



October 18, 2006

The Honourable Garry Breitkreuz, MP  
Chair, Standing Committee on Public Safety and  
National Security (SECU)  
House of Commons  
Parliament Buildings  
Ottawa, Ontario  
Canada  
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Dear Member of Parliament:

**Re: Recommendations Arising from Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar (Factual Inquiry) released September 18, 2006 (the "Commission Report")**

We are members of a Queen's University inter-disciplinary research team called the Surveillance Project (SP) that studies, *inter alia*, police and intelligence agency surveillance and information gathering practices. The Surveillance Project is led by three Queen's University professors: Dr. David Lyon (Dept. of Sociology), Dr. Yolande Chan (School of Business) and Dr. Elia Zureik (Dept. of Sociology). More information on the Surveillance Project can be found here: <http://www.queensu.ca/sociology/Surveillance/>. We are writing on behalf of the Surveillance Project in response to the Commission Report authored by The Honourable Dennis R. O'Connor (the "Commissioner").

*We have carefully reviewed the Commission Report and fully support the Commissioner's twenty-three recommendations to, inter alia, strengthen oversight of the investigative techniques and information gathering processes of the RCMP and CSIS. We urge lawmakers to implement the necessary legislation to promote these recommendations as soon as possible.*

Since 2001, the Surveillance Project has examined the social and other implications surrounding industry and state information gathering, managing, and disclosure practices. In 2003, we successfully obtained a research grant in the amount of \$1.9 million from the Social Sciences and Humanities Research Council of Canada for an ongoing research project that focuses on the implications of enhanced cross-border flows of personal information (the "Globalization of Personal Data project"). Our research team consists of a dozen researchers drawn from Canada and the U.K. The Globalization of Personal Data project involves many components, including polling Canadians and residents of seven other countries to gauge their views on privacy and cross-border transfers of personal information. More information on the Globalization of Personal Data project can be found here: <http://www.queensu.ca/sociology/Surveillance/?q=research/gpd>.

In his report, the Commissioner made a factual finding that members of the RCMP gave inaccurate, misleading and highly inflammatory intelligence about Maher Arar to U.S.



authorities, which led to his subsequent deportation and mistreatment by Syrian officials. As such, the research conducted within the Surveillance Project and the Globalization of Data project is directly relevant to the matters discussed within the Commission Report.

In particular, our research has helped to show that a combination of post-9/11 legal changes (including 2001's *Anti-Terrorism Act*) combined with information and communication technology developments raises a serious risk that surveillance and cross-border information sharing by police and intelligence agencies will lead to anti-democratic outcomes. These outcomes include repression of political dissent as surveillance technologies are used to target identifiable groups such as Canadian Muslims despite no evidence of individual wrongdoing: this sort of profiling also tends to lead to social alienation of the targeted group who increasingly take on an 'us' versus 'them' mentality. Furthermore, pervasive and unseen scrutiny by state agents could inhibit freedom of expression because individuals fear their speech and actions could be monitored by the police.

Moreover, political complacency sets in to the extent that ubiquitous surveillance eliminates any subjective expectation of privacy as citizens refuse to question more and more state scrutiny. Canada becomes less democratic to the extent that citizens have greater difficulty in holding state agents accountable for their actions—technological and legal developments increase the risk that police and intelligence officers will abuse their investigatory powers, including sharing personal information about Canadians with foreign officials, without fear of detection. Finally, there is a very real risk, as evidenced by the Arar matter, that abusive state investigatory and information disclosure actions will lead to more Canadians being subjected to torture in foreign countries in complete denial of their fundamental human rights guaranteed by the Canadian Charter of Rights and Freedoms.

In summary, the Commission Report serves as evidence that important democratic interests will be undermined that could, at least in the long run, make our society less secure. The implementation of the Commissioner's recommendations will strengthen oversight of the RCMP and CSIS and help to ensure that abusive state information gathering and disclosure processes are inhibited. The recommendations will thus help to strengthen our democracy.

We would be happy to answer any questions you may have and will gladly participate in any Parliamentary hearings surrounding these matters, if needed.

Yours truly,

[Arthur Cockfield]

[Elia Zureik]

[David Lyon]

[Yolande Chan]

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Cc: Subcommittee on the Review of the Anti-terrorism Act (STER)  
Standing Committee on Justice and Human Rights (JUST)