

International Civil Liberties Monitoring Group
Coalition pour la surveillance internationale des libertés civiles

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Dear Member of Parliament,

The International Civil Liberties Monitoring Group (ICLMG) is a broad coalition of 40 Canadian civil society organizations dedicated to the defence of civil liberties and human rights (see appendix). The coalition is deeply concerned about Bill C-42, presently before the Standing Committee on Transport, which amends the *Aeronautics Act* to enable compliance with the requirements of the new U.S. Secure Flight rules.

We are writing to ask you to reject this legislation that, if adopted, will grant the authorities of a foreign country, the United States, the power to decide on the basis of arbitrary and discretionary criteria who can board a plane on most international flights from and to Canada because they overfly U.S. airspace. Based on the testimonies of numerous travellers who have already been barred from flying since the gradual implementation of Secure flight over recent months, we can expect that if C-42 is adopted, we will see an increased number of Canadians and travellers to Canada grounded even if they have no intention of ever going to the United States, and this without any due process, independent adjudication and effective redress. Such a fundamental undermining of the rule of law is a violation of both international law and the Canadian Constitution.

Under Secure Flight rules, airlines are required to transmit a whole subset of information on air passengers to Homeland Security 72 hours before departure for all flights to and from the U.S. as well as for all international flights to non-U.S. destination that merely overfly its airspace. This information can be shared among at least 16 U.S. agencies, private contractors and with foreign governments. After running a risk assessment for each passenger, Homeland Security in turn issues a “boarding pass result” back to the airline. The “result” instructs the airline to issue a boarding pass, deny permission to travel, or issue an enhanced screening requirement (SSSS).

This bill is a total surrendering of Canadian sovereignty. No Canadians, not even members of our Canadian Parliament, will be allowed to fly many places in the world without the explicit consent of the United States. It creates the very real possibility that the Charter rights of Canadians, and their rights to privacy, will be violated by the application, in Canada, of rules dictated by a foreign country, without Canada being able to defend those rights.

In recent months a legislative researcher from the European Union Parliament and a respected journalist from Le Monde Diplomatique were barred from flying over U.S. airspace. Both had been critical of U.S. policies.

We also know that Maher Arar is on the U.S. no-fly list along with several other Canadians and landed immigrants, including people who have been deemed by Canadian courts and Commissions of Inquiry not to pose a risk to the national security of Canada, such as Abdullah Almaki and Adil Charkaoui among others. If C-42 is adopted, even the findings of Canadian courts will become *de facto* unenforceable.

The same could apply to refugee claimants who, even if admitted by Canada, could be denied the possibility of leaving their country by the U.S. Other impacts on refugees and permanent residents include the possibility of mistreatment abroad by third countries with whom the U.S. might share travel information. Thus, by adopting C-42 and enabling the U.S. to obtain more information on travelers and to share this information with third countries with dubious human rights records, Canada could become an accomplice in the U.S. rendition program already responsible for the torture of Canadians in Syria and Egypt, among others. At the very least, it would support Canadian complicity with a foreign government's program that violates due process and the principles of natural justice.

Canada can still say "no" to Secure Flight. In fact we would be doing the world a favour by voting "no" to C-42 because of the enormous global concern about the program from other states, as well as various international bodies, including the United Nations. Because of our geographic location, Canadians have the most to lose from the imposition of Secure Flight rules on Canadian travel. It's only right that Canada takes a stand now, before it is too late.

The ICLMG calls on you to oppose these measures. Canadians expect our elected members of Parliament to protect the sovereignty of our country and uphold our rights as Canadians. This legislation will undermine both.

Respectfully yours,

Roch Tassé
National Coordinator
International Civil Liberties Monitoring Group

Appendix: International Civil Liberties Monitoring Group

ICLMG: the organization

The ICLMG is a pan-Canadian coalition of civil society organizations that was established in the aftermath of the September 11, 2001 terrorist attack in the United States. The coalition brings together 40 NGOs, unions, professional associations, faith groups, environmental organizations, human rights and civil liberties advocates, as well as groups representing immigrant and refugee communities in Canada.

Mandate / Objectives

The mandate of the ICLMG is to defend the civil liberties and human rights set out in the Canadian Charter of Rights and Freedoms, federal and provincial laws (such as the Canadian Bill of Rights, the Canadian Human Rights Act, provincial Charter of Human Rights or Privacy legislation), and international human rights instruments (such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).

Membership

Members of the International Civil Liberties Monitoring Group presently include:

- Amnesty International
- Association québécoise des organismes de coopération internationale
- B.C. Freedom of Information and Privacy Association
- Canadian Arab Federation
- Canadian Association of University Teachers
- Canadian Auto Workers Union
- Canadian Council for International Co-operation
- Canadian Council for Refugees
- Canadian Council on American-Islamic Relations (CAIR-CAN)
- Canadian Ethnocultural Council
- Canadian Federation of Students
- Canadian Friends Service Committee
- Canadian Labour Congress
- Canadian Muslim Civil Liberties Association
- Canadian Muslim Forum
- Canadian Muslim Lawyers Association
- Canadian Union of Postal Workers

- Canadian Unitarians for Social Justice
- CARE Canada
- Centre for Social Justice
- Communications Energy and Paperworkers Union
- Confederation of Canadian Unions
- Council of Canadians
- CUSO
- David Suzuki Foundation
- Development and Peace
- ETC Group
- Greenpeace
- International Development and Relief Foundation
- Inter Pares
- KAIROS
- Ligue des droits et libertés
- National Anti-Racism Council of Canada
- National Union of Public and General Employees
- Ontario Council of Agencies Serving Immigrants
- Mining Watch Canada
- PEN Canada
- Primate's World Relief and Development Fund
- Public Service Alliance of Canada
- United Steelworkers of America