

Canada: Alleged ISIS supporter released on bail after lengthy, illegal detention without charge

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Twenty-three-year-old Aaron Driver was quietly released on bail late last week by a Manitoba court, after being detained since his arrest by police on June 4.

Despite holding Driver for eight days, police are yet to charge him with any crime. Police allege he supports the Islamic State (ISIS) and defended last October's fatal attacks on Canadian Armed Forces personnel in Ottawa and Saint-Jean-sur-Richelieu, pointing to postings he made on a Twitter account under the alias Harun Abdurahman. However, the court has imposed a ban on reporting evidence in the case, so it is not yet known if prosecutors have any evidence linking Driver to an actual crime under Canadian law.

The length of Driver's detention without charge has been described by legal observers as unprecedented and a clear violation of his constitutional rights. For days, the authorities offered no public justification for their detention of Driver without charge past the 48 hours currently legally permitted. Now they are attempting to do so by citing Section 810 of Canada's Criminal Code, which provides for the imposition of a peace bond or recognizance on an individual where there exists "reasonable grounds" to believe he or she will commit an act causing injury to someone or damage to property.

Under Section 810, someone who has not been charged, let alone convicted of a crime, can be jailed for up to a year if they refuse to sign a peace bond or fail to comply with its terms after it has been signed.

Originally introduced into the Criminal Code in 1985 as a means of dealing with cases of family breakdown and abuse of children, the government is increasingly using section 810 to restrict the movements and place onerous conditions on the activities of alleged terrorist

suspects against whom the state has insufficient evidence to lay criminal charges.

Evidence suggests that Canada's national security apparatus is now routinely intimidating people with threats of criminal charges and incarceration without bail so as to get them to "voluntarily" agree to sign a peace bond.

Driver's case, however, appears to have set a chilling new precedent in that police continued to detain him beyond the legal limit of 48 hours, because he refused to agree to the peace bond process.

The police are now asking the courts to impose a peace bond on Driver, with a hearing scheduled for July 9.

Pending that hearing, Driver has been released from bail but under harsh and illegal conditions. Among other things, Driver must wear a GPS tracker at all times, engage in "religious counselling" and forward the counsellor's name to the Royal Canadian Mounted Police (RCMP), follow a 9 p.m. to 6 a.m. curfew, give up his passport, give up any computer of any kind, submit his telephone number to the police, give police the password to access his phone, avoid social media websites, and refrain from communicating with any ISIS or Al Qaida member. This latter condition appears deliberately aimed at presenting Driver to the public as a hardened terrorist, given that not a shred of evidence has thus far been presented to suggest that he has had any contact with these or any other terrorist group.

Driver's restrictive bail terms were sharply criticized by the Manitoba Association for Rights and Liberties (MARL), the group that first drew attention to the Driver case. "This is a person, a Canadian citizen, who has not been charged with a crime and yet he's going

to be subject to 24/7 GPS monitoring,” said MARL President Corey Shefman. He added, “He could go to jail for failing to undertake religious activity. That doesn’t sound like Canada to me. That sounds like a theocracy.”

Driver’s treatment marks a further step in the direction of police state measures. While he was behind bars, Canada’s Senate gave final approval to the Conservative government’s new Anti-Terrorism Act (Bill C-51). It vastly expands the powers of the national security apparatus, including giving the Canadian Security Intelligence Service (CSIS) the power to break the law in disrupting reputed threats to Canada’s economic and national security. (See: “Canada’s police-state bill passes final parliamentary hurdle”)

The new law will also enable the authorities to obtain peace bonds much more easily. The wording in the criminal code is to be replaced, so that it reads “may” commit an offence rather than “will,” thereby significantly lowering the threshold of proof required to impose a peace bond. In addition, the maximum period of detention without charge will be extended to seven days for terrorist suspects.

As the *Winnipeg Free Press* wrote in an editorial criticizing the treatment of Driver, “If we’re upset with how he’s being treated now, be aware that Canada’s Anti-Terrorism Act is going to make this type of treatment easier.”

In another recent case, a Prince Edward Island student who police claim was planning to make bombs was forced to sign a 12-month peace bond which restricts his movements and requires him to report to a probation officer once a week. He has been neither charged nor convicted of any offence. A Montreal man who signed a peace bond earlier this year is currently being criminally prosecuted for breaching its terms and could face a prison term.

It is becoming increasingly clear that this little-known provision is being transformed into an instrument to be used to target anyone the government likes, even if there is no evidence of criminal activity having been committed. The catch-all definitions of terrorism and national security threats now written into law provide the basis for peace bonds to be used in the future against working-class and left-wing opponents of the government.

Unsurprisingly, there have been no statements from

any of the mainstream political parties raising concerns about the Driver case. In a statement released shortly after Driver’s detention, a spokesman for Public Safety Minister Stephen Blainey merely noted that the government had to keep fighting terrorism.

With its draconian assault on basic democratic rights and legal principles, Canada’s Conservative government is pursuing the twin aims of establishing mechanisms to suppress all public opposition to its reactionary policies, as well as seeking to whip up a climate of fear and hysteria to justify its military aggression abroad.

To this latter end, government representatives portray the entire Muslim population as a menace to society. In a recent interview, Immigration Minister Chris Alexander effectively accused any Muslim woman wearing the burka or niqab of being a terrorist suspect. Commenting on the federal Conservative government’s plans to outlaw Muslim women wearing these face-covering garments from taking an oath of citizenship and the Quebec Liberal government’s bill preventing them from receiving health care and other public services, Alexander said, “We’ve done a lot in the past year to strengthen the value of Canadian citizenship. People take pride in that. They don’t want their co-citizens to be terrorists. They don’t want people to become citizens who haven’t respected the rules.”

Such fear-mongering aims to legitimize the vast authoritarian state apparatus which will be turned against the working class at the first sign of the emergence of opposition to the ruling elite.



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