

Terrorism, Law & Democracy

How is Canada Changing Following September 11?

Canadian Institute for the Administration of Justice, March 25-26 2002, Montreal

On March 25-26, 2002, the Canadian Institute for the Administration of Justice held a conference in Montreal entitled *Terrorism, Law & Democracy: How is Canada Changing Following September 11?* The conference was attended by representatives from the legal, government, not-for-profit and academic sectors, and had a strong focus on the challenges that have emerged as a result of new legislation implemented in the wake of 9/11.

This paper provides a brief over of the main issues raised by panellists and presenters during the conference. A list of documents distributed to participants during the conference is appended.

Plenary I - International Terrorist Networks and the New Threat Environment

Stewart Bell, National Post

- Canada is clearly seen as a staging ground and a haven for terrorists
- research has shown that there are more cells and representatives of terrorist organizations in Canada than in any other country but the US
- key concern is that the federal government has approached the issue as one of public relations (i.e. convincing Canadians that the threat is minimal and contained) than as one which warrants action (e.g. strengthening security capacity)
- as well, legislation alone is not sufficient, and is akin to “shutting the barn door after the horses have left” - that which is needed is greater anti-terrorism powers for security agencies
- terrorists tend to enter Canada through a porous refugee system - once here, they settle in a safe-house, and contribute to their organization or cell in one of several ways:
 - providing functional support - forging documents, etc.
 - political lobbying - mounting public campaigns to promote their cause
 - pressure campaigns against adversaries - working to silence those within their community who they believe hinder their operations
 - fundraising - at community events and meetings, as well as through illegal means such as drug trafficking and theft
 - recruiting - identifying and targeting potential recruits
 - operations - using Canada as a staging ground for terrorist operations (e.g. Air India, Ahmed Ressam)
- in addition to contributing to the international terrorist threat, the existence of terrorist cells and organizations in Canada also impacts on members of some immigrant communities who are not involved - there is strong coercion and pressure on legitimate immigrants, often involving threats and extortion
- looking back at 9/11, it is important not to “hide” behind the fact that none of the 19

hijackers entered the US from Canada - the mere fact that these organizations operate here means that Canada is supporting international terrorism

Ward Elcock, Director, CSIS

- prior to 9/11, 2/3 of CSIS's resources were devoted to counter-terrorism (CT), with a strong focus on Sunni extremism
- 9/11 began an intensification, rather than a change, of focus on CT, and brought to most people's attention that individuals with links to international terrorist networks have seen Canada as a "haven"
- the real question for government, therefore, is to identify what is required to prevent terrorism
- one challenge has been that many have focussed on the numbers of people and groups in Canada who are under surveillance from day to day as a demonstration of efforts underway
 - this number is irrelevant, and does not demonstrate the qualitative aspects of surveillance
 - most terrorist organizations are highly sophisticated, operating in cells, highly technologized, educated, very security-conscious, etc.
 - so what is more relevant is to understand how they operate and what their tendencies are, rather than how many are being watched from day to day (e.g. al-Qaeda has *not* been destroyed, but rather its diffuse organizational structure means that it has likely changed shape and could be preparing to pounce on a new front)
- a number of challenges face Canada's security community:
 - terrorism doesn't fit neatly into legal processes - most of those seen as potential terrorists are not yet "criminal" - difficult to pursue and prosecute
 - foreign-gathered intelligence - we may need to come to grips with some of the less palatable practices of foreign intelligence agencies
 - ensuring balance - challenge exists in ensuring that CT operations do not begin a chain-reaction that could jeopardize international and domestic operations and intelligence-gathering already underway
- opportunities abound, however, to meet these new realities:
 - building a body of jurisprudence to more appropriately deal with terrorists in Canada
 - coordination with the broader security community (domestic and international)

Martin Rudner, Director, Centre for Security and Defence Studies, Carleton University

- history shows that terrorism itself is not a new phenomenon, but al-Qaeda demonstrates how the concept has been transformed in many ways
- that which is new is it does not represent territorial interests, but in fact the transformation of the belief system of target communities

- structure is not hierarchical, but “hyperarchical” and “all-channel,” structured much like the Internet in terms of its network and redundancy of connections
- political culture: does not identify the nationalities of its operatives, all of whom are educated and outwardly westernized
- a “transcendental objective” motivates al-Qaeda - transforming the *dar el-harb* (world of war) into a world of purity, in order to allow for purity within the *dar el-Islam*, essentially returning Islam it to the “pure” state in which it existed at the time of its foundation
- addressing this threat involves several steps:
 - creation of international intelligence coalition
 - fusing intelligence tools (human intelligence, signals intelligence) to produce a cohesive and coherent image of threats and trends
 - improving coordination between front-line intelligence officers, analysts and policy makers
 - building confidence in intelligence and security, improving understanding of what the intelligence community does, and providing effective oversight for it

Plenary II - How has Canada responded to serious threats in the past?

Desmond Morton, Former Director, McGill Institute for the Study of Canada

- for Canada, the real threat of 9/11 was the injury to the superpower - we were forced at very short notice to prove our loyalty
- several historical events exist in this same vein (e.g. World Wars, Cuban Missile Crisis, etc.) but never have they been of such high profile
- presentation focused on events dating to 186 (1st Métis uprising) to demonstrate Canadian government’s traditional responses
- Morton’s claim is that “bureaucratic stinginess” has dictated the accuracy of Canada’s security tools (e.g. creation of lists of threats)
- that which is most needed is more appropriate oversight to ensure that security policy is appropriately informed and responsive to the existing and emerging situation

Reg Whitaker, York University and University of Victoria

- there are several important precedents to Canada’s involvement in the post-9/11 anti-terrorism alliance
- Canada’s approach to security has always been dependent on the actions of its partners (e.g. US, UK), but the analysis and resulting action is purely “Canadian” - public relations initiatives have always been on equal footing with the actions taken by government
- Whitaker cited the 1970 October Crisis as a case in point
 - international spotlight, as well as Quebec/Canada tensions drove government decision-making
 - e.g. RCMP had viewed crisis as a police matter, but government chose to “exaggerate” threat of terrorism, and use FLQ as an “example”

- some key lessons were learned, however - War Measures Act has since been repealed, and the Security Service was moved out of the RCMP to offset this kind of misuse of police power in the future
- as such, 9/11 is likely to generate and sustain public support for security enhancements, and as such we need to ensure that effective oversight exists to ensure responses are appropriate

Plenary III - How have Western Countries Responded?

Kate Martin, Center for National Security Studies, Washington DC

- 9/11 ushered in a period of change among policy makers in the US
- key questions: whether it was possible that a nuclear device could be detonated in a major US city, and whether the Bill of Rights would need to be suspended - in her mind, the answer is “yes” on both fronts
- the role of government, therefore, is prevention, so that no rights need to be compromised
- several points of contention emerge on this front - preventive detention, new surveillance authority, secret search warrants, option of trying terrorists in military courts (treated under PATRIOT Act and other subsequent legislative initiatives)
- at present, most actions have taken place outside of the PATRIOT capabilities, and government is relying on pre-existing authorities
- it remains to be seen as to whether the new legislation will be used in targeted operations or as a “drag net”
 - politically, there is a tendency to want to implement powers to their greatest extent
 - but this raises the challenge of ensuring that distinctions are drawn between legitimate threats (e.g. terrorists) and other, less threatening groups (e.g. protest movements)

Roger Faligot, Journalist, France

- France’s long history with counter-terrorism (CT), particularly against Algerian movements (and even against al-Qaeda during the 1998 World Cup), has meant that there has been little movement to reinforce legislation since 9/11
- the French system matured during the last several decades, placing French operatives at the centre of international CT
- there is a strong totalitarian tradition in French CT - since CT is largely a military responsibility (with several expected turf battles with civilian and police agencies), the French have historically resorted to CT measures including assassinations, illegal surveillance operations, and other means that set civil rights aside in the name of national security
- recent measures have been focussed on improving the transparency of, and publicly legitimizing, national security operations and techniques
 - e.g. of right to silence in interrogation only recently instituted for terrorist suspects

- as public expectations mount for transparency and accountability, the challenge remains as to how best to leverage the strength of legitimate French CT capacities, with growing expectations and demands of democratic principles

Plenary IV - Terrorism and the Criminal

Richard Mosley, ADM Criminal Law Policy and Community Justice, Justice Canada

- Bill C-36 addresses Canadians' concerns about the threat of terrorism, and accurately reflect what they see as the most pressing needs for the Canadian security community
- it is likely that the elements of C-36 would have been implemented eventually even had 9/11 not occurred - that day simply provided a catalyst for legislative movement
- this presentation focused on two key aspects of the legislation, the process and the more preventive approach of the law
- process:
 - key difference was that the initiatives underway prior to September did not contain a common definition of "terrorism" - and the events of the 11th demonstrated to many that the laws in place did not allow for sufficient preventive measures,
 - although public consultations were impossible in the short timeframe in which the Bill was produced, it is likely that the public scrutiny was greater due to the close attention paid by the media in the aftermath of 9/11
 - at the same time, however, human rights counsel were included from the very outset of the process, and there was an ongoing discussion with the PSAT ministerial committee to ensure active input and feedback throughout the process
- building preventive measures:
 - key challenge prior to C-36 was that the laws in place were developed at an earlier time, when the concept of terrorist cells and the distribution/diffusion of responsibility for terrorist acts were not fully understood
 - as such, authorities could not prosecute since there was rarely a completed criminal act (e.g. functionaries in the terrorist chain could not be pursued, regardless of the active role they played in supporting a cause)

Kent Roach, Professor of Law, University of Toronto

- C-36 represents an underestimation of the powers already in place under existing legislation - but the time for debate as to whether C-36 is appropriate has passed
- the real issue here, therefore, is to ensure that the broad community of Canadians has a say as to whether C-36 is the best approach for prevention of and response to terrorism
- an excellent example of an issue that needs to be publicly discussed is that of the definition of what constitutes a "terrorist" - from his point of view, it elides the fact that motive does not prove a crime or complicity
- as such, the current definition is too open to ambiguity, as it could be extended to cover

more than legitimate terrorist acts

- other areas include the threat to commit a terrorist act, as well as the definition of what constitutes a terrorist group
- the most important test of the new legislation will involve how the state uses it to deal with issues that are of far greater impact than 9/11 (e.g. public protests)

Don Stuart, Professor of Law, Queen's University

- C-36 is problematic because it represents a “quick fix” to the situation
- in effect, when one considers that 9/11 was actually a failure in intelligence, rather than of the law (remember: no laws were broken until the hijackings took place), it is clear that C-36 will do little to make Canada safer from these threats until greater focus is placed on the vulnerabilities that were exploited on that day
 - we need to keep in mind that C-36 was largely implemented as a result of pressure from the US - more a political, bottom-line oriented decision than one based on consultation and close scrutiny of the existing legislation
- a number of key challenges of C-36 not already addressed in this panel include:
 - marginalized groups will tend to be brought under the security microscope more often, as they frequently fall into the religious and political “profiles” being targeted as high-risk
 - the powers ascribed to the police need more effective oversight, as they could be turned into a “drag net”
 - surveillance needs to be justifiable, and it should remain difficult to justify
 - preventive detention is a slippery slope - agencies will need to ensure that reasonable suspicion exists, and C-36 does not require it at present
 - the removal of the right to silence under extraordinary circumstances also needs to be a “last resort,” and existing legislation could in fact ease regulations
- finally, the greatest danger of C-36 is the fact that it could be permanent - review and sunset mechanisms need to be built in, and open and informed public consultations are the key to ensuring these are effective

Plenary V - Does Bill C-36 Give Police too many Powers?

Gwen Boniface, Commissioner, Ontario Provincial Police

- Canadians clearly want two assurances - that they will be protected from risk, and that their rights will be protected - C-36 does both, especially within the more volatile post-9/11 environment
- key measures of the legislation are those which define terrorism, which make illegal the less visible elements of terrorism (financing, participation, information sharing, recruitment, etc.), as well as those which identify the rules for preventive arrest
- there are two important elements to ensuring that the elusive balance between rights and security is maintained

- first is to ensure effective and objective oversight - much like that which is in place in Ontario - given the high profile and potential volatility of the post-9/11 situation, transparency is critical to maintaining public confidence, as well as ensuring that new police and security powers are not abused
- second is to provide practitioners - from the front-line officers all the way to the oversight bodies themselves - with extensive training and development on issues such as implementation, interpretation and methods of ensuring that individual rights are respected
- central to the issue at hand is consistency - “too much” police power is best demonstrated when powers are implemented inconsistently across the board

Paul Copeland, Lawyer

- it is important to view 9/11 within its historical context - as such, it represents an intelligence failure, rather than a legal failure
 - as such, C-36 and others are little more than an assault on civil liberties (e.g. preventive arrest)
 - the world did not change on 9/11 - rather, our perspective of an existing situation was changed - this being said, we need to proceed carefully when we determine what the best course of action would be
- the process of C-36 was also troublesome - key organizations, such as the Law Commission of Upper Canada, were not consulted - there were issues in the original bill which would have been flagged from the very outset as troublesome, including
 - right of silence removed at investigative hearings
 - preventive arrest authorities
 - removal of obstacles for wiretaps
- overall, however, legislation is not the answer - we need to examine and address the intelligence vulnerabilities that were exploited on that day

Jean-Paul Brodeur, Professor of Criminology, Université de Montréal

- presentation covered 3 key issues - the necessity of C-36, the changing role of the CSE (Communications Security Establishment), and overall accountability
- first, the legislation is not necessary to address terrorist threats
 - the terrorist problem in Canada is not serious enough to warrant new police and security powers
 - the process for developing C-36 amounted to little more than tokenism
 - the powers under C-36 would likely not have altered the course of 9/11 had they been in place in the US at the time
 - finally, the police have considerable learning to do before they can adequately and responsibly implement the changes to the Criminal Code and other pieces of legislation
- second, greater oversight is required for the CSE

- the double mandate of foreign signals intelligence and domestic cryptography and communications security is critical - greater oversight is required under the new powers ascribed to the CSE under C-36, given that no warrant is necessary to wiretap signals which originate in another country
- as well, there is no authority in place that will oversee the database of wiretaps carried out by the CSE - this amounts to a “blank cheque” for wiretap authority
- third, regular monitoring of all new powers is required, which would in turn improve accountability of the agencies involved
 - monitoring needs to begin with a stock-taking of the full spectrum of new powers under C-36
 - second, there needs to be more proactive and ongoing operational oversight of C-36 authorities and powers
- finally, understanding what this new legislative package means for all those involved in national security (from the agencies themselves to the legal community) is essential - we can, if we begin from that starting point, make a “silk purse out of a sow’s ear”

Plenary VI - Constitutional Democracy: Balancing Security and Civil Liberties

Errol Mendes, Professor of Law, University of Ottawa

- the world didn’t change on 9/11 - in effect, a changed world came to the US, and opened up a new, uncharted territory between “crime” and “war”
- the key to exploring this new environment is the Charter of Human Rights, as this will help us identify and work with the limits we are willing to place on our rights, and prevent power from running amok
- one suggestion would be to re-consider the need to “balance” rights and security - rather, what is needed is a re-alignment of rights, where due process, equality and freedom of expression are the driving forces
- within this perspective, C-36 does not entirely clash with the Charter - security from risk is an important human right, and while we are not at a state of perfection, we in Canada are likely better off than many in other countries
- but at the same time, there needs to be greater oversight under C-36 and C-42 - as it stands, the current scheme lacks even the ability to quantify and understand the impact that the new legislation will have on rights and security

Patrice Garant, Professor of Law, Université Laval

- before we can analyze post-9/11 legislative initiatives, we need to consider them in context, which most have yet to do
- most important would be a discussion of the values that the laws intend to protect - and we need to keep in mind that the state can also act as a limiter of rights and values, to protect the security of the greater whole
- clearly, 9/11 did have a transformative impact on policy - security now dominates

- government's radar screen, as well as the level and quality of discussion on the topic throughout society
- that which will be critical to ensuring that legislation is appropriate and responsive to Canadian needs is a comprehensive analysis of the powers ascribed to security and police forces - and the civil libertarian lens needs to predominate
 - as well, the means to ensuring that executive power does not hold the trump-card over the legislation is effective civilian oversight on an ongoing basis

Plenary VII - Information and Privacy Issues

Jennifer Stoddart, Chair, Commission d'accès à l'information du Québec

- important to examine new legislation in context - we have gradually seen the erosion of privacy rights in Canada, crystallized by 9/11, but also demonstrated in such events as the FTAA Quebec City events of 2001 and other public protest events
- the Quebec access to information commission has been working to counteract the trend by taking a proactive approach to sensitizing the public toward this issue, toward the role of police, and to the rights of the public to information
- one critical question that we need to address is that of appropriate technology - new tools such as biometric identification, video surveillance, etc., need to be implemented only in a measured approach, and in a way that is appropriate to the real degree of threat faced by Canadians in the post-9/11 world
- in short, we need to ensure that the minimum is done, so that rights are not trampled, and C-36 needs to be brought into the public forum for open and transparent discussion

Alan Leadbeater, Deputy Information Commissioner of Canada

- monitoring the impact of C-36 and other laws can be done to a certain extent through Access to Information laws, and the tools that they provide to Canadians - in the end, right of access is critical to open and accountable government – ATI helps ensure the burden of proof for the need for secrecy is on government
- by broadening the scope of exemptions, the post-9/11 legislative measures could potentially override this fact
- this is problematic, as he believes there is no relationship between limited access to information and the war on terrorism
- for example, certified secret documents could have been kept secret in perpetuity, under the first draft of C-36 - but this has since been changed, and secrecy will be up for review after a set time period
- in effect, that which government needs to focus on is assuring its allies that it has the tools necessary to ensure that the intelligence they share will not be compromised - and the pre-9/11 legislation clearly provided these tools

Elizabeth Sanderson, Senior General Counsel, Justice Canada

- this presentation focussed on the balance that government needed to strike after 9/11 between access and security measures
- the issue of secrecy certification has been a point of contention for many - but it is important to note that C-36 does not compromise the values that underpin the pre-existing ATI and privacy acts
- these values include right of access, exemptions based on a risk-management system (risk to the individual, the third party, national security, etc.), as well as oversight
- the critical adjustment that took place under C-36, and an area in which it is possible that changes were originally taken too far, was in the certification issue - and the situation has been rectified by the implementation of a 15-year review clause for secrecy
- as well, the creation of oversight capacity in the Federal Court of Appeal on the issue of certification will also ensure that this new capacity is not compromised or abused

Plenary VIII - Fighting Terrorism Financing - Implications for the Legal and Financial Sectors

Paul Kennedy, Senior ADSG responsible for National Security

- in order to understand the issue of terrorist financing, it is critical to understand that terrorist organizations tend to be well-informed, to the extent that they can understand and effectively exploit the weaknesses of legislation, policy and infrastructure
- finance is one such area of weakness - the objective of the Financial Action Task Force led by the G-8 has been to ensure compatibility of laws pertaining to financial security issues
- each of the 29 countries involved have set up a financial transactions analysis/intelligence agency - FINTRAC is Canada's agency
 - reports to Finance
 - supporting legislation requires financial sector to implement significant record-keeping and reporting activities on major financial transactions
 - pressures from the US for Canada to be effective in this area stem from the fact that Canada is viewed as a haven for terrorists and a staging ground for foreign attacks
- by reporting to Finance, FINTRAC is kept at arm's length from CSIS and the RCMP, and as such there are very stringent regulations on the information that it can share with security and intelligence organizations
- so, Canada and its international financial sector counterparts were focussed on dismantling international terrorist networks long before 9/11 (FINTRAC Act dates from 2000) - 9/11 simply helped strengthen political and public support for financial security

Reid Morden, Chair KPMG Corporate Intelligence Inc.

- in spite of the broader international movement toward financial security and intelligence, FINTRAC and the rest of the FATF movement is largely due to pressure from the US

- government has long been hamstrung in its ability to deal with financial security issues - the challenge of dealing with transnational organized crime is an example of this
- but illicit means of transferring funds is critical to the operation of terrorist organizations, the new reporting and intelligence powers have received the political support they require
- the key to financial security is technology - data-mining, which banks have been doing on a client-service level for years, is essential to developing an image and understanding of how terrorist organizations operate financially, and as such will be critical to dismantling them
- where the international community needs to mobilize is in ensuring the standards and compatibility that have been implemented in FATF countries are also carried out or met in those countries that do not participate
 - e.g. of Colombian bank that is actually owned by the head of a cocaine cartel demonstrates that it is not sufficient simply to ensure reporting and analysis regulations are carried out at home

Vern Krishna, Professor of Law, University of Ottawa

- due to the nature of the legislation, the full impact of the FATF and post-9/11 changes will likely only be felt in 20 years - this gives some time to consider what interests need to be balanced in ensuring financial security without undermining individual rights
- let's not forget the impact of relativism - in 20 years, our values will undoubtedly change (remember that for many it was fully acceptable to intern Japanese Canadians in the 1940s!)
- laundering money can take place using money that has been acquired through either illegal or legal means (e.g. drugs as illegal, undeclared income as legal, sources of funds)
- as such, therefore, the first challenge faced will be to determine where we, as a society, draw the line for implementing stringent financial reporting regulations - if there is an obligation to report suspicious transactions, should this be done in all situations, and if not, where should the lines be drawn?
- in addition, the principles of the legal profession are also compromised by the financial reporting regulations - confidentiality rules are violated, and the legal community will have to continue its current thrusts to change the regulations

Plenary IX - Watching the Watchers: Democratic Oversight

Justice James Hugessen, Federal Court of Canada

- one role of the Federal Court is to ensure judiciary has a say in security and intelligence practices - oversight takes place through traditional judicial inquiry
- under C-36, the roles and responsibilities of the Court will not change - hearings on national security have always been undertaken *in camera* and *ex parte*
- but this highlights the importance of the adversary system as a tenet of democratic institutions - ensuring that both sides of the case are heard is almost impossible

- the saving grace for most search warrant and surveillance decisions is that access rules mean that they will eventually see the light of day and be made public - but under C-36, this could change, and we cannot go down that road as this would remove the last safeguard that the public has against improprieties by security and law enforcement agencies

The Hon. Bob Rae, Former Chair, SIRC

- the strengths of SIRC as an oversight body is that it can look at complaints against CSIS in detail, after operations are complete - in some other countries, this role is undertaken by active politicians
- as well, the SIRC has access to all aspects of operations, and as such can provide the big picture analysis that is required to improve transparency - while its reviews are driven by complaints, it is not limited to investigating complaints in its review processes, as are other public review committees (e.g. RCMP Public Complaints Commission)
- on the other hand, the SIRC faces a number of challenges, including the fact that they are the oversight body for only one element of the security and intelligence community in Canada
- thus, the capacity for review and oversight might need to be reviewed to provide more comprehensive oversight in the wake of 9/11, C-36 and other legislative initiatives
- in the 2000 SIRC annual report, it was recommended that the federal government review its entire security and intelligence oversight system - C-36 promises to raise the stakes in this issue
- Canadians also will need to discuss openly and in an informed manner the impact that increased security and intelligence authorities will have on them - and a central issue of this will be oversight and review
- the public also need to understand that governments tend to be reluctant to implement oversight until it appears absolutely necessary - therefore “forcing the hand of government” through dialogue and demands for transparency is the means of expediting the process
- in the end, government needs to ensure that security and intelligence measures and capacities are appropriate, and do not outstrip the nature and level of threat
- as well, it will also always remain important to delineate between threats (terrorists) and legal dissidents

Shirley Heafey, Chair, Commission for Public Complaints against the RCMP

- 9/11 drove home the importance of security, and legislation has given law enforcement a number of important new tools - the challenge now is to ensure that they are used effectively and responsibly
- APEC is an example of what can go wrong - it was an unacceptable response to legal protest, and demonstrates how overzealous use of powers can undermine democracy
- focus of C-36 is prevention, not on prosecution - and extensive efforts will be undertaken

- by security and intelligence agencies to dismantle terrorist organizations
- while oversight is important, skills and learning will also be key to ensuring that new authorities are not taken too far - maintaining balance between rights and security depends on ensuring that law enforcement and security officers are kept abreast of what the implications of legislative changes are for day-to-day operations
- with respect to oversight, civilian review is important - and oversight cannot simply be reactive (i.e. implemented only when a complaint is lodged)
- thus, as law enforcement and security powers are expanded, so should be transparent and appropriate oversight

Alan Borovoy, General Counsel, Canadian Civil Liberties Association

- clearly, we face a legitimate terrorist threat - but pre-existing legislation could likely have dealt with the threat
- but in light of the new powers for law enforcement and security, we also need to ensure that Canadians have access to the tools to “identify and disrupt the police and intelligence abuses” that could potentially take place
- currently, there is insufficient capacity to do this - and for the most part, most complaints and concerns are handled by the same law enforcement officers, government employees and politicians that hold the reins over the new powers
- three needs exist, therefore:
 - first, a system for independent review of complaints against the police is required for every jurisdiction in which new powers have been provided to law enforcement - moreover, review needs to be ongoing, rather than simply structured around complaints
 - second, independent agencies without decision-making powers are required to disclose any problems with police and security operations relating to human rights, as well as to propose (but not implement) changes
 - third, a serious reconsideration of the relationships between civilian governments and police agencies is needed - in Canada, the lines between policy and operations have been blurred (as exemplified by Ipperwash)
- the key, therefore, is to prevent governments from being able to “wash their hands” of any abuses of powers by police and intelligence agencies

Documents Available on Request (hard copies only)

Copeland, Paul. Presentation notes.

Faligot, Roger. “La bataille contre la violence islamiste en Europe: originalité de l’expérience française.” Presentation notes.

Garant, Patrice. “Prévention du terrorisme et principes de justice fondamentale.” Presentation notes.

Mendes, Errol P. “Between Crime and War: Terrorism, Democracy and the Constitution.” Presentation notes.

Morton, Desmond. “How Has Canada Responded to Serious Threats in the Past?” Presentation notes.

Mosley, Richard G. “Preventing Terrorism - Bill C-36: the Anti-Terrorism Act 2001.” Presentation notes.

Roach, Kent. “The New Terrorism Offences in Canadian Criminal Law.” Presentation notes.

Stuart, Don. “The Anti-Terrorism Bill C-36: An Unnecessary Law and Order Quick Fix that Permanently Stains the Canadian Criminal Justice System.” Presentation notes.

Whitacker, Reg, “Before Sept. 11 Some History Lessons.” Presentation notes.