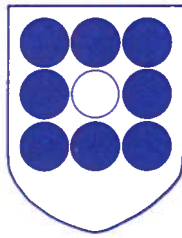


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October 27, 2014

Dear Members of Parliament,

On behalf of the Canadian Civil Liberties Association (CCLA) I would like to express our deepest sympathies for the tragic events of last week. There are likely very few Canadians who, by now, haven't seen the video footage of what occurred in the Centre Block of Parliament on the morning of Wednesday, October 22, 2014. The fear that must have accompanied those hours in lockdown, both before and after hearing gunfire echo in the midst of your workplace and Canada's houses of Parliament, are difficult to imagine. Indeed, some of the fear and concern has reverberated throughout the nation. In this light, we commend the Prime Minister for his resolve, in his statement on Wednesday, in underscoring Canada's commitment to democracy and the rule of law and his insistence that Canada will not be intimidated. We wish to recognize that as our elected representatives you were in that building, on that day, in service of the public, and we express our gratitude. We also join our fellow Canadians in mourning the loss of two of Canada's young soldiers who appear to have been targeted simply because of their commitment to serving our country.

I also wish to express our concerns about the narrative that has shaped the days that have followed the frightening events of last week. There is talk of a need for a fundamental shift in the way in which Canada engages in the task of dealing with criminality and violent individuals in our society. The Prime Minister has talked of "strengthening" our laws in the area of "surveillance, detention and arrest". The Public Safety Minister has talked of "adjusting" the thresholds for preventive arrest. These comments have been made as if they represent simply minor modifications to our moral fibre as a country; part of an inevitable progression in an increasingly violent and unpredictable world. We could not disagree more. These changes are dramatic and dangerous.

As no legislation has been tabled yet, we are writing at this stage with our general concerns, but will engage in a more thorough analysis when the details of proposals are known. At the moment, we wish to convey that we are deeply troubled by these discussions and we believe that many Canadians share our concerns. As you consider policy and legislation in the coming days, weeks and months, you must carefully consider what is at stake.

Canada is a vibrant and free society, and Canadians care deeply about the rights that come with living in such a society. We recognize that taking steps to safeguard Canada's national security is part of your role as lawmakers. However, before we take steps to expand existing police and intelligence powers, we need answers about why the powers that we have were not used, or were insufficient, to prevent or avoid recent tragedies. In this vein, we need to understand why any new powers would be more effective than what we already have, considering what they offer both in terms of our national security and personal safety, as well as what impact they may have on our fundamental rights and freedoms, including our core commitment to the rule of law and due process. Canadians are entitled to have these



questions answered before major changes to our laws are undertaken. We have to understand why dozens of recommendations coming out of commissions of inquiry (including the Air India and Arar inquiries) remain on the shelf, while new powers without the benefit of study and careful consideration are put on a fast track.

The CCLA believes that the risk of danger from violent and dispossessed individuals in our society can never be minimized to zero, and that the cost of our liberties is too great a price to pay in trying. We believe the punishment meted out by our criminal law should be reserved for criminal actions, and not radical thoughts or speech. Most significantly, we believe that in a democratic country, the voices of all Canadians matter. Legislation, even when aimed at safeguarding our national security, should not be “expedited” without a thorough and meaningful discussion. To reiterate, we must understand why existing powers are insufficient; any new powers must be demonstrated as necessary, responsive and proportional to any perceived or known threat.

We urge you, in spite of the tragic events of last week, to bear these principles in mind. Finally, we invite you to engage with Canadians on these issues, and we look forward to engaging with you as the next weeks and months unfold.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sukanya Pillay', with a horizontal line underneath the name.

Sukanya Pillay
Executive Director & General Counsel