
4 to speculate on documents that you are referring
5 to --

6 MR. WALDMAN: We have been through
7 these documents so many times, Mr. Commissioner.

8 THE COMMISSIONER: It's just the
9 question is: Do you have any recollection --
10 forgetting about whether you saw the documents.
11 Do you have any recollection of hearing that
12 CSIS -- there are people who said that CSIS had
13 indicated to the Syrians they didn't want Mr. Arar
14 back?

15 MR. DICKENSON: No, I have no
16 recollection that CSIS implied, stated, whatever,
17 that they did not want Mr. Arar back.

18 MR. WALDMAN: That was the only
19 thing I was trying to get you to clarify.

20 If I understood your testimony,
21 the whole process that we have heard a great deal
22 about on this dispute over the wording of the
23 letter that Mr. Pardy wanted, you were not
24 involved in any of that and you have no
25 knowledge --

1 MR. DICKENSON: No.

2 MR. WALDMAN: -- of any of those
3 matters. So that's obviously something that we
4 would want to ask your successor.

5 Mr. Commissioner, given the fact
6 that Mr. Dickenson doesn't have a lot of knowledge
7 about the issues that are of major concern to us,
8 I just don't really see that any useful purpose
9 would be seen in prolonging my questioning.

10 THE COMMISSIONER: Thank you.

11 MR. TZEMENAKIS: We have no
12 questions, Mr. Commissioner.

13 THE COMMISSIONER: Re-examination?

14 MR. DAVID: I have no questions,
15 Mr. Commissioner. However, I will ask you for
16 your indulgence.

17 As you know, this is potentially
18 the last witness that I may have examined before
19 you. I'm not sure where this inquiry will go
20 forth in terms of the process, in terms of
21 procedure.

22 I just wish to thank you sincerely
23 for the patience that you have shown in these
24 hearings to me and to everybody. I think that
25 your presence has been a great comfort in a

1 difficult process, and I just wanted to take a few
2 moments to sincerely thank you on the record for
3 this past year and a half of proceedings before
4 you and to thank you.

5 I would like to also thank Lara
6 Tessaro, who has accompanied me as pinch-hitter in
7 the last few weeks, to replace my previous
8 collaborator, Adela Mall. I wish to thank you
9 both. Your assistance has been very, very, very
10 precious. It is not a job that you can do without
11 a good team, and I think that we have comprised a
12 good team.

13 I wish to also, on the record,
14 Mr. Commissioner, thank my colleagues with whom
15 I've shared this experience before you. I'm
16 thinking of Paul, I'm thinking of Veena, I'm
17 thinking of Danielle. I'm also thinking of all
18 the staff at our Commission. They have been of
19 fantastic assistance. They have been there for us
20 throughout and for you throughout, and I think
21 that truly we have been privileged to have the
22 team that we have had for this last year and a
23 half.

24 And if I may indulge, I would like
25 to thank Government counsel, Barb's team, Simon

1 Fothergill's team, the collaborators that have
2 been present throughout these proceedings, for all
3 the agencies, the Arar team, Lorne and Marlys and
4 the intervenors. It's been truly a very enriching
5 experience for me. It's quite unique in terms of
6 a Commission of Inquiry in terms of subject
7 matter, but it's certainly been an enriching
8 process, and it's been a privilege to assist you
9 in your mandate.

10 THE COMMISSIONER: Thank you very
11 much for those kind comments.

12 I want to express my thanks to
13 you. I think I will do that more formally at the
14 end of the hearings, once we have completed the
15 rest of the evidence and the oral arguments.

16 But just let me say at this point
17 that it has been a pleasure, obviously, working
18 with you, and I think the thanks should go the
19 other way. But I will do that more formally with
20 respect to everybody at the end of the hearings.

21 So thank you, Mr. David, for those
22 comments.

23 MR. DAVID: This may be my last
24 opportunity.

25 THE COMMISSIONER: Right. I

1 understand what you are saying.

2 Thank you, Mr. Dickenson, for your
3 evidence. That completes your evidence, and thank
4 you for the time and effort you have spent in
5 preparing to come here and give evidence. I
6 appreciate it very much.

7 That then completes for today.

8 We will start tomorrow at ten
9 o'clock, was the note I was just handed. So we
10 will rise now and resume tomorrow morning.

11 THE REGISTRAR: Please stand.

12 --- Whereupon the hearing adjourned at 11:52 a.m.,
13 to resume on Tuesday, August 30, 2005, at
14 10:00 a.m. / L'audience est ajournée à
15 11 h 52, pour reprendre le mardi 30 août
16 2005 à 10 h 00

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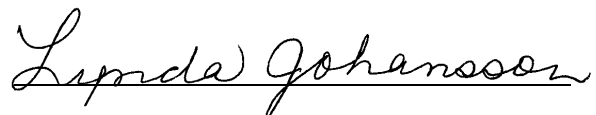
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Lynda Johansson,

C.S.R., R.P.R.

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