

Canadian Records Located in DHS-OIG Files
(Redactions made by Department of State)

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File # 2003A-5075

- Re: 1. Ms. Shirley Heafey (Mr. Maher Arar)
 Chair, Commission for Public Complaints against the RCMP
 File No: PC-2003-1803
2. Commission for Public Complaints against the RCMP
 Complaint of the Canadian Civil Liberties Association
 File No: PC-2003-2049

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 OPERATIONS, SHQ.

Classified by: Dept. of State
 Downgraded to secret on:
 Feb 22, 2011

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EXHIBIT P-19

TSP-2004
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Tab 32

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FINAL REPORT

File # 2003A-5075

- Re: 1. Ms. Shirley Heafey (Mr. Maher Arar)
Chair, Commission for Public Complaints against the RCMP
File No. PC-2003-1803
2. Commission for Public Complaints against the RCMP
Complaint of the Canadian Civil Liberties Association
File No. PC-2003-2049

Prepared by:

B.S. Garvie

Brian S. Garvie
Chief Superintendent

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1. ~~Based on media accounts of the events referred to below, I Shirley Hengley, chair of the Commission for Public Complaints against the RCMP, am satisfied that there are reasonable grounds to investigate the conduct alleged below and am, therefore, on this 23rd day of October, 2003 initiating a complaint pursuant to subsection 45.37(1) of the RCMP Act.~~

- It is alleged that unidentified members of the RCMP, while performing national security policing functions, improperly encouraged U.S. authorities to deport a Canadian citizen, Mr. Maher Arar, from U.S. territory to Syria. Alternatively, it is alleged that unidentified members of the RCMP, while performing national security policing functions, failed to discourage U.S. authorities from deporting a Canadian citizen, Mr. Maher Arar, from U.S. territory to Syria.
- It is alleged that unidentified members of the RCMP, while performing national security policing functions, improperly divulged information and/or conveyed inaccurate or incomplete information about Mr. Maher Arar to U.S. and/or Syrian authorities.
- It is alleged that unidentified members of the RCMP, while performing national security policing functions, improperly impeded the efforts of the Canadian Government and others to secure the release of Mr. Maher Arar from detention in Syria.

2. The following complaint was received by the Commission and forwarded to the Commissioner pursuant to subsection 45.35(3) of the RCMP Act.

The public controversy regarding this case (Maher Arar) has generated a number of allegations concerning the conduct of the RCMP. These are the matters that form the basis of our complaint. Accordingly, the Canadian Civil Liberties Association requests the Commission for Public Complaints against the RCMP to provide for the investigation of the following allegations:

- That the RCMP employed inappropriate criteria and procedures to commence and then conduct an investigation against Mr. Arar.
- That RCMP officers passed information to the U. S. authorities about Mr. Arar that led to his detention in the U. S. and eventual deportation to Syria.

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- That RCMP officers knowingly and wrongfully attempted to facilitate the deportation of Mr. Arar to Syria to face Inquisition and torture.
- That RCMP officers failed to take all reasonable and necessary steps to forestall Mr. Arar's deportation to Syria.
- That RCMP officers failed to provide Foreign Affairs and other branches of our government with a full, fair, and timely account of the case so as to ensure Mr. Arar's expeditious return to Canada.

Chronology - Project A-O Canada - Maher ARAB

Pertinent excerpts from relevant documents have been included in the body of the chronology. The complete source document(s) have also been referenced.



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01/11/02

A memorandum was sent to [REDACTED] requesting indices checks and asking for any other information known with respect to ARAR [REDACTED]

[REDACTED] In addition, the memorandum identified investigative targets, associations between them and intelligence about them. The memorandum was generated by [REDACTED] at the request of [REDACTED] based upon an A-5 (transit slip) that he had received from [REDACTED] on 01/10/01. The memorandum was sent to HQ and forwarded to [REDACTED] by [REDACTED] on 01/11/07. There were no caveats/conditions included in the correspondence. RCMP policy, at OM APP. 1-3-8.2, identifies the caveats/conditions that are required for the dissemination of national security information. Those caveats/conditions must be included on all outgoing correspondence, messages, and documents being passed to other domestic and foreign law enforcement agencies/departments. (CID) Resp. Bling

(Source Document(s): Vol. 1-Tab. 7, 8 & Vol. 5-Tab. 24)



01/11/29

[REDACTED] ARAR was detained for secondary inspection when he arrived in Ottawa, on a flight from Boston. This was deemed to be a legitimate business trip.

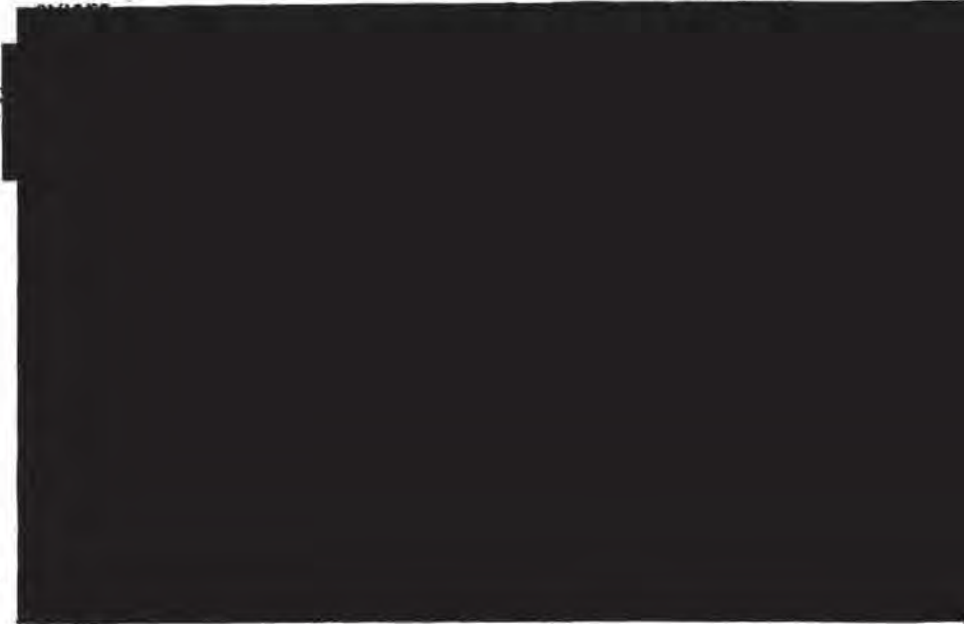
(Source Document(s): Vol. 1-Tab. 10)

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01/12/20

Msher ARAR arrived at Macdonald Cartier Airport, Ottawa, and he was processed through secondary inspection. At that time his lap-top computer and palm pilot were seized by CCRA.

(Source Document(s): Vol. 3 -Tab. 44)



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02/01/22

attended the ARAR residence on Woodridge Crescent with the intent to interview Maher ARAR. [redacted] was advised by his wife, Monia MAZIGH, that ARAR was in Tunisia and would be returning in the next couple of days. [redacted] spoke by telephone to Maher ARAR in Tunisia later that day. He was asked to contact the RCMP upon his return to Canada.

(Source-Document(s): Vol. 1-Tab. 12; Vol. 3-Tab. 48; Vol. 3-Tab. 49))

02/01/23

*Vol 1 TAB 13
ARAR's 02-01-22*

Investigators were contacted by ARAR's defence lawyer, Mr. Michael Edelson who told them that ARAR would not be permitted to speak to the investigators without legal counsel present. Michael Edelson was interviewed on 04/01/12. He related that his first contact with Maher ARAR was in early January of 2002. ARAR was concerned that information would be taken from his laptop and palm pilot, that had been seized during the secondary search conducted by Canada Customs 01/12/20, and he was seeking advice. Michael Edelson was subsequently contacted by Maher ARAR after he had spoken to [redacted] by phone. Edelson was willing to allow the interview, however he dictated a number of criteria that would have to be met. Those criteria would have ensured that any statement given by Maher ARAR was likely to be inadmissible, and as those criteria were so restrictive, the investigators decided not to proceed with the interview.

*Edelson - 11
04/01/12
ARAR - all
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(Source Document(s): Vol. 1-Tab. 13) (Criteria-Vol. 5 Tab. 19 Appendix. 1)



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02/07/05

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The assistance of the Liaison Officer in Washington was requested in an attempt to improve cooperation and to follow up the outstanding requests for information and documentation that were referred to in the letter sent by C/Supt. Couture to [redacted] on 02-06-26.

(Source Document(s): Vol. 1-Tab. 23)

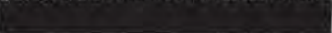


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02/08/20

A response to C/Supt. Couture's letter of 02/06/26 fax was received from the Liaison Officer in Washington DC, by fax. The response was prepared by 

(Source Document(s): Vol. 1-Tab. 29)



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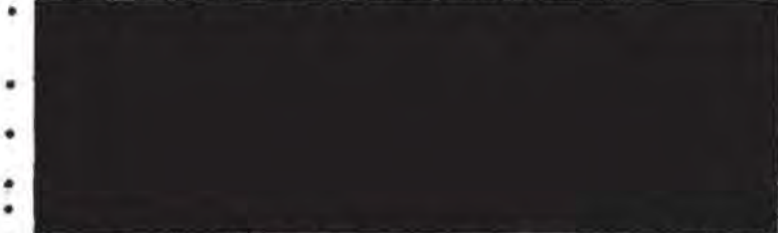


02/09/26 1400hrs

[redacted] faxed a list of questions, pertinent to Maher ARAR, to [redacted]. The questions had been prepared initially for Maher ARAR's interview.

[redacted] The questions covered the following areas:

- biographical information
- occupation/employment
- criminal record and any history of police contact
- personal, including affiliations with political or charitable organizations



The questions that were sent to [redacted] were not edited from the time that they had originally been prepared, and [redacted] in his correspondence refers to the questions as being "a little bit dated." There were no caveats included in the correspondence. Again, RCMP policy, at OM APP. 1-3-8.2, identifies the caveats/conditions that are required for the dissemination of national security information. Those caveats/conditions must be included on all outgoing correspondence, messages, and documents being passed to other domestic and foreign law enforcement agencies/departments. There is no supervisor's signature on the correspondence.

quest
through
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(Source Document(s): Vol. 1-Tab. 35 & Vol. 5-Tab. 24)

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02/09/27

Mike Edelson told [redacted] that he was concerned that Maher ARAR had gone missing.

(Source Document(s): Vol. 4-Tab. 15)

02/10/01 1700hrs

[redacted] attended the A-O Canada office and met with [redacted] and [redacted] to discuss a number of issues including Maher ARAR. [redacted] told [redacted] and [redacted] that Maher ARAR had been refused entry into the United States, and he was to be sent back to Zurich, Switzerland.

(Source Document(s): Vol. 1-Tab. 36)

02/10/02

While in custody in New York, ARAR was given a document by the INS outlining his inadmissibility to the United States. The document read as follows:

Factual Allegation of Inadmissibility under Section 235C of the Immigration and Nationality Act.

1. You are not a citizen of the United States.
2. You are a native of Syria and a citizen of Syria and Canada.
3. You arrived in the United States on September 26, 2002, and applied for admission as a non-immigrant in transit through the United States, destined to Canada.
4. You are a member of an organization that has been designated by the Secretary of State as a Foreign Terrorist organization, to wit Al Qaeda aka Al Qa'ida.

(Source Document(s): Vol. 3-Tab. 32 & Vol. 5-Tab. 28)

02/10/02 1445hrs

Insp. Richard Roy, RCMP Liaison Officer to DFAIT, attended the A-O Canada office and met with [redacted] and [redacted]. Insp. Roy asked if they were aware of Maher ARAR's exact location. Insp. Roy was informed that they had just heard that ARAR was in New York, and he was to be returned to the country he had flown from, Zurich, Switzerland.

(Source Document(s): Vol. 4-Tab. 16)

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02/10/02 1530hrs

Insp. Roy called [REDACTED] and told him that ARAR was still being detained in the U.S.

(Source Document(s): Vol. 4-Tab. 17)

02/10/02 1545hrs

Insp. Roy called [REDACTED] and told him that ARAR had originally intended on flying from New York to Mirabel (Montreal).

(Source Document(s): Vol. 4-Tab. 17)

02/10/02

There was an RCMP (CI) meeting with [REDACTED] at which Maher ARAR was discussed. There are no details of that discussion.

(Source Document(s): Vol. 4-Tab. 18)

02/10/02

A briefing note, pertinent to the investigation overall, for 02/09/26 to 02/10/02[?] respectively, was submitted. This briefing note detailed the detention of ARAR and the circumstances as they were known, concerning his detention. The note specifically states,

"A-O Canada was advised by [REDACTED] that Maher ARAR [REDACTED] was to arrive in New York City on 02/09/26 via a commercial airline flight. ARAR arrived in New York and was subsequently detained. [REDACTED] indicated that they would interview ARAR and then refuse his entry into the United States. [REDACTED] requested a list of questions from A-O Canada for their interview.

[REDACTED]

(Source Document(s): Vol. 1-Tab. 37)

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02/10/03

A Canadian Consular officer in New York visited Maher ARAR in detention. Consul reported that Mr. ARAR was shackled and visibly distraught. He told Consul that after being detained upon arrival, he was interrogated by "immigration police and the FBI." He also told Consul that he was advised on several occasions that he would be allowed to continue his journey as he was not a suspect, and that on at least one occasion, he was told that he was going to be sent to Syria. Maher ARAR showed Consul the document that outlined the U. S. allegations and the reasons for his inadmissibility. Consul recorded those reasons. Maher ARAR has stated publicly that he was given the document related to his inadmissibility, he filled out a form requesting that he be sent to Canada, and when he told Consul that he might be deported to Syria, he was reassured that this would not happen.

(Source Document(s): Vol. 5-Tab. 28)

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[REDACTED]

It is my view that the OJ
Criminal Operations "A" Div. and headquarters CID, should have had the opportunity to
comment about, or provide direction with respect to, any decision regarding the release of
information that was to be used in a criminal prosecution against a Canadian citizen detained in
foreign jurisdiction, particularly with respect to a national security investigation. Such
accountability was not apparent.

[REDACTED]

(Source Document(s): Vol. 1-Tab. 39; Vol. 4-Tab. 19 & 20)

02/10/04 1145hrs

[REDACTED] contacted [REDACTED] and advised him what aliases were known for
ARAR. [REDACTED] also told [REDACTED] that A-O Canada investigators would be
requesting permission to interview ARAR in New York.

[REDACTED]

(Source Document(s): Vol. 4-Tab. 20 & 21)

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02/10/04 1500hrs

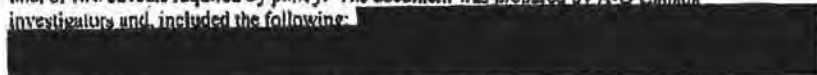
[redacted] met with Mr Michael Edelson, legal counsel for ARAR. Apparently, Edelson had expressed concerns about the detention of AL MALKI in Syria and ARAR in New York. The focus of his concern was that the RCMP had been complicit, or had been involved, in the detention of Maher ARAR. He was informed that the RCMP had no control over events taking place in other countries. Investigators reported that Mr. Edelson was satisfied with the explanation that he was given. At the same time, Edelson told [redacted] and [redacted] that ARAR was being detained in a Brooklyn City jail and that efforts were being made to retain local legal counsel.

During my interview with Mr Edelson, he confirmed that at that time he was satisfied that the RCMP and A-O Canada investigators did not have any involvement in Maher ARAR's detention, and that he had no factual information that would have led him to believe otherwise.

(Source Document(s): Vol. 4-Tab. 22)

02/10/04 1808hrs

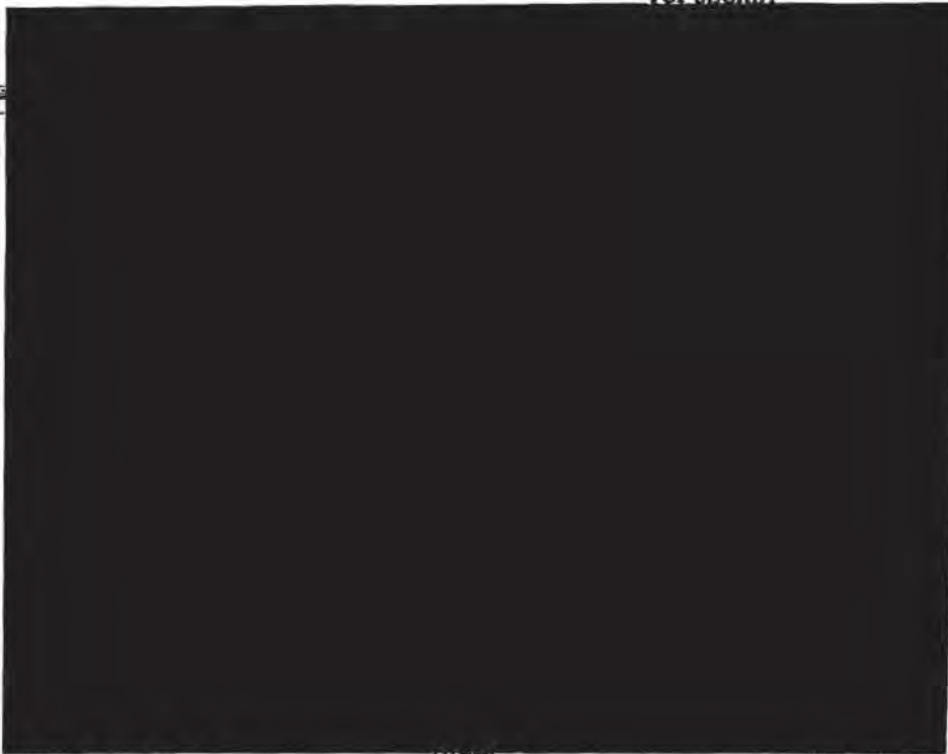
A reply was sent to [redacted] answering the specific questions posed in the correspondence that was received 02/10/03 at 1649hrs from [redacted]. This document contained one, of two caveats required by policy. The document was prepared by A-O Canada investigators and included the following:



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02/10/05 1810hrs

[Redacted]
[Redacted] told [Redacted] that "as ARAR is a Canadian citizen, we
(the RCMP) cannot refuse him entry into the country."
[Redacted]

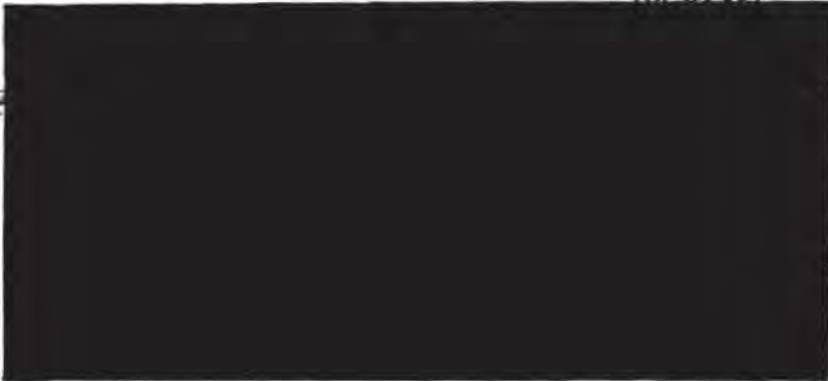
(Source Document(s): Vol. 4-Tab. 23)

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File

02/10/07 1200hrs

██████████ managers met to discuss possible interview options and possible travel arrangements. Also, ██████████ asked ██████████ about the results of the ██████████ interviews that had been conducted.

██████████ asked to speak to ██████████ personally as he had conducted the interview.

(Source Document(s): Vol. 4-Tab. 25)

02/10/07

A meeting was held with A-O Canada investigators, CID, and ██████████ ARAR's detention in New York was discussed and questions were asked with respect to where he would be deported.

(Source Document(s): Vol. 4-Tab. 26)

02/10/07

██████████ called ██████████ and told him that their investigators needed to know the results of ██████████ interviews with ARAR. He called ██████████ again and left a voice mail message reiterating the need to speak with the investigators who interviewed ARAR, directly. Subsequently, ██████████ was told by ██████████ that ██████████ would contact him.

(Source Document(s): Vol. 4-Tab. 27)



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02/10/07 1625hrs

A-O Canada investigators decided not to travel to New York to interview ARAR. This decision was made because the RCMP airplane was not available, the cost to travel commercially was prohibitive, and [redacted] had not approved the interview request. It was decided that investigators would wait until ARAR arrived in Canada and approach him then for an interview. [redacted] advised [redacted] that A-O Canada investigators would not be travelling to New York to conduct the interview. The anticipated travel itinerary for ARAR was requested, specifically his arrival location and time, so that the investigation could be continued, including placing ARAR under surveillance when he returned to Canada. [redacted] was advised of the decisions that had been taken.

(Source Document(s): Vol. 4-Tab. 39)



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02/10/08

A-O Canada investigators submitted a surveillance request in anticipation of ARAR's return to Canada.

(Source Document(s): Vol. 1-Tab. 45)

02/10/08 0945hrs

Insp. Roy was updated by A-O Canada investigators about ARAR's situation as they knew it at the time. Insp. Roy told the investigators that he was unaware of ARAR's imminent deportation to Canada, however he stated that he knew that ARAR was still in custody and that there was a possibility that ARAR would be sent to Syria. Insp. Roy is only able to confirm that the information that he received most likely came from a DFAIT colleague. Insp. Perron commented in his report that is discussed later, that Insp. Roy had obtained the information having read a consular visit card that documented ARAR's fear of being deported to Syria.

(Source Document(s): Vol. 4-Tab. 30)



02/10/08 1200hrs

██████████ and ██████████ met with ██████████ and discussed the request that

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had been made to interview ARAR. Their concern was, if the US authorities were only holding ARAR to facilitate an interview by A-O Canada investigators, and if he did not cooperate and was subsequently sent to Syria then the perception could be damaging to the RCMP. It was agreed at that meeting that this concern would be brought to the attention of [REDACTED]

(Source Document(s): Vol. 4-Tab. 32)

02/10/08 1415hrs

[REDACTED] came to the A-O Canada office and met with [REDACTED] and [REDACTED] from IIC CID. The issues with respect to the interview of ARAR were discussed. [REDACTED] was told that the investigators needed to know why ARAR was being held, where he would be sent once they had interviewed him, and what he had already said to the [REDACTED] stated that he did not know where the [REDACTED] was holding ARAR.

(Source Document(s): Vol. 4-Tab. 32)

02/10/08 1800 hrs

[REDACTED] spoke to [REDACTED] by telephone and told him that the investigators needed to know why ARAR was being held, where he would be sent once they had interviewed him, and what he had already said to the [REDACTED] was also told of the concern related to the perception that the RCMP caused ARAR to be deported to Syria. [REDACTED] stated he would look into the matter and call back on 2002-10-09.

(Source Document(s): Vol. 4-Tab. 32)

02/10/08

Investigators from project "Canada" and project "O Canada" conducted interviews of ARAR's family members in Montreal and Toronto. No "C" Div. investigator had any direct contact or involvement with Maher ARAR, or with U.S. authorities regarding him.

(Source Document(s): Vol. 1-Tab. 46)

[REDACTED]

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02/10/09

A briefing note pertinent to the investigation overall, for 02/10/03 to 02/10/09 respectively, was submitted.

(Source Document(s): Vol. 1-Tab. 48)

02/10/09

A briefing note to the Commissioner was submitted, reporting ARAR's deportation. D/Comm. Loeppky asked to be informed about the unidentified issues regarding the RCMP request to interview ARAR. A briefing note to the Commissioner was submitted, reporting more detail about ARAR's deportation. D/Comm. Loeppky asked for more information with respect to the reasons that ARAR was deported, while an outstanding request for an RCMP interview existed.

(Source Document(s): Vol. 1-Tab. 49)



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02/10/15

A meeting was requested by DFAIT with the RCMP (Supt. Pilgrim)

(Source Document(s): Vol. 4-Tab. 38)

02/10/16

A meeting, hosted by DFAIT, was attended by the RCMP and [redacted] Supt. Pilgrim represented the RCMP at that meeting. During the meeting a request was made, by Mr. Car Pardy, who was then the Director General of the Consular Affairs Bureau (DFAIT), for further information. Supt. Pilgrim agreed to provide answers to the specific questions that Car Pardy had asked on behalf of DFAIT.

(Source Document(s): Vol. 4-Tab. 39)

02/10/16

A briefing note pertinent to the investigation overall, for 02/10/10 to 02/10/16 respectively, was submitted. [redacted]

(Source Document(s): Vol. 1-Tab. 50)

[redacted]

02/10/17

A fax was sent by [redacted] to [redacted] who is the RCMP Liaison Officer in Rome. This was done as a result of a previous telephone conversation between [redacted] and [redacted]

[redacted] has provided a statement. He related that his initial involvement in this file was as a result of having read an article in the DFAIT intranet news package. When he ascertained that his office had no file or information about Maher ARAR, he contacted [redacted] for

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further information. [redacted] sent a fax to [redacted] which was received on 02/10/23, providing some background information about Maher ARAR and commenting about his detention and subsequent deportation. In this fax, [redacted] stated:

"On October 9, 2002, Project A-O Canada managers were advised by [redacted] that ARAR had been deported to Syria. Project A-O Canada investigators were never given access to ARAR nor was there any input given which influenced what was to happen with ARAR. Other than the fact that ARAR held dual Canadian/Syrian citizenship, it is not clear why ARAR was deported to Syria and not elsewhere. Project A-O Canada has not been informed of ARAR's exact whereabouts or his custodial status in Syria."

[redacted] did not discuss the matter with anyone except, the [redacted] and the [redacted]. Further he has stated,

1. "no other member in this office (Rome) has had any dealings in this matter;
2. the minimal involvement I had was completely self generated;
3. this matter was never mentioned or discussed by me with any Syrian official, or with any person of any other foreign country, whether in person, by phone or by fax communication; and
4. the only discussions I ever had regarding this matter were with the Canadian Government officials mentioned above and with "A" Division A-O Canada member [redacted]

(Source Document(s): Vol. 2-Tab. 2)

02/10/17

A briefing note to the Commissioner was prepared this date. The briefing note provided information about the meeting that was held between DFAIT, [redacted] and the RCMP on 02/10/16. It provided an overview of the days preceding ARAR's deportation and reported DFAIT's request for answers to the specific questions being asked. The fact that DFAIT would be sending a "consular note" to the U. S. requesting details of the U. S. action that resulted in ARAR's deportation to Syria, was reported. [redacted]

When interviewed, Mr. Gur Purdy stated that he did not recall the "consular note" ever being sent. [redacted]

see Vol 4
THG 39
REF TO INTERVIEWS
02-10-17
JK

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02/10/18

~~Supt. Pugin responded to the specific questions posed by DPATT and forwarded his response to Insp. Roy. The response was as follows:~~

CTD/NSOS has prepared the following response to specific questions posed by DFAIT concerning the deportation of Maher ARAR to Syria:

- Q. What information has been shared with the U. S. concerning Maher ARAR?
- A. RCMP investigators have maintained an open line of communication with it's Canadian and American partners. All available information obtained by the Project A O Canada team has been shared with [REDACTED]
- Q. How did the U. S. become aware/interested in ARAR?
- A. U. S. authorities learned of ARAR through a sharing of information between RCMP investigators and U. S. authorities. ARAR was connected to an ongoing RCMP investigation that involved individuals also of interest to U. S. authorities. It is also possible that U. S. authorities are in possession of information relating to ARAR's activities during a period of time when he lived and worked in Boston, Mass. area.
- Q. What triggered the U. S. decision to deport ARAR?
- A. The inability of U. S. authorities to lay criminal charges against ARAR is the most plausible reason for his subsequent deportation. The deportation of ARAR was not due to any influence by the RCMP.
- Q. Did the U.S. approach Canadian authorities regarding the possibility of ARAR's deportation?
- A. U. S. authorities requested the RCMP provide information that might assist in the filing of criminal charges against ARAR. U. S. authorities made enquiries as to the level of interest the RCMP had in pursuing ARAR criminally. They also made enquiries as well as the RCMP's ability to refuse ARAR's entry into Canada. The U. S. authorities were advised that the RCMP was interested in ARAR from a criminal perspective. They were also advised that where ARAR is a Canadian citizen, the RCMP could not refuse his entry into Canada.
- Q. What was the level of threat relating to ARAR's presence in the U.S.?
- A. The RCMP has no information concerning any threat associated with/by ARAR.

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Q Is there a question of mistaken identity concerning ARAR's deportation or detention?

A U.S. authorities have confirmed that the individual detained in Syria is Maher ARAR.

Q Is ARAR being held in Junluh as possibly suggested by [REDACTED]

A The RCMP has confirmed that ARAR is being held in Syria.

Conclusion:

The RCMP maintains an interest in ARAR as part of an ongoing criminal investigation.

[REDACTED]

(Source Document(s): Vol. 2-Tab. 4)

02/10/21

[REDACTED]

[REDACTED] received a telephone call from [REDACTED] at DFATT. [REDACTED] told [REDACTED] that official confirmation had been received that ARAR was in Syria. Further, he advised that the Canadian Ambassador to Syria would be meeting with Syrian authorities in the near future to discuss the custodial situations of [REDACTED] ARAR [REDACTED]

[REDACTED]

(Source Document(s): Vol. 2-Tab. 5)

02/10/21

A summary of the investigation to date was prepared for a briefing of senior officers of the RCMP about Maher ARAR's detention and subsequent deportation to Syria.

(Source Document(s): Vol. 4-Tab. 41)

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02/10/22

[redacted] of HQ CID forwarded information that had been received from DFAIT (through ~~insp. Richard Boyd~~ from Syrian authorities confirming that ARAR was being held and interrogated by them. There was very limited information about what ARAR was alleged to have said, to date. There is a reference to ARAR having "apparently already admitted that he has connections with terrorist organizations," and it was the intent of the Syrians to continue to interrogate him. [redacted]

(Source Document(s): Vol. 2-Tab. 6)

02/10/22

A briefing note was submitted stating that there was substantial media coverage with respect to ARAR's detention and subsequent deportation. [redacted]

(Source Document(s): Vol. 2-Tab. 7)

02/10/23

DFAIT reported that they had been granted consular access to ARAR in Syria, this date.

(Source Document(s): Vol. 2-Tab. 8)

02/10/23

The RCMP Liaison Officer in Washington, Supt. Andre Dion was asked by A-O Canada investigators to obtain, from [redacted] copies of the actual ARAR interview reports, copies of any actual documents or other material found in his possession at the time of his arrest and, any information obtained as a result of the investigation of "pocket litter," particularly subscriber information from any US telephone numbers found.

(Source Document(s): Vol. 2-Tab. 9)

02/10/25

[redacted]

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[REDACTED]

(Source Document(s): Vol. 2-Tab. 10)

02/10/25

A-O Canada reported to HQ CID that CBC had made a link between ARAR and ALMALKI.

(Source Document(s): Vol. 2-Tab. 11)

02/10/31

Mr. Michael Edelson, who was representing ARAR at this time, wrote to Ms Ann Alder asking that his correspondence be recognized as a formal request, for the RCMP to assist with on-going efforts to have ARAR released from custody in Syria. He stated that, on the advice of H.G. Pardy, Director General, DFAIT, he was requesting a letter from the RCMP that addressed the following:

1. "That the RCMP made no request to have Mr. ARAR "deported" to Jordan or Syria."
2. That Mr. ARAR does not have a criminal record.
3. That Mr. ARAR is not wanted in Canada for any offence, nor is there a warrant for his arrest.
4. That Mr. ARAR is not suspect with respect to any terrorist related crime."

(Source Document(s): Vol. 2-Tab. 12)

02/11/01

[REDACTED] forwarded a memorandum to the OIC Criminal Operations (C/Supt. Antoine Couture) and attached the letter that had been received from Mr. Edelson. [REDACTED] stated that at that juncture the project was "aloof" to Mr. ARAR's status, and suggested that the comments attributed to Mr. Pardy were "highly problematic." Additionally he stated that, "while we had no role to play in Mr. ARAR's initial detention and deportation from the United States, we are not in a position at this time to categorically determine Mr. ARAR's role. To be asked to do so at this stage is unreasonable." //
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(Source Document(s): Vol. 2-Tab. 13)

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02/11/04

A fax from DFAIT [redacted] was sent to [redacted] with attached correspondence that detailed a meeting between the Canadian Ambassador and Syrian authorities. The following excerpt is relevant:

[redacted]

[redacted]

(Source Document(s): Vol. 2-Tab. 14)

02/11/04

A meeting was held, with representatives of A-O Canada, DFAIT, and [redacted] to discuss the information received from Syria and [redacted]

(Source Document(s): Vol. 4-Tab. 45)

[redacted]

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02/11/05

Insp. Rick Reynolds the OIC NSIB, through the Washington Liaison Officer, provided information with respect to ARAR to [REDACTED] in response to their request of 02/10/09.

(Source Document(s): Vol. 2-Tab. 16)



02/11/06

A draft of the proposed response to DFACT concerning Gar Parly's advice to Mike Edelson was sent to A/Comm. Proulx. The concerns identified were that the advice was inappropriate, and the RCMP was not in a position to state that ARAR was "not a suspect with respect to any terrorist related crime." Subsequently, on 02/12/10, A/Comm. Proulx wrote to Mr. Daniel Livermore, DG Security and Intelligence, DFACT and expressed his concerns.

(Source Document(s): Vol. 2-Tab. 17; 18; 24; & (Source Document(s): Vol. 4-Tab. 47)

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02/11/15

A briefing note to the Commissioner, addressing media concerns suggesting that the RCMP had played a role in the arrest and detention of Canadian citizens abroad was submitted. A number of individuals, including Maher ARAR were referred to. The following excerpt refers to ARAR, "although the RCMP provided contextual information to the U.S. authorities concerning Maher ARAR, his subsequent removal to Syria was made exclusively by the [REDACTED]"

(Source Document(s): Vol. 2-Tab. 19)

[REDACTED]

02/11/18

[REDACTED] called [REDACTED] regarding recent media articles that suggested that U.S. authorities had informed Canadian authorities of Maher ARAR's purported links to Al Qaeda.

(Source Document(s): Vol. 4-Tab. 48; & Vol. 1-Tab. 44)

[REDACTED]

02/11/28

A-O Canada investigators met with Mr. Mike Edelson and discussed with him Maher ARAR's detention and the information from [REDACTED] with respect to ARAR's detention.

(Source Document(s): Vol. 4-Tab. 49)

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03/04/23

The RCMP was provided with a summary of the visit by Member's of Parliament Martene Côtterall and Sarkis Assadourian with ARAR in Syria on 03/04/22.

(Source Document(s): Vol. 2-Tab. 35)

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03/02/25



(Source Document(s): Vol. 2-Tab. 36)

03/04/01

A briefing note to the Commissioner was prepared with respect to media reports about the Members of Parliament who travelled to Syria and met with ARAR.

(Source Document(s): Vol. 2-Tab. 38)

03/05/05

The RCMP was given a copy of an action memorandum, dated 03/05/05, for the Minister of Foreign Affairs that was prepared by Mr. Gar Pardy, Director General, Consular Affairs Bureau. The memorandum set out his recommendations and included background information, from his perspective, about the involvement of the RCMP and [REDACTED] with respect to ARAR.

(Source Document(s): Vol. 2-Tab. 39; Vol. 5-Tab. 3 & 4)



03/05/14

A briefing note to the Commissioner was prepared by Insp. Reynolds, and provided an update following a meeting that took place on 03/05/12 with [REDACTED] RCMP, PCO, DFAIT, and SOLGEN in attendance. The discussion at the meeting was about the current status of ARAR and the current interest, if any, of the RCMP and [REDACTED] with respect to him. Also, Mr. Gar Pardy presented the contents of the action memorandum that he had prepared, and the RCMP, [REDACTED] and SOLGEN expressed concern about certain wording contained therein. With respect to the position of the RCMP at this time regarding ARAR, the following excerpt from the briefing note is relevant:

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[REDACTED]

[REDACTED] RCMP was asked by DFAIT if we were interested in interviewing ARAR. RCMP advised that while we are interested in interviewing ARAR, it is not a priority at this point. DFAIT advised that they had earlier indications from Syrian authorities that they would not be open to law enforcement contact with ARAR. (He is being held by military intelligence.)"

(Source Document(s): Vol. 2-Tab. 42)

03/05/27

[REDACTED] requested Internet links for the recent media articles about Maher ARAR

(Source Document(s): Vol. 2-Tab. 43)

03/06/17

Mr. Gar Parry, Director General, Consular Affairs Bureau was asked by his Minister's advisors to clarify with SOLGEN, RCMP and [REDACTED] an aspect of the text in his memorandum and draft letter from Minister Graham to Syrian Foreign Minister Shara'a. The new suggested text was,

"I assure you that there is no evidence he is involved in terrorist activity nor is there any Canadian Government impediment to Mr. ARAR's return to Canada."

(Source Document(s): Vol. 2-Tab. 44 & 46)

03/06/26

D/Comm. Loepky advised Mr. Michel D'Avignon, D.G. National Security Directorate that the RCMP had major concerns about the text of the letter proposed by DFAIT. The concerns were,

"with the misleading statement made in paragraph two of the attached letter "I assure you that the Government of Canada has no evidence Mr. Arar was involved in any terrorist activities..." These concerns have been expressed on a number of occasions to DFAIT officials by the RCMP, [REDACTED] and Solicitor General. Mr. Arar is currently subject of a national security investigation in Canada. [REDACTED]

[REDACTED] remains a subject of great interest [REDACTED]

given this situation, we do not believe it would be advisable for Mr. Graham to send this letter to his Syrian counterpart."

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Additionally, D/Comm. Loeppky addressed his concerns about a letter recommended by PCO for the Prime Minister's signature in his correspondence to D'Avignon. This issue was with respect to the ~~apparent release of information, by D/Att, to Monia MAZIGH, ARAR's wife.~~ D/Comm. Loeppky concludes by stating, "It is important to emphasize, however, that any information concerning the RCMP's investigative interest in this individual should not be relayed to ARAR's family, his supporters or Syrian political authorities."

(Source Document(s): Vol. 2-Tab. 47)

03/06/27

A briefing note, detailing the circumstances surrounding deportation of ARAR, was prepared for the Solicitor General. The information was consistent with all other submissions to date.

(Source Document(s): Vol. 2-Tab. 48)

03/06/27

A memorandum was sent to [REDACTED] by [REDACTED] of the Financial Intelligence Section, addressing ATIP issues.

(Source Document(s): Vol. 2-Tab. 49)

03/07/10

A request was made to prepare reply to a complaint that was received by the Solicitor General about the RCMP and their alleged involvement with ARAR.

(Source Document(s): Vol. 2-Tab. 50)

03/07/15

A letter was received from Amnesty International requesting a public statement from the RCMP about the evidence against ARAR.

(Source Document(s): Vol. 3-Tab. 1)

03/07/23

A letter was written by Monia MAZIGH, to the Prime Minister concerning her husband.

(Source Document(s): Vol. 3-Tab. 2)

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03/07/28

A briefing note to the Commissioner, that provided an investigative overview and detailing the circumstances surrounding ARAR's deportation to Syria, was prepared in response to a media article.

(Source Document(s): Vol. 3-Tab. 4)

03/07/28

C/Supt. Wayne Watson, who is the current OIC of Criminal Operations in "A" Div., was asked by A/Comm. Proulx to ascertain if any of the project members, who had contact with U.S. authorities with respect to Maher ARAR, had made any statement to those authorities requesting that ARAR be deported to Syria, or that could have been misconstrued as such a request. A similar request was made of Insp. Pierre Perron, CID.

His enquiries revealed that [redacted] members from "A" Div. had directly or indirectly become involved with U. S. authorities. Those members were, C/Supt. Antoine Couture; [redacted]

[redacted] and himself.

C/Supt. Watson asked all of those that he interviewed the following questions:

1. Did you have any conversations with any member of any American intelligence or law-enforcement agency in relation to the arrest, detention or deportation of Mr. ARAR? If so, with who? When? Can you relate to me the content of that conversation?
2. In your conversations with ..., was there anything said that could be interpreted as our not wanting Mr. ARAR to return to Canada?
3. In your conversations with ..., was there anything said that could be interpreted as a request that Mr. ARAR be deported to Syria or any other country?
4. In your conversations with ..., was there anything said that could be said that could be interpreted as indifference as to any decision the American gov't would make on Mr. ARAR's fate?
5. When and how did you find out that Mr. ARAR was no longer in the United States?

Subsequently, C/Supt. Watson completed his report and forwarded it to A/Comm. Richard Proulx. C/Supt. Watson concluded the following:

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"All members questioned stated, unequivocally, that at no time anything was ever suggested, even in jest, that Maher ARAR should not be returned to Canada nor were ~~there any suggestions as to where he should be deported. The members' notes were well~~ written and precise. It appeared evident that they were all very cognizant that their involvement in this investigation would be scrutinized at some time in the future and that it was in everyone's interest to demonstrate the highest standards of professionalism throughout the project.

In the brief period I had to interview personnel and examine documents I uncovered nothing to indicate that any of the members of Project A-O Canada communicated in any manner to any foreign authorities a position that could be interpreted as a request to have Mr. ARAR detained, kept in custody or deported to any location. The members were very careful not only not to attempt to influence the Americans in their decision to deport ARAR but also not appear to be attempting to influence the American authorities.

The fact that we requested surveillance on October 7th for the ARAR's arrival in Canada on the next day indicated that we were expecting him to come to Canada. We learned of the possibility of his deportation to his birth country from DFAIT. The decision to deport him to Syria was not communicated to us officially by the U. S. until ARAR was already in Syria.

In conclusion, I believe that our members acted in a thoroughly professional manner. They were, and still are, very conscious of the importance and seriousness of the job they have been task to accomplish. Nothing I have heard or read since you requested this review suggests that the decision to detain or deport Mr. Maher ARAR stemmed from any communications from Project A-O Canada."

Also, C/Supt Watson has confirmed that he himself did not request or suggest, at any time, that Maher ARAR should be detained in the U. S. or deported to Syria. Nor does he have any knowledge whatsoever of anyone else doing so.

(Source Document(s): Vol. 5-Tab. 17)

03/07/30

A timeline of the investigation, with respect to ARAR, was prepared.

(Source Document(s): Vol. 5-Tab. 6)

30/08/01

Insp. Pierre Perron, the OIC National Security Offences Branch, conducted a review of the actions and involvement of CID with respect to Maher ARAR. He and [redacted] interviewed

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C/Supt. D. Killam, Supt. W. Pilgrim, Insp. G. Macdonald, [REDACTED] Insp. R. Roy, [REDACTED]

[REDACTED] He concluded that [REDACTED] was advised that Maher ARAR was a Canadian citizen and could not be refused entry into Canada. His report states that Insp. Roy had read on a consular visit card that Maher ARAR was fearful of being deported to Syria. Insp. Perron ascertained that all of the members he, or [REDACTED] on his behalf, interviewed adamantly stated that they did not request or suggest that Maher ARAR should be deported to another country. Those interviewed did not know of anyone who would have suggested, requested, or even made remarks that could have caused Maher ARAR's deportation to Syria. In fact, investigators were actively planning for Maher ARAR's return to Canada and it was their intent to conduct surveillance, and further, they were intending to interview him. Insp Perron concluded his report with the following comment,

"It is my belief that RCMP members involved in the ARAR file acted in accordance with policy and guidelines. It is clear from the file review that RCMP members were concerned from the beginning of the sensitivity of this file and took every precaution to ensure the integrity of the process. I have found no evidence to remotely suggest that the United States authorities have acted under the direction or authorization of any RCMP members to deport Mr. ARAR to Syria. The review of this file clearly indicates that U. S. authorities made a unilateral decision to deport Mr. ARAR and that the actual deportation surprised everyone involved."

(Source Document(s): Vol. 5-Tab. 18)

03/08/08

A reply was prepared in response to the letter received from Amnesty International.

(Source Document(s): Vol. 3-Tab. 5)



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03/09/03

~~The Ambassador met the Syrian Foreign Minister and was assured of regular access to ARAR.~~

(Source Document(s): Vol. 3-Tab. 7)

03/09/05

A/Comm. Loepky met with ADM Jim Weight (DFAIT) and prepared a note to file. He raised the issue of consular access, and the exchange of relevant information between departments, particularly in the context of the criticism that had directed towards the RCMP.

(Source Document(s): Vol. 3-Tab. 8)

3/09/25

Talking points were prepared for A/Comm. PROULX's appearance, this date, before the Subcommittee for Foreign Affairs and International Trade.

(Source Document(s): Vol. 3-Tab. 9)

03/09/29

Copy of DFAIT house book cards relating to ARAR.

(Source Document(s): Vol. 3-Tab. 29)

03/10/06

ARAR's return to Canada and the issue of whether to interview him or not, was discussed at an A-U Canada team meeting this date.

(Source Document(s): Vol. 5-Tab. 8)

03/10/10

C/Supt. Dan Killam, the Director General National Security, Criminal Intelligence Directorate, was directed to conduct a review of the RCMP criminal investigation with respect to Maher ARAR. The following parameters were set for the review:

1. File Management: to determine if the investigation was conducted in accordance with administrative and operational policies of the RCMP.

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2. ~~Sharing of Information: to determine if any information concerning ARAR was shared with Foreign Authorities and in the positive, that it was done in accordance with set policies and guidelines.~~
3. *Direction: To determine the thoroughness of the investigative actions and that they were in accordance with case management practices.*
4. *Communication: To determine if any actions or communication by RCMP personnel could have led to a misunderstanding by the U.S. authorities of the Government of Canada's position.*

The scope of the review was revised when the Chair of the RCMP Commission for Public Complaints initiated her complaints. It was determined that the interviews that were to be conducted by C/Supt. Killam would be left to the RCMP investigator dealing with the public complaints. The parameters of C/Supt. Killam's review were limited to a comprehensive file review.

C/Supt Killam determined, within the parameters that were set, the following:

1. File Management:

From a file management perspective, utilizing Evidence and Reports (E&R III) and SUPERText, the investigation was well done.

2. Sharing of Information:

The Privacy Act at Section 8 (1)(f) provides for the sharing of information with foreign governments, as occurred in this case, for the purpose of administering or enforcing any law or carrying out any lawful investigation.

The review of the file confirmed that policy did allow for the sharing of information with U.S. agencies and that when documentation was exchanged, it contained the appropriate caveats and respected existing policy, procedure, and legislation.

3. Direction:

This investigation was indeed conducted in a thorough and competent fashion. The previous comments made about the management of the file and information sharing also spoke to the good work conducted in this project.

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4. Communication:

The personnel involved in this investigation clearly communicated to U.S. authorities that, as a citizen of Canada, Mr. ARAR was legally entitled to return to Canada, and he was expected to do so.

Mahe ARAR was a person of interest. [REDACTED]

Arrangements had been made on 02/10/08 to conduct surveillance upon ARAR's release and return to Canada.

Project members only became aware that ARAR was being considered for deportation to Syria when informed of this possibility by Insp. Richard Roy, DFAIT LO on 03/10/08.

The probes conducted by C/Supt. Watson and Insp. Perron concluded that the U.S. decision to detain, and eventually deport Mahe ARAR to Syria, did not stem from any communication from project A-O Canada. This view was shared by C/Supt. Killam.

C/Supt. Killam stated, "In summary, my review has led me to conclude that this investigation was well managed and thorough, and did conform with existing policy and guidelines. I believe that from the very outset, this investigation was taken seriously and members took every precaution to ensure it was conducted in a competent and professional fashion. In terms of the communication between the Force and U.S. authorities, I found nothing in my review that led me to believe that our members had any influence with respect to the U.S. decision to deport ARAR."

I disagree, in part, with his findings. C/Supt. Killam concluded that the investigation was well managed, thorough, and conformed to existing policy and guidelines. It is my opinion that the investigation was thorough, however I take issue with the statement that it was well managed and conformed to existing policy and guidelines. In fact, in a number of instances correspondence was forwarded to [REDACTED] and [REDACTED] without any caveats/conditions, or without the appropriate caveats/conditions. Additionally, the CD-ROM's that were given to [REDACTED] and [REDACTED] were given without any covering correspondence or respective caveats/conditions. Nor were third party conditions from other agencies [REDACTED] respected.

The release of information to [REDACTED] and [REDACTED] was not managed appropriately. The involvement of supervisors, including those at a senior level both in "A" Div. and headquarters, in the respective process was not evident. I agree that there is no evidence that any member influenced the U.S. decision to deport Mahe ARAR to Syria, and that the decision was made unilaterally by U.S. authorities.

(Source Document(s): Vol. 5-Tab. 19)

I do not agree with Council. There was a verbal agreement. There were C/O's Council + oversight will

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03/10/23

A briefing note to the Commissioner was prepared addressing a CTV News report, quoting unnamed government sources, alleging that ARAR revealed Al Qaeda cell members in Canada.

(Source Document(s): Vol. 3-Tab. 10)

[REDACTED]

03/10/27

DFAIT provided to the RCMP a document that was obtained by them from [REDACTED] when ARAR was released from detention in Syria.

(Source Document(s): Vol. 3-Tab. 12)

03/10/28

HQ CID, on behalf of A-O Canada, requested that Insp. Roy (DFAIT Liaison) conduct inquiries to determine if an intelligence package that the Syrian ambassador claimed had been provided to Canadian authorities had in fact been given to them.

(Source Document(s): Vol. 3-Tab. 14)

03/10/28

[REDACTED] met with Mike Edelson and advised him that A-O Canada investigators were willing to meet with Maher ARAR. Edelson stated that he would pass that message to Maher ARAR, but he no longer represented him.

(Source Document(s): Vol. 5-Tab. 10)

[REDACTED]

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03/11/07


Supt. Andre Dion, the RCMP Liaison Officer in Washington sent a memorandum to [REDACTED] requesting confirmation of the following:

1. Was a copy of the lease agreement provided to [REDACTED] when he was in Ottawa in February of 2002?
2. Was the lease shown to ARAR at the time of his arrest in September 2002?

(Source Document(s): Vol. 3-Tab. 23)

03/11/14

A response was received from [REDACTED] with respect to Supt. Dion's request of 03/11/07.



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03/11/17

A chronology of the Washington involvement of DF-AIT was provided.

(Source Document(s): Vol. 3-Tab. 30)

03/11/17

The DF-AIT time line was provided to the RCMP.

(Source Document(s): Vol. 3-Tab. 31)

03/11/19

A document was provided by [redacted] outlining, overall, what information the RCMP had provided to [redacted] in the ARAR investigation.



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03/12/15

A request was sent to "C" Division asking that enquiries be made about subjects related to Maher ARAR.

(Source Document(s): Vol. 5-Tab, 1-1)



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Investigation and Review - RCMP CPC - complaints

The review and investigation of the complaints received included a review of all files and documentation, relevant to Maher ARAR, at "HQ," "A," "O," and "C" divisions. Personnel were interviewed, and recorded statement obtained from them, at "HQ," "A," and "O," divisions, including those who had retired. Some members declined to be interviewed, and stated that their reason for doing so, was that they intended to wait until they were called to testify at the Public Enquiry. The statements obtained are in the process of being transcribed. Enquiries were conducted with [REDACTED] DFAIT, and [REDACTED]. To date [REDACTED] and [REDACTED] have not responded to the letters that were sent to them.

I met with Mr. Maher ARAR, on 04/01/23, at the request of Mr. Lorne Waldman his lawyer. The purpose of the meeting was to explain the process and attempt to negotiate an interview with Maher ARAR, as he had up to that point declined. Following the meeting, Mr. Waldman provided a letter fully explaining why Mr. ARAR was unwilling to be interviewed. The reasons cited were:

1. The credibility of the process where the RCMP investigates itself;
2. The transparency of the process; and
3. The definition of terms

(Source Document(s): Vol. 5-Tab. 27)

RCMP National Security Enforcement Program

In view of the fact that the allegations set out in the complaints above refer to members of the RCMP performing national security functions, it is imperative to set out, in the context of the national security program, what those functions were.

In 1984, the Commissioner of the RCMP was authorized to create a dedicated law enforcement program within the RCMP, with responsibilities for the preventing, detecting, apprehending and assisting in the prosecution of individuals, organizations and groups who have engaged in or who are planning to engage in criminal offences having national security dimensions or interests.

In conformity with the purpose outlined above, the functions of the program are as follows:

- i. to conduct criminal investigations in connection with national security offences;
- ii. to maintain liaison with CSIS and exchange information and intelligence on security matters;

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- iii. to collect information and identify evidence with respect to individuals or groups that may reasonably be suspected of being involved in the planning or commission of national security offences;
- iv. to institute criminal charges and assist in the prosecution of national security offences;
- v. to analyse collected information and intelligence and advise or report results, if necessary, to the appropriate agency or officials of the Government of Canada in respect of protective security measure requirements;
- vi. to disseminate information and intelligence to other law enforcement agencies, as may be required;
- vii. to prevent, by lawful means, individuals and groups from engaging in, or planning to engage in, criminal activities which constitute a national security offence;
- viii. [REDACTED]
- ix. to perform such other duties as directed by the Commissioner pursuant to the authority granted to the Commissioner by the RCMP Act.

Investigation/Project Inception

Project "O Canada" "O" Division (Ontario) Investigation
Project "A-O Canada" "A" Division (NCR) Investigation

[REDACTED]

The genesis of the investigation into Maher ARAR is fundamentally linked to the events that occurred, post 01/09/11. Project O Canada commenced on 01/09/27 with the creation of a multi-agency and multi-disciplinary task force in the Greater Toronto Area, identified as, the Toronto Counter Terrorism Task Force (TCTTF). Their mandate was to investigate an alleged Al Qaeda cell

[REDACTED]

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[REDACTED]

An extensive investigation began, and that investigation was directed in "O" Division by [REDACTED]

In early October of 2001, "A" Division investigators became involved [REDACTED]

[REDACTED] Subsequently, [REDACTED] was appointed as the Officer in Charge of Project A-O Canada.

Project A-O Canada included investigators from the RCMP, Ontario Provincial Police (OPP), Quebec Provincial Police (QPP), Ottawa Police Services (OPS), Hull Police Service (HPS), Gatineau Police Service (GPS), CSIS, and Canada Customs and Revenue Agency (CCRA). The investigation was managed using a modified version of the Major Case Management System. The Operational Manager was [REDACTED] (OPP), the technical/surveillance manager was [REDACTED] (OPS), the lead investigator/affiant was [REDACTED] (RCMP) and legal counsel was Ann Alder. [REDACTED] was replaced by [REDACTED] (RCMP) on 03/02/03.

[REDACTED]

The mandate of Project A-O Canada was, in order of priority, prevention, intelligence, and criminal prosecution. This was made clear to the project supervisors by the Commanding Officer A/Comm. Dawson Hovey, the OIC of Criminal Operations C/Supt. Antoine Couture, and the Deputy Criminal Operations Officer Insp. Garry Clement.

Project A-O Canada was managed electronically utilizing two systems. The first, Evidence and Reports (E&R III) is a relational data base that is used to track task assignment, action taken, and supervision. [REDACTED]

[REDACTED] The second, SUPERText, is a document image capture system that allows full text searches in a structured data base.

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[redacted] and the [redacted] also identified throughout the project files as [redacted] provided, and in turn received, intelligence information from A. O. Canada investigators. The intelligence information is included in the chronology of this report.

Sharing of Intelligence and Information

The RCMP Act, Section 18 (a) states, "It is the duty of members who are peace officers, subject to the orders of the Commissioner to perform all duties that are assigned to peace officers in relation to the preservation of the peace, the prevention of crime, and of offences against the laws of Canada and the laws in force in any province in which they may be employed, and the apprehension of criminals and offenders and others who may be lawfully taken into custody."

In order for police officers conducting criminal investigations to carry out their duties, as legislated and in an effective way, there is a basic tenet that information and intelligence must be shared with other law enforcement agencies, including those in foreign jurisdictions.

There are provisions in RCMP policy for the sharing of information as follows:

OM 1.3.L.2.b.

Consistent Use Disclosure - Paragraph 8(2)(a) Privacy Act

1. As law enforcement is considered one broad consistent use, the RCMP may collect personal information for one law enforcement purpose and release it for another law enforcement purpose.
 1. A member must not seek or collect personal information solely for the purpose of facilitating inquiries or investigations undertaken by another law enforcement or government agency.
 2. In such a case, a law enforcement or government agency should be advised to seek direct access to the desired information.
2. Under the provisions of L.2.b.1., the RCMP may disclose personal information to the following agencies for legitimate investigative purposes in connection with their official duties and responsibilities relating to the enforcement or administration of the law:
 1. Canadian law enforcement agencies and correctional services, and investigative, enforcement and support bodies of federal, provincial or territorial governments; and

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2. Foreign law enforcement agencies, correctional services, and investigative or enforcement bodies of government departments.

3. Before releasing information or reports, a member must be satisfied that disclosure is in accordance with policy.

OM 1.3.L.2.d.

Disclosure Under an Agreement or Arrangement. Para. 8(2)(f) Privacy Act

1. Under an agreement or arrangement, this provision of the Act allows the exchange of information between federal police, security, and investigative bodies and their Canadian and international counterparts for law enforcement purposes.

(Source Document(s): Vol. 5-Tab. 22)

A CSIS-RCMP Memorandum of Understanding, (revised April 1990) exists that details the cooperation between the RCMP and CSIS with respect to the exchange of information and intelligence and the provision of operational support and assistance.

(Source Document(s): Vol. 5-Tab. 34)

There are specific conditions for the dissemination of National Security Information as follows:

OM APP. 1-3-8.2

2. The following conditions must be included in all outgoing correspondence, messages, documents being passed to other domestic and foreign law enforcement agencies/departments.

"This document is the property of the RCMP. It is loaned to your agency/department in confidence and it is not to be re-classified or further disseminated without the consent of the originator."

"This document is the property of the Government of Canada. It is provided on condition that it is for use solely by the intelligence community of the receiving government and that it not be declassified without the express permission of the Government of Canada."

(Source Document(s): Vol. 5-Tab. 24)

On 03/12/01 I wrote to [REDACTED] and detailed in the correspondence the substance of the complaint from the Chair of the RCMP Commission for Public Complaints with respect to Maher ARAR. Also, I stated that,

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11. With the exception of [redacted] and A-O Canada investigators, please advise if any other RCMP or Canadian law enforcement officers, or agency, were contacted by [redacted] with respect to ARAR's detention or deportation.

(Source Document(s): Vol. 5-Tab. 25)

Additionally, on that date I also wrote [redacted] and detailed in the correspondence the substance of the complaint from the Chair of the RCMP Commission for Public Complaints with respect to Maher ARAR. Also, I stated that, "[redacted] investigators cooperated with RCMP investigators in the exchange of relevant information. Such exchanges occurred in the context of personal, investigative, management, and inter-agency meetings." I sought from him a response with respect to the following:

1. Were there any formal agreements or protocols in place regarding the sharing of information between the RCMP, in particular "A" Division (Project A-O Canada) and [redacted]?
2. A number of [redacted] personnel in Ottawa had direct contact with A-O Canada investigators during the relevant time period. I would like to be afforded the opportunity to interview them, in particular, [redacted] and [redacted].
3. Do any [redacted] documents exist that were used specifically to support the decision to deport Arar, and that contain information obtained from the RCMP, or A-O Canada investigators? If so, could a copy of those documents be provided.
4. Were any Canadian investigators contacted or consulted by your agency about the decision to deport Arar to Syria? If so, who was contacted and what advice, if any, was given?
5. With the exception of [redacted] and A-O Canada investigators, please advise if any other RCMP or Canadian law enforcement officers, or agency, were contacted by your agency with respect to ARAR's detention or deportation.

(Source Document(s): Vol. 5-Tab. 26)

On 03/12/12 I met with, and interviewed, Mr. Gar Pardy who was until recently the Director General of the Consular Affairs Bureau (DFAIT). Mr. Pardy gave to me a document that he stated was a copy of the INS written record of the decision of the Regional Director in Removal Proceedings under Section 235 (c) of the Immigration and Nationality Act. The document, dated 02/10/07 and certified as being served on 02/10/08 @ 4:00 a.m., states that the Regional Director considered both classified and unclassified information. As a result of the review the Regional Director concluded that,

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~~"Arar is clearly and unequivocally inadmissible to the United States under INA 212 (a)(3)(B)(i)(v) in that he is a member of an organization that has been designated by the Secretary of State as a Foreign Terrorist Organization, to wit: Al Qaeda, a/k/a/ al-Qa'ida."~~

The Regional Director also concluded that after consulting with appropriate security agencies of the United States, that the disclosure of the classified information upon which the decision was based would be prejudicial to the public interest, safety, or security. The unclassified evidence of inadmissibility was documented as follows:

"An INS immigration officer interviewed Arar on September 26, 2002 at JFK International Airport regarding his application for admission to the United States. Arar stated that he was a native of Syria and a citizen of Canada and Syria. Arar indicated that he used Canadian passport number (blacked out) to apply for admission to the United States. Arar informed the immigration officer that he had lived in Tunis, Tunisia for three months prior to his application for admission. Arar denied having any affiliation or link to a terrorist organization.

The FBI interviewed Arar on September 27, 2002 at JFK International Airport. During the interview, Arar admitted his association with Abdullah Al-Malki and Abdullah Al-Malki's brother, Nazib Al-Malki. Arar advised the FBI that he was friendly with Mazih Al-Malki in Syria while they were in school together and that he (Arar) worked with Nazib Al-Malki at New Link Communications. Arar also advised the FBI that Al-Malki exports radios and one of his customers was the Pakistani military. Arar also advised that he had three business dealings with Al-Malki. Arar also admitted to the FBI about meeting Abdullah Al-Malki at the restaurant where he and Al-Malki went outside and talked in the rain in October 2001. During the September 27, 2002 interview at JFK, Arar admitted knowing Ahman El-Maati.

A detailed discussion of the classified information I relied upon is contained in a separate, Classified Addendum."

There were no submissions made by Maher ARAR and according to the U.S. documentation, he did not dispute the factual allegations. The inference is that Maher ARAR was afforded the opportunity to make a submission or dispute the allegations, but he did not do so. ARAR's public statement indicates that he was instructed, by his lawyer, not to sign any document unless she was present.

(Source Document(s): Vol. 3-Tab. 32)

On 03/12/15 I met with Mr James Lockyer, who is one of Maher ARAR's lawyers. I provided to him an outline of the prospective interview that I wanted to conduct with Maher ARAR. The letter stated that the interview would cover the following areas:

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1. What previous contact, if any, did he have with the RCMP before the 26th of September 2002? It would be intended to put the circumstances into a historical context as such ~~circumstances relate to the complaints alleged.~~
2. What circumstances, based upon his knowledge and belief, resulted in his detention in the U.S.? What was he told and by whom?
3. What occurred during his detention in the US between the 26th of September and the 17th of October 2002?
4. What contact did he have with specific law enforcement agencies during his detention?
5. What contact did he have with DFAIT officials?
6. What are the issues specific to his allegation that U.S. authorities had access to a lease signed by him?
7. What was he told about his subsequent deportation to Syria, and particularly what reasons was he given?
8. What direct or indirect knowledge does he have with respect to the allegations of RCMP complicity within the context of the complaints alleged?

(Source Document(s): Vol. 5-Tab. 27)

On 03/12/22 I met with Ms. Donna Blois Counsel, Department of Justice, Department of Foreign Affairs Legal Services. The purpose of that meeting was to facilitate an interview with the consular officer who had one meeting with Maher ARAR when he was in custody in New York.

Ms Blois asked for, and was provided with, a general synopsis of the questions that would be asked of the Consul. Subsequently, on 04/01/20, I was informed that the Consul would not meet with me for the purpose of an interview, however a written response to the questions was provided, and are hereunder noted.

- Q What knowledge did the Consul have of the reasons for Arar's detention prior to meeting with him?
- A On October 2nd, the Consul was advised by the Executive Assistant to the Warden at the Metropolitan Detention centre that Mr. Arar was charged with an "immigration violation."
- Q Who had the Consul spoken to prior to meeting with Arar?

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A *The Consul did not have any contact with anyone who was in any way connected with the RCMP prior to the meeting with Mr. Arar. She and other consular officers spoke with relevant officials including JFK INS, New Jersey INS, IND Public Affairs, Metropolitan detention Centre (MDC) - Records Division, MDC - Executive Assistant to the Warden, a friend of the Arar family, relatives of Mr. Arar, a representative of the Centre for Constitutional Research, as well as various officials within the DFAI.*

Q *What was the Consul told by Arar about the reasons for his detention, particularly with respect to any complicity by Canadian authorities?*

A *When the Consul met with Mr. Arar on October 3, 2002, Mr. Arar showed the Consul a document listing the allegations made against him. That document read:*

Factual Allegation of Inadmissibility under Section 235C of the Immigration and Nationality Act..

- 1. You are not a citizen of the United States.*
- 2. You are a native of Syria and a citizen of Syria and Canada.*
- 3. You arrived in the United States on September 26, 2002, and applied for admission as a non-immigrant in transit through the United States, destined to Canada.*
- 4. You are a member of an organization that has been designated by the Secretary of State as a Foreign Terrorist organization, to wit Al Qaeda aka Al Qa'ida.*

Mr. Arar expressed concern that the FBI seemed interested in another Canadian and that they were linking Mr. Arar with this second person. Mr Arar stated that he knew this person only casually, but was better acquainted with his brother. While not a clear reference to complicity by Canadian authorities, Mr. Arar also wondered aloud whether "the police" had gone through his effects in Canada as the FBI seemed to know so much about him. No further elaboration on this point was made. Mr. Arar stated that the FBI insisted that his name was Maher Abdul Hanamid Arar which Mr. Arar said is his father's name. Finally, Mr. Arar stated that he was worried that his frequent travel to the US for work had made the police suspicious of him.

Q *What contact, if any, did the Consul have with any police or intelligence authority (in particular, the FBI or CIA) and what was she told?*

A *The Consul had no contact of any kind with the FBI or the CIA.*

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- Q Arar has alleged in his public statement that he was shown a lease document. Was Consul made aware of this, and was there any discussion about that document?
- A *Mr. Arar did not ever make any comment to the Consul about a lease document. A lease document was never discussed by the Consul with anyone in relation to this matter, prior to its mention in media reports.*
- Q What action did the Consul take when she was shown the document alleging that Mr. Arar was a member of Al Qaeda?
- A *The consul immediately began to contact other officials with the DFAIT and sent a report to Ottawa as soon as she returned to her office. The consul also told Ms. Meehan (wife), and other family members and friends and Ms. O'Connell (lawyer) of the allegations.*
- Q Did Consul have any direct contact with RCMP members, or police officers that she believed to be working with the RCMP, at any time?
- A *The Consul did not ever have any contact with any RCMP member nor did she have any contact with any law enforcement officer she believed to be working with the RCMP.*
- Q Does Consul have any knowledge of any RCMP complicity in the deportation of Arar?
- A *The Consul has no knowledge of any RCMP complicity in the deportation of Mr. Arar.*

Ms. Bloor confirmed that my request for any relevant documentation authorized by DFAIT in which any reference is made to actions taken by the RCMP or any individual RCMP officer, with respect to Arar, had been forwarded through the RCMP liaison officer. Additionally, she confirmed that information with respect to the role and duties of a consular officer, in similar circumstances to those of Maher Arar, was being forwarded as well.

(Source Document(s): Vol. 5-Tah. 28)

On 04/01/13 I sent a letter to DFAIT with respect to a conversation that took place between Minister Graham and Secretary Powell on 03/11/05 about Maher ARAR. I had ascertained that during that conversation, Secretary Powell advised Minister Graham that he would attempt to get more information about who had provided information to U. S. authorities. The substance of this call was subsequently reported in the media.

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I was aware that Secretary Powell had said that the RCMP provided the information at issue. However, it was my intent to ascertain if Secretary Powell ever provided the specific name of the RCMP or other officer or the specific name of the RCMP unit that allegedly provided information about Maher ARAR to U. S. law enforcement authorities. Ms. Blois confirmed, on behalf of DFAIT, that Mr. Powell's comment referred to the RCMP in general.

(Source Document(s): Vol. 5-Tab. 28)



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Criminal Intelligence Directorate (CID) determined early in 2002 that it was necessary to have a Memorandum of Understanding for the Integrated National Security Enforcement Teams (INSET's) that were being formed. Supt. Pilgrim provided the necessary direction and the final draft was completed on 03/05/10. The MOU had been reviewed by the A/Comm. CID, the respective branch officers and RCMP legal services. The document addresses all aspects of an integrated unit performing national security functions, including the sharing and protection of information. I have been advised that the MOU was sent out to all divisions. However, the MOU was not used for members of A-O Canada, its use was not included or recommended in the new national security policy amendments, and the NCO i/c of the policy unit in CID has not seen it nor did he have a copy.

could
not be
used if
did not
exist.

(Source Document(s): Vol. 5-Tab. 21)

THE STATEMENTS THAT HAVE BEEN TAKEN WITH RESPECT TO THIS INVESTIGATION/REVIEW ARE IN THE PROCESS OF BEING TRANSCRIBED. THEY WILL BE AVAILABLE, WHEN COMPLETED, FROM THE NCO i/c "A" DIV; COMPLAINTS AND INTERNAL INVESTIGATION SECTION (S/SGT. CLAUDE BERGERON).

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Conclusions:

It is imperative to consider the conclusions hereunder noted in the context of the public, political, and national security environment, post 01/09/11. The ability of the RCMP to deal with the outcome of that terrorist act, and to manage the expectations as a result of it, was to a large extent limited. At that time, both at headquarters and in the field, the RCMP did not have sufficient investigative expertise, nor did they have the capacity to efficiently and effectively deal with national security investigations overall. 7

1. The members of A-O Canada had legitimate reasons to initiate an investigation with respect to Maher ARAR.
2. Maher ARAR was a "person of interest" and that direct and indirect links had been established with other individuals who were suspected of being members of, or associated with, Al Qaeda.
3. [REDACTED]
4. Maher ARAR has stated publicly that when he was questioned by the FBI on 02/09/26-27, and he was asked about Abdullah AL MALKI being a reference on his lease. It has been suggested that he was incorrect as it has been confirmed that AL MALKI was shown as an emergency contact. However, the above cited references make his public statement credible.
5. [REDACTED]
Additionally, there is sufficient other documentation about the actions of both [REDACTED] and [REDACTED] to conclude that Maher ARAR was, at the very least, a person of interest to U.S. authorities and they were conducting their own investigation with respect to him.
6. A-O Canada was a criminal investigation into the activities of individuals suspected of terrorist or subversive acts, therefore the tenancy agreement (lease) and rental application should have been obtained with a search warrant, issued pursuant to the provisions of the Criminal Code. [REDACTED]

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7.

[Redacted]

8. Correspondence that identified national security investigative targets, associations, and intelligence was sent to [Redacted]. The correspondence did not have the appropriate caveats/conditions included, in accordance with RCMP policy, (OM APP. I-3-8.2.) with respect to the dissemination of national security information being passed to other domestic and foreign law enforcement agencies/departments.

*reg'd
dissemination
were with
verbal
agreements
sent to [Redacted]*

9. Correspondence that identified national security investigative targets, associations, and intelligence was sent to [Redacted] direct, and that correspondence did not have an appropriate supervisor's signature.

*no approval
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filed??*

10. [Redacted] CD-ROMs [Redacted] containing all of the Project A-O Canada [Redacted] were burned from that database. The CD's were provided to both [Redacted] and [Redacted]. A briefing note to the Commissioner dated 04/02/10 has revealed that the CD's contained [Redacted] documents, including [Redacted] that were released to [Redacted] and [Redacted] by the RCMP without consent. There was no covering correspondence prepared and there were no caveats/conditions included, in accordance with RCMP policy, (OM APP. I-3-8-2.), with respect to the dissemination of national security information being passed to other domestic and foreign law enforcement agencies/departments.

*reference
to
verbal
agreements
as confirmed
by RP -
suppression
close to
Sept. 11.02
caveat*

[Redacted] Additionally, the RCMP failed to respect caveats/conditions [Redacted]

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[Redacted]

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[Redacted] Additionally, the RCMP failed to respect caveat/condition that they agreed to provide information received from [Redacted] and provided to both [Redacted] and [Redacted]

Agreed Verbal

13.

[Redacted]

14.

[Redacted] in the context of exploring the intelligence and law enforcement options available to the USCI regarding ARAR, asked whether or not the RCMP's could give relevant information held by them about ARAR, to [Redacted] for potential use in U.S. law enforcement proceedings. The information requested was provided to [Redacted] however there was no apparent senior management input. I would consider such input an imperative, because of the nature and profile of the investigation, and because the information was potentially to be used in the criminal prosecution of a Canadian citizen, who was being detained in a foreign country with respect to a national security investigation.

bit (consider)

REC'D AT REQUEST WIL 4/24/02 WC 1 TAB 46

15.

Maher ARAR was told on 02/10/02, and subsequently provided with a document in which the assertion was written, that U.S. authorities had identified him as a member of a foreign terrorist organization to wit, Al Qaeda. This document was shown to, and the information therein recorded, by Consul in New York. The RCMP was not asked to refute the allegation, nor was the RCMP aware that the assertion had been made and formally documented.

16.

[Redacted]

W-20

17.

[Redacted]

TR 20

18.

[Redacted]

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23. The RCMP first learned from Insp. Roy that there was a possibility that Maher ARAR would be deported to Syria, on 02/10/08. All of the documents that I examined support the fact that Maher ARAR had already been removed from the U.S. *True*

24. On 02/10/08, A-O Canada members made the necessary preparations to conduct surveillance of Maher ARAR in anticipation of his return to Canada. The request for surveillance resources was prepared, but not acted upon. *ref?*

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request for surveillance made Oct. 7th - waiting confirmation of his departure from NY?

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25. The RCMP did not contribute in any way to torture or interrogation of Maher ARAR in Syria. A-O Canada investigators did not send questions to be used in an interview and they did not ask that Maher ARAR be interviewed. *True*

26. [redacted] the RCMP liaison officer responsible for Syria confirmed that he was the only member who had any dealings in this matter; his involvement was self generated; and he confirmed that he did not discuss Maher ARAR with the Syrian authorities. *True*

27. The "consular note" identified in a briefing note to the Commissioner on 02/10/17, and requesting details of the U. S. action that resulted in ARAR's deportation to Syria, was likely not sent. This was confirmed by Mr Gar Pardy. *True*

28. A document was provided by [redacted] outlining, overall, what information the RCMP had provided to [redacted] in the ARAR investigation. It is important to note that the preface to the document states that, [redacted]

29. The memorandum details specifically what information [redacted] relied on in the [redacted] hearing, and I believe that this information was, or was the basis of, the "Classified Addendum" utilized in the deportation hearing. *we do not have this info*

30. [redacted]

31. There was an acrimonious relationship between A-O Canada investigators and HQ CID. As a result, attempts by HQ CID to effectively monitor the investigation and to provide appropriate coordination, direction, or advice was resented.

*Provide
FACTUAL
Context.
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Assessment*

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32. Investigators from Project A-O Canada had a close working relationship with [redacted] and [redacted]. This relationship, particularly with [redacted], ^{Joe Stevens!} ~~was not at arms length and seemed to enmesh the relationship between the RCMP and [redacted]~~

33. There were too many points of contact within the RCMP. This resulted in a lack of continuity about what was being shared with [redacted] and [redacted].

34. C/Supt. Wayne Watson, the OIC Criminal Operations conducted a review of the actions and involvement of A-O Canada investigators with respect to Maher ARAR. After interviewing those involved, he concluded unequivocally, that at no time was anything ever suggested, even in jest, that Maher ARAR should not be returned to Canada; there were no suggestions as to where he should be deported; members' notes were well written and precise; he uncovered nothing to indicate that any of the members of Project A-O Canada communicated in any manner to any foreign authorities a position that could be interpreted as a request to have Mr. ARAR detained, kept in custody or deported to any location; the fact that surveillance was requested on October 7th for ARAR's arrival in Canada indicated that he was expected to come to Canada; advice about the possibility that he would be deported to Syria came from DFAIT through Insp. Roy; and nothing that he had heard or read since the review was requested, suggested that the decision to detain or deport Mr. Maher ARAR stemmed from any communications from Project A-O Canada. Based upon my review, I concur with C/Supt. Watson's findings. *True*

35. Insp. Pierre Perron, the OIC National Security Offences Branch, conducted a review of the actions and involvement of CID with respect to Maher ARAR. After interviewing those involved, he concluded that [redacted] was advised that Maher ARAR was a Canadian citizen and could not be refused entry into Canada; advice about the possibility that he would be deported to Syria came from DFAIT through Insp. Roy; all of the members interviewed adamantly stated that they did not, and did not know of anyone who would have suggested, requested, or made remarks that could have caused Maher ARAR's deportation; investigators were actively planning for Maher ARAR's return to Canada, were intending to conduct surveillance, and were intending to interview him; that members had acted in accordance with policy and guidelines; that there was no evidence to suggest that the U.S. authorities had acted under the direction or authorization of the RCMP; and that the U.S. made a unilateral decision to deport Maher ARAR. Based upon my review, I concur with Insp. Perron's findings. *True*

36. C/Supt. Dan Killam, the Director General National Security, Criminal Intelligence Directorate, was directed to conduct a review of the RCMP criminal investigation with respect to Maher ARAR. C/Supt. Killam concluded that the investigation was well managed and thorough, did conform with existing policy and guidelines, and that from the very outset, this investigation was taken seriously and members took every ~~step~~ *step*

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precaution to ensure it was conducted in a competent and professional fashion. With respect to the communication between the Force and U.S. authorities, C/Supt. Killam found nothing that led him to believe that our members had any influence with respect to the U.S. decision to deport ARAR.

- 37. I disagree, in part, with his findings. It is my opinion that the investigation was thorough, however I take issue with the statement that it was well managed and conformed to existing policy and guidelines. In fact, in a number of instances correspondence was forwarded to [redacted] and [redacted] without the caveats/conditions that were required for the dissemination of national security information. Additionally, the CD-ROM's that were given to [redacted] and [redacted] were given without any covering correspondence or the respective caveats/conditions. Nor were third party conditions from other agencies [redacted] respected.
- 38. The release of information to [redacted] and [redacted] was not managed appropriately. The involvement of supervisors, including those at a senior level both in "A" Div. and headquarters, in the respective process was not evident.
- 39. I agree with C/Supt. Killam that there is no evidence that any member influenced the U.S. decision to deport Maher ARAR to Syria, and that the decision was made unilaterally by U.S. authorities.
- 40. The Integrated National Security Enforcement Teams (INSET's) MOU was not used for members of A-O Canada, its use was not included or recommended in the new national security policy amendments, and the NCO i/c of the policy unit in CID has not seen it, nor did he have a copy. It would have been of benefit if the MOU had been utilized, particularly with respect to the accountability for the sharing and dissemination of information.

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Summary

1. Complaint of Shirley Heafey (Maher ARAR), Chair of the Commission for Public Complaints against the RCMP.

It is alleged that unidentified members of the RCMP, while performing national security policing functions, improperly encouraged U.S. authorities to deport a Canadian citizen, Mr. Maher Arar, from U.S. territory to Syria. Alternatively, it is alleged that unidentified members of the RCMP, while performing national security policing functions, failed to discourage U.S. authorities from deporting a Canadian citizen, Mr. Maher Arar, from U.S. territory to Syria.

Members of the RCMP, or members of other law enforcement agencies working with the RCMP, while performing national security functions, did not improperly encourage U.S. authorities to deport a Canadian citizen, Mr. Maher ARAR, from U.S. territory to Syria.

Members of the RCMP, or members of other law enforcement agencies working with the RCMP, while performing national security policing functions, did not fail to discourage U.S. authorities from deporting a Canadian citizen, Mr. Maher ARAR, from U.S. territory to Syria.

It is alleged that unidentified members of the RCMP, while performing national security policing functions, improperly divulged information and/or conveyed inaccurate or incomplete information about Mr. Maher Arar to U.S. and/or Syrian authorities.

Members of the RCMP, or members of other law enforcement agencies working with the RCMP, while performing national security policing functions, provided intelligence information to [redacted] and [redacted] about Maher ARAR as was permitted by jurisprudence and policy. However, the manner in which the information was provided was not in accordance with RCMP policy as the required caveats/conditions for the dissemination of national security information were not included. This allowed U.S. agencies to use, or disseminate, that information as they deemed appropriate, without the express permission of the RCMP. Additionally, the RCMP failed to respect caveats/conditions that were placed on intelligence information received from [redacted] and subsequently provided to both [redacted] and [redacted].

Members of the RCMP, or members of other law enforcement agencies working with the RCMP, while performing national security policing functions, provided intelligence information to [redacted] and [redacted] about Maher ARAR as was permitted by jurisprudence and policy. However, the reliability assessment of that information was inaccurate. Additionally, the RCMP failed to respect the caveats/conditions that were placed on the intelligence information that had been received from [redacted] and subsequently provided to both [redacted] and [redacted].

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Members of the RCMP, or members of other law enforcement agencies working with the RCMP, while performing national security policing functions, did not provide information about Maher ARAR to the Syrian authorities.

It is alleged that unidentified members of the RCMP, while performing national security policing functions, improperly impeded the efforts of the Canadian Government and others to secure the release of Mr. Maher Arar from detention in Syria.

Members of the RCMP, or members of other law enforcement agencies working with the RCMP, while performing national security policing functions, did not improperly impede the efforts of the Canadian Government and others to secure the release of Mr. Maher ARAR from detention in Syria.

2. Complaint of the Canadian Civil Liberties Association made to the Commission for Public Complaints against the RCMP.

The RCMP employed inappropriate criteria and procedures to commence and then conduct an investigation against Mr. Arar.

The RCMP did not employ inappropriate criteria and procedures to commence and then conduct an investigation against Mr. Maher ARAR.

RCMP officers passed information to the U. S. authorities about Mr. Arar that led to his detention in the U. S. and eventual deportation to Syria.

[REDACTED]

[REDACTED] Maher ARAR was detained entering the U.S., but the detention was not based solely on information obtained from the RCMP. [REDACTED] and [REDACTED] were conducting their own investigation into the activities of Maher ARAR.

Members of the RCMP, or members of other law enforcement agencies working with the RCMP, while performing national security policing functions, provided intelligence information to [REDACTED] and [REDACTED] about Maher ARAR as was permitted by jurisprudence and policy. However, the manner in which the information was provided was not in accordance with RCMP policy as the required caveats/conditions for the dissemination of national security information were not included. This allowed U.S. agencies to use, or disseminate, that information as they deemed appropriate, without the express permission of the RCMP. Information provided by the RCMP was used in [REDACTED] hearing that resulted in Maher ARAR's deportation to Syria.

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Additionally, the RCMP failed to respect caveats/conditions that were placed on intelligence information received from members of other law enforcement agencies working with the RCMP. It did not knowingly and wrongfully attempt to facilitate the deportation of Mr. Maher ARAR to Syria to face inquisition and torture.

RCMP officers failed to take all reasonable and necessary steps to forestall Mr. Arar's deportation to Syria.

Members of the RCMP, or members of other law enforcement agencies working with the RCMP, did not fail to take all reasonable and necessary steps to forestall Mr. ARAR's deportation to Syria. Mr. Maher ARAR was deported without the knowledge of those members.

RCMP officers failed to provide Foreign Affairs and other branches of our government with a full, fair, and timely account of the case so as to ensure Mr. Arar's expeditious return to Canada.

The RCMP, within the context of an ongoing criminal investigation, provided to the Department of Foreign Affairs all of the information to which they were entitled, in a timely manner.


Brian S. Garvie
Chief Superintendent

76

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(10R419)

THE ROLE OF CSIS IN THE MATTER OF MAHER ARAR

(SIRC STUDY 2003-06)

**Security Intelligence Review Committee
May 19, 2004**

ATIP version

dated: AUG 20 2013

TABLE OF CONTENTS

EXECUTIVE SUMMARY ii

FINDINGS vii

RECOMMENDATIONS x

I. INTRODUCTION 1

II. OBJECTIVE AND SCOPE OF STUDY 2

III. RESEARCH METHODOLOGY 4

IV. REVIEW OF CSIS'S ROLE 5

 4.1 CSIS's Role Up to September 26, 2002 5

 4.2 CSIS's Role in the Detention and Deportation of Arar 9

 4.3 CSIS's Role During the Detention and Interrogation of Arar in Syria .. 16

 4.4 CSIS's Role in the Release of Arar by the Syrians 23

V. INFORMATION RECEIVED AND DIVULGED BY CSIS 27

VI. CSIS'S RELATIONSHIP WITH THE RCMP 32

VII. INFORMATION RECEIVED FROM SYRIA 39

VIII. CONCLUSIONS 52

ACRONYMS 55

APPENDICES

APPENDIX A
APPENDIX B
APPENDIX C
APPENDIX D

ATIP version

i

dated: AUG 20 2013

EXECUTIVE SUMMARY

Pursuant to section 54 of the *Canadian Security Intelligence Service Act (CSIS Act)*, the Security Intelligence Review Committee (SIRC) may furnish the Minister of Public Safety and Emergency Preparedness with a special report. In October 2003, SIRC determined that the events involving Maher Arar were sufficiently important to warrant a section 54 review. This Section 54 report examines the Canadian Security Intelligence Service's (CSIS or the Service) involvement in the case of Maher Arar (hereafter referred to as "Arar"), a Syrian-born Canadian citizen who was detained by American authorities on September 26, 2002 and subsequently deported to Syria.

SIRC initially questioned CSIS about its role in the Arar affair upon his return to Canada in October 2003. The Service replied that it:

had no involvement in the arrest and subsequent deportation of ARAR to Syria. The Service was initially informed of his detention by the RCMP and DFAIT, The Service was advised by the RCMP Liaison Officer at DFAIT that ARAR had arrived in Syria via Jordan (arrested in New York City on September 26, 2002, arrived in Syria on October 21, 2002).¹

As a result of Arar's allegations of torture and continued media and political attention, however, SIRC decided to conduct an in-depth review of the Arar case using the powers granted to it by Sections 40 and 54 of the *CSIS Act*. SIRC began by asking CSIS to provide access to all information which it held on Arar and the Service's involvement in this matter. This review was followed up by a second, independent review of the CSIS documentation by SIRC's Senior Counsel, a total of 75 written questions from SIRC to the Service and two meetings of SIRC Members with the Director of CSIS and senior Service staff. SIRC's review was restricted to an examination of CSIS's involvement in the Arar case, consistent with SIRC's mandate, and did not examine the activities of any other federal departments or agencies. These and several other issues identified in the report are more appropriately handled by the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar (O'Connor Commission).²

¹ Letter, Assistant Director, Secretariat, CSIS, to Executive Director, SIRC, October 20, 2003, CSIS File

² On January 28, 2004 the Deputy Prime Minister announced that Mr. Justice Dennis O'Connor would undertake a public inquiry into the actions of Canadian officials dealing with the detention and deportation of Maher Arar.

ATIP version

dated: AUG 20 2013

SIRC sought to determine the full extent of CSIS's role in the detention, deportation and incarceration of Arar, and the nature and extent of the information on Arar that CSIS received from or divulged to domestic and foreign agencies. In reviewing the documentation provided by CSIS, posing written and verbal questions and meeting on two occasions with senior CSIS officials, SIRC sought answers to specific questions. These included:

- was Arar a CSIS target, Vanweenan,³ or individual of interest to the Service before his detention in the United States in September 2002?
- what was the nature and extent of the information that CSIS possessed on Arar before his detention in the United States?
- what information did CSIS provide to domestic agencies (including the RCMP) and/or foreign agencies (including American, Jordanian and Syrian intelligence agencies) before Arar's detention in the United States?
- when and how did CSIS become aware that Arar had been detained in the United States?
- when and how did CSIS become aware that Arar was being deported to Syria?
- what information did CSIS receive from and/or provide to domestic and/or foreign agencies between the time Arar was detained in the United States and the time he arrived in Syria?
- what information did CSIS obtain regarding the detention and interrogation of Arar in Syria, and from whom did CSIS receive this information?
- did any CSIS employee or human source travel to Syria during the time Arar was detained, and did any person associated with the Service have contact with Syrian officials and/or Arar during this time?
- what operational information did CSIS obtain stemming from Arar's interrogation in Syria, and did CSIS share any of this information with domestic and/or foreign agencies?
- when and how did CSIS become aware that Arar was to be returned to Canada?

³ A Vanweenan is an individual whose identity is known at the time CSIS's application to the Federal Court for warrant powers is made, and whose intercepted communications CSIS has reasonable grounds to believe may assist in the investigation.

ATIP version

iii

dated: AUG 20 2013

- what information did CSIS receive from and/or provide to domestic and/or foreign agencies regarding the circumstances under which Arar would be returned to Canada?

Following the review of CSIS documents, SIRC forwarded 48 written questions to the Service which can be found at Appendix A. The Service's answers together with SIRC Senior Counsel's independent review of the documentation led SIRC to identify an additional 25 written questions to CSIS, found at Appendix B. Following a meeting with the Director of CSIS on March 11, 2004, one final written question was forwarded to the Service and can be found at Appendix C. All of SIRC's observations, findings and recommendations are based upon SIRC's review of the documents provided by CSIS, together with the Service's answers to SIRC's written and verbal questions.

When Arar was detained at JFK airport in New York City on September 26, 2002, CSIS had no prior knowledge of this event and, in fact, had difficulty ascertaining Arar's whereabouts for several days thereafter. It was through information obtained from the RCMP and the Department of Foreign Affairs and International Trade (DFAIT) that CSIS was informed of Arar's deportation to Syria via Jordan.

ATIP version

iv

dated: AUG 20 2013

With regard to CSIS-RCMP relations, the Service and the RCMP have a Memorandum of Understanding (MOU) in place to govern, inter alia, liaison personnel and procedures for the exchange and disclosure of information. A RCMP liaison officer may receive CSIS intelligence for information purposes. However, that information may not be shared with other RCMP personnel or any other third party without specific consent from CSIS.

In November 2002, the Syrian Military Intelligence Service invited CSIS
CSIS
personnel travelled to Syria and met with Syrian Military Intelligence officials, but they
did not meet with Arar personally.

ATIP version

dated: AUG 20 2013

v

The Service advised SIRC that they relied on the assessment of DFAIT that Arar did not show signs of being abused and they had no evidence to confirm that he had been tortured.

When Arar was released on October 5, 2003, CSIS played no role in his return to Canada

ATIP version

dated: AUG 20 2013

vi

FINDINGS

In addition to the enumerated recommendations, SIRC has made the following findings.

1. SIRC's inability to determine the full extent of the RCMP's involvement and therefore to pursue certain areas of investigation, demonstrate the limitations of the existing review mechanisms. SIRC endorses the Government's commitment to establish an independent, arm's length review mechanism for the RCMP's security functions.
- 2.
- 3.
4. CSIS has consistently claimed that they had no prior knowledge of the American authorities' plan to detain or deport Arar. SIRC's review of documentation provided by CSIS and its answers to SIRC's written questions are consistent with this position.
- 5.
6. According to CSIS, they learned of Arar's detention for the first time when, on October 2, 2002, DFAIT advised the Service of Arar's interdiction at JFK International Airport

ATIP version

vii

dated: AUG 20 2013

7. On October 2 and 4, 2002, CSIS forwarded to its Security Liaison Officer (SLO) in Washington requests to the FBI, seeking information and clarification on the arrest and status of Arar. The Service's request for information pertaining to the arrest of Arar was not delivered by the CSIS SLO to the FBI until October 10, 2002, via a letter. SIRC was advised that although the SLO had no specific recollection of this request, there would have been a verbal request to the FBI on some unspecified date prior to the October 10 letter.

8. Following Arar's deportation on October 8, 2002, CSIS sought information from the RCMP, DFAIT, FBI and CIA concerning Arar's fate.

9.

none of the information received nor divulged by CSIS, ever explicitly tied Arar to threat-related activities. Moreover, CSIS was consistent in its cautions that the information it possessed and conveyed on Arar was inconclusive.

10.

the receipt of an information copy by the RCMP liaison officer did not give any other RCMP personnel the authority to receive, use or disclose CSIS information about Arar. This limitation is specifically addressed in the 1989 CSIS-RCMP Memorandum of Understanding procedures for consent to disclose information.

11. SIRC did not find any document that recorded an approval granted to the RCMP by CSIS to disclose CSIS-obtained information about Arar to a third party.

12.

13.

ATIP version

dated: AUG 20 2013

viii

14.

ATIP version

dated: AUG 20 2013

ix

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7. **SIRC is concerned at the delays in reviewing these RCMP situation reports and recommends that CSIS examine its current practices relating to the receipt, prioritization and review of RCMP reports to ensure more timely identification of reports containing potentially time-sensitive or important information.**

ATIP version

AUG 20 2013

dated: _____

xi

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I. INTRODUCTION

Maher Arar, alias Abdul Hamid Maher Arar, was born on September 15, 1970 in Syria. He arrived in Canada on September 1, 1987 at Dorval Airport and has been a Canadian citizen since February 1991. Arar lived in Montreal from 1987 until moving to Ottawa in 1998. Between September 1999 and April 2001, Arar lived and worked in Nantick, Massachusetts, near Boston. On September 26, 2002, Arar was detained in New York City, and was deported on October 8, 2002 via Jordan to Syria, where he alleges that he was beaten and tortured. He remained in custody in Syria from October 21, 2002 until his release and return to Canada on October 6, 2003.

Arar has been the focus of international media attention and is currently attempting to sue the Syrian and Jordanian governments in Canadian courts.⁸ On October 9, 2003 SIRC began its review of CSIS's role in the detention and deportation of Maher Arar. On December 22, 2003, the Security Intelligence Review Committee publicly announced that it was undertaking a Section 54 inquiry into CSIS' role in the Arar matter. On January 22, 2004, Arar launched a lawsuit against the American government seeking financial compensation and an admission of wrongdoing. On January 28, 2004, the Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness (hereafter referred to as the Minister), announced the appointment of Mr. Justice Dennis O'Connor to head up the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar. Terms of Reference for the O'Connor Commission were released by the Minister on February 5, 2004.

ATIP version

dated: AUG 20 2013

⁸ "Arar sues Syria, Jordan," <http://www.ottawa.cbc.ca>, November 24, 2003.

II. OBJECTIVE AND SCOPE OF STUDY

The scope and objectives for this study are subject to the powers granted to SIRC by the *CSIS Act*. SIRC is authorized by the *CSIS Act* to review the performance by the Service of its duties and functions.⁹ In carrying out a review, SIRC must be given access to any information under the control of the Service and shall receive such explanations as SIRC deems necessary. Only Cabinet confidences may be withheld from SIRC.¹⁰ Throughout this review SIRC has identified areas for further examination that, while beyond SIRC's authority to pursue, warrant investigation by the O'Connor Commission and point to the ultimate need for broader review.

SIRC's inability to determine the full extent of the RCMP's involvement and therefore to pursue certain areas of investigation, demonstrate the limitations of the existing review mechanisms. SIRC endorses the Government's commitment to establish an independent, arm's length review mechanism for the RCMP's security functions.

This study is undertaken pursuant to SIRC's mandate under Sections 40¹¹ and 54¹² of the *CSIS Act*. The review period of the study covers November 18, 1993 to October 10, 2003.

This study began with a SIRC Member's question to CSIS dated October 9, 2003, inquiring whether the Service had played a role in the detention of Arar, and the Service's response of October 20 that it:

had no involvement in the arrest and subsequent deportation of ARAR to Syria. The Service was initially informed of his detention by the RCMP and DFAIT, The Service was advised by the RCMP Liaison Officer at DFAIT that ARAR had arrived in

⁹ *CSIS Act*, section 38.

¹⁰ *CSIS Act*, section 39.

¹¹ Section 40 of the *CSIS Act* provides for SIRC to conduct reviews of specific activities of CSIS in order to ensure that such activities "are carried out in accordance with this Act, the regulations and directions issued by the Minister ... and that the activities do not involve any reasonable or unnecessary exercise by the Service of any of its powers..."

¹² Section 54 of the *CSIS Act* enables SIRC to provide the Minister with a special report relating to the performance of SIRC's duties and functions.

ATIP version

AUG 20 2013

dated: _____

Syria via Jordan (arrested in New York City on September 26, 2002, arrived in Syria on October 21, 2002).¹³

SIRC Members subsequently received a classified briefing from the Director of CSIS on October 21, 2003, in which he reiterated that CSIS had not been involved in the detention and deportation of Arar. In light of Arar's allegations of torture and the high degree of media, public and political attention surrounding this matter, SIRC decided to conduct an in-depth review of the Arar case using the powers granted to it by Sections 40 and 54 of the CSIS Act.

The review examined all information in CSIS' possession; included both written and verbal questions to CSIS; and involved two meetings with senior CSIS officials to determine the full extent of the Service's involvement in the Arar affair. Specifically, it examined CSIS's involvement in the detention, deportation and incarceration of Arar, and the nature and extent of the information that CSIS received from or divulged to domestic and foreign agencies regarding Arar.

¹³ Letter, Assistant Director, Secretariat, CSIS, to Executive Director, SIRC, October 20, 2003, CSIS File

AUG 20 2013

III. RESEARCH METHODOLOGY

In conducting this review, SIRC sought detailed information on all aspects of CSIS's involvement in:

- the collection, retention and disclosure of information about Arar prior to September 26, 2002;
- Arar's detention at JFK airport in New York City on September 26, 2002;
- Arar being held in American custody for the next 13 days, and his alleged detention at a CIA debriefing station in Jordan for the following 12 days;
- Arar's deportation to Syria on October 21, 2002;
- Arar's detention and interrogation in Syria between October 2002 and October 2003; and,
- Arar's release from Syria on October 5, 2003, and his return to Canada on October 6, 2003.

Throughout the study, SIRC sought answers to specific questions relating to each of the aforementioned events. These questions are highlighted throughout the report. In addition, all electronic and hard-copy documentation held by CSIS that included any reference to Arar was requested and reviewed for this study. Accordingly, the conclusions drawn in this study are based not only on CSIS' answers to specific questions, but on an exhaustive documentary review of all Service records provided to SIRC. Given that the *CSIS Act* limits SIRC to an examination of CSIS' duties and functions, it was not possible to examine information held or actions taken by any other domestic or foreign agencies, except to the extent that CSIS' documentation recorded such information.

ATIP version

dated: AUG 20 2013

IV. REVIEW OF CSIS'S ROLE

4.1 CSIS's Role Up to September 26, 2002

In examining what role CSIS played in the Arar case up to the day of his detention in New York City on September 26, 2002, SIRC sought answers to the following questions:

- was Arar a CSIS target, Vanweenan,¹⁴ or individual of interest to the Service before his detention in the United States in September 2002?
- what was the nature and extent of the information that CSIS possessed on Arar before his detention in the United States?
- what information did CSIS provide to domestic agencies (including the RCMP) and/or foreign agencies (including American, Jordanian and Syrian intelligence agencies) before Arar's detention in the United States?

appear in CSIS operational reports pertaining to other targets Arar's name did

¹⁴ A Vanweenan is an individual whose identity is known at the time CSIS's application to the Federal Court for warrant powers is made, and whose intercepted communications CSIS has reasonable grounds to believe may assist in the investigation.

ATIP version

dated: AUG 20 2013

Some of this information was provided to CSIS by the RCMP's Project O Canada.²⁰

²⁰ Project O Canada was an investigation created to counter the Sunni Islamic terrorism threat and was managed from the Combined Forces Special Enforcement Unit with representatives from the RCMP, CSIS, OPP and the Toronto, Peel, York and Durham police forces. The investigation is now managed by the Integrated National Security Enforcement Team (INSET). Project A O-Canada is a RCMP A Division INSET investigation into the Sunni Islamic threat and is an off shoot of the original Project O-Canada that commenced in Toronto. Letter CSIS A/DDG ER&L to SIRC Deputy Executive Director, 15.04.04.

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dated: AUG 20 2013

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dated: AUG 20 2013

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An RCMP situation report dated July 12, 2002, reported that Arar had left Canada three weeks earlier to take up permanent residence in Tunisia. In August

ATIP version

dated: AUG 20 2013

4.2 CSIS's Role in the Detention and Deportation of Arar

On September 26, 2002, Arar was detained at New York City's JFK Airport while in transit from Tunisia to Canada. A RCMP situation report dated September 26, September 27, revealed that the FBI had advised the RCMP that the FBI was aware in advance of Arar's 2:00 p.m. arrival time; that the FBI and US Customs intended to interview Arar upon his arrival; and that the FBI was planning to refuse Arar entry to the United States. The FBI requested the RCMP to submit any questions that it would like put to Arar during the interview, which the RCMP forwarded by fax. According to the documentation reviewed, CSIS did not receive a copy of the RCMP's questions.

ATIP version

dated: AUG 20 2013

TOP SECRET

According to SIRC's review, CSIS was first informed of the detention of
Arar by the RCMP in a second RCMP situation report dated September 27 and
recorded as having been forwarded to CSIS on September 30, 2002.

Commission to explore.

This is a matter for the O'Connor

On October 2, 2002, DFAIT advised CSIS of Arar's interdiction at JFK
International Airport

ATIP version

dated: AUG 20 2013

SIRC is concerned at the delays in reviewing the RCMP situations reports of September 26 and 27, 2002, and recommends that CSIS examine its current practices relating to the receipt, prioritization and review of RCMP reports to ensure more timely identification of reports containing potentially time-sensitive or important information.

On October 2, 2002 DFAIT further advised the Service that during his detention in New York, On October 2 and 4, 2002, CSIS forwarded to the CSIS Security Liaison Officer (SLO) in Washington requests to the FBI, seeking information and clarification on the arrest and status of Arar.

ATIP version

dated: ~~AUG 20 2013~~

The Service's request for information pertaining to the arrest of Arar was delivered by the CSIS SLO to _____ in a letter dated October 10, 2002.

SIRC sought further information regarding the _____ delay between the initial request to the SLO in Washington and the delivery of that request

As the enquiry on Arar's status was only one of a large volume of daily requests the Washington Liaison Office receives, (an average of 500-700 messages/month),

ATIP version

dated: AUG 20 2013

TOP SECRET

SIRC recommends that SLOs maintain a written record when requests for information from CSIS Headquarters are transmitted verbally to foreign intelligence agencies, in order to avoid relying on an individual's recollection of a specific request. Letters from SLOs serving as formal confirmation of verbal requests should be drafted to acknowledge and record the preceding verbal request.

CSIS offered SIRC an additional observation regarding the question of delay. The Service wrote:

The request on Maher Arar was handled expeditiously and it should be noted that the turnaround time, (which included a weekend), would be considered a rapid response.⁴⁷

SIRC also wishes to note other CSIS records regarding its attempt to gain information about Arar. On October 2, 2002 "DFAIT advised Communications Branch that the arrest did not appear to be immigration related, and 'could be much bigger'. An e-mail of the same date from the CSIS liaison officer at DFAIT to the Service asked for information on Arar and stated, "Any priority you could afford this request would be appreciated."

In light of the volume of requests received by the Washington SLO and the challenges of contacting the

SIRC recommends that CSIS identify an effective means of prioritizing sensitive requests sent to their Washington SLO and explore ways to address the delays regularly encountered when seeking information from

Meanwhile, unbeknownst to CSIS, on October 8, Arar was deported by American

⁴⁷ Letter CSIS Assistant Director Secretariat to Executive Director SIRC, received March 11, 2004.

ATIP version

AUG 20 2013

dated: _____

authorities to Syria, On October 9, CSIS sent a request to
for confirmation of Arar's location and further information on the circumstances of
his arrest,
That same day, the RCMP informed CSIS and DFAIT that Arar had been deported to
Syria by American authorities on October 8, 2002.

SIRC acknowledges Foreign Affairs Minister Bill Graham's announcement on
January 13, 2004 of a new consular understanding between Canada and the United
States concerning the removal of Canadians and U.S. nationals to third countries. The
O'Connor Commission may wish to explore whether this new understanding offers
sufficient protection for Canadian citizens.

One of the records provided to SIRC by CSIS was a DFAIT summary of
the Arar case. The report read, in part as follows:

Canadian [consular] officials were informed on September
29 ... by ARAR's family in Canada that he was missing...
Canadian officials contacted American officials and on
October 1 ... they confirmed that Mr. ARAR was detained ...
in New York... On October 3 ... the Canadian consul met
with Mr. ARAR and his lawyer met him on October 5 ... On
October 7 ... information was received that an immigration
hearing would be held later that day and [Arar's] lawyer was
informed. Arrangements had been made for Mr. ARAR to
speak to his wife on October 7 ... she advised Canadian
officials on October 8 ... that the call had not taken place.
Officials immediately contacted American Officials at the
[Brooklyn] Detention centre and [were] advised that Mr.
ARAR was no longer there. American officials refused to

ATIP version

dated: AUG 20 2013

provide any information as to where Mr. ARAR [was] but indicated that he had been removed from the facility between 3 ... and 4 ... am on the morning of October 8 ... it was not until October 10 ... that American officials confirmed that Mr. ARAR had been deported to Syria

On October 9, 2002, CSIS learned that Arar had been sent to Syria on October 8 by American authorities.

ATIP version

dated: AUG 20 2013

4.3 CSIS's Role During the Detention and Interrogation of Arar in Syria

The detention and interrogation of Arar in Syria raised additional questions, including:

- what information did CSIS obtain regarding the detention and interrogation of Arar in Syria, and from whom did CSIS receive this information?
- what operational information did CSIS obtain stemming from Arar's interrogation in Syria, and did CSIS share any of this information with domestic and/or foreign agencies?
- did any CSIS employee or human source travel to Syria during the time Arar was detained, and did any person associated with the Service have contact with Syrian officials and/or Arar during this time?
- what consideration did CSIS give to the question of the lawfulness of Arar's detention and interrogation
How is this reflected in CSIS policies and procedures?

ATIP version

dated: AUG 20 2013

On October 22, 2002, the head of the Syrian Military Intelligence Service, General Hassan Khalil, advised the Canadian Ambassador to Syria, Franco Pillarella, that Arar had arrived in Syria from Jordan on October 21. On October 24, the RCMP LO at DFAIT similarly advised CSIS that Arar had arrived in Syria on October 21, via Jordan.

ATIP version

dated: AUG 20 2013

On November 3, 2002, Ambassador Pillarella met with General Khalil, who provided a verbal briefing of the results of the Syrians' investigation of Arar up to that point. Khalil advised that Arar was believed to have been recruited by Al Qaida to go to Canada to recruit others. Khalil also extended an invitation for CSIS to travel to Syria to review the Syrians' information on Arar. The Ambassador asked for a written report of this information, a copy of which was translated from Arabic to English and forwarded to CSIS on November 8.

The report further indicated that in 1993, Arar travelled to
Afghanistan the former underwent
military training

ATIP version

AUG 20 2013

dated: _____

The admission of jihad training was repudiated by Arar following his return to Canada, who claimed that the only reason he confessed to training at a terrorist camp in Afghanistan was because he was subjected to torture by the Syrians. As Arar indicated in a public statement in Ottawa on November 4, 2003:

They kept beating me so I had to falsely confess and told them I did go to Afghanistan. I was ready to confess to anything if it would stop the torture. They wanted me to say I went to a training camp. I was so scared I urinated on myself twice. The beating was less severe each of the following days.⁷³

On November 6, 2002, DFAIT provided CSIS with a summary of its meeting with General Khalil on the Arar matter. According to the CSIS message outlining the DFAIT report, "Khalil was certain of Arar's involvement with Al Qaeda and Arar apparently provided information on members of sleeper cells in Canada and clearly identified El Maati and Almalki." DFAIT also advised the Service that General Khalil agreed to have a Canadian intelligence official from CSIS come to Damascus to "review the information provided by Arar."

⁷³ <http://www.cbc.ca/printablestory.jsp>. See also "Canada's Dossier on Maher Arar," *Ottawa Citizen*, November 8, 2003; "Maher Arar Demande une Enquête sur de Prémédées Fuites de la GRC," *La Presse*, November 13, 2003; "Arar Renews Call for Inquiry," *Globe and Mail*, December 31, 2003; "Nothing to Hide, Arar Says," *National Post*, December 31, 2003; "The Arar Insinuations," *Globe and Mail*, January 3, 2004; and "Martin Decries Leaks that Tied Arar to Terrorism," *Globe and Mail*, January 10, 2004.

ATIP version

dated: AUG 20 2013

TOP SECRET

ATIP version

dated: AUG 20 2013

It is unclear from SIRC's review what information prompted the Americans to place Arar's name on the watchlist or whether any of that information came from CSIS via the RCMP. The RCMP stated, "It is ... possible that US authorities are in possession of information relating to ARAR's activities during a period of time when he lived and worked in the Boston, Massachusetts area."

On November 6, 2002, CSIS met with DFAIT and RCMP representatives to determine how to respond to General Khalil's invitation to travel to Syria. The parties agreed that CSIS would meet with Syrian intelligence authorities to discuss

On November 6, 2002, CSIS received from DFAIT the translated copy of the Syrians' report regarding Arar.

A RCMP situation report dated November 18, 2002, subsequently forwarded to CSIS, indicated that the RCMP had asked CSIS "to refrain from interviewing ARAR if given the opportunity, for evidentiary reasons." CSIS personnel arrived in Syria late on November 20 and departed on November 25. During their stay in Syria, CSIS representative met with officials from the Syrian Military Intelligence Service (SyMI) to discuss the Arar case. The SyMI officials provided information

ATIP version

dated: AUG 20 2013

DFAIT officials provided CSIS with a report dated January 8, 2003, outlining their meeting with Arar on January 7. DFAIT believed Arar was being treated well although he had not yet been charged with any crime. According to DFAIT, the Syrians believed that Arar was involved with the Muslim Brotherhood⁶⁹ and was part of a terrorist cell. DFAIT further reported that when Syrian officials were asked about Arar's future, they responded that Arar would likely be detained for a lengthy period and would be prosecuted.

⁶⁹ The Muslim Brotherhood is a religious and political organization that was founded in 1928 in Egypt. In attempting to fulfill its mission of a return to the original precepts of the Koran, it has resorted to acts of political violence. The Muslim Brotherhood has given rise to a number of more militant and violent organizations, including Hamas and Islamic Jihad. www.encyclopedia.com/html/M/MuslimB1r.asp

ATIP version

date: AUG 20 2013

On January 15, 2003, DFAIT informed CSIS that the Syrian Vice Foreign Minister had told the Canadian Ambassador that, according to the Syrians' information, Arar did not wish to return to Canada, and that "CSIS had indicated to Syrian military intelligence that they have no wish to see Mr. Arar return to Canada and are quite content with the way things are." However, as DFAIT reported, "CSIS has informed the Department [DFAIT] that this is not the case

4.4 CSIS's Role in the Release of Arar by the Syrians

SIRC also sought answers pertaining to CSIS's involvement, if any, in Arar's return to Canada. Specifically, SIRC posed the following questions:

- when and how did CSIS become aware that Arar was to be returned to Canada?
- what information did CSIS receive from and/or provide to domestic and/or foreign agencies regarding the circumstances under which Arar would be returned to Canada?

ATIP version

dated: AUG 20 2013

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On May 7, 2003, CSIS's LO at DFAIT received a report dated April 23, 2003 outlining the Canadian Ambassador's and MPs Catterall and Assadourian's meeting on April 22 with SMFA and SyMI officials, as well as Arar. The SyMI officials informed the MPs their investigation of Arar was completed and that he would soon stand trial on charges of belonging to Al Qaida and having received military training in Al Qaida camps in Afghanistan. When the Canadian representatives met with Arar, he appeared to be in good health but "somewhat disoriented and highly emotional during much of the meeting."

The MPs reportedly were disappointed that before travelling to Syria, they had not been more fully briefed in Ottawa about the serious security dimensions of the Arar case, as seen by the Syrians. According to the DFAIT report, "Both MPs indicated that had they been more fully briefed in Ottawa, they would have reconsidered undertaking their mission to Damascus."

DFAIT further reported that during this same April 22 meeting,

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~~TOP SECRET~~

- 26 -

ATIP version

AUG 20 2013

Dated: _____

V. INFORMATION RECEIVED AND DIVULGED BY CSIS

110

¹¹⁰ Section 12 of the *CSIS Act* states: "The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada."

ATIP version

dated: AUG 20 2013

information from domestic and foreign agencies,

CSIS received some

ATIP version

AUG 20 2013

dated: _____

Regarding information divulged by CSIS, the assignment of an RCMP LO
to CSIS before and during Arar's detention ensured that a large number of Service
operational reports were "infocopied" to the RCMP LO.

ATIP version

dated: AUG 20 2013

In addition, CSIS sent operational messages to the RCMP which were captured in the Service's operational database. It bears repeating that the information that CSIS held and divulged to the RCMP consistently included caveats prohibiting disclosure to third parties and qualifications stating that the Service's evidence of Arar's threat-related activities was inconclusive.

According to SIRC's review, CSIS conveyed only small amounts of information to DFAIT, consisting mainly of requests for information as to the fate of Arar.

ATIP version

dated: AUG 20 2013

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ATIP version

dated: AUG 20 2013

VI. CSIS'S RELATIONSHIP WITH THE RCMP

In August of 1989, CSIS and the RCMP signed a Memorandum of Understanding (MOU) governing the exchange of information and cooperation between the two agencies. The principles and procedures governing the exchange of information and intelligence are set out in Part III of the MOU. The purpose of these principles and mechanisms is to encourage operational dialogue, facilitate the sharing of information and ensure that information collected under the *CSIS Act* is safeguarded in a manner that respects its status as a state secret.¹⁴²

Section 24 establishes the "Principles of Cooperation" as follows:

The CSIS and RCMP undertake to extend cooperation as set out in this Memorandum of Understanding based on adherence to the following fundamental principles:

- A. All information, documentation or material provided under this Memorandum of Understanding shall be fully protected and any caveats imposed by either party shall be fully respected to the extent provided by law.
- B. National security investigative files shall be maintained separately from other investigative records and access to these files shall be strictly governed by the "the need to know" principle.
- C. Subject only to the requirements of the Courts, information provided by either party to this Memorandum of Understanding shall not be used for the purposes of obtaining search warrants or authorizations to intercept private communications, produced as evidence in Court proceedings or disclosed to Crown prosecutors or any third party without the prior express approval of the party that provided the information. (Emphasis added)
- D. Nothing in this Memorandum of Understanding shall be interpreted as compelling either party to disclose the identity of its sources or caveated information from a third party.¹⁴³

The MOU also addresses the terms and conditions for the CSIS-RCMP liaison program. During the period under review, the RCMP and CSIS were in the process of replacing liaison officers with seconded personnel. However, the terms and conditions governing the sharing of information remain unchanged. The MOU states

¹⁴² Memorandum of Understanding, August 21, 1989, section 23.

ATIP version⁴³ Memorandum of Understanding, August 21, 1989, section 24.

dated: AUG 20 2013

that RCMP liaison officers located at CSIS headquarters and regional offices are to be provided with "full and complete access to information".¹⁴⁴ In keeping with this principle of the MOU, a large number of CSIS operational reports were "infocopied" to the RCMP Liaison Officer as reflected in footnote 130 of this report. Although the RCMP LO would have been provided with the operational reports, section 28 of the MOU clearly states:

Liaison officers shall not disclose information obtained or accessed in their liaison role unless the agency in possession of such information authorizes disclosure.¹⁴⁵

CSIS operational policy contemplates requests from the RCMP liaison officer for permission to disclose information that will assist the RCMP in fulfilling their mandate. CSIS policy OPS-602-1 *Procedures - Disclosure of Security Information or Intelligence to RCMP* reads, in part:

The RCMP LO may request disclosure of information from the CSIS Region that may assist the RCMP in fulfilling its mandate described in paragraph six (6) and nine (9) of the RCMP/CSIS MOU.¹⁴⁶

CSIS operational policy also sets out conditions for the use and disclosure of information by the RCMP. Of particular note is section 2.14 which pertains to the use by the RCMP of the information:

The report is to be caveated, directing that the information is for investigational leads and shall not be used for the purpose of obtaining search warrants on authorizations to intercept private communications, produced as evidence in Court proceedings, or disclosed to Crown prosecutors or any third party without the prior express approval of CSIS HQ.¹⁴⁷ (Emphasis added)

¹⁴⁴ Memorandum of Understanding, August 21, 1989, section 26.

¹⁴⁵ Memorandum of Understanding, August 21, 1989, section 28.

¹⁴⁶ CSIS OPS-602-1, section 2.12.

ATIP version¹⁴⁷ CSIS OPS-602-1, section 2.14.

dated: AUG 20 2013

All CSIS information disclosed to the RCMP must be tracked in the In light of the monitoring role of SIRC, the MOU also requires that CSIS maintain written records of the provision of information exchanged pursuant to the MOU.¹⁴⁹ SIRC reviewed the written records of the Service's disclosures to the RCMP relating to Arar. A summary of these records is attached as Appendix D.

It would appear that CSIS had measures in place through the MOU and OPS 602-1, which would have governed any disclosure of CSIS-obtained information by the RCMP to a third party (e.g. FBI or CIA). CSIS responded "no" to the following question from SIRC:

Did a CSIS official authorize the RCMP to disclose CSIS-obtained information relating to Maher Arar to the US? If yes, under what authority was the disclosure approved? Is there a record of approval?¹⁵⁰

In response to another SIRC question regarding the disclosure of CSIS information by the RCMP, the CSIS Assistant Director Secretariat wrote:

For purposes of furthering a criminal investigation, the RCMP will request a disclosure letter from the Service so that Service information may be used as an investigative lead. Should the RCMP wish to use Service information in a court of law, it must then request an Advisory letter from the Service and at this point it is understood that the information may be offered in a public domain....No Advisory letters were provided to the RCMP on Maher Arar.¹⁵¹

¹⁴⁹ Memorandum of Understanding, August 21, 1989, section 33.

¹⁵⁰ Letter from SIRC Executive Director to CSIS Assistant Director Secretariat, January 29, 2004.

ATIP version ¹⁵¹ Letter from CSIS Assistant Director, Secretariat to SIRC, February 16, 2004.

dated: AUG 20 2013

This document is the property of the Canadian Security Intelligence Service. It is loaned to your agency/department in confidence. The information or intelligence contained in this document emanates from sensitive sources and no action may be taken on the basis of this information or intelligence which may jeopardize these sources. It must not be reclassified or disseminated, in whole or in part, without the consent of the originator. This document constitutes a record which may be subject to mandatory exemption under the Access to Information Act or the Privacy Act. The information or intelligence may also be protected by the provisions of sections 37.1 and 38.1 of the Canada Evidence Act. The information or intelligence must not be disclosed or used as evidence without prior consultation with the Canadian Security Intelligence Service. (emphasis added)

CSIS records and answers to specific SIRC questions reflect that at no time did CSIS give the RCMP consent to disclose this CSIS information to a third party. In response to another SIRC question, CSIS replied:

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AUG 20 2013

In accordance with the caveats appended to Service disclosures to the RCMP, the Service's information must not be reclassified or disseminated, in whole or in part, without the consent of the originator. Prior to disclosure, the Service would take into consideration the nature of the information, the purpose for disclosure and how it may be used by another agency.

ATIP version

dated: AUG 20 2013

~~TOP SECRET~~

ATIP version

dated: AUG 20 2013

SIRC recommends that CSIS examine the current MOU with the RCMP and supporting operational policy to determine whether the existing caveats and conditions attached to the sharing of CSIS information provide the necessary protections against third party disclosure while still recognizing the importance of information sharing between the two organizations.

SIRC recommends that the O'Connor Commission determine whether or not CSIS-obtained information was included in the RCMP Project A O Canada files or any other RCMP files accessed by the and whether the RCMP disclosed, by this or any other means, CSIS-obtained information to third parties.

ATIP version

dated: AUG 2 0 2013

VII. INFORMATION RECEIVED FROM SYRIA

In a DFAIT report received by CSIS on November 4, 2002, the Service was advised of an invitation from General Khalil of the Syrian Military Intelligence Service, to meet with him in Syria. The DFAIT report stated:

He [General Khalil] said that, again on a very exceptional basis, he would agree to have a Canadian intelligence officer (CSIS as opposed to the RCMP) come to Damascus to review the info provided by Arar...the official would be welcome to attend the interrogation sessions and satisfy himself that everything was above board. For this, however, it would help if the official could speak arabic...he would leave Damascus absolutely satisfied regarding the exact circumstances of Arar.

In regard to the Syrians' invitation to CSIS, SIRC sought answers to several questions, including:

- Did CSIS consult with the Department of Justice or its Legal Services before accepting the invitation of the Syrian Military Intelligence Service?
- What conditions for approval needed to be met before travelling to Syria?
- Who was authorized to approve the travel?
- Did CSIS assure itself that the travel to Syria and the receipt and use of information from the Syrians was in conformity with the laws of Canada, including the Charter?
- What information did CSIS receive from the Syrians and how was that information used?

ATIP version

AUG 20 2013

dated: _____

On November 6, 2002 CSIS met with DFAIT and the RCMP to determine how to respond to General Khalil's invitation. CSIS informed SIRC that:

DFAIT advised the Service that the SyMI was in possession of information that was of value to them (DFAIT) but that the Syrians would prefer to release this information to the Service. At the time, the Service did not know if that information was acquired by means of an interview with Arar or from independent sources. The Service agreed to travel to Syria to meet with the SyMI as a result of DFAIT's request and in order to assess the Syrian information on Arar and individuals of operational interest, such as Abdullah Almalki who had been incarcerated by the Syrians.¹⁶³

CSIS Operational Policy 403 outlines the approval process for foreign visits by Service personnel. Section 3.2 reads:

Operational Policy 403-1 sets out the specific requirements to be included in the travel proposal. The policy provides that:

¹⁶³

Letter from CSIS Assistant Director Secretariat to SIRC Executive Director, received March 11, 2004.

ATIP version

dated: AUG 20 2013

a Briefing Note from the to the Assistant Director Operations was prepared seeking permission for Service representatives to travel to Syria to meet with the Syrian Military Intelligence Service.

This travel is assessed as providing a good opportunity for the Service

to acquire critical intelligence in support of our Sunni Islamic Terrorism Investigation

an important step in evaluating the information held by the Syrians with regard of ARAR in the Canadian Islamic Extremist community.

ATIP version

AUG 20 2013

dated: _____

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ATIP version

dated: AUG 20 2013

briefing note to the Assistant Director Operations seeking authority for the travel, under the heading "other information germane to the travel".

When CSIS met with the RCMP and DFAIT to discuss the Service's response to General Khalil's invitation, the RCMP, asked that the CSIS officials refrain from interrogating Arar in Syria since any statement acquired by them from Arar would not be admissible as evidence in Canada.

ATIP version

dated: AUG 20 2013

- 44 - Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information.

~~TOP SECRET~~

ATIP version

dated: AUG 20 2013

In an October 10, 2002 memorandum, the Assistant Director, Operations wrote, " I think the US would like to get ARAR to Jordan, where they can have their way with him."

CSIS informed SIRC that they relied on the assessment by DFAIT that Arar was being well treated by the Syrians. The Service wrote:

On the matter of Arar's treatment, DFAIT informed the Service, as did the Ambassador, that Arar appeared to be in good health and did not show any signs of being abused. The Service had no reason to doubt the Ambassador's assessment.¹⁷⁶

The Service further stated:

The purpose of the Service travel to Syria was to receive unsolicited information offered by the SyMI and receipt of such information is authorized under Ministerial Direction....The Service's actions were therefore in compliance with legislation governing CSIS.

¹⁷⁶ Letter from CSIS Assistant Director Secretariat to Executive Director SIRC, received March 11, 2004.

ATIP version

dated: AUG 20 2013

CSIS did not have a direct role in the detention, deportation and incarceration of Arar.

There was no evidence in the written records reviewed by SIRC that would confirm that Arar was tortured in Syria or Jordan.

ATIP version

dated: AUG 20 2013

- 47 - Document Released Under the Access to
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ATIP version

Dated: AUG 26 2013

ATIP version

dated: AUG 20 2013

ATIP version

dated: AUG 20 2013

- 50 Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information.

ATIP version

dated: AUG 20 2013

- 51 - Document Released Under the Access
Information Act / Document divulgué en vertu
de la Loi sur l'accès à l'information.

ATIP version

dated: AUG 20 2013

VIII. CONCLUSIONS

Pursuant to section 54 of the *Canadian Security Intelligence Service Act*, SIRC undertook an in-depth review of the Service's role in Arar's detention, deportation and incarceration and the nature and extent of the information received from or divulged to domestic and foreign agencies. This review comprised an examination of all CSIS documentation referring to Arar, and was supplemented by 75 written questions and two meetings with senior CSIS staff, including the Director.

In carrying out its review, SIRC also closely examined the nature and scope of the exchanges of information between CSIS and the RCMP. The Service and the RCMP have a Memorandum of Understanding in place to govern, inter alia, liaison personnel and procedures for the exchange and disclosure of information. While there were numerous examples of the RCMP liaison officer receiving CSIS reports for information, the MOU specifically prohibits the officer from sharing that information with other members of the Force or another third party in the absence of consent from CSIS.

In addition to the information shared with the RCMP liaison officer, CSIS also provided formal disclosures and operational messages to the RCMP. In accordance with the MOU and CSIS operational policy, this information included caveats prohibiting disclosure of the information to third parties. There were no records indicating that CSIS had granted consent for any member of the RCMP to share CSIS information about Arar with a third party. The messages provided to the RCMP also noted that the Service's intelligence on Arar's threat-related activities was inconclusive.

Whether or not CSIS information was included in the RCMP's files must be determined by the O'Connor Commission. Any sharing of Service information in these circumstances with the CIA and FBI would have been done without CSIS's consent. Given that the information provided to the RCMP was properly caveated, SIRC recommends that CSIS examine the current MOU with the RCMP and supporting operational policy to determine whether the existing caveats and conditions provide the necessary protections against third party disclosure while still recognizing the importance of information sharing between the two organizations.

SIRC identified two separate instances of delay by CSIS that raised concerns. CSIS was provided with two RCMP situation reports, dated September 26, and September 27, 2002, containing important information on Arar's detention and interrogation by the FBI.

ATIP version

dated: AUG 20 2013

In November 2002, CSIS accepted an invitation from the Syrian Military Intelligence Service to travel to Syria

In carrying out its review, SIRC identified a number of issues that warrant examination by the O'Connor Commission. SIRC, by virtue of its legal mandate, limited its review to the examination of the activities of CSIS. However, the role of other federal

ATIP version

dated: AUG 20 2013

departments and agencies in Arar's rendition to Jordan by U.S. authorities and his subsequent detention and interrogation in Syria, whether CSIS information was included in the RCMP files that were shared with American authorities, and how the United States came into possession of Arar's 1998 rental lease agreement, all warrant closer examination by the O'Connor Commission. In examining the actions of Canadian officials, the O'Connor Commission may also choose to comment upon the protections offered to Canadian citizens by the new consular understanding between Canada and the United States announced by Foreign Affairs Minister Bill Graham on January 13, 2004. While beyond the scope of this Section 54 review, SIRC suggests that these issues warrant further consideration.

ATIP version

dated: AUG 20 2013

ACRONYMS

ADO	Assistant Director Operations (CSIS)
CIA	Central Intelligence Agency
CT	Counter Terrorism Branch (CSIS)
DDG, ER&L	Deputy Director General, External Review and Liaison
DDO	Deputy Director, Operations (CSIS)
DFAIT	Department of Foreign Affairs and International Trade
DG CT	Director General, Counter Terrorism Branch (CSIS)
FBI	Federal Bureau of Investigation
FLV	Foreign Liaison and Visits (CSIS)
LO	Liaison Officer
OR	Ottawa Region Office (CSIS)
PSEP	Public Safety and Emergency Preparedness
RCMP	Royal Canadian Mounted Police
SLO	Security Liaison Officer
SMFA	Syrian Ministry of Foreign Affairs
SyMI	Syrian Military Intelligence Service

ATIP version

dated: AUG 20 2013

APPENDIX A

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de la Loi sur l'accès à l'information.

~~TOP SECRET~~

APPENDIX A

To: 2800-103 (TD R419)

January 29, 2004

Page 1 of 6

**QUESTIONS FOR
SECTION 54 REPORT CONCERNING MAHER ARAR**

CSIS AND RCMP

1. Regarding the distinction between the duties, powers, functions and responsibilities of CSIS and those of the RCMP, how is this distinction defined and applied by CSIS? Please provide the Review Committee with a copy of the Memorandum of Understanding (MOU) between RCMP and CSIS.

CSIS POLICIES, PROCEDURES AND STANDARDS FOR INFORMATION SHARING

2. What is the legal authority for CSIS to authorize the RCMP to disclose information provided by CSIS to a foreign government? To a Government of Canada (GOC) department, provincial department or police force?
3. Please provide the Review Committee with a copy of the MOU regarding the sharing of information between CSIS and (1) the RCMP,
4. Does the MOU with the RCMP authorize the sharing of CSIS information by the RCMP with a foreign government, GOC department, provincial department or police force?
5. What is the approval process by which CSIS authorizes the RCMP to disclose CSIS-obtained information to a foreign government? To a GOC department, a provincial department or police force? Is the approval written or verbal?
6. Who in CSIS has the authority to approve the disclosure of CSIS-obtained information by the RCMP to a foreign government?
7. Who in CSIS has the authority to approve the disclosure by the RCMP to a GOC department, provincial department or police force?
8. How is the authorized disclosure recorded by the official within CSIS?

ATIP version

dated: AUG 20 2013

APPENDIX A

To: 2800-103 (TD R419)

January 29, 2004

Page 2 of 6

9. What standards or policies guide the CSIS official in granting the authority to the RCMP to disclose CSIS-obtained information to a foreign government?

10. As part of the approval process for disclosing CSIS-obtained information by the RCMP to a foreign government, does the responsible CSIS official have to evaluate the probity and reliability of the information as well as the consequences that the disclosure may cause regarding any individuals to whom the information relates?

- 11.

12. Does approval by CSIS to authorize the disclosure of information to a foreign government take into account the actions that the foreign government could take, especially with respect to a Canadian, and that country's record regarding human rights?

- 13.

14. If the RCMP wishes to share CSIS-obtained information and RCMP-obtained information relating to the same investigation to a foreign government, does CSIS only authorize the disclosure of the CSIS-obtained information, or does CSIS authorize the disclosure of both CSIS and RCMP information before the information is transmitted to a foreign government?

15. Assuming that CSIS has authorized its disclosure, does the RCMP have the authority to select from the CSIS-obtained information, what information the RCMP discloses to a foreign government?

ATIP version

AUG 20 2013

dated: _____

~~TOP SECRET~~

APPENDIX A
To: 2800-103 (TD R419)
January 29, 2004
Page 3 of 6

POLICY ON THE USE BY CSIS OF FOREIGN DERIVED INFORMATION

16. What policies are in place governing the use of information by CSIS which is known to have been derived from an interrogation conducted in a country which is not a signatory to the Agreement on Anti-Torture?

CSIS POLICY ON AUTHORITY TO INVESTIGATE

17. What are the standards and policies that are in place to determine whether an individual should be a target or the subject of an investigation by CSIS?

RCMP LIAISON OFFICER AT CSIS

18. What rules, policies or procedures control the disclosure of CSIS operational reports by the RCMP Liaison Officer (LO) to the RCMP?
19. Was information about Maher Arar provided to the RCMP by the RCMP LO at CSIS through CSIS operational reports that were infocopied to the RCMP LO?
20. If yes, did the RCMP LO make CSIS aware that this information would be or had been provided to the RCMP?

INTEGRATED NATIONAL SECURITY ENFORCEMENT TEAMS (INSET)

21. INSET is an example of a new program that involves close collaboration between CSIS and the RCMP. Would it be accurate to conclude that the division of responsibilities between the RCMP and CSIS are more blurred today, than intended in 1984 and practiced until recent years?
22. Does INSET share information with foreign governments?
23. What are the rules, policies or procedures governing the disclosure to a foreign government of CSIS-obtained information by INSET?
- 24.

TIP version

dated: AUG 20 2013

APPENDIX A

To: 2800-103 (TD R419)

January 29, 2004

Page 4 of 6

25. Did CSIS participate or exchange information with any Syrian official(s) in the questioning of Arar, while in detention, either by suggesting any proposed questions, or making any requests? If so, what was the purpose? If yes, why was CSIS involved?
26. Does CSIS have a copy or translation of the interrogations which Arar underwent in Syria?
27. How did the Syrians know to question Arar about his training in Afghanistan?
28. Did CSIS provide the Syrians with the date that Arar became a Canadian citizen (1995)?
29. Was CSIS aware that CIC records show his date of citizenship was 1991?
30. Describe what information, and specifically what documents, CSIS received from Syria throughout Arar's detention in that country? How many reports did the Syrians provide to Canadian officials and through what channels? Were these reports verbal or written?
31. In receiving Syrian reports, did CSIS request them? Was Arar mentioned, in any way, as being a threat to security, in any Syrian reports? If so, what was the nature of the threat posed by Arar?
- 32.
- 33.
- 34.

ATIP version

dated: AUG 20 2013

~~TOP SECRET~~

APPENDIX A

To: 2800-103 (TD R419)

January 29, 2004

Page 5 of 6

35. On November 19, 2002 CSIS officials left for Syria. While in Syria, what information did CSIS officials receive from the Syrians? Were there other written or verbal reports received from the Syrians during this visit?
36. Has CSIS used information obtained from the Syrians

CSIS-OBTAINED INFORMATION REGARDING MAHER ARAR

37. Was any information regarding Maher Arar provided to CSIS, before his detention in September 2002, by other GOC departments or agencies? Which ones? By foreign governments? Which ones?
38. Who at CSIS authorized the exchange of information about Maher Arar and by what mechanism, e.g. written authorization, verbal authorization, and in accordance with what authority (e.g. statute, MOU)?
39. Can CSIS verify that the rules, policies or procedures governing the disclosure of CSIS operational reports by the RCMP LO to the RCMP were followed with respect to information relating to Maher Arar?
40. Did a CSIS official authorize the RCMP to disclose CSIS-obtained information relating to Maher Arar to the US? If yes, under what authority was the disclosure approved? Is there a record of the approval?
- 41.
- 42.
- 43.
44. How is (or are) these decisions determined?

ATIP version

dated: AUG 20 2013

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APPENDIX A

To: 2800-103 (TD R419)

January 29, 2004

Page 6 of 6

45.

46.

47.

48.

ATIP version

dated: AUG 20 2013

APPENDIX B

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To: 2800-103 (TD 435)
February 26, 2004
Page 1 of 4

- 1.
2. Once the Syrians had invited CSIS to a briefing about Mr. Arar, what steps did the Service take to inform itself of the circumstances under which the Syrians had obtained the information from Arar?
3. What steps did the Service take to assure itself that CSIS' travel to Syria to receive information about Arar was in conformity with the laws of Canada, including the Charter?
4. Do you believe that CSIS exercised due diligence to ensure the lawfulness of its actions in Syria?
5. Does CSIS have any policy that requires the Service to assess the lawfulness of collecting information from a foreign agency that may have used torture, illegal search or unlawful detention as tools to extract the information? Does CSIS assess the lawfulness of using that information to support a request for targeting authority? Were these assessments undertaken by CSIS in relation to Mr. Arar?
6. SIRC has identified numerous instances of information on Arar being "info-copied" to the RCMP LO.
- 7.

ATIP version

dated: AUG 20 2013

To: 2800-103 (TD 435)
February 26, 2004
Page 2 of 4

8.

9.

10. Q: 38 asked, in part, for the mechanism (written or verbal) for authorizing exchanges of information.

11.

12.

13. travelled to Syria in November, 2002 to meet General Khalil, the Head of SyMI.

14.

15.

ATIP version 16.
dated: AUG 20 2013

To: 2800-103 (TD 435)
February 26, 2004
Page 3 of 4

17. ,the Service indicated that the purpose of the meeting with the Syrians was to acquire a briefing on the information they possessed on Arar.

18.

19.

20.

21.

ATIP version

dated: AUG 20 2013

23. On October 4, 2002, the CSIS SLO in Washington received a request from to find out the current status of Arar. When did the SLO act on this request?
- 24.
- 25.
- 26.

Please note numbering error in original document. Question 22 does not exist.

ATIP version

dated: AUG 7 0 2013

APPENDIX C

Security Intelligence
Review Committee



Comité de surveillance des activités
de renseignement de sécurité

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File No.: 2800-103 (TD R419)

March 16, 2004

Ms. Rennie Marcoux
Assistant Director, Secretariat
Canadian Security Intelligence Service
1941 Ogilvie Road
Ottawa, Ontario
K1J 1B7

Dear Ms. Marcoux:

**QUESTION R419.03: SECTION 54 - THE ROLE OF CSIS IN THE MATTER OF
MAHER ARAR (SIRC STUDY 2003-06)**

ATIP version

dated: AUG 20 2013

P.O. Box / C.P. 2430, Station / Succursale "D"
Ottawa, Canada K1P 5K5

6.5
7

-2- Document Released Under the Access to
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de la Loi sur l'accès à l'information. ~~SECRET~~

I would ask that you please provide an answer to this question no later than
March 26, 2004. Should you have any questions, please contact Kelly McGee at 991-
9112.

Yours sincerely,


AP/ Susan Pollak
Executive Director

ATIP version

dated: AUG 20 2013

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~~TOP SECRET~~

APPENDIX D

To: 2800-103

May 18, 2004

Page 1 of 7

ATIP version

dated: AUG 20 2013

Document Released Under the Access to
Information Act / Document divulgué en vertu
de la Loi sur l'accès à l'information.

~~TOP SECRET~~

APPENDIX D
To: 2800-103
May 18, 2004
Page 2 of 7

ATIP version

dated: AUG 20 2013

Document Released Under the Access to
Information Act / Document divulgué en vertu
de la Loi sur l'accès à l'information

~~TOP SECRET~~

APPENDIX D

To: 2800-103

May 18, 2004

Page 3 of 7

ATIP version

dated: ~~AUG 20 2013~~

Document Released Under the Access to
Information Act / Document divulgué en vertu
de la Loi sur l'accès à l'information

~~TOP SECRET~~

APPENDIX D

To: 2800-103

May 18, 2004

Page 4 of 7

ATIP version

AUG 20 2013

dated: _____

Document Released Under the Access to
Information Act / Document divulgué en vertu
de la Loi sur l'accès à l'information ~~TOP SECRET~~

APPENDIX D
To: 2800-103
May 18, 2004
Page 5 of 7

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APPENDIX D

To: 2800-103

May 18, 2004

Page 6 of 7

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~~TOP SECRET~~

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To: 2800-103

May 18, 2004

Page 7 of 7

ATIP version

dated: AUG 20 2013