

1 NICHOLAS GOSSELIN, SWORN:

2 EXAMINATION BY MR. CHAMP:

3 1. Q. We're on the record today, January 3rd, 2008,
4 on Court File No. T-324-07 of the Federal Court, Amnesty
5 International Canada et al, Applicants, versus Chief of
6 the Defence Staff for the Canadian Forces et al,
7 Respondents. We're here today to cross-examine Mr.
8 Nicholas Gosselin on an affidavit sworn December the 14th,
9 2007. My name is Paul Champ. I'm here for the Applicants
10 with Amir Attaran.

11 Good morning, Mr. Gosselin.

12 A. Good morning.

13 2. Q. You were sworn in today?

14 A. I was.

15 3. Q. And you have your Affidavit with you that
16 we've just discussed?

17 A. Yes.

18 4. Q. I've got a few questions for you this morning,
19 Mr. Gosselin. I'll start out with just a little bit about
20 your background. I see from your Affidavit that you
21 joined the Department of Foreign Affairs in 2006?

22 A. Correct.

23 5. Q. Were you in the Public Service prior to that?

24 A. Yes. Yes, I've been in the Public Service
25 since '96.

3

1 6. Q. What is your background in the Public Service?

2 A. Human Resources Management and Labour
3 Relations.

4 7. Q. Which departments?

5 A. I worked with Public Works, I worked with the
6 former Human Resources Development Canada, Environment
7 Canada, DND, and DFAIT.

8 8. Q. You were doing HR at DFAIT prior?

9 A. Labour Relations.

10 9. Q. And you became a Foreign Service Officer in
11 2006?

12 A. No, this year.

13 10. Q. 2007?

14 A. 2007.

15 11. Q. Okay. But you joined DFAIT in 2006 as a Human
16 Resources Officer?

17 A. Senior Labour Relations Advisor.

18 12. Q. And then in '07 you became a Foreign Service
19 Officer?

20 A. Actually, I'm on -- it's an assignment as a
21 Foreign Service Officer.

22 13. Q. You are seconded to a Foreign Service Officer
23 position?

24 A. Yes. I still belong to Human Resources
25 technically.

4

1 14. Q. Okay. So have you received any training to be
2 a Foreign Service Officer?

3 A. Yes, I did. I received some human rights
4 training, some lectures, and I also received some torture

5 awareness training.
6 15. Q. But just generally of a Foreign Service
7 Officer you are aware that it's quite a rigorous process
8 to become a Foreign Service Officer; correct?
9 A. Yes, I'm aware of that.
10 16. Q. And there is a three-year probationary period
11 Foreign Service Development Program? You are aware of
12 that?
13 A. Yes, I know. I know the Foreign Service
14 Development Program pretty well.
15 17. Q. But you haven't gone through that or anything
16 like it?
17 A. No, I haven't.
18 18. Q. So when were you seconded as a Foreign Service
19 Officer?
20 A. On November 1st.
21 19. Q. 2007?
22 A. 2007.
23 20. Q. When did you receive the training that you
24 were just describing?
25 A. Mostly -- it started September and October of

5

1 2007.
2 21. Q. Were you just doing that training or were you
3 doing it in addition to your other human resources duties?
4 A. I was -- I was doing it as -- well, also -- I
5 was transferred to the FTAG unit in September, so I was
6 doing it at the same time as I was familiarizing with the
7 Afghanistan file.
8 MR. GRAHAM: Sorry, for the record can you tell us
9 what the FTAG unit is?
10 THE WITNESS: It's the --
11 MR. GRAHAM: F-T-A-G?
12 THE WITNESS: It's the Afghanistan Task Force
13 within DFAIT.
14 MR. CHAMP:
15 22. Q. I'd just like to ask you a bit more questions
16 about the training that you received. You say in your
17 Affidavit at paragraph 4 that you received a number of
18 training courses. Can you describe the names of those
19 courses and how many they were and how long?
20 A. Well, there's -- I took the two core courses
21 that the department has on human rights and I took the
22 consular -- the -- yeah, the consular training for torture
23 awareness.
24 23. Q. So the two core courses on human rights, do
25 you know what those courses are called?

6

1 A. Human Rights 1 and Human Rights 2. It's
2 provided by the Foreign Service Institute.
3 24. Q. How long do those courses last?
4 A. I got -- I don't know about the typical
5 duration, but I got the material and I did the course on
6 my own, yes.
7 25. Q. So did anyone test you on it or anything like
8 that?
9 A. No.

10 26. Q. Were you allotted time during your work days
11 to read it, the material?
12 A. Well, I actually started studying human rights
13 on my own way before September, from the moment I applied
14 for the position. That was in early summer I started
15 doing my own study.
16 27. Q. What kind of things did you study on your own?
17 A. I studied international human rights law, I
18 studied humanitarian law, I studied on torture awareness,
19 torture reporting and monitoring type of activities.
20 28. Q. What were the kind of materials that you read?
21 A. I read a lot of material developed by the
22 United Nation, by the office of the High Commissioner on
23 human rights, things like that.
24 29. Q. Can you name one? Like the Istanbul Protocol,
25 for example? Did you have opportunity to read that

7

1 document?
2 A. Yes, I had the opportunity to read that.
3 30. Q. Any others that you can name?
4 A. Well, I -- yes. The -- I read the core seven
5 human rights treaties and the various covenant. I -- I
6 also -- I read the various training package developed for
7 prison officers.
8 31. Q. Okay. The materials that you read, HR 1 and
9 HR 2 and the consular torture awareness training program,
10 do you have those materials with you today?
11 A. No, I don't. I have them in Kandahar in my
12 office.
13 MR. GRAHAM: You didn't ask us for HR 1 and HR 2.
14 I'd have to make inquiries as to whether those are
15 available. You did ask with respect to torture awareness
16 training and my information is that -- let me acquire my
17 information. Let me just take a break for a moment.
18 (OFF RECORD DISCUSSION)
19 MR. GRAHAM: In response to item 3 of your
20 Direction to Attend we have a copy of this document
21 entitled "Torture Awareness Workshop Reference Materials".
22 Perhaps the Witness can identify that.
23 THE WITNESS: Yes.
24 MR. GRAHAM: Can you tell us what it is?
25 THE WITNESS: It's the package that I received

8

1 prior to my departure.
2 MR. CHAMP:
3 32. Q. So, Mr. Gosselin, actually I had asked you to
4 bring a number of other documents, so while we're here are
5 there any other documents that you brought pursuant to the
6 Direction to Attend today?
7 MR. GRAHAM: Mr. Champ, we have no other documents
8 at this time. We have, as I indicated earlier, provided
9 notice to the Attorney General of Canada under Section 38
10 with respect to these documents. Your request for
11 production was delivered to us on the 18th and I believe
12 the 19th in the case of Mr. Connor. We have since that
13 time assembled a team to collect all relevant documents.
14 They do not exist in one spot. They are here, they are in

15 Kandahar, they are all over, and we have made serious
16 efforts to collect those documents. We do now have a
17 collection.

18 As I say, notice has been given with respect in
19 particular to items 1 and item 6. We have collected those
20 documents. Others that you have requested are, in my
21 submission, of marginal relevance. Perhaps we could
22 discuss those. We don't need to do it on the record,
23 unless you wish to do so, but I can assure you that we
24 have been strenuously over the Christmas season to collect
25 these documents. We are conscious of the seriousness with

9

1 which these matters -- with which you take these matters
2 and indeed with which we take these matters. We have
3 worked hard but we are not in a position at this time to
4 provide those documents to you. So notice has been given
5 and therefore we cannot discuss the contents of those
6 documents today.

7 MR. CHAMP: Thank you, Mr. Graham. Just for the
8 record, the two categories of documents, number 1 and
9 number 6 and the Direction to Attend, number 1 is
10 generally the site visit reports or the monitoring
11 reports, and number 6 is all documents about the
12 Government of Afghanistan investigations of allegations of
13 abuse. Just also for the record you'll agree with me that
14 I had advised you previously that those are the most
15 salient and if we could get those in time then --

16 MR. GRAHAM: Indeed we have concentrated our
17 efforts on those documents.

18 MR. CHAMP: Okay.

19 MR. GRAHAM: I should tell you as well that with
20 respect to number 5 the most up-to-date version of the
21 methodology we are likewise reviewing that one pursuant to
22 Section 38. We don't anticipate that that will take very
23 long. Again, I can't speak for the Attorney General in
24 that regard, but that document has also been collected.
25 Others with respect to items 2 and -- the Witness can

10

1 address item 4.

2 THE WITNESS: Item 4, there is no such document.
3 It's based on what I've witnessed on the ground.

4 MR. GRAHAM: As I say, we can talk about scope in
5 particular with respect to items 1 and 2; all e-mails, all
6 documents, memos, and so on. You can appreciate that
7 would lead to a huge...

8 MR. CHAMP: That's fine.

9 MR. GRAHAM: ...mountain of documents.

10 MR. CHAMP: Well, you'd also agree with me,
11 Mr. Graham, that I had advised both you and your friend
12 that, you know, if a more limited number of documents were
13 produced that that would have been sufficient for us,
14 but...

15 MR. GRAHAM: We understand. We are working on
16 that.

17 MR. CHAMP: Thanks. While we are talking about
18 documents, Mr. Graham, there was a court order dated
19 December 21st, 2007 from Justice Mactavish ordering the

20 Respondents to produce a three-page document. I'd
21 indicated to your friend that I would like that prior to
22 carrying out these Examinations. Do you have any
23 information of when I might be receiving that document?

24 MR. GRAHAM: I don't have any information. My
25 friend Mr. Anderson has been dealing with that one. I can

11

1 speak to him once we are done here and find out where we
2 are. I believe you are meeting with him this afternoon...

3 MR. CHAMP: Yes.

4 MR. GRAHAM: ...and we'll make inquiries of him.

5 MR. CHAMP: Okay.

6 MR. GRAHAM: I have no knowledge.

7 MR. CHAMP:

8 33. Q. Mr. Gosselin, I have a few other questions for
9 you. Going back to what we were talking about before,
10 paragraph 4 in your Affidavit you talk about a number of
11 training courses that you've taken, and as I understand
12 your testimony now that number is two training courses;
13 correct?

14 A. No, I've also taken the NATO PRT course in
15 Germany and I've participated in an exercise in Wainwright
16 with the military on operations of a PRT.

17 34. Q. Sorry? What was that last part?

18 A. It was a training exercise with the military
19 in Wainwright, Alberta, and basically it's familiarization
20 with the work in the PRT.

21 35. Q. When did you take the NATO course in Germany?

22 A. In October.

23 36. Q. How long were you there?

24 A. A little over a week.

25 37. Q. How many days was the course?

12

1 A. Five.

2 38. Q. And the training exercise in Wainwright,
3 Alberta, when were you there?

4 A. Also in October.

5 39. Q. You're getting a lot of frequent flyer points.

6 A. Yeah. Yeah, that's -- it was October as well.

7 40. Q. How long were you there?

8 A. Four days.

9 41. Q. So the number of training courses then is
10 four; is that fair to say?

11 A. Yeah.

12 42. Q. With respect to human rights, have you read
13 DFAIT's human rights' report on Afghanistan?

14 A. Yes.

15 43. Q. When did you have occasion to read that
16 document?

17 A. I had the occasion to read it shortly after my
18 arrival there.

19 44. Q. In Afghanistan?

20 A. In Afghanistan.

21 45. Q. When exactly did you arrive in Afghanistan?

22 A. November 1st.

23 46. Q. November 1st? That's when you assumed your
24 duties there?

25

A. Yeah.

13

1 47.

Q. After getting over the jet lag, presumably?

2

A. No, pretty much the first day.

3 48.

Q. Okay. Your Affidavit was sworn December 14th, 2007 in Ottawa, Ontario?

4

A. Correct.

5 49.

Q. So you came back to Ottawa at some point?

6

A. Yes.

7 50.

Q. When did you come back to Ottawa?

8

A. On the 12th.

9 51.

Q. And you've been in Ottawa since then?

10

A. Yes.

11 52.

Q. When do you return to Afghanistan?

12

A. Tomorrow morning.

13 53.

Q. 12th of December, I presume coming back --

14

A. Correct.

15 54.

Q. So you've spent roughly five to six weeks in Afghanistan?

16

A. Correct.

17 55.

Q. Prior to your arrival in Afghanistan, what did you know about the country?

18

A. I knew quite a bit. Well, another course that I took was -- you know, that's a good one -- it was the cultural awareness training provided by CFSI, the Foreign Service Institute.

19 56.

Q. That was also in September and October?

14

1

A. Yes, but, no, what I knew about the country, I read quite a bit. I read the country report that we -- you know, that CFSI produced and I've read -- you know, like I mention, I've -- I studied, you know, the news, I read the different report in preparation for that. History...

2 57.

Q. The country report from CFSI, what is in that document? What does it speak to?

3

A. It's a -- it's a compendium -- well, it's a document that present a whole lot of information about Afghanistan, economic information, cultural information, religious, economy, and so on.

4 58.

Q. Human rights as well?

5

A. There's a -- there's no specific section on human rights in that document.

6 59.

Q. Have you read any other documents about Afghanistan, like non-Canadian documents like the UN High Commissioner for human rights or anything like that?

7

A. Yes. I've read some of the UN documents on Afghanistan.

8 60.

Q. Have you ever read the US State Department Report on Afghanistan?

9

A. Yes, I remember -- yeah, I read that one also.

10 61.

Q. You'd agree with me, sir, that none of those documents are very complimentary with respect to human

15

1

rights in Afghanistan?

2

A. Well, yes, I would agree that there are some issues in Afghanistan with regards to human rights.

3

4 62. Q. You'd agree with me those reports indicate a
5 fairly poor record of human rights in Afghanistan?
6 MR. GRAHAM: Well, if you want to put specific
7 passages to him, perhaps he can comment on those. I'm not
8 sure that his opinion or his views with respect to those
9 reports is really germane to these issues.

O

10 MR. CHAMP: Well, Mr. Graham, I would say they are
11 germane. Mr. Gosselin has not simply sworn an affidavit
12 with respect to some of the things he's seen, he's also
13 given some fairly sweeping opinions about his views about
14 the current state of human rights in Afghanistan. So I
15 think these are fair questions.

16 MR. GRAHAM: Well, you can question him about
17 those views on human rights.

18 MR. CHAMP: I am. I'm asking him the basis of
19 those views and --

20 MR. GRAHAM: Why don't you take him to his
21 Affidavit and we'll work from those sections.

22 MR. CHAMP: I'll conduct my cross-examination
23 myself, Mr. Graham. I thank you for your assistance.

24 MR. GRAHAM: I have given you my objection with
25 respect to his comments on those various reports. Those

16

1 reports speak for themselves.

2 MR. CHAMP:

3 63. Q. Mr. Gosselin, you are aware that the UN High
4 Commissioner for human rights has indicated that the
5 National Directorate of Security is responsible for
6 torture in Afghanistan?

7 A. No, I'm not aware of that.

8 64. Q. But you had read that, the UN High
9 Commissioner for human rights -- you've read her reports
10 on Afghanistan?

11 A. I don't remember reading that particular
12 statement.

13 65. Q. Or the US State Department Report which speaks
14 about torture in Afghanistan, have you read those passages
15 saying there is sodomy, and fingernails being pulled out,
16 burning hot oil... Have you read those passages?

17 A. I don't remember reading those specific
18 passage.

19 66. Q. It didn't stand out in your memory?

20 MR. GRAHAM: He doesn't remember reading those
21 passages.

22 MR. CHAMP:

23 67. Q. It didn't stand out in your memory?

24 A. It doesn't, no.

25 68. Q. Would you have just flipped through the

17

1 reports, Mr. Gosselin?

2 A. I did have very limited time to -- you know,
3 once I was informed that I was actually moving to
4 Afghanistan, so I read a lot of documents.

5 69. Q. I appreciate you did a lot of training in a
6 variety of different areas in a fairly compressed time
7 period and then flew over to Afghanistan, so I appreciate

8 it was a very short period of time. In terms of your
9 education, you have a degree in business and
10 administration and industrial relations?
11 A. Correct.
12 70. Q. Do you have any previous educational
13 experience in human rights before 2007?
14 A. No.
15 71. Q. And you've received training, the consular
16 awareness training document. I'll ask you some questions
17 about that in a minute, but did you ever receive any
18 medical training of any type...
19 A. No.
20 72. Q. ...in connection with detecting torture?
21 A. No.
22 73. Q. Okay. I'm just going to be a moment here.
23 Mr. Gosselin, do you have a copy of the torture awareness
24 workshop reference materials?
25 A. Yes.

18

1 74. Q. This is the document that you used to study
2 consular awareness -- or pardon me, torture awareness or
3 consular affairs?
4 A. Yes.
5 MR. CHAMP: Do you have an extra copy for the
6 court reporter?
7 MR. GRAHAM: We just made one copy now. We could
8 make another copy now if you wish.
9 MR. CHAMP: I will be entering a copy as an
10 exhibit you might have anticipated, but I'll ask you some
11 questions on it for now.
12 75. Q. Just so I understand, was this just materials
13 given to you to read, Mr. Gosselin?
14 A. No, the material was given to me. I had a few
15 days to prepare. Then I had a session -- two-hour session
16 with our Deputy Director of Consular Affairs.
17 76. Q. So your total, I guess, in-class training was
18 two hours; is that fair to say?
19 A. The in-class portion, yes.
20 77. Q. If we look at the document, on the second and
21 third pages I see there's all kinds of documents attached.
22 Had you reviewed all of those related links, and
23 attachments, and reference materials?
24 A. Yeah, for the -- the attachment on the
25 training I have reviewed them all. The related links and

19

1 tools I have looked at most of them but I -- not
2 necessarily all of them.
3 78. Q. So if we just go to page 2 of 3 -- it's just
4 on the back -- so the course modules, modules 1 to 4, I
5 think those are all attached; am I right?
6 A. They are.
7 79. Q. And reference materials, those are all
8 attached too, I believe, list of possible signs,
9 indicators, post-interview checklist, sample questions,
10 case study. Can you just flip through it just to make
11 sure that those are attached?
12 A. Yeah, they are attached.

13 80. Q. Okay.
14 A. The only piece that is not attached is the
15 actual -- the case study.
16 81. Q. Okay. The videos that are linked here, Gitmo
17 and Guantanamo Guidebook, had you viewed those videos?
18 A. No, I haven't viewed them. They were not --
19 no, not when I did my course.
20 82. Q. At any time?
21 A. Yeah, I have started looking at the first one,
22 but I haven't completed it.
23 83. Q. What is it about?
24 A. It's -- it's a bit -- it's a short video that
25 talks about interrogations, but as I said, I started

20

1 looking at it and I didn't watch it in any -- I couldn't
2 answer that precisely.
3 84. Q. Interrogations in the context of Guantanamo
4 Bay?
5 A. I believe the focus of the video is
6 Guantanamo, yes.
7 85. Q. Who produced the video; do you know?
8 A. It sounded like it's British from the
9 narrator's accent.
10 86. Q. The second one, Guantanamo Guidebook, do you
11 know who produced that one?
12 A. No.
13 87. Q. Did you view that one at all?
14 A. No.
15 88. Q. So the Gitmo one, the first one, it's 24
16 minutes long. How many minutes do you think you actually
17 looked at it?
18 A. Not very long. I'm very, very busy.
19 89. Q. The next heading, "Incident of Abuse and/or
20 Torture Consular Framework - Part II: Consular Issues and
21 Case Category Guidelines - Section 7 Arrest & Detention".
22 There is a PDF link there. Had you reviewed that
23 document?
24 A. No, I haven't. This one was particularly for
25 a consular officer. It was not necessarily related

21

1 closely to what my role is over in Kandahar.
2 90. Q. Were you advised of that, that you didn't have
3 to look at it or is that just your own conclusion?
4 A. No, it's my own conclusion.
5 91. Q. When it says "Section 7 Arrest & Detention",
6 do you know what that's -- Section 7 of what?
7 A. Where do you see that?
8 92. Q. The document is called "Consular Framework -
9 Part II: Consular Issues and Case Category Guidelines -
10 Section 7 Arrest & Detention".
11 A. I believe it's of the consular framework.
12 93. Q. Section 7 of...?
13 A. Of the consular framework. I believe it's a
14 manual that consular officer have.
15 94. Q. In the paragraph below there:
16 "The prohibition of torture is considered to be
17 customary international law and is reflected in

18 several international instruments, including the
19 Universal Declaration of Human Rights, the
20 International Covenant on Civil and Political
21 Rights and the UN Standard Minimum Rules for the
22 Treatment of Prisoners".

23 Those are some of the treaties you would have
24 reviewed?

25 A. Absolutely.

22

1 95. Q. Okay. Any other treaties on treatment of
2 detainees that you can think of that aren't included
3 there?

4 A. The Standard Minimum Rules for the Treatment
5 of Prisoners, there is a Standard Minimum Rule for
6 Juveniles, there is -- and there is Convention Against
7 Torture, there is a series of --

8 96. Q. Okay. Then it says:
9 "Many forms of physical abuse including systematic
10 torture are calculated to leave no physical
11 evidence. Torture by electric shock and various
12 forms of water treatment are two of the more
13 common forms of torture which normally do not
14 leave marks".

15 Was that consistent with most of the training you
16 received on torture awareness?

17 A. Yeah. That's -- yeah, it was part of the
18 training.

19 97. Q. It's consistent with other documents about
20 detecting torture?

21 A. It is -- yeah, it is consistent with other
22 documents that have been produced on torture monitoring.

23 98. Q. Then the next page, page 3 of 3, related links
24 and tools, did you have occasion to review any of those
25 documents, any of those related links?

23

1 A. Yes.

2 99. Q. Which ones?

3 A. I've reviewed the first one.

4 100. Q. The Torture Reporting Handbook?

5 A. Yes. I've reviewed the last three also for
6 sure.

7 101. Q. Okay. But not the Amnesty International
8 Combatting Torture Manual for Action? You didn't review
9 that one?

10 A. I might have looked at it. I don't remember.
11 Like I mentioned, I saw lots of document in the last few
12 weeks, last few months.

13 102. Q. Or the Arar Commission Report? Have you ever
14 had occasion to read that document?

15 A. Not the report specifically.

16 103. Q. Or any parts of it?

17 A. Well, it's -- some of the conclusion of the
18 Arar inquiries are part of the training.

19 104. Q. Really? Okay. I know Mr. Arar. He'll be
20 pleased to hear that.

21 MR. CHAMP: Counsel, I'm going to want a copy of
22 that Gitmo video that he reviewed, as well as that Torture

23 Reporting Handbook that he's claimed that he reviewed.
24 MR. GRAHAM: I will have to determine whether we
25 have those documents available or not. I just don't know

24

1 at this time. Let me make inquiries. I'll take that
2 under advisement and get back to you.

A

3 MR. CHAMP: That's fine. It looks pretty easy.
4 It looks like they are just links. They look like hot
5 links.

6 MR. GRAHAM: It looks like that way to me as well,
7 but I'll want to review it.

8 MR. CHAMP: I'll come back to this document.

9 (OFF RECORD DISCUSSION)

10 MR. CHAMP:

11 105. Q. Just going back on the record, Mr. Gosselin,
12 so you're posted in Kandahar and you're at Kandahar
13 airfield. Is that where you work most of the time?

14 A. No. I work -- I'm stationed at the PRT in
15 Kandahar City.

16 106. Q. That's some distance from Kandahar airfield?

17 A. It's about 25K.

18 107. Q. Do you get to Kandahar airfield very much?

19 A. Every once in a while, but not very much.

20 Most of my work is in the city.

21 108. Q. Who controls Kandahar airfield?

22 A. Right now it's -- well, it's the military, our
23 battle group commander there, General Laroche. He's
24 responsible for our troop there.

25 109. Q. It's controlled by the Canadian Forces, to

25

1 your knowledge?

2 A. Now it's going to be -- so there's -- I
3 believe right now it's under the British command.

4 110. Q. And that's where Canada's temporary detention
5 facilities are, is at Kandahar airfield?

6 A. For security purposes, I'm not sure I can
7 answer that question.

8 MR. CHAMP: Mr. Graham, we know that from a
9 variety of other documents.

10 MR. GRAHAM: I'll claim privilege with respect to
11 that.

O

12 MR. CHAMP: Whatever. We'll have to come back, I
13 guess.

14 MR. GRAHAM: To the extent that his answer goes
15 beyond what is in the Affidavits already then I'm claiming
16 privilege.

17 MR. CHAMP: Privilege? Can you be more specific?

18 MR. GRAHAM: With respect to Section 38, security
19 concerns.

20 MR. CHAMP: Canada Evidence Act?

21 MR. GRAHAM: Yes.

22 MR. CHAMP:

23 111. Q. Okay, Mr. Gosselin, let's ask you some
24 questions about your monitoring activities. You've
25 attached Exhibit B to your Affidavit. These are the

1 standard operation procedures. Is this your working
 2 version, sir?
 3 A. I believe there is a more recent version.
 4 112. Q. Do you use a more recent version?
 5 A. I -- from the dates I -- I never really,
 6 really looked at -- the version I use, I think, is -- was
 7 produced a little bit later.
 8 113. Q. Is it similar to this one?
 9 A. It is very similar.
 10 114. Q. How is it different?
 11 A. I couldn't tell you. I'm not sure.
 12 115. Q. Can you just take a few minutes and review it
 13 and let me know?
 14 MR. GRAHAM: We are gathering up a most recent
 15 version, pursuant to your request, and as I say, I don't
 16 expect it will be a long time required to produce that,
 17 provided we have to run it through the Section 38 process.
 18 MR. CHAMP:
 19 116. Q. That's fine, Mr. Gosselin. I might direct you
 20 to some specific paragraphs later on, but just for our
 21 purposes right now, this specific document, Exhibit B, had
 22 you seen it before you swore your Affidavit?
 23 A. Yes, I did.
 24 117. Q. This version specifically?
 25 A. I don't know. I saw the official final

1 version, nothing with --
 2 118. Q. Right. Like this version, if I look at the
 3 top of the first page it looks like it was -- it's June
 4 20th, 2007 it looks like.
 5 A. That's about right.
 6 119. Q. And the version you are familiar with would be
 7 more recent, I gather?
 8 A. I think it is a little -- yeah, I think it is
 9 a little bit more recent.
 10 120. Q. You conducted some monitoring visits; is that
 11 correct?
 12 A. Correct.
 13 121. Q. Who was on your team when you'd go for those
 14 visits?
 15 A. The -- it varies. There's -- most of the time
 16 it's -- well, most of the time -- I would say half of the
 17 visit I've done to dates have been with the political
 18 director.
 19 122. Q. Who is that?
 20 A. It's John Davison.
 21 123. Q. Mr. Davison. He's a DFAIT employee?
 22 A. He is, yes.
 23 124. Q. He is the political director for Kandahar?
 24 A. For the PRT, yes.
 25 125. Q. Is it just the two you have done about half

1 the visits?
 2 A. Yeah. The first few visit that I've conducted
 3 was with him and then I've done a series of visit with a
 4 colleague from Correction Service Canada.

5 126. Q. Who's that?
6 A. It's Linda Garwood.
7 127. Q. Mr. Davison or Ms. Garwood, neither of them
8 are doctors, I gather?
9 A. Not that I -- no.
10 128. Q. In the Standard Operating Procedure documents
11 attached to your Affidavit, if you turn to paragraph 17 of
12 that document, paragraph 17 says:
13 "Reporting from other sources, including the AIHRC
14 and UNAMA pertaining to the state of Afghan
15 detention facility or the treatment of detainees
16 should be afforded to Kabul, DFAIT HQ".
17 You've received reports at times from AIHRC and
18 UNAMA?
19 A. Not since my arrival I haven't seen any.
20 129. Q. Have you reviewed anyone's from prior to that?
21 A. Not particular to the state of detention
22 facility. I read their general human rights report for
23 the -- I mean the AIHRC, not UNAMA. UNAMA I haven't seen
24 any of their document.
25 130. Q. So you are not aware about UNAMA reporting on

29

1 the existence of torture in Afghanistan?
2 A. Other than discussion I had with UNAMA
3 personnel there's -- no, I haven't seen any of their
4 reports.
5 131. Q. And they've expressed those concerns to you?
6 MR. GRAHAM: I assert privilege with respect to
7 the contents of that communication.

O

8 MR. CHAMP: Please specify your privilege,
9 Mr. Graham.
10 MR. GRAHAM: I will, under Section 38 of the
11 Canada Evidence Act.
12 MR. CHAMP: Is it national defence? Is it
13 international relations?
14 MR. GRAHAM: International relations.
15 MR. CHAMP: Thank you. I trust you all appreciate
16 that having evidence withheld from the courts is a serious
17 matter, so I'd just like all of our objections to be as
18 specific as possible.
19 MR. GRAHAM: Thank you.
20 MR. CHAMP:
21 132. Q. Paragraph 21 reads:
22 "Should Canadian personnel be made aware of
23 allegations of evidence of abuse, mistreatment of
24 a detainee or detainees transferred by an ally or
25 ISAF partner, DFAIT would inform the ally or ISAF

30

1 partner and notify Afghan authorities".
2 Has that ever occurred, to your knowledge?
3 A. Which --
4 133. Q. I think it's referencing detainees other than
5 Canadian-transferred detainees. Have you ever heard
6 allegations of abuse from detainees other than Canadian-
7 transferred detainees?
8 A. I've heard allegations before, but again, for

9 diplomatic reason I can't really identify the source.
10 134. Q. Have you personally received allegations from
11 actual detainees who are non-Canadian transferred
12 detainees?

13 A. No.

14 135. Q. With respect to paragraph 20, it speaks about
15 where detainee appears to be in immediate danger of abuse
16 or in urgent need of medical care due to apparent abuse.
17 Canadian personnel shall insist that Afghan authorities
18 take appropriate measures. If the detainee in question
19 was originally transferred by Canadian Forces, Canadian
20 personnel may request that Afghan authorities return that
21 detainee to Canadian custody. Has that ever occurred, to
22 your knowledge?

23 A. Not to my knowledge.

24 136. Q. Turning to your Affidavit proper, paragraph 11
25 of your Affidavit you say that when a detainee is to be

31

1 transferred to Afghan custody the CF informs the political
2 advisor at Kandahar airfield. Is that a Canadian Forces
3 official?

4 A. No. It's a DFAIT official.

5 137. Q. And is that Mr. Davison or is that someone
6 else?

7 A. It's someone else.

8 138. Q. Who is that person?

9 A. It's Ed Jager.

10 139. Q. Ed...?

11 A. Jager.

12 140. Q. Y-A --

13 A. J-A-G-E-R, I believe.

14 141. Q. Okay. So the political adviser, from what I
15 understand from your paragraph, actually watches over the
16 transfer from Canadian Forces to Afghan --

17 A. Afghan authorities.

18 142. Q. He goes to the location to monitor the
19 transfer?

20 A. He does.

21 143. Q. Do you know when that practice started?

22 A. No, I don't.

23 144. Q. Was that practice ongoing when you arrived in
24 Kandahar?

25 A. It was.

32

1 145. Q. Can you explain exactly how that works? Does
2 the political advisor go with the Afghan authorities right
3 to their facility or what happens? Do you know?

4 A. Yes, I know. The -- basically when there is a
5 transfer, a decision made by the military, the political
6 advisor is informed and there is an appointment scheduled
7 with the Afghan authorities who come to the location. The
8 political advisor goes there and present the detainees
9 with the provision of the arrangement. It's read to them
10 and there is an interpreter there, then there is a paper
11 copy and to each detainees there is also in the file that
12 is transferred, and the Afghan authorities basically take
13 custody of the individuals.

14 146. Q. Does the transfer occur at the actual
15 detention facility, at the actual Afghan detention
16 facility?
17 A. No. It --
18 147. Q. Some other location?
19 A. At the Canadian Forces detention facility.
20 148. Q. Okay. Then there is a follow-up visit, I
21 understand, to detainees who are transferred. Is that
22 your responsibility?
23 A. It is.
24 149. Q. How soon after a transfer do you get over
25 there?

33

1 A. It varies. We -- depending on the security
2 situation we may do it a couple of days after the
3 transfer, but sometimes security situation requires us to
4 wait a little bit longer. There is no set time lines.
5 150. Q. Do you have like a best-practice objective of
6 when you'd want to make the follow-up visit?
7 A. Not really. To date we just try to do it
8 shortly thereafter.
9 151. Q. How many visits specifically have you made to
10 detention facilities?
11 A. I've done 9 visit in --
12 152. Q. Nine visits? Those have been to the NDS
13 Kandahar facility and the Sarpoza prison; is that correct?
14 A. Yes.
15 153. Q. And how many to each?
16 A. I don't remember the exact number. I believe
17 it's probably 5 to NDS, 4 to Sarpoza.
18 154. Q. In paragraph 14 of your Affidavit you speak of
19 some challenges with record management. What is your
20 knowledge of that specifically? What do you know about
21 those challenges?
22 A. Well, the Afghan record management system is
23 not really sophisticated. It's paper based. There's, you
24 know, several different manual sometimes used to track
25 detainees. So whenever you ask for information about a

34

1 particular individual it's -- you know, it takes -- it
2 takes a long time for the person in charge of record to
3 actually track the individual. Some of the challenges
4 that we've seen is that when the -- basically when the
5 information is initially recorded on the identity of the
6 individual, it's a war situation so there's sometimes
7 information that is provided to the Canadian Forces that
8 is not accurate, but the Afghan officials have mentioned
9 on occasions that the individual real name, for example,
10 was not the one provided. So they do the modification and
11 there's some adjustment like that.

12 Other challenges are the fact that several
13 individuals sometime have the same name and we've even
14 seen cases where the father has the same name also. So
15 it's quite a difficult task to identify the individual
16 with some accuracy.

17 155. Q. And you've encountered some of those
18 challenges yourself?

19 A. The translation part and the name -- the wrong
20 name being provided I've seen it myself. Other types of
21 challenges are explained by the Afghan authorities during
22 our discussions.

23 156. Q. But, for example, you personally when you've
24 gone to the detention facilities sometimes there is a bit
25 of initial difficulty in identifying the specific

35

1 detainee; is that fair to say?

2 A. Yes, it's fair to say there is some -- there's
3 one -- there's been one concrete example where the
4 individual provided a wrong name to Canadian Forces and
5 the Afghan authorities informed us that this is not the
6 right identity. We've seen this individual before.

7 157. Q. Do you bring along like the photographs of
8 detainees when you go to visit them of the Canadian-
9 transferred detainees?

10 A. Not so far. They have the copy of the picture
11 of the individual in the file that is being transferred,
12 but to make it easier, that's something that I want to
13 start doing when I can go back to do my job.

14 158. Q. In the last sentence of that paragraph you
15 say:

16 "Due to these improvements, some detainees for
17 which their status wasn't clear have now been
18 found".

19 A. Correct.

20 159. Q. You have knowledge of that?

21 A. Yes, I do have knowledge of that.

22 160. Q. And some have not been found, I gather, as
23 well?

24 A. It's not that they're lost, it's because of
25 these types of dynamic that I just described we're trying

36

1 to validate the identity of some of the individual. We've
2 been successful with some of them and we're trying --
3 we're still working on four cases.

4 161. Q. Some we haven't been able to identify or
5 locate yet?

6 A. Well, yes. Like I mentioned, there's four
7 individual right now that there's some confusion in the
8 records that we're trying to sort out.

9 162. Q. Just roughly, when were those people
10 transferred? Do you know? Like are these post May 3rd
11 detainees?

12 A. Yes, they are post May 3rd detainees.

13 163. Q. And are they detainees who are transferred
14 after your arrival in Afghanistan, for example?

15 MR. GRAHAM: We don't -- privilege on security
16 grounds with respect to the date of transfer.

O

17 MR. CHAMP: I'm not asking specific -- I know you
18 guys have got issues with specific dates.

19 MR. GRAHAM: We're very concerned with the
20 identity of those individuals and for security reasons we
21 have to claim privilege under Section 38 with respect to
22 any further detail on time of detention or transfer.

23 MR. CHAMP: Okay.
24 164. Q. Where did we understand those four individuals
25 were transferred? To NDS?

37

1 A. We know they were transferred to NDS and some
2 were identified as having been transferred to Sarpoza.
3 That's what we're trying to validate.

4 165. Q. Since you've been in Canada, Mr. Gosselin, who
5 on behalf of Canada has been conducting monitoring visits
6 in Kandahar?

7 A. I'm not sure exactly. I believe it's the
8 political director and another political officer.

9 166. Q. Is it possible they are not carrying out
10 visits until your return?

11 A. No, it's not possible.

12 167. Q. You are aware that they are making visits?

13 A. They are making visit.

14 MR. CHAMP: Okay. Just before we go further, I
15 just want to make sure we get this document on the record
16 as an exhibit. This document we had asked questions about
17 it earlier. We had asked for it to be produced as the
18 consular awareness training referred to in paragraph 4 of
19 Mr. Gosselin's Affidavit. We've now been provided with a
20 document that's titled "Torture Awareness Workshop
21 Reference Materials Consular Affairs Bureau". It's got on
22 the bottom-right corner -- it looks like December 20,
23 2007. There's a three-page document and then a number of
24 attachments. I'll just have that marked as Exhibit 1.

25 EXHIBIT NO. 1: Torture Awareness Workshop

38

1 Reference Materials, December 20, 2007.

2 MR. CHAMP:

3 168. Q. Paragraph 15, Mr. Gosselin, talks about record
4 management and Canada being informed about changes in
5 circumstances of detainees. About halfway through that
6 paragraph you say:

7 "We have also taken steps to improve the manner in
8 which Afghan authorities inform Canada in the
9 event of a change of circumstances".

10 What is the manner in which we are informed? What
11 is the form?

12 A. It's -- it varies. Sometimes we're informed
13 verbally during our visits.

14 169. Q. Sometimes are we informed in writing?

15 A. Other occasion, yes, they do -- they provide
16 us with a list in page 2 where they indicate where an
17 individual has been released, has been sentenced, or has
18 been transferred.

19 170. Q. In terms of the manner, how do we want that
20 improved?

21 A. The key challenge is to -- like what we would
22 like to have is them systematically informing us
23 proactively as provided in the arrangement instead of us
24 always, you know, asking the question and keeping close
25 track of any changes.

39

1 171. Q. So we're taking steps to improve that

2 situation but it hasn't improved necessarily yet. Is that
3 fair to say?

4 A. In one facility, you know, there hasn't been a
5 lot of improvement. In the other facility they're better.
6 They are not providing us with a written update
7 systematically, but every time something happen they
8 inform us. So it's a little better, and we don't have to
9 go after the information as actively. They are more --
10 they're coming forward with it.

11 172. Q. And the one that needs to improve more, that
12 would be NDS, I take it?

13 A. Yes, it is.

14 173. Q. Just so I'm clear, paragraph 20 you talk about
15 the normal part of the Afghan process. It's my
16 understanding that most, if not all, of our detainees are
17 initially transferred to the NDS facility in Kandahar and
18 then are subsequently transferred by the NDS to Sarpoza.
19 Is that fair to say?

20 A. It is fair to say, yes.

21 174. Q. To your knowledge, since you've been there,
22 have all the detainees gone through that chain?

23 A. Yes. Since I've been there there's -- yes.
24 They've all been through that process.

25 175. Q. Roughly how long do the detainees stay with

40

1 the NDS before going to Sarpoza?

2 A. It varies. Typically it's supposed to be
3 happening within a maximum of 30 days. There should be --
4 you know, they should go from the actual detention all the
5 way to court, but the Afghan system is not necessarily as
6 effective as our court system, for example, and it
7 sometime takes longer. The portion that they stay at NDS
8 is during the investigation by the prosecutor and it takes
9 sometimes in some cases --

10 176. Q. What's some time?

11 A. Well, no, it takes -- it may take longer than
12 the 30 days.

13 177. Q. An investigation by the prosecutor, to your
14 knowledge, that includes the interrogation, I gather?

15 A. I believe so.

16 178. Q. And once they are transferred to Sarpoza, are
17 you suggesting that they then have already been to court
18 before they go to Sarpoza?

19 A. No, no. When they get to Sarpoza most of the
20 time they are awaiting trial but the case has been filed
21 by the prosecutor.

22 179. Q. Charges have been laid?

23 A. The charge has been laid.

24 180. Q. Sufficient evidence has been gathered at the
25 NDS facility and now charges can be laid?

41

1 A. Correct.

2 181. Q. Sometimes it takes longer than 30 days. Do
3 you know how long it's taken at times?

4 A. No, I don't have a specific number of days,
5 but example of situation where it takes longer, if, for
6 example, an individual has been captured in one section of

7 Kandahar province because of the security situation, there
8 is no electronic transfer of documents, there's no fax,
9 there's no -- basically an individual has to drive to the
10 office in that other section to get the information on
11 paper. So, yeah. Because of the security situation
12 sometime that takes days, so that's an example of the
13 challenge that they face.

14 182. Q. Paragraph 17 of your Affidavit you say:
15 "In my view, Afghan authorities have undertaken
16 considerable efforts to meet their undertakings
17 under the May 3rd arrangement and have largely
18 succeeded with some notable exceptions".
19 Which undertakings are you speaking about
20 specifically?

21 A. Say that again, please.

22 183. Q. When you say that they've made considerable
23 efforts to meet their undertakings, which undertakings are
24 you referencing there?

25 A. The May 3rd arrangement.

42

1 184. Q. Yes, you are referencing the May 3rd
2 arrangement, but which undertakings specifically are they
3 meeting?

4 A. Well, for example, providing us unlimited,
5 unrestricted access to their facility.

6 185. Q. Others?

7 A. Well, you know, the -- investigating, if
8 there's allegations, you know, they are doing these
9 things. I don't have the arrangement in front of me but
10 other than --

11 MR. GRAHAM: If it would assist, counsel, I can
12 provide him a copy.

13 MR. CHAMP: He's sworn an affidavit about his
14 opinion on it, so I'm just seeing what --

15 MR. GRAHAM: True, but it's not a memory contest.

16 THE WITNESS: The only one that we are
17 experiencing challenges, as I mention, is the notification
18 and I just explained what the challenges are.

19 MR. CHAMP:

20 186. Q. We'll come back to that. Just to be clear
21 though, you say "in my view", that's based on your
22 experience of your six weeks in Kandahar?

23 A. Yes. It's based on -- yes.

24 187. Q. Okay. Paragraph 18 of your Affidavit you say
25 between May 3rd and December 14th there were 20 DFAIT

43

1 visits to the NDS facilities in Kandahar and Kabul, as
2 well as Sarpoza prison in Kandahar. When you say between
3 May 3rd, I gather you mean like these are visits pursuant
4 to the May 3rd arrangement?

5 A. Yes.

6 188. Q. Are those all of the visits that have been
7 made by Canada pursuant to the May 3rd arrangement in that
8 time period?

9 A. I believe so, yes.

10 189. Q. Okay. Do you know approximately how many
11 people have been interviewed during those visits?

12 A. For security reason I don't want to give
13 numbers.
14 190. Q. I believe Mr. David Mulroney at Department of
15 Foreign Affairs didn't think it was a national security
16 issue on November 14th, 2007 when he advised a press
17 conference of reporters that it was 32 interviews at that
18 time.
19 MR. CHAMP: Is that your understanding, counsel?
20 MR. GRAHAM: Just a moment, please.
21 MR. CHAMP: I believe Ms. N~~o~~lke was present at
22 that press conference, in fact.
23 MR. GRAHAM: He did make that statement and we
24 don't have a concern, if you want to ask him how many
25 persons have been interviewed.

44

1 MR. CHAMP: Thank you.
2 191. Q. So at that time, November 14th, as I
3 understand, there was 32 interviews. Would you know,
4 would some of those interviews be multiple interviews? Or
5 pardon me, like a single individual interviewed more than
6 once?
7 A. I don't know for sure. I believe that they're
8 individual -- one interview per individual, but I know
9 there has been other -- you know, there's been some
10 individuals that have been interviewed more than once.
11 192. Q. And I appreciate you'd have likely limited
12 knowledge seeing as you just arrived in Afghanistan
13 November 1; you'd agree with that?
14 A. The specific of the visits before my arrival
15 I'm not too comfortable, but I'm very comfortable with
16 what happened after my arrival.
17 193. Q. How many individuals have been interviewed
18 since your arrival?
19 A. The -- I believe it's about 12 individuals. I
20 don't have the specific --
21 194. Q. That's fair. Of those 12 how many have made
22 allegations that they've been abused?
23 MR. GRAHAM: Mr. Champ, we maintain or we assert
24 privilege with respect to the visits, the visit reports,
25 and so on, pursuant to Section 38 for security reasons,

45

1 for diplomatic reasons, for international relations.
2 Notice has been served and decisions will be made with
3 respect to release of those documents.

O

4 MR. CHAMP: Yet again, Mr. Graham, I'd advise, and
5 you can confer with your friend, on November 14th, 2007
6 David Mulroney of Department of Foreign Affairs advised a
7 roomful of reporters that there had been seven allegations
8 -- or seven individuals had provided allegations of abuse
9 and I now see in Mr. Gosselin's own Affidavit he indicates
10 in paragraph 25 that there has been eight allegations. So
11 I think this might be an example of what we're claiming.
12 Can I ask him questions on this?
13 MR. GRAHAM: Perhaps I misunderstood the question.
14 Can I have it again?

15 MR. CHAMP:
16 195. Q. I asked you, Mr. Gosselin, of the 12 people
17 you've interviewed how many have made allegations of abuse
18 to you?
19 A. It's three, I believe.
20 196. Q. So three of the eight? Were you on the visit
21 of November 5th, 2007 that's referenced at paragraph 26 of
22 your Affidavit?
23 A. Yes, I was.
24 197. Q. The three that did make allegations of abuse,
25 where were they located? Was it NDS or was it Sarpoza?

46

1 MR. GRAHAM: I object to the question on the
2 grounds of security, Section 38, Canada Evidence Act.
3 MR. CHAMP: National security.
4 MR. GRAHAM: We have a concern with respect to
5 Section 37 as well, the identification of specific
6 individuals.
7 MR. CHAMP: I'm just asking about the facility.
8 MR. GRAHAM: I understand.
9 MR. CHAMP: Well, in paragraph 26 and 27 you don't
10 have difficulty identifying the NDS Kandahar detention
11 facility as one of those facilities, so I gather there's
12 some specific extra urgency or danger with respect to the
13 other two detainees, Mr. Graham?
14 MR. GRAHAM: Notice has been given with respect to
15 those reports and it's my position that until such time as
16 disclosure has been authorized by the Attorney General
17 it's not appropriate for us to discuss the contents of
18 those reports.
19 MR. CHAMP:
20 198. Q. Mr. Gosselin, the individual that you
21 interviewed November 5th, you indicate there at paragraph
22 26 that -- pardon me -- paragraph 27 you indicate that
23 there was some evidence that supported allegation of
24 physical abuse?
25 A. That's what I said.

47

1 199. Q. There's physical signs, I gather?
2 A. Correct.
3 200. Q. And did the individual tell you the nature of
4 the abuse he alleged he'd experienced?
5 MR. GRAHAM: Again, Mr. Champ, we assert privilege
6 pursuant to Section 38 on security grounds.

O

7 MR. CHAMP:
8 201. Q. Did the individual tell you if he had been
9 subject to electric shocks?
10 MR. GRAHAM: Same objection.

O

11 MR. CHAMP: It's national security about whether
12 someone told a Canadian official that he had been subject
13 to electric shocks, Mr. Graham?
14 MR. GRAHAM: This matter is dealt with in a report
15 in respect of which notice has been given and until such
16 time as the matters of privilege under Section 38 have
17 been resolved, this Witness is not at liberty to speak to

18 those issues.
19 MR. CHAMP:
20 202. Q. Did the individual tell you if he'd had burned
21 feet, Mr. Gosselin?
22 MR. GRAHAM: Same objection.

O

23 MR. CHAMP: What's the objection, Mr. Graham?
24 MR. GRAHAM: Again, the grounds I just mentioned
25 that notice has been given pursuant to Section 38.

48

1 MR. CHAMP:
2 203. Q. Did the individual indicate to you,
3 Mr. Gosselin, whether he had been sodomized?
4 MR. GRAHAM: I again make the same objection.

O

5 MR. CHAMP:
6 204. Q. Mr. Gosselin, did the individual advise you
7 whether he'd had his fingernails pulled out?
8 MR. GRAHAM: Same objection.

O

9 MR. CHAMP:
10 205. Q. Did you note any physical evidence about
11 whether the individual had his fingernails pulled out,
12 Mr. Gosselin?
13 MR. GRAHAM: Same objection.

O

14 MR. CHAMP:
15 206. Q. I'll just give you a moment until you pour
16 your glass of water, Mr. Gosselin.
17 A. Thank you.
18 207. Q. Mr. Gosselin, did the individual indicate to
19 you whether he'd been bound and suspended for any length
20 of time?
21 MR. GRAHAM: Same objection.

O

22 MR. CHAMP: Just so I'm clear, Mr. Graham, our
23 national security would be at risk if we knew about the
24 specifics of those allegations or is it international
25 relations, Mr. Graham?

49

1 MR. GRAHAM: It could be any of those.
2 MR. CHAMP: It could be, I guess, eh?
3 MR. GRAHAM: We have concerns with respect to
4 national security, diplomatic relations. Notice has been
5 given and a decision will be made by the appropriate
6 authorities.

7 MR. CHAMP:
8 208. Q. With respect to paragraph 24 of your
9 Affidavit, Mr. Gosselin, you indicate that Canada has
10 received a number of allegations but that these
11 allegations are usually vague and difficult to
12 substantiate. What do you mean by "usually vague"? How
13 are they vague?
14 A. The -- when an allegation is made we question
15 the individual on the actual -- you know, we ask for more
16 detail and on most occasion they cannot provide details.
17 We ask for physical signs, things like that, and again,

18 there's no information provided.

19 209. Q. Are you saying these individuals have never
20 given -- like named specific individuals that have abused
21 them or allegedly abused them, or do you mean usually
22 vague in terms of there's no physical evidence?

23 A. Like when I mean vague, it's vague about the
24 ill treatment or the abuse. I don't believe that there
25 was any -- that there was never a specific individual

50

1 pointed, you know, or targeted for the actual incident.

2 210. Q. Are they vague about the location where they
3 were abused?

4 A. No.

5 211. Q. Are they usually vague about the time frame of
6 when they were abused?

7 A. Yes.

8 212. Q. And you say "difficult to substantiate".
9 You'll agree with me that torture is often difficult to
10 substantiate if you're just looking for physical signs.
11 You'd agree with me, Mr. Gosselin?

12 A. Yes.

13 213. Q. You say here that you don't necessarily -- you
14 are not necessarily sure about the validity of these
15 allegations because there's a lack of, as you say,
16 concrete physical signs of abuse. You'd agree with me
17 that that's not necessarily an indicator of whether
18 someone was abused or not or tortured?

19 A. The -- well, if I -- answering this question
20 would -- I would have to talk about the nature of the --
21 you know, to defend this particular statement there I'd
22 have to go into details about the nature of the allegation
23 and --

24 MR. GRAHAM: About the specific reports which
25 you'd have sought.

51

1 THE WITNESS: For security.

2 MR. CHAMP:

3 214. Q. So I just have to rely on your bald assertion
4 there that they are difficult to substantiate. I take it
5 you weren't going to add anything else, Mr. Gosselin.
6 Paragraph 25 you say that Canada has been in an ongoing
7 dialogue with Afghan authorities regarding these
8 allegations and is pressing them to keep us informed of
9 the outcome of their investigations. Are you the person
10 pressing them, Mr. Gosselin?

11 A. No, I'm not.

12 215. Q. So how do you know that Canada is pressing
13 them to keep us informed?

14 A. Because the -- I don't work alone in
15 Afghanistan. There's an infrastructure. There's a
16 process, and I know that there's been -- there's been a
17 follow up to these allegation and representation made.

18 216. Q. How do you know that? Someone has told you
19 that?

20 A. Someone -- yes. Someone has told me that and
21 I've also seen the -- some of the instruction to that
22 effect.

23 217. Q. Written documents or instructions?
24 A. Correct.
25 218. Q. Who are the individuals that have told you
52
1 that, that they have been pressing Afghan authorities?
2 A. There's -- for diplomatic -- for diplomatic
3 privilege do we --
4 219. Q. Just with respect to Canadians. I don't think
5 there would be any --
6 MR. GRAHAM: With the Canadians, yes.
7 THE WITNESS: There's been -- you know, there's
8 been some -- some discussion following these allegation at
9 many different level from --
10 MR. GRAHAM: I think your question is who
11 Canadians...
12 MR. CHAMP: Which Canadians?
13 MR. GRAHAM: ...have told you about there have
14 been discussions.
15 THE WITNESS: My political director has told me,
16 the deputy head of mission at the embassy in Kabul has
17 told me...
18 MR. CHAMP:
19 220. Q. So Mr. Davison?
20 A. Mr. Davison.
21 221. Q. And who is the other individual?
22 A. Mr. Ron Hoffman.
23 222. Q. Ron Hoffman? How long has Mr. Davison been in
24 Afghanistan; do you know?
25 A. He's been there since July, I believe.

53

1 223. Q. How about Mr. Hoffman?
2 A. I don't know the exact date he got there.
3 224. Q. Mr. Hoffman is in Kabul?
4 A. Yes.
5 225. Q. So it's by telephone call that he advises you
6 or by e-mail?
7 A. By discussion. He comes to Kandahar on
8 occasions. I go to Kabul on occasions.
9 226. Q. So it's primarily oral?
10 A. Yeah.
11 227. Q. No paper record of that kind of discussion?
12 A. No. There's no particular record of them
13 informing me of these action. There's communication
14 within the department about those follow-up.
15 228. Q. So Mr. Davison and Mr. Hoffman tell you that
16 they personally are pressing Afghan authorities about the
17 outcome of these investigations?
18 A. Yes, because they're -- you know, there's --
19 like I mention, there's been intervention at different
20 level. I believe there's been intervention at
21 Mr. Davison's level with some of the Afghan authorities.
22 There's been intervention at the embassy level. I believe
23 there's been intervention higher in the department as well
24 from Ottawa here.
25 229. Q. Paragraph 26 you say:

54

1 "We have been advised by the Government of

2 Afghanistan their investigation into allegations
3 of physical abuse that came to light as a result
4 of our monitoring visits and that occurred prior
5 to November 5th, 2007 have been completed".
6 When you say "we", who are you talking about
7 there?
8 A. I'm talking about the department DFAIT.
9 230. Q. But who within the department?
10 A. The -- I believe it came through the embassy.
11 They informed us of their results of their --
12 231. Q. And who in the embassy would be receiving
13 that?
14 A. Either the ambassador or the -- Mr. Lalani or
15 Mr. Hoffman.
16 232. Q. Mr. Lalani is the ambassador of the mission?
17 A. He is.
18 233. Q. And does Mr. Lalani tell you about what he's
19 been advised or does Mr. Hoffman tell you what we've been
20 advised?
21 A. Mr. Hoffman.
22 234. Q. That's your source for this sentence then?
23 A. I don't know for this sentence. It's through
24 discussion on detainees in meetings that we've -- like I
25 was told that we've been advised and there's been -- I

55

1 believe there's been also e-mails sent from the embassy to
2 both the PRT and headquarters here informing us of these
3 development.
4 235. Q. And to your knowledge are there actual
5 documents from the Government of Afghanistan on --
6 A. I don't know.
7 236. Q. You don't know?
8 A. No.
9 237. Q. The source of your information here then is
10 some verbal discussions you've had with Mr. Lalani,
11 Mr. Hoffman, and some e-mails that you've received from
12 those individuals as well, or --
13 A. No. I've also got -- I've also been told by
14 some of my colleagues here at head quarters that there's
15 been -- we received information from the Afghan about the
16 conclusion of their investigation for that -- for these
17 incident.
18 238. Q. Did they tell you roughly when you received
19 these outcomes?
20 A. I believe it was mid-December.
21 239. Q. Mid-December as in prior to December 14th?
22 A. Yes. Well, it was in the days or around my
23 return to Ottawa. So it was probably the 10th, 11th, or
24 12th. Something like that.
25 240. Q. So you came back and then someone in Ottawa

56

1 advised you that there had been an outcome to these
2 investigations? Is that fair?
3 A. I've heard that there was something coming
4 while I was in Afghanistan. Then I didn't get any detail
5 as to the conclusion. Then I got back to Ottawa and I
6 heard again from colleagues here that there's a final

7 conclusion.
8 241. Q. Which colleagues were those, Mr. Gosselin?
9 A. It was Chris Gibbons.
10 242. Q. And who else or just him?
11 A. No, he's the one who provided the information.
12 243. Q. Okay. What is Mr. Gibbons' -- what is his
13 position with the Department of Foreign Affairs?
14 A. He is Deputy Director within the Afghanistan
15 Task Force.
16 244. Q. To your knowledge, was he in Ottawa on
17 December 14th, 2007?
18 A. No, he was in -- he was in the -- what is it
19 -- not the NATO meeting -- yeah, he was in our CCAF
20 meeting in Scotland.
21 245. Q. When did he depart for that meeting?
22 A. Just -- I don't know. I'm not sure when he
23 departed. I think it was the weekend before.
24 246. Q. You arrived in Ottawa December 12th; right?
25 A. Yeah.

57

1 247. Q. And you swore your Affidavit December 14th;
2 correct?
3 A. Yes.
4 248. Q. And some time between December 12th and
5 December 14th you learned from Mr. Gibbons that these --
6 A. Yeah, when I --
7 249. Q. Sorry, you can't get assistance from
8 Ms. N~~o~~lke.
9 A. Can we go off the record?
10 MR. GRAHAM: No.
11 MR. CHAMP:
12 250. Q. You can't consult with counsel.
13 A. Okay. We were in a meeting. When I left
14 Afghanistan I went for a meeting in London and Mr. Gibbons
15 was there. If I recall correctly, that's when he gave me
16 the -- that's when he told me that there was a conclusion.
17 251. Q. So while you were in London --
18 A. It was the 10th or 11th of December was the
19 date.
20 252. Q. So enroute back from Afghanistan you stopped
21 in --
22 A. In London.
23 253. Q. What date did you leave Afghanistan?
24 A. On the 9th.
25 254. Q. December 9th?

58

1 A. Yes.
2 255. Q. So the entire time you're in Afghanistan, just
3 so we're clear, was November 1, 2007 to December 9th,
4 2007?
5 A. Correct.
6 256. Q. And you were in London for approximately a
7 day, I gather?
8 A. No, I was there the 9th, 10th, 11th, flew back
9 to Ottawa on the 12th.
10 257. Q. Went on to Ottawa.

11 A. Yeah, I came back -- yeah, that's right. Flew
12 on. Sorry for my English.

13 258. Q. So it was in some meeting Mr. Gibbons just
14 told you, "Oh, we've gotten the results of the
15 investigations and all the allegations are unsupported"?

16 A. Yes.

17 259. Q. Did he give you any details?

18 A. No.

19 260. Q. And was it a single investigation or he just
20 said generally all investigations had the same result?

21 A. No. The investigation into the allegation
22 prior to November 5th was the one he told me was
23 completed. He didn't give me any details on how the
24 investigation went on, and so on, but he said this one was
25 completed. He also told me that there's another

59

1 investigation in the post November 5th allegation, and
2 that one was still going on.

3 261. Q. This last sentence here where it said, "Afghan
4 authorities concluded off their investigations that these
5 allegations were either unsupported or lacked facts for
6 determination whether physical abuse occurred", that's
7 just Mr. Gibbons telling you that?

8 A. Yeah. That's him telling me that, based on
9 the information he received.

10 262. Q. Do you know the form of the information he
11 received? Was it reports from Afghanistan? You have no
12 idea?

13 A. I don't know.

14 263. Q. Do you know who conducted the investigations?

15 A. No, I don't.

16 264. Q. From any other source do you know who within
17 the Government of Afghanistan was conducting those
18 investigations, which department?

19 A. I don't.

20 265. Q. Okay. The allegation that you heard on
21 November 5th, 2007, that investigation is ongoing, I
22 understand?

23 A. From my knowledge, yes.

24 266. Q. Do you know which department within
25 Afghanistan is conducting that investigation?

60

1 A. No, I don't.

2 267. Q. Who is having contact with the Government of
3 Afghanistan on that?

4 A. It's the embassy.

5 268. Q. The embassy? Even though the allegation was
6 received in Kandahar it's the embassy in Kabul that's
7 dealing with the Government of Afghanistan?

8 A. Correct, because the Government of Afghanistan
9 head quarters are in Kabul.

10 269. Q. And you are not in the loop on that at all?

11 A. Not to the specific, no.

12 270. Q. Well, even to the general. What is the
13 general that you know about the investigation?

14 MR. GRAHAM: I assert privilege under Section 38
15 of the Canada Evidence Act with respect to that

16 investigation. Again, notice has been served under
17 Section 38.

O

18 MR. CHAMP:

19 271. Q. You say in paragraph 27 at the last sentence:
20 "The detainee who made the allegations has since
21 been moved to Sarpoza prison".

22 Has there been a follow-up visit to that detainee
23 by Canadian officials?

24 A. Yes.

25 272. Q. One or more than one?

61

1 A. Well, to the individual specifically I can
2 talk about one visit that I did. I don't know if there's
3 been other visits directed, like where this particular
4 individual was interviewed since my departure.

5 273. Q. Do you know if that individual had received
6 any medical treatment since November 5th?

7 A. I don't know.

8 274. Q. When you saw this individual a second time,
9 were the physical signs still there?

10 MR. GRAHAM: This is a matter again in respect of
11 which notice has been served under Section 38 and so I'm
12 claiming privilege on security and diplomatic grounds.

O

13 MR. CHAMP: So it's a risk or a danger to Canada's
14 national security or international relations to know
15 whether someone still has physical signs of torture,
16 Mr. Graham?

17 MR. GRAHAM: I didn't say that. I said that a
18 notice has been served and a decision will be made.

19 MR. CHAMP:

20 275. Q. Do you know when that person was transferred
21 from NDS Kandahar to Sarpoza?

22 A. It's again a question of dates. There's a
23 security concern providing this information.

24 MR. GRAHAM: I assert the same privilege,
25 Section 38.

O

62

1 MR. CHAMP:

2 276. Q. Paragraph 28, if you go to the last page
3 there, Mr. Gosselin, the last sentence of that paragraph
4 you say:

5 "I visually inspected all Canadian-transferred
6 detainees to look for signs of mistreatment and
7 conducted private interviews with several of
8 them".

9 You told us earlier that you hadn't received any
10 medical training for that kind of examination; fair
11 enough?

12 A. Correct.

13 277. Q. Did you have rubber gloves or anything like
14 that to examine them?

15 A. No, I didn't touch them.

16 278. Q. You didn't touch them? You just looked at
17 them and their general appearance looked okay so that was

18 sufficient for you?

19 A. The process -- we have discussions. I have
20 interviews with these individual and we talk about these
21 allegation and we -- I ask question about their physical
22 wellbeing, if they have a need to see a doctor, if there's
23 a need -- any health problems that they need to see a
24 doctor for, and these -- when I do this assessment I look
25 for apparent sign, but I also asked them if everything --

63

1 if there is anything that they want to discuss, if there
2 is any health issues that they would like to be treated
3 for that, you know, that they need.

4 279. Q. What about psychological forms of torture? Do
5 you do anything to try to detect psychological forms of
6 torture?

7 A. Part of -- well, the -- other than obvious
8 signs, you know, or indication that the individual may
9 have received -- you know, if there's any -- basically
10 there's psychological -- you know, they're very difficult
11 to detect, so it's based on the questions that we ask them
12 on their general behaviour. So far there hasn't been any
13 indication of -- you know, there's been no indication of
14 psychological type of problems raised by these
15 individuals.

16 280. Q. Do you ask them if they've ever received
17 threats against themselves or their families?

18 A. The nature of the interviews is also a
19 security -- there's some security implication to that as
20 well.

21 MR. CHAMP: Is that your position, Mr. Graham?

22 MR. GRAHAM: Yes, it is my position. Pursuant to
23 Section 38 there are security implications.

O

24 MR. CHAMP: So, for example, if one of those
25 detainees -- whether or not you ask a detainee if they've

64

1 been told that their families are going to be killed or
2 have been killed, you can't tell me that because of
3 national security?

4 MR. GRAHAM: There are national security
5 implications pursuant to Section 38. We have served
6 notice with respect to these reports and with respect to
7 the questions that are put to these individuals and a
8 decision will be made.

9 MR. CHAMP:

10 281. Q. Or about whether they have been subjected to
11 mock executions? Can you tell me that, if you've asked
12 them that?

13 MR. GRAHAM: Again, I make the same objection on
14 security grounds.

O

15 MR. CHAMP:

16 282. Q. Mr. Gosselin, when you are interviewing
17 someone and they are telling you a story of abuse, is
18 there any indicators that you notice or see that would
19 give you an idea of whether they are telling the truth or
20 not? How do you assess the veracity or truth of their

21 story?

22 A. In theory there's some signs like that that we
23 could be looking for. Eye movement is an example. In the
24 work that I do, I try to basically make -- establish a
25 level of, you know, confidence. I ask questions, I have

65

1 discussion, I ask the same questions in a different way, I
2 expand on the questions, things like that. So I don't --
3 unless there was some, you know, very flagrant signs that,
4 you know, there's -- the individual is really
5 uncomfortable with a question or is trying to deviate from
6 the subject and things like that, I rely on what the
7 person tells me.

8 283. Q. The three allegations of abuse that you've
9 heard, one apparently that's being investigated, the other
10 two, are they being investigated to your knowledge?

11 A. I don't know.

12 284. Q. You don't know? Did you have a view of
13 whether they were valid allegations or not?

14 MR. GRAHAM: This is a matter in respect of which
15 we have served a notice and I suggest that we await a
16 decision with respect to those records before engaging in
17 these highly speculative questions.

O

18 MR. CHAMP:

19 285. Q. Did you make arrangements to have any of those
20 three individuals examined by a medical doctor?

21 A. Not specifically targeted at these individual.
22 We did make -- we did press the Afghan authorities to make
23 sure that the overall detainee population have access to
24 doctors because that's one of the issues that we
25 identified during the course of visits. But we -- in

66

1 order to protect confidentiality and the identity of the
2 people that we interview and the nature of the discussion,
3 we don't direct a medic -- or we don't direct attention to
4 any particular individual unless it would be flagrant that
5 there is a serious health condition or something like
6 that.

7 286. Q. When you receive these allegations, do you try
8 to take a formal statement of any type from them?

9 A. During the -- basically during the interview
10 we prepare -- you know, we take notes of the discussion
11 and we -- but one of the things that we do ask is whether
12 or not they want us to share the information with any --
13 with the Afghan authorities and we respect their wishes.

14 287. Q. So your answer is no, you don't take a formal
15 statement?

16 A. No signed statements.

17 288. Q. The three individuals you've told me that
18 you've received allegations, are those limited to people
19 who have told you that it's okay to say that they're
20 alleging abuse?

21 A. I can't mention that for security reason
22 again.

23 289. Q. So you can't tell me if it's possible that
24 there have been other allegations but the individuals

25 asked you not to --

67

1 MR. GRAHAM: Again, Mr. Champ, this matter has
2 been -- notice has been served and decisions will be made
3 in due course. In the meantime, we maintain privilege --
4 we assert privilege with respect to those documents.

O

5 MR. CHAMP: Again, that this in some way will
6 endanger Canada's national security or international
7 relations?

8 MR. GRAHAM: That's not for me to say. That's for
9 the Attorney General to say.

10 MR. CHAMP: All right.

11 290. Q. You indicate that you've conducted private
12 interviews with several of the detainees. Does that mean
13 some of the interviews have not been private interviews?

14 A. No, they're all private interviews.

15 291. Q. Why do you word it that way? Private
16 interviews with several of them --

17 A. Because the entire statement is that we do a
18 visual assessment, we see the various detainees, but we
19 don't necessarily do a private interview with them every
20 time.

21 292. Q. In paragraph 29 you say in the last sentence
22 there:

23 "As a result of the commitment expressed by the
24 Afghan Government, I believe that they are moving
25 in the right direction towards improving the

68

1 conditions of detainees".

2 Which commitment -- expression of that commitment
3 are you referring to there?

4 A. The -- as I'm sure you understand, the prison
5 system in Afghanistan is not necessarily at the standard
6 that we have in a country like Canada. There are some
7 human rights preoccupation if we look at the UN minimum
8 standard of treatment, for example. There are some issues
9 that need to be worked on and we are working with the
10 Afghan authorities to identify those area that requires
11 improvement. So far, you know, we've put together some
12 projects with the Afghan authorities to bring those
13 improvement that will improve the general condition of
14 detainees.

15 293. Q. My question again though, Mr. Gosselin, is
16 what expressions by the Afghan Government are you
17 referring to here?

18 A. There's, you know, physical improvement to the
19 facilities that, you know -- I'm not a correction experts,
20 but when we do our visit, you know, there are -- on most
21 of my visit I was accompanied by a senior officer from
22 Correction Services and we've identified some areas that
23 requires improvement and the Afghan have agreed to make
24 those improvement with the intention of improving the
25 general conditions.

69

1 294. Q. So the Afghan officials on location are making
2 verbal commitments to Canadian officials that they are

3 going to make improvements? Is that what you are
4 suggesting?
5 A. No, not only verbal commitment. You know,
6 there's project proposal that are put forward and approved
7 by the Afghan officials.
8 295. Q. Projects, approvals and respective
9 investigating allegations of abuse?
10 A. No. That particular statement I was referring
11 to the -- in a broad sense. Improvement to the condition
12 of detention, but, you know, the -- for example, training
13 for prison officials and, you know, there's some proposal
14 under way that would generate training. There's physical
15 improvement to cells, you know, to the actual detention
16 areas, to the medical services, things like that.
17 296. Q. When you say here in this paragraph that
18 regular monitoring of prison facilities and interviews
19 with Canadian-transferred detainees serves as a mechanism
20 for their protection and promotion of the human rights of
21 these detainees, that opinion here, is that your
22 background to make that opinion is the courses that you
23 took last fall?
24 A. No. As I mention, I don't work alone. I work
25 with colleagues that have expertise in different area.

70

1 There's expertise in detention but there's also expertise
2 in the area of human rights.
3 297. Q. Okay.
4 A. There's tools that we use. The questions that
5 we ask are designed to gather information in order to
6 improve those things.
7 298. Q. Okay. So these colleagues within Department
8 of Foreign Affairs; is that what you mean?
9 A. Some are Correction Services, some are RCMP,
10 some are DFAIT as well.
11 299. Q. And then these individuals with more
12 expertise, you have no knowledge of why or why not they
13 did not swear affidavits in this matter?
14 A. I have no idea.
15 MR. CHAMP: I'll just be a moment. Mr. Graham,
16 just before we conclude our Examination for today, in the
17 Direction to Attend one of the things we had asked for is
18 about documents related to the investigations by the
19 Government of Afghanistan. Mr. Gosselin indicated he
20 didn't have any documents to that effect. Does that
21 indicate that we will not be getting documents at all from
22 him as they are not within his personal possession and
23 control?

24 MR. GRAHAM: We have served a notice in respect of
25 that. We are examining the issue. I don't know at this

71

1 point what specific documents have been found in that
2 regard.
3 MR. CHAMP:
4 300. Q. Mr. Gosselin, you can't consult with counsel
5 until your Examination is completed.
6 A. I'm just looking at the elements you are
7 referring to.

8 301. Q. Just so we're clear, have you ever had
9 documents? Have you ever seen documents in your
10 possession regarding the investigations by the Government
11 of Afghanistan?

12 A. No, I haven't.

13 302. Q. Number 2, all e-mails regarding detainees,
14 including visits of detainees. No doubt you would have
15 been copied or have been the author or recipient of a
16 number of e-mails, Mr. Gosselin? Is that true?

17 A. Yes, it is true.

18 303. Q. And you can access those e-mails by Internet
19 here in Ottawa; correct?

20 A. No, I can't.

21 304. Q. The ones in Afghanistan you can't access?

22 A. I can't give information about the nature of
23 our communication systems for security reason, but I
24 cannot access the information from Ottawa.

25 305. Q. So you can send e-mails to Ottawa but you

72

1 can't access your e-mail account here from Ottawa? Is
2 that what you are saying?

3 A. Correct. It's a secure system that is used
4 and it cannot be accessed from a distance.

5 306. Q. Okay. Of the 20 DFAIT-led site visits, have
6 you seen all of those reports?

7 A. I have seen the reports.

8 MR. CHAMP: Thank you. Those are all the
9 questions I have, Mr. Graham, subject to whatever
10 documents the Attorney General decides to give me.

11 RE-DIRECT BY MR. GRAHAM:

12 307. Q. Just one question for you, Mr. Gosselin. You
13 were asked a moment ago with respect to your colleagues in
14 relation to paragraph 29 of your Affidavit. You mentioned
15 colleagues from the RCMP, CSC, and DFAIT, for example.
16 Where do those colleagues reside?

17 A. Some of the colleagues that participate and
18 that develop the tools that we use are in Ottawa, but the
19 expertise on the ground, there's colleagues that are
20 located at the PRT with correction expertise, with
21 policing expertise.

22 308. Q. Do you know how long those people spend in
23 Afghanistan, how frequently they return to Ottawa?

24 A. I don't know the specific duration. I know
25 that the correction officer has been there for several

73

1 months. She's the primary -- she's my primary colleague
2 on this file.

3 MR. GRAHAM: Thank you, sir. Those are my
4 questions, subject to any re-direct which may result from
5 any subsequent examination. Thank you.

6

7 --THIS EXAMINATION ADJOURNED AT 1:08 P.M.,

8 ON JANUARY 3, 2008.

9

10 I HEREBY CERTIFY THAT I have, to the best of my
11 skill and ability, taken down in stenomask and
12 transcribed the foregoing Examination.

13
14
15

.....
Sheri Holt-Christensen

2

3

FEDERAL COURT

4

B E T W E E N:

5

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

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 3, 2008, commencing at the
hour of 11:22 in the forenoon.

18

19

APPEARANCES:

20

MR. P. CHAMP

for the Applicants

21

MR. A. ATTARAN

for the Applicants

22

MR. S. GRAHAM

for the Respondents

23

MS. S. NOLKE

for the Respondents

24

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

25

26

1

(i)

2

3

INDEX

4

5

6 NAME OF WITNESS: NICHOLAS GOSSELIN

7

8 EXAMINATION BY: MR. CHAMP

9

10 NUMBER OF PAGES: 2 THROUGH 72

11

12 RE-DIRECT BY: MR. GRAHAM

13

14 NUMBER OF PAGES: 72 THROUGH 73

15

16

17

ADVISEMENTS, OBJECTIONS & UNDERTAKINGS

18

19

20 *A* 24

21

22 *O* 15, 25, 29, 36, 45, 47, 48, 60, 61, 63-65, 67

23

24

25

EXHIBITS

26

27

28

29 EXHIBIT NO. 1: Torture Awareness Workshop Reference
30 Materials, December 20, 2007. 38

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49 DATE TRANSCRIPT ORDERED: January 4, 2008

50

51 DATE TRANSCRIPT COMPLETED: January 6, 2008

