



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Public Safety and National Security**

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SECU • NUMBER 059 • 2nd SESSION • 41st PARLIAMENT

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**EVIDENCE**

**Wednesday, March 25, 2015**

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**Chair**

**Mr. Daryl Kramp**



## Standing Committee on Public Safety and National Security

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•(1845)

[English]

**The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)):** Colleagues, witnesses, ladies, and gentlemen, welcome to meeting 59 of the Standing Committee on Public Safety and National Security.

Today, pursuant to the order of reference of Monday, February 23, 2015, on Bill C-51, we will be continuing our study and hearing from our witnesses.

I will introduce the first group of witnesses we have before us tonight. From the Council for Muslims Facing Tomorrow, we have Raheel Raza, president. From the Canadian Labour Congress, we have Hassan Yussuff, president, and also David Onyalo, acting director, anti-racism and human rights. From the Mackenzie Institute, we have Andrew Majoran, general manager, and Brian Hay, chair of the board of governors.

Welcome, all. Each group will have an opportunity to make opening remarks for up to 10 minutes. You can divide your own time amongst yourselves if you have multiple representation. We will go ahead and start now. Of course, if you can be more brief, that will give us more opportunity for Q and A from our parliamentary members here today.

We will start off with the Council for Muslims Facing Tomorrow.

Raheel Raza, you have the floor.

**Ms. Raheel Raza (President, Council for Muslims Facing Tomorrow):** Thank you, Mr. Chairman and members of the standing committee. Good evening—and I will be brief.

I'm honoured by the privilege of being here tonight as president for the Council for Muslims Facing Tomorrow.

My organization supports the general drift of Bill C-51, and we thank the government for taking Islamism—political Islam, as we call it—as a clear and present danger in the world and specifically in Canada.

We are also grateful that the government shares our concerns, first, to rationalize the sharing of security information within government, and second, to make sure that air travel is safe for passengers and is not used for terroristic purposes. Third is that the government make an attempt to limit terrorist propaganda, which is embedded in the language of political Islam and is spread through some individuals, some Islamic organizations, and some pulpits. I'm sure you are aware that this has had an extensive impact on Canadian-Muslim communities and especially our youth. Fourth is the fact that the

government recognizes the value of disruption in countering terror threats.

As an aside, let me mention that I have just flown in directly from Florida, U.S.A., where I was speaking to some very politically charged Americans about radicalization and terrorism. When I mentioned Bill C-51 and our Prime Minister's stance on recognizing the problem, I was surprised to get a standing ovation. You may know that to the south of us, they can't even use the word "Islamist" and "terrorism" in the same sentence, let alone do something about it.

This is to say that the world has its eyes on Canada, so that we don't become another Europe, where the problem of extremism has exploded in such a way that it seems practically impossible to reverse the tide. When I picked up today's *National Post*, I was delighted to read the quote from Stephen Harper saying, "Canadians did not invent the threat of jihadi terrorism and we certainly did not invite it, nor...can we protect [our country or] our communities by choosing to ignore it."

I think that that says a lot for our Prime Minister.

Speaking on a personal note as an immigrant to Canada in December 1988 with my husband and two sons, the only motivation we had to face life, and of course the harsh winters that come with it in Canada, was that we were escaping from the government of General Zia-ul-Haq in Pakistan, who was slowly shaping the same ideology that today has undone Pakistan. Unfortunately, now we see that same ideology being imported into Canada.

Way back in 2000, I started writing articles warning Canadian Muslims about the dangers of radicalization, especially among the youth, who were confused with nowhere to go between the mosque and the mall for answers to their questions. They had all the prerequisites of fodder for Islamic mercenaries looking for victims to brainwash.

Let me retract there for a second. The word is "Islamist", and not "Islamic"; I want to keep a very clear distinction between the spiritual Islam and political Islam, which is "Islam" and "Islamism."

These youth had grievances, both real and imagined, and the burgeoning number of recruiters offered an ideology they could latch on to. If needed, they would doubtless have foreign funding to support their nascent extremist viewpoints. That is when we realized that Wahhabism, Salafism—that ideology—had found its way into Canada.

You may ask, what is that ideology? We, as Muslims loyal to Canada and holding Canadian safety and security as our top priority, are not new to this game and we have been tracking the rise of extremism in Canada for a very long time. Radicalization and extremism are not always overt, and the kind of battle we are waging today is an ideological battle, which means that it can't always be fought with weapons.

It's with this reference that I have an essay that was published by the Mackenzie Institute—it's quite a coincidence that they are here—and written by me about four years ago.

• (1850)

It outlines the rise of Islamist terrorism in Canada as I have seen it unfold in the past 28 years. I think you will find that it covers much of what is being discussed here and our concerns about the scale of the threats—radicalism, extremism, and terrorism in Canada—and this does not even begin to address the current issues posed by ISIS and how it is recruiting our children to its own cause.

I have to apologize, as this is not in the two official languages, but at the time of publication that was not a requirement. I would humbly request that this document be tabled as part of my presentation—I have 12 copies here—because it speaks to why I am here tonight and why, along with some other organizations and individuals, we are dedicating our time and effort to support Bill C-51.

Regarding specifically Bill C-51, I would like to take the liberty of offering that we also see some weaknesses as well as its overarching strengths. I am not a legal expert by a long shot, but my work as a community activist and a basic understanding of the bill suggest this.

The proposed granting to CSIS, the Canadian Security Intelligence Service, of the power to disrupt is a challenging thing. In defence of the government, it can be said that where such powers would otherwise breach law, CSIS would first have to seek a warrant authorizing the disruption operation. However, I might suggest that the approach to gaining authority to do this might not be sufficient to guarantee appropriate limits on this technique. Therefore, it might be useful to expand the mandate of SIRC, the Security Intelligence Review Committee, in order to make sure that any new departmental or agency powers have suitable review.

I would also like to point out that all government activity taking place in Canada is subject to the Canadian Constitution, notably including the Charter of Rights and Freedoms. Therefore, we look to the government to tailor review and other mechanisms appropriately, as all government activity will in the end be subject to the ultimate test, which is the Constitution.

Let me also add that we would like to consider Bill C-51 to be a work-in-progress, and that we are therefore confident that appropriate adjustment will be made in the legislation before it eventually becomes law. There is no doubt that our organization and the individuals involved would like to see this bill become the law. I fully understand and appreciate that in the western world, where our democracy is based on civil liberties, such an act may be perceived as encroaching on personal freedoms and values. However, we want to keep away threats to Canada, threats we are all familiar with as we

see trial after trial unfolding and look at incidents where loyalty to the land in which we live was never made a priority.

Thank you very much for your time.

• (1855)

**The Chair:** Thank you very much.

I would just note that I would have to have the unanimous consent of the committee if we were to distribute the brief in one language. Does the chair have that?

**An hon. member:** No.

**The Chair:** No, the chair does not have that, so the chair would request simply that the document be left with the clerk and a translation for an exhibit could take place, based on the will of the committee.

**Ms. Raheel Raza:** Thank you. I will do that.

**The Chair:** Thank you very kindly.

We will now go to the Canadian Labour Congress and whoever would like the floor.

Mr. Yussuff, go ahead, please.

**Mr. Hassan Yussuff (President, Canadian Labour Congress):** Thank you, Mr. Chair.

My name is Hassan Yussuff, and that is just one of the reasons I'm opposed to this bill. The other 3.3 million reasons are those unionized workers across this country whose rights are also under threat.

Let me begin by saying that the Canadian Labour Congress understands very well that the government has a responsibility to safeguard our public safety. Many of the workers we represent, those working at borders, for example, do that exactly every day across this country.

This bill is reckless. Its implementation will undermine the very freedom that the government claims it wants to protect. We stand with many Canadians who have concluded that the bill is more about posturing ahead of an election than it is about better protecting our public safety. We stand with those who say that this bill and the rhetoric being used to promote it targets and encourages the targeting of Muslim, Arab, and other racialized communities. For evidence of that, we can only remember how Ihsaan Gardee, the executive director of the National Council of Canadian Muslims, was treated when he testified before this very committee just days ago.

We also agree with the many organizations and experts who worry that the bill does nothing to address the urgent need for oversight and review of the many agencies engaged in national security work. We simply can't understand why this government continues to ignore the findings and recommendations that were the result of the painstaking work of so many at the Arar commission, a process that was demanded and paid for by Canadians.

We are also especially concerned that if this bill becomes law it will limit free speech and dissent and advocacy. It is simply too far-reaching to define a threat to national security as “interference”, with, for example, the “economic or financial stability of Canada” or “critical infrastructure”, especially as the bill does not qualify what it means by “interference”. By saying, for example, “attacks” or “disruptions” or “damage”, or even “serious interference”, this bill may exclude lawful advocacy, protest, and dissent.

The term “lawful” is very narrow, as far as we’re concerned. It will change the existing Criminal Code, which exempts all advocacy, protest, dissent, or stoppages of work not intended to endanger life or health. That means that labour demonstrations, marches, or rallies without permits would be deemed a threat to national security. Our work stoppages, while peaceful, might be deemed unlawful. If these actions are deemed to be a threat to national security, our members will be subjected to information sharing among the 17 government agencies engaged in national security work and could be subjected to disruption under the new police power granted to CSIS.

Canada has seen, through the case of Maher Arar and many others, how much harm can result from that.

We’re also very concerned that this bill will introduce a new criminal offence for advocating or promoting the commission of terrorism acts in general. We think that many individuals who have no connection to terrorism and no intention of fomenting political violence will be caught up in the sweeping nature of this offence. This would impact freedom of speech, freedom of opinion, freedom of the press, and academic freedom. The government has failed to justify why these changes are necessary, especially while so many highly publicized, terrorism-related arrests and convictions are proceeding very well under the existing Criminal Code.

I’d like to conclude by saying that it is very troubling that the members of Parliament seated here today are actively working to block the testimony of so many. I urge the committee members to reconsider.

Canadians do not want this bill to be rushed through without adequate and informed debate. I’m very certain that Canadians do want and expect their elected representative to benefit from the expertise of the Privacy Commissioner, special advocates, and others who have asked but been blocked from testifying to date before this committee.

On behalf of the CLC, thank you very much, Mr. Chair.

● (1900)

**The Chair:** Thank you very much, Mr. Yussuff.

We will now go to the representation from the Mackenzie Institute with Mr. Majoran or Mr. Hay.

**Mr. Brian Hay (Chair, Board of Governors, Mackenzie Institute):** Thank you, Mr. Chairman.

As chair of the Mackenzie Institute’s board of governors, I am going to deliver the presentation, but our general manager, Andrew Majoran, will be able to respond to questions as well.

The board thanks the chair and the committee for the opportunity to make comments on Bill C-51. As you may know, the Mackenzie

Institute is a not-for-profit organization and has worked for more than two decades to make Canadian leaders and the public more aware of the importance of security. For us, truly, security matters.

I am going to skip over our commercial parts as to our background, what we’ve done, where we’ve spoken, and in which articles we’ve appeared. Let me just say that our board of governors is entirely Canadian, with members who have lengthy careers in senior positions in the police, military, corrections, academia, and business. Our advisory board, which is chaired by the recently retired Major-General Lewis MacKenzie, currently has members with senior experience in the security and military sectors in Canada, the United States, Great Britain, and India. We tend to be very focused nationally, but our view is also international.

Before commenting directly on Bill C-51, we would like to make several key observations.

First, like many western societies, Canada faces historically unparalleled threats to its physical and social security from economic, ideological, and perhaps perverted religious forces. Strong challenges from any one of these sectors would be sufficient for concern and for policy action. Simultaneous challenges, even if uncoordinated, could be extremely taxing, requiring substantial, integrated, and well-coordinated government action, but as with any government action, care must be taken to ensure that the result of the action is as intended and not just an exercise in job creation or building bureaucracy.

Second, many point to a concern about the impact of governments’ actions, and in particular this bill, on the rights of the citizens. This is a valid concern. As a friend of mine likes to say, rights are much like employee benefits; they are much more difficult to reduce and take away than they are to give.

Third, to those who express sincere concern about what appears to be a government invasion of citizens' privacy, one can remark that perhaps that invasion is now about to become at least more transparent. We should all remember that Echelon, an international communications and information sharing protocol and program among Canada, the U.S., the United Kingdom, New Zealand, and Australia, has been used by the respective governments to review the communication of the citizens of the other participants and then share it with the government of those citizens. This system actually allowed, for many years, plausible deniability for governments to claim that they did not spy on their own citizens.

Private business and personal communications have been given increasing scrutiny by governments over several decades. Fortunately, much of this scrutiny has prompted greater transparency in business reporting. However, the growth of the Internet and numerous commercially available apps have also allowed greater access to and intrusion upon what was once private information. The basic issue is perhaps not the intrusion on privacy, or the degree thereof, in an information age. Perhaps the greater issue is, as so well stated by others, why the intrusion is made, by whom, and on what authority. How is it done and what recourse does the individual have?

Some may question the need for more and new laws when current laws, well applied, seem to work. Those who would assault our society are being apprehended, such as the Toronto 18 or the more recent train attackers. Yet a member of the Canadian Forces was run down in a parking lot and another was shot and killed on Parliament Hill by lone-wolf attackers. New laws would not have prevented those events from happening. Both individuals who committed these heinous crimes were on one or more watch-lists and had been visited by authorities. The key point, however, is that there was little coordination between these authorities.

When Parliament was assaulted, there appears to have been no coordinated preplanning to deal with such a situation. My goodness, why should Canadian security officials consider Canada an exception to attacks when Canada has been identified as a target by overseas terror organizations?

- (1905)

Perhaps the greater problem is not the lack of law or the need for more laws, but the lack of integrated planning and coordination of enforcement agencies as they have applied the existing law.

For example, I know personally that several years ago a municipal jurisdiction in the Ottawa region issued an RFP for new police radio systems. One of the criteria for the bid was that the system should not use or even carry the same frequencies as those in adjacent or nearby jurisdictions. You might ask why that was. The given rationale—and it was stated to me personally—was that one jurisdiction did not want the other to eavesdrop on their communications or conversations.

Crime and terrorism, like weather, respect no borders and no jurisdictions.

Perhaps it's time to look at developing a coordination mechanism like the fusion centres that have been established by our friends to the south. Government needs to enable the effective and responsible

sharing of relevant, national, and local security information across departments and agencies at the operational level and not just at the executive level. Information is still at the discretion of each department, but there need to be strict regulations on information sharing to better identify and address threats.

No system will be perfect, but a system that has various security organizations working together and sharing information on a daily basis might utilize existing capabilities rather than simply adding more laws.

The Mackenzie Institute applauds those provisions of Bill C-51 that promote and fund enhanced coordination and information sharing under appropriate guidelines, but we also share concerns relating to the possible outcomes of other aspects of the bill.

For starters, we believe that even more clarity regarding the differences between the terms “dissent” and “terrorism” should also be sought. Bill C-51 will criminalize the advocacy or promotion of terrorism offences. The government's position is that lawful advocacy, protest, dissent, and artistic expression are fine, but how is “lawful” defined and by who? The language must be clear. Reasonable opposition, even to the point of demonstration, should not be considered terrorism unless and until the demonstration becomes destructive. Even then, one needs to distinguish between a riot, which is handled by conventional means, and a terrorist attack, which requires an unconventional response.

Changes in existing legislation may be needed, but the implications of those changes must be fully thought through.

For example, the CSIS Act as it stands is a good piece of legislation, but as it now stands, it provides CSIS with little authority for direct action. With the current security environment it may be desirable to give CSIS a little more power to act in low-level interventions and threat diminishment activities, for example, to reach out and prevent someone from going down the path of radicalization. Today CSIS isn't even allowed to tell a parent that their child is about to engage in violent jihad activity or to travel offshore.

In the past, the Security Intelligence Review Committee has actually criticized CSIS for taking these steps to diminish threats, partly because doing so is not in their mandate.

This act anticipates that with judicial warrants CSIS could break the law and contravene the charter, according to one commentator who has testified before you. This latter aspect may certainly represent overreaching by both the authorizing judge and CSIS itself in terms of the charter. More balance is needed between desired action and legal reach to get it.

Others have commented on the need for greater independent non-political oversight of how the law is applied. We believe that independent expert non-partisan oversight of our national security agencies is a better model than is political intervention in the process. Australia's inspector-general represents an independent example of how this can be done.

Further, the key powers of the new legislation must be clearly subject to judicial review and legal authorization.

Another area of concern is the potential for misuse of the powers granted on a day-to-day basis under current or new laws. In examples raised in the media and heard recently and known to me personally, existing laws and the powers they convey have been misused through either sloth or poor judgment or even deliberate actions.

• (1910)

Those charged with the responsibility of upholding the law are hopefully not automatons, but every human has weak points, which is at least good reason why there must be a well-defined and accountable approval process for any intrusion on privacy. Even thereafter, there must be an independent, transparent, fair, and expeditious appeal procedure. Thus, while the Mackenzie Institute applauds those provisions of Bill C-51 that promote and fund enhanced coordination and information sharing under appropriate guidelines, we share the concerns of possible outcomes of other aspects of the bill.

To search personal files at home or in the office requires a valid search warrant. To demand a password for a computer at a border crossing seems to be quite a reach of the law. Suspicion is no replacement for probable cause. Curiosity is no substitute for evidence. Permitting a judge to break a law, or to ignore the charter to uphold the law or protect a society that is to be based on law, seems at best contradictory.

Any legislation will be imperfect regardless of its—

**The Chair:** You're a little over time. Could you wrap up, please?

**Mr. Brian Hay:** Absolutely. Thank you for your indulgence.

Let me just say that while we recognize that all legal rights may be invested in the crown, the action of the crown, as we've heard tonight, is limited by the toleration of the people. The Magna Carta demonstrated this centuries ago.

Thank you.

**The Chair:** Thank you very much to all of our witnesses for their contributions. We will now go to the rounds of questioning.

The first round is seven minutes.

Ms. James, you have the floor.

**Ms. Roxanne James (Scarborough Centre, CPC):** Thank you, Mr. Chair.

Thank you to all of our witnesses who are appearing this evening.

I'm going to hopefully ask a number of questions to the witnesses, but I'm going to start with Ms. Raza.

You mentioned in your opening testimony that the world is looking at Canada right now. You made a reference to Europe, and I think you said something to the effect—I tried to write it down—that extremism exploded in such a way that they may not...

**Ms. Raheel Raza:** That it might not be able to be reversed.

**Ms. Roxanne James:** Could you explain when you think that started to happen in Europe? If Canada does not pay attention now, are we heading in that same direction?

**Ms. Raheel Raza:** I believe that the rise of extremism in Europe began around the same time that the Wahhabi Saudi ideology was being promoted on the backs of billions of petrodollars.

The situation in Europe is different from North America because of colonization, socio-economic situations, where especially in France the immigrant Muslim communities were highly ghettoized. There were large issues of poverty that also played into this. That poverty becomes one of the breeding grounds for extremism, where mercenaries prey on the minds of young people who are disfranchised by their own governments. This has been going on over a period of time.

Today I believe—and I don't have valid proof of this but we have read it—that there are areas in Europe, in Belgium, France, Norway, that are sharia zones where non-Muslims are not allowed to even enter. We have been looking at this for a long time, including in the United Kingdom, where the immigrants who came maybe 60 or 70 years ago did not integrate or adapt to the new land they came to and became subject to the kind of ideology and mercenaries that I have mentioned.

There is a book right now called *Radical*, by a British author, Maajid Nawaz. It is his personal story of how, born and brought up in England, he was recruited into the jihad. It is an eye-opening book for everyone to read because it tells you how even in western societies this can happen.

We don't want this to happen in Canada because our youth are at risk as well.

• (1915)

**Ms. Roxanne James:** Thank you.

We've heard from a number of witnesses who talked about the threat of terrorism, and that it's evolved.

In your opening testimony you said that, since 2000, you've been warning Canadian Muslims, especially youth, about the possibility or the threat of being involved in this and then it escalating to something more severe and more serious.

I go back to my own thoughts. I remember when I heard about the Toronto 18. I'm from Toronto and I had never heard of anything like that before, not in Canada. Now it seems as if every day we turn on the news and hear there are more people who are trying to get over there to fight with ISIL, and also we hear about people who have been charged, and so forth. I think everyone can agree that it's evolved and that we're seeing this becoming more commonplace. I think the threat is definitely more serious.

The question I'm trying to get to is this. On this committee we've heard from law enforcement and from multiple people from all walks of life. But there seems to be a common thread when we talk to any of our people involved in national security or fighting terrorism and crime, and so forth. We've heard pretty much full support for the measures that are in this bill.

When we talk about some of the measures—and you seem to be supportive of them—do you agree that the threat of terrorism has evolved to the point where we need to make sure that our law enforcement or security agencies evolve with it, and make sure they have better tools to really fill in the gaps they've identified?

**Ms. Raheel Raza:** Absolutely, I do believe that is true, because what we see today is unique in the sense that this is also an ideological war, as I said before, so tools are needed to understand where it's coming from.

But our own law enforcement agencies have been quite cognizant of this. Again, I refer you to the document in which I reported that, even as far back as what was happening in Canada before and after 9/11, even in the early 1990s, the Islamist groups in Canada were identified—Hezbollah, Hamas, and several Sunni and Islamic extremist groups with ties to Egypt, Algeria, and Libya.

In 1998 Ward Elcock, the then-director of CSIS, testified that there were more international terrorist organizations active in Canada than in any other country in the world, perhaps with the exception of the United States. When I saw that, that really made Bill C-51 valid.

**Ms. Roxanne James:** Thank you.

We've also heard from a number of witnesses that a lot of the radicalization and promotion or bringing people into this whole mindset down the pathway to terrorism really starts with technology, and a lot of it is occurring on the Internet.

We've had witnesses testify that existing sections of the Criminal Code dealing with hate crimes and so forth are not adequate to fight what we're seeing right now with general things on the Internet or people calling out for general attacks against Canada, because part of the legislation in the Criminal Code deals more specifically, pointing out someone, a place, or an event, and things like that.

Do you agree that a lot of the radicalization and promotion of terrorism happens on the Internet, and do you agree with the measures in this bill that are trying to stop that spread, stop the radicalization, and stop people from—

**Ms. Raheel Raza:** Yes, I do.

**Ms. Roxanne James:** Okay, thank you.

**The Chair:** Thank you very much, Ms. James. That's fine.

Mr. Garrison, you have seven minutes, please.

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

Thank you to all the witnesses for appearing here this evening.

It's interesting. I sit at the same table as Ms. James and we seem to hear quite different things sometimes, because I heard all the witnesses tonight talking about some portions of this bill being too sweeping, and I heard all the witnesses talking about a need for additional oversight. I know the gap is of a certain size, but it seems to be growing between us on this as we listen to testimony on this bill.

I want to start by asking some questions to the CLC. First of all I want to acknowledge that the CLC represents probably more members than any organization we've had appear before us, with 3.3 million people.

Mr. Yussuff, you certainly represent more people than I do as a member of Parliament.

At the beginning of your presentation you talked about those you believe would be vulnerable to negative impact from this bill. I wonder if you could talk a little bit more about who those people are and how you think they'll be vulnerable if this bill proceeds.

• (1920)

**Mr. Hassan Yussuff:** I use my name as an example. My name is Hassan Yussuff, and I don't know whether anybody would distinguish who I am versus somebody else they may want to be suspicious of in our country.

We are a unique country with a unique character. I just happened to come back from Germany on Tuesday. I was over there in a forum with the Chancellor of Germany. It was remarkable that somebody noted that the fact that I was the president of the Canadian Labour Congress reflected what they have as a vision of our country. It's a very diverse country where people of many cultures, religions, and languages have come here to speak.

When I travel I wear it on my sleeve. I don't pretend that I'm anybody else. I'm a Canadian and I'm proud of my country. But I think we need to take care to ensure, as we are dealing with threats to our country, that we don't inflame the rhetoric that would ostracize people who have names like mine and more importantly have to go about justifying their existence and their defence of their own country as a Canadian. It's fundamental that we take care.



I speak to many of my colleagues in the field who tell me they're extremely worried about the negative impact all this debate is having on their kids, having to now justify themselves and their religion in their schools, which is unwarranted because I think you as lawmakers but we as Canadians as a whole—my organization specifically—have a responsibility to ensure that we can continue to build the social harmony that exists in this country and ensure that we build a country that respects the diversity of our own nation.

**Mr. Randall Garrison:** Thank you very much.

I think it is obvious to us tonight that CLC probably represents the most diverse group of members of any group in Canada. I know that CLC has done a lot of anti-racism work helping people integrate into their communities and workplaces.

I wonder if you could talk a bit more about the anti-racism work that the CLC is doing and why the Labour Congress is doing this work.

**Mr. Hassan Yussuff:** It's critical for us to recognize racism is insidious. It affects people's lives in a more fundamental way and more importantly our members who go to work should be able to work without having to deal with this reality in their lives. If they live in communities it's fundamental that we're encouraging, of course, all workers to treat each other with equality in every way, in every part of their lives. The anti-racism work is fundamental to ensure the values of our country are protected on a day-to-day basis.

We are one of the few organizations that I know of in this country that had a task force on racism because we fundamentally care about the impact our members are experiencing at work and in their communities, and more importantly to put measures in place to ensure that we can be treated fairly. That work is going to continue.

We're very concerned, of course, that every time we raise the rhetoric about threats and terrorism undue suspicion is placed on the Muslim and Arab communities and certain ethnic groups across this country. I think it's unfair. I think more needs to be done to counteract that. We have a litany of the history of how our country has treated some minority groups in this country. Fundamentally we should not repeat those experiences in any way, shape, or form. More needs to be done to ensure we take as much care as possible and that we do not. But at the same time I do recognize, yes, terrorism is a real threat that we face. The reality is that we need to ensure we don't create more harm as we're trying to solve some of the bigger challenges that our country is faced with.

**Mr. Randall Garrison:** Thank you very much.

In your presentation you talked about how this bill might affect the activities of trade unions in this country and might have a negative impact on your organizing activities or your collective bargaining activities. Could you tell us a little more about what you think might be the result of this bill?

**Mr. Hassan Yussuff:** We are involved quite often in many different forms of protests and demonstrations in this country, all for good reasons. They may not meet some people's approval, but the reality is that they're justified in a democratic society. Of course we want to be absolutely clear that we don't think these activities should be in any way characterized now as illegal in our country.

For example, we could be having a protest that we did not get a permit for. Is that an illegal activity in our country? It could be caught up in the sweep in a broad definition of terrorism in our country. Should our security force be monitoring our behaviour, and more importantly, sharing information with the 17 agencies that this bill allows them to do?

We are concerned. A previous bill had taken into consideration strike actions and of course work actions that we might be involved with and ensured that those actions were never going to be characterized as actions that would be seen as terrorist under past legislation. I don't know why the government wants to change that because before a committee similar to this we raised those concerns and the government at the time did take the necessary steps to ensure those rights would be protected under legislation they would bring in.

More importantly, we have learned much from the Arar commission. I think it's critical in the context of that commission that the government ensure that the oversight that was recommended would be put in place. Sharing information with 17 agencies across this country will subject that information to the possibility of being used for the wrong purposes. I think Canadians have learned much and we want to ensure mistakes are not made going forward.

● (1925)

**Mr. Randall Garrison:** I have half a minute so I want to turn to Ms. Raza and the long work you've done on terrorism.

Could you give us some comments on what you think is most effective in working against radicalization or disengaging youth from radicalization?

**Ms. Raheel Raza:** Laws obviously do make a difference. They don't deter it entirely but legislation is important in every country in every situation. We need better monitoring of those who are leaving to fight the jihad, so to speak, especially if they are fellow countrymen. At the risk of saying that our civil liberties are threatened, I am the president of an organization and I believe that unfortunately we are living in a post-9/11 world and times are such that personal information needs to be shared. That's the reality and I don't have a problem with it. If my bank accounts, my Internet, and my cellphone are being monitored for the sake of the larger security and safety of this country and if I have nothing to hide and if 17 agencies want to check on me, I'm okay with that. Again, the larger picture is that of the security and safety of Canada.

**The Chair:** Thank you very much.

Our time is a little over as well.

We go now to Mr. Norlock, please.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you very much, Mr. Chair.

Ms. Raza, you mentioned you had two sons. I suspect that there's not a huge difference in age. You're probably much younger than myself. A great Middle East leader once said, and I don't have the quote exactly, but I think she said something to the effect that we will have peace in the Middle East when we love our children more than we hate our enemy.

Would you say that is an accurate statement that is shared by people right across this globe?

**Ms. Raheel Raza:** I believe it was Golda Meir who said that, but I could be wrong.

**Mr. Rick Norlock:** You are correct.

**Ms. Raheel Raza:** Yes.

It's about caring for our children and the future generations.

The question comes up of why I, as a pensioner, with a lot of other things I'd like to do, with books to read and movies to watch, spend 24-7 doing this work. It's because of the future of my children and my grandchildren and the future of young Muslims in Canada. I can tell you that while I'm not officially in the business of extremism or terrorism, on a very personal level as a mentor I hear from young people almost once a week about the issues that they're seeing and what they're facing. They are more terrified about what they see happening through the Islamic State, with Boko Haram, and the Taliban, than they are about the ramifications of the anti-terrorism bill.

**Mr. Rick Norlock:** Thank you very much.

Is there anything in this bill that specifically identifies any particular group of people, any religion, any group of people, any race, colour, creed, or does it generalize? When I read the bill I'll tell you what first came to my mind. It wasn't the Middle East; it wasn't anywhere else. We're sometimes being accused of trying to identify a certain group of people. We have right here in our own western hemisphere—and I'm going back to grandmothers again, because as far as I'm concerned they are the greatest power on earth. We had the IRA. These were terrorist groups. They were employing the very methodology of other terrorists, yet they looked like me.

I see this act as dissuading or allowing this government to do the very same thing with a group of people who might look like me. I know from speaking to people in Toronto who have lived there for a long time they can recall, when dealing with our friends, the Irish, if somebody who was Irish moved into the neighbourhood they tried to make sure that they didn't move in. This idea of, because of your name.... I doubt very much whether you feel your name identifies you as a suspect any more than does my name, which people think comes from England but it actually comes from Poland.

Would you agree with me that one of the reasons the IRA lost its teeth was because grandmothers got together on both sides of the issue and said enough is enough for our children. Would you not agree with me, and I think you mentioned it in your introductory remarks, that one of the reasons radical Islam is growing in Europe is because people of that faith or from that area, Muslims in general, were ghettoized. I don't believe, please correct me if I'm wrong, that the same situation occurs in our country because we will all work together, all of us, in this place to make sure that doesn't happen.

Would you agree with that and would you would like to expand on this?

• (1930)

**Ms. Raheel Raza:** Absolutely. I would agree with that, and I would also add that my family and I have been here for 30 years. My sons are brown. They have beards. They are Muslim. They fit the

perfect profile of that particular Islamist terrorist, but we have never ever faced any racism, any issue.

We talk. We face these issues head-on. If people are ignorant enough to target a particular community because of a generalization in a bill, then we tell them exactly where to go and what to do. It's something we have to deal with.

**Mr. Rick Norlock:** Thank you very much.

On the subject of prevention, we had the RCMP commissioner, a senior officer within the Toronto Police Service, and a senior officer within the Ontario Provincial Police, all of whom were talking about their interaction and their agencies. They all mentioned that various police services, the RCMP in particular, do have programs through which they go into communities at risk—we were discussing Muslims in particular, but no matter who they are—and they talked about some of the things they were doing to try to dissuade or point youth at risk away from the risk of radicalization.

Are you aware of those programs and do you feel they are being successful or not successful in the various communities?

**Ms. Raheel Raza:** I am aware of some of the programs, and in speaking to law enforcement agencies, I have found that they have a great deal of difficulty in reaching out to the Muslim communities. They have said very clearly that doors are closed in their faces.

I'll give you an example. A few years ago I met with some law enforcement officers who said they had been called by a Pakistani family because their son had been sent to Pakistan and radicalized. When he came back, his parents wanted the law enforcement officers to speak to him, but the community told the boy not to, so the officers could not get through. They definitely need help in breaking those barriers.

It's not an easy job for law enforcement agencies to break through some of the communities' victim ideology perpetrated by the other side, these organizations that are pushing this on young people and saying that Bill C-51 is racist and Islamophobic. But as you said, it's about terrorism. It doesn't matter what colour the terrorism comes in or who is doing it.

There is a push to close the doors and make this a victim issue.

**The Chair:** Thank you very much. Your time is up, Mr. Norlock.

Mr. Easter, go ahead, please.

**Hon. Wayne Easter (Malpeque, Lib.):** Thank you, Mr. Chair.

I do thank the witnesses.

Just on the lighter side, Ms. Raza, you said you tell them where to go and what to do. That's how I feel about them over there sometimes, but the Chair won't let me do that.

**Ms. Raheel Raza:** Have you actually ever told them where to go?

**Hon. Wayne Easter:** No, I wouldn't do that.

**Ms. Raheel Raza:** That's a privilege that grandmothers have.

**Hon. Wayne Easter:** Let me start with the CLC.

You said the bill is reckless, and I don't disagree that there are some terribly serious gaps in this bill that need to be amended.

We've heard from a lot of witnesses, and as your two co-witnesses tonight have suggested, most witnesses before the committee—and there are exceptions—have had a concern and believe there's a need on the public safety and national security side for some of the aspects of the bill. But generally most of the witnesses have also had some concerns about civil liberties, freedom of expression, and overreach on the part of the bill in a number of areas. I would say that has been the general tenor of the witnesses thus far.

From the perspective of the CLC, if the political will were there to make changes, to make amendments to this bill, do you think it would be fixable, or are you just completely opposed to it?

• (1935)

**Mr. Hassan Yussuff:** I think there may be some aspects of the bill that would be necessary, but in the context of carrying those out, I think this bill overreaches to the furthest extent. I don't think any security agency in this country should be granted the right to override my constitutionally protected rights before a legal process for me to defend myself.

**Hon. Wayne Easter:** Let me go to that, then, because I think Mr. Hay brought that up as well. I certainly have concerns about that and I think the bill should be amended so that there should be no allowance to override the Charter of Rights and Freedoms.

The bill basically says that the service shall not take measures to reduce a threat to the security of Canada.... I'll read it all:

The Service shall not take measures to reduce a threat to the security of Canada if those measures will contravene a right or freedom guaranteed by the Canadian Charter of Rights and Freedoms or will be contrary to other Canadian law, unless the Service is authorized to take them by a warrant issued under section 21.1.

The key point is the warrant. This is a conundrum. A judge would grant a warrant for the service to basically violate the Charter of Rights and Freedoms, and I believe that's what you're getting at, Mr. Hay.

Do you believe that should be amended out, that the Charter of Rights and Freedoms is supreme, the service should not be able to violate that, and a judge shouldn't be asked to make such a decision?

**Mr. Brian Hay:** Yes, sir.

**Hon. Wayne Easter:** Okay. Thank you. I think that's an extremely important point. This is our Constitution. It is our charter. Ms. Raza mentioned that as well.

Ms. Raza, you talked about the need to expand the mandate of SIRC to review more of these measures. I would submit that's not enough. I look for your opinion on this. I may be a little biased—that's unusual for me. I've had a private member's bill in Parliament for some time, asking for a national oversight committee of parliamentarians of all parties, similar to that of our Five Eyes partners. In fact, the current Minister of Justice and the Minister of State for Finance were on the same committee as I when we proposed such a body.

SIRC is only going to look at CSIS. In my view, we need an oversight agency that looks at the Canadian Communications Security Establishment and any agency that's involved in security, to do two things: first, ensure they're following the law and using all of their authorities under the law; and second, ensure they're not going beyond the law and affecting civil liberties.

Could I get comments from each of you on that? Do you see that as necessary, as at least a measure to give Canadians, civil society, some confidence that our security agencies are not going too far?

I'll start with you, Ms. Raza, and then Mr. Hay.

**Ms. Raheel Raza:** I would clarify here that I spoke not about oversight but review. I think that's an important differentiation. If you go back, the current, more comprehensive, rights-driven Constitution was enacted in 1982, so obviously we have a level of constitutional protection today that would have been undreamt of throughout most of the period in the early 1980s. This has evolved through time and I think this is how it has evolved; it has evolved through review. I would focus more on the power of review than on oversight.

• (1940)

**Mr. Brian Hay:** I think there are two elements to it, sir. As I said, we believe in independent, expert, non-partisan oversight of our national security agencies as a better model than political intervention, or if you will, a sort of partial review.

Australia's inspector-general is an independent example. There are two parts. One is the oversight of the application of the law and the other part is the ability to review and appeal incidents as the law is applied.

The intent may be outstanding and the legislation may even be framed very well, but the law is applied by many other people who had no part in the drafting. You can see time and time again how those applications sometimes go awry or overreach. There needs to be a reasonable and prompt appellate process.

One thing that's a concern is, for example, a very simple case of the ability at the border. Somebody comes in and says, "What's in your bag?" We've given a relatively inexperienced, partially trained security officer the right to demand access to a computer and to hold you responsible if you do not comply. On top of that, before you can finish your appeal, they're still probing the computer to figure out what's in it. That really is not appropriate. Everything should be frozen until the appeal is dealt with. There are many instances of that nature.

**The Chair:** Fine. Thank you very much.

We're past time, Mr. Easter.

[Translation]

Ms. Doré Lefebvre, you may go ahead for five minutes.

**Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP):** Thank you very much, Mr. Chair.

I'd like to thank the witnesses for joining us today. Their input has been very enlightening, and I have a number of questions based on their comments.

My first question is for Mr. Hay.

In your presentation, you mentioned that Bill C-51 would not have prevented last October's attacks against Canada. You also said that the current problem was the lack of integration and coordination in terms of existing legislation. First, could you tell us more about that problem?

Second, I'd like to know if you have any suggestions as to how we can keep Canada from becoming a target? And third, do you have any thoughts on radicalization?

[English]

**Mr. Brian Hay:** Indeed. If I may, I'll have to respond in English because I was educated in a different country.

Let me just say this. With respect to the Toronto 18, we at the institute started a series of inter-agency meetings just for people to get together. We had the RCMP, the OPP, and the Toronto police together once a month to talk about security issues. These were private, off-the-record meetings not open to the public, and the responsible inspector of the RCMP stood in our meeting and he said, "You know, if it wasn't for the fact that this organization"—namely the Mackenzie Institute—"brought us together at an operational level, we might never have cooperated as well as we did on the work to undertake the problem of investigation of the Toronto 18."

This is why we talk about fusion centres. It's one thing to have chiefs of police and chiefs of agencies talking. They tend to talk policy, they tend to talk personnel, and they tend to talk terms of reference and budget. But when you're talking with people who are at the pointy end, as we say in the security business, these are the people who are dealing with it on a day-to-day basis and they need to interact on a day-to-day basis and share information on a timely basis.

In the case of the situation on Parliament Hill and in the parking lot in Quebec, agencies knew about these individuals but they weren't sharing the information on a timely basis. As I recall, one of them even had his passport lifted, but this wasn't passed on to other people, and there was no follow-up with this kind of activity.

I'm not saying it would have prevented it. Nothing can prevent isolated actions, that's the brilliance and the terror of the lone-wolf terrorist of which my colleague is an acknowledged expert, but it certainly would have reduced the probability. Today we are not taking advantage of what we already have to integrate the work better than is happening.

[Translation]

**Ms. Rosane Doré Lefebvre:** Might the issue also have something to do with the resources allocated to police, as far as improving coordination is concerned?

[English]

**Mr. Brian Hay:** It starts with policy. It starts with your mindset. The job of the police, historically, has been to solve crime and to prevent crime. They are not security-oriented. Security goes beyond that. Security goes into analyzing what can happen before the event occurs. In that sense, it is a different approach that's required and a different mindset that is required in terms of dealing with terrorist kinds of circumstances.

We've heard today about radicalization. I do a lot of work with first nations, for example, and there's the very same problem that Ms. Raza reported. When you send somebody in uniform to talk to these young folks, they have blocks in their minds as to what those uniforms mean. You have to reduce the visibility, work on a more informed basis and a more anticipatory basis to interact with them, to gain their trust, and to gain their respect. Today we're not doing that.

It is not a question purely of resources. Some of it is—yes, we need to expand some of the staffing capability and some of the training—but some of it is how we do it and how we approach these organizations.

I have one quick story. I was a military officer and I worked with General MacKenzie when he was in the service. One of the things we did was bring together 71 different cultural communities in Toronto whose members were from different organizations within the military, but they represented 71 different communities. We brought their parents and their grandparents together for dinner. After it was all over, I saw two important things happen. One lady walked up and she said, "This is amazing. I am so proud that my daughter is involved with the forces because in the country I come from, we're afraid of them. This is so different."

Another person said to us—

● (1945)

**The Chair:** You'll have to wrap up. We are over time.

**Mr. Brian Hay:** I'm sorry.

The bottom line is that we need much more interaction on a casual, informal, non-official basis and the resources imply it that way.

**The Chair:** Thank you very much, Madam Doré Lefebvre. On behalf of the committee, I would like to extend our appreciation to the witnesses not only for their time, but for their commitment to come here today, their presentations, and their dialogue.

Thank you very much. We will suspend for a couple of minutes while we change witnesses.

● (1945)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (1950)

**The Chair:** Okay, colleagues, we're back in session for our second hour of testimony and Qs and As today.

We have a different group of witnesses with us now whom we welcome, and I will state them, of course.

As an individual, we have with us Thomas Quiggin. From the Canadian Bar Association, we have Peter Edelmann, executive member, immigration law section; and Eric Gottardi, chair, criminal justice section. By way of video conference from Phoenix, Arizona, we welcome, from the American Islamic Forum for Democracy, Mr. Zuhdi Jasser, president. Welcome to one and all.

Gentlemen, we'll allow up to 10 minutes for introduction and or a comment. We would ask, if at all possible, to make that even more brief, so that we have more time for Q and A. But you have that allowance of up to 10 minutes.

We will start off with Mr. Quiggin. You're up, sir.

• (1955)

**Mr. Thomas Quiggin (As an Individual):** Mr. Chairman, honourable members, ladies and gentlemen, thank you for your invitation for my being here this evening.

I'll talk a little less about terrorism and perhaps a little more about political violence and extremism, and less about over there and more about over here. Public discussions recently have focused on ISIS-inspired attacks in Canada, France, Tunisia, Australia, and Denmark. However, this is not a new phenomenon. Starting in the early 1980s, Canada has produced a steady stream of individuals dedicated to Islamicist causes, and I use that term in the Raheel Raza sense of the term.

Ahmed Said Khadr, for instance, was radicalized in the early 1980s while a part of the Muslim Students Association at the University of Ottawa. He became a major financial and operational figure in al Qaeda, using taxpayers' money funnelled through the Human Concern International charity.

As noted by Michelle Shephard of the *Toronto Star*, and by the Muslim Brotherhood itself, the Muslim Students Association was founded by the Muslim Brotherhood.

Qutbi al-Mahdi was a part of the Muslim Students Association at McGill University before becoming head of the foreign intelligence services of Sudan in 1989, when a Muslim Brotherhood-inspired government was running that country. Salman Ashrafi was president of the Muslim Students Association at the University of Lethbridge before he became a suicide bomber in Iraq, killing some 20 to 40 people, depending on which report you believe.

This recruiting, this extremism, does not occur in isolation. Canada has a deep series of networks that have the money, ideology, and infrastructure to encourage this activity. The intent of these organizations is to create a political, social, and cultural space where issues of extremism and political violence could be advanced, while opposition is silenced through claims of Islamophobia and racism. These extremist networks are created by groups such as the Muslim Brotherhood, Hizb ut-Tahrir, and those loyal to Iran's Khomeinist movement. Information also suggests that in Canada right now Babbar Khalsa and the International Sikh Youth Federation are making a comeback—separate and distinct, of course, from the Islamicist groups.

Given the limited time this evening, I'll focus only on the brotherhood. According to the Quilliam Foundation, perhaps the world's leading institute on extremism, the Muslim Brotherhood is

the intellectual inspiration behind virtually all of the Islamicist groups in operation today. This view is also held by a number of Middle Eastern scholars and by President el-Sisi of Egypt, who recently just made this rather clear in Egypt.

The Muslim Brotherhood, founded in 1928, has an objective of creating a global Islamicist state governed by their highly politicized interpretation of Islam. According to the Quilliam Foundation and the Muslim Brotherhood itself, they operate through a series of front organizations. The Muslim Brotherhood stated in the mid-1970s that they had walked away from violence, albeit their spinoff groups, such as the Syrian Muslim Brotherhood, Hamas, and Egyptian Islamic Jihad, maintained their violent tendencies.

In January of this year, however, the Muslim Brotherhood officially announced through Ikhwanweb, their website, that they would return to a new path. They would seek out violence. They said, "a long, uncompromising jihad, and during this stage we ask for martyrdom".

In addition to being anti-democratic, anti-secular, and anti-pluralist, the Muslim Brotherhood is also anti-female. I think it's reasonably fair to say they're flat-out misogynistic. For instance, the Muslim Students' Association of York University handed out free books for its annual Islam awareness week in February of this year. One of the books has a section on wife disciplining. It advises that wives should only be beaten as part of a three-part correction and educational process.

It also notes that there are different kinds of women in the world, and I quote, "Submissive or subdued women. These women may even enjoy being beaten at times as a sign of love and concern." The name of the book, ironically, is *Women in Islam & Refutation of some Common Misconceptions*. Let me just say that again, "These women may even enjoy being beaten at times as a sign of love and concern."

Hello, Margaret Atwood. Hello, feminists. Where are they on this sort of situation?

Also, last year *Le Journal de Montréal* raised the possibility that Mr. Chiheb Battikh, who had attempted to kidnap a Montreal billionaire's grandson for ransom, may have been a Muslim Brotherhood adherent and the kidnapping was to profit them. The five-page story was written by Andrew McIntosh in June 2014.

● (2000)

What about the view from the Middle East? In 2014 the United Arab Emirates produced a list of 86 organizations that are terrorist entities, front groups, proxy groups, finance providers, and/or weapons providers. The list was welcomed and approved by the Arab League. Among the global list of front organizations, two have their headquarters in the United States, with offices and personnel in Canada. These are CAIR-USA and the Muslim American Society. It is worth noting that there are more than 20 statements that have been made by CAIR-USA, CAIR-CAN, or NCCM, and the United States State Department. Among them, first, the United States State Department has identified that CAIR-CAN, now NCCM, is the Canadian chapter of CAIR-USA. CAIR-USA repeatedly claims that it has a Canadian chapter, which it calls CAIR-CAN. CAIR-CAN, NCCM itself, has repeatedly claimed in its own legal documents that it was formed to support CAIR-USA.

Quickly take a look at the mission of the Muslim Brotherhood. In their own words, in a 1991 document, after a 10-year review, they came out with this statement as part of a larger document:

The [Brothers] must understand that their work in America is a kind of grand Jihad in eliminating and destroying the Western civilization from within and “sabotaging” its miserable house by their hands.

We see similar statements being made here in Canada. As of last week, Young Muslims in Canada still had their website up and we find a Dr. Fahmy quoting Hassan al-Banna, the founder the Muslim Brotherhood. What does he say? “Therefore prepare for jihad and be the lovers of death. Life itself shall come searching after you.”

If you wonder where the radicalization and extremism comes from, if you wonder why young people sometimes go off and do crazy things, you may want to start looking at some of this.

What are the effects of these networks? What's been happening? In October of 2014 the Ottawa-based president of the Assalam Mosque Association, a gentleman by the name of Abdulhakim Moalimishak, said that mainstream mosques in Canada are being challenged by extremists.

He says:

I would not say this is an isolated incident. I would say there are groups out there that are trying to have a foothold in Islamic centres.

In February of this year, a Calgary man testified to the senate, which I believe I'm supposed to call “the other place” when I'm here, that terrorist ideology is being preached in Canadian mosques and universities and that Ottawa—I presume he means the government—is slow to stop the “brainwashing”.

The CBC sent an undercover reporter into Montreal's Al Sunnah mosque. The video revealed a number of interesting statements, including the idea that they should, “kill all the enemies of Islam to the last.”

An Environics poll concerning the Toronto 18 arrests said that 12% of Canadian Muslims believe that the Toronto 18 attacks would have been justified and 5% of them said that they would welcome a terrorist attack in Canada.

My suggestion, Mr. Chair, and honourable members, is the denialists who say this sort of thing is not happening in mosques, it's

not happening in our schools, it's not happening in our universities, are incorrect because we see a series of Canadian imams raising the issue, we see physical evidence coming out of the universities, and we see a variety of media examples.

With respect to Bill C-51, non-violent extremism can shroud itself in legitimacy. As far as Canadian values, the Constitution, and the Charter of Rights are concerned, I believe they're every bit as dangerous as those groups that are overtly dangerous and overtly violent. To face this, we need to change the definition and practices of security, including terms such as “deradicalization”. The bill does not address entryism in Canada or how the political process, charities, schools, and universities may be used to advance the cause of extremism. The honourable members may wish to follow the governments of the United Kingdom and France right now as they tackle these issues. You will see words such as “disrupt”, “entryism”, and “challenging the discourse of the Muslim Brotherhood” used in that context.

In closing, Mr. Chair, as in intelligence analyst—and I've been in that racket since 1986—I believe we're facing a rapidly evolving world where Canadian values and Canadians are now in the crosshairs of those who would undermine us from within, attack us from within, and attack us from without. As a former soldier deployed overseas, I have seen the results of what happens when extremists get in control. Bosnia and Croatia are good examples. People in Canada are currently shocked by the pictures of heads being cut off and held aloft as trophies. For those of us who served on the ground in Bosnia and Croatia, we saw pictures of severed heads being held aloft by foreign mujahedeen and by the Iranian Revolutionary Guard Corps. These were depressingly common sites and they showed up again when we were working at the war crimes tribunal.

As a citizen I have a slight different direction on this.

● (2005)

My belief is that we must keep the Immigration and Refugee Board, the Federal Court, and the criminal courts as open as possible. As a court expert on terrorism and as an individual who has expertise on the reliability of intelligence as evidence in the Federal Court, I helped train special advocates and judges. I believe they provided a valuable service to the country and to the intelligence community. The courts, admittedly, may be slow, awkward and on occasion, painful, but they are the key partners in the defence against extremism. I believe they are the ultimate form of oversight for the intelligence community and the law enforcement community. If we keep the courts open, if we keep them functioning, and if citizens and those charged have access to a court system, I believe we're good.

Mr. Chairman and honourable members, thank you.

**The Chair:** Thank you very much, Mr. Quiggin.

Now, from the Canadian Bar Association, we have Mr. Gottardi. Carry on, sir.

**Mr. Eric Gottardi (Chair, Criminal Justice Section, Canadian Bar Association):** Good evening, Mr. Chair, Mr. Clerk, and committee members.

We are grateful for the opportunity to appear before this committee this evening. As you know, the CBA is a national association of over 36,000 lawyers, law students, notaries, and academics. I am pleased that our president, Michele Hollins could join us here tonight.

An important aspect of CBA's mandate is seeking improvements in the law and the administration of justice. That is the perspective that brings us here before you today. Personally, I am chair of the national criminal justice section, a section that is represented equally by defence lawyers and crown prosecutors. With me is Peter Edelman, an executive member of the immigration law section. With over 36,000 members, we can offer legal expertise in many areas of law relevant to your study of Bill C-51. In fact, experts in criminal, privacy, charities, immigration, aboriginal, and environmental law all contributed to the CBA written brief that you should have before you today.

We offer this range of legal advice to the committee because we want to help improve the bill. It is difficult to overstate how important this bill is, and we believe the committee should take the time required for careful, not cursory, study, hearing from all groups with a serious interest in the legislation. We've taken a common-sense approach to our review of Bill C-51. Creating new laws of questionable constitutionality, laws that outlaw acts already caught under existing laws, or laws that overlap with existing laws only leads to uncertainty in the law, more court cases, and costs to the taxpayers.

Let me be equally clear about something else. Keeping Canadians safe is something that the CBA supports without reservation. As such, we support the stated objective of Bill C-51, and we have offered 23 specific recommendations in our written submission in order to help fix this bill. As I said, I don't have time to cover all those recommendations. I only wish to focus on two points in my opening remarks, before handing it over to Mr. Edelman.

The first has to do with the creation of the promotion offence. The CBA opposes the creation of an advocating or promoting terrorism offence in the Criminal Code. This provision is largely redundant. It is illegal to counsel anyone to commit a terrorist offence or engage in hate speech. The definition of terrorism is broad and covers preparatory acts or supporting activity. This offence may, as others have already testified to, be counterproductive and self-defeating by driving discussion of terrorism and radicalization further underground, making it harder for the police to detect. Finally, this provision is corrosive of our concept of free expression in a democratic society. Let's be clear; it makes thoughts given expression in words illegal. Freedom of expression protects even those thoughts and opinions that might be repulsive to the majority of Canadians. Is our Canadian democracy really so fragile that we must outlaw recklessly made statements? I think Canadians are made of sterner stuff.

The most concerning aspect of the bill that I want to touch on is the proposed transformation of CSIS from a simple intelligence-gathering agency to essentially a law enforcement body. CSIS

operates in the shadows, with much of its work kept highly confidential for national security reasons. Its activities are generally not revealed publicly or subject to judicial review. In these circumstances, expanding the CSIS mandate to include policing powers raises the risk of state abuses of that power. Indeed, this has happened before. These powers are not, as one witness said, ahistorical. Prior to the 1980s, both security intelligence and law enforcement were handled by the RCMP. Eventually it came to light that throughout the 1970s the RCMP engaged in what was colloquially known as "dirty tricks", illegal activities in the name of protecting Canada from subversive groups such as the FLQ in Quebec. Unchecked, the RCMP used radical means to acquire security intelligence and promote national security, including burglary, arson, and kidnapping.

● (2010)

The McDonald commission was established in 1977 to look into RCMP abuses. The result of the McDonald commission was the dissolution of the RCMP Security Service and the creation of CSIS, a new civil intelligence service with a limited mandate to engage in intelligence gathering and analysis. A careful line was then drawn between national security activities and activities that cross the line into operational policing. The idea was that abuses of state power are less likely to occur if the two roles are separated.

Bill C-51 threatens to disrupt this balance and blur the lines by essentially giving CSIS operational powers, many of which will overlap with RCMP powers. As the saying goes, those who fail to learn from history are doomed to repeat it.

As counsel who was involved on one of the teams working on the Air India trial, we saw first-hand some of the problems that arose when you didn't have complete cooperation between CSIS and the RCMP. Imagine now in light of the solid verdict in the Via Rail trial, if CSIS hadn't handed over the information they had to the RCMP so that could be operationalized. If they had wanted to keep their hands on it and not share it, we might not have a prosecution in that case.

These are the kinds of concerns that we have about CSIS and the operation of their mandate. It's covered in detail in our recommendations in our written submission.

[Translation]

**Mr. Peter Edelman (Executive Member, Immigration Law Section, Canadian Bar Association):** Mr. Chair, thank you for the opportunity to speak to the committee.

I am going to echo the sentiments of my colleague, in that the security of Canadians is extremely important to us. At the same time, it's important to acknowledge that we can never be 100% safe.

[English]

The balance between fundamental rights and security at times requires compromise, but the two are far from mutually exclusive. There's no question that fundamental rights rely on security. One cannot enjoy fundamental rights and freedoms in a climate of fear and insecurity. At the same time, security is enhanced by respect for fundamental rights. One of the most powerful tools that our national security agencies have is to be able to engage with communities that have trust and are willing to cooperate with them. Unfortunately, the agencies have to act in ways that are not conducive to transparency and openness with those communities, so we must look to other mechanisms to give confidence that this balance is being struck.

We would suggest two things that would assist in that respect. The first is precise drafting of legislative restrictions, and although not everyone can be privy to the detailed functioning of the national security apparatus, we can at least understand the law that structures them. Second is comprehensive and effective oversight of the national security apparatus as a whole. A number of individuals have commented on that. We would point out that oversight is not something to be feared by the intelligence services; it's something to be welcomed.

● (2015)

[Translation]

The proposed information sharing act is a good example of those problems. On multiple occasions during these hearings, the committee has been read passages on the definition of an activity that undermines the security of Canada. But we have yet to hear a single explanation as to why the definition is so much broader than the definition of what constitutes a threat to the security of Canada, as set out in the CSIS Act, a definition that is already very broad.

[English]

Make no mistake that the definition is much broader than the CSIS definition. For example, it's difficult to imagine any activity of the Canada Border Services Agency that would not be covered by the language of the definition. We're talking about a definition that talks about border operations. Any interference with those operations, everything the CBSA does, is covered by these information-sharing provisions, and the CBSA is an agency that has no independent civilian oversight, zero. It answers to the minister; that's it.

The fact that indigenous people, Muslims, activists, and others are coming before you with fears they will be targeted should be deeply disconcerting, precisely because the stated intention of the promoters of this bill is that it's not to target those individuals and communities. In the national security context, imprecise drafting and lack of oversight are fatal to the trust and cooperation that are by far the most valuable tools our national security agencies have.

We welcome the opportunity to work with you to assist in crafting effective legislation.

**The Chair:** Thank you very much, Mr. Edelman.

We will now go for up to 10 minutes to the American Islamic Forum for Democracy.

We welcome from Phoenix the president, Mr. Jasser.

You have the floor, sir.

**Dr. Zuhdi Jasser (President, American Islamic Forum for Democracy):** Thank you.

Thank you, Chairman Kramp and honourable committee members. My name is Zuhdi Jasser. I am president of the American Islamic Forum for Democracy based in Phoenix. Thank you for the opportunity to lend our perspective to your committee as you consider diverse points of view both from inside and outside Muslim communities, and also regarding especially the merits and concerns of Canadians to this very important counterterrorism legislation, Bill C-51.

While our nations may have had varied trajectories on our homeland security post-9/11, it is imperative that we learn from one another so that we may learn from each other's successes and failures.

Let me first begin by expressing my heartfelt prayers and sympathies for the family of the fallen hero Corporal Cirillo and your Sergeant-at-Arms Kevin Vickers who heroically stopped the savage attacks on Parliament Hill by the Islamist terrorist Michael Zehaf-Bibeau on October 22nd, as well as the victims of the ramming terror attack which killed Officer Patrice Vincent and injured another in Quebec.

As a former U.S. navy lieutenant commander, a dedicated American citizen, a devout Muslim, and a Syrian American with deep roots in Syria and its revolution—I'm the son of Syrian political refugees from the 1960s—I've taken every opportunity and ounce of time, as you've seen from other witnesses like Raheel Raza, Salim Mansur, and others since 9/11, to work towards the changes and the reforms that we need to see enacted for our communities both from within and outside Muslim communities to protect our nation from the scourge of Islamist terrorism.

One of the gravest errors we can make in the west is to compartmentalize efforts at home from those abroad, or even abroad between nations, as we ignore common themes and common challenges assuming only that battles fall conveniently along countries' borders. I've testified to Congress before on Muslim radicalization here in the U.S. in 2011 and 2013, and also on counterterrorism in 2012. I've testified a number of times on religious liberty issues regarding the Arab awakening in Egypt, Syria, and Saudi Arabia.

Our organization—just to let you know about it—is a think tank, an activist American Muslim organization dedicated to the mission that we believe the protection of liberty and freedom and the future of Islam will come through the separation of mosque and state. Terrorism is simply a tactic or a symptom of an underlying more pervasive ideology of which the militancy and violence are only one means by which they can achieve their goals of a form of an Islamic state. We believe that the underlying root cause is that Islamic state, Islamo-patriotism, or Islamism—a supremacist ideology held by those who seek the advancement of political Islam over all other forms of governance.



No. The repugnancy of the ideology of Islamism should not be made illegal, nor can it be defeated by being made illegal, but having said that, the single end point of militants' radical Islamism, among many end points of Islamism, cannot be defeated or cornered by your security apparatuses unless you understand the greater ideology of Islamism and you begin to focus on it and give your officers the ability to see Islamism and its attendant Islamo-patriotism and ideology as the core threat source across the world, despite its far-reaching and less relevant ethnic nuances. Ultimately that commonality is what makes movements like Boko Haram and the Nigerian Islamic supremacist movement ally with caliphists of the Islamic State in Syria and Iraq, as we just saw a few weeks ago.

As we saw with Zehaf-Bibeau's recent pre-terror video that was released, he was driven by that similar Islamo-patriotism that both demonizes Canada, Canadians, and the west, and also blames us all for the ills of Muslim communities. We need our security operations to be able to broaden their net from those who they know will commit an act of violence or terror to those like Zehaf-Bibeau, or Vincent's killer, or Nidal Hasan in Fort Hood here in 2009, who for much longer we likely could have known that they may commit, and that's such an important distinction. For then your security apparatus will have the ability to disrupt threats, which is oddly prohibited now, and also block speech which openly and clearly advocates violence and acts of terror against all citizens, which should never be protected speech, nor be protected groups, for our liberty is not a suicide pact.

As an American Muslim I'm reminded of Nidal Hasan who, long before ISIS was on the radar, plotted in 2009 his attacks emanating from the same stream of Islamist jihadi suprematism, which led him to assassinate 13 of our fellow soldiers and injure over 30. The relevance here between Bibeau and Hasan is that they were both Islamo-patriots, traitors to our nations who swore allegiance to the global Islamic cause.

- (2020)

For Hasan, it was Imam al-Awlaki and his caliphism. For Bibeau it was ISIS and its caliphism. These are not two different unrelated cases since one was ISIS and the other was al Qaeda. Six years later, multiple reports later, sadly, we are still tiptoeing around naming the ideology that drove them both and drove so many other radicals across the world.

It is unfathomable that, 14 years post-9/11, our nations cannot line up experts on Islamist ideology, state craft of Islamists, legalism of their sharia of our enemies, or my sharia, which I believe is the faith that I love. But there's a difference between the sharia of the Islamic State and our personal pietistic sharia. We need to have experts about that, who can talk about it. So far, political correctness has prevented that.

Once you understand these elements—the process of radicalization or what I call “Islamism-patriotization” and jihadization toward groups like ISIS—you'll be better able to legislate good police and homeland security work. The seminal work on this was published by the NYPD here in America, called “Radicalization in the West: The Homegrown Threat”.

With political correctness and the pressure of Islamist groups in America bent on suppressing the real reform that we reformists are

trying to do, that report is on its way to being removed from the website. I'd ask you to download it before they do. It's been up there since 2007. It is because the analysts at the NYPD intelligence division committed the crime of educating their forces on this association, granted not the rule but the association between militant Islamism, jihadism, Salafism, and those imams who are spiritual sanctioners, like Imam al-Awlaki, and various other so-called benign Islamic faith practices that are exploited by Islamist movements.

While certainly not all Muslims are Islamists, all radical Islamists are Muslims. Ultimately they travel down very common benchmarks of radicalization, which only we Muslims can address but to which our security and intelligence apparatuses should not and cannot be blind.

I believe the only rational reason that various Muslim groups and other legal groups may, on behalf of our community, voice concern about a very appropriate criminalization of the advocacy and promotion of terrorism offences in general, as Bill C-51 states, is that it will eventually obligate them to take a position on the ideologies that fuel and feed militant Islamism, or specifically stake out a position on Islamism itself.

If the militancy is not criminalized, they will continue to claim ignorance of the fuel and ultimately not be put under the antiseptic of sunlight. There are many fronts in this battle, and ultimately, I believe this is a very western battle, between theocracy and liberalism. But we need the tools to confront that. It should not be about if they will commit, but if they may commit. With speech advocating terror, just because it doesn't advocate for a specific person to be attacked, or a group, does not mean that's speech that should be protected.

Ultimately, if it's advocating violence, it should be stopped. I can tell you from where I sit, ultimately, that these tools will be very helpful in shining this antiseptic of sunlight on it. You don't have to make all this type of speech illegal, not the violent part, just especially the Islamist part. Actually, if you make it illegal, it will drive it underground. But the violent speech that advocates violence and terror should be exposed and rooted out.

I think if Muslims are going to do that and be held accountable, our faith community ultimately needs to be engaged in that. Reformists should have a seat at the table.

I think ultimately explicit calls for terrorism or violence or the endorsement and promotion of groups and individuals on the terror list should not be protected speech. One example I want to give you is that a website, ummah.com, said just last month that Muslims like Canadian Tarek Fatah and American Zuhdi Jasser are 100,000 times more dangerous to the Muslim community than infidels or kuffar in the west.

The implications here are obvious. Now, I'm not saying that speech should be made illegal, but certainly I hope your security forces are looking at websites like ummah.com as organizations with individuals who may commit acts of terror. Right now, we can't do that.

The people who you would protect first with Bill C-51 would be Muslims, our faith community, that is in fear and silence because of radicals that suppress reform and suppress dissidence.

• (2025)

I want to end with some final thoughts. One is that the mantra of violent extremism needs to end. I think Canada is a little ahead of us on that. Second, the lone-wolf theory is nonsense. These are not lone wolves any more than the Ebola virus in Dallas was lone wolf, with the Liberia source of the Ebola virus. Broader approaches against terror advocacy and with destruction are very important. We need to take the side of reformers within the Muslim community against political Islam and ally with groups and platforms that allow us to have that debate.

I look forward to our conversation. Thank you.

**The Chair:** Fine. Thank you very much, Mr. Jasser.

We will now go to our rounds of questioning. The first round will be for seven minutes.

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

**Mr. LaVar Payne (Medicine Hat, CPC):** Thank you, Chair.

I'd like to thank all the witnesses for attending. It's a very important bill that we have before us that we're studying and all your comments are very interesting and certainly pertinent to this discussion that we're having.

I want to start my questioning with Dr. Jasser. I'm wondering if you could give us your thoughts and share your perspective on the threats that western nations face from the jihadi terrorists.

**Dr. Zuhdi Jasser:** Thank you for the question.

At some point we have to realize that this whack-a-mole program we have right now, which is just to get them before they commit an act of violence, is not only failing but at some point we're not going to be able to keep up because it's increasing. The arrests in terrorism in the U.S. and in the west have increased exponentially in just the last two years, with the United States, Canada, Australia, and others being at the front line. We've seen not only our businesses attacked and 9/11, we've now seen the media in Paris; our government, as in Ottawa; and our military are now on the front lines. There is a kill list of 100 American military members. Their addresses were found off Facebook and social media and they are posted by ISIS as being on a kill list for acts of terror.

At some point we're not going to be able to keep up with that. So what's our long-term strategy? As countries in the Middle East, by the way, start to fuel this Islamo-patriotism in this Sunni versus Shia radicalism, we're going to find ourselves not being able to keep up because our lack of foreign policy strategy is coming to roost at home. If they can't get a passport to go to Syria, they are going to commit an act of terror in Toronto, Montreal, or in the United States. Ultimately, the threat is increasing. Why? The war of ideas is being filled in by social media radicals, from Wahhabis in Saudi Arabia, Sunni radicals, Shia radicals, or the Khomeinists with Assad in Syria, in Iran and Hezbollah. That vacuum is being filled by radical Islamism. The counter to that is not countering the militancy but filling it with ideas of liberty.

I think the greatest story in the last few months was Tunisia. You saw a secular anti-Islamist party replace democratically an Islamist party—Ennahda. That was undercover. They did it on their own without western help, and ultimately the greatest anti-terror movement was the secular party that took over in Tunisia. That's why ISIS wanted to break their economy a few weeks ago with an attack on their museum. They want the west out so that they can put the Islamists back into power and fuel that. It's growing exponentially. We need a strategy for the short term like Bill C-51, and for the long-term, that engages reformers like our organization, Raheel's organization, and others.

• (2030)

**Mr. LaVar Payne:** Thank you.

We've had a number of witnesses before the committee who have talked about the evolving process and how quickly the Islamist jihadist movement is evolving and where it's much more difficult to keep up and to catch up to them. I'm wondering if you would make some comments on our Criminal Code amendments that were proposed in this legislation and specifically measures to criminalize the promotion and advocacy of terrorism.

**Dr. Zuhdi Jasser:** I can't underscore how important that is because it is suicidal for our governments in the west to say that just because they don't target an individual, the advocacy of acts of terror against Canadians or Canada is so generic that it's protected speech. That is fuel. The reason you're getting pushback from Islamist groups is because once your government and our government, our intelligence operation, starts to focus on that, all of a sudden you're going to start to look at where this come from. What are they preaching at the mosque or at the Islamic organization that fuels this?

They're going to start to ask questions, versus the mantra that the violent radicals are somehow psychiatrically ill and come out of nowhere. They're not coming out of nowhere. I think that ultimately this is why you're getting obstacles. Every Muslim I know would want legislation that protects free speech but defeats speech that promotes terrorism. Because we don't want that in our mosques and I don't think we want it in our Muslim organizations or on our Internet affecting my children or any of the Muslim kids, because they will be susceptible to radicalization through that Islamo-patriotic movement. I think ultimately it's very important to start shedding the light of day upon those ideas that advocate and apologize for terrorism, because if you're not looking in those pools where the terrorists float, you can't drain them and ultimately keep your country safe.

**Mr. LaVar Payne:** I'll just touch a bit more on how CSIS will perform disruptive activities, and I stress, with judicial warrants that are required. We've heard all kinds of different examples of how this is not necessarily meeting the Canadian Charter of Rights and Freedoms. As I understand it under the charter, safety and security are pre-eminent for our country. We know that police have to get warrants to put wiretaps on the personal phones of individuals. I think it's important that, if there is such terrorism, doing so should be allowed. I also understand that when these warrants are issued by the judiciary, there can certainly be conditions under which they might have to report back on exactly what has happened with regard to those kinds of issues. I wonder if you have a comment on that.

**Dr. Zuhdi Jasser:** I think, ultimately, I can understand. I am a conservative, but I also believe in the libertarian ideals of civil liberties, so contrary to the way the Islamist groups try to portray our work, we're not giving up any of our civil liberties. There certainly should be just cause if there are going to be violations of privacy, but if our security forces are doing good intelligence work, they need to follow the leads to wherever they take them. As Mr. Quiggin highlighted, a lot of these organizations that are working under the ideologies that fuel anti-western thought need to be monitored, even the public elements. Our mosques, for example, are open, public places. You can walk in. You are not violating someone's privacy. It's different from putting a wiretap on a phone in a private facility. It's one thing to be monitoring public places; it's another to violate privacy. If you have to do that, I hope then you have probable cause and an actual concern about an act that not only will be committed but might be committed.

The other part of this, which is new, is disruption. Disrupting doesn't mean arresting these individuals or violating their personal property rights or taking them out of commission. You're actually just disrupting a plot. To say that Canada should not have access to groups and cells that come together, and should not be able to monitor their communications.... Nidal Hasan was speaking to al Qaeda from Fort Hood. You'd think our military would have been monitored, yet most of our military soldiers were unable to speak out because they were worried they'd be labelled as anti-Islam and bigots, so you realize we have a problem.

Even five years after Fort Hood, the reports that came out still didn't identify Islamism, jihadism, and ideologies that needed to be monitored, so we have a major problem in identifying the ideological problem. I think the warrants are a small part of the bigger picture that hampers CSIS and other intelligence operating systems.

● (2035)

**The Chair:** Thank you very much, Mr. Jasser.

Thank you, Mr. Payne.

[Translation]

Ms. Doré Lefebvre, you may go ahead.

**Ms. Rosane Doré Lefebvre:** Thank you very much, Mr. Chair.

I'd like to thank the witnesses for being with us today.

My questions are for the Canadian Bar Association representatives.

I had a brief look at your submission, and I found your proposal extremely interesting. I'd like to discuss it in more detail, but first, I'd like to ask whether you think Bill C-51 is constitutional and respects the Canadian Charter of Rights and Freedoms.

**Mr. Peter Edelmann:** I'd like to start by pointing out that certain parts of Bill C-51 are clearly unconstitutional. According to the bill, a judge can authorize violations of the charter. No such precedent exists in the law. I think it's important to stress the fact that none of the legal experts who appeared before the committee stated clearly and in no uncertain terms that the provision was constitutional. Even the Minister of Justice was ambiguous about that. He said that the legislation had been studied and adopted but that no opinion had been formed, pursuant to the Department of Justice Act. If you really consider what he said, you will see that his position wasn't clear.

In short, I would say that certain provisions are clearly unconstitutional. And as for judges being empowered to authorize charter violations, I don't think judges will get on board.

[English]

To be clear, when we're talking about search warrants, a search warrant is not authorizing a breach of the charter. A search warrant is authorization for a search that renders the search legal, and therefore is not a breach of the charter. It's very different from saying that you're going to authorize a breach of some other section. Section 8 functions very differently than other sections of the charter. When we talk about section 8 authorizations, those are not charter violations.

We have no precedent in Canadian law for judges authorizing breaches of the charter.

[Translation]

**Ms. Rosane Doré Lefebvre:** Mr. Gottardi, did you have something to add?

[English]

**Mr. Eric Gottardi:** That was a comprehensive answer.

I mean, it's a 55-page report with 23 recommendations. There are portions of the bill that we support, that we think are good initiatives—measured—but there are other portions, which Peter has pointed out, that we think are very clearly unconstitutional. Nothing we could suggest here would save them and they should simply be deleted.

[Translation]

**Ms. Rosane Doré Lefebvre:** Excellent.

On page 9 of your report, you talk about the repercussions that Bill C-51 would have on privacy protection.

Could you give us a quick overview of the repercussions that the privacy-related provisions could have on the average Canadian?

**Mr. Peter Edelmann:** I'm going to come back to the example of the Canada Border Services Agency.

• (2040)

[English]

With respect to CBSA, what we're talking about is an agency that has enormous powers. It has powers of search. It has powers of seizure. It takes the position that any cellphone, laptop, device coming across the Canadian border can be searched at will. In fact, someone was recently charged for not giving up their password, or at least those were the news reports. I don't know the details of the case.

We're talking about an agency that has enormous powers. Now we're talking about this agency where everything this agency does is covered by the definition in the information sharing act. There is nothing that CBSA does that would not be covered by that definition. Why we're using that definition instead of the CSIS definition or some other more restrictive definition is very unclear.

But when Canadians come across the border and you have your laptop or your cellphone searched, and you have this sent to 17 other agencies that are on the list—and those are just the ones that are currently on the list.... There could be a number of other agencies added to the list at any time.

[Translation]

The question is where do we draw the line in terms of where the information comes from and why it's necessary. We're not talking about terrorism, because if we were, the definition set out in the CSIS Act could be used. In this case, a much broader definition is being applied, and that's really what we're concerned about.

**Ms. Rosane Doré Lefebvre:** That's quite interesting.

On page 10 of your brief, you talk about "targeting activity that undermines the security of Canada, not legitimate dissent". Would you mind elaborating on that?

A number of witnesses who have come before the committee, including environmental groups and first nations leaders, have expressed serious concerns about the issue. Could you speak to the legal dimension?

**Mr. Peter Edelmann:** The problem is that the wording of the bill is ambiguous. It's up to us to determine whether those people would be affected or not. In terms of a protest being "lawful", and I'm not sure what the corresponding terminology is in French, a number of people have made the following comment to the committee.

[English]

That lawful protest means protesting without a permit, or protests that may break certain laws, engaging in mischief, engaging even in infractions of the Criminal Code that are of a relatively minor nature. When we talk about this word "lawful", it's unclear why it needs to be there. Other pieces of legislation were drafted differently precisely with these concerns in mind.

[Translation]

**Ms. Rosane Doré Lefebvre:** Do I have any time left, Mr. Chair?

[English]

**The Chair:** You have 30 seconds.

[Translation]

**Ms. Rosane Doré Lefebvre:** I'd like you to comment on the charities aspect. This is the first I've heard of it. I know you mentioned it in your brief. Would you mind commenting on that very quickly?

[English]

**Mr. Peter Edelmann:** No pressure.

[Translation]

I'll try not to go over 10 seconds.

The brief addresses the impact that certain provisions in the bill could have on charities. As far as sharing information and responsibility are concerned, charities are being put in a position that isn't clear. In our view, those provisions need to be clarified, as does their potential impact on charities.

I'll keep going, unless the chair cuts me off. I would again refer you to our brief. Unfortunately, I—

[English]

**The Chair:** The chair appreciates your consideration. We try to have some effective balance here, and so far I think most people find that we respect that.

We will now go to Ms. Ablonczy, please.

**Hon. Diane Ablonczy (Calgary—Nose Hill, CPC):** Thank you, Mr. Chair. Thank you to the witnesses.

We've heard tonight from Ms. Raza, and we've heard from Mr. Mansur, both practising Muslims. Dr. Jasser, you describe yourself as a devout Muslim. All of you, as well as Mr. Quiggin, mentioned deep concerns about Islamist rhetoric and radicalization throughout society.

I read with interest an article written by a jihadist recruiter from Britain. This was in the March 3 edition of the *New York Times*. It was titled, "The Education of 'Jihadi John'." I don't know if you've had a chance to read it. The author says, "academic institutions in Britain have been infiltrated for years by dangerous theocratic fantasists. I should know: I was one of them." His own recruiter came straight out of a London medical school.

The author says something very interesting at the end, namely, "Until we confront this seeming legitimacy of Islamist discourse at the grass roots, we will not stop the scourge of radicalization." But when you challenge Muslims in different institutions or organizations on this, the response is always that you are tarring all Muslims with that brush, that you are somehow being racist and bigoted. I guess the issue is how to challenge dangerous people or organizations in our society without being unfair or racist against the vast majority of Muslims who are moderate decent people.

I'm interested in that, Dr. Jasser. Professor Quiggin, would you chime in as well?

• (2045)

**Dr. Zuhdi Jasser:** Thank you very much for that question. I can't tell you how important that is.

I'll just tell you right off that not being up front, open, and honest with Muslims actually creates more of this—I don't even like the term but—Islamophobia. Phobia is a fear of the unknown. If you don't articulate the problem and address it, you actually fuel a phobia because nobody is addressing it. Furthermore, not addressing it directly is theocracy and theocratic movement of the supremacy of Islamic states, not just ISIS or the Islamic State, but all Islamic states of the OIC.

ISIS didn't come out of thin air. It was created in Saudi Arabia. Wahhabi thinking led them to behead 60 people in the last three months. They enact this type of movement and sharia law in Saudi Arabia through Wahhabism.

Muslims have to be held accountable as adults. Otherwise, you're infantilising Muslims and treating us like children. Somehow you don't want to offend us so you enable us and keep us in denial. I find that to be almost a bigotry of low expectations. "Oh, Muslims must be led by the misogynist, by the oppressive theocratic movements because they can't understand modern thinking and we don't even want to offend them. If we do..." So you see, it's a vicious cycle in the sense that as someone who loves Muslim communities, and I love my family, I love my faith, it's from tough love that I address these things, because I want us to come to terms with modernity. Christians who formed America and rejected theocrats of the Church of England loved their faith. It is amazing to me that when I've testified on these issues before, people have asked me what my qualifications are, and have said that I don't have the right to talk about these things. I say there's nothing more American, more Canadian, than rejecting theocrats.

Ultimately, I think Muslims are being given a pass. We need to apply tough love and allow them to have a diverse set of opinions, rather than the one monolithic movement that speaks for our community right now, and which is dominated by Islamists who are fed by the Saudi money petro-machine, the Qatar Foundation, the Islamist apologist who want to keep us under their thumb and boots and prevent us from reforming.

The only things which could give us the opportunity to reform are platforms like yours and modern universities in the west that aren't beholden to the petrodollars and ultimately realize that the Islamists and the Muslim Brotherhood movement that Tom described are not the only voices. In fact, we need to marginalize them because there is a connection between political Islam and radical Islam, which is on the same continuum or conveyor belt. They don't want you to see that conveyor belt so they stop you in your tracks by accusing you of Islamophobia. I think it's bigotry not to give us the platform to debate these things.

**Hon. Diane Ablonczy:** Thank you.

Professor Quiggin.

**Mr. Thomas Quiggin:** Thank you. I'm no longer a professor. I don't teach anymore although I held that profession in a couple of different countries.

First, I'd just like to wholeheartedly endorse Dr. Jasser's comments. What he just said is exactly the truth. I'd also like to add that his comments on the lone wolf earlier were correct. The concept of a lone wolf in terrorism exists; it happens. It's one of the

rarest species on the planet. Anders Breivik comes to mind as a guy who operated totally as a lone wolf. Outside of that, there are very few examples.

In terms of who speaks for Muslims, I think this is perhaps the biggest issue we have in Canada right now. We have a whole series of problems on Muslims. There is no such thing as a Muslim community in Canada. There are multiple communities, be they Shia, Sunni, dervish, Sufi, etc., whatever. We hear a number of Canadian organizations say that they speak on behalf of all Canadian Muslims, when in fact they don't. They speak perhaps for 15% or 20% of Canadian Muslims. I think the government in particular needs to start focusing past those groups that claim they speak for Muslims, and start looking at the grassroots organizations that speak for the other 80%.

I'm also aware, having dealt extensively with the Islamic and Muslim community, that a number of them would speak out, but they won't. Why not? Fear. Fear of lawsuits, fear of abuse, fear of job loss, etc. I would put this back on the government as well. The government needs to start engaging and protecting those people more often. The most deadly thing I think we have in Canada right now is political correctness. Canada, the United Kingdom, France, Denmark, Sweden, etc., have been so heavily infested, so infected, by political correctness that it robs the country of the ability to speak openly and intelligently on problems.

We have problems. You cannot look at the stream of youth—just the ones from the Muslim students' associations—leaving this country to go and kill themselves, to kill others, and not come to the conclusion that something may be wrong.

• (2050)

**The Chair:** Mr. Quiggin, we're substantially over time but we thank you.

We're close to our time, but we did have a little break and we should just finish our first round.

Mr. Easter, you're going to have a few minutes, sir.

**Hon. Wayne Easter:** Thank you very much, Mr. Chairman, and thank you to the witnesses for coming.

I want to turn my questions to the CBA. First I want to thank you for what really is a thorough and excellent long brief with a lot of good recommendations in it.

There was a discussion earlier between you and Ms. Doré Lefebvre on the lawful aspect, and I believe you answered that it's uncertain why it needs to be there. I'd say simply put it doesn't need to be there. The same wording was in the 2001 bill and was taken out.

I think to undermine or to restrict the fear of political activists, people who are in communities that advocate protest, etc., does it fix that section if we were just to amend the word "lawful", as was done in the past?

**Mr. Peter Edelmann:** The short answer is that it addresses one problem with the section. Ultimately, the question for me—and I've listened to a lot of the discussion and the debate around this bill—and the issue that I've yet to hear an explanation of is why the CSIS Act definition is not being used and why this broader definition is being created at all. There's been no explanation. All the debate around this has been around terrorism and Islamic jihadist terrorism. Nothing in the CSIS Act would prevent any of that work being done. I have a lot of difficulty understanding. That's already, in my view, a definition that's quite broad and there's been criticism, even from SIRC and others, about the scope of that definition. This is a much broader definition.

**Hon. Wayne Easter:** I agree with you on that point.

The other area, under proposed section 6 under the heading “disclosure of information”, nobody has been able to explain this to us yet in this committee where they say in accordance with the law, “using that information, or further disclosing it to any person, for any purpose”.

That's extremely broad. What's your thought on that? It's proposed section 6, page 5.

**Mr. Peter Edelmann:** Our thoughts—

**Hon. Wayne Easter:** It's section 6, page 5.

**Mr. Peter Edelmann:** I think that the question is a much more fundamental one and it comes down to the part that we don't understand. I think nobody has been able to explain, and the bill itself doesn't explain, how this bill interacts with the Privacy Act. What is the interaction between these bills? Does it supersede the Privacy Act? Are these information sharing mechanisms subject to the Privacy Act? Will the Privacy Commissioner have the ability to investigate or to oversee this information sharing regime?

When we talk about anybody for any purpose, is that within the purposes defined in the Privacy Act or is that some other broader definition? This somehow takes the entire regime outside of the Privacy Act regime. It's not an easy question to answer because in my submission.... I think the drafting is not very clean and it doesn't give us a very good understanding of what exactly the drafters had in mind.

• (2055)

**Hon. Wayne Easter:** There is no question with a lot of bills recently the Department of Justice is not getting a very good name. This is just another example.

You said earlier you believe there needs to be comprehensive and effective oversight, and that would be welcomed. I understand you're calling for a national security adviser and in addition to that you're calling for parliamentary oversight where parliamentarians would be privy to classified information similar to our Five Eyes. Am I correct in that you're calling for both?

**Mr. Eric Gottardi:** Yes, we're calling for both of those things. This committee heard from Justice Major and one of the criticisms and one of the difficulties arose, for example, when CSIS was hived off from the RCMP leading up to the investigation of Air India. CSIS was in possession of lots of information and intelligence about certain actors, but ultimately they were an intelligence gathering mission. They didn't share that information and some of it was destroyed. That was a crucial mistake and it was one that hampered the ability of the crown to prove the allegations against the accused in that case. That kind of mistake can't happen in the future.

In a situation where now we're giving operational kinetic powers to CSIS we're going to see the same kind of turf wars that we saw in the early 1980s. If there's no one person at the head of the ship, as Justice Major said, keeping the entire national security apparatus cooperating, talking, and sharing information, it makes us less safe, not more safe.

There's a difference between on-the-ground operational oversight as opposed to an after-the-fact review. We've heard a lot of testimony even tonight about the changing nature of the threat that we're facing and the CBA doesn't disagree with that. The after-the-fact review that we have today is the same as it was 30 years ago and that's not sufficient. It's just not. There were bills that were proposed in 2005. Mr. Easter, I think you were a part of those. The minister was. It was a good idea. It was a good idea then and it's a good idea now. It's time for Canadians to have it. This committee can help with that.

**The Chair:** Thank you very much. Our time is over now.

On behalf of the entire committee I'd like to thank Mr. Quiggin, Mr. Edelmann, Mr. Gottardi, and Mr. Jasser. I'd like to thank all of our witnesses for their solid, their professional, and their helpful commentary this evening.

Thank you very much on behalf of this entire committee.

We are adjourned until tomorrow morning.









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