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Chair

Mr. Daryl Kramp

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• (1925)

[English]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Colleagues, meeting number 58 of the Standing Committee on Public Safety and National Security is now in session. Of course, at today's meeting we'll be following up, as we have been, on Bill C-51.

As per the schedule, tonight we have three witnesses in the first hour.

We will welcome from Friends of Simon Wiesenthal Center for Holocaust Studies, Mr. Avi Benlolo, president and chief executive officer.

By video conference from Calgary, we have Mr. Justice John Major. Welcome, sir.

By video conference from Vancouver, we have from the Centre for Immigration Policy Reform, Mr. Martin Collacott. Welcome.

Each witness has up to 10 minutes to make a statement, should they wish, followed by Qs and As. I just bring to the attention of the committee that Mr. Justice John Major has no opening remarks, but of course he is there for Qs and As.

We will go through the order in which we have it on the agenda here and we will start with the opening remarks.

So, Mr. Benlolo, you have the floor, sir.

I just want to check something before you get started.

Justice Major and Mr. Collacott, are you alive and well and all hooked up here?

Mr. Justice John Major (As an Individual): Speaking for John Major, I've been alive and well for some time.

The Chair: That's fine and thank you.

Mr. Collacott, you're all in good humour here tonight now too?

Mr. Martin Collacott (Spokesperson, Centre for Immigration Policy Reform): Can you hear me? It's Martin Collacott.

The Chair: I certainly can. Thank you very kindly.

On behalf of the committee, let me apologize for keeping all of our witnesses waiting. Regretfully, as you know, Parliament sometimes is not totally predictable and we had a late vote tonight, but we are now here and we thank you for your patience. We will now start.

Mr. Benlolo, you have the floor.

Mr. Avi Benlolo (President and Chief Executive Officer, Friends of the Simon Wiesenthal Center for Holocaust Studies): Thank you.

I'll be speaking for about eight minutes and then we can do some Q and A, if you'd like.

Good evening, everyone, and thank you for providing me with this opportunity to speak here today.

My name is Avi Benlolo, and I'm the president and CEO of the Friends of Simon Wiesenthal Center for Holocaust Studies. It's an organization that was created to advance humanity in the name of Simon Wiesenthal, a Holocaust survivor who lost some 80 members of his own family. Wiesenthal dedicated the rest of his life not to vengeance but to bringing war criminals to justice and to educating against anti-Semitism, hate, and intolerance.

Indeed, social advocacy and education is the mandate of my organization.

In a special session on anti-Semitism in the House of Commons on February 23, Friends of Simon Wiesenthal Center was appropriately recognized for its dynamic programs countering anti-Semitism through education and promoting tolerance for everyone.

Today, 50% of the global population lives in unfree conditions as a result of oppressive ideologies. Freedom House has calculated that only 12% of the 957 million people in sub-Saharan Africa are free, as are only 5% of the 410 million people in North Africa and the Middle East.

Democracy and our world as we know it are under threat by groups such as the Islamic State, or ISIS, Boko Haram, al Qaeda, the Taliban, Hezbollah, Hamas, and others who practise ruthless ideologies of hatred and intolerance.

According to the global terrorism index produced by the Institute for Economics and Peace, in 2013 there was a 61% increase in the number of terrorist attacks from the previous year. With the emergence of ISIS, one can only expect a significant increase in 2014.

The last 10 months have demonstrated that the western world is not exempt from these statistics and the Jewish community feels particularly vulnerable. The attack on the Jewish museum in Brussels in May 2014, a kosher supermarket in Paris in January 2015, followed by the shooting of a Jewish guard in front of Copenhagen's main synagogue in February 2015 are only a few examples of the growing trend of terror against the Jewish community.

Indeed it has become common practice for terrorists to target Jews either directly, as was done in Bulgaria in the bombing of a Jewish tour bus in 2012, or as part of a larger attack, as was the case in Mumbai in 2008 which left six people dead in a synagogue and 160 others dead. Of course we'd be remiss if we weren't to mention as well the Charlie Hebdo attack in Paris, which again followed suit with the kosher supermarket.

Thus an assault on the Jewish community in Canada and the potential for a mass atrocity is not beyond imagination. According to Toronto Police hate crimes statistics released just last week, the Jewish community is the most frequent target of hate crime, citing an 11% increase in 2014. Therefore, the Jewish community remains most vulnerable to terrorist attacks.

The trial of convicted terrorists Chiheb Esseghaier and Raed Jaser, for instance, revealed plans to derail a VIA train and to use a sniper to kill, and I quote from the police intelligence records, prominent members of Canadian society and "rich Jews".

The devastating attack on Parliament Hill and the murders of Warrant Officer Patrice Vincent and Corporal Nathan Cirillo should serve as a wake-up call for all Canadians.

The recent detention of Jahanzeb Malik, who planned to bomb the U.S. consulate in Toronto among other buildings in the financial district, demonstrates that this threat is real and persistent.

• (1930)

It is the responsibility of our government, first and foremost, to ensure the physical security of Canadian citizens. According to the Office of the UN High Commissioner for Human Rights:

Security of the individual is a basic human right and the protection of individuals is, accordingly, a fundamental obligation of Government. States therefore have an obligation to ensure the human rights of their nationals and others by taking positive measures to protect them against the threat of terrorist acts and bringing the perpetrators of such acts to justice.

Friends of Simon Wiesenthal Center stands behind the spirit of Bill C-51 and the effort to enhance the safety and security of our country. In particular, we welcome the decision to increase information sharing between Government of Canada institutions and the creation of a criminal offence for knowingly advocating or promoting the commission of terrorism offences.

My concern is that many of those who have opposed this bill simply are not aware of the increasing threat of terrorism and the rising tide of hatred here in Canada, particularly on university campuses, but not exclusively.

I want to give you some examples. York University in Toronto serves as a case in point. Hanging in York's student centre is a mural depicting a Palestinian poised to throw the rocks that he is holding behind his back. On his scarf is an image of a blank map of Israel. This violent image complements the Facebook profile photograph of the current president-elect of York's student union, which states "Smash Zionism". These examples are, in my opinion, a clear call to violence against the Jewish people and supporters of Israel.

I was recently advised by a student at York that when he passed a table of Palestinian supporters, he was asked if he wanted to "go to paradise", a known code for jihad recruitment. Additionally, student

organizations that allegedly advocate for human rights hang flags of known terrorist organizations at their events without consequence.

I fear that the growing climate of anti-Semitism and hate on campuses is leading to the next logical step and inspiring students to recruit for and join terrorist organizations. While my organization encourages freedom of expression and open debate, permitting the spread of hostile ideology that targets one specific group and creates an atmosphere of fear and intimidation at our institutions of higher learning sets a dangerous precedent.

In the book *Radical: My Journey out of Islamic Extremism*, author Maajid Nawaz explains how he used his position as president of the student union at London's Newham College to recruit students for his radical cause. The book provides remarkable insight into the issue of recruitment to terror on university campuses, and supports the need for legislation such as Bill C-51 in Canada.

As such, we encourage the bill to take into account the growing radicalism on Canadian campuses. This includes financing of terrorism, either directly or indirectly, and consideration of what I refer to as economic terrorism. This may include, for example, the sponsoring of flotillas to support and encourage terrorist groups and for campaigning to economically boycott, divest, and sanction democratic states that are allied with Canada.

Friends of Simon Wiesenthal Center recognizes concerns over the impact that Bill C-51 may have on peaceful protests and freedom of expression, and supports the call for clarity in defining such terms as "lawful advocacy". However, we also hope that the bill will assist in preventing public protests and advocacy from fuelling hatred, radicalism, and violence, as we have seen at such events as the Al-Quds Day Rally, an annual summer event at Queen's Park that was established and is openly supported by Iran.

• (1935)

While we do not want to see a conflation of peaceful protest with terrorism, this type of incitement to violence is an example of the activities we believe Bill C-51 should address. In addition, we welcome the bill's efforts to increase the level of scrutiny of terrorist propaganda distributed over the Internet. The ubiquitous nature of online hate should not be accepted as a fact of modern life, but must instead be challenged by those who are charged with safeguarding our liberties from those who seek to destroy them.

Friends of Simon Wiesenthal Center strongly supports the goals and intentions of Bill C-51 as we bear witness to the reality of terrorism in our country. We see this bill as an unfortunate necessity to ensure greater safety for all Canadians. That being said, it is of critical importance that sufficient legal and procedural mechanisms are put in place to ensure that our rights to privacy, peaceful protest, and freedom of expression are in no way diminished. I'm confident that we can find an appropriate balance.

I want to end with a statement from our founder, Simon Wiesenthal, who famously said, "Freedom is not a gift from heaven; we must fight for it each and every day."

I truly do believe that is what Bill C-51 is about.

Thank you very much.

The Chair: Thank you very much, Mr. Benlolo.

Now we will go to Mr. Collacott. You have the floor now, sir. You have up to 10 minutes should you wish.

Mr. Martin Collacott: Thank you, Chairman, and thank you, members of the committee.

As I haven't addressed this committee before, I will begin by mentioning briefly my interest in Bill C-51 and my background on the subject of terrorist threats.

In my career with the Department of Foreign Affairs, I served as high commissioner or ambassador to a number of countries with terrorist problems or incipient problems. These included Sri Lanka, Syria, Lebanon, and Cambodia. In the latter part of my career, I held a position at Foreign Affairs headquarters in Ottawa, where I was responsible for among other things the coordination of counter-terrorism and counter-intelligence policy. Since retiring from the public service, I've had articles published in a number of newspapers, as well as a fairly lengthy paper published on the topic of terrorism in Canada.

With regard to Bill C-51, let me start by saying that there is a serious threat from terrorism in Canada, and we don't have the resources to deal with it. In addition to lone wolf attacks such as the two in October, there have been plots aimed at killing much larger numbers of people. In terms of specifically Islamic-inspired terrorism, we can go back to the plot by the so-called millennium bomber, Ahmed Ressam, in 1999; the plan by the Toronto 18 to storm the Parliament Buildings and behead the Prime Minister, which was more recent; the VIA Rail bombers, whose trial has just been concluded; and the charges against Jahanzeb Malik, accused of elaborate plans to bomb the U.S. Consulate and financial buildings in Toronto. I think Mr. Benlolo mentioned both of those.

Except for that of Ahmed Ressam, the other plots were thwarted because our security and intelligence authorities applied major resources to identifying and keeping track of them. Ressam, by the way, entered Canada illegally on an altered French passport in 1994. While he was known to the authorities, he fell off their radar and was able to move freely around until he was finally arrested when trying to enter the United States with explosives, which he planned to detonate in the Los Angeles airport.

Our security and intelligence authorities are now doing a far better job of keeping track of terrorist suspects. I expect that one of the

reasons some Canadians believe the threat from terrorism in Canada is exaggerated is that our security and intelligence people have been doing such a great job. Their success, however, comes at a price. Keeping track of such individuals, of terrorist threats, is very labour intensive, so intensive, in fact, that RCMP Commissioner Paulson acknowledged to this committee on March 6 that he had to transfer 600 full-time positions from other areas of federal responsibility to counterterrorism activities. These other areas include organized crime, drug cases, financial integrity cases, and I suspect also espionage activities by foreign governments.

Canada isn't unique in the difficulty it faces in monitoring a large number of potential threats from terrorists. In Britain, for example, the two Islamic terrorists who hacked to death a British soldier on the streets of London in May 2013 were on the watch list, but with an estimated 2,000 suspects to keep track of, the two could not be monitored closely enough to prevent the murder. The same applied in the United States in the case of Tamerlan Tsarnaev, who is currently on trial for the Boston bombing and who had been on the FBI's terrorist watch list.

Not only do we face a significant range of threats at the present time, but it is likely that the number will increase in the future. Making an accurate estimate of just how widespread the threat may be isn't easy since there are a number of factors involved, from what role the Internet plays in the radicalization process to what extent local recruiters are involved, etc. We may also have to expect some trouble from Canadians who have joined the ranks of ISIS in Syria and have managed to return to Canada and bring their extremist views with them. I think someone estimated there are now 130 of them.

In addition, we will have to deal with an increasing number from the Muslim community as it grows rapidly in size. An Environics poll taken in 2007, probably the most comprehensive poll taken of the attitudes of Muslims in Canada, showed that a very large percentage reject violence. Only one in eight of those polled believed, for example, that the Toronto 18 plot was justified.

● (1940)

However, Statistics Canada population projections to 2031 indicate that there will be a very substantial increase in the Muslim population, from just over a million now to two and a half times as many in 2031. If the proportion who thinks that attempts such as the Toronto 18 plot could be justified remains at around one-eighth, this would provide a much larger pool from which violent jihadis could emerge than is the case at present.

Not all terrorists come from the Muslim community. There have indeed been quite a number of notable cases who were converts. Just how many violent jihadists are converts is not too clear. Studies in other countries show that it's a majority—up to 90% in Australia. I would guess, but it's just a guess, that probably between 70% and 90% come from the Muslim community.

Given these various considerations, it is likely that in the future our security and intelligence authorities will have considerably more suspects to keep track of than they do now, and well beyond their capacity to monitor without transferring even more resources from other important tasks. In the circumstances, it makes sense to give the authorities increased powers to deal with the threat, and while this may require some rebalancing of civil liberties and security, I have every confidence that it will not place us on a slippery slope toward a police state, as some suggest. Canadian democracy and civil society are far too strong for this to happen, and I believe that if any of the proposed legislation is found to be excessive and a threat to our democratic traditions and civil rights, the institutions and mechanisms are in place to make the necessary corrections.

In the meantime, I think a good case can be made for having robust oversight and review mechanisms in place. This may require additional resources if present arrangements remain in place.

Before I conclude my comments, I'd like to mention one other issue that's relevant to this discussion. It is in the interests of Muslim and non-Muslim Canadians alike to see that our Muslim fellow citizens are fully welcomed and integrated into Canadian society. To this end, the RCMP has been engaging in community outreach programs to establish closer relations with members of the Muslim community and other minorities and build a relationship of trust.

Such programs are not without their pitfalls, however, and considerable care has to be taken in establishing the motives of the groups involved. As some of you may recall, the RCMP learned last September that some of the organizations it had reached out to were not exactly what they made themselves out to be.

The National Council of Canadian Muslims, the NCCM, whose executive director appeared before this committee on March 12, had reportedly spent 14 months along with another Muslim organization producing a handbook titled "United Against Terrorism". The RCMP agreed to contribute a section to this booklet. Indeed, the RCMP's name and logo appeared on the handbook's cover.

Shortly before its release, however, and with the book already in print, the RCMP decided not to proceed with the project and according to media reports withdrew its support because of the adversarial tone of parts of the publication. Some accounts reported that one of the concerns was that the handbook counselled Muslims to limit the extent of their cooperation with Canadian security and intelligence agencies.

Had the RCMP investigated the background of the NCCM more closely, they would have realized that there was reason to be cautious about becoming involved with it in the first place. Back in 2007, for example, the director general of communications at CSIS stated that the organization, under the name it used until 2013, the Council on American-Islamic Relations Canada, or CAIR-CAN, seemed to be advising Muslim Canadians not to help CSIS discharge its duties,

while at the same time it was making vague accusations to the media about inappropriate behaviour by CSIS staff and yet never making use of the opportunities available to them, of which they were aware, to alert CSIS management of the allegedly unacceptable behaviour.

I have in fact myself been tracking the activities of the NCCM through its various name changes over the past 15 years and am therefore familiar with its objectives and modus operandi. I devoted five pages to describing these in a 2006 study published by the Fraser Institute. The National Council of Canadian Muslims clearly states that it rejects terrorism, and in its earlier guise, CAIR-CAN went to great if not altogether successful efforts to dissociate itself from its sister organization, CAIR in the United States, after senior figures in the latter had been convicted on terrorism charges.

• (1945)

Nonetheless, NCCM uses a divisive and exaggerated victimology narrative, not unlike that used by terrorist organizations such as ISIS, to the effect that Muslims are constantly being subject to discrimination. I might mention one of their arguments was there was a spike in anti-Muslim acts after 9/11. In fact, there was for two or three months, but since then there have been three times as many anti-Jewish acts, even though there are far fewer Jewish people in Canada than Muslims.

Some are of the view that the—

• (1950)

The Chair: Mr. Collacott, I'd like to ask you to wrap up, if you would, please, sir. You're a little over time.

Mr. Martin Collacott: Okay.

Some argue that the NCCM's harping on victimology is to extract from government and society concessions that would enable hardline Muslims to advance an Islamic agenda. Usually when they charge an organization with stereotyping Muslims, they cave in. The CBC did it. The CIBC did it. There are other issues about how representative they are of Canadian Muslims. I can come to that in the question period if anyone's interested.

Thank you very much, Chairman, and I will wrap it up there.

The Chair: Thank you very much.

We have you back on board, Justice Major. Thank you very kindly.

The floor is now open to questions. We will start off with Mr. Payne, please.

Mr. LaVar Payne (Medicine Hat, CPC): I thank the witnesses who are joining us via video conference, and of course, Mr. Benlolo who is here in person.

Obviously, this is a really important bill. We've had quite a number of witnesses come before us talking about the bill. We had a couple of individuals. Professor Leuprecht was here. Basically he's saying danger is posed by the terrorists. They are real. Also, Professor Mansur said there is no freedom without security and this is a global war. I just wanted to preface those thoughts and get those points out.

I think people maybe are not paying enough attention to this. I think about all of the terrorist activities that have taken place not only here in Canada but around the globe. A number of you have actually mentioned the various things that have happened here in Canada, and the arrests and convictions that have been made.

I'm going to start my questions with Mr. Benlolo.

Your organization came out in support of this legislation when it was tabled. Obviously, you've mentioned a little bit about the threat for the Jewish community in Canada and around the globe and why it's important that we involve these laws and provide the necessary tools.

Could you tell us what your thoughts are regarding providing additional tools to our law enforcement and to CSIS?

Mr. Avi Benlolo: In terms of providing additional tools, I'm fully supportive. I've worked with the police quite extensively and know them very well. We continually talk about hate crime and hate crime legislation, and try to press charges for various hate speech incidences. I mentioned Al-Quds Day, where we have tried to push forward charges because we felt that it's quite disconcerting for someone to stand up at a rally and preach hatred towards the Jewish community and to threaten to go on a shooting spree in Israel, which is exactly what was done.

We've had interaction with the police. We concur with one of the statements that was made, that we do believe there is insufficient resources for the intelligence community, for the police services. There has to be much more. So much is going under the radar. Because I've been doing this for way over 15 years, and I've been monitoring websites and emerging hate groups, and reading a lot of the dialogue that is going on on social networking, I know so much of it is actually not being monitored, not being followed up sufficiently. I do believe that more resources are necessary, and more than necessary, they're essential for this country to provide a safety net for not only.... I mentioned the Jewish community because I'm speaking from that perspective, but I'm genuinely concerned. In Toronto, as an example, with someone with a backpack walking onto a subway in the morning rush hour, we should be very concerned. I don't think the general community in Canada, I mean citizens and law enforcement, have their radars up. I really do believe that we're still asleep.

I think that one of the things this bill will do is wake people up, and this is exactly what we're doing here today, I believe.

•(1955)

Mr. LaVar Payne: Thank you.

We heard this morning from the Toronto police, who were very supportive of the promotion and advocacy of terrorism provisions in the Criminal Code amendments. The witness cited a number of instances in which he had seen individuals promoting hatred and

violence, but using their words very cautiously and carefully so as not to be caught up by current laws.

I think that's probably what you're referring to. I wonder whether you could make any further comments in that area and give viewpoints on those amendments.

Mr. Avi Benlolo: Yes, I'd be happy to. I skipped this because I ran out of time.

I can do it by reading you a quotation, if you would allow it. I'll read you a paragraph that I left out of my statement and I'll explain to you what happened, in response to your question. It goes like this.

Anti-Israel and anti-Jewish speeches are a defining feature of this rally —I'm talking about Al-Quds Day—along with Hezbollah flags and posters of the Ayatollah Khomeini. Our greatest concern, however, is a type of language employed by the leaders of this rally in gaining support for their cause. For example, as reported by *The Globe and Mail* and various other news agencies, video footage of the 2013 rally appears to show the former head of Palestine House declaring to the crowd, "We have to give them an ultimatum: you have to leave Jerusalem; you have to leave Palestine. When somebody tries to rob a bank, the police get in. They don't negotiate, and we have been negotiating with them for 65 years. We say, get out or you are dead. We give them two minutes and then we start shooting, and that's the only way they'll understand."

This was said at Queen's Park in 2013 in front of hundreds and hundreds of people.

In response to your question, we gathered all this information. We gathered the video evidence, the statements, everything, we put together a file. We went to the hate crime unit of the Toronto police. They looked at it. They concurred with us, and they sent it off.

Now, the issue with hate speech is that you have to get the AG to sign off on it. So it went off to the AG, whom we also met with and talked to about how we felt. At the end of the day, he turned it down.

Now, I honestly believe that he didn't press charges against this individual because it is politicized. This particular person is a leader in the community. We've seen this time and time again.

I can give you another example. The east—

The Chair: Be very quick. We're running out of time on this response.

Mr. Avi Benlolo: Okay.

The Chair: Thank you very much.

Thank you very much as well, Mr. Payne.

We will now go to Ms. Sims, for seven minutes.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): First, I want to thank you for your presentation, and also our witnesses by video conference. We're here discussing a very important issue.

First, let me make it very clear that I do not support any acts of violence. I think that any acts of violence, verbal or physical, that are based on race, culture, or religion are quite abhorrent. We live in a country where we take a lot of pride in our multiculturalism. I don't want to get heavily into that, but right now....

I also heard a lot in the presentation, at least the second one, on the Muslim community. Let me tell you that I have the privilege of representing a very active Muslim community in Surrey, B.C., and they have been doing exemplary work in taking on radicalization and working with youth in an interfaith way, not on their own, but with others. I would like to take this opportunity to commend the BCMA for the work they have done. People who have turned out to the meetings are Canadians like us sitting around this room, and what I hear from them—the Muslims, the Sikhs, the Christians, and even those who don't have a religion—is that they want to have a safe and secure country for their children and want what we want for our children.

The first question I have is directed more towards Mr. Major.

As you know, the Air India tragedy, the largest act of terrorism to take place on Canadian soil, touched Canadians right across this country from coast to coast to coast, and in particular the community in Surrey, where there were a number of people—people who still come to see me—whose siblings or parents or uncles and aunts were on that flight. As we know, some people lost their whole families. These families are still waiting for some kind of closure on this whole issue.

One thing that came out in the inquiry was the importance of having coordination between security and intelligence agencies. Now in this bill CSIS gets the powers of disruption, the same powers the RCMP has on that point, without any oversight or coordinating body. Do you think this will create more overlap and inter-agency disputes—because people do tend to become territorial—and create risks that threats will fall through the cracks, as they did in the past?

● (2000)

Mr. Justice John Major: That question, I take it, is directed to me.

Ms. Jinny Jogindera Sims: Yes, it is.

Mr. Justice John Major: Let me answer it. As a preface to answering, let me say that I did not intend to make a presentation, but I should introduce to you the reason for that. The reason is that I have appeared before committees of this kind on this subject, and my position has been to support the legislation.

I recognize the need for vigilance in protecting Canada against terrorists, but my express concern has been about lack of oversight. All the safeguards in this legislation are at the front end—you get a warrant before you do something—but there is nothing at the back end that ensures that what was done was done within the terms of the warrant.

I don't think Parliament is equipped as a body to act as an oversight body, which is what is being proposed. My view has been

the creation of a national security adviser who would monitor the activities of agencies to ensure compliance with their jurisdiction and not exceed warrant authority, to ensure proper sharing of information.

That brings me to the question. There is little doubt, and you can find this in our report on Air India, that the lack of sharing of information between the RCMP and CSIS was a major cause of the terrorists' succeeding in blowing up that airplane. Had there been a free flow of information between CSIS and the RCMP, there is a high probability that the plot would have been uncovered.

It's with that memory that I bring these views before the committee.

Ms. Jinny Jogindera Sims: Thank you very much.

Following up on that, I absolutely have read the report, and with a great deal of interest. I've noticed that the call you made in that report for a national security adviser has not been heeded, because we don't have such an adviser to settle disputes between the agencies. When I look at this new bill that allows for increased information sharing, what does it really do to ensure that information sharing will actually happen?

As well, do you think that giving disruption powers to CSIS just gives them less incentive to work cooperatively with the RCMP, and that there's more incentive now for both organizations to work in isolation rather than together?

Mr. Justice John Major: It's always better if they can work successfully together.

I don't believe, humans being human, that the information sharing will be complete unless there is the equivalent of a national security adviser. There are a number of reasons for human nature being as it is, and I won't go into them. But in order to ensure the vital sharing of information, there has to be oversight at the back end.

● (2005)

Ms. Jinny Jogindera Sims: Thank you very much.

I'll ask you one last question, and then I'll move on to the others.

The Chair: You're actually out of time, Ms. Sims, but I'll give you an extra minute due to the introduction.

Ms. Jinny Jogindera Sims: Thank you very much.

What do you believe is the absolute single most pressing reform we should make to ensure that another tragedy like the Air India bombing does not happen again, and do you see it in this bill?

Mr. Justice John Major: To me, the lack of a national security adviser is an impediment that runs the danger of the objectives of the bill not being achieved.

The Chair: Thank you very much, Ms. Sims.

We will now go to Ms. Ablonczy, please, for seven minutes.

Hon. Diane Ablonczy (Calgary—Nose Hill, CPC): Thank you to all the witnesses. We have a very distinguished panel today.

I'd like to start with you, Mr. Major, because we haven't had someone of your eminence, if I can say so, before us before.

I noted a very interesting article in *The Globe and Mail* on March 1, in which you commented on a letter that was sent by 100 Canadian law professors calling this bill a danger to democracy and the rule of law. You said that the letter was way over the top, and that because we're dealing with a serious problem of terrorism in Canada, you can't have a half-hearted war against that. I found your comments very interesting, and I want to ask you two things.

You know, a good lawyer never asks questions they don't know the answer to, but I honestly don't know the answer to this. We've heard this morning and from other witnesses that this bill will allow everyone's personal information to be shared widely between all of the security and law enforcement agencies in Canada. We've also heard witnesses say that any activity that basically the government doesn't like can be disrupted under the guise of being a threat to the security of Canada.

I'd be interested to hear from you, as an eminent jurist, your assessment of the current provisions of the draft bill vis-à-vis these allegations of a breach of privacy and vulnerability to disruption of any activity and all activity across Canada.

Mr. Justice John Major: In answer to that, I would begin by saying that we have to have trust in our law enforcement people. You can speculate that a rogue enforcement officer might go beyond his jurisdiction for mischief. You can't guard against the odd black sheep. But taken as a whole, I'm satisfied that the agencies will act in good faith, that citizens who are not validly under suspicion will not have some manufactured reason for their private lives to be interfered with.

You can exaggerate, as I commented in that letter you referred to, or you can speculate on rogues doing a lot of things, but the history of Canada and our law enforcement is generally that the people involved in law enforcement, involved in Parliament, involved in the governance of the country, have acted responsibly. What we have to try to do is ensure that there are reasonable safeguards to continue that.

For that reason, I come back to the review at the end of these things: the national security adviser. I said earlier there's a lot of protection at the beginning—you have to get warrants—but there's nothing at the end to see whether the warrant was followed.

Hon. Diane Ablonczy: I appreciate that very much.

I have a question for you, Mr. Collacott. We've met before over the years and you are an expert on our immigration system. We heard testimony that part 5 of this bill, which relates to the Immigration and Refugee Protection Act, should not be enacted.

I wonder if you would give your views on that part of the bill.

● (2010)

Mr. Martin Collacott: Was there any particular part that you were interested in, Ms. Ablonczy, or just general comments?

Hon. Diane Ablonczy: It's part 5 of the act. I don't know if you have the bill in front of you, but it basically has provisions relating to our immigration system. If you haven't had an opportunity to look at that, don't worry about it. I was just interested, if you had.

Mr. Martin Collacott: If there were specific questions about that part, I would be happy to try and answer them.

Hon. Diane Ablonczy: Sorry, I'm not hearing that. There's a lot of interference, even with my headphones.

We've heard at least one other witness say that this part relating to the Immigration and Refugee Protection Act should not be enacted, meaning in its entirety. If you've had a chance to look at this part of the bill, I would be interested in your comments as to its importance.

Mr. Martin Collacott: It would help me if you could just identify the part you want me to comment on. As you know, I have quite a number of views on immigration issues, so I probably have some comments to offer.

Hon. Diane Ablonczy: There are a number of sections in the bill, Mr. Collacott, starting at page 55. They are amendments to the Immigration and Refugee Protection Act. It talks about inadmissibility of certain applicants for citizenship.

If you haven't had a chance to study it, I don't think there's any point in trying to cover it now.

Mr. Martin Collacott: I could make a couple of general comments about admissibility, though.

We do have a problem of who we allow into the country. In fact, we bring in quite a few people who I don't think we screen properly, particularly from countries that produce a lot of extremists, such as Pakistan, Afghanistan, and so on.

I don't know whether it's covered in part 5, but we should be doing far more intensive interviews of people, not just to try and determine whether they might be a threat, but to advise them on whether Canada is the right place to come to.

We had a case recently of someone of Afghani origin who came here and ended up murdering his three daughters because I don't think he had a good understanding of what Canadian society is like. That may not be what's covered in part 5, but we should do a lot more careful screening. I expect the inadmissibility provisions make good sense.

The Chair: Thank you very much.

I'm sorry, Ms. Ablonczy. We're—

Hon. Diane Ablonczy: Just to clarify, the act talks about admissibility of evidence, so I think we're talking about different things, but I appreciate your comment.

The Chair: Thank you very much, Ms. Ablonczy.

Mr. Easter, for seven minutes.

Hon. Wayne Easter (Malpeque, Lib.): I thank all three witnesses, two for their presentations and Justice Major for his comments.

I'll start with you, Mr. Benlolo.

What I'm finding with the witnesses so far who come before committee, and surprisingly those who strongly are in favour of the greater security measures that this bill will provide to keep Canadians safe, those groups, and you're included in that, seem to show a willingness to take a reasonable approach to balance the other areas in the bill that civil society is concerned about. I appreciate and respect that.

If government members don't respond to that need that we make amendments to this bill that are so needed to bring confidence from the general public in this bill then we have a problem going down the road, in my view. I'll give you one small example. I believe there needs to be more substantive amendments to the bill in a number of areas. In the bill it says, and this is an area where environmental activists and others are concerned, "for greater certainty, it does not include lawful advocacy, protest, dissent and artistic expression".

That same clause was in the bill in 2001. The government of the day took out the word "lawful" and at least satisfied some that they wouldn't be targeted for a demonstration that wasn't entirely lawful. I've been in some myself, I will admit, in my farm union days.

Would you be agreeable to take out that word?

•(2015)

Mr. Avi Benlolo: I think I'd have to understand it better. I'm not a lawyer. I'm an activist.

My concern of course is that legitimate organizations should protest. I am concerned about some organizations, which is why I mentioned the specific rally that I did, perhaps spewing hate toward others. That's where my concern lies, but I wouldn't want to hurt or affect or impact entities that have legitimate protest.

Hon. Wayne Easter: I think that's fair. I'm glad you're willing to look at those areas.

In terms of the whole issue of hate propaganda—and I think you hit on it in your remarks—I guess inciting hatred to a certain extent, and it's done so easily now on the Internet, do you think this bill meets the test in that regard, that it gives the authority to pull back on some of that propaganda that will lead to radicalization or to convict those who may be responsible for that propaganda?

Mr. Avi Benlolo: I'm encouraging more.

I think the bill has to be a little stronger in that regard, because I am concerned that some hate propaganda will be overlooked. For example, I was unhappy when section 13 on hate on the Internet and digital hate was struck down. I'm happy to see though that's been re-engaged here in this bill. Realizing of course that the Internet is a global thing, we can't control what's coming out of wherever,

Europe, Mexico, but we can control servers here that are perhaps hosting hate speech. I think we have to strengthen that definition, because I think there's been a reduction over the last decade of what hate speech is.

The reason I brought in the university, the reason I spoke about Facebook and social networking is that I am concerned that is not looked at sufficiently. I would like to encourage that this bill—I think it's getting there—to have a stronger approach in that regard.

Hon. Wayne Easter: Thank you.

Turning to Justice Major, if I could, you talked about one of your recommendations in the Air India report. We certainly thank you for that report. It was a good work.

You're very strong on a national security adviser. I believe you made the statement that without the national security adviser, even though there is better sharing of information, I think you said that the bill may not meet its objectives. I think you're calling for either an amendment or an addition to the bill that would institute—you didn't say you were in favour of oversight, but would institute what you recommended in the Air India report, which would be a national security adviser.

Am I correct? Do you want to expand on that?

Mr. Justice John Major: You are correct, but I am in favour of oversight. The purpose of the national security adviser would serve that purpose. It would be a form of oversight.

We're faced in this world of terrorism with a very...it's indescribable what the risk is. We have to be prepared to give authority to our government, to the enforcement officers, to try to fight that very difficult war. We have to rely on their good faith in some respects, and for lack of a better word, take a chance.

I say that taking a chance can be minimized if we have hindsight. The bill lacks hindsight. I use the words "national security adviser" only as a term to indicate oversight: some group or individual who can look at the activities of the various agencies, and where there's conflict, resolve it, or where there's abuse, stop it.

As it stands, I don't see those safeguards in the bill. They would not interfere with the efficiency of the bill in any manner. I may sound like a one-trick pony, but I think that's an essential part of what's missing.

•(2020)

The Chair: Thank you very much, Justice Major.

We will now go to our second round of questioning.

For five minutes, please, Mr. Garrison.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Thank you very much, Mr. Chair.

I'd like to thank the witnesses for their testimony.

Unfortunately, we have a piece of urgent business which I think we have to deal with, given the ruling of the Speaker on our point of order about the Conservatives' use of their majority to overrule the chair's decision on the motion that was before us in our 51st meeting. I have a motion that I would like to move at this time, because the Speaker said he couldn't deal with the matter unless it was reported to the Speaker.

The motion that I am moving now is the following:

That the committee issue a report to the House summarizing the procedural difficulties which occurred at its 51st meeting, including the manner in which the debate on the motion concerning the number of meetings and witnesses for Bill C-51 under consideration at that meeting was interrupted and the questions put, and that the Committee report to the House no later than March 26, 2015.

I think it's being distributed now. If I could say a couple of words about it, this was the time we were discussing what has—

The Chair: Excuse me, Mr. Garrison, I'm going to interrupt you for one second.

We're getting very, very near to our time. Being that we only have two or three minutes left in the first hour—of course, you will continue to have the floor—I am going to excuse our witnesses. I don't want to have our witnesses sit here in vain and then we run out of time.

On behalf of the committee, I would like to thank Mr. Benlolo and Mr. Collacott, and certainly Justice Major. Thank you very kindly for your attention here today. Obviously, we'll be dealing with another issue before us right now with this motion.

Thank you for your attendance and have yourselves a good night.

You have the floor again, Mr. Garrison.

Mr. Randall Garrison: Thank you.

I don't mean to belabour this issue tonight because we do have other witnesses to hear, but it has become increasingly clear that there are many Canadians who wanted to be heard at this committee, and the action that took place at the 51st meeting resulted in fewer opportunities than we would have liked.

I've tried to phrase the motion in a non-combative manner, I would say. It simply states the facts that need to be referred to the Speaker so that he can deal with those facts. I'm not asking anyone on the committee to take a side on what happened, but simply to report the dispute to the Speaker so that he can deal with it. That's my understanding of the ruling that he made the other day, and that's my reason for moving the motion at this time.

The Chair: Thank you.

Is there further discussion?

Seeing none, I will call for a vote on the issue.

Mr. Randall Garrison: A recorded vote, please.

(Motion negatived: nays 5; yeas 4)

The Chair: As we have less than a minute left before our next session, we will now suspend for three to five minutes while we welcome our new witnesses.

● (2020)

_____ (Pause) _____

● (2030)

The Chair: Colleagues, we are back in session.

Of course for our second hour we have a different group of witnesses.

Further to our study on Bill C-51, we welcome, from the Canadian Association of Chiefs of Police, Scott Tod, the deputy commissioner for the investigation of organized crime for the Ontario Provincial Police. From the Canadian Thinkers' Forum we have Tahir Gora, director general, and Arooj Shahida, director.

By way of video conference from London, United Kingdom, as an individual, we have Peter Neumann, from ICSR.

Do we have you live, here, sir? How is our video hookup? Are you on?

Dr. Peter Neumann (ICSR , As an Individual): Yes, you do. Thank you very much.

The Chair: Thank you very much, and thank you for staying up a little later. We apologize for running a little late with the committee but parliamentary procedure took precedence for an hour or so. We are here now, so as per the normal process of this committee, each group will have up to 10 minutes to make an opening statement, should they wish to, and then after that, we will go to Q and A.

Mr. Tod, we'll start with you. You have the floor, sir.

Deputy Commissioner Scott Tod (Deputy Commissioner, Investigations, Organized Crime, Ontario Provincial Police, Canadian Association of Chiefs of Police): Thank you.

Distinguished members of the committee, I'm pleased to accept your invitation to be here today as the co-chair of the Counter Terrorism and National Security Committee, representing Chief Clive Weighill, president of the Canadian Association of Chiefs of Police and its members.

The mandate of CACP is safety and security for all Canadians through innovative police leadership. This mandate is accomplished through the activities and special projects of a number of committees and through active liaison with various levels of government and departmental ministries having legislative and executive responsibilities in law and policing.

A primary principle for every law enforcement organization in Canada is that safeguarding the fundamental rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms and human rights legislation is important. Law enforcement agencies also understand that it is important to respect victims of crime and to understand their needs.

CACP has supported Canada's counterterrorism strategy of building resiliency against terrorism and the four pillars of the strategy, which are prevent, detect, deny, and respond. CACP has also assisted in the development of terrorism legislation and supported past programs and activities sponsored by the federal government. In preparation for the response from CACP to the proposed legislation, Bill C-51, police leaders must ask themselves how much risk they can carry. The space between civil liberties and the terrorist threat is the area of risk. The police and the public live within that risk. Suppression and prevention are important to successfully reduce the terrorist threat, and Bill C-51 provides legislation that can support both the prevention and suppression efforts of law enforcement.

The recent collective efforts by police to increase community safety and well-being demonstrate the need for cooperation between police services, social service organizations, governments, and communities. Our efforts are reflected in the new approach to community safety and well-being through the establishment of community hubs or situational tables. The situational table is the early warning system that predicts the need for better or improved social development of people and groups. Identifying and mitigating those risks requires leadership and collaboration, with sharing of information in a prescribed format that protects privacy while allowing for the table to identify acutely elevated individuals who have demonstrated anti-social behaviour and who need assistance before they become radicalized to terrorism or other harmful criminal behaviour within our communities. The police must continue to rely on intelligence-led and evidence-based policing and to use the community situational table to reduce the chances for those who are on the pathway of radicalization.

Bill C-51 includes the security of Canada information sharing act as part of the anti-terrorism act and grants clear authority for federal government institutions to share with other designated federal government institutions information about activity that undermines the security of Canada. The fluid sharing of information will enhance the government's ability to establish or share information at situational tables and in other forums that can assist in early identification and implementation of solutions for people on the pathway to radicalization and to becoming terrorists. Information sharing as a controlled and methodical process to protect privacy is possible in today's world of big data and high-velocity solutions to radicalization, high-risk travellers, high-risk individuals, and those embarking on the path to violent extremism.

Provincial and municipal services will have to rely on our pre-existing authorities and formal agreements to continue disclosing and sharing information at local levels to support police activities of prevention and suppression of the terrorist threat. Bill C-51 creates a new Criminal Code offence—promoting or advocating others to carry out a terrorism offence—with a provision for a maximum of five years' imprisonment. If enacted, Bill C-51 would allow the courts the new authority to order the seizure of printed and audio terrorist propaganda and to order the removal of terrorist propaganda made available to the public through a Canadian Internet service provider. This piece of legislation is consistent with similar provisions regarding the ability to seize and destroy criminal material related to child pornography offences in section 163.1 of the Criminal Code. To now have a similar offence to include terrorist

propaganda is consistent with the changing terrorist landscape and threats in Canada.

Having the ability to deter and remove the propaganda material used by sympathizers and supporters, which incites or propagates terrorism, is a critical factor in creating off-ramps from the path to radicalization. The new Criminal Code provisions of Bill C-51 will provide law enforcement and the courts with the tactical ability to intervene and stop those individuals who, by communicating statements, knowingly advocate or promote the commission of a terrorist offence.

There is also a second aspect to this offence, that there will exist a burden on the crown to prove that the person had knowledge that an offence would be committed or that the person was reckless with regard to whether any of those offences would be committed.

● (2035)

Proposed section 83.222 will allow a judge, who is satisfied by information on oath that there are reasonable grounds to believe that any publication, copies of which are kept for sale or distribution and is terrorist propaganda publications, to order seizure of the material and destroy it if necessary.

Seizing and destroying terrorist propaganda removes the influences of the terrorism, the terrorist message, and provides more space to the voice of community groups and government programs that are promoting the counter-narrative.

Other important amendments to the Criminal Code include the recognizance threshold requirements that replace “will be carried out” and “is necessary to prevent the carrying out of an offence” with “terrorist activity may be carried out” and “likely to prevent the carrying out of a terrorist activity”. The new thresholds speak to the preventable opportunities for law enforcement versus the higher threshold of response opportunities. The amendment actually permits a judge to order a person to be detained in custody for two additional periods of 48 hours each.

The proposed change will allow police the opportunity to ensure that when time is critical—between becoming aware of information about a possible terrorist attack and the ability to identify, detect, and apprehend as to prevent a terrorist attack—there will be an opportunity to detain a person based on the “likely to be carried out” threshold. The new threshold actually speaks to preventing an attack in today's terrorist environment.

The difference may be subtle, but in recent investigations the time between a source coming forward with limited and chaotic information of a terrorist attack and the planned date of the attack has been as little as two days. The threshold of “may be carried out” can be crossed in two days but “will be carried out” may not be crossed in the two days. The opportunity to lawfully detain someone to ensure an attack does not occur is important in today's context as it serves toward the principle of preserving life.

Determining the veracity of the source information, mixing it with known intelligence, conducting analysis, and searching for more information to prove the reliability and credibility of source information can take days and weeks to corroborate or prove. Accessing investigative assistance in other countries can also take many days, if not weeks.

The next area I would like to discuss is the amending portion of the Criminal Code affecting section 810, the peace bond section. The new section will allow a judge to order a defendant who it is feared may commit a terrorist offence to enter into a recognizance to abide and follow conditions imposed by the court for a period of up to one year and up to five years if the person has been convicted of a past terrorist offence.

Court-imposed section 810 conditions upon individuals have limited use as the strength of the recognizance may be limited to the compliance of the person and the ability for the police to monitor compliance and take appropriate action as necessary. We must be careful that the section 810 process is used for persons who are not considered a high risk to public safety but are persons who show commitment to change and are believed to have a strong potential to redevelop positive social behaviours.

I believe that there is an expectation from the provincial court justices that the police are responsible and accountable to monitor compliance of court-ordered section 810 recognizances and report back as necessary. This is an additional burden to law enforcement.

Similar to other anti-terrorism legislation, there is no new money attached to this legislation and the requirement to use this information will cause police services to re-prioritize and re-direct our limited resources away from other priorities that include commercial crime, organized crime, proceeds of crime, and specialized police services. Terrorism investigations require the same skilled and experienced members who investigate those other offences, but are now being used to respond to the new terrorist threat in Canada.

In closing, I would like to state that underestimating the threat is dangerous and overestimation is expensive. Bill C-51 offers improvements for the federal police to share information among our justice sector partners, security partners, but more importantly and hopefully, with the community partners and government situational tables designed to reduce the terrorist threat and improve community safety and well-being.

What has been successful to date will not make us successful in the future. Our learning and education must outpace that of the terrorists. The members of the CACP are committed to upholding the laws of Canada and working within the legislative construct that is provided.

Thank you. I look forward to answering any of your questions.

● (2040)

The Chair: Thank you very much Deputy Commissioner Tod.

We will now go to the Canadian Thinkers' Forum.

Mr. Tahir Gora (Director General, Canadian Thinkers' Forum): Thank you, honourable Chairman of the Standing Committee on Public Safety, honourable parliamentarians, and ladies and gentlemen. My name is Tahir Aslam Gora. I am director general of the Canadian Thinkers' Forum and secretary general of the Coalition of Progressive Canadian Muslim Organizations. I am accompanied by my colleague Ms. Arooj Shahida, director of the Canadian Thinkers' Forum.

The Canadian Thinkers' Forum is a small not-for-profit organization and think tank focused on the delicacies and complexities of human diversity and globalization. We run awareness programs against anti-Semitism, Muslim women abuse, honour killing, and radicalization. We also design deradicalization programs.

We have also been conducting study reports titled “Growing Islamic Radicalization in Canada” for the past three years. Our findings so far in regard to those study reports are quite alarming and troublesome. In the shadow of our own study reports, the government's proposed Bill C-51 seems to us very vital and important.

Within our limited resources, we have discovered through our online studies that more than 2,000 young Canadian Muslim individuals are radicalized to the extent that they feel grievances against Canada over its involvement in Afghanistan and now in the Middle East.

Through our online and on-the-ground studies, we have discovered that more than 20,000 individuals associated with Islamic centres in Canada want to replace Canadian secular laws with sharia laws. More than 20,000 individuals are actively affiliated with Canadian chapters of extremist Islamic organizations such as the Muslim Brotherhood, Jamaat-e-Islami, and Hizb ut-Tahrir. Over 100 individuals in Canada came under our study radar as supporting ISIS or ISIS-related ideology. The majority of the Canadian Muslim population strongly disagrees with Canada's support of Israel over the terrorist organization Hamas.

In our study areas of Islamic radicalization, we are quite concerned about growing activities of Islamic nature in Canada. Having been born and raised in Muslim families, we are well aware of a certain mindset in our diaspora that is leading to jihad ideology and damages to our own values.

Over the past two decades, many new mosques and Islamic schools and centres were founded in the greater Toronto area and other parts of Canada in order to fulfill the demands and needs of the growing Muslim community, which is estimated at over 800,000 in the GTA alone. Of course, there is no harm in increasing the number of Islamic centres, but it alarms us when we see continuing teaching and alienating trends through those centres condemning the host society and its core values. Sadly, most Islamic centres and their imams are taking their followers in the opposite direction.

The following are the factors at play in most Islamic centres in Canada and elsewhere that are the root causes of the Islamist radical mindset: number one, gender inequality; number two, promoting political Islam through the burka and niqab; number three, supporting draconian laws such as sharia laws; number four, hatred towards the host society; number five, hatred towards other religions; number six, practising and trying to implement a medieval religious lifestyle; number seven, advocating alienation within the Muslim masses from the host society; number eight, denouncing democratic, liberal values; number nine, rejecting freedom of expression; and number ten, preaching the doctrine of armed jihad. If they don't support the notion of jihad openly, they do not denounce it either.

Having mentioned those factors, I would like to clarify that Muslim men and women adherent to Islam's medieval ideology and their Islamic centres do not represent the roughly one million Muslims in Canada, but they are vocal, politically active, and otherwise noticeable. The majority of Canadian Muslims are nine-to-five folks, and they want to live normal, regular lives, despite their certain mindset on certain issues. They are also victims of extremism and terrorism back home and in Canada as well.

The government's proposed Bill C-51, when passed by Parliament, shall help Canadian Muslims to curb extremist elements here, too. Apart from it, we shall urge this honourable House to work on other measures in order to integrate the Muslim community well into society. Our government should introduce a program that designs a one-year training course for imams so that they do not go against our secular liberal values. Also, our government should make sure that the educational curriculum of Islamic schools does not have any amount of hatred towards anyone and does not carry the doctrine of jihad. All imams, Islamic schools, mosques, and Islamic centres should denounce Islamic jihad on a regular basis in their sermons, websites, pamphlets, and posters.

In the end, I am sharing alarming comments by a London, Ontario imam. He equated our armed forces with criminals on his Facebook page last November. He wrote:

No Muslim should honour the memory of those war criminals by wearing a poppy, just as no one would honour a criminal that killed his or her mother and father.

● (2045)

We urge all our political parties to leave their partisan politics behind when it comes to dealing with terrorism and radicalization. The government has introduced Bill C-51, the anti-terrorism act, 2015, which is an important bill that seeks to enact the security of Canada.

Thank you very much.

The Chair: Thank you.

We will now go to Mr. Neumann. You have the floor, sir.

Dr. Peter Neumann: Thank you very much.

Chairman and ladies and gentlemen, my name is Peter Neumann. I'm director at the International Centre for the Study of Radicalisation, and I'm also a professor at King's College London.

I apologize for the fact that I cannot be with you in Ottawa today. I so appreciate the opportunity to talk to you from afar about terrorism and the distress that it poses.

My centre has been interested in the conflict in Syria and in ISIS and foreign fighters for over two years. We are immensely grateful to Canada, and in particular to Public Safety Canada, because two years ago, we received a Kanishka grant to do this work at a time when a lot of other governments weren't particularly interested in this topic.

As a result of our research, we know many of the people who have radicalized and joined the Islamic State. We found over 700 of them on Facebook, Twitter, Instagram, and Tumblr, social media platforms where they are posting news and updates, comments, and pictures. We've spoken to nearly 100 of them, some over the course of several months. We've met face to face with many facilitators, transporters, sheiks, and the fighters themselves on the ground in the border towns from where they've gone into Syria.

In other words, we have a very rounded and very comprehensive picture of this population and the threat they pose.

One thing we've never been is alarmist. If you cry wolf all the time, people will not take you seriously when you should be. Keep that in mind when I'm saying to you now that I believe we are at a particularly dangerous juncture.

Only four years ago, we thought this conflict with jihadism was coming to an end. The Arab Spring was bringing peace and democracy. Osama bin Laden was dead. Almost the entire senior leadership of al Qaeda was dead. Almost exactly 10 years after 9/11, a lot of people were ready to turn the page.

Today, we know that wasn't true. It was a false dawn. The threat today is worse than it's ever been. It comes not from one but from three directions, and I would like to briefly talk about each of those three in turn.

The first, of course, is the foreign fighters. Only a few weeks ago, my centre published a new estimate showing that the total number of people who have gone to Syria and Iraq as jihadists in the past three and a half years now stands at more than 20,000. They are from 90 countries, the majority Middle Eastern, but a good quarter from western Europe, and some from Australia, the United States, and of course also Canada.

We know these people. We know their stories. We know there isn't just one story. There are many stories. Some of them are pious. Others are not. Many have troubled histories. Others would have had good prospects had they stayed in their western home countries. Some were driven by the humanitarian suffering of the Syrian people. Others were seeking thrill and adventure. Also, of course, many were genuinely committed to the totalitarian ideology that is represented by the group that calls itself the Islamic State.

Because their personalities, backgrounds, motivations, and indeed experiences in Syria and Iraq are so different, the people who survive and may at some point come back to Canada as well as to my country will pose very different types of challenges. Some of them will be disillusioned and can be reintegrated back into society. Others will be mentally disturbed and will need psychological support. But make no mistake: there will also be a number who are outright dangerous, people who come back with military training and are experienced, with global connections, and who are often brutalized, emotionally desensitized, and driven by and fully committed to their mission. They will plot against Canada and they will plot against my country, and they will also seek to inspire others. They will be the future leaders of their movement.

A lot of attention has focused on the foreign fighters, but the imminent threat comes not from them but from ISIS supporters. That's the second prong. If you look at all the attacks that have happened since September last year—Ottawa, Sydney, the attack on the kosher supermarket in Paris, and Copenhagen—you see that they were all jihadists and they were all enthusiastic supporters of ISIS, but none of them had actually travelled to Syria or Iraq. It's something that we've observed everywhere.

● (2050)

The foreign fighters are, in nearly all cases, part of tightly knit groups that often knew each other from before the conflict and radicalized collectively. While some have made their way to Syria, others have stayed back at home in the west.

Until September last year, those who were staying home had two options, either to go to Syria themselves or to stay at home and support the fighters with money and supplies. Since September last year, they've had a third option, which is to launch lone wolf attacks in the west, because in September last year ISIS spokesperson Abu Mohammad al Adnani made an important announcement in which he said:

If you can kill a disbelieving American or European...kill him in any manner or way, however it may be. Smash his head with a rock, or slaughter him with a knife, or run him over with your car, or throw him down from a high place, or choke him, or poison him.

That's exactly, of course, what we have seen, including the attack in Ottawa. I'm concerned that especially in the short term, there will be more attacks, not necessarily by foreign fighters but by stay-home supporters.

The third and final element of the threat is the emerging competition between ISIS and al Qaeda. Al Qaeda still exists, though of course it's lost a lot of its momentum, but some of the al Qaeda affiliated groups are still among the strongest, most professional, and most proactive terrorist groups in the world. They now have an extra incentive to attack, which is to show the world

that they still exist. There's an open competition now between al Qaeda and ISIS for recruits, influence, and territory. One of the most compelling ways in which al Qaeda can show that they are still there and still matter is to carry out spectacular attacks in western countries. Groups like al Qaeda in Yemen and AQAP do have the capacity, the people, and the expertise. They are determined to make a stand.

Over the past year or so, I have spoken to many law enforcement and intelligence agencies across Europe. Every single one of them has told me that they are at full capacity, and some of them are beyond full capacity, that the number of cases they are dealing with is unprecedented, and that they feel the choices they have to make in terms of who is dangerous and who is not dangerous, who to monitor and who not to monitor, and who to spend precious resources on are getting tougher and tougher.

In the long term this situation can only be dealt with by responsibly increasing the size of the security agencies, but you cannot hire 5,000 people overnight. I think it's absolutely justified, given the nature of the threat, to increase the capacity in the short term by giving agencies specified additional powers with adequate oversight so they can make better choices, reach their conclusions faster, and carry out arrests, where necessary, without delay.

I'm not Canadian. I have no intention to interfere with your domestic political process, and I'm not an expert on Canadian counterterrorism law, either. These are not issues that would be appropriate for me to speak on. What I can speak on is the nature of the threat, and based on that, let me say that I do have sympathy for the request by your government and by the professionals in your security agencies for specific additional powers.

Thank you very much.

● (2055)

The Chair: On behalf of the committee, thank you very much, Mr. Neumann, and thank you for engaging with us from across the pond.

At this time we will turn to our round of questioning.

Mr. Norlock, you are up for seven minutes, please.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you to the witnesses for appearing today.

My first set of questions will be for Deputy Commissioner Tod.

Deputy Commissioner, in this committee we have heard evidence that the terrorist threat to this country and other countries in the western world, indeed to all the world, is constantly evolving. Would you agree with me that a constantly evolving threat requires a constantly evolving set of tools for people like your agency and the agencies you represent, the Chiefs of Police of Canada, as well as the RCMP which you work with, and CSIS, who I believe works in tandem with you? Do you believe that C-51 is part of a regime of laws that begins to meet this evolving threat? Feel free to expand on your response.

D/Commr Scott Tod: Thank you for the question.

I do agree with you on the first point that the constantly evolving threat requires new tools. Legislation is one of them, but also there are skills development among investigators, research with academia, and better relationships with our communities and our public safety partners, which we have. Those are three major areas in which the tools can be better built to make us more successful.

As I think Professor Neumann well pointed out, the evolving threat changes. In the four years in which I've been in this position, I have seen the threat of terrorism come from the plot-driven nature, where the police or a security service, foreign or national, would advise us that there was a plot occurring and that individuals were plotting to conduct a terrorist attack. Professor Neumann put it very well that it's now an individual member. There is no communication with other people perhaps, but there's the sympathizer and supporter that may be behind the individual. That lone wolf, as much as I wish there were a different term for it, that individual actor that's going to commit terrorism is the threat we face today. That may change for tomorrow, but it's the threat we're facing right now, along with all the other past terrorist techniques or terrorist events that we have seen: the plot offences and the various extremist groups that are out there, both left and right. The most recent one we're looking at, the lone wolf, certainly is the one which is occupying many of our resources and much of our time, and is the one that requires the greatest amount of effort from law enforcement.

I do think Bill C-51 plays a part in that. As I stated, it provides the threshold that we see now. The old threshold that we had to be definitive and that an attack would occur, now is "likely may occur". I think that deals with that lone individual. There's less chance to determine communication and less chance to determine action that's occurring that may drive an act.

Mr. Rick Norlock: Thank you very much.

One of the items that we've been dealing with—one of the sections, and you did refer to it—is the recognizance with condition. That tool, from a terrorist perspective, has been used not too often, but it has been used. For people who are not familiar with law enforcement, what we commonly refer to as peace bonds, as they relate to domestic situations, make sure that for domestic assaults, for domestic situations, or for neighbours that don't get along, the justice will say, "Keep the peace; be on good behaviour" and put on other conditions. From an anti-terrorism perspective in Bill C-51 we have changed some of the threshold to be more cognizant to the changing threat. I wonder if you could comment on the recognizance with conditions as it pertains to terrorism and the review of detention as a valuable tool to law enforcement.

• (2100)

D/Commr Scott Tod: Recognizance opportunities that are included in Bill C-51 on an offence that likely may occur, as I mentioned, it allows us to.... The guiding principle of law enforcement is to preserve life. I talked about the nature of the threat now and the velocity of information required in regard to determining a solution by law enforcement is a matter of days sometimes. The ability to ensure that we have been able to establish the security level for the public, and also able to determine the veracity of that threat, is difficult to do in regard to collecting source information, confirming source information, and dealing with foreign entities. The whole aspect of being able to ensure that we

preserve life by using the recognizance provisions that are in Bill C-51, in order to determine the veracity of that threat and to continue the investigation for completion, is important. It must say that the recognizance provisions that are within the new legislation are similar to the legislation that's existing in the fact that we have to provide and bring the individual before a justice. There are provisions built in there where the conditions must be fulfilled by the crown in order for a justice to order continued detention. It's the same process that we have right now in the 810 recognos for other crimes that we also use it for.

Mr. Rick Norlock: Thank you very much.

My next question will be for Mr. Neumann.

Mr. Neumann, thank you for being here tonight on a long distance call.

You mentioned the evolving threat and how it's changing. We're from a different country and we like to compare. Would you be able to compare Bill C-51—I imagine you're somewhat familiar with it—to anti-terrorism legislation that has been enacted in your country to meet that evolving threat? Also in regard to some of the other western European countries as they try to cope with the evolving threat, how does this legislation compare? What is the degree to which it differs? Would you expand on that, please.

The Chair: I'm sorry, I'd love to hear the response, Mr. Norlock, but we're over time on this. I'm sure there will be another opportunity for Mr. Neumann to give that comparative example.

At this point, we will go to Madam Doré Lefebvre.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Thank you very much, Mr. Chair. I would like to thank the witnesses for taking part in today's meeting, whether they are in the room or participating by video conference. We greatly appreciate it.

I will continue with you, Mr. Neumann.

I think that, in the fight against terrorism and radicalization, it is always a good idea to talk about best practices with the various countries and with our various allies. It was extremely important for me to have you here in committee so that we could discuss the anti-terrorism and deradicalization strategies that Great Britain is using.

In its anti-terrorism strategy, the Government of Great Britain has included pillars, such as a prevention program and the Channel program, which receives substantial funding.

Could you tell us more about the importance of the involvement with the community? If I've understood correctly, involvement with the community is an important part of Great Britain's strategy. Why is it essential to Great Britain's anti-terrorism strategy?

Dr. Peter Neumann: Thank you very much for the question. I am pleased to attend today's meeting.

• (2105)

[*English*]

The Channel program is a very important program in the U.K. counterterrorism strategy. It is an intervention program, which means that if the police or other actors identify cases of high-risk people who are on the verge of engaging in violent extremism, those cases are then being referred to the Channel program, which brings together all the relevant stakeholders—the police, it could be welfare officers, it could be the school, it could be psychologists, it could be theological consultants—to figure out exactly what has gone wrong in that particular case and to work out a systematic intervention to prevent that person from going further and engaging in violent extremism.

It is, if you want, the last stop before counterterrorism kicks in and someone gets arrested. It offers a last opportunity to a person to disengage from the path that they are on and to prevent people from becoming terrorists. That Channel program has been used, I think, in 2,000 or 3,000 cases over the past decade, and the government in the U.K. says it has been very successful. I do think it has been very successful, although my criticism is that the U.K. government has been quite secretive about it. We do not know exact numbers on how many of those people have reoffended, how many have stayed out of trouble. But from my conversations with people who are involved in that program, it is a very useful tool.

Just as a last sentence on this, I've been told by people in the United States of America that had they had a program like the Channel program, perhaps the Boston bombers, instead of being let loose after being interviewed by the FBI, would have been referred into that program, because it was clear to a lot of people that those people were on the verge of joining terrorist organizations, but there wasn't quite enough yet to charge them. It is a useful tool, I believe.

[*Translation*]

Ms. Rosane Doré Lefebvre: That's very interesting.

You just mentioned the United States. I know that recently you took part in a summit on violent extremism, which was held at the White House.

Could you give us a little more information about that? How is the American government handling the problem? You spoke about the attacks in Boston. What exactly were your discussions about? Is the government trying to work with communities on site to develop a strategy like Great Britain's Channel program, or is it focusing more on expanding the powers of its intelligence services?

[*English*]

Dr. Peter Neumann: I had the privilege of participating in the White House summit. Even though it got a lot of bad press afterwards, I think it was a very worthwhile initiative, because it highlighted the importance of prevention.

It is very important to engage in counterterrorism, but counterterrorism in many ways is firefighting. It is to deal with urgent cases, people who are on the verge of carrying out terrorist attacks. If we

want to be successful in the long term, we have to complement the counterterrorism by prevention efforts.

I think it is very good that the Obama administration in the U.S. has put a lot of emphasis on prevention, which is what it calls countering violent extremism. Whenever you hear that acronym, CVE, countering violent extremism, what they really mean is prevention.

In 2011 the U.S. government constructed a strategy to empower local actors to engage in countering violent extremism. These activities are not about empowering the intelligence services. I think it was very important for U.S. lawmakers and for U.S. decision-makers not to what they call securitize relationships with Muslim communities, so they put a lot of emphasis on empowering communities to do their own work and to avoid the trap of using these initiatives in order to gain intelligence. That has not always been successful, but that was the intention by the U.S. government.

I personally believe that it was an honest intention, even though I admit that since 2011, despite all the best intentions, not that much has happened in the U.S. If you look at the U.S., there is not a lot of activity.

• (2110)

The Chair: Thank you very much, Madam Doré Lefebvre.

Mr. Falk, you have the floor, sir.

Mr. Ted Falk (Provencher, CPC): Thank you to all of our witnesses for coming here this evening and complementing our parliamentary schedule, and especially to you, Mr. Neumann, as you have adjusted your clock significantly to be with us this evening.

Dr. Peter Neumann: Thank you.

Mr. Ted Falk: Mr. Gora and Ms. Shahida, I'd like to begin with you.

We've listened to a lot of testimony in the last few days. All of the people testifying seem to agree that there is a terrorist threat. They don't all agree on whether this is the right path to travel down in addressing the threat.

You talked a little bit about radicalization among individuals, especially among Islamic people who are being radicalized. I wonder if you can comment briefly on where you see this legislation addressing those concerns. Does it do an adequate enough job?

Mr. Tahir Gora: Thank you, sir.

We clearly see this legislation as very vital to addressing certainly those issues, because in doing our research work, we really discovered alarming factors in our Muslim diaspora. As I said, being born and raised in a Muslim community, we are able to see that high level of fracture around us.

This bill certainly would give power to law enforcement agencies to investigate those, particularly young and radicalized imams, who are involved in Internet jihad campaigns. Without this legislation, we don't see much power for law enforcement agencies to take care of that Internet jihad campaign, so that is a strong recommendation for this bill.

Mr. Ted Falk: Okay, and do you believe that Bill C-51 has the tools to address that issue?

Mr. Tahir Gora: I actually believe that this bill does have some tools, but it should have more actually in terms of curbing jihad propaganda on the Internet by Canadian fellows.

Mr. Ted Falk: Ms. Shahida, is there anything you'd like to add?

Ms. Arooj Shahida (Director, Canadian Thinkers' Forum): Although I am just an observer here, I second him.

I do see that this bill may create awareness that if there is something developing, if it's not there yet and if they're not that careful in the extremism they are following in their behaviours....

At least it is a warning for other people, like youth, not to follow this path of extremism. At least it is prevention, a kind of warning.

Mr. Ted Falk: If we can nip it in the bud, there's lots of merit in that.

Mr. Neumann, I'd like to pick up—

The Chair: Mr. Falk, I'm going to interrupt you for one second. We've just had a little breakdown in communications and Mr. Neumann has now been lost across the ocean for a bit. We are trying to re-establish the connection. As soon as the chair has been notified that connection is back in place, we will certainly bring it to your attention.

In the meantime, the question you were so eager to ask, perhaps you could direct it elsewhere.

Thank you.

Mr. Ted Falk: Thank you, Mr. Chairman.

I'll go back to you, Mr. Gora.

You talked about social media a little and the influence that is having on radicalizing individuals. How does this bill address the whole aspect of social media?

• (2115)

Mr. Tahir Gora: I'm not an Internet lawyer or expert on how to address Internet radicalization. Through our research we see so many Facebook groups and pages in Arabic, Persian, and Urdu, and I'm sure Canadian law enforcement agencies probably don't have full access to the content on those Facebook pages and groups. They are being operated within Canada and the friendly Government of Canada needs assistance from communities who know Arabic, Persian, and Urdu. Without that assistance, the government is probably not able to act, even if this bill gets passed, so this is very complicated.

Yes, through social media law enforcement entities surely can track down those individuals, but they need to get into that content, which is not in English.

Mr. Ted Falk: Okay.

Another aspect of your testimony was that a lot of the people being radicalized are youth as opposed to more mature people. How important do you think it is that law enforcement agencies have the ability to talk to parents in preventing and curbing radicalism?

Mr. Tahir Gora: Yes, it is important to talk to parents. Also, there's a need to create an awareness, as I said, in those languages particularly, because most parents who are Pakistani, Afghani, Arab, and among the Middle Eastern diaspora don't even interact with the community at large. Law enforcement agencies need to talk to parents and those parents need to be aware of what's going on in their basement with the young fellows, and not just the youth. Our research group has discovered over 200 individuals between the ages of 40 and 50 talking about radical stuff on social media, and they are based in Canada.

Mr. Ted Falk: Part of this bill gives powers to CSIS to take down websites. I'm taking from your testimony that this is an important tool you would support.

Mr. Tahir Gora: Yes.

Mr. Ted Falk: You suggested they should have even greater powers.

Mr. Tahir Gora: Absolutely, they should have.

Mr. Ted Falk: Do you want to expand on that a little?

Mr. Tahir Gora: Yes. There are so many clips by Canadian radical elements on those websites or those Facebook pages or those social media pages, especially YouTube. They serve well in spreading hatred toward society in jihad ideology. Those must be taken down. That's the only way to block that hatred and that jihad ideology.

Mr. Ted Falk: Good. Thank you, Mr. Gora.

The Chair: Thank you very much, Mr. Falk.

Mr. Gora, thank you.

Mr. Easter, you have the floor, sir.

Hon. Wayne Easter: Mr. Chair, I hope we can get our witness back.

The Chair: The minute the chair gets that knowledge, we will have it.

Hon. Wayne Easter: I hope nobody with authority jammed the signal so we couldn't hear his testimony.

Some hon. members: Oh, oh!

Hon. Wayne Easter: I would like to thank all the witnesses for their presentations.

I'll start with you, Deputy Commissioner Tod.

There is a lot of controversy around this bill from the civil activist community, and I've been there myself. There's no question, I do believe we need the authority granted in this bill to keep Canadians safe, but I also firmly believe that in order for laws to be really effective, you have to have civil society, the public, on side with the law. I firmly believe that unless this law is amended to assure the public that's concerned out there that—

• (2120)

The Chair: Mr. Easter, I'm going to interrupt you just for one second.

Hon. Wayne Easter: There we go, good.

The Chair: You have Mr. Neumann back on; however, please continue, sir.

Hon. Wayne Easter: It must have been because I said there was a concern over communications.

Some hon. members: Oh, oh!

Hon. Wayne Easter: If you don't have the public onside, I think that the ability for law enforcement to do their job and to gain the information they need is that much more difficult, so I firmly believe that there has to be a better balance in this bill between the security side and the civil liberties side.

What are your thoughts on that?

D/Commr Scott Tod: I think we're talking about the ability to access information, share information, disclose information, if I'm correct, and the aspect in regard to information sharing.

I mentioned in my opening comments about the new approach that police across Canada are taking in regard to community safety and well-being and the situational table or the hub table. The purpose of that table is so that we can share information about individuals in our communities, and I mean the collective communities, or it could be an individualized community, but that information is shared. Much of that information is currently held within the containers of health, education, social services, and other government containers of information. When they come together and they share that information, as I called it, it's the early-warning opportunity where we can jointly identify an acutely elevated individual, so more than one party at the table has a concern that this individual is showing anti-social behaviour, in this case leading down the pathway towards radicalization.

We can share that information in private, with privacy concerns. It's a construct that has a process to it in which the groups that are involved with the individual alone share that information and not groups that are outside of the acutely elevated individual and their anti-social behaviour. The fact is, it's information that's shared with the right to privacy. It's information that's shared with respect to the individual, but also allows the organizations to intervene and provide opportunities or alternative solutions to that individual so that we can curb anti-social behaviour and in this case hopefully provide the off-ramp from the pathway to radicalization.

Hon. Wayne Easter: I think in your remarks you also said—and I'll come back to you on this so you can think about it when I go to Mr. Neumann—that there's no new money attached to this legislation. We see that as a growing problem. Just passing a law is not enough. You have to put the resources behind it to do the job. The RCMP is telling us that they have had to switch several hundred people, actually, from hard criminalization elements to the anti-terrorism element, and that's a problem. I'll come back to you on that.

Mr. Neumann, you said in your remarks that in the short term you need to give resources with adequate oversight. We've heard from some other witnesses here that there has been an increase in the authority of security agencies and police in the United Kingdom to do their jobs. Witnesses also spoke of increasing the resources for the parliamentary oversight committee. Do you have a view on that?

Dr. Peter Neumann: As an observer of this rather than an expert, I think the parliamentary oversight committee in the U.K. has worked okay. I've also testified in front of the U.S. House intelligence committee, and the comparison is quite striking, because

the U.S. House intelligence committee literally has dozens of staff, whereas the U.K. parliamentary oversight committee has, I think, four or five staff.

I do not personally think it is possible for a group of 10 politicians to supervise an entire intelligence community with practically no support in the back. On that basis, I think the parliamentary oversight committee in the U.K. is probably a good thing, but it needs to be properly staffed in order to be able to do its job. The staffing is the question, not just the exact form of the committee.

Hon. Wayne Easter: Thank you.

We're talking about resources, so let me come back and ask you that question again, Deputy Commissioner Tod. What are the consequences if there's not enough money provided to law enforcement to handle the anti-terrorism element of Bill C-51?

• (2125)

D/Commr Scott Tod: I will speak on behalf of my organization, the Ontario Provincial Police. We have had to rededicate and redirect resources into the national security counterterrorism area. That's to deal with the immediate threat of the foreign traveller, the high-risk traveller, the high-risk individual—all that live within Ontario. We have individuals returning from Syria and Iraq who come back to Ontario. We have individuals who are being radicalized in Ontario. We know from the charges that have been before the courts that we have people accused of terrorist acts or terrorist plots within Ontario.

We've redirected resources away from commercial crimes, large frauds. We've redirected resources away from our front-line crime units, our criminal investigation units, and other units that have a specialized service; in other words, investigators who understand the civil liberties law, the Charter of Rights and Freedoms, who understand the authorization that's required in order to write warrants, who understand the surveillance techniques, both electronic and human, that we can do on individuals, and the lawful process in which we do those applications, but who are also able to write to those with regard to authorizations and crown briefs, and supply information to crown and prosecutors.

Those individuals are actually very few in our service. In a large organization of 9,100, my hands can probably touch 300 to 400 who actually have those skills. Being able to draw them in to deal with investigations or to deal with the prevention or suppression techniques we're using is difficult. It's expensive. It takes them away from the work they're doing in their home location or other location. That work has to be either filled in by another member who is less skilled, less trained to do it, or it goes undone in that there is no one doing those roles anymore.

The Chair: Thank you very much.

We're over time, Mr. Easter.

On behalf of the committee, I would like to thank Mr. Tod, Mr. Gora, Ms. Shahida, and Mr. Neumann so much for your informed and informative comments tonight. We certainly appreciate it. Your

perspectives are certainly a contribution to our committee. Thank you very much.

To the committee, we'll see you tomorrow.

The meeting is adjourned.

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