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## NATIONAL SECURITY AND DEFENCE

*Chair:*  
The Honourable DANIEL LANG

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and

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Service Employment Act (enhancing hiring  
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*Délibérations du Comité  
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## SÉCURITÉ NATIONALE ET DE LA DÉFENSE

*Président :*  
L'honorable DANIEL LANG

Le lundi 16 février 2015

Fascicule n° 13

*Huitième et neuvième réunions :*

Étude sur les menaces à la sécurité nationale  
et

*Première réunion :*

Projet de loi C-27, Loi modifiant la  
Loi sur l'emploi dans la fonction publique  
(accès élargi à l'embauche pour certains militaires  
et anciens militaires des Forces canadiennes)

## Proceedings of the Standing Senate Committee on National Security and Defence

### Issue 13 - Evidence - Meeting of February 16, 2015

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OTTAWA, Monday, February 16, 2015

The Standing Senate Committee on National Security and Defence met this day at 1 p.m. to study and report on security threats facing Canada.

**Senator Daniel Lang** (*Chair*) in the chair.

[*English*]

**The Chair:** Welcome to the Standing Senate Committee on National Security and Defence for Monday, February 16, 2015.

Before we welcome our witness, I would like to begin by introducing the people around the table. My name is Dan Lang, senator for Yukon, and on my immediate left is the clerk of the committee, Josée Thérien. I would like to go around the table and invite the senators to introduce themselves and state the region they represent, starting with Senator Beyak.

**Senator Beyak:** Senator Lynn Beyak from Ontario.

[*Translation*]

**Senator Charette-Poulin:** Good afternoon. I am Senator Marie Poulin.

[*English*]

I have been representing northern Ontario since 1995.

**Senator White:** Vern White, Ontario.

**Senator Kenny:** Colin Kenny, Ontario. It's an all-Ontario meeting, chair.

**The Chair:** No, it's not.

**Senator Ngo:** Senator Ngo, Ontario.

**Senator Stewart Olsen:** Carolyn Stewart Olsen, New Brunswick.

[*Translation*]

**Senator Dagenais:** Jean-Guy Dagenais from Quebec.

[*English*]

**The Chair:** Colleagues, on June 19, 2014, the Senate agreed that the Standing Senate Committee on National Security and Defence be authorized to study and report on security threats facing Canada, including but not limited to cyberespionage, threats to critical infrastructure, terrorist recruitment and financing, and terrorism operations and prosecutions, and that the committee report to the Senate no later than December 31, 2015.

Today, we'll be meeting for three hours as part of our look at terrorism. Our hearings today will be focused around the most significant act of terrorism in Canadian history, the 1985 terrorist bombing of Air India Flight 182, which saw over 329 people killed, 268 of whom were Canadians, many of ethnic South Asian descent. This incident touched many lives, including young boys and girls who were left without a father or a mother; wives left without husbands and husbands without wives; and most tragically, parents without their children.

I have also learned it touched many more lives, including that of our clerk, whose geography teacher from Gatineau, Quebec, was on that fateful flight to India.

This June Canada will mark the thirtieth anniversary of the terrorist attack on Air India Flight 182. This incident was sparked by Canadians who brought religious and cultural grievances from India and sought to exact vengeance from Canadian soil. It was perpetrated by radicalized individuals who subscribed to religious fundamentalism.

This incident, which occurred 30 years ago this June, is a significant reminder of the dangers we as a society face when radicalization and religious fundamentalists seek to advance their political agenda using threats, violence and terrorism.

Before I welcome our first panellist, I would like to correct the record. At our last meeting, I, in a question to a witness, stated that the Muslim Association of Canada was charged, but I misspoke.

I state as follows: The Muslim Association of Canada has not been charged but is, based on a media report, under police investigation for allegedly providing funding to Hamas-related charities. Our first panellist, Justice John Major, is no stranger to Canadians. The Honourable Justice Major has helped shape the legal landscape in Canada through his years as a lawyer and a Supreme Court judge. In 1967, he became a litigation partner at Bennett Jones and practised at the firm for 34 years. He was involved in several cases that brought about significant changes in local, provincial and federal policies and legislation. In 1991, the Honourable John Major was appointed to the Alberta Court of Appeal. The following year, he was appointed to the Supreme Court of Canada. During his time with the Supreme Court of Canada, he presided over approximately 1,000 cases on matters ranging from assisted suicide to the death penalty to Quebec separation. Following his retirement from the Supreme Court in 2006, he was appointed to the Alberta Securities Commission, and then in May of that year he was appointed by Prime Minister Harper as commissioner to conduct an inquiry into the investigation of the bombing of Air India Flight 182. In his report, Justice Major stated as follows:

Terrorism is an existential threat to Canadian society in a way that murder, assault, robbery and other crimes are not. Terrorists reject and challenge the very foundations of Canadian society.

Justice Major, welcome to the committee. We're pleased to have you share your time with us today as we look at matters of terrorism and security for Canada. I understand you have an opening statement. Please begin.

**Hon. John Charles Major, former judge of the Supreme Court of Canada, as an**

**individual:** Thank you, Mr. Chair. I don't really have an opening statement. I have opening comments, the first being to compliment your committee sitting on Family Day, which is generally thought to be a holiday, so I'm impressed by the fact that you're all at work.

Let me just comment briefly, beginning with Bill C-51. It's very extensive. It gives a lot of authority to various groups, but what is missing is any method of sharing information between the various agencies. In Air India, that was a problem between CSIS and the RCMP. In Bill C-51 there are many more agencies involved with extended powers. I could find nothing that compels them to share information with other groups, the other groups being in a better position to handle the information that was obtained.

In my report, we had similar problems, principally between the RCMP and CSIS, but not exclusively. In one of the recommendations, we suggested a national security adviser who would be, for lack of a better term, a referee between agencies regarding what should or should not be exchanged. This is an individual we're talking about. A senior official in the Justice Department would be someone you might think of.

The former Minister of Justice, Vic Toews, misunderstood the report, thinking we were recommending the creation of a department. It was only the designation of a single person to act as intermediary between the various groups.

Air India was a terrorist group originated in India whose purpose was to carve out their own nation in the Punjab. The native country, India, tried to quash this. It resulted in the attack on the national temple and the assassination of Prime Minister Indira Gandhi.

The group members were outlaws in India, and a large number of the outlaws, so-called, moved to Surrey, B.C., and set up camp there, for lack of a better word. The plot was hatched in Surrey and carried out by terrorists, whose names are known, in June of the year in question.

What is different today is that you are dealing with terrorists who do not have a home country, as such; and to the extent ISIS occupies land, they support terrorist activities, which makes it a different kettle of fish than was the case with Air India, where India vigorously prosecuted the terrorist activities.

To my limited knowledge of what's going on with ISIS, there appear to be three levels of terrorist activities. There are the acts carried out by ISIS individuals themselves. They can be Canadians who have left Canada and are over there and act under the guidance of the ISIS authorities, who

are, as you know, very well financed with ransom money and bootleg oil sales. There are also acts of terror by individuals financed by ISIS. More disturbing in some ways are the individuals acting alone, without the knowledge of ISIS. They are very hard to identify.

The two most recognizable cases are the shooting of the guard on Parliament Hill and the killing of the warrant officer in Ontario. Both of the accused had criminal records and drug problems, and it looks as though that type of person does have problems in his own life, frequently involving drug use and criminal activity, and appears to be attracted by the glamour of what ISIS is doing. There are others, of course, who are taken by the ideology and are not criminals in the sense of having criminal records. They're criminals in the terrorist activities. They seem to be easily converted.

I wanted to mention the question of terrorist financing, and I should say that the Air India report is available to you from the Library of Parliament. It's a lengthy report. It took three years to complete, in part because we were going back 20, 25 years to get evidence. Volume 5 deals with terrorist financing, and that by itself is a report of some 250 or more pages.

Some of the methods that we encountered in Air India were that the terrorists could come into Canada and purchase existing bank accounts from sympathizers and would use the money for their activities. There was no way the authorities could trace that. Another smaller method was wearing expensive jewellery into Canada and selling it after they got here. There were donations from sympathetic supporters, and there was the question of fake charities. All those contributed to the funding, but the funding is a much greater matter in the issues you're investigating with respect to ISIS.

Volume 3 of the Air India report deals with the challenges of terrorist prosecutions, and it too is a lengthy document of 300 pages. In the event that you can't find the report and you're interested, I can rummage a report here and send it to whomever you want.

Those, Mr. Chairman, are my brief comments from a quick look at Bill C-51 and generally the whole picture that you're looking at.

**The Chair:** Thank you very much, Justice Major. You look very warm and comfortable in your part of the country. I gather it's Calgary?

**Mr. Major:** It's God's country.

**The Chair:** That's what they say.

I would like to pursue one area, if I could, that's a very strong recommendation in your report. That's the question of establishing a separate director of terrorism and prosecution within the Attorney General's department.

Just going back over the course of our hearings, we have learned that well over 600 cases of terrorism financing have occurred in this country over the last four or five years, and no prosecutions have taken place to this point in respect of those cases. It begs the question, when we compare ourselves to other countries in respect to their judicial system and the prosecutions that have been under way or have taken place in other countries, how do you see the benefit of establishing a separate director of terrorism prosecution? What additional steps should be taken to prevent the financing of terrorism? Finally, if the government decided to make such a change, could it be done by regulation as opposed to by new legislation?

**Mr. Major:** Well, to answer the last question first, it could be done simply by enlarging the prosecution carried out by the federal government, say, for instance, in drug-related charges. They simply put more lawyers in the Department of Justice dedicated to that particular work. I don't understand why the same couldn't apply to terrorist prosecutions. You would simply have lawyers within the department dedicated to that area of work. It wouldn't require regulation, in my view. It would require the Minister of Justice or the minister charged with recruiting a sufficient number of lawyers to carry out the investigations and prosecutions. It's simply enforcing federal jurisdiction in the prosecution of crimes.

Incidentally, you might find some help in that regard in Volume 3 of the Air India report where we deal with challenges of terrorist prosecutions.

**The Chair:** Before we go away from this subject, perhaps you can expand a little on the actual position of a director of terrorism prosecution and how that would aid and abet our ability to bring forward proceedings when necessary.

**Mr. Major:** Well, what I would envisage off the top of my head is that the Justice Department would form a group of lawyers within the Justice Department whose sole duty would be terrorist prosecutions. It would be similar to what you have now with drug prosecutions. There are lawyers in the department who are responsible for prosecution of drug offences. A lot of that work is done in provinces by agents appointed by the Justice Department.

What I would see in the terrorist investigations and prosecutions is the same format. You would have lawyers exclusively dedicated to that task. They would be part of the Department of Justice. They would operate in a similar fashion to prosecutions that are already being performed by the federal government.

In addition to drugs, there is smuggling; there are a number of criminal activities that the federal government is responsible for prosecuting. This is a big one, but it doesn't mean that it's different.

**Senator White:** Thank you very much for being with us today.

You may be one of the few people in this country who have been able to look at CSIS's work over almost a 30-year span. I'm trying to get a bit of understanding from you on where CSIS was in 1985 and where they are today on two fronts: first, on how they advise government on what we should be doing and what Canada should be doing; and second, whether or not you believe they're in a better place today to handle an immediate terrorist threat in this country.

**Mr. Major:** I can speak better about the situation in 1985. That was the year or about the time CSIS was instituted, on the recommendation of the McDonald report. The idea was that the RCMP was a police force and they would prosecute criminal activities. Separate from that, the question of national security would be taken from the RCMP and put in the hands of CSIS. The organization of CSIS, as we heard in evidence, was very haphazard. They recruited officers from the RCMP who could go to CSIS on a two-year assignment, and if they didn't like it they could go back to the RCMP. That immediately caused friction because the officers that stayed at the RCMP viewed the officers that went to CSIS as lacking loyalty to the RCMP, so there was friction from the beginning.

The plan was that CSIS would collect information and evidence, and once they had sufficient evidence of criminal activity they would turn it over to the RCMP. While the system on paper looks all right, it didn't work. Humanly, I suppose, CSIS, on the one hand, having done all the work in the investigation to get it to where they were on the verge of being able to, for lack of a better word, crack the case, was hesitant to pass that information on to the RCMP; and similarly, I suppose, the RCMP, when it came to a matter of intelligence, believed they were still better able to do it than CSIS, so they failed to pass the information on to CSIS.

The result was that in the Air India case it became abundantly clear, and the report says it, that if the RCMP had known what CSIS knew and if CSIS had known what the RCMP knew, there is a high probability, almost a certainty, that the sabotaging of the Air India flight would have been prevented, as well as the plane that blew up in Japan.

There was much criticism in the report about the lack of communication. I'm not privy to what they did. You get the impression that they're better organized today, but I've been away from it for four years, so I can't tell you whether the communication is any better.

I still think human nature plays a part, and that's why I was so enthusiastic about a national security adviser who would resolve problems between those two agencies and other agencies.

**Senator White:** Thank you very much for that, sir, and for your response.

On a different track, in the course of your hearings, did you find or discover that children were being exposed to radical teachings in any of the religious institutions and private schools, and, if so, is there some direction if not, I guess the second question to this is not helpful, but if you did, do you think there's something we should be doing to try to counter that?

**Mr. Major:** I'll tell you something you may find hard to believe, but one of the suspected kingpins in this Air India plot, and the man who was tried and acquitted, was called Malik. Malik started a school in Surrey which, in part, is funded by the provincial government. During the period of the Air India inquiry, it was clear that the children and the students were being indoctrinated, and in part with assistance from the provincial government on the basis that it was an educational institute.

We had some evidence that a large number of the graduates were arrested within five years of leaving the institution. I inquired about it, not from an official source, with a Mr. Hayer, who was an MLA and whose father was assassinated by the Sikhs, editor of a Sikh newspaper. He informed me that the school is even bigger. Around Surrey there are still pictures of a man called Parmar, who was the instigator and the leader of the tragedy. His pictures appear on floats, parades, still going on and, unfortunately, in some cases, attended by politicians.

**Senator White:** Thank you for that. In response, what do you think a government could or would or should do to counter that, legislatively or otherwise?

**Mr. Major:** It's a very difficult problem, because once you start investigating private schools, you can imagine the reaction you get from those who think you're targeting their religion. The school authorities in British Columbia could look at the curriculum and determine what really is going on at that school. It's a single school. They could, for lack of a better word, target it for investigation as to whether it complied with the standards that the province thinks they want to apply. But once they start looking at an educational institution, they'll get a lot of pushback from Sikhs who are not terrorists.

**Senator Stewart Olsen:** Thank you, Justice Major, for being here. It's an honour to have you with us. You've done a lot of work on this. Our questions are, as you can see, for us to try to develop a way forward to hopefully prevent a lot of what's happening now.

One of the issues I'd like for you to come back to is the National Security Advisor's enhancing the mandate. Because of the different ministerial lines of accountability, and that it doesn't have a statutory authority, there will be a lot of issues that come up for this position.

Could you discuss that a little bit, and also the Canada Evidence Act? You referenced that in your report in Volume 3. Could you just flesh that out a little bit for us?

**Mr. Major:** My notion of a national security adviser is an individual and not a department. The individual would be charged with the responsibility of ensuring that information obtained by one agency was properly shared with other agencies. With the enlargement of the ability of a number of agencies to now conduct more probing examinations, I can't help but believe that some of those agencies will be reluctant to share information. They will want to carry on their own investigation, which they may be doing in good faith, when they should be sharing it with perhaps the RCMP. Perhaps it has got to that stage.

I envisage the RCMP or the agency involved making their case to the national security adviser as to whether what they're doing has reached the stage that the information they've obtained should now be shared with one of the other agencies. It wouldn't be politically charged; it would be largely, I think, administrative. It would not require additional resources; it would probably require a senior lawyer with some common sense.

**Senator Stewart Olsen:** Thank you, sir. That clarifies a lot for us.

**Senator Kenny:** Mr. Justice Major, I have a follow-up to the last two questions. I thought that *Stinchcombe* was the principal reason we weren't getting sharing between CSIS and the RCMP, and the disclosure problems associated with sharing the information. Do you have a different perspective?

**Mr. Major:** I don't know if I have a different perspective, but *Stinchcombe*, as you know, is the leading case on police authorities disclosing the evidence they have against the accused before he goes to trial. It may be that where you have a group that are arrested at the same time it would be bulky to supply all the information. I think we said in the report that in those cases you would make the information available at a site and let the interested parties, all those entitled to see it, come to the site rather than delivering the information to the parties. In ordinary prosecutions it may be a very thin file that goes to the accused.

In the CSIS-RCMP activities, the files tend to grow and become very large, so the physical aspect of sharing is a problem unless you simply have interested parties come and look at it. When I say "large," you could have a boxcar full of information. The question becomes, what's relevant? I think the authorities frequently go to the extreme and unload everything so that the suspicion is that the vital information won't be picked up because there's a boxcar full of all kinds of

information. But I don't see where *Stinchcombe* should present any problem between CSIS and the RCMP.

**Senator Kenny:** My understanding, sir, is it wasn't a physical issue; it was that CSIS has or had the impression that they were giving away their way of operating, their procedures, and that it was far more a question of having the bad guys get a better understanding of how the intelligence apparatus worked in the country and that *Stinchcombe* required this disclosure that in fact made it not worthwhile for CSIS to pursue the matter.

**Mr. Major:** Well, Senator Kenny, I'm unaware of any case that says the principles in *Stinchcombe* extend as far as disclosing the method of operation of the authorities. They have to provide the results. They have to provide what the case is against the accused, but they don't have to disclose how they got there. This notion that CSIS would have to disclose the method of wiretapping or the various other devices they use is just not part of *Stinchcombe*.

**Senator Beyak:** I have a point of order for those watching at home. Could you explain to us what *Stinchcombe* is in more detail?

**Mr. Major:** *Stinchcombe* is a criminal case that arose in Calgary. There was no organized method at the time of *Stinchcombe* by which the accused was provided with a case against him by the authorities. *Stinchcombe* was a lawyer who was involved with some criminal activity. He was charged and convicted, and his lawyer appealed on the basis that as an accused he had a right to a full defence and that in order to provide a full defence he had to know what the case against him was. The case went all the way to the Supreme Court of Canada and they endorsed the principle that the case against an accused person has to be disclosed in order that he can provide a proper defence.

**Senator Beyak:** Thank you very much for that. That's very enlightening.

During the term of your commission, 2006 to 2010, we understand that religious fundamentalism and radicalization were of significant concern given the attack and threats against Canadians, such as Ujjal Dosanjh and Tara Singh Hayer, whom you mentioned earlier. Are the agencies responsible for protecting them and their rights doing their job, or do you have suggestions on how they could do it better?

**Mr. Major:** I missed the first part of your question.

**Senator Beyak:** I'm sorry, the microphone wasn't on. First of all, I thank you for enlightening us on the other issue.

During your term of your commission from 2006 to 2010, we understood that religious fundamentalism and radicalization were significantly attacking journalists who were trying to report, specifically the gentleman you mentioned earlier, Mr. Tara Singh Hayer. I wonder whether, in your opinion, the agencies that are supposed to protect them are doing their job today.

**Mr. Major:** Well, that was really a tragedy. The authorities were charged with protecting him, as they would any citizen who was under death threats. It turned out at the inquiry that the burglar alarms surrounding his house were not working. They were out of order. The protection afforded him was pretty shabby, and it resulted eventually in his being murdered, so I would say in that case the protection was inadequate.

How far the authorities have to go in protecting organizations I think is limited to threats of criminal actions or actions that would be criminal against them.

If it's a debate over theology or something else, I don't know that the state has any duty to protect the argument.

I don't know that the threats involving criminal activity are any greater because you're a newspaper reporter. It's just that frequently, if you're a newspaper reporter, the threats against you are of a higher degree of probability than if you were simply a street-corner advocate.

[Translation]

**Senator Dagenais:** I have two questions. Do Canada's openness toward immigrants and all the rights we give them increase the risk of our country becoming a haven for prospective terrorists or, as they are now commonly referred to, lone wolves?

[English]

**Mr. Major:** I hear the senator, but I don't hear what the senator is asking. I haven't heard the translation.

**Senator Dagenais:** You don't have the translation?

**Mr. Major:** No. It's now coming through. If you would repeat the senator's question, we would be in business.

**The Chair:** Could you repeat the question. I think we were all having trouble with the translation.

[Translation]

**Senator Dagenais:** Can you understand me? Are you getting the interpretation?

[English]

**Mr. Major:** I am hearing you, and I'm waiting for the interpreter.

[Translation]

**Senator Dagenais:** Do Canada's openness toward immigrants and all the rights we give them increase the risk of us becoming a haven for prospective terrorists or, as they are sometimes referred to, lone wolves?

[English]

**Mr. Major:** I think that it's the generosity of Canada in inviting immigrants, and compared to a number of other countries, making immigration, if not perfect, less difficult. As a result, you will get bad apples seeing that they can perhaps get into Canada more easily than elsewhere and taking advantage of it. I don't think there's any question that that's true.

[Translation]

**Senator Dagenais:** I have another question. Concerning the bombing of Air India flight 182, you talked to us about the report, but were there any cooperation issues among government departments or agencies, including the Canadian Security Intelligence Service and the Royal Canadian Mounted Police? Had any communication or coordination issues arisen, would it be appropriate to make changes to practices or legislation to avoid those kinds of problems going forward?

[English]

**Mr. Major:** I'll go back to my solution of a national security adviser. If you had a national security adviser who, for lack of a better word, would be a referee between parties, one wanting to keep information and not share it, the other wanting the information, the national security adviser again, it would be an individual would look at the case for sharing and look at the case for not sharing at that particular time.

Let me give you a stark example. In the Air India case, it was determined that CSIS agents had followed three Sikhs over to Vancouver Island, watched them pick up some hardware, go out to a sandpit. CSIS followed them. The senior officer was a little hard of hearing. The officer with him was a young woman. They parked the car away from the sandpit. The young woman was startled by noises. The senior officer came back and said that the noises were shotguns. Then the car that had gone into the sandpit sped back to Duncan.

This was on the Friday or maybe Thursday afternoon before the explosion on the aircraft. CSIS did not disclose that incident to the RCMP. After the plane was blown up and steps were being retraced, in the sandpit that I described, they found dynamite caps. What had been going on was not shotguns but experimenting with dynamite.

Now, if the suspicion that CSIS had had been shared with the RCMP, if the RCMP knew about experiments with dynamite, it would have been a very significant step in what later turned out to be the case, but CSIS kept that to themselves.

**Senator Ngo:** Thank you, Justice Major. I have two questions here.

What is your perspective on pending legislation that gives law enforcement more authority versus privacy of individuals? Are enough safeguards built into the legislation?

**Mr. Major:** It's always a balancing. When you're faced with a serious crisis such as we have facing us now, you want to be sure that you're not handicapping the investigating authorities or agencies.



There are safeguards. Warrants are required from a judge in certain circumstances, but I think it comes down to a certain amount of faith in our agencies not to abuse the authority. I'm not aware of incidents where there are.

There are going to be ruffled feelings as investigations go forward with vigour. People will be questioned who come under suspicion for no good reason, but you can't prevent everything. I think in weighing the balance, we have to rely on the safeguards we have: judicial warrants, the good faith of the agencies.

Speaking for myself, I'm comfortable with what I see. You always want to hear the opposition in case they have an idea that's worthwhile, but at the moment, it looks as though there are exaggerated concerns about this so-called extended authority of some of the agencies to pursue investigations along the lines of trying to stop terrorist attacks.

It's a very difficult thing, as you know, when you have homegrown radicals with no real connection, the ISIS plotting in the basement. That incident over the weekend where they were going to shoot up a mall, I'm not sure of this, but I would suspect that command control of ISIS had no idea that this was even going to happen. To stop it, to get the information, just seems virtually insurmountable at times.

So I think we have to do the right thing. The agencies have to be responsible. We have to safeguard citizens' rights. It's a balance, and on what I've seen with the warrant protection and undoubtedly the good faith of the agencies, speaking for myself, I'm quite comfortable.

**Senator Kenny:** Mr. Justice Major, you invested three years in preparing your report. I'm curious to know how you feel, with almost a decade of perspective, about the extent to which the government addressed your recommendations.

**Mr. Major:** It's easy; I don't think they addressed very many. Now, the government has an answer to me, although I haven't inquired. They say, "Everything you recommended involves security, and if we tell you what we did, we're telling everybody, so we're warning the bad guys of what we've set up."

Let me give you an example. One of the recommendations was that cargo at the moment, baggage is being X-rayed before it's loaded onto airplanes. Cargo is not being X-rayed. When I say cargo is not X-rayed, it wasn't X-rayed at the time of the Air India hearing, and I haven't heard that it's now X-rayed. Cargo going into the United States is X-rayed, but not cargo going elsewhere. You'll see in the Air India report let me back up just a minute.

This took three years, and part of it was the reluctance of the authorities. The government set up the inquiry. Then the government had a battery of lawyers to protect the government. So we were faced with a situation where it was very difficult to get unredacted information from the government. That in part explains why the inquiry took maybe as much as a year longer. We'd get reports that were completely redacted. At one stage, I went on the public record to say that unless things change, there was no point continuing the inquiry.

Things did change. I would then get documents where only half the page was redacted. I was never satisfied that we got the complete evidence that the government had charged me to find out what happened. I guess it's human nature in some ways that they were making decisions that this wasn't relevant, but the government was an adversary in a hearing where they should have been an ally.

**Senator Kenny:** This committee provided testimony for you, and you appeared to have adopted it in one volume of the report, yet we don't see any of those recommendations adopted.

**Mr. Major:** Some may say we made too many recommendations. I may have been naive in believing the government wanted to know as much as we found out. I didn't expect that all those recommendations could be implemented, but I thought the government would be alerted and could pick and choose those that were more urgent. Some they may have covered. But I'm in the same position, Senator Kenny, as you are; I haven't heard.

[Translation]

**Senator Charette-Poulin:** To prepare for today's meeting, I reread your biography and realized that you're from Mattawa. It's interesting that my question for you was put to me by someone from northern Ontario over the weekend.

In your opening remarks, you said that there appeared to be three groups. There are terrorist groups with ties to ISIS, individuals acting alone unbeknown to ISIS, and individuals motivated by ideology. How can we determine with certainty whether an attack is related to a plan, a strategy or a group implementation, as opposed to being carried out by an individual for unknown reasons? How can we make that distinction?

[English]

**Mr. Major:** Well, it's going to be difficult at times. What you've repeated comes close to what I said, but not quite. I spoke of activities by ISIS, the command centre, and then activities by individuals who were instructed by ISIS. For instance, people who wanted to go to Syria and fight with ISIS were told, "Stay at home; you can do more work there." So they're acting under the guidance of ISIS. The third group are the ones that are the most difficult to identify. The two incidents we've had in Canada I think will prove to be the group that acted without any real connection with ISIS, other than buying into the enthusiasm of doing the will of Allah and so on.

**Senator Beyak:** Thank you, justice. This time I turned on my microphone. It's an honour to have you here with us. Your Air India report was fabulous. I read it in detail, and I'm struck by the similarities to the situation that our committee is facing today.

I wondered if you would tell us, further to my earlier questions, if you have concerns that the media and certain citizens and journalists who are outspoken aren't being amply protected. I still worry about that. I wonder if, being in their intimidation, if they were given a libel lawsuit or threatened with physical violence, do you think the Crown should actually take their part in an unjustified libel lawsuit threat?

**Mr. Major:** I think you would have to look at that on a case-by-case basis. In the case of the deceased Mr. Hayer, it was obvious that he needed protection. The field of journalism, as you know, is very broad, and reporters are sometimes careful with the information they report on; others are not so careful. I don't know that you could extend a blanket protection to reporters or people who come under threat. I think what the authorities could do is to examine the threat and see whether it was a bona fide threat or something less.

**Senator White:** Thanks for the opportunity to ask another question. In relation to the National Security Advisor, sir, you know where we are today with that position. Where do you think the position should go from this point? Should it be a clear oversight, even a directing of activities of agencies, or more of a receipt of information and providing advice to government?

**Mr. Major:** I think more of the latter.

In my view, the National Security Advisor would have a pretty narrow scope. He would be the final authority on whether and we'll pick on CSIS and the RCMP information in the hands of CSIS that the RCMP requests and CSIS resists because they say it's still intelligence and it hasn't reached the level of criminal activity. The security adviser would look at the competing interests and decide that, yes, it has reached the level that it should go to the RCMP for information, or it's still collecting intelligence and there's no criminal activity, so it belongs still with CSIS.

It wouldn't be oversight of anybody; it would be determining the issue on a case-by-case basis between agencies.

**Senator White:** Thank you very much, and that's a clear response. Really you're talking about oversight of information and intelligence, not oversight of an agency.

**Mr. Major:** No.

**Senator White:** So looking at the information and determining whether or not it's shared, for example, directing the movement of information, not individual agencies.

**Mr. Major:** Yes.

**Senator Kenny:** On this subject, both of these departments, both of these agencies report to the same minister, and CSIS is bound by ministerial directive on a wide range of things.

Is there any magic or special reason why you chose the National Security Advisor rather than giving the same directive to the minister?

I have a second question that you might consider at the same time: The agency without the information sometimes doesn't know what to ask for. If the information is in CSIS's hands, it takes

a certain amount of mind reading to simply ask what's new if you're in the RCMP. You don't know what you don't know, to quote that famous man.

**Mr. Major:** To answer your first question, it's true that the chain of command, for lack of a better word, went up through the minister. The problem was that the minister had so many other things coming in that it didn't get dealt with. It went, in short order, to the deputy minister, and the deputy minister might deal with it in some cases, might not deal with it or complete further investigation. It never seemed, from the evidence we had, that the proper channel was the political route.

Ministers have a lot to do with a lot of other things. This did not get the attention from the political side that it should have.

On reporting, it's a good question: How can you ask for something that you don't know exists? You'll find in many of these cases that agencies go on parallel routes, and in fairly short order they're aware that other investigations are going on. You'll interview the same witness and you may say to the RCMP, well, there was a guy in here the other day. The guy's likely from CSIS. So, at the beginning, you're absolutely right; how do you know what you don't know? But as investigations proceed, they seem to cross at times.

It's not foolproof; it's just better than what we have at the moment.

**The Chair:** We're coming to the end of our time here, Justice Major, but I would like to follow up on a couple questions, if I could.

First of all, I have a question going back to the initial concept of the director of prosecutions of terrorism. The reason I'm going back to this is that we look back in a very short window of time, the last four or five years, and there's been significant identification of individuals involved in terrorism, either indirectly or directly. Numbers well exceed 300, we are told, in various capacities. We are also told that there are significant numbers of cases of terrorism financing, over 600 identified over four years; yet as the public we see very few actual judicial proceedings with those identified either directly or indirectly.

We had the Commissioner of the RCMP here to talk about, in part, the thresholds that are required to be met prior to beginning a judicial proceeding. Would the establishment of a separate directorate of terrorism prosecution facilitate that coordination that we may see as the public, judicial proceedings where necessary? Because in the past, it's been very questionable whether or not there were going to be very few, if any, proceedings.

**Mr. Major:** I think it's a necessary step in your undertaking to make a recommendation along the lines that you're speaking of. The question is, of course, what's the best way of doing it? If you carve out a separate group charged with the investigation and prosecution of terrorism, you've got another separate group cut away, in a sense, from the Justice Department. In my opinion, the Justice Department prosecutes tax evasion, and they have, I would expect, more lawyers involved in that than you would have, should you delegate the same method of prosecution of terrorist activities.

They prosecute, as I said earlier, a number of crimes that fall under their jurisdiction.

To me, to have a group of lawyers dedicated to the prosecution of terrorism under the umbrella of the Justice Department is a better solution than having a separate group. A separate group would tend to operate on their own. There would be a drifting away from other criminal prosecutions. I know that we're talking about prosecuting terrorism; but frequently you find terrorism activities as a result of the prosecution of other criminal offences.

Income tax evasion may be a case in point, where, in the course of checking an income tax file, you see evidence or the investigators see evidence that leads them to believe there is terrorist activity. It's much easier if it's all under the umbrella of the Justice Department and it's handed over to the senior lawyer in that department. You might be talking about 10 lawyers or some number like that.

I think it would be much more efficient to keep it in-house but clearly have a department whose lawyers are dedicated to the prosecution of terrorism.

**The Chair:** I'm just going to leave you with one last question, if I could, and it's related to the statements you made earlier in respect to the number of individuals, and it's just under 100 who

have been identified as what they refer to as "high-risk travellers." I don't know where they got that terminology, because I would call them prospective foreign fighters.

At any rate, these high-risk travellers have been identified and, in most cases, have been denied exit from the country. As you said earlier, these people in some cases are perhaps being coached to stay in Canada as opposed to leaving the country because they can be of more use to ISIS here than overseas.

What further steps can government take, legislatively or otherwise, in respect to these individuals who obviously are prepared to do significant harm to fellow Canadians and to our country? What further steps can we take, other than identify them and put them under surveillance at extreme cost? It's hundreds of thousands of dollars per individual. Are there perhaps other areas that we could go into to put this in some perspective from a common-sense point of view?

**Mr. Major:** You know, you're almost wrestling with shadows. It's very difficult. I heard a criminologist being interviewed from France, and you'll recall the shooting of the satirical magazine editor and staff. The perpetrators were known to the police, and they were known in two different capacities, according to the criminologist. They had, as he described it, one box that described their criminal activity, and they'd been in jail and had long criminal records. The other box dealt with their terrorist activities, and he said eventually they fell in-between the two boxes and they were no longer observed.

It's very difficult. I don't think there's a silver bullet that would answer your query. It's going to be hard, and it's going to be expensive. You're not going to have complete success because, unlike anything else we've faced, these homegrown can pop up anywhere. As this criminologist says, they spend their time either in criminal activity, in terrorist activity, or at the mosque. They're either in jail, at the mosque or engaged in criminal activity, and you don't know until you get more information what you have on your hands. Vigilance is important, but as you point out, you can't keep the whole country under vigilance, so I know that's not a very good answer, but I just can't think of anything that's helpful beyond what you've mentioned.

**The Chair:** Colleagues, we're coming to the end here, so I'd like to thank Justice Major on behalf of the committee for the time you've taken out of your schedule on Family Day to participate in our committee hearings and for taking our questions. We very much appreciate your perspective, all the work that you did on the Air India commission in particular, and thank you for your long-term service to our country. Sir, thank you.

Colleagues, joining us now, as we continue our look at the terrorism threats to Canada, is the Honourable Ujjal Dosanjh, member of Parliament from 2004 to 2011 and Minister of Health from 2004 to 2006. Mr. Dosanjh also served as Attorney General and as Premier of British Columbia, the first Indo-Canadian to hold this post in Canadian history.

Mr. Dosanjh ranks as a great Canadian for his courage and integrity in speaking out against terrorism and radicalization, even at risk to his own safety and that of his family.

On January 18 he was presented with the Wallenberg-Sugihara Civil Courage Award, in Vancouver. The award was established in the memory of Raoul Wallenberg and Chiune Sugihara, who helped Jews flee Europe during the Holocaust.

Mr. Dosanjh has exhibited great courage in the face of threats from radicals. In 1985, then a lawyer in British Columbia, he was severely beaten with a metal bar in a parking lot months before the Air India bombings. In 1999, a Molotov cocktail was left in his office. In 2010 police investigated a threat against him on a Facebook site that called him a traitor to the Sikh faith.

Mr. Dosanjh, I am very pleased to welcome you to the committee.

**Hon. Ujjal Dosanjh, P.C., former minister, as an individual:** Thank you. I'm going to say a couple of things about Air India, and then a couple of other things, and then I'll be happy to answer your questions, because I might not say things that you want to hear about in my remarks, in any event.

With respect to Air India, in terms of the kind of radicalization that we're now talking about at this moment, Air India was the first homegrown, self-radicalized group of people that wreaked havoc emanating from Canadian soil. I know people go back to the FLQ, and there was the Squamish Five back in B.C., but I believe Air India stood on its own until 9/11.

In those days there was glorification of terror. There was glorification of terror in religious places because people didn't understand what was being said in Punjabi and there were no outsiders, other than some of us, who might hear. Not much was done; not much was thought of. These issues weren't taken very seriously. Even today, as Justice Major has indicated, there are photographs of murderers hanging around some temples, at least in British Columbia. I don't know about Toronto.

These were homegrown terrorists who were, in my view, isolated from the larger society. They were alienated from the "here" and focused on the "there," whatever was happening 15,000 miles away. How that came to be, obviously, is a larger issue; but in that sense, I think they may be similar to some of the lone wolves or others that self-radicalize in Canada today.

I'll say a couple of things about the financing of religious institutions and, in fact, private schools. I would group them together. I know there's a huge reluctance on the part of most Canadians to think about some oversight of the religious institutions or private schools because they are religious; therefore, religious is sacred, and we have allowed people to deal with those issues as they see fit, over centuries.

We need to wake up a little bit. We need to figure out that we fund religious schools, private schools; and we fund religious institutions indirectly through tax deductions. And, therefore, because taxpayers fund these institutions to a certain extent, the taxpayers have not just the obligation but also the right not to determine what they teach, but to see whether or not what's being taught is appropriate and in keeping with the Canadian values that are generally accepted across this country.

I know that's a very subversive thought for civil libertarians. I used to be one in the sense that I was a member of the BC Civil Liberties Association, and I was on the board. I still have the same kind of feelings about those issues, but I also recognize the truth that we don't have national standards or best practices that we share across this country to determine whether or not there is appropriate oversight of the private schools, in particular, and perhaps the religious institutions. I understand an imam appeared before you some time ago and said that in some mosques, and I'm sure in some other religious institutions, preaching goes on. If one goes back to the right-wing anti-abortionists, they were preached at somewhere. It's not just about Islamists. We need to figure out that this can go on in any community, in any religious institution, in any faith-based organization. We as taxpayers have an obligation and a right to determine whether or not an appropriate amount of emphasis is being placed on common, shared values, in teaching in those schools and in those institutions that we fund indirectly through the taxpayers. Therefore, I would urge the Minister of Justice, perhaps, to take the lead and call a conference of all of the attorneys general or education ministers to bring them together to try to develop some unified oversight standards, if at all possible. I know it's a provincial jurisdiction, but I think that would help a great deal.

The third thing is a much larger issue that I'm more concerned about. I know there are going to be other bills, but with Bill C-51 we talk about the intricacies of the legislation, whether or not we're trying to trade away our liberties for our security, and whether or not appropriate oversight and resources are available to the security agencies. I'm concerned with all of those issues, but I'm not here to testify on those issues because I haven't looked at the legislation thoroughly.

My concern is the larger question of the public dialogue on these issues, and as a result I, Dave Hayer, and my friend Balraj Deol have suffered as a result. Within some communities, there is this huge force to conform, to not say anything outside the community. When I was speaking out in the 1980s, a group of what I might call "angry young men" came to see me and wanted a deal with me in that if I didn't speak outside to the larger media I could continue to speak in Punjabi, that that would be all right. I know that would have been a kiss of death, and that's why I didn't take the deal.

There is that huge pressure within certain communities to not speak publicly, and then there is a huge pressure on politicians sometimes to not rock the boat, and those politicians come in all stripes. I'm not going to single out anyone. They go to the parades and temples; they turn a blind eye to the photographs of the so-called martyrs, yet they do go.

My worry is that ultimately our staunchest foe in a fight against terror is our semi-silence on these issues, which is induced by our political correctness. The political correctness afflicts all parties, some to a large degree, others to a lesser degree. Some politicians speak frankly; others don't. If we are to survive as a free, liberal, democratic society with the values that we have, and enhance those values in the long term, we need to make sure we speak out.

I'm going to say some very strong language: I'm afraid every time a journalist or a politician says something bluntly in an unvarnished manner, everybody jumps on that individual. You also have the organizations bringing legal cases against journalists or activists, like myself, to try to silence them.

Ultimately, Canada needs strong voices, and we need to get rid of this worry about offending people. There's this sense of "offendedness" many of us feel. You say something about being a long-haired hippie guy. I might feel offended. Everybody gets offended at one thing or another. I think we need to get rid of this offendedness and have a blunt dialogue with each other. I'm afraid if we don't, we are on the way to becoming a nation of panderers and politically correct people, and that's almost spineless. Spinelessness doesn't build great nations. Canada wasn't built by spineless people. It was built by people who spoke the truth, spoke bluntly and clearly and let the chips fall where they may. Ultimately, I think politicians need to do that.

From my perspective, if I see the politics from the community that I know and other communities, some of the politicians are the worst offenders. They cavort, if I can use that expression, with those who are politically questionable the political heirs and successors of those who may have blown up Air India. They're cleansed a bit, but they're around. Ultimately, we need to recognize as politicians that we need to actually set the examples.

I know that it's easy not to speak because then you can please all the people all the time. At least, you fool yourself into thinking you can. My worry is that if we don't end this ostrich-like behaviour or the silence induced by political correctness, we can change all the laws, we can give all the resources to our security agencies and policing agencies, we can do all the rigorous oversight so that we don't compromise our freedoms and our liberties, but in the end, all we would be doing would be waiting to apprehend, prosecute and imprison people. That would be a perpetual cycle. We would be doing that forever. We need to stop this from happening.

All I can say to you is that the way to stop that from happening is to begin to engage in honest and frank discussions yes, sometimes offensive, quite often perhaps offensive, but we can agree that we can offend each other without killing each other. Nobody ever said that if you are offended you need to pick up a gun and go shoot. You can offend in return. It's all right. That's what democracy is all about. Democracy didn't come to this stage without offending each other. We offended each other a lot over lots of issues. Gays and lesbians didn't have the equality that they have today. Women didn't have the equality that they have today. They fought for those things, I'm sure sometimes in very offensive language. That's wonderful. That's all I'm saying. Ultimately, I think we as politicians have an obligation to speak in an unvarnished fashion about the issues that we feel passionate about and make sure that we promote not ghettos of values in some communities but values that are shared by all of us across this country.

**The Chair:** Thank you very much for your opening remarks. I should emphasize that that's one of the reasons we're doing this overview of terrorism in Canada and doing an in-depth look at why we have it here. Why is there radicalization? What can we do to prevent it? What can we do to stop the financing of it and various other aspects that affect our daily lives? This is part of that public conversation. I couldn't agree more that we have to have a very frank and open conversation and perhaps go to those areas that are not necessarily politically correct in some cases, and in some other people's eyes.

**Senator Beyak:** I agree with everything you've said. Thank you very much for saying it. You'll know that Preston Manning feels the same way, too. He's told me for years.

**Mr. Dosanjh:** I knew I'd agree with him some time.

**Senator Beyak:** The biggest problem we have in Canada is that we can't have open and honest discussions about the important issues because we're so politically correct.

You've pretty well answered my question, but I did wonder if there is something that can be done to stop the way people are harassed and put down whenever they dare to speak out on important issues, whether it's a journalist, a private citizen, a politician, you or me. I'm courageous; so are you. But lots of people are frightened for their families and their homes.

**Mr. Dosanjh:** A question was asked of Justice Major on this issue. I think you asked it.

**Senator Beyak:** Yes.

**Mr. Dosanjh:** Some people have suggested that we should do the kind of SLAPP legislation that they do on environmental issues and others, that we should do it on freedom of speech. I don't know whether that would be feasible, but I think those who want to prosecute free speakers might be shy of doing that if they knew not just one or two persons were prepared to speak up on these issues, but that most other people were prepared to speak up on these issues. How many would they sue?

**Senator Beyak:** Thank you. That's an excellent point.

**Senator White:** Thank you very much for being here. In particular, I appreciate your comments in relation to the schools. If we don't like what we see, I guess it caught my attention because my next question is then what would we do? Are we talking about criminalizing if we don't like what we see? Do we remove their status as schools, remove their funding? What would we do if we didn't like what we saw in some of these institutions?

**Mr. Dosanjh:** Those are difficult questions. They aren't easy. I'm not suggesting you criminalize. I'm suggesting that if someone has an emphasis, let's say in a particular faith school, on values that are totally abhorrent to Canadian society let's pick one out of the blue, female genital mutilation if you taught that in a faith school, that would be absolutely horrible. It would be illegal, but you wouldn't know that unless you supervised.

We have a right as taxpayers, because we fund these schools at least in British Columbia we fund them 33 per cent of the total cost per student. We have a right to know what values are being taught. We're not saying, "Don't teach the values you want to teach;" we want to know what it is that's being taught. If we believe that it's not in consonance with the need to build a caring and inclusive society, a fair society, we can simply make the law that we won't give you funds, at least. Let's starve them out. I have no difficulty doing that.

**Senator Stewart Olsen:** Thank you, Mr. Dosanjh. It's good to see you again. You mentioned that oftentimes you will see temples, community groups, et cetera, putting pictures and messages on their walls glorifying terrorists. Do you consider that as promoting terrorism? If so, what do you suggest we do about it?

**Mr. Dosanjh:** From my perspective, if we put around this building a photograph of Clifford Olson, we would be horrified. If we put around a temple on the inside or outside walls a photograph of Mr. Parmar, who is the mastermind who blew up Air India, killing 329 people, mostly Canadians, why wouldn't you stop that? That would be glorifying.

Obviously, photographs are not put there with a sign saying, "Don't do this." Photographs are there to honour these individuals, and I believe it's wrong. That is, by implication, glorifying the acts that those individuals were involved in.

**Senator Stewart Olsen:** You mentioned we should start an open dialogue. I would like any suggestions that you have like that about the way forward, but where do you start? If you start with leaders and imams, oftentimes the real people are never heard.

**Mr. Dosanjh:** When I'm talking about dialogue, I'm actually thinking not just about the communities or subgroups where self-radicalization may be happening. I'm also thinking about the public leadership, who may not be from those communities. That's often the case, actually. The public leadership isn't from those communities, and that tells you that the groups aren't integrated into the society well enough, and that is a problem that the provinces are closer to the ground and municipalities are closer to the ground. That's why it can't be an effort simply run by the national government. It has to be a national effort with best practices.

I usually give people this example: When I was active in electoral politics, whenever I had a chance to speak to minority communities in particular, visible minorities or other minorities, I would always mention two things in those days. The first is they should be concerned about the

plight of the Aboriginal communities across this country. If they want equality they should be trying to build equality for the Aboriginal communities because as long as they're not equal we will never be equal.

The second thing I used to say to communities like my own, and they used to hate me for it, was about gay and lesbian equality. That's what I mean by leadership. Political leaders have an obligation. It may not be popular to say those things. You may make enemies. Political leaders address a huge number of banquets, meetings, celebrations and events every year, each one of us, in public life. We have an obligation on those occasions not to just be celebratory and to say "wonderful dress" or "I'm an Ash'ari and I'm in this dress," or "I'm now in the Ukrainian community function; I'm going to wear some different clothes." Well, that's all well and good, but that's like absolutely nothing. That doesn't deal with the real integration.

When you talk to them about Aboriginal equality, about women's equality, about self-radicalization, about the kind of stuff that ISIS is doing, about the kind of stuff that self-radicalized people are doing, if you don't talk to them about those issues and you just go to a banquet and come back home having said, "Oh, you're a great culture; you bring great value to Canada" everybody brings value to Canada, yes, absolutely. But that's not saying anything. That's what they call bromides, right? Say something more. Say something real. Say something about people's lives. Say something about where you want the society to go, not just reinforce their dress, their values or their things. Reinforce the larger Canadian values as well and the issues that we face as a society. That was my biggest complaint about politicians when I was an active politician. It still is.

[Translation]

**Senator Charette-Poulin:** According to an interesting article in this morning's edition of the *Ottawa Citizen*, you feel that the language used when discussing terrorism is extremely important. Could you explain what you mean by that? Feel free to answer in English. I wouldn't want you to feel obligated to speak French.

[English]

**Mr. Dosanjh:** Thank you. That's my one regret being in Canada. I don't speak French. I wish I did.

**Senator Charette-Poulin:** Yet.

**Mr. Dosanjh:** Well, it may be too late.

Yes, I actually did a blog about it called "Tackling Terrorism and Terminology." It was as a result of that I think that these guys called me from the *Ottawa Citizen*.

I believe that if we don't have the courage and the clarity to name the problem, we will not be able to find a solution. How do you find a solution to the problem when you're already confused about the name? The example that I chose at that time was the issue of the CBC, which I support fully, but the CBC are not doing a very good job in this case. They are calling ISIS "militants," and Obama's White House is doing the same thing. I find that absolutely abominable because if you look at the meaning of "militant" you will realize that Mahatma Gandhi was a non-violent militant. He believed militantly in non-violence. The term "militant" encompasses both violent and non-violent. Therefore, it's very confusing. Similarly, when you call something "Islamist," some people get upset. I very openly use the term "Islamist" and I have a very good friend, Tarek Fatah, who appeared before you who does the same thing.

I believe if we want to find solutions to the problems, we need to figure out the name of the problem. If you don't name the problem appropriately, if you politically correctly name the problem, then your solution would be politically correct, but it would fail.

[Translation]

**Senator Charette-Poulin:** Earlier, Senator Dagenais talked about the actions of lone wolves. Do you place in the same terrorist category actions perpetrated by terrorist groups, individuals with ties to terrorism, people spurred on by ideology and individuals with mental health issues?

[English]

**Mr. Dosanjh:** Mental illness is a complex issue, but people make that an excuse to not call people terrorists. I looked at Zehaf-Bibeau and Martin Couture-Rouleau. I looked at both of them,



and I had no hesitation in calling them terrorists. I did so in my blog. I did so early on without waiting for somebody else to say it. Most mentally imbalanced people don't go out and kill soldiers in uniform. They were mentally mature enough to know that they were focusing on uniformed Canadian soldiers. Why? Because they obviously self-radicalized. They looked on the Internet and all of the other messages and they followed through.

From my perspective, when you respect that ideology and follow it, if you have an element of mental imbalance it doesn't excuse you from being called a terrorist. I think we need to figure that out. Some people say, "It's the poverty; it's the mental imbalance." Well, the Air India terrorists weren't poor. The Toronto 18 weren't really impoverished. The 9/11 guys all came from Saudi families and presumably had lots of money.

I don't think that terrorism necessarily has anything to do with poverty or some mental imbalance. I think terrorism today in the world, as it was with respect to Air India, has something to do with this sense of being offended that some groups begin to feel. Some of us encourage that sense of offence by making arguments like this foolish argument some people make, which Fared Zakaria made one day, that we kill more people on the roads than in terrorism.

Well, we perhaps murder more people in Canada than terrorists have killed, other than the Air India thing. Does that mean that we shouldn't actually deal with murder? Those are nonsensical arguments when people say we murder more people than terrorists kill in Canada. What does that mean? Does it mean that some murders we shouldn't pay attention to?

They forget the essence of terrorism. The essence of terrorism is the deliberate intention to harm a certain people in a certain country in a certain part of the world because of the sense of offendedness these people feel or the sense of obligation they feel to groups like ISIS. That's what distinguishes murder from terrorism. Murder could be deliberate because there are personal problems or there are other issues. This is about a country. This is about a people. This is about institutions.

I think terrorism is apart from simple murders, which are abominable regardless. You can't minimize terrorism simply by saying that terrorism hasn't killed more people in Canada than murders do every year. That is ridiculously minimizing the issue of terrorism.

[Translation]

**Senator Dagenais:** I have two questions. What do you think is the most important measure the government could implement to prevent the radicalization of Canadians?

[English]

**Mr. Dosanjh:** Some people argue that radicalization is happening because we are in Iraq, or we were in Afghanistan. We weren't in Punjab, India, when Air India happened here. It happened from Canadian soil. So that's a recipe to say, "Let's not do anything anywhere in the world." I don't agree with that.

My sense is that we as a society, in universities, in schools, in colleges, in homes, in churches, in mosques, in temples, in whatever places we have access to in communities across this country, we need to talk to people and say that being offended doesn't give you a right to go kill people. That's one thing people need to know. Just because you disagree, just because you think I've insulted you, doesn't give you the right to come and kill me. People need to understand that basic thing. People need to understand that violence per se is wrong.

Many immigrants have come to this place from all over the world. I'm a first-generation immigrant. We all come to make better lives in this country. We're not going to make better lives taking out on Canadians some resentment that we might feel about our troops going to Iraq or Afghanistan. If we begin to do that, then there's no social solidarity in Canada. There's no social cohesion. We are not then Canadians. We are then people that came from some other place 100 years ago, 200 years ago.

France has a lot more problems than we have. Europe has more problems because immigration has been going on much longer there and is much more diverse and from the countries that are currently facing the problems in the Middle East.

I've forgotten the second question that you had.

[Translation]

**Senator Dagenais:** Here is my last question. Does Canadian law currently make it possible to adequately restrain the funding of terrorist activities, especially the use of money from charitable organizations?

[English]

**Mr. Dosanjh:** I'm not an expert on law, although I'm a lawyer. I've kind of given up. I don't look at legal provisions because it's too time-consuming. I'm a politician and a political activist. I understand from my conversations with some people, and I understand from the questions being asked by the chairman of Justice Major, that FINTRAC is not really doing a very good job of prosecuting. Hawala is the way of sending money across the boundaries, and I'm sure it still continues. It's pretty easy to send money to places across this world from Canada.

I know the Supreme Court of Canada actually ruled against forcing lawyers to report large sums of cash being stashed into their accounts by their clients. I think that's appropriate for protecting solicitor-client privilege, but that's a setback in the fight against terror.

I don't think we have enough laws or resources to actually deal with the issues.

**Senator Ngo:** Thank you, Mr. Dosanjh. I have two questions. My first question is this: In your experience, what is the best way of countering extremist behaviours and preventing radical thought from turning into violent actions?

**Mr. Dosanjh:** I'm not an expert, but my sense is that if we shy away from confronting the problem in the first place, it will get out of hand. I believe that the Air India problem got out of hand for that reason. I sincerely believe that, because where certain ideas were being preached in various institutions, nobody stood up and said, "You can't talk violence. You can't talk hate." Nobody stood up and said, "You can't do violence; doing violence is wrong," because people were angry and nobody was prepared to take that chance.

People like me who were speaking were speaking from outside of those institutions, so to speak. We were speaking from the secular space, where I reside.

I think one way of dealing with these issues is right in those institutions: schools, colleges, universities, public meetings, religious places of worship and others.

**Senator Ngo:** According to you, what are the lessons that should have been learned from the Air India tragedy?

**Mr. Dosanjh:** I think one of the lessons we have learned is for the government to respond and to respond quickly. In the Air India situation, we didn't respond. I have said some blunt things about that in the past. Most Canadians didn't care. Brown guys, some with turbans, some without turbans, were fighting each other. It didn't matter until 329 people perished.

In Tokyo there was the other disaster. Even then, our Prime Minister was fed the wrong information, so he phoned the Indian Prime Minister and said, "I'm sorry you've lost 329 people in Air India." It was Canada that lost. Most of the passengers were Canadian. In that sense, we failed to recognize that as our tragedy.

Much has been done. An inquiry has happened, and obviously memorials have been erected. Air India was the largest case of aviation terror in the history of the world until 9/11, but it didn't register with us as Canadians. It registered with people like me and Dave Hayer and others. We were living it every day.

I think Canadian politicians and the public are now much more alert, so that lesson has been learned.

The other lesson is, again, that sometimes we shy away from asking tough questions. If the community looks different, perhaps speaks a different language, if the people are recent immigrants or not-so-recent immigrants, maybe their colour is different, maybe their food is different, we have a harder time going into the community and saying, "Guys, what's going on?" whereas in the larger society it's easier. That's why I think it's important for politicians to not treat people differently.

It's important for us to be as vigilant and as caring of everyone involved in this country, and we haven't been. We actually tread very carefully, in fact too cautiously sometimes, when we're dealing with communities that we are not part of. We forget that we have a larger community called Canada, and we are all part of it.

**Senator Ngo:** I would like to raise a question, sir. In the 1980s, the word "terrorist" or the terrorist activities were not known yet, so basically maybe that's the particular reason why the government didn't consider that as terrorist activities.

**Mr. Dosanjh:** From the 1980s, everyone that I know who was worried about violence, like Air India, called Air India a terrorist incident, and we called the Air India accused "terrorists." We had no difficulty. It didn't make home in the Canadian psyche generally. That's the point I was making. It's made home now. Now we recognize Air India. Now we recognize Zehaf-Bibeau and Martin Couture-Rouleau.

**Senator Beyak:** Thank you again for your presentation. Your blog and your interview I think have opened the door for more meaningful and honest discussion, and I thank you for that. Until we get rid of political correctness, the only right we'll have left will be the right to be offended, I fear. My question is on education. I chaired the Ontario Parent Council, and you suggested all the ministers meet about the curriculum. Parents were always concerned with me about national standards from province to province. Their children went to different provinces and didn't have the same standards.

How could we start the dialogue to include a monitoring of the curriculum for the values and consistencies that you're speaking of?

**Mr. Dosanjh:** I believe that whether it's the Minister of Justice or the HRD minister calling ministers of education for a meeting and starting the dialogue, I'm sure they all recognize there's a problem. The federal government can only help. It's provincial jurisdiction. The way you help is to say, "Look, we will give you some money to develop common standards across the country." We have common problems across the country, I'm sure. I know only B.C. The oversight isn't stringent or rigorous enough, or at least it didn't used to be. I'm sure it's the same all over the country, because we have treated religious institutions with the respect they deserve, including the faith-based schools. But we know there is a problem, or there could be a problem. In the U.K. there has been a problem. With the help of the chair's office, I was given a case in the U.K. where they have done some investigations into the curriculum. They found that what the students were being taught was absolutely inappropriate, with huge emphasis on sharia and all the other things. Therefore, I believe it's important that we have some standards across the country.

**The Chair:** Colleagues, perhaps I could wade into this a bit. I have a few questions for our guest. First of all, your comments on FINTRAC, just to correct the record. I think FINTRAC is doing their job. They have identified 600 possible cases over a very brief period of time. I think the situation goes further and beyond that of whether or not it's being taken seriously by the other law enforcement agencies for the purposes of proceeding with court proceedings.

**Mr. Dosanjh:** Actually, that's what I meant. They're not being prosecuted. Yes, sorry.

**The Chair:** I just wanted to come to their defence, if I could.

I want to go back into an area that you have obviously lived your life in, and others have as well the next two witnesses have also and that is the question of intimidation and the fear of violence, the fear of living in your own community if you don't abide by "the wishes of the majority," if you will, within that community. I think this goes back to the open and public discussion and conversation that we should be having.

The question I have goes further, and it goes to the media as well. The media, we know, in some cases and it's been reported, and I believe it to be true have felt intimidated, in part through the companies they work for that undergo lawsuits, and significant lawsuits that are brought forward by organizations that have the financial wherewithal to take you through the court proceedings. Subsequently, that can be a real, significant deterrent to an individual or a small news media company to continue to pursue a story, knowing that the repercussions are such that they could wind up in court and meeting serious financial obligations; and secondly, of course, all that goes with it emotionally.

Have you ever given any thought to the possibility that in the areas of terrorism, possible terrorism activities, where lawsuits are undertaken, the law is being utilized in a reverse onus kind of situation, that maybe government should be looking at, in conjunction with maybe the private

sector, an insurance type of plan so that those can continue to do their job without being in fear of financial disaster if they continue down the road that they're going because of the consequences of court cases?

**Mr. Dosanjh:** If you can set up an affordable insurance scheme, I'd be all for it. You may not know that I'm currently being sued by an organization, along with Terry Milewski of CBC, for \$135 million, I believe. I would be worried if I had it.

**The Chair:** That's another way of looking at it.

**Mr. Dosanjh:** I've also been sued criminally, not prosecuted, but they started the proceedings back in India several years ago because of remarks I had made in 2008 or 2010 I don't remember on the front page of *The Globe*. They couldn't do anything here, but Indian laws are still archaic. Britain has moved on, but India still has a British criminal code from that era. They started criminal libel proceedings. They haven't gone anywhere, but obviously that's a worry for my family. Then they also interfered with a documentary that was being done on my life and scared away the documentary producer and maker.

Ultimately, individuals like myself and journalists, more importantly have an obligation to write and speak and to show. It would be wonderful if there was an affordable scheme that we could sort of buy into and say, "All comers, now you can sue me."

**The Chair:** I'd like to go back to this subject. I don't know what all the ideas would be, but it would seem to me that we cannot afford to have the media, in particular, intimidated because of perhaps the financial consequences, and just as important within the communities that we speak of, because that's another significant reason why a family member says, "Look, I'm not going to speak out on this," unlike yourself, "and put myself and my family in jeopardy, both financially and otherwise." I appreciate your comments on that.

I want to move to another area, and you touched on it in your comments. You talked about the universities. You talked about the schools. You talked about the mosques. You talked about the temples. In our case, in respect to the terrorist threat that we face, the Islamists, the militancy of it all, the violence of it all, and yet we see and we hear of these guest speakers coming in from outside of the country, advocating the various things that we say we're opposed to. Yet we're bringing them into the country.

Do you have any thoughts of what perhaps government should or could do in respect of negating that type of influence coming into our country, knowing what they're actually trying to do?

**Mr. Dosanjh:** If someone is going to come into this country and preach hate and the only way you can tell that is whether or not that person has engaged in preaching hate before I'd be happy to simply ban it. I think governments have the power to simply say, "You don't get a visa to come into this country. You don't have an automatic right. We're a free and open society, but not for the preaching of hate."

I think government has the tools at its disposal. Government just has to be more proactive.

Let me give you an example. If you get someone like Anjum Chaudhri, who speaks in Britain on the Internet and places, he's a vile, hateful preacher, as far as I'm concerned. If someone like that wants to speak to a group of people via Skype, in a public place or come here and speak, I would say governments should seriously consider reviewing what he has done, what he's been doing and whether or not to allow him.

**The Chair:** Just to follow up on that, we've had in previous hearings here, as you mentioned in your opening remarks, a number of representatives from the Muslim community and from the mosques. They indicated some radicalization was taking place in some mosques. They also indicated that some of the imams who were coming here were quite radical in their views. There was some discussion, although it didn't go on in length, around the question of whether or not we should, in Canada, have our Muslim community, in this case, have their own university for the purposes of teaching their people to conduct their faith as imams, and have it in Canada as opposed to relying on these individuals coming from outside the country.

What are your thoughts on that?

**Mr. Dosanjh:** My view is that if you are someone coming from outside of the country who isn't going to teach hate or values that are totally at variance with Canadian values, you can't just erect a wall around the borders and say no one is allowed.

But I would prefer if Canadians not just Muslim Canadians but Canadians of other faiths had a common university where they trained Canadian preachers for different faiths and Canadian priests, or imams, or whatever you call them, for different faiths. That would be absolutely wonderful, because those teachings would be done, and faiths are always open to interpretation. If I am living in a remote country, remote, rural area of some place that hasn't even seen electricity let alone the Internet, I am going to be teaching different values. My interpretation of the faith is going to be different. My interpretation of the same faith sitting in Canada is going to be different because I'm going to look at the world, and the world has moved on. I'm going to want to move on as well and change, in keeping with the world around me.

Therefore, I think that is so important. It would be so wonderful to have a university or a school, college, just dedicated to training preachers, priests or imams of different faiths in one place.

**The Chair:** Colleagues, we've come to the end of our scheduled time here. I want to thank Ujjal Dosanjh for coming.

One of the reasons I was so pleased that you accepted was because of your experience at the provincial level, as a minister, MLA and premier, in respect to the responsibility that the provinces have over the situation as opposed to the federal government. We sometimes lose sight of that when we're here in Ottawa and we think Ottawa is going to solve all of our problems, which is not necessarily the case.

Mr. Premier, thank you for coming. We appreciate it very much.

Joining us for our final panel are two individuals who have witnessed radicalism and fundamentalism first-hand. Mr. Dave Hayer was a member of the legislative assembly for 12 years, representing the riding of Surrey-Tynehead, British Columbia. During his time, he served as B.C.'s parliamentary secretary for multiculturalism and immigration from 2005 to 2011.

Mr. Hayer is the son of assassinated journalist Tara Singh Hayer, who was the editor and publisher of the *Indo-Canadian Times* newspaper and a police witness in the Air India case against Ajaib Singh Bagri before he was assassinated in 1998.

Mr. Hayer received various awards, including the Queen's Golden Jubilee medal. He was awarded a Diamond Jubilee medal by the Canadian Coalition Against Terror for "his contribution to the advancement of sound public policy on terrorism issues in Canada." And he received the Pravasi Bharatiya Samman award from the Government of India "for his achievements in government for having been a strong voice in the Canadian community against terrorism and violence."

Sitting next to Mr. Hayer is Mr. Balraj Deol. Mr. Deol is the editor of *Khabarnama*, a Punjabi weekly newspaper published in Toronto. Mr. Deol has been a frequent commentator about intercommunal violence within the Canadian Sikh community. In the early 1980s, Mr. Deol was attacked at home by Sikh extremists for his views. He is a critic of the Sikh genocide petition that was introduced to the House of Commons in 2010, and he has spoken out publicly against the separatist Khalistan movement, which seeks an independent homeland for Sikhs in Punjab. He's the director of the North York Sikh Temple and a member of the National Council of Indo Canadians.

Mr. Deol and Mr. Hayer, welcome to the committee.

Before I ask you to begin your statements, I would like to say that we admire your courage to speak out against radicalism and fundamentalism, which threatens Canadians' safety and security, even at great risk to yourself and your families, and especially after what you've each personally experienced in your lives here in Canada. Canadians thank you for what you're doing to make our country a better place to live.

I understand you each have an opening statement. Please begin, Mr. Hayer.

**Dave Hayer, as an individual:** Thank you very much for giving me the opportunity to address the Senate committee on this important issue.

First, I want to say I agree with the statements made by Mr. Ujjal Dosanjh. I think it was a good statement, very factual. Most Canadians will agree with it.

**The Chair:** Can I interrupt, Mr. Hayer? We do have an English-only copy of the statement. Do I have permission to distribute it? Agreed?

Agreed. Thank you.

I'm sorry, Mr. Hayer. Go ahead.

**Mr. Hayer:** Thank you very much for giving me the opportunity and inviting me to speak and address this Senate committee on this important issue.

I agree with almost all the statements made by Justice John Major and Ujjal Dosanjh before me, and I listened to their testimony before this.

In preparation for my appearance today, I have spoken with many of the victims' families who have suffered the devastating impact of terrorism in Canada first-hand as a result of the June 23, 1985, Air India bombing: Bal Gupta, a Toronto engineer, lost his wife, Ramwati. Perviz Madon lost her husband, Sam, who was the father of their two children. Mandip Grewal lost his father, Daljit Grewal. Major Sidhu lost his sister Sukhwinder, her son Kuldip, and her daughter Parminder. Preeti Dhaliwal lost her aunt, nephew and niece. Surjit Kalsi lost his cousin. Jassa Grewal lost his friends.

I also spoke with Justice Major, the commissioner of the Air India inquiry, before coming over here today.

The Air India tragedy was a result of a terrorist conspiracy conceived and executed on Canadian soil by criminals who used Canada as way to solve their issues with India.

The terrorist bombings, including the Narita International Airport bombing, killed a total of 331 innocent people. Most of the victims were Canadian citizens, 286 of them. Others came from India, the U.S.A. and the U.K. Eighty-six victims were children under the age of 12. Twenty-nine families, husbands, wives and all children, were all killed. Thirty-two relatives lost their spouses and all their children; seven parents lost all their children. And two 10-year-old children lost their mom and dad.

The pain felt by these families has not diminished over the last 30 years. If anything, there is a sense of frustration that the main suspects behind this act of terrorism have never been brought to justice.

Only one man, Inderjit Singh Reyat, was ever convicted. He is currently serving a perjury sentence for lying at the Air India bombing trial of the two co-accused who were later acquitted. The failure and mistakes made by the various police departments and the lack of communication between those groups severely compromised the case. Due to those failures, society is now left with terrorists who roam freely on the streets with the ability to further intimidate the public. While the current focus in Canada is on Islamist terrorists, it is often forgotten that Canada's deadliest act of terrorism was the Air India bombing that killed 331 innocent people. Journalists like Kim Bolan of the *Vancouver Sun* and Terry Milewski of the CBC have also received death threats simply for doing their job and investigating the biggest crime in Canadian history. Often they are sued just to shut them down so they don't report on the stories.

My late journalist father, Tara Singh Hayer, exposed those behind the Air India bombing in his *Indo-Canadian Times* Punjabi weekly newspaper. He was shot and paralyzed in 1988 and assassinated in 1998 before he could testify at the Air India trial. No one has been charged for his murder, much to the frustration of our family.

My father regularly condemned the violence of Babbar Khalsa, the International Sikh Youth Federation, and other militant groups operating in Canada and India. He exposed those involved with the Air India bombing. For his work, he was routinely threatened in person, on unlicensed Punjabi radio stations, in newspapers of rivals who supported the creation of Khalistan. On the morning of January 26, 1986, India's Republic Day, my brother-in-law arrived at the newspaper office in Surrey to find a McDonald's bag in front of the office door. Inside, wrapped in a Montreal newspaper, were five sticks of dynamite, a blasting cap, batteries, and a Mickey Mouse clock. The RCMP explosive disposal unit was called to disarm the bomb. Fortunately, no one was hurt. Years later, a drug trafficker named Jean Gingras from Montreal admitted he had been hired by

the Babbar Khalsa, a terrorist group, to leave the bomb there. My dad was not deterred. He continued writing against the Air India bombing suspects in his newspaper.

On August 26, 1988, a 17-year-old arrived at the *Indo-Canadian Times* office, asked for my dad, then shot him four times. The attacker was caught and convicted. The shooter admitted that he had met with Ajaib Singh Bagri of the Babbar Khalsa before the shooting. The gun used to shoot my dad on August 26, 1988, was traced to a California man who had also supplied a gun owned by him to Air India bombing terrorist Inderjit Singh Reyat, which RCMP found in Reyat's home in November 1985.

The same day Ajaib Singh Bagri was charged in the Air India bombing, he was also charged with attempted murder for being behind the 1988 shooting of my father, Tara Singh Hayer. But that charge was later dropped. Further, he was also acquitted of the Air India bombing.

When my father was assassinated on November 18, 1998, the police immediately suspected that it was again linked to those behind the Air India bombing. An exhaustive investigation identified young gangsters as the suspect who had been hired by someone in the Babbar Khalsa terrorist organization. Again, despite the fact that the motive and suspects were identified, no charges were ever laid.

There has been a pattern of failed investigations and terrorist suspects getting away with murder right here in Canada. That in itself inspires others to commit terrorist acts and have the sense that the law is soft in Canada on crime, that the punishment, if any, is nothing to worry about.

Ripudaman Malik took the B.C. government to court in a bid to avoid paying back a multi-million-dollar loan for his legal fees for the Air India bombing trial. He claimed he had been found innocent of the Air India bombing crime. The same judge who acquitted him of the Air India bombing trial said in July 2012: "The acquittal of the applicant was just that. It was not a declaration of innocence."

For too long our Canadian Charter of Rights has been used by criminals to get away with murder. When judges hand down the judgments, they must equally consider our Charter of Rights to protect the rights of victims, the rights of victims' families and the rights of all the law-abiding Canadians. When considering disclosure of information, this includes disclosure of evidence, sentencing or punishment given to the criminals or accused or when evidence is disallowed in any case.

The new Victims Bill of Rights is a significant step forward for victims of crime in Canada, but it needs to go even further to strengthen the rights of the victims. We need to make sure that the justice system considers that the rights of victims are at least equal to the rights of the criminal or the accused.

My father was going to be a witness at the Air India bombing trial. He had provided an affidavit of his evidence to the RCMP. He was assassinated so that he could not testify at the trial, and therefore the evidence he had provided to the police was not allowed to be considered at the trial. Under our current justice system, if criminals kill the witness of the Crown, then all the evidence he or she provides is inadmissible in the court. We need to change that. We must change it. If a witness is killed or hurt, then our justice system should allow all the evidence of the witness to be considered in the trial. In effect, this action will take away the incentive for criminals or their associates to kill or hurt witnesses. I have talked about this to many elected officials. They seem to support it, and most of the community in general supports it.

Thank you very much for listening to me and thank you for allowing me to share some of my thoughts.

**The Chair:** Thank you very much, Mr. Hayer. Mr. Deol.

**Balraj Deol, as an individual:** Good afternoon, honourable chair and committee members.

As mentioned by the chair, I was attacked barely 40 days after the bombing of Air India, on August 3, 1985, in the underground parking lot of the building where I live. They left me for dead. I survived. I was lucky. I was hospitalized for two weeks and had a number of surgeries.

When released from the hospital, I was unable to look after myself, so a friend took me to his house for care. Within a week, I got a call from the RCMP, and the officer wanted to see me. I

invited him to my friend's house where I was staying at the time. I felt the RCMP was worried about my well-being.

The next day, two officers showed up. I was shocked when one of them started questioning me as if I was a suspect and under investigation. He wanted to know what I knew about the Air India bombing. I told him I knew nothing more than what was public knowledge. He insisted that I knew more because I was close to the local Indian mission. The meeting did not last very long, and I realized how misguided the investigation was.

Back then, Sikh temples and temple funds were used to support the separatist movement. Nothing has changed since. Temples and funds are still being used for the same purpose. Now there are many more and bigger temples. Communities and donations have grown, so there are more funds to misuse.

The Khalistani separatist movement became weak after 1997 but started picking up around 2005 as youth started trickling in. With the invention of social media, the dead terrorists like Talwinder Singh Parmar are being rehabilitated as heroes. Canadian-born youth are becoming active in this movement, and youth know very little about the reality of Indian history and social relations. When someone says "jihad," most of us are alarmed because we know what it means. Two days ago, on February 14, Sikh youth groups held an event named *Jhooj*, which literally means "act of jihad." This event was organized by the Sikh student association of Turner Fenton Secondary School in Brampton, with the cooperation of other separatist groups. The main topic was political the creation of Khalistan in India.

I'm not suggesting that the scale of this jihad is the same, but the concept is the same: use of religion to divide people to create a theocratic state of Khalistan and use Canadian soil for this end. Sikh youth are being radicalized by such events. A section of the Punjabi media is promoting militancy and fundamentalism, which may increase the prospect of violence. I will give one recent Canadian example with background in India.

In 2008, a person named Ajit Singh Poohla was burned alive by two terrorist prisoners inside Amritsar Central Jail in Punjab. The victim and the attackers were held in the same jail. They used a petrol and diesel mixture smuggled into the jail for the same purpose. Poohla was considered a bad man by many. Both attackers were arrested for murder but acquitted after the trial due to lack of evidence as, under threats by militants, the witnesses backed out.

On December 11, 2014, one of the murderers, by the name of Navtej Singh Gugu, was interviewed via phone on a Canadian-Punjabi radio show on CJMR 1320 radio. With pride, Gugu gave step-by-step details of how he planned and executed this murder. He also admitted to another political murder, for which he was never charged. The host praised Gugu for this act of courage again and again throughout the radio show, which lasted for more than an hour. The host took on-air calls, and the like-minded callers also praised Gugu for burning this person alive in the jail.

To put it on record, I filed a written complaint with the radio station on January 5, 2015, and sent copies to the CRTC and the Minister of Public Safety. To date there is no answer.

As we heard, the editor of *Indo-Canadian Times*, Tara Singh Hayer, was attacked twice and murdered. The attack on the freedom of the press continues. In the English media it is normal to say Babbar Khalsa terrorist Talwinder Singh Parmar or Air India bomb maker Inderjit Singh Reyat. When we report in this manner there are objections, harassment and even threats. Pro-militant Punjabi media call them *Bhai*. *Bhai* means respected elder brother or even priestly elder brother. This is the word they are using for the terrorists.

Some of us are standing up and facing such threats every day. Apart from threatening calls, many times fresh newspapers disappear from the newspaper boxes. Garbage is dumped on top of the fresh newspapers; boxes are damaged or displaced out of the public sight. Newspaper boxes disappear from the shopping plazas or the temples. During last summer, black motor oil was poured into the newspaper boxes and hundreds of copies were destroyed. These are the ways they harass us every time.

Lastly, I want to touch on the role of the political leaders and political parties who control or promote such elements. On June 23, 2010, Prime Minister Harper addressed the gathering at the



Air India memorial in Toronto. The Prime Minister called upon political leaders "to carefully and systematically marginalize those extremists who seek to import the battles of India's past here and then to export them back to" India. Sadly, it's not happening. Here is one recent example. A former terrorist went on a hunger strike in India at the end of last year to seek unconditional release of seven Khalistani terrorists serving life terms, claiming that the life term ends after 14 years of jail time served. This militant went on a hunger strike to get their release, ignoring the ruling of the Indian Supreme Court, which stated that life term means life term unless commuted or given conditional early parole.

Sympathetic groups started supporting the campaign here in Canada, and Tory MP Parm Gill addressed the first meeting of this campaign and promised to take their concern to every senator and MP of his party. He even endorsed the notion that Sikhs are not getting justice in India. A YouTube video of his speech is available.

Without knowing the details of this matter, NDP MP Wayne Marston issued a written statement on December 20, 2014, to support the demands of this former militant who was on a hunger strike. If this was not enough, the Minister of State for Multiculturalism, the Honourable Tim Uppal, telephoned this hunger striker in India and offered his support. A YouTube video of the minister is available where he acknowledged making such a supporting call.

On January 7 of this year, the mayor of Brampton, Ms. Linda Jaffrey, joined a black flag rally to support the hunger striker without fully knowing whose release was being demanded and on what legal grounds.

I feel there is a clear lack of vision and commitment to deal with the threat of radicalization, although we have started moving in the right direction. I'm thankful to you for giving me this opportunity.

**Senator White:** Thank you both for being here today. My first question is going to be for Mr. Deol, if I may.

I think we've identified the financing of terrorist groups as a real threat, and I know you've been quoted as speaking specifically about fundraising. I'm going to ask what you would recommend the government should do, whether it's schools or religious places of worship that have the ability to either get funded from the government or actually have tax deductions as a result, what you would like to see us do to try and cut down on their ability to raise funds for terrorism.

**Mr. Deol:** Actually, the funds in cash freely flow into the temples. If the temple management wants to misuse them, it is so easy when you open the box and you count \$20,000 or \$30,000 every week, depending upon the size of the temple, and you slip away \$10,000. Nobody knows. You deposit what you deposit. If you keep some cash on the side, nobody knows. So cash is a bit of a problem.

It is up to the temple management to come clean on this one. They can request the congregation to pay by cheque or something, or if the cash is counted, then it should be counted by people outside of the management. People from the congregation should count it so that there are witnesses as to how much cash there was.

On the charity front, I have one comment to add. I believe charitable status was revoked for one of the temples in Surrey, B.C., but the temple operated without it for a long time. There were no repercussions. Similar things have happened in Toronto, and usually they have politicians to support them, so when revoked, their charity status is reinstated quickly.

**Senator White:** I appreciate that, because you talk about legitimacy in part of that response, at least from the leadership. In your case, you refer to temples, but it could be almost any religious group.

When we look at legitimacy of leadership in schools or in religious institutions, it's challenging for us in Canada to figure out how you test that or measure it. I don't want to say regulate it, but maybe even regulate it. Can you think of any ways in which we in this country today could start regulating the legitimacy of leaders in these schools or religious institutions?

**Mr. Deol:** I feel it's pretty hard to police any community. A community must realize and become responsible for itself in order to keep things under control and in the right direction, but government can do a number of things.

As I pointed out, if our politicians go out and support militant or terrorist activities the way some of the members of the two parties have done in this case, to seek the release of the terrorists held in Indian jails, then it provides legitimacy, and the community at large feels it's not only A, B, C, D, two or three temples talking about it, but "Look, even the Minister of State for Multiculturalism is behind it." "A certain parliamentary secretary is behind it." "NDP's human rights critic is saying, 'Oh, it is okay if the rights of somebody are being violated in another country.'"

When we provide this legitimacy, then it starts building up. We must start somewhere, and I suggest that we should start from the top, that our political leadership should show responsibility, all three or four parties, whatever we have at the federal level, and the rest of them at the provincial level, and even the cities should show a responsibility that they are not going to support anything that has anything to do with terrorism, even a suspicion of terrorism.

Secondly, I feel our education system is somewhere we should start, in the schools. We should start teaching national integration, which we seriously lack.

The example I gave you about that jihad, or *Jhooj* in Punjabi, this is the flier. The students at the secondary level are doing this. If in secondary schools we have Sikh associations, Hindu associations, Punjabi associations or some other linguistic association of students, then it is anti-integration already at that level. We must have programs where we promote Canadian identity at a very early age in schools.

**Senator White:** Thank you for that. We have lists in this country of people who can't raise funds for terrorist means. In fact, groups are listed and less often delisted. Is there a way of listing without that same level, in other words, on or off, a watch list of organizations that we are concerned about that are crossing that line, whether it's educating young people in a way that's harmful to our Canadian identity or harmful to people's ability to live? Is there a way of doing that without going all the way to listing an organization? That's a difficult test.

The test you're talking about is a little more subtle. It's often propagating hatred or anger. It's not to the point that I think we list certain organizations in this country.

The question is to either one of you.

**Mr. Hayer:** What these organizations do is start new ones. Many of them, when they start new organizations, it seems like they're talking about human rights. When they're talking about human rights, they're actually talking about the human rights of the terrorists, the killers, not the human rights of, say, the 331 victims of the Air India bombing. Sometimes they use these causes when they talk about supporting these terrorists so that they can raise more money. You shut down one, and they start another one.

I think what you have to do is work with the provinces on non-profit societies, not just charitable societies. Anyone who promotes hate and violence, those tendencies, should not be allowed to serve on those boards.

The second thing is there must be strict controls saying they must report 100 per cent of the cash they receive and where it goes or there should be severe punishment. If they think there are teeth in those types of legislation and laws many people say maybe we don't need to do it, but if there are no teeth, they will just ignore it. They think the laws in Canada are so soft that you can go and do anything.

After the Air India bombing, when Mr. Malik and Mr. Bagri went free, people said, "Gee, in Canada you can kill people. Nobody gets charged," even though CSIS and the RCMP were following these people. There was a witness who was at the school who testified. She was not believed by the judge. On the other hand, witnesses for the accused were drug dealers, gangsters, and they were believed by the judge, saying they were more credible than the witness who went through a lie-detector test before she became a witness and went into the Witness Protection Program for Air India.

On the other hand, another judge accepted the fact that because these guys were criminals and gangsters who testified for the accused, they were not believed as credible witnesses in another case, but in the Air India case they were believed.

I think you have to have strong laws when people have a bad character, especially those who teach hate and violence, those types of issues, that they can't serve on the board. Also, every

single non-profit society or charitable organization, if they misuse cash funds, there must be severe punishment for that. Then you may have some positive impact to stop them.

Most people who donate money think it's going for a good cause. It is a few board members, a small group of people, who misuse it and cause a lot of damage not just to Canadian society but to all humanity because of some of the issues they deal with. It's not just against one religion. It is against ordinary human beings. When the terrorists kill, they don't look at whether you are Sikh, Muslim, Christian or Jewish. They just blow up the bomb, and innocent people are killed.

**The Chair:** Mr. Deol, do you have anything to add to that?

**Mr. Deol:** When it comes to listing and delisting, I think the government is doing it all the time. But I feel and I agree with Mr. Hayer on this that they have several fronts. Babbar Khalsa is no longer Babbar Khalsa anymore when they operate publicly. They have several fronts they are working with, such as student organizations, activist organizations, so-called human rights organizations. So it would be pretty hard to police them or bring them to book. But if some people are found breaking laws and they are punished, that will set the record straight and it will send the message. That is where I think our justice system and courts have a role to play.

**Mr. Hayer:** If I can add something more there. When politicians from all different political parties, all different backgrounds, all three levels of government, go to the events of the charities that directly or indirectly support terrorism, or promote hate and violence, in that time it gives legitimacy to the charity. The general public thinks that if these elected people especially the government are going there, then what they're doing is nothing wrong, "so I might as well support it." The ones who don't agree with the charity say, "Well, you can't trust the government anyway." The Prime Minister has very clearly spoken against all terrorist groups; I haven't heard of any other Prime Minister ever since I've been in Canada, since 1972 who has spoken so clearly against terrorism and anybody who promotes hate and violence. But sadly enough, it doesn't filter down to the people. Sometimes, some of the people you might even have influence over because you think they belong to the same party. If they belong to a different party, you can't have influence over them. It's not just one political party. I have seen since the 1980s, when I got involved in politics because my dad was in the newspaper business, from all political parties, do they attend the events? As Mr. Dosanjh mentioned in his speech, too, he has seen it personally. I have seen it, especially in British Columbia. These people just close their eyes and minds. If you are from the same community, maybe you understand a lot more. If you are not from the same culture, the same community, and you don't speak the language, maybe then you can justify, "I don't understand it." Some of the other people from the same communities, religion and culture, they give legitimacy to the organization. So people keep on donating. They think that if the government thinks it okay, the politicians think it's okay, then they can't be doing anything wrong. Plus, they have no power to stop it anyway, because in some of the Third World countries, Asian countries, the politicians have a lot of power.

Here I tell them, "We're just like you: ordinary people. We don't have any extra influence." But people don't believe it because of where they come from. In those countries, if you're an MLA or an MP, you have a lot of power.

[Translation]

**Senator Dagenais:** My question is for Mr. Hayer. You attended the Vaisakhi Parade in 2007, in Surrey, I think, and you criticized that event. A number of Sikh extremists were hailed on that occasion. You have since refused to attend the parade, which celebrates the Sikh religion. At the time, you said that venerating terrorism was not one of your cultural practices. In 2010, you were threatened and warned against participating in the Vaisakhi Parade.

Do you see those types of events as well as photos of Sikh extremists viewed as martyrs being posted on the walls of Sikh temples as tools for promoting terrorism? Do you think that the promotion of terrorism should be punishable by law? If so, why?

[English]

**Mr. Hayer:** I believe that when you glorify terrorists in public places, it is wrong. It must be punished by law. Many Canadians I talked to before I came over here thought maybe the new law covers it. I talked to the RCMP. They said we have freedom of press, freedom of speech.

Therefore, if there is a terrorist who has killed 331 innocent people, 286 Canadians, if you want to glorify his picture in a Sikh temple, you can't stop it.

I was shocked. Most victims from the Air India bombing, when I talked to them and explained to them that it's actually not against the law, they were shocked, because they thought our laws were designed especially the current ones to stop that.

We must pass a law that stops the glorification of criminal people. Pictures of terrorists, who are murderers, shouldn't be allowed to be used in a public place.

I talk to many people who go to the Vaisakhi Parade. Thousands of people go. They go there because it's a cultural and religious event. The people there believe it should be the politicians, the governments, that have the power to change those laws to make sure no pictures of the terrorists or murderers or assassins are shown as heroes.

Sadly enough, in Surrey, one of the institutions is showing the picture of Talwinder Singh Parmar, who was killed in India, who was the mastermind behind the Air India bombing. It was stated in the Air India inquiry, as well as the ruling of the court case where two of the accused were not convicted, actually. They talk about saying those people who were publicly known the government knows about it they should not be allowed to be shown heroes. They said, "If the public cannot trust the politicians, who can they trust?" They say it's the responsibility of the government to make sure it's done.

But most politicians, when they go in there, they say they just want to meet with the community. They just want to meet with all those thousands of people, sometimes up to hundreds of thousands or more, who are there. On the other hand, when you go there, you also give legitimacy to these bad organizations that are doing wrong things.

So I think the politicians from all the parties have to go in there. Sadly enough, political parties from all different backgrounds have their tents there, even recently. When I went recently, I was asked by one of the political parties, "Can you attend?" They were showing pictures, even though I was told, "You will not have those pictures of the terrorists shown as heroes."

The police are basically not doing enough, because they think the Charter of Rights allows those people to do it. Most Canadians I talk to think we should change the rules to make sure that criminals have the Charter of Rights, but the victims of those people also have the Charter of Rights. When you consider the victims of those terrorists, you can say, "I'm sorry; you will not be allowed the picture because you're affecting the Charter rights of the victims, unless you took the picture of the terrorists and maybe underneath you have pictures of the 331 victims that they murdered, killed." Then maybe you can make it fair for both sides, not just have one side. Not just respect the Charter rights of the criminals; you must respect the Charter rights of the victims and ordinary, law-abiding persons.

**Senator Stewart Olsen:** Thank you for being here today. It's very concerning to hear from you that investigative reporters, activists who speak out, are threatened and intimidated. We're wondering what can be done to assist in that, and if either of you would have any ideas of how you would deal with that to make sure that the safety of these people who are just trying to do their jobs is protected.

**Mr. Deol:** There are two sides of this, the media coverage, when I look at my own community. There is a section of Punjabi media which promotes militancy and terrorism, although they will coat it with saying they are talking about human rights. Then there is media which will expose terrorist designs and report on it, and would like to report it more freely.

I feel that in order to give relief to the ones who are ready to report on terrorism and oppose it, something has to be done to rein in those who are promoting it, at first. So once the media which is promoting such acts sets the bar, then those supporters of militancy want others to match it. So they will say, "Hey, Mr. Hayer can do it; why, Mr. Deol, you can't do it?" So there has to be something to rein in that media which is actually doing negative things.

Here comes one more aspect of it. There are a number of radio channels that are American. They don't come under the CRTC. In Toronto there is one such channel, 770 AM, WTOR radio. It is owned by Americans, but it's operating in Canada. The studio is there, the business is there, the advertisers are there and the producers are there. But they don't fear anybody because the CRTC

can't do anything to them. In Vancouver there's the same situation, where I heard that a few months back the CRTC tried to rein them in. Somebody has an appeal against the CRTC, so we will see what the courts will do.

This is one part of the media which has to be reined in, but then on the part which is being harassed by the terrorists or their sympathizers, some sort of precedent must be set. If one or two persons are arrested for such a threat and are convicted for this, others will learn the lesson. I can give you one example that once somebody called me from his own phone and threatened me. The phone was theirs, so I went to the police. The police followed it up, strictly followed it up. They did not tell me for a couple of months, but then they told me that they found the person. He came to the police station when he was summoned, and he was told very strictly, and no harm will be done to you.

After that, for a long time there were no calls, because I feel that those guys who threatened me, they also are kind of interlinked. If somebody is convicted for such a threat, I think it will send a strong message.

**Mr. Hayer:** I think the other thing I can add to it, when radio stations or TV stations from outside are broadcasting in, say, Canada, and most of the customers are from here and they advertise here, then the CRTC has to have enough power, with teeth, to stop those radio stations if they don't comply with our regulations, our standards, especially the moral and ethical ones where public safety is involved and you're talking about terrorism or these types of issues.

I think the United States and Canada mostly have the same types of rules, but sometimes the United States says, "It's not our problem," because the signal is going to Canada. Canada says, "It's not our problem," because the signal is coming from the United States, sometimes even though the office is in Canada.

You must say that if most of the revenue you are generating from advertising is from Canada, you have to go by the same rules; otherwise there must be serious fines to stop them.

The second thing is there has to be a way to find this so the journalists can really report. I know from even mainstream media, large media outfits, they think twice about covering something. If they are going to be sued so many times, they'll all go into financial crisis, and they can't afford to report on them. So they tell their reporters, "Please don't cover it," or they don't give them the authority to cover a story when they think it should be covered.

This is something we have to look at, because in the interests of Canada, our national security, we must have freedom and democracy. Many people paid with their lives, fighting in the First World War, Second World War, other wars, to have these powers and democracy. If we can't exercise it now because a small group of people can stop our freedoms, using our own rules where they sue you, even if they might not win, but they can raise more money to fight the case until the company has put so much money in that they just stop and say, "Let's not cover it anymore."

Other parties, some of the groups, maybe small newspapers, they can't really afford to sue them because they don't have the money. The Senate talked about how much you raised the issue, maybe some sort of insurance plan where people can buy into it, especially to have some sort of coverage, some protection. Otherwise all you're going to say is those guys who promote hate and violence, terrorism, they're going to win because they can shut you down with money by suing you, threatening you or intimidating you.

If we don't want that, we have to work together to find solutions so we can have democracy alive for the long term in Canada for us to live the type of lifestyle we have, the values we believe in. So many people paid dearly for us to have this democracy. People say it's the best country in the world. Sadly, a small number of people, a very small minority from different religions, different groups, different ethnic backgrounds, are causing problems that could turn this country from the best country in the world to one of the worst countries in the world.

**Senator Stewart Olsen:** If you had to tell me what the one big lesson that should have been learned from the Air India disaster was, what would you say?

**Mr. Deol:** To me, as I mentioned in my opening statement, what happened to me when the RCMP officer visited me, I felt the whole investigation was misdirected. Our law enforcement

agencies committed a very serious mistake by not following the leads and instead going after rumours. One of the rumours was that the Government of India had arranged this bombing. That was the reason the RCMP officer who came to me was questioning me as if I were a suspect. It was misdirected. That was the biggest mistake, in my opinion.

**Senator Stewart Olsen:** You're suggesting, then, that our investigative procedures should be improved?

**Mr. Deol:** Not only should our investigative procedures be improved, but our investigation agencies should also have some sort of intuition that if something has happened, where it is coming from. You don't go after something that does not exist, where there are no leads, there are no clues. But there is something which leads you toward the culprits. You should follow that to the fullest, not half-heartedly.

**Senator Stewart Olsen:** Thank you. Mr. Hayer?

**Mr. Hayer:** I think what we have to learn from the Air India bombing, after almost 30 years, is that it was actually a Canadian tragedy, our tragedy. Mostly Canadians died there. Like it was said before, the Prime Minister at that time thought it was India's tragedy, with their people killed. The Air India bomb, if it had gone off earlier, would have blown up Canadian Pacific Air Lines that left from Vancouver to Toronto. It would have blown up CP Air that went from Vancouver to Tokyo. Then we would consider it our problem, and we would not have had the police and CSIS working the way they worked. Many people believed that because of those people's colour and different religion they looked different not enough was done.

I have talked to many Americans from the FBI. I remember there was one person thrown off a ship he was of Jewish background by Egypt. Americans went in by plane, they found the terrorists, they brought the plane down, charged him, and he was convicted.

In this case, there were a lot of Americans killed, and they haven't even done anything because they know who the people are. I was told they were looking at everything, all the evidence, but then 9/11 happened. Then all the focus from Air India went away. They focused on other crimes. I think terrorism is something that affects all countries. We need to work together. The lesson we have to learn is that all the police must work together. You can't sort of say it's somebody else's problem, so we don't have to do it.

The other part is that before Air India, many politicians were going and giving legitimacy to all these groups who were promoting hate and violence, even terrorist activity. People sort of thought maybe they can get away with it because they had politicians onside, even though the politicians didn't have the power to allow the criminals to get away with it.

Their friends think the terrorists can get away with it, and they say we have politicians on our side so we can get away with anything.

Basically in Air India that's exactly what people feel. Most people think they got away with everything, even though the plot was hatched right here. It was financed right here in Canada. The people who put the bomb were right here, and these people run institutions and businesses. They walk free; nothing has happened. They still have a lot of power, and our laws are so there's nothing we can do. Until we change that, I think we have not learned the lesson.

I have been told by many people that if the jihadists knew how to do the PR work, nobody would be talking today about the people who were involved in the Air India bombing or Khalistan. They heard of all the politicians going in there; they will have the same type of influence that the people who were involved in the Air India bombing had, or these other terrorist groups have, and the ones who promote Khalistan or another part.

Sadly enough, I think they might be right. But I'm happy to see that the Senate has finally enough courage to stand up and do the right thing. That is to pass the legislation, pass the laws that will protect all Canadians, regardless of their religion, regardless of their culture, regardless of whether they were born here or have been here 10,000 years, 400 years, 100 years or just came yesterday. We must protect them. It is our responsibility.

We have to protect all human beings, not just in Canada but in other parts of the world, and especially Canadians.

**Senator Stewart Olsen:** Thank you both.

**Senator Beyak:** Thank you for excellent presentations. You're on the side of the vast majority of Canadians, and I appreciate everything you've said.

We've heard from too many credible witnesses now what you've told us: that we're dealing with a lot of the wrong groups and not the right groups, and it should be easy to identify the good guys from the bad guys. I wonder if you have any suggestions, both of you, on how our committee can recommend better ways to identify them. The similarities between Air India and the problems our committee is facing today with ISIS and jihadists and radicals are almost identical. I think that if we had done more with the Air India report, we probably wouldn't be facing these challenges today.

**Mr. Deol:** I feel there was this issue of national integration before. My own view is that when people come to this country, as I did, they must respect Canadian values. If we come here and then we start saying, "Oh, on religious grounds, I need this concession. I need a burka on religious grounds. I need the kirpan on religious grounds. I can marry more than one person on religious grounds. You can't search me at the airport. I can't remove this religious part of my attire or that part of my clothing," then this should be unacceptable. When safety and security is the issue, nothing is untouchable. Those groups and those people who are asking for such concessions on religious grounds have their mind somewhere else, and it's very easy to identify. They are not ready to identify with our values in this country, and that should be the yardstick.

**Mr. Hayer:** There are a few things that we can do and that your committee can look at. One is the education of the youth and children. Have some Canadian core values, developed with the provincial ministers of education, that they must teach in schools. I was sad to hear one young Canadian who was born here saying the Air India bombing was right thing to do. They said, "Why do you keep speaking against those terrorists who did the Air India bombing? They're not terrorists; they're heroes." When I explained to her the pain suffered by those 331 people's families and their friends, then she understood the other side. Until then, she hadn't thought about it. So we must talk about the effect of terrorism, not just gangs and violence, with our young people to make sure they can be educated so that they don't get involved with these groups. Many of the kids who get involved were not even born when Air India happened. If you were a 10-year-old in 1985, you'll be 40 now. Right? That means you don't really understand. Maybe under 10 is very difficult to understand those issues.

I think the second thing is finding a way so the politicians can abstain from promoting directly or indirectly the terrorist organizations or organizations that support terrorism or are linked with that. I think the other thing we have to do is financing. We have to make sure these groups cannot raise money and spend money and have to have accountability of cash. Even though we have come a long way and have the Victims Bill of Rights, we need more strength in there.

When you have witnesses, find a way so that when the witness testifies, he or she is protected. Also, you can make sure that the witness's testimony, if he or she is killed, is still listened to. Even if the judge doesn't make all his or her decision on that witness, it could be just one piece of the puzzle that he or she can look at.

There are many things your committee can do. One of the simple ones is to talk to the other politicians at all three levels municipal, provincial and federal and also from all parties, saying, "Please don't try to help promote organizations that support terrorism." That makes it very difficult for the majority of the people who are against those values.

Remember, when you talk about people supporting terrorism or hate and violence, it's a small minority in every religion. It's not the vast majority. No religion teaches to go kill innocent people, no religion at all. Small people, because they get brainwashed by somebody else or manipulated, or because of their own ideology, use other people to do the dirty work, to commit the murder and terrorism activities. I think we need to work together. One day, it could be our own family members or friends who will be at risk.

I think it's good to see what the committee is doing. I have full confidence that your committee can probably do more, just like Justice Major did. Some of the changes were made, but not enough. Hopefully, after this committee, with the current Prime Minister, maybe they can make enough changes so that we can all say it doesn't matter which party the Prime Minister belongs to, he did

something good. It's good for humanity and good for all Canadians and good for society. That's what my hope is. Most people I talk to, that's what their hope is.

**The Chair:** Colleagues, if I could, I'd like to follow up on a couple of various points before we conclude our hearing here.

Mr. Hayer, I want to refer to your recommendation. You state in your presentation that if a witness is killed or hurt, then our justice system should allow all the evidence of that witness to be considered in the trial. There are obviously some reasons why that doesn't occur, because the individual is no longer with us. My question is this: Is there any country in the free world that has a similar law like that? That allows that type of evidence admissible in a court proceeding?

**Mr. Hayer:** Yes. I have talked to many lawyers on this, and even Mr. Bourduas, a deputy commissioner of RCMP who served before. Before coming over, I met with him to find out what his views were since he's retired now, he can speak frankly with me and some of the ministers, and some of the elected MPs from all different parties. They all think this can be done. In the United States, it is allowed. They can use the evidence there, and also European countries. They have made the changes especially after dealing with terrorism issues. When you allow the evidence, you are not saying you're going to make your whole decision just on one person's evidence, affidavit or videotaping. Many times, when I talk to the police, when they ask you to give an affidavit or a recording, before they do it, they go through lie detector tests, and sometimes not just once. They want you to pass many times just to make sure they are not on the wrong track. Sadly enough, I know in the Air India trial and some of the other trials, when they have evidence on the defence side, the accused side, these guys were criminals and gangsters. They were charged with all type of crimes. Their evidence is considered, but sadly evidence of the people who are dead, like my father or some other people, is not considered.

Some people are always thinking, "Why am I going to risk my life?" In my family, my family sort of says it is maybe time to move on. Then I say, "You know what my dad used to say? If it's the right thing to do, if he doesn't stand up for it, then how can you ask somebody else to do it?" And I go through the same scenario now, even before coming here to testify. If I'm not willing to stand up to testify, what right do I have to ask somebody else to do the right thing? Our lives are equal. We must be able to lead by example, be willing to speak out about what we believe in, regardless of your views. Mr. Ujjal Dosanjh, a premier from the NDP and MP from the federal Liberals, came here. He has very similar views to almost all of us in this room, and probably with at least 80 per cent of Canadians, because those are the right values. They are not political values. Those are the right things to do for humanity, for our society, for our country.

**The Chair:** I just want to follow up, if I could, colleagues, on one other area. We've spoken about terrorism and what government could do or should do or what obligations government has. The question I would have is in respect to the various religious institutions and the responsibility that the membership have to themselves. In respect to the community that you're involved in in British Columbia, what is happening within the various temples where the people don't agree with this extreme view? Are they trying to take control of these institutions so that we're not in this situation where we have this extreme radicalization going on in some quarters?

**Mr. Deol:** When we look at Sikh temples, the membership and congregation are two different things. The congregation is open for anybody and everybody. Whoever wants to come can come, pray, donate, do whatever. When it comes to membership, they have very strictly controlled membership. They have created kind of a trust under law. Some temples in Toronto are very large. If you go there, you will find maybe over the weekend 1,000 or 2,000 people congregating in different areas of the temple with different activities, but the membership, if you check, will be 60 or 70, fewer than 100. The membership is restricted because they want to control the temple. Even with the one temple in Toronto with a membership below 70, they had several fights among members to control the temple because they would outlaw certain members and bring certain members in. The other party will challenge.

The membership and the congregation are two different things. The membership is a captive membership of their own, so that membership is not willing to take over the temple. If it's divided



into two groups, they are going to fight among themselves. If A comes or B goes, the situation remains the same.

**Mr. Hayer:** The other part is the intimidation tactics used by the small group. Our legal system is such that unless they basically shoot and you can find them shooting you in the front, they are not willing to come and protect you.

I have seen other cases, and just because somebody says it we can't sort of protect you, even though when my dad was alive he said when somebody's threatening you and using the code words, police should come back and talk to these people and say, "If something happens you're going to end up in jail." Sadly enough, the police many times are not willing to do it. They say that's just their right or that's not enough because it has a double meaning.

The people who cause a problem are a small minority. People who go to these temples or *gurdwaras*, they think we have laws in Canada, government and police. If these guys are doing wrong, it should be the responsibility of the police to stop it. Why am I going to risk myself, because I have no power? They think the politicians and the police have more power. Sadly, the politicians have gone in because they want extra votes or the membership or the support. They're willing to close their minds and ears to do some stuff to give them legitimacy.

The police are willing to say, because of the Charter of Rights, because of our freedoms and the public's right to have public assembly and all that, they can't do enough until somebody actually gets hurt. Then they will move in rather than trying to defuse it before the fact.

If they took proactive steps and told these people this is wrong to do it, many of those people would not do it.

I used to think, and my dad said the same thing, if the police talked to some of the people who are involved in these terrorist activities, maybe told them, "You're going to end up in jail and we are watching you," they would think twice, but those people thought they could get away with it.

Remember, it's a small minority in every religion.

Most Sikhs are great people. Most Sikhs are law-abiding people. Most Muslims are the same way. Most Christians are law-abiding people. Most Jewish people are the same. You always have a small, vocal minority in every religion, every culture, who cause the problem.

In this case, to stop it, because of the small vocal minority, they need the help from our justice system, our policing and the politicians to help them. Without getting help from those three or four levels, it's not going to solve itself.

Holding this hearing is really good. I respect you and I want to thank you for holding this because you come to the right decision by making recommendations.

Even the politician who might have gone to these terrorist organizations or people who support hate and violence and other views, they will think twice because actually you have them on the record now. Otherwise they think maybe our political party wants us to go in there because we want to get an extra vote.

Most of the people tell me, when people go to the churches or the mosques or the Sikh temples or some other places, just because you go you don't get the vote. You get the votes because you do the right thing. If you do the right policy, right thing, regardless of which political party, you will get the votes. If you don't do it, just dress like them or just speak their language because you give them greetings and that, or just show up there, that is not enough to get the votes. Maybe in the old days, but not in 2015.

It's different, so hopefully things will change. With all of us working together from all different levels of government and all different political parties, we can make a difference. I think you are taking the right step. Hopefully your report will come out, and maybe other politicians will get a chance to see it. If they think they are exposed under the microscope, they might do things differently.

**The Chair:** Gentlemen, I want to thank you very much for participating in our hearings on terrorism. I want to say that we very much appreciate your comments and your taking time to answer our questions. Once again, I want to congratulate you for your courage to come before us. I know sometimes it's not easy, and you have our respect for what you're doing in respect to the communities that you represent, and from all Canadians.

I would like to thank you for coming, and I will excuse you at this time.