

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



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

Audience publique

Public Hearing

Commissaire

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

Commissioner

Tenue à:

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

le mercredi 9 novembre 2005

Held at:

Algonquin Room
Old City Hall
111 Sussex Drive
Ottawa, Ontario

Wednesday, November 9, 2005

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Mr. Steven Shrybman	Canadian Labour Congress/Council of Canadians and the Polaris Institute
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Mr. Joe Arvay	The British Columbia Civil Liberties Association

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Mr. Kevin Woodall	The International Commission for Jurists, The Redress Trust, The Association for the Prevention of Torture, World Organization Against Torture
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1 Ottawa, Ontario / Ottawa (Ontario)
2 --- Upon commencing on Wednesday, November 9, 2005
3 at 2:40 p.m. / L'audience débute le mercredi 9
4 novembre 2005 à 14 h 40

5 THE REGISTRAR: Please be seated.

6 THE COMMISSIONER: It will just
7 take a second with the cameras.

8 Mr. Décary.

9 MR. DÉCARY: Mr. Commissioner, let
10 me first start by offering the apologies of
11 Dr. Leverett and ourselves, Mr. Hamilton and
12 myself. Dr. Leverett left quite early this
13 morning and started exchanging e-mails at 5:44. I
14 am waiting to take off from D.C. US Air has just
15 announced a delay because of fog, and at 6:34 I am
16 now on board waiting to take off. Now, though, I
17 have to change planes in Philadelphia and have
18 missed connections.

19 THE COMMISSIONER: I understand
20 the uncertainties of plane travel at this time of
21 the year.

22 One thing though, just about the
23 schedule with the late start, I thought,
24 Mr. Cavalluzzo, we would probably sit as late at
25 seven o'clock. Is that possible?

1 MR. CAVALLUZZO: I think we should
2 shoot for at least seven o'clock and perhaps
3 starting tomorrow, depending where we reach today,
4 starting early, at 9:30 perhaps.

5 THE COMMISSIONER: Perhaps 9:30?

6 DR. LEVERETT: That is fine for
7 me.

8 THE COMMISSIONER: You will be
9 staying over tonight?

10 DR. LEVERETT: Yes.

11 THE COMMISSIONER: Okay, fine.

12 What we will do is we will
13 probably take a break around five o'clock and then
14 carry on until seven or so.

15 MR. DÉCARY: Dr. Leverett, I would
16 like to begin, with your permission,
17 Mr. Commissioner, by filing a copy of
18 Dr. Leverett's CV.

19 THE COMMISSIONER: Please do.

20 MR. DÉCARY: I have, I believe, 11
21 copies here.

22 THE COMMISSIONER: Would you like
23 to be sworn on the Bible or affirmed?

24 DR. LEVERETT: I am happy to swear
25 on the Bible.

1 SWORN: FLYNT LAWRENCE LEVERETT

2 THE COMMISSIONER: The CV will be
3 marked the next exhibit, which is 260.

4 EXHIBIT NO. P-260:
5 Curriculum Vitae of Flynt
6 Lawrence Leverett

7 THE COMMISSIONER: Go ahead,
8 Mr. Décary.

9 EXAMINATION

10 MR. DÉCARY: Dr. Leverett, if we
11 turn to page 2, could you just go over your
12 academic educational background.

13 DR. LEVERETT: I earned
14 undergraduate degrees in political science and in
15 music at Texas Christian University in Fort Worth,
16 Texas, where I grew up. After a year of
17 post-graduate training in piano in Budapest, I
18 began graduate studies in politics in Princeton
19 University. I earned a Bachelor's degree and a
20 Ph.D. in politics from Princeton.

21 After various stints teaching at
22 the University of Pennsylvania, the University of
23 Michigan and the University of South Carolina, I
24 entered government service in my country with the
25 Central Intelligence Agency in 1992.

1 MR. DÉCARY: Sir, I note that you
2 received a Ph.D. in 1992. What was the subject of
3 your dissertation?

4 DR. LEVERETT: My dissertation was
5 on U.S. Arms Control Policy.

6 MR. DÉCARY: Are there other
7 post-graduate studies to be noted?

8 DR. LEVERETT: Yes. After I began
9 my work at the CIA, during the 1994-1995 academic
10 year I pursued fulltime intensive Arabic language
11 training and at a government language school and
12 at a university in Jordan. Following on from
13 that, in the summer and the fall of 1997, I
14 pursued post-graduate studies in Arabic language
15 and Arabic literature at Georgetown University.

16 MR. DÉCARY: If we turn to page 1,
17 starting at the last paragraph, we note that you
18 started a quite lengthy career at the CIA as an
19 analyst and a senior analyst.

20 I believe the career spread for
21 nine years.

22 DR. LEVERETT: Yes.

23 MR. DÉCARY: From 1992 to 2001.

24 DR. LEVERETT: Yes.

25 MR. DÉCARY: Could you please

1 explain to the Commissioner what an analyst in the
2 Directorate of Intelligence is.

3 DR. LEVERETT: Analysts in the
4 CIA's Directorate of Intelligence, most of them
5 are what is described in the lingo of the
6 intelligence business as all source analysts.
7 That means they are charged with taking a wide
8 range of information, not just the clandestine
9 human intelligence that the CIA collects but also
10 technical intelligence collected by other
11 intelligence agencies reporting from State
12 Department missions around the world, reporting
13 from the U.S. military attachés around the world
14 and open source unclassified information, and
15 putting all that information and reporting
16 together into assessments of strategic issues that
17 will be useful to U.S. policymakers as they go
18 through their decision-making process on important
19 foreign policy issues.

20 That's the kind of work that I did
21 as an analyst.

22 MR. DÉCARY: Were you in any way
23 involved in collecting intelligence?

24 DR. LEVERETT: No. The collection
25 of intelligence, for human intelligence it would

1 have been the Directorate of Operations at CIA.
2 For technical intelligence, other agencies in the
3 U.S. intelligence community would have had
4 responsibility for that.

5 In my career I wasn't involved in
6 collecting intelligence.

7 MR. DÉCARY: Were you involved in
8 obtaining intelligence from or exchanging
9 intelligence with other foreign services?

10 DR. LEVERETT: As an analyst I
11 participated in analytic exchanges with foreign
12 intelligence services. By that I mean these are
13 settings in which analysts from different services
14 would get together and compare their assessments
15 of a range of issues.

16 But the exchange of intelligence
17 reporting, whether that was human intelligence
18 reporting, technical intelligence reporting, that
19 was handled by other parts of the agency or other
20 parts of the intelligence community and I was not
21 involved in that.

22 MR. DÉCARY: We note on your CV at
23 the bottom of page 1 successive analytic
24 responsibilities for, and in particular, Syria.
25 Did you have any dealings with the Syrian Military

1 Intelligence?

2 DR. LEVERETT: No, I never had
3 dealings with the Syrian Military Intelligence or
4 any other Syrian intelligence agency.

5 MR. DÉCARY: Did you review any
6 intelligence provided by the SMI or any other
7 Syrian intelligence agency?

8 DR. LEVERETT: No, I did not.

9 MR. DÉCARY: We got a note that
10 you spent one year with Ambassador Richard Haass
11 on the State Department policy planning staff for
12 the Middle East and as a counter terrorism expert.

13 Could you develop and give us a
14 bit more background on your activities and your
15 functions?

16 DR. LEVERETT: Sure. On that role
17 on the policy planning staff I was responsible for
18 providing strategic advice and analysis on U.S.
19 policy toward a range of middle eastern countries,
20 including Syria.

21 On the counter terrorism front,
22 when the September 11 attacks occurred that was
23 during my period of service on the policy planning
24 staff. I was one of a small group of staffers
25 called back into the State Department on the

1 night of September 11th to work through the night
2 to prepare a diplomatic strategy for assembling a
3 coalition for to unseat the Taliban regime and
4 defeat the al-Qaeda infrastructure in Afghanistan.

5 That was the strategy that
6 Secretary Powell took with him to the White House
7 on September 12th and became the basis of our
8 diplomatic efforts to assemble that coalition.

9 MR. DÉCARY: We note during that
10 period you received the Department of State's
11 Superior Honour Award for analyzing the prospects
12 for and guiding U.S. policy toward a diplomatic
13 breakthrough with Libya and for contribution to
14 the formation of an international coalition to
15 fight terrorism following the September 11th
16 attacks.

17 Can you give a bit more detail on
18 this honour that was bestowed upon you?

19 DR. LEVERETT: Yes. I think I
20 just described my contribution to post-9/11
21 efforts to put together an international coalition
22 to fight al-Qaeda and the Taliban in Afghanistan.

23 With regard to the Libya issue, I
24 was considered to have played a leading role in
25 devising a strategy and making argument for

1 adopting that strategy as policy for the Bush
2 administration in its first year in office to pick
3 up on the diplomatic dialogue with Libya over the
4 Pan Am 103 Lockerbie case that had started under
5 the Clinton administration.

6 I basically wrote the strategy for
7 how we should conduct that dialogue once we
8 resumed it, and that dialogue was considered in
9 the end very successful in resolving the Pan Am
10 Lockerbie 103 case and setting the stage for the
11 improvements that we have seen in U.S.-Libyan
12 relations over the last couple of years.

13 MR. DÉCARY: Finally, we note that
14 you spent one year with the National Security
15 Council as Director and then Acting Senior
16 Director for Middle East Affairs, and then Senior
17 Director for the Middle East Initiative.

18 What were your duties?

19 DR. LEVERETT: I provided direct
20 support and advice to the then National Security
21 Advisor, Condoleezza Rice, and to President Bush
22 on U.S. policy toward a range of middle eastern
23 countries, including Syria.

24 I also travelled with Secretary
25 Powell and with the Assistant Secretary of State

1 for Near Eastern Affairs in their various trips to
2 the region as the White House representative on
3 their delegation.

4 MR. DÉCARY: And specifically did
5 you ever travel to Syria?

6 DR. LEVERETT: I have travelled to
7 Syria a number of times during my government
8 service. Since leaving government in 2003, I have
9 been to Syria three times.

10 MR. DÉCARY: Have you ever met
11 President Bashar Assad?

12 DR. LEVERETT: Yes, I have. I met
13 President Assad for the first time in October 2002
14 in a meeting that I had with President Assad along
15 with the Assistant Secretary of State for Near
16 Eastern Affairs.

17 After I left government service,
18 on one of my trips back to Syria to work on my
19 book, in January 2004, I had a chance to conduct a
20 two-hour interview with President Assad.

21 MR. DÉCARY: Did you meet the
22 Foreign Minister or Deputy Foreign Ministers?

23 DR. LEVERETT: I have met the
24 Foreign Minister Farouk Shara on two occasions,
25 once for a meeting at the United Nations, once in

1 October 2002.

2 The Deputy Foreign Minister,
3 Waleed Almoalem, I have met any number of times,
4 including meetings with him on my trips to
5 Damascus since I have left government.

6 MR. DÉCARY: Did you meet General
7 Khalil or anyone from the SMI?

8 DR. LEVERETT: I have never met
9 General Khalil and to the best of my knowledge I
10 have never met an official of the Syrian Military
11 Intelligence.

12 MR. DÉCARY: You left government
13 service in 2003. Can you tell the Commissioner
14 why?

15 DR. LEVERETT: I left government
16 service because I felt that there were -- I had
17 reached a point where there were sufficient
18 disagreements that I had with decisions that the
19 Bush administration had taken regarding the
20 conduct on the war on terror and the formulation
21 of U.S. policy toward the Middle East. The
22 disagreements had become numerous enough and
23 significant enough that I felt it was best for me
24 to leave the White House and then, in fairly short
25 order, to leave government service.

1 MR. DÉCARY: And after leaving we
2 note that from the first paragraph on page 1, that
3 you are now a Senior Fellow Saban Center for
4 Middle East Policy, the Brookings Institution.

5 Could you first tell us what the
6 Brookings Institution is.

7 DR. LEVERETT: The Brookings
8 Institution is a leading specimen of what in
9 American vernacular is called a think tank. It is
10 a non-government, non-profit organization at which
11 scholars, other policy experts, many of them with
12 previous government experience, provide
13 independent and hopefully non-partisan analysis
14 and research on important policy issues of the
15 day.

16 I work in the Foreign Policy
17 Studies Program at the Brookings Institution.
18 Within the Foreign Policy Studies Program, the
19 Saban Center is a separately endowed, separately
20 administered unit that focuses on the Middle East.

21 My position as Senior Fellow is
22 housed at the Saban Center.

23 MR. DÉCARY: Could you describe
24 your duties as a Senior Fellow.

25 DR. LEVERETT: I do research and

1 analysis on a range of Middle East issues. During
2 my time at Brookings Syria has been a very, very
3 important part of my portfolio. Since leaving
4 government two and a half years ago, I have
5 written a book on Syria and U.S. policy toward
6 Syria that was published earlier this year.

7 I have contributed two articles on
8 Syria to other edited volumes. I have written
9 four Op-Eds on Syria and U.S. policy toward Syria,
10 two for the New York Times, one for the Financial
11 Times, one for the Washington Post.

12 I have testified on U.S. policy
13 before Syria to the Senate Foreign Relations
14 Committee in Washington, and I have spoken
15 innumerable times on Syria before distinguished
16 foreign policy fora, including the Council on
17 Foreign Relations in New York and the Royal
18 Institute of International Affairs in London.

19 MR. DÉCARY: Before I conclude
20 with your CV and ask that you be recognized as an
21 expert -- and I will state on what precisely in
22 one moment, Mr. Commissioner -- I want to ask one
23 question in relation to the matter that is before
24 this Commission.

25 Were you in any way involved or do

1 you have any knowledge of the Arar matter while
2 you were in the employment of the U.S. government?

3 DR. LEVERETT: No. I do not. I
4 don't believe I ever even heard the name of Maher
5 Arar until after I left government service.

6 MR. DÉCARY: And to be specific,
7 any involvement or knowledge of the U.S.
8 government's decision to deport Mr. Arar, or
9 alleged decision to deport Mr. Arar to Syria in
10 October of 2002?

11 DR. LEVERETT: No, I have no such
12 knowledge.

13 MR. DÉCARY: Did you have any
14 involvement or knowledge of a U.S. policy on
15 rendition?

16 DR. LEVERETT: Beyond what I have
17 read in press accounts, beyond what I have read in
18 open testimony by U.S. Intelligence officials, no,
19 I have no knowledge and certainly no involvement
20 in policy making regarding renditions.

21 MR. DÉCARY: Mr. Commissioner, I
22 would ask that Dr. Leverett be declared an expert
23 on Syrian politics from 1963 to the present, on
24 U.S.-Syria relations, Syrian decision-making and
25 Syrian foreign policy.

1 THE COMMISSIONER: Do counsel with
2 standing wish to ask any questions on the issue of
3 qualifications or make any submissions?

4 MS EDWARDH: I am rising. Thank
5 you very much, Mr. Commissioner.

6 THE COMMISSIONER: This will
7 simply go to the qualifications for those four
8 areas that Mr. Décary indicated.

9 EXAMINATION

10 MS EDWARDH: You have been
11 tendered as an expert on Syrian foreign relations.

12 DR. LEVERETT: Yes.

13 MS EDWARDH: And I am interested
14 in developing that in a different context.

15 I am interested specifically, sir,
16 about whether you have, first of all, any
17 knowledge of foreign relations in the Canadian
18 context.

19 Have you ever undertaken any
20 specific studies of Canada?

21 DR. LEVERETT: I have not
22 undertaken specific studies regarding Canadian
23 foreign policy. I have had discussions with
24 Syrian officials and analysts about their views
25 regarding a range of foreign countries, including

1 Canada,

2 MS EDWARDH: Have you ever
3 discussed with anyone in Syria the circumstances
4 surrounding their acceptance of Mr. Arar, his
5 detention there and their decision to release him?

6 DR. LEVERETT: No, I have not.

7 MS EDWARDH: I take it from the
8 Canadian side, leaving aside your discussions with
9 Syrian officials for a moment, you have neither
10 written about nor have you taught about nor have
11 you undertaken any specific studies about Canadian
12 foreign policy.

13 DR. LEVERETT: That's correct, I
14 have not.

15 MS EDWARDH: So from the Syrian
16 side, I take it that you wouldn't consider
17 yourself an expert on Canadian-Syrian relations
18 per se, but that you are aware of some views some
19 Syrians may have of Canada?

20 DR. LEVERETT: I would consider
21 myself able to offer expert opinion on Syrian
22 perceptions of decision-making about their
23 relations with Canada.

24 MS EDWARDH: And first of all, if
25 you could, sir, could you describe how you came to

1 have expertise on Syrian decision-making about the
2 relationship with Canada, what your sources are.

3 DR. LEVERETT: I have done
4 extensive work on Syrian foreign policy and
5 decision-making, Syrian foreign policy really
6 covering the gamut of Syrian relations with other
7 Arab states, relations with other states in the
8 region, relationships with Europe, with the United
9 States, with other advanced industrial countries,
10 and that would include Canada.

11 MS EDWARDH: If I could, I have
12 read your book, sir, and it explores in some
13 detail Syrian relations with the U.S. and
14 inferentially with other Arab states and also with
15 the European countries, of course.

16 You will agree with me that in
17 your book and your study of the current
18 presidency, there is no mention of Canada?

19 DR. LEVERETT: There is no
20 specific mention of Canada in my book, no.

21 MS EDWARDH: And in the articles
22 you have written, whether they are for
23 contribution in the other books you are working on
24 or have been published, or in the Op-Eds, it is my
25 understanding that there is no mention of Canada

1 there as well.

2 DR. LEVERETT: I certainly
3 couldn't recall one.

4 MS EDWARDH: And you will agree
5 with me that you have not written about Syria's
6 perception of Canada in any journal that is a peer
7 review journal?

8 DR. LEVERETT: I think that is
9 correct.

10 MS EDWARDH: And would it also be
11 fair to say that you have not conducted specific
12 interviews with high ranking Syrian officials
13 specifically about Canada?

14 DR. LEVERETT: Discussions that I
15 have had with Syrian officials or Syrian analysts
16 about Syrian perceptions of Canada took place in
17 the context of conversations that dealt with a
18 wide range of issues. I have not done interviews
19 specifically solely on Syrian perceptions of
20 Canada.

21 MS EDWARDH: When you referred to
22 Syrian officials and Syrian analysts, are those
23 analysts Syrians working in Syria or are they
24 other intelligence agents who are in the business
25 doing analysis?

1 DR. LEVERETT: No. I am referring
2 to Syrians who write and think about politics in
3 their own country.

4 MS EDWARDH: Would it be fair to
5 draw the conclusion that, from your perspective,
6 Canada is largely lumped in with the Syrian
7 approach to other western non-U.S. democracies?

8 DR. LEVERETT: No, I don't think that is
9 correct. I think that there would be some common
10 themes, but there are also some very important
11 unique features that would distinguish say the way
12 Syria looked at European states that were part of
13 the European Union versus Canada.

14 MS EDWARDH: And the person that
15 you have spoken specifically with, I take it none
16 of those conversations were dedicated to exploring
17 the specific perceptions of Canada with Syrian
18 officials. They were more global conversations.

19 DR. LEVERETT: That would be
20 correct.

21 MS EDWARDH: And have you spoken
22 with Syrian decision-makers? For example, let's
23 start with different entities of state.

24 Have you spoken with the Syrian
25 Foreign Minister?

1 DR. LEVERETT: About Canada?

2 MS EDWARDH: Yes.

3 DR. LEVERETT: No.

4 MS EDWARDH: Have you spoken with
5 anyone in military intelligence about Canada?

6 DR. LEVERETT: I have not spoken
7 with anyone in military intelligence, to my
8 knowledge, about anything.

9 MS EDWARDH: Have you spoken with
10 any other major representative of the executive in
11 respect of Canada?

12 DR. LEVERETT: Yes.

13 MS EDWARDH: Who was that?

14 DR. LEVERETT: The Deputy Foreign
15 Minister, Waleed Almoalem.

16 MS EDWARDH: And on how many
17 occasions would you have spoken with him about
18 Canada?

19 DR. LEVERETT: One, possibly two.

20 MS EDWARDH: And would he have
21 been the most high-ranking official with whom you
22 have had any conversations?

23 DR. LEVERETT: About Canada?

24 MS EDWARDH: Yes.

25 DR. LEVERETT: Yes.

1 MS EDWARDH: Would it be fair to
2 conclude that his observations or insights are
3 principally observations and insights that you
4 rely on?

5 DR. LEVERETT: Yes, along with
6 observations and insights gleaned from
7 conversations with, as I described them, Syrian
8 analysts.

9 MS EDWARDH: And when did you
10 speak with the Deputy Foreign Minister?

11 DR. LEVERETT: Most recently I
12 spoke with him in June of this year.

13 MS EDWARDH: And you said you
14 might have had one, maybe two conversations. When
15 would the other conversation be? When would it
16 have happened?

17 DR. LEVERETT: The other
18 conversation would have taken place in January of
19 2004.

20 MS EDWARDH: And I take it in June
21 of 2005 when you spoke to him, you did not speak
22 to him about this case.

23 DR. LEVERETT: No, I did not.

24 MS EDWARDH: In your writing, sir,
25 would it be fair to draw the conclusion that you

1 have written and are preoccupied with issues about
2 the U.S. approach to Syria and how best to develop
3 and serve U.S. interests in a relationship with
4 Syria?

5 DR. LEVERETT: That is the
6 principal focus of my work, yes.

7 MS EDWARDH: Thank you very much.

8 THE COMMISSIONER: Any other
9 questions?

10 Yes, Mr. Cavalluzzo.

11 EXAMINATION

12 MR. CAVALLUZZO: Did you have any
13 discussions with Mr. Mouallem when he was the
14 Ambassador to the United States?

15 DR. LEVERETT: No, I never met him
16 personally during his tenure as Ambassador in
17 Washington.

18 MR. CAVALLUZZO: One other
19 question.

20 You have told us that, to your
21 knowledge, you have never spoken to anyone in the
22 Syrian Military Intelligence, including General
23 Khalil.

24 Is that correct?

25 DR. LEVERETT: That's correct.

1 MR. CAVALLUZZO: Do you have any
2 knowledge of the workings of the Syrian Military
3 Intelligence?

4 DR. LEVERETT: Yes. As part of my
5 work in trying to understand Syrian
6 decision-making, the structure of power, I have
7 learned some things about Syrian security
8 services.

9 MR. CAVALLUZZO: And your
10 information relating -- and in particular we are
11 focusing in on the Syrian Military Intelligence --
12 where would that information come from?

13 DR. LEVERETT: It would come from
14 interviews with people in Syria. It would come
15 from open source research. It would come from
16 conversations with a wide range of western
17 diplomats who have had experience dealing with
18 Syrian authorities, including intelligence
19 officials.

20 MR. CAVALLUZZO: Just one final
21 question.

22 Do you have any knowledge about
23 Syrian detention centres, in particular detention
24 centres run by the security services in Syria?

25 DR. LEVERETT: My knowledge about

1 Syrian detention centres and prisons would be
2 derived principally from two sources. One would
3 be the human rights reports that the State
4 Department prepares on Syria, reports prepared by
5 various non-governmental human rights
6 organizations. I am thinking primarily of Human
7 Rights Watch and Amnesty International.

8 Then the second source would be
9 conversations with Syrians who have actually
10 either been in those places or had encounters with
11 the Syrian security services.

12 MR. CAVALLUZZO: Thank you. I
13 have no further questions.

14 THE COMMISSIONER: Any
15 re-examination on this issue, Mr. Décary?

16 Are there any submissions?

17 Let me do it this way so we make
18 it efficient: any submissions about anything that
19 the witness is not qualified to offer opinions?

20 Mr. Décary has outlined four
21 things: Syrian politics 1963 to the present.

22 Any submissions about that?

23 U.S.-Syria relations; Syrian
24 decision-making; and then Syrian foreign
25 relations?

1 MS EDWARDH: I am particularly
2 concerned with the fourth, although I don't know
3 that my friend has laid a proper foundation for
4 qualifying the witness on Syrian decision-making.
5 It is a huge category. I would assume it relates
6 to all manner of decisions, from the President
7 right down through every bureaucrat in the
8 government in how those decisions are made.

9 I don't see that there has been
10 much of an effort to qualify Dr. Leverett in those
11 areas.

12 THE COMMISSIONER: Let me
13 interrupt, if I can, and say we might handle it
14 this way.

15 It strikes me that, first of all,
16 this is a public inquiry so that we are not
17 engaged in a determination of individual rights,
18 and that the witness has qualifications to offer
19 opinions in each of these areas.

20 I take that, even having heard
21 your cross-examination, Ms Edwardh.

22 It just struck me, as I was
23 listening to it, rather than getting into
24 individual things, such as does he know about a
25 particular detention centre, or a particular

1 policy as it may affect Syrian-Canadian
2 relationships, a more efficient way may be to go
3 ahead with -- I am satisfied, generally speaking,
4 that he has expertise and should be able to offer
5 opinions in these areas.

6 There may be specific areas that
7 cross-examination will elicit that it becomes
8 clear that he accepts that he doesn't or I find
9 that he doesn't, and then I can deal with those at
10 the time.

11 Does that make more sense?

12 And I am sorry to interrupt.

13 MS EDWARDH: I don't disagree,
14 Mr. Commissioner. Obviously I will go with
15 whatever decision you make.

16 I certainly caution that with
17 respect to Syria's foreign relations with Canada
18 and impressionistic conversations that may have
19 occurred on a handful of occasions does not
20 necessarily an expert make.

21 I am very concerned that part of
22 reason Mr. Leverett is being called is to opine
23 upon where Canada fit in the constellation of
24 concerns the Syrian government may have had. I
25 raise my concerns that we should go very carefully

1 there.

2 THE COMMISSIONER: Thank you. I
3 understand.

4 I will permit the witness to be
5 examined on all of these areas. If there is
6 cross-examination, it may lead me possibly to
7 disregard an opinion or attach less weight to it.

8 I just say to you, Mr. Leverett,
9 that when you are asked opinions in particular
10 areas, if you are uncomfortable expressing an
11 opinion because of lack of experience or expertise
12 in the area, if you would indicate that, that
13 would certainly be understandable.

14 DR. LEVERETT: Yes, sir.

15 THE COMMISSIONER: Thank you.

16 Let's go ahead on that basis.

17 EXAMINATION

18 MR. DÉCARY: Dr. Leverett, could
19 you describe to the Commissioner in general terms
20 the state of U.S.-Syrian relations just before the
21 September 11, 2001 attacks in the U.S.

22 DR. LEVERETT: During the roughly
23 18 months preceding the September 11, 2001 attacks
24 in the United States relations between the United
25 States and Syria underwent a fairly significant

1 shift. The most essential feature of that shift,
2 in my view, was the collapse of the Syrian track
3 of the Arab-Israeli peace process.

4 By that, the phrase Syrian track,
5 I mean the extended process of bilateral
6 negotiations between Israel and Syria intensively
7 mediated by the United States aimed at reaching a
8 comprehensive peace settlement between Israel and
9 Syria.

10 That Syria track had structured
11 U.S.-Syrian relations throughout the decade of the
12 nineties. It provided Syria with a certain
13 measure of political cover, allowed Syria to
14 deflect, if you will, U.S. pressure that might
15 otherwise have been forthcoming on subjects where
16 the U.S. has long-standing complaints about Syrian
17 behaviour and policy.

18 The Syria track collapsed
19 initially in the spring of 2000 at the summit
20 between then Syrian President Hafez Al Assad and
21 the then American president, Bill Clinton. A
22 couple of months after that summit meeting, Hafez
23 Al Assad died. He was succeeded by his son, the
24 current President of Syria, Bashar Al Assad.

25 Bashar Al Assad in the early days

1 of his tenure indicated that he would be
2 interested in resuming peace negotiations with
3 Israel, but two developments in late 2000 and
4 early 2001 effectively precluded any resumption of
5 the Syria track for the foreseeable future.

6 The first of those developments in
7 the fall of 2000 was the outbreak of intifada in
8 Palestinian areas. The outbreak of the intifada
9 and in particular the regular exposure of the
10 Syrian public and other Arab public to television
11 footage, other images of the consequences of
12 Israeli security actions for Palestinian
13 populations, created an atmosphere in which it
14 would be very politically difficult for President
15 Assad as a new Syrian leader to resume direct
16 negotiations with Israel.

17 The second development in early
18 2001 was the election of Ariel Sharon as Prime
19 Minister of Israel. The election of Sharon meant
20 that you had a government in Israel that, in
21 contrast to its labour predecessors, was not
22 prepared to negotiate peace with Syria on the
23 basis that had provided the foundation for the
24 negotiating process through the 1990s.

25 All of that meant that by early

1 2001 Syria no longer had any realistic prospect of
2 a restored Syria track as a source of political
3 cover in its dealings with the United States.

4 MR. DÉCARY: What was the impact
5 of the September 11th, 2001 terrorist attacks?

6 DR. LEVERETT: In my view, the
7 impact of those attacks on the U.S.-Syrian
8 relations was very significant.

9 In the immediate aftermath of the
10 attacks, the United States, the Bush
11 administration, launched a self-declared global
12 war on terror. The way that President Bush
13 defined that war placed particular emphasis on
14 states that had various kinds of links to
15 terrorist organizations. In that context, Syria's
16 status as a country that the U.S. had long
17 designated a state sponsor of terrorism, that was
18 also pursuing weapons of mass destruction, and was
19 also not considered democratic in its treatment of
20 its own citizens, was going to become much more
21 problematic for U.S.-Syrian relations.

22 In that context the September 11th
23 attacks generated a very serious strategic
24 challenge for President Bashar Al Assad.

25 MR. DÉCARY: How would you

1 describe that significant strategic challenge?

2 DR. LEVERETT: The challenge was
3 basically how to avoid getting caught on the
4 downside of this U.S.-led global war on terror.

5 MR. DÉCARY: And how did he
6 address this problem? What did he do?

7 DR. LEVERETT: In the weeks
8 following the September 11th attacks, the Syrians
9 approached the United States and offered to share
10 intelligence that Syrian security services had
11 collected on various Sunni extremist groups that
12 had links of one sort or another to al-Qaeda.

13 The Syrian motive in doing this
14 seemed pretty straightforward. If by doing this
15 Syria could prove itself to be a useful partner,
16 if you will, to the United States, in conducting
17 the war on terror, this would certainly help to
18 deflect pressure that might otherwise come from
19 the United States on matters of bilateral concern.

20 More optimistically, the Syrians
21 might be able to leverage that kind of cooperation
22 against al-Qaeda into an improved relationship
23 with the United States.

24 MR. DÉCARY: What was the result
25 of this offer to share intelligence?

1 DR. LEVERETT: The result was, in
2 late 2001 the United States opened an
3 intelligence-sharing relationship between the
4 Central Intelligence Agency and, on the Syrian
5 side, Syrian Military Intelligence. That
6 intelligence-sharing channel ran, as I said, from
7 roughly the end of 2001 to roughly the eve of the
8 Iraq war in early 2003.

9 MR. DÉCARY: How does this
10 intelligence-sharing channel work?

11 DR. LEVERETT: To the best of my
12 understanding, CIA officials would travel to
13 Damascus, would meet with General Khalil and other
14 officials of Syrian Military Intelligence, and at
15 those meetings they would be provided with
16 information that the Syrians had collected about
17 various Sunni extremist groups.

18 MR. DÉCARY: Was this a bilateral
19 sharing or did the CIA give anything in return?

20 DR. LEVERETT: I don't know that
21 the CIA gave anything in return.

22 MR. DÉCARY: What happened in
23 early 2003? How long did this last? How long did
24 this intelligence-sharing last?

25 DR. LEVERETT: Roughly the end of

1 2001 to the eve of the Iraq war in early 2003.

2 MR. DÉCARY: What happened in
3 2003?

4 DR. LEVERETT: Well, as I said,
5 the Syrians were primarily motivated to pursue
6 this relationship as a way of managing their
7 larger strategic relationship with the United
8 States. They were hopeful that they could
9 leverage a better relationship with Washington out
10 of providing this intelligence.

11 By the end of 2002, early 2003, in
12 my view, the Syrians had realized that they were
13 not in fact going to be able to leverage this
14 better relationship with Washington out of the
15 intelligence-sharing channel. Also, at that point
16 it was becoming increasingly clear that the United
17 States would, in fairly short order, launch a war
18 to unseat Saddam Hussein in Iraq.

19 With that increasingly inevitable
20 event looming on the horizon, the Syrians, in my
21 judgment, concluded that there really wasn't that
22 much to be gained by continuing this sort of
23 relationship with the United States.

24 MR. DÉCARY: What is the relevance
25 of this part of history, this aspect that you just

1 informed us of to the Iraqis?

2 DR. LEVERETT: I think that there
3 is considerable significance in terms of how the
4 Syrians would have perceived, thought about,
5 calculated regarding how to deal with Mr. Arar.

6 At the time that the United States
7 deported Mr. Arar to Syria in October 2002, that
8 intelligence-sharing relationship was still going
9 strong. On the basis of my own conversation with
10 President Assad in October 2002 it was clear to me
11 that he still hoped that the Syrians would be able
12 to leverage improved relations with Washington out
13 of that intelligence-sharing channel.

14 So at the time that Mr. Arar
15 initially arrived in Syria, the Syrians would have
16 had, from their perspective, maximum incentive to
17 want to appear cooperative and responsive to U.S.
18 Security concerns.

19 In my view, they would have
20 considered Mr. Arar's deportation as a golden
21 opportunity to build on the intelligence-sharing
22 relationship with the United States. Here was
23 someone that the United States was sending to
24 Syria as a suspected member of al-Qaeda. If the
25 Syrians could interrogate this person, investigate

1 him and provide, you know, more information on his
2 possible links to al-Qaeda to the United States,
3 this would bolster American perceptions of value
4 of this relationship with the Syrians.

5 MR. DÉCARY: This motivation, this
6 golden opportunity, I take it from your remarks,
7 lasted until the eve, I guess, of the Iraq war?

8 DR. LEVERETT: Yes. I think
9 by early 2003 the Syrians were coming to a
10 conclusion that whatever they might be doing in
11 this intelligence-sharing channel, that it was not
12 going to have the benefits for them in terms of
13 improving their standing in Washington that they
14 had initially hoped.

15 MR. DÉCARY: What, in your
16 opinion, was the impact of the Iraq war on the
17 Arar case?

18 DR. LEVERETT: It would be
19 indirect, but still important.

20 The Syrians, I think their
21 position on the Iraq war had a certain ambivalence
22 to it. On the one hand, if the United States
23 wanted to engage them as part of the coalition
24 that would fight the Iraq war in the way that the
25 first Bush administration engaged Syria during the

1 gulf war, the Syrians would have found that, I
2 think, an attractive proposition, but that's not a
3 path that this Bush administration chose to
4 pursue.

5 If Syria couldn't be part of the
6 coalition that was prosecuting the Iraq war, then
7 from a Syrian perspective the Iraq war was
8 actually quite a disturbing and threatening
9 precedent in that the United States would be
10 intervening militarily to overthrow a Baathist
11 regime with an at least nominally secular ideology
12 in a country that bordered Syria.

13 So I think that as we entered 2003
14 and it became increasingly clear that war with
15 Iraq was inevitable, it sort of reinforced the
16 Syrian's conclusion that they weren't going to be
17 able to leverage this intelligence-sharing
18 relationship for any strategic benefit.

19 The other impact on the Arar case
20 is also indirect, but also I think important, in
21 that it would simply take away Syrian official
22 attention from the Arar case. The Syrian
23 leadership became preoccupied in early 2003 with
24 the prospect of war in Iraq, with the outbreak of
25 war in Iraq and with the immediate aftermath of

1 the war.

2 In that context, they simply
3 wouldn't have had the time to devote a good deal
4 of attention to making decisions about Mr. Arar's
5 fate, and I think in that sense the Iraq war
6 probably contributed or delayed Mr. Arar's
7 release.

8 MR. DÉCARY: What, in your view,
9 was the Syrian perception of al-Qaeda?

10 DR. LEVERETT: Al-Qaeda's
11 fundamentalist ideology, if I can use this term,
12 it is jihadist ideology. It has been seen by
13 Syrian leaders as threatening to the secular
14 ideology underpinnings of the current Syrian
15 regime.

16 If you look at Syrian
17 demographics, roughly two-thirds of the population
18 is Sunni Arab in its ethnic and sectarian
19 identities. There is a lot of anecdotal evidence
20 to suggest that Syrian Sunnis over the last two
21 decades have become increasingly Islamized in
22 their outlook, more overtly pious in their
23 behaviour, more inclined to look to Islamist ideas
24 about politics and social issues.

25 In that context, al-Qaeda would be

1 viewed, or has been viewed by Syrian authorities
2 as an organization that with its ideology might
3 actually have some appeal for significant segments
4 of the Syrian Sunni population. In that sense,
5 the Syrian regime views al-Qaeda as a threat to
6 Syria's internal security.

7 It is important to note, though,
8 that al-Qaeda has never explicitly targeted Syrian
9 regime for attack or for overthrow in the way that
10 it has targeted other regimes in the Arab world,
11 the Saudi monarchy for example.

12 In that regard, while Syria would
13 view al-Qaeda as a threat to its internal
14 security, it would not be seen as the principal
15 threat to that internal security.

16 MR. DÉCARY: What, in your
17 opinion, would be viewed as the principal
18 perceived threat by the Syrians?

19 DR. LEVERETT: That would be the
20 Syrian Muslim Brotherhood.

21 MR. DÉCARY: Could you explain
22 your answer?

23 DR. LEVERETT: The Syrian Muslim
24 Brotherhood has a very long history in Syrian
25 politics dating back to the years before Syria

1 obtained its independence in 1946. From the
2 earliest days of independence the Muslim
3 Brotherhood has been a potent political and social
4 force in Syria.

5 With the coming to power of the
6 Baathist regime in 1963, and in particular after
7 the coming to power of Hafez Al Assad in 1970, the
8 Muslim Brotherhood became the principal source of
9 opposition within Syria to that regime.

10 During the 1970s and into the
11 early 1980s the Syria Muslim Brotherhood conducted
12 a very bloody insurgent campaign against the
13 Syrian regime. The regime finally put down that
14 insurgent challenge in a very brutal manner in
15 1982, but even after that, on an underground basis
16 inside Syria and in exile outside of Syria, the
17 Syrian Muslim Brotherhood has continued to be the
18 principal source of opposition to the current
19 Syrian regime.

20 It continues to play that role
21 down to the present day. Just last month a kind
22 of coalition of Syria opposition groups, including
23 non-Islamist groups as well as Muslim Brotherhood
24 and other Islamist groups, put out something
25 called the Damascus Declaration. But if you talk

1 to people who were involved in putting together
2 the Damascus Declaration, they will concede to you
3 very readily that Damascus Declaration is
4 fundamentally a document that was drafted and
5 organized by the Syrian Muslim Brotherhood. So
6 even to this day, from the perspective of the
7 Syrian regime, they are the principal threat to
8 Syria's internal security.

9 MR. DÉCARY: What is the basis of
10 the Brotherhood outside of Syria? Where would you
11 find adherence to this?

12 DR. LEVERETT: We know that there
13 is a residual underground presence of the
14 brotherhood inside of Syria. It manifests itself
15 in various ways intermittently, campaigns to
16 distribute leaflets, this kind of thing.

17 But for the most part it would
18 seem the Muslim Brotherhood exists as an
19 organization in exile. There are important
20 Brotherhood networks in the Middle East, in Jordan
21 and in Saudi Arabia. There are also important
22 Brotherhood networks in Europe and in the United
23 Kingdom.

24 MR. DÉCARY: How is this relevant
25 to the Arar case?

1 DR. LEVERETT: I think this is
2 very relevant to understanding the time line of
3 Mr. Arar's incarceration and how the Syrians
4 looked at this case and how that perspective
5 shifted over time.

6 As I said, in the initial stage of
7 Mr. Arar's incarceration, I think the Syrian's
8 principal motive in making decisions about the
9 case would have been the desire, as I said, to
10 contribute to this intelligence-sharing
11 relationship with the United States. By the time
12 that motivation, we will say, dissipated on the
13 Syrian side by early 2003, the Syrian's perception
14 of Mr. Arar had shifted.

15 From the documents that I
16 reviewed, Syrian officials communicated to
17 Canadian authorities in December of 2002 that they
18 were no longer looking at Arar primarily as a
19 suspected member of al-Qaeda, but rather as a
20 suspected member of the Syrian Muslim Brotherhood.

21 Once that shift in Syrian
22 perceptions had occurred, then their motivations
23 in dealing with Mr. Arar's case would have
24 shifted. Once he was viewed as a potential member
25 of the Muslim Brotherhood, on whatever basis --

1 and I certainly don't know what that basis was --
2 but once that perception shifted, the Syrians
3 would have been, in my judgment, determined to
4 hold Arar for as long as it took to sort out to
5 their satisfaction what connections, if any, he in
6 fact had to the Syrian Muslim Brotherhood. It was
7 extremely unlikely, in my judgment, that they
8 would have made a decision to release Mr. Arar
9 until they had reached some kind of conclusion on
10 that issue.

11 MR. DÉCARY: Why then do you think
12 that Mr. Arar was released when he was?

13 DR. LEVERETT: As I said, the
14 early stage of his incarceration the Syrians were
15 looking at him as a potential member of al-Qaeda
16 with the idea of using that to bolster their
17 intelligence-sharing relationship with the United
18 States. From late 2002 onwards I think the
19 Syrians were look at Mr. Arar primarily as a
20 suspected member of the Syrian Muslim Brotherhood.

21 My judgment would be that by the
22 summer or early fall of 2003, on whatever basis,
23 the Syrians reached a conclusion that Mr. Arar was
24 not in fact a member -- or at least not a member
25 of any significance in the Syrian Muslim

1 Brotherhood.

2 By that point, because of the
3 representations of various Canadian officials,
4 your Ambassador in Damascus, Ambassador
5 Pillarella, the Foreign Minister, your Prime
6 Minister through various envoys and ultimately a
7 letter from the Prime Minister directly to
8 President Assad himself, you know, it was clear
9 that Canada would take Mr. Arar back.

10 At that point, when the Syrians no
11 longer had any concern about Mr. Arar as a
12 potential member of the Muslim Brotherhood, with
13 your Prime Minister's letter on the table, it was
14 a relatively easy way out for the Syrians to
15 release Mr. Arar and to indicate that they were
16 releasing him in response to the letter from Prime
17 Minister Chrétien to President Assad.

18 MR. DÉCARY: Turning to another
19 subject, can you tell the Commission what you know
20 about Syria's human rights record?

21 DR. LEVERETT: I know that it is
22 extremely poor; a long record of keeping people as
23 political prisoners, prisoners of conscience; a
24 long historical record of a judicial system that
25 does not really provide people with what -- by

1 American standards or I would assume Canadian
2 standards -- would be due process of law; a long
3 documented record of the application of torture to
4 people in incarceration.

5 The historical record is a quite
6 poor one.

7 MR. DÉCARY: Does this mean that
8 Ambassador Pillarella and Mr. Martel should have
9 assumed in October 2002 that Mr. Arar was being
10 tortured?

11 DR. LEVERETT: No, I don't believe
12 that historical record in and of itself would
13 warrant that assumption in this context.

14 MR. DÉCARY: Just before you
15 answer, you appreciate, just to make clear to you
16 what I'm concerned about as the lawyer for, in
17 particular, Ambassador Pillarella, you assume in
18 your answer that Mr. Arar was detained for two
19 weeks incommunicado --

20 DR. LEVERETT: Yes.

21 MR. DÉCARY: -- in the month of
22 October 2002.

23 DR. LEVERETT: Yes.

24 MR. DÉCARY: Yes.

25 So go on.

1 DR. LEVERETT: So at the time that
2 Canadian diplomats had their first encounter with
3 Mr. Arar in Damascus, I think that what Canadian
4 authorities knew was that the United States had
5 made a decision to deport Mr. Arar, that the
6 decision on the Syrian side to take in Mr. Arar
7 had been taken at a very high level, at least at
8 General Khalil's level, and that meant that the
9 Arar case was, in at least some respects, a sui
10 generis case. It was very likely that General
11 Khalil was himself setting the parameters for
12 Mr. Arar's treatment and handling while he was in
13 Syrian custody.

14 Given those circumstances, I don't
15 think it would have been well-founded for
16 Ambassador Pillarella or Mr. Martel simply to
17 assume that Mr. Arar had been tortured because he
18 was in SMI custody. The only real basis they
19 would have had for reaching the conclusion that he
20 had been tortured would have been at their first
21 meeting, any observation of visible signs of
22 torture. In the absence of those visible signs,
23 there was no basis at that point for them to
24 conclude that he had been tortured.

25 I think it is also important to

1 note that if you read all the documentation on
2 Syria's human rights record, what does seem pretty
3 clear is that there is a very strong correlation
4 between being held incommunicado and the risk that
5 a prisoner will be tortured. Once Canadian
6 diplomats obtained consular access to Mr. Arar, I
7 think it would have been prudent for them to give
8 a priority to maintaining that access, because as
9 long as they were able to maintain that access and
10 Mr. Arar was not held incommunicado it would
11 greatly reduce the chances that he would be
12 subjected to torture during the time that they
13 were visiting him.

14 MR. DÉCARY: You mentioned that
15 General Khalil set the parameters.

16 Could you elaborate what you mean
17 by this statement?

18 DR. LEVERETT: Yes. As I said,
19 the decision by Syrian authorities to accept
20 someone in Mr. Arar's circumstances as a deportee
21 from the United States, that decision would have
22 been taken at a very high level, I think in this
23 case at least at General Khalil's level.

24 Given the exceptional nature of
25 the case, given that Canadian diplomats were

1 afforded a consular access to Arar that, given
2 Arar's status as a dual national, was really quite
3 unusual, I think the Canadian diplomats could
4 reasonably conclude that this case was sui
5 generis, that the parameters for Arar's handling
6 were going to be set at a very high level.

7 We also know on the basis of
8 interviews with people who have been incarcerated
9 in Syrian prisons, that the decision to apply
10 torture in the sense of -- and I want to stipulate
11 this -- in the sense of actually using various
12 devices, various pieces of equipment to inflict
13 physical violence on an incarcerated person to
14 obtain information during interrogation, that
15 seems to be something that requires at least some
16 level of supervisory decision to implement. I
17 think on that basis as well you could assume in
18 this case that it was unlikely that Mr. Arar would
19 be tortured unless a decision at a relatively high
20 level had been taken to do that.

21 MR. DÉCARY: At the risk of
22 repeating, how would you go about determining
23 whether Mr. Arar or anyone had been tortured?

24 DR. LEVERETT: Well, I'm not a
25 doctor, I don't know the full range of things that

1 one can look for.

2 MR. DÉCARY: Let's limit my
3 question to Mr. Arar.

4 DR. LEVERETT: Yes.

5 MR. DÉCARY: How would you
6 determine whether Mr. Arar had been tortured in
7 this case?

8 MS EDWARDH: I'm going to stop
9 there if I could, Mr. Commissioner.

10 I don't hear the witness saying he
11 has any expertise in identifying whether or not a
12 person has been the victim of torture. We have
13 heard extensive evidence about modern,
14 sophisticated methods that leave no marks. We
15 know that can happen. There is the obvious
16 inference that if the man can walk he obviously
17 hasn't had his legs cut off, but I don't see this
18 witness as being someone who can opine in that
19 area at all.

20 THE COMMISSIONER: Right. I just
21 wonder, I haven't heard anything in your
22 background that would indicate that you would be
23 an expert in detecting whether or not somebody had
24 been tortured.

25 DR. LEVERETT: No, I'm not.

1 THE COMMISSIONER: We have heard
2 witnesses who have gone into some detail about the
3 different manifestations, and so on.

4 MR. DÉCARY: I will move to the
5 next point, Mr. Commissioner.

6 THE COMMISSIONER: All right.

7 MR. DÉCARY: I will change the
8 subject.

9 DR. LEVERETT: All right.

10 MR. DÉCARY: What is the Syrian
11 view of dual nationality?

12 DR. LEVERETT: In principle Syrian
13 law, Syrian policy does not recognize dual
14 nationality. If a person has Syrian nationality,
15 in the official Syrian view that national status
16 always trumps whatever other citizenship that
17 individual might obtain. This is particularly
18 true in cases of dual nationals who become caught
19 up in the Syrian security system as Mr. Arar did.

20 MR. DÉCARY: What is the Syrian
21 view of consular assistance?

22 DR. LEVERETT: Consular assistance
23 is not a concept that is indigenous to the Syrian
24 diplomatic service or the Syrian government.
25 Syrian embassies around the world are not set up

1 to provide basic kinds of consular assistance to
2 its nationals abroad that any U.S., or I assume
3 Canadian, embassy would provide to its nationals.

4 Even something like registering
5 the birth of a child born to Syrian nationals
6 abroad is something that, at least until very,
7 very recently, most Syrian embassies have not been
8 set up to deal with.

9 So to the extent that the
10 Syrians have some appreciation of the concept of
11 consular access, consular assistance, it is
12 something that they have learned to agree to
13 accommodate in terms of foreign embassies, foreign
14 diplomats in Damascus pushing for consular access
15 in the case when nationals of those countries are
16 detained inside Syria.

17 But given the Syrian view of dual
18 nationality that I described earlier, normally one
19 would not expect consular access to be granted in
20 a case involving a dual national.

21 MR. DÉCARY: How would you assess
22 the degree of cooperation provided by the Syrians
23 to Canada in the Arar case?

24 DR. LEVERETT: My view would be
25 that it is quite unusual. My sense, from talking

1 to U.S. diplomats who have served in Damascus, is
2 that they would certainly not anticipate that kind
3 of access to a Syrian-American dual national who
4 had been detained.

5 MS EDWARDH: I'm sorry to
6 interrupt, Mr. Décary, I just have an objection.

7 It is not even clear what the
8 witness knows about the consular access.

9 MR. DÉCARY: I can ask.

10 MS EDWARDH: It is an opinion that
11 is being offered in a vacuum in circumstances
12 where we haven't had any evidence that this
13 witness is an expert in consular affairs either,
14 Mr. Commissioner.

15 THE COMMISSIONER: I think the
16 factual basis to start with is one which should be
17 laid.

18 MR. DÉCARY: Very well.

19 Dr. Leverett, could you state to
20 the Commission what documents and what testimonies
21 you have reviewed before testifying before the
22 Commission?

23 DR. LEVERETT: I was provided by
24 the Canadian Department of Justice, the Department
25 of Foreign Affairs, with a packet of documents

1 related to the Arar case. I believe you have a
2 copy of that package of documents on your table
3 there. The documents included reporting e-mails
4 and other types of reporting from Ambassador
5 Pillarella and Mr. Martel describing their
6 meetings with Mr. Arar and describing the kind of
7 access that they were granted.

8 THE COMMISSIONER: Has the
9 information that was provided to Dr. Leverett been
10 made available to Commission counsel or other
11 counsel? That would probably be useful, if you
12 have at least an index of that for them.

13 What I am concerned about,
14 Mr. Décary, is we are going to get into to a place
15 where you are asking this witness to express an
16 expert opinion on facts that have been led before
17 this inquiry.

18 MR. DÉCARY: Yes.

19 THE COMMISSIONER: I don't know if
20 you intend to pursue that line of questioning, but
21 if you do, then it must be established very
22 clearly what information he has been given so the
23 cross-examiners may think there is other
24 information to which he should have regard.

25 MR. DÉCARY: Absolutely.

1 THE COMMISSIONER: It is one thing
2 to ask him to express opinions about the
3 relationships with the United States, and so on,
4 but as you move into the specific facts of this
5 inquiry -- I am repeating, but it is important --
6 you will have to lay the factual basis. I will
7 want to be careful that when there are areas when
8 he expresses opinions on the actual facts of what
9 happened here, that those opinions do come within
10 his area of qualification.

11 --- Pause

12 MR. DÉCARY: I show you,
13 Dr. Leverett, a document and ask first if you --
14 you may not recognize the document itself. If
15 not, just go through it and tell the Commission if
16 you recognize the document and its contents.

17 DR. LEVERETT: Yes. This is a
18 copy of the package of documents that was sent to
19 me electronically by the Departments of Justice
20 and Foreign Affairs when I began my preparation to
21 testify before the Commission.

22 THE COMMISSIONER: This is no
23 criticism of you. It would have been very helpful
24 if the Department of Justice and Foreign Affairs
25 and counsel, when they were doing this, would have

1 made available to other counsel the information
2 that was provided to the witness on which he was
3 going to be asked to base expert opinions. I
4 would have thought that was basic in terms of how
5 counsel should approach it.

6 MS EDWARDH: Commissioner, might I
7 also say I asked for it by letter.

8 THE COMMISSIONER: In any event,
9 the hour is late and we are going to get through
10 this evidence over the next couple of days. I am
11 disappointed that the government seemed to take
12 this approach.

13 Now, can we make available to
14 Ms Edwardh, Commission counsel and other counsel,
15 a list of the documents?

16 Is the government prepared to do
17 that at this stage?

18 MR. FOTHERGILL: Commissioner, the
19 government has no objection to doing that, but if
20 I may I would like to respond to your expression
21 of disappointment.

22 We have attempted to facilitate
23 Mr. Décary's representation of his client, but he
24 represents that client separately from us.
25 Particularly in the early stages when Mr. Décary

1 was newly retained, we did provide to prospective
2 witnesses certain materials so that they could,
3 among other things, decide whether they were in a
4 position to offer any relevant testimony.

5 I must with respect say that it is
6 not the responsibility of the government to put
7 before the Commission documents that are going to
8 be relied upon by a witness called by another
9 party.

10 MR. DÉCARY: I take full
11 responsibility.

12 THE COMMISSIONER: You may or may
13 not and that's fine. I appreciate your doing
14 that.

15 This has been a cooperative
16 process and if the request was made for these
17 documents I would have expected they would have
18 been produced.

19 MR. FOTHERGILL: Again,
20 Commissioner, so the record is clear, I don't
21 believe the request was made to us.

22 MS EDWARDH: I'm sorry,
23 Mr. Commissioner. Indeed I wrote and requested
24 that Mr. Leverett come with the documents he had
25 been provided and bring a book as well. I didn't

1 receive any response to my request, although he
2 obviously has been given those documents today.
3 In fairness to everyone, it would sure help to
4 prepare cross-examination.

5 THE COMMISSIONER: Yes. It would
6 be basic that that should be provided.

7 In any event, let's get on with
8 it.

9 MR. CAVALLUZZO: Before the
10 witness goes on with it, I would just like to know
11 first of all who decided which documents this
12 witness was going to --

13 MR. DÉCARY: I did.

14 MR. CAVALLUZZO: You did? You
15 made the decision?

16 MR. DÉCARY: Absolutely.

17 MR. CAVALLUZZO: I thought it came
18 from --

19 MR. DÉCARY: Yes, it came from
20 the department. Roger Flaim, at my request,
21 prepared this.

22 I just want to make one thing very
23 clear to the Commission. The first thing I did
24 when I assumed this mandate after reading the
25 documentation was to ask the federal authorities

1 for the authority to retain the services of
2 experts. That is the very first thing.

3 Two, this list actually was
4 prepared by Mr. Flaim -- he may be here -- at my
5 request.

6 It is just that I at that time was
7 in my office in Montreal, and that is some time
8 ago, I forget exactly when, and that is why it was
9 done in Ottawa.

10 MR. CAVALLUZZO: The question
11 which I don't understand is: Have you just told
12 me that the government has retained this expert?

13 MR. DÉCARY: Well, the government
14 pays. I have retained the expert.

15 MR. CAVALLUZZO: All right.

16 THE COMMISSIONER: Let's carry on.

17 Mr. Décary, you will have to lay
18 the groundwork if you are going to seek opinions
19 on the facts of this case.

20 MR. DÉCARY: Yes.

21 THE COMMISSIONER: If we have to
22 take a break so counsel can examine it, so be it.
23 We are going to finish this witness and the other
24 witness by tomorrow, whatever time is required.

25 Let's go.

1 MR. DÉCARY: Mr. Commissioner, I
2 think the fastest way would be to take two pages
3 and photocopy 11 copies. I think it would save a
4 lot of time and then I could go over it, but then
5 everyone would have this list.

6 THE COMMISSIONER: I think if we
7 are going to break to do that, then counsel should
8 have a change to read it so that they can respond
9 to it.

10 We will rise for 10 minutes.

11 --- Upon recessing at 3:57 p.m. /

12 Suspension à 15 h 57

13 --- Upon resuming at 4:11 p.m. /

14 Reprise à 16 h 11

15 THE REGISTRAR: Please be seated.

16 THE COMMISSIONER: Mr. Décary?

17 MR. DÉCARY: Dr. Leverett, again I
18 may be repeating myself but, first of all, you
19 recognize having received this list of documents?

20 DR. LEVERETT: Yes.

21 MR. DÉCARY: Have you reviewed
22 each and every one of these documents?

23 DR. LEVERETT: I have.

24 MR. DÉCARY: The list has been
25 circulated, Mr. Commissioner.

1 THE COMMISSIONER: Thank you. I
2 have a copy?

3 MR. DÉCARY: By memory, can you
4 state what you saw?

5 DR. LEVERETT: The list here is a
6 list of documents. The documents include reports
7 from Ambassador Pillarella and Mr. Martel about
8 their visits with Mr. Arar;

9 reports from Ambassador Pillarella
10 about his conversations with various Syrian
11 officials regarding the Arar case;

12 it includes various e-mail
13 exchanges between Canadian officials about Arar's
14 case from the time of his initial incarceration in
15 the United States through his deportation and his
16 detention in Syria;

17 it includes transcripts of press
18 conferences that Mr. Arar and members of Mr.
19 Arar's family gave at various points during his
20 ordeal;

21 it includes -- let me see. It
22 includes reports of meetings that Prime
23 Ministerial envoys had in Syria regarding the Arar
24 case;

25 it includes a copy of Prime

1 Minister Chrétien's letter to President Bashar Al
2 Assad;

3 it also includes an account of
4 Foreign Minister Graham's representations to his
5 Syrian counterpart regarding the case.

6 I think that generically covers
7 the kinds of documents in the package.

8 MR. DÉCARY: Mr. Commissioner, the
9 list includes a report on every visit, consular
10 visit, and the opinion really concerns the
11 activities of those at the embassy, in Damascus in
12 particular.

13 THE COMMISSIONER: Did Mr.
14 Leverett examine the transcripts of all of the
15 witnesses who gave evidence about these events?

16 MR. DÉCARY: No, no.

17 THE COMMISSIONER: Because we have
18 obviously heard a great deal of evidence that
19 would flesh out and explain and dealt with the
20 documents that were sent to him.

21 MR. DÉCARY: I address the first
22 issue.

23 The question will be comments on
24 the consular access in this case and based on what
25 he has seen in essence. That is what we, I

1 believe, really know between the time a Deputy
2 Foreign Minister states that the next day a
3 meeting will take place between Ambassador
4 Pillarella -- Ambassador Pillarella is informed
5 the next day by General Khalil that there will be
6 access given.

7 THE COMMISSIONER: The opinion you
8 seek to lead now is precisely what?

9 MR. DÉCARY: On this event, the
10 first meeting in particular, then the flow of
11 meetings, the maintenance of access.

12 So the first point is comments
13 with respect to this first meeting in this
14 particular case. Access: Is this typical or
15 atypical. What his comments are concerning --

16 THE COMMISSIONER: I'm content
17 that you go ahead with the first question.

18 MR. DÉCARY: Dr. Leverett, do you
19 understand the question?

20 I will frame it.

21 MS EDWARDH: Yes. Thank you.

22 DR. LEVERETT: Could you repeat
23 it, just for clarification, please?

24 MR. DÉCARY: Yes, certainly.

25 How would you assess the first

1 meeting?

2 THE COMMISSIONER: I think the
3 question, as I understood it, was: Was this
4 normal?

5 MR. DÉCARY: Exactly. If you
6 prefer: Was this normal?

7 DR. LEVERETT: From my reading of
8 the report on the first consular visit -- which is
9 document 4 in the package that was provided to
10 me -- it describes Mr. Martel's initial visit with
11 Arar.

12 What strikes me first of all --

13 MS EDWARDH: I am going object for
14 a moment.

15 The question was, "Was this
16 normal?" I thought the witness was being asked:
17 Was this access unusual or exceptional given his
18 knowledge of the position the Syrian government
19 generally took.

20 I take it from where he is going
21 right now, he is about to evaluate the consular
22 visit. I think with the greatest of respect,
23 Mr. Commissioner -- I know what you initially
24 ruled, but I object to him being able to comment
25 on the quality of the information or the nature of

1 what transpired.

2 MR. DÉCARY: That is not the
3 purpose.

4 THE COMMISSIONER: Was the fact
5 that there was a consular visit, in your opinion,
6 a normal occurrence or an unusual occurrence?

7 DR. LEVERETT: In my judgment, in
8 a case like this one regarding a dual national,
9 for Canadian diplomats to be afforded this sort of
10 access was extremely unusual.

11 MR. DÉCARY: Could you state why?
12 Can you explain why?

13 DR. LEVERETT: It goes back to my
14 earlier testimony about the Syrian view of dual
15 nationality, that the Syrians -- in their view,
16 Syrian nationality trumps whatever other
17 nationality an individual might obtain and if
18 that individual gets caught up in the Syrian
19 security system, in a case involving Syrian
20 security concerns, the normal Syrian perception
21 would be that that person's status as a Syrian
22 national was the determining factor of how he
23 would be treated and you would not normally expect
24 that diplomats from another country where that
25 person had national status would be allowed

1 access.

2 MR. DÉCARY: You have seen every
3 exchange, every report by Mr. Martel to
4 Headquarters with respect to the visits in which
5 he was involved.

6 How would you assess the evolution
7 of those visits?

8 THE COMMISSIONER: Let's be more
9 precise.

10 Are we asking whether or not that
11 series of visits is normal or are you asking -- is
12 that the question?

13 MR. DÉCARY: Thank you.

14 THE COMMISSIONER: All right.

15 DR. LEVERETT: Again, it is fairly
16 normal by the standards of normal consular access,
17 but given the fact that Mr. Arar is a dual
18 national, given what I have testified previously
19 about the Syrian view of nationality, the fact
20 that after this initial visit the Syrians
21 continued to allow Mr. Martel access to Mr. Arar,
22 in my judgment, is highly unusual.

23 MR. DÉCARY: The evidence that was
24 remitted to you, in addition to the meetings you
25 have related to the notes and meetings between

1 Ambassador Pillarella and officials of the Syrian
2 government, notes or exchanges between our Deputy
3 Ministers and Foreign Minister and, finally, the
4 letter -- the representatives of the Government of
5 Canada meetings and then the letter of our then
6 Prime Minister.

7 In this case, are there other
8 steps that you could think of that should have
9 been taken that would have been more productive?

10 MS EDWARDH: If I could make my
11 objection.

12 I have looked at the list and the
13 difficulty with, of course, the question is the
14 witness has not been provided the full record of
15 the consular issues that surround this case. The
16 witness was not provided, for example, with the
17 direction from Ottawa to take steps to see if
18 Mr. Arar's cousin, who was a lawyer, could get in,
19 a question that was never asked.

20 All of the cross-examination that
21 I certainly did of Mr. Martel, none of that
22 record, as best I can see, and none of the
23 testimony, which would have been a good surrogate
24 for the record, seems to have been given to him.

25 More importantly, what has been

1 given to this witness, for example, is a partial
2 record of the November 4, 2003 e-mails, all of
3 which tend to say Mr. Arar said nothing about the
4 conditions of his confinement, nothing about the
5 cell, things like that.

6 We know from all the notes of
7 Mr. Fry and his colleagues that is not the case
8 and that indeed Mr. Martel reported it when he
9 came back. So it is indeed a partial record.

10 I suggest the witness can't answer
11 the question without having the full record or we
12 can stay for a week and do cross-examination,
13 which is what it would take, Mr. Commissioner.
14 But this is not a record upon which he can give an
15 answer to that question.

16 THE COMMISSIONER: Anyone else?

17 First of all, do you feel you have
18 the experience in diplomatic affairs about what
19 diplomatic steps should be taken or might be taken
20 in order to seek somebody's release who is in
21 detention in a country?

22 Have you ever worked in the
23 foreign service or as a diplomat?

24 DR. LEVERETT: I have had
25 experience, not as a foreign service officer but

1 when I was at the White House. I have had
2 experience in a case regarding the detention of an
3 Egyptian-American, dual national, a prominent
4 academic and human rights activist, which became
5 an issue in the U.S.-Egyptian relationship during
6 the time that I was at the White House and I had
7 experience in the kinds of steps, measures,
8 initiatives that the national government might
9 take in order to seek such a person's release.

10 THE COMMISSIONER: Mr. Décary, do
11 you have an argument in response to Ms Edwardh?

12 MR. DÉCARY: The only comment I
13 would add is that I have no intention of
14 addressing the questions put to M. Martel by
15 Ms Edwardh. I rather put questions to Mr. Pardy
16 and left out what I thought was not pertinent for
17 you to judge.

18 With respect to the record, based
19 on the record the principal may be -- so if we
20 take apart the comments, the questions that were
21 put to Mr. Martel and others, and the access to
22 lawyers, which are the individual aspects, from
23 the administration perspective, the governmental
24 perspective, I believe the record is complete.

25 Therefore, I would ask, based on

1 these events, those that are before him, is there
2 anything else you can think of that should have
3 been done, or is there something that was done
4 that should not have been done? That is all I
5 want.

6 THE COMMISSIONER: I am content
7 that you ask the question. I think the
8 deficiencies in the material, if there are, that
9 he has had to look at, we can deal with in
10 cross-examination. I think we could but here for
11 quite a while, but go ahead and ask the question.

12 MR. DÉCARY: Dr. Leverett, on the
13 record you have seen, is there anything that was
14 done that should not have been done?

15 DR. LEVERETT: No, nothing in the
16 record that I ave reviewed strikes me as an
17 inappropriate action by Canadian officials.

18 MR. DÉCARY: Is there anything
19 that was not done that should have been done?

20 DR. LEVERETT: I could not think
21 of anything else that I would recommend. From the
22 record that I have reviewed here, it seems to me
23 that Ambassador Pillarella delivered a consistent
24 message to his Syrian interlocutors that Canada
25 wanted Arar released and returned to Canada. This

1 was a message that was echoed by the Foreign
2 Minister, by various Prime Ministerial envoys and,
3 ultimately, in a letter from the Prime Minister
4 himself to President Assad.

5 I can't think of other steps that
6 I would have recommended to Canadian officials in
7 trying to pursue Arar's release.

8 MR. DÉCARY: I will ask you, a
9 high profile public campaign, would that have been
10 more effective?

11 DR. LEVERETT: In my judgment it
12 would not have been more effective in persuading
13 the Syrians to release Arar. In fact, I think it
14 could potentially have been counterproductive.

15 A high profile public campaign
16 would, in my view, have politicalized the issue
17 for the Syrians in a way that would have made it
18 more difficult for them to reach a decision to
19 release Arar. It might also have had the effect
20 of prompting the Syrians to cut off this access to
21 Arar, this, in my view, unusual access to Arar
22 that they had obtained and, as I testified
23 earlier, in my judgment, maintaining that access
24 was critical to reducing the chances that Arar
25 would be subjected to torture.

1 MR. DÉCARY: Just as a side
2 issue -- because this has come up, and it is a
3 small matter -- comments have been made about the
4 fact that Mr. Martel had coffee with Mr. Arar's
5 jailers and sometimes with Mr. Arar.

6 Do you have any comments about
7 having coffee?

8 DR. LEVERETT: At least in the
9 context of trying to do diplomacy in Syria or
10 elsewhere in the Middle East, I think it is
11 important to understand that at the beginning of
12 any kind of meeting in the Middle East, whether it
13 is a diplomatic meeting, whether it is a business
14 meeting, whether you have gone to a shop to
15 purchase a rug, the first thing that you do in
16 this social context is you have coffee or tea and
17 you go through a kind of ritual exchange of
18 pleasantries. Not to do that, to refuse to do
19 that, to refuse to accept that ritual offer of
20 hospitality is, in a Syrian context -- I think it
21 would be tantamount in an American or Canadian
22 context to refusing to shake hands with someone
23 when you came into their office to begin a
24 meeting.
25 --- Pause

1 MR. DÉCARY: While my colleague is
2 listening, I have a question and it is from a
3 lawyer obviously who has not attended. I would
4 ask you to excuse my ignorance, but we started a
5 brief discussion and did not come back on the
6 matter.

7 On experts on torture -- and I
8 certainly want to qualify Mr. Leverett as an
9 expert on torture, but I suppose doctors in
10 particular are experts on torture, and maybe
11 others who are trained, but obviously the
12 physical, mental aspects I would suspect that it
13 relates to the medical field.

14 But otherwise, coming back to a
15 question I asked, not as an expert, what steps
16 could have been taken by a Consular Officer or an
17 Ambassador vis-à-vis Syrian officials to determine
18 whether someone has been tortured?

19 Could they ask him? Is there
20 anything that could have been done to discover if
21 someone was tortured?

22 DR. LEVERETT: In my judgment, it
23 would have been very difficult to pursue that sort
24 of inquiry with Syrian authorities. The reality
25 is, in a situation like that it is Syria that is

1 the sovereign power, it is Syria that determines
2 the rules for access to Mr. Arar, and if a
3 judgment is made that maintaining that access is
4 critical to protecting an interest in reducing Mr.
5 Arar's chances of being subjected to torture, that
6 judgment strikes me as sound.

7 To push a line of inquiry,
8 demanding various sorts of evidence, whether Arar
9 was tortured or not, I think it would have been
10 counterproductive and probably led to the cut-off
11 of access to Mr. Arar.

12 MR. DÉCARY: In the Syrian
13 context -- and I will alert everyone -- what
14 inquiries could a Consular Officer or an
15 Ambassador make that would be appropriate to
16 determine if someone was tortured other than by,
17 first, if someone comes to them, they have access
18 to them, they could see them. Would that not be
19 an appropriate way?

20 DR. LEVERETT: There is no real
21 channel in the Syrian system to pursue that kind
22 of inquiry. There is no Human Rights Commission,
23 there is no internal affairs operation overseeing
24 the conditions of detainees. There is no public
25 ombudsman to appeal to.

1 In a case like Mr. Arar's
2 involving a dual national, it is highly
3 questionable whether foreign officials would be
4 deemed by Syrians authorities even to have the
5 standing to make those kind of inquiries if such
6 channels were available.

7 MR. DÉCARY: I would refer you to
8 a document in the booklet that was given to you at
9 tab 7. I understand this document is Commission
10 Exhibit C-206.0164, which is at tab 7.

11 MR. CAVALLUZZO: If I can
12 intervene at this point in time. Since we have an
13 obligation to ensure that national security is
14 protected, this is a "C" Exhibit, which is an in
15 camera exhibit. I would like to see the witness'
16 book just to ensure that these --

17 THE COMMISSIONER: It has been
18 redacted.

19 MR. CAVALLUZZO: They are
20 redacted?

21 DR. LEVERETT: It is, yes.

22 --- Pause

23 MS EDWARDH: It would be of great
24 help to us, Mr. Commissioner, if the exhibit was
25 identified not in that form but as its real

1 exhibit number.

2 THE COMMISSIONER: Yes, so you can
3 locate it.

4 MS EDWARDH: I have lugged them
5 from Toronto and I would like to review them as
6 the witness goes through them.

7 THE COMMISSIONER: Yes. I think
8 that is important.

9 MR. CAVALLUZZO: If you look at
10 the last three numbers, for example we are
11 referring to No. 7. If you refer to 164, that
12 should be tab 164 in Exhibit 42.

13 THE COMMISSIONER: In Exhibit 42?

14 MR. CAVALLUZZO: Correct.

15 THE COMMISSIONER: What is that?

16 MR. CAVALLUZZO: Exhibit P-42 is
17 the DFAIT collection.

18 THE COMMISSIONER: Oh, I see. So
19 it is P-42, tab 164.

20 MR. CAVALLUZZO: Tab 164.

21 --- Pause

22 MS EDWARDH: Unfortunately, I
23 think this document is much less redacted
24 somewhere else, Mr. Cavalluzzo. Can you help us
25 with that?

1 THE COMMISSIONER: Yes, this is
2 much different than the one the witness has I can
3 see.

4 MR. BAXTER: I believe there are
5 additional redactions in either Exhibit P-134 or
6 Exhibit P-242, which were prepared for Mr.
7 Pillarella or Mr. Martel's evidence.

8 THE COMMISSIONER: Which one? I'm
9 sorry, Mr. Baxter, I missed the number.

10 MR. BAXTER: I believe it is
11 Exhibit P-134 which is the Franco Pillarella book,
12 or Exhibit P-242.

13 MR. CAVALLUZZO: Before you
14 search, this one has not been further redacted
15 than you can find at tab 164. That is the last
16 comment in terms of redaction.

17 THE COMMISSIONER: Which one?

18 MR. CAVALLUZZO: Tab 164.

19 Some of them have been further
20 redacted, tab 164 has not. So let's just use
21 tab 164.

22 THE COMMISSIONER: Certainly if
23 you compare mine to the witness', there is a
24 difference.

25 --- Pause

1 THE COMMISSIONER: Mine is the
2 same as yours, Mr. Baxter. The witness' is much
3 more extensively redacted -- unredacted, yes.

4 MR. DÉCARY: The question, if I --

5 THE COMMISSIONER: If it's a
6 question relating to a document --

7 MR. DÉCARY: Related to this, yes.

8 THE COMMISSIONER: -- then it
9 would be important that counsel and I have an
10 opportunity to look at the document. I don't have
11 the document.

12 MR. CAVALLUZZO: It would be
13 appear to be Exhibit P-138.

14 THE COMMISSIONER: Exhibit P-138,
15 okay. I will have it somewhere.

16 --- Pause

17 THE COMMISSIONER: All right, I
18 have it.

19 MR. DÉCARY: I'm almost over,
20 Mr. Commissioner.

21 THE COMMISSIONER: It's okay.

22 MR. DÉCARY: Dr. Leverett,
23 paragraph 3 relates to the "bout de papier".

24 You have read this document? You
25 know what I'm referring to?

1 DR. LEVERETT: Yes.

2 MR. DÉCARY: In your view, how
3 would General Khalil have perceived Ambassador
4 Pillarella accepting information obtained in the
5 circumstances described in the Exhibit P-138, I
6 believe, document?

7 DR. LEVERETT: I'm sorry, remind
8 me, please, what is the Exhibit P-138 document?

9 MR. DÉCARY: It is the document
10 you have in front of you. I'm sorry. The one you
11 are looking at.

12 DR. LEVERETT: Okay, I wanted to
13 make sure. All right. Sorry.

14 The question is: In your view,
15 how would General Khalil have perceived Ambassador
16 Pillarella accepting information about the Arar
17 case from General Khalil?

18 MS EDWARDH: With the greatest of
19 the respect, Mr. Commissioner, the question is:
20 What would the General have thought about such a
21 request. I'm not sure any witness can answer
22 anything so specific as that.

23 Clearly, what General Khalil
24 thought about the request is something we would
25 have to ask General Khalil. It doesn't fit into

1 any broad-based understanding of the forces at
2 play or anything like that.

3 The witness has never spoken to
4 General Khalil.

5 THE COMMISSIONER: Does Ms Edwardh
6 have the question right: We want to know what was
7 in General Khalil's mind when he received this
8 request?

9 Is that what you are asking the
10 witness?

11 MR. DÉCARY: How this would be
12 perceived by officers of --

13 THE COMMISSIONER: How what would
14 be perceived? How the fact that --

15 MR. DÉCARY: Just the transfer.
16 We talk about mixed signals. It is just the fact
17 that Ambassador Pillarella accepted the "bout de
18 papier" and remitted to Canadian officers.

19 Would that in itself constitute a
20 problem? Is there any danger of mixed signals in
21 the end. That is where I'm going.

22 Is this neutral? Would this
23 change his mind? Would this give him mixed
24 signal? That is what this --

25 THE COMMISSIONER: Do you have

1 any idea?

2 DR. LEVERETT: My assumption would
3 be that General Khalil would not view Ambassador
4 Pillarella's acceptance of information from him
5 about the Arar case as unusual or constituting a
6 mixed signal that somehow undermined
7 representations from Canadian officials that
8 Canada would like to have Arar released.

9 In a reverse situation I think
10 Syrian authorities, even if they were seeking the
11 return of a Syrian national detained abroad, they
12 would want to know what if anything had come out
13 in the course of that person's interrogation.

14 I also think in the context of
15 this meeting -- this is just before Ambassador
16 Pillarella returns to Canada for the first time
17 after Mr. Arar has been detained in Syria -- he is
18 accepting the information from General Khalil with
19 the idea that he wants to be able to go back and
20 be as informed as possible and inform Canadian
21 officials.

22 THE COMMISSIONER: Do you know
23 that is the conversation? General Khalil knew
24 that?

25 The difficulty with the line of

1 questioning is we are getting into: What was the
2 conversation between Mr. Pillarella and General
3 Khalil?

4 DR. LEVERETT: I only have what I
5 read in this document.

6 THE COMMISSIONER: You haven't
7 heard the evidence.

8 MR. DÉCARY: May I respond to
9 that?

10 My difficulty, Commissioner
11 O'Connor, is that I am dealing with a mixed
12 signal. The witness obviously, the representative
13 of the State in question, is not before this
14 Commission. That is a problem we all have to
15 face.

16 THE COMMISSIONER: Right.

17 MR. DÉCARY: Therefore, I can only
18 go by secondary evidence, by secondary evidence
19 now, someone who has knowledge and experience, and
20 ask his opinion.

21 The value of this opinion is to be
22 weighed, obviously.

23 THE COMMISSIONER: Carry on,
24 please.

25 MR. DÉCARY: Thank you.

1 In the same line of questions,
2 change of facts: How would Syria have reacted to,
3 for instance, CSIS saying that it was not
4 interested in seeing Arar back in Canada?

5 If officials of CSIS or the RCMP
6 or a force would have said that, how would you
7 analyze a situation like that?

8 DR. LEVERETT: My experience in
9 dealing with Syrian officials is that they have a
10 tendency, perhaps reflecting the experience of
11 their own power structure, to accord a lot of
12 weight and ascribe a lot of influence to security
13 services, intelligence services in other
14 governments.

15 At the same time, in this
16 context -- and I do understand that what CSIS
17 conveyed to the Syrians in their November 2002
18 meeting with Syrian Military Intelligence is a
19 matter of some dispute, but even assuming that
20 they made the kind of representation that you
21 stipulated in your question, my judgment is that
22 given that representation was being offset by much
23 higher-level political representation regarding
24 Canada's interest in seeing Arar released and
25 returned to Canada, that Syrian officials

1 understand very well that different parts of a
2 foreign government can have different views on an
3 issue, and they are also very capable of
4 distinguishing between high-level authoritative
5 representations of Canadian policy coming from an
6 Ambassador, a Foreign Minister, envoys of the
7 Prime Minister and representations by
8 working-level officials of a security service.

9 MR. DÉCARY: The last question,
10 Dr. Leverett, we have heard public testimony about
11 a proposal to send questions to Syrian authorities
12 to be asked of Canadian detainees in Syrian
13 prisons. The government will not confirm or deny
14 whether questions were in fact asked of Canadian
15 detainees of Syria at the request of Canadian
16 officials, but if we were to limit ourselves to
17 the proposal to ask questions of a Syrian
18 detainee -- and let's assume this is someone other
19 than Mr. Arar -- do you think such a proposal
20 would have concerns from the perspective of Mr.
21 Arar's consular access?

22 DR. LEVERETT: No, I don't.
23 Because, as I said in earlier testimony, I think
24 that the Arar case was sui generis for the
25 Syrians.

1 Arar was someone who was deported
2 to Syria by the United States. I have indicate my
3 views given the context at the time of how
4 important that was for the Syrians, and I believe
5 that the Syrians carried out their decision-making
6 on the Arar case on a very case-specific basis.
7 Syrian decision-making about that case, in my
8 view, wouldn't have been influenced if Canadian
9 authorities had submitted questions for the
10 Syrians to pose to other detainees.

11 MR. DÉCARY: No further questions.

12 THE COMMISSIONER: Thank you.

13 Mr. Fothergill.

14 MR. FOTHERGILL: Commissioner, I
15 think I would propose that I ask my questions
16 after Ms Edwardh. The reason I would propose that
17 is because, frankly, at present I have none.

18 But quite apart from that, bearing
19 in mind the interest that I represent, I think if
20 there are aspects of this witness' testimony to
21 which I should respond as counsel for the
22 government, they are probably aspects that will be
23 elicited by Ms Edwardh rather than Mr. Décary.

24 So with your leave I would like to
25 ask my questions after Ms Edwardh has finished

1 hers.

2 THE COMMISSIONER: I am
3 disinclined to approach it that way. From what I
4 have heard so far the government, quite properly,
5 has been assisting Mr. Décary. As I understand
6 the positions that have emerged really on the
7 issues that this witness testifies it is of
8 similar interest. So I would think that you
9 should ask your questions now.

10 If something comes up and you
11 apply for leave, then I will consider it later on,
12 but I think that any questions that would normally
13 be asked should be asked in this order.

14 MR. FOTHERGILL: I agree with you,
15 sir. In fact, I think what you have expressed is
16 very consistent with the way that we have
17 proceeded up to this point. I think we settled
18 quite early on that if there were matters that
19 were properly raised in examination in chief -- if
20 they were not raised by Commission counsel, then
21 it would be incumbent upon us to at least bring
22 that to the attention of Commission counsel so
23 they would be.

24 I am certainly prepared to follow
25 the spirit of how we have been proceeding. I can

1 tell you that there are no new matters that I
2 think ought to be raised in examination in chief
3 and I take it that I will be required to seek
4 leave before cross-examining.

5 THE COMMISSIONER: Mr. Décary will
6 have an opportunity of re-examining at the end and
7 I think you probably, in connection with this
8 examination, are working closely enough with him
9 that if you wish to mention it to him he could ask
10 the questions.

11 MR. FOTHERGILL: I don't know if
12 it is necessary for me to say this, but I do want
13 the Commission to understand: I have had no role
14 whatsoever in the preparation of this witness'
15 testimony.

16 THE COMMISSIONER: I understand
17 that. I understand that. I have heard about --
18 in any event.

19 MR. FOTHERGILL: I have no
20 questions at this time.

21 THE COMMISSIONER: That's good.
22 Does anybody else in the back row
23 wish to ask questions?

24 MR. BOXALL: I do have some
25 questions, Mr. Commissioner, but I would prefer to

1 go after Ms Edwardh.

2 THE COMMISSIONER: If you have
3 questions now is the time, Mr. Boxall.

4 MR. BOXALL: I will go now, then.

5 THE CHAIRPERSON: He represents
6 Inspector Cabana.

7 EXAMINATION

8 MR. BOXALL: Sir, my name is Norm
9 Boxall and I represent a lead investigator in the
10 case.

11 Sir, I am interested in the fact
12 that post-9/11 you indicated that Syria was
13 seeking to curry U.S. favour by offering
14 intelligence?

15 DR. LEVERETT: Yes.

16 MR. BOXALL: Had they done so
17 pre-9/11 as well?

18 DR. LEVERETT: No.

19 MR. BOXALL: Post-9/11 they did.
20 Are you in a position to say how
21 much intelligence they were offering?

22 DR. LEVERETT: No, I have never
23 seen the -- I never saw any of the raw take from
24 this exchange.

25 What I can say is that

1 administration officials said privately and have
2 said publicly that this information was
3 actionable. It let the United States and allied
4 services thwart operations that if they had been
5 carried out would have resulted in the death of
6 Americans.

7 MR. BOXALL: All right. So the
8 intelligence that they received from Syria, at
9 least to American authorities, was valuable?

10 DR. LEVERETT: Yes.

11 MR. BOXALL: They saw at least
12 some of it as accurate?

13 DR. LEVERETT: It would seem so,
14 yes.

15 MR. BOXALL: And as life-saving
16 information?

17 DR. LEVERETT: It would seem so,
18 based on what administration officials had said.

19 MR. BOXALL: This, I take it,
20 would particularly have been in the area of
21 al-Qaeda?

22 DR. LEVERETT: My understanding is
23 that the exchange focused on Sunni extremists
24 groups that were in some way affiliated or
25 perceived to be affiliated with al-Qaeda.

1 MR. BOXALL: Would this
2 intelligence likely include the results of Syrian
3 interrogations of persons detained in Syria?

4 DR. LEVERETT: I don't know that.

5 MR. BOXALL: So you don't know the
6 extent of the intelligence sharing?

7 DR. LEVERETT: I don't know how
8 many individual reports were provided. I don't
9 know what the sources for the information in those
10 reports were. I'm not even aware of the specific
11 contents of the reports.

12 I am aware of how those reports
13 were perceived by officials who did have access to
14 them and I am aware that administration officials
15 have said publicly that this information was
16 actionable and allowed us to thwart planned
17 operations against American interests.

18 MR. BOXALL: You are certainly
19 aware of the Syrian motivation for sharing
20 intelligence with the United States?

21 DR. LEVERETT: Yes.

22 MR. BOXALL: All right.

23 The intelligence that they were
24 sharing, they would be well aware that the
25 American authorities would be interested in

1 intelligence on al-Qaeda?

2 DR. LEVERETT: Yes.

3 MR. BOXALL: So would it be your
4 understanding, then, that there was significant
5 sharing of actionable material by the Syrians with
6 respect to al-Qaeda?

7 DR. LEVERETT: I wouldn't have a
8 problem with that characterization.

9 MR. BOXALL: Okay.

10 With respect to Mr. Arar, you have
11 referred a number of times to that he was deported
12 by the United States. The public document, sir,
13 that deals with the deportation describes him as
14 being established as, clearly and unequivocally, a
15 member of al-Qaeda.

16 Would the Syrians have an interest
17 in assisting the United States with a person so
18 described?

19 DR. LEVERETT: Certainly at the
20 time that Mr. Arar was deported to Syria I believe
21 the Syrians would have felt they had strong
22 interest in trying to appear cooperative and
23 responsive to U.S. security concerns, yes.

24 MR. BOXALL: This would be dealt
25 with at a very high level of the Syrian

1 government?

2 DR. LEVERETT: Yes.

3 MR. BOXALL: Would I be correct
4 that the arrangements between the Syrian
5 authorities and the American authorities would be
6 clandestine?

7 DR. LEVERETT: I think in
8 principle, yes, they would have been classified
9 certainly at the time. But it is also very
10 interesting to note that from fairly early in this
11 relationship U.S. officials on a background basis,
12 not named basis, were speaking to the American
13 press describing the basic fact of this
14 intelligence-sharing relationship and at least a
15 few of its logistical details.

16 MR. BOXALL: I guess this is
17 pretty well stating the obvious, but without
18 either Syrian or American authorities here to tell
19 us what was shared, there is no way to know what
20 they were sharing?

21 DR. LEVERETT: I am not in a
22 position to address that with any more specificity
23 than I have already.

24 MR. BOXALL: The American
25 authorities were clearly aware of Syrian human

1 rights record.

2 DR. LEVERETT: I believe so, yes.

3 MR. BOXALL: They would certainly
4 be aware of the fact that there was a potential of
5 torture being used in obtaining information in
6 interrogations in Syria?

7 DR. LEVERETT: The State
8 Department publishes regular human rights reports
9 on Syria. I think U.S. officials would have been
10 aware of Syria's human rights record.

11 MR. BOXALL: Nevertheless, the
12 position of the American administration was the
13 intelligence they were receiving from Syria was
14 actionable and valuable?

15 DR. LEVERETT: It would seem so,
16 yes.

17 MR. BOXALL: Those are the
18 questions I have.

19 THE COMMISSIONER: Thank you,
20 Mr. Boxall.

21 Anybody else in the back row?

22 Ms Edwardh?

23 EXAMINATION

24 MS EDWARDH: Dr. Leverett, my name
25 is Marlys Edwardh. I represent Maher Arar. I

1 want to just establish some of the basic facts
2 around your involvement here.

3 Certainly we know that the record
4 that you have reviewed is a record that was
5 provided to you -- was it provided by the
6 Department of Justice or Foreign Affairs?

7 Did you receive it directly from
8 them, sir?

9 DR. LEVERETT: Yes. I received it
10 as an attachment to an e-mail from them, yes.

11 MS EDWARDH: Who sent you that
12 e-mail, sir?

13 DR. LEVERETT: I believe the
14 original sender was either Roger Flaim or Roger
15 Flaim's assistant.

16 I can't remember specifically the
17 sender.

18 MS EDWARDH: Who was the first
19 person who contacted you with respect to possibly
20 testifying at this inquiry?

21 DR. LEVERETT: The first person
22 who contacted me in early August was a political
23 officer at the Canadian Embassy in Washington. He
24 contacted me to ask -- he told me in very general
25 terms that there was a Commission of Inquiry

1 looking into the Arar case, the Government of
2 Canada might be interested in engaging an expert
3 on U.S.-Syrian relations, Syrian foreign policy,
4 Syrian politics to testify before the Commission,
5 would, in principle, I be interested in doing
6 that. I said in principle, yes.

7 MS EDWARDH: Who was that
8 political officer?

9 DR. LEVERETT: His name was Alan
10 Brown.

11 MS EDWARDH: Sorry, I didn't mean
12 to cut you off, Dr. Leverett.

13 DR. LEVERETT: It's okay.

14 MS EDWARDH: You said in principle
15 yes, and then?

16 DR. LEVERETT: Then as a follow-up
17 to that Mr. Brown put me in contact with Roger
18 Flaim. I had a phone conversation in August with
19 Mr. Flaim. He told me, again in general terms but
20 in a little bit more detail than Mr. Brown had,
21 about the inquiry. Again, he asked me if in
22 principle I was interested in considering
23 testifying before the Commission. I said yes.

24 As a follow-up to that, I had a
25 longer telephone conversation -- we are still in

1 August -- with Mr. Flaim and Ms McIsaac.

2 That was the first real
3 substantive conversation that I had about the Arar
4 case.

5 MS EDWARDH: If I could just stop
6 you and then we will go on in the chronology.

7 DR. LEVERETT: Yes.

8 MS EDWARDH: During that time did
9 I take it that the issues as seen by the
10 Government of Canada were at least identified for
11 your consideration?

12 MR. FOTHERGILL: Commissioner,
13 before the witness answers, I am concerned that we
14 are getting into an area that would be subject to
15 solicitor-client privilege. I am not sure it is
16 at all appropriate for Ms Edwardh to be inquiring
17 into communications between counsel and
18 prospective witnesses.

19 If I can anticipate a question
20 that might be raised as a result of my
21 intervention, it is true that this witness is
22 called here at the behest of Mr. Décary, it won't
23 surprise you if I say that there is a certain
24 common interest in the evidence that is being led.

25 I think it may be more appropriate

1 if I simply state on the record that when Mr.
2 Décary was retained separately to represent these
3 individuals he asked us to assist him in
4 identifying subject matter experts. We did so and
5 we did so by contacting our missions in London and
6 Washington for people who might have suitable
7 expertise.

8 As you know, Mr. Flaim prepared a
9 broad overview of some key documents that would
10 assist these individuals in determining whether
11 they were prepared to offer their services to
12 Mr. Décary.

13 I think it is important that I say
14 that it was never our intention or expectation
15 that these would be the only things that the
16 witness would review, it was not something we
17 particular concerned ourselves with at the time,
18 but we wanted to be assured that the witness had
19 an idea of what the case was about so that the
20 witness could make an informed decision about
21 whether or not he or she wished to participate in
22 this Commissioner of Inquiry.

23 I really don't think there is
24 anything to be gained from pursuing a detailed
25 examination of communications between prospective

1 expert witnesses and Ms McIsaac, or indeed
2 Mr. Flaim. I don't think it is appropriate. I
3 think it is privileged and unless somebody can
4 make a case for a constructive waiver of that
5 privilege, we will maintain the privilege.

6 THE COMMISSIONER: Do you wish to
7 go much further with this?

8 MS EDWARDH: I'm content to treat
9 this witness as a joint witness between the
10 Government of Canada and the Ambassador if that is
11 in effect what my friend is prepared to concede at
12 this moment.

13 MR. FOTHERGILL: That isn't
14 correct.

15 We have played our role in
16 assisting Mr. Décary identifying suitable
17 witnesses and beyond that it has been his decision
18 whom to call and whether to call that person and
19 the manner in which that person should be
20 prepared.

21 THE COMMISSIONER: What I don't
22 think probably is necessary, Ms Edwardh, is to go
23 into the substance of conversations between
24 counsel and the witness, but certainly in terms of
25 the formation of the relationship. I have heard a

1 good deal about it, but I think if there is
2 anything else about the relationship it is fine if
3 you pursue it.

4 MS EDWARDH: I take it the at time
5 you were contacted you understood that the
6 Government of Canada was interested in having your
7 views expressed before this Commission of Inquiry?

8 DR. LEVERETT: Yes.

9 MS EDWARDH: After you spoke with
10 Ms McIsaac, do you recall when it was that you
11 came into possession of the record that you have
12 in front of you and that you have referred to?

13 DR. LEVERETT: I can check the
14 e-mail record and give you a precise date. It
15 was, to the best of my recollection, either August
16 23rd or 24th.

17 Sending the e-mail to me with the
18 documents attached followed by several days my
19 phone conversation with Ms McIsaac.

20 MS EDWARDH: Prior to speaking
21 with Ms McIsaac and speaking with Mr. Décary --
22 no. Let me phrase it this way.

23 Prior to speaking with Ms McIsaac
24 and receiving the document, had you had any
25 dealings with Mr. Décary or anyone from his

1 office?

2 DR. LEVERETT: No.

3 MS EDWARDH: So now you have the
4 documents. With whom do you then speak?

5 DR. LEVERETT: To the best of my
6 recollection in looking at my notes, I don't
7 believe I had another substantive conversation
8 with anyone on the case for several weeks. I was
9 requested to review the documents. I did so and
10 began to formulate opinions about what I had
11 reviewed.

12 And then in early October I was
13 contacted by Mr. Décary's firm and was told that
14 for purposes of my testimony before the Commission
15 that Mr. Décary and his colleagues would be taking
16 the lead in directing my examination.

17 MS EDWARDH: That's helpful.

18 I take it we understand, sir, that
19 you are being paid by the Government of Canada in
20 respect of your attendance here today?

21 DR. LEVERETT: Yes.

22 MS EDWARDH: Can you tell us,
23 Dr. Leverett, whether the U.S. Embassy is present
24 and here in the hearing room today?

25 MR. DÉCARY: Just before we listen

1 to this, I would just like to make one statement.

2 I had not the power to retain.

3 There was an initial discussion by government
4 officials. I wish to state for the record -- and
5 this is on my oath -- that it was at my request.
6 I insisted.

7 I saw government officials
8 beforehand to make the point that I wanted expert
9 witnesses. Mr. Flaim hears me -- Ms McIsaac is
10 not there. There were preliminary matters that
11 were discussed, and I won't get into that. Then
12 all the discussions, the preparation of the
13 documentation, the questions, this was done by me
14 or Ambassador Pillarella and Mr. Martel.

15 THE COMMISSIONER: Thank you,
16 Mr. Décary.

17 Carry on, please, Ms Edwardh.

18 MS EDWARDH: Sir, are you aware
19 whether anyone from the U.S. Embassy is present in
20 the hearing room today?

21 DR. LEVERETT: I am not aware.

22 MS EDWARDH: Before coming to
23 testify at this inquiry, did you provide your
24 report, which has been given to us to familiarize
25 ourselves with your testimony, to anyone in the

1 CIA?

2 DR. LEVERETT: No.

3 MS EDWARDH: Did you provide your
4 report to anyone in any executive branch of the
5 U.S. government prior to, and in anticipation of,
6 your testimony today?

7 DR. LEVERETT: I did not.

8 MS EDWARDH: Have you generally
9 been given any kind of permission or approval from
10 anyone in the U.S. government to attend here
11 today?

12 DR. LEVERETT: I have had no
13 conversations at all about my appearance here with
14 anyone in the U.S. government.

15 MS EDWARDH: And I take it, then,
16 that the limits that you think are placed upon
17 you, given your previous connection with the CIA,
18 are none other than the same limits that would
19 have been imposed upon you when you produced your
20 book on Syria?

21 DR. LEVERETT: Yes.

22 MS EDWARDH: And the book on Syria
23 was the one that was provided to the CIA, and for
24 their purposes they determined that it could be
25 published in its present form as it did not

1 violate any of the national interests of the
2 United States.

3 DR. LEVERETT: I am legally
4 required before I publish anything to submit that
5 to the CIA for review to ensure that I am not
6 revealing classified information.

7 I have done that with my book. I
8 have done that with other things that I have
9 published, and frankly my experience has been the
10 CIA has never changed a word of what I have
11 drafted.

12 MS EDWARDH: I take it, from your
13 perspective, really your observations here today
14 about U.S. interests and U.S. relations with Syria
15 are nothing in addition to what you have already
16 said in print on earlier occasions.

17 DR. LEVERETT: I think that's
18 probably correct. Certainly I think what I have
19 said here today is perfectly consistent with what
20 I have written previously.

21 MS EDWARDH: Yes. I am not
22 suggesting it wasn't. I just want to say it
23 doesn't add anything really to what you have
24 already written about the evolution of an
25 intelligence channel post-9/11 and it being closed

1 down, in effect.

2 DR. LEVERETT: No. In that
3 context, I am not saying anything here today that
4 I have not said in other places, in other
5 contexts.

6 MS EDWARDH: Sir, you will know
7 undoubtedly that I wrote a letter to your counsel
8 asking whether or not there were certain areas
9 that you could or could not comment on, and I got
10 a response. I want to confirm because it is
11 important to this Commission of Inquiry that the
12 responses are confirmed by you and we can be sure
13 that you cannot assist in certain areas.

14 One of the questions was the
15 formation and mandate of the White House Committee
16 on Iraq.

17 I take it, sir, you are not aware
18 of any such entity called the White House
19 Committee on Iraq?

20 DR. LEVERETT: I am not aware of
21 any body called the White House Committee on Iraq.
22 I know that there were a number of groups set up
23 to deal with various aspects of pre-war
24 preparations for Iraq. Some of those were at a
25 very, very high level involving cabinet level

1 principals; others were more working-level
2 arrangements. I wasn't directly involved in any
3 of them.

4 To the best of my knowledge, none
5 of them was identified as the White House
6 Committee on Iraq.

7 MS EDWARDH: Thank you.

8 I asked a series of questions
9 about rendition, and I want to understand the
10 limits before I go into it in some detail.

11 In my question I said I wanted to
12 address with you the U.S. policy on rendition,
13 including the purpose of it, details of U.S.
14 contracts or arrangements with private companies
15 or entities to facilitate rendition of
16 individuals, the level of cooperation from other
17 countries including the receiving state involved
18 in the rendition process.

19 I asked which members of the U.S.
20 administration are involved in the decision to
21 render someone.

22 I asked whether you were aware of
23 any agreements with other countries to provide
24 assistance during the rendition process.

25 I asked about U.S. policy on

1 seeking or obtaining assurances as a part of the
2 rendition process.

3 I asked are assurances sought
4 through diplomatic or intelligence channels.

5 I asked whether there was any
6 policy or practice of monitoring the treatment of
7 rendered persons.

8 I asked who authorized extending
9 renditions to transfers for detention and
10 interrogation rather than for prosecution.

11 I asked whether you could testify
12 about the amount of U.S. control after transfer.

13 And I asked whether you could
14 testify about other intelligence coordination in
15 addition to information shared.

16 I was told, sir, that you were
17 aware of rendition only from media reports, which
18 you had seen only after you left government
19 service.

20 Is that a correct answer, sir?

21 DR. LEVERETT: I believe it is. I
22 certainly was never involved in any way in
23 formulating, discussing policy on renditions. It
24 wasn't part of my work at the Agency. It wasn't
25 part of my work at the State Department or the

1 NSC.

2 And whatever I know about
3 renditions, I know from media reports.

4 MS EDWARDH: We will come back to
5 that then.

6 I asked about information sharing
7 generally.

8 You were an a analyst?

9 DR. LEVERETT: Yes.

10 MS EDWARDH: You got information
11 from all sources.

12 DR. LEVERETT: Yes.

13 MS EDWARDH: You would have
14 received everything from newspapers, academic
15 journals, to raw intelligence or human asset data.

16 DR. LEVERETT: Yes.

17 MS EDWARDH: Your job was to sift
18 through it carefully and come up with an overall
19 evaluation.

20 DR. LEVERETT: Yes.

21 MS EDWARDH: Now, in terms of
22 receiving information -- I'm not worried about
23 whether you collect it. I had asked a whole
24 series of questions about whether you could talk
25 about information sharing, including:

1 (1) the use of explicit or implied
2 caveats;

3 (2) U.S. policy on sharing
4 information with regimes that engage in torture;

5 (3) mechanisms of sharing
6 information;

7 (4) existence of
8 information-sharing agreements, written or
9 otherwise, between the U.S. and Syria;

10 (5) the relative ability of Canada
11 and the U.S. to obtain intelligence from the
12 Syrians; and

13 (6) factors which determine a
14 country's ability to obtain intelligence from
15 foreign intelligence agencies.

16 Your answer, as I have noted it
17 through Mr. Décary, was you have very limited
18 knowledge of information-sharing. You can
19 describe only what you know about
20 intelligence-sharing channels between the U.S. and
21 Syria.

22 Is it in fact the case, sir, that
23 you do not have a general understanding of how
24 your organization obtained information from other
25 foreign sources?

1 DR. LEVERETT: I know in general
2 terms that CIA and other U.S. intelligence
3 agencies have liaison relationships with foreign
4 intelligence services. How the passage of raw
5 intelligence information from those services to
6 the U.S. government is done was not something I
7 was ever directly involved.

8 So no, I'm not in a position to
9 comment on it.

10 MS EDWARDH: We will come to then
11 the specifics of Syria a little bit later.

12 You would be familiar, as someone
13 who received information from foreign intelligence
14 sources, including allied sources, that they
15 impose caveats on the use of that information?

16 DR. LEVERETT: The way I
17 understand the word caveat as used in this context
18 in Canada, this is not something that would ever
19 have been an issue that I was -- it was not an
20 issue that I needed to pay attention to, because
21 in the work that I did I was doing political
22 analysis for policy makers.

23 The issue of caveats, as I
24 understand it in the Canadian context, is a
25 question of not using information for -- not

1 passing it to other agencies, not using it for law
2 enforcement purposes, these kinds of things.

3 I did not work on issues where
4 those were going to be consequences of or products
5 of my work.

6 So the issue of how Canadian
7 information or other information was handled
8 within the U.S. government was not something that
9 I had any equity stake in.

10 MS EDWARDH: I'm not sure I
11 understand the term "equity stake".

12 I would assume, sir, for example,
13 if you got intelligence information from the
14 French intelligence services in respect of
15 something that was going on in the world and you
16 wanted to pass it through for policy making
17 decisions, you would not want that used if it had
18 an express or explicit caveat that said this
19 information cannot be used?

20 DR. LEVERETT: I am not sure I
21 understand the question, the hypothetical that
22 you are setting up.

23 MS EDWARDH: I will come back to
24 it in a more specific context.

25 Clearly we do know that you

1 received raw intelligence and processed it and
2 that you received it from the Middle East.

3 DR. LEVERETT: Look, when I say
4 "raw intelligence", I should perhaps say a little
5 more clearly what I mean.

6 Raw intelligence is a generic
7 term. There would be various levels of raw
8 intelligence.

9 For example, with a human
10 intelligence asset, there would be an initial
11 report in from the field. We meet this asset;
12 here is what he said.

13 I would not, under normal
14 circumstances, see that kind of reporting.

15 The reporting that I would see,
16 whether it was from a human intelligence source,
17 whether it was from a technical source, were
18 reports that had been in some way processed
19 through a reporting process within the agency that
20 was generating the raw material. I would see the
21 outcome of that internal process.

22 MS EDWARDH: So that we are not
23 talking at such a high level, let's suppose that
24 individual A is interrogated and they are
25 interrogated while they are detained by an

1 intelligence force, and there are tapes or
2 transcripts of that interrogation that are given
3 over to some operational person in the CIA. But
4 it is relevant to your work to know some of the
5 information in that.

6 What kind of processing would you
7 see?

8 DR. LEVERETT: I would be provided
9 with the substance of that reporting, of that raw
10 intelligence reporting that the collectors deemed
11 relevant for my work.

12 MS EDWARDH: So you would not then
13 be in a position to see the exchange between the
14 interrogated person and the person asking the
15 questions.

16 DR. LEVERETT: That's right. I
17 would not be in a position to see that.

18 MS EDWARDH: Would you know the
19 circumstances in which the interrogation took
20 place; for example, whether they were detained or
21 they were free?

22 Would you know that?

23 DR. LEVERETT: No, I would not
24 know that.

25 MS EDWARDH: It would be fair for

1 me then to conclude that if conditions of
2 detention or confinement might be generally viewed
3 as entirely oppressive, you as the analyst would
4 not be in a position to know that?

5 DR. LEVERETT: I think that's
6 right.

7 MS EDWARDH: And will you go with
8 me the next step, which is that if in fact the
9 information was provided by a person in
10 circumstances where it was obtained through
11 torture, that you would not know that?

12 DR. LEVERETT: I don't believe I
13 would, no.

14 MS EDWARDH: And therefore you
15 would not as an analyst -- and I would take it
16 that your superiors expect you to evaluate
17 information?

18 DR. LEVERETT: Certainly they
19 would have expected me to evaluate information in
20 terms of how it fit with other information,
21 whether it made sense, given other information
22 that we had. They would not expect me to evaluate
23 information in terms of, you know, whether a
24 specific source is reliable or not. That would
25 have been an operational issue.

1 MS EDWARDH: Indeed, if torture is
2 used, we can agree, I think, as a simple
3 proposition that that kind of pain inflicted on a
4 person during the course of interrogation can give
5 rise to false confessions?

6 DR. LEVERETT: People who know
7 more about this than I do, I have certainly heard
8 them make that argument.

9 MS EDWARDH: Indeed, without
10 taking you there in detail, the CIA has long
11 recognized in interrogation manuals, starting as
12 early as 1963, that the use of physical coercion
13 that is actually producing considerable pain can
14 produce false confessions.

15 DR. LEVERETT: I am not aware of
16 the specific manuals you are referring to.

17 MS EDWARDH: Have you ever heard,
18 sir, of the KUBARK counterintelligence document
19 declassified in 1997 and produced by the CIA in
20 the 1960s?

21 DR. LEVERETT: No, I have not
22 heard of that document.

23 MS EDWARDH: Certainly your common
24 sense would tell you, would it not, as an analyst
25 that if you were dealing with raw, unconfirmed

1 information from a source who was tortured, there
2 would be fundamental concerns about his
3 reliability?

4 DR. LEVERETT: I think I would
5 have those concerns. It's not an issue I ever
6 encountered in my work as an analyst.

7 MS EDWARDH: Or you wouldn't know.

8 DR. LEVERETT: I suppose that's
9 possible.

10 MS EDWARDH: I take it, sir, one
11 of the areas I was going to ask you about that I'm
12 told you have no knowledge of, and I wish you to
13 confirm, is the role of the CIA in Project
14 A-OCanada.

15 DR. LEVERETT: I never heard of
16 Project A-OCanada until I began familiarizing
17 myself with this case. I certainly don't know of
18 any CIA role in that investigation.

19 MS EDWARDH: And I take it you
20 also have no knowledge of the reputation of CSIS,
21 our intelligence agency in Canada?

22 DR. LEVERETT: No.

23 MS EDWARDH: And you have no
24 knowledge -- have you had any dealings with
25 information passed by CSIS?

1 DR. LEVERETT: To the best of my
2 recollection, no.

3 MS EDWARDH: I take it you have no
4 knowledge as well about the U.S. or any
5 international definitions of torture?

6 DR. LEVERETT: No, I am not in any
7 way an expert on that subject.

8 MS EDWARDH: As well, you have no
9 knowledge of the U.S. policy post-9/11 in respect
10 of investigating, detaining and charging terrorism
11 suspects.

12 DR. LEVERETT: This has obviously
13 been an issue of enormous contention in my country
14 both before and after I left government service.

15 From reading media reports, seeing
16 media reports, I am aware of the issues, aware of
17 the arguments about those issues.

18 MS EDWARDH: And were you aware of
19 some of those issues while you served in
20 government?

21 DR. LEVERETT: Not as a result of
22 my work in government.

23 MS EDWARDH: No, but as an
24 interested person who was employed by the
25 Government of the United States.

1 DR. LEVERETT: Sure.

2 MS EDWARDH: This came to your
3 attention?

4 DR. LEVERETT: Yes.

5 MS EDWARDH: And I am sure was the
6 subject of discussion between you and your
7 colleagues.

8 DR. LEVERETT: I don't recall it
9 as a specific subject of discussion between my
10 colleagues and me. It is something I discussed on
11 a personal basis with friends.

12 MS EDWARDH: All right. I also
13 understand, sir, you have no knowledge of CIA
14 watchlists?

15 DR. LEVERETT: I do not.

16 MS EDWARDH: You have no knowledge
17 about the Monterey Protocol?

18 DR. LEVERETT: I am aware that the
19 Monterey Protocol exists. My understanding,
20 secondhand, is that it is an agreement between
21 Canada and the United States.

22 MS EDWARDH: Let me just stop you.
23 Did you acquire that information
24 through discussions as you were informed in order
25 to prepare yourself for testifying here?

1 DR. LEVERETT: Yes.

2 MS EDWARDH: So it's not correct
3 to say you have no knowledge of it or its
4 potential usefulness.

5 DR. LEVERETT: As I recall the
6 conversation, it was when I was discussing with
7 counsel these questions that you had sent, and the
8 question came "did I have knowledge of the
9 Monterey Protocol", and I think I said "No.
10 What's that?"

11 MS EDWARDH: All right.

12 I take it, sir, that your evidence
13 with respect to Mr. Arar's detention in the United
14 States , deportation to Syria, detention and
15 torture in Syria and then return to Canada, you
16 are telling the Commissioner that you had
17 absolutely no involvement or no discussions with
18 anyone while you were in government service --

19 DR. LEVERETT: That's correct.

20 MS EDWARDH: -- about any aspect
21 of that?

22 DR. LEVERETT: That is correct. I
23 don't believe I heard the name Maher Arar until
24 after I was out of government.

25 MS EDWARDH: And then since you

1 have departed from government, have you had any
2 conversations with anyone who had a role to play
3 in this, in the Arar case?

4 DR. LEVERETT: No, I don't believe
5 so.

6 MS EDWARDH: Either in the U.S. or
7 in Syria.

8 DR. LEVERETT: No. I know in
9 retrospect, given the documents that I have
10 reviewed, that for example Deputy Foreign Minister
11 Mouallem was an interlocutor of Ambassador
12 Pillarella's regarding the Arar case, but it is
13 not a subject that I have ever discussed with
14 Mr. Mouallem or anyone else in Syria and it is not
15 an issue that I have discussed with anyone in the
16 U.S. government.

17 MS EDWARDH: I want, if I could,
18 sir, to place some people before I go through a
19 number of issues with you. I want to place these
20 people because I think they may become relevant to
21 assessing the response Syria had to Canada.

22 Who is Bahjat Suleiman?

23 DR. LEVERETT: Bahjat Suleiman is
24 the now retired Director of the General
25 Intelligence Directorate. The General

1 Intelligence Directorate is one of several Syrian
2 security services. Suleiman has occupied over a
3 long career a number of senior positions in GID
4 culminating in service as director

5 MS EDWARDH: I understand -- and
6 you can have reference to your book; you will find
7 it at page 63 -- it was your view that he as a
8 younger officer was close to Bashar Assad, the
9 current President?

10 DR. LEVERETT: That's correct.

11 MS EDWARDH: And indeed he was
12 placed in the GID by President Assad's father in
13 order to secure some support for his succession.

14 DR. LEVERETT: I believe that was
15 part of the reason for General -- I'm sorry,
16 General --

17 MS EDWARDH: Suleiman.

18 DR. LEVERETT: Thank you.

19 -- Suleiman's rise to high ranks
20 in the GID.

21 It is also my understanding that
22 when President Assad, the late President Assad,
23 began to prepare his son Bashar, to groom him, if
24 you will for the presidency, that General Suleiman
25 was one of the figures who played an important

1 role in that grooming process.

2 MS EDWARDH: So it would be fair
3 to draw from your conclusion that you believe that
4 he became increasingly influential within the
5 General Intelligence Directorate over the period
6 of time we are talking about?

7 DR. LEVERETT: I think that's
8 accurate, yes.

9 MS EDWARDH: There is another
10 person who you talk about that I think has some
11 relevance to where we are going, a man by the name
12 of Assef Shawket.

13 DR. LEVERETT: Yes.

14 MS EDWARDH: And I understand that
15 he is the brother-in-law of President Assad.

16 DR. LEVERETT: He is, yes.

17 MS EDWARDH: And indeed he was
18 placed into Syria Military Intelligence.

19 Is that correct?

20 DR. LEVERETT: That's right.

21 MS EDWARDH: Is it also the case
22 that it was your conclusion that he went into
23 Syrian Military Intelligence in order to function
24 as a -- call it the eyes and ears of the President
25 in that organization?

1 DR. LEVERETT: Yes, I believe
2 that's the case. If you look at the evolution of
3 the development of the Syrian Military
4 Intelligence, before the succession, before the
5 death of Hafez Al Assad, the long-time chief of
6 Syrian Military Intelligence, a man named Ali
7 Duba, was removed from his position reportedly
8 because he was not supportive enough of Bashar
9 succeeding Hafez Al Assad.

10 General Khalil became the Director
11 of Syrian Military Intelligence at that point. He
12 was presumably more supportive of Bashar. And as
13 part of that transition, Assef Shawket, Bashar's
14 brother-in-law, became effectively the Deputy
15 Director of SMI, and when General Khalil retired
16 in February, he became the Director.

17 MS EDWARDH: So in fact we have
18 within those two important intelligence agencies
19 in Syria in effect the extension of family members
20 into senior positions.

21 DR. LEVERETT: Yes.

22 MS EDWARDH: I take it that it was
23 also your view that General Khalil was placed in
24 the position that he sat and continued on in that
25 position because he was prepared to work with and

1 keep Shawket in the loop?

2 DR. LEVERETT: Yes.

3 MS EDWARDH: I want to spend a few
4 minutes on Syrian human rights record. You have
5 been very candid, Dr. Leverett, and said it is
6 very poor by any standard one can measure it.

7 DR. LEVERETT: Yes, I think that's
8 the case.

9 MS EDWARDH: And certainly while
10 you have urged that the American administration
11 adopt a policy of engagement for its own
12 self-interest, you do that in circumstances where
13 it is clear you understand the nature of the
14 Syrian regime.

15 DR. LEVERETT: I think that's
16 correct, yes.

17 MS EDWARDH: And that this is the
18 case even though the human rights record of Syria
19 continues to be perhaps not as bad as it once was,
20 but still poor by any standard.

21 DR. LEVERETT: Yes. Part of my
22 argument for engagement is that I believe it would
23 be a more effective strategy over time to
24 encourage improvements in Syria's human rights
25 conditions.

1 MS EDWARDH: I take it from
2 reading your book that you are comfortable relying
3 on the assessment of the Department of State as
4 providing credible and verifiable reports of human
5 rights abuses in Syria?

6 DR. LEVERETT: I certainly don't
7 have any reason to question the credibility of
8 those reports, and those reports seem to be
9 consistent with the reports of non-governmental
10 human rights organizations that have reported on
11 Syria.

12 MS EDWARDH: So from your
13 perspective as someone who advises the governments
14 and even presidents, you would view those reports
15 as adequately verified?

16 DR. LEVERETT: I think they are
17 credible, yes.

18 MS EDWARDH: Included in that, I
19 noted that you cited non-governmental
20 organizations as also providing credible reports
21 with respect to torture, such as Human Rights
22 Watch.

23 DR. LEVERETT: Yes.

24 MS EDWARDH: And Amnesty
25 International.

1 DR. LEVERETT: Yes.

2 MS EDWARDH: And you are prepared
3 to rely upon them, I take it, not only in your
4 book but in the advice you have given to very high
5 circles in the government?

6 DR. LEVERETT: Yes. I don't
7 recall ever specifically being asked to advise
8 senior policy-makers on Syria's human rights
9 conditions.

10 MS EDWARDH: If you had been
11 asked, sir, I take it you would not have hesitated
12 to go to those sources?

13 DR. LEVERETT: No, I wouldn't.

14 MS EDWARDH: Can we also agree
15 that your view is not entirely unique? Hopefully,
16 we can say that given the Department of State
17 reports and the other NGO reports, it would be
18 fair to conclude that there was a general
19 understanding in Washington, in other departments
20 of the U.S. government, that Syria had this human
21 rights record that you have described.

22 DR. LEVERETT: I think that's
23 probably the case, yes.

24 MS EDWARDH: So no one, from the
25 CIA to the White House to the State Department to

1 the FBI or the INS would have had any reason to
2 think that Syria had other than a very poor human
3 rights record by any standard.

4 DR. LEVERETT: I don't see on what
5 basis they could think that.

6 MS EDWARDH: So it would be
7 generally accepted within those kinds of
8 government units if in fact they turned their
9 minds to it?

10 DR. LEVERETT: Yes.

11 MS EDWARDH: Sir, if someone were
12 to ask the question "were you aware that serious
13 human rights abuses were being committed in Syria"
14 and they received the answer, "No, I was not. I
15 did not have any indication that there were
16 serious human rights abuses committed that I could
17 verify", would you agree with me, sir, that that
18 person has either never made a serious study of
19 Syria or his is not credible?

20 DR. LEVERETT: I don't know what
21 the statement means "that I could not verify" --
22 sorry, "that I could verify".

23 MS EDWARDH: So certainly from
24 your perspective, there were ample, credible
25 complaints of human rights abuses?

1 DR. LEVERETT: There are
2 certainly, you know, ample reports that I
3 consider credible documenting human rights abuses
4 in Syria. I am not in a position individually to
5 verify those reports. I accept those reports as
6 credible.

7 MS EDWARDH: As credible.

8 And, indeed, if you were asked by
9 any policy-maker whether or not they could be
10 relied upon to inform your action, you will agree
11 with me, sir, you wouldn't go and say they can't
12 be individually verified so don't count on them?

13 You wouldn't say that?

14 DR. LEVERETT: No. I would say
15 the best sources available for understanding human
16 rights conditions in Syria, in my judgment, would
17 be this body of reporting that we have been
18 discussing.

19 MS EDWARDH: All of which
20 uniformly condemns the human rights record of
21 Syria.

22 DR. LEVERETT: All of which --
23 yes.

24 MS EDWARDH: So if the standard
25 was just credible reporting, one could not say, if

1 one had any knowledge about Syria, that there is
2 no indication that there are serious human rights
3 abuses.

4 You couldn't say that?

5 DR. LEVERETT: I wouldn't say
6 that.

7 MS EDWARDH: I want to turn, if I
8 could --

9 THE COMMISSIONER: We might have a
10 break if this is convenient, Ms Edwardh.

11 MS EDWARDH: Absolutely,
12 Mr. Commissioner.

13 THE COMMISSIONER: Do you know how
14 long you are going to be in your
15 cross-examination, just so I can plan ahead?

16 MS EDWARDH: I can give some very
17 serious consideration to that during the break and
18 answer when we come back.

19 THE COMMISSIONER: And you might
20 then talk to Mr. Cavalluzzo and other counsel
21 about the remainder of today.

22 MS EDWARDH: I think we will go
23 over to tomorrow morning.

24 THE COMMISSIONER: Right. And
25 tomorrow's schedule as well.

1 We will take a 10-minute break.

2 --- Upon recessing at 5:35 p.m. /

3 Suspension à 17 h 35

4 --- Upon resuming at 5:50 p.m. /

5 Reprise à 17 h 50

6 THE COMMISSIONER: Ms Edwardh.

7 MS EDWARDH: Thank you very much,
8 Mr. Commissioner.

9 I want to review some of what you
10 have said about --

11 THE COMMISSIONER: Just on the
12 estimate.

13 MS EDWARDH: Mr. Commissioner,
14 where I am is, as I have explained to
15 Mr. Cavalluzzo, that some of the witness'
16 testimony requires me to go back to the documents
17 to actually select the documents that I feel I
18 need it show him.

19 And as late as it is, I can't
20 don't it on my feet. I couldn't do it on my feet
21 if it was at 10:00 in the morning.

22 So I am going to go as far as I
23 can, and Mr. Cavalluzzo has consented to me
24 suggesting that we convene at nine.

25 THE COMMISSIONER: All right.

1 MS EDWARDH: I will do whatever is
2 necessary to be essentially brief.

3 We understand, Mr. Décary, you
4 thought you would need two hours --

5 MR. DÉCARY: One and a half.

6 MS EDWARDH: One and a half hours
7 for Mr. Hogger.

8 Mr. Cavalluzzo suggests he is
9 going to be an hour in cross-examination of this
10 witness. So I think we can clearly manage the
11 day.

12 And Mr. Waldman will live with me
13 continuing. So I will be some time tomorrow. I
14 am going to try and do it in one hour tomorrow.

15 THE COMMISSIONER: Why don't we
16 start at nine then tomorrow.

17 MS EDWARDH: We would appreciate
18 that, Mr. Commissioner.

19 THE COMMISSIONER: That's fine;
20 thank you.

21 MS EDWARDH: I want to go back to
22 some of the evidence with respect to the Muslim
23 Brotherhood, if I could, Dr. Leverett.

24 It seems fairly clear that
25 internally within Syria that the more open

1 organizations of the Muslim Brotherhood have been
2 crushed after 1982. So what we are left with in
3 Syria may be clandestine or undercover or
4 underground aspects of that organization, but
5 there are many people in jail still, and it
6 doesn't operate in a public way.

7 DR. LEVERETT: That's correct.

8 MS EDWARDH: That is true, and it
9 has not operated in a public way since 1982.

10 Is that correct?

11 DR. LEVERETT: Yes, in Syria.

12 MS EDWARDH: In Syria.

13 The other thing I detected from
14 your writing was a sense that while the Muslim
15 Brotherhood may have kind of subsided in Syria,
16 the secular regime of the government remained ever
17 vigilant and concerned about the rise of any kind
18 of serious Sunni Islamist organization, fearing
19 that may well be a threat to the internal security
20 of the state.

21 DR. LEVERETT: Yes. As a general
22 proposition they are concerned about Sunni
23 fundamentalists.

24 MS EDWARDH: And of course it
25 won't have escaped anyone here that that

1 characterization is certainly appropriate for
2 al-Qaeda?

3 DR. LEVERETT: Of course.

4 MS EDWARDH: We have heard you
5 comment that the concern that arises sometime in
6 December -- and I'm not going to take you to the
7 documents, but if you wish to review any, we will
8 do that.

9 The concern that arises in
10 September in a meeting between --

11 DR. LEVERETT: You mean December.

12 MS EDWARDH: Sorry, in December.

13 Well, I suppose we should start
14 when Mr. Arar arrives in the United States, he
15 arrives with already a designation as someone who
16 is a member of al-Qaeda.

17 DR. LEVERETT: That's right.

18 MS EDWARDH: That would be of
19 concern to the Syrians.

20 DR. LEVERETT: Yes.

21 MS EDWARDH: And in a couple of
22 months, in December, we have in a conversation
23 between General Khalil, the identification that
24 the problem may be his membership in the Muslim
25 Brotherhood.

1 DR. LEVERETT: Yes.

2 MS EDWARDH: We have marched along
3 here on the assumption that that represents a
4 dramatic kind of shift in concern.

5 I am going to suggest to you that
6 really if one looks from the perspective of Syrian
7 eyes, it's not really a dramatic shift.

8 Mr. Arar came from "outside"
9 Syria?

10 DR. LEVERETT: Yes.

11 MS EDWARDH: As a member of
12 al-Qaeda, from an American perspective, it's very
13 clear that they would be alive to the fact that
14 al-Qaeda and the Muslim Brotherhood crossed in
15 Europe?

16 DR. LEVERETT: There would
17 definitely be some contacts, some overlap of
18 interests. I think, though, that the Muslim
19 Brotherhood has maintained a quite discrete and
20 separate identity from al-Qaeda in a way that
21 other Sunni extremist groups did not.

22 MS EDWARDH: All right. I would
23 like to take you to some observations in an
24 article in which you are quoted but not in this
25 regard. It is an article written by Mr. Seymour

1 Hersh.

2 Do you know Mr. Hersh?

3 DR. LEVERETT: Yes, I do.

4 MS EDWARDH: Would you agree with
5 me, sir, that he is widely regarded as an
6 investigative journalist who has extensive
7 experience in the military and intelligence
8 community and writing about those communities?

9 DR. LEVERETT: Yes.

10 MS EDWARDH: Could the witness
11 please be given an article called "The Syrian
12 Bet".

13 It is July 28th, 2003. And I
14 believe it was published in the Annals of National
15 Security.

16 DR. LEVERETT: It was actually in
17 The New Yorker.

18 MS EDWARDH: Okay. I was very
19 surprised when I was reading it, and I have to put
20 the right description to it or Mr. Registrar can't
21 find it.

22 In The New Yorker.

23 THE COMMISSIONER: Sorry, 261.

24 MS EDWARDH: Thank you very much.

25 Exhibit 261.

1 EXHIBIT NO. P-261: Article
2 entitled "The Syrian Bet"

3 MS EDWARDH: On the second page of
4 Mr. Hersh's article, at the beginning of the third
5 full paragraph, starting with the word
6 "Nevertheless" -- do you see that?

7 DR. LEVERETT: Yes.

8 MS EDWARDH: It says:
9 "Nevertheless, after
10 September 11th the Syrian
11 leader, Bashar Assad,
12 initiated the delivery of
13 Syrian intelligence to the
14 United States. The Syrians
15 had compiled hundreds of
16 files on al-Qaeda, including
17 dossiers on the men who
18 participated -- and others
19 who wanted to participate --
20 in the September 11th
21 attacks. Syria also
22 penetrated al-Qaeda cells
23 throughout the Middle East
24 and in Arab exile communities
25 throughout Europe. The data

1 began flowing to C.I.A. and
2 F.B.I. operatives."

3 Would you have any information,
4 sir, to suggest that is inaccurate?

5 DR. LEVERETT: No. I couldn't
6 confirm all of the details in what Mr. Hersh has
7 written, but I certainly couldn't disconfirm them
8 either.

9 MS EDWARDH: Let's go on.

10 "Syria had accumulated much
11 of its information because of
12 Al Qaeda's ties to the Syrian
13 Muslim Brotherhood, Islamic
14 terrorists who had been at
15 war with the secular Syrian
16 government for more than two
17 decades. Many of the
18 September 11th hijackers had
19 operated out of cells in
20 Aachen and Hamburg, where Al
21 Qaeda was working with the
22 Brotherhood. In the late
23 nineties, Mohammed Atta and
24 other Al Qaeda members,
25 including Mohammed Haydar

1 Zammar, who is believed to
2 have been one of the
3 organization's top
4 recruiters, worked on
5 occasion at a German firm
6 called Tatex Trading. Tatex
7 was infiltrated by Syrian
8 intelligence in the eighties;
9 one of its shareholder was
10 Mohammed Majed Said, who ran
11 the Syrian intelligence
12 directorate from 1987 to
13 1994. Zammar is now in
14 Syrian custody.
15 Within weeks of the September
16 11th attacks, the F.B.I. and
17 the C.I.A., with Syria's
18 permission, began
19 intelligence-gathering
20 operations in Aleppo, near
21 the Turkish border. Aleppo
22 was the subject of Mohammed
23 Atta's dissertation on urban
24 planning, and he travelled
25 there twice in the

1 mid-nineties. 'At every
2 stage in Atta's journey is
3 the Muslim Brotherhood,' a
4 former C.I.A. officer who
5 served undercover in Damascus
6 told me. 'He went through
7 Spain in touch with the
8 Brotherhood in Hamburg.' "

9 So clearly, and I want to ask you,
10 sir, are you in a position to disagree with any of
11 the suggestion, at least within the exile
12 community in Europe, there were close links
13 between the Syrian Muslim Brotherhood and also
14 al-Qaeda?

15 DR. LEVERETT: There would
16 certainly be tactical links between those groups.
17 The issue, though, that I was raising was to what
18 extent these groups still maintained separate
19 identities, to what extent some of their strategic
20 goals, particularly vis-à-vis the Syrian regime,
21 may have been different and how that would have
22 affected Syrian perceptions relatively speaking of
23 the two.

24 MS EDWARDH: All I'm really trying
25 to draw out of this, for anyone to be left with

1 the impression that the Syrian Military
2 Intelligence viewed al-Qaeda as something that was
3 not going to be an internal security threat to the
4 State of Syria, that would be a wrong impression.
5 While there may have been differences, the Syrians
6 viewed al-Qaeda as a potentially dangerous
7 organization to Syria.

8 DR. LEVERETT: I think that is
9 what I testified, yes.

10 MS EDWARDH: So when you say that
11 Mr. Arar went through a period of time where he
12 was characterized as being a member of the Muslim
13 Brotherhood, and therefore the Syrians would want
14 to keep him to be very sure that they were
15 satisfied that wasn't an issue before they
16 considered releasing him, I am going to suggest
17 that that is true but you have to go one step
18 further.

19 You have to say that they would
20 have to be satisfied that he wasn't a member of
21 al-Qaeda for them to consider releasing him,
22 otherwise your logic would dictate he would be
23 continued to be detained.

24
25 DR. LEVERETT: I think the key

1 question would have been for the Syrians -- once
2 they, for whatever reason, became concerned that
3 he might be a member of the Muslim Brotherhood, I
4 think the key questions for the Syrians would be
5 first of all: Is that in fact the case? Is he a
6 member of the Muslim Brotherhood?

7 If he is not but he is a part of
8 some other Sunni extremist group that might be
9 linked to al-Qaeda, is that a group that in fact
10 has some sort of operational or tactical link to
11 the Muslim Brotherhood.

12 MS EDWARDH: Certainly al-Qaeda
13 had such a tactical or operational link?

14 DR. LEVERETT: We know at least
15 parts of al-Qaeda. Al-Qaeda is not a monolithic
16 organization or structure. It does seem to be the
17 case that parts of al-Qaeda, particularly in
18 Europe, had some overlap with the Muslim
19 Brotherhood.

20 MS EDWARDH: That is my point.

21 Certainly if Mr. Hersh is right,
22 the Syrian Military Intelligence was very
23 concerned with infiltrating those aspects of
24 al-Qaeda in order to glean information about it?

25 DR. LEVERETT: Yes. But the point

1 of it would be to infiltrate al-Qaeda in order to
2 understand in what ways it might be supporting
3 Muslim Brotherhood activity that could ultimately
4 threaten Syrian interests.

5 MS EDWARDH: I understand. I just
6 don't want to leave for one second the impression
7 that both weren't viewed as potential threats to
8 the security of the state in Syria.

9 DR. LEVERETT: I testified I think
10 both are viewed as threats to internal security.
11 I was offering a judgment as to which would be
12 viewed as the more serious threat.

13 MS EDWARDH: Right. Certainly I
14 am going to suggest to you, sir, that we have
15 heard that Ambassador Mustafa made it very clear
16 upon Mr. Arar's release that he was released
17 because there was nothing there.

18 DR. LEVERETT: Yes.

19 MS EDWARDH: I am going to suggest
20 to you, sir, that that conclusion represents, at
21 least publicly a statement that there was nothing
22 there in respect of al-Qaeda and nothing there in
23 respect of the Syrian Muslim Brotherhood?

24 DR. LEVERETT: I would interpret
25 it that way.

1 MS EDWARDH: One of the things, I
2 suppose having said that and having observed that
3 he was in fact released, would you view that
4 conclusion as credible?

5 DR. LEVERETT: I don't know on
6 what basis Ambassador Mustafa was making that
7 statement. I have testified that I think the
8 Syrians released Arar when they did because they
9 had reached a conclusion in their own internal
10 process that he was not part of the Muslim
11 Brotherhood, either directly or indirectly.

12 Ambassador Mustafa's statements
13 may be reflecting that. How detailed a knowledge
14 he had of the Arar case or of the Syrian
15 investigation of Mr. Arar, I don't know.

16 MS EDWARDH: Certainly that is
17 what he said publicly in the United States?

18 DR. LEVERETT: Yes.

19 MS EDWARDH: I want to spend a few
20 moments on the concept of dual nationality, if I
21 could.

22 Essentially, sir, I understand
23 your evidence to be that Syria simply doesn't
24 recognize dual nationality and when a Syrian
25 national enters Syria they are subject to the

1 obligations and duties of citizenship?

2 DR. LEVERETT: My understanding is
3 that there are certain obligations of citizenship
4 involving compulsory military service for example
5 which Syrian authorities may be prepared in some
6 cases to overlook with respect to dual nationals,
7 but as a general proposition, a sort of
8 proposition of principle, my understanding of the
9 Syrian position is that they don't recognize in a
10 principled or theoretical way the concept of dual
11 nationality, at least as far as it pertains to
12 Syrian nationals.

13 MS EDWARDH: Perhaps because I
14 also am aware, sir -- and I certainly don't
15 dispute your characterization that the government
16 from time to time does not demand that Syrians
17 with dual citizenship actually do their military
18 service, but certainly it is your view that they
19 don't recognize dual citizenship in the ordinary
20 course for the purpose of consular relations?

21 DR. LEVERETT: That is my
22 understanding, yes.

23 MS EDWARDH: I would like to show
24 you a document.

25 If the witness could please be

1 provided with Exhibit P-42, Volume 2, tab 142.

2 Volume 2, tab 142.

3 Are you familiar with a
4 publication by the name of Al-Hayat?

5 DR. LEVERETT: Oh, yes.

6 MS EDWARDH: Could you, for the
7 benefit of others who may not know, describe what
8 it is and where it is published?

9 DR. LEVERETT: Al-Hayat is
10 currently published in London. Historically it is
11 a newspaper of Lebanese origin originally founded
12 and published in Beirut. During the Lebanese
13 Civil War the publishers moved their operation out
14 of the region to London, and with the advance of
15 modern communications technology over the last 10
16 years or so, Al-Hayat has become one of the -- I
17 would say one of the two leading regional
18 Arabic-language daily newspapers in the Middle
19 East.

20 MS EDWARDH: Thank you.

21 It is interesting to note that as
22 early as October 26, 2002 -- really just a few
23 days after Mr. Arar surfaces in Syria -- Al Hayat
24 is reporting:

25 "Syrian Security authorities

1 are investigating Mr. Maher
2 Arar, a Canadian citizen of
3 Syrian origin, about the
4 possibility of having any
5 connection with terrorism,
6 after the US authorities
7 deported him from USA to
8 Syria, on a suspicion that he
9 had relationship with
10 al-Qaeda.

11 Diplomatic sources
12 informed ..."

13 When you read "diplomatic
14 sources" --

15 DR. LEVERETT: Yes?

16 MS EDWARDH: It says:

17 "Diplomatic sources informed
18 Al-Hayat that the Syrian
19 authorities have allowed
20 Mr. Leo Martel, the Canadian
21 Consul at the embassy of
22 Canada, to visit Mr. Arar in
23 his jail, after a meeting
24 between the Canadian
25 Ambassador Mr. Franco

1 Pillarella and a Ministry of
2 Foreign Affairs' officials.
3 The sources expressed their
4 comfort for this visit since
5 Mr. Arar is a Syrian national
6 who holds the Canadian
7 citizenship."

8 I draw from that, sir, that there
9 is someone in the Syrian government who has let it
10 be known that they are comfortable with Canada's
11 access to Mr. Arar as early as October 26, 2002.

12 Do you draw that as well?

13 DR. LEVERETT: Yes. They are
14 obviously comfortable with Canadian officials
15 having access to Mr. Arar because they granted
16 those officials that access.

17 MS EDWARDH: Right. You agree
18 with me, sir, that it would be unusual to have
19 this kind of statement publicly acknowledged by
20 Syrian government officials?

21 DR. LEVERETT: Well, since I
22 consider this case to be unusual, this is not the
23 sort of thing I would look for in statements from
24 Syrian officials.

25 I think looking at this report now

1 in the context of the time, I think it may well
2 have been part of a Syrian effort -- at least a
3 Syrian Foreign Ministry effort given the
4 sourcing -- to try to signal to the outside world
5 that while they were holding Mr. Arar, they were
6 going to investigate Mr. Arar, there were serious
7 concerns about Mr. Arar from their perspective,
8 they were not interested in gratuitously trashing
9 their relationship with Canada while they sorted
10 out what they might be able to get from
11 investigating Mr. Arar in terms of the
12 relationship with the United States.

13 MS EDWARDH: Certainly from the
14 get-go they were aware that there was a big
15 diplomatic problem between Canada and the U.S. on
16 this issue --or there was a diplomatic problem?

17 DR. LEVERETT: I honestly don't
18 know what they knew about U.S.-Canadian
19 discussions on the Arar case.

20 MS EDWARDH: Well, certainly if
21 the Syrians monitor this daily newspaper, it says
22 right there in paragraph three:

23 "A diplomatic problem
24 occurred when the US
25 authorities deported Mr. Arar

1 from Kennedy Airport when he
2 was on his way back from
3 Tunisia to Montreal, without
4 coordinating with the
5 Canadians, since Mr. Arar is
6 not on the Canadian
7 terrorists' list. Canadian
8 Foreign Minister Bill Graham
9 condemned the deporting and
10 presented an official protest
11 to the Americans."

12 So they would know there was a
13 diplomatic tiff going on at this time?

14 DR. LEVERETT: Yes, but we don't
15 know what the sources are for that paragraph.

16 MS EDWARDH: Would you not think
17 that this kind of reporting would be viewed in the
18 ordinary course by observers within the Syrian
19 Foreign Ministry and they would be aware of this
20 report, which also quotes them?

21 DR. LEVERETT: Oh, yes. I can't
22 tell from this report who the journalist was for
23 Al-Hayat who prepared it -- I am perhaps assuming,
24 but if it was this their regular Damascus
25 correspondent this is someone that I know for a

1 fact has very good connections at Syrian Foreign
2 Ministry, oftentimes gets exclusive stories out of
3 the Syrian Foreign Ministry.

4 MS EDWARDH: So in looking at
5 Canada's relationship with Syria, or Syria's lens
6 that it looks at Canada through, you have, I take
7 it, nothing, sir, to disagree with the view
8 expressed in testimony here that access was also
9 very much in the interest of maintaining good
10 bilateral relations?

11 You have no information to offer
12 that disagrees with that?

13 DR. LEVERETT: I think I would
14 agree with that.

15 In terms of why the Syrians would
16 grant this unusual degree of consular access in
17 the Arar case, I think it was very much motivated
18 by a Syrian interest, as I said, in not trashing
19 gratuitously their relationship with Canada while
20 they were seeing what they could get out of this
21 whole thing from the United States.

22 MS EDWARDH: Were you aware, sir,
23 that at the same time Syria was trying to
24 encourage Canadian investment and indeed Petro-Can
25 and one other company were looking at investments

1 in oil in Syria?

2 DR. LEVERETT: I am aware of
3 Petro-Canada's interests in Syria for oil, yes.

4 MS EDWARDH: They were looking for
5 some vehicle for investment at this time?

6 DR. LEVERETT: I hadn't drawn the
7 connection before, but you are right, it would
8 have been during this period that Petro-Canada
9 would have had that interest.

10 MS EDWARDH: That would have been
11 of course of great interest to the Syrian
12 government?

13 DR. LEVERETT: Yes. Since
14 President Bashar al-Asad has become President, the
15 Syrians have been trying to encourage foreign
16 investment, particularly in their oil sector.

17 MS EDWARDH: Certainly Canada's
18 position with respect to the war in Iraq was
19 something that was important to the Syrians?

20 DR. LEVERETT: Syrian officials,
21 in my view, would have viewed with favour Canada's
22 decision not to participate in the Iraq war, yes.

23 MS EDWARDH: In a sense, it
24 ultimately let them feel less isolated?

25 DR. LEVERETT: Yes.

1 MS EDWARDH: I want to read you an
2 exchange and ask you whether this is just a lie or
3 whether you accept it as the truth.

4 "There is a meeting ..."

5 For my colleagues, you will find
6 this June 15, 2005, a meeting between
7 Mr. Pillarella and General Khalil. It is the
8 comments of --

9 MR. CAVALLUZZO: Just let me
10 interrupt.

11 It wouldn't have been 2005.

12 MS EDWARDH: I'm sorry. No, it is
13 not 2005.

14 It is the meeting in which they
15 discuss the CSIS visit.

16 It is the June 15, 2005
17 transcript. I'm going to read it to him.

18 MR. CAVALLUZZO: The transcripts
19 are here. The meeting I think you are referring
20 to was on January 9, 2003.

21 MS EDWARD: Yes.

22 MR. CAVALLUZZO: Is that correct?

23 THE COMMISSIONER: Let's deal
24 with -- Mr. Décary, would you like the witness to
25 be shown the transcript?

1 MR. DÉCARY: Yes.

2 THE COMMISSIONER: Could somebody
3 produce the transcript?

4 MS EDWARDH: Thank you. I would
5 appreciate that.

6 --- Pause

7 MS EDWARDH: If you turn to
8 page 7035 it is a question posed by Commission
9 counsel, Mr. Cavalluzzo. If I can just take you
10 to line 17 on page 7035. Mr. Pillarella has
11 testified for some time and Mr. Cavalluzzo then
12 comes back. He says:

13 "I have some remaining
14 questions for you,
15 Mr. Pillarella. Once again
16 these questions relate to the
17 CSIS visit that we discussed
18 yesterday, that visit in
19 November 2002. What I want
20 to ask you is whether Mr.
21 Khalil said to you that on a
22 very exceptional basis he
23 would agree to have Canadian
24 intelligence officials come
25 to Damascus to review the

1 information provided by Arar.
2 Is that correct?"
3 (As read)
4 The Ambassador says:
5 "He did, yes."
6 "MR. CAVALLUZZO: Is it true
7 that you asked whether it
8 would be possible for the
9 official to directly ask
10 questions of Mr. Arar."
11 (As read)
12 The Ambassador says:
13 "That is correct, but the
14 General was non-committal on
15 this." (As read)
16 Continuing:
17 "MR. CAVALLUZZO: Okay. Is
18 it true that General Khalil
19 went on to say that the
20 official, that is the
21 security official from
22 Canada, would be welcome to
23 attend the interrogation
24 sessions and satisfy himself
25 that everything was

1 aboveboard.
2 MR. PILLARELLA: Yes. In
3 fact, he said the official
4 would be welcomed within the
5 interrogation sessions and
6 satisfy himself that
7 everything was aboveboard.
8 For this, however, it would
9 help if the official could
10 speak Arabic.

11 Then he went on to say
12 that whether or not the
13 Canada official could ask
14 direct questions, he would
15 leave Damascus absolutely
16 satisfied regarding the exact
17 circumstances of Arar.

18 He added that despite --
19 this he would do only for
20 Canada, because he said, he
21 added that despite repeated
22 requests by Americans,
23 British and Germans, this had
24 not been granted. They had
25 not been granted such a

1 privilege, but the Syrians
2 would be ready to receive a
3 Canadian official at our
4 convenience." (As read)

5 Are you aware, sir, of whether in
6 fact American, British and German officials had
7 been sought and been denied access -- and I assume
8 their intelligence officials -- to interrogations
9 of their nationals held by Syrian Military
10 Intelligence?

11 DR. LEVERETT: I certainly can't
12 speak for British and German officials. I am not
13 a ware of any requests of this sort that were made
14 by American officials.

15 MS EDWARDH: All right. So
16 Americans have, I'm going to suggest, declined to
17 participate in the interrogations conducted by
18 Syrian Military Intelligence of either Americans
19 or other nationals that they may have an interest
20 in?

21 DR. LEVERETT: I don't know if
22 that is true or not.

23 MS EDWARDH: So you don't know
24 whether they asked and were refused or they didn't
25 ask as a matter of their own judgment?

1 DR. LEVERETT: I don't know that.

2 MS EDWARDH: So can you tell us
3 whether or not -- and I take it you have no
4 information about the British or the Germans?

5 DR. LEVERETT: No.

6 MS EDWARDH: You would have no
7 information, then, about whether foreign
8 intelligence services had ever had access to any
9 interrogations?

10 DR. LEVERETT: I simply don't
11 know that.

12 MS EDWARDH: If this offer was
13 true -- this is of course January, many months or
14 many weeks after Mr. Arar is originally detained
15 and held incognito -- if this offer is true, would
16 this not signal a really general interest in
17 developing intelligence channels with Canadians?

18 DR. LEVERETT: What was
19 represented in this testimony from Ambassador
20 Pillarella -- and it's a consistent with a
21 document, a report in the package that I
22 reviewed -- the way I interpreted what General
23 Khalil was saying to Pillarella, I believe it is
24 part of the Syrian effort, allowing of this access
25 to Arar, that they would also be prepared to grant

1 this unusual access of Canadian security officials
2 to Arar as part of the Syrian effort to, as best
3 they could, keep relations with Canada on a more
4 or less even keel while Arar was incarcerated.

5 MS EDWARDH: And would it not also
6 be the case -- you can have that hypothesis, but
7 it may well be the Syrians were interested in
8 opening up communication with CSIS as CSIS had
9 just visited them in November.

10 DR. LEVERETT: In November, yes.

11 MS EDWARDH: So it might be an
12 overture of welcome to the Canadian Security
13 Intelligence Service indicating that they would be
14 prepared to have them participate?

15 DR. LEVERETT: I suppose that
16 could be. I had a different reading of this
17 conversation between General Khalil and the
18 Ambassador.

19 MS EDWARDH: Certainly it's
20 available to draw that inference from that
21 conversation?

22 DR. LEVERETT: You can make that
23 argument, yes.

24 MS EDWARDH: I am going to ask
25 about personal relations as playing into the

1 position that Canada has.

2 I would like the witness to please
3 be provided with CBC document dated Friday, June
4 24, 2005.

5 Do you have that?

6 I ask that this be marked as the
7 next exhibit.

8 THE COMMISSIONER: 262.

9 EXHIBIT NO. P-262: CBC
10 article entitled "Syrian
11 hardliner's family given
12 visas for Canadian births:
13 report"

14 MS EDWARDH: I shipped this or
15 faxed it to your counsel earlier.

16 I take it you have had an
17 opportunity to read this article?

18 DR. LEVERETT: I have seen this
19 yes.

20 MS EDWARDH: And while the name is
21 spelled slightly different than you do in your
22 book, I take it what we have here is a description
23 of the daughter-in-law and daughter of Bahjat
24 Suleiman.

25 DR. LEVERETT: Yes.

1 MS EDWARDH: The person you
2 described earlier as being kind of pivotal in the
3 General Intelligence Directorate.

4 DR. LEVERETT: Yes.

5 MS EDWARDH: Were you aware, sir,
6 that during the period of time that Ambassador
7 Pillarella was in Damascus that Suleiman's
8 daughter-in-law and daughter had come to Canada
9 and that they had given birth here and that indeed
10 they would become Canadian citizens?

11 DR. LEVERETT: No. Until I saw
12 this report, I had not heard that.

13 MS EDWARDH: You had not heard
14 that. And you wouldn't of course then be able to
15 comment on the fact -- and I take you down to the
16 fifth paragraph in this article.

17 "According to the report,
18 which cites sources close to
19 the situation, it's common
20 for the children of senior
21 Syrian officials to deliver
22 their children in Canada to
23 give them citizenship and a
24 place to receive a low-cost
25 education."

1 DR. LEVERETT: My own sense of
2 this phenomenon is a little bit broader based. I
3 think it is fairly common for the children of
4 senior officials in Syria to do this kind of thing
5 in a number of countries. Canada may well be one
6 of them, but they also do in the United States,
7 they do it in various European countries; make
8 sure the children are born in these countries so
9 they can claim citizenship.

10 Subsequently children of senior
11 officials set up businesses in the --

12 MS EDWARDH: Are you aware, sir,
13 of any high-ranking officials in Syria who have
14 chosen to have their daughter-in-law or daughters
15 deliver in the United States?

16 DR. LEVERETT: Yes.

17 MS EDWARDH: And who would that
18 be?

19 DR. LEVERETT: Actually, not
20 strictly speaking an intelligence official, but a
21 former Chief of Staff for the Syrian military,
22 General Hikmat Shihabi.

23 MS EDWARDH: Is he still in Syria?

24 DR. LEVERETT: At this point, I
25 think General Shihabi may be spending a good deal

1 of time at his son's residence in California. One
2 of General Shihabi's sons has for many years been
3 established in United States, in California, as a
4 physician and businessman, and General Shihabi's
5 grandchildren from that son have been born in the
6 States.

7 MS EDWARDH: My point, though, is
8 only this: that these kind of personal relations
9 can also play an important role or personal
10 considerations in how requests are dealt with?

11 DR. LEVERETT: I suspect in
12 general that requests for visas by the families of
13 very prominent officials are probably handled a
14 little bit differently, but I don't have
15 experience with that.

16 MS EDWARDH: I see. So you
17 wouldn't know whether the concern for senior
18 military intelligence persons or intelligence
19 persons to have access to Canada was an important
20 consideration in their thinking about how to treat
21 Canada?

22 It could be or could not be. You
23 wouldn't know.

24 DR. LEVERETT: I wouldn't know.

25 MS EDWARDH: Let me also just

1 continue for a moment in respect of the
2 relationship that you may or may not be in a
3 position to comment about.

4 It is clear that within a very few
5 hours of Syria publicly acknowledging that it had
6 Mr. Arar -- and of course we don't know whether,
7 until the Canadians came knocking, the Syrians had
8 a clue that he was a Canadian.

9 You have no information about
10 that?

11 DR. LEVERETT: No, I don't.

12 MS EDWARDH: They may well have
13 thought he was a U.S citizen and also a national
14 of Syria?

15 DR. LEVERETT: Possible, yes.

16 MS EDWARDH: So within the period
17 of time that Canada goes knocking, you will agree
18 with me that when they realize that he is a
19 Canadian citizen at least, it is extraordinary
20 that within a brief period of hours the Ambassador
21 has a meeting with General Khalil?

22 DR. LEVERETT: Yes, I would
23 consider that extraordinary.

24 MS EDWARDH: And I'm going to
25 suggest to you, sir, that must be because of a

1 very real and substantial interest in maintaining
2 bilateral relations with Canada?

3 DR. LEVERETT: I think the Syrians
4 did have an interest in maintaining those
5 relations, yes.

6 MS EDWARDH: You made an
7 interesting observation, and you dealt with it
8 globally, and it may take me a bit to tack things
9 together.

10 You were asked by Mr. Décary about
11 public clamour, public discussion of Mr. Arar's
12 detention in Syria as being counterproductive.
13 You said in your opinion it was. It would have
14 led to a denial of access and to continued
15 detention.

16 DR. LEVERETT: As I recall the
17 question, it was a high-profile, sustained public
18 campaign to embarrass Syria over the Arar
19 detention. Yes, I would argue that that would
20 have been counterproductive.

21 MS EDWARDH: I want to ask you,
22 sir, whether you were informed about how the
23 August 14th consular visit came to pass? What had
24 happened internationally prior to that August 14th
25 visit?

1 Do you have any knowledge, sir?

2 DR. LEVERETT: I don't recall,
3 from my review of the documents, a specific
4 international event linked to that visit.

5 MS EDWARDH: So I take it, sir,
6 that you were not told that the Syrian Human
7 Rights Committee had published a report
8 documenting that Mr. Arar had been the victim of
9 torture in Syria -- let me just finish the
10 question.

11 DR. LEVERETT: Mm-hmm.

12 MS EDWARDH: And two, a more
13 detailed letter had been written by that committee
14 to Mr. Arar's wife, and that letter had been made
15 public and that the Ambassador had been called in
16 by the minister -- all of it very public.

17 Then a meeting occurred within
18 about 24 hours.

19 I just want to put the suggestion
20 to you. Obvious --

21 MR. DÉCARY: I would like to
22 object.

23 If you look at tab 26 in the book
24 that was remitted to you --

25 DR. LEVERETT: Yes, I do recall

1 this.

2 MS EDWARDH: We will deal with on
3 the basis that you have it before you.

4 So you are aware that there was a
5 public clamour, and there had been a sustained
6 campaign by Mr. Arar's wife. There had been
7 vigils on Parliament Hill, et cetera.

8 I am going to suggest to you that
9 at least in that instance, what the Syrians were
10 responding to was the pressure created by the
11 public clamour in respect of allegations that
12 Mr. Arar had been tortured and was currently being
13 tortured.

14 DR. LEVERETT: This document I
15 recall now was part of the packet that I reviewed.
16 I know that the Syrian Human Rights Commission
17 sent this letter to Mr. Arar's wife.

18 When I described -- when I refer
19 to a high-profile, sustained public campaign to
20 embarrass Syria, I mean one that would involve
21 Canadian officials at a high level in a very
22 public way, publicly criticizing Syria for its
23 detention of Arar.

24 MS EDWARDH: So certainly the ebb
25 and flow of public concern is something that, if

1 played correctly, can produce a response on the
2 Syrian side.

3 DR. LEVERETT: I'm not sure that
4 that is true. I would still interpret, to the
5 extent that the Syrians were prepared to be
6 responsive to Canadian interests in terms of
7 having access to Mr. Arar, Canadian interest in
8 the conditions of his incarceration, that that had
9 more to do with a kind of Syrian sense in wanting
10 to preserve government-to-government relations.
11 It wasn't a response to press events or media
12 accounts.

13 MS EDWARDH: Certainly you will
14 have to agree with me if those press accounts
15 light the fire under senior government officials
16 in Canada, then it's a concern to the Syrians,
17 because that is when bilateral relations can be
18 affected?

19 DR. LEVERETT: But then the point
20 I was making is that the representations that
21 Canadian officials made to Syrian officials
22 regarding the Arar case were, at least as far as I
23 read the record, for the most part not
24 particularly public communications; you know,
25 conversations between the Canadian Foreign

1 Minister and his Syrian counterpart, conversations
2 by Ambassador Pillarella with Syrian officials.

3 Even the letter from Prime
4 Minister Chrétien to President Assad, you know
5 it's not clear to me that that letter immediately
6 became public.

7 MS EDWARDH: So when you say a
8 sustained campaign, what you are really talking
9 about is a campaign by government officials --

10 DR. LEVERETT: Yes.

11 MS EDWARDH: -- in respect of
12 criticism of the regime in Syria.

13 DR. LEVERETT: And doing it
14 publicly, yes.

15 MS EDWARDH: You are not talking
16 about great expressions of public concern in the
17 community that may motivate government officials?

18 DR. LEVERETT: No, I'm not.

19 MS EDWARDH: I see. So great
20 expressions of public concern are indeed matters
21 that allow government officials to say privately
22 "we have a problem in our community".

23 DR. LEVERETT: Yes.

24 MS EDWARDH: And indeed Ambassador
25 Pillarella, as I recall, said as much.

1 DR. LEVERETT: Yes.

2 MS EDWARDH: That being able to go
3 and say the Canadian community is disturbed and
4 distressed was an important thing to be able to
5 say.

6 DR. LEVERETT: Yes.

7 MS EDWARDH: It was a lever that
8 he could use.

9 DR. LEVERETT: I think it was a
10 lever that somebody in Ambassador Pillarella's
11 situation could bring to bear in his dialogue with
12 Syrian officials, yes.

13 MS EDWARDH: I want to come to
14 Senator Pierre -- I'm going to say that wrong,
15 Mr. Commissioner; I wasn't here -- De Bané. I am
16 only going to say it once. It is "the Senator"
17 from now on.

18 DR. LEVERETT: Okay.

19 MS EDWARDH: Senator De Bané was a
20 personal envoy of our Prime Minister.

21 Do you know who he is?

22 DR. LEVERETT: I gather he is a
23 Canadian senator of Arab extraction.

24 MS EDWARDH: Yes. And he is
25 someone who even in his reports to Canada says he

1 was born in Haifa, Palestine.

2 DR. LEVERETT: Yes.

3 MS EDWARDH: He is someone who has
4 travelled to Syria and is a person with a personal
5 relationship with the Deputy Foreign Minister, Mr.
6 Mouallem.

7 DR. LEVERETT: All right.

8 MS EDWARDH: His bringing of that
9 letter, his personal relationship, and what he had
10 done in the Middle East, I am going to suggest to
11 you was instrumental in getting the Deputy Foreign
12 Minister to say -- and he testified to this at
13 page 4646, Mr. Commissioner -- that he would
14 support the Prime Minister's request that Mr. Arar
15 be allowed to come home on humanitarian grounds.

16 DR. LEVERETT: It sounds in the
17 circumstances like he was a smart choice for the
18 Prime Minister to use as an envoy.

19 MS EDWARDH: And those personal
20 connections are important in the decision-making
21 among Syrian senior officials.

22 DR. LEVERETT: I think they can
23 be, yes.

24 MS EDWARDH: And they were in this
25 case.

1 DR. LEVERETT: It sounds as if the
2 senator was an effective envoy for the Prime
3 Minister.

4 MS EDWARDH: So even though we
5 know that Mr. Arar was first described as a member
6 of the al-Qaeda and then in December described as
7 a member of the Muslim Brotherhood and then by
8 April described as a member of al-Qaeda again,
9 somewhere along that continuum the investigation
10 really was finished.

11 DR. LEVERETT: At some point, yes.

12 MS EDWARDH: And then as I
13 understand what you are saying, Professor
14 Leverett, is simply this: At some point the
15 Syrian chose their time.

16 DR. LEVERETT: Yes.

17 MS EDWARDH: In their
18 self-interest.

19 DR. LEVERETT: Yes.

20 MS EDWARDH: But that before they
21 chose their time, they were satisfied that
22 Mr. Arar was not a threat.

23 DR. LEVERETT: My testimony is
24 that the Syrians would have wanted to satisfy
25 themselves that from their perspective he wasn't a

1 threat before they released him, yes.

2 MS EDWARDH: I want to turn to
3 another area.

4 I am surprised, Dr. Leverett, that
5 your position, as I recall it, when we started
6 today, was that you only became aware of media
7 reports of rendition after you left the
8 government.

9 DR. LEVERETT: That's my
10 recollection, yes.

11 MS EDWARDH: I just want to
12 establish a few things about your work.

13 You were a person who gave advice
14 to the National Security Advisor and to the
15 President and to the National Security Council
16 from March 2002 through to March 2003.

17 DR. LEVERETT: Roughly, yes.

18 MS EDWARDH: And just so the
19 record is clear, the National Security Council is
20 an entity chaired by the President and it sits as
21 a matter of its statute. It has its own
22 legislative framework.

23 DR. LEVERETT: Yes.

24 MS EDWARDH: And its legislated
25 members.

1 DR. LEVERETT: Yes.

2 MS EDWARDH: Some are there as
3 permanent members and some are there simply as
4 invitees when it becomes important to consult them
5 on a specific issue.

6 DR. LEVERETT: Yes.

7 MS EDWARDH: And its purpose is to
8 bring together issues of U.S. defence or security
9 and foreign policy.

10 DR. LEVERETT: Yes.

11 MS EDWARDH: You sat as the Senior
12 Director for the Middle East.

13 DR. LEVERETT: Yes.

14 MS EDWARDH: And that would mean
15 that you would be involved in giving advice about
16 the entry of U.S. Forces into Afghanistan?

17 DR. LEVERETT: I went to the
18 White House after the war in Afghanistan had been
19 fought, so that would not have been an issue that
20 I dealt with at the White House.

21 MS EDWARDH: The invasion of Iraq.

22 DR. LEVERETT: I was Senior
23 Director for Middle East Affairs, but the way my
24 portfolio was declined it included the
25 Arab-Israeli arena which encompassed Syria, among

1 other places.

2 It also included Saudi Arabia.
3 Iraq was not part of my portfolio.

4 MS EDWARDH: How about the global
5 war on terror as it related to the countries in
6 which you held the portfolio?

7 DR. LEVERETT: There was a
8 separate directorate at the NSC for counter
9 terrorism. There was, in fact, a Deputy National
10 Security Advisor responsible for counter
11 terrorism.

12 I would become involved with
13 issues like, given Syria's status as a state
14 sponsor of terrorism, what should our policy be in
15 terms of engaging or not engaging state sponsors
16 of terrorism on political or strategic issues.

17 Specific tactical questions of how
18 to conduct the war on terror, which I assume would
19 include questions of rendition, those were not
20 part of my area of responsibility.

21 MS EDWARDH: Would you have been
22 present during discussions about them at the
23 National Security Council?

24 DR. LEVERETT: No. Those
25 discussions would have been conducted with

1 different National Security Council staff members
2 in the room.

3 MS EDWARDH: And so, for example,
4 would you have been called upon to give advice
5 about individuals in Saudi Arabia who should be
6 targeted pursuant to executive orders for the
7 seizure of their property in the U.S.?

8 DR. LEVERETT: No, I would not
9 have been.

10 MS EDWARDH: So you would not have
11 been consulted on that as a policy matter or on
12 the nature of the individuals.

13 DR. LEVERETT: Both, I think.

14 MS EDWARDH: So you would be
15 simply outside of that loop, other than to have
16 access to the order, if it was a public order?

17 DR. LEVERETT: That's right.

18 MS EDWARDH: Could you please
19 provide the witness with the article in the
20 Washington Post, dated March 11th, 2002.

21 Could I ask that it be marked as
22 the next exhibit, please.

23 THE COMMISSIONER: 263.

24 MS EDWARDH: Thank you, Mr.
25 Commissioner.

1 EXHIBIT NO. P-263: Article
2 from The Washington Post,
3 dated March 11, 2002,
4 entitled "U.S. Behind Secret
5 Transfer of Terror Suspects"

6 MS EDWARDH: Dr. Leverett, this
7 article is among the very first major articles
8 published in the United States discussing the
9 policy of rendition in detail.

10 DR. LEVERETT: Mm-hmm.

11 MS EDWARDH: And in particular, if
12 I take you down to the fifth paragraph, it says:

13 "Since Sept. 11, the U.S.
14 government has secretly
15 transported dozens of people
16 suspected of links to
17 terrorists to countries other
18 than the United States,
19 bypassing extradition
20 procedures and legal
21 formalities, according to
22 Western diplomats and
23 intelligence sources. The
24 suspects have been taken to
25 countries, including Egypt

1 and Jordan, whose
2 intelligence services have
3 close ties to the CIA and
4 where they can be subjected
5 to interrogation tactics --
6 including torture and threats
7 to families -- that are
8 illegal in the United States,
9 the sources said. In some
10 cases, U.S. intelligence
11 agents remain closely
12 involved in the
13 interrogation, the sources
14 said.
15 `After September 11, these
16 sorts of movements have been
17 occurring all the time,' a
18 U.S. diplomat said. `It
19 allows us to get information
20 from terrorists in a way we
21 can't do on U.S. soil.'"

22 So sir, you were about to
23 undertake your duties in the National Security
24 Council when this article hit the press.

25 DR. LEVERETT: Actually by March

1 the 10th I would have already been there.

2 MS EDWARDH: Right. But this is a
3 full year away from your leaving government
4 service.

5 DR. LEVERETT: Yes.

6 MS EDWARDH: And this article
7 would have come to your attention, would it not?

8 DR. LEVERETT: I am a regular
9 reader of the Washington Post and certainly was at
10 the time I was the White House. I don't have a
11 specific recollection of seeing this article at
12 the time it was published.

13 MS EDWARDH: One would have
14 thought, given where you were, and what the
15 business of you and others were about, that this
16 article would have been somewhat of a concern.

17 DR. LEVERETT: As I said, you
18 know, the day-to-day conduct of the war on terror
19 was an issue that was, for the most part, handled
20 out of other parts of the NSC apparatus. I was
21 spending 16-hour days at the White House dealing
22 with Arab/Israeli diplomacy, U.S. diplomatic
23 relations with countries like Egypt and Syria as
24 we're contemplating going war in Iraq. Relations
25 with the Saudis at a particularly different time

1 in that bilateral relationship.

2 I was not concerned on a
3 day-to-day basis, with tactical decisions about
4 who might be getting rendered and where they might
5 be going.

6 MS EDWARDH: I appreciate it, sir,
7 but all I'm really trying to establish is while
8 you may not have been on the operational side,
9 certainly in the course of your obligations and
10 discharging your duties and having your ears and
11 eyes to the ground in the areas you were dealing
12 with, it could not have escaped you, surely, that
13 this information about the CIA and its rendering
14 of subjects outside of legal processes, had hit
15 or become part of the public domain or gone into
16 the public domain?

17 DR. LEVERETT: All I can say is I
18 don't have a specific recollection of reading this
19 article or becoming aware of controversy over the
20 rendition issue until after I left government.

21 The issue --

22 MS EDWARDH: In 2003.

23 DR. LEVERETT: Yes. The issue of
24 how the U.S. Government was treating detainees at
25 Guantanamo, I do have a specific recollection of

1 that becoming a public issue of controversy during
2 the time I was at the White House. It didn't
3 affect my work directly, but I was aware of that.
4 I simply don't have a recollection of rendition
5 being an issue of public controversy before I left
6 government.

7 MS EDWARDH: Would it be
8 appropriate to say though that you were aware that
9 rendition was a practice that the CIA had been
10 involved in before 9/11 and thereafter after 9/11?
11 It was a fairly central piece to the CIA's public
12 presentation of how it was going to fight against
13 bin Laden?

14 DR. LEVERETT: Yes, I am aware
15 that at -- I can't remember specifically when, but
16 that the Director of Central Intelligence, Mr.
17 Tenant, I think made public references to
18 rendition as at least a potential tactic in the
19 counter-terrorism arsenal. But I wasn't aware of,
20 you know, public controversy surrounding this
21 issue.

22 MS EDWARDH: And indeed I'm going
23 to just take you to a piece of Mr. Tenant's
24 comments, which you will -- if I could ask that
25 they be given to the witness.

1 October 17th, 2002, written
2 statement for the record, by the Director of the
3 Central Intelligence Agency before the Joint
4 Inquiry Committee, 17 October, 2002.

5 THE COMMISSIONER: Okay.

6 THE REGISTRAR: 264.

7 EXHIBIT P-264: Document
8 entitled "Written Statement
9 for the Record of the
10 Director of Central
11 Intelligence Before the Joint
12 Inquiry Committee" dated 17
13 October 2002.

14 MS EDWARDH: So certainly, and I'm
15 going to just take you through a few of these
16 observations, this is a public statement given by
17 the Director of the Central Intelligence Agency.

18 DR. LEVERETT: Mm-hmm

19 MS EDWARDH: You're nodding sir,
20 you have to answer yes or no.

21 DR. LEVERETT: It looks like it,
22 yes.

23 MS EDWARDH: And I take it the
24 members of the free press could publish it and see
25 it in a different form when it was typed up or put

1 in the record.

2 DR. LEVERETT: Yes, I think
3 that's undoubtedly the case.

4 MS EDWARDH: So if I ask you to
5 turn to page three, certainly, if you look about a
6 third of the way down or two, it begins with the
7 paragraph:

8 "as bin Laden's prominence
9 grew in the early 1990s, it
10 became clear to the CIA it
11 was not enough simply to to
12 collect and report
13 intelligence about him."

14 DR. LEVERETT: Okay.

15 MS EDWARDH: And then jumping down
16 to the next:

17 "I must pause here. In an
18 open forum, I cannot describe
19 what authorities we sought or
20 received, but it is important
21 that the American people
22 understand two things: The
23 first is about covert action
24 in general. The CIA can only
25 pursue such activities with

1 the express authorization of
2 the President..."

3 And then I'm going to take you
4 over to page six, and the heading is "Going to War
5 Against al-Qaeda: The Plan"

6 If you go down to the fifth
7 bullet:

8 "Pursuing a multi-track
9 approach to bring bin Laden
10 himself to justice including
11 working with foreign
12 services, developing a close
13 relationship with U.S.
14 Federal prosecutors,
15 increasing pressure on the
16 Taliban and enhancing our
17 capability to capture him.
18 CIA's policies and objectives
19 statement for the fiscal year
20 1998 budget submission to
21 congress which was prepared
22 in early 1997 reflects this
23 determination to go on the
24 offensive against terrorism.
25 The submission outlined our

1 counterterrorist center's
2 offensive operations listing
3 as their goals: To render
4 the masterminds, disrupt
5 terrorist infrastructure,
6 infiltrate terrorist roots
7 and work with foreign
8 partners."

9 And over, page eight. Bottom of
10 that page, the director says on the public record:

11 "By 11 September, CIA in many
12 cases with the FBI had
13 rendered 70 terrorists to
14 justice around the world."

15 DR. LEVERETT: Okay.

16 MS EDWARDH: Going over again to
17 page 10:

18 "In 2001..."

19 -- I'm sorry, I'm at page 10,
20 the -- go to the two bullets at the bottom of that
21 page.

22 "In 2001, before 9/11, the
23 CIA IG..."

24 -- What's that?

25 DR. LEVERETT: Inspector general.

1 MS EDWARDH: And the Inspector
2 General, I take it, is someone who issues a
3 report?

4 DR. LEVERETT: Inspectors General,
5 in our system, I think most cabinet agencies have
6 them, laws have been written that stipulate that
7 within each of these cabinet agencies, including
8 the CIA, there will be an inspector general who is
9 allowed to make and empowered to make independent
10 internal investigations and assessments of the
11 performance of that organization and to report
12 those findings to Congress.

13 MS EDWARDH: And clearly what is
14 being referred to here is the Inspector General's
15 report to congress?

16 DR. LEVERETT: It would seem so,
17 yes.

18 MS EDWARDH: And it stated:
19 "In 2001, before 9/11, the
20 CIA IG found significant
21 improvement, citing for
22 example the center's
23 assistance to the FBI in two
24 dozen renditions in
25 1999/2000."

1 DR. LEVERETT: Mm-hmm

2 MS EDWARDH: And I'm going to take
3 you over --

4 MR. DÉCARY: You're reading
5 extracts, but what is the question? The witness
6 is competent to testify that or not, ask the
7 question. If not, then find a way of producing a
8 document, but not by this witness.

9 THE COMMISSIONER: Let's let Ms
10 Edwardh finish referring to the document and I'm
11 sure she'll ask the question. I don't know what
12 it is yet.

13 MR. DÉCARY: Maybe at this point
14 we can just ask, rather than just go on and on. I
15 understand the point, is this witness the
16 competent person to produce. You can produce it
17 otherwise, it's a public document, it's just that,
18 in relation to the testimony of Dr. Leverett, does
19 he have knowledge of rendition?

20 You have heard what he has stated
21 to date.

22 THE COMMISSIONER: I have heard
23 his evidence, but I think that issue was raised by
24 you and I think Ms Edwardh can explore it. I
25 think she was one more reference in the document,

1 I understand, then we'll have the question.

2 MS EDWARDH: And again, Mr.
3 Tenant -- and I'm at page 11, Mr. Commissioner,
4 and just the second last bullet before "Run-up to
5 9/11", beginning with the words "We assisted
6 another foreign partner..."

7 Do you see that language?

8 DR. LEVERETT: Yes, I do.

9 MS EDWARDH:

10 "We assisted another foreign
11 partner in the rendition of a
12 senior bin Laden associate.
13 Information he provided
14 included plans to kidnap
15 Americans in three countries
16 and carry out hijackings."

17 So my question, sir, is while you
18 say you had no operational involvement with
19 renditions, I'm going to suggest, sir, that it
20 would be very difficult to work in the CIA as an
21 analyst, looking for information and not note from
22 time to time that persons who might be of interest
23 to your organization just vanished.

24 DR. LEVERETT: During the time
25 that I was an analyst, I did not work on tactical

1 counter-terrorism issues. I was not part of the
2 agency's effort to chase down terrorists the
3 around the world. I was a political analyst
4 providing support to policy-makers in places like
5 state department and the NSC.

6 I am not, you know, challenging
7 any of these statements, I am not doubting that
8 rendition is part of the CIA's arsenal for its
9 counter-terrorism activities. I am simply saying
10 I am not, as a result of my work in government,
11 aware of particular cases of rendition or how
12 rendition as a policy matter was pursued.

13 MS EDWARDH: And this is even the
14 case while you worked in counter-terrorism in the
15 state department?

16 DR. LEVERETT: As I explained in
17 my direct testimony, the counter-terrorism part of
18 my portfolio at the policy planning staff focused
19 on how to build a diplomatic -- how to build a
20 coalition to go to war in Afghanistan to unseat
21 the Taliban and destroy the al-Qaeda
22 infrastructure there. It was not a day-to-day
23 tactical portfolio --

24 MS EDWARDH: And it didn't
25 include --

1 DR. LEVERETT: -- dealing with
2 individual suspects.

3 MS EDWARDH: Sorry, I didn't mean
4 to cut you off.

5 And it didn't include becoming
6 aware of the details when looking about how you're
7 going to take out al-Qaeda or take out the Taliban
8 structure, looking at how those persons might be
9 removed?

10 DR. LEVERETT: No, I did not work
11 on that issue.

12 MS EDWARDH: So you can't tell us
13 for example, sir, who would authorize a rendition?

14 DR. LEVERETT: No, I do not know
15 that.

16 MS EDWARDH: Could a rendition be
17 carried out, given your knowledge of the CIA,
18 could a rendition be carried out without
19 communicating with CIA agents on the ground in the
20 country receiving the person?

21 MR. DÉCARY: I object. I think
22 with respect to that witness, he is not competent
23 to answer.

24 THE COMMISSIONER: Well, if he has
25 any knowledge. Do you have any knowledge of that?

1 DR. LEVERETT: No, I don't.

2 THE COMMISSIONER: It wasn't an
3 opinion, it was a knowledge question. I think
4 we're just about at the end of the day.

5 MS EDWARDH: I think so, Mr.
6 Commissioner. I think it would be better if we
7 stopped, I will regroup and come back tomorrow.

8 THE COMMISSIONER: Yes, nine
9 o'clock. So we are going to break now, Dr.
10 Leverett. Very much. I know it's been a long
11 day for you.

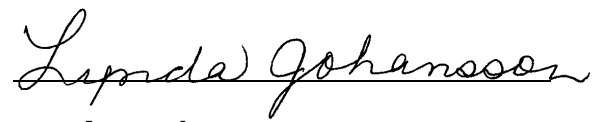
12 DR. LEVERETT: I'm sorry, to have
13 made it longer for everyone else.

14 THE COMMISSIONER: No, not at all.
15 I heard you were at the airport at five o'clock.
16 Thank you. We will we will resume at nine
17 o'clock.

18 --- Whereupon the hearing adjourned at 6:56 p.m.,
19 to resume on Thursday, November 10, 2005
20 at 9:00 a.m. / L'audience est ajournée
21 à 18 h 56, pour reprendre le jeudi
22 10 novembre 2005 à 9 h 00

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