

1                   NICHOLAS GOSSELIN, PREVIOUSLY SWORN:  
2                   CONTINUED EXAMINATION BY MR. CHAMP:  
3                   MR. CHAMP: We are on the record. It's January  
4 21st, 2008. We are here on Court File T-324-07, Amnesty  
5 International and BC Civil Liberties Association versus  
6 Chief of the Defence Staff et al. Paul Champ for the  
7 Applicants. We are here today for the continuation of the  
8 Cross-Examination of Nicholas Gosselin on an affidavit  
9 sworn December the 14th, 2007.

10 309.            Q. Mr. Gosselin, I'll just advise you, we don't  
11 need to re-swear you, but to remind you that the oath that  
12 you swore at the commencement of this Cross-Examination is  
13 still in force; okay?

14                   A. Okay.

15 310.            Q. Mr. Gosselin, we are here to examine you. You  
16 are in Kabul, Afghanistan, I understand, for the record?

17                   A. Correct.

18 311.            Q. I think I recognize your voice.

19                   MR. CHAMP: Mr. Graham, can you, for  
20 authentication --

21                   MR. GRAHAM: Yes, I recognize his voice as well.

22                   MR. CHAMP:

23 312.            Q. Since we spoke last time, Mr. Gosselin, I've  
24 had a number of documents produced to me regarding some of  
25 your work in Kandahar. I believe that you have copies of

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1 these documents either in electronic form or paper form  
2 with you; is that so?

3                   A. I believe so, yes.

4 313.            Q. Do you have them accessible so I can ask you  
5 questions on them right now?

6                   A. Yes.

7 314.            Q. Okay.

8                   A. Hopefully I have the same that you have.

9 315.            Q. Well, if yours have big black spots all over  
10 them, then we've got the same versions.

11                   A. Okay.

12 316.            Q. So the one I'll start with, it does not have a  
13 date. It starts with an e-mail and then it's one of your  
14 site visit reports. The way I'll identify it is this  
15 document has at the bottom 285 in the centre. The report  
16 number looks like Kandahar 0123. KANDH 0123.

17                   A. Okay.

18 317.            Q. Periodic follow-up visit to NDS on blank.

19                   A. Yes.

20 318.            Q. This particular document is a three-page  
21 document. The first page says from Gibbins, Christopher,  
22 sent Monday, blank, to Cyril Borl♦, and then there is a  
23 CC, and then subject, forward Kandahar 0123, detainees:  
24 periodic follow-up, and there is an original message from  
25 Kandahar PRT, sent blank to Kandahar PRT director, and

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1 then there are a number of CCs there. The first two are  
2 Kerry Buck and Christopher Gibbins.

3                   A. That's the same document.

4 319. Q. Okay. So Mr. Gosselin, I understand that this  
5 is a report and attached to it is a report prepared for  
6 yourself -- by yourself, pardon me -- in respect of a site  
7 visit to the NDS detention facility in Kandahar City?  
8 A. Correct.  
9 320. Q. This visit occurred shortly after you assumed  
10 your position as the Human Rights and Detainee Officer in  
11 Kandahar?  
12 A. Yes, it did.  
13 321. Q. I think this was your first visit?  
14 A. It was.  
15 322. Q. Mr. Gosselin, I will take you to the second  
16 page. Halfway down the bottom it says, number 2, overall  
17 situation of detention, and then beneath that there is  
18 another heading and down a paragraph it starts A) our  
19 interview was with blank, transfer to NDS on blank.  
20 A. Yes.  
21 323. Q. So this was a Canadian-transferred detainee  
22 that you interviewed?  
23 A. Correct.  
24 324. Q. Who were you accompanied by on that interview?  
25 A. I was accompanied by John Davison, the

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1 political director at the PRT.  
2 325. Q. This interview was conducted -- was it  
3 conducted in this detainee's cell or was it in a separate  
4 room?  
5 A. It was in a separate room.  
6 326. Q. And so were you in that room waiting and then  
7 the NDS officials brought him there or was he already  
8 taken to that room and then you entered it?  
9 A. If I remember correctly, he was taken there.  
10 We were waiting for him.  
11 327. Q. Without, you know, giving us any information  
12 that could any way endanger the security of that facility,  
13 could you just describe that room for me?  
14 A. It was just an office. It was a regular  
15 office with a desk and chair.  
16 328. Q. Were there windows?  
17 A. Yeah. It was one window.  
18 329. Q. Was the floor concrete or carpet?  
19 A. Carpet.  
20 330. Q. And can you give us an idea roughly how big  
21 this room was?  
22 A. It's about, I would say, probably a little  
23 over -- well, maybe 20 feet long, 12 feet wide. Maybe not  
24 that wide. Maybe 10 feet wide.  
25 331. Q. I think I'm okay to ask this. I'm sure your

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1 counsel will object, but this was an individual who was  
2 transferred to the NDS after May 3rd?  
3 A. Correct.  
4 332. Q. Okay. Going to the final page of this  
5 document, in the first paragraph the detainee indicates to  
6 you that he hasn't been visited by a representative of  
7 blank or any other representative it appears and he's not  
8 provided with any legal representation. Is that so?

9 A. Yes. That's what we reported.  
10 333. Q. And that he wasn't aware of the charges  
11 against him?  
12 A. Correct.  
13 334. Q. And then in the --  
14 A. He was not clearly informed of the charges.  
15 335. Q. Who was conducting this interview? Was it  
16 yourself or was it Mr. Davison?  
17 A. It was Mr. Davison.  
18 336. Q. Okay. So then from the next paragraph I take  
19 it that Mr. Davison asked this individual about his  
20 interrogation by NDS guards?  
21 A. I think the particulars about the question we  
22 asked has been redacted.  
23 337. Q. Okay. The first sentence of that paragraph  
24 says:  
25 "When asked about his interrogation, the detainee

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1 came forward with an allegation of abuse".  
2 So from that, I gather, he was just asked some  
3 question about his interrogation?  
4 A. I guess.  
5 338. Q. And he indicated that interrogation in  
6 question had taken place in the NDS facility?  
7 A. Yes.  
8 339. Q. And then he informed you and Mr. Davison that  
9 he had been interrogated by a group of individuals on a  
10 few different occasions?  
11 A. Yes, interrogated -- yes, exactly as stated in  
12 the report.  
13 340. Q. Okay. Then he advised you and Mr. Davison  
14 that he couldn't recall the details because he had been  
15 knocked unconscious and that he had been beaten by his  
16 interrogators with electric wires and a rubber hose?  
17 A. Correct.  
18 341. Q. Do you recall anything from his demeanour at  
19 that time, Mr. Gosselin?  
20 A. He was -- no, nothing that comes to mind.  
21 Nothing particular. He was calm when he was answering the  
22 questions. That's all I recall.  
23 342. Q. And then he was able to -- he indicated to you  
24 and Mr. Davison that in fact the interrogation and  
25 beatings had taken place in that room?

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1 A. Yes.  
2 343. Q. And he pointed to a place on the floor where  
3 he was held down and beaten?  
4 A. Yes. That's what he indicated.  
5 344. Q. And then he pointed to a chair in the room and  
6 stated that the implements with which he had been beaten  
7 were underneath the chair?  
8 A. Yes. He pointed and -- yes.  
9 345. Q. Then I understand from this report that either  
10 you or Mr. Davison looked under the chair. Is that  
11 correct?  
12 A. Correct. I looked under the chair.  
13 346. Q. You looked under the chair and was this like

14 an office chair or what kind of chair was it?  
15 A. It was just a small -- yeah, a small office  
16 chair.  
17 347. Q. And beneath that chair you found a large piece  
18 of braided electrical wire as well a rubber hose?  
19 A. Yes.  
20 348. Q. Can you describe that electrical wire?  
21 Approximately how thick was it?  
22 A. It was about -- it was -- the wire itself was  
23 -- I would say about a quarter of an inch. It was twisted  
24 and it was about -- I would say about 18 inches long.  
25 349. Q. Then you replaced those items and continued to

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1 question this detainee?  
2 A. Correct.  
3 350. Q. It indicates here that he showed you and  
4 Mr. Davison a bruise on his back?  
5 A. Yes.  
6 351. Q. Did it appear to you that it was -- I  
7 appreciate you have no medical training at all,  
8 Mr. Gosselin, but did it appear that it could have been  
9 caused by one of those implements you had just been  
10 handling?  
11 A. Yes, it could have been, but like you said,  
12 I'm not a doctor, but it's possible.  
13 352. Q. Then the next paragraph there is a sentence  
14 that the detainee specifically asked that his allegations  
15 be kept confidential. Did you ask him that, or did you or  
16 Mr. Davison ask him that, or did he raise that topic?  
17 A. No, we asked him that.  
18 353. Q. Mr. Gosselin, this is one of your reports that  
19 you and I discussed last time where you had heard or found  
20 allegations of abuse or torture in an Afghan facility?  
21 A. Correct.  
22 354. Q. And Mr. Gosselin, to your knowledge, do the  
23 Canadian Forces get your reports?  
24 A. I guess they do.  
25 355. Q. Mr. Gosselin, were transfers suspended as a

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1 result of your report?  
2 MR. GRAHAM: We object to that question on grounds  
3 of national security, Section 38.

\*O\*

4 MR. CHAMP:  
5 356. Q. Mr. Gosselin, to your knowledge, transfers  
6 have occurred since that time; correct?  
7 MR. GRAHAM: We object to the question on the same  
8 grounds of national security.

\*O\*

9 MR. CHAMP:  
10 357. Q. Mr. Gosselin, you have conducted other site  
11 visits since that time?  
12 A. Yes.  
13 358. Q. To that same facility?  
14 A. Yes.  
15 359. Q. Did you conduct some of your interviews in  
16 that same room?

17 A. Yes.  
18 360. Q. Did you check to see if those implements of  
19 torture were still in the room?  
20 A. The instruments in question was not in the  
21 room in subsequent visits.  
22 361. Q. Did the existence of those implements -- were  
23 they raised with the Afghan Government?  
24 A. Yes, they were.  
25 362. Q. And to your knowledge is that one of the

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1 reasons why they were removed?  
2 A. I couldn't answer that. I don't know.  
3 363. Q. Did you consider taking those implements with  
4 you, Mr. Gosselin, so that they couldn't be used against  
5 any other --  
6 A. Pardon me?  
7 364. Q. Did you consider taking those implements with  
8 you so they couldn't be used against any other Canadian-  
9 transferred detainees or any other individual in Afghan  
10 custody?

11 A. No.  
12 365. Q. Mr. Gosselin, I've got a couple of other  
13 questions from some of your other reports. The next  
14 report I'll take you to, at the bottom it's 280, and the  
15 report is KANDH 0125.

16 A. Okay. I've got it.  
17 366. Q. Mr. Gosselin, I'm assuming these are  
18 chronological, that Kandahar 0125 followed Kandahar 0123?  
19 A. Yeah. The reports are chronologic.

20 367. Q. Thank you. So turning to Kandahar 0125, this  
21 is a three-page document from -- it starts, an e-mail from  
22 Kandahar PRT-C4R, sent blank date, to Kandahar PRT, and  
23 then there's a couple of CCs there, Kerry Buck and  
24 Christopher Gibbins. Subject: Kandahar 0125 Detainees:  
25 Periodic Follow-up Visit to NDS on blank.

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1 A. Yes.  
2 368. Q. Sorry, and I'm just doing that, Mr. Gosselin,  
3 more for the record than yourself. You are in another  
4 part of the world. I want to make sure we are all looking  
5 at the same document.

6 In your report here on the second paragraph it  
7 indicates that you met with a General Qayum. Am I  
8 pronouncing his name correctly?

9 A. I think you pronounce it Kayume [phonetic].  
10 369. Q. Qayum? You explain that the visit was in the  
11 context of the arrangement but also in light of events in  
12 Canada, including newspaper allegations of abuse of  
13 detainees and a recent court decision to render public  
14 documents concerning our visits to NDS and Sarpoza.

15 So you are indicating to him that the disclosures  
16 of those documents made a visit all the more important?

17 A. Yes.  
18 370. Q. Did General Qayum express to you or indicate  
19 to you that he understood the significance for the  
20 Canadian Government that these events were in newspapers  
21 or going to be in newspapers?

22 A. Can you repeat that? I missed the first part.  
23 371. Q. Did General Qayum indicate to you that he  
24 understood the importance of these events, the fact that  
25 these events had been in Canada in the newspaper or did he

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1 comment on that at all?

2 A. I think he may have. I understand that is  
3 something important to the Government of Canada, but I  
4 don't remember any specific comments or other comments.

5 372. Q. Okay. And this is your personal second visit  
6 to the NDS facility?

7 A. It is.

8 373. Q. So if you go to the third page of this report,  
9 Mr. Gosselin, he's got some information on some of your  
10 interviews, and I take it these interviews were conducted  
11 in the same room as before?

12 A. Correct.

13 374. Q. And at the top of the page a detainee says  
14 that he was told that if he lied during interrogation he  
15 would be beaten?

16 A. Yes.

17 375. Q. And was he indicating that that's what his  
18 interrogators had told him?

19 A. Can you -- I don't know. I missed that part.

20 376. Q. I'm just going from the page before. It looks  
21 like NDS officials were the ones who questioned him and it  
22 was NDS officials who told him that he would be beaten if  
23 he lied. Is that correct?

24 A. That's correct.

25 377. Q. And then he says that he had been struck twice

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1 on the hip with an electric cable?

2 A. Yes.

3 378. Q. Then later on down the page there is another,  
4 a second detainee that you interviewed. This person told  
5 you that he had been forced to stand up for an extended  
6 period of time. He was slapped in the face a number of  
7 times, and then he was threatened with some type of harm,  
8 I gather?

9 A. That part has been redacted out.

10 379. Q. Yes. Do you know if these allegations here in  
11 this report have been investigated by the Government of  
12 Afghanistan?

13 A. I don't. I don't know.

14 380. Q. Okay. I'll take you to the next document that  
15 I'd like you to look at. It's got a 292 at the bottom.  
16 Kandahar 0126.

17 A. Yes.

18 381. Q. So this is a three-page document. It's an  
19 e-mail from Kandahar PRT-C4R, sent blank date, 12:29 p.m.  
20 to Kandahar KAF, CC: Kerry Buck, Christopher Gibbins and  
21 others. Subject: Kandahar 0126 Detainees: Periodic  
22 Follow-up Visit to Sarpoza Prison. So this was one of  
23 your site visits, Mr. Gosselin?

24 A. Yes.

25 382. Q. This would have been your first site visit to

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1 Sarpoza, I gather?  
2 A. Yes.  
3 383. Q. In here it indicates that you met with the  
4 warden of Sarpoza prison and he complained about Canadian  
5 high expectations in terms of detainee treatment and  
6 possible conflict with Afghan customs and traditions. Is  
7 that so?  
8 A. Can you repeat the question?  
9 384. Q. I see here in the second paragraph that the  
10 warden of Sarpoza prison complained to you and Mr. Davison  
11 about Canadian high expectations of detainee treatment and  
12 that this in some way might conflict with Afghan customs  
13 and traditions?  
14 A. Correct.  
15 385. Q. Did you ask the warden if he meant that abuse  
16 in custody was in some way an Afghan custom or tradition?  
17 A. No, we did not ask that question.  
18 386. Q. Did you ask him to elaborate?  
19 A. I don't recall if we did ask.  
20 387. Q. Okay. I'll take you to another document,  
21 Mr. Gosselin. The document at the bottom is 288, and it's  
22 Kandahar 0133.  
23 A. Okay.  
24 388. Q. This is an e-mail, a report of a visit to NDS  
25 Kandahar, a form of an e-mail, Kandahar PRT sent blank

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1 date, 10:44 p.m. to Kandahar KAF, and then there's a  
2 number of CCs in there. Ms. Buck was not copied on this  
3 one. Colleen Swords and David -- oh, yes, she is. There  
4 she is. Colleen Swords, David Mulrone, Kerry Buck are  
5 among the CC recipients?  
6 A. Yes. I was working on the same document.  
7 389. Q. Okay. This visit to the NDS facility was  
8 conducted by yourself and Corrections Canada official  
9 Linda Garwood?  
10 A. Correct.  
11 390. Q. And you led this visit, I gather?  
12 A. Yes.  
13 391. Q. On this first page when I see KPRT ask this  
14 question and ask that question, I take it that could mean  
15 either yourself or Ms. Garwood?  
16 A. Yes.  
17 392. Q. Okay. Paragraph 5 I see that KPRT asked what  
18 concrete actions were being taken as a result of the  
19 allegations of abuse. I take it the allegations there you  
20 are speaking of was the incident where you found the  
21 electric cable and rubber hose?  
22 A. Correct.  
23 393. Q. And the General indicated that NDS  
24 headquarters was looking into the allegations. I gather  
25 he meant NDS in Kabul?

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1 A. Yes.  
2 394. Q. When asked were there formal investigations  
3 being conducted, he indicated that he did not think so.  
4 So at that time the General didn't think that the incident  
5 was being investigated?

6 A. He was not in a position to -- well, he didn't  
7 know if it was a formal investigation or what process was  
8 going on.  
9 395. Q. It was your understanding that NDS HQ was  
10 investigating, however?  
11 A. Yes.  
12 396. Q. If I go to the second page I see that the  
13 General would not allow you to have access to detainees on  
14 this date?  
15 A. Yes, that's correct.  
16 397. Q. And his explanation was that all the Canadian-  
17 transferred detainees were going to Sarpoza? That was his  
18 reason?  
19 A. Can you repeat that?  
20 398. Q. Why did he say that you couldn't see the  
21 detainees?  
22 A. The explanation that he provided was that  
23 there was a date transfer being scheduled for that day and  
24 it was part of the normal procedure and up to the  
25 detainees, CME, anyone for security reasons.

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1 399. Q. And did this include the detainee who had  
2 given you allegations of being beaten with the hose and  
3 cable?  
4 A. This included all the detainees present at the  
5 time.  
6 400. Q. Okay. Just so we're clear, the detainees were  
7 in fact in the facility at that time, to your knowledge?  
8 A. Can you say that again?  
9 A. To your knowledge, those detainees were in  
10 fact present in the facility at the time of your visits?  
11 That seems to be what you are --  
12 A. Well, at the moment it wasn't clear, but we  
13 found out later that they were still there when we were  
14 there.  
15 401. Q. Okay. The detainee who told you he had been  
16 beaten with an electric cable and a rubber hose, have you  
17 ever spoken to that detainee again?  
18 A. I answered that question in the previous  
19 cross-examination.  
20 402. Q. Correct my memory. What was your answer?  
21 A. It was "yes".  
22 403. Q. Was it at Sarpoza or NDS?  
23 A. At NDS.  
24 404. Q. At the second time that you had interviewed  
25 that particular detainee did the General or did the

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1 facility know that you had made a report of allegations of  
2 abuse by that time?  
3 A. I have to think. No, they didn't.  
4 405. Q. Okay. Have you seen that detainee since his  
5 allegations of abuse became known to the NDS?  
6 A. Pardon me?  
7 406. Q. Have you seen that detainee, Mr. Gosselin,  
8 since his allegations of abuse became known to the NDS?  
9 A. I'm not sure. I don't remember.  
10 407. Q. Okay. I'll take you to another report,



11 Mr. Gosselin. This one has 283 at the bottom. It's  
12 Kandahar 0134.  
13 A. Yes.  
14 408. Q. This was a visit to Sarpoza prison. It's  
15 Kandahar 134. Is that correct?  
16 A. Correct.  
17 409. Q. On this date I understand that you were not  
18 able to access the detainees?  
19 MR. GRAHAM: Are you still there?  
20 MR. CHAMP:  
21 410. Q. Mr. Gosselin?  
22 A. That's correct.  
23 411. Q. Okay. You were denied access at that time?  
24 A. The day of that visit was a visit day and it  
25 was very [private?] compared to the previous time we were

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1 there and the warden there and his personnel felt that it  
2 was too dangerous for security reasons they asked us not  
3 to -- well, they suggested that we didn't do a visit and  
4 we agreed.

5 412. Q. Give me a minute, Mr. Gosselin. I'll just  
6 have a couple more questions for you and we'll be done.  
7 Mr. Gosselin, could you turn to the report that has 288 at  
8 the bottom? Pardon me, sorry, hold on, that's the wrong  
9 one; sorry. 290.

10 A. Do you have the other report number?

11 413. Q. I believe so. I'm just not necessarily asking  
12 you questions on all of them. Is there something you want  
13 to add about one of the reports?

14 MR. GRAHAM: I think he wants the number at the  
15 top.

16 MR. CHAMP:

17 414. Q. Sorry about that.

18 A. I found the other document when you gave me  
19 the Kandahar report number.

20 415. Q. Yes. It's Kandahar 0138.

21 A. Okay. Got it.

22 416. Q. So Kandahar 0138. This was a visit to Sarpoza  
23 prison by yourself and Ms. Garwood?

24 A. Correct.

25 417. Q. In this report you interviewed a number of

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1 detainees. Is that correct?

2 A. Correct.

3 418. Q. It looks like you interviewed three Canadian-  
4 transferred -- oh, four Canadian-transferred detainees.  
5 Is that correct? Take a moment and take a look.

6 A. Yeah, correct.

7 419. Q. All of these individuals at Sarpoza prison,  
8 they had been previously held at the NDS facility and then  
9 transferred to Sarpoza. Is that correct?

10 A. Yes.

11 420. Q. So the Canadian Forces had given them to the  
12 NDS and then the NDS subsequently transferred them to  
13 Sarpoza after interrogating them?

14 A. After completing their investigation, yes.

15 421. Q. Okay. So they've got some details here about

16 the investigation it seems. If you look at page 2 of 4,  
17 the first detainee indicated that the had been slapped in  
18 the face during interrogations?

19 A. Correct.

20 422. Q. The second detainee that you interviewed  
21 indicated that he had been beaten on a number of occasions  
22 in NDS custody with a cable?

23 A. I don't know. He didn't put -- he didn't  
24 indicate the -- any detail about how it happened.

25 423. Q. Well, if you look at page 3 of 4 and go down 5  
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1 paragraphs, and by counting paragraphs I'm including just  
2 single sentences, there is a paragraph that starts, "He  
3 claims that he was interrogated on...", blank,  
4 "...occasions".

5 A. That's right.

6 424. Q. And that he was beaten on blank of these  
7 occasions?

8 A. Right. I wasn't looking at the right  
9 paragraph, yeah.

10 425. Q. And then he explained that each interrogation  
11 lasted between two to four hours, and he alleged that he  
12 was beaten several times with a cable and was told that he  
13 would be blank?

14 A. Yes.

15 426. Q. So in fact he did tell you that he was beaten  
16 with an electric cable?

17 A. He mentioned it was a cable.

18 427. Q. It could well have been the same cable that  
19 you had found at the NDS facility before?

20 A. I wouldn't make assumption.

21 428. Q. Did you ask him for any details about the  
22 cable he had been beaten with? You had seen the other  
23 one.

24 A. No, I don't remember asking any more detail.

25 429. Q. Then he says here that he was told that he  
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1 would be blank. I gather that was some kind of threat  
2 that was delivered to him?

3 A. It's redacted so I don't want to provide any  
4 details that would lead to identification.

5 MR. CHAMP: Is it okay if I ask him if he was  
6 threatened?

7 MR. GRAHAM: What are you referring to?

8 MR. CHAMP: Right there. It says he alleged that  
9 he was beaten several times with a cable and was told that  
10 he would be blank.

11 MR. GRAHAM: That's redacted. We object to any  
12 further questions about that information about what he was  
13 told.

\*O\*

14 MR. CHAMP:

15 430. Q. But he was told that something would happen to  
16 him and that's pretty clear?

17 MR. GRAHAM: Well, we can all read it. I'm not  
18 sure that the Witness can help you in that regard.

19 MR. CHAMP:

20 431. Q. It was you that wrote this, was it not,  
21 Mr. Gosselin?

22 A. Can you say that again?

23 432. Q. You wrote or reviewed this report. Is that  
24 correct?

25 A. Yes, I wrote the report.

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1 433. Q. And by this phrasing you meant that he was  
2 told that he would be blank, meaning something was going  
3 to happen to him?

4 MR. GRAHAM: I object to that question.

\*O\*

5 MR. CHAMP: Okay.

6 434. Q. The next two detainees that you interviewed,  
7 they did not say they had been beaten, although one  
8 indicated he had been verbally abused?

9 A. That's correct.

10 435. Q. Mr. Gosselin, we have reviewed a number of  
11 your reports. I think I've seen all of them, at least up  
12 to the date they were produced to me. I counted that you  
13 received five allegations of some form of abuse. There  
14 was two in this report -- hold on a second. Yes, there  
15 was two in this report; correct?

16 A. Correct.

17 436. Q. And then in Kandahar 0125 there was two  
18 allegations of abuse? That's the document with 280 at the  
19 bottom.

20 A. Correct.

21 437. Q. Then we have the allegation of abuse that you  
22 received in Kandahar report 0123, the gentleman who said  
23 he had been beaten with the cable and rubber hose which...

24 A. Correct.

25 438. Q. ...you subsequently found. So that's five

97

1 allegations of abuse or torture that you heard between  
2 November 5th and your departure to Canada on December  
3 10th. Is that correct?

4 A. Correct.

5 439. Q. And you arrived back in Kandahar on January  
6 5th or so. Is that correct?

7 A. I transited through Kandahar but I came  
8 straight to Kabul.

9 440. Q. Have you made it back to Kandahar yet?

10 A. No.

11 441. Q. Have you conducted any further visits yet?

12 A. No.

13 442. Q. Okay. Are you aware if there have been any  
14 further allegations of abuse or torture since you left  
15 Afghanistan on December 10th?

16 A. No.

17 443. Q. It's possible that there are some but you are  
18 just not in on those e-mails? Is that possible?

19 A. I'm -- like I said, I'm not aware of any  
20 indication. I didn't participate within any visits and I  
21 haven't seen any reports.

22 444. Q. You haven't seen any of the reports of other  
23 site visits; is that so?

24 A. I've seen the technical assessments, capacity  
25 building visit reports, but I haven't seen any visits with  
98

1 interviews.

2 445. Q. So you mean the CSC, Correctional Service  
3 Canada reports. You've seen those but not the DFAIT  
4 reports of site visits.

5 A. No, I've seen DFAIT reports of site visits  
6 with but with -- not for -- for detainee interview. For  
7 capacity building activity.

8 446. Q. Mr. Gosselin, I believe I'm done. I'm just  
9 going to have just a discussion with Mr. Graham.

10 MR. CHAMP: We can go off record.

11 (OFF RECORD DISCUSSION)

12 MR. CHAMP:

13 447. Q. Mr. Gosselin, we're now back on the record.  
14 I'm essentially finished my cross-examination. I just  
15 want to confirm with you that these site report visits  
16 that I have are in fact your own site visit reports.

17 We've gone through most of them, if not all of  
18 them, but I just want to confirm again for the record  
19 because we are going to enter them as an exhibit. So the  
20 first one was Kandahar 0123?

21 A. Yes.

22 448. Q. The next one was Kandahar 0125?

23 A. Yes.

24 449. Q. Then there is Kandahar 0126? This is the one  
25 that's got 292 at the bottom.

99

1 A. Yes. Correct.

2 450. Q. Kandahar 0127? This is the one that's got 294  
3 at the bottom.

4 A. Correct.

5 451. Q. Kandahar 0128 with 295 at the bottom?

6 A. Did you say 0128?

7 452. Q. Yes, I believe so. Hold on. Yes, Kandahar  
8 0128.

9 A. I don't see that one.

10 453. Q. Kandahar 0128, the one I have, it's got 295 at  
11 the bottom. Again, it doesn't have the date but it  
12 indicates it is a periodic follow-up visit to Sarpoza  
13 prison and that the visit was conducted by Mr. Davison and  
14 yourself.

15 A. Yes, I don't have this one, but I think that's  
16 correct. 128 would make sense.

17 MR. GRAHAM: You are saying it's not in the  
18 package in front of you. Is that right?

19 THE WITNESS: That's correct.

20 MR. GRAHAM: Okay.

21 MR. CHAMP: We can address that after.

22 MR. GRAHAM: Sure.

23 MR. CHAMP:

24 454. Q. Then Kandahar 0133?

25 A. Yes.

100

1 455. Q. Kandahar 0134?

2 A. Yes.

3 456. Q. Kandahar 0138?  
4 A. Yes.  
5 457. Q. And those are all the ones that I have for  
6 you.  
7 MR. CHAMP: I'll just ask to have that package of  
8 documents entered as an exhibit. I guess that's Exhibit 2  
9 to the Cross-Examination of Mr. Gosselin.  
10 EXHIBIT NO. 2: Package of eight visit reports.  
11 MR. CHAMP: Those are all my questions. Thank  
12 you, Mr. Gosselin. I'm not sure if Mr. Graham has any  
13 questions.  
14 MR. GRAHAM: I have no questions. Thank you,  
15 Mr. Gosselin.

16  
17 --THIS EXAMINATION ADJOURNED AT 10:00 A.M.,  
18 ON JANUARY 21, 2008.

19  
20 I HEREBY CERTIFY THAT I have, to the best of my  
21 skill and ability, taken down in stenomask and  
22 transcribed the foregoing Examination.

23  
24 .....  
25 Sheri Holt-Christensen

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3

FEDERAL COURT

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B E T W E E N:

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AMNESTY INTERNATIONAL CANADA and

6

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

7

Applicants

8

- and -

9

CHIEF OF DEFENCE STAFF FOR THE CANADIAN FORCES,

10

MINISTER OF NATIONAL DEFENCE and

11

THE ATTORNEY GENERAL OF CANADA

12

Respondents

13

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14

CROSS-EXAMINATION OF NICHOLAS GOSSELIN, on his Affidavit,  
dated December 14, 2007, pursuant to an appointment made on  
consent of the parties, to be reported by Gillespie  
Reporting Services, on January 21, 2008, commencing at the  
hour of 9:12 in the forenoon.

18

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19

APPEARANCES:

20

MR. P. CHAMP

for the Applicants

21

MR. S. GRAHAM

for the Respondents

22

MR. K. AMGAN

for the Respondents

23

This Examination was reported by Sheri Holt-Christensen at Ottawa,  
Ontario, having been duly sworn for the purpose.

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EXHIBITS

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EXHIBIT NO. 2: Package of eight visit reports. . . . . 100

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DATE TRANSCRIPT ORDERED: JANUARY 21ST, 2008

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DATE TRANSCRIPT COMPLETED: JANUARY 21ST, 2008

