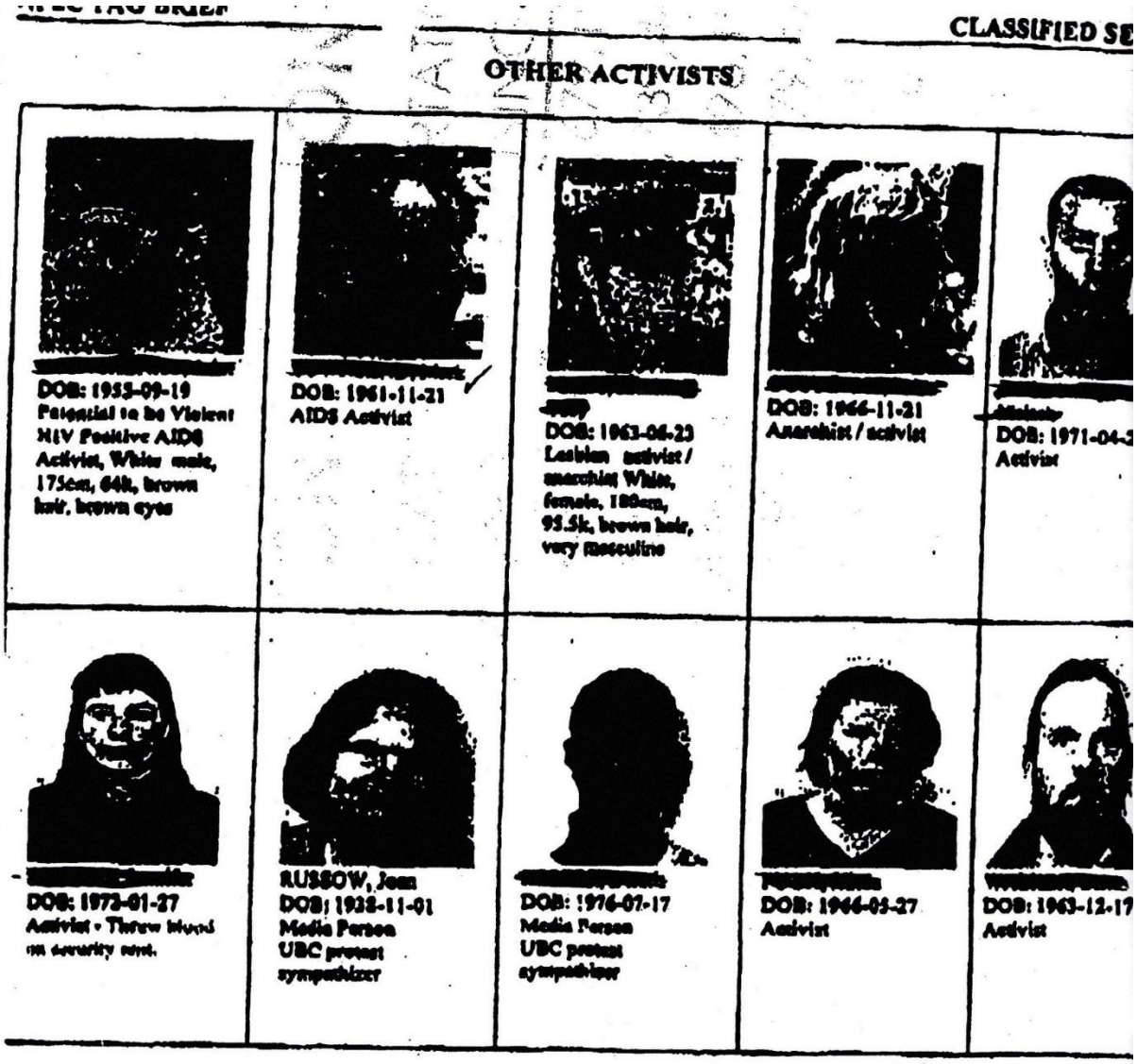
PART 12 PART12 IN DEFENCE OF LEGITIMATE DISSENT 2005

In 1997, I had been put on an RCMP threat assessment list; but it was not until 1998 (when there was an Inquiry into what happened at APEC) that I found out.
One morning I received a phone call from a member of the media, she asked me if I knew that I was on the RCMP Threat Assessment list. She said she was going to write a piece about the national leader of the Green Party being on the list. I asked her to



THIS IS EXHIBIT E
REFERRED TO IN THE AFFIDAVIT OF
Joan Elizabeth Russow
SWORN BEFORE ME THIS 9 DAY
OF September, 2005
A Commissioner for Taking Affidavits
Within British Columbia

No dissemination without approval from NCO i/c APEC Threat Assessment Joint Intelligence Group

wait and to send me the the evidence and she sent me the following:

:
, After years of going through numerous channels, in 2024, I still do not know the reason. I believe that over the years, I have engaged in legitimate dissent, so I decided to compile a document in the form of an affidavit and dedicate it to the RCMP and let the reader determine if I have been a threat , and if so to whom
NOTE: for a quick read, search for ( ) which begins each item or by month which is written twice (IE JANUARY JANUARY) etc.

PART12 OF A THIRTEEN PART AFFIDAVIT FROM 1980 -TO 2005 WHEN I WAS INVITED TO APPEAR BEFORE THE CANADIAN SENATE TO ADDRESS THE ISSUE OF MY BEING PLACED ON A RCMP THREAT ASSESSMENT LIST

In 1992, all member states recognized that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member states of the Untied Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

The Summit will succeed if all states immediately undertake to reallocate the current annual 1` trillion dollar military budget to end the cycle of error and promote common security.

True security is common security- peace, environment and social justice embodies the following actions:

- to promote and fully guarantee respect for human rights, including the right to security, civil and political rights, and tolerance of difference

- to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint and move away from the current model of over-consumptive development.

- to achieve a state of peace, justice and security;

- to reallocate the global military expenses to enable social justice,

- to guarantee labour rights, civil and political rights, social and cultural rights-
right to food, right to housing, right to health care, right to education and social justice;

- to create a global structure that respects the rule of law; and rights of citizens

Here must be the force of compliance to eliminate global insecurity and to achieve true security common security

In 2005, on the 60 anniversary of the United Nations, member states must undertake to reallocate the global military budget to further global common security and end the cycle of war and violence and destruction.

2005 World Summit: Global Declaration of Common Security 

Peace News
Tuesday, 13 September 2005 03:00

www.PEJ.org
2005 World Summit: Global Declaration of Common Security

September, 13, 2005

For over 60 years states, through the UN system, have incurred obligations through treaties, conventions and covenants, made commitments through UN Conference Action plans, and created expectation through UNGA declarations and resolutions related to furthering international law and common security. It is time for compliance, implementation and enforcement of these obligations and commitments.

This Declaration is for governments to act, and for civil societies to urge their governments to act. Please add name of your country and send to the leader of your country with a copy to Joan Russow, Global Compliance research project, j.russow@shawlink.ca . See sign-on below.

Sign-on GLOBAL DECLARATION OF COMMON SECURITY

AWARE THAT solutions have never resided in the fragmentation of issues and if real global change is to occur this change will be found in a willingness to address the complexity and interdependence of issues in particular the linking of militarism, poverty, violation of human rights, and destruction of the environment

Recognizing that true security- is not "collective security" or "human security" which has been extended to "humanitarian intervention" and used along with the "responsibility to protect" notion to justify military intervention in other states.

True security is common security (extension of Olaf Palme's notion of "common security") and involves the following objectives:

* to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system , right to education and social justice;

* to enable socially equitable and environmentally sound employment, and ensure the

right to development [as per Convention];

* to achieve a state of peace, social justice and disarmament; through reallocation of military expenses, and eradication of poverty

* to create a global structure that respects the rule of law ; and

* to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint and move away from the current model of over-consumptive development.

CONSIDERING THAT for years, through conventions, treaties and covenants, through Conference Action plans, and through UN General Assembly resolutions, member states of the United Nations have incurred obligations, made commitments and created expectations related to the furtherance of Common Security.

AFFIRMING THAT Common security can only be achieved if there is a concerted international effort to eliminate(d) the complexity and interdependence of the actions that have led to global insecurity

WE THE X COUNTRIES HAVE AGREED TO THE FOLLOWING:

Article 1
We reaffirm our commitment to multilateralism and oppose unilateral actions that undermine global common security.

Article 2
We undertake to reduce our military budgets and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions.

Article 3
We will no longer undermine the notion of democracy by couching a plutocracy/theocracy in democratic notions of "freedom".

Article 4
We will abandon the policy of pre-emptive/preventive attack to aggressively attack sovereign states which has been a violation of the UN Charter article 2 and international law and is the 'supreme' international crime of a war of aggression.

Article 5
We will no longer perceive justice in terms of revenge through military intervention we will instead seek justice through the International Court of Justice.

Article 6
We will no longer misconstrue Art 51 (self defence) of the Charter of the United Nations

to justify premeditated non provoked military aggression.

Article 7
We will oppose any attempt to undermine the international resolve to prevent the scourge of war; this would include not engaging in intimidation or in offering economic incentives in exchange for support for military intervention.

Article 8
We undertake to respect the mandatory jurisdiction of the International Court of Justice ,and will abide by its decisions.

Article 9
We will convert to peaceful purposes military bases in sovereign states around the world, and end the circulation of nuclear powered or nuclear arms capable vessels throughout the world

Article 10
We will discontinue propping up and financing military dictators.

Article 11
We will abandon the practice of targeting or assisting in the assassination of leaders of other sovereign states, and engaging in cover destabilization or democratically elected leaders of or any leader of a sovereign state.

Article 12
We will abide by the Nuclear Non Proliferation treaty and immediately implement Article VI of the treaty, (Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.) and we will end the production of all weapons of mass destruction such as nuclear chemical, and biological, as agreed to in UNCHE in 1972, and in specific conventions.

Article 13
We reaffirm the obligations under the 1967 the Outer space Treaty to ensure that exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind [humanity.]

Article 14
We make a full commitment to disarmament and oppose the continued profit making from the sale of arms, will implement obligations to reduce the trade in small arms and in collaboration with the ILO will fund a fair and just transition program for worker currently working in the arms trade.

Article 15
We will end the production of land mines and sign and ratify the Convention for the

Banning of Landmines, and affirm a commitment of funds and continuous effort to remove land mines from all areas of the world where they are known to exist.

Article 16
We will suffocate the production of uranium, phase out the use of civil nuclear energy, and prohibit the use of weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II.

Article 17
We oppose NATO'S first strike policy, and support the disbanding of NATO.

Article 18
We will abide by the Geneva conventions on the treatment of civilians, and respect international human rights and humanitarian law.

Article 19

We will discharge obligations incurred through conventions, treaties, and covenants; and act on commitments through conference action plans related to Common security - peace, environment, human rights and social justice

Article 20
We will sign, ratify, and enact the necessary legislation to ensure compliance with, or respect for Common Security international Conventions, Covenants and Treaties.

Article 21
We will abide by the Convention against Torture through Cruel, Inhumane or Degrading Treatment or Punishment, and end the practice of rendition of citizens and will abide by the Geneva conventions.

Article 22
We will eliminate cruel and inhumane punishment such as capital punishment, which violates accepted international norms.

Article 23
We will abandon institutions and agreements which promulgate globalization, deregulation and privatization; these institutions and agreements undermine the rule of international public trust law, and condone and actively facilitate corporations benefiting and profiting from war.

Article 24
We oppose the promulgation, globalization, deregulation and privatization through trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law, and we will support global fair trade

Article 25

We abandon the IMF structural adjustment program which has led to the violation of human rights, has exploited citizens in the developing world and has adversely impacted on vulnerable and indigenous peoples around the world.

Article 26
We oppose the privatization of public services such as water and health care, we will increase funding to Universities to counter the corporate funding of education including the corporate direction of research and declare that these be the responsibility of governments.

Article 27
We will finally implement the long standing international commitment to transfer .7% of the GDP for overseas aid, and to cancel third world debt.

Article 28
We will no longer subsidize and invest in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, and that have destroyed the environment.

Article 29
We will implement the commitment made to ensure that corporations, including transnational corporations comply .. with international law, and that they pay compensation for any previous health and environmental consequences of their actions.

Article 30
We will revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment.

Article 31
We support Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and oppose corporate "voluntary compliance".

Article 32
We will ban practices that contribute to environmentally induced diseases and we will address poverty related health problems and ensure universal access, to publicly funded not for profit health care system.

Article 33
We will end the production of toxic, hazardous, atomic waste, and we will prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992.

Article 34
We will ban the production, approval and promotion of genetically engineered foods and crops which have led to a deterioration of the food supply, and to loss of heritage seeds.

Article 35
We will protect Biodiversity by signing and ratifying the Convention on Biological Diversity and oppose "mega-diversity" --resulting from genetic engineering.

Article 36
We will be forthright in acknowledging that the Biosafety Protocol is a disguised trade agreement, and serves to promote the acceptance of Genetically modified living organisms.

Article 37
We will accept the warnings of the Intergovernmental panel on Climate Change, and no longer disregard obligations under the Framework Convention on Climate Change and its protocol to reduce greenhouse gas emissions, and to preserve carbon sinks.. We will oppose any suggestion that civil nuclear energy is the solution to climate change.

Article 38
We will rescind anti-terrorism legislation because it violates civil and political rights, and results in racial profiling.

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Article 40
We will clearly distinguish legitimate dissent from criminal acts of subversion.

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- disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status

Article 42
We will end the discrimination against immigrants, and refugees and we sign and ratify the Convention for the Protection of Migrant Workers and their Families; and the Convention on Refugees.

Article 43
We will respect women's reproductive rights, and abide by commitments made under the International Conference on Population and Development, and the Beijing Platform.

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We oppose religious extremism and proselytizing including the spread of Evangelical Christianity around the world, which has undermined local indigenous cultures, instilled fear through the dangerous, belief in the "rapture", "Armageddon" and "left behind", has promulgated dispensationalist "end times" scenario which has serious irreversible consequences. and has led to the denigrating other established beliefs and practices.

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Proposed by the Global Compliance Research Project
contact: Joan Russow PhD

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SIGN- ON

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Peace conference in the Hague, and at a meeting at the International Court of Justice

2005 World Summit: Canada Has Contributed to Undermining UN 

Justice News
Thursday, 15 September 2005 04:48

2005 World Summit: Canada Has Contributed to Undermining - In a press conference yesterday, September 14, 2005, Prime Minister Paul Martin lamented the weakeness of the 2005 World Summit Document. Canada professes to be a strong advocate of multilateralism and the UN. Canada has, however been complicit in the disregard for the implementation of UN instruments, and in so doing is contributing to the undermining of the United Nations. Time to expose Canada's hypocrisy, and call for translating rhetoric into action. "http://www.PEJ.org">www.PEJ.org 2005 World Summit: Canada Has Contributed to Undermining UN

September 14, 2005
Joan Russow (PhD)
Global Compliance Research Project
author of Charter of Obligations-350 pages of international obligations incurred and commitments made through International Instruments.
Canada

The first item on the Agenda for the United Nations 2005 World Summit was a call for implementation of international instruments. The United Nations will only be strengthened if the years of international obligations are discharged and commitments acted on.?

Canada professes to be a strong advocate of multilateralism and the UN. Canada has, however been complicit in the disregard for the implementation of UN instruments. Canada generally signs and ratifies international agreements but fails to enact the necessary legislation to ensure compliance.

In the 1982 communique,

International Day of Peace- reallocation of the 1 trillion dollar global military budget for global social justice, and implementation of peoples right to peace. 

Peace News
Wednesday, 21 September 2005 01:11

International Day of Peace- reallocation of the 1 trillion dollar; global military budget for global social justice, and implementation of peoples right to peace- Joan Russow - Currently the Global Community spends more than 1 trillion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe

environment; the right to universally accessible, not for profit health care; and the right to free and accessible education./www.PEJ.ca" Global Compliance Research Project

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources, and that citizens have a right to peace? Unfortunately, institutional memory is either short or member states ignore precedents.

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

In 1981, in the General Assembly resolution entitled Resolution on the reduction of the military budget, the member states

(i) reaffirmed "the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget";

(ii) recognized that "the military budget constitutes a heavy burden for the economies of all nations, and has extremely harmful consequences on international peace and security";

(iii) reiterated the appeal "to all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries" (Resolution on the Reduction of Military budgets, 1981).

These appeals were further reinforced in a 1983 General Assembly Resolution on the Relationship between Disarmament and Development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries." Also in the 1993 resolution, member states considered that "the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued in the international community to secure the recovery of the world economy and the establishment of a new international economic order."

Also in 1992, all member states recognized that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member states of the Untied Nations made a commitment to

the "the reallocation of resources presently committed to military purposes" (33.18e)

In 1994, in adopting the statement from the International Conference on Population and Development, the member states of the United Nations concurred that the attainment of ?quantitative and qualitative goals of the present Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required; nor all of them combined? is expensive in the context of either current global development or military expenditures." (Article 1.19)

In 1995, similarly, states in adopting the statement from the Social Development Summit endorsed the calling for ?the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action, States have made a commitment to maintain ?peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict? (Art. 14) and to reduce "...military expenditures" (Art. 15), states have also made a commitment to the ?prevention and resolution of conflicts? (Art.15) and to ?increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes" (145a).

It is time for the member states of the United Nations to give substance the commitment from Habitat 1, in 1976, to substantially reduce the military budget.

A global fund , administered b y the International Labour Organization (ILO) to assist workers in the military and in arms industry by instituting a fair and just transition programme.

Currently the Global Community spends more than 1 trillion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education.

And the right to peace:
In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of ...measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)
OCTOBER OCTOBER 2005
Prepared Phase I (before PEJ news articles)
C0URT DOCUMENT IN DEFENCE OF LEGITIMATE DISSENT. DISCRIMINATION ON THE GROUNDS OF "POLITICAL AND OTHER OPINION" AND FRUSTRATION

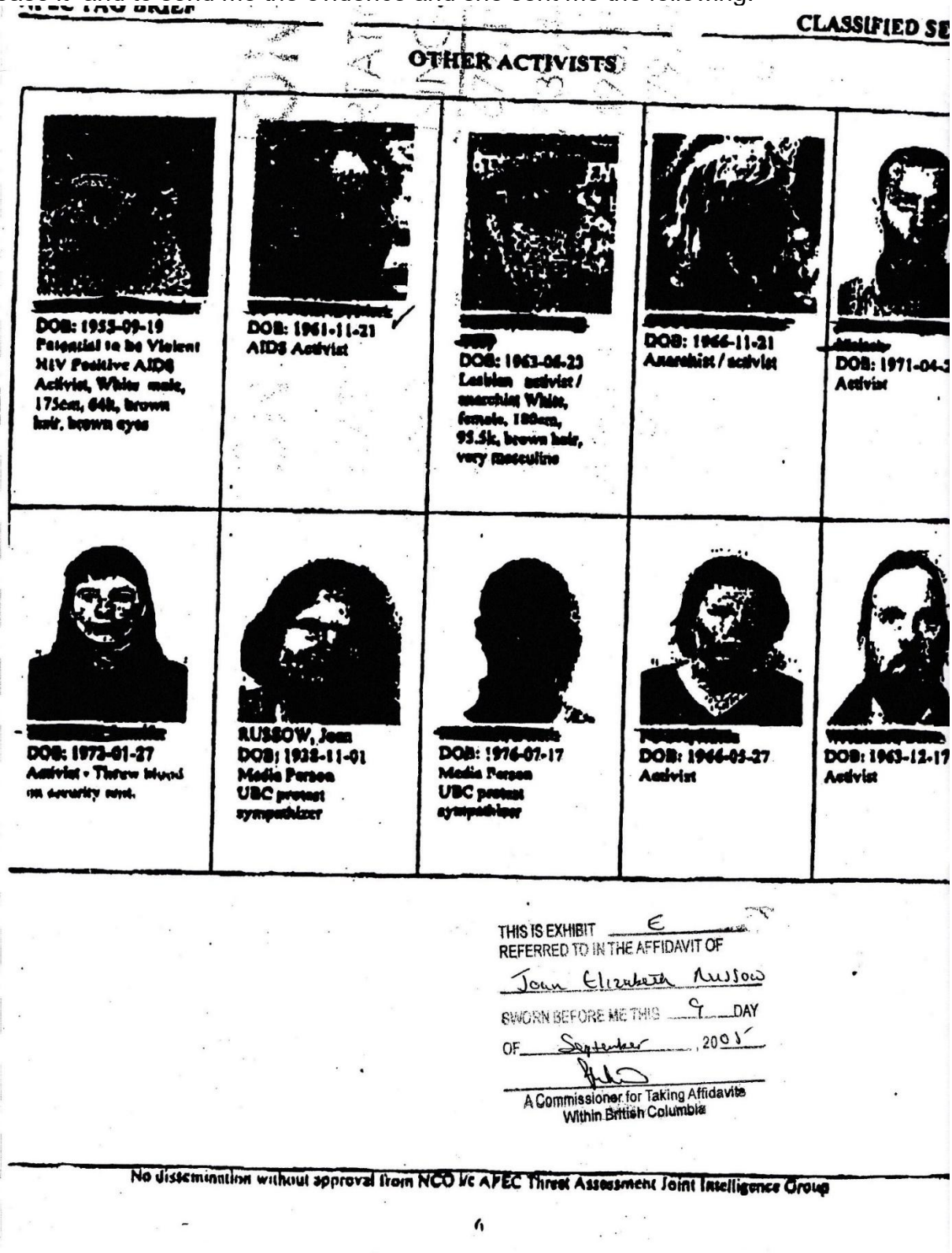
OF CONTRACT (5000 pages]submitted to court) will be phase 1 of in defence of legitimate dissent

*PEJ TERASEN/KINDER MORGAN'S APPLICATION MUST BE DENIED 

Earth News
Wednesday, 12 October 2005 03:00

In 1997 I had been put on an RCMP threat assessment list, but it was not until 1998 when there was an Inquiry into what happened at APEC , that i found out
One morning I received a phone call from a member of the media, she asked me if I knew that I was on the RCMP Treat Assessment list. She said she was going to write a piece about the national leader of the Green Party being on the list I asked her to let me

release it and to send me the evidence and she sent me the following:



CLASSIFIED SE

OTHER ACTIVISTS

DOB: 1955-09-19
Potential to be Violent
HIV Positive AIDS
Activist, White male,
175cm, 64k, brown
hair, brown eyes

DOB: 1961-11-21
AIDS Activist

DOB: 1963-06-23
Lesbian activist /
anarchist White,
female, 180cm,
95.5k, brown hair,
very masculine

DOB: 1966-11-21
Anarchist / activist

DOB: 1971-04-
Activist

DOB: 1972-01-27
Activist - Threw blood
on security cast.

RUSSOW, Joan
DOB: 1928-11-01
Media Person
UBC protest
sympathizer

DOB: 1976-07-17
Media Person
UBC protest
sympathizer

DOB: 1966-03-27
Activist

DOB: 1963-12-17
Activist

THIS IS EXHIBIT E
REFERRED TO IN THE AFFIDAVIT OF
Joan Elizabeth Russow
SWORN BEFORE ME THIS 9 DAY
OF September 2005
A Commissioner for Taking Affidavits
Within British Columbia

No dissemination without approval from NCO i/c APEC Threat Assessment Joint Intelligence Group

:

, After years of going through numerous channels still in 2023 I still do not know the reason. I believe that over the years , I have engaged in legitimate dissent so I decided to compile a document in the form of an affidavit and dedicated it to the RCMP and let the reader determine if I have been a threat , and if so to whom
NOTE: for a quick read search for ( ) which begins each item or by month which is written twice JANUARY JANUARY etc.

JANUARY JANUARY

( ) THAT in1995 in Januaryws
I wrote the following:

EXHIBIT

NEVER AGAIN: CIRCULATING AND BERTHING
OF US NUCLEAR POWERED OR NUCLEAR
ARMS CAPABLE VESSELS.

Joan Russow
Global Compliance Research Project

RE: USS Abraham Lincoln - THE LAST TIME

Nuclear powered and nuclear arms capable
vessels; a disaster in waiting.

The intrusion into Canadian waters by U.S. nuclear
powered and nuclear arms capable vessels
contravenes obligations to prevent disasters,
commitments to eliminate weapons of mass
destruction, and a decision by the International
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PREVENTING DISASTER

Under the Convention on Natural Disasters (1994) , governments enlarged the concept of natural disaster prevention to include Na-techs technological disasters and placed an emphasis on the imperative of developing:
" a global culture of prevention as an essential component of an integrated approach to disaster reduction".
And acknowledged that
?. Disaster response alone is not sufficient, as it yields only temporary results at a very high cost. We have followed this limited approach for too long.
... Prevention contributes to lasting improvement in safety and is essential to integrated disaster management? .

The Convention also affirmed the commitment to developing Disaster prevention is also closely linked to the precautionary principle which reads: where there is a threat to the environment lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the threat.

There are few activities that have the potential of a disaster more than the berthing of nuclear powered and nuclear-arms capable vessels in an urban harbour.

REDUCING AND ELIMINATING OF NUCLEAR ARMS

Recently, the US Congress passed a bill to spend $450 billion on
nuclear programmes and Ballistic Missile Defence.

This programme defies a long- term commitment

made in Stockholm in 1972 to eliminate the production of weapons of mass destruction:
....to reach prompt agreement in the relevant international organs on the elimination and complete destruction of such weapons (UNCHE, 1972, Principle 26) and more specifically an obligation under Article VI of the Non-Proliferation Treaty.

Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.

It is obvious that US has abandoned all obligations and commitments to reduce its arsenal of nuclear weapons, including those carried by nuclear powered vessels.

PHASING OUT CIVIL NUCLEAR ENERGY
At the United Nations Conference on the Environment and Development
(UNCED) the harm of high-level waste was acknowledged by all member
states of the United Nations:

"high-level waste (as well as spent nuclear fuel destined for final disposal) is generated world-wide from nuclear power production. These volumes are increasing as more nuclear power units are taken into operation, nuclear facilities are decommissioned and the use of radionuclides increases. The high-level waste contains about 99 percent of the radionuclides and thus represents the largest radiological risk "

Also at UNCED in a Nobel Laureate Declaration there was a call for the phase-out of nuclear energy .

The nuclear powered vessels could be described as a floating Chernobyl,
an accident in waiting.

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ELIMINATING A THREAT TO HUMANITARIAN

LAW (ICJ DECISION)

In the 1983 UN General Assembly resolution, "Condemnation of Nuclear War" governments condemned unconditionally that: "nuclear war as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right - the right to life "

This recognition was affirmed in July 8, 1996 decision of the International Court of Justice on the legality of the threat or use of nuclear weapons. the Court handed
down a decision that the use or the threat to use nuclear weapons was contrary to international humanitarian law.

The provocative circulation and berthing of U.S. nuclear powered and nuclear arms capable vessels, defies this ruling

( ) THAT REVISING CANADIAN POLICY

The Vancouver Island Peace Institute is being established to continue the work of the Vancouver Island Peace Society. The VIP society launched a court case in 1991 calling for an environmental assessment review under the EARP guidelines of nuclear powered and nuclear capable vessels in the urban port of Greater Victoria. This case was launched
in 1991, with over 800 pages of affidavits from experts, and citizens.

It was argued that in 1991 the Federal Conservative government had issued an Order in Council to bypass the government requirement to carry out an environmental assessment review.

The Liberal government was in power when the case was finally heard and the judge decided in favour of Cabinet Royal Prerogative.

In 1993, the NDP was in power provincially, there was a 50 to 1 vote in support of the court case,

and 8 out of 10 of the municipalities- seven unanimously supported the case including all Greater Victoria Members
of Parliament and many local peace and environmental organizations

The judgment of the Federal Court was made over a year later. The Court held that the bypassing of the Environmental Assessment Review Process program was legitimate because of the principle of ?Royal Prerogative? of cabinet.

The Vancouver Island Peace Institute has obtained through Access to information, the full documentation of the court case, and will reconsider new legal means for preventing further circulating and berthing of nuclear vessels.

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PROMOTING TRUE SECURITY

It is time to dispel the myth that Canada’s international reputation depends on Canada's establishing a strong military, and increased integration with the US. If Canada is to have a solid international reputation, it has to cease being compliant to US policy, and to institute an independent common security national policy.

The circulation of US nuclear powered vessels, along with the maintenance of over 700 international US military bases around the world, the adoption of the policy of “preventive” aggression, the establishment of Ballistic missile defence all contribute to a US-led international ?insecurity? policy. Through lobbying the US to abandon its policies and actions that contribute to global insecurity, through effectively contributing to the implementing of an international/ national policy that supports multilateralism, and the rule of international law, through promoting the delegitmization of war and reallocating military expense to further common security, Canada will ensure greater national

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JANUARY JANUARY

Justice News
Sunday, 09 January 2005 16:40

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FEBRUARY february 2005

FEBRUARY FEBRUARY

Y In February 2005 , Kate Holloway, the party's fundraising chair, was suspended from the council, and Platform Chair Michael Pilling was fired. They were preceded over the two years of Harris's leadership by a number of others who either quit the council or left the party altogether. Some of those have now formed the rival Peace and Ecology Party. "I had a gut feeling about this man," says Schwarz. "He wasn't Green. He wasn't passionate about saving the planet. He was saying lines and speaking a part like an actor." But the party was desperate for someone with organizational skills, and she admits, "I thought we could use him. I might not want to sit down and have a beer with Harris, but he had something that we didn't have."

Once in charge, Harris knew he would quickly have to raise money to invest in the looming federal election campaign. One plan, called "affinity funding," involved such organizations as the Humewood Ratepayers Association, a Toronto citizens' group. Essentially, the party would lend its legal authority to issue tax receipts for political donations. Groups such as Humewood would then kick back a percentage of the money raised to the party. To test the legality of the affinity plan, members of the council—against Harris's wishes—had it vetted by Elections Canada, which found it illegal. Another scheme called "democracy bonds," which was never adopted, would have paid investors 25-percent interest, but the loans would only have been paid back if the party received more than 2 percent of the vote.

Despite internal bickering over fund-raising, Harris finally received the money he needed to pursue his 2-percent solution from two unlikely sources. The first was wealthy Toronto feminist and former Tory candidate Nancy Jackman (now Nancy Ruth), who donated $50,000 to the party. According to Ruth, who was appointed to the Senate in March, she met Harris when she ran against him in a 1993 provincial by-election in Toronto. They became friends and she agreed to help. "I wanted them," recalls Ruth, "to have a chance to get the $1.75 per vote." Critical support also came from wealthy BC businessman and Green benefactor Wayne Crookes, who loaned the party more than $300,000. In the end, even his fiercest critics were stunned by Harris's ability to field a full slate of candidates. "It totally staggered me," recalls West, "that they could get 150 signatures [per candidate], in most cases in ridings where they had no active members." And as unlikely as the whole project was, Harris's strategy worked. And not at just the 2-percent threshold: 4 .3 percent, or 582,247 Canadians, voted for the party. Under Bill C-24, this translated into $1,018,932 of government funding and the promise of building a party that could do even better in the future.

As Harris established himself as leader, he began a pattern of hand-picking people to work with, even if that meant going outside of the organization. One was Pilling, whom he put in charge of policy while he was allegedly still working for Strategic Advantage. Another was David Scrymgeour, former national director of the Progressive Conservative Party. He had been at the heart of a conflict leading up to the Conservative leadership convention in 2003, when Conservative MP Peter MacKay was

chosen to head the party. The controversy centered on claims by David Orchard, who was also running for the leadership, that Scrymgeour had used a variety of dirty tricks to ensure that Orchard's supporters were denied delegate status. Harris, aware of the controversy, phoned Orchard, whom he had earlier courted—unsuccessfully—for electoral support. "We talked for quite a while," recalled Orchard, "but he didn't follow up on any of [my advice]. He didn't get rid of him."

The arrival of strategists such as Scrymgeour—and another controversial former Conservative/Alliance operative, lawyer Tom Jarmyn—stood in sharp contrast to previous Green Party leaders, especially those such as British Columbia's Joan Russow, who were preoccupied with policy matters. An environmentalist and social democrat with a Ph. D. in interdisciplinary studies, Russow compiled a 400-page policy backgrounder for the party as leader. But in looking at the party's platform today, she wonders how the planks she built around social democratic policy and strong regulatory enforcement were replaced by a structure that she says could lead to the adoption of right-wing programs. Said Russow: "It has abandoned itself as a principle based party." According to Harris, Russow's recommendations were replaced with a platform developed directly by the membership and one more appealing to voters. Many of the party's economic policies appear to be mainstream—even, at times, identical to those of the Conservatives or Liberals, including promises to "lower taxes on income, profit and investment." The idea of a guaranteed annual income has been removed from the platform. Poverty rates a mention, but there is nothing specifically proposed to address the root causes of the problem. Instead, the Greens promise to "enhance the existing network of food share, school nutrition, and food bank programs to eliminate hunger and malnutrition."

Like Conservative leader Stephen Harper, Harris wants to hollow out Ottawa with a massive devolution of power. According to its own literature, the Green Party would "respect the right of provinces to 'opt out' of federal initiatives without financial penalty." This would undermine the Canada Health Act and make creation of new national social programs all but impossible. Some policy language even echoes the old hard-right Reform Party. For example, in a mid election news release, Harris stated: "Tossing money alone at health care is not going to miraculously fix the problems faced by older Canadians." Instead, he proposed supporting health care through more community volunteerism.

Harris even watered down the party's policy on genetically modified foods, from one calling for a ban to one simply calling for labeling. Harris personally opposes the manufacture of GMO foods, but when asked why he stopped short of calling for a ban, he replies: "I want them labeled but we don't even have labeling. What's the point of calling for banning when we're eating the stuff, and we don't even know it? " Instead, Harris would rely on the eco-capitalism market solutions that inform so much of the party's platform, arguing that consumer disapproval of products, not a government ban, will ultimately change corporate behaviour.

Harris's desire to create a consensus on the environment by building bridges to the corporate sector emerges when asked whether the party would increase the level of fines against polluting corporations. "It's not about being punitive," he insists. "People want to do a good job. And I work with people who are in corporations, and they're good people. They have children, and they care about their future too."

Even so, there are occasional and dramatic contradictions to the conservative thrust of the platform that seem designed to appeal to radicals in the party. For instance, the party promises to “rescind all uranium-mining permits and prohibit the export of fissionable nuclear material.”

During the 2004 election, the party was found wanting in the two areas in which Greens feel they can make a difference—promoting democracy and protecting the environment. Democracy Watch, an Ottawa-based group, gave the Greens a D− for not adequately addressing issues surrounding corporate responsibility and ethical government. And on the their environmental policies, the NDP received a slightly higher grade than the Green Party from both the Sierra Club and Greenpeace.

In the end, however, questions surrounding policy didn’t matter much in the election, because many of the candidates (and voters) weren’t aware of Harris’s revamped platform anyway. At least a third of the candidates, says Pollesel, didn’t even live in the ridings in which they ran. And like some candidates, Marc Loiselle from Saskatoon, who ran in Prince Albert, Saskatchewan, says that he was “not that familiar with actual Green policies.” When he did speak publicly, he put forward what he thought the party’s policies should be, not what they actually were.

Not only were policies not that important. Neither was political experience. Recalls Pollesel, who had worked for half a dozen MPs and was the most experienced organizer on the election team: “It was so off-the-wall. You had a policy director who didn’t know anything about policy, a leader who doesn’t have a clue about politics, and a media guy who doesn’t want to talk to the media. It was the antithesis of everything a real party should be.” (Pollesel eventually filed a complaint with Elections Canada listing fourteen violations of the Elections Act.)

FOR A PARTY that had just made a breakthrough of historic proportions, the Green Party convention in August 2004 was hardly a celebratory affair. Only about 180 party members showed up out of a membership of around 3,800. Just 956 bothered to mail in ballots, and Harris won with just 54.8 percent of the vote. Still, Harris immediately tightened his hold on the party by assigning Scrymgeour the task of developing a new organizational structure that would make the Greens even more mainstream. Scrymgeour’s subsequent report, “Green and Growing,” was full of the scientific manipulation of the electorate common to the Conservatives and Liberals, but anathema to traditional Green values. His reference to “high yield EDAs” (riding associations) sounded more like a mutual fund promotion, and identifying “benchmarks and best practices” was right out of a corporate governance manual.

On Scrymgeour’s advice, Harris created an election-readiness committee. Consisting of Harris, party creditor Wayne Crookes, selected staff members, and loyalists from the party’s elected council—all men after the lone woman quit—it has allowed Harris to run the party while often circumventing the governing council and its messy disagreements. And that has helped him to weather the storms around his leadership style—for now.

NEVER AGAIN:
CIRCULATING AND
BERTHING
BACKGROUND TO THE COVENANT OF IMPLEMENTATION

( ) THAT in 2005 BEIJING +10 WOULD BEHELD IN NEW YORK

BEIJING +10 2005 COVENANT OF IMPLEMENTATION 

Justice News

Beijing+10 2005 COVENANT OF IMPLEMENTATION CONT 

Justice News
Monday, 07 February 2005 03:47

Beijing+10 2005
COVENANT OF IMPLEMENTATION
CONTINUED
Joan Russow (PhD)
Global Compliance Research Project
j.russow@shawlink.ca

EVALUATION OF STATE PERFORMANCE ON IMPLEMENTATION
OF THE 1995 PLATFORM OF ACTION 195. By the United Nations:
(a) Implement existing and adopt new employment policies and measures in order to achieve overall gender equality, particularly at the Professional level and above, by the year 2000, with due regard to the importance of recruiting staff on as wide a geographical basis as possible, in conformity with Article 101, paragraph 3, of the Charter of the United Nations;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

198. National machines for the advancement of women have been established in almost every Member State to, inter alia, design, promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women. National machines are diverse in form and uneven in their effectiveness, and in some cases have declined. Often marginalized in national government structures, these mechanisms are frequently hampered by unclear mandates, lack of adequate staff, training, data and sufficient resources, and insufficient support from national political leadership.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

203. A national machinery for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. The necessary conditions for an effective functioning of such national machines include: (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

203 (a) Location at the highest possible level in the government, falling under the

responsibility of a Cabinet minister;
and monitoring with a view to involving non-governmental organizations and community organizations from the grass-roots upwards;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

(b) Based on a strong political commitment, create a national machinery, where it does not exist, and strengthen, as appropriate, existing national machinery, for the advancement of women at the highest possible level of government; it should have clearly defined mandates and authority; critical elements would be adequate resources and the ability and competence to influence policy and formulate and review legislation. Among other things, it should perform policy analysis, undertake advocacy, communication, coordination and monitoring of implementation; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

206(e) Report, on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns, taking into account the implementation of the Platform for Action; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

207 (b) Regularly review national policies, programmes and projects, as well as their implementation, evaluating the impact of employment and income policies in order to guarantee that women are direct beneficiaries of development and that their full contribution to development, both remunerated and unremunerated, is considered in economic policy and planning;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

207 (e) Give all ministries the mandate to review policies and programmes from a gender perspective and in the light of the Platform for Action. Locate the responsibility for the implementation of that mandate at the highest possible level. Establish and/or strengthen an inter-ministerial coordination structure to carry out this mandate and monitor progress and to network with relevant machinery.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

208. (a) Facilitate the formulation and implementation of government policies on equality between women and men, develop appropriate strategies and methodologies, and promote coordination and cooperation within the central government in order to ensure mainstreaming of a gender perspective in all policy-making processes;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

209 (b) Collect, compile, analyze and present on a regular basis data dis-aggregated by age, sex, socioeconomic and other relevant indicators, including number of dependents, for utilization in policy and programme planning and implementation and to reflect problems and questions related to men and women in society; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

209 (c) Involve centers for women's studies and research organizations in developing and testing appropriate indicators and research methodologies to strengthen gender

analysis, as well as in monitoring and evaluating the implementation of the goals of the Platform for Action; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

210 (d) Use more gender-sensitive data in the formulation of policy and implementation of programmes and projects.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

218. In order to protect the human rights of women, it is necessary to avoid, as far as possible, resorting to reservations and to ensure that no reservation is incompatible with the object and purpose of the Convention or is otherwise incompatible with international treaty law. Unless the human rights of women, as defined by international human rights instruments, are fully recognized and effectively protected, applied, implemented and enforced in national law as well as in national practice in family, civil, penal, labour and commercial codes and administrative rules and regulations, they will exist in name only. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

219. In those countries that have not yet become parties to the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, or where reservations that are incompatible with the object or purpose of the Convention have been entered, or where national laws have not yet been revised to implement international norms and standards, women's de jure equality is not yet secured. Women's full enjoyment of equal rights is undermined by the discrepancies between some national legislation and international law and international instruments on human rights. Overly complex administrative procedures, lack of awareness within the judicial process and inadequate monitoring of the violation of the human rights of all women, coupled with the under-representation of women in justice systems, insufficient information on existing rights and persistent attitudes and practices perpetuate women's de facto inequality. De facto inequality is also perpetuated by the lack of enforcement of, inter alia, family, civil, penal, labour and commercial laws or codes, or administrative rules and regulations intended to ensure women's full enjoyment of human rights and fundamental freedoms. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

Strategic objective I.1. Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women

230. (a) Work actively towards ratification or accession to and implement international and regional human rights treaties;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (b) Ratify and accede to and ensure implementation of the Convention on the Elimination of All Forms of Discrimination against Women so that universal ratification of the Convention can be achieved by the year 2000;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (h) If they are States parties, implement the Convention by reviewing all national laws, policies, practices and procedures to ensure that they meet the obligations set out in the Convention; all States should undertake a review of all national laws, policies, practices and procedures to ensure that they meet international human rights obligations in this matter;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (j) Report on schedule to the Committee on the Elimination of Discrimination against Women regarding the implementation of the Convention, following fully the guidelines established by the Committee and involving non-governmental organizations, where appropriate, or taking into account their contributions in the preparation of the report;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (m) Take urgent measures to achieve universal ratification of or accession to the Convention on the Rights of the Child before the end of 1995 and ensure full implementation of the Convention to ensure equal rights for girls and boys, and urge those that have not already done so to become a party in order to realize universal implementation of the Convention on the Rights of the Child by the year 2000;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (o) Strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organized and other forms of trafficking in women and children, including for the purposes of sexual exploitation, pornography, prostitution and sex tourism, and provide legal and social services to the victims. This should include provisions for international cooperation to prosecute and punish those responsible for organized exploitation of women and children;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

231 (b) Ensure the implementation of the recommendations of the World Conference on Human Rights for the full integration and mainstreaming of the human rights of women;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

231 (c) Develop a comprehensive policy programme for mainstreaming the human rights of women throughout the United Nations system, including activities with regard to advisory services, technical assistance, reporting methodology, gender impact assessments, coordination, public information and human rights education, and play an active role in the implementation of the programme; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

231(d) Review national laws, including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, and revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice; (STRONGLY

AGREE 1 2 3 4 5 STRONGLY DISAGREE)

232(p) Strengthen and encourage the implementation of the recommendations contained in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, paying special attention to ensure non-discrimination and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities, including their access to information and services in the field of violence against women, as well as their active participation in and economic contribution to all aspects of society;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

233 (f) Encourage, coordinate and cooperate with local and regional women's groups, relevant non-governmental organizations, educators and the media, to implement programmes in human rights education to make women aware of their human rights;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

243 (a) Promote research and implementation of a strategy of information, education and communication aimed at promoting a balanced portrayal of women and girls and their multiple roles; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

253 (a) Ensure opportunities for women, including indigenous women, to participate in environmental decision-making at all levels, including as managers, designers and planners, and as implementers and evaluators of environmental projects;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

243 (e) Take measures to integrate a gender perspective in the design and implementation of, among other things, environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

254 (d) Establish strategies and mechanisms to increase the proportion of women, particularly at grass-roots levels, involved as decision makers, planners, managers, scientists and technical advisers and as beneficiaries in the design, development and implementation of policies and programmes for natural resource management and environmental protection and conservation;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

254 (i) Develop programmes to involve female professionals and scientists, as well as technical, administrative and clerical workers, in environmental management, develop training programmes for girls and women in these fields, expand opportunities for the hiring and promotion of women in these fields and implement special measures to advance women's expertise and participation in these activities; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

256 (i) Develop programmes to involve female professionals and scientists, as well as

technical, administrative and clerical workers, in environmental management, develop training programmes for girls and women in these fields, expand opportunities for the hiring and promotion of women in these fields and implement special measures to advance women's expertise and participation in these activities; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

256 (l) Ensure that clean water is available and accessible to all by the year 2000 and that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

259 (d) Promote coordination within and among institutions to implement the Platform for Action and chapter 24 of Agenda 21 by, inter alia, requesting the Commission on Sustainable Development, through the Economic and Social Council, to seek input from the Commission on the Status of Women when reviewing the implementation of Agenda 21 with regard to women and the environment.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

274(a) By States that have not signed or ratified the Convention on the Rights of the Child, take urgent measures towards signing and ratifying the Convention, bearing in mind the strong exhortation made at the World Conference on Human Rights to sign it before the end of 1995, and by States that have signed and ratified the Convention, ensure its full implementation through the adoption of all necessary legislative, administrative and other measures and by fostering an enabling environment that encourages full respect for the rights of children; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

274 (f) Develop and implement comprehensive policies, plans of action and programmes for the survival, protection, development and advancement of the girl child to promote and protect the full enjoyment of her human rights and to ensure equal opportunities for girls; these plans should form an integral part of the total development process; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

274 (g) Ensure the dis-aggregation by sex and age of all data related to children in the health, education and other sectors in order to include a gender perspective in planning, implementation and monitoring of such programmes.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

278 (a) Generate awareness of the disadvantaged situation of girls among policy makers, planners, administrators and implementors at all levels, as well as within households and communities; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

286. The Platform for Action establishes a set of actions that should lead to fundamental change. Immediate action and accountability are essential if the targets are to be met by the year 2000. Implementation is primarily the responsibility of Governments, but is also dependent on a wide range of institutions in the public, private and non- governmental

sectors at the community, national, sub-regional/regional (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

286. The Platform for Action establishes a set of actions that should lead to fundamental change. Immediate action and accountability are essential if the targets are to be met by the year 2000. Implementation is primarily the responsibility of Governments, but is also dependent on a wide range of institutions in the public, private and non- governmental sectors at the community, national, sub-regional/regional STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

288. Implementation of the Platform for Action by national, sub-regional/regional and international institutions, both public and private, would be facilitated by transparency, by increased linkages between networks and organizations and by a consistent flow of information among all concerned. Clear objectives and accountability mechanisms are also required. Links with other institutions at the national, sub-regional/regional and international levels and with networks and organizations devoted to the advancement of women are needed. STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

289. Non-governmental and grass-roots organizations have a specific role to play in creating a social, economic, political and intellectual climate based on equality between women and men. Women should be for Action. in the internal dynamics of institutions and organizations, including values, behaviour, rules and procedures that are inimical to the advancement of women. Sexual harassment should be eliminated. should have strong and clear mandates and the authority, resources and for Action. Their methods of operation should ensure efficient and effective implementation of the Platform. There should be a clear women and men as a basis for all actions. STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

292. To ensure effective implementation of the Platform for Action and to enhance the work for the advancement of women at the national, sub-regional/ regional and international levels, Governments, the United Nations system and all other relevant organizations should promote an inter alia, in the monitoring and evaluation of all policies STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

293. Governments have the primary responsibility for implementing the Platform for Action. Commitment at the highest political level is advancement of women. The Fourth World Conference on Women is a requires commitment from Governments and the international community. The Platform for Action is part of a continuing process and has a catalytic effect as it will contribute to programmes and practical outcomes for girls and women of all ages. States and the international commitments for action. As part of this process, many States have made commitments for action as reflected, inter alia, in their national

294. National mechanisms and institutions for the advancement of women should

participate in public policy formulation and encourage the implementation of the Platform for Action through various bodies and institutions, including the private sector, and, where necessary, should act as a catalyst in developing new programmes by the year 2000 in areas that are not covered by existing institutions.

297. As soon as possible, preferably by the end of 1995, Governments, in consultation with relevant institutions and non-governmental
organizations, should begin to develop implementation strategies for the Platform and, preferably by the end of 1996, should have developed their strategies or plans of action. This planning process should draw upon persons at the highest level of authority in Government and relevant comprehensive, have time-bound targets and benchmarks for monitoring, and include proposals for allocating or reallocating resources for community could be enlisted, including resources.

300 B. Sub-regional/regional level sub-regional/ regional structures should promote and assist the pertinent national institutions in monitoring and implementing the global Platform for Action within their mandates. This should be done in coordination with the implementation of the respective regional platforms or plans of Women, taking into account the need for a coordinated follow-up to
related fields.

301. In order to facilitate the regional implementation, monitoring and commissions within their mandates, including their women's units/focal Consideration should be given, inter alia, and, where appropriate, to strengthening capacity in this respect.

302. Within their existing mandates and activities, the regional commissions should mainstream women's issues and gender perspectives and should also consider the establishment of mechanisms and processes to ensure the implementation and monitoring of both the Platform for Action commissions should, within their mandates, collaborate on gender issues organizations, financial and research institutions and the private sector.

303. Regional offices of the specialized agencies of the United Nations system should, as appropriate, develop and publicize a plan of action for implementing the Platform for Action, including the identification of time-frames and resources. Technical assistance and operational targets for the advancement of women. To this end, regular coordination should be undertaken among United Nations bodies and agencies.

305. The Platform for Action needs to be implemented through the work of all of the bodies and organizations of the United Nations system during the period 1995-2000, specifically and as an integral part of wider programming. An enhanced framework for international cooperation for gender issues must be developed during the period 1995-2000 in order to ensure the integrated and comprehensive implementation, follow-up and assessment of the Platform for Action, taking into account the results of global United Nations summits and conferences. The fact that at all of these summits and conferences, Governments have committed themselves to the empowerment of women

in different areas, makes coordination crucial to the follow-up strategies for this Platform for Action. The Agenda for Development and the Agenda for Peace should take into account

313. The General Assembly, as the highest intergovernmental body in the United Nations, is the principal policy-making and appraisal organ on matters relating to the follow-up to the Conference, and as such, should integrate gender issues throughout its work. It should appraise progress in the effective implementation of the Platform for Action, recognizing that these issues cut across social, political and economic policy. At its fiftieth session, in 1995, the General Assembly will have before it the report of the Fourth World Conference on Women. In accordance with its resolution 49/161, it will also examine a report of the Secretary-General on the follow-up to the Conference, taking into account the recommendations of the Conference. The General Assembly should include the follow-up to the Conference as part of its continuing work on the advancement of women. In 1996, 1998 and 2000, it should review the implementation of the Platform for Action. Economic and Social Council

314. The Economic and Social Council, in the context of its role under Assembly resolutions 45/264, 46/235 and 48/162, would oversee system-wide coordination in the implementation of the Platform for invited to review the implementation of the Platform for Action, giving due consideration to the reports of the Commission on the Status of the mandate of the Commission on the Status of Women, taking into commissions and Conference follow-up. The Council should incorporate consideration to recommendations prepared by the Commission. It should consider dedicating at least one high-level segment before the year 2000 to the advancement of women and implementation of the Platform for Action with the active involvement and participation, inter alia, of the specialized agencies, including the World Bank and IMF.

316. The Council should consider dedicating at least one operational activities segment before the year 2000 to the coordination of development activities related to gender, based on the revised system-wide medium-term plan for the advancement of women, with a view to instituting guidelines and procedures for implementation of the Platform for Action by the funds and programmes of the United Nations system.
From a content analysis of the Beijing Declaration and the Platform of Action
Compiled by the Global Compliance Project, and presented at a public meeting as a 12 foot scroll of expectations about implementation of the Platform of Action

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BEIJING +10 2005 COVENANT OF 

IMPLEMENTATION

Justice News
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BEIJING +10 2005 COVENANT OF IMPLEMENTATION

From February 28 2005 to March 12 2005, governments are meeting in New York to evaluate the implementation of the 1995 Platform of Action.

In 1995,I initiated the Global Compliance Research Project and I wrote the Charter of Obligations- 350 pages of obligations incurred through conventions, treaties and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions and declarations. This Charter was officially distributed in French and English to all the delegations of the Beijing Conference on Women: Equality, Development and Peace. The purpose of the Charter was to remind governments of what they had already agreed to so that they would not agree to less than previous obligations, commitments and expectations. The 1995 Beijing Platform of Action in many ways demonstrated the shortness of institutional memory for precedents. However, governments again made commitments through the Platform of Action. On returning to Canada after the Conference I prepared a Covenant of implementation and proposed that NGOs evaluate their countries. I presented the Covenant as a 12 foot scroll.

JOAN RUSSOW
GLOBAL COMPLIANC E RESEARCH PROJECT
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JOAN RUSSOW
GLOBAL COMPLIANC E RESEARCH PROJECT

Beijing+10 2005
(originally prepared in October 1995)
COVENANT OF IMPLEMENTATION
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EVALUATION OF STATE PERFORMANCE ON IMPLEMENTATION

LEGEND:
PLEASE CIRCLE APPLICABLE CATEGORY FOR STATE IMPLEMENTATION
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

FROM THE BEIJING DECLARATION

9. Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

11. Achieve the full and effective implementation of the Nairob Forward-looking Strategies for the Advancement of Women; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

19. It is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually
reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will
foster the empowerment and advancement of women; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

20. The participation and contribution of all actors of civil society particularly women's groups and networks and other non- governmental organizations and community-based organizations, with full respect for their autonomy, in cooperation with Governments, are important to the effective implementation and follow-up of the Platform for Action; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

21. The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

38. We hereby adopt and commit ourselves as Governments to implement the following Platform for Action, ensuring that a gender perspective is reflected in all our policies and

programmes. We urge the United Nations system, regional and international financial institutions, other relevant regional and international institutions and all women and men, as well as non-governmental organizations, with full respect for their autonomy, and all sectors of civil society, in cooperation with Governments, to fully commit themselves and contribute to the implementation of this Platform for Action. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

FROM THE PLATFORM OF ACTION
1. The Platform for Action is an agenda for women's empowerment. Itaims at accelerating the implementation of the Nairobi Forward-lookingStrategies for the Advancement of Women 1/ and at removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. This means that the principle of shared power and responsibility should be established between women and men at home, in the workplace and in the wider national and international communities. Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. A transformed partnership based on equality between women and men is a condition for people-centred sustainable development. A sustained and long-term commitment is essential, so that women and men can work together for themselves, for their children and for society to meet the challenges of the twenty-first century. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

9. The objective of the Platform for Action, which is in full conformity with the purposes and principles of the Charter of the United Nations and international law, is the empowerment of all women. The full realization of all human rights and fundamental freedoms of all women is essential for the empowerment of women. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. The implementation of this Platform, including through national laws and the formulation of strategies, policies, programmes and development priorities, is the sovereign responsibility of each State, in conformity with all human rights and fundamental freedoms, and the significance of and full respect for various religious and ethical values, cultural backgrounds and philosophical convictions of individuals and their communities should contribute to the full enjoyment by women of their human rights in order to achieve equality, development and peace.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

45. A review of progress since the Nairobi Conference highlights special concerns - areas of particular urgency that stand out as priorities for action. All actors should focus action and resources on the strategic objectives relating to the critical areas of concern which are, necessarily, interrelated, interdependent and of high priority. There is a need for these actors to develop and implement mechanisms of accountability for all the areas of concern. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

59. The success of policies and measures aimed at supporting or strengthening the promotion of gender equality and the improvement of the status of women should be based on the integration of the gender perspective in general policies relating to all spheres of society as well as the implementation of positive measures with adequate institutional and financial support at all levels.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

60. (c) Pursue and implement sound and stable macroeconomic and sectoral policies that are designed and monitored with the full and equal participation of women, encourage broad-based sustained economic growth, address the structural causes of poverty and are geared towards eradicating poverty and reducing gender-based inequality within the overall framework of achieving people-centred sustainable development; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

60 (j) Formulate and implement, when necessary, specific economic, social, agricultural and related policies in support of female-headed households; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

60 (k) Develop and implement anti-poverty programmes, including employment schemes, that improve access to food for women living in poverty, including through the use of appropriate pricing and distribution mechanisms;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

60 (p) Formulate and implement policies and programmes that enhance the access of women agricultural and fisheries producers (including subsistence farmers and producers, especially in rural areas) to financial, technical, extension and marketing services; provide access to and control of land, appropriate infrastructure and technology in order to increase women's incomes and promote household food security, especially in rural areas and, where appropriate, encourage the development of producer-owned, market-based cooperatives; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

61 (b) Strengthen analytical capacity in order to more systematically strengthen gender perspectives and integrate them into the design and implementation of lending programmes, including structural adjustment and economic recovery programmes;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

61 (c) Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

62(b) Engage in lobbying and establish monitoring mechanisms, as appropriate, and other relevant activities to ensure implementation of the recommendations on poverty eradication outlined in the Platform for Action and aimed at ensuring accountability and transparency from the State and private sectors; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

84. By Governments, in cooperation with employers, workers and trade unions, international and non-governmental organizations, including women's and youth organizations, and educational institutions: (a) Develop and implement education, training and retraining policies for women, especially young women and women re-entering the labour market, to provide skills to meet the needs of a changing socio-economic context for improving their employment opportunities;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

Strategic objective B.5. Allocate sufficient resources for and monitor the implementation of educational reforms
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

86. (a) Provide the required budgetary resources to the educational sector, with reallocation within the educational sector to ensure increased funds for basic education, as appropriate; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

86 (b) Establish a mechanism at appropriate levels to monitor the implementation of educational reforms and measures in relevant ministries, and establish technical assistance programmes, as appropriate, to address issues raised by the monitoring efforts.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

89(a) Contribute to the evaluation of progress achieved, using educational indicators generated by national, regional and international bodies, and urge Governments, in implementing measures, to eliminate differences between women and men, boys and girls with regard to opportunities in education and training and the levels achieved in all fields, particularly in primary and literacy programmes; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

Strategic objective C.1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services
Actions to be taken

107. By Governments, in collaboration with non- governmental organizations and employers' and workers' organizations and with the support of international institutions:

107 (a) Support and implement the commitments made in the Programme of Action of the International Conference on Population and Development, as established in the report of that Conference and the Copenhagen Declaration on Social Development and

Programme of Action of the World Summit for Social Development 14/ and the obligations of States parties under the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international agreements, to meet the health needs of girls and women of all ages; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

107 (c) Design and implement, in cooperation with women and community-based organizations, gender-sensitive health programmes, including decentralized health services, that address the needs of women throughout their lives and take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities and the diversity of women's needs arising from age and socio-economic and cultural differences, among others; include women, especially local and indigenous women, in the identification and planning of health-care priorities andprogrammes; and remove all barriers to women's health services and provide a broad range of health-care services;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

107 (g) Ensure that all health services and workers conform to human rights and to ethical, professional and gender-sensitive standards in the delivery of women's health services aimed at ensuring responsible, voluntary and informed consent. Encourage the development, implementation and dissemination of codes of ethics guided by existing international codes of medical ethics as well as ethical principles that govern other health professionals; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

107 (r) Promote public information on the benefits of breast-feeding; examine ways and means of implementing fully the WHO/UNICEF International Code of Marketing of Breast-milk Substitutes, and enable mothers to breast-feed their infants by providing legal, economic, practical and emotional support; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

107 (s) Establish mechanisms to support and involve non- governmental organizations, particularly women's organizations, professional groups and other bodies working to improve the health of girls and women, in government policy-making, programme design, as appropriate, and implementation within the health sector and related sectors at all levels;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

107 (w) Promote and ensure household and national food security, as appropriate, and implement programmes aimed at improving the nutritional status of all girls and women by implementing the commitments made in the Plan of Action on Nutrition of the International Conference on Nutrition, 16/ including a reduction world wide of severe and moderate malnutrition among children under the age of five by one half of 1990 levels by the year 2000, giving special attention to the gender gap in nutrition, and a reduction in iron deficiency anaemia in girls and women by one third of the 1990 levels by the year 2000;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

108 (g) Recognize the specific needs of adolescents and implement specific appropriate programmes, such as education and information on sexual and reproductive health issues and on sexually transmitted diseases, including HIV/AIDS, taking into account the rights of the child and the responsibilities, rights and duties of parents as stated in paragraph 108 (e);
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

108 (l) Devise and implement comprehensive and coherent programmes for the prevention, diagnosis and treatment of osteoporosis, a condition that predominantly affects women; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

108 (n) Reduce environmental hazards that pose a growing threat to health, especially in poor regions and communities; apply a precautionary approach, as agreed to in the Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development, 17/ and include reporting on women's health risks related to the environment in monitoring the implementation of Agenda 21; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

109. By Governments, international bodies including relevant United Nations organizations, bilateral and multilateral donors and
non-governmental organizations:

109 (a) Ensure the involvement of women, especially those infected with HIV/AIDS or other sexually transmitted diseases or affected by the HIV/AIDS pandemic, in all decision-making relating to the development, implementation, monitoring and evaluation of policies and programmes on HIV/AIDS and other sexually transmitted diseases; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

109 (b) Review and amend laws and combat practices, as appropriate, that may contribute to women's susceptibility to HIV infection and other sexually transmitted diseases, including enacting legislation against those socio-cultural practices that contribute to it, and implement legislation, policies and practices to protect women, adolescents and young girls from discrimination related to HIV/AIDS; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

109(j) Assist women and their formal and informal organizations to establish and expand effective peer education and outreach programmes and to participate in the design, implementation and monitoring of these programmes;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

111(d) Develop goals and time-frames, where appropriate, for improving women's health and for planning, implementing, monitoring and evaluating programmes, based on gender-impact assessments using qualitative and quantitative data disaggregated by sex, age, other established demographic criteria and socio- economic variables;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

111 (e) Establish, as appropriate, ministerial and interministerial mechanisms for monitoring the implementation of women's health policy and programme reforms and establish, as appropriate, high-level focal points in national planning authorities responsible for monitoring to ensure that women's health concerns are mainstreamed in all relevant government
agencies and programmes. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

112 (c) Give higher priority to women's health and develop mechanisms for coordinating and implementing the health objectives of the Platform for Action and relevant international agreements to ensure progress. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

123. The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 18/ as well as other relevant instruments, needs to be reviewed and strengthened. The use of women in international prostitution and trafficking networks has become a major focus of international organized crime. The Special Rapporteur of the Commission on Human Rights on violence against women, who has explored these acts as an additional cause of the violation of the human rights and fundamental freedoms of women and girls, is invited to address, within her mandate and as a matter of urgency, the issue of international trafficking for the purposes of the sex trade, as well as the issues of forced prostitution, rape, sexual abuse and sex tourism. Women and girls who are victims of this international trade are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV/AIDS. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

125 (d) Adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders; take measures to ensure the protection of women subjected to violence, access to just and effective remedies, including compensation and indemnification and healing of victims, and rehabilitation of perpetrators; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

125 (e) Work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, 19/ the International Covenant on Civil and Political Rights, 12/ the International Covenant on Economic, Social and Cultural Rights, 12/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 20/ (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

125 (f) Implement the Convention on the Elimination of All Forms of Discrimination against Women, taking into account general recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women, at its eleventh session; 21/

125 (g) Promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes related to violence against women and actively encourage, support and implement measures and programmes aimed at increasing the knowledge and understanding of the causes, consequences and mechanisms of violence against women among those responsible for implementing these policies, such as law enforcement officers, police personnel and judicial, medical and social workers, as well as those who deal with minority, migration and refugee issues, and develop strategies to ensure that the revictimization of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

125 (j) Formulate and implement, at all appropriate levels, plans of action to eliminate violence against women;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

125 (p) Allocate adequate resources within the government budget and mobilize community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

125 (q) Include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

129 Encourage the dissemination and implementation of the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on the Prevention of and Response to Sexual Violence against Refugees.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

130 (a) Promote research, collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

135. In a world of continuing instability and violence, the implementation of cooperative approaches to peace and security is urgently needed. The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security. Although women have begun to play an important role in conflict resolution, peace-keeping and defence and foreign affairs mechanisms, they are still underrepresented in decision- making positions. If women are to play an equal part in securing and maintaining peace, they must be empowered politically and economically

and represented adequately at all levels of decision-making.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

148 (b) In reviewing the implementation of the plan of action for the United Nations Decade for Human Rights Education (1995-2004), take into account the results of the Fourth World Conference on Women: Action for Equality, Development and Peace; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

149. By Governments, intergovernmental and non- governmental organizations and other institutions involved in providing protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women, including the Office of the United Nations High Commissioner for Refugees and the World Food Programme, as appropriate:

(a) Take steps to ensure that women are fully involved in the planning, design, implementation, monitoring and evaluation of all short-term and long-term projects and programmes providing assistance to refugee women, other displaced women in need of international protection and internally displaced women, including the management of refugee camps and resources; ensure that refugee and displaced women and girls have direct access to the services provided;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

150. By Governments: (a) Disseminate and implement the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on Evaluation and Care of Victims of Trauma and Violence, or provide similar guidance, in close cooperation with refugee women and in all sectors of refugee programmes; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

151. By Governments, intergovernmental and non- governmental organizations:
151 (a) Support and promote the implementation of the right of self- determination of all peoples as enunciated, inter alia, in the Vienna Declaration and Programme of Action by providing special programmes in leadership and in training for decision- making;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

151 (b) Support and promote the implementation of the right of self- determination of all peoples as enunciated, inter alia, in the Vienna Declaration and Programme of Action by providing special programmes in leadership and in training for decision- making.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

167. By Governments: (a) Enact and enforce legislation to guarantee the rights of women and men to equal pay for equal work or work of equal value;
(b) Adopt and implement laws against discrimination based on sex in the labour market, especially considering older women workers, hiring and promotion, the extension of employment benefits and social security, and working conditions; (STRONGLY AGREE

1 2 3 4 5 STRONGLY DISAGREE)

167 (k) Revise and implement national policies that support the traditional savings, credit and lending mechanisms for women;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

168 (h) Review, reformulate, if necessary, and implement policies, including business, commercial and contract law and government regulations, to ensure that they do not discriminate against micro, small and medium-scale enterprises owned by women in rural and urban areas; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

168 (i) Analysis advise on, coordinate and implement policies that integrate the needs and interests of employed, self-employed and entrepreneurial women into sectoral and inter-ministerial policies, programmes and budgets;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

168 (l) Safeguard and promote respect for basic workers' rights, including the prohibition of forced labour and child labour, freedom of association and the right to organize and bargain collectively, equal remuneration for men and women for work of equal value and non-discrimination in employment, fully implementing the conventions of the International Labour Organization in the case of States party to those conventions and, taking into account the principles embodied in the case of those countries that are not party to those conventions in order to achieve truly sustained economic growth and sustainable development.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

169 (d) Ensure that women's priorities are included in public investment programmes for economic infrastructure, such as water and sanitation, electrification and energy conservation, transport and road construction. Promote greater involvement of women beneficiaries at the project planning and implementation stages to ensure access to jobs and contracts.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

171. By multilateral funders and regional development banks, as well as bilateral and private funding agencies, at the international, regional and subregional levels:
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

171 (a) Review, where necessary reformulate, and implement policies, programmes and projects, to ensure that a higher proportion of resources reach women in rural and remote areas; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

180. By Governments, employers, employees, trade unions and women's organizations:

(a) Implement and enforce laws and regulations and encourage voluntary codes of conduct that ensure that international labour standards, such as International Labour Organization Convention 100 on equal pay and workers' rights, apply equally to female

and male workers; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

180 (b) Enact and enforce laws and introduce implementing measures, including means of redress and access to justice in cases of non-compliance, to prohibit direct and indirect discrimination on grounds of sex, including by reference to marital or family status in relation to access to employment, conditions of employment, including training, promotion, health and safety, as well as termination of employment and social security of workers, including legal protection against sexual and racial harassment; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

180 (f) Implement and monitor positive public and private-sector employment, equity and positive action programmes to address systemic discrimination against women in the labour force, in particular women with disabilities and women belonging to other disadvantaged groups, with respect to hiring, retention and promotion, and vocational training of women in all sectors;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

180 (k) Increase efforts to close the gap between women's and men's pay, take steps to implement the principle of equal remuneration for equal work of equal value by strengthening legislation, including compliance with international labour laws and standards, and encourage job evaluation schemes with gender-neutral criteria; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

180 (m) Set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensure the full enforcement of relevant existing laws and, where appropriate, enact the legislation necessary to implement the Convention on the Rights of the Child and International Labour Organization standards, ensuring the protection of working children, in particular, street children, through the provision of appropriate health, education and other social services;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

189. The equitable distribution of power and decision-making at all levels is dependent on Governments and other actors undertaking statistical gender analysis and mainstreaming a gender perspective in policy development and the implementation of programmes. Equality in decision-making is essential to the empowerment of women. In some countries, affirmative action has led to 33.3 per cent or larger representation in local and national Governments. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

192. (a) Commit themselves to establishing the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and in the judiciary, including, inter alia, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action, in all governmental and public administration positions; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

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Beijing+10 2005 COVENANT OF IMPLEMENTATION CONT 

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COVENANT OF IMPLEMENTATION
CONTINUED
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EVALUATION OF STATE PERFORMANCE ON IMPLEMENTATION
OF THE 1995 PLATFORM OF ACTION 195. By the United Nations:
(a) Implement existing and adopt new employment policies and measures in order to achieve overall gender equality, particularly at the Professional level and above, by the year 2000, with due regard to the importance of recruiting staff on as wide a geographical basis as possible, in conformity with Article 101, paragraph 3, of the Charter of the United Nations;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

198. National machineries for the advancement of women have been established in almost every Member State to, inter alia, design, promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women. National machineries are diverse in form and uneven in their effectiveness, and in some cases have declined. Often marginalized in national government structures, these mechanisms are frequently hampered by unclear mandates, lack of adequate staff, training, data and sufficient resources, and insufficient support from national political leadership.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

203. A national machinery for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. The necessary conditions for an effective functioning of such national machineries include:
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

203 (a) Location at the highest possible level in the government, falling under the

responsibility of a Cabinet minister;
and monitoring with a view to involving non-governmental organizations and community organizations from the grass-roots upwards;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

(b) Based on a strong political commitment, create a national machinery, where it does not exist, and strengthen, as appropriate, existing national machineries, for the advancement of women at the highest possible level of government; it should have clearly defined mandates and authority; critical elements would be adequate resources and the ability and competence to influence policy and formulate and review legislation. Among other things, it should perform policy analysis, undertake advocacy, communication, coordination and monitoring of implementation; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

206(e) Report, on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns, taking into account the implementation of the Platform for Action; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

207 (b) Regularly review national policies, programmes and projects, as well as their implementation, evaluating the impact of employment and income policies in order to guarantee that women are direct beneficiaries of development and that their full contribution to development, both remunerated and unremunerated, is considered in economic policy and planning;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

207 (e) Give all ministries the mandate to review policies and programmes from a gender perspective and in the light of the Platform for Action. Locate the responsibility for the implementation of that mandate at the highest possible level. Establish and/or strengthen an inter-ministerial coordination structure to carry out this mandate and monitor progress and to network with relevant machineries.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

208. (a) Facilitate the formulation and implementation of government policies on equality between women and men, develop appropriate strategies and methodologies, and promote coordination and cooperation within the central government in order to ensure mainstreaming of a gender perspective in all policy-making processes;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

209 (b) Collect, compile, analyse and present on a regular basis data dis-aggregated by age, sex, socioeconomic and other relevant indicators, including number of dependents, for utilization in policy and programme planning and implementation and to reflect problems and questions related to men and women in society; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

209 (c) Involve centers for women's studies and research organizations in developing and testing appropriate indicators and research methodologies to strengthen gender

analysis, as well as in monitoring and evaluating the implementation of the goals of the Platform for Action; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

210 (d) Use more gender-sensitive data in the formulation of policy and implementation of programmes and projects.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

218. In order to protect the human rights of women, it is necessary to avoid, as far as possible, resorting to reservations and to ensure that no reservation is incompatible with the object and purpose of the Convention or is otherwise incompatible with international treaty law. Unless the human rights of women, as defined by international human rights instruments, are fully recognized and effectively protected, applied, implemented and enforced in national law as well as in national practice in family, civil, penal, labour and commercial codes and administrative rules and regulations, they will exist in name only. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

219. In those countries that have not yet become parties to the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, or where reservations that are incompatible with the object or purpose of the Convention have been entered, or where national laws have not yet been revised to implement international norms and standards, women's de jure equality is not yet secured. Women's full enjoyment of equal rights is undermined by the discrepancies between some national legislation and international law and international instruments on human rights. Overly complex administrative procedures, lack of awareness within the judicial process and inadequate monitoring of the violation of the human rights of all women, coupled with the under-representation of women in justice systems, insufficient information on existing rights and persistent attitudes and practices perpetuate women's de facto inequality. De facto inequality is also perpetuated by the lack of enforcement of, inter alia, family, civil, penal, labour and commercial laws or codes, or administrative rules and regulations intended to ensure women's full enjoyment of human rights and fundamental freedoms. (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

Strategic objective I.1. Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women

230. (a) Work actively towards ratification or accession to and implement international and regional human rights treaties;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (b) Ratify and accede to and ensure implementation of the Convention on the Elimination of All Forms of Discrimination against Women so that universal ratification of the Convention can be achieved by the year 2000;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (h) If they are States parties, implement the Convention by reviewing all national laws, policies, practices and procedures to ensure that theymeet the obligations set out in the Convention; all States should undertake a review of all national laws, policies, practices and procedures to ensure that they meet international human rights obligations in this matter;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (j) Report on schedule to the Committee on the Elimination of Discrimination against Women regarding the implementation of the Convention, following fully the guidelines established by the Committee and involving non-governmental organizations, where appropriate, or taking into account their contributions in the preparation of the report;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (m) Take urgent measures to achieve universal ratification of or accession to the Convention on the Rights of the Child before the end of 1995 and ensure full implementation of the Convention to ensure equal rights for girls and boys, and urge those that have not already done so to become a party in order to realize universal implementation of the Convention on the Rights of the Child by the year 2000;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

230 (o) Strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organized and other forms of trafficking in women and children, including for the purposes of sexual exploitation, pornography, prostitution and sex tourism, and provide legal and social services to the victims. This should include provisions for international cooperation to prosecute and punish those responsible for organized exploitation of women and children;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

231 (b) Ensure the implementation of the recommendations of the World Conference on Human Rights for the full integration and mainstreaming of the human rights of women;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

231 (c) Develop a comprehensive policy programme for mainstreaming the human rights of women throughout the United Nations system, including activities with regard to advisory services, technical assistance, reporting methodology, gender impact assessments, coordination, public information and human rights education, and play an active role in the implementation of the programme; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

231(d) Review national laws, including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, and revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice; (STRONGLY

AGREE 1 2 3 4 5 STRONGLY DISAGREE)

232(p) Strengthen and encourage the implementation of the recommendations contained in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, paying special attention to ensure non-discrimination and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities, including their access to information and services in the field of violence against women, as well as their active participation in and economic contribution to all aspects of society;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

233 (f) Encourage, coordinate and cooperate with local and regional women's groups, relevant non-governmental organizations, educators and the media, to implement programmes in human rights education to make women aware of their human rights;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

243 (a) Promote research and implementation of a strategy of information, education and communication aimed at promoting a balanced portrayal of women and girls and their multiple roles; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

253 (a) Ensure opportunities for women, including indigenous women, to participate in environmental decision-making at all levels, including as managers, designers and planners, and as implementers and evaluators of environmental projects;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

243 (e) Take measures to integrate a gender perspective in the design and implementation of, among other things, environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

254 (d) Establish strategies and mechanisms to increase the proportion of women, particularly at grass-roots levels, involved as decision makers, planners, managers, scientists and technical advisers and as beneficiaries in the design, development and implementation of policies and programmes for natural resource management and environmental protection and conservation;
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

254 (i) Develop programmes to involve female professionals and scientists, as well as technical, administrative and clerical workers, in environmental management, develop training programmes for girls and women in these fields, expand opportunities for the hiring and promotion of women in these fields and implement special measures to advance women's expertise and participation in these activities; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

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technical, administrative and clerical workers, in environmental management, develop training programmes for girls and women in these fields, expand opportunities for the hiring and promotion of women in these fields and implement special measures to advance women's expertise and participation in these activities; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

256 (l) Ensure that clean water is available and accessible to all by the year 2000 and that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

259 (d) Promote coordination within and among institutions to implement the Platform for Action and chapter 24 of Agenda 21 by, inter alia, requesting the Commission on Sustainable Development, through the Economic and Social Council, to seek input from the Commission on the Status of Women when reviewing the implementation of Agenda 21 with regard to women and the environment.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

274(a) By States that have not signed or ratified the Convention on the Rights of the Child, take urgent measures towards signing and ratifying the Convention, bearing in mind the strong exhortation made at the World Conference on Human Rights to sign it before the end of 1995, and by States that have signed and ratified the Convention, ensure its full implementation through the adoption of all necessary legislative, administrative and other measures and by fostering an enabling environment that encourages full respect for the rights of children; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

274 (f) Develop and implement comprehensive policies, plans of action and programmes for the survival, protection, development and advancement of the girl child to promote and protect the full enjoyment of her human rights and to ensure equal opportunities for girls; these plans should form an integral part of the total development process; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

274 (g) Ensure the dis-aggregation by sex and age of all data related to children in the health, education and other sectors in order to include a gender perspective in planning, implementation and monitoring of such programmes.
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

278 (a) Generate awareness of the disadvantaged situation of girls among policy makers, planners, administrators and implementors at all levels, as well as within households and communities; (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

286. The Platform for Action establishes a set of actions that should lead to fundamental change. Immediate action and accountability are essential if the targets are to be met by the year 2000. Implementation is primarily the responsibility of Governments, but is also dependent on a wide range of institutions in the public, private and non- governmental

sectors at the community, national, sub-regional/regional (STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

286. The Platform for Action establishes a set of actions that should lead to fundamental change. Immediate action and accountability are essential if the targets are to be met by the year 2000. Implementation is primarily the responsibility of Governments, but is also dependent on a wide range of institutions in the public, private and non- governmental sectors at the community, national, sub-regional/regional STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

288. Implementation of the Platform for Action by national, sub-regional/regional and international institutions, both public and private, would be facilitated by transparency, by increased linkages between networks and organizations and by a consistent flow of information among all concerned. Clear objectives and accountability mechanisms are also required. Links with other institutions at the national, sub-regional/regional and international levels and with networks and organizations devoted to the advancement of women are needed. STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

289. Non-governmental and grass-roots organizations have a specific role to play in creating a social, economic, political and intellectual climate based on equality between women and men. Women should be for Action. in the internal dynamics of institutions and organizations, including values, behaviour, rules and procedures that are inimical to the advancement of women. Sexual harassment should be eliminated. should have strong and clear mandates and the authority, resources and for Action. Their methods of operation should ensure efficient and effective implementation of the Platform. There should be a clear women and men as a basis for all actions. STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

292. To ensure effective implementation of the Platform for Action and to enhance the work for the advancement of women at the national, sub-regional/ regional and international levels, Governments, the United Nations system and all other relevant organizations should promote an inter alia, in the monitoring and evaluation of all policies STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

293. Governments have the primary responsibility for implementing the Platform for Action. Commitment at the highest political level is advancement of women. The Fourth World Conference on Women is a requires commitment from Governments and the international community. The Platform for Action is part of a continuing process and has a catalytic effect as it will contribute to programmes and practical outcomes for girls and women of all ages. States and the international commitments for action. As part of this process, many States have made commitments for action as reflected, inter alia, in their national

294. National mechanisms and institutions for the advancement of women should

participate in public policy formulation and encourage the implementation of the Platform for Action through various bodies and institutions, including the private sector, and, where necessary, should act as a catalyst in developing new programmes by the year 2000 in areas that are not covered by existing institutions.

297. As soon as possible, preferably by the end of 1995, Governments, in consultation with relevant institutions and non-governmental
organizations, should begin to develop implementation strategies for the Platform and, preferably by the end of 1996, should have developed their strategies or plans of action. This planning process should draw upon persons at the highest level of authority in Government and relevant comprehensive, have time-bound targets and benchmarks for monitoring, and include proposals for allocating or reallocating resources for community could be enlisted, including resources.

300 B. Sub-regional/regional level sub-regional/ regional structures should promote and assist the pertinent national institutions in monitoring and implementing the global Platform for Action within their mandates. This should be done in coordination with the implementation of the respective regional platforms or plans of Women, taking into account the need for a coordinated follow-up to
related fields.

301. In order to facilitate the regional implementation, monitoring and commissions within their mandates, including their women's units/focal Consideration should be given, inter alia, and, where appropriate, to strengthening capacity in this respect.

302. Within their existing mandates and activities, the regional commissions should mainstream women's issues and gender perspectives and should also consider the establishment of mechanisms and processes to ensure the implementation and monitoring of both the Platform for Action commissions should, within their mandates, collaborate on gender issues organizations, financial and research institutions and the private sector.

303. Regional offices of the specialized agencies of the United Nations system should, as appropriate, develop and publicize a plan of action for implementing the Platform for Action, including the identification of time-frames and resources. Technical assistance and operational targets for the advancement of women. To this end, regular coordination should be undertaken among United Nations bodies and agencies.

305. The Platform for Action needs to be implemented through the work of all of the bodies and organizations of the United Nations system during the period 1995-2000, specifically and as an integral part of wider programming. An enhanced framework for international cooperation for gender issues must be developed during the period 1995-2000 in order to ensure the integrated and comprehensive implementation, follow-up and assessment of the Platform for Action, taking into account the results of global United Nations summits and conferences. The fact that at all of these summits and conferences, Governments have committed themselves to the empowerment of women

in different areas, makes coordination crucial to the follow-up strategies for this Platform for Action. The Agenda for Development and the Agenda for Peace should take into account

313. The General Assembly, as the highest intergovernmental body in the United Nations, is the principal policy-making and appraisal organ on matters relating to the follow-up to the Conference, and as such, should integrate gender issues throughout its work. It should appraise progress in the effective implementation of the Platform for Action, recognizing that these issues cut across social, political and economic policy. At its fiftieth session, in 1995, the General Assembly will have before it the report of the Fourth World Conference on Women. In accordance with its resolution 49/161, it will also examine a report of the Secretary-General on the follow-up to the Conference, taking into account the recommendations of the Conference. The General Assembly should include the follow-up to the Conference as part of its continuing work on the advancement of women. In 1996, 1998 and 2000, it should review the implementation of the Platform for Action. Economic and Social Council

314. The Economic and Social Council, in the context of its role under Assembly resolutions 45/264, 46/235 and 48/162, would oversee system-wide coordination in the implementation of the Platform for invited to review the implementation of the Platform for Action, giving due consideration to the reports of the Commission on the Status of the mandate of the Commission on the Status of Women, taking into commissions and Conference follow-up. The Council should incorporate consideration to recommendations prepared by the Commission. It should consider dedicating at least one high-level segment before the year 2000 to the advancement of women and implementation of the Platform for Action with the active involvement and participation, inter alia, of the specialized agencies, including the World Bank and IMF.

316. The Council should consider dedicating at least one operational activities segment before the year 2000 to the coordination of development activities related to gender, based on the revised system-wide medium-term plan for the advancement of women, with a view to instituting guidelines and procedures for implementation of the Platform for Action by the funds and programmes of the United Nations system.
From a content analysis of the Beijing Declaration and the Platform of Action
Compiled by the Global Compliance Project, and presented at a public meeting as a 12 foot scroll of expectations about implementation of the Platform of Action

Contact: Dr. Joan E. Russow
1230 St. Patrick St. Victoria, B.C. CANADA
Tel/FAX (250) 598-0071; e-mail j.russow@shawlink.ca
...

MARCH

FROM A CULTURE OF VIOLENCE TO A CULTURE OF PEACE;

Justice News
Monday, 14 March 2005 09:38

FROM A CULTURE OF VIOLENCE TO A CULTURE OF PEACE;

DEMILITARIZATION, DISARMAMENT AND DE-LEGITIMIZATION OF WAR

Statement prepared by the Peace Caucus on March 7, 2005 delivered to the plenary session of the UN Commission on the Status of Women on Wednesday March 9. This statement was endorsed by members of many organizations from many different countries]
I just came back from the Beijing + 10 conference in New York where I worked with the Canadian Voice of Women and other organizations on a statement from the Peace Caucus.

Wednesday March 9

message from Joan Russow PhD

Global Compliance Research Project

member of the Peace Caucus from Beijing +10 Conference
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FROM A CULTURE OF VIOLENCE TO A CULTURE OF PEACE;

DEMILITARIZATION, DISARMAMENT AND DE-LEGITIMIZATION OF WAR

Madame Chair, delegates and fellow civil society representatives.

As we near the 60th anniversary of the UN, we

reaffirm the fundamental objective of the Charter of the United

Nations to save succeeding generations from the scourge of war. This objective can only be achieved with the full implementation of the commitment in the Charter to the equality of women and men. Now, thirty years after the First World Conference on Women, the Peace Caucus reaffirms that the prevention of war and the equality rights

of women are interrelated.

In 2005, at Beijing + 10 , the Peace Caucus supports the full reaffirmation of the Beijing Platform of Action, and the Political Declaration of this meeting.

We reaffirm CEDAW and the Optional Protocol, and support full

implementation of UN Security Council Resolution 1325.

We also recognize and reaffirm the commitment made in Nairobi

(1985) to recognize that ? peace depends on the prevention of the use or the threat of the use of force, aggression, military occupation, interference in the internal affairs of other, the elimination of the domination, discrimination, oppression, and exploitation, as well as gross and mass violations of human right and fundamental freedoms.?

We applaud the 27 member states that we understand have moved towards preventing the scourge of war by eliminating their military forces.

We recognize the importance of the Millennium Development Goals as a global commitment to eliminate poverty, and global inequality. Women also recognise that a culture of violence will make the Millennium Development Goals impossible to implement and that on-going conflicts perpetuate underdevelopment.

However, the international community cannot disregard the fact

that on-going conflicts and massive expenditures on the arms trade fuel global poverty , and that poverty and economic injustice contribute to the spread of armed conflict. The developed countries that begrudge development funding are eager to distribute the arms they manufacture to developing countries, and continue to demand debt repayment from impoverished states. It is unconscionable that after years of commitments for developed to transfer .7% of GDP for overseas development, with few exceptions, this remains unfulfilled. Women commend the delegate from the Bahamas for her strong statement at the beginning of Beijing +10 meeting on the connection

between ending the small arms trade

and development for all.

The inability of the international community to accomplish nuclear disarmament, the failure to condemn pre-emptive aggression or to end impunity, and the failure to redress victims of violence, the persistence of imperialistic ambitions, the disregard for the rule of law contribute to global insecurity and denial of basic human rights, including racism and racial profiling, and the serious and often irreversible environment, health, psychological, and economic consequences of war support the contention that under no condition or circumstance is war legal or just.

Also, it is undeniable that in any military action, and in all forms of armed conflict, women and children suffer disproportionately from these acts of violence. As women, we are concerned that in situations of conflict, our children grow up imbibing violence as a way of life, and learn very little about peace and justice.

The global community can no longer be held hostage to militarism , armaments and war.

We call upon all member states to implement the commitment of Critical Area E of the Beijing Platform of Action entitled Women and Armed Conflict; especially Strategic Objective E2 on reducing excessive military expenditures, and reducing the availability of armaments; Strategic Objective E3 on promoting non-violent forms of conflict resolution; and Objective E4 on promoting women's contribution to fostering a culture of peace.

We call for the full ratification of CEDAW, and its Optional Protocol.

We call upon the UN to establish a fund administered by the ILO to facilitate a fair and just transition for workers engaged in the arms industry

We call upon member states to draft a convention for the abolition of nuclear weapons and to reaffirm the obligations in the Outer Space Treaty to condemn the weaponization of space, and to preserve space for benefit of humanity.

We call upon all member states to eradicate all legal structures which legitimize war. We recommend that member states adopt language similar to that in Article 9 of the Japanese constitution, "renouncing war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes."

We call upon member states to strengthen Chapter VI of the UN Charter calling for "peaceful settlements of disputes" and for fuller use of the International Court of Justice.

We call upon member states to create and employ new structures to countervail militarism and for this purpose, to systematically draw upon the expertise and experience of the non-governmental community, especially women, and to fully implement Security Council Resolution 1325.

We underscore the need for women's participation in all aspects of peace building including provisions for developing the terms of reference and for participating throughout the decision making process leading towards sustainable peace.

We say not to violence , no to militarism, no to armaments and no to war. We say yes to the culture of peace.
2005
*PEJ GORILLA RADIO FOR MONDAY, MARCH 28TH, '05 

Justice News
Saturday, 26 March 2005 04: 28th, '05
16

Gorilla Radio for Monday, March
This week, Jon Elmer of FromOccupiedPalestine.org

Joan Russow, of the Global Compliance Research Institute on world progress for women and Beijing + Ten

And, Janine Bandcroft bringing us up to speed with all that's good to do in and around Victoria.

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Despite the much hyped hope for a peace in Palestine/Israel that accompanied the new leadership of President Mahmoud Abbas, Israeli disengagement from parts of the Occupied Palestinian Territory has not materialized as promised by Ariel Sharon.

Jenin --Jon Elmer photo

Despite a unilateral ceasefire declared by the Palestinian leadership, Israeli incursions into towns and villages continues; the bulldozing continues; the illegal seizure of property continues; and construction of the Great Wall continues.

So, what is behind the optimism reported in the North American press?

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NGOs were contacted by the Dutch military and offered a trip to the Hague to discuss post conflict

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Dear Judy and Irma,

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I have enclosed a typed version of my presentation.

In the hope of future collaboration,

All the best,

Joan

STATEMENT ON PREVENTION OF WAR
by Joan Russow (PhD)
Presented at the Plenary of the conference "Practical Solutions on War and Terrorism" held in the Hague, March 24-26, 2004.

I appreciate the opportunity to read a statement on the prevention of war.

The purpose of this conference in the Hague was to explore solutions for post-war Reconstruction.

One solution is to prevent war.

In 1899, the Hague was the site of a significant international conference on Peace. and in 1945, the International Court of Justice was enshrined in the Charter of the United Nations to be the legal organ of the United Nations to prevent the scourge of war.

The following are proposals to further this purpose

1. to redefine "security " as "common security" - peace, human rights, social justice and the environment. (an extended notion of Olaf Palme's notion of common security)

2. To recognize the importance of and the need for state compliance with the body of international law comprised of obligations incurred through conventions, treaties, and covenants; commitments made through UN Conference action plans ; and expectations created through UN General Assembly declarations and resolutions.

To call upon all states to respect as compulsory , the jurisdiction and decisions of the International Court of Justice.

4. to call for the strengthening of the role of the UN General Assembly under the Uniting for Peace Resolution to prevent war.

5. To call for the implementation of the international commitment made - to re-allocate military expenses (UNCED, 1992)

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( ) THAT in 2005 I was on Chris Cook

*PEJ GORILLA RADIO FOR MONDAY, MARCH 

28TH, '05

Justice News
Saturday, 26 March 2005 04: 28th, '05
16

APRIL APRIL

( ) THAT in APRIL Francis Boyle is launching the following:

A Global Pact Against Depleted Uranium. As Dr Fred Knelman points out "Canada exports uranium to the US enrichment plants where Uranium 235 is used to manufacture nuclear weapons. Also, Uranium 235 with some 238 becomes the fuel rods in civil nuclear reactors and the Uranium 238 is converted to plutonium 239 in the reactor; this plutonium is then used to make nuclear weapons. In other operations Uranium 238 (Depleted Uranium) that is left over from this separation is used for the manufacture of armour piercing munition. We can be certain that some Canadian uranium is diverted into the manufacture of nuclear weapons, that the plutonium is used to manufacture weapons and that the converted U238 fraction is used to manufacture amour piercing munitions. " (Knelman, F PhD, personal communication, April 22 2005).

MAY MAY

JUNE JUNE

*PEJ **AT THE G8 REALLOCATE THE MILITARY BUDGET; CANCEL THIRD WORLD DEBT**
Peace News
Thursday, 09 June 2005 02:10

At the G8 Reallocate the Military Budget - Cancel Third World Debt

PEJ News: Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. Currently the Global Community is now spending 1 trillion per year on the military budget at a time when many basic and fundamental rights have not been fulfilled. At the G8 meeting the Ministers must finally fulfill years of commitments to reallocate the military budget, and cancel the long-standing crippling third world debt.

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. Unfortunately, institutional memory is either short or member states ignore precedents.

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

In 1981, in the General Assembly resolution entitled Resolution on the reduction of the military budget, the member states

(i) reaffirmed "the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget";

(ii) recognised that "the military budget constitutes a heavy burden for the economies of all nations, and has extremely harmful consequences on international peace and security";

(iii) reiterated the appeal "to all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries" (Resolution on the Reduction of Military budgets, 1981).

These appeals were further reinforced in a 1983 General Assembly Resolution on the Relationship between Disarmament and Development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries." Also in the 1993 resolution, member states considered that "the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued in the international community to secure the recovery of the world economy and the establishment of a new international economic order."

Also in 1992, all member states recognized that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member states of the United Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

In 1994, in adopting the statement from the International Conference on Population and

Development, the member states of the United Nations concurred that the attainment of ?quantitative and qualitative goals of the present Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required, nor all of them combined is expensive in the context of either current global development or military expenditures." (Article 1.19)

In 1995, similarly, states in adopting the statement from the Social Development Summit endorsed the calling for “the reallocation of military spending to ensure a greater pocket of resources to expand public services”. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action, States have made a commitment to maintain “peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict” (Art. 14) and to reduce "...military expenditures" (Art. 15), states have also made a commitment to the “prevention and resolution of conflicts” (Art.15) and to ?increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes" (145a).

In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of ...measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

It is time for the member states of the United Nations to give substance to the years of commitment to substantially reduce the military budget.

Currently the Global Community is now spending 1 trillion per year on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education.

At the G8 meeting the Ministers must finally fulfill years of commitments to reallocate the military budget, and cancel the long standing crippling third world debt.

For further information please contact:

Joan Russow (PhD). Coordinator, Global Compliance Research Project

1230 St. Patrick Street, Victoria, B.C. V8S 4Y4 Canada. 1 250 598-007

J

Sign-On Global Declaration on Common Security (formerly the Alternative G8 Edinburgh Declaration)

Peace News
Sunday, 17 July 2005 05:40

Sign-On Global Declaration on Common Security
This Declaration was prepared to counter the G8 Edinburgh Declaration, and was circulated for signatures during the G8 Summit in Edinburgh. Citizens from a wide range of professions, groups, countries signed on to the Declaration. There was considerable international support, and for this reason, the Declaration has been renamed and will be resent to country leaders prior to and on the 6oth Anniversary of the United Nations on October 24, 2005. GLOBAL DECLARATION OF COMMON SECURITY

(FORMERLY ALTERNATIVE G8 EDINBURGH DECLARATION OF COMMON SECURITY).

July 14, 2005

This Declaration was prepared to counter the G8 Edinburgh Declaration, and was circulated for signatures during the G8 Summit in Edinburgh. Citizens from a wide range of professions, groups, countries signed on to the Declaration. The Declaration with the initial list of signatories was sent to G8 leaders from Canada, England, Germany, Japan, Germany, Russia, US. There was considerable international support, and for that reason, the Declaration has been renamed and resent to be distributed prior to and on the 6oth Anniversary of the United Nations on October 24, 2005. Since 1997, various versions of this declaration have been distributed with input since that time. It was circulated as Citizens Charter for State and Corporate Compliance to counter the MAI, then subsequently updated to counter APEC (1997); WTO (1999); FTAA (2001); G8 in Kananaskis. It was also circulated as the Citizen's Public Trust Treaty and presented at Peace conference in the Hague, and at a meeting at the International Court of Justice. .

This Declaration is for governments to act, and for civil society to urge their governments to act. Please add name of your country and send the Declaration to the leader of your country with a copy to Joan Russow, Global Compliance research project, j.russow@shawlink.ca . See sign-on below.

GLOBAL DECLARATION OF COMMON SECURITY
(FORMERLY ALTERNATIVE G8 EDINBURGH DECLARATION OF COMMON SECURITY)

AWARE THAT solutions have never resided in the fragmentation of issues and if real global change is to occur this change will be found in a willingness to address the complexity and interdependence of issues in particular the linking of militarism, poverty, violation of human rights, and destruction of the environment

Recognizing that true security- is not "collective security" or "human security" which has been extended to "humanitarian intervention" and used along with the "responsibility to protect" notion to justify military intervention in other states.

True security is common security (extension of Olaf Palme's notion of "common security") and involves the following objectives:

* to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system , right to education and social justice;

* to enable socially equitable and environmentally sound employment, and ensure the right to development [as per Convention];

* to achieve a state of peace, social justice and disarmament; through reallocation of military expenses, and eradication of poverty

* to create a global structure that respects the rule of law ; and

* to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint and move away from the current model of over-consumptive development.

CONSIDERING THAT for years, through conventions, treaties and covenants, through Conference Action plans, and through UN General Assembly resolutions, member states of the United Nations have incurred obligations, made commitments and created expectations related to the furtherance of Common Security.

AFFIRMING THAT Common security can only be achieved if there is a concerted international effort to eliminate(d) the complexity and interdependence of the actions that have led to global insecurity

WE THE X COUNTRIES HAVE AGREED TO THE FOLLOWING:

Article 1
We reaffirm our commitment to multilateralism and oppose unilateral actions that undermine global common security.

Article 2
We undertake to reduce our military budgets and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions.

Article 3

We will no longer undermine the notion of democracy by couching a plutocracy/theocracy in democratic notions of "freedom".

Article 4
We will abandon the policy of pre-emptive/preventive attack to aggressively attack sovereign states which has been a violation of the UN Charter article 2 and international law and is the 'supreme' international crime of a war of aggression.

Article 5
We will no longer perceive justice in terms of revenge through military intervention we will instead seek justice through the International Court of Justice.

Article 6
We will no longer misconstrue Art 51 (self defence) of the Charter of the United Nations to justify premeditated non-provoked military aggression.

Article 7
We will oppose any attempt to undermine the international resolve to prevent the scourge of war; this would include not engaging in intimidation or in offering economic incentives in exchange for support for military intervention.

Article 8
We undertake to respect the mandatory jurisdiction of the International Court of Justice ,and will abide by its decisions.

Article 9
We will convert to peaceful purposes military bases in sovereign states around the world, and end the circulation of nuclear powered or nuclear arms capable vessels throughout the world.

Article 10
We will discontinue propping up and financing military dictators.

Article 11
We will abandon the practice of targeting or assisting in the assassination of leaders of other sovereign states, and engaging in covert destabilization or democratically elected leaders of or any leader of a sovereign state.

Article 12
We will abide by the Nuclear Non Proliferation treaty and immediately implement Article VI of the treaty, (Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.) and we will end the production of all weapons of mass destruction such as nuclear, chemical, and biological, as agreed to in UNCHE in 1972, and in specific conventions.

Article 13

We reaffirm the obligations under the 1967 the Outer space Treaty to ensure that exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind [humanity].

Article 14
We make a full commitment to disarmament and oppose the continued profit making from the sale of arms, will implement obligations to reduce the trade in small arms and in collaboration with the ILO will fund a fair and just transition program for worker currently working in the arms trade.

Article 15
We will end the production of land mines and sign and ratify the Convention for the Banning of Landmines, and affirm a commitment of funds and continuous effort to remove land mines from all areas of the world where they are known to exist.

Article 16
We will suffocate the production of uranium, phase out the use of civil nuclear energy, and prohibit the use of weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II.

Article 17
We oppose NATO'S first strike policy, and support the disbanding of NATO.

Article 18
We will abide by the Geneva conventions on the treatment of civilians, and respect international human rights and humanitarian law.

Article 19
We will discharge obligations incurred through conventions, treaties, and covenants; and act on commitments through conference action plans related to Common security - peace, environment, human rights and social justice

Article 20
We will sign, ratify, and enact the necessary legislation to ensure compliance with, or respect for Common Security international Conventions, Covenants and Treaties.

Article 21
We will abide by the Convention against Torture through Cruel, Inhumane or Degrading Treatment or Punishment, and end the practice of rendition of citizens and will abide by the Geneva conventions.

Article 22
We will eliminate cruel and inhumane punishment such as capital punishment, which violates accepted international norms.

Article 23
We will abandon institutions and agreements which promulgate globalization, deregulation and privatization; these institutions and agreements undermine the rule of international public trust law, and condone and actively facilitate corporations benefiting and profiting from war.

Article 24
we oppose the promulgation, globalization, deregulation and privatization through trade agreements, such as the WTO/FTAA/NAFTA etc. that undermine the rule of international public trust law.

Article 25
We abandon the IMF structural adjustment program which has led to the violation of human rights, has exploited citizens in the developing world and has adversely impacted on vulnerable and indigenous peoples around the world.

Article 26
We oppose the privatization of public services such as water and health care, we will increase funding to Universities to counter the corporate funding of education including the corporate direction of research and declare that these be the responsibility of governments.

Article 27
We will finally implement the long standing international commitment to transfer .7% of the GDP for overseas aid, and to cancel third world debt.

Article 28
We will no longer subsidize and invest in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, and that have destroyed the environment.

Article 29
we will implement the commitment made to ensure that corporations, including transnational corporations comply .. with international law, and that they pay compensation for any previous health and environmental consequences of their actions.

Article 30
We will revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment.

Article 31
We support Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and oppose corporate "voluntary compliance".

Article 32
We will ban practices that contribute to environmentally induced diseases and we will address poverty related health problems and ensure universal access, to publicly funded not for profit health care system.

Article 33
We will end the production of toxic, hazardous, atomic waste, and we will prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992.

Article 34
We will ban the production, approval and promotion of genetically engineered foods and crops which have led to a deterioration of the food supply, and to loss of heritage seeds.

Article 35
We will protect Biodiversity by signing and ratifying the Convention on Biological Diversity and oppose "mega-diversity" --resulting from genetic engineering.

Article 36
We will be forthright in acknowledging that the Biosafety Protocol is a disguised trade agreement, and serves to promote the acceptance of Genetically modified living organisms.

Article 37
We will accept the warnings of the Intergovernmental panel on Climate change, and no longer disregard obligations under the Framework Convention on Climate Change and its protocol to reduce greenhouse gas emissions, and to preserve carbon sinks.. We will oppose any suggestion that civil nuclear energy is the solution to climate change.

Article 38
We will rescind anti-terrorism legislation because it violates civil and political rights, and results in racial profiling.

Article 39
We will no longer target, intimidate and discriminate against activists on the grounds of political and other opinion (a listed ground in the International Covenant on Civil and Political Rights}

Article 40
We will clearly distinguish legitimate dissent from criminal acts of subversion.

Article 41
We will end all discrimination on the following grounds:
- race, tribe, or culture;

- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);

- gender, sex, sexual orientation, gender identity, marital status, or form of family, [including same-sex marriage]

- disability or age;

- religion or conviction, political or other opinion, or - class, economic position, or other status.

Article 42
We will end the discrimination against immigrants, and refugees and we sign and ratify the Convention for the Protection of Migrant Workers and their Families; and the Convention on Refugees.

Article 43
We will respect women's reproductive rights, and abide by commitments made under the International Conference on Population and Development, and the Beijing Platform.

Article 44
We oppose religious extremism and proselytizing including the spread of Evangelical Christianity around the world, which has undermined local indigenous cultures, instilled fear through the dangerous, belief in the "rapture", "Armageddon" and "left behind", has promulgated dispensationalist "end times" scenario which has serious irreversible consequences. and has led to the denigrating other established beliefs and practices.

Article 45
We support the institution of an International Court of Compliance linked to the International Court of Justice; The Court of Compliance will hear evidence from citizens of state non-compliance.

Proposed by the Global Compliance Research Project
contact: Joan Russow

OPEN FOR SIGNATURES FROM CIVIL SOCIETY

SEND SIGNATURES TO
This Declaration is for governments to act, and for civil society to urge their governments to act. Please add name of your country and send the Declaration to the leader of your country with a copy to Joan Russow, j.russow@shawlink.ca . The Declaration will also be sent to all leaders and media, at different times leading up to the October 24 60th Anniversary of the United Nations.

SIGN- ON

NAME

E-MAIL ADDRESS

COUNTRY

GROUP FOR IDENTIFICATION PURPOSES ONLY

SEND SIGNATURES TO j.russow@shawlink.ca

THANK YOU

JULY JULY

Green Party Blues

Can Jim Harris rescue the environment by mainstreaming the Greens?

BY MURRAY DOBBIN
ILLUSTRATION BY MARK SAUNDERS UPDATED 15:29, DEC. 23, 2019 | PUBLISHED 4:22, JUL. 12, 2005*This article was published over a year ago. Some information may no longer be current.*

Illustration by Mark Saunders

WHEN IT COMES to branding, the Green Party of Canada is the political equivalent of Coca-Cola. Almost everyone has an image of what the label stands for, mostly cobbled together by exposure, over many years, to media references about Green parties in Europe. They have attracted a significant number of voters by mixing social democratic policies and environmentalism. So encountering Jim Harris, the leader of the Green Party of Canada, can be a bit unsettling. He carefully cultivates a corporate image with his short hair and crisp Tory-blue blazer, and he has a way of speaking that seems far too slick for someone driven by a passion to protect the forests and the creatures living in it. Out on the campaign trail he likes to describe how his concern for the health of the planet arose at Queen's University in 1985, where, as a student, he learned that a species was going extinct every twenty-five minutes. But that's about as personal as Harris gets. There are no emotional war stories about his days on the frontlines of the movement—how he jumped in front of a logging truck, put to sea with Greenpeace, or joined in the rescue of a killer whale. Today, the only outward sign that Harris is one of Canada's most prominent ecowarriors is the car he drives: a $30,000 Prius electric hybrid.

At the beginning of his political life, Harris felt at home in the Progressive Conservative Party. It seemed like a natural fit: his father was well-known in Toronto business circles, and he was educated at Lakefield College School, the institution northeast of Toronto attended by Prince Andrew and sons of wealthy Canadians. But his epiphany at Queen's eventually weaned him from an obsession with the politics of fiscal restraint, and he formally joined the Green Party in 1989. Even so, he still seems more comfortable around men in pinstripes than young people in hiking boots and rain slickers. In fact, Strategic Advantage, the company he runs out of an office a few blocks from his home in Toronto's east end, is essentially just Harris working as an inspirational corporate speaker. He has written four business books that dwell at length on leadership, and on his firm's corporate slogan: "We work to change the world by changing ourselves and by helping our clients change."

His website boasts a long list of clients, including Mobil and US defence contractor Honeywell, both of which have been the target of environmentalists. The workshops he offers don't often deal with the ecology or the economics of sustainability. Yet Harris says his work as a corporate cheerleader and his leadership of the Green Party are compatible. "It's all about change," he insists. "How do organizations change? How do companies change? The Green Party is all about creating a more sustainable society, and to do that we have to change."

So how did Harris, a forty-three-year-old businessman who now relies on key advisers who once worked for the Conservatives, take control of the Green Party? And how did he manage to blow out many of the party's environmental and social democratic principles and replace them with a market-driven agenda while earning the party more than a million dollars in election financing?

The answers have a lot to do with the fact that in 2003 the leadership of the Green Party was available to virtually anyone who wanted to take it over. The membership was disillusioned, the party was broke and had no organizers, functioning structure, or real presence outside of Ontario and British Columbia. Things were so bad that when the interim leader who preceded Harris tried to step down, not a single candidate came forward. For Harris, who was elected party leader in 2003, the move wasn't so much a hostile takeover as it was a business deal—buying up a franchise that was on the verge of bankruptcy, investing new money and bringing it back to life.

Whether the platform stayed true to traditional left-leaning Green values wasn't the issue. Succeeding at the polls was.

* IMAGINE "NO RELIGION" OR IMAGINE BUSH NOT GUIDED BY THE HAND OF GOD

Justice News
Tuesday, 28 June 2005 05:46

"Imagine No Religion" or imagine Bush not guided by the hand of God

PEJ News - Joan Russow: Nothing will prevent people perceiving the absurd as being truth.

People will continue to conceive of the creation of earth as resulting from an a 7 day escapade, by an invisible being usually a male form called God. People will continue to be deluded that if they pray to this being It will answer their prayers, and determine the course of events or even advise and direct a person's behaviour; People will continue to believe that an offspring of this God appeared in human form on earth, that this form died and suddenly arose after a three days, and then ascended into the ether;. People will continue to believe that his offspring in human form will reappear at the end of the world and that a group of people will suddenly rise in rapture and be seated in an amorphous floating ephemeral mass and

If these beliefs remain simply beliefs without influencing behaviour or events they may be detrimental to rationality and critical thinking but are not to common security --human rights and peace until someone like Bush appears to be persuaded that he is carrying out the work of God. .

People will continue to conceive of the creation of earth as resulting from a 7-day escapade, on Oct 10, approximately 6000 years ago by an invisible being usually a male form called God. People will continue to be deluded that if they pray to this being It will answer their prayers, and determine the course of events or even advise and direct a person's behaviour; People will continue to believe that an offspring of this God appeared in human form on earth, that this form died and suddenly arose after a three days, and then ascended into the ether; People will continue to believe that this human form will reappear at the end of the world and that a group of people will suddenly rise in rapture and be seated in an amorphous floating ephemeral mass.

If these beliefs remain simply beliefs without influencing behaviour or events they may be detrimental to rationality and critical thinking but are not to common security --human rights and peace. Until someone like Bush appears to be persuaded that he is carrying out the work of God.

Unfortunately, variations of these beliefs are detrimental because they have been used to violate human rights, and justify war and conflict

( ) THAT in2005 VIOLATION OF HUMAN RIGHTS

These beliefs have been used to justify discrimination on the grounds of gender, place of origin, race, sexual orientation, gender identity (same-sex marriage), form of family, political and other opinion Etc

CONTRIBUTION TO WAR AND CONFLICT

These beliefs have been used to legitimize the development of weapons of mass destruction: Ed Macateer -- a believer in Armageddon/rapture, in 1983 declared that nuclear weapons were part of God's design.

These beliefs have been used to support the argument of a just war including the rules that govern the justness of war (jus ad bellum) and the rules that govern just and fair conduct in war (jus in bello). The theory of "just war" includes the notion of "just cause" and "just cause has been rationalized through staged provocation, false appeals to humanitarian concerns, feigned altruism or to misconstrued responsibility to protect.

IN THE NAME OF GOD.

Bush has claimed that he seeks advice from his Father - God, and is carrying out his work.

What has been claimed to have been done in the name of God, demonstrates more than any other action, the non-existence of God, and the ethical vacuum of those, like Bush. who have violated human rights, and contributed to war and conflict in God's name.

AUGUST AUGUST

Earth News
Sunday, 14 August 2005 23:54

Iraq Forced to Buy GM Foods; There Must Be A Global Ban on GE Foods

PEJ News - It is reported to-day that Iraq is being forced to accept Genetically engineered foods and crops. In the North in countries that produce genetically-engineered foods and crops civil society has an obligation to the rest of the world to call for the banning of GE foods and crops.

I have sent a version of this declaration out since 1998, and distributed it at international conferences. Unfortunately the Global civil society Campaign was treating the issue of GE food as an issue of the right to know and was calling for only labeling, and as a result when there is opposition in the North to GE foods, they are dumped on the south .

Treating the issue of GE foods and crops as being an issue of the right to know has ignored the health, environmental and equity issues. There must be a global ban.

Joan Russow
Global Compliance Research Project

Canada- a major producer of GE food and crops

Alternative Biosafety Protocol To Prevent Harm To Human Health, Biodiversity and the Environment

THE PARTIES TO THIS PROTOCOL

Recalling That at the United Nations Conference on Environment and Development (1992), the member states of the United Nations made a commitment to prevent the transfer to other states of substances or activities that are harmful to human health or the environment (principle 14, Rio Declaration);

Recognizing the serious issues raised by genetic engineering in terms of health and safety, the environment, ethical considerations and social justice;

Considering the worldwide support for:

i. a global ban on genetically engineered processes, foods, crops and animals

ii. a global ban on the patenting of life forms as being contrary to the "ordre public" (public interest)

iii. criminalizing bio-piracy and theft of the genetic material and knowledge of farmers, peasants, and indigenous peoples;

Noting That the precautionary principle affirms that, where there is a threat to human health or to the environment, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the threat. The precautionary principle has long been a tenet of international customary law and, as such, is required to be integrated into state law.

This principle is present in documents in differing forms such as the Rio Declaration:

Where there are threats of serious or irreversible damage, lack of full scientific certainty

shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." (Rio Declaration, 1992).

and the Convention on Biological Diversity:

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992);

Aware Of the evidence of hazards arising from genetically engineering foods and crops reported in the World Scientists' Statement presented at Cartegena, Columbia, February 1999:

* Herbicide resistant transgenes have spread to wild relatives by cross-pollination in both oilseed rape and sugar beet (Brookes, 1999) creating many species of potential superweeds.

* Herbicide-resistant transgenic plants may lead to increased use of herbicides, contrary to what is being claimed. The transgenic plants themselves are already turning up as volunteer plants after the harvest and have to be controlled by additional sprays of other herbicides.

* Bt-toxins engineered into a wide range of transgenic plants already released into the environment may build up in the soil and have devastating impacts on pollinators and other beneficial insects (Crecchi, C 1998).

* Genetic engineering of organisms is hit-or-miss and not at all precise, contrary to misleading accounts intended for the public, as it depends on the random insertion of the artificial vector carrying the foreign genes into the genome. This random insertion is well-known to have many unexpected and unintended effects, including cancer, in the case of mammalian cells (Walden R, 1991).

* Serious doubts over the safety of transgenic foods are raised by new revelations on the results of animal feeding experiments. Potatoes engineered with snowdrop lectin fed to rats caused highly significant reduction in both dry and wet weights of many essential organs: small intestine, liver, spleen, thymus, pancreas and brain. In addition, it resulted in impairment of immunological responsiveness and signs suggestive of viral infection (Leake, C ,1999).

* Hazards may come from new genes and gene products. New genes and gene products are introduced into food, often from bacteria and viruses and other non-food species that have never been eaten before and certainly not in the quantities produced in the genetically engineered crops, where they are typically expressed at high levels. The long-term impacts of these genes and gene products on human health will be impossible to predict

* Genetically engineered agriculture not only obstructs the implementation of real solutions to the problems of food security for all, but also poses unprecedented risks to health and biodiversity. Far from feeding the world, it will intensify corporate control on food production and distribution which created poverty and hunger in the first place. It will also reinforce existing social structures and intensive agricultural practices that have led to widespread environmental destruction and falling yields since the 1980s (Brown, L R, (1998)

{Excerpts from the World Scientists' Statement}

Recognizing That the global community has made a commitment to the international principle of customary law -- the precautionary principle. This principle states that where there is a threat to human health or the environment, the lack of full scientific certainty shall not be used as a reason to postpone measures to prevent the threat. There is sufficient scientific evidence of the harmful health and environmental consequences of GE foods and crops to justify the banning of GE foods and crops, the end to export of GE foods and crops and the immediate removal of GE foods from grocery shelves in accordance with the precautionary principle;

Recalling That an exception to the patenting of inventions arises when the invention is contrary to "ordre public" or morality; this explicitly includes inventions dangerous to human, animal or plant life or health or seriously prejudicial to the environment and applies where the commercial exploitation of the invention must also be prevented and this prevention is necessary for the protection of order public or morality;

Concurring With The World Scientists Statement That, "Genetic engineering is a new departure from conventional breeding and introduces significant differences. Conventional breeding involves crossing related species, and plants with the desired characteristics selected from among the progeny for reproducing, and the selection is repeated over many generations. Genetic engineering bypasses reproduction altogether. transfers genes horizontally from one individual to another (as opposed to vertically from parent to offspring), often making use of infectious agents as vectors or carriers of genes so that genes can be transferred between distant species that would never interbreed in nature. For example, human genes are transferred into pig, sheep, fish and bacteria. Toad genes are transferred into tomatoes. Completely new exotic genes are being introduces into food crops." (World Scientists Statement, 1999);

Noting That The current practices of genetic engineering are creating unpredictable and irreversible combinations of transgenic organisms with one another and with natural varieties and, as such, are defeating the purpose of the Convention on Biological Diversity;

Noting That under the Vienna Law of Treaties, the signatories to the Convention must not create a situation that would make it impossible for them to discharge their obligations under the treaty and that the creation of unpredictable and irreversible combinations of transgenic organisms with one another with natural varieties would

defeat the purpose of the Convention to "conserve biodiversity";

Recognizing That genetic engineering in the area of medical research raises serious questions of ethics and social justice;

Recalling That Under the UN Convention on Women, Equality, Development and Peace (1995) and Habitat II (1996), the member states of the United Nations made a commitment to ensure that corporations (including transnational corporations comply with international law, including international environmental law;

Mindful That member states of the United Nations have failed to sign and ratify the Convention on Biological Diversity along with other relevant treaties, covenants and conventions, and that under the Vienna Law of Treaty states are bound not to do anything in the interim between the signing and the coming into force of the treaty to defeat the purpose of the convention;

Have Agreed To The Following:

* to invoke the precautionary principle and institute an immediate ban on all genetically engineered processes, foods, crops and animals;

* to embark upon the immediate removal of GE foods from grocery shelves;

* to invoke the "ordre public" principle and ban the patenting of living organisms and their parts;

* to criminalize bio-piracy and theft of genetic material and knowledge of farmers, peasants, and indigenous peoples;

* to place a moratorium on genetically engineered medical research into uses of genetic engineering until ethical standards can be put in place;

* to urge the full ratification of the Convention on Biological Diversity and the enactment of domestic legislation to ensure compliance.

SIGN-0N:

Name

Address

Country

e-mail

Please Send Copy To: jrussow@shawlink.com

Joan Russow PhD

Global Compliance Research Project

1 250 598-0071

* PEJ IRAQ FORCED TO BUY GM FOODS; THERE MUST BE A GLOBAL BAN ON GE FOODS

Earth News
Sunday, 14 August 2005 23:54

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Recognizing the serious issues raised by genetic engineering in terms of health and safety, the environment, ethical considerations and social justice;

Considering the worldwide support for:

i. a global ban on genetically engineered processes, foods, crops and animals

ii. a global ban on the patenting of life forms as being contrary to the "ordre public" (public interest)

iii. criminalizing bio-piracy and theft of the genetic material and knowledge of farmers,

peasants, and indigenous peoples;

Noting That the precautionary principle affirms that, where there is a threat to human health or to the environment, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the threat. The precautionary principle has long been a tenet of international customary law and, as such, is required to be integrated into state law.

This principle is present in documents in differing forms such as the Rio Declaration:

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." (Rio Declaration, 1992).

and the Convention on Biological Diversity:

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992);

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organs: small intestine, liver, spleen, thymus, pancreas and brain. In addition, it resulted in impairment of immunological responsiveness and signs suggestive of viral infection (Leake, C ,1999).

* Hazards may come from new genes and gene products. New genes and gene products are introduced into food, often from bacteria and viruses and other non-food species that have never been eaten before and certainly not in the quantities produced in the genetically engineered crops, where they are typically expressed at high levels. The long-term impacts of these genes and gene products on human health will be impossible to predict

* Genetically engineered agriculture not only obstructs the implementation of real solutions to the problems of food security for all, but also poses unprecedented risks to health and biodiversity. Far from feeding the world, it will intensify corporate control on food production and distribution which created poverty and hunger in the first place. It will also reinforce existing social structures and intensive agricultural practices that have led to widespread environmental destruction and falling yields since the 1980s (Brown, L R, (1998)

{Excerpts from the World Scientists' Statement}

Recognizing That the global community has made a commitment to the international principle of customary law -- the precautionary principle. This principle states that where there is a threat to human health or the environment, the lack of full scientific certainty shall not be used as a reason to postpone measures to prevent the threat. There is sufficient scientific evidence of the harmful health and environmental consequences of GE foods and crops to justify the banning of GE foods and crops, the end to export of GE foods and crops and the immediate removal of GE foods from grocery shelves in accordance with the precautionary principle;

Recalling That an exception to the patenting of inventions arises when the invention is contrary to "ordre public" or morality; this explicitly includes inventions dangerous to human, animal or plant life or health or seriously prejudicial to the environment and applies where the commercial exploitation of the invention must also be prevented and this prevention is necessary for the protection of order public or morality;

Concurring With The World Scientists Statement That, "Genetic engineering is a new departure from conventional breeding and introduces significant differences. Conventional breeding involves crossing related species, and plants with the desired characteristics selected from among the progeny for reproducing, and the selection is repeated over many generations. Genetic engineering bypasses reproduction altogether. transfers genes horizontally from one individual to another (as opposed to vertically from parent to offspring), often making use of infectious agents as vectors or carriers of genes so that genes can be transferred between distant species that would never interbreed in nature. For example, human genes are transferred into pig, sheep, fish and bacteria. Toad genes are transferred into tomatoes. Completely new exotic

genes are being introduces into food crops." (World Scientists Statement, 1999);

Noting That The current practices of genetic engineering are creating unpredictable and irreversible combinations of transgenic organisms with one another and with natural varieties and, as such, are defeating the purpose of the Convention on Biological Diversity;

Noting That under the Vienna Law of Treaties, the signatories to the Convention must not create a situation that would make it impossible for them to discharge their obligations under the treaty and that the creation of unpredictable and irreversible combinations of transgenic organisms with one another with natural varieties would defeat the purpose of the Convention to "conserve biodiversity";

Recognizing That genetic engineering in the area of medical research raises serious questions of ethics and social justice;

Recalling That Under the UN Convention on Women, Equality, Development and Peace (1995) and Habitat II (1996), the member states of the United Nations made a commitment to ensure that corporations (including transnational corporations comply with international law, including international environmental law;

Mindful That member states of the United Nations have failed to sign and ratify the Convention on Biological Diversity along with other relevant treaties, covenants and conventions, and that under the Vienna Law of Treaty states are bound not to do anything in the interim between the signing and the coming into force of the treaty to defeat the purpose of the convention;

Have Agreed To The Following:

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* to embark upon the immediate removal of GE foods from grocery shelves;

* to invoke the "ordre public" principle and ban the patenting of living organisms and their parts;

* to criminalize bio-piracy and theft of genetic material and knowledge of farmers, peasants, and indigenous peoples;

* to place a moratorium on genetically engineered medical research into uses of genetic engineering until ethical standards can be put in place;

* to urge the full ratification of the Convention on Biological Diversity and the enactment of domestic legislation to ensure compliance.

SIGN-0N:

Name

Address

Country

e-mail

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Joan Russow PhD

Global Compliance Research Project

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SEPTEMBER SEPTEMBER

In 1992, all member states recognized that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member states of the United Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

The Summit will succeed if all states immediately undertake to reallocate the current annual 1` trillion dollar military budget to end the cycle of error and promote common security.

True security is common security- peace, environment and social justice embodies the following actions:

- to promote and fully guarantee respect for human rights, including the right to security, civil and political rights, and tolerance of difference

- to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of over-consumptive development.

- to achieve a state of peace, justice and security;

- to reallocate the global military expenses to enable social justice,

- to guarantee labour rights, civil and political rights, social and cultural rights-
right to food, right to housing, right to health care, right to education and social justice;

- to create a global structure that respects the rule of law; and rights of citizens

here must be the force of compliance to eliminate global insecurity and to achieve true security common security

In 2005, on the 60 anniversary of the United Nations, member states must undertake to reallocate the global military budget to further global common security and end the cycle of war and violence and destruction.

2005 World Summit: Global Declaration of Common Security 

Peace News
Tuesday, 13 September 2005 03:00v
International Day of Peace- reallocation of the 1 trillion dollar; global military budget for global social justice, and implementation of peoples right to peace- Joan Russow - Currently the Global Community spends more than 1 trillion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education./www.PEJ.ca" Global Compliance Research Project

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources, and that citizens have a right to peace? Unfortunately, institutional memory is either short or member states ignore precedents.

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

In 1981, in the General Assembly resolution entitled Resolution on the reduction of the military budget, the member states

(i) reaffirmed "the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget";

(ii) recognized that "the military budget constitutes a heavy burden for the economies of all nations, and has extremely harmful consequences on international peace and security";

(iii) reiterated the appeal "to all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries" (Resolution on the Reduction of Military budgets, 1981).

These appeals were further reinforced in a 1983 General Assembly Resolution on the Relationship between Disarmament and Development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries." Also in the 1993 resolution, member states considered that "the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued in the international community to secure the recovery of the world economy and the establishment of a new international economic order."

Also in 1992, all member states recognized that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member states of the United Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

In 1994, in adopting the statement from the International Conference on Population and Development, the member states of the United Nations concurred that the attainment of ?quantitative and qualitative goals of the present Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required
nor all of them combined? is expensive in the context of either current global development or military expenditures." (Article 1.19)

In 1995, similarly, states in adopting the statement from the Social Development Summit endorsed the calling for ?the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action, States have made a commitment to maintain ?peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict? (Art. 14) and to reduce "...military expenditures" (Art. 15), states have also made a commitment to the ?prevention and resolution of conflicts? (Art.15) and to ?increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes" (145a).

It is time for the member states of the United Nations to give substance the commitment from Habitat 1, in 1976, to substantially reduce the military budget.

A global fund , administered by the International Labour Organization (ILO) to assist workers in the military and in arms industry by instituting a fair and just transition programme.

Currently the Global Community spends more than 1 trillion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education.

And the right to peace:
In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of ...measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

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2005 SUBMISSION TO THE SENATE COMMITTEE REVIEWING
THE ANTI-TERRORISM ACT.
October 17, 2005
Joan E. Russow (PhD)

When Bill C 36 – the Anti-terrorism Act must remain in Canada. The BC public Commission, the BC government, and the
– was proposed, I publicly criticized the act as being in violation of international human rights instruments including the International Covenant on Civil and Political Rights.

I have been concerned that the “war against terrorism” and the Anti-terrorism Act have perpetuated the disregard for the rule of international law and for the International Court of Justice. Serious consequences such as the redefinition of what constitutes self-defence; condoned pre-emptive aggression with prohibited weapon systems; “renderings” and the violation of the Convention against Torture, and Geneva Conventions; institutionalizing of racial profiling; indefensible "preventive arrests"; increased mistrust;; guilt by association; the imposition of a

Culture of fear and suspicion; the creation of a palpable chill; increased mistrust: the fostering of unquestioning, embedded and compliant media.

…. have all resulted from the War Against Terrorism or from the anti-terrorism Acts.

At the opening of the 59 UN General Assembly, Kofi Annan affirmed that

Those who seek to bestow legitimacy must themselves embody it, and those who invoke international law must themselves submit to it" Mr. Annan said at the opening of the 59th session of the UN General Assembly. …We must start from the principle that no one is above the law and no one should be denied protection" 2004.

The United Nations for years has had difficulty defining terrorism because the United States and certain allies have refused to consider certain state activities to be acts of terrorism or threats to security. Ironically it is often citizens who through lawful advocacy protest and dissent are the ones that are deemed to be a threat to security

In fact after September 11, 2001, the FBI circulated a list:

…category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process.

The intelligence community appears to be inept at assessing what constitutes real national and international threats to security. This ineptitude was confirmed recently at a colloquium, entitled the ‘Challenges of SIRC’. An official from SIRC acknowledged the following:

In assessing the distinction between those who have a disagreement with politics and those who are deemed to be terrorists...Police agencies are not good at making that distinction and err on the side of security "."Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up. We have to have the ability to identify clearly this distinction. If we don’t do this we are threatening the fabric of the civil liberties of Canadians.

The fabric of civil liberties of Canadians has definitely been threatened through the designation of citizens who have a disagreement with the politics of the Government of Canada to be threats to Canada.

At least since 1997, I have been on an RCMP Threat Assessment Group (TAG) List. I have a doctorate, I was a former lecturer in global issues at a university, and I am a former federal leader of a registered political party in Canada. I found out

about being on a Threat Assessment Group List inadvertently, during the release of documents in the APEC RCMP Public Complaints Commission inquiry. Evidence emerged during the APEC inquiry that I was put on the list as a result of a directive from the Prime Minister's Office. My picture along with eight others was placed on a RCMP Threat Assessment Group List entitled "other activists". I have enclosed a copy of the RCMP threat Assessment. Exhibit A and Exhibit B.

Under the CSIS Act, “threats to the security of Canada” means

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage
b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada are clandestine or deceptive or involve a threat to any person
c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and
d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada.

Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) TO (D). 1984 C.21, S2.

Citizens engaged in lawful advocacy, protest, or dissent have been designated as “threats”. Given the definition of “threats” in the CSIS Act, the only conclusion is that citizens engaged in lawful advocacy, protest, or dissent, and designated as a threat, must have been linked to espionage, sabotage, violence against persons or property, the destruction of the constitutionally established system of government, etc. There really is no other logical conclusion.

The Solicitor General who is responsible for the RCMP and CSIS has a dual role: a role as a party member and a non-partisan role as officer of the Crown. The importance of the non-partisan role was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned:

Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they may decide to have the police investigate people because of their party stripes

Although I was not a member of the NDP at the time, I presume that his comment applied to any opposition political party.

When news that I had been placed on the RCMP Threat Assessment List was

broadcast and published across the country, the Solicitor General's office feared that there might have been a challenge in parliamentary question period about the RCMP and CSIS placing the leader of a registered political party on a threat assessment list. The Solicitor General's office prepared an Aide Memoire to deflect the potential criticism, and rather than addressing the serious allegations of the violations by intelligence agencies of their own statutory law, the Solicitor General in his reply wrote: "As I have indicated, the APEC RCMP Public Complaints Commission will address all concerns raised, and we should allow them the opportunity to do their work."

I assumed from this statement that I would have my concerns addressed and be able to appear before the RCMP Public Complaints Commission, to have the opportunity to clear my name, and to prove that I am not a threat. I was subsequently not permitted to appear, even though I had been one of the original complainants.

I have never engaged in any activity which could be even remotely construed to fall into within the CSIS definition of a 'threat. I have been a strong policy critic of government practices, nationally and internationally, and could be considered to have a "difference in politics". I have spent over twenty years calling upon governments to discharge obligations incurred through international covenants, treaties and conventions, and to enact the necessary legislation to ensure compliance. I have called upon governments to act on commitments made through Conference Action plans, and to fulfill expectations created through UN General Assembly Resolutions and Declarations.

I have exercised my constitutional right to lawful advocacy, protest, and dissent. I have, however, not engaged in activities directed toward undermining by covert clandestine, unlawful acts, directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada

Placing citizens who engage in lawful advocacy, protest or dissent on threat lists is an act of discrimination on the grounds of political and other opinion – one of the grounds that has been included in years of international human rights instruments such as the following:

(i) Art. 2, The Universal Declaration of Human Rights, 1948;
(ii) Art. 2, The Universal Declaration of Human Rights, 1948;
(iii) Art. 27, Convention Relative to the Protection of Civilian Persons in Time of War, 1949);
(iv) Art.1.1, International Convention on the Elimination of all Forms of Racial Discrimination, 1965;
(v) Art. 2, International Covenant on Civil and Political Rights, 1966);
(vi) International Covenant of Social, Economic and Cultural rights 1966, in force, 1976;

(vii) Art. 7, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;
(viii) Art. 2, Declaration on the Rights of Disabled Persons 1975;
(ix) Art. 2, Convention on the Rights of the Child, 1989;
(x) Principle 1.4, Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991.

I will refer here only to Article 2 of the International Covenant on Civil and Political Rights (ICCPR). Article 2. affirms that

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Although under art 2 of the Charter of Rights and Freedoms, there is a reference in Art. 2.

Everyone has the following fundamental freedoms:
b) freedom of thought, belief, opinion and expression

This article implements the obligations in Art: 18 of (ICCPR).

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Unfortunately the ground of "political and other opinion" was not included as one of the listed grounds in article 15 of the Canadian Charter of Rights and Freedoms

Although there does not appear to be a remedy in Canada for discrimination on the ground of political and other opinion, there is a remedy under Article 2 of the Optional Protocol of the International Covenant on Civil and Political Rights. Under this article, citizens who have been discriminated against, and have exhausted all domestic remedies, can file a complaint with the UN Human Rights committee responsible for the implementation of the International Covenant on Civil and Political Rights. I have now proceeded to submit this complaint to the UN Human Rights Committee.

The listing of citizens engaged in legitimate advocacy has also violated the Charter of Rights and Freedoms; the right to security of the person; the right to mobility, and freedom of speech, and freedom of assembly. Now with facial recognition technology, there is the possibility that listed activists will not be able to enter the United States or fly over US Territory.

Since the fact that I was placed on a threat assessment list was broadcast and published across the country, I have had to live with the stigma of being designated a threat and the repercussions from this stigma –mistrust, and loss of employment and income. On a panel associated with the Arar inquiry, Warren Allmand, a former Solicitor General recognized that being associated with a listed group could impact on one's ability to obtain gainful employment. This recognition would presumably also apply to being listed as a threat.

Even if proved unfounded, the taint of being designated as a threat, remains. Once a reputation has been damaged or impugned, recovery from this designation is almost impossible.

Since the lists have possibly been shared with 'friendly nations' prior to September 11, 2001 and probably, shared with 'friendly nations' after September 11, 2001 when caveats were down, I have traveled with great trepidation. I have resorted to using my maiden name when traveling internationally, but now with the institution of facial recognition technology, I presume that it will be impossible for me to travel to the US or to travel over US air space.

I had a legitimate expectation that, after being placed on a RCMP Threat Assessment Group List, I would be able to correct the presumed misinformation through provisions in the Privacy and the Access to Information Acts. I was mistaken. In order to justify not revealing the reason that I had been perceived to be a threat, the government exercised exemption such as "for national and international security reasons", or "for [being] injurious to the conduct of international affairs", or "for the defence of Canada".

I have filed complaints with the RCMP, with CSIS, with DND, and with the review bodies such as SIRC and the RCMP Public Complaints Commission. I had presumed that I had a legitimate expectation that, after being placed on an RCMP Threat Assessment Group list, I would be able to correct the presumed misinformation if not through complaints and reviews through provisions in the privacy and the access to information acts. To justify not revealing the reason that I had been perceived to be a threat, the government exercised exemption such as for "national and international security reasons" or "for [being] injurious to the conduct of international affairs", or "for the defence of Canada".

After almost eight years, I still do not know the reason for my being placed on an RCMP Threat Assessment Group List. I submitted, and in some cases resubmitted, almost 60 Access to Information and Privacy requests, and subsequent requests for reviews by the Privacy and Access to Information Commissioners. These requests resulted is a series of outrageous financial demands, unacceptable delays, unjustifiable retention of data and redacted documents, along again with questionable government exemptions. In the end, the only recourse offered was to hire a lawyer, go to court, and if unsuccessful, pay court costs – an option that was not open to me, and I assume not open to many other citizens engaged in lawful

advocacy, protest, and dissent.

Citizens engaged in lawful advocacy, protest, and dissent are often those who are addressing activities, by governments and corporations, which could be designated as threats to “true” security.

True security is not human security or a so-called “responsibility to protect” which has been recently used to support substantial increases in the military budget and to legitimize past, present, and future military expeditions wrapped in the guise of humanitarian interventions

True security is common security – a concept initiated by Olaf Palme, a former president of Sweden – and has been extended to embody the following objectives:

• to achieve a state of peace, and disarmament; through reallocation of military expenses

• to promote and fully guarantee respect for human rights including civil and political rights, and the right to be free from discrimination on any grounds

• to enable socially equitable and environmentally sound employment, and ensure the right to development and social justice; labour rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, and the right to education

• to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint ,and move away from the current model of over-consumptive development.

• to create a global structure that respects the rule of law and the International Court of Justice;

To further Common Security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, made commitments through Conference Action plans, and created expectations through UN General Assembly resolutions, and declarations. Member states of the United Nations have incurred obligations, made commitments and created expectations

The blue print for Common Security has been drawn; the issue is compliance and implementation.

The Senate Committee reviewing the Anti-terrorism Act has a real opportunity to determine what constitute real threats to common security.

Canada is at a cross roads: Canada can continue to support the US in its activities that pose a threat to global security, or Canada can be a proponent of true security:

common security. In Annex I of my submission I have included a preliminary draft of a proposed Common Security Index (CSI).

When I found out that I was deemed to be a threat, I prepared a list of threats to global security and recently I have revised this list into a Common Security Index. I have attempted to address the issue of state activities that could be deemed to be threats. In the Common Security Index, I have referred to
(i) existing international obligations or commitments
(ii) state activity in compliance or non-compliance with these obligations or commitments;
(iii) lawful advocacy activity against the violation.

I raise the issue that often the intelligence community determines that the threat to security is the advocate who exposes the state violation of international law not the state who violates international law

I would like to submit the following recommendations for addressing the issue of threats to common security.

RECOMMENDATIONS:

(i) that the Canadian government promote common security and end all further contribution to activities that foster global insecurity and threats to common security (see the Common Security Index in Annex 1.

(2) That the Department of Justice ensure that the necessary legislation to implement international obligations and commitments to global common security is enacted in Canada: Consequently, Canada, through acceding to and ratifying treaties has undertaken to perform treaties in good faith, has established on the international plane its consent to be bound, and to establish conditions for the maintaining of justice and respect for obligations under treaties.`

and to operationalize the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" whereby Canada made the following undertaking:

A multilateral treaty dealing with matters within provincial jurisdiction would be signed by Canada only after consultation with the provinces had indicated that they accepted the basic principle and objectives of the treaty. Assurances would be obtained from the provinces that they are in a position, under provincial laws and regulations, to carry out the treaty obligations dealing with matters falling within provincial competence, before action is taken by the Government of Canada to ratify or acceded to such a treaty.

or by passing implementing legislation:

In Canada implementing legislation is only necessary if the performance of treaty

obligations cannot be done under existing law or thorough executive action.

(3) That the Department of Justice address the issue of Canada's failure to implement key provisions in the Convention on the Law of Treaties, related to the implementation of international obligations throughout Canada..

Applicability of section in the Convention on the Law of Treaties on not defeating purpose of treaty from moment of signing (Article 18)

Under the Vienna Convention on the Law of Treaties, adopted in 1969; signed by Canada, acceded to by Canada on 1970 , and in force 1980, Canada, as a signatory to this Convention has been obliged to ensure the performance of treaties in the following ways:

(i) "to establish conditions under which justice and respect for obligations arising from treaties can be maintained" (Preamble)
(ii) to demonstrate, through the process of ratification (accession) of a Treaty, that the State has `"established on the international plane its consent to be bound by a treaty" (Article 2)
(iii)): to "not defeat the object and purpose of a treaty prior to the entry into force"
(iv) to observe that "every treaty in force is binding upon the parties to it and must be performed by them in good faith. (Article 26)
(v) to interpret a treaty by agreeing that "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose. (Article 31)
(vi) to not create a situation that would make performance impossible.
1. a party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty". ..
2. Impossibility of performance may not be invoked by a party as a ground for terminating, withdrawing from or suspending the operation of a treaty if the impossibility is the result of a breach by that party either of an obligations under the treaty or of any other international obligation owed to any other party to the treaty. (Article 61)

(4) That the Department of Justice carry out an extensive review of obligations incurred through treaties, conventions and covenants; of commitments made through conference action plans; and of expectations created through UN General Assembly resolutions;

(5) That the Department of Justice determine what would constitute compliance with these obligations, commitments and expectations related to Common Security;

(6) That the Department of Justice seek to clarify the Supreme Court precedent established in 1937 Labour Convention case pertaining to federal-provincial powers

with regard to international treaties;

(7) That the Department of Justice seek to establish what constitutes “matter of National concern” vis a vis federal and provincial jurisdiction, and what is the nature and extent of consultation required to bind the provinces to the international instruments signed and ratified by Canada;

(8) That the Attorney General and the office of the Attorney General not undermine attempts in the courts to comply with Canada's obligations under international law

(9) That judges at all levels undergo additional training to become more cognizant of relevant international instruments, so as to prevent the unfortunate current situation whereby international obligations and commitments are treated with derision by the Canadian court system;

(10) That the Department of Foreign Affairs be fully briefed on precedents related to International law. In addition, at international conferences, Foreign Affairs staff members be required to respect previous precedents and to take a position if necessary that might be independent from the position taken by JUSCANZ - the negotiating group at the UN with representation from Japan, US, Canada, and Australia. JUSCANZ has generally demonstrated disregard for precedents in international law.

(11) that the Department of Defence discontinue the practice of compiling Op-secure list in which are listed, as being threats to security, groups engaged in lawful advocacy, protest and dissent,
(12) that there be considerable oversight of and “Caveats Up” with any information shared by the department of defence and the "intelligence community" with so-called friendly nations;

(13) that the legal ground of "political and other opinion" should be included as an analogous ground in section 15 of the charter of rights and freedoms; and that the Canadian human rights commission undertake to include discrimination on the ground of political and other opinion as part of their mandate;

(14) that government and intelligence agencies should ensure that citizens who engage in lawful advocacy, protest and dissent and who criticize the government, locally, nationally and internationally for their failure to comply with international not be deemed as threats to Canada;

(15) That a federal cabinet minister overseeing the operation of an intelligence agency should be deemed an officer of the crown, and avoid partisan activities that would discredit this role;

(16) that CSIS should comply with its own act, and be able to distinguish between “those who have a disagreement with politics” and those who are deemed to “be

threats of terrorists” to national security;

(17) That the RCMP should divulge the existence of threat assessment lists of activists who have engaged in lawful advocacy, protest and dissent; that these persons should be made aware that they have been placed on a list; that the RCMP should apologize to these persons and that these persons should be financially compensated for losses resulting from their being so place.

(18) that the intelligence community should take courses which would enable them to distinguish between those who have a “disagreement with politics" and those who are a threat to the security of Canada;

(19) that all citizens who have been deemed a threat because they have engaged in lawful advocacy protest and dissent should have opportunity to correct the information;

(20) That there must be a means to cross examine and test the reliability of the evidence used to label a citizen a “threat” and this evidence should be tested in the light of public scrutiny

(21) That there has to be an independent and arms length oversight body to ensure the quality and reliability of intelligence, and that there be provisions for challenging the information;

(22) That there must be a mechanism in place to rectify mistakes committed through national security investigations;

(23) That there must be a mechanism for removing citizens from any secondary search list, threat assessment list and no-fly list;

(24) that the access to information and privacy commissioners and their agents be required to be better informed about what would be legitimate exemptions under the acts, and whether there has been unjustifiable redaction of documents;

(25) That the Attorney General's office should be cautioned about the extensive redaction of government documents; the extensive redaction of CSIS and RCMP documents during public inquiries reflects more the Attorney General's partisan role than the Attorney General's role as officer of the crown.

(26) That CSIS along with the RCMP should be required to acknowledge that it has violated its own statutory law by providing information which resulted in citizens engaged in lawful advocacy, protest, and dissent being deemed threats to national security, or being listed as international terrorists;

(27) That the Solicitor Generals, and Attorney Generals should be disciplined for their failure to perform their role as officers of the crown;

(28) that the Department of Defence, CSIS, RCMP, and solicitor generals should apologize and be prepared to compensate activists for having violated their charter rights and for impacting on the ability of these activists to seek gainful employment;

(29) that I would concur with other witnesses that the result of the anti- terrorism act has been the violation of civil and political rights, and similarly, the designation of citizens engaged in lawful advocacy, protest and dissent as threats has resulted in discrimination on the grounds of "political and other opinion";

(30) That the rule of law and adversarial process should be restored and secret proceedings eliminated;

(31) That the Anti-terrorism act should be sunsetted on the December 10, 2005 on the 57th anniversary of the UN Declaration of Human rights;

COMMON SECURITY INDEX:
A preliminary draft of the COMMON SECURITY INDEX. An index which can be used to evaluate states on their compliance on non compliance with international instruments related to the furtherance of Common security.
(EXCERPT FROM 190 POINT INDEX)

True security is common security
Common security was a concept initiated by Olaf Palme, a former president of Sweden, and has been extended to embody the following objectives:

- to achieve a state of peace, and disarmament; through reallocation of military expenses
- to create a global structure that respects the rule of law and the International Court of Justice;
- to enable socially equitable and environmentally sound employment, and ensure the right to development and social justice;
- to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to safe drinking water and sewage, right to education and right to universally accessible not for profit health care system ,
- to ensure the preservation and protection of the environment, the respect for the inherent worth of nature beyond human purpose, the reduction of the ecological footprint and move away from the current model of unsustainable and over-consumptive development.

To further Common security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, and made commitments through Conference Action plans, and created expectations through UN General Assembly resolutions, and declarations member states of the United Nations have incurred obligations, made commitments and created expectations

Note: the following is an index of
(i) list of international obligations incurred through conventions, treaties, and covenants, of commitments made through conference action plans and expectations created through UN General Assembly resolutions related to “common security”.
(ii) State Activity: very preliminary comments about state compliance or non compliance with the obligations, commitments and expectations related to “common security). Eventually, key government positions will be included in this Common Security Index.
(iii) Lawful Advocacy Activity
of state activity and of lawful advocacy activity in relation to these international instruments. . the purpose of the list is to indicate the range of international obligations and commitments which if discharged or acted upon would contribute to global common security. Eventually, key international NGO campaigns will be included in this Common Security Index.

1. PEACE
Peace and Outer Space

(0) ENSURING THAT THE USE OF OUTER SPACE IS FOR THE BENEFIT OF ALL MANKIND [HUMANITY]

INTERNATIONAL: OBLIGATION AND COMMITMENT:

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind humanity....
(Art. 1 Outer Space Treaty of 1967 in force 1967)

Forbidding the establishment of military bases, installations and fortifications and the testing of any type of weapon.....the moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden..(Art. IV Outer Space Treaty of 1967 in force 1967)

Reaffirming the importance of international co-operation in developing the rule of law in the peaceful use of outer space(The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

Recalling its resolution 35/14 of 3 November 1980, Deeply convinced of the common interest of mankind humanity in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived there from, as well as the importance of international co-operation in this field, for which the United Nations should continue to provide a focal point, Reaffirming the importance of international co-operation in developing the rule of

law in the peaceful exploration and use of outer space, (The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

STATE ACTIVITY: (USA) has decided unilaterally to embark upon the militarization of space, and to use plutonium in space probes such as the Cassini
ADVOCACY ACTIVITY: has exposed the fact that the state is in violation of an existing treaty -the Outer Space Treaty, and of related General Assembly Resolutions. Has opposed the ballistic Missile Defence; and the Cassini Probe.

Peace and International Law

(1) ADVOCATING THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE ITS ROLE IN PACIFIC SETTLEMENT OF DISPUTES

INTERNATIONAL OBLIGATION:
The fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the opportunity under article 37 to refer potential situations of conflict to the International Court of Justice

CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES
The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
...
In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court. Article 33

STATE ACTIVITY: Generally permanent members of the UN Security Council have ignored Chapter VI (peaceful resolution of disputes) and ignored the role of the International Court of Justice. They move to Chapter VII, and some permanent members, primarily the US, of the UN Security Council succeed in cajoling, intimidating and offering "checkbook diplomacy" to persuade other members of the UN Security Council to support military intervention. (1991 invasion of Iraq, invasion of Afghanistan,2003 Invasion of Iraq,2011 invasion of Libya)
LAWFUL ADVOCACY ACTIVITY: has urged the UN to revisit the section in the charter related to the International Court of Justice, and require state parties to the conflict to refer the conflict to the International Court of Justice, and to be bound by the decision of the court. Has written position piece in 1991 on UN Contravening its own Charter, and on the fact that the UN Security Council by supporting the

invasion of Iraq, and by instituting the oil for food programme has discredited the United Nations. Has criticized Philippe Kirsch, who on behalf of Canada refused to accept the jurisdiction of the ICJ. [now he is the president of the International Criminal Court]
DEMANDS FOR Rio 2012 –All states must agree that to prevent the scourge of was Chapter VI must be used

(2) RESPECTING THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE

INTERNATIONAL: In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

When the United Nations Security Council did not support the invasion of Yugoslavia, the NATO states invaded Yugoslavia and then the former Federal Republic of Yugoslavia referred their case against ten NATO states to the International Court of Justice.

STATE ACTIVITY: NATO states, in the case of Kosovo, demonstrated disdain for the international rule of law, and refused to accept the jurisdiction of the International Court of Justice.
LAWFUL ADVOCACY ACTIVITY: has supported the former Federal Republic of Yugoslavia in its case at the International Court of Justice against the ten NATO states; urged that when there are disputes between and among states, the states should be mandated to go to the International Court of Justice, and has opposed the use of depleted uranium, which the USA claimed at the ICJ was a conventional weapon.

(3) RESPECTING THE INTENTION BEHIND SELF DEFENCE

INTERNATIONAL OBLIGATION:
Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security. (Article 51, Chapter VII, Charter of the United Nations).

STATE ACTIVITY: (USA) has perceived justice through revenge and military intervention, has redefined what constitutes "self defence" and has used the pretext

of self defence to justify military intervention in Afghanistan. NATO states supported this interpretation of article 51.
LAWFUL ADVOCACY ACTIVITY: has argued that Article 51 was misconstrued and that the rule of law not revenge should prevail, and states should seek justice from the International Court of Justice. Has participated on a panel at the UN addressing the issue of what constitutes self defence. Generally it was concluded that the US interpretation of self defence was not in line with “self Defence” as defined in most national statutes.

(4) SAVING SUCCEEDING GENERATIONS FROM THE SCOURGE OF WAR AND PREVENTING AND RESOLVING CONFLICTS NOT ENGAGING IN "PREVENTIVE AGGRESSION

INTERNATIONAL OBLIGATION AND COMMITMENT
The purpose of the Charter of the United Nations is to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [humanity]

The Convention on the Right to correction; 1952
The contracting States,
-Desiring to implement the right of their peoples to be fully and reliably informed
-Desiring to improve understanding between their peoples through the free flow of information and opinion
-Desiring thereby to protect mankind [Humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression

In the Platform of Action, States have made a commitment to maintain peace and security at the global, regional and local levels, a commitment to prevent and resolve conflicts (Art.15, Platform of Action, UN Conference on Women: Equality, Development and Peace.

STATE ACTIVITY: (USA) has demonstrated disdain for the international rule of law, and for the obligation to prevent the recurrence of aggression, and to ensure that people are fully and reliably informed. Has misconstrued the intention behind the “prevention of recurrence of aggression” by adopting a policy of pre-emptive/preventive aggression. Has engaged in an illegal act of invading a sovereign state in violation of the UN Charter and international law and has committed the 'supreme' international crime of the war of aggression
LAWFUL ADVOCACY ACTIVITY: stressed the distinction between the prevention of conflict, aggression and war, and the notion of pre-emptive/preventive attack. which escalates conflict and war; has urged states to bring the conflict to the International Court of Justice or has called for the evoking of the Uniting for Peace resolution which calls for an emergency session of the UN General Assembly.

(5) REFRAINING IN ITS INTERNATIONAL RELATION FROM THE THREAT OR USE OF FORCE AGAINST THE SOVEREIGNTY... OF ANY STATE

INTERNATIONAL OBLIGATION:

Proclaiming their earnest wish to see peace prevail among peoples.

Recalling that every state has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the Unite Nations, (Preamble, Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

STATE ACTIVITY: (USA) has ignored this obligation
LAWFUL ADVOCACY ACTIVITY: has called for the discharging this obligation to refrain from the threat or use of force

(6) COUNTERING THE MISINTERPRETATION OF "SERIOUS CONSEQUENCES" IN UN SECURITY COUNCIL RESOLUTION

INTERNATIONAL: The term "serious consequence" in the UN General Security Council Resolution on Iraq was not equated with a "military intervention"

Recalls, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations; (13, UN Security Council resolution on Iraq, November, 2002)

STATE ACTIVITY: The US administration claimed that if the conditions set out in the Resolution were not met, :serious consequences legitimized the invasion of Iraq
LAWFUL ADVOCACY: criticized the above interpretation of "serious consequences" and proposed that "serious consequences" could in fact mean that the issue should be taken to the International Court of Justice

(7) PREVENTING THREATS OF ASSASSINATION OF LEADERS OF OTHER STATES

INTERNATIONAL: ABSENCE OF OBLIGATION or COMMITMENT?

-Desiring thereby to protect mankind from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression (The Convention on the Right to correction, 1952)

COMMENT: There does not appear to be an obligation or commitment to prevent this threat; although the Convention on the Right to correction does address

provocation. The International Criminal Court should be able to take on cases of targeted assassination but appears to be helpless against states that have an established legal system, and of course incapable of acting in the case of non signatories. US treaty against targeting or assassinating leaders was passed in the mid 1970s but repealed by president George W. Bush

STATE ACTIVITY: (PRIMARILY USA) has engaged in a long standing practice of removing leaders; has targeted and has assisted in the assassination of leaders of other sovereign states, who interfered with national interests.
LAWFUL ADVOCACY RESPONSE: has condemned the practice and has condemned the condoning of assassinations. Has recommended a clear international statement condemning assassination included in the mandate of the International Criminal Court, and has called upon all states to sign and ratify the statute of the International Criminal Court. Has lobbied for the International Criminal Court to be have jurisdiction regardless of state claim to have a legal system capable of trying the case in the country in which the crime occurred, or in which the accused criminal is a citizen.

(8) SETTING UP, PROPPING UP, FINANCING AND SUPPLYING ARMS TO MILITARY DICTATORS THAT FURTHERED FOREIGN VESTED NATIONAL INTERESTS

INTERNATIONAL OBLIGATION OR COMMITMENT
There does not appear to be any obligations or commitment condemning the propping up and financing the propping up of dictators.

This activity would certainly not fulfill the expectations of the Declaration of the Right of all Peoples to Peace:
In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

This activity could certainly contribute to gross and systemic violations of human rights:
The gross and systematic violations and situations constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world, such violations and obstacles included, as well as torture and cruelty, inhuman and degrading treatment and punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights,, religious intolerance, terrorism, discrimination against women and lack of the rule of law (C. 30 World Conference on human rights.

STATE ACTIVITY: (PRIMARILY USA) has continued this long standing activity with impunity
LAWFUL ADVOCACY ACTIVITY: has condemned this activity and has continually pointedout the consequences when former friendly dictators become the evil ones

(9) CONDEMNING THE MAINTAINING OF MILITARY BASES IN OTHER SOVEREIGN STATES

INTERNATIONAL OBLIGATION OR COMMITMENT: There is a prohibition of military bases in the Outer space Treaty, and the prohibition of military bases in Antarctica

Prohibiting the establishment of military bases in Antarctica
Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons. (Antarctic Treaty of 1959, in force 1961)

Otherwise, there does not appear to be a specific prohibition against foreign military bases unless they would be designated as "foreign occupation".

In the Declaration on the Right to Development adopted by General Assembly 1986

Mindful of the obligation of states under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,
Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, Neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threat against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind, [humanity]

STATE ACTION: (USA) has maintained over 750 military bases in sovereign states around the world
LAWFUL ADVOCACY ACTION: Has called for the closing of and conversion of US military bases, and other foreign owned bases. Social Forum has called for the closing and conversion of bases. In the Women's Action Agenda, 1992, reference was made to the presence of military bases:

Realizing the disastrous environmental impact of all military activity, including research, development, production of weaponry, testing, maneuvers, presence of military bases, disposal of toxic materials, transport, and resources use (Women’s

Action Agenda, 1982)

(11) REFRAINING FROM THE THREAT TO USE FORCE

INTERNATIONAL OBLIGATION :
Every state has the duty, in conformity with the Charter of the UN, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the (Geneva Convention). Adopted on 8 June 1977 by the diplomatic conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts
The high contracting parties,
recalling that the humanitarian principles enshrined in article 3 common to the Geneva convention of 12 august 1949 constitute the foundations of respect for the human person in cases of armed conflict not of any international character.
PART 1 SCOPE OF THIS PROTOCOL
article 2 personal field of application
1. This protocol shall be applied without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth birth or other status or on any other similar criteria (hereinafter referred to as "adverse distinction" to all persons affected by an armed conflict as defined in article 1. ßßcase
ARTICLE 3 NON -INTERVENTION
2. nothing in this protocol shall be invoked as a justification for intervening directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the high contracting party in the territory of which that conflict occurs. (Geneva Convention)

STATE ACTIVITY: (US, CANADA et Al) extended "human security" to mean "humanitarian intervention" and "Responsibility to protect" have become a licence to increase the military budget and to legitimize military intervention;
(US) has engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently (NATO States) "Operation enduring freedom" against Afghanistan, and (US-led COALITION OF THE WILLING) "Operation Iraqi Freedom" against Iraq [see annex III]
LAWFUL ADVOCACY ACTIVITY: Has called for the force of Compliance: full scale implementation of obligations, commitments and expectations related to common security in an attempt to prevent destabilization, and potential threats.. The UN Security Council should be dissolved and power transferred to the UN General Assembly; the UN Security Council, with the veto powers, even with the addition of more permanent members, violates a fundamental principle in the Charter of the United Nations: the principle of “sovereign equality”. Interstate conflicts should be reviewed by the UN General Assembly and then the states party to the conflict should be mandated to accept the jurisdiction and decision of the International

Court of Justice. INTRA state conflicts should be also brought to various committees set up by the UN General Assembly with input from the key organs in the United Nations such as UNHCR, UNEP, UNESCO, UNDP, UNIFEM, DISARMAMENT with the goal of working with the parties involved to prevent any further escalation of the conflict. In specific cases, where the UN General Assembly in conjunction with various organs of United Nations determines that there have been individuals criminally responsible for crimes against humanity, the case should be investigated by the International Criminal Court, without exemptions for those countries deemed to have a functioning legal system. The International Criminal Court will not be effective if it is perceived to discriminate against specific nations.

(12) PROHIBITING ACTIVITIES OF CORPORATIONS FROM PROFITING FROM WAR

INTERNATIONAL: ABSENCE OF OBLIGATION AND COMMITMENT: COMMENT There appears to have been international references to "mercenaries"...The businesses in this industry, known as privatized military firms(PMF), range from small consulting firms, comprised of retired generals, to transnational corporations that lease out wings of fighter jets or battalions of commandos.

In the Columbia Journal of Transnational Law, P.W. Singer: "In 1968, the U.N. passed a resolution condemning the use of mercenaries against movements of national liberation. The resolution was later codified in the 1970 Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States (ì1970 Declaration).28 The U.N. declared that every state has the duty to prevent the organization of armed groups for incursion into other countries. The 1970 Declaration represented an important transition in international law, as mercenaries became outlaws in a sense. However, it still placed the burden of enforcement exclusively on state regimes, failing to take into account that they were often unwilling, unable, or just uninterested in the task.29 The legal movement against private military actors was followed by a definition of mercenaries in the 1977 Additional" (War, Profits, and the Vacuum of Law: Privatized Military Firms and International Law
P.W. Singer*state activity: 522 Columbia Journal of Transnational Law [42:521.

STATE ACTIVITY: has increased the participation of "Privatized Military firms", and well as transnational corporations benefiting from access to natural resources. etc. LAWFUL ADVOCACY ACTIVITY: has condemned corporations benefiting and profiting from war and promoting the drafting of an international instrument which would prohibit the profiting from war. Has proposed that the notion of "mercenary" could be extended to include foreign corporations

Peace - - Disarmament and elimination of weapons of mass destruction

(13) PROMOTING COMPREHENSIVE DISARMAMENT

.INTERNATIONAL COMMITMENTS AND EXPECTATIONS:

The maintenance of peace; different types of war and their causes and effects; disarmament; the inadmissibility of using science and technology for warlike purposes and their use for the purposes of peace and progress; the nature and effect of economic, cultural and political relations between countries and the importance of international law for these relations, particularly for the maintenance of peace: ((b. The General Conference of member states on education Declaration, UNESCO)

A basic instrument of the maintenance of peace is the elimination of the threat inherent in the arms race, tribe, as well as efforts towards general and complete disarmament, under effective international control, including partial measures with that end in view, in accordance the principles agreed upon within the United Nations and relevant international agreements. (6. Declaration on the Preparation of Societies for Life in Peace Date)

The achievement of general and complete disarmament and the channeling of the progressively released resources to be used for economic and social progress for the welfare of people everywhere and in particular for the benefit of developing countries. proclaimed by General Assembly resolution 1542 (article 27 (a)_ XX1V of 11 December 1969) Declaration on Social Welfare, Progress and Development)

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:
"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

Solemnly proclaims that the peoples of our planet have a sacred right to peace (1. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

Recalling that in the Final Document of the Tenth Special Session of the General Assembly, the States Members of the United Nations solemnly reaffirmed their determination to make further collective efforts aimed at strengthening peace and international security and eliminating the threat of war, and agreed that in order to facilitate the process of disarmament, it was necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among states. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

...In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament

encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)

Safeguarding world peace and averting a nuclear catastrophe is one of the most important tasks today in which women have an essential role to play, especially by supporting actively the halting of the arms race followed by arms reduction and the attainment of a general and complete disarmament under effective international control... (Par 250 Nairobi Forward Looking strategy for the Advancement of women, 1985)

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should shall be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries, (Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986)

STATE ACTIVITY: (USA) has obstructed even the mention of "disarmament" in the most recent 2005 World Summit;
LAWFUL ADVOCACY ACTIVITY has lobbied for the inclusion of a reference to disarmament in all international instruments, and has called for the reallocation of military expenses to global social justice.

(14) ELIMINATING AND DESTROYING WEAPONS OF MASS DESTRUCTION

INTERNATIONAL COMMITMENT AND OBLIGATION

Man [Humans] and their environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement in the relevant international organs on the elimination and complete destruction of such weapons (UNCHE, 1972, Principle 26)

STATE ACTIVITY: (USA) has proceeded to exclude nuclear weapons from the category of weapons of mass destruction; ignored commitment and continued to produce and subsidize industries that produce weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. (CANADA) sold the civil nuclear technology to both India and Pakistan, and has continued to supply uranium to nuclear arms states.

ADVOCACY ACTIVITY: has called for states to act on long standing commitment eliminate and completely destroy weapons of mass destruction, and upon Canada to end the export of civil nuclear technology and the export of uranium.

(15) REAFFIRMING THAT THE THREAT OR USE OF NUCLEAR WEAPONS VIOLATES INTERNATIONAL HUMANITARIAN LAW

INTERNATIONAL COMMITMENT:

Reaffirming that the use of nuclear weapons would be a crime against humanity

Reaffirming the declaration that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, contained in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Being convinced that prohibition of the use or threat of use of nuclear weapons would lead to complete elimination of nuclear weapons and to disarmament

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control (draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

NUCLEAR DISARMAMENT

Reaffirming the declaration that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, contained in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security, (Draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, ∞)

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security, (Draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

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Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferer whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture of otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices. (Art. II, Nuclear-weapon Non-proliferation Treaty of 1968, in force 1970)

Non-Proliferation Treaty (NPT)

Article 1: prohibits the transfer of weapons directly or indirectly from states in possession of nuclear weapons to states not in possess

Article II: disallows receipt or manufacture of nuclear weapons by non nuclear weapon states

Article III: seeks to assure that materials and facilities in non-nuclear weapon states are used for peaceful purposes only by application o f safeguards by the IAEA

Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament

Fifty-seventh session First Committee Agenda item 66 (b)

General and complete disarmament: towards a nuclear-weapon-free world: the need for a new agenda Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden: draft resolution

Towards a nuclear-weapon-free world: the need for a new agenda

On 1 October 2002 the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden) submitted a draft resolution to the United Nations General Assembly entitled “Towards a nuclear-weapon-free-world: the need for a new agenda.” (A/C.1/57/L.3)

The General Assembly,

Recalling its resolutions 53/77 Y of 4 December 1998, 54/54 G of 1 December 1999 and 55/33 C of 20 November 2000,

Convinced that the existence of nuclear weapons is a threat to the survival of humanity,

Declaring that the participation of the international community as a whole is central to the maintenance and enhancement of international peace and stability and that international security is a collective concern requiring collective engagement,

Declaring also that internationally negotiated treaties in the field of disarmament have made a fundamental contribution to international peace and

security, and that unilateral and bilateral nuclear disarmament measures complement the treaty-based multilateral approach towards nuclear disarmament,

Recalling the advisory opinion of the International Court of Justice, on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226. and its unanimous conclusion that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control",

Declaring that any presumption of the indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with the integrity and sustainability of the nuclear non-proliferation regime and with the broader goal of the maintenance of international peace and security,

Declaring also that it is essential that the fundamental principles of transparency, verification and irreversibility should apply to all nuclear disarmament measures,

Convinced that the further reduction of non-strategic nuclear weapons constitutes an integral part of the nuclear arms reduction and disarmament process,

Declaring that each article of the Treaty on the Non-Proliferation of Nuclear Weapons is binding on the respective States parties at all times and in all circumstances and that it is imperative that all States parties be held fully accountable with respect to the strict compliance with their obligations under the Treaty, and that the undertakings therein on nuclear disarmament have been given and that implementation of them remains the imperative,

Expressing its deep concern that, to date, there have been few advances in the implementation of the thirteen steps agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Stressing the importance of regular reporting in promoting confidence in the Treaty on the Non-Proliferation of Nuclear Weapons,

Expressing its deep concern at the continued failure of the Conference on Disarmament to deal with nuclear disarmament and to resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices,

Expressing grave concern that the Comprehensive Nuclear-Test-Ban Treaty has not yet entered into force,

Expressing deep concern that the total number of nuclear weapons deployed and stockpiled still amounts to thousands, and at the continuing possibility that nuclear weapons could be used,

Acknowledging that reductions in the numbers of deployed strategic nuclear warheads envisaged by the Treaty of Moscow represent a positive step in the process of nuclear de-escalation between the United States of America and the Russian Federation, while stressing that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons,

Noting that, despite these bilateral achievements, there is no sign of efforts involving all of the five nuclear-weapon States in the process leading to the total

elimination of nuclear weapons,

Expressing its deep concern about emerging approaches to the broader role of nuclear weapons as part of security strategies, including the development of new types, and rationalizations for the use, of nuclear weapons,

Expressing concern that the development of strategic missile defences could impact negatively on nuclear disarmament and non-proliferation, and lead to a new arms race on earth and in outer space,

Stressing that no steps should be taken which would lead to the weaponization of outer space,

Expressing its deep concern at the continued retention of the nuclear-weapons option by those three States that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and operate unsafeguarded nuclear facilities, in particular given the effects of regional volatility on international security, and in this context, the continued regional tensions and deteriorating security situation in South Asia and the Middle East,

Welcoming progress in the further development of nuclear-weapon-free zones in some regions and, in particular, the consolidation of that in the southern hemisphere and adjacent areas,

Recalling the United Nations Millennium Declaration, Resolution 55/2. in which the Heads of State and Government resolved to strive for the elimination of weapons of mass destruction, in particular nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers,

Taking into consideration the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all the States parties to the Treaty are committed under article VI of the Treaty, 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, vol. I (NPT/CONF.2000/28 (Parts I-II)), Part I, Article VI and eighth to twelfth preambular paragraphs, para. 6 under para. 15.

1. Reaffirms that the growing possibility that nuclear weapons could be used represents a continued risk for humanity;

2. Calls upon all States to refrain from any action that could lead to a new nuclear-arms race or that could impact negatively on nuclear disarmament and non-proliferation;

3. Also calls upon all States to observe international treaties in the field of nuclear disarmament and non-proliferation and to duly fulfill all obligations flowing from those treaties;

4. Further calls upon all States parties to pursue, with determination and with continued vigour, the full and effective implementation of the substantial agreements reached at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the outcome of which provides the requisite blueprint to achieve nuclear disarmament;

5. Calls upon the nuclear-weapon States to respect fully their existing

commitments with regard to security assurances, pending the conclusion of multilaterally negotiated legally binding security assurances to all non-nuclear-weapon States parties, and agrees to prioritize this issue with a view to recommendations to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;.

6. Also calls upon the nuclear-weapon States to increase their transparency and accountability with regard to their nuclear weapons arsenals and their implementation of disarmament measures;

7. Reaffirms the necessity for the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to consider regular reports to be submitted by all States parties on the implementation of article VI as outlined in paragraph 15, subparagraph 12, of the 2000 Final Document, and on paragraph 4 (c) of the 1995 Decision;

8. Calls upon nuclear-weapon States to implement the Treaty on the Non-Proliferation of Nuclear Weapons commitments to apply the principle of irreversibility by destroying their nuclear warheads in the context of strategic nuclear reductions and avoid keeping them in a state that lends itself to their possible redeployment;

9. Agrees on the importance and urgency of signatures and ratifications to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

10. Calls for the upholding and maintenance of the moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

11. Reaffirms that the entry into force of the Comprehensive Nuclear-Test- Ban Treaty is particularly urgent since the process of the installation of an international system to monitor nuclear-weapons tests under the Comprehensive Nuclear-Test-Ban Treaty is more advanced than the real prospects of entry into force of the Treaty, a situation which is not consistent with a universal and comprehensive test-ban treaty;

12. Agrees that the further reduction of non-strategic nuclear weapons should be accorded priority and that nuclear-weapon States must live up to their commitments in this regard;

13. Agrees also that reductions of non-strategic nuclear weapons should be carried out in a transparent and irreversible manner and that the reduction and elimination of non-strategic nuclear weapons should be included in the overall arms reductions negotiations. In this context, urgent action should be taken to achieve:

(a) Further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

(b) Further confidence-building and transparency measures to reduce the threats posed by non-strategic nuclear weapons;

(c) Concrete agreed measures to reduce further the operational status of nuclear-weapons systems, and to

(d) Formalize existing informal bilateral arrangements regarding non-strategic nuclear reductions, such as the Bush-Gorbachev declarations of 1991, into legally binding agreements;

14. Calls upon nuclear-weapon States to undertake the necessary steps towards the seamless integration of all five nuclear-weapon States into a process leading to the total elimination of nuclear weapons;
15. Agrees that the Conference on Disarmament should establish without delay an ad hoc committee to deal with nuclear disarmament;
16. Agrees also that the Conference on Disarmament should resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices taking into consideration both nuclear disarmament and nuclear non-proliferation objectives;
17. Agrees further that the Conference on Disarmament should complete the examination and updating of the mandate on the prevention of an arms race in outer space in all its aspects, as contained in its decision of 13 February 1992, CD/1125. and re-establish an ad hoc committee as early as possible;
18. Calls upon those three States that are not yet parties to the Treaty on the Non-Proliferation of Nuclear Weapons and operate unsafeguarded nuclear facilities to accede to the Treaty as non-nuclear-weapon States, promptly and without condition, and to bring into force the required comprehensive safeguards agreements, together with additional protocols, consistent with the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards approved by the Board of Governors of the International Atomic Energy Agency on 15 May 1997, International Atomic Energy Agency, INFCIRC/540 (Corrected). for ensuring nuclear non-proliferation, and to reverse clearly and urgently any policies to pursue any nuclear weapons development or deployment and refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation;
19. Calls upon those States that have not yet done so to conclude full-scope safeguards agreements with the International Atomic Energy Agency and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol;
20. Reaffirms the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objective of nuclear disarmament, and supports proposals for the establishment of nuclear-weapon-free zones where they do not yet exist, such as in the Middle East and South Asia;
21. Calls for the completion and implementation of the Trilateral Initiative between the International Atomic Energy Agency, the Russian Federation and the United States of America and for consideration to be given to the possible inclusion of other nuclear-weapon States;
22. Calls upon all nuclear-weapon States to make arrangements for the placing, as soon as practicable, of their fissile material no longer required for military purposes under International Atomic Energy Agency or other relevant international

verification and to make arrangements for the disposition of such material for peaceful purposes in order to ensure that such material remains permanently outside military programmes;
23. Affirms that a nuclear-weapon-free world will ultimately require the underpinning of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments;
24. Acknowledges the report of the Secretary-General on the implementation of resolution 55/33/C, A/56/309, and requests him, within existing resources, to prepare a report on the implementation of the present resolution;
25. Decides to include in the provisional agenda of its fifty-eighth session the item entitled "Towards a nuclear-weapon-free world: the need for a new agenda", and to review the implementation of the present resolution at that session.

The International Court of Justice ruled in July 1996 that the use or the threat to use nuclear weapons was contrary to international humanitarian law

STATE ACTIVITY: (NATO States) have continued to participate as members of NATO –an organization having a first strike nuclear policy and has used (USA) its control over NATO to circumvent the United Nations,
LAWFUL ADVOCACY ACTIVITY: has opposed NATO in its first strike policy, and has called for the disbanding of NATO

(16) PURSUING NEGOTIATION ... TO END THE NUCLEAR ARMS RACE AND ACHIEVE DISARMAMENT

INTERNATIONAL OBLIGATION:
Commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament. (Article VI :Nuclear Non Proliferation Treaty)

STATE ACTIVITY: (NUCLEAR ARMS STATES) have ignored key provisions in the Nuclear Non proliferation treaty, and has failed, as nuclear arms powers, to reduce nuclear weapons as agreed under Article VI.
Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden have promoted the important aforementioned resolution which was supported by International Peace Groups.
LAWFUL ADVOCACY ACTIVITY: has called for the discharging of key obligations under the Nuclear Non Proliferation treaty, and for a treaty calling for the abolition of nuclear weapons- Abolition 2000 treaty- to abolish nuclear weapons. Has opposed the clause in the treaty which advocates the peaceful use of civil nuclear energy, has noted the long standing link between civil nuclear energy and nuclear arms; has lobbied against the sale of uranium to nuclear arms states [because of the fungibility principle]; and against the proposal to use plutonium from dismantled nuclear weapons in the form of MOX in civil nuclear reactors.

(17) OPPOSING THE CIRCULATION OF NUCLEAR POWERED OR NUCLEAR

ARMS CAPABLE VESSELS THROUGHOUT THE WORLD, AND THE BERTHING OF THESE VESSELS IN URBAN PORTS

INTERNATIONAL ABSENCE OF OBLIGATION OR OBLIGATION; COMMENT
There is no stated obligation or commitment related to this activity. However, this activity is in direct violation of the precautionary principle-- principle of international customary law:

Where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent (Principle, Rio Declaration, UNCED)

STATE ACTIVITY: [US, BRITAIN, RUSSIAN] have continued to produce, circulate, and berth nuclear powered and nuclear arms capable vessels; and states such as CANADA, have condoned the producing, circulating and birthing of nuclear powered and nuclear arms capable vessels;
New Zealand has prohibited the circulating of nuclear powered and nuclear arms capable vessels in New Zealand the berthing of these vessels in New Zealand ports.
LAWFUL ADVOCACY ACTIVITY: has called for the prohibiting of the construction, circulation and berthing of nuclear powered nuclear arms capable vessel, and lobbied at international conferences to have this statement included in international instruments. Has filed a law suit under the EARP guidelines, against the activity of continued circulating and birthing of these vessels, and has protested against this activity.

(18) PROHIBITING ANTI-PERSONAL LAND MINES

INTERNATIONAL COMMITMENT:
Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000

-1997 Ottawa Treaty: anti-personnel mines

STATE ACTIVITY: (USA et al) Has ignored the decision of International Court of Justice related to land mines (Nicaragua vs US, 1987), has continued to produce and use Mines and has failed to sign and ratify the treaty
LAWFUL ADVOCACY ACTIVITY: Has called for the banning of the production and use of land mines and for the universal signing and ratifying of the Ottawa Treaty

COMMENT:
LAND MINE TREATY: US EXCEPTIONALISM, 1997

To justify the US's opposition to the International Treaty to Ban Land Mines, the US spokesperson stated that the US has to balance a commitment to humanitarian concern with the obligation to maintain the power base of the US. The US's failure to act either on commitment or obligation whenever there are international agreements related to "eroding its military or corporate base" has contributed to the inability of international law to shape the political will. For years international political will to change has been undermined by the failure to act on commitments and to discharge obligations. .

The US continually with deep conviction proclaims its obligation not to international agreements for guaranteeing human rights, protecting and preserving the environment, and preventing war and conflict. but to maintaining its military and corporate power.

Canada usually supports the US in the weakening of conference action plans and General Assembly resolutions in the area of US vested interest in maintaining military and corporate power.. For example, Canada supported the US when the question of eliminating the production of nuclear arms arose in the UN conference on Women and in the Habitat II Conference In addition Canada abstained when the General Assembly voted on supporting and promoting the decision by the international court of Justice that the use or threat to use nuclear weapons was contrary to humanitarian law.

Hopefully the willingness of Canada to stand up to the United States in the Land Mine treaty will hail a new independent political policy in Canada. Hopefully Canada will maintain this independent policy in other areas by canceling the Nanoose Agreement on the grounds that it is contravention of recent international commitments and obligations, and the rule of law reflected in the International Court of Justice decision. Hopefully Canada will also prevent all further berthing of US nuclear powered vessels in Canadian harbours.

Hopefully citizens will see an independent political stance taken by Canada in the area of trade agreements where it will abrogate NAFTA and discontinue all further negotiations on the Multinational Agreement on Investments. (MAI).

(19) PROHIBITING OF "NEW WEAPONS"

INTERNATIONAL OBLIGATION

4. PRINCIPLE: PROVISIONS RELATED TO "NEW WEAPONS"

In the study, development, acquisition or adoption of a new weapon, or method of warfare, a high contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party (Art 36 Protocol to the Geneva Convention)

Prohibitory rules

- dum-dum bullets (First Hague Peace conf) -asphyxiating/poisonous /other gases (Geneva Protocol (1925)

-1972 Convention on biological &toxin weapons -1993 Convention on chemical weapons

-1997 Ottawa Treaty: anti-personnel mines -1980 Convention on conventional weapons with "excessively injurious indiscriminate effect - protocol 1: non-detectable fragments (ban) - prohibited mines, booby- traps (ban on use of mines designed to cause superfluous injury/ unnecessary suffering prohibited: regulating use of other devices
- protocol III incendiary weapons - protocol IV blinding laser weapons

Prohibiting or restricting use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

STATE ACTIVITY: (USA et al) has disregarded the Geneva Protocol, and has used weapons such as depleted uranium which would contravene the Protocol
LAWFUL ADVOCACY ACTIVITY: has condemned the use of prohibited weapons including depleted uranium at least as early as 1991 in Iraq. Have Called for discharging obligations under the protocol,

(20) PROHIBITING THE USE OF CERTAIN CONVENTIONAL WEAPONS

INTERNATIONAL OBLIGATION:

(i) Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or
Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,
particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to
universal ratification by the year 2000;

STATE ACTIVITY: (USA et Al) has disregarded the Geneva Protocol, and used weapons such as depleted uranium which would contravene the Protocol
LAWFUL ADVOCACY ACTIVITY: has called for discharging obligation under this convention, has provided information about the use of Depleted uranium for the case at the International Court of Justice, and at the NATO press conference in Brussels

Peace; protection of cultural property

(21) EXERCISING DUTY TO PROTECT CULTURAL Property

INTERNATIONAL OBLIGATION:

Preserving natural heritage for future generations

ï Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind [humankind] as a whole (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972).

ï Considering that in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value.. (Preamble, Convention for the Protection of the World cultural and Natural Heritage, 1972)

Undertaking not to damage directly or indirectly any world heritage site
Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the natural heritage ...situated on the territory of other States Parties to this Convention. (Art. VI.3 Convention of the Protection of Cultural and Natural Heritage of 1972, in force 1975)

STATE ACTIVITY: (USA-led coalition) as invader and occupier has disregarded the convention
LAWFUL ADVOCACY ACTIVITY: has condemned the failure to protect cultural property and has called for adherence to convention

(22) PROHIBITING AND PREVENTING ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

INTERNATIONAL COMMITMENT:

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, General Assembly Resolution, (Return or restitution of cultural property to the countries of origin, 1983)

STATE ACTIVITY: (USA-led coalition) has ignored the commitment to prevent illicit import...during an invasion and occupation
ADVOCACY ACTIVITY: has condemned the failure to act on the commitment to prevent illicit import...

(23) RESTITUTION OF CULTURAL PROPERTY TO COUNTRIES OF ORIGIN
INTERNATIONAL COMMITMENT;

INTERNATIONAL OBLIGATION:

Being aware of the importance attached by the countries of origin to cultural property
Aware of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to

them, so that they may constitute collections representative of their cultural heritage (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring restitution of cultural property in case of illicit appropriation to a country of its cultural property to country of origin

Preparing of inventories of movable cultural property

Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property, the development of infrastructures for the protection of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring Restitution to a country of its objets d'art...

Reaffirms that the restitution to a country of its objets d'art monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international co-operation and to the preservation and flowering of universal cultural values through fruitful co-operation between developed and developing countries (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

STATE ACTIVITY: (USA-led Coalition) has failed to fully discharge the obligation of restitution

LAWFUL ADVOCACY ACTIVITY; has condemned the failure of states to provide full restitution, and has called for the compliance with the obligations under the convention

Peace and human rights

(24) PROTECTING VICTIMS OF ARMED CONFLICT

INTERNATIONAL OBLIGATION;

Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Preamble the High contracting parties

proclaiming their earnest wish to see peace prevail among peoples.

recalling that every state has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the Unite Nations,

Believing it necessary nevertheless to reaffirm and develop the provisions

protecting the victims of armed conflicts and to supplement measures intend to reinforce their application expressing their conviction that nothing in this protocol or in the Geneva conventions of 12 august 1949 can be construed as legitimizing or authorizing any act of aggression or any other use of force inconsistent with the Charter of the United Nations Convention second convention, third convention and fourth convention mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and sick in armed Forces in the field of 12 august 1949; the Geneva convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea of 12 august 1949; the Geneva Convention relative to the treatment of Prisoners of War of 12 august 1949; the Geneva Convention relative to the Protection of Civilian in time of War of 12 august 1949; the conventions means the four Geneva Conventions of 12 august 1949; for the Protection of war victims. Part III Methods and means of Warfare Combatant and prisoner of war status

STATE ACTIVITY: (USA et Al) have continued to unevenly comply with the obligations under the Geneva Conventions and have, to avoid compliance, reclassified prisoners as non combatants
LAWFUL ADVOCACY ACTIVITY: have condemned the failure to fully comply with the Geneva Conventions

(25) PROHIBITING ATTACKING WORKS OR INSTALLATIONS THAT COULD RELEASE DANGEROUS SUBSTANCES AND ACTIVITIES THAT COULD IMPACT ON CIVILIANS

INTERNATIONAL OBLIGATION:
Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians. Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent sever losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)

STATE ACTIVITY: (USA et Al) has violated Geneva conventions on the treatment of civilians, and has violated both international human rights and humanitarian law during the invasions and occupations of Kosovo, Iraq and Afghanistan, as well as other invasions and occupations (Annex iii)
LAWFUL ADVOCACY ACTIVITY: condemning the violation of the Geneva conventions, and has documented destruction of these sites

(26) PROTECTING VICTIMS OF INTERNATIONAL ARMED CONFLICTS

INTERNATIONAL OBLIGATIONS:

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

- Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.
- Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)

STATE ACTIVITY: (US et AL) has failed to adequately discharge obligations under this convention.
LAWFUL ADVOCACY ACTIVITY: has reported incidents of abuse of this convention

(27) PROHIBITING THE STARVATION OF CIVILIANS THROUGH ATTACKING OBJECTS INDISPENSABLE TO THE SURVIVAL OF CIVILIAN POPULATION

INTERNATIONAL OBLIGATION;

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

STATE ACTIVITY: (USA et Al) have often even with so-called smart bombs destroyed key locations indispensable to the survival of the Civilian population., or have reclassified sites as being legitimate military targets.
LAWFUL ADVOCACY ACTIVITY: has condemned the destruction of objects indispensable to the survival of the Civilian population.

(28) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT
2. NO EXCEPTIONAL CIRCUMSTANCES WHATSOEVER, WHETHER A STATE OF WAR OR A THREAT OF WAR, INTERNAL POLITICAL IN STABILITY OR ANY OTHER PUBLIC EMERGENCY, MAY BE INVOKED AS A JUSTIFICATION OF TORTURE.

INTERNATIONAL OBLIGATION:
Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987,

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,
Have agreed as follows:
1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. (PART I , Article 1

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.
Article 2
1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

STATE ACTIVITY: (USA) has attempted to use "public emergency" to justify torture
LAWFUL ADVOCACY ACTIVITY: has condemned the use of public emergency to

justify torture, and has brought states and leaders to various courts for violating the Conventional Against Torture. Lawyers specializing in international law have argued the following: The US engaged in counseling, aiding, abetting in torture at ABU GHRAIB and GUANTANAMO in contravention of the Convention against Torture George W. Bush is guilty of grave crimes against humanity and war crimes for which President Bush stands properly accused by the world, starting with the Nuremberg Tribunals "supreme international crime" of waging an aggressive war against Iraq in defiance of international law and the Charter of the United Nations, and including systematic and massive violations of te Geneva Conventions Relative to the Treatment of Prisoners of War and Relative to the Protection of Civilian Persons in Time of War, as well as the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(29) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: CONDEMNING THE PRACTICE OF RENDITION

INTERNATIONAL OBLIGATION:

Article 3 General comment on its implementation

1. No State Party shall expel, return ("re-fouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

STATE ACTIVITY: (USA) to obtain information citizens have been sent to states where they are in danger of torture; this activity has been classified as "rendering" and has been carried out in contravention to the Convention on Torture.
LAWFUL ADVOCACY ACTIVITY: has condemned the insidious activity of "rendering" and has supported investigations into this activity

(30) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: CONDEMNING COMPLICITY IN TORTURE

INTERNATIONAL OBLIGATIONS:
1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature. Article 4

STATE ACTIVITY: (CANADA) Sharing of information with caveats down to USA which engaged in rendering; and counseling other parties to engage in torture,

through being a party to the offence of torture, and through counseling another person to be a party to the offence of torture in Guantanamo Bay prison, and in Abu Ghraib prison; and through rendering
LAWFUL ADVOCACY: ACTIVITY: has condemned the state complicity in torture and degrading treatment; and has supported investigations into the treatment of prisoners.

(31) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: ENSURING THE RIGHT TO COMPLAIN AND ADEQUATE COMPENSATION

INTERNATIONAL OBLIGATION:
Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.
Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation. (Convention Against Torture)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:
Peace - restitution

(35) PROVIDING RESTITUTION AND FULL COMPENSATION

INTERNATIONAL COMMITMENT:
Affirming the right to restitution and giving full restitution and compensation The right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples (4 f, Declaration of a New International Economic Order, 1974)

STATE ACTIVITY: (USA-led Coalition) have ignored the commitment, and instead have permitted their corporations to benefit from war and occupation
LAWFUL ADVOCACY ACTIVITY: has called for full restitution and compensation, and has opposed the practice of allowing corporations to benefit from a war

Peace - environment

(36) ACKNOWLEDGING THE INTERDEPENDENCE AMONG PEACE,

DEVELOPMENT AND ENVIRONMENTAL PROTECTION

INTERNATIONAL COMMITMENT

Peace, development and environmental protection are interdependent and indivisible. (Principle 25, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(37) ACKNOWLEDGING THAT WARFARE IS INHERENTLY DESTRUCTIVE OF SUSTAINABLE DEVELOPMENT, AND THAT STATES SHALL RESOLVE ENVIRONMENTAL DISPUTES PEACEFULLY

INTERNATIONAL COMMITMENT

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary. (Principle 24, Rio Declaration, UNCED, 1992)

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations. (Principle 26, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (USA) Sent a memo around at UNCED instructing the negotiators to not agree to any reference to the military; this memo included several other edicts like to not agree to the precautionary principle.

LAWFUL ADVOCACY ACTIVITY: it was intercepted and rewritten as the ten commandments

(38) PREVENTING DISCHARGE OF RADIOACTIVE OR TOXIC WASTES INTO NATURAL SYSTEMS

INTERNATIONAL COMMITMENT:

Taking precautions to prevent discharge of radioactive or toxic wastes into natural systems Special precautions shall be taken to prevent discharge [into natural systems] of radioactive or toxic wastes. (Art. 12 b UN Resolution, 37/7, World Charter of Nature, 1982)

STATE ACTIVITY: DISREGARD OF COMMITMENT [only one state the US did not adopt the World Charter of Nature]
LAWFUL ADVOCACY R ACTIVITY has called for acting on commitment including banning the use of weapons systems that use depleted uranium

(40b) RECOGNIZING THAT WARFARE IS DESTRUCTIVE OF SUSTAINABLE DEVELOPMENT

INTERNATIONAL COMMITMENT

"Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(41) PREVENTING THE THREAT TO THE ENVIRONMENT FROM WEAPON SYSTEMS

INTERNATIONAL OBLIGATION: AND COMMITMENT

Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

1 In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering

3 It is prohibited to employ methods or means of warfare which are intended, or may be expected to cause widespread, long-term and severe damage to the natural environment

(Section 1, Article 35 Basic rules: Methods and means of warfare Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Article 54 protection of objects indispensable to the survival of the civilian population article 56 5. protection of the natural environment

1. care shall be taken in warfare or protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are indeed or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population

2. attacks against that the natural environment by way of reprisals are prohibited. article 56 protection of works and installations containing dangerous forces Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

1. works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses the works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population article 86 Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts
Securing nature against degradation caused by warfare or other hostile activities
Nature shall be secured against degradation caused by warfare or other hostile activities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982)
Avoiding military activities damaging to nature
Military activities damaging to nature shall be avoided (Art. 22, UN Resolution, 37/7, World Charter of Nature, 1982)

STATE ACTIVITY: has often disregarded obligations and commitments
LAWFUL ADVOCACY ACTIVITY: has called for discharging obligation and acting on commitment and in 1992, in preparation for UNCED, the Women's caucus proposed the following:

Preventing, eliminating and condemning the environmental impact of military activity
Realizing the disastrous environmental impact of all military activity, including research, development, production of weaponry, testing, maneuvers, presence of military bases, disposal of toxic materials, transport, and resources use (Women's Action Agenda, 1982)

Peace and Social justice

(42) CONDEMNING TECHNIQUES OF INTIMIDATION AND CHEQUE BOOK DIPLOMACY

INTERNATIONAL NON-EXISTENT OBLIGATIONS AND COMMITMENTS: COMMENT
Intimidation and bribery are against the law in most national statutes but appear to be condoned in the international sphere.

STATE ACTIVITY: Has attempted, by intimidating or offering economic incentives in exchange for support for military intervention, to undermine the international resolve to prevent the scourge of war (the US et AL) continually cajoles, intimidates, and bribes other members of the United Nations)
LAWFUL ADVOCACY ACTIVITY: has raised at the United Nations press conferences, and at other sessions at the UN the issue of the US intimidating and "offering financial incentives" to members of the UN Security Council.

(43) EVOKING THE UNITING FOR PEACE RESOLUTION

INTERNATIONAL COMMITMENT

Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations; (1951, Uniting for peace resolution)

STATE ACTIVITY: (USA) Sent intimidating letters to members of the United Nations General Assembly opposing the holding an emergency session of the UN General Assembly under the Uniting for Peace resolution.
LAWFUL ADVOCACY ACTIVITY: has circulated a global petition calling for an emergency session of the UN General Assembly to invoke the Uniting for Peace resolution. Organized a rally in front of the United Nations {citizens with placards could not stop momentarily in front of the USA Mission]

(44) PROHIBITING PROPAGANDA FOR WAR

INTERNATIONAL OBLIGATION:
1. Any propaganda for war shall be prohibited by law. (Article 20, International Covenant of Civil and Political Rights)

STATE ACTIVITY: (US) has declared that various states are on the axis of evil, or has proclaimed that you are either with us or with the terrorists. Has promoted notion of “regime change”
LAWFUL ADVOCACY ACTIVITY has opposed all propaganda for war and has called for the delegitmization of war

(45) PROVIDING A RIGHT TO CORRECTION

INTERNATIONAL OBLIGATION

",,, to protect mankind [humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression; Convention on the Right to Correction

STATE ACTIVITY: (US and GREAT BRITAIN) Precipitously and falsely declared that another state had weapons of mass destruction and interfered with the exercise

of the international atomic energy agency in carrying our its inspection and that the unilateral or
LAWFUL ADVOCACY ACTIVITY: has raised the issue along with the majority of members of the UN General Assembly, that the IAEA should be permitted to complete its investigation into the existence of Nuclear weapons in Iraq. Has also proposed that the IAEA should carry out inspections of nuclear weapons in all nuclear weapons states, including the permanent members of the UN Security Council.

(46) REALLOCATING THE MILITARY BUDGET FOR GLOBAL SOCIAL JUSTICE

INTERNATIONAL COMMITMENTS:

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

STATE ACTIVITY: has ignored years of commitments related to reallocation of the military budget, has substantially increased the military budget, and has used the responsibility to protect and humanitarian intervention to justify increasing the military budget.

LAWFUL ADVOCACY ACTIVITY has called for the reallocation of the Global military budget at international conferences., and for implementing years of commitments to distributing the peace dividend.

Global Compliance Research Project statement on "Domestic financial Resources and Economic Instruments” for Implementing the Commitments made in the Habitat II Agenda.

"The reduction of the military budget and disarmament are necessary conditions of security and development" (Anatole Rappaport, presentation at the World Order Conference, 2001)

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. Unfortunately, institutional memory is either short or member states ignore precedents.

It is time for the member states of the United Nations to give substance to the Habitat II Agenda, by recapturing the commitment from Habitat 1, in 1976, to substantially reduce the military budget.

Currently the Global Community spends almost one trillion the military

budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education.

WSSD: FUNDS FOR GLOBAL SOCIAL JUSTICE, NOT FOR ARMS
(published in Taking Issue, Friday August 30, 2002) at the WSSD, Johannesburg)

Delegates at the WSSD have been negligent in that the have ignored significant precedents related to a commitment to reallocate the military budget

In Agenda 21, at the United Nations Conference on the environment and Development, it as estimated that from 650-650 billion per annum would be necessary for the implementation of Agenda 21 Also in Chapter 33, of Agenda 21, member states of the Untied Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. unfortunately, institutional memory is either short or member states ignore precedents.

It is time for the member states of the United Nations negotiating at the World Sumiton Sustainable Development to respect precedents by acting on commitments from previous conferences and General Assembly resolutions.

Currently, the Global Community spends more that $850 billion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing, the right to unadulterated food (pesticide-free and GE-free food); the right to safe drinking water, the right to a safe environment; the right to universally accessible, not for profit health care and the right free and accessible education.

(48) PROMOTING THE DE-LEGITIMIZATION OF WAR

INTERNATIONAL OBLIGATION:

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small (Charter of the United Nations)

STATE ACTIVITY: (STATES ENGAGED IN WAR) has disregarded the fundamental purpose of the Charter of the United Nations.
LAWFUL ADVOCACY ACTIVITY: have called for the de-legitimization of war as a means of implementing the fundamental purpose of the Charter of the United Nations, Given the irreversible social, health, environmental, psychological, and economic consequences of war are such that under no circumstance or conditions is war either legal or justice
Peace - science

(49) DECLARING THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE

INTERNATIONAL COMMITMENTS:

PROCLAIMING that all States shall promote international co-operation to ensure that the results of scientific and technological development are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations (Art. 2., Declaration on the Use of Scientific and Technological Progress in the Interests of Peace, UN General Assembly Resolution,1975),

NOTING with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamentals. NOTING also with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or the groups and for human dignity. (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind Humanity, 1975)

Recognizing that scientific and technological developments can give rise to social problems, as well as threaten human rights

Taking into consideration that, while scientific and technological developments provide ever-increasing opportunities to better the conditions of life of peoples and nations, in a number of instances they can give rise to social problems, as well as threaten the human rights and fundamental freedoms of the individuals (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting that scientific and technological achievements can be used to intensify the arms race production

Noting with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamental freedoms (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting that scientific and technological achievement could entail dangers for civil and political rights

Also noting with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or of the group and for human dignity (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting the urgent need to neutralize the possible future harmful consequences of certain scientific developments

Noting the urgent need to make full use of scientific and technological developments for the welfare of man humanity and to neutralize the present and possible future harmful consequences of certain scientific and technological

achievements (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Promoting and ensuring that the results of scientific and technological developments are used in the interests of strengthening international peace and security...

Promoting and ensuring that the results of scientific and technological developments are for the purpose of the economic and social development of peoples and the realization of human rights

All States shall promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization human rights and freedoms in accordance with the Charter of the United Nations (Art. 1. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Preventing the use of scientific and technological developments, particularly to limit or interfere with the enjoyment of the human rights

All States shall take appropriate measures to prevent the use of scientific and technological developments, particularly by the State organs, to limit or interfere with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights the International Covenants on Human rights and other relevant international instruments (Art. 2. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

STATE ACTIVITY: has invested extensively in science and technology related to militarism. Has supported for such organizations as the Conference of Defence Association (CANADA)

LAWFUL ADVOCACY ACTIVITY; opposing the government investment in the military industries, condemning the sanction of pension funds being invested in militarism, protesting against exhibitions of the arms trade, and against military investment in Universities.

2. HUMAN RIGHTS

(50) RECOGNIZING THE EQUAL AND INALIENABLE RIGHTS OF ALL MEMBERS OF THE HUMAN FAMILY

INTERNATIONAL OBLIGATION:

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world

(Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(51) PREVENTING DISCRIMINATION ON THE FOLLOWING GROUNDS

INTERNATIONAL OBLIGATIONS AND COMMITMENTS

The following listed grounds have been enshrined in numerous international human rights instruments. There shall not be discrimination on the following grounds:
- race, tribe, or culture;
- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
- gender, sex, - disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status;

STATE ACTIVITY: (USA et AL) has, along with the Holy See, attempted to limit the listed grounds to those enshrined in the Universal Declaration of Human Rights (CANADA et AL) has recognized the ground of sexual orientation, and same sex marriage
LAWFUL ADVOCACY ACTIVITY: has lobbied for the addition of listed grounds such as "sexual orientation, gender identity, marital status, or form of family"

(52) GUARANTEEING OF EQUALITY WITHOUT DISCRIMINATION ON ANY GROUNDS

INTERNATIONAL OBLIGATION:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:

(54) RESPECTING RIGHTS OF THE CHILD WITHOUT DISCRIMINATION ON THE GROUNDS OF ANY STATUS

INTERNATIONAL OBLIGATION:

States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, tribe, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.(Art. 2, Convention on the Rights of the Child, 1989)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:

(55) RECOGNIZING THE RIGHTS OF ALL DISABLED PERSONS [PERSONS WITH DISABILITIES] REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Disabled person" Persons with disabilities shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:
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(57) ENSURING GENDER EQUALITY/EQUITY IN PROMOTING INTERNATIONAL PEACE

INTERNATIONAL COMMITMENT:

Women and men have an equal right and the same vital interest in contributing to international peace and co-operation. Women should {shall] participate fully in all efforts to strengthen and maintain international peace and security and to promote international co-operation, diplomacy, the process of detente, disarmament the nuclear field in particular, and respect for the principle of the Charter of the United Nations, including respect for the sovereign rights of States, guarantees of fundamental freedoms and human rights, such as recognition of the dignity of the individual and self-determination, and freedom of thought, conscience, expression, association, assembly, communication and movement without distinction as as race, tribe, colour, sex, language, religion, political or other opinion, national or social origin property, birth, , or other status (Principle 1, International Conference on Population and Development, 1994)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:

(58) AFFIRMING THE RIGHT OF EDUCATION FOR ALL REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without

distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past, activities directed to securing the right to education and the extension and improvement of educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The Right to Education 37/178 17, December 1982)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:

Human Right – Rights of the Child

(60) PROCLAIMING THAT CHILDHOOD IS ENTITLED TO SPECIAL CARE AND ASSISTANCE

INTERNATIONAL OBLIGATION:
Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance (Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(61) ENSURING] THAT THE BEST INTERESTS OF THE CHILD SHALL BE A PRIMARY CONSIDERATION

INTERNATIONAL OBLIGATION:
In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (Art. 3. 1. Convention on the Rights of the Child, 1989)

[CHECK] STATE ACTIVITY: (US et AL) the US objected to the article in the Convention that stated that children under 18 could not bear arms; also insisted on reference to the time when life began this was changed to accommodate the US. The US has not ratified the Convention.
LAWFUL ADVOCACY ACTIVITY: has called for implementation of the Convention, and support for UNICEF’s programme for including children voting in elections, but criticized UNICEF for asking for children to pit one right against another

(62) RESPECTING THE RIGHT OF THE CHILD TO FREEDOM OF EXPRESSION

INTERNATIONAL OBLIGATION:
The child shall have the right to freedom of expression (Convention on the Rights of the Child reaffirmed Art. 13.1 same as one in International Covenant of

Civil and Political Rights, 1966)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(63) ENSURING THAT ALL SEGMENTS OF SOCIETY HAVE ACCESS TO BASIC KNOWLEDGE OF CHILD HEALTH AND NUTRITION...

INTERNATIONAL

To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents (Art. 24. 1. e Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(64) ENSURING DIGNITY AND PROMOTING SELF-RELIANCE .. FOR CHILDREN WITH MENTAL OR PHYSICAL DISABILITY

INTERNATIONAL OBLIGATION:

States Parties recognize that a child with a mental or physical disability] mentally or physically disabled child should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community (Art. 23., Convention on the Rights of the Child, 1989).

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(66) ENSURING THAT CHILDREN WITH DISABILITIES HAVE EFFECTIVE ACCESS TO EDUCATION AND TRAINING….

INTERNATIONAL OBLIGATION:

Recognizing the special needs of a child with a disability disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or other caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development. (Art. 3., Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY;

Human Rights -Women's' Rights

(68) RECOGNIZING THE DETERMINANTS OF LIMITING WOMEN'S LIVES...

INTERNATIONAL COMMITMENT:

the prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination, [the limited power many women have over their sexual and reproductive lives] and lack of influence in decision-making are social realities which have an adverse impact on their health. lack of and inequitable distribution of food for girls and women in the household and inadequate access to safe water and sanitation facilities, and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, overburden women and their families and all negatively affect their health. good health is essential to leading a productive and fulfilling life [and the right of all women to control their own fertility is basic to their empowerment] (art. 94, advance draft, platform of action, un conference on women, may 15)

STATE ACTIVITY
LAWFUL ADVOCACY ACTIVITY:

(69) ENSURING THAT MEASURES [PREVENTIVE AND CURATIVE] ARE IMPLEMENTED BY PUTTING IN PLACE INTERNATIONAL SAFEGUARDS AND MECHANISMS FOR COOPERATION TO ELIMINATE ALL FORMS OF EXPLOITATION, ABUSE, HARASSMENT AND VIOLENCE AGAINST WOMEN

INTERNATIONAL COMMITMENT:

Countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. This implies both preventive actions and rehabilitation of victims. Countries should take full measures to shall eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. Countries should shall pay special attention to protecting the rights and safety of those...in exploitable situations, such as migrant women, women in domestic service and school girls (Action 4.9. International Conference on Population and Development, 1994)

STATE ACTIVITY: (USA AND OTHER OPPONENTS OF RIGHT TO CHOOSE) placed the above sections in brackets, which may or may not have been removed in the final document.
LAWFUL ADVOCACY ACTIVITY: has lobbied for the removal of the bracketed sections

(70) PROTECTING WOMEN'S' REPRODUCTIVE RIGHTS

INTERNATIONAL COMMITMENT:

In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family planning services. Prevention of unwanted pregnancies must always be given the highest priority and all attempts should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counseling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counseling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions (8.25, International Conference on Population and Development, 1994)

STATE ACTIVITY- US and other anti-choice states have continued to undermine this commitment, either held up plenary sessions, or even the whole international conference

(CANADA) has taken a lead role in promoting reproductive choice, and women's human rights but quiet about the 50/50 campaign – the promotion of increased representation of women in parliament. The senate is a better balance than parliament. Has promoted UN Security Council 1325.

ADVOCACY ACTIVITY: has lobbied for implementing the Platform of Action, from UN Conference on Women: Equality, Development and Peace, and for the implementation of UN Security Council 1325.

•Human Rights - Migrant Workers

(72) RESPECTING RIGHTS OF MIGRANT WORKERS WITHOUT DISTINCTION ON ANY GROUNDS

INTERNATIONAL OBLIGATIONS

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

STATE ACTIVITY; Most developed states have refused to sign and ratify the convention
LAWFUL ADVOCACY ACTIVITY: has called for the ratification and implementation of the Convention

•Human Rights –Indigenous peoples

(74) [ENSURING] THE FULL RANGE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOM TO INDIGENOUS PEOPLES

INTERNATIONAL
Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples. (Art. 3 Convention Concerning Indigenous and Tribal Peoples in Independent Countries No. 169, 1990)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(75) ADOPTING SPECIAL MEASURES FOR SAFEGUARDING PERSONS,... PROPERTY, CULTURES AND ENVIRONMENT OF INDIGENOUS PEOPLES

INTERNATIONAL
Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. (Art. 4., Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(76) ENSURING THE RIGHT OF INDIGENOUS PEOPLES TO DECIDE THEIR OWN PRIORITIES

INTERNATIONAL OBLIGATION:
The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly. (Art. 7.1. Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(77) AFFIRMING THE POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE

INTERNATIONAL COMMITMENTS:

recognition that the lands of indigenous people peoples and their communities should shall be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3. ii., Indigenous People[s], Agenda 21, UNCED, 1992)

Recognizing that the lands of indigenous peoples [shall] be protected from activities that are environmentally unsound or culturally inappropriate

(ii) Recognition that the lands of indigenous people peoples and their communities should shall be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3.a.ii, Indigenous People[s],, Agenda 21, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

.Human Rights - Refugees

(78) –(92)
Human Rights -- immigrants

(93) RECOGNIZING THE EXISTENCE OF BARRIERS INCLUDING IMMIGRANTS

INTERNATIONAL

[… many women face particular barriers because of such factors as their race, age, language, ethnicity, culture, religion [sexual orientation] or disability, or because they are indigenous people. Many women face barriers related to their family status particularly as single parents, to their socioeconomic status, including their living conditions in rural or isolated areas and in impoverished areas in rural and urban environments, or to their status as immigrants. Particular barriers also exist for refugee, migrant and displaced women, as well as those who are affected by environmental disasters and displaced women as well as for those who are affected by environmental disasters, serious and infectious diseases, additions and various forms of violence against women]
(Art.48 Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY: (US et AL) had placed the above section in brackets
LAWFUL ADVOCACY ACTIVITY: lobbied for the removal of brackets

Human Rights – persons with disabilities

(94) RECOGNIZING THE RIGHT OF EVERYONE TO THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL AND MENTAL HEALTH

INTERNATIONAL COVENANT:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. (Article 12 International Covenant Economic, Social & Cultural Covenant, 1966)

STATE ACTIVITIES
LAWFUL ADVOCACY ACTIVITIES

(95) AFFIRMING THE RIGHTS OF ALL PERSONS WITH DISABILITIES REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Disabled person shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}.

STATE ACTIVITY:
(CANADA) has enshrined “disability” as a listed ground in the Charter of Rights and Freedoms
LAWFUL ADVOCACY ABILITY: lobbying for having “disability” listed as a ground in international instruments

(96) [ENSHRINING] THE INHERENT RIGHT OF PERSONS WITH DISABILITIES TO RESPECT FOR THEIR HUMAN DIGNITY

INTERNATIONAL COMMITMENT:

Disabled person have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible {3 Declaration on the Rights of Disabled Persons, 1975}

STATE ABILITY:
LAWFUL ADVOCACY ABILITY:

Human Rights - Displaced persons

(97) – (104)

Human Rights - religion

(105a) ENSHRINING THE RIGHT TO FREEDOM OF RELIGION

INTERNATIONAL

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religious belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching as long as such practices do not violate human rights (Art. 18., Civil and Political Covenant, 1966)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY: has lobbied for the separation of religion and state, for the removal of all devotional services in public schools, and for the addition “as long as such practices do not violate human rights” to the International Covenant of Civil and Political Rights

(105b) CONDEMNING THE USING OF RELIGION TO LEGITIMIZE VIOLENCE OR WAR

INTERNATIONAL NON-EXISTENT OBLIGATIONS AND COMMITMENTS:

STATE ACTIVITY: has claimed directions from God and rationalized war as being ordained by God
LAWFUL ADVOCACY ACTIVITY:

3. SOCIAL JUSTICE

Social Justice and new international economic order Development

(110) ESTABLISHING A NEW INTERNATIONAL ECONOMIC ORDER

INTERNATIONAL COMMITMENTS

Establishment of a New International Economic Order based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generation... (Preamble, Declaration on the Establishment of a new international economic order, 1974)

Full and effective participation of developing countries in all phases of decision-making for the formulation of an equitable and durable monetary system

and adequate participation of developing countries in all bodies entrusted with this reform and, particularly, in the proposed Council of Governors of the International Monetary Fund (1d., International monetary system... Programme of Action on the Establishment of a New International Economic Order, 1974)

STATE ACTIVITY: (Most developed states) have ignored this Declaration, and have instead embraced the economic order established through the Bretton Woods organizations: World Bank and IMF, and supported structural adjustment programs (SAPS). VENEZUELA) has recently profiled this Declaration when President Hugo Chaves addressed the United Nations at the 2005 World Summit.
LAWFUL ADVOCACY ACTIVITY: has included this declaration in a Charter of Obligations which was officially distributed at the UN Conference on Women: Equality, Development and Peace.

(111) RECTIFYING INEQUITABLE DISTRIBUTION OF RESOURCES

INTERNATIONAL COMMITMENTS

Poverty is also closely related to inappropriate spatial distribution of population, to unsustainable use and inequitable distribution of such natural resources as land and water, and to serious environmental degradation (3.13., International Conference on Population and Development, 1994)

Despite decades of development efforts, both the gap between rich and poor nations and the inequalities within nations have widened. Serious economic, social, gender and other inequities persist and hamper efforts to improve the quality of life for hundreds of millions of people. The number of people living in poverty stands at approximately 1 billion and continues to mount. (3.11.International Conference on Population and Development, 1994)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(112) ERADICATING POVERTY, INEQUALITY AND INEQUITY

INTERNATIONAL COMMITMENT:

The eradication of poverty and hunger, greater equality and equity in income distribution and human resources development remain major challenges everywhere. The struggle against poverty is the shared responsibility of all countries (3.1., Combating Poverty, Agenda 21, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(113) RECOGNIZING CRITICAL SITUATION OF INADEQUATE SOCIAL CONDITIONS

INTERNATIONAL OBLIGATION:

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for and needed (Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(114) RECTIFYING INEQUALITIES RELATING TO SOCIAL CONDITIONS

INTERNATIONAL COMMITMENT:
We commit ourselves to promoting and attaining the goals of universal and equitable access to quality education, the highest attainable standard of scholarly, academic, ethical, physical and mental health, and universal access of all to primary health car, making particular efforts to rectify inequalities relating to social conditions, and without distinction as to race, tribe, national origin, gender, age or disability. (Commitment 6, International Conference on Population and Development)

STATE ACTIVITY: has generally not listed “social condition” as grounds for which there shall not be discrimination
LAWFUL ADVOCACY ACTIVITY: has lobbied for “social condition” as grounds for which there shall not be discrimination, internationally or nationally

(115) LISTING "ECONOMIC STATUS" WITHIN GROUNDS FOR WHICH THERE SHALL NOT BE DISCRIMINATION

INTERNATIONAL COMMITMENT:
Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past, activities directed to securing the right to education and the extension and improvement of educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The Right to Education 37/178 17, December 1982)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(116) FULFILLING THE RIGHT TO DEVELOPMENT

INTERNATIONAL COMMITMENT:

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. (Principle 3, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(117) EXTENDING ACTIVE ASSISTANCE TO DEVELOPING COUNTRIES FREE OF ANY POLITICAL OR MILITARY CONDITIONS

INTERNATIONAL COMMITMENT:
Extension of active assistance to developing countries by the whole international community, free of any political or military conditions (4 k., Declaration on the Establishment of a New International Economic Order, 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:
Social Justice - right to health

(118) URGING STATES TO ENSURE IMPLEMENTATION OF THE GLOBAL STRATEGY FOR HEALTH FOR ALL BY THE YEAR 2000, 1981)

INTERNATIONAL COMMITMENT:
Urges all Member States to ensure the implementation of the Global Strategy as part of their multi-sectoral efforts to implement the provisions contained in the International Development Strategy (2. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)
Urging states to ensure implementation of the Global Strategy for Health
Also urges all Member States to co-operate with one another and with the World Health Organization to ensure that the necessary international action is taken to implement the Global Strategy as part of the fulfillment of the International Development
Strategy (Art. 3. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

STATE ACTIVITY: (MOST STATES) have ignored this long standing commitment to Health for all
LAWFUL ADVOCACY:

(122) ABOLISHING TRADITIONAL PRACTICES PREJUDICIAL TO THE HEALTH OF CHILDREN

INTERNATIONAL OBLIGATION:
States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children (Art. 3. Convention on the Rights of the Child, 1989)

STATE ACTIVITY: (MOST ISLAMIC STATES ET AL) have continued to permit practices such a genital mutilation
LAWFUL ADVOCACY ACTIVITY: has lobbied against the enshrining of cultural relativism in international instruments, and against practices such as genital mutilation

(124) DEVELOPING PREVENTIVE HEALTH CARE AND FAMILY PLANNING

INTERNATIONAL OBLIGATION:
to develop preventive health care, guidance for parents and family planning education and services (Art. 24. 1. f Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY: has lobbied for the need to promote health through prevention including prevention of environmentally induced diseases, and poverty related health problems, and for a universally accessible not for profit publicly funded health care system.

Social justice and right to food and food security

(125) ENDING THE AGE-OLD SCOURGE OF HUNGER

INTERNATIONAL COMMITMENT
Time is short. Urgent and sustained action is vital. The conference, therefore, calls upon all peoples expressing their will as individuals, and through their Governments, and non-governmental organizations to work together to bring about the end of the age old scourge of hunger. (Art. 8, Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(127) PROCLAIMING THE INALIENABLE RIGHT TO BE FREE FROM HUNGER AND MALNUTRITION

INTERNATIONAL COMMITMENT;
Proclaiming the inalienable right to be free from hunger and malnutrition Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Sect. 1.9.Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY: Have generally ignored this commitment
LAWFUL ADVOCACY ACTIVITY: has called for the need for society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.

(128a) PROCLAIMING THAT ERADICATION OF HUNGER IS A COMMON OBJECTIVE OF INTERNATIONAL COMMUNITY

INTERNATIONAL COMMITMENT

Proclaiming that eradication of hunger is a common objective of international community

Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective.

Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Art. 1. Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY: has lobbied for acting on commitment and for the need of society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.

(128b) PROCLAIMING THAT A FUNDAMENTAL RESPONSIBILITY OF GOVERNMENTS IS TO WORK FOR...EQUITABLE AND EFFICIENT DISTRIBUTION OF FOOD

INTERNATIONAL COMMITMENT

Proclaiming that a fundamental responsibility of governments is to work for...equitable and efficient distribution of food

It is a fundamental responsibility of Governments to work together for higher food production and a more equitable and efficient distribution of food between countries and within countries. Governments should shall initiate immediately a greater concerted attack on chronic malnutrition and deficiency diseases among the vulnerable and lower income groups. In order to ensure adequate nutrition for all, Governments should formulate appropriate [shall ensure] food and nutrition policies [are] integrated in overall socioeconomic and agricultural development plans based on adequate knowledge of available as well as potential food resources (Sect. 2.10., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(129) UNDERTAKING ACTIVITIES AIMED AT THE PROMOTION OF FOOD

SECURITY

INTERNATIONAL COMMITMENT

Undertaking activities aimed at the promotion of food security

Undertake activities aimed at the promotion of food security and, where appropriate, food self-sufficiency within the context of sustainable agriculture (3.7.l., Combating Poverty, Agenda 21, UNCED, 1992)

To assure the proper conservation of natural resources being utilized, or which might be utilized, for food production, all countries must collaborate in order to facilitate the preservation of the environment, including the marine environment. (Sect. 8., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

Human rights - sanitation

(130) ACKNOWLEDGING THE SERIOUSNESS OF LACK OF ACCESS TO BASIC SANITATION

INTERNATIONAL EXPECTATION:

By the end of the century, over 2 billion people will be without access to basic sanitation, and an estimated half of the urban population in developing countries will be without adequate solid waste disposal services. As many as 5.2 million people, including 4 million children under five years of age, die each year from waste-related diseases. The health impacts are particularly severe for the urban poor. (Universal Declaration on the Eradication of Hunger and Malnutrition, Adopted on 16 November 1974 by the World Food Conference convened under General Resolution 3180 (XXVIII) of 17 December 1973; and endorsed by the General Assembly resolution 3348 (XXIX) of 17 December 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(131) PROVIDING THE POOR WITH ACCESS TO FRESH WATER AND SANITATION

INTERNATIONAL COMMITMENT

Provide the poor with access to fresh water and sanitation (3.7. p., Combating Poverty, Agenda 21, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

Human Rights –right to education

(132) AFFIRMING THE RIGHT TO EDUCATION

INTERNATIONAL

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental states. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (Art. 26. 1. Universal Declaration of Human Rights, 1948)

The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
(a) primary education shall be compulsory and available free to all;
(b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
(c) higher education shall be made equally accessible to all, on the basis of capacity by every appropriate means, and in particular by the progressive introduction of free education; (d) fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
(e) the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. (Art. 2. International Covenant of Social, Economic and Cultural Rights, 1966)

STATE ACTIVITY: (MOST STATES) ignore this obligation. : (CANADA) even takes students who have not been able to find gainful employment, to court for non payment of loan.
LAWFUL ADVOCACY ACTIVITY

(133) DEVELOPING BROAD-BASED EDUCATION PROGRAMS PROMOTING AND STRENGTHENING RESPECT FOR ALL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

INTERNATIONAL COMMITMENT:

Develop broad-based education programmes that promote and strengthen respect for all human rights and fundamental freedoms, including the right to development promote the values of tolerance, responsibility and respect for the diversity and rights of others, and provide training in peaceful conflict resolution, in recognition of the United Nations Decade for Human Rights Education (1995-2005, Commitment 6, ICPD)

STATE ACTIVITY: has often opposed the introduction of such programmes in the schools because of fear of “indoctrination)
LAWFUL ADVOCACY ACTIVITY: has developed a programme –principle based education – placing human rights in the context environment, peace and social justice within a framework of international law

Human Rights - literacy

(134) ERADICATING OF ILLITERACY

INTERNATIONAL
Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency
Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency, Convinced that the educational process could bring a substantial contribution to social progress, national development, mutual understanding and co-operation among peoples and to strengthening peace and international security, (GA Resolution. The right to education 37/178 17 December 1982)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

Social Justice: housing

(136) PROVIDING ACCESS TO SAFE AND HEALTHY SHELTER AND RECOGNIZING THAT THE RIGHT TO ADEQUATE HOUSING AS A BASIC HUMAN RIGHT

INTERNATIONAL
[provide] access to safe and healthy shelter [which] is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights (7.6, Settlement, Agenda 21, UNCED, 1992)

STATE ACTIVITY: has not generally recognized the right to adequate housing as a basic human right
LAWFUL ADVOCACY ACTIVITY: has lobbied for the right to adequate housing to be designated as a basic human right, and for the implementation of programmes that would ensure the guaranteeing of this right.

(137) RECOGNIZING THE DETERMINANTS TO HEALTH PROBLEMS

INTERNATIONAL COMMITMENT:

... The prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination and lack of influence in decision-making are social realities which have an adverse impact on their health. Lack of and inequitable distribution of food for girls and women in the household and inadequate access to safe water and sanitation facilities, and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, overburden women and their families and all negatively affect their health. Good health is essential to leading a productive and fulfilling life [and the right of all women to control their own fertility is basic to their empowerment] (Art. 94, Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(138) RECOGNIZING THE RIGHT OF EVERYONE TO AN ADEQUATE STANDARD OF LIVING, INCLUDING FOOD

INTERNATIONAL OBLIGATION:
The States... recognize the right of everyone to an adequate standard of living. for himself [herself] and his [her] family, including adequate food, clothing and housing and to the continuous improvement of living conditions. the states parties will take [appropriate~] steps to ensure the realization of this right recognizing to this effect the essential importance of international co-operation based on free consent (Art.11.1, International Covenant of Social Economic and Cultural Rights, 1966)

STATE ACTIVITY: (US et AL) has refused to ratify the Covenant, and has lobbied against the inclusion of the right to housing in the Habitat II Agenda
LAWFUL ADVOCACY ACTIVITY: has lobbied for the full ratification of the International Covenant of Social, Economic and Cultural Rights, and for inclusion of provisions from ICSECR in the Canadian Charter of Rights and Freedoms

(139) [AFFIRMING] THE RIGHT TO AN [ADEQUATE∞] STANDARDS OF LIVING

INTERNATIONAL COMMITMENT:
They [human beings] have the right to an adequate standard of living for themselves and their families including adequate food, clothing, housing, water (Principle 2. International Conference on Population and Development, 1994)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(140) PROVIDING ACCESS TO SAFE AND HEALTHY SHELTER

INTERNATIONAL COMMITMENT:

[Provide] access to safe and healthy shelter [which] is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights... (7.6., Settlement, Agenda 21, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

Social Justice Development

(141) TRANSFERRING .7% OF THE GDP TO OVERSEAS AID

INTERNATIONAL COMMITMENT
In general, the financing for the implementation of Agenda 21 will come from a country's own public and private sectors. For developing countries, particularly the least developed countries, ODA is a main source of external funding, and substantial new and additional funding for sustainable development and implementation of Agenda 21 will be required. Developed countries reaffirm their commitments to reach the accepted United Nations target of 0.7 per cent of GNP for ODA and, to the extent that they have not yet achieved that target, agree to augment their aid programmes in order to reach that target as soon as possible and to ensure a prompt and effective implementation of Agenda 21. (Chapter 33, 33.15 Agenda 21, UNCED)
[
STATE ACTIVITY: has procrastinated about implementing this long-standing commitment (CANADA) it is claimed that Person first introduced the commitment at the UN
LAWFUL ADVOCACY ACTIVITY. has called for finally acting on this commitment

(143) ENSURING THE RIGHT TO FORM TRADE UNIONS

INTERNATIONAL COVENANT:
The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his/her economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others (Art. 8. 1. a International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have prevented workers from joining trade unions, and from exercising the right to strike. Have continually reclassified areas of work as “essential services” and passed legislation ordering workers back to work.
LAWFUL ADVOCACY ACTIVITY. has lobbied for the fulfilling of labour rights and

International labour Organization (ILO) Conventions.

(144) ENSURING THE RIGHT TO STRIKE

INTERNATIONAL COMMITMENT:
Ensuring the right to strike in conformity with the law
the right to strike, provided that it is exercised in conformity with
the laws of the particular country (Art. 8. 1.d International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have prevented workers from joining trade unions, and from exercising the right to strike. Have continually reclassified areas of work as “essential services” and passed legislation ordering workers back to work.
LAWFUL ADVOCACY ACTIVITY.

(146) ENSHRINING EQUAL PAY FOR WORK OF EQUAL VALUE

INTERNATIONAL OBLIGATION:
Affirming labour rights, protesting against the undermining of labour rights. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (Article 11.1 d. Convention on the Elimination of All Forms of Discrimination Against Women)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY;

Social Justice - poverty

(147) ESTABLISHING EQUITABLE AND FAVOURABLE CONDITIONS OF WORK FOR ALL
(148) ASSURING JUST REMUNERATION FOR LABOUR WITHOUT ANY DISCRIMINATION
(149) ASSURING SUFFICIENTLY HIGH MINIMUM TO ENSURE A DECENT STANDARD OF LIVING
(150) PROMOTING SOCIAL WELFARE, PROGRESS AND DEVELOPMENT. AND LABOUR RIGHTS

INTERNATIONAL
The assurance at all levels of the right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively; promotion of full productive employment and elimination of unemployment under employment; establishment of equitable and favourable conditions of work for all, including the improvement of health and safety condition assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum to ensure a

decent standard of living; the protection of the consumer; (article 10 a, Declaration on Social Welfare, Progress and Development)

STATE ACTIVITY:
LAWFUL ADVOCACY

(151) RECOGNIZING THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

INTERNATIONAL OBLIGATIONS

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

- remuneration which provides all workers, as a minimum, with:
- fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work (a) (i);
- a decent living for themselves and their families in accordance with the provisions of the present Covenant (a) (ii); safe and healthy working conditions (b);
- equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence...

(Art. 7 International Covenant of Civil and Political Rights, 1966).

STATE ACTIVITY: has denied labour rights, or has legislated workers back to work
LAWFUL ADVOCACY ACTIVITY;

4. ENVIRONMENT
Environment - (harmful substances and practices)

(153) WARRANTING RESPECT REGARDLESS OF ITS WORTH TO HUMANS

INTERNATIONAL COMMITMENT

Ensuring that every form of life is unique, warranting respect regardless of its worth to man [humans] , and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (World Charter of Nature) UN Resolution 37/7), 1982)

STATE ACTIVITY (All STATES BUT THE US) made the commitment; the USA was the only state that did not adopt the World Charter of Nature-presumably because of the reference to the military in the Charter. Few states, however, have acted on the above commitment
LAWFUL ADVOCACY ACTIVITY; has called for acting on commitment

(154) DIRECTING EDUCATION TO DEVELOPING RESPECT FOR THE NATURAL ENVIRONMENT

INTERNATIONAL OBLIGATION

States Parties agree that the education of the child shall be directed to: the development of respect for the natural environment. (Article 29, 1.e. Convention on the Rights of the Child, 1989)

STATE ACTIVITY: (USA et Al) has not signed and ratified the Convention on the Rights of the Child; other states may or may not have acted on this commitment
LAWFUL ADVOCACY ACTIVITY: has lobbied for principle based education- a program based on a framework of international law

(155) PROMOTING COMPLIANCE WITH AND ENFORCEMENT OF ALL HEALTH AND ENVIRONMENTAL LAWS

INTERNATIONAL COMMITMENT

Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups (Article 75 d Habitat)

STATE ACTIVITY: has unevenly acted on this commitment
LAWFUL ADVOCACY ACTIVITY: has called for compliance with health and environmental laws

(156) PROMOTING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

INTERNATIONAL COMMITMENT:

... None the less, the effective use of resources, knowledge and technologies is conditioned by political and economic obstacles at the national and international levels. Therefore, although ample resources have been available for some time, their use for socially equitable and environmentally sound development has been seriously limited (Preamble 1.1. International Conference on Population and Development, 1994)

STATE ACTIVITY: has been usually promoting "sustainable development" as business as usual coupled with clean-up technological fix
LAWFUL ADVOCACY ACTIVITY: has been promoting socially equitable and environmentally sound development because it combines social and equity with environment and development.

(157) PROHIBITING THE PRODUCTION OF FOOD AND CROPS THAT COULD BE HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT

INTERNATIONAL COMMITMENT

Formulate and implement human settlement development policies that ensure equal access to and maintenance of basic services, including those related to the

provision of food security; education; employment and livelihood; primary health care [changed to basic health care, June 14] , including reproductive and sexual health care and services [deleted June 14]; safe drinking water and sanitations; adequate shelter; and access to open and green spaces; giving special priority to the needs and rights of women and children, who often bear the greatest burden of poverty (Article *87(a) Habitat)

STATE ACTIVITY: has produced, promoted, grown or approved adulterated food such as genetically engineered foods and crops and has led to a deterioration of the food supply, and heritage seeds;
LAWFUL ADVOCACY ACTIVITY: had drafted and circulated a global petition calling for the invoking of the precautionary principle, and for banning genetically engineered foods and crops

Environment – Environmental impact assessment

(158) UNDERTAKING ENVIRONMENTAL IMPACT ASSESSMENT FOR ACTIVITIES THAT ARE LIKELY TO HAVE A SIGNIFICANT ADVERSE IMPACT

INTERNATIONAL COMMITMENT;
Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.
Principle 17, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(159) ENSURING THAT RELEVANT DECISIONS ARE PRECEDED BY ENVIRONMENTAL IMPACT ASSESSMENTS

INTERNATIONAL OBLIGATIONS AND COMMITMENTS:
Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (Agenda 21, UNCED. s 7.42)

Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on Biological diversity with a view to avoiding or minimizing such effects, and where appropriate, allow for public participation in such procedures (Article 14, 1A, Convention on Biological Diversity)

STATE ACTIVITY: (JUSCANZ- Negotiating group – Japan, US, Canada, Australia, and New Zealand) generally undermined the Rio Principles at the 2002 World Summit on Sustainable Development. Have often failed to carry out and legitimate

environmental impact assessment for corporate and development projects
LAWFUL ADVOCACY ACTIVITY has criticized the common practice of removing elements which would trigger an environmental impact assessment

Environment – precautionary principle

(160) INVOKING THE PRECAUTIONARY PRINCIPLE TO PROTECT THE ENVIRONMENT

INTERNATIONAL

the precautionary principle is a principle of international customary law and as such the law of the member states of the United Nations.

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. (Principle 15, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (JUSCANZ- Negotiating group – Japan, US, Canada, Australia, and New Zealand) generally undermined the precautionary principle at the 2002 World Summit on Sustainable Development. The opposition to the precautionary principle was led by the US; the US wanted to limit its use. CANADA concurred with the US, and claimed that the precautionary principle was not even a principle, and that it should not apply to health
LAWFUL ADVOCACY ACTIVITY has criticized JUSCANZ at the World Summit on Sustainable Development for gutting the precautionary principle

(161) INVOKING THE PRECAUTIONARY PRINCIPE TO CONSERVE BIODIVERSITY

INTERNATIONAL OBLIGATIONS:
the precautionary principle is a principle of international customary law and as such the law of the member states of the United Nations.

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992).

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY has used the precautionary principle and the Convention on Biological Diversity in the Local court system. The Court case was to set aside an injunction and defend citizens who were arrested for protesting the destruction of old growth forests. These citizens were asking little more that for the government to live up to its obligations under the Convention on Biological Diversity. The judge held that all the international law was not judiciable in the regional court.

The precautionary principle is increasingly necessary, given the consequences of ozone depletion, climate change, deforestation, acid rain, toxic, hazardous and atomic waste build-up, genetically engineered foods and crops production , breast implants, soil destruction though desertification and chemical dependent agriculture etc. The confluence of grave environmental and health consequences of the current model of over-consumption and reliance on technological fixes has given rise to an increased demand for the invoking and the implementing of the precautionary principle.

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

•Environment and disaster

(162) ENSURING ADEQUATE REGULATORY ...MEASURES TO PREVENT DISASTERS

INTERNATIONAL COMMITMENT:
including major technological disasters by ensuring adequate regulatory and other measures to avoid their occurrence and reducing the impacts of natural disasters and other emergencies on human settlements... (27 i, Habitat II, 1996)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY

(163) DEVELOPING A GLOBAL CULTURE OF PREVENTION

INTERNATIONAL COMMITMENT:
Development of a global culture of prevention as an essential component of (an integrated approach to disaster reduction; (9 a The World Conference on Natural Disaster Reduction, 1994)

STATE ACTIVITY: disregarded commitment
LAWFUL ADVOCACY ACTIVITY: Lobbied for states to act on commitment

(163) PREVENTING DISASTER IS BETTER THAN DISASTER RESPONSE

INTERNATIONAL OBLIGATION AND COMMITMENT
Disaster prevention, mitigation and preparedness are better than disaster response in achieving the goals and objectives of the Decade. Disaster response alone is not sufficient, as it yields only temporary results at a very high cost. We have followed this limited approach for too long. This has been further demonstrated by the recent focus on response to complex emergencies which, although compelling, should not divert from pursuing a comprehensive approach. Prevention contributes to lasting improvement in safety and is essential to integrated disaster management (3 a Convention on Natural Disaster, 1994).

STATE ACTIVITY: has often been reluctant to act on advice from scientist or citizen to prevent potential disaster, or has relied on questionable science and disregarded the precautionary principle. Has often continued practices that are harmful to human health and the environment but have coupled these practice with clean-up technological fixes.

LAWFUL ADVOCACY ACTIVITY: has lobbied for the invoking of the precautionary principle in Call for discharging obligation and acting on commitment

(164) EMBRACING PREVENTIVE APPROACH TO AVOID COSTLY SUBSEQUENT MEASURE TO REHABILITATE

INTERNATIONAL COMMITMENT

A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies. (18.45 Fresh water, Agenda 21)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(164) DEVELOPING A TSUNAMI WARNING SYSTEM FOR LOW LYING DEVELOPING STATES

INTERNATIONAL COMMITMENT:

"Natural disasters have disproportionate consequences for developing countries, in particular SIDS. Programmes for sustainable development should give higher priority to
implementation of the commitments made at the World Conference on Natural Disaster Reduction. There is a particular need for the promotion and facilitation of the transfer of early-
warning technologies to those developing countries and countries with economies in transition which are prone to natural disasters." (Earth Summit +5, 1997)

STATE ACTIVITY: In the document from the 1997 Document from the Earth Summit + 5, every member state made a commitment to institute an early warning system for Tsunami's in low lying state. It was not as though the global community did not recognize the urgency of having warning systems in place. In the statement from Rio + 5, every state acknowledged the following:
LAWFUL ADVOCACY ACTIVITY have called for acting on commitment; For example, at the Earth Summit +5, every state made a commitment to institute early warning systems for Tsunami and hurricanes particularly in developing states.

(165) NOTIFYING OTHER STATES OF NATURAL DISASTER, OTHER EMERGENCIES OR ADVERSE TRANS-BOUNDARY ENVIRONMENTAL EFFECT

INTERNATIONAL

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted. .(Principle 18, Rio Declaration, UNCED, 1992)

States shall provide prior and timely notification and relevant information to potentially affected states on activities that may have a significant adverse trans-boundary environmental effect and shall consult with those states at an early stage and in good faith. .
(Principle 19, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

Environment – transfer of harmful substances

(166) PROHIBITING TRANS-BOUNDARY MOVEMENTS OF HAZARDOUS WASTES

INTERNATIONAL OBLIGATION

Recognizing also the increasing desire for the prohibition of trans-boundary movements of hazardous wastes and their disposal in other States, especially developing countries (Preamble Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, 1992)

STATE ACTIVITY: has disregarded this obligation
LAWFUL ADVOCACY ACTIVITY: call for discharging obligations

(167) PREVENTING THE RELOCATION AND TRANSFER OF ACTIVITIES HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT

INTERNATIONAL COMMITMENT

States should shall effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.
(Principle 14, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992. Has also argued that the transfer to other states of substance and activities that are harmful to human health and the environment is acceptable providing the receiving state has facilities for dealing with the harmful substances or activities.
LAWFUL ADVOCACY ACTIVITY: has condemned the practice of dumping unsafe

products in developing states and has called for acting on this commitment

(168) OPPOSING THE CONTINUED PRODUCTION AND EXPORT OF PRODUCTS THAT HAVE BEEN BANNED... OR WITHDRAWN
(169) PREVENTING IMPORT OF PRODUCTS BANNED OR NOT YET APPROVED IN COUNTRY OF ORIGIN

INTERNATIONAL COMMITMENT

Aware of the damage to health and the environment that the continued production and export of products that have been banned and/or permanently withdrawn on grounds of human health and safety from domestic markets is causing in the importing countries (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

Aware that some products, although they present a certain usefulness in specific cases and/or under certain conditions, have been severely restricted in their consumption and/or sale owing to their toxic effects on health and the environment (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

Aware of the harm to health being caused in importing countries by the export of pharmaceutical products ultimately intended also for consumption and/or sale in the home market of the exporting country, but which have not yet been approved there,

Considering that many developing countries lack the necessary information and expertise to keep up with developments in this field,

Considering the need for countries that have been exporting the above-mentioned products to make available the necessary information and assistance to enable the importing countries to adequately protect themselves,

Cognizant of the fact that almost all of these products are at present manufactured and exported from a limited number of countries,

Taking into account that the primary responsibility for consumer protection rests with each State,

Recalling its resolution 36/166 of 16 December 1981 and the report on "Transnational corporations in the pharmaceutical industry of the developing countries", and acting in pursuance of Economic and Social Council resolution 1981/62 of 23 July 1981,

Bearing in mind in this context the work of the Food and Agriculture Organization of the United Nations, the World Health Organization, the International Labour Organization, the United Nations Environment Programme, the General Agreement on Tariffs and Trade, the Centre on Transnational Corporations and other relevant intergovernmental organizations (Preamble, Resolution 37/137 Protection against products harmful to health and the environment, 1982)

STATE ACTIVITY: has disregarded the expectations created under this resolution, and has continued to export products like DDT the continued transfer to other states -usually developing countries- of products that have been banned or restricted in

developed country of origin

LAWFUL ADVOCACY ACTIVITY: have exposed for years this activity. For example, a product called Orobolin was sold in the developing countries as a growth hormone for children but in developed countries there was a caveat that it was dangerous for children

Environment – trans-boundary principle

(170) ENFORCING THE TRANS-BOUNDARY PRINCIPLE

INTERNATIONAL OBLIGATION

States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention. (Art. 194. 2., Law of the Seas, 1982)

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. (Principle 2, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (USA) attempted at the Prep Com to delete this principle arguing that it was the same as principle 14 (non- transference to other states of harmful substances or activities). Has enforced this principle when it interests the United States (case with Cominco)
LAWFUL ADVOCACY ACTIVITY: has called for this principle to be applied in numerous activities that originate in the United States and impact on Canada (e.g. Devil's lake)

(171) DEVELOPING FURTHER INTERNATIONAL LAW REGARDING LIABILITY AND COMPENSATION FOR ADVERSE EFFECTS …TO JURISDICTION ..TO AREAS BEYOND THEIR JURISDICTION

INTERNATIONAL COMMITMENT

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.(Principle 13, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY: has argued that this principle is complementary to the trans-boundary principle, because it requires compensation if the trans boundary principle is violated.

Environment – ecological footprint

(172) REDUCING THE ECOLOGICAL FOOTPRINT

INTERNATIONAL COMMITMENT
Promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlements; (27 b, Habitat II, 1996)

STATE ACTIVITY: :Generally ignored this commitment, has often left its footprint
LAWFUL ADVOCACY ACTIVITY: has made life cycle diagrams displaying the ecological footprint

Environment – renewable energy

(173) ADVOCATING RENEWABLE ENERGY

INTERNATIONAL COMMITMENT
New and renewable energy sources are solar thermal, solar photovoltaic, wind, hydro, biomass, geothermal, ocean, animal and human power, as referred to in the reports of the Committee on the Development and Utilization of New and Renewable Sources of Energy, prepared specifically for the Conference (Chapter 9, Agenda 21, 1992).

STATE ACTIVITY: (JUSCANZ) lobbied at the WSSD to prevent time-bound commitment to eliminating subsidies for environmental unsustainable energy and to ensuring subsidies for environmentally sustainable energy; (MANY STATES) left opening for promoting nuclear.

LAWFUL ADVOCACY ACTIVITY: : calling for time bound elimination of subsidies for environmentally unsustainable energy, and time-bound subsidies for environmentally sustainable sound energy. Lobbied for elimination of civil nuclear energy

1. PROCRASTINATION AND REGRESSION ON ENERGY
Press release sent out from Johannesburg, on August 31, 2002

Environment – climate change

(174) REMOVING THE THREAT OF CLIMATE CHANGE

INTERNATIONAL COMMITMENT AND OBLIGATION
In Toronto, at the Changing Atmosphere conference hosted by Canada in 1988, Canada received this warning:

"Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequence could be second only to a global nuclear war. the Earth's atmosphere is being changed at an unprecedented rate by pollutants resulting from wasteful fossil fuel use ... These changes represent a major threat to international security and are already having harmful consequences over many parts of the globe.... it is imperative to act now. Climate Change in the Conference statement, Changing Atmosphere Conference in 1988.

Canada signed (June 1992) and ratified (December, 1992) the Climate Change Convention. In the Climate Change Convention, Canada through signing and ratifying the Framework Convention on Climate Change incurred obligations to reduce Greenhouse gas emissions, to invoke the precautionary principle, to "conserve and enhance sinks" and "to document sinks".

-Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,
-Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,
-Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs, (Preamble, Framework Convention on Climate Change, 1992)

-Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs.
-The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. 3. (Preamble, Framework Convention on Climate Change, 1992)

STATE ACTIVITY: has continued to demonstrate its lack of resolve to seriously address discharge its international obligations, and until Canada is willing to fulfill these obligations through enacting the necessary legislation with mandatory standards and regulations, little substantial change will occur. Has often supported proposed solutions that are potentially worse or as bad as the problem they are intended to solve. {even though the government Future problem avoidance principle:
The addressing of one environmental problem should not itself be an action that could cause irreversible harm (Standing Committee on Environment " Out of Balance; The Risks of Irreversible Climate Change, 1991) [the promotion of nuclear energy as the solution to climate change]
LAWFUL ADVOCACY ACTIVITY: has lobbied nationally and internationally for comprehensive measures to reduce greenhouse gases and to conserve carbon sinks.

Actions
1.. Preserve and enhance sinks (forests and bogs), [as required in the Climate Change Convention] , in particular preserve large areas of original growth and conservation corridors. Cease all further logging of old growth forests
2. Ban all forest practices such as clear cut logging and broadcast burn that reduce carbon sinks on crown and private lands
3. Encourage afforestation and restoration of damaged forest ecosystems such as on Not Sufficiently Restocked land
4. . Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED) and immediately ban all further development and export of CANDU reactors.
5. Establish and enforce a national dedicated program for energy conservation and efficiency
6. Establish extensive networks of alternative environmentally safe and sound means of transportation (Agenda 21), move away from car-dependency, and cease the construction of all new highways.
7. Reduce the ecological footprint as agreed in Habitat II
8. Synthesize the existing scientific information. No new studies are required to demonstrate that it is necessary to reduce anthro-pogenic emissions. "Inaction is negligence" (Digby McLaren, Past President of the Royal Society , Global Change Conference, 1991)
9. Adaptive measures shall not be used as a justification for not acting to preserve existing sinks and to prevent anthro-pogenic sources of greenhouse gases.
10. Prohibit the proposals to seek far-off Southern carbon sinks to justify maintaining northern consumptive patterns. — Buying old growth forests to offset Canada's CO2 emissions)
11 Avoid carbon emissions trading because this practice legitimizes continuing currently harmful emission practices
12. Transfer all energy-directed funding into renewable energies that are

ecologically safe and sound
13. Transfer a significant proportion of the $10 billion military budget to assist in implementing the above measures and in job conversion with a just transition job plan for sunset industries (1993-1996)

has supported the following internationally at conferences on climate change:
a.. At least a 20% Reduction in CO2 and other Greenhouse gas emissions from 1990 levels by the year 2000
b. Reducing CO2 emissions and other Greenhouse gas emissions to 50% by 2015 as proposed by NGO's in the international conference in 1988
c. Ending of government subsidies for production of fossil fuel and nuclear energy, and implementing a phasing out of the use of fossil fuels and nuclear energy
d. Increasing of programs for energy conservation, energy efficiency, and for renewable sources of energy, and for conserving and restoring carbon sinks.
e. Moving away from car dependency, reducing the ecological footprint, and promoting environmentally sound energy and transportation (1992, 1994, revised 1997 for Kyoto)

(175) PREVENTING DANGEROUS ANTHRO-POGENIC INTERFERENCE WITH THE CLIMATE CHANGE.

INTERNATIONAL COMMITMENT

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthro-pogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.(Art. 2. Objective, Framework Convention on Climate Change, UNCED)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(176) ADHERING TO THE PRECAUTIONARY PRINCIPLE AND ANTICIPATE, PREVENT AND MINIMIZE THE CAUSES OF CLIMATE CHANGE

INTERNATIONAL OBLIGATION

The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such

policies and measures should take into account different socioeconomic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties. (Article 3. Framework Convention on Climate Change, 1992, UNCED)

STATE ACTIVITY: has generally procrastinated about Climate Change; Many academics funded by the coal, oil and gas industries were ignoring the precautionary principle and denouncing the decision of the Intergovernmental panel on Climate Change. To achieve this, such policies and measures should take into account different socioeconomic contexts, be comprehensive, cover all relevant sources, sinks and
reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties. (Climate Change Convention, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(177) PROTECTING THE CLIMATE SYSTEM FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS

INTERNATIONAL OBLIGATIONS
The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof. (Article 3 Framework Convention on Climate Change, 1992, UNCED)

STATE ACTIVITY: has supported the rights of future generations providing these rights did not impact on political or corporate interests
LAWFUL ADVOCACY: has lobbied for the inclusion, in the Constitution, of ecological rights to preservation of cultural and natural heritage, and has lobbied nationally and internationally for a clear determination of what would constitute the guaranteeing of and the implementing of the rights of future generations;

Environment – Sustainable production

(178) RECOGNIZING THAT ECOLOGICAL PROBLEMS ARE DRIVEN BY UNSUSTAINABLE PATTERNS OF PRODUCTION AND CONSUMPTION

INTERNATIONAL COMMITMENT:
To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies. (Principle 8, Rio

Declaration, UNCED, 1992)

Growing recognition of the importance of addressing consumption has also not yet been matched by an understanding of its implications. Some economists are questioning traditional concepts of economic growth and underlining the importance of pursuing economic objectives that take account of the full value of natural resource capital. More needs to be known about the role of consumption in relation to economic growth and population dynamics in order to formulate coherent international and national policies. (4.6. Changing Consumption Patterns, UNCED)

Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. (Preamble, 1.2 International Conference on Population and Development, 1994)

STATE ACTIVITY: has disregarded the causal relation between ecological problems and unsustainable production and consumption
LAWFUL ADVOCACY ACTIVITY: has lobbied for the moving away from unsustainable production and consumption, and the over-consumptive model of development, and the dogma of economic growth at any cost

(179) ABANDONING UNSUSTAINABLE PATTERNS OF PRODUCTION AND CONSUMPTION

Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. (Preamble, 1.2 International Conference on Population and Development, 1994)

STATE ACTIVITY: has generally promoted unsustainable patterns of production and consumption
LAWFUL ADVOCACY ACTIVITY: has lobbied for the moving away from unsustainable production and consumption, and the over-consumptive model of development, and the dogma of economic growth at any cost

(180) ENCOURAGING CHANGES IN UNSUSTAINABLE CONSUMPTION PATTERNS

INTERNATIONAL COMMITMENTS
Linking of health population and over-consumption and inappropriate development (3.2 International Conference on Population and Development)

Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a

matter of grave concern, aggravating poverty and imbalances.(4.3 Changing Consumption Patterns, UNCED)

STATE ACTIVITY: MOST STATES have supported continued unsustainable pattern of consumption
LAWFUL ADVOCACY ACTIVITY: has promoted moving away from the current unsustainable pattern of consumption and production.

5. INTERNATIONAL LAW

International law multilateralism

(181) REVIEWING AND PROMOTING MULTILATERALISM

INTERNATIONAL COMMITMENT

Bearing in mind that multilateral treaties are an important means of ensuring co-operation among States and an important primary source of international law,

Conscious, therefore, that the process of elaboration of multilateral treaties, directed towards the progressive development of international law and its codification, forms an important part of the work of the United Nations and of the international community in general,

Aware of the heavy burden which active involvement in the process of multilateral treaty-making places upon Governments,

Convinced that the most rational use should be made of the finite resources available for the elaboration of multilateral treaties,

Aware that the Asian-African Legal Consultative Committee has been reviewing certain aspects of multilateral treaty-making

Taking note of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth, thirty-sixth and thirty-seventh sessions, including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process,

Having considered the report of the Working Group on the Review of the Multilateral Treaty-Making Process established pursuant to resolution 36/112 of 10 December 1981 to review the multilateral treaty-making process, and noting that the Working Group will require more time to complete its mandate as provided in paragraph 2 of that resolution,

Taking into account the statements made at the current session in the debate in the Sixth Committee,

1. Decides to reconvene, at its thirty-eighth session, the Working Group with the aim of completing the examination of the matters referred to in paragraph 2 of resolution 36/112;

2. Reiterates its request to the Secretary-General to prepare and publish as soon as possible new editions of the Handbook of Final Clauses and the Summary of the Practice of the Secretary-General as Depository of Multilateral Agreements, taking into account relevant
new developments and practices in that respect;

STATE ACTIVITY: has usually disregarded precedents from international instrument; States have very short institutional memory, and go to international conferences and re-negotiate what has already been negotiated, and often undermine previous obligations and commitments. There also appears to be little interest in examining the complexity and interdependence of issues and as a result often there is inconsistency.
LAWFUL ADVOCACY ACTIVITY: has proposed that lawyers in each organ, such as UNEP. UNCHR, UNDP, UNIFEM FAO, UNIDO, UNESCO, UNEP, and ILO etc of the UN monitor the precedents in their area of
expertise, and when new agreements are being negotiated they should inform the chair of the precedents. In 2002, at the WSSD, many of the member states anticipated that the US, because of various unilateral positions taken at the conference was planning on abandoning multilateralism. There was a concerted attempt to introduce language related to the importance of multilateralism.

The WSSD Peace Caucus proposed the following wording:

5. Peace, security, stability [amend and retain: disarmament, and respect for human rights and cultural diversity] are essential for achieving sustainable development and ensuring that sustainable development benefits all. [Peace caucus]

5.bis We underline the urgent need to put an end to the adoption and application of the unilateral coercive measures inconsistent with international law and the Charter of the United Nations. Peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affairs of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violation of human rights and fundamental freedoms. [Peace caucus]

5.ter Reaffirm that warfare is inherently destructive of sustainable development as agreed in Rio Declaration Principle 24. [Peace caucus]

there was a reference to unilateral measures but outside of the context of peace.
WSSD88.(bis) [Agreed] Take steps with a view to the avoidance of and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services. Ensure that food and medicine are not used as tools for political pressure.

(183) COMPLYING WITH INTERNATIONAL OBLIGATIONS AND COMMITMENTS

INTERNATIONAL OBLIGATION:
to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. (Preamble, Charter of the United Nations)

STATE ACTIVITY: (MANY STATES) have failed to sign and ratify international treaties, conventions and covenants, and if they ratify the instruments they often fail to enact the necessary legislation to ensure compliance. States have also failed to respect the jurisdiction and decisions of the International Court of Justice. (CANADA along with other Federal states) has violated the Vienna Convention on the Law of Treaties by its contravention of Article 27 of the Vienna Convention on the Law of Treaties, Canada is bound to not invoke Internal law to justify failure to perform a treaty.

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Refuses to accept the jurisdiction of the international court of justice
LAWFUL ADVOCACY ACTIVITY: Calling upon the state to accept the jurisdiction, and enforce the decision

(i) disregarded obligations incurred through conventions, treaties, and covenants; and commitments made through conference action plans related to Common security - peace, environment, human rights and social justice;
(ii) failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Common Security international Conventions, Covenants and Treaties;
(iii) undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to Common Security -peace, environment, human rights and social justice;
(iv) failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions;

International law; corporate compliance

(184) ENSURING THAT CORPORATION COMPLY WITH INTERNATIONAL LAW

INTERNATIONAL COMMITMENT
Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New International Economic Order,1974)

Ensuring that transnational corporations comply with... laws...codes...
[Ensure that transnational corporations comply with national laws and codes, social

security regulations and international environmental laws] (167 m Advance draft, Platform of Action, UN Conference on Women, May 15)

[Requiring] Encouraging transnational and national corporations to comply with safety laws
By requiring [encouraging] [transnational and national corporations] [by the private sector]:
comply with Observe national labour environment, consumer, health and safety laws, particularly those that affect women. (179 c Advance draft, Platform of Action, UN Conference on Women, May 15)
[the following references to industry: re training for industry (84 j); Technical assistance (258). Only mention of impact appears to be in section 257]

[Requiring] Encouraging transnational and national corporations to comply with safety laws
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[the following references to industry: re training for industry (84 j); Technical assistance (258). Only mention of impact appears to be in section 257]

Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New International Economic Order,1974)

STATE ACTIVITY: (MOST STATES) have ignored this commitment, and have allowed corporate activity to proceed unhindered, and have ignored years of harm, caused by transnational corporations, to human health and the environment
LAWFUL ADVOCACY ACTIVITY: has called for limiting of the power of transnational corporations through charters, and for revoking of charters of transnationals

Limiting the power of transnational corporations through charters
When we look at the history of our states [US] we learn that citizens intentionally defined corporations through charters or the certificates of incorporation. In exchange for the charter, a corporation was obligated to obey all laws, to serve the common good, and to cause no harm. Early state legislators wrote charter laws and actual charters to limit corporate authority, and to ensure that when a corporation caused harm, they could revoke its charter. (Grossman, R.. Taking Care of Business: Citizenship and the Charter of Incorporation)
A corporation in law is just what the incorporating act makes it. It is the creature of the law and may be molded to any shape or for any purpose that the Legislature may deem most conducive for the general good. (Grossman, R.. Taking Care of Business: Citizenship and the Charter of Incorporation)

Revoking Charters of transnationals

Revoke Charters of Incorporation of industries and transnationals that have caused environmental destruction, violated human rights, and contributed to conflict or war (Recommendation to NGO Response to Platform of Action - agreed to by consensus but not included in the NGO submission)

Implementing International Code of Conduct for transnationals

All efforts should shall be made to formulate, adopt and implement an international code of conduct for transnational corporations (V. REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

Preventing of interference of transnationals in the internal affairs of states

To prevent interference in the internal affairs of the countries where they operate and their collaboration with racist regimes and colonial administrations (V a., REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

Seeking compensation from transnational Companies and other market representatives

Transnational Companies and other market representatives shall be responsible for paying compensation for denying social justice, for causing environmental degradation, for violating human rights, for contributing to violence, for escalating conflict, and (Global Compliance Research Project)

(185) ENSURING THAT TRANSNATIONAL CORPORATIONS COMPLY WITH... LAWS...CODES...

[ENSURE THAT TRANSNATIONAL CORPORATIONS COMPLY WITH NATIONAL LAWS AND CODES, SOCIAL SECURITY REGULATIONS AND INTERNATIONAL ENVIRONMENTAL LAWS] (167

INTERNATIONAL COMMITMENT:

Ensuring that transnational corporations comply with... laws...codes...

[Ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws] (167 m Advance draft, Platform of Action, UN Conference on Women, May 15)

[Requiring] Encouraging transnational and national corporations to comply with safety laws

By requiring [encouraging] [transnational and national corporations] [by the private sector]:

comply with Observe national labour environment, consumer, health and safety laws, particularly those that affect women. (179 c Advance draft, Platform of Action, UN Conference on Women, May 15)

• International law undermined by Trade law

(187) OPPOSING TRADE AGREEMENTS THAT UNDERMINE INTERNATIONAL COMMON SECURITY

INTERNATIONAL ABSENCE OF ASSURANCE THAT THAT COMMON SECURITY INTERNATIONAL OBLIGATIONS AND COMMITMENTS TRUMP TRADE AGREEMENTS

STATE ACTIVITY: : (STATE MEMBERS OF THE WTO) have generally allowed for Trade obligations to trump other common security obligations and commitments
LAWFUL ADVOCACY ACTIVITY: OPPOSED the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research; has opposed the globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law;

Information

(188) PROTECTING THE PRIVACY INHERENT IN THE RETENTION OF INFORMATION

INTERNATIONAL COMMITMENT:
Guidelines for the regulation of computerized personal data files adopted by the General Assembly resolution 45/95 Dec. 14, 1990 the procedures for implementing regulations concerning computerized personal data files are left to the initiative of each state subject to the following orientations:

a. principles concerning the minimum guarantees that should be provided in national legislation
1. Principle of lawfulness and fairness
information about persons should not be collected or processed in unfair or unlawful ways, nor should it be used for ends contrary to the purposes and principles of the Charter of the United Nations.
2 Principle of accuracy
persons responsible for the compilation of files or those responsible for keeping them have an obligation to conduct regular checks on the accuracy and relevance of the data recorded and to ensure that they are kept as complete as possible in order to avoid errors of omission and that they are kept up to date regularly or the information contained in a file is used, as long as they are being processed.
3. principle of purpose-specification
the purpose which a file is to serve and its utilization in terms of that purpose should be specified , legitimate and, when it is established, receive a certain amount of publicity or be brought to the attention of the person concerned, in order to make it possible subsequently to ensure that:
a all the personal data collected and recorded remain relevant and adequate to the purposes so specified;

b. none of the said personal data is used or disclosed, except with the consent of the person concerned, for purposes incompatible with those specified;
c the period for which the personal data are kept does not exceed that which would enable the achievement of the purposes so specified.

4. principle of interested person access

everyone who offers proof of identity has the right to know whether information concerning him is being processed and to obtain it in an intelligible form, without undue delay or expense, and to have appropriate rectifications or ensure made in the case of unlawful, unnecessary or inaccurate entries and when it is being communicated, to be informed of the addresses. provision should be made for a remedy, if cost of a rectification shall be borne by the person responsible for the file. it is desirable that the provisions of this principle should apply to everyone, irrespective of nationality or place of residence.

5 principle of non discrimination

subject to cases of exceptions restrictively envisaged under principle

6, data likely to give rise to unlawful or arbitrary discrimination, including information on racial or ethnic origin, colour, sex life, political opinions, religious, philosophical and other beliefs as well as membership of an association or trade union, should not be compiled. 6 power to make exceptions

departures from principles 1 to 4 may be authorized only if they are necessary to protect national security, public order, public health or morality, as well as inter alia, the rights ad freedoms of others, especially persons being persecuted (humanitarian clause) provided that such departures are expressly specified in a law or equivalent regulation promulgated in accordance with the internal legal system which expressly states their limits and sets forth appropriate safeguards. exceptions to principle 5 relating to the prohibition of discrimination, in addition to being subject to the same safeguards as those proscribed for exception to principles 1 to 4 may be authorized only within the limits prescribed by the international bill of human rights and the other relevant instruments in the field of protection human rights and the prevention of discrimination

7 appropriate measures should be taken to protect the files against both natural dangers, such as accidental loss or destruction and human dangers such as unauthorized access, fraudulent misuse of data or contamination of computer viruses.

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

International law - intelligence lists

(189) EXPOSING INTELLIGENCE LISTS

INTERNATIONAL OBLIGATIONS: “political and other opinion”
All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall

prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have designate citizens engaged in lawful advocacy, protest and dissent as threats or even terrorists

(US) "... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process."

"Anarchists and extremist socialist groups -- many of which, such as the Workers World Party, Reclaim the Streets, and Carnival Against Capitalism -- have an international presence and, at times, also represent a potential threat in the United States. For example, anarchists, operating individually and in groups, caused much of the damage during the 1999 World Trade Organization ministerial meeting in Seattle."

"Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect more widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including, the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other political and social movements."

targeted and intimidated activists and discriminated on the grounds of political and other opinion (a listed ground in the International Covenant of Civil and Political Rights- to which the US is a signatory):
LAWFUL ADVOCACY ACTIVITY: has called for complying with international human rights instruments, and statutory human rights documents, and for enshrining the ground of “political and other opinion” in national constitutions

*PEJ BC GOVERNMENT AND FEDERAL GOVERNMENT VIOLATE OBLIGATIONS UNDER THE INTERNATIONAL LABOUR ORGANIZATION.

Justice News
Wednesday, 26 October 2005 10:07

BC Government and Federal Government violate obligations under the International Labour Organization

Global Compliance Research Project - Joan Russow - Over the years there have been several complaints to the ILO about the violation of labour rights in Canada.

The recent strike by the BC Teacher Federation was declared to be illegal. Yet it was the BC government that engaged in an illegal act by violating established international norms through its denying of the right to association of the right to strike. The following is statement from the ILO related the violation of labour rights in Canada.

www.pej.org
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Statement from the International Labour Organization.

News Workers Group

Statement by Mr. Ulf Edstrum (Sweden) on behalf of the Workers Group on the 336th Report of the Committee on Freedom of Association (CFA), 23.03.05

Mr. Chairman!

The Workers Group supports the statement by the Rapporteur and asks for the adoption by the Governing Body of the conclusions and recommendations of the Committee.

?

The Committee again dealt with Canada/Province of British Columbia (case 2324). Here the Committee considered that the adoption of the Railway and Ferries Bargaining Assistance Act, which stopped a legal strike just after 48 hours, constituted a violation of freedom of association principles. Instead of back-to-work legislation, the Government should encourage voluntary mechanisms for dispute settlement including voluntary agreed minimum services. Similarly, the adoption of the Health Sector Partnerships Agreement Act and the Coastal Ferry Act, which set aside previously agreed collective agreements, violated freedom of association principles and therefore these acts should be amended in line with C. 87. Furthermore the Government is again requested to abstain from such behaviour in future and to engage in full and frank consultations with the trade unions concerned.

Mr Chairman,

this case and numerous similar cases on Canada raises the fundamental question of who is to be held accountable when it concerns a Federal State? The Government of Canada itself gives no replies or assessment on these cases, but act only as a transmission belt of replies from provincial governments. Neither are there any reports on effective efforts made to persuade provinces to abide by the recommendations made by the Governing Body. In the case mentioned above (and others on Canada) ILO technical assistance is recommended. May I suggest that the Federal Government recognize that the acceptance or not of such technical assistance is not solely a matter for the Province concerned, but rather a matter for the Federal Government bound by constitutional obligations to the ILO. Personally, I indeed have no doubts whatsoever that if forced labour or child labour or gender discrimination prevailed in the labour market in a province - the Federal Government would not tolerate such a situation. But apparently so far violations of the fundamental rights of workers to organize freely in trade unions and being able to bargain collectively are considered to be something different.?

In the above recommendation, the ILO stated the following ?Furthermore the Government is again requested to abstain from such behaviour [related to denying the right to association] in future and to engage in full and frank consultations with the trade unions concerned. ?

Under Article Article 29 of the Constitution of the International labour Organization, is the provision for the Country against whom the complaint is made to inform the Labour office about whether the country is prepared to go to the International Court of Justice:

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Inquiry to the Governing Body and to each of the governments concerned in the complaint, and shall cause it to be published. Action on report of Commission of Inquiry

2. Each of these governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice. (Article 29, International Labour Organization Constitution)

The BCTF could file a complaint with the ILO, and then call for the Canadian government to seek an advisory opinion from the International Court of Justice about whether Canada is violating International norms established under the International Labour Organization.

Crown Jury/Fitzgerald Indictment of Libby: Need for International Indictment of US Administration 

Justice News
Friday, 28 October 2005 06:07

Crown Jury/Fitzgerald Indictment of Libby: Need for International Indictment of US Administration
At least 25 international indictments against the US administration must be addressed

PEJ News - Joan Russow - Global Compliance Research Project - It is not just an

issue of US national security but an issue of international security. There is a responsibility to the international community to address the serious violation of international law resulting from the lead up, the invasion and occupation of Iraq. If the belated Fitzgerald investigation goes no further than indicting Libby, serious international precedents will have been condoned.

The irreversible environmental, health, psychological, social, human and economic consequences of war, support the contention that under no circumstances, or conditions is war legal or just. It is not just an issue of US national security but an issue of international security.
There is a responsibility to the international community to address the serious violation of international law resulting from the lead up, the invasion and occupation of Iraq. If the belated Fitzgerald investigation goes no further than indicting Libby, serious international precedents will have been condoned.

(1) PROVOKING CONFLICT THROUGH BOMBING IN SELF DECLARED NO FLY ZONES IN IRAQ

(2) ADVANCING NOT PROHIBITING PROPAGANDA FOR WAR

Article 20 General comment on its implementation

1. Any propaganda for war shall be prohibited by law. (International Covenant of Civil and Political Rights)

(3) ADOPTING POLICY OF PREEMPTIVE/ PREVENTIVE STRIKE IN VIOLATION OF INTERNATIONAL LAW.

the War against terrorism and the Anti-terrorism act, perpetuating the disregard for the rule of international law, and for the international Court of Justice. Serious consequences such as spurious redefinition of what constitutes self-defence, condoned pre-emptive aggression with prohibitive weapon systems, insidious rendering and violation of the Convention against Torture, and Geneva Conventions; institutionalize racial profiling, preventive arrests, and dubious certificates. have all resulted. from the War Against Terrorism or the Anti-terrorism Acts.

(4) ADVANCING NOT PROHIBITING PROPAGANDA FOR WAR

Article 20 General comment on its implementation

1. Any propaganda for war shall be prohibited by law. (International Covenant of Civil and Political Rights)

The US planned for years to attack Iraq and declaring that there exists state is on the axis of evil

(5) ENGAGING IN TECHNIQUES OF INTIMIDATION AND CHEQUE BOOK DIPLOMACY

US attempted, by intimidating or offering economic incentives in exchange for support for military intervention, to undermine the international resolve to prevent the scourge of war (the US continually cajoles, intimidates, and bribes other members of the United Nations)

DISREGARDING THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE

The fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the opportunity under article 37 to refer potential situations of conflict to the International Court of Justice

CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES

Article 33

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The US continually ignores this Chapter

(6) MISCONSTRUING THE PROVISION OF SELF DEFENCE

Chapter VII, Article 51 of the Charter of the United Nations:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

US in the case of Afghanistan perceived justice through revenge and military intervention, redefined what constitutes "self defence" and used the pretext of self defence to justify military intervention [Afghanistan]

ENGAGING IN THE THREAT OR USE OF FORCE AGAINST THE SOVEREIGNTY...

Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

preamble

the High contracting parties

proclaiming their earnest wish to see peace prevail among peoples.

recalling that every state has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the Unite Nations,

US continually ignores this obligation

(7) ENGAGING IN THREATS OF ASSASSINATION OF LEADERS OF OTHER STATES

US has engaged in long standing practice of removing leaders; targeted and assisted in the assassination of leaders of other sovereign states, who interfered with national interests.

(8) SETTING UP, PROPPING UP, FINANCING AND SUPPLYING ARMS TO MILITARY DICTATORS THAT FURTHERED FOREIGN VESTED NATIONAL INTERESTS

There does not appear to be any obligations or commitment condemning the propping up and financing prop up dictators

The US has continued the long standing activity with impunity,. In the 1970s there was enacted a statute in the US against this practice; however this act was repealed by President George W. Bush

(9) MAINTAINING OF MILITARY BASES IN OTHER SOVEREIGN STATES

The US maintains over 750 military bases in sovereign states around the world

(10) ENGAGING IN NOT REFRAINING FROM THE THREAT TO USE FORCE

Every state has the duty, in conformity with the Charter of the UN, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the (Geneva Convention)

Adopted on 8 June 1977 by the diplomatic conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts

(11) MISREPRESENTING SITUATION AND DISREGARDING THE RIGHT TO CORRECTION

The purpose of the Charter of the United Nations is to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [humanity]

The Convention on the Right to correction; 1952

The contracting States,

-Desiring to implement the right of their peoples to be fully and reliably informed

-Desiring to improve understanding between their peoples through the free flow of information and opinion

-Desiring thereby to protect mankind [Humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression

US demonstrated disdain for the international rule of law, and for the obligation to prevent the recurrence of aggression, and to ensure that people are fully and reliably informed.. States misconstrued prevention of recurrence of aggression by adopting a policy of pre-emptive/preventive aggression. Engaged in an illegal act of invading a sovereign state in violation of the UN Charter and international law and has committed the 'supreme' international crime of the war of aggression

(12) INCONSISTENT DEMAND FOR THE ELIMINATING AND DESTROYING WEAPONS OF MASS DESTRUCTION

Eliminating weapons of mass destruction

Man [Humans] and their environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement in the relevant international organs on the elimination and complete destruction of such weapons (UNCHE, 1972, Principle 26)

US proceeded to exclude nuclear weapons from the category of weapons of mass destruction; ignored commitment and continued to produce and subsidize industries that produce weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. The US has the largest stockpile of nuclear weapons and is engaging in designing new weapons using some nuclear technology. The US would not permit the IAEA to inspect their weapons of mass destruction, and the US refuses to address the threat in the middle east of Israel’s weapons of mass destruction .

(13) ENGAGING IN THREATS TO DESTRUCTION AND DESTRUCTION OF THE ENVIRONMENT FROM WEAPON SYSTEMS

Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International

Humanitarian Law applicable in Armed Conflicts

1 In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering

3 It is prohibited to employ methods or means of warfare which are intended, or may be expected to cause widespread, long-term and severe damage to the natural environment

(Section 1, Article 35 Basic rules: Methods and means of warfare Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Article 54 protection of objects indispensable to the survival of the civilian population

article 56 5. protection of the natural environment

1. care shall be taken in warfare or protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are indeed or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population

2. attacks against that the natural environment by way of reprisals are prohibited.

article 56 protection of works and installations containing dangerous forces Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

1. works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses the works or installations shall not be made the object of attack if such attack may cause the release of dangerous

forces from the works or installations and consequent severe losses among the civilian population article 86 Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Securing nature against degradation caused by warfare or other hostile activities Nature shall be secured against degradation caused by warfare or other hostile activities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982)

Avoiding military activities damaging to nature

Military activities damaging to nature shall be avoided (Art. 22, UN Resolution, 37/7, World Charter of Nature, 1982)

US has disregarded obligations and commitments

(14) DISCHARGING OF RADIOACTIVE OR TOXIC WASTES INTO NATURAL SYSTEMS

Taking precautions to prevent discharge of radioactive or toxic wastes into natural systems Special precautions shall be taken to prevent discharge [into natural systems] of radioactive or toxic wastes. (Art. 12 b UN Resolution, 37/7, World Charter of Nature, 1982)

US through using weapons containing depleted uranium has disregarded this commitment.

(15) DEPLOYING "NEW WEAPONS"

4. PRINCIPLE: PROVISIONS RELATED TO "NEW WEAPONS"

In the study, development, acquisition or adoption of a new weapon, or method of warfare, a high contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party (Art 36 Protocol to the Geneva Convention)

Prohibitory rules

- dum-dum bullets (First Hague Peace conf)

-asphyxiating/poisonous /other gases (Geneva Protocol (1925)

-1972 Convention on biological &toxin weapons

-1993 Convention on chemical weapons

-1997 Ottawa Treaty: anti-personnel mines

-1980 Convention on conventional weapons with "excessively injurious indiscriminate effect

- protocol 1: non-detectable fragments (ban)

- prohibited mines, booby- traps (ban on use of mines designed to cause superfluous injury/ unnecessary suffering prohibited: regulating use of other devices

- protocol III incendiary weapons

- protocol IV blinding laser weapons

Prohibiting or restricting use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Recalling with satisfaction the adoption, on 10 October 1980, of the

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

The US has disregarded the Geneva Protocol, and used weapons such as depleted uranium which would contravene the Protocol

(16) USING NOT PROHIBITING THE USE OF CERTAIN CONVENTIONAL WEAPONS

(i) Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or

Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to

universal ratification by the year 2000;

The US has disregarded the Geneva Protocol, and used weapons such as depleted uranium which would contravene the Protocol

(17) CONTRIBUTING TO THE STARVATION OF CIVILIANS THROUGH INTENTIONALLY OR UNINTENTIONALLY ATTACKING OBJECTS INDISPENSABLE TO THE SURVIVAL OF CIVILIAN POPULATION

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

The US has often even with so-called smart bombs destroyed key locations indispensable to the survival of the Civilian population., or has reclassified sites as being legitimate military targets.

(18) RELEASING FROM INFRASTRUCTURE OF DANGEROUS FORCES [SUBSTANCES AND ACTIVITIES] THAT COULD IMPACT ON CIVILIANS

Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent sever losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)

The US violated Geneva conventions on the treatment of civilians, and has violated both international human rights and humanitarian law during the occupations of both Iraq and Afghanistan

(19) VIOLATING OF THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT

2. NO EXCEPTIONAL CIRCUMSTANCES WHATSOEVER, WHETHER A STATE OF WAR OR A THREAT OF WAR, INTERNAL POLITICAL IN STABILITY OR ANY OTHER PUBLIC EMERGENCY, MAY BE INVOKED AS A JUSTIFICATION OF TORTURE.

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984

entry into force 26 June 1987,

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. (PART I , Article 1

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

The US has attempted to use "public emergency" to justify torture

(20) VIOLATING THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: CONDEMNING THE PRACTICE OF RENDITION

Article 3 General comment on its implementation

1. No State Party shall expel, return ("re-fouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

The US, to obtain information, has caused citizens to be sent to states where they are in danger of torture; this activity has been classified as "rendering" and has been carried out in contravention to the Convention on Torture.

(21) PROFITING OF WAR BY CORPORATIONS

The US has increased the participation of "Privatized Military firms", and well as transnational corporations benefiting from access to natural resources. etc.

(22) DISREGARDING OF DUTY TO PROTECT CULTURAL Property

Preserving natural heritage for future generations

? Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind [humankind] as a whole (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972).

? Considering that in view of the magnitude and gravity of the new dangers

threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value... (Preamble, Convention for the Protection of the World cultural and Natural Heritage, 1972)

Undertaking not to damage directly or indirectly any world heritage site

Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the...natural heritage ...situated on the territory of other States Parties to this Convention. (Art. VI.3 Convention of the Protection of Cultural and Natural Heritage of 1972, in force 1975)

Undertaking not to damage directly or indirectly any world heritage site

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US-led invasion and occupation of Iraq has disregarded the convention

(23) FAILING TO RESTITUTE CULTURAL PROPERTY TO COUNTRIES OF ORIGIN INTERNATIONAL COMMITMENT;

Being aware of the importance attached by the countries of origin to cultural property

Aware of the importance attached by the countries of origin to the return

of cultural property which is of fundamental spiritual and cultural value to

them, so that they may constitute collections representative of their cultural heritage (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring restitution of cultural property in case of illicit appropriation to a country of its cultural property to country of origin

Preparing of inventories of movable cultural property

Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular

through the promotion of bilateral negotiations, for the return or restitution

of cultural property, the preparation of inventories of movable cultural

property, the development of infrastructures for the protection of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring Restitution to a country of its objets d'art...

Reaffirms that the restitution to a country of its objets d'art monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international co-operation and to the preservation and flowering of universal cultural values through fruitful co-operation between developed and developing countries (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

The US has ignored the obligation of restitution

(24) CONDONING TARGETING OF ACTIVISTS

The FBI has included the following in their designation of terrorists:

"... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process."

designating citizens engaged in lawful advocacy, protest and dissent as threats

(25) DENYING RESTITUTION AND FULL COMPENSATION

Affirming the right to restitution and giving full restitution and compensation

The right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples (4 f, Declaration of a New International Economic Order, 1974)

US has ignored the commitment, and instead have permitted their corporations to benefit

(26) etc.

NOVEMBER NOVEMBER 2005
*PEJ COP 11 CLIMATE CHANGE: VOLUNTARY COMPLIANCE AND PROCRASTINATION: THE DEMISE OF THE ENVIRONMENT

Earth News
Friday, 25 November 2005 04:37

COP 11 Climate Change: Voluntary Compliance and Procrastination: The Demise of the Environment

INCLUDED. REPORT CARD ON COMPLIANCE WITH THE FRAMEWORK CONVENTION ON CLIMATE CHANGE

We are living in the wake of negligence of corporate and government collusion. For years, governments, especially Canadian governments, have promoted corporate voluntary compliance and procrastinated about implementing and enforcing regulations to reduce greenhouse gas emissions, and to conserve carbon sinks, COP 11 Climate Change: Voluntary Compliance and Procrastination: The Demise of the Environment

INCLUDED. REPORT CARD ON COMPLIANCE WITH THE FRAMEWORK CONVENTION ON CLIMATE CHANGE

Joan Russow PhD
Global Compliance Research Project

One of the reasons that the environment is deteriorating is that corporate "voluntary compliance" and associated regimes are lauded ideologically or inadvertently by most political parties.

For years, Canadian governments have promoted voluntary compliance and

procrastinated about implementing and enforcing regulations;.

In 1992, at the United Nations Conference on the Environment and Development, the Canadian Government (Mulroney's Conservatives) agreed to the Convention on Biological Diversity and the Framework Convention on Climate Change, The Canadian government also made commitments through the Rio Declaration and Agenda 21. Canada agreed to environmental principles, such as the precautionary principle, which could have prevented the introduction of many substances and practices harmful to human health and the environment.

In December 1992, Brian Mulroney, after full consultation with the provinces, ratified the above two conventions. Rather than proceeding to implement and enforce a regulatory regime, the Conservatives embraced voluntary compliance.

The corporate world was leery that governments would potentially implement these obligations and commitments, and demand adherence to environmental principles. Ingeniously, the corporate world extended the work of the International Standards Organization (ISO) to cover not just standardized measurements but a self-regulated voluntary regime.

ISO 14000 was industry's response to the possibility that governments would introduce mandatory international environmental regulations and standards to make industry accountable. Rather than regulations , corporations would self-regulate through ISO 14000 certification.

Under ISO 14000, corporations set out their environment management goal or plan, and then outlined the means to attain their goal. There is no external evaluation of whether their means would effectively address environmental issues. Since there are no external standards by which to judge the self-generated goals or measures, the process is totally controlled by the corporations.

Mulroney's Conservatives had missed the opportunity of seriously implementing and enforcing compliance with international environmental law. similarly the Liberals, including David Anderson and Stephane Dion
as environment ministers , opted for a voluntary compliance regime rather than a strong regulatory regime.

The consequences of ISO 14000 and voluntary compliance is that corporations display isolated cases of minor environmental successes and use these isolated cases as justification for the

continued reliance on voluntary measures.

In 1988, Canada played a leading role in the Climate Change issue by hosting an international conference, The Changing Atmosphere in Toronto. At that time scientists, politicians and members of non Government organizations (NGOs) at the conference warned that:
"Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequence could be second only to a global nuclear war. the Earth's atmosphere is being changed at an unprecedented rate by pollutants resulting from wasteful fossil fuel use ... These changes represent a major threat to international security and are already having harmful consequences over many parts of the globe.... it is imperative to act now".

In the Conference Statement from the 1988 Conference, the participants, scientists, government representatives, industry, other organizations called for:

" the Stabilizing of the atmospheric concentrations of CO2 is an imperative goal. It is currently estimated to require reductions of more than 50% from present [1988] emission levels. Energy research and development budgets must be massively directed to energy options which would eliminate or greatly
reduce CO2 emissions and to studies undertaken to further refine the target reductions."

THE FEDERAL GOVERNMENT IGNORED THE 1988 WARNING AND RECOMMENDATION Canada, along with the other member states of the United Nations Canada incurred obligations by signing (June 1992) and ratifying (December, 1992) the Framework Convention on Climate Change. The Canadian government as the signatory of the Framework Convention on Climate Change is the responsible wing of government to ensure that Canada discharges its obligations under the Convention. However, at a meeting of provincial Environment ministers in November 1992, all provinces passed a resolution calling upon Canada to ratify the Framework Convention. Thus all provinces are equally bound by the Convention, and thus the 1937 Supreme Court case, "International Labour Convention Case" would not apply. In that case, the Supreme Court decided in favour of the Provinces because the provinces had not been consulted prior to the federal government’s signing and ratifying of the Agreement.

The Climate Change Convention came into force in the spring of 1993. Under the Convention, the signatories of the Convention were bound to invoke the precautionary principle which affirmed that where there is the threat of environmental harm, lack of full scientific certainty should not be used as a reason for postponing measures to prevent the harm. This principle is now deemed to be a principle of international customary law. After signing the Framework Convention on Climate Change, the Federal government made a commitment to reduce CO2 emissions to 1990 levels by the year 2000.

THE FEDERAL GOVERNMENT FAILED TO ACT ON ITS 1992 COMMITMENT.

The corporate sector that has been contributing to climate change has funded several scientists who have been attempting to undermine the widespread agreement of the scientific community on the urgency of the current situation and to obfuscate any resolve to seriously address the Climate Change issue. The precautionary principle is an operative principle that gives justification for rejecting the views of those scientists marginalized by vested interests.

Prevention not mitigation is the answer. The federal government along with the corporate sector has continually struggled to find ways of continuing business as usual with mitigation either by purchasing old growth forests to offset Canada's emissions, or by claiming that the sale of CANDU civil nuclear reactors to other countries will offset Canada's emissions. Rather than continually caving into fossil fuel, forest, auto, nuclear etc. industries, the federal government must undertake the following actions to reduce greenhouse gases and conserve carbon sinks:

? Preserve and enhance sinks (forests and bogs), in particular preserve original growth and conservation corridors

? Ban all forest practices such as clear cut logging and broadcast burn that reduce carbon sinks on crown and private lands

? Encourage afforestation and restoration of damaged forest ecosystems such as on Not Sufficiently Restocked land

? Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED, 1992).

? Establish and enforce a national dedicated program for energy conservation and efficiency

? Establish extensive networks of alternative environmentally safe and sound means of transportation (as agreed in Agenda 21), move away from car-dependency (as agreed in Habitat II) and cease the construction of all new highways. Ensure that all new urban and rural construction be founded on environmentally sound principles

? Provide for and support the conversion of existing urban and rural settlements to environmentally sound principles including environmentally sound energy, and public transportation, and to ensure that new urban and rural settlements be founded on environmentally sound principles including environmentally sound energy, and public transportation. (Paraphrase of commitments made at Habitat II)

? Reduce the ecological footprint as agreed in Habitat II.

? Synthesize the existing scientific information. No new studies are required to demonstrate that it is necessary to reduce anthropogenic emissions. "Inaction is negligence" (Digby McLaren, Past President of the Royal Society , Global Change Conference, 1991)

? Ensure that adaptive or mitigative measures are not used as a justification for not acting to preserve existing sinks and to prevent anthropogenic sources of greenhouse gases.

? Prohibit the proposals to seek far-off Southern carbon sinks to justify maintaining northern consumptive patterns. ->- (Buying old growth forests to offset Canada's CO2 emissions).

? Avoid carbon emissions trading because this practice legitimizes continuing harmful emission practices.

? End all subsidies to the fossil fuel and nuclear energy industries. and transfer all energy-directed funding into renewable energies that are ecologically safe and sound.

? Phase out immediately the use of the pesticide methyl bromide and promote organic agriculture

? Provide additional funds from the budget to assist in implementing the above measures coupled with ensuring a fair and just job transition strategy for workers and communities affected.

Enhance programs for energy conservation, energy efficiency, and for renewable sources of energy, and for conserving and restoring carbon sinks.

Move away from car-dependency, reducing the ecological footprint, and promoting environmentally sound energy and transportation.

Canada continues to demonstrate its lack of resolve to address seriously and to discharge honestly its international obligations related to climate change, and until Canada is willing to fulfill these obligations through enactment of the necessary legislation with mandatory standards and regulations, little substantial change will occur to reduce the greenhouse gases and to conserve the carbon sinks both of which are essential for addressing climate change.

Report on Obligations under the Climate Change Convention and under the Chapter on Atmosphere in Agenda 21: "

? The Climate Change Convention was signed (June, 1992) and ratified by Canada (December, 1992) and this legally binding document has now come into force, March, 1994.
? Chapter 9 on Atmosphere in Agenda 21 was adopted by consensus by the states represented at UNCED.
? Chapter 6 on Protection of health in Agenda 21 was adopted by consensus by states represented at UNCED

REPORT CARD ON CANADA'S COMPLIANCE OR NON COMPLIANCE WITH THE FRAMEWORK CONVENTI9N ON CLIMATE CHANGE

1. PRECAUTIONARY PRINCIPLE
? The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. (Climate Change Convention)
O A B C D E F

2. COMMITMENT TO ALTERNATIVE TRANSPORTATION
" develop appropriate pollution control technology on the basis of risk assessment and epidemiological research for the introduction of environmentally sound production processes and suitable safe mass transport 6.42. a) i. Protection of health, Agenda 21)
O A B C D E F

3. DEVELOPMENT OF SAFE AND MORE EFFICIENT AND LESS POLLUTING TRANSPORTATION SYSTEM
"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere, Agenda 21)
O A B C D E F

4. DOCUMENTING SOURCES AND SINKS
? Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties; 4. (a)
(Climate Change Convention)
O A B C D E F

5. CONSERVATION AND ENHANCEMENT OF SINKS (INCLUDING OLD GROWTH FOREST)
? The conservation, sustainable management and enhancement, where appropriate, of all sinks for greenhouse gases; (Atmosphere Chapter, Agenda 21)

O A B C D E F

6. LIMITATION OF ANTHROPOGENIC EMISSIONS
? Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs (Climate Change Convention)
O A B C D E F

Please send results to j.russow@shawlink.ca

Proposed alternative Plata del Mar Declaration for the Summit of the Americas 

Peace News
Thursday, 03 November 2005 00:57

Proposed Alternative Mar del Plata Declaration for the Summit of the Americas

US MILITARISM AND US Contribution to GLOBAL INSECURITY

Joan Russow (PhD)

Global Compliance Research Project

The US Ballistic missile scheme and many other actions by the US, and other states, by corporations, by institutions, and individuals have provoked directly or indirectly conflict around the world.

Time to condemn: the following are 52+ actions, primarily those of the US administration and US corporations but aided and abetted by institutions and individuals, that have to be addressed if the global community is to eliminate global insecurity and to be able to promote true security: common security.

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Time to condemn: the following are 52+ actions, primarily those of the US administration and US corporations but aided and abetted by institutions and individuals, that have to be addressed if the global community is to eliminate global insecurity and to be able to promote true security: common security.

(i) engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan, and "Operation Iraqi Freedom" against Iraq

(ii) promoted the spread of Evangelical Christianity around the world, undermining local indigenous cultures, and instilling fear through the dangerous, and absurd belief in the "rapture", "Armageddon" and "left behind" and denigrating other established beliefs and practices

- catered to the fundamentalists inspired by Ed McAteer, recently raptured, who in 1983 stated that "nuclear weapons are part of God's design;

- promulgated premillennial dispensationalism"end times" scenario which has serious irreversible consequences.

(iii) propped and financed military dictators that furthered its vested national interests and targeted and assisted in the assassination of leaders of other sovereign states, who interfered with US national interests.

(iv) continued to maintain over 750 military bases in sovereign states around the world, and to circulate nuclear powered or nuclear arms capable vessels throughout the world, and to berth these vessels in urban ports

(v) produced weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction.

(vi) opposed disarmament, and profited more than any other country on the sale of arms

Recognizing the impact on development of enormous amount of material and human resources expended on the arms race

...In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)

(vii) planted land mines throughout the world, and failed to sign and ratify the

in disregard of the 1981 Convention on Prohibition or restriction on the Use of Mines, Booby Traps and other devices;

Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or

Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000

(viii) withdrew from the Nuclear Non Proliferation Treaty, and not only failed, as a nuclear arms power, to reduce nuclear weapons as agreed under Article VI but also has resumed development of nuclear weapons (Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.)

and

- failed to link civil nuclear energy with the development of nuclear arms

[Canada selling uranium to the US-probably a little bit of uranium in every one of the US nuclear bombs)

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control (draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

(ix) used weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II

Prohibiting or restricting use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Recalling with satisfaction the adoption, on 10 October 1980, of the

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

(x) continued to support NATO'S first strike policy, and uses its control over NATO to circumvent the United Nations, and opposed the disbanding of NATO

(xi) perceived justice in terms of revenge through military intervention rather than seeking justice from the International Court of Justice,

and misconstrued Art 51 (self defence) of the Charter of the United Nations to justify premeditated non provoked military aggression

by illegally invading against Afghanistan

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

The fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI --peaceful resolution of disputes of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the requirement under article 37 to take potential situations of conflict to the International Court of Justice

(xiii) misconstrued prevention of war by adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign states that are designated as being on the axis of evil, by illegally invading Iraq in violation of

the UN Charter article 2 and international law and has committed the

'supreme' international crime of a war of aggression

The fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the requirement under article 37 to take potential situations of conflict to the International Court of Justice

(xiv) attempted to undermine the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes other members of the United Nations)

The UN Security Council which is an affirmative action program for nuclear powers violates the fundamental principle of the sovereign equality enshrined in the un charter. removal of chapter vii, and strengthening the role of the UN General Assembly should be disbanded.

and undermined the use of the Uniting for Peace resolution to prevent the scourge of war. by intimidating the members of United Nations General Assembly into not holding an emergency session of the UN General Assembly under the Uniting for Peace resolution

1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefore. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations; (1951, Uniting for peace resolution)

(xv) participated in the assassination of or assassinated state leaders who interfere with US interests or who are deemed to be a potential threat 9-1-73 (in Chile);

(xvi) promulgated propaganda for war in violation of the International Covenant of Civil and Political Rights;

(xvii) ignored the provisions in the Convention on the Right to Correction which affirmed:

",,, to protect mankind [humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression;

(xviii) failed to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms);

(xix) demonstrated disdain for the international rule of law, and refused to accept the jurisdiction or decision of the International Court of Justice;

(xxiv) disregarded obligations incurred through conventions, treaties, and covenants; and made commitments through conference action plans related to Common security - peace, environment, human rights and social justice;

(xx) failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Common Security international Conventions, Covenants and Treaties;

(xxi) undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to Common Security -peace, environment, human rights and social justice;

(xxii) failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions;

(xxiii) extended "human security" to mean "humanitarian intervention" and "Responsibility to protect have become a licence to intervene militarily in the name of humanitarian intervention; these expressions are used to legitimize military intervention;

(xxiv) violated Geneva conventions on the treatment of civilians, and has violated both international human rights and humanitarian law during the occupations of both Iraq and Afghanistan;

Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations

shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent sever losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)

Protecting victims of International armed conflicts

? Protected persons are entitled, in all circumstances, to respect

for their persons, their honour, their family rights, their religious

convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

? Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

? Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)

Prohibiting the starvation of civilians through attacking objects indispensable to the survival of civilian population

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

(xxv) violated the Convention against Torture through Cruel, Inhumane or Degrading Treatment or Punishment

counseling other parties to engage in torture, through being a party to the offence of

torture, and through counseling another person to be a party to the offence of torture in Guantanamo Bay prison, and in Abu Ghraib prison; and through the act of ?rendering? ? sending individuals to countries that engaged in torture

(xxvi) engaged in cruel and inhumane punishment through the practice of capital punishment, in violation of accepted international norms

(xxvii) promulgated globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law, and condoned and actively facilitated corporations benefiting and profiting from war;

(xxviii) advocated and supported IMF structural adjustment program, and exploited vulnerable and indigenous peoples around the world;

(xxix) opposed an international commitment to transfer .7% of the GDP for overseas aid, and the canceling of third world debt;

(xxx) promoted the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research;

(xxxi) promulgated globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law;

(xxxii) subsidized and invested in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment;

(xxxiii) failed to ensure that corporations, including transnational corporations comply .. with international law, and to revoke charters of corporations that violate human rights, destroy the environment, denies social justice and contributes to war and conflict;

(xxxiv) opposed Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and supported corporate "voluntary compliance";

(xxxv) failed to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment;

(xxxvi) promoted the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research;

(xxxviii) contributed to environmentally induced diseases and poverty related health problems and denied universal access, to publicly funded not for profit health care system;

(xxxix) produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992;

(xl) produced, promoted, grown or approved genetically engineered foods and crops and led to a deterioration of the food supply, and heritage seeds;

(xl)i disregarded obligations to not defeat the purpose of the Convention on Biological Diversity which the US has signed but not yet ratified;

(xlii) ignored the warnings of the Intergovernmental panel on Climate change, disregarded obligations under the Framework Convention on Climate Change (to which the US is a signatory) and refused to ratify the Kyoto Protocol;

(xliii) discriminated on the following grounds:

- race, tribe, or culture;

- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);

- gender, sex, sexual orientation, gender identity, marital status, or form of family,

- disability or age;

- religion or conviction, political or other opinion, or - class, economic position, or other status;

(xliv) denied women's reproductive rights, in contravention of commitments made under the International Conference on Population and Development;

(xlv) denied fundamental rights through the imposition of religious beliefs;

(xlvi) enacted anti-terrorism legislation that violates civil and political rights, and engaged in racial profiling

(xlvii) targeted and intimidated activists and discriminated on the grounds of political and other opinion (a listed ground in the International Covenant of Civil and Political Rights- to which the US is a signatory):

The FBI has included the following in their designation of terrorists:

"... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process."

"Anarchists and extremist socialist groups -- many of which, such as the Workers? World Party, Reclaim the Streets, and Carnival Against Capitalism -- have an international presence and, at times, also represent a potential threat in the United States. For example, anarchists, operating individually and in groups, caused much of the damage during the 1999 World Trade Organization ministerial meeting in Seattle."

"Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect more widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including, the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other political and social movements."

(xlviii) failed to distinguish legitimate dissent from criminal acts of subversion;

(xlix) engaged in racial profiling;

(l) discriminated against immigrants, and failed to sign the Convention for the Protection of Migrant Workers and their Families;

(li) Continued to be an international rogue state, intruding and intervening, unilaterally and abandoning multilateralism;

(lii) Undermined the notion of democracy by couching a plutocracy/theocracy in democratic notions of "freedom";

Perpetuated a double standard by castigating states that harbour terrorists while condoning the harbouring of terrorists on its own territory, and by decrying the proliferation of weapons of mass destruction while maintaining the largest arsenal of weapons of mass destruction

Opposed the proposal to Move the United Nations from the United States, because of the disregard, by the current administration of the United States for International law and institutions, and because of the discriminatory access to visas and thus to wide participation in International conferences taking place in the United Nations based in the United States.

Solutions have never resided in the fragmentation of issues; if real global change is to occur this change will be found in a willingness to address the complexity and interdependence of issues.

True security- is not collective security?, or "human security" which has been extended to "humanitarian intervention" and used along with the "responsibility to protect" notion to justify military intervention in other states.

True security is common security and involves the following objectives:

? to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, right to education and social justice;

? to enable socially equitable and environmentally sound employment, and ensure the right to development;

? to achieve a state of peace, social justice and disarmament; through reallocation of military expenses

? to create a global structure that respects the rule of law ; and

? to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of over-consumptive development.

For years, through conventions, treaties and covenants, through Conference Action plans, and through UN General Assembly resolutions, member states of the United Nations have incurred obligations, made commitments and created expectations related to the furtherance of Common Security.

Sumas II denied: the trans-boundary principle affirmed 

Earth News
Thursday, 10 November 2005 23:50

Sumas II denied the trans-boundary principle affirmed

Global Compliance Research Project - Joan Russow - There is no legitimate ground for appeal of the recent decision of the Federal Court of Appeal, against the Sumas II Project. It was clear from the beginning of the application that although the plant was located in the US, there would be trans-boundary environmental consequences in Canada, and consequently a ruling from the Canadian National Energy Board against the Sumas II project was justified.

www.pej.org

Sumas denied the trans boundary principle affirmed
Joan Russow

Global Compliance Research Project
November 11, 2005

If the United States recognized international law related to the environment, not only when it is in their own self interest, the Sumas II application would have been denied as soon as Canada had raised concerns about the trans-boundary environmental impact.

Years ago the United States effectively and successfully used the Trans-boundary principle to sue the Canadian Company Cominico for the environmental destruction, in the US, caused by the Canadian company which operated solely in Canada. The essence of the trans-boundary principle is that states are legally responsible for the environmental impact, on other states, of the industrial activities under the

jurisdiction.

The Cominco case is considered to be the foundation for the extremely important international principle: the trans-boundary principle. The principle has been affirmed in numerous international agreements and is a principle of international customary law and thus should be enshrined in National legislation.

The principle was affirmed in the Convention on the Law of Seas

"states shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention." (Art. 194. 2., Law of the Seas, 1982)

Even in the NAFTA, the trans-boundary principle was considered binding. Under article 104.1 t of NAFTA the
Basel convention on the Control of trans-boundary Movement of Hazardous Wastes and their disposal (1989) was one of three international agreements that was accepted as taking precedent over NAFTA. The trans-boundary principle is prominent in the Basil convention.

In addition, the liability in accordance with international law is recognized:

?.related to their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law (Preamble Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, 1992);

The trans-boundary principle was also affirmed in the 1994 Convention on the Environmental Impact assessment in a trans-boundary Context.

Mindful of the need and importance to develop anticipatory policies and of preventing, mitigating and monitoring significant adverse environmental impact in general and more specifically in a trans-boundary context (11.9.Convention on Environmental Impact Assessment in a Trans-boundary Context, 1994)

If the United States recognized international public trust law related to the environment, not only when it is in their own self interest, the Sumas II application would have been denied as soon as Canada had raised concerns about the trans-boundary environmental impact.

[in 1998, I made a submission on the Trans-boundary Principle, at the Sumas hearing in Bellingham]

2005 Anti - WTO Hong Kong Ministerial Declaration 

Justice News
Wednesday, 23 November 2005 10:16

DRAFT

2005 ANTI WTO HONG KONG MINISTERIAL DECLARATION

CITIZEN'S COMMON SECURITY DECLARATION:

AN ALTERNATIVE TO THE WTO

CALL FOR THE DISMANTLING OF THE WTO

Circulated by the Global Compliance Research Project

Contact: Joan Russow (PhD)

j.russow@shawlink.ca

We are now living in the wake of negligence from years of institutional collusion among governments, financial institutions, corporations, academic establishments and the military. The WTO along with other trade agreements, organizations and institutions has been instrumental in fostering this collusion to the

detriment of the global community through undermining public trust international law and civil society.

The purpose of this Declaration is to demand that governments end the devolution of power to corporations, and to call upon governments to discharge the obligations incurred through treaties, covenants and conventions, to act on the commitments from conference action plans and to fulfill the expectations created through United Nations General Assembly resolutions and declarations related to true security.

True security is ?common security? with the following objectives:

? to establish a ?new international economic order?, and to regulate corporations including transnational Corporations and to further free trade
? to achieve a state of peace, and disarmament; through reallocation of military expenses

? to promote and fully guarantee respect for human rights including civil and political rights, and the right to be free from discrimination on any grounds

? to enable socially equitable and environmentally sound employment, and ensure the right to development and social justice; labour rights, social and cultural rights- right to food, right to safe drinking water and sewage treatment, right to housing, right to universally accessible not for profit health care system, and the right to education

? to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint ,and move away from the current model of over-consumptive development.

? to create a global structure that respects the rule of law and the International Court of Justice;

To further Common Security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, made commitments through Conference Action plans, and created expectations through UN General Assembly resolutions, and declarations. Member states of the United Nations have incurred obligations, made commitments and created expectations

Member states of the United Nations, including member states of the WTO, made the following commitments that would justify the dismantling of the WTO:

NEW INTERNATIONAL ECONOMIC ORDER

(1) To establish a New International Economic Order based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generation... (Preamble, Declaration on the Establishment of a new international economic order, 1974)

Regulation of transnational corporations

(2) regulate and supervise activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New International Economic Order,1974)

(3), to ensure that corporations including transnational corporations

comply with national codes, social security laws, and international law,

including international environmental law" (Platform of Action at the UN

Conference on Women: Equality, Development and Peace, Beijing, 1995,

(4) to ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws] (Habitat II Agenda, Istanbul, 1996);

(5) to Implement International Code of Conduct for transnationals

corporations (V. regulation and control over the activities of transnational corporations programme of Action on the Establishment of a New International Economic Order, 1974)

Impact of inequitable distribution of resources

(6) to acknowledge that poverty is closely related to inappropriate spatial distribution of population, to unsustainable use and inequitable distribution of such natural resources as land and water, and to serious environmental degradation (3.13., International Conference on Population and Development, 1994)

(7) to ensure full and effective participation of developing countries in all phases of decision-making for the formulation of an equitable and durable monetary system and adequate participation of developing countries in all bodies entrusted with this reform and, particularly, in the proposed Council of Governors of the International Monetary Fund (1d., International monetary system... Programme of Action on the Establishment of a New International Economic Order, 1974)

(8) to Regulate and supervise the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New International Economic Order,1974)

Assistance to developing countries

(9) to extend active assistance to developing countries by the whole international community, free of any political or military conditions (4 k., Declaration on the Establishment of a New International Economic Order, 1974)

(10) to recognize that despite decades of development efforts, both the gap between rich and poor nations and the inequalities within nations have widened. Serious economic, social, gender and other inequities persist and hamper efforts to improve the quality of life for hundreds of millions of people. The number of people living in poverty stands at approximately 1 billion and continues to mount. (3.11.International Conference on Population and Development, 1994)

HUMAN RIGHTS

Prohibition of discrimination

(11) to affirm that persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

(12) to prevent the gross and systematic violations of human rights.., as well as torture and cruelty, inhuman and degrading treatment and punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights,, religious intolerance, terrorism, discrimination against women and lack of the rule of law (C. 30 World Conference

civil and political rights

(13) To protect the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his [his/her] choice... [Art 19, International Covenant on Civil and Political Rights, 1966)

(14) to affirm that everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religious belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching as long as the expression of thought does not interfere with the rights of others (Art. 18., Civil and Political Covenant, 1966)

(15) to guarantee human rights and prevent discrimination on any grounds as affirmed in the following international instruments:

(i) Art. 2, The Universal Declaration of Human Rights, 1948;

(ii) Art. 2, The Universal Declaration of Human Rights, 1948;

(iii) Art. 27, Convention Relative to the Protection of Civilian Persons in Time of War, 1949);

(iv) Art.1.1, International Convention on the Elimination of all Forms of Racial Discrimination, 1965;

(v) Art. 2, International Covenant of Civil and Political Rights, 1966);

(vi) Art. 2International Covenant of Social, Economic and Cultural rights 1966, in force, 1976;

(vii) Art. 7, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;

(viii) Art. 2, Declaration on the Rights of Disabled Persons 1975;

(ix) Art. 2, Convention on the Rights of the Child, 1989;

(x) Principle 1.4, Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991.

(16) to prevent the use of scientific and technological developments, particularly by the State organs, to limit or interfere with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights the International Covenants on Human rights and other relevant international instruments (Art. 2. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

(17) To promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization human rights and freedoms in accordance with the Charter of the United Nations (Art. 1. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

(18) To note that scientific and technological achievement could entail dangers for civil and political rights of the individual or of the group and for human dignity (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

women?s rights as human rights

(19) to affirm that Women and men have an equal right and the same vital interest in contributing to international peace and co-operation. Women should {shall] participate fully in all efforts to strengthen and maintain international peace and security and to promote international co-operation, diplomacy, the process of detente, disarmament the nuclear field in particular, and respect for the principle of the Charter of the United Nations, including respect for the sovereign rights of States, guarantees of fundamental freedoms and human rights, such as recognition of the dignity of the individual and self-determination, and freedom of thought, conscience, expression, association, assembly, communication and movement without distinction as race, tribe, colour, sex, language, religion, political or other opinion, national or social origin property, birth, , or other status (Principle 1, International Conference on Population and Development, 1994)

labour rights

(20) to affirm the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his/her economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others (Art. 8. 1. a, International Covenant of Civil and Political Rights, 1966)

(21) to ensure the right to strike in conformity with the law

the right to strike, provided that it is exercised in conformity with

the laws of the particular country (Art. 8. 1.d International Covenant of Civil and Political Rights, 1966)

(22) to recognize the right to work, which includes the right of everyone to the

opportunity to gain his/her living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right (Art. 6. 1. International Covenant of Civil and Political Rights, 1966)

(23) to affirm labour rights, protesting against the undermining of labour rights. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (Article 11.1 d. Convention on the Elimination of All Forms of Discrimination Against Women)

(24) to assure the right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively; promotion of full productive employment and elimination of unemployment under employment; establishment of equitable and favourable conditions of work for all, including the improvement of health and safety condition assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum to ensure a decent standard of living; the protection of the consumer; (article 10 a, Declaration on Social Welfare, Progress and Development)

(25) to recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

? remuneration which provides all workers, as a minimum, with:

? fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work (a) (i);

? a decent living for themselves and their families in accordance with the provisions of the present Covenant (a) (ii); safe and healthy working conditions (b);

? equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence... (Art. 7 International Covenant of Civil and Political Rights, 1966).

(26) to assure at all levels of the right to work and the right of everyone to form trade

unions and workers' associations and to bargain collectively; promotion of full productive employment and elimination of unemployment under employment; establishment of equitable and favourable conditions of work for all, including the improvement of health and safety condition assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum to ensure a decent standard of living; the protection of the consumer; (article 10 a, Declaration on Social Welfare, Progress and Development)

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? remuneration which provides all workers, as a minimum, with:

? fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work (a) (i);

? a decent living for themselves and their families in accordance with the provisions of the present Covenant (a) (ii); safe and healthy working conditions (b);

? equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence...

(Art. 7 International Covenant of Civil and Political Rights, 1966).

rights of persons with disabilities

(29) to ensure that disabled person shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other opinions, national or social

origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}.

rights of indigenous peoples

(30) to adopt special measures as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. (Art. 4., Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

(31) to ensure that Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples. (Art. 3 Convention Concerning Indigenous and Tribal Peoples in Independent Countries No. 169, 1990)

(32) to affirmed that the peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly. (Art. 7.1. Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

(33) to recognize that the lands of indigenous people peoples and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3. ii., Indigenous People[s], Agenda 21, UNCED, 1992)

(34) to recognize that the lands of indigenous peoples [shall] be protected from activities that are environmentally unsound or culturally inappropriate

(35) to recognize that the lands of indigenous people peoples and their communities should shall be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3.a.ii, Indigenous People[s],, Agenda 21, UNCED, 1992)

Rights of the child

(36) to recognize the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world

(Preamble, Convention on the Rights of the Child, 1989)

(37) to respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, tribe, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.(Art. 2, Convention on the Rights of the Child, 1989)

Rights of migrant workers

(38) to undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property,

marital status, birth or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

Rights of refugees

(29) to accord to refugees the same treatment as is accorded to [citizens] generally. (Article 7, 1., Convention Relating to the Status of Refugees,1951).

(30) to accord to refugees the same treatment as is accorded to nationals with respect to elementary education (Art. 22. 1. Convention Relating to the Status of Refugees, 1951).

SOCIAL JUSTICE:

(31) to contain a long-term strategy aimed at establishing the best possible conditions for sustainable local, regional and national development that would eliminate poverty and reduce the inequalities between various population groups. It should assist the most disadvantaged groups - in particular, women, children and youth within those groups - and refugees. The groups will include poor small holders, pastoralists, artisans, fishing communities, landless people, indigenous communities, migrants and the urban informal sector (3.5. c., Combating Poverty, Agenda 21, UNCED, 1992)

right to development

(32) to reaffirm their commitments to reach the accepted United Nations target of 0.7 per cent of GNP for ODA and, to the extent that they have not yet achieved that target, agree to augment their aid programmes in order to reach that target as soon as possible and to ensure a prompt and effective implementation of Agenda 21. (Chapter 33, 33.15 Agenda 21, UNCED)

(33) to fulfill the right to development so as to equitably meet developmental and environmental needs of present and future generations. (Principle 3, Rio Declaration, UNCED, 1992)

right to quality of life or standard of living

(34) to provide access to safe and healthy shelter [which] is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of national and international action. The right to adequate housing

as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights (7.6, Settlement, Agenda 21, UNCED, 1992)

(35) to recognize the right of everyone to an adequate standard of living. for himself [herself] and his [her] family, including adequate food, clothing and housing and to the continuous improvement of living conditions. the states parties will take [appropriate~] steps to ensure the realization of this right recognizing to this effect the essential importance of international co-operation based on free consent (Art.11.1, International Covenant of Social Economic and Cultural Rights, 1966)

(36) to affirm the right [of persons] to an adequate standard of living for themselves and their families including adequate food, clothing, housing, water (Principle 2. International Conference on Population and Development, 1994)

(37) to take into consideration that, while scientific and technological developments provide ever-increasing opportunities to better the conditions of life of peoples and nations, in a number of instances they can give rise to social problems, as well as threaten the human rights and fundamental freedoms of the individuals (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

right to housing

(38) to provide access to safe and healthy shelter [which] is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights... (7.6., Settlement, Agenda 21, UNCED, 1992)

right to be free from hunger

(39) to proclaim the inalienable right to be free from hunger and malnutrition

Every man, woman and child has the inalienable right to be free from hunger and

malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Sect. 1.9.Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

(40) to proclaim that a fundamental responsibility of Governments to work together for higher food production and a more equitable and efficient distribution of food between countries and within countries. Governments should initiate immediately a greater concerted attack on chronic malnutrition and deficiency diseases among the vulnerable and lower income groups. In order to ensure adequate nutrition for all, Governments should formulate appropriate [shall ensure] food and nutrition policies [are] integrated in overall socioeconomic and agricultural development plans based on adequate knowledge of available as well as potential food resources (Sect. 2.10., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

(41) to undertake activities aimed at the promotion of food security and, where appropriate, food self-sufficiency within the context of sustainable agriculture (3.7.l., Combating Poverty, Agenda 21, UNCED, 1992)

(42) To assure the proper conservation of natural resources being utilized, or which might be utilized, for food production, all countries must collaborate in order to facilitate the preservation of the environment, including the marine environment. (Sect. 8., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

(43) to call upon all peoples expressing their will as individuals, and through their Governments, and non-governmental organizations to work together to bring about the end of the age old scourge of hunger. (Art. 8, Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

(44) to proclaim the inalienable right to be free from hunger and malnutrition

Every man, woman and child has the inalienable right to be free from hunger and

malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Sect. 1.9.Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

(45) to proclaim a fundamental responsibility of governments is to work to work together for higher food production and a more equitable and efficient distribution of food between countries and within countries. Governments should initiate immediately a greater concerted attack on chronic malnutrition and deficiency diseases among the vulnerable and lower income groups. In order to ensure adequate nutrition for all, Governments should formulate appropriate [shall ensure] food and nutrition policies [are] integrated in overall socioeconomic and agricultural development plans based on adequate knowledge of available as well as potential food resources (Sect. 2.10., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

* right to food

(46) to Undertake activities aimed at the promotion of food security and, where appropriate, food self-sufficiency within the context of sustainable agriculture (3.7.l., Combating Poverty, Agenda 21, UNCED, 1992)

(47) to eradicate poverty and hunger, greater equality and equity in income distribution and human resources development remain major challenges everywhere. The struggle against poverty is the shared responsibility of all countries (3.1., Combating Poverty, Agenda 21, 1992)

(48) to Provide the poor with access to fresh water and sanitation (3.7. p., Combating Poverty, Agenda 21, UNCED, 1992)

right to education

(49) To affirm that everyone has the right to education. Education shall be free, at least in the elementary and fundamental states. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (Art. 26. 1. Universal Declaration of Human Rights, 1948)

(50) to recognize that, with a view to achieving the full realization of this right [right to education]:

(a) primary education shall be compulsory and available free to all;

(b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) higher education shall be made equally accessible to all, on the basis of capacity by every appropriate means, and in particular by the progressive introduction of free education

(d) fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. (Art. 2. International Covenant of Social, Economic and Cultural Rights, 1966)

(51) to develop broad-based education programmes that promote and strengthen respect for all human rights and fundamental freedoms, including the right to development promote the values of tolerance, responsibility and respect for the diversity and rights of others, and provide training in peaceful conflict resolution, in recognition of the United Nations Decade for Human Rights Education (1995-2005, Commitment 6, ICPD)

(52) to Recognize that for the effective implementation of the right to education the

eradication of illiteracy has a particular priority and urgency

, (GA Resolution. The right to education 37/178 17 December 1982)

(53) to recognize that for the effective implementation of the right to

education the eradication of illiteracy has a particular priority and urgency, Convinced that the educational process could bring a substantial contribution to social progress, national development, mutual understanding and co-operation among peoples and to strengthening peace and international security, (GA Resolution. The right to education 37/178 17 December 1982)

(54) to affirm that everyone has the right to education. Education shall be free, at least in the elementary and fundamental states. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (Art. 26. 1. Universal Declaration of Human Rights, 1948)

(55) to promote and attain to the goals of universal and equitable access to quality education, the highest attainable standard of scholarly, academic, ethical, physical and mental health, and universal access of all

****2006
October

d in 1992 at UNCED

In 1992, all member states recognized that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member states of the United Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

The Summit will succeed if all states immediately undertake to reallocate the current annual 1` trillion dollar military budget to end the cycle of error and promote common security.

True security is common security- peace, environment and social justice embodies the following actions:

- to promote and fully guarantee respect for human rights, including the right to security,

civil and political rights, and tolerance of difference

- to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of over-consumptive development.

- to achieve a state of peace, justice and security;

- to reallocate the global military expenses to enable social justice,

- to guarantee labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to health care, right to education and social justice;

- to create a global structure that respects the rule of law; and rights of citizens

here must be the force of compliance to eliminate global insecurity and to achieve true security common security

In 2005, on the 60 anniversary of the United Nations, member states must undertake to reallocate the global military budget to further global common security and end the cycle of war and violence and destruction.

2005 World Summit: Global Declaration of Common Security 

Peace News
Tuesday, 13 September 2005 03:00

Justice News
Sunday, 24 April 2005 06:08 
The Gomery Inquiry: Tip of the Corruption Iceberg, PEJ News Joan Russow PhD: For years, the attribution of "corruption" in politics was generally reserved by the governments of the North to describe with derision the governments of the South. The North was wrongly deemed to be above corruption. With the Gomery Inquiry into the Sponsorship Scandal, the term "corruption" is receiving the recognition it deserves. But what constitutes "corruption". For years, primarily with the Liberal Party, Conservative party, and the Reform Party through all its transformations have been willing to accept donations from the Corporate establishment. It was never a co-incidence that the formulation of party policies, platforms and positions, as well as the distribution of government grants and contributions were closely aligned with the corporate donors. The Gomery Inquiry: Tip of the Corruption Iceberg
Joan Russow PhD

For years, the attribution of "corruption" in politics was generally reserved by the governments of the North to describe with derision the governments of the South. The North was wrongly deemed to be above corruption. With the Gomery

Inquiry into the Sponsorship Scandal, the term "corruption" is receiving the recognition it deserves. But what constitutes "corruption”. For years, primarily with the Liberal Party, Conservative party, and the Reform Party through all its transformations have been willing to accept donations from the Corporate establishment. It was never a co-incidence that the formulation of party policies, platforms and positions, as well as the distribution of government grants and contributions were closely aligned with the corporate donors.

When a content analysis is carried out of corporate donations that have been disclosed through Election Canada , there is evidence that the parties (Liberals, Reform, Canadian Alliance, Progressive Conservatives and "not so progressive? Conservative) are supported individually or collectively by the following categories of corporations: banks and other financial institutions, tobacco, coal, oil, gas, automobile, forest, chemical, mining, uranium, nuclear, arms producers, agribusiness, pharmaceutical, and the gun lobby.

In parliament, the correlation between donations to the Liberals and grants and contributions given to corporations through the Human Resources Department, and more recently through Public Works has been given media profile.

What has not been sufficiently profiled in the media is the correlation, between corporate donations to political parties and the formulating of the policy of these political parties. For example, have these parties whether in government or opposition, federally or provincially been strong advocates of the following:

* addressing climate change through phasing out fossil fuel dependency, through moving away from car dependency, through conserving carbon sinks, and through promoting safe environmentally sound energy alternatives; and preventing loss -a reduction of Biodiversity

[Note: that it was the Conservative party under Mulroney that bound Canada and the provinces in 1992 in signing and ratifying the Framework Convention on Climate Change and the Convention on Biological Diversity , and then failed to implement the necessary legislation to ensure compliance]

* banning socially inequitable and ecologically unsound practices while instituting a fair and just transition program for affected workers and communities,

* ensuring a publicly funded, not for profit, universally accessibly health care system with emphasis on prevention of environmentally induced illnesses, and poverty related health problems;

* recognizing that disarmament and reduction of the military budget are necessary conditions of security and development; reducing the military budget and military contracts by at least 60% and transferring the peace dividend

[During both Conservative and Liberal governments, the government defence budget has been at least 10% of funds available for programs]

* banning and phasing out uranium mining, the circulating and berthing of nuclear powered and nuclear arms capable vessels and prohibiting support for the civil nuclear energy industry and the nuclear arms industry;

* calling for disbanding of NATO, for abrogating of NAFTA, for discontinuing negotiations of the FTAA, and for dismantling of the WTO;

* banning genetically engineered foods and crops, converting agribusiness to chemically-free organic agriculture, and instituting a fair and just transition program for farmers and communities affected by the conversion;

* enforcing regulations and banning practices that have contributed land, air, and water pollution

* guaranteeing human rights, including civil and political rights, women's rights, indigenous rights, rights of migrant workers,

* ensuring social justice, and economic, social and cultural rights, including labour rights, the human right to safe drinking water, the human right to housing, and the human right to unadulterated food.

* enacting the necessary legislation to fully ensure compliance with obligations incurred through conventions, treaties, and covenants; with commitments made through conference action plans, and expectations created through United Nations General Assembly declarations and resolutions.

* refusing to spend billions on supporting ill-conceived military interventions: the Conservatives in 1991 in Iraq, the Liberals, in 1998, in Iraq, in 1999 (Yugoslavia); in 2001 (Afghanistan),

[Obviously if the Conservatives had been in power, 2003 (Iraq)]

Peace News
Tuesday, 11 April 2005 01:34

Afghanistan -a victim of US revenge and the "take note but no vote" Conservative policy.

The Canadian government is continuing to support the US act of revenge against Afghanistan.
Re: “take note but no vote” Conservative government.
The Canadian government is continuing to support the US act of revenge against Afghanistan.

Already the Conservatives have violated a commitment made in the Speech from the throne: The Commitment to consult with parliament prior to taking positions on international issues. The “take note but no vote” policy perpetuates the vacuous consultation exercises that governments have undertaken with civil society. For years feigned consultation processes have been engaged in with civil society; often after the decision has already been made, or after narrow terms of reference have been established.

In the debate, the Conservatives were continually suggesting that the invasion of Afghanistan was sanctioned by the United Nations. The UN Security Council never supported the invasion of Afghanistan; thus, under international law it was an illegal act of aggression.

The US used Article 51- self defence- in the UN Charter to attempt to justify the invasion. Few lawyers would agree that the international criteria for invoking self defense would have been met.

Canada’s participation in the invasion was an act of appeasement to the US for Canada’s decision not to join the coalition of the coerced in Iraq.

I wrote this comment in September 2001:

20 September 2001

Rule of international law and global justice, not revenge, must prevail

Joan Russow PhD
Global Compliance Research Project
Victoria, BC. Canada

In the face of human disaster, the calls for revenge and retribution are predictable but these calls should be resisted. The rule of international law, must be respected. For too long many member states of the United Nations have failed to respect the International Court of Justice in the Hague. States like the US have refused to accept the jurisdiction of the international Court, and when the US does accept the jurisdiction, the US refuses to accept the decision of the court (1988 ruling against the US planting land mines in Nicaragua). In 1999, ten NATO countries including Canada and the US refused to accept the jurisdiction of the International Court of Justice when Yugoslavia brought the NATO countries to the Court for violation of international law.

The United States should demand justice through international law, rather than perpetuate the cycle of revenge. Canadian Foreign Affairs Minister Manley in question period Wednesday September 19, claimed that there was no recourse through international law because the International Criminal Court proposal has not yet received the 60 signatures required for its implementation. The US is one of the countries that

has refused to sign. On the other hand, the international Court of Justice has existed for over 50 years and is responsible for hearing cases brought to it by member states of the UN.

Francis Boyle, an American specialist in international law, is supporting the use of the International Court of Justice. He affirms the following:

"The 1971 Montreal Sabotage Convention is directly on point here, and provides a comprehensive framework for dealing with the current dispute between the United States and Afghanistan over the tragic events of 11 September 2001. Both States are contracting parties to the Montreal Sabotage Convention, together with 173 other States in the World. The United States is under an absolute obligation to resolve this dispute with Afghanistan in a peaceful manner as required by UN Charter Article 2(3) and Article 33 as well as by the Kellogg-Briand Pact of 1928, as well as in accordance with the requirements of the Montreal Sabotage Convention -- all of which treaties bind most of the States of the World. In addition, the United States should offer to submit this entire dispute to the International Court of Justice in The Hague (the so-called World Court) on the basis of the Montreal Sabotage Convention, and should ask the Government of Afghanistan to withdraw its Reservation to World Court jurisdiction as permitted by article 14(3) of the Montreal Sabotage Convention.?

*PEJ TIME TO DEBUNK MULRONEY AS AN ENVIRONMENTALLY ENLIGHTENED CANADIAN PRIME MINISTER

Earth News
Wednesday, 19 April 2005

Time to Debunk Mulroney as an Environmentally Enlightened Canadian Prime Minister PEJ News - Joan Russow - Some environmentalists have claimed that the Mulroney Conservative government (in power 1985-1993) demonstrated environmental enlightenment. It is time the myth about Mulroney' s environmental enlightenment was dispelled not perpetuated.

Mulroney demonstrated environmental rhetoric but with questionable consequences and follow-up actions.

http://PEJ.org
Time to debunk Mulroney as an environmentally enlightened Canadian Prime Minister

Joan Russow (PhD)
Global Compliance research Project

Some environmentalists, including Elizabeth May, have claimed that the Mulroney Conservative government (in power 1985-1993) demonstrated environmental

enlightenment. It is about time the myth about Mulroney' s environmental enlightenment was dispelled not perpetuated.

Mulroney demonstrated environmental rhetoric but with questionable consequences and follow-up actions.

-1985 Mulroney entered into the Free Trade Agreement, and facilitated the increased environmental damage from US control of Canada's natural resources, from voluntary compliance, and from relaxing of environmental regulations to attract industry.

- Then in 1987 he was among the first on the bandwagon of "sustainable development" as described in the Brundtland report. With the involvement of GATT (General Agreement on Tariffs and Trade), and the global corporate sector, "Sustainable Development" became a euphemism for business as usual with environmental clean-up and green wash.

- his government embarked on the first trials for genetically engineered foods and crops in 1988 leading towards serious consequences for the environment and health as well as environmental devastation of Canadian agriculture

- in 1988 he was involved in the "Changing Atmosphere Conference" in Toronto, where government, industry, academic and NGOs exclaimed the following:

“Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequence could be second only to a global nuclear war. the Earth’s atmosphere is being changed at an unprecedented rate by pollutants resulting from depositions of hazardous, toxic and atomic wastes and from wasteful fossil fuel use ... These changes represent a major threat to international security and are already having harmful consequences over many parts of the globe.... it is imperative to act now. Climate Change in the Conference statement, Changing Atmosphere Conference in 1988

Even after this deep concern was expressed Mulroney did not begin to act.

- 1991: The Conservative government under Mulroney issued an order in Council to bypass the Environment Assessment Review program, in order to allow nuclear powered and nuclear arms capable vessels to enter Canadian waters, and urban ports. The compliant courts supported the government contention of cabinet prerogative.

In 1991 he supported the 1991 US-led invasion of Iraq, and failed to oppose the US use of Depleted Uranium which has contributed to serious long-standing health and environmental problems.

- Mulroney signed in June 1992, the Climate Change convention, and ratified the Convention in December 1992, and then proceeded to ignore the obligations incurred in the Framework Convention on Climate Change, and never enacted the necessary

legislation to ensure compliance

- At the UN Conference, Jean Charest as Mulroney's Environment minister held a press conference on the "Green Plan". After some criticism was voiced at the conference about Canada's use of nuclear energy, uranium mining, dumping raw sewage into the ocean, clear cutting forests etc., Charest determined to prevent critics from attending future press conferences. His stand was supported by Louise Comeau from the Sierra club.

- 1992, at the UN Conference on Environment and Development (Rio), Canada opposed the "S" being placed on the phrase "indigenous people". This decision served to undermine the representation of a wide range of indigenous perspectives on the environment. --a position that was strongly criticized by the international indigenous community.

- At the UN Conference on Environment and Development, Mulroney held a press conference on the Convention on Biological Diversity. He went to the microphone surrounded by flowers and made lofty pronouncements. When asked if he would ban practices such as clear-cut logging that destroy biodiversity; he hesitated and then proclaimed this was not the time to talk about issues. While Mulroney was negotiating the Convention on Biological Diversity, biodiversity was being destroyed in forests and bogs across the country, and continued to be destroyed under his watch.

-AT UNCED, the Federal government consulted with the provincial representatives, and in September 1992, the Council of Environment Ministers met in Aylmer Quebec, where they moved a resolution supporting the Federal government's ratification of the Framework Convention on Climate Change, and the Convention on Biological Diversity. Given that there had been consultation with the Provinces including the endorsement by the province of the ratification of the two Conventions, and that both climate change and biodiversity were matters of National concern, the provinces were bound by the two conventions. Mulroney failed then to proceed at a time when the provinces were on board, and thus contributed to the implementation of the conventions.

-On December 1992 he ratified the Biodiversity Convention. When the government department responsible for implementing the biodiversity convention was contact, the department said that Canada was more concerned with assisting other countries in discharging their obligations [this was also the position taken by the IDRC] rather than realizing the necessity of implementing the Convention in Canada.

- October 1992, the Canadian Government refused to include a clause for right to a safe environment or for ecological heritage in the Charter of Rights and Freedoms. The purpose of the Charter of Rights and Freedoms is to enable individuals to apply to the courts to seek remedies if they believe that their rights or freedoms, as guaranteed by the Charter, have been infringed or denied. The Charter must protect rights that may not be already protected through common law remedies. Individuals must have "standing" in order to bring a case to court. Standing is usually synonymous with property rights or

financial interest, and damages are awarded according to losses of these interests. Although the courts have proceeded to continually address any infringement or denial of property rights, they have failed to address the serious ecological damage that continues to be done by industry and government alike. There is no redress for individuals, and community groups who object to ecological damage on the basis not of economic interest but of community ecological rights. It is only through the Charter that individuals and community groups might be able to have standing and thus be able to launch suits against governments on behalf of the community's ecological rights. (submission

-June 1993, at the World Heritage Conference at UNESCO, Canada had the opportunity of naming key sites for declaration as world heritage sites, but they failed to list any key environmental areas.
It was only when the Mulroney government was embarrassed at the World Heritage Committee meeting at UNESCO in Paris that he agreed to nominate the Tatashini.

-October 1993. Environmental Assessment Review of NAFTA. Mulroney misrepresented NAFTA to the Canadian public. In this document, it was claimed that all international agreements would take precedence over NAFTA. Whereas in the NAFTA agreement (Article 104), only three agreements were listed, Basel Convention, CITIES, {trade in endangered species], and the Montreal protocol. The convention on Biological Diversity and the Framework Convention on Climate Change were not listed. The Sierra club participated in this environmental Assessment Review, and did not make public the misrepresentation of international law in the Canadian Assessment.

Article 104.1 obligations will prevail in convention on International Trade in endangered Species of Wild Fauna and Flora (1973), the Montreal Protocol (1990), Basel convention on the Control of trans-boundary Movement of Hazardous Wastes and their disposal (1989)

The Canadian government through its Canadian Environmental Review indicated:

"the prevalence, in the event of inconsistency, of trade obligations set out in international environmental and conservation agreements over the NAFTA trade disciplines (Intro, CER)"

In other words these international environmental or conservation agreements will take precedence over the NAFTA

- post Rio. Mulroney government incurred obligations by signing and ratifying the framework Convention on Climate Change and the Convention on Biological Diversity, and made commitments under Agenda 21, Rio Declaration, and Forest Principles {as well as other long standing government obligations under the Convention for the Protection of Cultural and Natural Heritage (1972); Cross border international Environmental Assessment (1991). The government, however, did not enact the necessary legislation to ensure compliance with obligations and commitments.

etc.

SEPTEMBER SEPTEMBER 2005

I had a legitimate expectation that after filing a complaint with the RCMP Public Complaints Commission that the Commissioner, the Chair of the Commission, and the Commission Council would allow me to testify and clear my name. (Suggested Reply)

EXHIBIT

INTENTION TO REPAY LOAN: Russow contacted the BC Ministry of Education and asked for information on remission. She received a document see exhibit; that certainly suggests that students who complete a third degree (which she did would be eligible for remission up to 430,000.

In reviewing some of Russow's "notification awards see enclosed. I would have a legitimate expectation that it was not clear that my loan was divided into 60 % federal and 40% provincial.

In the loan from 88-89; the loan was 2,415.00 BC and 1, 795.00 federal loan
In the loan from 91-92; the loan was 5,934.00 and 3570,00 federal

LEGITIMATE EXPECTATION: BREAK DOWN OF LOAN

EVIDENCE FROM BC DEPARTMENT OF EDUCATION

FRUSTRATION OF CONTRACT:

EXHIBIT: LETTER FROM KNELMAN ABOUT IMPACT OF LISTS

EXHIBIT

DEFAMATION CASE

EXHIBIT: RCMP THREAT ASSESSMENT LIST WITH ACTIVISTS

EXHIBIT: RCMP THREAT ASSESSMENT LIST WITH PICTURE OF RUSSOW IDENITIFED AS LEADER OF THE GREEN PARTY

EXHIBIT: PCO USING EXEMPTION TO ELIMINATE REFERENCE TO PMO IN CHRISTINE PRICE

DEFAMATION: SELECTION OF ARTICLES ABOUT RUSSOW BEING ON THE LIST

FAILURE OF PRIVACY

EXHIBIT: PRIVACY

EXHIBIT;

Spend time on p. 160 R esponse
EXHIBIT RADWANSKI 190 ( ) EXHIBIT: EVIDENCE OF THE REDACTED SECTION RELATED TO THE PMO'S INVOLVEMENT Feb 2002

FEBRUARY 2002: EVIDENCE OF SECTION IN CHRISTINE PRICE'S TESTIMONY THAT WAS REDACTED: NOTE; THAT THE PRIVY COUNCIL HAD USED AN EXEMPTION CLAUSE TO REMOVE THE REFERENCE IN CHRISTINE PRICE'S TESTIMONY TO THE PMO

BACKGROUND
1 c The current public allegations of racist activities and membership in racist groups by some members of the CF has raised the question of the ability of the CF to release, deny enrolment, or otherwise deal with such persons. The DM [Deputy Minister, Bob Fowler] has asked DG Secure to prepare a list of extremist and activities groups, membership in which could possibly be grounds for subsequent action by the CF. As there are potential difficulties with such a process, and assessment of procedural and legal constraints on DND is also required

EXTREMIST AND ACTIVIST LISTS
2 c Annex A is a representative sampling of extremist and activist groups in Canada, compiled from D Secure Ops 2 records and open sources. It is sub-divided into general groupings; however, it must be understood that this is an over-simplification and many groups represent interests that may encompass several political ideologies. It is also apparent that these groups represent a wide spectrum of beliefs and activities, ranging from conservative activism to violent extremism.

3 (c) The difficulty lies in deciding at which point in the extremist/activist continuum, membership or activities by CF members becomes unacceptable. By way of example, there is a right wing group at the University of Montréal that opposes Canadian Immigration policy. Such a group could easily attract CF members attending the university would such membership be considered unacceptable.

4 S Inquiries with CSIS indicates that the Service does not maintain such lists. During the 60s and 70s the RCMP Security Services maintained group and individual lists, concentrating on community [communist?] activities; however, this has now ceased due to the legal constraints on CSIS and the monumental effort involved. SIS now focuses its efforts on identifying threats to the security of Canada as defined in the CSIS (Extracts
at Annex B)

5 (s) The proposed investigation by CSIS of a domestic extremist groups
?? is subjected to a rigorous approval process, before it may be launched. such investigations, as opposed to the investigation of espionage or terrorism, are the ones in which the government sees the greatest potential for the abuse of Charter rights. Consequently, CSI is subjected to the greatest degree of scrutiny in this field. All proposed investigations of domestic groups re vetted by the Targeting and Resource Committee (TARC) and involve ministerial review.

6 s CSIS investigations of such groups are focused on the leadership and are designed to produce reports and threat assessments for the use of government departments. They do not investigate the full membership of such groups, recognizing that membership or support for the group recognizing that membership or support for the group's ideology does not necessary constitute a threat to security. CSIS clearly recognizes that assessments of an individual's loyalty and reliability cannot be made solely on membership in such groups.

7 (c) Likewise, the RCMP does not maintain lists of extremist groups. The RCMP focuses its efforts on the criminal activities of individuals. They do not investigate groups per se, although they do produce criminal intelligence on groups of individuals acting together criminally, such as outlaw motorcycle clubs ?? As neither is a criminal organization, the RCMP is limited to investigating only those members involved in crime.

8 (C) The RCMP does investigate criminal groups if they are recognized as such. Examples of this would include foreign Triads active in Canada (recognized criminal organizations in their home country), and organized crime groups, as defined in the Criminal Code.

9 (C) Notwithstanding the above discussion, D Secur Ops 2 could, with additional resources, give advice to recruiting officers, commanding officers, and other DND authorities as to the degree of concern some of the more extreme groups constituted this would be in the form of a threat assessment, based on a review of open sources and classified records. The OI would then be in a position to make a reasoned decision as to the next course of action. If an SIU investigation of the individual was also conducted, this would however, continue to be constrained within their security mandate to investigate for security clearance purposes or because the individual's actions or status was suspected of constituting a threat to the CF

CONSTRAINTS ON DND

11.(c) There are no explicit constraints on DND with respect to the creation of such lists; however, there are a number of implicit ones. The Government of Canada has seen fit to constrain CSIS with respect to the type of activity that may be investigated, the way that information can be collected and who may view the information gathered. The CSIS Act empowers this Parliament, the Security intelligence Review Committee and the CSIS Inspector General to ensure CSIS abides by these constraints.

12 (C) DLAW/HRI, DLAW/SIP and DG Secur all agree that it would be inappropriate for DND to act in a less constrained manner. It is for this reason that the Security Intelligence Liaison Programme exists, thereby ensuring that DND does not violate the spirit of the law. DND does not gather security intelligence directly from domestic source but relies on open sources and information obtained from civil police and CSIS (s.13 (i) of the CSIS Act refers).
13 (C) The result of these constraints is that DG SEcur is unable to give assessments on groups not considered a threat by CSIS or civil police, other than what can be obtained through open sources or which can be obtained indirectly as a result of a criminal investigation carried out by military police.

21 **NOVEMBER 2001** ARTICLE ACTIVIST CAUTIONED TO BEHAVE. An Hoang.

( ) EXHIBIT: EVIDENCE OF THE REDACTED SECTION RELATED TO THE PMO'S INVOLVEMENT Feb 2002

FEBRUARY 2002: EVIDENCE OF SECTION IN CHRISTINE PRICE'S TESTIMONY THAT WAS REDACTED: NOTE; THAT THE PRIVY COUNCIL HAD USED AN EXEMPTION CLAUSE TO REMOVE THE REFERENCE IN CHRISTINE PRICE'S TESTIMONY TO THE PMO

Dear Guineas
I am astonished that you would have accepted the PCO's deletion of a key section of the RCMP interview with Christine Price. I was able to obtain through another source the same document in which Christine Price indicated that she had received instruction from the PMO. It is indicative of the PCO's interest in concealing the involvement of the PMO.

****DEFENDANTS

D. J Chisholm, Staff Sergeant

****Exhibits

Hon. Paul Ramsey
Minister of Education
FAX 3873200

Dear Minister

I have been advised by Student services to write to you on the matter of my outstanding B.C. loan.

I completed my doctorate degree in January 1996. This degree was a culmination of over 21 years of study. During that time I brought up four children and participated continually in local, national and international issues and public service.

During my education I incurred a government loan of $55,000.
It was always my understanding that if I completed my doctorate I would be eligible for remission of up to $30,000.

Six months after I completed my doctorate, I was informed that the $30,000 remission is only for BC loans and that the university or the student awards services had divided my loan into 20,000 (BC) and 35,000 (Canada). Because of the division, they claimed that I would only be eligible for remission of up to 20,000.

Recently I received a letter from the BC government Awards section indicating that I would receive remission of 16, 900
I urge you to reconsider my case, and adjust the combined federal/provincial loan to permit the $30,000 remission.

It was brought to my attention recently that forest workers have been offered $25,000 to return to school without the obligations to repay, and without the requirement to complete.

It was with great difficulty that I completed my education and I appreciate the assistance that I received from both the federal and provincial government.

Thank you for considering this request.

Yours Truly

Joan Russow (PhD)
1230 St Patrick St
Victoria, B.C.

23 JANUARY 2002: COMPLAINT SENT TO PRIVACY COMMISSIONER

NOTE LETTER SENT TO CHRETIEN ABOUT CONCERN APEC AND DND

Attorney General Vs Dr Joan Russow
1. FACTS: CHRONOLOGY

2. PLEADINGS

(A) SUBSTANTIATION OF “RIGHT INTENTION” TO REPAY LOAN

(B) DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

(C) UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

(D) DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION AND Attorney General Vs Dr Joan Russow
1. FACTS: CHRONOLOGY

2. PLEADINGS

(A) SUBSTANTIATION OF “RIGHT INTENTION” TO REPAY LOAN

(B) DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

(C) UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

(D) VIOLATION OF CHARTER RIGHTS AND DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION

(E). ON-GOING DEFAMATION SUIT: INTERDEPENDENCE OF INTENTION TO REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING DEFAMATION CASE LINKED TO STUDENT LOAN

(E). ON-GOING DEFAMATION SUIT: INTERDEPENDENCE OF INTENTION TO REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING DEFAMATION CASE LINKED TO STUDENT LOAN

FACTS:

****CHRONOLOGY OF EVENTS

AFFIDAVIT: COUNTER CLAIM OF DEFAMATION OF CHARACTER
Joan Russow (Med) (PhD)

1. 1991-1995 SESSIONAL LECTURER, GLOBAL ISSUES, UNIVERSITY OF VICTORIA

2. DECEMBER 1994: Founded the Global Compliance Research Project, and received a CIDA grant of $50,000 for the Project

3. SEPTEMBER 1995: COMPILED THE CHARTER OF OBLIGATIONS

On behalf of the Global Compliance Research project Russow wrote the "Charter of Obligations"- 350 pages of obligations incurred through conventions, treaties, and covenants; commitments made through conference action plans; and expectations created through General Assembly resolutions. The Charter of Obligations was officially distributed to all state delegations at the 1995 UN Conference on Women: Equality, Development and Peace. The Charter is being continually updated.

4. 17 SEPTEMBER 1995: ARTICLE ABOUT GLOBAL COMPLIANCE PROJECT IN THE TORONTO STAR

By Paul Watson
Asian Bureau
Beijing – Joan Russow had an idea so sensible it sounded flaky when thousands of people were earnestly writing and rewriting more solemn promises to help the world's women.

Why not concentrate on making governments live up to the shelves upon shelves of accords, conventions, constitutions, declarations, resolutions and treaties that have been filed away for decades?

…Russow, a sessional lecturer on global issues at the University of Victoria, B.C. lobbied for days to get a motion on the floor demanding that governments live up to the commitments they've already made.

That was a lot like insisting the emperor has not clothes, so Russow and her supporters got mostly blank stares and hostility.

"I'm supportive of the commitments, to a certain extent: she said in an interview. "But if you get governments to commit to less than they're already obliged to do, is that success?"

…The UN celebrates its 50th birthday next month and the Beijing conference missed "a unique opportunity to say, "Enough i's enough," Russow said.' "Let's fulfill 50 years of obligations related to peace, the environment and human rights. …The world governments already agreed to get rid of weapons of mass destruction a conference in Stockholm in 1972, Russow said. She has a book full of other examples, 360 pages thick…

5. **25 JANUARY 1996**: GRADUATED WITH A PHD IN INTERDISCIPLINARY STUDIES

6. 25 APRIL 1996: GLOBAL PARTNERSHIP FOR DISMANTLING NUCLEAR WEAPONS: This partnership was related to the dismantling of Russia's nuclear weapons. Russow had criticized the flawed survey carried out about the plan to convert plutonium from Russian dismantled nuclear weapons into MOX to be used in CANDU. This item is included because there is a possibility that Russow might be perceived to be a threat for criticizing the proposal to transfer MOX to be used in CANDU reactors, opposing Canada's sale of CANDU reactors, protesting the circulation of nuclear powered and nuclear arms capable vessels….

7. OCTOBER- DECEMBER 1996: PARTICIPATED IN A MULTI STAKEHOLDER MEETING ORGANIZED BY THE DEPARTMENT OF FOREIGN AFFAIRS, AND DEPARTMENT OF ENVIRONMENT

As a member of the NGO community, as a lecturer on global issues at the University of Victoria, and as a participant at the 1992 Earth Summit, Russow was invited to a multisectoral consultation meeting organized by the Department of Foreign

Affairs. We were asked to review Canada's submission to the Earth Summit + 5 conference which was to be held in New York in June of 1997. She spent two months carefully reviewing the submission and drawing upon her previous research in preparing the Charter of Obligation, she submitted a 200 page critique of the submission. She stressed the importance of being honest and straight forward about what was actually happening in Canada and of translating rhetoric into action.

NGOs are continually asked to participate in government consultation processes and face a constant dilemma: To refuse to participate in unremunerated work and be accused of failing to take advantage of the opportunity to have input into government policy OR to participate in unremunerated work, to submit a critical analysis of government policy, to have input into government policy but jeopardize future employment with government departments and be in a position of not being able to fulfill economic obligations.

8. **10 FEBRUARY 1997:** RESPONSE FROM DFAIT TO CRITIQUE OF CANADA'S SUBMISSION TO THE UN

"Department of Foreign Affairs and International Trade, Canada/AGE"
<dfaitage@travel-net.com>
To: jrussow@uvaix2e1.comp.UVic.CA
Subject: Thank you

Lester B. Pearson Building
Tower B, 4th Floor, AGE
125 Sussex Drive
Ottawa, Ontario
K1A 0G2

UNCLASSIFIED

February 10, 1997

Dr. Joan Russow
Ecological Rights Association
Global Compliance
Research Project

Dear Dr. Russow:

Thank you for your comprehensive email of December 13, 1996. Your contribution and comments on the United Nations Commission on Sustainable Development (CSD) Canadian National Country Profile was greatly appreciated.

The information you provided was distributed to the appropriate chapter drafters. You may wish to know that the final draft of the CSD Canadian National Profile was recently completed and sent to the CSD in New York. The profile will be available shortly on CSD and the Department of Foreign Affairs and International Trade website.

Thank you again for your extensive input and suggestions into Canada's preparation of the CSD Canadian National Profile. The Government of Canada encourages the active involvement of Canadians in the preparation of all international events. We will continue to try and provide you with information and reports in as timely a manner as possible, and look forward to receiving your comments and opinions on Canadian positions for future international events.

Yours sincerely,

Peter Fawcett
Acting Director
Environment Canada

9. 19 JUNE 1997: PROPOSED WORKSHOP ON COMPLIANCE

NORTH/SOUTH PERSPECTIVE ON COMPLIANCE: SUBMISSION TO THE APEC PEOPLES SUMMIT
proposed by Dr Joan Russow

For fifty -two years through international agreements, the member states of the United Nations, including APEC states, have undertaken:

(i) to promote and fully guarantee respect for human rights;
(ii) to ensure the preservation and protection of the environment;
(iii) to create a global structure that respects the rule of law;
(iv) to achieve a state of peace; justice and security , and
(v) to enable socially equitable and environmentally sound development.

International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; expectations created through the United Nations Declarations, and General Assembly Resolutions; and commitments made through UN Conference Action Plans.

If these years of obligations had been discharged, if these fifty years of expectations had been fulfilled, and if years of commitments had been acted upon, respect for human rights could have been guaranteed, preservation and protection of the environment could have been ensured, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled.

The current situation has become more a more urgent because rather than the member states of the United Nations being willing to comply with obligations and commitments, the member states are devolving themselves of their responsibility and passing this responsibility over to the corporate sector in the form of partnerships. Even though member states of the UN agreed in recent conferences “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law”. (the Platform of Action in the UN Conference on Women: Equality, Development and Peace and in the Habitat II Agenda), governments are discussing “voluntary” compliance, and endorsing ISO 14,000 — a voluntary conformance corporate program. The OECD states are not discussing environment and human rights standards but “standards of investment”.

If there is to be compliance there is a need to establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states harmonized continually upwards. Only then will socially equitable and environmentally sound development be possible. In addition member states of the UN including APEC, should take back the control over industry and be prepared to revoke licences and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

This workshop will be prepared in collaboration with NGO representatives from the Philippines, and Bangladesh.

10. 14 APRIL 1997: BECAME THE LEADER OF THE GREEN PARTY OF CANADA

11. MAY TO JUNE 2: 1997 RAN IN THE FEDERAL ELECTION AGAINST THE HONOURABLE DAVID ANDERSON.

DURING THE ELECTION THE GREEN PARTY OF CANADA’S OFFICE IN TORONTO RECEIVED A NOTE THAT I WAS NO LONGER ASSOCIATED WITH THE UNIVERSITY

12. **JUNE 1997:** RECEIVED MEDIA ACCREDITATION TO ATTEND THE EARTH SUMMIT + 5 {RIO +5) IN NEW YORK

In 1997, Russow had an assignment from the local main stream radio station CFAX to attend the above Earth Summit. Prior to attending the conference she circulated the "Lest we Forget: the Urgency of the Global Situation. She had no problem receiving media accreditation for a conference that was attended by senior representatives, including heads of state. She raised challenging questions and her media pass was never pulled, she was never placed on a threat assessment list, she was not discriminated against and she was not defamed. At the UN, at briefing, she spoke to Kofi Annan about the importance of state and corporate compliance and handed him two documents: Lest we Forget: the Global Urgency and the Treaty of Corporate and State Compliance. The following document is included to illustrate that Russow was not prevented from participating at the UN because of what she was writing and circulating at that time.

LEST WE FORGET
THE URGENCY
OF THE GLOBAL SITUATION

RECOGNITION OF THE URGENCY OF THE GLOBAL SITUATION

1.1. Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well-being (Preamble, Agenda 21, UNCED, 1992)

(1) IMPACT OF CONTINUED IMPOSITION OF
CONSUMPTIVE MODEL OF DEVELOPMENT

1.1. Continued stress on global ecosystem from the pattern of over- consumptive development in industrialized countries
1.2. Continued deterioration of the global environment and aggravation of poverty caused by unsustainable patterns of consumption
1.3. Continued failure to reduce the ecological footprint through continued adherence to the consumptive model of development
1.4. Continued elimination of the ecological heritage of future generations
1.5. Continued depletion of resources upon which future generations depend
1.6. Continued political, economic and ecological crises, systemic or de facto discrimination, and other forms of alien domination or foreign occupation
1.7 Continued reliance on economic growth paradigm as the solution to global problems
1.8. Continue negative impact of structural adjustment programs based on the imposition of over consumptive model of development
1.9 Continued promoting of socially inequitable and environmentally unsound employment and development
1.10. Continued failure to redefine "development" in equitable and ecological terms

(2) INEQUITABLE DISTRIBUTION OF RESOURCES AND DENIAL OF BASIC RIGHTS AND NEEDS

2.1. Continued inequitable distribution of natural resources
2.2 Continued inequality/inequity between "developed" , “developing” and "underdeveloped" states
2.3. Continued gravity of the economic and social situation of the least developed countries
2.5 Continued lack of fulfillment of basic needs, and failure to guarantee the right to food, right to shelter, right to education, right to health care
2.6. Continued lack of access to basic sanitation and adequate waste disposal services
2.7. Continued lack of access to food and water
2.8. Continued lack of access of poor to suitable arable land
2.9. Continued increase in the number of people who do not have access to safe, affordable and healthy shelter
2.10. Continued food crisis violating right to life and human dignity
2.11. Increased use of manipulative Biotechnology
2.12. Increased introduction of genetically modified food
2.13. Increased control by Multi-National Agri-Food, Pharmaceutical, and Petro-chemical companies world’s food supplies
2.14. Continued unethical patenting of seeds by multinationals
2.15 Continued experimentation in the human genome project
2.16. Increased corporate control of their crop varieties
2.17. Increased modification of seeds for profit
2.18. Increased modification of organisms through “genetically modified organisms”
2.19 Continued widespread unemployment and underemployment
2.20 Continued failure to link health to overconsumption and inappropriate development
2.21 Continued failure to address and prevent environmentally-induced diseases
2.22 Increased deterioration of public health system, public health spending and privatization of health care systems
2.23. Continuing spread of communicable infections
2.24 Continued unequal access to basic health resources
2.25 Continued high birth mortality rate High percentage of child mortality rate of deaths per live births.

(3) DETERIORATION OF ENVIRONMENTAL QUALITY AND IMPLICATIONS FOR HUMAN HEALTH

3.1. Continued impact on health from environmental degradation
3.2. Increased impact on health and environment from toxic and hazardous chemicals
3.4. Increased air, water and land pollution
3.5. Continued adverse health and environmental effects of transboundary air pollution
3.6. Continued transferring and trafficking in toxic, hazardous including atomic substances, activities, and waste that are dangerous to health and to the environment
3.7. Continued risks of damage to human health and the environment from transboundary hazardous waste
3.8. Increased generation and transboundary movement of hazardous waste causing threat to human health and environment
3.9. Continued relocation or transfer to other states of activities and substances that cause severe environmental degradation or are found to be harmful to human health
3,10 Continued disregard for the precautionary principle 4.11. Continued awareness of the harm of exporting banned or withdrawn products on human health
3.12. Increased deterioration of the environment and health through anthropogenic actions
3.13. Continued ecological and human health effects of environmentally destructive model of development
3.14. Continued use of banned and restricted pesticides designated as being hazardous to human or environmental health
3.15. Increased resistance of antibiotics

(4) ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE

4.1. Continued loss of biological diversity
4.2. Continued threat to genetic diversity
4.3. Increased deforestation and land degradation
4.4. Increased soil erosion
4.5. Increased desertification
4.6. Increased loss and degradation of mountain ecosystems
4.7. increased erosion and soil loss in river basins
4.8. Increased watershed deterioration
4.9. Increased marine environment degradation
4.10. Increased vulnerability of marine environment to change
4.11. Increased risk of impact from increase in sea level 4.12. Increased of carbon sinks
4.13. Increased impact of global climate change
4.14. Increased potential of climate change
4.15. Increased depletion of the ozone layer
4.15. Increased threats to the ecological rights of future generations
4.16. Increased environmental damage from waste accumulation
4.17. Unprecedented Increase in environmentally persistent wastes
4.18. Continued trafficking in toxic and dangerous products
4.19. Continued export to developing countries of substances and activities that are banned or restricted in country of origin
4.20. Increased generation of nuclear wastes
4.21. Increased Loss of biodiversity through ecologically unsound practices
4.22. Increased ignoring of carrying capacity of ecosystem
4.23. Continued violation of collective human rights through dumping of toxic, hazardous and atomic wastes is a violation

(5) ACKNOWLEDGMENT OF URGENCY VIOLATION OF HUMAN RIGHTS

5.1. Continued violation of human rights on the basis of gender, sexual orientation, sexual identity, family structure, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socioeconomic conditions

* Continued violations of human rights through the following activities:
* Mistreatment, and hasty judicial procedures
* Lack of respect for due process of law (access to a lawyer or visiting rights)
* Arbitrary detentions
* In camera trials
* Detention without charge and notification to next of kin
* Lack of defence counsel in trials before revolutionary courts
* lack of the right of appeal
* Ill-treatment and torture of detainees
* Torture of the cruelest kind and other inhuman practices
* Widespread routine practice of systematic torture in its most cruel forms
* Wide application of the death sentence
* Carrying out of extra-judicial executions
* Orchestrated mass executions and burials
* Extra judicial killings including political killings
* hostage taking and use of persons as "human shields"
* Constitutional, legislative and judicial protection, while on paper, are revealed as totally ineffective in combating human rights abuses
* Extreme and indiscriminate measures in the control of civil disturbances
* Enforced or involuntary disappearances, routinely practiced arbitrary arrest and detention, including women, the elderly and children
* Abuses of political rights and violation of democratic rights
* Unfair elections
* Activity against members of opposition living abroad

* Harassment and suppression of opposition politically
* Suppression of students and strikers
* Targeting by terrorists of certain members of the press, intelligentsia, judiciary and political ranks
* Failure to grant exit permits

5.3. Increased forced migration of populations of migrants, refugees and displaced persons
5.4. Continued critical situation of children
5.5. Continued concern about discrimination against women despite Human Rights instruments
5.6. Continued barriers faced by women
5.7. Continued female genital mutilation and other harmful practices
5.8. Denial of fundamental rights and freedoms
Suppression of freedom of thought, Media and religion and conscience ¥ systemic discrimination
5.9. Continued denial of moral and humanitarian values through religious intolerance and extremism
5.10 Continued massive violations of human rights, ethnic cleansing and systematic rape
5.11. Continued wars of aggression, armed conflicts, alien domination and foreign occupation, civil wars, terrorism and extremist violence
5.12. Continued violation of human rights of women including murder, torture, systematic rape, forced pregnancy
5.13. Continued ethnic cleansing
5.14. Continued xenophobia. Fear and aversion to foreigners continues throughout the world
5.15. Continued violation of human rights during armed conflict
5.16. Continued discrimination of and violence against women
5.17. Continued violation against indigenous peoples
5.18. Increased violations of the rights of refugees
5.19. Continued insufficient protection of the rights of migrant workers
5.20. Continued marginalization of specific women by their lack of knowledge of their rights and redress
5.21. Continued Insufficient protection of the rights of migrant workers
5.22. Continued multiple discrimination against indigenous women
5.23. Continued gender inequities

(6) DESTRUCTION THROUGH CONFLICT, WAR AND MILITARIZATION

6.1. Continued perpetuation of the substantial global expenditures being devoted to production, trafficking and trade of arms
6.2. Forcing developing countries to undertake inequitable structural adjustment
6.3. Increased poverty
6.4. Continued excessive military expenditures while basic needs are not fulfilled
6.5. Continued massive humanitarian problems through military intervention
6.6. Continued circulation
6.7. Continued war crimes against humanity, including genocide
ethnic massacres , and “ethnic cleansing”
6.8. Increased human and environmental destruction through land mines
6.9. Increased war and civilian amputees as a result of land mines
6.10. Continued death and displacement of people through war
6.11. Continued impact of radiation from nuclear testing on present and future generations
6.12. Continued exposure to radiation on present and future generations
6.13 Continued mining of uranium for use in nuclear weapons
6.14. Continued production, proliferation and testing of nuclear arms
6.15 Continued circulating and berthing of nuclear armed or nuclear powered vessels

13. **1997 AUGUST 1997:** MAI ARTICLE PRINTED IN THE OAK BAY NEWS

MAI ARTICLE PRINTED IN THE OAK BAY NEWS
ATTENTION: DAVID LENNAM

FAX 598 1896
MESSAGE: piece on MAI
Joan

PRINTED AS " Oh My O MAi"

TREATY OF
CORPORATE AND STATE COMPLIANCE

[proposed General Assembly Resolution to be circulated to governments by their citizens]

Through more than 50 years of concerted effort, the member states of the United Nations have created international obligations, commitments and expectations in which they have undertaken the following:

1. to Promote and fully guarantee respect for human rights and social justice;
2. to Enable socially equitable and environmentally sound development;
3. to Achieve a state of peace, justice and security;
4. to Create a global structure that respects the rule of law; and
5. to Ensure the preservation and protection of the environment.

Concerned that trade organizations such as the World Trade Organization (WTO) and Asia Pacific Economic Cooperation (APEC), and trade agreements such as the North American Free Trade Agreement (NAFTA) and the Multilateral Agreement on Investments (MAI) proposed by the member states of the Organization of Economic Cooperation and Development (OECD), undermine the work of over 50 years in creating obligations, commitments and expectations with respect to the matters set out above; Recalling the commitment made by all the member states of the United Nations in the Platform of Action at the UN Conference on Women: Equality, Development and Peace (Beijing, 1995) and in the Habitat II Agenda, "to ensure that corporations including transnationals comply with national codes, social security laws, and international law, including international environmental law";

WE THE MEMBER STATES OF THE UNITED NATIONS UNDERTAKE THE FOLLOWING:

1. To sign and ratify those existing international agreements that have not yet been signed and ratified, to enact the domestic legislation necessary to implement them, to fulfill the legitimate expectations created by General Assembly resolutions and declarations, and to act upon commitments arising from conference action plans;
2. To establish mandatory international standards and regulations (MINS), based on international principles and on the highest and strongest regulations from member states with respect to:
(a) Human rights and social justice,
(b) Socially equitable and environmentally sound development, and
(c) Protection and preservation of the environment,
and to harmonize standards continually upwards;
3. To demand compensation and reparations from corporations, and from administrations that have permitted corporations to, or assisted them in, degrading the environment or violating fundamental human rights, especially where those actions occurred:
(a) in developed and developing countries, or
(b) on the lands of indigenous peoples or in the communities of
marginalized citizens in either developing or developed countries;
4. To revoke the licences and charters of corporations, including transnational corporations, if those corporations have persistently:
(a) violated human rights,
(b) caused environmental degradation,
(c) disregarded labour rights, or
(d) contributed to conflict and war, or if they fail to pay compensation for past non- compliance with international agreements;
5. To reduce military budgets and use the savings:

(a) to guarantee:
- the right to adequate food,
- the right to safe and affordable shelter,
- the right to universal health care,
- the right to safe drinking water,
- the right to a safe environment,
- the right to education, and
- the right to peace;

(b) to fund socially equitable and environmentally sound work; and

(c) to fund education and research free from corporate direction and control;

6. To increase funding for United Nations agencies and for international, national and regional educational institutions so that their missions will not be undermined by corporate direction or control;

7. To develop criteria for partnership with the United Nations so as to ensure the exclusion of corporations from such a partnership if in any part of their operation they have violated human rights, caused environmental degradation, contributed to war and conflict, or failed to promote socially equitable and environmentally sound development;

8. To distinguish "civil society" from the "market", and to define civil society as those elements of society that serve to guarantee human rights, foster justice, protect and conserve the environment, prevent war and conflict, and provide for socially equitable and environmentally sound development;

9. To prevent the transfer to other states of substances and activities that cause environmental degradation or that are harmful to human health, as agreed in the Rio Declaration; this prohibition would cover activities such as those related to:

(a) the import or export of toxic, hazardous, or atomic substances and wastes,

(b) production or consumption of ozone-depleting substances,

(c) extraction of resources by environmentally unsound methods,

(d) production or distribution of questionable genetically-engineered food substances and genetically modified organisms,

(e) the questionable production or distribution of genetically engineered crop/pesticide systems,

(f) increased greenhouse gas emissions;

10. To act upon the commitment made at recent United Nations Conferences to move away from the over consumptive model of development, to reduce the ecological footprint, and to reject the economic dogma that maximum economic growth will resolve the urgency of the global situation;

11. To prohibit all trade zones that have the effect of circumventing obligations and commitments intended to guarantee human rights, including social justice and labour rights, or to protect, preserve and conserve the environment.

12. To work with banking and finance institutions to terminate all Structural Adjustment Programs (SAP) which prescribe:

(a) the indiscriminate privatization of state-owned enterprises,

(b) the indiscriminate reduction of government expenditures,

(c) and the indiscriminate liberalization of trade regimes,

(d) the indiscriminate opening of states to increased foreign investment, especially where this entails the attraction of foreign capital by deregulating markets and offering low wages, high interest rates, and little or no environmental protection, or

(e) the indiscriminate encouragement of producing of goods for export at the expense of traditional crops, products and services which serve the needs of domestic peoples;

13. To ensure that no state relaxes environmental, health, human rights or labour standards in order to attract industry, and that no corporation allows a branch or subsidiary to engage in:

(a) practices that are unacceptable in the controlling corporation's state of origin,

(b) activities that are banned or restricted in the controlling corporation's state of origin, or

(c) manufacturing or transferring substances that are banned or restricted in the controlling corporation's state of origin.

14. To ensure that no state shall justify trade with a country that violates human rights on the grounds that such trade will lead to a betterment of human rights.
15. To establish an International Court of Compliance where citizens can bring evidence of state and corporate non-compliance with all states' overriding obligations and commitments to:
(a) protect and advance human rights,
(b) foster social justice,
(c) protect and conserve the environment,
(d) prevent war and conflict, and
(e) enable socially equitable and environmentally sound development.

Contacts:
Joan Russow (PhD) (250) 598-0071, e-mail jrussow@coastnet.com
Caspar Davis (LLB), prana@coastnet.com

14. **NOV 4 1997:** LETTER TO BC MINISTER OF EDUCATION ABOUT LOAN REMISSION:

Hon. Paul Ramsey
Minister of Education
FAX 3873200

Dear Minister

I have been advised by Student services to write to you on the matter of my outstanding B.C. loan. I completed my doctorate degree in January 1996. This degree was a culmination of over 21 years of study. During that time I brought up four children and participated continually in local, national and international issues and public service.

During my education I incurred a government loan of $55,000.
It was always my understanding that if I completed my doctorate I would be eligible for remission of up to $30,000.

Six months after I completed my doctorate, I was informed that the $30,000 remission is only for BC loans and that the university or the student awards services had divided my loan into 20,000 (BC) and 35,000 (Canada). Because of the division, they claimed that I would only be eligible for remission of up to 20,000.

Recently I received a letter from the BC government Awards section indicating that I would receive remission of 16, 900
I urge you to reconsider my case, and adjust the combined federal/provincial loan to permit the $30,000 remission.

It was brought to my attention recently that forest workers have been offered $25,000 to return to school without the obligations to repay, and without the requirement to complete.

It was with great difficulty that I completed my education and I appreciate the assistance that I received from both the federal and provincial government.

Thank you for considering this request.

Yours Truly

Joan Russow (PhD)
1230 St Patrick St
Victoria, B.C.

15. **15 OCTOBER 1997:** CANADA'S TREATY MAKING POLICY IMPERATIVES: DISCHARGING OBLIGATIONS AND FULFILLING EXPECTATIONS FOR A CULTURE OF PEACE

Dr. Joan Russow

. CANADA AND TREATY-MAKING

OVERVIEW

To begin to achieve “a culture of peace” citizens must be aware that international public policy related to a culture of peace already exists in the complex of United Nations documents, and that member states of the United Nations have failed either to comply with this international public policy, or to determine what would constitute compliance. Once citizens have become aware of existing obligations and expectations then citizens will be better informed about the commitments that still are needed to move states beyond existing obligations and expectations. For example, in the Declaration of Human Rights from 1948, member states undertook to ”reaffirm faith in fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women.” This statement of principle could be described as a statement of international public policy; yet what actions, cultural adjustments and attitudinal transformations would have been necessary to ensure the fulfilling of this expectation were never really determined.

For over fifty years through international agreements, the member states of the United Nations have undertaken (i) to promote and fully guarantee respect for human rights; including the rights of women; (ii) to ensure the preservation and protection of the environment; (iii) to create a global structure that respects the rule of law, (iv) to achieve a state of peace; justice and security , and (v) to participate in socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference action plans and General Assembly Resolutions.

If these years of obligations had been discharged, and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament, achieved; and socially equitable and environmentally sound development might have been enabled.

Many of these obligations have never been discharged, states often fail to sign international legally binding treaties that they themselves have negotiated; states that sign legally binding conventions and treaties, often fail to ratify them; and states that ratify these treaties often fail to enact the necessary legislation to ensure compliance and enforcement

Many of the expectations have not been fulfilled. Expectations have been created through recent global Conferences and action plans. such as those from United Nations Conference on Environment and Development (UNCED); the World Conference on Human Rights; the Social Development Conference; the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II. Although the major conference action plans have been adopted by all the member states of the United Nations, the action plans are not deemed to be legally binding.

These Conference Action plans, along with General Assembly Resolutions and Declarations, however, do create expectations that states will adhere to the agreed to principles, and policy statements. In common law there is a doctrine that acknowledges the legal implications arising from the creating of expectations: the Doctrine of Legitimate Expectations. This doctrine has been described in the following way: If a government holds itself out to do something even if not legally required to do so, the government will be expected to act carefully and without negligence, and the citizens have a legitimate expectation that the government will discharge this obligation (Brent Parfit, Deputy Ombudsman, Ombuds office, British Columbia, Canada, 1995, Personal Communication). A further elaboration of this doctrine is “when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991). This doctrine could be used by citizens at the international level to strengthen the call for state compliance with expectations created through conference action plans.

Institutional memory related to principles from past precedents, and related to obligations incurred and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations and expectations provide a basis for policy formation and implementation. Not only have policy makers ignored past precedents embodied in principles of action, but the general public is often unaware of the existence of government undertaking, particularly at the international level, and unappreciative of the relevancy of the international obligations to

national, provincial and regional issues. In addition NGOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings.

Through international agreements nation states have undertaken
(i) to guarantee human rights including the right to be free from discrimination, the right to shelter, the right to food, the right to social security (international human rights instruments);
(ii) to protect the cultural and natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972) ;
(iii) to eliminate weapons of mass destruction (UNCHE, 1972);
(iv) to promote international co-operation to ensure that the results of scientific and technological development are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations (Art. 2. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace, UN General Assembly Resolution,1975);
(v) to declare that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity (Resolutions 1961, 1978, 1979, 1980, 1981);
(vi) to reduce the military budgets, with a view to reaching international agreements to freeze, reduce or otherwise restrain military expenditures (A. 1 Resolution 36/82 1981, Reduction of Military Budgets. 1981) and to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries (A 2. Resolution 36/82 1981, Reduction of Military Budgets. 1981);
(vii) to respect the inherent worth of nature beyond human purpose (Preamble, World Charter of Nature, 1982);
(viii) to secure nature from degradation caused by warfare or other hostilities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982);
(ix) to declare that the preservation of the right of peoples to peace is a fundamental obligation of each state (2. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984);
(x) to demand that policies of states be directed towards elimination of the threat of war, particularly nuclear war (3. Declaration on the Right of Peoples to Peace; approved by General Assembly resolution 39/11 of 12 November 1984);
(xi) to commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, 1983);
(xii) to prevent the transfer to other states of any activities and substances that cause severe environmental degradation or are found to be harmful to human health (Principle 14, Rio Declaration, UNCED, 1992);
(xiii) to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); (xiv) to invoke the precautionary principle which affirms that, in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration);
(xv) to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Conventions on Biological diversity);
(xvi) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: (xvii) to reduce the ecological footprint (Art. 27 b);
(ix) to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent anthropogenic disasters (27 i);
(xx) to prevent environmental damage through knowledge of eco-cycles (Art. 135). and so forth.

A key concept that has significant policy implications is that of international customary law. Simply put, where a principle of international law has been a long standing part of that law, it may be held to be a part of international customary law and deemed applicable as part of national law. For example, the principle of intergenerational equity i.e. the rights of future generations to a safe environment may be argued as falling within international customary law since it is found in a number of international documents beginning with the UN Conference on Humans and the Environment (UNCHE), 1972, including in the Convention on the Protection of Cultural and Natural Heritage (1972) through the World Charter of Nature (1982) to the various documents coming out of the United Nations Conference on the

Environment (UNCED) 1992 (Agenda 21, The Convention on Biological Diversity and the Framework Convention on Climate Change).

Both the Doctrine of Legitimate Expectations and the principles of international customary law are relevant to the national policy formation and implementation related to ethical governance, in that obligations incurred or expectations created can be held to be enforceable in national law.

It is thus essential for transforming a culture of violence into a culture of peace to stress the importance of being concerned with questions of awareness, knowledge and education on the part of the judiciary and administrative bodies, as well as with heightened public awareness of the use of international documents and to the educational strength of these documents within various jurisdictions.

Nation states need to be called upon to fulfill and adhere to previously agreed-upon documented principles and courses of action; and, to enter into formal obligations derived from the legitimate expectations based on their previous statements and actions or pursuant to international customary law. The United Nations also needs to provide an international body for citizens to take evidence of state non-compliance with legally binding conventions and covenants, or with expectations created through General Assembly resolutions, Declarations and Conference Action plans.

20 NOVEMBER 1997 CONTACTED THE APEC MEDIA ACCREDITATION OFFICE

Russow, phoned the APEC Media accreditation Centre on Thursday November 20 to ask if it was not too late to attend as a representative of the media. She has attended several international conferences and reported back as media. She has never been prevented from getting media accreditation.

She was told in a phone call to the APEC media desk that the deadline for media registration had been September 29 but that it was still possible to register on site at APEC providing that she had an assignment letter from a newspaper [this is usual procedure for international conferences]. She contacted a local paper and was faxed an assignment letter. She was told that she could register on site.

16. **17 OCTOBER 1997**. MEDIA REPORT ON RUSSOW'S STATEMENT ON SHELL

GREEN PARTY SLAMS SHELL'S ECO-RECORD
BY David Trigueiro , Calgary Herald

Green Party of Canada Leader Joan Russow came to Calgary Thursday for a two-pronged attack on Shell Canada Ltd, ….
Shell was chosen among all oil company offender, Russow said because it is developing oil and gas field in Nigeria and proposing to construct a natural gas pipeline in Iran.

Both countries are guilty of human rights abuses well documented by Amnesty International and meanwhile produce massive amounts of fossil fuels responsible contributing to global warming. … If Shell would devote more time and money to developing alternative source of energy to replace fossil fuels, Russow said, it would not have to involve itself in human-rights outlaw countries…
Russow said the Green party wants to persuade Canada's oil companies to support reductions in carbon dioxide emission as they have pledged to do in the past … …

17. **20 NOVEMBER 1997**: RUSSOW CALLS APEC MEDIA ACCREDITATION CENTER

Russow was informed by the APEC Media Accreditation Center that although the formal registration had been closed in September, it was still possible to register on site with the proper letter of accreditation

18. **21 NOVEMBER 1997**: FAXED LETTER OF ACCREDITATION FROM OAK BAY NEWS

Oak Bay community newspaper since 1974

219 2187 Oak Bay avenue Victoria B C
Phone 250 598-4123 fax 250 598 1896

Cover Joan
Is this enough if you want the original. I will leave it here for you to pick up

Body of text November 21 1997

To whom it may concern
This is to certify that Joan Russow is attending the APEC conference as a representative of the Oak Bay news. Please grant her media credentials accordingly
If you require further clarification please contact the oak Bay news at 250 598-4123
Signed: David Lennam, Editor

19. **22 NOVEMBER 1997**: EVIDENCE OF PMO's INTERFERENCE WITH SECURITY

Karen Pearlston, a graduate law student residing at Green College (a graduate student residence and the building closest to the APEC motorcade route at UBC), is told by police that they have orders from the PMO that there should be "no signs and no people" on the Green College side of the motorcade route. She is threatened with arrest when she asserts her constitutional rights. Asked on what charge, the police respond, "We'll make something up."

In the evening, student protesters camped near the Museum of Anthropology are arrested. Police documents had stated that the PMO was "very concerned" about their presence (e-mail from Insp. Dingwall to Supt. May and others, 20 November 1997) even though the campers apparently did not pose a security threat.

"APEC command centre logs show that on one occasion, Jean Carle, the Director of Operations for the Prime Minister's office, phoned Wayne May. May is the RCMP Superintendent who headed up security at the summit. The call came just days before the meeting at UBC, and it centred on the student protesters camped near the summit site" (Newsworld Online, 23 August 1999).

20. **22 NOVEMBER 1997**: RUSSOW APPLIES FOR ACCREDITATION AT MEDIA CENTER AT APEC

She arrived at the Media Accreditation desk on Saturday at 11:30. Her credentials were accepted and placed in the computer. She was told that there was a backlog and there would have to be a security check [a requirement for all media]. She was also told that she might be able to begin attending the sessions in the interim because her name was now in the computer, but that it was up to the discretion of the RCMP officers at the entrance to the conference.

She went to the entrance and asked if it would be possible to enter with a temporary pass. The RCMP officers made a few phone calls and then said that she could not enter and would have to wait until the security check was completed. She phoned back Saturday evening and was told that the security check was still pending. She was staying in Tsawwassen and was not at UBC.

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21. **23 NOVEMBER 1997:** RUSSOW RECEIVES MEDIA ACCREDITATION AND THEN HAS PASS PULLED

She called from Tswassen in the morning and was told that her pass was still not ready but if she came down in person there would probably be a better chance of obtaining the media pass. She went to the media centre at 11:30 on Sunday, and waited for 30 minutes and was given a media pass

She covered the People's Summit rally and then returned to the main APEC centre to enter with the media pass.

When she came to the gate, she was told that something was wrong with her pass and she would have to get another one. It appeared that they had been waiting for her because a woman at the gate called out "she is here".

She went to the RCMP desk and they asked for her pass and she returned it. They told her that there was a problem and she would have to return to the media centre. I asked if they could please call for me to find out what the problem was. She overheard the RCMP officer say “yes we have her pass”.

She went to the media centre and was told by Richard Bills, one of the media coordinators, that she was not refused on the grounds of the security check but on the grounds that they could not find the name of the paper that she was representing anywhere. This news paper was part of the local newsgroup in Victoria. They noted that there was no answer at the local newspaper [which is not open on Sunday].

She was told that if she could have a newspaper sent over proving that the newspaper existed her pass would be returned. She was also asked if she had written anything for the paper before and she mentioned she had written a piece on the MAI. He then asked her what she was going to be reporting on. She mentioned that she would be examining the APEC communiqué in the context of international agreements.

She left prepared to have a copy sent over. She then decided to return to the Media centre and suggest that they call the Times’ Colonist which would be open and ask about the legitimacy of the local paper. Richard Bills said "how could we tell if we would be talking to a legitimate person at the newspaper". She said that he could look up the number for the newsroom himself.

He then passed her on to the RCMP officer, Wally Duperon after having a short conversation at the edge of the backroom.

The RCMP officer returned and said that she could not get a pass because she had a FAX of the assignment from the newspaper. She pointed out that an hour earlier she had discussed media accreditation with a woman who had had her assignment faxed from Montreal.

The RCMP officer then said that the newspaper had not registered by September 28, and she pointed out that , she had been told on November 20 when she phoned from Victoria, it was possible to register on site.

He then asked if she had a professional press pass; she responded that she had stated on her application that she was “freelance”.

At this point she said if she were an RCMP officer interviewing him she would have been very suspicious. He retorted perhaps she should become one. She asked if the reason that her pass was pulled was that she was the leader of the Green party. He said no.

She said that there was obviously another reason for her not being able to attend as media, and said that she thought that he was lying; he responded by asking her if she wanted to be arrested.

She left and phoned back to request more information about the real reason for her not being given a media pass.

On the ferry on Monday she read an article about a Reuters reporter who had asked Chrétien a question during a Photo-up. Joan Russow was reminded of Chrétien’s walkabout in Montreal during the 1997 election when after introducing herself as the leader of the Green Party, she asked him a question about Canada’s lack of compliance with international law. After ignoring her questions she asked the reporters in his entourage if they were all there to take photo-ops or were there any investigative reporters among them that would ask Chrétien substantial and challenging questions.

Was this the reason that she was denied media access? She has filed a complaint and she will be using the freedom of information act to find out what is in her record.

22. **27 NOVEMBER 1997:** RUSSOW FILED A COMPLAINT ABOUT THE RCMP AT APEC

23. **28 NOVEMBER 1997:** PETITION SUBMITTED TO THE FEDERAL GOVERNMENT RE: APEC. COPY SENT TO PRIME MINISTER

Nov 28, 1997
PETITION
TO THE HOUSE OF COMMONS
IN PARLIAMENT ASSEMBLED

We the undersigned citizens draw the attention of the House to the following:

THAT the arrests and treatment of citizens protesting in Clayoquot Sound, Temogami, Gustafson lake and Slocan Valley have violated the civil and political rights of those arrested
THAT during the APEC conference in Vancouver several activities authorized by the Canadian Government appeared to be in violation of the Charter of Rights and Freedoms, the Immigration Act and the International Covenant on Civil and Political Rights to which Canada is a signatory.
THAT there is increased concern about the misapplication of justice in reference to
THAT there has been a criminalization of the contempt of court charges
THAT there was questionable activity related to the pulling of a media pass at the APEC Meeting

THEREFORE, your petitioners request that Parliament

(i) to seek an advisory opinion from the International Court of Justice on Canada's compliance with the international Covenant on Civil and Political Rights in relation to the arrests of citizens, to the criminalization of the contempt of court charges, and to the treatment of these citizens as criminals.
(ii) to investigate RCMP behaviour during the APEC Conference as being a violation of Charter of Freedom Right of Assembly
(iii) to examine the Canadian statutory law related to immigration in reference to the section on prohibiting entry into Canada of citizens or leaders that have violated human rights.

In the International Covenant on Civil and Political Rights. Article 19 it is stated
1. Everyone shall have the right to hold opinions without interference
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his {his/her] choice.

SIGNATURE	ADDRESSES
Joan Russow (PhD)	1230 St. Patrick St. Victoria, B.C. V8S4Y4.

24. 9 DECEMBER 1997: CHAIR OF THE RCMP PUBLIC COMPLAINTS COMMISSION INSTITUTES A PUBLIC INTEREST INVESTIGATION INTO APEC

25. 10 DECEMBER 1997: UBC SENATE MEETING DIRECT INVOLVEMENT OF SENIOR OFFICIALS CONFIRMED

At a UBC Senate meeting, senior university officials confirm the direct involvement of senior officials from the PMO in establishing "security perimeters" around the AELM meeting site.

26. 16 DECEMBER: 1997 FILED A COMPLAINT WITH THE RCMP PUBLIC COMPLAINTS COMMISSION

Russow had phoned in the complaint and it is reported that she “alleged oppressive conduct in that she was refused a security clearance to attend the APEC Centre as a report; which she believes is because she is the leader of the Green Party.”

27. 22 DECEMBER 1997: RESPONSE TO COMPLAINT AGAINST THE RCMP

Royal Canadian Mounted Police
“e” division
Ms. Joan Russow
1230. St. Patrick Street V8S 4Y4
December 22. 1007

Dear MS Russow:

Please be advised that this office is now in receipt of correspondence concerning your complaint against members of the RCMP which you lodged with the RCMP Public Complaints Commission.

Your complaint will be investigated and you will be contacted in due course. You will be kept informed of the progress of the investigation at regular intervals

Sincerely

D. J Chisholm, Staff Sergeant
Non Commissioned Officer in Charge
Internal Affairs Unite
“E” Division.

1998

28. 15 JANUARY 1998: RUSSOW INTERVIEWED IN VICTORIA BY TWO RCMP OFFICERS, SERGEANT WOODS AND SERGEANT JUBY

In the interview, after reporting on what I perceived to be the sequence of events, I raised the issue of the possibility that there had been a directive from the Prime Ministers office. When I was asked what remedy I would request, I mention the CSIS Act section in which CSIS is not supposed to target citizens engaged in legitimate advocacy. I also stressed the necessity of establishing clear criteria for the RCMP to enable them to distinguish between individuals engaged in legitimate advocacy and individuals who were real threats to national and international security.

29. JANUARY 1998: NOW MAGAZINE REVEALS DND LISTS OF GROUPS

The following is an excerpt from an piece written by Patrick Cain, and published in NOW magazine in January, 1998.

"The order from the then head of the military police, Colonel Peter MacLaren, asks for the names of what he calls "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces".

The list, MacLaren indicates in his instruction, had been requested by then-Deputy Minister Robert Fowler, now Canada's Ambassador to the United Nations. Much of the note was classified as secret.

On May 18, 1993, MacLaren sent a briefing note to then Vice-Admiral Larry Murray with an attached list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."

Some organizations on the list are expected -- even inevitable -- there are eight white supremacist groups, 14 Asian triads and 15 motorcycle gangs mentioned.

Others are startling. In a section headed "left Wing Groups" MacLaren asserts, "The loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond." Under "Environmental Groups" MacLaren included the Green party (without saying whether he meant the federal or provincial parties), project Ploughshares, the Raging Grannies, the Canadian Coalition for Nuclear Responsibility, Earth First and Greenpeace." Generally peaceful, some groups have attempted to hinder CF (Canadian Forces) operations," MacLaren writes. "The presence of peace group members in the CF could pose a risk to the security of information. DND's efforts to be environmentally sensitive are not appreciated by all environmental groups."

Under "Anti-Racist Groups." the list includes Anti-racist Action, B'nai Brith, the Canadian Jewish Congress and what he called the "native Canadian Centre (without saying which one).

"Generally peaceful" MacLaren writes, "some groups have a Trotskyist or Anarchist element that uses violence at demonstrations. The allegations of white supremacists in the CF could result in protests against DND."

Under "Religious Extremists" MacLaren Lists (without further explanations) "some groups" of Roman Catholics, Sikhs, Baptists and United Church members. Which groups are referred -- for instance, whether MacLaren had the Catholic right or the Catholic left in mind, or both -- isn't clarified. Without the

"some groups" qualification, MacLaren lists the Jewish human rights group B'nai Brith (its second mention) and the Mennonites.

The list, Maclaren writes, was "compiled from (military police) records and open sources." (NOW, January 1998).

30. MONTHLY FROM JANUARY 1998 TO JULY 1998: RCMP UPDATES ON COMPLAINT

Russow received responses from the RCMP; these responses updated me on the complaint by essentially saying that the response was forthcoming.

31. 28 JANUARY 1998: LETTER SENT TO MILITARY POLICE ABOUT THE DND LIST

January 22, 1998

Open Letter to the Military Police

The Green party of Canada would like to raise some serious questions about the following information which appeared recently in an article in the latest NOW Magazine.

Although, in the article, the military police claim that they had only put together a list to indicate how difficult it would be to compile a list of organizations to which military personnel should not belong, the article does reveal a series of categories which raise serious concerns.

The following is an excerpt from a piece written by Patrick Cain, and published in NOW magazine in January, 1998:

"The order from the then head of the military police, Colonel Peter MacLaren, asks for the names of what he calls "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces".

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The list, Maclaren writes, was "compiled from (military police) records and open sources." (NOW, January 1998).

The above article raises serious concerns.

1. What are the military police records and "open sources" referred to in the above article.
2. Why were the groups considered to be part of " extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces."
3. What criteria were used to determine the following: "left Wing Groups whose loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond."
4. How did they determine groups under the following category**: list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."**
5. What actions of the Green party would have caused it to be included in the category of "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces," OR "left Wing Groups whose loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond."
6. Who else had access to this list of "military police records and open sources" that would have included the Green party.
7. Have the records of the "military police records and open sources" been circulated beyond Canada.
8. What criteria are used for distinguishing between dissent and subversion.

Yours truly

Joan Russow PhD
National Leader of the Green Party of Canada
1 250 598-0071

NOTE: FOLLOW-UP CONVERSATION WITH DND. Russow contacted Department of Defence and expressed her concern about the implication of citizens and groups being on a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."As the leader of the Green Party of Canada, Russow expressed concern that the Green Party was found on the list, and pointed out that this violated “political and other opinion”- a ground that is protected in most international human rights instrument. He informed her that after the incident in Somali and the concern about white supremacy groups within the Military, Robert Fowler, the former deputy Minister of Defence had directed him to compile a list of groups that the military should not belong to. MacLaren informed her that he had passed this assignment on to a junior officer who came up with the various categories. She asked him if this list had been circulated, and if it had been shared with other countries; he thought that it had been. She asked if there was any way of preventing the circulation of this list, and he indicated that it would be difficult.
[NOTE: that in the access to information request, the Department of Defence exempted the names of the groups, and that this exemption was supported by the Access to Information Commissioner. The Department of Defence did however release a document which indicated that they were primarily concerned about leaders of these groups]

32. **FEBRUARY 1998:** LETTER, EXPRESSING CONCERN ABOUT DND LIST, TO PRIME MINISTER

Open letter to the Prime Minister, the Rt Hon. Jean Chrétien

The Green party of Canada would like to raise some serious questions about the following information which appeared recently in NOW Magazine. Although the military claim that they had only put together a list to indicate how difficult it would be to put together a list of organizations to which military should not belong, the article does reveal a series of categories which raise serious questions.

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The list, MacLaren indicates in his instruction, had been requested by then-Deputy Minister Robert Fowler, now Canada's Ambassador to the United Nations. Much of the note was classified as secret.

On May 18, 1993, MacLaren sent a briefing note to then Vice-Admiral Larry Murray with an attached list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."

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is questionable as the group bond is stronger than the nationalist bond."

Under "Environmental Groups" MacLaren included the **Green party**
(without saying whether he meant the federal or provincial parties), project Ploughshares, the Raging Grannies, the Canadian Coalition for Nuclear Responsibility, Earth First and Greenpeace.

"Generally peaceful, some groups have attempted to hinder CF (Canadian Forces) operations," MacLaren writes. "The presence of peace group members in the CF could pose a risk to the security of information. DND's efforts to be environmentally sensitive are not appreciated by all environmental groups."

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6. Who else had access to this list of "military police records and open sources" that would have included the Green Party.
7. Have the records of the "military police records and open sources" been circulated beyond Canada.
8. What criteria are used for distinguishing between dissent and subversion.

Yours truly

Joan Russow PhD
National Leader of the Green Party of Canada
1 250 598-0071

P.S. On a personal note: Since I was elected leader of the Green Party of Canada, my bags have been searched four times when leaving and entering Canada and the US.
My media pass was pulled at the APEC conference, and this is being currently investigated by the RCMP Complaints Committee.
cc the local and International Media

33. 20 FEBRUARY 1998: RCMP CHAIR APPOINTS PANEL

Shirley Heafey, chair of the RCMP Public Complaints Commission (PCC), appoints a panel to investigate matters arising from the 1997 APEC summit. The panel consisted of Gerald Morin (chair), Vina Starr, and John Wright.

34. FEBRUARY 1998: RUSSOW WAS IN OTTAWA AND CALLED ON THE PMO TO TALK ABOUT THE ISSUE. THE PMO REFUSED TO DISCUSS HER CASE.

35. 18 MARCH 1998: APEC S"PETITION" RELATED TO THE VIOLATION OF CIVIL AND POLITICAL RIGHTS WAS PUT ON THE FLOOR OF THE HOUSE OF COMMONS BY NDP M.P. LA LIBERTE.

36. MARCH 1998: TELEPHONE LAST MARCH WITH KEVIN GILLET ABOUT RUSSOW APPEARING AT THE COMMISSION: Kevin Gillet did was not of the view that the matter should be brought forward in such a manner, but agreed to look into complaint.

37. 16 APRIL 1998: HEARING INTO APEC COMPLAINTS DELAYED HEARING DEMANDS ALL DOCUMENTS IN THE POSSESSION OF RCMP TO BE SUBMITTED BY MAY 31, 1998

The RCMP Public Complaints Commission hearing into the actions of the Police officers has been adjourned until Sept 14. The decision follows a preliminary hearing in which requests for an adjournment were made based on scheduling problems and the need to gather and evaluate information requested from the RCMP. The information has not yet been received by commission lawyer Chris Considine.

The Commission has asked that the RCMP deliver all relevant documents, as well as the names of the officers who are the subject of the complaint, by May 31.

38. 27 MAY 1998: SGT WOODS INTERVIEW WITH CHRISTINE PRICE ABOUT DIRECTIVE COMING FROM THE PMO

Russow did not find out about the existence of this interview until August 25 1999, and at that time she was dismayed that the RCMP ignored this interview in its response to her complaint.

DATE	TIME	ACTION TAKEN - MEASURES PRISES	HEURE
98-05-27	1420	Called PRICE's residence and left a message for her to call me.	
98-05-28	0900	Received a voice message from PRICE to contact her at 264-3239.	

Contacted PRICE who advised that she works in Proceeds of Crime as of 98-03-24, I advised PRICE of the complaint and stated that I would like to talk to her about the incident. I will Call back after the meeting with IAU.
1050 PRICE attended office this date and a taped statement was obtained. PRICE who was a clerk at the accreditation office stated that she dealt with RUSSOW when she came in and felt that she was different but produced photo I.D. and could not produce any other info other than a fax, that she was working for a newspaper. PRICE called the fax number or. the paper and did not receive an answer or an answering machine at that number. PRICE forwarded the documents and the next day learned that RUSSOW was not to get accreditation as a result of the PM0.

PRICE checked the computer and found that RUSSOW had received the accreditation, and PRICE advised a member and advised that RUSSOW's accreditation was to be retrieved/denied. PRICE stated that she saw RUSSOW come into the center and was spoken to by BILLS. She then saw RUSSOW be directed to speak to DUPERON. She observed RUSSOW become very loud and obnoxious with DUPERON who did not appear to speak in any manner other than professional and courteous. (statement being typed.)

98-06-18 0950 DUPERON faxed his statement to this office this date. In, the statement he explains that he was advised by BILLS of the situation with regards to RUSSOW's accreditation. DUPERON advised that he spoke with RUSSOW and several times advised her of the proper procedures to follow to obtain her accreditation pass. he states as do the other witnesses that RUSSOW became very loud about her discussions with the accreditation staff to the point where it appeared that she was attempting to bully them into allowing her a pass. There is no mention that the people who dealt with RUSSOW knew she was with the Green Party or that the PMO had directed any person to refuse RUSSOW a pass prior to any contact that DUPERON had with RUSSOW.

As a result of the statements obtained and the investigation done by this office there is no evidence that the subject member DUPERON exceeded his powers or did anything untoward to RUSSOW to prevent her obtaining a press pass for APEC, it is shown that DUPERON followed the procedures that were set down for the purposes of allowing accreditation to a reporter and that RUSSOW did not comply with tic guidelines.
The result of the investigation is "UNFOUNDED"
RCMP GRC 1624 (1997-02) (FLO) 034

"Woods: now when Brian Groos told you that she [Russow] was not to get accredited and he stated this came from Audrey Gill, did he give you any explanation as to why
Christine Price; I believe he told me that it was an order from the PMO but that was all that he told me."

39. **8 JUNE 1998:** THE GREEN PARTY OF CANADA PRESS RELEASE-VIOLATION OF INTERNATIONAL COVENANT

LE PARTI VERT DU CANADA
C.P./Box 397, London, ON N6A 4W1
Tel/Fax: (519) 474-3294
Http://www.green.ca

NATIONAL LEADER OF THE GREEN PARTY OF CANADA
Joan Russow (Ph.D.)
Tel/Fax: 604-598-0071

MEDIA RELEASE/COMMUNIQUÉ DE PRESSE

ARRESTS IN CANADA: IS CANADA IN VIOLATION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS

Victoria, June 8, 1998

The Green Party of Canada is pleased that in the independent report from the Auditor General's office, Brian Emmett, the Commissioner of the Commission on Environment and Sustainable Development confirmed that "governments in Canada have failed to live up to their promises to Canadians and to the World".

Nothing demonstrates more Canadian governments' failure to live up to their promises than the arrests of citizens who have been calling for Canada to discharge its obligations and to act on its commitments.

As a result of arrests of citizens, at APEC, in Clayoquot Sound, in Temagami, in Oka, in Gustafson Lake, in Ipperwash, in the Slocan valley, governments in Canada may be remiss in discharging its obligations under the International Covenant on Civil and Political Rights

The enclosed petition was circulated on the 49th Anniversary of Human Rights calling for the Federal government to seek an advisory opinion from the International Court of Justice on whether Canada is in violation of this Covenant

"If there is no recourse through this petition then a complaint should be submitted to the UN Commission on Human Rights which is the body that handles complaints about violations of the International Covenant on Civil and Political Rights. Before this channel can be explored under the Optional Protocol of that Covenant, citizens must first demonstrate that all domestic remedies have been exhausted. This petition is the first step" stated Russow.

For further Information
Please Contact
Joan Russow (Ph.D.)
National Leader of the Green Party of Canada
1 250 598-0071

40. 19 AUGUST 1998: RESPONSE TO PETITION ON CIVIL AND POLITICAL RIGHTS

This response clearly reaffirms that CSIS is prohibited by legislation from investigating activities constitution lawful advocacy, protest and dissent.

Response to petition related to the Violation of Civil and Political Rights
Filed MARCH 18, 1998
Response August 19, 1998

signed by the Minister of Parliamentary Secretary
Petition No381 0801

With regard to the Royal Canadian Mounted Police's (RCMP) response to the demonstrations at the Asia (APEC) conference in November 1997, the Solicitor General is aware of the views that some members of the public have expressed regarding the RCMP's actions in fulfillment of their obligation to safeguard International Protected Persons. The Minister assures the petitioners that he is most sensitive to the concerns that have been voiced.

This petition requests, inter alia, that the RCMP be investigated with respect to the APEC forum. The RCMP Public complaints Commission (The Commission) announced on December 9, 1997 that it would conduct an investigation, in the public interest, after it received a series of complaints about different alleged incidents involving members of the RCMP during the demonstrations at the APEC conference. Following a preliminary investigation of these complaints, the Commission further announced that it would hold public hearings. These hearings will begin September 14, 1998 in Vancouver.

The RCMP Public Complaints Commission announced that the hearings will inquire into and report on:

a) the events that took place between November 23 and 27, 1997 during , or in connection with , demonstrations during the APEC conference on or near the University of British Columbia (UBC) campus and subsequently at the UBC and Richmond Detachments of the RCMP;

b) whether the conduct of members of the RCMP involved in the events was appropriate to the circumstances; and
c) whether the conduct of the members of the RCMP involved in the events was consistent with respect for the Fundamental Freedoms guaranteed by section 2 of the Canadian Charter of Rights and Freedoms

The commission is a fully independent civilian agency which was created by Parliament to ensure that complaints involving members of the RCMP are examined thoroughly and impartially. The Commission is mandated to review complaints, conduct investigations and hold hearings at arm's length from the RCMP and the Federal Government.

With respect to the role of the Canadian Security Intelligence Service (CSIS) during the demonstrations at the APEC conference. CSIS has a mandate to investigate threats to the security of Canada, as defined in section 2 of the CSIS Act. CSIS specifically prohibited by legislation from investigating activities constituting lawful advocacy, protest and dissent. As such, as long as activists' methods remain within legal bounds, such activities would not be subject to CSIS scrutiny. Anyone with specific concerns should raise them with the Security Intelligence Review Committee (SIRC). As to any allegations of criminal activity, these concerns should be addressed to the police force of jurisdiction.

The petition also refers to the events at Gustafson lake, Ipperwash, Oka and other sites of citizen protest. all levels of government with responsibility for law enforcement concentrated their efforts toward a peaceful resolution of these events. Law enforcement measures taken at these locations were for the sole purpose of public protection, and in keeping with the Constitution of Canada and the Canadian Charter of Rights and Freedoms.

41. 25 AUGUST 1998: RUSSOW RECEIVES RCMP RESPONSE TO HER COMPLAINT; The RCMP produced the following report without taking into account that Russow had been placed on an APEC Threat Assessment List, and that Christine Price, with RCMP proceeds of Crime division, had reported, in May, 1998, to RCMP Sgt Woods that there had been an order from the PMO to prevent Russow from attending the APEC Conference. In fact, in the report rather than acknowledging the RCMP evidence supporting the involvement of the PMO in the removal of Russow's pass the Report affirms: "There is no indication of any involvement from the Prime Minister's Office in the decision to refuse your media pass". If the real reason for their concern had been the existence of the Oak Bay news then they could have contacted the police in Victoria.[a possibility did not escape Sgt. Woods.]. In addition, apart from the many inaccuracies in the report, the media assignment letter from the Oak Bay news, which they had on file, had a 250 exchange not a 604.

RCMP Public Complaints Commission
RCMP "E" Division,
657 West 37th Avenue,
August 25, 1998.

Dear Ms. Russow,

This is in reference to the complaint you made against unidentified Vancouver RCMP officer for unjustified use of powers. You lodged your complaint with the RCMP Public Complaints Commission on November 27, 1997.
A thorough investigations has been conducted into your complaint. I have had an opportunity to review the investigator's report and accordingly, I am now in a position to comment on your concerns.

Background Information

On November 22, 1997 you traveled to Vancouver B.C. and attended the media Centre for the APEC conference to request a media pass. You were given a form to fill and you presented a fax copy of a letter from David Lennam of

the Oak Bay News Group, stating you were a representative of the Oak Bay News. The letter requested you be granted media credentials. You state that you were informed you would have to go through a security check, which could take up to 24 hours to complete. On the morning of November 23, 1997, you returned to the media centre to inquire about the status of your media pass. Shortly thereafter you were informed your pass was ready.

After a brief time you were asked to return your pass. Your pass was never returned to you, and it is the actions of the police officers handling your pass that has given rise to your complaint.

Findings of Investigation

Allegation: The RCMP was unjustified in their use of powers in that they refused you a media pass to attend the APEC conference as a reporter.

In addition to the information you provided to the RCMP Public Complaints Commission to initiate your complaint, you provided a statement to Sergeant Woods and Sergeant Juby on January 15, 1998. In your statement
your plans had changed close to the time of the APEC conference, which allowed you to attend the conference n Vancouver. You were informed the media registration process ended on September 27, 1887, however is was still possible to register on site. You stated the Oak Bay News were interested in having you attend the conference and report on the event.

You were faxed a copy of your media assignment which you presented to the APEC media registration centre on November 2, 1997. You filled out a form and were told you would also have to undergo a security check prior to the issue of your media pass. You were told this process could take up to 24 hours.

On November 23, 1998, you again attended the media centre in an effort to pick up your credentials. You were informed your pass was ready and you picked it up. You state that shortly after, you were informed that something was wrong with your pass, and you were directed to speak to the RCMP. Your pass was retained by the RCMP and you were directed back to the media desk. There you were informed no record could be found for the Oak Bay News. Attempts to contact the Oak Bay News were unsuccessful. You state you were asked to produce a copy of the paper, however you were not able to do so. You stated you were told that there was no evidence the Oak Bay News paper existed.
You state that an RCMP officer, who identified himself as Constable Duperon, informed you your newspaper did not register itself prior to the deadline so you would not be given a media pass. A discussion ensured between yourself and the RCMP officer resulting in your identifying yourself as the leader of the Green Party. You state that you told constable Duperon you thought he was a liar and then Constable Duperon informed you the discussion was closed. You state Constable Duperon told you that you should be under arrest. You also allege your pass may have been refused as a result of direction from the Prime Minister's Office.

A statement was obtained from Richard Bills who was the media accreditation coordinator for the APEC conference. Mr. Bills stated that he dealt with you on Nov 23, 1997 after your media had been taken away. In an attempt to determine what had occurred, Mr. Bills contacted Audrey Gill, the manager of communications and public relations for the APEC conference. Mr. Bills was informed that the Oak Bay News may not be a legitimate news gathering organization. Mr. Bills phoned the number on the fax letter of assignment you provided, however there was no answer nor answering machine. Mr. Bill also noted that the fax you presented came from a telephone number with 604
area code not a 250 area code which is the area code for Victoria – where the Oak Bay News indicates they originate.

Mr. Bills asked for a copy of the Oak Bay newspaper or any other press identification. Mr. Bills states that this was his common practice. You could provide neither an original copy of the newspaper or any media credentials. Mr. Bills states that you raised your voice and that you were rude and condescending. Mr. Bills then directed you to speak with the RCMP.

Constable Duperon also provided a statement regarding your complaint. Constable Duperon states that you were directed to speak with him after your media pass had been taken away. Constable Duperon was advised by Mr. Bills that your pass had been mistakenly issued prior to all checks being completed. Constable Duperon states that he then affirmed the need for you to produce either a copy of the Oak Bay newspaper or your press pass.

Constable Duperon stated that you were argumentative and became loud and aggressive. Constable Duperon stated that he had no idea you were the leader of the Green Party , and that he had never heard

of you before. He stated you proceeded to become louder and more agitated. You were asked to leave the building, and told that if you did not you would be arrested for causing a disturbance. You eventually left the building.

The evidence indicates your request for a media pass for the APEC conference was handled according to Policy. You were unable to produce any of the material requested by the media accreditation staff, which would have allowed your request to be processed. There is no indication Constable Duperon or any of the media accreditation staff were in any way unprofessional in their dealings with you. There is no indication of any involvement from the Prime Minister's Office in the decision to refuse your media pass. Based on the foregoing I am unable to support your allegations.

Conclusion
Pursuant to Section 45.4 of the RCMP Act, I am notifying that the investigation into your complaint has now been concluded. If you are not satisfied with the manner in which your complaint has been addressed by the RCMP, you may request a review by the RCMP Public Complaints Commission by corresponding with them at the following address:
RCMP Public Complaints Commission
Suite 102, 7337 - 137 Street, etc.

Sincerely
DJ Chisholm, Staff Sergeant,
Non Commissioned Officer in Charge, Internal Affairs Unit, "E" Division

42. 28 AUGUST 1998: AFFIDAVIT PREPARED BY RUSSOW IN RESPONSE TO COMPLAINT

THAT I Joan Russow, of 1230 St. Patrick Street , do swear the following to be true:

THAT I am the National leader of the Green party of Canada,

THAT I phoned the APEC media office on Thursday November 20 to ask if it was not too late to attend as a representative of the media.

THAT I was told in a phone call to the APEC media desk that the deadline for media registration had been September 29 but that it was still possible to register on site at APEC providing that I had an assignment letter from a newspaper [this is usual procedure for international conferences].

THAT I had received an assignment letter from the Oak Bay News in Victoria.

THAT I have attended several international conferences and reported back as media, and that I have never been prevented from getting media accreditation.

THAT the phone number for the Oak Bay News was listed with the exchange 250 not 604 as claimed by Bills

THAT I was faxed the assignment letter with a note that the original could be picked up at the office

THAT I arrived at the Media Accreditation desk on Saturday at 11:30. and my media credentials were accepted and placed in the computer

THAT I was told that there was a backlog and there would have to be a security check [a requirement for all media].

THAT I was also told that I might be able to begin attending the sessions in the interim because my name was now in the computer, but that it was up to the discretion of the RCMP officers at the entrance to the conference.

THAT I went to the entrance and asked if it would be possible to enter with a temporary pass. The RCMP officers made a few phone calls and then said that I could not enter and would have to wait until the security check was completed.

THAT I was staying in Tswassen, and I was never at the UBC campus during the APEC conference

THAT I phoned back Saturday evening and was told that the security check was still pending.

THAT I phone on Sunday morning and told that if I went to the site in person there would be a greater chance of getting the pass

THAT I went to the media centre at 11:30 on Sunday, and waited for 30 minutes and was given a media pass.

THAT I attended the People's Summit rally and then returned to the main APEC centre to enter with the media pass.

THAT when I came to the gate, I heard someone say "there she is". I was stopped at the entrance and told that there had been something wrong with passes that had been issued, and that I should go over to the RCMP desk because to get another one.

THAT I went to the RCMP desk and was asked for my pass and given the reason that there was a problem and I would have to return to the media centre.

THAT I handed over the pass and asked if they would call the media desk and clarify the problem

THAT they called the desk and I overheard them say "Yes we have the Pass".

THAT I went to the media centre and was told by Richard Bills, one of the media coordinators, that I was not refused on the grounds of the security check but on the grounds that they could not find the name of the paper that I was representing anywhere.

THAT this news paper was part of the local news group in Victoria. They noted that there was no answer at the local newspaper [which is not open on Sunday].

THAT I was told that if I could have a newspaper sent over proving that the newspaper existed my pass would be returned.

THAT I was also asked if she had written anything for the paper before and I mentioned I had written a piece on the MAI.

THAT he then asked me what I was going to be reporting on. I mentioned that I would be examining the APEC communiqué in the context of international agreements.

THAT I left prepared to have a copy sent over. I then decided to return to the Media centre and suggest that they call the Times Colonist which would be open and ask about the legitimacy of the local paper, the Oak Bay News.

THAT Richard Bills said "how could we tell if we would be talking to a legitimate person at the newspaper".

THAT I said that he could look up the number for the newsroom himself.

THAT Bills then said I would have to talk to an RCMP officer

THAT Bills and the RCMP officer, Wally Duperon, went down the hall for a discussion

THAT Officer Duperon returned and said that I could not get a pass because I had a FAX of the assignment from the newspaper. I pointed out that an hour earlier I had discussed media accreditation with a woman who had her assignment faxed from Montreal

THAT officer Duperon then said that the newspaper, the Oak Bay News had not registered by September 28

THAT I pointed out that I had been told over the phone that it was possible to register on site.

THAT he asked if I had a professional media card; I told him that on my form I had indicated that I was free lance

THAT I said that there was obviously another reason for my not being able to attend as media.

THAT at this point I said if I were an RCMP officer investigating you I would be very suspicious.

THAT he responded with perhaps you should become an RCMP investigator

THAT I asked if the reason that my pass was pulled was that I was the leader of the Green party.

THAT he said "no".

THAT I said "you are lying"

THAT he said "do you want to be under arrest".

THAT I left and phoned back to request more information about the real reason for my not being given a media pass and was given no further information.

THAT I returned to Victoria and filed a complaint

THAT two RCMP investigators came over to Victoria to tape my complaint

THAT on the ferry to Victoria, I read an article about a Reuters reporter having her pass pulled because she dared to ask the RT Hon Jean Chretien, a question during a photo-up

THAT I thought perhaps the Prime Minister had had something to do with pulling my pass because during the 1997 Election, I asked him during a photo Op if he would be prepared to debate with me over Canada's compliance with international law. On the ferry on Monday I read an article about a Reuters reporter who had tried to ask Prime Minister Chrétien a question during a Photo-up.

I was reminded of Chretien's walkabout in Montreal during the election when after ignoring two of my questions as leader of the Green party, I asked the reporters in his entourage if they were all there to take photo-ops or were there any investigative reporters among them that would ask Chrétien substantial and challenging questions.

THAT on December 10, 1997 I submitted a formal petition to the House of Commons related to the violation of civil and political rights in Canada

THAT on August 25, 1998 I received a response from the Commission

THAT I will be requesting a review by the RCMP Public Complaints Commission.

43. **AUTUMN 1998**: QUESTIONS ABOUT APEC IN COMMONS

The fall sitting of the House of Commons is dominated by questions concerning the APEC Inquiry.

44. 25 SEPTEMBER 1998: NDP RAISES CONCERNS ABOUT APEC IN PARLIAMENT

The Toronto Star reports that New Democratic Party leader Alexa McDonough, speaking in the House of Commons, asserted: "We learned that former operations director, Jean Carle, has admitted to destroying documents pertaining to spray-APEC." However, PCC counsel Chris Considine is quoted as saying that "we have no evidence to suggest at this time that there has been a deliberate destruction of documents."

45. 28 SEPTEMBER 1998: INFORMATION IS RELEASED AT THE RCMP PUBLIC COMPLAINTS COMMISSION THAT RUSSOW WAS ON A RCMP THREAT ASSESSMENT LIST. Prior to this information surfacing Russow had thought that she would abandon any further complaint against the RCMP. After finding out that she had been on a RCMP Threat Assessment list, and she realized that the RCMP, as she had originally thought, had misrepresented the real reason that her pass was pulled, she became increasingly concerned about the RCMP targeting activists and placing activists on threat Assessment lists. She became equally concerned that activists, without their knowledge, across the country could be designated as threats, and there could be unintended serious consequences related to their Charter rights.

RCMP THREAT ASSESSMENT LIST:
Monday, November 23 in the following report:
Two members of the media attended UBC last night as invited observers were noted to be overly sympathetic to the APEC alert protestors. Those subjects had their accreditation seized.
First subject Dr. Joan Russow Federal leader of the Green party.
Photo
Birth date: November 1 1938 Brown hair, height 161 weight 54

46. 29 SEPTEMBER 1998: MEDIA CONTACTED RUSSOW ABOUT HER BEING ON THREAT ASSESSMENT LIST

CBC reporters Laura lynch and then Ken “Rockburn interviewed Russow. She receive national coverage concerning the complaint and concerning the fact that she was on an RCMP Threat Assessment list

47. 29 SEPTEMBER 1998: COMMONS BOOK PREPARED FOR THE SOLICITOR GENERAL

THE COMMISSION
Solicitor General

SEPTEMBER 29, 1998 HOUSE OF COMMONS BOOK ADVICE TO MINISTER
Subject; to inform the Minister about concerns expressed by the leader of the Federal Green party further to media reports on the release of information allegedly contained in documentation provided to the RCMP PCC for the APEC Inquiry

Assessment Evaluation

The leader of Canada‘s Green Party, Joan Russow, has indicated to the media that she is extremely concerned that her name has appeared on a list contained in an RCMP document relating to APEC.

The RCMP believes that Ms. Russow is referring to information contained on documentation provided to the RCMP PCC for the inquiry. A number of these documents are surfacing in the media after their release by the RCMP to legal counsel for the students.

Since the RCMP's documentation was released to the RCMP PCC for the explicit purpose of conducting an inquiry into matters relating to APEC. It is recommended that no comment be offered by the Minister concerning this or any other information contained in those documents. The RCMP will also refrain from commenting on any of this information. To make any comments at this time may jeopardize the integrity of the upcoming RCMP PCC Inquiry.

STATUTORY IMPLICATIONS; RCMP PCC inquiry

Suggested Reply
As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work.

If pressed:
It is unfortunate that information provided in confidence to the RCMP PCC for the purposes of conducting their inquiry is being prematurely debated in the public forum before the inquiry has even begun. I can only reiterate that we should let the RCMP PCC do their work.

Prepared F. Lang-Mlcu approved by
Insp. B. George OIC executive services

48. 29 SEPTEMBER 1998: GREEN PARTY RELEASE AFTER IT WAS REVEALED THAT RUSSOW WAS ON A RCMP THREAT ASSESSMENT LIST

German Greens form coalition while Canadian Green leader "tag"ed as "threat"
Tuesday, September 29th, 1998
Green Party of Canada

Media Release

Joan Russow, the leader of the Green Party of Canada, today revealed that the Canadian Government has labeled her as a member of Threat Assessment Group (TAG) - a group which includes people which constitute a threat to national and international security.

The RCMP withdrew Russow's media pass at the 1997 APEC Conference in Vancouver. At the time, the RCMP claimed that the reason for their withdrawal of her media credentials was because the newspaper which she represented - the Oak Bay News - did not exist.

Of course, the paper does exist.

Russow made an official complaint to the RCMP Public Complaints Commission. The investigator concluded that the RCMP had handled the media pass withdrawal "according to policy". Russow has now uncovered. RCMP files which show her photograph, the TAG identification, and the notation that she not be allowed into the APEC conference. The TAG notes that she was one of two members of the media who attended a UBC meeting on November 23rd as "invited observers" and was claimed to be "overly sympathetic" to APEC Alert protesters.

Ms. Russow was never at UBC during the APEC conference.

This is clear *prima facie* evidence that the RCMP covered up the reasons for the lifting of Joan Russow's credentials. Ms. Russow has never been arrested. never visited the UBC APEC protesters, and is a law-abiding Canadian. She is, however, a long-standing human rights, peace, and environmental activist. She has continually challenged Brian Mulroney and Jean Chrétien for not living up international law. The Green Party leader has suggested from the start that the Prime Minister's Office was involved in the RCMP's cover-up in order to stifle political dissent.

49. 29 SEPTEMBER 1998: INTERVIEW BY NOW MAGAZINE IN OTTAWA Published on 8 OCTOBER 1998

IS RCMP AGAIN SPYING ON LAW-ABIDING ACTIVISTS?

Documents list HIV status and intimate info about protesters

OTTAWA -- Scanning RCMP mug shots of people sympathetic to anti-APEC protesters, it's hard not to think we've slipped into a time warp.

The documents. obtained by NOW, are secret intelligence briefs liberated from the shadows by the current public complaints commission probe -- and a jolting reminder that the RCMP still hasn't broken its addiction to cataloguing dissidents.

Decades back, the RCMP targeted unionists and peaceniks as if they were enemies of the state. The Mounties had their hands slapped by the McDonald royal commission in the 1980s, and passage of the CSIS act was meant to end politically motivated domestic spying.

But suddenly, here we are again. The intelligence briefs feature row upon row of head shots used in the weeks and days leading up to the APEC summit to identify and arrest those considered potential troublemakers by something called the "APEC threat assessment joint intelligence group" (TAG) , which included the RCMP, local Vancouver police and possibly CSIS.

One TAG brief page obtained by NOW is titled No To APEC Activists and contains eight photos with names and physical descriptions.

Another page labeled Other Activists has 10 thumbnail photos of individuals, with names, dates of birth and descriptions. It notes that the individuals are an "HIV-positive AIDS activist" or a "Lesbian activist" or an "Anarchist."

Green Party of Canada leader Joan Russow had nothing to do with organizing the protest, but was still placed on the RCMP hit parade.

Russow had been assigned to cover the summit by the Oak Bay News, a weekly community newspaper on Vancouver Island.

However, two days before the leaders met, Russow had her press pass stripped by the RCMP.

According to statements given to an internal RCMP investigation into the matter after Russow complained, her pass was revoked because the proper security check had not been completed before she was issued a pass, and she could not produce a copy of the newspaper or any press identification on-site.

Media credentials

"They were saying that everything had been done according to protocol and that I was rude, which was not true at all," Russow says of the RCMP probe into her complaint.

The paper's editor-in-chief, David Lennam, says he prearranged Russow's media accreditation prior to the summit without incident.

"What I remember doing was sending everything over as requested and sending a covering letter introducing Joan on our behalf," Lennam recalls, and the RCMP never called to say there was a problem.

Russow decided not to pursue the matter further after the RCMP internal investigation dismissed her claim of unjustified use of powers.

But then somebody gave her the threat-assessment brief with her picture on it. She's listed on the Other Activists page as a "media person" and "UBC protest sympathizer."

But Russow also obtained what is perhaps a more telling brief labeled APEC TAG Daily Bulletin For 1997-11-24. The bulletin states that "two members of the media attending UBC last night as invited

observers were noted to be overly sympathetic to the APEC Alert protesters. Both subjects have had their accreditation seized. The first subject is Dr. Joan Russow, federal leader of the Green Party."

The other media rep who had his pass stripped November 23 is Dennis Porter, at the time a Simon Fraser University student who was filming an APEC protest march in downtown Vancouver for a labour show called Working TV that aired on the local Rogers cable station.
Porter recalls that he was shooting the protest when an RCMP officer tapped him on the shoulder.

"It was kind of spooky because I'm just walking around downtown and this big police officer comes and knows me by name and brings me away," Porter says.

The officer told him he had been instructed to take away his pass. When Porter asked why, he says, he got a runaround. He was directed to the APEC media handlers, and they directed him back to the RCMP.

At one point, he says, he was told by the RCMP that the reason he'd lost his pass was that he was observed at the tent city outside the UBC student union building where a group of protesters had camped the week before the summit. ….

50. 5 OCTOBER 1998: COMMISSION OPENED AND REPORT BY TERRY MILEWSKI

Russow attended the opening of the RCMP Public Complaints Commission, and talked with Chris Considine about participating and he indicated that he thought that it would be important for her to participate. She raised the issue with the media that she had attended international conferences in countries, like China and Turkey, that are not perceived to have high human rights standards. Yet, when we demonstrated there, the police did not attack protesters with pepper spray.

Report by Terry Milewski

Day one of the inquiry
Peter Mansbridge
The National, CBC-TV, October 5, 1998 NA: Milewski-Terry Ward-Cameron, Whitehall-Ivan; Morin-Gerald Russow Joan, Grabb-Russ Sgt

Broadcast Transcript

Peter Mansbridge: Now as we mentioned earlier this was day one for the inquiry into RCMP conduct. And what happened today at the inquiry, could mean more trouble for the government. Here’s Terry Milewski.

Terry Milewski: The APEC inquiry finally began but it didn’t hear a single witness. Instead it was day of legal wrangling in which the battle lines were drawn.

Cameron Ward’ Students’ lawyer: Prime Minster Chrétien didn’t even bother to go tot the legislature but invoked a form of martial law.

Milewski: A lawyer for the students accused Jean Chrétien of using police stat tactics at the APEC summit, comparable he said to the use of the War Measures Act in Quebec.

WARD. At least in 1970 Prime Minister Trudeau went to Parliament and passed legislation before people were rounded up

MILEWSKI: But the Federal government’s lawyer Ivan Whitehall, said the APEC summit was run like any other there were no special favours to Mr. Suharto

Milewski White hall also denounced what he called “calculated leaks” of documents which suggest the government tried to shield APEC leaders from embarrassment by protesters but he offered no explanation for the documents

Whitehall: the documents say what they say but obviously they have to be put in context as opposed to taking them out of context as you have done

Milewski: if the head of the APEC organization though the PMO was concerned about embarrassment , was he wrong?

Whitehall: Look, let’s wait till the facts are all in.

Milewski. Getting the facts is now the job of a three person panel chaired by Gerald Morin who promised to go where the evidence leads even if it leads to the Prime Minster.

Gerald Morin/Panel , Chairman. There are grave matter which strike at the heart of us of who we are as Canadians

Joan Russow/Federal Green party: Civil and political rights of citizen in Canada have been violated!
Milewski: The argument continued in the hallways. Joan Russow of the Green Party who was placed on an RCMP watch list for siding with the students took on Sgt Russ Grabb , the spokesman for the RCMP.
RUSSOW. I think there i‘s a lot to answer for! SGT Russ Grabb/RCMP Well the questions that you .or the issues your raise are good ones. They’re ones that deserve an answer that is the reason why we have an inquiry

MILEWSKI: But inside the inquiry Joe Arvay the lawyer for student Craig Jones said the government is now silencing dissent in its own caucus. He said Vancouver Liberal MP Ted MacWhinney who broke with the government to support legal funding for the students, had been booted off the foreign affairs committee

Milewski: Ted Mac Whinney, whose riding includes UBC said there is nothing sinister about it but he confirmed that he was dropped from the committee after he came out in support of government funding for the students lawyers. Now the inquiry panel is doing the same thing: It’s renewing a previous request denied by the government for that legal funding. And it is ruled that its jurisdiction does include political orders as well as police actions
Terry Milewski, CBC New, Vancouver.

51. 5 OCTOBER 1998: CONCERN RAISED ABOUT SOLICITOR GENERAL ANDY SCOTT

NDP Member of Parliament Dick Proctor reports in Parliament that he overheard Solicitor General Scott say that he was acting as Prime Minister Chrétien's "cover" in the APEC affair and that "it will all come out in the inquiry that four or five Mounties overreacted for five minutes. No one knows this. I think it was excessive."

52. OCTOBER 1998: RUSSOW REVISES COMPLAINT GIVEN NEW EVIDENCE

Russow revised complaint and included new information about the RCMP Threat Assessment list, and asks for the Commission to review her complaint and allow her to appear

53. 6 OCTOBER 1998: CHRETIEN STATES HE WILL NOT TESTIFY AT APEC INQUIRY

The Vancouver Sun reports: "Chrétien has said he will not testify even if the RCMP Public Complaints Commission calls him. Liberal MP and constitutional expert, Ted McWhinney (Vancouver Quadra) was kicked off the House foreign affairs committee after saying last week that students involved in the protest

at the Asia-Pacific Economic Cooperation forum should have their legal bills paid. The committee was to vote on the request for funding this week."

54. 14 OCTOBER 1998: APEC PROTESTERS TO WALK OUT OF PUBLIC COMPLAINTS COMMISSION TODAY

55. 16 OCTOBER 1998: ALLEGATIONS AGAINST CBC TERRY MILEWSKI

Peter Donolo, the Prime Minister's communications director, writes to the Canadian Broadcasting Corporation alleging that award-winning CBC journalist Terry Milewski is biased against the Prime Minister. No specific inaccuracies or violations of professional journalistic standards are alleged. Milewski is taken off the story.

56. 20 OCTOBER 1998: GREEN PARTY ANNOUNCES APEC LEGAL FUND

Russow affirmed that the Green Party would forego any commission for operating the fund, and that, in the event that the protesters received funding, the excess amount in the fund would go to other issues related to the violation of civil and political rights.

THE GREEN PARTY OF CANADA LE PARTI VERT DU CANADA
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Http://www.green. ca
MEDIA RELEASE COMMUNIQUÉ DE PRESSE

Green Party Announces APEC Legal Fund

VICTORIA, B.C. -- October 20, 1998 -- The Green Party of Canada today launched an APEC Legal Fund For The Promotion of Civil and Political Rights to assist the complainants at the RCMP commission hearings being held in Vancouver.

"The Green Party is establishing this fund because the federal government is derelict in exercising its duty to guarantee the civil and political rights of the complainants. The Green Party challenges other political parties to set up similar funds," said Dr. Joan Russow, Leader, noting that tax payers are in effect paying for the government's and the RCMP's side of the story at the hearings, where as the students and others are left not funded.

As the promotion of civil and political rights is part of the mandate of the Green Party of Canada, contributors to this fund can receive a political contribution tax receipt for which there are significant tax credits. A contribution of up to $! 00 may receive a 75% deduction on their tax payable. The deduction is 50% for each dollar contributed over $100 up to $450 and 33% of the next $60i'.

Citizens who wish to contribute to this fund are asked to make their contribution payable to the "Green Party of Canada APEC Legal Fund" and to send it to the Green Party of Canada, C.P./P.O. Box 397, London, Ontario, N6A 4W1.

"On December 10th the government will be formally celebrating the 50th anniversary of the Universal Declaration of Human Rights and glorifying Canada's role in the development of this document. Yet as we can see, the government is prepared to deny the very rights called for in this declaration and other human rights documents," said Russow.

The Green Party of Canada had been instrumental in placing a formal petition before Parliament pointing out the government's failure to discharge its obligations under the International Covenant on Civil and Political Rights. That petition was presented in Parliament on February 17, 1997.

57. 23 OCTOBER 1998: FEDERAL GOVERNMENT ALLEGES BIAS AGAINST MORIN.

The Vancouver Sun reports that "the federal government raised an allegation of bias against Morin," founded on reports allegedly overheard in Prince Albert, Saskatchewan, some months earlier by RCMP Constable Russell Black.

58. **NOVEMBER 1998:** RUSSOW ATTENDED COMMISSION SESSION IN VANCOUVER

Russow discussed participation in the Commission with Commission Counsel Chris Considine, and he indicated that she probably would be able to participate in the Commission

59. **5 NOVEMBER 1998:** RCMP LAWYERS SEEKS COURT RULING ABOUT BIAS OF PANEL

The federal government, "which first raised the issue of bias against chairman Gerald Morin, decided it will not make a formal application against the panel." However, lawyers for RCMP officers announce that they will seek a court ruling that the panel is biased and an interim order prohibiting "the panel from reconvening before the application for disqualification is heard" (Vancouver Sun and National Post, 5 November 1998).

60. **6 NOVEMBER 1998**: TERRY MILEWSKI CLEARED BUT TAKEN OFF CASE

An internal CBC investigation into the Prime Minister's Office's complaints clears Terry Milewski of wrongdoing. He is not reassigned to cover the story.

61. **23 NOVEMBER 1998**: ANDY SCOTT RESIGNS

Andy Scott resigns as Solicitor General and is replaced by Lawrence MacAulay of Prince Edward Island.

62. **4 DECEMBER 1998:** GERALD MORIN RESIGNS CLAIMS INTERFERENCE BY CHAIR.

Gerald Morin resigns from the APEC Inquiry panel. Peter Mansbridge reports on CBC's The National: "Gerald Morin blamed interference from his boss, a political appointee, and even raised the possibility of break-ins and bugging of his car and office." According to CBC reporter Ian Hanomansing, "Gerald Morin says the person in charge of the commission, Shirley Heafey, a political appointee, interfered three times."

63. **5 DECEMBER 1998:** OPEN LETTER TO PRIME MINISTER JEAN CHRÉTIEN GREEN PARTY LEADER AN APEC COMPLAINANT CALLS FOR ADHERENT TO ARTICLE 8 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

IN APEC CHRÉTIEN HAS VIOLATED ARTICLE 8 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

ATTENTION: The Right Honourable Jean Chrétien
cc. Media

As you undoubtedly know the RCMP placed me on the APEC THREAT ASSESSMENT LIST, and prevented my participation as a journalist at APEC. As a citizen with no criminal record, and as a leader of a federal political party, the Green Party of Canada, I deserve an explanation. I am one of the 47 complainants before the non-functioning RCMP public complaints commission.

The only reason that I can imagine for your government’s action was that you anticipated that I might ask you questions related to the violations by the Canadian government of international obligations and commitments, particularly through APEC As you will recall, I have confronted you before on these matters, and you refused to respond to my questions.

On February 17, 1998 a petition that I drafted about the violation of Civil and Political Rights was put on the floor of the House of Commons. This petition called for Canada to seek an advisory opinion from the International Court of Justice on Canada’s compliance with the International Covenant on Civil and Political Rights in cases such as your response to opposition to APEC. This petition was dismissed by your government.

I would like to bring to your attention Article 8 of the Universal Declaration of Human Rights: I do so because it is clear from the actions of your government that you appear to be unaware of international obligations incurred by Canada under this Declaration:

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him [her} by the constitution or by law."

The 50th Anniversary of the Universal Declaration of Human Rights is on December 10th. This will be an ideal opportunity for your government to ensure that there is a judicial inquiry into the larger issues associated with APEC, and that you and members of your office undertake to appear before the committee.

Yours very truly
Joan Russow (PhD)
National leader of the Green Party of Canada
1 250 598-0071

64. 8 DECEMBER 1998: APEC INQUIRY IGNORED ADVICE FROM LEGAL EXPERT PANEL COULD HAVE HIRED INDEPENDENT COUNSEL TO ACT AS AN ADVOCATE ON BEHALF OF STUDENT PROTESTERS AT PUBLIC

10 DECEMBER 1998. RUSSOW INVOLVED WITH ORGANIZING EVENT FOR 50TH ANNIVERSARY OF THE UNITED NATIONS DECLARATION OF HUMAN RIGHTS, AND LAUNCHES CITIZENS TREATY ON THE PUBLIC TRUST

65. 10 DECEMBER 1998: RESIGNATION OF MORIN'S FELLOW COMMISSIONERS

Morin's fellow commissioners, Vina Starr and John Wright, resign. PCC chair Shirley Heafey (the administrative head of the commission but not the head of individual panels) "kept the resignations secret for reasons she did not disclose" (Vancouver Sun, 18 December 1998).

66. 12 DECEMBER 1998: RUSSOW SENDS LETTER TO RT HON JEAN CHRÉTIEN REQUESTING EXPLANATION ABOUT REASON FOR PLACING HER ON LIST.

Chretien.J@parl.gc.ca
With copies to the Canadian Media

ATTENTION; The Rt. Hon Jan Chrétien

As a complainant in the APEC RCMP hearings, I am still waiting for your explanation of why I was placed on an APEC threat Assessment list which resulted in my APEC pass being pulled. In the absence of any satisfactory response from your office or from the RCMP, I can only conclude that the placement of a leader of a registered political party on an RCMP threat Assessment list came about through a direction from your office. Unfortunately, the continue APEC Complaints process is not able to investigate your role in preventing the exercising of citizen' civil and political rights

In addition, issues raised in the Petition on the Violation of Civil and Political Rights that I drafted and that was put on the floor of the House of Commons on February 17, 1997 have not been addressed

Yours very truly

Joan Russow
National leader of the Green Party of Canada

67. 17 DECEMBER 1998: GLOBE ARTICLE ON FAILURE TO IMMEDIATELY DISCLOSE RESIGNATION OF COMMISSIONERS STARR AND WRIGHT

The resignations of commissioners Starr and Wright are made public, after Parliament has recessed for the Christmas holidays. Alexa McDonough says: "People are properly shocked that the Public Complaints Commission chose to hide the resignations from the public for a whole week. It hardly inspires confidence" (Globe and Mail, 18 December 1998).

68. 21 DECEMBER 1998: APPOINTMENT OF TED HUGHES AS CHAIR

E.N. (Ted) Hughes is appointed as sole commissioner to investigate the matters before the PCC relating to the 1997 APEC summit: "Investigating allegations of political interference in the security measures at the summit is not part of Hughes' mandate, his boss, commission chairwoman Shirley Heafey, confirmed at an Ottawa press conference" (Vancouver Sun, 22 December 1998). Commissioner Hughes rules that, in proper circumstances, the PCC has jurisdiction to investigate and to make recommendations concerning questions relating to the role of the Prime Minister or of his officials in giving improper orders, if any, to the RCMP.

69. 22 JANUARY 1999: RESPONSE FROM CSIS ABOUT THREAT ASSESSMENT LISTS

Russow had requested information from CSIS about Threat Assessment lists, and received the following response:

Under Threat Assessment
as part of this, the service prepared and disseminates time-sensitive evaluation of the scope and immediacy of terrorist threats posed by individuals and groups in Canada and abroad. Assessments are made of threat against Canadian VIPs traveling in Canada and abroad, foreign VIPs, VIPs traveling in Canada and abroad foreign VIPs traveling in Canada and abroad foreign visit Canada foreign missions and personnel in Canada. Canadian interest abroad pubic safety and transpiration security and special events.

Russow had also requested information about CSIS and received the following response:

Canadian Security Intelligence Service

Service canadien du renseignement de security
January 22, 1999
Joan Russow
1230 St-Patrick Street Victoria, BC
V8S 4Y4

Dear Mr. Sweet [?]:
This letter is in response to your request for information pertaining to the Canadian Security Intelligence Service (CSIS).
CSIS was created by an Act of Parliament on July 16, 1984. As a result of the CSIS _Act, the Service has a mandate to investigate, analyze and report to government on information and intelligence respecting activities that constitute threats to the security of Canada. The threats are specifically defined in Section 2 of the CSIS Act. The Service's investigative priorities with respect to these defined threats are public safety, national security and security screening.

Whereas the Act provides the Service with the authority required to conduct its investigations, it also provides for an elaborate system of control, accountability and independent review. The mandate and activities of the Ministry of the Solicitor General, the office of the Inspector General (IG), the Security Intelligence Review Committee (SIRC), the Federal Court of Canada and a Parliamentary committee,

safeguard the delicate balance between the rights and freedoms of the individual and the obligation of the state to protect its citizens and property.
The Service, which has offices in most major cities across the country, functions as a defensive security intelligence organization. CSIS does not, by law, have an offensive capability; it does not perform activities abroad with respect to the collection of foreign intelligence. P.O. Box 9732, Station T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4

In order to provide you with more detailed information on CSIS, I have enclosed a copy of the following documentation:

The CSIS Act (I recommend a review of sections 2, 12 to 16, 21, 30 and 34);
the 1997 CSIS Public Report with the Annual Statement on National Security which was delivered in the House of Commons by the Solicitor General of Canada, the Honourable Andy Scott, on April 30, 1998;
"The Canadian Security Intelligence Service in a changing world" brochure; a copy of issues no. 6 to no. 10 of the Backgrounder Series. Submission to the Special Committee of the Senate on Security and Intelligence.
You may visit the official CSIS web site on the Internet at the following address: http://csis-scrs.gc.ca. In closing, I hope that this information and the aforementioned documentation will be of some assistance. Should you require further information, please contact me at your leisure.
Sincerely yours,

Daniel Vigeant
Public Liaison Officer
Communications Branch

Enclosures

70. **JANUARY 27 1999**: RENEWED COMMISSION RESUMES

Russow phoned Shirley Heiffe's office at the RCMP Public Complaints Hearing asking if she would be included as a complainant given that there was a new Commissioner. She subsequently received a phone call from the man who identified himself as a lawyer on contract with the RCMP Complaints Commission in Ottawa. This lawyer told Russow that the Commission's view was that her complaint had been already dealt with and that Russow was not entitled to a public review. Russow explained that she had evidence that the Commission had lied about the reasons for the withdrawal of her media credentials. The lawyer then refused to give his name.

71. **JANUARY 28 1999:** PRESS RELEASE ISSUE BY THE GREEN PARTY OF CANADA

GREEN PARTY NATIONAL OFFICE ADDRESS

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason contained in the APEC Treat Assessment Group list, I believe that I should be part of the RCMP Public Complaints Commission currently under way or part of a separate RCMP Public Complaints Commission inquire.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the ten Commission lawyer Chris Constdine that I would be include in the Commission hearings. However when I inquired recently about the revived commission which has begun Wednesday January 27, I was told by a lawyer on contract with the commission who refused to reveal his name that my case had been dealt with separately and that I could not be part of the RCMP Public compliance procedure nor could I in any way have a public investigation into my complaint. But I could ask for an in-house review.

I believe that a full public inquiry should be made into the reason for placing a leader of a registered political part on a Threat Assessment list

In mid January 1999, I spoke with a senior advisor to the Prime Minister and requested information about the following:

Why I was put on the list
Who decided that I should be put on the list
What was the reason fro my name being put on the list

I have received no reply, and I contacted the Prime Ministers office again yesterday and my call has not yet been returned
cc: RCMP Public Complaints Commission

72. 28 JANUARY 1999: COMPLAINT SUBMITTED TO CSIS COMMISSION:

ATTENTION:
Sylvia MacKenzie
Senior Complaints officer
fax 613 990 5230

Green party of Canada leader files complaint with Canadian Security Intelligence Service (CSIS) Complaints Commission

Wednesday, January 27, 1999--VICTORIA

Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS complaint Commission:
1 613 990 8441
Senior Complaints officer Sylvia MacKenzie
fax 613 990 5230

COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

“Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2” (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints

Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that “my request .... had been handled according to policy”. During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- Why I was put on the list
- Who decided that I should be put on the list
- What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;

(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;

(c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a

foreign states; and

(d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

73. 9 FEBRUARY 1999: MEDIA RELEASE RELATED TO THE PRIME MINISTER'S OFFICE AND REASON FOR PLACING THE LEADER OF THE GREEN PARTY OF CANADA ON THE APEC THREAT ASSESSMENT LIST

Tuesday February 9,1999
DID THE PRIME MINISTER'S OFFICE PLACE THE LEADER OF THE GREEN PARTY OF CANADA ON THE APEC THREAT ASSESSMENT LIST BECAUSE OF HER OVERT AND PUBLIC CRITICISM OF CANADA'S SELLING CANDU REACTORS

It was reported yesterday by Jonathan Oppenheimer that "when Li Peng visited Canada in 1995, Derek Stack was tackled, dragged away by Mounties, handcuffed, and detained, and later released without charge. His crime - he had been holding a sign along a motorcade route protesting the sale of CANDU reactors to China. He was taken into custody just before Li Peng's motorcade drove by".

As a complainant with the APEC RCMP Complaints Commission I am still trying to determine Prime Minister Chretien's connection with my being placed on the APEC Threat Assessment list. This recent evidence provided by John Oppenheim suggests that it might be because I have been a public and overt critique of Chretien's policy of selling CANDU reactors. In 1994, as editor of the Sierra Club (Victoria Group) newspaper the "Changing Times" I co-authored an article entitled "Chretien's Nuclear Sellout: CANDU legacy"; Also in 1994, at the IUCN (World Conservation Union) Annual General Meeting in Buenos Aires I addressed the issue of the sale of CANDU reactors to Argentina. In 1995 at the UN Conference on Women: Equality, Development and Peace, at a delegate meeting at the Canadian Embassy in Beijing, I raised the serious concern that Canadian women have about Canada selling CANDU reactors to China. In 1996, at Globe 1996, as a member of the media at a press conference I asked the delegate from China about the CANDU reactor; in particularly I raised the issue about the financial arrangement for the sale and the connection with the nuclear arms industry; at that time a representative from External Affairs quickly ushered the Chinese delegate out of the room. During the election in June 1997 I continually raised the issue of the sale of CANDU reactors not only to China but to Korea, Roumania, Argentina and at a walkabout in Montreal as the leader of the Green Party of Canada I challenged Jean Chrétien publicly in front of the media about the sale of CANDU reactors to not only China but also to Roumania, Korea and Argentina, and I noted that the sale of CANDU reactors was in violation of international law.

Last month, I requested a response from the Prime Minister's office about the reason for my being placed on the APEC Threat Assessment list, and I filed a complaint with CSIS. I have still not received a response.

For further information:
Please contact
Joan Russow (PhD)
1 250 598-0071

74. 11 FEBRUARY 1999: LETTER FROM CAMERON WARD LAWYER FOR APEC COMPLAINANTS ABOUT FUNDING

75. 16 FEBRUARY 1999: FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR: RESPONSE FROM Security Intelligence Review Committee

Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, Britizh Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has takent and you are particularly concerned with the possibility tha the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

76. 5 MARCH 1999: HUGHES RULES PM NOT EXEMPT FROM BEING SUMMONED

Commissioner Hughes rules that no person is exempt from being summoned as a witness before the commission if the evidence points in their direction (that is, the Prime Minister could be subject to a summons).

77. 17 MARCH, 1999: RUSSOW RECEIVES A SUMMONS, FROM THE COMMISSION, TO TESTIFY AS A WITNESS

RCMP Public Complaints Commission
Commission Counsel
March 17, 19999
Joan Russow
1230 St. Patrick Street
Victoria B.C. V8S 4Y4

Dear Dr. Russow

Re: RCMP Public Complaints Commission Hearing- March 22 1999

Pursuant to section 24 1 (3) (a) of the RCMP Act t, the Commission has issued the enclosed summons.

The summons requires you to appear at the Hearing on March 22nd, 1999. However, as it is unlikely that you will be required to present your evidence a that time and as we do not want to unduly inconvenience you, your attendance will not be required until a later date. Instead, we will contact you in the next few weeks as to the anticipated date that your attendance is required.

We ask that you advise us of your current phone, fax and address, if it differs from this letter, s that we can keep you fully informed with respect to scheduling and other matters relevant to the hearing.

On the date of your required appearance at the Public Hearing, you will be paid a witness fee of $20.00 and reimbursed for the following expenses, as they are applicable:

Local Witnesses
Mileage 37/km

78. **MARCH OR APRIL 1999**: SUBSEQUENT CONFERENCE CALL WITH LAWYERS
CONTACT KEVIN GILLIET DATE

79. **15 JUNE 1999:** ARTICLES ABOUT THE GREEN PARTY IN EDMONTON JOURNAL, AND TIMES COLONIST

A BATTLE FOR IDEALS BY LINDA GOYETTE
…… She has spent much of the past three months [weeks as a member of the Media] in Brussels and the Hague, opposing the NATO assault on Yugoslavia as a violation of international law. She has also been speaking to anti-war rallies across Canada. She is one of the complainants who provoked the inquiry into RCMP conduct at the APEC summit…. One of Russow's many projects is to launch a Charter challenge against Canada's first –past the post electoral system … Her larger goal, though, is to convince Canadians to put pressure on the federal government to honour the international agreements it has signed. " The principles are all there on paper, 'she says, but the political will is absent.

80. **23 JUNE 1999**: FAX: FROM SIRC MADELAINE DE CAREFUL CONTAINING 16 FEBRUARY 1999:FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR:

Security Intelligence Review Committee
Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, Britizh Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has takent and you are particularly concerned with the possibility that the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

81. **25 JUNE 1999:** JUDGE SUPPORTS FEDERAL CABINET'S RIGHT TO WITHHOLD DOCUMENTS
Mr. Justice William McKeown of the Federal Court of Canada upholds the federal cabinet's right to withhold documents germane to the APEC Inquiry even though those documents might prove helpful to the complainants' case.

82. **25 JUNE 1999**: LETTER TO WARD ELCOCK CSIS

ATTENTION: Mr. Ward Elcock
Director

Canadian Security Intelligence Service

In February 1999, I submitted the following complaint to
Sylvia MacKenzie
Senior Complaints officer
fax 613 990 5230.

It appears that a response was faxed to me on February 17, 1999 indicating that I had not followed the correct procedure. I was away when the Fax was sent and it must have been misplaced. I am now rectifying this and hopefully the complaint will now be able to proceed.

COMPLAINT (originally submitted in February 1999)

During the APEC Conference I was placed on an APEC threat assessment Group (TAG) list. The inclusion of a National Leader of a Political Party on a Threat Assessment list is in complete violation of the policy of CSIS which states the following:

Threat to security DOES NOT INCLUDE LAWFUL ADVOCACY, PROTEST OR DISSENT, UNLESS CARRIED ON IN CONJUNCTION WITH ANY OF THE ACTIVITIES REFERRED TO IN PARAGRAPHS (2) TO (D). 1984 C.21, S2 (see annex for paragraph 2)

I did file a complaint with the RCMP Commission related to the pulling of my APEC pass. In response to my complaint the RCMP indicated that the usual protocol had been followed. It was only as a result of the requirement to release documents during the RCMP PUBLIC COMPLAINTS COMMISSION that it was brought to my attention that I was on the APEC threat Assessment list.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason contained in the APEC threat assessment group list, I believe that I should be part of the Public Complaints Commission Inquiry.

Initially when I approached the Commission in Vancouver last November, I was told by the then Commission lawyer Chris Considine that I would be included. in the Commission hearings. However when I inquired recently about the revived Commission which has begun today Wednesday January 27 I was told by a lawyer on contract with the commission [who would not reveal his name] that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a public investigation into my complaint. but I could ask for a in-house review.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, I spoke with a senior advisor to the Prime Minister and requested information about the following:
Why I was put on the list
Who decided that I should be put on the list
What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again in February, 1999. I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I have not been able to obtain an explanation from the RCMP, or the Prime Minister's office for the reason for my inclusion on the list. I am now applying to CSIS for an explanation.

I also wish to point out that the information on the APEC Threat Assessment List must have been obtained from an earlier list because there is information on the TAG list that is not current.

I would also like to know what previous list exist that I might be on, and for the reasons for including me on such a list.

I expect that this complaint will be given your immediate attention.

Yours very Truly
Joan Russow (PhD)

National Leader of the Green Party of Canada
1 250 598-0771

ANNEX:
CSIS
In the Act establishing the Canadian Security Intelligence Service
Threats to security of Canada" means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage.
b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person
c activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
d Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

83. **6 JULY 1999:** RUSSOW RECEIVES A LETTER FROM HUGHES COMMISSION RULES RUSSOW CANNOT APPEAR

Russow's complaint should not be brought forward by the inquiry or that the complaint falls with in the terms of reference for this inquiry and that her testimony would be relevant to any of the complainants.

Commission Counsels
Marvin Storrow
Kevin Gillet
Barbara Fisher

Ms Joan Russow

The Commission has reviewed the circumstances surrounding the removal of you media accreditation pass with a view to determining whether you should be called as a witness or a complainant in the current public hearing.

With respect to your complaint, this matter was not referred to the public inquiry by the commission Chairperson. Commission Counsel cannot add another complaint without referring the matter to the Commission Chairperson. As I indicated to you on the telephone last March we were not of the view that this matter should be brought forward in such a manner. However, we agreed to look into your complaint further with a view to considering this option.

We reviewed the RCMP's investigation of your complaint. We also conducted interviews of four additional witnesses and requested further documents from the RCMP. WE have not been able to substantiate that your complaint falls within the terms of reference of this inquiry that is the conduct of the RCMP during APEC at the University of British Columbia. Therefore we now confirm our view that your complaint should not be added to the subjects of the current public inquiry.

However we suggest that you consider requesting a review of your complaint by the RCMP Public complaints Commission. If you choose to do so please be assured that upon the Commission's Reviewer Analyst's request we will provide the Commission with full disclosure of the evidence we have gathered.

With respect to your evidence as a witness, it is our view that the evidence you could provide is not necessary in respect of the complaint filed by M. Dennis Porter

Your media pass was taken away under circumstances, different from those involving Mr. Porter. ;Your evidence would neither support nor refute Mr. Porter's complaint. Accordingly, it is our view that the evidence you could provide will not assist the Commission in making a determination about Mr. Porter's complaint and on this basis we do not intend to call you as a witness.

However, Cameron Ward, who represents Dennis Port has made an application to Mr. ;Hughes to have you called as a witness supportive of Mr. Porter's complaint. Should Mr. Hughes rule in Mr. Ward's favour we will be contacting you to secure your attendance for that purpose. Mr. Hughes will be hearing arguments in respect of this matter on Monday, July 26, 1999. Once he rules on the matter, we will contact you to advise on the result

Should you wish to request a review please telephone the commission's western Region office at 1 800 665 6878

Thank you for your cooperation

Yours truly

Barbara Fisher
Commission Counsel.

84. 15 JULY 1999: LETTER FROM J. BRADLEY DIRECTOR GENERAL SECRETARIAT CSIS

This letter is ambiguous. In responding to Russow's concern about CSIS' targeting citizens engaged in "legitimate advocacy" he stated: Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act"; This statement could suggest CSIS had not perceived Russow to be engaging in just "legitimate advocacy"

July 15 1999
Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS), this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

85. 24 AUGUST 1999: JEAN CARLE TESTIFIES AT COMMISSION

Jean Carle testifies before the PCC panel: "While Mr. Carle admitted his duties brought him into frequent contact with the RCMP officers organizing summit security, he said the only thing he did was make a few suggestions. He denied that those suggestions were orders or that they were designed to spare Suharto from seeing demonstrations criticizing his regime" (National Post, 24 August 1999).

86. 24 AUGUST 1999: RUSSOW BECOMES AWARE OF CHRISTINE PRICE'S TESTIMONY

Russow was in attendance at the Commission hearing and approached Jean Carle and lawyer for the Attorney General's office reprimands her for approaching the witness. Jean Carle testifies that he had nothing to do with press accreditation, and he had did not "revoke or refuse to give a media pass or accreditation. Complainant Openheim and Lawyers for the complainants raised, with Jean Carle, the issue of Christine Price testimony, in relation to Joan Russow

TRANSCRIPT:
Q. Sir, were—were you involved, at all, in a decision to revoke or to refuse to give a media pass or accreditation to a Ms. Joan Russow, the leader of the Green Party?
Jean Carle: Absolutely not
Q. I want to turn to page.. it in Wayne May, supplemental , volume 2---page 253. And if you go, approximately to the middle of the page, just a bit down.
A: yea
Q it says under the w, it says okay
Mr. Commissioner: Who is Christine Price?
Mr. Jonathan Oppenheim: She's someone in media accreditation, an R.C.M.P officer, I believe
Mr. Commissioner: and who is W
Mr. Jonathan Oppenheim: W is the person doing the interview, Sergeant P. Woods. And Christine Price is Proceeds of Crime, you can see it on page 251

Continued by Mr. Jonathan Oppenheim
Q Okay, so I'm going to read what the interviewer says:

Okay and now when Brian Gruise [Groos] phonetic) told you {this is on page

252, slightly more than half the way down], W: Okay, now when Brian Gruise told you that she was not to get accredited and he stated this came from Audrey Gill, did he give any—give you an explanation as to why"

And just for background, this is about the removal of media accreditation from various people, in particular, Joan Russow, the leader of the Green Party.

I believe he told me that it was an order from the PMO but that's all that he told me"

Do your know who Audrey Gill is?
A I met Audrey Gill before, yes

Q And what is Audrey Gill's position?

A. I can't remember
Q She was with media accreditation, or she was with media accreditation?
A I can't remember what responsibilities she has during—she had during APEC
Q and what –where did—in what context did you meet Audrey Gill?

A years ago, socially, that's all
Q Okay you didn't talk to Audrey Gill, though, about –it seems that Audrey Gill is under the impression that the PMO gave orders to remove certain peoples' accreditation
A Well, to start with I had nothing to do with press accreditation
Q And who in the PMO would have?
A Well, they would direct the press office would have a responsibility
Q That would be Peter Conolo (phonetic) [Donolo]
A. Well, I'm not saying it's Peter Donolo, it's the press office
Q Someone in the press office, And do you know Brian Gruise (Phonetic)
A I don't know Brian Gruise
Q Now, this has been touched on, but I just –this is my last question and I just wanted to touch on it quickly…

87. 24 AUGUST 1999: RUSSOW BECOMES AWARE OF CHRISTINE PRICES' TESTIMONY

Russow and approaches Commission Counsel about the importance of this new information; unaware of the fact that Gruise was an associate of David Anderson and a resident of Oak Bay and thus aware of the existence of the Qak Bay News.

88. 28 AUGUST 1999: JEAN CARLE ADMITS TAPES HAVE GONE MISSING

"According to an RCMP source, audio tapes of police radio transmissions at APEC were punctuated with 'Jean Carle wants this' and 'Jean Carle wants that.' The tapes have gone missing, and on Monday Mr. Carle admitted shredding most of his APEC memos, too" (National Post, 28 August 1999).

89. 30 AUGUST 1999: RUSSOW FAX TO RCMP PUBLIC COMPLAINTS COMMISSION REQUESTING REVIEW OF COMPLAIN BASED ON NEW EVIDENCE.

Russow was still not aware of who Brian Groos was.

RE: APEC COMPLAINT 1997- Dr. Joan Elizabeth Russow

Re: APEC Complaint 1997- 1077 Dr. Joan Elizabeth Russow
I would like to request a review of my complaint on the grounds that new evidence has surfaced that the RCMP officer at the media centre had incorrectly alleged that the reason for my pass being pulled was that I did not have the appropriate media credentials.

NEW EVIDENCE
As a result of the requirement to release information under the RCMP Public Complaints Commission hearing evidence has been release that indicates that I was placed on the APEC threat assessment list and that my photograph was in the hands of the RCMP. In addition, recent evidence a direct connection with the Prime Minister's office; a directive supposedly came from a Mr. Groos from the Prime Minister's office ordering the RCMP to prevent me from attending APEC

I have requested several times to be part of the public complaints commission hearing, and have not been allowed to present the evidence indication a connection with the PMO's office

Thank you for your consideration of this matter

Joan Russow

90. 30 AUGUST 1999: PUBLIC COMPLAINTS COMMISSION LETTER WARNS THAT THERE IS A HUGE BACKLOG OF COMPLAINTS AND THEY HAVE NOT BEEN ABLE TO COMPLETE THE REVIEW REQUESTED DURING THIS

RCMP PUBLIC COMPLAINTS COMMISSION DES

PERIOD IN A TIMELY FASHION ADVISED ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES.

RCMP PUBLIC COMPLAINTS COMMISSION DES PLAINTES

August 30, 1999 File No. PCC-971077

COMMISSION DU PUBLIC CONTRE LA GRC
August 30, 1999 File No. PCC-971077

Ms. Joan Russow 1230 St. Patrick Street Victoria, BC V8S 4Y4

Ms. Joan Russow 1230
St. Patrick Street
Victoria, BC V8S 4Y4

Dear Ms. Russow,

I acknowledge receipt of your correspondence which we received on August 30, 1999 requesting a review of the RCMP's disposition of your complaint.

As all reviews by the RCMP Public Complaints Commission are conducted by the Chair of the Commission at our Ottawa headquarters, we have asked the RCMP to forward to Ottawa all information in their possession which is relevant to your complaint. In order to assist the review process, your complaint file has also been transferred from the Surrey office to our Ottawa headquarters.

I would also like to take this opportunity to inform you about the number of public complaints under review by the Commission, and our efforts to address the current backlog.

Pursuant to the RCMP Act, the Commission is required to conduct a review of any complaint referred to it by a complainant who is dissatisfied with the disposition of the matter by the RCMP. Since 1994-95, the Commission has received annually approximately 300 requests for review of complaints. Stated another way, the Commission has been asked to review in the order of 1,500 complaints over the past five years.

Although Commission staff have been working diligently to cope with this workload, the fact is that we have not been able to complete the reviews requested during this period in a timely fashion. Accordingly, we now face an accumulated backlog of over 500 cases. These cases are at various stages of the review process; some are near completion, some are under active review, while others are yet to be undertaken.

The Public Complaints Commission is currently undertaking various initiatives to specifically address this backlog and to prevent the recurrence of a similar situation. Since the appointment of a new Chair an internal restructuring of the Commission has commenced which will permit us greater flexibility in the conduct of our reviews. In contrast to our previous procedures, we will now pursue as a matter of practice less formal and more efficient options to resolve complaints, without compromising the values of impartiality, fairness and transparency. Where appropriate, alternate dispute resolution techniques, such as mediation, will be explored to assist the complainant and the police in settling their differences in a timely and mutually agreeable fashion. We have also made an appeal for supplementary resources to assist us in implementing these new measures, and we are hopeful that such assistance will be forthcoming.

We are optimistic that the new strategies will be effective in attaining a more timely and efficient conduct of reviews. Your patience and cooperation as we work towards this goal is appreciated.

Should you have any questions regarding your review, they should be directed to our headquarters:

RCMP Public Complaints Commission P.O. Box 3423
Station "D"
Ottawa, Ontario KIP 6L4
Toll-free telephone number: 1-800-267-6637 Fax: (613) 952-8045.

Yours truly,

C. J. Gregor
Director, Western Region

91. 10 SEPTEMBER 1999: RUSSOW SUBMITTED A COMPLAINT ABOUT CSIS TO SIRC

Friday September 10, 100
Attention Senior Complaints Officer
Fax 613 990 5230
I submitted a complaint to CSIS (see exhibit A) and received the enclosed response (see exhibit B) I am now requesting that the CSIS complaints department review my complaint

Yours very truly

Dr. Joan Russow
National Leader of the Green Party of Canada
Exhibit A: Russow complaint
Exhibit B: Bradley's response

Exhibit A
COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

"Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2" (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that "my request .... had been handled according to policy". During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- Why I was put on the list
- Who decided that I should be put on the list
- What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach
CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;
(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
(c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a
foreign states; and
(d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

EXHIBIT B: LETTER FROM BRADLEY
15 JULY 1999: LETTER FROM J. BRADLEY DIRECTOR GENERAL SECRETARIAT CSIS

Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS), this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

92. 23 SEPTEMBER1999: NATION POST ARTICLE ON CSIS COMPLAINT RELATED TO TARGETING CITIZENS ENGAGED IN LEGITIMATE ADVOCACY, PROTEST AND DISSENT

Green leader wants CSIS to justify Security Risk Branding

National post article by Jim Bronskill
Green Leader wants CSIS to justify security risk branding
By Jim Bronskill

Ottawa- Joan Russow, the Federal Green Party leader, has filed a formal complaint with the watchdog that oversees Canada's spy agency about her appearance on a secret threat assessment list at the 1997 APEC conference

Ms Russow wants the Security Intelligence Review Committee to determine why she was branded a potential risk to the Asia-Pacific summit in Vancouver.
"Who put the list together a whose request, and what justification was there? She asked in an interview. "I'm just not getting any answers"

The review committee, which keeps an eye on the Canadian Security Intelligence Service, investigates complaints from the public about CSIS activities.

Ms. Russow' problems began when officials revoked her accreditation for the summit, which she attended as a reporter for the Oak Bay News, a community paper in Victoria.

At the time, summit security staff questioned the existence of the small newspaper, prompting a tense exchange with Ms. Russow, who was prevented from covering the remainder of the meetings.

"It was quite clear that something funny was going on" she said in an interview.

Ms. Russow' suspicions were confirmed in late 1998 when copies of the threat assessment, including her photo and vital statistics, were tabled with the RCMP Complaints Commission. The Commission is conducting hearings into complaints from protesters who were pepper-sprayed and arrested by police at the University of British Columbia, where the APEC leaders met.

Documents made public during the last year indicated the summit threat assessment were prepared by an ad-hoc group comprising members of the RCMP, CSIS and several other agencies.

Almost two years after the summit, Ms Russow's case raises several thorny questions. Did CSIS or the RCMP spy on a political party leader? Was freedom to the press infringed in the name of security?

Ms Russow, who says she had no criminal record, recently took her case directly to CSIS.

Under the CSIS Act, the intelligence service is permitted to investigate only people engaged in activities considered a threat to Canadian security. In July, CSIS official T.J. Bradley replied to ms Russow that while he could neither confirm nor deny specific operations of the service, "I can assure you

that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS Act."

Not satisfied Ms Russow complained this month to the review committee. It does not openly discuss cases but issues findings to the complainant.

The APEC threat assessment describes Ms Russow as a "media Person" and "UBC protest sympathizer.". It also identifies her as the leader of the Green Party.

In recent years, Ms Russow has been an outspoken critic of federal policies, expressing concerns about an APEC environmental agreement, genetically engineered foods, and uranium mining.

A separate document prepared by threat assessment officers during the summit, describes Ms Russow and another media members as "overly sympathetic to APEC protesters. "Both subjects have had her accreditation seized"

Ms Russow has also filed a grievance with the RCMP complaints commission.

A briefing note prepared by the Solicitor General's Department recommends no public comment be made about Ms. Russow's concerns for fear of jeopardizing the integrity of the RCMP commission hearings.

Southam News.

93. **SEPTEMBER. 1999** COMMENT BY THE OAK BAY NEWS

APEC FALLOUT CONTINUES FOR RUSSOW AND THE NEWS
APEC fallout continues

Remember about a year ago the RCMP were claiming the Oak Bay News didn't exist and that it wasn't a credible news gathering source?

Well, there's more to the story and it all revolves around APEC and that eternal inquiry.

For those of you who may have forgotten, I'll refresh your memory. In an effort to expand the scope of our news and to put us on the board with media heavyweights like CNN and The Globe and Mail, the Oak Bay News teamed up with Oak Bay resident and national Green Party leader Dr. Joan Russow for an insider's look at the now infamous APEC (Asia-Pacific Economic Co-operation) conference in Vancouver in 1997.

Russow had been given a News byline in the past when she had written passionately on the Multilateral Agreement on Investment This time we figured her presence at APEC would score some insight for our readers. The 61-year-old Russow is a regular participant at global conferences on everything from trade partnerships to environmental concerns and has expert knowledge of international agreements.

We arranged for Russow to be granted media credentials under our banner, but when she arrived in Vancouver, things got weird. Russow picked up her media badge only after being delayed 24-hours while security staff ran a 'check' on her. Then, credentials finally in hand, Russow attempted to enter the conference itself, but found herself roadblocked. As she stepped toward a phalanx of authority guarding the entrance, a woman with the APEC team suddenly said, "Here she is." They'd been waiting for her and Russow was quickly asked to return her media pass. She was told there had been something wrong with the passes issued and treated her as though she was doing something criminal. The fallout was that Russow was tagged as a dissident and sent away from covering APEC as a legitimate member of the press.

As APEC turned into the nightmare of Peppergate, and inquiry and commission fumbled through RCMP wrongdoing, the resignation of looselipped Solicitor General Andy Scott and allegations that the prime minister had designated the brutal treatment of protesters, the realization of how disdainfully the federal government viewed Russow became apparent

Though she was informed by the RCMP that they had followed usual procedure in denying her APEC access, documents she recently obtained show that Russow was put on a Threat Assessment list by APEC security, notably the RCMP

Below a mug shot of her is listed her name, date of birth and the description "Media person, UBC protest sympathizer". Other people on that same threat list were tagged as "Lesbian", "HIV positive", "Anarchist" and "AIDS activist" - all clearly psychotic individuals bent on overthrowing state control.

Oh, and in all that, the Oak Bay News was dismissed by the RCMP as illegitimate and nonexistent.

Lately Russow has been hanging around the APEC Royal Commission being headed by Ted Hughes, trying to either clear her name or discover why she was ever perceived as a threat to national security. Her attempts to officially become part of the commission have thus far been quashed.

On Aug. 24 Russow saw another document, one that she believes may directly link Jean Chrétien to the RCMP thuggery at APEC. The sheet of paper contained comments from Christine Price of the media accreditation office who was told by a Mr. Gros (Russow thinks this was the spelling) in the prime minister's office that Russow should not be allowed into the APEC conference. 'The document," says Russow, "is direct evidence coming from the prime minister's office. It may prove the prime minister was giving orders to the RCMP at UBC during the student protests." There is even the comical suggestion that Mr. Gros may, in fact, be Chrétien himself (hey, 'gros' in French means big, right? Mr. Big).

Russow says there's a marked difference between legitimate dissent and subversion. "There's no reason activists should ever be put on a threat assessment list There was no reason for me to be re-, fused entry." There are larger issues involved here, such as the rights of the media to be able to cover an important international conference and the constitutional rights of citizens.

"How many Canadians have been put on lists like these?" asks Russow. "Who makes the decisions about who should be put onto these lists?"

And moreover, what's the implication of the prime minister's office putting the leader of a national party on a threat assessment list?

Looks like another question for Ted Hughes and his Royal Commission. Hopefully well be able to get an answer that isn't obscured by the sickening cloak of cover-up.

In the meantime the Oak Bay News continues to work as a legitimate news gathering source. Remember, you read it here first

94. **24 SEPTEMBER 1999:** FAX FROM SECURITY INTELLIGENCE REVIEW COMMITTEE FROM MAURICE KLEIN, ACTING EXECUTIVE DIRECTOR SIRC CSIS

NOTE: CONFUSING NATURE OF THE PROCESS

BACKGROUND:

15 JANUARY 1998: RUSSOW INTERVIEWED IN VICTORIA BY TWO RCMP OFFICERS, SERGEANT WOODS AND SERGEANT JUBY

In the interview, after reporting on what I perceived to be the sequence of events, I raised the issue of the possibility that there had been a directive from the Prime Ministers office. When I was asked what remedy I would request, I mention the CSIS Act section in which CSIS is not supposed to target citizens engaged in legitimate advocacy, and I proposed the necessity for the RCMP to establish clear criteria for distinguishing between individual engaged in legitimate advocacy and individuals who were real threats to national and international security.

Response to petition related to the Violation of Civil and Political Rights
Filed **MARCH 18, 1998**
Response August 19, 1998

With respect to the role of the Canadian Security Intelligence Service (CSIS) during the demonstrations at the APEC conference. CSIS has a mandate to investigate threats to the security of Canada, as defined in section 2 of the CSIS Act. CSIS specifically prohibited by legislation from investigating activities constituting lawful advocacy, protest and dissent. As such, as long as activists' methods remain within legal bounds, such activities would not be subject to CSIS scrutiny. Anyone with specific concerns should raise them with the Security Intelligence Review Committee (SIRC). As to any allegations of criminal activity, these concerns should be addressed to the police force of jurisdiction.

22 JANUARY 1999: RESPONSE FROM CSIS

Russow had requested information from CSIS about Threat Assessment lists, and received the following response:

Under Threat Assessment
as part of this, the service prepared and disseminates time-sensitive evaluation of the scope and immediacy of terrorist threats posed by individuals and groups in Canada and abroad. Assessments are made of threat against Canadian VIPs traveling in Canada and abroad, foreign VIPs, VIPs traveling in Canada and abroad foreign VIPs traveling in Canada and abroad foreign visit Canada foreign missions and personnel in Canada. Canadian interest abroad pubic safety and transpiration security and special events.

Russow had also requested information about CSIS and received the following response:

Canadian Security Intelligence Service

Service canadien du renseignement de security
January 22, 1999
Joan Russow
1230 St-Patrick Street Victoria, BC
V8S 4Y4

28 JANUARY 1999 COMPLAINT SENT TO WARD ELCOCK AND TO SYLVIA MACKENZIE FROM SIRC
COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

“Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2” (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that “my request .... had been handled according to policy”. During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- Why I was put on the list
- Who decided that I should be put on the list
- What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;
(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
(c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a
foreign states; and
(d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

Last month, I requested a response from the Prime Minister's office about the reason for my being placed on the APEC Threat Assessment list, and I filed a complaint with CSIS. I have still not received a response.

16 FEBRUARY 1999:FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR: RESPONSE FROM Security Intelligence Review Committee
Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, Britizh Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has takent and you are particularly concerned with the possibility tha the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

25 JUNE 1999: LETTER TO WARD ELCOCK CSIS

ATTENTION: Mr. Ward Elcock
Director
Canadian Security Intelligence Service

In February 1999, I submitted the following complaint to
Sylvia MacKenzie
Senior Complaints officer
fax 613 990 5230.

It appears that a response was faxed to me on February 17, 1999 indicating that I had not followed the correct procedure. I was away when the Fax was sent and it must have been misplaced. I am now rectifying this and hopefully the complaint will now be able to proceed.

COMPLAINT (originally submitted in February 1999)

During the APEC Conference I was placed on an APEC threat assessment Group (TAG) list. The inclusion of a National Leader of a Political Party on a Threat Assessment list is in complete violation of the policy of CSIS which states the following:

Threat to security DOES NOT INCLUDE LAWFUL ADVOCACY, PROTEST OR DISSENT, UNLESS CARRIED ON IN CONJUNCTION WITH ANY OF THE ACTIVITIES REFERRED TO IN PARAGRAPHS (2) TO (D). 1984 C.21, S2 (see annex for paragraph 2)

I did file a complaint with the RCMP Commission related to the pulling of my APEC pass. In response to my complaint the RCMP indicated that the usual protocol had been followed. It was only as a result of the requirement to release documents during the RCMP PUBLIC COMPLAINTS COMMISSION that it was brought to my attention that I was on the APEC threat Assessment list.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason contained in the APEC threat assessment group list, I believe that I should be part of the Public Complaints Commission Inquiry.

Initially when I approached the Commission in Vancouver last November, I was told by the then Commission lawyer Chris Considine that I would be included. in the Commission hearings. However when I inquired recently about the revived Commission which has begun today Wednesday January 27 I was told by a lawyer on contract with the commission [who would not reveal his name] that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a public investigation into my complaint. but I could ask for a in-house review.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, I spoke with a senior advisor to the Prime Minister and requested information about the following:
Why I was put on the list
Who decided that I should be put on the list
What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister’s office again in February, 1999.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I have not been able to obtain an explanation from the RCMP, or the Prime Minister’s office for the reason for my inclusion on the list. I am now applying to CSIS for an explanation.

I also wish to point out that the information on the APEC Threat Assessment List must have been obtained from an earlier list because there is information on the TAG list that is not current.

I would also like to know what previous list exist that I might be on, and for the reasons for including me on such a list.

I expect that this complaint will be given your immediate attention.

Yours very Truly

Joan Russow (PhD)
National Leader of the Green Party of Canada
1 250 598-0771

ANNEX:
CSIS
In the Act establishing the Canadian Security Intelligence Service
Threats to security of Canada" means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage.
b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person
c activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
d Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

23 JUNE 1999 FAX: FROM SIRC MADELAINE DE CAREFUL CONTAINING
16 FEBRUARY 1999:FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR: RESPONSE FROM Security Intelligence Review Committee
Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, Britizh Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has takent and you are particularly concerned with the possibility tha the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

July 15 1999
Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS) , this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

10 SEPTEMBER 1999; RUSSOW SUBMITTED A COMPLAINT ABOUT CSIS TO SIRC

1999 CSIS COMPLAINT TO SIRC

Friday September 10, 100
Attention Senior Complaints Officer
Fax 613 990 5230
I submitted a complaint to CSIS (see exhibit A) and received the enclosed response (see exhibit B) I am now requesting that the CSIS complaints department review my complaint

Yours very truly

Dr. Joan Russow
National Leader of the Green Party of Canada
Exhibit A: Russow complaint
Exhibit B: Bradley's response

Exhibit A
COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

"Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2" (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that "my request .... had been handled according to policy". During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- Why I was put on the list
- Who decided that I should be put on the list
- What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach
CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;
(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
(c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a
foreign states; and
(d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

EXHIBIT B: LETTER FROM BRADLEY
15 JULY 1999: LETTER FROM J. BRADLEY DIRECTOR GENERAL SECRETARIAT CSIS

Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS)M this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley

Director General Secretariat

95. 24 SEPTEMBER 1999

NOTE: HERE IS THE LETTER FROM SIRC STATING THAT RUSSOW HAS NOT FOLLOWED THE PROCESS. IT IS UNDOUBTEDLY A DIFFICULT PROCESS TO FOLLOW.

24 September 1999

Dr. Joan Russow
National Leader of of the Green Party of Canada
Vancouver, British Columbia
Fax 250 598-0094

Dear Dr. Russow:

This is further to our correspondence of 16 February 1999 which was sent to you on two occasions. We sent the first letter to you on 17 February 1999, and this letter was again sent on 23 June 1999

The purpose of the previous correspondence was to inform you of the process for recourse to the Security Intelligence Review Committee. The letter stated that you must first submit your complaint against the Canadian Security Intelligence Service to the Director of the Services.

After having complied with this prerequisite, the letter further specified that if you are dissatisfied with the Director's response to your complaint, or if you do not receive a satisfactory reply within a reasonable time you must let us know by writing to the Review Committee.

It is only upon receipt of a letter from you informing us that you are not satisfied with the Director's response that the Committee would be in a position to start an investigation pursuant to section 4] of the CSIS Act.

A press article published in the Ottawa Citizen on 23 September refers to a complaint that you presumably submitted to the Review Committee this month. I must inform you that we are not in receipt of any such letter to date.

In trying to reach you by telephone, we were informed that you were in Mexico until Tuesday, 28 September, 19999. Should you have additional questions, please do not hesitate to call collect the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie at 613 993-4263.

Yours sincerely,

Maurice Klein
Acting Executive Director

96. 27 SEPTEMBER 1999: NEW EVIDENCE ABOUT PRIME MINISTER'S INVOLVEMENT

New evidence is disclosed by the RCMP reporting the following comments by Supt. Wayne May during a conversation between police officers in the days immediately before the APEC summit at UBC: "You know, we know how we normally treat these things, and the normal course of action that we follow, but ah - then the ah - Prime Minister is not directly involved. When we're, you know, in dealing with tree huggers and that sort of thing. But right now, the Prime Minister of our Country is directly involved and he's going to start giving orders, and it might be something that we can't live with, or it's going to create a lot of backlash in final analysis."

97. 28 SEPTEMBER 1999: RCMP ASSISTS SOLICITOR GENERAL IN RESPONSE TO QUERIES ABOUT RUSSOW BEING DESIGNATED A THREAT; COMMONS BOOK STATEMENT ABOUT CSIS TARGETING LEADERS

COMMONS BOOK STATEMENT ABOUT CSIS TARGETING POLITICAL LEADERS

Cover from Royal Canadian Mounted Policy Fax To Karen Sallow Privy Council

From Insp Barbara George

Ministerial Liaison and correspondence unit

613 993-9231 513 998 61d19

Solicitor General Advice to the Minister

No 813
1999 09 28
Agency CSIS

ISSUE -QUESTION:
Joan Russow, leader of the Federal Green Party, files complaint with SIRC concerning the appearance of her name on an APEC Threat assessment document

ANTICIPATED QUESTION
as CSIS investigating the leader of a federal political party?

SUGGESTED REPLY

ï I understand the individual intends to file a complaint with the Security Intelligence Review Committee (SIRC)
ï SIRC is mandated by Parliament to review the activities of CSIS and respond to complaints. Anyone with concerns relating to CSIS can raise them with the committee
ï Should the matter be reviewed by SIRC it would be inappropriate for me to comment

UNDATED DOCUMENT BRIEFING NOTES FOR SOLICITOR GENERAL
Q. DID CSIS PLAY A ROLE IN PREVENTING JOAN RUSSOW FROM REPORTING ON THE APEC SUMMIT?
A. WITH RESPECT TO THE APEC SUMMIT, CSIS DISCHARGED ITS RESPONSIBILITIES WITHIN THE PARAMETRES OF THE CSIS ACT
Q. WAS MS RUSSOW UNDER CSIS INVESTIGATION FOR HER POLITICAL BELIEFS?
A. I CANNOT COMMENT ON WHETHER OR NOT AN INDIVIDUAL IS UNDER CSIS INVESTIGATION
Q AS SOLICITOR GENERAL, ARE YOU GOING TO LOOK INTO CSIS'S ACTIVITIES RESPECTING MS RUSSOW'S COMPLAINTS?
A. I UNDERSTAND THAT MS RUSSOW HAS FILED A COMPLAINT WITH SIRC WHICH IS THE APPROPRIATE BODY TO REVIEW THIS MATTER. ONCE SIRC HAS INVESTIGATED AND REPORTED ON MS. RUSSOW'S COMPLAINT, I WILL BE IN A BETTER POSITION TO ASSESS THE SERVICE'S ACTIVITIES.

DOCUMENT: COPY OF ARTICLE IN THE NATIONAL POST, SEPTEMBER 23, 1999. BY JIM BRONSKILL. GREEN LEADER WANTS CSIS TO JUSTIFY SECURITY RISK BRANDING.

Cover from Royal Canadian Mounted Policy Fax To Karen Sallows Privy Council
From Insp Barbara George
Ministerial Liaison and correspondence unit
613 993-9231
513 998 61d19
Solicitor General Advice to the Minister
No 813
1999 09 28

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ISSUE -QUESTION:
Joan Russow, leader of the Federal Green Party, files complaint with SIRC concerning the appearance of her name on an APEC Threat assessment document

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A. I UNDERSTAND THAT MS RUSSOW HAS FILED A COMPLAINT WITH SIRC WHICH IS THE APPROPRIATE BODY TO REVIEW THIS MATTER. ONCE SIRC HAS INVESTIGATED AND REPORTED ON MS. RUSSOW'S COMPLAINT, I WILL BE IN A BETTER POSITION TO ASSESS THE SERVICE'S ACTIVITIES.

DOCUMENT: COPY OF ARTICLE IN THE NATIONAL POST, SEPTEMBER 23, 1999. BY JIM BRONSKILL. GREEN LEADER WANTS CSIS TO JUSTIFY SECURITY RISK BRANDING.

98. **29 SEPTEMBER 1999**: RESPONSE FROM SECURITY INTELLIGENCE REVIEW COMMITTEE

EXHIBIT: RESPONSE FROM SECURITY INTELLIGENCE REVIEW

09/28/99 13:38 FAX 613 990 5230 SIRC Z002
Security Intelligence Review Committee
Comite de surveillance des activites de renseignement de securite

PROTECTED
PERSONAL INFORMATION

File No. 1500-1
24 September 99
Dr. Joan Russow

National Leader of the Green Party of Canada Vancouver, British Columbia
FAX: (250) 598-0994

Dear Dr. Russow:

This is further to our correspondence of 16 February 1999 which was sent to you on two occasions. We sent the first letter to you on 17 February 1999, and this letter was again sent on 23 June 1999.

The purpose of the previous correspondence was to inform you of the process for recourse to the Review Committee. The letter stated that you must first submit your complaint against the Canadian Security Intelligence Service to the Director of the Service.

After having complied with this prerequisite, the letter further specified that if you are dissatisfied with the Director's response to your complaint, or if you do not receive a satisfactory reply within a reasonable time you must let us know by writing to the Review Committee.

It is only upon receipt of a letter from you informing us that you are not satisfied with the Director's response that the Committee would be in a position to start an investigation pursuant to section 41 of the CSIS Act.

A press article published in the Ottawa Citizen on 23 September refers to a complaint that you presumably submitted to the Review Committee this month. I must inform you that we are not in receipt of any such letter to date.

P,O, Box I C,P. 2430, Station 1 Succursale "D' Ottawa, Canada K1 P 5W5 613 990-8441

99. 30 SEPTEMBER 1999. RESPONSE FROM SIRC TO RUSSOW'S FAX FROM 30 SEPTEMBER 1999

100. 30 SEPTEMBER 1999: RUSSOW'S REVISED COMPLAINT FAXED TO RCMP RUSSOW'S REVISED COMPLAINT FAXED TO RCMP

September 30, 1999, Fax 604 501-4095

Re: APEC Complaint 1997-1077 Dr Joan Elizabeth Russow

I would like to request a review of my complaint on the grounds that new evidence has surfaced that the RCMP officer at the media centre had incorrectly alleged that the reason for my pass being pulled was that I did not have the appropriate media credentials.

NEW EVIDENCE
As a result of the requirement to release information under the RCMP Public Complaints Commission hearing evidence has been released that indicates that I was placed on the APEC THREAT ASSESSMENT LIST and that my photograph was in the hands of the RCMP. In addition, recent evidence demonstrates a direct connection with the Prime Minister's office; a directive supposedly came from a Mr. Gross from the Prime Minister's office ordering the RCMP to prevent me from m attending APEC.
I have requested several times to be part of the public Complaints Commission hearing, and have not been allowed to present the evidence indicating a connection with the PMO's office.

Thank you for your consideration of this matter.
Yours very truly

Joan Russow
1 250 598-0071 FAX 1 250 5980994

101. 13 OCTOBER, 1999: SENT DOCUMENT TO SIRC

102. 14 OCTOBER, 1999: RECEIVED RESPONSE BY THE SECURITY INTELLIGENCE REVIEW COMMITTEE

THE SECURITY INTELLIGENCE REVIEW COMMITTEE
Protected
Personal information
File No: 1500-1
14 October 1999
Dr. Joan Russow

National Leader of the Green Party of Canada
1230 St. Patrick Street
Victoria, British Columbia
V8S 4Y4 Fax: (250) 598-0071

Dear Dr. Russow:

On behalf of the Chair of the Security Intelligence Review Committee, the Honourable Paule Gauthier, PC, OC, QC. I thank you for your letter received on 13 October 1999. As previously discussed, the Committee has no record of having received this letter previously.

The Chair will now make a preliminary investigation to determine whether your case falls within the Committee's jurisdiction and if so, decide how best to deal with it.

I will inform you of the Chair's decision as soon as she communicates it to me.

Yours sincerely

Maurice Klein
Acting Executive Director

103. 17 OCTOBER 1999: PIECE WIDELY DISTRIBUTE TO WHOM IS INFORMATION ACCESSIBLE

ACCESS TO INFORMATION: FOR WHOM IS INFORMATION ACCESSIBLE

After reading a government publication which boasted that Canada has more trial sites for genetically engineered foods and crops than the whole European Union, I requested the location of the sites through Access to Information. I received a package with the towns and cities listed but not specific locations for the trial sites from 1988-1998). I was informed in a letter that the complete specific site information (1988-1998) would be available if I were able to pay $2150.00 with $1500 up front because it would take about 215 hours of research and that I was entitled only to 5 hours of free research... It would appear that the estimated 215 hours of search is required because the government is not permitted to release the location of trial sites on private farms; thus the private farms data would have to be deleted before the data are released.

In the letter, it was also mentioned that I could narrow my request to 1998 which I did. In response to my request for complete data from 1998 I was told that I would now have to pay $270 because the research would take 32 hours minus the 5 hours that I would get free, and there would be 515 pages to xerox over the 250 pages that would be done for free. I pointed out that in BC there was a policy that if it could be demonstrated that the information sought should have already been compiled as part of the normal course of department organization and practice then the charge would be waived. I have now undertaken to file a complaint with the Federal Access to Information section noting that the information that I have sought should be part of the normal activity of the department for public accountability, and as such should be made available to the public free of charge. In the interim I have requested 125 pages or 5 hours worth of research on what has been tested in Saskatchewan where the most tests have been carried out.

Months later I received the 5 hour research document. It was exactly the same information that I had received before but with three bilingual diagonal stamps with "access to information".

One is left with the question "for whom is information accessible". It would appear that the information is accessible to those with sufficient funds to pay up front for the research. The implications are extremely serious. The department can justify not preparing documents necessary for public accountability and for public consumption by stating that these documents, of course, are always available on request through the Access to Information process.

Thus, those that have the money to pay for the research that the government should have already carried out as a requirement of public accountability for public consumption are the only ones that can have the research results on demand. There is of course still the opportunity for an organized campaign where over 40 individuals could ask for information that would require no more that 5 hours for each request. If the department does not address my complaint and release the information that, for the sake of public accountability should be already prepared for public consumption, the Green Party of

Canada will embark upon a campaign of 41 separate access to information requests until we have the full picture of what has been and is currently being tested across Canada and where these tests have been carried out.

In the information that I received from 1988-1998 there was a listing of the individual test sites. I have requested a list of the actual items being tested. The list of sites could be for testing the same item all across Canada. The representative from Access to Information has undertaken to seek this information and fax it to me if possible.

I have gone through the 200 odd pages and typed up all the sites and then sorted them by date and location.

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains
(a) advice or recommendations developed by or for a government institution or a minister of the Crown,
(b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the Crown or the staff of a minister of the Crown,
(c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or
(d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation,
if the record came into existence less than twenty years prior to the request.
(2) Subsection (1) does not apply in respect of a record that contains
(a) an account of, or a statement of reasons for, a decision that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or
(b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government institution or a member of the staff of a minister of the Crown.
1980-81-82-83, c. 111, Sch. I "21".

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits.
1980-81-82-83, c. 111, Sch. I "22".

104. 8 NOVEMBER 1999: MARVIN STOROW RESIGNS BECAUSE OF PERCEPTION OF BIAS

Vancouver lawyer Marvin Storrow resigns as lead counsel to the PCC investigating the APEC affair following suggestions that his attendance at a $400-a-plate fundraising dinner for Prime Minister Jean Chrétien was improper.

105. 17 NOVEMBER 1999 SECURITY INTELLIGENCE REVIEW COMMITTEE RESPONSE

SECURITY INTELLIGENCE REVIEW COMMITTEE

PROTECTED:

MAURICE KLEIN, ACTING EXECUTIVE DIRECTOR SIRC CSIS
File No 1500-1
Dear Dr Russow

On behalf of the Chair of the Security Intelligence Review Committee, the Honourable Paul Gauthier PC OC Quc. I thank you for your letter received on 13 October 1999. As previously discussed the Committee has no record of having received this letter previously. The Chair will now make a preliminary

investigation to determine whether your case falls within the Committee's jurisdiction and if so decide how best to deal with it

I will inform you of the Chair's decision as soon as she communicates it to me

Yours sincerely

Maurice Klein
Acting Executive Director

106. 17 NOVEMBER 1999; SECURITY INTELLIGENCE REVIEW COMMITTEE RESPONSE

November 17, 1999 protected Personal Information
PERSONAL INFORMATION

File No. 1500-1

Dear Dr. Russow

On behalf of the Chair of the Security Intelligence Review Committee, the Hon Paule Gauthier, P.C. O.C Q.C. I would like to address your letter received in or office on 13 October 1999.

I should point out that, in accordance with section 41 of the Canadian Security Intelligence Service Act ("CSIS" ct"), The Committee has authority to investigate "any act or thing done by the Service". The Committee cannot (or has it) reviewed acts done by any other agencies.

Consequently, after inquiring into your complaint, the Committee has reached the conclusion that the Service was not responsible for passing any information which may have resulted in the inclusion of your name on a threat assessment list prepared for the 1997 Asia Pacific Economic Cooperation (APEC) Conference held in Vancouver

I trust that the assurance that your allegation was thoroughly investigated by the Committee and the Committee's conclusion that the Service was not responsible will be sufficient

Your sincerely
Susan Pollak Executive Director

107. 30 NOVEMBER 1999: ABOVE CSIS LETTER SENT AGAIN

108. 10 DECEMBER 1999: CONSTABLE BOYLE FALSELY TESTIFIED THAT RUSSOW ON A MEDIA BUS

December 10 APEC Transcript p. 113

Arvay And I'm going to ask I don't know ether we need to make the second page; I'm not sure what we're doing with this exhibit, but as long as I can read it into the record. And that the second blank should read Russow Russo correct?
A. Boyle that is correct

Q And you know that the female name Russow is Joan Russow, then the head of the Green Party of Canada
A that is correct
Q did you have something to do with the accreditation of her being pulled.
A no I did not, I was merely made aware of it for purpose of including in the daily bulletin
Q Okay and were you make aware why her accreditation was pulled
A. Vaguely
Q Can you tell us

A I believe there was a media bus that went out to UBC and once at UBC it was felt that both her and Dennis Porter's behaviour was inappropriate for that of people who had attained media accreditation I wasn't there and I don't know the specifics of it.
Q. Is that the extent of your knowledge
A That's the extent of my knowledge of it
Q. Thank you
Woodall: perhaps she could be asked what the source of threat knowledge is, whether its personal or hearsay or whatever it is
Mr. Commission: yes I think that's reasonable follow up question.
Arvay: well I want.. I thought I was asking the questions. Go ahead Go ahead I'm only kidding
Commission: Well no ;but I'm interested in knowing this
Mr. Arvay: fair enough
The witness: I cannot tell you who the source of that information was, it was a phone call that I received from somebody who was on site at UBC the previous night.
It could have even been something I wrote down as a result of the morning briefing I got from corporal Boutillier. I don't recall
CONTINUED BY MR. JOSEPH ARVAY:
Q: Can we -- can we agree, Constable Boyle, that the first blank should read Dennis Porter.
A: That is correct.
Q: And -- and I'm going to ask -- °I
don't know whether we need to make the second page -- I'm
not sure what we're doing with this Exhibit, but as long 13 as I can read it into the record.
And that the second blank should read 15 Russo - R-U-S-S-O, correct?
A: That is correct.
Q: And you know that the female name
Russo is Joan Russo, then the head of the Green Party of
Canada?
A: That is correct.
Q: Did you have something to do with the
accreditation of her being pulled.
A: No I did not, I was merely made aware
of it for purposes of including in the daily bulletin.

Q: Okay. And were you made aware why
here accreditation was pulled?
A: Vaguely.
Q: Can you tell us?
A: I believe there was a media bus that
went out to UBC and once at UBC it was felt that both her
and Dennis Porter's behaviour was inappropriate for that
of people who had attained media accreditation.
I wasn't there and I don't know the
specifics of it.
Q: Is that the extent of your knowledge

A: That's the extent of my knowledge of
it.
Q: Thank you.
MR. KEVIN WOODALL: Perhaps she could be
asked what the source of that knowledge is, whether it's
personal or hearsay or whatever it is.
MR. COMMISSIONER: Yes, I think that's
reasonable follow up question.
MR. JOSEPH ARVAY: Well, I wasn't -- I,
thought I was asking the questions. Go ahead. Go ahead,

21 I'm only kidding.
22 MR. COMMISSIONER: Well, no but I -- I'm
23 interested in knowing this.
24 MR. JOSEPH ARVAY: Fair enough.
25 THE WITNESS: I cannot tell you who the
1 source of that information was, it was a phone call that 2 I received from somebody who was on site at UBC the previous night.
It could have even been something I wrote 5 down as a result of the morning briefing I got from
6 Corporal Boutilier, I don't recall.
8 CONTINUED BY MR JOSEPH ARVAY

109. DECEMBER 1999: RUSSOW ATTENDED RCMP PUBLIC COMPLAINTS COMMISSIONER

Russow approached Commission Hughes and spoke with the Commissioner about wanting to clear her name. She referred to the evidence provided by Christine Price that there had been a directive from the Prime Minister's office. Russow also wanted to correct the misinformation disseminated by Cst Boyle.The Commissioner glanced at his list of witnesses and responded that Russow was not on the list, presumably prepared by Storrow, of witnesses. Russow subsequently went to Shirley Heafey's office to raise her concern, and stepped into Heafey's office. Rather than address Russow's concern, Heafey called on the commissioner to remove Russow from the entrance to her office.

110. **11 JANUARY 2000:** RUSSOW'S LAWYER SENT LETTER TO BOYLE AND RCMP REQUESTED INFORMATION AND APOLOGY

Vancouver Police Department: …
Andrew Gage
Barrister &solicitor
2120 Cambie Street

January 11, 2000
Vancouver Police Department
Vancouver B.C. V5Z 4N6

Att. Legal Department
Dear Sirs/Mesdames

Re: Media Accreditation of Dr. Joan Russow

I represent Dr. Joan Russow, leader of the Federal Green Party. Dr. Russow is concerned that public statements made recently by one of your officers may impact negatively on her reputation and I am writing to ask you to clarify the source of such statements.

On December 10, 1999, Detective Constable Joanne Boyle of your department appeared before the RCMP Public complaints Commission, currently investigating the official handling of protests during the APEC conference. During the course of her cross examination by Mr. Jo Arvay Constable Boyle was asked whether she know why Dr Russow's media accreditation was revoked during the APEC Conference. Constable Bole stated:

I believe there was a media bus that went out to UBC and once at UBC it was felt that both her ["Joan Russo"] and Dennis Porter's behaviour was inappropriate for that of people who had attained media accreditation.

I wasn't there and I don't know the specifics of it.

Dr. Joan Russow is concerned that public statements made recently by one of your officers may impact negatively on her reputation. Constable Boyle further confirmed that the “Joan Russow” referred to was the leader of the Green Party of Canada and stated that she [Boyle] had received this information from either by phone from someone at UBC at the time of the briefing from Corporal Boutillier. The statement by Constable Boyle is incorrect. Dr Russow was not present either on the media bus to UBC or at UBC. Moreover , this is the first time that Dr. Russow has become aware of allegations that the revocation of her media accreditation was due to inappropriate behaviour on her part. Unfortunately Constable Boyle’s statements have been broadcast nationally on several occasions and posted to an internet site, and are a cause of considerable concern for Dr. Russow. In her testimony Constable Boyle appeared a little uncertain as to the source of her information. I would ask that Constable Boyle and the Vancouver Police Department clarify whether they have any information as to the source of, or evidence in support of these allegations, and that you provide such to this office. Further more, I request a written apology be sent to Dr. Russow on behalf of the Vancouver Police Department and Constable Bole and that a copy of such apology be sent to the RCMP Public Complaints Commission. Indeed, I would suggest that Constable Boyle is under an obligation to correct any error she becomes aware of in her sworn testimony. Dr Russow hopes to resolve this matter as quickly as possible.

I look forward to receiving your reply to the above by February 1, 2000

Andrew Gage

111. 20 –JANUARY -24 FEBRUARY 2000: RESPONSE BY THE VANCOUVER POLICE

Date Time Comment

00.01.20 13:00
Received letter of complaint from Insp. Day, requesting that I try to informally deal with the matter.

00.01.21 09:05 I called Mr. Gage's number in Victoria and left a voice message on his answering machine, requesting that he contact me at his earliest convenience.

01.01.21 14:14 I missed Mr. Gage's return Call so I called him back. He wasn't there so I left a message for him that I would try him again, first thing next Tuesday morning

01.01.21 14:40 Mr. Gage called- I explained that although I expected Cast. Boyle would make an apology if one were due, I could not order her. I also explained that any correction to her testimony would have to be done in consultation with her counsel. He agreed to both statements. He also made some inquiries about how Cst. Boyle came to have knowledge of Dr. Russow and I suggest that my job was not to follow up on that the principal route was through FOI. He was appreciative of the fact that this matter was being looked after and that his request for a reply of Feb. 1, might not be realistic. I gave him my email address and ensured that he had my phone number correctly noted.

00.01.25 09:45 Cst. Boyle attended my office for a brief interview. She explained her role at I APEC: basically she was an information officer, She is going to forward an email to met, outlining her involvement in Dr. Russow's allegation. She stands by her I testimony and does not feel that an apology is due, nor does she feel that she should correct her sworn testimony from the inquiry.

00.02.03 14:40 Voice message left for Mr. Gage to call me

00.02.08 14:30 I spoke to Mr. Gage and explained that Cst. Boyle stood by her evidence as stated at the APEC Inquiry and that she did not intend to apologize. I also mentioned again that a more appropriate recourse might be an FO1 request to the VPD and the RCMP. I was very blunt and straightforward with him, informing , informing him that , in my opinion, Dr. Russow would not be receiving the apology she sought. I concluded by telling him that I hoped this would informally resolve the complaint,

but if he wished he could lodge a formal complaint, although it was op9inion that the result would probably be the same as mine.

00.01.10 07.15 Dr Russow called and 1 spoke to her at great length, about 30 45 minutes. She was very frustrated with the APEC inquiry and that she cannot testify. She had a variety of complaints and concerns concerning the Prime Minister and the RCMP and at one point was close to crying. She asked me to provide the names of the people who provided the info to Cst, Boyle. I told her that I couldn't and that her request would have to go through FOI. We concluded with me agreeing to fax the FOI form to her and when she faxes it back, I will take it to FOI to expedite the process,

00.01.10 09:10 I spoke to FOI who stated that there was no problem releasing names of two RCMP officers mentioned in Cst. Boyle's email. I left a voice message for Dr. Russow to call me.

00.0210 10.00 Dr. Russow called. I provided her with the names of Peter Kolyiak and Peter Scot, whom I believed are with the RCMP. She was going to follow up, by contacting them. She still requested an apology and suggested that Cst. Boyle change her testimony to reflect this. I reiterated that I could not force Cst. Boyle to apologize and that any changes to her APEC testimony would have to be done in consultation with her lawyer. Although she still wants an apology, she seemed please that I provided her with the names of the RCMP officers.

00.2.11 09:30 I received a voice mail from Cst. Boyle. She stated that she had received a call from Peter Scott (543-4769, 975-4637). He related that Dr. Russow had called him, very upset and argumentative. It seems that her complaint had been looked at the RCMPs Internal Investigation and the outcome was that Dr. Russow was referred to the APEC Complaint Commission.

00.02.11 13:15 I spoke to RCMP Cst. Peter Scott who advised me that he had been part of the APEC accreditation group. He mentioned that at the time of APEC, Russow had presented herself as a member of the Oak Bay Press and was given media accreditation. One of the members of ACCO (APEC Canadian Coordinator Office) had tried to call the Oak Bay Press after the accreditation had been issued and confirmed that Russow was not on staff at the paper. ACCO decided to pull Russow's accreditation and when she began to cause a scene, she was advised to leave or she would be investigated by them. Their conclusion was that her complaint was frivolous. She was advised accordingly and it was suggested that she make a complaint to the Public Complaints Commission.

00.0224 File returned to Insp. Eldridge,

112. 20 JANUARY 2000: LAWYERS FOR GOVT ARGUED PCC HAS NO JURIDICTION WITH RESPECT TO ANYONE OUTSIDE OF THE RCMP

Lawyers for the government of Canada and Commission Counsel argue that the PCC has no jurisdiction with respect to anyone who is not a member of the RCMP and that accordingly the Prime Minister cannot be called as a witness.

113. 4 FEBRUARY 2000 LETTER TO COMMISSION REFERRING TO NEW EVIDENCE

114. 4 FEBRUARY 2000: CORRESPONDENCE FROM ALEX WEATHERSTON RCMP PUBLIC COMPLAINTS REVIEWER ANALYST

File Number Pcc-1977- 1077
RCMP Public Complaints Commission

Ms Joan Russow
1230 St. Patrick Street
Victoria British Columbia
V8S 4Y4

Dear Ms. Russow

I understand that you spoke recently with Mr. Garry Wetzel, the acting Director General, Review and Policy at the Commission. I have been assigned as the Reviewer/analyst for this complaint

I am writing in regard to your fax in which you requested a review of the RCMP's report on your complaint. You indicate in your fax that there is new evidence concerning your complaint. Could you please provide our office with documentary or other evidence which demonstrates that you were placed on the APEC threat assessment list, that your photograph was in the hands of the RCMP and that a directive came from the Prime Minister's office ordering the RCMP to prevent you from attending the APEC conference. Please provide this additional material to the Commission by no later than March 13, 2000

I would also wish to advise you that on August 30 1999 a request was made to the RCMP to provide our office with the documents relevant to your complaint. Those documents have not yet been received. We have written again to the RCMP to request that the relevant documents be provide. Once we have received the RCMP material and any additional material which you may provide, the review of your complaint by the Commission can continue

Yours sincerely
Alex Weatherston
Reviewer analyst

115. **FEBRUARY 2000:** RESPONDED TO ALEX WEATHERSTON BY PHONE INDICATING THAT THE RCMP HAD ALL THE INFORMATION THAT WAS REQUIRED AND TO CONTACT ME IF THE INFORMATION WAS NOT FORTHCOMING; 613 952 8040

116. **11 FEBRUARY 2000:** ACCESS TO INFORMATION SENT TO CSIS BY RUSSOW'S LAWYER

February 11, 2000
Canadian Security and Intelligence Service PO Box 80629
South Burnaby, B.C. V5H 3Y1

Dear Sirs/Mesdames:
Re: Access to Information Request
Pursuant to section 4 of the Access to Information Act, R.S.C. 1985, c. A-1, I am writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:
a) Threat Assessment Lists or other circulars, updates, communications, directives, orders or other documents, which identify Dr. Russow, or the Green Party of Canada, or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (the "APEC Conference");
b) Complaints, reports, directives, or other documents related in any manner to the decision to include Dr. Russow on any documents described in (a),
c) Communications, reports, statements, notes or other documents related to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia; and
d) Communications, reports, statements, notes or other documentation prepared, circulated; sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow;
If you have any questions about the above, please contact this office. I would appreciate a speedy reply in this matter.

Andrew Gage
cc. Dr. Joan Russow

If you have any questions about the above please contact this office.1 would appreciate a speedy reply in this matter.
Yours truly_
Andrew Gage
cc. Dr. loan Russow

117. 10 FEBRUARY 2000: RUSSOW PHONED JOHN FINAMORRE, OF THE VANCOUVER POLICE: Russow was given the name, Peter Scott as being the person whom Constable Boyle said informed her that Russow had been on the UBC bus.

118. FEBRUARY 11, 2000: RUSSOW PHONED PETER SCOTT WHO WAS THE COORDINATOR OF ACCREDITATION AT APEC.

119. 11 FEBRUARY 2000: ACCESS TO INFORMATION REQUEST FROM RUSSOW'S LAWYER TO THE RCMP

ANDREW GAGE
BARRISTER & SOLICITOR
#5-481 Head St.
Victoria, B.C, V9A 5S1 j
Tel. (250)920-4243 • Fax. (250)381-5661 • agageC&pacificcoast.net

February 11, 2000
Royal Canadian Mounted Police 657 West 37 the Ave
Vancouver, B.C. V5Z 1K6
Dear Sirs/Mesdames
Re: Access to Information Request
Pursuant to section 4 of the Access to Information Act, R.S.C. 1995, c. A-1, I am writing to request all documents in the possession of the RCMP relating to my client, Dr. Joan Russow, and in particular any and all:

a) Circulars, updates, communications, lists, directives, orders or other documents prepared in relation to, or arising out of, the 1997 APEC conference held in Vancouver, British Columbia (the "APEC Conference"), or subsequent public complaints commission process (the "Commission Process"), which refer to Dr. Russow or the Green Party of Canada, whether originating with the RCMP or merely coming into its possession;

b) Communications, reports, statements, notes or other documents related to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia;

c) Notes, reasons, reports or other documentation relating to the decision to revoke Dr. Russow's media accreditation for the APEC Conference;

d) Communications, reports, statements, notes or other documentation concerning the alleged presence and actions of Dr. Russow on the media bus during the APEC Conference as reported to the RCMP Public Complaints Commission by Constable Joanne Boyle on December 10, 1999;

e) Communications, notes or other materials written, received, prepared, circulated or in the possession (at any time) of Peter Scott, RCMP officer, which relate to Dr. Russow, whether in regard to the APEC Conference or not;

f) Complaints, reports, directives, notifications or other documents sent or received by the RCMP concerning Dr. Russow or the Green Party of Canada in relation their presence or actions at the APEC Conference; and

g) Correspondence, reports, notes or documents related to Dr. Russow's inclusion in a threat assessment list prepared by CSIS, the circulation of said list, and the consequences of her inclusion of said list.

If you have any questions about the above, please contact this office. I would appreciate a speedy reply in this matter.
Yours truly,

Andrew Gage
cc. Dr. Joan Russow

110. 11 FEBRUARY 2000: LETTER FROM ANDREW GAGE BARRISTER & SOLICITOR TO CSIS

11, 2000 Letter from Andrew Gage Barrister & Solicitor
Re: Access to Information Request

Re: Access to Information Request

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-I, I a writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:

a) Threat Assessment Lists or other circulars, updates, communications, directives orders or other documents, which identify Dr. Russow or the Green Party of Canada or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (The APEC Conference")
b) Complaints, reports, directives, or other documents related n any manner to the decision to include Dr. Russow on any documents described in (a)
c) Communications, reports, statements, notes or other documents related, to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
d (Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

Yours truly

Andrew Gage

1230 Patrick St.
Victoria,
B.C. V8S 4Y4

111. 11 FEBRUARY 2000: RCMP OFFICER ADMITTED KNOWING ABOUT PMO'S INVOLVEMENT

Jim Bronskill talked to RCMP and when he was asked why the RCMP did not investigate the claim of a direction from the PMO's office to RCMP officer said that he knew about it but their task was not to investigate the Prime Minister (Jim Bronskill, personal communication)

Brian Groos who lives in Oak Bay (Victoria) would obviously have been aware of the existence of the Oak Bay newspaper.

He is now in Australia, working on Olympic accreditation and will be working at NATO. He was contacted by Jim Brownskill in Australia, Brian Groos said that he did not want to jeopardize his job and would have to talk with Foreign Affairs before speaking further about Russow's case. (Jim Bronskill, personal communication)

112. 11 FEBRUARY 2000: FOLLOW-UP RESEARCH ON BACKGROUND OF BRIAN GROOS

Russow contacted Foreign Affairs to ask for a report of their involvement re; her case at APEC and talked to an official advisor to Axworthy. She was told that they did not know anything about Brian Groos. [it was only during the 2000 election that Russow became aware of his close connection with Hon David Anderson against whom Russow had run against in the 1997 and 2000 election. Oak Bay resident, Brian Groos was one of two persons speaking on behalf of David Anderson. In response to an access to information request to the Department of Foreign Affairs, it was revealed that Brian Groos was in fact by seconded by Foreign Affairs and worked with the PMO at APEC, and through Google, Russow found out that Brian Groos had actually been employed as a special advisor to David Anderson when he was Minister of Environment- a fact denied in 2005 by the Department of Environment]

113. 11 FEBRUARY 2000: FOLLOW-UP RESEARCH ON JOHN FINAMORE, PETER KOLYIAK OR PETER SCOTT

Russow contacted RCMP office who had sent the letter. Name John Finamore 1 504 717 3083 he was no longer working there

He had indicated that he had received a call from Constable Boyle who had testified that Russow had behaved inappropriately. She said she had received the information from Peter Kolyiak or Peter Scott

Peter Kolyiak Planning committee Accreditation Works Surrey accreditation 604 543 4769

Peter Scott 1 604 543 4769 pager 975- 4637

114. 11 FEBRUARY 2000 COMMUNICATION WITH RCMP PUBLIC COMPLAINTS ABOUT BOYLE'S TESTIMONY

Simon wall RCMP Public Complaints in Ottawa said I should not bother other constables.

115. 14 FEBRUARY 2000. PMO BANNED CRITIC FROM APEC REPORT: GREEN PARTY LEADER DENIED MEDIA PASS AS A RESULT OF THE PMO JIM BRONSKILL OTTAWA CITIZEN

Green party leader denied media pass "as a result of the PMO": RCMP

By Jim Bronskill

Police documents raise fresh questions about the possible involvement of the Prime Minister's Office in efforts to stifle dissent at the Vancouver APEC conference.

An RCMP memo obtained by the Citizen , indicates a vocal critic of Liberal policies may have been denied a media pass to cover the conference "as a result of the PMO".

The controversy comes as Ted Hughes , head of the RCMP Public Complaints Commission Inquiry into events at the November 1997 summit, prepares to decide whether Prime Minister Jean Chrétien should be called to testify.

Several protesters who were pepper sprayed and arrested claim the Prime Minister's Office ordered the crackdown to avoid embarrassing visiting Asia-Pacific leaders.

The latest allegation arises out of the withdrawal of summit media accreditation from Joan Russow, leader of the federal Green party, who attended the APEC meeting as a reporter for the Oak Bay News, a Victoria newspaper.

Shortly after issuing her a media pass, summit staff questioned the existence of the community paper and Ms. Russow's accreditation was pulled preventing her from covering the meetings. Ms Russow complained to the RCMP which looked into the matter

Internal documents related to the RCMP probe show Christine Price, a clerk at the APEC accreditation office, was interviewed byte the Mounties in late May 1998.

A memo signed by RCMP Staff-Sgt, Peter Woods summarizes her testimony by noting Ms Price "learned that Russow was not to accreditation as a result of the PMO".

Ms. Price told the RCMP that a co-worker, Brian Groos, relayed instructions that Ms Russow should not be admitted to the APEC conference. "I believe he told me that it was an order from the PMO, but that's all that he told me" she said in her RCMP interview.

Mr. Groos, reached in Australia where he now lives, said that "at no time was I instructed by the Prime Minister's Office to refuse admission to APEC of any person"

Ms Price, however, stands by what she said to the RCMP. "I gave my statement to the police officer at that time." She told the Citizen. "And that's all I really have to say on the matter."
[The RCMP interview with Prince was mentioned briefly in APEC inquiry testimony last August during cross-examination of Jean Carle, a senior member of Chretien's staff at the time of the APEC conference. Carle, who has since left the PMO, said he had nothing to do with press accreditation" section in Bronskill submission but left out in newspaper]

Ms Russow wonders whether her pass was pulled because she had a track record of asking blunt questions of the Prime Minister. During the 1997 election, Ms Russow, as Green party leader , put Mr. Chrétien on the spot in Montreal by challenging him to a debate on Canada's environmental obligations.

Ms Russow's suspicions are deepened by the appearance of her name and photo on secret threat assessment documents for the APEC conference. One describes Ms Russow and another media member as "overly sympathetic" to APEC protesters. "both subjects have had their accreditation seized". [The threat assessments for APEC were prepared by an ad-hoc group that included members of the RCMP, the Canadian Security Intelligence Service and other agencies, SECTION IN ORIGINAL LEFT OUT]

Confusing matters further was APEC inquiry testimony in December from DET- Const. Joanne Boyle of the Vancouver police. She said Ms Russow had taken a media bus to an APEC venue, and the media pass was then revoked because her behaviour was inappropriate."

Ms Russow insists she was not present on the media bus or at the site. Ms Russow' lawyer has requested an apology from the Vancouver police.

[NOTE; When Jim Bronskill interviewed Brian Groos, Groos indicated that he did not want to speak to the media because he was worried about being fired by the Department of Foreign Affairs (Jim Bronskill, personal communication)

ARTICLE PRINTED IN THE OTTAWA CITIZEN AND NATIONAL POST
NOTE ALSO IMPORTANT OPTIONAL SECTIONS LEFT OUT BECAUSE OF LENGTH OF ARTICLE
CRITIC FROM APEC REPORT: GREEN PARTY LEADER DENIED MEDIA PASS AS A RESULT OF THE PMO

Bronskill had sent his original submission to Russow; in this original submission he had indicated optional cuts if the piece was two long.
Jim Bronskill, Ottawa Citizen National Post
BEGIN OPTIONAL CUT
Russow filed a complaint with the Security Intelligence Review Committee, the watchdog that oversees CSIS about her appearance on the Treat documents after they surfaced in the media. However, last November , the review committee informed Russow the spy agency was not responsible for passing any information which may have resulted in the inclusion of your name on a threat assessment list" prepared for the conference.

Russow has also asked the RCMP Public complaints Commission to investigate “the Threat documents and the revocation of her media credentials. She is frustrated that the RCMP and the APEC inquiry have not bothers to thoroughly probe the suggestion of PMO involvement. Ac” Access to international conference should not depend on the whim of the Prime Minister.” (personal communication to Jim Bronkskill)
Sgt don Bindo, an RCMP spokesman said the force cannot discuss certain details of Russow’s case while the inquiry is ongoing but acknowledge her concern. Certainly it appears that her situation has not been dealt with to her satisfaction yet; (personal communication to Jim Bronskill).
END OPTIONAL CUT

115. FEBRUARY 16 2000: CSIS IGNORED THE LETTER THAT WAS SENT ON FEB 2000 BY RUSSOW’S LAWYER ANDREW GAGE AND THEN CLAIMED THAT IT WAS NEVER RECEIVED

116. 16 FEBRUARY 2000: RESPONSE BY JOHN FENIMORE DET 661 RESEARCH COORDINATOR COPY TO JOHN ELDRIDGE DAY MURRAY RESPONSE FROM VANCOUVER POLICE DEPARTMENT RE BOYLE

The Vancouver Police Department response indicates that he had not been apprised of evidence revealed that Russow was listed on the APEC threat Assessment list as being sympathetic to the APEC protesters, and that she had attended a media meeting at UBC when she had never been to UBC during the APEC Summit. Also he must have been unaware of Christine Price’s testimony which indicated that there had been a directive from the PMO to pull Russow’s pass. He passes on an claim that Russow’s complaint was frivolous. Rather than being concerned about misinformation and about the potential negative impact on Russow’s reputation, he dispenses with the complaint.

1Hi John

I have reviewed Dr Russow’s complaint as captioned note faxed February 6

I have review Dr Russow’s complaint as captioned in Mr. Gage’s letter and CST Boyle’s reply

Dr Russow in the letter has asked..”to clarify the source… of statement s made by Cst Boyle, in her testimony at the APEC inquiry. Cs Boyle transcribed testimony is

I believe there was media bus that went out to UBC and once at UBC it was felt that both her Russow and blank behaviour was inappropriate for that of people who had attained med accreditation. I wasn’t there and I don’t know the specific of it.

Cs Boyles answers were purposely vague, simple because she couldn’t remember specific. Cst Boyle testified to the best of her knowledge based on the facts that she could recall at the time. In the transcript of her testimony when asked if she had something to do with the accreditation being pulled Cst Boyle states I did not I was merely made aware of it for purposes of including in the daily bulletin.

Cst Boyle replied to me in an email at my request as to who told her about Dr Russow accreditation being pulled. She stated .. likely via a telephone call from Peter Kolyiak or Peter Scott. In a subsequent email after reviewing her notebook at my request she included. Says her accreditation was cancelled along with that of redact at the media event at UBC. On 0002 10 after speaking to our FOI I disclosed two RCMP members names Kolyiak and Scott to Dr Russow. She sounded pleased however felt that she was still owed an apology from Cst Boyle.

On 0002 11 I spoke to Cst Scott of the RCMP. He had received a call from Dr Russow on the same day that I reveals his name to her. He told me that she was very aggressive and demanding on the phone. He point out to her that the matter had had been investigated by their IIS and eventually hung up on her. He advised me that he had been part of the APEC accreditation group. HE mentioned that at the time of APEC Russow had presented herself as a member of the Oak Bay Press and was give media accreditation. On of the members of ACCO APEC Canadian Coordinating office had tried to call the Oak

Bay press after the accreditation had been issued. The ACCO person was satisfied that Russow was not on staff at the paper, so ACCO decided to pull Russow accreditation and when she began to cause a scene, she was advised to leave the accreditation office or she would be arrested. Apparently Russow complained to the RCMP internal investigation Section about similar issue and the matter was investigate by them Their conclusion was that her complaint was frivolous. She was advised accordingly and it was suggested that the make a Complaint to the Public Complaints Commission. From her letter Dr Russow wants to know the source of CSt Boyles information. I have provided her the names given to me by Cst Boyle. Her notes also reflect at the media event at UBC which supports her testimony. At UBC the only statement that Cst Boyle made in her testimony that cannot be support is that Dr. Russow went out to UBC on a bus. Is this enough to recommend an apology from Cst Boyle that considering that possibly incorrect information was imparted on her by members of the RCMP and ACCO

John Fenimore Dt 661
Reserve Coordinator office 717-3083
Vancouver

117. 25 FEBRUARY 2000: HUGHES RULES NO JURISDICTION TO COMPEL PM TO TESTIFY

Commissioner Hughes rules that he has no jurisdiction under the terms of the RCMP Act or under his terms of reference to compel the attendance of the Prime Minister as a witness. Nonetheless, expressing concern that his report might be under a "cloud" if the Prime Minister does not testify, he extended an invitation to the Prime Minister to appear of his own volition.

Hughes claims basic issue was if “PMO” had given improper orders or direction respecting security matter to members of the RCMP at the APEC conference”
- Hughes had failed to permit Russow to testify and use the Christine Price’s evidence that there had been a directive from the PMO’s office to pull Russow’s
NOTE: I contacted him in 2005, and asked for the reason for excluding this information and he claimed that he did not remember anything about it. (personal communication)

118. 29 MARCH 2000: MEDIA ADVISORY FROM RUSSOW ABOUT PRESS CONFERENCE AT THE CHARLES LYNCH ROOM PARLIAMENT HILL ON TUESDAY, MARCH 29, 2000 AT 11 AM.

CHARLES LYNCH ROOM PARLIAMENT HILL ON TUESDAY, MARCH 29, 2000 AT 11 AM.

The subject: the implications of the decision by Commissioner Hughes on March 25 about calling the Prime Minister to appear before his commission.

Contact:
Joan Russow 250 598-0071 in Victoria till February 26th
613 722 3485 February 27 – March 1 in Ottawa
See attached “Chronology of Intervention of PMO at APEC”

119. 29 MARCH 2000: RUSSOW DISTRIBUTED BRIEF CHRONOLOGY TO MEDIA

120. 30 JUNE 2000: APEC INQUIRY ENDS

121. JULY-SEPTEMBER 2000; RAN IN THE FEDERAL BY-ELECTION AGAINST STOCKWELL DAY

122. 25 OCTOBER 2000: MEDIA PRESENTATION IN CHARLES LYNCH

Russow launched the Federal Green Party platform.

123. NOVEMBER 2000; FEDERAL ELECTION: DOCUMENTATION RELATED TO DAVID ANDERSON AND ELECTIONS CANADA

Russow ran in the Federal Election against David Anderson. An affidavit was filed with against Russow, was filed in the regional office of Elections Canada, then submitted to Elections Canada. Prior to the all candidates debate on the "environment", Russow heard that the disgruntled former Green Party leader of the BC Green was working with David Anderson and helping prepare David Anderson for the debate. On Saturday, November 18, two days before the election, I was campaigning downtown, when someone said why would anyone vote for you; he said that on the CFAX news it had been reported that Russow was being investigated by Elections Canada for doing something illegal under the act. Russow found out that a press release had been sent out by the former Green party of BC leader, while he was working in David Anderson's office. Russow contacted the regional office of Elections Canada, and was told that Elections Canada was not concerned about the allegations in the Affidavit. After talking with the local Elections officials, CFAX broadcast a retraction. Russow subsequently found out that the person who filed the affidavit was related to the clerk working in David's Anderson's office

In addition, during the Election it was a common practice for candidates to ask a couple of members in the community to speak on their behalf. Russow was shocked when she saw Brian Groos speaking on behalf of David Anderson.

124. 19 FEBRUARY 19 2001: FAXED PRIVACY REQUEST TO RCMP ALL PERSONAL INFORMATION HELD BY THE RCMP SINCE 1963

The reason Russow went back as far as 1963 was that in 1963 she was studying law at Ottawa University, and teaching English to diplomats. One of the diplomats was the assistant military attaché from the Czechoslovakian Embassy. One day she received a call from the RCMP, and was interviewed by an agent about the military attaché; Russow was told that the Attache was deemed to be one of the shrewdest spies in the Soviet Union. His strategy supposedly was to get to know local people with important contacts. At that time Russow's father was the Assistant Auditor General of Canada. After the interview the RCMP officer asked her to continue teaching and establish personal contacts with the Attaché. Russow had told the RCMP officer that she had been invited to a reception at the Czechoslovakian embassy that weekend. He encouraged her to attend and asked her to report back to him about all her conversations with the Attache; the RCMP Agent concluded the interview with the admonition that she should never tell anyone that he had asked her to spy for the RCMP. Russow decided to leave the school, and discontinue all further contact with the Czechoslovakian. She began to wonder if that was the reason that she was deemed to be a threat to National security because she had refused to cooperate with the RCMP

125. 19 FEBRUARY 19 2001: RCMP RESPONSE TO FAXED PRIVACY REQUEST

From: Paulette Franklin

To. Claire Gent; Lynn Dalziel; Ray Kobzos
Date 2 19/01 657 am
Subject 2000- ATIP-09693

Good morning.
OSR: AJ-34
OSI ON 10136
Collator code R-0156

This is a Privacy Act Request. Please send originals only.

Requester's name: Joan Elizabeth Russow
DOB: Nov 1 1938
The requester is seeking access to all personal information held by the RCMP since 1963. Please forward to my attention

DD 01-03-21
Thank you
Paulette

Cc: Antonio Jamia

126. 9 MARCH 2001: UPDATED COMPLAINT TO RCMP PUBLIC COMPLAINTS COMMISSION

March 14, 2001 File No. PC-2001-0189

Ms. Joan Russow 1230 St. Patrick Victoria, BC V8S 4Y4

Dear Ms. Russow

In accordance with the RCMP Act, your complaint was forwarded today to the Commissioner of the RCMP for appropriate action. A copy of the complaint is enclosed for your information.

The Commissioner is required to inform you in writing about the status of your complaint not later than 45 days after he has received it. When the Commissioner has dealt with the complaint, you will be informed of the outcome.

Should you be dissatisfied with the RCMP's response to your complaint, you may contact this office to request a review by this Commission.

The Commission for Public Complaints Against the RCMP is an agency independent of the RCMP whose role is to receive and review complaints from the public about the conduct of members of the RCMP while on duty.

I am sending you a pamphlet on the Commission which you may find useful. Please read it and the attached copy of your complaint, and contact me at (604) 501-4080 or at our toll free number, 1-800-665-6878, if you have any questions.

Yours truly,
Lorraine Blommaert
Enquiries and Complaints Analyst
LB:e Enclosures

128. 1 APRIL 2001: RUSSOW SUBMITTED JOB APPLICATION TO THE

Original complaint sent 070301 PROTECTED
COMPLAINT
File No. PC-2001-0189

CONFERENCE OF SECURITY ESTABLISHMENT (CSE)

129. 5 APRIL 2001: RESPONSE FROM RCMP PRIVACY REQUEST OF DATA SINCE 1963

Royal Canadian Mounted Police
April 5, 2001
Dr. Joan Russow
1230 St. Patrick Street
Victoria, British Columbian
V8S 4y4 O1 ATIP-09603

Dear Dr. Russow:

This is in response to our request under the Privacy Act received on March 9 2001, seeking access to all personal information held by the RCMP since 1963; specifically reasons for placing me on a threat assessment list. Based on information provided, a search for records was conducted in Ottawa, Ontario, Vancouver, Kelowna, Victoria and Clayoquot, British Columbia. Enclosed is a copy to some of the information to which you are entitled. Note that some of the information has been exempted under section 26 of the Privacy Act. A copy of this exemption section has been enclosed for your easy reference.

There are still outstanding documents that are in the review/consultation stage and once completed you will be advised accordingly.

Also enclosed is a Notification of the Right to Request Correction and a Record Correction Request Form These are provided in the event you wish to avail yourself of the correction provisions Note that you have the right to bring a complaint before the Privacy Commissioner concerning any aspect of our processing of your request. Notice of complaint should be addressed : …

Should you wish to discuss your request contact Cpl AJ Cichelly by writing or at (613) 993-2960. For ease of reference, please quote the file number appearing on this letter.

Yours truly

A.D Baird. Sgt
Office of the Departmental Privacy

NOTE: PRIVACY ACT
Information About Another Individual

26 The head of government institution may refuse to disclose any person information requested under subsection 12 (1) about an individual other than the individual who made the request and shall refuse to disclose such information where the disclosure is prohibited under section 8

130. 17 APRIL 2001: RESPONSE FROM RC CARDEY SARGEANT ABOUT RCMP COMPLAINTS COMMISSION

Privacy request signed ad Baird sgt office of the department privacy ad Baird sgt. request for time extension of 30 days beyond the 30 day statutory time limit …

131. 1 MAY 2001: APPLICATION FOR HABITAT II +5 CONFERENCE TO LES

132. 13 JUNE 13 2001: ANDREW GAGE'S LETTER TO RCMP TO B LETTRE Sgt re Joan Russow ATI Request

Your files No.00atip -10167 10168

I am writing to request your attention to the above access to information request (the request) which for whatever reason has never been respond ed to. Please be advised, however, that I am no longer counsel on this file and that all future correspondence including follow up to this letter should be directed to Dr. Joan Russow directly. Dr Russow may be reached at 1230 St. Patrick St. Vicroeia B.ca. V8S 4Y4 Tel 250 598-0071

For the sake of convenience, and due to the time which has expired since this ATI request was made, I will lay out the correspondence I have had with your office.

I made the request in a letter dated February 11 2000 written on behalf of Dr. Russow and directed to your Vancouver Offices

On March 18, 2000 Sgt Bernie Lettre of your office e-mailed me requesting the full name , birth date and singed consent form from Dr. Russow. He also indicated that Dr Russow would have to pay a $ 5.00 fee in regards to that part of her request related to the Green Party of Canada, I provided the biographical information and consent form by fax in a letter dated March 29 2000.

In a letter dated April 5 2000 Sgt Lettre gave detains as to how to pay the $5 00 fee for the request and indicating that the RCMP required a copy of Dr Russow's consent with an original signature. As I did not see either the need nor the statutory authority for the requirement that an original consent form be provided (and since obtaining a signed consent form seemed moderately inconvenient. I e-mailed Sgt Lettre on April 26 2000 questioning this policy. I indicated that Dr Russow would provide an original consent if required, but I believed that the Access to information Act required the RCMP to proceed with the request even without such a document. I asked that Sgt letter contact me if the RCMP continued to believe that such a document was required.

On June 2 2000, having received no further correspondence from the RCMP, I wrote to Sgt Lettre noting that I had received no reply to my April 26 2000 e-mail and explaining that I therefore assumed that an original consent form was not required. I also enclosed a cheque for 5 for the ATI request concern the Green Party of Canada

I received no answer to this letter either. As I was acting for Dr Russow on a pro bono basis and as I had no instructions to take further steps on this matter, I am afraid I did not follow up on this matter. According to my records, it appears the cheque for #5f was never cashed.

I have recently closed my office and for the sake of completeness I am sending this letter to both your office and to Dr Russow in case either party wishes to pursue this matter further. While clearly I could have pursued this matter more aggressively, the fact is that my last two attempts to pursue this matter went unanswered, and the onus was clearly upon the RCMP to respond to the Request and may correspondence; I am therefore sending a carbon copy of this letter to the Information commission, in case any action should be required on the part of that office

Thank you for your cooperation

Yours truly

Andre Gage cc Information Commissioner
Cc client

133. 14 JUNE, 2001: FURTHER RESPONSE TO APRIL 17 2001 RESPONSE FROM PRIVACY

NOTE: in this response the RCMP indicated that information was exempted under art 22 1 a.

Law Enforcement and investigation
22. (1) the head of a government institution may refuse to disclose any personal information requested under subsection 1 (1)
(a) that was obtained or prepared by any government institution, or part of a government institution that is an investigative body specified in the regulations in the course of a lawful investigation{s} pertaining to
(i) the detection, prevention or suppression of crime. The RCMP is suggesting that there is still significant information withheld.

Royal Gendarmerie : Canadian Royale Mounted du
Police Canada
June 14, 2001

Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4
OIATIP-09693

Dear Dr. Russow:
This is in further to our response to you of April 17, 2001.

Enclosed is a copy of some of the information to which you are entitled. Note that some of the information has been exempted under section 22(1)(a) of the Privacy Act. A copy of this exemption section has been enclosed for your easy reference.

Also enclosed is a Notification of the Right to Request Correction and a Record Correction Request Form. These are provided in the event you wish to avail yourself of the correction provisions of the Act.

Note that you have the right to bring a complaint before the Privacy Commissioner concerning any aspect of our processing of your request. Notice of complaint should be addressed to:
Privacy Commissioner Tower "B", Place de Ville 112 Kent Street
Ottawa, Ontario K 1 A 11-13

Should you wish to discuss your request, contact Cpl. A.J. Cichelly by writing or at (613) 993-2960. For ease of reference, please quote the file number appearing on this letter.

P.J.D. Dupuis A/Sgt.
Office of the Departmental Privacy and Access to Information Coordinator
1200 Vanier Parkway Ottawa, Ontario KIA OR2
Attach.
Canada

NOTE: in this response the RCMP indicated that information was exempted under art 22 1 a.
Law Enforcement and investigation
22. (1) the head of a government institution may refuse to disclose any personal information requested under subsection
(a) that was obtained or prepared by any government institution, or part of a government institution that is an investigative body specified in the regulations in the course of a lawful investigation{s} pertaining to
(i) the detection, prevention or suppression of crime

134. **7 AUGUST 2001**: COMMISSION REPORT RELEASED: COMMENT IN NEWS RELEASE BY SHIRLEY HEAFFEY

“I want to thank Mr. Hughes for the outstanding service he performed in presiding at this Hearing” state Shirley Heafey, Chair of the CPC.
Mr. Hughes presided over a public hearing that was unprecedented in its scope. Over the course of 170 days, he heard testimony from 153 witnesses and 710 exhibits were received in evidence. The transcript of the testimony comprises more that 40,000 pages. All of this was conducted with full electronic news media cover of the proceeding. The Canadian public should be assured from this that the Commission for Public Complaints is acquitting its mandate responsibly, throughout and fairly”

135. **14 AUGUST 2001**: RESPONSE TO COMPLAINT ASKING FOR MORE TIME

136. 18 AUGUST 2001: PART OF 5 PART SERIES ON CRIMINALIZATION OF DISSENT

RCMP tightens its controls on protesters

Police create new unit, the Public Order Program, to handle demonstrations
David Pugliese and Jim Bronskill
Vancouver Sun, Sat August 18, 2001

Faced with a growing number of large demonstrations, the RCMP have quietly created a special unit to deal with public dissent.

The new team of Mounties, called the Public Order Program, was established in May to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies, according to an RCMP document.

The RCMP's move to strengthen its capacity to control demonstrations comes amid increasing concern about government and police responses to legitimate dissent.

The new unit with the Orwellian name will also examine how to make better use of "non-lethal defensive tools," such as pepper spray, rubber bullets and tear gas, indicates the document, a set of notes for a presentation to senior Mounties earlier this year. Select officers will be run through a "tactical troop commanders course" to prepare them for dealing with public gatherings.

The Public Order Program is intended to be a "centre of excellence" for handling large demonstrations, allowing the Mounties to keep up with the latest equipment, training and policies, said RCMP Constable Guy Amyot, a force spokesman. "It gives us some more tools to work with."

The initiative, sparked by a spate of ugly confrontations between protesters and police at global gatherings, comes as Canada prepares to host leaders of the G8 countries in Alberta next year.

"With all the violence going on we had to create a unit that could help us [with] providing security," Amyot said. But for some, the right to free speech and assembly in Canada has become precarious at best.

The recently released APEC inquiry report focused on certain questionable RCMP activities during the 1997 gathering of Asia-Pacific leaders in Vancouver, including the arrest of demonstrators and use of pepper spray.

Almost overlooked in the review, however, was an apparent shift in police and government attitudes toward a "criminalization of dissent." Behind the scenes, law enforcement agencies are directing their efforts at organizations and individuals who engage in peaceful demonstrations, according to civil rights experts. The targets are not extremists but ordinary Canadians who happen to disagree with government policies.

Officers from various police forces and the Canadian Security Intelligence Service have infiltrated, spied on or closely monitored organizations that are simply exercising their legal right to assembly and free speech. Targets of such intelligence operations in recent years, according to federal documents, range from former NDP leader Ed Broadbent to the Raging Grannies, a senior citizens' satire group that sings about social injustice.

Individuals have been arrested for handing out literature condemning police tactics. Large numbers of Canadians and legitimate organizations, from the United Church of Canada to Amnesty International, have found themselves included in federal "threat assessment" lists alongside actual terrorist groups.

And in what some consider blatant intimidation, RCMP and CSIS agents are showing up unannounced on the doorsteps of people who voice opinions critical of government policy or who plan to take part in demonstrations.

In coming weeks, the Canadian Association of University Teachers will meet in Ottawa with senior RCMP officials to express grave concerns in the academic community about campus visits by the Mounties.

The meeting arises from the police force's questioning of Alberta professor Tony Hall about his views on the spring Summit of the Americas in Quebec City. A University of Lethbridge academic, Hall wrote an article critical of the effect of free trade agreements on indigenous people and was involved in organizing an alternative summit for aboriginals. Neither warranted a visit from police, say his colleagues.

"Whether you agree with him or not, I think he has the right to raise those questions," says David Robinson, associate executive director at the association of university teachers.

The Canadian Civil Liberties Association has led calls for an investigation into allegations police abused their powers by firing more than 900 rubber bullets and using 6,000 cans of tear gas to subdue protesters at the Quebec City summit in April. Also of concern for the association is the possibility police targeted individuals even though they were non-violent.
Others, such as University of British Columbia law professor Wesley Pue, say police operations against legitimate dissent have already crossed the line.

"When the police start spying on people because they don't like their politics, you've gone a long way away from what Canadian liberal democracy is supposed to be about," says Pue, editor of the book Pepper in Our Eyes: The APEC Affair.
Such notions are rejected by police and politicians. Quebec government officials have dismissed a call for a public inquiry into how officers treated protesters at the Quebec City summit. Quebec Public Security Minister Serge Menard summed up his attitude shortly before the summit: "If you want peace," he said, "prepare for war."

CSIS officials maintain they don't investigate lawful advocacy or dissent. The RCMP say they are simply doing their job in the face of more violent protests at public gatherings.
For his part, federal Solicitor General Lawrence MacAulay doesn't see anything wrong with the RCMP questioning Canadians who want to take part in demonstrations.
In a July 31 letter to the university teachers association, he defended Mounties security practices for the Quebec City event. "The RCMP performed ongoing threat assessments which included contacting, visiting and interviewing a number of persons who indicated their interest or intention in demonstrating."

But civil rights supporters contend such statements miss the point. Merely signaling interest in attending a demonstration or openly disagreeing with government policies -- as in Hall's case and others -- shouldn't be grounds for police to question an individual. They say actions by police and CSIS over the last several years appear to have less to do with dealing with violent activists than targeting those who speak out against government policies.
For instance, in January, police threatened a group of young people with arrest after they handed out pamphlets denouncing the security fence erected for the Quebec City summit as an affront to civil liberties. Officers told the students any group of people numbering more than two would be jailed for unlawful assembly. A month later plainclothes police in Quebec City arrested three youths for distributing the same pamphlet. Officers only apologized for the unwarranted arrests after media reported on the incident.

In the aftermath of the Quebec City demonstrations, some protesters were denied access to lawyers for more than two days. Others were detained or followed, even before protests began. Police monitored the activities of U.S. rights activist George Lakey, who traveled to Ottawa before the summit to teach a seminar on conducting a peaceful demonstration. Lakey was questioned for four hours and his seminar notes confiscated and photocopied by Canada Customs officers. Later, a Canadian labour official who offered Lakey accommodation at her home in Ottawa was stopped by police on the street and questioned for 30 minutes.
Amyot insists the RCMP recognize the right of people to demonstrate peacefully. "We have always said that, and we do respect that."

However, the events leading up to Vancouver's 1997 Asia-Pacific Economic Co-operation summit set the stage for what some believe is now an unprecedented use of surveillance by the Mounties and other agencies against lawful groups advocating dissent. Before and during the APEC meetings, security officials compiled extensive lists that included many legitimate organizations whose primary threat to government appeared to be a potential willingness to exercise their democratic rights to demonstrate. Threat assessments included a multitude of well-known groups such as the National Council of Catholic Women, Catholic Charities U.S.A, Greenpeace, Amnesty International, the Canadian Council of Churches, the Council of Canadians and the International Centre for Human Rights and Democratic Development.

Intelligence agencies also infiltrated legitimate political gatherings. A secret report produced by the defence department, obtained through the Access to Information Act, details the extent of some of the spy missions. It describes a gathering of 250 people on Sept. 12, 1997, at the Maritime Labour Centre in Vancouver to hear speeches by former NDP leader Ed Broadbent and New Democrat MP Svend Robinson. "Broadbent is extremely moderate and cannot be classified as anti-APEC," notes the analysis, prepared by either CSIS or a police agency. "The demographics of the crowd was on average 45-plus,

evenly divided between men and women. They were 95 per cent Caucasian and appeared to be working class, east end, NDP supporters."
Additional reports detailed a forum by the Canadian Committee for the Protection for Journalists and meetings planned by other peaceful organizations.
Law enforcement's notion of what constitutes a threat to government is disturbing to some legal experts. Pue, the UBC law professor, notes that anyone's politics can be deemed illegitimate to those in power at some point in time. He sees irony in the recent mass protests against federal stands on trade and the environment. "The so-called anti-globalization movement articulates many views that were official Liberal party policy up until the government got elected," says Pue.

Police tactics used four years ago at APEC have since become commonplace at almost all demonstrations. Criminal lawyer Clayton Ruby has noted how police have found a way to limit peaceful protests. Demonstrators don't get charged for speaking publicly. Instead they are arrested for obstructing police if they don't move out of the way. In most cases charges aren't laid or they are later dropped because of a lack of evidence. In the meantime, police usually insist bail conditions stipulate demonstrators stay away from a protest.
"We've made it so easy for governments to criminalize behaviour and speech they don't like," Ruby said around the time of the Quebec City summit. "They disguise the fact that they're punishing free speech."

Another disconcerting trend, according to civil liberties specialists, is the police practice of photographing demonstrators, even at peaceful rallies. Earlier this year, a whole balcony of cameras collected images of the non-violent but lively crowd outside the foreign affairs department in Ottawa.

"There is now the idea that you can't be an anonymous participant at a public gathering," says Joel Duff, a protest organizer and former president of the University of Ottawa's graduate students association. "If you're not ready to have a police file then you can't participate, which in my view is a curtailment of your democratic rights."

The RCMP's Amyot acknowledges police take photos of demonstrators, even if a protest is peaceful. The pictures can be used in court if the event turns violent, he notes.
But photos from peaceful demonstrations are destroyed, according to Amyot. "We're not investigating these people," he says. "These are just being taken to ensure if something happens we'll know what happened so we'll have evidence for safety purposes."

But such tactics can have chilling effect on lawful dissent. After it was revealed at the APEC inquiry that intelligence agencies spied on the Nanoose Conversion Campaign because of its stand against nuclear weapons, some of the B.C. organization's members started having second thoughts about their involvement, even though the group conducted only peaceful rallies. "There was a concern (among some) about whether the government could make their life difficult," says Nanoose Conversion Campaign organizer Ivan Bulic.
In Canada, aside from comments by civil rights experts and opposition politicians, there has been little outrage among the public or lawmakers.

In part this can be traced to media coverage that emphasizes the actions of a small number of violent protesters while neglecting largely peaceful events, says Allison North, a Canadian Federation of Students official and rally organizer. As a result, all protesters are branded as troublemakers. "People who decide to take part in another part of the democratic process, other than casting an election ballot every four or five years, are seen as a threat, no matter what their motives or cause," she explains.

Those on the front lines of demonstrations also note the common tactic of authorities painting protesters as aggressive so that almost any type of police action is justified. During the APEC inquiry hearings one officer hinted a bomb had been planted near a bridge that world leaders would cross to get to summit meetings. It later turned out, according to the RCMP's own report, that the "explosive device" was, in fact, a blasting cap used in construction and clearly linked to a sawmill located near the bridge. It was also determined such a device would, in no way, be powerful enough to put world leaders at risk.

Student organizer Duff also notes the scope of the damage at the Quebec City summit was never put into perspective by authorities or the media. As a result, the public is left with the notion protesters caused widespread destruction. "The stuff that happened in Quebec City was nothing in comparison to a regular St-Jean-Baptist Day in Quebec," according to Duff. "There they have bonfires in the street whenever they can and far more property gets destroyed."
He also questions whether the public can be complacent about police and government activities in dealing with dissent. Surveillance and questionable tactics may now be aimed at people protesting

globalization, notes Duff. But such methods can, and will, be used to manage other protests, whether it be against education cuts or reductions in health care budgets, he predicts.
Some are concerned that has already happened. In April the RCMP issued a public apology to the townspeople of Saint-Sauveur, New Brunswick, admitting the force overreacted when it sent a riot squad to handle a group of parents and children protesting the closure of a school in May 1997. Several people were attacked and bitten by police dogs while others were injured after being hit by tear gas canisters or roughed up by officers. Dozens were arrested in Saint-Sauveur and the nearby town of Saint-Simon but none was informed of their legal rights. All charges were later dropped.

Most of the officers involved in the incidents were transferred to other communities but the damage appears to have already been done. Area citizens say they have little confidence in the RCMP.

The APEC report condemned the fact several women protesters were forced to remove their clothes after being arrested. But it wasn't an isolated event. Earlier this year eight female students at Trent University in Peterborough, Ont. were arrested, stripped and searched by police. Their alleged crime was to protest the closing of the university's downtown college.
Such extreme reactions tend to galvanize people, says Duff. Those who peacefully demonstrate, only to be tear-gassed or arrested, tend to emerge as more committed protesters, he notes.
Others say there has to be some middle ground in which contrary views can be tolerated. In his report, APEC commissioner Ted Hughes urges that protesters be allowed "generous opportunity" for peaceful demonstrations.

Amyot says the RCMP's new Public Order Program will ensure the safety of delegates, demonstrators and police at future summits.
Pue believes the security for major gatherings should be decided through public debate and parliamentary scrutiny, instead of letting police to make up rules as they go along.
For instance, there are no Canadian laws to allow for the installation of a perimeter fence limiting the movement of protesters at international meetings, Pue notes. Yet a large fence was built for Quebec City and such barriers will likely be fixtures at coming events. "That's not the kind of discretion

137. **20 AUGUST 2001**: ARTICLE IN OTTAWA CITIZEN ABOUT CRIMINALIZATION OF DISSENT : PHOTOGRAPH OF RUSSOW AND MARTIN LUTHER KING
( ) EXHIBIT

138. **20 AUGUST 2001**: FRONT PAGE PIECE ON THE TIMES COLONIST EX-GREEN LEADER

Greens “a threat” Times Colonist Victoria activist targeted as national security risk
In August 2001, Jim Bronskill, and Pugliese, published a five part series, entitled “the Criminalization of dissent”

The credentials on Joan Russow's resume are rather impressive. An accomplished academic and environmentalist, she served as national leader of the Green Party of Canada. The Victoria woman had also earned a reputation as a gadfly who routinely shamed the government over its

unfulfilled commitments.

But Ms. Russow, 62, was dumbfounded when authorities tagged her with a most unflattering designation: threat to national security.

Her name and photo turned up on a threat assessment list prepared by police and intelligence officials for the 1997 gathering of APEC leaders at the University of British Columbia.

"All these questions start to come up, why would I be placed on the list?" she asks. Mr. Russow is hardly alone. Her name was among more than 1,000 -- including those of many peaceful activists -- entered in security files for the Asia-Pacific summit.

The practice raises serious concerns about the extent to which authorities are monitoring opponents of government policies, as well as the tactics that might be employed at future summits, including the
meeting of G-8 leaders next year in Alberta.

Ms. Russow had been a vocal critic of the federal position on numerous issues, expressing concerns about uranium mining, the proposed Multilateral Agreement on Investment and genetically engineered foods.

Just weeks before the Vancouver summit, she gave a presentation arguing that initiatives to be discussed at APEC would undermine international conventions on the environment.

However, Ms. Russow went to the summit not as an activist, but as a reporter for the Oak Bay News, a Victoria-area community paper. Securitystaff questioned whether the small newspaper was bona fide and pulled her press pass.

But the secret files on Ms. Russow suggest there may be more to the story. She wouldn't have even known the threat list existed if not for the tabling of thousands of pages of classified material at the public inquiry into RCMP actions at APEC, which focused on the arrest and pepper spraying of students on the UBC campus.

The threat assessment of Ms. Russow, prepared prior to the summit, describes her as a "Media Person" and "UBC protest sympathizer." A second document drafted by threat assessment officials during the summit
characterizes Ms. Russow and another media member as "overly sympathetic" to APEC protesters. "Both subjects have had their accreditation seized."

Ms. Russow later complained, without success, about the revocation of her pass. Officials with the Commission for Public Complaints Against the RCMP concluded the RCMP did nothing wrong. But despite exhaustive inquiries, a frustrated Ms. Russow has yet to find out how and why she was even placed on a threat list.

The APEC summit Threat Assessment Group, known as TAG, included members of the RCMP, the Canadian Security Intelligence Service, the Vancouver police, the Canadian Forces, Canada Customs and the Immigration Department.

The TAG files were compiled on a specially configured Microsoft Access database that "proved very successful in capturing and analyzingintelligence," says a police report on the operation, made public at the
APEC inquiry.

Much of the information came from "existing CSIS and RCMP networks" as well as Vancouver police members. Other data were funneled to TAG by RCMP working the UBC campus, including undercover officers and units assigned to crowds.

By the end of the summit, the TAG database had swelled to almost 1,200 people and groups, including many activists and protesters. Ms. Russow's photo appeared in a report alongside the pictures and dates of birth of
several other people. One is described as a "lesbian activist/anarchist" considered "very masculine."

Several are simply labeled "Activist" -- making Ms. Russow wonder how they wound up in secret police files. "Why are citizens who engage in genuine dissent being placed on a threat assessment list?"

The practice of collecting and cataloguing photographs of demonstrators is worrisome, says Canadian historian Steve Hewitt, author of Spying 101: The Mounties' Secret Activities at Canadian Universities,
1917-1997, to be published next year.

"There's tremendous potential for abuse. One would suspect that they're compiling a database. And clearly, there's probably sharing going on between countries," said Mr. Hewitt, currently a visiting scholar at Purdue University in Indiana.

"Your picture is taken and it's held in a computer, and when it might come up again, who knows?"

The RCMP, CSIS and other Canadian agencies have long shared information with U.S. officials, a cross-border
relationship that has grown closer to deal with smugglers, terrorists and, most recently, protesters who come under suspicion.

Canada Customs and Revenue Agency staff have access to a number of automated databases and intelligence reports that help screen people trying to enter the country.

Several protesters who were headed to the Summit of the Americas in Quebec City last April were either denied entry to Canada or subjected to lengthy delays, luggage searches and extensive questioning -- and the
rationale was not always clear.

At a recent Commons committee meeting, New Democrat MP Bill Blaikie confronted RCMP Commissioner Giuliano Zaccardelli and Ward Elcock, the director of CSIS, about scrutiny of activists.

An incredulous Mr. Blaikie recounted the case of a U.S. scientist who was questioned by Customs officials for about an hour last spring upon coming to Canada to speak at a conference about his opposition to
genetically modified food.

"Are people being trailed, watched, interviewed and harassed at borders because of their political views?" Mr. Blaikie asked, noting the "chilling effect" of such attention.

The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals considered a threat to the established order, devoting its energies through much of the 20th century to the hunt for Communist agents and sympathizers.

The vast list of targets left few stones unturned, providing the Mounties with intelligence on subjects as wide-ranging and diverse as labour unions, Quebec separatists, the satirical jesters of the Rhinoceros Party, American civil rights activist Martin Luther King, the Canadian Council of Churches, high school students, women's groups, homosexuals, the black community in Nova Scotia, white supremacists and
foreign-aid organizations.

CSIS inherited about 750,000 files from the RCMP upon taking over many intelligence duties from the Mounties in 1984. As the end of the ColdWar loomed in the late 1980s, the intelligence service wound down its counter-subversion branch, turning its focus to terrorism.

However, the emergence of a violent presence at anti-globalization protests has spurred CSIS to once again scrutinize mass protest movements, working closely with the RCMP and other police.

One of the threat assessment documents on Ms. Russow lists not only her date of birth, but hair and eye colour and weight -- or rather what she weighed in the 1960s, perhaps a clue as to how long officials have kept a file on her.

In 1963, a young Ms. Russow taught English to a Czechoslovakian military attache in Ottawa. She was asked by RCMP to report to them about activities at the Czech embassy, but refused. She surmises that may have
prompted the Mounties to open a file on her -- a dossier that could have formed the basis of the APEC threat citation more than 30 years later.

Ms. Russow is disturbed that she learned of the official interest in her activities only by chance. And she worries about the untold ramifications such secret files might have.

"How many people have had their names put on the list and never know?"

Final Special Report: Criminalization of Dissent Photo: The public inquiry into the RCMP's actions at APEC revealed a secret threat list that labeled Joan Russow, leader of the Green Party, as 'overly sympathetic' to protesters.; Photo: The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals, including U.S. civil rights activist Martin Luther King. How police deter dissent: Government critics decry intimidation TheOttawa Citizen Tue 21 Aug 2001 News A1 / Front News David Pugliese and
Jim Bronskill

139. 21. AUGUST 2001: EDITORIAL IN THE TIMES COLONIST

It’S NO CRIME TO CARE DEEPLY

If You’re looking for hard evidence that someone is a threat, don’t waste your time looking at Joan Russow. But if you’re looking for hard evidence that our federal government’s attempts to identify threats have gone terribly off track, there is no better example than Russow

Russow was the national leader of the Green party of Canada, an accomplished academic and environmentalist.

She has been a social critic of the federal government on many, many issues. She has strong opinions, and is not shy about expressing them. She is highly visible and has been for years.

Does all tat make her a threat to national security? To the intelligence types in our federal government , the answer is yeas.

Along with more than a thousands other people. Russow's name was placed in security files in preparation for ht Asia-Pacific summit in Vancouver in 1997. Other files feature other activists who are well known for their peaceful means of protest.

Its reasonable to expect the federal government to keep an eye on the people most likely to try to use violence to get their views across

But along the way, some cables must have crossed in a database somewhere. The government is now, it seems , worried about shadows under the bed.
There is no evidence that Russow and the rest are guilty of anything but caring , but lets keep an eye on them just to be safe.
The rising level of anger being expressed at international summits has prompted more and more calls for police and security services to be prepared for problems. Identifying in advance the people most likely to cause problems makes sense, to a certain extent

But there are problems with the theory. Creating a list of every Canadian who might pose a threat at some future date can't be done without looking at the activities of, literally, millions of citizens.

That means trampling on the rights of millions, in a desperate search for the handful of people who might be legitimate threats.

There is no point in spying on us without judging us. Who will do that? Who will sit in from of a computer somewhere, ruling that some of our opinions are no problems but others are a sign of violent tendencies, and therefore represent a threat? Who judges these people? Where doe the surveillance end?

Odds are, of course any computerized roundup of the usual suspects would miss the target anyway. Did the United States government know what Timothy McVeigh planned to do in Oklahoma City? Would the Canadian government do any better? No, and no.

Joan Russow cares deeply about Canada.She is not threat to national security

Bureaucrats who can't tell the difference pose a greater threat than she ever will.

Editorial Dave Obee
Paul MacRae

140. 24 AUGUST 2001: RESPONSE TO ARTICLE CRIMINALIZATION OF DISSENT

"

" Spying on Joan is going too far

Joan Russow, past president of the Green Party of Canada, has always been a caring, nurturing person.

Most of us are too comfortable to be activists to save the ancient, multi-specied forest, to resist the proliferation of life threatening nuclear devise, to hold on to Canadian water, to release less exhaust fumes into the air we breathe, to find alternatives to oil and forest consumption and to play fair with the original inhabitants of this province.

It is shocking to think that our tax dollars are used to keep Russow under police surveillance. It makes the same sense as keeping Joe Clark under polices surveillance for supporting equality for gays in Calgary.
Who can forget the Mc Carthy days when Joe Mc Carthy labeled like Eisenhower as a communist? Who can forget the murderous role of the CIA in Central America and Chile? We have allowed Canada's equivalent of the CIA to go to far. Secretive power invariable corrupts

Ron McIssac
News Group

141. 25 AUGUST 2001 PRICE OF PROTEST FEATURE ARTICLE ON RUSSOW "SPY AGENCY'S DAFT VENTURES HAVE SERIOUS IMPLICATION

Spy agency's daft ventures have serious implications.'
So Canada' secret police think Joan Russow's a threat to national security. eh? ("Ex-leader of Greens 'a threat'" Aug.20.

I would like to laugh—but this is too serious. The assessment reveals an astonishing ignorance of politics and current affairs amongst senior security officials, as well as a complete absence of common sense.

We all know of CSIS' ability to waste public funds on daft ventures, but this particular piece of lunacy also confirms the willingness of the current executive to use the RCMP as a front-line component of the state apparatus.

If the ex-leader of the Greens is potentially dangerous, where does this leave the tens of thousands of members of organization like the Council of Canadians, fighting against NAFTA. Or the millions of Canadians who want an Endangered Species Act with teeth instead of Environment Minister David Anderson wishy-washy bill?

This type of authoritarian attitude and action is far more likely to provoke than to prevent the actions it purports to guard against.

When the voting system promulgates single-party monopolies with no effective opposition in Parliament, let along minority viewpoints, when the press, radio, and TV are largely owned by a few establishment media barons, when corporations are seen to formulate social policy and manipulate governments with impunity, when the public interest becomes the last item on the agenda and not the first then change is necessary – and if the voices of concerned citizens are suppressed then inevitably the result will be either cynicism (and the eventual decay of civil society) or anger.

Constructive anger is good-it gets people going to create the pressure needed to make politicians sit up , listen and enact reforms. Destructive anger- well, that's what we're all trying to avoid, isn't it?

One last thing: please don't knock on my door before coffee.

142. 26 AUGUST 2001: NOW MAGAZINE SECRET DISSERVICE CANUCK SPIES WASTE TIME HARASSING LAWFUL DISSENT

NOW MAGAZINE SECRET DISSERVICE CANUCK SPIES WASTE TIME HARASSING LAWFUL DISSENT. NOTE; INCOMPLETE DOCUMENT

BY SCOTT ANDERSON
Canuck spies waste time harassing lawful dissent

The terrorist attack on new York and Washington reveal… stretched the US intelligence community is But ... of the … Canada's security services are also coming to grips with the … intelligence deficit. Their problems were recently highlighted in the case of the alleged terrorist who was caught in December …. Attempting to cross the Canadian border into the United States …. Bomb. He lived undetected in Montreal for five years and even traveled to one of Osama bin Laden's terrorist training camps .. embossing little .... for our spooks.

So is our intelligence apparatus just incompetent" Dangerously under funded and over worked" or simple misguided" probably all of the above

But given the scope of the terrorist threat, you have to wonder… some of the dubious security campaigns our tax dollars have bankrolling. Like the Royal Canadian Mounted Police shadow noisy Toronto tenant activist and would you believe it, Matt … Behrens, Canada's best-known guru of non-violent protest.

And consider the fervour with which the RCMP and the Canadian Security Intelligence Service have investigated lawful dissent for years.

" Prior to the ill-fated 1997 APEC Summit in Vancouver some called a "threat assessment joint intelligence groups made local police, RCMP and possible CSIS assembled detailed on protestors and supports. Mug shots of activist include the Green Party leader Joan Russow. Police even went so far as …together threat assessment on Green peace and amnesty

But most ominously , on the even of the BC Summit, demon Jaggi Singh was literally picked up off the street and arrested by police on dubious charges. It turned out that they had been … Singh for months. Later, it was reported that CSIS had informed the Canadian government that there was no terrorist thereat at the Summit, just a likelihood of anti-Indonesian demonstrations.

Fast forward to the Summit of the Americas in Quebec City. Prior to the event, the RCMP sad they were bracing for terrorist attacks. Not to be denied, just prior to the Summit police cracked down on stone-throwers and smoke-bomb artists

Of course, no summit security operation would be complete without bagging Jaggi Singh, ho was again nabbed –this time with teddy bears

In their report to parliament earlier this year CSIS identified anti-globalization protests as a concern. But the horror of …attacks in the US kind of puts the anti-globalizes into perspective doesn't it.
scottand@nowtoronto.com

143. 31 AUGUST 2001: ARTICLE IN MONTREAL GAZETTE ABOUT CRIMINALIZATION OF DISSENT

Governments want wall of secrecy
LYLE STEWART
Montreal Gazette Friday, August 31, 2001

The U.S. Senate Intelligence Committee is preparing a bill to establish that country's first official secrets act. As Thomas Blanton reported in the New York Times last week, Congress could "make it harder for Americans to know what their government is doing and would give aid and comfort to every tin-pot dictator who wants to claim 'national security' as the reason to keep his citizens in the dark."

Two days earlier, the Independent reported on the European Union's plan to create a secret network to spy on protesters. European leaders, the paper said, have ordered police and intelligence agencies to co-ordinate their efforts to identify and track demonstrators. "The new measures clear the way for protesters traveling between European Union countries to be subjected to an unprecedented degree of surveillance."

Sound familiar? Southam News's recent five-part series by reporters Jim Bronskill and David Pugliese show the federal government is doing its part in the international effort to repress political activity that Western states now apparently consider outside the bounds of acceptable discourse. As Bronskill and Pugliese found in the most comprehensive examination of the subject in recent times, the RCMP and CSIS are systematically deterring dissent and free speech through intimidation, secret files and a sledgehammer level of security against public protest. Mainstream political figures, such as former NDP head Ed Broadbent and Green Party leader Joan Russow, are not immune from being spied on or labeled as security threats.

The implications for our democracy are vastly disturbing, but not necessarily surprising. Governments in North America and western Europe see their political agendas threatened by the growing cross-border movements against corporate domination. And they are pooling information on political activists of all stripes, not only the Black Bloc bogeymen that are being conveniently used as the new spectre of evil to justify the new repression. And as the spying on normal political activity expands, states are tightening access that citizens have to information about their governments. Canada, it increasingly appears, will be no exception.

Bronskill and Pugliese based much of the reporting for their series on Access to Information Act requests. That's how they discovered the RCMP had in May established a special unit - the Public Order Program - to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies.

But the smoke signals from Ottawa indicate the Liberal cabinet wants to restrict our access to public information. In an interview, Bronskill noted the government already has extensively studied the program and could be preparing administrative or legislative changes. That's the worry of Ontario Liberal MP John Bryden, whose committee on the future of ATIP was publicly snubbed this week by Prime Minister Jean Chrétien. Chrétien ordered civil servants not to appear before the committee. Meanwhile, the government's official task force on ATIP is doing its work in secret. And as the Open Government Canada coalition noted this week, the task force is made up of civil servants from departments regulated by the law - an obvious conflict of interest.

"There are worrisome signals," Bronskill says. "There is legitimate concern this review will lead to higher fees, fewer records available and more restrictions on access."

The submissions the task force has received are overwhelmingly in favour of keeping fees in line and making the program more open, Bronskill notes. "There's no evidence to suggest there are vexatious or frivolous requests, the phrase they use to say the program is being abused." Even CSIS, he adds, has said the ATIP requests it receives are responsible and well thought out.

If the old adage that information is power is true, then the conclusions of this trend are obvious. Governments are afraid of the power of their citizens.

"There is a connection there," Bronskill says. "The link between surveillance of activists and problems with ATIP is the concept of control of information. On the one hand you have government collecting, storing and keeping information secret, and, on the other hand, the right of access to that information being curtailed in a way that limits the right of people to know."

People interested in keeping Canada transparent might want to attend a conference at St. Joseph's Parish, 151 Laurier East, in Ottawa on Oct. 5. "Global Cops Program: The Corporate Security State's Assault on Democracy" is sponsored by a number of peace and disarmament groups, unions and citizens' organizations. For more information, go to www.peacewire.org/

144. 28 SEPTEMBER 2001: RESPONSE TO PUBLIC COMPLAINT LODGED ON MARCH 9 2001 FROM BAS FLEURY RESPONSE TO PUBLIC COMPLAINT LODGED ON MARCH 9 2001 FROM BAS FROM RCMP ACCESS TO INFORMATION

Royal Gendarmerie Canadian Royale Mounted du
Police Canada

Security Classification/ Designation Classification/designation
securitaire

Unclassified

Non-Commissioned Officer in Charge
Internal Affairs Unit
657 West 37th Avenue
Vancouver, BC
V5Z 1 K6

Our FileNotre reference
2001-129 (IAU)

Ms. Joan Russow
1230 St. Patrick Street

Victoria, BC
V8S 4Y4

September 28th 2001

Dear Ms. Russow:

This is in reference to your public complaint which you lodged on March 9th 2001 via the Commission for Public Complaints (CPC) against the Royal Canadian Mounted Police, file PC-2001-0189 refers.

Background Information

On November 27", 1999, you lodged a complaint with the CPC stating you were refused security clearance to attend the Asia Pacific Economic Conference in Vancouver, B.C. on November 22nd and 23rd 1997. The CPC acknowledged receipt of your complaint and notified the Commissioner of the RCMP as required under subsection 45.35(3) of the RCMP Act. This complaint was investigated and you were informed of the findings of that investigation. File references are PCC-1997-1077 and RCMP 1997-578.

Subsequently, you were not satisfied with the manner your complaint was investigated and requested a review by the CPC. The CPC reviewed your complaint and found that there was no evidence to support your allegation. Accordingly the Commission was satisfied with the RCMP's disposition of your complaint.

On March 7`h, 2001 you corresponded with Lorraine Blommaert from the CPC, and understood that a new complaint would be examined in the context of your original Asia Pacific Economic Conference complaint. Apparently, you had been informed by Mr. John Holland from the Commission Review Committee that they could not review any additional material that emerged subsequent to the original complaint.

You then forwarded a list of questions and lodged another complaint against unidentified members of the RCMP for improper disclosure of information, neglect of duty, irregularity of evidence, and oppressive conduct and lack of service. This complaint was received by Lorraine Blommaert from the Commission.

Findings of the Investigation

Upon review of the "new information" that you provided to the Commission, I do not see anything that would lead me to believe that any of the material is new or relevant to what has already been investigated. The CPC was consulted, and have agreed that the information that you provided on March 7th, 2001 was received by them in error. Their position was that the complaint should have been withdrawn, however they do not have that authority to withdraw a complaint once it has been received by them.

Furthermore, many of your questions that you posed to the Commission cannot be answered by the RCMP. They are questions that were directed to a third party and accordingly can be dealt with in another manner.

Conclusion

I am not satisfied that the information you provided warrants a full scale investigation. Many of your concerns have been addressed through a public hearing process held last year in Vancouver. I would strongly urge you to obtain the interim report submitted by the Honourable Ted Hughes following his chairing of the public hearing on the Asia Pacific Economic Conference. This lengthy report can be obtained by calling toll free 1800-267-6637 and asking for a copy of the "Hughes Report."

Therefore pursuant to Section 45.36(5)(c) of the RCMP Act, I am directing that no further action or further investigation be taken in relation to your allegations as, "investigation or further investigation is not necessary or reasonably practicable."

Please be advised that pursuant to Section 45.4 of the RCMP Act, I am notifying you that the investigation into your complaint has now been concluded. If you are not satisfied with the manner in which your complaint has been addressed by the RCMP, you may request a review by the Commission for Public Complaints (CPC) against the RCMP by corresponding with them at the following address:

Commission for Public Complaints (CPC) against the RCMP
Western Region
Suite 102, 7337 - 137 Street
Surrey, BC V3W 1A4
(604) 501-4080 or toll free 1-800-665-6878

The Royal Canadian Mounted Police provides this letter to you in confidence to protect the privacy rights of you and third parties. Please do not further disclose this letter and the personal information contained in it without first consulting the Personal Information Protection and Electronic Documents Act, Stats. Can. 2000, c. 5, in relation to the collection, use and disclosure of personal information by the private sector.
Yours Truly,

B.A.S. Fleury, Sergeant
Acting Non-Commissioned Officer in Charge Internal Affairs Unit
"E" Division
C.C. Regional Director, CPC

145. 21 NOVEMBER 2001: ARTICLE ACTIVIST CAUTIONED TO BEHAVE. An Hoang.

146. 01 DECEMBER 2001: RESPONSE FROM SENATE TO REQUEST TO APPEAR.

TO MAKE A PRESENTATION ON C: 36 THE ANTI-TERRORISM:
Russow had requested to appear and raise the issue of the importance of complying with the International Covenant on Civil and Political Rights.

THE SENATE OF, CANADA LE SENAT DU CANADA
December 1, 2001
BY E-Mail: jrussow@coastnet.corn

Ms. Joan Russow
Coordinator
Global Compliance Research Project
1230 St. Patrick St, Victoria. V8S 4Y4

Dear Ms. Russow:

The Special Senate Committee on Bill C-36 has received many requests to appear on this bill. A great deal of time has been spent formulating a witness list. which will provide a balanced and comprehensive perspective for Committee members.

The Committee was unable to include all requests in the witness list for the hearings to be held in Ottawa early December, and I regret to inform you that you were not among those selected. However, the Committee would welcome the submission of a written brief. If you decide to submit written comments, they should be sent to my attention at the above Committee (Ottawa KIA OA4).

If you would like to receive copies of the Committee proceedings or the final report on Bill C-36, please send your request via e-mail to: charlc@sen.parl.gov , or to

Dr. Heather Lank. Clerk
Special Senate Committee on Bill C-36
The Senate of Canada
Ottawa, Ontario
KIA OA4

Thank you for your interest in the work of the Committee. We appreciate your contribution.
Sincerely,

CHALLENGE OF THE BILL C-36 ANTI-TERRORISM AND OTHERS UNDER INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS.

for Heather Lank Clerk of the Committee

147. 10 DECEMBER 2001: COMMENT ABOUT THE ANTI-TERRORISM ACT IN CONTRAVENTION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS

Even before Bill C36 comes into force, the RCMP and CSIS have been violating the Civil and Political Rights of Citizens, and this Act will further expand and condone the violation of these rights.
RE: Bill C36

C36-the Anti-terrorism Act could violate the International Covenant of Civil and Political Rights which was negotiated in 1966, and ratified by Canada in 1976.

The government of Canada has not demonstrated as required under Article 4 that Canada is "in [a]time of public emergency which threatens the live of the nation and the existence of which is officially proclaimed. ...and thus to justify "derogating from their obligations"

Canada is required to inform all State parties to the Covenant, under Article 4, that Canada is "availing itself of the right of derogation"

The Canadian government should be called upon to seek an advisory opinion from the International Court of Justice on whether C36 contravenes the International Covenant of Civil and Political Rights.

On December 6th, 2001, Donald Fleming a professor of international law from the University of New Brunswick in his presentation to the Senate hearings on Bill C 36, stated that C 36 could contravene specific rights in the International Covenant of Civil and Political Rights. in particular the following sections:
Article 2
1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind such as race colour , sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect tot he rights recognized in the present Covenant
3. Each State Party to the present Covenant undertakes:
a to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
b. to ensure that any person claiming such a remedy shall have his[/her] right thereto determined by competent judicial administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
c to ensure that the competent authorities shall enforce such remedies when granted.

Article 9
1. Everyone has the right to liberty and security of persons. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as any established by law.
2. anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest ad shall be promptly informed of any charges against him
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trail within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained. In custody, but

release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and should occasion arise, for execution of the judgment
4 anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if this detention is not lawful
5 anyone who has been a victim of unlawful arrest or detention shall have an enforceable right to compensation.
Article 14
1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him or his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. the press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the Parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes of the guardianship of children 2. Everyone charged with criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him everyone shall be entitled to the following minimum guarantees in full equality:
(a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
(b). to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
(c) to be tried without undue delay
(d) to be tried in his presence and to defend himself in person or through legal assistance of his own choosing; to be , if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice o requires, and without payment by him in any such case if he does not have sufficient means to pay for it.
(e). to examine, or have examined , the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
(f.) to have the free assistance of an interpreter if he cannot understand or speak the language used in court;
(g) Not to be compelled to testify against himself or tot confess guilt
Article 17.

6
1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

CAMPAIGN: OPTIONS
OPTION 1: to call upon Canada to seek an advisory opinion from the International Court of Justice on whether the "offending" legislation might contravene the International Covenant of Civil and Political Rights.

Relevant sections in the International Court of Justice Statutes:
Article 36
l. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and convention in force.
2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement. in relation to any other state accepting the same obligations the jurisdiction of the Court in all legal disputes concerning.
a. the interpretation of a treaty
b. any question of international law
c the existence of any fact which if established would constitute a breach of an international obligations;

d) the nature or extent of the reparation to be made for the breach of an international obligations.
3. the declaration referred to above may be made unconditionally or on condition of reciprocity o the part of several or certain states, or for a certain time.
4. Such declarations shall be deposited with the Secretary-General of the United Nations who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.
Article 65 advisory opinions
The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required and accompanied by all documents likely to throw light up the question.
Article 66
1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
2. the Registrar shall also by means of a special and direct communication notify any state entitled to appear before the Court or international organization considered by the Court, or should it not be sitting, by the President as likely to be able to furnish information on the question that the Court will be prepared to receive within a time limit to be fixed by the President, written statements or to hear at a public sitting to be held for the purpose , oral statements relating to the question.
4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent and within the time limits which the Court sits or should it not be sitting, the President, shall decide in each particular case. Accordingly the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.
Article 68
The court shall deliver its advisory opinion in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

OPTION 2.
Lobby at the UN for member states of the UN to pass a resolution to request the International Court of Justice to review anti-terrorism legislation in Canada, United States, Great Britain to determine if the legislation contravenes the International Covenant of Civil and Political Rights.

OPTION 3
To work with other NGOs to prepare a report on the potential violation of the International Covenant through the implementation of Bill 36, 35 and 42, and appear before the Commission when Canada is submitting its report to the UN Human Rights Commission responsible for monitoring the compliance with the International Covenant of Civil and Political Rights.
Rule 66 under the Rules of Procedure " States parties to the Covenant shall submit reports on the measures they have adopted which give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of those rights. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the Covenant.

148. **12 DECEMBER 2001**: MEDIA REPORT ABOUT BEING ON AN RCMP LISTS

NOTE: the fact that Russow was on an APEC threat assessment list was widely broadcast on the internet. The following is one example:
TWISTED Badge our missions to promote public awareness of the need to be vigilant in matters involving law enforcement malfeasance.

…the report also revealed another RCMP unit called the Threat Assessment Group Tag which compiled secret dossiers on over 12000 people including an accomplished academic and environmentalist name Joan Russow who also one led the Green Party in Canada

Russow was characterized as “overly sympathetic” to APEC protesters and for that she was deemed threat to national security and banned form attending APEC
http:www.twistedbadge.com/feature_canada1.htm

149. 13 DECEMBER 2001: RUSSOW FILES DEFAMATION CASE
Joan Russow files statement of claim re Defamation of Character

IN THE FEDERAL COURT OF CANADA TRIAL DIVISION

JOAN ELIZABETH RUSSOW
PLAINTIFF
HER MAJESTY THE QUEEN
STATEMENT OF CLAIM
DEFENDANT
TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU
by the Plaintiff. the claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Court Rules, 1998, serve it on the plaintiff's solicitor or, where the plaintiff
does not have a solicitor, serve it on the plaintiff, and file it, with proof of service , to a local office of this Court,

WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.
If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the Federal Court rules, 1998, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: 2001 Issued by
DEC 13, 2001
Registry Officer
Sandra McPherson
TO: Her Majesty the Queen Department of Justice 900-840 Howe St. Vancouver, B.C. V6Z 2S9
Address of
Local office 700 West Georgia
Local Office
701 W Georgia
Vancouver, V7Y 1B6

CLAIM
The Plaintiff, Joan Elizabeth Russow Ph.D, of 1230 St. Patrick St. Victoria, B.C. V8S4Y4, a former sessional lecturer in Global issues, the Federal Leader of the Green Party of Canada from April 1997 to March 2001, and currently the Co-ordinator of the Global Compliance Research Project--monitoring state compliance with international law.
claims the following:
l. that she has experienced a direct attack against her reputation nationally and internationally, and that her "esteem has been lowered in the estimation of right thinking members of society" by being placed on

a RCMP APEC Threat Assessment under the Office of the Solicitor General, and on a military list initiated by Robert Fowler formerly with the Department of Defence.
2. that the directive to pull her APEC pass media was reported, in Christine Price's testimony before the RCMP Public Complaints Commission, as coming from Oak Bay resident Brian Groos who was acting on instructions from the Prime Minister's Office (PMO) and possibly from the Department of Foreign Affairs and International Trade (DFAIT)
3. that the RCMP officers and other officials in the media accreditation office at APEC, being aware that there had been a directive to prevent Russow from entering APEC Conference, pretended that the reason for her pass being pulled was that the Oak Bay news paper, for which Russow had an assignment, did not exist, and then they proceeded to create innuendo's in their testimony that they were justified in pulling the pass because of her behaviour. [they knowingly misrepresented the situation.]
4. that the placing of her name, picture and her political affiliation on a threat assessment group list has caused harm, and was politically motivated, and that Brian Groos was closely associated with David Anderson against whom Joan Russow ran in the 1997 and 2000 election
5. that the placing of her affiliated group, the Green Party, at the request of Robert Fowler, previously in the Defence Department, on a military **list …**
6. that the placing of Joan Russow on the RCMP Threat Assessment Group list and on the Military Group list has impacted on her reputation as well as the reputation of those associated with her.
7. that the placing of the leader of a registered political party, an internationally established party, on a RCMP Threat Assessment List has constituted a violation of fundamental human rights under the International Covenant of Civil and Political Rights and contributed to discrimination under Article 2 on the grounds of "politics".
000175

8. that being on a list that has been known to be circulated to third parties, and possibly other countries, may have influenced her access to work and her freedom of movement because of the designation of her as a threat and because of the innuendo associated with being designated a threat or with belonging to a group disloyal to her country,
9. that during the APEC RCMP Public Complaints Commission hearing, broadcast across the country on CPAC, and up on a web site, a remark was made by Constable Boyle based on RCMP "intelligence" that Russow had behaved inappropriately on a media bus [which Russow was never on]
10. that when Joan Russow, who had filed a complaint to the RCMP Pubic Complaints division, asked Commissioner Hughes if she could appear to counter the statement made about her inappropriate behavior she was denied access to the RCMP Public Complaints Commission hearing.
WHEREFORE THE PLAINTIFF CLAIMS:
A. GENERAL DAMAGES
B. SPECIFIC DAMAGES TO BE ASSESSED
C. EXEMPLARY AND PUNITIVE DAMAGES
D COSTS OF THIS ACTION
E. SUCH FURTHER AND OTHER RELIEF AS TO THIS HONOURABLE COURT MAY DEEM FAIR.
F. THE IMMEDIATE REMOVAL FROM "NATIONAL SECURITY LISTS" OF ACTIVISTS WHO HAVE ENGAGED IN PROMOTING COMMON SECURITY-GUARANTEEING HUMAN RIGHTS, LABOUR RIGHTS, PREVENTING WAR AND CONFLICT, ENSURING SOCIAL JUSTICE, AND PROTECTING THE ENVIRONMENT
I HEREBY CERTIFY that the above document is true coop, of the original issued out of the Registry of the Federal Court of Canada
DEC 13 2001
of -
Dated this
JOAN RUSSOW 1230 ST PATRICK ST VICTORIA, B.C. V8S4Y4
1 (250) 598-0071

150. 13 DECEMBER 2001: MEDIA RELEASE: ANNOUNCING THE STATEMENT OF CLAIM: RE DEFAMATION OF CHARACTER

THREAT ASSESSMENT LIST

Joan Russow files Statement of Claim: re Defamation of Character

(Victoria, December 13, 2001) Joan Russow, former leader of the Green Party of Canada, filed suit today in the Federal Court Trial Division in Vancouver against the Crown (File # T218401). In her statement of claim, she refers to the Prime Minister's Office, the Department of Defence, the Department of Foreign Affairs and International Trade, and the Attorney General of Canada.

Dr. Russow claims that the RCMP knowingly misrepresented the reasons why her media pass was pulled at the 1997 APEC Conference held in Vancouver. The RCMP's actions were the result of political interference from the PMO. As a result of her being placed on "lists" by the federal government, her reputation has been damaged and access to work and her freedom of movement may have been affected.

Her suit claims that the placing of the leader of a registered political party - an internationally established party - on a RCMP Threat Assessment List, has constituted a violation of fundamental human rights under the International Covenant of Civil and Political Rights and contributed to discrimination on the grounds of "politics".

Justice Minister McLelland has said that under current legislation and the proposed Bill C-36, citizens and groups that are wrongly placed on lists have institutional channels to address their wrongful inclusion. Since 1997 when Russow was wrongly put on the APEC Threat Assessment Group list, Russow has exhausted all institutional remedies, including the RCMP Public Complaints Commission, Canadian Security Intelligence Service, Security Intelligence Review Committee, and the RCMP Commission Review Committee. After four years, she is no closer to determining why she was placed on the list except that the directive came from the PMO's office. Clearly, Minister McLelland's assurances are meaningless.

Russow has suffered harm and is seeking compensation, including general, specific and punitive damages. In addition, she is demanding the immediate removal from national security lists of activists who have engaged in promoting common security - including guaranteeing human rights, labour rights, preventing war and conflict, ensuring social justice, and protecting the environment.

-30-
For further information, contact:
Joan Russow, Ph.D,
phone 1-250-598-0071

151. 15 DECEMBER 2001: MEDIA COMMENT ABOUT RUSSOW IN COURT

Former Green Leader Russow Sues Ottawa over Threat Listing
Times Colonist
Former Green leader Russow sues Ottawa over threat listing
Southam Newspapers

Ottawa –Joan Russow, former leader of the Green Party , is suing the Federal government over her placement on a secret threat assessment list, calling it a "direct attack against her reputation."

In papers filed in the trial division of Federal Court of Canada this week, the Oak Bay woman says the appearance of her name and photo on a threat list prepared by police and intelligent official for the APEC summit in Vancouver four years ago may have also limited her freedom of movement and ace to work.

Russow, who was leader of the federal Green Party at the time, argues her designation as a potential security threat constitutes a violation of fundamental human rights on the grounds of political discrimination. In an interview , she said the threat listing has left lingering suspicions in the minds of people who know her.

" I'm having to live with that stigma that I've done something wrong that is perceived to have been a threat to the country,". Russow, 63, said Friday. "I'm certainly not a threat to Canada."

The federal government has 30 days to respond. The allegations come as Parliament considers legislation that would make it easier to eavesdrop, on, arrest and question suspected terrorists. Some critics fear the new laws would be used to crack down on anti-globalization activists and other demonstrators, a charge the Liberal government denies.

In recent months, civil libertarians have expressed concern about police and intelligence service surveillance of law-abiding activists. The government insists federal agencies are acting within the law to protect national security.

Russow learned she was on the APEC threat list in late 1998 when copies were tabled with the RCMP Public Complaints Commission, which conducted hearings into complaints from protesters who were pepper-sprayed and arrested.

The threat assessments had been assembled for the 1997 Asia-Pacific economic summit by an ad-hoc group comprising members of the RCMP, Canadian Security Intelligence Service and other agencies.

Russow has formally complained to review bodies that oversee the RCMP and CSIS, but has yet to discover how and why she was placed on the list.

In court documents, Russow contends being on a threat list circulated to third parties, and possibly other countries, may have curbed her work opportunities " because of the innuendo associated with being designated a threat or with belonging to a group disloyal to her country. "

152. 15 DECEMBER 2001: NATIONAL POST FORMER GREEN PARTY CHIEF SUES OTTAWA

MARKED AS SECURITY RISK

By Jim Bronskill

Ottawa. Joan Russow, Former leader of the Green party, is suing the federal government over her placement on a secret threat assessment list, calling it a "direct attack against her reputation".

In papers filed in the trial division of the Federal Court of Canada this week, the Victoria woman says the appearance of her name and phone on a threat list prepared by police and intelligence officials for the APEC summit in Vancouver four years ago may have also limited her freedom of movement and access to work.

Ms Russow, who was leader of the federal Green party at the time, argues her designation as a potential security threat constitutes a violation of fundamental human rights on the grounds of political discrimination.

In an interview, Ms Russow said that being listed as a threat has left lingering suspicions in the minds of people who know her.

"I'm having to live with that stigma that I've done something wrong that is perceived to have been a threat to the country" Ms Russow, 63 said yesterday.

"I'm certainly not a threat to Canada" she added The federal government has 30 days to respond.

The allegations come as Parliament considers legislation that would make it easier to eavesdrop, on, arrest and question suspected terrorists. Some critics fear the new laws would be used to crack down on anti-globalization activists and other demonstrators, a charge the Liberal government denies.

In recent months, civil libertarians have expressed concern about police and intelligence service surveillance of law-abiding activists. The government insists federal agencies are acting within the law to protect national security.

The government insists that federal agencies are acting within the law to protect national security

Ms Russow has formally complained to review bodies that oversee the RCMP and the Canadian Security Intelligence Service, but she has not yet to discover how and why she was placed on the threat assessment list.

In the court documents, Ms Russow contends being on a threat list circulated to third parties, and possibly other countries may have curbed her work opportunities " because of the innuendo associated with being designated a threat or with belonging to a group; disloyal to her country"

On a recent trip to Ecuador, she was subjected at the border to a thorough search. That promoted her to wonder whether Canadian officials had passed her name to international security agencies

She seeks unspecified damages as well as the immediate removal from “national security lists” of activists who have promoted common security, human rights labour rights, prevention of war, social justice or environmental protection.

Southam news.

153. DECEMBER 21, 2001: ACCESS TO INFORMATION RE: RCMP

RCMP

ACCESS TO INFORMATION
1. Reasons for placing Joan Russow on a Threat Assessment Group list
2. Reasons for ignoring Christine Price’s testimony that she had had a directive from Brian Groos from the PMO to prevent Russow from attending the APEC meeting
3. Criteria for placing citizens on Threat Assessment Group lists
4. What is the NCO-an acronym that was placed on the TAG list
5. What connection did the RCMP have with the registered American firm, Threat Assessment Group list
6. What were the reasons that Russow was not permitted to be part of the RCMP public Complaints Commission hearing
7. Why did Commissioner Hughes refuse to permit Russow to address the misstatement of fact by Constable Boyle, and why did the RCMP claim that Russow behaved inappropriately on a media bus going to UBC or out at UBC when Russow was never on a media bus and was never at UBC during the APEC conference
8. What role did Storrow have in preventing Russow from being part of the RCMP Public Complaints Commission
9. Why was Christine Price who under oath stated to the RCMP that there had been a directive from the PMO not called upon to testify
10 Why did the RCMP Complaints Commission fail to address the issue of the interference by the PMO with the RCMP

154. 24 DECEMBER 2001: MEDIA COMMENT ABOUT COURT CASE

Russow wants her day in court “ to be put on a list and presumed a threat to the country is very disconcerting Article in the B10 Week end edition by Marke Browne
Mark Brown
Joan Russow wants her day in court with the federal government

The Oak Bay resident and former leader of the Green Party of Canada filed a defamation of character lawsuit in the federal court trial division in Vancouver on Dec 13 against the Prime Minister’s office. The Department of National Defence. The Department of Foreign Affairs and International Trade and the Federal Attorney General
Russow claims the RCMP knowingly misrepresented the reasons behind her having a media pass cancelled during the 1997 APEC Conference. As well, she was placed on federal government lists, including the RCMP Threat Assessment list suggesting she is some kind of threat to the country.
“to be put on a list and presumed a threat to the country is very disconcerting” says Russow.

She claims the RCMP's actions were the result of political interference from the Prime Minister’s office. Russow says she is seek compensation, including general and specific damages, on the premise that she has suffered harm as a result of the federal government’s actions.
She says many people she has spoken to have automatically assumed that she has done something wrong because she was placed on the list.
There ‘s always this innuendo that I’ve done something wrong.” Adds Russow
Her suit claims that as the leader of a political party at the time of APEC conference when she was put on the threat assessment lists , her fundamental right were violated under the International Covenant of Civil and Political Rights.

Russow notes that federal Justice Minister Ann McClelland states that under current legislation and the proposed Bill C36, citizens and groups that are wrongly placed on federal government threat assessment lists have various channels where they can argue that they were wrongly included on such lists.

She says she has exhausted all attempt to have her inclusion on the lists addressed. She has approached the RCMP complaints Commission, the Canada Security Intelligence Service, Security Intelligence review Committee and the RCMP Commission Review Committee

She says after four years she has still not been able to determine why she was put on the lists. Russow ahs not hired a lawyer as she plans to act on her own behalf when her case gets dealt with in court. Aside from seeking compensation, she is demanding the immediate removal from all security lists of protesters who have not nothing more than promote such issues as social justice and protection of the environment.

Russow wants her day in court " to be put on a list and presumed a threat to the country is very disconcerting Article in the B10 Week end edition by Marke Browne

155. 9 JANUARY 2002: ATTORNEY GENERALS' RESPONSE TO THE CLAIM

T-2184-01
Vancouver Registry
IN THE FEDERAL COURT OF CANADA TRIAL DIVISION
BETWEEN:
JOAN ELIZABETH RUSSOW
PLAINTIFF
AND:
HER MAJESTY THE QUEEN
DEFENDANT
NOTICE OF MOTION
TAKE NOTICE THAT the Attorney General of Canada, on behalf of the defendant, Her Majesty the Queen, will make a motion to the court at the 3rd floor of the Pacific Centre, 701 West Georgia Street, Vancouver, British Columbia, on Monday, the 21st day of January, 2002 at 9:30 a.m. or so soon thereafter as counsel can be heard.
THE MOTION IS FOR an order setting aside, striking out or summarily dismissing the plaintiff's statement of claim dated December 13, 2001, pursuant to Rules 4, 208 and 221 of the Federal Court Rules, 1998 and the inherent jurisdiction of the court.
000183

THE GROUNDS OF THE MOTION ARE as follows:
(a) the pleading s clearly improper and bereft of any possibility of success; fails to disclose a reasonable cause of action; is scandalous, frivolous or vexatious; may prejudice the fair trial of the action and is otherwise an abuse of the process of the court, in that, inter alia it does not plead the material facts disclosing any cause of action known to law and is otherwise beyond the jurisdiction of this Honourable Court;
(b) costs to the defendant in any event of the cause; and
(c) such further and other grounds as counsel may advise and the Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be presented:
(a) pleadings and proceedings herein; and
(b) such further and other material as counsel may advise and the Honourable Court may permit.
It is anticipated that this motion will require approximately 45 minutes for hearing.
Dated at the City of Vancouver, this 9th day of January , 2002.

Morris Rosenberg\ Deputy Attorney General of Canada Per: Paul F. Partridge
On Behalf of Her Majesty the Queen

TO: The Plaintiff
000184

This Notice of Motion is filed by Morris Rosenberg, Deputy Attorney General of Canada, whose place of business and address for delivery is c/o Department of Justice 900 - 840 Howe Street, Vancouver, BC V6Z 259; Telephone: (604) 666-0303; Facsimile: (604) 775-5942; Per: Paul F. Partridge

Court File No. T-2184-01 FEDERAL COURT - TRIAL DIVISION

BETWEEN

JOAN ELIZABETH RUSSOW
Plaintiff
and HER MAJESTY THE QUEEN
Defendant
SOLICITOR'S CERTIFICATE OF SERVICE
I, Paul F. Partridge, Solicitor, certify that I caused the plaintiff, Joan Elizabeth Russow to be duly served with the Motion Record of Her Majesty the Queen by delivering the document by courier to the plaintiff's address for delivery at 1230 St. Patrick Street, Victoria, BC V8S 4Y4 on January 16, 2002.

Paul Partridge, Counsel'
On Behalf of Her Majesty the Queen
Tel: (604) 66-0303 Fax: (604) 775-5942 File No. 2-202381
000186

B €TW
Court File No. T-2184-01

FEDERAL COURT - TRIAL DIVISION

JOAN ELIZABETH RUSSOW
Plaintiff
and HER MAJESTY THE QUEEN
Defendant
SOLICITOR'S CERTIFICATE OF SERVICE
I, Paul F. Partridge, Solicitor, certify that I caused the plaintiff, Joan Elizabeth Russow to be duly served with the Motion Record of Her Majesty the Queen by delivering the document by courier to the plaintiff's address for delivery at 1230 St. Patrick Street, Victoria, BC V8S 4Y4 on January 16, 2002.

Paul Partridge, Counsel
On Behalf of Her Majesty the Queen
I el. (604) 666-0303 Fax: (604) 775-5942 File No. 2-202381

156. **JANUARY 2002**: REPORT ABOUT COURT CASE

NEWS FLASHES Now Magazine; Green’s revenge by Scott Anderson

FORMER Green Party of Canada leader Joan Russow is putting the government on notice that she won’t be victimized by the new wave of post0-11 crackdowns by police. She’ suing the federal government for being placed on a secret RCMP threat list four years ago. She’s also claiming damages over a defence department list that included the Green party …

Russow, who filed the claim last month, alleges that her inclusion on the RCMP list was “politically motivated” and that her press credentials were revoked at the 1997 Vancouver Asia Pacifica Economic Conference (APEC) as a result of “instructions from the prime minister’s office.”

She maintains that “being on a list that has been known to be circulated to third parties and possible to other countries may have influenced her access to work and her freedom of movement because of her designation as a threat and because of the innuendo associate with designation o..

Says Russow: " I hope to get an apology and some damages but primarily it's a call for the government to remove all citizens (from government lists) who have engaged in guaranteeing human rights, protecting the environment, preventing war and conflict , and ensuring social justice."

Lyse Cantin, a spokesperson for the Federal Department of Justice in Vancouver , had no comment.

157. 22 JANUARY 2002: COURT STRIKES CLAIM BUT DOES NOT DISMISS DEFAMATION CASE SUGGESTS MORE AIT REQUEST

FEDERAL Court of Canada Trial Division

Vancouver, British Columbia, Tuesday, the 22nd day of January, 2002
Present Mr. John A Hargrave, Prothonotary

1. Statement of Claim. As it stands, is one to which the Defendant should not be expected to have to plead to. At best it suggests a claim in defamation. However, it is not only bereft of facts and of the particulars required to support the tort of defamation, but also is replete with pleas amounting to evidence, conclusions, without proper factual foundation and immaterial allegations. ….

3. My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivable be rights which needed a remedy. ….

4."… I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed , I viewed it as a n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. …

158. **Prior to January 21, 2001** appearance in court, Russow have spent four years moving through various processes: RCMP Complaints Commission [did not allow me to participate as a complainant in the RCMP Public Complaints Commission]; RCMP

review, CSIS, SIRC [All the processes that the former Minister of Justice, Ann McClelland, stated would be open to those citizens and groups that were placed on lists under Bill C36 the Anti-terrorism Act.]

159. FROM JANUARY TO PRESENT: Russow has submitted almost 60 access to information and privacy requests: she has included a selection of the requests and the responses. There are still outstanding requests.

160 23 JANUARY 2002: COMPLAINT SENT TO PRIVACY COMMISSIONER

161. 24 JANUARY 2002: RESPONSE FROM PRIVACY COMMISSION

Dear Joan Russau [Russow]

This will acknowledge receipt of our fax correspondence of January 23, 2002 addressed to the Office of the Privacy Commissioner of Canada, which was referred to me.
Once we have had the opportunity to review your correspondence, we may have further communication with you

In the interim, should you require any additional information, you may call our office during normal working hours at 613 995 8210 1 800 282 1376 or communicate by e-mail at infor @privcom.gc.ca

Yours sincerely.
Joyce McLean
Manager, Inquiries Unit

152. JANUARY 2002: RESPONSE TO REPORTER ABOUT INFORMATION ABOUT COURT CASE

ATTENTION: JIM BRONSKILL
FAX CONTAINS: 3 PAGES
MESSAGES.

On January 21st I was caught in a conundrum. The lawyer for the Attorney General and the Judge continually affirmed that I did not have sufficient particulars for a defamation suit, and I responded that ironically the defendants in the case mentioned in the Statement of Claim: The Prime Minister's Office, the Solicitor General's department, the Department of Defence, the Department of Foreign Affairs and International Trade would be the ones that would have the particulars. I indicated that I had spent four years trying to find out about the particulars. During the Court hearing, the Judge at one point stated that placing me on a Threat Assessment Group list can be distinguished from stating that "Joan Russow is a threat". , and he suggested that if in four years I could not come up with the particulars then what I was doing was just a fishing expedition. I would have thought that he would have been more concerned that a citizen should be forced to spend four years through the various processes without being able to find out the reason for being placed on the list.

The judge did not dismiss the case so I can file a subsequent claim once I receive the "particulars" that most likely will not be forthcoming. I have consequently filed subsequent requests.

Joan Russow
250 598-0071

163. 29 JANUARY 2002: ACCESS TO INFORMATION SENT TO RCMP

RCMP Access to information

1. Reasons for placing Joan Russow on a Threat Assessment Group list
a. Reasons for ignoring Christine Price's testimony that she had had a directive from Brian Groos from the PMO to prevent Russow from attending the APEC meeting
b. Criteria for placing citizens on Threat Assessment Group lists
c. What is the NCO – an acronym that was placed on the TAG list
d. What connection did the RCMP have with the registered American firm. Threat Assessment Group list
e. what were the reasons that Russow was not permitted to be part of the RCMP Public Complaints Commission hearing
f. Why did Commissioner Hughes refuse to permit Russow to address the misstatement of fact by Constable Boyle, and why did the RCMP claim that Russow behaved inappropriately on a media bus going to UBC or out at UBC when Russow was never on media bus and was never at UBC during the APEC meeting
g. What role did Storrow have in preventing Russow from being part of the RCMP Public Complaints Commission
h. Why was Christine Price who under oath stated tot eh RCMP that there had been a directive from the PMO not called upon to testify
I Why did the RCMP complaints Commission fail to address the issue of the interference by the PMO with the RCMP

164. JANUARY 30 2002: FILE A ACCESS TO INFORMATION REQUEST WITH THE PRIVY COUNCIL OFFICE

1. Information about the direction from the PMO to Christine Price to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list
2. Detailing of reasons for pulling Russow's pass
3. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
4. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
5. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
6. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
7. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

165. 28 JANUARY 2002: FURTHER PHONE CALL TO SOLICITOR GENERAL ABOUT DECISION MADE BY COMMISSIONER HUGHES TO EXCLUDE RUSSOW

166. 29 JANUARY 2002: CALL FROM SOLICITOR GENERAL ACCESS TO INFORMATION REQUEST

167. 31 JANUARY 2002: REVISED ACCESS TO INFORMATION REQUEST SENT TO SOLICITOR GENERAL

1 (a) information about directive by Brian Groos from the Prime Minister's Office to prevent Russow from attending APEC 1997 CONFERENCE, and the subsequent placing of Russow on a Treat Assessment list
(b) Details about distribution and sharing of threat lists

(c) Directions from the department to RCMP and CSIS to ensure that they comply with the statutory requirements that prohibit the placing of citizens who engage in legitimate dissent on Threat Assessment lists
(d) What precedents exist for placing citizens engaged in legitimate dissent on Threat Assessment Groups lists and in particular the placing of a leader of a registered political party on a Threat Assessment list.
(e) what are the departmental guidelines for addressing political interference with RCMP and CSIS e.g. A directive coming from the Prime Minister's Office to prevent me from attending APEC and the resulting placement of my picture and details on two threat assessment lists
(f) what provisions exist within the department to remove citizens from Threat Assessment lists
(g) Information about the reason that all the traditional channels such as the RCMP Complaints Commission, RCMP review, Privacy requests, CSIS complaint and SIRC etc. have failed to disclose he reason that Russow was placed on a threat assessment list
(h) provisions within the mandate of your department to determine whether or not a person should attend an event as a member of the media
(i) provisions in the act constituting your department to ensure that there is not political interference

February 18, 2002 letter from Duncan Roberts with material
Will research sections of the request that might come under “Privacy”

1230 St. Patrick St,
Victoria, B.C,
V8S 4Y4

168. 10 FEBRUARY 2002: REVIEW OF RCMP PRIVACY REQUEST SENT TO PRIVACY COMMISSIONER

1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4

February 10, 2002

c/o Aaron Sawyer.
Privacy Commissioner Office
112 Kent St,
Ottawa Ont. K1A 1H3
1800 282 1376

Dear Mr. Sawyer,

This letter and documentation is to follow-up on our conversation of February 8, 2002.

In March 19, 2001, I sent a privacy request to the RCMP seeking access to all personal information held by the RCMP since 1963, and specifically reasons for placing me on a Threat Assessment Group list. As a result of this request, I received some documentation, but there were documents withheld. Furthermore, there was no information indicating reasons for placing me on a APEC Threat Assessment Group list in 1997. Please find enclosed the review form and relevant correspondence and information.

The only evidence that was released about my being placed on Threat Assessment Group list was an interview by a RCMP officer of another officer in the Crime division. The latter claimed that there had been a directive from Brian Groos from the PMO office to prevent me attending the APEC meeting. Other than political interference from the PMO’s, this does not explain why I would be placed on a Threat Assessment list.

In the light of the recent legislation related to C36, the former Minister of Justice claimed during hearings held by the Senate Committee on Justice and Human Rights and to the Parliamentary

Committee that there exists a simple process of addressing the wrongful placement of Canadian citizens on lists. I submit that there is no easy way of addressing the implications of being wrongfully placed on a threat list.

I hope that the enclosed information will enable you to investigate the failure of the RCMP to comply with my Privacy request.

Yours very truly,

Joan Russow (PhD)
1 (250) 598-0071

169. 10 FEBRUARY 2002: COMPLAINT TO ACCESS TO INFORMATION COMMISSIONER ABOUT FAILURE TO RESPOND TO RUSSOW'S LAWYER REQUEST TO CSIS AND RCMP

1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4

February 10, 2002

John Reid
Access to Information Commissioner

On February 11 2000, my lawyer Andrew Gage submitted two access to information requests: one to the Canadian Security and Intelligence Service, and one to the Royal Canadian Mounted Police (see enclosed correspondence). He did not receive a satisfactory response, and subsequently sent a follow-up letter dated June 13, 2001. I have recently been in the Federal Court, and although my claim related to the implications of being placed on the NCO Threat Assessment Joint Intelligence Group was struck, the judge indicated that I lacked the particulars and needed to submit further Access to information requests, and did not dismiss the case. In the light of the recent legislation related to C36, and the claims by the former Minister of Justice to the Senate Committee on Justice and Human Rights, and to the Parliamentary Committee, that there exists a simple process of addressing the wrongful placement on lists, I submit that there is no easy way of addressing the implications of being wrongfully placed on a threat list.

The only evidence that was submitted was an interview by a RCMP officer of an officer in the Crime division. She claimed that there had been a directive from Brian Groos from the PMO office to prevent me attending the APEC meeting. Other than political interference from the PMO's this does not explain why I would be placed on a Threat Assessment list.

Could you please address this matter.

Yours very truly

Joan Russow (PhD)
Former leader of the Green Party of Canada
1 (250) 598-0071

ATTACHMENT:
ATTENTION: Liana Bernier
FAX 1 613-995-1501

Please find enclosed a copy of the Access to Information Request that I sent to the RCMP on January 29, 2002.

I would like to file a complaint with your office about the failure of the RCMP to comply with my request.

Yours Truly

Joan Russow
1230 St Patrick St.
Victoria BC V8S4Y4
1 250 598-0071

170. 11 FEBRUARY 2002: RESPONSE TO ACCESS TO INFORMATION REQUEST FROM PRIVY COUNCIL

Government of Canada
Privy Council Office

Ms Joan Russow
1230 ST. Patrick St.
Victoria, British Columbia

Dear Ms Russow:

This is to acknowledge receipt of your request, made under the Access to Information Act for:

The reason for giving direction to the RCMP in 1997 to prevent Russow from Attending APEC November 1997

The reason for placing Russow on the APEC threat Assessment group list

Your request with the $5.00 application fee, was received at the Privy Council Office on February 5, 2002 Please be assured that this office will contact you as required , during the processing of your request

Yours sincerely,

Ciuineas Boyle
Coordinator

171. 12 FEBRUARY 2002: RESPONSE FROM PRIVY COUNCIL OFFICE

February 12 received letter from Guineas Boyle

135-2-A-2001-0273

Dear Ms. Joan Russow
1230 St. Patrick Street
Victoria, B.C.

Dear Ms Russow:

This is to acknowledge receipt of your request, made under the Access to information Act for;

Information about the direction from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

A. Detailing of reasons for pulling Russow's pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice

Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

YOUR REQUEST WITH THE $5.00 APPLICATION FEE, WAS RECEIVED AT THE PRIVY COUNCIL OFFICE ON FEBRUARY 6, 2002.

PLEASE BE ASSURE THAT THIS OFFICE WILL CONTACT YOU, AS REQUIRED, DURING THE PROCESSING OF YOUR REQUEST

YOURS SINCERELY,
GUINEAS BOYLE
COORDINATOR
ACCESS TO INFORMATION.

172. 18 FEBRUARY 2002: REVISED ACCESS TO PCO INFORMATION REQUEST

Amended February 18, 2002

Amended: information about the direction to Christine Price from the PMO to prevent Joan Russow from attending the APEC summit ad the resulting consequences that Joan Russow was placed on a RCMP Threat Assessment Group list in 1997

. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

A. Detailing of reasons for pulling Russow's pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)

173. 18 FEBRUARY 2002: RESPONSE RE: PRIVACY REQUEST FROM THE SOLICITOR GENERAL

Ms Joan Russow

1230 Patrick Street
Victoria, British Columbia

Dear Ms Russow:

This is further to your request under the Privacy Act dated January 23, 2002 The enclose material is the only personal information about you in departmental files. A portion of one document has been exempted pursuant to section 21 of the Privacy Ac. A copy of that section is enclosed for ease of reference.

If you are not satisfied with the outcome of your request, you have the right to register a complaint with the Privacy Commissioner.

Duncan Roberts
Coordinator, Access to Information and privacy
Department of the Solicitor General

174. 22 FEBRUARY 2002: RESPONSE PRIVY COUNCIL

MS JOAN RUSSOW
1230 ST PATRICK STREET
VICTORIA, B.C.
V8S 4Y4

DEAR MS RUSSOW
THIS IS FURTHER TO YOUR REQUEST UNDER THE ACCESS TO INFORMATION ACT FOR:

THE REASON FOR GIVING DIRECTION TO THE RCMP IN 1997 TO PREVENT RUSSOW FROM ATTENDING APEC -November 1997

As described in the Act, fees may be charged for processing requests. Fees may be prescribed for he search and preparation of the records, for providing copies of the records ad for the production and programming required to retrieve the information from a machine readable record. In order to provide you with access to the information you have requested charges have been assessed. Please refer to the attached statement outlining the prescribed fees.

To proceed with the processing of your request, please forward the required deposit of $30 being half of the total fees due in the form of a cheque or money-order and payable to the Receive General of Canada. Payment of the deposit must be received by this office before the processing of your request can continue. The balance owing will be payable before the records are disclosed.

In some instances it may be possible to reduce your fees by narrowing the cope of the request or by viewing he records in our office instead of receiving photocopies. If we do not hear from you within 30 days of the date of this letter, we will assume that you do not wish to proceed I will consider the request abandoned.

Received response from Privy Council

note fee statement A2001-0272/cdb

2002/0205 application fee 5
2002/02/05 Deposit application 5
2002/02/21 unit cost Quantity11 110,00
2oo2/02/21 (less 5 free hours) 50
Balance owing 60.00

175 25 FEBRUARY 2002: RECEIVED LETTER FEBRUARY 25 FROM GUINEAS BOYLE, COORDINATOR ACCESS TO INFORMATION AND PRIVACY

Dear Ms Russow

This is further to your request under the Access to information Act for:

Amended February 18, 2002

Amended: information about the direction to Christine Price from the PMO to prevent Joan Russow from attending the APEC summit ad the resulting consequences that Joan Russow was placed on a RCMP Threat Assessment Group list in 1997

. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

A. Detailing of reasons for pulling Russow's pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)

As describe in the Act fees may be charged for processing requests. Fees may be prescribed for the search and preparation of the records, for providing copies of the records and for the production and programming required to retrieve the information from a machine readable record. In order to provide you with access to the information you have requested, charges will have been assessed. Please refer to the attached statement outlining the prescribed fees.

To proceed with the processing of your request please forward the required deposit of 27. 50 being half of the total fees due, in the form of a cheque or money order made payable to the Receiver General for Canada. Payment of the deposit must be received by this office before the processing of your request can continue. The balance owing will be payable before the records are disclosed.

In some instances it may be possible to reduce your fees by Narrowing the scope of the request or by viewing the records in our office instead of receiving photocopies

If we do not hear from you within 30 days of the date of this letter, we will assume that you do not wish to proceed and will consider the request abandoned

Please be advised that you are entitled to bring a complaint regarding this request to the information Commission.

176. 26 FEBRUARY 2002: RESPONSE FROM ACCESS TO INFORMATION IN THE SOLICITOR GENERAL'S OFFICE

Dear Ms Russow

This is further to your request under the Access to Information act for records on threat assessment lists and related documentation. A search for records relevant to your request was conducted and no such records were identified. As the application fee for a request is $5, I am returning one of the two $5 bills you submitted with your request.

If you are not satisfied with the outcome of your request, you have the right to register a complaint with the Information Commissioner …

Duncan Roberts

Coordinator, Access to Information and Privacy

Department of the Solicitor General

177. FEBRUARY 2002: EVIDENCE OF SECTION IN CHRISTINE PRICE'S TESTIMONY THAT WAS REDACTED: NOTE; THAT THE PRIVY COUNCIL HAD USED AN EXEMPTION CLAUSE TO REMOVE THE REFERENCE IN CHRISTINE PRICE'S TESTIMONY TO THE PMO

Dear Guineas
I am astonished that you would have accepted the PCO's deletion of a key section of the RCMP interview with Christine Price. I was able to obtain through another source the same document in which Christine Price indicated that she had received instruction from the PMO. It is indicative of the PCO's interest in concealing the involvement of the PMO.

178. 28 FEBRUARY 2002: RESPONSE FROM THE ACCESS TO INFORMATION: COMMISSIONER RE CSIS AND RCMP; The issue was that the two Departments ignored the request from the Russow's lawyer. NOTE: Andrew Gage had sent an earlier complaint to the Access to Information Commission. This Complaint was ignored

Office of the information commissioner of Canada
February 28, 2002

Our references: 25762
Ms. Joan Russow (PhD)
1230 St. Patrick Street
Victoria BC V8S 4Y4

Dear Ms. Russow:

This is to acknowledge receipt of your correspondence dated February 10, 2002, in which you seek the assistance of the Information Commission of Canada with respect to requests for information submitted to the Royal Canadian Mounted Police (RCMP) and the Canadian Security and Intelligence Service, (CSIS) on February 11, 20000, under the Access to Information Act (the Act).

Section 31 of the Act allows a complaint to be made to the information Commissioner, "Within one year from the time when the request for record in respect of which the complaint is made was received". Your complaints were received February 18 2002, approximately eleven months after the expiration of the deadline within which to lodge a complaint with the Information Commissioner.

The information Commissioner does not have the legislative power to extend this deadline nor does he have the jurisdiction to conduct a formal investigation o your complaint. I regret we will not be able to accept your complaint.

Of course you may wish to resubmit another request to the RCMP and CSIS along with the mandatory $5 application fee per request. Should you then be refused access to any information requested, you will have the right to complaint to the Information Commission within one year from the time your request is received by the institution.

In your case, the request, and the required application fee should be sent to the following addresses:

Etc.

179. 4 MARCH 2002: APPEAL TO ETHICS COMMISSIONER WILSON TO SPEAK TRUTH TO POWER

Howard Wilson
Ethics Commissioner

66 Slater
22nd floor
Ottawa, On
K1A -OC9

March 4, 2002
Dear Commissioner

On a recent CBC program you mentioned that your role was to “speak truth to power”. I urge you to please investigate what I believe to have been an abuse of power.

1. DEPARTMENT OF DEFENCE

During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with a set of categories for groups that the military should not belong to. and compiled **a list ...**

. The Green Party was on this list. The placing of groups on lists and circulating these lists, nationally and internationally have serious implications including the perception of those in the Group mentioned above as being capable even of treason, Through Access to information I received an outline of the categories of the list but not the names of groups on the list. [The names of the groups had previously been reported in a newspaper]] in the information that I received it indicated that only the leaders or leadership of the groups was to be considered.

The placing of groups that have engaged in legitimate dissent on group lists is unethical and potentially in violation of the Right of Association and in violation of "politics", one of the listed grounds for which there shall not be discrimination under the International Covenant of Civil and Political Rights.

2. PRIME MINISTER'S OFFICE AND THE SOLICITOR GENERAL

In 1997, the Oak Bay news gave me an assignment letter to report on the APEC meeting in Vancouver. The Editor, knowing that I was the National Leader of the Green party was also aware of the work that I had done in the international field and that I could offer a unique perspective. I was initially granted a media pass, and when I went to enter the conference my pass was pulled. The media accreditation representative stated that it was because they could not find any evidence that the Oak Bay news existed. I suggested a number of possibilities for verifying the existence of the Oak Bay News such as contacting the Times Colonist. [the Oak Bay news is a weekly local newspaper that has been in existence for over 20 years]. One year later as a result of the RCMP Public Complaints Commission on APEC I found out that my photograph along with nine other citizens had been placed on a Threat Assessment list. Two years later, Christine Price, who had been working in security at APEC, under oath stated to a RCMP officer that she had a directive from Brian Groos from the Prime Minister’s Office to prevent me from attending the Conference. Ironically Brian Groos lives in Oak Bay, and is a close friend of David Anderson against whom I ran in the 1997 and 2000 election.

3 PMO

I believe that it was an abuse of power of the PMO to direct a member of the RCMP to prevent me from attending the APEC meeting. The interference by the Prime Minister is unethical and potentially in violation of the Right of Association and in violation of "politics", one of the listed grounds for which there shall not be discrimination under the International Covenant of Civil and Political Rights.

4 Commissioner Hughes, under the Solicitor General Office

In his report on whether Prime Minister Jean Chrétien should appear on the stand, Commissioner Hughes stated, " If there is evidence that the RCMP was ordered or directed to take certain

actions by the federal executive with respect to maters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct. "
Even though I had evidence of interference by the PMO, and even though Hughes was aware of the statement by Christine Price, he would not allow Christine Price to testify, or allow me to be on the stand to testify that there had been evidence that the PMO had directed security.

5. GOVERNMENT DEPARTMENTS WITHHOLDING INFORMATION
RCMP. CSIS.
Since that time I have been trying through the usual channels, RCMP Complaints Commission, RCMP reviews, CSIS, SIRC to determine the reason for putting me on a threat assessment list. I have examined the CSIS criteria under the act for what constitutes a threat and in no way do I fit into that category. In addition, CSIS is prohibited from designating those who engage in legitimate dissent as threats.
• I believe that there has been an abuse of power when a leader of a registered Political party has been placed on a list either by PMO, DND, RCMP, Foreign Affairs, or Minister of Environment, and no information related to the reason for being placed on the list has been forthcoming.
In a document received from the Solicitor General, it is stated that there is further information but that it cannot be revealed because of Art 21 of the Privacy Act.
PRIVY COUNCIL
I have contacted the PMO office several times over the years and there has been no response. I have requested Access to information about the involvement of the privy Council and the PMO 's responsibility in placing me on the list. I have so far been requested to pay about $60, and not yet received information.

7. GOVERNMENT DEPARTMENTS RESPONSIBLE FOR CIRCULATING LISTS
I know that lists are distributed and shared including with the US security agency, and recently it has been brought to my attention that I am on some sort of International list.

8. COMPETING CANDIDATE IN 1997 AND 2000 ELECTIONS
The Hon David Anderson, Minister of the Environment David Anderson's executive assistant said that it was just a co-incidence that David Anderson's close friend Brian Groos on behalf of the Prime Minister's Office issued a directive to the RCMP to prevent me from attending APEC, and resulting in my being placed on a Threat Assessment list.
In addition, during the Federal election, a volunteer working in David Anderson’s office contacted the media and stated that I was being investigated for illegally voting for myself in a by-election in the Okanagan. The Complaint was filed by a relative of David Anderson’s special assistant and was dismissed immediately by Elections Canada as groundless. Yet during the election three days before the voting as a result of the volunteer and others associated with me, a letter was circulated with this information and was broadcast as the main news item on the principal news station in Victoria.

9 ATTORNEY GENERAL'S OFFICE
I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, informed me that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented. The attorney General’s office has been remiss in not advising the Federal government that "politics" which is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground. The lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.
When I appeared in court recently the judge acknowledge that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and hat the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics –a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and I am currently revising my statement of claim related to defamation of character.

The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and
in particular with the unethical abuse of political power.

I hope that you will address my complaint and bring Truth to Power, so that Political interference with legitimate dissent will not go unanswered.

Joan Russow (PhD)
Former leader of the Green Party of Canada
1230 St. Patrick St
Victoria B.C.
1 (250) 598-0071

180. 4 MARCH, 2002: RECEIVED EXTENSIVE PACKAGE FROM DEPARTMENT OF DEFENCE:

NOTE: included in the pack was the impugned list prepared at the request of Robert Fowler. Originally this list contained the names of groups and was part of the CD Rom on Somalia. In the document provided by department of defence, DND had used the exemption clauses to remove the names of the groups. NOTE: outline of division of labour between RCMP and CSIS, and how “constraints” have been imposed on CSIS

Received letter from Tara Rapley package of information on March 4.
signed Sandra Begg for Judith Mooney letter dated February 26, 2002

Unclassified with Enclosure Removed. Deputy Chief of the Defence Staff
Joint

MEMORANDUM
2106-17-9 (D SECR OPS)

DISTRIBUTION LIST
Extremist and activist organizations
Membership by members of the Canadian forces

ref: DM.CDS Meeting to consider Somalia Incidents
1000 hrs 12 May 93

1. The enclosed Briefing Note is in response to direction given at a 12 May 93 meeting and addressed the scope, legality and propriety of the question of screening "activists" from the CF

2. CSIS, the RCMP and Departmental legal staff were consulted in the preparation of this note. The Briefing note contains an explanation of the limitations up CSIS activities in similar areas. It is clear that Project SIROS though valuable in precisely such situations as the CF now finds itself, is close to the limit of the acceptable under both the Charter and a government policy which is implied by the CSIS Act.

L.E Murray
Vadm

982-3355

Distribution List
CDS
DM
ADM
Jac

National Defence Headquarters
Secret Unclassified with enclosure removed.

BRIEFING NOTE
FOR THE DEPUTY CHIEF OF THE DEFENCE STAFF

SUBJECT: EXTREMIST AND ACTIVIST ORGANIZATIONS-
MEMBERSHIP BY MEMBERS OF THE CANADIAN FORCES

ISSUE NOT DISCLOSED

BACKGROUND
1 c The current public allegations of racist activities and membership in racist groups by some members of the CF has raised the question of the ability of the CF to release, deny enrolment, or otherwise deal with such persons. The DM [Deputy Minister, Bob Fowler] has asked DG Secur to prepare a list of extremist and activities groups, membership in which could possibly be grounds for subsequent action by the CF. As there are potential difficulties with such a process, and assessment of procedural and legal constraints on DND is also required

EXTREMIST AND ACTIVIST LISTS
2 c Annex A is a representative sampling of extremist and activist groups in Canada, compiled from D Secur Ops 2 records and open sources. It is sub-divided into general groupings; however, it must be understood that this is an over-simplification and many groups represent interests that may encompass several political ideologies. It is also apparent that these groups represent a wide spectrum of beliefs and activities, ranging from conservative activism to violent extremism.

3 (c) The difficulty lies in deciding at which point in the extremist/activist continuum, membership or activities by CF members becomes unacceptable. By way of example, there is a right wing group at the University of Montréal that opposes Canadian Immigration policy. Such a group could easily attract CF members attending the university would such membership be considered unacceptable.

4 S Inquiries with CSIS indicates that the Service does not maintain such lists. During the 60s and 70s the RCMP Security Services maintained group and individual lists, concentrating on community [communist?] activities; however, this has now ceased due to the legal constraints on CSIS and the monumental effort involved. SIS now focuses its efforts on identifying threats to the security of Canada as defined in the CSIS (Extracts
at Annex B)

5 (s) The proposed investigation by CSIS of a domestic extremist groups
?? is subjected to a rigorous approval process, before it may be launched. such investigations, as opposed to the investigation of espionage or terrorism, are the ones in which the government sees the greatest potential for the abuse of Charter rights. Consequently, CSI is subjected to the greatest degree of scrutiny in this field. All proposed investigations of domestic groups re vetted by the Targeting and Resource Committee (TARC) and involve ministerial review.

6 s CSIS investigations of such groups are focused on the leadership and are designed to produce reports and threat assessments for the use of government departments. They do not investigate the full membership of such groups, recognizing that membership or support for the group recognizing that

membership or support for the group's ideology does not necessary constitute a threat to security. CSIS clearly recognizes that assessments of an individual's loyalty and reliability cannot be made solely on membership in such groups.

7 (c) Likewise, the RCMP does not maintain lists of extremist groups. The RCMP focuses its efforts on the criminal activities of individuals. They do not investigate groups per se, although they do produce criminal intelligence on groups of individuals acting together criminally, such as outlaw motorcycle clubs ?? As neither is a criminal organization, the RCMP is limited to investigating only those members involved in crime.

8 (C) The RCMP does investigate criminal groups if they are recognized as such. Examples of this would included foreign Triads active in Canada (recognized criminal organizations in their home country), and organized crime groups, as defined in the Criminal Code.

9 (C) Notwithstanding the above discussion, D Secur Ops 2 could, with additional resources, give advice to recruiting officers, commanding officers, and other DND authorities as to the degree of concern some of the more extreme groups constituted this would be in the form of a threat assessment, based on a review of open sources and classified records. The OI would then be in a position to make a reasoned decision as to the next course of action. If an SIU investigation of the individual was also conducted, this would however, continue to be constrained within their security mandate to investigate for security clearance purposes or because the individual's actions or status was suspected of constituting a threat to the CF

CONSTRAINTS ON DND

11.(c) There are no explicit constraints on DND with respect to the creation of such lists; however, there are a number of implicit ones. The Government of Canada has seen fit to constrain CSIS with respect to the type of activity that may be investigated, the way that information can be collected and who may view the information gathered. The CSIS Act empowers this Parliament, the Security intelligence Review Committee and the CSIS Inspector General to ensure CSIS abides by these constraints.

12 (C) DLAW/HRI, DLAW/SIP and DG Secur all agree that it would be inappropriate for DND to act in a less constrained manner. It is for this reason that the Security Intelligence Liaison Programme exists, thereby ensuring that DND does not violate the spirit of the law. DND does not gather security intelligence directly from domestic source but relies on open sources and information obtained from civil police and CSIS (s.13 (i) of the CSIS Act refers).
13 (C) The result of these constraints is that DG SEcur is unable to give assessments on groups not considered a threat by CSIS or civil police, other than what can be obtained through open sources or which can be obtained indirectly as a result of a criminal investigation carried out by military police.

CONCLUSIONS

14 (C) Based on the above discussion, it is concluded that:

a. It would be inappropriate for DND to maintain an official list of groups, membership in which was prohibited, unless the group was in fact illegal; and
B. D Secur Ops 2 could provide general assessments on groups that pose a threat to security, to assist DND authorities in their handling of specific cases. The activities of the individual would still, however, remain the determining factor.
Prepared by CDR PH. Jenkins, D Secur Ops 2
945-5253

Office Available to respond to Questions Col Pc Maclaren D Secur Ops 945
-7263

Date prepared May 18 1993

Annex A

REPRESENTATIVE LIST OF EXTREMIST AND ACTIVIST GROUPS

1 (C) **THERE ARE A LARGE NUMBER OF GROUPS AND Organizations whose actions could represent a threat, whether of security or of embarrassment, to DND.** The following general categories are provided to illustrate the broad nature of extremism and activism as it may affect DND. The appendices provide a list of groups within each category, but are by no means all inclusive or definitive.

2. (C) The categories are meant as a guide and not as a definitive categorization nor does inclusion on the list imply illegal activities or monitoring by Canadian activities may affect DND The division **between left and right wing is based, in a general sense, on the left wing being liberal and individual-oriented and the right wing being conservative and state-oriented.** This does not imply that all groups in a category are exclusively left or right wing.

3. (c) The inclusion of some mainstream social and religious groups on the list does not imply any wrongdoing by such groups but illustrates the difficulties inherent in creating such lists. While the normal activities of such groups presents not concerns for DND**, the activism of some members of those groups could be a threat to normal CF operations or a cause of embarrassment.**

4. LEFT WING GROUPS

A. LEFT WING GROUPS. the loyalty of members of these **is questionable as the group bond is stronger than the nationalist bond. some of these groups are militant as well as advocating the violent overthrow of the Canadian political system**

B. Peace groups generally peaceful, some groups have attempted to hinder cf operations. The presence of peace group members in the cf could pose a risk to the security of information.

C. ENVIRONMENTAL GROUPS
DND's efforts to be environmentally sensitive are not appreciated by all environmental groups. Some, such as the Sea Shepherd Conservation Society advocate the use of violent methods to achieve their goals.

d. Anti-racist Groups
Generally peaceful, some groups have a Trotskyist or Anarchist element that use violence at demonstrations the allegations of white supremacists in the Cf could result in protests against DND

5. (C)
a. right Wing Groups. The advocacy of violence by some of these groups is a threat to security especially of weapons, and also a threat of embarrassment if DND is alleged to be training members of these groups

B. White Supremacists. The growing militancy of these groups and their links with their ore violent US brethren pose a security risk to CF weapons and equipment. Their actions may harm members of visible minorities in the CF and their presence can be a source of embarrassment.

c. Anti-abortionists These groups pose a threat as CF hospitals can perform abortions, and access to this services may be easier than in local hospitals.

d. Religious Extremists. Some of these groups are militant and thus pose a threat to CF assets and personnel. Their activities can also harm the CF indirectly, such as Doukhobors destroying rail lines in B.C.

6. C

a. Asian Triads. The triads do not hesitate to use violence to achieve their goals. They represent a threat to CF weapons and equipment as well as posing a risk of embarrassment should they receive military training.

b. Organized Crime. The most serious threat from organized crime is the risk of subversion. Organized crime in the US has bribed law enforcement and military officials involved in counter- narcotics efforts and similar efforts could be made in Canada.

c. Outlaw Motorcycle Clubs.
The threat from OMC is two fold; CF personnel joining OMC and OMC targeting DND. The former is the result of the OMC lifestyle appealing to certain individuals. Once the individual joins, his loyalty is expected towards the club. In the latter case, OMC have targeted DND in the past for weapons thefts. The continuing involvement of OMC in the trade of prohibited weapons makes this a continuing concern.

7 C SPECIAL INTEREST GROUPS

a. Groups influenced by foreign nations. There are numerous groups and organizations in Canada that serve the interests of foreign nations and not Canada. Should ;members of these groups or organizations join the CF, they pose a serious risk to the safety of CF personnel, assets and information.

b. Groups working against a foreign country. This category includes foreign terrorist groups and expatriate organizations in Canada. The former pose a threat to DND in that they may take terrorist action against DND personnel. facilities or assets. Both groups present the risk of embarrassment and of security to CF assets and information should a member of any of these groups join the CF and receive weapons and military training.

c. Groups working against Canadian interests.
Aboriginal and constitutional extremists are the main components of this category. Members of both groups have committed violent acts and thus pose a threat to DND personnel, assets and facilities. there is also the risk of embarrassment should DND enroll members of these groups

CONFIDENTIAL

APPENDIX 2 TO ANNEX A

LIST OF RIGHT WING GROUPS
Political or Right Wing Groups

White Supremacists
Anti-abortion Groups
Religious Extremists

LIST OF LEFT WING GROUPS
1. POLITICAL GROUPS
2. PEACE GROUPS
3. ENVIRONMENTAL Groups:
4. Anti-racist Groups

Appendix 3
to Annex A

List of Criminal Groups
1. Asian Triads;
2. organized crime
various families throughout Ontario and Quebec with connections to the US
3. Outlaw Motorcycle clubs

Appendix 4
to Annex A

LIST OF SPECIAL INTEREST GROUPS
Groups influenced by Foreign Nations
Groups working Against a Foreign Country
Groups Working Against Canadian Interests

181. 4 MARCH 20002: PHONED TARA RAPLEY, DND ACCESS TO INFORMATION
Russow asked her to request that the names of the groups be released given that it was essentially in the public domain in the Somali tapes. Also Russow asked for information on other military lists.
Tara Rpley said she will contact her superior and call me Wednesday, March 6
Note comment about targeting leaders.
CAROL RAPLY 1(888) 272-8207

182 4 MARCH 2002: PRIVACY REQUEST TO DEPARTMENT OF DEFENCE

PRIVACY REQUEST sent to Debbie Thomas Faxed 613 995-5777
Sent privacy request to Department of Defence March 4, 2002
1. Information on Joan Russow
2. Information on Federal leader of the Green Party of Canada (1997-2001)

183. 4. MARCH 2002: ACCESS TO INFORMATION REQUEST FOREIGN AFFAIRS

184. 5 MARCH 2002: RESPONSE FROM RCMP ACCESS TO INFORMATION

Dr Joan Russow
1230 St. Patrick SO1ATIP-09603
street Victoria

Dear Dr. Russow
Your access to Information Act Request Form dated January 29, 2002 and received here on February O5, 2002

In your request you have listed a number of points that you are interested in obtaining information on. My response to your request will correspond with the points listed on your form

a) this information would best be answered through the PMO's Office as it does not appear to be RCMP information.
b) criteria for placing citizens on the Threat Assessment Groups list is attached. Some of the information was exempted under section 16 (1) (b) of the Access to Information Act.
c) NCO is an acronym for "non-commissioned Officer"
d. No information located concerning an American firm called threat Assessment Group
e. The RCMP does not have any jurisdiction with the RCMP Public Complaints Commission They, the RCMP and RCMP Pubic Complaints Commission are two different agencies
f0 the RCMP has had no control on decision made by Mr. Huges [Hughes. As for your point on" Why did the RCMP claim that Russow behaved inappropriately…" this unit would not be able to answer that question and you may wish to contact the RCMP in Vancouver for an answer to that question
g) Again your question should be directed to the RCMP Public Complaint Commission and not to this agency.
H. it would be the decision of the Justice lawyers a to whom would be called to testify, not the RCMP
i. Deal with the RCMP Public Complaints Commission, not the RCMP

Note that you have the right to bring a complaint before the information Commissioner concerning any aspect of our processing of your request. Notice of complaint should be addressed to

The information Commissioner of Canada
.. Should you have any concerns in the process of your request please contact Cpt AJ Cichelly by writing or at (613 993 2960

J.C. Picard. Supt
Departmental Privacy and Access to Information Coordinator 1200 Vanier Parkway
Ottawa , Ontario National Security investigations Chap no IV 10

G. Threat assessment Program
F 1 General
G 1 a Threat assessment section of Security Offences Branch produces threat assessment for the RCMP Protective Policing Program and assist other government departments prepare their threat assessments

G2 VIP surveillance Subjects
G2 a The VIP Surveillance Subjects Program is maintained by the division NSIS
G b is exempted

G2 c To recommend a person for inclusion in the VIP surveillance system, the investigator will submit form 975 to NSIS or to the section responsible for national security investigations.
G2d The investigator will review and update files for each subject by submitting; G2 d. 1 form ai51 to division NSIS annually;
2. form 975 to division NSIS every three years or earlier if warranted;
3. a new photograph and negative every three years if the subjects' appearance has changed significantly; and
4. form A-151, to request cancellation if a subjects dies
g 2 e If a subject moves to another division, the investigator will inform the NSIS concerned a, and transfer the complete file, through channels, to that division
1.7 Special interest Police
a. Trigger Words –SIP

b. Description- for CPIC entry and record-keeping purposes, this primary category is used to record data on a person who is known to:

1. be dangerous to police, himself/herself or other persons (this includes I a person convicted of a summary conviction offence under provincial legislation relating to a child sex offence or family violence; (ii) a person formerly placed on a peace Bond relation to a child sex offence or family violence whose Peace Bond has not expired;
or (iii) a person who suffers from an apparent emotional or mental health disorder and there are reasonable grounds to believe that the person is, or is likely to be, a threat to himself/ herself or someone else as a result of that disorder;) or
2 have threatened or attempted suicide either when in or out or police custody; or
3 be a foreign fugitive but no warrant is available or the fugitive is not arrestable in Canada or
4. be in danger of family violence; or
5 be involved in or committing criminal offences; or
6. be overdue on a weekend or day pass from a federal penitentiary and a warrant has not yet been issue by correctional Services Canada (once warrant issued. Subject is recorded as Wanted); or 1.7 b 7 be a high risk for future violent conduct and demonstrate a high potential for prosecution as a dangerous offender under Part DDIV of the Criminal Code, as judged by a crown Prosecutor (see also section 2, OPT and REM keywords); or 8i. be released by the Board of Review on a vacated Warrant of Committal and no probation conditions are in effect; or
09 have been absolutely discharged by a Review Board under Section 672 54 (a) CC, having previously been found Not Guilty by Reason of Insanity or Not criminally Responsible on Account of Mental Disorder, and not street enforceable conditions are in effect; or

10 be a hostage-taker; or
11 be an applicant for a pardon from the National Parole Board

185. **MARCH 19 2001:** PRIVACY REQUEST FOR ALL PERSONAL INFORMATION HELD BY RCMP SINCE 1963 SPECIFICALLY REASONS FOR PLACING ME ON APEC THREAT ASSESSMENT LIST NOT INCLUDED.
ACCESS TO INFORMATION

Request filed January 19, 2002 and received February 5, 2002
1. Reasons for placing Joan Russow on a Threat Assessment Group list
RESPONSE:
a. This information would best be answered through the PMO's office as it does not appear to be RCMP information.

COMMENT: The Threat Assessment Group List is an RCMP list and the RCMP name is on the list on which Russow's picture and information was placed.
The RCMP did reveal the process that is followed when an individual is placed on a threat assessment list. In order to place an individual on a Threat Assessment list prepared for the RCMP Protective Policing Program , under G 2.c To recommend a person for inclusion in the VIP surveillance system, the investigation will submit form 975 to NSIS or to the section responsible for national security investigations. Presumably, the RCMP prior to placing Russow on a list would have had to fill out a 975 form. Access to the 975 form.

Under G2 d the investigator will review and update files for each subject by submitting

G2 d. 1 FORM A--151 to division NSIS annually

2. from 975 to division NSIS every three years or earlier if warranted;
3. a new photograph and negative every three years if the subject's appearance has changed significantly;

2. Reasons for ignoring Christine Price's testimony that she had had a directive from Brian Groos from the PMO to prevent Russow from attending the APEC meeting.

NO RESPONSE

COMMENT:

3. Criteria for placing citizens on Threat Assessment Group lists
RESPONSE;
b. criteria for placing citizens on the Threat Assessment Group list is attached Some of the information was exempted under section 16 (1) (b) of the Access to Information Act.

4. What is the NCO-an acronym that was placed on the TAG list
RESPONSE: NCO is an acronym for "Non-Commissioned Officer"

5. What connection did the RCMP have with the registered American firm, Threat Assessment Group list
RESPONSE: No information located concerning an American firm called Threat Assessment Group

6. What were the reasons that Russow was not permitted to be part of the RCMP public Complaints Commission hearing
RESPONSE: The RCMP does not have any jurisdiction with the RCMP Public Complaints Commission. They, the RCMP and RCMP Public Complaints Commission are two different agencies.

COMMENT: The difference between the two agencies is not clear. For example, interviews were carried out by the RCMP during the RCMP public Complaints Commission.

7. Why did Commissioner Hughes refuse to permit Russow to address the misstatement of fact by Constable Boyle, and why did the RCMP claim that Russow behaved inappropriately on a media bus going to UBC or out at UBC when Russow was never on a media bus and was never at UBC during the APEC inquiry
RESPONSE: The RCMP has/had no control on decisions made by Mr. Hughes. As for your point on "why did the RCMP claim that Russow behaved inappropriately." This unit would not be able to answer that question and you may wish to contact the RCMP in Vancouver for an answer to that question.
COMMENT: Constable Boyle who testified at the RCMP Public Complaints Commission was asked why Joan Russow's pass was pulled. She replied that it was because Russow had behaved inappropriately on a media bus going out to UBC. When Russow's lawyer contacted Boyle, Boyle claimed that the RCMP had given her that information. The RCMP was continually influencing the functioning of the Commission.

8. What role did Storrow have in preventing Russow from being part of the RCMP Public Complaints Commission
Again, your question should be directed to the RCMP Public Complaints Commission and not this Agency

9. Why was Christine Price who under oath stated to the RCMP that there had been a directive from the PMO not called upon to testify
RESPONSE: Deal with the RCMP Public Complaints Commission not the RCMP

10 Why did the RCMP Complaints Commission fail to address the issue of the interference by the PMO with the RCMP
RESPONSE: Deal with the RCMP Public Complaints Commission not the RCMP

186. JANUARY 29 2002: NO RESPONSE FROM RCMP

RESPONSE TO FILE O1ATIP-09693
INCLUDED Access to Information Act
article 16 (1) see section. Operational National security investigations

G. Threat Assessment Program
G. 1 General
G. 1 a Threat Assessment Section of Security Offences Branch, produces threat assessments for the RCMP Protective policing Program and assists other government departments prepare their threat assessments
G2 VIP Surveillance subjects
G2 a The VIP surveillance subject Program is maintained by the division NSIS
G2b exempt (16 (1) b Access to Information Act
G. 2c To recommend a person for inclusion in the VIP surveillance system, the investigator will submit form 975 to NSIS or to the section responsible for national security investigations
G2 d. 1 FORM A--151 to division NSIS annually
2. from 975 to division NSIS every three years or earlier if warranted;
3. a new photograph and negative every three years if the subject's appearance has changed significantly; and
4. form A-151-1 to request cancellation if a subject dies
G. 2 e If a subject moves to another division, the investigator will inform the NSIS concerned, and transfer the complete file, though channels, to that divisions

CPIC Reference manual Chapter 111 4 Persons File
BLANK AREA
1.7. Special Interest Police
a. Trigger Word-SIP

b. Description - For CPIC entry and record-keeping purposes, this primary category is used to record data on a person who is KNOWN TO:

1. be dangerous to police , himself/herself or other persons (this includes i. a person convicted of a Summary Conviction offence or offence under provincial legislation, relating to a child sex offence or family violence; (ii) a person formerly placed on a Peace Bond relating to a child sex offence or family violence whose Peace Bond has now expired; and iii] a person who suffers from an apparent emotional or mental health disorder and there are reasonable grounds to believe that the person is, or is likely to be, a threat to himself/herself or someone else as a result of that disorder; 0 or
2. have threatened or attempted suicide either when in or out of police custody; or
3. be a foreign fugitive but no warrant is available or the fugitive is not arrestable in Canada; or
4. be in danger of family violence; or
5. be involved in or committing criminal offences; or
6. be overdue on a weekend or day pass from a federal penitentiary and a warrant has not yet been issued by Correctional Services Canada (once warrant issued, subject is recorded as Wanted); or

111-4 13

1.7 b. be a high risk for future violent conduct and demonstrate a high potential for prosecution as a dangerous offender under Part XXIV of the Criminal Code, as judged by a Crown Prosecutor (see also section 2, OPT and REM keywords); or
8 be released by the Board of Review on a vacated Warrant of Committal and no probation conditions are in effect; or
9. have been absolutely discharged by a Review Board under Section 672. 54 (a CC, having previously been found Not Guilty by Reason of Insanity or Not Criminally Responsible on Account of Mental Disorder, and no strict enforceable conditions are in effect; or
10 be a hostage-taker; or
11. be an applicant for a pardon from the National Parole Board.
Access to Information Requests: Update January 29, 2002

187. 12 MARCH 2002: RESPONSE FROM ETHICS COMMISSIONER

The office of the Ethics Counselor is responsible for the administration of the conflict of Interest and Post Employment Code for public Office Holders. This code applies to federal government Ministries and their staff, parliamentary Secretaries and to Governor in council appointees, such as deputy heads of federal departments and the heads of federal crown agencies....

Our office is not a general ombudsman office which can respond to all questions and I am therefore unable to assist you.

Thank you, however, for contacting us.

188. 14 MARCH 2002: RESPONSE TO ACCESS REQUEST BY PRIVY COUNCIL

Government of Canada
Privy Council Office

Ms Joan Russow
1230 ST. Patrick Street
Victoria, British Columbia
V8S 4Y4

Dear Ms Russow:

This is in regard to your access request for reason for giving direction to the RCMP in 1997 to prevent Russow from attending APEC-November 1997. Reason for placing Russow on the APEC threat assessment group (s). The Privy Council Office received the request on February 5, 2002

In processing your request we have found it necessary to search through a large amount of records. As a result, an extension of up to 45 days beyond the 30 day statutory deadline is required to complete your request

Please be advised…

Ciuineas Boyle
Coordinator

189. 18 MARCH 2002: LETTER REQUESTING AN EXTENSION OF 60 DAYS

Dear Ms Russow

This is in regard to your access request for information about the direction to Christine Price from the PMO to prevent Joan Russow from attending the APEC summit and the resulting consequence that Joan Russow was placed on an RCMP Threat Assessment Group list in 1997. The Privy Council Office received the request on February 6, 2002

Reason for giving direction to the RCMP in 1997 t prevent Russow from attending APEC November 1997.

Reason for placing Russow on the APEC THREAT ASSESSMENT GROUP.

Joan Russow (PhD)
National leader of the Green Party of Canada (April 1997-March 2001)
1 250 598-0071

The Privy Council office received the request on February 5, 2002 in processing your request we have found it necessary to search though a large amount of records. As a result, an extension of up to 60 days beyond the 30 day statutory deadline is required to complete our your request.

Please be advised that you are entitled to bring a complaint regarding the processing for this request to the information commission

Cineas Boyle
Access to Information

190. 28 MARCH 2002: FOLLOW-UP TO LETTER TO THE ETHICS COMMISSIONER

Office of the Ethics Counselor
22nd Floor
66 Slater Street
Ottawa, Ontario
K1A 0C9

Tel. 1 613 995-0721
Fax- 1 613 995 7308

On March 4, 2002 I sent you a document outlining a blatant example of conflict of interest on the part of the Prime Minister when there was a directive to the RCMP from the PMO to prevent me from attending the APEC meeting in 1997. It is possible that as a result of that directive I was placed on a RCMP Threat Assessment list.

Not only is a directive from the Prime Minister to exclude a leader of a registered party from attending a meeting evidence of conflict, but also the placing of a leader of a political party on a Threat Assessment list is evidence of violation of Charter Rights and of discrimination on the ground of "political opinion" which is one of the listed grounds in the International Covenant of Civil and Political Rights to which Canada is a signatory.

In the letter from your office dated March 12, you indicated that you could not address the issue that I raised, [which if you had read my correspondence you would know that it was conflict of interest] because you are responsible for the administration of the Conflict of Interst from Public Office holders. I

presume that both the Prime Minister of Canada and the Minister of the Environment are "public office holders"

In the documents that were sent to me as partial fulfillment of my Access to Information request;

In the June 16, 1994 release from the Prime Minister's Office, it was indicated that there would be a "comprehensive package of measure to help promote public trust in national institutions."

In the Hansard report from June 16, 1994, Right Hon. Jean Chrétien stated " I rise today to talk about trust; the trust citizens place in their government, the trust politicians earn from the public, the trust in institutions that is a vital to a democracy as the air we breathe, a trust that once shattered, is difficult , almost impossible to rebuild. Since our election in October no goal has been more important to this government, or to me personally as Prime Minister than restoring the trust of Canadians in their institutions. When we took office there was an unprecedented level of public cynicism about our national institutions and the people to whom they were entrusted by the voters. The political process had been thrown into disrepute. people saw a political system which served its own interests and not those of the public when trust is gone the system cannot work. That s why we have worked so hard to re-establish those bonds of trust. The most important thing we have done is to keep our word. We have broadened the powers and responsibilities of the ethics counselor from what we laid out n the red book. In the red book, the ethics counselor was to deal with the activities of lobbyists but as we started examining implementation, it became clear that this will only address half of the problem basically from the outside in. We wanted to be sure that our system would also be effective at withstanding lobbying pressure from the inside. That's why we have decided to expand the role of the ethics counselor to include conflict of interests. By merging the Ethics counselor's function with the Assistant Deputy Registrar General['s existing role in enforcing guidelines on conflict of interest, we will have both a stronger and more unified oversight role, one with real teeth and strong investigative powers...

... Public service is a great calling. Public service is a very honourble profession A public calling is the desire of all of use t try to make society better for all our citizens. ...

First the Ethics Counselor must be appointed not by the government but by the House of Commons. The Ethics Councilor should hold his mandate from Parliament. That would considerably increase his authority, his powers and his ability to intervene directly in anything related to the way government operates. Remember this is no ordinary appointment. This is the person who will have the authority to intervene in the way government manages its affairs, in Cabinet ministers; personal ethical conduct vis-a vis their public responsibilities, even in decisions the Prime Minister. the person who will be able to make sure that the conduct of whatever Prime Ministers the future may produce will be consistent with the ethical standards that have been set. So the person holding this position will be that much more comfortable and the public will be that much more confident with what he will carry out his duties as he should, if he is under the ultimate authority of Parliament. That is why I would urge the Prime Minister to consider the need, as I see it, to submit this appointment to Parliament as a government recommendation to be endorsed by Parliament, so that the Ethics Counselor would be answerable directly to Parliament. When Howard Wilson appeared before the House of Commons standing Committee on Industry on May 6 1999.

When asked by Ms Francine Lalonde Is our position a political position? your are not a member of the public service? Mr. Wilson responded Ye I am I'm a public servant. That has not changed. By the end of this month I will have been a public servant for 35 years. I'm still a public servant, … a career public servant. Ms Francine Lalonde in a follow up question " but what is special about you as a public servant is that you take your orders from the Prime Minister alone, if I understand correctly with regard to possible conflicts of interest on the part of Ministers. and you responded>

"no I wouldn't describe it that way. I think of it as receiving directives. In fact, if we talk about my reporting relationship, then we'll talk about the responsibility of the Prime Minister for the conduct of his government and his choice that on this matter he wanted somebody to do this for him and that was the essence of the position. It was very

important, I think that it be a public servant who does his, because I'm expected to be the person who tries to say why we've done this and why I made this kind of recommendation. So the responsibility he has given me for the code is that I and my colleagues administer the code and indicate to ministers what they must do if they are to be in compliance with the code, and I have the full support f the Prime Minister for that."

I believe that it is certainly within your mandate to investigate conflict of interest that could result from the Prime Minister interfering with the right of assembly of a leader of a registered political party. In addition, in the case of David Anderson, it was also a conflict of interest to discredit me through having his supporters file a complaint to Elections Canada during a campaign when I was running against him as a candidate.

Conflict of interest does not only arise when there is an exchange of funds; it also arises when the Prime Minister or a Minister act in an unethical way that could bring about discrimination on political grounds of a fellow leader of a political party or of a fellow candidate.

I hope that you will reconsider my request for an investigation by your office into the ethics of the Prime Minister's office giving a directive to the RCMP to prevent me from attending a meeting and discrediting me by placing me on an RCMP threat assessment list.

I hope that you will give this complaint against the unethical behaviour arising from conflict of interest by the Prime Minister and one of his Ministers your immediate attention.

Although through Access to Information I received some information, I have not received the following:

2. Documentation on procedures followed when there is a request to "speak truth to power" related to the Prime Minister's direction to the RCMP
3. Evidence of an investigation carried out by the Ethics Commissioner on the Prime Minister's interference with the functioning of the RCMP at APEC in 1997
4. Evidence of conflict of interest in Prime Minister's instruction to the RCMP to prevent a leader of another political party from attending a meeting
5. Evidence of the reasons supporting the decline by the Ethics commissioner to investigate Joan Russow's request

(i)to examine the conflict of interest of the Prime Minister, or his office giving a directive to the RCMP to prevent a leader of a registered political party, Dr Joan Russow, from attending an event, and bringing about the defamation of Russow's character by placing Russow on a threat assessment list.
(ii) to investigate the conflict of interest of Brian Groos, a friend of David Anderson, acting on behalf of the government in instructing the RCMP to prevent Russow, who had run in an election against David Anderson in the 1997 election, and to contribute to Russow being placed on an RCMP threat Assessment list, which has brought about the defamation of Russow's character.

I have consequently filed a complaint with the Access to Information officer. I do, however, expect you to address the above conflict of interest.

Yours Truly

Joan Russow (Ph.D)
1 250 598-0071.

191. 28 MARCH 2002: REQUEST TO ACCESS TO INFORMATION TO DEPARTMENT OF INDUSTRY

Attention: Denis Vaillancourt
March 28,2002

FAX: 1 613 -941 3085
TEL 613 941 8431

This is to follow-up our phone conversation on March 28 2002 about my access to information request:

1. Documentation on the appointment procedures for the Ethics Commissioner, for the mandate of the Ethics Commissioner, and for definitions of Conflict of Interests
2. Documentation on procedures followed when there is a request to "speak truth to power" related to the Prime Minister's direction to the RCMP
3. Evidence of an investigation carried out by the Ethics Commissioner on the Prime Minister's interference with the functioning of the RCMP at APEC in 1997
4. Evidence of conflict of interest in Prime Minister's instruction to the RCMP to prevent a leader of another political party from attending a meeting
5. Evidence of the reasons supporting the decline by the Ethics commissioner to investigate Joan Russow's request
(i)to examine the conflict of interest of the Prime Minister, or his office giving a directive to the RCMP to prevent a leader of a registered political party, Dr Joan Russow, from attending an event, and bringing about the defamation of Russow's character by placing Russow on a threat assessment list.
(ii) to investigate the conflict of interest of Brian Groos, a friend of David Anderson, acting on behalf of the government in instructing the RCMP to prevent Russow, who had run in an election against David Anderson in the 1997 election, and to contribute to Russow being placed on an RCMP threat Assessment list, which has brought about the defamation of Russow's character.

Yours truly

Joan Russow1230 St Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

192. **MARCH 28, 2002:** LETTER SENT IN REFERENCE TO FAILURE OF RCMP TO SUPPLY INFORMATION AND THE CONTINUED USE OF SECTION 16 (1)

Hon John Reid,
Access to Information Commissioner,
Ottawa, Ontario,
Canada
I would like to file a complaint about the continual use of section 16 (1) of the ACCESS TO INFORMATION ACT.

16 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains
(a) information obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to
(i) the detection, prevention or suppression of crime, or
(ii) the enforcement of any law of Canada or a province, if the record came into existence less than twenty years prior to the request;
(b) information relating to investigative techniques or plans for specific lawful investigations;
(c) information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province ore the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information
(i) relating to the existence or nature of a particular investigation;
(ii) that would reveal the identity of a confidential source of information, or
(iii) that was obtained or prepared in the course of an investigation; or
(d) information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

193. **29 MARCH 2002:** ACCESS TO INFORMATION CSIS FOLLOW-UP TO GAGE'S LETTER

Access to Information
CSIS
Request Faxed: March 29, 2002

On February 11, 2000, my lawyer Andrew Gage, submitted a request on my behalf to your agency, and paid the required $5 fee (see enclosed letter). He did not receive any response. Last month I filed a complaint with the Access to Information Commissioner, and was told that the period for a complaint had expired, and that I was, however, advised of the possibility of submitting the request again. I thus am submitting the request for information again. As a result of subsequent information that I have received from other departments, I will be extending the request.

To demonstrate that the process of Access to Information is fair and equitable, I expect your department to issue an apology in writing for your failing to respond to Andrew Gage's request, and for you to proceed in good faith with disclosing the following information without charging me for the research. Often, ordinary citizens are deprived of the right to access to information because of the cost.

I expect you to give this request your immediate attention.

Yours truly

Dr. Joan Russow

ORIGINAL REQUEST
February 11, 2000 Letter from Andrew Gage Barrister & Solicitor
Re: Access to Information Request

Re: Access to Information Request

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-I, I a writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:
a) Threat Assessment Lists or other circulars, updates, communications, directives orders or other documents, which identify Dr. Russow or the Green Party of Canada or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (The APEC Conference")
b) Complaints, reports, directives, or other documents related n any manner to the decision to include Dr. Russow on any documents described in (a)
c) Communications, reports, statements, notes or other documents related, to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
d (Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

Yours truly

Andrew Gage

1230 Patrick St.
Victoria,
B.C. V8S 4Y$

ORIGINAL REQUEST

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-I, I a writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:
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c) Communications, reports, statements, notes or other documents related, to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
d (Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

* Written explanation about why CSIS refused to respond to Andrew Gage's request

EXTENDED REQUEST

1. Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights
2. Information about Joint division (see diagram below) which prepared a list of Activist groups
3. Documentation advising the Military on scope, legalities and propriety of the question of screening "activists" from CF
4. Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening "activists" from CF
5. Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act.
6. Mandate to DG Secur to prepare a list of activist groups
7. Copy of legal document from Minister of Justice: Re: preparing a list of activists
8. Nature of records and open sources used in preparing lists for D. Secur OP-- Specifically sources for including Joan Russow and/or the Green Party of Canada
9. Guidelines for deciding at which point in the extremist/activist continuum activities become unacceptable
10. Documents related to CIS regarding approval process related to domestic extremist groups
11. Documents related to criteria used by the Targeting and Resource Committee (TARC) related to domestic activists.
12. Documents related to the list of domestic activists vetted by TARC and reviewed by the Minister.
13. Given that TARC focuses on the leadership of designated groups and issues a Report, copy of report issued on Joan Russow as the leader of the Green Party of Canada or the Report issued to justified the Green Party of Canada being placed on a **list …**
14. As CSIS does not investigate the full membership only the leader, and given that as a result of consultation with CSIS, The Green Party was listed in D- Secur Lists D-Secur Ops 2, documents related to this process
15. Documents on what constitutes the definition of "crime" and about the role of the OPI and SIV

NOTE KEN HORN FROM CSIS CLAIMS THAT CSIS NEVER RECEIVED THE REQUEST FROM ANDREW GAGE

194. 29 MARCH 29 2002: FAXED ACCESS TO INFORMATION REQUEST TO CSIS

1230 Patrick St.
Victoria,
B.C. V8S 4Y4
1 (250) 598-0071

Access to Information
CSIS
Request Faxed: March 29, 2002

On February 11, 2000, my lawyer Andrew Gage, submitted a request on my behalf to your agency, and paid the required $5 fee (see enclosed letter). He did not receive any response. Last month I filed a complaint with the Access to Information Commissioner, and was told that the period for a complaint had expired, and that I was, however, advised of the possibility of submitting the request again. I thus am submitting the request for information again. As a result of subsequent information that I have received from other departments, I will be extending the request.

To demonstrate that the process of Access to Information is fair and equitable, I expect your department to issue an apology in writing for your failing to respond to Andrew Gage's request, and for you to proceed in good faith with disclosing the following information without charging me for the research. Often, ordinary citizens are deprived of the right to access to information because of the cost.

I expect you to give this request your immediate attention.

Yours truly

Dr. Joan Russow

ORIGINAL REQUEST

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-I, I a writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:

a) Threat Assessment Lists or other circulars, updates, communications, directives orders or other documents, which identify Dr. Russow or the Green Party of Canada or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (The APEC Conference")
b) Complaints, reports, directives, or other documents related in any manner to the decision to include Dr. Russow on any documents described in (a)
c) Communications, reports, statements, notes or other documents related, to Dr. Russow’s application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
d(Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

* Written explanation about why CSIS refused to respond to Andrew Gage's request
EXTENDED REQUEST

1. Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights

2. Information about Joint division (see diagram below) which prepared a list of Activist groups
3. Documentation advising the Military on scope, legalities and propriety of the question of screening "activists" from CF
4. Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening "activists" from CF
5. Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act.
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11. Documents related to criteria used by the Targeting and Resource Committee (TARC) related to domestic activists.
12. Documents related to the list of domestic activists vetted by TARC and reviewed by the Minister.
13. Given that TARC focuses on the leadership of designated groups and issues a Report, copy of report issued on Joan Russow as the leader of the Green Party of Canada or the Report issued to justified the Green Party of Canada being placed on a list of “**groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND**
14. As CSIS does not investigate the full membership only the leader, and given that as a result of consultation with CSIS, The Green Party was listed in D- Secur Lists D-Secur Ops 2, documents related to this process
15. Documents on what constitutes the definition of "crime" and about the role of the OPI and SIV

NOTE:Ken Horn from CSIS claims that csis never received the request from Andrew Gage, and proposed a restructuring of the request which was done on April 20

note: that through access to information Russow received a DND document that was prepared in May 1993 by d-secur ops

in a previous DND document concern was expressed about whether this list of extremist was in line with the Charter and with csis and that there would be consultation. In the following statement it appears that csis and legal staff were consulted. yet when Russow asked through access to information about the consultation with CSIS, CSIS claimed TO BE UNAWARE OF THIS CONSULTATION.

DISTRIBUTION LIST

MEMORANDUM
2106-17-9 (D SECR OPS)

DISTRIBUTION LIST
Extremist and activist organizations
Membership by members of the Canadian forces

ref: DM.CDS Meeting to consider Somalia Incidents
1000 hrs 12 My 93

1. The enclosed Briefing Note is in response to direction given at a 12 May 93 meeting and addresses the scope, legality and propriety of the question of screening "activists" from the CF
2. CSIS, the RCMP and Departmental legal staff were consulted in the preparation of this note. The Briefing note contains an explanation of the limitations up CSIS activities in similar areas. It is clear that Project SIROS though valuable in precisely such situations as the CF now finds itself, is close to the limit of the acceptable under both the Charter and a government policy which is implied by the CSIS Act.

L.E Murray
Vadm
982-3355

Distribution List
CDS
DM
ADM
Jac

National Defence Headquarters
Secret
Unclassified with enclosure removed.

195. APRIL 2002

[Following through with suggestion by Judge Hargrave to seek further information, Russow thought perhaps she was deemed to be a threat because of the work that she had done criticizing the department of Natural Resources. on a television program a person with whom she worked previously had found out that he had been targeted by the government; Russow had worked with him on similar natural resources issues]

196. 1 APRIL 2002: FILED ACCESS TO INFORMATION WITH NATURAL RESOURCES

197. 2 APRIL 2002: RESPONSE FROM SOLICITOR GENERAL RE: EXCLUSIONARY CLAUSE USED IN PRIVACY REQUEST RESPONSE

198. 3 APRIL 2002: RESPONSE FROM PRIVACY REQUEST FROM CSIS

April 2002

Dear Ms Russow:

I am writing in reply to your request under the Privacy Act dated March 29, 2002 for your personal information, including information exempted under section 21 of the Act in response to your January 23, 2002 request.

As stated in my February 18, 2002 reply to your earlier request , you were provide with all the records this department has on you; on one of the records (page two of a House of Commons Book document dated 1999/09/28) a small amount of information was exempted under section 21 for national security reasons. You have lodged a complaint with the Privacy Commissioner concerning the response to your earlier request; as such our use of section 21 will be reviewed by the Commissioner’s office, and you will be advised of the outcome of the investigation.

Sincerely,

Duncan Robert
Coordinator, Access to Information and Privacy

Canadian Security Intelligence Service/Service canadien du renseignement de securite
116-2001
April 3 , 2002
Ms. Joan Russow 1230
St. Patrick Street Victoria,
British Columbia V8S 4Y4

Dear Ms. Russow:
This is further to your Privacy Act request of March 29, 2002, received by the Canadian Security Intelligence Service on April 3, 2002, concerning:
1. All information about Dr. Joan Russow;
2. All information about Leader of Green Party of Canada (April 97 - March 02);
3. All information about Joan Russow and Global Compliance Research Project.

The Access to Information Act provides members of the public with a right of access to nonpersonal records held by government institutions. These include manuals, policy, budget and other categories of documents which do not contain information about identifiable individuals. Any information which might exist concerning yourself should be requested under the Privacy Act. We are not able to process your application at this time because when you make a request for access to records under this Act, a $5.00 application fee must be enclosed for each request. As soon as we receive the fee required, your application will be processed.

If you wish to submit a Privacy Act request, we are not able to process your request at this time due to a lack of required information. To assist you in submitting a complete request please find enclosed a copy of the Service's chapter in Info Source, which describes all of the different categories of personal information maintained by the Service. These are also known as personal information banks. To file a request you may complete one of the enclosed request forms. The banks you wish to access must be noted in your application. In doing so, please quote either the title or number (SIS PPU XXX) assigned to that particular bank, or both. In order to verify your identity, we require your full name as well as your date of birth (DOB) on the form.
If you have access to the Internet, further information on how to file a request is available at the Treasury Board Web site at www.tbs-sct.gc.ca/ gos s-sog/infosource. Should you wish to obtain clarification concerning your request, please direct your inquiry to us at one of the numbers at the bottom of this letter or write to the address indicated. Please provide the file number at the top of this letter for reference purposes.
Yours sincerely,
Laurent Duguay Access to Information and Privacy Coordinator
Attachments
P.O. Box 9732, Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

199. 4 APRIL 2002: LETTER TO HON LAWRENCE MACAULAY SOLICITOR

FAX 613-990-9077, FAX: 613 993 7062
Hon. Lawrence MacAulay, Solicitor General of Canada
Sir Wilfred Laurier Bldg
340 Laurier Ave. W.
Ottawa, Ont. K1A OP8 April 4. 2002

Dear Minister,

In your submission to the Senate on Bill 36, the Anti-terrorism Act, you stated that "it is now crystal clear that the scope of any threat to our way of life means that more must be done now and in the future."

Through the Freedom of information process within your department, I received information that there is information about me that cannot be released. This information has been excluded under existing legislation as being related to military and international security.

You indicated in your presentation to the Senate that "there are strong mechanisms already in place that will continue to ensure effective control and accountability The Courts and civilian oversight bodies provide essential checks and balances to ensure the integrity of the police [RCMP, CSIS as well?] the freedom to question any perceived wrongdoing is central to a law enforcement system that reflects and protects our core values of freedom, democracy and equality. "

I believe that I have the right to know the nature and extent of the information that is contained in your files so as to correct whatever information, on me, that you have interpreted as being contrary to " our core values of freedom, democracy, and equality, or being "a threat to our way of life"

It is against the CSIS act to target citizens engaged in legitimate dissent.

For years, I have been attempting to remove what I perceive to be threats to our way of life, such as government and corporate practices that destroy the environment, that contribute to the escalation of war and conflict, that endanger the health of citizens, that deny social justice and that violated human rights.

I believe that you misled the Senate in claiming that there are strong mechanisms in place when your department relies on exclusionary clauses within the Privacy Act, and within the Access to Information Act to deny a citizen the right to know what personal information is being deemed to a threat to military and international security.

I hope that you will address this matter immediately.

Yours truly

Joan Russow (Ph. D)
1230 St Patrick St Victoria, B.C. V8S 4Y4 1 250 598-0071

200. 10 APRIL 2002: PRIVACY REQUEST CSIS IN VARIOUS CSIS BANKS

Attention Laurent Dugby
Access to Information and Privacy Coordinator
FAXED: 613 842 1271

April 10, 2002

Dear Mr. Dugby

In response to your letter of April 2, I am submitting the following privacy request; an Access to Information request will follow.

Could you please access the following banks for personal information on

-Joan Elizabeth Russow, born November 1st ,1938
- the Federal leader of the Green Party of Canada [Russow, April 1997 - March 2001]
- Joan Russow as co-ordinator of the Global Compliance Research Project.

from the following banks:

1. Bank Number: SIS PPU O20

2. Bank Number: SIS PPU 045

3 Bank number SIS PPU 015

4. Bank Number: SIS PPU 005

Thank you for your assistance in giving this request your immediate attention.

Yours truly

Joan Russow

201. 13 APRIL 2002: CSIS ATIP PHONED AND ASKED TO REDO REQUEST COMPRESSING ITEMS AND PAYING 5$ FOR EACH STATEMENT CSIS WILL SEARCH BANKS. BUT WILL NOT RELEASE ANY INFORMATION IF THE INFO WAS PART OF A PAST OR CURRENT INVESTIGATION

202. 14 APRIL 2002: RESPONSE FOR REQUEST FOR CSIS MANDATE

The CSIS Mandate

The Canadian Security Intelligence Service (CSIS) was created by an Act of Parliament in 1984, following the McDonald Commission of Inquiry of the late 1970s and the MacKenzie Commission of the 1960s. The CSIS Act established a clear mandate for the Service and, for the first time, legislated a framework of democratic control and accountability for a civilian Canadian security intelligence service. The Act created CSIS as a domestic service fulfilling a uniquely defensive role investigating threats to Canada's national security.

In meeting its mandated commitments, CSIS provides advance warning to government departments and agencies about activities which may reasonably be suspected of constituting threats to the country's security. Other government departments and agencies, not CSIS, have the responsibility to take direct action to counter the security threats.

CSIS does not have law enforcement powers, therefore, all law enforcement functions are the responsibility of police authorities. The splitting of functions, combined with comprehensive legislated review mechanisms, ensures that CSIS remains under the close control of the federal government.

In its early years, much of the Service's energy and resources were devoted to countering the spying activities of foreign governments. Time has passed however, and as the world has changed, so has CSIS.

In response to the rise of terrorism worldwide and the demise of the Cold War, CSIS has made public safety its first priority. This is reflected in the high proportion of resources devoted to counter-terrorism. CSIS has also assigned more of its counter-intelligence resources to investigate the activities of foreign governments that decide to conduct economic espionage in Canada in order to gain an economic advantage or try to acquire technology in Canada that can be used for the development of weapons of mass destruction.

Concurrent with these operational changes, CSIS has matured into an organization with a flexible, dynamic structure and, most importantly, an ingrained understanding of its responsibilities and obligations to Canadians. The Service's main purpose is to investigate and report on threats to the security of Canada. This occurs within a framework of accountability to government as well as respect for the law and the protection of human rights. Nowadays, it also means being more open and transparent to the people it serves. There are some limits on what the Service can discuss; that is the nature of the work, but CSIS is anything but a secret organization.

The Canadian way of life is founded upon a recognition of the rights and freedoms of the individual. CSIS carries out its role of protecting that way of life with respect for those values. To ensure this balanced approach, the CSIS Act strictly limits the type of activity that may be investigated, the ways that information can be collected and who may view the information. The Act provides many controls to ensure adherence to these conditions.

Information may be gathered, primarily under the authority of section 12 of the CSIS Act, only on those individuals or organizations suspected of engaging in one of the following types of activity that

threaten the security of Canada, as cited in section 2:

1. Espionage and Sabotage

Espionage: Activities conducted for the purpose of acquiring by unlawful or unauthorized means information or assets relating to sensitive political, economic, scientific or military matters, or for the purpose of their unauthorized communication to a foreign state or foreign political organization.

Sabotage: Activities conducted for the purpose of endangering the safety, security or defence of vital public or private property, such as installations, structures, equipment or systems.

2. Foreign-influenced Activities

Activities which are detrimental to the interests of Canada, and which are directed, controlled, financed or otherwise significantly affected by a foreign state or organization, their agents or others working on their behalf.

For example: Foreign governments or groups which interfere with or direct the affairs of ethnic communities within Canada by pressuring members of those communities. Threats may also be made against relatives living abroad.

3. Political Violence and Terrorism

The threat or use of acts of serious violence may be attempted to compel the Canadian government to act in a certain way. Acts of serious violence are those that cause grave bodily harm or death to persons, or serious damage to or the destruction of public or private property and are contrary to Canadian law or would be if committed in Canada. Hostage-taking, bomb threats and assassination attempts are examples of acts of serious violence that endanger the lives of Canadians. Such actions have been used in an attempt to force particular political responses and change in this country. Exponents and supporters of political violence may try to use Canada as a haven or a base from which to plan or facilitate political violence in other countries.

Such actions compromise the safety of people living in Canada and the freedom of the Canadian government to conduct its domestic and external affairs.

4. Subversion

Activities intended to undermine or overthrow Canada's constitutionally established system of government by violence. Subversive activities seek to interfere with or ultimately destroy the electoral, legislative, executive, administrative or judicial processes or institutions of Canada.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

Security Screening

As well as investigating the four types of threats to Canadian security, CSIS provides security assessments, on request, to all federal departments and agencies with the exception of the RCMP and the Department of National Defence, which conduct their own. These assessments are made with respect to applicants for positions in the Public Service of Canada requiring a security clearance and for immigration and citizenship applicants.

Security Assessments

The purpose of security assessments is to appraise the loyalty to Canada and reliability, as it relates thereto, of prospective government employees. The intent of the exercise is to determine whether persons being considered for security clearances are susceptible to blackmail or likely to become involved in activities
detrimental to national security as defined in section 2 of the CSIS Act. The assessments serve as a basis for recommending that the deputy head of the department or agency concerned grant or deny a security
clearance to the individual in question. Security assessments are conducted under the authority of sections 13 and 15 of the CSIS Act.

The designated manager in the department or agency determines the security clearance level required for the position to be filled in accordance with the standards set out in the Government Security Policy. CSIS then conducts the appropriate checks. The duration and depth of the investigation increase with the clearance level.

Immigration and Citizenship

Sections 14 and 15 of the CSIS Act authorize the Service to provide security assessments for the review of citizenship and immigration applications to the Department of Citizenship and Immigration.

The assessments provided by the Service for this purpose pertain to the provisions of section 2 of the CSIS Act that deal with threats to the security of Canada. The Department of Citizenship and Immigration uses these assessments to review immigration applications in accordance with the inadmissibility criteria set out in section 19(1) of the Immigration Act. On 1 February 1993, this Act was amended to include, in section 19(1)(e), the terms "terrorism" and "members of an organization". This measure has increased the pertinence of CSIS assessments. Moreover, the inadmissible classes now include, in section 19(1)(f), persons who have engaged, or are members of an organization that has engaged, in acts of terrorism or espionage.

The same practice is followed for citizenship applications. They too are examined on the basis of the definition of threats to the security of Canada set out in section 2 of the CSIS Act, and security assessments are provided under section 19 of the Citizenship Act.

Questions & Answers

How and when was CSIS created?

CSIS was created by the passage of an Act of Parliament (Bill C-9) on June 21, 1984. The Service began its formal existence on July 16, 1984.

What does CSIS do?

CSIS has a mandate to collect, analyze and retain information or intelligence on activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and in relation thereto, report to and advise the Government of Canada. CSIS also provides security assessments, on request, to all
federal departments and agencies, with the exception of the RCMP and the Department of National Defence.

What organization collected security intelligence before CSIS was created?

Prior to June 21, 1984, security intelligence was collected by the Security Service of the Royal Canadian Mounted Police. CSIS was created because the Government of Canada, after intensive review and study, came to the conclusion that security intelligence investigations would be more appropriately handled by a civilian agency. CSIS has no police powers. However, CSIS works with various police forces on those investigations that have both national security and criminal implications. Although CSIS can offer assistance to the police, it has no mandate to conduct criminal investigations.

What constitutes a threat to the security of Canada?

The complete threat definitions can be found in section 2 (a,b,c,d) of the CSIS Act. Simply put, terrorism (the planning or use of politically-motivated serious violence) and espionage (undeclared foreign intelligence activity in Canada and detrimental to the interests of Canada) are the two major threats which CSIS investigates. Terrorism and espionage can have criminal implications. In such cases, the RCMP investigates and can lay the appropriate criminal charges.

What is "security intelligence" and does the government really need it given that technology allows news broadcasters to deliver information from around the world in a matter of minutes?

Security intelligence is information formulated to assist government decision makers in developing policy. Regardless of the source of intelligence, it provides value in addition to what can be found in other government reports or in news stories. Intelligence conveys the story behind the story.

How does CSIS obtain this "value-added" component?

The "value-added" comes from analysis and a wide variety of investigative techniques, including the use of covert and intrusive methods such as electronic surveillance and the recruitment and tasking of human sources.

Can these techniques be arbitrarily deployed?

No. All intrusive methods of investigation used by CSIS are subject to several levels of approval before they are deployed. The most intrusive methods ó such as electronic surveillance, mail opening and covert searches ó require a warrant issued by a judge of the Federal Court of Canada. In addition, the Security Intelligence Review Committee (SIRC) and the Inspector General closely review CSIS operations to ensure they are lawful and comply with the Service's policies and procedures.

What does CSIS do with the security intelligence it collects?

CSIS reports to and advises the Government of Canada. CSIS intelligence is shared with a number of other federal government departments and agencies, including Foreign Affairs and International Trade Canada, Immigration, the Department of National Defence and the Royal Canadian Mounted Police. As well, CSIS has arrangements to exchange security related information with other countries. The vast majority of these arrangements deal with visa vetting. A small number deal with exchanges of information collected by CSIS in its investigation of threats to national security.

Does CSIS conduct covert foreign intelligence operations outside of Canada?

No. CSIS does not have the mandate to conduct foreign intelligence operations outside of Canada. CSIS is a defensive, domestic security intelligence service.

What is the difference between a security intelligence service and a foreign intelligence service?

A security intelligence service is restricted to investigating threats to its country's national security. A foreign intelligence service, on the other hand, conducts offensive operations for its government in

foreign countries. The methods and objectives of foreign intelligence services differ from country to country.

Does CSIS have any foreign presence at all?

CSIS has liaison offices in some countries. Liaison officers are involved in the exchange of security intelligence information which concerns threats to the security of Canada. They are in no way involved in offensive operations.

Does CSIS investigate industrial espionage?
CSIS does not investigate company to company industrial espionage. CSIS does, however, investigate the activities of foreign governments that engage in economic espionage as a means of gaining an economic advantage for themselves. Economic espionage can be defined as the use of, or facilitation of, illegal, clandestine, coercive or deceptive means by a foreign government or its surrogates to acquire economic intelligence.

What is the impact of foreign government economic espionage activity on businesses in Canada?

Foreign government economic espionage activity exposes Canadian companies to unfair disadvantage, jeopardizing Canadian jobs, Canada's competitiveness and research & development investment.

Does CSIS conduct investigations on university campuses?

CSIS is very sensitive to the special role that academic institutions play in a free and democratic society and the need to preserve the free flow of ideas, therefore, investigations involving university campuses require the approval of senior officials in the Service. Furthermore, human sources and intrusive investigative techniques may only be used with the approval of the Solicitor General.

Can you name individuals or groups currently under CSIS investigation?

The CSIS Act prevents the Service from confirming or denying the existence of specific operations. To disclose such information would impede the Service's investigative capabilities which, in turn, would be injurious to national security. CSIS, however, can assure the public that it is doing everything within its mandate to ensure that Canadians are safeguarded from terrorism and foreign espionage.

Given that the Cold War is over, are there still threats with which Canadians should be concerned?

Yes. Details regarding the Service's view of the security intelligence environment can be found in its annual Public Reports.

203. 18 APRIL 2002: RESPONSE TO ACCESS TO INFORMATION REQUEST TO THE DEPARTMENT OF NATURAL RESOURCES. NOTE: I HAD BEEN ASKED TO ASSIST THEM BY TELLING THEM WHERE THE INFORMATION MIGHT BE FOUND

Jean Boulais
A & I superintendent
Natural Resources
580 Booth St.
Ottawa, Ont. K1A OE4

April 18, 2002

Access to information:

• Report, materials, memo, documentation etc. on a meeting, at the Canadian Embassy in China, of delegates at the UN Conference on Women: Equality, Development and Peace, in August-September 1995; in particular any references related to the need to address the issue of Canada's sale of CANDU reactors to China
• Report, materials, memo documentation etc. on the circulation of the Nobel Laureate Declaration in 1992 at the United Nations Conference on Environment and Development
• Report, memos, materials, documentation etc. related to the United Nations Conference on Environment and Development (UNCED) 1992, comment on Forest Principles document, criticism of Canada's position on the Forest Convention either at the IUCN Conference in Buenos Aires in January 1994 related to the IUCN resolution on Coastal Forest submitted by Joan Russow and Michael McLoskey.
-reports, memos related to Russow's comments on Canada's submission to Rio+5 in 1997 related to Forests, Civil Nuclear energy, fossil fuel.
• Report, materials, memos, documentation etc. on the mining of uranium By Joan Russow or by the Green Party of Canada between 1992 and 2000.
• Report, materials, memos, documentation etc. related to article circulated on Chrétien as a CANDU salesman
.• Report, materials, memos, documentation etc. about press conference opposing civil nuclear energy at Chantilly Quebec, in November 2000. • Reports, materials, memos, documentation etc. about presentation, in July 2000, by Joan Russow, Green Party, against SUMAS II project

• Reports, materials, memos, documentation etc. related to allegations by Joan Russow related to the non-compliance with the Biodiversity Convention in the case of Clayoquot Sound from 1993-1995
• Reports, materials, memos, documentation etc. related to the meeting in Whitehorse in August 1992 of Provincial Resource Ministers endorsing both the Framework Convention on Climate Change and the Convention on Biological Diversity
• Reports, materials, memos, documentation etc. related to the reasons for claiming that the Convention on Biological Diversity does not apply to forests.
• Outline of measures taken by the department to embark upon the reduction of Greenhouse gas emissions as undertaken under the Framework Convention on Climate Change
• Outline of consultation process with the Department of Justice related to the enactment of the necessary legislation to ensure compliance with the Framework Convention on Climate change so that the obligation to reduce greenhouse gases to 1990 levels by the year 2000 as incurred in the Framework Convention on Climate Change.
• Outline of procedures within the Department for implementing international obligations and commitments arising from UN Conventions, Treaties, and Conference Action Plans
• documentation, comments, memos related to article, in the Calgary Herald in October/November 1998, related to climate change and the government caving into the oil industry
• documentation, comments, memos, related to submission with Jack Locke of a letter related to Shell's reluctance to reduce greenhouse gas emission
• documentation, comments, memos related to a letter written to Shell in November 1998, criticizing shell for their destruction of OGONI land in Nigeria, and their responsibility in the death of Ken Wiwa.
• Documentation, comments, memos related to a letter written to Shell related to inappropriate support of oil investment in Iran

Thank you for assisting me in obtaining this information

Yours truly

Joan Russow (PhD)1 (250) 598-0071

204. 18 APRIL 2002: RESPONSE FROM CSIS TO MARCH 29, 2002 REQUEST

Our file 117-2002
Joan E. Russow
1230 St. Patrick St
Victoria, B.C.
V8S 4X4

Dear Ms. Russow:

This refers to your access to information Act request of March 29, 2002 received on April 11, 2002. Further to your April 12, 2002 telephone conversation with Mr. Horne of this office, we are not able to process your request at this time; your five dollars cash and correspondence are therefore returned herewith. Section 6 of the Access to Information Act provides that:

A request for access to a record under this Act shall be made in writing to the government institution that has control of the record and shall provide sufficient detail to enable an experiences employee of the institution with a reasonable effort to identify the record

As discussed, your request of March 29, 2002 in fact concerns a number of different subjects. In order that possible records related to a request may be located with reasonable effort, the description of the requested information needs to be more focused. As also discussed, however, we wish to reassure you that we are proceeding with your April 10, 2002 Privacy Act request (file numbers 116-2002-04 to 007).

You are entitled to register a complaint with the Information Commissioner concerning your request. If you wish to exercise this right, notices of complaint should be addressed to: Information Commissioner, Tower “B”, place de Ville, 112 Kent Street, Ottawa, Ontario K1A 1H3

Yours truly

Laurent Duguay
Access to Information and Privacy coordinator

205 **APRIL 2002:** REVISED ACCESS TO INFORMATION REQUEST TO CSIS

ATTENTION: KEN HORN
PO Box/CP 2430 Station/Succursal “D”
Ottawa, on KIP %W% 613-990-8441

ACCESS TO INFORMATION REVISED REQUEST CSIS
1 a. Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights
b. Information about Joint division (see diagram below) which prepared a list of Activist groups Documentation advising the Military on scope, legalities and propriety of the question of screening "activists" from CF, and who gave the mandate to DG Secur to prepare a list of activist groups
c. Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening "activists" from CF, and the nature of records and open sources used in preparing lists for D. Secur OP—Specifically sources for including Joan Russow and /or the Green Party of Canada
d. Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act. and criteria used by the Targeting and Resource Committee (TARC) related to domestic activists
e.. Copy of legal document from Minister of Justice: Re: preparing a list of activists and related to the list of domestic activists vetted by TARC and reviewed by the Minister of Justice
Given that TARC focuses on the leadership of designated groups and issues a Report, copy of report issued on Joan Russow as the leader of the Green Party of Canada or the Report issued to justified the Green Party of Canada being placed on a **list** …
As CSIS does not investigate the full membership only the leader, and given that as a result of consultation with CSIS, The Green Party was listed in D- Secur Lists D-Secur Ops 2, documents related to this process
f. Guidelines for deciding at which point in the extremist/activist continuum activities become unacceptable , for determining what constitutes the definition of “crime”, for delineating the role of OPI and SIV
g. Documents related to CSIS “ endorsement of the Department of defence establishing a screening process excluding activist groups from apply for positions within the Military: List developed in 1993 in response to the Somali Inquiry.

(h) Documentation, memos, reports written in relation to opponents to CANDU reactor sales to China, or Turkey, of the linking between CANDU reactors, uranium mining and the development of nuclear arms. Documentation, memos, reports written in relation to opponents of Shell's destruction of Ogoni land in Nigeria, and to Shell's role in the death of Ken Wiwa
(i) Documentation memoirs, reports written in relation to opponents to forest practices in British Columbia

Than you for acting on this request

Yours truly
Joan Russow 1 250 598-0071

206. 29 APRIL 2002: RESPONSE FROM PRIVY COUNCIL ACCESS TO INFORMATION REQUEST.

NOTE; that exemption sections were used by the PCO to exclude Christine Price's assertion that it was a direction from the PMO- information that Russow already had from the transcripts of the APEC commission

Government of Canada
Privy Council Office

April 29
Ms Joan Russow
1230 St. Patrick Street
Victoria, BC
V8S 4Y5

Dear Ms Russow:
This is in response to the following request you made under the Access to Information Act:

A-2001-0272
Reason for giving direction to the RCMP in 1997 to prevent Russow from attending APEC-November 1997. Reason for Russow on the APEC threat assessment group(s).

a-2001-0273: Amended February 18, 2002
Information about the direction to Christine Price from Brian Groos who stated that the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list in 1997.
A. Detailing of reasons for pulling Russow's pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists) . Information about groups placed on the Military intelligence list compiled at the request of Robert Fowler during the Somali Inquiry
C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)

The Privy Council Office received your requests on February 5, 2002 and February 6, 2002.

We have now complete the processing of your requests. Please find enclosed a copy of the records. Your will not that certain information has been withheld from disclosure. This information has been withheld pursuant to sections 15 (1) (a) (information obtained or prepared by an investigative body), and 16 © (injurious to the enforcement of any law) of the Act. A copy of these sections has been enclosed for your information.

You are advised that you are entitled to bring a complaint regarding the processing of your request to the Information Commissioner (22nd Floor, 112 Kent Street, Ottawa, Ontario K1A 1H3). The Access to Information Act allows a complaint to be made up tone year from the time the request was received by the government institution.

Yours sincerely,

Ciuineas Boyle.

207. 8 MAY 2002: COMPLAINT, TO ACCESS TO INFORMATION COMMISSIONER, FILED AGAINST PRIVY COUNCIL

1230 St Patrick St.
Victoria, B.C.
V8S 4Y4

John Reid
Office of the Information Commissioner of Canada,
112 Kent St.
Ottawa, On,
K1A 1H3
Fax: 1 613 995 1501
May 8, 2002

Dear Mr. Reid:

I wish to file a complaint related to the information that I received from the Privy Council. As you can see they have used Article 16 to deny me access to pertinent information. The only information that they gave me was information that I received previously about two years ago.

I received a letter, from the Privy Council indicating that it would cost them $60 to do the research, but they would only charge me $30.

Could you please address the issue of the misuse of Article 16 related to the release of information. The section does not apply to me because I have not engaged in any of the activities that would justify using the exemption clause.

Could you also please send me a copy of the Access to Information Act.

Please find enclosed the relevant information.

Yours truly
Joan Russow, PhD
1 250 598-0071

208. 10 MAY 2002: COMPLAINT TO THE PRIVACY COMMISSIONER RADWANSKI ABOUT FAILURE OF SOLICITOR GENERAL TO RELEASE INFORMATION

Office of the Privacy commissioner

Of Canada

112 Kent St.
Ottawa, On. KiA 1H3
Fax 1 613 995 8210

1230 St. Patrick St.

May 10, 2002
Attention: Joyce McLean

I would like to file a complaint about the failure of the Solicitor General to release information that has been held on me. The Department continues to use exclusionary clauses.

Please find enclosed:
My letter to the Solicitor General and his response.

Yours truly

Joan Russow (Ph.D)
1 250 598-0071

209. 10 MAY 2002: ACCESS TO INFORMATION REQUEST TO DEPARTMENT OF INDUSTRY RE; ROLE OF ETHICS COMMISSIONER

INDUSTRY CANADA
255 Albert Street
11th Floor
Ottawa, Ontario

Dear Mrs. Russow:

This is in reply to your revised request under the Access to Information Act (the Act) for documents pertaining to the appointment procedures of the Ethics Counselor, the 1997 APEC meeting and Jane [Joan] Russow.

The office of the Ethics Counselor under the delegated authority from the Minister for the administration of the Act has completed the processing of your request. Enclosed you will find a copy of the records responsive to your request.

Please note that no additional fees have been charged to you in the processing of your request as they amounted to less than our $ 25.00 guideline. These fees have, therefore been waived by the department.

For your information, you are entitled to file a complaint with the Information Commissioner on matters relating to the administration of the Act. Any complaint must be filed within one year of the date your complete request was received by this office, namely January 23, 2002. Notice of complaints should be sent to: The Information Commissioner, 22nd Floor, Tower B. Place de Ville, 112 Kent Street, Ottawa, Ontario, KIA 1H3.

Please do not hesitate to contact denies Vaillacourt at 613 941 8431 who will be pleased to refer you to the appropriate official in the office of he ethics counselor if you have any questions regarding your request

Sincerely,

KIMBERLY EADIE SIGNED CATHY LECLERC
DIRECTOR

210. 13 MAY 2002 RESPONSE FROM ACCESS TO INFORMATION IN NATURAL RESOURCES

A-2002-OOO50/TEAM3

Dear Ms. Russow

This is in response to your Access to Information Act request received on April 29, 2002, for:

Documentation, comments, memos related to an article in the Calgary Herald in October/ November 1998, related to climate change and the government caving into the oil industry; documentation comments, memos, related to a submission with Jack Locke of a letter related to Shell's reluctance to reduce greenhouse gas emission; documentation, comments, memos related to a letter written to Shell in November 1998, criticizing Shell for their destruction of Ogoni land in Nigeria and their responsibility in the death of Ken Wiwa; and documentation, comment, memos related to a letter written to Shell related to inappropriate support of oil investment in Iran.

Please be advised that no record could be located using the department's best efforts, based on the information provided. Please note that you may bring a complaint about any matter related to your request to the Information Commission at 112 Kent Street, 3rd floor, Ottawa, Ontario K1A 1H# Such a complaint must be submitted within one year of the date your request was received by this Directorate. Should you require clarification or assistance regarding you request, please contact Lise Paquin Team 3 of my staff at (6`13) 992-0995, or use our toll free number 1-888-272-8207

Yours Truly

Judith A Mooney
Director
Access to Information Officer

211. 18 MAY 2002: RESPONSE FROM ACCESS TO INFORMATION FROM NATURAL RESOURCES

A-2002-OOO50/TEAM3

Dear Ms. Russow

This is in response to your Access to Information Act request received on April 29, 2002, for:

Documentation, comments, memos related to an article in the Calgary Herald in October/ November 1998, related to climate change and the government caving into the oil industry; documentation comments, memos, related to a submission with Jack Locke of a letter related to Shell's reluctance to reduce greenhouse gas emission; documentation, comments, memos related to a letter written to Shell in November 1998, criticizing Shell for their destruction of Ogoni land in Nigeria and their responsibility in the death of Ken Wiwa; and documentation, comment, memos related to a letter written to Shell related to inappropriate support of oil investment in Iran.

Please be advised that no record could be located using the department's best efforts, based on the information provided. Please note that you may bring a complaint about any matter related to your request to the Information Commissioner at 112 Kent Street, 3rd floor, Ottawa, Ontario K1A 1H# Such a complaint must be submitted within one year of the date your request was received by this Directorate.

Should you require clarification or assistance regarding you request, please contact Lise Paquin Team 3 of my staff at (6`13) 992-0995, or use our toll free number 1-888-272-8207

Yours Truly

Judith A Mooney
Director

212. 21 MAY 2002: RESPONSE FROM CSIS RELATED TO PRIVACY

Canadian Security ,Service canadien du
Intelligence Service/renseignement de securite

Our file: 116-2002-004 to -007
May 21 , 2002
Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Ms. Russow:

This refers to your Privacy Act request of April 10, 2002, received in our office on April 15, 2002. Based on information contained in your request, please be advised the personal information banks listed below were searched on your behalf with the following results:

SIS PPU 005 Security Assessments/Advice - Please find enclosed a copy of the information being disclosed under subsection 12(1) of the Privacy Act. Some of the information has been exempted from disclosure by virtue of section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), of the Act.

SIS PPU 015 Canadian Security Intelligence Service Records - No personal information concerning you was located in this bank.

SIS PPU 020 Access Request Records - No personal information concerning you was located in this bank.

SIS PPU 045 Canadian Security Intelligence Service Investigation Records - The Governor-in-Council has designated this information bank an exempt bank pursuant to section 18 of the Privacy Act. If the type of information described in the bank did exist, it would qualify for exemption under section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), or 22(1)(a) and/or (b) of the Act.

You may wish to avail yourself of the provisions established by paragraph 12(2)(a) of the Act to request a correction in respect of an error or omission in the record disclosed to you. In this regard, please find enclosed Notification of the Right to Correct, and Record Correction Request forms.

P.O. Box 9732, Station "T", Ottawa, Ontario K1G 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

Our files: 116-2002-004 to -007

Should you wish to obtain clarification concerning your request, please use the information at the bottom of this letter to either call or write us. Please provide the file number at the top of this letter for reference purposes.

You are entitled to register a complaint with the Privacy Commissioner concerning your request. If you wish to exercise this right, notice of complaint should be addressed to: Privacy Commissioner, Tower `B', Place de Ville, 112 Kent Street, Ottawa, Ontario, KIA 1H3.

Yours truly,

Laurent Duguay
Access to Information and Privacy Coordinator
Attachments

213. **MAY 21, 2002:** RESPONSE FROM CSIS ACCESS TO INFORMATION

Our file: 116-2002-004 to -007
18: 19
2505980071
GLOBAL COMPLIANCE PAGE 02

Canadian Security Service canadien du renseignement de securite
intelligence Service

May 21, 2002
Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Ms. RUSSOW:
This refers to your Privacy Act request of April 10, 2002, received in our office on April 15, 2002.
Based on information contained in your request, please be advised the personal information banks listed below were searched on your behalf with the following results:

S IS PPU 005 Security Assessments/Advice - Please find enclosed a copy of the information being disclosed under subsection 12(1) of the Privacy Act. Some of the information has been exempted from disclosure by virtue of section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), of the Act.

SIS PPU 015 Canadian Security Intelligence Service Records - No personal information concerning you was located in this bank.

SIS PPU 020 Access Request Records - No personal information concerning you was located in this bank.

STS PPU 045 Canadian Security Intelligence Service Investigation Records
- The Governor-in-Council has designated this information bank an exempt bank pursuant to section 18 of the Privacy Act. If the type of information described in the bank did exist, it would qualify for exemption under section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), or 22(l)(a) and/or (b) of the Act.
You may wish to avail yourself of the provisions established by paragraph 12(2)(a) of the Act to request a correction in respect of an error or omission in the record disclosed to you. In this regard, please find enclosed Notification of the Right to Correct, and Record Correction Request forms.
P.O. Box 9732 Station "T". Ottawa, Ontario KIG 4G4C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903Fax: (613)842-1271

Our files= 116-2002-004 to -007
Should you wish to obtain clarification concerning your request, please use the information at the bottom of this letter to either call or write us. Please provide the file number at the top of this letter for reference purposes.
You are entitled to register a complaint with the Privacy Commissioner concerning your request. if you wish to exercise this right, notice of complaint should be addressed to: Privacy Commissioner, Tower `B', Place de Ville, 112 Kent Street, Ottawa, Ontario, KIA 1113.
Yours truly,

Laurent Duguay
Access to Information and Privacy Coordinator
Attachments
P.O. Box 9732. Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Suecuisale "T-,Ottawa (Ontario) K1G 4G4 Tel: (613) 231-0107 1-877-995-9903Fax: (613)842-1271

214. 28 MAY 2002: LETTER TO ACCESS TO INFORMATION TO THE ETHICS COMMISSIONER

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4

John Reid,
Access to Information Commissioner,
112 Kent St

Ottawa, Ontario, K1A 1H3
Canada
faxed May 28, 2002
1 613- 995-1501

Dear Mr. Reid
On March 28,2002 I filed the following request to the Ethics Counselor in Industry Canada : I have outlined in bold the requests that have not been addressed:

This is to follow-up our phone conversation on March 28 2002 about my access to information request:

1. Documentation on the appointment procedures for the Ethics Commissioner, for the mandate of the Ethics Commissioner, and for definitions of Conflict of Interests
2. Documentation on procedures followed when there is a request to "speak truth to power" related to the Prime Minister's direction to the RCMP
3. Evidence of an investigation carried out by the Ethics Commissioner on the Prime Minister's interference with the functioning of the RCMP at APEC in 1997
4. Evidence of conflict of interest in Prime Minister's instruction to the RCMP to prevent a leader of another political party from attending a meeting
5. Evidence of the reasons supporting the decline by the Ethics commissioner to investigate Joan Russow's request
(i)to examine the conflict of interest of the Prime Minister, or his office giving a directive to the RCMP to prevent a leader of a registered political party, Dr Joan Russow, from attending an event, and bringing about the defamation of Russow's character by placing Russow on a threat assessment list.
(ii) to investigate the conflict of interest of Brian Groos, a friend of David Anderson, acting on behalf of the government in instructing the RCMP to prevent Russow, who had run in an election against David Anderson in the 1997 election, and to contribute to Russow being placed on an RCMP threat Assessment list, which has brought about the defamation of Russow's character.

On May 10, 2002 I received a response: In their response to my request they sent me the following:
1. a letter that I had sent the Ethics Counselor on March 4, 2002 when I called for an investigation into conflict of interest on the part of the Rt Honourable Jean Chrétien. In that letter I had mentioned a CBC interview
2. a transcript of the interview on CBC which I did not ask for

Yours truly

Joan Russow1230 St Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

215. 28 MAY 2002: COMPLAINT TO ACCESS TO INFORMATION COMMISSIONER RE DEFENCE

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4

John Reid,
Access to Information Commissioner,
112 Kent St
Ottawa, Ontario, K1A 1H3
Canada
faxed May 28, 2002
1 613- 995-1501

Dear Mr. Reid

I would like to file a complaint related to the fragmented information received through the Access to Information request sent to the Department of Defence.

The Department of Defence, in its May 13, 2002 response, failed to address the following parts of the request sent on April 20, 2002:

• Documentation, comments, memos, etc. of groups submitting briefs to the Commission on the Expropriation of Nanoose hearings Spring/Summer 1999
• Documentation, comments, memos etc. on citizens who wrote affidavits for the court case related to the call for an Environmental Assessment review of nuclear powered or nuclear capable vessels in the urban harbour of Victoria in 1991 and 1992
• Documentation, comments, memos related to criticism by activists related to the sale of CANDU reactors to China, and potential sale to Turkey
• Documentation about the Vancouver Island peace society and the law suit against the Federal Government filed in 1990, with litigants Anne Pask and Greg Hartnell, in Federal Court and a subsequent appeal to the Federal Court of Appeal, and a ;leave to appeal to the Supreme Court of Canada

As a result of a previous privacy request to the Department of Defence, I became aware of references to me within the Department of Defence to protests against the circulation and berthing of nuclear powered and nuclear armed vessels; protests against Nanoose; protests against the HMCS Calgary leaving for Iraq.

Given that throughout the Access to Information and Privacy requests, the government has used exemption clauses related to "military and international security".

It would appear that the Department of National Defence has failed to make a distinction between legitimate dissent/the right to assemble and threats to military and international security.

By designating a leader of a registered political party as a threat to military and international security, the Department of defence is in violation of the "right to assemble" under the Charter of Rights and Freedoms, and has discriminated on the grounds of "political opinion"--a ground listed in the International Covenant on Civil and Political Rights, to which Canada is a signatory.

I expect that you will address this matter with urgency.

Yours Truly

Joan Russow (PhD)
1- 250 598-0071

216. 29 MAY 2002: COMPLAINT TO PRIVACY COMMISSIONER ABOUT CSIS

Privacy Commissioner, Tower :B" Place de Ville, 112 Kent Street, Ottawa, Ont. KIA 1H3
May 29, 2002

I would like to register a complaint concerning my privacy request. See enclosed response: Please note that CSIS has used section 21 to deny me access to personal information under the following section:

CSIS PPU 005 Security Assessments/Advice. - Please find enclosed a copy of the information being disclosed under subsection 12 (1) of the Privacy Act. Some of the information has been exempted from disclosure by virtue of section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), of the Act.

CSIS under the act is not entitled to investigate citizens who have engaged in legitimate dissent. As a citizen who has never been arrested or accused of a criminal offence I have a right to know, what information has been deemed by CSIS to fall under the exemption clause section 21.

In addition even though under. SIS PPU 045 is designated by Governor-in- Council exempt. I have a right to know whether or not there is information in this bank relating to me. If there is not, I should be told and if there is information I should be given this information.

I attended an important meeting recently in Winnipeg on Access to Information. At the meeting, it was indicated that Canada is one of the few countries in the Commonwealth that retains an exemption for cabinet documents.

The failure to release personal information on a former leader of a registered political party creates the perception of conflict of interest, and could be deemed to be discrimination on the grounds of "political. opinion" under the International Covenant of Civil and Political Rights to which Canada is a signatory

Please give this your immediate. attention.

Yours truly,

Joan Russow (PhD) 1 250 598-0071

217. 29 MAY 2002 :RESPONSE FROM PRIVACY COMMISSIONER

Office of the
Privacy Commissioner of Canada
112 Kent Street Ottawa, Ontario KIA 1H3 Tel: (613) 995-8210 Fax: (613) 947-6850 1-800-282-1376
www.privcom.gc.ca
Commissariat
a la protection de
la vie privee du Canada
112, rue Kent Ottawa (Ontario) KIA 1H3
Te1-:(613) 995-8210 Telex.: (613) 947-6850 1-800-282-1376 www.pnvcom-gc.ca

May 29, 2002
Joan Russow 1230 St. Patrick St. Victoria BC V8S 4Y4
Dear Joan Russow:

I am writing further to your fax received on May 29, 2002, which was addressed to the Privacy Commissioner of Canada, Mr. George Radwanski. Mr. Radwanski has asked me to acknowledge receipt. Once we have reviewed your correspondence in greater detail, we will respond to you as soon as possible.

In the interim, should you require further assistance, do not hesitate to call our office during normal working hours at (613) 995-8210 or 1-800-282-1376 and ask to speak to an Inquiries Officer.

Joyce McLean Manager, Inquiries Unit

218. 24 JULY 2002: RESPONSE FROM DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTE: DFAIT has now confirmed that Brian Groos worked for them at APEC. Previously, and senior advisor to the Minister of Foreign Affairs claimed that Brian Groos was unknown in the Department and had not worked for DFAIT at APEC.

Department of Foreign Affairs and International Trade
Lester B. Pearson
125 Sussex Drive
Ottawa, Ont.

July 24, 2002

Dear Ms Russow

RE: Access to information Request no. A-2001-00400 / aeb

We have completed process your request under the Access to Information Act for;
1. a information about Brian Groos, including data about the nature of his role at APEC in 1997, and the reason that there was a directive from the Prime Minister Office through Brian Groos to ensure that Russow was prevented from attending APEC. And information surrounding the fear of Brian Groos being dismissed from a position he eventually held with Foreign Affairs if Brian Groos spoke about Russow to the media
b. information about RCMP Threat Assessment Group list and APEC and the sharing of these lists nationally and internationally.
c. Information about the reason for Foreign Affairs issuing a statement in 1982, indicating that the procedure in Canada was to ensure that the necessary legislation was in place before signing and ratifying international agreements when Canada has failed to include politics as a ground for which there shall not be discrimination [politics was included in the International Covenant of Civil and Political Rights"]
d information about what would constitute "exhausting all domestic remedies" as indicated under the "optional Protocol" of the International Covenant of Civil and Political Rights.

The request was received in this office on February 4, 2002 and was assigned the above reference number

We are enclosing a copy of the Statement of Duties performed by Brian Groos at APEC in 1997 requested in item [IT WOULD APPEAR THAT FOREIGN AFFAIRS WORKING CLOSELY WITH PMO AT APEC] a) of your request. WE have no further information or documents relevant to item a) or b) and we did not locate specific documents relating to the 1982 “statement requested in item c) of your request. [NOTE IN 1982; THE DEPARTMENT OF FOREIGN AFFAIRS FAXED ME A COPY OF THE 1982 COMMUNIQUÉ]

With respect to item d), the question pertains to how the UN human Rights Committee, the body which is responsible for ensuring compliance with International Covenant, interprets the provisions of that instrument. You should contact the UN Office in Geneva or the UN Website to obtain documents on this issue produced by the Committee.

You are entitled , if you wish, to file a complaint with the Information Commissioner concerning your request. In accordance with section 31 of the Act , a complaint to the Commissioner must be made in writing within one year of the date of our receipt of your original request. The address is:
The Honourable John M. Reid. P.C.

If you have any questions, please contact Arthur Benoit at (613) 944-7120

Yours sincerely

Barbara Richardson

219. 4 JUNE 2002: RESPONSE FROM LAWRENCE MACAULAY ABOUT CSIS AND EXEMPTIONS IN THE ACCESS TO INFORMATION ACT

Solicitor General
4 June 2002
Dr. Joan Russow
1230 St. Patrick St.
Victoria, British Columbia
V8S 4Y4
Dear Doctor Russow:

I am replying to our correspondence of April 4, 2002, regarding your rights as to the nature and extent of the information about you that cannot be released.

The Canadian Security Intelligence Service has advised me that it has fulfilled its obligations within the parameters of the Access to Information and Privacy Act. I have also been informed that your complaint was dealt with by the Security Intelligence Review Committee which concluded that your allegation was unfounded.

I trust that this information will asset in clarifying our position on this matter.

Sincerely,

Lawrence MacAulay, PC, MP

Response to letter sent April 4 2002
FAX 613-990-9077, FAX: 613 993 7062
Hon. Lawrence MacAulay, Solicitor General of Canada
Sir Wilfred Laurier Bldg
340 Laurier Ave. W.
Ottawa, Ont. K1A OP8 April 4. 2002

Dear Minister,

In your submission to the Senate on Bill 36, the Anti-terrorism Act, you stated that "it is now crystal clear that the scope of any threat to our way of life means that more must be done now and in the future."

Through the Freedom of information process within your department, I received information that there is information about me that cannot be released. This information has been excluded under existing legislation as being related to military and international security.

You indicated in your presentation to the Senate that "there are strong mechanisms already in place that will continue to ensure effective control and accountability The Courts and civilian oversight bodies provide essential checks and balances to ensure the integrity of the police [RCMP, CSIS as well?] the freedom to question any perceived wrongdoing is central to a law enforcement system that reflects and protects our core values of freedom, democracy and equality. "

I believe that I have the right to know the nature and extent of the information that is contained in your files so as to correct whatever information, on me, that you have interpreted as being contrary to "our core values of freedom, democracy, and equality, or being "a threat to our way of life"

It is against the CSIS act to target citizens engaged in legitimate dissent.

For years, I have been attempting to remove what I perceive to be threats to our way of life, such as government and corporate practices that destroy the environment, that contribute to the escalation of war and conflict, that endanger the health of citizens, that deny social justice and that violated human rights.

I believe that you misled the Senate in claiming that there are strong mechanisms in place.. . " when your department relies on exclusionary clauses within the Privacy Act, and within the Access to Information Act to deny a citizen the right to know what personal information is being deemed to a threat to military and international security.

I hope that you will address this matter immediately.

Yours truly

Joan Russow (Ph.D)
1230 St Patrick St Victoria, B.C. V8S 4Y4 1 250 598-0071

220. **4 JUNE 2002:** RESPONSE FROM CSIS RELATED TO ACCESS TO INFORMATION

Canadian Security Intelligence Service
Service canadien du P T renseignement de securite

Our file: 117-2002-006

Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4
June 4 2002

Dear Ms. Russow:

This refers to your Access to Information Act request of April 20, 2002, received on May 6, 2002.
A receipt for your $5.00 application fee is attached
A record search was completed on the basis of the information provided by you, with the following results:

(a) Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the DND compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights - No record was located.
(b) Information about Joint division which prepared a list of Activist groups and documentation advising the DND on scope, legalities and propriety of the question of screening "activists" from CF, and who gave the mandate to DG Secur to prepare a list of activist groups - No record was located.
(c) Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening
"activists" from CF, and the nature of records and open sources used in preparing lists for D. Secur OP--Specifically sources for including the Green Party of Canada - No record was located.
(d) Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act. 11. and criteria used by the Targeting and Resource Committee
(TARC) related to domestic activists - All the information requested has been exempted from disclosure by virtue of one or more of sections 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities) and 19(1) of the Act.
P.O. Box 9732, Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271
(e) Copy of legal document from Minister of Justice: Re: preparing a list of activists, and related to the list of domestic activists vetted by TARC and reviewed by the Minister of Justice - No record was located.
(f) Guidelines for deciding at which point in the extremist/activist continuum activities become unacceptable, for determining what constitutes the definition of "crime", for delineating the role of the OPI and SIV - No record was located.
(g) Documents related to CSIS' endorsement of the Department of defence establishing a screening process excluding activist groups from applying for positions within in the Military; List developed in 1993 in response to the Somali Inquiry - No record was located.
(h) Documentation, memos, reports written in relation to opponents to CANDU reactor sales to China, or Turkey, or the linking between CANDU reactors, uranium mining and the development of nuclear arms - **Pursuant to subsection 10(2) of the Act, we neither confirm nor deny that the records you requested exist. We are, however, advising you, as required by paragraph 10 (1)(b) of the Act, that such records, if they existed, could reasonably be expected to be exempted under one or more of sections 13(1), 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), 16(1)(a), (b) or (c), 19(1) or 24 of the Act.**
(i) Documentation, memos, reports written in relation to opponents of Shell's destruction of Ogoni land in Nigeria - Pursuant to subsection 10(2) of the Act, we neither confirm nor deny that the records you requested exist. We are, however, advising you, as required by paragraph 10(1)(b) of the Act, that such records, if they existed, could reasonably be expected to be exempted under one or more of sections 13(1), 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), 16(1)(a), (b) or (c), 19(1) or 24 of the Act.
(j) Documentation memos, reports written in relation to opponents to forest practices in British Columbia - All the information requested has been exempted from disclosure by virtue of one or more of sections 13(1), 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities) and 19(1) of the Act.

Please note that your request for personal information concerning you has been processed under the Privacy Act. Pursuant to subsection 8(1) of the Privacy Act, any request for personal information about

another individual must be accompanied by a letter of consent signed by that individual authorizing the disclosure of his or her personal information to you.
P.O. Box 9732, Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

Should you wish to obtain clarification concerning your request, please use the information at the bottom of this letter to either call or write us. Please provide the file number at the top of this letter for reference purposes.

You are entitled to register a complaint with the Information Commissioner concerning your request. If you wish to exercise this right, notice of complaint should be addressed to: Information Commissioner, Tower "B", Place de Ville, 112 Kent Street, Ottawa, Ontario, KIA 1H3
Yours truly,

Laurent Du Duguay
Access to Information and Privacy Coordinator
P.O. Box 9732, Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

221. 23 FEBRUARY 2003: RESPONSE FROM PRIVACY COMMISSIONER TO REQUEST FROM FEBRUARY 10 AND FEBRUARY 22 2002

Privacy Commissioner of Canada
112 Kent, Street Ottawa, Ontario K1A 1H3
Tel.: (613) 995-8210 Fax: (613) 947-6850 1-800-282-1376 www.privcom.gc.ca
Commissaire a la protection de la vie privee du Canada
112, rue Kent Ottawa (Ontario) K1 A1 H3
TEL.: (613) 995-8210 Telec.: (613) 947-6850 1-800-282-1376 www.privcom.gc.ca

Our Files:
5100-12039/001 (RCMP)
5100-12042/001 (Solicitor General Canada) 5100-12236/001/002 (CSIS)
Dr. Joan Russow 1230 Patrick Street Victoria, BC V8S 4Y4

FEB 23 2003

Dear Dr. Russow:

This letter constitutes my findings with regard to your Privacy Act complaints against the Royal Canadian Mounted Police (RCMP), Solicitor General Canada and the Canadian Security Intelligence Service (CSIS). In correspondence from you dated February 10, February 22 and May 29, 2002 you complained that you did not receive all the personal information you requested to obtain from these government institutions. For the sake of clarity I will respond to each complaint individually.
Royal Canadian Mounted Police - 5100-12039/001

We confirmed during our investigation that in March 2001 you requested all your personal information held by the RCMP since 1963, including any material that would explain why you were placed on a threat assessment list. You indicated to the RCMP that you wanted it to search its records in Ottawa, Kelowna, Vancouver, Clayoquot and Victoria. The RCMP conducted a search of these locations and was able to locate one file that related to your request. This file concerned your complaint against the RCMP that some unidentified members acted inappropriately when you were refused a security clearance to attend the APEC Conference in Vancouver in 1997.

The RCMP sent some information to you on April 5, 2001, and advised you that a portion was exempted under section 26 of the Privacy Act. The RCMP also advised you that it was consulting other institutions with regard to the remainder of the information related to your request.

Section 26 provides that a government institution must refuse to disclose personal information about individuals other than the individual who made the request. Thus, personal information concerning other individuals mixed with that of your own must be withheld from you on the basis that you are entitled under the Privacy Act only to information concerning yourself. This provision was applied to some information, which is personal information about other individuals as defined in section 3 of the Act. Thus, the RCMP had no option but to refuse you access to it.

As a result of its consultations with other institutions, the RCMP sent additional information to you on June 14, 2001, and advised you that a portion of it was exempted under paragraph 22(1)(a) of the Privacy Act. Paragraph 22(1)(a) provides that a government institution may withhold personal information if it was obtained or prepared by an investigative body in the course of a lawful investigation. Unlike other exempting provisions of the Privacy Act, paragraph 22(1) (a) does not contain an injury test. In order to claim this exemption, the RCMP need only demonstrate that the information at issue is less than 20 years old and that it was prepared or obtained by an investigative body listed in the Privacy Regulations for the purpose of detecting, preventing or suppressing crime. The RCMP is listed as an investigative body in Schedule III of the Privacy Regulations, and I can confirm that the other criteria required by the provision have also been satisfied.

During our review, it was noted that the RCMP had neglected to send you all the information it intended to disclose to you, specifically one document that had been the subject of its consultations. After bringing this to the **RCMP's attention, it sent you a copy of this document on November 7, 2002, subject to the removal of limited information under section 21 of the Privacy Act.**

Section 21 allows a federal institution to deny access to personal information which, if revealed, could be injurious to the conduct of international affairs, the defence of Canada or any of its allies, or the efforts of Canada towards the detection, prevention or suppression of subversive or hostile activities. For example, information related to the role or function of CSIS, or information prepared or obtained for the purpose of intelligence relating to the detection, prevention or suppression of subversive or hostile activities must be protected.

Upon review, I have concluded that the RCMP had sufficient authority to justify its refusal to grant you access to some personal information pursuant to sections 21, 22(1)(a) and 26 of the Privacy Act. However, as the RCMP did not initially provide you with all of the personal information you were entitled to receive in response to your request, I have also concluded that this complaint is well-founded. Now that you have received additional information, I consider the matter resolved.

Solicitor General Canada - 5100-12042/001

We confirmed that the Department of the Solicitor General received your Privacy Act request on January 23, 2002. You sought to obtain all information as to why you and other activists were placed on a threat assessment list for the 1997 APEC Conference. You were also seeking information about a directive from an official of the Prime Minister's Office to place you on the list and information related to the distribution of that list.

The Department responded to your request on February 18 and granted you access to all of the information it located in its files related to your request, except for a portion of one document that was exempted under section 21 of the Privacy Act.

I have reviewed the information exempted under this section and I am satisfied that it meets the requirements of the Act. Accordingly, I have determined that you were not denied a right of access in this instance. Your complaint, therefore, is not wellfounded.

Canadian Security Intelligence Service - 5100-12236/001/002

We confirmed that following an exchange of correspondence last April, CSIS advised you on May 21 of the results of its search for your personal information maintained in four personal information banks. You had indicated that you were seeking information about yourself, as well as information about the leader of the Green Party of Canada and yourself as co-ordinator of the Global Compliance Research Project. You requested that CSIS search for this information in four personal information banks - SIS PPU 005, SIS PPU 015, SIS PPU 020 and SIS PPU 045. Not satisfied that you had received all of the personal information you requested, you asked me to review the matter, particularly CSIS's response with regard

to banks SIS PPU 005 (Security Assessments/ Advice) and SIS PPU 045 (Canadian Security Intelligence Service Investigational Records).

On May 21 CSIS granted you access to your personal information held in its Security Assessments/Advice bank, except for a portion that was exempted pursuant to section 21 of the Privacy Act. Having reviewed the information at issue, I am satisfied that the exemption has been properly applied.

With regard to any information about you held in its bank SIS PPU 045, CSIS informed you that this bank has been designated as an exempt bank pursuant to section 18 of the Privacy Act, and that if the type of information described in this bank did exist, it would qualify for exemption under section 21 or section 22 of the Act.

I can confirm that this bank has been properly designated as an exempt bank (Exempt Personal Information Bank Order No. 14, SOR/92-688, November 26, 1992) in compliance with subsection 18(1) of the Privacy Act. This order stipulates that bank SIS PPU 045 holds files which consist predominantly of personal information described in section 21 and paragraphs 22(1)(a) and (b) of the Act and that-in relation to any files included in the bank on the basis of subparagraph 22(1)(a)(ii}-the applicable laws concerned are the Official Secrets Act and the Security Offences Act. Very stringent criteria must be met in order for a government institution to maintain personal information in an exempt bank. The result is that very few banks have been so designated and every file must be reviewed before it can be placed in an exempt bank. This principle was articulated in the Federal Court case of Ternette v. Solicitor General of Canada, (1984) 2 F.C. 486, 10 D.L.R. (4th) 587, 32 Alts. L. R. (2d) 310.

Subsection 16(2) of the Privacy Act states that a government institution is not required to reveal whether personal information exists-which is what CSIS has done in the case of bank SIS PPU 045. However, paragraph 16(1)(b) also requires that the institution indicate the specific provision of the Act which could reasonably be used to exempt the information if it did exist. CSIS complied with this requirement by advising you that section 21 or section 22 could be used to withhold personal information about you if it exists in SIS PPU 045.

You should know that CSIS provides the same response to all applicants when it receives requests for personal information in bank PPU 045, whether or not the bank holds any personal information about the applicant. By doing so, CSIS hopes to ensure that individuals who constitute threats to the security of Canada cannot discover through a creative series of requests under the Privacy Act whether they have come to--or escaped-its attention. The recent decision of the Federal Court of Appeal in Ruby v. Solicitor General (2000) F.C.J. 779 confirms the right of a government institution to adopt a blanket policy under subsection 16(2) of never disclosing whether personal information concerning an applicant exists in a particular personal information bank.

Although paragraph 65(b) of the Privacy Act prohibits me from either confirming or denying the existence of the requested information in bank SIS PPU 045, I am satisfied that the response you received from CSIS in this case is in accordance with the requirements of the Act and that if information did exist about you in this bank, one or more of the provisions specified by CSIS could be applied.

I realize that this response is likely less than satisfactory to you. However, Parliament has given government institutions the discretion to refuse to indicate whether personal information exists and 1 have no choice but to accept CSIS's authority to respond in the manner in which it did. I might add that the right of a government institution to neither confirm nor deny the existence of personal information has not only been upheld by the Federal Court of Canada in the Ternette and Ruby cases referred to earlier, but also in Jamshid Zanganeh v. CSIS [1989] 1 F.C. 244. The Zanganeh decision further confirmed that this right to secrecy is justified under the Charter.

In summary, I have no basis upon which to conclude that you were denied a right of access under the Act to personal information as a result of CSIS's response with regard to banks SIS PPU 005 and SIS PPU 045. I must therefore conclude that your complaints are not well-founded.

Section 41 of the Privacy Act provides a right to apply to the **Federal Court of Canada for review** of the decision of a government institution to refuse to provide access to personal information. You should be aware that an application under section 41 is limited to establishing that you have been denied a right of access. Having now received my report, you have the right to apply to the Federal Court under section 41 for review of the decisions of the RCMP, the Department of the Solicitor General and CSIS. In each case, the application should name the Solicitor General as respondent and it must be filed with the Court within 45 days of receiving this letter. Should you wish to proceed to the Court, we suggest you contact the Trial Division of the Court office nearest you. It is located at the Pacific Centre, P.O. Box 10065, 700 West Georgia Street, Vancouver, BC V7Y 1 B6, telephone (604) 666-3232.

You should also be aware that the Court has discretion to order that the costs of the other party be paid by you where the Court is of the view that this is appropriate. While this does not happen often, it is a possibility of which you should be aware. Conversely, the Court may order that your costs be paid where the Court finds that your application raises an important new principle.

This completes our investigation of your complaints, and the RCMP, Solicitor General Canada and CSIS have also been informed of the results. If you have any questions, please do not hesitate to contact Mr. Paul Richard, the investigator of record, at 1-800-282-1376.

George Radwanski
Commissioner of Canada

222. 19 OCTOBER 2003: LETTER TO THE HONOURABLE JANE STEWART, MINISTER OF HUMAN RESOURCES
NOTE: ORIGINAL LOST; This is the first page of a draft.

The Honourable Jane Stewart
Minister of Human Resources
e-mailed Min.hrde-drhc@hrdc-drhc.gc.ca
faxed to 1 819-994-0448 October 20, 2003

RE Student Loan 89222:
Joan Russow, nee Stevenson (Social Insurance Number 435-614)

Dear Minister

Unexpected and unforeseen circumstances have resulted in my not being able to repay my student loan.

In 1973, I returned to University to complete my degree. From 1973 to 1996, I brought up four children and completed a BA, A Med , and a PhD. Before finishing my Doctorate, from 1992-1995, I co-taught a course in global issues at the University o Victoria, and in 1995 I received two research grants from CIDA. When I completed my doctorate in 1996, I planned on continuing to work at the University and apply for grants, and to repay my student loan. In 1996, I was told that the course in global issues was not going to be offered in 1996; I presumed, however, that because I had co-developed the course I would be invited back to teach. It was never to happen. I did not succeed in security a position at University or in obtaining a research grant after 199t, but I have been left with a student loan debt of $57,000

When I borrowed money, I had been told that up to $30,000 could be remissible if a student completed a doctorate and if a student had performed community service. On completion of my doctorate I was informed that because my loan was divided into 60% Federal and 40% provincial, I could receive loan remission for only $20,000.

In 1998, with no success in obtaining work or receiving grants, I became increasingly concerned about my ability to repay the $37,000. I became aware of several possible avenues for addressing the heavy debt; to declare bankruptcy, to continue to seen work or to hope that Senator Perrault's recommendation that student could repay their loans through community service would be implemented into government policy. I decided that I would not declare bankruptcy because I believed that if I could get work in my field and that I should and would repay my loan. I also did lobby for the implementation of Senator Perrault's recommendation. Since 1972, I have been concerned about global issues, and have

been involved in community service. In June 1998, I decided that I would try to argue that since 1972, I had been involved in community service and I appealed to the Hon Pierre Pettigrew to implement Senator Perrault's proposal, and take into consideration my years of community service.

In September 1998, I found out, as a result of the APEC the RCMP public inquiry, that I was placed on an RCMP Threat Assessment (TAG) list. I then began to realize that perhaps there was a reason for my not being able to teach at university or to receive grants.
[MISPLACED PAGES OF THE DOCUMENT]

223. 20 JANUARY 2004: COMPLAINT FILED WITH THE PRIVY COUNCIL OFFICE

a. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

b. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

c. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.

d. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate dissent:
e. Information about what actions are to be taken to address the issue of political interference by the Prime Ministers office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
f. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)

224. 23 SEPTEMBER 2004: LETTER TO IRWIN COTLER MINISTER OF JUSTICE

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4
1230 St Patrick
September 23, 2004

Hon Irwin Curler
Minister of Justice and Attorney General of Canada,
Justice Building 4th floor
284 Wellington St.
Otttawa, On. K1A 0H8

cotlerl@parl.gc.ca
Fax 1 613 9907255

Dear Minister Cutler,

At least since 1997, I have been on an RCMP threat assessment list. I found out about this

fact inadvertently during the release of documents during the APEC inquiry. Although I have often been a strong critic of government policy and practices, I have never been arrested and I have never been a threat to any person or to any country.

I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights). I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

However, as an activist from India once stated: nothing is more radical than asking governments to live up to their obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO, SIRC with exemptions under various section being cited such as “information cannot be released for military and international security reasons".

After being refused media access to the APEC conference, I filed a complaint with the RCMP Commission in January,1998. In my complaint I pointed out to the RCMP officers who interviewed me, that I suspected that there had been a directive from the Prime Minister’s office because the his office had pulled the pass of a journalist from Reuters because she had asked a probing question at an APEC press Conference. [I had upset Prime Minister Chrétien when in the 1997 election I asked him to address the issue of Canada’s failure, in many cases, to enact the necessary legislation to ensure compliance with international law]. I was, however, never allowed to appear before the Commission even though the commissioner was aware that there was a directive from the PMO to prevent me from attending the Conference. [an RCMP document in 1998 indicated that the media accreditation desk had received instruction from a Brian Groos from PMO to pull my pass after it had been issued]. I even spoke several times to the lawyers acting for the Commission and to Commission Hughes about my case. I was not even able to appear, even though I pointed out that a constable from the Vancouver police had made a statement, on the stand, that I had behaved inappropriately on a media bus going out to UBC during APEC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference. After the APEC conference, in February 1998 I had a petition placed on the floor of the House of Commons calling for an investigation into the Canadian Government’s disregard for the International Covenant of Civil and Political Rights and in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms or addressed under the Canadian Human Rights Act.

In September 1998, it was brought to my attention that I had been placed on an RCMP APEC threat assessment list of "other activists" . The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the National Post and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I} My being placed on a threat assessment list coincided with the announcement the leader of the German Green party, Joska Fischer’s being named foreign Minister.

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of article, in the National Post and its Affiliates on the Criminalization of Dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther King's accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in David Anderson's office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson's office, had been filed with Elections Canada; Elections' Canada had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics - a ground that is included in the International Covenant of Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a "threat to Canada".

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted.

In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

Apart from two $500 government grants in the Spring of 1996, I have not earned any income. I incurred a student loan of $57,000 when I graduated. Twenty thousand of the amount was granted in

remission for community service by the Provincial government. I then still owed $37,000 to the Federal Government under the Ministry of Human Resources.

I have, however, continued to promote the public trust continually writing and lecturing on common security – peace, social justice, human rights, and the environment.

In 1996, for the Habitat II Conference, I prepared 176 page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories “Sustainable Development”.

The proposed project was the following: A revising of "Sustainable Development" in the context of '"sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

> “ IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.”
>
> "All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.”
>
> "This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.
>
> This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.
>
> IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

Prior to finding out in 1998 that I was on the threat assessment list, even though I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1997 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200 page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated, without remuneration, throughout the years as a stakeholder, in conference calls , in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettygrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that students should be able to repay their loan through community service] and given that I was then 60

years old and my chances for employment were diminishing. He declined. Also, even though, I was then 60, and entitled to my meager Canada pension of $78 per month on the hope I declined to accept the pension on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, and when it was well publicized across the country, I realized that my reputation had been sullied and the chances of my finding work was next to impossible

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often. In 2003, I wrote another letter to the Jane Stewart, the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, the wide publication of this fact, and the stigma attached to being placed on the list prevented me from fulfilling my obligations. I received a phone call from Minister Stewart's office, and was told to deal with the Collection agencies.

With interest I now owe $\67,000. August 2004, I received a phone call from a law firm in Victoria about the Attorney General's taking me to court about the loan, and that a notice would be served to me around mid August. I phoned Human Resources and appealed to them again and they arranged with the law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked, against me, exemption clauses of " military and international security" have been discredited.

This list would include:

(i) Robert Fowler as Deputy Minister of Defence- the originator of the infamous list of groups that the military should not belong to. This list, which was reported in Now magazine, was a **list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND ….**The list included the Green Party

(ii) Andy Scott, for prejudging the APEC inquiry;

(iii) McCauley for accepting benefits;

(iv) Radwanski for misappropriation of funds;

(v) Gagliano for his potential involvement in the Sponsorship scandal;

(vi) Jean Chrétien for his potential involvement in the Sponsorship scandal;

(vii) Howard Wilson for potential bias and not "speaking truth to power".

And as reported today, September 23, 2004, the Department of Justice hired Groupaction even after there had been a warning about Groupaction's incompetency sent from the Treasury Board.

When I appeared in the Federal Court in 2002 I was up against an adept lawyer from the Attorney General's office, and I was scolded by the Federal judge for appearing before the court without sufficient particulars. The judge placed me in a conundrum by stating that he would not grant my claim because I did not have sufficient particulars when it was the crown and numerous government departments represented by the Attorney General that had refused to disclose the particulars. I would think that placing a plaintiff in such conundrum would violate a principle of equity under common law. Similarly, a demand by a government department to fulfill an obligation while creating a situation that makes it impossible to fulfill this obligation would perhaps violate a similar principle of equity. I currently have thousands of pages of data related to my case and I have no idea know how to proceed.

I feel that I have been discriminated against on the grounds of "political opinion"- both small "p" and large "P" political opinion. I appeal to you to address, at the highest level, in some way, the years of injustice and discrimination that I have undergone. I know that under the Optional Protocol of the Covenant of Civil and Political Rights- to which Canada is a signatory, that if I have exhausted all domestic remedies I have the right to take my case before the UN Human Rights Commission charged with the implementation of the Covenant. I believe that I am close to having exhausted all domestic remedies available for justice in Canada.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and to further the public trust. A culture of justice will only occur in Canada when citizens believe that the public trust is furthered without discrimination on any grounds.

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

The following is the Judge Hargrave's decision: 5. The Statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire."
4."S (S?) I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination<POOR SPACING> which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed , I viewed it as an expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum because the lawyer for the Attorney General\ claimed that I did not have sufficient particulars and I responded that after four years of trying, and I showed the 2 inch thick binder, I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33 There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of
Claim is struck out without leave to amend, but
the Plaintiff is free to institute a new action
in conformity with the Federal Court rules should
she so desire.

6. THE counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts.

225. 14 OCTOBER 2004: DEPARTMENT OF JUSTICE ACCESS TO INFORMATION: NOTE: Russow decided because of the many years of speaking out, both nationally and internationally, about Canada's non compliance with international law, and about the dereliction of duty on the part of the Department of Justice , for continually disregarding in the court system, Canada's international obligations and commitments, she decided

to extend my access to information request to the department of justice. It is the Ministry of Justice, that is responsible for the advising the government on the enactment of the necessary legislation to ensure compliance. Canada has signed and ratified the International Covenant of Civil and Political Rights. One of the sections in the Covenant requires Canada to enact the necessary condition to ensure compliance. Under art 2, "politics" is listed as one of the grounds for which there shall not be discrimination. "Political opinion" was not included in the Canadian Charter of Rights and Freedoms. When I raised the Covenant in the Federal Court on January 21, 2002; the reference was treated with derision. The lawyer for the Attorney General's office used a case from 1950s to support and argument that the Courts are not bound by international law agreements signed and ratified by Canada even though Canada is bound to enact the necessary legislation to ensure compliance. Even when I pointed out in my submission that under the Covenant there was a requirement to enact legislation, and that in 1982 the Canadian government informed the international community about

2. Canadian Human Rights Act
It appears that recommendations were made to include Freedom of association
copy of document recommending extending the mandate to include Freedom of association, and politics under the mandate of the Canadian Human Rights Act

Access to Information request
from Dr. Joan Russow
1 (250) 598-0071 (tel. only)
Attention: Kerrie Clark
Access to information Co-ordinator
Department of Justice fax 613-957-2303
284 Wellington St,
Ottawa, on. K1A 0H8

Access to Information Request: October 14, 2004

Department of Justice
(1) Documentation related to legitimate dissent, and discrimination on the grounds of "political and other opinion"

disregard for international law
(a) Expressed rationale for the failure to include political and other opinion in the Charter of Rights and Freedoms". "Political and other opinion" is a listed ground in most international human rights instruments, such as the International Covenant of Civil And Political Rights
(b) Expressed rationale for not requiring the government to abide with the following 1982 commitment to the international community:

1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis a vis International obligations

> Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

(c). Explanation for Attorney General's disregard in the Federal Court for international law: obligations incurred though Conventions, treaties, and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions.

Failure to distinguish legitimate dissent
(d). Justification for the targeting of individuals who are engaged in legitimate dissent
(e). Documentation of criteria used to place citizens on threat lists, and copies of the assessment by the Department of Justice on whether these criteria contravene obligations under the International Covenant of Civil and Political Rights to not discriminate on the ground of political or other opinion.
(f). Documentation related to judicial opinion on what would constitute legitimate dissent under the CSIS Act, and on whether CSIS agents are sufficiently trained to distinguish legitimate dissent from

Political intimidation
(g) Documentation related to a judicial opinion on whether threat assessment lists have been used to intimidate political opponents prior and during elections

Questionable exemptions
(h). Documentation related to a judicial review of exemption clauses used in the Access to Information Act, and Privacy Act
(i) Evidence for Judicial opinion on whether there is an over-reliance on department criteria for determining what would constitute an exemption, "for military and international security reasons", under the Privacy Act and under the Access to Information Act.

lack of independence of Privacy Commissioner and Access to Information Commission
(j) Documentation related to the failure on the part of the Commissioners to fully speak truth to power because they are political appointees, and because they have a mandate to investigate the process rather than the substance of a complaint.

disregard for "right to correction"
(k) (i) Description of remedies available for citizens who have followed all of the above mentioned processes for "the Right to Correction", and removal off lists. [analogous application of international principle affirmed in the International Convention on the Right to Correction].
(ii) Documentation related to the "simple process available" [statement from former Minister of Justice] for those that wish to be removed from lists
(iii) Documentation related to the rationale for citizens' being offered the opportunity of addressing, through the Federal Court, their being placed on lists, coupled with the rationale for citizens being required to pay costs
(1) Explanation and Documentation about the reason that after following all the subsequently listed designated processes a citizen has not been able to find out why the citizen was perceived to be a threat to Canada, and placed on a Threat Assessment List:
(i) RCMP Complaints, RCMP Review, CSIS, SIRC and Federal Court (against the AG)
(ii) Over 60 processes within various government departments, =
(iii) Numerous request for reviews by Privacy Commissioners, and by the Access to Information Commissioner

discrimination of access
(m) Documentation supporting the difference in government policy between access to information for a citizen placed on a "Threat list" and access to information for a citizen placed on a "Terrorist list". In appearing before the committees examining Bill C36 (Anti-terrorism legislation). The former Justice Minister, Honorable Anne McClelland stated: "if someone's name appeared on the Terrorism list", there is an easy process to follow to find out why this occurred".

dissemination of lists
(n). Provisions in place for preventing the exchange of threat list to other states
(o). Documentation of oversight process and judicial opinions related to the commitment made by former Minister of Justice, the Honorable Ann McClelland, re: lists provided by other nations: "We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight."

"In fact we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight" (former Minister of Justice, the Honorable Ann McClelland).

long term impact
(p) Documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists

Selective access to Committees
(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and Senate committees
(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and senate committees [THIS HAD NOW BEEN RESPONDED TO –THERE IS NO GENERAL CRITERIA OF SELECTION]

226. 14 OCTOBER, 2004: REQUEST FOR INFORMATION FROM ACCESS TO INFO AT DEPT OF ENVIRONMENT:

NOTE: in a former request from environment Canada there was reference to Russow calling for the banning of genetically engineered foods and crops. Russow decided to seek a more comprehensive access to information request to determine whether some of the activities that she had engaged in may have caused be to be designated as a threat.

October 14, 2004
1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4

Michael Bogues
Access to Information and Privacy Secretariat
Terrasses de la Chaudiere 10 Wellington St. 4th Floor
Hull Quebec K1A 0H3
FAX 819 997 1781

Dear Mr. Bogues

1. Access to Information about the Department of Environment and international agreements and conferences
a. documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Com for UNCED to raise the issue related to adding the "s" to Indigenous peoples
b. documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' supporting the Federal Government's ratifying of the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;
c, documentation related to the November 1992 meeting of the Provincial Environment Ministers in Alymer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity
d. documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO
e. documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US

f. documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention
g. documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995
h. documentation related to Canada's submission to the Intergovernmental panel on Forests. This proposal was in support of a Convention on Forests rather than including forests under existing Conventions and treaties.
i. documentation related to stakeholder submissions to the consultation process for Rio +5 in 1997
j. documentation related to the Canadian Environmental Network about the selection of ENGOs for the Rio +5 Conference in New York, and about the importance placed by the Federal government on knowledge of Spanish.
k documentation related to the analysis of stakeholder submissions to the consultation process on the Biosafety Protocol, 2003
l. documentation related to the 2002 stakeholder meeting in relation to Canada's position for the World Summit on Sustainable Development
m. documentation related to communication with the Canadian Environmental Network about the selection of ENGOs to be part of the Canadian Delegation at WSSD
n. documentation related to the Government of Canada's position related to the precautionary principle for the 2002 World Summit on Sustainable Development (WSSD)
o. documentation related to the decision to not apply the precautionary principle to the release, production, and export of genetically engineered seeds, foods and crops
p. documentation related to the Government of Canada's WSSD position related to the commitment to promote non renewable energy, and to reduce greenhouse gas emissions.
q. documentation related to the decision to issue an order in Council to bypass the Federal government statutory obligations under the EARP guidelines in order to permit the circulation and berthing of nuclear powered or nuclear capable vessels in Victoria’s urban harbour

copy in mail With the required $5 for the Access request

Yours truly Joan Russow (PhD) 1 250 598-0071

227. 15 OCTOBER 2004: RESPONSE FROM DEPARTMENT OF JUSTICE

Department of Justice
Ottawa, Canada
October 15, 2004

Joan Russow, PhD
1230 St. Patrick Street
Victoria, British Columbia V8S4Y4

Dear Dr. Russow:

On behalf of the Honourable Irwin Cotler, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence of September 23, 2004, concerning your personal situation.

I hope you will understand that Minister Cotler is not in a position to help resolve individual legal matters. As Minister of Justice and Attorney General of Canada, he is the Government’s chief legal advisor. For this reason, he is not able to provide legal advice to members of the public, nor is he able to intervene or otherwise become involved in individual cases. Similarly, neither departmental officials nor members of his staff can provide legal advice to private individuals or become involved in personal matters.

The most useful suggestion that AI can offer, given your situation, is to seek the advice of a lawyer in private practice to determine the course of action that will best serve your needs. If this in not financially possible, you ay wish to consult with legal aid office closest to you to determine whether you qualify for help.

Your correspondence also raises concerns regarding a threat assessment list maintained by the RCMP. The responsibility for this matter falls within the purview of my colleague the Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness. I have , therefore taken the liberty of forwarding a copy of your correspondence to Minister McLellan for her consideration. Thank you for bringing your concerns to Minister Cotler's attention.

Yours sincerely,

Ginette Pilon
Manager
Ministerial Correspondence Unit
cc. The Honourable Anne Mc Lellan, P.C. Mp
Deputy Prime Minister and Minister of Pu8blic safety and emergency preparedness

228. 19 OCTOBER 2004: RESPONSE TO ACCESS TO INFORMATION REQUEST TO THE DEPARTMENT OF JUSTICE

Department of Justice Ministere de la Justice Canada
Access to Information and Privacy Office Telephone: (613) 952-8361 284 Wellington Street, Ist Floor Facsimile: (613) 957-2303 Ottawa, Ontario
Canada KIA OH8
Our file: A-2004-00157 / bf
PROTECTED
October 19, 2004
Ms. Joan Russow
1230 St. Patrick Street
Victoria, British Columbia V8S 4Y4

Dear Ms. Russow:

This is to acknowledge that your request of October 14, 2004, was received in this Office on October 15, 2004. Your application fee was received in this Office on October 19, 2004.
We note that you wish to obtain, pursuant to the Access to Information Act:
documentation related to legitimate dissent (disregard for international law, failure to distinguish legitimate dissent, political intimidation, questionable exemptions, disregard for "right to correction", discrimination of access, dissemination of lists, and long term impact).

The purpose of this letter is to seek clarifications from you in order to locate records responding to your request.

The Access to Information Act creates the right of access to information in existing records. Although your letter includes several items, I would like to clarify that it is not necessary for an institution to create a record in order to respond to a request. It is also not necessary for a Department to retrieve publicly available records, such as library materials, as stated in s. 68 of the Act. Furthermore, section 6 of the Act states that a request for access must provide sufficient detail to enable an experienced employee of the Department with a reasonable effort to identify the relevant records. Generally, it is more difficult to identify records responding to a series of broad items or questions. I would appreciate if you could clarify or rephrase your request and specify which documents are being sought.

Please note that we will put your request in abeyance until we receive additional information from you. If we have not received your reply by November 8, 2004, we will consider the request abandoned and close our file accordingly. Should you wish to discuss your request, do not hesitate to contact me at (613) 952-1224.
Sincerely,

Brenda Freeland ATIP Advisor

229. 1. NOVEMBER 2004: LETTER FROM ACCESS TO INFORMATION COMMISSIONER ABOUT PCO

NOTE: :It is extremely disappointing after all the personal correspondence I have had with Hon John Reid, and written correspondence with his office that Commissioner, that in a note signed by him is the statement :" RCMP allegedly put you on a Threat Assessment list".

Access to Information Commissioner
Our files; 17173/001 and 27173/002
Institution's files 135-2-A-2001-0272/cdb and 135-2-a2001-0273/cdb

Dr. Joan Russow
1230 St. Patrick Street
Victoria BC V8S 4Y4

Dear Dr. Russow:

I write to report the results of our investigation of your two complaints, made under the Access to Information Act (the act) against the Privy Council Office (PCO).

In your requests, you asked for records related to the reasons why the RCMP prevented you from attending APEC-November 1997 and allegedly put you on a Threat Assessment list (PCO file 135-2-A-2001-o272). In PCO file 135-2-A-2001-0273, your asked for information about the direction given to a RCMP official by the PMO to prevent you from attending the APEC summit. This included information about Threat Assessment lists such as: who is on them and who they are shared with. As well you asked for any background on any action being taken to ensure that CSIS, the RCMP and the Prime Minister's office conduct their affairs according to any statutory requirements relating to the monitoring of or interference with a member of a legitimate political party.

On April 29, 2002, PCO denied you access to portions of the requested records claiming exemption under one or more paragraphs 16 (1) (a) and (c) of the Act. On May 8, you complained about PCO's response. On January 10, 2003, you also added to your complaint that PCO's response was incomplete and that you believed more records existed that respond to your requests.

First , let me apologize for the length of this investigating. The delays encountered were primarily the result of our heavy workload, but also because I wanted to ensure that every stone had been turned during the courts of the investigation. Your cooperation and patience are much appreciated.
During the course of this investigation, my staff reviewed every record within the control of the Privy Council's office and the Prime Minister's office related to the Asia-Pacific Economic Conference of 1997 and your two requests. My investigator revisited the search for records originally conducted and , as well conducted a thorough review of every departmental access file that related in any way to the APEC conference. As well, my senior officials interviewed senior officials from the PCO and the PMO. No additional records were found that fall within the ambit of your requests.

As a result of our interventions on December 12 2002, May 22, 2003, and October 13, 2004, PCO disclosed additional information to you. What remains withheld is personal information about a person other than you that is properly withheld under section 19 (1) of the Act.

There fore I am satisfied that the search was thorough and complete and that you have received all the records to which you are entitled to under the Act.

Based on the above, and given that you did receive additional disclosures- albeit small additional disclosures, I will record your complaints as resolved.

Having now received the report of my investigation, you have the right to apply to the Federal Court for a review of the Privy Council Office's decision to deny you access to requested records. Such an application should name the Prime Minister as respondent and it must be filed with the Court within 45 days of receiving this letter. Yours sincerely
The Hon John M. Reid P.C.

230. 1 NOVEMBER 2004: RESPONSE TO THE RESPONSE FROM ACCESS TO INFORMATION COMMISSIONER TO PCO COMPLAINT

DATE REPLY TO ACCESS TO INFORMATION COMMISSIONER'S RESPONSE TO PCO

This is a further response to your November 1 letter , in which you indicated that the PCO was entitled to use the exemptions under article 16 and Article 19 of the Act. I have reviewed the various sections of my Access to Information Request, and have the following concerns:

ORIGINAL REQUEST:

A. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

IN MAY, 1998, SERGEANT WOODS INTERVIEW CHRISTINE PRICE :

"WOODS: NOW WHEN BRIAN GROOS TOLD YOU THAT SHE [RUSSOW] WAS NOT TO GET ACCREDITED AND HE STATED THIS CAME FROM AUDREY GILL,
DID HE GIVE YOU ANY EXPLANATION AS TO WHY

CHRISTINE PRICE; I BELIEVE HE TOLD ME THAT IT WAS AN ORDER FROM THE PMO BUT THAT WAS ALL THAT HE TOLD ME."

IN THE DOCUMENT THAT WAS SENT TO ME BY THE PCO,
CHRISTINE PRICE TESTIFIED THAT SHE LEARNED THAT RUSSOW WAS NOT TO GET ACCREDITATION BECAUSE OF THE PMO. [THE PCO EXEMPTED THE REFERENCE TO THE PMO USING 16]

IT WOULD APPEAR FROM CHRISTINE PRICE'S TESTIMONY THAT THERE WAS AN ORDER FROM THE PMO. THERE MUST BE EVIDENCE SOMEWHERE AS TO THE NATURE OF AND THE BASIS FOR THIS ORDER.

IN MY REQUEST I HAD ASKED FOR "INFORMATION ABOUT THE DIRECTION", AND THE PCO CONFIRMED THAT THERE HAD BEEN A DIRECTIVE FROM THE PMO'S OFFICE BUT THE PCO DID NOT GIVE ME INFORMATION ABOUT THE DIRECTION. PERHAPS IT WAS NOT CLEAR THAT IN USING THE EXPRESSION "INFORMATION ABOUT THE DIRECTION" I WAS EXPECTING CLARIFICATION AS TO THE NATURE OF AND THE REASON FOR THE ORDER COMING FROM THE PMO.

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

AFTER HAVING FOUND OUT THAT I HAD BEEN PLACED ON A RCMP THREAT ASSESSMENT LIST, AND THAT THE GROUP TO WHICH I HAD BEEN A MEMBER HAD BEEN PLACED ON A DEPARTMENT OF DEFENCE LIST, I BECAME LEGITIMATELY CONCERNED ABOUT THE POSSIBLE EXISTENCE OF MULTIPLE LISTS, AND ABOUT THE DISSEMINATION OF THESE LISTS. I BELIEVE THAT THIS REQUEST WAS A LEGITIMATE REQUEST. I HAVE EVERY RIGHT TO KNOW THE RANGE, THE SOURCE, THE EXTENT AND THE DISTRIBUTION OF ANY LISTS WHICH HAVE INCLUDED MY NAME. IF CIRCULATED WHAT ASSURANCE CAN THE CANADIAN GOVERNMENT PROVIDE THAT THESE LISTS DO NOT IN ANY WAY JEOPARDIZE THE SAFETY AND SECURITY OF CITIZENS ON THE LISTS, AND WHAT ASSURANCE CAN THE CANADIAN GOVERNMENT GIVE

THAT ONCE A PERSON PLACED ON A LIST IN CANADA, THAT THIS LIST IS NOT USED TO ASSOCIATE THE PERSON WITH THREATS AS DEFINED IN OTHER NATIONAL JURISDICTIONS. IF DISTRIBUTED, WHAT GUARANTEES CAN THE CANADIAN GOVERNMENT GIVE TO CANADIAN CITIZENS THAT THESE LISTS WILL NOT BE USED BY OTHER GOVERNMENTS OR THEIR AGENCIES TO DEPRIVE CANADIAN CITIZENS OF THEIR CIVIL AND POLITICAL RIGHTS.

C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
IT IS MY UNDERSTANDING THAT THERE MAY HAVE BEEN THE CIRCULATION OF THESE LISTS TO INTERNATIONAL BODIES SUCH AS THE UNITED NATIONS. THERE ARE SERIOUS IMPLICATIONS FOR THE SAFETY OF CITIZENS WHOSE NAMES ARE ON LISTS THAT HAVE BEEN DISTRIBUTED INTERNATIONALLY.
WHAT CONTROL DOES THE CANADIAN GOVERNMENT HAVE OVER THE USE OF THE LIST. WHERE ELSE HAVE THESE LISTS BEEN DISTRIBUTED? THE CIRCULATION OF LISTS IS IN VIOLATION OF THE RIGHT TO SECURITY WHICH IS ENSHRINED IN THE CHARTER.

D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate dissent:

UNDER THE CSIS ACT "THREATS TO SECURITY OF CANADA" ARE DEFINED.

Threats to the security of Canada means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage

b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person
c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and
d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada
but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

IN NO WAY DO I OR HAVE I EVER DONE ANYTHING THAT WOULD JUSTIFY MY BEING DESIGNATED AS A THREAT, AND IT IS QUITE CLEAR UNDER THE CSIS ACT THAT THE DEFINITION OF "THREAT" DOES NOT INCLUDE LAWFUL ADVOCACY, PROTEST OR DISSENT. AM I TO PRESUME THAT THE PMO IS BEING CONDONED FOR GIVING ORDERS TO THE RCMP TO CLASSIFY AS THREATS CITIZENS THAT ENGAGE IN LAWFUL ADVOCACY, PROTEST, OR DISSENT? AM I ALSO TO PRESUME THAT THERE ARE NO PROVISIONS IN THE PCO TO ENSURE THAT CSIS AND THE RCMP ABIDE BY THEIR STATUTORY REQUIREMENTS. IN ADDITION, IT APPEARS THAT THE PMO/PCO, BY TREATING "ACTIVISTS" ENGAGED IN LEGITIMATE DISSENT AS THREATS, IS PREPARED TO DISCRIMINATE ON THE GROUNDS OF POLITICAL AND OTHER OPINION, IN CONTRAVENTION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS,

UNDOUBTEDLY, IF ACTIVISTS ENGAGING IN LEGITIMATE DISSENT HAVE BEEN INCORRECTLY PLACED ON THREAT LISTS, THERE MUST BE SOME OVERSIGHT PROCEDURE TO CORRECT MISINFORMATION EXISTING IN GOVERNMENT FILES,

AN ORDER FROM THE PMO OFFICE TO PLACE ACTIVISTS ENGAGED IN LEGITIMATE DISSENT ON A THREAT ASSESSMENT LIST MUST HAVE BEEN BASED ON INFORMATION THAT WAS PROVIDED TO THE PRIME MINISTER. THESE ACTIVISTS HAVE A RIGHT TO BE INFORMED

ABOUT THE NATURE OF THE INFORMATION AND BE ABLE TO CORRECT THE MISINFORMATION THAT WAS COMMUNICATED TO THE PMO.

THE PRACTICE OF PLACING ACTIVISTS ENGAGED IN LEGITIMATE DISSENT, INCLUDING THE CASE IN WHICH ACTIVISTS ARE UNAWARE OF THEIR BEING PLACED ON LISTS, HAS SERIOUS AND UNFORESEEN CONSEQUENCES.

E. Information about what actions are to be taken to address the issue of political interference by the Prime Ministers office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

DO I TAKE IT THAT EVEN AFTER THERE WAS CONSIDERABLE EVIDENCE TO DEMONSTRATE THAT PRIME MINISTER CHRÉTIEN INTERFERED WITH THE ADMINISTRATION OF JUSTICE, AT APEC, THERE IS NO ACCESSIBLE DOCUMENT INDICATING THAT THE PCO/PMO HAS INSTITUTED MEASURES TO PREVENT FURTHER INTERFERENCE FROM THE PRIME MINISTERS; OFFICE.

F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)
AM I TO UNDERSTAND THAT THERE WAS NO AMERICAN CORPORATION INVOLVED IN THE DEVELOPMENT OF THREAT ASSESSMENT LISTS?

I Hope that you will give due considerations to the above concerns.

YOURS TRULY

Joan Russow

231. 11 NOVEMBER 2004: LETTER TO ACCESS TO INFORMATION COMMISSIONER ABOUT DISILLUSIONMENT WITH THE PROCESS

Attention Sylvia Klasosec
1 416 325 9195
no. of pages: including cover: 5
MESSAGE:
Dear Sylvia
Thank you for taking the time to listen to my case.
As requested here is the letter that I sent to the Access to information Commissioner.
Sincerely

Joan

232. **11 NOVEMBER 2004:** APPEAL TO JOHN REID TO TAKE MY CASE TO COURT

Joan Russow (PhD)
1230 St Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598-0071

Hon John Reid
Access to Information Commissioner
112 Kent Street
November 11, 2004

Fax. 1 613 947-7294

Dear Commissioner,

I am responding to your letter of November 1st, 2004. In this letter you indicated that I had the option to appeal to the Federal Court within 45 days. I contacted Dan O'Donnell to ask about the procedure. He indicated that I had to contact a lawyer. I cannot afford a lawyer, and I am writing to you to urge you to act on my behalf before the Federal Court. No citizen should have to live with the stigma of being designated by the government as a "A threat to military and International Security"

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. The document released was entitled "other activists" and contained the pictures of 9 activists. Although I have been a strong policy critic of government practices, and engaged in legitimate dissent, I have never been arrested, or engaged in any activity that could be deemed to be a threat to military and international Security.

I have a masters in Curriculum Development, introducing, principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law, and a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the university of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria, and the Vancouver peace Society, I am a member of the IUCN Commission of Education and Communication, and the Canadian UNESCO Sectoral Commission on Science and Ethics. and the Canadian Voice of Women.

I am the author of the Charter of Obligations-350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through Un General Assembly Declarations and Resolutions--related to the public trust or common security (peace, environment social justice and human rights).

However, as an Activist from India once stated nothing is more radical than asking governments to live up to its obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments and expectations is a threat to the country then I am a threat to Canada. However, under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years.

I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. After receiving questionable responses from the RCMP. CSIS, Ethics Commissioner, Privy Council, PMO, SIRC with exemptions under various section being cited - information cannot be released for "military and international security reasons".

When I was refused access to the APEC conference in 1997, I filed a complaint; but I was never able to appear during the inquiry even though the RCMP and the RCMP Commissioner were aware that there had been a directive from the PMO to prevent me from attending the Conference. I even spoke several times to the lawyers acting for the Commission, and to Commissioner Hughes, about my case. I was not even able to appear, when I pointed out that on the stand a constable from the Vancouver police had made a statement that I had behaved inappropriately on a media bus going out to UBC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference.

After the APEC conference, in February 1998 I had a petition placed on the floor of the house of Commons calling for an investigation into the Canadian government's disregard for the International Covenant of Civil and Political Rights' in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms.

From April 1997 to March 2001, I was the Federal Leader of the Green Party of Canada, and was concerned to find out that the Green Party had been on a list of groups that the Military should not belong to. As a result of the Somali Inquiry, Robert Fowler, then Deputy Minister of Defence, had commissioned a junior officer to compile this list. …The Green Party was on this list. Subsequently , I found out through Access to information that it was the leaders of these groups that were of especial concern to the Department of Defence.

In September 1998, it was brought to my attention that I had been placed on RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became an media issue and was reported widely across the country through CBC television, through CBC radio, and through the National post and its branch papers. In 1998, The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I}

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General [accessed through A of I subsequently in 1999).

In August of 2001 there was a series of articles on the Criminalization of dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther Kings accompanied the article. This series later won an award.

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case, in the Federal Court, of defamation against various federal government departments.

I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Department of Justice has been remiss in not advising the Federal government that "political and other opinion" which is a listed ground under the ICCPR should have been included in the Charter of Rights and Freedoms. When I raised the fact that "political and other opinion" is a recognized ground, internationally. the lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.

When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests.

The following is excerpts from the Judge's decision:

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

4.“… I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed, I viewed it as a n expensive fishing expedition, which entailed serious

allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient.
[I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the “particulars”. The judge’s response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.
6. Counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. …

I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of "political and other opinion"- a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and my character has been defamed. The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and in particular with the unethical abuse of political power.

In 2002, there was an article that appeared across the country about the launching of my court case, and in the article my concern about being deemed a security risk and about the stigma attached to my name even to the point that I feared that my access internationally might be curtailed, and my employment opportunities thwarted. Also, the stigma attached to my name has affected my children, and has discredited my father’s reputation. My father was the Assistant Auditor General of Canada, and acting Auditor General in the late 1950s, as well as being a representative to the United Nations and other international Organizations.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; McCauley for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

I urge you to take on my case in the Federal Court against the Solicitor General's Department, RCMP. CSIS, Department of Defence, and Prime Ministers office.

Your truly

Joan Russow (PhD)
1 250 598-0071

Since my graduation with my doctorate in 1996, I have attempted to apply for numerous jobs, and have been continually disappointed.

The reason I mention this is that I incurred a student loan of 57,000 when I graduated. 20,000 of the amount was granted in remission for community service by the Provincial government. I then owed 37,000 to the Federal Government under the Ministry of Human Resources. In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academic activists in Brazil.

On completing my doctorate I have no doubts about my ability to repay my student loan. I received two 500 grants to assist in the preparation of 176 book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference Action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the Habitat II conference I applied for numerous federal grants in the 1996 with no success. Ironically one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories Sustainable development

The proposed project was the following:
A revising of "sustainable Development" in the context of 'sustainable human settlement Development" ; from principle to policy."

The reason for the refusal I found out later through a privacy request was the following.

subject : IRD Review of Submissions - 1006 External Research Program
The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.

"All the submissions reviewed were interesting, TRADE-RELEVANT and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.

"This is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.

This proposal , however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.

IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [NOTE THE CURRENT RELEVANCE WHEN THERE IS A CURRENT COMMISSION LOOKING INTO CRITERIA FOR PROJECTS WITHIN THE PUBLIC WORKS]

Prior to finding out in 1998 that I was on the threat assessment list, although I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income I was continually contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in fact in 1997 as a stakeholder, I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing preparing a 200 page response, and rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated throughout the years on other stakeholder meetings and similar undertakings without remuneration.

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource asking if it was possible to forgive my loan on the basis of my contribution to years of community service as had been proposed by Senator Perrault, and given that I was now 60 years old and

my chances for employment were diminishing. He declined. Even though, I was 60, I declined my meager Canada pension of 78 per month on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, I realized that my reputation had been denigrated and the chances of my finding work was next to impossible. In fact the University of Victoria, had even sent a note when I was running in the 1997 election, to the office of the Green Party of Canada stating that I was no longer associated with the university.

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often.

In 2003, I wrote another letter to the Jane Stewart the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, and the wide publication of this fact and the stigma attached to being placed on the list has prevented me from fulfilling my obligations. With interest I now owe 67,000.

In the Summer of 2004, I received a phone call from a law firm in Victoria, about the Attorney General's taking me the court about the loan, and that a notice would be served to me around mid August. I phoned human resources and appealed to then and they arranged with the Law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; Macaulay for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I currently have thousands of pages of data related to my case

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and a furthering of the public trust.

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

233. 20 DECEMBER 2004: COMPLAINT TO ACCESS TO INFORMATION COMMISSION ABOUT EXORBITANT COSTS ATTENTION : HON JOHN REID 2004 COMPLAINT TO ACCESS TO INFORMATION COMMISSION ABOUT EXORBITANT COSTS

ATTENTION : HON JOHN REID Access to Information Commissioner
FAX 613 947 7294
Re: Access to Information requests to Department of environment:

A-2004-00475: costs
Excessive costs for information that should be easily accessible

A 2004 00327 costs
Exorbitant costs for information that should be readily available.

A-2004-00471 Existence of documents
Documentation exists. Either Department has poor filing system destroyed relevant historical information , or is reluctant to divulge information and claims that it does not exist.
Dr Joan Russow 1 250 598-0071

234. 26 JANUARY 2005: RESPONSE FROM ENVIRONMENT CANADA; EXORBITANT COSTS

Environment Canada
Terrasses de la Chaudiere
10 Wellington Street, 3rd Floor Gatineau, Quebec
KIA OH3

Your File Votre reference
January 26, 2005
Our FileNotre reference A-2004-00475 / gb
Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Dr. Russow:

This refers to your request under the Access to Information Act (the Act) for:
"Documentation related to the 2002 stakeholder meeting in relation to Canada's position for the World Summit on Sustainable Development (WSSD);

Documentation related to communication with the Canadian Environmental Network about the selection on ENGOs to be part of the Canadian Delegation at WSSD;

Documentation related to the Government of Canada's position related to the precautionary principle for the 2002 WSSD;

Documentation related to the decision at the WSSD to not apply the precautionary principles to the release, production and export of genetically engineered seeds, foods and crops;

Documentation related to the Government of Canada's WSSD position related to the commitment to promote non renewable energy, and to reduce greenhouse gas emissions."

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is $10.00/hour. For this request, we will require approximately 39 hours to locate and prepare the requested information for disclosure. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is 5340.00 (34 hours x $10.00/hour).

We will require a deposit of $170.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within
30 days.

Please note that this estimate does not include the additional cost of any photocopies at 50.20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records.

If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:
Information Commissioner of Canada Place de Ville, Tower "B"
112 Kent Street, 22nd Floor Ottawa, Ontario
KIA 1H3

If you have any questions regarding this request, please contact Ghislaine Bourdeau at (819) 934-3948 or by fax at (819) 953-1099.
Yours sincerely,
Shelley Emerson Chief
Access to Information and Privacy Secretariat
Enclosure

235. 26 JANUARY 2005: RESPONSE FROM ACCESS TO INFORMATION ENVIRONMENT CANADA

NOTE: This response epitomizes the problem inherent in the Access to Information Process.: exorbitant costs and ineffective means for obtaining information:

Environment Environnement Canada Terrasses de la Chaudiere
10 Wellington Street, 3"1 Floor Gatineau, Quebec
KIA OH3
Your File Votre reference
Our FileNotre reference A-2004-00327 / ell
Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4
Dear Dr. Russow:
This refers to your request under the Access to Information Act (the Act) for:
"Revised December 20, 2004

1) Documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Corn for UNCED to raise the issue related to adding the "s" to Indigenous peoples;
2) Documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' supporting the Federal Government's ratifying the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;
3) Documentation related to the November 1992 meeting of the Provincial Environment Ministers in Aylmer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity."

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is $10.00/hour. For this request, we will require approximately 2407 hours to locate and prepare the requested information for disclosure. Please note that of the 2407 hours, 2250 hours are required to search through boxes sent to Archives. The boxes collectively store files which had been held in 6 large double-banked, 5 tier file cabinets (or 60 shelves). The remaining hours are required to search through offices of primary interest. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is $24,050.00 (2,402 hours x $10.00/hour).

We will require a deposit of $12,025.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at $0.20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records.

If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:
Information Commissioner of Canada Place de Ville, Tower "B"

112 Kent Street, 22nd Floor Ottawa, Ontario

KIA 1H3
If you have any questions regarding this request, please contact Carol Lafontaine at (819) 953-5689 or by fax at (819) 953-1099.
Yours sincerely,

Shelley Emerson Chief
Access to information and Privacy Secretariat

236. 27 JANUARY 2005: RESPONSE TO REQUEST FOR ACCESS TO INFORMATION IN THE DEPT OF ENVIRONMENT CANADA

Environment Environnement Canada Les Terrasses de la Chaudiere 27ieme etage/27°' Floor
10, rue Wellington/10 Wellington Street Gatineau, Quebec K 1 A OH3
TEL.: (819) 953-2743 FAX: (819) 953-0749 Helen. Ryan@ec.gc.ca Your File Votre reference
Our File Notre reference A-2004-00472 / gb

Dr. Joan Russow
1230 St. Patrick Street
Victoria, British Columbia
V8S 4Y4

Dear Dr. Russow:
This letter is in response to your request under the Access to Information Act (the Act) for:
"Documentation related to Canada's submission to the Intergovernmental panel forests. This proposal was in support of a Convention on Forests rather than including forests under existing Conventions and treaties. -
After a thorough search, no records were found concerning this request.
The Act grants you the right to file a complaint with the Information Commissioner, one year of the receipt of your request if you are not satisfied with our handling of your request. The address is:
Office of the Information Commissioner 112 Kent Street, 22nd Floor Place de Ville, Tower B Ottawa, Ontario KIA 1H3
If you have any questions regarding this request, please do not hesitate to contact Ghislaine Bourdeau at (819) 934-3948.

Helen Ryan
Access to Information and Privacy Coordinator

237. 17 FEBRUARY 2005: RESPONSE FROM THE PRIVY COUNCIL TO PRIVACY REQUEST;

NOTE: The only information that was provided was a petition that Russow had sent the Prime Minister on the Casino probe- a probe that had the control panel fueled by 32 kg of plutonium

Government of Canada
Privy Council Office

135-3-P-2004-0012
Ms Joan Russow
1230 Patrick Street
Victoria, British Columbia
V8S 4Y4
Dear Ms Russow:

This is in response to your request under the Privacy Act for Information related to Joan Russow- Green Party Leader (April 1997- March 2001) (j.russow@shawlink.ca/jrussow@coastnet.com). The Privy Council office received your request on November 10 2004

We have now complete the processing of your request. Please find enclosed a copy of the records disclosed in full

You are advised that you are entitled to bring a complaint regarding the processing of your request to the Privacy Commissioner (3 floor, 122 Kent Street Ottawa)

Yours sincerely

Ciuineas Boyle

238. 27 JANUARY 2005: RESPONSE FROM ACCESS TO INFORMATION IN ENVIRONMENT CANADA.

NOTE: Russow requested information about the IUCN from the Environment Canada; The Department of Environment was very much involved with the IUCN, and I submitted a proposal to the Asst. of the former Ambassador for the Environment to the UN, Arthur Campeau.

239. JAN 27 2005: RESPONSE TO ACCESS TO INFORMATION REQUEST TO ENVIRONMENT CANADA

Environment Environnement Canada Canada Les Terrasses de la Chaudiere 27ieme etage/27th Floor
10, rue Wellington/10 Wellington Street Gatineau, Quebec KIA OH3
TEL.: (819) 953-2743 FAX: (819) 953-0749 Helen Ryan @ec.gc.ca
Your File Votre reference
Our File Notre reference
A-2004-00471 / gb

Dr. Joan Russow
1230 St. Patrick Sheet Victoria. British Columbia V8S 4Y4

Dear Dr. Russow:

This letter is in response to your request under the Access to Information Act (the Act) for: "Documentation of 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;
Documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US;

Documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention;

Documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995. "

After a thorough search, no records were found concerning this request.

The Act grants you the right to file a complaint with the Information Commissioner, within one year of the receipt o F your request, if you are not satisfied with our handling of your request. The address is:
Office of the Information Commissioner 112 Kent Street, 22nd Floor Place de Ville, Tower B Ottawa, Ontario KIA 1H3
If you have any questions regarding this request, please do not hesitate to contact Ghislaine Bourdeau at (819) 934-3948.

Yours since

Helen Ryan
Access to Information and Privacy Coordinator

240. 11 MARCH 2005: RESPONSE FROM ACCESS TO INFORMATION CANADA

Environment Environnement Canada Canada Terrasses de la Chaudiere
10 Wellington Street, 3"' Floor Gatineau, Quebec
KIA OH3
Tel: (819)997-4552 Fax(819)953-1099 Shelley. Emmerson@ec. gc. ca
Your File Votre reference

March 11, 2005
Our FileNotre reference A-2004-00327 / cl
Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Dr. Russow:
This refers to your request under the Access to Information Act (the Act) for:
"Revised December 20, 2004

1) Documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Corn for UNCED to raise the issue related to adding the "s" to Indigenous peoples;
2) Documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' Supporting the Federal Government's ratifying the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;
3) Documentation related to the November 1992 meeting of the Provincial Environment Ministers in Aylmer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity."

As we have not received a reply to our letter of January 26, 2005 (copy attached), we now consider your request to have been abandoned and we are closing our file.
Yours sincerely,

Shelley Emmerson Chief
Access to Information and Privacy Secretariat

241. 19 APRIL 2005: LETTER TO THE HON BILL GRAHAM, MINSTER OF DEFENCE RE; LISTS

Graham.B@parl.gc.ca
Hon Bill Graham
Minister of Defence
April 19, 2005

Dear Minister

For years, I have been living with the stigma of being the former leader of a group that was on the DND secur op list, and of being placed on an RCMP threat assessment list. The Gomery inquiry should be extended to include investigating the unconscionable actions by both the former Mulroney Conservative government and the former Chrétien Liberal government for their targeting citizens engaged in lawful dissent.

During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence, issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with a set of categories for groups that the military should not belong to…... The Green Party was on this list. The placing of groups on lists and circulating these lists, nationally and internationally have serious implications including the perception of those in the Group mentioned above as being capable even of treason, Through Access to information

I received an outline of the categories of the list but not the names of groups on the list. [The names of the groups had previously been reported in a newspaper] in the information that I received it indicated that only the leaders or leadership of the groups was to be considered.

The placing of groups that have engaged in lawful advocacy or legitimate dissent on group lists is unethical and potentially in violation of the Right of Association and in violation of "political and other opinion", one of the listed grounds, in most international human rights instruments, for which there shall not be discrimination

In 1998, I found out that I had been placed on a 1997 RCMP threat assessment list. I believe that I may have been determined to be a threat to Canada and continue to be perceived as a threat [presumably because the government has not been forthcoming in publicly apologizing for placing me on a threat assessment list] for the following reasons: (i) I was involved in a 1991-93 Court case related to preventing the berthing of nuclear powered or nuclear arms capable vessels in the waters of BC and in the port of Greater Victoria; (ii) I organized and participated in numerous protests against the US nuclear powered vessels; (iii) I organized and participated in numerous protests against Nanoose Bay and the circulation of US nuclear powered and nuclear arms capable vessels; (iv) I filed an affidavit in the submissions about the conversion of Nanoose Bay. (v) I have been an international advocate for the reallocation of the global military budget as agreed through UN Conference Action plans and UN General Assembly resolution since at least 1976; (vi) I opposed and protested Canada's involvement in the 1991 gulf war, the 1998 bombing of Iraq, the 1999 invasion of Yugoslavia, the 2001, invasion of Afghanistan, as well as a strong critic of the US-led invasion of Iraq; (vii) I circulated a document related to the 52 ways the US contributes to global insecurity.

All the above actions are actions of lawful advocacy or legitimate dissent, and under the CSIS act, it is clear that citizens engaged these actions must not be designated as threats. The following is a description of what constitutes a "Threat" in Canada.

Threats to the security of Canada means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage

b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person
c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and
d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead o the destruction or overthrow by violence of the constitutionally established system of government in Canada
but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

In no way do I or have I ever done anything that would justify my being designated as a threat, and it is quite clear under the CSIS act that the definition of "threat" does not include lawful advocacy, protest or dissent. Am I to presume that the PMO is being condoned for giving orders to the RCMP to classify as threats citizens that engage in lawful advocacy, protest, or dissent? Am I also to presume that there are no provisions in the PCO to ensure that CSIS and the RCMP abide by their statutory requirements. in addition, it appears that the PMO/PCO, by treating "activists" engaged in legitimate dissent as threats, is prepared to discriminate on the grounds of political and other opinion, in contravention of the international covenant of civil and political rights,

Undoubtedly, if activists engaging in legitimate dissent have been incorrectly placed on threat lists, one would think that there must be some oversight procedure to correct misinformation existing in government files,

An order from the PMO office to place activists engaged in legitimate dissent on a threat assessment list must have been based on information that was provided to the Prime Minister Office. These activists have a right to be informed about the nature of the information and be able to correct the misinformation that was communicated to the PMO.

The practice of placing activists engaged in legitimate dissent, including the case in which activists are unaware of their being placed on lists, has serious and unforeseen consequences.

The fact that I was on the RCMP Threat Assessment Group list was broadcast across the country on radio and television and was published in newspapers across the country. I have had to live under the stigma of being designated a threat to my country. Since 1998 I have attempted to determine the reason for my being placed on the RCMP list. Supposedly there had been a directive from the PMO office to the RCMP.

I have filed almost sixty Access to Information and Privacy requests, and complaints, and have not been able to find out why I was deemed to be a threat.

I had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information.

Continually, different departments of the government, including the Department of Defence, have used the following exemptions which give me increased reason to assume that there is incorrect information being withheld.

21 INTERNATIONAL AFFAIRS AND DEFENCE

The head of a government institution may refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to he conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

Privacy Sections
21 INTERNATIONAL AFFAIRS AND DEFENCE
The head of a government institution my refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to he conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

ACCESS TO INFORMATION SECTIONS
15 (1) international affairs and defence

15 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive of hostile activities, including without restricting the generality of the foregoing any such information.

(a) relating to military tactic or strategy, r relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection prevention or suppression of subversive or hostile activities

(b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;
(c) relating to the characteristics, capabilities, performance, potential, deployment functions or roll of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities.
(d) obtained or prepared for the purpose of intelligence relating to
(d) obtained or prepared for the purpose of intelligence relating to
(i) the defence of Canada or any state allied or associated with Canada, or
(ii) the detection, prevention or suppression of subversive or hostile activities;
(e) obtained or prepared for the purpose of intelligence respecting foreign states , international organizations of states or citizens of foreign states issue by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs:
(f) on methods of, and scientific or technical equipment for collecting, assessing or handling information referred to in Paragraph *d (or (e) or on sources of such information
(g) on the positions adopted or to be adopted by the government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;
(h) that constitutes diplomatic correspondence exchanged with foreign states of international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or (i) relating to the communications or cryptographic systems of Canada or foreign states used
(i) for the conduct of international affairs
(ii) for the defence of Canada or any state allied or associated with Canada, or
(iii) in relating to the detection, prevention or suppression of subversive or hostile activities.

I applied to John Reid to investigate the reluctance on the part of the Department of Defence to disclose information related to the following request.

ATTENTION : HON JOHN REID
Access to Information Commissioner

FAX 613 947 7294

Re: Access to Information requests to Department of environment:

A-2004-00475: costs
Excessive costs for information that should be easily accessible

A 2004 00327 costs
Exorbitant costs for information that should be readily available.

A-2004-00471 Existence of documents
Documentation exists. Either Department has poor filing system destroyed relevant historical information , or is reluctant to divulge information and claims that it does not exist.

Dr Joan Russow
1 250 598-0071

242.`MARCH 2005: TARGETING ACTIVISTS AS THREATS: QUESTIONABLE INSTITUTIONAL PRACTICES
—need to extend the Gomery Inquiry mandate

Dr. Joan E. Russow

Global Compliance Research Project

In 1998, I found out I was placed on an RCMP (Royal Canadian Military Police) Threat Assessment list, and presumably perceived to be a “threat” to Canada.

I have thus become increasingly aware of the long-term consequence and impact of “speaking truth to power”: of being perceived as rigid, principled and uncompromising, of exposing hypocrisy, exploitation, and corruption; and of then having to live under the stigma of being a threat to one’s country.

To find out the reason the government had deemed that I was a threat to the country I went through almost 60 requests under the Access to information Act, and the Privacy Act. I also sent special appeals to Ministers of Justice, and Solicitor Generals, and received curious responses but the most curious was from the former Ethics Commissioner, Howard Wilson.

In response to my appeal to him to intervene to address the conflict of interest by the Prime Minister, Cabinet Ministers, and their agents, he sent me the following which is particularly relevant to the Gomery Inquiry:

> “In the Hansard report from June 16, 1994, Right Hon. Jean Chrétien stated, ‘I rise today to talk about trust; the trust citizens place in their government, the trust politicians earn from the public, the trust in institutions that is a vital to a democracy as the air we breathe, a trust that once shattered, is difficult, almost impossible to rebuild.
>
> Since our election in October no goal has been more important to this government, or to me personally as Prime Minister than restoring the trust of Canadians in their institutions.
>
> When we took office there was an unprecedented level of public cynicism about our national institutions and the people to whom they were entrusted by the voters. The political process had been thrown into disrepute. people saw a political system which served its own interests and not those of the public when trust is gone the system cannot work.
>
> That is why we have worked so hard to re-establish those bonds of trust. The most important thing we have done is to keep our word...
>
> ... We have broadened the powers and responsibilities of the ethics counselor from what we laid out n the red book. In the red book, the ethics counselor was to deal with the activities of lobbyists but as we started examining implementation, it became clear that this will only address half of the problem basically from the outside in.
>
> We wanted to be sure that our system would also be effective at withstanding lobbying pressure from the inside. That is why we have decided to expand the role of the ethics counselor to include conflict of interests”

Yet when Howard Wilson, who claimed that his role was to “speak truth to power” was asked to “speak truth to power,” he demonstrated the potential flaw of his own position- conflict of interest. The practice in Canada of appointing an Ethics Commission, who was responsible to the Prime Minister, and who refused to investigate the Prime Minister does not contribute to restoring the trust of Canadians in their institutions.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a former leader of a registered political party I would not be discriminated against on the grounds of “political and other opinion” by being associated with a group that was listed on the Department of Defence (DND) D-Secur Ops List, or by being placed on an RCMP (Royal Canadian Mounted Police) Threat Assessment list. I believed that CSIS (Canadian Security Intelligence Agency) and SIRC (Security Intelligence Review Committee) would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister’s Office to place law abiding citizens on a Threat Assessment Group list.

Recently on a colloquium, entitled the “Challenges of SIRC”-the agency that is responsible for the oversight of CSIS, an official from SIRC recognized that in assessing the distinction between those who “have a disagreement with politics and terrorists". “Police agencies are not good at making that distinction and err on the side of security”. … “Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up…We have to have the ability to identify clearly this distinction if we don’t do this we are threaten the fabric of the civil liberties of Canadians.”

I also had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

.I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

During the RCMP Public Complaints Commission on APEC in September 28, 1998, information that I was on a RCMP threat assessment list surfaced, was broadcast on radio and television across the country, published in national and regional news papers and internationally on the internet, and even to this day is up on websites. Fearing a challenge in Parliamentary question period about the RCMP’s or CSIS’ placing the leader of a registered political party on a Threat Assessment list, the Solicitor General in his ‘aide memoire” prepared a “suggested Reply: “As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work.” I assumed that I would have an opportunity to clear my name.

Subsequently, in August 1999, during the RCMP Public Complaints Commission, another document surfaced: an interview by Wayne May the Director of Security at APEC, with another RCMP agent, Christine Price, who claimed that, in my case, there had been a directive from the PMO to the RCMP to exclude me from APEC.

Commissioner Hughes, in assessing whether Prime Minister Jean Chrétien should appear on the stand, stated, “If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct". I thought that Commissioner Hughes, when apprised of Wayne May’s interview, would have required not only Jean Chrétien but also Christine Price to testify. That did not happen. Furthermore, despite my efforts, I was also not allowed to testify. Again, I was deprived of the opportunity to clear my name.

I also had a legitimate expectation, that as a citizen placed on a Threat Assessment list, I would have similar rights to those granted to citizens listed as terrorists under the Anti-terrorism Act. Former Justice Minister, Hon Ann McLelland, reassured the Senate Committee that was reviewing Bill C-36, that the civil rights of accused terrorists would be protected under an elaborate “oversight mechanism”:

> Proper review and oversight of the powers provided for in Bill C-36 help ensure that the measures in this bill are applied appropriately. In this regard, I would emphasize of powers under the bill. This would include, for example, such mechanisms as complaints investigated by the commission for public complaints against the RCMP and the various complaint and review mechanisms that apply with respect to police forces under provincial jurisdiction. Significant powers under this bill are subject to judicial supervision, and in any case this is in addition to explicitly ministerial review and supervision powers. As well, the provisions in the bill will be subject to a full review by Parliament within three years.

…. requiring an annual report. this provision could require the AG and those of the provinces to report publicly once a year on the exercise of the Bill C-36 powers of investigative hearings that took place under their respective jurisdictions

…The provision would further require the Attorney General of Canada and those of the provinces, as well as the Solicitor General of Canada and the ministers responsible for policing in the provinces, to each report publicly once a year on the exercise of the Bill C36 powers of preventive arrest that took place under their jurisdictions. Detailed information to be reported in each case would be specified in the law.

…-There is a review process and it's a review process we use commonly in relation to a whole range of matters, and the review is by the Federal Court of Appeal. I view review by a member of the judiciary, in this case a federal court as one of the strongest and most transparent processes we have within our entire democratic system of governance.

In the Parliamentary Committee which was examining Bill 36, Peter Mackay expressed concern about the implications of being placed on a list:

It takes time, it takes legal counsel and once you've been listed, to quote one of the witnesses here, you lose the ability to be a charitable organization or you lose your reputation. I believe she [the witness] said it was death by firing squad or death by electrocution. You can't give a person their reputation back

In other words, as Senator Fraser recently remarked during the Senate review of C.36: "The mere fact that you are listed as a terrorist is the same as being designated as a terrorist". Similarly, it could be said that the mere fact that you are listed as a threat is the same as being designated as a threat.

Since 1960, I have involved with furthering the "Public Trust with the following objectives:

• to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, right to education and social justice;
• to enable socially equitable and environmentally sound employment, and ensure the right to development;
• to achieve a state of peace, social justice and disarmament; through reallocation of military expenses
• to create a global structure that respects the rule of law ; and
• to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of overconsumptive development.

In the past, I thought that human rights were being violated, social justice had been denied, and peace was being thwarted and the environment was being destroyed because there had been no substantial provisions in international law to address these "public trust" issues. In 1984, in preparing for my Masters Degree in curriculum development on a method of teaching human rights linked to peace, environment and social justice within the context of international law, I realized that, in fact, the blueprint for furthering the public trust was already in place in international law. The problem was not the dearth of provisions in international law but the lack of education about the existence of international obligations, commitments and expectations; and the absence of political will to discharge international obligations incurred through the Charter, treaties, conventions, and covenants, to act on commitments made through UN conferences Action plans, and to fulfill expectations created through UN General Assembly Resolutions and Declarations.

I became publicly critical, nationally and internationally, of governments, including the Canadian government, for not signing and ratifying international agreements, and particularly for failing to enact the necessary legislation to ensure compliance with international law. I also began to raise public awareness about the federal Department of Justice's disregard for the 1982 "Canadian Reply to Questionnaire on

Parliaments and the Treaty-making Power" about implementation of international instruments in Canada. More recently I have publicly criticized judges from the Canadian Courts for their claiming that ”international law, not enshrined in Canadian law, is not judiciable in the Canadian courts”, and Canadian representatives to the UN for their disregard for the role of UN General Assembly , and of the International Court of Justice.

From 1992 to 1995, I was a sessional lecturer in Global Issues at the University of Victoria, and in 1995, I wrote the Charter of Obligations – 350 pages of obligations incurred through conventions, treaties and covenants, of commitments made through conference action plans, and expectations created through UN General Assembly declarations and resolutions. This Charter is recognized as a significant contribution and was officially distributed to all state delegations at the UN Conference on Women at Beijing. In 1996, I also wrote a book, entitled, Comment on Habitat II Agenda: Moving Beyond Habitat I to Discharging Obligations and Fulfilling Expectations; this book was distributed to most of the state delegations at the Habitat II conference in Istanbul.

In 1996, on completing my Doctoral degree, I was confident that with my years of research into international instruments, my position as a sessional lecturer at the University of Victoria, my Masters degree in Curriculum Development, and my doctorate in Interdisciplinary Studies, I would be able to find paid work. I have, however, only been able to find non-remunerated work from non-governmental organizations, or for government “stakeholder” consultations.

I increasingly became known as a critic of corporate involvement in the university, of government disregard for the rule of law, of established NGO’s compromising principles, and of political parties sacrificing principle for power, or profit. In 1997, I was elected leader of the Green Party of Canada, and I ran in the 1997 election against David Anderson in Victoria.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a leader of a registered political party I would not be discriminated against on the grounds of “political and other opinion” by being associated with a group that was listed on the DND D-Secur Ops List, or by being placed on an RCMP Threat Assessment list. I believed that CSIS and SIRC would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister’s Office to place law abiding citizens on a Threat Assessment Group list.

Recently on a colloquium, entitled the “Challenges of SIRC”, an official from SIRC recognized that in assessing the distinction between those who “have a disagreement with politics and terrorists". “Police agencies are not good at making that distinction and err on the side of security”. … “Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up…We have to have the ability to identify clearly this distinction if we don’t do this we are threaten the fabric of the civil liberties of Canadians.”

I assumed that the Solicitor General, having oversight for the RCMP and CSIS, would fulfill the role of officer of the Crown and not defy the constitution. The importance of the non-partisan aspect of the Solicitor General in the role of officer of the Crown was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned: “Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they [he/she] may decide to have the police investigate people because of their party stripes.”

I also had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

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CSIS' placing the leader of a registered political party on a Threat Assessment list, the Solicitor General in his 'aide memoire" prepared a "suggested Reply: "As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work." I assumed that I would have an opportunity to clear my name.

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Commissioner Hughes, in assessing whether Prime Minister Jean Chrétien should appear on the stand, stated, "If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct". I thought that Commissioner Hughes, when apprised of Wayne May's interview, would have required not only Jean Chrétien but also Christine Price to testify. That did not happen. Furthermore, despite my efforts, I was also not allowed to testify. Again, I was deprived of the opportunity to clear my name.

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> Proper review and oversight of the powers provided for in Bill C-36 help ensure that the measures in this bill are applied appropriately. In this regard, I would emphasize of powers under the bill. This would include, for example, such mechanisms as complaints investigated by the commission for public complaints against the RCMP and the various complaint and review mechanisms that apply with respect to police forces under provincial jurisdiction. Significant powers under this bill are subject to judicial supervision, and in any case this is in addition to explicitly ministerial review and supervision powers. As well, the provisions in the bill will be subject to a full review by Parliament within three years.
>
> …. requiring an annual report. this provision could require the AG and those of the provinces to report publicly once a year on the exercise of the Bill C-36 powers of investigative hearings that took place under their respective jurisdictions
>
> …The provision would further require the Attorney General of Canada and those of the provinces, as well as the Solicitor General of Canada and the ministers responsible for policing in the provinces, to each report publicly once a year on the exercise of the Bill C36 powers of preventive arrest that took place under their jurisdictions. Detailed information to be reported in each case would be specified in the law.
>
> …-There is a review process and it's a review process we use commonly in relation to a whole range of matters, and the review is by the Federal Court of Appeal.... I view review by a member of the judiciary, in this case a federal court as one of the strongest and most transparent processes we have within our entire democratic system of governance.

In the Parliamentary Committee which was examining Bill 36, Peter Mackay expressed concern about the implications of being placed on a list:

> It takes time, it takes legal counsel and once you've been listed, to quote one of the witnesses here, you lose the ability to be a charitable organization or you lose your reputation. I believe she [the witness] said it was death by firing squad or death by electrocution. You can't give a person their reputation back

In other words, as Senator Fraser recently remarked during the Senate review of C.36: "The mere fact that you are listed as a terrorist is the same as being designated as a terrorist". Similarly, it could be said that the mere fact that you are listed as a threat is the same as being designated as a threat.

One may argue that being critical of corporations, international trade agreements governments, universities and established NGOs; and that being designated a threat on a threat assessment list should

not have affected my ability to find paid employment within my area of experience and education, and to repay my loan. I would like to think so. However, after applying for positions at universities, and for numerous government, institutional grants related to compliance with international obligations, commitments and expectations, I have continually faced rejection and been disappointed

I hope that the court will recognize that I have acted in good faith in relation to my student loan by fulfilling the requirement for remission at the Provincial level. Also, between 1996 and 1998, I rejected the option of declaring bankruptcy-an option that was then available to evade repayment of the Federal portion of the loan. Similarly, I refused the option of receiving my Canada Pension when I turned 60 in 1998 because it was important for me to continue to find paid employment, and to strive to fulfill my obligations.

In the Court I will plead that it is important to consider the interdependence of the demonstration of my intention to repay student loan, of the loan/job contingency aspect of the Canadian Loan Programme, of the violation of my charter rights, and of the impact of being designated a threat. I will demonstrate that my student loan contract was frustrated by the actions of the government, cabinet ministers, and their agents interfering with employment possibilities, and by the lingering doubts about my reputation resulting from the consequent defamation of my character.

In 2002, I launched a defamation case against the Federal government, cabinet ministers and their agents, and the Judge held:

> My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivable be rights which needed a remedy. ….
>
> …. I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim

In response to the suggestion and direction of the Federal Court, I submitted, and in some cases resubmitted, almost 60 Access to Information and Privacy requests, along with the Judge's statement about the necessity of further access to information requests, I did not expect these requests combined with the direction from the Judge would result is a series of outrageous financial demands for access, questionable delays, unjustifiable retention of data and documents, and inappropriate government exemptions. These delays and retention of crucial information by the federal government continue to this day. Since there has been no clarification about the reasons that the government has perceived me to be a threat, no retraction of defamatory statements about me, and no forthcoming apologies, most reasonable people would unfortunately conclude that the government's statements were true and that the government was justified in perceiving me to be a threat.

It is essential to link the on-going case of defamation with the current case related to my student loan. The defamation case addresses the cumulative effect of (i) being the leader of a group that was identified by the DND and placed on a DND d-secur list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose "loyalty of members of these groups (i.e. to Canada is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list; (ii) being discriminated against on the grounds of "political and other opinion" – a ground enshrined in international covenants to which Canada is a signatory; (iii) being designated a threat by the RCMP or CSIS; (iv) being described by a member of the Vancouver Police as "behaving inappropriately" on a bus that I was never on; and (v) being accused, by an agent working for a cabinet minister running against me in the 2000 federal election of engaging in an illegal act under the Elections Act. All these actions were disseminated through the media, and collectively support the conditions for a case of defamation. Therefore, I believe, for the proper administration of justice that before the "Student loan" case can be properly examined, impartially and dispassionately, there should be a resolution of the on-going defamation case.

I URGE , this Court to “speak truth to power” and provide for the independent administration of justice. In my case, the Attorney General and Solicitor General, as officers of the Crown, failed in their duties to be impartial and non-partisan. These duties which were described by Professor Wes Pue in his submission to the Senate on February 14 2004:

> In Canadian constitutional practice, the Solicitor General is one of two law officers of the Crown. The other law officer of the Crown is the Attorney General. The meanings of those terms of art are extraordinarily important. A law officer of the Crown has a primary duty of serving the cause of the rule of law as distinct from any other function, political or otherwise. The rule of law is to be served by the law officers of Crown above and beyond their own personal interest and chance for advancement, above party interest, above their own personal desires to please the electorate or other people who are above them in the hierarchies of power. The principle that these are above partisan politics is of
> central importance to Canadian constitutionalism.

Professor Pue also added: The history of recent Solicitors General is probably somewhere that we do not want to go in great detail, in terms of the stature that they have brought to the office. It has been very unfortunate. I much regret the way that that office has been treated sometimes in the recent past.

I am encouraged, however, when leading legal scholars, such as Professor Pue recognize the importance of the rule of law, and of the role of Attorney General and Solicitor General as officers of the crown. Only when these roles are fully entrenched will the risk of discrimination for “political and other opinion” be removed. I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

In my future submission to the court, I will demonstrate through applying legal principles, international instruments and national statutes, through citing authorities, and cases, and through referring to key access to information requests, including reference to outstanding requests and complaints, and press reports, that the conditions for frustration of contract and defamation have been met.

Perhaps finally, the over-seven years of my living under the stigma of being designated a “Threat” will end, and the lingering doubts about my reputation will be removed. I might be exonerated, and even be able to obtain employment related to my education and experience

Dr Joan E. Russow

1230 St. Patrick St., Victoria, B.C. V8S 4Y4, 1 250 598-0071

243. 21 APRIL 2005: LETTER TO HON STEPHAN DION MINISTER OF ENVIRONMENT CANADA

1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4
1 250 598-0071

Lucille.mallon@ec.gc.
cc.Hon. Stephan Dion Dion.S@parl.gc.ca
Minister of the Environment

April 21, 2005

Dear Lucille,

This is to follow-up on our conversation today about my concern for the shortness of institutional memory, and for the discriminatory nature of the Access to Information process. On receiving a response that it would cost 25,000 to address my request, I seriously posed the question: To whom is information accessible? Or had the adage reaffirmed: “Sorry I cannot give you the information because of the Freedom of Information act” (a response in BC from a Department after the Freedom of Information Act was introduced in B.C.

I have become increasingly concerned with the shortness of institutional memory related to international environmental obligations, and the inaccessibility of information within the Access to information section within the Department of Environment. I attribute this to a number of causes:
-Disregard for international precedents
Failure to consider the relevance of precedents from previous obligations incurred through Conventions, Treaties, and Covenants; commitments made through conference action plans, and expectations created through UN general Assembly Declarations and Resolutions.

-Failure to reveal transparency in relation to reasons for negotiating principles, or for decision making, and apparently little record of the formation of policy that becomes the basis of Canada’s international positions.

-Lack of continuity with change of government:
Re: Framework Convention on Climate Change and the Convention on Biological Diversity
I have requested information about key meetings that took place in 1992: the meeting of Provincial resource ministers in Whitehorse in August 1992, and the meeting of Provincial environment ministers in Aylmer in November 1992. At these two meetings, presumably, the ministers passed resolutions supporting the federal government’s ratification of both these conventions. Thus with the full support of the Provinces, On December 4 1992, the Right Honourable Brian Mulroney ratified those conventions. The Conservative government through consultation with the provinces and the consent of the province bound the provinces to comply with the Conventions.

In Parliament when the Conservatives raise the issue of Climate Change, and the Kyoto protocol that is linked with the Framework Conventions on Climate Change, the Liberals have not pointed out that it was the Conservative government that bound Canada in 1992 to reduce Greenhouse gas emissions under the Climate Change Convention and to conserve Biodiversity under the Conventions on Biological Diversity.

Yet when I requested further information through Access to Information about these meetings, I received a response that there was not evidence.

Biodiversity and Convention on Forests
At the IUCN (World Conservation Union) meeting in Argentina in 1994, there was a resolution passed to link forests with the Convention on biodiversity, and not to embark upon a separate Convention on Forests. Canada, however, with the full support of the forest industry in Canada, misled the intergovernmental panel on Forests that de-linking forests from the biodiversity Convention would better protect forests.

Also at the IUCN meeting in Argentina, a resolution condemning forest practices in British Columbia, and calling for the nomination of a network of old growth forests, passed with 134 countries in support and only one country abstaining, Canada.

Yet when I requested information about the above two meeting and resolutions and about government response to the meetings, I was informed that there was nothing there.

I HAVE OUTLINED THE REQUESTS THAT I MADE ALONG WITH THE RESPONSES FROM ACCESS TO INFORMATION

A. Documents from 1992 United Nations Conference on Environment and Development

1) Documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Com for UNCED to raise the issue related to adding the "s" to Indigenous peoples;

2) Documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' supporting the Federal Government's ratifying the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;

3) Documentation related to the November 1992 meeting of the Provincial Environment Ministers in Aylmer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity”

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is $10.00/hour. For this request, we will require approximately 2407 hours to located and prepare the requested information for disclosure. Please note that of the 2407 hours, 2250 hours are required to search through boxes sent to archives. The boxes collectively store files which had been held in 6 large double-banked, 5 tier file cabinets (or 60 shelves). The remaining hours are required to search through offices of primary interest. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is $24,050.00 (2,402 hours x $10.00/hour).

We will require a deposit of $12,025.—before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at).20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records. If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:

Information Commissioner of Canada

If you have any questions regarding this request, please contact Carol Lafontaine at 819 953—5689 or by fax at 810 953-1099

Yours sincerely

Shelly Emmerson Chief
Access to Information and Privacy Secretariat

B. INFORMATION ABOUT WORLD HERITAGE MEETING

Documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;

C. INFORMATION ABOUT THE IUCN

Documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;

Documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US;

Documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention;

Documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995;

HERE IS THE RESPONSE FROM ENVIRONMENT CANADA

Environment Canada
Dear Dr. Russow

January 27, 2005 A/ 2004-00471/gb

This letter is in response to your request under the Access to Information Act (the Act) for:
Documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;

Documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US;

Documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention;

Documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995;

After a thorough search , no records were found concerning this request.

The Act grants you the right to file a complaint with the Information Commissioner, within one year of the receipt of your request, if you are not satisfied with our handling of your request.

The address is: office of the Information Commissioner

If you have any questions regarding this request, Please do not hesitate to contact Ghislaine Bourdeau at 810 034-93448
Yours sincerely,

Helen Ryan
Access to Information
And Privacy Coordinator.

D. INFORMATION ABOUT WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (WSSD)

This refers to your request under the Access to Information Act (the Act) for:

Documentation related to the 2002 stakeholder meeting in relation to Canada's position for the World Summit on Sustainable Development;

Documentation related to communication with the Canadian Environmental Network about the selection on ENGOs to be part of the Canadian Delegation at WSSD;

Documentation related to the Government of Canada's position related to the precautionary principle for the 2002 World Summit on Sustainable Development (WSSD);

Documentation related to the decision at the WSSD to not apply the precautionary principles to the release, production and export of genetically engineered seeds, foods and crops;

Documentation related to the Government of Canada's WSSD position related to the commitment to promote non renewable energy, and to reduce greenhouse gas emissions;

I THEN RECEIVED THE FOLLOWING RESPONSE:

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is $10.00/hour. For this request, we will require approximately 39 hours to locate and prepare the requested information for disclosure. Please note that there is no charge for the fires five hours of search and preparation time. Therefore, the search and preparation fee is $340.00 (34 hours X $10.00/hour)

We will require a deposit of $170.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at $).20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing records.

If you are not satisfied with our handling of our request , the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:

Information Commissioner of Canada

If you have any questions regarding this request, please contact Ghislaine Bourdeau at 819 934-3948 or by fax at 819 953-1099

Yours sincerely,

Shelley Emmerson
Chief
Access to Information and Privacy Secretariat

244. 27 APRIL 2005: PRIVACY REQUEST ABOUT CSIS BANKS

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598 0071

April 27, 2005

Nicole Jalbert
Coordinator
Access to Information and Privacy
Tel. (613 231-0107 1 877-995-9903, fax613 842-1271
Re: file 116-2005

Dear Ms Jalbert

This letter is in response to your letter of April 26 in which you requested my designating which banks, and the nature of the information sought. This letter should be attached to my privacy request.

Joan Russow (PhD)

Intro
A. role of solicitor General
B. Relevant sections in the CSIS mandate
C. Relevant sections in the banks
D. aspects of relevance for Joan Russow

A. Role of Solicitor General as officer of the Crown should take precedence over partisan political role [thus ensuring that the Solicitor General does not target individuals engaged in lawful advocacy and legitimate dissent or political opponents, and thus discriminate on the grounds of “political and other opinion”- a ground enshrined in international human rights instruments.

B. the relevant CSIS Mandate
The CSIS Mandate

> The Act created CSIS as a domestic service fulfilling a uniquely defensive role investigating threats to Canada's national security.
>
> In meeting its mandated commitments, CSIS provides advance warning to government departments and agencies about activities which may reasonably be suspected of constituting threats to the country's security. Other government departments and agencies, not CSIS, have the responsibility to take direct action to counter the security threats.
>
> Information may be gathered, primarily under the authority of section 12 of the CSIS Act, only on those individuals or organizations suspected of engaging in one of the following types of activity that threaten the security of Canada, as cited in section 2:
>
> 1. Espionage and Sabotage
>
> Espionage: Activities conducted for the purpose of acquiring by unlawful or unauthorized means information or assets relating to sensitive political, economic, scientific or military matters, or for the purpose of their unauthorized communication to a foreign state or foreign political organization.
>
> Sabotage: Activities conducted for the purpose of endangering the safety, security or defence of vital public or private property, such as installations, structures, equipment or systems.
>
> 2. Foreign-influenced Activities
>
> Activities which are detrimental to the interests of Canada, and which are directed, controlled, financed or otherwise significantly affected by a foreign state or organization, their agents or others working on their behalf.
>
> For example: Foreign governments or groups which interfere with or

direct the affairs of ethnic communities within Canada by pressuring members of those communities. Threats may also be made against relatives living abroad.

3. Political Violence and Terrorism

The threat or use of acts of serious violence may be attempted to compel the Canadian government to act in a certain way. Acts of serious violence are those that cause grave bodily harm or death to persons, or serious damage to or the destruction of public or private property and are contrary to Canadian law or would be if committed in Canada. Hostage-taking, bomb threats and assassination attempts are examples of acts of serious violence that endanger the lives of Canadians. Such actions have been used in an attempt to force particular political responses and change in this country.

Exponents and supporters of political violence may try to use Canada as a haven or a base from which to plan or facilitate political violence in other countries.

Such actions compromise the safety of people living in Canada and the freedom of the Canadian government to conduct its domestic and external affairs.

4. Subversion

Activities intended to undermine or overthrow Canada's constitutionally established system of government by violence. Subversive activities seek to interfere with or ultimately destroy the electoral, legislative, executive, administrative or judicial processes or institutions of Canada.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

C. RELEVANT CSIS BANKS
1. Canadian Security Intelligence Service Investigation Records (SIS PPU 045
2. Canadian Security Intelligence Service Records
SIS PPU 015
3. Security and integrity of Government Property. Personnel and Assets (SIS PPU 055
4. Security Assessments/advice SIS PPU 005

D. PRIVACY REQUEST

ONE, SOME OR ALL OF THE FOLLOWING ACTIONS MAY HAVE CONTRIBUTED TO THE CANADIAN GOVERNMENT, THROUGH THE RCMP OR CSIS, DESIGNATING ME AS A THREAT TO THE COUNTRY. PERHAPS IN CHECKING ALL THESE 100 ITEMS IN THE DIFFERENT BANKS CSIS

MIGHT BE ABLE TO REVEAL THE REASON THAT THE GOVERNMENT DEEMED ME TO BE A THREAT.

Joan Russow BA, Med, PhD) and information related to the following actions that may have given CSIS reason to designate Russow as a threat nationally or internationally.

1. Advocating that" true security- is not "collective security" or "human security" which has been extended to "humanitarian intervention" and used along with the "responsibility to protect" notion to justify military intervention in other states.

True security is common security and involves the following objectives:

• to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system , right to education and social justice;
• to enable socially equitable and environmentally sound employment, and ensure the right to development;
• to achieve a state of peace, social justice and disarmament; through reallocation of military expenses
• to create a global structure that respects the rule of law ; and
• to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of overconsumptive development.

2. Compiling the Charter of Obligations – 350 pages of government international obligations, commitments and expectations, and having this Charter officially circulated to all state delegations at the

3. Calling upon governments including the Canadian Government to discharge obligations incurred through conventions, treaties and covenants, to act on commitments made through Conference Action plans, and to fulfill expectations created through UN General Assembly resolutions; and criticizing member states of the United Nations for failing to discharge obligations, act on commitments and fulfill expectations related to the furtherance of Common Security.

4. Embarrassing governments including the Canadian Government or failing to discharge obligations incurred through conventions, treaties and covenants, for failing to act on commitments made through Conference Action plans, and for failing to fulfill expectations created through UN General Assembly resolutions; and criticizing member states of the United Nations for failing to discharge obligations, act on commitments and fulfill expectations related to the furtherance of Common Security.

5. Criticizing member states, including Canada for failing to sign, failing to ratify, failing to enact the necessary legislation to ensure compliance with, or failing to respect for Common Security international Conventions, Covenants and Treaties;

6. Criticizing member states, including Canada for undermining international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to Common Security -peace, environment, human rights and social justice; or for failing to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions;

7. Demanding that there be a concerted international effort to eliminate the complexity and interdependence of the actions that have led to global insecurity , and listing and widely circulating 52 ways that states, primarily the US contribute to global insecurity

8. Criticizing Governments disregard for the rule of international law

9. calling for Canada to dissociate itself from the US and its perpetuation of global insecurity, and instead promote "common security" peace, human rights and social justice.

10. Opposing the US violation of the 1967, the Outer space Treaty. Under this treaty states, including the US, incurred the following obligations:

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind [humanity].
(Art. 1 Outer Space Treaty of 1967 in force 1967)

> ...the moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden..(Art. IV Outer Space Treaty of 1967 in force 1967)

> Recalling its resolution 35/14 of 3 November 1980, Deeply convinced of the common interest of mankind humanity in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived there from, as well as the importance of international co-operation in this field, for which the United Nations should continue to provide a focal point, Reaffirming the importance of international co-operation in developing the rule of law in the peaceful exploration and use of outer space, (The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

11. Criticizing the US for initiating and Canada for in some cases colluding with covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan,

12. Criticizing Canada for proposing, to the UN Security Council, conditions for the invasion of Iraq, and the US for "Operation Iraqi Freedom" against Iraq, and

13. Opposing the US's proselytizing through the spread of Evangelical Christianity around the world, through undermining local indigenous cultures, and through instilling fear through the dangerous, and absurd belief in the "rapture", "Armageddon" and "left behind" and practices, promulgating "pre-millennial dispensationalism "end times" scenario

14. Opposing the fundamentalists inspired by Ed McAteer, who in 1983 stated that "nuclear weapons are part of God's design;

15. Decrying the US practice of propping up and financing military dictators that furthered its vested national interests and of targeting and assisting in the assassination of leaders of other sovereign states, who interfered with US national interests.

16. Lobbying against the continued to maintenance of over 750 US military bases in sovereign states around the world

17. Advocating the conversion of Nanoose military base

18. Protesting the circulating and berthing of US nuclear powered or nuclear arms capable vessels throughout the world, and in particular in the urban port of Greater Victoria.

19. Writing an affidavit for the Vancouver Island Peace Society case for the case launched against the issuing of a order in council to bypass environmental requirement to carry out an environmental assessment review of the circulating and berthing of US nuclear powered and nuclear arms capable vessels.

20. Opposing the continued mining of Uranium including the proposal in 1981 to mine in the Okanagan

21. Condemning the Canadian contribution to the development of US nuclear Weapons and the development of US Depleted uranium piercing tanks weapon system

22. Pointing out nationally and internationally the link between civil nuclear energy and the development of Nuclear arms

23. Protesting the Cassini Space probe that had 32 Kg of plutonium fueling the control board

24. Criticizing government for ignoring the commitment to eliminate the production of weapons of mass destruction such as nuclear, chemical, and biological, (global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction.)

25. Criticizing failure of governments including Canada, to move towards disarmament

26. Criticizing the failure of states to comply with small arms treaties and to continue to profit from the sale of arms

27 Exposing the extent of enormous amount of material and human resources expended on the arms race

> ..In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)

28. Lobbing against the planting land mines throughout the world, and criticizing the US for failing to sign and ratify the Convention for the Banning of Landmines
and to comply the 1981 Convention on Prohibition or restriction on the Use of Mines, Booby Traps and other devices

> Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000

29. Condemning the US withdrawal from the Nuclear Non Proliferation Treaty, and the failure, as a nuclear arms power, to reduce nuclear weapons as agreed under Article VI but also has resumed development of nuclear weapons (Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.)

30. Criticizing the failure-to link civil nuclear energy with the development of nuclear arms and specifically criticizing Canada for selling uranium to the US; there is probably a little bit of uranium in every one of the US nuclear bombs

31 Criticizing the failure to respect the 1996 decision of the International Court of Justice that the threat to use or the use of nuclear weapons is contrary to international humanitarian law. And to ignore the Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control Convention

32. Opposing the use of weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II

33. Opposing the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

> Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

34 Condemning NATO'S first strike policy, and the US' control over NATO and the US' circumventing the United Nations,

35. Lobbying for the disbanding of NATO, and circulating a resolution calling for the disbanding on the eve of the 50th Anniversary of NATO

36. Criticizing the US for perceiving justice in terms of revenge through military intervention rather than seeking justice from the International Court of Justice,
and misconstrued Art 51 (self defence) of the Charter of the United Nations to justify premeditated non provoked military aggression by illegally invading against Afghanistan

> Article 51
> Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

37. Pointing out that the fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI --peaceful resolution of disputes of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the requirement under article 37 to take potential situations of conflict to the International Court of Justice

38 Condemning the misconstruing of the prevention of war by the US in adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign states that are designated as being on the axis of evil, by illegally invading Iraq in violation of
the UN Charter article 2 and international law and has committed the
'supreme' international crime of a war of aggression

39. Condemning member states for failing to fulfill the fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. [Chapter VI of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the requirement under article 37 to take potential situations of conflict to the International Court of Justice]

40. Opposing the use by the US and UK, of the term “serious consequences” in the November 15, 2002, to legitimize the invasion of Iraq

41. Organizing a rally, across from the United Nations in New York, on March 7, 2003, opposing proposed US-led invasion of Iraq

42. Criticizing the attempt by the US to undermine the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes other members of the United Nations)

43. Supporting the call for the dissolution of the UN Security Council which is an affirmative action program for nuclear powers and which violates the fundamental principle of the sovereign equality enshrined in the UN Charter; for the removal of Chapter vii, and for strengthening the role of the UN General Assembly should be disbanded.

44 Lobbying for the use of the Uniting for Peace resolution to prevent the scourge of war. by intimidating the members of United Nations General Assembly into not holding an emergency session of the UN General Assembly under the Uniting for Peace resolution

> 1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefore. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations; (1951, Uniting for peace resolution)

45 Condemning the US assassination of or US contribution to the assassination of state leaders who interfere with US interests or who are deemed to be a potential threat 9-1-73 (in Chile);

46. Condemning the US in its promulgation of propaganda for war in violation of the International Covenant of Civil and Political Rights;

47. Condemning the US ignoring the provisions in the Convention on the Right to Correction which affirmed:

> ",,, to protect mankind [humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression;

48. Criticizing the failure of the global Community to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms);

49. Intervening at the Conference of Defence Association, and criticizing the proposal made by the US for Canada to increase its defence budget

41. Making several presentations at the United Nations about the need to respect the years of commitments made to reallocate the military budget

42. Condemning the disdain exhibited by NATO countries for the international rule of law, and the refusal to accept the jurisdiction or decision of the International Court of Justice;

43. Opposing the extension of "human security" to mean "humanitarian intervention" and "Responsibility to protect to become a licence to intervene militarily in the name of humanitarian intervention; these expressions are used to legitimize military intervention;

44. Denouncing the violation of Geneva conventions on the treatment of civilians, and international human rights and humanitarian law during the occupations of both Iraq and Afghanistan;

> Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians
> Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent sever losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)
>
> Protecting victims of International armed conflicts
> • Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.
> • Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.
> • Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)
>
> Prohibiting the starvation of civilians through attacking objects indispensable to the survival of civilian population
> Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

45. Denouncing the Convention against Torture through Cruel, Inhumane or Degrading Treatment or Punishment

46. Denouncing the counseling other parties to engage in torture, through being a party to the offence of torture, and through counseling another person to be a party to the offence of torture in Guantanamo Bay prison, and in Abu Aghraib prison;

47. Denouncing the engagement in cruel and inhumane punishment through the practice of capital punishment, in violation of accepted international norms

48. Opposing the promulgation of globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law, and condoned and actively facilitated corporations benefiting and profiting from war;

49. Criticizing IMF for structural adjustment program, and exploited vulnerable and indigenous peoples around the world;

50. opposing Member states for failing to fulfill the international commitment to transfer 7% of the GDP for overseas aid,

51. Criticizing states for canceling of third world debt;

52. Opposing the privatization of public services such as water, and health care

52. Criticizing governments for , and reducing funding for universities, and condemning the corporate funding of education and corporate direction of research;

53. Opposing the government's subsidizing and investing in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment;

54. Opposing the failure of governments to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment;

55. Opposing the failure of member states of the UN to ensure that corporations, including transnational corporations comply with international law, and to revoke charters of corporations that violate human rights, destroy the environment, denies social justice and contributes to war and conflict;

56. Proposing that Mandatory International Ethical Normative (MIEN) standards and enforceable regulations drive industry to conform to international law,

57. Expressing concern about the undermining of international principles and standards by governments devolving responsibilities to corporations

58. Opposing corporate "voluntary compliance" through 1SO 14,000;

59. Demonstrating the failure of governments to address environmentally induced diseases and poverty related health problems and denied universal access, to publicly funded not for profit health care system;

60. Opposing the production or the permission to produce of toxic, hazardous, atomic wastes

61. Opposing the transfer of toxic and hazardous wastes to least developed states

62. Opposing the failure of members states to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992;

63. Opposing the unethical practice of using "prior informed consent" to justify the transfer to other states of substance or activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992;

64. Denouncing the production, the promotion , and the approving of genetically engineered foods and crops and leading to a deterioration of the food supply, and heritage seeds;

65. Opposing the failure of the member states, including Canada, to invoke the precautionary principle which has become a principle of international customary law, and in essence could be paraphrased as where there is a threat to the environment, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the threat

66. Opposing the dumping of raw sewage in the ocean off the coast of the Greater Victoria Harbour.

67. Criticizing states' disregarding obligations under the Convention on Biological Diversity to conserve biodiversity, to carry out and environmental assessment review of practices that could contribute to the destruction of biodiversity, and to invoke the precautionary principle and enshrined in the Convention

68. Criticizing governments for failing to comply with the Framework Convention on Climate Change, in which almost all governments agreed in 1992 to reduce Greenhouse gases to 1990 levels by the end of the century – 2000.

69. Criticizing governments for ignoring the warnings of the Intergovernmental panel on Climate change, disregarding obligations under the Framework Convention on Climate Change to reduce greenhouse gases and to conserve carbon sinks

70. Criticizing, at the WSSD in 2002, the US, Canada, Australia, and Japan as being on the Axis of Environmental Evil for undermining international environmental obligations

71. Criticizing governments for failing to included list ground of discrimination in their legislation, and for discriminating at different times on the following grounds:
- race, tribe, or culture;
- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
- gender, sex, sexual orientation, gender identity, marital status, or form of family,
- disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status;

72.Writing a book on a method of teaching human rights linked to peace, environment and social justice within a framework of international law

73. Criticizing US and other states, and numerous for denying women's reproductive rights, in contravention of commitments made under the International Conference on Population and Development;

74. Countering the denial of fundamental rights through the imposition of religious beliefs;

75. Criticizing the Papal See delegate at several international conferences for the Papal See's restricting the list of designated grounds to only those that were enshrined in the UN Declaration of Human Rights

76. Proposing that the US, in reviewing the intelligence from September 11,, 2001, should seriously consider the question that was asked after the attack of September 11, 2001: Why do they hate us?

77. Opposing anti-terrorism legislation that violates civil and political rights, and that contributed to racial profiling

78. Criticizing the targeting of, and intimidating of activists;, and the discriminating of citizens engaged in lawful advocacy and legitimate dissent, and on the grounds of political and other opinion (a listed ground in the International Covenant of Civil and Political Rights- to which the US is a signatory):

> The FBI has included the following in their designation of terrorists:
> "... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in

the United States through revolution rather than through the established political process."
"Anarchists and extremist socialist groups -- many of which, such as the Workers' World Party, Reclaim the Streets, and Carnival Against Capitalism -- have an international presence and, at times, also represent a potential threat in the United States. For example, anarchists, operating individually and in groups, caused much of the damage during the 1999 World Trade Organization ministerial meeting in Seattle."
"Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect more widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including, the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other political and social movements."

79. Opposing the failure of governments to distinguish lawful advocacy and legitimate dissent from criminal acts of subversion;

80. Expressing concern about the discrimination against immigrants, and about the failure to sign and ratify the Convention for the Protection of Migrant Workers and their Families;

81. Decrying the US as an international rogue state, intruding and intervening, unilaterally and abandoning multilateralism;

82. Criticizing the US for undermining the principle of democracy by couching a plutocracy/theocracy in democratic notions of "freedom";

83. Launching, in conjunction with the faculty of law at the University of Toronto,
a Charter Challenge to the First Past the Post electoral system

84. Running as the leader of the Green Party of Canada in two Federal Elections (1997 and 2000) against David Anderson, and in a Federal By-election (2000) against Stockwell Day

85 Compiling a Platform in 1997. and 1998, and criticizing the Canadian government's national policy department by department, and the Canadian government's international policy

86. Sending proposals for New Years resolutions to Jean Chrétien in 1998, 1999, and 2000

87.Preparing a budget in 1998, 1999, and 2000 and criticizing the government for misplaced spending priorities

87. Drafting and circulating a treaty for State and Corporate Compliance in opposition to the MAI

88. Drafting and circulating a treaty placing APEC in the context of international public trust instruments

89. Drafting and circulating a treaty placing the WTO in the context of international public trust instruments

90 Drafting and circulating a treaty placing the FTAA in the context of international public trust instruments

91. Assisting in the preparation of a statement presented by the Peace Caucus to the United Nations

92 Authoring the book; Habitat II; Moving beyond Habitat I, and circulating the book at the 1996 Habitat II Conference in Istanbul

93. Writing and distributing, as a member of the 1997 Earth Summit + 5 Canadian Stakeholder group, a 200 page critique of Canada's environmental practices, and of Canada's failure to comply with obligations and commitments from UNCED in 1992,

94. Drafting criteria for standards for evaluating international overseas projects for CIDA

95. Applying for numerous Federal grants related to research into Canada's compliance with international legal obligations, commitments and expectations, and translating these obligations, commitments and expectations to the local contact [For example, several applications, in 1996, 1997 to Canada Mortgage and Housing within the Department of public Works Public Works.]

96. Carrying out a content analysis of the 1992 UNCED Forest Principles within the context of the Convention on the Biological Diversity, and other international environmental agreements

97. Having input, as a stakeholder, into the Department of Environment's program for implementing Sustainable Development Principles

98. Applying for a Charter Challenge grant to address the issue that the ground of "political and other opinion" – a listed ground within in most International Human Rights Instruments – was not included in the Charter of Rights and Freedoms

99. Having applied for over 60 access to information and privacy requests, having faced numerous exemptions on the grounds of for "reasons of international and national security etc, and thus exhausting all domestic remedies to determine the reason for my being placed on a Threat Assessment list by the RCMP or CSIS.
100. Having filed a complaint against the Canadian government under the Optional Protocol ,with the UN Commission on Human Rights based in Geneva for the government's violation of my civil and political rights by placing me on a threat assessment list.

245. **6 MAY 2005**: RESPONSE FROM ACCESS TO INFORMATION IN THE DEPARTMENT OF ENVIRONMENT; RELATED TO BRIAN GROOS

After a google search I found out that Brian Groos had been hired, as a special environmental adviser, by the Department of Environment; Hon David Anderson was the Minister of Environment

Environment Environnement Canada Canada Les Terrasses de la Chaudiere 27ieme etage/27th Floor
10, rue Wellington/10 Wellington Street Gatineau, Quebec KIA 0H3
TEL.: (819) 953-2743 FAX: (819) 953-0749 Helen Ryan @ec.gc.caOur File
Notre reference
A-2005-00042 / me

May 06 2005
Dr. Joan Russow

1230 St. Patrick Street
Victoria, British Columbia
V8S 4Y4
Dear Dr. Russow:
This letter is in response to your request under the Access to Information Act (the Act) for:
"Details about the contract and salary for {Brian Gross} when he was hired as a senior advisor for the Hon {David Anderson} in 2004. As well as an outline of academic qualification and experience that would have justified his position as senior advisor. "
After a thorough search, no records were found concerning this request.
The Act grants you the right to file a complaint with the Information Commissioner, within one year of the receipt of your request, if you are not satisfied with our handling of your request. The address is:

Office of the Information Commissioner 112 Kent Street, 22nd Floor Place de Ville, Tower B Ottawa, Ontario KIA 1H3

If you have any questions regarding this request, please do not hesitate to contact Maggie Casey at (819) 994-6619.

Yours sincerely,
Helen Ryan
Access to Information and Privacy Coordinator

246. 2005: ACCESS TO INFORMATION REQUEST TO ENVIRONMENT CANADA ABOUT REFERENCE TO BRIAN GROOS AS SPECIAL ADVISER

247. 9 MAY 2005: REPLY FROM ACCESS TO INFORMATION COMMISSION TO THE COMPLAINT ABOUT THE EXORBITANT COSTS LEVIED BY ACCESS TO INFORMATION IN ENVIRONMENT

FILE 44557/3003
A-2004-00475

Dr. Joan Russow
1230 St. Patrick Street
Victoria, V8S 4Y4

Dear Dr. Russow:

I write to report the results of our investigation of your complaint, made under the Access to Information Act (the Act) against Environment Canada (EC). In your request you asked for records regarding the 2002 World summit on Sustainable Development (WSSD)

Your request was received by e-mail at the Access to information and Privacy (ATIP) office of EC on December 20, 2004, followed on January 6, 2005, by payment of the application fee. On January 26 your were advised in writing of a fee estimate of $340 for search (39 hours minus five non-chargeable hours at 10 per hour). My office received your complaint about this estimate on February 3.

The investigation revealed that records relevant to your request are stored in 12 boxes of paper records and on four back-up tapes. My investigator Donna Billard, estimated that the paper records measure 120 inches. . At 200 pages per inch, there could be approximately 24,000 pages of paper records. In addition, the four back-up tapes require an average of five hours just to catalogue, not including time to review, restore and print the electronically stored records. Each record must be reviewed to determine if it meets the criteria of your request.

In my view, EC's estimate of 34 hours for search and preparation of records relevant to your request is fair and reasonable. That said, I will record your complaint as not substantiated.
Having now received the report of my investigation, you have the right to apply to the Federal Court for a review of Environment Canada 's decision to deny you access to requested records. Such an application should name the Minster of the Environment as respondent and it must be filed with the Court within 45 days of receiving this letter

Yours sincerely,
The Hon. John M. Reid, PC

248. 10 JUNE 2005: UPDATE OF TO WHOM IS INFORMATION ACCESSIBLE

ACCESS TO INFORMATION: FOR WHOM IS INFORMATION ACCESSIBLE

After reading a government publication which boasted that Canada has more trial sites for genetically engineered foods and crops than the whole European Union, I requested the location of the sites through Access to Information. I received a package with the towns and cities listed but not specific locations for the trial sites from 1988-1998). I was informed in a letter that the complete specific site information (1988-1998) would be available if I were able to pay $2150.00 with $1500 up front because it would take about 215 hours of research and that I would be entitled only to 5 hours of free research.. It would appear that the estimated 215 hours of search is required because the government is not permitted to release the location of trial sites on private farms; thus the private farms data would have to be deleted before the data are released.

In the letter, it was also mentioned that I could narrow my request to 1998 which I did. In response to my request for complete data from 1998 I was told that I would now have to pay $270 because the research would take 32 hours minus the 5 hours that I would get free, and there would be 515 pages to xerox over the 250 pages that would be done for free. I pointed out that in BC there was a policy that if it could be demonstrated that the information sought should have already been compiled as part of the normal course of department organization and practice then the charge would be waived. I have now undertaken to file a complaint with the Federal Access to Information section noting that the information that I have sought should be part of the normal activity of the department for public accountability, and as such should be made available to the public free of charge. In the interim I have requested 125 pages or 5 hours worth of research on what has been tested in Saskatchewan where the most tests have been carried out.

Months later I received the 5 hour research document. It was exactly the same information that I had received before but with three bilingual diagonal stamps with “access to information”.

One is left with the question “for whom is information accessible”. It would appear that the information is accessible to those with sufficient funds to pay up front for the research. The implications are extremely serious. The department can justify not preparing documents necessary for public accountability and for public consumption by stating that these documents, of course, are always available on request through the Access to Information process.

Thus, those that have the money to pay for the research that the government should have already carried out as a requirement of public accountability for public consumption are the only ones that can have the research results on demand. There is of course still the opportunity for an organized campaign where over 40 individuals could ask for information that would require no more that 5 hours for each request. If the department does not address my complaint and release the information that, for the sake of public accountability should be already prepared for public consumption, the Green Party of Canada will embark upon a campaign of 41 separate access to information requests until we have the full picture of what has been and is currently being tested across Canada and where these tests have been carried out.

In the information that I received from 1988-1998 there was a listing of the individual test sites. I have requested a list of the actual items being tested. The list of sites could be for testing the same item all across Canada. The representative from Access to Information has undertaken to seek this information and fax it to me if possible.

I have gone through the 200 odd pages and typed up all the sites and then sorted them by date and location.

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains
(a) advice or recommendations developed by or for a government institution or a minister of the Crown,
(b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the Crown or the staff of a minister of the Crown,
(c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or

(d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation,
if the record came into existence less than twenty years prior to the request.
(2) Subsection (1) does not apply in respect of a record that contains
(a) an account of, or a statement of reasons for, a decision that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or
(b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government institution or a member of the staff of a minister of the Crown.
1980-81-82-83, c. 111, Sch. I "21".

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits.
1980-81-82-83, c. 111, Sch. I "22".

249. 8 JUNE 2005 FORMER GREEN LEADER SUED OVER STUDENT LOAN

FORMER GREEN LEADER SUED OVER STUDENT LOAN Brennan Clark
Victoria News

250. 25 JUNE 2005: COMPLAINT FILED WITH UN HUMAN RIGHTS PANEL

1230 St Patrick St.
Victoria, B.CV8S 4Y4
Canada
June 24, 2005

Dear Commissioner
In May 17, 2002, I filed a complaint to the human Rights Committee (International Covenant of Civil and Political Rights), and received no response.

Subsequently, I faxed the following updated complaint to the Human Rights Committee, and still did not receive a response.

Now in 2005, I am resubmitting my compliant from December 10 2004, and hope that you will give this complaint your immediate attention.

Yours truly
Joan Russow (PhD)
Tel 1 250 598-0071
To Petitions Team
COMPLAINT UNDER THE OPTIONAL PROTOCOL
INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10m Switzerland
F ax 41 22 917 9022
From: Dr. Joan Russow

1230 St. Patrick. St.
Victoria, B.C. V8S4Y4 Canada

No. of pages: 8 counting cover

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
December 10, 2004
1.NAME: Russow Joan Elizabeth
NATIONALITY Canadian
DATE OF BIRTH: November 11, 1938
PLACE OF BIRTH: OTTAWA, CANADA
ON MY OWN BEHALF
Re: Complaint by Dr. Joan Russow December 10, 2004

11. STATE CONCERNED

CANADA

ARTICLES OF COVENANT ALLEGED TO HAVE BEEN VIOLATED
Article 2 of the International Covenant of Civil and Political Rights "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

NOTE: Canada did not included “political and other opinion” as one of the listed grounds under the Canadian Charter of Rights and Freedoms (1982)”

Article 2 of the Optional Protocol which was ratified by Canada, "individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration."

III EXHAUSTION OF DOMESTIC REMEDIES

Since 1997 I have filed requests through Access to Information and through Privacy to determined the reason for my being placed on a Threat Assessment List

I have gone through the processes within the following Department:

Prime Minister Office
Privy Council Office

Solicitor General
RCMP
CSIS
Department of Defence
Department of Agriculture
Department of Justice
Department of Environment
Department of Citizenship and Immigration
Department of Public Works
Department of Fisheries
Department of Natural Resources
Department of Industry
Department of Foreign Affairs

Complaint by Dr. Joan Russow December 10, 2004

Numerous commissions

Canadian Human Rights Act [it does not deal with discrimination on the grounds of “political and other opinion”]

The information was denied by using section on international security and defence:
15. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities, including, without restricting the generality of the foregoing, any such information

(a) relating to military tactics or strategy, or relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection, prevention or suppression of subversive or hostile activities;
(b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;
(c) relating to the characteristics, capabilities, performance, potential, deployment, functions or role of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities;
(d) obtained or prepared for the purpose of intelligence relating to
(i) the defence of Canada or any state allied or associated with Canada, or
(ii) the detection, prevention or suppression of subversive or hostile activities;
(e) obtained or prepared for the purpose of intelligence respecting foreign states, international organizations of states or citizens of foreign states used by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs;
(f) on methods of, and scientific or technical equipment for, collecting, assessing or handling information referred to in paragraph (d) or (e) or on sources of such information;
(g) on the positions adopted or to be adopted by the Government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;
(h) that constitutes diplomatic correspondence exchanged with foreign states or international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or
(i) relating to the communications or cryptographic systems of Canada or foreign states used
(i) for the conduct of international affairs,
(ii) for the defence of Canada or any state allied or associated with Canada, or
(iii) in relation to the detection, prevention or suppression of subversive or hostile activities.

B. I went through the Commissioner on Access to Information to ask for a review, and through the Privacy Commissioner for a review but still was not able to find out why I was placed on a Treat Assessment List
C. I went to Federal Court against the Attorney General of Canada, and was unsuccessful, and the Judge indicated that if after seeking information for 5 years I had found nothing what I was doing was nothing more than a fishing expedition.
D. I have written letters to the Minister of Justice, Ethics Commissioner, Access to Information Commissioner, and the Privacy Commissioner to address my case

E. I have exhausted all domestic remedies and am now appealing to the Commission on Human Rights

Complaint by Dr. Joan Russow December 10, 2004

IV FACTS
Background:
I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a

member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights).

I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

At least since 1972, I have been a critic of Canadian government policy related to failure to enact the necessary legislation to ensure compliance with international law related to human rights, peace, environment, social justice. I have criticized Canada internationally, and nationally.

At international conferences, I have criticized the failure of governments to reallocate military expenses to global social justice as has been agreed through numerous commitments made through the UN General Assembly.

Facts of the complaint

I was placed on a Threat Assessment List. In particular, I criticized the failure to reallocate the peace dividend to developing countries, and the failure to cancel the burdensome third world debt. I have also called for the disbanding of NATO. , and I have been critical of the UN Security council support for the invasion of Iraq in 1991, the NATO invasion of Yugoslavia, the Afghanistan, and the illegal act by the US in its invasion and occupation of Iraq.

I have criticized Canada through the court system related (i) to the failure of Canadian government to enact the necessary legislation to ensure compliance with the Convention on the Protection of Cultural and Natural Heritage, the Convention on Biological Diversity, and the Framework Convention on Climate Change; (ii) to the practice of the Canadian government's issuing an order in Council, using Royal prerogative to bypass its own statutory legislation for the purpose of allowing nuclear powered and nuclear arms capable vessels to berth in the harbour of Greater Victoria; (iii) to the violation, through requirement of bible reading in the schools, by the Canadian government , of section 15 of the Charter of Rights and Freedoms [with the BC Civil Liberties Association) ; (iv) to the government's continued endorsement of an electoral system in violation to various sections of the Charter, as well as

Complaint by Dr. Joan Russow December 10, 2004
against International human Rights legislation [with the Law Faculty of the University of Toronto].

Through drafting election Platforms, and through running in Federal elections, I had been advancing the banning of genetically engineered foods and crops; the banning of salmon aquaculture; the discontinuing of corporate funding of universities; the eliminating of hate literature; the ending of the devolution of power to corporations and the revoking of charters and licence of corporations that have violated human rights, destroyed the environment, denied social justice, or contribute to war and violence; for ending voluntary compliance and

for calling for mandatory international regulations to drive industry, the exposing of Canada's procrastination for implementing provisions for addressing climate change and for conserving biodiversity; and the failing to act on commitments made through Agenda 21 (UN Conference on Environment and Development), the Habitat II Agenda (Habitat II, 1996), and the Platform of action (UN Conference on Women; Equality, Development and Peace, 1995) etc. I have opposed Canada's complicity in the invasion of Iraq, Kosovo, and Afghanistan. In addition, I have opposed the Anti-terrorism Act, and racial profiling.

I have never been arrested. Under the CSIS (Canadian Security Intelligence Service) act citizens engaged in lawful protest and advocacy must not be targeted:

In the Act establishing the Canadian Security Intelligence Service Threats to security of Canada" means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage.
b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person

c activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
d Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy
The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO, SIRC with exemptions under various section being cited such as “information cannot be released for military and international security reasons".

In September 1998, it was brought to my attention that I had been placed on an RCMP threat assessment list of "other activists". The placing of the leader of a registered political

party on a threat assessment became a media issue and was reported widely across the country through CBC [Canadian Broadcasting Corporation] television, through CBC radio,
and through the National Post and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I} My being placed on a threat assessment list coincided with the announcement that the leader of the German Green party, Joska Fischer’s being named foreign Minister.

In 1998, it was also revealed that the Department of Defence had compiled a list in 1993 of ["groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada is questionable as the group bond is stronger than the nationalist bond."]. The Green Party was on this list. This list was widely circulated, and it appears that leaders of these groups were of particular concern.

In 1999, an additional article appeared across the country when I filed a complaint with SIRC—a section that reviews complaints against CSIS, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of articles, in the National Post and its Affiliates on the Criminalization of Dissent. One of the pieces was dedicated to my being placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture, along with Martin Luther King’s, accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in David Anderson’s office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson’s office, had been filed with Elections Canada; Elections’ Canada had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of “political and other opinion” - a ground that is included in the International Covenant of Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a “threat to Canada”.

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted. I have been discriminated on the grounds of “political and other opinion”.

SIGNED

JOAN RUSSOW
December 10, 2004

INTRODUCTION:

INTERDEPENDENCE OF INTENTION TO REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING DEFAMATION CASE LINKED TO STUDENT LOAN

It is essential to link the on-going case of defamation with the current case related to student loan. Since the designation of Joan Russow by the RCMP as a threat, of Joan Russow's behaving inappropriately, and of Joan Russow's having violated the Elections act, was publicized through the print, audio and visual media, Joan Russow's case could be jeopardized by the dissemination of information prior to this case because there could be an unfavourable predisposition towards Joan Russow.. Therefore, before the case can be properly examined, impartially and dispassionately and for the proper administration of justice, there should be a resolution of the on-going defamation case.

JOINED CASES

OUTSTANDING DEFAMATION CASE AGAINST GOVERNMENT

Vancouver, British Columbia, Tuesday, the 22nd day of January, 2002
Present Mr. John A Hargrave, Prothonotary

1. Statement of Claim. As it stands, is one to which the Defendant should not be expected to have to plead to. At best it suggests a claim in defamation. However, it is not only bereft of facts and of the particulars required to support the tort of defamation, but also it replete wit pleas amounting to evidence, conclusions, without proper factual foundation and immaterial allegations. ….

3. My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivable be rights which needed a remedy. ….

4."… I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed , I viewed it as an n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is

struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. …

****(A) DEMONSTRATION OF “RIGHT INTENTION TO REPAY

FACTS

1. In 1986, I completed a Master’s degree in Curriculum Development, developing a method of teaching human rights linked with peace, environment and social justice within a framework of international law.

2. In 1995 prior to completing my doctorate. I was a sessional lecturer in global issues, at the University of Victoria; I received a $50,000 grant from CIDA for authoring the Charter of Obligations – 350 pages of obligations incurred through Conventions, Treaties and Covenants, of commitments made through Conference Action Plans, and expectations created through UN General Assembly Declarations and Resolutions. This Charter was recognized as a significant contribution and was officially distributed to all state delegations at the UN Conference on Women in Beijing. In 1995, I also received $15,000 from the EDSP fund in CIDA for the exploratory phase of another project for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. with Brazil.

3. That in January 1996, I completed my doctorate in Interdisciplinary Studies,. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

4. When I graduated with my doctorate in January, 1996 with a student loan of $57.000, I believed that I would only be responsible for $27,000 to the Federal government, because in 1987 when I embarked on my Doctorate program, the BC Ministry of Education offered remission of up to 30,000 for students who had completed the doctoral program, and who either worked or did community work in the summers, which I had done.

5. When I embarked upon the doctoral program, it was my understanding that on completion of my doctorate, I would be eligible for a loan remission of $30.000 if I could demonstrate that I had completed my course program and that I had engaged in community service

EXHIBIT: document from BC government about loan remission for doctoral program

EXHIBIT: document of confirmation of loan indicating that the federal at 3,570 and the BC at 3,600 countering the claim that the division of loan was 60% federal and 40% provincial doo

EXHIBIT: BC government document indicating that there would be remission of 30,000 on completion of the doctoral program; this practice was discontinued primarily because the BC government determined that it was repaying a disproportionate share. The federal government offered no remission program. I raised the issue of the 30,000 remission with the BC government and was informed that the legislation had changed and that I would be eligible for only 20,000 loan remission for community service, and for completing my doctorate; Twenty thousand of the amount was granted in remission for community service by the Provincial government. I then still owed $37,000 to the Federal Government under the Ministry of Human Resources..

In 1997, I wrote the following letter to Hon Paul Ramsay, Minister of Education pointed out that I had had a legitimate expectation that I would only be responsible for the $27,000

Hon. Paul Ramsey
Minister of Education
FAX 3873200

Dear Minister

I have been advised by Student services to write to you on the matter of my outstanding B.C. loan.

I completed my doctorate degree in January 1996. This degree was a culmination of over 21 years of study. During that time I brought up four children and participated continually in local, national and international issues and public service.

During my education I incurred a government loan of $55,000.
It was always my understanding that if I completed my doctorate I would be eligible for remission of up to $30,000.

Six months after I completed my doctorate, I was informed that the $30,000 remission is only for BC loans and that the university or the student awards services had divided my loan into 20,000 (BC) and 35,000 (Canada). Because of the division, they claimed that I would only be eligible for remission of up to 20,000.

Recently I received a letter from the BC government Awards section indicating that I would receive remission of 16, 900
I urge you to reconsider my case, and adjust the combined federal/provincial loan to permit the $30,000 remission.

It was brought to my attention recently that forest workers have been offered $25,000 to return to school without the obligations to repay, and without the requirement to complete.

It was with great difficulty that I completed my education and I appreciate the assistance that I received from both the federal and provincial government.

Thank you for considering this request.

Yours Truly

Joan Russow (PhD)
1230 St Patrick St
Victoria, B.C.

6. The Federal government, in contrast to provincial government, has not granted remission benefit to students who complete course of studies, who worked during the summer during period of study, and who engaged in community service, even though

there had been proposals at the Senate Committee on Education to offer students the option of repaying loans through community service. Senator Perreault had made these recommendations in a Federal publication on Higher Education

7. In 1996, I contributed to the development of a Canadian NGO document for the Habitat II conference to be held in Istanbul, and participated in the government sponsored Canada Mortgage and Housing consultation processes for this Conference. I also wrote a book, entitled, Comment on Habitat II Agenda: moving beyond Habitat I to discharging obligations and fulfilling expectations; this book was distributed to most of the state delegations at the Habitat II conference. I also served as a member of the editorial committee editing NGO submissions, I chaired the Urbanization Caucus, led the Global Compliance Caucus, and made a presentation of reallocation of the global military budget to Committee B. I received no remuneration for my work.

8. 1996, I applied for numerous grants including two grant applications of $25,000 in 1997 and 1998 from Canada Mortgage and Housing in the department of Public Works and housing in the fall of 1996 and received the rejection in 1997

In 1996, for the Habitat II Conference, I prepared 176 page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories
“Sustainable Development”.

The proposed project was the following: A revising of "Sustainable Development" in the context of '"sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

> “IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.”
>
> "All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.”
>
> "This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.
>
> This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.

> IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

9. My position at the university was not renewed and that from 1996- 1998, I applied for numerous grants related to transferring principles from international instruments to the national, provincial and local contexts, and I was continually unsuccessful; these applications were significant, serious and worthy of support. Apart from two $500 government grants in the Spring of 1996, I have not earned any income

10. In August 1998, I became discouraged about not being able to obtain gainful employment, I realized that it would be difficult for me to repay my loan. I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettygrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that students should be able to repay their loan through community service] and given that I was then 60 years old and my chances for employment were diminishing. He declined. and included an outline of community work that I had done. I sent a copy of this letter to Senator Perrault, and had been in contact with his office.

11. I continued to lobby for the implementation of a Federal remission program similar to that in BC; this proposal was based on Senator Perrault's proposal that students should be eligible to repay loan through community service. Students had a legitimate expectation because of the Senate report on education which included the proposal by Senator Perrault that the Federal government was seriously considering remission for completion of course work and for community service and because Provincial government bases remission on completion of program and community service.

12. Until the end of 1998 students were able to declare bankruptcy on their student loans., I rejected the option of declaring bankruptcy. I accepted that I would have been bound to repay my loan once I was gainfully employed in work commiserate with my education and experience, and I was still expecting to be gainfully employed and able to repay this loan

13. In November 1998, when I turned 60, I forwent my Canada pension because I still had the intention of obtaining gainful employment.

14. From April 1997 to March 2001 I was the leader of the Green Party of Canada. I expected as the leader of the Green Party to eventually receive remuneration for my work, and if the current electoral practice of funding Federal Parties had been in place the Green Party would have been able to pay me as the leader.

15. Over the years I have engaged in community service, and in promoted the public trust and the rule of law; I have attempted over the years to find gainful employment in my field, and have been unsuccessful and thwarted. I recently submitted, grant related

to my work in compliance with International law, and in April 2005, I received yet another rejection.

PLEADING

1. I have demonstrated the intention to repay my loan by attempting to find work commensurate with my education and experience, and by rejecting the option of declaring bankruptcy

2. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1996 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200 page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation.

3. I participated, without remuneration, throughout the years as a stakeholder, in conference calls , in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

4. I have not incurred any debts over the years. I had always considered that the student loan debt should be paid off as soon as I was gainfully employed in work commiserate with my education and experience.

**B DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

FACTS;

1. the Mission of Canada Student Loans Program is the following;

The mission of the Canada Student Loans Program (CSLP) is to promote accessibility to post-secondary education for students with a demonstrated financial need, by lowering financial barriers through the provision of loans and grants, and to ensure Canadians have an opportunity to develop the knowledge and skills to participate in the economy and society.

***PLEADING:

1. As Paul Partridge from the office of the Attorney General of Canada affirms “The pleadings should be considered as a whole and be liberally construed.

Paul Partridge, Attorney General of Canada, 2001, Russow vs Her Majesty the Queen stated:

> The pleadings “should be considered as a whole to determine the intention of the pleader.
>
> Per Rosellini J., in Spangler v Glover, 50 Wash. 2d 473, 313 P. 2d 354 at 360 (1957)
>
> They should be liberally construed {Taylor v Foremost-McKesson Inc, 656 F 2d 1029 (5th Cir. 1981); Hendrix v Board of Education of City of Chicago, 199 iii, App. 3d 1, 144III. Dec.900, 556 N.E 2d 578 (1990); Kosonen v. Waara, 87 Mont. 24, 285 Pac. 668 (1930). But in such a way that substantial justice will be done between the parties.[“it is trite law to say that the court should exercise its discretion in motions such as these, to do justice to all parties in light of all the circumstances”, Per Greer J. in Lana International Ltd. V Menasco Aerospace Ltd (1996), 28 O.R. (3d) 343 at 348 (Gen.Div). Accord; Hoover v Peerless Publications, Inc 461 F. Supp. 1206 (E.D. Pa. 1978); Hendrix v. Board of Education of City of Chicago, 199 III App. 3d 1, 144 III. Dec 900, 556 N.E. 2ed 578 (1900). }. Effect should be given to the substance rather than the form of the pleading, and it should not be judged entirely by what it is labeled but by what it contains [[Cornett v Prather, 293 Ark. 108, 737 S.W. 2d 469 (1987). Where a pleading is susceptible to one of two readings, one of which will make it bad while the other will sustain it, the rule is to prefer the latter reading {Osler J. in Palmer v Solmes (1880), 45 U.C.Q.B. 15 at16 (C.A.).

2. Students have a legitimate expectation that repayment of loan is inextricably linked to obtaining gainful employment and thus to be able “to participate in the economy and society”

3. Students have a legitimate expectation that the principle of education rather than loan repayment should determine employment:

> In March 7. 2005, Frank Lacobucci President of the University of Toronto, in response to a question from the audience stated that Universities should not become degree Mills
> And Loans should not direct student’s choice of employment. Debts paid after graduation and based on career choices. He endorsed the principle that students should be able to seek the employment they want and then repay the loan not be compelled to accept any employment just to repay the loan. He also proposed that students should have long term interest free status until employment commensurate with education and experience is available for student to repay loan (paraphrase of his statements when he was on a panel on higher Education; I sent a e-mail to President Lacobucci and indicated that I would be using his statement in a court case. I have not received a response yet).

4. Loans are “inextricably linked” to employment; clear presumption that loan would be repaid through gainful employment

5. In the mission statement of the Canada Student Loans Program, there is every indication that the mission of the Canada Student Loans Program is “to ensure Canadians have an opportunity to develop the knowledge and skills necessary to participate in the economy and society.” The mission of the student loan program was to

assist students in completing an education and to become gainfully employed and participate in the economy and society."

5. A literature review indicates that there is a long standing understanding of the loan and job contingency

The linking was evident in the direction advocated by senate inquiry into post secondary education post-Secondary Education Inquiry - Debate Continued May 28, 1996

6. The financial obligation under the student loan contract essentially began at the moment where there was a requirement of repayment after the period of grace that was intended as an opportunity to seek employment; in my instance, there was a consolidated contracts dated July 11, 1996

EXHIBIT: Canada student loans program –schedule 3p consolidated guaranteed student loan agreement

7. Student have a legitimate expectation that the government will not frustrate the contract through its actions

*****C UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

FRUSTRATED CONTRACT ACT
[RSBC 1996]

HEFFEY, PATERSON AND HOCKER CONTRACT COMMENTARY AND MATERIALS 8TH ED 1998 (LBC INFORMATION SERVICES)

Cases:
Taylor v Caldwell in 1863
Mason J in his judgment in the Codelfa case
Codelfa Construction Pty Ltd v State Rail Authority of NSW
Davis Contractors v Fareham UDC

Krell v Henry
Brisbane City Council v Group Projects Pty Ltd
National Carriers Ltd v Panalpina (Northern) Ltd
FC Shepherd & Co Ltd v Jerrom
Fibrosa Spolka Akcyjna v Fairbairn Lawson Combe Barbour Ltd
Bell v Lever Bros.

FACTS: Referred to in Chronology in Annex

PLEADINGS:

Russow pleads that:

1. The obligation to repay Russow's student loan essentially began at the moment where there was a requirement of repayment in June 1996, after the period of 6 months grace to find employment. At that time $37,000 was owed. [or $27,000 under original BC government documents]. Although there no direct evidence has been found that the federal government perceived Russow to be a threat prior to November 1997, evidence of previous lists related to targeting of citizens engaged in lawful advocacy have surfaced. Russow was, as of June 1996, active in the Green Party of Canada; as of August 1996, international affairs shadow cabinet member of the Green Party of Canada; and as of April 1997, the federal leader of the Green Party of Canada. Prior to 1996, there is evidence, however, that the DND was particularly concerned about "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND" and of groups whose "loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list; it was subsequently revealed through access to information that DND was particularly concerned about leaders of these groups.

2. Russow had every intention of repaying her student loan, had continually sought situations commiserate with her education and experience and had demonstrated intention to pay by rejecting the possibility of declaring bankruptcy, and by foregoing her Canada pension.

3. The actions of the PMO, Cabinet Ministers, DND, RCMP, CSIS and other departments have resulted in the her being associated with a DND lists of groups perceived to be threats, her being included on a RCMP Threat Assessment list, her being falsely declared, by a member of the Police force, to have behaved inappropriately, and her being accused of engaging in illegal activity under the Elections Act

4. The above information was published or broadcast locally, nationally or in some cases, internationally

5. There is an integral link between reputation and the fruitful participation of an individual in Canadian society.

The Importance of the Objective of Protecting Reputation is cited in [1998] 1 S.C.R. R. v. Lucas: Was stressed :

> At 48. Is the goal of the protection of reputation a pressing and substantial objective in our society? I believe it is. The protection of an individual's reputation from willful and false attack recognizes both the innate dignity of the individual and the integral link between reputation and the fruitful participation of an individual in Canadian society.".

In addition, Warren Allmand, former Solicitor General of Canada, and leading authority on human rights confirmed when he was on a panel related to the Arar case, that just by being associated with an investigation could impact on one's ability to obtain gainful employment.

6 Under conditions where one's reputation has been damaged, contracts could become frustrated

7. The conditions supporting the claim that the Student Loan contract has been frustrated have been met.

(i) The federal government cabinet ministers and agents, through undermining Russow's ability to obtain gainful employment, contributed to self-induced frustration of contract

Self-induced frustration

> One limitation on the doctrine of frustration is that a person cannot argue frustration if he or she has caused the frustrating event. This is called self-induced and is no frustration in law. It may be possible to escape this rule if the person who has apparently caused the event can argue that it was not his or her fault. The rule about self-induced frustration is discussed in a rather odd setting in
>
> FC Shepherd & Co Ltd v Jerrom HPH 767
> The case is odd because of the way the argument was put. The contract in question was a contract of apprenticeship. The apprentice was convicted of an offence which had nothing to do with his work. He was sentenced to a term in Borstal - a type of prison for young offenders. When he got out he asked to resume his training but the employer refused. The apprentice then brought an action for unfair dismissal. The employer argued that the contract had been frustrated by the sentence to Borstal and that therefore he had not been dismissed. The apprentice argued that frustration could not work because it was self-induced frustration.
> The usual way in which self-induced frustration arises as an argument is illustrated by the Joseph Constantine case which is mentioned on p 768 2nd last para. In that case a ship exploded. The owners argued that the contract of chartering had been frustrated. The charterers argued that the explosion was caused by the negligence of the owners and that therefore the contract had not been frustrated. In fact it was not clear what caused the explosion. It was held that the onus of proving self-induced frustration rests on the person alleging fault and that in this case the charterer must prove that the explosion was caused by default on the part of the owner. This the charterer could not do and so the argument that the frustration was self-induced failed.
>
> Of course, the present case does not really raise the issue of self-induced frustration and, indeed, Lawton LJ said as such in the 2nd para of p 769. What the apprentice was trying to argue here was that the contract was not frustrated so much as it was subjected to a default by himself which would then require some response by the employer viz dismissal. In other

> words this case was about breach. This, at least, so it was argued, prevented the employer from arguing frustration because breach and frustration are mutually incompatible. Alternatively, frustration could not be argued because the event which was the basis for frustration was self-induced. It is said in the cases that frustration can only work if the event in question happened without fault on either side. This is turning around the self-induced frustration argument. In the end, these arguments did not work. The court resorted to basic statements of principle such as a person cannot take advantage of his own wrong.

(ii) Frustration of a contract occurs when a situation has arisen for which the parties to the contract have made no provision in their contract, and performance of the contract becomes “a thing radically different from that which was undertaken by the contract”. Both these criteria have been met and therefore the contract could be found to be frustrated.

> The Supreme Court of Canada, in Naylor Group Inc. v. Ellis-Don Construction Ltd., held that frustration of a contract occurs when a situation has arisen for which the parties to the contract have made no provision in their contract, and performance of the contract becomes “a thing radically different from that which was undertaken by the contract”. Both these criteria must be met before a contract will be found to be frustrated.

(iii) In no way could anyone have contemplated or that there would have been implied contemplation that the government would have placed Russow on a threat assessment list and have impacted upon her being able to obtain gainful employment

(iv) If the following question had been asked, the answer would have been “no”: what would be the result if Russow had been declared to be a threat by the government, and that this fact had been published widely and that her ability to repay her loan through gainful employment was adversely affected, would she still be bound by the contract?.

> The first theory was that declaring a contract to be frustrated was simply another aspect of the court’s ability to imply a term into the contract. If an officious bystander had asked the parties just before they committed themselves to the contract: "What is the result if such and such happens?" the parties would have dismissed the bystander, testily, with an "Of course our contract would be at an end." This was the basis for the decision in Taylor v Caldwell HPH 734

(vii) Although placing Russow on a threat assessment list could not be deemed as an act of god – it could be considered to be an event that is “unexpected, something beyond reasonable human foresight and skill” and being designated as a threat “strikes at the root of the contract”

Extraordinary events which will trigger the application of the doctrine are “acts of God”, themselves defined by the Supreme Court of Canada in Atlantic Paper Stock Ltd. v. St. Anne-Nack as events that are “unexpected, something beyond reasonable human foresight and skill”. Such events “strike at the root of the contract” and result in a radical change in the obligation undertaken by the contract.

(v) The deeming of a law-abiding advocate as a “threat” could be designated as an intervening “disaster” and as an “extraordinary circumstance”; an action that would never have been perceived to have eventuated

The doctrine of frustration - which is effectively a court order that the contract is no longer binding on either party (the contract just stops in its tracks) - is very rarely considered by the courts. The usual way in which the doctrine is raised is where some disaster has overtaken the contract and one party then fails to perform. The other party then complains that the first party is in breach. The answer to this may be that failure to perform is not a breach because the contract has been frustrated as a result of the disaster. In short, frustration, if successfully argued, is an excuse for failure to perform

The second theory is based on construing the obligations in the contract and limiting them to normal circumstances and not to extraordinary circumstances. This is really not very different from implying a term. But instead of adding an implied term, the technique is to construe the express terms. This approach is described by Mason J in his judgment in the Codelfa case, the leading High Court case on frustration. He refers to Lord Reid’s approach in
Davis Contractors v Fareham UDC
Lord Reid HPH 749 where the implied term theory is rejected and instead it is said that the parties never agreed to carry out their obligations in the type of circumstances which have eventuated. This is a matter of construing the principal obligations of the contract. The same idea is reflected in the words of Lord Wright in
Denny Mott and Dickson Ltd v James B Fraser & Co Ltd HPH 751 2nd (indented) para.
It is appropriate at this stage to return to
Codelfa Construction Pty Ltd v State Rail Authority of NSW HPH 740 at 749
We looked at this case before when we were examining implied terms. It will be recalled that the building of the eastern suburbs railway in Sydney was overtaken by disaster when residents obtained an injunction which prevented work being done at night. Codelfa, the contractor, had quoted on the basis of being able to work a three 8-hour shift day. It attempted unsuccessfully to argue that an implied term should meet the new circumstances whereby Codelfa obviously could not finish on time and there were extra costs incurred as a result of the new arrangements. The

High Court was however prepared to order that the contract had been frustrated. The result was that the contract came to an end once the injunction was granted. In fact Codelfa finished the work. This work had to be paid for on the basis of a fair and reasonable remuneration, that is, on the basis of restitution, because there was no longer any contract to determine how much Codelfa should be paid for the work.
In the course of discussion about the proper basis for the operation of the doctrine of frustration, Mason J made it clear that the court's task is to compare performance of the contract under the new conditions with the performance contemplated by the contract before the changed circumstances. If performance is radically different, then the contract is frustrated. In this case, this was so even though there was a clause - cl 8(2)(c) discussed on p 752 - which appeared to cover the events which arose. But Mason J said that it was not intended to cover such a radically disruptive event - a court injunction - which prevented the basic system of work from being employed.

(vi) Being designated as a threat and impeding the obtaining of gainful employment could not have been expressly or by implication addressed as a potential risk check

The doctrine, as I have said, is rarely argued successfully. This is because the courts have taken the view that one function of contract is to allocate risk and that, if something does go badly wrong, then this is just a risk which the contract ought to have contemplated. See the passage on p 724 last para from the case of Paradine v Jane in 1647 which reflects the idea that contract promises should be kept, whatever the circumstances. In other words, at the very moment that one party finds it very hard to perform, the other party wants an assurance of performance, or at least damages in lieu, because this is what contract is all about. People are paid to take the risk of difficult performance. The law nevertheless did allow some softening of this absolute principle and developed a doctrine of frustration.

The case book outlines briefly the history of the development of frustration. The beginning of the doctrine is said to be the case of Taylor v Caldwell in 1863, a case involving the hire of a hall. Before the day on which the hire was to use the hall, it burnt down. This was held to be a frustrating event which caused the contract to be terminated and neither party was in breach. Frustration cases since then have involved a number of different types of frustrating event. The key question is always: is this an event which excuses the parties from further performance or is it an event which is the type of risk which the contract expressly or implicitly contemplated? If the latter then the contract is not frustrated and, if a party does not perform, he or she is in breach.

(vii) Being designated as a threat is a difference in kind from being an inconvenience or a difficulty; the performance of the contract is not a question of being difficult or extremely difficult; the government has created a situation that has discredited Russow to such an extent that it became impossible for her to find gainful employment in her field.

> Courts have noted that inconvenience or difficulty, even where extreme, may not amount to frustration. “It is not hardship or inconvenience which calls the principle of frustration into play”: Peter Kiewit Sons’ Co. of Canada v. Eakins Construction Ltd. The fact that, as a result of extraordinary circumstances, a contract becomes economically burdensome and unattractive may itself not be a ground of discharge.
>
> We cannot possibly canvass all the frustration cases. Instead we can only get a feel for the sorts of events which might be argued to be frustrating events. You will see a list on pp 788-789 of the casebook. Particular caution must be exercised in relation to number 3. It is not enough to argue that performance has turned out to be difficult or even extremely difficult. For example in Davis Contractors v Fareham UDC (described on p 787) the contract was to build 78 houses for a fixed price in 8 months. Because of labour shortages and bad weather the time it took to build the houses was 22 months. It was held by the House of Lords that the contract had not been frustrated.

(viii) As a matter of justice and reasonableness it would be quite unreasonable to expect Russow to perform conditions of the contract under the changed circumstances

> As a matter of justice and reasonableness
> This is really another way of expressing the previous theory. The court will intervene and declare the contract to be frustrated when it would be quite unreasonable to expect the parties, or one of them, to perform under the changed circumstances. The key to this is found at the end of the 1st para on p 758 in an extract from Lord Radcliffe’s judgment in Davis Contractors v Fareham UDC "It was not this that I promised to do."
> Just completing the examination of the Codelfa case, note that Mason J examined the question whether an arbitration clause survives the termination of the contract because of a frustrating event. There was a mistaken view that termination of the contract meant that everything came to a halt, including an arbitration clause. This view is now not correct. There are certain matters provided for in the contract which do survive the termination of the contract.

(ix) The publication and distribution of information about Russow’s being deemed a threat to the country was extrinsic evidence and can be adduced to support the argument that the contract was frustrated. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence

vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

> Krell v Henry HPH 736
> This is generally regarded as the high water mark of frustration cases, that is, the court taking the most liberal view of the operation of the doctrine. The contract was for the hire of a room overlooking the coronation route for the coronation of King Edward VII. The coronation was canceled because of the King's illness. This was held to be a frustrating event. You can see from this case that it is necessary to adduce extrinsic evidence in order to argue frustration, a point specifically made by Mason J in Codelfa. On the face of it this was just a contract to hire a room. The defendant got what he bargained for. Yet he was successful in arguing frustration with the result that he did not have to pay the balance supposedly owing under the contract.
>
> Krell v Henry has been the subject of critical comment but probably it would be decided the same to-day in the light of what was said in the High Court in Codelfa. Nevertheless, it is by no means easy to say what is the correct solution to these kinds of cases. In Krell v Henry one might ask: who should take the risk of the coronation being canceled - the landlord or the person hiring the room? The answer is not self-evident but it would not be harsh to suggest that the person hiring the room should take the risk (with the consequence that a court would say that the contract had not been frustrated). After all we all risk disappointment when we buy tickets to events, particularly outside events. On the other hand, in the Codelfa case, involving a large infrastructure project, it seems only fair that the government body should bear the risk rather than the contractor (and so the ruling that the contract had been frustrated produced the right result).

(xiii) Given Russow's age of 66, it could be argued that the contract should be wholly discharged because of the impossibility of fulfilling the contract; it is not that the circumstances are only delayed and the contract suspended. The extraordinary circumstance- the placing of Russow on a threat assessment list and the stigma attached to being perceived as a threat—lasted during the whole period allowed by the contract for performances in such a way as to make performance impossible.

> Impossibility or Mere Delay?
> The length of time during which the extraordinary circumstance occurs, or probably will occur, will be taken into consideration in determining whether the duty to perform under a contract is only suspended, or is wholly discharged. The contract is very likely discharged if the extraordinary circumstance lasts during the whole period allowed by the contract for performance, in such a way as to make performance impossible. However, a temporary impossibility will not discharge the contract (though there may

be other legal effects from the delay in performance or payment). For example, in an American decision, the temporary closing of a school during an influenza epidemic did not discharge a contract to provide transportation services to the school where that contract had a much longer duration than the temporary quarantine of pupils in Montgomery v. Board of Education and others.

(x) It was quite obvious that placing of Russow on a threat assessment list would impact on her obtaining gainful employment and thus the government, cabinet ministers and their agents through placing Russow on a threat assessment list and other acts leading to defamation of character have created a situation that made it impossible to fulfill the contract.

Frustration discharges all parties from the contract, even where only one party is affected by the frustrating event. The discharge is automatic, and it is total. The contract is not suspended. Parties who wish to suspend or vary a contract that is frustrated must do so through a new agreement in clear and unambiguous terms.

The discharge will occur even though one or more of the contracting parties continued, after the frustrating event, to behave as though the contract were still in force. There is a risk, therefore, that a party to a contract may transfer additional benefits to the frustrated party, who may not be obligated to pay for these under the contract because the contract is discharged. However, the conduct of the parties after the frustrating event may enable a court to infer the existence of a new agreement, which incorporates some of the terms of the original contract, and which gives rise to new obligations to perform or pay. It is also possible that, even where no new contract arises, a party who received certain benefits or services after discharge by frustration would be liable on a restitutionary basis to the party that provided these.

Because the effect of the doctrine of frustration is to let the losses fall where they may, discharge of a contract could result in harsh consequences to a party that has performed all or most of its obligations under a contract prior to discharge but has not yet received payment or its share of the benefits under the contract. However, courts will be reluctant to allow a party to profit from the frustration of a contract (although there are examples where this has occurred but not been corrected by a court). The court has broad powers to order what is fair. As the doctrine of frustration operates when it is not reasonable to place the risk on either party, courts will impose on parties the just and reasonable solution as the situation demands.

In addition, the Frustrated Contracts Act, R.S.O. 1990, c. F-34 (the “Act”), which applies to most contracts in Ontario, operates to mitigate certain

harsh consequences of discharge. Section 3 of the Act provides for various adjustments between the parties, including the return of payment of money for services, and adjustment of sums paid for expenses incurred and benefits rendered. It also provides for severance of the contract that is impossible to perform where this can be done. Courts have noted that the underlying purpose of this section of the Act is to prevent undue hardship.

Moving Forward
The arrival of SARS in Canada has demonstrated that unexpected events can occur that can disrupt or disable contractual relations. It would be prudent for persons to review all contracts to determine whether and how these allocate risk between the parties in the event of an epidemic or other public health emergency. If your business requires greater control over the allocation of risk than what the doctrine of frustration provides, it is advisable to develop specific clauses to allocate risk of loss in the event of business interruption from a health emergency, or to include a force majeure clause with language specific enough to capture a future SARS-like event.

(xi) Termination is the remedy available where either the contract has been frustrated or one party has committed a breach which is so serious that it justifies the other party putting an end to the contract by terminating it.

At common law
If it is established that there has been a frustrating event, then the contract stops from that moment on. That means that all obligations up to the moment of frustration are enforceable and that all obligations relating to performance after that moment are no longer binding. Some contract terms survive frustration, as we saw in the Codelfa case where Mason J held that an arbitration clause survived. Other types of terms which would survive would be an exclusion clause and a clause imposing a duty of confidentiality.
If the contractor is permitted to do further work after the frustrating event, then, unless a fresh agreement is made, the contractor is not doing work pursuant to the contract. Nevertheless, the contractor must be paid a fair remuneration for any work done, on the basis of quantum meruit or restitution. This may be more or less than the contract rate. This is in fact what happened in the Codelfa case.

Basically, then, the loss lies where it falls. This can cause hardship. For example, suppose a periodic payment is due to be made on the 10th October and this payment relates to work that has been done over the last month. Suppose the contract is frustrated on the 8th October. This means that the amount is no longer due and payable and yet the work has been done.

Another situation which can cause injustice is where money is paid in advance and then the contract is frustrated before the person who has paid the money gets any return for it. Some of these problems are illustrated by

Fibrosa Spolka Akcyjna v Fairbairn Lawson Combe Barbour Ltd HPH 796
In this case a Polish company ordered a machine from an English company. The Polish company was obliged to pay £1600 up front when it sent in its order. It paid £1000 of this. The English company started work on making the machine. Then war broke out and the contract was frustrated. The Polish company claimed its £1000 back. The English company said that it had already done a considerable amount of work on the machine.
The House of Lords applied a restitutionary principle which dictates that if there has been what is called a total failure of consideration, then any money paid in advance can be recovered. The expression "total failure of consideration" has nothing to do with the doctrine of consideration. It does not mean that there is no consideration so that no contract has been formed. What it means is that one party has got nothing under the contract. In that circumstance, if he or she has already paid money up front, the money can be recovered. We have come across this idea before when we looked at the judgment of Lord Atkin in Bell v Lever Bros. The principle only applies if the party has got nothing under the contract. The failure must be total. If the party has got something under the contract, however small, then the principle does not work and any money paid up front cannot be recovered, even if it far exceeds the value of what has been received.

So, in this case, the Polish company had received nothing for its money and it could therefore recover the £1000. But this was not a satisfactory result for the English company because it had performed work. Maybe it could find another buyer for the machine but this would depend whether it was a one-off machine or one which was readily sale-able.

So the overall result of the common law principles which apply if a contract is frustrated are sometimes not very satisfactory. It is always possible for the parties to specify in the contract what should be paid if the contract is terminated but often the parties do not enter into a commercial relationship with a view to it failing and so they do not provide for such events.

It is because the common law consequences of frustration can be unfair that legislation has been passed in some jurisdictions to attempt to allow adjustments to be made.

Statutory modifications HPH 799-800
In three jurisdictions in Australia legislation has been passed to try and deal with the problem of frustrated contracts, that is, the "mopping up" after a contract has been frustrated. The legislation attempts to allocate the consequences of the contract being frustrated in a way which is more satisfactory than the piecemeal common law. Each Act is different from the other. The Victorian Act is modeled on the English legislation; the South Australian Act is modeled on the legislation of British Columbia (Canada); and the New South Wales Act is a thing unto itself and is virtually incomprehensible. The best and simplest model is the South Australian Act.

(xii) the federal government, cabinet members and agents engaged in self-induced frustration of the contract which displayed malicious intent

(xiii) Officers of the Crown, including the Attorney General, and Solicitor General, along with the Ethics Commissioner failed to speak truth to power, and to address conflict of interest on the part of including the Prime Minister, and various cabinet ministers. These officers of the Crown failed to address the issue when it arose in 1997. Subsequently, in September 1998 when the placing of Russow on a threat assessment list became a media issue across the country, the Prime Minister, the Attorney General and Solicitor General failed to use this opportunity to publicly apologize for placing a leader of a political party on a threat assessment list. Instead the RCMP prepared a document for the Solicitor General to absolve themselves when there was a possibility that the issue would be raised in Parliament

RELEVANT:
EXHIBIT: COMMONS BOOK ADVICE TO MINISTER [see chronology of fact]

Similarly, at the RCMP Public Complaints Commission there was an opportunity to allow Joan Russow, who was a complainant to clear her name; her numerous pleas to the Chair of the RCMP Commission and to the Commissioner were ignored.

EXHIBIT: CORRESPONDENCE WITH THE COMMISSIONER CHAIR [see chronology of fact]

( ) Similarly, an appeal was made to the Ethics Commissioner, Howard Wilson, to address the conflict of interest on the part of the Prime Minister, and several cabinet members; this appeal was ignored

EXHIBIT: CORRESPONDENCE WITH ETHICS COMMISSIONER [see chronology of fact]

EXHIBIT: RESPONSE FROM ETHICS COMMISSIONER [see chronology of fact]

EXHIBIT: ACCESS TO INFORMATION REQUEST ABOUT INDEPENDENCE OF ETHICS COMMISSIONER [see chronology of fact]

Similarly, an appeal was made to the former Solicitor General Andy Scot. I discussed the issue with him for about an hour, and he indicated to me that he shared my concern and had, as was well publicized, been discredited as a result of comments that he made. He promised to seriously investigate and inform me about the real reasons for my being placed on a list. For some reason, he told me not to mention anything about the phone call.

Similarly, an appeal was made to the subsequent Solicitor General, Lawrence Macaulay who also was asked to step down for conflict of interest reasons.

****D VIOLATION OF (1) INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND OF (II) CHARTER OF RIGHTS AND FREEDOMS AND DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION

1. The long standing stigma of being designated as a threat to the country has sullied her reputation, prevented her from pursuing employment in her field of expertise, violated her civil and political rights, and discriminated against her on the grounds of “political and other opinion” – a ground that has been recognized in international instruments to
which Canada is a signatory; and violate her recognized Charter rights.

FACTS:

1. In 1993, under the instruction of Robert Fowler, the then Deputy Minister of Defence, compiled a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (IE. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list
Through Access to information, it was subsequently revealed that DND was particularly concerned about leaders of these groups. particularly concerned about leaders of these groups.

2. In 1997, the Plaintiff’s name was found on an APEC Threat Assessment list

3. In 1998, Christine Price testified that the Plaintiff’s pass was pulled because of order from the Prime Minister’s Office

I. DISCRIMINATION ON THE GROUNDS OF “POLITICAL AND OTHER OPINION – RECOGNIZED GROUND UNDER INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

The plaintiff pleads that
1. She has been discriminated against on the grounds of “political and other opinion”:
(i) The setting up of a DND list which designated a political party, the Green Party as being a “threat” discriminated against the Plaintiff on the grounds of “political and other opinion”;
(ii). The placing of the leader of a registered political party, an internationally established party, on a RCMP Threat Assessment List has constituted a violation of fundamental human rights under the International Covenant of Civil and Political Rights and contributed to discrimination under Article 2 on the grounds of "politics and other opinion” ;
(iii) The placing of the plaintiff on an RCMP Threat Assessment list at the direction of the Prime Minister’s office discriminated against the Plaintiff on the grounds of “political and other opinion”.

2. In International human rights instruments, discrimination on the grounds of “political and other opinion” is one of the listed grounds. A ground that is recognized in international instruments such as the following:

(Art. 2, The Universal Declaration of Human Rights, 1948)

(Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)
(1.1 International Convention on the Elimination of all Forms of Racial Discrimination, 1965).
(Art. 26, International Covenant of Civil and Political Rights, 1966)
(International Covenant of Social, Economic and Cultural rights 966, in force, 1976)
(Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)
{2 Declaration on the Rights of Disabled Persons 1975}.
(GA Resolution, The Right to Education 37/178 17, December 1982)
(Art. 2, Convention on the Rights of the Child, 1989)
(Principle 1.4 Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991
(Principle 1, International Conference on Population and Development, 1994)

3. Canada is a signatory of the International Covenant of Civil and Political Rights and of the Optional Protocol under the Covenant; both the Covenant and the Optional Protocol have been ratified by the government of Canada

4. In the 1982 communiqué, “Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power” the Canadian government explained to the international community the procedure in Canada for complying with international law. In the 1982 Communiqué, the Canadian government claimed the following:

> Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted. The point we wish to make here is that in Canada implementing legislation is only necessary if the performance of the treaty obligations cannot be done under existing law or through executive action.

Canada had thus made a commitment through this declaration made to the international community that Canada either ensures that the necessary legislation is in place prior to signing and ratifying the agreement or that in the event that there is a discrepancy between provisions in International agreements to which Canada is a signatory and existing Canadian law, Canada will enact the implementing legislation.

5. Under the International Covenant of Civil and Political Rights are the following relevant articles in which the ground of “political or other opinion:

> Article 26 ICCPR
>
> All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, **political or other opinion**, national or social origin, property, birth or other status.

6. Under the International Covenant of Civil and Political Rights there is a obligation to enact implementing legislation

> where not already provided for by existing legislative or other measures, each state party to the present covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present covenant. (2)

7, Under the International Covenant of Civil and Political Rights there is a commitment to providing an effective remedy

> each state party to the present covenant undertakes:
> (a) to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; 3 (a)
>
> to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative

> authorities, or by any other competent authority provided for by the legal system of the state, and to develop the possibilities of judicial remedy; 3 (b)
>
> to ensure that the competent authorities shall enforce such remedies when granted. 3 (c)

8. Under the International Covenant of Civil and Political Rights there is a recognition of the right to hold opinions without interference

> Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right o freedom of expression This right shall included freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print in the form of art or though any other media of his choice. Article 19

9. Under the International Covenant of Civil and Political Rights there is a recognition of the right of peaceful assembly:

> The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Article 21

10. In the Optional Protocol of the International Covenant of Civil and Political Right, is the recognition that if citizen's rights under the International Covenant are violated, and if the citizen has exhausted all domestic remedies, there exists the following remedy:

> a state party to the covenant that becomes a party to the present protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by the State party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State party to the Covenant which is not a Party to the present Protocol. ARTICLE 1
>
> Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration. Article 2

11. The Department of Defence, under the instructions of the former Deputy Minister, Robert Fowler, by including a political party-the Green Party in a list of "groups and organizations whose activities or actions could represent a threat, whether of security or

of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada} discriminated on the ground of “political and other opinion”

12. The Solicitor Generals, Hon Andy Scott and Hon Lawrence MacAuley allowed their political role to supersede their role as officers of the crown and in doing so have discriminated against the plaintiff on the ground of “political and other opinion”

13. The Solicitor Generals, when asked, did not intervene to address the issue that the RCMP had been targeting activists and placing them on threat assessment lists and have contributed to the discrimination against the plaintiff on the ground of “political and other opinion”

14. There was a failure of duties of impartiality, and non-partisanship in the plaintiff case. These principles have not been adhered to by the Solicitor Generals of Canada as officers of the Crown. These duties were described by Professor Wes Pue in his submission to the Senate on February 14 2004:

> In Canadian constitutional practice, the Solicitor General is one of two law officers of the Crown. The other law officer of the Crown is the Attorney General. The meanings of those terms of art are extraordinarily important. A law officer of the Crown has a primary duty of serving the cause of the rule of law as distinct from any other function, political or otherwise. The rule of law is to be served by the law officers of Crown above and beyond their own personal interest and chance for advancement, above party interest, above their own personal desires to please the electorate or other people who are above them in the hierarchies of power. The principle that these are above partisan politics is of central importance to Canadian constitutionalism.
>
> Professor Pue also added: The history of recent Solicitors General is probably somewhere that we do not want to go in great detail, in terms of the stature that they have brought to the office. It has been very unfortunate. I much regret the way that that office has been treated sometimes in the recent past.(Wes Pue, presentation to Senate Committee, February 14, 2005)

15. There are serious implications from lack of impartiality on the part of the Solicitor General. The Plaintiff assumed that the Solicitor General, having oversight for the RCMP and CSIS, would fulfill the role of officer of the Crown. The importance of the non-partisan aspect of the Solicitor General in the role of officer of the Crown was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned: If the Solicitor General the targeting of political opponents

> "Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they [he/she] may decide to have the police investigate people because of their party stripes." (Wes Pue, presentation to Senate Committee, February 14, 2005)

16. The Attorney General through his agent allowed his political role to supersede his role as officer of the crown. The Attorney General's agent Deputy Attorney General of Canada Morris Rosenberg demonstrated the Department of Justice's disregard for the 1982 commitment to the global community about Canada's commitment to enact implementing legislation. In Russow vs Attorney General December 2001, Morris Rosenberg, Deputy Attorney General, responded to the Plaintiff's reference to the international Covenant of Civil and Political Rights, to which Canada is a signatory, in the following way:

> -Alleged violation of the International Covenant of Civil and Political Rights
> 12. The plaintiff refers to the International Covenant of Civil and Political Rights in Para 7 of the Statement of Claim. However, a factual basis for any alleged violation of the rights recognized in that Convention [Covenant] has not been pled.
>
> -. Moreover, for international treaties or conventions signed by Canada to provide an arguable right in domestic law they must be expressly incorporated into domestic legislation. It is trite law that international treaties and conventions are not part of Canadian law unless they have been implemented by statute.
>
> See Francis v Canada (1956] S.C.R., 618 at p. 621
> Capital Cities Communications Inc v Canadian Radio-Television Commission [1978] 2 S.C.R. 141 at p. 172-173
>
> - The alleged discrimination on the grounds of "politics" has not been legislated by Parliament and as such, does not have the effect of law.
>
> All of which is respectfully submitted.
>
> January 16, 2002
> Morris Rosenberg Deputy Attorney General of Canada

17. It is the Department of Justice, that is responsible for the advising the government on the enactment of the necessary legislation to ensure compliance. Canada has signed and ratified the International Covenant of Civil and Political Rights.

18. Through the Doctrine of Legitimate Expectations citizens should have a legitimate expectation that government will discharge their obligations. The Doctrine has been expressed in the following way: "Where public authorities establish procedures and publish policies, they are bound to follow them". or "to create an expectation is an empty gesture without a promise to fulfill it. Before creating an expectation , an organization must assure itself of its ability to fulfill the promise it implies (Stephen Owen, introduction, Ombudsman Annual Report. BC. /1991)/

19. In Canada (Attorney General) v. Ward [1993] 2 S.C.R, MacGuigan referred to role of international law when there is an absence of decisive Canadian precedents:

He stated, at pp. 697-98:

> In sum, I believe that taking into account (1) the literal text of the statute, (2) the absence of any decisive Canadian precedents, and (3) the weight of international authority, the Board's interpretation of the statutory definition is the preferable one. No doubt this construction will make eligible for admission to Canada claimants from strife-torn countries whose problems arise, not from their nominal governments, but from various warring factions, but I cannot think that this is contrary to "Canada's international legal obligations with respect to refugees and... its humanitarian tradition with respect to the displaced and the persecuted".

20. It is the Ministry of Justice, that is responsible for the advising the government on the enactment of the necessary legislation to ensure compliance. Canada has signed and ratified the International Covenant of Civil and Political Rights. One of the sections in the Covenant requires Canada to enact the necessary condition to ensure compliance. Under art 2, "politics" is listed as one of the grounds for which there shall not be discrimination. "Political opinion" was not included in the Canadian Charter of Rights and Freedoms. When I raised the Covenant in the Federal Court on January 21, 2002; the reference was treated with derision. The lawyer for the Attorney General's office used a case from 1950s to support and argument that the Courts are not bound by international law and by agreements signed and ratified by Canada even though Canada is bound to enact the necessary legislation to ensure compliance. Even when I pointed out in my submission that under the Covenant there was a requirement to enact legislation, and that in 1982 the Canadian government informed the international community about Canada’s position vis a vis international law

21. Arguments can be made that Article 15 of the Charter should have included “political and other opinion” – a ground recognized in most international human rights instruments. I have begun to launch a Charter challenge in this issue. In the 1948 Declaration of Human Rights, the term “other status” was included after the list of designated grounds. The intention of including “other status” was to accommodate on the list future emerging grounds of discrimination. The Supreme Court of Canada has held over the years that the list of grounds in Article 15 could be extended to accommodate other grounds.

To fulfill Canada’s international obligations under International Human Rights Instrument, “political and other opinion” should be deemed to be an accepted ground for which there shall not be discrimination under Section 15 of the Charter.

11. VIOLATION OF CHARTER RIGHTS

The plaintiff pleads that

1. Political interference has led to the sacrificing the plaintiff's rights and liberties under the Charter.

Andrew D. Irwin, former President of the BC Civil Liberties noted the sacrificing of Charter Rights and Freedoms for political objectives:

> RCMP may have sacrificed the rights and liberties of Canadian citizens in order to advance a number of purely political objectives of the Prime Minster's office (PMO) if it acted outside its lawful authority (Andrew D. Irwin, p.30)
>
> - did the RCMP allow itself to be influenced, at least in party by political directives from the PMO rather than by security concerns while carrying out its mandate to protect summit delegates. (Andrew D. Irwin, p.31)
>
> Mc Donald Commission. formation of CSIS
> The decision was based on evidence found by the commission that police offers lacked the training and judgment necessary for doing the delicate job of security intelligence gathering in a way that properly respected the basic democratic rights of Canadian citizens. For this reason the CSIS was created in the early 1980s with mandate that explicitly excluded the covert surveillance of groups involved in "lawful advocacy, protest or dissent" unless it could be proved on independent grounds that they posed a significant security threat. (Andrew D. Irwin, p.35)
>
> - we need to know what evidence the RCMP had, if any, to justify its surveillance of non-violent protest groups.... We need to know whether the RCMP shared any of the intelligence information that it gathered on Canadian citizens with security and intelligence agencies from other countries. Finally we need to know the current status of the dossiers that were assembly on law-abiding Canadian citizens. Could information in those dossiers sill be shared with other national and international agencies. Are all of these dossiers eventually going to be destroyed unless there is evidence of criminal wrongdoing. (Andrew D. Irwin, p.36)
>
> civilian oversight
>
> -These issues are important because it is ultimately the freedom that citizens have to meet and speak openly abut controversial issues without fear of government reprisal that distinguishes democracy from other forms of government (Andrew D. Irwin, p.36)
>
> Mr. justice Peter Cory of the Supreme Court of Canada has commented:
>
> it is difficult to imagine a guaranteed rights more important to a democratic society than freedom of expression. Indeed a democracy cannot exist

without that freedom to express new ideas and to put forward opinions about the functioning of pubic institutions the concept of free and uninhibited speech permeates all truly democratic societies and institutions. The vital importance of the concept cannot be overemphasized.

-unless citizens are allowed to debate even the most controversial of issues openly and without fear of government reprisal, it is impossible for them to exercise their sovereignty over government. (Andrew D. Irwin, p.38)

-if is important to learn whether Canada's chief law enforcement agency allowed itself to be influenced, at lease in part, by political directives from the PMO rather than solely by security concerns--while carrying out its mandate to protect summit delegates. (Andrew D. Irwin, p.40, Wes Pue: Pepper in Your Eyes; APEC).

2.. being designated a threat to security is a serious allegation. Under the CSIS Act, threat to security have been defined as the following:

Threats to the security of Canada means
-espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage (a)
-foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person b)
-activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and c)
-activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead o the destruction or overthrow by violence of the constitutionally established system of government in Canada d)

3. Under the CSIS Act, CSIS is not authorized to include, lawful advocacy, protest or dissent, as a "threat to security"

-but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

4. -Individuals or groups engaged in criticism of government policy are engaging in lawful advocacy, protest, or dissent

- Given that CSIS is not authorized to consider lawful advocacy, protest or dissent as being a threat to security unless carried out in conjunction with any of the activities referred to in paragraphs (a) to (d)
- Given that CSIS is usually included in the DND's and the RCMP's determination of "threats to security"
- the presumption can be made that if a leader of a group or citizen is deemed to be a threat, the group or citizen is engaged in one of the above activities defined as threats to security under the CSIS Act

5. I have engaged in lawful advocacy, protest and dissent but have never engaged in any activity that would be subsumed under the definition of "threat" in the CSIS Act. I have a legitimate expectation that the CSIS Act would conform to the Charter of Rights and Freedoms. Designating as a threat, a citizen who engages in lawful advocacy, protest and dissent contravenes statutory law (the CSIS Act) and the Charter of Rights and Freedoms. There are serious implications arising from RCMP and CSIS being in violation of the Charter of Rights and Freedoms

6. Placing a leader of a group engaged in legitimate advocacy on a DND list of threats to security or placing an individual on an RCMP threat assessment lists impacts on a citizen's freedom of speech and thus contravenes the right to Freedom of Speech under the Charter of Rights and Freedoms.

The Plaintiff pleads that her freedom of speech has been curtailed because being designated a 'threat" creates a chilling effect on government critics. Andrew D Irwine, past president of BC Civil Liberties affirms the importance of guaranteeing Freedom of Speech

> " Freedom of speech and freedom of assembly are vital to democracy. "Free speech, it is rightly said is the most powerful weapon we have against tyranny". If our right to free speech and peaceful assembly are to be anything ore than mere platitudes, however, they have to be the kinds of right that cannot be overridden at the mere whim of either individual police offices or our political leaders.

and further commented on the importance of civilian oversight:

> -"These issues are important because it is ultimately the freedom that citizens have to meet and speak openly abut controversial issues without fear of government reprisal that distinguishes democracy from other forms of government (Andrew D. Irwin, p.36)

and he quoted: Mr. Justice Peter Cory of the Supreme Court of Canada has commented:

> it is difficult to imagine a guaranteed right more important to a democratic society than freedom of expression. Indeed a democracy cannot exist without that freedom to express new ideas and to put forward opinions about the functioning of pubic institutions the concept of free and

> uninhibited speech permeates all truly democratic societies and institutions. The vital importance of the concept cannot be overemphasized.
>
> , -unless citizens are allowed to debate even the most controversial of issues openly and without fear of government reprisal, it is impossible for them to exercise their sovereignty over government. (Andrew D. Irwin, p.38, Wesley Pue: Pepper in Your Eyes. APEC)

7. Pulling a media pass as a result of a direction from the Prime Minister's Office, from an individual with an assignment from a media outlet violated the plaintiff's Charter right to freedom of the Press.

It appears that If the RCMP allowed itself to be used by the PMO for political ends, this is not something to be dismissed lightly; I was at APEC with an assignment from a local news paper.

After my pass had been pulled at APEC, Bill Mills at the APEC media accreditation asked me what I was going to be reporting on, I replied that I would be comparing the draft APEC document with obligations incurred and commitments made through other international instruments. The plaintiff had previously contributed, to the Oak Bay news, a report on the Multilateral Agreement of Investment. David Lennam, the Editor of the Oak Bay News had stated that "The offering of a different perspective was the reason that the editor of the Oak Bay news supported her attending the conference on behalf of the publication".

According to Andrew D. Irwin Past president of BC Civil Liberties, deciding which journalists may or may not be accredited violates Freedom of the Press:

> Deciding which journalists may or may not be accredited based on their political views is a practice more characteristic of totalitarian regimes than of a health democracy. (p,33)
>
> Orwell "if liberty means anything at all, It means the right to tell people what they do not want to hear (p.33, Andrew D. Irwin. Ibid)

8. Being placed on threat lists impacts on the plaintiff's mobility rights in the Charter of Rights and Freedoms.

Under Article 6 Every citizen of Canada has the right to enter, remain in and leave Canada
As a result of the (i) The plaintiff's leading a group that was placed on the Department of Defence lists of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose "loyalty of members of these groups (i.e. to Canada is questionable as the group bond is stronger than the nationalist bond; (ii) The plaintiff's being placed on a Threat Assessment list

(iii) The possibility or probability of these lists being circulated and shared; and (iv) the probability that existing lists will be examined to provide the data for “facial recognition, the plaintiff will probably no longer be free to leave Canada

Being on a list that has been known to be circulated to third parties, and possibly other countries, has influenced the plaintiff’s freedom of movement and consequently limited the plaintiff’s access to work The designation of the plaintiff as a leader of a political party that has been deemed by the Department of Defence to be a “threat to security” and the placing of the Plaintiff on an RCMP Threat Assessment list re-enforce the attribute of being a “threat” with all the activities subsumed under the CSIS definition of threat.

At the UN World Conference on Racism in August of 2001, there was information surfacing about the various lists at the United Nations, and about the plaintiff having been placed on some international list. It is my understanding that there may have been the circulation of the DND and RCMP lists to international bodies such as the United Nations.

The risk to the safety of citizens whose names are on lists that have been distributed internationally jeopardizes the Plaintiff’s right to security under the Charter of Rights and Freedoms..

There are serious security risks in circulating DND “Threat to security” group lists and RCMP “threat assessment ” lists nationally, and particularly, internationally. There does not appear to be public information about what control the Canadian government may have over the use of these lists or where else these lists have been distributed and to whom these lists are accessible. DND military intelligence, the RCMP or CSIS have claimed that when they share information with “friendly nations”, they imposed caveats about the use of the information, and about the need to consult prior to using this information for other non designated purposes. It has been revealed in the Arar Inquiry that after September 11, 2001, in some cases of perceived urgency “caveats were down”. Evidence is surfacing that “caveats down” might now be the policy of the DND military intelligence, the RCMP and CSIS; thus Canada would no longer maintain control over the use of information provided for specific investigations, or for the use of lists previously circulated.

9. The designation of a group as a “threat to security” or and individual as one warranting a “threat assessment” presumes that there underlies these designations a charge of some sort.

An order from the PMO’s office to place activists engaged in lawful advocacy, protest and dissent on a threat assessment list must have been based on information that was provided to the Prime Minister Office. These activists have a right to be informed about the nature of the information and be able to correct the misinformation that was communicated to the PMO.

The designation of the Plaintiff as being the leader of a group that was perceived to be a “threat to security” or as being an individual requiring a “threat assessment” implies that there has been an implicit charge against the Plaintiff. The plaintiff has not been able to obtain the reason for her being perceived to be have led a party that was deemed to be a threat to security or for her being on a threat assessment list. Even after submitting almost 60 access to information and privacy requests the plaintiff has been unable to determine whether there was a legitimate reason for the DND and RCMP designations. Under Article 11 of the Charter a citizen has specific rights:

> Article 11. Any person charged with an offence has the right
> (a) to be informed without unreasonable delay of the specific offence

It appears that, under the Article 11 of the Charter of Rights and Freedoms, a person being placed on a list has less rights than a person who has been arrested for the commission of a crime

10. One would think that if activists engaged in lawful advocacy, protest and dissent - not in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2. -have been incorrectly placed on threat lists, there must be some oversight procedure to correct misinformation existing in government files,

The practice of placing activists engaged in legitimate advocacy, including the case in which activists are unaware of their being placed on lists, has serious and unforeseen consequences.

Civil oversight is essential to prevent the politically motivated designation of critics as threats:

> Rule of law and civilian oversight Donald J. Sorochan QC
> constitution the British North America Act 1867 The British constitutional concept of the rule of law requires that government should be subject to the law rather that the law subject to government. This is the fundamental common law principle enunciated in Entick v Carrington (p 58,Donald J. Sorochan QC: Ibid)

There had been a failure to divulge Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists

The plaintiff requested details about the criteria in place for determining what constitutes a threat, for determining who should be designated as a threat, for determining whether lists should or should not be circulated etc. [SEE CHRONOLOGY]

There is an outstanding request for Access to information related to the Department of Justice; this request is finally being addressed. If the issues that I have raised over the years related to targeting activists, compiling threat lists and disseminating these lists had been addressed, perhaps the serious problems of “rendition” could have been avoided.

The following is the request that was disregarded in 2002 but is now being taken seriously and is currently being investigated.

DEPARTMENT OF JUSTICE FAX 613-957-2303
284 WELLINGTON ST,
OTTAWA, ON. K1A 0H8

613-9924621
6130540617
613-952-9361

Access to Information Request: October 14, 2004

Department of Justice

Access to Information Request:

(1) Documentation related to legitimate dissent, and discrimination on the grounds of "political and other opinion"

Disregard for implementation of international law

(a) Expressed rationale for the failure to include political and other opinion in the Charter of Rights and Freedoms".. "Political and other opinion" is a listed ground in most international human rights instruments, such as the International Covenant of Civil And Political Rights

(b) Expressed rationale for not requiring the government to abide with the following 1982 commitment to the international community:

1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis a vis International obligations

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

(c). Explanation for Attorney General's disregard in the Federal Court for international law: obligations incurred though Conventions, treaties, and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions.

failure to distinguish legitimate dissent

(d). Justification for the targeting of individuals who are engaged in legitimate dissent

(e). Documentation of criteria used to place citizens on threat lists, and copies of the assessment by the Department of Justice on whether these criteria contravene obligations under the International Covenant of Civil and Political Rights to not discriminate on the ground of political or other opinion.

(f). Documentation related to judicial opinion on what would constitute legitimate dissent under the CSIS Act, and on whether CSIS agents are sufficiently trained to distinguish legitimate dissent from

Political intimidation

(g) Documentation related to a judicial opinion on whether threat assessment lists have been used to intimidate political opponents prior and during elections

Questionable exemptions

(h). Documentation related to a judicial review of exemption clauses used in the Access to Information Act, and Privacy Act

(i) Evidence for Judicial opinion on whether there is an over-reliance on department criteria for determining what would constitute an exemption, "for military and international security reasons", under the Privacy Act and under the Access to Information Act.

lack of independence of Privacy Commissioner and Access to Information Commission

(j) Documentation related to the failure on the part of the Commissioners to fully speak truth to power because they are political appointees, and because they have a mandate to investigate the process rather than the substance of a complaint.

disregard of "right to correction"

(k) (i) Description of remedies available for citizens who have followed all of the above mentioned processes for "the Right to Correction", and removal off lists. [analogous application of international principle affirmed in the International Convention on the Right to Correction].

(ii) Documentation related to the "simple process available" [statement from former Minister of Justice] for those that wish to be removed from lists

(iii) Documentation related to the rationale for citizens' being offered the opportunity of addressing, through the Federal Court, their being placed on lists, coupled with the rationale for citizens being required to pay costs

(1) Explanation and Documentation about the reason that after following all the subsequently listed designated processes a citizen has not been able to find out why the citizen was perceived to be a threat to Canada, and placed on a Threat Assessment List:

(i) RCMP Complaints, RCMP Review, CSIS, SIRC and Federal Court (against the AG)(ii) Over 60 processes within various government departments, = (iii) Numerous request for reviews by Privacy Commissioners, and by the Access to Information Commissioner

discrimination in access

(m) Documentation supporting the difference in government policy between access to information for a citizen placed on a "Threat list" and access to information for a citizen placed on a "Terrorist list". In appearing before the committees examining Bill C36 (Anti-terrorism legislation). The former Justice Minister, Honorable Anne McLelland stated: "if someone's name appeared on the Terrorism list", there is an easy process to follow to find out why this occurred".

dissemination of lists

(n). Provisions in place for preventing the exchange of threat list to other states

(o). Documentation of oversight process and judicial opinions related to the commitment made by former Minister of Justice, the Honorable Ann McLelland, re: lists provided by other nations: "We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight."

"In fact we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight". (former Minister of Justice, the Honorable Ann McLelland).

long term impact

(p) Documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists

Selective access to Committees

(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and senate committees [THIS HAD NOW BEEN RESPONDED TO –THERE IS NO GENERAL CRITERIA OF SELECTION]

11. There is serious concern about covert surveillance of groups involved in lawful advocacy, protest and dissent

at. P. 35, Andrew D. Irwin commented on the relevance of the Mc Donald Commission:

“formation of CSIS The decision was based on evidence found by the commission that police offers lacked the training and judgment necessary for doing the delicate job of security intelligence gathering in a way that properly respected the basic democratic rights of Canadian citizens. For this reason the CSIS was created in the early 1980s with mandate that explicitly excluded the covert surveillance of groups involved in "lawful advocacy, protest or dissent" unless it could be proved on independent grounds that they posed a significant security threat. (Andrew D. Irwin, p.35, IBID)

12. Serious questions about surveillance of non-violent protest groups remain unanswered, and serious concerns remain unaddressed.

Andrew D. Irwin at 36

- we need to know what evidence the RCMP had, if any, to justify its surveillance of non-violent protest groups.... We need to know whether the RCMP shared any of the intelligence information that it gathered on Canadian citizens with security and intelligence agencies from other countries. Finally we need to know the current status of the dossiers that were assembly on law-abiding Canadian citizens. Could information in those dossiers sill be shared with other national and international agencies. Are all of these dossiers eventually going to be destroyed unless there is evidence of criminal wrongdoing.

13. The designation of the Plaintiff as a threat when she has never engaged in any illegal actions, and never been arrested is an unconscionable violation of her charter rights and an unacceptable act of discrimination on the grounds of “political and other opinion”.

14. The plaintiff pleads that her Charter rights have been overridden when individual Deputy ministers, cabinet ministers, “intelligence agencies” or political leaders have delineating or contributed to her being designated as a "threat"

15. Her charter rights have been violated she will argue for damages under section 24(i) of the Charter.

*****E. ON-GOING DEFAMATION SUIT:

PLAINTIFF: Joan Elizabeth Russow

DEFENDANTS

The Right Honorable Jean Chrétien
Jean Carl, former senior adviser to Jean Chrétien
Bob Fowler, former deputy minister of defence
Hon Andrew Scott, in former capacity of Solicitor General
Hon. Lawrence MacAuley, in former capacity of Solicitor General
Hon. Irwin Cotler, Attorney General of Canada, Minister of Justice
Morrice Rosenberg, Deputy Attorney General
Hon David Anderson as candidate in 2000 federal election, and MP
Brian Groos, Associate of David Anderson, resident of Oak Bay, security at APEC
Commissioner Ted Hughes Commissioner of the APEC RCMP Public Complaints Commission
Shirley Heafey, Chair of the RCMP Public Complaints Commissioner
Marvin Storrow, former Counsel of the RCMP
Wayne May RCMP, formerly in charge of security at APEC
Sgt Woods RCMP officer who interviewed Christine Price
Christine Price, formerly with RCMP proceeds of crime
Peter Koyliak, RCMP officer associated with APEC
Peter Scott, RCMP officer associated with APEC
Sgt Duperon RCMP, stationed at the media accreditation centre at APEC
Constable Boyle from Vancouver police
Howard Wilson, former Ethics Counselor
George Radwanski former Privacy Commissioner
Hon John Reid, Access to Information Commissioner
Jean Pierre Kingsley, Chief Electoral Officer

FACTS: SEE CHRONOLOGY SECTION D

DOCUMENTS, REMARKS, STATEMENTS RELATED TO CLAIM OF DEFAMATION OF CHARACTER

(a) DEPARTMENT OF DEFENCE LIST OF GROUPS IN *1993* **(see chronology)**) (DND LIST)This Department of Defence list was a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond.". The Green Party was on this list..; the Green Party was included, and a document

indicating there was primarily concern about leaders of the groups. Presumably, Bob Fowler the former Deputy Minister of Defence during the Somali inquiry, initiated a “list” in response to the public outrage about the allegations that some of the military were members of white supremacy groups. One of his assistants informed the plaintiff that Fowler had ordered a junior office to come up with a list of groups to which the military should not belong.

(b) (APEC TAG) APEC THREAT ASSESSMENT LIST NOVEMBER 23, 1997

Exhibit: tag list: note: that the names of the other “threats” have been redacted, but their faces and description have not been redacted. .The plaintiff places a caveat on the above information related to other activists. If the document is made public only Russow’s mug shot should be available The actions of the other activists have already been made public but their faces should not be made public.

The RCMP claimed in August 1998 in their response to the plaintiffs complaint that her pass was pulled because there was no evidence that the Oak Bay news existed. The plaintiff had proposed numerous means to confirm the existence of the Oak Bay New’s. It was revealed in September 1998 that the RCMP had placed the Plaintiff on a November 23, 1997 APEC Threat Assessment Group list of “other activists” TAG list. On the list the reason for removing her pass had been that the plaintiff was “a media representative overly sympathetic to the APEC protestors at a UBC meeting the previous night” – a meeting that she had never attended, and that the plaintiff was “the leader of the Green Party of Canada”. It was revealed in 1999 that in May of 1998, the plaintiff’s pass had been pulled as a result of a direction from a Brian Groos who claimed that the PMO directed that the plaintiff should be prevented from attending APEC. Finally, in December of 1999, it was claimed by Constable Boyle of the Vancouver Police that the plaintiff’s pass was pulled because she behaved inappropriately as a member of the media on a media bus-a bus that the Plaintiff was never on-going out to UBC. Despite the plaintiff’s having had a bona-fide assignment from the Oak Bay News, the RCMP maintained that there was no evidence that the Oak Bay News existed Ironically, the instructions to pull the plaintiff’s pass came from Brian Groos, a resident of Oak Bay, and a close associate of David Anderson. If they were genuinely concerned about the existence of the paper they could have contacted the Oak Bay police [a possibility that did not escape Woods, the RCMP officer who came to Victoria to interview the plaintiff, in January, 1998.

(c). (BOYLE) FALSE STATEMENT BASED ON INFORMATION PROVIDED BY THE RCMP, MADE BY POLICE REPRESENTATIVE

Constable Boyle of the Vancouver police, at the RCMP APEC Complaints Commission hearing, provided false and untrue testimony about the plaintiff behaving inappropriately on a media bus going out to the University of British Columbia. The plaintiff was never on that media bus and never went out to UBC during the APEC conference. This testimony extended and augmented the damaging effect of the plaintiff's being placed on a threat assessment list. Constable Boyle’s statement was broadcast across the country on CPAC

(d) (ANDERSON) POLITICALLY MOTIVATED SPURIOUS COMPLAINT TO ELECTIONS CANADA

Press release emanating from volunteer in Hon. David Anderson's office during the 2000 election. In this Press release it was claimed that the plaintiff was being investigated for violating the elections act. A relative of a clerk in David Anderson's office had filed a spurious complaint, about the Plaintiff, to Elections Canada, and then, two days before the election, the press release indicating that the plaintiff was being investigated was sent to the local media. Further, an agent of David Anderson during the 2000 election contacted the media and disseminated, from David Anderson's office, a press release with false and defamatory statements about the Plaintiff. During the 2000 election, David Anderson was running as a Liberal candidate in Victoria, B.C. in an election against the plaintiff. One of Anderson's agents filed a politically motivated complaint with Elections Canada alleging that the plaintiff had acted illegally voting in a previous by-election. Elections Canada investigated and found the complaint to have been frivolous. Another Liberal campaign worker active in the David Anderson campaign subsequently phoned the media and communicated the contents of a copy of the complaint letter which had been sent to Elections Canada, indicating that the plaintiff was under investigation by Elections Canada for engaging in an illegal activity, and this letter was signed by several former election candidates. During the 2000 election period, the Liberals were concerned about the closeness of the race, and they were particularly concerned about the Green vote. Subsequent to the US election where Ralph Nader running for the US Green party had been blamed for taking votes away from Gore, the RT Honourable Jean Chrétien, was quoted by the media as "urging voters not to make the same mistake as was made in Florida when voters voted for the Green party. Disgruntled former BC Green party leader was working in David Andersons office and while working in the office sent out a press release. In no way is the plaintiff suggesting that any of the above would be beyond what is acceptable politically; it is mentioned only to support the plaintiff's claim that the Liberals were somewhat worried about the Green vote.

When the Plaintiff became concerned was when she found out that the person who file a complaint to elections Canada, was related to David Anderson's assistant, and that while the disgruntled former BC Green party leader was working in David Anderson's office, he sent out a press release claiming that the plaintiff had done something illegal, and the substance of the press release was broadcast on CFAX two days before the election. [later after discussing it with the local elections officer, the radio broadcast a retraction on the day of the election but there was still the in

PLEADINGS:

The Plaintiff pleads that:

1. The above documentation, information or remarks constitute evidence of defamation of character

2. The court consider the interdependence of the intention to repay student loan, connection between loan and employment, frustration of contract, interference with

gainful employment inexorably linked to Charter of Rights violation and on-going defamation case linked to student loan case.

3. It is essential to link the on-going case of defamation with the current case related to student loan. The false designation of Joan Russow as a threat as an individual in the RCMP Threat Assessment list, or in her capacity as leader of a political party listed in the DND list of groups that could pose a threat ; , the inaccurate assertion by the RCMP and Vancouver Police that Joan Russow behaved inappropriately on the media bus, and the politically motivated claim that Joan Russow violated the Elections act, were publicized through the print, audio and visual media. The Attorney General ‘s case against the Plaintiff could be jeopardized by the previous dissemination of false information about her , could create an unfavourable predisposition towards the Plaintiff. Therefore, before the Attorney General’s case can be properly examined, impartially and dispassionately and for the proper administration of justice, there should be a resolution of the on-going defamation case. The on-going defamation case against the government is inexorably linked with the contention that the federal government has frustrated the contract, and contributed to Russow’s inability to repay her loan through gainful employment

4. The 2001 case, Russow vs the Attorney General, failed to include range of defendants

In December 2001, I contacted the Federal Court in Vancouver and asked about filing a statement of claim I mentioned that I wanted to list a number of government officials in the style of cause. I was told that if I listed a number of departments I would have to pay considerably more than if I listed only the Queen. I was told that I could list the name of the Queen in the style of cause and refer to the government officials in the statement of claim and in doing so, I would have effectively included the government officials as defendants. The clerk sent me a copy of a statement of claim to show how I would be able to include all the defendants.

A few weeks later I received a motion , to set aside my claim from Paul Partridge, a lawyer in the Attorney General's office. I asked him if he was acting for all the government officials mentioned in the claim. He responded that he was acting for the Attorney General on behalf of her majesty. I told him that I had been told by a clerk from the Federal court that if I included the names of the others as defendants in the body of the claim the government officials mentioned in the claim would also be considered as defendants. He responded that no lawyer would have told me that. Given that there is no system of civil legal aid, I could not afford a lawyer.

I appreciated the assistance given me by the clerk, but I believe that it was unfortunate that I was given misinformation. In my claim there was no mention of the Attorney General's role; instead I had mention the Solicitor General (the RCMP, CSIS); Privy Council. Prime minister’s office, Department of Defence, and David Anderson. These departments and government officials would all be the ones that would have been capable of divulging particulars about my claim of defamation of character.

In the Court, the judge acknowledged that I was making serious allegations but kept stating that I did not have sufficient particulars for the case. I pointed out that I was caught in a conundrum because the Attorney General who was representing all the Queen, had pleaded lack of particulars when it was the government and government

departments that had failed to provide the particulars. In his decision he stated that I should try to get more particulars through access to information. Ironically, if the defendants that were listed in the statement of claim had been represented, as I had anticipated when I drafted the statement of claim, then they would , through required disclosure, have to divulge the particulars that the Judge was requiring.

I do not think that I received a fair hearing in not having the relevant defendants present.

I had expected that I would have been able to find justice through the Federal Court. I was obviously wrong. Since the Court Case, I have followed the Judges recommendation that I seek particulars through Access to Information requests.

In this 2001 Defamation case, the Judge ruled that the claim should be struck because of absence of particulars, but the case should not be dismissed. In the 2001 Defamation case I indicated that since 1998 when it was brought to my attention by a representative of the media that the RCMP had placed me on a threat assessment list I had requested through access to information the reasons for the RCMP's deeming me to be a threat. The government departments has not yet after almost 4 years divulged the reason for placing me on a Threat Assessment List. The government departments continually used exemptions, such as "military and international security reasons" or "part of a criminal investigation", provided under the Access to Information act and Privacy Act. By not divulging the reason for perceiving me as being a threat the government departments and officials have allowed the perception of my being a threat to persist. In the 2001 Defamation case the Judge stated that in order to provide the particulars that the plaintiff should continue to go through access to information

5. Subsequent to the Judges decision the plaintiff decided that she would attempt to determine what information the government held on her in its different departments. Given that the plaintiff, as a lawful advocate, had throughout the years criticized almost every government department, she thought that perhaps some misinformation was held in other departments, such as the Department of Environment, Department of Natural Resources, Department of industry, Department of Human Resource, Department of Fisheries, Department of Agriculture, etc. For three years in 1998, 1999 and 2000, she had prepared an analysis of the Treasury board estimates and had subsequently prepared alternative budgets. After almost 60 Access to Information and Privacy requests, the plaintiff still has not found out the reason for the government's perceiving her to be a threat. The plaintiff has, however, been able to develop "advocacy profiling" of activities that have been monitored by government; from protesting the berthing of nuclear vessels, and the deploying of ships for the Gulf; of proposing the phasing out fossil fuels and opposing the sale of CANDU reactors; of lobbying for the conversion of Nanoose, and for the Cassini project to cease; of opposing free trade agreements, and advocating the banning of genetically engineered foods and crops etc. There are still outstanding requests including an extensive request for information from the Department of Justice related to Canada's position internationally for complying with international human rights instruments;

6. After submitting almost 60 requests to privacy and access to information, I have only received documents with spurious exemptions and with exorbitant fees required for

access to information. As of August 2005, the government has failed to divulge the REAL reason for placing a leader of a political party on a threat assessment list. I am now 66 years old, and I cannot afford to hire a lawyer to address the issues that even the Judge mentioned were serious allegations

7. Members of the government, cabinet ministers, and their agents through their various actions have maliciously and without grounds defamed the plaintiff through designating her as a threat, and through failing to allow Russow the opportunity to appear and clear her name, and as a result have impacted on Russow in her capacity as a researcher, lecturer at university and as a leader of registered political party. The cause of action for defamation of character potentially brings together various levels of offices, governments, and institutions.

8. There is strict liability for tort of defamation of character

> Canadian Defamation Law © Lloyd Duhaime 1996.
>
> The major points of defamation law in Canada are as follows:
>
> Defamation is a "strict liability" tort. In other words, it does not matter if the defamation was intentional or the result of negligence. Defamatory material is presumed to be false and malicious. "Whatever a man publishes", according to one case, "he publishes at his peril." 9

9. The conditions for a case of defamation of character have been met

(i) Statements by investigative authorities such as DND, RCMP and Police, and statutory authorities are consider to have a prima facie aura of truth. False statements by authorities such as DND, the RCMP the police and allusion to election Canada are in a different category than statements by other members of the public; there is the presumption of truth when investigative authorities make a statement. because of the positions held in the community. In this the pleading have defined the nature of the action, and the defamatory words have been set out with reasonable certainty, clarity and precision. The plaintiff will show that the facts or circumstances demonstrate the defamatory meaning of the words. The defendants cannot deny the allegations or claim that the words are incapable of defamatory meaning; the defendants also cannot justify the defamatory remark or rely on qualified privilege, fair comment. In some cases it will be pleaded that the defendants demonstrated malice and abuse of power.

The plaintiff pleads that as a result (i) of being on a DND list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list of groups being designated as potential threats, (ii) of being on an APEC Threat Assessment list (iii) of being described by the police as behaving inappropriately, and (iv) of being accused of violating the Election Act, the plaintiff has been brought into ridicule, scandal and contempt both personally and by way of her calling as a academic/politician engaged in lawful advocacy and she has suffered damages.

ii *The combination defamatory information disseminated magnifies the offence of defamation of character:*

-

(a) the inclusion of the group of which the plaintiff was the leader as a threat on the DND list of groups Department of Defence list "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (IE. to Canada} is questionable as the group bond is stronger than the nationalist bond."

(b) designation of the plaintiff as a threat by placing her on a RCMP “threat assessment group list”,

(c) the false testimony that she had behaved inappropriately or exhibited “inappropriate behaviour”,

(d) indefensible accusations that the plaintiff had engaged in “illegal actions in violation of the elections act

The combined effect of the above contributed to the perception that the plaintiff was dishonourable and dishonest, caused lingering doubts about her character and her integrity with [the most important attribute of any politician-or aspiring politician]

In the case Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd it was held:

> There can be no doubt that the trial judge was correct in concluding that the combined effect of the three documents published by Maksymec and the appellant lawyers was clearly defamatory. These documents unmistakably implied that Botiuk was dishonourable and dishonest. They cast doubt upon his integrity, the most important attribute of any lawyer. (P.69)

CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

> Per La Forest, L'Heureux-Dubé, Gonthier, Cory, McLachlin and Iacobucci J.J.: The combined effect of the report, the declaration and the reply published by M and the appellant lawyers was clearly defamatory. The documents unmistakably implied that the respondent was dishonourable and dishonest. They cast doubt upon his integrity, the most important attribute of any lawyer. The appellant lawyers are joint tort feasors who are jointly and severally liable with M for the damage caused by publication of all three documents. The declaration expressly adopted the contents of the report, and its inclusion in the reply was a natural and logical consequence of the lawyers' signing it without placing any restrictions on its use. The appellant company is also liable since M, by his action and in his capacity as the principal shareholder and officer of the company and its directing mind, clearly associated the company with the defamatory statements.

iii. *Absence of reasonable and probable cause which would have justified the defamatory actions*

There was an absence of a reasonable and probable cause which would justify placing a law-abiding citizen who engages in legitimate advocacy and who is a leader of a registered political party on a threat assessment list. In addition there was evidence of the existence of malice in the form of a deliberate and improper use by the Prime Ministers office and by the Solicitor General through the RCMP: this use was an abuse of power inconsistent with the status of the office of the Prime Minister's office and the Solicitor General.

(a) The act of authoritative military intelligence institution designating, without reasonable probable cause, groups as threats on a list which has been circulated could be deemed to be a defamatory act. The department of defence, in 1993, developed , without reasonable cause, a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (IE. to Canada} is questionable as the group bond is stronger than the nationalist bond."

(b) the act of authoritative military intelligence agencies designating , without reasonable or probable cause, a person as a threat knowing that it could be distributed publicly could be deemed to be a defamatory act,

- Given that under the CSIS Act a “threat” does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2. , and given that the plaintiff was placed on a threat assessment list, there could be the assumption that the plaintiff was engaged in more than lawful advocacy, protest or dissent, and could be deemed a threat to national security.

(c) The act by an enforcement authority of making, without reasonable or probable cause, a false statement which was broadcast across the country that an citizen behaved inappropriately could be deemed a defamatory act

(d) Filing without reasonable or probable cause a politically motivated complaint to a regulatory body about a purported illegal act of an opponent in an election could be a defamatory act

( ) AUTHORITY ABSENCE OF REASONABLE AND PROBABLE CAUSE WHICH WOULD HAVE JUSTIFIED THE DEFAMATORY ACTIONS

> : It was held in the Proulx case that to succeed in an action for malicious prosecution against the Attorney General or Crown Attorney, the plaintiff would have to prove both the absence of reasonable and probable cause in commencing the prosecution, and malice in the form of a deliberate and improper use of the office of the Attorney General or Crown Attorney. *a *use inconsistent with the status of "minister of justice":*

iv. *Defamatory words communicated with reasonable certainty, clarity and precision and the circumstances exist which give them a defamatory sting*

The mere fact that a citizen is listed as a threat is the same as designating a citizen as a “threat” ; the words were communicated with reasonable certainty (a reapplication of a statement made by Senator Fraser: the mere fact that you are listed as the terrorist is the same as being designated as a terrorist “. the acts of defamation by the authorities within the government, by cabinet ministers and their agents are as clear, as certain and as sufficiently specific as it is possible. It must be acknowledged that being designated a "threat" as defined by CSIS is a serious allegation and a defamatory act.

> In the Act establishing the Canadian Security Intelligence Service, 1985, "Threat to security of Canada is described:
>
> “Threats to security” of Canada means
>
> (2) a espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage
> b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person
> c. activities within or relating to Canada directed toward or in support of the Threat or use of acts of serous violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
> d. Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.
>
> Lawful Protest and Advocacy The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated." CSIS Act, 1985)

(a) The words used and groups identified in the DND list {of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond.". the Green party was on this list.]. are set out with reasonable certainty , clarity and precision and the circumstances, compiled by an authoritative department, clearly prove their defamatory nature

(b) the words “other activists” “ RCMP Threat Assessment group” list in association with the plaintiff are set out with reasonable certainty , clarity and precision and the authoritative pronouncement of the plaintiff as a threat substantiates circumstances that clearly prove their defamatory nature

(c) the “words” used by the Vancouver police woman in assessing the plaintiff behaviour as behaving inappropriately are set out with reasonable certainty , clarity and precision and the circumstances—information communicated by authoritative agencies such as a police force and the RCMP--clearly prove their defamatory nature

(d) the “words” used in the press release that elections Canada was investigating the plaintiff for committing an illegal act under the elections act were set out with reasonable certainty , clarity and precision and the circumstances-apparent assertion by a regulatory body - clearly prove their defamatory nature. the press release was signed by former candidates of the green party which was intended to give additional credibility to the assertions.

AUTHORITY: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

> The trial judge observed that, had matters ended with the Sokolsky-Muz Declaration, there would probably have been no cause of action. However, Maksymec persisted in his efforts to defame Botiuk by recruiting the appellant lawyers and having them sign the Lawyers' Declaration. The endorsement of eight prominent lawyers from the Ukrainian community had the effect of greatly enhancing the credibility of Maksymec's charges. The testimony of a number of witnesses clearly demonstrated that members of the Ukrainian community were convinced that this group of lawyers would not have signed a document containing such serious allegations if they were not true. CASE P. 67

AUTHORITY: Paul Partridge, Attorney General of Canada, T2184-01 Russow vs the Queen

> Summary. Because of the technical nature of the tort, pleadings are of critical importance in an action for defamation. They must adequately define the nature of the action or defences and the issues being tried. The defamatory words must be set out with reasonable certainty, clarity and precision and if the words are innocent on their face, or had some special meaning, the facts or circumstances which give them a defamatory sting must be pleaded and proved. The plaintiff must also plead and prove that the words were published of and concerning the plaintiff and were communicated to persons other than the plaintiff, identifying the time when, the place where and the persons to whom they were published.
>
> Re: “clear” CASE; Sun Life Assur.co of Canada v. Bailey. 101 Va. 443, 44 S.e. 692 (1903
>
> Re: “Certain”. CASE: Comerford v. Meier, 302 Mass. 398, 19 N.E. 2s 711 (1939)
>
> Re: “Specific”. Per Murphy J. in Pinto v International Set Inc.,. 650 F. supp. 306, at 309 (D.Minn.1986)

( ) The contents of the entire documents when considered support the claim of defamation of character

( ) The material facts and particulars are sufficient to establish a case of defamation of character and any absence of material facts and particulars have resulted from an unwillingness on the part of the government and its agents to divulge the information

Exhibit: Peter Fraser P.J., and Horn J.W. ( ). Conduct of Civil Litigation in B.C. Chapter 9 Volume 1; Butterworths.

The concept of “material facts” is fundamental to the law of pleading. The adjective “material may be read as equivalent to “essential”

The word “material “ means necessary for the purpose of formulating a complete cause for action and if any one “material fact is omitted, the statement of claim is bad…”

The process of extracting from a real situation a statement of material facts is analogous to the process of extracting from a reported case the ratio decidendi. It is a process of moving from the particular to the general. Any event can be reported at several levels of generality; the task is not only to winnow out what is legally significant from what is legally insignificant but to state the significant matters at the appropriate level of generality.

v. *Reasonable implication of defamation in the words*
The need for all circumstances of the case including any reasonable implications the words may bear

(a) Establishing a DND list targeting specific groups: the DND compiled a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list. The circumstances around the developing of a DND list of groups that pose a threat are incredibly complex, from impacting on one’s charter rights,

(b) Preparing a RCMP threat assessment list which included my photograph undoubtedly referred directly to the plaintiff

(c) Describing in a police statement that the plaintiff was behaving inappropriately was referring directly to the plaintiff

(d) Declaring the plaintiff to have violated the elections act referred directly to the plaintiff

In CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd, it was held that: meaning or by virtue of extrinsic facts or circumstances, known to the listener or reader, which give it a defamatory

> meaning by way of innuendo different from that in which it ordinarily would be understood. In determining its meaning, the court may take into consideration all the circumstances of the case, including any reasonable implications the words may bear, the context in which the words are used, the audience to whom they were published and the manner in which they were presented.

vi. *Defamatory remarks were aimed specifically at the plaintiff or at the group to which the plaintiff belonged*

(a) Establishing a DND list targeting specific groups: the DND compiled a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list

(b) Preparing a RCMP threat assessment list which included my photograph undoubtedly referred directly to the plaintiff

(c) Describing in a police statement that the plaintiff was behaving inappropriately was referring directly to the plaintiff

(d) Declaring the plaintiff to have violated the elections act referred directly to the plaintiff

AUTHORITY Canadian Defamation Law © Lloyd Duhaime 1996.

> The defamatory remark must be clearly aimed at the plaintiff. General, inflammatory remarks aimed at a large audience would not qualify as the remarks must be clearly pointed at a specific person.

vii. *Shameful acts attributed indirectly or directly to the plaintiff*

(a) The impugned statement- "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and groups whose “loyalty of members of these groups (IE. to Canada} is questionable as the group bond is stronger than the nationalist bond” suggests that these groups have been engaged in shameful actions that would warrant being designated a threat to national security

(b) Preparing a RCMP threat assessment list which included the plaintiff’s photograph and vital statistics suggests that the plaintiff had engaged in shameful acts that would warrant her being designated

(c) Describing in a police statement that the plaintiff was behaving inappropriately suggest that the plaintiff could have behaved shamefully

(d) Declaring the plaintiff to have violated the elections act affirmed that the plaintiff acted shamefully

AUTHORITY: Canadian Defamation Law © Lloyd Duhaime 1996.

> Defamation was well described in a 1970 British Columbia Court of Appeal decision called Murphy v. LaMarsh:

> (Defamation is where) a shameful action is attributed to a man (he stole my purse), a shameful character (he is dishonest), a shameful course of action (he lives on the avails of prostitution), (or) a shameful condition (he has smallpox). Such words are considered defamatory because they tend to bring the man named into hatred, contempt or ridicule. The more modern definition (of defamation) is words tending to lower the plaintiff in the estimation of right-thinking members of society generally.

viii. *Defamatory remarks arose from false accusation and were malicious acts*

(a) Establishing a DND list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond.".[the Green party was on this list.] could be considered as being a malicious act

(b) Designating by the RCMP of the plaintiff as a threat was false because there is no evidence that she was a threat to national or international security, and that she was a threat under the definition of threat within the CSIS act could be considered as being a malicious act

(c) Describing in a police statement that the plaintiff was behaving inappropriately was a false accusation and potentially malicious

(d) Initiating a spurious complaint and then declaring the plaintiff to have violated the elections act entailed disseminating a false accusation, and engaging in a malicious act

AUTHORITY: The legal consequence of their recklessness is that their actions must be found to be malicious.

The judgment of La Forest, L'Heureux-Dubé, Gonthier, Cory, McLachlin and Iacobucci JJ. was delivered by

> CORY J. -- These appeals must consider the consequences which flow from the publication of documents which either directly alleged or clearly implied that the respondent Y. R. Botiuk, a lawyer of Ukrainian descent, had misappropriated money that belonged to the Ukrainian-Canadian community.

ix. *Failed to make independent inquiry as to the truth of the allegations*

The government, cabinet ministers, and their agents were indifferent to the truth and reckless in their distribution of false information, and failed in their duty to ensure that statements are correct and that misinformation is avoided. Statements by investigative authorities such as DND, RCMP and the police officers are consider to have a prima facie aura of truth. False statements by Authorities such as DND, the RCMP and the Police and allusion to Election Canada are in a different category than statements by other members of the public; there is the presumption of truth when investigative authorities make a statement. because of the positions held in the community. These authorities had exhibited the indifference or recklessness to the truth necessary for a finding of express malice

(a)The department of defence failed to adequately assessed the truth to the allegations that the groups on the DND list were threats

(b) The RCMP failed to recognize the impact of making a false claim about the plaintiff and should not have relied on a political direction as an indication of the truth of the designation of the plaintiff as being a threat

(c) Constable Boyle failed to make any independent inquiry as to the truth of the allegations that had been supposedly passed on to her by the RCMP and the chair of the commission had refused to permit the plaintiff to testify at the commission even though the plaintiff was one of the complainants, and even though the then Solicitor General Andy Scott affirmed in his response to an APEC petition that all aspects of RCMP conduct would be examined in the RCMP public complaints hearing [appendix: response to petition]. the government's agent – the commissioner of the RCMP public complaints commission – failed to make any independent inquiry as to the truth of the allegations by Constable Boyle. The RCMP has demonstrated disregard for their having disseminated incorrect information, and has responded in a flippant way to the concern about defamation of character and the request for an apology.

(d) The election worker volunteering in David Anderson's office failed to check the legitimacy of the complaint with elections Canada before issuing a media release about plaintiff committing an illegal act under the elections act- Elections Canada had communicated that the complaint was groundless

AUTHORITY: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

> In his consideration of the damages that should be awarded, the trial judge observed that the appellant lawyers failed to make any independent inquiry as to the truth of the allegations contained in the Lawyers' Declaration. He noted that none of the appellant lawyers had apologized to Botiuk that some had demonstrated hostility towards him in their testimony and that, contrary to their assertions, the respondent had actually done the lion's share of the work at the inquiry. I would have thought that these findings would have established express malice in fact and in law. However, the trial judge concluded that, while the lawyers were "careless, impulsive or irrational", they had not exhibited the indifference or recklessness to the truth necessary for a finding of express malice. (p.47)

x. *The defamatory words or remarks concerning the plaintiff were published, and widely communicated. Even before September 11, 2001, there was concern about the targeting of activists;*

There is increased evidence of the surveillance of activists in the US, and this increased surveillance could result in targeting those who are already on lists.

> Governments want wall of secrecy
> LYLE STEWART
> Montreal Gazette Friday, August 31, 2001

The U.S. Senate Intelligence Committee is preparing a bill to establish that country's first official secrets act. As Thomas Blanton reported in the New York Times last week, Congress could "make it harder for Americans to know what their government is doing and would give aid and comfort to every tin-pot dictator who wants to claim 'national security' as the reason to keep his citizens in the dark."

Two days earlier, the Independent reported on the European Union's plan to create a secret network to spy on protesters. European leaders, the paper said, have ordered police and intelligence agencies to co-ordinate their efforts to identify and track demonstrators. "The new measures clear the way for protesters traveling between European Union countries to be subjected to an unprecedented degree of surveillance."

Sound familiar? Southam News's recent five-part series by reporters Jim Bronskill and David Pugliese show the federal government is doing its part in the international effort to repress political activity that Western states now apparently consider outside the bounds of acceptable discourse. As Bronskill and Pugliese found in the most comprehensive examination of the subject in recent times, the RCMP and CSIS are systematically deterring dissent and free speech through intimidation, secret files and a sledgehammer level of security against public protest. Mainstream political figures, such as former NDP head Ed Broadbent and Green Party leader Joan Russow, are not immune from being spied on or labeled as security threats.

The implications for our democracy are vastly disturbing, but not necessarily surprising. Governments in North America and western Europe see their political agendas threatened by the growing cross-border movements against corporate domination. And they are pooling information on political activists of all stripes, not only the Black Bloc bogeymen that are being conveniently used as the new spectre of evil to justify the new repression. And as the spying on normal political activity expands, states are tightening access that citizens have to information about their governments. Canada, it increasingly appears, will be no exception.

Bronskill and Pugliese based much of the reporting for their series on Access to Information Act requests. That's how they discovered the RCMP had in May established a special unit - the Public Order Program - to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies.

But the smoke signals from Ottawa indicate the Liberal cabinet wants to restrict our access to public information. In an interview, Bronskill noted the government already has extensively studied the program and could be preparing administrative or legislative changes. That's the worry of Ontario Liberal MP John Bryden, whose committee on the future of ATIP was publicly snubbed this week by Prime Minister Jean Chrétien. Chrétien ordered civil servants not to appear before the committee. Meanwhile, the government's official task force on ATIP is doing its work in secret. And as the Open Government Canada coalition noted this week, the task force is made up of civil servants from departments regulated by the law - an obvious conflict of interest.

"There are worrisome signals," Bronskill says. "There is legitimate concern this review will lead to higher fees, fewer records available and more restrictions on access."

The submissions the task force has received are overwhelmingly in favour of keeping fees in line and making the program more open, Bronskill notes. "There's no evidence to suggest there are vexatious or frivolous requests, the phrase they use to say the program is being abused." Even CSIS, he adds, has said the ATIP requests it receives are responsible and well thought out.

If the old adage that information is power is true, then the conclusions of this trend are obvious. Governments are afraid of the power of their citizens.

"There is a connection there," Bronskill says. "The link between surveillance of activists and problems with ATIP is the concept of control of information. On the one hand you have government collecting, storing and keeping information secret, and, on the other hand, the right of access to that information being curtailed in a way that limits the right of people to know."

In 1998, 1999, 2000, 2001, the fact that I was placed on a threat assessment list was broadcast on radio and television across the country and was published in newspapers across the country

(a) The department of defence list of groups was available publicly on the CD Rom on the Somali inquiry, and was printed up in now magazine; the green party was mentioned

(b) The words “threat assessment group” in association with the plaintiff were published and communicated in through print, radio or TV to persons other than the plaintiff in 1998, 1998, 1999, 2000, 2001, 2002.

(c) The remark that the plaintiff had behaved inappropriately was in the RCMP Public Complaints Commission transcripts , and broadcast across the country on CPAC

(d) The alleged illegal activity-in violation of the elections act, of the plaintiff as candidate in the federal election was circulated in a media release and became the leading news item on CFAX, the principal commercial radio station in Victoria, only two days before the election the defamatory nature of the letter was clear. namely that the plaintiff was lying and was under investigation by elections Canada for violating the elections act. the allegation that elections Canada was investigating the plaintiff for an illegal act was broadcast two days before the 2000 election, of the principal am station CFAX.

AUTHORITY Canadian Defamation Law © Lloyd Duhaime 1996.

> The defamatory remarks must be somehow conveyed to a third party. Private defamation just between two parties causes no reputation damage to reputation because there are no other persons to be impacted by the remarks. With libel, the damage is presumed as it is published. With slander (verbal defamation), proof of repetition to other people is essential to the claim; damages have to be proven (there are four exceptions: the defamation imputes the commission of a crime, the unchaste status of a woman, a "loathsome disease", or a professional incompetence).

AUTHORITY: Paul Partridge, from the Attorney General of Canada office

> In T2184-01 Russow vs the Queen Summary affirmed that for there to be a case of defamation “The plaintiff must also plead and prove that the words were published of and concerning the plaintiff and were communicated to persons other than the plaintiff, identifying the time when, the place where and the persons to whom they were published.”

xi. *Publication as distributing information with or without caveats outside of the country*

These "Threat" lists are increasingly distributed to agencies outside of the jurisdiction of Canada. The potential distribution and circulation, nationally and internationally of these lists has raised serious questions about my character, and in doing so has defamed me. There does not appear to be public information about what control the Canadian government may have over the use of the lists or where else have these lists been distributed and to whom these lists are accessible. DND military intelligence, the RCMP or CSIS have claimed that when they share information with friendly nations, they imposed caveats about the use of the information, and about the need to consult prior to using this information for other non designated purposes. It has been revealed in the

Arar Inquiry that after September 11, 2001, in some cases of perceived urgency “caveats were down”. Evidence is surfacing that “caveats down” might now be the policy of the DND military intelligence, the RCMP and CSIS; thus Canada would no longer maintain control over the use of information provided for specific investigations, or for the use of lists previously circulated.

The RCMP was aware that if there were the establishment of a RCMP Public Complaints Commission, the RCMP would be responsible for divulging all information related to the issue. During the RCMP Complaints Commission hearing into APEC, the RCMP released the Threat Assessment Lists and the media had access to the files including to threat assessment lists. The RCMP, knowing that its evidence could be made public did not apply for a media ban, and thus cannot argue that they took reasonable care in relation to its publication or “they did not know or had no reason to believe that what they did caused or contributed to the publication of a defamatory statement.”; The RCMP by not ensuring that there was a publication ban on the distribution of sensitive documents such as the threat assessment lists, the RCMP could be considered to have “published the threat assessment lists”

xii *The information disseminated was harmful with long term consequences*

The long term psychological, health, social and economic consequences of being designated a threat have been harmful and have affected plaintiff and those close to her for up to at least 7 years to the present. As a result of being designated as a "threat" the plaintiff has been discredited, and stigmatized and has been impacted personally in her capacity as a lecturer The plaintiff will plead that: she have suffered from the stigma, of being designated a threat, attached to her name, and that this designation has also affected my former husband and my two sons and two daughters

(a) Designation, without any reasonable cause, by DND of a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND” and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." {the Green Party was on this list} is harmful because there is the implication that an authority deems the groups to potentially be a threat to the country
(b) Designation of the plaintiff, by the RCMP, as a threat constitutes a harmful remark with far reaching consequences, and has had long term psychological, health, social and economic consequences including jeopardizing the plaintiff’s ability to obtain gainful employment of being and affecting the plaintiff and those close to her for up to at least 7 years to the present;
(c) Description of the plaintiff’s behavior, by the Police, as inappropriate is a harmful remark
(d) Declaration of the plaintiff’s action as being illegal under the Election’s Act and reference to an investigation by an authority like elections Canada is harmful

AUTHORITY:

> The remarks must be harmful (IE. "defamatory") and this will be assessed on a case-by case basis. Some statements are clearly defamatory. Other

> statements would only be defamatory to the person targeted by the remarks. What may be a nonsensical or mildly offensive remark to one person may constitute serious defamation to another. The judge will consider the situation of the person defamed in assessing the claim of defamation. Canadian Defamation Law © Lloyd Duhaime 1996.
>
> Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> He concluded that Botiuk had reached a "high pinnacle of success" and that the attack upon his reputation had severely damaged his health, family relations, practice, professional and business connections and social life. The trial judge found that for many years, Botiuk would be known as "the lawyer who took or kept $10,000.00 from that community". P.50

xiii. *Consequences lingering doubt and suspicion*

The government, cabinet ministers and their agents failed to anticipate the far-reaching consequences of placing an advocate engaged in legitimate dissent, and a leader of a political party on a threat assessment list. The government, cabinet ministers and their agents , by designating, a threat, the group to which the plaintiff belonged, by placing the plaintiff on a RCMP threat assessment list, by describing the plaintiff's behaviour as being inappropriate, and by claiming that the plaintiff has committed an illegal act created lingering doubt and suspicion that the plaintiff had engaged in illegal activities that would justify being designated as a threat. The attack, by government, cabinet ministers, and their agents upon the plaintiff's reputation has damaged her health, her family relations, her professional activities, her freedom of movement and her potential employment in ways that would never be fully understood because there would always be the lingering doubt that the plaintiff had done something that would justify her being designated as a threat

(a) Designation, without any reasonable cause, by DND of a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND" and of groups whose "loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." creates {the Green Party was on this list} could create lingering doubt and suspicion in a "security preoccupied" climate this designation

(b) Designation of the plaintiff, by the RCMP, as a threat constitutes a harmful remark with far reaching consequences, and in a "security preoccupied" climate the designation of being a threat could create lingering doubt and suspicion

(c) Description of the plaintiff's behavior, by the Police, as inappropriate could create lingering doubt and suspicion

(d) Declaration of the plaintiff's action as being illegal under the Election's Act and reference to an investigation by an authority like elections Canada has l consequences of lingering doubt and suspicion

AUTHORITY: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

Unfortunately, even at the time of the trial, more than 12 years after the libels were published, some people still believed the rumours concerning Botiuk. The trial judge was correct in his assessment that "notwithstanding the result of this action, the [respondent] will continue for the rest of his time to be considered by some members of the Ukrainian community as the lawyer who took or kept $10,000.00 from that community". There can be no doubt that each of the impugned documents was libelous. P. 72

CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd As a result of these publications, Botiuk, who had previously enjoyed an excellent reputation, was branded as a dishonourable person who could not be trusted. Publishing the documents had a devastating and lasting effect on both his private life and his professional career.

CASE: Hill v. Church of Scientology of Toronto, [1995] 2 S.C.R. 1130.

The consequences which flow from the publication of an injurious false statement are invidious. The television report of the news conference on the steps of Osgoode Hall must have had a lasting and significant effect on all who saw it. They witnessed a prominent lawyer accusing another lawyer of criminal contempt in a setting synonymous with legal affairs and the courts of the province. It will be extremely difficult to correct the impression left with viewers that Casey Hill must have been guilty of unethical and illegal conduct. (P.165) [A LEADER OF A POLITICAL PARTY BEING DEEMED BY THE RCMP TO BE A THREAT TO CANADA]

CASE: Hill v. Church of Scientology of Toronto, [1995] 2 S.C.R. 1130.

The written words emanating from the news **conference must have had an equally devastating impact**. All who read the news reports would be left with a lasting impression that Casey Hill **has been guilty of misconduct. It would be hard to imagine a more difficult situation for the defamed person to overcome**. Every time that person goes to the convenience store, or shopping centre, he will imagine that the people around him still **retain the erroneous impression that the false statement is correct.** A defamatory statement can seep into the crevasses of the subconscious and lurk there ever ready to spring forth and spread its cancerous evil. **The unfortunate impression left by a libel may last a lifetime.** Seldom does the defamed person have the opportunity of replying and correcting the record in a manner that will truly remedy the situation. It is members of the community in which the defamed person lives who will be best able to assess the damages. The

> jury as representative of that community should be free to make an assessment of damages which will provide the plaintiff with a sum of money that clearly demonstrates to the community the vindication of the plaintiff's reputation. (P.166)
>
> CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> He concluded that Botiuk had reached a "high pinnacle of success" and that the attack upon his reputation had severely damaged his health, family relations, practice, professional and business connections and social life. The trial judge found that for many years, Botiuk would be known as "the lawyer who took or kept $10,000.00 from that community". (P.50)

xiv. *Defence of privilege is not available here*

(a) In compiling the department of defence list, the DND did appear to be concerned about the possibility of placing groups on a list might contravene the CSIS Act or the charter of rights and freedoms. in a document obtained through access to information the department of defence indicated that the Solicitor Generals office and the department of justice would be contacted to determine whether the list violated the CSIS act or contravened the charter. CSIS neither confirms or denies check whether CSIS was contacted; currently the plaintiff is seeking information from the Department of Justice

(b) In agreeing to prepare APEC threat assessment lists, the RCMP did impute to the plaintiff the commission of a criminal offence , and thus is not justified in using the defence of privilege. In communicating information without verifying the truth, the police constable probably cannot claim privilege.

(c) On December 10, 1999 Constable Boyle presumably on information from either RCMP Peter Kolyiak or Peter Scott stated at the Commission hearing when asked why Dr Joan Russow's pass was pulled responded " I believe there was a media bus that went out to UBC. It was felt that her [Russow] and... behaviour was inappropriate for that of people who had attained media accreditation. 1 wasn't there and I don't know the specifics of it", This was broadcast live across the country on CPAC and was up on the web site. I was never on a media bus and I was never out at UBC during the APEC meeting. During the APEC RCMP Public Complaints Commission hearing, broadcast live across the country on CPAC, and up on a web site, a remark was made by Constable Boyle based on RCMP "intelligence" that I had behaved inappropriately on a media bus going to UBC [I was never on a media bus and I was never out at UBC> I asked Commissioner Hughes if I could appear to counter the “inappropriate behaviour” statement made about me I was denied access to the RCMP Public Complaints Commission hearing. The defamatory statements made by Constable Boyle were made orally at the RCMP Public Complaints Commission hearing, and transmitted live across the country on CPAC, and was transcribed and placed up on the APEC web site. In stating that my behaviour was inappropriate without designating the nature of the inappropriateness, she has opened the possibility of a range of unfortunate

interpretations_ It would appear that Constable Boyle was elaborating on information that was supplied by members of the RCMP.

(d) In communicating the impugned remarks about the plaintiff the agents of David Anderson did impute the possibility that the plaintiff committed a criminal offence

AUTHORITY:

The defence of privilege is not available because the impugned remarks were not published in good faith; there was not reasonable ground to believe that the publication thereof was for the public benefit; and that they did impute to the me the commission of a criminal offence

> *at 184 in Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd*
>
> *Privilege was available under the conditions:*
>
> (a) that the alleged defamatory matter was published in good faith; and
>
> (b) that there was reasonable ground to believe that the publication thereof was for the public benefit; and
> (c) that it did not impute to the plaintiff the commission of a criminal offence.
>
> CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> Qualified privilege attaches to the occasion upon which the communication is made, and not to the communication itself. Where an occasion is shown to be privileged, the bona fides of the defendant is presumed and the defendant is free to publish remarks which may be defamatory and untrue about the plaintiff. The privilege is not absolute, however, and may be defeated if the dominant motive for publishing is actual or express malice. Qualified privilege may also be defeated if the limits of the duty or interest have been exceeded. If the information communicated was not reasonably appropriate to the legitimate purposes of the occasion, the qualified privilege will be defeated. While M had a duty to discharge arising from his position as a former president of the UCC, and the UCC's annual general meeting was an appropriate forum at which to present the report, the limits of the privileged occasion were clearly exceeded in relation to the report. P. 2

xv. *Direct attack on reputation Importance of protecting one's reputation.*

The reputation of a leader of a political party who has been concerned with establishing a reputation in the community for being principled, honest, having integrity, but a strong a forceful critic of government policy within a legal framework, would be damaged

(a) The DND targeting leaders of designated groups through the DND listing of groups harms the reputation of the groups and the plaintiff who led one of the targeted groups

In documents obtained through access to information, the department of defence indicated that it was primarily concerned about leaders of these groups discrediting the military. Being the leader of a group that was listed in the department of defence list

(b) The placing by the RCMP of the plaintiff on a threat assessment list harms the reputation of the plaintiff. Being placed on the RCMP threat assessment group list and has impacted on the Plaintiff's reputation as well as on the reputation of those associated with the Plaintiff. Placing the plaintiff on a threat assessment list, was a direct attack on her reputation as a leader of a political party, as a sessional lecturer at the university, as a respected advocate of the rule of international law. As Peter Mackay, in commenting on Bill C. 36- the Anti-Terrorism Act, noted that "once you've been listed, to quote on the witnesses, it takes time , it takes legal counsel, 'you lose that ability to be a charitable organization or you lose your reputation. I believe she said it was death by firing squad or death by electrocution. You can't give a person their reputation back"

(c) The declaring by a representative of the police force of the plaintiff behaving inappropriately harms the reputation of the plaintiff

(d) The claiming by agents of a fellow candidate in an election of the plaintiff's engaging in an illegal act under the elections act is a direct attack on the reputation of the plaintiff.

AUTHORITY:

> Canadian Defamation Law © Lloyd Duhaime 1996.
>
> Defamation must be a direct attack on an actual reputation, not an alleged reputation that a "victim" believes they deserve. a judge will assess the statement against the evidence of the victim's reputation in their community.
>
> A direct attack on reputation contravenes the common law protection of every person from harm to their reputation by false and derogatory remarks
>
> The common law protects every person from harm to their reputation by false and derogatory remarks about their person, known as defamation. In addition, all Canadian provinces have libel/ slander legislation (defamation includes slander and libel, where slander is verbal defamation and libel is printed defamation). It is a tricky and slippery field of law, based on statutes, English common law and many defences. No wonder it has been called a "peculiar tort". And remember, defamation tort law protects your reputation, not your feelings.
>
> The Importance of the Objective of Protecting Reputation is cited in [1998] 1 S.C.R. R. v. Lucas:
> At 48. Is the goal of the protection of reputation a pressing and substantial objective in our society? I believe it is. The protection of an individual's reputation from willful and false attack recognizes both the innate dignity of the individual and the integral link between reputation and the fruitful participation of an individual in Canadian society."

At 49 [in reference] to /Hill _ ..... Church of Science of Toronto, [1995] 1 SCR /R.,_ _it was emphasized that it is of fundamental importance in our democratic society to protect the good reputation of individuals. On behalf of a unanimous court it was observed at /p. 1175: /Although much has very properly been said and written about the importance of freedom of expression, little has been written of the importance of reputation. Yet, to most people, their good reputation is to be cherished above all. A good reputation is closely related to the innate worthiness and dignity of the individual. It is an attribute that must, just as much as freedom of expression, be protected by society's laws.... Democracy has always recognized and cherished the fundamental importance of an individual. That importance must, in turn, be based upon the good repute of a person.... A democratic society, therefore, has an interest in ensuring that its members can enjoy and protect their good reputation so long as it is merited.

And at /50, /That a number of international conventions, ratified by Canada, contain explicit limitations of freedom of expression in order to protect the rights and reputations of individuals, further supports the conclusion that this constitutes a pressing and substantial objective. For example the /International Covenant on Civil and Political Rights, /19 December 1966, Can. T. S. 1976 No. 47, art. 17 provides that everyone has the right to the protection of the law against attacks on his or her honour and reputation. Similarly. the /Universal Declaration of Human Rights, /G.A. Res. /217 /A (lu), U.N. Doc. A/810, <http://U.N.Doc.A/810,> at /71 (1948), /art. /12 /states that "[n]o one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." Other conventions, including the /European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 /November /1950, 213 /U.N.T. , S. /221, /art. 10, and the /American Convention on Human Rights, //O.A. ST. /S. No. /36, /at 1, art. /13, /provide expressly that freedom of expression is subject to laws necessary for the protection of the reputation of individuals. The existence of these provisions reflects a consensus within the international community that the protection of reputation is an objective sufficiently important to warrant placing some restrictions upon freedom of expression."

Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

As a result of these publications, Botiuk, who had previously enjoyed an excellent reputation, was branded as a dishonourable person who could not be trusted. Publishing the documents had a devastating and lasting effect on both his private life and his professional career.

xvi. *Persistent innuendo of wrong doing*

Defamatory statements create the innuendo of wrong doing, and are particularly serious with long standing consequences, the longer the innuendo festers, and perpetuates injustice on the individual as well as those associated with the individual.

(a) The DND targeting leaders of designated groups through the DND listing of groups creates the innuendo of wrong doing and as such defames the groups, and particularly the leaders of the designated groups
(b) The widely disseminated fact that a National leader of a registered political had been placed on an RCMP Threat Assessment list creates an innuendo of serious wrongdoing.
(b) The placing by the RCMP of the plaintiff on a threat assessment list harms the reputation of the plaintiff. Being placed on the RCMP threat assessment group list and has impacted on the Plaintiff's reputation as well as on the reputation of those associated with the Plaintiff.
(c) The declaring by a representative of the police force of the plaintiff behaving inappropriately creates an innuendo of wrongdoing which has persisted
(d) The claiming by agents of a fellow candidate in an election of the plaintiff's engaging in an illegal act under the elections act even goes beyond the innuendo of wrong doing.

AUTHORITY

:Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

As a result of these publications, Botiuk, who had previously enjoyed an excellent reputation, was branded as a dishonourable person who could not be trusted. Publishing the documents had a devastating and lasting effect on both his private life and his professional career.

CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

He concluded that Botiuk had reached a "high pinnacle of success" and that the attack upon his reputation had severely damaged his health, family relations, practice, professional and business connections and social life. The trial judge found that for many years, Botiuk would be known as "the lawyer who took or kept $10,000.00 from that community". (P. 50)

xvii. *Casting doubt about integrity and implying dishonour and dishonesty*

The government, cabinet ministers and their agents by discrediting
the plaintiff have implied that the plaintiff was dishonourable, dishonest, and a dangerous threat; and this has created lingering doubt and suspicion, thus casting doubt upon her integrity, an important element for a leader of a political party. The plaintiff as a leader of a register political party had her reputation damaged as a result of the implications that she was dishonourable, dishonest, and there was doubt cast about her integrity

(a) Designation by the DND of groups as being threats could imply a wide range of qualities possessed by these groups

(b) Designation by the RCMP of plaintiff being a threat could imply a wide range of qualities some of which could be dishonour or dishonesty

(c) Declaration by the authority of the police of the plaintiff's inappropriate behaviour could imply a range of behaviour which could be deemed dishonourable, or dishonest

(d) The claiming by agents of a fellow candidate in an election of the plaintiff's engaging in an illegal act under the elections act is a direct attack implied that she was dishonourable, dishonest, and cast doubt about her integrity

AUTHORITY:

> CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> Per La Forest, L'Heureux-Dubé, Gonthier, Cory, McLachlin and Iacobucci J.J.: The combined effect of the report, the declaration and the reply published by M and the appellant lawyers was clearly defamatory. The documents unmistakably implied that the respondent was dishonourable and dishonest. They cast doubt upon his integrity, the most important attribute of any lawyer. The appellant lawyers are joint tort feasors who are jointly and severally liable with M for the damage caused by publication of all three documents.

> CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> Unfortunately, even at the time of the trial, more than 12 years after the libels were published, some people still believed the rumours concerning Botiuk. The trial judge was correct in his assessment that "notwithstanding the result of this action, the [respondent] will continue for the rest of his time to be considered by some members of the Ukrainian community as the lawyer who took or kept $10,000.00 from that community". There can be no doubt that each of the impugned documents was libelous. P.72

xviii. *Seriousness of impugning of the reputation of a national leader of a political party*

The impugning of the reputation of a National leader of a political party must be viewed as being as serious as impugning the reputation of a member of the legal community. The former Chairperson of the Green Party of Canada, Sara Golling, raised the question within the Party about whether the plaintiff was a threat because of what she had done as an individual or because of what she had done as the leader of the Green Party. The designating of the plaintiff as a threat may have led members of the Green Party to also be concerned about the reputation of their leader, and was one of the contributing factors for plaintiff's resignation, and resulted in the loss of future income related to the plaintiff position as leader

(a) Designation by the DND of groups as being threats and of leaders of these groups being of particular concern impugns the reputation of the national leader of the group

(b) Designation by the RCMP of plaintiff being a threat and identification of the plaintiff as the Federal leader of the Green party impugns the reputation of position of the national leader of the Green Party

(c) Declaration by the authority of the police of the plaintiff's inappropriate behaviour impugn the reputation of the individual who holds the position of the national leader of the Green Party

(d) The claiming by agents of a fellow candidate in an election of the plaintiff's engaging in an illegal act under the elections act impugns both the individual who held the position of leader of the Green Party, and the position of the leader of the Green Party of Canada

( ) AUTHORITY:

> In the Hill _ ..... Church of Science of Toronto, [1995] 1 SCR the importance of the reputation of integrity for a lawyer was recognized. I would argue that it is equally important for a politician or a former leader of a registered party. By suggesting that I was a threat to the country, that I have belonged to a group that could potentially be treasonous, that I behaved inappropriately and that I was being investigated for illegal activities by Election Canada, government institutions and their associates have damaged my reputation and have impacted the public's perception of me as a person of integrity.

xix. *Information lowering the plaintiff in the estimation of right thinking members of society*

The plaintiff has experienced a direct attack against her reputation nationally and internationally, and that her "esteem has been lowered in the estimation of right thinking members of society" by being placed on a RCMP APEC Threat Assessment under the Office of the Solicitor General, and on a military list initiated by Robert Fowler formerly with the Department of Defence.
(a) The compiling of a DND lists of groups that included the group to which the plaintiff belongs tended to lower the plaintiff's reputation in the estimation of right-thinking members of society, is defamatory and will attract liability

(b) The placing of the plaintiff as a leader of a political party on a APEC threat Assessment list, tended to lower her reputation in the estimation of right-thinking members of society is defamatory and will attract liability
(c) The describing by a police official of the plaintiff's behaviour as inappropriate tended to lower her reputation in the estimation of right-thinking members of society is defamatory and will attract liability
(d) The claiming in a press release, emanating from a Liberal Candidates office, that the plaintiff was being investigated for engaging in an illegal act tended to lower her reputation in the estimation of right-thinking members of society, and to expose her to contempt is defamatory and will attract liability

AUTHORITY

> CASE: Hill v. Church of Scientology of Toronto, [1995] 2 S.C.R. 1130.
>
> Did the Appellants Defame the Respondent
>
> The nature and history of the action for defamation were discussed in 62 For the purposes of these reasons, it is sufficient to observe that a publication which tends to lower a person in the estimation of right-thinking members of society, or to expose a person to hatred, contempt or ridicule, is defamatory and will attract liability. See Cherneskey v. Armadale Publishers Ltd., [1979] 1 S.C.R. 1067, at p. 1079. What is defamatory may be determined from the ordinary meaning of the published words themselves or from the surrounding circumstances. In The Law of Defamation in Canada (2nd ed. 1994), R. E. Brown stated the following at p. 1-15: (pp 61-6)

xx. *Refusal to apologize*

(a) When it was broadcast that DND had compiled lists of groups that included the group to which the plaintiff belong and when concern was raised to the DND and to other government departments by the plaintiff, no apology was forthcoming

(b) When the plaintiff as a leader of a political party found out that she was on a APEC threat Assessment list and when concern was raised to the RCMP, to the Solicitor General, to the Minister of Justice no apology was forthcoming

(c) Constable Boyle passed on incorrect information, provided by the RCMP, that the plaintiff “behaved inappropriately on a media bus going out to UBC” and this statement was broadcast across the country and when confronted with the error, Constable Boyle refused to issue an apology The Vancouver Policewoman indicated that she had gleaned the information about the plaintiff’s “inappropriate behaviour from either RCMP documents or briefing. When the fact that her information was false was brought to her attention and to the intention of the RCMP they responded in a flippant way to the request for an apology

> ( ) EXHIBIT: On January 11 2000, Andrew Gage, the plaintiff's lawyer wrote to the Vancouver Police Department:...Dr. Joan Russow is concerned that public statements made recently by one of your officers may impact negatively on her reputation.... Dr Russow was not present either on the media bus to UBC or at UBC..... Further more, I request a written apology be sent to Dr. Russow on behalf of the Vancouver Police Department and Constable Bole and that a copy of such apology be sent to the RCMP Public Complaints Commission. Indeed, I would suggest that Constable Boyle is under an obligation to correct any error she becomes aware of in her sworn testimony. Dr Russow hopes to resolve this matter as quickly as possible. I look forward to receiving your reply to the above by February 1, 2000

The RCMP and the Vancouver Police refused to apologize
In the February 16, 2000 response to Andrew Gage's request for an apology Jon Fenmore stated: " In a subsequent email after reviewing her notebook at my request she included `Says her accreditation was canceled along with that of... at the media event at "her notes also reflect "at the media event at UBC" which supports her testimony" at UBC. The only statement that Cst Boyle made in her testimony that cannot be supported is that Dr Russow went out to UBC on a bus is this enough to recommend an apology from Cs Boyle considering that possibly incorrect information was imparted to her by members of the RCMP and ACCO [[APEC Canadian Coordinator Office]

(D) After the district elections officer, contacted the local radio station that had broadcast the false information provided in a media release by an agent working for the Liberal candidate running in the 2000 federal election, the local radio station ran a retraction. Concern about the media release was communicated to the Hon David Anderson's office but an apology was never received

AUTHORITY: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

In his consideration of the damages that should be awarded, the trial judge observed that the appellant lawyers failed to make any independent inquiry as to the truth of the allegations contained in the Lawyers' Declaration. He noted that none of the appellant lawyers had apologized to Botiuk that some had demonstrated hostility towards him in their testimony and that, contrary to their assertions, the respondent had actually done the lion's share of the work at the inquiry. I would have thought that these findings would have established express malice in fact and in law. However, the trial judge concluded that, while the lawyers were "careless, impulsive or irrational", they had not exhibited the indifference or recklessness to the truth necessary for a finding of express malice. (p.47)

xxi. *Disregarding appeals to senior government officials to rectify years of defamation of character*
The government, cabinet ministers and their agents were requested to address the issue of defamation and refused

A. LETTER SENT TO HOWARD WILSON, ETHICS COUNSELOR

Howard Wilson
Ethics Counselor

66 Slater
22nd floor
Ottawa, On
K1A -OC9

March 4, 2002
Dear Commissioner

Dear Commissioner

On a recent CBC program you mentioned that your role was to “speak truth to power”. I would like you to investigate what I believe to have been an abuse of power.

1. During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list

2. In 1997, the Oak Bay news gave me an assignment letter to report on the APEC meeting in Vancouver. The Editor, knowing that I was the National Leader of the Green party was also aware of the work that I had done in the international field and that I could offer a unique perspective. I was initially granted a media pass, and when I went to enter the conference my pass was pulled. The media accreditation representative stated that it was because they could not find any evidence that the Oak Bay news existed. I suggested a number of possibilities for verifying the existence of the Oak Bay News such as contacting the Times Colonist. [the Oak Bay news is a weekly local newspaper that has been in existence for over 20 years. One year later as a result of the RCMP Public Complaints Commission on APEC I found out that my photograph along with nine other citizens had been placed on a Threat Assessment list. And two years later, Christine Price, who had been working in security at APEC, under oath stated to a RCMP officer that she had a directive from Brian Groos from the Prime Minister’s Office to prevent me from attending the Conference. Ironically Brian Groos lives in Oak Bay, and is a close friend of David Anderson against whom I ran in the 1997 and 2000 election.
3. Since that time I have been trying through the usual channels, RCMP Complaints Commission, RCMP reviews, CSIS, SIRC to determine the reason for putting me on a threat assessment list. I have examined the CSIS criteria under the act for what constitutes a threat and in no way do I fit into that category. In addition, CSIS is prohibited from designating those who engage in legitimate dissent as threats.
4. I know that lists are distributed and shared including with the US security agency, and recently it has been brought to my attention that I am on some sort of International list.
5. My reputation has been damaged and I am currently revising my statement of claim related to defamation of character.
6. When I appeared in court recently the judge acknowledge that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests. I also believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics –a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.
7. In addition, during the Federal election, a volunteer working in David Anderson’s office contacted the media and stated that I was being investigated for illegally voting for myself in a by-election in the Okanagan. The Complaint was filed by a relative of David Anderson’s special assistant and was dismissed immediately by Elections Canada as groundless. Yet during the election three days before the voting as a result of the volunteer and others associated with me, a letter was circulated with this information and was broadcast as the main news item on the principal news station in Victoria.
8. The sequence of events (1-8) had left me completely disillusioned with politics and contributed to my decision to resign as leader of the Green Party of Canada
9. I hope that you will address my complaint and bring Truth to Power, so that Political interference with legitimate dissent will not go unanswered.

Joan Russow (PhD)
National leader of the Green Party of Canada (April 1997-March 2001)
1 250 598-0071

RESPONSE FEB. 19 2001
' TO PREVENT RUSSIA"

The office of the Ethics Counselor is responsible for the administration of the conflict of Interest and Post Employment Code for public Office Holders. This code applies to federal government Ministries and their staff, parliamentary Secretaries and to Governor in council appointees, such as deputy heads of federal departments and the heads of federal crown agencies....
Our office is not a general ombudsman office which can respond to all questions and I am therefore unable to assist you. thank you, however, for contacting us.

For Howard Wilson

B. LETTER SENT TO HON IRWIN COTLER

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4
1230 St Patrick
September 23, 2004

Hon Irwin Cotler
Minister of Justice and Attorney General of Canada,
Justice Building 4th floor
284 Wellington St.
Otttawa,, On., K1A 0H8

cotlerl@parl.gc.ca
Fax 1 613 9907255

Dear Minister Cutler,

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. Although I have often been a strong critic of government policy and practices, I have never been arrested and I have never been a threat to any person or to any country..

I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights). I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

However, as an activist from India once stated: nothing is more radical than asking governments to live up to their obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in

"legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO, SIRC with exemptions under various section being cited such as “information cannot be released for military and international security reasons".

After being refused media access to the APEC conference, I filed a complaint with the RCMP Commission in January,1998. In my complaint I pointed out to the RCMP officers who interviewed me, that I suspected that there had been a directive from the Prime Minister’s office because the his office had pulled the pass of a journalist from Reuters because she had asked a probing question at an APEC press Conference. [I had upset Prime Minister Chrétien when in the 1997 election I asked him to address the issue of Canada’s failure, in many cases, to enact the necessary legislation to ensure compliance with international law]. I was, however, never allowed to appear before the Commission even though the commissioner was aware that there was a directive from the PMO to prevent me from attending the Conference. [an RCMP document in 1998 indicated that the media accreditation desk had received instruction from a Brian Groos from PMO to pull my pass after it had been issued]. I even spoke several times to the lawyers acting for the Commission and to Commission Hughes about my case. I was not even able to appear, even though I pointed out that a constable from the Vancouver police had made a statement, on the stand, that I had behaved inappropriately on a media bus going out to UBC during APEC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference. After the APEC conference, in February 1998 I had a petition placed on the floor of the House of Commons calling for an investigation into the Canadian Government’s disregard for the International Covenant of Civil and Political Rights and in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms or addressed under the Canadian Human Rights Act..

In September 1998, it was brought to my attention that I had been placed on an RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the National Post and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I} My being placed on a threat assessment list coincided with the announcement the leader of the German Green party, Joska Fischer’s being named foreign Minister.

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of article, in the National Post and its Affiliates on the Criminalization of Dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther King’s accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in David Anderson’s office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson’s office, had been filed with Elections Canada; Elections’ Canada had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights

and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics - a ground that is included in the International Covenant of Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a “threat to Canada”.

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted.

In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

Apart from two $500 government grants in the Spring of 1996, I have not earned any income. I incurred a student loan of $57,000 when I graduated. Twenty thousand of the amount was granted in remission for community service by the Provincial government. I then still owed $37,000 to the Federal Government under the Ministry of Human Resources..

I have, however, continued to promote the public trust continually writing and lecturing on common security – peace, social justice, human rights, and the environment,.

In 1996, for the Habitat II Conference, I prepared 176 page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories “Sustainable Development”.

The proposed project was the following: A revising of "Sustainable Development" in the context of '"sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

> “ IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.”
>
> "All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.”
>
> "This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.
>
> This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.
>
> IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

Prior to finding out in 1998 that I was on the threat assessment list, even though I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1997 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200 page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated, without remuneration, throughout the years as a stakeholder, in conference calls , in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettygrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that students should be able to repay their loan through community service] and given that I was then 60 years old and my chances for employment were diminishing. He declined. Also, even though, I was then 60, and entitled to my meager Canada pension of $78 per month on the hope I declined to accept the pension on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, and when it was well publicized across the country, I realized that my reputation had been sullied and the chances of my finding work was next to impossible

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often. In 2003, I wrote another letter to the Jane Stewart, the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, the wide publication of this fact, and the stigma attached to being placed on the list prevented me from fulfilling my obligations. I received a phone call from Minister Stewart’s office, and was told to deal with the Collection agencies.

With interest I now owe $\67,000. August 2004, I received a phone call from a law firm in Victoria about the Attorney General's taking me to court about the loan, and that a notice would be served to me around mid August. I phoned Human Resources and appealed to them again and they arranged with the law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to

live with the stigma, so many of government officials and political representatives whose departments have invoked, against me, exemption clauses of " military and international security" have been discredited.

This list would include:
(i) Robert Fowler as Deputy Minister of Defence- the originator of the infamous list of groups that the military should not belong to. This list, which was reported in Now magazine, was a list) establishing a DND list targeting specific groups: The DND compiled a list of **"groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and** of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond."

. The Green Party was on this list

(ii) Andy Scott, for prejudging the APEC inquiry;
(iii) McCauley for accepting benefits;
(iv) Radwanski for misappropriation of funds;
(v) Gagliano for his potential involvement in the Sponsorship scandal;
(vi) Jean Chrétien for his potential involvement in the Sponsorship scandal;
(vii) Howard Wilson for potential bias and not "speaking truth to power".

And as reported today, September 23, 2004, the Department of Justice hired Groupaction even after there had been a warning about Groupaction’s incompetency sent from the Treasury Board.

When I appeared in the Federal Court in 2002 I was up against an adept lawyer from the Attorney General’s office, and I was scolded by the Federal judge for appearing before the court without sufficient particulars. The judge placed me in a conundrum by stating that he would not grant my claim because I did not have sufficient particulars when it was the crown and numerous government departments represented by the Attorney General that had refused to disclose the particulars. I would think that placing a plaintiff in such conundrum would violate a principle of equity under common law. Similarly, a demand by a government department to fulfill an obligation while creating a situation that makes it impossible to fulfill this obligation would perhaps violate a similar principle of equity. I currently have thousands of pages of data related to my case and I have no idea know how to proceed.

I feel that I have been discriminated against on the grounds of “political opinion”- both small “p” and large “P” political opinion.. I appeal to you to address, at the highest level, in some way, the years of injustice and discrimination that I have undergone. I know that under the Optional Protocol of the Covenant of Civil and Political Rights- to which Canada is a signatory, that if I have exhausted all domestic remedies I have the right to take my case before the UN Human Rights Commission charged with the implementation of the Covenant. I believe that I am close to having exhausted all domestic remedies available for justice in Canada.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and to further the public trust. A culture of justice will only occur in Canada when citizens believe that the public trust is furthered without discrimination on any grounds. .

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

C. LETTER TO LAWRENCE MACAULAY, FORMER SOLICITOR GENERAL

FAX 613-990-9077, FAX: 613 993 7062

Hon. Lawrence MacAulay, Solicitor General of Canada
Sir Wilfred Laurier Bldg
340 Laurier Ave. W.
Ottawa, Ont. K1A OP8 April 4. 2002

Dear Minister,

In your submission to the Senate on Bill 36, the Anti-terrorism Act, you stated that "it is now crystal clear that the scope of any threat to our way of life means that more must be done now and in the future."
Through the Freedom of information process within your department, I received information that there is information about me that cannot be released. This information has been excluded under existing legislation as being related to military and international security.
You indicated in your presentation to the Senate that "there are strong mechanisms already in place that will continue to ensure effective control and accountability The Courts and civilian oversight bodies provide essential checks and balances to ensure the integrity of the police [RCMP, CSIS as well?] the freedom to question any perceived wrongdoing is central to a law enforcement system that reflects and protects our core values of freedom, democracy and equality. "

I believe that I have the right to know the nature and extent of the information that is contained in your files so as to correct whatever information, on me, that you have interpreted as being contrary to " our core values of freedom, democracy, and equality, or being "a threat to our way of life"
It is against the CSIS act to target citizens engaged in legitimate dissent.
For years, I have been attempting to remove what I perceive to be threats to our way of life, such as government and corporate practices that destroy the environment, that contribute to the escalation of war and conflict, that endanger the health of citizens, that deny social justice and that violated human rights.

I believe that you misled the Senate in claiming that there are strong mechanisms in place.. . " when your department relies on exclusionary clauses within the Privacy Act, and within the Access to Information Act to deny a citizen the right to know what personal information is being deemed to a threat to military and international security.
I hope that you will address this matter immediately.

Yours truly

Joan Russow (Ph.D)
1230 St Patrick St Victoria, B.C. V8S 4Y4 1 250 598-0071

D. LETTER TO HON BILL GRAHAM, MINISTER OF DEFENCE

Graham.B@parl.gc.ca
Hon Bill Graham
Minister of Defence
April 19, 2005

Dear Minister

For years, I have been living with the stigma of being the former leader of a group that was on the DND secur op list, and of being placed on an RCMP threat assessment list. The Gomery inquiry should be extended to include investigating the unconscionable actions by both the former Mulroney Conservative government and the former Chrétien Liberal government for their targeting citizens engaged in lawful dissent.

During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence, issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with a set of categories for groups that the military should not belong to…... The Green Party was on this list.. The placing of groups on lists and circulating these lists, nationally and internationally have serious implications including the perception

of those in the Group mentioned above as being capable even of treason, Through Access to information I received an outline of the categories of the list but not the names of groups on the list. [The names of the groups had previously been reported in a newspaper]] in the information that I received it indicated that only the leaders or leadership of the groups was to be considered.

The placing of groups that have engaged in lawful advocacy or legitimate dissent on group lists is unethical and potentially in violation of the Right of Association and in violation of "political and other opinion", one of the listed grounds, in most international human rights instruments, for which there shall not be discrimination

In 1998, I found out that I had been placed on a 1997 RCMP threat assessment list. I believe that I may have been determined to be a threat to Canada and continue to be perceived as a threat [presumably because the government has not been forthcoming in publicly apologizing for placing me on a threat assessment list] for the following reasons: (i) I was involved in a 1991-93 Court case related to preventing the berthing of nuclear powered or nuclear arms capable vessels in the waters of BC and in the port of Greater Victoria; (ii) I organized and participated in numerous protests against the US nuclear powered vessels; (iii) I organized and participated in numerous protests against Nanoose Bay and the circulation of US nuclear powered and nuclear arms capable vessels; (iv) I filed an affidavit in the submissions about the conversion of Nanoose Bay. (v) I have been an international advocate for the reallocation of the global military budget as agreed through UN Conference Action plans and UN General Assembly resolution since at least 1976; (vi) I opposed and protested Canada's involvement in the 1991 gulf war, the 1998 bombing of Iraq, the 1999 invasion of Yugoslavia, the 2001, invasion of Afghanistan, as well as a strong critic of the US-led invasion of Iraq; (vii) I circulated a document related to the 52 ways the US contributes to global insecurity.

All the above actions are actions of lawful advocacy or legitimate dissent, and under the CSIS act, it is clear that citizens engaged these actions must not be designated as threats. The following is a description of what constitutes a "Threat" in Canada.

Threats to the security of Canada means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage

b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person
c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and
d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead o the destruction or overthrow by violence of the constitutionally established system of government in Canada
but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

In no way do I or have I ever done anything that would justify my being designated as a threat, and it is quite clear under the CSIS act that the definition of "threat" does not include lawful advocacy, protest or dissent. Am I to presume that the PMO is being condoned for giving orders to the RCMP to classify as threats citizens that engage in lawful advocacy, protest, or dissent? Am I also to presume that there are no provisions in the PCO to ensure that CSIS and the RCMP abide by their statutory requirements. in addition, it appears that the PMO/PCO, by treating "activists" engaged in legitimate dissent as threats, is prepared to discriminate on the grounds of political and other opinion, in contravention of the international covenant of civil and political rights,

Undoubtedly, if activists engaging in legitimate dissent have been incorrectly placed on threat lists, one would think that there must be some oversight procedure to correct misinformation existing in government files,

An order from the PMO office to place activists engaged in legitimate dissent on a threat assessment list must have been based on information that was provided to the Prime Minister Office. These activists have a right to be informed about the nature of the information and be able to correct the misinformation that was communicated to the PMO.

The practice of placing activists engaged in legitimate dissent, including the case in which activists are unaware of their being placed on lists, has serious and unforeseen consequences.

The fact that I was on the RCMP Threat Assessment Group list was broadcast across the country on radio and television and was published in newspapers across the country. I have had to live under the stigma of being designated a threat to my country. Since 1998 I have attempted to determine the reason for my being placed on the RCMP list. Supposedly there had been a directive from the PMO office to the RCMP.

I have filed almost sixty Access to Information and Privacy requests, and complaints, and have not been able to find out why I was deemed to be a threat.

I had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information.

Continually, different departments of the government, including the Department of Defence, have used the following exemptions which give me increased reason to assume that there is incorrect information being withheld.

21 INTERNATIONAL AFFAIRS AND DEFENCE

The head of a government institution may refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to he conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

Privacy Sections
21 INTERNATIONAL AFFAIRS AND DEFENCE
The head of a government institution my refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to he conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

ACCESS TO INFORMATION SECTIONS
15 (1) international affairs and defence

15 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive of hostile activities, including without restricting the generality of the foregoing any such information.

(a) relating to military tactic or strategy, r relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection prevention or suppression of subversive or hostile activities

(b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;
(c) relating to the characteristics, capabilities, performance, potential, deployment functions or roll of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities.
(d) obtained or prepared for the purpose of intelligence relating to
(d) obtained or prepared for the purpose of intelligence relating to
(i) the defence of Canada or any state allied or associated with Canada, or
(ii) the detection, prevention or suppression of subversive or hostile activities;
(e) obtained or prepared for the purpose of intelligence respecting foreign states , international organizations of states or citizens of foreign states issue by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs:
(f) on methods of, and scientific or technical equipment for collecting, assessing or handling information referred to in Paragraph *d (or (e) or on sources of such information
(g) on the positions adopted or to be adopted by the government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;
(h) that constitutes diplomatic correspondence exchanged with foreign states of international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or (i) relating to the communications or cryptographic systems of Canada or foreign states used
(i) for the conduct of international affairs
(ii) for the defence of Canada or any state allied or associated with Canada, or
(iii) in relating to the detection, prevention or suppression of subversive or hostile activities.

I applied to John Reid to investigate the reluctance on the part of the Department of Defence to disclose information related to the following request.

Yours very truly

Joan Russow

E. LETTER SENT TO GOMERY INQUIRY MARCH 2005 TARGETING ACTIVISTS AS THREATS: QUESTIONABLE INSTITUTIONAL PRACTICES

Dr. Joan E. Russow
Global Compliance Research Project

In 1998, I found out I was placed on an RCMP (Royal Canadian Military Police) Threat Assessment list, and presumably perceived to be a “threat” to Canada.

I have thus become increasingly aware of the long-term consequence and impact of “speaking truth to power”: of being perceived as rigid, principled and uncompromising, of exposing hypocrisy, exploitation, and corruption; and of then having to live under the stigma of being a threat to one’s country.

To find out the reason the government had deemed that I was a threat to the country I went through almost 60 requests under the Access to information Act, and the Privacy Act. I also sent special appeals to Ministers of Justice, and Solicitor Generals, and received curious responses but the most curious was from the former Ethics Commissioner, Howard Wilson.

In response to my appeal to him to intervene to address the conflict of interest by the Prime Minister, Cabinet Ministers, and their agents, he sent me the following which is particularly relevant to the Gomery Inquiry:

> “In the Hansard report from June 16, 1994, Right Hon. Jean Chrétien stated, ‘I rise today to talk about trust; the trust citizens place in their government, the trust politicians earn from the public, the trust in institutions that is a vital to a democracy as the air we breathe, a trust that once shattered, is difficult, almost impossible to rebuild.
>
> Since our election in October no goal has been more important to this government, or to me personally as Prime Minister than restoring the trust of Canadians in their institutions.
>
> When we took office there was an unprecedented level of public cynicism about our national institutions and the people to whom they were entrusted by the voters. The political process had been thrown into disrepute. people saw a political system which served its own interests and not those of the public when trust is gone the system cannot work.
>
> That is why we have worked so hard to re-establish those bonds of trust. The most important thing we have done is to keep our word. ...
>
> ... We have broadened the powers and responsibilities of the ethics counselor from what we laid out n the red book. In the red book, the ethics counselor was to deal with the activities of lobbyists but as we started examining implementation, it became clear that this will only address half of the problem basically from the outside in.
>
> We wanted to be sure that our system would also be effective at withstanding lobbying pressure from the inside. That is why we have decided to expand the role of the ethics counselor to include conflict of interests”

Yet when Howard Wilson, who claimed that his role was to “speak truth to power” was asked to “speak truth to power,” he demonstrated the potential flaw of his own position- conflict of interest. The practice in Canada of appointing an Ethics Commission, who was responsible to the Prime Minister, and who refused to investigate the Prime Minister does not contribute to restoring the trust of Canadians in their institutions.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a former leader of a registered political party I would not be discriminated against on the grounds of “political and other opinion” by being associated with a group that was listed on the Department of Defence (DND) D-Secur Ops List, or by being placed on an RCMP (Royal Canadian Mounted Police) Threat Assessment list. I believed that CSIS (Canadian Security Intelligence Agency) and SIRC (Security Intelligence Review Committee) would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister’s Office to place law abiding citizens on a Threat Assessment Group list.

Recently on a colloquium, entitled the “Challenges of SIRC”-the agency that is responsible for the oversight of CSIS, an official from SIRC recognized that in assessing the distinction between those who “have a disagreement with politics and terrorists". “Police agencies are not good at making that distinction and err on the side of security”. … “Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up…We have to have the ability to identify clearly this distinction if we don’t do this we are threaten the fabric of the civil liberties of Canadians.”

I also had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

.I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

During the RCMP Public Complaints Commission on APEC in September 28, 1998, information that I was on a RCMP threat assessment list surfaced, was broadcast on radio and television across the country, published in national and regional news papers and internationally on the internet, and even to this day is up on websites. Fearing a challenge in Parliamentary question period about the RCMP's or CSIS' placing the leader of a registered political party on a Threat Assessment list, the Solicitor General in his 'aide memoire" prepared a "suggested Reply: "As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work." I assumed that I would have an opportunity to clear my name.

Subsequently, in August 1999, during the RCMP Public Complaints Commission, another document surfaced: an interview by Wayne May the Director of Security at APEC, with another RCMP agent, Christine Price, who claimed that, in my case, there had been a directive from the PMO to the RCMP to exclude me from APEC.

Commissioner Hughes, in assessing whether Prime Minister Jean Chrétien should appear on the stand, stated, "If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct". I thought that Commissioner Hughes, when apprised of Wayne May's interview, would have required not only Jean Chrétien but also Christine Price to testify. That did not happen. Furthermore, despite my efforts, I was also not allowed to testify. Again, I was deprived of the opportunity to clear my name.

I also had a legitimate expectation, that as a citizen placed on a Threat Assessment list, I would have similar rights to those granted to citizens listed as terrorists under the Anti-terrorism Act. Former Justice Minister, Hon Ann McLelland, reassured the Senate Committee that was reviewing Bill C-36, that the civil rights of accused terrorists would be protected under an elaborate "oversight mechanism":

> Proper review and oversight of the powers provided for in Bill C-36 help ensure that the measures in this bill are applied appropriately. In this regard, I would emphasize of powers under the bill. This would include, for example, such mechanisms as complaints investigated by the commission for public complaints against the RCMP and the various complaint and review mechanisms that apply with respect to police forces under provincial jurisdiction. Significant powers under this bill are subject to judicial supervision, and in any case this is in addition to explicitly ministerial review and supervision powers. As well, the provisions in the bill will be subject to a full review by Parliament within three years.
>
> …. requiring an annual report. this provision could require the AG and those of the provinces to report publicly once a year on the exercise of the Bill C-36 powers of investigative hearings that took place under their respective jurisdictions
>
> …The provision would further require the Attorney General of Canada and those of the provinces, as well as the Solicitor General of Canada and the ministers responsible for policing in the provinces, to each report publicly once a year on the exercise of the Bill C36 powers of preventive arrest that took place under their jurisdictions. Detailed information to be reported in each case would be specified in the law.
>
> …-There is a review process and it's a review process we use commonly in relation to a whole range of matters, and the review is by the Federal Court of Appeal.... I view review by a member of the judiciary, in this case a federal court as one of the strongest and most transparent processes we have within our entire democratic system of governance.

In the Parliamentary Committee which was examining Bill 36, Peter Mackay expressed concern about the implications of being placed on a list:.

> It takes time, it takes legal counsel and once you've been listed, to quote one of the witnesses here, you lose the ability to be a charitable organization or you lose your reputation. I believe she [the witness] said it was death by firing squad or death by electrocution. You can't give a person their reputation back

In other words, as Senator Fraser recently remarked during the Senate review of C.36: "The mere fact that you are listed as a terrorist is the same as being designated as a terrorist". Similarly, it could be said that the mere fact that you are listed as a threat is the same as being designated as a threat.

Since 1960, I have involved with furthering the "Public Trust with the following objectives:

• to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, right to education and social justice;
• to enable socially equitable and environmentally sound employment, and ensure the right to development;
• to achieve a state of peace, social justice and disarmament; through reallocation of military expenses
• to create a global structure that respects the rule of law ; and
• to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of overconsumptive development.

In the past, I thought that human rights were being violated, social justice had been denied, and peace was being thwarted and the environment was being destroyed because there had been no substantial provisions in international law to address these "public trust" issues. In 1984, in preparing for my Masters Degree in curriculum development on a method of teaching human rights linked to peace, environment and social justice within the context of international law, I realized that, in fact, the blueprint for furthering the public trust was already in place in international law. The problem was not the dearth of provisions in international law but the lack of education about the existence of international obligations, commitments and expectations; and the absence of political will to discharge international obligations incurred through the Charter, treaties, conventions, and covenants, to act on commitments made through UN conferences Action plans, and to fulfill expectations created through UN General Assembly Resolutions and Declarations.

I became publicly critical, nationally and internationally, of governments, including the Canadian government, for not signing and ratifying international agreements, and particularly for failing to enact the necessary legislation to ensure compliance with international law. I also began to raise public awareness about the federal Department of Justice's disregard for the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" about implementation of international instruments in Canada. More recently I have publicly criticized judges from the Canadian Courts for their claiming that "international law, not enshrined in Canadian law, is not judiciable in the Canadian courts", and Canadian representatives to the UN for their disregard for the role of UN General Assembly , and of the International Court of Justice.

From 1992 to 1995, I was a sessional lecturer in Global Issues at the University of Victoria, and in 1995, I wrote the Charter of Obligations – 350 pages of obligations incurred through conventions, treaties and covenants, of commitments made through conference action plans, and expectations created through UN General Assembly declarations and resolutions. This Charter is recognized as a significant contribution and was officially distributed to all state delegations at the UN Conference on Women at Beijing. In 1996, I also wrote a book, entitled, Comment on Habitat II Agenda: Moving Beyond Habitat I to Discharging Obligations and Fulfilling Expectations; this book was distributed to most of the state delegations at the Habitat II conference in Istanbul.

In 1996, on completing my Doctoral degree, I was confident that with my years of research into international instruments, my position as a sessional lecturer at the University of Victoria, my Masters degree in Curriculum Development, and my doctorate in Interdisciplinary Studies, I would be able to find paid work. I have, however, only been able to find non-remunerated work from non-governmental organizations, or for government "stakeholder" consultations.

I increasingly became known as a critic of corporate involvement in the university, of government disregard for the rule of law, of established NGO's compromising principles, and of political parties,. sacrificing principle for power, or profit. In 1997, I was elected leader of the Green Party of Canada, and I ran in the 1997 election against David Anderson in Victoria.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a leader of a registered political party I would not be discriminated against on the grounds of "political and other opinion" by being associated with a group that was listed on the DND D-Secur Ops List, or by being placed on an RCMP Threat Assessment list. I believed that CSIS and SIRC would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister's Office to place law abiding citizens on a Threat Assessment Group list.

Recently on a colloquium, entitled the "Challenges of SIRC", an official from SIRC recognized that in assessing the distinction between those who "have a disagreement with politics and terrorists". "Police agencies are not good at making that distinction and err on the side of security". … "Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up…We have to have the ability to identify clearly this distinction if we don't do this we are threaten the fabric of the civil liberties of Canadians."

I assumed that the Solicitor General, having oversight for the RCMP and CSIS, would fulfill the role of officer of the Crown and not defy the constitution. The importance of the non-partisan aspect of the Solicitor General in the role of officer of the Crown was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned: "Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they [he/she] may decide to have the police investigate people because of their party stripes."

I also had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for "national and international security reasons" or [being] "injurious to the conduct of international affairs, or the defence of Canada" in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

During the RCMP Public Complaints Commission on APEC in September 28, 1998, information that I was on a RCMP threat assessment list surfaced, was broadcast on radio and television across the country, published in national and regional news papers and internationally on the internet, and even to this day is up on websites. Fearing a challenge in Parliamentary question period about the RCMP's or CSIS' placing the leader of a registered political party on a Threat Assessment list, the Solicitor General in his 'aide memoire" prepared a "suggested Reply: "As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work." I assumed that I would have an opportunity to clear my name.

Subsequently, in August 1999, during the RCMP Public Complaints Commission, another document surfaced: an interview by Wayne May the Director of Security at APEC, with another RCMP agent, Christine Price, who claimed that, in my case, there had been a directive from the PMO to the RCMP to exclude me from APEC.

Commissioner Hughes, in assessing whether Prime Minister Jean Chrétien should appear on the stand, stated, "If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct". I thought that Commissioner Hughes, when apprised of Wayne May's interview, would have required not only Jean Chrétien but also Christine Price to testify. That did not happen. Furthermore, despite my efforts, I was also not allowed to testify. Again, I was deprived of the opportunity to clear my name.

I also had a legitimate expectation, that as a citizen placed on a Threat Assessment list, I would have similar rights to those granted to citizens listed as terrorists under the Anti-terrorism Act. Former

Justice Minister, Hon Ann McLelland, reassured the Senate Committee that was reviewing Bill C-36, that the civil rights of accused terrorists would be protected under an elaborate “oversight mechanism”:

> Proper review and oversight of the powers provided for in Bill C-36 help ensure that the measures in this bill are applied appropriately. In this regard, I would emphasize of powers under the bill. This would include, for example, such mechanisms as complaints investigated by the commission for public complaints against the RCMP and the various complaint and review mechanisms that apply with respect to police forces under provincial jurisdiction. Significant powers under this bill are subject to judicial supervision, and in any case this is in addition to explicitly ministerial review and supervision powers. As well, the provisions in the bill will be subject to a full review by Parliament within three years.
>
> …. requiring an annual report. this provision could require the AG and those of the provinces to report publicly once a year on the exercise of the Bill C-36 powers of investigative hearings that took place under their respective jurisdictions
>
> …The provision would further require the Attorney General of Canada and those of the provinces, as well as the Solicitor General of Canada and the ministers responsible for policing in the provinces, to each report publicly once a year on the exercise of the Bill C36 powers of preventive arrest that took place under their jurisdictions. Detailed information to be reported in each case would be specified in the law.
>
> …-There is a review process and it's a review process we use commonly in relation to a whole range of matters, and the review is by the Federal Court of Appeal.... I view review by a member of the judiciary, in this case a federal court as one of the strongest and most transparent processes we have within our entire democratic system of governance.

In the Parliamentary Committee which was examining Bill 36, Peter Mackay expressed concern about the implications of being placed on a list:.

> It takes time, it takes legal counsel and once you've been listed, to quote one of the witnesses here, you lose the ability to be a charitable organization or you lose your reputation. I believe she [the witness] said it was death by firing squad or death by electrocution. You can’t give a person their reputation back

In other words, as Senator Fraser recently remarked during the Senate review of C.36: “The mere fact that you are listed as a terrorist is the same as being designated as a terrorist”. Similarly, it could be said that the mere fact that you are listed as a threat is the same as being designated as a threat.

One may argue that being critical of corporations, international trade agreements governments, universities and established NGOs; and that being designated a threat on a threat assessment list should not have affected my ability to find paid employment within my area of experience and education, and to repay my loan. I would like to think so. However, after applying for positions at universities, and for numerous government, institutional grants related to compliance with international obligations, commitments and expectations, I have continually faced rejection and been disappointed

I hope that the court will recognize that I have acted in good faith in relation to my student loan by fulfilling the requirement for remission at the Provincial level. Also, between 1996 and 1998, I rejected the option of declaring bankruptcy-an option that was then available to evade repayment of the Federal portion of the loan. Similarly, I refused the option of receiving my Canada Pension when I turned 60 in 1998 because it was important for me to continue to find paid employment, and to strive to fulfill my obligations.

In the Court I will plead that it is important to consider the interdependence of the demonstration of my intention to repay student loan, of the loan/job contingency aspect of the Canadian Loan Programme, of the violation of my charter rights, and of the impact of being designated a threat. I will demonstrate that my student loan contract was frustrated by the actions of the government, cabinet ministers, and their agents interfering with employment possibilities, and by the lingering doubts about my reputation resulting from the consequent defamation of my character.

In 2002, I launched a defamation case against the Federal government, cabinet ministers and their agents, and the Judge held:

> My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivable be rights which needed a remedy. ….
>
> …. I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim

In response to the suggestion and direction of the Federal Court, I submitted, and in some cases resubmitted, almost 60 Access to Information and Privacy requests, along with the Judge's statement about the necessity of further access to information requests, I did not expect these requests combined with the direction from the Judge would result is a series of outrageous financial demands for access, questionable delays, unjustifiable retention of data and documents, and inappropriate government exemptions. These delays and retention of crucial information by the federal government continue to this day. Since there has been no clarification about the reasons that the government has perceived me to be a threat, no retraction of defamatory statements about me, and no forthcoming apologies, most reasonable people would unfortunately conclude that the government's statements were true and that the government was justified in perceiving me to be a threat.

It is essential to link the on-going case of defamation with the current case related to my student loan. The defamation case addresses the cumulative effect of (i) being the leader of a group that was identified by the DND and placed on a DND d-secur list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose "loyalty of members of these groups (i.e. to Canada is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list..; (ii) being discriminated against on the grounds of "political and other opinion" – a ground enshrined in international covenants to which Canada is a signatory; (iii) being designated a threat by the RCMP or CSIS; (iv) being described by a member of the Vancouver Police as "behaving inappropriately" on a bus that I was never on; and (v) being accused, by an agent working for a cabinet minister running against me in the 2000 federal election of engaging in an illegal act under the Elections Act. All these actions were disseminated through the media, and collectively support the conditions for a case of defamation.. Therefore, I believe, for the proper administration of justice that before the "Student loan" case can be properly examined, impartially and dispassionately, there should be a resolution of the on-going defamation case.

I URGE , this Court to "speak truth to power" and provide for the independent administration of justice. In my case, the Attorney General and Solicitor General, as officers of the Crown, failed in their duties to be impartial and non-partisan.. These duties which were described by Professor Wes Pue in his submission to the Senate on February 14 2004:

> In Canadian constitutional practice, the Solicitor General is one of two law officers of the Crown. The other law officer of the Crown is the Attorney General. The meanings of those terms of art are extraordinarily important. A law officer of the Crown has a primary duty of serving the cause of the rule of law as distinct from any other function, political or otherwise. The rule of law is to be served by the law officers of Crown above and beyond their own personal interest and chance for advancement, above party interest, above their own personal desires to please the electorate or other people who are above them in the hierarchies of power. The principle that these are above partisan politics is of
> central importance to Canadian constitutionalism.

Professor Pue also added: The history of recent Solicitors General is probably somewhere that we do not want to go in great detail, in terms of the stature that they have brought to the office. It has been very unfortunate. I much regret the way that that office has been treated sometimes in the recent past.

I am encouraged, however, when leading legal scholars, such as Professor Pue recognize the importance of the rule of law, and of the role of Attorney General and Solicitor General as officers of the crown. Only when these roles are fully entrenched will the risk of discrimination for "political and other opinion" be removed. I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

In my future submission to the court, I will demonstrate through applying legal principles, international instruments and national statutes, through citing authorities, and cases, and through referring to key access to information requests, including reference to outstanding requests and complaints, and press reports, that the conditions for frustration of contract and defamation have been met.

Perhaps finally, the over-seven years of my living under the stigma of being designated a "Threat" will end, and the lingering doubts about my reputation will be removed. I might be exonerated, and even be able to obtain employment related to my education and experience

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F. Appeals were also made to Jean Pierre Kingsley, and a phone call was made to the former Solicitor General Andy Scott.

xxii. *Disregard for evidence that could have exonerated the plaintiff and clear the plaintiffs name*

(a) When the article about the 1993 DND list which included the group to which the plaintiff belonged was published in Now Magazine, or when concern was expressed about the list, DND could have published information exonerating the various civil society advocate groups on the list.

(b) In 1997, the RCMP officers and other officials in the media accreditation office at APEC, being aware that there had been a directive from the Prime Minster's office to prevent me from entering the APEC Conference , pretended that the reason for my pass being pulled was that the Oak Bay news paper, for which I had an assignment, did not exist. [As Sgt Woods admitted, if they had really been concerned about the existence of the Oak Bay news they could have contacted the police in Victoria (January 1998 interview with Plaintiff). Rather than being forthcoming and admitting that the RCMP had for whatever reason succumbed to pressure from the PMO, they proceeded to create innuendo in their testimony that they were justified in pulling the pass because of the plaintiff's behaviour. It is all the more absurd when it is clear that the pass was pulled before the plaintiff displayed the behaviour to which they refer.. The RCMP in their response to my complaint, said that "I had been argumentative and became loud and aggressive" you were asked to leave the building and told that if you did not you would be arrested for causing a disturbance. In the August 1998, response to my APEC complaint which I filed in January 1998, the RCMP Complaints

Commission stated “ there is no indication of any involvement from the Prime Minister’s office in the decision to refuse your media pass” yet in May 1998, Christine Price was interviewed by the RCMP and claimed that Brian Groos had indicated that there had been an directive from the PMOs office that Ii should be prevented from attending APEC. In 1998, the plaintiff attended the RCMP Complaints Commission meeting on August 24-25-the cross examination of Jean Carle, and at that time evidence which could have removed the stigma attached to the plaintiff , and exonerate the plaintiff from wrongdoing surfaced. In 1998, Wayne May from the RCMP had prepared a supplemental document which contained Sgt Woods’ interview with Christine Price about the reason for the plaintiff's pass being pulled. Price indicated that Brian Groos said that the directive came from the PMO. The plaintiff approached the Commission Counsels and requested to have the opportunity of absolving herself from being perceived as a “threat” and was told that she would not be able to appear. Subsequently, after hearing, on CPAC, Constable Boyle testify in December 1999, the plaintiff again went to the RCMP Public Complaints Commission hearing and went to Commissioner Hughes office, and asked Commission Hughes for the reason that she had not been able to testify. She urged the Commissioner to put Christine Price on the stand and pointed out that the evidence submitted by Christine Price would show that the PMO was giving directions to the RCMP. She also appealed to him to allow her to clear her name, and referred as well to the testimony that had been given by Constable Boyle. He looked at his list of witnesses and dismissed the plaintiff by saying “I do not see your name on the list”. From the transcripts on the day prior to the resumption of the Commission under Hughes, the Commission Counsel Marvin Storrow, in advising Commissioner Hughes about the sequence of witnesses that would be called, it would appear that the plaintiff’s name was mentioned and then dismissed as not being an important witness by Commission Counsel. Subsequently Marvin Storrow resigned because of the perception of being biased. [He had attended a fund raising dinner by Jean Chrétien, and whether justified or not he was accused of being biased]. I pointed out to Commissioner Hughes that my participation was important even because there was evidence that there had been a directive from the PMO to the RCMP – one of the key issues addressed in the RCMP Public Complaints Commission. The plaintiff then attempted to address the directive from the PMO and misstatement from Constable Boyle, with RCMP complaints Chair Shirley Heafey, but the plaintiff was asked by Heafey to leave her office. Heafey called a Constable to escort the plaintiff from her premises. The plaintiff, who was one of the APEC complainants, was treated as a potential threat, thus perpetuating the notion that the RCMP was justified in placing her on the threat assessment list.

The Plaintiff then contacted the Ottawa office of Shirley Heafey, Chair of the Commission, and was transferred to a legal assistant who declared that there was no way the Plaintiff could ever participate in the commission hearing and that when the plaintiff asked about a Public inquiry into the RCMP designating a leader of a registered political party as a threat, he declared that the plaintiff could never have a public inquiry. I asked for his name and he refused to give it to me. In the publication, Pepper in Your Eyes, Gerald Morin indicated that " Shirley Heafey going" past her legitimate role and had encroached up the decision-making role of the panel to the point that the panel's independence had been fatally compromised. " (Gerald M. Morin, QC, former chair of

the RCMP public complaints commission, p. 161). He also stated that " any influence from the Commission chair, who is appointed by the government (which, of course has a vested interest in the outcome of the inquiry) not only is unfair and unacceptable to the participant but would also impair the public's faith in the institution,. We must be impartial and must be seen by all to be impartial". He points out that in Section 45-45 (5) of the RCMP Act states that any person who satisfies the commission that he or she has a "substantial ad direct interest in a complaint shall be afforded a full and ample opportunity in person of by counsel, to preen evidence, to cross-examine witnesses and to make representation at the hearing. " The right to participate is clear.... 1P. (Gerald M. Morin, QC, former Chair of the RCMP Public Complaints Commission, p. 161)
The plaintiff contacted Kevin Gillet, Counsel for the Commission about the fact that the plaintiff had received a summons to appear at the APEC Commission to testify for someone else. The Plaintiff asked him why she was not allowed to appear to clear her name, and after a lengthy conversation, he informed her that she would not be allowed to appear before the Commission

(c) To counter the misinformation disseminated across the country by Constable Boyle. Subsequently, after hearing, on CPAC, Constable Boyle testify in December 1999, the plaintiff again went to the RCMP Public Complaints Commission hearing and went to Commissioner Hughes office, and asked Commission Hughes for the reason that she had not been able to testify.. She also appealed to him to allow her to clear her name, and referred as well to the testimony that had been given by Constable Boyle. He looked at his list of witnesses and dismissed the plaintiff by saying "I do not see your name on the list". From the transcripts on the day prior to the resumption of the Commission under Hughes, the Commission Counsel Marvin Storrow, in advising Commissioner Hughes about the sequence of witnesses that would be called, it would appear that the plaintiff's name was mentioned and then dismissed as not being an important witness by Commission Counsel. Subsequently Marvin Storrow resigned because of the perception of being biased. [He had attended a fund raising dinner by Jean Chrétien, and whether justified or not he was accused of being biased]. I pointed out to Commissioner Hughes that my participation was important even because there was evidence that there had been a directive from the PMO to the RCMP – one of the key issues addressed in the RCMP Public Complaints Commission.. The plaintiff then attempted to address the directive from the PMO and misstatement from Constable Boyle, with RCMP complaints Chair Shirley Heafey, but the plaintiff was asked by Heafey to leave her office. Heafey called a Constable to escort the plaintiff from her premises. The plaintiff, who was one of the APEC complainants, was treated as a potential threat, thus perpetuating the notion that the RCMP was justified in placing her on the threat assessment list

Doo (d) To counter the "dirty tricks" or even to expose the violation of the article 90 of the Elections Act which was in force in 2000. Article 90 prohibits the publication of CHECK. I contacted Jean Pierre Kingsley about what I perceived to be if not an illegal act at least an unethical practice: when an associate of the candidate is instrumental in filing a spurious complaint about the plaintiff to elections Canada and then sends out a media release announcing that the plaintiff is being investigate for an illegal act of violation the Elections act.

Several legal authorities commented on the importance of the independence of the Public Complaints Commission, and of the Commission Counsels: the following information is drawn from Wesley Pue. (Ed). Pepper in your Eyes. APEC.

- What is significant is the legal advice that Commission members receive. The importance of an independent commission counsel who understands that it is counsel's role to ensure that all relevant evidence touching on the complaint is put before the commission cannot be overstated. (Donald J. Sorochan QC, p 74***)***

  * Whether the federal government inappropriately use the RCMP for political purposes rather than law enforcement and protection of the peace
  * Whether police force was inappropriately used against protesters to prevent them from embarrassing the visiting delegates, considering that in Canada there is no law against embarrassing anyone.

  one of the weakness in the legislation establishing the PCC which was enacted by a progressive Conservative government) is that the chair and the members of the commission are appointed by an order in council of the federal cabinet rather that by Parliament itself. The same, however, is true of most of the independent tribunals at the federal level. (Donald J. Sorochan QC, p 74)

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The Marin Commission made recommendation related to complaints about the RCMP

> The principal requirement of any credible reviewing authority is that it enjoy the confidence of both the public on whose behalf it is citing and the force whose actions it is reviewing Such confidence is only possible, in our opinion, if this authority is visibly independent of the Royal Canadian Mounted Police and are responsible directly to Parliament rather than to the government of the day
>
> It also made the following recommendations;
>
> 1. An independent authority, to be known as the Federal Police Ombudsman, should be established by the Parliament of Canada
>
> 2. with respect to public complaint the Federal Police Ombudsman should be responsible for:

(i) ascertaining that all complaints are investigated in an appropriate manner;
(ii) recommending such remedial action as he believes necessary at both the individual and organizational level.
in 1986 the parliamentary debates of the legislation clearly show that Parliament intended to create an entirely independent agency with powers of review independent of the RCMP Commissioner's power. All political parties supported the reform.

There was concern expressed by legal authorities about the independence of the APEC RCMP Public Complaints Commission:

> -the RCMP lobbied vigorously and succeeded in significantly weakening the legislation that ultimately created the Public Complaints Commission. The independence of the PCC was weakened when the legislation was incorporated into the RCMP Act rather than being given its own statute. More significantly the legislation did not provide for the PCC to report directly to Parliament, as many ombudsman offices do. While the PCC does report to Parliament, it does so through the Solicitor General of Canada a federal cabinet minister with whom the PCC also has budgetary and reporting relationship. The PCC chair and members are appointed by the federal cabinet rather than by an all party committee of Parliament. (Donald J. Sorochan QC, p 70)

xxiii. *Perception of abuse of power*

(a) The Department of Defence abused their power by deciding to engage in “advocate profiling” and without any basis for developing a DND list of Groups that could be perceived as threats.
(b) The RCMP demonstrated dereliction of duty in November 1997, when they acted on a directive coming from the Prime Minister's Office to prevent the plaintiff from entering the APEC Conference on a journalism assignment with full accreditation to report on the APEC document within the context of international law. The RCMP is supposed to be independent from government interference and should not place an individual on a list without determining whether the person is a real threat. The RCMP knew the plaintiff to be the leader of a political party and should have been aware that as the directive came from the PMO that this was political interference and thus in violation of their mandate to enforce the law and protect the peace. Despite the plaintiff’s having had a bona fide assignment from a newspaper, the RCMP maintained that they were concerned that the newspaper the plaintiff represented didn’t exist. If they were genuinely concerned about the existence of the paper they could have contacted the Oak Bay police [a possibility that did not escape Woods, the RCMP officer who came to Victoria to interview the plaintiff, in January, 1998, who had filed a complaint against the RCMP’s actions, The directive from the Prime Minister's office and the acquiescence to the directive or to apparent political interference by the RCMP reveals a willful and intentional effort on their part to abuse or distort their proper role within the executive

and enforcement agencies. Christine Price, in her interview, stated that a Brian Groos from the PMO instructed the RCMP to intervene and pull the plaintiff's pass. The directive to pull my APEC media pass was reported, in Christine Price's Interview by the RCMP in connection with the complaints filed with RCMP Public Complaints Commission, as coming from Oak Bay resident Brian Groos, who was acting on instructions from the Prime Minister's Office (PMO) and possibly from the Department of Foreign Affairs and International Trade (DFAIT). The placing of my name, picture and my political affiliation on a threat assessment group list has caused harm, and was politically motivated; Brian Groos was closely associated with the Hon David Anderson against whom I ran in the 1997 and 2000 election

(c) It would appear that the RCMP who reported that the reason that the plaintiff's pass was pulled was that she had behaved inappropriately, could have been either a means of covering up RCMP actions or the evidence that there had been evidence of political interference by the PMO in the exercise of the RCMP's role to enforce the law and protect the peace. It would appear that Constable Boyle's statement would not have been politically motivated, but the Police could be perceived to abuse power when they are careless in failing to verify hearsay evidence.

(d) The defaming action was also politically motivated in 2000 during the Federal Election Defamatory statements were made by volunteer worker of cabinet minister during election. In 1997 and 2000 I was a candidate in a federal election also contested by David Anderson, a cabinet minister. An affidavit with a complaint, suggesting that I had engaged in an illegal activity during the 2000 by-election was filed to Elections Canada by a person associated with David Anderson's office.. The subsequent dissemination of the politically motivated complaint to Elections Canada to the media by a person working as a volunteer in David Anderson's office during the election that I was under investigation for violating the elections act contributed to the complex of statements against my character. Three days before the November 27, 2000 Federal Election, a letter entitled "Don't Vote the Russow" was circulated. This letter contained defamatory remarks about the plaintiff's being under investigation by Elections Canada for an illegal act. A volunteer who was working in David Anderson's office, contacted the media and repeated the statement that I was under investigation by Elections Canada. This statement was subsequently broadcast as the principal item on the local news station on the Saturday prior to the election. Elections Canada dismissed the affidavit complaint as groundless but the information was circulated that I was being investigated for an illegal act under the Elections Act.

Several legal authorities express concern about the abuse of power. Comments are derived from Wesley Pue. Pepper in Your Eyes. APEC.
Donald J. Sorochan QC, p 58-59) refers to the Paris and Moscow Declarations related to respecting the Rule of Law.

Paris 1989, and Moscow 1991. RESPECTING THE RULE OF LAW

-The participating state affirmed their determination to support and advance those principles of justice that form the basis of the rue of law. in this context the rue of law is not merely a formal legality that assures regularity and consistency
-Government in violation of fundamental principles related to the rule of law …The government and public authorities have a duty to comply with the constitution and to act in a manner consistence with law…There will be a clear separation on between the state and political parties
-Military force and the police will be under the control of and accountable to civic authorities.
-All persons are equal before the law and are entitled without any discrimination to the equal protection of the law
-Everyone will have an effective ends of redress against administrative decisions
-Domestic legislation will comply with international laws relating to human rights, including guarantee for the freedom of information and communication, travel, thought conscience and religion, right to peaceful assembly and demonstrations, associations…

Donald J. Sorochan QC, places the respect for the rule of law the context to Canada

…in determining whether remedies under the Canadian Charter of Rights and Freedoms ought to be granted for the breach of constitutionally guaranteed rights…..While judicial oversight will always be available court action is not the most desirable method of resolving differences between citizens and the police. civil litigation is incredibly expensive and time-consuming and only the wealthiest of complainants can afford to use it to advance a complaint. Civil litigation is primarily designed to provide monetary compensation for loss rather than address the merits of citizen complaints. ….

….In the case Roncarelli v. Duplessis 1959 the premier of Quebec was held to have no immunity against a claim for damages when the premier caused injury to a private citizen by wrongfully interfering with the exercise of the statutory powers of a provincial commission. ….-in Reference Re Resolution to amend the constitution that the ' rule of law is highly textured expression importing many things which are beyond the need of these reasons to explore but conveying for example a sense of orderliness , of subjection to known legal rules and of executive accountability to legal authority. At its most basic level, the rule of law vouchsafes to the citizens and residents of the county a stable, predictable and ordered society in which to conduct their affairs. It provides a shield for individuals from arbitrary state action (Donald J. Sorochan QC, p 58-59)…The rule of law means that everyone is subject to the ordinary law of the land. This is so regardless of public prominence or governmental status. It requires the law to be applied equally to all, without fear or favour and in an even handed manner between government and citizen. It ensures that all are

equal before the law. The rule of law is not the law of the ruler. there is no exemption from the ordinary la of the state for agents of government, and no one no matte how important o powerful , is above the law. (Donald J. Sorochan QC, p 59) ….The rulers of the state-- the government itself; the Prime Minister and other ministers, powerful bureaucrats; the police and armed forces - have no powers except those provided by law. the people, because the will of the society is set forth in law, should be ruled by the law and obey by it.. (Donald J. Sorochan QC, p 59) …Citizens have the right and duty to work for the repeal of unjust law and the proper enforcement of just laws trough due process of law. The right of freedom of expression recognizes that a citizen may in good conscience participate in public demonstration designed to expose injustice.. (Donald J. Sorochan QC, p 59) … The rule of law cannot be said to exist without compliance with he laws and an expectation within society of such compliance. A rule that has the formal appearance of law is not law unless there are enforcement mechanisms to ensure that the rule works as a standard for the community. (Donald j. Sorochan, QC p.61)
.An important foundation for the rule of law is the principle that a police officer investigating a crime is not acting as a government functionary or as the servant of anyone save the law itself. …..-when investigating crime the police are independent of the control of the executive arm of government. Even the attorney General, often referred to as the chief law officer of the Crown, has no authority to direct the police in their conduct of a criminal investigation. When performing such duties, the police are answerable to the law and to the law alone. If it were otherwise, the government through the attorney General could grant immunity from enforcement of the law to members or supporter of the government by directing or controlling a police investigation.. (Donald J. Sorochan QC, p 64) ….Enforcement mechanisms are essential to the operation of the rule of law to ensure that no authority will act above and beyond the law or exercise powers beyond lawful authority. primarily the rule of law is enforced by an independent judiciary served by an equally independent and vigorous legal profession. Lawyers, as guardians of the law, play a vital role in the enforcement of the rule of law. …The police also play a vital role. A dictator may rely upon the police and the military to impose rule by laws enacted to preserve reign of tyranny.... Developing democracies have demonstrated that the rule of law and the resulting liberties of the citizenry cannot succeed in a state without a principles, independent and non-corrupt police force. …note principles of policing. The eighth principle: to recognize always the need for strict adherence to police executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the state and of authoritatively judging guilt and punishing the guilt.
(Donald J. Sorochan QC, p 64)…The rule of law requires that everyone, including the police, be equally subject to the ordinary law of the land administered by the ordinary courts. The availability of the courts to

provide remedies to citizens who complain of police misconduct is, of course the ultimate safeguard to ensure control and accountability of the police in a society governed by the rule of law.. (Donald J. Sorochan QC, p 64) ….It is the citizen complaint procedure that provides n effective mechanism to ensue that the police are accountable to and therefore controlled by the public.. (Donald J. Sorochan qc, p 66) …It is vital however, that the public perceive the police complaint process as being meaningful -- that is a process that fairly and publicly addresses the concerns and grievance of members of the public. …ability to secure and maintain public respect requires a system for ensuring a full inquiry into a citizen's compliant. ….such a process must be accessible to members of the public without technical roadblocks and while ensuring fairness to all concerned, must be a process that impartially and fully inquires into the citizen's complaint and possesses sufficient powers to ensure that the complaint has been fully investigated.

Donald J. Sorochan commented in Pepper in Your Eyes on the APEC Public Complaints Commission:

APEC public complaints commission
- The RCMP allowed the Prime Minister's Office to become inappropriately involved in security and policing arrangements (Donald J. Sorochan QC, p 72)
…in addition, certain complaints raise the more fundamental question of whether the RCMP acted in accordance with its role as independent enforcer and defender of the rule of law. Such complaints include allegations relating to (Donald J. Sorochan QC, p 72)
…It is regrettable that amid all the sound and fury surrounding the hearings, the importance of the RCMP Pubic Complaints Commission as an instrument for enforcing the rule of law appears to have been overlooked by many. (Donald J. Sorochan QC, p 76**)**

Wesley Pue, in Pepper in your Eyes raised the following issues related to APEC:

What part the Prime Minister's office played with respects to the abuses complained of at APEC- Of course if the Prime Minister's staff gave unlawful orders - for example, that individuals displaying signs displeasing to President should be stopped or arrested - any professional police force should have refused to act on those orders. They were legally as well as morally bound to do so. And they should have been supported in doing so by both the RCMP Commissioner and the Solicitor General. In a democracy he police are there to enforce the law, a task that should never be confused with simply doing the bidding of politicians. A very slippery slope lies between student protesters and the rest of us. Central principles of public life, once compromised, lose their force. (Wesley Pue, University of B.C. p.18). If confirmed, the emerging story line about Canada's APEC summit would be deeply troubling. It would reveal a shocking disrespect for the principle of the political independence of the police on the part of

> senior police officers, members of cabinet, the Prime Minister and the Prime Minister staff. If would represent a fundamental violation of the principle of the rule of law, striking at the very heart of our constitution. (Wesley Pue, University of B.C. p.18) … Contrary to what most people think. the larger part of the Canadian constitution is not neatly summarized in statute or Charter but is found precisely in the nebulous constitutional realm. (Wesley Pue, University of B.C. p.18)….Other mechanisms that civil societies use to ensure proper buffer between the police and the politicians include police commissions for commissioners), the very special cabinet offices f Solicitor General and Attorney General (the senior " law officer of the Crown") and a variety of understandings, constitutional conventions , or usages limiting the means and types of legitimate communications between government officials and police officers. Such understandings, conventions and usages constitute an important part of the "unwritten constitution." (Wesley Pue, University of B.C. p.19) …It is of course important that police be accountable to the public. There is a world of difference, however, between public accountability and political control. We are accustomed to thinking of the Prime Minister as the "chief executive officer" of government, of cabinet as a board of directors," and of the rest of the state apparatus as being ultimately answerable to them as the employees of a small business are ultimately answerable to the boss. Government is not a business, however. Executive command is the opposite of democratic accountability trough roper channels.... the notion of civil control.. should not be confused with control exercised by public servants. indeed this latter state of affairs undermines the traditional and necessary responsibilities of Parliament.
> (Somalia Inquiry).

xxiv. *Evidence of malicious prosecution- designation of law-abiding citizen as a threat*

I have never engaged in any of the above activities that would be designated as "threats" and I have never been arrested. I have only engaged in lawful protest and advocacy for furthering the public trust and common security peace, human rights social justice and the environment. Yet, through an order from the Prime Minister's office I was placed on a Threat Assessment Group list on or before November 24, 1997. The government through a representative in the Prime Ministers office acted on "questionable motive in giving a directive which may have resulted on my being placed on the list and consequently can be shown to have engaged in what could be described through analogy as malicious "persecution".

Malicious prosecution is evident in the actions of agents of the Solicitor General whose role as Officer of the Crown may have been superseded by his political. There must be civilian oversight over the Solicitor General in the role of officer of the Crown in order to prevent the Solicitor General from targeting political opponents.. The importance of the non partisan aspect of the Solicitor General in the role of officer of the crown was

recently emphasized by Dr Wesley Pue, Professor of law, at UBC in his submission to the Senate:

> Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they may decide to have the police investigate people because of their party stripes. (Submission to Senate, February 14, 2005).

xxv. *Authorities displayed improper motive or purpose- a political motive*

(a) Ironically often the Department of Defence perceives as threats citizen groups that may be the ones that are the strongest advocates of the rule of law; peace groups, environmental groups, human rights groups, and social justice groups; yet the department of defence perceives these groups as threats to the department. The Department of defence has acted with an improper motive of designating activists groups as being threats

(b) In giving the directive to the RCMP, the PMO displayed improper motive-a political motive; by acting on the direction from the PMO, the RCMP displayed improper motive-allowing political interference to supersede their obligation to abide by the law, and by failing to exonerate the plaintiff, the Solicitor General displayed improper motive

In addition, the Solicitor Generals may have displayed improper motive by allowing their political role to supersede their role as officer of the crown. The Attorney General's representatives at the RCMP Public Complaints Commission, in not acknowledging the role of the Prime Minister that was evidenced in Christine Price's testimony to SGT Woods, could similarly have been acting with improper motive by allowing their political role to supersede their role as officer of the crown. Subsequently, the representative of the Attorney General's office displayed improper motive, in claiming that the plaintiff lacked particulars, when it was obvious that it was the government that had refused to divulge the particulars.

Iacobucci and Binnie J.J stressed the importance of protecting individuals from the abuse of power:
In S.C.R. 229; Nelles v. Ontario, [1989] 2 S.C.R, it was held

> At 4. Against these vital considerations is the principle that the Ministry of the Attorney General and its Prosecutors are not above the law and must be held accountable. Individuals caught up in the justice system must be protected from abuses of power. In part, this accountability is achieved through the availability of a civil action for malicious prosecution. As stated by Lamer J. (as he then was) in /Nelles, /at p. 195: Public confidence in the RCMP suffers greatly when the person who is in a position of knowledge in respect of the constitutional and legal impact of his conduct is shielded from civil liability when he abuses the process through a malicious prosecution. Thus, for the reasons that follow, we are of the view that this is one of the exceptional cases in which Crown immunity for prosecutorial misconduct should be lifted. We would therefore allow this appeal.

(c) the RCMP that provided Constable Boyle with the false information may have acted with improper motive to cover up the evidence that they had failed to exercise their duty to enforce the law and protect the peace and had succumbed to political pressure

(d) The filing of an affidavit, to Elections Canada, with a spurious complaint about a fellow candidate, and then declaring that the candidate was being investigated for an illegal act displayed an improper motive.

> ( ) In S.C.R. 229; Nelles v. Ontario, [1989] 2 S.C.R and the subsequent Proulx v. Quebec (A.G.), [2001] x S.C.R. xxx, 2001 /SCC 66 cases arguments against "absolute immunity" were advanced. It was held in Proulx that it requires evidence that reveals a willful and intentional effort on the Crown's part to abuse or distort its proper role within the criminal justice system.
>
> In Proulx v. Quebec (A.G.), [2001] x S.C.R. xxx, 2001 /SCC 66- it was held that the standard has become that immunity for government officials and responsible departments is not absolute in cases where there is "malice" or "improper purpose". Serious legal questions could arise from extending the case law related to malicious prosecution to "malicious persecution".
>
> It was held in Proulx v. Quebec (A.G.), [2001] x S.C.R. xxx, 2001 /SCC 66-That,
>
> At 3 the Crown prosecutor did not have reasonable and probable cause upon which to found the charges brought against the appellant; and (4) the prosecution was motivated by an improper purpose. Clearly a prosecutor need not be convinced beyond a reasonable doubt of an accused person's guilt before bringing charges, but there must be sufficient evidence to ground a reasonable belief that a conviction could properly be obtained. In this case, it must have been clear to the prosecutor in 1991, when he authorized the charge of first degree murder, that the evidence could not properly have resulted in a conviction. In particular, the eyewitness identification of the appellant, which was the primary basis for reopening the investigation and prosecuting him, was flagrantly inadequate and the surreptitiously recorded conversation between the appellant and the victim's father was likely inadmissible evidence. Even if admissible, that conversation lacked probative value. The charges brought against the appellant were grounded in mere suspicion and hypotheses and were not based on reasonable and probable cause. This. by itself, is not sufficient to ground the appellant's lawsuit. A suit for malicious prosecution requires evidence that reveals a willful and intentional effort on the Crown's part to abuse or distort its proper role within the criminal justice system. To demonstrate malice, the appellant must show on a preponderance of evidence that there was an improper purpose and that the powers of the prosecutor were perverted to

> that end. This standard, which must be applied strictly, is a high and clear one, in that it calls for proof of the subjective intent of the prosecutor to act out of malice or with an improper purpose."

xxvi. *Failure of government to release relevant information that would have assisted in exonerating the plaintiff*

The plaintiff pleads that in the case of the APEC Threat Assessment list, the government could have been forthcoming with information that would have permitted the plaintiff to correct whatever information must have been used to justify designating the plaintiff as a threat. The government chose instead to obfuscate information from the different departments, and invoke numerous exemptions to prevent the release of information. As a result, the government has contributed to the plaintiff living under over eight years of a shadow of innuendos about wrong doing. The plaintiff pleads that the government along with government institutions has demonstrated bad faith in relation to the plaintiff by defaming her as being a threat, and by being reluctant to reveal the reason for this designation.

xxvi. *Failure to provide information that could have exonerated the plaintiff*

Access to information requests ignore or information withheld. In many of the Access to Information responses exemptions such as for reasons of “military and International security” or cabinet prerogative have been used. The government, cabinet ministers and their agents by failing to reveal the reason for the plaintiff’s being perceived as a threat contributed to the continued assault on the plaintiff’s reputation. The government, cabinet ministers, and their agents have continuously assaulted the plaintiff’s reputation. Those who may have believed that the placing of the plaintiff on the list might have been unjustified might have reconsidered the justification after hearing that she behaved inappropriately or that she has been investigated for engaging in illegal activity. Judge Hargrave struck my claim but did not dismiss my case and stated that there might be a case of defamation against the government but that I should file additional access to information requests. I submitted about 60 Access to Information and Privacy requests, resulting in a series of questionable delays, retention of data and documents, and inappropriate government exemptions. These delays and retention of crucial information by the federal government continue to this day. I receive numerous responses with section of the act exempted for national and international security reasons. The exemption for national and international security reasons confirmed the fact that the government believed that I am a threat, or that there is incorrect information that is in my file that would give the government justification for designating me as a threat. After 60 requests though various sections of the access to information I have not been able to determine the reason for the RCMP’s declaring me as a threat

xxvii. *Withholding of information by perpetuators of the defamation*

Sufficient particulars on the defamation case, and the reasons for the plaintiff being designated a threat, are only fully forthcoming if the government of Canada is willing to release information and remove key exemptions

The government and its departments could have been forthcoming with information that would have permitted the plaintiff to correct whatever information must have been used to justify designating the plaintiff as a threat. be exonerated from being designated a “threat”. The government chose instead to obfuscate information from the different departments, and invoke numerous exemptions to prevent the release of information. As a result, the government has contributed to the plaintiff living under over eight years of a shadow of innuendos about wrong doing. The plaintiff pleads that the government along with government institutions has demonstrated bad faith in relation to the plaintiff by defaming her as being a threat, and by being reluctant to reveal the reason for this designation. The judge in the 2001 Russow vs Attorney General could have held that the government was responsible for releasing information, relevant to the claim of defamation of character, to the court. No claim of defamation of character should be dismissed on the ground that the plaintiff of the defamation fails to provide particulars which reside in the files and data base of the defendants which have caused the defamation of character.

SEE A SELECTION OF ACCESS TO INFORMATION AND PRIVACY REQUESTS IN THE CHRONOLOGY
PRIVACY RESPONSE FROM RADWANSKI, FORMER PRIVACY COMMISSIONER

xxviii. *Lack of recourse though the Courts to address the withholding of Information*
When the Plaintiff was told that if she was not satisfied with the release of information she could go to the Federal Court. She contact the Access to Information Commissioner’s office to inquire about going to the Federal Court, and was told that if she launched the case she could be responsible for costs, as well as the cost of a lawyer but on the other hand if the Commission took the case to court, the government would be covering the costs. She then sent the following appeal to John Reid, the Access to Information Commissioner.

CORRESPONDENCE: APPEAL TO JOHN REID TO TAKE MY CASE TO COURT
11 NOVEMBER 2004:

Joan Russow (PhD)
1230 St Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598-0071

Hon John Reid
Access to Information Commissioner
112 Kent Street
November 11, 2004

Fax. 1 613 947-7294

Dear Commissioner,

I am responding to your letter of November 1st, 2004. In this letter you indicated that I had the option to appeal to the Federal Court within 45 days. I contacted Dan O'Donnell to ask about the procedure. He indicated that I had to contact a lawyer. I cannot afford a lawyer, and I am writing to you to urge you to act on my behalf before the Federal Court. No citizen should have to live with the stigma of being designated by the government as a "A threat to military and International Security"

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. The document released was entitled "other activists" and contained the pictures of 9 activists. Although I have been a strong policy critic of government practices, and engaged in legitimate dissent, I have never been arrested, or engaged in any activity that could be deemed to be a threat to military and international Security..

I have a masters in Curriculum Development, introducing, principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law, and a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the university of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria, and the Vancouver peace Society, I am a member of the IUCN Commission of Education and Communication, and the Canadian UNESCO Sectoral Commission on Science and Ethics. and the Canadian Voice of Women.

I am the author of the Charter of Obligations-350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through Un General Assembly Declarations and Resolutions--related to the public trust or common security (peace, environment social justice and human rights).

However, as an Activist from India once stated nothing is more radical than asking governments to live up to its obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments and expectations is a threat to the country then I am a threat to Canada. However, under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years.

I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. After receiving questionable responses from the RCMP. CSIS, Ethics Commissioner, Privy Council, PMO, SIRC with exemptions under various section being cited - information cannot be released for "military and international security reasons".

When I was refused access to the APEC conference in 1997, I filed a complaint; but I was never able to appear during the inquiry even though the RCMP and the RCMP Commissioner were aware that there had been a directive from the PMO to prevent me from attending the Conference. I even spoke several times to the lawyers acting for the Commission, and to Commissioner Hughes, about my case. I was not even able to appear, when I pointed out that on the stand a constable from the Vancouver police had made a statement that I had behaved inappropriately on a media bus going out to UBC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference.

After the APEC conference, in February 1998 I had a petition placed on the floor of the house of Commons calling for an investigation into the Canadian government's disregard for the International Covenant of Civil and Political Rights' in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms.

From April 1997 to March 2001, I was the Federal Leader of the Green Party of Canada, and was concerned to find out that the Green Party had been on a list of groups that the Military should not belong to. As a result of the Somali Inquiry, Robert Fowler, then Deputy Minister of Defence, had commissioned a junior officer to compile this list. …The Green Party was on this list. Subsequently , I found out through Access to information that it was the leaders of these groups that were of especial concern to the Department of Defence.

In September 1998, it was brought to my attention that I had been placed on RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became an media issue and was reported widely across the country through CBC television, through CBC radio, and through the National post and its branch papers. In 1998, The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I}

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General [accessed through A of I subsequently in 1999).

In August of 2001 there was a series of articles on the Criminalization of dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther Kings accompanied the article. This series later won an award.

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case, in the Federal Court, of defamation against various federal government departments.

I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Department of Justice has been remiss in not advising the Federal government that "political and other opinion" which is a listed ground under the ICCPR should have been included in the Charter of Rights and Freedoms. When I raised the fact that "political and other opinion" is a recognized ground, internationally,. the lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.

When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests.

The following is excerpts from the Judge's decision:

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

4.“… I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed, I viewed it as a n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient.

[I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the “particulars”. The judge’s response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. Counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. …

I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of "political and other opinion"- a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and my character has been defamed. The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and in particular with the unethical abuse of political power.

In 2002, there was an article that appeared across the country about the launching of my court case, and in the article my concern about being deemed a security risk and about the stigma attached to my name even to the point that I feared that my access internationally might be curtailed, and my employment opportunities thwarted. Also, the stigma attached to my name has affected my children, and has discredited my father's reputation. My father was the Assistant Auditor General of Canada, and acting Auditor General in the late 1950s, as well as being a representative to the United Nations and other international Organizations.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; McCauley for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

I urge you to take on my case in the Federal Court against the Solicitor General's Department, RCMP. CSIS, Department of Defence, and Prime Ministers office.

Your truly

Joan Russow (PhD)
1 250 598-0071

xxvi. *Need for research about the long term impact on being designated a threat to security*

The Plaintiff submitted a request to the Department of justice about research that had been done on the impact of being designated a threat by government agencies documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists.

LEST WE FORGET
THE URGENCY
OF THE GLOBAL SITUATION

RECOGNITION OF THE URGENCY OF THE GLOBAL SITUATION

1.1. Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Preamble, Agenda 21, UNCED, 1992)

(1) IMPACT OF CONTINUED IMPOSITION OF

CONSUMPTIVE MODEL OF DEVELOPMENT

1.1. Continued stress on global ecosystem from the pattern of over- consumptive development in industrialized countries
1.2. Continued deterioration of the global environment and aggravation of poverty caused by unsustainable patterns of consumption
1.3. Continued failure to reduce the ecological footprint through continued adherence to the consumptive model of development
1.4. Continued elimination of the ecological heritage of future generations
1.5. Continued depletion of resources upon which future generations depend
1.6. Continued political, economic and ecological crises, systemic or de facto discrimination, and other forms of alien domination or foreign occupation
1.7 Continued reliance on economic growth paradigm as the solution to global problems
1.8. Continue negative impact of structural adjustment programs based on the imposition of overconsumptive model of development
1.9 Continued promoting of socially inequitable and environmentally unsound employment and development
1.10. Continued failure to redefine "development" in equitable and ecological terms

(2) INEQUITABLE DISTRIBUTION OF RESOURCES AND DENIAL OF BASIC RIGHTS AND NEEDS

2.1. Continued inequitable distribution of natural resources
2.2 Continued inequality/inequity between "developed" , “developing” and "underdeveloped" states
2.3. Continued gravity of the economic and social situation of the least developed countries
2.5 Continued lack of fulfillment of basic needs, and failure to guarantee the right to food, right to shelter, right to education, right to health care
2.6. Continued lack of access to basic sanitation and adequate waste disposal services
2.7. Continued lack of access to food and water
2.8. Continued lack of access of poor to suitable arable land
2.9. Continued increase in the number of people who do not have access to safe, affordable and healthy shelter
2.10. Continued food crisis violating right to life and human dignity
2.11. Increased use of manipulative Biotechnology
2.12. Increased introduction of genetically modified food
2.13. Increased control by Multi-National Agri-Food, Pharmaceutical, and Petro-chemical companies world’s food supplies
2.14. Continued unethical patenting of seeds by multinationals
2.15 Continued experimentation in the human genome project
2.16. Increased corporate control of their crop varieties
2.17. Increased modification of seeds for profit
2.18. Increased modification of organisms through “genetically modified organisms”
2.19 Continued widespread unemployment and underemployment
2.20 Continued failure to link health to overconsumption and inappropriate development
2.21 Continued failure to address and prevent environmentally-induced diseases
2.22 Increased deterioration of public health system, public health spending and privatization of health care systems
2.23. Continuing spread of communicable infections
2.24 Continued unequal access to basic health resources
2.25 Continued high birth mortality rate High percentage of child mortality rate of deaths per live births.

(3) DETERIORATION OF ENVIRONMENTAL QUALITY AND IMPLICATIONS FOR HUMAN HEALTH

3.1. Continued impact on health from environmental degradation
3.2. Increased impact on health and environment from toxic and hazardous chemicals
3.4. Increased air, water and land pollution
3.5. Continued adverse health and environmental effects of transboundary air pollution
3.6. Continued transferring and trafficking in toxic, hazardous including atomic substances, activities, and waste that are dangerous to health and to the environment
3.7. Continued risks of damage to human health and the environment from transboundary hazardous waste
3.8. Increased generation and transboundary movement of hazardous waste causing threat to human health and environment
3.9. Continued relocation or transfer to other states of activities and substances that cause severe environmental degradation or are found to be harmful to human health
3,10 Continued disregard for the precautionary principle 4.11. Continued awareness of the harm of exporting banned or withdrawn products on human health
3.12. Increased deterioration of the environment and health through anthropogenic actions
3.13. Continued ecological and human health effects of environmentally destructive model of development
3.14. Continued use of banned and restricted pesticides designated as being hazardous to human or environmental health
3.15. Increased resistance of antibiotics

(4) ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE

4.1. Continued loss of biological diversity
4.2. Continued threat to genetic diversity
4.3. Increased deforestation and land degradation
4.4. Increased soil erosion
4.5. Increased desertification
4.6. Increased loss and degradation of mountain ecosystems
4.7. increased erosion and soil loss in river basins
4.8. Increased watershed deterioration
4.9. Increased marine environment degradation
4.10. Increased vulnerability of marine environment to change
4.11. Increased risk of impact from increase in sea level 4.12. Increased of carbon sinks
4.13. Increased impact of global climate change
4.14. Increased potential of climate change
4.15. Increased depletion of the ozone layer
4.15. Increased threats to the ecological rights of future generations
4.16. Increased environmental damage from waste accumulation
4.17. Unprecedented Increase in environmentally persistent wastes
4.18. Continued trafficking in toxic and dangerous products
4.19. Continued export to developing countries of substances and activities that are banned or restricted in country of origin
4.20. Increased generation of nuclear wastes
4.21. Increased Loss of biodiversity through ecologically unsound practices
4.22. Increased ignoring of carrying capacity of ecosystem
4.23. Continued violation of collective human rights through dumping of toxic, hazardous and atomic wastes is a violation

(5) ACKNOWLEDGMENT OF URGENCY VIOLATION OF HUMAN RIGHTS

5.1. Continued violation of human rights on the basis of gender, sexual orientation, sexual identity, family structure, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socioeconomic conditions

* Continued violations of human rights through the following activities:
* Mistreatment, and hasty judicial procedures
* Lack of respect for due process of law (access to a lawyer or visiting rights)
* Arbitrary detentions
* In camera trials
* Detention without charge and notification to next of kin
* Lack of defence counsel in trials before revolutionary courts
* lack of the right of appeal
* Ill-treatment and torture of detainees
* Torture of the cruelest kind and other inhuman practices
* Widespread routine practice of systematic torture in its most cruel forms
* Wide application of the death sentence
* Carrying out of extra-judicial executions
* Orchestrated mass executions and burials
* Extra judicial killings including political killings
* hostage taking and use of persons as "human shields"
* Constitutional, legislative and judicial protection, while on paper, are revealed as totally ineffective in combating human rights abuses
* Extreme and indiscriminate measures in the control of civil disturbances
* Enforced or involuntary disappearances, routinely practiced arbitrary arrest and detention, including women, the elderly and children
* Abuses of political rights and violation of democratic rights
* Unfair elections
* Activity against members of opposition living abroad

* Harassment and suppression of opposition politically
* Suppression of students and strikers
* Targeting by terrorists of certain members of the press, intelligentsia, judiciary and political ranks
* Failure to grant exit permits

5.3. Increased forced migration of populations of migrants, refugees and displaced persons
5.4. Continued critical situation of children
5.5. Continued concern about discrimination against women despite Human Rights instruments
5.6. Continued barriers faced by women
5.7. Continued female genital mutilation and other harmful practices
5.8. Denial of fundamental rights and freedoms
Suppression of freedom of thought, Media and religion and conscience ¥ systemic discrimination
5.9. Continued denial of moral and humanitarian values through religious intolerance and extremism
5.10 Continued massive violations of human rights, ethnic cleansing and systematic rape
5.11. Continued wars of aggression, armed conflicts, alien domination and foreign occupation, civil wars, terrorism and extremist violence
5.12. Continued violation of human rights of women including murder, torture, systematic rape, forced pregnancy
5.13. Continued ethnic cleansing
5.14. Continued xenophobia. Fear and aversion to foreigners continues throughout the world
5.15. Continued violation of human rights during armed conflict
5.16. Continued discrimination of and violence against women
5.17. Continued violation against indigenous peoples
5.18. Increased violations of the rights of refugees
5.19. Continued insufficient protection of the rights of migrant workers
5.20. Continued marginalization of specific women by their lack of knowledge of their rights and redress
5.21. Continued Insufficient protection of the rights of migrant workers
5.22. Continued multiple discrimination against indigenous women
5.23. Continued gender inequities

(6) DESTRUCTION THROUGH CONFLICT, WAR AND MILITARIZATION

6.1. Continued perpetuation of the substantial global expenditures being devoted to production, trafficking and trade of arms
6.2. Forcing developing countries to undertake inequitable structural adjustment
6.3. Increased poverty
6.4. Continued excessive military expenditures while basic needs are not fulfilled
6.5. Continued massive humanitarian problems through military intervention
6.6. Continued circulation
6.7. Continued war crimes against humanity, including genocide
ethnic massacres , and “ethnic cleansing”
6.8. Increased human and environmental destruction through land mines
6.9. Increased war and civilian amputees as a result of land mines
6.10. Continued death and displacement of people through war
6.11. Continued impact of radiation from nuclear testing on present and future generations
6.12. Continued exposure to radiation on present and future generations
6.13 Continued mining of uranium for use in nuclear weapons
6.14. Continued production, proliferation and testing of nuclear arms
6.15 Continued circulating and berthing of nuclear armed or nuclear powered vessels

Cut file The Attorney General's lawyer cites Francis v Canada /[1956] S.C.R. 618 /at p. /621 /as being the definitive statement on the implementation of international law in Canada.

It is interesting that in more recent case than /1956, /International law is often called upon when there is a gap in National legislation.

In /[1999] 2 S.C.R. /Delisle v. Canada (Deputy Attorney General)

Baudouin J. A. concluded in /59 /that it was not inconsistent with this Court's /1987 /trilogy to find that the simple right to organize into an employee association is protected under s. 2(d). He stated that the denial of the right to unionize in this limited way was inconsistent with the principles set out in the preamble to the /Canada Labour Code /and with Canada's international obligations pursuant to Article /22(2) /of the /International Covenant on Civil and Political Rights/ /999 U.N.T. S. 171./

And in his Analysis at 62 A. Re: /Freedom of Association/

The human animal is inherently sociable. People bind together in a myriad of ways, whether it be in a family, a nation, a religious organization, a hockey team, a service club, a political party, a ratepayers association, a tenants organization, a partnership, a corporation, or a trade union. By combining together, people seek to improve every aspect of their lives. Through membership in a religious group, for example, they seek to fulfill their spiritual aspirations; through a community organization they seek to provide better facilities for their neighbourhood; through membership in a union they seek to improve their working conditions. The ability to choose their organizations is of critical importance to all people. It is the organizations which an individual chooses to join that to some extent define that individual.

In the present case, Delisle v. Canada (Deputy Attorney General) [1999] 2 S.C.R. could be applied, and "Freedom of association" could be extended to include "politics"-Party politics, and "activist politics"-the furthering of the public trust or common security: the guaranteeing of human rights, the striving to prevent war and conflict, the protecting of the environment, and the ensuring of social justice.

Beaudoin continues at 69 to refer to the role of international law:

The fundamental freedom of the individual simply to participate in a union is widely recognized in provincial and federal statutes and in international covenants to which Canada is a party. For example, s. 6 of the /PKSRA /specifically protects this basic right for employees who are subject to its labour relations provisions, in the following terms:

And at 71 Beaudoin discusses the imposition of "lawful restrictions"

The same protections contained in the federal statutory labour relations regimes are found in several international instruments to which Canada is a signatory. These include Article 23(4) of the /Universal Declaration of Human /Rights, G.A. Res. 217 A (111), U.N. Doc. A/810, <http://U.N.Doc.A/810,> at 71 (1948); Article 22 of the International Covenant /on Civil and /Political Rights; Article 8 of the International Covenant /on Economic, Social and Cultural /Rights, 993 U.N. T.S. 3, Articles 2 and 3 of the International Labour Organization's /Convention (No. 87) Concerning Freedom of Association and Protection of the /Right /to Organize, /67 U_N.T. S. 17, and the /Conference on Security and Co-operation in Europe -- Concluding Document /(Madrid Conference (1983)), 22 I.L.M. 1398, p. 1399, at para. 13. All of these instruments protect the fundamental freedom of employees to associate together in pursuit of their common interests as employees. Several of these international agreements do recognize the right of Canada and other states to impose lawful restrictions on the armed forces and police where that is necessary to protect national security or public safety. However, we see such restrictions as premised upon lawful justifications for infringement of the freedom to associate, and thus relevant under s. I of the /Charter, /rather than as part of the definition of freedom of association itself.

In distilling the contents of the head of "particular social group", account should be taken of the general underlying themes of the defence of human rights and anti–discrimination that form the basis for the international refugee protection initiative. A good working rule for the meaning of "particular social group" provides that this basis of persecution consists of three categories: (1) groups defined by an innate, unchangeable characteristic; (2) groups whose members voluntarily associate for reasons so fundamental to their human dignity that they should not be forced to forsake the association; and (3) groups associated by a former voluntary status, unalterable due to its historical permanence.

International refugee law was formulated to serve as a back-up to the protection owed a national by his or her state. It was meant to come into play only in situations where that protection is unavailable, and then only in certain situations. The international community intended that persecuted individuals be required to approach their home state for protection before the responsibility of other states becomes engaged.

An important question of law could be raised in relation to Canada's international obligations. It should be noted that if a citizen exhausts all domestic remedies then under the optional protocol the citizen is entitled to go to the UN Human Rights Commission. Canada is signatory also of the Optional Protocol to the International Covenant of Civil and Political Rights.

Unfortunately, as recently as January 16, 2002 in the Attorney General's submission to my court case, the Deputy Attorney General of Canada Morris Rosenberg demonstrated the Department of Justice's disregard for the 1982 commitment to the global community:

He responded to my reference to the international Covenant of Civil and Political Rights in the following way:

-Alleged violation of the International Covenant of Civil and Political Rights
12. The plaintiff refers to the International Covenant of Civil and Political Rights in Para 7 of the Statement of Claim. However, a factual basis for any alleged violation of the rights recognized in that Convention [Covenant] has not been pled.

-. Moreover, for international treaties or conventions signed by Canada to provide an arguable right in domestic law they must be expressly incorporated into domestic legislation. It is trite law that international treaties and conventions are not part of Canadian law unless they have been implemented by statute.

See Francis v Canada (1956] S.C.R., 618 at p. 621
Capital Cities Communications Inc v Canadian Radio-Television Commission [1978] 2 S.C.R. 141 at p. 172-173

- The alleged discrimination on the grounds of "politics" has not been legislated by Parliament and as such, does not have the effect of law.

All of which is respectfully submitted.

January 16, 2002
Morris Rosenberg Deputy Attorney General of Canada

( ) the placing of citizens , including a leader of a registered political party, on a Threat Assessment list is in violation of _Article 2 b, c, and d of the Canadian Charter of Rights and Freedoms_,_ _and has the consequential implication of creating what has been referred to as a "libel chill". In addition, it has been argued that discriminating on the ground of belonging to a political party could come under the violation of right of freedom of association.

Department of Justice
Elaboration on January 23, 2002.
Access to Information Request:

1 a Explanation and Documentation about the reason that after following all the subsequently listed designated processes a citizen has not been able to find out why the citizen was perceived to be a threat to Canada, and placed on a Threat Assessment List:

(i) RCMP Complaints, RCMP Review, CSIS, SIRC and Federal Court (against the AG)

(ii) over 60 processes within various government departments, =

(iii) Numerous requests for reviews by Privacy Commissioners, and by the Access to Information Commissioner

Judicial opinion on whether there is an over-reliance on department criteria for determining what would constitute and exemption, "for military and international security reasons", under the Privacy Act and under the Access to Information Act.

b (i) description of remedies available for citizens who have followed all of the above mentioned processes for "the Right to Correction", and removal off lists. [analogous application of international principle affirmed in the International Convention on the Right to Correction].

(ii) documentation related to the "simple process available" [statement from former Minister of Justice] for those that wish to be removed from lists

(iii) documentation related to the rationale for citizens' being offered the opportunity of addressing, through the Federal Court, their being placed on lists, coupled with the rationale for citizens being required to pay costs

c. all documentation supporting the difference in government policy between access to information for a citizen placed on a "Threat list" and access to information for a citizen placed on a "Terrorist list". In appearing before the committees examining Bill C36 (Anti-terrorism legislation). The former Justice Minister, Honorable Anne McLelland stated: "if someone's name appeared on the Terrorism list", there is an easy process to follow to find out why this occurred".

-. rationale for the failure to include political and other opinion in the Charter of Rights and Freedoms".. "Political and other opinion" is a listed ground in most international human rights instruments, such as the International Covenant of Civil And Political Rights

d. rationale for not requiring the government to abide by , on the following 1982 commitment to the international community:

1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis a vis International obligations

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

Assessment of the interplay between "political and other opinions" and "legitimate dissent"

e. Justification for the targeting of individuals who are engaged in legitimate dissent

f. provisions in place for preventing the exchange of threat list to other states

g. Judicial opinion on what would constitute legitimate dissent under the CSIS Act, and on whether CSIS agents are sufficiently trained to distinguish legitimate dissent from those involved with criminal subversion, and real threat to national and international security

h. provisions for a judicial review of exemption clauses used on the Access to Information Act, and Privacy Act

i. Explanation for Attorney General's disregard in the Federal Court for international law: obligations incurred though Conventions, treaties, and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions.

j. Documentation on criteria used to place citizens on threat lists, and copies of the assessment by the Department of Justice on whether these criteria contravene obligations under the International Covenant of Civil and Political Rights to not discriminate on the ground of political or other opinion.

k. Documentation of oversight process and judicial opinions related to the commitment made by former Minister of Justice, the Honorable Ann McLelland, re: lists provided by other nations: "We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight."

"In fact we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight". (former Minister of Justice, the Honorable Ann McLelland).

(l) documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists

( ) Her Charter rights were denied through the government's violation of the CSIS Act. Under the CSIS Acgt, CSIS is not supposed to target those engaged in lawful protest and advocacy:

"The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated. "

( ) The PMO gave orders to the RCMP to classify as threats citizens that engage in lawful advocacy, protest, or dissent. There appear to be no provisions in the PCO to ensure that CSIS and the RCMP abide by their statutory requirements. In addition, it appears that the PMO/PCO, by treating "activists" engaged in legitimate dissent as threats, is prepared to discriminate on the grounds of political and other opinion, in contravention of the International Covenant of Civil and Political Rights,

Interference by the PMO in the RCMP's mandate to abide by the rule of law and the charter of rights and freedoms

( ) It appears that If the RCMP allowed itself to be used by the PMO for political ends, this is not something to be dismissed lightly; I was at APEC with an assignment from a local news paper.

( ) Even after there was considerable evidence to demonstrate that Prime Minister Chrétien interfered with the administration of justice, at APEC, there is no accessible document indicating that the PCO/PMO has instituted measures to prevent further interference from the prime ministers; office.

( ) It appears that there was political interference in the instructions to the RCMP; instructions which most likely resulted in Russow being designated as a “threat”

( ) The government agencies have failed to clearly delineate what actions must be taken to address the issue of political interference by the Prime Minister’s office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

( ) Even after there was considerable evidence to demonstrate that Prime Minister Chrétien interfered with the administration of justice, at APEC, there is no accessible document indicating that the PCO/PMO has instituted measures to prevent further interference from the prime ministers; office.

( ) The RCMP may have sacrificed rights of Canadian citizens to advance political motives:
at 31, Andrew D. Irwin surmised that :
the RCMP may have sacrificed the rights and liberties of Canadian citizens in order to advance a number of purely political objectives of the Prime Minster's office (PMO) if it acted outside its lawful authority (IBID Andrew D. Irwin, p.30)
And he poses the following question:
“- did the RCMP allow itself to be influenced, at least in party by political directives from the PMO rather than by security concerns while carrying out its mandate to protect summit delegates”. (Andrew D. Irwin, p.31)

and then responded at p. 40
-if is important to learn whether Canada’s chief law enforcement agency allowed itself to be influenced, at lease in part, by political directives from the PMO rather than solely by security concerns--while carrying out its mandate to protect summit delegates. (Andrew D. Irwin, p.40)
Attorney General Vs Dr Joan Russow
1. FACTS: CHRONOLOGY

2. PLEADINGS

(A) SUBSTANTIATION OF “RIGHT INTENTION” TO REPAY LOAN

(B) DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

(C) UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

(D) VIOLATION OF CHARTER RIGHTS AND DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION

(E). ON-GOING DEFAMATION SUIT: INTERDEPENDENCE OF INTENTION TO REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING DEFAMATION CASE LINKED TO STUDENT LOAN

18 AUGUST 2001: The Criminalization of Dissent

The Criminalization of Dissent The Ottawa Citizen Sat 18 Aug 2001
The complete 5 part series on "the criminalization of dissent"

Keeping the public in check: Special Mountie team, police tactics threaten right to free speech and assembly, critics say; Police targeting ordinary Canadians 'because they don't like their politics'
The Ottawa Citizen Sat 18 Aug 2001 News A1 / Front Series
David Pugliese and Jim Bronskill

Faced with a growing number of large demonstrations, the RCMP has quietly created a special unit to deal with public dissent.

The new team of Mounties, called the Public Order Program, was established in May to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies,
according to an RCMP document obtained by the Citizen.

The RCMP's move to strengthen its capacity to control demonstrations comes amid increasing concern about how the government and police respond to legitimate dissent.

The new unit will also examine how to make better use of "non-lethal
defensive tools," such as pepper spray, rubber bullets and tear gas, indicates the document, a set of notes for a presentation to senior Mounties earlier this year.

Select officers will be run through a "tactical troop commanders' course" to prepare them for dealing with public gatherings.

The Public Order Program is intended to be a "centre of excellence" for handling large demonstrations, allowing the Mounties to keep up with the latest equipment, training and policies, said RCMP Const. Guy Amyot, a force spokesman. "It gives us some more tools to work with."

The initiative, sparked by a spate of ugly confrontations between protesters and police at global gatherings, comes as Canada prepares to host leaders of the G8 countries in Alberta next year.

"With all the violence going on, we had to create a unit that could help us (with) providing security," said Const. Amyot.

But for some, the right to free speech and assembly in Canada has become precarious at best. The recently released APEC inquiry report focused on certain questionable RCMP activities during the 1997 gathering of Asia-Pacific leaders in Vancouver, including the arrest of demonstrators and use of pepper spray. Almost overlooked in the review, however, was an apparent shift in police and government attitudes toward a "criminalization of dissent."

Behind the scenes, law enforcement agencies are directing their efforts at organizations and individuals who engage in peaceful demonstrations, according to civil rights experts. The targets are not extremists, but ordinary Canadians who happen to disagree with government policies.

Officers from various police forces and the Canadian Security Intelligence Service have infiltrated, spied on or closely monitored organizations that are simply exercising their legal right to assembly and free speech. Targets of such intelligence operations in recent years, according to federal documents obtained by the Citizen, range from former NDP leader Ed Broadbent to the Raging Grannies, a senior citizens' satire group that sings about social injustice.

Individuals have been arrested for handing out literature condemning police tactics. Large numbers of Canadians and legitimate organizations, from the United Church of Canada to Amnesty International, have found themselves included in federal "threat assessment" lists alongside actual terrorist groups.

And in what some consider blatant intimidation, RCMP and CSIS agents are showing up unannounced on the doorsteps of people who voice opinions critical of government policy or who plan to take part in demonstrations.

In coming weeks, the Canadian Association of University Teachers will meet in Ottawa with senior RCMP officials to express grave concerns in the academic community about campus visits by the Mounties.

The meeting arises from the police force's questioning of Alberta professor Tony Hall about his views on the spring Summit of the Americas in Quebec City. A University of Lethbridge academic, Mr. Hall wrote an article critical of the effect of free trade agreements on indigenous people and was involved in organizing an alternative summit for aboriginals. Neither warranted a visit from police, say his colleagues. "Whether you agree with him or not, I think he has the right to raise those questions," says David Robinson, associate executive director at the association of university teachers.

The Canadian Civil Liberties Association has led calls for an investigation into allegations police abused their powers by firing more than 900 rubber bullets and using 6,000 cans of tear gas to subdue protesters at the Quebec City summit in April. Also of concern for the association is the possibility police targeted individuals even though they were non-violent.

Others, such as University of British Columbia law professor Wesley Pue, say police operations against legitimate dissent have already crossed the line.

"When the police start spying on people because they don't like their politics, you've gone a long way away from what Canadian liberal democracy is supposed to be about," says Mr. Pue, editor of the book Pepper in Our Eyes: The APEC Affair.

Such notions are rejected by police and politicians. Quebec government officials have dismissed a call for a public inquiry into how officers treated protesters at the Quebec City summit. Quebec Public Security Minister Serge Menard summed up his attitude shortly before the summit: "If you want peace," he said, "prepare for war."

CSIS officials maintain they don't investigate lawful advocacy or dissent. The RCMP say they are simply doing their job in the face of more violent protests at public gatherings.

For his part, federal Solicitor General Lawrence MacAulay doesn't see anything wrong with the RCMP questioning Canadians who want to take part in demonstrations.

In a July 31 letter to the university teachers' association, he defended Mountie security practices for the Quebec City event. "The RCMP performed ongoing threat assessments, which included contacting, visiting and interviewing a number of persons who indicated their interest or intention in demonstrating."

But civil rights supporters contend such statements miss the point. Merely signaling interest in attending a demonstration or openly disagreeing with government policies -- as in Mr. Hall's case and others -- shouldn't be grounds for police to question an individual. They say actions by police and CSIS over the last several years appear to have less to do with dealing with violent activists than targeting those who speak out against government policies.

For instance, in January, police threatened a group of young people with arrest after they handed out pamphlets denouncing the security fence erected for the Quebec City summit as an affront to civil liberties. Officers told the students any group of people numbering more than two would be jailed for unlawful assembly. A month later, plainclothes police in Quebec City arrested three youths for distributing the same pamphlet. Officers only apologized for the unwarranted arrests after media reported on the incident.

In the aftermath of the Quebec City demonstrations, some protesters were denied access to lawyers for more than two days. Others were detained or followed, even before protests began.

Police monitored the activities of U.S. rights activist George Lakey, who traveled to Ottawa before the summit to teach a seminar on conducting a peaceful demonstration. Mr. Lakey was questioned for four hours and his seminar notes confiscated and photocopied by Canada Customs officers. Later, a Canadian labour official who offered Mr. Lakey accommodation at her home in Ottawa was stopped by police on the

street and questioned for 30 minutes.

Const. Amyot insists the RCMP recognize the right of people to demonstrate peacefully. "We have always said that, and we do respect that."

However, the events leading up to Vancouver's 1997 Asia-Pacific Economic Co-operation summit set the stage for what some believe is now an unprecedented use of surveillance by the Mounties and other agencies
against lawful groups advocating dissent. Before and during the APEC meetings, security officials compiled extensive lists that included many legitimate organizations whose primary threat to government appeared to be a potential willingness to exercise their democratic rights to demonstrate.

Threat assessments included a multitude of well-known groups such as the National Council of Catholic Women, Catholic Charities U.S.A., Greenpeace, Amnesty International, the Canadian Council of Churches, the Council of Canadians and the International Centre for Human Rights and Democratic Development.

Intelligence agencies also infiltrated legitimate political gatherings.A secret report produced by the Defence Department, obtained through the Access to Information Act, details the extent of some of the spy missions. It describes a gathering of 250 people on Sept. 12, 1997, at the Maritime Labour Centre in Vancouver to hear speeches by former NDP leader Ed Broadbent and New Democrat MP Svend Robinson. "Broadbent is extremely moderate and cannot be classified as anti-APEC," notes the analysis, prepared by either CSIS or a police agency. "The demographics of the crowd was on average 45-plus, evenly divided between men and women. They were 95 per cent Caucasian and appeared to be working class, east end, NDP supporters."

Additional reports detailed a forum by the Canadian Committee for the Protection for Journalists and meetings planned by other peaceful organizations.

Law enforcement's notion of what constitutes a threat to government is disturbing to some legal experts. Law professor Wesley Pue notes that anyone's politics can be deemed illegitimate to those in power at some
point in time. He sees irony in the recent mass protests against federal stands on trade and the environment. "The so-called anti-globalization movement articulates many views that were official Liberal party policy up until the government got elected," says Mr. Pue.

Police tactics used four years ago at APEC have since become commonplace at almost all demonstrations. Criminal lawyer Clayton Ruby has noted how police have found a way to limit peaceful protests. Demonstrators don't get charged for speaking publicly. Instead they are arrested for
obstructing police if they don't move out of the way. In most cases,charges aren't laid or they are later dropped because of a lack of evidence. In the meantime, police usually insist bail conditions
stipulate demonstrators stay away from a protest.

"We've made it so easy for governments to criminalize behaviour and speech they don't like," Mr. Ruby said around the time of the Quebec City summit. "They disguise the fact that they're punishing free
speech."

Another disconcerting trend, according to civil liberties specialists, is the police practice of photographing demonstrators, even at peaceful rallies. Earlier this year, a whole balcony of cameras collected images of the non-violent but lively crowd outside the Foreign Affairs Department in Ottawa.

"There is now the idea that you can't be an anonymous participant at a public gathering," says Joel Duff, a protest organizer and former president of the University of Ottawa's graduate students association.
"If you're not ready to have a police file, then you can't participate -- which in my view is a curtailment of your democratic rights."

The RCMP's Const. Amyot acknowledges police take photos of demonstrators, even if a protest is peaceful. The pictures can be used in court if the event turns violent, he notes.

But photos from peaceful demonstrations are destroyed, according to Const. Amyot. "We're not investigating these people," he says. "These are just being taken to ensure if something happens we'll know what happened so we'll have evidence for safety purposes."

But such tactics can have chilling effect on lawful dissent. After it was revealed at the APEC inquiry that intelligence agencies spied on the Nanoose Conversion Campaign because of its stand against nuclear weapons, some of the B.C. organization's members started having second thoughts about their involvement, even though the group conducted only peaceful rallies.

"There was a concern (among some) about whether the government could make their life difficult," says Nanoose Conversion Campaign organizer Ivan Bulic.

It is not only in Canada that official reaction to vocal public opposition is being questioned. The Italian government's inquiry into
the handling of the demonstrations at the recent Genoa summit of G8
leaders conceded that police used excessive force and made serious
errors in dealing with protesters.

One incident being probed by Genoa prosecutors is an early morning raid on a school used by demonstrators as their co-ordination centre. People were beaten with clubs as they slept and the school was trashed by
officers. Sixty-two demonstrators were injured, and government officials have recommended firing the senior police officers involved. Police in the U.S. are also using tactics similar to their Canadian counterparts, such as pre-emptive arrests, surveillance and the infiltration of groups.

Hundreds of activists were jailed last year in advance of protests against the Republican Party in Philadelphia and Washington. Most of the cases were later dismissed by the courts since police could offer no valid reasons for the arrests.

Last year, undercover officers posing as construction workers infiltrated a warehouse in Philadelphia where demonstration organizers were making puppets as part of their protests against the Republican
Party. Seventy puppet-makers were charged with various offences, but again, the courts dismissed the counts. At the same time, police were monitoring the Internet activities of the puppet group.

The mass arrest of protesters, even if they aren't engaged in violence, has also become common. Last April, Washington police rounded up 600 demonstrators marching against poor conditions in U.S. prisons. In their sweeping arrests, officers also scooped up tourists watching the rally from the sidelines.

Such actions, however, haven't gone unchallenged. Several lawsuits against police forces have been filed by the American Civil Liberties Union and the National Lawyers Guild.

In Canada, aside from comments by civil rights experts and opposition politicians, there has been little outrage among the public or lawmakers.

In part this can be traced to media coverage that emphasizes the actions of a small number of violent protesters while neglecting largely peaceful events, says Allison North, a Canadian Federation of Students
official and rally organizer. All protesters are branded as troublemakers, she says.

Mr. Duff, the student organizer, notes the scope of the damage at the Quebec City summit was never put into perspective by the media and the public was left with the notion protesters caused widespread destruction. "The stuff that happened in Quebec City was nothing in comparison to a regular St-Jean-Baptiste Day in Quebec. There they have

bonfires in the street whenever they can, and far more property gets destroyed."

He questions whether the public can be complacent about police and government activities in dealing with dissent. Surveillance may now be aimed at people protesting globalization, but such methods can, and will, be used to manage other protests, whether it be against education cuts or reductions in health care budgets, he predicts.

Some are concerned that has already happened. In April the RCMP issued a public apology to the townspeople of Saint-Sauveur, N.B., admitting the force overreacted when it sent a riot squad to handle a group of parents and children protesting the closure of a school in May 1997. Several people were attacked and bitten by police dogs, while others were injured after being hit by tear gas canisters or roughed up by officers. Dozens were arrested in Saint-Sauveur and the nearby town of Saint-Simon, but none was informed of their legal rights. All charges were later dropped.

The APEC report condemned the fact several women protesters were forced to remove their clothes after being arrested. But it wasn't an isolated event. Earlier this year eight female students at Trent University in Peterborough were arrested, stripped and searched by police. Their alleged crime was to protest the closing of the university's downtown college.

Such extreme reactions tend to galvanize people, says Mr. Duff. Those who peacefully demonstrate, only to be tear-gassed or arrested, tend to emerge as more committed protesters, he says.

Const. Amyot says the RCMP's new Public Order Program will ensure the safety of delegates, demonstrators and police at future summits.

Mr. Pue believes the security for major gatherings should be decided through public debate and parliamentary scrutiny, instead of letting police to make up rules as they go along.

For instance, there are no Canadian laws to allow for the installation of a perimeter fence limiting the movement of protesters at international meetings, Mr. Pue notes. Yet a large fence was built for Quebec City and such barriers will likely be fixtures at coming events. "That's not the kind of discretion that should be left to police officers in secret."

- - - Cracking Down on Protesters Today the Citizen begins a major series on what some are calling "the criminalization of dissent." In the days ahead: - Activists on Vancouver Island were surprised to learn the police knew their tactics in advance. - Authorities added another line to Green Party leader Joan Russow's resume: threat to national security. - Organize a protest today and you can expect a Mountie to knock on your door. - The APEC affair showed the RCMP is willing to go undercover to dig up dirt.

Final Criminalizing Dissent Photo: An intelligence source relayed word to the military that the Raging Grannies, a satirical singing group whose protest songs are designed to raise awareness of social justice

and environmental issues, intended to hold a protest in the autumn of 1997.; Colour Photo: Julie Oliver, The Ottawa Citizen / Faced with mass demonstrations such as the one at the Summit of the Americas in Quebec City in April, the RCMP decided to establish a new unit, the Public Order Program, to find other non-lethal ways of controlling protests.
The Ottawa Citizen Spying on the protest movement: Private e-mails find way into military hands; 'I think they enjoy the cloak and dagger stuff'
The Ottawa Citizen Sun 19 Aug 2001 News A1 / Front Crime; Series David Pugliese and Jim Bronskill

VICTORIA -- Government agents spied on Vancouver Island peace activists, learning of their intention to build a giant puppet of Liberal cabinet minister David Anderson and to write a series of newspaper letters critical of federal policies.

Heavily edited government records show plans by the Nanoose Conversion Campaign and the satirical Raging Grannies to hold a peaceful demonstration in October 1997 were intercepted by an unidentified intelligence source and forwarded to the Canadian military.

The demonstrators hoped to raise concerns about visits of U.S. nuclear-powered warships to the Nanoose torpedo test range as well as war games being conducted off Vancouver Island. The military was tipped off to their protest, including a suggestion to fashion an effigy of Mr. Anderson, the senior federal minister for B.C., waving an American flag, according to documents obtained by the Citizen.

The records, and other military documents detailing the monitoring of a public service union and a group of Muslim students, raise questions about the extent of government spy operations against lawful organizations and individuals engaged in peaceful protest.

Ivan Bulic, involved with the Nanoose Conversion Campaign at the time, says the military appears to have obtained the minutes from one of the group's meetings. Those minutes were sent by e-mail to a very limited number of people.

Mr. Bulic says the minutes were either intercepted in cyberspace or by someone listening in to telephone conversations. It is also possible a government informant had infiltrated the organization.

Either way, federal spies were wasting their time and taxpayers' money, he says. "What we were doing, such as sending letters to newspapers and holding an information picket outside the base gate, are completely legal and bona fide activities," said Mr. Bulic. "Their reaction reflects a 1950's Cold War mentality of where legitimate protests, contrary to the military's view, are deemed a threat. We've been classified as enemies."

The Nanoose Conversion Campaign advocates peaceful protest as a means of trying to end visits of nuclear-armed and nuclear-powered ships to Canadian waters. It often uses the courts to challenge the federal government. Several years ago, the organization unsuccessfully launched a legal action to prevent U.S. Navy warships from dumping pollutants into Canadian waters. It is currently in court, contesting the federal government's expropriation of the Nanoose torpedo test range from the

province of B.C.

Lt.-Cmdr. Paul Seguna, a Canadian Forces spokesman, said the military's National Counter-Intelligence Unit received the information about the protest plans from a source, but he declined to identify that individual or agency. "In this case we were not the lead agency," said Lt.-Cmdr. Seguna. "This information is obtained on a shared basis with other federal agencies and police forces."

The National Counter-Intelligence Unit's job is to monitor and counteract foreign espionage, terrorism, sabotage, criminal activity and threats to military personnel or installations. According to a statement from the Canadian Forces, "in the absence of a security threat (the unit) does not collect information on individuals, legal assemblies or organizations."

However, there is evidence military spies are interested not only in citizens who demonstrate against defence policies, but anyone who might cast the Forces in a bad light.

In May 1998 the counter-intelligence unit turned its attention to the Public Service Alliance of Canada, which was planning a protest against job cuts at the Defence Department. The unit gave advance warning to senior Defence officials of the union's intention to demonstrate during a visit by Defence Minister Art Eggleton at a Montreal base. Although the unit acknowledged to military commanders that such demonstrations were usually peaceful, it recommended monitoring the situation and working with the RCMP's criminal intelligence branch in reporting any new developments.

With no direct threat involved, why would a military spy organization be worried about public servants gathering to protest job cuts? The counter-intelligence report on the event, obtained by the Citizen, provides the answer: "There is potential for public embarrassment to the (Defence minister) given that the media has been informed" about the demonstration, it warned.

The unit's monitoring has also extended into the realm of religious organizations. A January 1998 threat assessment noted a group of Muslim students from the University of New Brunswick had purchased an old building in Moncton. The threat posed by the students, however, was "assessed as negligible." They had turned the building into a mosque.

Intelligence analysts say the military's preoccupation with monitoring potential protesters stems from the Defence Department's desire to be warned about anything that might be politically or publicly embarrassing.

"It's partly because they don't have the Cold War anymore so they don't have much else to do, but also it reflects the Defence Department's new priorities," said John Thompson, who studies terrorism trends for the Mackenzie Institute, a Toronto-based think tank. "If the Raging Grannies are going to show up, DND wants to know about it first."

Such efforts are misplaced, however, suggests Mr. Thompson. "These types of people aren't the ones who are going to be bringing Molotov cocktails

and bats to a protest march."

Raging Granny Freda Knott finds it amusing that government spies feel they have to keep tabs on her group, a small collection of senior citizens who sing songs to highlight social injustices.

"If they think they'll find that we're out to destroy our country then they're very wrong," said the 65-year-old Victoria resident. "We want to make the world a better place for our grandchildren, for all grandchildren. I don't see too much wrong with that."

Mr. Bulic says the Nanoose Conversion Campaign had an inkling it was being spied on after the group's name was included in a threat assessment tabled in 1998 at the inquiry into RCMP actions at the Vancouver APEC summit. The assessment, sent to various military units, listed the conversion campaign, the Anglican Church of Canada, Amnesty International, the Council of Canadians and others alongside terrorist groups as organizations that might protest or cause disruptions at the 1997 summit.

Lt.-Cmdr. Seguna says just because a group is included in a threat assessment does not mean it is considered a danger to the Canadian Forces. Military intelligence officials simply compile information that might affect security at an event. "How do you decide who not to look at?" asks Lt.-Cmdr. Seguna. "There may be a group that generally is not threatening. But in some of these there may be sub-groups that, for one reason or another" may participate in violence, he adds.

Documents show intelligence agencies have taken an interest in the Nanoose Conversion Campaign and other peace groups for many years. According to a March 1995 threat assessment by the Defence Department such groups have been listed because they protested at military bases or held peace walks.

A September 1997 message from National Defence Headquarters, marked secret, ordered counter-intelligence officers in each major Canadian city to report on any organizations involved in anti-nuclear activities, or which planned or "advocated" a demonstration.

It's that type of mentality that worries Mr. Bulic. He can understand the need to monitor actual terrorist groups but questions why authorities are so preoccupied with those who exercise their democratic right to disagree with government policies.

After the threat assessment listing the Nanoose Conversion Campaign was made public at the APEC inquiry, Mr. Bulic wrote Mr. Eggleton asking for an explanation of the military monitoring of a law-abiding organization.

The minister did not reply. But a short time later, Mr. Bulic received a phone call from military intelligence officials in Ottawa. The captain on the line wasn't about to apologize for what happened. Instead, he demanded to know how the conversion campaign had been able to obtain such a secret assessment.

"I think they enjoy the cloak-and-dagger stuff," says Mr. Bulic. "It seems to be the only way they know how to operate."

- - - Cracking Down on Protesters Today is the second installment in the Citizen series on "the criminalization of dissent." In the days ahead: - Authorities added another line to Green Party leader Joan Russow's resume: threat to national security. - Organize a protest today and you can expect a Mountie to knock on your door. - The APEC affair showed the RCMP is willing to go undercover to dig up dirt.

Final Criminalizing Dissent Photo: Patrick Doyle, Ottawa Citizen / In May 1998, Defence Minister Art Eggleton was given advance warning by the National Counter-Intelligence Unit of a PSAC protest against job cuts. VICTORIA The Ottawa Citizen Secret files chill foes of government: State dossiers list peaceful critics as security threats The Ottawa Citizen Mon 20 Aug 2001 News A1 / Front Crime; Special Report Jim Bronskill and David Pugliese

The credentials on Joan Russow's resume are rather impressive. An accomplished academic and environmentalist, she served as national leader of the Green Party of Canada. The Victoria woman had also earned a reputation as a gadfly who routinely shamed the government over its unfulfilled commitments.

But Ms. Russow, 62, was dumbfounded when authorities tagged her with a most unflattering designation: threat to national security.

Her name and photo turned up on a threat assessment list prepared by police and intelligence officials for the 1997 gathering of APEC leaders at the University of British Columbia.

"All these questions start to come up, why would I be placed on the list?" she asks. Mr. Russow is hardly alone. Her name was among more than 1,000 -- including those of many peaceful activists -- entered in security files for the Asia-Pacific summit.

The practice raises serious concerns about the extent to which authorities are monitoring opponents of government policies, as well as the tactics that might be employed at future summits, including the meeting of G-8 leaders next year in Alberta.

Ms. Russow had been a vocal critic of the federal position on numerous issues, expressing concerns about uranium mining, the proposed Multilateral Agreement on Investment and genetically engineered foods.

Just weeks before the Vancouver summit, she gave a presentation arguing that initiatives to be discussed at APEC would undermine international conventions on the environment.

However, Ms. Russow went to the summit not as an activist, but as a reporter for the Oak Bay News, a Victoria-area community paper. Security staff questioned whether the small newspaper was bona fide and pulled her press pass.

But the secret files on Ms. Russow suggest there may be more to the story. She wouldn't have even known the threat list existed if not for the tabling of thousands of pages of classified material at the public inquiry into RCMP actions at APEC, which focused on the arrest and

pepper spraying of students on the UBC campus.

The threat assessment of Ms. Russow, prepared prior to the summit, describes her as a "Media Person" and "UBC protest sympathizer." A second document drafted by threat assessment officials during the summit characterizes Ms. Russow and another media member as "overly sympathetic" to APEC protesters. "Both subjects have had their accreditation seized."

Ms. Russow later complained, without success, about the revocation of her pass. Officials with the Commission for Public Complaints Against the RCMP concluded the RCMP did nothing wrong. But despite exhaustive inquiries, a frustrated Ms. Russow has yet to find out how and why she was even placed on a threat list.

The APEC summit Threat Assessment Group, known as TAG, included members of the RCMP, the Canadian Security Intelligence Service, the Vancouver police, the Canadian Forces, Canada Customs and the Immigration Department.

The TAG files were compiled on a specially configured Microsoft Access database that "proved very successful in capturing and analyzing intelligence," says a police report on the operation, made public at the APEC inquiry.

Much of the information came from "existing CSIS and RCMP networks" as well as Vancouver police members. Other data were funneled to TAG by RCMP working the UBC campus, including undercover officers and units assigned to crowds.

By the end of the summit, the TAG database had swelled to almost 1,200 people and groups, including many activists and protesters. Ms. Russow's photo appeared in a report alongside the pictures and dates of birth of several other people. One is described as a "lesbian activist/anarchist" considered "very masculine."

Several are simply labeled "Activist" -- making Ms. Russow wonder how they wound up in secret police files. "Why are citizens who engage in genuine dissent being placed on a threat assessment list?"

The practice of collecting and cataloguing photographs of demonstrators is worrisome, says Canadian historian Steve Hewitt, author of Spying 101: The Mounties' Secret Activities at Canadian Universities, 1917-1997, to be published next year.

"There's tremendous potential for abuse. One would suspect that they're compiling a database. And clearly, there's probably sharing going on between countries," said Mr. Hewitt, currently a visiting scholar at Purdue University in Indiana.

"Your picture is taken and it's held in a computer, and when it might come up again, who knows?" The RCMP, CSIS and other Canadian agencies have long shared information with U.S. officials, a cross-border relationship that has grown closer to deal with smugglers, terrorists and, most recently, protesters who come under suspicion.

Canada Customs and Revenue Agency staff have access to a number of automated databases and intelligence reports that help screen people trying to enter the country.

Several protesters who were headed to the Summit of the Americas in Quebec City last April were either denied entry to Canada or subjected to lengthy delays, luggage searches and extensive questioning -- and the rationale was not always clear.

At a recent Commons committee meeting, New Democrat MP Bill Blaikie confronted RCMP Commissioner Giuliano Zaccardelli and Ward Elcock, the director of CSIS, about scrutiny of activists.
An incredulous Mr. Blaikie recounted the case of a U.S. scientist who was questioned by Customs officials for about an hour last spring upon coming to Canada to speak at a conference about his opposition to genetically modified food.

"Are people being trailed, watched, interviewed and harassed at borders because of their political views?" Mr. Blaikie asked, noting the "chilling effect" of such attention.

The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals considered a threat to the established order, devoting its energies through much of the 20th century to the hunt for Communist agents and sympathizers.

The vast list of targets left few stones unturned, providing the Mounties with intelligence on subjects as wide-ranging and diverse as labour unions, Quebec separatists, the satirical jesters of the Rhinoceros Party, American civil rights activist Martin Luther King, the Canadian Council of Churches, high school students, women's groups, homosexuals, the black community in Nova Scotia, white supremacists and foreign-aid organizations.

CSIS inherited about 750,000 files from the RCMP upon taking over many intelligence duties from the Mounties in 1984. As the end of the Cold War loomed in the late 1980s, the intelligence service wound down its counter-subversion branch, turning its focus to terrorism.

However, the emergence of a violent presence at anti-globalization protests has spurred CSIS to once again scrutinize mass protest movements, working closely with the RCMP and other police.

One of the threat assessment documents on Ms. Russow lists not only her date of birth, but hair and eye colour and weight -- or rather what she weighed in the 1960s, perhaps a clue as to how long officials have kept a file on her.

In 1963, a young Ms. Russow taught English to a Czechoslovakian military attache in Ottawa. She was asked by RCMP to report to them about activities at the Czech embassy, but refused. She surmises that may have prompted the Mounties to open a file on her -- a dossier that could have formed the basis of the APEC threat citation more than 30 years later.

Ms. Russow is disturbed that she learned of the official interest in her activities only by chance. And she worries about the untold

ramifications such secret files might have.

"How many people have had their names put on the list and never know?"

Final Special Report: Criminalization of Dissent Photo: The public inquiry into the RCMP's actions at APEC revealed a secret threat list that labeled Joan Russow, leader of the Green Party, as 'overly sympathetic' to protesters.; Photo: The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals, including U.S. civil rights activist Martin Luther King.
How police deter dissent: Government critics decry intimidation The Ottawa Citizen Tue 21 Aug 2001 News A1 / Front News David Pugliese and Jim Bronskill

It usually begins with a public comment criticizing government policy or the posting of a notice calling for a demonstration against a particular cause.

Then comes the phone call or knock on the door by RCMP officers or Canadian Security Intelligence Service agents. The appearance and tone of the callers are professional. But their questions, directed at people involved in organizing legitimate, peaceful protests, are seen as anything but benign. Those who have endured the process view such incidents as blatant attempts to quash free speech.

The tactic of police or spies arriving unannounced on the doorsteps of demonstration organizers or people just contemplating a public rally represents a hardening of the security establishment's dealings with those who openly voice their opinions.

The people receiving the CSIS and RCMP phone calls or visits are not extremists. They're ordinary Canadians -- union members, students, professors and social activists -- who disagree with government policy and want to exercise their rights to free speech and assembly.

"The whole thing is so insulting and to a certain degree very intimidating," says Allison North, a Newfoundland student organizer interviewed by police after she criticized Prime Minister Jean Chretien's record on education.

Ms. North had told a newspaper last May that Mr. Chrétien didn't deserve an honorary degree from Memorial University because of his government's cuts to education funding. Shortly after, an RCMP officer questioned her on whether she planned to do anything to threaten Mr. Chrétien or embarrass him when he picked up his degree.

At that point, according to Ms. North, her organization, the Canadian Federation of Students, didn't even have plans to hold a demonstration.

"To get a phone call suggesting I am a threat to the prime minister is absurd," says Ms. North, who has no criminal record.

When Mr. Chrétien arrived to receive his degree, Ms. North and 19 other students demonstrated peacefully in the rain outside the convocation hall. As he appeared, they turned their backs on him in mute protest. The students were heavily outnumbered by police and security forces.

The RCMP sees nothing wrong with contacting potential demonstrators in advance and letting them know the force is aware of their intentions. Const. Guy Amyot, an RCMP spokesman, says it is standard policy to visit organizers of protests that may become violent or might give police some cause for concern. "We're meeting people who intend to demonstrate just to make sure it's done legally," he explained. "That's all."

Such meetings are voluntary, Const. Amyot said, and protest organizers can refuse to talk to officers if they want. "If they feel intimidated they just have to tell us they don't want to meet us," he said. "They are not forced to do so."

He acknowledged most of the visits or phone calls have been associated with politically-oriented demonstrations, but added the RCMP respect the right of Canadians to hold legal protests.

Such assurances don't ease the minds of those who have been questioned. It was a rally to protest government inaction on pay equity that prompted a call to a federal union from Canada's spy agency in October 1998.

When the Public Service Alliance of Canada planned a demonstration in Winnipeg outside a conference centre where Mr. Chrétien was scheduled to speak, a Canadian Security Intelligence Service officer phoned union official Bert Beal to question him about the gathering. CSIS wanted to know whether the rally was going to be violent, as well as the number of people attending.

"We're employees of the government legitimately protesting against government decisions that affect our members," says Mr. Beal.

"That is our legal right." PSAC held a peaceful rally, attended by about 150 people and closely monitored by police. Mr. Beal, involved in the labour movement for 30 years, says this was the first time a rally with which he had been involved elicited a call from the national spy service.

CSIS spokeswoman Chantal Lapalme declined to discuss specific instances when the agency has approached people. But she said CSIS does not investigate lawful advocacy or dissent.

"If we have information that there will be politically motivated, serious violence we might investigate and then we'd report the information we obtained to government and law enforcement."

The period leading up to April's Summit of the Americas in Quebec City saw a flurry of such visits. CSIS officials questioned young people in Montreal and Quebec City who had taken part in an October demonstration.

The agents wanted to know about the chance of violence at the April gathering. Around the same time the RCMP in Quebec visited Development and Peace, a social advocacy organization linked to the Catholic Church, and other anti-poverty groups to question people about their summit plans.

Also targeted before the Quebec City meeting was University of Lethbridge professor Tony Hall, an expert in aboriginal affairs and a vocal critic of the Mounties.

An officer with the RCMP's National Security Investigations Section questioned Mr. Hall about his writings critical of free trade agreements and their effects on indigenous peoples.

The officer also wanted details of Mr. Hall's involvement in an alternative summit being organized for aboriginal peoples in Quebec City, as well as names of others involved.

Mr. Hall's case was raised in the Commons by NDP leader Alexa McDonough, who accused the federal government of trampling on the democratic rights of Canadians.

Mr. Chrétien responded that police were just doing their job -- an explanation that failed to satisfy the Canadian Association of University Teachers.

David Robinson, the group's associate executive director, is worried such police tactics threaten academic freedom and open debate on campuses.

Association officials are planning to meet RCMP leaders over what the university group views as a clear violation of the professor's civil liberties.

Final Photo: The Telegram / The RCMP visited student organizer Allison North after she criticized Prime Minister Jean Chretien's record on education funding before he was accepted a honorary degree from Memorial University. The Ottawa Citizen Mounties in masks: A spy story: Undercover tactics go too far, critics say The Ottawa Citizen Wed 22 Aug 2001 News A1 / Front Crime; Series; Special Report Jim Bronskill and David Pugliese

The happy-go-lucky band of protesters wore masks and colourful costumes as they paraded about the University of British Columbia campus on a memorable autumn night in 1997.

After all, it was Halloween. And dressing up lent a festive air to the anti-APEC march just weeks before leaders of Asia-Pacific countries would assemble on the university campus.

But one member of the group had another reason to wear a disguise: he was an RCMP officer. Const. Mitch Rasche, his face hidden by a Star Trek alien mask, accompanied about 30 protesters as they toured the grounds, stopping to place hexes on corporate-sponsored summit sites and even casting a spell on a Coca-Cola machine.

Such spy tactics worry demonstrators and experts on the RCMP, who argue civil rights are being trampled when Canada's national police use undercover techniques to compile information on the anti-globalization movement.

The roving clutch of Halloween demonstrators included several members of

APEC Alert, a group concerned about the effects of the Asia-Pacific alliance's policies on human rights and the environment.

APEC Alert embraced non-violent protest but sometimes advocated civil disobedience. At the new campus atrium, where world leaders would soon gather, the marchers used washable markers to write "Boo to APEC" and "APEC is scary" on the windows.

Standing six-foot-four and weighing a hefty 240 pounds, Const. Rasche, a 17-year RCMP veteran, had trouble blending into the crowd of mostly young, underfed students.

"That's what made him stick out," recalls Jonathan Oppenheim, a physics student who took part in the march. "He was just kind of standing there slightly off to the side, and not really talking to anyone."

Suspicions were further aroused when Const. Rasche's cellphone rang. "I think we have a spy amongst us," said one of the protesters.

Months later, as an inquiry into RCMP actions at the APEC meetings unfolded, the amazed activists would read Const. Rasche's police report on the march and hear his testimony about the escapade, confirming their suspicions.

Indeed, the Halloween episode was part of a much broader surveillance effort. Police documents and inquiry hearings would reveal the RCMP infiltrated anti-APEC groups to gather intelligence about the November 1997 summit, and planned to arrest and charge high-profile members of APEC Alert to remove them before the international event.

The trick-or-treat surveillance of APEC Alert was one of the more striking -- albeit comical -- intelligence-gathering tactics employed by the Mounties in connection with the summit. The RCMP, sometimes in conjunction with Vancouver police, also sat in on protest meetings, interviewed activists about their intentions, photographed participants at events and assigned undercover officers to blend in with protesters, learn their plans and report the findings to central command posts.

Many Canadians are under the mistaken impression the Mounties hung up their spy gear in 1984 when the Canadian Security Intelligence Service assumed most of the duties of the RCMP Security Service, disbanded in the wake of widespread criticism for infringing on civil liberties.

However, the RCMP's National Security Investigations Section (NSIS) probes ideologically motivated criminal activity related to national security such as white supremacy, aboriginal militancy and animal rights extremism.

NSIS, which conducts investigations under the Security Offences Act, is intended to complement CSIS, whose agents also examine and assess security threats, but have no authority to conduct criminal probes or make arrests. NSIS also carries out threat assessments -- analyses of the potential for violence at public events -- in support of the force's protective policing program.

But during the APEC summit, it appears NSIS strayed beyond the confines

of preserving national security. An operational plan tabled at the APEC inquiry says the duties of NSIS's B.C. branch included conducting follow-up investigations on information that indicated a potential threat of not just harm, but "embarrassment" to visiting leaders.

Other documents filed with the inquiry show police closely monitored the plans, meetings and events of protesters in the weeks leading up to the summit.

One typical entry noted a rally to be held in Vancouver the evening of Nov. 4, 1997. "NSIS members plan to provide surveillance coverage at this event to gauge the level of support for the anti-APEC cause at this late stage, and to identify some of the key people attending," wrote an NSIS constable. "Attempts will be made to photograph participants."

The RCMP has adopted the dubious tactic of gathering intelligence on non-violent public interest groups that have nothing to hide, says Wesley Pue, a UBC law professor and editor of the book, Pepper in Our Eyes: The APEC Affair.

"It seems to me the police are routinely crossing the line and forgetting the distinction between legitimate democratic dissent and criminal activity."

Police surveillance of individuals in an academic milieu is particularly troubling because campuses are intended to be places where unpopular ideas are debated, says historian Steve Hewitt, author of the forthcoming book, Spying 101: The Mounties' Secret Activities at Canadian Universities, 1917-1997.

The involvement of NSIS in such activities raises special concerns in that the RCMP spies are subject to less oversight and scrutiny than CSIS agents, he adds.

The Security Intelligence Review Committee, which reports to Parliament, examines CSIS operations to determine whether the spy service has adhered to the law. CSIS also submits a detailed annual report to the solicitor general, and prepares a public version for presentation in Parliament.

There are no such checks on the NSIS. A classified police report tabled at the APEC inquiry describes the behind-the-scenes tactics police employed during the summit and provides a rare look at the inner workings of a Canadian intelligence operation.

"State-of-the art covert/overt intelligence gathering methods were used which provide very accurate intel on anti-APEC gatherings, protesters both pre and during APEC," says the debriefing report.

Police, with help from CSIS, compiled a computerized database on hundreds of people and groups. Officials worked around the clock to produce threat assessments and each morning a secret bulletin was distributed by hand to co-ordinators, site commanders and a special team assigned to infiltrate crowds.

The infiltration team was designed as "an intelligence gathering unit

and as such provided timely, accurate and pertinent information about the crowds protesting various aspects of APEC," the report reveals.

"Members were able to assess the crowds, identify the ring leaders and determine the goals of the crowd." On one occasion, unit members passed on intelligence about the intentions of 75 demonstrators who blocked the road leading out of the UBC campus.

The crowd infiltration team was sufficiently large that members could be rotated from one area of the campus to another, "in an effort to avoid familiarity" and reduce the chance of their cover being blown.

Scrutiny of the anti-globalization movement by the intelligence community has almost certainly intensified following violent acts, committed by a relatively small number of protesters, at international meetings during the last four years.

However, Wesley Wark, a University of Toronto history professor, suspects Canada's intelligence agencies are placing too much emphasis on broad-brush investigation of the movement and not enough on determining which groups and individuals pose actual threats.

Unless the balance shifts, adds Mr. Wark, security services are never "going to have the capacity to distinguish genuine threats from peaceful dissent."

This is the fifth and final instalment in the Citizen series on "the criminalization of dissent."

Final Criminalization of Dissent Special Report: Criminalization of Dissent Photo: Protester Jonathan Oppenheim, a physics student, said massive RCMP Constable Mitch Rasche stood out in the crowd of anti-APEC marchers, even under a Star Trek mask. The Ottawa Citizen That's all, that's it.
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But civil rights supporters contend such statements miss the point. Merely signaling interest in attending a demonstration or openly disagreeing with government policies -- as in Mr. Hall's case and others -- shouldn't be grounds for police to question an individual. They say actions by police and CSIS over the last several years appear to have less to do with dealing with violent activists than targeting those who speak out against government policies.

For instance, in January, police threatened a group of young people with arrest after they handed out pamphlets denouncing the security fence erected for the Quebec City summit as an affront to civil liberties. Officers told the students any group of people numbering more than two would be jailed for unlawful assembly. A month later, plainclothes police in Quebec City arrested three youths for distributing the same pamphlet. Officers only apologized for the unwarranted arrests after media reported on the incident.

In the aftermath of the Quebec City demonstrations, some protesters were denied access to lawyers for more than two days. Others were detained or followed, even before protests began.

Police monitored the activities of U.S. rights activist George Lakey, who traveled to Ottawa before the summit to teach a seminar on conducting a peaceful demonstration. Mr. Lakey was questioned for four hours and his seminar notes confiscated and photocopied by Canada Customs officers. Later, a Canadian labour official who offered Mr. Lakey accommodation at her home in Ottawa was stopped by police on the street and questioned for 30 minutes.

Const. Amyot insists the RCMP recognize the right of people to demonstrate peacefully. "We have always said that, and we do respect that."

However, the events leading up to Vancouver's 1997 Asia-Pacific Economic Co-operation summit set the stage for what some believe is now an unprecedented use of surveillance by the Mounties and other agencies against lawful groups advocating dissent. Before and during the APEC meetings, security officials compiled extensive lists that included many legitimate organizations whose primary threat to government appeared to be a potential willingness to exercise their democratic rights to demonstrate.

Threat assessments included a multitude of well-known groups such as the National Council of Catholic Women, Catholic Charities U.S.A., Greenpeace, Amnesty International, the Canadian Council of Churches, the Council of Canadians and the International Centre for Human Rights and Democratic Development.

Intelligence agencies also infiltrated legitimate political gatherings. A secret report produced by the Defence Department, obtained through the Access to Information Act, details the extent of some of the spy missions. It describes a gathering of 250 people on Sept. 12, 1997, at the Maritime Labour Centre in Vancouver to hear speeches by former NDP leader Ed Broadbent and New Democrat MP Svend Robinson. "Broadbent is extremely moderate and cannot be classified as anti-APEC," notes the analysis, prepared by either CSIS or a police agency. "The demographics of the crowd was on average 45-plus, evenly divided between men and women. They were 95 per cent Caucasian and appeared to be working class, east end, NDP supporters."

Additional reports detailed a forum by the Canadian Committee for the Protection for Journalists and meetings planned by other peaceful organizations.

Law enforcement's notion of what constitutes a threat to government is disturbing to some legal experts. Law professor Wesley Pue notes that anyone's politics can be deemed illegitimate to those in power at some point in time. He sees irony in the recent mass protests against federal stands on trade and the environment. "The so-called anti-globalization movement articulates many views that were official Liberal party policy up until the government got elected," says Mr. Pue.

Police tactics used four years ago at APEC have since become commonplace at almost all demonstrations. Criminal lawyer Clayton Ruby has noted how police have found a way to limit peaceful protests. Demonstrators don't get charged for speaking publicly. Instead they are arrested for obstructing police if they don't move out of the way. In most cases,

charges aren't laid or they are later dropped because of a lack of evidence. In the meantime, police usually insist bail conditions stipulate demonstrators stay away from a protest.

"We've made it so easy for governments to criminalize behaviour and speech they don't like," Mr. Ruby said around the time of the Quebec City summit. "They disguise the fact that they're punishing free speech."

Another disconcerting trend, according to civil liberties specialists, is the police practice of photographing demonstrators, even at peaceful rallies. Earlier this year, a whole balcony of cameras collected images of the non-violent but lively crowd outside the Foreign Affairs Department in Ottawa.

"There is now the idea that you can't be an anonymous participant at a public gathering," says Joel Duff, a protest organizer and former president of the University of Ottawa's graduate students association. "If you're not ready to have a police file, then you can't participate -- which in my view is a curtailment of your democratic rights."

The RCMP's Const. Amyot acknowledges police take photos of demonstrators, even if a protest is peaceful. The pictures can be used in court if the event turns violent, he notes.

But photos from peaceful demonstrations are destroyed, according to Const. Amyot. "We're not investigating these people," he says. "These are just being taken to ensure if something happens we'll know what happened so we'll have evidence for safety purposes."

But such tactics can have chilling effect on lawful dissent. After it was revealed at the APEC inquiry that intelligence agencies spied on the Nanoose Conversion Campaign because of its stand against nuclear weapons, some of the B.C. organization's members started having second thoughts about their involvement, even though the group conducted only peaceful rallies.

"There was a concern (among some) about whether the government could make their life difficult," says Nanoose Conversion Campaign organizer Ivan Bulic.

It is not only in Canada that official reaction to vocal public opposition is being questioned. The Italian government's inquiry into the handling of the demonstrations at the recent Genoa summit of G8 leaders conceded that police used excessive force and made serious errors in dealing with protesters.

One incident being probed by Genoa prosecutors is an early morning raid on a school used by demonstrators as their co-ordination centre. People were beaten with clubs as they slept and the school was trashed by officers. Sixty-two demonstrators were injured, and government officials have recommended firing the senior police officers involved.

Police in the U.S. are also using tactics similar to their Canadian counterparts, such as pre-emptive arrests, surveillance and the infiltration of groups.

Hundreds of activists were jailed last year in advance of protests against the Republican Party in Philadelphia and Washington. Most of the cases were later dismissed by the courts since police could offer no valid reasons for the arrests.

Last year, undercover officers posing as construction workers infiltrated a warehouse in Philadelphia where demonstration organizers were making puppets as part of their protests against the Republican Party. Seventy puppet-makers were charged with various offences, but again, the courts dismissed the counts. At the same time, police were monitoring the Internet activities of the puppet group.

The mass arrest of protesters, even if they aren't engaged in violence, has also become common. Last April, Washington police rounded up 600 demonstrators marching against poor conditions in U.S. prisons. In their sweeping arrests, officers also scooped up tourists watching the rally from the sidelines.

Such actions, however, haven't gone unchallenged. Several lawsuits against police forces have been filed by the American Civil Liberties Union and the National Lawyers Guild.

In Canada, aside from comments by civil rights experts and opposition politicians, there has been little outrage among the public or lawmakers.

In part this can be traced to media coverage that emphasizes the actions of a small number of violent protesters while neglecting largely peaceful events, says Allison North, a Canadian Federation of Students official and rally organizer. All protesters are branded as troublemakers, she says.

Mr. Duff, the student organizer, notes the scope of the damage at the Quebec City summit was never put into perspective by the media and the public was left with the notion protesters caused widespread destruction. "The stuff that happened in Quebec City was nothing in comparison to a regular St-Jean-Baptiste Day in Quebec. There they have bonfires in the street whenever they can, and far more property gets destroyed."

He questions whether the public can be complacent about police and government activities in dealing with dissent. Surveillance may now be aimed at people protesting globalization, but such methods can, and will, be used to manage other protests, whether it be against education cuts or reductions in health care budgets, he predicts.

Some are concerned that has already happened. In April the RCMP issued a public apology to the townspeople of Saint-Sauveur, N.B., admitting the force overreacted when it sent a riot squad to handle a group of parents and children protesting the closure of a school in May 1997. Several people were attacked and bitten by police dogs, while others were injured after being hit by tear gas canisters or roughed up by officers. Dozens were arrested in Saint-Sauveur and the nearby town of Saint-Simon, but none was informed of their legal rights. All charges were later dropped.

The APEC report condemned the fact several women protesters were forced to remove their clothes after being arrested. But it wasn't an isolated event. Earlier this year eight female students at Trent University in Peterborough were arrested, stripped and searched by police. Their alleged crime was to protest the closing of the university's downtown college.

Such extreme reactions tend to galvanize people, says Mr. Duff. Those who peacefully demonstrate, only to be tear-gassed or arrested, tend to emerge as more committed protesters, he says.

Const. Amyot says the RCMP's new Public Order Program will ensure the safety of delegates, demonstrators and police at future summits.

Mr. Pue believes the security for major gatherings should be decided through public debate and parliamentary scrutiny, instead of letting police to make up rules as they go along.

For instance, there are no Canadian laws to allow for the installation of a perimeter fence limiting the movement of protesters at international meetings, Mr. Pue notes. Yet a large fence was built for Quebec City and such barriers will likely be fixtures at coming events. "That's not the kind of discretion that should be left to police officers in secret."

- - - Cracking Down on Protesters Today the Citizen begins a major series on what some are calling "the criminalization of dissent." In the days ahead: - Activists on Vancouver Island were surprised to learn the police knew their tactics in advance. - Authorities added another line to Green Party leader Joan Russow's resume: threat to national security. - Organize a protest today and you can expect a Mountie to knock on your door. - The APEC affair showed the RCMP is willing to go undercover to dig up dirt.

Final Criminalizing Dissent Photo: An intelligence source relayed word to the military that the Raging Grannies, a satirical singing group whose protest songs are designed to raise awareness of social justice and environmental issues, intended to hold a protest in the autumn of 1997.; Colour Photo: Julie Oliver, The Ottawa Citizen / Faced with mass demonstrations such as the one at the Summit of the Americas in Quebec City in April, the RCMP decided to establish a new unit, the Public Order Program, to find other non-lethal ways of controlling protests.
The Ottawa Citizen Spying on the protest movement: Private e-mails find way into military hands; 'I think they enjoy the cloak and dagger stuff'
The Ottawa Citizen Sun 19 Aug 2001 News A1 / Front Crime; Series David Pugliese and Jim Bronskill

VICTORIA -- Government agents spied on Vancouver Island peace activists, learning of their intention to build a giant puppet of Liberal cabinet minister David Anderson and to write a series of newspaper letters critical of federal policies.

Heavily edited government records show plans by the Nanoose Conversion Campaign and the satirical Raging Grannies to hold a peaceful demonstration in October 1997 were intercepted by an unidentified

intelligence source and forwarded to the Canadian military.

The demonstrators hoped to raise concerns about visits of U.S. nuclear-powered warships to the Nanoose torpedo test range as well as war games being conducted off Vancouver Island. The military was tipped off to their protest, including a suggestion to fashion an effigy of Mr. Anderson, the senior federal minister for B.C., waving an American flag, according to documents obtained by the Citizen.

The records, and other military documents detailing the monitoring of a public service union and a group of Muslim students, raise questions about the extent of government spy operations against lawful organizations and individuals engaged in peaceful protest.

Ivan Bulic, involved with the Nanoose Conversion Campaign at the time, says the military appears to have obtained the minutes from one of the group's meetings. Those minutes were sent by e-mail to a very limited number of people.

Mr. Bulic says the minutes were either intercepted in cyberspace or by someone listening in to telephone conversations. It is also possible a government informant had infiltrated the organization.

Either way, federal spies were wasting their time and taxpayers' money, he says. "What we were doing, such as sending letters to newspapers and holding an information picket outside the base gate, are completely legal and bona fide activities," said Mr. Bulic. "Their reaction reflects a 1950's Cold War mentality of where legitimate protests, contrary to the military's view, are deemed a threat. We've been classified as enemies."

The Nanoose Conversion Campaign advocates peaceful protest as a means of trying to end visits of nuclear-armed and nuclear-powered ships to Canadian waters. It often uses the courts to challenge the federal government. Several years ago, the organization unsuccessfully launched a legal action to prevent U.S. Navy warships from dumping pollutants into Canadian waters. It is currently in court, contesting the federal government's expropriation of the Nanoose torpedo test range from the province of B.C.

Lt.-Cmdr. Paul Seguna, a Canadian Forces spokesman, said the military's National Counter-Intelligence Unit received the information about the protest plans from a source, but he declined to identify that individual or agency. "In this case we were not the lead agency," said Lt.-Cmdr. Seguna. "This information is obtained on a shared basis with other federal agencies and police forces."

The National Counter-Intelligence Unit's job is to monitor and counteract foreign espionage, terrorism, sabotage, criminal activity and threats to military personnel or installations. According to a statement from the Canadian Forces, "in the absence of a security threat (the unit) does not collect information on individuals, legal assemblies or organizations."

However, there is evidence military spies are interested not only in citizens who demonstrate against defence policies, but anyone who might

cast the Forces in a bad light.

In May 1998 the counter-intelligence unit turned its attention to the Public Service Alliance of Canada, which was planning a protest against job cuts at the Defence Department. The unit gave advance warning to senior Defence officials of the union's intention to demonstrate during a visit by Defence Minister Art Eggleton at a Montreal base. Although the unit acknowledged to military commanders that such demonstrations were usually peaceful, it recommended monitoring the situation and working with the RCMP's criminal intelligence branch in reporting any new developments.

With no direct threat involved, why would a military spy organization be worried about public servants gathering to protest job cuts? The counter-intelligence report on the event, obtained by the Citizen, provides the answer: "There is potential for public embarrassment to the (Defence minister) given that the media has been informed" about the demonstration, it warned.

The unit's monitoring has also extended into the realm of religious organizations. A January 1998 threat assessment noted a group of Muslim students from the University of New Brunswick had purchased an old building in Moncton. The threat posed by the students, however, was "assessed as negligible." They had turned the building into a mosque.

Intelligence analysts say the military's pre-occupation with monitoring potential protesters stems from the Defence Department's desire to be warned about anything that might be politically or publicly embarrassing.

"It's partly because they don't have the Cold War anymore so they don't have much else to do, but also it reflects the Defence Department's new priorities," said John Thompson, who studies terrorism trends for the Mackenzie Institute, a Toronto-based think tank. "If the Raging Grannies are going to show up, DND wants to know about it first."

Such efforts are misplaced, however, suggests Mr. Thompson. "These types of people aren't the ones who are going to be bringing Molotov cocktails and bats to a protest march."

Raging Granny Freda Knott finds it amusing that government spies feel they have to keep tabs on her group, a small collection of senior citizens who sing songs to highlight social injustices.

"If they think they'll find that we're out to destroy our country then they're very wrong," said the 65-year-old Victoria resident. "We want to make the world a better place for our grandchildren, for all grandchildren. I don't see too much wrong with that."

Mr. Bulic says the Nanoose Conversion Campaign had an inkling it was being spied on after the group's name was included in a threat assessment tabled in 1998 at the inquiry into RCMP actions at the Vancouver APEC summit. The assessment, sent to various military units, listed the conversion campaign, the Anglican Church of Canada, Amnesty International, the Council of Canadians and others alongside terrorist groups as organizations that might protest or cause disruptions at the

1997 summit.

Lt.-Cmdr. Seguna says just because a group is included in a threat assessment does not mean it is considered a danger to the Canadian Forces. Military intelligence officials simply compile information that might affect security at an event. "How do you decide who not to look at?" asks Lt.-Cmdr. Seguna. "There may be a group that generally is not threatening. But in some of these there may be sub-groups that, for one reason or another" may participate in violence, he adds.

Documents show intelligence agencies have taken an interest in the Nanoose Conversion Campaign and other peace groups for many years. According to a March 1995 threat assessment by the Defence Department such groups have been listed because they protested at military bases or held peace walks.

A September 1997 message from National Defence Headquarters, marked secret, ordered counter-intelligence officers in each major Canadian city to report on any organizations involved in anti-nuclear activities, or which planned or "advocated" a demonstration.

It's that type of mentality that worries Mr. Bulic. He can understand the need to monitor actual terrorist groups but questions why authorities are so preoccupied with those who exercise their democratic right to disagree with government policies.

After the threat assessment listing the Nanoose Conversion Campaign was made public at the APEC inquiry, Mr. Bulic wrote Mr. Eggleton asking for an explanation of the military monitoring of a law-abiding organization.

The minister did not reply. But a short time later, Mr. Bulic received a phone call from military intelligence officials in Ottawa. The captain on the line wasn't about to apologize for what happened. Instead, he demanded to know how the conversion campaign had been able to obtain such a secret assessment.

"I think they enjoy the cloak-and-dagger stuff," says Mr. Bulic. "It seems to be the only way they know how to operate."

- - - Cracking Down on Protesters Today is the second installment in the Citizen series on "the criminalization of dissent." In the days ahead: - Authorities added another line to Green Party leader Joan Russow's resume: threat to national security. - Organize a protest today and you can expect a Mountie to knock on your door. - The APEC affair showed the RCMP is willing to go undercover to dig up dirt.

Final Criminalizing Dissent Photo: Patrick Doyle, Ottawa Citizen / In May 1998, Defence Minister Art Eggleton was given advance warning by the National Counter-Intelligence Unit of a PSAC protest against job cuts. VICTORIA The Ottawa Citizen Secret files chill foes of government: State dossiers list peaceful critics as security threats The Ottawa Citizen Mon 20 Aug 2001 News A1 / Front Crime; Special Report Jim Bronskill and David Pugliese

The credentials on Joan Russow's resume are rather impressive. An accomplished academic and environmentalist, she served as national

leader of the Green Party of Canada. The Victoria woman had also earned a reputation as a gadfly who routinely shamed the government over its unfulfilled commitments.

But Ms. Russow, 62, was dumbfounded when authorities tagged her with a most unflattering designation: threat to national security.

Her name and photo turned up on a threat assessment list prepared by police and intelligence officials for the 1997 gathering of APEC leaders at the University of British Columbia.

"All these questions start to come up, why would I be placed on the list?" she asks. Mr. Russow is hardly alone. Her name was among more than 1,000 -- including those of many peaceful activists -- entered in security files for the Asia-Pacific summit.

The practice raises serious concerns about the extent to which authorities are monitoring opponents of government policies, as well as the tactics that might be employed at future summits, including the meeting of G-8 leaders next year in Alberta.

Ms. Russow had been a vocal critic of the federal position on numerous issues, expressing concerns about uranium mining, the proposed Multilateral Agreement on Investment and genetically engineered foods.

Just weeks before the Vancouver summit, she gave a presentation arguing that initiatives to be discussed at APEC would undermine international conventions on the environment.

However, Ms. Russow went to the summit not as an activist, but as a reporter for the Oak Bay News, a Victoria-area community paper. Security staff questioned whether the small newspaper was bona fide and pulled her press pass.

But the secret files on Ms. Russow suggest there may be more to the story. She wouldn't have even known the threat list existed if not for the tabling of thousands of pages of classified material at the public inquiry into RCMP actions at APEC, which focused on the arrest and pepper spraying of students on the UBC campus.

The threat assessment of Ms. Russow, prepared prior to the summit, describes her as a "Media Person" and "UBC protest sympathizer." A second document drafted by threat assessment officials during the summit characterizes Ms. Russow and another media member as "overly sympathetic" to APEC protesters. "Both subjects have had their accreditation seized."

Ms. Russow later complained, without success, about the revocation of her pass. Officials with the Commission for Public Complaints Against the RCMP concluded the RCMP did nothing wrong. But despite exhaustive inquiries, a frustrated Ms. Russow has yet to find out how and why she was even placed on a threat list.

The APEC summit Threat Assessment Group, known as TAG, included members of the RCMP, the Canadian Security Intelligence Service, the Vancouver police, the Canadian Forces, Canada Customs and the Immigration

Department.

The TAG files were compiled on a specially configured Microsoft Access database that "proved very successful in capturing and analyzing intelligence," says a police report on the operation, made public at the APEC inquiry.

Much of the information came from "existing CSIS and RCMP networks" as well as Vancouver police members. Other data were funneled to TAG by RCMP working the UBC campus, including undercover officers and units assigned to crowds.

By the end of the summit, the TAG database had swelled to almost 1,200 people and groups, including many activists and protesters. Ms. Russow's photo appeared in a report alongside the pictures and dates of birth of several other people. One is described as a "lesbian activist/anarchist" considered "very masculine."

Several are simply labeled "Activist" -- making Ms. Russow wonder how they wound up in secret police files. "Why are citizens who engage in genuine dissent being placed on a threat assessment list?"

The practice of collecting and cataloguing photographs of demonstrators is worrisome, says Canadian historian Steve Hewitt, author of Spying 101: The Mounties' Secret Activities at Canadian Universities, 1917-1997, to be published next year.

"There's tremendous potential for abuse. One would suspect that they're compiling a database. And clearly, there's probably sharing going on between countries," said Mr. Hewitt, currently a visiting scholar at Purdue University in Indiana.

"Your picture is taken and it's held in a computer, and when it might come up again, who knows?" The RCMP, CSIS and other Canadian agencies have long shared information with U.S. officials, a cross-border relationship that has grown closer to deal with smugglers, terrorists and, most recently, protesters who come under suspicion.

Canada Customs and Revenue Agency staff have access to a number of automated databases and intelligence reports that help screen people trying to enter the country.

Several protesters who were headed to the Summit of the Americas in Quebec City last April were either denied entry to Canada or subjected to lengthy delays, luggage searches and extensive questioning -- and the rationale was not always clear.

At a recent Commons committee meeting, New Democrat MP Bill Blaikie confronted RCMP Commissioner Giuliano Zaccardelli and Ward Elcock, the director of CSIS, about scrutiny of activists.

An incredulous Mr. Blaikie recounted the case of a U.S. scientist who was questioned by Customs officials for about an hour last spring upon coming to Canada to speak at a conference about his opposition to genetically modified food.

"Are people being trailed, watched, interviewed and harassed at borders because of their political views?" Mr. Blaikie asked, noting the "chilling effect" of such attention.

The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals considered a threat to the established order, devoting its energies through much of the 20th century to the hunt for Communist agents and sympathizers.

The vast list of targets left few stones unturned, providing the Mounties with intelligence on subjects as wide-ranging and diverse as labour unions, Quebec separatists, the satirical jesters of the Rhinoceros Party, American civil rights activist Martin Luther King, the Canadian Council of Churches, high school students, women's groups, homosexuals, the black community in Nova Scotia, white supremacists and foreign-aid organizations.

CSIS inherited about 750,000 files from the RCMP upon taking over many intelligence duties from the Mounties in 1984. As the end of the Cold War loomed in the late 1980s, the intelligence service wound down its counter-subversion branch, turning its focus to terrorism.

However, the emergence of a violent presence at anti-globalization protests has spurred CSIS to once again scrutinize mass protest movements, working closely with the RCMP and other police.

One of the threat assessment documents on Ms. Russow lists not only her date of birth, but hair and eye colour and weight -- or rather what she weighed in the 1960s, perhaps a clue as to how long officials have kept a file on her.

In 1963, a young Ms. Russow taught English to a Czechoslovakian military attache in Ottawa. She was asked by RCMP to report to them about activities at the Czech embassy, but refused. She surmises that may have prompted the Mounties to open a file on her -- a dossier that could have formed the basis of the APEC threat citation more than 30 years later.

Ms. Russow is disturbed that she learned of the official interest in her activities only by chance. And she worries about the untold ramifications such secret files might have.

"How many people have had their names put on the list and never know?"

Final Special Report: Criminalization of Dissent Photo: The public inquiry into the RCMP's actions at APEC revealed a secret threat list that labeled Joan Russow, leader of the Green Party, as 'overly sympathetic' to protesters.; Photo: The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals, including U.S. civil rights activist Martin Luther King.
How police deter dissent: Government critics decry intimidation The Ottawa Citizen Tue 21 Aug 2001 News A1 / Front News David Pugliese and Jim Bronskill

It usually begins with a public comment criticizing government policy or the posting of a notice calling for a demonstration against a particular cause.

Then comes the phone call or knock on the door by RCMP officers or Canadian Security Intelligence Service agents. The appearance and tone of the callers are professional. But their questions, directed at people involved in organizing legitimate, peaceful protests, are seen as anything but benign. Those who have endured the process view such incidents as blatant attempts to quash free speech.

The tactic of police or spies arriving unannounced on the doorsteps of demonstration organizers or people just contemplating a public rally represents a hardening of the security establishment's dealings with those who openly voice their opinions.

The people receiving the CSIS and RCMP phone calls or visits are not extremists. They're ordinary Canadians -- union members, students, professors and social activists -- who disagree with government policy and want to exercise their rights to free speech and assembly.

"The whole thing is so insulting and to a certain degree very intimidating," says Allison North, a Newfoundland student organizer interviewed by police after she criticized Prime Minister Jean Chretien's record on education.

Ms. North had told a newspaper last May that Mr. Chrétien didn't deserve an honorary degree from Memorial University because of his government's cuts to education funding. Shortly after, an RCMP officer questioned her on whether she planned to do anything to threaten Mr. Chrétien or embarrass him when he picked up his degree.

At that point, according to Ms. North, her organization, the Canadian Federation of Students, didn't even have plans to hold a demonstration.

"To get a phone call suggesting I am a threat to the prime minister is absurd," says Ms. North, who has no criminal record.

When Mr. Chrétien arrived to receive his degree, Ms. North and 19 other students demonstrated peacefully in the rain outside the convocation hall. As he appeared, they turned their backs on him in mute protest. The students were heavily outnumbered by police and security forces.

The RCMP sees nothing wrong with contacting potential demonstrators in advance and letting them know the force is aware of their intentions. Const. Guy Amyot, an RCMP spokesman, says it is standard policy to visit organizers of protests that may become violent or might give police some cause for concern. "We're meeting people who intend to demonstrate just to make sure it's done legally," he explained. "That's all."

Such meetings are voluntary, Const. Amyot said, and protest organizers can refuse to talk to officers if they want. "If they feel intimidated they just have to tell us they don't want to meet us," he said. "They are not forced to do so."

He acknowledged most of the visits or phone calls have been associated with politically-oriented demonstrations, but added the RCMP respect the right of Canadians to hold legal protests.

Such assurances don't ease the minds of those who have been questioned. It was a rally to protest government inaction on pay equity that prompted a call to a federal union from Canada's spy agency in October 1998.

When the Public Service Alliance of Canada planned a demonstration in Winnipeg outside a conference centre where Mr. Chrétien was scheduled to speak, a Canadian Security Intelligence Service officer phoned union official Bert Beal to question him about the gathering. CSIS wanted to know whether the rally was going to be violent, as well as the number of people attending.

"We're employees of the government legitimately protesting against government decisions that affect our members," says Mr. Beal.

"That is our legal right." PSAC held a peaceful rally, attended by about 150 people and closely monitored by police. Mr. Beal, involved in the labour movement for 30 years, says this was the first time a rally with which he had been involved elicited a call from the national spy service.

CSIS spokeswoman Chantal Lapalme declined to discuss specific instances when the agency has approached people. But she said CSIS does not investigate lawful advocacy or dissent.

"If we have information that there will be politically motivated, serious violence we might investigate and then we'd report the information we obtained to government and law enforcement."

The period leading up to April's Summit of the Americas in Quebec City saw a flurry of such visits. CSIS officials questioned young people in Montreal and Quebec City who had taken part in an October demonstration.

The agents wanted to know about the chance of violence at the April gathering. Around the same time the RCMP in Quebec visited Development and Peace, a social advocacy organization linked to the Catholic Church, and other anti-poverty groups to question people about their summit plans.

Also targeted before the Quebec City meeting was University of Lethbridge professor Tony Hall, an expert in aboriginal affairs and a vocal critic of the Mounties.

An officer with the RCMP's National Security Investigations Section questioned Mr. Hall about his writings critical of free trade agreements and their effects on indigenous peoples.

The officer also wanted details of Mr. Hall's involvement in an alternative summit being organized for aboriginal peoples in Quebec City, as well as names of others involved.

Mr. Hall's case was raised in the Commons by NDP leader Alexa McDonough, who accused the federal government of trampling on the democratic rights of Canadians.

Mr. Chrétien responded that police were just doing their job -- an

explanation that failed to satisfy the Canadian Association of University Teachers.

David Robinson, the group's associate executive director, is worried such police tactics threaten academic freedom and open debate on campuses.

Association officials are planning to meet RCMP leaders over what the university group views as a clear violation of the professor's civil liberties.

Final Photo: The Telegram / The RCMP visited student organizer Allison North after she criticized Prime Minister Jean Chretien's record on education funding before he was accepted a honorary degree from Memorial University. The Ottawa Citizen Mounties in masks: A spy story: Undercover tactics go too far, critics say The Ottawa Citizen Wed 22 Aug 2001 News A1 / Front Crime; Series; Special Report Jim Bronskill and David Pugliese

The happy-go-lucky band of protesters wore masks and colourful costumes as they paraded about the University of British Columbia campus on a memorable autumn night in 1997.

After all, it was Halloween. And dressing up lent a festive air to the anti-APEC march just weeks before leaders of Asia-Pacific countries would assemble on the university campus.

But one member of the group had another reason to wear a disguise: he was an RCMP officer. Const. Mitch Rasche, his face hidden by a Star Trek alien mask, accompanied about 30 protesters as they toured the grounds, stopping to place hexes on corporate-sponsored summit sites and even casting a spell on a Coca-Cola machine.

Such spy tactics worry demonstrators and experts on the RCMP, who argue civil rights are being trampled when Canada's national police use undercover techniques to compile information on the anti-globalization movement.

The roving clutch of Halloween demonstrators included several members of APEC Alert, a group concerned about the effects of the Asia-Pacific alliance's policies on human rights and the environment.

APEC Alert embraced non-violent protest but sometimes advocated civil disobedience. At the new campus atrium, where world leaders would soon gather, the marchers used washable markers to write "Boo to APEC" and "APEC is scary" on the windows.

Standing six-foot-four and weighing a hefty 240 pounds, Const. Rasche, a 17-year RCMP veteran, had trouble blending into the crowd of mostly young, underfed students.

"That's what made him stick out," recalls Jonathan Oppenheim, a physics student who took part in the march. "He was just kind of standing there slightly off to the side, and not really talking to anyone."

Suspicions were further aroused when Const. Rasche's cellphone rang. "I

think we have a spy amongst us," said one of the protesters.

Months later, as an inquiry into RCMP actions at the APEC meetings unfolded, the amazed activists would read Const. Rasche's police report on the march and hear his testimony about the escapade, confirming their suspicions.

Indeed, the Halloween episode was part of a much broader surveillance effort. Police documents and inquiry hearings would reveal the RCMP infiltrated anti-APEC groups to gather intelligence about the November 1997 summit, and planned to arrest and charge high-profile members of APEC Alert to remove them before the international event.

The trick-or-treat surveillance of APEC Alert was one of the more striking -- albeit comical -- intelligence-gathering tactics employed by the Mounties in connection with the summit. The RCMP, sometimes in conjunction with Vancouver police, also sat in on protest meetings, interviewed activists about their intentions, photographed participants at events and assigned undercover officers to blend in with protesters, learn their plans and report the findings to central command posts.

Many Canadians are under the mistaken impression the Mounties hung up their spy gear in 1984 when the Canadian Security Intelligence Service assumed most of the duties of the RCMP Security Service, disbanded in the wake of widespread criticism for infringing on civil liberties.

However, the RCMP's National Security Investigations Section (NSIS) probes ideologically motivated criminal activity related to national security such as white supremacy, aboriginal militancy and animal rights extremism.

NSIS, which conducts investigations under the Security Offences Act, is intended to complement CSIS, whose agents also examine and assess security threats, but have no authority to conduct criminal probes or make arrests. NSIS also carries out threat assessments -- analyses of the potential for violence at public events -- in support of the force's protective policing program.

But during the APEC summit, it appears NSIS strayed beyond the confines of preserving national security. An operational plan tabled at the APEC inquiry says the duties of NSIS's B.C. branch included conducting follow-up investigations on information that indicated a potential threat of not just harm, but "embarrassment" to visiting leaders.

Other documents filed with the inquiry show police closely monitored the plans, meetings and events of protesters in the weeks leading up to the summit.

One typical entry noted a rally to be held in Vancouver the evening of Nov. 4, 1997. "NSIS members plan to provide surveillance coverage at this event to gauge the level of support for the anti-APEC cause at this late stage, and to identify some of the key people attending," wrote an NSIS constable. "Attempts will be made to photograph participants."

The RCMP has adopted the dubious tactic of gathering intelligence on non-violent public interest groups that have nothing to hide, says

Wesley Pue, a UBC law professor and editor of the book, Pepper in Our Eyes: The APEC Affair.

"It seems to me the police are routinely crossing the line and forgetting the distinction between legitimate democratic dissent and criminal activity."

Police surveillance of individuals in an academic milieu is particularly troubling because campuses are intended to be places where unpopular ideas are debated, says historian Steve Hewitt, author of the forthcoming book, Spying 101: The Mounties' Secret Activities at Canadian Universities, 1917-1997.

The involvement of NSIS in such activities raises special concerns in that the RCMP spies are subject to less oversight and scrutiny than CSIS agents, he adds.

The Security Intelligence Review Committee, which reports to Parliament, examines CSIS operations to determine whether the spy service has adhered to the law. CSIS also submits a detailed annual report to the solicitor general, and prepares a public version for presentation in Parliament.

There are no such checks on the NSIS. A classified police report tabled at the APEC inquiry describes the behind-the-scenes tactics police employed during the summit and provides a rare look at the inner workings of a Canadian intelligence operation.

"State-of-the art covert/overt intelligence gathering methods were used which provide very accurate intel on anti-APEC gatherings, protesters both pre and during APEC," says the debriefing report.

Police, with help from CSIS, compiled a computerized database on hundreds of people and groups. Officials worked around the clock to produce threat assessments and each morning a secret bulletin was distributed by hand to co-ordinators, site commanders and a special team assigned to infiltrate crowds.

The infiltration team was designed as "an intelligence gathering unit and as such provided timely, accurate and pertinent information about the crowds protesting various aspects of APEC," the report reveals.

"Members were able to assess the crowds, identify the ring leaders and determine the goals of the crowd." On one occasion, unit members passed on intelligence about the intentions of 75 demonstrators who blocked the road leading out of the UBC campus.

The crowd infiltration team was sufficiently large that members could be rotated from one area of the campus to another, "in an effort to avoid familiarity" and reduce the chance of their cover being blown.

Scrutiny of the anti-globalization movement by the intelligence community has almost certainly intensified following violent acts, committed by a relatively small number of protesters, at international meetings during the last four years.

However, Wesley Wark, a University of Toronto history professor, suspects Canada's intelligence agencies are placing too much emphasis on broad-brush investigation of the movement and not enough on determining which groups and individuals pose actual threats.

Unless the balance shifts, adds Mr. Wark, security services are never "going to have the capacity to distinguish genuine threats from peaceful dissent."

This is the fifth and final instalment in the Citizen series on "the criminalization of dissent."

Final Criminalization of Dissent Special Report: Criminalization of Dissent Photo: Protester Jonathan Oppenheim, a physics student, said massive RCMP Constable Mitch Rasche stood out in the crowd of anti-APEC marchers, even under a Star Trek mask. The Ottawa Citizen That's all, that's it.

*PEJ SEPTEMBER 11 2005: TIME TO MOVE TOWARDS COMMON SECURITY

Justice News

*PEJ Health care not warfare

Justice News
Wednesday, 15 September 2004 02:57

I had a legitimate expectation that after filing a complaint with the RCMP Public Complaints Commission that the Commissioner, the Chair of the Commission, and the Commission Council would allow me to testify and clear my name. (Suggested Reply)

EXHIBIT

INTENTION TO REPAY LOAN: Russow contacted the BC Ministry of Education and asked for information on remission. She received a document see exhibit; that certainly suggests that students who complete a third degree (which she did would be eligible for remisison up to 430,000.

In reviewing some of Russow's "notification awards see enclosed. I would have a legitimate expectation that it was not clear that my loan was divided into 60 % federal and 40% provincial.

In the loan from 88-89; the loan was 2,415.00 BC and 1, 795.00 federal loan
In the loan from 91-92; the loan was 5,934.00 and 3570,00 federal

LEGITIMATE EXPECTATION: BREAK DOWN OF LOAN

EVIDENCE FROM BC DEPARTMENT OF EDUCATION

FRUSTRATION OF CONTRACT:

EXHIBIT: LETTER FROM KNELMAN ABOUT IMPACT OF LISTS

EXHIBIT

DEFAMATION CASE

EXHIBIT: RCMP THREAT ASSESSMENT LIST WITH ACTIVISTS

EXHIBIT: RCMP THREAT ASSESSMENT LIST WITH PICTURE OF RUSSOW IDENITIFED AS LEADER OF THE GREEN PARTY

EXHIBIT: PCO USING EXEMPTION TO ELIMINATE REFERENCE TO PMO IN CHRISTINE PRICE

DEFAMATION: SELECTION OF ARTICLES ABOUT RUSSOW BEING ON THE LIST

FAILURE OF PRIVACY

EXHIBIT: PRIVACY

EXHIBIT;

Spend time on p. 160 rcmp response
EXHIBIT RADWANSKI 190
DOO ( ) EXHIBIT: EVIDENCE OF THE REDACTED SECTION RELATED TO THE PMO'S INVOLVEMENT feb 2002

FEBRUARY 2002: EVIDENCE OF SECTION IN CHRISTINE PRICE'S TESTIMONY THAT WAS REDACTED: NOTE; THAT THE PRIVY COUNCIL HAD USED AN EXEMPTION CLAUSE TO REMOVE THE REFERENCE IN CHRISTINE PRICE'S TESTIMONY TO THE PMO

BACKGROUND
1 c The current public allegations of racist activities and membership in racist groups by some members of the CF has raised the question of the ability of the CF to release, deny enrolment, or otherwise deal with such persons. The DM [Deputy Minister, Bob Fowler] has asked DG Secur to prepare a list of extremist and activities groups, membership in which could possibly be grounds for subsequent action by the CF. As there are potential difficulties with such a process, and assessment of procedural and legal constraints on DND is also required

EXTREMIST AND ACTIVIST LISTS
2 c Annex A is a representative sampling of extremist and activist groups in Canada, compiled from D Secur Ops 2 records and open sources. It is sub-divided into general groupings; however, it must be understood that this is an over-simplification and many groups represent interests that may encompass several political ideologies. It is also apparent that these groups represent a wide spectrum of beliefs and activities, ranging from conservative activism to violent extremism.

3 (c) The difficulty lies in deciding at which point in the extremist/activist continuum, membership or activities by CF members becomes unacceptable. By way of example, there is a right wing group at the University of Montréal that opposes Canadian Immigration policy. Such a group could easily attract CF members attending the university would such membership be considered unacceptable.

4 S Inquiries with CSIS indicates that the Service does not maintain such lists. During the 60s and 70s the RCMP Security Services maintained group and individual lists, concentrating on community [communist?] activities; however, this has now ceased due to the legal constraints on CSIS and the monumental effort involved. SIS now focuses its efforts on identifying threats to the security of Canada as defined in the CSIS (Extracts
at Annex B)

5 (s) The proposed investigation by CSIS of a domestic extremist groups
?? is subjected to a rigorous approval process, before it may be launched. such investigations, as opposed to the investigation of espionage or terrorism, are the ones in which the government sees the greatest potential for the abuse of Charter rights. Consequently, CSI is subjected to the greatest degree of scrutiny in this field. All proposed investigations of domestic groups re vetted by the Targeting and Resource Committee (TARC) and involve ministerial review.

6 s CSIS investigations of such groups are focused on the leadership and are designed to produce reports and threat assessments for the use of government departments. They do not investigate the full membership of such groups, recognizing that membership or support for the group recognizing that membership or support for the group's ideology does not necessary constitute a threat to security. CSIS clearly recognizes that assessments of an individual's loyalty and reliability cannot be made solely on membership in such groups.

7 (c) Likewise, the RCMP does not maintain lists of extremist groups. The RCMP focuses its efforts on the criminal activities of individuals. They do not investigate groups per se, although they do produce criminal intelligence on groups of individuals acting together criminally, such as outlaw motorcycle clubs ?? As neither is a criminal organization, the RCMP is limited to investigating only those members involved in crime.

8 (C) The RCMP does investigate criminal groups if they are recognized as such. Examples of this would included foreign Triads active in Canada (recognized criminal organizations in their home country), and organized crime groups, as defined in the Criminal Code.

9 (C) Notwithstanding the above discussion, D Secur Ops 2 could, with additional resources, give advice to recruiting officers, commanding officers, and other DND authorities as to the degree of concern some of the more extreme groups constituted this would be in the form of a threat assessment, based on a review of open sources and classified records. The OI would then be in a position to make a reasoned decision as to the next course of action. If an SIU investigation of the individual was also conducted, this would however, continue to be constrained within their security mandate to investigate for security clearance purposes or because the individual's actions or status was suspected of constituting a threat to the CF

CONSTRAINTS ON DND

11.(c) There are no explicit constraints on DND with respect to the creation of such lists; however, there are a number of implicit ones. The Government of Canada has seen fit to constrain CSIS with respect to the type of activity that may be investigated, the way that information can be collected and who may view the information gathered. The CSIS Act empowers this Parliament, the Security intelligence Review Committee and the CSIS Inspector General to ensure CSIS abides by these constraints.

12 (C) DLAW/HRI, DLAW/SIP and DG Secur all agree that it would be inappropriate for DND to act in a less constrained manner. It is for this reason that the Security Intelligence Liaison Programme exists, thereby ensuring that DND does not violate the spirit of the law. DND does not gather security intelligence directly from domestic source but relies on open sources and information obtained from civil police and CSIS (s.13 (i) of the CSIS Act refers).

13 (C) The result of these constraints is that DG SEcur is unable to give assessments on groups not considered a threat by CSIS or civil police, other than what can be obtained through open sources or which can be obtained indirectly as a result of a criminal investigation carried out by military police.

21 **NOVEMBER 2001** ARTICLE ACTIVIST CAUTIONED TO BEHAVE. An Hoang.

DOO ( ) EXHIBIT: EVIDENCE OF THE REDACTED SECTION RELATED TO THE PMO'S INVOLVEMENT feb 2002

FEBRUARY 2002: EVIDENCE OF SECTION IN CHRISTINE PRICE'S TESTIMONY THAT WAS REDACTED: NOTE; THAT THE PRIVY COUNCIL HAD USED AN EXEMPTION CLAUSE TO REMOVE THE REFERENCE IN CHRISTINE PRICE'S TESTIMONY TO THE PMO

Dear Guineas
I am astonished that you would have accepted the PCO's deletion of a key section of the RCMP interview with Christine Price. I was able to obtain through another source the same document in which Christine Price indicated that she had received instruction from the PMO. It is indicative of the PCO's interest in concealing the involvement of the PMO.

****DEFENDANTS

D. J Chisholm, Staff Sergeant

****Exhibits

Hon. Paul Ramsey
Minister of Education
FAX 3873200

Dear Minister

I have been advised by Student services to write to you on the matter of my outstanding B.C. loan.

I completed my doctorate degree in January 1996. This degree was a culmination of over 21 years of study. During that time I brought up four children and participated continually in local, national and international issues and public service.

During my education I incurred a government loan of $55,000.
It was always my understanding that if I completed my doctorate I would be eligible for remission of up to $30,000.

Six months after I completed my doctorate, I was informed that the $30,000 remission is only for BC loans and that the university or the student awards services had divided my loan into 20,000 (BC) and 35,000 (Canada). Because of the division, they claimed that I would only be eligible for remission of up to 20,000.

Recently I received a letter from the BC government Awards section indicating that I would receive remission of 16, 900
I urge you to reconsider my case, and adjust the combined federal/provincial loan to permit the $30,000 remission.

It was brought to my attention recently that forest workers have been offered $25,000 to return to school without the obligations to repay, and without the requirement to complete.

It was with great difficulty that I completed my education and I appreciate the assistance that I received from both the federal and provincial government.

Thank you for considering this request.

Yours Truly

Joan Russow (PhD)
1230 St Patrick St
Victoria, B.C.

23 JANUARY 2002: COMPLAINT SENT TO PRIVACY COMMISSIONER

NOTE LETTER SENT TO CHRETIEN ABOUT CONCERN APEC AND DND

Attorney General Vs Dr Joan Russow
1. FACTS: CHRONOLOGY

2. PLEADINGS

(A) SUBSTANTIATION OF “RIGHT INTENTION” TO REPAY LOAN

(B) DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

(C) UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

(D) DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION AND
Attorney General Vs Dr Joan Russow
1. FACTS: CHRONOLOGY

2. PLEADINGS

(A) SUBSTANTIATION OF “RIGHT INTENTION” TO REPAY LOAN

(B) DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

(C) UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

(D) VIOLATION OF CHARTER RIGHTS AND DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION

(E). ON-GOING DEFAMATION SUIT: INTERDEPENDENCE OF INTENTION TO REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING DEFAMATION CASE LINKED TO STUDENT LOAN

(E). ON-GOING DEFAMATION SUIT: INTERDEPENDENCE OF INTENTION TO REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING DEFAMATION CASE LINKED TO STUDENT LOAN

FACTS:

****CHRONOLOGY OF EVENTS

AFFIDAVIT: COUNTER CLAIM OF DEFAMATION OF CHARACTER
Joan Russow (Med) (PhD)

1. 1991-1995 SESSIONAL LECTURER, GLOBAL ISSUES, UNIVERSITY OF VICTORIA

2. DECEMBER 1994: Founded the Global Compliance Research Project, and received a CIDA grant of $50,000 for the Project

3. SEPTEMBER 1995: COMPILED THE CHARTER OF OBLIGATIONS
On behalf of the Global Compliance Research project Russow wrote the "Charter of Obligations"- 350 pages of obligations incurred through conventions, treaties, and covenants; commitments made through conference action plans; and expectations created through General Assembly resolutions. The Charter of Obligations was officially distributed to all state delegations at the1995 UN Conference on Women: Equality, Development and Peace. The Charter is being continually updated.

4. 17 SEPTEMBER 1995: ARTICLE ABOUT GLOBAL COMPLIANCE PROJECT IN THE TORONTO STAR

By Paul Watson
Asian Bureau
Beijing – Joan Russow had an idea so sensible it sounded flaky when thousands of people were earnestly writing and rewriting more solemn promises to help the world's women.

Why not concentrate on making governments live up to the shelves upon shelves of accords, conventions, constitutions, declarations, resolutions and treaties that have been filed away for decades? …Russow, a sessional lecturer on global issues at the University of Victoria, B.C. lobbied for days to get a motion on the floor demanding that governments live up to the commitments they've already made.

That was a lot like insisting the emperor has not clothes, so Russow and her supporters got mostly blank stares and hostility.

"I'm supportive of the commitments, to a certain extent: she said in an interview. "But if you get governments to commit to less than they're already obliged to do, is that success?"

…The UN celebrates its 50th birthday next month and the Beijing conference missed "a unique opportunity to say, "Enough's enough," Russow said.' "Let's fulfill 50 years of obligations related to peace, the environment and human rights. …The world governments already agreed to get rid of weapons of mass destruction a conference in Stockholm in 1972, Russow said. She has a book full of other examples, 360 pages thick…

5. **25 JANUARY 1996**: GRADUATED WITH A PHD IN INTERDISCIPLINARY STUDIES

6. 25 APRIL 1996: GLOBAL PARTNERSHIP FOR DISMANTLING NUCLEAR WEAPONS: This partnership was related to the dismantling of Russia's nuclear weapons. Russow had criticized the flawed survey carried out about the plan to convert plutonium from Russian dismantled nuclear weapons into MOX to be used in CANDU. This item is included because there is a possibility that Russow might be perceived to be a threat for criticizing the proposal to transfer MOX to be used in CANDU reactors, opposing Canada's sale of CANDU reactors, protesting the circulation of nuclear powered and nuclear arms capable vessels….

7. OCTOBER- DECEMBER 1996: PARTICIPATED IN A MULTI STAKEHOLDER MEETING ORGANIZED BY THE DEPARTMENT OF FOREIGN AFFAIRS, AND DEPARTMENT OF ENVIRONMENT

As a member of the NGO community, as a lecturer on global issues at the University of Victoria, and as a participant at the 1992 Earth Summit, Russow was invited to a multisectoral consultation meeting organized by the Department of Foreign Affairs. We were asked to review Canada's submission to the Earth Summit + 5 conference which was to be held in New York in June of 1997. She spent two months carefully reviewing the submission and drawing upon her previous research in preparing the Charter of Obligation, she submitted a 200 page critique of the submission. She stressed the importance of being honest and straight forward about what was actually happening in Canada and of translating rhetoric into action.

NGOs are continually asked to participate in government consultation processes and face a constant dilemma: To refuse to participate in unremunerated work and be accused of failing to take advantage of the opportunity to have input into government policy OR to participate in unremunerated work, to submit a critical analysis of government policy, to have input into government policy but jeopardize future employment with government departments and be in a position of not being able to fulfill economic obligations.

8. 10 FEBRUARY 1997: RESPONSE FROM DFAIT TO CRITIQUE OF CANADA'S SUBMISSION TO THE UN

"Department of Foreign Affairs and International Trade, Canada/AGE"
<dfaitage@travel-net.com>
To: jrussow@uvaix2e1.comp.UVic.CA
Subject: Thank you

Lester B. Pearson Building
Tower B, 4th Floor, AGE
125 Sussex Drive
Ottawa, Ontario
K1A 0G2

UNCLASSIFIED

February 10, 1997

Dr. Joan Russow
Ecological Rights Association
Global Compliance
Research Project

Dear Dr. Russow:

Thank you for your comprehensive email of December 13, 1996. Your contribution and comments on the United Nations Commission on Sustainable Development (CSD) Canadian National Country Profile was greatly appreciated.

The information you provided was distributed to the appropriate chapter drafters. You may wish to know that the final draft of the CSD Canadian National Profile was recently completed and sent to the CSD in New York. The profile will be available shortly on CSD and the Department of Foreign Affairs and International Trade website.

Thank you again for your extensive input and suggestions into Canada's preparation of the CSD Canadian National Profile. The Government of Canada encourages the active involvement of Canadians in the preparation of all international events. We will continue to try and provide you with information and reports in as timely a manner as possible, and look forward to receiving your comments and opinions on Canadian positions for future international events.

Yours sincerely,

Peter Fawcett
Acting Director
Environment Canada

9. 19 JUNE 1997: PROPOSED WORKSHOP ON COMPLIANCE

NORTH/SOUTH PERSPECTIVE ON COMPLIANCE: SUBMISSION TO THE APEC PEOPLES SUMMIT
proposed by Dr Joan Russow

For fifty -two years through international agreements, the member states of the United Nations, including APEC states, have undertaken:

(i) to promote and fully guarantee respect for human rights;
(ii) to ensure the preservation and protection of the environment;
(iii) to create a global structure that respects the rule of law;
(iv) to achieve a state of peace; justice and security , and
(v) to enable socially equitable and environmentally sound development.

International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; expectations created through the United Nations Declarations, and General Assembly Resolutions; and commitments made through UN Conference Action Plans.

If these years of obligations had been discharged, if these fifty years of expectations had been fulfilled, and if years of commitments had been acted upon, respect for human rights could have been guaranteed, preservation and protection of the environment could have been ensured, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled.

The current situation has become more a more urgent because rather than the member states of the United Nations being willing to comply with obligations and commitments, the member states are devolving themselves of their responsibility and passing this responsibility over to the corporate sector in the form of partnerships. Even though member states of the UN agreed in recent conferences “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law”. (the Platform of Action in the UN Conference on Women: Equality, Development and Peace and in the Habitat II Agenda), governments are discussing “voluntary” compliance, and endorsing ISO 14,000 — a voluntary conformance corporate program. The OECD states are not discussing environment and human rights standards but “standards of investment”.

If there is to be compliance there is a need to establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states harmonized continually upwards. Only then will socially equitable and environmentally sound development be possible. In addition member states of the UN including APEC, should take back the control over industry and be prepared to revoke licences and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

This workshop will be prepared in collaboration with NGO representatives from the Philippines, and Bangladesh.

10. 14 APRIL 1997: BECAME THE LEADER OF THE GREEN PARTY OF CANADA

11. MAY TO JUNE 2: 1997 RAN IN THE FEDERAL ELECTION AGAINST THE HONOURABLE DAVID ANDERSON.
DURING THE ELECTION THE GREEN PARTY OF CANADA’S OFFICE IN TORONTO RECEIVED A NOTE THAT I WAS NO LONGER ASSOCIATED WITH THE UNIVERSITY

12. JUNE 1997: RECEIVED MEDIA ACCREDITATION TO ATTEND THE EARTH SUMMIT + 5 {RIO +5) IN NEW YORK
In 1997, Russow had an assignment from the local main stream radio station CFAX to attend the above Earth Summit. Prior to attending the conference she circulated the “Lest we Forget: the Urgency of the Global Situation.”She had no problem receiving media accreditation for a conference that was attended by senior representatives, including heads of state. She raised challenging questions and her media pass was never pulled, she was never placed on a threat assessment list, she was not discriminated against and she was not defamed. At the UN, at briefing, she spoke to Kofi Annan about the importance of state and corporate compliance and handed him two documents: Lest we Forget: the Global Urgency and the Treaty of Corporate and State Compliance. The following document is included to illustrate that Russow was not prevented from participating at the UN because of what she was writing and circulating at that time.

LEST WE FORGET
THE URGENCY
OF THE GLOBAL SITUATION

RECOGNITION OF THE URGENCY OF THE GLOBAL SITUATION

1.1. Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Preamble, Agenda 21, UNCED, 1992)

(1) IMPACT OF CONTINUED IMPOSITION OF
CONSUMPTIVE MODEL OF DEVELOPMENT

1.1. Continued stress on global ecosystem from the pattern of over- consumptive development in industrialized countries
1.2. Continued deterioration of the global environment and aggravation of poverty caused by unsustainable patterns of consumption
1.3. Continued failure to reduce the ecological footprint through continued adherence to the consumptive model of development
1.4. Continued elimination of the ecological heritage of future generations
1.5. Continued depletion of resources upon which future generations depend
1.6. Continued political, economic and ecological crises, systemic or de facto discrimination, and other forms of alien domination or foreign occupation
1.7 Continued reliance on economic growth paradigm as the solution to global problems
1.8. Continue negative impact of structural adjustment programs based on the imposition of overconsumptive model of development
1.9 Continued promoting of socially inequitable and environmentally unsound employment and development
1.10. Continued failure to redefine "development" in equitable and ecological terms

(2) INEQUITABLE DISTRIBUTION OF RESOURCES AND DENIAL OF BASIC RIGHTS AND NEEDS

2.1. Continued inequitable distribution of natural resources
2.2 Continued inequality/inequity between "developed" , “developing” and "underdeveloped" states
2.3. Continued gravity of the economic and social situation of the least developed countries
2.5 Continued lack of fulfillment of basic needs, and failure to guarantee the right to food, right to shelter, right to education, right to health care
2.6. Continued lack of access to basic sanitation and adequate waste disposal services
2.7. Continued lack of access to food and water
2.8. Continued lack of access of poor to suitable arable land
2.9. Continued increase in the number of people who do not have access to safe, affordable and healthy shelter
2.10. Continued food crisis violating right to life and human dignity
2.11. Increased use of manipulative Biotechnology
2.12. Increased introduction of genetically modified food
2.13. Increased control by Multi-National Agri-Food, Pharmaceutical, and Petro-chemical companies world’s food supplies
2.14. Continued unethical patenting of seeds by multinationals
2.15 Continued experimentation in the human genome project
2.16. Increased corporate control of their crop varieties
2.17. Increased modification of seeds for profit
2.18. Increased modification of organisms through “genetically modified organisms”
2.19 Continued widespread unemployment and underemployment
2.20 Continued failure to link health to over-consumption and inappropriate development
2.21 Continued failure to address and prevent environmentally-induced diseases
2.22 Increased deterioration of public health system, public health spending and privatization of health care systems
2.23. Continuing spread of communicable infections
2.24 Continued unequal access to basic health resources
2.25 Continued high birth mortality rate High percentage of child mortality rate of deaths per live births.

(3) DETERIORATION OF ENVIRONMENTAL QUALITY AND IMPLICATIONS FOR HUMAN HEALTH

3.1. Continued impact on health from environmental degradation
3.2. Increased impact on health and environment from toxic and hazardous chemicals
3.4. Increased air, water and land pollution
3.5. Continued adverse health and environmental effects of transboundary air pollution
3.6. Continued transferring and trafficking in toxic, hazardous including atomic substances, activities, and waste that are dangerous to health and to the environment
3.7. Continued risks of damage to human health and the environment from transboundary hazardous waste
3.8. Increased generation and trans-boundary movement of hazardous waste causing threat to human health and environment
3.9. Continued relocation or transfer to other states of activities and substances that cause severe environmental degradation or are found to be harmful to human health
3,10 Continued disregard for the precautionary principle 4.11. Continued awareness of the harm of exporting banned or withdrawn products on human health
3.12. Increased deterioration of the environment and health through anthropogenic actions
3.13. Continued ecological and human health effects of environmentally destructive model of development
3.14. Continued use of banned and restricted pesticides designated as being hazardous to human or environmental health
3.15. Increased resistance of antibiotics

(4) ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE

4.1. Continued loss of biological diversity
4.2. Continued threat to genetic diversity
4.3. Increased deforestation and land degradation
4.4. Increased soil erosion
4.5. Increased desertification
4.6. Increased loss and degradation of mountain ecosystems
4.7. increased erosion and soil loss in river basins
4.8. Increased watershed deterioration
4.9. Increased marine environment degradation
4.10. Increased vulnerability of marine environment to change
4.11. Increased risk of impact from increase in sea level 4.12. Increased of carbon sinks
4.13. Increased impact of global climate change
4.14. Increased potential of climate change
4.15. Increased depletion of the ozone layer
4.15. Increased threats to the ecological rights of future generations
4.16. Increased environmental damage from waste accumulation
4.17. Unprecedented Increase in environmentally persistent wastes
4.18. Continued trafficking in toxic and dangerous products
4.19. Continued export to developing countries of substances and activities that are banned or restricted in country of origin
4.20. Increased generation of nuclear wastes
4.21. Increased Loss of biodiversity through ecologically unsound practices
4.22. Increased ignoring of carrying capacity of ecosystem
4.23. Continued violation of collective human rights through dumping of toxic, hazardous and atomic wastes is a violation

(5) ACKNOWLEDGMENT OF URGENCY VIOLATION OF HUMAN RIGHTS

5.1. Continued violation of human rights on the basis of gender, sexual orientation, sexual identity, family structure, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socio-economic conditions

* Continued violations of human rights through the following activities:
* Mistreatment, and hasty judicial procedures
* Lack of respect for due process of law (access to a lawyer or visiting rights)
* Arbitrary detentions
* In camera trials
* Detention without charge and notification to next of kin
* Lack of defence counsel in trials before revolutionary courts
* lack of the right of appeal
* Ill-treatment and torture of detainees
* Torture of the cruelest kind and other inhuman practices
* Widespread routine practice of systematic torture in its most cruel forms
* Wide application of the death sentence
* Carrying out of extra-judicial executions
* Orchestrated mass executions and burials
* Extra judicial killings including political killings
* hostage taking and use of persons as "human shields"
* Constitutional, legislative and judicial protection, while on paper, are revealed as totally ineffective in combating human rights abuses
* Extreme and indiscriminate measures in the control of civil disturbances
* Enforced or involuntary disappearances, routinely practiced arbitrary arrest and detention, including women, the elderly and children
* Abuses of political rights and violation of democratic rights
* Unfair elections
* Activity against members of opposition living abroad

* Harassment and suppression of opposition politically
* Suppression of students and strikers
* Targeting by terrorists of certain members of the press, intelligentsia, judiciary and political ranks
* Failure to grant exit permits

5.3. Increased forced migration of populations of migrants, refugees and displaced persons
5.4. Continued critical situation of children
5.5. Continued concern about discrimination against women despite Human Rights instruments
5.6. Continued barriers faced by women
5.7. Continued female genital mutilation and other harmful practices
5.8. Denial of fundamental rights and freedoms
Suppression of freedom of thought, Media and religion and conscience ¥ systemic discrimination
5.9. Continued denial of moral and humanitarian values through religious intolerance and extremism
5.10 Continued massive violations of human rights, ethnic cleansing and systematic rape
5.11. Continued wars of aggression, armed conflicts, alien domination and foreign occupation, civil wars, terrorism and extremist violence
5.12. Continued violation of human rights of women including murder, torture, systematic rape, forced pregnancy
5.13. Continued ethnic cleansing
5.14. Continued xenophobia. Fear and aversion to foreigners continues throughout the world
5.15. Continued violation of human rights during armed conflict
5.16. Continued discrimination of and violence against women
5.17. Continued violation against indigenous peoples
5.18. Increased violations of the rights of refugees
5.19. Continued insufficient protection of the rights of migrant workers
5.20. Continued marginalization of specific women by their lack of knowledge of their rights and redress
5.21. Continued Insufficient protection of the rights of migrant workers
5.22. Continued multiple discrimination against indigenous women
5.23. Continued gender inequities

(6) DESTRUCTION THROUGH CONFLICT, WAR AND MILITARIZATION

6.1. Continued perpetuation of the substantial global expenditures being devoted to production, trafficking and trade of arms
6.2. Forcing developing countries to undertake inequitable structural adjustment
6.3. Increased poverty
6.4. Continued excessive military expenditures while basic needs are not fulfilled
6.5. Continued massive humanitarian problems through military intervention
6.6. Continued circulation
6.7. Continued war crimes against humanity, including genocide
ethnic massacres , and “ethnic cleansing”
6.8. Increased human and environmental destruction through land mines
6.9. Increased war and civilian amputees as a result of land mines
6.10. Continued death and displacement of people through war
6.11. Continued impact of radiation from nuclear testing on present and future generations
6.12. Continued exposure to radiation on present and future generations
6.13 Continued mining of uranium for use in nuclear weapons
6.14. Continued production, proliferation and testing of nuclear arms
6.15 Continued circulating and berthing of nuclear armed or nuclear powered vessels

13. **1997 AUGUST 1997:** MAI ARTICLE PRINTED IN THE OAK BAY NEWS

MAI ARTICLE PRINTED IN THE OAK BAY NEWS
ATTENTION: DAVID LENNAM

FAX 598 1896
MESSAGE: piece on MAI
Joan

PRINTED AS " Oh My O MAi"

TREATY OF
CORPORATE AND STATE COMPLIANCE

[proposed General Assembly Resolution to be circulated to governments by their citizens]

Through more than 50 years of concerted effort, the member states of the United Nations have created international obligations, commitments and expectations in which they have undertaken the following:

1. to Promote and fully guarantee respect for human rights and social justice;
2. to Enable socially equitable and environmentally sound development;
3. to Achieve a state of peace, justice and security;
4. to Create a global structure that respects the rule of law; and
5. to Ensure the preservation and protection of the environment.

Concerned that trade organizations such as the World Trade Organization (WTO) and Asia Pacific Economic Cooperation (APEC), and trade agreements such as the North American Free Trade Agreement (NAFTA) and the Multilateral Agreement on Investments (MAI) proposed by the member states of the Organization of Economic Cooperation and Development (OECD), undermine the work of over 50 years in creating obligations, commitments and expectations with respect to the matters set out above; Recalling the commitment made by all the member states of the United Nations in the Platform of Action at the UN Conference on Women: Equality, Development and Peace (Beijing, 1995) and in the Habitat II Agenda, "to ensure that corporations including transnationals comply with national codes, social security laws, and international law, including international environmental law";

WE THE MEMBER STATES OF THE UNITED NATIONS UNDERTAKE THE FOLLOWING:

1. To sign and ratify those existing international agreements that have not yet been signed and ratified, to enact the domestic legislation necessary to implement them, to fulfill the legitimate expectations created by General Assembly resolutions and declarations, and to act upon commitments arising from conference action plans;
2. To establish mandatory international standards and regulations (MINS), based on international principles and on the highest and strongest regulations from member states with respect to
(a) Human rights and social justice,
(b) Socially equitable and environmentally sound development, and
(c) Protection and preservation of the environment, and to harmonize standards continually upwards;
3. To demand compensation and reparations from corporations, and from administrations that have permitted corporations to, or assisted them in, degrading the environment or violating fundamental human rights, especially where those actions occurred:
(a) in developed and developing countries, or
(b) on the lands of indigenous peoples or in the communities of marginalized citizens in either developing or developed countries;
4. To revoke the licences and charters of corporations, including transnational corporations, if those corporations have persistently:
(a) violated human rights,
(b) caused environmental degradation,
(c) disregarded labour rights, or
(d) contributed to conflict and war, or if they fail to pay compensation for past non- compliance with international agreements;
5. To reduce military budgets and use the savings:
(a) to guarantee:

- the right to adequate food,
- the right to safe and affordable shelter,
- the right to universal health care,
- the right to safe drinking water,
- the right to a safe environment,
- the right to education, and
- the right to peace;

(b) to fund socially equitable and environmentally sound work; and

(c) to fund education and research free from corporate direction and control;

6. To increase funding for United Nations agencies and for international, national and regional educational institutions so that their missions will not be undermined by corporate direction or control;

7. To develop criteria for partnership with the United Nations so as to ensure the exclusion of corporations from such a partnership if in any part of their operation they have violated human rights, caused environmental degradation, contributed to war and conflict, or failed to promote socially equitable and environmentally sound development;

8. To distinguish "civil society" from the "market", and to define civil society as those elements of society that serve to guarantee human rights, foster justice, protect and conserve the environment, prevent war and conflict, and provide for socially equitable and environmentally sound development;

9. To prevent the transfer to other states of substances and activities that cause environmental degradation or that are harmful to human health, as agreed in the Rio Declaration; this prohibition would cover activities such as those related to:

(a) the import or export of toxic, hazardous, or atomic substances and wastes,

(b) production or consumption of ozone-depleting substances,

(c) extraction of resources by environmentally unsound methods,

(d) production or distribution of questionable genetically-engineered food substances and genetically modified organisms,

(e) the questionable production or distribution of genetically engineered crop/pesticide systems,

(f) increased greenhouse gas emissions;

10. To act upon the commitment made at recent United Nations Conferences to move away from the overconsumptive model of development, to reduce the ecological footprint, and to reject the economic dogma that maximum economic growth will resolve the urgency of the global situation;

11. To prohibit all trade zones that have the effect of circumventing obligations and commitments intended to guarantee human rights, including social justice and labour rights, or to protect, preserve and conserve the environment.

12. To work with banking and finance institutions to terminate all Structural Adjustment Programs (SAP) which prescribe:

(a) the indiscriminate privatization of state-owned enterprises,

(b) the indiscriminate reduction of government expenditures,

(c) and the indiscriminate liberalization of trade regimes,

(d) the indiscriminate opening of states to increased foreign investment, especially where this entails the attraction of foreign capital by deregulating markets and offering low wages, high interest rates, and little or no environmental protection, or

(e) the indiscriminate encouragement of producing of goods for export at the expense of traditional crops, products and services which serve the needs of domestic peoples;

13. To ensure that no state relaxes environmental, health, human rights or labour standards in order to attract industry, and that no corporation allows a branch or subsidiary to engage in:

(a) practices that are unacceptable in the controlling corporation's state of origin,

(b) activities that are banned or restricted in the controlling corporation's state of origin, or

(c) manufacturing or transferring substances that are banned or restricted in the controlling corporation's state of origin.

14. To ensure that no state shall justify trade with a country that violates human rights on the grounds that such trade will lead to a betterment of human rights.

15. To establish an International Court of Compliance where citizens can bring evidence of state and corporate non-compliance with all states' overriding obligations and commitments to:
(a) protect and advance human rights,
(b) foster social justice,
(c) protect and conserve the environment,
(d) prevent war and conflict, and
(e) enable socially equitable and environmentally sound development.

Contacts:
Joan Russow (PhD) (250) 598-0071, e-mail jrussow@coastnet.com
Caspar Davis (LLB), prana@coastnet.com

14. **NOV 4 1997:** LETTER TO BC MINISTER OF EDUCATION ABOUT LOAN REMISSION:

Hon. Paul Ramsey
Minister of Education
FAX 3873200

Dear Minister

I have been advised by Student services to write to you on the matter of my outstanding B.C. loan. I completed my doctorate degree in January 1996. This degree was a culmination of over 21 years of study. During that time I brought up four children and participated continually in local, national and international issues and public service.

During my education I incurred a government loan of $55,000.
It was always my understanding that if I completed my doctorate I would be eligible for remission of up to $30,000.

Six months after I completed my doctorate, I was informed that the $30,000 remission is only for BC loans and that the university or the student awards services had divided my loan into 20,000 (BC) and 35,000 (Canada). Because of the division, they claimed that I would only be eligible for remission of up to 20,000.

Recently I received a letter from the BC government Awards section indicating that I would receive remission of 16, 900
I urge you to reconsider my case, and adjust the combined federal/provincial loan to permit the $30,000 remission.

It was brought to my attention recently that forest workers have been offered $25,000 to return to school without the obligations to repay, and without the requirement to complete.

It was with great difficulty that I completed my education and I appreciate the assistance that I received from both the federal and provincial government.

Thank you for considering this request.

Yours Truly

Joan Russow (PhD)
1230 St Patrick St
Victoria, B.C.

15. **15 OCTOBER 1997:** CANADA'S TREATY MAKING POLICY IMPERATIVES: DISCHARGING OBLIGATIONS AND FULFILLING EXPECTATIONS FOR A CULTURE OF PEACE

Dr. Joan Russow
Global Compliance Research Project

. CANADA AND TREATY-MAKING

OVERVIEW

To begin to achieve “a culture of peace” citizens must be aware that international public policy related to a culture of peace already exists in the complex of United Nations documents, and that member states of the United Nations have failed either to comply with this international public policy, or to determine what would constitute compliance. Once citizens have become aware of existing obligations and expectations then citizens will be better informed about the commitments that still are needed to move states beyond existing obligations and expectations. For example, in the Declaration of Human Rights from 1948, member states undertook to ”reaffirm faith in fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women.” This statement of principle could be described as a statement of international public policy; yet what actions, cultural adjustments and attitudinal transformations would have been necessary to ensure the fulfilling of this expectation were never really determined.

For over fifty years through international agreements, the member states of the United Nations have undertaken (i) to promote and fully guarantee respect for human rights; including the rights of women; (ii) to ensure the preservation and protection of the environment; (iii) to create a global structure that respects the rule of law, (iv) to achieve a state of peace; justice and security , and (v) to participate in socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference action plans and General Assembly Resolutions.

If these years of obligations had been discharged, and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament, achieved; and socially equitable and environmentally sound development might have been enabled.

Many of these obligations have never been discharged, states often fail to sign international legally binding treaties that they themselves have negotiated; states that sign legally binding conventions and treaties, often fail to ratify them; and states that ratify these treaties often fail to enact the necessary legislation to ensure compliance and enforcement

Many of the expectations have not been fulfilled. Expectations have been created through recent global Conferences and action plans. such as those from United Nations Conference on Environment and Development (UNCED); the World Conference on Human Rights; the Social Development Conference; the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II. Although the major conference action plans have been adopted by all the member states of the United Nations, the action plans are not deemed to be legally binding.

These Conference Action plans, along with General Assembly Resolutions and Declarations, however, do create expectations that states will adhere to the agreed to principles, and policy statements. In common law there is a doctrine that acknowledges the legal implications arising from the creating of expectations: the Doctrine of Legitimate Expectations. This doctrine has been described in the following way: If a government holds itself out to do something even if not legally required to do so, the government will be expected to act carefully and without negligence, and the citizens have a legitimate expectation that the government will discharge this obligation (Brent Parfit, Deputy Ombudsman, Ombuds office, British Columbia, Canada, 1995, Personal Communication). A further elaboration of this doctrine is “when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991). This doctrine could be used by citizens at the international level to strengthen the call for state compliance with expectations created through conference action plans.

Institutional memory related to principles from past precedents, and related to obligations incurred and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations and expectations provide a basis for policy formation and implementation. Not only have policy makers ignored past precedents embodied in principles of action, but the general public is often unaware of the existence of government undertaking, particularly at the international level, and unappreciative of the relevancy of the international obligations to national, provincial and regional issues. In addition NGOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings.

Through international agreements nation states have undertaken
(i) to guarantee human rights including the right to be free from discrimination, the right to shelter, the right to food, the right to social security (international human rights instruments);
(ii) to protect the cultural and natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972) ;
(iii) to eliminate weapons of mass destruction (UNCHE, 1972);
(iv) to promote international co-operation to ensure that the results of scientific and technological development are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations (Art. 2. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace, UN General Assembly Resolution,1975);
(v) to declare that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity (Resolutions 1961, 1978, 1979, 1980, 1981);
(vi) to reduce the military budgets, with a view to reaching international agreements to freeze, reduce or otherwise restrain military expenditures (A. 1 Resolution 36/82 1981, Reduction of Military Budgets. 1981) and to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries (A 2. Resolution 36/82 1981, Reduction of Military Budgets. 1981);
(vii) to respect the inherent worth of nature beyond human purpose (Preamble, World Charter of Nature, 1982);
(viii) to secure nature from degradation caused by warfare or other hostilities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982);
(ix) to declare that the preservation of the right of peoples to peace is a fundamental obligation of each state (2. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984);
(x) to demand that policies of states be directed towards elimination of the threat of war, particularly nuclear war (3. Declaration on the Right of Peoples to Peace; approved by General Assembly resolution 39/11 of 12 November 1984);
(xi) to commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, 1983);
(xii) to prevent the transfer to other states of any activities and substances that cause severe environmental degradation or are found to be harmful to human health (Principle 14, Rio Declaration, UNCED, 1992);
(xiii) to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); (xiv) to invoke the precautionary principle which affirms that, in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration);
(xv) to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Conventions on Biological diversity);
(xvi) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: (xvii) to reduce the ecological footprint (Art. 27 b);
(ix) to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent anthropogenic disasters (27 i);
(xx) to prevent environmental damage through knowledge of eco-cycles (Art. 135). and so forth.

A key concept that has significant policy implications is that of international customary law. Simply put, where a principle of international law has been a long standing part of that law, it may be held to be a part of international customary law and deemed applicable as part of national law. For example, the principle of intergenerational equity i.e. the rights of future generations to a safe environment may be argued as falling within international customary law since it is found in a number of international documents beginning with the UN Conference on Humans and the Environment (UNCHE), 1972, including in the Convention on the Protection of Cultural and Natural Heritage (1972) through the World Charter of Nature (1982) to the various documents coming out of the United Nations Conference on the Environment (UNCED) 1992 (Agenda 21, The Convention on Biological Diversity and the Framework Convention on Climate Change).

Both the Doctrine of Legitimate Expectations and the principles of international customary law are relevant to the national policy formation and implementation related to ethical governance, in that obligations incurred or expectations created can be held to be enforceable in national law.

It is thus essential for transforming a culture of violence into a culture of peace to stress the importance of being concerned with questions of awareness, knowledge and education on the part of the judiciary and administrative bodies, as well as with heightened public awareness of the use of international documents and to the educational strength of these documents within various jurisdictions.

Nation states need to be called upon to fulfill and adhere to previously agreed-upon documented principles and courses of action; and, to enter into formal obligations derived from the legitimate expectations based on their previous statements and actions or pursuant to international customary law. The United Nations also needs to provide an international body for citizens to take evidence of state non-compliance with legally binding conventions and covenants, or with expectations created through General Assembly resolutions, Declarations and Conference Action plans.

20 NOVEMBER 1997 CONTACTED THE APEC MEDIA ACCREDITATION OFFICE

Russow, phoned the APEC Media accreditation centre on Thursday November 20 to ask if it was not too late to attend as a representative of the media. She has attended several international conferences and reported back as media. She has never been prevented from getting media accreditation.

She was told in a phone call to the APEC media desk that the deadline for media registration had been September 29 but that it was still possible to register on site at APEC providing that she had an assignment letter from a newspaper [this is usual procedure for international conferences]. She contacted a local paper and was faxed an assignment letter. She was told that she could register on site.

16. **17 OCTOBER 1997**. MEDIA REPORT ON RUSSOW'S STATEMENT ON SHELL

GREEN PARTY SLAMS SHELL'S ECO-RECORD
BY David Trigueiro , Calgary Herald

Green Party of Canada Leader Joan Russow came to Calgary Thursday for a two-pronged attack on Shell Canada Ltd, ….
Shell was chosen among all oil company offender, Russow said because it is developing oil and gas field in Nigeria and proposing to construct a natural gas pipeline in Iran.

Both countries are guilty of human rights abuses well documented by Amnesty International and meanwhile produce massive amounts of fossil fuels responsible contributing to global warming. … If Shell would devote more time and money to developing alternative source of energy to replace fossil fuels, Russow said, it would not have to involve itself in human-rights outlaw countries…
Russow said the Green party wants to persuade Canada's oil companies to support reductions in carbon dioxide emission as they have pledged to do in the past … …

17. **20 NOVEMBER 1997**: RUSSOW CALLS APEC MEDIA ACCREDITATION CENTRE

Russow was informed by the APEC Media Accreditation Centre that although the formal registration had been closed in September, it was still possible to register on site with the proper letter of accreditation

18. **21 NOVEMBER 1997**: FAXED LETTER OF ACCREDITATION FROM OAK BAY NEWS

Oak Bay community newspaper since 1974
219 2187 Oak Bay avenue Victoria B C
Phone 250 598-4123 fax 250 598 1896

Cover Joan
Is this enough if you want the original. I will leave it here for you to pick up

Body of text November 21 1997

To whom it may concern
This is to certify that Joan Russow is attending the APEC conference as a representative of the Oak Bay news. Please grant her media credentials accordingly
If you require further clarification please contact the oak Bay news at 250 598-4123
Signed: David Lennam, Editor

19. 22 NOVEMBER 1997: EVIDENCE OF PMO's INTERFERENCE WITH SECURITY

Karen Pearlston, a graduate law student residing at Green College (a graduate student residence and the building closest to the APEC motorcade route at UBC), is told by police that they have orders from the PMO that there should be "no signs and no people" on the Green College side of the motorcade route. She is threatened with arrest when she asserts her constitutional rights. Asked on what charge, the police respond, "We'll make something up."

In the evening, student protesters camped near the Museum of Anthropology are arrested. Police documents had stated that the PMO was "very concerned" about their presence (e-mail from Insp. Dingwall to Supt. May and others, 20 November 1997) even though the campers apparently did not pose a security threat.

"APEC command centre logs show that on one occasion, Jean Carle, the Director of Operations for the Prime Minister's office, phoned Wayne May. May is the RCMP Superintendent who headed up security at the summit. The call came just days before the meeting at UBC, and it centred on the student protesters camped near the summit site" (Newsworld Online, 23 August 1999).

20. 22 NOVEMBER 1997: RUSSOW APPLIES FOR ACCREDITATION AT MEDIA CENTRE AT APEC

She arrived at the Media Accreditation desk on Saturday at 11:30. Her credentials were accepted and placed in the computer. She was told that there was a backlog and there would have to be a security check [a requirement for all media]. She was also told that she might be able to begin attending the sessions in the interim because her name was now in the computer, but that it was up to the discretion of the RCMP officers at the entrance to the conference.

She went to the entrance and asked if it would be possible to enter with a temporary pass. The RCMP officers made a few phone calls and then said that she could not enter and would have to wait until the security check was completed. She phoned back Saturday evening and was told that the security check was still pending. She was staying in Tswassen and was not at UBC.

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21. 23 NOVEMBER 1997: RUSSOW RECEIVES MEDIA ACCREDITATION AND THEN HAS PASS PULLED

She called from Tswassen in the morning and was told that her pass was still not ready but if she came down in person there would probably be a better chance of obtaining the media pass. She went to the media centre at 11:30 on Sunday, and waited for 30 minutes and was given a media pass

She covered the People's Summit rally and then returned to the main APEC centre to enter with the media pass.

When she came to the gate, she was told that something was wrong with her pass and she would have to get another one. It appeared that they had been waiting for her because a woman at the gate called out "she is here".

She went to the RCMP desk and they asked for her pass and she returned it. They told her that there was a problem and she would have to return to the media centre. I asked if they could please call for me to find out what the problem was. She overheard the RCMP officer say “yes we have her pass”.

She went to the media centre and was told by Richard Bills, one of the media coordinators, that she was not refused on the grounds of the security check but on the grounds that they could not find the name of the paper that she was representing anywhere. This news paper was part of the local newsgroup in Victoria. They noted that there was no answer at the local newspaper [which is not open on Sunday].

She was told that if she could have a newspaper sent over proving that the newspaper existed her pass would be returned. She was also asked if she had written anything for the paper before and she mentioned she had written a piece on the MAI. He then asked her what she was going to be reporting on. She mentioned that she would be examining the APEC communiqué in the context of international agreements.

She left prepared to have a copy sent over. She then decided to return to the Media centre and suggest that they call the Times' Colonist which would be open and ask about the legitimacy of the local paper. Richard Bills said "how could we tell if we would be talking to a legitimate person at the newspaper". She said that he could look up the number for the newsroom himself.

He then passed her on to the RCMP officer, Wally Duperon after having a short conversation at the edge of the backroom.

The RCMP officer returned and said that she could not get a pass because she had a FAX of the assignment from the newspaper. She pointed out that an hour earlier she had discussed media accreditation with a woman who had had her assignment faxed from Montreal.

The RCMP officer then said that the newspaper had not registered by September 28, and she pointed out that , she had been told on November 20 when she phoned from Victoria, it was possible to register on site.

He then asked if she had a professional press pass; she responded that she had stated on her application that she was "freelance".

At this point she said if she were an RCMP officer interviewing him she would have been very suspicious. He retorted perhaps she should become one. She asked if the reason that her pass was pulled was that she was the leader of the Green party. He said no.

She said that there was obviously another reason for her not being able to attend as media, and said that she thought that he was lying; he responded by asking her if she wanted to be arrested.

She left and phoned back to request more information about the real reason for her not being given a media pass.

On the ferry on Monday she read an article about a Reuters reporter who had asked Chrétien a question during a Photo-up. Joan Russow was reminded of Chrétien's walkabout in Montreal during the 1997 election when after introducing herself as the leader of the Green Party, she asked him a question about Canada's lack of compliance with international law. After ignoring her questions she asked the reporters in his entourage if they were all there to take photo-ops or were there any investigative reporters among them that would ask Chrétien substantial and challenging questions.

Was this the reason that she was denied media access? She has filed a complaint and she will be using the freedom of information act to find out what is in her record.

22. **27 NOVEMBER 1997:** RUSSOW FILED A COMPLAINT ABOUT THE RCMP AT APEC

23. **28 NOVEMBER 1997:** PETITION SUBMITTED TO THE FEDERAL GOVERNMENT RE: APEC. COPY SENT TO PRIME MINISTER

Nov 28, 1997
PETITION
TO THE HOUSE OF COMMONS
IN PARLIAMENT ASSEMBLED

We the undersigned citizens draw the attention of the House to the following:

THAT the arrests and treatment of citizens protesting in Clayoquot Sound, Temogami, Gustafson lake and Slocan Valley have violated the civil and political rights of those arrested

THAT during the APEC conference in Vancouver several activities authorized by the Canadian Government appeared to be in violation of the Charter of Rights and Freedoms, the Immigration Act and the International Covenant of Civil and Political Rights to which Canada is a signatory.
THAT there is increased concern about the misapplication of justice in reference to
THAT there has been a criminalization of the contempt of court charges
THAT there was questionable activity related to the pulling of a media pass at the APEC Meeting

THEREFORE, your petitioners request that Parliament

(i) to seek an advisory opinion from the International Court of Justice on Canada's compliance with the international Covenant of Civil and Political Rights in relation to the arrests of citizens, to the criminalization of the contempt of court charges, and to the treatment of these citizens as criminals.
(ii) to investigate RCMP behaviour during the APEC Conference as being a violation of Charter of Freedom Right of Assembly
(iii) to examine the Canadian statutory law related to immigration in reference to the section on prohibiting entry into Canada of citizens or leaders that have violated human rights.

In the International Covenant of Civil and Political Rights. Article 19 it is stated
1. Everyone shall have the right to hold opinions without interference
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his {his/her] choice.

SIGNATURE	ADDRESSES
Joan Russow (PhD)	1230 St. Patrick St. Victoria, B.C. V8S4Y4.

24. 9 DECEMBER 1997: CHAIR OF THE RCMP PUBLIC COMPLAINTS COMMISSION INSTITUTES A PUBLIC INTEREST INVESTIGATION INTO APEC

25. 10 DECEMBER 1997: UBC SENATE MEETING DIRECT INVOLVEMENT OF SENIOR OFFICIALS CONFIRMED

At a UBC Senate meeting, senior university officials confirm the direct involvement of senior officials from the PMO in establishing "security perimeters" around the AELM meeting site.

26. 16 DECEMBER: 1997 FILED A COMPLAINT WITH THE RCMP PUBLIC COMPLAINTS COMMISSION

Russow had phoned in the complaint and it is reported that she “alleged oppressive conduct in that she was refused a security clearance to attend the APEC centre as a report; which she believes is because she is the leader of the Green Party.”

27. 22 DECEMBER 1997: RESPONSE TO COMPLAINT AGAINST THE RCMP

Royal Canadian Mounted Police
“e” division
Ms. Joan Russow
1230. St. Patrick Street V8S 4Y4
December 22. 1007

Dear Ms Russow:

Please be advised that this office is now in receipt of correspondence concerning your complaint against members of the RCMP which you lodged with the RCMP Public Complaints Commission.

Your complaint will be investigated and you will be contacted in due course. You will be kept informed of the progress of the investigation at regular intervals

Sincerely

D. J Chisholm, Staff Sergeant
Non Commissioned Officer in Charge
Internal Affairs Unite
“E” Division.

1998

28. 15 JANUARY 1998: RUSSOW INTERVIEWED IN VICTORIA BY TWO RCMP OFFICERS, SERGEANT WOODS AND SERGEANT JUBY

In the interview, after reporting on what I perceived to be the sequence of events, I raised the issue of the possibility that there had been a directive from the Prime Ministers office. When I was asked what remedy I would request, I mention the CSIS Act section in which CSIS is not supposed to target citizens engaged in legitimate advocacy. I also stressed the necessity of establishing clear criteria for the RCMP to enable them to distinguish between individuals engaged in legitimate advocacy and individuals who were real threats to national and international security.

29. JANUARY 1998: NOW MAGAZINE REVEALS DND LISTS OF GROUPS

The following is an excerpt from an piece written by Patrick Cain, and published in NOW magazine in January, 1998.

"The order from the then head of the military police, Colonel Peter MacLaren, asks for the names of what he calls "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces".

The list, MacLaren indicates in his instruction, had been requested by then-Deputy Minister Robert Fowler, now Canada's Ambassador to the United Nations. Much of the note was classified as secret.

On May 18, 1993, MacLaren sent a briefing note to then Vice-Admiral Larry Murray with an attached list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."

Some organizations on the list are expected -- even inevitable -- there are eight white supremacist groups, 14 Asian triads and 15 motorcycle gangs mentioned.

Others are startling. In a section headed "left Wing Groups" MacLaren asserts, "The loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond." Under "Environmental Groups" MacLaren included the Green party (without saying whether he meant the federal or provincial parties), project Plowshares, the Raging Grannies, the Canadian Coalition for Nuclear Responsibility, Earth First and Greenpeace." Generally peaceful, some groups have attempted to hinder CF (Canadian Forces) operations," MacLaren writes. "The presence of peace group members in the CF could pose a risk to the security of information. DND's efforts to be environmentally sensitive are not appreciated by all environmental groups."

Under "Anti-Racist Groups." the list includes Anti-racist Action, B'nai Brith, the Canadian Jewish Congress and what he called the "native Canadian Centre (without saying which one).

"Generally peaceful" MacLaren writes, "some groups have a Trotskyist or Anarchist element that uses violence at demonstrations. The allegations of white supremacists in the CF could result in protests against DND."

Under "Religious Extremists" MacLaren Lists (without further explanations) "some groups" of Roman Catholics, Sikhs, Baptists and United Church members. Which groups are referred -- for instance, whether MacLaren had the Catholic right or the Catholic left in mind, or both -- isn't clarified. Without the "some groups" qualification, MacLaren lists the Jewish human rights group B'nai Brith (its second mention) and the Mennonites.

The list, Maclaren writes, was "compiled from (military police) records and open sources." (NOW, January 1998).

30. **MONTHLY FROM JANUARY 1998 TO JULY 1998:** RCMP UPDATES ON COMPLAINT

Russow received responses from the RCMP; these responses updated me on the complaint by essentially saying that the response was forthcoming.

31. **28 JANUARY 1998:** LETTER SENT TO MILITARY POLICE ABOUT THE DND LIST

January 22, 1998

Open Letter to the Military Police

The Green party of Canada would like to raise some serious questions about the following information which appeared recently in an article in the latest NOW Magazine.

Although, in the article, the military police claim that they had only put together a list to indicate how difficult it would be to compile a list of organizations to which military personnel should not belong, the article does reveal a series of categories which raise serious concerns.

The following is an excerpt from a piece written by Patrick Cain, and published in NOW magazine in January, 1998:

"The order from the then head of the military police, Colonel Peter MacLaren, asks for the names of what he calls "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces".

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Some organizations on the list are expected -- even inevitable -- there are eight white supremacist groups, 14 Asian triads and 15 motorcycle gangs mentioned.

Others are startling. In a section headed "left Wing Groups" MacLaren asserts, "The loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond." Under "Environmental Groups" MacLaren included the Green party (without saying whether he meant the federal or provincial parties), project Ploughshares, the Raging Grannies, the Canadian Coalition for Nuclear Responsibility, Earth First and Greenpeace. "Generally peaceful, some groups have attempted to hinder CF (Canadian Forces) operations," MacLaren writes. "The presence of peace group members in the CF could pose a risk to the security of information. DND's efforts to be environmentally sensitive are not appreciated by all environmental groups." Under "Anti-Racist Groups." the list includes Anti-racist Action, B'nai Brith, the Canadian Jewish Congress and what he called the "native Canadian Centre (without saying which one). "Generally peaceful" MacLaren writes, "some groups have a Trotskyist or Anarchist element that uses violence at demonstrations. The allegations of white supremacists in the CF could result in protests against DND."

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The list, Maclaren writes, was "compiled from (military police) records and open sources." (NOW, January 1998).

The above article raises serious concerns.

1. What are the military police records and "open sources" referred to in the above article.
2. Why were the groups considered to be part of " extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces."
3. What criteria were used to determine the following: "left Wing Groups whose loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond."
4. How did they determine groups under the following category**: list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."**
5. What actions of the Green party would have caused it to be included in the category of "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces," OR "left Wing Groups whose loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond."
6. Who else had access to this list of "military police records and open sources" that would have included the Green party.
7. Have the records of the "military police records and open sources" been circulated beyond Canada.
8. What criteria are used for distinguishing between dissent and subversion.

Yours truly

Joan Russow PhD
National Leader of the Green Party of Canada
1 250 598-0071

NOTE: FOLLOW-UP CONVERSATION WITH DND. Russow contacted Department of Defence and expressed her concern about the implication of citizens and groups being on a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."As the leader of the Green Party of Canada, Russow expressed concern that the Green Party was found on the list, and pointed out that this violated “political and other opinion”- a ground that is protected in most international human rights instrument. He informed her that after the incident in Somali and the concern about white supremacy groups within the Military, Robert Fowler, the former deputy Minister of Defence had directed him to compile a list of groups that the military should not belong to. MacLaren informed her that he had passed this assignment on to a junior officer who came up with the various categories. She asked him if this list had been circulated, and if it had been shared with other countries; he thought that it had been. She asked if there was any way of preventing the circulation of this list, and he indicated that it would be difficult.
[NOTE: that in the access to information request, the Department of Defence exempted the names of the groups, and that this exemption was supported by the Access to Information Commissioner. The Department of Defence did however release a document which indicated that they were primarily concerned about leaders of these groups]

32. **FEBRUARY 1998:** LETTER, EXPRESSING CONCERN ABOUT DND LIST, TO PRIME MINISTER

Open letter to the Prime Minister, the Rt Hon. Jean Chrétien

The Green party of Canada would like to raise some serious questions about the following information which appeared recently in NOW Magazine. Although the military claim that they had only put together a list to indicate how difficult it would be to put together a list of organizations to which military should not belong, the article does reveal a series of categories which raise serious questions.

The following is an excerpt from an piece written by Patrick Cain, and
published in NOW magazine in January, 1998.

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is questionable as the group bond is stronger than the nationalist bond."

Under "Environmental Groups" MacLaren included the **Green party**
(without saying whether he meant the federal or provincial parties), project Ploughshares, the Raging Grannies, the Canadian Coalition for Nuclear Responsibility, Earth First and Greenpeace.

"Generally peaceful, some groups have attempted to hinder CF (Canadian Forces) operations," MacLaren writes. "The presence of peace group members in the CF could pose a risk to the security of information. DND's efforts to be environmentally sensitive are not appreciated by all environmental groups."

Under "Anti-Racist Groups." the list includes Anti-racist Action, B'nai Brith, the Canadian Jewish Congress and what he called the "native Canadian Centre (without saying which one).

"Generally peaceful" MacLaren writes, "some groups have a Trotskyist or Anarchist element that uses violence at demonstrations. The allegations of white supremacists in the CF could result in protests against DND."

Under "Religious Extremists" MacLaren Lists (without further explanations) "some groups" of Roman Catholics, Sikhs, Baptists and United Church members. Which groups are referred -- for instance, whether MacLaren had the Catholic right or the Catholic left in mind, or both -- isn't clarified. Without the "some groups" qualification, MacLaren lists the Jewish human rights group B'nai Brith (its second mention) and the Mennonites.

The list, Maclaren writes, was "compiled from (military police)
records and open sources." (NOW, January 1998).

The article raises serious concerns.

1. What are the military police records and "open sources" referred to in the above article.
2. Why were the groups considered to be part of " extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces."
3. What criteria were used to determine the following: "left Wing Groups whose loyalty of members of these groups (i.e. to Canada)
is questionable as the group bond is stronger than the nationalist bond."
4. How did they determine groups under the following category: list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."
5. What actions of the Green party would have caused it to be included in the category of “extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces," OR "left Wing Groups whose loyalty of members of these groups (IE. to
Canada) is questionable as the group bond is stronger than the nationalist bond."
6. Who else had access to this list of "military police records and open sources" that would have included the Green Party.
7. Have the records of the "military police records and open sources" been circulated beyond Canada.
8. What criteria are used for distinguishing between dissent and subversion.

Yours truly

Joan Russow PhD

National Leader of the Green Party of Canada
1 250 598-0071

P.S. On a personal note: Since I was elected leader of the Green Party of Canada, my bags have been searched four times when leaving and entering Canada and the US.
My media pass was pulled at the APEC conference, and this is being currently investigated by the RCMP Complaints Committee.
cc the local and International Media

33. 20 FEBRUARY 1998: RCMP CHAIR APPOINTS PANEL

Shirley Heafey, chair of the RCMP Public Complaints Commission (PCC), appoints a panel to investigate matters arising from the 1997 APEC summit. The panel consisted of Gerald Morin (chair), Vina Starr, and John Wright.

34. FEBRUARY 1998: RUSSOW WAS IN OTTAWA AND CALLED ON THE PMO TO TALK ABOUT THE ISSUE. THE PMO REFUSED TO DISCUSS HER CASE.

35. 18 MARCH 1998: APEC S"PETITION" RELATED TO THE VIOLATION OF CIVIL AND POLITICAL RIGHTS WAS PUT ON THE FLOOR OF THE HOUSE OF COMMONS BY NDP M.P. LA LIBERTE.

36. MARCH 1998: TELEPHONE LAST MARCH WITH KEVIN GILLET ABOUT RUSSOW APPEARING AT THE COMMISSION: Kevin Gillet did was not of the view that the matter should be brought forward in such a manner, but agreed to look into complaint.

37. 16 APRIL 1998: HEARING INTO APEC COMPLAINTS DELAYED HEARING DEMANDS ALL DOCUMENTS IN THE POSSESSION OF RCMP TO BE SUBMITTED BY MAY 31, 1998

The RCMP Public Complaints Commission hearing into the actions of the Police officers has been adjourned until Sept 14. The decision follows a preliminary hearing in which requests for an adjournment were made based on scheduling problems and the need to gather and evaluate information requested from the RCMP. The information has not yet been received by commission lawyer Chris Considine.

The Commission has asked that the RCMP deliver all relevant documents, as well as the names of the officers who are the subject of the complaint, by May 31.

38. 27 MAY 1998: SGT WOODS INTERVIEW WITH CHRISTINE PRICE ABOUT DIRECTIVE COMING FROM THE PMO

Russow did not find out about the existence of this interview until August 25 1999, and at that time she was dismayed that the RCMP ignored this interview in its response to her complaint.

DATE TIME ACTION TAKEN - MEASURES PRISES HEURE

98-05-27 1420 Called PRICE's residence and left a message for her to call me.
98-05-28 0900 Received a voice message from PRICE to contact her at 264-3239.
Contacted PRICE who advised that she works in Proceeds of Crime as of 98-03-24, I advised PRICE of the complaint and stated that I would like to talk to her about the incident. I will Call back after the meeting with IAU.

1050 PRICE attended office this date and a taped statement was obtained. PRICE who was a clerk at the accreditation office stated that she dealt with RUSSOW when she came in and felt that she was different but produced photo I.D. and could not produce any other info other than a fax, that she was working for a newspaper. PRICE called the fax number or. the paper and did not receive an answer or a answering machine at that number. PRICE forwarded the documents and the next day learned that RUSSOW was not to get accreditation as a result of the PM0.

PRICE checked the computer and found that RUSSOW had received the accreditation, and PRICE advised a member and advised that RUSSOW's accreditation was to be retrieved/denied. PRICE stated that she saw RUSSOW come into the center and was spoken to by BILLS. She then saw RUSSOW be directed to speak to DUPERON. She observed RUSSOW become very loud and obnoxious with DUPERON who did not appear to speak in any manner other than professional and courteous. (statement being typed.)

98-06-18 0950 DUPERON faxed his statement to this office this date. In, the statement he explains that he was advised by BILLS of the situation with regards to RUSSOW's accreditation. DUPERON advised that he spoke with RUSSOW and several times advised her of the proper procedures to follow to obtain her accreditation pass. he states as do the other witnesses that RUSSOW became very loud about her discussions with the accreditation staff to the point were it appeared that she was attempting to bully them into allowing her a pass. There is no mention that the people who dealt with RUSSOW knew she was with the Green Party or that the PMO had directed any person to refuse RUSSOW a pass prior to any contact that DUPERON had with RUSSOW.

As a result of the statements obtained and the investigation done by this office there is no evidence that the subject member DUPERON exceeded his powers or did anything untoward to RUSSOW to prevent her obtaining a press pass for APEC, it is shown that DUPERON followed the procedures that were set down for the purposes of allowing accreditation to a reporter and that RUSSOW did not comply with tic guidelines.
The result of the investigation is "UNFOUNDED"
RCMP GRC 1624 (1997-02) (FLO) 034

"Woods: now when Brian Groos told you that she [Russow] was not to get accredited and he stated this came from Audrey Gill, did he give you any explanation as to why
Christine Price; I believe he told me that it was an order from the PMO but that was all that he told me."

39. 8 JUNE 1998: THE GREEN PARTY OF CANADA PRESS RELEASE-VIOLATION OF INTERNATIONAL COVENANT

LE PARTI VERT DU CANADA
C.P./Box 397, London, ON N6A 4W1
Tel/Fax: (519) 474-3294
Http://www.green.ca

NATIONAL LEADER OF THE GREEN PARTY OF CANADA
Joan Russow (Ph.D.)
Tel/Fax: 604-598-0071

MEDIA RELEASE/COMMUNIQUÉ DE PRESSE

ARRESTS IN CANADA: IS CANADA IN VIOLATION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS

Victoria, June 8, 1998

The Green Party of Canada is pleased that in the independent report from the Auditor General's office, Brian Emmett, the Commissioner of the Commission on Environment and Sustainable Development confirmed that "governments in Canada have failed to live up to their promises to Canadians and to the World".

Nothing demonstrates more Canadian governments' failure to live up to their promises than the arrests of citizens who have been calling for Canada to discharge its obligations and to act on its commitments.

As a result of arrests of citizens, at APEC, in Clayoquot Sound, in Temagami, in Oka, in Gustafson Lake, in Ipperwash, in the Slocan valley, governments in Canada may be remiss in discharging its obligations under the International Covenant of Civil and Political Rights

The enclosed petition was circulated on the 49th Anniversary of Human Rights calling for the Federal government to seek an advisory opinion from the International Court of Justice on whether Canada is in violation of this Covenant

"If there is no recourse through this petition then a complaint should be submitted to the UN Commission on Human Rights which is the body that handles complaints about violations of the International Covenant on Civil and Political Rights. Before this channel can be explored under the Optional Protocol of that Covenant, citizens must first demonstrate that all domestic remedies have been exhausted. This petition is the first step" stated Russow.

For further Information
Please Contact
Joan Russow (Ph.D.)
National Leader of the Green Party of Canada
1 250 598-0071

40. **19 AUGUST 1998**: RESPONSE TO PETITION ON CIVIL AND POLITICAL RIGHTS

This response clearly reaffirms that CSIS is prohibited by legislation from investigating activities constitution lawful advocacy, protest and dissent.

Response to petition related to the Violation of Civil and Political Rights
Filed MARCH 18, 1998
Response August 19, 1998

signed by the Minister of Parliamentary Secretary
Petition No381 0801

With regard to the Royal Canadian Mounted Police's (RCMP) response to the demonstrations at the Asia (APEC) conference in November 1997, the Solicitor General is aware of the views that some members of the public have expressed regarding the RCMP's actions in fulfillment of their obligation to safeguard International Protected Persons. The Minister assures the petitioners that he is most sensitive to the concerns that have been voiced.

This petition requests, inter alia, that the RCMP be investigated with respect to the APEC forum. The RCMP Public complaints Commission (The Commission) announced on December 9, 1997 that it would conduct an investigation, in the public interest, after it received a series of complaints about different alleged incidents involving members of the RCMP during the demonstrations at the APEC conference. Following a preliminary investigation of these complaints, the Commission further announced that it would hold public hearings. These hearings will begin September 14, 1998 in Vancouver.

The RCMP Public Complaints Commission announced that the hearings will inquire into and report on:

a) the events that took place between November 23 and 27, 1997 during , or in connection with , demonstrations during the APEC conference on or near the University of British Columbia (UBC) campus and subsequently at the UBC and Richmond Detachments of the RCMP;

b) whether the conduct of members of the RCMP involved in the events was appropriate to the circumstances; and

c) whether the conduct of the members of the RCMP involved in the events was consistent with respect for the Fundamental Freedoms guaranteed by section 2 of the Canadian Charter of Rights and Freedoms

The commission is a fully independent civilian agency which was created by Parliament to ensure that complaints involving members of the RCMP are examined thoroughly and impartially. The Commission is mandated to review complaints, conduct investigations and hold hearings at arm's length from the RCMP and the Federal Government.

With respect to the role of the Canadian Security Intelligence Service (CSIS) during the demonstrations at the APEC conference. CSIS has a mandate to investigate threats to the security of Canada, as defined in section 2 of the CSIS Act. CSIS specifically prohibited by legislation from investigating activities constituting lawful advocacy, protest and dissent. As such, as long as activists' methods remain within legal bounds, such activities would not be subject to CSIS scrutiny. Anyone with specific concerns should raise them with the Security Intelligence Review Committee (SIRC). As to any allegations of criminal activity, these concerns should be addressed to the police force of jurisdiction.

The petition also refers to the events at Gustafson lake, Ipperwash, Oka and other sites of citizen protest. all levels of government with responsibility for law enforcement concentrated their efforts toward a peaceful resolution of these events. Law enforcement measures taken at these locations were for the sole purpose of public protection, and in keeping with the Constitution of Canada and the Canadian Charter of Rights and Freedoms.

41. 25 AUGUST 1998: RUSSOW RECEIVES RCMP RESPONSE TO HER COMPLAINT; The RCMP produced the following report without taking into account that Russow had been placed on an APEC Threat Assessment List, and that Christine Price, with RCMP proceeds of Crime division, had reported, in May, 1998, to RCMP Sgt Woods that there had been an order from the PMO to prevent Russow from attending the APEC Conference. In fact, in the report rather than acknowledging the RCMP evidence supporting the involvement of the PMO in the removal of Russow's pass the Report affirms: "There is no indication of any involvement from the Prime Minister's Office in the decision to refuse your media pass". If the real reason for their concern had been the existence of the Oak Bay news then they could have contacted the police in Victoria.[a possibility did not escape Sgt. Woods.]. In addition, apart from the many inaccuracies in the report, the media assignment letter from the Oak Bay news, which they had on file, had a 250 exchange not a 604.

RCMP Public Complaints Commission
RCMP "E" Division,
657 West 37th Avenue,
August 25, 1998.

Dear Ms. Russow,

This is in reference to the complaint you made against unidentified Vancouver RCMP officer for unjustified use of powers. You lodged your complaint with the RCMP Public Complaints Commission on November 27, 1997.

A thorough investigations has been conducted into your complaint. I have had an opportunity to review the investigator's report and accordingly, I am now in a position to comment on your concerns.

Background Information

On November 22, 1997 you traveled to Vancouver B.C. and attended the media centre for the APEC conference to request a media pass. You were given a form to fill and you presented a fax copy of a letter from David Lennam of

the Oak Bay News Group, stating you were a representative of the Oak Bay News. The letter requested you be granted media credentials. You state that you were informed you would have to go through a

security check, which could take up to 24 hours to complete. On the morning of November 23, 1997, you returned to the media centre to inquire about the status of your media pass. Shortly thereafter you were informed your pass was ready.

After a brief time you were asked to return your pass. Your pass was never returned to you, and it is the actions of the police officers handling your pass that has given rise to your complaint.

Findings of Investigation

Allegation: The RCMP was unjustified in their use of powers in that they refused you a media pass to attend the APEC conference as a reporter.

In addition to the information you provided to the RCMP Public Complaints Commission to initiate your complaint, you provided a statement to Sergeant Woods and Sergeant Juby on January 15, 1998. In your statement your plans had changed close to the time of the APEC conference, which allowed you to attend the conference n Vancouver. You were informed the media registration process ended on September 27, 1887, however is was still possible to register on site. You stated the Oak Bay News were interested in having you attend the conference and report on the event.

You were faxed a copy of your media assignment which you presented to the APEC media registration centre on November 2, 1997. You filled out a form and were told you would also have to undergo a security check prior to the issue of your media pass. You were told this process could take up to 24 hours.

On November 23, 1998, you again attended the media centre in an effort to pick up your credentials. You were informed your pass was ready and you picked it up. You state that shortly after, you were informed that something was wrong with your pass, and you were directed to speak to the RCMP. Your pass was retained by the RCMP and you were directed back to the media desk. There you were informed no record could be found for the Oak Bay News. Attempts to contact the Oak Bay News were unsuccessful. You state you were asked to produce a copy of the paper, however you were not able to do so. You stated you were told that there was no evidence the Oak Bay News paper existed.

You state that an RCMP officer, who identified himself as Constable Duperon, informed you your newspaper did not register itself prior to the deadline so you would not be given a media pass. A discussion ensured between yourself and the RCMP officer resulting in your identifying yourself as the leader of the Green Party. You state that you told constable Duperon you thought he was a liar and then Constable Duperon informed you the discussion was closed. You state Constable Duperon told you that you should be under arrest. You also allege your pass may have been refused as a result of direction from the Prime Minister's Office.

A statement was obtained from Richard Bills who was the media accreditation coordinator for the APEC conference. Mr. Bills stated that he dealt with you on Nov 23, 1997 after your media had been taken away. In an attempt to determine what had occurred, Mr. Bills contacted Audrey Gill, the manager of communications and public relations for the APEC conference. Mr. Bills was informed that the Oak Bay News may not be a legitimate news gathering organization. Mr. Bills phoned the number on the fax letter of assignment you provided, however there was no answer nor answering machine. Mr. Bill also noted that the fax you presented came from a telephone number with 604 area code not a 250 area code which is the area code for Victoria – where the Oak Bay News indicates they originate.

Mr. Bills asked for a copy of the Oak Bay newspaper or any other press identification. Mr. Bills states that this was his common practice. You could provide neither an original copy of the newspaper or any media credentials. Mr. Bills states that you raised your voice and that you were rude and condescending. Mr. Bills then directed you to speak with the RCMP.

Constable Duperon also provided a statement regarding your complaint. Constable Duperon states that you were directed to speak with him after your media pass had been taken away. Constable Duperon was advised by Mr. Bills that your pass had been mistakenly issued prior to all checks being completed. Constable Duperon states that he then affirmed the need for you to produce either a copy of the Oak Bay newspaper or your press pass.

Constable Duperon stated that you were argumentative and became loud and aggressive. Constable Duperon stated that he had no idea you were the leader of the Green Party , and that he had never heard of you before. He stated you proceeded to become louder and more agitated. You were asked to leave

the building, and told that if you did not you would be arrested for causing a disturbance. You eventually left the building.

The evidence indicates your request for a media pass for the APEC conference was handled according to Policy. You were unable to produce any of the material requested by the media accreditation staff, which would have allowed your request to be processed. There is no indication Constable Duperon or any of the media accreditation staff were in any way unprofessional in their dealings with you. There is no indication of any involvement from the Prime Minister's Office in the decision to refuse your media pass. Based on the foregoing I am unable to support your allegations.

Conclusion
Pursuant to Section 45.4 of the RCMP Act, I am notifying that the investigation into your complaint has now been concluded. If you are not satisfied with the manner in which your complaint has been addressed by the RCMP, you may request a review by the RCMP Public Complaints Commission by corresponding with them at the following address:

RCMP Public Complaints Commission
Suite 102, 7337 - 137 Street, etc.

Sincerely
DJ Chisholm, Staff Sergeant,
Non Commissioned Officer in Charge, Internal Affairs Unit, "E" Division

42. 28 AUGUST 1998: AFFIDAVIT PREPARED BY RUSSOW IN RESPONSE TO COMPLAINT

THAT I Joan Russow, of 1230 St. Patrick Street , do swear the following to be true:

THAT I am the National leader of the Green party of Canada,

THAT I phoned the APEC media office on Thursday November 20 to ask if it was not too late to attend as a representative of the media.

THAT I was told in a phone call to the APEC media desk that the deadline for media registration had been September 29 but that it was still possible to register on site at APEC providing that I had an assignment letter from a newspaper [this is usual procedure for international conferences].

THAT I had received an assignment letter from the Oak Bay News in Victoria.

THAT I have attended several international conferences and reported back as media, and that I have never been prevented from getting media accreditation.

THAT the phone number for the Oak Bay News was listed with the exchange 250 not 604 as claimed by Bills

THAT I was faxed the assignment letter with a note that the original could be picked up at the office

THAT I arrived at the Media Accreditation desk on Saturday at 11:30. and my media credentials were accepted and placed in the computer

THAT I was told that there was a backlog and there would have to be a security check [a requirement for all media].

THAT I was also told that I might be able to begin attending the sessions in the interim because my name was now in the computer, but that it was up to the discretion of the RCMP officers at the entrance to the conference.

THAT I went to the entrance and asked if it would be possible to enter with a temporary pass. The RCMP officers made a few phone calls and then said that I could not enter and would have to wait until the security check was completed.

THAT I was staying in Tswassen, and I was never at the UBC campus during the APEC conference

THAT I phoned back Saturday evening and was told that the security check was still pending.

THAT I phone on Sunday morning and told that if I went to the site in person there would be a greater chance of getting the pass

THAT I went to the media centre at 11:30 on Sunday, and waited for 30 minutes and was given a media pass.

THAT I attended the People's Summit rally and then returned to the main APEC centre to enter with the media pass.

THAT when I came to the gate, I heard someone say "there she is". I was stopped at the entrance and told that there had been something wrong with passes that had been issued, and that I should go over to the RCMP desk because to get another one.

THAT I went to the RCMP desk and was asked for my pass and given the reason that there was a problem and I would have to return to the media centre.

THAT I handed over the pass and asked if they would call the media desk and clarify the problem

THAT they called the desk and I overheard them say "Yes we have the Pass".

THAT I went to the media centre and was told by Richard Bills, one of the media coordinators, that I was not refused on the grounds of the security check but on the grounds that they could not find the name of the paper that I was representing anywhere.

THAT this news paper was part of the local news group in Victoria. They noted that there was no answer at the local newspaper [which is not open on Sunday].

THAT I was told that if I could have a newspaper sent over proving that the newspaper existed my pass would be returned.

THAT I was also asked if she had written anything for the paper before and I mentioned I had written a piece on the MAI.

THAT he then asked me what I was going to be reporting on. I mentioned that I would be examining the APEC communiqué in the context of international agreements.

THAT I left prepared to have a copy sent over. I then decided to return to the Media centre and suggest that they call the Times Colonist which would be open and ask about the legitimacy of the local paper, the Oak Bay News.

THAT Richard Bills said "how could we tell if we would be talking to a legitimate person at the newspaper".

THAT I said that he could look up the number for the newsroom himself.

THAT Bills then said I would have to talk to an RCMP officer

THAT Bills and the RCMP officer, Wally Duperon, went down the hall for a discussion

THAT Officer Duperon returned and said that I could not get a pass because I had a FAX of the assignment from the newspaper. I pointed out that an hour earlier I had discussed media accreditation with a woman who had her assignment faxed from Montreal

THAT officer Duperon then said that the newspaper, the Oak Bay News had not registered by September 28

THAT I pointed out that I had been told over the phone that it was possible to register on site.

THAT he asked if I had a professional media card; I told him that on my form I had indicated that I was free lance

THAT I said that there was obviously another reason for my not being able to attend as media.

THAT at this point I said if I were an RCMP officer investigating you I would be very suspicious.

THAT he responded with perhaps you should become an RCMP investigator

THAT I asked if the reason that my pass was pulled was that I was the leader of the Green party.

THAT he said "no".

THAT I said "you are lying"

THAT he said "do you want to be under arrest".

THAT I left and phoned back to request more information about the real reason for my not being given a media pass and was given no further information.

THAT I returned to Victoria and filed a complaint

THAT two RCMP investigators came over to Victoria to tape my complaint

THAT on the ferry to Victoria, I read an article about a Reuters reporter having her pass pulled because she dared to ask the RT Hon Jean Chretien, a question during a photo-up

THAT I thought perhaps the Prime Minister had had something to do with pulling my pass because during the 1997 Election, I asked him during a photo Op if he would be prepared to debate with me over Canada's compliance with international law. On the ferry on Monday I read an article about a Reuters reporter who had tried to ask Prime Minister Chrétien a question during a Photo-up.

I was reminded of Chretien's walkabout in Montreal during the election when after ignoring two of my questions as leader of the Green party, I asked the reporters in his entourage if they were all there to take photo-ops or were there any investigative reporters among them that would ask Chrétien substantial and challenging questions.

THAT on December 10, 1997 I submitted a formal petition to the House of Commons related to the violation of civil and political rights in Canada

THAT on August 25, 1998 I received a response from the Commission

THAT I will be requesting a review by the RCMP Public Complaints Commission.

43. **AUTUMN 1998**: QUESTIONS ABOUT APEC IN COMMONS

The fall sitting of the House of Commons is dominated by questions concerning the APEC Inquiry.

44. **25 SEPTEMBER 1998**: NDP RAISES CONCERNS ABOUT APEC IN PARLIAMENT

The Toronto Star reports that New Democratic Party leader Alexa McDonough, speaking in the House of Commons, asserted: "We learned that former operations director, Jean Carle, has admitted to destroying documents pertaining to spray-APEC." However, PCC counsel Chris Considine is quoted as saying that "we have no evidence to suggest at this time that there has been a deliberate destruction of documents."

45. **28 SEPTEMBER 1998**: INFORMATION IS RELEASED AT THE RCMP PUBLIC COMPLAINTS COMMISSION THAT RUSSOW WAS ON A RCMP THREAT ASSESSMENT LIST. Prior to this information surfacing Russow had thought that she would abandon any further complaint against the RCMP. After finding out that she had been on a RCMP Threat Assessment list, and she realized that the RCMP, as she had originally thought, had misrepresented the real reason that her pass was pulled, she became increasingly concerned about the RCMP targeting activists and placing activists on threat Assessment lists. She became equally concerned that activists, without their knowledge, across the country could be designated as threats, and there could be unintended serious consequences related to their Charter rights.

RCMP THREAT ASSESSMENT LIST:
Monday, November 23 in the following report:
Two members of the media attended UBC last night as invited observers were noted to be overly sympathetic to the APEC alert protestors. Those subjects had their accreditation seized.
First subject Dr. Joan Russow Federal leader of the Green party.
Photo
Birth date: November 1 1938 Brown hair, height 161 weight 54

46. **29 SEPTEMBER 1998**: MEDIA CONTACTED RUSSOW ABOUT HER BEING ON THREAT ASSESSMENT LIST

CBC reporters Laura lynch and then Ken “Rockburn interviewed Russow. She receive national coverage concerning the complaint and concerning the fact that she was on an RCMP Threat Assessment list

47. **29 SEPTEMBER 1998:** COMMONS BOOK PREPARED FOR THE SOLICITOR GENERAL

THE COMMISSION
Solicitor General

SEPTEMBER 29, 1998 HOUSE OF COMMONS BOOK ADVICE TO MINISTER
Subject; to inform the Minister about concerns expressed by the leader of the Federal Green party further to media reports on the release of information allegedly contained in documentation provided to the RCMP PCC for the APEC Inquiry

Assessment Evaluation

The leader of Canada‘s Green Party, Joan Russow, has indicated to the media that she is extremely concerned that her name has appeared on a list contained in an RCMP document relating to APEC.

The RCMP believes that Ms. Russow is referring to information contained on documentation provided to the RCMP PCC for the inquiry. A number of these documents are surfacing in the media after their release by the RCMP to legal counsel for the students.

Since the RCMP's documentation was released to the RCMP PCC for the explicit purpose of conducting an inquiry into matters relating to APEC. It is recommended that no comment be offered by the Minister concerning this or any other information contained in those documents. The RCMP will also refrain from commenting on any of this information. To make any comments at this time may jeopardize the integrity of the upcoming RCMP PCC Inquiry.

STATUTORY IMPLICATIONS; RCMP PCC inquiry

Suggested Reply
As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work.

If pressed:
It is unfortunate that information provided in confidence to the RCMP PCC for the purposes of conducting their inquiry is being prematurely debated in the public forum before the inquiry has even begun. I can only reiterate that we should let the RCMP PCC do their work.

Prepared F. Lang-Mlcu approved by
Insp. B. George OIC executive services

48. 29 SEPTEMBER 1998: GREEN PARTY RELEASE AFTER IT WAS REVEALED THAT RUSSOW WAS ON A RCMP THREAT ASSESSMENT LIST

German Greens form coalition while Canadian Green leader "tag"ed as "threat"
Tuesday, September 29th, 1998
Green Party of Canada

Media Release

Joan Russow, the leader of the Green Party of Canada, today revealed that the Canadian Government has labeled her as a member of Threat Assessment Group (TAG) - a group which includes people which constitute a threat to national and international security.

The RCMP withdrew Russow's media pass at the 1997 APEC Conference in Vancouver. At the time, the RCMP claimed that the reason for their withdrawal of her media credentials was because the newspaper which she represented - the Oak Bay News - did not exist.

Of course, the paper does exist.

Russow made an official complaint to the RCMP Public Complaints Commission. The investigator concluded that the RCMP had handled the media pass withdrawal "according to policy". Russow has now uncovered. RCMP files which show her photograph, the TAG identification, and the notation that she not be allowed into the APEC conference. The TAG notes that she was one of two members of the media who attended a UBC meeting on November 23rd as "invited observers" and was claimed to be "overly sympathetic" to APEC Alert protesters.

Ms. Russow was never at UBC during the APEC conference.

This is clear *prima facie* evidence that the RCMP covered up the reasons for the lifting of Joan Russow's credentials. Ms. Russow has never been arrested. never visited the UBC APEC protesters, and is a law-abiding Canadian. She is, however, a long-standing human rights, peace, and environmental activist. She has continually challenged Brian Mulroney and Jean Chrétien for not living up international law. The Green Party leader has suggested from the start that the Prime Minister's Office was involved in the RCMP's cover-up in order to stifle political dissent.

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49. 29 SEPTEMBER 1998: INTERVIEW BY NOW MAGAZINE IN OTTAWA Published on 8 OCTOBER 1998

IS RCMP AGAIN SPYING ON LAW-ABIDING ACTIVISTS?

Documents list HIV status and intimate info about protesters

OTTAWA -- Scanning RCMP mug shots of people sympathetic to anti-APEC protesters, it's hard not to think we've slipped into a time warp.

The documents. obtained by NOW, are secret intelligence briefs liberated from the shadows by the current public complaints commission probe -- and a jolting reminder that the RCMP still hasn't broken its addiction to cataloguing dissidents.

Decades back, the RCMP targeted unionists and peaceniks as if they were enemies of the state. The Mounties had their hands slapped by the McDonald royal commission in the 1980s, and passage of the CSIS act was meant to end politically motivated domestic spying.

But suddenly, here we are again. The intelligence briefs feature row upon row of head shots used in the weeks and days leading up to the APEC summit to identify and arrest those considered potential troublemakers by something called the "APEC threat assessment joint intelligence group" (TAG) , which included the RCMP, local Vancouver police and possibly CSIS.

One TAG brief page obtained by NOW is titled No To APEC Activists and contains eight photos with names and physical descriptions.

Another page labeled Other Activists has 10 thumbnail photos of individuals, with names, dates of birth and descriptions. It notes that the individuals are an "HIV-positive AIDS activist" or a "Lesbian activist" or an "Anarchist."

Green Party of Canada leader Joan Russow had nothing to do with organizing the protest, but was still placed on the RCMP hit parade.

Russow had been assigned to cover the summit by the Oak Bay News, a weekly community newspaper on Vancouver Island.

However, two days before the leaders met, Russow had her press pass stripped by the RCMP.

According to statements given to an internal RCMP investigation into the matter after Russow complained, her pass was revoked because the proper security check had not been completed before she was issued a pass, and she could not produce a copy of the newspaper or any press identification on-site.

Media credentials

"They were saying that everything had been done according to protocol and that I was rude, which was not true at all," Russow says of the RCMP probe into her complaint.

The paper's editor-in-chief, David Lennam, says he prearranged Russow's media accreditation prior to the summit without incident.

"What I remember doing was sending everything over as requested and sending a covering letter introducing Joan on our behalf," Lennam recalls, and the RCMP never called to say there was a problem.

Russow decided not to pursue the matter further after the RCMP internal investigation dismissed her claim of unjustified use of powers.

But then somebody gave her the threat-assessment brief with her picture on it. She's listed on the Other Activists page as a "media person" and "UBC protest sympathizer."

But Russow also obtained what is perhaps a more telling brief labeled APEC TAG Daily Bulletin For 1997-11-24. The bulletin states that "two members of the media attending UBC last night as invited observers were noted to be overly sympathetic to the APEC Alert protesters. Both subjects have had their accreditation seized. The first subject is Dr. Joan Russow, federal leader of the Green Party."

The other media rep who had his pass stripped November 23 is Dennis Porter, at the time a Simon Fraser University student who was filming an APEC protest march in downtown Vancouver for a labour show called Working TV that aired on the local Rogers cable station.
Porter recalls that he was shooting the protest when an RCMP officer tapped him on the shoulder.

"It was kind of spooky because I'm just walking around downtown and this big police officer comes and knows me by name and brings me away," Porter says.

The officer told him he had been instructed to take away his pass. When Porter asked why, he says, he got a runaround. He was directed to the APEC media handlers, and they directed him back to the RCMP.

At one point, he says, he was told by the RCMP that the reason he'd lost his pass was that he was observed at the tent city outside the UBC student union building where a group of protesters had camped the week before the summit. ….

50. 5 OCTOBER 1998: COMMISSION OPENED AND REPORT BY TERRY MILEWSKI

Russow attended the opening of the RCMP Public Complaints Commission, and talked with Chris Considine about participating and he indicated that he thought that it would be important for her to participate. She raised the issue with the media that she had attended international conferences in countries, like China and Turkey, that are not perceived to have high human rights standards. Yet, when we demonstrated there, the police did not attack protesters with pepper spray.

Report by Terry Milewski

Day one of the inquiry
Peter Mansbridge
The National, CBC-TV, October 5, 1998 NA: Milewski-Terry Ward-Cameron, Whitehall-Ivan; Morin-Gerald Russow Joan, Grabb-Russ Sgt

Broadcast Transcript

Peter Mansbridge: Now as we mentioned earlier this was day one for the inquiry into RCMP conduct. And what happened today at the inquiry, could mean more trouble for the government. Here’s Terry Milewski.

Terry Milewski: The APEC inquiry finally began but it didn’t hear a single witness. Instead it was day of legal wrangling in which the battle lines were drawn.

Cameron Ward’ Students’ lawyer: Prime Minster Chrétien didn’t even bother to go tot the legislature but invoked a form of martial law.

Milewski: A lawyer for the students accused Jean Chrétien of using police stat tactics at the APEC summit, comparable he said to the use of the War Measures Act in Quebec.

WARD. At least in 1970 Prime Minister Trudeau went to Parliament and passed legislation before people were rounded up

MILEWSKI: But the Federal government’s lawyer Ivan Whitehall, said the APEC summit was run like any other there were no special favours to Mr. Suharto

Milewski White hall also denounced what he called “calculated leaks” of documents which suggest the government tried to shield APEC leaders from embarrassment by protesters but he offered no explanation for the documents

Whitehall: the documents say what they say but obviously they have to be put in context as opposed to taking them out of context as you have done

Milewski: if the head of the APEC organization though the PMO was concerned about embarrassment , was he wrong?

Whitehall: Look, lets wait till the facts are all in.

Milewski. Getting the facts is now the job of a three person panel chaired by Gerald Morin who promised to go where the evidence leads even if it leads to the Prime Minster.

Gerald Morin/Panel , Chairman. There are grave matter which strike at the heart of us of who we are as Canadians

Joan Russow/Federal Green party: Civil and political rights of citizen in Canada have been violated!
Milewski: The argument continued in the hallways. Joan Russow of the Green Party who was placed on an RCMP watch list for siding with the students took on Sgt Russ Grabb , the spokesman for the RCMP.
RUSSOW. I think there ‘s a lot to answer for! SGT Russ Grabb/RCMP Well the questions that you .or the issues your raise are good ones. They’re ones that deserve an answer that is the reason why we have an inquiry

MILEWSKI: But inside the inquiry Joe Arvay the lawyer for student Craig Jones said the government is now silencing dissent in its own caucus. He said Vancouver Liberal MP Ted MacWhinney who broke with the government to support legal funding for the students, had been booted off the foreign affairs committee

Milewski: Ted Mac Whinney, whose riding includes UBC said there is nothing sinister about it but he confirmed that he was dropped from the committee after he came out in support of government funding for the students lawyers. Now the inquiry panel is doing the same thing: It’s renewing a previous request denied by the government for that legal funding. And it is ruled that its jurisdiction does include political orders as well as police actions
Terry Milewski, CBC New, Vancouver.

51. 5 OCTOBER 1998: CONCERN RAISED ABOUT SOLICITOR GENERAL ANDY SCOTT

NDP Member of Parliament Dick Proctor reports in Parliament that he overheard Solicitor General Scott say that he was acting as Prime Minister Chrétien's "cover" in the APEC affair and that "it will all come out in the inquiry that four or five Mounties overreacted for five minutes. No one knows this. I think it was excessive."

52. OCTOBER 1998: RUSSOW REVISES COMPLAINT GIVEN NEW EVIDENCE

Russow revised complaint and included new information about the RCMP Threat Assessment list, and asks for the Commission to review her complaint and allow her to appear

53. 6 OCTOBER 1998: CHRETIEN STATES HE WILL NOT TESTIFY AT APEC INQUIRY

The Vancouver Sun reports: "Chrétien has said he will not testify even if the RCMP Public Complaints Commission calls him. Liberal MP and constitutional expert, Ted McWhinney (Vancouver Quadra) was kicked off the House foreign affairs committee after saying last week that students involved in the protest at the Asia-Pacific Economic Cooperation forum should have their legal bills paid. The committee was to vote on the request for funding this week."

54. 14 OCTOBER 1998: APEC PROTESTERS TO WALK OUT OF PUBLIC COMPLAINTS COMMISSION TODAY

55. 16 OCTOBER 1998: ALLEGATIONS AGAINST CBC TERRY MILEWSKI

Peter Donolo, the Prime Minister's communications director, writes to the Canadian Broadcasting Corporation alleging that award-winning CBC journalist Terry Milewski is biased against the Prime Minister. No specific inaccuracies or violations of professional journalistic standards are alleged. Milewski is taken off the story.

56. 20 OCTOBER 1998: GREEN PARTY ANNOUNCES APEC LEGAL FUND

Russow affirmed that the Green Party would forego any commission for operating the fund, and that, in the event that the protesters received funding, the excess amount in the fund would go to other issues related to the violation of civil and political rights.

THE GREEN PARTY OF CANADA LE PARTI VERT DU CANADA
C.P./Box 397, London, ON N6A 4W I Tel/Fax: (519) 474-3294
E-mail: gpc@green.ca
Http://www.green. ca
MEDIA RELEASE COMMUNIQUÉ DE PRESSE

Green Party Announces APEC Legal Fund

VICTORIA, B.C. -- October 20, 1998 -- The Green Party of Canada today launched an APEC Legal Fund For The Promotion of Civil and Political Rights to assist the complainants at the RCMP commission hearings being held in Vancouver.

"The Green Party is establishing this fund because the federal government is derelict in exercising its duty to guarantee the civil and political rights of the complainants. The Green Party challenges other political parties to set up similar funds," said Dr. Joan Russow, Leader, noting that tax payers are in effect paying for the government's and the RCMP's side of the story at the hearings, where as the students and others are left not funded.

As the promotion of civil and political rights is part of the mandate of the Green Party of Canada, contributors to this fund can receive a political contribution tax receipt for which there are significant tax credits. A contribution of up to $! 00 may receive a 75% deduction on their tax payable. The deduction is 50% for each dollar contributed over $100 up to $450 and 33% of the next $60i'.

Citizens who wish to contribute to this fund are asked to make their contribution payable to the "Green Party of Canada APEC Legal Fund" and to send it to the Green Party of Canada, C.P./P.O. Box 397, London, Ontario, N6A 4W1.

"On December 10th the government will be formally celebrating the 50th anniversary of the Universal Declaration of Human Rights and glorifying Canada's role in the development of this document. Yet as we can see, the government is prepared to deny the very rights called for in this declaration and other human rights documents," said Russow.

The Green Party of Canada had been instrumental in placing a formal petition before Parliament pointing out the government's failure to discharge its obligations under the International Covenant of Civil and Political Rights. That petition was presented in Parliament on February 17, 1997.

57. 23 OCTOBER 1998: FEDERAL GOVERNMENT ALLEGES BIAS AGAINST MORIN.

The Vancouver Sun reports that "the federal government raised an allegation of bias against Morin," founded on reports allegedly overheard in Prince Albert, Saskatchewan, some months earlier by RCMP Constable Russell Black.

58. NOVEMBER 1998: RUSSOW ATTENDED COMMISSION SESSION IN VANCOUVER

Russow discussed participation in the Commission with Commission Counsel Chris Considine, and he indicated that she probably would be able to participate in the Commission

59. 5 NOVEMBER 1998: RCMP LAWYERS SEEKS COURT RULING ABOUT BIAS OF PANEL

The federal government, "which first raised the issue of bias against chairman Gerald Morin, decided it will not make a formal application against the panel." However, lawyers for RCMP officers announce that they will seek a court ruling that the panel is biased and an interim order prohibiting "the panel from reconvening before the application for disqualification is heard" (Vancouver Sun and National Post, 5 November 1998).

60. 6 NOVEMBER 1998: TERRY MILEWSKI CLEARED BUT TAKEN OFF CASE

An internal CBC investigation into the Prime Minister's Office's complaints clears Terry Milewski of wrongdoing. He is not reassigned to cover the story.

61. 23 NOVEMBER 1998: ANDY SCOTT RESIGNS

Andy Scott resigns as Solicitor General and is replaced by Lawrence MacAulay of Prince Edward Island.

62. 4 DECEMBER 1998: GERALD MORIN RESIGNS CLAIMS INTERFERENCE BY CHAIR.

Gerald Morin resigns from the APEC Inquiry panel. Peter Mansbridge reports on CBC's The National: "Gerald Morin blamed interference from his boss, a political appointee, and even raised the possibility of break-ins and bugging of his car and office." According to CBC reporter Ian Hanomansing, "Gerald Morin says the person in charge of the commission, Shirley Heafey, a political appointee, interfered three times."

63. 5 DECEMBER 1998: OPEN LETTER TO PRIME MINISTER JEAN CHRÉTIEN GREEN PARTY LEADER AN APEC COMPLAINANT CALLS FOR ADHERENT TO ARTICLE 8 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

IN APEC CHRÉTIEN HAS VIOLATED ARTICLE 8 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

ATTENTION: The Right Honourable Jean Chrétien
cc. Media

As you undoubtedly know the RCMP placed me on the APEC THREAT ASSESSMENT LIST, and prevented my participation as a journalist at APEC. As a citizen with no criminal record, and as a leader of a federal political party, the Green Party of Canada, I deserve an explanation. I am one of the 47 complainants before the non-functioning RCMP public complaints commission.

The only reason that I can imagine for your government's action was that you anticipated that I might ask you questions related to the violations by the Canadian government of international obligations and commitments, particularly through APEC As you will recall, I have confronted you before on these matters, and you refused to respond to my questions.

On February 17, 1998 a petition that I drafted about the violation of Civil and Political Rights was put on the floor of the House of Commons. This petition called for Canada to seek an advisory opinion from the International Court of Justice on Canada's compliance with the International Covenant of Civil and Political Rights in cases such as your response to opposition to APEC. This petition was dismissed by your government.

I would like to bring to your attention Article 8 of the Universal Declaration of Human Rights: I do so because it is clear from the actions of your government that you appear to be unaware of international obligations incurred by Canada under this Declaration:

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him [her} by the constitution or by law."

The 50th Anniversary of the Universal Declaration of Human Rights is on December 10th. This will be an ideal opportunity for your government to ensure that there is a judicial inquiry into the larger issues associated with APEC, and that you and members of your office undertake to appear before the committee.

Yours very truly
Joan Russow (PhD)
National leader of the Green Party of Canada
1 250 598-0071

64. 8 DECEMBER 1998: APEC INQUIRY IGNORED ADVICE FROM LEGAL EXPERT PANEL COULD HAVE HIRED INDEPENDENT COUNSEL TO ACT AS AN ADVOCATE ON BEHALF OF STUDENT PROTESTERS AT PUBLIC

10 DECEMBER 1998. RUSSOW INVOLVED WITH ORGANIZING EVENT FOR 50TH ANNIVERSARY OF THE UNITED NATIONS DECLARATION OF HUMAN RIGHTS, AND LAUNCHES CITIZENS TREATY ON THE PUBLIC TRUST

65. 10 DECEMBER 1998: RESIGNATION OF MORIN'S FELLOW COMMISSIONERS

Morin's fellow commissioners, Vina Starr and John Wright, resign. PCC chair Shirley Heafey (the administrative head of the commission but not the head of individual panels) "kept the resignations secret for reasons she did not disclose" (Vancouver Sun, 18 December 1998).

66. 12 DECEMBER 1998: RUSSOW SENDS LETTER TO RT HON JEAN CHRÉTIEN REQUESTING EXPLANATION ABOUT REASON FOR PLACING HER ON LIST.

Chretien.J@parl.gc.ca
With copies to the Canadian Media

ATTENTION; The Rt. Hon Jan Chrétien

As a complainant in the APEC RCMP hearings, I am still waiting for your explanation of why I was placed on an APEC threat Assessment list which resulted in my APEC pass being pulled. In the absence of any satisfactory response from your office or from the RCMP, I can only conclude that the placement of a leader of a registered political party on an RCMP threat Assessment list came about through a direction from your office. Unfortunately, the continue APEC Complaints process is not able to investigate your role in preventing the exercising of citizen' civil and political rights

In addition, issues raised in the Petition on the Violation of Civil and Political Rights that I drafted and that was put on the floor of the House of Commons on February 17, 1997 have not been addressed

Yours very truly

Joan Russow
National leader of the Green Party of Canada

67. 17 DECEMBER 1998: GLOBE ARTICLE ON FAILURE TO IMMEDIATELY DISCLOSE RESIGNATION OF COMMISSIONERS STARR AND WRIGHT

The resignations of commissioners Starr and Wright are made public, after Parliament has recessed for the Christmas holidays. Alexa McDonough says: "People are properly shocked that the Public Complaints Commission chose to hide the resignations from the public for a whole week. It hardly inspires confidence" (Globe and Mail, 18 December 1998).

68. 21 DECEMBER 1998: APPOINTMENT OF TED HUGHES AS CHAIR

E.N. (Ted) Hughes is appointed as sole commissioner to investigate the matters before the PCC relating to the 1997 APEC summit: "Investigating allegations of political interference in the security measures at the summit is not part of Hughes' mandate, his boss, commission chairwoman Shirley Heafey, confirmed at an Ottawa press conference" (Vancouver Sun, 22 December 1998). Commissioner Hughes rules that, in proper circumstances, the PCC has jurisdiction to investigate and to make recommendations concerning questions relating to the role of the Prime Minister or of his officials in giving improper orders, if any, to the RCMP.

69. 22 JANUARY 1999: RESPONSE FROM CSIS ABOUT THREAT ASSESSMENT LISTS

Russow had requested information from CSIS about Threat Assessment lists, and received the following response:

Under Threat Assessment
as part of this, the service prepared and disseminates time-sensitive evaluation of the scope and immediacy of terrorist threats posed by individuals and groups in Canada and abroad. Assessments are made of threat against Canadian VIPs traveling in Canada and abroad, foreign VIPs, VIPs traveling in Canada and abroad foreign VIPs traveling in Canada and abroad foreign visit Canada foreign missions and personnel in Canada. Canadian interest abroad pubic safety and transpiration security and special events.

Russow had also requested information about CSIS and received the following response:

Canadian Security Intelligence Service

Service canadien du renseignement de security
January 22, 1999
Joan Russow
1230 St-Patrick Street Victoria, BC
V8S 4Y4

Dear Mr. Sweet [?]:
This letter is in response to your request for information pertaining to the Canadian Security Intelligence Service (CSIS).
CSIS was created by an Act of Parliament on July 16, 1984. As a result of the CSIS _Act, the Service has a mandate to investigate, analyze and report to government on information and intelligence respecting activities that constitute threats to the security of Canada. The threats are specifically defined in Section 2 of the CSIS Act. The Service's investigative priorities with respect to these defined threats are public safety, national security and security screening.

Whereas the Act provides the Service with the authority required to conduct its investigations, it also provides for an elaborate system of control, accountability and independent review. The mandate and activities of the Ministry of the Solicitor General, the office of the Inspector General (IG), the Security Intelligence Review Committee (SIRC), the Federal Court of Canada and a Parliamentary committee, safeguard the delicate balance between the rights and freedoms of the individual and the obligation of the state to protect its citizens and property.
The Service, which has offices in most major cities across the country, functions as a defensive security intelligence organization. CSIS does not, by law, have an offensive capability; it does not perform

activities abroad with respect to the collection of foreign intelligence. P.O. Box 9732, Station T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4

In order to provide you with more detailed information on CSIS, I have enclosed a copy of the following documentation:

The CSIS Act (I recommend a review of sections 2, 12 to 16, 21, 30 and 34);
the 1997 CSIS Public Report with the Annual Statement on National Security which was delivered in the House of Commons by the Solicitor General of Canada, the Honourable Andy Scott, on April 30, 1998;
"The Canadian Security Intelligence Service in a changing world" brochure; a copy of issues no. 6 to no. 10 of the Backgrounder Series. Submission to the Special Committee of the Senate on Security and Intelligence.
You may visit the official CSIS web site on the Internet at the following address: http://csis-scrs.gc.ca. In closing, I hope that this information and the aforementioned documentation will be of some assistance. Should you require further information, please contact me at your leisure.
Sincerely yours,

Daniel Vigeant
Public Liaison Officer
Communications Branch

Enclosures

70. **JANUARY 27 1999**: RENEWED COMMISSION RESUMES

Russow phoned Shirley Heiffe's office at the RCMP Public Complaints Hearing asking if she would be included as a complainant given that there was a new Commissioner. She subsequently received a phone call from the man who identified himself as a lawyer on contract with the RCMP Complaints Commission in Ottawa. This lawyer told Russow that the Commission's view was that her complaint had been already dealt with and that Russow was not entitled to a public review. Russow explained that she had evidence that the Commission had lied about the reasons for the withdrawal of her media credentials. The lawyer then refused to give his name.

71. **JANUARY 28 1999:** PRESS RELEASE ISSUE BY THE GREEN PARTY OF CANADA

GREEN PARTY NATIONAL OFFICE ADDRESS

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason contained in the APEC Treat Assessment Group list, I believe that I should be part of the RCMP Public Complaints Commission currently under way or part of a separate RCMP Public Complaints Commission inquire.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the ten Commission lawyer Chris Constdine that I would be include in the Commission hearings. However when I inquired recently about the revived commission which has begun Wednesday January 27, I was told by a lawyer on contract with the commission who refused to reveal his name that my case had been dealt with separately and that I could not be part of the RCMP Public compliance procedure nor could I in any way have a public investigation into my complaint. But I could ask for an in-house review.

I believe that a full public inquiry should be made into the reason for placing a leader of a registered political part on a Threat Assessment list

In mid January 1999, I spoke with a senior advisor to the Prime Minister and requested information about the following:

Why I was put on the list
Who decided that I should be put on the list
What was the reason fro my name being put on the list

I have received no reply, and I contacted the Prime Ministers office again yesterday and my call has not yet been returned
cc: RCMP Public Complaints Commission

72. 28 JANUARY 1999: COMPLAINT SUBMITTED TO CSIS COMMISSION:

ATTENTION:
Sylvia MacKenzie
Senior Complaints officer
fax 613 990 5230

Green party of Canada leader files complaint with Canadian Security Intelligence Service (CSIS) Complaints Commission

Wednesday, January 27, 1999--VICTORIA

Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS complaint Commission:
1 613 990 8441
Senior Complaints officer Sylvia MacKenzie
fax 613 990 5230

COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

“Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2” (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that “my request .... had been handled according to policy”. During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass

was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- Why I was put on the list
- Who decided that I should be put on the list
- What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph. D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;

(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;

(c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a
foreign states; and

(d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

73. 9 FEBRUARY 1999: MEDIA RELEASE RELATED TO THE PRIME MINISTER'S OFFICE AND REASON FOR PLACING THE LEADER OF THE GREEN PARTY OF CANADA ON THE APEC THREAT ASSESSMENT LIST

Tuesday February 9,1999
DID THE PRIME MINISTER'S OFFICE PLACE THE LEADER OF THE GREEN PARTY OF CANADA ON THE APEC THREAT ASSESSMENT LIST BECAUSE OF HER OVERT AND PUBLIC CRITICISM OF CANADA'S SELLING CANDU REACTORS

It was reported yesterday by Jonathan Oppenheimer that "when Li Peng visited Canada in 1995, Derek Stack was tackled, dragged away by Mounties, handcuffed, and detained, and later released without charge. His crime - he had been holding a sign along a motorcade route protesting the sale of CANDU reactors to China. He was taken into custody just before Li Peng's motorcade drove by".

As a complainant with the APEC RCMP Complaints Commission I am still trying to determine Prime Minister Chretien's connection with my being placed on the APEC Threat Assessment list. This recent evidence provided by John Oppenheim suggests that it might be because I have been a public and overt critique of Chretien's policy of selling CANDU reactors. In 1994, as editor of the Sierra Club (Victoria Group) newspaper the "Changing Times" I co-authored an article entitled "Chretien's Nuclear Sellout: CANDU legacy"; Also in 1994, at the IUCN (World Conservation Union) Annual General Meeting in Buenos Aires I addressed the issue of the sale of CANDU reactors to Argentina. In 1995 at the UN Conference on Women: Equality, Development and Peace, at a delegate meeting at the Canadian Embassy in Beijing, I raised the serious concern that Canadian women have about Canada selling CANDU reactors to China. In 1996, at Globe 1996, as a member of the media at a press conference I asked the delegate from China about the CANDU reactor; in particularly I raised the issue about the financial arrangement for the sale and the connection with the nuclear arms industry; at that time a representative from External Affairs quickly ushered the Chinese delegate out of the room. During the election in June 1997 I continually raised the issue of the sale of CANDU reactors not only to China but to Korea, Roumania, Argentina and at a walkabout in Montreal as the leader of the Green Party of Canada I challenged Jean Chrétien publicly in front of the media about the sale of CANDU reactors to not only China but also to Roumania, Korea and Argentina, and I noted that the sale of CANDU reactors was in violation of international law.

Last month, I requested a response from the Prime Minister's office about the reason for my being placed on the APEC Threat Assessment list, and I filed a complaint with CSIS. I have still not received a response.

For further information:
Please contact
Joan Russow (PhD)
1 250 598-0071

74. 11 FEBRUARY 1999: LETTER FROM CAMERON WARD LAWYER FOR APEC COMPLAINANTS ABOUT FUNDING

75. 16 FEBRUARY 1999: FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR: RESPONSE FROM Security Intelligence Review Committee

Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, Britizh Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has takent and you are particularly concerned with the possibility tha the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

76. **5 MARCH 1999:** HUGHES RULES PM NOT EXEMPT FROM BEING SUMMONED

Commissioner Hughes rules that no person is exempt from being summoned as a witness before the commission if the evidence points in their direction (that is, the Prime Minister could be subject to a summons).

77. **17 MARCH, 1999:** RUSSOW RECEIVES A SUMMONS, FROM THE COMMISSION, TO TESTIFY AS A WITNESS

RCMP Public Complaints Commission
Commission Counsel
March 17, 19999
Joan Russow
1230 St. Patrick Street
Victoria B.C. V8S 4Y4

Dear Dr. Russow

Re: RCMP Public Complaints Commission Hearing- March 22 1999

Pursuant to section 24 1 (3) (a) of the RCMP Act t, the Commission has issued the enclosed summons.

The summons requires you to appear at the Hearing on March 22nd, 1999. However, as it is unlikely that you will be required to present your evidence a that time and as we do not want to unduly inconvenience you, your attendance will not be required until a later date. Instead, we will contact you in the next few weeks as to the anticipated date that your attendance is required.

We ask that you advise us of your current phone, fax and address, if it differs from this letter, s that we can keep you fully informed with respect to scheduling and other matters relevant to the hearing.

On the date of your required appearance at the Public Hearing, you will be paid a witness fee of $20.00 and reimbursed for the following expenses, as they are applicable:

Local Witnesses
Mileage 37/km

78. **MARCH OR APRIL 1999**: SUBSEQUENT CONFERENCE CALL WITH LAWYERS

CONTACT KEVIN GILLIET DATE

79. 15 JUNE 1999: ARTICLES ABOUT THE GREEN PARTY IN EDMONTON JOURNAL, AND TIMES COLONIST

A BATTLE FOR IDEALS BY LINDA GOYETTE
…… She has spent much of the past three months [weeks as a member of the Media] in Brussels and the Hague, opposing the NATO assault on Yugoslavia as a violation of international law. She has also been speaking to anti-war rallies across Canada. She is one of the complainants who provoked the inquiry into RCMP conduct at the APEC summit…. One of Russow's many projects is to launch a Charter challenge against Canada's first –past the post electoral system … Her larger goal, though, is to convince Canadians to put pressure on the federal government to honour the international agreements it has signed. " The principles are all there on paper, 'she says, but the political will is absent.

80. 23 JUNE 1999: FAX: FROM SIRC MADELAINE DE CAREFUL CONTAINING 16 FEBRUARY 1999:FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR:

Security Intelligence Review Committee
Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, Britizh Columbia

Dear Dr. Russow:
This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.
It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has takent and you are particularly concerned with the possibility that the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

81. 25 JUNE 1999: JUDGE SUPPORTS FEDERAL CABINET'S RIGHT TO WITHHOLD DOCUMENTS

Mr. Justice William McKeown of the Federal Court of Canada upholds the federal cabinet's right to withhold documents germane to the APEC Inquiry even though those documents might prove helpful to the complainants' case.

82. 25 JUNE 1999: LETTER TO WARD ELCOCK CSIS

ATTENTION: Mr. Ward Elcock
Director
Canadian Security Intelligence Service

In February 1999, I submitted the following complaint to
Sylvia MacKenzie
Senior Complaints officer

fax 613 990 5230.

It appears that a response was faxed to me on February 17, 1999 indicating that I had not followed the correct procedure. I was away when the Fax was sent and it must have been misplaced. I am now rectifying this and hopefully the complaint will now be able to proceed.

COMPLAINT (originally submitted in February 1999)

During the APEC Conference I was placed on an APEC threat assessment Group (TAG) list. The inclusion of a National Leader of a Political Party on a Threat Assessment list is in complete violation of the policy of CSIS which states the following:

Threat to security DOES NOT INCLUDE LAWFUL ADVOCACY, PROTEST OR DISSENT, UNLESS CARRIED ON IN CONJUNCTION WITH ANY OF THE ACTIVITIES REFERRED TO IN PARAGRAPHS (2) TO (D). 1984 C.21, S2 (see annex for paragraph 2)

I did file a complaint with the RCMP Commission related to the pulling of my APEC pass. In response to my complaint the RCMP indicated that the usual protocol had been followed. It was only as a result of the requirement to release documents during the RCMP PUBLIC COMPLAINTS COMMISSION that it was brought to my attention that I was on the APEC threat Assessment list.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason contained in the APEC threat assessment group list, I believe that I should be part of the Public Complaints Commission Inquiry.

Initially when I approached the Commission in Vancouver last November, I was told by the then Commission lawyer Chris Considine that I would be included. in the Commission hearings. However when I inquired recently about the revived Commission which has begun today Wednesday January 27 I was told by a lawyer on contract with the commission [who would not reveal his name] that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a public investigation into my complaint. but I could ask for a in-house review.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, I spoke with a senior advisor to the Prime Minister and requested information about the following:
Why I was put on the list
Who decided that I should be put on the list
What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again in February, 1999. I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I have not been able to obtain an explanation from the RCMP, or the Prime Minister's office for the reason for my inclusion on the list. I am now applying to CSIS for an explanation.

I also wish to point out that the information on the APEC Threat Assessment List must have been obtained from an earlier list because there is information on the TAG list that is not current.

I would also like to know what previous list exist that I might be on, and for the reasons for including me on such a list.

I expect that this complaint will be given your immediate attention.

Yours very Truly
Joan Russow (PhD)
National Leader of the Green Party of Canada
1 250 598-0771

ANNEX:
CSIS

In the Act establishing the Canadian Security Intelligence Service
Threats to security of Canada" means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage.
b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person
c activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
d Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

83. 6 JULY 1999: RUSSOW RECEIVES A LETTER FROM HUGHES COMMISSION RULES RUSSOW CANNOT APPEAR

Russow's complaint should not be brought forward by the inquiry or that the complaint falls with in the terms of reference for this inquiry and that her testimony would be relevant to any of the complainants.

Commission Counsels
Marvin Storrow
Kevin Gillet
Barbara Fisher

Ms Joan Russow

The Commission has reviewed the circumstances surrounding the removal of you media accreditation pass with a view to determining whether you should be called as a witness or a complainant in the current public hearing.

With respect to your complaint, this matter was not referred to the public inquiry by the commission Chairperson. Commission Counsel cannot add another complaint without referring the matter to the Commission Chairperson. As I indicated to you on the telephone last March we were not of the view that this matter should be brought forward in such a manner. However, we agreed to look into your complaint further with a view to considering this option.

We reviewed the RCMP's investigation of your complaint. We also conducted interviews of four additional witnesses and requested further documents from the RCMP. WE have not been able to substantiate that your complaint falls within the terms of reference of this inquiry that is the conduct of the RCMP during APEC at the University of British Columbia. Therefore we now confirm our view that your complaint should not be added to the subjects of the current public inquiry.

However we suggest that you consider requesting a review of your complaint by the RCMP Public complaints Commission. If you choose to do so please be assured that upon the Commission's Reviewer Analyst's request we will provide the Commission with full disclosure of the evidence we have gathered.

With respect to your evidence as a witness, it is our view that the evidence you could provide is not necessary in respect of the complaint filed by M. Dennis Porter

Your media pass was taken away under circumstances, different from those involving Mr. Porter. ;Your evidence would neither support nor refute Mr. Porter's complaint. Accordingly, it is our view that the evidence you could provide will not assist the Commission in making a determination about Mr. Porter's complaint and on this basis we do not intend to call you as a witness.

However, Cameron Ward, who represents Dennis Port has made an application to Mr. ;Hughes to have you called as a witness supportive of Mr. Porter's complaint. Should Mr. Hughes rule in Mr. Ward's favour we will be contacting you to secure your attendance for that purpose. Mr. Hughes will be hearing arguments in respect of this matter on Monday, July 26, 1999. Once he rules on the matter, we will contact you to advise on the result

Should you wish to request a review please telephone the commission's western Region office at 1 800 665 6878

Thank you for your cooperation

Yours truly

Barbara Fisher
Commission Counsel.

84. 15 JULY 1999: LETTER FROM J. BRADLEY DIRECTOR GENERAL SECRETARIAT CSIS

This letter is ambiguous. In responding to Russow's concern about CSIS' targeting citizens engaged in "legitimate advocacy" he stated: Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act"; This statement could suggest CSIS had not perceived Russow to be engaging in just "legitimate advocacy"

July 15 1999
Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS), this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

85. 24 AUGUST 1999: JEAN CARLE TESTIFIES AT COMMISSION

Jean Carle testifies before the PCC panel: "While Mr. Carle admitted his duties brought him into frequent contact with the RCMP officers organizing summit security, he said the only thing he did was make a few suggestions. He denied that those suggestions were orders or that they were designed to spare Suharto from seeing demonstrations criticizing his regime" (National Post, 24 August 1999).

86. 24 AUGUST 1999: RUSSOW BECOMES AWARE OF CHRISTINE PRICE'S TESTIMONY

Russow was in attendance at the Commission hearing and approached Jean Carle and lawyer for the Attorney General's office reprimands her for approaching the witness. Jean Carle testifies that he had nothing to do with press accreditation, and he had did not "revoke or refuse to give a media pass or accreditation. Complainant Openheim and Lawyers for the complainants raised, with Jean Carle, the issue of Christine Price testimony, in relation to Joan Russow

TRANSCRIPT:
Q. Sir, were—were you involved, at all, in a decision to revoke or to refuse to give a media pass or accreditation to a Ms. Joan Russow, the leader of the Green Party?
Jean Carle: Absolutely not
Q. I want to turn to page.. it in Wayne May, supplemental , volume 2---page 253. And if you go, approximately to the middle of the page, just a bit down.
A: yea
Q it says under the w, it says okay
Mr. Commissioner: Who is Christine Price?
Mr. Jonathan Oppenheim: She's someone in media accreditation, an R.C.M.P officer, I believe
Mr. Commissioner: and who is W
Mr. Jonathan Oppenheim: W is the person doing the interview, Sergeant P. Woods. And Christine Price is Proceeds of Crime, you can see it on page 251

Continued by Mr. Jonathan Oppenheim
Q Okay, so I'm going to read what the interviewer says:

Okay and now when Brian Gruise [Groos] phonetic) told you {this is on page

252, slightly more than half the way down], W: Okay, now when Brian Gruise told you that she was not to get accredited and he stated this came from Audrey Gill, did he give any—give you an explanation as to why"

And just for background, this is about the removal of media accreditation from various people, in particular, Joan Russow, the leader of the Green Party.

I believe he told me that it was an order from the PMO but that's all that he told me"

Do your know who Audrey Gill is?
A I met Audrey Gill before, yes

Q And what is Audrey Gill's position?

A. I can't remember
Q She was with media accreditation, or she was with media accreditation?
A I can't remember what responsibilities she has during—she had during APEC
Q and what –where did—in what context did you meet Audrey Gill?

A years ago, socially, that's all
Q Okay you didn't talk to Audrey Gill, though, about –it seems that Audrey Gill is under the impression that the PMO gave orders to remove certain peoples' accreditation
A Well, to start with I had nothing to do with press accreditation
Q And who in the PMO would have?
A Well, they would direct the press office would have a responsibility

Q That would be Peter Conolo (phonetic) [Donolo]
A. Well, I'm not saying it's Peter Donolo, it's the press office
Q Someone in the press office, And do you know Brian Gruise (Phonetic)

August 30, 1999 File No. PCC-971077

A I don't know Brian Gruise
Q Now, this has been touched on, but I just –this is my last question and I just wanted to touch on it quickly…

Ms. Joan Russow 1230 St. Patrick Street Victoria, BC V8S 4Y4

87. 24 AUGUST 1999: RUSSOW BECOMES AWARE OF CHRISTINE PRICES' TESTIMONY
Russow and approaches Commission Counsel about the importance of this new information; unaware of the fact that Gruise was an associate of David Anderson and a resident of Oak Bay and thus aware of the existence of the Qak Bay News.

88. 28 AUGUST 1999: JEAN CARLE ADMITS TAPES HAVE GONE MISSING
"According to an RCMP source, audio tapes of police radio transmissions at APEC were punctuated with 'Jean Carle wants this' and 'Jean Carle wants that.' The tapes have gone missing, and on Monday Mr. Carle admitted shredding most of his APEC memos, too" (National Post, 28 August 1999).

89. 30 AUGUST 1999: RUSSOW FAX TO RCMP PUBLIC COMPLAINTS COMMISSION REQUESTING REVIEW OF COMPLAIN BASED ON NEW EVIDENCE. Russow was still not aware of who Brian Groos was.

RE: APEC COMPLAINT 1997- Dr. Joan Elizabeth Russow
Re: APEC Complaint 1997- 1077 Dr. Joan Elizabeth Russow
I would like to request a review of my complaint on the grounds that new evidence has surfaced that the RCMP officer at the media centre had incorrectly alleged that the reason for my pass being pulled was that I did not have the appropriate media credentials.

NEW EVIDENCE
As a result of the requirement to release information under the RCMP Public Complaints Commission hearing evidence has been release that indicates that I was placed on the APEC threat assessment list and that my photograph was in the hands of the RCMP. In addition, recent evidence a direct connection with the Prime Minister's office; a directive supposedly came from a Mr. Groos from the Prime Minister's office ordering the RCMP to prevent me from attending APEC

I have requested several times to be part of the public complaints commission hearing, and have not been allowed to present the evidence indication a connection with the PMO's office

Thank you for your consideration of this matter

Joan Russow

90. 30 AUGUST 1999: PUBLIC COMPLAINTS COMMISSION LETTER WARNS THAT THERE IS A HUGE BACKLOG OF COMPLAINTS AND THEY HAVE NOT BEEN ABLE TO COMPLETE THE REVIEW REQUESTED DURING THIS PERIOD IN A TIMELY FASHION ADVISED ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES.

RCMP PUBLIC COMPLAINTS COMMISSION DES PLAINTES
COMMISSION DU PUBLIC CONTRE LA GRC
August 30, 1999 File No. PCC-971077

Ms. Joan Russow 1230 St. Patrick Street Victoria, BC V8S 4Y4

Dear Ms. Russow,

I acknowledge receipt of your correspondence which we received on August 30, 1999 requesting a review of the RCMP's disposition of your complaint.

As all reviews by the RCMP Public Complaints Commission are conducted by the Chair of the Commission at our Ottawa headquarters, we have asked the RCMP to forward to Ottawa all information in their possession which is relevant to your complaint. In order to assist the review process, your complaint file has also been transferred from the Surrey office to our Ottawa headquarters.

I would also like to take this opportunity to inform you about the number of public complaints under review by the Commission, and our efforts to address the current backlog.

Pursuant to the RCMP Act, the Commission is required to conduct a review of any complaint referred to it by a complainant who is dissatisfied with the disposition of the matter by the RCMP. Since 1994-95, the Commission has received annually approximately 300 requests for review of complaints. Stated another way, the Commission has been asked to review in the order of 1,500 complaints over the past five years.

Although Commission staff have been working diligently to cope with this workload, the fact is that we have not been able to complete the reviews requested during this period in a timely fashion. Accordingly, we now face an accumulated backlog of over 500 cases. These cases are at various stages of the review process; some are near completion, some are under active review, while others are yet to be undertaken.

The Public Complaints Commission is currently undertaking various initiatives to specifically address this backlog and to prevent the recurrence of a similar situation. Since the appointment of a new Chair an internal restructuring of the Commission has commenced which will permit us greater flexibility in the conduct of our reviews. In contrast to our previous procedures, we will now pursue as a matter of practice less formal and more efficient options to resolve complaints, without compromising the values of impartiality, fairness and transparency. Where appropriate, alternate dispute resolution techniques, such as mediation, will be explored to assist the complainant and the police in settling their differences in a timely and mutually agreeable fashion. We have also made an appeal for supplementary resources to assist us in implementing these new measures, and we are hopeful that such assistance will be forthcoming.

We are optimistic that the new strategies will be effective in attaining a more timely and efficient conduct of reviews. Your patience and cooperation as we work towards this goal is appreciated.

Should you have any questions regarding your review, they should be directed to our headquarters:

RCMP Public Complaints Commission P.O. Box 3423
Station "D"
Ottawa, Ontario KIP 6L4
Toll-free telephone number: 1-800-267-6637 Fax: (613) 952-8045.
Yours truly,

C. J. Gregor
Director, Western Region

91. 10 SEPTEMBER 1999: RUSSOW SUBMITTED A COMPLAINT ABOUT CSIS TO SIRC

Friday September 10, 100
Attention Senior Complaints Officer
Fax 613 990 5230
I submitted a complaint to CSIS (see exhibit A) and received the enclosed response (see exhibit B) I am now requesting that the CSIS complaints department review my complaint

Yours very truly

Dr. Joan Russow
National Leader of the Green Party of Canada
Exhibit A: Russow complaint
Exhibit B: Bradley's response

Exhibit A
COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

"Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2" (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that "my request .... had been handled according to policy". During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- Why I was put on the list
- Who decided that I should be put on the list

I What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;
(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
(c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a
foreign states; and
(d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

EXHIBIT B: LETTER FROM BRADLEY
15 JULY 1999: LETTER FROM J. BRADLEY DIRECTOR GENERAL SECRETARIAT CSIS

Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS), this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

92. 23 SEPTEMBER1999: NATION POST ARTICLE ON CSIS COMPLAINT RELATED TO TARGETING CITIZENS ENGAGED IN LEGITIMATE ADVOCACY, PROTEST AND DISSENT

Green leader wants CSIS to justify Security Risk Branding

National post article by Jim Bronskill
Green Leader wants CSIS to justify security risk branding
By Jim Bronskill

Ottawa- Joan Russow, the Federal Green Party leader, has filed a formal complaint with the watchdog that oversees Canada's spy agency about her appearance on a secret threat assessment list at the 1997 APEC conference

Ms Russow wants the Security Intelligence Review Committee to determine why she was branded a potential risk to the Asia-Pacific summit in Vancouver.
"Who put the list together a whose request, and what justification was there? She asked in an interview. "I'm just not getting any answers"

The review committee, which keeps an eye on the Canadian Security Intelligence Service, investigates complaints from the public about CSIS activities.

Ms. Russow' problems began when officials revoked her accreditation for the summit, which she attended as a reporter for the Oak Bay News, a community paper in Victoria.

At the time, summit security staff questioned the existence of the small newspaper, prompting a tense exchange with Ms. Russow, who was prevented from covering the remainder of the meetings.

"It was quite clear that something funny was going on" she said in an interview.
Ms. Russow' suspicions were confirmed in late 1998 when copies of the threat assessment, including her photo and vital statistics, were tabled with the RCMP Complaints Commission. The Commission is conducting hearings into complaints from protesters who were pepper-sprayed and arrested by police at the University of British Columbia, where the APEC leaders met.

Documents made public during the last year indicated the summit threat assessment were prepared by an ad-hoc group comprising members of the RCMP, CSIS and several other agencies.

Almost two years after the summit, Ms Russow's case raises several thorny questions. Did CSIS or the RCMP spy on a political party leader? Was freedom to the press infringed in the name of security?

Ms Russow, who says she had no criminal record, recently took her case directly to CSIS.

Under the CSIS Act, the intelligence service is permitted to investigate only people engaged in activities considered a threat to Canadian security. In July, CSIS official T.J. Bradley replied to ms Russow that while he could neither confirm nor deny specific operations of the service, "I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS Act."

Not satisfied Ms Russow complained this month to the review committee. It does not openly discuss cases but issues findings to the complainant.

The APEC threat assessment describes Ms Russow as a "media Person" and “UBC protest sympathizer.”. It also identifies her as the leader of the Green Party.

In recent years, Ms Russow has been an outspoken critic of federal policies, expressing concerns about an APEC environmental agreement, genetically engineered foods, and uranium mining.

A separate document prepared by threat assessment officers during the summit, describes Ms Russow and another media members as “overly sympathetic to APEC protesters. “Both subjects have had her accreditation seized”

Ms Russow has also filed a grievance with the RCMP complaints commission.

A briefing note prepared by the Solicitor General’s Department recommends no public comment be made about Ms. Russow’s concerns for fear of jeopardizing the integrity of the RCMP commission hearings.

Southam News.

93. **SEPTEMBER. 1999** COMMENT BY THE OAK BAY NEWS

APEC FALLOUT CONTINUES FOR RUSSOW AND THE NEWS
APEC fallout continues

Remember about a year ago the RCMP were claiming the Oak Bay News didn't exist and that it wasn't a credible news gathering source?

Well, there's more to the story and it all revolves around APEC and that eternal inquiry.
For those of you who may have forgotten, I'll refresh your memory. In an effort to expand the scope of our news and to put us on the board with media heavyweights like CNN and The Globe and Mail, the Oak Bay News teamed up with Oak Bay resident and national Green Party leader Dr. Joan Russow for an insider's look at the now infamous APEC (Asia-Pacific Economic Co-operation) conference in Vancouver in 1997.

Russow had been given a News byline in the past when she had written passionately on the Multilateral Agreement on Investment This time we figured her presence at APEC would score some insight for our readers. The 61-year-old Russow is a regular participant at global conferences on everything from trade partnerships to environmental concerns and has expert knowledge of international agreements.

We arranged for Russow to be granted media credentials under our banner, but when she arrived in Vancouver, things got weird. Russow picked up her media badge only after being delayed 24-hours while security staff ran a 'check' on her. Then, credentials finally in hand, Russow attempted to enter the conference itself, but found herself roadblocked. As she stepped toward a phalanx of authority guarding the entrance, a woman with the APEC team suddenly said, "Here she is." They'd been waiting for her and Russow was quickly asked to return her media pass. She was told there had been something wrong with the passes issued and treated her as though she was doing something criminal. The fallout was that Russow was tagged as a dissident and sent away from covering APEC as a legitimate member of the press.

As APEC turned into the nightmare of Peppergate, and inquiry and commission fumbled through RCMP wrongdoing, the resignation of loose-lipped Solicitor General Andy Scott and allegations that the prime minister had designated the brutal treatment of protesters, the realization of how disdainfully the federal government viewed Russow became apparent

Though she was informed by the RCMP that they had followed usual procedure in denying her APEC access, documents she recently obtained show that Russow was put on a Threat Assessment list by APEC security, notably the RCMP

Below a mug shot of her is listed her name, date of birth and the description "Media person, UBC protest sympathizer". Other people on that same threat list were tagged as "Lesbian", "HIV positive", "Anarchist" and "AIDS activist" - all clearly psychotic individuals bent on overthrowing state control.
Oh, and in all that, the Oak Bay News was dismissed by the RCMP as illegitimate and nonexistent.
Lately Russow has been hanging around the APEC Royal Commission being headed by Ted Hughes, trying to either clear her name or discover why she was ever perceived as a threat to national security. Her attempts to officially become part of the commission have thus far been quashed.

On Aug. 24 Russow saw another document, one that she believes may directly link Jean Chrétien to the RCMP thuggery at APEC. The sheet of paper contained comments from Christine Price of the media accreditation office who was told by a Mr. Gros (Russow thinks this was the spelling) in the prime minister's office that Russow should not be allowed into the APEC conference. 'The document," says Russow, "is direct evidence coming from the prime minister's office. It may prove the prime minister was giving orders to the RCMP at UBC during the student protests." There is even the comical suggestion that Mr. Gros may, in fact, be Chrétien himself (hey, 'gros' in French means big, right? Mr. Big).

Russow says there's a marked difference between legitimate dissent and subversion. "There's no reason activists should ever be put on a threat assessment list There was no reason for me to be re-, fused entry." There are larger issues involved here, such as the rights of the media to be able to cover an important international conference and the constitutional rights of citizens.

"How many Canadians have been put on lists like these?" asks Russow. "Who makes the decisions about who should be put onto these lists?"

And moreover, what's the implication of the prime minister's office putting the leader of a national party on a threat assessment list?

Looks like another question for Ted Hughes and his Royal Commission. Hopefully well be able to get an answer that isn't obscured by the sickening cloak of cover-up.

In the meantime the Oak Bay News continues to work as a legitimate news gathering source. Remember, you read it here first

94. 24 SEPTEMBER 1999: FAX FROM SECURITY INTELLIGENCE REVIEW COMMITTEE FROM MAURICE KLEIN, ACTING EXECUTIVE DIRECTOR SIRC CSIS

NOTE: CONFUSING NATURE OF THE PROCESS

BACKGROUND:

15 JANUARY 1998: RUSSOW INTERVIEWED IN VICTORIA BY TWO RCMP OFFICERS, SERGEANT WOODS AND SERGEANT JUBY

In the interview, after reporting on what I perceived to be the sequence of events, I raised the issue of the possibility that there had been a directive from the Prime Ministers office. When I was asked what remedy I would request, I mention the CSIS Act section in which CSIS is not supposed to target citizens engaged in legitimate advocacy, and I proposed the necessity for the RCMP to establish clear criteria for distinguishing between individual engaged in legitimate advocacy and individuals who were real threats to national and international security.

Response to petition related to the Violation of Civil and Political Rights
Filed **MARCH 18, 1998**
Response August 19, 1998

With respect to the role of the Canadian Security Intelligence Service (CSIS) during the demonstrations at the APEC conference. CSIS has a mandate to investigate threats to the security of Canada, as defined in section 2 of the CSIS Act. CSIS specifically prohibited by legislation from investigating activities constituting lawful advocacy, protest and dissent. As such, as long as activists' methods remain within legal bounds, such activities would not be subject to CSIS scrutiny. Anyone with specific concerns should raise them with the Security Intelligence Review Committee (SIRC). As to any allegations of criminal activity, these concerns should be addressed to the police force of jurisdiction.

22 JANUARY 1999: RESPONSE FROM CSIS

Russow had requested information from CSIS about Threat Assessment lists, and received the following response:

Under Threat Assessment
as part of this, the service prepared and disseminates time-sensitive evaluation of the scope and immediacy of terrorist threats posed by individuals and groups in Canada and

abroad. Assessments are made of threat against Canadian VIPs traveling in Canada and abroad, foreign VIPs, VIPs traveling in Canada and abroad foreign VIPs traveling in Canada and abroad foreign visit Canada foreign missions and personnel in Canada. Canadian interest abroad pubic safety and transpiration security and special events.

Russow had also requested information about CSIS and received the following response:

Canadian Security Intelligence Service

Service canadien du renseignement de security
January 22, 1999
Joan Russow
1230 St-Patrick Street Victoria, BC
V8S 4Y4

28 JANUARY 1999 COMPLAINT SENT TO WARD ELCOCK AND TO SYLVIA MACKENZIE FROM SIRC
COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

“Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2” (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that “my request .... had been handled according to policy”. During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints

Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

l Why I was put on the list
l Who decided that I should be put on the list
l What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;
(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
(c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a
foreign states; and
(d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of

activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

Last month, I requested a response from the Prime Minister's office about the reason for my being placed on the APEC Threat Assessment list, and I filed a complaint with CSIS. I have still not received a response.

16 FEBRUARY 1999:FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR: RESPONSE FROM Security Intelligence Review Committee
Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, Britizh Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has takent and you are particularly concerned with the possibility tha the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

25 JUNE 1999: LETTER TO WARD ELCOCK CSIS

ATTENTION: Mr. Ward Elcock
Director
Canadian Security Intelligence Service

In February 1999, I submitted the following complaint to
Sylvia MacKenzie
Senior Complaints officer
fax 613 990 5230.

It appears that a response was faxed to me on February 17, 1999 indicating that I had not followed the correct procedure. I was away when the Fax was sent and it must have been misplaced. I am now rectifying this and hopefully the complaint will now be able to proceed.

COMPLAINT (originally submitted in February 1999)

During the APEC Conference I was placed on an APEC threat assessment Group (TAG) list. The inclusion of a National Leader of a Political Party on a Threat Assessment list is in complete violation of the policy of CSIS which states the following:

Threat to security DOES NOT INCLUDE LAWFUL ADVOCACY, PROTEST OR DISSENT, UNLESS CARRIED ON IN CONJUNCTION WITH ANY OF THE ACTIVITIES

REFERRED TO IN PARAGRAPHS (2) TO (D). 1984 C.21, S2 (see annex for paragraph 2)

I did file a complaint with the RCMP Commission related to the pulling of my APEC pass. In response to my complaint the RCMP indicated that the usual protocol had been followed. It was only as a result of the requirement to release documents during the RCMP PUBLIC COMPLAINTS COMMISSION that it was brought to my attention that I was on the APEC threat Assessment list.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason contained in the APEC threat assessment group list, I believe that I should be part of the Public Complaints Commission Inquiry.

Initially when I approached the Commission in Vancouver last November, I was told by the then Commission lawyer Chris Considine that I would be included. in the Commission hearings. However when I inquired recently about the revived Commission which has begun today Wednesday January 27 I was told by a lawyer on contract with the commission [who would not reveal his name] that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a public investigation into my complaint. but I could ask for a in-house review.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, I spoke with a senior advisor to the Prime Minister and requested information about the following:
Why I was put on the list
Who decided that I should be put on the list
What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister’s office again in February, 1999.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I have not been able to obtain an explanation from the RCMP, or the Prime Minister’s office for the reason for my inclusion on the list. I am now applying to CSIS for an explanation.

I also wish to point out that the information on the APEC Threat Assessment List must have been obtained from an earlier list because there is information on the TAG list that is not current.

I would also like to know what previous list exist that I might be on, and for the reasons for including me on such a list.

I expect that this complaint will be given your immediate attention.

Yours very Truly

Joan Russow (PhD)
National Leader of the Green Party of Canada

1 250 598-0771

ANNEX:
CSIS
In the Act establishing the Canadian Security Intelligence Service
Threats to security of Canada" means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage.
b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person
c activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
d Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

23 JUNE 1999 FAX: FROM SIRC MADELAINE DE CAREFUL CONTAINING
16 FEBRUARY 1999:FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR: RESPONSE FROM Security Intelligence Review Committee
Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, Britizh Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has takent and you are particularly concerned with the possibility tha the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

July 15 1999
Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS) , this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

10 SEPTEMBER 1999; RUSSOW SUBMITTED A COMPLAINT ABOUT CSIS TO SIRC

1999 CSIS COMPLAINT TO SIRC

Friday September 10, 100
Attention Senior Complaints Officer
Fax 613 990 5230
I submitted a complaint to CSIS (see exhibit A) and received the enclosed response (see exhibit B) I am now requesting that the CSIS complaints department review my complaint

Yours very truly

Dr. Joan Russow
National Leader of the Green Party of Canada
Exhibit A: Russow complaint
Exhibit B: Bradley's response

Exhibit A
COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada,

complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

“Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2” (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that “my request .... had been handled according to policy”. During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- Why I was put on the list
- Who decided that I should be put on the list
- What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach
CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;
(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
(c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a
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(d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

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The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

EXHIBIT B: LETTER FROM BRADLEY
15 JULY 1999: LETTER FROM J. BRADLEY DIRECTOR GENERAL SECRETARIAT CSIS

Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS)M this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

95. 24 SEPTEMBER 1999

NOTE: HERE IS THE LETTER FROM SIRC STATING THAT RUSSOW HAS NOT FOLLOWED THE PROCESS. IT IS UNDOUBTEDLY A DIFFICULT PROCESS TO FOLLOW.

24 September 1999

Dr. Joan Russow
National Leader of of the Green Party of Canada
Vancouver, British Columbia
Fax 250 598-0094

Dear Dr. Russow:

This is further to our correspondence of 16 February 1999 which was sent to you on two occasions. We sent the first letter to you on 17 February 1999, and this letter was again sent on 23 June 1999

The purpose of the previous correspondence was to inform you of the process for recourse to the Security Intelligence Review Committee. The letter stated that you must first submit your complaint against the Canadian Security Intelligence Service to the Director of the Services.

After having complied with this prerequisite, the letter further specified that if you are dissatisfied with the Director's response to your complaint, or if you do not receive a satisfactory reply within a reasonable time you must let us know by writing to the Review Committee.

It is only upon receipt of a letter from you informing us that you are not satisfied with the Director's response that the Committee would be in a position to start an investigation pursuant to section 4] of the CSIS Act.

A press article published in the Ottawa Citizen on 23 September refers to a complaint that you presumably submitted to the Review Committee this month. I must inform you that we are not in receipt of any such letter to date.

In trying to reach you by telephone, we were informed that you were in Mexico until Tuesday, 28 September, 19999. Should you have additional questions, please do not hesitate to call collect the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie at 613 993-4263.

Yours sincerely,

Maurice Klein
Acting Executive Director

96. 27 SEPTEMBER 1999: NEW EVIDENCE ABOUT PRIME MINISTER'S INVOLVEMENT

New evidence is disclosed by the RCMP reporting the following comments by Supt. Wayne May during a conversation between police officers in the days immediately before the APEC summit at UBC: "You know, we know how we normally treat these things, and the normal course of action that we follow, but ah - then the ah - Prime Minister is not directly involved. When we're, you know, in dealing with tree huggers and that sort of thing. But right now, the Prime Minister of our Country is directly involved and he's going to start giving orders, and it might be something that we can't live with, or it's going to create a lot of backlash in final analysis."

97. 28 SEPTEMBER 1999: RCMP ASSISTS SOLICITOR GENERAL IN RESPONSE TO QUERIES ABOUT RUSSOW BEING DESIGNATED A THREAT; COMMONS BOOK STATEMENT ABOUT CSIS TARGETING LEADERS

COMMONS BOOK STATEMENT ABOUT CSIS TARGETING POLITICAL LEADERS

Cover from Royal Canadian Mounted Policy Fax To Karen Sallow Privy Council

From Insp Barbara George

Ministerial Liaison and correspondence unit

613 993-9231 513 998 61d19

Solicitor General Advice to the Minister

No 813
1999 09 28
Agency CSIS

ISSUE -QUESTION:
Joan Russow, leader of the Federal Green Party, files complaint with SIRC concerning the appearance of her name on an APEC Threat assessment document

ANTICIPATED QUESTION
as CSIS investigating the leader of a federal political party?

SUGGESTED REPLY

ï I understand the individual intends to file a complaint with the Security Intelligence Review Committee (SIRC)
ï SIRC is mandated by Parliament to review the activities of CSIS and respond to complaints. Anyone with concerns relating to CSIS can raise them with the committee
ï Should the matter be reviewed by SIRC it would be inappropriate for me to comment

UNDATED DOCUMENT BRIEFING NOTES FOR SOLICITOR GENERAL
Q. DID CSIS PLAY A ROLE IN PREVENTING JOAN RUSSOW FROM REPORTING ON THE APEC SUMMIT?
A. WITH RESPECT TO THE APEC SUMMIT, CSIS DISCHARGED ITS RESPONSIBILITIES WITHIN THE PARAMETRES OF THE CSIS ACT
Q. WAS MS RUSSOW UNDER CSIS INVESTIGATION FOR HER POLITICAL BELIEFS?
A. I CANNOT COMMENT ON WHETHER OR NOT AN INDIVIDUAL IS UNDER CSIS INVESTIGATION
Q AS SOLICITOR GENERAL, ARE YOU GOING TO LOOK INTO CSIS'S ACTIVITIES RESPECTING MS RUSSOW'S COMPLAINTS?
A. I UNDERSTAND THAT MS RUSSOW HAS FILED A COMPLAINT WITH SIRC WHICH IS THE APPROPRIATE BODY TO REVIEW THIS MATTER. ONCE SIRC HAS INVESTIGATED AND REPORTED ON MS. RUSSOW'S COMPLAINT, I WILL BE IN A BETTER POSITION TO ASSESS THE SERVICE'S ACTIVITIES.

DOCUMENT: COPY OF ARTICLE IN THE NATIONAL POST, SEPTEMBER 23, 1999. BY JIM BRONSKILL. GREEN LEADER WANTS CSIS TO JUSTIFY SECURITY RISK BRANDING.

Cover from Royal Canadian Mounted Policy Fax To Karen Sallows Privy Council
From Insp Barbara George
Ministerial Liaison and correspondence unit
613 993-9231
513 998 61d19
Solicitor General Advice to the Minister
No 813
1999 09 28
Agency CSIS

ISSUE -QUESTION:
Joan Russow, leader of the Federal Green Party, files complaint with SIRC concerning the appearance of her name on an APEC Threat assessment document

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as CSIS investigating the leader of a federal political party?
SUGGESTED REPLY
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A. I UNDERSTAND THAT MS RUSSOW HAS FILED A COMPLAINT WITH SIRC WHICH IS THE APPROPRIATE BODY TO REVIEW THIS MATTER. ONCE SIRC HAS INVESTIGATED AND REPORTED ON MS. RUSSOW'S COMPLAINT, I WILL BE IN A BETTER POSITION TO ASSESS THE SERVICE'S ACTIVITIES.

DOCUMENT: COPY OF ARTICLE IN THE NATIONAL POST, SEPTEMBER 23, 1999. BY JIM BRONSKILL. GREEN LEADER WANTS CSIS TO JUSTIFY SECURITY RISK BRANDING.

98. **29 SEPTEMBER 1999**: RESPONSE FROM SECURITY INTELLIGENCE REVIEW COMMITTEE

EXHIBIT: RESPONSE FROM SECURITY INTELLIGENCE REVIEW
09/28/99 13:38 FAX 613 990 5230 SIRC Z002
Security Intelligence Review Committee
Comite de surveillance des activites de renseignement de securite

PROTECTED
PERSONAL INFORMATION

File No. 1500-1
24 September 99
Dr. Joan Russow

National Leader of the Green Party of Canada Vancouver, British Columbia
FAX: (250) 598-0994

Dear Dr. Russow:

This is further to our correspondence of 16 February 1999 which was sent to you on two occasions. We sent the first letter to you on 17 February 1999, and this letter was again sent on 23 June 1999.

The purpose of the previous correspondence was to inform you of the process for recourse to the Review Committee. The letter stated that you must first submit your complaint against the Canadian Security Intelligence Service to the Director of the Service.

After having complied with this prerequisite, the letter further specified that if you are dissatisfied with the Director's response to your complaint, or if you do not receive a satisfactory reply within a reasonable time you must let us know by writing to the Review Committee.

It is only upon receipt of a letter from you informing us that you are not satisfied with the Director's response that the Committee would be in a position to start an investigation pursuant to section 41 of the CSIS Act.

A press article published in the Ottawa Citizen on 23 September refers to a complaint that you presumably submitted to the Review Committee this month. I must inform you that we are not in receipt of any such letter to date.

P,O, Box I C,P. 2430, Station 1 Succursale "D' Ottawa, Canada K1 P 5W5 613 990-8441

99. 30 SEPTEMBER 1999. RESPONSE FROM SIRC TO RUSSOW'S FAX FROM 30 SEPTEMBER 1999

100. 30 SEPTEMBER 1999: RUSSOW'S REVISED COMPLAINT FAXED TO RCMP RUSSOW'S REVISED COMPLAINT FAXED TO RCMP

September 30, 1999, Fax 604 501-4095

Re: APEC Complaint 1997-1077 Dr Joan Elizabeth Russow

I would like to request a review of my complaint on the grounds that new evidence has surfaced that the RCMP officer at the media centre had incorrectly alleged that the reason for my pass being pulled was that I did not have the appropriate media credentials.

NEW EVIDENCE
As a result of the requirement to release information under the RCMP Public Complaints Commission hearing evidence has been released that indicates that I was placed on the APEC THREAT ASSESSMENT LIST and that my photograph was in the hands of the RCMP. In addition, recent evidence demonstrates a direct connection with the Prime Minister's office; a directive supposedly came from a Mr. Gross from the Prime Minister's office ordering the RCMP to prevent me from m attending APEC.
I have requested several times to be part of the public Complaints Commission hearing, and have not been allowed to present the evidence indicating a connection with the PMO's office.

Thank you for your consideration of this matter.
Yours very truly

Joan Russow
1 250 598-0071 FAX 1 250 5980994

101. 13 OCTOBER, 1999: SENT DOCUMENT TO SIRC

102. 14 OCTOBER, 1999: RECEIVED RESPONSE BY THE SECURITY INTELLIGENCE REVIEW COMMITTEE

THE SECURITY INTELLIGENCE REVIEW COMMITTEE
Protected
Personal information
File No: 1500-1
14 October 1999
Dr. Joan Russow

National Leader of the Green Party of Canada
1230 St. Patrick Street
Victoria, British Columbia
V8S 4Y4 Fax: (250) 598-0071

Dear Dr. Russow:

On behalf of the Chair of the Security Intelligence Review Committee, the Honourable Paule Gauthier, PC, OC, QC. I thank you for your letter received on 13 October 1999. As previously discussed, the Committee has no record of having received this letter previously.

The Chair will now make a preliminary investigation to determine whether your case falls within the Committee's jurisdiction and if so, decide how best to deal with it.

I will inform you of the Chair's decision as soon as she communicates it to me.

Yours sincerely

Maurice Klein
Acting Executive Director

103. 17 OCTOBER 1999: PIECE WIDELY DISTRIBUTE TO WHOM IS INFORMATION ACCESSIBLE

ACCESS TO INFORMATION: FOR WHOM IS INFORMATION ACCESSIBLE

After reading a government publication which boasted that Canada has more trial sites for genetically engineered foods and crops than the whole European Union, I requested the location of the sites through Access to Information. I received a package with the towns and cities listed but not specific locations for the trial sites from 1988-1998). I was informed in a letter that the complete specific site information (1988-1998) would be available if I were able to pay $2150.00 with $1500 up front because it would take about 215 hours of research and that I was entitled only to 5 hours of free research... It would appear that the estimated 215 hours of search is required because the government is not permitted to release the location of trial sites on private farms; thus the private farms data would have to be deleted before the data are released.

In the letter, it was also mentioned that I could narrow my request to 1998 which I did. In response to my request for complete data from 1998 I was told that I would now have to pay $270 because the research would take 32 hours minus the 5 hours that I would get free, and there would be 515 pages to xerox over the 250 pages that would be done for free. I pointed out that in BC there was a policy that if it could be demonstrated that the information sought should have already been compiled as part of the normal course of department organization and practice then the charge would be waived. I have now undertaken to file a complaint with the Federal Access to Information section noting that the information that I have sought should be part of the normal activity of the department for public accountability, and as such should be made available to the public free of charge. In the interim I have requested 125 pages or 5 hours worth of research on what has been tested in Saskatchewan where the most tests have been carried out.

Months later I received the 5 hour research document. It was exactly the same information that I had received before but with three bilingual diagonal stamps with "access to information".

One is left with the question "for whom is information accessible". It would appear that the information is accessible to those with sufficient funds to pay up front for the research. The implications are extremely serious. The department can justify not preparing documents necessary for public accountability and for public consumption by stating that these documents, of course, are always available on request through the Access to Information process.

Thus, those that have the money to pay for the research that the government should have already carried out as a requirement of public accountability for public consumption are the only ones that can have the research results on demand. There is of course still the opportunity for an organized campaign where over 40 individuals could ask for information that would require no more that 5 hours for each request. If the department does not address my complaint and release the information that, for the sake of public accountability should be already prepared for public consumption, the Green Party of

Canada will embark upon a campaign of 41 separate access to information requests until we have the full picture of what has been and is currently being tested across Canada and where these tests have been carried out.

In the information that I received from 1988-1998 there was a listing of the individual test sites. I have requested a list of the actual items being tested. The list of sites could be for testing the same item all across Canada. The representative from Access to Information has undertaken to seek this information and fax it to me if possible.

I have gone through the 200 odd pages and typed up all the sites and then sorted them by date and location.

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains
(a) advice or recommendations developed by or for a government institution or a minister of the Crown,
(b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the Crown or the staff of a minister of the Crown,
(c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or
(d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation,
if the record came into existence less than twenty years prior to the request.
(2) Subsection (1) does not apply in respect of a record that contains
(a) an account of, or a statement of reasons for, a decision that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or
(b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government institution or a member of the staff of a minister of the Crown.
1980-81-82-83, c. 111, Sch. I "21".

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits.
1980-81-82-83, c. 111, Sch. I "22".

104. 8 NOVEMBER 1999: MARVIN STOROW RESIGNS BECAUSE OF PERCEPTION OF BIAS

Vancouver lawyer Marvin Storrow resigns as lead counsel to the PCC investigating the APEC affair following suggestions that his attendance at a $400-a-plate fundraising dinner for Prime Minister Jean Chrétien was improper.

105. 17 NOVEMBER 1999 SECURITY INTELLIGENCE REVIEW COMMITTEE RESPONSE

SECURITY INTELLIGENCE REVIEW COMMITTEE

PROTECTED:

MAURICE KLEIN, ACTING EXECUTIVE DIRECTOR SIRC CSIS
File No 1500-1
Dear Dr Russow

On behalf of the Chair of the Security Intelligence Review Committee, the Honourable Paul Gauthier PC OC Quc. I thank you for your letter received on 13 October 1999. As previously discussed the Committee has no record of having received this letter previously. The Chair will now make a preliminary

investigation to determine whether your case falls within the Committee's jurisdiction and if so decide how best to deal with it

I will inform you of the Chair's decision as soon as she communicates it to me

Yours sincerely

Maurice Klein
Acting Executive Director

106. 17 NOVEMBER 1999; SECURITY INTELLIGENCE REVIEW COMMITTEE RESPONSE

November 17, 1999 protected Personal Information
PERSONAL INFORMATION

File No. 1500-1

Dear Dr. Russow

On behalf of the Chair of the Security Intelligence Review Committee, the Hon Paule Gauthier, P.C. O.C Q.C. I would like to address your letter received in or office on 13 October 1999.

I should point out that, in accordance with section 41 of the Canadian Security Intelligence Service Act ("CSIS" ct"), The Committee has authority to investigate "any act or thing done by the Service". The Committee cannot (or has it) reviewed acts done by any other agencies.

Consequently, after inquiring into your complaint, the Committee has reached the conclusion that the Service was not responsible for passing any information which may have resulted in the inclusion of your name on a threat assessment list prepared for the 1997 Asia Pacific Economic Cooperation (APEC) Conference held in Vancouver

I trust that the assurance that your allegation was thoroughly investigated by the Committee and the Committee's conclusion that the Service was not responsible will be sufficient

Your sincerely
Susan Pollak Executive Director

107. 30 NOVEMBER 1999: ABOVE CSIS LETTER SENT AGAIN

108. 10 DECEMBER 1999: CONSTABLE BOYLE FALSELY TESTIFIED THAT RUSSOW ON A MEDIA BUS

December 10 APEC Transcript p. 113

Arvay And I'm going to ask I don't know ether we need to make the second page; I'm not sure what we're doing with this exhibit, but as long as I can read it into the record. And that the second blank should read Russow Russo correct?
A. Boyle that is correct

Q And you know that the female name Russow is Joan Russow, then the head of the Green Party of Canada
A that is correct
Q did you have something to do with the accreditation of her being pulled.
A no I did not, I was merely made aware of it for purpose of including in the daily bulletin
Q Okay and were you make aware why her accreditation was pulled
A. Vaguely
Q Can you tell us

A I believe there was a media bus that went out to UBC and once at UBC it was felt that both her and Dennis Porter's behaviour was inappropriate for that of people who had attained media accreditation I wasn't there and I don't know the specifics of it.
Q. Is that the extent of your knowledge
A That's the extent of my knowledge of it
Q. Thank you
Woodall: perhaps she could be asked what the source of threat knowledge is, whether its personal or hearsay or whatever it is
Mr. Commission: yes I think that's reasonable follow up question.
Arvay: well I want.. I thought I was asking the questions. Go ahead Go ahead I'm only kidding
Commission: Well no ;but I'm interested in knowing this
Mr. Arvay: fair enough
The witness: I cannot tell you who the source of that information was, it was a phone call that I received from somebody who was on site at UBC the previous night.
It could have even been something I wrote down as a result of the morning briefing I got from corporal Boutillier. I don't recall
CONTINUED BY MR. JOSEPH ARVAY:
Q: Can we -- can we agree, Constable Boyle, that the first blank should read Dennis Porter.
A: That is correct.
Q: And -- and I'm going to ask -- °I
don't know whether we need to make the second page -- I'm
not sure what we're doing with this Exhibit, but as long as I can read it into the record.
And that the second blank should read Russo - R-U-S-S-O, correct?
A: That is correct.
Q: And you know that the female name
Russo is Joan Russo, then the head of the Green Party of
Canada?
A: That is correct.
Q: Did you have something to do with the
accreditation of her being pulled.
A: No I did not, I was merely made aware
of it for purposes of including in the daily bulletin.

Q: Okay. And were you made aware why
here accreditation was pulled?
A: Vaguely.
Q: Can you tell us?
A: I believe there was a media bus that
went out to UBC and once at UBC it was felt that both her
and Dennis Porter's behaviour was inappropriate for that
of people who had attained media accreditation.
I wasn't there and I don't know the
specifics of it.
Q: Is that the extent of your knowledge

A: That's the extent of my knowledge of
it.
Q: Thank you.
MR. KEVIN WOODALL: Perhaps she could be
asked what the source of that knowledge is, whether it's
personal or hearsay or whatever it is.
MR. COMMISSIONER: Yes, I think that's
reasonable follow up question.
MR. JOSEPH ARVAY: Well, I wasn't -- I,
thought I was asking the questions. Go ahead. Go ahead,

21 I'm only kidding.
22 MR. COMMISSIONER: Well, no but I -- I'm
23 interested in knowing this.
24 MR. JOSEPH ARVAY: Fair enough.
25 THE WITNESS: I cannot tell you who the
1 source of that information was, it was a phone call that 2 I received from somebody who was on site at UBC the previous night.
It could have even been something I wrote 5 down as a result of the morning briefing I got from
6 Corporal Boutilier, I don't recall.
8 CONTINUED BY MR JOSEPH ARVAY

109. DECEMBER 1999: RUSSOW ATTENDED RCMP PUBLIC COMPLAINTS COMMISSIONER

Russow approached Commission Hughes and spoke with the Commissioner about wanting to clear her name. She referred to the evidence provided by Christine Price that there had been a directive from the Prime Minister's office. Russow also wanted to correct the misinformation disseminated by Cst Boyle.The Commissioner glanced at his list of witnesses and responded that Russow was not on the list, presumably prepared by Storrow, of witnesses. Russow subsequently went to Shirley Heafey's office to raise her concern, and stepped into Heafey's office. Rather than address Russow's concern, Heafey called on the commissioner to remove Russow from the entrance to her office.

110. **11 JANUARY 2000:** RUSSOW'S LAWYER SENT LETTER TO BOYLE AND RCMP REQUESTED INFORMATION AND APOLOGY

Vancouver Police Department: …
Andrew Gage
Barrister &solicitor
2120 Cambie Street

January 11, 2000
Vancouver Police Department
Vancouver B.C. V5Z 4N6

Att. Legal Department
Dear Sirs/Mesdames

Re: Media Accreditation of Dr. Joan Russow

I represent Dr. Joan Russow, leader of the Federal Green Party. Dr. Russow is concerned that public statements made recently by one of your officers may impact negatively on her reputation and I am writing to ask you to clarify the source of such statements.

On December 10, 1999, Detective Constable Joanne Boyle of your department appeared before the RCMP Public complaints Commission, currently investigating the official handling of protests during the APEC conference. During the course of her cross examination by Mr. Jo Arvay Constable Boyle was asked whether she know why Dr Russow's media accreditation was revoked during the APEC Conference. Constable Bole stated:

I believe there was a media bus that went out to UBC and once at UBC it was felt that both her ["Joan Russo"] and Dennis Porter's behaviour was inappropriate for that of people who had attained media accreditation.

I wasn't there and I don't know the specifics of it.

Dr. Joan Russow is concerned that public statements made recently by one of your officers may impact negatively on her reputation. Constable Boyle further confirmed that the “Joan Russow” referred to was the leader of the Green Party of Canada and stated that she [Boyle] had received this information from either by phone from someone at UBC at the time of the briefing from Corporal Boutillier. The statement by Constable Boyle is incorrect. Dr Russow was not present either on the media bus to UBC or at UBC. Moreover , this is the first time that Dr. Russow has become aware of allegations that the revocation of her media accreditation was due to inappropriate behaviour on her part. Unfortunately Constable Boyle’s statements have been broadcast nationally on several occasions and posted to an internet site, and are a cause of considerable concern for Dr. Russow. In her testimony Constable Boyle appeared a little uncertain as to the source of her information. I would ask that Constable Boyle and the Vancouver Police Department clarify whether they have any information as to the source of, or evidence in support of these allegations, and that you provide such to this office. Further more, I request a written apology be sent to Dr. Russow on behalf of the Vancouver Police Department and Constable Bole and that a copy of such apology be sent to the RCMP Public Complaints Commission. Indeed, I would suggest that Constable Boyle is under an obligation to correct any error she becomes aware of in her sworn testimony. Dr Russow hopes to resolve this matter as quickly as possible.

I look forward to receiving your reply to the above by February 1, 2000

Andrew Gage

111. 20 –JANUARY -24 FEBRUARY 2000: RESPONSE BY THE VANCOUVER POLICE

Date Time Comment

00.01.20 13:00
Received letter of complaint from Insp. Day, requesting that I try to informally deal with the matter.

00.01.21 09:05 I called Mr. Gage's number in Victoria and left a voice message on his answering machine, requesting that he contact me at his earliest convenience.

01.01.21 14:14 I missed Mr. Gage's return Call so I called him back. He wasn't there so I left a message for him that I would try him again, first thing next Tuesday morning

01.01.21 14:40 Mr. Gage called- I explained that although I expected Cast. Boyle would make an apology if one were due, I could not order her. I also explained that any correction to her testimony would have to be done in consultation with her counsel. He agreed to both statements. He also made some inquiries about how Cst. Boyle came to have knowledge of Dr. Russow and I suggest that my job was not to follow up on that the principal route was through FOI. He was appreciative of the fact that this matter was being looked after and that his request for a reply of Feb. 1, might not be realistic. I gave him my email address and ensured that he had my phone number correctly noted.

00.01.25 09:45 Cst. Boyle attended my office for a brief interview. She explained her role at I APEC: basically she was an information officer, She is going to forward an email to met, outlining her involvement in Dr. Russow's allegation. She stands by her I testimony and does not feel that an apology is due, nor does she feel that she should correct her sworn testimony from the inquiry.

00.02.03 14:40 Voice message left for Mr. Gage to call me

00.02.08 14:30 I spoke to Mr. Gage and explained that Cst. Boyle stood by her evidence as stated at the APEC Inquiry and that she did not intend to apologize. I also mentioned again that a more appropriate recourse might be an FO1 request to the VPD and the RCMP. I was very blunt and straightforward with him, informing , informing him that , in my opinion, Dr. Russow would not be receiving the apology she sought. I concluded by telling him that I hoped this would informally resolve the complaint,

but if he wished he could lodge a formal complaint, although it was op9inion that the result would probably be the same as mine.

00.01.10 07.15 Dr Russow called and 1 spoke to her at great length, about 30 45 minutes. She was very frustrated with the APEC inquiry and that she cannot testify. She had a variety of complaints and concerns concerning the Prime Minister and the RCMP and at one point was close to crying. She asked me to provide the names of the people who provided the info to Cst, Boyle. I told her that I couldn't and that her request would have to go through FOI. We concluded with me agreeing to fax the FOI form to her and when she faxes it back, I will take it to FOI to expedite the process,

00.01.10 09:10 I spoke to FOI who stated that there was no problem releasing names of two RCMP officers mentioned in Cst. Boyle's email. I left a voice message for Dr. Russow to call me.

00.0210 10.00 Dr. Russow called. I provided her with the names of Peter Kolyiak and Peter Scot, whom I believed are with the RCMP. She was going to follow up, by contacting them. She still requested an apology and suggested that Cst. Boyle change her testimony to reflect this. I reiterated that I could not force Cst. Boyle to apologize and that any changes to her APEC testimony would have to be done in consultation with her lawyer. Although she still wants an apology, she seemed please that I provided her with the names of the RCMP officers.

00.2.11 09:30 I received a voice mail from Cst. Boyle. She stated that she had received a call from Peter Scott (543-4769, 975-4637). He related that Dr. Russow had called him, very upset and argumentative. It seems that her complaint had been looked at the RCMPs Internal Investigation and the outcome was that Dr. Russow was referred to the APEC Complaint Commission.

00.02.11 13:15 I spoke to RCMP Cst. Peter Scott who advised me that he had been part of the APEC accreditation group. He mentioned that at the time of APEC, Russow had presented herself as a member of the Oak Bay Press and was given media accreditation. One of the members of ACCO (APEC Canadian Coordinator Office) had tried to call the Oak Bay Press after the accreditation had been issued and confirmed that Russow was not on staff at the paper. ACCO decided to pull Russow's accreditation and when she began to cause a scene, she was advised to leave or she would be investigated by them. Their conclusion was that her complaint was frivolous. She was advised accordingly and it was suggested that she make a complaint to the Public Complaints Commission.

00.0224 File returned to Insp. Eldridge,

112. 20 JANUARY 2000: LAWYERS FOR GOVT ARGUED PCC HAS NO JURIDICTION WITH RESPECT TO ANYONE OUTSIDE OF THE RCMP

Lawyers for the government of Canada and Commission Counsel argue that the PCC has no jurisdiction with respect to anyone who is not a member of the RCMP and that accordingly the Prime Minister cannot be called as a witness.

113. 4 FEBRUARY 2000 LETTER TO COMMISSION REFERRING TO NEW EVIDENCE

114. 4 FEBRUARY 2000: CORRESPONDENCE FROM ALEX WEATHERSTON RCMP PUBLIC COMPLAINTS REVIEWER ANALYST

File Number Pcc-1977- 1077
RCMP Public Complaints Commission

Ms Joan Russow
1230 St. Patrick Street
Victoria British Columbia
V8S 4Y4

Dear Ms. Russow

I understand that you spoke recently with Mr. Garry Wetzel, the acting Director General, Review and Policy at the Commission. I have been assigned as the Reviewer/analyst for this complaint

I am writing in regard to your fax in which you requested a review of the RCMP's report on your complaint. You indicate in your fax that there is new evidence concerning your complaint. Could you please provide our office with documentary or other evidence which demonstrates that you were placed on the APEC threat assessment list, that your photograph was in the hands of the RCMP and that a directive came from the Prime Minister's office ordering the RCMP to prevent you from attending the APEC conference. Please provide this additional material to the Commission by no later than March 13, 2000

I would also wish to advise you that on August 30 1999 a request was made to the RCMP to provide our office with the documents relevant to your complaint. Those documents have not yet been received. We have written again to the RCMP to request that the relevant documents be provide. Once we have received the RCMP material and any additional material which you may provide, the review of your complaint by the Commission can continue

Yours sincerely
Alex Weatherston
Reviewer analyst

115. **FEBRUARY 2000:** RESPONDED TO ALEX WEATHERSTON BY PHONE INDICATING THAT THE RCMP HAD ALL THE INFORMATION THAT WAS REQUIRED AND TO CONTACT ME IF THE INFORMATION WAS NOT FORTHCOMING; 613 952 8040

116. **11 FEBRUARY 2000:** ACCESS TO INFORMATION SENT TO CSIS BY RUSSOW'S LAWYER

February 11, 2000
Canadian Security and Intelligence Service PO Box 80629
South Burnaby, B.C. V5H 3Y1

Dear Sirs/Mesdames:
Re: Access to Information Request
Pursuant to section 4 of the Access to Information Act, R.S.C. 1985, c. A-1, I am writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:
a) Threat Assessment Lists or other circulars, updates, communications, directives, orders or other documents, which identify Dr. Russow, or the Green Party of Canada, or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (the "APEC Conference");
b) Complaints, reports, directives, or other documents related in any manner to the decision to include Dr. Russow on any documents described in (a),
c) Communications, reports, statements, notes or other documents related to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia; and
d) Communications, reports, statements, notes or other documentation prepared, circulated; sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow;
If you have any questions about the above, please contact this office. I would appreciate a speedy reply in this matter.

Andrew Gage
cc. Dr. Joan Russow

If you have any questions about the above please contact this office.1 would appreciate a speedy reply in this matter.
Yours truly_
Andrew Gage
cc. Dr. loan Russow

117. 10 FEBRUARY 2000: RUSSOW PHONED JOHN FINAMORRE, OF THE VANCOUVER POLICE: Russow was given the name, Peter Scott as being the person whom Constable Boyle said informed her that Russow had been on the UBC bus.

118. FEBRUARY 11, 2000: RUSSOW PHONED PETER SCOTT WHO WAS THE COORDINATOR OF ACCREDITATION AT APEC.

119. 11 FEBRUARY 2000: ACCESS TO INFORMATION REQUEST FROM RUSSOW'S LAWYER TO THE RCMP

ANDREW GAGE
BARRISTER & SOLICITOR
#5-481 Head St.
Victoria, B.C, V9A 5S1 j
Tel. (250)920-4243 • Fax. (250)381-5661 • agageC&pacificcoast.net

February 11, 2000
Royal Canadian Mounted Police 657 West 37 the Ave
Vancouver, B.C. V5Z 1K6
Dear Sirs/Mesdames
Re: Access to Information Request
Pursuant to section 4 of the Access to Information Act, R.S.C. 1995, c. A-1, I am writing to request all documents in the possession of the RCMP relating to my client, Dr. Joan Russow, and in particular any and all:
a) Circulars, updates, communications, lists, directives, orders or other documents prepared in relation to, or arising out of, the 1997 APEC conference held in Vancouver, British Columbia (the "APEC Conference"), or subsequent public complaints commission process (the "Commission Process"), which refer to Dr. Russow or the Green Party of Canada, whether originating with the RCMP or merely coming into its possession;
b) Communications, reports, statements, notes or other documents related to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia;
c) Notes, reasons, reports or other documentation relating to the decision to revoke Dr. Russow's media accreditation for the APEC Conference;
d) Communications, reports, statements, notes or other documentation concerning the alleged presence and actions of Dr. Russow on the media bus during the APEC Conference as reported to the RCMP Public Complaints Commission by Constable Joanne Boyle on December 10, 1999;
e) Communications, notes or other materials written, received, prepared, circulated or in the possession (at any time) of Peter Scott, RCMP officer, which relate to Dr. Russow, whether in regard to the APEC Conference or not;
f) Complaints, reports, directives, notifications or other documents sent or received by the RCMP concerning Dr. Russow or the Green Party of Canada in relation their presence or actions at the APEC Conference; and
g) Correspondence, reports, notes or documents related to Dr. Russow's inclusion in a threat assessment list prepared by CSIS, the circulation of said list, and the consequences of her inclusion of said list.

If you have any questions about the above, please contact this office. I would appreciate a speedy reply in this matter.
Yours truly,

Andrew Gage
cc. Dr. Joan Russow

110. 11 FEBRUARY 2000: LETTER FROM ANDREW GAGE BARRISTER & SOLICITOR TO CSIS

11, 2000 Letter from Andrew Gage Barrister & Solicitor
Re: Access to Information Request

Re: Access to Information Request

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-I, I a writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:

a) Threat Assessment Lists or other circulars, updates, communications, directives orders or other documents, which identify Dr. Russow or the Green Party of Canada or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (The APEC Conference")
b) Complaints, reports, directives, or other documents related n any manner to the decision to include Dr. Russow on any documents described in (a)
c) Communications, reports, statements, notes or other documents related, to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
d (Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

Yours truly

Andrew Gage

1230 Patrick St.
Victoria,
B.C. V8S 4Y4

111. 11 FEBRUARY 2000: RCMP OFFICER ADMITTED KNOWING ABOUT PMO'S INVOLVEMENT

Jim Bronskill talked to RCMP and when he was asked why the RCMP did not investigate the claim of a direction from the PMO's office to RCMP officer said that he knew about it but their task was not to investigate the Prime Minister (Jim Bronskill, personal communication)

Brian Groos who lives in Oak Bay (Victoria) would obviously have been aware of the existence of the Oak Bay newspaper.

He is now in Australia, working on Olympic accreditation and will be working at NATO. He was contacted by Jim Brownskill in Australia, Brian Groos said that he did not want to jeopardize his job and would have to talk with Foreign Affairs before speaking further about Russow's case. (Jim Bronskill, personal communication)

112. 11 FEBRUARY 2000: FOLLOW-UP RESEARCH ON BACKGROUND OF BRIAN GROOS

Russow contacted Foreign Affairs to ask for a report of their involvement re; her case at APEC and talked to an official advisor to Axworthy. She was told that they did not know anything about Brian Groos. [it was only during the 2000 election that Russow became aware of his close connection with Hon David Anderson against whom Russow had run against in the 1997 and 2000 election. Oak Bay resident, Brian Groos was one of two persons speaking on behalf of David Anderson. In response to an access to information request to the Department of Foreign Affairs, it was revealed that Brian Groos was in fact by seconded by Foreign Affairs and worked with the PMO at APEC, and through Google, Russow found out that Brian Groos had actually been employed as a special advisor to David Anderson when he was Minister of Environment- a fact denied in 2005 by the Department of Environment]

113. 11 FEBRUARY 2000: FOLLOW-UP RESEARCH ON JOHN FINAMORE, PETER KOLYIAK OR PETER SCOTT

Russow contacted RCMP office who had sent the letter. Name John Finamore 1 504 717 3083 he was no longer working there

He had indicated that he had received a call from Constable Boyle who had testified that Russow had behaved inappropriately. She said she had received the information from Peter Kolyiak or Peter Scott

Peter Kolyiak Planning committee Accreditation Works Surrey accreditation 604 543 4769

Peter Scott 1 604 543 4769 pager 975- 4637

114. 11 FEBRUARY 2000 COMMUNICATION WITH RCMP PUBLIC COMPLAINTS ABOUT BOYLE'S TESTIMONY

Simon wall RCMP Public Complaints in Ottawa said I should not bother other constables.

115. 14 FEBRUARY 2000. PMO BANNED CRITIC FROM APEC REPORT: GREEN PARTY LEADER DENIED MEDIA PASS AS A RESULT OF THE PMO JIM BRONSKILL OTTAWA CITIZEN

Green party leader denied media pass "as a result of the PMO": RCMP

By Jim Bronskill

Police documents raise fresh questions about the possible involvement of the Prime Minister's Office in efforts to stifle dissent at the Vancouver APEC conference.

An RCMP memo obtained by the Citizen , indicates a vocal critic of Liberal policies may have been denied a media pass to cover the conference "as a result of the PMO".

The controversy comes as Ted Hughes , head of the RCMP Public Complaints Commission Inquiry into events at the November 1997 summit, prepares to decide whether Prime Minister Jean Chrétien should be called to testify.

Several protesters who were pepper sprayed and arrested claim the Prime Minister's Office ordered the crackdown to avoid embarrassing visiting Asia-Pacific leaders.

The latest allegation arises out of the withdrawal of summit media accreditation from Joan Russow, leader of the federal Green party, who attended the APEC meeting as a reporter for the Oak Bay News, a Victoria newspaper.

Shortly after issuing her a media pass, summit staff questioned the existence of the community paper and Ms. Russow's accreditation was pulled preventing her from covering the meetings. Ms Russow complained to the RCMP which looked into the matter

Internal documents related to the RCMP probe show Christine Price, a clerk at the APEC accreditation office, was interviewed byte the Mounties in late May 1998.

A memo signed by RCMP Staff-Sgt, Peter Woods summarizes her testimony by noting Ms Price "learned that Russow was not to accreditation as a result of the PMO".

Ms. Price told the RCMP that a co-worker, Brian Groos, relayed instructions that Ms Russow should not be admitted to the APEC conference. "I believe he told me that it was an order from the PMO, but that's all that he told me" she said in her RCMP interview.

Mr. Groos, reached in Australia where he now lives, said that "at no time was I instructed by the Prime Minister's Office to refuse admission to APEC of any person"

Ms Price, however, stands by what she said to the RCMP. "I gave my statement to the police officer at that time." She told the Citizen. "And that's all I really have to say on the matter."
[The RCMP interview with Prince was mentioned briefly in APEC inquiry testimony last August during cross-examination of Jean Carle, a senior member of Chretien's staff at the time of the APEC conference. Carle, who has since left the PMO, said he had nothing to do with press accreditation" section in Bronskill submission but left out in newspaper]

Ms Russow wonders whether her pass was pulled because she had a track record of asking blunt questions of the Prime Minister. During the 1997 election, Ms Russow, as Green party leader , put Mr. Chrétien on the spot in Montreal by challenging him to a debate on Canada's environmental obligations.

Ms Russow's suspicions are deepened by the appearance of her name and photo on secret threat assessment documents for the APEC conference. One describes Ms Russow and another media member as "overly sympathetic" to APEC protesters. "both subjects have had their accreditation seized". [The threat assessments for APEC were prepared by an ad-hoc group that included members of the RCMP, the Canadian Security Intelligence Service and other agencies, SECTION IN ORIGINAL LEFT OUT]

Confusing matters further was APEC inquiry testimony in December from DET- Const. Joanne Boyle of the Vancouver police. She said Ms Russow had taken a media bus to an APEC venue, and the media pass was then revoked because her behaviour was inappropriate."

Ms Russow insists she was not present on the media bus or at the site. Ms Russow' lawyer has requested an apology from the Vancouver police.

[NOTE; When Jim Bronskill interviewed Brian Groos, Groos indicated that he did not want to speak to the media because he was worried about being fired by the Department of Foreign Affairs (Jim Bronskill, personal communication)

ARTICLE PRINTED IN THE OTTAWA CITIZEN AND NATIONAL POST
NOTE ALSO IMPORTANT OPTIONAL SECTIONS LEFT OUT BECAUSE OF LENGTH OF ARTICLE
CRITIC FROM APEC REPORT: GREEN PARTY LEADER DENIED MEDIA PASS AS A RESULT OF THE PMO

Bronskill had sent his original submission to Russow; in this original submission he had indicated optional cuts if the piece was two long.
Jim Bronskill, Ottawa Citizen National Post
BEGIN OPTIONAL CUT
Russow filed a complaint with the Security Intelligence Review Committee, the watchdog that oversees CSIS about her appearance on the Treat documents after they surfaced in the media. However, last November , the review committee informed Russow the spy agency was not responsible for passing any information which may have resulted in the inclusion of your name on a threat assessment list" prepared for the conference.

Russow has also asked the RCMP Public complaints Commission to investigate “the Threat documents and the revocation of her media credentials. She is frustrated that the RCMP and the APEC inquiry have not bothers to thoroughly probe the suggestion of PMO involvement. Ac” Access to international conference should not depend on the whim of the Prime Minister.” (personal communication to Jim Bronkskill)
Sgt don Bindo, an RCMP spokesman said the force cannot discuss certain details of Russow’s case while the inquiry is ongoing but acknowledge her concern. Certainly it appears that her situation has not been dealt with to her satisfaction yet; (personal communication to Jim Bronskill).
END OPTIONAL CUT

115. FEBRUARY 16 2000: CSIS IGNORED THE LETTER THAT WAS SENT ON FEB 2000 BY RUSSOW’S LAWYER ANDREW GAGE AND THEN CLAIMED THAT IT WAS NEVER RECEIVED

116. 16 FEBRUARY 2000: RESPONSE BY JOHN FENIMORE DET 661 RESEARCH COORDINATOR COPY TO JOHN ELDRIDGE DAY MURRAY RESPONSE FROM VANCOUVER POLICE DEPARTMENT RE BOYLE

The Vancouver Police Department response indicates that he had not been apprised of evidence revealed that Russow was listed on the APEC threat Assessment list as being sympathetic to the APEC protesters, and that she had attended a media meeting at UBC when she had never been to UBC during the APEC Summit. Also he must have been unaware of Christine Price’s testimony which indicated that there had been a directive from the PMO to pull Russow’s pass. He passes on an claim that Russow’s complaint was frivolous. Rather than being concerned about misinformation and about the potential negative impact on Russow’s reputation, he dispenses with the complaint.

1Hi John

I have reviewed Dr Russow’s complaint as captioned note faxed February 6

I have review Dr Russow’s complaint as captioned in Mr. Gage’s letter and CST Boyle’s reply

Dr Russow in the letter has asked..”to clarify the source… of statement s made by Cst Boyle, in her testimony at the APEC inquiry. Cs Boyle transcribed testimony is

I believe there was media bus that went out to UBC and once at UBC it was felt that both her Russow and blank behaviour was inappropriate for that of people who had attained med accreditation. I wasn’t there and I don’t know the specific of it.

Cs Boyles answers were purposely vague, simple because she couldn’t remember specific. Cst Boyle testified to the best of her knowledge based on the facts that she could recall at the time. In the transcript of her testimony when asked if she had something to do with the accreditation being pulled Cst Boyle states I did not I was merely made aware of it for purposes of including in the daily bulletin.

Cst Boyle replied to me in an email at my request as to who told her about Dr Russow accreditation being pulled. She stated .. likely via a telephone call from Peter Kolyiak or Peter Scott. In a subsequent email after reviewing her notebook at my request she included. Says her accreditation was cancelled along with that of redact at the media event at UBC. On 0002 10 after speaking to our FOI I disclosed two RCMP members names Kolyiak and Scott to Dr Russow. She sounded pleased however felt that she was still owed an apology from Cst Boyle.

On 0002 11 I spoke to Cst Scott of the RCMP. He had received a call from Dr Russow on the same day that I reveals his name to her. He told me that she was very aggressive and demanding on the phone. He point out to her that the matter had had been investigated by their IIS and eventually hung up on her. He advised me that he had been part of the APEC accreditation group. HE mentioned that at the time of APEC Russow had presented herself as a member of the Oak Bay Press and was give media accreditation. On of the members of ACCO APEC Canadian Coordinating office had tried to call the Oak

Bay press after the accreditation had been issued. The ACCO person was satisfied that Russow was not on staff at the paper, so ACCO decided to pull Russow accreditation and when she began to cause a scene, she was advised to leave the accreditation office or she would be arrested. Apparently Russow complained to the RCMP internal investigation Section about similar issue and the matter was investigate by them Their conclusion was that her complaint was frivolous. She was advised accordingly and it was suggested that the make a Complaint to the Public Complaints Commission. From her letter Dr Russow wants to know the source of CSt Boyles information. I have provided her the names given to me by Cst Boyle. Her notes also reflect at the media event at UBC which supports her testimony. At UBC the only statement that Cst Boyle made in her testimony that cannot be support is that Dr. Russow went out to UBC on a bus. Is this enough to recommend and apology from Cst Boyle that considering that possibly incorrect information was imparted on her by members of the RCMP and ACCO

John Fenimore Dt 661
Reserve Coordinator office 717-3083
Vancouver

117. 25 FEBRUARY 2000: HUGHES RULES NO JURISDICTION TO COMPEL PM TO TESTIFY

Commissioner Hughes rules that he has no jurisdiction under the terms of the RCMP Act or under his terms of reference to compel the attendance of the Prime Minister as a witness. Nonetheless, expressing concern that his report might be under a "cloud" if the Prime Minister does not testify, he extended an invitation to the Prime Minister to appear of his own volition.

Hughes claims basic issue was if “PMO” had given improper orders or direction respecting security matter to members of the RCMP at the APEC conference”
- Hughes had failed to permit Russow to testify and use the Christine Price’s evidence that there had been a directive from the PMO’s office to pull Russow’s
NOTE: I contacted him in 2005, and asked for the reason for excluding this information and he claimed that he did not remember anything about it. (personal communication)

118. 29 MARCH 2000: MEDIA ADVISORY FROM RUSSOW ABOUT PRESS CONFERENCE AT THE CHARLES LYNCH ROOM PARLIAMENT HILL ON TUESDAY, MARCH 29, 2000 AT 11 AM.

CHARLES LYNCH ROOM PARLIAMENT HILL ON TUESDAY, MARCH 29, 2000 AT 11 AM.

The subject: the implications of the decision by Commissioner Hughes on March 25 about calling the Prime Minister to appear before his commission.

Contact:
Joan Russow 250 598-0071 in Victoria till February 26th
613 722 3485 February 27 – March 1 in Ottawa
See attached “Chronology of Intervention of PMO at APEC”

119. 29 MARCH 2000: RUSSOW DISTRIBUTED BRIEF CHRONOLOGY TO MEDIA

120. 30 JUNE 2000: APEC INQUIRY ENDS

121. JULY-SEPTEMBER 2000; RAN IN THE FEDERAL BY-ELECTION AGAINST STOCKWELL DAY

122. 25 OCTOBER 2000: MEDIA PRESENTATION IN CHARLES LYNCH

Russow launched the Federal Green Party platform.

123. NOVEMBER 2000; FEDERAL ELECTION: DOCUMENTATION RELATED TO DAVID ANDERSON AND ELECTIONS CANADA

Russow ran in the Federal Election against David Anderson. An affidavit was filed with against Russow, was filed in the regional office of Elections Canada, then submitted to Elections Canada. Prior to the all candidates debate on the "environment", Russow heard that the disgruntled former Green Party leader of the BC Green was working with David Anderson and helping prepare David Anderson for the debate. On Saturday, November 18, two days before the election, I was campaigning downtown, when someone said why would anyone vote for you; he said that on the CFAX news it had been reported that Russow was being investigated by Elections Canada for doing something illegal under the act. Russow found out that a press release had been sent out by the former Green party of BC leader, while he was working in David Anderson's office. Russow contacted the regional office of Elections Canada, and was told that Elections Canada was not concerned about the allegations in the Affidavit. After talking with the local Elections officials, CFAX broadcast a retraction. Russow subsequently found out that the person who filed the affidavit was related to the clerk working in David's Anderson's office

In addition, during the Election it was a common practice for candidates to ask a couple of members in the community to speak on their behalf. Russow was shocked when she saw Brian Groos speaking on behalf of David Anderson.

124. 19 FEBRUARY 19 2001: FAXED PRIVACY REQUEST TO RCMP ALL PERSONAL INFORMATION HELD BY THE RCMP SINCE 1963

The reason Russow went back as far as 1963 was that in 1963 she was studying law at Ottawa University, and teaching English to diplomats. One of the diplomats was the assistant military attaché from the Czechoslovakian Embassy. One day she received a call from the RCMP, and was interviewed by an agent about the military attaché; Russow was told that the Attache was deemed to be one of the shrewdest spies in the Soviet Union. His strategy supposedly was to get to know local people with important contacts. At that time Russow's father was the Assistant Auditor General of Canada. After the interview the RCMP officer asked her to continue teaching and establish personal contacts with the Attaché. Russow had told the RCMP officer that she had been invited to a reception at the Czechoslovakian embassy that weekend. He encouraged her to attend and asked her to report back to him about all her conversations with the Attache; the RCMP Agent concluded the interview with the admonition that she should never tell anyone that he had asked her to spy for the RCMP. Russow decided to leave the school, and discontinue all further contact with the Czechoslovakian. She began to wonder if that was the reason that she was deemed to be a threat to National security because she had refused to cooperate with the RCMP

125. 19 FEBRUARY 19 2001: RCMP RESPONSE TO FAXED PRIVACY REQUEST

From: Paulette Franklin

To. Claire Gent; Lynn Dalziel; Ray Kobzos
Date 2 19/01 657 am
Subject 2000- ATIP-09693

Good morning.
OSR: AJ-34
OSI ON 10136
Collator code R-0156

This is a Privacy Act Request. Please send originals only.

Requester's name: Joan Elizabeth Russow
DOB: Nov 1 1938
The requester is seeking access to all personal information held by the RCMP since 1963. Please forward to my attention

DD 01-03-21
Thank you
Paulette

Cc: Antonio Jamia

126. 9 MARCH 2001: UPDATED COMPLAINT TO RCMP PUBLIC COMPLAINTS COMMISSION

March 14, 2001 File No. PC-2001-0189

Ms. Joan Russow 1230 St. Patrick Victoria, BC V8S 4Y4

Dear Ms. Russow

In accordance with the RCMP Act, your complaint was forwarded today to the Commissioner of the RCMP for appropriate action. A copy of the complaint is enclosed for your information.

The Commissioner is required to inform you in writing about the status of your complaint not later than 45 days after he has received it. When the Commissioner has dealt with the complaint, you will be informed of the outcome.

Should you be dissatisfied with the RCMP's response to your complaint, you may contact this office to request a review by this Commission.

The Commission for Public Complaints Against the RCMP is an agency independent of the RCMP whose role is to receive and review complaints from the public about the conduct of members of the RCMP while on duty.

I am sending you a pamphlet on the Commission which you may find useful. Please read it and the attached copy of your complaint, and contact me at (604) 501-4080 or at our toll free number, 1-800-665-6878, if you have any questions.

Yours truly,
Lorraine Blommaert
Enquiries and Complaints Analyst
LB:e Enclosures

128. 1 APRIL 2001: RUSSOW SUBMITTED JOB APPLICATION TO THE

Original complaint sent 070301 PROTECTED
COMPLAINT

File No. PC-2001-0189

CONFERENCE OF SECURITY ESTABLISHMENT (CSE)

129. 5 APRIL 2001: RESPONSE FROM RCMP PRIVACY REQUEST OF DATA SINCE 1963

Royal Canadian Mounted Police
April 5, 2001
Dr. Joan Russow
1230 St. Patrick Street
Victoria, British Columbian
V8S 4y4 O1 ATIP-09603

Dear Dr. Russow:

This is in response to our request under the Privacy Act received on March 9 2001, seeking access to all personal information held by the RCMP since 1963; specifically reasons for placing me on a threat assessment list. Based on information provided, a search for records was conducted in Ottawa, Ontario, Vancouver, Kelowna, Victoria and Clayoquot, British Columbia. Enclosed is a copy to some of the information to which you are entitled. Note that some of the information has been exempted under section 26 of the Privacy Act. A copy of this exemption section has been enclosed for your easy reference.

There are still outstanding documents that are in the review/consultation stage and once completed you will be advised accordingly.

Also enclosed is a Notification of the Right to Request Correction and a Record Correction Request Form These are provided in the event you wish to avail yourself of the correction provisions Note that you have the right to bring a complaint before the Privacy Commissioner concerning any aspect of our processing of your request. Notice of complaint should be addressed : …

Should you wish to discuss your request contact Cpl AJ Cichelly by writing or at (613) 993-2960. For ease of reference, please quote the file number appearing on this letter.

Yours truly

A.D Baird. Sgt
Office of the Departmental Privacy

NOTE: PRIVACY ACT
Information About Another Individual

26 The head of government institution may refuse to disclose any person information requested under subsection 12 (1) about an individual other than the individual who made the request and shall refuse to disclose such information where the disclosure is prohibited under section 8

130. 17 APRIL 2001: RESPONSE FROM RC CARDEY SARGEANT ABOUT RCMP COMPLAINTS COMMISSION

Privacy request signed ad Baird sgt office of the department privacy ad Baird sgt. request for time extension of 30 days beyond the 30 day statutory time limit …

131. 1 MAY 2001: APPLICATION FOR HABITAT II +5 CONFERENCE TO LES MATE

132. 13 JUNE 13 2001: ANDREW GAGE'S LETTER TO RCMP TO B LETTRE Sgt re Joan Russow ATI Request

Your files No.00atip -10167 10168

I am writing to request your attention to the above access to information request (the request) which for whatever reason has never been respond ed to. Please be advised, however, that I am no longer counsel on this file and that all future correspondence including follow up to this letter should be directed to Dr. Joan Russow directly. Dr Russow may be reached at 1230 St. Patrick St. Vicroeia B.ca. V8S 4Y4 Tel 250 598-0071

For the sake of convenience, and due to the time which has expired since this ATI request was made, I will lay out the correspondence I have had with your office.

I made the request in a letter dated February 11 2000 written on behalf of Dr. Russow and directed to your Vancouver Offices

On March 18, 2000 Sgt Bernie Lettre of your office e-mailed me requesting the full name , birth date and singed consent form from Dr. Russow. He also indicated that Dr Russow would have to pay a $ 5.00 fee in regards to that part of her request related to the Green Party of Canada, I provided the biographical information and consent form by fax in a letter dated March 29 2000.

In a letter dated April 5 2000 Sgt Lettre gave detains as to how to pay the $5 00 fee for the request and indicating that the RCMP required a copy of Dr Russow's consent with an original signature. As I did not see either the need nor the statutory authority for the requirement that an original consent form be provided (and since obtaining a signed consent form seemed moderately inconvenient. I e-mailed Sgt Lettre on April 26 2000 questioning this policy. I indicated that Dr Russow would provide an original consent if required, but I believed that the Access to information Act required the RCMP to proceed with the request even without such a document. I asked that Sgt letter contact me if the RCMP continued to believe that such a document was required.

On June 2 2000, having received no further correspondence from the RCMP, I wrote to Sgt Lettre noting that I had received no reply to my April 26 2000 e-mail and explaining that I therefore assumed that an original consent form was not required. I also enclosed a cheque for 5 for the ATI request concern the Green Party of Canada

I received no answer to this letter either. As I was acting for Dr Russow on a pro bono basis and as I had no instructions to take further steps on this matter, I am afraid I did not follow up on this matter. According to my records, it appears the cheque for #5f was never cashed.

I have recently closed my office and for the sake of completeness I am sending this letter to both your office and to Dr Russow in case either party wishes to pursue this matter further. While clearly I could have pursued this matter more aggressively, the fact is that my last two attempts to pursue this matter went unanswered, and the onus was clearly upon the RCMP to respond to the Request and may correspondence; I am therefore sending a carbon copy of this letter to the Information commission, in case any action should be required on the part of that office

Thank you for your cooperation

Yours truly

Andre Gage cc Information Commissioner
Cc client

133. 14 JUNE, 2001: FURTHER RESPONSE TO APRIL 17 2001 RESPONSE FROM PRIVACY

NOTE: in this response the RCMP indicated that information was exempted under art 22 1 a.

Law Enforcement and investigation
22. (1) the head of a government institution may refuse to disclose any personal information requested under subsection 1 (1)
(a) that was obtained or prepared by any government institution, or part of a government institution that is an investigative body specified in the regulations in the course of a lawful investigation{s} pertaining to
(i) the detection, prevention or suppression of crime. The RCMP is suggesting that there is still significant information withheld.

Royal Gendarmerie : Canadian Royale Mounted du
Police Canada
June 14, 2001

Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4
OIATIP-09693

Dear Dr. Russow:
This is in further to our response to you of April 17, 2001.

Enclosed is a copy of some of the information to which you are entitled. Note that some of the information has been exempted under section 22(1)(a) of the Privacy Act. A copy of this exemption section has been enclosed for your easy reference.

Also enclosed is a Notification of the Right to Request Correction and a Record Correction Request Form. These are provided in the event you wish to avail yourself of the correction provisions of the Act.

Note that you have the right to bring a complaint before the Privacy Commissioner concerning any aspect of our processing of your request. Notice of complaint should be addressed to:
Privacy Commissioner Tower "B", Place de Ville 112 Kent Street
Ottawa, Ontario K 1 A 11-13

Should you wish to discuss your request, contact Cpl. A.J. Cichelly by writing or at (613) 993-2960. For ease of reference, please quote the file number appearing on this letter.

P.J.D. Dupuis A/Sgt.
Office of the Departmental Privacy and Access to Information Coordinator
1200 Vanier Parkway Ottawa, Ontario KIA OR2
Attach.
Canada

NOTE: in this response the RCMP indicated that information was exempted under art 22 1 a.
Law Enforcement and investigation
22. (1) the head of a government institution may refuse to disclose any personal information requested under subsection
(a) that was obtained or prepared by any government institution, or part of a government institution that is an investigative body specified in the regulations in the course of a lawful investigation{s} pertaining to
(i) the detection, prevention or suppression of crime

134. **7 AUGUST 2001**: COMMISSION REPORT RELEASED: COMMENT IN NEWS RELEASE BY SHIRLEY HEAFFEY

“I want to thank Mr. Hughes for the outstanding service he performed in presiding at this Hearing” state Shirley Heafey, Chair of the CPC.
Mr. Hughes presided over a public hearing that was unprecedented in its scope. Over the course of 170 days, he heard testimony from 153 witnesses and 710 exhibits were received in evidence. The transcript of the testimony comprises more that 40,000 pages. All of this was conducted with full electronic news media cover of the proceeding. The Canadian public should be assured from this that the Commission for Public Complaints is acquitting its mandate responsibly, throughout and fairly”

135. **14 AUGUST 2001**: RESPONSE TO COMPLAINT ASKING FOR MORE TIME

136. 18 AUGUST 2001: PART OF 5 PART SERIES ON CRIMINALIZATION OF DISSENT

RCMP tightens its controls on protesters

Police create new unit, the Public Order Program, to handle demonstrations
David Pugliese and Jim Bronskill
Vancouver Sun, Sat August 18, 2001

Faced with a growing number of large demonstrations, the RCMP have quietly created a special unit to deal with public dissent.

The new team of Mounties, called the Public Order Program, was established in May to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies, according to an RCMP document.

The RCMP's move to strengthen its capacity to control demonstrations comes amid increasing concern about government and police responses to legitimate dissent.

The new unit with the Orwellian name will also examine how to make better use of "non-lethal defensive tools," such as pepper spray, rubber bullets and tear gas, indicates the document, a set of notes for a presentation to senior Mounties earlier this year. Select officers will be run through a "tactical troop commanders course" to prepare them for dealing with public gatherings.

The Public Order Program is intended to be a "centre of excellence" for handling large demonstrations, allowing the Mounties to keep up with the latest equipment, training and policies, said RCMP Constable Guy Amyot, a force spokesman. "It gives us some more tools to work with."

The initiative, sparked by a spate of ugly confrontations between protesters and police at global gatherings, comes as Canada prepares to host leaders of the G8 countries in Alberta next year.

"With all the violence going on we had to create a unit that could help us [with] providing security," Amyot said. But for some, the right to free speech and assembly in Canada has become precarious at best.

The recently released APEC inquiry report focused on certain questionable RCMP activities during the 1997 gathering of Asia-Pacific leaders in Vancouver, including the arrest of demonstrators and use of pepper spray.

Almost overlooked in the review, however, was an apparent shift in police and government attitudes toward a "criminalization of dissent." Behind the scenes, law enforcement agencies are directing their efforts at organizations and individuals who engage in peaceful demonstrations, according to civil rights experts. The targets are not extremists but ordinary Canadians who happen to disagree with government policies.

Officers from various police forces and the Canadian Security Intelligence Service have infiltrated, spied on or closely monitored organizations that are simply exercising their legal right to assembly and free speech. Targets of such intelligence operations in recent years, according to federal documents, range from former NDP leader Ed Broadbent to the Raging Grannies, a senior citizens' satire group that sings about social injustice.

Individuals have been arrested for handing out literature condemning police tactics. Large numbers of Canadians and legitimate organizations, from the United Church of Canada to Amnesty International, have found themselves included in federal "threat assessment" lists alongside actual terrorist groups.

And in what some consider blatant intimidation, RCMP and CSIS agents are showing up unannounced on the doorsteps of people who voice opinions critical of government policy or who plan to take part in demonstrations.

In coming weeks, the Canadian Association of University Teachers will meet in Ottawa with senior RCMP officials to express grave concerns in the academic community about campus visits by the Mounties.

The meeting arises from the police force's questioning of Alberta professor Tony Hall about his views on the spring Summit of the Americas in Quebec City. A University of Lethbridge academic, Hall wrote an article critical of the effect of free trade agreements on indigenous people and was involved in organizing an alternative summit for aboriginals. Neither warranted a visit from police, say his colleagues.

"Whether you agree with him or not, I think he has the right to raise those questions," says David Robinson, associate executive director at the association of university teachers.

The Canadian Civil Liberties Association has led calls for an investigation into allegations police abused their powers by firing more than 900 rubber bullets and using 6,000 cans of tear gas to subdue protesters at the Quebec City summit in April. Also of concern for the association is the possibility police targeted individuals even though they were non-violent.
Others, such as University of British Columbia law professor Wesley Pue, say police operations against legitimate dissent have already crossed the line.

"When the police start spying on people because they don't like their politics, you've gone a long way away from what Canadian liberal democracy is supposed to be about," says Pue, editor of the book Pepper in Our Eyes: The APEC Affair.
Such notions are rejected by police and politicians. Quebec government officials have dismissed a call for a public inquiry into how officers treated protesters at the Quebec City summit. Quebec Public Security Minister Serge Menard summed up his attitude shortly before the summit: "If you want peace," he said, "prepare for war."

CSIS officials maintain they don't investigate lawful advocacy or dissent. The RCMP say they are simply doing their job in the face of more violent protests at public gatherings.
For his part, federal Solicitor General Lawrence MacAulay doesn't see anything wrong with the RCMP questioning Canadians who want to take part in demonstrations.
In a July 31 letter to the university teachers association, he defended Mounties security practices for the Quebec City event. "The RCMP performed ongoing threat assessments which included contacting, visiting and interviewing a number of persons who indicated their interest or intention in demonstrating."

But civil rights supporters contend such statements miss the point. Merely signaling interest in attending a demonstration or openly disagreeing with government policies -- as in Hall's case and others -- shouldn't be grounds for police to question an individual. They say actions by police and CSIS over the last several years appear to have less to do with dealing with violent activists than targeting those who speak out against government policies.
For instance, in January, police threatened a group of young people with arrest after they handed out pamphlets denouncing the security fence erected for the Quebec City summit as an affront to civil liberties. Officers told the students any group of people numbering more than two would be jailed for unlawful assembly. A month later plainclothes police in Quebec City arrested three youths for distributing the same pamphlet. Officers only apologized for the unwarranted arrests after media reported on the incident.

In the aftermath of the Quebec City demonstrations, some protesters were denied access to lawyers for more than two days. Others were detained or followed, even before protests began. Police monitored the activities of U.S. rights activist George Lakey, who traveled to Ottawa before the summit to teach a seminar on conducting a peaceful demonstration. Lakey was questioned for four hours and his seminar notes confiscated and photocopied by Canada Customs officers. Later, a Canadian labour official who offered Lakey accommodation at her home in Ottawa was stopped by police on the street and questioned for 30 minutes.
Amyot insists the RCMP recognize the right of people to demonstrate peacefully. "We have always said that, and we do respect that."

However, the events leading up to Vancouver's 1997 Asia-Pacific Economic Co-operation summit set the stage for what some believe is now an unprecedented use of surveillance by the Mounties and other agencies against lawful groups advocating dissent. Before and during the APEC meetings, security officials compiled extensive lists that included many legitimate organizations whose primary threat to government appeared to be a potential willingness to exercise their democratic rights to demonstrate. Threat assessments included a multitude of well-known groups such as the National Council of Catholic Women, Catholic Charities U.S.A, Greenpeace, Amnesty International, the Canadian Council of Churches, the Council of Canadians and the International Centre for Human Rights and Democratic Development.

Intelligence agencies also infiltrated legitimate political gatherings. A secret report produced by the defence department, obtained through the Access to Information Act, details the extent of some of the spy missions. It describes a gathering of 250 people on Sept. 12, 1997, at the Maritime Labour Centre in Vancouver to hear speeches by former NDP leader Ed Broadbent and New Democrat MP Svend Robinson. "Broadbent is extremely moderate and cannot be classified as anti-APEC," notes the analysis, prepared by either CSIS or a police agency. "The demographics of the crowd was on average 45-plus,

evenly divided between men and women. They were 95 per cent Caucasian and appeared to be working class, east end, NDP supporters."
Additional reports detailed a forum by the Canadian Committee for the Protection for Journalists and meetings planned by other peaceful organizations.
Law enforcement's notion of what constitutes a threat to government is disturbing to some legal experts. Pue, the UBC law professor, notes that anyone's politics can be deemed illegitimate to those in power at some point in time. He sees irony in the recent mass protests against federal stands on trade and the environment. "The so-called anti-globalization movement articulates many views that were official Liberal party policy up until the government got elected," says Pue.

Police tactics used four years ago at APEC have since become commonplace at almost all demonstrations. Criminal lawyer Clayton Ruby has noted how police have found a way to limit peaceful protests. Demonstrators don't get charged for speaking publicly. Instead they are arrested for obstructing police if they don't move out of the way. In most cases charges aren't laid or they are later dropped because of a lack of evidence. In the meantime, police usually insist bail conditions stipulate demonstrators stay away from a protest.
"We've made it so easy for governments to criminalize behaviour and speech they don't like," Ruby said around the time of the Quebec City summit. "They disguise the fact that they're punishing free speech."

Another disconcerting trend, according to civil liberties specialists, is the police practice of photographing demonstrators, even at peaceful rallies. Earlier this year, a whole balcony of cameras collected images of the non-violent but lively crowd outside the foreign affairs department in Ottawa.

"There is now the idea that you can't be an anonymous participant at a public gathering," says Joel Duff, a protest organizer and former president of the University of Ottawa's graduate students association. "If you're not ready to have a police file then you can't participate, which in my view is a curtailment of your democratic rights."

The RCMP's Amyot acknowledges police take photos of demonstrators, even if a protest is peaceful. The pictures can be used in court if the event turns violent, he notes.
But photos from peaceful demonstrations are destroyed, according to Amyot. "We're not investigating these people," he says. "These are just being taken to ensure if something happens we'll know what happened so we'll have evidence for safety purposes."

But such tactics can have chilling effect on lawful dissent. After it was revealed at the APEC inquiry that intelligence agencies spied on the Nanoose Conversion Campaign because of its stand against nuclear weapons, some of the B.C. organization's members started having second thoughts about their involvement, even though the group conducted only peaceful rallies. "There was a concern (among some) about whether the government could make their life difficult," says Nanoose Conversion Campaign organizer Ivan Bulic.
In Canada, aside from comments by civil rights experts and opposition politicians, there has been little outrage among the public or lawmakers.

In part this can be traced to media coverage that emphasizes the actions of a small number of violent protesters while neglecting largely peaceful events, says Allison North, a Canadian Federation of Students official and rally organizer. As a result, all protesters are branded as troublemakers. "People who decide to take part in another part of the democratic process, other than casting an election ballot every four or five years, are seen as a threat, no matter what their motives or cause," she explains.

Those on the front lines of demonstrations also note the common tactic of authorities painting protesters as aggressive so that almost any type of police action is justified. During the APEC inquiry hearings one officer hinted a bomb had been planted near a bridge that world leaders would cross to get to summit meetings. It later turned out, according to the RCMP's own report, that the "explosive device" was, in fact, a blasting cap used in construction and clearly linked to a sawmill located near the bridge. It was also determined such a device would, in no way, be powerful enough to put world leaders at risk.

Student organizer Duff also notes the scope of the damage at the Quebec City summit was never put into perspective by authorities or the media. As a result, the public is left with the notion protesters caused widespread destruction. "The stuff that happened in Quebec City was nothing in comparison to a regular St-Jean-Baptist Day in Quebec," according to Duff. "There they have bonfires in the street whenever they can and far more property gets destroyed."
He also questions whether the public can be complacent about police and government activities in dealing with dissent. Surveillance and questionable tactics may now be aimed at people protesting

globalization, notes Duff. But such methods can, and will, be used to manage other protests, whether it be against education cuts or reductions in health care budgets, he predicts.
Some are concerned that has already happened. In April the RCMP issued a public apology to the townspeople of Saint-Sauveur, New Brunswick, admitting the force overreacted when it sent a riot squad to handle a group of parents and children protesting the closure of a school in May 1997. Several people were attacked and bitten by police dogs while others were injured after being hit by tear gas canisters or roughed up by officers. Dozens were arrested in Saint-Sauveur and the nearby town of Saint-Simon but none was informed of their legal rights. All charges were later dropped.

Most of the officers involved in the incidents were transferred to other communities but the damage appears to have already been done. Area citizens say they have little confidence in the RCMP.

The APEC report condemned the fact several women protesters were forced to remove their clothes after being arrested. But it wasn't an isolated event. Earlier this year eight female students at Trent University in Peterborough, Ont. were arrested, stripped and searched by police. Their alleged crime was to protest the closing of the university's downtown college.
Such extreme reactions tend to galvanize people, says Duff. Those who peacefully demonstrate, only to be tear-gassed or arrested, tend to emerge as more committed protesters, he notes.
Others say there has to be some middle ground in which contrary views can be tolerated. In his report, APEC commissioner Ted Hughes urges that protesters be allowed "generous opportunity" for peaceful demonstrations.

Amyot says the RCMP's new Public Order Program will ensure the safety of delegates, demonstrators and police at future summits.
Pue believes the security for major gatherings should be decided through public debate and parliamentary scrutiny, instead of letting police to make up rules as they go along.
For instance, there are no Canadian laws to allow for the installation of a perimeter fence limiting the movement of protesters at international meetings, Pue notes. Yet a large fence was built for Quebec City and such barriers will likely be fixtures at coming events. "That's not the kind of discretion

137. **20 AUGUST 2001**: ARTICLE IN OTTAWA CITIZEN ABOUT CRIMINALIZATION OF DISSENT : PHOTOGRAPH OF RUSSOW AND MARTIN LUTHER KING ( ) EXHIBIT

138. **20 AUGUST 2001**: FRONT PAGE PIECE ON THE TIMES COLONIST EX-GREEN LEADER

Greens “a threat” Times Colonist Victoria activist targeted as national security risk
In August 2001, Jim Bronskill, and Pugliese, published a five part series, entitled “the Criminalization of dissent”

The credentials on Joan Russow's resume are rather impressive. An accomplished academic and environmentalist, she served as national leader of the Green Party of Canada. The Victoria woman had also earned a reputation as a gadfly who routinely shamed the government over its

unfulfilled commitments.

But Ms. Russow, 62, was dumbfounded when authorities tagged her with a most unflattering designation: threat to national security.

Her name and photo turned up on a threat assessment list prepared by police and intelligence officials for the 1997 gathering of APEC leaders at the University of British Columbia.

"All these questions start to come up, why would I be placed on the list?" she asks. Mr. Russow is hardly alone. Her name was among more than 1,000 -- including those of many peaceful activists -- entered in security files for the Asia-Pacific summit.

The practice raises serious concerns about the extent to which authorities are monitoring opponents of government policies, as well as the tactics that might be employed at future summits, including the
meeting of G-8 leaders next year in Alberta.

Ms. Russow had been a vocal critic of the federal position on numerous issues, expressing concerns about uranium mining, the proposed Multilateral Agreement on Investment and genetically engineered foods.

Just weeks before the Vancouver summit, she gave a presentation arguing that initiatives to be discussed at APEC would undermine international conventions on the environment.

However, Ms. Russow went to the summit not as an activist, but as a reporter for the Oak Bay News, a Victoria-area community paper. Securitystaff questioned whether the small newspaper was bona fide and pulled her press pass.

But the secret files on Ms. Russow suggest there may be more to the story. She wouldn't have even known the threat list existed if not for the tabling of thousands of pages of classified material at the public inquiry into RCMP actions at APEC, which focused on the arrest and pepper spraying of students on the UBC campus.

The threat assessment of Ms. Russow, prepared prior to the summit, describes her as a "Media Person" and "UBC protest sympathizer." A second document drafted by threat assessment officials during the summit

characterizes Ms. Russow and another media member as "overly sympathetic" to APEC protesters. "Both subjects have had their accreditation seized."

Ms. Russow later complained, without success, about the revocation of her pass. Officials with the Commission for Public Complaints Against the RCMP concluded the RCMP did nothing wrong. But despite exhaustive inquiries, a frustrated Ms. Russow has yet to find out how and why she was even placed on a threat list.

The APEC summit Threat Assessment Group, known as TAG, included members of the RCMP, the Canadian Security Intelligence Service, the Vancouver police, the Canadian Forces, Canada Customs and the Immigration Department.

The TAG files were compiled on a specially configured Microsoft Access database that "proved very successful in capturing and analyzing intelligence," says a police report on the operation, made public at the

APEC inquiry.

Much of the information came from "existing CSIS and RCMP networks" as well as Vancouver police members. Other data were funneled to TAG by RCMP working the UBC campus, including undercover officers and units assigned to crowds.

By the end of the summit, the TAG database had swelled to almost 1,200 people and groups, including many activists and protesters. Ms. Russow's photo appeared in a report alongside the pictures and dates of birth of several other people. One is described as a "lesbian activist/anarchist" considered "very masculine."

Several are simply labeled "Activist" -- making Ms. Russow wonder how they wound up in secret police files. "Why are citizens who engage in genuine dissent being placed on a threat assessment list?"

The practice of collecting and cataloguing photographs of demonstrators is worrisome, says Canadian historian Steve Hewitt, author of Spying 101: The Mounties' Secret Activities at Canadian Universities,

1917-1997, to be published next year.

"There's tremendous potential for abuse. One would suspect that they're compiling a database. And clearly, there's probably sharing going on between countries," said Mr. Hewitt, currently a visiting scholar at Purdue University in Indiana.

"Your picture is taken and it's held in a computer, and when it might come up again, who knows?" The RCMP, CSIS and other Canadian agencies have long shared information with U.S. officials, a cross-border relationship that has grown closer to deal with smugglers, terrorists and, most recently, protesters who come under suspicion.

Canada Customs and Revenue Agency staff have access to a number of automated databases and intelligence reports that help screen people trying to enter the country.

Several protesters who were headed to the Summit of the Americas in Quebec City last April were either denied entry to Canada or subjected to lengthy delays, luggage searches and extensive questioning - and the rationale was not always clear.

At a recent Commons committee meeting, New Democrat MP Bill Blaikie confronted RCMP Commissioner Giuliano Zaccardelli and Ward Elcock, the director of CSIS, about scrutiny of activists.

An incredulous Mr. Blaikie recounted the case of a U.S. scientist who was questioned by Customs officials for about an hour last spring upon coming to Canada to speak at a conference about his opposition to genetically modified food.

"Are people being trailed, watched, interviewed and harassed at borders because of their political views?" Mr. Blaikie asked, noting the "chilling effect" of such attention.

The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals considered a threat to the established order, devoting its energies through much of the 20th century to the hunt for Communist agents and sympathizers.

The vast list of targets left few stones unturned, providing the Mounties with intelligence on subjects as wide-ranging and diverse as labour unions, Quebec separatists, the satirical jesters of the Rhinoceros Party, American civil rights activist Martin Luther King, the Canadian Council of Churches, high school students, women's groups, homosexuals, the black community in Nova Scotia, white supremacists and foreign-aid organizations.

CSIS inherited about 750,000 files from the RCMP upon taking over many intelligence duties from the Mounties in 1984. As the end of the ColdWar loomed in the late 1980s, the intelligence service wound down its counter-subversion branch, turning its focus to terrorism.

However, the emergence of a violent presence at anti-globalization protests has spurred CSIS to once again scrutinize mass protest movements, working closely with the RCMP and other police.

One of the threat assessment documents on Ms. Russow lists not only her date of birth, but hair and eye colour and weight -- or rather what she weighed in the 1960s, perhaps a clue as to how long officials have kept a file on her.

In 1963, a young Ms. Russow taught English to a Czechoslovakian military attache in Ottawa. She was asked by RCMP to report to them about activities at the Czech embassy, but refused. She surmises that may have prompted the Mounties to open a file on her -- a dossier that could have formed the basis of the APEC threat citation more than 30 years later.

Ms. Russow is disturbed that she learned of the official interest in her activities only by chance. And she worries about the untold ramifications such secret files might have.

"How many people have had their names put on the list and never know?"

Final Special Report: Criminalization of Dissent Photo: The public inquiry into the RCMP's actions at APEC revealed a secret threat list that labeled Joan Russow, leader of the Green Party, as 'overly sympathetic' to protesters.; Photo: The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals, including U.S. civil rights activist Martin Luther King. How police deter dissent: Government critics decry intimidation TheOttawa Citizen Tue 21 Aug 2001 News A1 / Front News David Pugliese and Jim Bronskill

139. 21. AUGUST 2001: EDITORIAL IN THE TIMES COLONIST

It’S NO CRIME TO CARE DEEPLY

If You’re looking for hard evidence that someone is a threat, don’t waste your time looking at Joan Russow. But if you’re looking for hard evidence that our federal government’s attempts to identify threats have gone terribly off track, there is no better example than Russow

Russow was the national leader of the Green party of Canada, an accomplished academic and environmentalist.

She has been a social critic of the federal government on many, many issues. She has strong opinions, and is not shy about expressing them. She is highly visible and has been for years.

Does all tat make her a threat to national security? To the intelligence types in our federal government , the answer is yeas.

Along with more than a thousands other people. Russow's name was placed in security files in preparation for ht Asia-Pacific summit in Vancouver in 1997. Other files feature other activists who are well known for their peaceful means of protest.

Its reasonable to expect the federal government to keep an eye on the people most likely to try to use violence to get their views across

But along the way, some cables must have crossed in a database somewhere. The government is now, it seems , worried about shadows under the bed.
There is no evidence that Russow and the rest are guilty of anything but caring , but lets keep an eye on them just to be safe.
The rising level of anger being expressed at international summits has prompted more and more calls for police and security services to be prepared for problems. Identifying in advance the people most likely to cause problems makes sense, to a certain extent

But there are problems with the theory. Creating a list of every Canadian who might pose a threat at some future date can't be done without looking at the activities of, literally, millions of citizens.

That means trampling on the rights of millions, in a desperate search for the handful of people who might be legitimate threats.

There is no point in spying on us without judging us. Who will do that? Who will sit in from of a computer somewhere, ruling that some of our opinions are no problems but others are a sign of violent tendencies, and therefore represent a threat? Who judges these people? Where doe the surveillance end?

Odds are, of course any computerized roundup of the usual suspects would miss the target anyway. Did the United States government know what Timothy McVeigh planned to do in Oklahoma City? Would the Canadian government do any better? No, and no.

Joan Russow cares deeply about Canada.She is not threat to national security

Bureaucrats who can't tell the difference pose a greater threat than she ever will.

Editorial Dave Obee
Paul MacRae

140. 24 AUGUST 2001: RESPONSE TO ARTICLE CRIMINALIZATION OF DISSENT

"

" Spying on Joan is going too far

Joan Russow, past president of the Green Party of Canada, has always been a caring, nurturing person.

Most of us are too comfortable to be activists to save the ancient, multi-specied forest, to resist the proliferation of life threatening nuclear devise, to hold on to Canadian water, to release less exhaust fumes into the air we breathe, to find alternatives to oil and forest consumption and to play fair with the original inhabitants of this province.

It is shocking to think that our tax dollars are used to keep Russow under police surveillance. It makes the same sense as keeping Joe Clark under polices surveillance for supporting equality for gays in Calgary.
Who can forget the Mc Carthy days when Joe Mc Carthy labeled like Eisenhower as a communist? Who can forget the murderous role of the CIA in Central America and Chile? We have allowed Canada's equivalent of the CIA to go to far. Secretive power invariable corrupts

Ron McIssac
News Group

141. 25 AUGUST 2001 PRICE OF PROTEST FEATURE ARTICLE ON RUSSOW "SPY AGENCY'S DAFT VENTURES HAVE SERIOUS IMPLICATION

Spy agency's daft ventures have serious implications.'
So Canada' secret police think Joan Russow's a threat to national security. eh? ("Ex-leader of Greens 'a threat'" Aug.20.

I would like to laugh—but this is too serious. The assessment reveals an astonishing ignorance of politics and current affairs amongst senior security officials, as well as a complete absence of common sense.

We all know of CSIS' ability to waste public funds on daft ventures, but this particular piece of lunacy also confirms the willingness of the current executive to use the RCMP as a front-line component of the state apparatus.

If the ex-leader of the Greens is potentially dangerous, where does this leave the tens of thousands of members of organization like the Council of Canadians, fighting against NAFTA. Or the millions of Canadians who want an Endangered Species Act with teeth instead of Environment Minister David Anderson wishy-washy bill?

This type of authoritarian attitude and action is far more likely to provoke than to prevent the actions it purports to guard against.

When the voting system promulgates single-party monopolies with no effective opposition in Parliament, let along minority viewpoints, when the press, radio, and TV are largely owned by a few establishment media barons, when corporations are seen to formulate social policy and manipulate governments with impunity, when the public interest becomes the last item on the agenda and not the first then change is necessary – and if the voices of concerned citizens are suppressed then inevitably the result will be either cynicism (and the eventual decay of civil society) or anger.

Constructive anger is good-it gets people going to create the pressure needed to make politicians sit up , listen and enact reforms. Destructive anger- well, that's what we're all trying to avoid, isn't it?

One last thing: please don't knock on my door before coffee.

142. 26 AUGUST 2001: NOW MAGAZINE SECRET DISSERVICE CANUCK SPIES WASTE TIME HARASSING LAWFUL DISSENT

NOW MAGAZINE SECRET DISSERVICE CANUCK SPIES WASTE TIME HARASSING LAWFUL DISSENT. NOTE; INCOMPLETE DOCUMENT

BY SCOTT ANDERSON
Canuck spies waste time harassing lawful dissent

The terrorist attack on new York and Washington reveal… stretched the US intelligence community is But ... of the … Canada's security services are also coming to grips with the … intelligence deficit. Their problems were recently highlighted in the case of the alleged terrorist who was caught in December …. Attempting to cross the Canadian border into the United States …. Bomb. He lived undetected in Montreal for five years and even traveled to one of Osama bin Laden's terrorist training camps .. embossing little .... for our spooks.

So is our intelligence apparatus just incompetent" Dangerously under funded and over worked" or simple misguided" probably all of the above

But given the scope of the terrorist threat, you have to wonder… some of the dubious security campaigns our tax dollars have bankrolling. Like the Royal Canadian Mounted Police shadow noisy Toronto tenant activist and would you believe it, Matt … Behrens, Canada's best-known guru of non-violent protest.

And consider the fervour with which the RCMP and the Canadian Security Intelligence Service have investigated lawful dissent for years.

“ Prior to the ill-fated 1997 APEC Summit in Vancouver some called a “threat assessment joint intelligence groups made local police, RCMP and possible CSIS assembled detailed on protestors and supports. Mug shots of activist include the Green Party leader Joan Russow. Police even went so far as …together threat assessment on Green peace and amnesty

But most ominously , on the even of the BC Summit, demon Jaggi Singh was literally picked up off the street and arrested by police on dubious charges. It turned out that they had been … Singh for months. Later, it was reported that CSIS had informed the Canadian government that there was no terrorist thereat at the Summit, just a likelihood of anti-Indonesian demonstrations.

Fast forward to the Summit of the Americas in Quebec City. Prior to the event, the RCMP sad they were bracing for terrorist attacks. Not to be denied, just prior to the Summit police cracked down on stone-throwers and smoke-bomb artists

Of course, no summit security operation would be complete without bagging Jaggi Singh, ho was again nabbed –this time with teddy bears

In their report to parliament earlier this year CSIS identified anti-globalization protests as a concern. But the horror of …attacks in the US kind of puts the anti-globalizes into perspective doesn’t it.
scottand@nowtoronto.com

143. 31 AUGUST 2001: ARTICLE IN MONTREAL GAZETTE ABOUT CRIMINALIZATION OF DISSENT

Governments want wall of secrecy
LYLE STEWART
Montreal Gazette Friday, August 31, 2001

The U.S. Senate Intelligence Committee is preparing a bill to establish that country's first official secrets act. As Thomas Blanton reported in the New York Times last week, Congress could "make it harder for Americans to know what their government is doing and would give aid and comfort to every tin-pot dictator who wants to claim 'national security' as the reason to keep his citizens in the dark."

Two days earlier, the Independent reported on the European Union's plan to create a secret network to spy on protesters. European leaders, the paper said, have ordered police and intelligence agencies to co-ordinate their efforts to identify and track demonstrators. "The new measures clear the way for protesters traveling between European Union countries to be subjected to an unprecedented degree of surveillance."

Sound familiar? Southam News's recent five-part series by reporters Jim Bronskill and David Pugliese show the federal government is doing its part in the international effort to repress political activity that Western states now apparently consider outside the bounds of acceptable discourse. As Bronskill and Pugliese found in the most comprehensive examination of the subject in recent times, the RCMP and CSIS are systematically deterring dissent and free speech through intimidation, secret files and a sledgehammer level of security against public protest. Mainstream political figures, such as former NDP head Ed Broadbent and Green Party leader Joan Russow, are not immune from being spied on or labeled as security threats.

The implications for our democracy are vastly disturbing, but not necessarily surprising. Governments in North America and western Europe see their political agendas threatened by the growing cross-border movements against corporate domination. And they are pooling information on political activists of all stripes, not only the Black Bloc bogeymen that are being conveniently used as the new spectre of evil to justify the new repression. And as the spying on normal political activity expands, states are tightening access that citizens have to information about their governments. Canada, it increasingly appears, will be no exception.

Bronskill and Pugliese based much of the reporting for their series on Access to Information Act requests. That's how they discovered the RCMP had in May established a special unit - the Public Order Program - to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies.

But the smoke signals from Ottawa indicate the Liberal cabinet wants to restrict our access to public information. In an interview, Bronskill noted the government already has extensively studied the program and could be preparing administrative or legislative changes. That's the worry of Ontario Liberal MP John Bryden, whose committee on the future of ATIP was publicly snubbed this week by Prime Minister Jean Chrétien. Chrétien ordered civil servants not to appear before the committee. Meanwhile, the government's official task force on ATIP is doing its work in secret. And as the Open Government Canada coalition noted this week, the task force is made up of civil servants from departments regulated by the law - an obvious conflict of interest.

"There are worrisome signals," Bronskill says. "There is legitimate concern this review will lead to higher fees, fewer records available and more restrictions on access."

The submissions the task force has received are overwhelmingly in favour of keeping fees in line and making the program more open, Bronskill notes. "There's no evidence to suggest there are vexatious or frivolous requests, the phrase they use to say the program is being abused." Even CSIS, he adds, has said the ATIP requests it receives are responsible and well thought out.

If the old adage that information is power is true, then the conclusions of this trend are obvious. Governments are afraid of the power of their citizens.

"There is a connection there," Bronskill says. "The link between surveillance of activists and problems with ATIP is the concept of control of information. On the one hand you have government collecting, storing and keeping information secret, and, on the other hand, the right of access to that information being curtailed in a way that limits the right of people to know."

People interested in keeping Canada transparent might want to attend a conference at St. Joseph's Parish, 151 Laurier East, in Ottawa on Oct. 5. "Global Cops Program: The Corporate Security State's Assault on Democracy" is sponsored by a number of peace and disarmament groups, unions and citizens' organizations. For more information, go to www.peacewire.org/

144. 28 SEPTEMBER 2001: RESPONSE TO PUBLIC COMPLAINT LODGED ON MARCH 9 2001 FROM BAS FLEURY RESPONSE TO PUBLIC COMPLAINT LODGED ON MARCH 9 2001 FROM BAS FROM RCMP ACCESS TO INFORMATION

Royal Gendarmerie Canadian Royale Mounted du
Police Canada

Security Classification/ Designation Classification/designation securitaire

Unclassified

Non-Commissioned Officer in Charge
Internal Affairs Unit
657 West 37th Avenue
Vancouver, BC
V5Z 1 K6

Our FileNotre reference
2001-129 (IAU)

Ms. Joan Russow
1230 St. Patrick Street
Victoria, BC
V8S 4Y4

September 28th 2001

Dear Ms. Russow:

This is in reference to your public complaint which you lodged on March 9th 2001 via the Commission for Public Complaints (CPC) against the Royal Canadian Mounted Police, file PC-2001-0189 refers.

Background Information:

On November 27", 1999, you lodged a complaint with the CPC stating you were refused security clearance to attend the Asia Pacific Economic Conference in Vancouver, B.C. on November 22nd and 23rd 1997. The CPC acknowledged receipt of your complaint and notified the Commissioner of the RCMP as required under subsection 45.35(3) of the RCMP Act. This complaint was investigated and you were informed of the findings of that investigation. File references are PCC-1997-1077 and RCMP 1997-578.

Subsequently, you were not satisfied with the manner your complaint was investigated and requested a review by the CPC. The CPC reviewed your complaint and found that there was no evidence to support your allegation. Accordingly the Commission was satisfied with the RCMP's disposition of your complaint.

On March 7`h, 2001 you corresponded with Lorraine Blommaert from the CPC, and understood that a new complaint would be examined in the context of your original Asia Pacific Economic Conference complaint. Apparently, you had been informed by Mr. John Holland from the Commission Review Committee that they could not review any additional material that emerged subsequent to the original complaint.

You then forwarded a list of questions and lodged another complaint against unidentified members of the RCMP for improper disclosure of information, neglect of duty, irregularity of evidence, and oppressive conduct and lack of service. This complaint was received by Lorraine Blommaert from the Commission.

Findings of the Investigation:

Upon review of the "new information" that you provided to the Commission, I do not see anything that would lead me to believe that any of the material is new or relevant to what has already been investigated. The CPC was consulted, and have agreed that the information that you provided on March 7th, 2001 was received by them in error. Their position was that the complaint should have been withdrawn, however they do not have that authority to withdraw a complaint once it has been received by them.

Furthermore, many of your questions that you posed to the Commission cannot be answered by the RCMP. They are questions that were directed to a third party and accordingly can be dealt with in another manner.

Conclusion:

I am not satisfied that the information you provided warrants a full scale investigation. Many of your concerns have been addressed through a public hearing process held last year in Vancouver. I would strongly urge you to obtain the interim report submitted by the Honourable Ted Hughes following his chairing of the public hearing on the Asia Pacific Economic Conference. This lengthy report can be obtained by calling toll free 1800-267-6637 and asking for a copy of the "Hughes Report."

Therefore pursuant to Section 45.36(5)(c) of the RCMP Act, I am directing that no further action or further investigation be taken in relation to your allegations as, "investigation or further investigation is not necessary or reasonably practicable."

Please be advised that pursuant to Section 45.4 of the RCMP Act, I am notifying you that the investigation into your complaint has now been concluded. If you are not satisfied with the manner in which your complaint has been addressed by the RCMP, you may request a review by the Commission for Public Complaints (CPC) against the RCMP by corresponding with them at the following address:

Commission for Public Complaints (CPC) against the RCMP
Western Region
Suite 102, 7337 - 137 Street
Surrey, BC V3W 1A4
(604) 501-4080 or toll free 1-800-665-6878

The Royal Canadian Mounted Police provides this letter to you in confidence to protect the privacy rights of you and third parties. Please do not further disclose this letter and the personal information contained in it without first consulting the Personal Information Protection and Electronic Documents Act, Stats. Can. 2000, c. 5, in relation to the collection, use and disclosure of personal information by the private sector.
Yours Truly,

B.A.S. Fleury, Sergeant
Acting Non-Commissioned Officer in Charge Internal Affairs Unit
"E" Division
C.C. Regional Director, CPC

145. 21 NOVEMBER 2001: ARTICLE ACTIVIST CAUTIONED TO BEHAVE. An Hoang.

146. 01 DECEMBER 2001: RESPONSE FROM SENATE TO REQUEST TO APPEAR.
TO MAKE A PRESENTATION ON C: 36 THE ANTI-TERRORISM:
Russow had requested to appear and raise the issue of the importance of complying with the International Covenant on Civil and Political Rights.

THE SENATE OF, CANADA LE SENAT DU CANADA
December 1, 2001
BY E-Mail: jrussow@coastnet.corn

Ms. Joan Russow
Coordinator
Global Compliance Research Project
1230 St. Patrick St, Victoria. V8S 4Y4

Dear Ms. Russow:

The Special Senate Committee on Bill C-36 has received many requests to appear on this bill. A great deal of time has been spent formulating a witness list. which will provide a balanced and comprehensive perspective for Committee members.

The Committee was unable to include all requests in the witness list for the hearings to be held in Ottawa early December, and I regret to inform you that you were not among those selected. However, the Committee would welcome the submission of a written brief. If you decide to submit written comments, they should be sent to my attention at the above Committee (Ottawa KIA OA4).

If you would like to receive copies of the Committee proceedings or the final report on Bill C-36, please send your request via e-mail to: charlc@sen.parl.gov , or to

Dr. Heather Lank. Clerk
Special Senate Committee on Bill C-36
The Senate of Canada
Ottawa, Ontario
KIA OA4

Thank you for your interest in the work of the Committee. We appreciate your contribution.
Sincerely,

for Heather Lank Clerk of the Committee

CHALLENGE OF THE BILL C-36 ANTI-TERRORISM AND OTHERS UNDER INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS.

147. 10 DECEMBER 2001: COMMENT ABOUT THE ANTI-TERRORISM ACT IN CONTRAVENTION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS

Even before Bill C36 comes into force, the RCMP and CSIS have been violating the Civil and Political Rights of Citizens, and this Act will further expand and condone the violation of these rights.
RE: Bill C36

C36-the Anti-terrorism Act could violate the International Covenant of Civil and Political Rights which was negotiated in 1966, and ratified by Canada in 1976.

The government of Canada has not demonstrated as required under Article 4 that Canada is "in [a]time of public emergency which threatens the live of the nation and the existence of which is officially proclaimed. ...and thus to justify "derogating from their obligations"

Canada is required to inform all State parties to the Covenant, under Article 4, that Canada is "availing itself of the right of derogation"

The Canadian government should be called upon to seek an advisory opinion from the International Court of Justice on whether C36 contravenes the International Covenant of Civil and Political Rights.

On December 6th, 2001, Donald Fleming a professor of international law from the University of New Brunswick in his presentation to the Senate hearings on Bill C 36, stated that C 36 could contravene specific rights in the International Covenant of Civil and Political Rights. in particular the following sections:
Article 2
1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind such as race colour , sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect tot he rights recognized in the present Covenant
3. Each State Party to the present Covenant undertakes:
a to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
b. to ensure that any person claiming such a remedy shall have his[/her] right thereto determined by competent judicial administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
c to ensure that the competent authorities shall enforce such remedies when granted.

Article 9
1. Everyone has the right to liberty and security of persons. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as any established by law.
2. anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest ad shall be promptly informed of any charges against him
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trail within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained. In custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and should occasion arise, for execution of the judgment

4 anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if this detention is not lawful
5 anyone who has been a victim of unlawful arrest or detention shall have an enforceable right to compensation.
Article 14
1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him or his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. the press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the Parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes of the guardianship of children 2. Everyone charged with criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him everyone shall be entitled to the following minimum guarantees in full equality:
(a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
(b). to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
(c) to be tried without undue delay
(d) to be tried in his presence and to defend himself in person or through legal assistance of his own choosing; to be , if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice o requires, and without payment by him in any such case if he does not have sufficient means to pay for it.
(e). to examine, or have examined , the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
(f.) to have the free assistance of an interpreter if he cannot understand or speak the language used in court;
(g) Not to be compelled to testify against himself or tot confess guilt
Article 17.

6
1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

CAMPAIGN: OPTIONS
OPTION 1: to call upon Canada to seek an advisory opinion from the International Court of Justice on whether the "offending" legislation might contravene the International Covenant of Civil and Political Rights.

Relevant sections in the International Court of Justice Statutes:
Article 36
l. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and convention in force.
2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement. in relation to any other state accepting the same obligations the jurisdiction of the Court in all legal disputes concerning.
a. the interpretation of a treaty
b. any question of international law
c the existence of any fact which if established would constitute a breach of an international obligations;
d) the nature or extent of the reparation to be made for the breach of an international obligations.

3. the declaration referred to above may be made unconditionally or on condition of reciprocity o the part of several or certain states, or for a certain time.
4. Such declarations shall be deposited with the Secretary-General of the United Nations who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.
Article 65 advisory opinions
The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required and accompanied by all documents likely to throw light up the question.
Article 66
1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
2. the Registrar shall also by means of a special and direct communication notify any state entitled to appear before the Court or international organization considered by the Court, or should it not be sitting, by the President as likely to be able to furnish information on the question that the Court will be prepared to receive within a time limit to be fixed by the President, written statements or to hear at a public sitting to be held for the purpose , oral statements relating to the question.
4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent and within the time limits which the Court sits or should it not be sitting, the President, shall decide in each particular case. Accordingly the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.
Article 68
The court shall deliver its advisory opinion in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

OPTION 2.
Lobby at the UN for member states of the UN to pass a resolution to request the International Court of Justice to review anti-terrorism legislation in Canada, United States, Great Britain to determine if the legislation contravenes the International Covenant of Civil and Political Rights.

OPTION 3
To work with other NGOs to prepare a report on the potential violation of the International Covenant through the implementation of Bill 36, 35 and 42, and appear before the Commission when Canada is submitting its report to the UN Human Rights Commission responsible for monitoring the compliance with the International Covenant of Civil and Political Rights.
Rule 66 under the Rules of Procedure " States parties to the Covenant shall submit reports on the measures they have adopted which give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of those rights. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the Covenant.

148. 12 DECEMBER 2001: MEDIA REPORT ABOUT BEING ON AN RCMP LISTS

NOTE: the fact that Russow was on an APEC threat assessment list was widely broadcast on the internet. The following is one example:
TWISTED Badge our missions to promote public awareness of the need to be vigilant in matters involving law enforcement malfeasance.

…the report also revealed another RCMP unit called the Threat Assessment Group Tag which compiled secret dossiers on over 12000 people including an accomplished academic and environmentalist name Joan Russow who also one led the Green Party in Canada
Russow was characterized as “overly sympathetic” to APEC protesters and for that she was deemed threat to national security and banned form attending APEC
http:www.twistedbadge.com/feature_canada1.htm

149. 13 DECEMBER 2001: RUSSOW FILES DEFAMATION CASE
Joan Russow files statement of claim re Defamation of Character

IN THE FEDERAL COURT OF CANADA TRIAL DIVISION

JOAN ELIZABETH RUSSOW
PLAINTIFF
HER MAJESTY THE QUEEN
STATEMENT OF CLAIM
DEFENDANT
TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU
by the Plaintiff. the claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Court Rules, 1998, serve it on the plaintiff's solicitor or, where the plaintiff
does not have a solicitor, serve it on the plaintiff, and file it, with proof of service , to a local office of this Court,

WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.
If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the Federal Court rules, 1998, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: 2001 Issued by
DEC 13, 2001
Registry Officer
Sandra McPherson
TO: Her Majesty the Queen Department of Justice 900-840 Howe St. Vancouver, B.C. V6Z 2S9
Address of
Local office 700 West Georgia
Local Office
701 W Georgia
Vancouver, V7Y 1B6

CLAIM
The Plaintiff, Joan Elizabeth Russow Ph.D, of 1230 St. Patrick St. Victoria, B.C. V8S4Y4, a former sessional lecturer in Global issues, the Federal Leader of the Green Party of Canada from April 1997 to March 2001, and currently the Co-ordinator of the Global Compliance Research Project--monitoring state compliance with international law.
claims the following:
l. that she has experienced a direct attack against her reputation nationally and internationally, and that her "esteem has been lowered in the estimation of right thinking members of society" by being placed on a RCMP APEC Threat Assessment under the Office of the Solicitor General, and on a military list initiated by Robert Fowler formerly with the Department of Defence.

2. that the directive to pull her APEC pass media was reported, in Christine Price's testimony before the RCMP Public Complaints Commission, as coming from Oak Bay resident Brian Groos who was acting on instructions from the Prime Minister's Office (PMO) and possibly from the Department of Foreign Affairs and International Trade (DFAIT)
3. that the RCMP officers and other officials in the media accreditation office at APEC, being aware that there had been a directive to prevent Russow from entering APEC Conference, pretended that the reason for her pass being pulled was that the Oak Bay news paper, for which Russow had an assignment, did not exist, and then they proceeded to create innuendo's in their testimony that they were justified in pulling the pass because of her behaviour. [they knowingly misrepresented the situation.]
4. that the placing of her name, picture and her political affiliation on a threat assessment group list has caused harm, and was politically motivated, and that Brian Groos was closely associated with David Anderson against whom Joan Russow ran in the 1997 and 2000 election
5. that the placing of her affiliated group, the Green Party, at the request of Robert Fowler, previously in the Defence Department, on a military **list …**
6. that the placing of Joan Russow on the RCMP Threat Assessment Group list and on the Military Group list has impacted on her reputation as well as the reputation of those associated with her.
7. that the placing of the leader of a registered political party, an internationally established party, on a RCMP Threat Assessment List has constituted a violation of fundamental human rights under the International Covenant of Civil and Political Rights and contributed to discrimination under Article 2 on the grounds of "politics".
000175

8. that being on a list that has been known to be circulated to third parties, and possibly other countries, may have influenced her access to work and her freedom of movement because of the designation of her as a threat and because of the innuendo associated with being designated a threat or with belonging to a group disloyal to her country,
9. that during the APEC RCMP Public Complaints Commission hearing, broadcast across the country on CPAC, and up on a web site, a remark was made by Constable Boyle based on RCMP "intelligence" that Russow had behaved inappropriately on a media bus [which Russow was never on]
10. that when Joan Russow, who had filed a complaint to the RCMP Pubic Complaints division, asked Commissioner Hughes if she could appear to counter the statement made about her inappropriate behavior she was denied access to the RCMP Public Complaints Commission hearing.
WHEREFORE THE PLAINTIFF CLAIMS:
A. GENERAL DAMAGES
B. SPECIFIC DAMAGES TO BE ASSESSED
C. EXEMPLARY AND PUNITIVE DAMAGES
D COSTS OF THIS ACTION
E. SUCH FURTHER AND OTHER RELIEF AS TO THIS HONOURABLE COURT MAY DEEM FAIR.
F. THE IMMEDIATE REMOVAL FROM "NATIONAL SECURITY LISTS" OF ACTIVISTS WHO HAVE ENGAGED IN PROMOTING COMMON SECURITY-GUARANTEEING HUMAN RIGHTS, LABOUR RIGHTS, PREVENTING WAR AND CONFLICT, ENSURING SOCIAL JUSTICE, AND PROTECTING THE ENVIRONMENT
I HEREBY CERTIFY that the above document is true coop, of the original issued out of the Registry of the Federal Court of Canada
DEC 13 2001
of -
Dated this
JOAN RUSSOW 1230 ST PATRICK ST VICTORIA, B.C. V8S4Y4
1 (250) 598-0071

150. 13 DECEMBER 2001: MEDIA RELEASE: ANNOUNCING THE STATEMENT OF CLAIM: RE DEFAMATION OF CHARACTER

THREAT ASSESSMENT LIST

Joan Russow files Statement of Claim: re Defamation of Character

(Victoria, December 13, 2001) Joan Russow, former leader of the Green Party of Canada, filed suit today in the Federal Court Trial Division in Vancouver against the Crown (File # T218401). In her statement of claim, she refers to the Prime Minister's Office, the Department of Defence, the Department of Foreign Affairs and International Trade, and the Attorney General of Canada.

Dr. Russow claims that the RCMP knowingly misrepresented the reasons why her media pass was pulled at the 1997 APEC Conference held in Vancouver. The RCMP's actions were the result of political interference from the PMO. As a result of her being placed on "lists" by the federal government, her reputation has been damaged and access to work and her freedom of movement may have been affected.

Her suit claims that the placing of the leader of a registered political party - an internationally established party - on a RCMP Threat Assessment List, has constituted a violation of fundamental human rights under the International Covenant of Civil and Political Rights and contributed to discrimination on the grounds of "politics".

Justice Minister McLelland has said that under current legislation and the proposed Bill C-36, citizens and groups that are wrongly placed on lists have institutional channels to address their wrongful inclusion. Since 1997 when Russow was wrongly put on the APEC Threat Assessment Group list, Russow has exhausted all institutional remedies, including the RCMP Public Complaints Commission, Canadian Security Intelligence Service, Security Intelligence Review Committee, and the RCMP Commission Review Committee. After four years, she is no closer to determining why she was placed on the list except that the directive came from the PMO's office. Clearly, Minister McLelland's assurances are meaningless.

Russow has suffered harm and is seeking compensation, including general, specific and punitive damages. In addition, she is demanding the immediate removal from national security lists of activists who have engaged in promoting common security - including guaranteeing human rights, labour rights, preventing war and conflict, ensuring social justice, and protecting the environment.

-30-
For further information, contact:
Joan Russow, Ph.D,
phone 1-250-598-0071

151. 15 DECEMBER 2001: MEDIA COMMENT ABOUT RUSSOW IN COURT

Former Green Leader Russow Sues Ottawa over Threat Listing
Times Colonist
Former Green leader Russow sues Ottawa over threat listing
Southam Newspapers

Ottawa –Joan Russow, former leader of the Green Party , is suing the Federal government over her placement on a secret threat assessment list, calling it a "direct attack against her reputation."

In papers filed in the trial division of Federal Court of Canada this week, the Oak Bay woman says the appearance of her name and photo on a threat list prepared by police and intelligent official for the APEC summit in Vancouver four years ago may have also limited her freedom of movement and ace to work.

Russow, who was leader of the federal Green Party at the time, argues her designation as a potential security threat constitutes a violation of fundamental human rights on the grounds of political discrimination. In an interview , she said the threat listing has left lingering suspicions in the minds of people who know her.

" I'm having to live with that stigma that I've done something wrong that is perceived to have been a threat to the country,". Russow, 63, said Friday. "I'm certainly not a threat to Canada."
The federal government has 30 days to respond. The allegations come as Parliament considers legislation that would make it easier to eavesdrop, on, arrest and question suspected terrorists. Some

critics fear the new laws would be used to crack down on anti-globalization activists and other demonstrators, a charge the Liberal government denies.

In recent months, civil libertarians have expressed concern about police and intelligence service surveillance of law-abiding activists. The government insists federal agencies are acting within the law to protect national security.

Russow learned she was on the APEC threat list in late 1998 when copies were tabled with the RCMP Public Complaints Commission, which conducted hearings into complaints from protesters who were pepper-sprayed and arrested.

The threat assessments had been assembled for the 1997 Asia-Pacific economic summit by an ad-hoc group comprising members of the RCMP, Canadian Security Intelligence Service and other agencies.

Russow has formally complained to review bodies that oversee the RCMP and CSIS, but has yet to discover how and why she was placed on the list.

In court documents, Russow contends being on a threat list circulated to third parties, and possibly other countries, may have curbed her work opportunities " because of the innuendo associated with being designated a threat or with belonging to a group disloyal to her country. "

152. 15 DECEMBER 2001: NATIONAL POST FORMER GREEN PARTY CHIEF SUES OTTAWA

MARKED AS SECURITY RISK

By Jim Bronskill

Ottawa. Joan Russow, Former leader of the Green party, is suing the federal government over her placement on a secret threat assessment list, calling it a "direct attack against her reputation".

In papers filed in the trial division of the Federal Court of Canada this week, the Victoria woman says the appearance of her name and phone on a threat list prepared by police and intelligence officials for the APEC summit in Vancouver four years ago may have also limited her freedom of movement and access to work.

Ms Russow, who was leader of the federal Green party at the time, argues her designation as a potential security threat constitutes a violation of fundamental human rights on the grounds of political discrimination.

In an interview, Ms Russow said that being listed as a threat has left lingering suspicions in the minds of people who know her.

"I'm having to live with that stigma that I've done something wrong that is perceived to have been a threat to the country" Ms Russow, 63 said yesterday.

"I'm certainly not a threat to Canada" she added The federal government has 30 days to respond.

The allegations come as Parliament considers legislation that would make it easier to eavesdrop, on, arrest and question suspected terrorists. Some critics fear the new laws would be used to crack down on anti-globalization activists and other demonstrators, a charge the Liberal government denies.

In recent months, civil libertarians have expressed concern about police and intelligence service surveillance of law-abiding activists. The government insists federal agencies are acting within the law to protect national security.

The government insists that federal agencies are acting within the law to protect national security

Ms Russow has formally complained to review bodies that oversee the RCMP and the Canadian Security Intelligence Service, but she has not yet to discover how and why she was placed on the threat assessment list.

In the court documents, Ms Russow contends being on a threat list circulated to third parties, and possibly other countries may have curbed her work opportunities " because of the innuendo associated with being designated a threat or with belonging to a group; disloyal to her country"

On a recent trip to Ecuador, she was subjected at the border to a thorough search. That promoted her to wonder whether Canadian officials had passed her name to international security agencies

She seeks unspecified damages as well as the immediate removal from "national security lists" of activists who have promoted common security, human rights labour rights, prevention of war, social justice or environmental protection.

Southam news.

153. DECEMBER 21, 2001: ACCESS TO INFORMATION RE: RCMP

RCMP

ACCESS TO INFORMATION
1. Reasons for placing Joan Russow on a Threat Assessment Group list
2. Reasons for ignoring Christine Price's testimony that she had had a directive from Brian Groos from the PMO to prevent Russow from attending the APEC meeting
3. Criteria for placing citizens on Threat Assessment Group lists
4. What is the NCO-an acronym that was placed on the TAG list
5. What connection did the RCMP have with the registered American firm, Threat Assessment Group list
6. What were the reasons that Russow was not permitted to be part of the RCMP public Complaints Commission hearing
7. Why did Commissioner Hughes refuse to permit Russow to address the misstatement of fact by Constable Boyle, and why did the RCMP claim that Russow behaved inappropriately on a media bus going to UBC or out at UBC when Russow was never on a media bus and was never at UBC during the APEC conference
8. What role did Storrow have in preventing Russow from being part of the RCMP Public Complaints Commission
9. Why was Christine Price who under oath stated to the RCMP that there had been a directive from the PMO not called upon to testify
10 Why did the RCMP Complaints Commission fail to address the issue of the interference by the PMO with the RCMP

154. 24 DECEMBER 2001: MEDIA COMMENT ABOUT COURT CASE

Russow wants her day in court " to be put on a list and presumed a threat to the country is very disconcerting, Article in the B10 Week end edition by Marke Browne
Mark Brown
Joan Russow wants her day in court with the federal government

The Oak Bay resident and former leader of the Green Party of Canada filed a defamation of character lawsuit in the federal court trial division in Vancouver on Dec 13 against the Prime Minister's office. The Department of National Defence. The Department of Foreign Affairs and International Trade and the Federal Attorney General

Russow claims the RCMP knowingly misrepresented the reasons behind her having a media pass cancelled during the 1997 APEC Conference. As well, she was placed on federal government lists, including the RCMP Threat Assessment list suggesting she is some kind of threat to the country.
"to be put on a list and presumed a threat to the country is very disconcerting" says Russow.

She claims the RCMP's actions were the result of political interference from the Prime Minister's office. Russow says she is seek compensation, including general and specific damages, on the premise that she has suffered harm as a result of the federal government's actions.

She says many people she has spoken to have automatically assumed that she has done something wrong because she was placed on the list.
There 's always this innuendo that I've done something wrong." Adds Russow

Her suit claims that as the leader of a political party at the time of APEC conference when she was put on the threat assessment lists , her fundamental rights were violated under the International Covenant of Civil and Political Rights.

Russow notes that federal Justice Minister Ann McClelland states that under current legislation and the proposed Bill C36, citizens and groups that are wrongly placed on federal government threat assessment lists have various channels where they can argue that they were wrongly included on such lists.

She says she has exhausted all attempts to have her inclusion on the lists addressed. She has approached the RCMP complaints Commission, the Canada Security Intelligence Service, Security Intelligence review Committee and the RCMP Commission Review Committee

She says after four years she has still not been able to determine why she was put on the lists. Russow has not hired a lawyer as she plans to act on her own behalf when her case gets dealt with in court. Aside from seeking compensation, she is demanding the immediate removal from all security lists of protesters who have done nothing more than promote such issues as social justice and protection of the environment.

Russow wants her day in court " to be put on a list and presumed a threat to the country is very disconcerting Article in the B10 Week end edition by Marke Browne

155. 9 JANUARY 2002: ATTORNEY GENERALS' RESPONSE TO THE CLAIM

T-2184-01
Vancouver Registry
IN THE FEDERAL COURT OF CANADA TRIAL DIVISION
BETWEEN:
JOAN ELIZABETH RUSSOW
PLAINTIFF
AND:
HER MAJESTY THE QUEEN
DEFENDANT
NOTICE OF MOTION
TAKE NOTICE THAT the Attorney General of Canada, on behalf of the defendant, Her Majesty the Queen, will make a motion to the court at the 3rd floor of the Pacific Centre, 701 West Georgia Street, Vancouver, British Columbia, on Monday, the 21st day of January, 2002 at 9:30 a.m. or so soon thereafter as counsel can be heard.
THE MOTION IS FOR an order setting aside, striking out or summarily dismissing the plaintiff's statement of claim dated December 13, 2001, pursuant to Rules 4, 208 and 221 of the Federal Court Rules, 1998 and the inherent jurisdiction of the court.
000183

THE GROUNDS OF THE MOTION ARE as follows:
(a) the pleading is clearly improper and bereft of any possibility of success; fails to disclose a reasonable cause of action; is scandalous, frivolous or vexatious; may prejudice the fair trial of the action and is otherwise an abuse of the process of the court, in that, inter alia it does not plead the material facts disclosing any cause of action known to law and is otherwise beyond the jurisdiction of this Honourable Court;
(b) costs to the defendant in any event of the cause; and
(c) such further and other grounds as counsel may advise and the Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be presented:
(a) pleadings and proceedings herein; and
(b) such further and other material as counsel may advise and the Honourable Court may permit.
It is anticipated that this motion will require approximately 45 minutes for hearing.
Dated at the City of Vancouver, this 9th day of January , 2002.

Morris Rosenberg\ Deputy Attorney General of Canada Per: Paul F. Partridge
On Behalf of Her Majesty the Queen

TO: The Plaintiff
000184
This Notice of Motion is filed by Morris Rosenberg, Deputy Attorney General of Canada, whose place of business and address for delivery is c/o Department of Justice 900 - 840 Howe Street, Vancouver, BC V6Z 259; Telephone: (604) 666-0303; Facsimile: (604) 775-5942; Per: Paul F. Partridge

Court File No. T-2184-01 FEDERAL COURT - TRIAL DIVISION

BETWEEN

JOAN ELIZABETH RUSSOW
Plaintiff
and HER MAJESTY THE QUEEN
Defendant
SOLICITOR'S CERTIFICATE OF SERVICE
I, Paul F. Partridge, Solicitor, certify that I caused the plaintiff, Joan Elizabeth Russow to be duly served with the Motion Record of Her Majesty the Queen by delivering the document by courier to the plaintiff's address for delivery at 1230 St. Patrick Street, Victoria, BC V8S 4Y4 on January 16, 2002.

Paul Partridge, Counsel'
On Behalf of Her Majesty the Queen
Tel: (604) 66-0303 Fax: (604) 775-5942 File No. 2-202381
000186

B €TW
Court File No. T-2184-01

FEDERAL COURT - TRIAL DIVISION

JOAN ELIZABETH RUSSOW
Plaintiff
and HER MAJESTY THE QUEEN
Defendant
SOLICITOR'S CERTIFICATE OF SERVICE
I, Paul F. Partridge, Solicitor, certify that I caused the plaintiff, Joan Elizabeth Russow to be duly served with the Motion Record of Her Majesty the Queen by delivering the document by courier to the plaintiff's address for delivery at 1230 St. Patrick Street, Victoria, BC V8S 4Y4 on January 16, 2002.

Paul Partridge, Counsel
On Behalf of Her Majesty the Queen
I el. (604) 666-0303 Fax: (604) 775-5942 File No. 2-202381

156. **JANUARY 2002**: REPORT ABOUT COURT CASE

NEWS FLASHES Now Magazine; Green’s revenge by Scott Anderson

FORMER Green Party of Canada leader Joan Russow is putting the government on notice that she won’t be victimized by the new wave of post 0-11 crackdowns by police. She’s suing the federal government for being placed on a secret RCMP threat list four years ago. She’s also claiming damages over a defence department list that included the Green party …

Russow, who filed the claim last month, alleges that her inclusion on the RCMP list was “politically motivated” and that her press credentials were revoked at the 1997 Vancouver Asia Pacifica Economic Conference (APEC) as a result of “instructions from the prime minister’s office.”

She maintains that “being on a list that has been known to be circulated to third parties and possible to other countries may have influenced her access to work and her freedom of movement because of her designation as a threat and because of the innuendo associate with designation o..

Says Russow: “ I hope to get an apology and some damages but primarily it’s a call for the government to remove all citizens (from government lists) who have engaged in guaranteeing human rights, protecting the environment, preventing war and conflict , and ensuring social justice.”

Lyse Cantin, a spokesperson for the Federal Department of Justice in Vancouver , had no comment.

157. 22 JANUARY 2002: COURT STRIKES CLAIM BUT DOES NOT DISMISS DEFAMATION CASE SUGGESTS MORE AIT REQUEST

FEDERAL Court of Canada Trial Division

Vancouver, British Columbia, Tuesday, the 22nd day of January, 2002
Present Mr. John A Hargrave, Prothonotary

1. Statement of Claim. As it stands, is one to which the Defendant should not be expected to have to plead to. At best it suggests a claim in defamation. However, it is not only bereft of facts and of the particulars required to support the tort of defamation, but also is replete with pleas amounting to evidence, conclusions, without proper factual foundation and immaterial allegations. ….

3. My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivable be rights which needed a remedy. ….

4."… I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed , I viewed it as a n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. …

158. Prior to January 21, 2001 appearance in court, Russow has spent four years moving through various processes: RCMP Complaints Commission [did not allow me to participate as a complainant in the RCMP Public Complaints Commission]; RCMP review, CSIS, SIRC [All the processes that the former Minister of Justice, Ann McClelland, stated would be open to those citizens and groups that were placed on lists under Bill C36 the Anti-terrorism Act.]

159. FROM JANUARY TO PRESENT: Russow has submitted almost 60 access to information and privacy requests: she has included a selection of the requests and the responses. There are still outstanding requests.

160 23 JANUARY 2002: COMPLAINT SENT TO PRIVACY COMMISSIONER

161. 24 JANUARY 2002: RESPONSE FROM PRIVACY COMMISSION

Dear Joan Russau [Russow]

This will acknowledge receipt of our fax correspondence of January 23, 2002 addressed to the Office of the Privacy Commissioner of Canada, which was referred to me.
Once we have had the opportunity to review your correspondence, we may have further communication with you

In the interim, should you require any additional information, you may call our office during normal working hours at 613 995 8210 1 800 282 1376 or communicate by e-mail at infor @privcom.gc.ca

Yours sincerely.
Joyce McLean
Manager, Inquiries Unit

152. JANUARY 2002: RESPONSE TO REPORTER ABOUT INFORMATION ABOUT COURT CASE

ATTENTION: JIM BRONSKILL
FAX CONTAINS: 3 PAGES
MESSAGES.

On January 21st I was caught in a conundrum. The lawyer for the Attorney General and the Judge continually affirmed that I did not have sufficient particulars for a defamation suit, and I responded that ironically the defendants in the case mentioned in the Statement of Claim: The Prime Minister's Office, the Solicitor General's department, the Department of Defence, the Department of Foreign Affairs and International Trade would be the ones that would have the particulars. I indicated that I had spent four years trying to find out about the particulars. During the Court hearing, the Judge at one point stated that placing me on a Threat Assessment Group list can be distinguished from stating that "Joan Russow is a threat". , and he suggested that if in four years I could not come up with the particulars then what I was doing was just a fishing expedition. I would have thought that he would have been more concerned that a citizen should be forced to spend four years through the various processes without being able to find out the reason for being placed on the list.

The judge did not dismiss the case so I can file a subsequent claim once I receive the "particulars" that most likely will not be forthcoming. I have consequently filed subsequent requests.

Joan Russow
250 598-0071

163. 29 JANUARY 2002: ACCESS TO INFORMATION SENT TO RCMP

RCMP Access to information

1. Reasons for placing Joan Russow on a Threat Assessment Group list
a. Reasons for ignoring Christine Price's testimony that she had had a directive from Brian Groos from the PMO to prevent Russow from attending the APEC meeting
b. Criteria for placing citizens on Threat Assessment Group lists
c. What is the NCO – an acronym that was placed on the TAG list

d. What connection did the RCMP have with the registered American firm. Threat Assessment Group list
e. what were the reasons that Russow was not permitted to be part of the RCMP Public Complaints Commission hearing
f. Why did Commissioner Hughes refuse to permit Russow to address the misstatement of fact by Constable Boyle, and why did the RCMP claim that Russow behaved inappropriately on a media bus going to UBC or out at UBC when Russow was never on media bus and was never at UBC during the APEC meeting
g. What role did Storrow have in preventing Russow from being part of the RCMP Public Complaints Commission
h. Why was Christine Price who under oath stated tot eh RCMP that there had been a directive from the PMO not called upon to testify
I Why did the RCMP complaints Commission fail to address the issue of the interference by the PMO with the RCMP

164. JANUARY 30 2002: FILE A ACCESS TO INFORMATION REQUEST WITH THE PRIVY COUNCIL OFFICE

1. Information about the direction from the PMO to Christine Price to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list
2. Detailing of reasons for pulling Russow's pass
3. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
4. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
5. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
6. Information what actions are to be taken to address the issue of political interference by the Prime Minister’s office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
7. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

165. 28 JANUARY 2002: FURTHER PHONE CALL TO SOLICITOR GENERAL ABOUT DECISION MADE BY COMMISSIONER HUGHES TO EXCLUDE RUSSOW

166. 29 JANUARY 2002: CALL FROM SOLICITOR GENERAL ACCESS TO INFORMATION REQUEST

167. 31 JANUARY 2002: REVISED ACCESS TO INFORMATION REQUEST SENT TO SOLICITOR GENERAL

1 (a) information about directive by Brian Groos from the Prime Minister's Office to prevent Russow from attending APEC 1997 CONFERENCE, and the subsequent placing of Russow on a Treat Assessment list
(b) Details about distribution and sharing of threat lists
(c) Directions from the department to RCMP and CSIS to ensure that they comply with the statutory requirements that prohibit the placing of citizens who engage in legitimate dissent on Threat Assessment lists
(d) What precedents exist for placing citizens engaged in legitimate dissent on Threat Assessment Groups lists and in particular the placing of a leader of a registered political party on a Threat Assessment list.

(e) what are the departmental guidelines for addressing political interference with RCMP and CSIS e.g. A directive coming from the Prime Minister's Office to prevent me from attending APEC and the resulting placement of my picture and details on two threat assessment lists
(f) what provisions exist within the department to remove citizens from Threat Assessment lists
(g) Information about the reason that all the traditional channels such as the RCMP Complaints Commission, RCMP review, Privacy requests, CSIS complaint and SIRC etc. have failed to disclose he reason that Russow was placed on a threat assessment list
(h) provisions within the mandate of your department to determine whether or not a person should attend an event as a member of the media
(i) provisions in the act constituting your department to ensure that there is not political interference

February 18, 2002 letter from Duncan Roberts with material
Will research sections of the request that might come under “Privacy”

1230 St. Patrick St,
Victoria, B.C,
V8S 4Y4

168. 10 FEBRUARY 2002: REVIEW OF RCMP PRIVACY REQUEST SENT TO PRIVACY COMMISSIONER

1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4

February 10, 2002

c/o Aaron Sawyer.
Privacy Commissioner Office
112 Kent St,
Ottawa Ont. K1A 1H3
1800 282 1376

Dear Mr. Sawyer,

This letter and documentation is to follow-up on our conversation of February 8, 2002.

In March 19, 2001, I sent a privacy request to the RCMP seeking access to all personal information held by the RCMP since 1963, and specifically reasons for placing me on a Threat Assessment Group list. As a result of this request, I received some documentation, but there were documents withheld. Furthermore, there was no information indicating reasons for placing me on a APEC Threat Assessment Group list in 1997. Please find enclosed the review form and relevant correspondence and information.

The only evidence that was released about my being placed on Threat Assessment Group list was an interview by a RCMP officer of another officer in the Crime division. The latter claimed that there had been a directive from Brian Groos from the PMO office to prevent me attending the APEC meeting. Other than political interference from the PMO’s, this does not explain why I would be placed on a Threat Assessment list.

In the light of the recent legislation related to C36, the former Minister of Justice claimed during hearings held by the Senate Committee on Justice and Human Rights and to the Parliamentary Committee that there exists a simple process of addressing the wrongful placement of Canadian citizens on lists. I submit that there is no easy way of addressing the implications of being wrongfully placed on a threat list.

I hope that the enclosed information will enable you to investigate the failure of the RCMP to comply with my Privacy request.

Yours very truly,

Joan Russow (PhD)
1 (250) 598-0071

169. 10 FEBRUARY 2002: COMPLAINT TO ACCESS TO INFORMATION COMMISSIONER ABOUT FAILURE TO RESPOND TO RUSSOW'S LAWYER REQUEST TO CSIS AND RCMP

1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4

February 10, 2002

John Reid
Access to Information Commissioner

On February 11 2000, my lawyer Andrew Gage submitted two access to information requests: one to the Canadian Security and Intelligence Service, and one to the Royal Canadian Mounted Police (see enclosed correspondence). He did not receive a satisfactory response, and subsequently sent a follow-up letter dated June 13, 2001. I have recently been in the Federal Court, and although my claim related to the implications of being placed on the NCO Threat Assessment Joint Intelligence Group was struck, the judge indicated that I lacked the particulars and needed to submit further Access to information requests, and did not dismiss the case. In the light of the recent legislation related to C36, and the claims by the former Minister of Justice to the Senate Committee on Justice and Human Rights, and to the Parliamentary Committee, that there exists a simple process of addressing the wrongful placement on lists, I submit that there is no easy way of addressing the implications of being wrongfully placed on a threat list.

The only evidence that was submitted was an interview by a RCMP officer of an officer in the Crime division. She claimed that there had been a directive from Brian Groos from the PMO office to prevent me attending the APEC meeting. Other than political interference from the PMO's this does not explain why I would be placed on a Threat Assessment list.

Could you please address this matter.

Yours very truly

Joan Russow (PhD)
Former leader of the Green Party of Canada
1 (250) 598-0071

ATTACHMENT:
ATTENTION: Liana Bernier
FAX 1 613-995-1501

Please find enclosed a copy of the Access to Information Request that I sent to the RCMP on January 29, 2002.

I would like to file a complaint with your office about the failure of the RCMP to comply with my request.

Yours Truly

Joan Russow
1230 St Patrick St.
Victoria BC V8S4Y4
1 250 598-0071

170. 11 FEBRUARY 2002: RESPONSE TO ACCESS TO INFORMATION REQUEST FROM PRIVY COUNCIL

Government of Canada
Privy Council Office

Ms Joan Russow
1230 ST. Patrick St.
Victoria, British Columbia

Dear Ms Russow:

This is to acknowledge receipt of your request, made under the Access to Information Act for:
The reason for giving direction to the RCMP in 1997 to prevent Russow from Attending APEC November 1997
The reason for placing Russow on the APEC threat Assessment group list
Your request with the $5.00 application fee, was received at the Privy Council Office on February 5, 2002 Please be assured that this office will contact you as required , during the processing of your request
Yours sincerely,

Ciuineas Boyle
Coordinator

171. 12 FEBRUARY 2002: RESPONSE FROM PRIVY COUNCIL OFFICE

February 12 received letter from Guineas Boyle

135-2-A-2001-0273

Dear Ms. Joan Russow
1230 St. Patrick Street
Victoria, B.C.

Dear Ms Russow:

This is to acknowledge receipt of your request, made under the Access to information Act for;

Information about the direction from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list
A. Detailing of reasons for pulling Russow's pass
B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent

E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

YOUR REQUEST WITH THE $5.00 APPLICATION FEE, WAS RECEIVED AT THE PRIVY COUNCIL OFFICE ON FEBRUARY 6, 2002.

PLEASE BE ASSURED THAT THIS OFFICE WILL CONTACT YOU, AS REQUIRED, DURING THE PROCESSING OF YOUR REQUEST

YOURS SINCERELY,
GUINEAS BOYLE
COORDINATOR
ACCESS TO INFORMATION.

172. 18 FEBRUARY 2002: REVISED ACCESS TO PCO INFORMATION REQUEST

Amended February 18, 2002

Amended: information about the direction to Christine Price from the PMO to prevent Joan Russow from attending the APEC summit ad the resulting consequences that Joan Russow was placed on a RCMP Threat Assessment Group list in 1997

. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

A. Detailing of reasons for pulling Russow's pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)

173. 18 FEBRUARY 2002: RESPONSE RE: PRIVACY REQUEST FROM THE SOLICITOR GENERAL

Ms Joan Russow
1230 Patrick Street
Victoria, British Columbia

Dear Ms Russow:

This is further to your request under the Privacy Act dated January 23, 2002

The enclosed material is the only personal information about you in departmental files. A portion of one document has been exempted pursuant to section 21 of the Privacy Ac. A copy of that section is enclosed for ease of reference.

If you are not satisfied with the outcome of your request, you have the right to register a complaint with the Privacy Commissioner.

Duncan Roberts
Coordinator, Access to Information and privacy
Department of the Solicitor General

174. 22 FEBRUARY 2002: RESPONSE PRIVY COUNCIL

MS JOAN RUSSOW
1230 ST PATRICK STREET
VICTORIA, B.C.
V8S 4Y4

DEAR MS RUSSOW
THIS IS FURTHER TO YOUR REQUEST UNDER THE ACCESS TO INFORMATION ACT FOR:

THE REASON FOR GIVING DIRECTION TO THE RCMP IN 1997 TO PREVENT RUSSOW FROM ATTENDING APEC -November 1997

As described in the Act, fees may be charged for processing requests. Fees may be prescribed for he search and preparation of the records, for providing copies of the records ad for the production and programming required to retrieve the information from a machine readable record. In order to provide you with access to the information you have requested charges have been assessed. Please refer to the attached statement outlining the prescribed fees.

To proceed with the processing of your request, please forward the required deposit of $30 being half of the total fees due in the form of a cheque or money-order and payable to the Receive General of Canada. Payment of the deposit must be received by this office before the processing of your request can continue. The balance owing will be payable before the records are disclosed.

In some instances it may be possible to reduce your fees by narrowing the cope of the request or by viewing he records in our office instead of receiving photocopies. If we do not hear from you within 30 days of the date of this letter, we will assume that you do not wish to proceed I will consider the request abandoned.

Received response from Privy Council

note fee statement A2001-0272/cdb

2002/0205 application fee 5
2002/02/05 Deposit application 5
2002/02/21 unit cost Quantity11 110,00
2oo2/02/21 (less 5 free hours) 50
Balance owing 60.00

175 25 FEBRUARY 2002: RECEIVED LETTER FEBRUARY 25 FROM GUINEAS BOYLE, COORDINATOR ACCESS TO INFORMATION AND PRIVACY

Dear Ms Russow

This is further to your request under the Access to information Act for:

Amended February 18, 2002

Amended: information about the direction to Christine Price from the PMO to prevent Joan Russow from attending the APEC summit ad the resulting consequences that Joan Russow was placed on a RCMP Threat Assessment Group list in 1997

. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

A. Detailing of reasons for pulling Russow's pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)

As describe in the Act fees may be charged for processing requests. Fees may be prescribed for the search and preparation of the records, for providing copies of the records and for the production and programming required to retrieve the information from a machine readable record. In order to provide you with access to the information you have requested, charges will have been assessed. Please refer to the attached statement outlining the prescribed fees.

To proceed with the processing of your request please forward the required deposit of 27. 50 being half of the total fees due, in the form of a cheque or money order made payable to the Receiver General for Canada. Payment of the deposit must be received by this office before the processing of your request can continue. The balance owing will be payable before the records are disclosed.

In some instances it may be possible to reduce your fees by Narrowing the scope of the request or by viewing the records in our office instead of receiving photocopies

If we do not hear from you within 30 days of the date of this letter, we will assume that you do not wish to proceed and will consider the request abandoned

Please be advised that you are entitled to bring a complaint regarding this request to the information Commission.

176. 26 FEBRUARY 2002: RESPONSE FROM ACCESS TO INFORMATION IN THE SOLICITOR GENERAL'S OFFICE

Dear Ms Russow

This is further to your request under the Access to Information act for records on threat assessment lists and related documentation. A search for records relevant to your request was conducted and no such records were identified. As the application fee for a request is $5, I am returning one of the two $5 bills you submitted with your request.

If you are not satisfied with the outcome of your request, you have the right to register a complaint with the Information Commissioner …

Duncan Roberts

Coordinator, Access to Information and Privacy

Department of the Solicitor General

177. **FEBRUARY 2002:** EVIDENCE OF SECTION IN CHRISTINE PRICE'S TESTIMONY THAT WAS REDACTED: NOTE; THAT THE PRIVY COUNCIL HAD USED AN EXEMPTION CLAUSE TO REMOVE THE REFERENCE IN CHRISTINE PRICE'S TESTIMONY TO THE PMO

Dear Guineas
I am astonished that you would have accepted the PCO's deletion of a key section of the RCMP interview with Christine Price. I was able to obtain through another source the same document in which Christine Price indicated that she had received instruction from the PMO. It is indicative of the PCO's interest in concealing the involvement of the PMO.

178. **28 FEBRUARY 2002:** RESPONSE FROM THE ACCESS TO INFORMATION: COMMISSIONER RE CSIS AND RCMP; The issue was that the two Departments ignored the request from the Russow's lawyer. NOTE: Andrew Gage had sent an earlier complaint to the Access to Information Commission. This Complaint was ignored

Office of the information commissioner of Canada
February 28, 2002

Our references: 25762
Ms. Joan Russow (PhD)
1230 St. Patrick Street
Victoria BC V8S 4Y4

Dear Ms. Russow:

This is to acknowledge receipt of your correspondence dated February 10, 2002, in which you seek the assistance of the Information Commission of Canada with respect to requests for information submitted to the Royal Canadian Mounted Police (RCMP) and the Canadian Security and Intelligence Service, (CSIS) on February 11, 20000, under the Access to Information Act (the Act).

Section 31 of the Act allows a complaint to be made to the information Commissioner, "Within one year from the time when the request for record in respect of which the complaint is made was received". Your complaints were received February 18 2002, approximately eleven months after the expiration of the deadline within which to lodge a complaint with the Information Commissioner.

The information Commissioner does not have the legislative power to extend this deadline nor does he have the jurisdiction to conduct a formal investigation o your complaint. I regret we will not be able to accept your complaint.

Of course you may wish to resubmit another request to the RCMP and CSIS along with the mandatory $5 application fee per request. Should you then be refused access to any information requested, you will have the right to complaint to the Information Commission within one year from the time your request is received by the institution.

In your case, the request, and the required application fee should be sent to the following addresses:
Etc.

179. **4 MARCH 2002:** APPEAL TO ETHICS COMMISSIONER WILSON TO SPEAK TRUTH TO POWER

Howard Wilson
Ethics Commissioner

66 Slater
22nd floor
Ottawa, On
K1A -OC9

March 4, 2002
Dear Commissioner

On a recent CBC program you mentioned that your role was to “speak truth to power”. I urge you to please investigate what I believe to have been an abuse of power.

1. DEPARTMENT OF DEFENCE

During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with a set of categories for groups that the military should not belong to. and compiled **a list ...**

. The Green Party was on this list. The placing of groups on lists and circulating these lists, nationally and internationally have serious implications including the perception of those in the Group mentioned above as being capable even of treason, Through Access to information I received an outline of the categories of the list but not the names of groups on the list. [The names of the groups had previously been reported in a newspaper]] in the information that I received it indicated that only the leaders or leadership of the groups was to be considered.

The placing of groups that have engaged in legitimate dissent on group lists is unethical and potentially in violation of the Right of Association and in violation of "politics", one of the listed grounds for which there shall not be discrimination under the International Covenant of Civil and Political Rights.

2. PRIME MINISTER'S OFFICE AND THE SOLICITOR GENERAL

In 1997, the Oak Bay news gave me an assignment letter to report on the APEC meeting in Vancouver. The Editor, knowing that I was the National Leader of the Green party was also aware of the work that I had done in the international field and that I could offer a unique perspective. I was initially granted a media pass, and when I went to enter the conference my pass was pulled. The media accreditation representative stated that it was because they could not find any evidence that the Oak Bay news existed. I suggested a number of possibilities for verifying the existence of the Oak Bay News such as contacting the Times Colonist. [the Oak Bay news is a weekly local newspaper that has been in existence for over 20 years]. One year later as a result of the RCMP Public Complaints Commission on APEC I found out that my photograph along with nine other citizens had been placed on a Threat Assessment list. Two years later, Christine Price, who had been working in security at APEC, under oath stated to a RCMP officer that she had a directive from Brian Groos from the Prime Minister’s Office to prevent me from attending the Conference. Ironically Brian Groos lives in Oak Bay, and is a close friend of David Anderson against whom I ran in the 1997 and 2000 election.

3 PMO

I believe that it was an abuse of power of the PMO to direct a member of the RCMP to prevent me from attending the APEC meeting. The interference by the Prime Minister is unethical and potentially in violation of the Right of Association and in violation of "politics", one of the listed grounds for which there shall not be discrimination under the International Covenant of Civil and Political Rights.

4 Commissioner Hughes, under the Solicitor General Office

In his report on whether Prime Minister Jean Chrétien should appear on the stand, Commissioner Hughes stated, " If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to maters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct. "

Even though I had evidence of interference by the PMO, and even though Hughes was aware of the statement by Christine Price, he would not allow Christine Price to testify, or allow me to be on the stand to testify that there had been evidence that the PMO had directed security.

5. GOVERNMENT DEPARTMENTS WITHHOLDING INFORMATION
RCMP. CSIS.
Since that time I have been trying through the usual channels, RCMP Complaints Commission, RCMP reviews, CSIS, SIRC to determine the reason for putting me on a threat assessment list. I have examined the CSIS criteria under the act for what constitutes a threat and in no way do I fit into that category. In addition, CSIS is prohibited from designating those who engage in legitimate dissent as threats.
• I believe that there has been an abuse of power when a leader of a registered Political party has been placed on a list either by PMO, DND, RCMP, Foreign Affairs, or Minister of Environment, and no information related to the reason for being placed on the list has been forthcoming.
In a document received from the Solicitor General, it is stated that there is further information but that it cannot be revealed because of Art 21 of the Privacy Act.
PRIVY COUNCIL
I have contacted the PMO office several times over the years and there has been no response. I have requested Access to information about the involvement of the privy Council and the PMO 's responsibility in placing me on the list. I have so far been requested to pay about $60, and not yet received information.
7. GOVERNMENT DEPARTMENTS RESPONSIBLE FOR CIRCULATING LISTS
I know that lists are distributed and shared including with the US security agency, and recently it has been brought to my attention that I am on some sort of International list.
8. COMPETING CANDIDATE IN 1997 AND 2000 ELECTIONS
The Hon David Anderson, Minister of the Environment David Anderson's executive assistant said that it was just a co-incidence that David Anderson's close friend Brian Groos on behalf of the Prime Minister's Office issued a directive to the RCMP to prevent me from attending APEC, and resulting in my being placed on a Threat Assessment list.
In addition, during the Federal election, a volunteer working in David Anderson’s office contacted the media and stated that I was being investigated for illegally voting for myself in a by-election in the Okanagan. The Complaint was filed by a relative of David Anderson’s special assistant and was dismissed immediately by Elections Canada as groundless. Yet during the election three days before the voting as a result of the volunteer and others associated with me, a letter was circulated with this information and was broadcast as the main news item on the principal news station in Victoria.
9 ATTORNEY GENERAL'S OFFICE
I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, informed me that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented. The attorney General’s office has been remiss in not advising the Federal government that "politics" which is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground. The lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.
When I appeared in court recently the judge acknowledge that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and hat the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics –a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and I am currently revising my statement of claim related to defamation of character.

The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and
in particular with the unethical abuse of political power.

I hope that you will address my complaint and bring Truth to Power, so that Political interference with legitimate dissent will not go unanswered.

Joan Russow (PhD)
Former leader of the Green Party of Canada
1230 St. Patrick St
Victoria B.C.
1 (250) 598-0071

180. 4 MARCH, 2002: RECEIVED EXTENSIVE PACKAGE FROM DEPARTMENT OF DEFENCE:

NOTE: included in the pack was the impugned list prepared at the request of Robert Fowler. Originally this list contained the names of groups and was part of the CD Rom on Somalia. In the document provided by department of defence, DND had used the exemption clauses to remove the names of the groups. NOTE: outline of division of labour between RCMP and CSIS, and how “constraints” have been imposed on CSIS

Received letter from Tara Rapley package of information on March 4.
signed Sandra Begg for Judith Mooney letter dated February 26, 2002

Unclassified with Enclosure Removed. Deputy Chief of the Defence Staff
Joint

MEMORANDUM
2106-17-9 (D SECR OPS)

DISTRIBUTION LIST
Extremist and activist organizations
Membership by members of the Canadian forces

ref: DM.CDS Meeting to consider Somalia Incidents
1000 hrs 12 May 93

1. The enclosed Briefing Note is in response to direction given at a 12 May 93 meeting and addressed the scope, legality and propriety of the question of screening "activists" from the CF

2. CSIS, the RCMP and Departmental legal staff were consulted in the preparation of this note. The Briefing note contains an explanation of the limitations up CSIS activities in similar areas. It is clear that Project SIROS though valuable in precisely such situations as the CF now finds itself, is close to the limit of the acceptable under both the Charter and a government policy which is implied by the CSIS Act.

L.E Murray
Vadm
982-3355

Distribution List
CDS
DM

ADM
Jac

National Defence Headquarters
Secret Unclassified with enclosure removed.

BRIEFING NOTE
FOR THE DEPUTY CHIEF OF THE DEFENCE STAFF

SUBJECT: EXTREMIST AND ACTIVIST ORGANIZATIONS-
MEMBERSHIP BY MEMBERS OF THE CANADIAN FORCES

ISSUE NOT DISCLOSED

BACKGROUND
1 c The current public allegations of racist activities and membership in racist groups by some members of the CF has raised the question of the ability of the CF to release, deny enrolment, or otherwise deal with such persons. The DM [Deputy Minister, Bob Fowler] has asked DG Secur to prepare a list of extremist and activities groups, membership in which could possibly be grounds for subsequent action by the CF. As there are potential difficulties with such a process, and assessment of procedural and legal constraints on DND is also required

EXTREMIST AND ACTIVIST LISTS
2 c Annex A is a representative sampling of extremist and activist groups in Canada, compiled from D Secur Ops 2 records and open sources. It is sub-divided into general groupings; however, it must be understood that this is an over-simplification and many groups represent interests that may encompass several political ideologies. It is also apparent that these groups represent a wide spectrum of beliefs and activities, ranging from conservative activism to violent extremism.

3 (c) The difficulty lies in deciding at which point in the extremist/activist continuum, membership or activities by CF members becomes unacceptable. By way of example, there is a right wing group at the University of Montréal that opposes Canadian Immigration policy. Such a group could easily attract CF members attending the university would such membership be considered unacceptable.

4 S Inquiries with CSIS indicates that the Service does not maintain such lists. During the 60s and 70s the RCMP Security Services maintained group and individual lists, concentrating on community [communist?] activities; however, this has now ceased due to the legal constraints on CSIS and the monumental effort involved. SIS now focuses its efforts on identifying threats to the security of Canada as defined in the CSIS (Extracts
at Annex B)

5 (s) The proposed investigation by CSIS of a domestic extremist groups
?? is subjected to a rigorous approval process, before it may be launched. such investigations, as opposed to the investigation of espionage or terrorism, are the ones in which the government sees the greatest potential for the abuse of Charter rights. Consequently, CSI is subjected to the greatest degree of scrutiny in this field. All proposed investigations of domestic groups re vetted by the Targeting and Resource Committee (TARC) and involve ministerial review.

6 s CSIS investigations of such groups are focused on the leadership and are designed to produce reports and threat assessments for the use of government departments. They do not investigate the full membership of such groups, recognizing that membership or support for the group recognizing that membership or support for the group's ideology does not necessary constitute a threat to security. CSIS clearly recognizes that assessments of an individual's loyalty and reliability cannot be made solely on membership in such groups.

7 (c) Likewise, the RCMP does not maintain lists of extremist groups. The RCMP focuses its efforts on the criminal activities of individuals. They do not investigate groups per se, although they do produce criminal intelligence on groups of individuals acting together criminally, such as outlaw motorcycle clubs ?? As neither is a criminal organization, the RCMP is limited to investigating only those members involved in crime.

8 (C) The RCMP does investigate criminal groups if they are recognized as such. Examples of this would included foreign Triads active in Canada (recognized criminal organizations in their home country), and organized crime groups, as defined in the Criminal Code.

9 (C) Notwithstanding the above discussion, D Secur Ops 2 could, with additional resources, give advice to recruiting officers, commanding officers, and other DND authorities as to the degree of concern some of the more extreme groups constituted this would be in the form of a threat assessment, based on a review of open sources and classified records. The OI would then be in a position to make a reasoned decision as to the next course of action. If an SIU investigation of the individual was also conducted, this would however, continue to be constrained within their security mandate to investigate for security clearance purposes or because the individual's actions or status was suspected of constituting a threat to the CF

CONSTRAINTS ON DND

11.(c) There are no explicit constraints on DND with respect to the creation of such lists; however, there are a number of implicit ones. The Government of Canada has seen fit to constrain CSIS with respect to the type of activity that may be investigated, the way that information can be collected and who may view the information gathered. The CSIS Act empowers this Parliament, the Security intelligence Review Committee and the CSIS Inspector General to ensure CSIS abides by these constraints.

12 (C) DLAW/HRI, DLAW/SIP and DG Secur all agree that it would be inappropriate for DND to act in a less constrained manner. It is for this reason that the Security Intelligence Liaison Programme exists, thereby ensuring that DND does not violate the spirit of the law. DND does not gather security intelligence directly from domestic source but relies on open sources and information obtained from civil police and CSIS (s.13 (i) of the CSIS Act refers).
13 (C) The result of these constraints is that DG SEcur is unable to give assessments on groups not considered a threat by CSIS or civil police, other than what can be obtained through open sources or which can be obtained indirectly as a result of a criminal investigation carried out by military police.

CONCLUSIONS

14 (C) Based on the above discussion, it is concluded that:

a. It would be inappropriate for DND to maintain an official list of groups, membership in which was prohibited, unless the group was in fact illegal; and
B. D Secur Ops 2 could provide general assessments on groups that pose a threat to security, to assist DND authorities in their handling of specific cases. The activities of the individual would still, however, remain the determining factor.
Prepared by CDR PH. Jenkins, D Secur Ops 2
945-5253

Office Available to respond to Questions Col Pc Maclaren D Secur Ops 945
-7263

Date prepared May 18 1993

Annex A

REPRESENTATIVE LIST OF EXTREMIST AND ACTIVIST GROUPS

1 (C) **THERE ARE A LARGE NUMBER OF GROUPS AND Organizations whose actions could represent a threat, whether of security or of embarrassment, to DND.** The following general categories are provided to illustrate the broad nature of extremism and activism as it may affect DND. The appendices provide a list of groups within each category, but are by no means all inclusive or definitive.

2. (C) The categories are meant as a guide and not as a definitive categorization nor does inclusion on the list imply illegal activities or monitoring by Canadian activities may affect DND The division **between left and right wing is based, in a general sense, on the left wing being liberal and individual-oriented and the right wing being conservative and state-oriented.** This does not imply that all groups in a category are exclusively left or right wing.

3. (c) The inclusion of some mainstream social and religious groups on the list does not imply any wrongdoing by such groups but illustrates the difficulties inherent in creating such lists. While the normal activities of such groups presents not concerns for DND**, the activism of some members of those groups could be a threat to normal CF operations or a cause of embarrassment.**

4. LEFT WING GROUPS

A. LEFT WING GROUPS. the loyalty of members of these **is questionable as the group bond is stronger than the nationalist bond. some of these groups are militant as well as advocating the violent overthrow of the Canadian political system**

B. Peace groups generally peaceful, some groups have attempted to hinder cf operations. The presence of peace group members in the cf could pose a risk to the security of information.

C. ENVIRONMENTAL GROUPS
DND's efforts to be environmentally sensitive are not appreciated by all environmental groups. Some, such as the Sea Shepherd Conservation Society advocate the use of violent methods to achieve their goals.

d. Anti-racist Groups
Generally peaceful, some groups have a Trotskyist or Anarchist element that use violence at demonstrations the allegations of white supremacists in the Cf could result in protests against DND

5. (C)
a. right Wing Groups. The advocacy of violence by some of these groups is a threat to security especially of weapons, and also a threat of embarrassment if DND is alleged to be training members of these groups

B. White Supremacists. The growing militancy of these groups and their links with their ore violent US brethren pose a security risk to CF weapons and equipment. Their actions may harm members of visible minorities in the CF and their presence can be a source of embarrassment.

c. Anti-abortionists These groups pose a threat as CF hospitals can perform abortions, and access to this services may be easier than in local hospitals.

d. Religious Extremists. Some of these groups are militant and thus pose a threat to CF assets and personnel. Their activities can also harm the CF indirectly, such as Doukhobors destroying rail lines in B.C.

6. C
a. Asian Triads. The triads do not hesitate to use violence to achieve their goals. They represent a threat to CF weapons and equipment as well as posing a risk of embarrassment should they receive military training.

b. Organized Crime. The most serious threat from organized crime is the risk of subversion. Organized crime in the US has bribed law enforcement and military officials involved in counter- narcotics efforts and similar efforts could be made in Canada.

c. Outlaw Motorcycle Clubs.
The threat from OMC is two fold; CF personnel joining OMC and OMC targeting DND. The former is the result of the OMC lifestyle appealing to certain individuals. Once the individual joins, his loyalty is expected towards the club. In the latter case, OMC have targeted DND in the past for weapons thefts. The continuing involvement of OMC in the trade of prohibited weapons makes this a continuing concern.

7 C SPECIAL INTEREST GROUPS

a. Groups influenced by foreign nations. There are numerous groups and organizations in Canada that serve the interests of foreign nations and not Canada. Should ;members of these groups or organizations join the CF, they pose a serious risk to the safety of CF personnel, assets and information.

b. Groups working against a foreign country. This category includes foreign terrorist groups and expatriate organizations in Canada. The former pose a threat to DND in that they may take terrorist action against DND personnel. facilities or assets. Both groups present the risk of embarrassment and of security to CF assets and information should a member of any of these groups join the CF and receive weapons and military training.

c. Groups working against Canadian interests.
Aboriginal and constitutional extremists are the main components of this category. Members of both groups have committed violent acts and thus pose a threat to DND personnel, assets and facilities. there is also the risk of embarrassment should DND enroll members of these groups

CONFIDENTIAL

APPENDIX 2 TO ANNEX A

LIST OF RIGHT WING GROUPS
Political or Right Wing Groups

White Supremacists
Anti-abortion Groups
Religious Extremists

LIST OF LEFT WING GROUPS
1. POLITICAL GROUPS
2. PEACE GROUPS
3. ENVIRONMENTAL Groups:
4. Anti-racist Groups

Appendix 3
to Annex A

List of Criminal Groups
1. Asian Triads;
2. organized crime
various families throughout Ontario and Quebec with connections to the US
3. Outlaw Motorcycle clubs
Appendix 4
to Annex A

LIST OF SPECIAL INTEREST GROUPS

Groups influenced by Foreign Nations
Groups working Against a Foreign Country
Groups Working Against Canadian Interests

181. 4 MARCH 20002: PHONED TARA RAPLEY, DND ACCESS TO INFORMATION
Russow asked her to request that the names of the groups be released given that it was essentially in the public domain in the Somali tapes. Also Russow asked for information on other military lists.
Tara Rpley said she will contact her superior and call me Wednesday, March 6
Note comment about targeting leaders.
CAROL RAPLY 1(888) 272-8207

182 4 MARCH 2002: PRIVACY REQUEST TO DEPARTMENT OF DEFENCE

PRIVACY REQUEST sent to Debbie Thomas Faxed 613 995-5777
Sent privacy request to Department of Defence March 4, 2002
1. Information on Joan Russow
2. Information on Federal leader of the Green Party of Canada (1997-2001)

183. 4. MARCH 2002: ACCESS TO INFORMATION REQUEST FOREIGN AFFAIRS

184. 5 MARCH 2002: RESPONSE FROM RCMP ACCESS TO INFORMATION

Dr Joan Russow
1230 St. Patrick SO1ATIP-09603
street Victoria

Dear Dr. Russow
Your access to Information Act Request Form dated January 29, 2002 and received here on February O5, 2002

In your request you have listed a number of points that you are interested in obtaining information on. My response to your request will correspond with the points listed on your form

a) this information would best be answered through the PMO's Office as it does not appear to be RCMP information.
b) criteria for placing citizens on the Threat Assessment Groups list is attached. Some of the information was exempted under section 16 (1) (b) of the Access to Information Act.
c) NCO is an acronym for "non-commissioned Officer"
d. No information located concerning an American firm called threat Assessment Group
e. The RCMP does not have any jurisdiction with the RCMP Public Complaints Commission They, the RCMP and RCMP Pubic Complaints Commission are two different agencies
f0 the RCMP has had no control on decision made by Mr. Huges [Hughes. As for your point on" Why did the RCMP claim that Russow behaved inappropriately…" this unit would not be able to answer that question and you may wish to contact the RCMP in Vancouver for an answer to that question
g) Again your question should be directed to the RCMP Public Complaint Commission and not to this agency.
H. it would be the decision of the Justice lawyers a to whom would be called to testify, not the RCMP
i. Deal with the RCMP Public Complaints Commission, not the RCMP
Note that you have the right to bring a complaint before the information Commissioner concerning any aspect of our processing of your request. Notice of complaint should be addressed to

The information Commissioner of Canada

.. Should you have any concerns in the process of your request please contact Cpt AJ Cichelly by writing or at (613 993 2960

J.C. Picard. Supt
Departmental Privacy and Access to Information Coordinator 1200 Vanier Parkway
Ottawa , Ontario National Security investigations Chap no IV 10

G. Threat assessment Program
F 1 General
G 1 a Threat assessment section of Security Offences Branch produces threat assessment for the RCMP Protective Policing Program and assist other government departments prepare their threat assessments

G2 VIP surveillance Subjects
G2 a The VIP Surveillance Subjects Program is maintained by the division NSIS
G b is exempted

G2 c To recommend a person for inclusion in the VIP surveillance system, the investigator will submit form 975 to NSIS or to the section responsible for national security investigations.
G2d The investigator will review and update files for each subject by submitting; G2 d. 1 form ai51 to division NSIS annually;
2. form 975 to division NSIS every three years or earlier if warranted;
3. a new photograph and negative every three years if the subjects' appearance has changed significantly; and
4. form A-151, to request cancellation if a subjects dies
g 2 e If a subject moves to another division, the investigator will inform the NSIS concerned a, and transfer the complete file, through channels, to that division
1.7 Special interest Police
a. Trigger Words –SIP

b. Description- for CPIC entry and record-keeping purposes, this primary category is used to record data on a person who is known to:

1. be dangerous to police, himself/herself or other persons (this includes I a person convicted of a summary conviction offence under provincial legislation relating to a child sex offence or family violence; (ii) a person formerly placed on a peace Bond relation to a child sex offence or family violence whose Peace Bond has not expired;
or (iii) a person who suffers from an apparent emotional or mental health disorder and there are reasonable grounds to believe that the person is, or is likely to be, a threat to himself/ herself or someone else as a result of that disorder;) or
2 have threatened or attempted suicide either when in or out or police custody; or
3 be a foreign fugitive but no warrant is available or the fugitive is not arrestable in Canada or
4. be in danger of family violence; or
5 be involved in or committing criminal offences; or
6. be overdue on a weekend or day pass from a federal penitentiary and a warrant has not yet been issue by correctional Services Canada (once warrant issued. Subject is recorded as Wanted); or 1.7 b 7 be a high risk for future violent conduct and demonstrate a high potential for prosecution as a dangerous offender under Part DDIV of the Criminal Code, as judged by a crown Prosecutor (see also section 2, OPT and REM keywords); or 8i. be released by the Board of Review on a vacated Warrant of Committal and no probation conditions are in effect; or
09 have been absolutely discharged by a Review Board under Section 672 54 (a) CC, having previously been found Not Guilty by Reason of Insanity or Not criminally Responsible on Account of Mental Disorder, and not street enforceable conditions are in effect; or
10 be a hostage-taker; or
11 be an applicant for a pardon from the National Parole Board

185. **MARCH 19 2001:** PRIVACY REQUEST FOR ALL PERSONAL INFORMATION HELD BY RCMP SINCE 1963 SPECIFICALLY REASONS FOR PLACING ME ON APEC THREAT ASSESSMENT LIST NOT INCLUDED.
ACCESS TO INFORMATION

Request filed January 19, 2002 and received February 5, 2002
1. Reasons for placing Joan Russow on a Threat Assessment Group list
RESPONSE:
a. This information would best be answered through the PMO's office as it does not appear to be RCMP information.

COMMENT: The Threat Assessment Group List is an RCMP list and the RCMP name is on the list on which Russow's picture and information was placed.
The RCMP did reveal the process that is followed when an individual is placed on a threat assessment list. In order to place an individual on a Threat Assessment list prepared for the RCMP Protective Policing Program , under G 2.c To recommend a person for inclusion in the VIP surveillance system, the investigation will submit form 975 to NSIS or to the section responsible for national security investigations. Presumably, the RCMP prior to placing Russow on a list would have had to fill out a 975 form. Access to the 975 form.

Under G2 d the investigator will review and update files for each subject by submitting

G2 d. 1 FORM A--151 to division NSIS annually

2. from 975 to division NSIS every three years or earlier if warranted;
3. a new photograph and negative every three years if the subject's appearance has changed significantly;

2. Reasons for ignoring Christine Price's testimony that she had had a directive from Brian Groos from the PMO to prevent Russow from attending the APEC meeting.

NO RESPONSE

COMMENT:

3. Criteria for placing citizens on Threat Assessment Group lists
RESPONSE;
b. criteria for placing citizens on the Threat Assessment Group list is attached Some of the information was exempted under section 16 (1) (b) of the Access to Information Act.

4. What is the NCO-an acronym that was placed on the TAG list
RESPONSE: NCO is an acronym for "Non-Commissioned Officer"

5. What connection did the RCMP have with the registered American firm, Threat Assessment Group list
RESPONSE: No information located concerning an American firm called Threat Assessment Group

6. What were the reasons that Russow was not permitted to be part of the RCMP public Complaints Commission hearing
RESPONSE: The RCMP does not have any jurisdiction with the RCMP Public Complaints Commission. They, the RCMP and RCMP Public Complaints Commission are two different agencies.
COMMENT: The difference between the two agencies is not clear. For example, interviews were carried out by the RCMP during the RCMP public Complaints Commission.

7. Why did Commissioner Hughes refuse to permit Russow to address the misstatement of fact by Constable Boyle, and why did the RCMP claim that Russow behaved inappropriately on a media bus going to UBC or out at UBC when Russow was never on a media bus and was never at UBC during the APEC inquiry
RESPONSE: The RCMP has/had no control on decisions made by Mr. Hughes. As for your point on "why did the RCMP claim that Russow behaved inappropriately." This unit would not be able to answer that question and you may wish to contact the RCMP in Vancouver for an answer to that question.
COMMENT: Constable Boyle who testified at the RCMP Public Complaints Commission was asked why Joan Russow's pass was pulled. She replied that it was because Russow had behaved inappropriately on a media bus going out to UBC. When Russow's lawyer contacted Boyle, Boyle claimed that the RCMP had given her that information. The RCMP was continually influencing the functioning of the Commission.

8. What role did Storrow have in preventing Russow from being part of the RCMP Public Complaints Commission
Again, your question should be directed to the RCMP Public Complaints Commission and not this Agency

9. Why was Christine Price who under oath stated to the RCMP that there had been a directive from the PMO not called upon to testify
RESPONSE: Deal with the RCMP Public Complaints Commission not the RCMP

10 Why did the RCMP Complaints Commission fail to address the issue of the interference by the PMO with the RCMP
RESPONSE: Deal with the RCMP Public Complaints Commission not the RCMP

186. **JANUARY 29 2002:** NO RESPONSE FROM RCMP

RESPONSE TO FILE O1ATIP-09693
INCLUDED Access to Information Act
article 16 (1) see section. Operational National security investigations

G. Threat Assessment Program
G. 1 General
G. 1 a Threat Assessment Section of Security Offences Branch, produces threat assessments for the RCMP Protective policing Program and assists other government departments prepare their threat assessments
G2 VIP Surveillance subjects
G2 a The VIP surveillance subject Program is maintained by the division NSIS
G2b exempt (16 (1) b Access to Information Act
G. 2c To recommend a person for inclusion in the VIP surveillance system, the investigator will submit form 975 to NSIS or to the section responsible for national security investigations
G2 d. 1 FORM A--151 to division NSIS annually
2. from 975 to division NSIS every three years or earlier if warranted;
3. a new photograph and negative every three years if the subject's appearance has changed significantly; and
4. form A-151-1 to request cancellation if a subject dies
G. 2 e If a subject moves to another division, the investigator will inform the NSIS concerned, and transfer the complete file, though channels, to that divisions

CPIC Reference manual Chapter 111 4 Persons File
BLANK AREA
1.7. Special Interest Police
a. Trigger Word-SIP
b. Description - For CPIC entry and record-keeping purposes, this primary category is used to record data on a person who is KNOWN TO:

1. be dangerous to police , himself/herself or other persons (this includes i. a person convicted of a Summary Conviction offence or offence under provincial legislation, relating to a child sex offence or family violence; (ii) a person formerly placed on a Peace Bond relating to a child sex offence or family violence whose Peace Bond has now expired; and iii] a person who suffers from an apparent emotional or mental health disorder and there are reasonable grounds to believe that the person is, or is likely to be, a threat to himself/herself or someone else as a result of that disorder; 0 or
2. have threatened or attempted suicide either when in or out of police custody; or
3. be a foreign fugitive but no warrant is available or the fugitive is not arrestable in Canada; or
4. be in danger of family violence; or
5. be involved in or committing criminal offences; or
6. be overdue on a weekend or day pass from a federal penitentiary and a warrant has not yet been issued by Correctional Services Canada (once warrant issued, subject is recorded as Wanted); or

111-4 13

1.7 b. be a high risk for future violent conduct and demonstrate a high potential for prosecution as a dangerous offender under Part XXIV of the Criminal Code, as judged by a Crown Prosecutor (see also section 2, OPT and REM keywords); or
8 be released by the Board of Review on a vacated Warrant of Committal and no probation conditions are in effect; or
9. have been absolutely discharged by a Review Board under Section 672. 54 (a CC, having previously been found Not Guilty by Reason of Insanity or Not Criminally Responsible on Account of Mental Disorder, and no strict enforceable conditions are in effect; or
10 be a hostage-taker; or
11. be an applicant for a pardon from the National Parole Board.
Access to Information Requests: Update January 29, 2002

187. 12 MARCH 2002: RESPONSE FROM ETHICS COMMISSIONER

The office of the Ethics Counselor is responsible for the administration of the conflict of Interest and Post Employment Code for public Office Holders. This code applies to federal government Ministries and their staff, parliamentary Secretaries and to Governor in council appointees, such as deputy heads of federal departments and the heads of federal crown agencies....

Our office is not a general ombudsman office which can respond to all questions and I am therefore unable to assist you.

Thank you, however, for contacting us.

188. 14 MARCH 2002: RESPONSE TO ACCESS REQUEST BY PRIVY COUNCIL

Government of Canada
Privy Council Office

Ms Joan Russow
1230 ST. Patrick Street
Victoria, British Columbia
V8S 4Y4

Dear Ms Russow:

This is in regard to your access request for reason for giving direction to the RCMP in 1997 to prevent Russow from attending APEC-November 1997. Reason for placing Russow on the APEC threat assessment group (s). The Privy Council Office received the request on February 5, 2002

In processing your request we have found it necessary to search through a large amount of records. As a result, an extension of up to 45 days beyond the 30 day statutory deadline is required to complete your request

Please be advised…

Ciuineas Boyle
Coordinator

189. 18 MARCH 2002: LETTER REQUESTING AN EXTENSION OF 60 DAYS

Dear Ms Russow

This is in regard to your access request for information about the direction to Christine Price from the PMO to prevent Joan Russow from attending the APEC summit and the resulting consequence that Joan Russow was placed on an RCMP Threat Assessment Group list in 1997. The Privy Council Office received the request on February 6, 2002

Reason for giving direction to the RCMP in 1997 t prevent Russow from attending APEC November 1997.

Reason for placing Russow on the APEC THREAT ASSESSMENT GROUP.

Joan Russow (PhD)
National leader of the Green Party of Canada (April 1997-March 2001)
1 250 598-0071

The Privy Council office received the request on February 5, 2002 in processing your request we have found it necessary to search though a large amount of records. As a result, an extension of up to 60 days beyond the 30 day statutory deadline is required to complete our your request.

Please be advised that you are entitled to bring a complaint regarding the processing for this request to the information commission

Cineas Boyle
Access to Information

190. 28 MARCH 2002: FOLLOW-UP TO LETTER TO THE ETHICS COMMISSIONER

Office of the Ethics Counselor
22nd Floor
66 Slater Street
Ottawa, Ontario
K1A 0C9

Tel. 1 613 995-0721
Fax- 1 613 995 7308

On March 4, 2002 I sent you a document outlining a blatant example of conflict of interest on the part of the Prime Minister when there was a directive to the RCMP from the PMO to prevent me from attending the APEC meeting in 1997. It is possible that as a result of that directive I was placed on a RCMP Threat Assessment list.

Not only is a directive from the Prime Minister to exclude a leader of a registered party from attending a meeting evidence of conflict, but also the placing of a leader of a political party on a Threat Assessment list is evidence of violation of Charter Rights and of discrimination on the ground of "political opinion" which is one of the listed grounds in the International Covenant of Civil and Political Rights to which Canada is a signatory.

In the letter from your office dated March 12, you indicated that you could not address the issue that I raised, [which if you had read my correspondence you would know that it was conflict of interest] because you are responsible for the administration of the Conflict of Interest from Public Office holders. I presume that both the Prime Minister of Canada and the Minister of the Environment are "public office holders"

In the documents that were sent to me as partial fulfillment of my Access to Information request;

In the June 16, 1994 release from the Prime Minister's Office, it was indicated that there would be a "comprehensive package of measure to help promote public trust in national institutions."

In the Hansard report from June 16, 1994, Right Hon. Jean Chrétien stated " I rise today to talk about trust; the trust citizens place in their government, the trust politicians earn from the public, the trust in institutions that is a vital to a democracy as the air we breathe, a trust that once shattered, is difficult , almost impossible to rebuild. Since our election in October no goal has been more important to this government, or to me personally as Prime Minister than restoring the trust of Canadians in their institutions. When we took office there was an unprecedented level of public cynicism about our national institutions and the people to whom they were entrusted by the voters. The political process had been thrown into disrepute. people saw a political system which served its own interests and not those of the public when trust is gone the system cannot work. That s why we have worked so hard to re-establish those bonds of trust. The most important thing we have done is to keep our word. We have broadened the powers and responsibilities of the ethics counselor from what we laid out n the red book. In the red book, the ethics counselor was to deal with the activities of lobbyists but as we started examining implementation, it became clear that this will only address half of the problem basically from the outside in. We wanted to be sure that our system would also be effective at withstanding lobbying pressure from the inside. That's why we have decided to expand the role of the ethics counselor to include conflict of interests. By merging the Ethics counselor's function with the Assistant Deputy Registrar General['s existing role in enforcing guidelines on conflict of interest, we will have both a stronger and more unified oversight role, one with real teeth and strong investigative powers...

... Public service is a great calling. Public service is a very honourble profession A public calling is the desire of all of use t try to make society better for all our citizens. ...

First the Ethics Counselor must be appointed not by the government but by the House of Commons. The Ethics Councilor should hold his mandate from Parliament. That would considerably increase his authority, his powers and his ability to intervene directly in anything related to the way government operates. Remember this is no ordinary appointment. This is the person who will have the authority to intervene in the way government manages its affairs, in Cabinet ministers; personal ethical conduct vis-a vis their public responsibilities, even in decisions the Prime Minister. the person who will be able to make sure that the conduct of whatever Prime Ministers the future may produce will be consistent with the ethical standards that have been set. So the person holding this position will be that much more comfortable and the public will be that much more confident with what he will carry out his duties as he should, f he is under the ultimate authority of Parliament. That is why I would urge the Prime Minister to consider the need, as I see it, to submit this appointment to Parliament as a government recommendation to be endorsed by Parliament, so that the Ethics Counselor would be answerable directly to Parliament. When Howard Wilson appeared before the House of Commons standing Committee on Industry on May 6 1999.

When asked by Ms Francine Lalonde Is our position a political position? your are not a member of the public service? Mr. Wilson responded Ye I am I'm a public servant. That has not changed. By the end of this month I will have been a public servant for 35 years. I'm still a public servant, … a career public servant. Ms Francine Lalonde in a follow up question " but what is special about you as a public servant is that you take your orders from the Prime Minister alone, if I understand correctly with regard to possible conflicts of interest on the part of Ministers. and you responded>

"no I wouldn't describe it that way. I think of it as receiving directives. In fact, if we talk about my reporting relationship, then we'll talk about the responsibility of the Prime Minister for the conduct of his government and his choice that on this matter he wanted somebody to do this for him and that was the essence of the position. It was very important, I think that it be a public servant who does his, because I'm expected to be the person who tries to say why we've done this and why I made this kind of recommendation. So the responsibility he has given me for the code is that I and my

colleagues administer the code and indicate to ministers what they must do if they are to be in compliance with the code, and I have the full support f the Prime Minister for that."

I believe that it is certainly within your mandate to investigate conflict of interest that could result from the Prime Minister interfering with the right of assembly of a leader of a registered political party. In addition, in the case of David Anderson, it was also a conflict of interest to discredit me through having his supporters file a complaint to Elections Canada during a campaign when I was running against him as a candidate.

Conflict of interest does not only arise when there is an exchange of funds; it also arises when the Prime Minister or a Minister act in an unethical way that could bring about discrimination on political grounds of a fellow leader of a political party or of a fellow candidate.

I hope that you will reconsider my request for an investigation by your office into the ethics of the Prime Minister's office giving a directive to the RCMP to prevent me from attending a meeting and discrediting me by placing me on an RCMP threat assessment list.

I hope that you will give this complaint against the unethical behaviour arising from conflict of interest by the Prime Minister and one of his Ministers your immediate attention.

Although through Access to Information I received some information, I have not received the following:

2. Documentation on procedures followed when there is a request to "speak truth to power" related to the Prime Minister's direction to the RCMP
3. Evidence of an investigation carried out by the Ethics Commissioner on the Prime Minister's interference with the functioning of the RCMP at APEC in 1997
4. Evidence of conflict of interest in Prime Minister's instruction to the RCMP to prevent a leader of another political party from attending a meeting
5. Evidence of the reasons supporting the decline by the Ethics commissioner to investigate Joan Russow's request

(i)to examine the conflict of interest of the Prime Minister, or his office giving a directive to the RCMP to prevent a leader of a registered political party, Dr Joan Russow, from attending an event, and bringing about the defamation of Russow's character by placing Russow on a threat assessment list.
(ii) to investigate the conflict of interest of Brian Groos, a friend of David Anderson, acting on behalf of the government in instructing the RCMP to prevent Russow, who had run in an election against David Anderson in the 1997 election, and to contribute to Russow being placed on an RCMP threat Assessment list, which has brought about the defamation of Russow's character.

I have consequently filed a complaint with the Access to Information officer. I do, however, expect you to address the above conflict of interest.

Yours Truly

Joan Russow (Ph.D)
1 250 598-0071.

191. 28 MARCH 2002: REQUEST TO ACCESS TO INFORMATION TO DEPARTMENT OF INDUSTRY

Attention: Denis Vaillancourt
March 28,2002

FAX: 1 613 -941 3085
TEL 613 941 8431

This is to follow-up our phone conversation on March 28 2002 about my access to information request:

1. Documentation on the appointment procedures for the Ethics Commissioner, for the mandate of the Ethics Commissioner, and for definitions of Conflict of Interests
2. Documentation on procedures followed when there is a request to "speak truth to power" related to the Prime Minister's direction to the RCMP
3. Evidence of an investigation carried out by the Ethics Commissioner on the Prime Minister's interference with the functioning of the RCMP at APEC in 1997
4. Evidence of conflict of interest in Prime Minister's instruction to the RCMP to prevent a leader of another political party from attending a meeting
5. Evidence of the reasons supporting the decline by the Ethics commissioner to investigate Joan Russow's request
(i)to examine the conflict of interest of the Prime Minister, or his office giving a directive to the RCMP to prevent a leader of a registered political party, Dr Joan Russow, from attending an event, and bringing about the defamation of Russow's character by placing Russow on a threat assessment list.
(ii) to investigate the conflict of interest of Brian Groos, a friend of David Anderson, acting on behalf of the government in instructing the RCMP to prevent Russow, who had run in an election against David Anderson in the 1997 election, and to contribute to Russow being placed on an RCMP threat Assessment list, which has brought about the defamation of Russow's character.

Yours truly

Joan Russow1230 St Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

192. **MARCH 28, 2002:** LETTER SENT IN REFERENCE TO FAILURE OF RCMP TO SUPPLY INFORMATION AND THE CONTINUED USE OF SECTION 16 (1)

Hon John Reid,
Access to Information Commissioner,
Ottawa, Ontario,
Canada
I would like to file a complaint about the continual use of section 16 (1) of the ACCESS TO INFORMATION ACT.

16 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains
(a) information obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to
(i) the detection, prevention or suppression of crime, or
(ii) the enforcement of any law of Canada or a province, if the record came into existence less than twenty years prior to the request;
(b) information relating to investigative techniques or plans for specific lawful investigations;
(c) information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province ore the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information
(i) relating to the existence or nature of a particular investigation;
(ii) that would reveal the identity of a confidential source of information, or
(iii) that was obtained or prepared in the course of an investigation; or
(d) information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

193. **29 MARCH 2002:** ACCESS TO INFORMATION CSIS FOLLOW-UP TO GAGE'S LETTER

Access to Information
CSIS

Request Faxed: March 29, 2002

On February 11, 2000, my lawyer Andrew Gage, submitted a request on my behalf to your agency, and paid the required $5 fee (see enclosed letter). He did not receive any response. Last month I filed a complaint with the Access to Information Commissioner, and was told that the period for a complaint had expired, and that I was, however, advised of the possibility of submitting the request again. I thus am submitting the request for information again. As a result of subsequent information that I have received from other departments, I will be extending the request.

To demonstrate that the process of Access to Information is fair and equitable, I expect your department to issue an apology in writing for your failing to respond to Andrew Gage's request, and for you to proceed in good faith with disclosing the following information without charging me for the research. Often, ordinary citizens are deprived of the right to access to information because of the cost.

I expect you to give this request your immediate attention.

Yours truly

Dr. Joan Russow

ORIGINAL REQUEST
February 11, 2000 Letter from Andrew Gage Barrister & Solicitor
Re: Access to Information Request

Re: Access to Information Request

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-I, I a writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:
a) Threat Assessment Lists or other circulars, updates, communications, directives orders or other documents, which identify Dr. Russow or the Green Party of Canada or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (The APEC Conference")
b) Complaints, reports, directives, or other documents related n any manner to the decision to include Dr. Russow on any documents described in (a)
c) Communications, reports, statements, notes or other documents related, to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
d (Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

Yours truly

Andrew Gage

1230 Patrick St.
Victoria,
B.C. V8S 4Y$

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d (Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

* Written explanation about why CSIS refused to respond to Andrew Gage's request

EXTENDED REQUEST

1. Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights
2. Information about Joint division (see diagram below) which prepared a list of Activist groups
3. Documentation advising the Military on scope, legalities and propriety of the question of screening "activists" from CF
4. Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening "activists" from CF
5. Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act.
6. Mandate to DG Secur to prepare a list of activist groups
7. Copy of legal document from Minister of Justice: Re: preparing a list of activists
8. Nature of records and open sources used in preparing lists for D. Secur OP-- Specifically sources for including Joan Russow and/or the Green Party of Canada
9. Guidelines for deciding at which point in the extremist/activist continuum activities become unacceptable
10. Documents related to CIS regarding approval process related to domestic extremist groups
11. Documents related to criteria used by the Targeting and Resource Committee (TARC) related to domestic activists.
12. Documents related to the list of domestic activists vetted by TARC and reviewed by the Minister.
13. Given that TARC focuses on the leadership of designated groups and issues a Report, copy of report issued on Joan Russow as the leader of the Green Party of Canada or the Report issued to justified the Green Party of Canada being placed on a **list …**
14. As CSIS does not investigate the full membership only the leader, and given that as a result of consultation with CSIS, The Green Party was listed in D- Secur Lists D-Secur Ops 2, documents related to this process
15. Documents on what constitutes the definition of "crime" and about the role of the OPI and SIV
NOTE KEN HORN FROM CSIS CLAIMS THAT CSIS NEVER RECEIVED THE REQUEST FROM ANDREW GAGE

194. 29 MARCH 29 2002: FAXED ACCESS TO INFORMATION REQUEST TO CSIS

1230 Patrick St.
Victoria,
B.C. V8S 4Y4
1 (250) 598-0071

Access to Information
CSIS
Request Faxed: March 29, 2002

On February 11, 2000, my lawyer Andrew Gage, submitted a request on my behalf to your agency, and paid the required $5 fee (see enclosed letter). He did not receive any response. Last month I filed a complaint with the Access to Information Commissioner, and was told that the period for a complaint had expired, and that I was, however, advised of the possibility of submitting the request again. I thus am submitting the request for information again. As a result of subsequent information that I have received from other departments, I will be extending the request.

To demonstrate that the process of Access to Information is fair and equitable, I expect your department to issue an apology in writing for your failing to respond to Andrew Gage's request, and for you to proceed in good faith with disclosing the following information without charging me for the research. Often, ordinary citizens are deprived of the right to access to information because of the cost.

I expect you to give this request your immediate attention.

Yours truly

Dr. Joan Russow

ORIGINAL REQUEST

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-I, I a writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:

a) Threat Assessment Lists or other circulars, updates, communications, directives orders or other documents, which identify Dr. Russow or the Green Party of Canada or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (The APEC Conference")
b) Complaints, reports, directives, or other documents related in any manner to the decision to include Dr. Russow on any documents described in (a)
c) Communications, reports, statements, notes or other documents related, to Dr. Russow’s application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
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13. Given that TARC focuses on the leadership of designated groups and issues a Report, copy of report issued on Joan Russow as the leader of the Green Party of Canada or the Report issued to justified the Green Party of Canada being placed on a list of "**groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND**
14. As CSIS does not investigate the full membership only the leader, and given that as a result of consultation with CSIS, The Green Party was listed in D- Secur Lists D-Secur Ops 2, documents related to this process
15. Documents on what constitutes the definition of "crime" and about the role of the OPI and SIV

NOTE:Ken Horn from CSIS claims that csis never received the request from Andrew Gage, and proposed a restructuring of the request which was done on April 20

note: that through access to information Russow received a DND document that was prepared in May 1993 by d-secur ops

in a previous DND document concern was expressed about whether this list of extremist was in line with the Charter and with csis and that there would be consultation. In the following statement it appears that csis and legal staff were consulted. yet when Russow asked through access to information about the consultation with CSIS, CSIS claimed TO BE UNAWARE OF THIS CONSULTATION.

DISTRIBUTION LIST

MEMORANDUM
2106-17-9 (D SECR OPS)

DISTRIBUTION LIST
Extremist and activist organizations
Membership by members of the Canadian forces

ref: DM.CDS Meeting to consider Somalia Incidents
1000 hrs 12 My 93

1. The enclosed Briefing Note is in response to direction given at a 12 May 93 meeting and addresses the scope, legality and propriety of the question of screening "activists" from the CF
2. CSIS, the RCMP and Departmental legal staff were consulted in the preparation of this note. The Briefing note contains an explanation of the limitations up CSIS activities in similar areas. It is clear that Project SIROS though valuable in precisely such situations

as the CF now finds itself, is close to the limit of the acceptable under both the Charter and a government policy which is implied by the CSIS Act.

L.E Murray
Vadm
982-3355

Distribution List
CDS
DM
ADM
Jac

National Defence Headquarters
Secret
Unclassified with enclosure removed.

195. APRIL 2002

[Following through with suggestion by Judge Hargrave to seek further information, Russow thought perhaps she was deemed to be a threat because of the work that she had done criticizing the department of Natural Resources. on a television program a person with whom she worked previously had found out that he had been targeted by the government; Russow had worked with him on similar natural resources issues]

196. 1 APRIL 2002: FILED ACCESS TO INFORMATION WITH NATURAL RESOURCES

197. 2 APRIL 2002: RESPONSE FROM SOLICITOR GENERAL RE: EXCLUSIONARY CLAUSE USED IN PRIVACY REQUEST RESPONSE

198. 3 APRIL 2002: RESPONSE FROM PRIVACY REQUEST FROM CSIS

April 2002

Dear Ms Russow:

I am writing in reply to your request under the Privacy Act dated March 29, 2002 for your personal information, including information exempted under section 21 of the Act in response to your January 23, 2002 request.

As stated in my February 18, 2002 reply to your earlier request , you were provide with all the records this department has on you; on one of the records (page two of a House of Commons Book document dated 1999/09/28) a small amount of information was exempted under section 21 for national security reasons. You have lodged a complaint with the Privacy Commissioner concerning the response to your earlier request; as such our use of section 21 will be reviewed by the Commissioner's office, and you will be advised of the outcome of the investigation.

Sincerely,

Duncan Robert
Coordinator, Access to Informaton and Privacy

Canadian Security Intelligence Service/Service canadien du renseignement de securite
116-2001
April 3 , 2002

Ms. Joan Russow 1230
St. Patrick Street Victoria,
British Columbia V8S 4Y4

Dear Ms. Russow:
This is further to your Privacy Act request of March 29, 2002, received by the Canadian Security Intelligence Service on April 3, 2002, concerning:
1. All information about Dr. Joan Russow;
2. All information about Leader of Green Party of Canada (April 97 - March 02);
3. All information about Joan Russow and Global Compliance Research Project.

The Access to Information Act provides members of the public with a right of access to nonpersonal records held by government institutions. These include manuals, policy, budget and other categories of documents which do not contain information about identifiable individuals. Any information which might exist concerning yourself should be requested under the Privacy Act. We are not able to process your application at this time because when you make a request for access to records under this Act, a $5.00 application fee must be enclosed for each request. As soon as we receive the fee required, your application will be processed.

If you wish to submit a Privacy Act request, we are not able to process your request at this time due to a lack of required information. To assist you in submitting a complete request please find enclosed a copy of the Service's chapter in Info Source, which describes all of the different categories of personal information maintained by the Service. These are also known as personal information banks. To file a request you may complete one of the enclosed request forms. The banks you wish to access must be noted in your application. In doing so, please quote either the title or number (SIS PPU XXX) assigned to that particular bank, or both. In order to verify your identity, we require your full name as well as your date of birth (DOB) on the form.
If you have access to the Internet, further information on how to file a request is available at the Treasury Board Web site at www.tbs-sct.gc.ca/ gos s-sog/infosource. Should you wish to obtain clarification concerning your request, please direct your inquiry to us at one of the numbers at the bottom of this letter or write to the address indicated. Please provide the file number at the top of this letter for reference purposes.
Yours sincerely,
Laurent Duguay Access to Information and Privacy Coordinator
Attachments
P.O. Box 9732, Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

199. 4 APRIL 2002: LETTER TO HON LAWRENCE MACAULAY SOLICITOR

FAX 613-990-9077, FAX: 613 993 7062
Hon. Lawrence MacAulay, Solicitor General of Canada
Sir Wilfred Laurier Bldg
340 Laurier Ave. W.
Ottawa, Ont. K1A OP8 April 4. 2002

Dear Minister,

In your submission to the Senate on Bill 36, the Anti-terrorism Act, you stated that "it is now crystal clear that the scope of any threat to our way of life means that more must be done now and in the future."

Through the Freedom of information process within your department, I received information that there is information about me that cannot be released. This information has been excluded under existing legislation as being related to military and international security.

You indicated in your presentation to the Senate that "there are strong mechanisms already in place that will continue to ensure effective control and accountability The Courts and civilian oversight

bodies provide essential checks and balances to ensure the integrity of the police [RCMP, CSIS as well?] the freedom to question any perceived wrongdoing is central to a law enforcement system that reflects and protects our core values of freedom, democracy and equality. "

I believe that I have the right to know the nature and extent of the information that is contained in your files so as to correct whatever information, on me, that you have interpreted as being contrary to " our core values of freedom, democracy, and equality, or being "a threat to our way of life"

It is against the CSIS act to target citizens engaged in legitimate dissent.

For years, I have been attempting to remove what I perceive to be threats to our way of life, such as government and corporate practices that destroy the environment, that contribute to the escalation of war and conflict, that endanger the health of citizens, that deny social justice and that violated human rights.

I believe that you misled the Senate in claiming that there are strong mechanisms in place when your department relies on exclusionary clauses within the Privacy Act, and within the Access to Information Act to deny a citizen the right to know what personal information is being deemed to a threat to military and international security.

I hope that you will address this matter immediately.

Yours truly

Joan Russow (Ph.D)
1230 St Patrick St Victoria, B.C. V8S 4Y4 1 250 598-0071

200. 10 APRIL 2002: PRIVACY REQUEST CSIS IN VARIOUS CSIS BANKS

Attention Laurent Dugby
Access to Information and Privacy Coordinator
FAXED: 613 842 1271

April 10, 2002

Dear Mr. Dugby

In response to your letter of April 2, I am submitting the following privacy request; an Access to Information request will follow.

Could you please access the following banks for personal information on

-Joan Elizabeth Russow, born November 1st ,1938
- the Federal leader of the Green Party of Canada [Russow, April 1997 - March 2001]
- Joan Russow as co-ordinator of the Global Compliance Research Project.

from the following banks:

1. Bank Number: SIS PPU O20

2. Bank Number: SIS PPU 045

3 Bank number SIS PPU 015

4. Bank Number: SIS PPU 005

Thank you for your assistance in giving this request your immediate attention.

Yours truly

Joan Russow

201. 13 APRIL 2002: CSIS ATIP PHONED AND ASKED TO REDO REQUEST COMPRESSING ITEMS AND PAYING 5$ FOR EACH STATEMENT CSIS WILL SEARCH BANKS. BUT WILL NOT RELEASE ANY INFORMATION IF THE INFO WAS PART OF A PAST OR CURRENT INVESTIGATION

202. 14 APRIL 2002: RESPONSE FOR REQUEST FOR CSIS MANDATE

The CSIS Mandate

The Canadian Security Intelligence Service (CSIS) was created by an Act of Parliament in 1984, following the McDonald Commission of Inquiry of the late 1970s and the MacKenzie Commission of the 1960s. The CSIS Act established a clear mandate for the Service and, for the first time, legislated a framework of democratic control and accountability for a civilian Canadian security intelligence service. The Act created CSIS as a domestic service fulfilling a uniquely defensive role investigating threats to Canada's national security.

In meeting its mandated commitments, CSIS provides advance warning to government departments and agencies about activities which may reasonably be suspected of constituting threats to the country's security. Other government departments and agencies, not CSIS, have the responsibility to take direct action to counter the security threats.

CSIS does not have law enforcement powers, therefore, all law enforcement functions are the responsibility of police authorities. The splitting of functions, combined with comprehensive legislated review mechanisms, ensures that CSIS remains under the close control of the federal government.

In its early years, much of the Service's energy and resources were devoted to countering the spying activities of foreign governments. Time has passed however, and as the world has changed, so has CSIS.

In response to the rise of terrorism worldwide and the demise of the Cold War, CSIS has made public safety its first priority. This is reflected in the high proportion of resources devoted to counter-terrorism. CSIS has also assigned more of its counter-intelligence resources to investigate the activities of foreign governments that decide to conduct economic espionage in Canada in order to gain an economic advantage or try to acquire technology in Canada that can be used for the development of weapons of mass destruction.

Concurrent with these operational changes, CSIS has matured into an organization with a flexible, dynamic structure and, most importantly, an ingrained understanding of its responsibilities and obligations to Canadians. The Service's main purpose is to investigate and report on threats to the security of Canada. This occurs within a framework of accountability to government as well as respect for the law and the protection of human rights. Nowadays, it also means being more open and transparent to the people it serves. There are some limits on what the Service can discuss; that is the nature of the work, but CSIS is anything but a secret organization.

The Canadian way of life is founded upon a recognition of the rights and freedoms of the individual. CSIS carries out its role of protecting that way of life with respect for those values. To ensure this balanced approach, the CSIS Act strictly limits the type of activity that may be investigated, the ways that information can be collected and who may view the information. The Act provides many controls to ensure adherence to these conditions.

Information may be gathered, primarily under the authority of section 12 of the CSIS Act, only on those individuals or organizations suspected of engaging in one of the following types of activity that threaten the security of Canada, as cited in section 2:

1. Espionage and Sabotage

Espionage: Activities conducted for the purpose of acquiring by unlawful or unauthorized means information or assets relating to sensitive political, economic, scientific or military matters, or for the purpose of their unauthorized communication to a foreign state or foreign political organization.

Sabotage: Activities conducted for the purpose of endangering the safety, security or defence of vital public or private property, such as installations, structures, equipment or systems.

2. Foreign-influenced Activities

Activities which are detrimental to the interests of Canada, and which are directed, controlled, financed or otherwise significantly affected by a foreign state or organization, their agents or others working on their behalf.

For example: Foreign governments or groups which interfere with or direct the affairs of ethnic communities within Canada by pressuring members of those communities. Threats may also be made against relatives living abroad.

3. Political Violence and Terrorism

The threat or use of acts of serious violence may be attempted to compel the Canadian government to act in a certain way. Acts of serious violence are those that cause grave bodily harm or death to persons, or serious damage to or the destruction of public or private property and are contrary to Canadian law or would be if committed in Canada. Hostage-taking, bomb threats and assassination attempts are examples of acts of serious violence that endanger the lives of Canadians. Such actions have been used in an attempt to force particular political responses and change in this country. Exponents and supporters of political violence may try to use Canada as a haven or a base from which to plan or facilitate political violence in other countries.

Such actions compromise the safety of people living in Canada and the freedom of the Canadian government to conduct its domestic and external affairs.

4. Subversion

Activities intended to undermine or overthrow Canada's constitutionally established system of government by violence. Subversive activities seek to interfere with or ultimately destroy the electoral, legislative, executive, administrative or judicial processes or institutions of Canada.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

Security Screening

As well as investigating the four types of threats to Canadian security, CSIS provides security assessments, on request, to all federal departments and agencies with the exception of the RCMP and the Department of National Defence, which conduct their own. These assessments are made with respect to applicants for positions in the Public Service of Canada requiring a security clearance and for immigration and citizenship applicants.

Security Assessments

The purpose of security assessments is to appraise the loyalty to Canada and reliability, as it relates thereto, of prospective government employees. The intent of the exercise is to determine whether persons being considered for security clearances are susceptible to blackmail or likely to become involved in activities

detrimental to national security as defined in section 2 of the CSIS Act. The assessments serve as a basis for recommending that the deputy head of the department or agency concerned grant or deny a security
clearance to the individual in question. Security assessments are conducted under the authority of sections 13 and 15 of the CSIS Act.

The designated manager in the department or agency determines the security clearance level required for the position to be filled in accordance with the standards set out in the Government Security Policy. CSIS then conducts the appropriate checks. The duration and depth of the investigation increase with the clearance level.

Immigration and Citizenship

Sections 14 and 15 of the CSIS Act authorize the Service to provide security assessments for the review of citizenship and immigration applications to the Department of Citizenship and Immigration.

The assessments provided by the Service for this purpose pertain to the provisions of section 2 of the CSIS Act that deal with threats to the security of Canada. The Department of Citizenship and Immigration uses these assessments to review immigration applications in accordance with the inadmissibility criteria set out in section 19(1) of the Immigration Act. On 1 February 1993, this Act was amended to include, in section 19(1)(e), the terms "terrorism" and "members of an organization". This measure has increased the pertinence of CSIS assessments. Moreover, the inadmissible classes now include, in section 19(1)(f), persons who have engaged, or are members of an organization that has engaged, in acts of terrorism or espionage.

The same practice is followed for citizenship applications. They too are examined on the basis of the definition of threats to the security of Canada set out in section 2 of the CSIS Act, and security assessments are provided under section 19 of the Citizenship Act.

Questions & Answers

How and when was CSIS created?

CSIS was created by the passage of an Act of Parliament (Bill C-9) on June 21, 1984. The Service began its formal existence on July 16, 1984.

What does CSIS do?

CSIS has a mandate to collect, analyze and retain information or intelligence on activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and in relation thereto, report to and advise the Government of Canada. CSIS also provides security assessments, on request, to all
federal departments and agencies, with the exception of the RCMP and the Department of National Defence.

What organization collected security intelligence before CSIS was created?

Prior to June 21, 1984, security intelligence was collected by the Security Service of the Royal Canadian Mounted Police. CSIS was created because the Government of Canada, after intensive review and study, came to the conclusion that security intelligence investigations would be more appropriately handled by a civilian agency. CSIS has no police powers. However, CSIS works with various police forces on those investigations that have both national security and criminal implications. Although CSIS can offer assistance to the police, it has no mandate to conduct criminal investigations.

What constitutes a threat to the security of Canada?

The complete threat definitions can be found in section 2 (a,b,c,d) of the CSIS Act. Simply put, terrorism (the planning or use of politically-motivated serious violence) and espionage (undeclared foreign intelligence activity in Canada and detrimental to the interests of Canada) are the two major threats which CSIS investigates. Terrorism and espionage can have criminal implications. In such cases, the RCMP investigates and can lay the appropriate criminal charges.

What is "security intelligence" and does the government really need it given that technology allows news broadcasters to deliver information from around the world in a matter of minutes?

Security intelligence is information formulated to assist government decision makers in developing policy. Regardless of the source of intelligence, it provides value in addition to what can be found in other government reports or in news stories. Intelligence conveys the story behind the story.

How does CSIS obtain this "value-added" component?

The "value-added" comes from analysis and a wide variety of investigative techniques, including the use of covert and intrusive methods such as electronic surveillance and the recruitment and tasking of human sources.

Can these techniques be arbitrarily deployed?

No. All intrusive methods of investigation used by CSIS are subject to several levels of approval before they are deployed. The most intrusive methods ó such as electronic surveillance, mail opening and covert searches ó require a warrant issued by a judge of the Federal Court of Canada. In addition, the Security Intelligence Review Committee (SIRC) and the Inspector General closely review CSIS operations to ensure they are lawful and comply with the Service's policies and procedures.

What does CSIS do with the security intelligence it collects?

CSIS reports to and advises the Government of Canada. CSIS intelligence is shared with a number of other federal government departments and agencies, including Foreign Affairs and International Trade Canada, Immigration, the Department of National Defence and the Royal Canadian Mounted Police. As well, CSIS has arrangements to exchange security related information with other countries. The vast majority of these arrangements deal with visa vetting. A small number deal with exchanges of information collected by CSIS in its investigation of threats to national security.

Does CSIS conduct covert foreign intelligence operations outside of Canada?

No. CSIS does not have the mandate to conduct foreign intelligence operations outside of Canada. CSIS is a defensive, domestic security intelligence service.

What is the difference between a security intelligence service and a foreign intelligence service?

A security intelligence service is restricted to investigating threats to its country's national security. A foreign intelligence service, on the other hand, conducts offensive operations for its government in foreign countries. The methods and objectives of foreign intelligence services differ from country to country.

Does CSIS have any foreign presence at all?

CSIS has liaison offices in some countries. Liaison officers are involved in the exchange of security intelligence information which concerns threats to the security of Canada. They are in no way involved in offensive operations.

Does CSIS investigate industrial espionage?

CSIS does not investigate company to company industrial espionage. CSIS does, however, investigate the activities of foreign governments that engage in economic espionage as a means of gaining an economic advantage for themselves. Economic espionage can be defined as the use of, or facilitation of, illegal, clandestine, coercive or deceptive means by a foreign government or its surrogates to acquire economic intelligence.

What is the impact of foreign government economic espionage activity on businesses in Canada?

Foreign government economic espionage activity exposes Canadian companies to unfair disadvantage, jeopardizing Canadian jobs, Canada's competitiveness and research & development investment.

Does CSIS conduct investigations on university campuses?

CSIS is very sensitive to the special role that academic institutions play in a free and democratic society and the need to preserve the free flow of ideas, therefore, investigations involving university campuses require the approval of senior officials in the Service. Furthermore, human sources and intrusive investigative techniques may only be used with the approval of the Solicitor General.

Can you name individuals or groups currently under CSIS investigation?

The CSIS Act prevents the Service from confirming or denying the existence of specific operations. To disclose such information would impede the Service's investigative capabilities which, in turn, would be injurious to national security. CSIS, however, can assure the public that it is doing everything within its mandate to ensure that Canadians are safeguarded from terrorism and foreign espionage.

Given that the Cold War is over, are there still threats with which Canadians should be concerned?

Yes. Details regarding the Service's view of the security intelligence environment can be found in its annual Public Reports.

203. 18 APRIL 2002: RESPONSE TO ACCESS TO INFORMATION REQUEST TO THE DEPARTMENT OF NATURAL RESOURCES. NOTE: I HAD BEEN ASKED TO ASSIST THEM BY TELLING THEM WHERE THE INFORMATION MIGHT BE FOUND

Jean Boulais
A & I superintendent
Natural Resources
580 Booth St.
Ottawa, Ont. K1A OE4

April 18, 2002

Access to information:

• Report, materials, memo, documentation etc. on a meeting, at the Canadian Embassy in China, of delegates at the UN Conference on Women: Equality, Development and Peace, in August-September 1995; in particular any references related to the need to address the issue of Canada's sale of CANDU reactors to China
• Report, materials, memo documentation etc. on the circulation of the Nobel Laureate Declaration in 1992 at the United Nations Conference on Environment and Development
• Report, memos, materials, documentation etc. related to the United Nations Conference on Environment and Development (UNCED) 1992, comment on Forest Principles document, criticism of Canada's position on the Forest Convention either at the IUCN Conference in Buenos Aires in January 1994 related to the IUCN resolution on Coastal Forest submitted by Joan Russow and Michael McLoskey.

-reports, memos related to Russow's comments on Canada's submission to Rio+5 in 1997 related to Forests, Civil Nuclear energy, fossil fuel.
• Report, materials, memos, documentation etc. on the mining of uranium By Joan Russow or by the Green Party of Canada between 1992 and 2000.
• Report, materials, memos, documentation etc. related to article circulated on Chrétien as a CANDU salesman
.• Report, materials, memos, documentation etc. about press conference opposing civil nuclear energy at Chantilly Quebec, in November 2000. • Reports, materials, memos, documentation etc. about presentation, in July 2000, by Joan Russow, Green Party, against SUMAS II project

• Reports, materials, memos, documentation etc. related to allegations by Joan Russow related to the non-compliance with the Biodiversity Convention in the case of Clayoquot Sound from 1993-1995
• Reports, materials, memos, documentation etc. related to the meeting in Whitehorse in August 1992 of Provincial Resource Ministers endorsing both the Framework Convention on Climate Change and the Convention on Biological Diversity
• Reports, materials, memos, documentation etc. related to the reasons for claiming that the Convention on Biological Diversity does not apply to forests.
• Outline of measures taken by the department to embark upon the reduction of Greenhouse gas emissions as undertaken under the Framework Convention on Climate Change
• Outline of consultation process with the Department of Justice related to the enactment of the necessary legislation to ensure compliance with the Framework Convention on Climate change so that the obligation to reduce greenhouse gases to 1990 levels by the year 2000 as incurred in the Framework Convention on Climate Change.
• Outline of procedures within the Department for implementing international obligations and commitments arising from UN Conventions, Treaties, and Conference Action Plans
• documentation, comments, memos related to article, in the Calgary Herald in October/November 1998, related to climate change and the government caving into the oil industry
• documentation, comments, memos, related to submission with Jack Locke of a letter related to Shell's reluctance to reduce greenhouse gas emission
• documentation, comments, memos related to a letter written to Shell in November 1998, criticizing shell for their destruction of OGONI land in Nigeria, and their responsibility in the death of Ken Wiwa.
• Documentation, comments, memos related to a letter written to Shell related to inappropriate support of oil investment in Iran

Thank you for assisting me in obtaining this information

Yours truly

Joan Russow (PhD)1 (250) 598-0071

204. 18 APRIL 2002: RESPONSE FROM CSIS TO MARCH 29, 2002 REQUEST

Our file 117-2002
Joan E. Russow
1230 St. Patrick St
Victoria, B.C.
V8S 4X4

Dear Ms. Russow:
This refers to your access to information Act request of March 29, 2002 received on April 11, 2002. Further to your April 12, 2002 telephone conversation with Mr. Horne of this office, we are not able to process your request at this time; your five dollars cash and correspondence are therefore returned herewith. Section 6 of the Access to Information Act provides that:

A request for access to a record under this Act shall be made in writing to the government institution that has control of the record and shall provide sufficient detail to enable an experiences employee of the institution with a reasonable effort to identify the record

As discussed, your request of March 29, 2002 in fact concerns a number of different subjects. In order that possible records related to a request may be located with reasonable effort, the description of the requested information needs to be more focused. As also discussed, however, we wish to reassure

you that we are proceeding with your April 10, 2002 Privacy Act request (file numbers 116-2002-04 to 007).

You are entitled to register a complaint with the Information Commissioner concerning your request. If you wish to exercise this right, notices of complaint should be addressed to: Information Commissioner, Tower “B”, place de Ville, 112 Kent Street, Ottawa, Ontario K1A 1H3

Yours truly

Laurent Duguay
Access to Information and Privacy coordinator

205 **APRIL 2002:** REVISED ACCESS TO INFORMATION REQUEST TO CSIS

ATTENTION: KEN HORN
PO Box/CP 2430 Station/Succursal “D”
Ottawa, on KIP %W% 613-990-8441

ACCESS TO INFORMATION REVISED REQUEST CSIS
1 a. Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights
b. Information about Joint division (see diagram below) which prepared a list of Activist groups Documentation advising the Military on scope, legalities and propriety of the question of screening "activists" from CF, and who gave the mandate to DG Secur to prepare a list of activist groups
c. Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening "activists" from CF, and the nature of records and open sources used in preparing lists for D. Secur OP—Specifically sources for including Joan Russow and /or the Green Party of Canada
d. Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act. and criteria used by the Targeting and Resource Committee (TARC) related to domestic activists
e.. Copy of legal document from Minister of Justice: Re: preparing a list of activists and related to the list of domestic activists vetted by TARC and reviewed by the Minister of Justice
Given that TARC focuses on the leadership of designated groups and issues a Report, copy of report issued on Joan Russow as the leader of the Green Party of Canada or the Report issued to justified the Green Party of Canada being placed on a **list** …
As CSIS does not investigate the full membership only the leader, and given that as a result of consultation with CSIS, The Green Party was listed in D- Secur Lists D-Secur Ops 2, documents related to this process
f. Guidelines for deciding at which point in the extremist/activist continuum activities become unacceptable , for determining what constitutes the definition of “crime”, for delineating the role of OPI and SIV
g. Documents related to CSIS “ endorsement of the Department of defence establishing a screening process excluding activist groups from apply for positions within the Military: List developed in 1993 in response to the Somali Inquiry.
(h) Documentation, memos, reports written in relation to opponents to CANDU reactor sales to China, or Turkey, of the linking between CANDU reactors, uranium mining and the development of nuclear arms. Documentation, memos, reports written in relation to opponents of Shell’s destruction of Ogoni land in Nigeria, and to Shell’s role in the death of Ken Wiwa
(i) Documentation memoirs, reports written in relation to opponents to forest practices in British Columbia

Than you for acting on this request

Yours truly
Joan Russow 1 250 598-0071

206. 29 APRIL 2002: RESPONSE FROM PRIVY COUNCIL ACCESS TO INFORMATION REQUEST.

NOTE; that exemption sections were used by the PCO to exclude Christine Price's assertion that it was a direction from the PMO- information that Russow already had from the transcripts of the apec commission

Government of Canada
Privy Council Office

April 29
Ms Joan Russow
1230 St. Patrick Street
Victoria, BC
V8S 4Y5

Dear Ms Russow:
This is in response to the following request you made under the Access to Information Act:

A-2001-0272
Reason for giving direction to the RCMP in 1997 to prevent Russow from attending APEC-November 1997. Reason for Russow on the APEC threat assessment group(s).

a-2001-0273: Amended February 18, 2002
Information about the direction to Christine Price from Brian Groos who stated that the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list in 1997.
A. Detailing of reasons for pulling Russow's pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists) . Information about groups placed on the Military intelligence list compiled at the request of Robert Fowler during the Somali Inquiry
C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)

The Privy Council Office received your requests on February 5, 2002 and February 6, 2002.

We have now complete the processing of your requests. Please find enclosed a copy of the records. Your will not that certain information has been withheld from disclosure. This information has been withheld pursuant to sections 15 (1) (a) (information obtained or prepared by an investigative body), and 16 © (injurious to the enforcement of any law) of the Act. A copy of these sections has been enclosed for your information.

You are advised that you are entitled to bring a complaint regarding the processing of your request to the Information Commissioner (22nd Floor, 112 Kent Street, Ottawa, Ontario K1A 1H3). The Access to Information Act allows a complaint to be made up tone year from the time the request was received by the government institution.

Yours sincerely,

Ciuineas Boyle.

207. 8 MAY 2002: COMPLAINT, TO ACCESS TO INFORMATION COMMISSIONER, FILED AGAINST PRIVY COUNCIL

1230 St Patrick St.
Victoria, B.C.
V8S 4Y4

John Reid
Office of the Information Commissioner of Canada,
112 Kent St.
Ottawa, On,
K1A 1H3
Fax: 1 613 995 1501
May 8, 2002

Dear Mr. Reid:

I wish to file a complaint related to the information that I received from the Privy Council. As you can see they have used Article 16 to deny me access to pertinent information. The only information that they gave me was information that I received previously about two years ago.

I received a letter, from the Privy Council indicating that it would cost them $60 to do the research, but they would only charge me $30.

Could you please address the issue of the misuse of Article 16 related to the release of information. The section does not apply to me because I have not engaged in any of the activities that would justify using the exemption clause.

Could you also please send me a copy of the Access to Information Act.

Please find enclosed the relevant information.

Yours truly
Joan Russow, PhD
1 250 598-0071

208. 10 MAY 2002: COMPLAINT TO THE PRIVACY COMMISSIONER RADWANSKI ABOUT FAILURE OF SOLICITOR GENERAL TO RELEASE INFORMATION

Office of the Privacy commissioner
Of Canada

112 Kent St.
Ottawa, On. KiA 1H3
Fax 1 613 995 8210

1230 St. Patrick St.

May 10, 2002
Attention: Joyce McLean

I would like to file a complaint about the failure of the Solicitor General to release information that has been held on me. The Department continues to use exclusionary clauses.

Please find enclosed:
My letter to the Solicitor General and his response.

Yours truly

Joan Russow (Ph.D)
1 250 598-0071

209. 10 MAY 2002: ACCESS TO INFORMATION REQUEST TO DEPARTMENT OF INDUSTRY RE; ROLE OF ETHICS COMMISSIONER

INDUSTRY CANADA
255 Albert Street
11th Floor
Ottawa, Ontario

Dear Mrs. Russow:

This is in reply to your revised request under the Access to Information Act (the Act) for documents pertaining to the appointment procedures of the Ethics Counselor, the 1997 APEC meeting and Jane [Joan] Russow.

The office of the Ethics Counselor under the delegated authority from the Minister for the administration of the Act has completed the processing of your request. Enclosed you will find a copy of the records responsive to your request.

Please note that no additional fees have been charged to you in the processing of your request as they amounted to less than our $ 25.00 guideline. These fees have, therefore been waived by the department.

For your information, you are entitled to file a complaint with the Information Commissioner on matters relating to the administration of the Act. Any complaint must be filed within one year of the date your complete request was received by this office, namely January 23, 2002. Notice of complaints should be sent to: The Information Commissioner, 22nd Floor, Tower B. Place de Ville, 112 Kent Street, Ottawa, Ontario, KIA 1H3.

Please do not hesitate to contact denies Vaillacourt at 613 941 8431 who will be pleased to refer you to the appropriate official in the office of he ethics counselor if you have any questions regarding your request

Sincerely,

KIMBERLY EADIE SIGNED CATHY LECLERC
DIRECTOR

210. 13 MAY 2002 RESPONSE FROM ACCESS TO INFORMATION IN NATURAL RESOURCES

A-2002-OOO50/TEAM3

Dear Ms. Russow

This is in response to your Access to Information Act request received on April 29, 2002, for:

Documentation, comments, memos related to an article in the Calgary Herald in October/ November 1998, related to climate change and the government caving into the oil industry; documentation comments, memos, related to a submission with Jack Locke of a letter related to Shell's

reluctance to reduce greenhouse gas emission; documentation, comments, memos related to a letter written to Shell in November 1998, criticizing Shell for their destruction of Ogoni land in Nigeria and their responsibility in the death of Ken Wiwa; and documentation, comment, memos related to a letter written to Shell related to inappropriate support of oil investment in Iran.

Please be advised that no record could be located using the department's best efforts, based on the information provided. Please note that you may bring a complaint about any matter related to your request to the Information Commission at 112 Kent Street, 3rd floor, Ottawa, Ontario K1A 1H# Such a complaint must be submitted within one year of the date your request was received by this Directorate. Should you require clarification or assistance regarding you request, please contact Lise Paquin Team 3 of my staff at (6`13) 992-0995, or use our toll free number 1-888-272-8207

Yours Truly

Judith A Mooney
Director
Access to Information Officer

211. 18 MAY 2002: RESPONSE FROM ACCESS TO INFORMATION FROM NATURAL RESOURCES

A-2002-OOO50/TEAM3

Dear Ms. Russow

This is in response to your Access to Information Act request received on April 29, 2002, for:

Documentation, comments, memos related to an article in the Calgary Herald in October/ November 1998, related to climate change and the government caving into the oil industry; documentation comments, memos, related to a submission with Jack Locke of a letter related to Shell's reluctance to reduce greenhouse gas emission; documentation, comments, memos related to a letter written to Shell in November 1998, criticizing Shell for their destruction of Ogoni land in Nigeria and their responsibility in the death of Ken Wiwa; and documentation, comment, memos related to a letter written to Shell related to inappropriate support of oil investment in Iran.

Please be advised that no record could be located using the department's best efforts, based on the information provided. Please note that you may bring a complaint about any matter related to your request to the Information Commissioner at 112 Kent Street, 3rd floor, Ottawa, Ontario K1A 1H# Such a complaint must be submitted within one year of the date your request was received by this Directorate.

Should you require clarification or assistance regarding you request, please contact Lise Paquin Team 3 of my staff at (6`13) 992-0995, or use our toll free number 1-888-272-8207

Yours Truly

Judith A Mooney
Director

212. 21 MAY 2002: RESPONSE FROM CSIS RELATED TO PRIVACY

Canadian Security ,Service canadien du
Intelligence Service/renseignement de securite

Our file: 116-2002-004 to -007
May 21 , 2002
Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Ms. Russow:

This refers to your Privacy Act request of April 10, 2002, received in our office on April 15, 2002.

Based on information contained in your request, please be advised the personal information banks listed below were searched on your behalf with the following results:

SIS PPU 005 Security Assessments/Advice - Please find enclosed a copy of the information being disclosed under subsection 12(1) of the Privacy Act. Some of the information has been exempted from disclosure by virtue of section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), of the Act.

SIS PPU 015 Canadian Security Intelligence Service Records - No personal information concerning you was located in this bank.

SIS PPU 020 Access Request Records - No personal information concerning you was located in this bank.

SIS PPU 045 Canadian Security Intelligence Service Investigational Records - The Governor-in-Council has designated this information bank an exempt bank pursuant to section 18 of the Privacy Act. If the type of information described in the bank did exist, it would qualify for exemption under section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), or 22(1)(a) and/or (b) of the Act.

You may wish to avail yourself of the provisions established by paragraph 12(2)(a) of the Act to request a correction in respect of an error or omission in the record disclosed to you. In this regard, please find enclosed Notification of the Right to Correct, and Record Correction Request forms.

P.O. Box 9732, Station "T", Ottawa, Ontario K1G 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

Our files: 116-2002-004 to -007

Should you wish to obtain clarification concerning your request, please use the information at the bottom of this letter to either call or write us. Please provide the file number at the top of this letter for reference purposes.

You are entitled to register a complaint with the Privacy Commissioner concerning your request. If you wish to exercise this right, notice of complaint should be addressed to: Privacy Commissioner, Tower `B', Place de Ville, 112 Kent Street, Ottawa, Ontario, KIA 1H3.

Yours truly,

Laurent Duguay
Access to Information and Privacy Coordinator
Attachments

213. MAY 21, 2002: RESPONSE FROM CSIS ACCESS TO INFORMATION

Our file: 116-2002-004 to -007
18: 19
2505980071
GLOBAL COMPLIANCE PAGE 02

Canadian Security Service canadien du renseignement de securite
intelligence Service

May 21, 2002
Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Ms. RUSSOW:

This refers to your Privacy Act request of April 10, 2002, received in our office on April 15, 2002.

Based on information contained in your request, please be advised the personal information banks listed below were searched on your behalf with the following results:

S IS PPU 005 Security Assessments/Advice - Please find enclosed a copy of the information being disclosed under subsection 12(1) of the Privacy Act. Some of the information has been exempted from

disclosure by virtue of section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), of the Act.

SIS PPU 015 Canadian Security Intelligence Service Records - No personal information concerning you was located in this bank.

SIS PPU 020 Access Request Records - No personal information concerning you was located in this bank.

STS PPU 045 Canadian Security Intelligence Service Investigation Records
- The Governor-in-Council has designated this information bank an exempt bank pursuant to section 18 of the Privacy Act. If the type of information described in the bank did exist, it would qualify for exemption under section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), or 22(l)(a) and/or (b) of the Act.
You may wish to avail yourself of the provisions established by paragraph 12(2)(a) of the Act to request a correction in respect of an error or omission in the record disclosed to you. In this regard, please find enclosed Notification of the Right to Correct, and Record Correction Request forms.
P.O. Box 9732 Station "T". Ottawa, Ontario KIG 4G4C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903Fax: (613)842-1271

Our files= 116-2002-004 to -007
Should you wish to obtain clarification concerning your request, please use the information at the bottom of this letter to either call or write us. Please provide the file number at the top of this letter for reference purposes.
You are entitled to register a complaint with the Privacy Commissioner concerning your request. if you wish to exercise this right, notice of complaint should be addressed to: Privacy Commissioner, Tower `B', Place de Ville, 112 Kent Street, Ottawa, Ontario, KIA 1113.
Yours truly,

Laurent Duguay
Access to Information and Privacy Coordinator
Attachments
P.O. Box 9732. Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Suecuisale "T-,Ottawa (Ontario) K1G 4G4 Tel: (613) 231-0107 1-877-995-9903Fax: (613)842-1271

214. 28 MAY 2002: LETTER TO ACCESS TO INFORMATION TO THE ETHICS COMMISSIONER

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4

John Reid,
Access to Information Commissioner,
112 Kent St
Ottawa, Ontario, K1A 1H3
Canada
faxed May 28, 2002
1 613- 995-1501

Dear Mr. Reid
On March 28,2002 I filed the following request to the Ethics Counselor in Industry Canada : I have outlined in bold the requests that have not been addressed:

This is to follow-up our phone conversation on March 28 2002 about my access to information request:

1. Documentation on the appointment procedures for the Ethics Commissioner, for the mandate of the Ethics Commissioner, and for definitions of Conflict of Interests
2. Documentation on procedures followed when there is a request to "speak truth to power" related to the Prime Minister's direction to the RCMP
3. Evidence of an investigation carried out by the Ethics Commissioner on the Prime Minister's interference with the functioning of the RCMP at APEC in 1997
4. Evidence of conflict of interest in Prime Minister's instruction to the RCMP to prevent a leader of another political party from attending a meeting
5. Evidence of the reasons supporting the decline by the Ethics commissioner to investigate Joan Russow's request
(i)to examine the conflict of interest of the Prime Minister, or his office giving a directive to the RCMP to prevent a leader of a registered political party, Dr Joan Russow, from attending an event, and bringing about the defamation of Russow's character by placing Russow on a threat assessment list.
(ii) to investigate the conflict of interest of Brian Groos, a friend of David Anderson, acting on behalf of the government in instructing the RCMP to prevent Russow, who had run in an election against David Anderson in the 1997 election, and to contribute to Russow being placed on an RCMP threat Assessment list, which has brought about the defamation of Russow's character.

On May 10, 2002 I received a response: In their response to my request they sent me the following:
1. a letter that I had sent the Ethics Counselor on March 4, 2002 when I called for an investigation into conflict of interest on the part of the Rt Honourable Jean Chrétien. In that letter I had mentioned a CBC interview
2. a transcript of the interview on CBC which I did not ask for

Yours truly

Joan Russow1230 St Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

215. 28 MAY 2002: COMPLAINT TO ACCESS TO INFORMATION COMMISSIONER RE DEFENCE

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4

John Reid,
Access to Information Commissioner,
112 Kent St
Ottawa, Ontario, K1A 1H3
Canada
faxed May 28, 2002
1 613- 995-1501

Dear Mr. Reid

I would like to file a complaint related to the fragmented information received through the Access to Information request sent to the Department of Defence.

The Department of Defence, in its May 13, 2002 response, failed to address the following parts of the request sent on April 20, 2002:

• Documentation, comments, memos, etc. of groups submitting briefs to the Commission on the Expropriation of Nanoose hearings Spring/Summer 1999

• Documentation, comments, memos etc. on citizens who wrote affidavits for the court case related to the call for an Environmental Assessment review of nuclear powered or nuclear capable vessels in the urban harbour of Victoria in 1991 and 1992
• Documentation, comments, memos related to criticism by activists related to the sale of CANDU reactors to China, and potential sale to Turkey
• Documentation about the Vancouver Island peace society and the law suit against the Federal Government filed in 1990, with litigants Anne Pask and Greg Hartnell, in Federal Court and a subsequent appeal to the Federal Court of Appeal, and a ;leave to appeal to the Supreme Court of Canada

As a result of a previous privacy request to the Department of Defence, I became aware of references to me within the Department of Defence to protests against the circulation and berthing of nuclear powered and nuclear armed vessels; protests against Nanoose; protests against the HMCS Calgary leaving for Iraq.

Given that throughout the Access to Information and Privacy requests, the government has used exemption clauses related to "military and international security".

It would appear that the Department of National Defence has failed to make a distinction between legitimate dissent/the right to assemble and threats to military and international security.

By designating a leader of a registered political party as a threat to military and international security, the Department of defence is in violation of the "right to assemble" under the Charter of Rights and Freedoms, and has discriminated on the grounds of "political opinion"--a ground listed in the International Covenant on Civil and Political Rights, to which Canada is a signatory.

I expect that you will address this matter with urgency.

Yours Truly

Joan Russow (PhD)
1- 250 598-0071

216. 29 MAY 2002: COMPLAINT TO PRIVACY COMMISSIONER ABOUT CSIS

Privacy Commissioner, Tower :B" Place de Ville, 112 Kent Street, Ottawa, Ont. KIA 1H3
May 29, 2002

I would like to register a complaint concerning my privacy request. See enclosed response: Please note that CSIS has used section 21 to deny me access to personal information under the following section:

CSIS PPU 005 Security Assessments/Advice. - Please find enclosed a copy of the information being disclosed under subsection 12 (1) of the Privacy Act. Some of the information has been exempted from disclosure by virtue of section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), of the Act.

CSIS under the act is not entitled to investigate citizens who have engaged in legitimate dissent. As a citizen who has never been arrested or accused of a criminal offence I have a right to know, what information has been deemed by CSIS to fall under the exemption clause section 21.
In addition even though under. SIS PPU 045 is designated by Governor-in- Council exempt. I have a right to know whether or not there is information in this bank relating to me. If there is not, I should be told and if there is information I should be given this information.

I attended an important meeting recently in Winnipeg on Access to Information. At the meeting, it was indicated that Canada is one of the few countries in the Commonwealth that retains an exemption for cabinet documents.
The failure to release personal information on a former leader of a registered political party creates the perception of conflict of interest, and could be deemed to be discrimination on the grounds of "political. opinion" under the International Covenant of Civil and Political Rights to which Canada is a signatory
Please give this your immediate. attention.

Yours truly,

Joan Russow (PhD) 1 250 598-0071

217. 29 MAY 2002 :RESPONSE FROM PRIVACY COMMISSIONER

Office of the
Privacy Commissioner of Canada
112 Kent Street Ottawa, Ontario KIA 1H3 Tel: (613) 995-8210 Fax: (613) 947-6850 1-800-282-1376
www.privcom.gc.ca
Commissariat
a la protection de
la vie privee du Canada
112, rue Kent Ottawa (Ontario) KIA 1H3
Te1-:(613) 995-8210 Telex.: (613) 947-6850 1-800-282-1376 www.pnvcom-gc.ca

May 29, 2002
Joan Russow 1230 St. Patrick St. Victoria BC V8S 4Y4
Dear Joan Russow:

I am writing further to your fax received on May 29, 2002, which was addressed to the Privacy Commissioner of Canada, Mr. George Radwanski. Mr. Radwanski has asked me to acknowledge receipt. Once we have reviewed your correspondence in greater detail, we will respond to you as soon as possible.
In the interim, should you require further assistance, do not hesitate to call our office during normal working hours at (613) 995-8210 or 1-800-282-1376 and ask to speak to an Inquiries Officer.

Joyce McLean Manager, Inquiries Unit

218. 24 JULY 2002: RESPONSE FROM DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTE: DFAIT has now confirmed that Brian Groos worked for them at APEC. Previously, and senior advisor to the Minister of Foreign Affairs claimed that Brian Groos was unknown in the Department and had not worked for DFAIT at APEC.

Department of Foreign Affairs and International Trade
Lester B. Pearson
125 Sussex Drive
Ottawa, Ont.

July 24, 2002

Dear Ms Russow

RE: Access to information Request no. A-2001-00400 / aeb

We have completed process your request under the Access to Information Act for;
1. a information about Brian Groos, including data about the nature of his role at APEC in 1997, and the reason that there was a directive from the Prime Minister Office through Brian Groos to ensure that Russow was prevented from attending APEC. And information surrounding the fear of Brian Groos being dismissed from a position he eventually held with Foreign Affairs if Brian Groos spoke about Russow to the media
b. information about RCMP Threat Assessment Group list and APEC and the sharing of these lists nationally and internationally.

c. Information about the reason for Foreign Affairs issuing a statement in 1982, indicating that the procedure in Canada was to ensure that the necessary legislation was in place before signing and ratifying international agreements when Canada has failed to include politics as a ground for which there shall not be discrimination [politics was included in the International Covenant of Civil and Political Rights"] d information about what would constitute "exhausting all domestic remedies" as indicated under the "optional Protocol" of the International Covenant of Civil and Political Rights.

The request was received in this office on February 4, 2002 and was assigned the above reference number

We are enclosing a copy of the Statement of Duties performed by Brian Groos at APEC in 1997 requested in item [IT WOULD APPEAR THAT FOREIGN AFFAIRS WORKING CLOSELY WITH PMO AT APEC] a) of your request. WE have no further information or documents relevant to item a) or b) and we did not locate specific documents relating to the 1982 “statement requested in item c) of your request. [NOTE IN 1982; THE DEPARTMENT OF FOREIGN AFFAIRS FAXED ME A COPY OF THE 1982 COMMUNIQUÉ]

With respect to item d), the question pertains to how the UN human Rights Committee, the body which is responsible for ensuring compliance with International Covenant, interprets the provisions of that instrument. You should contact the UN Office in Geneva or the UN Website to obtain documents on this issue produced by the Committee.

You are entitled , if you wish, to file a complaint with the Information Commissioner concerning your request. In accordance with section 31 of the Act , a complaint to the Commissioner must be made in writing within one year of the date of our receipt of your original request. The address is:
The Honourable John M. Reid. P.C.

If you have any questions, please contact Arthur Benoit at (613) 944-7120

Yours sincerely

Barbara Richardson

219. 4 JUNE 2002: RESPONSE FROM LAWRENCE MACAULAY ABOUT CSIS AND EXEMPTIONS IN THE ACCESS TO INFORMATION ACT

Solicitor General
4 June 2002
Dr. Joan Russow
1230 St. Patrick St.
Victoria, British Columbia
V8S 4Y4
Dear Doctor Russow:

I am replying to our correspondence of April 4, 2002, regarding your rights as to the nature and extent of the information about you that cannot be released.

The Canadian Security Intelligence Service has advised me that it has fulfilled its obligations within the parameters of the Access to Information and Privacy Act. I have also been informed that your complaint was dealt with by the Security Intelligence Review Committee which concluded that your allegation was unfounded.

I trust that this information will asset in clarifying our position on this matter.

Sincerely,

Lawrence MacAulay, PC, MP

Response to letter sent April 4 2002
FAX 613-990-9077, FAX: 613 993 7062
Hon. Lawrence MacAulay, Solicitor General of Canada
Sir Wilfred Laurier Bldg

340 Laurier Ave. W.
Ottawa, Ont. K1A OP8 April 4. 2002

Dear Minister,

In your submission to the Senate on Bill 36, the Anti-terrorism Act, you stated that "it is now crystal clear that the scope of any threat to our way of life means that more must be done now and in the future."

Through the Freedom of information process within your department, I received information that there is information about me that cannot be released. This information has been excluded under existing legislation as being related to military and international security.

You indicated in your presentation to the Senate that "there are strong mechanisms already in place that will continue to ensure effective control and accountability The Courts and civilian oversight bodies provide essential checks and balances to ensure the integrity of the police [RCMP, CSIS as well?] the freedom to question any perceived wrongdoing is central to a law enforcement system that reflects and protects our core values of freedom, democracy and equality. "

I believe that I have the right to know the nature and extent of the information that is contained in your files so as to correct whatever information, on me, that you have interpreted as being contrary to "our core values of freedom, democracy, and equality, or being "a threat to our way of life"

It is against the CSIS act to target citizens engaged in legitimate dissent.

For years, I have been attempting to remove what I perceive to be threats to our way of life, such as government and corporate practices that destroy the environment, that contribute to the escalation of war and conflict, that endanger the health of citizens, that deny social justice and that violated human rights.

I believe that you misled the Senate in claiming that there are strong mechanisms in place.. . " when your department relies on exclusionary clauses within the Privacy Act, and within the Access to Information Act to deny a citizen the right to know what personal information is being deemed to a threat to military and international security.

I hope that you will address this matter immediately.

Yours truly

Joan Russow (Ph.D)
1230 St Patrick St Victoria, B.C. V8S 4Y4 1 250 598-0071

220. **4 JUNE 2002:** RESPONSE FROM CSIS RELATED TO ACCESS TO INFORMATION

Canadian Security Intelligence Service
Service canadien du P T renseignement de securite

Our file: 117-2002-006
Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4
June 4 2002

Dear Ms. Russow:

This refers to your Access to Information Act request of April 20, 2002, received on May 6, 2002. A receipt for your $5.00 application fee is attached
A record search was completed on the basis of the information provided by you, with the following results:

(a) Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the DND compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights - No record was located.
(b) Information about Joint division which prepared a list of Activist groups and documentation advising the DND on scope, legalities and propriety of the question of screening "activists" from CF, and who gave the mandate to DG Secur to prepare a list of activist groups - No record was located.
(c) Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening
"activists" from CF, and the nature of records and open sources used in preparing lists for D. Secur OP-- Specifically sources for including the Green Party of Canada - No record was located.
(d) Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act. 11. and criteria used by the Targeting and Resource Committee
(TARC) related to domestic activists - All the information requested has been exempted from disclosure by virtue of one or more of sections 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities) and 19(1) of the Act.
P.O. Box 9732, Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271
(e) Copy of legal document from Minister of Justice: Re: preparing a list of activists, and related to the list of domestic activists vetted by TARC and reviewed by the Minister of Justice - No record was located.
(f) Guidelines for deciding at which point in the extremist/activist continuum activities become unacceptable, for determining what constitutes the definition of "crime", for delineating the role of the OPI and SIV - No record was located.
(g) Documents related to CSIS' endorsement of the Department of defence establishing a screening process excluding activist groups from applying for positions within in the Military; List developed in 1993 in response to the Somali Inquiry - No record was located.
(h) Documentation, memos, reports written in relation to opponents to CANDU reactor sales to China, or Turkey, or the linking between CANDU reactors, uranium mining and the development of nuclear arms - **Pursuant to subsection 10(2) of the Act, we neither confirm nor deny that the records you requested exist. We are, however, advising you, as required by paragraph 10 (1)(b) of the Act, that such records, if they existed, could reasonably be expected to be exempted under one or more of sections 13(1), 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), 16(1)(a), (b) or (c), 19(1) or 24 of the Act.**
(i) Documentation, memos, reports written in relation to opponents of Shell's destruction of Ogoni land in Nigeria - Pursuant to subsection 10(2) of the Act, we neither confirm nor deny that the records you requested exist. We are, however, advising you, as required by paragraph 10(1)(b) of the Act, that such records, if they existed, could reasonably be expected to be exempted under one or more of sections 13(1), 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), 16(1)(a), (b) or (c), 19(1) or 24 of the Act.
(j) Documentation memos, reports written in relation to opponents to forest practices in British Columbia - All the information requested has been exempted from disclosure by virtue of one or more of sections 13(1), 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities) and 19(1) of the Act.

Please note that your request for personal information concerning you has been processed under the Privacy Act. Pursuant to subsection 8(1) of the Privacy Act, any request for personal information about another individual must be accompanied by a letter of consent signed by that individual authorizing the disclosure of his or her personal information to you.
P.O. Box 9732, Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

Should you wish to obtain clarification concerning your request, please use the information at the bottom of this letter to either call or write us. Please provide the file number at the top of this letter for reference purposes.

You are entitled to register a complaint with the Information Commissioner concerning your request. If you wish to exercise this right, notice of complaint should be addressed to: Information Commissioner, Tower "B", Place de Ville, 112 Kent Street, Ottawa, Ontario, KIA 1H3
Yours truly,

Laurent Du Duguay
Access to Information and Privacy Coordinator
P.O. Box 9732, Station "T", Ottawa, Ontario KIG 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) KIG 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

221. 23 FEBRUARY 2003: RESPONSE FROM PRIVACY COMMISSIONER TO REQUEST FROM FEBRUARY 10 AND FEBRUARY 22 2002

Privacy Commissioner of Canada
112 Kent, Street Ottawa, Ontario K1A 1H3
Tel.: (613) 995-8210 Fax: (613) 947-6850 1-800-282-1376 www.privcom.gc.ca
Commissaire a la protection de la vie privee du Canada
112, rue Kent Ottawa (Ontario) K1 A1 H3
TEL.: (613) 995-8210 Telec.: (613) 947-6850 1-800-282-1376 www.privcom.gc.ca

Our Files:
5100-12039/001 (RCMP)
5100-12042/001 (Solicitor General Canada) 5100-12236/001/002 (CSIS)
Dr. Joan Russow 1230 Patrick Street Victoria, BC V8S 4Y4

FEB 23 2003

Dear Dr. Russow:

This letter constitutes my findings with regard to your Privacy Act complaints against the Royal Canadian Mounted Police (RCMP), Solicitor General Canada and the Canadian Security Intelligence Service (CSIS). In correspondence from you dated February 10, February 22 and May 29, 2002 you complained that you did not receive all the personal information you requested to obtain from these government institutions. For the sake of clarity I will respond to each complaint individually.

Royal Canadian Mounted Police - 5100-12039/001

We confirmed during our investigation that in March 2001 you requested all your personal information held by the RCMP since 1963, including any material that would explain why you were placed on a threat assessment list. You indicated to the RCMP that you wanted it to search its records in Ottawa, Kelowna, Vancouver, Clayoquot and Victoria. The RCMP conducted a search of these locations and was able to locate one file that related to your request. This file concerned your complaint against the RCMP that some unidentified members acted inappropriately when you were refused a security clearance to attend the APEC Conference in Vancouver in 1997.

The RCMP sent some information to you on April 5, 2001, and advised you that a portion was exempted under section 26 of the Privacy Act. The RCMP also advised you that it was consulting other institutions with regard to the remainder of the information related to your request.

Section 26 provides that a government institution must refuse to disclose personal information about individuals other than the individual who made the request. Thus, personal information concerning other individuals mixed with that of your own must be withheld from you on the basis that you are entitled under the Privacy Act only to information concerning yourself. This provision was applied to some information, which is personal information about other individuals as defined in section 3 of the Act. Thus, the RCMP had no option but to refuse you access to it.

As a result of its consultations with other institutions, the RCMP sent additional information to you on June 14, 2001, and advised you that a portion of it was exempted under paragraph 22(1)(a) of the Privacy Act. Paragraph 22(1)(a) provides that a government institution

may withhold personal information if it was obtained or prepared by an investigative body in the course of a lawful investigation. Unlike other exempting provisions of the Privacy Act, paragraph 22(1) (a) does not contain an injury test. In order to claim this exemption, the RCMP need only demonstrate that the information at issue is less than 20 years old and that it was prepared or obtained by an investigative body listed in the Privacy Regulations for the purpose of detecting, preventing or suppressing crime. The RCMP is listed as an investigative body in Schedule III of the Privacy Regulations, and I can confirm that the other criteria required by the provision have also been satisfied.

During our review, it was noted that the RCMP had neglected to send you all the information it intended to disclose to you, specifically one document that had been the subject of its consultations. After bringing this to the **RCMP's attention, it sent you a copy of this document on November 7, 2002, subject to the removal of limited information under section 21 of the Privacy Act.**

Section 21 allows a federal institution to deny access to personal information which, if revealed, could be injurious to the conduct of international affairs, the defence of Canada or any of its allies, or the efforts of Canada towards the detection, prevention or suppression of subversive or hostile activities. For example, information related to the role or function of CSIS, or information prepared or obtained for the purpose of intelligence relating to the detection, prevention or suppression of subversive or hostile activities must be protected.

Upon review, I have concluded that the RCMP had sufficient authority to justify its refusal to grant you access to some personal information pursuant to sections 21, 22(1)(a) and 26 of the Privacy Act. However, as the RCMP did not initially provide you with all of the personal information you were entitled to receive in response to your request, I have also concluded that this complaint is well-founded. Now that you have received additional information, I consider the matter resolved.

Solicitor General Canada - 5100-12042/001

We confirmed that the Department of the Solicitor General received your Privacy Act request on January 23, 2002. You sought to obtain all information as to why you and other activists were placed on a threat assessment list for the 1997 APEC Conference. You were also seeking information about a directive from an official of the Prime Minister's Office to place you on the list and information related to the distribution of that list.

The Department responded to your request on February 18 and granted you access to all of the information it located in its files related to your request, except for a portion of one document that was exempted under section 21 of the Privacy Act.

I have reviewed the information exempted under this section and I am satisfied that it meets the requirements of the Act. Accordingly, I have determined that you were not denied a right of access in this instance. Your complaint, therefore, is not well-founded.

Canadian Security Intelligence Service - 5100-12236/001/002

We confirmed that following an exchange of correspondence last April, CSIS advised you on May 21 of the results of its search for your personal information maintained in four personal information banks. You had indicated that you were seeking information about yourself, as well as information about the leader of the Green Party of Canada and yourself as coordinator of the Global Compliance Research Project. You requested that CSIS search for this information in four personal information banks - SIS PPU 005, SIS PPU 015, SIS PPU 020 and SIS PPU 045. Not satisfied that you had received all of the personal information you requested, you asked me to review the matter, particularly CSIS's response with regard to banks SIS PPU 005 (Security Assessments/ Advice) and SIS PPU 045 (Canadian Security Intelligence Service Investigational Records).

On May 21 CSIS granted you access to your personal information held in its Security Assessments/Advice bank, except for a portion that was exempted pursuant to section 21 of the Privacy Act. Having reviewed the information at issue, I am satisfied that the exemption has been properly applied.

With regard to any information about you held in its bank SIS PPU 045, CSIS informed you that this bank has been designated as an exempt bank pursuant to section 18 of the Privacy Act, and that if the type of information described in this bank did exist, it would qualify for exemption under section 21 or section 22 of the Act.

I can confirm that this bank has been properly designated as an exempt bank (Exempt Personal Information Bank Order No. 14, SOR/92-688, November 26, 1992) in compliance with subsection 18(1) of the Privacy Act. This order stipulates that bank SIS PPU 045 holds files which consist predominantly of personal information described in section 21 and paragraphs 22(1)(a) and (b) of the Act and that-in relation to any files included in the bank on the basis of subparagraph 22(1)(a)(ii}-the applicable laws concerned are the Official Secrets Act and the Security Offences Act. Very stringent criteria must be met in order for a government institution to maintain personal information in an exempt bank. The result is that very few banks have been so designated and every file must be reviewed before it can be placed in an exempt bank. This principle was articulated in the Federal Court case of Ternette v. Solicitor General of Canada, (1984) 2 F.C. 486, 10 D.L.R. (4th) 587, 32 Alts. L. R. (2d) 310.

Subsection 16(2) of the Privacy Act states that a government institution is not required to reveal whether personal information exists-which is what CSIS has done in the case of bank SIS PPU 045. However, paragraph 16(1)(b) also requires that the institution indicate the specific provision of the Act which could reasonably be used to exempt the information if it did exist. CSIS complied with this requirement by advising you that section 21 or section 22 could be used to withhold personal information about you if it exists in SIS PPU 045.

You should know that CSIS provides the same response to all applicants when it receives requests for personal information in bank PPU 045, whether or not the bank holds any personal information about the applicant. By doing so, CSIS hopes to ensure that individuals who constitute threats to the security of Canada cannot discover through a creative series of requests under the Privacy Act whether they have come to--or escaped-its attention. The recent decision of the Federal Court of Appeal in Ruby v. Solicitor General (2000) F.C.J. 779 confirms the right of a government institution to adopt a blanket policy under subsection 16(2) of never disclosing whether personal information concerning an applicant exists in a particular personal information bank.

Although paragraph 65(b) of the Privacy Act prohibits me from either confirming or denying the existence of the requested information in bank SIS PPU 045, I am satisfied that the response you received from CSIS in this case is in accordance with the requirements of the Act and that if information did exist about you in this bank, one or more of the provisions specified by CSIS could be applied.

I realize that this response is likely less than satisfactory to you. However, Parliament has given government institutions the discretion to refuse to indicate whether personal information exists and 1 have no choice but to accept CSIS's authority to respond in the manner in which it did. I might add that the right of a government institution to neither confirm nor deny the existence of personal information has not only been upheld by the Federal Court of Canada in the Ternette and Ruby cases referred to earlier, but also in Jamshid Zanganeh v. CSIS [1989] 1 F.C. 244. The Zanganeh decision further confirmed that this right to secrecy is justified under the Charter.

In summary, I have no basis upon which to conclude that you were denied a right of access under the Act to personal information as a result of CSIS's response with regard to banks SIS PPU 005 and SIS PPU 045. I must therefore conclude that your complaints are not well-founded.

Section 41 of the Privacy Act provides a right to apply to the **Federal Court of Canada for review** of the decision of a government institution to refuse to provide access to personal information. You should be aware that an application under section 41 is limited to establishing that you have been denied a right of access. Having now received my report, you have the right to apply to the Federal Court under section 41 for review of the decisions of the RCMP, the Department of the Solicitor General and CSIS. In each case, the application should name the Solicitor General as respondent and it must be filed with the Court within 45 days of receiving this letter. Should you wish to proceed to the Court, we suggest you contact the Trial Division of the Court office nearest you. It is located at the Pacific Centre, P.O. Box 10065, 700 West Georgia Street, Vancouver, BC V7Y 1 B6, telephone (604) 666-3232.

You should also be aware that the Court has discretion to order that the costs of the other party be paid by you where the Court is of the view that this is appropriate. While this does not happen often, it is a possibility of which you should be aware. Conversely, the Court may order that your costs be paid where the Court finds that your application raises an important new principle.

This completes our investigation of your complaints, and the RCMP, Solicitor General Canada and CSIS have also been informed of the results. If you have any questions, please do not hesitate to contact Mr. Paul Richard, the investigator of record, at 1-800-282-1376.

George Radwanski
Commissioner of Canada

222. 19 OCTOBER 2003: LETTER TO THE HONOURABLE JANE STEWART, MINISTER OF HUMAN RESOURCES
NOTE: ORIGINAL LOST; This is the first page of a draft.

The Honourable Jane Stewart
Minister of Human Resources
e-mailed Min.hrde-drhc@hrdc-drhc.gc.ca
faxed to 1 819-994-0448 October 20, 2003

RE Student Loan 89222:
Joan Russow, nee Stevenson (Social Insurance Number 435-614)

Dear Minister

Unexpected and unforeseen circumstances have resulted in my not being able to repay my student loan.

In 1973, I returned to University to complete my degree. From 1973 to 1996, I brought up four children and completed a BA, A Med , and a PhD. Before finishing my Doctorate, from 1992-1995, I co-taught a course in global issues at the University o Victoria, and in 1995 I received two research grants from CIDA. When I completed my doctorate in 1996, I planned on continuing to work at the University and apply for grants, and to repay my student loan. In 1996, I was told that the course in global issues was not going to be offered in 1996; I presumed, however, that because I had co-developed the course I would be invited back to teach. It was never to happen. I did not succeed in security a position at University or in obtaining a research grant after 199t, but I have been left with a student loan debt of $57,000

When I borrowed money, I had been told that up to $30,000 could be remissible if a student completed a doctorate and if a student had performed community service. On completion of my doctorate I was informed that because my loan was divided into 60% Federal and 40% provincial, I could receive loan remission for only $20,000.

In 1998, with no success in obtaining work or receiving grants, I became increasingly concerned about my ability to repay the $37,000. I became aware of several possible avenues for addressing the heavy debt; to declare bankruptcy, to continue to seen work or to hope that Senator Perrault's recommendation that student could repay their loans through community service would be implemented into government policy. I decided that I would not declare bankruptcy because I believed that if I could get work in my field and that I should and would repay my loan. I also did lobby for the implementation of Senator Perrault's recommendation. Since 1972, I have been concerned about global issues, and have been involved in community service. In June 1998, I decided that I would try to argue that since 1972, I had been involved in community service and I appealed to the Hon Pierre Pettigrew to implement Senator Perrault's proposal, and take into consideration my years of community service.

In September 1998, I found out, as a result of the APEC the RCMP public inquiry, that I was placed on an RCMP Threat Assessment (TAG) list. I then began to realize that perhaps there was a reason for my not being able to teach at university or to receive grants.
[MISPLACED PAGES OF THE DOCUMENT]

223. 20 JANUARY 2004: COMPLAINT FILED WITH THE PRIVY COUNCIL OFFICE

a. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

b. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

c. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.

d. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate dissent:
e. Information about what actions are to be taken to address the issue of political interference by the Prime Ministers office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
f. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)

224. 23 SEPTEMBER 2004: LETTER TO IRWIN COTLER MINISTER OF JUSTICE

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4
1230 St Patrick
September 23, 2004

Hon Irwin Curler
Minister of Justice and Attorney General of Canada,
Justice Building 4th floor
284 Wellington St.
Otttawa, On. K1A 0H8

cotlerl@parl.gc.ca
Fax 1 613 9907255

Dear Minister Cutler,

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. Although I have often been a strong critic of government policy and practices, I have never been arrested and I have never been a threat to any person or to any country.

I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through

conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights). I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

However, as an activist from India once stated: nothing is more radical than asking governments to live up to their obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO, SIRC with exemptions under various section being cited such as “information cannot be released for military and international security reasons".

After being refused media access to the APEC conference, I filed a complaint with the RCMP Commission in January,1998. In my complaint I pointed out to the RCMP officers who interviewed me, that I suspected that there had been a directive from the Prime Minister’s office because the his office had pulled the pass of a journalist from Reuters because she had asked a probing question at an APEC press Conference. [I had upset Prime Minister Chrétien when in the 1997 election I asked him to address the issue of Canada’s failure, in many cases, to enact the necessary legislation to ensure compliance with international law]. I was, however, never allowed to appear before the Commission even though the commissioner was aware that there was a directive from the PMO to prevent me from attending the Conference. [an RCMP document in 1998 indicated that the media accreditation desk had received instruction from a Brian Groos from PMO to pull my pass after it had been issued]. I even spoke several times to the lawyers acting for the Commission and to Commission Hughes about my case. I was not even able to appear, even though I pointed out that a constable from the Vancouver police had made a statement, on the stand, that I had behaved inappropriately on a media bus going out to UBC during APEC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference. After the APEC conference, in February 1998 I had a petition placed on the floor of the House of Commons calling for an investigation into the Canadian Government’s disregard for the International Covenant of Civil and Political Rights and in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms or addressed under the Canadian Human Rights Act.

In September 1998, it was brought to my attention that I had been placed on an RCMP APEC threat assessment list of "other activists" . The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the National Post and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I} My being placed on a threat assessment list coincided with the announcement the leader of the German Green party, Joska Fischer’s being named foreign Minister.

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of article, in the National Post and its Affiliates on the Criminalization of Dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther King’s accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in David Anderson’s office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson’s office, had been filed with Elections Canada; Elections’ Canada

had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics - a ground that is included in the International Covenant of Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a “threat to Canada”.

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted.

In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

Apart from two $500 government grants in the Spring of 1996, I have not earned any income. I incurred a student loan of $57,000 when I graduated. Twenty thousand of the amount was granted in remission for community service by the Provincial government. I then still owed $37,000 to the Federal Government under the Ministry of Human Resources.

I have, however, continued to promote the public trust continually writing and lecturing on common security – peace, social justice, human rights, and the environment.

In 1996, for the Habitat II Conference, I prepared 176 page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and

Housing Corp under Public Works. I applied for a research grant under one of their categories “Sustainable Development”.

The proposed project was the following: A revising of "Sustainable Development" in the context of '"sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

> “ IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.”
>
> "All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.”
>
> "This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.
>
> This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.
>
> IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

Prior to finding out in 1998 that I was on the threat assessment list, even though I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1997 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200 page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated, without remuneration, throughout the years as a stakeholder, in conference calls , in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettygrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that students should be able to repay their loan through community service] and given that I was then 60 years old and my chances for employment were diminishing. He declined. Also, even though, I was then 60, and entitled to my meager Canada pension of $78 per month on the hope I declined to accept the pension on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, and when it was well publicized across the country, I realized that my reputation had been sullied and the chances of my finding work was next to impossible

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often. In 2003, I wrote another letter to the Jane Stewart, the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, the wide publication of this fact,

and the stigma attached to being placed on the list prevented me from fulfilling my obligations. I received a phone call from Minister Stewart's office, and was told to deal with the Collection agencies.

With interest I now owe $\67,000. August 2004, I received a phone call from a law firm in Victoria about the Attorney General's taking me to court about the loan, and that a notice would be served to me around mid August. I phoned Human Resources and appealed to them again and they arranged with the law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked, against me, exemption clauses of " military and international security" have been discredited.

This list would include:
(i) Robert Fowler as Deputy Minister of Defence- the originator of the infamous list of groups that the military should not belong to. This list, which was reported in Now magazine, was a **list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND ….**The list included the Green Party
(ii) Andy Scott, for prejudging the APEC inquiry;
(iii) McCauley for accepting benefits;
(iv) Radwanski for misappropriation of funds;
(v) Gagliano for his potential involvement in the Sponsorship scandal;
(vi) Jean Chrétien for his potential involvement in the Sponsorship scandal;
(vii) Howard Wilson for potential bias and not "speaking truth to power".

And as reported today, September 23, 2004, the Department of Justice hired Groupaction even after there had been a warning about Groupaction's incompetency sent from the Treasury Board.

When I appeared in the Federal Court in 2002 I was up against an adept lawyer from the Attorney General's office, and I was scolded by the Federal judge for appearing before the court without sufficient particulars. The judge placed me in a conundrum by stating that he would not grant my claim because I did not have sufficient particulars when it was the crown and numerous government departments represented by the Attorney General that had refused to disclose the particulars. I would think that placing a plaintiff in such conundrum would violate a principle of equity under common law. Similarly, a demand by a government department to fulfill an obligation while creating a situation that makes it impossible to fulfill this obligation would perhaps violate a similar principle of equity. I currently have thousands of pages of data related to my case and I have no idea know how to proceed.

I feel that I have been discriminated against on the grounds of "political opinion"- both small "p" and large "P" political opinion. I appeal to you to address, at the highest level, in some way, the years of injustice and discrimination that I have undergone. I know that under the Optional Protocol of the Covenant of Civil and Political Rights- to which Canada is a signatory, that if I have exhausted all domestic remedies I have the right to take my case before the UN Human Rights Commission charged with the implementation of the Covenant. I believe that I am close to having exhausted all domestic remedies available for justice in Canada.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and to further the public trust. A culture of justice will only occur in Canada when citizens believe that the public trust is furthered without discrimination on any grounds.

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

The following is the Judge Hargrave's decision: 5. The Statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire."
4."S (S?) I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination<POOR SPACING> which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed , I viewed it as an expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum because the lawyer for the Attorney General\ claimed that I did not have sufficient particulars and I responded that after four years of trying, and I showed the 2 inch thick binder, I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33 There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. THE counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts.

225. 14 OCTOBER 2004: DEPARTMENT OF JUSTICE ACCESS TO INFORMATION: NOTE: Russow decided because of the many years of speaking out, both nationally and internationally, about Canada's non compliance with international law, and about the dereliction of duty on the part of the Department of Justice , for continually disregarding in the court system, Canada's international obligations and commitments, she decided to extend my access to information request to the department of justice. It is the Ministry of Justice, that is responsible for the advising the government on the enactment of the necessary legislation to ensure compliance. Canada has signed and ratified the International Covenant of Civil and Political Rights. One of the sections in the Covenant requires Canada to enact the necessary condition to ensure compliance. Under art 2, "politics" is listed as one of the grounds for which there shall not be discrimination. "Political opinion" was not included in the Canadian Charter of Rights and Freedoms. When I raised the Covenant in the Federal Court on January 21, 2002; the reference was treated with derision. The lawyer for the Attorney General's office used a case from

1950s to support and argument that the Courts are not bound by international law agreements signed and ratified by Canada even though Canada is bound to enact the necessary legislation to ensure compliance. Even when I pointed out in my submission that under the Covenant there was a requirement to enact legislation, and that in 1982 the Canadian government informed the international community about

2. Canadian Human Rights Act
It appears that recommendations were made to include Freedom of association
copy of document recommending extending the mandate to include Freedom of association, and politics under the mandate of the Canadian Human Rights Act

Access to Information request
from Dr. Joan Russow
1 (250) 598-0071 (tel. only)
Attention: Kerrie Clark
Access to information Co-ordinator
Department of Justice fax 613-957-2303
284 Wellington St,
Ottawa, on. K1A 0H8

Access to Information Request: October 14, 2004

Department of Justice
(1) Documentation related to legitimate dissent, and discrimination on the grounds of "political and other opinion"

disregard for international law
(a) Expressed rationale for the failure to include political and other opinion in the Charter of Rights and Freedoms". "Political and other opinion" is a listed ground in most international human rights instruments, such as the International Covenant of Civil And Political Rights
(b) Expressed rationale for not requiring the government to abide with the following 1982 commitment to the international community:

1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis a vis International obligations

> Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

(c). Explanation for Attorney General's disregard in the Federal Court for international law: obligations incurred though Conventions, treaties, and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions.

Failure to distinguish legitimate dissent
(d). Justification for the targeting of individuals who are engaged in legitimate dissent
(e). Documentation of criteria used to place citizens on threat lists, and copies of the assessment by the Department of Justice on whether these criteria contravene obligations under the International Covenant of Civil and Political Rights to not discriminate on the ground of political or other opinion.
(f). Documentation related to judicial opinion on what would constitute legitimate dissent under the CSIS Act, and on whether CSIS agents are sufficiently trained to distinguish legitimate dissent from

Political intimidation
(g) Documentation related to a judicial opinion on whether threat assessment lists have been used to intimidate political opponents prior and during elections

Questionable exemptions
(h). Documentation related to a judicial review of exemption clauses used in the Access to Information Act, and Privacy Act
(i) Evidence for Judicial opinion on whether there is an over-reliance on department criteria for determining what would constitute an exemption, "for military and international security reasons", under the Privacy Act and under the Access to Information Act.

lack of independence of Privacy Commissioner and Access to Information Commission
(j) Documentation related to the failure on the part of the Commissioners to fully speak truth to power because they are political appointees, and because they have a mandate to investigate the process rather than the substance of a complaint.

disregard for "right to correction"
(k) (i) Description of remedies available for citizens who have followed all of the above mentioned processes for "the Right to Correction", and removal off lists. [analogous application of international principle affirmed in the International Convention on the Right to Correction].
(ii) Documentation related to the "simple process available" [statement from former Minister of Justice] for those that wish to be removed from lists
(iii) Documentation related to the rationale for citizens' being offered the opportunity of addressing, through the Federal Court, their being placed on lists, coupled with the rationale for citizens being required to pay costs
(1) Explanation and Documentation about the reason that after following all the subsequently listed designated processes a citizen has not been able to find out why the citizen was perceived to be a threat to Canada, and placed on a Threat Assessment List:
(i) RCMP Complaints, RCMP Review, CSIS, SIRC and Federal Court (against the AG)
(ii) Over 60 processes within various government departments, =
(iii) Numerous request for reviews by Privacy Commissioners, and by the Access to Information Commissioner

discrimination of access
(m) Documentation supporting the difference in government policy between access to information for a citizen placed on a "Threat list" and access to information for a citizen placed on a "Terrorist list". In appearing before the committees examining Bill C36 (Anti-terrorism legislation). The former Justice Minister, Honorable Anne McClelland stated: "if someone's name appeared on the Terrorism list", there is an easy process to follow to find out why this occurred".

dissemination of lists
(n). Provisions in place for preventing the exchange of threat list to other states
(o). Documentation of oversight process and judicial opinions related to the commitment made by former Minister of Justice, the Honorable Ann McClelland, re: lists provided by other nations: "We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight."

"In fact we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight" (former Minister of Justice, the Honorable Ann McClelland).

long term impact

(p) Documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists

Selective access to Committees
(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and Senate committees
(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and senate committees [THIS HAD NOW BEEN RESPONDED TO –THERE IS NO GENERAL CRITERIA OF SELECTION]

226. 14 OCTOBER, 2004: REQUEST FOR INFORMATION FROM ACCESS TO INFO AT DEPT OF ENVIRONMENT:

NOTE: in a former request from environment Canada there was reference to Russow calling for the banning of genetically engineered foods and crops. Russow decided to seek a more comprehensive access to information request to determine whether some of the activities that she had engaged in may have caused be to be designated as a threat.

October 14, 2004
1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4

Michael Bogues
Access to Information and Privacy Secretariat
Terrasses de la Chaudiere 10 Wellington St. 4th Floor
Hull Quebec K1A 0H3
FAX 819 997 1781

Dear Mr. Bogues

1. Access to Information about the Department of Environment and international agreements and conferences
a. documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Com for UNCED to raise the issue related to adding the "s" to Indigenous peoples
b. documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' supporting the Federal Government's ratifying of the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;
c, documentation related to the November 1992 meeting of the Provincial Environment Ministers in Alymer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity
d. documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO
e. documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US
f. documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention
g. documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995
h. documentation related to Canada's submission to the Intergovernmental panel on Forests. This proposal was in support of a Convention on Forests rather than including forests under existing Conventions and treaties.
i. documentation related to stakeholder submissions to the consultation process for Rio +5 in 1997

j. documentation related to the Canadian Environmental Network about the selection of ENGOs for the Rio +5 Conference in New York, and about the importance placed by the Federal government on knowledge of Spanish.
k documentation related to the analysis of stakeholder submissions to the consultation process on the Biosafety Protocol, 2003
l. documentation related to the 2002 stakeholder meeting in relation to Canada's position for the World Summit on Sustainable Development
m. documentation related to communication with the Canadian Environmental Network about the selection of ENGOs to be part of the Canadian Delegation at WSSD
n. documentation related to the Government of Canada's position related to the precautionary principle for the 2002 World Summit on Sustainable Development (WSSD)
o. documentation related to the decision to not apply the precautionary principle to the release, production, and export of genetically engineered seeds, foods and crops
p. documentation related to the Government of Canada's WSSD position related to the commitment to promote non renewable energy, and to reduce greenhouse gas emissions.
q. documentation related to the decision to issue an order in Council to bypass the Federal government statutory obligations under the EARP guidelines in order to permit the circulation and berthing of nuclear powered or nuclear capable vessels in Victoria's urban harbour

copy in mail With the required $5 for the Access request

Yours truly Joan Russow (PhD) 1 250 598-0071

227. 15 OCTOBER 2004: RESPONSE FROM DEPARTMENT OF JUSTICE

Department of Justice
Ottawa, Canada
October 15, 2004

Joan Russow, PhD
1230 St. Patrick Street
Victoria, British Columbia V8S4Y4

Dear Dr. Russow:

On behalf of the Honourable Irwin Cotler, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence of September 23, 2004, concerning your personal situation.

I hope you will understand that Minister Cotler is not in a position to help resolve individual legal matters. As Minister of Justice and Attorney General of Canada, he is the Government's chief legal advisor. For this reason, he is not able to provide legal advice to members of the public, nor is he able to intervene or otherwise become involved in individual cases. Similarly, neither departmental officials nor members of his staff can provide legal advice to private individuals or become involved in personal matters.

The most useful suggestion that AI can offer, given your situation, is to seek the advice of a lawyer in private practice to determine the course of action that will best serve your needs. If this in not financially possible, you ay wish to consult with legal aid office closest to you to determine whether you qualify for help.

Your correspondence also raises concerns regarding a threat assessment list maintained by the RCMP. The responsibility for this matter falls within the purview of my colleague the Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness. I have , therefore taken the liberty of forwarding a copy of your correspondence to Minister McLellan for her consideration. Thank you for bringing your concerns to Minister Cotler's attention.

Yours sincerely,

Ginette Pilon
Manager
Ministerial Correspondence Unit
cc. The Honourable Anne Mc Lellan, P.C. Mp
Deputy Prime Minister and Minister of Pu8blic safety and emergency preparedness

228. 19 OCTOBER 2004: RESPONSE TO ACCESS TO INFORMATION REQUEST TO THE DEPARTMENT OF JUSTICE

Department of Justice Ministere de la Justice Canada
Access to Information and Privacy Office Telephone: (613) 952-8361 284 Wellington Street, Ist Floor Facsimile: (613) 957-2303 Ottawa, Ontario
Canada KIA OH8
Our file: A-2004-00157 / bf
PROTECTED
October 19, 2004
Ms. Joan Russow
1230 St. Patrick Street
Victoria, British Columbia V8S 4Y4

Dear Ms. Russow:

This is to acknowledge that your request of October 14, 2004, was received in this Office on October 15, 2004. Your application fee was received in this Office on October 19, 2004.
We note that you wish to obtain, pursuant to the Access to Information Act:
documentation related to legitimate dissent (disregard for international law, failure to distinguish legitimate dissent, political intimidation, questionable exemptions, disregard for "right to correction", discrimination of access, dissemination of lists, and long term impact).

The purpose of this letter is to seek clarifications from you in order to locate records responding to your request.

The Access to Information Act creates the right of access to information in existing records. Although your letter includes several items, I would like to clarify that it is not necessary for an institution to create a record in order to respond to a request. It is also not necessary for a Department to retrieve publicly available records, such as library materials, as stated in s. 68 of the Act. Furthermore, section 6 of the Act states that a request for access must provide sufficient detail to enable an experienced employee of the Department with a reasonable effort to identify the relevant records. Generally, it is more difficult to identify records responding to a series of broad items or questions. I would appreciate if you could clarify or rephrase your request and specify which documents are being sought.

Please note that we will put your request in abeyance until we receive additional information from you. If we have not received your reply by November 8, 2004, we will consider the request abandoned and close our file accordingly. Should you wish to discuss your request, do not hesitate to contact me at (613) 952-1224.
Sincerely,

Brenda Freeland ATIP Advisor

229. 1. NOVEMBER 2004: LETTER FROM ACCESS TO INFORMATION COMMISSIONER ABOUT PCO

NOTE: :It is extremely disappointing after all the personal correspondence I have had with Hon John Reid, and written correspondence with his office that Commissioner, that in a note signed by him is the statement :" RCMP allegedly put you on a Threat Assessment list".

Access to Information Commissioner

Our files; 17173/001 and 27173/002
Institution's files 135-2-A-2001-0272/cdb and 135-2-a2001-0273/cdb

Dr. Joan Russow
1230 St. Patrick Street
Victoria BC V8S 4Y4

Dear Dr. Russow:

I write to report the results of our investigation of your two complaints, made under the Access to Information Act (the act) against the Privy Council Office (PCO).

In your requests, you asked for records related to the reasons why the RCMP prevented you from attending APEC-November 1997 and allegedly put you on a Threat Assessment list (PCO file 135-2-A-2001-o272). In PCO file 135-2-A-2001-0273, your asked for information about the direction given to a RCMP official by the PMO to prevent you from attending the APEC summit. This included information about Threat Assessment lists such as: who is on them and who they are shared with. As well you asked for any background on any action being taken to ensure that CSIS, the RCMP and the Prime Minister's office conduct their affairs according to any statutory requirements relating to the monitoring of or interference with a member of a legitimate political party.

On April 29, 2002, PCO denied you access to portions of the requested records claiming exemption under one or more paragraphs 16 (1) (a) and (c) of the Act. On May 8, you complained about PCO's response. On January 10, 2003, you also added to your complaint that PCO's response was incomplete and that you believed more records existed that respond to your requests.

First , let me apologize for the length of this investigating. The delays encountered were primarily the result of our heavy workload, but also because I wanted to ensure that every stone had been turned during the courts of the investigation. Your cooperation and patience are much appreciated.
During the course of this investigation, my staff reviewed every record within the control of the Privy Council's office and the Prime Minister's office related to the Asia-Pacific Economic Conference of 1997 and your two requests. My investigator revisited the search for records originally conducted and , as well conducted a thorough review of every departmental access file that related in any way to the APEC conference. As well, my senior officials interviewed senior officials from the PCO and the PMO. No additional records were found that fall within the ambit of your requests.

As a result of our interventions on December 12 2002, May 22, 2003, and October 13, 2004, PCO disclosed additional information to you. What remains withheld is personal information about a person other than you that is properly withheld under section 19 (1) of the Act.

There fore I am satisfied that the search was thorough and complete and that you have received all the records to which you are entitled to under the Act.

Based on the above, and given that you did receive additional disclosures- albeit small additional disclosures, I will record your complaints as resolved.

Having now received the report of my investigation, you have the right to apply to the Federal Court for a review of the Privy Council Office's decision to deny you access to requested records. Such an application should name the Prime Minister as respondent and it must be filed with the Court within 45 days of receiving this letter. Yours sincerely
The Hon John M. Reid P.C.

230. **1 NOVEMBER 2004**: RESPONSE TO THE RESPONSE FROM ACCESS TO INFORMATION COMMISSIONER TO PCO COMPLAINT

DATE REPLY TO ACCESS TO INFORMATION COMMISSIONER'S RESPONSE TO PCO

This is a further response to your November 1 letter , in which you indicated that the PCO was entitled to use the exemptions under article 16 and Article 19 of the Act. I have reviewed the various sections of my Access to Information Request, and have the following concerns:

ORIGINAL REQUEST:

A. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

IN MAY, 1998, SERGEANT WOODS INTERVIEW CHRISTINE PRICE :

"WOODS: NOW WHEN BRIAN GROOS TOLD YOU THAT SHE [RUSSOW] WAS NOT TO GET ACCREDITED AND HE STATED THIS CAME FROM AUDREY GILL,
DID HE GIVE YOU ANY EXPLANATION AS TO WHY

CHRISTINE PRICE; I BELIEVE HE TOLD ME THAT IT WAS AN ORDER FROM THE PMO BUT THAT WAS ALL THAT HE TOLD ME."

IN THE DOCUMENT THAT WAS SENT TO ME BY THE PCO,
CHRISTINE PRICE TESTIFIED THAT SHE LEARNED THAT RUSSOW WAS NOT TO GET ACCREDITATION BECAUSE OF THE PMO. [THE PCO EXEMPTED THE REFERENCE TO THE PMO USING 16]

IT WOULD APPEAR FROM CHRISTINE PRICE'S TESTIMONY THAT THERE WAS AN ORDER FROM THE PMO. THERE MUST BE EVIDENCE SOMEWHERE AS TO THE NATURE OF AND THE BASIS FOR THIS ORDER.

IN MY REQUEST I HAD ASKED FOR "INFORMATION ABOUT THE DIRECTION", AND THE PCO CONFIRMED THAT THERE HAD BEEN A DIRECTIVE FROM THE PMO'S OFFICE BUT THE PCO DID NOT GIVE ME INFORMATION ABOUT THE DIRECTION. PERHAPS IT WAS NOT CLEAR THAT IN USING THE EXPRESSION "INFORMATION ABOUT THE DIRECTION" I WAS EXPECTING CLARIFICATION AS TO THE NATURE OF AND THE REASON FOR THE ORDER COMING FROM THE PMO.

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

AFTER HAVING FOUND OUT THAT I HAD BEEN PLACED ON A RCMP THREAT ASSESSMENT LIST, AND THAT THE GROUP TO WHICH I HAD BEEN A MEMBER HAD BEEN PLACED ON A DEPARTMENT OF DEFENCE LIST, I BECAME LEGITIMATELY CONCERNED ABOUT THE POSSIBLE EXISTENCE OF MULTIPLE LISTS, AND ABOUT THE DISSEMINATION OF THESE LISTS. I BELIEVE THAT THIS REQUEST WAS A LEGITIMATE REQUEST. I HAVE EVERY RIGHT TO KNOW THE RANGE, THE SOURCE, THE EXTENT AND THE DISTRIBUTION OF ANY LISTS WHICH HAVE INCLUDED MY NAME. IF CIRCULATED WHAT ASSURANCE CAN THE CANADIAN GOVERNMENT PROVIDE THAT THESE LISTS DO NOT IN ANY WAY JEOPARDIZE THE SAFETY AND SECURITY OF CITIZENS ON THE LISTS, AND WHAT ASSURANCE CAN THE CANADIAN GOVERNMENT GIVE THAT ONCE A PERSON PLACED ON A LIST IN CANADA, THAT THIS LIST IS NOT USED TO ASSOCIATE THE PERSON WITH THREATS AS DEFINED IN OTHER NATIONAL JURISDICTIONS. IF DISTRIBUTED, WHAT GUARANTEES CAN THE CANADIAN GOVERNMENT GIVE TO CANADIAN CITIZENS THAT THESE LISTS WILL NOT BE USED BY OTHER GOVERNMENTS OR THEIR AGENCIES TO DEPRIVE CANADIAN CITIZENS OF THEIR CIVIL AND POLITICAL RIGHTS.

C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
IT IS MY UNDERSTANDING THAT THERE MAY HAVE BEEN THE CIRCULATION OF THESE LISTS TO INTERNATIONAL BODIES SUCH AS THE UNITED NATIONS. THERE ARE SERIOUS

IMPLICATIONS FOR THE SAFETY OF CITIZENS WHOSE NAMES ARE ON LISTS THAT HAVE BEEN DISTRIBUTED INTERNATIONALLY.
WHAT CONTROL DOES THE CANADIAN GOVERNMENT HAVE OVER THE USE OF THE LIST.
WHERE ELSE HAVE THESE LISTS BEEN DISTRIBUTED? THE CIRCULATION OF LISTS IS IN VIOLATION OF THE RIGHT TO SECURITY WHICH IS ENSHRINED IN THE CHARTER.

D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate dissent:

UNDER THE CSIS ACT "THREATS TO SECURITY OF CANADA" ARE DEFINED.

Threats to the security of Canada means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage

b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person
c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and
d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada
but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

IN NO WAY DO I OR HAVE I EVER DONE ANYTHING THAT WOULD JUSTIFY MY BEING DESIGNATED AS A THREAT, AND IT IS QUITE CLEAR UNDER THE CSIS ACT THAT THE DEFINITION OF "THREAT" DOES NOT INCLUDE LAWFUL ADVOCACY, PROTEST OR DISSENT. AM I TO PRESUME THAT THE PMO IS BEING CONDONED FOR GIVING ORDERS TO THE RCMP TO CLASSIFY AS THREATS CITIZENS THAT ENGAGE IN LAWFUL ADVOCACY, PROTEST, OR DISSENT? AM I ALSO TO PRESUME THAT THERE ARE NO PROVISIONS IN THE PCO TO ENSURE THAT CSIS AND THE RCMP ABIDE BY THEIR STATUTORY REQUIREMENTS. IN ADDITION, IT APPEARS THAT THE PMO/PCO, BY TREATING "ACTIVISTS" ENGAGED IN LEGITIMATE DISSENT AS THREATS, IS PREPARED TO DISCRIMINATE ON THE GROUNDS OF POLITICAL AND OTHER OPINION, IN CONTRAVENTION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS,

UNDOUBTEDLY, IF ACTIVISTS ENGAGING IN LEGITIMATE DISSENT HAVE BEEN INCORRECTLY PLACED ON THREAT LISTS, THERE MUST BE SOME OVERSIGHT PROCEDURE TO CORRECT MISINFORMATION EXISTING IN GOVERNMENT FILES,

AN ORDER FROM THE PMO OFFICE TO PLACE ACTIVISTS ENGAGED IN LEGITIMATE DISSENT ON A THREAT ASSESSMENT LIST MUST HAVE BEEN BASED ON INFORMATION THAT WAS PROVIDED TO THE PRIME MINISTER. THESE ACTIVISTS HAVE A RIGHT TO BE INFORMED ABOUT THE NATURE OF THE INFORMATION AND BE ABLE TO CORRECT THE MISINFORMATION THAT WAS COMMUNICATED TO THE PMO.

THE PRACTICE OF PLACING ACTIVISTS ENGAGED IN LEGITIMATE DISSENT, INCLUDING THE CASE IN WHICH ACTIVISTS ARE UNAWARE OF THEIR BEING PLACED ON LISTS, HAS SERIOUS AND UNFORESEEN CONSEQUENCES.

E. Information about what actions are to be taken to address the issue of political interference by the Prime Ministers office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

DO I TAKE IT THAT EVEN AFTER THERE WAS CONSIDERABLE EVIDENCE TO DEMONSTRATE THAT PRIME MINISTER CHRÉTIEN INTERFERED WITH THE ADMINISTRATION OF JUSTICE, AT APEC, THERE IS NO ACCESSIBLE DOCUMENT INDICATING THAT THE PCO/PMO HAS INSTITUTED MEASURES TO PREVENT FURTHER INTERFERENCE FROM THE PRIME MINISTERS; OFFICE.

F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
G.(Amended)
AM I TO UNDERSTAND THAT THERE WAS NO AMERICAN CORPORATION INVOLVED IN THE DEVELOPMENT OF THREAT ASSESSMENT LISTS?

I Hope that you will give due considerations to the above concerns.

YOURS TRULY

Joan Russow

231. 11 NOVEMBER 2004: LETTER TO ACCESS TO INFORMATION COMMISSIONER ABOUT DISILLUSIONMENT WITH THE PROCESS

Attention Sylvia Klasosec
1 416 325 9195
no. of pages: including cover: 5
MESSAGE:
Dear Sylvia
Thank you for taking the time to listen to my case.
As requested here is the letter that I sent to the Access to information Commissioner.
Sincerely

Joan

232. **11 NOVEMBER 2004:** APPEAL TO JOHN REID TO TAKE MY CASE TO COURT

Joan Russow (PhD)
1230 St Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598-0071

Hon John Reid
Access to Information Commissioner
112 Kent Street
November 11, 2004

Fax. 1 613 947-7294

Dear Commissioner,

I am responding to your letter of November 1st, 2004. In this letter you indicated that I had the option to appeal to the Federal Court within 45 days. I contacted Dan O'Donnell to ask about the procedure. He indicated that I had to contact a lawyer. I cannot afford a lawyer, and I am writing to you to urge you to act on my behalf before the Federal Court. No citizen should have to live with the stigma of being designated by the government as a "A threat to military and International Security"

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. The document released was entitled "other activists" and contained the pictures of 9 activists. Although I have been a strong policy critic of government practices, and engaged in legitimate dissent, I have never been arrested, or engaged in any activity that could be deemed to be a threat to military and international Security.

I have a masters in Curriculum Development, introducing, principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law, and a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the university of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria, and the Vancouver peace Society, I am a member of the IUCN Commission of Education and Communication, and the Canadian UNESCO Sectoral Commission on Science and Ethics. and the Canadian Voice of Women.

I am the author of the Charter of Obligations-350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through Un General Assembly Declarations and Resolutions--related to the public trust or common security (peace, environment social justice and human rights).

However, as an Activist from India once stated nothing is more radical than asking governments to live up to its obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments and expectations is a threat to the country then I am a threat to Canada. However, under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years.

I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. After receiving questionable responses from the RCMP. CSIS, Ethics Commissioner, Privy Council, PMO, SIRC with exemptions under various section being cited - information cannot be released for "military and international security reasons".

When I was refused access to the APEC conference in 1997, I filed a complaint; but I was never able to appear during the inquiry even though the RCMP and the RCMP Commissioner were aware that there had been a directive from the PMO to prevent me from attending the Conference. I even spoke several times to the lawyers acting for the Commission, and to Commissioner Hughes, about my case. I was not even able to appear, when I pointed out that on the stand a constable from the Vancouver police had made a statement that I had behaved inappropriately on a media bus going out to UBC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference.

After the APEC conference, in February 1998 I had a petition placed on the floor of the house of Commons calling for an investigation into the Canadian government's disregard for the International Covenant of Civil and Political Rights' in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms.

From April 1997 to March 2001, I was the Federal Leader of the Green Party of Canada, and was concerned to find out that the Green Party had been on a list of groups that the Military should not belong to. As a result of the Somali Inquiry, Robert Fowler, then Deputy Minister of Defence, had commissioned a junior officer to compile this list. …The Green Party was on this list. Subsequently , I found out through Access to information that it was the leaders of these groups that were of especial concern to the Department of Defence.

In September 1998, it was brought to my attention that I had been placed on RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became an media issue and was reported widely across the country through CBC television, through CBC radio, and through the National post and its branch papers. In 1998, The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I}

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General [accessed through A of I subsequently in 1999).

In August of 2001 there was a series of articles on the Criminalization of dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther Kings accompanied the article. This series later won an award.

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case, in the Federal Court, of defamation against various federal government departments.

I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Department of Justice has been remiss in not advising the Federal government that "political and other opinion" which is a listed ground under the ICCPR should have been included in the Charter of Rights and Freedoms. When I raised the fact that "political and other opinion" is a recognized ground, internationally. the lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.

When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests.

The following is excerpts from the Judge's decision:

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

4.“… I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed, I viewed it as a n expensive fishing expedition, which entailed serious

allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient.
[I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the “particulars”. The judge’s response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.
6. Counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. …

I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of "political and other opinion"- a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and my character has been defamed. The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and in particular with the unethical abuse of political power.

In 2002, there was an article that appeared across the country about the launching of my court case, and in the article my concern about being deemed a security risk and about the stigma attached to my name even to the point that I feared that my access internationally might be curtailed, and my employment opportunities thwarted. Also, the stigma attached to my name has affected my children, and has discredited my father’s reputation. My father was the Assistant Auditor General of Canada, and acting Auditor General in the late 1950s, as well as being a representative to the United Nations and other international Organizations.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; McCauley for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

I urge you to take on my case in the Federal Court against the Solicitor General's Department, RCMP. CSIS, Department of Defence, and Prime Ministers office.

Your truly

Joan Russow (PhD)
1 250 598-0071

Since my graduation with my doctorate in 1996, I have attempted to apply for numerous jobs, and have been continually disappointed.

The reason I mention this is that I incurred a student loan of 57,000 when I graduated. 20,000 of the amount was granted in remission for community service by the Provincial government. I then owed 37,000 to the Federal Government under the Ministry of Human Resources. In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academic activists in Brazil.

On completing my doctorate I have no doubts about my ability to repay my student loan. I received two 500 grants to assist in the preparation of 176 book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference Action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the Habitat II conference I applied for numerous federal grants in the 1996 with no success. Ironically one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories Sustainable development

The proposed project was the following:
A revising of "sustainable Development" in the context of 'sustainable human settlement Development" ; from principle to policy."

The reason for the refusal I found out later through a privacy request was the following.

subject : IRD Review of Submissions - 1006 External Research Program
The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.

"All the submissions reviewed were interesting, TRADE-RELEVANT and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.

"This is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.

This proposal , however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.

IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [NOTE THE CURRENT RELEVANCE WHEN THERE IS A CURRENT COMMISSION LOOKING INTO CRITERIA FOR PROJECTS WITHIN THE PUBLIC WORKS]

Prior to finding out in 1998 that I was on the threat assessment list, although I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income I was continually contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in fact in 1997 as a stakeholder, I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing preparing a 200 page response, and rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated throughout the years on other stakeholder meetings and similar undertakings without remuneration.

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource asking if it was possible to forgive my loan on the basis of my contribution to years of community service as had been proposed by Senator Perrault, and given that I was now 60 years old and

my chances for employment were diminishing. He declined. Even though, I was 60, I declined my meager Canada pension of 78 per month on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, I realized that my reputation had been denigrated and the chances of my finding work was next to impossible. In fact the University of Victoria, had even sent a note when I was running in the 1997 election, to the office of the Green Party of Canada stating that I was no longer associated with the university.

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often.

In 2003, I wrote another letter to the Jane Stewart the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, and the wide publication of this fact and the stigma attached to being placed on the list has prevented me from fulfilling my obligations. With interest I now owe 67,000.

In the Summer of 2004, I received a phone call from a law firm in Victoria, about the Attorney General's taking me the court about the loan, and that a notice would be served to me around mid August. I phoned human resources and appealed to then and they arranged with the Law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; Macaulay for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I currently have thousands of pages of data related to my case

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and a furthering of the public trust.

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

233. 20 DECEMBER 2004: COMPLAINT TO ACCESS TO INFORMATION COMMISSION ABOUT EXORBITANT COSTS ATTENTION : HON JOHN REID 2004 COMPLAINT TO ACCESS TO INFORMATION COMMISSION ABOUT EXORBITANT COSTS

ATTENTION : HON JOHN REID Access to Information Commissioner
FAX 613 947 7294
Re: Access to Information requests to Department of environment:

A-2004-00475: costs
Excessive costs for information that should be easily accessible

A 2004 00327 costs
Exorbitant costs for information that should be readily available.

A-2004-00471 Existence of documents
Documentation exists. Either Department has poor filing system destroyed relevant historical information , or is reluctant to divulge information and claims that it does not exist.
Dr Joan Russow 1 250 598-0071

234. 26 JANUARY 2005: RESPONSE FROM ENVIRONMENT CANADA; EXORBITANT COSTS

Environment Environnement Canada
Terrasses de la Chaudiere
10 Wellington Street, 3rd Floor Gatineau, Quebec
KIA OH3

Your File Votre reference
January 26, 2005
Our FileNotre reference A-2004-00475 / gb
Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Dr. Russow:

This refers to your request under the Access to Information Act (the Act) for:
"Documentation related to the 2002 stakeholder meeting in relation to Canada's position for the World Summit on Sustainable Development (WSSD);

Documentation related to communication with the Canadian Environmental Network about the selection on ENGOs to be part of the Canadian Delegation at WSSD;

Documentation related to the Government of Canada's position related to the precautionary principle for the 2002 WSSD;

Documentation related to the decision at the WSSD to not apply the precautionary principles to the release, production and export of genetically engineered seeds, foods and crops;

Documentation related to the Government of Canada's WSSD position related to the commitment to promote non renewable energy, and to reduce greenhouse gas emissions."

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is $10.00/hour. For this request, we will require approximately 39 hours to locate and prepare the requested information for disclosure. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is 5340.00 (34 hours x $10.00/hour).

We will require a deposit of $170.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within
30 days.

Please note that this estimate does not include the additional cost of any photocopies at 50.20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records.

If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:
Information Commissioner of Canada Place de Ville, Tower "B"
112 Kent Street, 22nd Floor Ottawa, Ontario
KIA 1H3

If you have any questions regarding this request, please contact Ghislaine Bourdeau at (819) 934-3948 or by fax at (819) 953-1099.
Yours sincerely,
Shelley Emerson Chief
Access to Information and Privacy Secretariat
Enclosure

235. 26 JANUARY 2005: RESPONSE FROM ACCESS TO INFORMATION ENVIRONMENT CANADA

NOTE: This response epitomizes the problem inherent in the Access to Information Process.: exorbitant costs and ineffective means for obtaining information:

Environment Environnement Canada Terrasses de la Chaudiere
10 Wellington Street, 3"1 Floor Gatineau, Quebec
KIA OH3
Your File Votre reference
Our FileNotre reference A-2004-00327 / ell
Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4
Dear Dr. Russow:
This refers to your request under the Access to Information Act (the Act) for:
"Revised December 20, 2004

1) Documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Corn for UNCED to raise the issue related to adding the "s" to Indigenous peoples;
2) Documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' supporting the Federal Government's ratifying the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;
3) Documentation related to the November 1992 meeting of the Provincial Environment Ministers in Aylmer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity."

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is $10.00/hour. For this request, we will require approximately 2407 hours to locate and prepare the requested information for disclosure. Please note that of the 2407 hours, 2250 hours are required to search through boxes sent to Archives. The boxes collectively store files which had been held in 6 large double-banked, 5 tier file cabinets (or 60 shelves). The remaining hours are required to search through offices of primary interest. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is $24,050.00 (2,402 hours x $10.00/hour).

We will require a deposit of $12,025.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at $0.20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records.

If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:
Information Commissioner of Canada Place de Ville, Tower "B"

112 Kent Street, 22nd Floor Ottawa, Ontario

KIA 1H3
If you have any questions regarding this request, please contact Carol Lafontaine at (819) 953-5689 or by fax at (819) 953-1099.
Yours sincerely,

Shelley Emerson Chief
Access to information and Privacy Secretariat

236. 27 JANUARY 2005: RESPONSE TO REQUEST FOR ACCESS TO INFORMATION IN THE DEPT OF ENVIRONMENT CANADA

Environment Environnement Canada Les Terrasses de la Chaudiere 27ieme etage/27°' Floor
10, rue Wellington/10 Wellington Street Gatineau, Quebec K 1 A OH3
TEL.: (819) 953-2743 FAX: (819) 953-0749 Helen. Ryan@ec.gc.ca Your File Votre reference
Our File Notre reference A-2004-00472 / gb

Dr. Joan Russow
1230 St. Patrick Street
Victoria, British Columbia
V8S 4Y4

Dear Dr. Russow:
This letter is in response to your request under the Access to Information Act (the Act) for:
"Documentation related to Canada's submission to the Intergovernmental panel forests. This proposal was in support of a Convention on Forests rather than including forests under existing Conventions and treaties. -
After a thorough search, no records were found concerning this request.
The Act grants you the right to file a complaint with the Information Commissioner, one year of the receipt of your request if you are not satisfied with our handling of your request. The address is:
Office of the Information Commissioner 112 Kent Street, 22nd Floor Place de Ville, Tower B Ottawa, Ontario KIA 1H3
If you have any questions regarding this request, please do not hesitate to contact Ghislaine Bourdeau at (819) 934-3948.

Helen Ryan
Access to Information and Privacy Coordinator

237. 17 FEBRUARY 2005: RESPONSE FROM THE PRIVY COUNCIL TO PRIVACY REQUEST;

NOTE: The only information that was provided was a petition that Russow had sent the Prime Minister on the Casino probe- a probe that had the control panel fueled by 32 kg of plutonium

Government of Canada
Privy Council Office

135-3-P-2004-0012
Ms Joan Russow
1230 Patrick Street
Victoria, British Columbia
V8S 4Y4
Dear Ms Russow:

This is in response to your request under the Privacy Act for Information related to Joan Russow- Green Party Leader (April 1997- March 2001) (j.russow@shawlink.ca/jrussow@coastnet.com). The Privy Council office received your request on November 10 2004

We have now complete the processing of your request. Please find enclosed a copy of the records disclosed in full

You are advised that you are entitled to bring a complaint regarding the processing of your request to the Privacy Commissioner (3 floor, 122 Kent Street Ottawa)

Yours sincerely

Ciuineas Boyle

238. 27 JANUARY 2005: RESPONSE FROM ACCESS TO INFORMATION IN ENVIRONMENT CANADA.

NOTE: Russow requested information about the IUCN from the Environment Canada; The Department of Environment was very much involved with the IUCN, and I submitted a proposal to the Asst. of the former Ambassador for the Environment to the UN, Arthur Campeau.

239. JAN 27 2005: RESPONSE TO ACCESS TO INFORMATION REQUEST TO ENVIRONMENT CANADA

Environment Environnement Canada Canada Les Terrasses de la Chaudiere 27ieme etage/27th Floor
10, rue Wellington/10 Wellington Street Gatineau, Quebec KIA OH3
TEL.: (819) 953-2743 FAX: (819) 953-0749 Helen Ryan @ec.gc.ca
Your File Votre reference
Our File Notre reference
A-2004-00471 / gb

Dr. Joan Russow
1230 St. Patrick Sheet Victoria. British Columbia V8S 4Y4

Dear Dr. Russow:

This letter is in response to your request under the Access to Information Act (the Act) for:
"Documentation of 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;
Documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US;

Documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention;

Documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995. "

After a thorough search, no records were found concerning this request.

The Act grants you the right to file a complaint with the Information Commissioner, within one year of the receipt o F your request, if you are not satisfied with our handling of your request. The address is:
Office of the Information Commissioner 112 Kent Street, 22nd Floor Place de Ville, Tower B Ottawa, Ontario KIA 1H3
If you have any questions regarding this request, please do not hesitate to contact Ghislaine Bourdeau at (819) 934-3948.

Yours since

Helen Ryan
Access to Information and Privacy Coordinator

240. 11 MARCH 2005: RESPONSE FROM ACCESS TO INFORMATION CANADA

Environment Environnement Canada Canada Terrasses de la Chaudiere
10 Wellington Street, 3"' Floor Gatineau, Quebec
KIA OH3
Tel: (819)997-4552 Fax(819)953-1099 Shelley. Emmerson@ec. gc. ca
Your File Votre reference

March 11, 2005
Our FileNotre reference A-2004-00327 / cl
Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Dr. Russow:
This refers to your request under the Access to Information Act (the Act) for:
"Revised December 20, 2004

1) Documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Corn for UNCED to raise the issue related to adding the "s" to Indigenous peoples;
2) Documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' Supporting the Federal Government's ratifying the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;
3) Documentation related to the November 1992 meeting of the Provincial Environment Ministers in Aylmer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity."

As we have not received a reply to our letter of January 26, 2005 (copy attached), we now consider your request to have been abandoned and we are closing our file.
Yours sincerely,

Shelley Emmerson Chief
Access to Information and Privacy Secretariat

241. 19 APRIL 2005: LETTER TO THE HON BILL GRAHAM, MINSTER OF DEFENCE RE; LISTS

Graham.B@parl.gc.ca
Hon Bill Graham
Minister of Defence
April 19, 2005

Dear Minister

For years, I have been living with the stigma of being the former leader of a group that was on the DND secur op list, and of being placed on an RCMP threat assessment list. The Gomery inquiry should be extended to include investigating the unconscionable actions by both the former Mulroney Conservative government and the former Chrétien Liberal government for their targeting citizens engaged in lawful dissent.

During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence, issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with a set of categories for groups that the military should not belong to….. The Green Party was on this list. The placing of groups on lists and circulating these lists, nationally and internationally have serious implications including the perception of those in the Group mentioned above as being capable even of treason, Through Access to information

I received an outline of the categories of the list but not the names of groups on the list. [The names of the groups had previously been reported in a newspaper]] in the information that I received it indicated that only the leaders or leadership of the groups was to be considered.

The placing of groups that have engaged in lawful advocacy or legitimate dissent on group lists is unethical and potentially in violation of the Right of Association and in violation of "political and other opinion", one of the listed grounds, in most international human rights instruments, for which there shall not be discrimination

In 1998, I found out that I had been placed on a 1997 RCMP threat assessment list. I believe that I may have been determined to be a threat to Canada and continue to be perceived as a threat [presumably because the government has not been forthcoming in publicly apologizing for placing me on a threat assessment list] for the following reasons: (i) I was involved in a 1991-93 Court case related to preventing the berthing of nuclear powered or nuclear arms capable vessels in the waters of BC and in the port of Greater Victoria; (ii) I organized and participated in numerous protests against the US nuclear powered vessels; (iii) I organized and participated in numerous protests against Nanoose Bay and the circulation of US nuclear powered and nuclear arms capable vessels; (iv) I filed an affidavit in the submissions about the conversion of Nanoose Bay. (v) I have been an international advocate for the reallocation of the global military budget as agreed through UN Conference Action plans and UN General Assembly resolution since at least 1976; (vi) I opposed and protested Canada's involvement in the 1991 gulf war, the 1998 bombing of Iraq, the 1999 invasion of Yugoslavia, the 2001, invasion of Afghanistan, as well as a strong critic of the US-led invasion of Iraq; (vii) I circulated a document related to the 52 ways the US contributes to global insecurity.

All the above actions are actions of lawful advocacy or legitimate dissent, and under the CSIS act, it is clear that citizens engaged these actions must not be designated as threats. The following is a description of what constitutes a "Threat" in Canada.

Threats to the security of Canada means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage

b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person
c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and
d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead o the destruction or overthrow by violence of the constitutionally established system of government in Canada
but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

In no way do I or have I ever done anything that would justify my being designated as a threat, and it is quite clear under the CSIS act that the definition of "threat" does not include lawful advocacy, protest or dissent. Am I to presume that the PMO is being condoned for giving orders to the RCMP to classify as threats citizens that engage in lawful advocacy, protest, or dissent? Am I also to presume that there are no provisions in the PCO to ensure that CSIS and the RCMP abide by their statutory requirements. in addition, it appears that the PMO/PCO, by treating "activists" engaged in legitimate dissent as threats, is prepared to discriminate on the grounds of political and other opinion, in contravention of the international covenant of civil and political rights,

Undoubtedly, if activists engaging in legitimate dissent have been incorrectly placed on threat lists, one would think that there must be some oversight procedure to correct misinformation existing in government files,

An order from the PMO office to place activists engaged in legitimate dissent on a threat assessment list must have been based on information that was provided to the Prime Minister Office. These activists have a right to be informed about the nature of the information and be able to correct the misinformation that was communicated to the PMO.

The practice of placing activists engaged in legitimate dissent, including the case in which activists are unaware of their being placed on lists, has serious and unforeseen consequences.

The fact that I was on the RCMP Threat Assessment Group list was broadcast across the country on radio and television and was published in newspapers across the country. I have had to live under the stigma of being designated a threat to my country. Since 1998 I have attempted to determine the reason for my being placed on the RCMP list. Supposedly there had been a directive from the PMO office to the RCMP.

I have filed almost sixty Access to Information and Privacy requests, and complaints, and have not been able to find out why I was deemed to be a threat.

I had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information.

Continually, different departments of the government, including the Department of Defence, have used the following exemptions which give me increased reason to assume that there is incorrect information being withheld.

21 INTERNATIONAL AFFAIRS AND DEFENCE

The head of a government institution may refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to he conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

Privacy Sections
21 INTERNATIONAL AFFAIRS AND DEFENCE
The head of a government institution my refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to he conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

ACCESS TO INFORMATION SECTIONS
15 (1) international affairs and defence

15 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive of hostile activities, including without restricting the generality of the foregoing any such information.

(a) relating to military tactic or strategy, r relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection prevention or suppression of subversive or hostile activities

(b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;
(c) relating to the characteristics, capabilities, performance, potential, deployment functions or roll of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities.
(d) obtained or prepared for the purpose of intelligence relating to
(d) obtained or prepared for the purpose of intelligence relating to
(i) the defence of Canada or any state allied or associated with Canada, or
(ii) the detection, prevention or suppression of subversive or hostile activities;
(e) obtained or prepared for the purpose of intelligence respecting foreign states , international organizations of states or citizens of foreign states issue by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs:
(f) on methods of, and scientific or technical equipment for collecting, assessing or handling information referred to in Paragraph *d (or (e) or on sources of such information
(g) on the positions adopted or to be adopted by the government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;
(h) that constitutes diplomatic correspondence exchanged with foreign states of international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or (i) relating to the communications or cryptographic systems of Canada or foreign states used
(i) for the conduct of international affairs
(ii) for the defence of Canada or any state allied or associated with Canada, or
(iii) in relating to the detection, prevention or suppression of subversive or hostile activities.

I applied to John Reid to investigate the reluctance on the part of the Department of Defence to disclose information related to the following request.

ATTENTION : HON JOHN REID
Access to Information Commissioner

FAX 613 947 7294

Re: Access to Information requests to Department of environment:

A-2004-00475: costs
Excessive costs for information that should be easily accessible

A 2004 00327 costs
Exorbitant costs for information that should be readily available.

A-2004-00471 Existence of documents
Documentation exists. Either Department has poor filing system destroyed relevant historical information , or is reluctant to divulge information and claims that it does not exist.

Dr Joan Russow
1 250 598-0071

242.`MARCH 2005: TARGETING ACTIVISTS AS THREATS: QUESTIONABLE INSTITUTIONAL PRACTICES
—need to extend the Gomery Inquiry mandate

Dr. Joan E. Russow

Global Compliance Research Project

In 1998, I found out I was placed on an RCMP (Royal Canadian Military Police) Threat Assessment list, and presumably perceived to be a “threat” to Canada.

I have thus become increasingly aware of the long-term consequence and impact of “speaking truth to power”: of being perceived as rigid, principled and uncompromising, of exposing hypocrisy, exploitation, and corruption; and of then having to live under the stigma of being a threat to one’s country.

To find out the reason the government had deemed that I was a threat to the country I went through almost 60 requests under the Access to information Act, and the Privacy Act. I also sent special appeals to Ministers of Justice, and Solicitor Generals, and received curious responses but the most curious was from the former Ethics Commissioner, Howard Wilson.

In response to my appeal to him to intervene to address the conflict of interest by the Prime Minister, Cabinet Ministers, and their agents, he sent me the following which is particularly relevant to the Gomery Inquiry:

> “In the Hansard report from June 16, 1994, Right Hon. Jean Chrétien stated, ‘I rise today to talk about trust; the trust citizens place in their government, the trust politicians earn from the public, the trust in institutions that is a vital to a democracy as the air we breathe, a trust that once shattered, is difficult, almost impossible to rebuild.
>
> Since our election in October no goal has been more important to this government, or to me personally as Prime Minister than restoring the trust of Canadians in their institutions.
>
> When we took office there was an unprecedented level of public cynicism about our national institutions and the people to whom they were entrusted by the voters. The political process had been thrown into disrepute. people saw a political system which served its own interests and not those of the public when trust is gone the system cannot work.
>
> That is why we have worked so hard to re-establish those bonds of trust. The most important thing we have done is to keep our word...
>
> ... We have broadened the powers and responsibilities of the ethics counselor from what we laid out n the red book. In the red book, the ethics counselor was to deal with the activities of lobbyists but as we started examining implementation, it became clear that this will only address half of the problem basically from the outside in.
>
> We wanted to be sure that our system would also be effective at withstanding lobbying pressure from the inside. That is why we have decided to expand the role of the ethics counselor to include conflict of interests”

Yet when Howard Wilson, who claimed that his role was to “speak truth to power” was asked to “speak truth to power,” he demonstrated the potential flaw of his own position- conflict of interest. The practice in Canada of appointing an Ethics Commission, who was responsible to the Prime Minister, and who refused to investigate the Prime Minister does not contribute to restoring the trust of Canadians in their institutions.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a former leader of a registered political party I would not be discriminated against on the grounds of “political and other opinion” by being associated with a group that was listed on the Department of Defence (DND) D-Secur Ops List, or by being placed on an RCMP (Royal Canadian Mounted Police) Threat Assessment list. I believed that CSIS (Canadian Security Intelligence Agency) and SIRC (Security Intelligence Review Committee) would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister’s Office to place law abiding citizens on a Threat Assessment Group list.

Recently on a colloquium, entitled the “Challenges of SIRC”-the agency that is responsible for the oversight of CSIS, an official from SIRC recognized that in assessing the distinction between those who “have a disagreement with politics and terrorists". “Police agencies are not good at making that distinction and err on the side of security”. … “Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up…We have to have the ability to identify clearly this distinction if we don’t do this we are threaten the fabric of the civil liberties of Canadians.”

I also had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

.I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

During the RCMP Public Complaints Commission on APEC in September 28, 1998, information that I was on a RCMP threat assessment list surfaced, was broadcast on radio and television across the country, published in national and regional news papers and internationally on the internet, and even to this day is up on websites. Fearing a challenge in Parliamentary question period about the RCMP’s or CSIS’ placing the leader of a registered political party on a Threat Assessment list, the Solicitor General in his ‘aide memoire” prepared a “suggested Reply: “As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work.” I assumed that I would have an opportunity to clear my name.

Subsequently, in August 1999, during the RCMP Public Complaints Commission, another document surfaced: an interview by Wayne May the Director of Security at APEC, with another RCMP agent, Christine Price, who claimed that, in my case, there had been a directive from the PMO to the RCMP to exclude me from APEC.

Commissioner Hughes, in assessing whether Prime Minister Jean Chrétien should appear on the stand, stated, “If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct". I thought that Commissioner Hughes, when apprised of Wayne May’s interview, would have required not only Jean Chrétien but also Christine Price to testify. That did not happen. Furthermore, despite my efforts, I was also not allowed to testify. Again, I was deprived of the opportunity to clear my name.

I also had a legitimate expectation, that as a citizen placed on a Threat Assessment list, I would have similar rights to those granted to citizens listed as terrorists under the Anti-terrorism Act. Former Justice Minister, Hon Ann McLelland, reassured the Senate Committee that was reviewing Bill C-36, that the civil rights of accused terrorists would be protected under an elaborate “oversight mechanism”:

> Proper review and oversight of the powers provided for in Bill C-36 help ensure that the measures in this bill are applied appropriately. In this regard, I would emphasize of powers under the bill. This would include, for example, such mechanisms as complaints investigated by the commission for public complaints against the RCMP and the various complaint and review mechanisms that apply with respect to police forces under provincial jurisdiction. Significant powers under this bill are subject to judicial supervision, and in any case this is in addition to explicitly ministerial review and supervision powers. As well, the provisions in the bill will be subject to a full review by Parliament within three years.

…. requiring an annual report. this provision could require the AG and those of the provinces to report publicly once a year on the exercise of the Bill C-36 powers of investigative hearings that took place under their respective jurisdictions

…The provision would further require the Attorney General of Canada and those of the provinces, as well as the Solicitor General of Canada and the ministers responsible for policing in the provinces, to each report publicly once a year on the exercise of the Bill C36 powers of preventive arrest that took place under their jurisdictions. Detailed information to be reported in each case would be specified in the law.

…-There is a review process and it's a review process we use commonly in relation to a whole range of matters, and the review is by the Federal Court of Appeal. I view review by a member of the judiciary, in this case a federal court as one of the strongest and most transparent processes we have within our entire democratic system of governance.

In the Parliamentary Committee which was examining Bill 36, Peter Mackay expressed concern about the implications of being placed on a list:

It takes time, it takes legal counsel and once you've been listed, to quote one of the witnesses here, you lose the ability to be a charitable organization or you lose your reputation. I believe she [the witness] said it was death by firing squad or death by electrocution. You can't give a person their reputation back

In other words, as Senator Fraser recently remarked during the Senate review of C.36: "The mere fact that you are listed as a terrorist is the same as being designated as a terrorist". Similarly, it could be said that the mere fact that you are listed as a threat is the same as being designated as a threat.

Since 1960, I have involved with furthering the "Public Trust with the following objectives:

• to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, right to education and social justice;
• to enable socially equitable and environmentally sound employment, and ensure the right to development;
• to achieve a state of peace, social justice and disarmament; through reallocation of military expenses
• to create a global structure that respects the rule of law ; and
• to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of over-consumptive development.

In the past, I thought that human rights were being violated, social justice had been denied, and peace was being thwarted and the environment was being destroyed because there had been no substantial provisions in international law to address these "public trust" issues. In 1984, in preparing for my Masters Degree in curriculum development on a method of teaching human rights linked to peace, environment and social justice within the context of international law, I realized that, in fact, the blueprint for furthering the public trust was already in place in international law. The problem was not the dearth of provisions in international law but the lack of education about the existence of international obligations, commitments and expectations; and the absence of political will to discharge international obligations incurred through the Charter, treaties, conventions, and covenants, to act on commitments made through UN conferences Action plans, and to fulfill expectations created through UN General Assembly Resolutions and Declarations.

I became publicly critical, nationally and internationally, of governments, including the Canadian government, for not signing and ratifying international agreements, and particularly for failing to enact the necessary legislation to ensure compliance with international law. I also began to raise public awareness about the federal Department of Justice's disregard for the 1982 "Canadian Reply to Questionnaire on

Parliaments and the Treaty-making Power" about implementation of international instruments in Canada. More recently I have publicly criticized judges from the Canadian Courts for their claiming that ”international law, not enshrined in Canadian law, is not judiciable in the Canadian courts”, and Canadian representatives to the UN for their disregard for the role of UN General Assembly , and of the International Court of Justice.

From 1992 to 1995, I was a sessional lecturer in Global Issues at the University of Victoria, and in 1995, I wrote the Charter of Obligations – 350 pages of obligations incurred through conventions, treaties and covenants, of commitments made through conference action plans, and expectations created through UN General Assembly declarations and resolutions. This Charter is recognized as a significant contribution and was officially distributed to all state delegations at the UN Conference on Women at Beijing. In 1996, I also wrote a book, entitled, Comment on Habitat II Agenda: Moving Beyond Habitat I to Discharging Obligations and Fulfilling Expectations; this book was distributed to most of the state delegations at the Habitat II conference in Istanbul.

In 1996, on completing my Doctoral degree, I was confident that with my years of research into international instruments, my position as a sessional lecturer at the University of Victoria, my Masters degree in Curriculum Development, and my doctorate in Interdisciplinary Studies, I would be able to find paid work. I have, however, only been able to find non-remunerated work from non-governmental organizations, or for government “stakeholder” consultations.

I increasingly became known as a critic of corporate involvement in the university, of government disregard for the rule of law, of established NGO’s compromising principles, and of political parties sacrificing principle for power, or profit. In 1997, I was elected leader of the Green Party of Canada, and I ran in the 1997 election against David Anderson in Victoria.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a leader of a registered political party I would not be discriminated against on the grounds of “political and other opinion” by being associated with a group that was listed on the DND D-Secur Ops List, or by being placed on an RCMP Threat Assessment list. I believed that CSIS and SIRC would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister’s Office to place law abiding citizens on a Threat Assessment Group list.

Recently on a colloquium, entitled the “Challenges of SIRC”, an official from SIRC recognized that in assessing the distinction between those who “have a disagreement with politics and terrorists". “Police agencies are not good at making that distinction and err on the side of security”. … “Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up…We have to have the ability to identify clearly this distinction if we don’t do this we are threaten the fabric of the civil liberties of Canadians.”

I assumed that the Solicitor General, having oversight for the RCMP and CSIS, would fulfill the role of officer of the Crown and not defy the constitution. The importance of the non-partisan aspect of the Solicitor General in the role of officer of the Crown was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned: “Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they [he/she] may decide to have the police investigate people because of their party stripes.”

I also had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

During the RCMP Public Complaints Commission on APEC in September 28, 1998, information that I was on a RCMP threat assessment list surfaced, was broadcast on radio and television across the country, published in national and regional news papers and internationally on the internet, and even to this day is up on websites. Fearing a challenge in Parliamentary question period about the RCMP’s or

CSIS' placing the leader of a registered political party on a Threat Assessment list, the Solicitor General in his 'aide memoire" prepared a "suggested Reply: "As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work." I assumed that I would have an opportunity to clear my name.

Subsequently, in August 1999, during the RCMP Public Complaints Commission, another document surfaced: an interview by Wayne May the Director of Security at APEC, with another RCMP agent, Christine Price, who claimed that, in my case, there had been a directive from the PMO to the RCMP to exclude me from APEC.

Commissioner Hughes, in assessing whether Prime Minister Jean Chrétien should appear on the stand, stated, "If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct". I thought that Commissioner Hughes, when apprised of Wayne May's interview, would have required not only Jean Chrétien but also Christine Price to testify. That did not happen. Furthermore, despite my efforts, I was also not allowed to testify. Again, I was deprived of the opportunity to clear my name.

I also had a legitimate expectation, that as a citizen placed on a Threat Assessment list, I would have similar rights to those granted to citizens listed as terrorists under the Anti-terrorism Act. Former Justice Minister, Hon Ann McLelland, reassured the Senate Committee that was reviewing Bill C-36, that the civil rights of accused terrorists would be protected under an elaborate "oversight mechanism":

> Proper review and oversight of the powers provided for in Bill C-36 help ensure that the measures in this bill are applied appropriately. In this regard, I would emphasize of powers under the bill. This would include, for example, such mechanisms as complaints investigated by the commission for public complaints against the RCMP and the various complaint and review mechanisms that apply with respect to police forces under provincial jurisdiction. Significant powers under this bill are subject to judicial supervision, and in any case this is in addition to explicitly ministerial review and supervision powers. As well, the provisions in the bill will be subject to a full review by Parliament within three years.
>
> …. requiring an annual report. this provision could require the AG and those of the provinces to report publicly once a year on the exercise of the Bill C-36 powers of investigative hearings that took place under their respective jurisdictions
>
> …The provision would further require the Attorney General of Canada and those of the provinces, as well as the Solicitor General of Canada and the ministers responsible for policing in the provinces, to each report publicly once a year on the exercise of the Bill C36 powers of preventive arrest that took place under their jurisdictions. Detailed information to be reported in each case would be specified in the law.
>
> …-There is a review process and it's a review process we use commonly in relation to a whole range of matters, and the review is by the Federal Court of Appeal.... I view review by a member of the judiciary, in this case a federal court as one of the strongest and most transparent processes we have within our entire democratic system of governance.

In the Parliamentary Committee which was examining Bill 36, Peter Mackay expressed concern about the implications of being placed on a list:

> It takes time, it takes legal counsel and once you've been listed, to quote one of the witnesses here, you lose the ability to be a charitable organization or you lose your reputation. I believe she [the witness] said it was death by firing squad or death by electrocution. You can't give a person their reputation back

In other words, as Senator Fraser recently remarked during the Senate review of C.36: "The mere fact that you are listed as a terrorist is the same as being designated as a terrorist". Similarly, it could be said that the mere fact that you are listed as a threat is the same as being designated as a threat.

One may argue that being critical of corporations, international trade agreements governments, universities and established NGOs; and that being designated a threat on a threat assessment list should

not have affected my ability to find paid employment within my area of experience and education, and to repay my loan. I would like to think so. However, after applying for positions at universities, and for numerous government, institutional grants related to compliance with international obligations, commitments and expectations, I have continually faced rejection and been disappointed

I hope that the court will recognize that I have acted in good faith in relation to my student loan by fulfilling the requirement for remission at the Provincial level. Also, between 1996 and 1998, I rejected the option of declaring bankruptcy-an option that was then available to evade repayment of the Federal portion of the loan. Similarly, I refused the option of receiving my Canada Pension when I turned 60 in 1998 because it was important for me to continue to find paid employment, and to strive to fulfill my obligations.

In the Court I will plead that it is important to consider the interdependence of the demonstration of my intention to repay student loan, of the loan/job contingency aspect of the Canadian Loan Programme, of the violation of my charter rights, and of the impact of being designated a threat. I will demonstrate that my student loan contract was frustrated by the actions of the government, cabinet ministers, and their agents interfering with employment possibilities, and by the lingering doubts about my reputation resulting from the consequent defamation of my character.

In 2002, I launched a defamation case against the Federal government, cabinet ministers and their agents, and the Judge held:

> My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivable be rights which needed a remedy. ….
>
> …. I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim

In response to the suggestion and direction of the Federal Court, I submitted, and in some cases resubmitted, almost 60 Access to Information and Privacy requests, along with the Judge's statement about the necessity of further access to information requests, I did not expect these requests combined with the direction from the Judge would result is a series of outrageous financial demands for access, questionable delays, unjustifiable retention of data and documents, and inappropriate government exemptions. These delays and retention of crucial information by the federal government continue to this day. Since there has been no clarification about the reasons that the government has perceived me to be a threat, no retraction of defamatory statements about me, and no forthcoming apologies, most reasonable people would unfortunately conclude that the government's statements were true and that the government was justified in perceiving me to be a threat.

It is essential to link the on-going case of defamation with the current case related to my student loan. The defamation case addresses the cumulative effect of (i) being the leader of a group that was identified by the DND and placed on a DND d-secur list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose "loyalty of members of these groups (IE. to Canada is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list; (ii) being discriminated against on the grounds of "political and other opinion" – a ground enshrined in international covenants to which Canada is a signatory; (iii) being designated a threat by the RCMP or CSIS; (iv) being described by a member of the Vancouver Police as "behaving inappropriately" on a bus that I was never on; and (v) being accused, by an agent working for a cabinet minister running against me in the 2000 federal election of engaging in an illegal act under the Elections Act. All these actions were disseminated through the media, and collectively support the conditions for a case of defamation. Therefore, I believe, for the proper administration of justice that before the "Student loan" case can be properly examined, impartially and dispassionately, there should be a resolution of the on-going defamation case.

I URGE , this Court to “speak truth to power” and provide for the independent administration of justice. In my case, the Attorney General and Solicitor General, as officers of the Crown, failed in their duties to be impartial and non-partisan. These duties which were described by Professor Wes Pue in his submission to the Senate on February 14 2004:

> In Canadian constitutional practice, the Solicitor General is one of two law officers of the Crown. The other law officer of the Crown is the Attorney General. The meanings of those terms of art are extraordinarily important. A law officer of the Crown has a primary duty of serving the cause of the rule of law as distinct from any other function, political or otherwise. The rule of law is to be served by the law officers of Crown above and beyond their own personal interest and chance for advancement, above party interest, above their own personal desires to please the electorate or other people who are above them in the hierarchies of power. The principle that these are above partisan politics is of
> central importance to Canadian constitutionalism.

Professor Pue also added: The history of recent Solicitors General is probably somewhere that we do not want to go in great detail, in terms of the stature that they have brought to the office. It has been very unfortunate. I much regret the way that that office has been treated sometimes in the recent past.

I am encouraged, however, when leading legal scholars, such as Professor Pue recognize the importance of the rule of law, and of the role of Attorney General and Solicitor General as officers of the crown. Only when these roles are fully entrenched will the risk of discrimination for “political and other opinion” be removed. I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

In my future submission to the court, I will demonstrate through applying legal principles, international instruments and national statutes, through citing authorities, and cases, and through referring to key access to information requests, including reference to outstanding requests and complaints, and press reports, that the conditions for frustration of contract and defamation have been met.

Perhaps finally, the over-seven years of my living under the stigma of being designated a “Threat” will end, and the lingering doubts about my reputation will be removed. I might be exonerated, and even be able to obtain employment related to my education and experience

Dr Joan E. Russow

1230 St. Patrick St., Victoria, B.C. V8S 4Y4, 1 250 598-0071

243. 21 APRIL 2005: LETTER TO HON STEPHAN DION MINISTER OF ENVIRONMENT CANADA

1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4
1 250 598-0071

Lucille.mallon@ec.gc.
cc.Hon. Stephan Dion Dion.S@parl.gc.ca
Minister of the Environment

April 21, 2005

Dear Lucille,

This is to follow-up on our conversation today about my concern for the shortness of institutional memory, and for the discriminatory nature of the Access to Information process. On receiving a response that it would cost 25,000 to address my request, I seriously posed the question: To whom is information accessible? Or had the adage reaffirmed: “Sorry I cannot give you the information because of the Freedom of Information act” (a response in BC from a Department after the Freedom of Information Act was introduced in B.C.

I have become increasingly concerned with the shortness of institutional memory related to international environmental obligations, and the inaccessibility of information within the Access to information section within the Department of Environment. I attribute this to a number of causes:
-Disregard for international precedents
Failure to consider the relevance of precedents from previous obligations incurred through Conventions, Treaties, and Covenants; commitments made through conference action plans, and expectations created through UN general Assembly Declarations and Resolutions.

-Failure to reveal transparency in relation to reasons for negotiating principles, or for decision making, and apparently little record of the formation of policy that becomes the basis of Canada’s international positions.

-Lack of continuity with change of government:
Re: Framework Convention on Climate Change and the Convention on Biological Diversity
I have requested information about key meetings that took place in 1992: the meeting of Provincial resource ministers in Whitehorse in August 1992, and the meeting of Provincial environment ministers in Aylmer in November 1992. At these two meetings, presumably, the ministers passed resolutions supporting the federal government’s ratification of both these conventions. Thus with the full support of the Provinces, On December 4 1992, the Right Honourable Brian Mulroney ratified those conventions. The Conservative government through consultation with the provinces and the consent of the province bound the provinces to comply with the Conventions.

In Parliament when the Conservatives raise the issue of Climate Change, and the Kyoto protocol that is linked with the Framework Conventions on Climate Change, the Liberals have not pointed out that it was the Conservative government that bound Canada in 1992 to reduce Greenhouse gas emissions under the Climate Change Convention and to conserve Biodiversity under the Conventions on Biological Diversity.

Yet when I requested further information through Access to Information about these meetings, I received a response that there was not evidence.

Biodiversity and Convention on Forests
At the IUCN (World Conservation Union) meeting in Argentina in 1994, there was a resolution passed to link forests with the Convention on biodiversity, and not to embark upon a separate Convention on Forests. Canada, however, with the full support of the forest industry in Canada, misled the intergovernmental panel on Forests that de-linking forests from the biodiversity Convention would better protect forests.

Also at the IUCN meeting in Argentina, a resolution condemning forest practices in British Columbia, and calling for the nomination of a network of old growth forests, passed with 134 countries in support and only one country abstaining, Canada.

Yet when I requested information about the above two meeting and resolutions and about government response to the meetings, I was informed that there was nothing there.

I HAVE OUTLINED THE REQUESTS THAT I MADE ALONG WITH THE RESPONSES FROM ACCESS TO INFORMATION

A. Documents from 1992 United Nations Conference on Environment and Development

1) Documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Com for UNCED to raise the issue related to adding the "s" to Indigenous peoples;

2) Documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' supporting the Federal Government's ratifying the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;

3) Documentation related to the November 1992 meeting of the Provincial Environment Ministers in Aylmer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity”

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is $10.00/hour. For this request, we will require approximately 2407 hours to located and prepare the requested information for disclosure. Please note that of the 2407 hours, 2250 hours are required to search through boxes sent to archives. The boxes collectively store files which had been held in 6 large double-banked, 5 tier file cabinets (or 60 shelves). The remaining hours are required to search through offices of primary interest. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is $24,050.00 (2,402 hours x $10.00/hour).

We will require a deposit of $12,025.—before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at).20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records. If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:

Information Commissioner of Canada

If you have any questions regarding this request, please contact Carol Lafontaine at 819 953—5689 or by fax at 810 953-1099

Yours sincerely

Shelly Emmerson Chief
Access to Information and Privacy Secretariat

B. INFORMATION ABOUT WORLD HERITAGE MEETING

Documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;

C. INFORMATION ABOUT THE IUCN

Documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;

Documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US;

Documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention;

Documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995;

HERE IS THE RESPONSE FROM ENVIRONMENT CANADA

Environment Canada
Dear Dr. Russow

January 27, 2005 A/ 2004-00471/gb

This letter is in response to your request under the Access to Information Act (the Act) for:
Documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;

Documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US;

Documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention;

Documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995;

After a thorough search , no records were found concerning this request.

The Act grants you the right to file a complaint with the Information Commissioner, within one year of the receipt of your request, if you are not satisfied with our handling of your request.

The address is: office of the Information Commissioner

If you have any questions regarding this request, Please do not hesitate to contact Ghislaine Bourdeau at 810 034-93448
Yours sincerely,

Helen Ryan
Access to Information
And Privacy Coordinator.

D. INFORMATION ABOUT WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (WSSD)

This refers to your request under the Access to Information Act (the Act) for:

Documentation related to the 2002 stakeholder meeting in relation to Canada's position for the World Summit on Sustainable Development;

Documentation related to communication with the Canadian Environmental Network about the selection on ENGOs to be part of the Canadian Delegation at WSSD;

Documentation related to the Government of Canada's position related to the precautionary principle for the 2002 World Summit on Sustainable Development (WSSD);

Documentation related to the decision at the WSSD to not apply the precautionary principles to the release, production and export of genetically engineered seeds, foods and crops;

Documentation related to the Government of Canada's WSSD position related to the commitment to promote non renewable energy, and to reduce greenhouse gas emissions;

I THEN RECEIVED THE FOLLOWING RESPONSE:

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is $10.00/hour. For this request, we will require approximately 39 hours to locate and prepare the requested information for disclosure. Please note that there is no charge for the fires five hours of search and preparation time. Therefore, the search and preparation fee is $340.00 (34 hours X $10.00/hour)

We will require a deposit of $170.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at $).20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing records.

If you are not satisfied with our handling of our request , the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:

Information Commissioner of Canada

If you have any questions regarding this request, please contact Ghislaine Bourdeau at 819 934-3948 or by fax at 819 953-1099

Yours sincerely,

Shelley Emmerson
Chief
Access to Information and Privacy Secretariat

244. 27 APRIL 2005: PRIVACY REQUEST ABOUT CSIS BANKS

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598 0071

April 27, 2005

Nicole Jalbert
Coordinator
Access to Information and Privacy
Tel. (613 231-0107 1 877-995-9903, fax613 842-1271
Re: file 116-2005

Dear Ms Jalbert

This letter is in response to your letter of April 26 in which you requested my designating which banks, and the nature of the information sought. This letter should be attached to my privacy request.

Joan Russow (PhD)

Intro
A. role of solicitor General
B. Relevant sections in the CSIS mandate
C. Relevant sections in the banks
D. aspects of relevance for Joan Russow

A. Role of Solicitor General as officer of the Crown should take precedence over partisan political role [thus ensuring that the Solicitor General does not target individuals engaged in lawful advocacy and legitimate dissent or political opponents, and thus discriminate on the grounds of “political and other opinion”- a ground enshrined in international human rights instruments.

B. the relevant CSIS Mandate
The CSIS Mandate

> The Act created CSIS as a domestic service fulfilling a uniquely defensive role investigating threats to Canada's national security.
>
> In meeting its mandated commitments, CSIS provides advance warning to government departments and agencies about activities which may reasonably be suspected of constituting threats to the country's security. Other government departments and agencies, not CSIS, have the responsibility to take direct action to counter the security threats.
>
> Information may be gathered, primarily under the authority of section 12 of the CSIS Act, only on those individuals or organizations suspected of engaging in one of the following types of activity that threaten the security of Canada, as cited in section 2:
>
> 1. Espionage and Sabotage
>
> Espionage: Activities conducted for the purpose of acquiring by unlawful or unauthorized means information or assets relating to sensitive political, economic, scientific or military matters, or for the purpose of their unauthorized communication to a foreign state or foreign political organization.
>
> Sabotage: Activities conducted for the purpose of endangering the safety, security or defence of vital public or private property, such as installations, structures, equipment or systems.
>
> 2. Foreign-influenced Activities
>
> Activities which are detrimental to the interests of Canada, and which are directed, controlled, financed or otherwise significantly affected by a foreign state or organization, their agents or others working on their behalf.
>
> For example: Foreign governments or groups which interfere with or

direct the affairs of ethnic communities within Canada by pressuring members of those communities. Threats may also be made against relatives living abroad.

3. Political Violence and Terrorism

The threat or use of acts of serious violence may be attempted to compel the Canadian government to act in a certain way. Acts of serious violence are those that cause grave bodily harm or death to persons, or serious damage to or the destruction of public or private property and are contrary to Canadian law or would be if committed in Canada. Hostage-taking, bomb threats and assassination attempts are examples of acts of serious violence that endanger the lives of Canadians. Such actions have been used in an attempt to force particular political responses and change in this country.

Exponents and supporters of political violence may try to use Canada as a haven or a base from which to plan or facilitate political violence in other countries.

Such actions compromise the safety of people living in Canada and the freedom of the Canadian government to conduct its domestic and external affairs.

4. Subversion

Activities intended to undermine or overthrow Canada's constitutionally established system of government by violence. Subversive activities seek to interfere with or ultimately destroy the electoral, legislative, executive, administrative or judicial processes or institutions of Canada.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

C. RELEVANT CSIS BANKS
1. Canadian Security Intelligence Service Investigation Records (SIS PPU 045
2. Canadian Security Intelligence Service Records
SIS PPU 015
3. Security and integrity of Government Property. Personnel and Assets (SIS PPU 055
4. Security Assessments/advice SIS PPU 005

D. PRIVACY REQUEST

ONE, SOME OR ALL OF THE FOLLOWING ACTIONS MAY HAVE CONTRIBUTED TO THE CANADIAN GOVERNMENT, THROUGH THE RCMP OR CSIS, DESIGNATING ME AS A THREAT TO THE COUNTRY. PERHAPS IN CHECKING ALL THESE 100 ITEMS IN THE DIFFERENT BANKS CSIS

MIGHT BE ABLE TO REVEAL THE REASON THAT THE GOVERNMENT DEEMED ME TO BE A THREAT.

Joan Russow BA, Med, PhD) and information related to the following actions that may have given CSIS reason to designate Russow as a threat nationally or internationally.

1. Advocating that" true security- is not "collective security" or "human security" which has been extended to "humanitarian intervention" and used along with the "responsibility to protect" notion to justify military intervention in other states.

True security is common security and involves the following objectives:

• to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system , right to education and social justice;
• to enable socially equitable and environmentally sound employment, and ensure the right to development;
• to achieve a state of peace, social justice and disarmament; through reallocation of military expenses
• to create a global structure that respects the rule of law ; and
• to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of overconsumptive development.

2. Compiling the Charter of Obligations – 350 pages of government international obligations, commitments and expectations, and having this Charter officially circulated to all state delegations at the

3. Calling upon governments including the Canadian Government to discharge obligations incurred through conventions, treaties and covenants, to act on commitments made through Conference Action plans, and to fulfill expectations created through UN General Assembly resolutions; and criticizing member states of the United Nations for failing to discharge obligations, act on commitments and fulfill expectations related to the furtherance of Common Security.

4. Embarrassing governments including the Canadian Government or failing to discharge obligations incurred through conventions, treaties and covenants, for failing to act on commitments made through Conference Action plans, and for failing to fulfill expectations created through UN General Assembly resolutions; and criticizing member states of the United Nations for failing to discharge obligations, act on commitments and fulfill expectations related to the furtherance of Common Security.

5. Criticizing member states, including Canada for failing to sign, failing to ratify, failing to enact the necessary legislation to ensure compliance with, or failing to respect for Common Security international Conventions, Covenants and Treaties;

6. Criticizing member states, including Canada for undermining international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to Common Security -peace, environment, human rights and social justice; or for failing to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions;

7. Demanding that there be a concerted international effort to eliminate the complexity and interdependence of the actions that have led to global insecurity , and listing and widely circulating 52 ways that states, primarily the US contribute to global insecurity

8. Criticizing Governments disregard for the rule of international law

9. calling for Canada to dissociate itself from the US and its perpetuation of global insecurity, and instead promote "common security" peace, human rights and social justice.

10. Opposing the US violation of the 1967, the Outer space Treaty. Under this treaty states, including the US, incurred the following obligations:

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind [humanity].
(Art. 1 Outer Space Treaty of 1967 in force 1967)

> ...the moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden..(Art. IV Outer Space Treaty of 1967 in force 1967)

> Recalling its resolution 35/14 of 3 November 1980, Deeply convinced of the common interest of mankind humanity in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived there from, as well as the importance of international co-operation in this field, for which the United Nations should continue to provide a focal point, Reaffirming the importance of international co-operation in developing the rule of law in the peaceful exploration and use of outer space, (The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

11. Criticizing the US for initiating and Canada for in some cases colluding with covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan,

12. Criticizing Canada for proposing, to the UN Security Council, conditions for the invasion of Iraq, and the US for "Operation Iraqi Freedom" against Iraq, and

13. Opposing the US's proselytizing through the spread of Evangelical Christianity around the world, through undermining local indigenous cultures, and through instilling fear through the dangerous, and absurd belief in the "rapture", "Armageddon" and "left behind" and practices, promulgating "pre-millennial dispensationalism "end times" scenario

14. Opposing the fundamentalists inspired by Ed McAteer, who in 1983 stated that "nuclear weapons are part of God's design;

15. Decrying the US practice of propping up and financing military dictators that furthered its vested national interests and of targeting and assisting in the assassination of leaders of other sovereign states, who interfered with US national interests.

16. Lobbying against the continued to maintenance of over 750 US military bases in sovereign states around the world

17. Advocating the conversion of Nanoose military base

18. Protesting the circulating and berthing of US nuclear powered or nuclear arms capable vessels throughout the world, and in particular in the urban port of Greater Victoria.

19. Writing an affidavit for the Vancouver Island Peace Society case for the case launched against the issuing of a order in council to bypass environmental requirement to carry out an environmental assessment review of the circulating and berthing of US nuclear powered and nuclear arms capable vessels.

20. Opposing the continued mining of Uranium including the proposal in 1981 to mine in the Okanagan

21. Condemning the Canadian contribution to the development of US nuclear Weapons and the development of US Depleted uranium piercing tanks weapon system

22. Pointing out nationally and internationally the link between civil nuclear energy and the development of Nuclear arms

23. Protesting the Cassini Space probe that had 32 Kg of plutonium fueling the control board

24. Criticizing government for ignoring the commitment to eliminate the production of weapons of mass destruction such as nuclear, chemical, and biological, (global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction.)

25. Criticizing failure of governments including Canada, to move towards disarmament

26. Criticizing the failure of states to comply with small arms treaties and to continue to profit from the sale of arms

27 Exposing the extent of enormous amount of material and human resources expended on the arms race

> ..In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)

28. Lobbing against the planting land mines throughout the world, and criticizing the US for failing to sign and ratify the Convention for the Banning of Landmines
and to comply the 1981 Convention on Prohibition or restriction on the Use of Mines, Booby Traps and other devices

> Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000

29. Condemning the US withdrawal from the Nuclear Non Proliferation Treaty, and the failure, as a nuclear arms power, to reduce nuclear weapons as agreed under Article VI but also has resumed development of nuclear weapons (Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.)

30. Criticizing the failure-to link civil nuclear energy with the development of nuclear arms and specifically criticizing Canada for selling uranium to the US; there is probably a little bit of uranium in every one of the US nuclear bombs

31 Criticizing the failure to respect the 1996 decision of the International Court of Justice that the threat to use or the use of nuclear weapons is contrary to international humanitarian law. And to ignore the Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control Convention

32. Opposing the use of weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II

33. Opposing the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

> Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

34 Condemning NATO'S first strike policy, and the US' control over NATO and the US' circumventing the United Nations,

35. Lobbying for the disbanding of NATO, and circulating a resolution calling for the disbanding on the eve of the 50th Anniversary of NATO

36. Criticizing the US for perceiving justice in terms of revenge through military intervention rather than seeking justice from the International Court of Justice,
and misconstrued Art 51 (self defence) of the Charter of the United Nations to justify premeditated non provoked military aggression by illegally invading against Afghanistan

> Article 51
> Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

37. Pointing out that the fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI --peaceful resolution of disputes of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the requirement under article 37 to take potential situations of conflict to the International Court of Justice

38 Condemning the misconstruing of the prevention of war by the US in adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign states that are designated as being on the axis of evil, by illegally invading Iraq in violation of
the UN Charter article 2 and international law and has committed the
'supreme' international crime of a war of aggression

39. Condemning member states for failing to fulfill the fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. [Chapter VI of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the requirement under article 37 to take potential situations of conflict to the International Court of Justice]

40. Opposing the use by the US and UK, of the term “serious consequences” in the November 15, 2002, to legitimize the invasion of Iraq

41. Organizing a rally, across from the United Nations in New York, on March 7, 2003, opposing proposed US-led invasion of Iraq

42. Criticizing the attempt by the US to undermine the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes other members of the United Nations)

43. Supporting the call for the dissolution of the UN Security Council which is an affirmative action program for nuclear powers and which violates the fundamental principle of the sovereign equality enshrined in the UN Charter; for the removal of Chapter vii, and for strengthening the role of the UN General Assembly should be disbanded.

44 Lobbying for the use of the Uniting for Peace resolution to prevent the scourge of war. by intimidating the members of United Nations General Assembly into not holding an emergency session of the UN General Assembly under the Uniting for Peace resolution

> 1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefore. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations; (1951, Uniting for peace resolution)

45 Condemning the US assassination of or US contribution to the assassination of state leaders who interfere with US interests or who are deemed to be a potential threat 9-1-73 (in Chile);

46. Condemning the US in its promulgation of propaganda for war in violation of the International Covenant of Civil and Political Rights;

47. Condemning the US ignoring the provisions in the Convention on the Right to Correction which affirmed:

> ",,, to protect mankind [humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression;

48. Criticizing the failure of the global Community to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms);

49. Intervening at the Conference of Defence Association, and criticizing the proposal made by the US for Canada to increase its defence budget

41. Making several presentations at the United Nations about the need to respect the years of commitments made to reallocate the military budget

42. Condemning the disdain exhibited by NATO countries for the international rule of law, and the refusal to accept the jurisdiction or decision of the International Court of Justice;

43. Opposing the extension of "human security" to mean "humanitarian intervention" and "Responsibility to protect to become a licence to intervene militarily in the name of humanitarian intervention; these expressions are used to legitimize military intervention;

44. Denouncing the violation of Geneva conventions on the treatment of civilians, and international human rights and humanitarian law during the occupations of both Iraq and Afghanistan;

> Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians
> Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent sever losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)
>
> Protecting victims of International armed conflicts
> • Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.
> • Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.
> • Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)
>
> Prohibiting the starvation of civilians through attacking objects indispensable to the survival of civilian population
> Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

45. Denouncing the Convention against Torture through Cruel, Inhumane or Degrading Treatment or Punishment

46. Denouncing the counseling other parties to engage in torture, through being a party to the offence of torture, and through counseling another person to be a party to the offence of torture in Guantanamo Bay prison, and in Abu Aghraib prison;

47. Denouncing the engagement in cruel and inhumane punishment through the practice of capital punishment, in violation of accepted international norms

48. Opposing the promulgation of globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law, and condoned and actively facilitated corporations benefiting and profiting from war;

49. Criticizing IMF for structural adjustment program, and exploited vulnerable and indigenous peoples around the world;

50. opposing Member states for failing to fulfill the international commitment to transfer 7% of the GDP for overseas aid,

51. Criticizing states for canceling of third world debt;

52. Opposing the privatization of public services such as water, and health care

52. Criticizing governments for , and reducing funding for universities, and condemning the corporate funding of education and corporate direction of research;

53. Opposing the government's subsidizing and investing in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment;

54. Opposing the failure of governments to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment;

55. Opposing the failure of member states of the UN to ensure that corporations, including transnational corporations comply with international law, and to revoke charters of corporations that violate human rights, destroy the environment, denies social justice and contributes to war and conflict;

56. Proposing that Mandatory International Ethical Normative (MIEN) standards and enforceable regulations drive industry to conform to international law,

57. Expressing concern about the undermining of international principles and standards by governments devolving responsibilities to corporations

58. Opposing corporate "voluntary compliance" through 1SO 14,000;

59. Demonstrating the failure of governments to address environmentally induced diseases and poverty related health problems and denied universal access, to publicly funded not for profit health care system;

60. Opposing the production or the permission to produce of toxic, hazardous, atomic wastes

61. Opposing the transfer of toxic and hazardous wastes to least developed states

62. Opposing the failure of members states to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992;

63. Opposing the unethical practice of using "prior informed consent" to justify the transfer to other states of substance or activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992;

64. Denouncing the production, the promotion , and the approving of genetically engineered foods and crops and leading to a deterioration of the food supply, and heritage seeds;

65. Opposing the failure of the member states, including Canada, to invoke the precautionary principle which has become a principle of international customary law, and in essence could be paraphrased as where there is a threat to the environment, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the threat

66. Opposing the dumping of raw sewage in the ocean off the coast of the Greater Victoria Harbour.

67. Criticizing states' disregarding obligations under the Convention on Biological Diversity to conserve biodiversity, to carry out and environmental assessment review of practices that could contribute to the destruction of biodiversity, and to invoke the precautionary principle and enshrined in the Convention

68. Criticizing governments for failing to comply with the Framework Convention on Climate Change, in which almost all governments agreed in 1992 to reduce Greenhouse gases to 1990 levels by the end of the century – 2000.

69. Criticizing governments for ignoring the warnings of the Intergovernmental panel on Climate change, disregarding obligations under the Framework Convention on Climate Change to reduce greenhouse gases and to conserve carbon sinks

70. Criticizing, at the WSSD in 2002, the US, Canada, Australia, and Japan as being on the Axis of Environmental Evil for undermining international environmental obligations

71. Criticizing governments for failing to included list ground of discrimination in their legislation, and for discriminating at different times on the following grounds:
- race, tribe, or culture;
- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
- gender, sex, sexual orientation, gender identity, marital status, or form of family,
- disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status;

72.Writing a book on a method of teaching human rights linked to peace, environment and social justice within a framework of international law

73. Criticizing US and other states, and numerous for denying women's reproductive rights, in contravention of commitments made under the International Conference on Population and Development;

74. Countering the denial of fundamental rights through the imposition of religious beliefs;

75. Criticizing the Papal See delegate at several international conferences for the Papal See's restricting the list of designated grounds to only those that were enshrined in the UN Declaration of Human Rights

76. Proposing that the US, in reviewing the intelligence from September 11,, 2001, should seriously consider the question that was asked after the attack of September 11, 2001: Why do they hate us?

77. Opposing anti-terrorism legislation that violates civil and political rights, and that contributed to racial profiling

78. Criticizing the targeting of, and intimidating of activists;, and the discriminating of citizens engaged in lawful advocacy and legitimate dissent, and on the grounds of political and other opinion (a listed ground in the International Covenant of Civil and Political Rights- to which the US is a signatory):

> The FBI has included the following in their designation of terrorists:
> "... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in

the United States through revolution rather than through the established political process."
"Anarchists and extremist socialist groups -- many of which, such as the Workers' World Party, Reclaim the Streets, and Carnival Against Capitalism -- have an international presence and, at times, also represent a potential threat in the United States. For example, anarchists, operating individually and in groups, caused much of the damage during the 1999 World Trade Organization ministerial meeting in Seattle."
"Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect more widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including, the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other political and social movements."

79. Opposing the failure of governments to distinguish lawful advocacy and legitimate dissent from criminal acts of subversion;

80. Expressing concern about the discrimination against immigrants, and about the failure to sign and ratify the Convention for the Protection of Migrant Workers and their Families;

81. Decrying the US as an international rogue state, intruding and intervening, unilaterally and abandoning multilateralism;

82. Criticizing the US for undermining the principle of democracy by couching a plutocracy/theocracy in democratic notions of "freedom";

83. Launching, in conjunction with the faculty of law at the University of Toronto,
a Charter Challenge to the First Past the Post electoral system

84. Running as the leader of the Green Party of Canada in two Federal Elections (1997 and 2000) against David Anderson, and in a Federal By-election (2000) against Stockwell Day

85 Compiling a Platform in 1997. and 1998, and criticizing the Canadian government's national policy department by department, and the Canadian government's international policy

86. Sending proposals for New Years resolutions to Jean Chrétien in 1998, 1999, and 2000

87.Preparing a budget in 1998, 1999, and 2000 and criticizing the government for misplaced spending priorities

87. Drafting and circulating a treaty for State and Corporate Compliance in opposition to the MAI

88. Drafting and circulating a treaty placing APEC in the context of international public trust instruments

89. Drafting and circulating a treaty placing the WTO in the context of international public trust instruments

90 Drafting and circulating a treaty placing the FTAA in the context of international public trust instruments

91. Assisting in the preparation of a statement presented by the Peace Caucus to the United Nations

92 Authoring the book; Habitat II; Moving beyond Habitat I, and circulating the book at the 1996 Habitat II Conference in Istanbul

93. Writing and distributing, as a member of the 1997 Earth Summit + 5 Canadian Stakeholder group, a 200 page critique of Canada's environmental practices, and of Canada's failure to comply with obligations and commitments from UNCED in 1992,

94. Drafting criteria for standards for evaluating international overseas projects for CIDA

95. Applying for numerous Federal grants related to research into Canada's compliance with international legal obligations, commitments and expectations, and translating these obligations, commitments and expectations to the local contact [For example, several applications, in 1996, 1997 to Canada Mortgage and Housing within the Department of public Works Public Works.]

96. Carrying out a content analysis of the 1992 UNCED Forest Principles within the context of the Convention on the Biological Diversity, and other international environmental agreements

97. Having input, as a stakeholder, into the Department of Environment's program for implementing Sustainable Development Principles

98. Applying for a Charter Challenge grant to address the issue that the ground of "political and other opinion" – a listed ground within in most International Human Rights Instruments – was not included in the Charter of Rights and Freedoms

99. Having applied for over 60 access to information and privacy requests, having faced numerous exemptions on the grounds of for "reasons of international and national security etc, and thus exhausting all domestic remedies to determine the reason for my being placed on a Threat Assessment list by the RCMP or CSIS.
100. Having filed a complaint against the Canadian government under the Optional Protocol ,with the UN Commission on Human Rights based in Geneva for the government's violation of my civil and political rights by placing me on a threat assessment list.

245. **6 MAY 2005**: RESPONSE FROM ACCESS TO INFORMATION IN THE DEPARTMENT OF ENVIRONMENT; RELATED TO BRIAN GROOS

After a google search I found out that Brian Groos had been hired, as a special environmental adviser, by the Department of Environment; Hon David Anderson was the Minister of Environment

Environment Environnement Canada Canada Les Terrasses de la Chaudiere 27ieme etage/27th Floor
10, rue Wellington/10 Wellington Street Gatineau, Quebec KIA 0H3
TEL.: (819) 953-2743 FAX: (819) 953-0749 Helen Ryan @ec.gc.caOur File
Notre reference
A-2005-00042 / me

May 06 2005
Dr. Joan Russow

1230 St. Patrick Street
Victoria, British Columbia
V8S 4Y4
Dear Dr. Russow:
This letter is in response to your request under the Access to Information Act (the Act) for:
"Details about the contract and salary for {Brian Gross} when he was hired as a senior advisor for the Hon {David Anderson} in 2004. As well as an outline of academic qualification and experience that would have justified his position as senior advisor. "
After a thorough search, no records were found concerning this request.
The Act grants you the right to file a complaint with the Information Commissioner, within one year of the receipt of your request, if you are not satisfied with our handling of your request. The address is:

Office of the Information Commissioner 112 Kent Street, 22nd Floor Place de Ville, Tower B Ottawa, Ontario KIA 1H3

If you have any questions regarding this request, please do not hesitate to contact Maggie Casey at (819) 994-6619.
Yours sincerely,
Helen Ryan
Access to Information and Privacy Coordinator

246. 2005: ACCESS TO INFORMATION REQUEST TO ENVIRONMENT CANADA ABOUT REFERENCE TO BRIAN GROOS AS SPECIAL ADVISER

247. 9 MAY 2005: REPLY FROM ACCESS TO INFORMATION COMMISSION TO THE COMPLAINT ABOUT THE EXORBITANT COSTS LEVIED BY ACCESS TO INFORMATION IN ENVIRONMENT

FILE 44557/3003
A-2004-00475

Dr. Joan Russow
1230 St. Patrick Street
Victoria, V8S 4Y4

Dear Dr. Russow:

I write to report the results of our investigation of your complaint, made under the Access to Information Act (the Act) against Environment Canada (EC). In your request you asked for records regarding the 2002 World summit on Sustainable Development (WSSD)

Your request was received by e-mail at the Access to information and Privacy (ATIP) office of EC on December 20, 2004, followed on January 6, 2005, by payment of the application fee. On January 26 your were advised in writing of a fee estimate of $340 for search (39 hours minus five non-chargeable hours at 10 per hour). My office received your complaint about this estimate on February 3.

The investigation revealed that records relevant to your request are stored in 12 boxes of paper records and on four back-up tapes. My investigator Donna Billard, estimated that the paper records measure 120 inches. . At 200 pages per inch, there could be approximately 24,000 pages of paper records. In addition, the four back-up tapes require an average of five hours just to catalogue, not including time to review, restore and print the electronically stored records. Each record must be reviewed to determine if it meets the criteria of your request.

In my view, EC's estimate of 34 hours for search and preparation of records relevant to your request is fair and reasonable. That said, I will record your complaint as not substantiated.
Having now received the report of my investigation, you have the right to apply to the Federal Court for a review of Environment Canada 's decision to deny you access to requested records. Such an application should name the Minster of the Environment as respondent and it must be filed with the Court within 45 days of receiving this letter

Yours sincerely,
The Hon. John M. Reid, PC

248. 10 JUNE 2005: UPDATE OF TO WHOM IS INFORMATION ACCESSIBLE

ACCESS TO INFORMATION: FOR WHOM IS INFORMATION ACCESSIBLE

After reading a government publication which boasted that Canada has more trial sites for genetically engineered foods and crops than the whole European Union, I requested the location of the sites through Access to Information. I received a package with the towns and cities listed but not specific locations for the trial sites from 1988-1998). I was informed in a letter that the complete specific site information (1988-1998) would be available if I were able to pay $2150.00 with $1500 up front because it would take about 215 hours of research and that I would be entitled only to 5 hours of free research.. It would appear that the estimated 215 hours of search is required because the government is not permitted to release the location of trial sites on private farms; thus the private farms data would have to be deleted before the data are released.

In the letter, it was also mentioned that I could narrow my request to 1998 which I did. In response to my request for complete data from 1998 I was told that I would now have to pay $270 because the research would take 32 hours minus the 5 hours that I would get free, and there would be 515 pages to xerox over the 250 pages that would be done for free. I pointed out that in BC there was a policy that if it could be demonstrated that the information sought should have already been compiled as part of the normal course of department organization and practice then the charge would be waived. I have now undertaken to file a complaint with the Federal Access to Information section noting that the information that I have sought should be part of the normal activity of the department for public accountability, and as such should be made available to the public free of charge. In the interim I have requested 125 pages or 5 hours worth of research on what has been tested in Saskatchewan where the most tests have been carried out.

Months later I received the 5 hour research document. It was exactly the same information that I had received before but with three bilingual diagonal stamps with “access to information”.

One is left with the question “for whom is information accessible”. It would appear that the information is accessible to those with sufficient funds to pay up front for the research. The implications are extremely serious. The department can justify not preparing documents necessary for public accountability and for public consumption by stating that these documents, of course, are always available on request through the Access to Information process.

Thus, those that have the money to pay for the research that the government should have already carried out as a requirement of public accountability for public consumption are the only ones that can have the research results on demand. There is of course still the opportunity for an organized campaign where over 40 individuals could ask for information that would require no more that 5 hours for each request. If the department does not address my complaint and release the information that, for the sake of public accountability should be already prepared for public consumption, the Green Party of Canada will embark upon a campaign of 41 separate access to information requests until we have the full picture of what has been and is currently being tested across Canada and where these tests have been carried out.

In the information that I received from 1988-1998 there was a listing of the individual test sites. I have requested a list of the actual items being tested. The list of sites could be for testing the same item all across Canada. The representative from Access to Information has undertaken to seek this information and fax it to me if possible.

I have gone through the 200 odd pages and typed up all the sites and then sorted them by date and location.

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains
(a) advice or recommendations developed by or for a government institution or a minister of the Crown,
(b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the Crown or the staff of a minister of the Crown,
(c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or

(d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation,
if the record came into existence less than twenty years prior to the request.
(2) Subsection (1) does not apply in respect of a record that contains
(a) an account of, or a statement of reasons for, a decision that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or
(b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government institution or a member of the staff of a minister of the Crown.
1980-81-82-83, c. 111, Sch. I "21".

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits.
1980-81-82-83, c. 111, Sch. I "22".

249. 8 JUNE 2005 FORMER GREEN LEADER SUED OVER STUDENT LOAN

FORMER GREEN LEADER SUED OVER STUDENT LOAN Brennan Clark
Victoria News

250. 25 JUNE 2005: COMPLAINT FILED WITH UN HUMAN RIGHTS PANEL

1230 St Patrick St.
Victoria, B.CV8S 4Y4
Canada
June 24, 2005

Dear Commissioner
In May 17, 2002, I filed a complaint to the human Rights Committee (International Covenant of Civil and Political Rights), and received no response.

Subsequently, I faxed the following updated complaint to the Human Rights Committee, and still did not receive a response.

Now in 2005, I am resubmitting my compliant from December 10 2004, and hope that you will give this complaint your immediate attention.

Yours truly
Joan Russow (PhD)
Tel 1 250 598-0071
To Petitions Team
COMPLAINT UNDER THE OPTIONAL PROTOCOL
INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10m Switzerland
F ax 41 22 917 9022
From: Dr. Joan Russow

1230 St. Patrick. St.
Victoria, B.C. V8S4Y4 Canada

No. of pages: 8 counting cover

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
December 10, 2004
1.NAME: Russow Joan Elizabeth
NATIONALITY Canadian
DATE OF BIRTH: November 11, 1938
PLACE OF BIRTH: OTTAWA, CANADA
ON MY OWN BEHALF
Re: Complaint by Dr. Joan Russow December 10, 2004

11. STATE CONCERNED

CANADA

ARTICLES OF COVENANT ALLEGED TO HAVE BEEN VIOLATED
Article 2 of the International Covenant of Civil and Political Rights "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

NOTE: Canada did not included “political and other opinion” as one of the listed grounds under the Canadian Charter of Rights and Freedoms (1982)”

Article 2 of the Optional Protocol which was ratified by Canada, "individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration."

III EXHAUSTION OF DOMESTIC REMEDIES

Since 1997 I have filed requests through Access to Information and through Privacy to determined the reason for my being placed on a Threat Assessment List

I have gone through the processes within the following Department:

Prime Minister Office
Privy Council Office

Solicitor General
RCMP
CSIS
Department of Defence
Department of Agriculture
Department of Justice
Department of Environment
Department of Citizenship and Immigration
Department of Public Works
Department of Fisheries
Department of Natural Resources
Department of Industry
Department of Foreign Affairs

Complaint by Dr. Joan Russow December 10, 2004

Numerous commissions

Canadian Human Rights Act [it does not deal with discrimination on the grounds of “political and other opinion”]

The information was denied by using section on international security and defence:
15. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities, including, without restricting the generality of the foregoing, any such information

(a) relating to military tactics or strategy, or relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection, prevention or suppression of subversive or hostile activities;
(b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;
(c) relating to the characteristics, capabilities, performance, potential, deployment, functions or role of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities;
(d) obtained or prepared for the purpose of intelligence relating to
(i) the defence of Canada or any state allied or associated with Canada, or
(ii) the detection, prevention or suppression of subversive or hostile activities;
(e) obtained or prepared for the purpose of intelligence respecting foreign states, international organizations of states or citizens of foreign states used by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs;
(f) on methods of, and scientific or technical equipment for, collecting, assessing or handling information referred to in paragraph (d) or (e) or on sources of such information;
(g) on the positions adopted or to be adopted by the Government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;
(h) that constitutes diplomatic correspondence exchanged with foreign states or international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or
(i) relating to the communications or cryptographic systems of Canada or foreign states used
(i) for the conduct of international affairs,
(ii) for the defence of Canada or any state allied or associated with Canada, or
(iii) in relation to the detection, prevention or suppression of subversive or hostile activities.

B. I went through the Commissioner on Access to Information to ask for a review, and through the Privacy Commissioner for a review but still was not able to find out why I was placed on a Treat Assessment List
C. I went to Federal Court against the Attorney General of Canada, and was unsuccessful, and the Judge indicated that if after seeking information for 5 years I had found nothing what I was doing was nothing more than a fishing expedition.
D. I have written letters to the Minister of Justice, Ethics Commissioner, Access to Information Commissioner, and the Privacy Commissioner to address my case

E. I have exhausted all domestic remedies and am now appealing to the Commission on Human Rights

Complaint by Dr. Joan Russow December 10, 2004

IV FACTS
Background:
I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a

member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights).

I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

At least since 1972, I have been a critic of Canadian government policy related to failure to enact the necessary legislation to ensure compliance with international law related to human rights, peace, environment, social justice. I have criticized Canada internationally, and nationally.

At international conferences, I have criticized the failure of governments to reallocate military expenses to global social justice as has been agreed through numerous commitments made through the UN General Assembly.

Facts of the complaint

I was placed on a Threat Assessment List. In particular, I criticized the failure to reallocate the peace dividend to developing countries, and the failure to cancel the burdensome third world debt. I have also called for the disbanding of NATO. , and I have been critical of the UN Security council support for the invasion of Iraq in 1991, the NATO invasion of Yugoslavia, the Afghanistan, and the illegal act by the US in its invasion and occupation of Iraq.

I have criticized Canada through the court system related (i) to the failure of Canadian government to enact the necessary legislation to ensure compliance with the Convention on the Protection of Cultural and Natural Heritage, the Convention on Biological Diversity, and the Framework Convention on Climate Change; (ii) to the practice of the Canadian government's issuing an order in Council, using Royal prerogative to bypass its own statutory legislation for the purpose of allowing nuclear powered and nuclear arms capable vessels to berth in the harbour of Greater Victoria; (iii) to the violation, through requirement of bible reading in the schools, by the Canadian government , of section 15 of the Charter of Rights and Freedoms [with the BC Civil Liberties Association) ; (iv) to the government's continued endorsement of an electoral system in violation to various sections of the Charter, as well as

Complaint by Dr. Joan Russow December 10, 2004
against International human Rights legislation [with the Law Faculty of the University of Toronto].

Through drafting election Platforms, and through running in Federal elections, I had been advancing the banning of genetically engineered foods and crops; the banning of salmon aquaculture; the discontinuing of corporate funding of universities; the eliminating of hate literature; the ending of the devolution of power to corporations and the revoking of charters and licence of corporations that have violated human rights, destroyed the environment, denied social justice, or contribute to war and violence; for ending voluntary compliance and

for calling for mandatory international regulations to drive industry, the exposing of Canada's procrastination for implementing provisions for addressing climate change and for conserving biodiversity; and the failing to act on commitments made through Agenda 21 (UN Conference on Environment and Development), the Habitat II Agenda (Habitat II, 1996), and the Platform of action (UN Conference on Women; Equality, Development and Peace, 1995) etc. I have opposed Canada's complicity in the invasion of Iraq, Kosovo, and Afghanistan. In addition, I have opposed the Anti-terrorism Act, and racial profiling.

I have never been arrested. Under the CSIS (Canadian Security Intelligence Service) act citizens engaged in lawful protest and advocacy must not be targeted:

In the Act establishing the Canadian Security Intelligence Service Threats to security of Canada" means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage.
b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person

c activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
d Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy
The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO, SIRC with exemptions under various section being cited such as “information cannot be released for military and international security reasons".

In September 1998, it was brought to my attention that I had been placed on an RCMP threat assessment list of "other activists". The placing of the leader of a registered political

party on a threat assessment became a media issue and was reported widely across the country through CBC [Canadian Broadcasting Corporation] television, through CBC radio,
and through the National Post and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I} My being placed on a threat assessment list coincided with the announcement that the leader of the German Green party, Joska Fischer’s being named foreign Minister.

In 1998, it was also revealed that the Department of Defence had compiled a list in 1993 of ["groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada is questionable as the group bond is stronger than the nationalist bond."]. The Green Party was on this list. This list was widely circulated, and it appears that leaders of these groups were of particular concern.

In 1999, an additional article appeared across the country when I filed a complaint with SIRC—a section that reviews complaints against CSIS, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of articles, in the National Post and its Affiliates on the Criminalization of Dissent. One of the pieces was dedicated to my being placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture, along with Martin Luther King’s, accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in David Anderson’s office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson’s office, had been filed with Elections Canada; Elections’ Canada had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of “political and other opinion” - a ground that is included in the International Covenant of Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a “threat to Canada”.

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted. I have been discriminated on the grounds of “political and other opinion”.

SIGNED

JOAN RUSSOW
December 10, 2004

INTRODUCTION:

INTERDEPENDENCE OF INTENTION TO REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING DEFAMATION CASE LINKED TO STUDENT LOAN

It is essential to link the on-going case of defamation with the current case related to student loan. Since the designation of Joan Russow by the RCMP as a threat, of Joan Russow's behaving inappropriately, and of Joan Russow's having violated the Elections act, was publicized through the print, audio and visual media, Joan Russow's case could be jeopardized by the dissemination of information prior to this case because there could be an unfavourable predisposition towards Joan Russow.. Therefore, before the case can be properly examined, impartially and dispassionately and for the proper administration of justice, there should be a resolution of the on-going defamation case.

JOINED CASES

OUTSTANDING DEFAMATION CASE AGAINST GOVERNMENT

Vancouver, British Columbia, Tuesday, the 22nd day of January, 2002
Present Mr. John A Hargrave, Prothonotary

1. Statement of Claim. As it stands, is one to which the Defendant should not be expected to have to plead to. At best it suggests a claim in defamation. However, it is not only bereft of facts and of the particulars required to support the tort of defamation, but also it replete wit pleas amounting to evidence, conclusions, without proper factual foundation and immaterial allegations. ….

3. My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivable be rights which needed a remedy. ….

4."… I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed , I viewed it as an n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is

struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. …

****(A) DEMONSTRATION OF “RIGHT INTENTION TO REPAY

FACTS

1. In 1986, I completed a Master’s degree in Curriculum Development, developing a method of teaching human rights linked with peace, environment and social justice within a framework of international law.

2. In 1995 prior to completing my doctorate. I was a sessional lecturer in global issues, at the University of Victoria; I received a $50,000 grant from CIDA for authoring the Charter of Obligations – 350 pages of obligations incurred through Conventions, Treaties and Covenants, of commitments made through Conference Action Plans, and expectations created through UN General Assembly Declarations and Resolutions. This Charter was recognized as a significant contribution and was officially distributed to all state delegations at the UN Conference on Women in Beijing. In 1995, I also received $15,000 from the EDSP fund in CIDA for the exploratory phase of another project for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. with Brazil.

3. That in January 1996, I completed my doctorate in Interdisciplinary Studies,. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

4. When I graduated with my doctorate in January, 1996 with a student loan of $57.000, I believed that I would only be responsible for $27,000 to the Federal government, because in 1987 when I embarked on my Doctorate program, the BC Ministry of Education offered remission of up to 30,000 for students who had completed the doctoral program, and who either worked or did community work in the summers, which I had done.

5. When I embarked upon the doctoral program, it was my understanding that on completion of my doctorate, I would be eligible for a loan remission of $30.000 if I could demonstrate that I had completed my course program and that I had engaged in community service

EXHIBIT: document from BC government about loan remission for doctoral program

EXHIBIT: document of confirmation of loan indicating that the federal at 3,570 and the BC at 3,600 countering the claim that the division of loan was 60% federal and 40% provincial doo

EXHIBIT: BC government document indicating that there would be remission of 30,000 on completion of the doctoral program; this practice was discontinued primarily because the BC government determined that it was repaying a disproportionate share. The federal government offered no remission program. I raised the issue of the 30,000 remission with the BC government and was informed that the legislation had changed and that I would be eligible for only 20,000 loan remission for community service, and for completing my doctorate; Twenty thousand of the amount was granted in remission for community service by the Provincial government. I then still owed $37,000 to the Federal Government under the Ministry of Human Resources..

In 1997, I wrote the following letter to Hon Paul Ramsay, Minister of Education pointed out that I had had a legitimate expectation that I would only be responsible for the $27,000

Hon. Paul Ramsey
Minister of Education
FAX 3873200

Dear Minister

I have been advised by Student services to write to you on the matter of my outstanding B.C. loan.

I completed my doctorate degree in January 1996. This degree was a culmination of over 21 years of study. During that time I brought up four children and participated continually in local, national and international issues and public service.

During my education I incurred a government loan of $55,000.
It was always my understanding that if I completed my doctorate I would be eligible for remission of up to $30,000.

Six months after I completed my doctorate, I was informed that the $30,000 remission is only for BC loans and that the university or the student awards services had divided my loan into 20,000 (BC) and 35,000 (Canada). Because of the division, they claimed that I would only be eligible for remission of up to 20,000.

Recently I received a letter from the BC government Awards section indicating that I would receive remission of 16, 900
I urge you to reconsider my case, and adjust the combined federal/provincial loan to permit the $30,000 remission.

It was brought to my attention recently that forest workers have been offered $25,000 to return to school without the obligations to repay, and without the requirement to complete.

It was with great difficulty that I completed my education and I appreciate the assistance that I received from both the federal and provincial government.

Thank you for considering this request.

Yours Truly

Joan Russow (PhD)
1230 St Patrick St
Victoria, B.C.

6. The Federal government, in contrast to provincial government, has not granted remission benefit to students who complete course of studies, who worked during the summer during period of study, and who engaged in community service, even though

there had been proposals at the Senate Committee on Education to offer students the option of repaying loans through community service. Senator Perreault had made these recommendations in a Federal publication on Higher Education

7. In 1996, I contributed to the development of a Canadian NGO document for the Habitat II conference to be held in Istanbul, and participated in the government sponsored Canada Mortgage and Housing consultation processes for this Conference. I also wrote a book, entitled, Comment on Habitat II Agenda: moving beyond Habitat I to discharging obligations and fulfilling expectations; this book was distributed to most of the state delegations at the Habitat II conference. I also served as a member of the editorial committee editing NGO submissions, I chaired the Urbanization Caucus, led the Global Compliance Caucus, and made a presentation of reallocation of the global military budget to Committee B. I received no remuneration for my work.

8. 1996, I applied for numerous grants including two grant applications of $25,000 in 1997 and 1998 from Canada Mortgage and Housing in the department of Public Works and housing in the fall of 1996 and received the rejection in 1997

In 1996, for the Habitat II Conference, I prepared 176 page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories
“Sustainable Development”.

The proposed project was the following: A revising of "Sustainable Development" in the context of '"sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

> “IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.”
>
> "All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.”
>
> "This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.
>
> This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.

> IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

9. My position at the university was not renewed and that from 1996- 1998, I applied for numerous grants related to transferring principles from international instruments to the national, provincial and local contexts, and I was continually unsuccessful; these applications were significant, serious and worthy of support. Apart from two $500 government grants in the Spring of 1996, I have not earned any income

10. In August 1998, I became discouraged about not being able to obtain gainful employment, I realized that it would be difficult for me to repay my loan. I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettygrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that students should be able to repay their loan through community service] and given that I was then 60 years old and my chances for employment were diminishing. He declined. and included an outline of community work that I had done. I sent a copy of this letter to Senator Perrault, and had been in contact with his office.

11. I continued to lobby for the implementation of a Federal remission program similar to that in BC; this proposal was based on Senator Perrault's proposal that students should be eligible to repay loan through community service. Students had a legitimate expectation because of the Senate report on education which included the proposal by Senator Perrault that the Federal government was seriously considering remission for completion of course work and for community service and because Provincial government bases remission on completion of program and community service.

12. Until the end of 1998 students were able to declare bankruptcy on their student loans., I rejected the option of declaring bankruptcy. I accepted that I would have been bound to repay my loan once I was gainfully employed in work commiserate with my education and experience, and I was still expecting to be gainfully employed and able to repay this loan

13. In November 1998, when I turned 60, I forwent my Canada pension because I still had the intention of obtaining gainful employment.

14. From April 1997 to March 2001 I was the leader of the Green Party of Canada. I expected as the leader of the Green Party to eventually receive remuneration for my work, and if the current electoral practice of funding Federal Parties had been in place the Green Party would have been able to pay me as the leader.

15. Over the years I have engaged in community service, and in promoted the public trust and the rule of law; I have attempted over the years to find gainful employment in my field, and have been unsuccessful and thwarted. I recently submitted, grant related

to my work in compliance with International law, and in April 2005, I received yet another rejection.

PLEADING

1. I have demonstrated the intention to repay my loan by attempting to find work commensurate with my education and experience, and by rejecting the option of declaring bankruptcy

2. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1996 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200 page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation.

3. I participated, without remuneration, throughout the years as a stakeholder, in conference calls , in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

4. I have not incurred any debts over the years. I had always considered that the student loan debt should be paid off as soon as I was gainfully employed in work commiserate with my education and experience.

**B DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

FACTS;

1. the Mission of Canada Student Loans Program is the following;

The mission of the Canada Student Loans Program (CSLP) is to promote accessibility to post-secondary education for students with a demonstrated financial need, by lowering financial barriers through the provision of loans and grants, and to ensure Canadians have an opportunity to develop the knowledge and skills to participate in the economy and society.

***PLEADING:

1. As Paul Partridge from the office of the Attorney General of Canada affirms “The pleadings should be considered as a whole and be liberally construed.

Paul Partridge, Attorney General of Canada, 2001, Russow vs Her Majesty the Queen stated:

> The pleadings “should be considered as a whole to determine the intention of the pleader.
>
> Per Rosellini J., in Spangler v Glover, 50 Wash. 2d 473, 313 P. 2d 354 at 360 (1957)
>
> They should be liberally construed {Taylor v Foremost-McKesson Inc, 656 F 2d 1029 (5th Cir. 1981); Hendrix v Board of Education of City of Chicago, 199 iii, App. 3d 1, 144III. Dec.900, 556 N.E 2d 578 (1990); Kosonen v. Waara, 87 Mont. 24, 285 Pac. 668 (1930). But in such a way that substantial justice will be done between the parties.[“it is trite law to say that the court should exercise its discretion in motions such as these, to do justice to all parties in light of all the circumstances”, Per Greer J. in Lana International Ltd. V Menasco Aerospace Ltd (1996), 28 O.R. (3d) 343 at 348 (Gen.Div). Accord; Hoover v Peerless Publications, Inc 461 F. Supp. 1206 (E.D. Pa. 1978); Hendrix v. Board of Education of City of Chicago, 199 III App. 3d 1, 144 III. Dec 900, 556 N.E. 2ed 578 (1900). }. Effect should be given to the substance rather than the form of the pleading, and it should not be judged entirely by what it is labeled but by what it contains [[Cornett v Prather, 293 Ark. 108, 737 S.W. 2d 469 (1987). Where a pleading is susceptible to one of two readings, one of which will make it bad while the other will sustain it, the rule is to prefer the latter reading {Osler J. in Palmer v Solmes (1880), 45 U.C.Q.B. 15 at16 (C.A.).

2. Students have a legitimate expectation that repayment of loan is inextricably linked to obtaining gainful employment and thus to be able “to participate in the economy and society”

3. Students have a legitimate expectation that the principle of education rather than loan repayment should determine employment:

> In March 7. 2005, Frank Lacobucci President of the University of Toronto, in response to a question from the audience stated that Universities should not become degree Mills
> And Loans should not direct student’s choice of employment. Debts paid after graduation and based on career choices. He endorsed the principle that students should be able to seek the employment they want and then repay the loan not be compelled to accept any employment just to repay the loan. He also proposed that students should have long term interest free status until employment commensurate with education and experience is available for student to repay loan (paraphrase of his statements when he was on a panel on higher Education; I sent a e-mail to President Lacobucci and indicated that I would be using his statement in a court case. I have not received a response yet).

4. Loans are “inextricably linked” to employment; clear presumption that loan would be repaid through gainful employment

5. In the mission statement of the Canada Student Loans Program, there is every indication that the mission of the Canada Student Loans Program is “to ensure Canadians have an opportunity to develop the knowledge and skills necessary to participate in the economy and society.” The mission of the student loan program was to

assist students in completing an education and to become gainfully employed and participate in the economy and society."

5. A literature review indicates that there is a long standing understanding of the loan and job contingency

The linking was evident in the direction advocated by senate inquiry into post secondary education post-Secondary Education Inquiry - Debate Continued May 28, 1996

6. The financial obligation under the student loan contract essentially began at the moment where there was a requirement of repayment after the period of grace that was intended as an opportunity to seek employment; in my instance, there was a consolidated contracts dated July 11, 1996

EXHIBIT: Canada student loans program –schedule 3p consolidated guaranteed student loan agreement

7. Student have a legitimate expectation that the government will not frustrate the contract through its actions

*****C UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

FRUSTRATED CONTRACT ACT
[RSBC 1996]

HEFFEY, PATERSON AND HOCKER CONTRACT COMMENTARY AND MATERIALS 8TH ED 1998 (LBC INFORMATION SERVICES)

Cases:
Taylor v Caldwell in 1863
Mason J in his judgment in the Codelfa case
Codelfa Construction Pty Ltd v State Rail Authority of NSW
Davis Contractors v Fareham UDC

Krell v Henry
Brisbane City Council v Group Projects Pty Ltd
National Carriers Ltd v Panalpina (Northern) Ltd
FC Shepherd & Co Ltd v Jerrom
Fibrosa Spolka Akcyjna v Fairbairn Lawson Combe Barbour Ltd
Bell v Lever Bros.

FACTS: Referred to in Chronology in Annex

PLEADINGS:

Russow pleads that:

1. The obligation to repay Russow's student loan essentially began at the moment where there was a requirement of repayment in June 1996, after the period of 6 months grace to find employment. At that time $37,000 was owed. [or $27,000 under original BC government documents]. Although there no direct evidence has been found that the federal government perceived Russow to be a threat prior to November 1997, evidence of previous lists related to targeting of citizens engaged in lawful advocacy have surfaced. Russow was, as of June 1996, active in the Green Party of Canada; as of August 1996, international affairs shadow cabinet member of the Green Party of Canada; and as of April 1997, the federal leader of the Green Party of Canada. Prior to 1996, there is evidence, however, that the DND was particularly concerned about "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND" and of groups whose "loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list; it was subsequently revealed through access to information that DND was particularly concerned about leaders of these groups.

2. Russow had every intention of repaying her student loan, had continually sought situations commiserate with her education and experience and had demonstrated intention to pay by rejecting the possibility of declaring bankruptcy, and by foregoing her Canada pension.

3. The actions of the PMO, Cabinet Ministers, DND, RCMP, CSIS and other departments have resulted in the her being associated with a DND lists of groups perceived to be threats, her being included on a RCMP Threat Assessment list, her being falsely declared, by a member of the Police force, to have behaved inappropriately, and her being accused of engaging in illegal activity under the Elections Act

4. The above information was published or broadcast locally, nationally or in some cases, internationally

5. There is an integral link between reputation and the fruitful participation of an individual in Canadian society.

The Importance of the Objective of Protecting Reputation is cited in [1998] 1 S.C.R. R. v. Lucas: Was stressed :

> At 48. Is the goal of the protection of reputation a pressing and substantial objective in our society? I believe it is. The protection of an individual's reputation from willful and false attack recognizes both the innate dignity of the individual and the integral link between reputation and the fruitful participation of an individual in Canadian society.".

In addition, Warren Allmand, former Solicitor General of Canada, and leading authority on human rights confirmed when he was on a panel related to the Arar case, that just by being associated with an investigation could impact on one's ability to obtain gainful employment.

6 Under conditions where one's reputation has been damaged, contracts could become frustrated

7. The conditions supporting the claim that the Student Loan contract has been frustrated have been met.

(i) The federal government cabinet ministers and agents, through undermining Russow's ability to obtain gainful employment, contributed to self-induced frustration of contract

Self-induced frustration

> One limitation on the doctrine of frustration is that a person cannot argue frustration if he or she has caused the frustrating event. This is called self-induced and is no frustration in law. It may be possible to escape this rule if the person who has apparently caused the event can argue that it was not his or her fault. The rule about self-induced frustration is discussed in a rather odd setting in
>
> FC Shepherd & Co Ltd v Jerrom HPH 767
> The case is odd because of the way the argument was put. The contract in question was a contract of apprenticeship. The apprentice was convicted of an offence which had nothing to do with his work. He was sentenced to a term in Borstal - a type of prison for young offenders. When he got out he asked to resume his training but the employer refused. The apprentice then brought an action for unfair dismissal. The employer argued that the contract had been frustrated by the sentence to Borstal and that therefore he had not been dismissed. The apprentice argued that frustration could not work because it was self-induced frustration.
> The usual way in which self-induced frustration arises as an argument is illustrated by the Joseph Constantine case which is mentioned on p 768 2nd last para. In that case a ship exploded. The owners argued that the contract of chartering had been frustrated. The charterers argued that the explosion was caused by the negligence of the owners and that therefore the contract had not been frustrated. In fact it was not clear what caused the explosion. It was held that the onus of proving self-induced frustration rests on the person alleging fault and that in this case the charterer must prove that the explosion was caused by default on the part of the owner. This the charterer could not do and so the argument that the frustration was self-induced failed.
>
> Of course, the present case does not really raise the issue of self-induced frustration and, indeed, Lawton LJ said as such in the 2nd para of p 769. What the apprentice was trying to argue here was that the contract was not frustrated so much as it was subjected to a default by himself which would then require some response by the employer viz dismissal. In other

> words this case was about breach. This, at least, so it was argued, prevented the employer from arguing frustration because breach and frustration are mutually incompatible. Alternatively, frustration could not be argued because the event which was the basis for frustration was self-induced. It is said in the cases that frustration can only work if the event in question happened without fault on either side. This is turning around the self-induced frustration argument. In the end, these arguments did not work. The court resorted to basic statements of principle such as a person cannot take advantage of his own wrong.

(ii) Frustration of a contract occurs when a situation has arisen for which the parties to the contract have made no provision in their contract, and performance of the contract becomes “a thing radically different from that which was undertaken by the contract”. Both these criteria have been met and therefore the contract could be found to be frustrated.

> The Supreme Court of Canada, in Naylor Group Inc. v. Ellis-Don Construction Ltd., held that frustration of a contract occurs when a situation has arisen for which the parties to the contract have made no provision in their contract, and performance of the contract becomes “a thing radically different from that which was undertaken by the contract”. Both these criteria must be met before a contract will be found to be frustrated.

(iii) In no way could anyone have contemplated or that there would have been implied contemplation that the government would have placed Russow on a threat assessment list and have impacted upon her being able to obtain gainful employment

(iv) If the following question had been asked, the answer would have been “no”: what would be the result if Russow had been declared to be a threat by the government, and that this fact had been published widely and that her ability to repay her loan through gainful employment was adversely affected, would she still be bound by the contract?.

> The first theory was that declaring a contract to be frustrated was simply another aspect of the court’s ability to imply a term into the contract. If an officious bystander had asked the parties just before they committed themselves to the contract: "What is the result if such and such happens?" the parties would have dismissed the bystander, testily, with an "Of course our contract would be at an end." This was the basis for the decision in Taylor v Caldwell HPH 734

(vii) Although placing Russow on a threat assessment list could not be deemed as an act of god – it could be considered to be an event that is “unexpected, something beyond reasonable human foresight and skill” and being designated as a threat “strikes at the root of the contract”

Extraordinary events which will trigger the application of the doctrine are “acts of God”, themselves defined by the Supreme Court of Canada in Atlantic Paper Stock Ltd. v. St. Anne-Nack as events that are “unexpected, something beyond reasonable human foresight and skill”. Such events “strike at the root of the contract” and result in a radical change in the obligation undertaken by the contract.

(v) The deeming of a law-abiding advocate as a “threat” could be designated as an intervening “disaster” and as an “extraordinary circumstance”; an action that would never have been perceived to have eventuated

The doctrine of frustration - which is effectively a court order that the contract is no longer binding on either party (the contract just stops in its tracks) - is very rarely considered by the courts. The usual way in which the doctrine is raised is where some disaster has overtaken the contract and one party then fails to perform. The other party then complains that the first party is in breach. The answer to this may be that failure to perform is not a breach because the contract has been frustrated as a result of the disaster. In short, frustration, if successfully argued, is an excuse for failure to perform

The second theory is based on construing the obligations in the contract and limiting them to normal circumstances and not to extraordinary circumstances. This is really not very different from implying a term. But instead of adding an implied term, the technique is to construe the express terms. This approach is described by Mason J in his judgment in the Codelfa case, the leading High Court case on frustration. He refers to Lord Reid’s approach in
Davis Contractors v Fareham UDC
Lord Reid HPH 749 where the implied term theory is rejected and instead it is said that the parties never agreed to carry out their obligations in the type of circumstances which have eventuated. This is a matter of construing the principal obligations of the contract. The same idea is reflected in the words of Lord Wright in
Denny Mott and Dickson Ltd v James B Fraser & Co Ltd HPH 751 2nd (indented) para.
It is appropriate at this stage to return to
Codelfa Construction Pty Ltd v State Rail Authority of NSW HPH 740 at 749
We looked at this case before when we were examining implied terms. It will be recalled that the building of the eastern suburbs railway in Sydney was overtaken by disaster when residents obtained an injunction which prevented work being done at night. Codelfa, the contractor, had quoted on the basis of being able to work a three 8-hour shift day. It attempted unsuccessfully to argue that an implied term should meet the new circumstances whereby Codelfa obviously could not finish on time and there were extra costs incurred as a result of the new arrangements. The

High Court was however prepared to order that the contract had been frustrated. The result was that the contract came to an end once the injunction was granted. In fact Codelfa finished the work. This work had to be paid for on the basis of a fair and reasonable remuneration, that is, on the basis of restitution, because there was no longer any contract to determine how much Codelfa should be paid for the work.
In the course of discussion about the proper basis for the operation of the doctrine of frustration, Mason J made it clear that the court's task is to compare performance of the contract under the new conditions with the performance contemplated by the contract before the changed circumstances. If performance is radically different, then the contract is frustrated. In this case, this was so even though there was a clause - cl 8(2)(c) discussed on p 752 - which appeared to cover the events which arose. But Mason J said that it was not intended to cover such a radically disruptive event - a court injunction - which prevented the basic system of work from being employed.

(vi) Being designated as a threat and impeding the obtaining of gainful employment could not have been expressly or by implication addressed as a potential risk check

The doctrine, as I have said, is rarely argued successfully. This is because the courts have taken the view that one function of contract is to allocate risk and that, if something does go badly wrong, then this is just a risk which the contract ought to have contemplated. See the passage on p 724 last para from the case of Paradine v Jane in 1647 which reflects the idea that contract promises should be kept, whatever the circumstances. In other words, at the very moment that one party finds it very hard to perform, the other party wants an assurance of performance, or at least damages in lieu, because this is what contract is all about. People are paid to take the risk of difficult performance. The law nevertheless did allow some softening of this absolute principle and developed a doctrine of frustration.

The case book outlines briefly the history of the development of frustration. The beginning of the doctrine is said to be the case of Taylor v Caldwell in 1863, a case involving the hire of a hall. Before the day on which the hirer was to use the hall, it burnt down. This was held to be a frustrating event which caused the contract to be terminated and neither party was in breach. Frustration cases since then have involved a number of different types of frustrating event. The key question is always: is this an event which excuses the parties from further performance or is it an event which is the type of risk which the contract expressly or impliedly contemplated? If the latter then the contract is not frustrated and, if a party does not perform, he or she is in breach.

(vii) Being designated as a threat is a difference in kind from being an inconvenience or a difficulty; the performance of the contract is not a question of being difficult or extremely difficult; the government has created a situation that has discredited Russow to such an extent that it became impossible for her to find gainful employment in her field.

> Courts have noted that inconvenience or difficulty, even where extreme, may not amount to frustration. “It is not hardship or inconvenience which calls the principle of frustration into play”: Peter Kiewit Sons’ Co. of Canada v. Eakins Construction Ltd. The fact that, as a result of extraordinary circumstances, a contract becomes economically burdensome and unattractive may itself not be a ground of discharge.
>
> We cannot possibly canvass all the frustration cases. Instead we can only get a feel for the sorts of events which might be argued to be frustrating events. You will see a list on pp 788-789 of the casebook. Particular caution must be exercised in relation to number 3. It is not enough to argue that performance has turned out to be difficult or even extremely difficult. For example in Davis Contractors v Fareham UDC (described on p 787) the contract was to build 78 houses for a fixed price in 8 months. Because of labour shortages and bad weather the time it took to build the houses was 22 months. It was held by the House of Lords that the contract had not been frustrated.

(viii) As a matter of justice and reasonableness it would be quite unreasonable to expect Russow to perform conditions of the contract under the changed circumstances

> As a matter of justice and reasonableness
> This is really another way of expressing the previous theory. The court will intervene and declare the contract to be frustrated when it would be quite unreasonable to expect the parties, or one of them, to perform under the changed circumstances. The key to this is found at the end of the 1st para on p 758 in an extract from Lord Radcliffe’s judgment in Davis Contractors v Fareham UDC "It was not this that I promised to do."
> Just completing the examination of the Codelfa case, note that Mason J examined the question whether an arbitration clause survives the termination of the contract because of a frustrating event. There was a mistaken view that termination of the contract meant that everything came to a halt, including an arbitration clause. This view is now not correct. There are certain matters provided for in the contract which do survive the termination of the contract.

(ix) The publication and distribution of information about Russow’s being deemed a threat to the country was extrinsic evidence and can be adduced to support the argument that the contract was frustrated. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence

vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

> Krell v Henry HPH 736
> This is generally regarded as the high water mark of frustration cases, that is, the court taking the most liberal view of the operation of the doctrine. The contract was for the hire of a room overlooking the coronation route for the coronation of King Edward VII. The coronation was canceled because of the King's illness. This was held to be a frustrating event. You can see from this case that it is necessary to adduce extrinsic evidence in order to argue frustration, a point specifically made by Mason J in Codelfa. On the face of it this was just a contract to hire a room. The defendant got what he bargained for. Yet he was successful in arguing frustration with the result that he did not have to pay the balance supposedly owing under the contract.
>
> Krell v Henry has been the subject of critical comment but probably it would be decided the same to-day in the light of what was said in the High Court in Codelfa. Nevertheless, it is by no means easy to say what is the correct solution to these kinds of cases. In Krell v Henry one might ask: who should take the risk of the coronation being canceled - the landlord or the person hiring the room? The answer is not self-evident but it would not be harsh to suggest that the person hiring the room should take the risk (with the consequence that a court would say that the contract had not been frustrated). After all we all risk disappointment when we buy tickets to events, particularly outside events. On the other hand, in the Codelfa case, involving a large infrastructure project, it seems only fair that the government body should bear the risk rather than the contractor (and so the ruling that the contract had been frustrated produced the right result).

(xiii) Given Russow's age of 66, it could be argued that the contract should be wholly discharged because of the impossibility of fulfilling the contract; it is not that the circumstances are only delayed and the contract suspended. The extraordinary circumstance- the placing of Russow on a threat assessment list and the stigma attached to being perceived as a threat—lasted during the whole period allowed by the contract for performances in such a way as to make performance impossible.

> Impossibility or Mere Delay?
> The length of time during which the extraordinary circumstance occurs, or probably will occur, will be taken into consideration in determining whether the duty to perform under a contract is only suspended, or is wholly discharged. The contract is very likely discharged if the extraordinary circumstance lasts during the whole period allowed by the contract for performance, in such a way as to make performance impossible. However, a temporary impossibility will not discharge the contract (though there may

be other legal effects from the delay in performance or payment). For example, in an American decision, the temporary closing of a school during an influenza epidemic did not discharge a contract to provide transportation services to the school where that contract had a much longer duration than the temporary quarantine of pupils in Montgomery v. Board of Education and others.

(x) It was quite obvious that placing of Russow on a threat assessment list would impact on her obtaining gainful employment and thus the government, cabinet ministers and their agents through placing Russow on a threat assessment list and other acts leading to defamation of character have created a situation that made it impossible to fulfill the contract.

Frustration discharges all parties from the contract, even where only one party is affected by the frustrating event. The discharge is automatic, and it is total. The contract is not suspended. Parties who wish to suspend or vary a contract that is frustrated must do so through a new agreement in clear and unambiguous terms.

The discharge will occur even though one or more of the contracting parties continued, after the frustrating event, to behave as though the contract were still in force. There is a risk, therefore, that a party to a contract may transfer additional benefits to the frustrated party, who may not be obligated to pay for these under the contract because the contract is discharged. However, the conduct of the parties after the frustrating event may enable a court to infer the existence of a new agreement, which incorporates some of the terms of the original contract, and which gives rise to new obligations to perform or pay. It is also possible that, even where no new contract arises, a party who received certain benefits or services after discharge by frustration would be liable on a restitutionary basis to the party that provided these.

Because the effect of the doctrine of frustration is to let the losses fall where they may, discharge of a contract could result in harsh consequences to a party that has performed all or most of its obligations under a contract prior to discharge but has not yet received payment or its share of the benefits under the contract. However, courts will be reluctant to allow a party to profit from the frustration of a contract (although there are examples where this has occurred but not been corrected by a court). The court has broad powers to order what is fair. As the doctrine of frustration operates when it is not reasonable to place the risk on either party, courts will impose on parties the just and reasonable solution as the situation demands.

In addition, the Frustrated Contracts Act, R.S.O. 1990, c. F-34 (the “Act”), which applies to most contracts in Ontario, operates to mitigate certain

harsh consequences of discharge. Section 3 of the Act provides for various adjustments between the parties, including the return of payment of money for services, and adjustment of sums paid for expenses incurred and benefits rendered. It also provides for severance of the contract that is impossible to perform where this can be done. Courts have noted that the underlying purpose of this section of the Act is to prevent undue hardship.

Moving Forward
The arrival of SARS in Canada has demonstrated that unexpected events can occur that can disrupt or disable contractual relations. It would be prudent for persons to review all contracts to determine whether and how these allocate risk between the parties in the event of an epidemic or other public health emergency. If your business requires greater control over the allocation of risk than what the doctrine of frustration provides, it is advisable to develop specific clauses to allocate risk of loss in the event of business interruption from a health emergency, or to include a force majeure clause with language specific enough to capture a future SARS-like event.

(xi) Termination is the remedy available where either the contract has been frustrated or one party has committed a breach which is so serious that it justifies the other party putting an end to the contract by terminating it.

At common law
If it is established that there has been a frustrating event, then the contract stops from that moment on. That means that all obligations up to the moment of frustration are enforceable and that all obligations relating to performance after that moment are no longer binding. Some contract terms survive frustration, as we saw in the Codelfa case where Mason J held that an arbitration clause survived. Other types of terms which would survive would be an exclusion clause and a clause imposing a duty of confidentiality.
If the contractor is permitted to do further work after the frustrating event, then, unless a fresh agreement is made, the contractor is not doing work pursuant to the contract. Nevertheless, the contractor must be paid a fair remuneration for any work done, on the basis of quantum meruit or restitution. This may be more or less than the contract rate. This is in fact what happened in the Codelfa case.

Basically, then, the loss lies where it falls. This can cause hardship. For example, suppose a periodic payment is due to be made on the 10th October and this payment relates to work that has been done over the last month. Suppose the contract is frustrated on the 8th October. This means that the amount is no longer due and payable and yet the work has been done.

Another situation which can cause injustice is where money is paid in advance and then the contract is frustrated before the person who has paid the money gets any return for it. Some of these problems are illustrated by

Fibrosa Spolka Akcyjna v Fairbairn Lawson Combe Barbour Ltd HPH 796
In this case a Polish company ordered a machine from an English company. The Polish company was obliged to pay £1600 up front when it sent in its order. It paid £1000 of this. The English company started work on making the machine. Then war broke out and the contract was frustrated. The Polish company claimed its £1000 back. The English company said that it had already done a considerable amount of work on the machine.
The House of Lords applied a restitutionary principle which dictates that if there has been what is called a total failure of consideration, then any money paid in advance can be recovered. The expression "total failure of consideration" has nothing to do with the doctrine of consideration. It does not mean that there is no consideration so that no contract has been formed. What it means is that one party has got nothing under the contract. In that circumstance, if he or she has already paid money up front, the money can be recovered. We have come across this idea before when we looked at the judgment of Lord Atkin in Bell v Lever Bros. The principle only applies if the party has got nothing under the contract. The failure must be total. If the party has got something under the contract, however small, then the principle does not work and any money paid up front cannot be recovered, even if it far exceeds the value of what has been received.

So, in this case, the Polish company had received nothing for its money and it could therefore recover the £1000. But this was not a satisfactory result for the English company because it had performed work. Maybe it could find another buyer for the machine but this would depend whether it was a one-off machine or one which was readily sale-able.

So the overall result of the common law principles which apply if a contract is frustrated are sometimes not very satisfactory. It is always possible for the parties to specify in the contract what should be paid if the contract is terminated but often the parties do not enter into a commercial relationship with a view to it failing and so they do not provide for such events.

It is because the common law consequences of frustration can be unfair that legislation has been passed in some jurisdictions to attempt to allow adjustments to be made.

Statutory modifications HPH 799-800
In three jurisdictions in Australia legislation has been passed to try and deal with the problem of frustrated contracts, that is, the "mopping up" after a contract has been frustrated. The legislation attempts to allocate the consequences of the contract being frustrated in a way which is more satisfactory than the piecemeal common law. Each Act is different from the other. The Victorian Act is modeled on the English legislation; the South Australian Act is modeled on the legislation of British Columbia (Canada); and the New South Wales Act is a thing unto itself and is virtually incomprehensible. The best and simplest model is the South Australian Act.

(xii) the federal government, cabinet members and agents engaged in self-induced frustration of the contract which displayed malicious intent

(xiii) Officers of the Crown, including the Attorney General, and Solicitor General, along with the Ethics Commissioner failed to speak truth to power, and to address conflict of interest on the part of including the Prime Minister, and various cabinet ministers. These officers of the Crown failed to address the issue when it arose in 1997. Subsequently, in September 1998 when the placing of Russow on a threat assessment list became a media issue across the country, the Prime Minister, the Attorney General and Solicitor General failed to use this opportunity to publicly apologize for placing a leader of a political party on a threat assessment list. Instead the RCMP prepared a document for the Solicitor General to absolve themselves when there was a possibility that the issue would be raised in Parliament

RELEVANT:
EXHIBIT: COMMONS BOOK ADVICE TO MINISTER [see chronology of fact]

Similarly, at the RCMP Public Complaints Commission there was an opportunity to allow Joan Russow, who was a complainant to clear her name; her numerous pleas to the Chair of the RCMP Commission and to the Commissioner were ignored.

EXHIBIT: CORRESPONDENCE WITH THE COMMISSIONER CHAIR [see chronology of fact]

( ) Similarly, an appeal was made to the Ethics Commissioner, Howard Wilson, to address the conflict of interest on the part of the Prime Minister, and several cabinet members; this appeal was ignored

EXHIBIT: CORRESPONDENCE WITH ETHICS COMMISSIONER [see chronology of fact]

EXHIBIT: RESPONSE FROM ETHICS COMMISSIONER [see chronology of fact]

EXHIBIT: ACCESS TO INFORMATION REQUEST ABOUT INDEPENDENCE OF ETHICS COMMISSIONER [see chronology of fact]

Similarly, an appeal was made to the former Solicitor General Andy Scot. I discussed the issue with him for about an hour, and he indicated to me that he shared my concern and had, as was well publicized, been discredited as a result of comments that he made. He promised to seriously investigate and inform me about the real reasons for my being placed on a list. For some reason, he told me not to mention anything about the phone call.

Similarly, an appeal was made to the subsequent Solicitor General, Lawrence Macaulay who also was asked to step down for conflict of interest reasons.

****D VIOLATION OF (1) INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND OF (II) CHARTER OF RIGHTS AND FREEDOMS AND DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION

1. The long standing stigma of being designated as a threat to the country has sullied her reputation, prevented her from pursuing employment in her field of expertise, violated her civil and political rights, and discriminated against her on the grounds of “political and other opinion” – a ground that has been recognized in international instruments to
which Canada is a signatory; and violate her recognized Charter rights.

FACTS:

1. In 1993, under the instruction of Robert Fowler, the then Deputy Minister of Defence, compiled a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (IE. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list
Through Access to information, it was subsequently revealed that DND was particularly concerned about leaders of these groups. particularly concerned about leaders of these groups.

2. In 1997, the Plaintiff’s name was found on an APEC Threat Assessment list

3. In 1998, Christine Price testified that the Plaintiff’s pass was pulled because of order from the Prime Minister’s Office

I. DISCRIMINATION ON THE GROUNDS OF “POLITICAL AND OTHER OPINION – RECOGNIZED GROUND UNDER INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

The plaintiff pleads that
1. She has been discriminated against on the grounds of “political and other opinion”:
(i) The setting up of a DND list which designated a political party, the Green Party as being a “threat” discriminated against the Plaintiff on the grounds of “political and other opinion”;
(ii). The placing of the leader of a registered political party, an internationally established party, on a RCMP Threat Assessment List has constituted a violation of fundamental human rights under the International Covenant of Civil and Political Rights and contributed to discrimination under Article 2 on the grounds of "politics and other opinion” ;
(iii) The placing of the plaintiff on an RCMP Threat Assessment list at the direction of the Prime Minister’s office discriminated against the Plaintiff on the grounds of “political and other opinion”.

2. In International human rights instruments, discrimination on the grounds of “political and other opinion” is one of the listed grounds. A ground that is recognized in international instruments such as the following:

(Art. 2, The Universal Declaration of Human Rights, 1948)

(Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)
(1.1 International Convention on the Elimination of all Forms of Racial Discrimination, 1965).
(Art. 26, International Covenant of Civil and Political Rights, 1966)
(International Covenant of Social, Economic and Cultural rights 966, in force, 1976)
(Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)
{2 Declaration on the Rights of Disabled Persons 1975}.
(GA Resolution, The Right to Education 37/178 17, December 1982)
(Art. 2, Convention on the Rights of the Child, 1989)
(Principle 1.4 Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991
(Principle 1, International Conference on Population and Development, 1994)

3. Canada is a signatory of the International Covenant of Civil and Political Rights and of the Optional Protocol under the Covenant; both the Covenant and the Optional Protocol have been ratified by the government of Canada

4. In the 1982 communiqué, “Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power” the Canadian government explained to the international community the procedure in Canada for complying with international law. In the 1982 Communiqué, the Canadian government claimed the following:

> Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted. The point we wish to make here is that in Canada implementing legislation is only necessary if the performance of the treaty obligations cannot be done under existing law or through executive action.

Canada had thus made a commitment through this declaration made to the international community that Canada either ensures that the necessary legislation is in place prior to signing and ratifying the agreement or that in the event that there is a discrepancy between provisions in International agreements to which Canada is a signatory and existing Canadian law, Canada will enact the implementing legislation.

5. Under the International Covenant of Civil and Political Rights are the following relevant articles in which the ground of “political or other opinion:

> Article 26 ICCPR
>
> All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, **political or other opinion**, national or social origin, property, birth or other status.

6. Under the International Covenant of Civil and Political Rights there is a obligation to enact implementing legislation

> where not already provided for by existing legislative or other measures, each state party to the present covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present covenant. (2)

7, Under the International Covenant of Civil and Political Rights there is a commitment to providing an effective remedy

> each state party to the present covenant undertakes:
> (a) to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; 3 (a)
>
> to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative

> authorities, or by any other competent authority provided for by the legal system of the state, and to develop the possibilities of judicial remedy; 3 (b)
>
> to ensure that the competent authorities shall enforce such remedies when granted. 3 (c)

8. Under the International Covenant of Civil and Political Rights there is a recognition of the right to hold opinions without interference

> Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right o freedom of expression This right shall included freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print in the form of art or though any other media of his choice. Article 19

9. Under the International Covenant of Civil and Political Rights there is a recognition of the right of peaceful assembly:

> The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Article 21

10. In the Optional Protocol of the International Covenant of Civil and Political Right, is the recognition that if citizen's rights under the International Covenant are violated, and if the citizen has exhausted all domestic remedies, there exists the following remedy:

> a state party to the covenant that becomes a party to the present protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by the State party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State party to the Covenant which is not a Party to the present Protocol. ARTICLE 1
>
> Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration. Article 2

11. The Department of Defence, under the instructions of the former Deputy Minister, Robert Fowler, by including a political party-the Green Party in a list of "groups and organizations whose activities or actions could represent a threat, whether of security or

of embarrassment, to DND and of groups whose “loyalty of members of these groups (IE. to Canada} discriminated on the ground of “political and other opinion”

12. The Solicitor Generals, Hon Andy Scott and Hon Lawrence MacAuley allowed their political role to supersede their role as officers of the crown and in doing so have discriminated against the plaintiff on the ground of “political and other opinion”

13. The Solicitor Generals, when asked, did not intervene to address the issue that the RCMP had been targeting activists and placing them on threat assessment lists and have contributed to the discrimination against the plaintiff on the ground of “political and other opinion”

14. There was a failure of duties of impartiality, and non-partisanship in the plaintiff case. These principles have not been adhered to by the Solicitor Generals of Canada as officers of the Crown. These duties were described by Professor Wes Pue in his submission to the Senate on February 14 2004:

> In Canadian constitutional practice, the Solicitor General is one of two law officers of the Crown. The other law officer of the Crown is the Attorney General. The meanings of those terms of art are extraordinarily important. A law officer of the Crown has a primary duty of serving the cause of the rule of law as distinct from any other function, political or otherwise. The rule of law is to be served by the law officers of Crown above and beyond their own personal interest and chance for advancement, above party interest, above their own personal desires to please the electorate or other people who are above them in the hierarchies of power. The principle that these are above partisan politics is of central importance to Canadian constitutionalism.
>
> Professor Pue also added: The history of recent Solicitors General is probably somewhere that we do not want to go in great detail, in terms of the stature that they have brought to the office. It has been very unfortunate. I much regret the way that that office has been treated sometimes in the recent past.(Wes Pue, presentation to Senate Committee, February 14, 2005)

15. There are serious implications from lack of impartiality on the part of the Solicitor General. The Plaintiff assumed that the Solicitor General, having oversight for the RCMP and CSIS, would fulfill the role of officer of the Crown. The importance of the non-partisan aspect of the Solicitor General in the role of officer of the Crown was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned: If the Solicitor General the targeting of political opponents

> "Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they [he/she] may decide to have the police investigate people because of their party stripes." (Wes Pue, presentation to Senate Committee, February 14, 2005)

16. The Attorney General through his agent allowed his political role to supersede his role as officer of the crown. The Attorney General's agent Deputy Attorney General of Canada Morris Rosenberg demonstrated the Department of Justice's disregard for the 1982 commitment to the global community about Canada's commitment to enact implementing legislation. In Russow vs Attorney General December 2001, Morris Rosenberg, Deputy Attorney General, responded to the Plaintiff's reference to the international Covenant of Civil and Political Rights, to which Canada is a signatory, in the following way:

> -Alleged violation of the International Covenant of Civil and Political Rights
> 12. The plaintiff refers to the International Covenant of Civil and Political Rights in Para 7 of the Statement of Claim. However, a factual basis for any alleged violation of the rights recognized in that Convention [Covenant] has not been pled.
>
> -. Moreover, for international treaties or conventions signed by Canada to provide an arguable right in domestic law they must be expressly incorporated into domestic legislation. It is trite law that international treaties and conventions are not part of Canadian law unless they have been implemented by statute.
>
> See Francis v Canada (1956] S.C.R., 618 at p. 621
> Capital Cities Communications Inc v Canadian Radio-Television Commission [1978] 2 S.C.R. 141 at p. 172-173
>
> - The alleged discrimination on the grounds of "politics" has not been legislated by Parliament and as such, does not have the effect of law.
>
> All of which is respectfully submitted.
>
> January 16, 2002
> Morris Rosenberg Deputy Attorney General of Canada

17. It is the Department of Justice, that is responsible for the advising the government on the enactment of the necessary legislation to ensure compliance. Canada has signed and ratified the International Covenant of Civil and Political Rights.

18. Through the Doctrine of Legitimate Expectations citizens should have a legitimate expectation that government will discharge their obligations. The Doctrine has been expressed in the following way: "Where public authorities establish procedures and publish policies, they are bound to follow them". or "to create an expectation is an empty gesture without a promise to fulfill it. Before creating an expectation , an organization must assure itself of its ability to fulfill the promise it implies (Stephen Owen, introduction, Ombudsman Annual Report. BC. /1991)/

19. In Canada (Attorney General) v. Ward [1993] 2 S.C.R, MacGuigan referred to role of international law when there is an absence of decisive Canadian precedents:

He stated, at pp. 697-98:

> In sum, I believe that taking into account (1) the literal text of the statute, (2) the absence of any decisive Canadian precedents, and (3) the weight of international authority, the Board's interpretation of the statutory definition is the preferable one. No doubt this construction will make eligible for admission to Canada claimants from strife-torn countries whose problems arise, not from their nominal governments, but from various warring factions, but I cannot think that this is contrary to "Canada's international legal obligations with respect to refugees and... its humanitarian tradition with respect to the displaced and the persecuted".

20. It is the Ministry of Justice, that is responsible for the advising the government on the enactment of the necessary legislation to ensure compliance. Canada has signed and ratified the International Covenant of Civil and Political Rights. One of the sections in the Covenant requires Canada to enact the necessary condition to ensure compliance. Under art 2, "politics" is listed as one of the grounds for which there shall not be discrimination. "Political opinion" was not included in the Canadian Charter of Rights and Freedoms. When I raised the Covenant in the Federal Court on January 21, 2002; the reference was treated with derision. The lawyer for the Attorney General's office used a case from 1950s to support and argument that the Courts are not bound by international law and by agreements signed and ratified by Canada even though Canada is bound to enact the necessary legislation to ensure compliance. Even when I pointed out in my submission that under the Covenant there was a requirement to enact legislation, and that in 1982 the Canadian government informed the international community about Canada’s position vis a vis international law

21. Arguments can be made that Article 15 of the Charter should have included “political and other opinion” – a ground recognized in most international human rights instruments. I have begun to launch a Charter challenge in this issue. In the 1948 Declaration of Human Rights, the term “other status” was included after the list of designated grounds. The intention of including “other status” was to accommodate on the list future emerging grounds of discrimination. The Supreme Court of Canada has held over the years that the list of grounds in Article 15 could be extended to accommodate other grounds.

To fulfill Canada’s international obligations under International Human Rights Instrument, “political and other opinion” should be deemed to be an accepted ground for which there shall not be discrimination under Section 15 of the Charter.

11. VIOLATION OF CHARTER RIGHTS

The plaintiff pleads that

1. Political interference has led to the sacrificing the plaintiff's rights and liberties under the Charter.

Andrew D. Irwin, former President of the BC Civil Liberties noted the sacrificing of Charter Rights and Freedoms for political objectives:

> RCMP may have sacrificed the rights and liberties of Canadian citizens in order to advance a number of purely political objectives of the Prime Minster's office (PMO) if it acted outside its lawful authority (Andrew D. Irwin, p.30)
>
> - did the RCMP allow itself to be influenced, at least in party by political directives from the PMO rather than by security concerns while carrying out its mandate to protect summit delegates. (Andrew D. Irwin, p.31)
>
> Mc Donald Commission. formation of CSIS
> The decision was based on evidence found by the commission that police offers lacked the training and judgment necessary for doing the delicate job of security intelligence gathering in a way that properly respected the basic democratic rights of Canadian citizens. For this reason the CSIS was created in the early 1980s with mandate that explicitly excluded the covert surveillance of groups involved in "lawful advocacy, protest or dissent" unless it could be proved on independent grounds that they posed a significant security threat. (Andrew D. Irwin, p.35)
>
> - we need to know what evidence the RCMP had, if any, to justify its surveillance of non-violent protest groups.... We need to know whether the RCMP shared any of the intelligence information that it gathered on Canadian citizens with security and intelligence agencies from other countries. Finally we need to know the current status of the dossiers that were assembly on law-abiding Canadian citizens. Could information in those dossiers sill be shared with other national and international agencies. Are all of these dossiers eventually going to be destroyed unless there is evidence of criminal wrongdoing. (Andrew D. Irwin, p.36)
>
> civilian oversight
>
> -These issues are important because it is ultimately the freedom that citizens have to meet and speak openly abut controversial issues without fear of government reprisal that distinguishes democracy from other forms of government (Andrew D. Irwin, p.36)
>
> Mr. justice Peter Cory of the Supreme Court of Canada has commented:
>
> it is difficult to imagine a guaranteed rights more important to a democratic society than freedom of expression. Indeed a democracy cannot exist

without that freedom to express new ideas and to put forward opinions about the functioning of pubic institutions the concept of free and uninhibited speech permeates all truly democratic societies and institutions. The vital importance of the concept cannot be overemphasized.

-unless citizens are allowed to debate even the most controversial of issues openly and without fear of government reprisal, it is impossible for them to exercise their sovereignty over government. (Andrew D. Irwin, p.38)

-if is important to learn whether Canada's chief law enforcement agency allowed itself to be influenced, at lease in part, by political directives from the PMO rather than solely by security concerns--while carrying out its mandate to protect summit delegates. (Andrew D. Irwin, p.40, Wes Pue: Pepper in Your Eyes; APEC).

2.. being designated a threat to security is a serious allegation. Under the CSIS Act, threat to security have been defined as the following:

Threats to the security of Canada means
-espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage (a)
-foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person b)
-activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and c)
-activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead o the destruction or overthrow by violence of the constitutionally established system of government in Canada d)

3. Under the CSIS Act, CSIS is not authorized to include, lawful advocacy, protest or dissent, as a "threat to security"

-but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

4. -Individuals or groups engaged in criticism of government policy are engaging in lawful advocacy, protest, or dissent

- Given that CSIS is not authorized to consider lawful advocacy, protest or dissent as being a threat to security unless carried out in conjunction with any of the activities referred to in paragraphs (a) to (d)
- Given that CSIS is usually included in the DND's and the RCMP's determination of "threats to security"
- the presumption can be made that if a leader of a group or citizen is deemed to be a threat, the group or citizen is engaged in one of the above activities defined as threats to security under the CSIS Act

5. I have engaged in lawful advocacy, protest and dissent but have never engaged in any activity that would be subsumed under the definition of "threat" in the CSIS Act. I have a legitimate expectation that the CSIS Act would conform to the Charter of Rights and Freedoms. Designating as a threat, a citizen who engages in lawful advocacy, protest and dissent contravenes statutory law (the CSIS Act) and the Charter of Rights and Freedoms. There are serious implications arising from RCMP and CSIS being in violation of the Charter of Rights and Freedoms

6. Placing a leader of a group engaged in legitimate advocacy on a DND list of threats to security or placing an individual on an RCMP threat assessment lists impacts on a citizen's freedom of speech and thus contravenes the right to Freedom of Speech under the Charter of Rights and Freedoms.

The Plaintiff pleads that her freedom of speech has been curtailed because being designated a 'threat" creates a chilling effect on government critics. Andrew D Irwine, past president of BC Civil Liberties affirms the importance of guaranteeing Freedom of Speech

> " Freedom of speech and freedom of assembly are vital to democracy. "Free speech, it is rightly said is the most powerful weapon we have against tyranny". If our right to free speech and peaceful assembly are to be anything ore than mere platitudes, however, they have to be the kinds of right that cannot be overridden at the mere whim of either individual police offices or our political leaders.

and further commented on the importance of civilian oversight:

> -"These issues are important because it is ultimately the freedom that citizens have to meet and speak openly abut controversial issues without fear of government reprisal that distinguishes democracy from other forms of government (Andrew D. Irwin, p.36)

and he quoted: Mr. Justice Peter Cory of the Supreme Court of Canada has commented:

> it is difficult to imagine a guaranteed rights more important to a democratic society than freedom of expression. Indeed a democracy cannot exist without that freedom to express new ideas and to put forward opinions about the functioning of pubic institutions the concept of free and

> uninhibited speech permeates all truly democratic societies and institutions. The vital importance of the concept cannot be overemphasized.
>
> , -unless citizens are allowed to debate even the most controversial of issues openly and without fear of government reprisal, it is impossible for them to exercise their sovereignty over government. (Andrew D. Irwin, p.38, Wesley Pue: Pepper in Your Eyes. APEC)

7. Pulling a media pass as a result of a direction from the Prime Minister's Office, from an individual with an assignment from a media outlet violated the plaintiff's Charter right to freedom of the Press.

It appears that If the RCMP allowed itself to be used by the PMO for political ends, this is not something to be dismissed lightly; I was at APEC with an assignment from a local news paper.

After my pass had been pulled at APEC, Bill Mills at the APEC media accreditation asked me what I was going to be reporting on, I replied that I would be comparing the draft APEC document with obligations incurred and commitments made through other international instruments. The plaintiff had previously contributed, to the Oak Bay news, a report on the Multilateral Agreement of Investment. David Lennam, the Editor of the Oak Bay News had stated that "The offering of a different perspective was the reason that the editor of the Oak Bay news supported her attending the conference on behalf of the publication".

According to Andrew D. Irwin Past president of BC Civil Liberties, deciding which journalists may or may not be accredited violates Freedom of the Press:

> Deciding which journalists may or may not be accredited based on their political views is a practice more characteristic of totalitarian regimes than of a health democracy. (p,33)
>
> Orwell "if liberty means anything at all, It means the right to tell people what they do not want to hear (p.33, Andrew D. Irwin. Ibid)

8. Being placed on threat lists impacts on the plaintiff's mobility rights in the Charter of Rights and Freedoms.

Under Article 6 Every citizen of Canada has the right to enter, remain in and leave Canada
As a result of the (i) The plaintiff's leading a group that was placed on the Department of Defence lists of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose "loyalty of members of these groups (i.e. to Canada is questionable as the group bond is stronger than the nationalist bond; (ii) The plaintiff's being placed on a Threat Assessment list

(iii) The possibility or probability of these lists being circulated and shared; and (iv) the probability that existing lists will be examined to provide the data for “facial recognition, the plaintiff will probably no longer be free to leave Canada

Being on a list that has been known to be circulated to third parties, and possibly other countries, has influenced the plaintiff’s freedom of movement and consequently limited the plaintiff’s access to work The designation of the plaintiff as a leader of a political party that has been deemed by the Department of Defence to be a “threat to security” and the placing of the Plaintiff on an RCMP Threat Assessment list re-enforce the attribute of being a “threat” with all the activities subsumed under the CSIS definition of threat.

At the UN World Conference on Racism in August of 2001, there was information surfacing about the various lists at the United Nations, and about the plaintiff having been placed on some international list. It is my understanding that there may have been the circulation of the DND and RCMP lists to international bodies such as the United Nations.

The risk to the safety of citizens whose names are on lists that have been distributed internationally jeopardizes the Plaintiff’s right to security under the Charter of Rights and Freedoms..

There are serious security risks in circulating DND “Threat to security” group lists and RCMP “threat assessment ” lists nationally, and particularly, internationally. There does not appear to be public information about what control the Canadian government may have over the use of these lists or where else these lists have been distributed and to whom these lists are accessible. DND military intelligence, the RCMP or CSIS have claimed that when they share information with “friendly nations”, they imposed caveats about the use of the information, and about the need to consult prior to using this information for other non designated purposes. It has been revealed in the Arar Inquiry that after September 11, 2001, in some cases of perceived urgency “caveats were down”. Evidence is surfacing that “caveats down” might now be the policy of the DND military intelligence, the RCMP and CSIS; thus Canada would no longer maintain control over the use of information provided for specific investigations, or for the use of lists previously circulated.

9. The designation of an group as a “threat to security” or and individual as one warranting a “threat assessment” presumes that there underlies these designations a charge of some sort.

An order from the PMO’s office to place activists engaged in lawful advocacy, protest and dissent on a threat assessment list must have been based on information that was provided to the Prime Minister Office. These activists have a right to be informed about the nature of the information and be able to correct the misinformation that was communicated to the PMO.

The designation of the Plaintiff as being the leader of a group that was perceived to be a “threat to security” or as being an individual requiring a “threat assessment” implies that there has been an implicit charge against the Plaintiff. The plaintiff has not been able to obtain the reason for her being perceived to be have led a party that was deemed to be a threat to security or for her being on a threat assessment list. Even after submitting almost 60 access to information and privacy requests the plaintiff has been unable to determine whether there was a legitimate reason for the DND and RCMP designations. Under Article 11 of the Charter a citizen has specific rights:

> Article 11. Any person charged with an offence has the right
> (a) to be informed without unreasonable delay of the specific offence

It appears that, under the Article 11 of the Charter of Rights and Freedoms, a person being placed on a list has less rights than a person who has been arrested for the commission of a crime

10. One would think that if activists engaged in lawful advocacy, protest and dissent - not in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2. -have been incorrectly placed on threat lists, there must be some oversight procedure to correct misinformation existing in government files,

The practice of placing activists engaged in legitimate advocacy, including the case in which activists are unaware of their being placed on lists, has serious and unforeseen consequences.

Civil oversight is essential to prevent the politically motivated designation of critics as threats:

> Rule of law and civilian oversight Donald J. Sorochan QC
> constitution the British North America Act 1867 The British constitutional concept of the rule of law requires that government should be subject to the law rather that the law subject to government. This is the fundamental common law principle enunciated in Entick v Carrington (p 58,Donald J. Sorochan QC: Ibid)

There had been a failure to divulge Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis a vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists

The plaintiff requested details about the criteria in place for determining what constitutes a threat, for determining who should be designated as a threat, for determining whether lists should or should not be circulated etc. [SEE CHRONOLOGY]

There is an outstanding request for Access to information related to the Department of Justice; this request is finally being addressed. If the issues that I have raised over the years related to targeting activists, compiling threat lists and disseminating these lists had been addressed, perhaps the serious problems of “rendition” could have been avoided.

The following is the request that was disregarded in 2002 but is now being taken seriously and is currently being investigated.

DEPARTMENT OF JUSTICE FAX 613-957-2303
284 WELLINGTON ST,
OTTAWA, ON. K1A 0H8

613-9924621
6130540617
613-952-9361

Access to Information Request: October 14, 2004

Department of Justice

Access to Information Request:

(1) Documentation related to legitimate dissent, and discrimination on the grounds of "political and other opinion"

Disregard for implementation of international law

(a) Expressed rationale for the failure to include political and other opinion in the Charter of Rights and Freedoms".. "Political and other opinion" is a listed ground in most international human rights instruments, such as the International Covenant of Civil And Political Rights

(b) Expressed rationale for not requiring the government to abide with the following 1982 commitment to the international community:

1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis a vis International obligations

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

(c). Explanation for Attorney General's disregard in the Federal Court for international law: obligations incurred though Conventions, treaties, and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions.

failure to distinguish legitimate dissent

(d). Justification for the targeting of individuals who are engaged in legitimate dissent

(e). Documentation of criteria used to place citizens on threat lists, and copies of the assessment by the Department of Justice on whether these criteria contravene obligations under the International Covenant of Civil and Political Rights to not discriminate on the ground of political or other opinion.

(f). Documentation related to judicial opinion on what would constitute legitimate dissent under the CSIS Act, and on whether CSIS agents are sufficiently trained to distinguish legitimate dissent from

Political intimidation

(g) Documentation related to a judicial opinion on whether threat assessment lists have been used to intimidate political opponents prior and during elections

Questionable exemptions

(h). Documentation related to a judicial review of exemption clauses used in the Access to Information Act, and Privacy Act

(i) Evidence for Judicial opinion on whether there is an over-reliance on department criteria for determining what would constitute an exemption, "for military and international security reasons", under the Privacy Act and under the Access to Information Act.

lack of independence of Privacy Commissioner and Access to Information Commission

(j) Documentation related to the failure on the part of the Commissioners to fully speak truth to power because they are political appointees, and because they have a mandate to investigate the process rather than the substance of a complaint.

disregard of "right to correction"

(k) (i) Description of remedies available for citizens who have followed all of the above mentioned processes for "the Right to Correction", and removal off lists. [analogous application of international principle affirmed in the International Convention on the Right to Correction].

(ii) Documentation related to the "simple process available" [statement from former Minister of Justice] for those that wish to be removed from lists

(iii) Documentation related to the rationale for citizens' being offered the opportunity of addressing, through the Federal Court, their being placed on lists, coupled with the rationale for citizens being required to pay costs

(1) Explanation and Documentation about the reason that after following all the subsequently listed designated processes a citizen has not been able to find out why the citizen was perceived to be a threat to Canada, and placed on a Threat Assessment List:

(i) RCMP Complaints, RCMP Review, CSIS, SIRC and Federal Court (against the AG)(ii) Over 60 processes within various government departments, = (iii) Numerous request for reviews by Privacy Commissioners, and by the Access to Information Commissioner

discrimination in access

(m) Documentation supporting the difference in government policy between access to information for a citizen placed on a "Threat list" and access to information for a citizen placed on a "Terrorist list". In appearing before the committees examining Bill C36 (Anti-terrorism legislation). The former Justice Minister, Honorable Anne McLelland stated: "if someone's name appeared on the Terrorism list", there is an easy process to follow to find out why this occurred".

dissemination of lists

(n). Provisions in place for preventing the exchange of threat list to other states

(o). Documentation of oversight process and judicial opinions related to the commitment made by former Minister of Justice, the Honorable Ann McLelland, re: lists provided by other nations: "We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight."

"In fact we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight". (former Minister of Justice, the Honorable Ann McLelland).

long term impact

(p) Documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists

Selective access to Committees

(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and senate committees [THIS HAD NOW BEEN RESPONDED TO –THERE IS NO GENERAL CRITERIA OF SELECTION]

11. There is serious concern about covert surveillance of groups involved in lawful advocacy, protest and dissent

at. P. 35, Andrew D. Irwin commented on the relevance of the McDonald Commission:

“formation of CSIS The decision was based on evidence found by the commission that police offers lacked the training and judgment necessary for doing the delicate job of security intelligence gathering in a way that properly respected the basic democratic rights of Canadian citizens. For this reason the CSIS was created in the early 1980s with mandate that explicitly excluded the covert surveillance of groups involved in "lawful advocacy, protest or dissent" unless it could be proved on independent grounds that they posed a significant security threat. (Andrew D. Irwin, p.35, IBID)

12. Serious questions about surveillance of non-violent protest groups remain unanswered, and serious concerns remain unaddressed.

Andrew D. Irwin at 36

- we need to know what evidence the RCMP had, if any, to justify its surveillance of non-violent protest groups.... We need to know whether the RCMP shared any of the intelligence information that it gathered on Canadian citizens with security and intelligence agencies from other countries. Finally we need to know the current status of the dossiers that were assembly on law-abiding Canadian citizens. Could information in those dossiers sill be shared with other national and international agencies. Are all of these dossiers eventually going to be destroyed unless there is evidence of criminal wrongdoing.

13. The designation of the Plaintiff as a threat when she has never engaged in any illegal actions, and never been arrested is an unconscionable violation of her charter rights and an unacceptable act of discrimination on the grounds of “political and other opinion”.

14. The plaintiff pleads that her Charter rights have been overridden when individual Deputy ministers, cabinet ministers, “intelligence agencies” or political leaders have delineating or contributed to her being designated as a "threat"

15. Her charter rights have been violated she will argue for damages under section 24(i) of the Charter.

*****E. ON-GOING DEFAMATION SUIT:

PLAINTIFF: Joan Elizabeth Russow

DEFENDANTS

The Right Honorable Jean Chrétien
Jean Carl, former senior adviser to Jean Chrétien
Bob Fowler, former deputy minister of defence
Hon Andrew Scott, in former capacity of Solicitor General
Hon. Lawrence MacAuley, in former capacity of Solicitor General
Hon. Irwin Cotler, Attorney General of Canada, Minister of Justice
Morrice Rosenberg, Deputy Attorney General
Hon David Anderson as candidate in 2000 federal election, and MP
Brian Groos, Associate of David Anderson, resident of Oak Bay, security at APEC
Commissioner Ted Hughes Commissioner of the APEC RCMP Public Complaints Commission
Shirley Heafey, Chair of the RCMP Public Complaints Commissioner
Marvin Storrow, former Counsel of the RCMP
Wayne May RCMP, formerly in charge of security at APEC
Sgt Woods RCMP officer who interviewed Christine Price
Christine Price, formerly with RCMP proceeds of crime
Peter Koyliak, RCMP officer associated with APEC
Peter Scott, RCMP officer associated with APEC
Sgt Duperon RCMP, stationed at the media accreditation centre at APEC
Constable Boyle from Vancouver police
Howard Wilson, former Ethics Counselor
George Radwanski former Privacy Commissioner
Hon John Reid, Access to Information Commissioner
Jean Pierre Kingsley, Chief Electoral Officer

FACTS: SEE CHRONOLOGY SECTION D

DOCUMENTS, REMARKS, STATEMENTS RELATED TO CLAIM OF DEFAMATION OF CHARACTER

(a) DEPARTMENT OF DEFENCE LIST OF GROUPS IN *1993* **(see chronology)**) (DND LIST)This Department of Defence list was a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond.". The Green Party was on this list..; the Green Party was included, and a document

indicating there was primarily concern about leaders of the groups. Presumably, Bob Fowler the former Deputy Minister of Defence during the Somali inquiry, initiated a “list” in response to the public outrage about the allegations that some of the military were members of white supremacy groups. One of his assistants informed the plaintiff that Fowler had ordered a junior office to come up with a list of groups to which the military should not belong.

(b) (APEC TAG) APEC THREAT ASSESSMENT LIST NOVEMBER 23, 1997

Exhibit: tag list: note: that the names of the other “threats” have been redacted, but their faces and description have not been redacted. .The plaintiff places a caveat on the above information related to other activists. If the document is made public only Russow’s mug shot should be available The actions of the other activists have already been made public but their faces should not be made public.

The RCMP claimed in August 1998 in their response to the plaintiffs complaint that her pass was pulled because there was no evidence that the Oak Bay news existed. The plaintiff had proposed numerous means to confirm the existence of the Oak Bay New’s. It was revealed in September 1998 that the RCMP had placed the Plaintiff on a November 23, 1997 APEC Threat Assessment Group list of “other activists” TAG list. On the list the reason for removing her pass had been that the plaintiff was “a media representative overly sympathetic to the APEC protestors at a UBC meeting the previous night” – a meeting that she had never attended, and that the plaintiff was “the leader of the Green Party of Canada”. It was revealed in 1999 that in May of 1998, the plaintiff’s pass had been pulled as a result of a direction from a Brian Groos who claimed that the PMO directed that the plaintiff should be prevented from attending APEC. Finally, in December of 1999, it was claimed by Constable Boyle of the Vancouver Police that the plaintiff’s pass was pulled because she behaved inappropriately as a member of the media on a media bus-a bus that the Plaintiff was never on-going out to UBC. Despite the plaintiff’s having had a bona fide assignment from the Oak Bay News, the RCMP maintained that there was no evidence that the Oak Bay News existed Ironically, the instructions to pull the plaintiff’s pass came from Brian Groos, a resident of Oak Bay, and a close associate of David Anderson. If they were genuinely concerned about the existence of the paper they could have contacted the Oak Bay police [a possibility that did not escape Woods, the RCMP officer who came to Victoria to interview the plaintiff, in January, 1998.

(c). (BOYLE) FALSE STATEMENT BASED ON INFORMATION PROVIDED BY THE RCMP, MADE BY POLICE REPRESENTATIVE

Constable Boyle of the Vancouver police, at the RCMP APEC Complaints Commission hearing, provided false and untrue testimony about the plaintiff behaving inappropriately on a media bus going out to the University of British Columbia. The plaintiff was never on that media bus and never went out to UBC during the APEC conference. This testimony extended and augmented the damaging effect of the plaintiff's being placed on a threat assessment list. Constable Boyle’s statement was broadcast across the country on CPAC

(d) (ANDERSON) POLITICALLY MOTIVATED SPURIOUS COMPLAINT TO ELECTIONS CANADA

Press release emanating from volunteer in Hon. David Anderson's office during the 2000 election. In this Press release it was claimed that the plaintiff was being investigated for violating the elections act. A relative of a clerk in David Anderson's office had filed a spurious complaint, about the Plaintiff, to Elections Canada, and then, two days before the election, the press release indicating that the plaintiff was being investigated was sent to the local media. Further, an agent of David Anderson during the 2000 election contacted the media and disseminated, from David Anderson's office, a press release with false and defamatory statements about the Plaintiff. During the 2000 election, David Anderson was running as a Liberal candidate in Victoria, B.C. in an election against the plaintiff. One of Anderson's agents filed a politically motivated complaint with Elections Canada alleging that the plaintiff had acted illegally voting in a previous by-election. Elections Canada investigated and found the complaint to have been frivolous. Another Liberal campaign worker active in the David Anderson campaign subsequently phoned the media and communicated the contents of a copy of the complaint letter which had been sent to Elections Canada, indicating that the plaintiff was under investigation by Elections Canada for engaging in an illegal activity, and this letter was signed by several former election candidates. During the 2000 election period, the Liberals were concerned about the closeness of the race, and they were particularly concerned about the Green vote. Subsequent to the US election where Ralph Nader running for the US Green party had been blamed for taking votes away from Gore, the RT Honourable Jean Chrétien, was quoted by the media as "urging voters not to make the same mistake as was made in Florida when voters voted for the Green party. Disgruntled former BC Green party leader was working in David Anderson's office and while working in the office sent out a press release. In no way is the plaintiff suggesting that any of the above would be beyond what is acceptable politically; it is mentioned only to support the plaintiff's claim that the Liberals were somewhat worried about the Green vote.

When the Plaintiff became concerned was when she found out that the person who file a complaint to elections Canada, was related to David Anderson's assistant, and that while the disgruntled former BC Green party leader was working in David Anderson's office, he sent out a press release claiming that the plaintiff had done something illegal, and the substance of the press release was broadcast on CFAX two days before the election. [later after discussing it with the local elections officer, the radio broadcast a retraction on the day of the election but there was still the in

PLEADINGS:

The Plaintiff pleads that:

1. The above documentation, information or remarks constitute evidence of defamation of character

2. The court consider the interdependence of the intention to repay student loan, connection between loan and employment, frustration of contract, interference with

gainful employment inexorably linked to Charter of Rights violation and on-going defamation case linked to student loan case.

3. It is essential to link the on-going case of defamation with the current case related to student loan. The false designation of Joan Russow as a threat as an individual in the RCMP Threat Assessment list, or in her capacity as leader of a political party listed in the DND list of groups that could pose a threat ; , the inaccurate assertion by the RCMP and Vancouver Police that Joan Russow behaved inappropriately on the media bus, and the politically motivated claim that Joan Russow violated the Elections act, were publicized through the print, audio and visual media. The Attorney General ‘s case against the Plaintiff could be jeopardized by the previous dissemination of false information about her , could create an unfavourable predisposition towards the Plaintiff. Therefore, before the Attorney General’s case can be properly examined, impartially and dispassionately and for the proper administration of justice, there should be a resolution of the on-going defamation case. The on-going defamation case against the government is inexorably linked with the contention that the federal government has frustrated the contract, and contributed to Russow’s inability to repay her loan through gainful employment

4. The 2001 case, Russow vs the Attorney General, failed to include range of defendants

In December 2001, I contacted the Federal Court in Vancouver and asked about filing a statement of claim I mentioned that I wanted to list a number of government officials in the style of cause. I was told that if I listed a number of departments I would have to pay considerably more than if I listed only the Queen. I was told that I could list the name of the Queen in the style of cause and refer to the government officials in the statement of claim and in doing so, I would have effectively included the government officials as defendants. The clerk sent me a copy of a statement of claim to show how I would be able to include all the defendants.

A few weeks later I received a motion , to set aside my claim from Paul Partridge, a lawyer in the Attorney General's office. I asked him if he was acting for all the government officials mentioned in the claim. He responded that he was acting for the Attorney General on behalf of her majesty. I told him that I had been told by a clerk from the Federal court that if I included the names of the others as defendants in the body of the claim the government officials mentioned in the claim would also be considered as defendants. He responded that no lawyer would have told me that. Given that there is no system of civil legal aid, I could not afford a lawyer.

I appreciated the assistance given me by the clerk, but I believe that it was unfortunate that I was given misinformation. In my claim there was no mention of the Attorney General's role; instead I had mention the Solicitor General (the RCMP, CSIS); Privy Council. Prime minister’s office, Department of Defence, and David Anderson. These departments and government officials would all be the ones that would have been capable of divulging particulars about my claim of defamation of character.

In the Court, the judge acknowledged that I was making serious allegations but kept stating that I did not have sufficient particulars for the case. I pointed out that I was caught in a conundrum because the Attorney General who was representing all the Queen, had pleaded lack of particulars when it was the government and government

departments that had failed to provide the particulars. In his decision he stated that I should try to get more particulars through access to information. Ironically, if the defendants that were listed in the statement of claim had been represented, as I had anticipated when I drafted the statement of claim, then they would , through required disclosure, have to divulge the particulars that the Judge was requiring.

I do not think that I received a fair hearing in not having the relevant defendants present.

I had expected that I would have been able to find justice through the Federal Court. I was obviously wrong. Since the Court Case, I have followed the Judges recommendation that I seek particulars through Access to Information requests.

In this 2001 Defamation case, the Judge ruled that the claim should be struck because of absence of particulars, but the case should not be dismissed. In the 2001 Defamation case I indicated that since 1998 when it was brought to my attention by a representative of the media that the RCMP had placed me on a threat assessment list I had requested through access to information the reasons for the RCMP's deeming me to be a threat. The government departments has not yet after almost 4 years divulged the reason for placing me on a Threat Assessment List. The government departments continually used exemptions, such as "military and international security reasons" or "part of a criminal investigation", provided under the Access to Information act and Privacy Act. By not divulging the reason for perceiving me as being a threat the government departments and officials have allowed the perception of my being a threat to persist. In the 2001 Defamation case the Judge stated that in order to provide the particulars that the plaintiff should continue to go through access to information

5. Subsequent to the Judges decision the plaintiff decided that she would attempt to determine what information the government held on her in its different departments. Given that the plaintiff, as a lawful advocate, had throughout the years criticized almost every government department, she thought that perhaps some misinformation was held in other departments, such as the Department of Environment, Department of Natural Resources, Department of industry, Department of Human Resource, Department of Fisheries, Department of Agriculture, etc. For three years in 1998, 1999 and 2000, she had prepared an analysis of the Treasury board estimates and had subsequently prepared alternative budgets. After almost 60 Access to Information and Privacy requests, the plaintiff still has not found out the reason for the government's perceiving her to be a threat. The plaintiff has, however, been able to develop "advocacy profiling" of activities that have been monitored by government; from protesting the berthing of nuclear vessels, and the deploying of ships for the Gulf; of proposing the phasing out fossil fuels and opposing the sale of CANDU reactors; of lobbying for the conversion of Nanoose, and for the Cassini project to cease; of opposing free trade agreements, and advocating the banning of genetically engineered foods and crops etc. There are still outstanding requests including an extensive request for information from the Department of Justice related to Canada's position internationally for complying with international human rights instruments;

6. After submitting almost 60 requests to privacy and access to information, I have only received documents with spurious exemptions and with exorbitant fees required for

access to information. As of August 2005, the government has failed to divulge the REAL reason for placing a leader of a political party on a threat assessment list. I am now 66 years old, and I cannot afford to hire a lawyer to address the issues that even the Judge mentioned were serious allegations

7. Members of the government, cabinet ministers, and their agents through their various actions have maliciously and without grounds defamed the plaintiff through designating her as a threat, and through failing to allow Russow the opportunity to appear and clear her name, and as a result have impacted on Russow in her capacity as a researcher, lecturer at university and as a leader of registered political party. The cause of action for defamation of character potentially brings together various levels of offices, governments, and institutions.

8. There is strict liability for tort of defamation of character

> Canadian Defamation Law © Lloyd Duhaime 1996.
>
> The major points of defamation law in Canada are as follows:
>
> Defamation is a "strict liability" tort. In other words, it does not matter if the defamation was intentional or the result of negligence. Defamatory material is presumed to be false and malicious. "Whatever a man publishes", according to one case, "he publishes at his peril." 9

9. The conditions for a case of defamation of character have been met

(i) Statements by investigative authorities such as DND, RCMP and Police, and statutory authorities are consider to have a prima facie aura of truth. False statements by authorities such as DND, the RCMP the police and allusion to election Canada are in a different category than statements by other members of the public; there is the presumption of truth when investigative authorities make a statement. because of the positions held in the community. In this the pleading have defined the nature of the action, and the defamatory words have been set out with reasonable certainty, clarity and precision. The plaintiff will show that the facts or circumstances demonstrate the defamatory meaning of the words. The defendants cannot deny the allegations or claim that the words are incapable of defamatory meaning; the defendants also cannot justify the defamatory remark or rely on qualified privilege, fair comment. In some cases it will be pleaded that the defendants demonstrated malice and abuse of power.

The plaintiff pleads that as a result (i) of being on a DND list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list of groups being designated as potential threats, (ii) of being on an APEC Threat Assessment list (iii) of being described by the police as behaving inappropriately, and (iv) of being accused of violating the Election Act, the plaintiff has been brought into ridicule, scandal and contempt both personally and by way of her calling as a academic/politician engaged in lawful advocacy and she has suffered damages.

ii *The combination defamatory information disseminated magnifies the offence of defamation of character:*

-

(a) the inclusion of the group of which the plaintiff was the leader as a threat on the DND list of groups Department of Defence list "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (IE. to Canada} is questionable as the group bond is stronger than the nationalist bond."

(b) designation of the plaintiff as a threat by placing her on a RCMP “threat assessment group list”,

(c) the false testimony that she had behaved inappropriately or exhibited “inappropriate behaviour”,

(d) indefensible accusations that the plaintiff had engaged in “illegal actions in violation of the elections act

The combined effect of the above contributed to the perception that the plaintiff was dishonourable and dishonest, caused lingering doubts about her character and her integrity with [the most important attribute of any politician-or aspiring politician]

In the case Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd it was held:

> There can be no doubt that the trial judge was correct in concluding that the combined effect of the three documents published by Maksymec and the appellant lawyers was clearly defamatory. These documents unmistakably implied that Botiuk was dishonourable and dishonest. They cast doubt upon his integrity, the most important attribute of any lawyer. (P.69)

CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

> Per La Forest, L'Heureux-Dubé, Gonthier, Cory, McLachlin and Iacobucci J.J.: The combined effect of the report, the declaration and the reply published by M and the appellant lawyers was clearly defamatory. The documents unmistakably implied that the respondent was dishonourable and dishonest. They cast doubt upon his integrity, the most important attribute of any lawyer. The appellant lawyers are joint tort feasors who are jointly and severally liable with M for the damage caused by publication of all three documents. The declaration expressly adopted the contents of the report, and its inclusion in the reply was a natural and logical consequence of the lawyers' signing it without placing any restrictions on its use. The appellant company is also liable since M, by his action and in his capacity as the principal shareholder and officer of the company and its directing mind, clearly associated the company with the defamatory statements.

iii. *Absence of reasonable and probable cause which would have justified the defamatory actions*

There was an absence of a reasonable and probable cause which would justify placing a law-abiding citizen who engages in legitimate advocacy and who is a leader of a registered political party on a threat assessment list. In addition there was evidence of the existence of malice in the form of a deliberate and improper use by the Prime Ministers office and by the Solicitor General through the RCMP: this use was an abuse of power inconsistent with the status of the office of the Prime Minister's office and the Solicitor General.

(a) The act of authoritative military intelligence institution designating, without reasonable probable cause, groups as threats on a list which has been circulated could be deemed to be a defamatory act. The department of defence, in 1993, developed , without reasonable cause, a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond."

(b) the act of authoritative military intelligence agencies designating , without reasonable or probable cause, a person as a threat knowing that it could be distributed publicly could be deemed to be a defamatory act,

- Given that under the CSIS Act a “threat” does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2. , and given that the plaintiff was placed on a threat assessment list, there could be the assumption that the plaintiff was engaged in more than lawful advocacy, protest or dissent, and could be deemed a threat to national security.

(c) The act by an enforcement authority of making, without reasonable or probable cause, a false statement which was broadcast across the country that an citizen behaved inappropriately could be deemed a defamatory act

(d) Filing without reasonable or probable cause a politically motivated complaint to a regulatory body about a purported illegal act of an opponent in an election could be a defamatory act

( ) AUTHORITY ABSENCE OF REASONABLE AND PROBABLE CAUSE WHICH WOULD HAVE JUSTIFIED THE DEFAMATORY ACTIONS

> : It was held in the Proulx case that to succeed in an action for malicious prosecution against the Attorney General or Crown Attorney, the plaintiff would have to prove both the absence of reasonable and probable cause in commencing the prosecution, and malice in the form of a deliberate and improper use of the office of the Attorney General or Crown Attorney. *a *use inconsistent with the status of "minister of justice":*

iv. *Defamatory words communicated with reasonable certainty, clarity and precision and the circumstances exist which give them a defamatory sting*

The mere fact that a citizen is listed as a threat is the same as designating a citizen as a “threat” ; the words were communicated with reasonable certainty (a reapplication of a statement made by Senator Fraser: the mere fact that you are listed as the terrorist is the same as being designated as a terrorist “. the acts of defamation by the authorities within the government, by cabinet ministers and their agents are as clear, as certain and as sufficiently specific as it is possible. It must be acknowledged that being designated a "threat" as defined by CSIS is a serious allegation and a defamatory act.

> In the Act establishing the Canadian Security Intelligence Service, 1985, "Threat to security of Canada is described:
>
> “Threats to security” of Canada means
>
> (2) a espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage
> b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person
> c. activities within or relating to Canada directed toward or in support of the Threat or use of acts of serous violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
> d. Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.
>
> Lawful Protest and Advocacy The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated." CSIS Act, 1985)

(a) The words used and groups identified in the DND list {of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (IE. to Canada} is questionable as the group bond is stronger than the nationalist bond.". the Green party was on this list.]. are set out with reasonable certainty , clarity and precision and the circumstances, compiled by an authoritative department, clearly prove their defamatory nature

(b) the words “other activists” “ RCMP Threat Assessment group” list in association with the plaintiff are set out with reasonable certainty , clarity and precision and the authoritative pronouncement of the plaintiff as a threat substantiates circumstances that clearly prove their defamatory nature

(c) the “words” used by the Vancouver police woman in assessing the plaintiff behaviour as behaving inappropriately are set out with reasonable certainty , clarity and precision and the circumstances—information communicated by authoritative agencies such as a police force and the RCMP--clearly prove their defamatory nature

(d) the “words” used in the press release that elections Canada was investigating the plaintiff for committing an illegal act under the elections act were set out with reasonable certainty , clarity and precision and the circumstances-apparent assertion by a regulatory body - clearly prove their defamatory nature. the press release was signed by former candidates of the green party which was intended to give additional credibility to the assertions.

AUTHORITY: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

> The trial judge observed that, had matters ended with the Sokolsky-Muz Declaration, there would probably have been no cause of action. However, Maksymec persisted in his efforts to defame Botiuk by recruiting the appellant lawyers and having them sign the Lawyers' Declaration. The endorsement of eight prominent lawyers from the Ukrainian community had the effect of greatly enhancing the credibility of Maksymec's charges. The testimony of a number of witnesses clearly demonstrated that members of the Ukrainian community were convinced that this group of lawyers would not have signed a document containing such serious allegations if they were not true. CASE P. 67

AUTHORITY: Paul Partridge, Attorney General of Canada, T2184-01 Russow vs the Queen

> Summary. Because of the technical nature of the tort, pleadings are of critical importance in an action for defamation. They must adequately define the nature of the action or defences and the issues being tried. The defamatory words must be set out with reasonable certainty, clarity and precision and if the words are innocent on their face, or had some special meaning, the facts or circumstances which give them a defamatory sting must be pleaded and proved. The plaintiff must also plead and prove that the words were published of and concerning the plaintiff and were communicated to persons other than the plaintiff, identifying the time when, the place where and the persons to whom they were published.
>
> Re: “clear” CASE; Sun Life Assur.co of Canada v. Bailey. 101 Va. 443, 44 S.e. 692 (1903
>
> Re: “Certain”. CASE: Comerford v. Meier, 302 Mass. 398, 19 N.E. 2s 711 (1939)
>
> Re: “Specific”. Per Murphy J. in Pinto v International Set Inc.,. 650 F. supp. 306, at 309 (D.Minn.1986)

( ) The contents of the entire documents when considered support the claim of defamation of character

( ) The material facts and particulars are sufficient to establish a case of defamation of character and any absence of material facts and particulars have resulted from an unwillingness on the part of the government and its agents to divulge the information

Exhibit: Peter Fraser P.J., and Horn J.W. ( ). Conduct of Civil Litigation in B.C. Chapter 9 Volume 1; Butterworths.

The concept of “material facts” is fundamental to the law of pleading. The adjective “material may be read as equivalent to “essential”

The word “material “ means necessary for the purpose of formulating a complete cause for action and if any one “material fact is omitted, the statement of claim is bad…”

The process of extracting from a real situation a statement of material facts is analogous to the process of extracting from a reported case the ratio decidendi. It is a process of moving from the particular to the general. Any event can be reported at several levels of generality; the task is not only to winnow out what is legally significant from what is legally insignificant but to state the significant matters at the appropriate level of generality.

v. *Reasonable implication of defamation in the words*
The need for all circumstances of the case including any reasonable implications the words may bear

(a) Establishing a DND list targeting specific groups: the DND compiled a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list. The circumstances around the developing of a DND list of groups that pose a threat are incredibly complex, from impacting on one’s charter rights,

(b) Preparing a RCMP threat assessment list which included my photograph undoubtedly referred directly to the plaintiff

(c) Describing in a police statement that the plaintiff was behaving inappropriately was referring directly to the plaintiff

(d) Declaring the plaintiff to have violated the elections act referred directly to the plaintiff

In CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd, it was held that: meaning or by virtue of extrinsic facts or circumstances, known to the listener or reader, which give it a defamatory

meaning by way of innuendo different from that in which it ordinarily would be understood. In determining its meaning, the court may take into consideration all the circumstances of the case, including any reasonable implications the words may bear, the context in which the words are used, the audience to whom they were published and the manner in which they were presented.

vi. *Defamatory remarks were aimed specifically at the plaintiff or at the group to which the plaintiff belonged*

(a) Establishing a DND list targeting specific groups: the DND compiled a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list

(b) Preparing a RCMP threat assessment list which included my photograph undoubtedly referred directly to the plaintiff

(c) Describing in a police statement that the plaintiff was behaving inappropriately was referring directly to the plaintiff

(d) Declaring the plaintiff to have violated the elections act referred directly to the plaintiff

AUTHORITY Canadian Defamation Law © Lloyd Duhaime 1996.

The defamatory remark must be clearly aimed at the plaintiff. General, inflammatory remarks aimed at a large audience would not qualify as the remarks must be clearly pointed at a specific person.

vii. *Shameful acts attributed indirectly or directly to the plaintiff*

(a) The impugned statement- "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond” suggests that these groups have been engaged in shameful actions that would warrant being designated a threat to national security

(b) Preparing a RCMP threat assessment list which included the plaintiff’s photograph and vital statistics suggests that the plaintiff had engaged in shameful acts that would warrant her being designated

(c) Describing in a police statement that the plaintiff was behaving inappropriately suggest that the plaintiff could have behaved shamefully

(d) Declaring the plaintiff to have violated the elections act affirmed that the plaintiff acted shamefully

AUTHORITY: Canadian Defamation Law © Lloyd Duhaime 1996.

Defamation was well described in a 1970 British Columbia Court of Appeal decision called Murphy v. LaMarsh:

> (Defamation is where) a shameful action is attributed to a man (he stole my purse), a shameful character (he is dishonest), a shameful course of action (he lives on the avails of prostitution), (or) a shameful condition (he has smallpox). Such words are considered defamatory because they tend to bring the man named into hatred, contempt or ridicule. The more modern definition (of defamation) is words tending to lower the plaintiff in the estimation of right-thinking members of society generally.

viii. *Defamatory remarks arose from false accusation and were malicious acts*

(a) Establishing a DND list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to and of groups whose “loyalty of members of these groups (IE. to Canada} is questionable as the group bond is stronger than the nationalist bond.".[the Green party was on this list.] could be considered as being a malicious act

(b) Designating by the RCMP of the plaintiff as a threat was false because there is no evidence that she was a threat to national or international security, and that she was a threat under the definition of threat within the CSIS act could be considered as being a malicious act

(c) Describing in a police statement that the plaintiff was behaving inappropriately was a false accusation and potentially malicious

(d) Initiating a spurious complaint and then declaring the plaintiff to have violated the elections act entailed disseminating a false accusation, and engaging in a malicious act

AUTHORITY: The legal consequence of their recklessness is that their actions must be found to be malicious.

The judgment of La Forest, L'Heureux-Dubé, Gonthier, Cory, McLachlin and Iacobucci JJ. was delivered by

> CORY J. -- These appeals must consider the consequences which flow from the publication of documents which either directly alleged or clearly implied that the respondent Y. R. Botiuk, a lawyer of Ukrainian descent, had misappropriated money that belonged to the Ukrainian-Canadian community.

ix. *Failed to make independent inquiry as to the truth of the allegations*

The government, cabinet ministers, and their agents were indifferent to the truth and reckless in their distribution of false information, and failed in their duty to ensure that statements are correct and that misinformation is avoided. Statements by investigative authorities such as DND, RCMP and the police officers are consider to have a prima facie aura of truth. False statements by Authorities such as DND, the RCMP and the Police and allusion to Election Canada are in a different category than statements by other members of the public; there is the presumption of truth when investigative authorities make a statement. because of the positions held in the community. These authorities had exhibited the indifference or recklessness to the truth necessary for a finding of express malice

(a)The department of defence failed to adequately assessed the truth to the allegations that the groups on the DND list were threats

(b) The RCMP failed to recognize the impact of making a false claim about the plaintiff and should not have relied on a political direction as an indication of the truth of the designation of the plaintiff as being a threat

(c) Constable Boyle failed to make any independent inquiry as to the truth of the allegations that had been supposedly passed on to her by the RCMP and the chair of the commission had refused to permit the plaintiff to testify at the commission even though the plaintiff was one of the complainants, and even though the then Solicitor General Andy Scott affirmed in his response to an APEC petition that all aspects of RCMP conduct would be examined in the RCMP public complaints hearing [appendix: response to petition]. the government's agent – the commissioner of the RCMP public complaints commission – failed to make any independent inquiry as to the truth of the allegations by Constable Boyle. The RCMP has demonstrated disregard for their having disseminated incorrect information, and has responded in a flippant way to the concern about defamation of character and the request for an apology.

(d) The election worker volunteering in David Anderson's office failed to check the legitimacy of the complaint with elections Canada before issuing a media release about plaintiff committing an illegal act under the elections act- Elections Canada had communicated that the complaint was groundless

AUTHORITY: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

> In his consideration of the damages that should be awarded, the trial judge observed that the appellant lawyers failed to make any independent inquiry as to the truth of the allegations contained in the Lawyers' Declaration. He noted that none of the appellant lawyers had apologized to Botiuk that some had demonstrated hostility towards him in their testimony and that, contrary to their assertions, the respondent had actually done the lion's share of the work at the inquiry. I would have thought that these findings would have established express malice in fact and in law. However, the trial judge concluded that, while the lawyers were "careless, impulsive or irrational", they had not exhibited the indifference or recklessness to the truth necessary for a finding of express malice. (p.47)

x. *The defamatory words or remarks concerning the plaintiff were published, and widely communicated. Even before September 11, 2001, there was concern about the targeting of activists;*

There is increased evidence of the surveillance of activists in the US, and this increased surveillance could result in targeting those who are already on lists.

> Governments want wall of secrecy
> LYLE STEWART
> Montreal Gazette Friday, August 31, 2001

The U.S. Senate Intelligence Committee is preparing a bill to establish that country's first official secrets act. As Thomas Blanton reported in the New York Times last week, Congress could "make it harder for Americans to know what their government is doing and would give aid and comfort to every tin-pot dictator who wants to claim 'national security' as the reason to keep his citizens in the dark."

Two days earlier, the Independent reported on the European Union's plan to create a secret network to spy on protesters. European leaders, the paper said, have ordered police and intelligence agencies to co-ordinate their efforts to identify and track demonstrators. "The new measures clear the way for protesters traveling between European Union countries to be subjected to an unprecedented degree of surveillance."

Sound familiar? Southam News's recent five-part series by reporters Jim Bronskill and David Pugliese show the federal government is doing its part in the international effort to repress political activity that Western states now apparently consider outside the bounds of acceptable discourse. As Bronskill and Pugliese found in the most comprehensive examination of the subject in recent times, the RCMP and CSIS are systematically deterring dissent and free speech through intimidation, secret files and a sledgehammer level of security against public protest. Mainstream political figures, such as former NDP head Ed Broadbent and Green Party leader Joan Russow, are not immune from being spied on or labeled as security threats.

The implications for our democracy are vastly disturbing, but not necessarily surprising. Governments in North America and western Europe see their political agendas threatened by the growing cross-border movements against corporate domination. And they are pooling information on political activists of all stripes, not only the Black Bloc bogeymen that are being conveniently used as the new spectre of evil to justify the new repression. And as the spying on normal political activity expands, states are tightening access that citizens have to information about their governments. Canada, it increasingly appears, will be no exception.

Bronskill and Pugliese based much of the reporting for their series on Access to Information Act requests. That's how they discovered the RCMP had in May established a special unit - the Public Order Program - to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies.

But the smoke signals from Ottawa indicate the Liberal cabinet wants to restrict our access to public information. In an interview, Bronskill noted the government already has extensively studied the program and could be preparing administrative or legislative changes. That's the worry of Ontario Liberal MP John Bryden, whose committee on the future of ATIP was publicly snubbed this week by Prime Minister Jean Chrétien. Chrétien ordered civil servants not to appear before the committee. Meanwhile, the government's official task force on ATIP is doing its work in secret. And as the Open Government Canada coalition noted this week, the task force is made up of civil servants from departments regulated by the law - an obvious conflict of interest.

"There are worrisome signals," Bronskill says. "There is legitimate concern this review will lead to higher fees, fewer records available and more restrictions on access."

The submissions the task force has received are overwhelmingly in favour of keeping fees in line and making the program more open, Bronskill notes. "There's no evidence to suggest there are vexatious or frivolous requests, the phrase they use to say the program is being abused." Even CSIS, he adds, has said the ATIP requests it receives are responsible and well thought out.

If the old adage that information is power is true, then the conclusions of this trend are obvious. Governments are afraid of the power of their citizens.

"There is a connection there," Bronskill says. "The link between surveillance of activists and problems with ATIP is the concept of control of information. On the one hand you have government collecting, storing and keeping information secret, and, on the other hand, the right of access to that information being curtailed in a way that limits the right of people to know."

In 1998, 1999, 2000, 2001, the fact that I was placed on a threat assessment list was broadcast on radio and television across the country and was published in newspapers across the country

(a) The department of defence list of groups was available publicly on the CD Rom on the Somali inquiry, and was printed up in now magazine; the green party was mentioned

(b) The words “threat assessment group” in association with the plaintiff were published and communicated in through print, radio or TV to persons other than the plaintiff in 1998, 1998, 1999, 2000, 2001, 2002.

(c) The remark that the plaintiff had behaved inappropriately was in the RCMP Public Complaints Commission transcripts , and broadcast across the country on CPAC

(d) The alleged illegal activity-in violation of the elections act, of the plaintiff as candidate in the federal election was circulated in a media release and became the leading news item on CFAX, the principal commercial radio station in Victoria, only two days before the election the defamatory nature of the letter was clear. namely that the plaintiff was lying and was under investigation by elections Canada for violating the elections act. the allegation that elections Canada was investigating the plaintiff for an illegal act was broadcast two days before the 2000 election, of the principal am station CFAX.

AUTHORITY Canadian Defamation Law © Lloyd Duhaime 1996.

> The defamatory remarks must be somehow conveyed to a third party. Private defamation just between two parties causes no reputation damage to reputation because there are no other persons to be impacted by the remarks. With libel, the damage is presumed as it is published. With slander (verbal defamation), proof of repetition to other people is essential to the claim; damages have to be proven (there are four exceptions: the defamation imputes the commission of a crime, the unchaste status of a woman, a "loathsome disease", or a professional incompetence).

AUTHORITY: Paul Partridge, from the Attorney General of Canada office

> In T2184-01 Russow vs the Queen Summary affirmed that for there to be a case of defamation “The plaintiff must also plead and prove that the words were published of and concerning the plaintiff and were communicated to persons other than the plaintiff, identifying the time when, the place where and the persons to whom they were published.”

xi. *Publication as distributing information with or without caveats outside of the country*

These "Threat" lists are increasingly distributed to agencies outside of the jurisdiction of Canada. The potential distribution and circulation, nationally and internationally of these lists has raised serious questions about my character, and in doing so has defamed me. There does not appear to be public information about what control the Canadian government may have over the use of the lists or where else have these lists been distributed and to whom these lists are accessible. DND military intelligence, the RCMP or CSIS have claimed that when they share information with friendly nations, they imposed caveats about the use of the information, and about the need to consult prior to using this information for other non designated purposes. It has been revealed in the

Arar Inquiry that after September 11, 2001, in some cases of perceived urgency “caveats were down”. Evidence is surfacing that “caveats down” might now be the policy of the DND military intelligence, the RCMP and CSIS; thus Canada would no longer maintain control over the use of information provided for specific investigations, or for the use of lists previously circulated.

The RCMP was aware that if there were the establishment of a RCMP Public Complaints Commission, the RCMP would be responsible for divulging all information related to the issue. During the RCMP Complaints Commission hearing into APEC, the RCMP released the Threat Assessment Lists and the media had access to the files including to threat assessment lists. The RCMP, knowing that its evidence could be made public did not apply for a media ban, and thus cannot argue that they took reasonable care in relation to its publication or “they did not know or had no reason to believe that what they did caused or contributed to the publication of a defamatory statement.”; The RCMP by not ensuring that there was a publication ban on the distribution of sensitive documents such as the threat assessment lists, the RCMP could be considered to have “published the threat assessment lists”

xii *The information disseminated was harmful with long term consequences*

The long term psychological, health, social and economic consequences of being designated a threat have been harmful and have affected plaintiff and those close to her for up to at least 7 years to the present. As a result of being designated as a "threat" the plaintiff has been discredited, and stigmatized and has been impacted personally in her capacity as a lecturer The plaintiff will plead that: she have suffered from the stigma, of being designated a threat, attached to her name, and that this designation has also affected my former husband and my two sons and two daughters

(a) Designation, without any reasonable cause, by DND of a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND” and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." {the Green Party was on this list} is harmful because there is the implication that an authority deems the groups to potentially be a threat to the country
(b) Designation of the plaintiff, by the RCMP, as a threat constitutes a harmful remark with far reaching consequences, and has had long term psychological, health, social and economic consequences including jeopardizing the plaintiff’s ability to obtain gainful employment of being and affecting the plaintiff and those close to her for up to at least 7 years to the present;
(c) Description of the plaintiff’s behavior, by the Police, as inappropriate is a harmful remark
(d) Declaration of the plaintiff’s action as being illegal under the Election’s Act and reference to an investigation by an authority like elections Canada is harmful

AUTHORITY:

> The remarks must be harmful (IE. "defamatory") and this will be assessed on a case-by case basis. Some statements are clearly defamatory. Other

> statements would only be defamatory to the person targeted by the remarks. What may be a nonsensical or mildly offensive remark to one person may constitute serious defamation to another. The judge will consider the situation of the person defamed in assessing the claim of defamation. Canadian Defamation Law © Lloyd Duhaime 1996.
>
> Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> He concluded that Botiuk had reached a "high pinnacle of success" and that the attack upon his reputation had severely damaged his health, family relations, practice, professional and business connections and social life. The trial judge found that for many years, Botiuk would be known as "the lawyer who took or kept $10,000.00 from that community". P.50

xiii. *Consequences lingering doubt and suspicion*

The government, cabinet ministers and their agents failed to anticipate the far-reaching consequences of placing an advocate engaged in legitimate dissent, and a leader of a political party on a threat assessment list. The government, cabinet ministers and their agents , by designating, a threat, the group to which the plaintiff belonged, by placing the plaintiff on a RCMP threat assessment list, by describing the plaintiff's behaviour as being inappropriate, and by claiming that the plaintiff has committed an illegal act created lingering doubt and suspicion that the plaintiff had engaged in illegal activities that would justify being designated as a threat. The attack, by government, cabinet ministers, and their agents upon the plaintiff's reputation has damaged her health, her family relations, her professional activities, her freedom of movement and her potential employment in ways that would never be fully understood because there would always be the lingering doubt that the plaintiff had done something that would justify her being designated as a threat

(a) Designation, without any reasonable cause, by DND of a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND" and of groups whose "loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." creates {the Green Party was on this list} could create lingering doubt and suspicion in a "security preoccupied" climate this designation

(b) Designation of the plaintiff, by the RCMP, as a threat constitutes a harmful remark with far reaching consequences, and in a "security preoccupied" climate the designation of being a threat could create lingering doubt and suspicion

(c) Description of the plaintiff's behavior, by the Police, as inappropriate could create lingering doubt and suspicion

(d) Declaration of the plaintiff's action as being illegal under the Election's Act and reference to an investigation by an authority like elections Canada has l consequences of lingering doubt and suspicion

AUTHORITY: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

Unfortunately, even at the time of the trial, more than 12 years after the libels were published, some people still believed the rumours concerning Botiuk. The trial judge was correct in his assessment that "notwithstanding the result of this action, the [respondent] will continue for the rest of his time to be considered by some members of the Ukrainian community as the lawyer who took or kept $10,000.00 from that community". There can be no doubt that each of the impugned documents was libelous. P. 72

CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd As a result of these publications, Botiuk, who had previously enjoyed an excellent reputation, was branded as a dishonourable person who could not be trusted. Publishing the documents had a devastating and lasting effect on both his private life and his professional career.

CASE: Hill v. Church of Scientology of Toronto, [1995] 2 S.C.R. 1130.

The consequences which flow from the publication of an injurious false statement are invidious. The television report of the news conference on the steps of Osgoode Hall must have had a lasting and significant effect on all who saw it. They witnessed a prominent lawyer accusing another lawyer of criminal contempt in a setting synonymous with legal affairs and the courts of the province. It will be extremely difficult to correct the impression left with viewers that Casey Hill must have been guilty of unethical and illegal conduct. (P.165) [A LEADER OF A POLITICAL PARTY BEING DEEMED BY THE RCMP TO BE A THREAT TO CANADA]

CASE: Hill v. Church of Scientology of Toronto, [1995] 2 S.C.R. 1130.

The written words emanating from the news **conference must have had an equally devastating impact**. All who read the news reports would be left with a lasting impression that Casey Hill **has been guilty of misconduct. It would be hard to imagine a more difficult situation for the defamed person to overcome**. Every time that person goes to the convenience store, or shopping centre, he will imagine that the people around him still **retain the erroneous impression that the false statement is correct.** A defamatory statement can seep into the crevasses of the subconscious and lurk there ever ready to spring forth and spread its cancerous evil. **The unfortunate impression left by a libel may last a lifetime.** Seldom does the defamed person have the opportunity of replying and correcting the record in a manner that will truly remedy the situation. It is members of the community in which the defamed person lives who will be best able to assess the damages. The

> jury as representative of that community should be free to make an assessment of damages which will provide the plaintiff with a sum of money that clearly demonstrates to the community the vindication of the plaintiff's reputation. (P.166)
>
> CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> He concluded that Botiuk had reached a "high pinnacle of success" and that the attack upon his reputation had severely damaged his health, family relations, practice, professional and business connections and social life. The trial judge found that for many years, Botiuk would be known as "the lawyer who took or kept $10,000.00 from that community". (P.50)

xiv. *Defence of privilege is not available here*

(a) In compiling the department of defence list, the DND did appear to be concerned about the possibility of placing groups on a list might contravene the CSIS Act or the charter of rights and freedoms. in a document obtained through access to information the department of defence indicated that the Solicitor Generals office and the department of justice would be contacted to determine whether the list violated the CSIS act or contravened the charter. CSIS neither confirms or denies check whether CSIS was contacted; currently the plaintiff is seeking information from the Department of Justice

(b) In agreeing to prepare APEC threat assessment lists, the RCMP did impute to the plaintiff the commission of a criminal offence , and thus is not justified in using the defence of privilege. In communicating information without verifying the truth, the police constable probably cannot claim privilege.

(c) On December 10, 1999 Constable Boyle presumably on information from either RCMP Peter Kolyiak or Peter Scott stated at the Commission hearing when asked why Dr Joan Russow's pass was pulled responded " I believe there was a media bus that went out to UBC. It was felt that her [Russow] and... behaviour was inappropriate for that of people who had attained media accreditation. 1 wasn't there and I don't know the specifics of it", This was broadcast live across the country on CPAC and was up on the web site. I was never on a media bus and I was never out at UBC during the APEC meeting. During the APEC RCMP Public Complaints Commission hearing, broadcast live across the country on CPAC, and up on a web site, a remark was made by Constable Boyle based on RCMP "intelligence" that I had behaved inappropriately on a media bus going to UBC [I was never on a media bus and I was never out at UBC> I asked Commissioner Hughes if I could appear to counter the “inappropriate behaviour” statement made about me I was denied access to the RCMP Public Complaints Commission hearing. The defamatory statements made by Constable Boyle were made orally at the RCMP Public Complaints Commission hearing, and transmitted live across the country on CPAC, and was transcribed and placed up on the APEC web site. In stating that my behaviour was inappropriate without designating the nature of the inappropriateness, she has opened the possibility of a range of unfortunate

interpretations_ It would appear that Constable Boyle was elaborating on information that was supplied by members of the RCMP.

(d) In communicating the impugned remarks about the plaintiff the agents of David Anderson did impute the possibility that the plaintiff committed a criminal offence

AUTHORITY:

The defence of privilege is not available because the impugned remarks were not published in good faith; there was not reasonable ground to believe that the publication thereof was for the public benefit; and that they did impute to the me the commission of a criminal offence

> *at 184 in Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd*
>
> *Privilege was available under the conditions:*
>
> (a) that the alleged defamatory matter was published in good faith; and
>
> (b) that there was reasonable ground to believe that the publication thereof was for the public benefit; and
> (c) that it did not impute to the plaintiff the commission of a criminal offence.
>
> CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> Qualified privilege attaches to the occasion upon which the communication is made, and not to the communication itself. Where an occasion is shown to be privileged, the bona fides of the defendant is presumed and the defendant is free to publish remarks which may be defamatory and untrue about the plaintiff. The privilege is not absolute, however, and may be defeated if the dominant motive for publishing is actual or express malice. Qualified privilege may also be defeated if the limits of the duty or interest have been exceeded. If the information communicated was not reasonably appropriate to the legitimate purposes of the occasion, the qualified privilege will be defeated. While M had a duty to discharge arising from his position as a former president of the UCC, and the UCC's annual general meeting was an appropriate forum at which to present the report, the limits of the privileged occasion were clearly exceeded in relation to the report. P. 2

xv. *Direct attack on reputation Importance of protecting one's reputation.*

The reputation of a leader of a political party who has been concerned with establishing a reputation in the community for being principled, honest, having integrity, but a strong a forceful critic of government policy within a legal framework, would be damaged

(a) The DND targeting leaders of designated groups through the DND listing of groups harms the reputation of the groups and the plaintiff who led one of the targeted groups

In documents obtained through access to information, the department of defence indicated that it was primarily concerned about leaders of these groups discrediting the military. Being the leader of a group that was listed in the department of defence list

(b) The placing by the RCMP of the plaintiff on a threat assessment list harms the reputation of the plaintiff. Being placed on the RCMP threat assessment group list and has impacted on the Plaintiff's reputation as well as on the reputation of those associated with the Plaintiff. Placing the plaintiff on a threat assessment list, was a direct attack on her reputation as a leader of a political party, as a sessional lecturer at the university, as a respected advocate of the rule of international law. As Peter Mackay, in commenting on Bill C. 36- the Anti-Terrorism Act, noted that "once you've been listed, to quote on the witnesses, it takes time , it takes legal counsel, 'you lose that ability to be a charitable organization or you lose your reputation. I believe she said it was death by firing squad or death by electrocution. You can't give a person their reputation back"

(c) The declaring by a representative of the police force of the plaintiff behaving inappropriately harms the reputation of the plaintiff

(d) The claiming by agents of a fellow candidate in an election of the plaintiff's engaging in an illegal act under the elections act is a direct attack on the reputation of the plaintiff.

AUTHORITY:

> Canadian Defamation Law © Lloyd Duhaime 1996.
>
> Defamation must be a direct attack on an actual reputation, not an alleged reputation that a "victim" believes they deserve. a judge will assess the statement against the evidence of the victim's reputation in their community.
>
> A direct attack on reputation contravenes the common law protection of every person from harm to their reputation by false and derogatory remarks
>
> The common law protects every person from harm to their reputation by false and derogatory remarks about their person, known as defamation. In addition, all Canadian provinces have libel/ slander legislation (defamation includes slander and libel, where slander is verbal defamation and libel is printed defamation). It is a tricky and slippery field of law, based on statutes, English common law and many defences. No wonder it has been called a "peculiar tort". And remember, defamation tort law protects your reputation, not your feelings.
>
> The Importance of the Objective of Protecting Reputation is cited in [1998] 1 S.C.R.R. v. Lucas:
> At 48. Is the goal of the protection of reputation a pressing and substantial objective in our society? I believe it is. The protection of an individual's reputation from willful and false attack recognizes both the innate dignity of the individual and the integral link between reputation and the fruitful participation of an individual in Canadian society."

At 49 [in reference] to /Hill _ ..... Church of Science of Toronto, [1995] 1 SCR /R.,_ _it was emphasized that it is of fundamental importance in our democratic society to protect the good reputation of individuals. On behalf of a unanimous court it was observed at /p. 1175: /Although much has very properly been said and written about the importance of freedom of expression, little has been written of the importance of reputation. Yet, to most people, their good reputation is to be cherished above all. A good reputation is closely related to the innate worthiness and dignity of the individual. It is an attribute that must, just as much as freedom of expression, be protected by society's laws.... Democracy has always recognized and cherished the fundamental importance of an individual. That importance must, in turn, be based upon the good repute of a person.... A democratic society, therefore, has an interest in ensuring that its members can enjoy and protect their good reputation so long as it is merited.

And at /50, /That a number of international conventions, ratified by Canada, contain explicit limitations of freedom of expression in order to protect the rights and reputations of individuals, further supports the conclusion that this constitutes a pressing and substantial objective. For example the /International Covenant on Civil and Political Rights, /19 December 1966, Can. T. S. 1976 No. 47, art. 17 provides that everyone has the right to the protection of the law against attacks on his or her honour and reputation. Similarly. the /Universal Declaration of Human Rights, /G.A. Res. /217 /A (lu), U.N. Doc. A/810, <http://U.N.Doc.A/810,> at /71 (1948), /art. /12 /states that "[n]o one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." Other conventions, including the /European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 /November /1950, 213 /U.N.T. , S. /221, /art. 10, and the /American Convention on Human Rights, //O.A. ST. /S. No. /36, /at 1, art. /13, /provide expressly that freedom of expression is subject to laws necessary for the protection of the reputation of individuals. The existence of these provisions reflects a consensus within the international community that the protection of reputation is an objective sufficiently important to warrant placing some restrictions upon freedom of expression."

Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

As a result of these publications, Botiuk, who had previously enjoyed an excellent reputation, was branded as a dishonourable person who could not be trusted. Publishing the documents had a devastating and lasting effect on both his private life and his professional career.

xvi. *Persistent innuendo of wrong doing*

Defamatory statements create the innuendo of wrong doing, and are particularly serious with long standing consequences, the longer the innuendo festers, and perpetuates injustice on the individual as well as those associated with the individual.

(a) The DND targeting leaders of designated groups through the DND listing of groups creates the innuendo of wrong doing and as such defames the groups, and particularly the leaders of the designated groups
(b) The widely disseminated fact that a National leader of a registered political had been placed on an RCMP Threat Assessment list creates an innuendo of serious wrongdoing.
(b) The placing by the RCMP of the plaintiff on a threat assessment list harms the reputation of the plaintiff. Being placed on the RCMP threat assessment group list and has impacted on the Plaintiff's reputation as well as on the reputation of those associated with the Plaintiff.
(c) The declaring by a representative of the police force of the plaintiff behaving inappropriately creates an innuendo of wrongdoing which has persisted
(d) The claiming by agents of a fellow candidate in an election of the plaintiff's engaging in an illegal act under the elections act even goes beyond the innuendo of wrong doing.

AUTHORITY

:Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

As a result of these publications, Botiuk, who had previously enjoyed an excellent reputation, was branded as a dishonourable person who could not be trusted. Publishing the documents had a devastating and lasting effect on both his private life and his professional career.

CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

He concluded that Botiuk had reached a "high pinnacle of success" and that the attack upon his reputation had severely damaged his health, family relations, practice, professional and business connections and social life. The trial judge found that for many years, Botiuk would be known as "the lawyer who took or kept $10,000.00 from that community". (P. 50)

xvii. *Casting doubt about integrity and implying dishonour and dishonesty*

The government, cabinet ministers and their agents by discrediting
the plaintiff have implied that the plaintiff was dishonourable, dishonest, and a dangerous threat; and this has created lingering doubt and suspicion, thus casting doubt upon her integrity, an important element for a leader of a political party. The plaintiff as a leader of a register political party had her reputation damaged as a result of the implications that she was dishonourable, dishonest, and there was doubt cast about her integrity

(a) Designation by the DND of groups as being threats could imply a wide range of qualities possessed by these groups

(b) Designation by the RCMP of plaintiff being a threat could imply a wide range of qualities some of which could be dishonour or dishonesty

(c) Declaration by the authority of the police of the plaintiff's inappropriate behaviour could imply a range of behaviour which could be deemed dishonourable, or dishonest

(d) The claiming by agents of a fellow candidate in an election of the plaintiff's engaging in an illegal act under the elections act is a direct attack implied that she was dishonourable, dishonest, and cast doubt about her integrity

AUTHORITY:

> CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> Per La Forest, L'Heureux-Dubé, Gonthier, Cory, McLachlin and Iacobucci J.J.: The combined effect of the report, the declaration and the reply published by M and the appellant lawyers was clearly defamatory. The documents unmistakably implied that the respondent was dishonourable and dishonest. They cast doubt upon his integrity, the most important attribute of any lawyer. The appellant lawyers are joint tort feasors who are jointly and severally liable with M for the damage caused by publication of all three documents.

> CASE: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd
>
> Unfortunately, even at the time of the trial, more than 12 years after the libels were published, some people still believed the rumours concerning Botiuk. The trial judge was correct in his assessment that "notwithstanding the result of this action, the [respondent] will continue for the rest of his time to be considered by some members of the Ukrainian community as the lawyer who took or kept $10,000.00 from that community". There can be no doubt that each of the impugned documents was libelous. P.72

xviii. *Seriousness of impugning of the reputation of a national leader of a political party*

The impugning of the reputation of a National leader of a political party must be viewed as being as serious as impugning the reputation of a member of the legal community. The former Chairperson of the Green Party of Canada, Sara Golling, raised the question within the Party about whether the plaintiff was a threat because of what she had done as an individual or because of what she had done as the leader of the Green Party. The designating of the plaintiff as a threat may have led members of the Green Party to also be concerned about the reputation of their leader, and was one of the contributing factors for plaintiff's resignation, and resulted in the loss of future income related to the plaintiff position as leader

(a) Designation by the DND of groups as being threats and of leaders of these groups being of particular concern impugns the reputation of the national leader of the group

(b) Designation by the RCMP of plaintiff being a threat and identification of the plaintiff as the Federal leader of the Green party impugns the reputation of position of the national leader of the Green Party

(c) Declaration by the authority of the police of the plaintiff's inappropriate behaviour impugn the reputation of the individual who holds the position of the national leader of the Green Party

(d) The claiming by agents of a fellow candidate in an election of the plaintiff's engaging in an illegal act under the elections act impugns both the individual who held the position of leader of the Green Party, and the position of the leader of the Green Party of Canada

( ) AUTHORITY:

> In the Hill _ ..... Church of Science of Toronto, [1995] 1 SCR the importance of the reputation of integrity for a lawyer was recognized. I would argue that it is equally important for a politician or a former leader of a registered party. By suggesting that I was a threat to the country, that I have belonged to a group that could potentially be treasonous, that I behaved inappropriately and that I was being investigated for illegal activities by Election Canada, government institutions and their associates have damaged my reputation and have impacted the public's perception of me as a person of integrity.

xix. *Information lowering the plaintiff in the estimation of right thinking members of society*

The plaintiff has experienced a direct attack against her reputation nationally and internationally, and that her "esteem has been lowered in the estimation of right thinking members of society" by being placed on a RCMP APEC Threat Assessment under the Office of the Solicitor General, and on a military list initiated by Robert Fowler formerly with the Department of Defence.
(a) The compiling of a DND lists of groups that included the group to which the plaintiff belongs tended to lower the plaintiff's reputation in the estimation of right-thinking members of society, is defamatory and will attract liability

(b) The placing of the plaintiff as a leader of a political party on a APEC threat Assessment list, tended to lower her reputation in the estimation of right-thinking members of society is defamatory and will attract liability
(c) The describing by a police official of the plaintiff's behaviour as inappropriate tended to lower her reputation in the estimation of right-thinking members of society is defamatory and will attract liability
(d) The claiming in a press release, emanating from a Liberal Candidates office, that the plaintiff was being investigated for engaging in an illegal act tended to lower her reputation in the estimation of right-thinking members of society, and to expose her to contempt is defamatory and will attract liability

AUTHORITY

> CASE: Hill v. Church of Scientology of Toronto, [1995] 2 S.C.R. 1130.
>
> Did the Appellants Defame the Respondent
>
> The nature and history of the action for defamation were discussed in 62 For the purposes of these reasons, it is sufficient to observe that a publication which tends to lower a person in the estimation of right-thinking members of society, or to expose a person to hatred, contempt or ridicule, is defamatory and will attract liability. See Cherneskey v. Armadale Publishers Ltd., [1979] 1 S.C.R. 1067, at p. 1079. What is defamatory may be determined from the ordinary meaning of the published words themselves or from the surrounding circumstances. In The Law of Defamation in Canada (2nd ed. 1994), R. E. Brown stated the following at p. 1-15: (pp 61-6)

xx. *Refusal to apologize*

(a) When it was broadcast that DND had compiled lists of groups that included the group to which the plaintiff belong and when concern was raised to the DND and to other government departments by the plaintiff, no apology was forthcoming

(b) When the plaintiff as a leader of a political party found out that she was on a APEC threat Assessment list and when concern was raised to the RCMP, to the Solicitor General, to the Minister of Justice no apology was forthcoming

(c) Constable Boyle passed on incorrect information, provided by the RCMP, that the plaintiff “behaved inappropriately on a media bus going out to UBC” and this statement was broadcast across the country and when confronted with the error, Constable Boyle refused to issue an apology The Vancouver Policewoman indicated that she had gleaned the information about the plaintiff’s “inappropriate behaviour from either RCMP documents or briefing. When the fact that her information was false was brought to her attention and to the intention of the RCMP they responded in a flippant way to the request for an apology

> ( ) EXHIBIT: On January 11 2000, Andrew Gage, the plaintiff's lawyer wrote to the Vancouver Police Department:...Dr. Joan Russow is concerned that public statements made recently by one of your officers may impact negatively on her reputation.... Dr Russow was not present either on the media bus to UBC or at UBC..... Further more, I request a written apology be sent to Dr. Russow on behalf of the Vancouver Police Department and Constable Bole and that a copy of such apology be sent to the RCMP Public Complaints Commission. Indeed, I would suggest that Constable Boyle is under an obligation to correct any error she becomes aware of in her sworn testimony. Dr Russow hopes to resolve this matter as quickly as possible. I look forward to receiving your reply to the above by February 1, 2000

The RCMP and the Vancouver Police refused to apologize
In the February 16, 2000 response to Andrew Gage's request for an apology Jon Fenmore stated: " In a subsequent email after reviewing her notebook at my request she included `Says her accreditation was cancelled along with that of... at the media event at "her notes also reflect "at the media event at UBC" which supports her testimony" at UBC. The only statement that Cst Boyle made in her testimony that cannot be supported is that Dr Russow went out to UBC on a bus is this enough to recommend an apology from Cs Boyle considering that possibly incorrect information was imparted to her by members of the RCMP and ACCO [[APEC Canadian Coordinator Office]

(D) After the district elections officer, contacted the local radio station that had broadcast the false information provided in a media release by an agent working for the Liberal candidate running in the 2000 federal election, the local radio station ran a retraction. Concern about the media release was communicated to the Hon David Anderson's office but an apology was never received

AUTHORITY: Botiuk Y. R. Botiuk vs B. I. Maksymec and Maksymec & Associates Ltd

In his consideration of the damages that should be awarded, the trial judge observed that the appellant lawyers failed to make any independent inquiry as to the truth of the allegations contained in the Lawyers' Declaration. He noted that none of the appellant lawyers had apologized to Botiuk that some had demonstrated hostility towards him in their testimony and that, contrary to their assertions, the respondent had actually done the lion's share of the work at the inquiry. I would have thought that these findings would have established express malice in fact and in law. However, the trial judge concluded that, while the lawyers were "careless, impulsive or irrational", they had not exhibited the indifference or recklessness to the truth necessary for a finding of express malice. (p.47)

xxi. *Disregarding appeals to senior government officials to rectify years of defamation of character*
The government, cabinet ministers and their agents were requested to address the issue of defamation and refused

A. LETTER SENT TO HOWARD WILSON, ETHICS COUNSELOR

Howard Wilson
Ethics Counselor

66 Slater
22nd floor
Ottawa, On
K1A -OC9

March 4, 2002
Dear Commissioner

Dear Commissioner

On a recent CBC program you mentioned that your role was to “speak truth to power”. I would like you to investigate what I believe to have been an abuse of power.

1. During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list

2. In 1997, the Oak Bay news gave me an assignment letter to report on the APEC meeting in Vancouver. The Editor, knowing that I was the National Leader of the Green party was also aware of the work that I had done in the international field and that I could offer a unique perspective. I was initially granted a media pass, and when I went to enter the conference my pass was pulled. The media accreditation representative stated that it was because they could not find any evidence that the Oak Bay news existed. I suggested a number of possibilities for verifying the existence of the Oak Bay News such as contacting the Times Colonist. [the Oak Bay news is a weekly local newspaper that has been in existence for over 20 years. One year later as a result of the RCMP Public Complaints Commission on APEC I found out that my photograph along with nine other citizens had been placed on a Threat Assessment list. And two years later, Christine Price, who had been working in security at APEC, under oath stated to a RCMP officer that she had a directive from Brian Groos from the Prime Minister’s Office to prevent me from attending the Conference. Ironically Brian Groos lives in Oak Bay, and is a close friend of David Anderson against whom I ran in the 1997 and 2000 election.
3. Since that time I have been trying through the usual channels, RCMP Complaints Commission, RCMP reviews, CSIS, SIRC to determine the reason for putting me on a threat assessment list. I have examined the CSIS criteria under the act for what constitutes a threat and in no way do I fit into that category. In addition, CSIS is prohibited from designating those who engage in legitimate dissent as threats.
4. I know that lists are distributed and shared including with the US security agency, and recently it has been brought to my attention that I am on some sort of International list.
5. My reputation has been damaged and I am currently revising my statement of claim related to defamation of character.
6. When I appeared in court recently the judge acknowledge that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests. I also believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics –a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.
7. In addition, during the Federal election, a volunteer working in David Anderson’s office contacted the media and stated that I was being investigated for illegally voting for myself in a by-election in the Okanagan. The Complaint was filed by a relative of David Anderson’s special assistant and was dismissed immediately by Elections Canada as groundless. Yet during the election three days before the voting as a result of the volunteer and others associated with me, a letter was circulated with this information and was broadcast as the main news item on the principal news station in Victoria.
8. The sequence of events (1-8) had left me completely disillusioned with politics and contributed to my decision to resign as leader of the Green Party of Canada
9. I hope that you will address my complaint and bring Truth to Power, so that Political interference with legitimate dissent will not go unanswered.

Joan Russow (PhD)
National leader of the Green Party of Canada (April 1997-March 2001)
1 250 598-0071

RESPONSE FEB. 19 2001
' TO PREVENT RUSSIA"

The office of the Ethics Counselor is responsible for the administration of the conflict of Interest and Post Employment Code for public Office Holders. This code applies to federal government Ministries and their staff, parliamentary Secretaries and to Governor in council appointees, such as deputy heads of federal departments and the heads of federal crown agencies....
Our office is not a general ombudsman office which can respond to all questions and I am therefore unable to assist you. thank you, however, for contacting us.

For Howard Wilson

B. LETTER SENT TO HON IRWIN COTLER

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4
1230 St Patrick
September 23, 2004

Hon Irwin Cotler
Minister of Justice and Attorney General of Canada,
Justice Building 4th floor
284 Wellington St.
Otttawa,, On., K1A 0H8

cotlerl@parl.gc.ca
Fax 1 613 9907255

Dear Minister Cutler,

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. Although I have often been a strong critic of government policy and practices, I have never been arrested and I have never been a threat to any person or to any country..

I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights). I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

However, as an activist from India once stated: nothing is more radical than asking governments to live up to their obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in

"legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO, SIRC with exemptions under various section being cited such as “information cannot be released for military and international security reasons".

After being refused media access to the APEC conference, I filed a complaint with the RCMP Commission in January,1998. In my complaint I pointed out to the RCMP officers who interviewed me, that I suspected that there had been a directive from the Prime Minister’s office because the his office had pulled the pass of a journalist from Reuters because she had asked a probing question at an APEC press Conference. [I had upset Prime Minister Chrétien when in the 1997 election I asked him to address the issue of Canada’s failure, in many cases, to enact the necessary legislation to ensure compliance with international law]. I was, however, never allowed to appear before the Commission even though the commissioner was aware that there was a directive from the PMO to prevent me from attending the Conference. [an RCMP document in 1998 indicated that the media accreditation desk had received instruction from a Brian Groos from PMO to pull my pass after it had been issued]. I even spoke several times to the lawyers acting for the Commission and to Commission Hughes about my case. I was not even able to appear, even though I pointed out that a constable from the Vancouver police had made a statement, on the stand, that I had behaved inappropriately on a media bus going out to UBC during APEC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference. After the APEC conference, in February 1998 I had a petition placed on the floor of the House of Commons calling for an investigation into the Canadian Government’s disregard for the International Covenant of Civil and Political Rights and in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms or addressed under the Canadian Human Rights Act..

In September 1998, it was brought to my attention that I had been placed on an RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the National Post and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I} My being placed on a threat assessment list coincided with the announcement the leader of the German Green party, Joska Fischer’s being named foreign Minister.

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of article, in the National Post and its Affiliates on the Criminalization of Dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther King’s accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in David Anderson’s office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson’s office, had been filed with Elections Canada; Elections’ Canada had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights

and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics - a ground that is included in the International Covenant of Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a “threat to Canada”.

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted.

In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

Apart from two $500 government grants in the Spring of 1996, I have not earned any income. I incurred a student loan of $57,000 when I graduated. Twenty thousand of the amount was granted in remission for community service by the Provincial government. I then still owed $37,000 to the Federal Government under the Ministry of Human Resources..

I have, however, continued to promote the public trust continually writing and lecturing on common security – peace, social justice, human rights, and the environment,.

In 1996, for the Habitat II Conference, I prepared 176 page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories “Sustainable Development”.

The proposed project was the following: A revising of "Sustainable Development" in the context of '"sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

> “ IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.”
>
> "All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.”
>
> "This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.
>
> This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.
>
> IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

Prior to finding out in 1998 that I was on the threat assessment list, even though I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1997 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200 page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated, without remuneration, throughout the years as a stakeholder, in conference calls , in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettygrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that students should be able to repay their loan through community service] and given that I was then 60 years old and my chances for employment were diminishing. He declined. Also, even though, I was then 60, and entitled to my meager Canada pension of $78 per month on the hope I declined to accept the pension on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, and when it was well publicized across the country, I realized that my reputation had been sullied and the chances of my finding work was next to impossible

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often. In 2003, I wrote another letter to the Jane Stewart, the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, the wide publication of this fact, and the stigma attached to being placed on the list prevented me from fulfilling my obligations. I received a phone call from Minister Stewart’s office, and was told to deal with the Collection agencies.

With interest I now owe $\67,000. August 2004, I received a phone call from a law firm in Victoria about the Attorney General's taking me to court about the loan, and that a notice would be served to me around mid August. I phoned Human Resources and appealed to them again and they arranged with the law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to

live with the stigma, so many of government officials and political representatives whose departments have invoked, against me, exemption clauses of " military and international security" have been discredited.

This list would include:
(i) Robert Fowler as Deputy Minister of Defence- the originator of the infamous list of groups that the military should not belong to. This list, which was reported in Now magazine, was a list) establishing a DND list targeting specific groups: The DND compiled a list of **"groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and** of groups whose “loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond."

. The Green Party was on this list

(ii) Andy Scott, for prejudging the APEC inquiry;
(iii) McCauley for accepting benefits;
(iv) Radwanski for misappropriation of funds;
(v) Gagliano for his potential involvement in the Sponsorship scandal;
(vi) Jean Chrétien for his potential involvement in the Sponsorship scandal;
(vii) Howard Wilson for potential bias and not "speaking truth to power".

And as reported today, September 23, 2004, the Department of Justice hired Groupaction even after there had been a warning about Groupaction’s incompetency sent from the Treasury Board.

When I appeared in the Federal Court in 2002 I was up against an adept lawyer from the Attorney General’s office, and I was scolded by the Federal judge for appearing before the court without sufficient particulars. The judge placed me in a conundrum by stating that he would not grant my claim because I did not have sufficient particulars when it was the crown and numerous government departments represented by the Attorney General that had refused to disclose the particulars. I would think that placing a plaintiff in such conundrum would violate a principle of equity under common law. Similarly, a demand by a government department to fulfill an obligation while creating a situation that makes it impossible to fulfill this obligation would perhaps violate a similar principle of equity. I currently have thousands of pages of data related to my case and I have no idea know how to proceed.

I feel that I have been discriminated against on the grounds of “political opinion”- both small “p” and large “P” political opinion.. I appeal to you to address, at the highest level, in some way, the years of injustice and discrimination that I have undergone. I know that under the Optional Protocol of the Covenant of Civil and Political Rights- to which Canada is a signatory, that if I have exhausted all domestic remedies I have the right to take my case before the UN Human Rights Commission charged with the implementation of the Covenant. I believe that I am close to having exhausted all domestic remedies available for justice in Canada.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and to further the public trust. A culture of justice will only occur in Canada when citizens believe that the public trust is furthered without discrimination on any grounds. .

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

C. LETTER TO LAWRENCE MACAULAY, FORMER SOLICITOR GENERAL

FAX 613-990-9077, FAX: 613 993 7062

Hon. Lawrence MacAulay, Solicitor General of Canada
Sir Wilfred Laurier Bldg
340 Laurier Ave. W.
Ottawa, Ont. K1A OP8 April 4. 2002

Dear Minister,

In your submission to the Senate on Bill 36, the Anti-terrorism Act, you stated that "it is now crystal clear that the scope of any threat to our way of life means that more must be done now and in the future."
Through the Freedom of information process within your department, I received information that there is information about me that cannot be released. This information has been excluded under existing legislation as being related to military and international security.
You indicated in your presentation to the Senate that "there are strong mechanisms already in place that will continue to ensure effective control and accountability The Courts and civilian oversight bodies provide essential checks and balances to ensure the integrity of the police [RCMP, CSIS as well?] the freedom to question any perceived wrongdoing is central to a law enforcement system that reflects and protects our core values of freedom, democracy and equality. "

I believe that I have the right to know the nature and extent of the information that is contained in your files so as to correct whatever information, on me, that you have interpreted as being contrary to " our core values of freedom, democracy, and equality, or being "a threat to our way of life"
It is against the CSIS act to target citizens engaged in legitimate dissent.
For years, I have been attempting to remove what I perceive to be threats to our way of life, such as government and corporate practices that destroy the environment, that contribute to the escalation of war and conflict, that endanger the health of citizens, that deny social justice and that violated human rights.

I believe that you misled the Senate in claiming that there are strong mechanisms in place.. . " when your department relies on exclusionary clauses within the Privacy Act, and within the Access to Information Act to deny a citizen the right to know what personal information is being deemed to a threat to military and international security.
I hope that you will address this matter immediately.

Yours truly

Joan Russow (Ph.D)
1230 St Patrick St Victoria, B.C. V8S 4Y4 1 250 598-0071

D. LETTER TO HON BILL GRAHAM, MINISTER OF DEFENCE

Graham.B@parl.gc.ca
Hon Bill Graham
Minister of Defence
April 19, 2005

Dear Minister

For years, I have been living with the stigma of being the former leader of a group that was on the DND secur op list, and of being placed on an RCMP threat assessment list. The Gomery inquiry should be extended to include investigating the unconscionable actions by both the former Mulroney Conservative government and the former Chrétien Liberal government for their targeting citizens engaged in lawful dissent.

During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence, issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with a set of categories for groups that the military should not belong to…... The Green Party was on this list.. The placing of groups on lists and circulating these lists, nationally and internationally have serious implications including the perception

of those in the Group mentioned above as being capable even of treason, Through Access to information I received an outline of the categories of the list but not the names of groups on the list. [The names of the groups had previously been reported in a newspaper]] in the information that I received it indicated that only the leaders or leadership of the groups was to be considered.

The placing of groups that have engaged in lawful advocacy or legitimate dissent on group lists is unethical and potentially in violation of the Right of Association and in violation of "political and other opinion", one of the listed grounds, in most international human rights instruments, for which there shall not be discrimination

In 1998, I found out that I had been placed on a 1997 RCMP threat assessment list. I believe that I may have been determined to be a threat to Canada and continue to be perceived as a threat [presumably because the government has not been forthcoming in publicly apologizing for placing me on a threat assessment list] for the following reasons: (i) I was involved in a 1991-93 Court case related to preventing the berthing of nuclear powered or nuclear arms capable vessels in the waters of BC and in the port of Greater Victoria; (ii) I organized and participated in numerous protests against the US nuclear powered vessels; (iii) I organized and participated in numerous protests against Nanoose Bay and the circulation of US nuclear powered and nuclear arms capable vessels; (iv) I filed an affidavit in the submissions about the conversion of Nanoose Bay. (v) I have been an international advocate for the reallocation of the global military budget as agreed through UN Conference Action plans and UN General Assembly resolution since at least 1976; (vi) I opposed and protested Canada's involvement in the 1991 gulf war, the 1998 bombing of Iraq, the 1999 invasion of Yugoslavia, the 2001, invasion of Afghanistan, as well as a strong critic of the US-led invasion of Iraq; (vii) I circulated a document related to the 52 ways the US contributes to global insecurity.

All the above actions are actions of lawful advocacy or legitimate dissent, and under the CSIS act, it is clear that citizens engaged these actions must not be designated as threats. The following is a description of what constitutes a "Threat" in Canada.

Threats to the security of Canada means
(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage

b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person
c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and
d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead o the destruction or overthrow by violence of the constitutionally established system of government in Canada
but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

In no way do I or have I ever done anything that would justify my being designated as a threat, and it is quite clear under the CSIS act that the definition of "threat" does not include lawful advocacy, protest or dissent. Am I to presume that the PMO is being condoned for giving orders to the RCMP to classify as threats citizens that engage in lawful advocacy, protest, or dissent? Am I also to presume that there are no provisions in the PCO to ensure that CSIS and the RCMP abide by their statutory requirements. in addition, it appears that the PMO/PCO, by treating "activists" engaged in legitimate dissent as threats, is prepared to discriminate on the grounds of political and other opinion, in contravention of the international covenant of civil and political rights,

Undoubtedly, if activists engaging in legitimate dissent have been incorrectly placed on threat lists, one would think that there must be some oversight procedure to correct misinformation existing in government files,

An order from the PMO office to place activists engaged in legitimate dissent on a threat assessment list must have been based on information that was provided to the Prime Minister Office. These activists have a right to be informed about the nature of the information and be able to correct the misinformation that was communicated to the PMO.

The practice of placing activists engaged in legitimate dissent, including the case in which activists are unaware of their being placed on lists, has serious and unforeseen consequences.

The fact that I was on the RCMP Threat Assessment Group list was broadcast across the country on radio and television and was published in newspapers across the country. I have had to live under the stigma of being designated a threat to my country. Since 1998 I have attempted to determine the reason for my being placed on the RCMP list. Supposedly there had been a directive from the PMO office to the RCMP.

I have filed almost sixty Access to Information and Privacy requests, and complaints, and have not been able to find out why I was deemed to be a threat.

I had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information.

Continually, different departments of the government, including the Department of Defence, have used the following exemptions which give me increased reason to assume that there is incorrect information being withheld.

21 INTERNATIONAL AFFAIRS AND DEFENCE

The head of a government institution may refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to he conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

Privacy Sections
21 INTERNATIONAL AFFAIRS AND DEFENCE
The head of a government institution my refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to he conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

ACCESS TO INFORMATION SECTIONS
15 (1) international affairs and defence

15 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive of hostile activities, including without restricting the generality of the foregoing any such information.

(a) relating to military tactic or strategy, r relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection prevention or suppression of subversive or hostile activities

(b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;
(c) relating to the characteristics, capabilities, performance, potential, deployment functions or roll of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities.
(d) obtained or prepared for the purpose of intelligence relating to
(d) obtained or prepared for the purpose of intelligence relating to
(i) the defence of Canada or any state allied or associated with Canada, or
(ii) the detection, prevention or suppression of subversive or hostile activities;
(e) obtained or prepared for the purpose of intelligence respecting foreign states , international organizations of states or citizens of foreign states issue by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs:
(f) on methods of, and scientific or technical equipment for collecting, assessing or handling information referred to in Paragraph *d (or (e) or on sources of such information
(g) on the positions adopted or to be adopted by the government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;
(h) that constitutes diplomatic correspondence exchanged with foreign states of international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or (i) relating to the communications or cryptographic systems of Canada or foreign states used
(i) for the conduct of international affairs
(ii) for the defence of Canada or any state allied or associated with Canada, or
(iii) in relating to the detection, prevention or suppression of subversive or hostile activities.

I applied to John Reid to investigate the reluctance on the part of the Department of Defence to disclose information related to the following request.

Yours very truly

Joan Russow

( ) THAT in 2005,in March I sent a letter to the Gomery Inquiry

TARGETING ACTIVISTS AS THREATS: QUESTIONABLE INSTITUTIONAL PRACTICES

Dr. Joan E. Russow
Global Compliance Research Project

In 1998, I found out I was placed on an RCMP (Royal Canadian Military Police) Threat Assessment list, and presumably perceived to be a “threat” to Canada.

I have thus become increasingly aware of the long-term consequence and impact of “speaking truth to power”: of being perceived as rigid, principled and uncompromising, of exposing hypocrisy, exploitation, and corruption; and of then having to live under the stigma of being a threat to one’s country.

To find out the reason the government had deemed that I was a threat to the country I went through almost 60 requests under the Access to information Act, and the Privacy Act. I also sent special appeals to Ministers of Justice, and Solicitor Generals, and received curious responses but the most curious was from the former Ethics Commissioner, Howard Wilson.

In response to my appeal to him to intervene to address the conflict of interest by the Prime Minister, Cabinet Ministers, and their agents, he sent me the following which is particularly relevant to the Gomery Inquiry:

> "In the Hansard report from June 16, 1994, Right Hon. Jean Chrétien stated, 'I rise today to talk about trust; the trust citizens place in their government, the trust politicians earn from the public, the trust in institutions that is a vital to a democracy as the air we breathe, a trust that once shattered, is difficult, almost impossible to rebuild.
>
> Since our election in October no goal has been more important to this government, or to me personally as Prime Minister than restoring the trust of Canadians in their institutions.
>
> When we took office there was an unprecedented level of public cynicism about our national institutions and the people to whom they were entrusted by the voters. The political process had been thrown into disrepute. people saw a political system which served its own interests and not those of the public when trust is gone the system cannot work.
>
> That is why we have worked so hard to re-establish those bonds of trust. The most important thing we have done is to keep our word. ...
>
> ... We have broadened the powers and responsibilities of the ethics counselor from what we laid outi n the red book. In the red book, the ethics counselor was to deal with the activities of lobbyists but as we started examining implementation, it became clear that this will only address half of the problem basically from the outside in.
>
> We wanted to be sure that our system would also be effective at withstanding lobbying pressure from the inside. That is why we have decided to expand the role of the ethics counselor to include conflict of interests"

Yet when Howard Wilson, who claimed that his role was to "speak truth to power" was asked to "speak truth to power," he demonstrated the potential flaw of his own position- conflict of interest. The practice in Canada of appointing an Ethics Commission, who was responsible to the Prime Minister, and who refused to investigate the Prime Minister does not contribute to restoring the trust of Canadians in their institutions.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a former leader of a registered political party I would not be discriminated against on the grounds of "political and other opinion" by being associated with a group that was listed on the Department of Defence (DND) D-Secur Ops List, or by being placed on an RCMP (Royal Canadian Mounted Police) Threat Assessment list. I believed that CSIS (Canadian Security Intelligence Agency) and SIRC (Security Intelligence Review Committee) would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister's Office to place law abiding citizens on a Threat Assessment Group list.

Recently on a colloquium, entitled the "Challenges of SIRC"-the agency that is responsible for the oversight of CSIS, an official from SIRC recognized that in assessing the distinction between those who "have a disagreement with politics and terrorists". "Police agencies are not good at making that distinction and err on the side of security". … "Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up…We have to have the ability to identify clearly this distinction if we don't do this we are threaten the fabric of the civil liberties of Canadians."

I also had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for "national and international security reasons" or [being] "injurious to the conduct of international affairs, or the defence of Canada" in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian

Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

.I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

During the RCMP Public Complaints Commission on APEC in September 28, 1998, information that I was on a RCMP threat assessment list surfaced, was broadcast on radio and television across the country, published in national and regional news papers and internationally on the internet, and even to this day is up on websites. Fearing a challenge in Parliamentary question period about the RCMP's or CSIS' placing the leader of a registered political party on a Threat Assessment list, the Solicitor General in his 'aide memoire" prepared a "suggested Reply: "As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work." I assumed that I would have an opportunity to clear my name.

Subsequently, in August 1999, during the RCMP Public Complaints Commission, another document surfaced: an interview by Wayne May the Director of Security at APEC, with another RCMP agent, Christine Price, who claimed that, in my case, there had been a directive from the PMO to the RCMP to exclude me from APEC.

Commissioner Hughes, in assessing whether Prime Minister Jean Chrétien should appear on the stand, stated, "If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct". I thought that Commissioner Hughes, when apprised of Wayne May's interview, would have required not only Jean Chrétien but also Christine Price to testify. That did not happen. Furthermore, despite my efforts, I was also not allowed to testify. Again, I was deprived of the opportunity to clear my name.

I also had a legitimate expectation, that as a citizen placed on a Threat Assessment list, I would have similar rights to those granted to citizens listed as terrorists under the Anti-terrorism Act. Former Justice Minister, Hon Ann McLelland, reassured the Senate Committee that was reviewing Bill C-36, that the civil rights of accused terrorists would be protected under an elaborate "oversight mechanism":

> Proper review and oversight of the powers provided for in Bill C-36 help ensure that the measures in this bill are applied appropriately. In this regard, I would emphasize of powers under the bill. This would include, for example, such mechanisms as complaints investigated by the commission for public complaints against the RCMP and the various complaint and review mechanisms that apply with respect to police forces under provincial jurisdiction. Significant powers under this bill are subject to judicial supervision, and in any case this is in addition to explicitly ministerial review and supervision powers. As well, the provisions in the bill will be subject to a full review by Parliament within three years.
>
> …. requiring an annual report. this provision could require the AG and those of the provinces to report publicly once a year on the exercise of the Bill C-36 powers of investigative hearings that took place under their respective jurisdictions
>
> …The provision would further require the Attorney General of Canada and those of the provinces, as well as the Solicitor General of Canada and the ministers responsible for policing in the provinces, to each report publicly once a year on the exercise of the Bill C36 powers of preventive arrest that took place under their jurisdictions. Detailed information to be reported in each case would be specified in the law.
>
> …-There is a review process and it's a review process we use commonly in relation to a whole range of matters, and the review is by the Federal Court of Appeal.... I view review by a member of the judiciary, in this case a federal court as one of the strongest and most transparent processes we have within our entire democratic system of governance.

In the Parliamentary Committee which was examining Bill 36, Peter Mackay expressed concern about the implications of being placed on a list:.

> It takes time, it takes legal counsel and once you've been listed, to quote one of the witnesses here, you lose the ability to be a charitable organization or you lose your reputation. I believe she [the witness] said it was death by firing squad or death by electrocution. You can't give a person their reputation back

In other words, as Senator Fraser recently remarked during the Senate review of C.36: "The mere fact that you are listed as a terrorist is the same as being designated as a terrorist". Similarly, it could be said that the mere fact that you are listed as a threat is the same as being designated as a threat.

Since 1960, I have involved with furthering the "Public Trust with the following objectives:

• to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, right to education and social justice;
• to enable socially equitable and environmentally sound employment, and ensure the right to development;
• to achieve a state of peace, social justice and disarmament; through reallocation of military expenses
• to create a global structure that respects the rule of law ; and
• to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of overconsumptive development.

In the past, I thought that human rights were being violated, social justice had been denied, and peace was being thwarted and the environment was being destroyed because there had been no substantial provisions in international law to address these "public trust" issues. In 1984, in preparing for my Masters Degree in curriculum development on a method of teaching human rights linked to peace, environment and social justice within the context of international law, I realized that, in fact, the blueprint for furthering the public trust was already in place in international law. The problem was not the dearth of provisions in international law but the lack of education about the existence of international obligations, commitments and expectations; and the absence of political will to discharge international obligations incurred through the Charter, treaties, conventions, and covenants, to act on commitments made through UN conferences Action plans, and to fulfill expectations created through UN General Assembly Resolutions and Declarations.

I became publicly critical, nationally and internationally, of governments, including the Canadian government, for not signing and ratifying international agreements, and particularly for failing to enact the necessary legislation to ensure compliance with international law. I also began to raise public awareness about the federal Department of Justice's disregard for the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" about implementation of international instruments in Canada. More recently I have publicly criticized judges from the Canadian Courts for their claiming that "international law, not enshrined in Canadian law, is not judiciable in the Canadian courts", and Canadian representatives to the UN for their disregard for the role of UN General Assembly , and of the International Court of Justice.

From 1992 to 1995, I was a sessional lecturer in Global Issues at the University of Victoria, and in 1995, I wrote the Charter of Obligations – 350 pages of obligations incurred through conventions, treaties and covenants, of commitments made through conference action plans, and expectations created through UN General Assembly declarations and resolutions. This Charter is recognized as a significant contribution and was officially distributed to all state delegations at the UN Conference on Women at Beijing. In 1996, I also wrote a book, entitled, Comment on Habitat II Agenda: Moving Beyond Habitat I to Discharging Obligations and Fulfilling Expectations; this book was distributed to most of the state delegations at the Habitat II conference in Istanbul.

In 1996, on completing my Doctoral degree, I was confident that with my years of research into international instruments, my position as a sessional lecturer at the University of Victoria, my Masters

degree in Curriculum Development, and my doctorate in Interdisciplinary Studies, I would be able to find paid work. I have, however, only been able to find non-remunerated work from non-governmental organizations, or for government “stakeholder” consultations.

I increasingly became known as a critic of corporate involvement in the university, of government disregard for the rule of law, of established NGO’s compromising principles, and of political parties,. sacrificing principle for power, or profit. In 1997, I was elected leader of the Green Party of Canada, and I ran in the 1997 election against David Anderson in Victoria.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a leader of a registered political party I would not be discriminated against on the grounds of “political and other opinion” by being associated with a group that was listed on the DND D-Secur Ops List, or by being placed on an RCMP Threat Assessment list. I believed that CSIS and SIRC would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister’s Office to place law abiding citizens on a Threat Assessment Group list.

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I assumed that the Solicitor General, having oversight for the RCMP and CSIS, would fulfill the role of officer of the Crown and not defy the constitution. The importance of the non-partisan aspect of the Solicitor General in the role of officer of the Crown was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned: “Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they [he/she] may decide to have the police investigate people because of their party stripes.”

I also had a legitimate expectation that after being placed on a DND D-Secur Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

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One may argue that being critical of corporations, international trade agreements governments, universities and established NGOs; and that being designated a threat on a threat assessment list should not have affected my ability to find paid employment within my area of experience and education, and to repay my loan. I would like to think so. However, after applying for positions at universities, and for numerous government, institutional grants related to compliance with international obligations, commitments and expectations, I have continually faced rejection and been disappointed

I hope that the court will recognize that I have acted in good faith in relation to my student loan by fulfilling the requirement for remission at the Provincial level. Also, between 1996 and 1998, I rejected the option of declaring bankruptcy-an option that was then available to evade repayment of the Federal portion of the loan. Similarly, I refused the option of receiving my Canada Pension when I turned 60 in 1998 because it was important for me to continue to find paid employment, and to strive to fulfill my obligations.

In the Court I will plead that it is important to consider the interdependence of the demonstration of my intention to repay student loan, of the loan/job contingency aspect of the Canadian Loan Programme, of the violation of my charter rights, and of the impact of being designated a threat. I will demonstrate that my student loan contract was frustrated by the actions of the government, cabinet

ministers, and their agents interfering with employment possibilities, and by the lingering doubts about my reputation resulting from the consequent defamation of my character.

In 2002, I launched a defamation case against the Federal government, cabinet ministers and their agents, and the Judge held:

> My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivable be rights which needed a remedy. ….
>
> …. I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim

In response to the suggestion and direction of the Federal Court, I submitted, and in some cases resubmitted, almost 60 Access to Information and Privacy requests, along with the Judge's statement about the necessity of further access to information requests, I did not expect these requests combined with the direction from the Judge would result is a series of outrageous financial demands for access, questionable delays, unjustifiable retention of data and documents, and inappropriate government exemptions. These delays and retention of crucial information by the federal government continue to this day. Since there has been no clarification about the reasons that the government has perceived me to be a threat, no retraction of defamatory statements about me, and no forthcoming apologies, most reasonable people would unfortunately conclude that the government's statements were true and that the government was justified in perceiving me to be a threat.

It is essential to link the on-going case of defamation with the current case related to my student loan. The defamation case addresses the cumulative effect of (i) being the leader of a group that was identified by the DND and placed on a DND d-secur list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose "loyalty of members of these groups (i.e. to Canada is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list..; (ii) being discriminated against on the grounds of "political and other opinion" – a ground enshrined in international covenants to which Canada is a signatory; (iii) being designated a threat by the RCMP or CSIS; (iv) being described by a member of the Vancouver Police as "behaving inappropriately" on a bus that I was never on; and (v) being accused, by an agent working for a cabinet minister running against me in the 2000 federal election of engaging in an illegal act under the Elections Act. All these actions were disseminated through the media, and collectively support the conditions for a case of defamation.. Therefore, I believe, for the proper administration of justice that before the "Student loan" case can be properly examined, impartially and dispassionately, there should be a resolution of the on-going defamation case.

I URGE , this Court to "speak truth to power" and provide for the independent administration of justice. In my case, the Attorney General and Solicitor General, as officers of the Crown, failed in their duties to be impartial and non-partisan.. These duties which were described by Professor Wes Pue in his submission to the Senate on February 14 2004:

> In Canadian constitutional practice, the Solicitor General is one of two law officers of the Crown. The other law officer of the Crown is the Attorney General. The meanings of those terms of art are extraordinarily important. A law officer of the Crown has a primary duty of serving the cause of the rule of law as distinct from any other function, political or otherwise. The rule of law is to be served by the law officers of Crown above and beyond their own personal interest and chance for advancement, above party interest, above their own personal desires to please the electorate or other people who are above them in the hierarchies of power. The principle that these are above partisan politics is of
> central importance to Canadian constitutionalism.

Professor Pue also added: The history of recent Solicitors General is probably somewhere that we do not want to go in great detail, in terms of the stature that they have brought to the office. It has been very unfortunate. I much regret the way that that office has been treated sometimes in the recent past.

I am encouraged, however, when leading legal scholars, such as Professor Pue recognize the importance of the rule of law, and of the role of Attorney General and Solicitor General as officers of the crown. Only when these roles are fully entrenched will the risk of discrimination for "political and other opinion" be removed. I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

In my future submission to the court, I will demonstrate through applying legal principles, international instruments and national statutes, through citing authorities, and cases, and through referring to key access to information requests, including reference to outstanding requests and complaints, and press reports, that the conditions for frustration of contract and defamation have been met.

Perhaps finally, the over-seven years of my living under the stigma of being designated a "Threat" will end, and the lingering doubts about my reputation will be removed. I might be exonerated, and even be able to obtain employment related to my education and experience

Dr Joan E. Russow

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F. Appeals were also made to Jean Pierre Kingsley, and a phone call was made to the former Solicitor General Andy Scott.

xxii. *Disregard for evidence that could have exonerated the plaintiff and clear the plaintiffs name*

(a) When the article about the 1993 DND list which included the group to which the plaintiff belonged was published in Now Magazine, or when concern was expressed about the list, DND could have published information exonerating the various civil society advocate groups on the list.

(b) In 1997, the RCMP officers and other officials in the media accreditation office at APEC, being aware that there had been a directive from the Prime Minster's office to prevent me from entering the APEC Conference , pretended that the reason for my pass being pulled was that the Oak Bay news paper, for which I had an assignment, did not exist. [As Sgt Woods admitted, if they had really been concerned about the existence of the Oak Bay news they could have contacted the police in Victoria (January 1998 interview with Plaintiff). Rather than being forthcoming and admitting that the RCMP had for whatever reason succumbed to pressure from the PMO, they proceeded to create innuendo in their testimony that they were justified in pulling the pass because of the plaintiff's behaviour. It is all the more absurd when it is clear that the pass was pulled before the plaintiff displayed the behaviour to which they refer.. The RCMP in their response to my complaint, said that "I had been argumentative and became loud and aggressive" you were asked to leave the building and told that if you did not you would be arrested for causing a disturbance. In the August 1998, response

to my APEC complaint which I filed in January 1998, the RCMP Complaints Commission stated “ there is no indication of any involvement from the Prime Minister’s office in the decision to refuse your media pass” yet in May 1998, Christine Price was interviewed by the RCMP and claimed that Brian Groos had indicated that there had been a directive from the PMOs office that Ii should be prevented from attending APEC. In 1998, the plaintiff attended the RCMP Complaints Commission meeting on August 24-25-the cross examination of Jean Carle, and at that time evidence which could have removed the stigma attached to the plaintiff , and exonerate the plaintiff from wrongdoing surfaced. In 1998, Wayne May from the RCMP had prepared a supplemental document which contained Sgt Woods’ interview with Christine Price about the reason for the plaintiff's pass being pulled. Price indicated that Brian Groos said that the directive came from the PMO. The plaintiff approached the Commission Counsels and requested to have the opportunity of absolving herself from being perceived as a “threat” and was told that she would not be able to appear. Subsequently, after hearing, on CPAC, Constable Boyle testify in December 1999, the plaintiff again went to the RCMP Public Complaints Commission hearing and went to Commissioner Hughes office, and asked Commission Hughes for the reason that she had not been able to testify. She urged the Commissioner to put Christine Price on the stand and pointed out that the evidence submitted by Christine Price would show that the PMO was giving directions to the RCMP. She also appealed to him to allow her to clear her name, and referred as well to the testimony that had been given by Constable Boyle. He looked at his list of witnesses and dismissed the plaintiff by saying “I do not see your name on the list”. From the transcripts on the day prior to the resumption of the Commission under Hughes, the Commission Counsel Marvin Storrow, in advising Commissioner Hughes about the sequence of witnesses that would be called, it would appear that the plaintiff’s name was mentioned and then dismissed as not being an important witness by Commission Counsel. Subsequently Marvin Storrow resigned because of the perception of being biased. [He had attended a fund raising dinner by Jean Chrétien, and whether justified or not he was accused of being biased]. I pointed out to Commissioner Hughes that my participation was important even because there was evidence that there had been a directive from the PMO to the RCMP – one of the key issues addressed in the RCMP Public Complaints Commission. The plaintiff then attempted to address the directive from the PMO and misstatement from Constable Boyle, with RCMP complaints Chair Shirley Heafey, but the plaintiff was asked by Heafey to leave her office. Heafey called a Constable to escort the plaintiff from her premises. The plaintiff, who was one of the APEC complainants, was treated as a potential threat, thus perpetuating the notion that the RCMP was justified in placing her on the threat assessment list.

The Plaintiff then contacted the Ottawa office of Shirley Heafey, Chair of the Commission, and was transferred to a legal assistant who declared that there was no way the Plaintiff could ever participate in the commission hearing and that when the plaintiff asked about a Public inquiry into the RCMP designating a leader of a registered political party as a threat, he declared that the plaintiff could never have a public inquiry. I asked for his name and he refused to give it to me. In the publication, Pepper in Your Eyes, Gerald Morin indicated that " Shirley Heafey going" past her legitimate role and had encroached up the decision-making role of the panel to the point that the panel's

independence had been fatally compromised. " (Gerald M. Morin, QC, former chair of the RCMP public complaints commission, p. 161). He also stated that " any influence from the Commission chair, who is appointed by the government (which, of course has a vested interest in the outcome of the inquiry) not only is unfair and unacceptable to the participant but would also impair the public's faith in the institution,. We must be impartial and must be seen by all to be impartial". He points out that in Section 45-45 (5) of the RCMP Act states that any person who satisfies the commission that he or she has a "substantial ad direct interest in a complaint shall be afforded a full and ample opportunity in person of by counsel, to preen evidence, to cross-examine witnesses and to make representation at the hearing. " The right to participate is clear.... 1P. (Gerald M. Morin, QC, former Chair of the RCMP Public Complaints Commission, p. 161)
The plaintiff contacted Kevin Gillet, Counsel for the Commission about the fact that the plaintiff had received a summons to appear at the APEC Commission to testify for someone else. The Plaintiff asked him why she was not allowed to appear to clear her name, and after a lengthy conversation, he informed her that she would not be allowed to appear before the Commission

(c) To counter the misinformation disseminated across the country by Constable Boyle. Subsequently, after hearing, on CPAC, Constable Boyle testify in December 1999, the plaintiff again went to the RCMP Public Complaints Commission hearing and went to Commissioner Hughes office, and asked Commission Hughes for the reason that she had not been able to testify.. She also appealed to him to allow her to clear her name, and referred as well to the testimony that had been given by Constable Boyle. He looked at his list of witnesses and dismissed the plaintiff by saying "I do not see your name on the list". From the transcripts on the day prior to the resumption of the Commission under Hughes, the Commission Counsel Marvin Storrow, in advising Commissioner Hughes about the sequence of witnesses that would be called, it would appear that the plaintiff's name was mentioned and then dismissed as not being an important witness by Commission Counsel. Subsequently Marvin Storrow resigned because of the perception of being biased. [He had attended a fund raising dinner by Jean Chrétien, and whether justified or not he was accused of being biased]. I pointed out to Commissioner Hughes that my participation was important even because there was evidence that there had been a directive from the PMO to the RCMP – one of the key issues addressed in the RCMP Public Complaints Commission.. The plaintiff then attempted to address the directive from the PMO and misstatement from Constable Boyle, with RCMP complaints Chair Shirley Heafey, but the plaintiff was asked by Heafey to leave her office. Heafey called a Constable to escort the plaintiff from her premises. The plaintiff, who was one of the APEC complainants, was treated as a potential threat, thus perpetuating the notion that the RCMP was justified in placing her on the threat assessment list

Doo (d) To counter the "dirty tricks" or even to expose the violation of the article 90 of the Elections Act which was in force in 2000. Article 90 prohibits the publication of CHECK. I contacted Jean Pierre Kingsley about what I perceived to be if not an illegal act at least an unethical practice: when an associate of the candidate is instrumental in filing a spurious complaint about the plaintiff to elections Canada and then sends out a

media release announcing that the plaintiff is being investigate for an illegal act of violation the Elections act.

Several legal authorities commented on the importance of the independence of the Public Complaints Commission, and of the Commission Counsels: the following information is drawn from Wesley Pue. (Ed). Pepper in your Eyes. APEC.

- What is significant is the legal advice that Commission members receive. The importance of an independent commission counsel who understands that it is counsel's role to ensure that all relevant evidence touching on the complaint is put before the commission cannot be overstated. (Donald J. Sorochan QC, p 74***)***

  * Whether the federal government inappropriately use the RCMP for political purposes rather than law enforcement and protection of the peace
  * Whether police force was inappropriately used against protesters to prevent them from embarrassing the visiting delegates, considering that in Canada there is no law against embarrassing anyone.

  one of the weakness in the legislation establishing the PCC which was enacted by a progressive Conservative government) is that the chair and the members of the commission are appointed by an order in council of the federal cabinet rather that by Parliament itself. The same, however, is true of most of the independent tribunals at the federal level. (Donald J. Sorochan QC, p 74)

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The Marin Commission made recommendation related to complaints about the RCMP

> The principal requirement of any credible reviewing authority is that it enjoy the confidence of both the public on whose behalf it is citing and the force whose actions it is reviewing Such confidence is only possible, in our opinion, if this authority is visibly independent of the Royal Canadian Mounted Police and are responsible directly to Parliament rather than to the government of the day
>
> It also made the following recommendations;
>
> 1. An independent authority, to be known as the Federal Police Ombudsman, should be established by the Parliament of Canada

2. with respect to public complaint the Federal Police Ombudsman should be responsible for:
(i) ascertaining that all complaints are investigated in an appropriate manner;
(ii) recommending such remedial action as he believes necessary at both the individual and organizational level.
in 1986 the parliamentary debates of the legislation clearly show that Parliament intended to create an entirely independent agency with powers of review independent of the RCMP Commissioner's power. All political parties supported the reform.

There was concern expressed by legal authorities about the independence of the APEC RCMP Public Complaints Commission:

-the RCMP lobbied vigorously and succeeded in significantly weakening the legislation that ultimately created the Public Complaints Commission. The independence of the PCC was weakened when the legislation was incorporated into the RCMP Act rather than being given its own statute. More significantly the legislation did not provide for the PCC to report directly to Parliament, as many ombudsman offices do. While the PCC does report to Parliament, it does so through the Solicitor General of Canada a federal cabinet minister with whom the PCC also has budgetary and reporting relationship. The PCC chair and members are appointed by the federal cabinet rather than by an all party committee of Parliament. (Donald J. Sorochan QC, p 70)

xxiii. *Perception of abuse of power*

(a) The Department of Defence abused their power by deciding to engage in “advocate profiling” and without any basis for developing a DND list of Groups that could be perceived as threats.
(b) The RCMP demonstrated dereliction of duty in November 1997, when they acted on a directive coming from the Prime Minister's Office to prevent the plaintiff from entering the APEC Conference on a journalism assignment with full accreditation to report on the APEC document within the context of international law. The RCMP is supposed to be independent from government interference and should not place an individual on a list without determining whether the person is a real threat. The RCMP knew the plaintiff to be the leader of a political party and should have been aware that as the directive came from the PMO that this was political interference and thus in violation of their mandate to enforce the law and protect the peace. Despite the plaintiff’s having had a bona fide assignment from a newspaper, the RCMP maintained that they were concerned that the newspaper the plaintiff represented didn’t exist. If they were genuinely concerned about the existence of the paper they could have contacted the Oak Bay police [a possibility that did not escape Woods, the RCMP officer who came to Victoria to interview the plaintiff, in January, 1998, who had filed a complaint against the RCMP’s actions, The directive from the Prime Minister's office and the acquiescence to

the directive or to apparent political interference by the RCMP reveals a willful and intentional effort on their part to abuse or distort their proper role within the executive and enforcement agencies. Christine Price, in her interview, stated that a Brian Groos from the PMO instructed the RCMP to intervene and pull the plaintiff's pass. The directive to pull my APEC media pass was reported, in Christine Price's Interview by the RCMP in connection with the complaints filed with RCMP Public Complaints Commission, as coming from Oak Bay resident Brian Groos, who was acting on instructions from the Prime Minister's Office (PMO) and possibly from the Department of Foreign Affairs and International Trade (DFAIT). The placing of my name, picture and my political affiliation on a threat assessment group list has caused harm, and was politically motivated; Brian Groos was closely associated with the Hon David Anderson against whom I ran in the 1997 and 2000 election

(c) It would appear that the RCMP who reported that the reason that the plaintiff's pass was pulled was that she had behaved inappropriately, could have been either a means of covering up RCMP actions or the evidence that there had been evidence of political interference by the PMO in the exercise of the RCMP's role to enforce the law and protect the peace. It would appear that Constable Boyle's statement would not have been politically motivated, but the Police could be perceived to abuse power when they are careless in failing to verify hearsay evidence.

(d) The defaming action was also politically motivated in 2000 during the Federal Election Defamatory statements were made by volunteer worker of cabinet minister during election. In 1997 and 2000 I was a candidate in a federal election also contested by David Anderson, a cabinet minister. An affidavit with a complaint, suggesting that I had engaged in an illegal activity during the 2000 by-election was filed to Elections Canada by a person associated with David Anderson's office.. The subsequent dissemination of the politically motivated complaint to Elections Canada to the media by a person working as a volunteer in David Anderson's office during the election that I was under investigation for violating the elections act contributed to the complex of statements against my character. Three days before the November 27, 2000 Federal Election, a letter entitled "Don't Vote the Russow" was circulated. This letter contained defamatory remarks about the plaintiff's being under investigation by Elections Canada for an illegal act. A volunteer who was working in David Anderson's office, contacted the media and repeated the statement that I was under investigation by Elections Canada. This statement was subsequently broadcast as the principal item on the local news station on the Saturday prior to the election. Elections Canada dismissed the affidavit complaint as groundless but the information was circulated that I was being investigated for an illegal act under the Elections Act.

Several legal authorities express concern about the abuse of power. Comments are derived from Wesley Pue. Pepper in Your Eyes. APEC.
Donald J. Sorochan QC, p 58-59) refers to the Paris and Moscow Declarations related to respecting the Rule of Law.

Paris 1989, and Moscow 1991. RESPECTING THE RULE OF LAW

-The participating state affirmed their determination to support and advance those principles of justice that form the basis of the rue of law. in this context the rue of law is not merely a formal legality that assures regularity and consistency
-Government in violation of fundamental principles related to the rule of law …The government and public authorities have a duty to comply with the constitution and to act in a manner consistence with law…There will be a clear separation on between the state and political parties
-Military force and the police will be under the control of and accountable to civic authorities.
-All persons are equal before the law and are entitled without any discrimination to the equal protection of the law
-Everyone will have an effective ends of redress against administrative decisions
-Domestic legislation will comply with international laws relating to human rights, including guarantee for the freedom of information and communication, travel, thought conscience and religion, right to peaceful assembly and demonstrations, associations…

Donald J. Sorochan QC, places the respect for the rule of law the context to Canada…in determining whether remedies under the Canadian Charter of Rights and Freedoms ought to be granted for the breach of constitutionally guaranteed rights…..While judicial oversight will always be available court action is not the most desirable method of resolving differences between citizens and the police. civil litigation is incredibly expensive and time-consuming and only the wealthiest of complainants can afford to use it to advance a complaint. Civil litigation is primarily designed to provide monetary compensation for loss rather than address the merits of citizen complaints. ….

….In the case Roncarelli v. Duplessis 1959 the premier of Quebec was held to have no immunity against a claim for damages when the premier caused injury to a private citizen by wrongfully interfering with the exercise of the statutory powers of a provincial commission. ….-in Reference Re Resolution to amend the constitution that the ' rule of law is highly textured expression importing many things which are beyond the need of these reasons to explore but conveying for example a sense of orderliness , of subjection to known legal rules and of executive accountability to legal authority. At its most basic level, the rule of law vouchsafes to the citizens and residents of the county a stable, predictable and ordered society in which to conduct their affairs. It provides a shield for individuals from arbitrary state action (Donald J. Sorochan QC, p 58-59)…The rule of law means that everyone is subject to the ordinary law of the land. This is so regardless of public prominence or governmental status. It requires the law to be applied equally to all, without fear or favour and in an even handed manner between government and citizen. It ensures that all are

equal before the law. The rule of law is not the law of the ruler. there is no exemption from the ordinary la of the state for agents of government, and no one no matter how important or powerful, is above the law. (Donald J. Sorochan QC, p 59) ….The rulers of the state-- the government itself; the Prime Minister and other ministers, powerful bureaucrats; the police and armed forces - have no powers except those provided by law. the people, because the will of the society is set forth in law, should be ruled by the law and obey by it.. (Donald J. Sorochan QC, p 59) …Citizens have the right and duty to work for the repeal of unjust law and the proper enforcement of just laws trough due process of law. The right of freedom of expression recognizes that a citizen may in good conscience participate in public demonstration designed to expose injustice.. (Donald J. Sorochan QC, p 59) … The rule of law cannot be said to exist without compliance with he laws and an expectation within society of such compliance. A rule that has the formal appearance of law is not law unless there are enforcement mechanisms to ensure that the rule works as a standard for the community. (Donald j. Sorochan, QC p.61)
.An important foundation for the rule of law is the principle that a police officer investigating a crime is not acting as a government functionary or as the servant of anyone save the law itself. …..-when investigating crime the police are independent of the control of the executive arm of government. Even the attorney General, often referred to as the chief law officer of the Crown, has no authority to direct the police in their conduct of a criminal investigation. When performing such duties, the police are answerable to the law and to the law alone. If it were otherwise, the government through the attorney General could grant immunity from enforcement of the law to members or supporter of the government by directing or controlling a police investigation.. (Donald J. Sorochan QC, p 64) ….Enforcement mechanisms are essential to the operation of the rule of law to ensure that no authority will act above and beyond the law or exercise powers beyond lawful authority. primarily the rule of law is enforced by an independent judiciary served by an equally independent and vigorous legal profession. Lawyers, as guardians of the law, play a vital role in the enforcement of the rule of law. …The police also play a vital role. A dictator may rely upon the police and the military to impose rule by laws enacted to preserve reign of tyranny.... Developing democracies have demonstrated that the rule of law and the resulting liberties of the citizenry cannot succeed in a state without a principles, independent and non-corrupt police force. …note principles of policing. The eighth principle: to recognize always the need for strict adherence to police executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the state and of authoritatively judging guilt and punishing the guilt.
(Donald J. Sorochan QC, p 64)…The rule of law requires that everyone, including the police, be equally subject to the ordinary law of the land administered by the ordinary courts. The availability of the courts to

provide remedies to citizens who complain of police misconduct is, of course the ultimate safeguard to ensure control and accountability of the police in a society governed by the rule of law.. (Donald J. Sorochan QC, p 64) ….It is the citizen complaint procedure that provides n effective mechanism to ensue that the police are accountable to and therefore controlled by the public.. (Donald J. Sorochan qc, p 66) …It is vital however, that the public perceive the police complaint process as being meaningful -- that is a process that fairly and publicly addresses the concerns and grievance of members of the public. …ability to secure and maintain public respect requires a system for ensuring a full inquiry into a citizen's compliant. ….such a process must be accessible to members of the public without technical roadblocks and while ensuring fairness to all concerned, must be a process that impartially and fully inquires into the citizen's complaint and possesses sufficient powers to ensure that the complaint has been fully investigated.

Donald J. Sorochan commented in Pepper in Your Eyes on the APEC Public Complaints Commission:

APEC public complaints commission
- The RCMP allowed the Prime Minister's Office to become inappropriately involved in security and policing arrangements (Donald J. Sorochan QC, p 72)
…in addition, certain complaints raise the more fundamental question of whether the RCMP acted in accordance with its role as independent enforcer and defender of the rule of law. Such complaints include allegations relating to (Donald J. Sorochan QC, p 72)
…It is regrettable that amid all the sound and fury surrounding the hearings, the importance of the RCMP Pubic Complaints Commission as an instrument for enforcing the rule of law appears to have been overlooked by many. (Donald J. Sorochan QC, p 76**)**

Wesley Pue, in Pepper in your Eyes raised the following issues related to APEC:

What part the Prime Minister's office played with respects to the abuses complained of at APEC- Of course if the Prime Minister's staff gave unlawful orders - for example, that individuals displaying signs displeasing to President should be stopped or arrested - any professional police force should have refused to act on those orders. They were legally as well as morally bound to do so. And they should have been supported in doing so by both the RCMP Commissioner and the Solicitor General. In a democracy he police are there to enforce the law, a task that should never be confused with simply doing the bidding of politicians. A very slippery slope lies between student protesters and the rest of us. Central principles of public life, once compromised, lose their force. (Wesley Pue, University of B.C. p.18). If confirmed, the emerging story line about Canada's APEC summit would be deeply troubling. It would reveal a shocking disrespect for the principle of the political independence of the police on the part of

> senior police officers, members of cabinet, the Prime Minister and the Prime Minister staff. If would represent a fundamental violation of the principle of the rule of law, striking at the very heart of our constitution. (Wesley Pue, University of B.C. p.18) … Contrary to what most people think. the larger part of the Canadian constitution is not neatly summarized in statute or Charter but is found precisely in the nebulous constitutional realm. (Wesley Pue, University of B.C. p.18)….Other mechanisms that civil societies use to ensure proper buffer between the police and the politicians include police commissions for commissioners), the very special cabinet offices f Solicitor General and Attorney General (the senior " law officer of the Crown") and a variety of understandings, constitutional conventions , or usages limiting the means and types of legitimate communications between government officials and police officers. Such understandings, conventions and usages constitute an important part of the "unwritten constitution." (Wesley Pue, University of B.C. p.19) …It is of course important that police be accountable to the public. There is a world of difference, however, between public accountability and political control. We are accustomed to thinking of the Prime Minister as the "chief executive officer" of government, of cabinet as a board of directors," and of the rest of the state apparatus as being ultimately answerable to them as the employees of a small business are ultimately answerable to the boss. Government is not a business, however. Executive command is the opposite of democratic accountability trough roper channels.... the notion of civil control.. should not be confused with control exercised by public servants. indeed this latter state of affairs undermines the traditional and necessary responsibilities of Parliament.
> (Somalia Inquiry).

xxiv. *Evidence of malicious prosecution- designation of law-abiding citizen as a threat*

I have never engaged in any of the above activities that would be designated as "threats" and I have never been arrested. I have only engaged in lawful protest and advocacy for furthering the public trust and common security peace, human rights social justice and the environment. Yet, through an order from the Prime Minister's office I was placed on a Threat Assessment Group list on or before November 24, 1997. The government through a representative in the Prime Ministers office acted on "questionable motive in giving a directive which may have resulted on my being placed on the list and consequently can be shown to have engaged in what could be described through analogy as malicious "persecution".

Malicious prosecution is evident in the actions of agents of the Solicitor General whose role as Officer of the Crown may have been superseded by his political. There must be civilian oversight over the Solicitor General in the role of officer of the Crown in order to prevent the Solicitor General from targeting political opponents.. The importance of the non partisan aspect of the Solicitor General in the role of officer of the crown was

recently emphasized by Dr Wesley Pue, Professor of law, at UBC in his submission to the Senate:

> Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they may decide to have the police investigate people because of their party stripes. (Submission to Senate, February 14, 2005).

xxv. *Authorities displayed improper motive or purpose- a political motive*

(a) Ironically often the Department of Defence perceives as threats citizen groups that may be the ones that are the strongest advocates of the rule of law; peace groups, environmental groups, human rights groups, and social justice groups; yet the department of defence perceives these groups as threats to the department. The Department of defence has acted with an improper motive of designating activists groups as being threats

(b) In giving the directive to the RCMP, the PMO displayed improper motive-a political motive; by acting on the direction from the PMO, the RCMP displayed improper motive-allowing political interference to supersede their obligation to abide by the law, and by failing to exonerate the plaintiff, the Solicitor General displayed improper motive

In addition, the Solicitor Generals may have displayed improper motive by allowing their political role to supersede their role as officer of the crown. The Attorney General's representatives at the RCMP Public Complaints Commission, in not acknowledging the role of the Prime Minister that was evidenced in Christine Price's testimony to SGT Woods, could similarly have been acting with improper motive by allowing their political role to supersede their role as officer of the crown. Subsequently, the representative of the Attorney General's office displayed improper motive, in claiming that the plaintiff lacked particulars, when it was obvious that it was the government that had refused to divulge the particulars.

Iacobucci and Binnie J.J stressed the importance of protecting individuals from the abuse of power:
In S.C.R. 229; Nelles v. Ontario, [1989] 2 S.C.R, it was held

> At 4. Against these vital considerations is the principle that the Ministry of the Attorney General and its Prosecutors are not above the law and must be held accountable. Individuals caught up in the justice system must be protected from abuses of power. In part, this accountability is achieved through the availability of a civil action for malicious prosecution. As stated by Lamer J. (as he then was) in /Nelles, /at p. 195: Public confidence in the RCMP suffers greatly when the person who is in a position of knowledge in respect of the constitutional and legal impact of his conduct is shielded from civil liability when he abuses the process through a malicious prosecution. Thus, for the reasons that follow, we are of the view that this is one of the exceptional cases in which Crown immunity for prosecutorial misconduct should be lifted. We would therefore allow this appeal.

(c) the RCMP that provided Constable Boyle with the false information may have acted with improper motive to cover up the evidence that they had failed to exercise their duty to enforce the law and protect the peace and had succumbed to political pressure

(d) The filing of an affidavit, to Elections Canada, with a spurious complaint about a fellow candidate, and then declaring that the candidate was being investigated for an illegal act displayed an improper motive.

> ( ) In S.C.R. 229; Nelles v. Ontario, [1989] 2 S.C.R and the subsequent Proulx v. Quebec (A.G.), [2001] x S.C.R. xxx, 2001 /SCC 66 cases arguments against "absolute immunity" were advanced. It was held in Proulx that it requires evidence that reveals a willful and intentional effort on the Crown's part to abuse or distort its proper role within the criminal justice system.
>
> In Proulx v. Quebec (A.G.), [2001] x S.C.R. xxx, 2001 /SCC 66- it was held that the standard has become that immunity for government officials and responsible departments is not absolute in cases where there is "malice" or "improper purpose". Serious legal questions could arise from extending the case law related to malicious prosecution to "malicious persecution".
>
> It was held in Proulx v. Quebec (A.G.), [2001] x S.C.R. xxx, 2001 /SCC 66-That,
>
> At 3 the Crown prosecutor did not have reasonable and probable cause upon which to found the charges brought against the appellant; and (4) the prosecution was motivated by an improper purpose. Clearly a prosecutor need not be convinced beyond a reasonable doubt of an accused person's guilt before bringing charges, but there must be sufficient evidence to ground a reasonable belief that a conviction could properly be obtained. In this case, it must have been clear to the prosecutor in 1991, when he authorized the charge of first degree murder, that the evidence could not properly have resulted in a conviction. In particular, the eyewitness identification of the appellant, which was the primary basis for reopening the investigation and prosecuting him, was flagrantly inadequate and the surreptitiously recorded conversation between the appellant and the victim's father was likely inadmissible evidence. Even if admissible, that conversation lacked probative value. The charges brought against the appellant were grounded in mere suspicion and hypotheses and were not based on reasonable and probable cause. This. by itself, is not sufficient to ground the appellant's lawsuit. A suit for malicious prosecution requires evidence that reveals a willful and intentional effort on the Crown's part to abuse or distort its proper role within the criminal justice system. To demonstrate malice, the appellant must show on a preponderance of evidence that there was an improper purpose and that the powers of the prosecutor were perverted to

> that end. This standard, which must be applied strictly, is a high and clear one, in that it calls for proof of the subjective intent of the prosecutor to act out of malice or with an improper purpose."

xxvi. *Failure of government to release relevant information that would have assisted in exonerating the plaintiff*

The plaintiff pleads that in the case of the APEC Threat Assessment list, the government could have been forthcoming with information that would have permitted the plaintiff to correct whatever information must have been used to justify designating the plaintiff as a threat. The government chose instead to obfuscate information from the different departments, and invoke numerous exemptions to prevent the release of information. As a result, the government has contributed to the plaintiff living under over eight years of a shadow of innuendos about wrong doing. The plaintiff pleads that the government along with government institutions has demonstrated bad faith in relation to the plaintiff by defaming her as being a threat, and by being reluctant to reveal the reason for this designation.

xxvi. *Failure to provide information that could have exonerated the plaintiff*

Access to information requests ignore or information withheld. In many of the Access to Information responses exemptions such as for reasons of “military and International security” or cabinet prerogative have been used. The government, cabinet ministers and their agents by failing to reveal the reason for the plaintiff’s being perceived as a threat contributed to the continued assault on the plaintiff’s reputation. The government, cabinet ministers, and their agents have continuously assaulted the plaintiff’s reputation. Those who may have believed that the placing of the plaintiff on the list might have been unjustified might have reconsidered the justification after hearing that she behaved inappropriately or that she has been investigated for engaging in illegal activity. Judge Hargrave struck my claim but did not dismiss my case and stated that there might be a case of defamation against the government but that I should file additional access to information requests. I submitted about 60 Access to Information and Privacy requests, resulting in a series of questionable delays, retention of data and documents, and inappropriate government exemptions. These delays and retention of crucial information by the federal government continue to this day. I receive numerous responses with section of the act exempted for national and international security reasons. The exemption for national and international security reasons confirmed the fact that the government believed that I am a threat, or that there is incorrect information that is in my file that would give the government justification for designating me as a threat. After 60 requests though various sections of the access to information I have not been able to determine the reason for the RCMP’s declaring me as a threat

xxvii. *Withholding of information by perpetuators of the defamation*

Sufficient particulars on the defamation case, and the reasons for the plaintiff being designated a threat, are only fully forthcoming if the government of Canada is willing to release information and remove key exemptions

The government and its departments could have been forthcoming with information that would have permitted the plaintiff to correct whatever information must have been used to justify designating the plaintiff as a threat. be exonerated from being designated a “threat”. The government chose instead to obfuscate information from the different departments, and invoke numerous exemptions to prevent the release of information. As a result, the government has contributed to the plaintiff living under over eight years of a shadow of innuendos about wrong doing. The plaintiff pleads that the government along with government institutions has demonstrated bad faith in relation to the plaintiff by defaming her as being a threat, and by being reluctant to reveal the reason for this designation. The judge in the 2001 Russow vs Attorney General could have held that the government was responsible for releasing information, relevant to the claim of defamation of character, to the court. No claim of defamation of character should be dismissed on the ground that the plaintiff of the defamation fails to provide particulars which reside in the files and data base of the defendants which have caused the defamation of character.

SEE A SELECTION OF ACCESS TO INFORMATION AND PRIVACY REQUESTS IN THE CHRONOLOGY
PRIVACY RESPONSE FROM RADWANSKI, FORMER PRIVACY COMMISSIONER

xxviii. *Lack of recourse though the Courts to address the withholding of Information*
When the Plaintiff was told that if she was not satisfied with the release of information she could go to the Federal Court. She contact the Access to Information Commissioner’s office to inquire about going to the Federal Court, and was told that if she launched the case she could be responsible for costs, as well as the cost of a lawyer but on the other hand if the Commission took the case to court, the government would be covering the costs. She then sent the following appeal to John Reid, the Access to Information Commissioner.

CORRESPONDENCE: APPEAL TO JOHN REID TO TAKE MY CASE TO COURT
11 NOVEMBER 2004:

Joan Russow (PhD)
1230 St Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598-0071

Hon John Reid
Access to Information Commissioner
112 Kent Street
November 11, 2004

Fax. 1 613 947-7294

Dear Commissioner,
I am responding to your letter of November 1st, 2004. In this letter you indicated that I had the option to appeal to the Federal Court within 45 days. I contacted Dan O'Donnell to ask about the procedure. He indicated that I had to contact a lawyer. I cannot afford a lawyer, and I am writing to you to urge you to act on my behalf before the Federal Court. No citizen should have to live with the stigma of being designated by the government as a "A threat to military and International Security"

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. The document released was entitled "other activists" and contained the pictures of 9 activists. Although I have been a strong policy critic of government practices, and engaged in legitimate dissent, I have never been arrested, or engaged in any activity that could be deemed to be a threat to military and international Security..

I have a masters in Curriculum Development, introducing, principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law, and a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the university of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria, and the Vancouver peace Society, I am a member of the IUCN Commission of Education and Communication, and the Canadian UNESCO Sectoral Commission on Science and Ethics. and the Canadian Voice of Women.

I am the author of the Charter of Obligations-350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through Un General Assembly Declarations and Resolutions--related to the public trust or common security (peace, environment social justice and human rights).

However, as an Activist from India once stated nothing is more radical than asking governments to live up to its obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments and expectations is a threat to the country then I am a threat to Canada. However, under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years.

I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. After receiving questionable responses from the RCMP. CSIS, Ethics Commissioner, Privy Council, PMO, SIRC with exemptions under various section being cited - information cannot be released for "military and international security reasons".

When I was refused access to the APEC conference in 1997, I filed a complaint; but I was never able to appear during the inquiry even though the RCMP and the RCMP Commissioner were aware that there had been a directive from the PMO to prevent me from attending the Conference. I even spoke several times to the lawyers acting for the Commission, and to Commissioner Hughes, about my case. I was not even able to appear, when I pointed out that on the stand a constable from the Vancouver police had made a statement that I had behaved inappropriately on a media bus going out to UBC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference.

After the APEC conference, in February 1998 I had a petition placed on the floor of the house of Commons calling for an investigation into the Canadian government's disregard for the International Covenant of Civil and Political Rights' in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms.

From April 1997 to March 2001, I was the Federal Leader of the Green Party of Canada, and was concerned to find out that the Green Party had been on a list of groups that the Military should not belong to. As a result of the Somali Inquiry, Robert Fowler, then Deputy Minister of Defence, had commissioned a junior officer to compile this list. …The Green Party was on this list. Subsequently , I found out through Access to information that it was the leaders of these groups that were of especial concern to the Department of Defence.

In September 1998, it was brought to my attention that I had been placed on RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became an media issue and was reported widely across the country through CBC television, through CBC radio, and through the National post and its branch papers. In 1998, The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I}

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General [accessed through A of I subsequently in 1999).

In August of 2001 there was a series of articles on the Criminalization of dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther Kings accompanied the article. This series later won an award.

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case, in the Federal Court, of defamation against various federal government departments.

I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Department of Justice has been remiss in not advising the Federal government that "political and other opinion" which is a listed ground under the ICCPR should have been included in the Charter of Rights and Freedoms. When I raised the fact that "political and other opinion" is a recognized ground, internationally,. the lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.

When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests.

The following is excerpts from the Judge's decision:

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

4.“… I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed, I viewed it as a n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient.

[I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the “particulars”. The judge’s response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in Guetta v the Queen (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. Counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. …

I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of "political and other opinion"- a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and my character has been defamed. The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and in particular with the unethical abuse of political power.

In 2002, there was an article that appeared across the country about the launching of my court case, and in the article my concern about being deemed a security risk and about the stigma attached to my name even to the point that I feared that my access internationally might be curtailed, and my employment opportunities thwarted. Also, the stigma attached to my name has affected my children, and has discredited my father's reputation. My father was the Assistant Auditor General of Canada, and acting Auditor General in the late 1950s, as well as being a representative to the United Nations and other international Organizations.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; McCauley for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

I urge you to take on my case in the Federal Court against the Solicitor General's Department, RCMP. CSIS, Department of Defence, and Prime Ministers office.

Your truly

Joan Russow (PhD)
1 250 598-0071

xxvi. *Need for research about the long term impact on being designated a threat to security*

The Plaintiff submitted a request to the Department of justice about research that had been done on the impact of being designated a threat by government agencies documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists.

LEST WE FORGET
THE URGENCY
OF THE GLOBAL SITUATION

RECOGNITION OF THE URGENCY OF THE GLOBAL SITUATION

1.1. Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Preamble, Agenda 21, UNCED, 1992)

(1) IMPACT OF CONTINUED IMPOSITION OF

CONSUMPTIVE MODEL OF DEVELOPMENT

1.1. Continued stress on global ecosystem from the pattern of over- consumptive development in industrialized countries
1.2. Continued deterioration of the global environment and aggravation of poverty caused by unsustainable patterns of consumption
1.3. Continued failure to reduce the ecological footprint through continued adherence to the consumptive model of development
1.4. Continued elimination of the ecological heritage of future generations
1.5. Continued depletion of resources upon which future generations depend
1.6. Continued political, economic and ecological crises, systemic or de facto discrimination, and other forms of alien domination or foreign occupation
1.7 Continued reliance on economic growth paradigm as the solution to global problems
1.8. Continue negative impact of structural adjustment programs based on the imposition of overconsumptive model of development
1.9 Continued promoting of socially inequitable and environmentally unsound employment and development
1.10. Continued failure to redefine "development" in equitable and ecological terms

(2) INEQUITABLE DISTRIBUTION OF RESOURCES AND DENIAL OF BASIC RIGHTS AND NEEDS

2.1. Continued inequitable distribution of natural resources
2.2 Continued inequality/inequity between "developed" , “developing” and "underdeveloped" states
2.3. Continued gravity of the economic and social situation of the least developed countries
2.5 Continued lack of fulfillment of basic needs, and failure to guarantee the right to food, right to shelter, right to education, right to health care
2.6. Continued lack of access to basic sanitation and adequate waste disposal services
2.7. Continued lack of access to food and water
2.8. Continued lack of access of poor to suitable arable land
2.9. Continued increase in the number of people who do not have access to safe, affordable and healthy shelter
2.10. Continued food crisis violating right to life and human dignity
2.11. Increased use of manipulative Biotechnology
2.12. Increased introduction of genetically modified food
2.13. Increased control by Multi-National Agri-Food, Pharmaceutical, and Petro-chemical companies world’s food supplies
2.14. Continued unethical patenting of seeds by multinationals
2.15 Continued experimentation in the human genome project
2.16. Increased corporate control of their crop varieties
2.17. Increased modification of seeds for profit
2.18. Increased modification of organisms through “genetically modified organisms”
2.19 Continued widespread unemployment and underemployment
2.20 Continued failure to link health to overconsumption and inappropriate development
2.21 Continued failure to address and prevent environmentally-induced diseases
2.22 Increased deterioration of public health system, public health spending and privatization of health care systems
2.23. Continuing spread of communicable infections
2.24 Continued unequal access to basic health resources
2.25 Continued high birth mortality rate High percentage of child mortality rate of deaths per live births.

(3) DETERIORATION OF ENVIRONMENTAL QUALITY AND IMPLICATIONS FOR HUMAN HEALTH

3.1. Continued impact on health from environmental degradation
3.2. Increased impact on health and environment from toxic and hazardous chemicals
3.4. Increased air, water and land pollution
3.5. Continued adverse health and environmental effects of transboundary air pollution
3.6. Continued transferring and trafficking in toxic, hazardous including atomic substances, activities, and waste that are dangerous to health and to the environment
3.7. Continued risks of damage to human health and the environment from transboundary hazardous waste
3.8. Increased generation and transboundary movement of hazardous waste causing threat to human health and environment
3.9. Continued relocation or transfer to other states of activities and substances that cause severe environmental degradation or are found to be harmful to human health
3,10 Continued disregard for the precautionary principle 4.11. Continued awareness of the harm of exporting banned or withdrawn products on human health
3.12. Increased deterioration of the environment and health through anthropogenic actions
3.13. Continued ecological and human health effects of environmentally destructive model of development
3.14. Continued use of banned and restricted pesticides designated as being hazardous to human or environmental health
3.15. Increased resistance of antibiotics

(4) ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE

4.1. Continued loss of biological diversity
4.2. Continued threat to genetic diversity
4.3. Increased deforestation and land degradation
4.4. Increased soil erosion
4.5. Increased desertification
4.6. Increased loss and degradation of mountain ecosystems
4.7. increased erosion and soil loss in river basins
4.8. Increased watershed deterioration
4.9. Increased marine environment degradation
4.10. Increased vulnerability of marine environment to change
4.11. Increased risk of impact from increase in sea level 4.12. Increased of carbon sinks
4.13. Increased impact of global climate change
4.14. Increased potential of climate change
4.15. Increased depletion of the ozone layer
4.15. Increased threats to the ecological rights of future generations
4.16. Increased environmental damage from waste accumulation
4.17. Unprecedented Increase in environmentally persistent wastes
4.18. Continued trafficking in toxic and dangerous products
4.19. Continued export to developing countries of substances and activities that are banned or restricted in country of origin
4.20. Increased generation of nuclear wastes
4.21. Increased Loss of biodiversity through ecologically unsound practices
4.22. Increased ignoring of carrying capacity of ecosystem
4.23. Continued violation of collective human rights through dumping of toxic, hazardous and atomic wastes is a violation

(5) ACKNOWLEDGMENT OF URGENCY VIOLATION OF HUMAN RIGHTS

5.1. Continued violation of human rights on the basis of gender, sexual orientation, sexual identity, family structure, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socioeconomic conditions

* Continued violations of human rights through the following activities:
* Mistreatment, and hasty judicial procedures
* Lack of respect for due process of law (access to a lawyer or visiting rights)
* Arbitrary detentions
* In camera trials
* Detention without charge and notification to next of kin
* Lack of defence counsel in trials before revolutionary courts
* lack of the right of appeal
* Ill-treatment and torture of detainees
* Torture of the cruelest kind and other inhuman practices
* Widespread routine practice of systematic torture in its most cruel forms
* Wide application of the death sentence
* Carrying out of extra-judicial executions
* Orchestrated mass executions and burials
* Extra judicial killings including political killings
* hostage taking and use of persons as "human shields"
* Constitutional, legislative and judicial protection, while on paper, are revealed as totally ineffective in combating human rights abuses
* Extreme and indiscriminate measures in the control of civil disturbances
* Enforced or involuntary disappearances, routinely practiced arbitrary arrest and detention, including women, the elderly and children
* Abuses of political rights and violation of democratic rights
* Unfair elections
* Activity against members of opposition living abroad

* Harassment and suppression of opposition politically
* Suppression of students and strikers
* Targeting by terrorists of certain members of the press, intelligentsia, judiciary and political ranks
* Failure to grant exit permits

5.3. Increased forced migration of populations of migrants, refugees and displaced persons
5.4. Continued critical situation of children
5.5. Continued concern about discrimination against women despite Human Rights instruments
5.6. Continued barriers faced by women
5.7. Continued female genital mutilation and other harmful practices
5.8. Denial of fundamental rights and freedoms
Suppression of freedom of thought, Media and religion and conscience ¥ systemic discrimination
5.9. Continued denial of moral and humanitarian values through religious intolerance and extremism
5.10 Continued massive violations of human rights, ethnic cleansing and systematic rape
5.11. Continued wars of aggression, armed conflicts, alien domination and foreign occupation, civil wars, terrorism and extremist violence
5.12. Continued violation of human rights of women including murder, torture, systematic rape, forced pregnancy
5.13. Continued ethnic cleansing
5.14. Continued xenophobia. Fear and aversion to foreigners continues throughout the world
5.15. Continued violation of human rights during armed conflict
5.16. Continued discrimination of and violence against women
5.17. Continued violation against indigenous peoples
5.18. Increased violations of the rights of refugees
5.19. Continued insufficient protection of the rights of migrant workers
5.20. Continued marginalization of specific women by their lack of knowledge of their rights and redress
5.21. Continued Insufficient protection of the rights of migrant workers
5.22. Continued multiple discrimination against indigenous women
5.23. Continued gender inequities

(6) DESTRUCTION THROUGH CONFLICT, WAR AND MILITARIZATION

6.1. Continued perpetuation of the substantial global expenditures being devoted to production, trafficking and trade of arms
6.2. Forcing developing countries to undertake inequitable structural adjustment
6.3. Increased poverty
6.4. Continued excessive military expenditures while basic needs are not fulfilled
6.5. Continued massive humanitarian problems through military intervention
6.6. Continued circulation
6.7. Continued war crimes against humanity, including genocide
ethnic massacres , and “ethnic cleansing”
6.8. Increased human and environmental destruction through land mines
6.9. Increased war and civilian amputees as a result of land mines
6.10. Continued death and displacement of people through war
6.11. Continued impact of radiation from nuclear testing on present and future generations
6.12. Continued exposure to radiation on present and future generations
6.13 Continued mining of uranium for use in nuclear weapons
6.14. Continued production, proliferation and testing of nuclear arms
6.15 Continued circulating and berthing of nuclear armed or nuclear powered vessels

Cut file The Attorney General's lawyer cites Francis v Canada /[1956] S.C.R. 618 /at p. /621 /as being the definitive statement on the implementation of international law in Canada.

It is interesting that in more recent case than /1956, /International law is often called upon when there is a gap in National legislation.

In /[1999] 2 S.C.R. /Delisle v. Canada (Deputy Attorney General)

Baudouin J. A. concluded in /59 /that it was not inconsistent with this Court's /1987 /trilogy to find that the simple right to organize into an employee association is protected under s. 2(d). He stated that the denial of the right to unionize in this limited way was inconsistent with the principles set out in the preamble to the /Canada Labour Code /and with Canada's international obligations pursuant to Article /22(2) /of the /International Covenant on Civil and Political Rights/ /999 U.N.T. S. 171./

And in his Analysis at 62 A. Re: /Freedom of Association/

The human animal is inherently sociable. People bind together in a myriad of ways, whether it be in a family, a nation, a religious organization, a hockey team, a service club, a political party, a ratepayers association, a tenants organization, a partnership, a corporation, or a trade union. By combining together, people seek to improve every aspect of their lives. Through membership in a religious group, for example, they seek to fulfill their spiritual aspirations; through a community organization they seek to provide better facilities for their neighbourhood; through membership in a union they seek to improve their working conditions. The ability to choose their organizations is of critical importance to all people. It is the organizations which an individual chooses to join that to some extent define that individual.

In the present case, Delisle v. Canada (Deputy Attorney General) [1999] 2 S.C.R. could be applied, and "Freedom of association" could be extended to include "politics"-Party politics, and "activist politics"-the furthering of the public trust or common security: the guaranteeing of human rights, the striving to prevent war and conflict, the protecting of the environment, and the ensuring of social justice.

Beaudoin continues at 69 to refer to the role of international law:

The fundamental freedom of the individual simply to participate in a union is widely recognized in provincial and federal statutes and in international covenants to which Canada is a party. For example, s. 6 of the /PKSRA /specifically protects this basic right for employees who are subject to its labour relations provisions, in the following terms:

And at 71 Beaudoin discusses the imposition of "lawful restrictions"

The same protections contained in the federal statutory labour relations regimes are found in several international instruments to which Canada is a signatory. These include Article 23(4) of the /Universal Declaration of Human /Rights, G.A. Res. 217 A (111), U.N. Doc. A/810, <http://U.N.Doc.A/810,> at 71 (1948); Article 22 of the International Covenant /on Civil and /Political Rights; Article 8 of the International Covenant /on Economic, Social and Cultural /Rights, 993 U.N. T.S. 3, Articles 2 and 3 of the International Labour Organization's /Convention (No. 87) Concerning Freedom of Association and Protection of the /Right /to Organize, /67 U_N.T. S. 17, and the /Conference on Security and Co-operation in Europe -- Concluding Document /(Madrid Conference (1983)), 22 I.L.M. 1398, p. 1399, at para. 13. All of these instruments protect the fundamental freedom of employees to associate together in pursuit of their common interests as employees. Several of these international agreements do recognize the right of Canada and other states to impose lawful restrictions on the armed forces and police where that is necessary to protect national security or public safety. However, we see such restrictions as premised upon lawful justifications for infringement of the freedom to associate, and thus relevant under s. I of the /Charter, /rather than as part of the definition of freedom of association itself.

In distilling the contents of the head of "particular social group", account should be taken of the general underlying themes of the defence of human rights and anti–discrimination that form the basis for the international refugee protection initiative. A good working rule for the meaning of "particular social group" provides that this basis of persecution consists of three categories: (1) groups defined by an innate, unchangeable characteristic; (2) groups whose members voluntarily associate for reasons so fundamental to their human dignity that they should not be forced to forsake the association; and (3) groups associated by a former voluntary status, unalterable due to its historical permanence.

International refugee law was formulated to serve as a back-up to the protection owed a national by his or her state. It was meant to come into play only in situations where that protection is unavailable, and then only in certain situations. The international community intended that persecuted individuals be required to approach their home state for protection before the responsibility of other states becomes engaged.

An important question of law could be raised in relation to Canada's international obligations. It should be noted that if a citizen exhausts all domestic remedies then under the optional protocol the citizen is entitled to go to the UN Human Rights Commission. Canada is signatory also of the Optional Protocol to the International Covenant of Civil and Political Rights.

Unfortunately, as recently as January 16, 2002 in the Attorney General's submission to my court case, the Deputy Attorney General of Canada Morris Rosenberg demonstrated the Department of Justice's disregard for the 1982 commitment to the global community:

He responded to my reference to the international Covenant of Civil and Political Rights in the following way:

-Alleged violation of the International Covenant of Civil and Political Rights
12. The plaintiff refers to the International Covenant of Civil and Political Rights in Para 7 of the Statement of Claim. However, a factual basis for any alleged violation of the rights recognized in that Convention [Covenant] has not been pled.

-. Moreover, for international treaties or conventions signed by Canada to provide an arguable right in domestic law they must be expressly incorporated into domestic legislation. It is trite law that international treaties and conventions are not part of Canadian law unless they have been implemented by statute.

See Francis v Canada (1956] S.C.R., 618 at p. 621
Capital Cities Communications Inc v Canadian Radio-Television Commission [1978] 2 S.C.R. 141 at p. 172-173

- The alleged discrimination on the grounds of "politics" has not been legislated by Parliament and as such, does not have the effect of law.

All of which is respectfully submitted.

January 16, 2002
Morris Rosenberg Deputy Attorney General of Canada

( ) the placing of citizens , including a leader of a registered political party, on a Threat Assessment list is in violation of _Article 2 b, c, and d of the Canadian Charter of Rights and Freedoms_,_ _and has the consequential implication of creating what has been referred to as a "libel chill". In addition, it has been argued that discriminating on the ground of belonging to a political party could come under the violation of right of freedom of association.

Department of Justice
Elaboration on January 23, 2002.
Access to Information Request:

1 a Explanation and Documentation about the reason that after following all the subsequently listed designated processes a citizen has not been able to find out why the citizen was perceived to be a threat to Canada, and placed on a Threat Assessment List:

(i) RCMP Complaints, RCMP Review, CSIS, SIRC and Federal Court (against the AG)

(ii) over 60 processes within various government departments, =

(iii) Numerous requests for reviews by Privacy Commissioners, and by the Access to Information Commissioner

Judicial opinion on whether there is an over-reliance on department criteria for determining what would constitute and exemption, "for military and international security reasons", under the Privacy Act and under the Access to Information Act.

b (i) description of remedies available for citizens who have followed all of the above mentioned processes for "the Right to Correction", and removal off lists. [analogous application of international principle affirmed in the International Convention on the Right to Correction].

(ii) documentation related to the "simple process available" [statement from former Minister of Justice] for those that wish to be removed from lists

(iii) documentation related to the rationale for citizens' being offered the opportunity of addressing, through the Federal Court, their being placed on lists, coupled with the rationale for citizens being required to pay costs

c. all documentation supporting the difference in government policy between access to information for a citizen placed on a "Threat list" and access to information for a citizen placed on a "Terrorist list". In appearing before the committees examining Bill C36 (Anti-terrorism legislation). The former Justice Minister, Honorable Anne McLelland stated: "if someone's name appeared on the Terrorism list", there is an easy process to follow to find out why this occurred".

-. rationale for the failure to include political and other opinion in the Charter of Rights and Freedoms".. "Political and other opinion" is a listed ground in most international human rights instruments, such as the International Covenant of Civil And Political Rights

d. rationale for not requiring the government to abide by on the following 1982 commitment to the international community:

1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis a vis International obligations

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

Assessment of the interplay between "political and other opinions" and "legitimate dissent"

e. Justification for the targeting of individuals who are engaged in legitimate dissent

f. provisions in place for preventing the exchange of threat list to other states

g. Judicial opinion on what would constitute legitimate dissent under the CSIS Act, and on whether CSIS agents are sufficiently trained to distinguish legitimate dissent from those involved with criminal subversion, and real threat to national and international security

h. provisions for a judicial review of exemption clauses used on the Access to Information Act, and Privacy Act

i. Explanation for Attorney General's disregard in the Federal Court for international law: obligations incurred though Conventions, treaties, and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions.

j. Documentation on criteria used to place citizens on threat lists, and copies of the assessment by the Department of Justice on whether these criteria contravene obligations under the International Covenant of Civil and Political Rights to not discriminate on the ground of political or other opinion.

k. Documentation of oversight process and judicial opinions related to the commitment made by former Minister of Justice, the Honorable Ann McLelland, re: lists provided by other nations: "We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight."

"In fact we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight". (former Minister of Justice, the Honorable Ann McLelland).

(l) documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists

( ) Her Charter rights were denied through the government's violation of the CSIS Act. Under the CSIS Acgt, CSIS is not supposed to target those engaged in lawful protest and advocacy:

"The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated. "

( ) The PMO gave orders to the RCMP to classify as threats citizens that engage in lawful advocacy, protest, or dissent. There appear to be no provisions in the PCO to ensure that CSIS and the RCMP abide by their statutory requirements. In addition, it appears that the PMO/PCO, by treating "activists" engaged in legitimate dissent as threats, is prepared to discriminate on the grounds of political and other opinion, in contravention of the International Covenant of Civil and Political Rights,

Interference by the PMO in the RCMP's mandate to abide by the rule of law and the charter of rights and freedoms

( ) It appears that If the RCMP allowed itself to be used by the PMO for political ends, this is not something to be dismissed lightly; I was at APEC with an assignment from a local news paper.

( ) Even after there was considerable evidence to demonstrate that Prime Minister Chrétien interfered with the administration of justice, at APEC, there is no accessible document indicating that the PCO/PMO has instituted measures to prevent further interference from the prime ministers; office.

( ) It appears that there was political interference in the instructions to the RCMP; instructions which most likely resulted in Russow being designated as a “threat”

( ) The government agencies have failed to clearly delineate what actions must be taken to address the issue of political interference by the Prime Minister’s office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

( ) Even after there was considerable evidence to demonstrate that Prime Minister Chrétien interfered with the administration of justice, at APEC, there is no accessible document indicating that the PCO/PMO has instituted measures to prevent further interference from the prime ministers; office.

( ) The RCMP may have sacrificed rights of Canadian citizens to advance political motives:
at 31, Andrew D. Irwin surmised that :
the RCMP may have sacrificed the rights and liberties of Canadian citizens in order to advance a number of purely political objectives of the Prime Minster's office (PMO) if it acted outside its lawful authority (IBID Andrew D. Irwin, p.30)
And he poses the following question:
“- did the RCMP allow itself to be influenced, at least in party by political directives from the PMO rather than by security concerns while carrying out its mandate to protect summit delegates”. (Andrew D. Irwin, p.31)

and then responded at p. 40
-if is important to learn whether Canada’s chief law enforcement agency allowed itself to be influenced, at lease in part, by political directives from the PMO rather than solely by security concerns--while carrying out its mandate to protect summit delegates. (Andrew D. Irwin, p.40)
Attorney General Vs Dr Joan Russow
1. FACTS: CHRONOLOGY

2. PLEADINGS

(A) SUBSTANTIATION OF “RIGHT INTENTION” TO REPAY LOAN

(B) DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

(C) UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

(D) VIOLATION OF CHARTER RIGHTS AND DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION

(E). ON-GOING DEFAMATION SUIT: INTERDEPENDENCE OF INTENTION TO REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING DEFAMATION CASE LINKED TO STUDENT LOAN

18 AUGUST 2001: The Criminalization of Dissent

The Criminalization of Dissent The Ottawa Citizen Sat 18 Aug 2001
The complete 5 part series on "the criminalization of dissent"

Keeping the public in check: Special Mountie team, police tactics threaten right to free speech and assembly, critics say; Police targeting ordinary Canadians 'because they don't like their politics'
The Ottawa Citizen Sat 18 Aug 2001 News A1 / Front Series
David Pugliese and Jim Bronskill

Faced with a growing number of large demonstrations, the RCMP has quietly created a special unit to deal with public dissent.

The new team of Mounties, called the Public Order Program, was established in May to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies,
according to an RCMP document obtained by the Citizen.

The RCMP's move to strengthen its capacity to control demonstrations comes amid increasing concern about how the government and police respond to legitimate dissent.

The new unit will also examine how to make better use of "non-lethal
defensive tools," such as pepper spray, rubber bullets and tear gas, indicates the document, a set of notes for a presentation to senior Mounties earlier this year.

Select officers will be run through a "tactical troop commanders' course" to prepare them for dealing with public gatherings.

The Public Order Program is intended to be a "centre of excellence" for handling large demonstrations, allowing the Mounties to keep up with the latest equipment, training and policies, said RCMP Const. Guy Amyot, a force spokesman. "It gives us some more tools to work with."

The initiative, sparked by a spate of ugly confrontations between protesters and police at global gatherings, comes as Canada prepares to host leaders of the G8 countries in Alberta next year.

"With all the violence going on, we had to create a unit that could help us (with) providing security," said Const. Amyot.

But for some, the right to free speech and assembly in Canada has become precarious at best. The recently released APEC inquiry report focused on certain questionable RCMP activities during the 1997 gathering of Asia-Pacific leaders in Vancouver, including the arrest of demonstrators and use of pepper spray. Almost overlooked in the review, however, was an apparent shift in police and government attitudes toward a "criminalization of dissent."

Behind the scenes, law enforcement agencies are directing their efforts at organizations and individuals who engage in peaceful demonstrations, according to civil rights experts. The targets are not extremists, but ordinary Canadians who happen to disagree with government policies.

Officers from various police forces and the Canadian Security Intelligence Service have infiltrated, spied on or closely monitored organizations that are simply exercising their legal right to assembly and free speech. Targets of such intelligence operations in recent years, according to federal documents obtained by the Citizen, range from former NDP leader Ed Broadbent to the Raging Grannies, a senior citizens' satire group that sings about social injustice.

Individuals have been arrested for handing out literature condemning police tactics. Large numbers of Canadians and legitimate organizations, from the United Church of Canada to Amnesty International, have found themselves included in federal "threat assessment" lists alongside actual terrorist groups.

And in what some consider blatant intimidation, RCMP and CSIS agents are showing up unannounced on the doorsteps of people who voice opinions critical of government policy or who plan to take part in demonstrations.

In coming weeks, the Canadian Association of University Teachers will meet in Ottawa with senior RCMP officials to express grave concerns in the academic community about campus visits by the Mounties.

The meeting arises from the police force's questioning of Alberta professor Tony Hall about his views on the spring Summit of the Americas in Quebec City. A University of Lethbridge academic, Mr. Hall wrote an article critical of the effect of free trade agreements on indigenous people and was involved in organizing an alternative summit for aboriginals. Neither warranted a visit from police, say his colleagues. "Whether you agree with him or not, I think he has the right to raise those questions," says David Robinson, associate executive director at the association of university teachers.

The Canadian Civil Liberties Association has led calls for an investigation into allegations police abused their powers by firing more than 900 rubber bullets and using 6,000 cans of tear gas to subdue protesters at the Quebec City summit in April. Also of concern for the association is the possibility police targeted individuals even though they were non-violent.

Others, such as University of British Columbia law professor Wesley Pue, say police operations against legitimate dissent have already crossed the line.

"When the police start spying on people because they don't like their politics, you've gone a long way away from what Canadian liberal democracy is supposed to be about," says Mr. Pue, editor of the book Pepper in Our Eyes: The APEC Affair.

Such notions are rejected by police and politicians. Quebec government officials have dismissed a call for a public inquiry into how officers treated protesters at the Quebec City summit. Quebec Public Security Minister Serge Menard summed up his attitude shortly before the summit: "If you want peace," he said, "prepare for war."

CSIS officials maintain they don't investigate lawful advocacy or dissent. The RCMP say they are simply doing their job in the face of more violent protests at public gatherings.

For his part, federal Solicitor General Lawrence MacAulay doesn't see anything wrong with the RCMP questioning Canadians who want to take part in demonstrations.

In a July 31 letter to the university teachers' association, he defended Mountie security practices for the Quebec City event. "The RCMP performed ongoing threat assessments, which included contacting, visiting and interviewing a number of persons who indicated their interest or intention in demonstrating."

But civil rights supporters contend such statements miss the point. Merely signaling interest in attending a demonstration or openly disagreeing with government policies -- as in Mr. Hall's case and others -- shouldn't be grounds for police to question an individual. They say actions by police and CSIS over the last several years appear to have less to do with dealing with violent activists than targeting those who speak out against government policies.

For instance, in January, police threatened a group of young people with arrest after they handed out pamphlets denouncing the security fence erected for the Quebec City summit as an affront to civil liberties. Officers told the students any group of people numbering more than two would be jailed for unlawful assembly. A month later, plainclothes police in Quebec City arrested three youths for distributing the same pamphlet. Officers only apologized for the unwarranted arrests after media reported on the incident.

In the aftermath of the Quebec City demonstrations, some protesters were denied access to lawyers for more than two days. Others were detained or followed, even before protests began.

Police monitored the activities of U.S. rights activist George Lakey, who traveled to Ottawa before the summit to teach a seminar on conducting a peaceful demonstration. Mr. Lakey was questioned for four hours and his seminar notes confiscated and photocopied by Canada Customs officers. Later, a Canadian labour official who offered Mr. Lakey accommodation at her home in Ottawa was stopped by police on the

street and questioned for 30 minutes.

Const. Amyot insists the RCMP recognize the right of people to demonstrate peacefully. "We have always said that, and we do respect that."

However, the events leading up to Vancouver's 1997 Asia-Pacific Economic Co-operation summit set the stage for what some believe is now an unprecedented use of surveillance by the Mounties and other agencies
against lawful groups advocating dissent. Before and during the APEC meetings, security officials compiled extensive lists that included many legitimate organizations whose primary threat to government appeared to be a potential willingness to exercise their democratic rights to demonstrate.

Threat assessments included a multitude of well-known groups such as the National Council of Catholic Women, Catholic Charities U.S.A., Greenpeace, Amnesty International, the Canadian Council of Churches, the Council of Canadians and the International Centre for Human Rights and Democratic Development.

Intelligence agencies also infiltrated legitimate political gatherings.A secret report produced by the Defence Department, obtained through the Access to Information Act, details the extent of some of the spy missions. It describes a gathering of 250 people on Sept. 12, 1997, at the Maritime Labour Centre in Vancouver to hear speeches by former NDP leader Ed Broadbent and New Democrat MP Svend Robinson. "Broadbent is extremely moderate and cannot be classified as anti-APEC," notes the analysis, prepared by either CSIS or a police agency. "The demographics of the crowd was on average 45-plus, evenly divided between men and women. They were 95 per cent Caucasian and appeared to be working class, east end, NDP supporters."

Additional reports detailed a forum by the Canadian Committee for the Protection for Journalists and meetings planned by other peaceful organizations.

Law enforcement's notion of what constitutes a threat to government is disturbing to some legal experts. Law professor Wesley Pue notes that anyone's politics can be deemed illegitimate to those in power at some
point in time. He sees irony in the recent mass protests against federal stands on trade and the environment. "The so-called anti-globalization movement articulates many views that were official Liberal party policy
up until the government got elected," says Mr. Pue.

Police tactics used four years ago at APEC have since become commonplace at almost all demonstrations. Criminal lawyer Clayton Ruby has noted how police have found a way to limit peaceful protests. Demonstrators don't get charged for speaking publicly. Instead they are arrested for
obstructing police if they don't move out of the way. In most cases,charges aren't laid or they are later dropped because of a lack of evidence. In the meantime, police usually insist bail conditions stipulate demonstrators stay away from a protest.

"We've made it so easy for governments to criminalize behaviour and speech they don't like," Mr. Ruby said around the time of the Quebec City summit. "They disguise the fact that they're punishing free speech."

Another disconcerting trend, according to civil liberties specialists, is the police practice of photographing demonstrators, even at peaceful rallies. Earlier this year, a whole balcony of cameras collected images of the non-violent but lively crowd outside the Foreign Affairs Department in Ottawa.

"There is now the idea that you can't be an anonymous participant at a public gathering," says Joel Duff, a protest organizer and former president of the University of Ottawa's graduate students association. "If you're not ready to have a police file, then you can't participate -- which in my view is a curtailment of your democratic rights."

The RCMP's Const. Amyot acknowledges police take photos of demonstrators, even if a protest is peaceful. The pictures can be used in court if the event turns violent, he notes.

But photos from peaceful demonstrations are destroyed, according to Const. Amyot. "We're not investigating these people," he says. "These are just being taken to ensure if something happens we'll know what happened so we'll have evidence for safety purposes."

But such tactics can have chilling effect on lawful dissent. After it was revealed at the APEC inquiry that intelligence agencies spied on the Nanoose Conversion Campaign because of its stand against nuclear weapons, some of the B.C. organization's members started having second thoughts about their involvement, even though the group conducted only peaceful rallies.

"There was a concern (among some) about whether the government could make their life difficult," says Nanoose Conversion Campaign organizer Ivan Bulic.

It is not only in Canada that official reaction to vocal public opposition is being questioned. The Italian government's inquiry into the handling of the demonstrations at the recent Genoa summit of G8 leaders conceded that police used excessive force and made serious errors in dealing with protesters.

One incident being probed by Genoa prosecutors is an early morning raid on a school used by demonstrators as their co-ordination centre. People were beaten with clubs as they slept and the school was trashed by officers. Sixty-two demonstrators were injured, and government officials have recommended firing the senior police officers involved. Police in the U.S. are also using tactics similar to their Canadian counterparts, such as pre-emptive arrests, surveillance and the infiltration of groups.

Hundreds of activists were jailed last year in advance of protests against the Republican Party in Philadelphia and Washington. Most of the cases were later dismissed by the courts since police could offer no valid reasons for the arrests.

Last year, undercover officers posing as construction workers infiltrated a warehouse in Philadelphia where demonstration organizers were making puppets as part of their protests against the Republican Party. Seventy puppet-makers were charged with various offences, but again, the courts dismissed the counts. At the same time, police were monitoring the Internet activities of the puppet group.

The mass arrest of protesters, even if they aren't engaged in violence, has also become common. Last April, Washington police rounded up 600 demonstrators marching against poor conditions in U.S. prisons. In their sweeping arrests, officers also scooped up tourists watching the rally from the sidelines.

Such actions, however, haven't gone unchallenged. Several lawsuits against police forces have been filed by the American Civil Liberties Union and the National Lawyers Guild.

In Canada, aside from comments by civil rights experts and opposition politicians, there has been little outrage among the public or lawmakers.

In part this can be traced to media coverage that emphasizes the actions of a small number of violent protesters while neglecting largely peaceful events, says Allison North, a Canadian Federation of Students official and rally organizer. All protesters are branded as troublemakers, she says.

Mr. Duff, the student organizer, notes the scope of the damage at the Quebec City summit was never put into perspective by the media and the public was left with the notion protesters caused widespread

destruction. "The stuff that happened in Quebec City was nothing in comparison to a regular St-Jean-Baptiste Day in Quebec. There they have bonfires in the street whenever they can, and far more property gets destroyed."

He questions whether the public can be complacent about police and government activities in dealing with dissent. Surveillance may now be aimed at people protesting globalization, but such methods can, and will, be used to manage other protests, whether it be against education cuts or reductions in health care budgets, he predicts.

Some are concerned that has already happened. In April the RCMP issued a public apology to the townspeople of Saint-Sauveur, N.B., admitting the force overreacted when it sent a riot squad to handle a group of parents and children protesting the closure of a school in May 1997. Several people were attacked and bitten by police dogs, while others were injured after being hit by tear gas canisters or roughed up by officers. Dozens were arrested in Saint-Sauveur and the nearby town of Saint-Simon, but none was informed of their legal rights. All charges were later dropped.

The APEC report condemned the fact several women protesters were forced to remove their clothes after being arrested. But it wasn't an isolated event. Earlier this year eight female students at Trent University in Peterborough were arrested, stripped and searched by police. Their alleged crime was to protest the closing of the university's downtown college.

Such extreme reactions tend to galvanize people, says Mr. Duff. Those who peacefully demonstrate, only to be tear-gassed or arrested, tend to emerge as more committed protesters, he says.

Const. Amyot says the RCMP's new Public Order Program will ensure the safety of delegates, demonstrators and police at future summits.

Mr. Pue believes the security for major gatherings should be decided through public debate and parliamentary scrutiny, instead of letting police to make up rules as they go along.

For instance, there are no Canadian laws to allow for the installation of a perimeter fence limiting the movement of protesters at international meetings, Mr. Pue notes. Yet a large fence was built for Quebec City and such barriers will likely be fixtures at coming events. "That's not the kind of discretion that should be left to police officers in secret."

- - - Cracking Down on Protesters Today the Citizen begins a major series on what some are calling "the criminalization of dissent." In the days ahead: - Activists on Vancouver Island were surprised to learn the police knew their tactics in advance. - Authorities added another line to Green Party leader Joan Russow's resume: threat to national security. - Organize a protest today and you can expect a Mountie to knock on your door. - The APEC affair showed the RCMP is willing to go undercover to dig up dirt.

Final Criminalizing Dissent Photo: An intelligence source relayed word

to the military that the Raging Grannies, a satirical singing group whose protest songs are designed to raise awareness of social justice and environmental issues, intended to hold a protest in the autumn of 1997.; Colour Photo: Julie Oliver, The Ottawa Citizen / Faced with mass demonstrations such as the one at the Summit of the Americas in Quebec City in April, the RCMP decided to establish a new unit, the Public Order Program, to find other non-lethal ways of controlling protests.
The Ottawa Citizen Spying on the protest movement: Private e-mails find way into military hands; 'I think they enjoy the cloak and dagger stuff'
The Ottawa Citizen Sun 19 Aug 2001 News A1 / Front Crime; Series David Pugliese and Jim Bronskill

VICTORIA -- Government agents spied on Vancouver Island peace activists, learning of their intention to build a giant puppet of Liberal cabinet minister David Anderson and to write a series of newspaper letters critical of federal policies.

Heavily edited government records show plans by the Nanoose Conversion Campaign and the satirical Raging Grannies to hold a peaceful demonstration in October 1997 were intercepted by an unidentified intelligence source and forwarded to the Canadian military.

The demonstrators hoped to raise concerns about visits of U.S. nuclear-powered warships to the Nanoose torpedo test range as well as war games being conducted off Vancouver Island. The military was tipped off to their protest, including a suggestion to fashion an effigy of Mr. Anderson, the senior federal minister for B.C., waving an American flag, according to documents obtained by the Citizen.

The records, and other military documents detailing the monitoring of a public service union and a group of Muslim students, raise questions about the extent of government spy operations against lawful organizations and individuals engaged in peaceful protest.

Ivan Bulic, involved with the Nanoose Conversion Campaign at the time, says the military appears to have obtained the minutes from one of the group's meetings. Those minutes were sent by e-mail to a very limited number of people.

Mr. Bulic says the minutes were either intercepted in cyberspace or by someone listening in to telephone conversations. It is also possible a government informant had infiltrated the organization.

Either way, federal spies were wasting their time and taxpayers' money, he says. "What we were doing, such as sending letters to newspapers and holding an information picket outside the base gate, are completely legal and bona fide activities," said Mr. Bulic. "Their reaction reflects a 1950's Cold War mentality of where legitimate protests, contrary to the military's view, are deemed a threat. We've been classified as enemies."

The Nanoose Conversion Campaign advocates peaceful protest as a means of trying to end visits of nuclear-armed and nuclear-powered ships to Canadian waters. It often uses the courts to challenge the federal government. Several years ago, the organization unsuccessfully launched a legal action to prevent U.S. Navy warships from dumping pollutants

into Canadian waters. It is currently in court, contesting the federal government's expropriation of the Nanoose torpedo test range from the province of B.C.

Lt.-Cmdr. Paul Seguna, a Canadian Forces spokesman, said the military's National Counter-Intelligence Unit received the information about the protest plans from a source, but he declined to identify that individual or agency. "In this case we were not the lead agency," said Lt.-Cmdr. Seguna. "This information is obtained on a shared basis with other federal agencies and police forces."

The National Counter-Intelligence Unit's job is to monitor and counteract foreign espionage, terrorism, sabotage, criminal activity and threats to military personnel or installations. According to a statement from the Canadian Forces, "in the absence of a security threat (the unit) does not collect information on individuals, legal assemblies or organizations."

However, there is evidence military spies are interested not only in citizens who demonstrate against defence policies, but anyone who might cast the Forces in a bad light.

In May 1998 the counter-intelligence unit turned its attention to the Public Service Alliance of Canada, which was planning a protest against job cuts at the Defence Department. The unit gave advance warning to senior Defence officials of the union's intention to demonstrate during a visit by Defence Minister Art Eggleton at a Montreal base. Although the unit acknowledged to military commanders that such demonstrations were usually peaceful, it recommended monitoring the situation and working with the RCMP's criminal intelligence branch in reporting any new developments.

With no direct threat involved, why would a military spy organization be worried about public servants gathering to protest job cuts? The counter-intelligence report on the event, obtained by the Citizen, provides the answer: "There is potential for public embarrassment to the (Defence minister) given that the media has been informed" about the demonstration, it warned.

The unit's monitoring has also extended into the realm of religious organizations. A January 1998 threat assessment noted a group of Muslim students from the University of New Brunswick had purchased an old building in Moncton. The threat posed by the students, however, was "assessed as negligible." They had turned the building into a mosque.

Intelligence analysts say the military's preoccupation with monitoring potential protesters stems from the Defence Department's desire to be warned about anything that might be politically or publicly embarrassing.

"It's partly because they don't have the Cold War anymore so they don't have much else to do, but also it reflects the Defence Department's new priorities," said John Thompson, who studies terrorism trends for the Mackenzie Institute, a Toronto-based think tank. "If the Raging Grannies are going to show up, DND wants to know about it first."

Such efforts are misplaced, however, suggests Mr. Thompson. "These types of people aren't the ones who are going to be bringing Molotov cocktails and bats to a protest march."

Raging Granny Freda Knott finds it amusing that government spies feel they have to keep tabs on her group, a small collection of senior citizens who sing songs to highlight social injustices.

"If they think they'll find that we're out to destroy our country then they're very wrong," said the 65-year-old Victoria resident. "We want to make the world a better place for our grandchildren, for all grandchildren. I don't see too much wrong with that."

Mr. Bulic says the Nanoose Conversion Campaign had an inkling it was being spied on after the group's name was included in a threat assessment tabled in 1998 at the inquiry into RCMP actions at the Vancouver APEC summit. The assessment, sent to various military units, listed the conversion campaign, the Anglican Church of Canada, Amnesty International, the Council of Canadians and others alongside terrorist groups as organizations that might protest or cause disruptions at the 1997 summit.

Lt.-Cmdr. Seguna says just because a group is included in a threat assessment does not mean it is considered a danger to the Canadian Forces. Military intelligence officials simply compile information that might affect security at an event. "How do you decide who not to look at?" asks Lt.-Cmdr. Seguna. "There may be a group that generally is not threatening. But in some of these there may be sub-groups that, for one reason or another" may participate in violence, he adds.

Documents show intelligence agencies have taken an interest in the Nanoose Conversion Campaign and other peace groups for many years. According to a March 1995 threat assessment by the Defence Department such groups have been listed because they protested at military bases or held peace walks.

A September 1997 message from National Defence Headquarters, marked secret, ordered counter-intelligence officers in each major Canadian city to report on any organizations involved in anti-nuclear activities, or which planned or "advocated" a demonstration.

It's that type of mentality that worries Mr. Bulic. He can understand the need to monitor actual terrorist groups but questions why authorities are so preoccupied with those who exercise their democratic right to disagree with government policies.

After the threat assessment listing the Nanoose Conversion Campaign was made public at the APEC inquiry, Mr. Bulic wrote Mr. Eggleton asking for an explanation of the military monitoring of a law-abiding organization.

The minister did not reply. But a short time later, Mr. Bulic received a phone call from military intelligence officials in Ottawa. The captain on the line wasn't about to apologize for what happened. Instead, he demanded to know how the conversion campaign had been able to obtain such a secret assessment.

"I think they enjoy the cloak-and-dagger stuff," says Mr. Bulic. "It seems to be the only way they know how to operate."

- - - Cracking Down on Protesters Today is the second installment in the Citizen series on "the criminalization of dissent." In the days ahead: - Authorities added another line to Green Party leader Joan Russow's resume: threat to national security. - Organize a protest today and you can expect a Mountie to knock on your door. - The APEC affair showed the RCMP is willing to go undercover to dig up dirt.

Final Criminalizing Dissent Photo: Patrick Doyle, Ottawa Citizen / In May 1998, Defence Minister Art Eggleton was given advance warning by the National Counter-Intelligence Unit of a PSAC protest against job cuts. VICTORIA The Ottawa Citizen Secret files chill foes of government: State dossiers list peaceful critics as security threats The Ottawa Citizen Mon 20 Aug 2001 News A1 / Front Crime; Special Report Jim Bronskill and David Pugliese

The credentials on Joan Russow's resume are rather impressive. An accomplished academic and environmentalist, she served as national leader of the Green Party of Canada. The Victoria woman had also earned a reputation as a gadfly who routinely shamed the government over its unfulfilled commitments.

But Ms. Russow, 62, was dumbfounded when authorities tagged her with a most unflattering designation: threat to national security.

Her name and photo turned up on a threat assessment list prepared by police and intelligence officials for the 1997 gathering of APEC leaders at the University of British Columbia.

"All these questions start to come up, why would I be placed on the list?" she asks. Mr. Russow is hardly alone. Her name was among more than 1,000 -- including those of many peaceful activists -- entered in security files for the Asia-Pacific summit.

The practice raises serious concerns about the extent to which authorities are monitoring opponents of government policies, as well as the tactics that might be employed at future summits, including the meeting of G-8 leaders next year in Alberta.

Ms. Russow had been a vocal critic of the federal position on numerous issues, expressing concerns about uranium mining, the proposed Multilateral Agreement on Investment and genetically engineered foods.

Just weeks before the Vancouver summit, she gave a presentation arguing that initiatives to be discussed at APEC would undermine international conventions on the environment.

However, Ms. Russow went to the summit not as an activist, but as a reporter for the Oak Bay News, a Victoria-area community paper. Security staff questioned whether the small newspaper was bona fide and pulled her press pass.

But the secret files on Ms. Russow suggest there may be more to the story. She wouldn't have even known the threat list existed if not for

the tabling of thousands of pages of classified material at the public inquiry into RCMP actions at APEC, which focused on the arrest and pepper spraying of students on the UBC campus.

The threat assessment of Ms. Russow, prepared prior to the summit, describes her as a "Media Person" and "UBC protest sympathizer." A second document drafted by threat assessment officials during the summit characterizes Ms. Russow and another media member as "overly sympathetic" to APEC protesters. "Both subjects have had their accreditation seized."

Ms. Russow later complained, without success, about the revocation of her pass. Officials with the Commission for Public Complaints Against the RCMP concluded the RCMP did nothing wrong. But despite exhaustive inquiries, a frustrated Ms. Russow has yet to find out how and why she was even placed on a threat list.

The APEC summit Threat Assessment Group, known as TAG, included members of the RCMP, the Canadian Security Intelligence Service, the Vancouver police, the Canadian Forces, Canada Customs and the Immigration Department.

The TAG files were compiled on a specially configured Microsoft Access database that "proved very successful in capturing and analyzing intelligence," says a police report on the operation, made public at the APEC inquiry.

Much of the information came from "existing CSIS and RCMP networks" as well as Vancouver police members. Other data were funneled to TAG by RCMP working the UBC campus, including undercover officers and units assigned to crowds.

By the end of the summit, the TAG database had swelled to almost 1,200 people and groups, including many activists and protesters. Ms. Russow's photo appeared in a report alongside the pictures and dates of birth of several other people. One is described as a "lesbian activist/anarchist" considered "very masculine."

Several are simply labeled "Activist" -- making Ms. Russow wonder how they wound up in secret police files. "Why are citizens who engage in genuine dissent being placed on a threat assessment list?"

The practice of collecting and cataloguing photographs of demonstrators is worrisome, says Canadian historian Steve Hewitt, author of Spying 101: The Mounties' Secret Activities at Canadian Universities, 1917-1997, to be published next year.

"There's tremendous potential for abuse. One would suspect that they're compiling a database. And clearly, there's probably sharing going on between countries," said Mr. Hewitt, currently a visiting scholar at Purdue University in Indiana.

"Your picture is taken and it's held in a computer, and when it might come up again, who knows?" The RCMP, CSIS and other Canadian agencies have long shared information with U.S. officials, a cross-border relationship that has grown closer to deal with smugglers, terrorists

and, most recently, protesters who come under suspicion.

Canada Customs and Revenue Agency staff have access to a number of automated databases and intelligence reports that help screen people trying to enter the country.

Several protesters who were headed to the Summit of the Americas in Quebec City last April were either denied entry to Canada or subjected to lengthy delays, luggage searches and extensive questioning -- and the rationale was not always clear.

At a recent Commons committee meeting, New Democrat MP Bill Blaikie confronted RCMP Commissioner Giuliano Zaccardelli and Ward Elcock, the director of CSIS, about scrutiny of activists.

An incredulous Mr. Blaikie recounted the case of a U.S. scientist who was questioned by Customs officials for about an hour last spring upon coming to Canada to speak at a conference about his opposition to genetically modified food.

"Are people being trailed, watched, interviewed and harassed at borders because of their political views?" Mr. Blaikie asked, noting the "chilling effect" of such attention.

The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals considered a threat to the established order, devoting its energies through much of the 20th century to the hunt for Communist agents and sympathizers.

The vast list of targets left few stones unturned, providing the Mounties with intelligence on subjects as wide-ranging and diverse as labour unions, Quebec separatists, the satirical jesters of the Rhinoceros Party, American civil rights activist Martin Luther King, the Canadian Council of Churches, high school students, women's groups, homosexuals, the black community in Nova Scotia, white supremacists and foreign-aid organizations.

CSIS inherited about 750,000 files from the RCMP upon taking over many intelligence duties from the Mounties in 1984. As the end of the Cold War loomed in the late 1980s, the intelligence service wound down its counter-subversion branch, turning its focus to terrorism.

However, the emergence of a violent presence at anti-globalization protests has spurred CSIS to once again scrutinize mass protest movements, working closely with the RCMP and other police.

One of the threat assessment documents on Ms. Russow lists not only her date of birth, but hair and eye colour and weight -- or rather what she weighed in the 1960s, perhaps a clue as to how long officials have kept a file on her.

In 1963, a young Ms. Russow taught English to a Czechoslovakian military attache in Ottawa. She was asked by RCMP to report to them about activities at the Czech embassy, but refused. She surmises that may have prompted the Mounties to open a file on her -- a dossier that could have formed the basis of the APEC threat citation more than 30 years later.

Ms. Russow is disturbed that she learned of the official interest in her activities only by chance. And she worries about the untold ramifications such secret files might have.

"How many people have had their names put on the list and never know?"

Final Special Report: Criminalization of Dissent Photo: The public inquiry into the RCMP's actions at APEC revealed a secret threat list that labeled Joan Russow, leader of the Green Party, as 'overly sympathetic' to protesters.; Photo: The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals, including U.S. civil rights activist Martin Luther King.
How police deter dissent: Government critics decry intimidation The Ottawa Citizen Tue 21 Aug 2001 News A1 / Front News David Pugliese and Jim Bronskill

It usually begins with a public comment criticizing government policy or the posting of a notice calling for a demonstration against a particular cause.

Then comes the phone call or knock on the door by RCMP officers or Canadian Security Intelligence Service agents. The appearance and tone of the callers are professional. But their questions, directed at people involved in organizing legitimate, peaceful protests, are seen as anything but benign. Those who have endured the process view such incidents as blatant attempts to quash free speech.

The tactic of police or spies arriving unannounced on the doorsteps of demonstration organizers or people just contemplating a public rally represents a hardening of the security establishment's dealings with those who openly voice their opinions.

The people receiving the CSIS and RCMP phone calls or visits are not extremists. They're ordinary Canadians -- union members, students, professors and social activists -- who disagree with government policy and want to exercise their rights to free speech and assembly.

"The whole thing is so insulting and to a certain degree very intimidating," says Allison North, a Newfoundland student organizer interviewed by police after she criticized Prime Minister Jean Chretien's record on education.

Ms. North had told a newspaper last May that Mr. Chrétien didn't deserve an honorary degree from Memorial University because of his government's cuts to education funding. Shortly after, an RCMP officer questioned her on whether she planned to do anything to threaten Mr. Chrétien or embarrass him when he picked up his degree.

At that point, according to Ms. North, her organization, the Canadian Federation of Students, didn't even have plans to hold a demonstration.

"To get a phone call suggesting I am a threat to the prime minister is absurd," says Ms. North, who has no criminal record.

When Mr. Chrétien arrived to receive his degree, Ms. North and 19 other

students demonstrated peacefully in the rain outside the convocation hall. As he appeared, they turned their backs on him in mute protest. The students were heavily outnumbered by police and security forces.

The RCMP sees nothing wrong with contacting potential demonstrators in advance and letting them know the force is aware of their intentions. Const. Guy Amyot, an RCMP spokesman, says it is standard policy to visit organizers of protests that may become violent or might give police some cause for concern. "We're meeting people who intend to demonstrate just to make sure it's done legally," he explained. "That's all."

Such meetings are voluntary, Const. Amyot said, and protest organizers can refuse to talk to officers if they want. "If they feel intimidated they just have to tell us they don't want to meet us," he said. "They are not forced to do so."

He acknowledged most of the visits or phone calls have been associated with politically-oriented demonstrations, but added the RCMP respect the right of Canadians to hold legal protests.

Such assurances don't ease the minds of those who have been questioned. It was a rally to protest government inaction on pay equity that prompted a call to a federal union from Canada's spy agency in October 1998.

When the Public Service Alliance of Canada planned a demonstration in Winnipeg outside a conference centre where Mr. Chrétien was scheduled to speak, a Canadian Security Intelligence Service officer phoned union official Bert Beal to question him about the gathering. CSIS wanted to know whether the rally was going to be violent, as well as the number of people attending.

"We're employees of the government legitimately protesting against government decisions that affect our members," says Mr. Beal.

"That is our legal right." PSAC held a peaceful rally, attended by about 150 people and closely monitored by police. Mr. Beal, involved in the labour movement for 30 years, says this was the first time a rally with which he had been involved elicited a call from the national spy service.

CSIS spokeswoman Chantal Lapalme declined to discuss specific instances when the agency has approached people. But she said CSIS does not investigate lawful advocacy or dissent.

"If we have information that there will be politically motivated, serious violence we might investigate and then we'd report the information we obtained to government and law enforcement."

The period leading up to April's Summit of the Americas in Quebec City saw a flurry of such visits. CSIS officials questioned young people in Montreal and Quebec City who had taken part in an October demonstration.

The agents wanted to know about the chance of violence at the April gathering. Around the same time the RCMP in Quebec visited Development and Peace, a social advocacy organization linked to the Catholic Church,

and other anti-poverty groups to question people about their summit plans.

Also targeted before the Quebec City meeting was University of Lethbridge professor Tony Hall, an expert in aboriginal affairs and a vocal critic of the Mounties.

An officer with the RCMP's National Security Investigations Section questioned Mr. Hall about his writings critical of free trade agreements and their effects on indigenous peoples.

The officer also wanted details of Mr. Hall's involvement in an alternative summit being organized for aboriginal peoples in Quebec City, as well as names of others involved.

Mr. Hall's case was raised in the Commons by NDP leader Alexa McDonough, who accused the federal government of trampling on the democratic rights of Canadians.

Mr. Chrétien responded that police were just doing their job -- an explanation that failed to satisfy the Canadian Association of University Teachers.

David Robinson, the group's associate executive director, is worried such police tactics threaten academic freedom and open debate on campuses.

Association officials are planning to meet RCMP leaders over what the university group views as a clear violation of the professor's civil liberties.

Final Photo: The Telegram / The RCMP visited student organizer Allison North after she criticized Prime Minister Jean Chretien's record on education funding before he was accepted a honorary degree from Memorial University. The Ottawa Citizen Mounties in masks: A spy story: Undercover tactics go too far, critics say The Ottawa Citizen Wed 22 Aug 2001 News A1 / Front Crime; Series; Special Report Jim Bronskill and David Pugliese

The happy-go-lucky band of protesters wore masks and colourful costumes as they paraded about the University of British Columbia campus on a memorable autumn night in 1997.

After all, it was Halloween. And dressing up lent a festive air to the anti-APEC march just weeks before leaders of Asia-Pacific countries would assemble on the university campus.

But one member of the group had another reason to wear a disguise: he was an RCMP officer. Const. Mitch Rasche, his face hidden by a Star Trek alien mask, accompanied about 30 protesters as they toured the grounds, stopping to place hexes on corporate-sponsored summit sites and even casting a spell on a Coca-Cola machine.

Such spy tactics worry demonstrators and experts on the RCMP, who argue civil rights are being trampled when Canada's national police use undercover techniques to compile information on the anti-globalization

movement.

The roving clutch of Halloween demonstrators included several members of APEC Alert, a group concerned about the effects of the Asia-Pacific alliance's policies on human rights and the environment.

APEC Alert embraced non-violent protest but sometimes advocated civil disobedience. At the new campus atrium, where world leaders would soon gather, the marchers used washable markers to write "Boo to APEC" and "APEC is scary" on the windows.

Standing six-foot-four and weighing a hefty 240 pounds, Const. Rasche, a 17-year RCMP veteran, had trouble blending into the crowd of mostly young, underfed students.

"That's what made him stick out," recalls Jonathan Oppenheim, a physics student who took part in the march. "He was just kind of standing there slightly off to the side, and not really talking to anyone."

Suspicions were further aroused when Const. Rasche's cellphone rang. "I think we have a spy amongst us," said one of the protesters.

Months later, as an inquiry into RCMP actions at the APEC meetings unfolded, the amazed activists would read Const. Rasche's police report on the march and hear his testimony about the escapade, confirming their suspicions.

Indeed, the Halloween episode was part of a much broader surveillance effort. Police documents and inquiry hearings would reveal the RCMP infiltrated anti-APEC groups to gather intelligence about the November 1997 summit, and planned to arrest and charge high-profile members of APEC Alert to remove them before the international event.

The trick-or-treat surveillance of APEC Alert was one of the more striking -- albeit comical -- intelligence-gathering tactics employed by the Mounties in connection with the summit. The RCMP, sometimes in conjunction with Vancouver police, also sat in on protest meetings, interviewed activists about their intentions, photographed participants at events and assigned undercover officers to blend in with protesters, learn their plans and report the findings to central command posts.

Many Canadians are under the mistaken impression the Mounties hung up their spy gear in 1984 when the Canadian Security Intelligence Service assumed most of the duties of the RCMP Security Service, disbanded in the wake of widespread criticism for infringing on civil liberties.

However, the RCMP's National Security Investigations Section (NSIS) probes ideologically motivated criminal activity related to national security such as white supremacy, aboriginal militancy and animal rights extremism.

NSIS, which conducts investigations under the Security Offences Act, is intended to complement CSIS, whose agents also examine and assess security threats, but have no authority to conduct criminal probes or make arrests. NSIS also carries out threat assessments -- analyses of the potential for violence at public events -- in support of the force's

protective policing program.

But during the APEC summit, it appears NSIS strayed beyond the confines of preserving national security. An operational plan tabled at the APEC inquiry says the duties of NSIS's B.C. branch included conducting follow-up investigations on information that indicated a potential threat of not just harm, but "embarrassment" to visiting leaders.

Other documents filed with the inquiry show police closely monitored the plans, meetings and events of protesters in the weeks leading up to the summit.

One typical entry noted a rally to be held in Vancouver the evening of Nov. 4, 1997. "NSIS members plan to provide surveillance coverage at this event to gauge the level of support for the anti-APEC cause at this late stage, and to identify some of the key people attending," wrote an NSIS constable. "Attempts will be made to photograph participants."

The RCMP has adopted the dubious tactic of gathering intelligence on non-violent public interest groups that have nothing to hide, says Wesley Pue, a UBC law professor and editor of the book, Pepper in Our Eyes: The APEC Affair.

"It seems to me the police are routinely crossing the line and forgetting the distinction between legitimate democratic dissent and criminal activity."

Police surveillance of individuals in an academic milieu is particularly troubling because campuses are intended to be places where unpopular ideas are debated, says historian Steve Hewitt, author of the forthcoming book, Spying 101: The Mounties' Secret Activities at Canadian Universities, 1917-1997.

The involvement of NSIS in such activities raises special concerns in that the RCMP spies are subject to less oversight and scrutiny than CSIS agents, he adds.

The Security Intelligence Review Committee, which reports to Parliament, examines CSIS operations to determine whether the spy service has adhered to the law. CSIS also submits a detailed annual report to the solicitor general, and prepares a public version for presentation in Parliament.

There are no such checks on the NSIS. A classified police report tabled at the APEC inquiry describes the behind-the-scenes tactics police employed during the summit and provides a rare look at the inner workings of a Canadian intelligence operation.

"State-of-the art covert/overt intelligence gathering methods were used which provide very accurate intel on anti-APEC gatherings, protesters both pre and during APEC," says the debriefing report.

Police, with help from CSIS, compiled a computerized database on hundreds of people and groups. Officials worked around the clock to produce threat assessments and each morning a secret bulletin was distributed by hand to coordinators, site commanders and a special team

assigned to infiltrate crowds.

The infiltration team was designed as "an intelligence gathering unit and as such provided timely, accurate and pertinent information about the crowds protesting various aspects of APEC," the report reveals.

"Members were able to assess the crowds, identify the ring leaders and determine the goals of the crowd." On one occasion, unit members passed on intelligence about the intentions of 75 demonstrators who blocked the road leading out of the UBC campus.

The crowd infiltration team was sufficiently large that members could be rotated from one area of the campus to another, "in an effort to avoid familiarity" and reduce the chance of their cover being blown.

Scrutiny of the anti-globalization movement by the intelligence community has almost certainly intensified following violent acts, committed by a relatively small number of protesters, at international meetings during the last four years.

However, Wesley Wark, a University of Toronto history professor, suspects Canada's intelligence agencies are placing too much emphasis on broad-brush investigation of the movement and not enough on determining which groups and individuals pose actual threats.

Unless the balance shifts, adds Mr. Wark, security services are never "going to have the capacity to distinguish genuine threats from peaceful dissent."

This is the fifth and final instalment in the Citizen series on "the criminalization of dissent."

Final Criminalization of Dissent Special Report: Criminalization of Dissent Photo: Protester Jonathan Oppenheim, a physics student, said massive RCMP Constable Mitch Rasche stood out in the crowd of anti-APEC marchers, even under a Star Trek mask. The Ottawa Citizen That's all, that's it.
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But civil rights supporters contend such statements miss the point. Merely signaling interest in attending a demonstration or openly disagreeing with government policies -- as in Mr. Hall's case and others -- shouldn't be grounds for police to question an individual. They say actions by police and CSIS over the last several years appear to have less to do with dealing with violent activists than targeting those who speak out against government policies.

For instance, in January, police threatened a group of young people with arrest after they handed out pamphlets denouncing the security fence erected for the Quebec City summit as an affront to civil liberties. Officers told the students any group of people numbering more than two would be jailed for unlawful assembly. A month later, plainclothes police in Quebec City arrested three youths for distributing the same pamphlet. Officers only apologized for the unwarranted arrests after media reported on the incident.

In the aftermath of the Quebec City demonstrations, some protesters were

denied access to lawyers for more than two days. Others were detained or followed, even before protests began.

Police monitored the activities of U.S. rights activist George Lakey, who traveled to Ottawa before the summit to teach a seminar on conducting a peaceful demonstration. Mr. Lakey was questioned for four hours and his seminar notes confiscated and photocopied by Canada Customs officers. Later, a Canadian labour official who offered Mr. Lakey accommodation at her home in Ottawa was stopped by police on the street and questioned for 30 minutes.

Const. Amyot insists the RCMP recognize the right of people to demonstrate peacefully. "We have always said that, and we do respect that."

However, the events leading up to Vancouver's 1997 Asia-Pacific Economic Co-operation summit set the stage for what some believe is now an unprecedented use of surveillance by the Mounties and other agencies against lawful groups advocating dissent. Before and during the APEC meetings, security officials compiled extensive lists that included many legitimate organizations whose primary threat to government appeared to be a potential willingness to exercise their democratic rights to demonstrate.

Threat assessments included a multitude of well-known groups such as the National Council of Catholic Women, Catholic Charities U.S.A., Greenpeace, Amnesty International, the Canadian Council of Churches, the Council of Canadians and the International Centre for Human Rights and Democratic Development.

Intelligence agencies also infiltrated legitimate political gatherings. A secret report produced by the Defence Department, obtained through the Access to Information Act, details the extent of some of the spy missions. It describes a gathering of 250 people on Sept. 12, 1997, at the Maritime Labour Centre in Vancouver to hear speeches by former NDP leader Ed Broadbent and New Democrat MP Svend Robinson. "Broadbent is extremely moderate and cannot be classified as anti-APEC," notes the analysis, prepared by either CSIS or a police agency. "The demographics of the crowd was on average 45-plus, evenly divided between men and women. They were 95 per cent Caucasian and appeared to be working class, east end, NDP supporters."

Additional reports detailed a forum by the Canadian Committee for the Protection for Journalists and meetings planned by other peaceful organizations.

Law enforcement's notion of what constitutes a threat to government is disturbing to some legal experts. Law professor Wesley Pue notes that anyone's politics can be deemed illegitimate to those in power at some point in time. He sees irony in the recent mass protests against federal stands on trade and the environment. "The so-called anti-globalization movement articulates many views that were official Liberal party policy up until the government got elected," says Mr. Pue.

Police tactics used four years ago at APEC have since become commonplace at almost all demonstrations. Criminal lawyer Clayton Ruby has noted how

police have found a way to limit peaceful protests. Demonstrators don't get charged for speaking publicly. Instead they are arrested for obstructing police if they don't move out of the way. In most cases, charges aren't laid or they are later dropped because of a lack of evidence. In the meantime, police usually insist bail conditions stipulate demonstrators stay away from a protest.

"We've made it so easy for governments to criminalize behaviour and speech they don't like," Mr. Ruby said around the time of the Quebec City summit. "They disguise the fact that they're punishing free speech."

Another disconcerting trend, according to civil liberties specialists, is the police practice of photographing demonstrators, even at peaceful rallies. Earlier this year, a whole balcony of cameras collected images of the non-violent but lively crowd outside the Foreign Affairs Department in Ottawa.

"There is now the idea that you can't be an anonymous participant at a public gathering," says Joel Duff, a protest organizer and former president of the University of Ottawa's graduate students association. "If you're not ready to have a police file, then you can't participate -- which in my view is a curtailment of your democratic rights."

The RCMP's Const. Amyot acknowledges police take photos of demonstrators, even if a protest is peaceful. The pictures can be used in court if the event turns violent, he notes.

But photos from peaceful demonstrations are destroyed, according to Const. Amyot. "We're not investigating these people," he says. "These are just being taken to ensure if something happens we'll know what happened so we'll have evidence for safety purposes."

But such tactics can have chilling effect on lawful dissent. After it was revealed at the APEC inquiry that intelligence agencies spied on the Nanoose Conversion Campaign because of its stand against nuclear weapons, some of the B.C. organization's members started having second thoughts about their involvement, even though the group conducted only peaceful rallies.

"There was a concern (among some) about whether the government could make their life difficult," says Nanoose Conversion Campaign organizer Ivan Bulic.

It is not only in Canada that official reaction to vocal public opposition is being questioned. The Italian government's inquiry into the handling of the demonstrations at the recent Genoa summit of G8 leaders conceded that police used excessive force and made serious errors in dealing with protesters.

One incident being probed by Genoa prosecutors is an early morning raid on a school used by demonstrators as their co-ordination centre. People were beaten with clubs as they slept and the school was trashed by officers. Sixty-two demonstrators were injured, and government officials have recommended firing the senior police officers involved.

Police in the U.S. are also using tactics similar to their Canadian counterparts, such as pre-emptive arrests, surveillance and the infiltration of groups.

Hundreds of activists were jailed last year in advance of protests against the Republican Party in Philadelphia and Washington. Most of the cases were later dismissed by the courts since police could offer no valid reasons for the arrests.

Last year, undercover officers posing as construction workers infiltrated a warehouse in Philadelphia where demonstration organizers were making puppets as part of their protests against the Republican Party. Seventy puppet-makers were charged with various offences, but again, the courts dismissed the counts. At the same time, police were monitoring the Internet activities of the puppet group.

The mass arrest of protesters, even if they aren't engaged in violence, has also become common. Last April, Washington police rounded up 600 demonstrators marching against poor conditions in U.S. prisons. In their sweeping arrests, officers also scooped up tourists watching the rally from the sidelines.

Such actions, however, haven't gone unchallenged. Several lawsuits against police forces have been filed by the American Civil Liberties Union and the National Lawyers Guild.

In Canada, aside from comments by civil rights experts and opposition politicians, there has been little outrage among the public or lawmakers.

In part this can be traced to media coverage that emphasizes the actions of a small number of violent protesters while neglecting largely peaceful events, says Allison North, a Canadian Federation of Students official and rally organizer. All protesters are branded as troublemakers, she says.

Mr. Duff, the student organizer, notes the scope of the damage at the Quebec City summit was never put into perspective by the media and the public was left with the notion protesters caused widespread destruction. "The stuff that happened in Quebec City was nothing in comparison to a regular St-Jean-Baptiste Day in Quebec. There they have bonfires in the street whenever they can, and far more property gets destroyed."

He questions whether the public can be complacent about police and government activities in dealing with dissent. Surveillance may now be aimed at people protesting globalization, but such methods can, and will, be used to manage other protests, whether it be against education cuts or reductions in health care budgets, he predicts.

Some are concerned that has already happened. In April the RCMP issued a public apology to the townspeople of Saint-Sauveur, N.B., admitting the force overreacted when it sent a riot squad to handle a group of parents and children protesting the closure of a school in May 1997. Several people were attacked and bitten by police dogs, while others were injured after being hit by tear gas canisters or roughed up by officers.

Dozens were arrested in Saint-Sauveur and the nearby town of Saint-Simon, but none was informed of their legal rights. All charges were later dropped.

The APEC report condemned the fact several women protesters were forced to remove their clothes after being arrested. But it wasn't an isolated event. Earlier this year eight female students at Trent University in Peterborough were arrested, stripped and searched by police. Their alleged crime was to protest the closing of the university's downtown college.

Such extreme reactions tend to galvanize people, says Mr. Duff. Those who peacefully demonstrate, only to be tear-gassed or arrested, tend to emerge as more committed protesters, he says.

Const. Amyot says the RCMP's new Public Order Program will ensure the safety of delegates, demonstrators and police at future summits.

Mr. Pue believes the security for major gatherings should be decided through public debate and parliamentary scrutiny, instead of letting police to make up rules as they go along.

For instance, there are no Canadian laws to allow for the installation of a perimeter fence limiting the movement of protesters at international meetings, Mr. Pue notes. Yet a large fence was built for Quebec City and such barriers will likely be fixtures at coming events. "That's not the kind of discretion that should be left to police officers in secret."

- - - Cracking Down on Protesters Today the Citizen begins a major series on what some are calling "the criminalization of dissent." In the days ahead: - Activists on Vancouver Island were surprised to learn the police knew their tactics in advance. - Authorities added another line to Green Party leader Joan Russow's resume: threat to national security. - Organize a protest today and you can expect a Mountie to knock on your door. - The APEC affair showed the RCMP is willing to go undercover to dig up dirt.

Final Criminalizing Dissent Photo: An intelligence source relayed word to the military that the Raging Grannies, a satirical singing group whose protest songs are designed to raise awareness of social justice and environmental issues, intended to hold a protest in the autumn of 1997.; Colour Photo: Julie Oliver, The Ottawa Citizen / Faced with mass demonstrations such as the one at the Summit of the Americas in Quebec City in April, the RCMP decided to establish a new unit, the Public Order Program, to find other non-lethal ways of controlling protests. The Ottawa Citizen Spying on the protest movement: Private e-mails find way into military hands; 'I think they enjoy the cloak and dagger stuff' The Ottawa Citizen Sun 19 Aug 2001 News A1 / Front Crime; Series David Pugliese and Jim Bronskill

VICTORIA -- Government agents spied on Vancouver Island peace activists, learning of their intention to build a giant puppet of Liberal cabinet minister David Anderson and to write a series of newspaper letters critical of federal policies.

Heavily edited government records show plans by the Nanoose Conversion Campaign and the satirical Raging Grannies to hold a peaceful demonstration in October 1997 were intercepted by an unidentified intelligence source and forwarded to the Canadian military.

The demonstrators hoped to raise concerns about visits of U.S. nuclear-powered warships to the Nanoose torpedo test range as well as war games being conducted off Vancouver Island. The military was tipped off to their protest, including a suggestion to fashion an effigy of Mr. Anderson, the senior federal minister for B.C., waving an American flag, according to documents obtained by the Citizen.

The records, and other military documents detailing the monitoring of a public service union and a group of Muslim students, raise questions about the extent of government spy operations against lawful organizations and individuals engaged in peaceful protest.

Ivan Bulic, involved with the Nanoose Conversion Campaign at the time, says the military appears to have obtained the minutes from one of the group's meetings. Those minutes were sent by e-mail to a very limited number of people.

Mr. Bulic says the minutes were either intercepted in cyberspace or by someone listening in to telephone conversations. It is also possible a government informant had infiltrated the organization.

Either way, federal spies were wasting their time and taxpayers' money, he says. "What we were doing, such as sending letters to newspapers and holding an information picket outside the base gate, are completely legal and bona fide activities," said Mr. Bulic. "Their reaction reflects a 1950's Cold War mentality of where legitimate protests, contrary to the military's view, are deemed a threat. We've been classified as enemies."

The Nanoose Conversion Campaign advocates peaceful protest as a means of trying to end visits of nuclear-armed and nuclear-powered ships to Canadian waters. It often uses the courts to challenge the federal government. Several years ago, the organization unsuccessfully launched a legal action to prevent U.S. Navy warships from dumping pollutants into Canadian waters. It is currently in court, contesting the federal government's expropriation of the Nanoose torpedo test range from the province of B.C.

Lt.-Cmdr. Paul Seguna, a Canadian Forces spokesman, said the military's National Counter-Intelligence Unit received the information about the protest plans from a source, but he declined to identify that individual or agency. "In this case we were not the lead agency," said Lt.-Cmdr. Seguna. "This information is obtained on a shared basis with other federal agencies and police forces."

The National Counter-Intelligence Unit's job is to monitor and counteract foreign espionage, terrorism, sabotage, criminal activity and threats to military personnel or installations. According to a statement from the Canadian Forces, "in the absence of a security threat (the unit) does not collect information on individuals, legal assemblies or organizations."

However, there is evidence military spies are interested not only in citizens who demonstrate against defence policies, but anyone who might cast the Forces in a bad light.

In May 1998 the counter-intelligence unit turned its attention to the Public Service Alliance of Canada, which was planning a protest against job cuts at the Defence Department. The unit gave advance warning to senior Defence officials of the union's intention to demonstrate during a visit by Defence Minister Art Eggleton at a Montreal base. Although the unit acknowledged to military commanders that such demonstrations were usually peaceful, it recommended monitoring the situation and working with the RCMP's criminal intelligence branch in reporting any new developments.

With no direct threat involved, why would a military spy organization be worried about public servants gathering to protest job cuts? The counter-intelligence report on the event, obtained by the Citizen, provides the answer: "There is potential for public embarrassment to the (Defence minister) given that the media has been informed" about the demonstration, it warned.

The unit's monitoring has also extended into the realm of religious organizations. A January 1998 threat assessment noted a group of Muslim students from the University of New Brunswick had purchased an old building in Moncton. The threat posed by the students, however, was "assessed as negligible." They had turned the building into a mosque.

Intelligence analysts say the military's pre-occupation with monitoring potential protesters stems from the Defence Department's desire to be warned about anything that might be politically or publicly embarrassing.

"It's partly because they don't have the Cold War anymore so they don't have much else to do, but also it reflects the Defence Department's new priorities," said John Thompson, who studies terrorism trends for the Mackenzie Institute, a Toronto-based think tank. "If the Raging Grannies are going to show up, DND wants to know about it first."

Such efforts are misplaced, however, suggests Mr. Thompson. "These types of people aren't the ones who are going to be bringing Molotov cocktails and bats to a protest march."

Raging Granny Freda Knott finds it amusing that government spies feel they have to keep tabs on her group, a small collection of senior citizens who sing songs to highlight social injustices.

"If they think they'll find that we're out to destroy our country then they're very wrong," said the 65-year-old Victoria resident. "We want to make the world a better place for our grandchildren, for all grandchildren. I don't see too much wrong with that."

Mr. Bulic says the Nanoose Conversion Campaign had an inkling it was being spied on after the group's name was included in a threat assessment tabled in 1998 at the inquiry into RCMP actions at the Vancouver APEC summit. The assessment, sent to various military units,

listed the conversion campaign, the Anglican Church of Canada, Amnesty International, the Council of Canadians and others alongside terrorist groups as organizations that might protest or cause disruptions at the 1997 summit.

Lt.-Cmdr. Seguna says just because a group is included in a threat assessment does not mean it is considered a danger to the Canadian Forces. Military intelligence officials simply compile information that might affect security at an event. "How do you decide who not to look at?" asks Lt.-Cmdr. Seguna. "There may be a group that generally is not threatening. But in some of these there may be sub-groups that, for one reason or another" may participate in violence, he adds.

Documents show intelligence agencies have taken an interest in the Nanoose Conversion Campaign and other peace groups for many years. According to a March 1995 threat assessment by the Defence Department such groups have been listed because they protested at military bases or held peace walks.

A September 1997 message from National Defence Headquarters, marked secret, ordered counter-intelligence officers in each major Canadian city to report on any organizations involved in anti-nuclear activities, or which planned or "advocated" a demonstration.

It's that type of mentality that worries Mr. Bulic. He can understand the need to monitor actual terrorist groups but questions why authorities are so preoccupied with those who exercise their democratic right to disagree with government policies.

After the threat assessment listing the Nanoose Conversion Campaign was made public at the APEC inquiry, Mr. Bulic wrote Mr. Eggleton asking for an explanation of the military monitoring of a law-abiding organization.

The minister did not reply. But a short time later, Mr. Bulic received a phone call from military intelligence officials in Ottawa. The captain on the line wasn't about to apologize for what happened. Instead, he demanded to know how the conversion campaign had been able to obtain such a secret assessment.

"I think they enjoy the cloak-and-dagger stuff," says Mr. Bulic. "It seems to be the only way they know how to operate."

- - - Cracking Down on Protesters Today is the second installment in the Citizen series on "the criminalization of dissent." In the days ahead: - Authorities added another line to Green Party leader Joan Russow's resume: threat to national security. - Organize a protest today and you can expect a Mountie to knock on your door. - The APEC affair showed the RCMP is willing to go undercover to dig up dirt.

Final Criminalizing Dissent Photo: Patrick Doyle, Ottawa Citizen / In May 1998, Defence Minister Art Eggleton was given advance warning by the National Counter-Intelligence Unit of a PSAC protest against job cuts. VICTORIA The Ottawa Citizen Secret files chill foes of government: State dossiers list peaceful critics as security threats The Ottawa Citizen Mon 20 Aug 2001 News A1 / Front Crime; Special Report Jim Bronskill and David Pugliese

The credentials on Joan Russow's resume are rather impressive. An accomplished academic and environmentalist, she served as national leader of the Green Party of Canada. The Victoria woman had also earned a reputation as a gadfly who routinely shamed the government over its unfulfilled commitments.

But Ms. Russow, 62, was dumbfounded when authorities tagged her with a most unflattering designation: threat to national security.

Her name and photo turned up on a threat assessment list prepared by police and intelligence officials for the 1997 gathering of APEC leaders at the University of British Columbia.

"All these questions start to come up, why would I be placed on the list?" she asks. Mr. Russow is hardly alone. Her name was among more than 1,000 -- including those of many peaceful activists -- entered in security files for the Asia-Pacific summit.

The practice raises serious concerns about the extent to which authorities are monitoring opponents of government policies, as well as the tactics that might be employed at future summits, including the meeting of G-8 leaders next year in Alberta.

Ms. Russow had been a vocal critic of the federal position on numerous issues, expressing concerns about uranium mining, the proposed Multilateral Agreement on Investment and genetically engineered foods.

Just weeks before the Vancouver summit, she gave a presentation arguing that initiatives to be discussed at APEC would undermine international conventions on the environment.

However, Ms. Russow went to the summit not as an activist, but as a reporter for the Oak Bay News, a Victoria-area community paper. Security staff questioned whether the small newspaper was bona fide and pulled her press pass.

But the secret files on Ms. Russow suggest there may be more to the story. She wouldn't have even known the threat list existed if not for the tabling of thousands of pages of classified material at the public inquiry into RCMP actions at APEC, which focused on the arrest and pepper spraying of students on the UBC campus.

The threat assessment of Ms. Russow, prepared prior to the summit, describes her as a "Media Person" and "UBC protest sympathizer." A second document drafted by threat assessment officials during the summit characterizes Ms. Russow and another media member as "overly sympathetic" to APEC protesters. "Both subjects have had their accreditation seized."

Ms. Russow later complained, without success, about the revocation of her pass. Officials with the Commission for Public Complaints Against the RCMP concluded the RCMP did nothing wrong. But despite exhaustive inquiries, a frustrated Ms. Russow has yet to find out how and why she was even placed on a threat list.

The APEC summit Threat Assessment Group, known as TAG, included members of the RCMP, the Canadian Security Intelligence Service, the Vancouver police, the Canadian Forces, Canada Customs and the Immigration Department.

The TAG files were compiled on a specially configured Microsoft Access database that "proved very successful in capturing and analyzing intelligence," says a police report on the operation, made public at the APEC inquiry.

Much of the information came from "existing CSIS and RCMP networks" as well as Vancouver police members. Other data were funneled to TAG by RCMP working the UBC campus, including undercover officers and units assigned to crowds.

By the end of the summit, the TAG database had swelled to almost 1,200 people and groups, including many activists and protesters. Ms. Russow's photo appeared in a report alongside the pictures and dates of birth of several other people. One is described as a "lesbian activist/anarchist" considered "very masculine."

Several are simply labeled "Activist" -- making Ms. Russow wonder how they wound up in secret police files. "Why are citizens who engage in genuine dissent being placed on a threat assessment list?"

The practice of collecting and cataloguing photographs of demonstrators is worrisome, says Canadian historian Steve Hewitt, author of Spying 101: The Mounties' Secret Activities at Canadian Universities, 1917-1997, to be published next year.

"There's tremendous potential for abuse. One would suspect that they're compiling a database. And clearly, there's probably sharing going on between countries," said Mr. Hewitt, currently a visiting scholar at Purdue University in Indiana.

"Your picture is taken and it's held in a computer, and when it might come up again, who knows?" The RCMP, CSIS and other Canadian agencies have long shared information with U.S. officials, a cross-border relationship that has grown closer to deal with smugglers, terrorists and, most recently, protesters who come under suspicion.

Canada Customs and Revenue Agency staff have access to a number of automated databases and intelligence reports that help screen people trying to enter the country.

Several protesters who were headed to the Summit of the Americas in Quebec City last April were either denied entry to Canada or subjected to lengthy delays, luggage searches and extensive questioning -- and the rationale was not always clear.

At a recent Commons committee meeting, New Democrat MP Bill Blaikie confronted RCMP Commissioner Giuliano Zaccardelli and Ward Elcock, the director of CSIS, about scrutiny of activists.

An incredulous Mr. Blaikie recounted the case of a U.S. scientist who was questioned by Customs officials for about an hour last spring upon

coming to Canada to speak at a conference about his opposition to genetically modified food.

"Are people being trailed, watched, interviewed and harassed at borders because of their political views?" Mr. Blaikie asked, noting the "chilling effect" of such attention.

The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals considered a threat to the established order, devoting its energies through much of the 20th century to the hunt for Communist agents and sympathizers.

The vast list of targets left few stones unturned, providing the Mounties with intelligence on subjects as wide-ranging and diverse as labour unions, Quebec separatists, the satirical jesters of the Rhinoceros Party, American civil rights activist Martin Luther King, the Canadian Council of Churches, high school students, women's groups, homosexuals, the black community in Nova Scotia, white supremacists and foreign-aid organizations.

CSIS inherited about 750,000 files from the RCMP upon taking over many intelligence duties from the Mounties in 1984. As the end of the Cold War loomed in the late 1980s, the intelligence service wound down its counter-subversion branch, turning its focus to terrorism.

However, the emergence of a violent presence at anti-globalization protests has spurred CSIS to once again scrutinize mass protest movements, working closely with the RCMP and other police.

One of the threat assessment documents on Ms. Russow lists not only her date of birth, but hair and eye colour and weight -- or rather what she weighed in the 1960s, perhaps a clue as to how long officials have kept a file on her.

In 1963, a young Ms. Russow taught English to a Czechoslovakian military attache in Ottawa. She was asked by RCMP to report to them about activities at the Czech embassy, but refused. She surmises that may have prompted the Mounties to open a file on her -- a dossier that could have formed the basis of the APEC threat citation more than 30 years later.

Ms. Russow is disturbed that she learned of the official interest in her activities only by chance. And she worries about the untold ramifications such secret files might have.

"How many people have had their names put on the list and never know?"

Final Special Report: Criminalization of Dissent Photo: The public inquiry into the RCMP's actions at APEC revealed a secret threat list that labeled Joan Russow, leader of the Green Party, as 'overly sympathetic' to protesters.; Photo: The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals, including U.S. civil rights activist Martin Luther King.
How police deter dissent: Government critics decry intimidation The Ottawa Citizen Tue 21 Aug 2001 News A1 / Front News David Pugliese and Jim Bronskill

It usually begins with a public comment criticizing government policy or the posting of a notice calling for a demonstration against a particular cause.

Then comes the phone call or knock on the door by RCMP officers or Canadian Security Intelligence Service agents. The appearance and tone of the callers are professional. But their questions, directed at people involved in organizing legitimate, peaceful protests, are seen as anything but benign. Those who have endured the process view such incidents as blatant attempts to quash free speech.

The tactic of police or spies arriving unannounced on the doorsteps of demonstration organizers or people just contemplating a public rally represents a hardening of the security establishment's dealings with those who openly voice their opinions.

The people receiving the CSIS and RCMP phone calls or visits are not extremists. They're ordinary Canadians -- union members, students, professors and social activists -- who disagree with government policy and want to exercise their rights to free speech and assembly.

"The whole thing is so insulting and to a certain degree very intimidating," says Allison North, a Newfoundland student organizer interviewed by police after she criticized Prime Minister Jean Chretien's record on education.

Ms. North had told a newspaper last May that Mr. Chrétien didn't deserve an honorary degree from Memorial University because of his government's cuts to education funding. Shortly after, an RCMP officer questioned her on whether she planned to do anything to threaten Mr. Chrétien or embarrass him when he picked up his degree.

At that point, according to Ms. North, her organization, the Canadian Federation of Students, didn't even have plans to hold a demonstration.

"To get a phone call suggesting I am a threat to the prime minister is absurd," says Ms. North, who has no criminal record.

When Mr. Chrétien arrived to receive his degree, Ms. North and 19 other students demonstrated peacefully in the rain outside the convocation hall. As he appeared, they turned their backs on him in mute protest. The students were heavily outnumbered by police and security forces.

The RCMP sees nothing wrong with contacting potential demonstrators in advance and letting them know the force is aware of their intentions. Const. Guy Amyot, an RCMP spokesman, says it is standard policy to visit organizers of protests that may become violent or might give police some cause for concern. "We're meeting people who intend to demonstrate just to make sure it's done legally," he explained. "That's all."

Such meetings are voluntary, Const. Amyot said, and protest organizers can refuse to talk to officers if they want. "If they feel intimidated they just have to tell us they don't want to meet us," he said. "They are not forced to do so."

He acknowledged most of the visits or phone calls have been associated

with politically-oriented demonstrations, but added the RCMP respect the right of Canadians to hold legal protests.

Such assurances don't ease the minds of those who have been questioned. It was a rally to protest government inaction on pay equity that prompted a call to a federal union from Canada's spy agency in October 1998.

When the Public Service Alliance of Canada planned a demonstration in Winnipeg outside a conference centre where Mr. Chrétien was scheduled to speak, a Canadian Security Intelligence Service officer phoned union official Bert Beal to question him about the gathering. CSIS wanted to know whether the rally was going to be violent, as well as the number of people attending.

"We're employees of the government legitimately protesting against government decisions that affect our members," says Mr. Beal.

"That is our legal right." PSAC held a peaceful rally, attended by about 150 people and closely monitored by police. Mr. Beal, involved in the labour movement for 30 years, says this was the first time a rally with which he had been involved elicited a call from the national spy service.

CSIS spokeswoman Chantal Lapalme declined to discuss specific instances when the agency has approached people. But she said CSIS does not investigate lawful advocacy or dissent.

"If we have information that there will be politically motivated, serious violence we might investigate and then we'd report the information we obtained to government and law enforcement."

The period leading up to April's Summit of the Americas in Quebec City saw a flurry of such visits. CSIS officials questioned young people in Montreal and Quebec City who had taken part in an October demonstration.

The agents wanted to know about the chance of violence at the April gathering. Around the same time the RCMP in Quebec visited Development and Peace, a social advocacy organization linked to the Catholic Church, and other anti-poverty groups to question people about their summit plans.

Also targeted before the Quebec City meeting was University of Lethbridge professor Tony Hall, an expert in aboriginal affairs and a vocal critic of the Mounties.

An officer with the RCMP's National Security Investigations Section questioned Mr. Hall about his writings critical of free trade agreements and their effects on indigenous peoples.

The officer also wanted details of Mr. Hall's involvement in an alternative summit being organized for aboriginal peoples in Quebec City, as well as names of others involved.

Mr. Hall's case was raised in the Commons by NDP leader Alexa McDonough, who accused the federal government of trampling on the democratic rights

of Canadians.

Mr. Chrétien responded that police were just doing their job -- an explanation that failed to satisfy the Canadian Association of University Teachers.

David Robinson, the group's associate executive director, is worried such police tactics threaten academic freedom and open debate on campuses.

Association officials are planning to meet RCMP leaders over what the university group views as a clear violation of the professor's civil liberties.

Final Photo: The Telegram / The RCMP visited student organizer Allison North after she criticized Prime Minister Jean Chretien's record on education funding before he was accepted an honorary degree from Memorial University. The Ottawa Citizen Mounties in masks: A spy story: Undercover tactics go too far, critics say The Ottawa Citizen Wed 22 Aug 2001 News A1 / Front Crime; Series; Special Report Jim Bronskill and David Pugliese

The happy-go-lucky band of protesters wore masks and colourful costumes as they paraded about the University of British Columbia campus on a memorable autumn night in 1997.

After all, it was Halloween. And dressing up lent a festive air to the anti-APEC march just weeks before leaders of Asia-Pacific countries would assemble on the university campus.

But one member of the group had another reason to wear a disguise: he was an RCMP officer. Const. Mitch Rasche, his face hidden by a Star Trek alien mask, accompanied about 30 protesters as they toured the grounds, stopping to place hexes on corporate-sponsored summit sites and even casting a spell on a Coca-Cola machine.

Such spy tactics worry demonstrators and experts on the RCMP, who argue civil rights are being trampled when Canada's national police use undercover techniques to compile information on the anti-globalization movement.

The roving clutch of Halloween demonstrators included several members of APEC Alert, a group concerned about the effects of the Asia-Pacific alliance's policies on human rights and the environment.

APEC Alert embraced non-violent protest but sometimes advocated civil disobedience. At the new campus atrium, where world leaders would soon gather, the marchers used washable markers to write "Boo to APEC" and "APEC is scary" on the windows.

Standing six-foot-four and weighing a hefty 240 pounds, Const. Rasche, a 17-year RCMP veteran, had trouble blending into the crowd of mostly young, underfed students.

"That's what made him stick out," recalls Jonathan Oppenheim, a physics student who took part in the march. "He was just kind of standing there

slightly off to the side, and not really talking to anyone."

Suspicions were further aroused when Const. Rasche's cellphone rang. "I think we have a spy amongst us," said one of the protesters.

Months later, as an inquiry into RCMP actions at the APEC meetings unfolded, the amazed activists would read Const. Rasche's police report on the march and hear his testimony about the escapade, confirming their suspicions.

Indeed, the Halloween episode was part of a much broader surveillance effort. Police documents and inquiry hearings would reveal the RCMP infiltrated anti-APEC groups to gather intelligence about the November 1997 summit, and planned to arrest and charge high-profile members of APEC Alert to remove them before the international event.

The trick-or-treat surveillance of APEC Alert was one of the more striking -- albeit comical -- intelligence-gathering tactics employed by the Mounties in connection with the summit. The RCMP, sometimes in conjunction with Vancouver police, also sat in on protest meetings, interviewed activists about their intentions, photographed participants at events and assigned undercover officers to blend in with protesters, learn their plans and report the findings to central command posts.

Many Canadians are under the mistaken impression the Mounties hung up their spy gear in 1984 when the Canadian Security Intelligence Service assumed most of the duties of the RCMP Security Service, disbanded in the wake of widespread criticism for infringing on civil liberties.

However, the RCMP's National Security Investigations Section (NSIS) probes ideologically motivated criminal activity related to national security such as white supremacy, aboriginal militancy and animal rights extremism.

NSIS, which conducts investigations under the Security Offences Act, is intended to complement CSIS, whose agents also examine and assess security threats, but have no authority to conduct criminal probes or make arrests. NSIS also carries out threat assessments -- analyses of the potential for violence at public events -- in support of the force's protective policing program.

But during the APEC summit, it appears NSIS strayed beyond the confines of preserving national security. An operational plan tabled at the APEC inquiry says the duties of NSIS's B.C. branch included conducting follow-up investigations on information that indicated a potential threat of not just harm, but "embarrassment" to visiting leaders.

Other documents filed with the inquiry show police closely monitored the plans, meetings and events of protesters in the weeks leading up to the summit.

One typical entry noted a rally to be held in Vancouver the evening of Nov. 4, 1997. "NSIS members plan to provide surveillance coverage at this event to gauge the level of support for the anti-APEC cause at this late stage, and to identify some of the key people attending," wrote an NSIS constable. "Attempts will be made to photograph participants."

The RCMP has adopted the dubious tactic of gathering intelligence on non-violent public interest groups that have nothing to hide, says Wesley Pue, a UBC law professor and editor of the book, Pepper in Our Eyes: The APEC Affair.

"It seems to me the police are routinely crossing the line and forgetting the distinction between legitimate democratic dissent and criminal activity."

Police surveillance of individuals in an academic milieu is particularly troubling because campuses are intended to be places where unpopular ideas are debated, says historian Steve Hewitt, author of the forthcoming book, Spying 101: The Mounties' Secret Activities at Canadian Universities, 1917-1997.

The involvement of NSIS in such activities raises special concerns in that the RCMP spies are subject to less oversight and scrutiny than CSIS agents, he adds.

The Security Intelligence Review Committee, which reports to Parliament, examines CSIS operations to determine whether the spy service has adhered to the law. CSIS also submits a detailed annual report to the solicitor general, and prepares a public version for presentation in Parliament.

There are no such checks on the NSIS. A classified police report tabled at the APEC inquiry describes the behind-the-scenes tactics police employed during the summit and provides a rare look at the inner workings of a Canadian intelligence operation.

"State-of-the art covert/overt intelligence gathering methods were used which provide very accurate intel on anti-APEC gatherings, protesters both pre and during APEC," says the debriefing report.

Police, with help from CSIS, compiled a computerized database on hundreds of people and groups. Officials worked around the clock to produce threat assessments and each morning a secret bulletin was distributed by hand to co-ordinators, site commanders and a special team assigned to infiltrate crowds.

The infiltration team was designed as "an intelligence gathering unit and as such provided timely, accurate and pertinent information about the crowds protesting various aspects of APEC," the report reveals.

"Members were able to assess the crowds, identify the ring leaders and determine the goals of the crowd." On one occasion, unit members passed on intelligence about the intentions of 75 demonstrators who blocked the road leading out of the UBC campus.

The crowd infiltration team was sufficiently large that members could be rotated from one area of the campus to another, "in an effort to avoid familiarity" and reduce the chance of their cover being blown.

Scrutiny of the anti-globalization movement by the intelligence community has almost certainly intensified following violent acts,

committed by a relatively small number of protesters, at international meetings during the last four years.

However, Wesley Wark, a University of Toronto history professor, suspects Canada's intelligence agencies are placing too much emphasis on broad-brush investigation of the movement and not enough on determining which groups and individuals pose actual threats.

Unless the balance shifts, adds Mr. Wark, security services are never "going to have the capacity to distinguish genuine threats from peaceful dissent."

This is the fifth and final installment in the Citizen series on "the criminalization of dissent."

Final Criminalization of Dissent Special Report: Criminalization of Dissent Photo: Protester Jonathan Oppenheim, a physics student, said massive RCMP Constable Mitch Rasche stood out in the crowd of anti-APEC marchers, even under a Star Trek mask. The Ottawa Citizen That's all, that's it.

OCTOBER OCTOBER

Joan Russow, as an individual: I appreciate the opportunity to appear before the committee on behalf of a group that I would hope has few members, but which I fear may have many members. This group comprises citizens who have been placed, knowingly or unknowingly, on RCMP Threat Assessment Group TAG lists.

At least since 1997, I have been on an RCMP threat assessment list. I found out about this inadvertently during the release of documents at the APEC RCMP public complaints commission inquiry.

Evidence emerged during the APEC inquiry that I was put on the list as a result of a directive from the Prime Minister's Office. My picture, along with nine others, was placed on the RCMP threat assessment group list entitled "other activists." I have enclosed a copy of the list with my written submission.

Under the CSIS Act, threat to the security of Canada means (a) espionage or sabotage; (b) foreign influence activities that are detrimental to the interests of Canada, clandestine, deceptive and involve a threat to any person; (c) activities in support of the threat or use of acts of serious violence for the purpose of achieving a political objective; (d) activities directed towards undermining by covert, unlawful acts directed towards the destruction and overthrow by violence of the constitutionally established system of government in Canada.

You can imagine my concern when I found out I was on this list. Also in the CSIS Act, there is an affirmation that threat to security does not include lawful advocacy, protest or dissent, unless carried out in conjunction with any of the activities referred to in the previous paragraphs. Given the definition of threats in the CSIS Act, one can only conclude that any citizen on a threat list must have been seen to be linked to espionage, sabotage, etc.

It is becoming increasingly apparent that the intelligence community is inept at assessing what constitutes real national and international threats to security. This ineptitude was confirmed recently at the colloquium entitled "The Challenges of SIRC." An official from SIRC recognized that in assessing the distinction between those who "have a disagreement with politics" and those who are deemed to be terrorists, "police agencies are not good at making that distinction and err on the side of security... Our intelligence community came out of a Cold War culture. We are in a very different world. There is a lot of catch-up... We have to have the ability to identify clearly this distinction. If we do not do this, we are threatening the fabric of civil liberties of Canadians."

The fabric of civil liberties of Canadians has definitely been threatened through the designation of citizens who have a disagreement with the politics of the Government of Canada as threats to Canada.

There is a recommendation that I would like to see in place related to the Anti-terrorism Act. The reason I am raising the issue of citizens engaged in lawful advocacy being designated as threats is to point out that there has been a long-standing practice in Canada of targeting activists. There definitely has to be consideration of what constitutes security. You have an opportunity to examine this issue carefully.

With my written submission, I submitted "a common security index." This was a way of evaluating governments to determine who the real threats are. In the common security index, I placed international agreements in a number of different categories related to peace, environment, social justice and human rights. Then I showed how governments have violated many of the international principles, and how those engaged in lawful advocacy have been the ones calling upon governments to live up to these obligations.

My recommendation is that the Anti-terrorism Act be repealed on December 10, 2005, the fifty-seventh anniversary of the UN Universal Declaration of Human Rights. I have been concerned that the war against terrorism and the Anti-terrorism Act have perpetuated the disregard for the rule of international law and for the International Court of Justice. This has resulted in serious consequences such as the redefinition of what constitutes self-defence; condoning pre-emptive aggression with prohibited weapons systems; renderings in violation of the convention against torture and Geneva conventions; institutionalizing of racial profiling; indefensible preventive arrests; and increased mistrust and guilt by association. All these have resulted from the war on terrorism and anti-terrorism acts.

I have never engaged in any activity that could be even remotely construed as falling within the CSIS definition of a threat. I have been a strong policy critic of government practices nationally and internationally, and could be considered to have a difference in politics. I was a lecturer in global issues at a university and, as you mentioned, the former leader of a political party. I have spent over 20 years calling upon governments to discharge international obligations and act on international commitments.

Placing citizens who engage in lawful advocacy protests or dissent on threat lists is an act of discrimination on the grounds of political and other opinion — one of the grounds included in years of international human rights instruments. References to at least nine international human rights instruments are included in my written submission.

I refer here only to article 2 of the International Covenant on Civil and Political Rights which Canada signed and ratified in the 1970s.

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion...

The listing of citizens engaged in legitimate advocacy has also violated the Canadian Charter of Rights and Freedoms — the right to security of the person, mobility and freedom of thought, speech and assembly. Since the fact that I was placed on a threat assessment list was broadcast and published across the country, I have had to live with the stigma of being designated a threat and the repercussions from this stigma.

Since the list had possibly been shared with friendly nations prior to September 11, 2001 and probably shared with them afterwards, with caveats down — this, of course, is being revealed during the Arar inquiry — listed citizens travel with trepidation. With the institution of facial recognition technology, it will be impossible for listed citizens to travel to the U.S. or to travel over U.S. airspace.

I have filed complaints with the RCMP, with CSIS, with the Department of National Defence and with review bodies such as SIRC and the RCMP public complaints commission. I had a legitimate expectation that after being placed on an RCMP threat assessment group list, I would be able to correct the obvious misinformation, if not through complaints and reviews, through provisions in the Privacy and Access to Information Acts.

I was mistaken. After almost eight years, I still do not know the reason for my being placed on an RCMP threat assessment group list. I submitted and, in some cases, resubmitted almost 60 access to information and privacy requests and subsequent requests for reviews by the Privacy and Information Commissioners. These requests resulted in a series of outrageous financial demands, unacceptable delays, unjustified retention of data and documents, along with questionable government exemptions such as for international and national security reasons, for being injurious to the conduct of international affairs or in the interests of the defence of Canada.

In the end, the only recourse offered was to hire a lawyer, go to court and, if I am successful, pay court costs, an option that would not generally be open to citizens engaged in lawful advocacy, protest and dissent.

Real security is common security, a concept initiated by Olof Palme, a former prime minister of Sweden, and has been extended to embody the following objectives: to achieve a state of peace and disarmament through reallocation of the military budget; to promote and fully guarantee respect for human rights, including civil and political rights and the right to be free from discrimination on any ground; to enable socially equitable, environmentally sound employment and ensure the right to development and social justice — labour rights, social and cultural rights, and the right to food, housing, universally accessible not-for-profit health care systems and education; to ensure the preservation and protection of the environment; respect for the inherent worth of nature beyond human purpose; reduce the ecological footprint; and move away from the current model of development. These are all elements of common security, true security, and to create a global structure that respects the rule of law and the International Court of Justice.

To further common security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, made commitments through conference action plans, and created expectations through UN General Assembly resolutions and declarations. Some of you may have heard Prime Minister Martin refer to the commitments made in Rio as empty rhetoric. I hope he will soon address these 13 years of empty rhetoric.

The blueprint for common security has been drawn. The issue is compliance and implementation. The Senate committee, in reviewing the Anti-terrorism Act, has a true opportunity to determine what constitutes real security and what constitutes real threats to common security. For example, who are the real threats? The states that construct and circulate nuclear power and nuclear-arms-capable vessels or the citizens who oppose the circulating and birthing of these vessels? It is often the latter that are perceived to be threats and possibly placed on threat assessment lists. I have included several recommendations in my written brief. They are related to judicial reform, ways to promote

common security, and ways to monitor the government's compliance with the common security index that I have submitted.

Let me conclude by paraphrasing Senator Fraser whom I heard say on CPAC that once a person is listed as a terrorist, he or she is perceived to be a terrorist. I would say the same thing. Once a person is listed as a threat, the person is perceived to be the threat. I hope I have not misspoken Senator Fraser's comment.

The Chairman: Ms. Russow, we will draw the comment to the senator's attention when she returns.

[*Translation*]

Joan E. Russow (PhD)

2005 SUBMISSION TO THE SENATE COMMITTEE REVIEWING THE ANTI-TERRORISM ACT.

October 17, 2005

When Bill C 36 – the Anti-terrorism Act – was proposed, I publicly criticized the act as being in violation of international human rights instruments including the International Covenant of Civil and Political Rights.

I have been concerned that the “war against terrorism” and the Anti-terrorism Act have perpetuated the disregard for the rule of international law and for the International Court of Justice. Serious consequences such as the redefinition of what constitutes self-defence; condoned pre-emptive aggression with prohibited weapon systems; “renderings” and the violation of the Convention against Torture, and Geneva Conventions; institutionalizing of racial profiling; indefensible "preventive arrests"; increased mistrust;; guilt by association; the imposition of a Culture of fear and suspicion; the creation of a palpable chill; increased mistrust: the fostering of unquestioning, embedded and compliant media.

…. have all resulted from the War Against Terrorism or from the anti-terrorism Acts.

At the opening of the 59 UN General Assembly, Kofi Annan affirmed that

> Those who seek to bestow legitimacy must themselves embody it, and those who invoke international law must themselves submit to it" Mr. Annan said at the opening of the 59th session of the UN General Assembly. …We must start from the

> principle that no one is above the law and no one should be denied protection" 2004.

The United Nations for years has had difficulty defining terrorism because the United States and certain allies have refused to consider certain state activities to be acts of terrorism or threats to security. Ironically it is often citizens who through lawful advocacy protest and dissent are the ones that are deemed to be a threat to security

In fact after September 11, 2001, the FBI circulated a list:

> …category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process.

The intelligence community appears to be inept at assessing what constitutes real national and international threats to security. This ineptitude was confirmed recently at a colloquium, entitled the ‘Challenges of SIRC’. An official from SIRC acknowledged the following:

> In assessing the distinction between those who have a disagreement with politics and those who are deemed to be terrorists...Police agencies are not good at making that distinction and err on the side of security "."Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up. We have to have the ability to identify clearly this distinction. If we don’t do this we are threatening the fabric of the civil liberties of Canadians.

The fabric of civil liberties of Canadians has definitely been threatened through the designation of citizens who have a disagreement with the politics of the Government of Canada to be threats to Canada.

At least since 1997, I have been on an RCMP Threat Assessment Group (TAG) List. I have a doctorate, I was a former lecturer in global issues at a university, and I am a former federal leader of a registered political party in Canada. I found out about being on a Threat Assessment Group List inadvertently, during the

release of documents in the APEC RCMP Public Complaints Commission inquiry. *E*vidence emerged during the APEC inquiry that I was put on the list as a result of a directive from the Prime Minister's Office. My picture along with eight others was placed on a RCMP Threat Assessment Group List entitled "other activists". I have enclosed a copy of the RCMP threat Assessment. Exhibit A and Exhibit B.

Under the CSIS Act, “threats to the security of Canada” means

> (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage
> b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada are clandestine or deceptive or involve a threat to any person
> c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a **political objective** within Canada or a foreign state and
> d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada.
>
> Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) TO (D). 1984 C.21, S2.

Citizens engaged in lawful advocacy, protest, or dissent have been designated as “threats”. Given the definition of “threats” in the CSIS Act, the only conclusion is that citizens engaged in lawful advocacy, protest, or dissent, and designated as a threat, must have been linked to espionage, sabotage, violence against persons or property, the destruction of the constitutionally established system of government, etc. There really is no other logical conclusion.

The Solicitor General who is responsible for the RCMP and CSIS has a dual role: a role as a party member and a non partisan role as officer of the Crown. The importance of the non-partisan role was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned:

> Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they may decide to have the police investigate people because of their party stripes

Although I was not a member of the NDP at the time, I presume that his comment applied to any opposition political party.

When news that I had been placed on the RCMP Threat Assessment List was broadcast and published across the country, the Solicitor General's office feared that there might have been a challenge in parliamentary question period about the RCMP and CSIS placing the leader of a registered political party on a threat assessment list. The Solicitor General's office prepared an Aide Memoir to deflect the potential criticism, and rather than addressing the serious allegations of the violations by intelligence agencies of their own statutory law, the Solicitor General in his reply wrote: "As I have indicated, the APEC RCMP Public Complaints Commission will address all concerns raised, and we should allow them the opportunity to do their work."

I assumed from this statement that I would have my concerns addressed and be able to appear before the RCMP Public Complaints Commission, to have the opportunity to clear my name, and to prove that I am not a threat. I was subsequently not permitted to appear, even though I had been one of the original complainants.

I have never engaged in any activity which could be even remotely construed to fall into within the CSIS definition of a 'threat. I have been a strong policy critic of government practices, nationally and internationally, and could be considered to have a "difference in politics". I have spent over twenty years calling upon governments to discharge obligations incurred through international covenants, treaties and conventions, and to enact the necessary legislation to ensure compliance. I have called upon governments to act on commitments made through Conference Action plans, and to fulfill expectations created through UN General Assembly Resolutions and Declarations.

I have exercised my constitutional right to lawful advocacy, protest, and dissent. I have, however, not engaged in activities directed toward undermining by covert clandestine, unlawful acts, directed toward or intended ultimately to lead to the

destruction or overthrow by violence of the constitutionally established system of government in Canada

Placing citizens who engage in lawful advocacy, protest or dissent on threat lists is an act of discrimination on the grounds of political and other opinion – one of the grounds that has been included in years of international human rights instruments such as the following:

(i) Art. 2, The Universal Declaration of Human Rights, 1948;
(ii) Art. 2, The Universal Declaration of Human Rights, 1948;
(iii) Art. 27, Convention Relative to the Protection of Civilian Persons in Time of War, 1949);
(iv) Art.1.1, International Convention on the Elimination of all Forms of Racial Discrimination, 1965;
(v) Art. 2, International Covenant of Civil and Political Rights, 1966);
(vi) International Covenant of Social, Economic and Cultural rights 1966, in force, 1976;
(vii) Art. 7, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;
(viii) Art. 2, Declaration on the Rights of Disabled Persons 1975;
(ix) Art. 2, Convention on the Rights of the Child, 1989;
(x) Principle 1.4, Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991.

I will refer here only to Article 2 of the International Covenant of Civil and Political Rights (ICCPR). Article 2. affirms that

> Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Although under art 2 of the Charter of Rights and Freedoms, there is a reference in Art. 2**.**

> Everyone has the following fundamental freedoms:
> *b*) freedom of thought, belief, opinion and expression

This article implements the obligations in Art: 18 of (ICCPR).

> 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Unfortunately the ground of "political and other opinion" was not included as one of the listed grounds in article 15 of the Canadian Charter of Rights and Freedoms

Although there does not appear to be a remedy in Canada for discrimination on the ground of political and other opinion, there is a remedy under Article 2 of the Optional Protocol of the International Covenant of Civil and Political Rights. Under this article, citizens who have been discriminated against, and have exhausted all domestic remedies, can file a complaint with the UN Human Rights committee responsible for the implementation of the International Covenant of Civil and Political Rights. I have now proceeded to submit this complaint to the UN Human Rights Committee.

The listing of citizens engaged in legitimate advocacy has also violated the Charter of Rights and Freedoms; the right to security of the person; the right to mobility, and freedom of speech, and freedom of assembly. Now with facial recognition technology, there is the possibility that listed activists will not be able to enter the United States or fly over US Territory.

Since the fact that I was placed on a threat assessment list was broadcast and published across the country, I have had to live with the stigma of being designated a threat and the repercussions from this stigma –mistrust, and loss of employment and income. On a panel associated with the Arar inquiry, Warren Allmand, a former Solicitor General recognized that being associated with a listed group could impact on one’s ability to obtain gainful employment. This recognition would presumably also apply to being listed as a threat.

Even if proved unfounded, the taint of being designated as a threat, remains. Once a reputation has been damaged or impugned, recovery from this designation is almost impossible.

Since the lists have possibly been shared with ‘friendly nations’ prior to September 11, 2001 and probably, shared with ‘friendly nations’ after September 11, 2001 when caveats were down, I have traveled with great trepidation. I have resorted to using my maiden name when traveling internationally, but now with the institution of facial recognition technology, I presume that it will be impossible for me to travel to the US or to travel over US air space.

I had a legitimate expectation that, after being placed on a RCMP Threat Assessment Group List, I would be able to correct the presumed misinformation through provisions in the Privacy and the Access to Information Acts. I was mistaken. In order to justify not revealing the reason that I had been perceived to be a threat, the government exercised exemption such as “for national and international security reasons”, or “for [being] injurious to the conduct of international affairs”, or “for the defence of Canada”.

I have filed complaints with the RCMP, with CSIS, with DND, and with the review bodies such as SIRC and the RCMP Public Complaints Commission. I had presumed that I had a legitimate expectation that, after being placed on an RCMP Threat Assessment Group list, I would be able to correct the presumed misinformation if not through complaints and reviews through provisions in the privacy and the access to information acts. To justify not revealing the reason that I had been perceived to be a threat, the government exercised exemption such as for "national and international security reasons" or “for [being] injurious to the conduct of international affairs”, or “for the defence of Canada".

After almost eight years, I still do not know the reason for my being placed on an RCMP Threat Assessment Group List. I submitted, and in some cases resubmitted, almost 60 Access to Information and Privacy requests, and subsequent requests for reviews by the Privacy and Access to Information Commissioners. These requests resulted is a series of outrageous financial demands, unacceptable delays, unjustifiable retention of data and redacted documents, along again with questionable government exemptions. In the end, the only recourse offered was to hire a lawyer, go to court, and if unsuccessful, pay court costs – an option that was not open to me, and I assume not open to many other citizens engaged in lawful advocacy, protest, and dissent.

Citizens engaged in lawful advocacy, protest, and dissent are often those who are addressing activities, by governments and corporations, which could be designated as threats to “true” security.

True security is not human security or a so-called “responsibility to protect” which has been recently used to support substantial increases in the military budget and to legitimize past, present, and future military expeditions wrapped in the guise of humanitarian interventions

True security is common security – a concept initiated by Olaf Palme, a former president of Sweden – and has been extended to embody the following objectives:

• to achieve a state of peace, and disarmament; through reallocation of military expenses

• to promote and fully guarantee respect for human rights including civil and political rights, and the right to be free from discrimination on any grounds

• to enable socially equitable and environmentally sound employment, and ensure the right to development and social justice; labour rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, and the right to education

• to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint ,and move away from the current model of over-consumptive development.

• to create a global structure that respects the rule of law and the International Court of Justice;

To further Common Security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, made commitments through Conference Action plans, and created expectations through UN General Assembly resolutions, and declarations. Member states of the United Nations have incurred obligations, made commitments and created expectations

The blue print for Common Security has been drawn; the issue is compliance and implementation.

The Senate Committee reviewing the Anti-terrorism Act has a real opportunity to determine what constitute real threats to common security.

Canada is at a cross roads: Canada can continue to support the US in its activities that pose a threat to global security, or Canada can be a proponent of true security: common security. In Annex I of my submission I have included a preliminary draft of a proposed Common Security Index (CSI).

When I found out that I was deemed to be a threat, I prepared a list of threats to global security and recently I have revised this list into a Common Security Index. I have attempted to address the issue of state activities that could be deemed to be threats. In the Common Security Index, I have referred to
(i) existing international obligations or commitments
(ii) state activity in compliance or non compliance with these obligations or commitments;
(iii) lawful advocacy activity against the violation.

I raise the issue that often the intelligence community determines that the threat to security is the advocate who exposes the state violation of international law not the state who violates international law

I would like to submit the following recommendations for addressing the issue of threats to common security.

RECOMMENDATIONS:

(i) that the Canadian government promote common security and end all further contribution to activities that foster global insecurity and threats to common security (see the Common Security Index in Annex 1.

(2) That the Department of Justice ensure that the necessary legislation to implement international obligations and commitments to global common security is enacted in Canada: Consequently, Canada, through acceding to and ratifying treaties has undertaken to perform treaties in good faith, has established on the international plane its consent to be bound, and to establish conditions for the maintaining of justice and respect for obligations under treaties.`

and to operationalize the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" whereby Canada made the following undertaking:

> A multilateral treaty dealing with matters within provincial jurisdiction would be signed by Canada only after consultation with the provinces had indicated that they accepted the basic principle and objectives of the treaty. Assurances would be obtained from the provinces that they are in a position, under provincial laws and regulations, to carry out the treaty obligations dealing with matters falling within provincial competence, before action is taken by the Government of Canada to ratify or acceded to such a treaty.

or by passing implementing legislation:

> In Canada implementing legislation is only necessary if the performance of treaty obligations cannot be done under existing law or thorough executive action.

(3) That the Department of Justice address the issue of Canada's failure to implement key provisions in the Convention on the Law of Treaties, related to the implementation of international obligations throughout Canada..

Applicability of section in the Convention on the Law of Treaties on not defeating purpose of treaty from moment of signing (Article 18)

Under the Vienna Convention on the Law of Treaties, adopted in 1969; signed by Canada, acceded to by Canada on 1970 , and in force 1980, Canada, as a signatory to this Convention has been obliged to ensure the performance of treaties in the following ways:

(i) "to establish conditions under which justice and respect for obligations arising from treaties can be maintained" (Preamble)
(ii) to demonstrate, through the process of ratification (accession) of a Treaty, that the State has `"established on the international plane its consent to be bound by a treaty" (Article 2)
(iii)): to "not defeat the object and purpose of a treaty prior to the entry into force"
(iv) to observe that "every treaty in force is binding upon the parties to it and must be performed by them in good faith. (Article 26)
(v) to interpret a treaty by agreeing that "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose. (Article 31)
(vi) to not create a situation that would make performance impossible.

1. a party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty". ..
2. Impossibility of performance may not be invoked by a party as a ground for terminating, withdrawing from or suspending the operation of a treaty if the impossibility is the result of a breach by that party either of an obligations under the treaty or of any other international obligation owed to any other party to the treaty. (Article 61)

(4) That the Department of Justice carry out an extensive review of obligations incurred through treaties, conventions and covenants; of commitments made through conference action plans; and of expectations created through UN General Assembly resolutions;

(5) That the Department of Justice determine what would constitute compliance with these obligations, commitments and expectations related to Common Security;

(6) That the Department of Justice seek to clarify the Supreme Court precedent established in 1937 Labour Convention case pertaining to federal-provincial powers with regard to international treaties;

(7) That the Department of Justice seek to establish what constitutes “matter of National concern” visa vie federal and provincial jurisdiction, and what is the nature and extent of consultation required to bind the provinces to the international instruments signed and ratified by Canada;

(8) That the Attorney General and the office of the Attorney General not undermine attempts in the courts to comply with Canada's obligations under international law

(9) That judges at all levels undergo additional training to become more cognizant of relevant international instruments, so as to prevent the unfortunate current situation whereby international obligations and commitments are treated with derision by the Canadian court system;

(10) That the Department of Foreign Affairs be fully briefed on precedents related to

International law. In addition, at international conferences, Foreign Affairs staff members be required to respect previous precedents and to take a position if necessary that might be independent from the position taken by JUSCANZ - the negotiating group at the UN with representation from Japan, US, Canada, and Australia. JUSCANZ has generally demonstrated disregard for precedents in international law.

(11) that the Department of Defence discontinue the practice of compiling Op-secur list in which are listed, as being threats to security, groups engaged in lawful advocacy, protest and dissent,
(12) that there be considerable oversight of and “Caveats Up” with any information shared by the department of defence and the "intelligence community" with so- called friendly nations;

(13) that the legal ground of "political and other opinion" should be included as an analogous ground in section 15 of the charter of rights and freedoms; and that the Canadian human rights commission undertake to include discrimination on the ground of political and other opinion as part of their mandate;

(14) that government and intelligence agencies should ensure that citizens who engage in lawful advocacy, protest and dissent and who criticize the government, locally, nationally and internationally for their failure to comply with international not be deemed as threats to Canada;

(15) That a federal cabinet minister overseeing the operation of an intelligence agency should be deemed an officer of the crown, and avoid partisan activities that would discredit this role;

(16) that CSIS should comply with its own act, and be able to distinguish between “those who have a disagreement with politics” and those who are deemed to “be threats of terrorists” to national security;

(17) That the RCMP should divulge the existence of threat assessment lists of activists who have engaged in lawful advocacy, protest and dissent; that these persons should be made aware that they have been placed on a list; that the RCMP should apologize to these persons and that these persons should be financially compensated for losses resulting from their being so place.

(18) that the intelligence community should take courses which would enable them to distinguish between those who have a “disagreement with politics" and those who are a threat to the security of Canada;

(19) that all citizens who have been deemed a threat because they have engaged in lawful advocacy protest and dissent should have opportunity to correct the information;

(20) That there must be a means to cross examine and test the reliability of the evidence used to label a citizen a “threat” and this evidence should be tested in the light of public scrutiny

(21) That there has to be an independent and arms length oversight body to ensure the quality and reliability of intelligence, and that there be provisions for challenging the information;

(22) That there must be a mechanism in place to rectify mistakes committed through national security investigations;

(23) That there must be a mechanism for removing citizens from any secondary search list, threat assessment list and no-fly list;

(24) that the access to information and privacy commissioners and their agents be required to be better informed about what would be legitimate exemptions under the acts, and whether there has been unjustifiable redaction of documents;

(25) That the Attorney General's office should be cautioned about the extensive redaction of government documents; the extensive redaction of CSIS and RCMP documents during public inquiries reflects more the Attorney General's partisan role than the Attorney General's role as officer of the crown.

(26) That CSIS along with the RCMP should be required to acknowledge that it has violated its own statutory law by providing information which resulted in citizens engaged in lawful advocacy, protest, and dissent being deemed threats to national security, or being listed as international terrorists;

(27) That the Solicitor Generals, and Attorney Generals should be

disciplined for their failure to perform their role as officers of the crown;

(28) that the Department of Defence, CSIS, RCMP, and solicitor generals should apologize and be prepared to compensate activists for having violated their charter rights and for impacting on the ability of these activists to seek gainful employment;

(29) that I would concur with other witnesses that the result of the anti-terrorism act has been the violation of civil and political rights, and similarly, the designation of citizens engaged in lawful advocacy, protest and dissent as threats has resulted in discrimination on the grounds of "political and other opinion";

(30) That the rule of law and adversarial process should be restored and secret proceedings eliminated;

(31) That the Anti-terrorism act should be sunsetted on the December 10, 2005 on the 57th anniversary of the UN Declaration of Human rights;

COMMON SECURITY INDEX:
A preliminary draft of the COMMON SECURITY INDEX. An index which can be used to evaluate states on their compliance on non compliance with international instruments related to the furtherance of Common security. (EXCERPT FROM 190 POINT INDEX)

True security is common security
Common security was a concept initiated by Olaf Palme, a former president of Sweden, and has been extended to embody the following objectives:

- to achieve a state of peace, and disarmament; through reallocation of military expenses
- to create a global structure that respects the rule of law and the International Court of Justice;
- to enable socially equitable and environmentally sound employment, and ensure the right to development and social justice;
- to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to safe drinking water and sewage, right to education and right to universally accessible not for profit health care system ,

• to ensure the preservation and protection of the environment, the respect for the inherent worth of nature beyond human purpose, the reduction of the ecological footprint and move away from the current model of unsustainable and over-consumptive development.

To further Common security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, and made commitments through Conference Action plans, and created expectations through UN General Assembly resolutions, and declarations member states of the United Nations have incurred obligations, made commitments and created expectations

Note: the following is an index of
(i) list of international obligations incurred through conventions, treaties, and covenants, of commitments made through conference action plans and expectations created through UN General Assembly resolutions related to "common security".
(ii) State Activity: very preliminary comments about state compliance or non compliance with the obligations, commitments and expectations related to "common security). Eventually, key government positions will be included in this Common Security Index.
(iii) Lawful Advocacy Activity
of state activity and of lawful advocacy activity in relation to these international instruments. . the purpose of the list is to indicate the range of international obligations and commitments which if discharged or acted upon would contribute to global common security. Eventually, key international NGO campaigns will be included in this Common Security Index.

1. PEACE

Peace and Outer Space

(0) ENSURING THAT THE USE OF OUTER SPACE IS FOR THE BENEFIT OF ALL MANKIND [HUMANITY]

INTERNATIONAL: OBLIGATION AND COMMITMENT:

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind humanity....
(Art. 1 Outer Space Treaty of 1967 in force 1967)

Forbidding the establishment of military bases, installations and fortifications and the testing of any type of weapon.....the moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden..(Art. IV Outer Space Treaty of 1967 in force 1967)

Reaffirming the importance of international co-operation in developing the rule of law in the peaceful use of outer space(The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

Recalling its resolution 35/14 of 3 November 1980, Deeply convinced of the common interest of mankind humanity in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived there from, as well as the importance of international co-operation in this field, for which the United Nations should continue to provide a focal point, Reaffirming the importance of international co-operation in developing the rule of law in the peaceful exploration and use of outer space, (The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

STATE ACTIVITY: (USA) has decided unilaterally to embark upon the militarization of space, and to use plutonium in space probes such as the Casini
ADVOCACY ACTIVITY: has exposed the fact that the state is in violation of an existing treaty -the Outer Space Treaty, and of related General Assembly Resolutions. Has opposed the ballistic Missile Defence; and the Cassini Probe.

Peace and International Law

(1) ADVOCATING THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE ITS ROLE IN PACIFIC SETTLEMENT OF DISPUTES

INTERNATIONAL OBLIGATION:
The fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the opportunity under article 37 to refer potential situations of conflict to the International Court of Justice

CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

...

In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court. Article 33

STATE ACTIVITY: Generally permanent members of the UN Security Council have ignored Chapter VI (peaceful resolution of disputes) and ignored the role of the International Court of Justice. They move to Chapter VII, and some permanent members, primarily the US, of the UN Security Council succeed in cajoling, intimidating and offering "checkbook diplomacy" to persuade other members of the UN Security Council to support military intervention. (1991 invasion of Iraq, invasion of Afghanistan,2003 Invasion of Iraq,2011 invasion of Libya)

LAWFUL ADVOCACY ACTIVITY: has urged the UN to revisit the section in the charter related to the International Court of Justice, and require state parties to the conflict to refer the conflict to the International Court of Justice, and to be bound by the decision of the court. Has written position piece in 1991 on UN Contravening its own Charter, and on the fact that the UN Security Council by supporting the invasion of Iraq, and by instituting the oil for food programme has discredited the United Nations. Has criticized Philippe Kirsch, who on behalf of Canada refused to accept the jurisdiction of the ICJ. [now he is the president of the International Criminal Court]

DEMANDS FOR Rio 2012 –All states must agree that to prevent the scourge of was Chapter VI must be used

(2) RESPECTING THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE

INTERNATIONAL**:** In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

When the United Nations Security Council did not support the invasion of Yugoslavia, the NATO states invaded Yugoslavia and then the former Federal Republic of Yugoslavia referred their case against ten NATO states to the International Court of Justice.

STATE ACTIVITY: NATO states, in the case of Kosovo, demonstrated disdain for the international rule of law, and refused to accept the jurisdiction of the International Court of Justice.
LAWFUL ADVOCACY ACTIVITY: has supported the former Federal Republic of Yugoslavia in its case at the International Court of Justice against the ten NATO states; urged that when there are disputes between and among states, the states should be mandated to go to the International Court of Justice, and has opposed the use of depleted uranium, which the USA claimed at the ICJ was a conventional weapon.

(3) RESPECTING THE INTENTION BEHIND SELF DEFENCE

INTERNATIONAL OBLIGATION:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security. (Article 51, Chapter VII, Charter of the United Nations).

STATE ACTIVITY: (USA) has perceived justice through revenge and military intervention, has redefined what constitutes "self defence" and has used the pretext of self defence to justify military intervention in Afghanstan. NATO states supported this interpretation of article 51.
LAWFUL ADVOCACY ACTIVITY: has argued that Article 51 was misconstrued and that the rule of law not revenge should prevail, and states should seek justice from the International Court of Justice. Has participated on a panel at the UN addressing the issue of what constitutes self defence. Generally it was concluded that the US interpretation of self defence was not in line with “self Defence” as defined in most national statutes.

(4) SAVING SUCCEEDING GENERATIONS FROM THE SCOURGE OF WAR AND PREVENTING AND RESOLVING CONFLICTS NOT ENGAGING IN "PREVENTIVE AGGRESSION

INTERNATIONAL OBLIGATION AND COMMITMENT
The purpose of the Charter of the United Nations is to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [humanity]

The Convention on the Right to correction; 1952
The contracting States,
-Desiring to implement the right of their peoples to be fully and reliably informed
-Desiring to improve understanding between their peoples through the free flow of information and opinion
-Desiring thereby to protect mankind [Humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression

In the Platform of Action, States have made a commitment to maintain peace and security at the global, regional and local levels, a commitment to prevent and resolve conflicts (Art.15, Platform of Action, UN Conference on Women: Equality, Development and Peace.

STATE ACTIVITY: (USA) has demonstrated disdain for the international rule of law, and for the obligation to prevent the recurrence of aggression, and to ensure that people are fully and reliably informed. Has misconstrued the intention behind the “prevention of recurrence of aggression” by adopting a policy of pre-emptive/preventive aggression. Has engaged in an illegal act of invading a sovereign state in violation of the UN Charter and international law and has committed the 'supreme' international crime of the war of aggression
LAWFUL ADVOCACY ACTIVITY: stressed the distinction between the prevention of conflict, aggression and war, and the notion of pre-emptive/preventive attack. which escalates conflict and war; has urged states to bring the conflict to the International Court of Justice or has called for the evoking of the Uniting for Peace resolution which calls for an emergency session of the UN General Assembly.

(5) REFRAINING IN ITS INTERNATIONAL RELATION FROM THE THREAT OR USE OF FORCE AGAINST THE SOVEREIGNTY... OF ANY STATE

INTERNATIONAL OBLIGATION:

Proclaiming their earnest wish to see peace prevail among peoples.

Recalling that every state has the duty, in conformity with the Charter of the United Nations, **to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state,** or in any other manner inconsistent with the purposes of the Unite Nations, (Preamble, Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

STATE ACTIVITY: (USA) has ignored this obligation
LAWFUL ADVOCACY ACTIVITY: has called for the discharging this obligation to refrain from the threat or use of force

(6) COUNTERING THE MISINTERPRETATION OF "SERIOUS CONSEQUENCES" IN UN SECURITY COUNCIL RESOLUTION

INTERNATIONAL: The term "serious consequence" in the UN General Security Council Resolution on Iraq was not equated with a "military intervention"

Recalls, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations; (13, UN Security Council resolution on Iraq, November, 2002)

STATE ACTIVITY: The US administration claimed that if the conditions set out in the Resolution were not met, :serious consequences legitimized the invasion of Iraq
LAWFUL ADVOCACY: criticized the above interpretation of "serious consequences" and proposed that "serious consequences" could in fact mean that the issue should be taken to the International Court of Justice

(7) PREVENTING THREATS OF ASSASSINATION OF LEADERS OF OTHER STATES

INTERNATIONAL: ABSENCE OF OBLIGATION or COMMITMENT?

-Desiring thereby to protect mankind from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression (The Convention on the Right to correction, 1952)

COMMENT: *There does not appear to be an obligation or commitment to prevent this threat; although the Convention on the Right to correction does address provocation. The International Criminal Court should be able to take on cases of targeted assassination but appears to be helpless against states that have an established legal system, and of course incapable of acting in the case of non signatories. US treaty against targeting or assassinating leaders was passed in the mid 1970s but repealed by president George W. Bush*

STATE ACTIVITY: (PRIMARILY USA) has engaged in a long standing practice of removing leaders; has targeted and has assisted in the assassination of leaders of other sovereign states, who interfered with national interests.
LAWFUL ADVOCACY RESPONSE: has condemned the practice and has condemned the condoning of assassinations. Has recommended a clear international statement condemning assassination included in the mandate of the International Criminal Court, and has called upon all states to sign and ratify the statute of the International Criminal Court. Has lobbied for the International Criminal Court to be have jurisdiction regardless of state claim to have a legal system capable of trying the case in the country in which the crime occurred, or in which the accused criminal is a citizen.

(8) SETTING UP, PROPPING UP, FINANCING AND SUPPLYING ARMS TO MILITARY DICTATORS THAT FURTHERED FOREIGN VESTED NATIONAL INTERESTS

INTERNATIONAL OBLIGATION OR COMMITMENT
There does not appear to be any obligations or commitment condemning the propping up and financing the propping up of dictators.

This activity would certainly not fulfill the expectations of the Declaration of the Right of all Peoples to Peace:
In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of measures at both the national and the international level." (4.

Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

This activity could certainly contribute to gross and systemic violations of human rights:
The gross and systematic violations and situations constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world, such violations and obstacles included, as well as torture and cruelty, inhuman and degrading treatment and punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights,, religious intolerance, terrorism, discrimination against women and lack of the rule of law (C. 30 World Conference on human rights.

STATE ACTIVITY: (PRIMARILY USA) has continued this long standing activity with impunity
LAWFUL ADVOCACY ACTIVITY: has condemned this activity and has continually pointed out the consequences when former friendly dictators become the evil ones

(9) CONDEMNING THE MAINTAINING OF MILITARY BASES IN OTHER SOVEREIGN STATES

INTERNATIONAL OBLIGATION OR COMMITMENT: There is a prohibition of military bases in the Outer space Treaty, and the prohibition of military bases in Antarctica

Prohibiting the establishment of military bases in Antarctica
Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons. (Antarctic Treaty of 1959, in force 1961)

Otherwise, there does not appear to be a specific prohibition against foreign military bases unless they would be designated as "foreign occupation".

In the Declaration on the Right to Development adopted by General Assembly 1986

Mindful of the obligation of states under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, Neo-colonialism, apartheid, all forms of racism and racial discrimination, **foreign domination and occupation,** aggression and threat against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind, [humanity]

STATE ACTION: (USA) has maintained over 750 military bases in sovereign states around the world
LAWFUL ADVOCACY ACTION: Has called for the closing of and conversion of US military bases, and other foreign owned bases. Social Forum has called for the closing and conversion of bases. In the Women's Action Agenda, 1992, reference was made to the presence of military bases:

Realizing the disastrous environmental impact of all military activity, including research, development, production of weaponry, testing, maneuvers, presence of military bases, disposal of toxic materials, transport, and resources use (Women's Action Agenda, 1982)

(11) REFRAINING FROM THE THREAT TO USE FORCE

INTERNATIONAL OBLIGATION :

Every state has the duty, in conformity with the Charter of the UN, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the (Geneva Convention)**.**
Adopted on 8 June 1977 by the diplomatic conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts
The high contracting parties,
recalling that the humanitarian principles enshrined in article 3 common to the Geneva convention of 12 august 1949 constitute the foundations of respect for the human person in cases of armed conflict not of any international character.
PART 1 SCOPE OF THIS PROTOCOL
article 2 personal field of application

1. This protocol shall be applied without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth birth or other status or on any other similar criteria (hereinafter referred to as "adverse distinction" to all persons affected by an armed conflict as defined in article 1. ßßcase
ARTICLE 3 NON -INTERVENTION
2. nothing in this protocol shall be invoked as a justification for intervening directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the high contracting party in the territory of which that conflict occurs. (Geneva Convention)

STATE ACTIVITY: (US, CANADA ET AL) extended "human security" to mean "humanitarian intervention" and "Responsibility to protect" have become a licence to increase the military budget and to legitimize military intervention; (US) has engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently (NATO States) "Operation enduring freedom" against Afghanistan, and (US-led COALITION OF THE WILLING) "Operation Iraqi Freedom" against Iraq [see annex III]
LAWFUL ADVOCACY ACTIVITY: Has called for the force of Compliance: full scale implementation of obligations, commitments and expectations related to common security in an attempt to prevent destabilization, and potential threats.. The UN Security Council should be dissolved and power transferred to the UN General Assembly; the UN Security Council, with the veto powers, even with the addition of more permanent members, violates a fundamental principle in the Charter of the United Nations: the principle of "sovereign equality". Interstate conflicts should be reviewed by the UN General Assembly and then the states party to the conflict should be mandated to accept the jurisdiction and decision of the International Court of Justice. INTRA state conflicts should be also brought to various committees set up by the UN General Assembly with input from the key organs in the United Nations such as UNHCR, UNEP, UNESCO, UNDP, UNIFEM, DISARMAMENT with the goal of working with the parties involved to prevent any further escalation of the conflict. In specific cases, where the UN General Assembly in conjunction with various organs of United Nations determines that there have been individuals criminally responsible for crimes against humanity, the case should be investigated by the International Criminal Court, without exemptions for those countries deemed to have a functioning legal system. The International Criminal Court will not be effective if it is perceived to discriminate against specific nations.

(12) PROHIBITING ACTIVITIES OF CORPORATIONS FROM PROFITING FROM WAR

INTERNATIONAL: ABSENCE OF OBLIGATION AND COMMITMENT: COMMENT
There appears to have been international references to "mercenaries"...The businesses in this industry, known as privatized military firms(PMF), range from small consulting firms, comprised of retired generals, to transnational corporations that lease out wings of fighter jets or battalions of commandos.

In the Columbia Journal of Transnational Law, P.W. Singer: "In 1968, the U.N. passed a resolution condemning the use of mercenaries against movements of national liberation. The resolution was later codified in the 1970 Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States (ì1970 Declaration).28 The U.N. declared that every state has the duty to prevent the organization of armed groups for incursion into other countries. The 1970 Declaration represented an important transition in international law, as mercenaries became outlaws in a sense. However, it still placed the burden of enforcement exclusively on state regimes, failing to take into account that they were often unwilling, unable, or just uninterested in the task.29 The legal movement against private military actors was followed by a definition of mercenaries in the 1977 Additional" (War, Profits, and the Vacuum of Law: Privatized Military Firms and International Law
P.W. Singer*state activity: 522 Columbia Journal of Transnational Law [42:521.

STATE ACTIVITY: has increased the participation of "Privatized Military firms", and well as transnational corporations benefiting from access to natural resources. etc.
LAWFUL ADVOCACY ACTIVITY: has condemned corporations benefiting and profiting from war and promoting the drafting of an international instrument which would prohibit the profiting from war. Has proposed that the notion of "mercenary" could be extended to include foreign corporations

<u>Peace - - Disarmament and elimination of weapons of mass destruction</u>

(13) PROMOTING COMPREHENSIVE DISARMAMENT

.INTERNATIONAL COMMITMENTS AND EXPECTATIONS:

The maintenance of peace; different types of war and their causes and effects; disarmament; the inadmissibility of using science and technology for

warlike purposes and their use for the purposes of peace and progress; the nature and effect of economic, cultural and political relations between countries and the importance of international law for these relations, particularly for the maintenance of peace: ((b. The General Conference of member states on education Declaration, UNESCO)

A basic instrument of the maintenance of peace is the elimination of the threat inherent in the arms race, tribe, as well as efforts towards general and complete disarmament, under effective international control, including partial measures with that end in view, in accordance the principles agreed upon within the United Nations and relevant international agreements. (6. Declaration on the Preparation of Societies for Life in Peace **Date**)

The achievement of general and complete disarmament and the channeling of the progressively released resources to be used for economic and social progress for the welfare of people everywhere and in particular for the benefit of developing countries. proclaimed by General Assembly resolution 1542 (article 27 (a)_ XX1V of 11 December 1969) Declaration on Social Welfare, Progress and Development)

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:
"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

Solemnly proclaims that the peoples of our planet have a sacred right to peace (1. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

Recalling that in the Final Document of the Tenth Special Session of the General Assembly, the States Members of the United Nations solemnly reaffirmed their determination to make further collective efforts aimed at strengthening peace and international security and eliminating the threat of war, and agreed that in order to facilitate the process of disarmament, it was necessary to take measures and pursue policies to strengthen

international peace and security and to build confidence among states. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

...In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)

Safeguarding world peace and averting a nuclear catastrophe is one of the most important tasks today in which women have an essential role to play, especially by supporting actively the halting of the arms race followed by arms reduction and the attainment of a general and complete disarmament under effective international control... (Par 250 Nairobi Forward Looking strategy for the Advancement of women, 1985)

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures *should* **shall** be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries, (Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986)

STATE ACTIVITY: (USA) has obstructed even the mention of "disarmament" in the most recent 2005 World Summit;
LAWFUL ADVOCACY ACTIVITY has lobbied for the inclusion of a reference to disarmament in all international instruments, and has called for the reallocation of military expenses to global social justice.

(14) ELIMINATING AND DESTROYING WEAPONS OF MASS DESTRUCTION

INTERNATIONAL COMMITMENT AND OBLIGATION

Man [Humans] and their environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement in the relevant international organs on the elimination and complete destruction of such weapons (UNCHE, 1972, Principle 26)

STATE ACTIVITY: (USA) has proceeded to exclude nuclear weapons from the category of weapons of mass destruction; ignored commitment and continued to produce and subsidize industries that produce weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. (CANADA) sold the civil nuclear technology to both India and Pakistan, and has continued to supply uranium to nuclear arms states.
ADVOCACY ACTIVITY: has called for states to act on long standing commitment eliminate and completely destroy weapons of mass destruction, and upon Canada to end the export of civil nuclear technology and the export of uranium.

(15) REAFFIRMING THAT THE THREAT OR USE OF NUCLEAR WEAPONS VIOLATES INTERNATIONAL HUMANITARIAN LAW

INTERNATIONAL COMMITMENT:

Reaffirming that the use of nuclear weapons would be a crime against humanity

Reaffirming the declaration that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, contained in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Being convinced that prohibition of the use or threat of use of nuclear weapons would lead to complete elimination of nuclear weapons and to disarmament

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and

effective international control (draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

NUCLEAR DISARMAMENT

Reaffirming the declaration that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, contained in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security, (Draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, ∞)

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security, (Draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control (draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, ∞)

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferer whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture of otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices. (Art. II, Nuclear-weapon Non-proliferation Treaty of 1968, in force 1970)

Non-Proliferation Treaty (NPT)
Article 1: prohibits the transfer of weapons directly or indirectly from states in possession of nuclear weapons to states not in possess
Article II: disallows receipt or manufacture of nuclear weapons by non nuclear weapon states
Article III: seeks to assure that materials and facilities in non-nuclear weapon states are used for peaceful purposes only by application o f safeguards by the IAEA
Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament
Fifty-seventh session First Committee Agenda item 66 (b)

General and complete disarmament: towards a nuclear-weapon-free world: the need for a new agenda Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden: draft resolution

Towards a nuclear-weapon-free world: the need for a new agenda
On 1 October 2002 the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden) submitted a draft resolution to the United Nations General Assembly entitled “Towards a nuclear-weapon-free-world: the need for a new agenda.” (A/C.1/57/L.3)

The General Assembly,
Recalling its resolutions 53/77 Y of 4 December 1998, 54/54 G of 1 December 1999 and 55/33 C of 20 November 2000,
Convinced that the existence of nuclear weapons is a threat to the survival of humanity,
Declaring that the participation of the international community as a whole is central to the maintenance and enhancement of international peace and stability and that international security is a collective concern requiring collective engagement,
Declaring also that internationally negotiated treaties in the field of disarmament have made a fundamental contribution to international peace and security, and that unilateral and bilateral nuclear disarmament measures complement the treaty-based multilateral approach towards nuclear disarmament,
Recalling the advisory opinion of the International Court of Justice, on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226. and its unanimous conclusion that "there exists

an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control",

Declaring that any presumption of the indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with the integrity and sustainability of the nuclear non-proliferation regime and with the broader goal of the maintenance of international peace and security,

Declaring also that it is essential that the fundamental principles of transparency, verification and irreversibility should apply to all nuclear disarmament measures,

Convinced that the further reduction of non-strategic nuclear weapons constitutes an integral part of the nuclear arms reduction and disarmament process,

Declaring that each article of the Treaty on the Non-Proliferation of Nuclear Weapons is binding on the respective States parties at all times and in all circumstances and that it is imperative that all States parties be held fully accountable with respect to the strict compliance with their obligations under the Treaty, and that the undertakings therein on nuclear disarmament have been given and that implementation of them remains the imperative,

Expressing its deep concern that, to date, there have been few advances in the implementation of the thirteen steps agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Stressing the importance of regular reporting in promoting confidence in the Treaty on the Non-Proliferation of Nuclear Weapons,

Expressing its deep concern at the continued failure of the Conference on Disarmament to deal with nuclear disarmament and to resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices,

Expressing grave concern that the Comprehensive Nuclear-Test-Ban Treaty has not yet entered into force,

Expressing deep concern that the total number of nuclear weapons deployed and stockpiled still amounts to thousands, and at the continuing possibility that nuclear weapons could be used,

Acknowledging that reductions in the numbers of deployed strategic nuclear warheads envisaged by the Treaty of Moscow represent a positive step in the process of nuclear de-escalation between the United States of America and the Russian Federation, while stressing that reductions in

deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons,

Noting that, despite these bilateral achievements, there is no sign of efforts involving all of the five nuclear-weapon States in the process leading to the total elimination of nuclear weapons,

Expressing its deep concern about emerging approaches to the broader role of nuclear weapons as part of security strategies, including the development of new types, and rationalizations for the use, of nuclear weapons,

Expressing concern that the development of strategic missile defences could impact negatively on nuclear disarmament and non-proliferation, and lead to a new arms race on earth and in outer space,

Stressing that no steps should be taken which would lead to the weaponization of outer space,

Expressing its deep concern at the continued retention of the nuclear-weapons option by those three States that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and operate unsafeguarded nuclear facilities, in particular given the effects of regional volatility on international security, and in this context, the continued regional tensions and deteriorating security situation in South Asia and the Middle East,

Welcoming progress in the further development of nuclear-weapon-free zones in some regions and, in particular, the consolidation of that in the southern hemisphere and adjacent areas,

Recalling the United Nations Millennium Declaration, Resolution 55/2. in which the Heads of State and Government resolved to strive for the elimination of weapons of mass destruction, in particular nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers,

Taking into consideration the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all the States parties to the Treaty are committed under article VI of the Treaty, 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, vol. I (NPT/CONF.2000/28 (Parts I-II)), Part I, Article VI and eighth to twelfth preambular paragraphs, para. 6 under para. 15.

1. Reaffirms that the growing possibility that nuclear weapons could be used represents a continued risk for humanity;
2. Calls upon all States to refrain from any action that could lead to a new nuclear-arms race or that could impact negatively on nuclear disarmament and non-proliferation;
3. Also calls upon all States to observe international treaties in the field of nuclear disarmament and non-proliferation and to duly fulfill all obligations flowing from those treaties;
4. Further calls upon all States parties to pursue, with determination and with continued vigour, the full and effective implementation of the substantial agreements reached at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the outcome of which provides the requisite blueprint to achieve nuclear disarmament;
5. Calls upon the nuclear-weapon States to respect fully their existing commitments with regard to security assurances, pending the conclusion of multilaterally negotiated legally binding security assurances to all non-nuclear-weapon States parties, and agrees to prioritize this issue with a view to recommendations to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;.
6. Also calls upon the nuclear-weapon States to increase their transparency and accountability with regard to their nuclear weapons arsenals and their implementation of disarmament measures;
7. Reaffirms the necessity for the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to consider regular reports to be submitted by all States parties on the implementation of article VI as outlined in paragraph 15, subparagraph 12, of the 2000 Final Document, and on paragraph 4 (c) of the 1995 Decision;
8. Calls upon nuclear-weapon States to implement the Treaty on the Non-Proliferation of Nuclear Weapons commitments to apply the principle of irreversibility by destroying their nuclear warheads in the context of strategic nuclear reductions and avoid keeping them in a state that lends itself to their possible redeployment;
9. Agrees on the importance and urgency of signatures and ratifications to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty;
10. Calls for the upholding and maintenance of the moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

11. Reaffirms that the entry into force of the Comprehensive Nuclear-Test- Ban Treaty is particularly urgent since the process of the installation of an international system to monitor nuclear-weapons tests under the Comprehensive Nuclear-Test-Ban Treaty is more advanced than the real prospects of entry into force of the Treaty, a situation which is not consistent with a universal and comprehensive test-ban treaty;
12. Agrees that the further reduction of non-strategic nuclear weapons should be accorded priority and that nuclear-weapon States must live up to their commitments in this regard;
13. Agrees also that reductions of non-strategic nuclear weapons should be carried out in a transparent and irreversible manner and that the reduction and elimination of non-strategic nuclear weapons should be included in the overall arms reductions negotiations. In this context, urgent action should be taken to achieve:
(a) Further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;
(b) Further confidence-building and transparency measures to reduce the threats posed by non-strategic nuclear weapons;
(c) Concrete agreed measures to reduce further the operational status of nuclear-weapons systems, and to
(d) Formalize existing informal bilateral arrangements regarding non-strategic nuclear reductions, such as the Bush-Gorbachev declarations of 1991, into legally binding agreements;
14. Calls upon nuclear-weapon States to undertake the necessary steps towards the seamless integration of all five nuclear-weapon States into a process leading to the total elimination of nuclear weapons;
15. Agrees that the Conference on Disarmament should establish without delay an ad hoc committee to deal with nuclear disarmament;
16. Agrees also that the Conference on Disarmament should resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices taking into consideration both nuclear disarmament and nuclear non-proliferation objectives;
17. Agrees further that the Conference on Disarmament should complete the examination and updating of the mandate on the prevention of an arms race in outer space in all its aspects, as contained in its decision of 13 February 1992, CD/1125. and re-establish an ad hoc committee as early as possible;

18. Calls upon those three States that are not yet parties to the Treaty on the Non-Proliferation of Nuclear Weapons and operate unsafeguarded nuclear facilities to accede to the Treaty as non-nuclear-weapon States, promptly and without condition, and to bring into force the required comprehensive safeguards agreements, together with additional protocols, consistent with the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards approved by the Board of Governors of the International Atomic Energy Agency on 15 May 1997, International Atomic Energy Agency, INFCIRC/540 (Corrected). for ensuring nuclear non-proliferation, and to reverse clearly and urgently any policies to pursue any nuclear weapons development or deployment and refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation;

19. Calls upon those States that have not yet done so to conclude full-scope safeguards agreements with the International Atomic Energy Agency and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol;

20. Reaffirms the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objective of nuclear disarmament, and supports proposals for the establishment of nuclear-weapon-free zones where they do not yet exist, such as in the Middle East and South Asia;

21. Calls for the completion and implementation of the Trilateral Initiative between the International Atomic Energy Agency, the Russian Federation and the United States of America and for consideration to be given to the possible inclusion of other nuclear-weapon States;

22. Calls upon all nuclear-weapon States to make arrangements for the placing, as soon as practicable, of their fissile material no longer required for military purposes under International Atomic Energy Agency or other relevant international verification and to make arrangements for the disposition of such material for peaceful purposes in order to ensure that such material remains permanently outside military programmes;

23. Affirms that a nuclear-weapon-free world will ultimately require the underpinning of a universal and multilaterally negotiated legally binding

instrument or a framework encompassing a mutually reinforcing set of instruments;
24. Acknowledges the report of the Secretary-General on the implementation of resolution 55/33/C, A/56/309, and requests him, within existing resources, to prepare a report on the implementation of the present resolution;
25. Decides to include in the provisional agenda of its fifty-eighth session the item entitled "Towards a nuclear-weapon-free world: the need for a new agenda", and to review the implementation of the present resolution at that session.

The International Court of Justice ruled in July 1996 that the use or the threat to use nuclear weapons was contrary to international humanitarian law

STATE ACTIVITY: (NATO States) have continued to participate as members of NATO –an organization having a first strike nuclear policy and has used (USA) its control over NATO to circumvent the United Nations,
LAWFUL ADVOCACY ACTIVITY: has opposed NATO in its first strike policy, and has called for the disbanding of NATO

(16) PURSUING NEGOTIATION ... TO END THE NUCLEAR ARMS RACE AND ACHIEVE DISARMAMENT

INTERNATIONAL OBLIGATION:
Commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament. (Article VI :Nuclear Non Proliferation Treaty)

STATE ACTIVITY: (NUCLEAR ARMS STATES) have ignored key provisions in the Nuclear Non proliferation treaty, and has failed, as nuclear arms powers, to reduce nuclear weapons as agreed under Article VI.
Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden have promoted the important aforementioned resolution which was supported by International Peace Groups.
LAWFUL ADVOCACY ACTIVITY: has called for the discharging of key obligations under the Nuclear Non Proliferation treaty, and for a treaty calling for the abolition of nuclear weapons- Abolition 2000 treaty- to abolish nuclear weapons. Has opposed the clause in the treaty which advocates the peaceful use of civil nuclear energy, has noted the long standing link between civil nuclear energy and nuclear arms; has lobbied against the sale of uranium to

nuclear arms states [because of the fungibility principle]; and against the proposal to use plutonium from dismantled nuclear weapons in the form of MOX in civil nuclear reactors.

(17) OPPOSING THE CIRCULATION OF NUCLEAR POWERED OR NUCLEAR ARMS CAPABLE VESSELS THROUGHOUT THE WORLD, AND THE BERTHING OF THESE VESSELS IN URBAN PORTS

INTERNATIONAL ABSENCE OF OBLIGATION OR OBLIGATION; COMMENT

There is no stated obligation or commitment related to this activity. However, this activity is in direct violation of the precautionary principle-- principle of international customary law:

Where there are **threats** of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent (Principle, Rio Declaration, UNCED)

STATE ACTIVITY: [US, BRITAIN, RUSSIAN] have continued to produce, circulate, and berth nuclear powered and nuclear arms capable vessels; and states such as CANADA, have condoned the producing, circulating and birthing of nuclear powered and nuclear arms capable vessels;
New Zealand has prohibited the circulating of nuclear powered and nuclear arms capable vessels in New Zealand the berthing of these vessels in New Zealand ports.
LAWFUL ADVOCACY ACTIVITY: has called for the prohibiting of the construction, circulation and berthing of nuclear powered nuclear arms capable vessel, and lobbied at international conferences to have this statement included in international instruments**.** Has filed a law suit under the EARP guidelines, against the activity of continued circulating and birthing of these vessels, and has protested against this activity.

(18) PROHIBITING ANTI-PERSONAL LAND MINES

INTERNATIONAL COMMITMENT:

Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000

-1997 Ottawa Treaty: anti-personnel mines

STATE ACTIVITY: (USA et al) Has ignored the decision of International Court of Justice related to land mines (Nicaragua vs US, 1987), has continued to produce and use Mines and has failed to sign and ratify the treaty
LAWFUL ADVOCACY ACTIVITY: Has called for the banning of the production and use of land mines and for the universal signing and ratifying of the Ottawa Treaty

COMMENT:
LAND MINE TREATY: US EXCEPTIONALISM, 1997

To justify the US's opposition to the International Treaty to Ban Land Mines, the US spokesperson stated that the US has to balance a commitment to humanitarian concern with the obligation to maintain the power base of the US. The US's failure to act either on commitment or obligation whenever there are international agreements related to "eroding its military or corporate base" has contributed to the inability of international law to shape the political will. For years international political will to change has been undermined by the failure to act on commitments and to discharge obligations. .

The US continually with deep conviction proclaims its obligation not to international agreements for guaranteeing human rights, protecting and preserving the environment, and preventing war and conflict. but to maintaining its military and corporate power.

Canada usually supports the US in the weakening of conference action plans and General Assembly resolutions in the area of US vested interest in maintaining military and corporate power.. For example, Canada supported the US when the question of eliminating the production of nuclear arms arose in the UN conference on Women and in the Habitat II Conference In addition Canada abstained when the General Assembly voted on supporting and promoting the decision by the international court of Justice that the use or threat to use nuclear weapons was contrary to humanitarian law.

Hopefully the willingness of Canada to stand up to the United States in the Land Mine treaty will hail a new independent political policy in Canada. Hopefully Canada will maintain this independent policy in other areas by canceling the Nanoose Agreement on the grounds that it is contravention of recent international commitments and obligations, and the rule of law reflected in the International Court of Justice decision. Hopefully Canada

will also prevent all further berthing of US nuclear powered vessels in Canadian harbours.

Hopefully citizens will see an independent political stance taken by Canada in the area of trade agreements where it will abrogate NAFTA and discontinue all further negotiations on the Multinational Agreement on Investments. (MAI).

(19) PROHIBITING OF "NEW WEAPONS"

INTERNATIONAL OBLIGATION

4. PRINCIPLE: PROVISIONS RELATED TO "NEW WEAPONS"

In the study, development, acquisition or adoption of a new weapon, or method of warfare, a high contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party (Art 36 Protocol to the Geneva Convention)

Prohibitory rules

- dum-dum bullets (First Hague Peace conf.) -asphyxiating/poisonous /other gases (Geneva Protocol (1925)

-1972 Convention on biological &toxin weapons -1993 Convention on chemical weapons

-1997 Ottawa Treaty: anti-personnel mines -1980 Convention on conventional weapons with "excessively injurious indiscriminate effect - protocol 1: non-detectable fragments (ban) - prohibited mines, booby- traps (ban on use of mines designed to cause superfluous injury/ unnecessary suffering prohibited: regulating use of other devices

- protocol III incendiary weapons - protocol IV blinding laser weapons

Prohibiting or restricting use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

STATE ACTIVITY: (USA et al) has disregarded the Geneva Protocol, and has used weapons such as depleted uranium which would contravene the Protocol
LAWFUL ADVOCACY ACTIVITY: has condemned the use of prohibited weapons including depleted uranium at least as early as 1991 in Iraq. Have Called for discharging obligations under the protocol,

(20) PROHIBITING THE USE OF CERTAIN CONVENTIONAL WEAPONS

INTERNATIONAL OBLIGATION:

(i) Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000;

STATE ACTIVITY: (USA et al) has disregarded the Geneva Protocol, and used weapons such as depleted uranium which would contravene the Protocol
LAWFUL ADVOCACY ACTIVITY: has called for discharging obligation under this convention, has provided information about the use of Depleted uranium for the case at the International Court of Justice, and at the NATO press conference in Brussels

<u>Peace; protection of cultural property</u>

(21) EXERCISING DUTY TO PROTECT CULTURAL Property

INTERNATIONAL OBLIGATION:

Preserving natural heritage for future generations

ï Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind [humankind] as a whole (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972).

ï Considering that in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value.. (Preamble, Convention for the Protection of the World cultural and Natural Heritage, 1972)

Undertaking not to damage directly or indirectly any world heritage site
Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the natural heritage ...situated on the territory of other States Parties to this Convention. (Art. VI.3 Convention of the Protection of Cultural and Natural Heritage of 1972, in force 1975)

STATE ACTIVITY: (USA-led coalition) as invader and occupier has disregarded the convention
LAWFUL ADVOCACY ACTIVITY: has condemned the failure to protect cultural property and has called for adherence to convention

(22) PROHIBITING AND PREVENTING ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

INTERNATIONAL COMMITMENT:
Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, General Assembly Resolution, (Return or restitution of cultural property to the countries of origin, 1983)

STATE ACTIVITY: (USA-led coalition) has ignored the commitment to prevent illicit import...during an invasion and occupation
ADVOCACY ACTIVITY: has condemned the failure to act on the commitment to prevent illicit import...

(23) RESTITUTING OF CULTURAL PROPERTY TO COUNTRIES OF ORIGIN INTERNATIONAL COMMITMENT;

INTERNATIONAL OBLIGATION:
Being aware of the importance attached by the countries of origin to cultural property
Aware of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring restitution of cultural property in case of illicit appropriation to a country of its cultural property to country of origin

Preparing of inventories of movable cultural property

Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property, the development of infrastructures for the protection of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring Restitution to a country of its objets d'art...

Reaffirms that the restitution to a country of its objets d'art monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international co-operation and to the preservation and flowering of universal cultural values through fruitful co-operation between developed and developing countries (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

STATE ACTIVITY: (USA-led Coalition) has failed to fully discharge the obligation of restitution

LAWFUL ADVOCACY ACTIVITY; has condemned the failure of states to provide full restitution, and has called for the compliance with the obligations under the convention

Peace and human rights

(24) PROTECTING VICTIMS OF ARMED CONFLICT

INTERNATIONAL OBLIGATION;

Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Preamble the High contracting parties

proclaiming their earnest wish to see peace prevail among peoples.

recalling that every state has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the Unite Nations,

Believing it necessary nevertheless to reaffirm and develop the provisions protecting the victims of armed conflicts and to supplement measures intend to reinforce their application expressing their conviction that nothing in this protocol or in the Geneva conventions of 12 august 1949 can be construed as legitimizing or authorizing any act of aggression or any other use of force inconsistent with the Charter of the United Nations Convention second convention, third convention and fourth convention mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and sick in armed Forces in the field of 12 august 1949; the Geneva convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea of 12 august 1949; the Geneva Convention relative to the treatment of Prisoners of War of 12 august 1949; the Geneva Convention relative to the Protection of Civilian in time of War of 12 august 1949; the conventions means the four Geneva Conventions of 12 august 1949; for the Protection of war victims. Part III Methods and means of Warfare Combatant and prisoner of war status

STATE ACTIVITY: (USA et Al) have continued to unevenly comply with the obligations under the Geneva Conventions and have, to avoid compliance, reclassified prisoners as non combatants
LAWFUL ADVOCACY ACTIVITY: have condemned the failure to fully comply with the Geneva Conventions

(25) PROHIBITING ATTACKING WORKS OR INSTALLATIONS THAT COULD RELEASE DANGEROUS SUBSTANCES AND ACTIVITIES THAT COULD IMPACT ON CIVILIANS

INTERNATIONAL OBLIGATION:

Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians. Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the

release of dangerous forces from the works or installations and consequent sever losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)

STATE ACTIVITY: (USA et Al) has violated Geneva conventions on the treatment of civilians, and has violated both international human rights and humanitarian law during the invasions and occupations of Kosovo, Iraq and Afghanistan, as well as other invasions and occupations (Annex iii)
LAWFUL ADVOCACY ACTIVITY: condemning the violation of the Geneva conventions, and has documented destruction of these sites

(26) PROTECTING VICTIMS OF INTERNATIONAL ARMED CONFLICTS

INTERNATIONAL OBLIGATIONS:

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

- Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.
- Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)

STATE ACTIVITY: (US et AL) has failed to adequately discharge obligations under this convention.
LAWFUL ADVOCACY ACTIVITY: has reported incidents of abuse of this convention

(27) PROHIBITING THE STARVATION OF CIVILIANS THROUGH ATTACKING OBJECTS INDISPENSABLE TO THE SURVIVAL OF CIVILIAN POPULATION

INTERNATIONAL OBLIGATION;

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects

indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

STATE ACTIVITY: (USA et Al) have often even with so-called smart bombs destroyed key locations indispensable to the survival of the Civilian population., or have reclassified sites as being legitimate military targets.
LAWFUL ADVOCACY ACTIVITY: has condemned the destruction of objects indispensable to the survival of the Civilian population.

(28) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT
2. NO EXCEPTIONAL CIRCUMSTANCES WHATSOEVER, WHETHER A STATE OF WAR OR A THREAT OF WAR, INTERNAL POLITICAL IN STABILITY OR ANY OTHER PUBLIC EMERGENCY, MAY BE INVOKED AS A JUSTIFICATION OF TORTURE.

INTERNATIONAL OBLIGATION:
Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987,

The States Parties to this Convention,
Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
Recognizing that those rights derive from the inherent dignity of the human person,
Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,
Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,
Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,
Have agreed as follows:
1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. (PART I , Article 1

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.
Article 2
1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

STATE ACTIVITY: (USA) has attempted to use "public emergency" to justify torture
LAWFUL ADVOCACY ACTIVITY: has condemned the use of public emergency to justify torture, and has brought states and leaders to various courts for violating the Conventional Against Torture. Lawyers specializing in international law have argued the following: The US engaged in counseling, aiding, abetting in torture at ABU GHRAIB and GUANTANAMO in contravention of the Convention against Torture George W. Bush is guilty of grave crimes against humanity and war crimes for which President Bush stands properly accused by the world, starting with the Nuremberg Tribunals "supreme international crime" of waging an aggressive war against Iraq in defiance of international law and the Charter of the United Nations, and including systematic and massive violations of te Geneva Conventions Relative to the Treatment of Prisoners of War and Relative to the Protection of Civilian Persons in Time of War, as well as the

United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(29) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: CONDEMNING THE PRACTICE OF RENDITION

INTERNATIONAL OBLIGATION:

Article 3 General comment on its implementation

1. No State Party shall expel, return ("re-fouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

STATE ACTIVITY: (USA) to obtain information citizens have been sent to states where they are in danger of torture; this activity has been classified as "rendering" and has been carried out in contravention to the Convention on Torture.
LAWFUL ADVOCACY ACTIVITY: has condemned the insidious activity of "rendering" and has supported investigations into this activity

(30) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: CONDEMNING COMPLICITY IN TORTURE

INTERNATIONAL OBLIGATIONS:
1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature. Article 4

STATE ACTIVITY: (CANADA) Sharing of information with caveats down to USA which engaged in rendering; and counseling other parties to engage in torture, through being a party to the offence of torture, and through counseling another person to be a party to the offence of torture in Guantanamo Bay prison, and in Abu Ghraib prison; and through rendering

LAWFUL ADVOCACY: ACTIVITY: has condemned the state complicity in torture and degrading treatment; and has supported investigations into the treatment of prisoners.

(31) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: ENSURING THE RIGHT TO COMPLAIN AND ADEQUATE COMPENSATION

INTERNATIONAL OBLIGATION:

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation. (Convention Against Torture)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

<u>Peace - restitution</u>

(35) PROVIDING RESTITUTION AND FULL COMPENSATION

INTERNATIONAL COMMITMENT:

Affirming the right to restitution and giving full restitution and compensation The right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples (4 f, Declaration of a New International Economic Order, 1974)

STATE ACTIVITY: (USA-led Coalition) have ignored the commitment, and instead have permitted their corporations to benefit from war and occupation
LAWFUL ADVOCACY ACTIVITY: has called for full restitution and compensation, and has opposed the practice of allowing corporations to benefit from a war

(36) ACKNOWLEDGING THE INTERDEPENDENCE AMONG PEACE, DEVELOPMENT AND ENVIRONMENTAL PROTECTION

INTERNATIONAL COMMITMENT

Peace, development and environmental protection are interdependent and indivisible. (Principle 25, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(37) ACKNOWLEDGING THAT WARFARE IS INHERENTLY DESTRUCTIVE OF SUSTAINABLE DEVELOPMENT, AND THAT STATES SHALL RESOLVE ENVIRONMENTAL DISPUTES PEACEFULLY

INTERNATIONAL COMMITMENT

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary. (Principle 24, Rio Declaration, UNCED, 1992)

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations. (Principle 26, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (USA) Sent a memo around at UNCED instructing the negotiators to not agree to any reference to the military; this memo included several other edicts like to not agree to the precautionary principle.

LAWFUL ADVOCACY ACTIVITY: it was intercepted and rewritten as the ten commandments

(38) PREVENTING DISCHARGE OF RADIOACTIVE OR TOXIC WASTES INTO NATURAL SYSTEMS

INTERNATIONAL COMMITMENT:

Taking precautions to prevent discharge of radioactive or toxic wastes into natural systems Special precautions shall be taken to prevent discharge [into natural systems] of radioactive or toxic wastes. (Art. 12 b UN Resolution, 37/7, World Charter of Nature, 1982)

STATE ACTIVITY: DISREGARD OF COMMITMENT [only one state the US did not adopt the World Charter of Nature]
LAWFUL ADVOCACY R ACTIVITY has called for acting on commitment including banning the use of weapons systems that use depleted uranium

(40b) RECOGNIZING THAT WARFARE IS DESTRUCTIVE OF SUSTAINABLE DEVELOPMENT

INTERNATIONAL COMMITMENT

"Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(41) PREVENTING THE THREAT TO THE ENVIRONMENT FROM WEAPON SYSTEMS

INTERNATIONAL OBLIGATION: AND COMMITMENT
Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts
1 In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.
2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering
3 It is prohibited to employ methods or means of warfare which are intended, or may be expected to cause widespread, long-term and severe damage to the natural environment
(Section 1, Article 35 Basic rules: Methods and means of warfare Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic

conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Article 54 protection of objects indispensable to the survival of the civilian population
article 56 5. protection of the natural environment
1. care shall be taken in warfare or protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are indeed or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population

2. attacks against that the natural environment by way of reprisals are prohibited.
article 56 protection of works and installations containing dangerous forces
Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

1. works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses the works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population article 86 Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts
Securing nature against degradation caused by warfare or other hostile activities
Nature shall be secured against degradation caused by warfare or other hostile activities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982)
Avoiding military activities damaging to nature
Military activities damaging to nature shall be avoided (Art. 22, UN Resolution, 37/7, World Charter of Nature, 1982)

STATE ACTIVITY: has often disregarded obligations and commitments

LAWFUL ADVOCACY ACTIVITY: has called for discharging obligation and acting on commitment and in 1992, in preparation for UNCED, the Women's caucus proposed the following:

Preventing, eliminating and condemning the environmental impact of military activity

Realizing the disastrous environmental impact of all military activity, including research, development, production of weaponry, testing, maneuvers, presence of military bases, disposal of toxic materials, transport, and resources use (Women's Action Agenda, 1982)

Peace and Social justice

(42) CONDEMNING TECHNIQUES OF INTIMIDATION AND CHEQUE BOOK DIPLOMACY

INTERNATIONAL NON-EXISTENT OBLIGATIONS AND COMMITMENTS: COMMENT

Intimidation and bribery are against the law in most national statutes but appear to be condoned in the international sphere.

STATE ACTIVITY: Has attempted, by intimidating or offering economic incentives in exchange for support for military intervention, to undermine the international resolve to prevent the scourge of war (the US et AL) continually cajoles, intimidates, and bribes other members of the United Nations)

LAWFUL ADVOCACY ACTIVITY: has raised at the United Nations press conferences, and at other sessions at the UN the issue of the US intimidating and "offering financial incentives" to members of the UN Security Council.

(43) EVOKING THE UNITING FOR PEACE RESOLUTION

INTERNATIONAL COMMITMENT

Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in

emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations; (1951, Uniting for peace resolution)

STATE ACTIVITY: (USA) Sent intimidating letters to members of the United Nations General Assembly opposing the holding an emergency session of the UN General Assembly under the Uniting for Peace resolution.
LAWFUL ADVOCACY ACTIVITY: has circulated a global petition calling for an emergency session of the UN General Assembly to invoke the Uniting for Peace resolution. Organized a rally in front of the United Nations {citizens with placards could not stop momentarily in front of the USA Mission]

(44) PROHIBITING PROPAGANDA FOR WAR

INTERNATIONAL OBLIGATION:
1. Any propaganda for war shall be prohibited by law. (Article 20, International Covenant of Civil and Political Rights)

STATE ACTIVITY: (US) has declared that various states are on the axis of evil, or has proclaimed that you are either with us or with the terrorists. Has promoted notion of “regime change”
LAWFUL ADVOCACY ACTIVITY has opposed all propaganda for war and has called for the delegitimization of war

(45) PROVIDING A RIGHT TO CORRECTION

INTERNATIONAL OBLIGATION
",,, to protect mankind [humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression; Convention on the Right to Correction

STATE ACTIVITY: (US and GREAT BRITAIN) Precipitously and falsely declared that a another state had weapons of mass destruction and interfered with the exercise of the international atomic energy agency in carrying our its inspection and that the unilateral or
LAWFUL ADVOCACY ACTIVITY: has raised the issue along with the majority of members of the UN General Assembly, that the IAEA should be permitted to complete its investigation into the existence of Nuclear weapons in Iraq. Has

also proposed that the IAEA should carry out inspections of nuclear weapons in all nuclear weapons states, including the permanent members of the UN Security Council.

(46) REALLOCATING THE MILITARY BUDGET FOR GLOBAL SOCIAL JUSTICE

INTERNATIONAL COMMITMENTS:

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

STATE ACTIVITY: has ignored years of commitments related to reallocation of the military budget, has substantially increased the military budget, and has used the responsibility to protect and humanitarian intervention to justify increasing the military budget.

LAWFUL ADVOCACY ACTIVITY has called for the reallocation of the Global military budget at international conferences., and for implementing years of commitments to distributing the peace dividend.

Global Compliance Research Project statement on "Domestic financial Resources and Economic Instruments” for Implementing the Commitments made in the Habitat II Agenda.

"The reduction of the military budget and disarmament are necessary conditions of security and development" (Anatole Rappaport, presentation at the World Order Conference, 2001)

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. Unfortunately, institutional memory is either short or member states ignore precedents.

It is time for the member states of the United Nations to give substance to the Habitat II Agenda, by recapturing the commitment from Habitat 1, in 1976, to substantially reduce the military budget.

Currently the Global Community spends almost one trillion the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education.

WSSD: FUNDS FOR GLOBAL SOCIAL JUSTICE, NOT FOR ARMS
(published in Taking Issue, Friday August 30, 2002) at the WSSD, Johannesburg)

Delegates at the WSSD have been negligent in that the have ignored significant precedents related to a commitment to reallocate the military budget

In Agenda 21, at the United Nations Conference on the environment and Development, it as estimated that from 650-650 billion per annum would be necessary for the implementation of Agenda 21 Also in Chapter 33, of Agenda 21, member states of the Untied Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. unfortunately, institutional memory is either short or member states ignore precedents.

It is time for the member states of the United Nations negotiating at the World Sumiton Sustainable Development to respect precedents by acting on commitments from previous conferences and General Assembly resolutions.

Currently, the Global Community spends more that $850 billion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing, the right to unadulterated food (pesticide-free and GE-free food); the right to safe drinking water, the right to a safe environment; the right to universally accessible, not for profit health care and the right free and accessible education.

(48) PROMOTING THE DE-LEGITIMIZATION OF WAR

INTERNATIONAL OBLIGATION:

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in

fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small (Charter of the United Nations)

STATE ACTIVITY: (STATES ENGAGED IN WAR) has disregarded the fundamental purpose of the Charter of the United Nations.
LAWFUL ADVOCACY ACTIVITY: have called for the delegitimization of war as a means of implementing the fundamental purpose of the Charter of the United Nations, Given the irreversible social, health, environmental, psychological, and economic consequences of war are such that under no circumstance or conditions is war either legal or justice

Peace - science

(49) DECLARING THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE

INTERNATIONAL COMMITMENTS:

PROCLAIMING that all States shall promote international co-operation to ensure that the results of scientific and technological development are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations (Art. 2., Declaration on the Use of Scientific and Technological Progress in the Interests of Peace, UN General Assembly Resolution,1975),

NOTING with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamentals.
NOTING also with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or the groups and for human dignity. (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind Humanity, 1975)

Recognizing that scientific and technological developments can give rise to social problems, as well as threaten human rights
Taking into consideration that, while scientific and technological developments provide ever-increasing opportunities to better the conditions of life of peoples and nations, in a number of instances they can give rise to social problems, as

well as threaten the human rights and fundamental freedoms of the individuals (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting that scientific and technological achievements can be used to intensify the arms race production

Noting with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamental freedoms (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting that scientific and technological achievement could entail dangers for civil and political rights

Also noting with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or of the group and for human dignity (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting the urgent need to neutralize the possible future harmful consequences of certain scientific developments

Noting the urgent need to make full use of scientific and technological developments for the welfare of man humanity and to neutralize the present and possible future harmful consequences of certain scientific and technological achievements (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Promoting and ensuring that the results of scientific and technological developments are used in the interests of strengthening international peace and security...

Promoting and ensuring that the results of scientific and technological developments are for the purpose of the economic and social development of peoples and the realization of human rights

All States shall promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization human rights and freedoms in accordance with the Charter of the United Nations (Art. 1. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Preventing the use of scientific and technological developments, particularly to limit or interfere with the enjoyment of the human rights

All States shall take appropriate measures to prevent the use of scientific and technological developments, particularly by the State organs, to limit or interfere with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights the International Covenants on Human rights and other relevant international instruments (Art. 2. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

STATE ACTIVITY: has invested extensively in science and technology related to militarism. Has supported for such organizations as the Conference of Defence Association (CANADA)
LAWFUL ADVOCACY ACTIVITY; opposing the government investment in the military industries, condemning the sanction of pension funds being invested in militarism, protesting against exhibitions of the arms trade, and against military investment in Universities.

2. HUMAN RIGHTS

(50) RECOGNIZING THE EQUAL AND INALIENABLE RIGHTS OF ALL MEMBERS OF THE HUMAN FAMILY

INTERNATIONAL OBLIGATION:
Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world
(Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(51) PREVENTING DISCRIMINATION ON THE FOLLOWING GROUNDS

INTERNATIONAL OBLIGATIONS AND COMMITMENTS
The following listed grounds have been enshrined in numerous international human rights instruments. There shall not be discrimination on the following grounds:
- race, tribe, or culture;
- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);

- gender, sex, - disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status;

STATE ACTIVITY: (USA et AL) has, along with the Holy See, attempted to limit the listed grounds to those enshrined in the Universal Declaration of Human Rights
(CANADA et AL) has recognized the ground of sexual orientation, and same sex marriage
LAWFUL ADVOCACY ACTIVITY: has lobbied for the addition of listed grounds such as "sexual orientation, gender identity, marital status, or form of family"

(52) GUARANTEEING OF EQUALITY WITHOUT DISCRIMINATION ON ANY GROUNDS

INTERNATIONAL OBLIGATION:
All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:

(54) RESPECTING RIGHTS OF THE CHILD WITHOUT DISCRIMINATION ON THE GROUNDS OF ANY STATUS

INTERNATIONAL OBLIGATION:
States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, tribe, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.(Art. 2, Convention on the Rights of the Child, 1989)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:

(55) RECOGNIZING THE RIGHTS OF ALL *DISABLED PERSONS* [PERSONS WITH DISABILITIES] REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Disabled person" **Persons with disabilities** shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:

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(57) ENSURING GENDER EQUALITY/EQUITY IN PROMOTING INTERNATIONAL PEACE

INTERNATIONAL COMMITMENT:

Women and men have an equal right and the same vital interest in contributing to international peace and co-operation. Women *should* **{shall]** participate fully in all efforts to strengthen and maintain international peace and security and to promote international co-operation, diplomacy, the process of detente, disarmament the nuclear field in particular, and respect for the principle of the Charter of the United Nations, *including respect for the sovereign rights of States,* guarantees of fundamental freedoms and human rights, such as recognition of the dignity of the individual and self-determination, and freedom of thought, conscience, expression, association, assembly, communication and movement without distinction as as race, tribe, colour, sex, language, religion, political or other opinion, national or social origin property, birth, **,** or other status (Principle 1, International Conference on Population and Development, 1994)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:

(58) AFFIRMING THE RIGHT OF EDUCATION FOR ALL REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past,
activities directed to securing the right to education and the extension and improvement of educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The Right to Education 37/178 17, December 1982)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY:

Human Right – Rights of the Child

(60) PROCLAIMING THAT CHILDHOOD IS ENTITLED TO SPECIAL CARE AND ASSISTANCE

INTERNATIONAL OBLIGATION:

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance (Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(61) ENSURING] THAT THE BEST INTERESTS OF THE CHILD SHALL BE A PRIMARY CONSIDERATION

INTERNATIONAL OBLIGATION:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (Art. 3. 1. Convention on the Rights of the Child, 1989)

[CHECK] STATE ACTIVITY: (US et AL) the US objected to the article in the Convention that stated that children under 18 could not bear arms; also insisted on reference to the time when life began this was changed to accommodate the US. The US has not ratified the Convention.
LAWFUL ADVOCACY ACTIVITY: has called for implementation of the Convention, and support for UNICEF's programme for including children voting in elections, but criticized UNICEF for asking for children to pit one right against another

(62) RESPECTING THE RIGHT OF THE CHILD TO FREEDOM OF EXPRESSION

INTERNATIONAL OBLIGATION:
The child shall have the right to freedom of expression (Convention on the Rights of the Child reaffirmed Art. 13.1 same as one in International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(63) ENSURING THAT ALL SEGMENTS OF SOCIETY HAVE ACCESS TO BASIC KNOWLEDGE OF CHILD HEALTH AND NUTRITION...

INTERNATIONAL
To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents (Art. 24. 1. e Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(64) ENSURING DIGNITY AND PROMOTING SELF-RELIANCE .. FOR CHILDREN WITH MENTAL OR PHYSICAL DISABILITY

INTERNATIONAL OBLIGATION:
States Parties recognize that a **child with a mental or physical disability]** *mentally or physically disabled child* should enjoy a full and

decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community (Art. 23., Convention on the Rights of the Child, 1989).

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(66) ENSURING THAT CHILDREN WITH DISABILITIES HAVE EFFECTIVE ACCESS TO EDUCATION AND TRAINING….

INTERNATIONAL OBLIGATION:

Recognizing the special needs of **a child with a disability** *disabled child*, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or other caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development. (Art. 3., Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY;

Human Rights -Women's' Rights

(68) RECOGNIZING THE DETERMINANTS OF LIMITING WOMEN'S LIVES...

INTERNATIONAL COMMITMENT:

the prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination, [the limited power many women have over their sexual and reproductive lives] and lack of influence in decision-making are social realities which have an adverse impact on their health. lack of and inequitable distribution of food for girls and women in the household and inadequate access to safe water and sanitation facilities, and fuel supplies, particularly in rural and poor

urban areas, and deficient housing conditions, overburden women and their families and all negatively affect their health. good health is essential to leading a productive and fulfilling life [and the right of all women to control their own fertility is basic to their empowerment] (art. 94, advance draft, platform of action, UN conference on women, May 15)

STATE ACTIVITY
LAWFUL ADVOCACY ACTIVITY:

(69) ENSURING THAT MEASURES [PREVENTIVE AND CURATIVE] ARE IMPLEMENTED BY PUTTING IN PLACE INTERNATIONAL SAFEGUARDS AND MECHANISMS FOR COOPERATION TO ELIMINATE ALL FORMS OF EXPLOITATION, ABUSE, HARASSMENT AND VIOLENCE AGAINST WOMEN

INTERNATIONAL COMMITMENT:

Countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. This implies both preventive actions and rehabilitation of victims. Countries should take full measures to shall eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. Countries should shall pay special attention to protecting the rights and safety of those...in exploitable situations, such as migrant women, women in domestic service and school girls (Action 4.9. International Conference on Population and Development, 1994)

STATE ACTIVITY: (USA AND OTHER OPPONENTS OF RIGHT TO CHOOSE) placed the above sections in brackets, which may or may not have been removed in the final document.
LAWFUL ADVOCACY ACTIVITY: has lobbied for the removal of the bracketed sections

(70) PROTECTING WOMEN'S' REPRODUCTIVE RIGHTS

INTERNATIONAL COMMITMENT:

In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family planning services. Prevention of unwanted pregnancies must always be given

the highest priority and all attempts should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counseling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counseling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions (8.25, International Conference on Population and Development, 1994)

STATE ACTIVITY- US and other anti-choice states have continued to undermine this commitment, either held up plenary sessions, or even the whole international conference
(CANADA) has taken a lead role in promoting reproductive choice, and women's human rights but quiet about the 50/50 campaign – the promotion of increased representation of women in parliament. The senate is a better balance than parliament. Has promoted UN Security Council 1325.

ADVOCACY ACTIVITY: has lobbied for implementing the Platform of Action, from UN Conference on Women: Equality, Development and Peace, and for the implementation of UN Security Council 1325.

•Human Rights - Migrant Workers

(72) RESPECTING RIGHTS OF MIGRANT WORKERS WITHOUT DISTINCTION ON ANY GROUNDS

INTERNATIONAL OBLIGATIONS

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

STATE ACTIVITY; Most developed states have refused to sign and ratify the convention
LAWFUL ADVOCACY ACTIVITY: has called for the ratification and implementation of the Convention

•Human Rights –Indigenous peoples

(74) [ENSURING] THE FULL RANGE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOM TO INDIGENOUS PEOPLES

INTERNATIONAL

Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples. (Art. 3 Convention Concerning Indigenous and Tribal Peoples in Independent Countries No. 169, 1990)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(75) ADOPTING SPECIAL MEASURES FOR SAFEGUARDING PERSONS,... PROPERTY, CULTURES AND ENVIRONMENT OF INDIGENOUS PEOPLES

INTERNATIONAL

Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. (Art. 4., Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(76) ENSURING THE RIGHT OF INDIGENOUS PEOPLES TO DECIDE THEIR OWN PRIORITIES

INTERNATIONAL OBLIGATION:

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise

use and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly. (Art. 7.1. Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(77) AFFIRMING THE POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE

INTERNATIONAL COMMITMENTS:
recognition that the lands of indigenous people peoples and their communities should shall be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3. ii., Indigenous People[s], Agenda 21, UNCED, 1992)
Recognizing that the lands of indigenous peoples [shall] be protected from activities that are environmentally unsound or culturally inappropriate
(ii) Recognition that the lands of indigenous people peoples and their communities should shall be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3.a.ii, Indigenous People[s],, Agenda 21, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

.Human Rights - Refugees

(78) –(92)

Human Rights -- immigrants

(93) RECOGNIZING THE EXISTENCE OF BARRIERS INCLUDING IMMIGRANTS

INTERNATIONAL

[… many women face particular barriers because of such factors as their race, age, language, ethnicity, culture, religion [sexual orientation] or disability, or because they are indigenous people. Many women face barriers related to their family status particularly as single parents, to their socioeconomic status, including their living conditions in rural or isolated areas and in impoverished areas in rural and urban environments, or to their status as immigrants. Particular barriers also exist for refugee, migrant and displaced women, as well as those who are affected by environmental disasters and displaced women as well as for those who are affected by environmental disasters, serious and infectious diseases, additions and various forms of violence against women] (Art.48 Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY: (US et AL) had placed the above section in brackets
LAWFUL ADVOCACY ACTIVITY: lobbied for the removal of brackets

<u>Human Rights – persons with disabilities</u>

(94) RECOGNIZING THE RIGHT OF EVERYONE TO THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL AND MENTAL HEALTH

INTERNATIONAL COVENANT:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. (Article 12 International Covenant Economic, Social & Cultural Covenant, 1966)

STATE ACTIVITIES
LAWFUL ADVOCACY ACTIVITIES

(95) AFFIRMING THE RIGHTS OF ALL PERSONS WITH DISABILITIES REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Disabled person shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth

or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}.

STATE ACTIVITY:
(CANADA) has enshrined “disability” as a listed ground in the Charter of Rights and Freedoms
LAWFUL ADVOCACY ABILITY: lobbying for having “disability” listed as a ground in international instruments

(96) [ENSHRINING] THE INHERENT RIGHT OF PERSONS WITH DISABILITIES TO RESPECT FOR THEIR HUMAN DIGNITY

INTERNATIONAL COMMITMENT:
Disabled person have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible {3 Declaration on the Rights of Disabled Persons, 1975}

STATE ABILITY:
LAWFUL ADVOCACY ABILITY:

Human Rights - Displaced persons
(97) – (104)

Human Righte - religion

(105a) ENSHRINING THE RIGHT TO FREEDOM OF RELIGION

INTERNATIONAL
Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religious belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching **as long as such practices do not violate human rights** (Art. 18., Civil and Political Covenant, 1966)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has lobbied for the separation of religion and state, for the removal of all devotional services in public schools, and for the addition "**as long as such practices do not violate human rights"** to the International Covenant of Civil and Political Rights

(105b) CONDEMNING THE USING OF RELIGION TO LEGITIMIZE VIOLENCE OR WAR

INTERNATIONAL NON-EXISTENT OBLIGATIONS AND COMMITMENTS:

STATE ACTIVITY: has claimed directions from God and rationalized war as being ordained by God
LAWFUL ADVOCACY ACTIVITY:

3. SOCIAL JUSTICE

Social Justice and new international economic order Development

(110) ESTABLISHING A NEW INTERNATIONAL ECONOMIC ORDER

INTERNATIONAL COMMITMENTS

Establishment of a New International Economic Order based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generation... (Preamble, Declaration on the Establishment of a new international economic order, 1974)

Full and effective participation of developing countries in all phases of decision-making for the formulation of an equitable and durable monetary system and adequate participation of developing countries in all bodies entrusted with this reform and, particularly, in the proposed Council of Governors of the International Monetary Fund (1d., International monetary system... Programme of Action on the Establishment of a New International Economic Order, 1974)

STATE ACTIVITY: (Most developed states) have ignored this Declaration, and have instead embraced the economic order established through the

Bretton Woods organizations: World Bank and IMF, and supported structural adjustment programs (SAPS). VENEZUELA) has recently profiled this Declaration when President Hugo Chaves addressed the United Nations at the 2005 World Summit.
LAWFUL ADVOCACY ACTIVITY: has included this declaration in a Charter of Obligations which was officially distributed at the UN Conference on Women: Equality, Development and Peace.

(111) RECTIFYING INEQUITABLE DISTRIBUTION OF RESOURCES

INTERNATIONAL COMMITMENTS

Poverty is also closely related to inappropriate spatial distribution of population, to unsustainable use and inequitable distribution of such natural resources as land and water, and to serious environmental degradation (3.13., International Conference on Population and Development, 1994)

Despite decades of development efforts, both the gap between rich and poor nations and the inequalities within nations have widened. Serious economic, social, gender and other inequities persist and hamper efforts to improve the quality of life for hundreds of millions of people. The number of people living in poverty stands at approximately 1 billion and continues to mount. (3.11.International Conference on Population and Development, 1994)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(112) ERADICATING POVERTY, INEQUALITY AND INEQUITY

INTERNATIONAL COMMITMENT:

The eradication of poverty and hunger, greater equality and equity in income distribution and human resources development remain major challenges everywhere. The struggle against poverty is the shared responsibility of all countries (3.1., Combating Poverty, Agenda 21, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(113) RECOGNIZING CRITICAL SITUATION OF INADEQUATE SOCIAL CONDITIONS

INTERNATIONAL OBLIGATION:

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for and needed (Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(114) RECTIFYING INEQUALITIES RELATING TO SOCIAL CONDITIONS

INTERNATIONAL COMMITMENT:
We commit ourselves to promoting and attaining the goals of universal and equitable access to quality education, the highest attainable standard of scholarly, academic, ethical, physical and mental health, and universal access of all to primary health car, making particular efforts to rectify inequalities relating to social conditions, and without distinction as to race, tribe, national origin, gender, age or disability. (Commitment 6, International Conference on Population and Development)

STATE ACTIVITY: has generally not listed “social condition” as grounds for which there shall not be discrimination
LAWFUL ADVOCACY ACTIVITY: has lobbied for “social condition” as grounds for which there shall not be discrimination, internationally or nationally

(115) LISTING "ECONOMIC STATUS" WITHIN GROUNDS FOR WHICH THERE SHALL NOT BE DISCRIMINATION

INTERNATIONAL COMMITMENT:

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past, activities directed to securing the right to education and the extension and improvement of

educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The Right to Education 37/178 17, December 1982)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(116) FULFILLING THE RIGHT TO DEVELOPMENT

INTERNATIONAL COMMITMENT:
The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. (Principle 3, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(117) EXTENDING ACTIVE ASSISTANCE TO DEVELOPING COUNTRIES FREE OF ANY POLITICAL OR MILITARY CONDITIONS

INTERNATIONAL COMMITMENT:
Extension of active assistance to developing countries by the whole international community, free of any political or military conditions (4 k., Declaration on the Establishment of a New International Economic Order, 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:
Social Justice - right to health

(118) URGING STATES TO ENSURE IMPLEMENTATION OF THE GLOBAL STRATEGY FOR HEALTH FOR ALL BY THE YEAR 2000, 1981)

INTERNATIONAL COMMITMENT:
Urges all Member States to ensure the implementation of the Global Strategy as part of their multisectoral efforts to implement the provisions contained in the International Development Strategy (2. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

Urging states to ensure implementation of the Global Strategy for Health

Also urges all Member States to co-operate with one another and with the World Health Organization to ensure that the necessary international action is taken to implement the Global Strategy as part of the fulfillment of the International Development
Strategy (Art. 3. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

STATE ACTIVITY: (MOST STATES) have ignored this long standing commitment to Health for all
LAWFUL ADVOCACY:

(122) ABOLISHING TRADITIONAL PRACTICES PREJUDICIAL TO THE HEALTH OF CHILDREN

INTERNATIONAL OBLIGATION:

States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children (Art. 3. Convention on the Rights of the Child, 1989)

STATE ACTIVITY: (MOST ISLAMIC STATES ET AL) have continued to permit practices such a genital mutilation
LAWFUL ADVOCACY ACTIVITY: has lobbied against the enshrining of cultural relativism in international instruments, and against practices such as genital mutilation

(124) DEVELOPING PREVENTIVE HEALTH CARE AND FAMILY PLANNING

INTERNATIONAL OBLIGATION:

to develop preventive health care, guidance for parents and family planning education and services (Art. 24. 1. f Convention on the Rights of the Child, 1989)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY: has lobbied for the need to promote health through prevention including prevention of environmentally induced diseases, and poverty related health problems, and for a universally accessible not for profit publicly funded health care system.

Social justice and right to food and food security

(125) ENDING THE AGE-OLD SCOURGE OF HUNGER

INTERNATIONAL COMMITMENT

Time is short. Urgent and sustained action is vital. The conference, therefore, calls upon all peoples expressing their will as individuals, and through their Governments, and non-governmental organizations to work together to bring about the end of the age old scourge of hunger. (Art. 8, Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(127) PROCLAIMING THE INALIENABLE RIGHT TO BE FREE FROM HUNGER AND MALNUTRITION

INTERNATIONAL COMMITMENT;

Proclaiming the inalienable right to be free from hunger and malnutrition

Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Sect. 1.9.Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY: Have generally ignored this commitment
LAWFUL ADVOCACY ACTIVITY: has called for the need for society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.

(128a) PROCLAIMING THAT ERADICATION OF HUNGER IS A COMMON OBJECTIVE OF INTERNATIONAL COMMUNITY

INTERNATIONAL COMMITMENT

Proclaiming that eradication of hunger is a common objective of international community

Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Art. 1. Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has lobbied for acting on commitment and for the need of society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.

(128b) PROCLAIMING THAT A FUNDAMENTAL RESPONSIBILITY OF GOVERNMENTS IS TO WORK FOR...EQUITABLE AND EFFICIENT DISTRIBUTION OF FOOD

INTERNATIONAL COMMITMENT

Proclaiming that a fundamental responsibility of governments is to work for...equitable and efficient distribution of food

It is a fundamental responsibility of Governments to work together for higher food production and a more equitable and efficient distribution of food between countries and within countries. Governments should shall initiate immediately a greater concerted attack on chronic malnutrition and deficiency diseases among the vulnerable and lower income groups. In order to ensure adequate nutrition for all, Governments should formulate appropriate [shall ensure] food and nutrition policies [are] integrated in overall socioeconomic and agricultural development plans based on adequate knowledge of available as well as potential food resources (Sect. 2.10., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(129) UNDERTAKING ACTIVITIES AIMED AT THE PROMOTION OF FOOD SECURITY

INTERNATIONAL COMMITMENT

Undertaking activities aimed at the promotion of food security

Undertake activities aimed at the promotion of food security and, where appropriate, food self-sufficiency within the context of sustainable agriculture (3.7.l., Combating Poverty, Agenda 21, UNCED, 1992)

To assure the proper conservation of natural resources being utilized, or which might be utilized, for food production, all countries must collaborate in order to facilitate the preservation of the environment, including the marine environment. (Sect. 8., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

Human rights - sanitation

(130) ACKNOWLEDGING THE SERIOUSNESS OF LACK OF ACCESS TO BASIC SANITATION

INTERNATIONAL EXPECTATION:

By the end of the century, over 2 billion people will be without access to basic sanitation, and an estimated half of the urban population in developing countries will be without adequate solid waste disposal services. As many as 5.2 million people, including 4 million children under five years of age, die each year from waste-related diseases. The health impacts are particularly severe for the urban poor. (Universal Declaration on the Eradication of Hunger and Malnutrition, Adopted on 16 November 1974 by the World Food Conference convened under General Resolution 3180 (XXVIII) of 17 December 1973; and endorsed by the General Assembly resolution 3348 (XXIX) of 17 December 1974)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(131) PROVIDING THE POOR WITH ACCESS TO FRESH WATER AND SANITATION

INTERNATIONAL COMMITMENT

Provide the poor with access to fresh water and sanitation (3.7. p., Combating Poverty, Agenda 21, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

Human Rights –right to education

(132) AFFIRMING THE RIGHT TO EDUCATION

INTERNATIONAL

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental states. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (Art. 26. 1. Universal Declaration of Human Rights, 1948)

The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
(a) primary education shall be compulsory and available free to all;
(b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
(c) higher education shall be made equally accessible to all, on the basis of capacity by every appropriate means, and in particular by the progressive introduction of free education; (d) fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
(e) the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. (Art. 2. International Covenant of Social, Economic and Cultural Rights, 1966)

STATE ACTIVITY: (MOST STATES) ignore this obligation. : (CANADA) even takes students who have not been able to find gainful employment, to court for non payment of loan.
LAWFUL ADVOCACY ACTIVITY

(133) DEVELOPING BROAD-BASED EDUCATION PROGRAMS PROMOTING AND STRENGTHENING RESPECT FOR ALL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

INTERNATIONAL COMMITMENT:

Develop broad-based education programmes that promote and strengthen respect for all human rights and fundamental freedoms, including the right to development promote the values of tolerance, responsibility and respect for the diversity and rights of others, and provide training in peaceful conflict resolution, in recognition of the United Nations Decade for Human Rights Education (1995-2005, Commitment 6, ICPD)

STATE ACTIVITY: has often opposed the introduction of such programmes in the schools because of fear of “indoctrination)
LAWFUL ADVOCACY ACTIVITY: has developed a programme –principle based education – placing human rights in the context environment, peace and social justice within a framework of international law

Human Rights - literacy

(134) ERADICATING OF ILLITERACY

INTERNATIONAL

Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency

Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency, Convinced that the educational process could bring a substantial contribution to social progress, national development, mutual understanding and co-operation among peoples and to strengthening peace and international security, (GA Resolution. The right to education 37/178 17 December 1982)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

Social Justice: housing

(136) PROVIDING ACCESS TO SAFE AND HEALTHY SHELTER AND RECOGNIZING THAT THE RIGHT TO ADEQUATE HOUSING AS A BASIC HUMAN RIGHT

INTERNATIONAL

[provide] access to safe and healthy shelter **[which]** is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights (7.6, Settlement, Agenda 21, UNCED, 1992)

STATE ACTIVITY: has not generally recognized the right to adequate housing as a basic human right
LAWFUL ADVOCACY ACTIVITY: has lobbied for the right to adequate housing to be designated as a basic human right, and for the implementation of programmes that would ensure the guaranteeing of this right.

(137) RECOGNIZING THE DETERMINANTS TO HEALTH PROBLEMS

INTERNATIONAL COMMITMENT:

... The prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination and lack of influence in decision-making are social realities which have an adverse impact on their health. Lack of and inequitable distribution of food for girls and women in the household and inadequate access to safe water and sanitation facilities, and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, overburden women and their families and all negatively affect their health. Good health is essential to leading a productive and fulfilling life [and the right of all women to control their own fertility is basic to their empowerment] (Art. 94, Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(138) RECOGNIZING THE RIGHT OF EVERYONE TO AN ADEQUATE STANDARD OF LIVING, INCLUDING FOOD

INTERNATIONAL OBLIGATION:

The States... recognize the right of everyone to an adequate standard of living. for himself **[herself]** and his **[her]** family, including adequate food, clothing and housing and to the continuous improvement of living conditions. the states parties will take [appropriate~] steps to ensure the realization of this right recognizing to this effect the essential importance of international co-operation based on free consent (Art.11.1, International Covenant of Social Economic and Cultural Rights, 1966)

STATE ACTIVITY: (US et AL) has refused to ratify the Covenant, and has lobbied against the inclusion of the right to housing in the Habitat II Agenda
LAWFUL ADVOCACY ACTIVITY: has lobbied for the full ratification of the International Covenant of Social, Economic and Cultural Rights, and for inclusion of provisions from ICSECR in the Canadian Charter of Rights and Freedoms

(139) [AFFIRMING] THE RIGHT TO AN [ADEQUATE∞] STANDARDS OF LIVING

INTERNATIONAL COMMITMENT:

They [human beings] have the right to an adequate standard of living for themselves and their families including adequate food, clothing, housing, water (Principle 2. International Conference on Population and Development, 1994)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(140) PROVIDING ACCESS TO SAFE AND HEALTHY SHELTER

INTERNATIONAL COMMITMENT:

[Provide] access to safe and healthy shelter **[which]** is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal

Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights... (7.6., Settlement, Agenda 21, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

Social Justice Development

(141) TRANSFERRING .7% OF THE GDP TO OVERSEAS AID

INTERNATIONAL COMMITMENT
In general, the financing for the implementation of Agenda 21 will come from a country's own public and private sectors. For developing countries, particularly the least developed countries, ODA is a main source of external funding, and substantial new and additional funding for sustainable development and implementation of Agenda 21 will be required. Developed countries reaffirm their commitments to reach the accepted United Nations target of 0.7 per cent of GNP for ODA and, to the extent that they have not yet achieved that target, agree to augment their aid programmes in order to reach that target as soon as possible and to ensure a prompt and effective implementation of Agenda 21. (Chapter 33, 33.15 Agenda 21, UNCED)
[
STATE ACTIVITY: has procrastinated about implementing this long-standing commitment (CANADA) it is claimed that Person first introduced the commitment at the UN
LAWFUL ADVOCACY ACTIVITY. has called for finally acting on this commitment

(143) ENSURING THE RIGHT TO FORM TRADE UNIONS

INTERNATIONAL COVENANT:
The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his**/her** economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others (Art. 8. 1. a International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have prevented workers from joining trade unions, and from exercising the right to strike. Have continually reclassified areas of work as “essential services” and passed legislation ordering workers back to work.
LAWFUL ADVOCACY ACTIVITY. has lobbied for the fulfilling of labour rights and International labour Organization (ILO) Conventions.

(144) ENSURING THE RIGHT TO STRIKE

INTERNATIONAL COMMITMENT:
Ensuring the right to strike in conformity with the law
the right to strike, provided that it is exercised in conformity with the laws of the particular country (Art. 8. 1.d International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have prevented workers from joining trade unions, and from exercising the right to strike. Have continually reclassified areas of work as “essential services” and passed legislation ordering workers back to work.
LAWFUL ADVOCACY ACTIVITY.

(146) ENSHRINING EQUAL PAY FOR WORK OF EQUAL VALUE

INTERNATIONAL OBLIGATION:
Affirming labour rights, protesting against the undermining of labour rights. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (Article 11.1 d. Convention on the Elimination of All Forms of Discrimination Against Women)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY;

<u>Social Justice - poverty</u>

(147) ESTABLISHING EQUITABLE AND FAVOURABLE CONDITIONS OF WORK FOR ALL
(148) ASSURING JUST REMUNERATION FOR LABOUR WITHOUT ANY DISCRIMINATIONS

(149) ASSURING SUFFICIENTLY HIGH MINIMUM TO ENSURE A DECENT STANDARD OF LIVING
(150) PROMOTING SOCIAL WELFARE, PROGRESS AND DEVELOPMENT. AND LABOUR RIGHTS

INTERNATIONAL

The assurance at all levels of the right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively; promotion of full productive employment and elimination of unemployment under employment; establishment of equitable and favourable conditions of work for all, including the improvement of health and safety condition assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum to ensure a decent standard of living; the protection of the consumer; (article 10 a, Declaration on Social Welfare, Progress and Development)

STATE ACTIVITY:
LAWFUL ADVOCACY

(151) RECOGNIZING THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

INTERNATIONAL OBLIGATIONS

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

- remuneration which provides all workers, as a minimum, with:
- fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work (a) (i);
- a decent living for themselves and their families in accordance with the provisions of the present Covenant (a) (ii); safe and healthy working conditions (b);
- equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence...

(Art. 7 International Covenant of Civil and Political Rights, 1966).

STATE ACTIVITY: has denied labour rights, or has legislated workers back to work
LAWFUL ADVOCACY ACTIVITY;

4. ENVIRONMENT

Environment - (harmful substances and practices)

(153) WARRANTING RESPECT REGARDLESS OF ITS WORTH TO HUMANS

INTERNATIONAL COMMITMENT

Ensuring that every form of life is unique, warranting respect regardless of its worth to man [humans] , and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (World Charter of Nature) UN Resolution 37/7), 1982)

STATE ACTIVITY (All STATES BUT THE US) made the commitment; the USA was the only state that did not adopt the World Charter of Nature-presumably because of the reference to the military in the Charter. Few states, however, have acted on the above commitment
LAWFUL ADVOCACY ACTIVITY; has called for acting on commitment

(154) DIRECTING EDUCATION TO DEVELOPING RESPECT FOR THE NATURAL ENVIRONMENT

INTERNATIONAL OBLIGATION

States Parties agree that the education of the child shall be directed to:
the development of respect for the natural environment. (Article 29, 1.e. Convention on the Rights of the Child, 1989)

STATE ACTIVITY: (USA et Al) has not signed and ratified the Convention on the Rights of the Child; other states may or may not have acted on this commitment
LAWFUL ADVOCACY ACTIVITY: has lobbied for principle based education- a program based on a framework of international law

(155) PROMOTING COMPLIANCE WITH AND ENFORCEMENT OF ALL HEALTH AND ENVIRONMENTAL LAWS

INTERNATIONAL COMMITMENT

Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups (Article 75 d Habitat)

STATE ACTIVITY: has unevenly acted on this commitment
LAWFUL ADVOCACY ACTIVITY: has called for compliance with health and environmental laws

(156) PROMOTING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

INTERNATIONAL COMMITMENT:
... None the less, the effective use of resources, knowledge and technologies is conditioned by political and economic obstacles at the national and international levels. Therefore, although ample resources have been available for some time, their use for socially equitable and environmentally sound development has been seriously limited (Preamble 1.1. International Conference on Population and Development, 1994)

STATE ACTIVITY: has been usually promoting "sustainable development" as business as usual coupled with clean-up technological fix
LAWFUL ADVOCACY ACTIVITY: has been promoting socially equitable and environmentally sound development because it combines social and equity with environment and development.

(157) PROHIBITING THE PRODUCTION OF FOOD AND CROPS THAT COULD BE HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT

INTERNATIONAL COMMITMENT
Formulate and implement human settlement development policies that ensure equal access to and maintenance of basic services, including those related to the provision of food security; education; employment and livelihood; primary health care [changed to basic health care, June 14], including reproductive and sexual health care and services [deleted June 14]; safe drinking water and sanitation; adequate shelter; and access to open and green spaces; giving special priority to the needs and rights of women and children, who often bear the greatest burden of poverty (Article *87(a) Habitat)

STATE ACTIVITY: has produced, promoted, grown or approved adulterated food such as genetically engineered foods and crops and has led to a deterioration of the food supply, and heritage seeds;
LAWFUL ADVOCACY ACTIVITY: had drafted and circulated a global petition calling for the invoking of the precautionary principle, and for banning genetically engineered foods and crops

Environment – Environmental impact assessment

(158) UNDERTAKING ENVIRONMENTAL IMPACT ASSESSMENT FOR ACTIVITIES THAT ARE LIKELY TO HAVE A SIGNIFICANT ADVERSE IMPACT

INTERNATIONAL COMMITMENT;
Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.
Principle 17, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

(159) ENSURING THAT RELEVANT DECISIONS ARE PRECEDED BY ENVIRONMENTAL IMPACT ASSESSMENTS

INTERNATIONAL OBLIGATIONS AND COMMITMENTS:
Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (Agenda 21, UNCED. s 7.42)

Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on Biological diversity with a view to avoiding or minimizing such effects, and where appropriate, allow for public participation in such procedures (Article 14, 1A, Convention on Biological Diversity)

STATE ACTIVITY: (JUSCANZ- Negotiating group – Japan, US, Canada, Australia, and New Zealand) generally undermined the Rio Principles at the 2002 World Summit on Sustainable Development. Have often failed to carry out

and legitimate environmental impact assessment for corporate and development projects
LAWFUL ADVOCACY ACTIVITY has criticized the common practice of removing elements which would trigger an environmental impact assessment

Environment – precautionary principle

(160) INVOKING THE PRECAUTIONARY PRINCIPLE TO PROTECT THE ENVIRONMENT

INTERNATIONAL

the precautionary principle is a principle of international customary law and as such the law of the member states of the United Nations.

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. (Principle 15, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (JUSCANZ- Negotiating group – Japan, US, Canada, Australia, and New Zealand) generally undermined the precautionary principle at the 2002 World Summit on Sustainable Development. The opposition to the precautionary principle was led by the US; the US wanted to limit its use. CANADA concurred with the US, and claimed that the precautionary principle was not even a principle, and that it should not apply to health
LAWFUL ADVOCACY ACTIVITY has criticized JUSCANZ at the World Summit on Sustainable Development for gutting the precautionary principle

(161) INVOKING THE PRECAUTIONARY PRINCIPE TO CONSERVE BIODIVERSITY

INTERNATIONAL OBLIGATIONS:
the precautionary principle is a principle of international customary law and as such the law of the member states of the United Nations.

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992).

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY has used the precautionary principle and the Convention on Biological Diversity in the Local court system. The Court case was to set aside an injunction and defend citizens who were arrested for protesting the destruction of old growth forests. These citizens were asking little more that for the government to live up to its obligations under the Convention on Biological Diversity. The judge held that all the international law was not judiciable in the regional court. The precautionary principle is increasingly necessary, given the consequences of ozone depletion, climate change, deforestation, acid rain, toxic, hazardous and atomic waste build-up, genetically engineered foods and crops production , breast implants, soil destruction though desertification and chemical dependent agriculture etc. The confluence of grave environmental and health consequences of the current model of over-consumption and reliance on technological fixes has given rise to an increased demand for the invoking and the implementing of the precautionary principle.

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

•Environment and disaster

(162) ENSURING ADEQUATE REGULATORY ...MEASURES TO PREVENT DISASTERS

INTERNATIONAL COMMITMENT:
including major technological disasters by ensuring adequate regulatory and other measures to avoid their occurrence and reducing the impacts of natural disasters and other emergencies on human settlements... (27 i, Habitat II, 1996)

STATE ACTIVITY;
LAWFUL ADVOCACY ACTIVITY

(163) DEVELOPING A GLOBAL CULTURE OF PREVENTION

INTERNATIONAL COMMITMENT:
Development of a global culture of prevention as an essential component of (an integrated approach to disaster reduction; (9 a The World Conference on Natural Disaster Reduction, 1994)

STATE ACTIVITY: disregarded commitment

LAWFUL ADVOCACY ACTIVITY: Lobbied for states to act on commitment

(163) PREVENTING DISASTER IS BETTER THAN DISASTER RESPONSE

INTERNATIONAL OBLIGATION AND COMMITMENT

Disaster prevention, mitigation and preparedness are better than disaster response in achieving the goals and objectives of the Decade. Disaster response alone is not sufficient, as it yields only temporary results at a very high cost. We have followed this limited approach for too long. This has been further demonstrated by the recent focus on response to complex emergencies which, although compelling, should not divert from pursuing a comprehensive approach. Prevention contributes to lasting improvement in safety and is essential to integrated disaster management (3 a Convention on Natural Disaster, 1994).

STATE ACTIVITY: has often been reluctant to act on advice from scientist or citizen to prevent potential disaster, or has relied on questionable science and disregarded the precautionary principle. Has often continued practices that are harmful to human health and the environment but have coupled these practice with clean-up technological fixes.

LAWFUL ADVOCACY ACTIVITY: has lobbied for the invoking of the precautionary principle in Call for discharging obligation and acting on commitment

(164) EMBRACING PREVENTIVE APPROACH TO AVOID COSTLY SUBSEQUENT MEASURE TO REHABILITATE

INTERNATIONAL COMMITMENT

A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies. (18.45 Fresh water, Agenda 21)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(164) DEVELOPING A TSUNAMI WARNING SYSTEM FOR LOW LYING DEVELOPING STATES

INTERNATIONAL COMMITMENT:

"Natural disasters have disproportionate consequences for developing countries, in particular SIDS. Programmes for sustainable development should give higher priority to
implementation of the commitments made at the World Conference on Natural Disaster Reduction. There is a particular need for the promotion and facilitation of the transfer of early-
warning technologies to those developing countries and countries with economies in transition which are prone to natural disasters." (Earth Summit +5, 1997)

STATE ACTIVITY: In the document from the 1997 Document from the Earth Summit + 5, every member state made a commitment to institute an early warning system for Tsunami's in low lying state. It was not as though the global community did not recognize the urgency of having warning systems in place. In the statement from Rio + 5, every state acknowledged the following:
LAWFUL ADVOCACY ACTIVITY have called for acting on commitment; For example, at the Earth Summit +5, every state made a commitment to institute early warning systems for Tsunami and hurricanes particularly in developing states.

(165) NOTIFYING OTHER STATES OF NATURAL DISASTER, OTHER EMERGENCIES OR ADVERSE TRANS-BOUNDARY ENVIRONMENTAL EFFECT

INTERNATIONAL

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted. .(Principle 18, Rio Declaration, UNCED, 1992)

States shall provide prior and timely notification and relevant information to potentially affected states on activities that may have a significant adverse trans-boundary environmental effect and shall consult with those states at an early stage and in good faith. .
(Principle 19, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

<u>Environment – transfer of harmful substances</u>

(166) PROHIBITING TRANS-BOUNDARY MOVEMENTS OF HAZARDOUS WASTES

INTERNATIONAL OBLIGATION

Recognizing also the increasing desire for the prohibition of trans-boundary movements of hazardous wastes and their disposal in other States, especially developing countries (Preamble Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, 1992)

STATE ACTIVITY: has disregarded this obligation
LAWFUL ADVOCACY ACTIVITY: call for discharging obligations

(167) PREVENTING THE RELOCATION AND TRANSFER OF ACTIVITIES HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT

INTERNATIONAL COMMITMENT

States *should* **shall** effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992. Has also argued that the transfer to other states of substance and activities that are harmful to human health and the environment is acceptable providing the receiving state has facilities for dealing with the harmful substances or activities.
LAWFUL ADVOCACY ACTIVITY: has condemned the practice of dumping unsafe products in developing states and has called for acting on this commitment

(168) OPPOSING THE CONTINUED PRODUCTION AND EXPORT OF PRODUCTS THAT HAVE BEEN BANNED... OR WITHDRAWN
(169) PREVENTING IMPORT OF PRODUCTS BANNED OR NOT YET APPROVED IN COUNTRY OF ORIGIN

INTERNATIONAL COMMITMENT

Aware of the damage to health and the environment that the continued production and export of products that have been banned and/or permanently withdrawn on grounds of human health and safety from domestic markets is causing in the importing countries (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

Aware that some products, although they present a certain usefulness in specific cases and/or under certain conditions, have been severely restricted in their consumption and/or sale owing to their toxic effects on health and the environment (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

Aware of the harm to health being caused in importing countries by the export of pharmaceutical products ultimately intended also for consumption and/or sale in the home market of the exporting country, but which have not yet been approved there,

Considering that many developing countries lack the necessary information and expertise to keep up with developments in this field,

Considering the need for countries that have been exporting the above-mentioned products to make available the necessary information and assistance to enable the importing countries to adequately protect themselves,

Cognizant of the fact that almost all of these products are at present manufactured and exported from a limited number of countries,

Taking into account that the primary responsibility for consumer protection rests with each State,

Recalling its resolution 36/166 of 16 December 1981 and the report on "Transnational corporations in the pharmaceutical industry of the developing countries", and acting in pursuance of Economic and Social Council resolution 1981/62 of 23 July 1981,

Bearing in mind in this context the work of the Food and Agriculture Organization of the United Nations, the World Health Organization, the International Labour Organization, the United Nations Environment Programme, the General Agreement on Tariffs and Trade, the Centre on Transnational Corporations and other relevant intergovernmental organizations (Preamble, Resolution 37/137 Protection against products harmful to health and the environment, 1982)

STATE ACTIVITY: has disregarded the expectations created under this resolution, and has continued to export products like DDT the continued transfer to other states -usually developing countries- of products that have been banned or restricted in developed country of origin

LAWFUL ADVOCACY ACTIVITY: have exposed for years this activity. For example, a product called Orobolin was sold in the developing countries as a growth hormone for children but in developed countries there was a caveat that it was dangerous for children

Environment – trans-boundary principle

(170) ENFORCING THE TRANS-BOUNDARY PRINCIPLE

INTERNATIONAL OBLIGATION

States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention. (Art. 194. 2., Law of the Seas, 1982)

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. (Principle 2, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (USA) attempted at the Prep Com to delete this principle arguing that it was the same as principle 14 (non- transference to other states of harmful substances or activities). Has enforced this principle when it interests the United States (case with Cominco)
LAWFUL ADVOCACY ACTIVITY: has called for this principle to be applied in numerous activities that originate in the United States and impact on Canada (e.g. Devil's lake)

(171) DEVELOPING FURTHER INTERNATIONAL LAW REGARDING LIABILITY AND COMPENSATION FOR ADVERSE EFFECTS …TO JURISDICTION ..TO AREAS BEYOND THEIR JURISDICTION

INTERNATIONAL COMMITMENT

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall

also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.(Principle 13, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY: has argued that this principle is complementary to the trans-boundary principle, because it requires compensation if the trans-boundary principle is violated.

Environment – ecological footprint

(172) REDUCING THE ECOLOGICAL FOOTPRINT

INTERNATIONAL COMMITMENT

Promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlements; (27 b, Habitat II, 1996)

STATE ACTIVITY: :Generally ignored this commitment, has often left its footprint
LAWFUL ADVOCACY ACTIVITY: has made life cycle diagrams displaying the ecological footprint

Environment – renewable energy

(173) ADVOCATING RENEWABLE ENERGY

INTERNATIONAL COMMITMENT

New and renewable energy sources are solar thermal, solar photovoltaic, wind, hydro, biomass, geothermal, ocean, animal and human power, as referred to in the reports of the Committee on the Development and Utilization of New and Renewable Sources of Energy, prepared specifically for the Conference (Chapter 9, Agenda 21, 1992).

STATE ACTIVITY: (JUSCANZ) lobbied at the WSSD to prevent time-bound commitment to eliminating subsidies for environmental unsustainable energy and to ensuring subsidies for environmentally sustainable energy; (MANY STATES) left opening for promoting nuclear.

LAWFUL ADVOCACY ACTIVITY: : calling for time bound elimination of subsidies for environmentally unsustainable energy, and time-bound subsidies for environmentally sustainable sound energy. Lobbied for elimination of civil nuclear energy

1. PROCRASTINATION AND REGRESSION ON ENERGY
Press release sent out from Johannesburg, on August 31, 2002

Environment – climate change

(174) REMOVING THE THREAT OF CLIMATE CHANGE

INTERNATIONAL COMMITMENT AND OBLIGATION
In Toronto, at the Changing Atmosphere conference hosted by Canada in 1988, Canada received this warning:

"Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequence could be second only to a global nuclear war. the Earth's atmosphere is being changed at an unprecedented rate by pollutants resulting from wasteful fossil fuel use ... These changes represent a major threat to international security and are already having harmful consequences over many parts of the globe.... it is imperative to act now. Climate Change in the Conference statement, Changing Atmosphere Conference in 1988.

Canada signed (June 1992) and ratified (December, 1992) the Climate Change Convention. In the Climate Change Convention, Canada through signing and ratifying the Framework Convention on Climate Change incurred obligations to reduce Greenhouse gas emissions, to invoke the precautionary principle, to "conserve and enhance sinks" and "to document sinks".

-Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,
-Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an

additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

-Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs, (Preamble, Framework Convention on Climate Change, 1992)

-Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs.

-The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. 3. (Preamble, Framework Convention on Climate Change, 1992)

STATE ACTIVITY: has continued to demonstrate its lack of resolve to seriously address discharge its international obligations, and until Canada is willing to fulfill these obligations through enacting the necessary legislation with mandatory standards and regulations, little substantial change will occur. Has often supported proposed solutions that are potentially worse or as bad as the problem they are intended to solve. {even though the government Future problem avoidance principle:
The addressing of one environmental problem should not itself be an action that could cause irreversible harm (Standing Committee on Environment “ Out of Balance; The Risks of Irreversible Climate Change, 1991) [the promotion of nuclear energy as the solution to climate change]
LAWFUL ADVOCACY ACTIVITY: has lobbied nationally and internationally for comprehensive measures to reduce greenhouse gases and to conserve carbon sinks.

Actions
1.. Preserve and enhance sinks (forests and bogs), [as required in the Climate Change Convention] , in particular preserve large areas of original

growth and conservation corridors. Cease all further logging of old growth forests
2. Ban all forest practices such as clear cut logging and broadcast burn that reduce carbon sinks on crown and private lands
3. Encourage afforestation and restoration of damaged forest ecosystems such as on Not Sufficiently Restocked land
4. . Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED) and immediately ban all further development and export of CANDU reactors.
5. Establish and enforce a national dedicated program for energy conservation and efficiency
6. Establish extensive networks of alternative environmentally safe and sound means of transportation (Agenda 21), move away from car-dependency, and cease the construction of all new highways.
7. Reduce the ecological footprint as agreed in Habitat II
8. Synthesize the existing scientific information. No new studies are required to demonstrate that it is necessary to reduce anthropogenic emissions. “Inaction is negligence” (Digby McLaren, Past President of the Royal Society , Global Change Conference, 1991)
9. Adaptive measures shall not be used as a justification for not acting to preserve existing sinks and to prevent anthropogenic sources of greenhouse gases.
10. Prohibit the proposals to seek far-off Southern carbon sinks to justify maintaining northern consumptive patterns. — Buying old growth forests to offset Canada's CO2 emissions)
11 Avoid carbon emissions trading because this practice legitimizes continuing currently harmful emission practices
12. Transfer all energy-directed funding into renewable energies that are ecologically safe and sound
13. Transfer a significant proportion of the $10 billion military budget to assist in implementing the above measures and in job conversion with a just transition job plan for sunset industries (1993-1996)

has supported the following internationally at conferences on climate change:
a.. At least a 20% Reduction in CO2 and other Greenhouse gas emissions from 1990 levels by the year 2000
b. Reducing CO2 emissions and other Greenhouse gas emissions to 50% by 2015 as proposed by NGO's in the international conference in 1988

c. Ending of government subsidies for production of fossil fuel and nuclear energy, and implementing a phasing out of the use of fossil fuels and nuclear energy
d. Increasing of programs for energy conservation, energy efficiency, and for renewable sources of energy, and for conserving and restoring carbon sinks.
e. Moving away from car dependency, reducing the ecological footprint, and promoting environmentally sound energy and transportation (1992, 1994, revised 1997 for Kyoto)

(175) PREVENTING DANGEROUS ANTHROPOGENIC INTERFERENCE WITH THE CLIMATE CHANGE.

INTERNATIONAL COMMITMENT

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.(Art. 2. Objective, Framework Convention on Climate Change, UNCED)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(176) ADHERING TO THE PRECAUTIONARY PRINCIPLE AND ANTICIPATE, PREVENT AND MINIMIZE THE CAUSES OF CLIMATE CHANGE

INTERNATIONAL OBLIGATION

The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and

reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties. (Article 3. Framework Convention on Climate Change, 1992, UNCED)

STATE ACTIVITY: has generally procrastinated about Climate Change; Many academics funded by the coal, oil and gas industries were ignoring the precautionary principle and denouncing the decision of the Intergovernmental panel on Climate Change. To achieve this, such policies and measures should take into account different socioeconomic contexts, be comprehensive, cover all relevant sources, sinks and
reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties. (Climate Change Convention, 1992)

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY

(177) PROTECTING THE CLIMATE SYSTEM FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS

INTERNATIONAL OBLIGATIONS
The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof. (Article 3 Framework Convention on Climate Change, 1992, UNCED)

STATE ACTIVITY: has supported the rights of future generations providing these rights did not impact on political or corporate interests
LAWFUL ADVOCACY: has lobbied for the inclusion, in the Constitution, of ecological rights to preservation of cultural and natural heritage, and has lobbied nationally and internationally for a clear determination of what would constitute the guaranteeing of and the implementing of the rights of future generations;

<u>Environment – Sustainable production</u>

(178) RECOGNIZING THAT ECOLOGICAL PROBLEMS ARE DRIVEN BY UNSUSTAINABLE PATTERNS OF PRODUCTION AND CONSUMPTION

INTERNATIONAL COMMITMENT:
To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies. (Principle 8, Rio Declaration, UNCED, 1992)

Growing recognition of the importance of addressing consumption has also not yet been matched by an understanding of its implications. Some economists are questioning traditional concepts of economic growth and underlining the importance of pursuing economic objectives that take account of the full value of natural resource capital. More needs to be known about the role of consumption in relation to economic growth and population dynamics in order to formulate coherent international and national policies. (4.6. Changing Consumption Patterns, UNCED)

Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. (Preamble, 1.2 International Conference on Population and Development, 1994)

STATE ACTIVITY: has disregarded the causal relation between ecological problems and unsustainable production and consumption
LAWFUL ADVOCACY ACTIVITY: has lobbied for the moving away from unsustainable production and consumption, and the overconsumptive model of development, and the dogma of economic growth at any cost

(179) ABANDONING UNSUSTAINABLE PATTERNS OF PRODUCTION AND CONSUMPTION

Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. (Preamble, 1.2 International Conference on Population and Development, 1994)

STATE ACTIVITY: has generally promoted unsustainable patterns of production and consumption
LAWFUL ADVOCACY ACTIVITY: has lobbied for the moving away from unsustainable production and consumption, and the over-consumptive model of development, and the dogma of economic growth at any cost

(180) ENCOURAGING CHANGES IN UNSUSTAINABLE CONSUMPTION PATTERNS

INTERNATIONAL COMMITMENTS

Linking of health population and over-consumption and inappropriate development (3.2 International Conference on Population and Development)

Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances.(4.3 Changing Consumption Patterns, UNCED)

STATE ACTIVITY: MOST STATES have supported continued unsustainable pattern of consumption
LAWFUL ADVOCACY ACTIVITY: has promoted moving away from the current unsustainable pattern of consumption and production.

5. INTERNATIONAL LAW

<u>International law multilateralism</u>

(181) REVIEWING AND PROMOTING MULTILATERALISM

INTERNATIONAL COMMITMENT

Bearing in mind that multilateral treaties are an important means of ensuring co-operation among States and an important primary source of international law,

Conscious, therefore, that the process of elaboration of multilateral treaties, directed towards the progressive development of international law and its codification, forms an important part of the work of the United Nations and of the international community in general,

Aware of the heavy burden which active involvement in the process of multilateral treaty-making places upon Governments,

Convinced that the most rational use should be made of the finite resources available for the elaboration of multilateral treaties,

Aware that the Asian-African Legal Consultative Committee has been reviewing certain aspects of multilateral treaty-making

Taking note of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth, thirty-sixth and thirty-seventh sessions, including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process,

Having considered the report of the Working Group on the Review of the Multilateral Treaty-Making Process established pursuant to resolution 36/112 of 10 December 1981 to review the multilateral treaty-making process, and noting that the Working Group will require more time to complete its mandate as provided in paragraph 2 of that resolution,

Taking into account the statements made at the current session in the debate in the Sixth Committee,

1. Decides to reconvene, at its thirty-eighth session, the Working Group with the aim of completing the examination of the matters referred to in paragraph 2 of resolution 36/112;

2. Reiterates its request to the Secretary-General to prepare and publish as soon as possible new editions of the Handbook of Final Clauses and the Summary of the Practice of the Secretary-General as Depository of Multilateral Agreements, taking into account relevant new developments and practices in that respect;

STATE ACTIVITY: has usually disregarded precedents from international instrument; States have very short institutional memory, and go to international conferences and re-negotiate what has already been negotiated, and often undermine previous obligations and commitments. There also appears to be little interest in examining the complexity and interdependence of issues and as a result often there is inconsistency.
LAWFUL ADVOCACY ACTIVITY: has proposed that lawyers in each organ, such as UNEP. UNCHR, UNDP, UNIFEM FAO, UNIDO, UNESCO, UNEP, and ILO etc of the UN monitor the precedents in their area of expertise, and when new agreements are being negotiated they should inform the chair of the precedents. In 2002, at the WSSD, many of the member states anticipated that the US, because of various unilateral positions taken at the conference was planning on abandoning multilateralism. There was a concerted attempt to introduce language related to the importance of multilateralism.

The WSSD Peace Caucus proposed the following wording:

5. Peace, security, stability [amend and retain: disarmament, and respect for human rights and cultural diversity] are essential for achieving

sustainable development and ensuring that sustainable development benefits all. [Peace caucus]

5.bis We underline the urgent need to put an end to the adoption and application of the unilateral coercive measures inconsistent with international law and the Charter of the United Nations. Peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affairs of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violation of human rights and fundamental freedoms. [Peace caucus]

5.ter Reaffirm that warfare is inherently destructive of sustainable development as agreed in Rio Declaration Principle 24. [Peace caucus]

there was a reference to unilateral measures but outside of the context of peace.

WSSD88.(bis) [Agreed] Take steps with a view to the avoidance of and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services. Ensure that food and medicine are not used as tools for political pressure.

(183) COMPLYING WITH INTERNATIONAL OBLIGATIONS AND COMMITMENTS

INTERNATIONAL OBLIGATION**:**

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. (Preamble, Charter of the United Nations)

STATE ACTIVITY: (MANY STATES) have failed to sign and ratify international treaties, conventions and covenants, and if they ratify the instruments they often fail to enact the necessary legislation to ensure compliance. States have also failed to respect the jurisdiction and decisions of the International Court of Justice. (CANADA along with other Federal states) has violated the Vienna Convention

on the Law of Treaties by its contravention of Article 27 of the Vienna Convention on the Law of Treaties, Canada is bound to not invoke Internal law to justify failure to perform a treaty.

> A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Refuses to accept the jurisdiction of the international court of justice
LAWFUL ADVOCACY ACTIVITY: Calling upon the state to accept the jurisdiction, and enforce the decision

(i) disregarded obligations incurred through conventions, treaties, and covenants; and commitments made through conference action plans related to Common security - peace, environment, human rights and social justice;
(ii) failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Common Security international Conventions, Covenants and Treaties;
(iii) undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to Common Security -peace, environment, human rights and social justice;
(iv) failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions;

<u>International law; corporate compliance</u>

(184) ENSURING THAT CORPORATION COMPLY WITH INTERNATIONAL LAW

INTERNATIONAL COMMITMENT

Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New International Economic Order,1974)

Ensuring that transnational corporations comply with... laws...codes... [Ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws] (167 m Advance draft, Platform of Action, UN Conference on Women, May 15)

[Requiring] Encouraging transnational and national corporations to comply with safety laws
By requiring [encouraging] [transnational and national corporations] [by the private sector]:
comply with Observe national labour environment, consumer, health and safety laws, particularly those that affect women. (179 c Advance draft, Platform of Action, UN Conference on Women, May 15)
[the following references to industry: re training for industry (84 j); Technical assistance (258). Only mention of impact appears to be in section 257]

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STATE ACTIVITY: (MOST STATES) have ignored this commitment, and have allowed corporate activity to proceed unhindered, and have ignored years of harm, caused by transnational corporations, to human health and the environment
LAWFUL ADVOCACY ACTIVITY: has called for limiting of the power of transnational corporations through charters, and for revoking of charters of transnationals

Limiting the power of transnational corporations through charters
When we look at the history of our states [US] we learn that citizens intentionally defined corporations through charters or the certificates of incorporation. In exchange for the charter, a corporation was obligated to obey all laws, to serve the common good, and to cause no harm. Early state legislators wrote charter laws and actual charters to limit corporate authority, and to ensure that when a

corporation caused harm, they could revoke its charter. (Grossman, R.. Taking Care of Business: Citizenship and the Charter of Incorporation)
A corporation in law is just what the incorporating act makes it. It is the creature of the law and may be molded to any shape or for any purpose that the Legislature may deem most conducive for the general good. (Grossman, R.. Taking Care of Business: Citizenship and the Charter of Incorporation)

Revoking Charters of transnationals

Revoke Charters of Incorporation of industries and transnationals that have caused environmental destruction, violated human rights, and contributed to conflict or war (Recommendation to NGO Response to Platform of Action - agreed to by consensus but not included in the NGO submission)

Implementing International Code of Conduct for transnationals

All efforts should shall be made to formulate, adopt and implement an international code of conduct for transnational corporations (V. REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

Preventing of interference of transnationals in the internal affairs of states

To prevent interference in the internal affairs of the countries where they operate and their collaboration with racist regimes and colonial administrations (V a., REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

Seeking compensation from transnational Companies and other market representatives

Transnational Companies and other market representatives shall be responsible for paying compensation for denying social justice, for causing environmental degradation, for violating human rights, for contributing to violence, for escalating conflict, and (Global Compliance Research Project)

(185) ENSURING THAT TRANSNATIONAL CORPORATIONS COMPLY WITH... LAWS...CODES...
[ENSURE THAT TRANSNATIONAL CORPORATIONS COMPLY WITH NATIONAL LAWS AND CODES, SOCIAL SECURITY REGULATIONS AND INTERNATIONAL ENVIRONMENTAL LAWS] (167

INTERNATIONAL COMMITMENT:
Ensuring that transnational corporations comply with... laws...codes...

[Ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws] (167 m Advance draft, Platform of Action, UN Conference on Women, May 15)

[Requiring] Encouraging transnational and national corporations to comply with safety laws
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comply with Observe national labour environment, consumer, health and safety laws, particularly those that affect women. (179 c Advance draft, Platform of Action, UN Conference on Women, May 15)

• International law undermined by Trade law

(187) OPPOSING TRADE AGREEMENTS THAT UNDERMINE INTERNATIONAL COMMON SECURITY

INTERNATIONAL ABSENCE OF ASSURANCE THAT THAT COMMON SECURITY INTERNATIONAL OBLIGATIONS AND COMMITMENTS TRUMP TRADE AGREEMENTS

STATE ACTIVITY: : (STATE MEMBERS OF THE WTO) have generally allowed for Trade obligations to trump other common security obligations and commitments
LAWFUL ADVOCACY ACTIVITY: OPPOSED the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research; has opposed the globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law;

Information

(188) PROTECTING THE PRIVACY INHERENT IN THE RETENTION OF INFORMATION

INTERNATIONAL COMMITMENT:
Guidelines for the regulation of computerized personal data files adopted by the General Assembly resolution 45/95 Dec. 14, 1990 the procedures for

implementing regulations concerning computerized personal data files are left to the initiative of each state subject to the following orientations:

a. principles concerning the minimum guarantees that should be provided in national legislation

1. Principle of lawfulness and fairness

information about persons should not be collected or processed in unfair or unlawful ways, nor should it be used for ends contrary to the purposes and principles of the Charter of the United Nations.

2 Principle of accuracy

persons responsible for the compilation of files or those responsible for keeping them have an obligation to conduct regular checks on the accuracy and relevance of the data recorded and to ensure that they are kept as complete as possible in order to avoid errors of omission and that they are kept up to date regularly or the information contained in a file is used, as long as they are being processed.

3. principle of purpose-specification

the purpose which a file is to serve and its utilization in terms of that purpose should be specified , legitimate and, when it is established, receive a certain amount of publicity or be brought to the attention of the person concerned, in order to make it possible subsequently to ensure that:

a all the personal data collected and recorded remain relevant and adequate to the purposes so specified;

b. none of the said personal data is used or disclosed, except with the consent of the person concerned, for purposes incompatible with those specified;

c the period for which the personal data are kept does not exceed that which would enable the achievement of the purposes so specified.

4. principle of interested person access

everyone who offers proof of identity has the right to know whether information concerning him is being processed and to obtain it in an intelligible form, without undue delay or expense, and to have appropriate rectifications or ensure made in the case of unlawful, unnecessary or inaccurate entries and when it is being communicated, to be informed of the addresses. provision should be made for a remedy, if cost of a rectification shall be borne by the person responsible for the file. it is desirable that the provisions of this principle should apply to everyone, irrespective of nationality or place of residence.

5 principle of non discrimination

subject to cases of exceptions restrictively envisaged under principle

6, data likely to give rise to unlawful or arbitrary discrimination, including information on racial or ethnic origin, colour, sex life, political opinions, religious, philosophical and other beliefs as well as membership of an association or trade union, should not be compiled. 6 power to make exceptions
departures from principles 1 to 4 may be authorized only if they are necessary to protect national security, public order, public health or morality, as well as inter alia, the rights ad freedoms of others, especially persons being persecuted (humanitarian clause) provided that such departures are expressly specified in a law or equivalent regulation promulgated in accordance with the internal legal system which expressly states their limits and sets forth appropriate safeguards. exceptions to principle 5 relating to the prohibition of discrimination, in addition to being subject to the same safeguards as those proscribed for exception to principles 1 to 4 may be authorized only within the limits prescribed by the international bill of human rights and the other relevant instruments in the field of protection human rights and the prevention of discrimination

7 appropriate measures should be taken to protect the files against both natural dangers, such as accidental loss or destruction and human dangers such as unauthorized access, fraudulent misuse of data or contamination of computer viruses.

STATE ACTIVITY:
LAWFUL ADVOCACY ACTIVITY:

International law - intelligence lists

(189) EXPOSING INTELLIGENCE LISTS

INTERNATIONAL OBLIGATIONS: “political and other opinion”
All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have designate citizens engaged in lawful advocacy, protest and dissent as threats or even terrorists

(US) "... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process."

"Anarchists and extremist socialist groups -- many of which, such as the Workers World Party, Reclaim the Streets, and Carnival Against Capitalism -- have an international presence and, at times, also represent a potential threat in the United States. For example, anarchists, operating individually and in groups, caused much of the damage during the 1999 World Trade Organization ministerial meeting in Seattle."

"Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect more widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including, the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other political and social movements."

targeted and intimidated activists and discriminated on the grounds of political and other opinion (a listed ground in the International Covenant of Civil and Political Rights- to which the US is a signatory):
LAWFUL ADVOCACY ACTIVITY: has called for complying with international human rights instruments, and statutory human rights documents, and for enshrining the ground of “political and other opinion” in national constitutions

1) INVASION OF AFGHANISTAN WAS AN ACT OF REVENGE IN VIOLATION OF INTERNATIONAL LAW

In 2001, the Canadian government, ignored the plea from the NDP and the Bloc to call upon for the US to respect the international rule of law, and to seek a peaceful resolution through the International Court of Justice. The Liberal government with the support of the Conservative/Reform/ Canadian Alliance chose instead to disregard the plea and join in the US act of revenge against Afghanistan.

The serious irreversible human, environmental, health, psychological, economic and social consequences of war support the contention that under no conditions or circumstances is war legal or just, and that war must be delegitimized as an option or even as a last resort.

The seeds for delegitimizing war have been planted through the Charter of the United Nations, and through over 60 years of UN instruments. For years, member states have incurred obligations under the charter, treaties, conventions, and covenants, made commitments under conference action plans, and created expectations through UN General Assembly Resolutions and Declarations that would, if implemented and enforced, give substance to the delegitimization of war. From these instruments, peremptory norms, which further the rule of international law can be extracted (Russow, Submission to the Senate of Canada, October 17, 2005}

Proceedings of the Special Senate Committee on the Anti-terrorism ACT

NOVEMBER NOVEMBER

DECEMBER DECEMBER

F**ROM THE PERSPECTIVE** of a patron relaxing in the summer sun at an outdoor café, the environment, other than the occasional whiff of exhaust spewing from a passing car, might not appear to be in that bad a shape. But we are living in an age of extinction every bit as profound as the one that led to the disappearance of the dinosaurs about 63 million years ago. According to a British study released last year, the population of many butterfly species has declined by 71 percent in recent years, and bird species by 54 percent.

East-coast fishermen understand the meaning of extinction more than most Canadians after watching the cod fishery collapse in the early 1990s. Now it's the Inuit of the eastern Arctic who are looking on helplessly as the caribou, a critical source of food, slowly slide into oblivion. Perhaps the most high-profile case is that of the BC spotted owl, which has all but vanished, with only fourteen adult birds left in the province—the only Canadian region in which they are found. Yet British Columbia has no endangered species

act, and Ottawa's toothless Species at Risk Act only covers animals living on federal lands, such as national parks.

So dismal is the situation in Canada that the North American Commission for Economic Cooperation and Development ranked Canada twenty seventh out of thirty industrialized nations in terms of enacting and enforcing laws that reduce greenhouse-gas emissions. This would likely come as a surprise to many, who believe that Canada has environmental laws that are at least stronger than those in the United States. But in May, the Commission for Environmental Cooperation of North America—a **NAFTA** watchdog group—reported that while the United States was making progress on environmental pollution, Canada was falling behind. And late last year Johanne Gélinas, Canada's commissioner of Environment and Sustainable Development, wrote a scathing report in which she concluded that Ottawa's failure to take stronger action on the environment reflects a "lack of leadership, lack of priority, and lack of will."

Given the sorry state of Canada's environment, the Green Party's electoral success—winning 4 .3 percent of the popular vote—would seem understandable. Yet on the whole, environmental groups have largely failed in their efforts to influence government policy. In the United States, the inability of environmentalists to effect real change prompted what would become a widely debated article by Michael Shellenberger, an activist, and Ted Nordhaus, a pollster, called "The Death of Environmentalism." The article, presented to the Environmental Grant-makers Association in 2004, argues that the movement has become divorced from larger issues of broad public significance and, as a result, "the environmental community's narrow definition of its self-interests… undermines its power." The article has not only led to deep divisions in the US movement, but it has also illustrated differences among Canadian environmentalists on how to force Ottawa to halt ecological decline.

Because of its success, it might seem logical that the Green Party would be the electoral arm of the environmental movement in Canada. But according to Elizabeth May, executive director of the Sierra Club of Canada, there is virtually no relationship between environmental organizations and the Green Party. "It's not a movement that's prone to say ' How do we enhance our political power base? Maybe we should have our own party.' I mean, that kind of conversation doesn't ever happen in the environmental movement." Most of the country's 2,000 environmental organizations don't even see

themselves as lobby groups, says May, with “maybe a dozen ever meeting with an MP.”

In other countries, especially in Europe, Green parties have attempted to achieve political power by broadening their definition of “environmental” to include foreign policy, and social and economic issues. Last year in Rome, Green parties from thirty-two countries found enough common ground among their diverse memberships to form the European Green Party. Working together, they established a single platform and managed to capture thirty-five seats of the 624-member European Parliament in the June 2004 election. While not as radical as many of its federated members would like, the European Green Party’s policies are still broadly socially democratic and critical of corporate globalization. The party also calls for a guaranteed minimum income across Europe, a ban on all genetically modified organisms (**GMO**s), and making manufacturers responsible for the entire life-cycle of their products.

By comparison, the Green Party in the United States is unambiguous about its left-wing political stance. It has both a black and a women’s caucus. If elected, it would withdraw the United States from **NATO** and **NORAD** and from all free-trade agreements. It also calls for a full month’s vacation time for all workers each year, and for removing the words “under God” from the Pledge of Allegiance. This relatively consistent left tilt distinguishes the Green Party of Canada as one of the few national Green parties—the German Greens are probably closest ideologically—in the developed world to have moved to the right politically. And unlike Europe’s unified Green Party, there is virtually no communication between the party in Canada and its more radical counterpart in the United States.

The conservative positioning of the party under Harris may also explain its unusual approach to policy development. Members can comment on party policies on a website but those policies are actually determined by the national office. There has been no formal policy convention, nor does the party rely closely on the expertise of environmental organizations. “We pretty much get asked by all the parties to comment on their environmental policies, certainly by the **NDP** and the Liberals,” says May. Leading up to the 2004 election, she told Harris: “‘If you want a more detailed, robust platform, feel free to ask in the coming months.’ We never got any pickup on that [offer].” But when the Sierra Club came out with its report card favouring the **NDP,** says May, Harris called them **NDP** hacks.

Harris may simply have disagreed with the political bent of the Sierra Club's policies. According to Nelson Wiseman, a professor of political science at the University of Toronto: "In Germany the position of the Green Party has shifted from being radical to almost mainstream. That's the challenge facing the Green Party of Canada. And [Harris's] shift to the right is seen as a way of gaining increased credibility, so as not to be seen as the dope-smoking fringe."

In the process of mainstreaming policy, Harris has driven many traditional Greens from the party, who, from his perspective, would have happily remained on the political fringe rather than abandon their cherished left-wing policies. There are some in the party still opposed to Harris, but many others—especially in Ontario and Alberta—support his eco-capitalist solutions. In the simplest analysis, Harris would end subsidies to polluting industries, such as tax breaks for oil companies, and redirect the money to social programs and initiatives to dramatically increase energy efficiency. Harris rejects the heavy hand of government intervention in the belief that if consumers are given environmentally correct options, they will make decisions that will change corporate behaviour. One of his strongest supporters outside of the party is Wayne Roberts, a prominent Toronto environmentalist and co-author of *Get a Life: A Green Cure For Canada's Economic Blues*. According to Roberts, Harris has always been interested in the economics of the environmental movement. "This accounts for his desire to mainstream the Greens," explains Roberts, "which many holier-than-thou types equate with being moderate or right wing. But in his gut instincts he is a Green, in the same way most **NDP**ers have a gut instinct for the disadvantaged."

A**S HARRIS** geared up to take control of the party in 2003, he was preoccupied with new election finance legislation, which he believed would boost the party's chances for a breakthrough. Prime Minister Jean Chrétien's government had introduced Bill C-24, legislation changing how parties could raise money for elections. Out were major donations from corporations and trade unions. In was government funding based on the number of votes parties received in the previous election —$1.75 per vote. To earn this, a party had to get at least 2 percent of the popular vote. To ensure the party received the money, Harris was determined to have the names of Green Party candidates on the ballot in all 308 federal ridings, whether, it seemed, they knew anything about the party's policies or not.

In his first leader's memo to the party's newly elected council in 2003, Harris outlined Ottawa's new election financing legislation and how important it was. Much of the 5 ,000-word priorities document dealt with C-24 and the all-consuming importance of running 308 candidates. In contrast, there was almost no mention of policy development. "I was concerned with the obsession with getting 2 percent of the vote," recalls Matthew Pollesel, a former Green Party staffer. "That's all they talked about."

Early in his leadership, Harris clearly demonstrated that almost anyone persistently opposing him would be driven off the party's governing council. The first to experience this was Julian West, a prominent environmentalist and Green Party stalwart from British Columbia. West found himself on the wrong side of Harris when he became involved in a discussion of a plan to ensure the vote wasn't split between the Green Party and the **NDP**, which also had a strong environmental platform. Under that proposal, which was never put into action, the Greens would have adopted a non-compete policy in the many urban ridings in which the **NDP** could do well.

To remove West, Harris called members of the party's governing council and lobbied them to get rid of his critics. Recalled Gretchen Schwarz, a long-time Green Party activist from Ottawa, and chair of the council at the time: "Before he was even elected, Harris phoned me up and said, 'We have to get West off council.' I was just stunned and said, 'What? ' Harris said, 'Well [BC leader] Adriane Carr wants him off council, and I promised her that I would deliver that for her if she would support me in my leadership campaign.'" Harris denies the allegation. But whatever actually happened behind the scenes, West eventually quit in frustration. Harris usually had his way. "Jim has a very fine gift for making people sick of fighting ," recalls Schwarz, who also left the party. "He's a salesman. He'll make you throw up your hands and say, 'Take my house, take my kids, I don't care, leave me the heck alone.'"

In February 2005 , Kate Holloway, the party's fundraising chair, was suspended from the council, and Platform Chair Michael Pilling was fired. They were preceded over the two years of Harris's leadership by a number of others who either quit the council or left the party altogether. Some of those have now formed the rival Peace and Ecology Party. "I had a gut feeling about this man," says Schwarz. "He wasn't Green. He wasn't passionate about saving the planet. He was saying lines and speaking a part like an actor." But the party was desperate for someone with organizational skills, and she admits, "I thought we could use him. I might

not want to sit down and have a beer with Harris, but he had something that we didn't have."

Once in charge, Harris knew he would quickly have to raise money to invest in the looming federal election campaign. One plan, called "affinity funding," involved such organizations as the Humewood Ratepayers Association, a Toronto citizens' group. Essentially, the party would lend its legal authority to issue tax receipts for political donations. Groups such as Humewood would then kick back a percentage of the money raised to the party. To test the legality of the affinity plan, members of the council—against Harris's wishes—had it vetted by Elections Canada, which found it illegal. Another scheme called "democracy bonds," which was never adopted, would have paid investors 25-percent interest, but the loans would only have been paid back if the party received more than 2 percent of the vote.

Despite internal bickering over fund-raising, Harris finally received the money he needed to pursue his 2-percent solution from two unlikely sources. The first was wealthy Toronto feminist and former Tory candidate Nancy Jackman (now Nancy Ruth), who donated $50,000 to the party. According to Ruth, who was appointed to the Senate in March, she met Harris when she ran against him in a 1993 provincial by-election in Toronto. They became friends and she agreed to help. "I wanted them," recalls Ruth, "to have a chance to get the $1.75 per vote." Critical support also came from wealthy BC businessman and Green benefactor Wayne Crookes, who loaned the party more than $300,000. In the end, even his fiercest critics were stunned by Harris's ability to field a full slate of candidates. "It totally staggered me," recalls West, "that they could get 150 signatures [per candidate], in most cases in ridings where they had no active members." And as unlikely as the whole project was, Harris's strategy worked. And not at just the 2-percent threshold: 4 .3 percent, or 582,247 Canadians, voted for the party. Under Bill C-24, this translated into $1,018,932 of government funding and the promise of building a party that could do even better in the future.

As Harris established himself as leader, he began a pattern of hand-picking people to work with, even if that meant going outside of the organization. One was Pilling, whom he put in charge of policy while he was allegedly still working for Strategic Advantage. Another was David Scrymgeour, former national director of the Progressive Conservative Party. He had been at the heart of a conflict leading up to the Conservative leadership convention in 2003, when Conservative MP Peter MacKay was chosen to head the party. The controversy centered on claims by David Orchard, who was also

running for the leadership, that Scrymgeour had used a variety of dirty tricks to ensure that Orchard's supporters were denied delegate status. Harris, aware of the controversy, phoned Orchard, whom he had earlier courted—unsuccessfully—for electoral support. "We talked for quite a while," recalled Orchard, "but he didn't follow up on any of [my advice]. He didn't get rid of him."

The arrival of strategists such as Scrymgeour—and another controversial former Conservative/Alliance operative, lawyer Tom Jarmyn—stood in sharp contrast to previous Green Party leaders, especially those such as British Columbia's Joan Russow, who were preoccupied with policy matters. An environmentalist and social democrat with a Ph.D. in interdisciplinary studies, Russow compiled a 400-page policy backgrounder for the party as leader. But in looking at the party's platform today, she wonders how the planks she built around social democratic policy and strong regulatory enforcement were replaced by a structure that she says could lead to the adoption of right-wing programs. Said Russow: "It has abandoned itself as a principle-based party."

According to Harris, Russow's recommendations were replaced with a platform developed directly by the membership and one more appealing to voters. Many of the party's economic policies appear to be mainstream—even, at times, identical to those of the Conservatives or Liberals, including promises to "lower taxes on income, profit and investment." The idea of a guaranteed annual income has been removed from the platform. Poverty rates a mention, but there is nothing specifically proposed to address the root causes of the problem. Instead, the Greens promise to "enhance the existing network of food share, school nutrition, and food bank programs to eliminate hunger and malnutrition."

Like Conservative leader Stephen Harper, Harris wants to hollow out Ottawa with a massive devolution of power. According to its own literature, the Green Party would "respect the right of provinces to 'opt out' of federal initiatives without financial penalty." This would undermine the Canada Health Act and make creation of new national social programs all but impossible. Some policy language even echoes the old hard-right Reform Party. For example, in a mid-election news release, Harris stated: "Tossing money alone at health care is not going to miraculously fix the problems faced by older Canadians." Instead, he proposed supporting health care through more community volunteerism.

Harris even watered down the party's policy on genetically modified foods, from one calling for a ban to one simply calling for labeling. Harris personally opposes the manufacture of **GMO** foods, but when asked why he stopped short of calling for a ban, he replies: "I want them labeled but we don't even have labeling. What's the point of calling for banning when we're eating the stuff, and we don't even know it? " Instead, Harris would rely on the eco-capitalism market solutions that inform so much of the party's platform, arguing that consumer disapproval of products, not a government ban, will ultimately change corporate behaviour.

Harris's desire to create a consensus on the environment by building bridges to the corporate sector emerges when asked whether the party would increase the level of fines against polluting corporations. "It's not about being punitive," he insists. "People want to do a good job. And I work with people who are in corporations, and they're good people. They have children, and they care about their future too."

Even so, there are occasional and dramatic contradictions to the conservative thrust of the platform that seem designed to appeal to radicals in the party. For instance, the party promises to "rescind all uranium-mining permits and prohibit the export of fissionable nuclear material."

During the 2004 election, the party was found wanting in the two areas in which Greens feel they can make a difference—promoting democracy and protecting the environment. Democracy Watch, an Ottawa-based group, gave the Greens a D− for not adequately addressing issues surrounding corporate responsibility and ethical government. And on the their environmental policies, the **NDP** received a slightly higher grade than the Green Party from both the Sierra Club and Greenpeace.

In the end, however, questions surrounding policy didn't matter much in the election, because many of the candidates (and voters) weren't aware of Harris's revamped platform anyway. At least a third of the candidates, says Pollesel, didn't even live in the ridings in which they ran. And like some candidates, Marc Loiselle from Saskatoon, who ran in Prince Albert, Saskatchewan, says that he was "not that familiar with actual Green policies." When he did speak publicly, he put forward what he thought the party's policies should be, not what they actually were.

Not only were policies not that important. Neither was political experience. Recalls Pollesel, who had worked for half a dozen MPs and was the most experienced organizer on the election team: “It was so off-the-wall. You had a policy director who didn’t know anything about policy, a leader who doesn’t have a clue about politics, and a media guy who doesn’t want to talk to the media. It was the antithesis of everything a real party should be.” (Pollesel eventually filed a complaint with Elections Canada listing fourteen violations of the Elections Act.)

F**OR A PARTY** that had just made a breakthrough of historic proportions, the Green Party convention in August 2004 was hardly a celebratory affair. Only about 180 party members showed up out of a membership of around 3,800. Just 956 bothered to mail in ballots, and Harris won with just 54.8 percent of the vote. Still, Harris immediately tightened his hold on the party by assigning Scrymgeour the task of developing a new organizational structure that would make the Greens even more mainstream. Scrymgeour’s subsequent report, “Green and Growing,” was full of the scientific manipulation of the electorate common to the Conservatives and Liberals, but anathema to traditional Green values. His reference to “high yield **EDA**s” (riding associations) sounded more like a mutual fund promotion, and identifying “benchmarks and best practices” was right out of a corporate governance manual.

On Scrymgeour’s advice, Harris created an election-readiness committee. Consisting of Harris, party creditor Wayne Crookes, selected staff members, and loyalists from the party’s elected council—all men after the lone woman quit—it has allowed Harris to run the party while often circumventing the governing council and its messy disagreements. And that has helped him to weather the storms around his leadership style—for now.

It is hard to predict what will happen to the Green Party under Harris, and whether it will make a breakthrough as the German Greens did. But Stuart Parker, who led the BC Green Party for seven years, shared an insight into Green Party culture, one that might give Harris pause. “Most Greens believe that it is actually wrong to have a strong leader,” said Parker, “so they can only have one of two relationships with their leader. Either this leader is so great that they transcend the inherent evils of ‘leadership,’ in which case they should be deferred to, or their leader is somebody who has seized control and is corruptly operating the party.” If Parker is right, Harris might find himself reflecting on the advice he offers his corporate clients in his book *The Learning Paradox*: “[T]he more leaders cling to power, the less

powerful their organizations are. The more they control, the more out of control their organizations."

I WAS SUPPOSED TO BE IN COURT ON OCTOBER 2005 , BUT IT HAD TO BE POSTPONED BECAUSE I WAS INVITED TO APPEAR BEFORE THE SENATE COMMITTEE AND MAKE A SUBMISSION TO THE SENATE ON THE ANTI TERRORISM ACT SO MY COURT HEARING ABOUT MY LOAN AND LEGITIMATE WAS POSTPONED

2005 SUBMISSION TO THE SENATE COMMITTEE REVIEWING THE ANTI-TERRORISM ACT.

in the common security index in Joan Russow's 2005 presentation to the Canadian senate

"Proceedings of the Special Senate Committee on the Anti-terrorism Act First Session, Thirty-eighth Parliament, 2004-05". Parliament of Canada.

October 17, 2005
Joan E. Russow (PhD)

When Bill C 36 – the Anti-terrorism Act – was proposed, I publicly criticized the act as being in violation of international human rights instruments including the International Covenant of Civil and Political Rights.

I have been concerned that the "war against terrorism" and the Anti-terrorism Act have perpetuated the disregard for the rule of international law and for the International Court of Justice. Serious consequences such as the redefinition of what constitutes self-defence; condoned pre-emptive aggression with prohibited weapon systems; "renderings" and the violation of the Convention against Torture, and Geneva Conventions; institutionalizing of racial profiling; indefensible "preventive arrests"; increased mistrust;; guilt by association; the imposition of a Culture of fear and suspicion; the creation of a palpable chill; increased mistrust: the fostering of unquestioning, embedded and compliant media.

…. have all resulted from the War Against Terrorism or from the anti-terrorism Acts.

At the opening of the 59 UN General Assembly, Kofi Annan affirmed that

> Those who seek to bestow legitimacy must themselves embody it, and those who invoke international law must themselves submit to it" Mr. Annan said at the opening of the 59th session of the UN General Assembly. …We must start from the principle that no one is above the law and no one should be denied protection" 2004.

The United Nations for years has had difficulty defining terrorism because the United States and certain allies have refused to consider certain state activities to be acts of terrorism or threats to security. Ironically it is often citizens who through lawful advocacy protest and dissent are the ones that are deemed to be a threat to security

In fact after September 11, 2001, the FBI circulated a list:

> …category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process.

The intelligence community appears to be inept at assessing what constitutes real national and international threats to security. This ineptitude was confirmed recently at a colloquium, entitled the 'Challenges of SIRC'. An official from SIRC acknowledged the following:

> In assessing the distinction between those who have a disagreement with politics and those who are deemed to be terrorists...Police agencies are not good at making that distinction and err on the side of security "."Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up. We have to have the ability to identify clearly this distinction. If we don't do this we are threatening the fabric of the civil liberties of Canadians.

The fabric of civil liberties of Canadians has definitely been threatened through the designation of citizens who have a disagreement with the politics of the Government of Canada to be threats to Canada.

At least since 1997, I have been on an RCMP Threat Assessment Group (TAG) List. I have a doctorate, I was a former lecturer in global issues at a university, and I am a former federal leader of a registered political party in Canada. I found out about being on a Threat Assessment Group List inadvertently, during the release of documents in the APEC RCMP Public Complaints Commission inquiry. *E*vidence emerged during the APEC inquiry that I was put on the list as a result of a directive from the Prime Minister's Office. My picture along with eight others was placed on a RCMP Threat Assessment Group List entitled "other activists". I have enclosed a copy of the RCMP threat Assessment. Exhibit A and Exhibit B.

Under the CSIS Act, "threats to the security of Canada" means

> (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage

> b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada are clandestine or deceptive or involve a threat to any person
> c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a **political objective** within Canada or a foreign state and
> d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada.
>
> Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) TO (D). 1984 C.21, S2.

Citizens engaged in lawful advocacy, protest, or dissent have been designated as “threats”. Given the definition of “threats” in the CSIS Act, the only conclusion is that citizens engaged in lawful advocacy, protest, or dissent, and designated as a threat, must have been linked to espionage, sabotage, violence against persons or property, the destruction of the constitutionally established system of government, etc. There really is no other logical conclusion.

The Solicitor General who is responsible for the RCMP and CSIS has a dual role: a role as a party member and a non partisan role as officer of the Crown. The importance of the non-partisan role was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned:

> Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they may decide to have the police investigate people because of their party stripes

Although I was not a member of the NDP at the time, I presume that his comment applied to any opposition political party.

When news that I had been placed on the RCMP Threat Assessment List was broadcast and published across the country, the Solicitor General’s office feared that there might have been a challenge in parliamentary question period about the RCMP and CSIS placing the leader of a registered political party on a threat assessment list. The Solicitor General’s office prepared an Aide Memoir to deflect the potential criticism, and rather than addressing the serious allegations of the violations by intelligence agencies of their own statutory law, the Solicitor General in his reply wrote: "As I have indicated, the APEC RCMP Public Complaints Commission will address all concerns raised, and we should allow them the opportunity to do their work."

I assumed from this statement that I would have my concerns addressed and be able to appear before the RCMP Public Complaints Commission, to have the opportunity to clear my name, and to prove that I am not a threat. I was subsequently not permitted to appear, even though I had been one of the original complainants.

I have never engaged in any activity which could be even remotely construed to fall into within the CSIS definition of a 'threat. I have been a strong policy critic of government practices, nationally and internationally, and could be considered to have a "difference in politics". I have spent over twenty years calling upon governments to discharge obligations incurred through international covenants, treaties and conventions, and to enact the necessary legislation to ensure compliance. I have called upon governments to act on commitments made through Conference Action plans, and to fulfill expectations created through UN General Assembly Resolutions and Declarations.

I have exercised my constitutional right to lawful advocacy, protest, and dissent. I have, however, not engaged in activities directed toward undermining by covert clandestine, unlawful acts, directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada

Placing citizens who engage in lawful advocacy, protest or dissent on threat lists is an act of discrimination on the grounds of political and other opinion – one of the grounds that has been included in years of international human rights instruments such as the following:

(i) Art. 2, The Universal Declaration of Human Rights, 1948;
(ii) Art. 2, The Universal Declaration of Human Rights, 1948;
(iii) Art. 27, Convention Relative to the Protection of Civilian Persons in Time of War, 1949);
(iv) Art.1.1, International Convention on the Elimination of all Forms of Racial Discrimination, 1965;
(v) Art. 2, International Covenant of Civil and Political Rights, 1966);
(vi) International Covenant of Social, Economic and Cultural rights 1966, in force, 1976;
(vii) Art. 7, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;
(viii) Art. 2, Declaration on the Rights of Disabled Persons 1975;
(ix) Art. 2, Convention on the Rights of the Child, 1989;
(x) Principle 1.4, Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991.

I will refer here only to Article 2 of the International Covenant of Civil and Political Rights (ICCPR). Article 2. affirms that

> Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Although under art 2 of the Charter of Rights and Freedoms, there is a reference in Art. 2.

> Everyone has the following fundamental freedoms:
> *b*) freedom of thought, belief, opinion and expression

This article implements the obligations in Art: 18 of (ICCPR).

> 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Unfortunately the ground of "political and other opinion" was not included as one of the listed grounds in article 15 of the Canadian Charter of Rights and Freedoms

Although there does not appear to be a remedy in Canada for discrimination on the ground of political and other opinion, there is a remedy under Article 2 of the Optional Protocol of the International Covenant of Civil and Political Rights. Under this article, citizens who have been discriminated against, and have exhausted all domestic remedies, can file a complaint with the UN Human Rights committee responsible for the implementation of the International Covenant of Civil and Political Rights. I have now proceeded to submit this complaint to the UN Human Rights Committee.

The listing of citizens engaged in legitimate advocacy has also violated the Charter of Rights and Freedoms; the right to security of the person; the right to mobility, and freedom of speech, and freedom of assembly. Now with facial recognition technology, there is the possibility that listed activists will not be able to enter the United States or fly over US Territory.

Since the fact that I was placed on a threat assessment list was broadcast and published across the country, I have had to live with the stigma of being designated a threat and the repercussions from this stigma –mistrust, and loss of employment and income. On a panel associated with the Arar inquiry, Warren Allmand, a former Solicitor General recognized that being associated with a listed group could impact on one's ability to obtain gainful employment. This recognition would presumably also apply to being listed as a threat.

Even if proved unfounded, the taint of being designated as a threat, remains. Once a reputation has been damaged or impugned, recovery from this designation is almost impossible.

Since the lists have possibly been shared with 'friendly nations' prior to September 11, 2001 and probably, shared with 'friendly nations' after September 11, 2001 when caveats were down, I have traveled with great trepidation. I have resorted to using my maiden name when traveling internationally, but now with the institution of facial recognition technology, I presume that it will be impossible for me to travel to the US or to travel over US air space.

I had a legitimate expectation that, after being placed on a RCMP Threat Assessment Group List, I would be able to correct the presumed misinformation through provisions in the Privacy and the Access to Information Acts. I was mistaken. In order to justify not revealing the reason that I had been perceived to be a threat, the government exercised exemption such as “for national and international security reasons”, or “for [being] injurious to the conduct of international affairs”, or “for the defence of Canada”.

I have filed complaints with the RCMP, with CSIS, with DND, and with the review bodies such as SIRC and the RCMP Public Complaints Commission. I had presumed that I had a legitimate expectation that, after being placed on an RCMP Threat Assessment Group list, I would be able to correct the presumed misinformation if not through complaints and reviews through provisions in the privacy and the access to information acts. To justify not revealing the reason that I had been perceived to be a threat, the government exercised exemption such as for "national and international security reasons" or “for [being] injurious to the conduct of international affairs”, or “for the defence of Canada".

After almost eight years, I still do not know the reason for my being placed on an RCMP Threat Assessment Group List. I submitted, and in some cases resubmitted, almost 60 Access to Information and Privacy requests, and subsequent requests for reviews by the Privacy and Access to Information Commissioners. These requests resulted is a series of outrageous financial demands, unacceptable delays, unjustifiable retention of data and redacted documents, along again with questionable government exemptions. In the end, the only recourse offered was to hire a lawyer, go to court, and if unsuccessful, pay court costs – an option that was not open to me, and I assume not open to many other citizens engaged in lawful advocacy, protest, and dissent.

Citizens engaged in lawful advocacy, protest, and dissent are often those who are addressing activities, by governments and corporations, which could be designated as threats to “true” security.

True security is not human security or a so-called “responsibility to protect” which has been recently used to support substantial increases in the military budget and to legitimize past, present, and future military expeditions wrapped in the guise of humanitarian interventions

True security is common security – a concept initiated by Olaf Palme, a former president of Sweden – and has been extended to embody the following objectives:

• to achieve a state of peace, and disarmament; through reallocation of military expenses

• to promote and fully guarantee respect for human rights including civil and political rights, and the right to be free from discrimination on any grounds

• to enable socially equitable and environmentally sound employment, and ensure the right to development and social justice; labour rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, and the right to education

• to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint ,and move away from the current model of over-consumptive development.

• to create a global structure that respects the rule of law and the International Court of Justice;

To further Common Security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, made commitments through Conference Action plans, and created expectations through UN General Assembly resolutions, and declarations. Member states of the United Nations have incurred obligations, made commitments and created expectations

The blue print for Common Security has been drawn; the issue is compliance and implementation.

The Senate Committee reviewing the Anti-terrorism Act has a real opportunity to determine what constitute real threats to common security.

Canada is at a cross roads: Canada can continue to support the US in its activities that pose a threat to global security, or Canada can be a proponent of true security: common security. In Annex I of my submission I have included a preliminary draft of a proposed Common Security Index (CSI).

When I found out that I was deemed to be a threat, I prepared a list of threats to global security and recently I have revised this list into a Common Security Index. I have attempted to address the issue of state activities that could be deemed to be threats. In the Common Security Index, I have referred to
(i) existing international obligations or commitments
(ii) state activity in compliance or non compliance with these obligations or commitments;
(iii) lawful advocacy activity against the violation.

I raise the issue that often the intelligence community determines that the threat to security is the advocate who exposes the state violation of international law not the state who violates international law

I would like to submit the following recommendations for addressing the issue of threats to common security.

RECOMMENDATIONS:

(i) that the Canadian government promote common security and end all further contribution to activities that foster global insecurity and threats to common security (see the Common Security Index in Annex 1.

(2) That the Department of Justice ensure that the necessary legislation to implement international obligations and commitments to global common security is enacted in Canada: Consequently, Canada, through acceding to and ratifying treaties has undertaken to perform treaties in good faith, has established on the international plane its consent to be bound, and to establish conditions for the maintaining of justice and respect for obligations under treaties.`

and to operationalize the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" whereby Canada made the following undertaking:

> A multilateral treaty dealing with matters within provincial jurisdiction would be signed by Canada only after consultation with the provinces had indicated that they accepted the basic principle and objectives of the treaty. Assurances would be obtained from the provinces that they are in a position, under provincial laws and regulations, to carry out the treaty obligations dealing with matters falling within provincial competence, before action is taken by the Government of Canada to ratify or acceded to such a treaty.

or by passing implementing legislation:

> In Canada implementing legislation is only necessary if the performance of treaty obligations cannot be done under existing law or thorough executive action.

(3) That the Department of Justice address the issue of Canada's failure to implement key provisions in the Convention on the Law of Treaties, related to the implementation of international obligations throughout Canada..

Applicability of section in the Convention on the Law of Treaties on not defeating purpose of treaty from moment of signing (Article 18)

Under the Vienna Convention on the Law of Treaties, adopted in 1969; signed by Canada, acceded to by Canada on 1970 , and in force 1980, Canada, as a signatory to this Convention has been obliged to ensure the performance of treaties in the following ways:

(i) "to establish conditions under which justice and respect for obligations arising from treaties can be maintained" (Preamble)
(ii) to demonstrate, through the process of ratification (accession) of a Treaty, that the State has `"established on the international plane its consent to be bound by a treaty" (Article 2)
(iii)): to "not defeat the object and purpose of a treaty prior to the entry into force"
(iv) to observe that "every treaty in force is binding upon the parties to it and must be performed by them in good faith. (Article 26)
(v) to interpret a treaty by agreeing that "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose. (Article 31)
(vi) to not create a situation that would make performance impossible.

1. a party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty". ..
2. Impossibility of performance may not be invoked by a party as a ground for terminating, withdrawing from or suspending the operation of a treaty if the impossibility is the result of a breach by that party either of an obligations under the treaty or of any other international obligation owed to any other party to the treaty. (Article 61)

(4) That the Department of Justice carry out an extensive review of obligations incurred through treaties, conventions and covenants; of commitments made through conference action plans; and of expectations created through UN General Assembly resolutions;

(5) That the Department of Justice determine what would constitute compliance with these obligations, commitments and expectations related to Common Security;

(6) That the Department of Justice seek to clarify the Supreme Court precedent established in 1937 Labour Convention case pertaining to federal-provincial powers with regard to international treaties;

(7) That the Department of Justice seek to establish what constitutes “matter of National concern” vis a vis federal and provincial jurisdiction, and what is the nature and extent of consultation required to bind the provinces to the international instruments signed and ratified by Canada;

(8) That the Attorney General and the office of the Attorney General not undermine attempts in the courts to comply with Canada's obligations under international law

(9) That judges at all levels undergo additional training to become more cognizant of relevant international instruments, so as to prevent the unfortunate current situation whereby international obligations and commitments are treated with derision by the Canadian court system;

(10) That the Department of Foreign Affairs be fully briefed on precedents related to International law. In addition, at international conferences, Foreign Affairs staff members be required to respect previous precedents and to take a position if necessary that might be independent from the position taken by JUSCANZ - the negotiating group at the UN with representation from Japan, US, Canada, and Australia. JUSCANZ has generally demonstrated disregard for precedents in international law.

(11) that the Department of Defence discontinue the practice of compiling Op-secur list in which are listed, as being threats to security, groups engaged in lawful advocacy, protest and dissent,
(12) that there be considerable oversight of and “Caveats Up” with any information shared by the department of defence and the "intelligence community" with so- called friendly nations;

(13) that the legal ground of "political and other opinion" should be included as an analogous ground in section 15 of the charter of rights and freedoms; and that the Canadian human rights commission undertake to include discrimination on the ground of political and other opinion as part of their mandate;

(14) that government and intelligence agencies should ensure that citizens who engage in lawful advocacy, protest and dissent and who criticize the government, locally, nationally and internationally for their failure to comply with international not be deemed as threats to Canada;

(15) That a federal cabinet minister overseeing the operation of an intelligence agency should be deemed an officer of the crown, and avoid partisan activities that would discredit this role;

(16) that CSIS should comply with its own act, and be able to distinguish between “those who have a disagreement with politics” and those who are deemed to “be threats of terrorists” to national security;

(17) That the RCMP should divulge the existence of threat assessment lists of activists who have engaged in lawful advocacy, protest and dissent; that these persons should be made aware that they have been placed on a list; that the RCMP should apologize to these persons and that these persons should be financially compensated for losses resulting from their being so place.

(18) that the intelligence community should take courses which would enable them to distinguish between those who have a “disagreement with politics" and those who are a threat to the security of Canada;

(19) that all citizens who have been deemed a threat because they have engaged in lawful advocacy protest and dissent should have opportunity to correct the information;

(20) That there must be a means to cross examine and test the reliability of the evidence used to label a citizen a “threat” and this evidence should be tested in the light of public scrutiny

(21) That there has to be an independent and arms length oversight body to ensure the quality and reliability of intelligence, and that there be provisions for challenging the information;

(22) That there must be a mechanism in place to rectify mistakes committed through national security investigations;

(23) That there must be a mechanism for removing citizens from any secondary search list, threat assessment list and no-fly list;

(24) that the access to information and privacy commissioners and their agents be

required to be better informed about what would be legitimate exemptions under the acts, and whether there has been unjustifiable redaction of documents;

(25) That the Attorney General's office should be cautioned about the extensive redaction of government documents; the extensive redaction of CSIS and RCMP documents during public inquiries reflects more the Attorney General's partisan role than the Attorney General's role as officer of the crown.

(26) That CSIS along with the RCMP should be required to acknowledge that it has violated its own statutory law by providing information which resulted in citizens engaged in lawful advocacy, protest, and dissent being deemed threats to national security, or being listed as international terrorists;

(27) That the Solicitor Generals, and Attorney Generals should be disciplined for their failure to perform their role as officers of the crown;

(28) that the Department of Defence, CSIS, RCMP, and solicitor generals should apologize and be prepared to compensate activists for having violated their charter rights and for impacting on the ability of these activists to seek gainful employment;

(29) that I would concur with other witnesses that the result of the anti- terrorism act has been the violation of civil and political rights, and similarly, the designation of citizens engaged in lawful advocacy, protest and dissent as threats has resulted in discrimination on the grounds of "political and other opinion";

(30) That the rule of law and adversarial process should be restored and secret proceedings eliminated;

(31) That the Anti-terrorism act should be sunsetted on the December 10, 2005 on the 57th anniversary of the UN Declaration of Human rights;