

## **CANADIAN RESPONSE TO INTERNATIONAL TERRORISM AND THE CONSEQUENCES ON NATIONAL SECURITY**

### **A Comparative Case Study of the 1985 Air India bombing and the September 11, 2001 attacks on the World Trade Center and Pentagon**

Anger, destruction, murder and drama haunt the world each day since September 11, 2001. Predictions and fear for humanity's future run amok. Thoughts enter the mind: could this have been prevented? What is the civilized world to do about the life-altering events of the last few weeks?

The general Canadian thought is to align themselves with the American retaliation and the vow to eradicate terrorism on a global scale. Yet, Canada's response to international terrorism has a murky past and questionable future. Its stance on the attacks to our southern neighbors differs greatly from its position and actions in the past and recent past regarding terrorism and anti-terrorism on Canadian soil, in particular, that of the Air India 182 bombing in 1985.

With three hundred twenty-nine passengers aboard, Air India 182 left Toronto en route to India. Exploding in air as it approached the coast of Ireland, the bombing was reported by the Guinness Book of Records until recently, to be the worst ever single terrorist assault. Without a doubt, the events of September 11 supersede this disaster in its calamity. In an unspeakable attack of terror, two hijacked American Airlines flights flew straight into the World Trade Centre and Pentagon in the United States, crumbling to the ground, American symbols of financial and military might. Coincidentally both incidences involved aircraft, involved large numbers of victims and from a Canadian perspective, were terrorist strikes directed towards foreign countries and grievances. While both had Canadian casualties and a tremendous impact on Canada, the response by Canadian authorities differed greatly.

Using various sources such as articles, published documents, reports from the RCMP and CSIS, as well as reputed news agencies such as CBC, the following details an investigation into the Canadian response to two important incidences of international terrorism where while the target was physically external to the country, the acts themselves were closely linked to Canada. The ramifications of the reaction to the 1985 Air India bombing will be evaluated and that of the recent events is predicted based on detailed analysis of available data and evaluation of the statements by authorities in the subject arena.

A threat to Canadian security may be defined as any action under the categories of espionage or sabotage, foreign interference in Canadian affairs, the use of violence for political gain either in Canada or abroad and any covert or potentially violent attempt to overthrow legitimate Canadian government. Actions of advocacy, protest and dissent are explicitly excluded unless in conjunction with one or more classifications above.<sup>1</sup>

Terrorism is a difficult concept to define as it is often seen as a concept of perception and viewpoint. Hence the common phrase "one man's terrorist is another's freedom fighter". However, terrorism as a term must be defined concretely in order for action is to be taken against the violence and destruction it perpetuates. As there is however, general consensus on most of its features, for the purpose of the paper, terrorism will be characterised as the threat of violence or an act of violence resulting in a number of casualties and destruction of property for political gain.

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<sup>1</sup> Security Intelligence Review Committee, Security and Intelligence Review Committee Annual Report 1987-88, Section 3 - CSIS Operations, 1988, [[http://www.sirc-csars.gc.ca/annual/pdf\\_files/87-88\\_e.pdf](http://www.sirc-csars.gc.ca/annual/pdf_files/87-88_e.pdf)], (20 Oct. 2001).

## The Situation Surrounding the Air India 182 Attack

Following the Air India disaster, Canadian law enforcement and political leaders faced a lengthy investigation yet to be completed. Air India, a “highly visible symbols of the Indian government”<sup>2</sup> was targeted due to Sikh extremism in anger over the Indian assault of a sacred Sikh temple (the Golden Temple in Amritsar) in 1984<sup>3</sup> and the drive for independence in the Punjab region separatists call Khalistan. The bombing of the Air India jet is related to the explosion under an hour earlier at the baggage terminal of the Narita airport in Tokyo, killing two baggage handlers. Media reports informing the public of an investigation bungled from the beginning indicate Canadian authorities had kept surveillance on the suspected militants but failed to procure evidence and acted in haste.<sup>4</sup> The result was an array of arrests, releases and an investigation languishing for over a decade.

The only conviction to date is that of Inderjit Singh Reyat in 1991 connection to the Narita explosions.<sup>5</sup> Only in 2000 with the arrests of Ripudaman Singh Malik and Ajaib Singh Bagri were any charges laid against individuals in association with the Air India carnage.<sup>6</sup> Reyat too was formally charged 2001 in connection to the Air India bombing and is pending trial in 2002.<sup>7</sup> Between 1985 and 2000, little action was taken by authorities to complete a time-sensitive investigation requiring immediate attention and resources. In fact, a key figure in Sikh extremism in Canada and possibly in the bombings, Talwinder Singh Parmar, was released shortly upon arrest in 1985 for lack of evidence and was announced officially by India to have been killed in a “spontaneous gun battle with Indian police”.<sup>8</sup> Parmar was the founder of the Babbar Khalsa, an organisation that although was suspected of extremist activities that obtained its charitable status in 1993, years following the Air India bombing and retained its charitable organisation status until 1996.<sup>9</sup>

## Lessons Learned from Air India

While Canada’s lengthiest and most expensive investigation in history continued, Canadian political leaders did little to increase security against another possible terrorist attack. Expert recommended security measures such as stronger cockpit doors and locked cockpit doors during flight were among the safety measures recommended after the 1985 attack but not implemented due to lobbying pressure from unions and airlines.<sup>10</sup> Transport Canada adopted the locked cockpit measure only after the September 11 hijackings.<sup>11</sup>

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<sup>2</sup> Peter Hedzipetros, The Bombing of Air India Flight 182: Sikh Militancy, *CBC News Online*, [<http://www.cbc.ca/news/indepth/airindia/sikh.html>], (17 Oct. 2001).

<sup>3</sup> Ibid.

<sup>4</sup> Peter Hedzipetros and Micheal McAuliffe, The Bombing of Air India Flight 182: The Bombing, *CBC News Online*, [<http://www.cbc.ca/news/indepth/airindia/index.html>], (17 Oct. 2001).

<sup>5</sup> Air India: Brief Summary of Events of the Air India Prosecution, Ministry of Attorney General, Government of British Columbia, [<http://www.ag.gov.bc.ca/airindia/index.htm>], (26, Oct. 2001).

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> The Bombing of Air India Flight 182: Chronology of Events- Air India/Narita Bombings, *CBC News Online*, [<http://www.cbc.ca/news/indepth/airindia/timeline.html>], (17 Oct. 2001).

<sup>9</sup> Peter Hedzipetros, The Bombing of Air India Flight 182: Sikh Militancy, *CBC News Online*, [<http://www.cbc.ca/news/indepth/airindia/sikh.html>], (17 Oct. 2001).

<sup>10</sup> Glen McGregor, “Unions, airlines blocked security reforms, expert says”, *National Post*, September 22, 2001, [<http://www.nationalpost.com/search/story.html?f=/stories/20010922/701104.html>], (17 Oct. 2001).

<sup>11</sup> Ibid.

Little else was done to prevent a similar tragedy occurring in a foreign state from terrorist activity originating in Canada. In its reports, the Canadian Security Intelligence Service has acknowledged Canada's role in international terrorism as a key source of terrorist support.<sup>12</sup> The agency also stated seeing a "disturbing trend as terrorists move from significant support roles, such as fundraising and procurement, to actually planning and preparing terrorist acts from Canadian territory."<sup>13</sup> Canada is well known internationally to be a terrorist haven. As Ward Elcock, Canada's leading intelligence official said of Canada in his 1998 testimony to the Special Senate Committee on Security and Intelligence, "With perhaps the singular exception of the United States, there are more international terrorist groups active here than any other country in the world".<sup>14</sup> Present in Canada are members and affiliate organizations of nearly every terrorist organization in the world.<sup>15</sup> This should indeed have been a concern for Canadian policy-makers. The Air India attack was a key example of international terrorist operations in Canada. It is unfortunately clear however, that few lessons were learned from the incident, in which terrorists supporting international extremist causes used Canada to carry out a very destructive terrorist assault.

## **Canadian National Security in the Interim of the Air India and United States Attacks**

### **Immigration and Refugee Policy and Implementation**

Canada's vulnerability to terrorism and terrorist organisations lies in three main areas. Of greatest concern are its lax immigration and refugee policies and poor implementation of existing policy. Immigration and refugee regulations have allowed, from all indications, many fake refugees and suspected criminals into the country.<sup>16</sup> Any individual landing in Canada and claiming refugee status is entitled to a hearing, a lawyer and an appeal process.<sup>17</sup> Especially when these individuals originate from war-affected states, it is difficult to investigate the validity of their papers and claims. Many denied applications are reviewed and later accepted. A large number of these applicants do not have any documentation and others carry false passports but are still allowed entry into Canada.<sup>18</sup> Without documents, who is to say these "refugee" claims are indeed valid? Through such naïve acceptance, Canada has become the home of a number of individuals such as alleged Al-Qaeda member Hassen Almrei, who was eventually granted refugee status despite the use of illegal visa, forged passports and arrest for attempting to enter Canada illegally.<sup>19</sup>

<sup>12</sup> Canadian Security Intelligence Service, Perspectives: A Canadian Security Intelligence Service publication, "International Terrorism: the Threat to Canada", Introduction, paragraph 2, May 3, 2000, [[http://www.csis-scrs.gc.ca/eng/miscdocs/200004\\_e.html](http://www.csis-scrs.gc.ca/eng/miscdocs/200004_e.html)], (15 Oct. 2001).

<sup>13</sup> Canadian Security Intelligence Service, Perspectives: A Canadian Security Intelligence Service publication, "International Terrorism: the Threat to Canada", Multicultural Pride and Homeland Conflicts, paragraph 11, May 3, 2000, [[http://www.csis-scrs.gc.ca/eng/miscdocs/200004\\_e.html](http://www.csis-scrs.gc.ca/eng/miscdocs/200004_e.html)], (15 Oct. 2001).

<sup>14</sup> Stewart Bell, "Conduit for terrorists", *National Post*, September 13, 2001, [<http://www.nationalpost.com/search/story.html?f=/stories/20010913/685401.html>], (17 Oct. 2001).

<sup>15</sup> Canadian Security Intelligence Service, Trends in Terrorism, North American Interests, Paragraph 33-35, December 18, 1999, [[http://www.csis-scrs.gc.ca/eng/miscdocs/200001\\_e.html](http://www.csis-scrs.gc.ca/eng/miscdocs/200001_e.html)], (Oct. 14, 2001).

<sup>16</sup> Diane Francis, "Ottawa's sad try at immigration reform", *National Post*, Oct. 6, 2001, [[www.nationalpost.com](http://www.nationalpost.com)], (29 Oct. 2001).

<sup>17</sup> Immigration and Refugee Board of Canada, The Refugee Hearing Process, Convention Refugee Determination: What it is and How it Works, [[http://www.cisr.gc.ca/crdd/wiihiw/index\\_e.stm#THE%20REFUGEE%20HEARING%20PROCESS](http://www.cisr.gc.ca/crdd/wiihiw/index_e.stm#THE%20REFUGEE%20HEARING%20PROCESS)], (15 Oct. 2001).

<sup>18</sup> Justine Hunter, "Canada needs tight perimeter: US Ambassador", *National Post*, September 13, 2001, [[www.nationalpost.com](http://www.nationalpost.com)], (22 Oct. 2001).

<sup>19</sup> Tom Blackwell, "CSIS links refugee to al-Qaeda", *National Post*, Oct. 27, 2001, [[www.nationalpost.com](http://www.nationalpost.com)], (29 Oct. 2001).

While most refugees entering Canada are legitimate, it is clear the humanitarianism of Canadian refugee policy is being exploited by a number of individuals with a clear intention of violence and association with terrorism. While the Immigration Act specifies the denial of entry to those with connections to terrorism, criminal activity or is a danger to the Canadian public,<sup>20</sup> the paper exemplifies a few of the many cases of individuals to whom unfortunately, the regulations were not applied strictly. Furthermore, even while the Immigration Act allows for the deportation of those deemed a security threat to Canada<sup>21</sup> without any stipulations for consequences they may face in their home state,<sup>22</sup> the possibility of deportation resulting in torture and death has divided judicial rulers and other authorities in decisions. The result is court cases and appeals that have languished for years and in some cases over a decade. Two current cases in point are that of Manickavasagam Suresh of Sri Lanka and Iranian Mansour Ahani, two individuals who have fought deportation for many years since their arrival in Canada in 1990 and 1991 respectively.<sup>23</sup> Ahani is said to be a trained assassin with the Iranian secret service who was involved in bombing campaigns during the Islamic Revolution in Iran and Suresh a key leader of the Liberation Tamil Tigers of Eelam, a minority separatist terrorist group in Sri Lanka responsible for child conscription and the torture and deaths of thousands of civilians.<sup>24</sup> Both have had their cases heard by the Federal Court of Appeal in May 2000 and are now waiting deliberation on a sentence of deportation or the right to remain in Canada.<sup>25</sup>

Another disturbing case is that of Iqbal Singh, who entered Canada using false passports and in 1993 was accepted as a refugee after his initial rejection was appealed. As a key member of the Sikh extremist group Babbar Khalsar International, Singh's activities in Canada included "tasking members", fundraising, recruiting and organising meetings in Canada and abroad. Arrested and ordered deported, Singh applied for immigration to Belize and was granted citizenship in return for investment in the country. Instead of deporting him to India, Canada released Singh, who today lives freely in Belize.<sup>26</sup> Although Sikh extremism was the cause of the worst mass murder in Canadian history, Canada failed to suppress further terrorist activity by such Sikh extremists. The Canadian response to the Singh case reflects again the degree of gravity placed on the Air India bombing.

### **Counter-Terrorist Measures and Anti-Terrorist Legislation**

While direct experience with terrorism was limited to that of the Air India bombing and Canadian casualties of international terrorist events, Canada, as a member of the global community and furthermore as a state with resources being exploited by terrorist organizations, had a direct responsibility to enact counter-terrorism measures and legislation. Despite the horror of the Air India attack, Canada did not draft any strong anti-terrorist legislation or counter-terrorist provisions. Canada's weak counter-terrorism practices have thus made the state a breeding ground for terrorist fundraising, propaganda, organized crime and extortion from immigrant communities.

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<sup>20</sup>Citizenship and Immigration Canada, Immigration Act, Inadmissible Persons, Inadmissible Classes, Part III- Exclusion and Removal, Art.19, [<http://laws.justice.gc.ca/en/I-2/56204.html>], (15 Oct. 2001).

<sup>21</sup> Citizenship and Immigration Canada, Immigration Act, Removal After Admission, Part III- Exclusion and Removal, Art. 27, [<http://laws.justice.gc.ca/en/I-2/56204.html#rid-56232>], (18 Oct. 2001).

<sup>22</sup> Ibid.

<sup>23</sup> Janice Tibbetts, "Justices may be asked to rehear case of Tamil, Iranian", *National Post*, September 20, 2001, [<http://www.nationalpost.com/search/story.html?f=/stories/20010920/697041.html>], (17 Oct. 2001).

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Stewart Bell, "Conduit for terrorists", *National Post*, September 13, 2001, [<http://www.nationalpost.com/search/story.html?f=/stories/20010913/685401.html>], (17 Oct. 2001)

"As only a partial list, individuals and groups here (in Canada) have had direct or indirect association with: the World Trade Centre bombing, suicide bombings in Israel, assassinations in India, the murder of tourists in Egypt, the Al Khobar Towers attack in Saudi Arabia and the bombing campaign of the Provisional IRA," commented Ward Elcock in a statement printed by the *National Post*.<sup>27</sup> Indeed this statement is cause for grave public concern. Even the arrest of Al Rassem in 1999 did not convince Canadian policy makers to propose counter-terrorist measures. Rassem was caught at the Canada-US border with explosives intended for the Los Angeles airport, one of the busiest in the world. Rassem was convicted and sentenced in the United States under special terrorism laws.<sup>28</sup> Had he been arrested in Canada, he would not have been convicted under such legislation because they did not exist. Terrorism was not included in the Canadian Criminal Code as a crime more grave and destructive than other crimes under the Code.<sup>29</sup> During court proceedings, Rassem confessed that prior to the planning of the Los Angeles bombing attempt, he and his associates had planned to plant explosives in a Canadian neighbourhood with an "Israeli presence,"<sup>30</sup> thereby defeating the Canadian assurance of not being used as a direct target of terrorism.

### **Public and Political Opinion**

Condemnation and concern for terrorism in Canada has never however, been strong among Canadians. Nor has the awareness been great. The deaths of over four thousand innocent civilians were needed to increase public's awareness of the Canadian role in international terrorism and the impact on Canada and abroad. The three hundred and twenty-nine casualties of the Air India bombing did not raise a great public outcry over legislation and counter-measures. While Canada leads the world in humanitarian causes such as the Anti-Landmine Convention, it is ironically equally unconcerned or has been until recently, of the millions of Canadian dollars funneled to terrorist activity abroad, killing and maiming thousands upon thousands of innocent men, women and children. Regarding the situation and events such as the Ahmed Rassem arrest, CSIS classifications of security threats and valid data concerning ethnic gangs and organized crime related to terrorism in Canada prior to September 2001, political leaders should indeed have been concerned about terrorism on Canadian soil and those perpetuating it.

Instead, the International Cooperation's Minister Maria Minna and Minister of Finance Paul Martin attended in May 2000, a fundraiser organized by FACT, an organization CSIS<sup>31</sup> and the US State Department classify as a terrorist front organization.<sup>32</sup> Attempts to curb terrorist support in ethnic communities is often labeled racist and anti-immigrant policy, a ploy used by supporters of terrorism and other illegal activities to disable Canadian security policies and allow the continuation of weak laws and immigration policy.

Without public and political support, the alerts of agencies such as CSIS and the RCMP and foreign organizations and government warnings to Canada of its vulnerability to terrorism went unheeded and counter-terrorist action was never taken or taken only in token value. Canada did not formulate any anti-terrorism laws despite its direct experience with terrorism in 1985. Counter-terrorist actions

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<sup>27</sup> Ibid.

<sup>28</sup> Stewart Bell, "No way to fight terrorism", *National Post*, July 18, 2001, [<http://www.nationalpost.com/search/story.html?f=/stories/20010718/621592.html>], (17 Oct. 2001).

<sup>29</sup> Ibid.

<sup>30</sup> Stewart Bell, "Canadian Jews demand action on terrorism", *National Post*, July 7, 2001, [<http://www.nationalpost.com/search/story.html?f=/stories/20010707/612863.html>], (15 Oct. 2001).

<sup>31</sup> DeNeen L. Brown, "Attacks Force Canadians to Face their Own Threat", *Washington Post*, September 22, 2001, [<http://www.washingtonpost.com/wp-dyn/articles/A10831-2001Sep22.html>], (29 Oct. 2001).

<sup>32</sup> US State Department, Patterns of Global Terrorism 2000, Appendix B, Liberation Tigers of Tamil Eelam, April 2001, [<http://www.state.gov/s/ct/rls/pgtrpt/2000/index.cfm?docid=2450>], (22, Oct. 2001).

such as deportation of individuals for conspiracy and suspected terrorist activity were hindered by “humanitarian” concerns. Human security of individuals convicted of criminal wrongdoing was placed above that of their victims in Canada and abroad who suffered from terror crimes and their consequences. Further counter-terrorist measures such as the banning of groups connected directly or indirectly to terrorism abroad did not exist despite the clear security threat. In addition, no attempt was made to strangle the movement of financial support to terrorist organizations through activities conducted in Canada. It may be deduced from that little attempt was made to bring prosecute a large number of individuals known to Canadian officials as supporters of terrorism and in many cases, key leaders of terrorist groups and instigators of violence in a number of countries. The strongest Canadian condemnation against terrorism and terrorist activity came from the Federal Court of Appeal where during the Suresh and Ahani cases, it was ruled that those who support terrorism are just as guilty of the consequences as those carrying out the deed.<sup>33</sup> Indeed under that definition, Canada falls dangerously into the classification of a passive supporter of terrorism or as Ward Elcock stated, an “unofficial sponsor of terrorism”.<sup>34</sup>

## **The Canadian Response to the Attack on the United States**

The suicide hijackings on the United States’ World Trade Center and Pentagon reversed much Canadian policy and response.

### **Immigration and Refugee Policy and Implementation**

In a new development as a result of the recent incidents, Justice Minister Anne McLellan was reported in September to be contemplating a request to rehear the Suresh and Ahani trials, a rare move yet to be successfully granted.<sup>35</sup> The courts however, may find the new events in the United States to be of importance to the trials and open the cases for re-hearing. “I think the events of last Tuesday speak very clearly to the very real risk of terrorism to all of us and how very difficult it is to deal with terrorist organizations,” stated Ms. McLellan,<sup>36</sup> in a statement reflective of the reverse in attitude of Canadian political leaders from one of indifference and apathy. Under the new Anti-Terrorist Act, more resources are to be directed towards Immigration and Refugee screening, increased deportation activity and increased deportation activity.<sup>37</sup> It remains to be seen however, whether immigration and refugee policy will strengthen in reality and whether in practice, authorities will follow more closely, existing policies to reduce the entry and increase the deportation of criminals and those with criminal intentions.

### **Counter-Terrorism and Anti-Terrorism Legislation**

Canadian law is undergoing a fundamental change in its priorities to ensure state security over individual civil liberties. New airport security measures include new explosives detection systems and

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<sup>33</sup> Canadian Security Intelligence Service, Perspectives: A Canadian Security Intelligence Service publication, “International Terrorism: the Threat to Canada”, Canada’s International Responsibilities, paragraph 5, May 3, 2000, [[http://www.csis-scrs.gc.ca/eng/miscdocs/200004\\_e.html](http://www.csis-scrs.gc.ca/eng/miscdocs/200004_e.html)], (15 Oct. 2001).

<sup>34</sup> Canadian Security Intelligence Service, Perspectives: A Canadian Security Intelligence Service publication, “International Terrorism: the Threat to Canada”, Canada’s International Responsibilities, paragraph 4, May 3, 2000, [[http://www.csis-scrs.gc.ca/eng/miscdocs/200004\\_e.html](http://www.csis-scrs.gc.ca/eng/miscdocs/200004_e.html)], (15 Oct. 2001).

<sup>35</sup> Janice Tibbetts, “Justices may be asked to rehear case of Tamil, Iranian”, *National Post*, September 13, 2001, [<http://www.nationalpost.com/search/story.html?f=/stories/20010920/697041.html>], (17 Oct. 2001).

<sup>36</sup> Ibid.

<sup>37</sup> Citizenship and Immigration Canada, News Release, Strengthened Immigration Measures to Counter Terrorism, Oct. 12, 2001, [<http://www.cic.gc.ca/english/press/01/0119-pre.html>], (23 Oct. 2001).

related technology to screen baggage; fingerprint scanners at certain airports connected in real time to the RCMP fingerprint identification data banks; the addition of extra RCMP officers at airports; the elimination of electronic check-in; additional training for baggage and cargo handlers and other personnel and millions of dollars of investment in various upgrades to airport and personnel security.<sup>38</sup> Whereas upgrades to security were met with resistance after the 1985 incident, today they are met with cooperation and support. The new Anti-Terrorism act aims to identify terrorist groups and their affiliates, create stronger laws to prosecute those involved with terrorism and carry out successful and harsher convictions and punishments.<sup>39</sup> It also defines terrorist activity as a domestic or international action that

- is an offence under one of 10 UN anti-terrorism conventions and protocols; or
- is taken or threatened for political, religious or ideological purposes and threatens the public or national security by killing, seriously harming or endangering a person, causing substantial property damage that is likely to seriously harm people or by interfering with or disrupting an essential service, facility or system.<sup>40</sup>

Under this definition, Canada plans to follow the United States and Great Britain in identifying groups within Canada or abroad associated with terrorist activity and designating them as “terrorist groups”. New provisions to the Income Tax Act and Criminal Code also make easier the removal and denial of “charitable group” status from identified terrorist groups and their affiliates.<sup>41</sup> Previous attempts to introducing this provision were met with resistance from lobby groups and thus did not proceed into implementation.

Reforms to the Criminal Code will make unlawful the collection of funds for direct or indirect use in terrorism, participation in, contribution to or facilitation of groups designated in Canada as “terrorist groups” and leading the implementation of a terrorist offence and harbouring or concealing a terrorist knowingly. Punishments range from a maximum sentence of ten years to a life sentence. Other measures include stronger investigative powers and tools and additional funding for counter-terrorism activity.<sup>42</sup>

The Kelly Committee, a special Senate committee, specified in its 1998 findings on security and intelligence, the need to amend the Income Tax Act to allow for revocation and denial of “charitable status” designation for groups considered a security threat to Canada under its definition by the Canadian Security and Intelligence Service.<sup>43</sup> This action is now being proposed as a part of the new Anti-Terrorism Act. Other recommendations made in the 1998 report to increase national security prior to the terrorist attacks on the United States include greater visibility of RCMP officers at airports to deter terrorism on aircraft and at airports and joint counter-terrorism training of RCMP and local police involved in airport security.<sup>44</sup> Unfortunately, many of its recommendations came into implementation and active consideration only after the recent violent events, despite Canada’s

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<sup>38</sup> Government of Canada, News Release, New Initiatives to Enhance Airport Security, Oct. 11, 2001, [<http://www.sgc.gc.ca/Releases/e20011011.htm>], (22 Oct. 2001).

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Special Senate Committee on Security and Intelligence, The Report of the Special Senate Committee on Security and Intelligence, Ch. V, January 1999, [<http://www.parl.gc.ca/36/1/parlbus/commbus/senate/com-e/secu-e/rep-e/repsecintjan99part5-e.htm>], (22 Oct. 2001).

<sup>44</sup> Ibid.

reputation as “primary venue of opportunity to support, plan, or mount”<sup>45</sup> various activities involved in terrorism.

The new Act however, is under public controversy, as many view the provisions to restrict civil liberties and have potential for grave misuse. Measures especially controversial to the public include “preventive arrests”- the legal right to detain suspected terrorists for 72 hours without a warrant and “investigative hearings”, where individuals with information on a terrorist activity could be compelled to appear in court and testify.<sup>46</sup>

The United States, in comparison, has also introduced and passed a new anti-terrorism bill called the Patriot Act.<sup>47</sup> The Act, which passed each house with overwhelming majorities, allows among other provisions, detainment of suspected terrorists for up to seven days without formal charges (with the approval of the attorney-general or commissioner of immigration), allows for wire tapping of telephones and increased resources available for monitoring individuals under visa status.<sup>48</sup> “Sunset clauses” allow the bill to undergo review after four years and the expiry of the strongest measures unless renewed by Congress.<sup>49</sup> Similar “sunset clauses” called for in the Canadian Anti-terrorism Act are under review in parliament.<sup>50</sup> The Canadian Anti-Terrorist Act must indeed provide Sunset Clauses and provisions to prevent abuse of power and provide accountability. The Anti-Terrorist Act must not reflect paranoia and allow widespread misuse of power but serve as a protective and preventive legislation with a balance of state security and individual freedoms and rights.

## Public Opinion

However, public awareness of terrorism in Canada has escalated as a result of the attacks and the question of Canadian involvement. Suspicion that a number of the hijackers may have entered the United States through Canada<sup>51</sup> and the subsequent arrests made in Alberta on October 12 of three Middle Eastern men (who were found later not to have connections to the United States attack but residing in Canada illegally and wanted in the United States for fraud),<sup>52</sup> have increased both internal and external pressure on Canadian law-makers to counter terrorism in the country. Public conflict between greater security and civil liberties may indeed become void when the possibility of a terrorist attack in Canada or an attack extending into the country is introduced to the argument.

Public continues to escalate with the recent anthrax outbreaks confirmed to be of a biological terrorist nature either domestic or international<sup>53</sup> likely to have a grave impact on the Canadian populace should it spread to epidemic proportions. While this is a positive turn in public apathy, racism, as a negative consequence of public outrage, is also on the rise, as those of Asian and Middle

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<sup>45</sup> Canadian Security Intelligence Service, Perspectives: A Canadian Security Intelligence Service publication, International Terrorism: The Threat to Canada, The CSIS Act in Action, Paragraph 8, May 2000, [http://www.csis-scrs.gc.ca/eng/miscdocs/200004\\_e.html](http://www.csis-scrs.gc.ca/eng/miscdocs/200004_e.html), (15 Oct. 2001).

<sup>46</sup> John Ibbitson, “Anti-Terrorism Bill Becomes US Law”, *Globe and Mail*, Oct.27, 2001, [www.globeandmail.com], (29 Oct. 2001).

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Daniel Leblanc, “Study bill, then vote on clause, MP says”, *Globe and Mail*, Oct. 29, 2001, [www.globeandmail.com], (29 Oct.2001).

<sup>52</sup> John Ibbitson, “RCMP used race, religion to target men, lawyer says” *Globe and Mail*, Oct. 25, 2001, [www.globeandmail.com]. (29 Oct. 2001).

<sup>53</sup> Stanislaw Oziewicz, “Clues point to domestic culprit in mail case”, *Globe and Mail*, Oct.25, 2001, [www.globeandmail.com], (29 Oct. 2001).

Eastern descent are targeted alongside those of Islamic faith and places of religious worship are attacked and destroyed. The trend does not however, show discrimination against “terrorists” of European or Latin American descent. Newspaper reports have yet to indicate harassment of those of Irish descent and the labeling of Irish Canadians as “terrorists”. Clearly therefore, these attacks are far more clearly related to racism than an outpouring of anger against terrorism. In order to combat terrorism, it is necessary the Canadian public be aware of the volatility of racist actions and the impact of it on increasing extremism, as the eventual goal of many extremists is to divide the people against one another. Hate crimes towards religion invariably increases the likelihood of alienation of various ethnic groups and increasing the terrorism found within Canada.

### **From a State of Apathy to One of Concern?**

Canada is presently undergoing a transition from a state of indifference and unconcern where a large number of terrorist organizations previously enjoyed many political, economic and social benefits to that more clearly focused on security of the state and its population. The threat to Canada, the United States and other states, from terrorism originating in Canada existed long before the assault on the global Superpower. Yet only today has the international impact of its weak measures finally registered in Canadian politics. Canada considers the attack on the United States to be a danger to the security of Canada but did not regard the Air India bombing in the same manner. The attack on Air India was not perceived to have great import. As a result, little to no action was taken against terrorism in the years following the Air India attack. Were not the Canadians aboard Air India 182 targets of terrorism? Did it not threaten the security of the country as defined by CSIS? True, an onslaught on the world’s hegemon of such magnitude is frightening to neighboring Canada but a great many more die daily of poverty, conflict and hunger worldwide. A changed Canadian policy long before today could have saved thousands of lives worldwide. While supporting humanitarian causes and peace efforts around the world, Canada harbored terrorists from dozens of states and supported their networks unofficially through crime and even government grants. Sadly, this hypocrisy has resulted in a great number of deaths as terrorist groups financed their destruction of world leaders, sacred religious venues, public places and innumerable innocent lives. The instantaneous murder of thousands in New York and Washington too may have a Canadian link. Could Canada have not have played a greater role in North American and indeed its own security? Perhaps the deaths of three hundred and twenty nine passengers and crew, most of whom were Canadians, were not enough to convince Canadians so. Nor were the thousands that died globally as a result of international terrorism aided by Canadian sources. It appears the dramatic murder of thousands of civilians in its neighboring state were required for Canada to realize its role in terrorism. Will it be enough to force Canada into action? As the RCMP website dedicated to the Air India 182 investigation quotes “To commit a crime is immoral- to tolerate a crime is unforgivable”.<sup>54</sup> Canada has indeed tolerated many crimes of terror in the past. Canada must now act and act strongly to repress and eradicate sources of terrorism and terrorist activity from Canadian soil.

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<sup>54</sup>Royal Canadian Mounted Police (RCMP), [Air India Bombing Disaster, <http://www.airindia.istar.ca/>], (15 Oct. 2001).

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