

HALIFAX REGIONAL MUNICIPALITY

COMMUNITY AND RACE RELATIONS ADVISORY COMMITTEE MARCH 6, 2002 MINUTES

PRESENT: Mr. Sid Chedrawe, Acting Chair
Ms. May Lui
Ms. Slyvia Parris
Mr. Shawn Lahey
Mr. Haji Amari
Mr. Michael Paul

ABSENT: Ms. Betty Thomas (Regrets)
Councillor Dawn Sloane (Regrets)
Mr. David Khokhar (Regrets)
Mr. Juan Carlos Canales-Leyton
Mr. Thomas Rissesco

STAFF: Ms. Charla Williams, Diversity Program Coordinator
Constable Cedric Upshaw, Halifax Regional Police
Sherryl Murphy, Assistant Municipal Clerk

GUESTS: Mr. David Schermbrucker, Counsel, Integrated Proceeds of Crime
Unit, Department of Justice, Canada
Mr. Bob Purcell, RCMP
Mr. Frank Beazley, HRP

TABLE OF CONTENTS

1.0 APPROVAL OF THE AGENDA 3

2.0 APPROVAL OF MINUTES/NOTES 3

** Items **3-6** were not dealt with due to time constraints.**

7.0 ISSUES AFFECTING DIVERSE COMMUNITIES 3

7.1 Anti-Terrorism Legislation (Bill C-36) - Information Session -
Representatives RCMP, HRP and Department of Justice 3

Mr. Chedrawe called the meeting to order at 5:00 p.m. He welcomed the guests and round table introductions were made.

1.0 APPROVAL OF THE AGENDA

MOVED by Ms. Parris, seconded by Ms. Lui that the agenda, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

2.0 APPROVAL OF MINUTES/NOTES

MOVED by Mr. Lahey, seconded by Ms. Parris that the minutes of the Community and Race Relations Advisory Committee held on January 2, 2002 be approved, as distributed and that the Notes of the February 6, 2002 non quorum meeting of the Community and Race Relations Advisory Committee also be approved, as distributed.

It was agreed that Item 7.1 be dealt with at this time.

7.0 ISSUES AFFECTING DIVERSE COMMUNITIES

7.1 Anti-Terrorism Legislation (Bill C-36) - Information Session - Representatives RCMP, HRP and Department of Justice

- A copy of the Guide to Proposed Anti-Terrorism Act - Bill C-36 prepared by Philip Rosen, Senior Analyst, Law and Government Division (19 October 2001 - Rev. 30 November 2001) was distributed in the agenda package for today's meeting.

Mr. David Schermbrucker, Counsel, Integrated Proceeds of Crime Unit, Department of Justice, Canada addressed the Committee with regard to Bill C-36. His presentation included the following key points:

- Bill C-36 was quickly drafted and passed into law last fall in response to the events of September 11th
- The Bill tries to prevent terrorist activity from occurring
- The Bill responds to the potential for a great loss of life with terrorist activities. A great deal of harm can come to a great number of people in the wake of terrorist activities. The Bill is intended to be preventative and proactive
- Parliament could have enacted law in a number of ways giving the police enormous powers. They could have enacted a number of Draconian measures

Instead they tried to develop legislation consistent with the Charter of Rights and Freedoms

- The Bill contains a number of measures and provisions to ensure individual rights
- Note should be made that Parliament has the right to override the Charter. The debate and consultation made an effort to keep the Bill in line with the Charter
- Most of the provisions contained within the Bill are within the Criminal Justice System
- The Bill provides for access to the courts
- The Bill provides a legal framework that tries to ensure that we don't get carried away with the hype around terrorism

Mr. Bob Purcell, RCMP went on to highlight the areas of the Bill which seemed to cause individuals the most concern in terms of having their rights/liberties compromised. His presentation included the following highlights:

- Four areas of primary concern are Preventative Arrests, Investigative Hearings, Wire taps more available to police, and the fear of racial profiling
- There are checks and balances in the system. The application of the Act will reflect how it is being applied. The Act will be applied with reserve. The checks and balances are in place to ensure that if the Act is applied too stringently, there will be a pull back
- Law Enforcement believes this to be a reasonable response to the events of September 11th. Prior to September 11th Criminal Law did not provide enough avenues to respond. Bill C-36 is intended to be preventative
- Preventative Arrests: The Act provides that measures can be taken to hold a person in custody for a specified period of time and suspend their liberties if they are suspected of planning to commit a terrorist act. Individual must be brought before the courts within a maximum of 48 hours. Note should be made that judges are independent in Canadian society
- This is not a precedent setting provision. Similar provisions are utilized in domestic violence situations. In the case of domestic violence individuals are brought before the court and at times are restricted. This is commonly known as

- a restraining order.
- Law Enforcement believes that the measures taken in Bill C-36 are as appropriate in suspected acts of terrorism as they would be in cases of domestic violence, sexual assault or organized crime.
- Investigate Hearings: Suspects can be compelled to give evidence. Material witnesses will be compelled to testify. They will have legal counsel throughout and if they should testify to anything incriminating, it cannot be used against them in the future. Any evidence derived from the hearings cannot be used against the individual testifying.
- There are individuals who have knowledge who may be afraid to testify to that knowledge because they are in some way involved. The Bill provides that these individuals can be compelled to testify. Law Enforcement believes that this is warranted in the case of terrorism
- Again this is not precedent setting provision. A similar process is in place with regard to Mutual Legal Assistance Treaties. Investigative Hearings are already incorporated in law in Canada and the Department of Justice merely provided for the utilization of investigative aids in place
- Wire Tap: A wire tap is permitted under Bill C-36 for one year as opposed to 60 days. This is not a new provision, but rather a broadening of scope. Ability has been created for both organized crime and terrorism — terrorism is no less serious than organized crime. Law enforcement believes this is warranted due to the complexity of the investigation
- Racial Profiling: Law Enforcement investigate criminal activity not colour or gender. The focus of this Bill is criminal terrorist activity. There are safeguards/checks and balances in the system, which in the instance that the Bill is not applied in the best interest of all Canadians, come into play. Law Enforcement will investigate criminal activity regardless of race, gender or religion

In response to a question from Ms. Lui, Mr. Purcell clarified that the Investigative Hearings provide that an individual can be compelled to testify, however, any testimony/evidence of an incriminating nature cannot be used against the individual in the future. The individual has legal counsel at all times. If an individual is arrested and charged as a suspected terrorist, that individual has all the rights of anyone else charged with a criminal activity.

In response to a question from Mr. Hari, Mr. Frank Beazley clarified that under the

Preventative Arrests provision of the Bill, law enforcement can detain an individual for up to 48 hours at which time they must be brought before the courts. Mr. Frank Beazley indicated that prior to this an individual would have to have committed an offence before being detained. This provision allows law enforcement to detain an individual if he/she is suspected.

Referring to wire taps, Mr. Frank Beazley indicated that wire taps were still extremely hard to obtain. Obtaining a wire tap requires that a process of extensive investigation and documentation be brought before a judge. The judge has the ability to grant or not to grant the wire tap.

Responding to a question from Mr. Chedrawe, Mr. Schermbrucker indicated that the RCMP were spearheading the ongoing investigations with assistance from local police departments.

Mr. Amari noted that members of the Muslim community believed that their phones were being tapped. He asked under what circumstances law enforcement would institute such measures.

Mr. Purcell advised that law enforcement would have grounds to believe that individuals have committed or are planning to commit a criminal or terrorist act before seeking a wire tap. He went on to indicate that these grounds would have to be well investigated and documented. The decision as to whether a wire tap will be allowed will be made by a Supreme Court judge after review of the evidence. Mr. Purcell went on to assure Mr. Amari that permission would never be granted based only on the fact that an individual was a member of the Muslim community. Mr. Purcell stressed the process to obtain a wire tap was extremely complex and time consuming and would not happen over night. He indicated that police officers who do establish a wire tap without authority would be subject to criminal charges.

Ms. Parris, referring to the broader picture in terms of the Act, noted that there was a significant amount of discretion as to how it will be implemented/utilized. She went on to indicate that the Act was drafted in response to the horrific events of September 11th and therefore, it would be reasonable to assume carried some of the emotions of that time. She asked if there would be education around the discretionary powers law enforcement have in terms of implementation of the Act.

Mr. Frank Beazley advised that in depth meetings have been held relative to the implementation of the Act. He indicated that a comprehensive training package was awaiting approval and that implementation of the Act would not be completed until this training package was in place. He noted that every Police Department in Canada would be involved in the training and receive intensive training in the implementation of

the Act.

Mr. Beazley went on to note that the intent of the Act was to prevent terrorist acts rather than to investigate those acts after the fact. He noted that in many instances the individuals planning terrorists act carry out criminal acts beforehand. He indicated that law enforcement was hoping to apprehend those individuals in their criminal acts. Law enforcement is hoping to disrupt terrorist organizations before they have an opportunity to commit a terrorist act. Mr. Beazley went on to note that an annual report of the police activities stemming from the Act is required and a review of the Act will be undertaken after three years.

Referring to the concern that too much discretion has been given to law enforcement with very little supervision, Mr. Beazley advised that there were teams of individuals presently investigating terrorist activity. These teams were made of representatives from the RCMP, local police forces and the Attorney General's office. He indicated that as issues are arising, these teams are talking. Mr. Beazley noted there was a great deal of consultation and discussion – in essence supervision.

Ms. Parris encouraged law enforcement to ensure that the discussions/decisions around use of discretion include diverse points of view.

Mr. Beazley noted that law enforcement has recognized the community leaders since September 11th and have provided extra protection where it was felt necessary. He went on to reassure the Committee the Act would not allow law enforcement to run amok.

In response to a question from Mr. Chedrawe regarding why the government determined this to be an appropriate response, Mr. Beazley advised that historically Canada has been the launch point for terrorist activity into the US. In addition, there is a link between terrorism and organized crime. In some instances organized crime may finance terrorist activity.

Mr. Beazley indicated that if Muslim peoples are being investigated, they are not being investigated because they are Muslim, but because they are suspected of carrying on terrorist activities.

In response to concerns expressed by Mr. Amari about the Muslim communities concern regarding contact with family in the Middle East, Mr. Schermbrucker noted that if these are legitimate contacts (i.e. monies sent to families) they will not create problems for the individuals.

Ms. Williams noted that perhaps part of the difficulty being experienced is a lack of

knowledge of what is acceptable in Canada on the part of our diverse community. She suggested that some education focused on this particular aspect may be of use.

Mr. Schermbrucker offered that if any particular community group wanted to be better informed, he and his colleagues would be pleased to meet with them to provide that information.

Ms. Parris noted that Canada valued its multi-cultural community and this was apparent by the existence of a Secretariat for that purpose. She suggested this Secretariat may be avenue for education.

Note was made that some children are being harassed, and the suggestion was made that law enforcement may want to consider providing some education in the schools.

Mr. Purcell noted that in addition to dealing with terrorism, Bill C-36 strengthens hate crime legislation in Canada.

Mr. Lahey, referring to the theory that Caucasians as a majority fear that the balance of power will be overtaken by the now minority groups, commented that Bill C-36 may be a response based in that fear.

Mr. Schermbrucker responded that he did not see that Bill C-36 was responding to that fear.

Mr. Amari left the meeting resulting in a loss of quorum. Consideration of the remaining agenda items was deferred to the next meeting of the Committee.

6:00 p.m. The meeting adjourned.

Sherryl Murphy
Assistant Municipal Clerk