

New “anti-terror” legislation rushed through Canada’s parliament

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Canada’s Conservative government is rushing new laws that bolster police powers through parliament, with two bills poised for adoption and a third set to be tabled in the House of Commons before Christmas.

One of the new measures, Bill C-44 or “The Protection of Canada from Terrorist Acts” bill, was introduced in parliament in the immediate aftermath of the twin attacks on Canadian Armed Forces’ personnel in late October. The bill, however, had been drafted previously.

Bill C-44 will grant blanket legal anonymity to Canadian Security Intelligence Service (CSIS) informants; making it a crime to publicly expose them and barring their identification or even cross-examination during court proceedings.

CSIS will also obtain formal clearance to spy on Canadians who are outside the country. Although CSIS already carries out significant foreign operations, Bill C-44 will give these activities, including its cooperation with the US and Canada’s other “five eyes” intelligence partners in spying on Canadians abroad, legal sanction. Bill C-44 also stipulates that CSIS’s activities shall not be restricted by the laws of any foreign country.

At the House of Commons’ committee stage, Conservative MPs ensured that Bill C-44 was given only the most cursory review. The whole process was concluded in a few hours spread over a few days and with just six witnesses called. A final vote on the bill is expected early next week.

Opposition MPs from the Liberal and New Democratic parties criticized aspects of the legislation, including the lack of any additional oversight of CSIS’s activities, but back its essential goals. After the minor changes proposed by the opposition parliamentarians were all voted down, the NDP’s public safety critic, Randall Garrison, said his party might not be able to vote for Bill C-44 on final reading.

The Conservatives went to quite extraordinary lengths to prevent even official figures critical of the legislation from being heard. Breaking from standard procedure, Conservative MPs opposed a request by Privacy Commission Daniel Therrien to address the committee. They

even rejected attempts to have Therrien testify if any of the invited witnesses failed to appear. Therrien had intended to raise concerns about provisions of Bill C-44 that might violate Canada’s obligations under international law.

Separately, the government is exploiting the tragic fate of several young people who committed suicide after being subjected to cyberbullying to push through a purported anti-cyber bullying law that would greatly expand the police’s powers to access phone and internet records. Bill C-13, which now only requires Senate approval and royal assent to become law, would loosen restrictions on police access to the subscriber information and metadata of phone calls and online activity.

The government tried to implement these powers through a previous online surveillance bill, the disingenuously named “Protecting Children from Internet Predators Act,” but public opposition was so strong that the bill had to be abandoned. Another setback for the government came in June when the Supreme Court ruled that Canadians’ right to privacy prohibits the warrantless collection of personal phone and online data.

Bill C-13 reduces the legal standard of proof required for the police to obtain a warrant to access personal telephone or online information. To obtain a warrant police have traditionally had to show they have “reasonable grounds for belief” the user was involved in a crime; now all they will have to demonstrate is a “reasonable suspicion.”

The bill also seeks to promote the widespread practice of Canada’s telecoms “voluntarily” handing over information to police and other government agencies. It gives the telecommunications companies immunity from lawsuits provoked by the voluntary disclosure of information to the government without a warrant. This is significant, given that Canada’s major telecommunications firms have voluntarily divulged information to law enforcement agencies on their customers’ internet usage in recent years on a massive scale. (See: **Canada’s telecoms aid state surveillance by handing over personal data**)

The government has also reiterated its intention to soon

introduce a third bill to expand police powers. While the details of the bill are not yet known, the government has indicated that it will enhance the police's power to detain persons without charge and will create a new offence making it illegal to "incite" or "encourage" terrorism on the internet.

Justice Minister Peter MacKay recently told the *Globe and Mail* that he hopes to table this bill in parliament before the Christmas break. He also said he is looking at following the lead of Britain which allows detention without charge of reputed terrorist suspects for up to 28 days.

These three pieces of legislation are designed to augment the vast array of surveillance and security powers already at the disposal of the state. Since the passage of Canada's 2001 *Anti-Terrorism Act* in the immediate aftermath of the 9/11 attacks, successive governments have massively expanded the budgets of CSIS and the Communications Security Establishment (the Canadian partner of the US National Security Agency) and systematically undermined core democratic rights in the name of combating terrorism.

The real target of such anti-democratic measures is the growing opposition among the population to the Canadian ruling elite's increasingly aggressive foreign policy and its assault on the social position of working people at home. This is clear from the all-embracing definition of terrorism enshrined in the 2001 act. Terrorism was defined as any act aimed at causing significant disruption to social and economic life, including "serious interference with" or "disruption" of an "essential service," for a political, religious or ideological purpose. This catch-all definition would permit the state to designate major strikes, blockades or even widespread protests as terrorist acts.

If Prime Minister Stephen Harper seized on the two attacks on military personnel carried out in October by lone, disturbed individuals to proclaim Canada as a country under siege by terrorists, it is because the government is keenly aware there is little support for its anti-democratic agenda. Indeed, a survey reported on by the *National Post* on November 24, found that only 36 percent of respondents agreed with the government's contention that the attack at the National War Memorial in which Corporal Nathan Cirillo was killed and the subsequent shoot-out at the parliament building should be considered a "terrorist" attack.

It is no accident that the latest measures are being fast-tracked through parliament as discussions mount about a major expansion in Canada's involvement in the new US-led Mideast war. Steps are being taken in all the countries that are part of Obama's new "coalition of the willing" to strengthen the coercive powers of the state. New anti-terrorism bills in Britain, France and Australia give the

government increased powers to strip terrorist suspects of their passports.

Canada was one of the first countries to adopt legislation in this area. The Harper government exploited the outrage over the April 2013 Boston Marathon bombing to expedite the adoption of amendments to the 2001 Anti-Terrorism Act. The Combatting Terrorism Act 2013 makes it illegal to travel or plan to travel abroad to commit terrorism or assist a terrorist group.

Canada's official list of proscribed terrorist organizations, it need be noted, is driven by the predatory geopolitical interests of the Canadian state. So in addition to al-Qaeda, ISIS and their affiliates, it includes mass anti-Israeli political organizations such as Hezbollah and Hamas.

The 2013 bill also reintroduced several provisions from the 2001 act that had lapsed due to a five-year sunset clause. These are: "investigative hearings" in which the right to silence is set aside so that persons can be compelled under threat of imprisonment to provide information about a past or future terrorist act; and preventive arrests, under which the state has the power to detain people whom it suspects may be planning to commit a terrorist offence for up to 72 hours and to subsequently place "bail-type" restrictions on them for up to a year even though they have been charged with no crime. (See: Canada adopts "anti-terrorism" law that tramples basic rights)

Earlier this year, Harper's Conservatives passed legislation giving the state additional grounds to revoke an individual's citizenship. The "Strengthening Canadian Citizenship Act" has been criticized by Amnesty International and other civil liberties groups for turning citizenship from a right into a privilege.

The government now has the power to revoke the citizenship of dual citizens who have been convicted in cases of terrorism or treason, or who have fought for foreign armed groups against Canada. The revocation of citizenship would provide the government with the means to deport such individuals or to jail them indefinitely, since there is no maximum legal limit for the detention without charge of non-Canadian citizens considered "national security threats" under the government's National Security Certificate system.



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