In the decade following the tragic terrorist attacks of 11 September 2001, dozens of Canadian citizens and residents of Canada were detained and taken “off the streets” in the deadly international conflict known in the United States as the “war on terror.” Some of their stories became well known. Maher Arar spent almost a year in detention in Syrian dungeons following his rendition from New York by US authorities. Abousfian Abdelrazik left Canada for a short visit to his native Sudan and ended up in Sudanese prisons or quasi-asylum in the Canadian embassy in Khartoum. His return to Canada after six years of exile was finally ordered by the Federal Court of Canada. Abdullah Khadr, eldest son in what became known as Canada’s first family of terror, was eventually captured in Pakistan and jailed in both Pakistan and Canada until his release by the Canadian courts. Others also made the front pages of Canadian newspapers. Over the course of a decade, many Canadians, Canadian residents, and persons with ties to Canada were identified as adversaries in the war on terror and jailed beyond Canadian shores.

This book focuses on Canadians believed by security authorities to be associated with Islamic fundamentalist extremism and the al Qaeda movement. After the devastating attacks of 9/11, US security and intelligence organizations were desperately short of “actionable intelligence” on what they feared would be a second wave of attacks against the US heartland. They decided to detain suspected extremists worldwide and get them “off the streets,” to use their exact words, where they could be interrogated for what they knew about future threats. Among the thousands of people detained after 9/11 were several Canadians or Canadian residents who had been identified as suspects by the Royal Canadian Mounted Police.
(RCMP) and the Canadian Security Intelligence Service (CSIS). The US Central Intelligence Agency (CIA) arranged for their detentions in Syria, Egypt, Sudan, Libya, Tunisia, Pakistan, Guantanamo Bay, or elsewhere, where their interrogations could be carried out in abusive conditions that were illegal in US or Canadian law. In virtually every Canadian case, there was close collaboration between Canadian and US agencies either in facilitating their detentions or in interrogating them while detained abroad. The Canadian government ordered two commissions of inquiry to look at the role of Canadian officials in four cases. Yet years after the reports of the two inquiries, some of the details remain obscure. The reports were limited in scope and had significant flaws. Most importantly, they virtually ignored the international dimensions, leaving key questions unanswered. For this reason alone, these cases merit fresh examination.

Understanding what happened in these cases requires an examination of their context. How and when did Islamic fundamentalist extremism emerge, and what was the al Qaeda phenomenon that triggered such destruction on 9/11? How were Canada and Canadians believed to be associated with this organization, and how did these individuals emerge on the radar screens of security and intelligence agencies in Canada and elsewhere? This book also seeks answers to more fundamental issues. How were Canadian agencies involved in the identification, pursuit, surveillance, and detention of suspected extremists? Why did the Canadian government, which saw itself as a global leader in human rights and a consistent advocate of the Geneva Conventions, find itself mired in controversies over detention, rendition, and torture through its co-operation with US agencies and through its own practices after 9/11? Although this book focuses on the Canadian cases, it also looks more broadly. Police, security, and intelligence organizations in numerous countries were involved in incarcerations abroad, and several governments have faced – and indeed continue to face – controversies similar to those in Canada. How did all of this happen?

This is a complex global story with few neat endings. Some of the key players of the 9/11 era have told their stories. Some have not, or have chosen to portray their roles in ways that only faintly resemble reality. Some of the governments involved in these cases have come to grips with their responsibilities and liabilities. Others have attempted to close the door to further proceedings. In Canada, the United States, and a few other countries, court cases are still outstanding, a decade and more after the events in question. In the end, something approaching the truth will
undoubtedly emerge. It may be uncovered through the litigation process or through greater access to still-classified materials. Until crucial pieces of this puzzle are in the public domain, however, any examination of what happened in the decade following the 9/11 tragedy will necessarily be based on incomplete evidence, supported by informed speculation.

This book is essentially an insider’s account of this era. I was a Canadian foreign service officer for more than thirty years. From 2002 to 2006, while some of the events examined in this book were unfolding, I was the director general for security and intelligence in Canada’s Department of Foreign Affairs and International Trade, now Global Affairs Canada. Many of the messages exchanged among Canadian diplomatic missions regarding these cases went through my office. I saw most of the classified materials distributed to Foreign Affairs Canada on these cases. As a result, I participated in both the public and the in-camera sessions of the two commissions of inquiry that examined four of the key cases. While government edicts prevented me from speaking to the media while these events were unfolding, I noted with keen interest the ebb and flow of public debate as the commissions investigated and reported. I recall clearly my sense that neither commission had gone to the heart of the issues, and that much more of the story could and should have been told, even with the limitations of publishing only unclassified evidence.

Despite this considerable inside knowledge, I have based this book exclusively on unclassified materials in the public domain, new materials coming into the public record, and open conversations with other participants and scholars. Much of it comes from the investigative work of the two commissions, especially the public testimony and unclassified evidence, as well as materials made public in Canada and in the United States under access-to-information legislation or the memoirs of interested participants. Some of it comes from court records, while much of it has emerged as the result of investigative reporting, particularly the Canadian work on the Arar and Abdelrazik cases, as well as the award-winning work of American journalists about rendition and torture under the Bush administration. I would also emphasize the importance of materials collected over the years by dogged and patient non-governmental organizations, particularly in the United States, where strong traditions of dissent (along with generous funding from the public) lend themselves to challenging the views of government organizations. Many of these cases were reported in the media, in Canada and abroad.
No book examining Islamic fundamentalist extremism can escape problems of definition. I confess to a certain amount of impatience in getting bogged down in terminological quarrels. Most of what this book is about should be obvious. In describing the key phenomenon examined in this book, I have settled on the term “Islamic fundamentalist terrorism.” Each word in that description is deliberate. It is about individuals involved in a terrorist movement – in other words, a movement dedicated to violent acts whose principal purposes are to incite fear and terror and thereby to succeed in attaining certain political objectives. Many groups over the centuries have resorted to terrorism. But this book looks at a form of terrorism deliberately employed as the tactic of choice by a small number of fundamentalist adherents of the Muslim religion, in particular, the Salafist, or Salafi tradition of the Sunni branch of Islam. This extremist doctrine is not shared by the vast majority of Muslims, other Sunnis, or even other Salafists. A variety of authors use this terminology, while others struggle mightily over definitions and characteristics in an attempt to produce new ways of saying essentially the same thing.

Whatever my impatience with terminological quarrels, I acknowledge that some points of definition and terminology are important. I use the word “Islamist” to indicate a political doctrine advocating the Islamic religion as the guiding force in society and politics. Islamists vary widely in their insistence on Islamic purity. While all of them are essentially fundamentalist, they are not necessarily radical, extremist, or militant. Nor, except for a very small minority, do they support terrorism as a means of achieving their objectives. This spectrum of viewpoints tends to become blurred in media reporting, often conveying an imprecise and unfair impression of an individual’s political philosophy. The intelligence communities of the non-Muslim world have debated at length how to convey appropriately the range of these views. I have taken a relatively straightforward approach to what I hope is obvious, in an effort not to belabour the reader with issues of definition.

In addition to looking at a series of cases and their implications for Canadians, I hope that this analysis can make a contribution to public policy in the area of security and intelligence. Disaster and tragedy often trigger a demand for new policies. But they also create time pressures and distortions of priority that make the search for reasonable public policy responses problematic. I have no doubt that those in government in the United States, Canada, and other countries aimed at appropriate responses in the aftermath of 9/11, even as the embers of the World Trade Center
reminded the global community of the urgency of coming to grips with terrorism. Yet policy-makers always carry the baggage of previous conflicts and prior bureaucratic debates. They are rarely objective observers seeking balanced solutions to these problems. In the United States, for example, it was a political imperative for the government to mobilize the vast resources of the US military to lead the war on terror declared by President Bush, even though the military was ill-equipped to meet the foe that had caused 9/11. In other countries, the baggage was somewhat different, but it was equally significant in defining responses to 9/11.

The key policy question tackled in this book is whether countries, organizations, or individuals responded appropriately to the challenge of al Qaeda, both in the tumultuous decades prior to 9/11 or in the years immediately afterward. Most Western countries fell well short of success. The result in the United States was a misconceived and misguided war on terror. It succeeded in killing Osama bin Laden and disrupting the al Qaeda network. But in so doing, the war on terror violated many of the established precepts of international law and practice, triggered divisive controversies in the United States and elsewhere, and sowed the seeds of divisions among allies. Those controversies led to the dissipation of much of the goodwill that came to the United States in the aftermath of 9/11, and they inevitably damaged the co-operation that was central to the larger issue of coming to grips with the scourge of terrorism in the Islamic world. It also led the United States into lengthy and unnecessary conflicts in Afghanistan and Iraq, more than a decade of war, an enormous cost in terms of life and resources, and uncertainty as to the long-term results. If the Canadian record seemed to be better, it was mainly because the stakes for Canada were so much smaller. Canada was a follower, not a leader, a junior partner rather than a major power in the post-9/11 coalition. After 9/11, under strong pressures to prevent a terrorist atrocity in Canada, some of the efforts of Canadian agencies drifted well off course. CSIS and the RCMP made serious errors that reverberate today in controversies over lawsuits and financial settlements, as well as doubts over the competence and credibility of Canadian security and intelligence organizations, and questions about oversight and accountability. If the Islamic fundamentalist terrorist threat seems larger today – in Syria, Iraq, Libya, and elsewhere – than it was on 9/11, it is partially due to those failures.

In the years prior to 9/11, many Western governments ignored the seeds of Islamic militancy and made few attempts to meet its challenges or
diminish its impact. After 9/11, and possibly because of their previous underestimation of Islamic militancy, those same governments tended to reverse course dramatically, and in so doing grossly overreacted to the al Qaeda menace. That, in turn, led to excesses and exceptional measures, some clearly illegal in national or international law, some catastrophic in terms of the human and material costs. It’s a maxim of modern governance that finding the right solutions at a time of crisis is never as easy for governments as it sounds for those outside of government. Yet the world’s reactions to 9/11 could and should have been better. And it’s probably valid to suggest that a better appreciation of the emergence of Islamic fundamentalism prior to 9/11, as well as a more balanced judgment about its implications, might have led to better policy responses by the Western world. The tragedy of 9/11 might not have been prevented, but the disastrous decisions that followed those events could have been avoided or mitigated.

This book is organized in two parts. The first section explores the emergence of Islamic fundamentalist extremism and the responses of governments prior to 2001. It explores cases of Islamic fundamentalist extremism in Canada and looks at the Millennium plot of 1999, one of the defining chapters in Canadian thinking about terrorism. It also looks at the US policy decisions following 9/11 to take suspected extremists off the streets, turning a commonplace expression into a deliberate policy preference. Parts of that reaction involved the creation of “black sites,” enhancing rendition efforts, and creating the Guantanamo Bay detention centre. Most of these unilateral, covert US decisions had important Canadian implications, which are also explored for the periods both before and after 9/11. This exploration of background and context sets the scene for the second section, which looks in greater depth at five of the most prominent Canadian cases. These cases illustrate in different ways how the idea of getting suspected extremists off the streets worked in practice. They also weigh the measures taken by the RCMP and CSIS that triggered controversy in Canada and resulted in major lawsuits by some of the victims. In the five case studies, the book looks at co-operation between US and Canadian agencies and assesses where the Canadian government went wrong. A concluding chapter sums up the key issues, while also urging a more patient, rational discussion of security and intelligence issues in Canada.

As egregious as terrorism has proven to be, it is not an existential issue for Western societies. Nor is it a problem that can be successfully addressed
through a so-called war, informed with the rhetoric of military doctrines. There are no easy answers or quick solutions, despite the temptations to project the use of force and short-circuit the tried-and-true methods of law enforcement, supported by the shrewd use of intelligence. A steady course of action, characterized by patience and persistence, sometimes deliberately avoiding the use of force, will be required if Western governments, in co-operation with the Islamic world, are to address grievances that underpin appeals to violence in Muslim communities. In the short term, governments will need to be firm in setting realistic policy directions to meet the challenges of terrorism, while resisting the temptations of quick fixes and rash departures from the rule of law. The results will eventually be successful, but they will not be fast.

Over the last several years, I have discussed the issues raised in this book with many individuals in the security and intelligence community in Canada and abroad, as well as with others. I have sought interviews with most of the individuals who are central to this story, and in the end, some of them assisted me greatly. I am also grateful to several individuals who responded to requests for information. I hope that this book is fair to those whose cases I examine, and that it objectively states both the evidence now available about their situations and the thinking within governmental circles about the handling of the cases. In the cases of those who decided against co-operation, I can appreciate their reticence and circumstances. In several cases, ongoing litigation prevented them from engaging in discussions. In the end, I hope that their full stories will come out. In the meantime, this book is intended to seek a balanced judgment of this era and these events, pending the emergence of additional information that might firm up the evidence. I was also able to interview several individuals who worked for some of the governmental agencies mentioned in this book. Virtually none of them wanted their names revealed nor the organizations with which they were associated identified. I have respected their views, even though this entails problems of citation which I hope readers will appreciate.

Many friends and former colleagues have assisted me in the preparation of this book. I am grateful for the time taken to discuss key issues and review materials, as well as reading draft text. Among these were Eric Bergbusch, Raf Gerrard, Jim Gould, Scott Heatherington, Paul Kennedy, Peter McRae, Gar Pardy, and others who are content to remain anonymous. I also wish to thank Paul Champ of Champ and Associates in Ottawa, Jeff Saikaley of Caza Saikaley also in Ottawa, and Maria Lahood
of the Center for Constitutional Rights, New York City, for their cooperation on the legal side of some of these issues and cases. I also owe debts of gratitude to journalists who covered these cases extensively, especially Colin Freeze of the Globe and Mail, who encouraged me to conclude this book. I am also indebted to those who pushed me to get this study launched, especially to Janet Markus and Elizabeth-Ann Taylor.

This book would have been impossible without the encouragement and assistance of colleagues at the Graduate School of Public and International Affairs of the University of Ottawa, where I have been a senior fellow since I left government service in 2007. Under its leaders since its inception more than a decade ago, Gilles Breton, Catherine Liston-Heyes and Luc Bernier, it has provided a collegial atmosphere involving lively debates about key issues related to security and intelligence. It also allowed me to make use of the talents of several exceptional graduate students who worked diligently at various aspects of this study: Nicola Deery, Gabrielle Berard, Robin Fraser, Sahar Ghadhban, Jessica McLean, Nathaniel Valk, Ian Grant, Nemanja Jevtovic, Justine Hall, Adib Bencherif, Farida Helmy, and Nadine Moussa. I am especially indebted to my former colleague at the University of Ottawa, Alan Freeman, for his judicious editorial assistance, and to my friend and neighbour Jim Taylor, who offered sage advice based on his own scholarly credentials. I am forever grateful to Marilyn Biderman for providing me with the benefits of her vast experience in the publishing industry and for guiding me faithfully and patiently towards publication. I wish to emphasize my gratitude to Jonathan Crago, Ryan Van Huijstee, and James Leahy as well as many other individuals at McGill-Queen’s University Press with whom I have dealt over the past year.

I have also benefited from the encouragement of friends and colleagues at the Canadian Forces College, Toronto, where from 2008 to 2016 I was a senior mentor in the College’s National Security Program, under the wise and experienced leadership of LGen (ret’d) Fred Sutherland. More recently, I have been buoyed by the enthusiasm of colleagues in the Bill Graham Centre for Contemporary International History, Trinity College, University of Toronto, where I have the privilege of being a senior visiting fellow. Let me also express gratitude for the quiet, steady support of the Ottawa Public Library system, the unsung ally of virtually every author in Canada’s national capital region. In thanking a host of friends, colleagues, and institutions over the years for encouraging this work and providing me with materials, sources, advice, and assistance, I should emphasize that I accept full responsibility for any errors, omissions, or misinterpretations in the text.