



May 15, 2025

The Right Honourable Mark Carney, P.C., M.P.  
Prime Minister of Canada

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**Via email:** [pm@pm.gc.ca](mailto:pm@pm.gc.ca)

Prime Minister:

I'm writing to you today on behalf of the International Civil Liberties Monitoring Group, a coalition of 44 Canadian civil society organizations from a broad range of sectors that, since 2002 and the adoption of Canada's first *Anti-terrorism Act*, has worked to defend civil liberties in Canada and abroad from the harmful impacts of national security and anti-terrorism measures. This includes issues of racial, religious and political profiling, attacks on dissent and freedom of expression, abuses carried out in the name of countering terrorism, including complicity in torture, unlawful surveillance and the erosion of privacy rights, and the undermining of due process through the use of secret evidence in courts.

We welcome the commitment that you and your government made during the elections to defending human rights and upholding the *Canadian Charter of Rights and Freedoms*. However, as you prepare for the return of Parliament and the Speech from the Throne, we are facing a turbulent world where fundamental rights are being eroded both internationally and at home. These threats will require a strong unequivocal response, rooted in concrete actions, in order to ensure these rights do not simply become empty promises.

Underpinning all this is the indisputable fact that the security of people in Canada and around the world cannot come at the expense of violating rights. Unfortunately, we have seen this principle undermined consistently since 2002, including a stark increase in the past several months. This ranges from governments' - including Canada's - unwillingness to act to prevent Israel's ongoing genocide in Gaza and attacks in the region, under the auspices of fighting terrorism; to the United States arresting and deporting residents who engage in protest and free expression under the premise that they are acting on behalf of terrorist entities; to the expansion of terrorism laws and watch lists to include criminal organizations, resulting in collateral impacts on migrants and others; to Canada drastically increasing border security and surveillance to counter a cross-border "terrorism" threat that the facts show is in fact minimal to non-existent.

Instead, we are urging your government to take decisive action over the coming months in several key areas:

**Foreign surveillance and information sharing:**

- Revisit and restrict information-sharing agreements, including the exchange of watchlists and other intelligence, with US and other foreign national security agencies, including other Five Eyes nations, unless absolutely necessary for people's safety.

We are increasingly seeing countries, including those considered democratic and rights-protecting, establishing and enforcing laws that violate fundamental rights, including freedom of expression and association. Sharing the sensitive information of Canadian residents and visitors to Canada can place them at great risk and facilitate government repression. Changes established under last year's *Foreign Interference Act*, for example, loosened information sharing with foreign governments in new and unaccountable ways, and must be revisited.<sup>1</sup>

- Stop negotiations on the Canada-US *CLOUD Act* agreement.

The Citizen Lab, at the University of Toronto, reported in late February that, since 2022, Canada has been quietly negotiating a bilateral agreement with the US under the US *CLOUD Act*. This agreement would allow US law enforcement to issue warrantless data requests and surveillance orders directly to tech companies and other entities in Canada, without oversight from Canadian courts.<sup>2</sup> The negotiations are ongoing despite US President Donald Trump's threats to Canada.

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<sup>1</sup> ICLMG, "Brief on Bill C-70: The Countering Foreign Interference Act." June 2024: <https://iclmg.ca/wp-content/uploads/2024/06/C-70-BRIEF-PROPOSED-AMENDMENTS-ICLMG.pdf>

<sup>2</sup> Cynthia Khoo and Kate Robertson, "Canada-U.S. Cross-Border Surveillance Negotiations Raise Constitutional and Human Rights Whirlwind under U.S. CLOUD Act." Citizen Lab, 24 February 2025: <https://citizenlab.ca/2025/02/canada-us-cross-border-surveillance-cloud-act/>

- Prohibit the application of the US Secure Flight List and other US watchlists to Canadian domestic and international flights.

The US Secure Flight List and other terrorism watchlists are used in secret, unaccountable ways against Canadians and people in or travelling to Canada, causing serious harm to their rights and livelihoods, with no recourse to challenge their listing. Immediate action must be taken to prohibit the application of these lists and reform legislation accordingly.<sup>3</sup>

### **Privacy, surveillance, and technology:**

- Update Canadian laws and policies to protect against government surveillance, including facial recognition and online data scraping, to protect against efforts to undermine encryption, and to regulate artificial intelligence tools (especially for national security purposes).

The Canadian government has been investing resources in the growth and development of Canada's technology sector, and particularly in the realm of AI. Protections, though, have not kept pace. The next session of Parliament must prioritize urgently needed reforms to Canada's *Privacy Act* as well as *PIPEDA*, regulations concerning the development and use of artificial intelligence tools, and return to its previous stance defending public access to encrypted services.

### **Migration, asylum seekers and the border:**

- Cancel the Safe Third Country Agreement.

Canada cannot be complicit in sending individuals seeking asylum protection back to the US when we know they will not go through a fair process and risk having their rights violated, including through abusive detention and likely deportation without recourse. This is compounded by the US government's determined efforts to deport individuals to third countries where they have no ties, such as El Salvador, Libya and Rwanda - an abuse in and of itself - or where they will be imprisoned in abusive conditions, such as the CECOT prison in El Salvador.

- Reconsider the billion dollars being shifted into border security, and instead determine where it can be better placed based on the actual needs of people in Canada.

In late 2024, the previous government enacted "Canada's Border Plan", allocating \$1.3 billion to the further securitization of Canada's border in response to baseless accusations that there was both a fentanyl and migration crisis at the border, allowing drugs and criminals - including

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<sup>3</sup> ICLMG, "Canada's No Fly List." <https://iclmg.ca/issues/canadas-no-fly-list/>

“terrorists” - to cross into the United States.<sup>4</sup> It is clear now that these were a red herring to conceal predatory economic and trade goals.

The result is a flurry of new security measures with little clarity and next to no transparency. This includes vast new surveillance tools in the form of surveillance towers, drones, and leased Black Hawk helicopters; the commitment of 10,000 frontline personnel to the border; the creation of a supercharged Joint Operational Intelligence Cell, to better share intelligence between Canadian agencies, including the RCMP, CBSA and CSIS, and with allies (primarily the United States); investing \$200 million in Public Safety Canada and the Communications Security Establishment for increased surveillance activities; and the troubling expansion of the terrorist entities list to include, for the first time ever, transnational criminal organizations.<sup>5</sup>

We are deeply concerned that none of these new tools and powers are based on objective, proven threats to Canada’s security. Instead, they create vast new opportunities for fundamental rights to be undermined and for people in or coming to Canada to be placed at risk.

- Fast-track the new CBSA complaints and review body.

Last October, Parliament passed legislation to create the new Public Complaints and Review Commission (PCRC) to watch over the work of the Canada Border Services Agency and the Royal Canadian Mounted Police. This would be the first time that the CBSA is subjected to independent review since its creation more than two decades ago, and make important improvements to how the RCMP’s previous review body was able to carry out its work. While establishing such a review body takes time, the Liberal government has provided no updates to the public on when they can expect the PCRC to come into effect. This is in stark contrast to the speed and publicity given to the establishment of the office of Canada’s new “Fentanyl Czar” over a period of just a few weeks.

At a time when reports of rights violations at the border are on the rise, the PCRC must be a priority.

### **Indefinite detention, torture and other fundamental rights abuses:**

- The Canadian government must put an end to actions that place Canadians and people in Canada at risk of torture and abuse in the name of countering terrorism.

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<sup>4</sup> Jim Bronskill, “Internal report urged Canada to counter rhetoric about a ‘crisis’ at border.” *Canadian Press*. 16 February 2025: <https://nationalnewswatch.com/2025/02/16/internal-report-urged-canada-to-counter-rhetoric-about-a-crisis-at-border>

<sup>5</sup> Jim Bronskill, “A closer look at Canadian efforts to address U.S. concerns about border security.” *Canadian Press*. 4 March 2025: <https://montreal.citynews.ca/2025/03/04/border-security-fentanyl-canadian-efforts/>

This include ending the more than two-decade long ordeal of Mohammed Harkat,<sup>6</sup> under threat of deportation to Algeria where he faces credible threats of abuse and possibly torture; bringing home all Canadians and family members still detained in camps and prisons in Northeast Syria;<sup>7</sup> providing full redress to Abousfian Abdelrazik, who was exiled and tortured in Sudan with Canadian complicity;<sup>8</sup> and committing to no new extradition for Hassan Diab, who was wrongfully convicted in France.<sup>9</sup>

### **Freedom of expression and association, dissent and protest:**

1. Defend freedom of expression and dissent internationally and protect it at home by amending vague and overly-broad Canadian “national security” laws and refraining from introducing new anti-protest legislation.

Over the past two years, we have witnessed a stark increase in repression and denunciation of protests in Canada and in the United States, particularly under the guise that support for Palestinian human rights and criticism of the state of Israel is de facto hateful, antisemitic and in support of terrorism and terrorist organizations.

It is essential that your government make clear that freedom of expression and protest are protected, by denouncing acts that undermine these freedoms at home and abroad, by reforming Canadian laws that unduly restrict freedom of expression, and committing to no new anti-protest laws.

This includes:

- Speaking out about cases such as the denial of entry into the US of a Canadian author allegedly based on his anti-genocide advocacy,<sup>10</sup> and the efforts to deport human rights activists, such as Mahmoud Khalil;

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<sup>6</sup> ICLMG, *Letter to Minister of Public Safety Dominic Leblanc re: Mohammed Harkat*. 26 June 2024: <https://iclmg.ca/letter-harkat-2024/>

<sup>7</sup> ICLMG, “Urgent repatriation of Canadians detained in northeast Syria only rights-compliant response: legal community to PM Trudeau.” 27 March 2023: <https://iclmg.ca/northeast-syria-repatriation-open-letter-to-pm/>

<sup>8</sup> Wesley Wark, “Q and A with Paul Champ on the Abdelrazik case.” 16 September 2024: <https://wesleywark.substack.com/p/q-and-a-with-paul-champ-on-the-abdelrazik>, and BC Civil Liberties Association: “Letter to Prime Minister urging action to ensure justice for Abousfian Abdelrazik.” 31 August 2018: <https://bccla.org/policy-submission/letter-to-prime-minister-urging-action-to-ensure-justice-for-abousfian-abdelrazik/>

<sup>9</sup> ICLMG, “ICLMG reiterates its support for Hassan Diab, wrongfully convicted in unfair trial.” 4 December 2024: <https://iclmg.ca/iclmg-reiterates-its-support-for-hassan-diab/>

<sup>10</sup> Dave Zirin, “Why did the US block a Canadian professor from his own book event?” *NB Media Co-op*. 22 January 2025: <https://nbmediacoop.org/2025/01/22/why-did-the-us-block-a-canadian-professor-from-his-own-book-event/>

- Commit to not passing new “bubble zone” laws at the federal level, which would restrict the ability to engage in legal acts of free expression and dissent on vague and overly broad grounds;<sup>11</sup>
- Repeal aspects of new foreign interference laws that undermine freedom of association with international partners, including the new Foreign Influence registry;<sup>12</sup>
- Take immediate action to end the targeting of Muslim charities and international humanitarian organizations for unfair scrutiny and punishment under the guise of countering terrorist financing.<sup>13</sup>

### **Accountability, transparency and due process:**

- Ensure that any new national security review is transparent and fully involves civil society, impacted communities and other stakeholders.

We noted with interest the commitment in your party’s platform to undertake a national security review. Such a review would create an important opportunity to openly and frankly discuss how Canada approaches national security and countering terrorism, how rights are impacted and what reforms are necessary. Unfortunately, past consultations have taken approaches that limit participation and/or are slanted towards expanding national security tools and powers. Any such review must implement measures to prioritize discussion of impacts on civil liberties and Charter rights, will be transparent from the start, and will provide the opportunity and resources for broad participation.

- Increase funding for review bodies.

Funding for review bodies such as the National Security and Intelligence Review Agency, the National Security and Intelligence Committee of Parliamentarians, and the previous Civilian Complaints and review Commission, have often fallen woefully below what is necessary to keep pace with the demands of their work (and far below what is budgeted for the agencies that they are responsible for). We urge your government to rectify this in its first budget.

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<sup>11</sup> Anaïs Bussi res McNicoll, “Bubble Zone Bylaws: CCLA Writes to Toronto City Council to Raise Charter Concerns.” *Canadian Civil Liberties Association*. 1 April 2025: <https://ccla.org/fundamental-freedoms/bubble-zone-bylaws-ccla-writes-to-toronto-city-council-to-raise-charter-concerns/>

<sup>12</sup> ICLMG, “Brief on Bill C-70: The Countering Foreign Interference Act.” June 2024: <https://iclmg.ca/wp-content/uploads/2024/06/C-70-BRIEF-PROPOSED-AMENDMENTS-ICLMG.pdf>

<sup>13</sup> Tim McSorley, “Confronting the CRA’s Prejudiced Audits.” *ICLMG*. 11 September 2024: <https://iclmg.ca/confronting-the-cras-prejudiced-audits/>

- Repeal changes to the *Canada Evidence Act* and reduce restrictions on access to evidence and other information used in terrorism cases.

The use of secret evidence in courts has continued to increase over the past two decades, severely harming the ability of individuals placed on terrorism lists or under security certificates, or charged with a crime related to terrorism, to fully defend themselves. Changes brought by the *Countering Foreign Interference Act* to the *Canada Evidence Act* in 2024 further entrenched this rights-harming trend by creating a standardized process for handling secret evidence.<sup>14</sup> While this may serve to clarify the rules, it also normalizes them and renders it much easier to apply them to other areas of law going forward. Instead, this section should be revisited, and steps taken to end the reliance on secret evidence and ensure access to those accused and/or their counsel to the information underpinning any allegations.

### **End the use of rights-violating and secretive watch lists**

Canada's use of watch-lists such as the Terrorist Entities List and Passenger Protect Program has resulted in the violation of fundamental rights by targeting individuals based on race, religion and political beliefs, by denying them the ability to adequately challenge their listing through secretive decision-making processes and the withholding of information on which their listing is based. This is compounded by Canada allowing for international lists, such as US watchlists, to be used to deny travel to individuals both within, and in and out of, Canada (which do not travel to or from the US).

As a result, we urge your government:

- To end its use of the Terrorist Entities List;
- To repeal the Passenger Protect Program.

### **Defending rights in the context of counter-terrorism internationally:**

Internationally, the use of vague accusations of “terrorism” to undermine rights and justify international conflict has been on the rise. This includes, for example, China's repression of its Uyghur population; India's criminalization of Muslim communities and of communist activists, as well as the recent escalation in violence between India and Pakistan in Kashmir; the United States' repression of protesters domestically as well as its support for Israel's ongoing crimes; Egypt's persecution of human rights and pro-democracy activists as terrorism supporters; El Salvador's use of rights-violating “anti-terrorism” laws to arrest thousands of residents under the premise of countering gang activity; and the list goes on.

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<sup>14</sup> ICLMG, “Brief on Bill C-70: The Countering Foreign Interference Act.” June 2024: <https://iclmg.ca/wp-content/uploads/2024/06/C-70-BRIEF-PROPOSED-AMENDMENTS-ICLMG.pdf>

The most stark and devastating example is the ongoing genocide perpetrated by Israel in Gaza, as well as attacks throughout the region (for example, the exploding pager attack in Lebanon, and the death of civilians in Yemen from air raid campaigns).

The Canadian government must take a firm stance against states using the label of “terrorism” to justify human rights abuses internationally, including:

- Officially denouncing these acts;
- Suspending arms deals, intelligence sharing and other bilateral agreements with rights violating regimes;
- Taking a firm position defending human rights and civil liberties in the upcoming review of the Global Counter-Terrorism Strategy at the United Nations.

In regards to the Israeli government in particular, we urge you to enact what other campaigns have called for, including:

- Initiating a full two-way embargo on arms trade with Israel;
- Recognizing what is happening in Gaza is genocide and taking all measures within their power to prevent the commission of all prohibited acts under the *Genocide Convention*, and ensure the utmost protection of civilians, as required under international law;<sup>15</sup>
- Calling for an immediate, permanent ceasefire;
- Expressing clear support and upholding the decisions of both the International Court of Justice and the International Criminal Court;
- Immediately addressing systemic problems in Canada’s Special Measures program as identified by the Canadian families of Palestinians trying to flee Gaza, including ensuring that remaining applications are processed as soon as possible and offering a Permanent Resident pathway for Palestinians with family in Canada.

It is imperative to remember that Canada’s national security apparatus has been used to violate the rights of Canadians many times: from complicity in the torture and detention of Canadians abroad such as Maher Arar, Abdullah Almalki, Ahmed El Maati, Muayyed Nureddin and Abousfian Abdelrazik; illegally collecting private data and monitoring our online activities; to spying on, harassing and arresting journalists, Indigenous land defenders, and anti-genocide protesters as well as violently dismantling camps; and using AI and facial recognition tools without authorization and oversight.

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<sup>15</sup> Center for Constitutional Rights et al., “Request for Early Warning Measures and Urgent Action Procedures to the United Nations Committee on the Elimination of Racial Discrimination in Relation to the United States of America and Canada.” 18 February 2025:  
<https://ccrjustice.org/sites/default/files/attach/2025/02/CERD%20Early%20Warning%20and%20Urgent%20Action%20-%20U.S.%20and%20Canada%20-%20202-18-25.pdf>

With a new government and new session of parliament, there is the opportunity for Canada to become a real human rights champion, and for your government to demonstrate that it is truly the “party of the Charter.” We hope to be able to work with you, your government and all parliamentarians to take on the task of building a stronger society, one where all people are safe, supported and have their rights protected.

Sincerely,



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cc     The Hon. Gary Anandasangaree, P.C., M.P.  
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