

April 25 2007
International Commission of Jurists
Eminent Jurists Panel

Dear Members of the Panel:

I am here today as President of Canadian Unitarians for Social Justice. We welcome you to Ottawa and appreciate that you are here today to help safeguard the human rights of our global civil society.

Our organization seeks to apply our religious, humanistic, and spiritual values to social action aimed at the relief of poverty, discrimination, abuses of human rights and abuses of the democratic process. Three of our seven principles motivate our statements today. We affirm and promote:

- the inherent worth and dignity of every person;
- justice, equity and compassion in human relations;
- the right of conscience and the use of the democratic process within our congregations and within society at large.

Our members feel that many actions of our federal government and police contravene these principles. Consequently we welcome your examination of the impact of Canadian anti-terrorist laws and similar actions on our civil liberties.

In particular we are concerned with the actions of the Canadian government regarding (i) their use of "Security Certificates" (ii) the Anti-terrorist Act Bill C 36 and (iii) their support for mass registration and mass surveillance. Our organization has written frequently to federal officials questioning the impact of these measures on the civil matters seriously. We are here today to support the individuals and organizations who are demanding that our government treat these issues seriously.

1. You have already heard about the "Security Certificates" process from lawyers such as Paul Copeland who have argued against this legislation at the Supreme Court of Canada. One of the major issues in this process is that neither the accused nor his lawyer are allowed to see the evidence against them. Consequently there have been six Muslim men imprisoned in Canada for up to six years. No charges were laid and no evidence was introduced in open court. It is shameful that one of the men, Hassan Almrei, is still in prison after six years and has been on a hunger strike for almost 120 days to publicize his plight. Unfortunately the Government has failed to react and we have had to rely on the Supreme Court to order Parliament to make major changes in the "Security Certificates" legislation within one year. Civil liberty groups have proposed that, at the very least, special security-cleared lawyers be appointed to represent the interests of certificate subjects at the closed hearings. We support major changes in the Immigration and Refugee Protection Act to ensure that the use of "Security Certificates" does not violate Canada's international commitments and meets the standards of natural justice which are a necessary foundation of a democratic society.

2. The Anti-terrorist Act was passed during the hysteria following the events of 9-11. In February 2007 our Federal Parliament removed two of the most contentious sections which restricted civil liberties. We see this action as a positive step and note the review done by the Parliamentary sub-committee on this legislation in their recent report. In particular we recognize the dissenting report of Joe Comartin and Serge Menard calling for the repeal of the Anti-terrorist Act. We hope that you will support this position in your report.

3. We are also apprehensive that in the name of the so-called "war on terrorism" we are witnessing what amounts to the construction of a global surveillance infrastructure. Citizens are being registered in numerous ways, and all the information that is collected in public and private databases about individuals is stored, linked, data-mined and made available to state security agents. This threat was brought to public attention in April 2006 by the International Civil Liberties Monitoring Group and has been more fully documented in Maureen Webb's book, "Illusions of Security". She finds that in terms of countering terrorism, the global surveillance dragnet diverts crucial resources and efforts away from the kind of investment that would make people safer. She adds that surveillance does nothing to address the root causes of terrorism-dispossession, poverty, lack of opportunity, and political repression. Finally, globalized mass surveillance and the preemptive model of security that promotes it threaten our essential liberty. We need a moratorium on such actions until Parliament has debated and assured the public that our files can be accessed only by the individuals involved and misinformation removed.

We also have a concern about the more localized continuous surveillance by the RCMP and local police forces using video cameras at public rallies. It is a form of intimidation against lawful protest and should be unacceptable in a society where we should be building trust between citizens and local and national police forces. Such video surveillance, which treats all citizens as common criminals, is the worst form of public relations. It is sad to watch young people swearing at the police photographers as I have witnessed. Complaints through the official process about such surveillance are rationalized by the authorities who state that it is necessary to protect the police and the public. This form of intimidation is widespread. For example a recent report in the New York Times stated that a federal judge had just ordered the New York Police Department to restrict such surveillance to situations where a crime could be reasonably expected. We hope that you will support such restrictions.

What can be done to have more public control over these areas? We hope that you will encourage the Canadian government to implement the recommendations of Justice O'Connor arising from the Arar Inquiry. For example there should be an Independent Complaints and National Security Review Agency for the RCMP as well as a new review process for five other agencies.

In summary we support the following:

- major changes in "Security Certificates" to stop arbitrary measures;

- the repeal of the Anti-terrorist Act as recommended in the dissenting reporting of Mr. Comartin and Mr. Menard;
- a call for a moratorium on the creation of a globalized surveillance network.

In closing I wish to quote from the excellent book titled, "Escaping the Matrix" by Richard Moore. He states, "Underneath our political and religious beliefs we are all human beings who want a better and saner world for our families and our descendants. Instead of focusing on what divides us, and struggling to prevail over the other, we need to find a way to focus on what unites us- and learn how to work together to achieve the kind of world that we all want". Any support from the International Commission of Jurists on these matters would be much appreciated by our organization on behalf of all Canadians concerned with these threats to our civil liberties.

Yours truly,

Bob Stevenson

President of Canadian Unitarians for Social Justice