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Chair

Mr. Paul Zed

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•(1530)

[*English*]

The Clerk of the Committee (Mr. Marc Toupin): Honourable members, I see a quorum.

Your first item of business is to elect a chair pursuant to Standing Order 106(1). I am now ready to receive motions to that effect.

Hon. Roy Cullen (Etobicoke North, Lib.): I move that Paul Zed be elected chair of the committee.

The Clerk: Are there any other nominations?

It has been moved by Mr. Cullen that Mr. Paul Zed be elected as chair of the committee.

(Motion agreed to)

The Clerk: Congratulations.

Mr. Peter MacKay (Central Nova, CPC): I move that Kevin Sorenson be elected first vice-chair of the committee.

The Clerk: It has been moved by Mr. MacKay that Mr. Sorenson be elected as first vice-chair of the committee.

(Motion agreed to)

Mr. Kevin Sorenson (Crowfoot, CPC): I move that Serge Ménard be elected second vice-chair of the committee.

The Clerk: It has been moved by Mr. Sorenson that Mr. Ménard be elected as the second vice-chair of the committee.

Hon. Roy Cullen: I move that all nominations be closed.

Mr. Kevin Sorenson: We're running out of people.

(Motion agreed to)

The Chair (Mr. Paul Zed (Saint John, Lib.)): Thank you, colleagues, for that overwhelming endorsement.

As your new chair, I now call the meeting to order.

I understand we have several witnesses. We have votes at 5:30 p. m., so I'd like to get under way as soon as we possibly can.

I know you wanted me to quickly review where we are at the very beginning of this meeting so that we have a sense of our work plan. The December deadline for reporting to the House of Commons is fast approaching. In the meantime, we have several more witnesses to hear from, a possible trip to Washington, and a possible visit to an Ottawa detention facility to schedule. Today we will be hearing from

the American Center for Democracy, the Mackenzie Institute, and the B.C. Civil Liberties Association.

On your behalf, colleagues, I want to apologize to Mr. Thompson for some mix-up two weeks ago, which the committee was not aware of. I want to tell you that we have sent a letter to the Senate guards reminding them that when we're having hearings, they should pay close attention to our schedule, because we were looking for you and waiting to receive you.

Tomorrow I'll be going to the Liaison Committee, as they will be considering our travel budgets. As you know, colleagues, should the Liaison Committee approve our request for travel, we will then need to consult with our respective House leaders and get unanimous consent from the House. That's just to give you a sense of the possibility of a Washington trip, which is still just a twinkle in someone's eye.

Next Tuesday there will be a special morning meeting to hear the international terrorism experts. We'll be doing that by teleconference, and that's the reason for the early hour. We will also be meeting during our usual time on Wednesday to hear from additional witnesses.

After the break week, it's anticipated we'll be going to Washington. The clerk and the researcher have advised me that we are to provide them with some drafting instructions by November 16, so that we can report in time for the December break requirements.

We'll have the opportunity to discuss some of these other matters in due course during the future business session, but I wanted to share all of this with you now in the spirit of transparency and collegiality our committee has been working towards. Thank you very much.

I would like to now invite the witnesses to the table, please. I understand you both have opening statements. Would kindly introduce yourselves? We'll start with you, Dr. Ehrenfeld.

•(1535)

Dr. Rachel Ehrenfeld (Director, American Center for Democracy): Congratulations. I thank the committee for inviting me to testify on this urgent matter.

Earlier this month, President George W. Bush finally declared that our war is with radical Islam. He said: "In pursuit of their goals, Islamic radicals are empowered by helpers and enablers.... They are strengthened by front operations—such as corrupted charities—and those who aggressively fund the spread of radical, intolerant versions of Islam." Defeating "the murderous ideology of the Islamic radicals," he said, "is the great challenge of our century." This plague cannot be eliminated by appeasement, dialogue, or negotiated solutions.

The religious and philosophical justification for promoting jihad around the world is found in the Koran, says Dr. Hussein Shehata, a leading Islamic scholar at al-Azhar University in Cairo. According to Dr. Shehata, the following terms in the Koran combine to justify the spreading of jihad: in Arabic, *al-Jihad bil-Lisan*, which means "jihad of the tongue", and *al-Jihad bil-Qalam*, "jihad of the pen". Both combine for preaching and writing to promote jihad.

These commands are complemented by *al-Jihad bil-Mal*—the "financial jihad"—namely raising and contributing money to support the jihad warriors known as the mujahideen. The Islamists of al-Qaeda, Hamas, and Hezbollah, from Egypt and Saudi Arabia to Spain, England, Africa, Asia, South America, the Caribbean, the U. S., and Canada, vow to convert the world to Islam. "If a country does not allow the propagation of Islam to its inhabitants, then the Muslim [s]...would be justified in waging Jihad against that country." That's a quote.

President Bush declared repeatedly that "money is the lifeblood of terrorist operations". Stopping the flow of money to the terrorists would stop the financial jihad that feeds the efforts to revive the Islamic caliphate. It would also stop the financing of terror attacks, hate propaganda and education, and the undermining of democracies. In Israel, it has financed more than 26,000 terror attacks in the last five years, including 144 suicide attacks. This comes to at least 14 attacks a day in a country the size of Vancouver Island.

While acknowledging the dangers of radical Islam and the support its propagators receive from "authoritarian regimes—allies of convenience like Syria and Iran", the President neglected to mention Saudi Arabia and the illegal drug trade that provides major financial resources for Islamist and other terrorist organizations worldwide.

Despite the oil crisis, we can no longer pretend that the Saudis are our allies in the war against radical Islam. Continuing to do so, or failing to recognize illegal drugs as a major source of terror funding, sets us up for failure.

Let me illustrate.

Former U.S. Central Intelligence Agency director James Woolsey testified before the U.S. House of Representatives, saying: "Some \$85 billion to \$90 billion has been spent from sources in Saudi Arabia in the last 30 years spreading Wahhabi beliefs throughout the world." The U.S. National Intelligence Reform Act of December 2004 requires development of a presidential strategy to confront Islamic extremism in collaboration with Saudi Arabia. So far, says a September government accounting office report, U.S. agencies have been unable to determine the extent of Saudi Arabia's domestic and international cooperation.

Indeed, the Saudis continue to fund terrorists. In August, Y'akub Abu Assab, a senior Hamas operative, was captured after he opened the Judea regional Hamas communication centre in East Jerusalem. Assab transferred hundreds of thousands of dollars as well as operational instructions from Hamas headquarters in Saudi Arabia to Hamas operatives in the West Bank and Gaza for terror attacks in Israel, as well as funds for the families of suicide bombers.

On Iqra TV on August 29, 2005, Saudi Arabia's secretary general of the official Muslim World League Koran Memorization Commission—Sheikh Abdallah Basfar—urged Muslims everywhere to fund terrorism. He said, "The Prophet said: 'He who equips a fighter—it is as if he himself fought.' You lie in your bed, safe in your own home, and donate money and Allah credits you with the rewards of a fighter. What is this? A privilege."

• (1540)

At least two members of the Saudi government, Riyadh governor, Prince Salman, and Minister of Defence Prince Sultan, are sponsors of the Saudi High Commission, which evidence in the 9/11 victims' lawsuits shows "has long acted as a fully integrated component of al-Qaeda's logistical and financial support infrastructure". Moreover, the lawsuits detail that "the September 11 attacks were a direct, intended and foreseeable product of [the High Commission's] participation in al-Qaeda's jihadist campaign".

The most important finding of the GAO, however, was buried in a footnote. It says the "distinction between the [Saudi] government's support and funding, versus that provided by entities and individuals, especially in the case of Saudi charities' alleged activities, is not always clear".

While the U.S. Treasury Department is obligated to monitor funders of terrorism, the GAO reports that Treasury is not fulfilling its duty, in that Treasury "does not identify, monitor, or counter the support and funding or the global propagation of Islamic extremism as it relates to an ideology". This ideology, according to the GAO, "denies the legitimacy of non-believers and practitioners of other forms of Islam, and that explicitly promotes hatred, intolerance, and violence...." This is the reason the Dawah should be stopped for charities that support such ideology.

Like Saudi Arabia, Iran exports radical Islamic ideology and terrorism, chiefly through Hezbollah. As we heard today, the President has suggested something along those lines. Western intelligence sources estimate Hezbollah's operational budget at about \$200 million to \$500 million annually.

Hezbollah's money comes from several sources, including at least \$120 million a year from Iran and less from Syria. And like other terrorist organizations, Hezbollah receives funding from charitable organizations, donations from individuals, proceeds from legitimate businesses, but also a lot from illegitimate businesses: drug trafficking; illegal arms-trading; cigarette smuggling; currency, video, and CD counterfeiting; fraud; robbery; operating illegal telephone exchanges; and extortion.

The money raised by Hezbollah is used to fund not only its political party in Lebanon, which serves as a cover for Hezbollah; most of the money goes to fund Hezbollah's terror activities, including the operations of its major hate propaganda distributing machine, the Al-Manar satellite television station.

It also goes to fund Palestinian terrorism. According to the October 13, 2005, Palestinian daily, *Al-Ayyam*, the Iranian-sponsored Ansar Welfare Society and Palestine Shahid Society distributed \$1 million to families of martyrs, and in a ceremony attended by Palestinian Authority officials and shown on official Palestinian television, the Iranian Shahid Foundation recently distributed an additional \$2 million in grants to martyrs' families.

Concerning illegal drugs, since the mid-1980s Hezbollah has used illicit drugs as a major funding source and weapon against the west. An official Iranian fatwa ruled: "We are making these drugs for Satan America and the Jews. If we cannot kill them with guns, so we will kill them with drugs."

Hezbollah's involvement in the illegal drug trade centres on a transnational triangle of illicit activity conducted from areas of Lebanon, the Balkans, and the tri-border region of Argentina, Brazil, and Paraguay. The unstable, often corrupt government structures, weak economic platforms, porous borders, and largely unsupervised waterways and airfields in these regions are highly conducive to illicit operations.

In Lebanon's Bekaa Valley, Hezbollah controls approximately 13,000 acres that produce at least 300 tons of hashish annually, most of which is exported to Europe. This high-quality Lebanese hashish grosses Hezbollah \$180 million annually. Hezbollah-run laboratories, refining tons of heroin, are estimated to bring in some \$3 billion annually. Hezbollah also smuggles arms. However, one smuggled Kalashnikov wholesales for \$500, while one kilo of heroin wholesales for \$3,000 to \$5000.

Of course, these Hezbollah operatives have strong relationships with other narcoterrorist groups and criminal gangs wherever they are operating.

● (1545)

Brazilian authorities, for example, estimate that at least \$6 billion to \$6.5 billion are laundered in the tri-border region annually by criminal gangs, including terrorists, and that in the year 2000 alone, at least \$261 million went to the Middle East from Islamist organizations in the region.

After the fall of the Taliban, the evidence that heroin was their major financial resource was overwhelming, yet UN Secretary-General Kofi Annan failed to mention illegal drug trafficking as a global threat in his plan to improve international security and to reform the UN. Moreover, last week NATO's Supreme Allied

Commander Europe, General James Jones, while acknowledging that poppy production is the number one problem Afghanistan has to face for its future, failed to connect the revenues derived from the heroin trade to the resurgence of the Taliban and al Qaeda.

Clearly it was not the intention of the U.S. to turn Afghanistan into a multi-billion-dollar heroin exporter when it liberated the country, yet the reluctance to deal with Afghanistan's ever-expanding poppy fields and heroin labs has caused an 800% increase in its heroin production since 2001. The latest UN Office on Drugs and Crime report indicates that a slight decline in poppy cultivation has not yet cut the availability of heroin in Europe or in the U.S. In fact, Afghanistan supplies 87% of the world's heroin market, bringing in an estimated \$7 billion annually to local warlords and a resurgent Taliban and al Qaeda.

There are potential solutions. The U.S. government has spent more than \$10 million in the last decade to develop mycoherbicides, naturally occurring plant-pathogenic fungi, that could easily and safely eradicate cocoa bushes as well as poppy and cannabis plants. According to mycoherbicides researcher Dr. David Sands, all that is needed to use this eradication method is a battery of six tests to verify the safety of the mycoherbicides in terms of toxicity and probable environmental impact. It would cost \$40,000 for each fungal strain. This seems like a very small investment to eradicate the cocaine, cannabis, and heroin problems. It would also work towards the development of a sustainable economy for the Afghan people.

The Financial Action Task Force meeting held in Paris earlier this month, as well as many other conferences devoted to terrorism financing, has issued self-congratulatory statements and plans for further meetings, but as important as the statements, new laws, and banning of terrorist organizations are, they are useless as long as the financing of radical Islam is allowed to flourish. Indeed, without the political will to stop the direct and indirect financing of terrorism, no law or convention will stop it. The west is essentially combating terrorist financing solely by its own jihad of the tongue. Until we face up to sources of terrorist money being provided or condoned in various ways by our putative allies, we will be fated to issuing more lame statements condemning future attacks. We have the ability to end the plague of terrorism only if we choke off the funding that makes it possible. We owe it to future generations to do so.

Thank you.

● (1550)

The Chair: Thank you, Dr. Ehrenfeld.

Mr. Thompson, please.

Prof. John Thompson (President, Mackenzie Institute): Thank you for the invitation to address the committee. I've always been fond of travelling to Ottawa in the autumn, and now I've done so twice.

Given the complex and detailed nature of contemporary terrorism and our responses to it, I've not prepared a detailed presentation that focuses on any particular aspect of these. Instead, I'd just like to make a few brief points and then respond to any questions you may have.

Bill C-36 gives the Canadian government some extremely powerful tools for fighting terrorism, some of which are disturbing powers that should have no place in a democratic society. When the legislation was drafted, a sunset clause was added to ensure that the use of these powers would be temporary. However, the current jihadist threat and some other international terrorist or insurgent movements are not transitory, and these groups may be around for some years. They are, as I put it, out of phase with a world of governments, laws, diplomacy, customs, and regulations, being able to affect our world but then retreat back into theirs at will.

The old terrorist groups of the 1960s and 1970s could be handled quite simply with domestic law enforcement and through the courts. Groups like al-Qaeda offer a much more difficult challenge. It's vital that you periodically re-examine our anti-terrorism laws, but we are a long way from seeing sunset, so far as the jihadist movement is concerned. In Canada, we haven't even seen noon yet.

Against an ideologically driven threat like the jihadist movement, it is essential to tackle the teachers and preachers who create and sustain that ideology. Allowing them to politicize target communities, to find and condition recruits for their movements, and to give ammunition to the political fronts of their organizations—it is a mistake to continue to tolerate this. The provisions of C-36 that deal with the criminalization of intent need to be strengthened, particularly to allow us to act against Wahhabi clerics and other ideological agents.

The fight against terrorist movements is not just contingent on tackling the bombers and gunmen; the political fronts represent a threat in themselves. Psychological warfare, propaganda, and ideological conflict are uncomfortable arenas to consider in any democratic society, but be assured that the backers of terrorist movements have no such scruples. It may well be that both your committee and the Senate committee have already entertained submissions from people who do not mean well to Canada but who disguise their enmity.

Freedom of the press is a vital right. But it was also expected that media outlets would be registered corporations with boards of directors, business addresses, and the means of being held accountable through civil action for their content, when and where it was offensive. However, there are newspapers within some communities in Canada that function as propaganda broadsheets for particular terrorist movements and yet seem to have no corporate existence whatsoever.

This has been particularly aggravating for some opponents of the Liberation Tigers of Tamil Elam, and there are some Arabic-language papers that fall into a similar category. If a paper backs a

particular insurgent movement but has no corporate existence, could it at least become accountable under the provisions of Bill C-36?

While this is not really applicable to the issue at hand, we still have a problem with terrorist fundraising in Canada—a major problem. FINTRAC has done a good job so far, but it's a new organization with slender resources. It needs more teeth and more muscle. There are also regular reports of extortion by the supporters of insurgent movements in Canada, arising from within their own ethnic communities. At present, the police can do little about it, particularly when they are hampered by our own “list” approach that defines terrorist entities. That list approach is discriminatory, and our most glaring error so far is the continued tolerance of the Liberation Tigers of Tamil Elam.

But there are other organizations that function in a quasi-legal manner in Canada. For example, a Toronto-based group calling itself Al-Awda couldn't be prevented from holding a public meeting, despite its obvious links with Palestinian Islamic jihad, because the group itself wasn't listed, even though its parent organization was.

The long detention of people with security certificates is a troubling issue, but these may still be necessary. However, I believe we should make a more prompt use of a referee or amicus curiae in the future, who can independently review a case without compromising national security.

● (1555)

The number of refugee applicants to Canada has fallen off since 9/11. This has made the screening of applicants for security reasons a little easier. However, we have now relaxed our standards for student and visitor visas. I think you may guess how some suspected terrorists now travel into North America.

The abuse of student visas, particularly given the case in 2003 of 19 suspicious persons from Pakistan, needs more attention. If you may remember, some of these 19 were registered with a school that doesn't even exist, a notional school only to allow travel into Canada. We need a national roster of recognized educational establishments for student visa applications. While keeping attendance records for student visas would be an unwelcome burden to many administrators, how else are we to know if a half dozen students on a year-long visa to Canada have immediately gone underground after entering?

Again, thank you for the invitation. I would be happy to respond to any questions you may have for me.

The Chair: Thank you to both of our presenters.

We'll start with Mr. MacKay, please.

Mr. Peter MacKay: Thank you, Mr. Chair. I'd like to add my congratulations to you as well.

I want to thank both of our witnesses for being here and for their presentations. I would like to start with a rather straightforward question for both of them.

Do you feel that the listing of terrorists—that is, the current practice of having those names of those terrorist organizations listed—has any impact on the shutting down of terrorist operations in terms of their money-raising efforts in this country or abroad?

Dr. Rachel Ehrenfeld: It should, and in some cases it does, but they are very few and far between. Hamas-related charities or Hezbollah-related charities are not always shut down. During a meeting I had today with somebody here in the city, they said, even though they should know better, "Well, charities are doing good work". The rule that covers money-laundering operations should be the law here, too, and as far as I know, it is. When even one cent goes to terrorists for terrorist attacks, the whole charity is tainted. You cannot give any more money, and you should seize the property.

It is not happening because of lack of political will, and it is definitely not happening in Europe. Very little money has been seized in general, even through the listing, because laws are not always the same and there is a lack of cooperation, even between the countries that signed the same convention.

Mr. Peter MacKay: Can I just interrupt you for a moment? I want to be clear on this. You're talking about this country when you say there's a lack of political will for enforcement on the issue of—

Dr. Rachel Ehrenfeld: No, I spoke in general. I just mentioned that I can see how, even in this country, some contributions can go into charitable organizations when people who are in charge of enforcing the law think that a charity is a good thing, and that if money's going to charity, as long as you cannot prove that money went to fund x terrorist activity, we will not stop it.

I think that's wrong, and I think there should be better education—I'm not sure by who, but definitely by the government—to say that no money can go to any charity affiliated with any terrorist organization.

• (1600)

Mr. Peter MacKay: You've listed a number of the terrorist organizations in your writings. You're familiar with the organization the Tamil Tigers?

Dr. Rachel Ehrenfeld: Yes.

Mr. Peter MacKay: Can you think of any reason why the Tamil Tigers wouldn't be a listed terrorist entity in this country?

Dr. Rachel Ehrenfeld: He is a better expert on that than I am; he should know.

I haven't really looked into what the Tamil Tigers are planning to do at the moment, or what kinds of terrorist activities they have been engaged in lately, but if they are listed as a terrorist organization and they are raising funds in Canada, it doesn't matter that they don't spend the money for terrorist activities here; if they raise money that goes toward terrorist activities, they should be stopped. They should be listed.

Mr. Peter MacKay: I'm going to give Mr. Thompson an opportunity to respond to that, but in your opinion, is that one of the most effective things that can be done? Of course, counter-intelligence is perhaps the most effective way to penetrate terrorism on the prevention side, but there's also cutting off the funding in terms of whatever illegal activities or fundraising activities they're up to. Should we be focusing on, as you say, what George Bush described as cutting off the lifeblood of terrorism, going right to the source and ensuring that they're not being funded?

Dr. Rachel Ehrenfeld: I think we should. Look, if I didn't have, for example, money to buy my plane ticket—which I hope I will be

reimbursed for—I couldn't have been here today. Nobody can do anything without money.

I looked at this very carefully and I tried to estimate to what extent it would cut down on terrorist activities. If we can stop terrorist funding at its source, if we can stop the Saudis from giving money to Dawah and other places to recruit more people, create madrassas, or spread Wahhabism, for example, or stop Iranians from spreading their Shiite radical ideology, I think at least 95% of their terrorist activities will just be eliminated. They can stay home and walk in the desert or whatever they want to do; they won't be able to operate.

To that end, I think one way to look at how charitable organizations can function in this country for the Islamic community not involved in terrorist organizations...and not only in this country but everywhere. In Saudi Arabia, for example, it doesn't matter what your religion is; if it's not Wahhabism, you cannot practise it there. It's against the law. So no money should go from Saudi Arabia to any organization in this country unless Saudi Arabia will permit the practising of other religions.

I think that's something that should be addressed. Somebody should at least raise the issue. And we are not talking about business now. They have a lot of money for investments. It's another interesting story to see what they are investing their money in strategically.

In terms of charitable organizations that spread ideology, I think looking at demanding that they can give money only when they allow freedom of religion in their own country would be a nice thing to do.

Mr. Peter MacKay: Mr. Thompson, perhaps you could comment on the issue of listing and its effectiveness. Do you have some specific knowledge of Tamil Tigers?

Prof. John Thompson: That's a group I've been involved with for about a decade now. In general, listing a terrorist group sort of gives police the hunting licence to go after activities that they otherwise would have to ignore. You can't prevent terrorism by going after the funding, but you can constrict it. You can make it operate at a lower level. You can make it more difficult for the attendant front organizations, the political fronts, that do the recruiting and the propagating of ideology. You can shut them down.

In some respects, of course, one of the great weaknesses of terrorism is that they invariably get involved in organized criminal activity and eventually transpose themselves. We still have Chinese triads here. They began as rebels against the Manchu dynasty in China, and that hasn't been around for a long time. The IRA is having a hard time giving up its struggle primarily because most of its members are up to their necks in organized criminal activities. Al-Qaeda is starting to make that transition now, but it'll take 30 years before they become an organized criminal society rather than a terrorist group. Listing them does give you the ability to go after them, to start acting on some of them, especially the large, well-organized groups.

Dr. Ehrenfeld made some remarks about Saudi funding, through their missions, of Wahhabi clerics and their activities. That's a real point. This is money that is doing no good in Canada. Look at a lot of the Muslim communities here; you're a small community of recent immigrants, you haven't got much money, and all of a sudden, bam, you've got a brand-new mosque paid for from God knows where, but the cleric who comes with the mosque.... Remember, a cleric is someone who volunteers for the role, he's not licensed. Someone has to fund him. That money is coming from Saudi Arabia. You're not getting an ordinary cleric from anywhere else in the Arab world or the Muslim world, you're getting a Wahhabi. You shouldn't. That's like bringing in a Nazi in 1938 to run community events in the German community. It's the same thing.

In terms of the Tamil Tigers, the civil war in Sri Lanka is gearing up again. That much is very clear. One of the few things that could really put a dent in the Tigers' war efforts, in their preparations for resumption of civil conflict, would be a loss of their open status here in Canada.

•(1605)

The Chair: Mr. MacKay, I'm going to give you one last minute, if you don't mind.

Mr. Peter MacKay: Okay.

Just very quickly, with respect to FINTRAC, you said in your presentation that it needs more resources, more teeth, more muscle. Can you expand on that? What exactly are you referring to? Are you talking about enforcement, resources to do more investigation, follow-up...?

Prof. John Thompson: It's a target-rich environment out there. That's an old military joke. You're not outnumbered; you have a target-rich environment.

They've just started. They've really been active for about three years, and one of the first things they went off to address was these informal banks inside the Muslim community that do a lot of unregistered money transfers back and forth across borders. They could only go after some of the major ones.

There are dozens of people, perhaps even hundreds, still involved in transactions at a level that operates below the horizon. Beyond that, of course, they have to deal with a number of other issues. That's just the Muslim community. You have to worry about other terrorist groups that are also involved in Canada and the funding they try to transfer out.

Also, speaking about charities, in terms of the charity enforcement people in Revenue Canada, I understand there are only about eight employees who actually handle investigation of abuses of charity law. That's not enough, not when you're looking at tens of thousands of charities out there, a number of which are up to no good.

Mr. Peter MacKay: Thank you, Mr. Chair.

The Chair: Thank you, Mr. MacKay.

[*Translation*]

Mr. Ménard, you have the floor.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Ms. Ehrenfeld, you are obviously well versed in the funding of modern terrorist

organizations. You started by telling us that they had access to considerable funds, but that the source was not Canadian.

We might wonder why they would attempt to seek such ridiculously low amounts compared to what Saudi Arabia has to offer.

[*English*]

Dr. Rachel Ehrenfeld: Which organizations are you referring to?

[*Translation*]

Mr. Serge Ménard: I am referring to the ones that you spoke about when you explained how they collect money in Canada.

If they have access to the oil kings, why would they come here—where most of the population is not terribly wealthy—to raise funds that are equivalent to the amounts that we ourselves donate to charitable organizations?

•(1610)

[*English*]

Dr. Rachel Ehrenfeld: It's a very important matter, it's a very important way to conduct, and it's part of the recruitment; it's part of the culture.

Islamist organizations are unlike the IRA. Yes, the IRA became a criminal organization, but what they wanted to do and achieve politically, for example, was to kill the British, they wanted to kill the Protestants, and they wanted to have an independent Ireland. They didn't want to change the whole world, they didn't want to conquer the whole world, and they didn't want to impose their religion on anybody else besides the people in Ireland. The radical Muslims want to do that, and part of that is getting the community involved.

Two days ago, one of the main scholars for Muslim Brotherhood—*Hamas*—*al-Qaeda* in Saudi Arabia issued, on a major website, instructions for how to raise money. Part of it is to involve the local community, to go door to door, to knock on doors, to have local fairs, to have private contributions, and even to go to schools and raise money from the pocket money of children at school because they will be committed to the cause. That's part of the story.

This is why it is important for them to raise money. It's not so much that they can generate a lot of money from those small contributions. Although it's a little money, a lot of the time it's generally hunting.

This is the reason why they are trying to involve the local communities, and small money is also very important. This is a commitment. This is how they are bringing in the people as well.

Prof. John Thompson: If I could speak to that very quickly, in the Islamic community, giving alms is one of the duties of a Muslim. This community does generate a lot of charitable money, most of which is spent responsibly on good works. But the desire by some of the jihadists to waylay some of this money is irresistible, of course.

Also, going out and fundraising gives you a chance to scout talent, to find supporters, to find potential recruits. And once they start giving money to a particular cause, people tend to align themselves with it.

[Translation]

Mr. Serge Ménard: Are you saying that people who begin by donating to a children's charity will eventually consider committing a terrorist act?

[English]

Prof. John Thompson: Actually, no, but there are a number of basic points about a terrorist group. One of them is that a terrorist group isn't just about killing. It's usually a political movement in itself, an ideological group. One of the things they like to do is demonstrate to their supporters that they can provide for them better services than anyone else can. If you look at them, they're trying to set up sanctuary areas, they set up their own hospitals, their own schools.

[Translation]

Mr. Serge Ménard: That is not terrorism.

[English]

Prof. John Thompson: But it's still working for the terrorists.

[Translation]

Mr. Serge Ménard: How can building hospitals and providing religious education to children be linked to terrorism? Terrorism kills civilians and innocent people in order to influence a government. It seems to me that educating children and caring for the sick is far removed from killing innocent people in support of a cause.

There are probably people in every religion—and Lord knows, there have been some in the Catholic, Protestant and other religions—who would invoke a religious motive to do something that is absolutely inhuman. Are you suggesting that we should intervene at a very early stage and prevent people from collecting money to educate their children and build hospitals?

[English]

Prof. John Thompson: One of the things about a terrorist group is that it's trying to win the loyalty of a particular community, usually by supplanting the normal allegiances the community would have. For example, a terrorist will always shoot or try to kill off or intimidate rival leaders or rival perspectives within that community. There are hundreds of examples from all over the place.

The next thing you try to do, even though you've eliminated some of the basic services like schools and hospitals that used to be provided in that community, is start setting up your own, but these reflect the larger importance of the terrorist group. You're now saying to these people that they should support you, of course, because you're providing schools and hospitals for them, and that now you'd also like to get their kids and educate them.

You start changing even the basic functions of the people of the society. These people find they start to owe the terrorist group, so they send their kids to join them and their kids become involved. They set up a sanctuary area that becomes invulnerable, from which they can operate freely. Hezbollah owns large sections of south Lebanon, and that's also where they raise the hashish that they farm out all over the world. FARC does the same thing in Columbia, and that's the secure base for the cocaine industry.

● (1615)

[Translation]

Mr. Serge Ménard: We want to amend Canadian laws. My question deals essentially with the crux of your presentation. Terrorists currently have access to considerable funds from the Muslims who control oil production. We are talking about Canadian laws here.

From the very outset, Mr. Thompson, you have acknowledged that, in adopting legislation, we have often deviated from principles of law that are at the very heart of our civilization, and are challenged by these people.

The fight against terrorism, in my opinion, is above all a matter of intelligence: we need to find the information, and look for the needles in the fewest possible number of haystacks. Rather than partially attack the principle of tax secrecy, should we not simply agree to investigate those who are asking for tax exemptions on their donations? That would help us to find those who could become terrorists.

Do you not think that this would be more effective and less harmful to our fundamental values? At the end of the day, it is intelligence...

The Chair: Thank you, Mr. Ménard.

[English]

I'll just give the witness a quick chance to respond to Mr. Ménard.

Prof. John Thompson: I just have a couple of very quick points.

Paymasters have strings attached to them. Most insurgent groups like to be able to raise all the money they can from any variety of sources.

Secondly, there's also the importance of what appears to be legitimate money raised in the community. It often has a propaganda value. The IRA, for example, used to get about 90% of its funding from organized crime, but the money they always talked about was the money they raised from prisoners' penny boxes and other things in North America. Of course, they'd always allude to the sort of clean 10% of the money they got and use that to excuse the dirty 90% that comprised the rest of their funding.

The Chair: Thank you very much.

Mr. Comartin, please.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): I've had some difficulty preparing myself for these witnesses, so I'm trying to contain myself, Mr. Chair.

The Chair: Do you want me to go on and then come back to you? I can do that.

Mr. Joe Comartin: No, let me get it over with.

Mr. Thompson, I saw some of your "Waiting for the Kaboom: Indicators to Watch for". I went to your website earlier this year, before I knew you were coming as a witness. You show yourself as the president of the Mackenzie Institute. I saw nothing on the website that indicates whether you have a board, an advisory committee, or how you're funded. Could you tell us what the Mackenzie Institute is?

•(1620)

Prof. John Thompson: We are funded and we are constituted as a registered charity. We do receive all of our funding from charitable foundations and interested individuals. We take no funding from any government source anywhere.

I do have a board; however, I don't list them publicly. As a result of some of the work we've done over the years, I have been shot at, I have received a mail bomb, and we've been harassed on a number of occasions by supporters of different terrorist organizations and some from organized crime. As a result, we tend to be extremely guarded about who is on our board, as we are guarded about where our office is located and where I live. If this sounds like it's being a little bit paranoid, well, sometimes if people are after you, then it's not really being paranoid.

Mr. Joe Comartin: Are your financial statements public?

Prof. John Thompson: Actually, no. We do send them in to Revenue Canada as we are supposed to do, but we ask that they not be shared, because we do not want to publicly identify which foundations are actually providing us with funding. Again, some of these foundations include people who have had experiences with terrorism themselves, often at a personal level. Again, they tend to be a little protective too.

Mr. Joe Comartin: Let me just make a statement, and then I'll stop, Mr. Chair.

I just found "Precursors of Hostile Intent: Signs of a Potential Terrorist Attack" quite offensive, particularly to the Muslim community. That's all I need to say.

The Chair: Thank you, Mr. Comartin.

Mr. Wappel, please.

Mr. Tom Wappel (Scarborough Southwest, Lib.): Thank you.

Welcome, witnesses.

I really don't know where to begin here. Our mandate is to study the Anti-terrorism Act, not to study terrorism. Obviously, if there were no terrorism, we wouldn't need an Anti-terrorism Act, so I can understand some evidence with respect to terrorism.

I'm going to try to restrict my questions to Bill C-36 if possible, with this exception. Dr. Ehrenfeld, in your remarks, under the heading "Saudi Arabia", you quoted, "'Some \$85-90 billion has been spent from sources in Saudi Arabia in the last 30 years, spreading Wahhabi beliefs throughout the world.'" Could you explain to me what is wrong with spreading Wahhabi beliefs throughout the world?

Dr. Rachel Ehrenfeld: Wahhabism is an intolerant version of Islam. It actually calls for physical elimination of those who do not adhere to that special strain of Islam.

Mr. Tom Wappel: Does that include other Muslims?

Dr. Rachel Ehrenfeld: It includes other Muslims, and they do kill other Muslims.

Mr. Tom Wappel: So would it then meet the definition at the top of page 5, "denies the legitimacy of non-believers and practitioners of other forms of Islam, and that explicitly promotes hatred, intolerance, and violence"?

Dr. Rachel Ehrenfeld: Sure.

Mr. Tom Wappel: Is that the state religion of Saudi Arabia?

Dr. Rachel Ehrenfeld: Yes.

Mr. Tom Wappel: So you're saying the state religion of Saudi Arabia is a terrorist religion.

Dr. Rachel Ehrenfeld: Yes.

Mr. Tom Wappel: Is that generally accepted in the world?

Dr. Rachel Ehrenfeld: It is not in the world. Usually people don't define it as such because they are dependent on Saudi oil.

Mr. Tom Wappel: Well, I'm defining it—

Dr. Rachel Ehrenfeld: Good.

Mr. Tom Wappel: —and I'd like to know if that is generally accepted. Is it the position of the United States of America that the state religion of Saudi Arabia is a terrorist religion?

Dr. Rachel Ehrenfeld: It is not the official position of the U.S. It is acknowledged that Wahhabism is very.... Actually, Karen Hughes was there a few weeks ago, and she asked them to modify it and do something about it, to stop teaching it everywhere around the world.

Officially, it is not, but it is acknowledged and it is known to be as such.

Mr. Tom Wappel: Again, I'm having trouble. If the world at large has not deemed the Wahhabi sect to be a terrorist religion, why is it wrong to have—I'll use this word—"missionaries" spreading that religion, just as other religions spread their religions throughout the world?

Dr. Rachel Ehrenfeld: Actually, what is wrong is the fact that we are not officially designating Saudi Arabia as a terrorist state. That is what is wrong, because Wahhabism, which is the official religion of Saudi Arabia, spreads hatred and calls for killing people who do not belong to the same religion. It is a terrorist religion, if you want.

The Saudis are also financing the spread of this belief around the world. I don't see any reason why Saudi Arabia should not be on the list of terrorist states, actually.

Mr. Tom Wappel: Mr. Thompson, do you agree with that?

•(1625)

Prof. John Thompson: Wahhabism is an extremely dangerous sect. It is an extremely violent one. It's responsible for hundreds of thousands of deaths.

By way of historical analogy, in the history of the Christian faith, I suppose the best you could think of would be radical Puritans on steroids. However, I think there are two sets of realities that have to be considered, and this is one reason why everybody is very careful about criticizing the Saudis.

One is that the Saudi royal family has a rather uneasy seat at times. The family has a long history of alliance with Wahhabi clerics, and the Saudis try not to tolerate Wahhabi extremism inside Saudi Arabia if it threatens the royal family or if it threatens the government. But we'll still see how this one plays out. There is a lot of—

Mr. Tom Wappel: But we've just heard that it's the state religion of the country.

Prof. John Thompson: Yes, but this is the Middle East. Don't expect simple relationships here.

Mr. Tom Wappel: All right, but I'm a very simple man, and I'm just asking a simple question. I find it incomprehensible that the world at large would agree with your statement that Wahhabism is a terrorist religion, and yet would not declare a state whose state religion is a terrorist religion to be a terrorist state.

Prof. John Thompson: This is a puzzle that a great many other people share.

The other reality, of course, is that most of the world needs Saudi oil. Even if it is part of the oil revenues, it goes on to fund Wahhabism. And Wahhabism was the driving ideology that underlay the creation of al-Qaeda.

Al-Qaeda does not represent a majority of Muslims. It does not represent conventional or traditional Sunni thinking the way we've seen it the last couple of centuries; it's completely different.

Mr. Tom Wappel: But are you suggesting that al-Qaeda represents Wahhabism?

Prof. John Thompson: Yes, it does. The presence of Wahhabi clerics helped form and drive al-Qaeda; they provided its ideological underpinnings.

Mr. Tom Wappel: Thank you.

On Bill C-36, Mr. Thompson, do you have any recommendations? I'll ask this question of you: do you believe that Bill C-36 should remain in effect?

Prof. John Thompson: Temporarily, right now, yes.

There are a lot of things in Bill C-36 that I am extremely uncomfortable with, including the detentions on national security certificates. You don't set aside habeas corpus that lightly.

The one change I would recommend, though, is that we do have a referee or a panel of judges to review each case individually.

Mr. Tom Wappel: Yes.

Prof. John Thompson: But we've barely started to use this tool kit, so we don't really know how it works. And I'll tell you this, the threat is coming much closer than you think.

Mr. Tom Wappel: Mr. Thompson, I'm not 100% sure about this, so maybe you could correct me. If the people who are incarcerated were to leave Canada, could they leave prison?

Prof. John Thompson: Again, I think that sometimes depends on a case-by-case basis. It would have to be examined very carefully. Some people, if they leave Canada, could still present a danger to us or to countries that are friendly to us.

Mr. Tom Wappel: What I'm basically getting at is, are these people incarcerated no matter what and cannot leave, or if they were willing to leave Canada, would they be allowed to do so?

Prof. John Thompson: I think the answer to that really depends on each individual case.

Mr. Tom Wappel: Well, what do you think, generally? Am I right if I were to say that if these people wanted to leave Canada tomorrow, they could leave jail tomorrow?

Prof. John Thompson: Yes, but you have to recognize that they might end up in custody somewhere else, or in a country that would have standards of custody that—

Mr. Tom Wappel: Well, guess why they want to stay in prison, then?

Prof. John Thompson: Yes.

Mr. Tom Wappel: Thank you.

Madame, you are an expert in the international funding of terrorism. We've heard some evidence from our own people who do this kind of thing about the number of "hits" they get, let's put it that way. There were about 9.5 million reports of suspicious transactions. Of those, 197 were determined to be truly worthy of further investigation, and 48 of those were related to suspected terrorist activity. This is in Canada. So that's 48 out of 9.5 million reports.

Do you have any knowledge of these types of figures in the United States? Let me ask the precursor to that: does the United States have a similar system?

• (1630)

Dr. Rachel Ehrenfeld: A system of red flags, sure.

The United States has spent billions of dollars developing all kinds of programs to flag suspicious transactions. There are at least two trillion wire transfers a day; it's impossible to have all the red flags you probably want to have. On the other hand, there are all kinds of reporting they accumulate, and if something happens, they go back; it is never to prevent anything. It is being used solely to go back and find out, after something has happened, if there are leads and if they can find some evidence. It's like the cameras in the subway in London, or the transportation system in London.

That's not good enough. We have to do something to prevent it from happening, by actually preventing the money from getting to the people who will use it. In order to do that, I think it is much easier, since we have much more information, which is smaller in volume—much smaller—on the people or sources who fund terrorism.... We can stop those sources at their beginning or source. It's easier to identify those sources and to stop the money flow from those people than to try to stop wire transfers that are flying in a split second around the world.

Mr. Tom Wappel: Yes, but just so that I can—

The Chair: Last question, Mr. Wappel.

Mr. Tom Wappel: This is just a clarification.

I'm asking if the United States has a system whereby it flags suspicious transactions, and if it does, do you know the statistics for how many of them end up being really bad, if I can use that phrase?

Dr. Rachel Ehrenfeld: I don't know how many are really bad. I know it's not even a drop in the bucket.

Mr. Tom Wappel: All right. Thank you.

The Chair: What's not a drop in the bucket?

Dr. Rachel Ehrenfeld: Those that are even reporting on the suspicious, from the general transfer.

The Chair: Okay.

Thank you, Mr. Wappel.

Mr. Cullen.

Hon. Roy Cullen: Thank you, Mr. Chair, and thank you, Ms. Ehrenfeld and Mr. Thompson.

I've spent a bit of time in my career, in various capacities, dealing with the fight against money laundering, which I won't bore you with.

In fact, Canada is taking over the presidency of the Financial Action Task Force. If there's been a bias to meetings and planning future meetings, I hope we come up with more of a bias to action.

Ms. Ehrenfeld, the U.S. equivalent of our FINTRAC is housed, I believe, in the U.S. Treasury. From my work in money laundering, there are two components as it relates to terrorist financing. There's the pre, in other words, accumulating funds, and then there's the post. So I'm surprised by your statement that the U.S. Treasury is not doing any work on the accumulating of funds, pre-terrorism, because I think they must be. Certainly in Canada we're doing that. Maybe I misunderstood your comment.

Dr. Rachel Ehrenfeld: I didn't say the U.S. Treasury is not doing anything about the accumulation. Usually the information about money that is being raised for terrorist activities is not found through development of all kinds of technical information but through human intelligence.

Hon. Roy Cullen: Yes, I understand that point.

Dr. Rachel Ehrenfeld: And it is after the fact; it's usually after the funds have been raised.

Hon. Roy Cullen: Yes, it's after the funds have been raised. I follow that point. You were saying that rather than chasing down... flagging money coming in and out, we should be focusing on some of the groups or sources. I heard that point.

But I think it's fair to say, and certainly in Canada, most money-laundering organizations do work on the accumulation of money that looks suspiciously like it's getting ready to be used for a terrorist act.

Dr. Rachel Ehrenfeld: I think the biggest problem is not the money laundering related to terrorist activities. A lot of terrorist organizations, Hezbollah, Tamil Tigers, others, are engaged in criminal activity and they have to launder the money. But if we look at the huge sources of money that are coming, for example, from Saudi Arabia, the problem is not dirty money that is being laundered; the problem is clear, clean money that is going—

Hon. Roy Cullen: I'm coming to that.

• (1635)

Dr. Rachel Ehrenfeld: —to promote terrorism, to promote terrorist activity. What do you do about that? We don't have laws to deal with it, and we have to do something about it.

Hon. Roy Cullen: I'm coming to that, but I just wanted to clarify that point.

The fight against money laundering has to be incremental—hopefully leaps and bounds incrementalism—but there is also the old adage, “a chain is as good as its weakest link”.

When you talk about Saudi Arabia—and you have used that in your example and in some of your writings, which I've been following—you talk about the drug trade and the drug industry.

That's domestic money that is being laundered into these terrorist organizations.

Dr. Rachel Ehrenfeld: It's not in Saudi Arabia. It's in Hezbollah....

Hon. Roy Cullen: Okay. So there's no drug industry per se in Saudi Arabia.

Dr. Rachel Ehrenfeld: Saudi Arabia is a big consumer country of cocaine and heroin. They don't report any of this. What we know about Saudi Arabia is what the Saudis are telling us. They don't talk about drugs because it doesn't match the image of the country.

Hon. Roy Cullen: Yes.

In dealing with the sources, we talked a little bit earlier about these Hawalas. I would like both of you to expand on that. There's a lot of small amounts that may not be dangerous, but there's also some large transactions, I suspect—well, I know—are going through Hawalas.

Coming back to the point, let's say you have some citizens in the United States, for example, who are sending large amounts over to Saudi Arabia. That may be flagged by the U.S. Treasury, but the money is going into a bank account in Saudi Arabia. I don't imagine Saudi Arabia has a very rigorous anti-money-laundering regime. You could correct me if I'm wrong.

Dr. Rachel Ehrenfeld: According to FATF, they are okay.

Hon. Roy Cullen: Maybe that's something FATAF has to work on.

Dr. Rachel Ehrenfeld: Yes, they do.

Hon. Roy Cullen: So the moneys are going in...and your allegation that some of that money could be going into financing of terrorist activity is probably correct.

Dr. Rachel Ehrenfeld: There isn't too much money going from the west to Saudi Arabia; it's usually going from that part out. But there is a lot of money going, for example, from Canada or the U.S. to the Middle East.

Let's not just talk about money from the local community, but money from the government. Everybody knows about the Palestinian Authority and the corruption that is part of that authority, and where that money went. From 1993 until Yasser Arafat died, more than \$6 billion was given by the international community to the Palestinian Authority, and they have very little to show for it as a result, even though the money went for economic development, to build schools, or whatever. They blamed the Israelis for that. Well, the Israelis didn't start intifadas and the Israelis didn't steal their money. Arafat and his cronies used the money to develop the culture of hatred. The local television is showing, and did show this with Arafat, how to become a shahid. That's a popular program. That happened with your and my tax money, which went to support the building of a new....

So that money is also being used for terrorism, and you should do something about it.

Hon. Roy Cullen: Well, sure, I take your point on that. Government to government, there are ways of dealing with that, if that in fact is the case. I know you've been quite critical of Yasser Arafat and the way he handled that group.

I'm trying to come to grips with how we deal with the problem. We can deal with some of those, but if you have private money going, let's say, into a bank account in Saudi Arabia to fund terrorist activities, tell me how we deal with that—in the specific case of Saudi Arabia, let's say.

Dr. Rachel Ehrenfeld: Money from Canada going to Saudi Arabia?

Hon. Roy Cullen: I'm not saying Canada. You said it's coming from North America. I don't care where it's coming from, but it's private money going into bank accounts in Saudi Arabia.

Dr. Rachel Ehrenfeld: But why Saudi Arabia? Saudi Arabia is usually the country that gives money to terror.... They don't need the money from drug trafficking in the tri-border region. The money usually goes from the tri-border region to Lebanon, to the Palestinian territories, to Pakistan and Afghanistan.

Hon. Roy Cullen: Yes, okay then.

I thought I understood that Saudi Arabia was financing a lot of terrorists.

Dr. Rachel Ehrenfeld: Yes.

Hon. Roy Cullen: Maybe I'm not making my point very clearly then.

Let's say the money is going from private citizens to Lebanon, or wherever, or to any country that could be involved in financing terrorists, but which clearly doesn't have a very rigorous anti-money-laundering regime.

Dr. Rachel Ehrenfeld: But here in the west—in the U.S., and in Canada, I assume, too—you have reporting requirements.

Hon. Roy Cullen: Yes, but you just told us that the flagging is a waste of time.

Dr. Rachel Ehrenfeld: Well, it depends. Usually in the United States, people will think twice about going to the bank and trying to send a wire transfer of \$10,000 or more, or even \$4,000, to the Middle East, because they have to fill out all kinds of forms and show some ID. What happens now is they are actually sending more cash money. They are transferring more cash in—

Hon. Roy Cullen: In Hawalas?

Dr. Rachel Ehrenfeld: Not only Hawalas, but actually physical cash.

Hon. Roy Cullen: Physically.

• (1640)

Dr. Rachel Ehrenfeld: Yes, a lot of physical cash is moving, and a lot of gold, a lot of diamonds.

Hon. Roy Cullen: Yes.

The Chair: I'm going to wrap this up, colleagues, for this round. We have witnesses waiting.

Mr. Sorenson, I see that you have some questions. I just want to remind colleagues that if you have a last question for this panel, we'll take it, but then we have a panel waiting.

Mr. Kevin Sorenson: All right. Thank you.

I want to thank you for being here today. I really appreciated the time.

I don't think we have to have a lot of remarks prior to my question. After 2001, after the attacks, the government and all parties came together and said we needed some legislation that would help fight terrorism, that would be a clear sign that terrorists weren't welcome here in Canada. We also put in place—as you drew attention to—sunset clauses. There is also a review mechanism, and that's what we're here doing now; we're reviewing the actual bill.

I'm not certain if you've both had a chance to read through the bill or if you're here just speaking on terrorism. Mr. Thompson, in your brief you were very clear, and you echoed many of the warnings or concerns that CSIS has had, that members of the RCMP have had, that this government has had, that anyone involved in fighting terrorism has had. And that is that the threat is imminent. Osama Bin Laden has been clear, al-Qaeda has been clear, that Canada is a target. In fact, we're one of the few countries—I think we're the only country—that was named that hasn't actually been hit with a terrorist attack.

In your opinion, has this bill specifically deterred terrorist attacks? I'm not saying one certain case, but do you have any evidence that because of this thing, perhaps someone who was an imminent threat has been incarcerated?

I'll just ask a couple of questions and then you can respond to them.

Ms. Ehrenfeld, you mentioned that in the United States the anti-financing part of their legislation is really like a drop in the bucket. There's still funding going on. We know there are 300 million people in the United States and there are always going to be funds that get through. We've talked about FINTRAC today. But in regard to this bill, is there anything specific that we should be recommending or that we should be amending to help fight, again, some of the financing of terrorism?

Ms. Ehrenfeld, you've written a book, and I haven't read the book. To be honest, it's the first time I've seen the book. I want to get a copy of it and I will read it. Have you studied the United Nations at all and its response to this whole terrorism thing? What can you tell me about how the United Nations has responded? I know the United Nations, for example, has a listing of 200 different groups. The United States has 200 groups. I don't know what our count is right now; I think we're at 34, or somewhere in there, maybe more. If you could just comment.

• (1645)

Dr. Rachel Ehrenfeld: The United Nations, for example, does not list Hamas as a terrorist organization, despite the fact that Canada, the U.S., and the EU list Hamas as a terrorist organization.

The UN is funding UNRWA, and 90% of the workers in UNRWA are Hamas members. If you ask me about what the UN is doing, the UN actually is directly funding a terrorist organization. This is one more thing that the UN is doing wrong. I wouldn't go to the UN to solve any problem with terrorism. I would not rely on it. I wouldn't want it involved in anything in tracking terrorism.

Mr. Kevin Sorenson: Could I ask you a question in regard to Hamas, because you brought them up? I also noted in your brief that you spoke quite a bit about Hamas's involvement in Israel and the bombings. There is a very good chance that Hamas could win the election. Or is there, in your opinion? What happens if Hamas wins the election in January in some of the areas that are going into it? What effect is that going to have? And what should Canada do if Hamas does?

Dr. Rachel Ehrenfeld: I think it's a huge mistake by everybody who says that Hamas should actually take part in the election. If we do that, we will let them take advantage of a democratic process in order to take away democracy if they win in the election, because their platform is exactly the same platform as was the Taliban's, as it is in Saudi Arabia. How can we, in full conscience, say let the democratic forces go forward and let a terrorist organization, whose platform is deprivation of civil rights, human rights, and religious rights, participate in this, besides the fact that they are terrorists? I am against it. I don't think they will win if they participate. I hope that common sense will win and we will actually not let them participate.

Mr. Kevin Sorenson: Can you maybe comment...and I would also refer to Mr. Thompson. I know we've talked about the financing and there have been some recommendations. Can you comment on just two or three of the key recommendations in the financing area? Do we need more resources to FINTRAC, more resources to these people, and greater penalties? How can this piece of legislation help deter...?

Dr. Rachel Ehrenfeld: I haven't really studied your law very well, but from what I've heard, you need very close supervision of the charities that are working in this country—where the money's coming from and where the money's being used.

Somebody here said what we need to do is to look for needles in the haystack. But if we allow charitable organizations to educate and convert more and more people to their causes, what we are creating is a haystack. We don't want to create that; therefore you need much more supervision of your charitable organizations.

Prof. John Thompson: I've spent a lot of time in the last couple of years working with the front-line workers, especially the police, people from the Border Services Agency, and so on. My security clearance lapsed a long time ago, but I do hear things and occasionally see things like footage of people filming targets inside Toronto. In some of the footage that Kassim Mohamed took, in his commentary he said, "These are the bank towers. This is where the centre of economy is."

Of the ten countries that had been directly threatened by name by Osama bin Laden, only Italy and Canada haven't been hit yet. It's very clear they're interested in acting in Canada. They've got the capability to do this. It's only a matter of time.

I think our best defence so far has been the way the police have reorganized the way they collect and handle intelligence, especially this parallel series of task forces that have developed in the last five years, based on the criminal intelligence service of Canada and the way it's been mirrored in the anti-terrorism section. It's phenomenal, and the amount of work they're doing is really good, especially with the resources they have.

Of course we'd love to give the police more resources, but they've also got to deal with hundreds of other things that Canadians regard as important. We don't want child pornography around. We're trying to control drugs and everything else. But they've become very good—I think to use your analogy—at sorting out the straw and finding the needle.

• (1650)

The Chair: I'm going to stick my nose in here and wrap this up, unless you have a last comment, Mr. Sorenson.

Mr. Kevin Sorenson: Politically, is there something you think Canada should do? We've seen movies about Saudi Arabia and the United States. Is there anything Canada should do more with this sect of Muslim faith?

Prof. John Thompson: We give tolerance to people on credit. That's basically how our society functions. That's how a multi-cultural society has to function. But I think we should get in the habit of telling some people more often that their credit is up, especially the leaders of some overseas insurgent groups. Tell the leaders of the Tamil Tigers they can't operate that way here any more. I'm not after the Muslim community, but I really don't think we should be tolerating Wahhabi clerics here. That's just too dangerous.

The Chair: Colleagues, thank you for this round.

Dr. Ehrenfeld and Mr. Thompson, I want to thank you for your interesting points of view.

Mr. Thompson, as a follow-up, could you share with the committee your professional background? I wasn't able to get that information.

Prof. John Thompson: I was in the Canadian military for 13 years, mostly as a reservist. I was with the Canadian Institute of Strategic Studies for five years. I've been with the Mackenzie Institute for 15 years. During that time...there has been a very wide variety of experiences and unusual events.

The Chair: All right. Thank you both. We're going to take a very short recess to bring the next panel in.

Mr. Tom Wappel: Mr. Chairman, on a point of order, may I suggest that we don't take a recess and we just ask the witnesses to come up?

The Chair: Sure.

Mr. Tom Wappel: And while we're doing that, I wanted to make a point for the members to consider, not to engage in debate.

There are two points, really. The first point is, I don't believe we've heard any evidence from any witness prior to today about this Wahhabism. I would like to suggest—and I repeat, I don't want to get into a discussion about this, I'm just throwing it out at this point—that the testimony of today be provided to the Saudi Arabian ambassador, the Minister of Public Safety, and the Minister of Foreign Affairs and that we invite them, if they wish, to come here and make comments on the evidence we heard. That's number one.

Number two, I'm fully in support of the committee finishing its work by the last possible date in December. I just want to remind the committee, though, that if we're running out of time—and we sure as heck are—the actual law does provide us with a plan B, which is to go back to Parliament and ask for a brief extension, “brief” being the operative word, in view of the politics of the situation. So I think we should be thinking about a plan B if it looks like we're running out of time, because I don't think this subject would be well served if we very quickly put together a report without adequate thinking.

Those are just comments I put on the record for perhaps a business session later on.

The Chair: I'm happy not to recess and to keep moving.

The chair has noted your interest in Wahhabi and that issue. We'll look at the scheduling issues. I think we've tried not to make scheduling requests on the fly.

Mr. Tom Wappel: Agreed.

The Chair: The only other thing I did want to draw your attention to while we're welcoming the B.C. Civil Liberties Association, because time will run out later at the end of this, is that there was a suggestion from, I think, Mr. Ménard and Mr. Maloney that General Findley, the deputy commander at NORAD—there was a lot of work being done in NORAD—be invited to come to this committee. He's the number two at NORAD. That suggestion was put to me in a letter from Mr. Maloney.

Did you not meet him, Mr. Ménard, when you were there?

• (1655)

Mr. Serge Ménard: Yes, I met him.

The Chair: I didn't want to add your name to it, but I know that Mr. Maloney had raised it with me and had written a letter to me to that effect. I said I would put him on the list of possible witnesses—

Mr. Serge Ménard: Well, we can discuss this later, really, because the witness has made a considerable effort and has very little time.

The Chair: Okay.

Mr. Gratl, welcome to the committee, and please begin.

Mr. Jason Gratl (President, B.C. Civil Liberties Association): Thank you.

I also want to extend my congratulations to the chair for his election and to the various vice-chairs who were elected.

My name is Jason Gratl. I'm the president of the B.C. Civil Liberties Association.

I thank the committee for the opportunity to make submissions to the committee and share our thoughts on this vexing, complicated, and quite politically involved question of the Anti-terrorism Act and related anti-terrorist provisions.

I personally found the broad array of national security powers in the Anti-terrorism Act and related provisions to be of bewildering complexity. I've struggled through them myself, tried to become familiar with them, and tried to become familiar with the history of all the provisions. To say the least, it's complicated. I found it easy to lose my bearings; my internal compass kept spinning. I searched around for a proper perspective, a proper provision or theme to use as a magnetic pole to anchor my thoughts.

We've come to some conclusions at the B.C. Civil Liberties Association about the Anti-terrorism Act review and related provisions. We've set them out in some written submissions and they deal with some of those themes, some of those provisions. The first is the definition of a terrorist offence in the Anti-terrorism Act; I know you've heard submissions on that. Then there are the lack of accountability and democratic safeguards in the realm of national security and certainly the secrecy provisions engaged by the Anti-terrorism Act.

What I wanted to speak to you about today is what I and the association believe to be the place of greatest clarity in relation to the anti-terrorist provisions currently in place, and that is the question of torture. The official Canadian policy, according to our Minister of Public Safety, is that we're in conformance with our international treaty obligations, but the unofficial, unwritten policy couldn't be further from the official policy. Our unofficial, unwritten policy in Canada is the subtle encouragement of, complicity in, and promotion of torture.

We see that in a variety of different areas. The first area is in the realm of security certificates, where certainly the legislation and our Supreme Court, supposed to be the bastion of civil liberties and constitutional rights, have permitted deportation to places people are tortured, in the realm of security certificates relating to non-citizens. We've seen orders for deportation, despite a risk of torture, actually take place; they're under appeal.

In relation to Maher Arar and citizens who have stepped off this territory, we've seen the rendition of people to third parties for torture, to Syria and Egypt. As to the reliance on information derived from torture, we have admissions from Ward Elcock, a former director of CSIS, who admits that in some circumstances we're prepared to rely on information derived from torture. That amounts to no less than complicity in torture and the implicit promotion of torture abroad.

Again, our armed forces are reportedly handing Afghani prisoners of war to the United States, knowing that the United States has engaged in activities that are reported to constitute torture at Guantanamo Bay and other prisons around the world. Shamefully, our government has allowed one of our own citizens, Mr. Khadr, to be detained at Guantanamo Bay despite reporting by credible sources that the conditions at Guantanamo Bay amount to torture. Our government has not only sent in interrogators from CSIS to speak to Mr. Khadr but has done nothing to secure his return. Despite what he's done or alleged to have done, it seems as though he's being tortured and our government is doing nothing about it.

● (1700)

In Canada, then, we see that the unofficial policy of Canada is the encouragement, complicity in, and promotion of torture.

In torture, we can see the transformative effects that the war on terror has had on Canadian culture—that is, our willingness to dehumanize our enemies and our willingness to dehumanize ourselves by getting involved in torture. In torture, we can see the depths of our own aggression against religious and political differences and minorities in this country. In torture, we rediscover our capacity for cruelty that lies beneath the veneer of civility in this country. We rediscover that in the meaning of humanity is the capacity for inhumanity.

Torture, in our submission, lies at the heart of the war on terror. That's important to recall when we ask the specific questions that we need to ask about the Anti-terrorism Act: What's wrong with unchecked executive power? What's wrong with investigating political and religious beliefs? And what's wrong with a little state secrecy? The answer to all those questions is the very human capacity for inhumanity that we have, to have the strength to understand and control.

In this field of torture and this realm of torture, there's a resistance to immediate political action in Canada. The Minister of Justice, in consultation with our organization, has told us that he is awaiting the report of this committee to act on the question of torture. The Civil Liberties Association sees no reason to wait. To wait means more torture.

We recommend, in the first instance, a declaration by this subcommittee that Canada should not engage in torture. It should fulfill its international obligations in relation to torture; it should cease the deportation to torture absolutely; it should cease reliance on information derived from torture; and it should demand the return of Mr. Khadr. That could be done immediately. There's no need to have a complicated report.

The Chair: Excuse me, I don't want to get into a debate, but this committee is reviewing a specific piece of legislation. Perhaps the witness isn't familiar with that fact, because this is beyond the mandate of what we're doing. I just want you to stay on focus in terms of what we are in fact reviewing. We're reviewing a piece of legislation.

Mr. Jason Gratl: I understand that.

The Chair: Okay, thank you.

Mr. Jason Gratl: You've provided me with a helpful segue to my next point. It's related to torture, but it's something a little bit

different. The security ticket provisions under the Immigration and Refugee Protection Act are seemingly quite close to torture, according to the UN reports. Lest we think we're only ready to export to torture, render to torture, or use evidence derived from torture in other countries, our cruelty in this realm seems to be entirely out of keeping with Canadian culture and values.

The human reality of security certificates is characterized by inhumane conditions of detention, indefinite detention, secret evidence, secret hearings, and deportation to torture. Again, these security certificates have worked effectively as a substitute for terrorism offences. No terrorism offences have been laid; no prosecutions have been engaged. Instead, there has been reliance on the security certificate provisions. The conditions under which these individuals are held are akin to concentration camp conditions. There is solitary confinement, inadequate food, improper medical care, little or no exercise for the individuals held, inadequate clothing, and no access to families. We don't treat murderers this way in this country. There's absolutely no reason why these detainees ought to be treated that way. The conditions are sufficient to shock the conscience of the Canadian community.

In terms of the length of the detention, I'm sure you've heard these periods of detention have been very long. Mr. Almrei has been detained since October 2001; Mr. Harkat since December 2002; Mr. Mahjoub since June 2000; Mr. Jaballah since August 2002; and Mr. Charkaoui since May 2003. There have been hunger strikes for long durations.

In terms of due process flaws with the security certificate provisions, there's inadequate access to evidence and no effective right to full answer and defence. Their hearings are conducted in the absence of the accused, and again the public has no access to these hearings. We have discussed the security certificate provisions with Ian Macdonald, a special advocate in the United Kingdom who was engaged as *amicus curiae* in some of these cases. This is an individual who resigned his post as special advocate because he felt the special advocate program was a fig leaf for the injustice of their counterpart security certificate regime. In addition to the due process problems in the U.K. deportation to torture problems, he indicated the secrecy involved in security certificate regimes and the low threshold for deportation left security forces with very little incentive to gather and test evidence, so they were content to rely on degraded forms of intelligence with very little follow-up. A willingness to act on rumour in the U.K. experience meant that intelligence was never developed past the rumour stage.

In terms of the remedy, we have more or less complicated recommendations for reform set out in page 84 of the English text of our written submissions. Among other things, we recommend a system of special advocates along the lines of the English tradition, but with special safeguards to ensure they receive proper training and that the individuals have an opportunity to choose which advocate to engage and so forth.

In our submission, this committee can make a very human difference. Again, I appreciate, Mr. Chair, that the mandate of this committee is simply to address specific legislation and proposed changes to those pieces of legislation. But in my submission, this committee and members of this committee can make a human difference by speaking out for the immediate release of the individuals held under detention. There seems no practical reason why they should not be released on strict forms of bail, perhaps amounting to house arrest. The amount of time they've spent in custody certainly diminishes any risk they might play in areas of national security.

• (1705)

On the direct question of the Anti-terrorism Act, the position of the association is that the Anti-terrorism Act in its entirety ought to be repealed. All the powers and authorities that are granted by the Anti-terrorism Act existed before the act. That is, every terrorist act, by its very nature, is almost guaranteed to include the offences of murder, attempted murder, conspiracy to commit murder, and, by its very definition, to include the offence of extortion.

That being said, it's not plain there is the political will to recommend the repeal of the entire Anti-terrorism Act, so we've taken a lot of time to consider what politically palatable alternatives there might be as an interim measure, while this country gathers the political will to repeal the anti-terrorism provisions in their entirety. So we're urging broad-based reforms to the Anti-terrorism Act, all of them capped with a two-year sunset clause. So we say there ought to be some immediate changes made to the Anti-terrorism Act to minimize the harms flowing from the act, but those changes ought to be capped by a sunset clause. The specific, bewilderingly complex provisions that were enacted by the Anti-terrorism Act—if there's the political will to reintroduce them—ought to be justified on a case-by-case basis.

We saw in this country a lot of reforms introduced on a very short timeline with insufficient debate. I realize that the honourable member, Mr. Sorenson, has suggested to the previous witnesses that the Anti-terrorism Act was a response to the events of September 11. I have to disagree, and disagree most strongly. These provisions in the Anti-terrorism Act were drafted before September 11; they were waiting in a drawer, or were on somebody's wish list, before the events of September 11, just waiting for something like September 11 to occur and waiting for the political will to enact them. They were not a response to September 11.

In our view, the Anti-terrorism Act provisions are justified only as a political stopgap to assuage public fear arising from large-scale attacks, such as those on New York, Bali, Madrid, and London. Those attacks, though, should be considered in their specificity. We consider those attacks national in scope, not local; they wreak physical, not economic, harm, and result in the loss of life. They are independent of politics and religion. We don't, as the public, generally care why terrorists act the way they do. What's important is the loss of innocent life; that's what's alarming, the broad-scale loss of innocent life. It's not necessary to interrogate the motives of terrorists, because we understand their tactics are inappropriate—

• (1710)

The Chair: Mr. Gratl, I'm going to jump in because I don't want to run out of time. We've got votes, and I know many of my colleagues here want to question you.

Mr. Kevin Sorenson: I have a point of order, Mr. Chair.

This gentleman has come a long way, and I think he has some good information that he'd like to read into the record here, and I'd hate to cut him too short.

Maybe if I could just ask for your indulgence, how much longer is your presentation, sir?

Mr. Jason Gratl: I'm about 85% through it.

Mr. Kevin Sorenson: So would you have three or four minutes left?

Mr. Jason Gratl: Three or four minutes.

Mr. Kevin Sorenson: Can we finish this presentation then?

The Chair: Sure. I'm in your hands, colleagues.

Mr. Jason Gratl: We took the time to research the activities of the RCMP INSET, the Integrated National Security Enforcement Teams, to find out, on the public record, what activities they were actually engaged in. It emerges on the public record that they arrested, searched, and released a guy by the name of David Barbarash, who is a spokesperson for the Animal Liberation Front, a radical group of animal activists; a fellow by the name of Tre Arrow, who is a prominent member of the Earth Liberation Front who is sought by the United States, is described by the States as an eco-terrorist, and is wanted for firebombing a logging truck; a fellow by the name of David Dennis, who belongs to the West Coast Warrior Society; and a fellow by the name of John Rampanen.

David Dennis and a companion were taken down by an INSET team, assisted by the Vancouver Police Department, on the Burrard Bridge in Vancouver. They had some guns that were properly registered and some ammunition he had just purchased. They were never charged, but the guns were never returned. It wasn't explained why they constituted terrorists or warranted the attention of the INSET team.

Similarly, Mr. Rampanen had his house searched under warrant and his common-law spouse was interviewed. Apparently she was asked whether she thought it might be a good idea if her kids had parents to grow up with, or words to that effect.

There were some stolen explosives that the INSET teams got involved in. Mr. Joseph Thul was arrested, but a stay of proceedings was granted in that case.

Mr. Younus Kathadra, a Muslim cleric, made some anti-Semitic remarks. For some reason, the INSET teams got involved in his case.

And the Canadian Association of University Teachers has spoken at length about the Muslims among their membership who were harassed.

What's remarkable about all of these examples is that none of them are national in scope. All of them are local. None of them relate to physical harm or loss of life, and the preponderance of them doesn't relate to physical loss of life. They may represent economic harm, but all of them are heavily political or religious.

It strikes me that had the RCMP or CSIS attempted to justify these broad-based anti-terrorist powers by referring to the Animal Liberation Front as an organization that needed to be crushed, the Earth Liberation Front as an organization that needed to be tempered, the West Coast Warriors, or folks such as Mr. Kathadra... They never would have succeeded in having these powers handed to them. All the cases on the public record are inadequate to justify anti-terrorist acts. They're at most criminal, and they could easily be dealt with using existing criminal powers.

We endorse the definition of terrorism that says it's local, relates to bodily harm, and is indifferent to motive. That is the UN definition of terrorist activity:

any action that is intended to or can be reasonably foreseen to cause death or serious bodily harm to persons not actively or directly involved in a dispute with the purpose of intimidating a population or compelling a Government or an international organization to do or abstain from doing an act.

I have other remarks regarding state secrecy and judicial, parliamentary, and civilian oversight, but I open the floor to questions.

•(1715)

The Chair: Thank you, Mr. Gratl.

Mr. Ménard is asking if there is a French copy of your presentation.

Mr. Serge Ménard: No, I was asking if the facts that you gave us are in your brief.

Mr. Jason Gratl: Yes, they are.

Mr. Serge Ménard: That's nice for us to know.

The Chair: I was looking for a copy in French also.

Mr. Serge Ménard: It's very comprehensive.

The Chair: Thank you.

Mr. Sorenson.

Mr. Kevin Sorenson: Thank you. I just have three or four quick little questions.

First of all, I find your presentation a little disturbing. I find it very negative. I guess that's all right, because we're talking about a piece of legislation that you're concerned with, so I respectfully say that.

You spent a lot of time talking about the United States and the evil they do at Guantanamo Bay, in your opinion, but it was not until the last little part of your presentation that there was really much about the actual bill, other than the certificates and the secrecy involved around them. I'll therefore try to limit my questioning to that.

First of all, you did mention that you spoke to the minister in regard to some concerns you had regarding torture, and that he said he was waiting for this report to come out before he acted on that. Is that correct?

Mr. Jason Gratl: Correct.

Mr. Kevin Sorenson: Can you table that document? Could you get his response to you in regard to waiting for our report to come out on the torture issue?

Mr. Jason Gratl: We don't have his response in writing. It was oral.

Mr. Kevin Sorenson: Did you speak to him on the phone?

Mr. Jason Gratl: Yes.

Mr. Kevin Sorenson: You spoke to the minister on the phone?

Mr. Jason Gratl: I was on the phone. Our executive director, Murray Mollard, was in his office.

Mr. Kevin Sorenson: At that time the minister said, in regard to torture, that he wouldn't respond or answer any questions you have until he heard from this report?

Mr. Jason Gratl: No, don't get me wrong. What he said was that he wouldn't table a legislative response until he had the report from this subcommittee.

Mr. Kevin Sorenson: In regard to torture?

Mr. Jason Gratl: But he affirmed that he personally—and I understand the government as well—thoroughly denounces torture and doesn't want to have anything to do with it.

Mr. Kevin Sorenson: Well, our government—and I give kudos—already will not knowingly extradite or deport anyone to a country where there's evidence that they will be tortured. Is that correct?

•(1720)

Mr. Jason Gratl: I understand differently. I understand Mr. Jaballah has been ordered deported under a security certificate regime.

Mr. Kevin Sorenson: Where they know he will be tortured?

Mr. Jason Gratl: Where there's a risk of torture.

Mr. Kevin Sorenson: Well, okay.

The other thing is, in regard to the secrecy involved around the certificates, you said the public is not privy to the hearings where certificates are issued.

Do you think the public should be privy to that?

Mr. Jason Gratl: In our view, there ought to be an amicus curiae who is security cleared and has a mandate to argue for as much public participation, as much openness, and as much disclosure as possible.

Mr. Kevin Sorenson: Okay, but you did say that the public was not privy to that type of information. Maybe a reason would be that in Canada we do not allocate a lot of resources to intelligence-gathering, especially agencies, especially around the world, and we depend—and rightfully so—on other foreign agencies. One of the reasons that some of this evidence may not be given to the public is that it would be an immediate stop of the intelligence, the information, that would be coming to Canada so that the government or those agencies could protect Canadians. That is without doubt. If there's going to be evidence or information shared, where people's lives are at risk and where their involvement in a certain country might be jeopardized, that would stop right now.

The final comment—

Mr. Jason Gratl: I couldn't agree with you more, actually. We recognize perfectly that there are situations in which national security interests of this country require absolute secrecy, very tight controls on information. Information derived in confidence from foreign sources is one of those categories. Information derived from confidential sources is another one of those categories.

There's simply no doubt that the counter-intelligence work, the covert operations engaged in by our country and by other countries, wouldn't be effective if the public had access to that information. But what we're concerned about is that the secrecy provisions are so powerful that they capture far more information than that. For example, sensitive information, defined as information that the government is taking some steps to safeguard, is subject to an extremely high level of confidentiality under section 38 of the Canada Evidence Act, to the point where the executive of this country has the power to override the Supreme Court of Canada when the Supreme Court of Canada says it's in the public interest to disclose that information. To our mind, that's a level of secrecy that simply isn't called for.

Mr. Kevin Sorenson: Should we scrap the act?

Mr. Jason Gratl: Section 38 of the Canada Evidence Act, certainly.

Mr. Kevin Sorenson: No, should we scrap the anti-terrorism legislation?

Mr. Jason Gratl: That's our preference. But if the political will to scrap it entirely is lacking, at least the process should be opened up. There should be judicial, parliamentary, and civilian review of the activities of the RCMP and the INSETs and any other agency engaged in national security activities; we should amend the Access to Information Act to make sure the general public at large has access to information; and the definition of "national security" and "terrorist offences" ought to be cut down to a manageable size that conforms with, coheres with the types of large-scale attacks that are seen to justify the anti-terrorist provisions.

Mr. Kevin Sorenson: Thank you.

The Chair: Mr. Ménard.

[Translation]

Mr. Serge Ménard: We don't have much time, and you have worked very hard, but we only received your brief this afternoon. Moreover, it has not been translated.

I know where you are coming from, and I believe that you are on the same wavelength as the Quebec Civil Liberties Union and the law professors.

That is why I will share with you an objection that is of concern to me, even though I read with great interest the other documents and found them rather convincing. First, there is quite a difference between terrorism and organized crime, and both situations must be treated differently. We can't allow organized crime to continue until we have enough evidence to arrest the culprits. But we must stop the terrorists before they can act.

People are being trained in other countries. This we have learned by a number of means, and also through sources whose identity cannot be revealed. We also know that people come here and it appears that they remain in the country as a sleeper cell until they

receive the order to act. I think that is the only use for this bill: to incarcerate these people. Moreover, even though I hate it, they will have to be incarcerated using evidence that must absolutely remain secret.

Do you see any other solution? Is there any other way for us to arrest them and detain them in order to prevent them from acting?

• (1725)

[English]

Mr. Jason Gratl: Certainly these sleeper cells do represent a problem. The sleeper cells have represented the reason why the B.C. Civil Liberties Association takes the problem of terrorism very seriously. It would seem as though if there's something like an inchoate conspiracy, even if you have information that a number of people have bound together in a compact with the intention of committing a criminal offence—they haven't specified which criminal offence they intend to commit—and they await orders, nonetheless, they can be very carefully watched. There's no doubt that judges will grant wiretap authorizations, will grant powers to intercept all of their e-mail communications, and certainly they can be surveilled and monitored by other means.

The types of tabs that our spy agencies are able to keep on individuals are really quite incredible, the kind of monitoring that can occur. And even if there is very little notice, there's no doubt that the government has an extensive array of surveillance and other powers to ensure that the Canadian public is safe. It's a little more labour intensive. If the government could walk in, arrest somebody, throw them in custody, and keep them locked up for years on end, that would simplify their job significantly.

What we need to have in this country is a security force that's prepared to invest the type of time, energy, and resources to ensure that Canadians are safe and free, rather than simply safe. The abandonment of due process, the abandonment of our fundamental liberties, represents the degradation of our culture and the degradation of our democracy.

And while I say that, I recognize that there are serious threats to Canada that do or may exist. I don't know the details of them. I don't want to; I don't think I should. But I believe the Canadian government and its agencies have sufficient resources to protect Canadians against those threats without resorting to the types of powers involved in security certificates and the Anti-terrorism Act.

The Chair: Thank you, Mr. Ménard.

Mr. Comartin.

Mr. Joe Comartin: I want to go back to the conversation with the minister, because I share the concern Mr. Sorenson raised. I don't see that within the scope of this committee.

So I would ask, Mr. Gratl, if you and.... Who was the other person?

Mr. Jason Gratl: Mr. Mollard.

Mr. Joe Comartin: I would ask the two of you to put something in writing as a memo to this committee. We will need to talk to the minister about this, because there seems to be some confusion.

Secondly, with regard to the cases you outlined in the first part of your brief where INSETs were involved, I had asked the commissioner of the RCMP about where the ATA had been used. Is it your understanding that when they conducted these operations or investigations, they were using the ATA as their basis for involvement in these files?

• (1730)

Mr. Jason Gratl: Yes. Specifically, the INSET teams were involved, and the INSET teams are deployed in cases of national security threats or terrorist threats.

There have been public comments on the record by members of INSET and directors of INSET teams that it's precisely the definition of terrorism in the Criminal Code that provides the RCMP with the powers to investigate individuals such as Tre Arrow.

Mr. Joe Comartin: Has that definition of terrorism been the definition that came about as a result of Bill C-36, the ATA?

Mr. Jason Gratl: That's correct.

Mr. Joe Comartin: All the cases you referred to here are in British Columbia. Do you have any indication that there have been similar uses of INSET in other cases elsewhere in Canada that, at least arguably, are not at the national security level?

Mr. Jason Gratl: We targeted our empirical research to British Columbia specifically. We didn't, in the course of that research, come by any examples outside of British Columbia. So it may just be a phenomenon that's local to the Vancouver national security team, the INSET team.

Mr. Joe Comartin: In your verbal comments you made a point of recommending a two-year sunset clause, but I didn't catch it all. Were you recommending that the entire ATA be sunsetted after a further two years, or just certain sections?

Mr. Jason Gratl: The entirety of it.

Mr. Joe Comartin: All right, the argument being that if there is justification for all or part of it, we will go through the process again at that time.

Mr. Jason Gratl: That's correct.

Mr. Joe Comartin: Those are all the questions I have, Mr. Chair.

The Chair: Thank you.

The bells are ringing, but I'll take a couple of really short snappers.

Mr. Tom Wappel: I have a one-sentence statement and a one-sentence question.

The one-sentence statement is this. Mr. Gratl, I agree with you 100% that this is bewilderingly complex legislation, and as such there are obviously things that need to be corrected.

The question is, do you have any concrete evidence for your statement that Bill C-36 was drafted prior to 9/11?

Mr. Jason Gratl: The bewildering complexity of it is precisely that evidence.

Mr. Tom Wappel: Anything else?

Mr. Jason Gratl: No.

Mr. Tom Wappel: Thank you.

The Chair: Mr. Cullen.

Hon. Roy Cullen: Thank you, Mr. Chair, and thank you, Mr. Gratl.

By the way, the characterization—I don't know where this came from—by the UN that having detainees under security certificates is tantamount to terrorism.... I thought that's what I heard you say. Just for your information, the detainees recently have been moved from provincial correctional institutions to federal penitentiaries, and the federal government will be more able to provide a standard of care that we would like to see.

But if you look at the realistic options, someone who's held on a security certificate can leave Canada at any time. And I notice—this is your point—that sometimes they might go back to torture or death. In fact, Mr. Paul Kennedy, the then senior assistant deputy minister of public safety, testified at this committee that we've never sent anyone back to torture. In fact, one of the examples, Mr. Ahani, who was found by the Federal Court to be a member of the Iranian Ministry of Intelligence and Security, was a trained assassin, according to all the evidence, and he was participating in a plot to assassinate an Iranian dissident. He actually went back to Iran, and although there were some concerns that he would be tortured or face death, in fact I'm advised on good authority that he's living happily back in Iran.

But I'd like to come back to a question, Mr. Gratl. You live in Vancouver, I assume?

Mr. Jason Gratl: Yes.

Hon. Roy Cullen: Let me describe someone to you, and I'm wondering if you could answer whether you would like this individual living next door to you in Vancouver.

Mr. Jason Gratl: I can anticipate that the answer is no.

Hon. Roy Cullen: I'd like to put some of this on the record. We have different options. The person can either go back, leave Canada at any time—they're free to do that, remain in detention or come back into Canadian society. But the federal government, with the support of the Federal Court, has said that these people who are being detained would be a threat to our public safety.

This is from the evidence of the Federal Court concerning Mr. Harkat, where the court looked at the reliability of information and whether it was corroborated by more than one source. The court said about Mr. Harkat that:

...travelled to and was in Afghanistan. [He] supported terrorist activity as a member of the terrorist group known as the Bin Laden Network. Before and after he arrived in Canada Mr. Harkat was linked to individuals believed to be in this network.

Then the court went on about the network of bin Laden and said:

Mr. Harkat lied to Canadian officials about his:

- work for a relief company in Pakistan;
- travel to Afghanistan;
- association with those who support international extremist networks;
- use of the alias Abu Muslima; and
- assistance to Islamic extremists.

He was associated, as I said, according to the corroborated evidence, with Abu Zubayda, who was one of Osama bin Laden's top lieutenants from the 1990s until his capture.

So given the available options, would you support him living next door to you in Vancouver?

• (1735)

Mr. Jason Gratl: None of what you've said implies that this man should be deported to risk of torture, shouldn't be entitled to a trial that's as fair and open as possible, or should be denied bail under the Criminal Code-type provisions—section 515 of the Criminal Code—if it's not likely that he's going to commit another offence or be a danger to the public.

As far as somebody living next door to me, I don't like all my neighbours and I don't want dangerous people living next to me, but

that doesn't mean I have the right or the government should have the right to imprison somebody or detain them indefinitely just because we don't like them. That's not the standard for detention in this country.

Hon. Roy Cullen: We could go on, but I'll leave it at that.

The Chair: I want to thank you, Mr. Gratl, for coming to this committee on short notice. I'm glad you've had the opportunity to present.

Mr. Jason Gratl: That's much appreciated. Thanks.

The Chair: We're adjourned.

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