

POST-9/11 ANTI-MUSLIM RACISM:
A CRITICAL ANALYSIS OF CANADA'S SECURITY POLICIES

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Abstract

This paper examines the experience of Arab and South Asian Muslim-Canadians in the current climate of 'war against terror'. By investigating securitization of Arab and South Asian Muslims from a socio-political perspective, the paper will explore how race thinking has become entrenched into the institutional fabric of security discourse. Race thinking, as Sherene Razack has identified, is the structure of thought that divides the world between the deserving and the underserving. While Canada's historic policies around securitization of racialized minorities exemplifies the patterns of 'preferred' and 'non-preferred' immigrants; this paper will investigate such characteristics by examining the post-9/11 legislative changes and how they have impacted the Arab and South Asian Muslim experience. This paper has two parts to it. First, the paper will attempt to identify how issues become securitized by examining the recent changes to the anti-terrorism legislations. After examining the issue of securitization, the paper will then investigate whether Muslims have become the new 'Other'.

Key words: Toronto 18; Operation Project Thread; Hassan Almrei; Mohamed Harkat; Anti-Muslim Racism; Anti-terrorism; Canadian Security Policies; Securitization; Race Thinking.

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I. Introduction:

Incidences of Anti-Muslim Racism in Canada:

“In August 2010, Inas Kadri was assaulted by a woman for wearing the traditional face veil at Sheridan Centre in Mississauga.”

“Dawood Hepplewhite, a Muslim Convert, was stranded in Canada after being denied permission to fly home because he’s on the U.S. no-fly list.”

“Mehwish Ali claims that she was fired for wearing an Islamic headscarf because the salon ‘promotes hair’.”

I situate this paper in this post-9/11 decade of vulnerability of the Muslims living in the West amidst the dominant narrative of fear and insecurity in Western society. This narrative of fear and insecurity in the West has been, and continues to be, reinforced by Samuel Huntington’s “Clash of Civilization” theory. For much of the Cold War period, Huntington heavily promoted the idea of modernization in the global South as he projected that unless the decolonized states of Africa and Asia embrace capitalism, they will be left behind in both political and economic development. This was done with the aim of getting as many of these decolonized states to align with the US during the Cold War as modernization theorists, such as Huntington, Parsons, and Rostow, saw traditional cultures of emerging decolonized states as inferior and needing to emulate the ‘superior’ European-North American values (Amin-Khan, 2012: 57). As a result, Huntington, Parsons, and Rostow became influential modernization theorists due to their orientalist stance on the need for states in the emerging Global South to become ‘modern’ in order to move away from the ‘inferiorized’ reality of traditional society.

As the intense Cold War rivalry between the United States and the Soviet Union came to an end in 1990s, Huntington reintroduced another binary along the lines of

traditional modern society to signify the new threat to the US and Western hegemony. The new binary was said to be between the 'civilized' West and the 'less-than-civilized' Muslims/Islam and the communist Chinese, and was articulated in his now well-known, *Clash of Civilizations* text. This civilizational narrative can be also seen as the new Orientalism¹. While Huntington identifies several reasons behind Islam's professed danger, one key indicator is the historical differences in culture, creed, and political ideologies that have accompanied a great risk of having a prominent presence of Arab/Muslims within the territorial boundaries of the West (Huntington, 1993; Landscheidt and Wollny, 2004; Funk and Said, 2004; Cox and Marks, 2003; Razack, 2008). However, although Huntington categorizes Islam's cultural and historical traditions to be a threat to the West, he fails to acknowledge the manner through which the concept of 'Jihad' was promoted throughout Afghanistan, during the Cold War, as the United States attempted to spur resistance against the Soviet occupation of the country (Fox, 2001; Rais, 2000; Ottaway and Stephens, 2002). For example, during the end of the Cold War, the United States spent millions of dollars to promote violent images and militant Islamic teachings in schools and to the broader public in Afghanistan (Ottaway and Stephens, 2002: 1). This resulted in the country to exult and charge itself with talks about jihad and strict fundamentalist rules in order to maintain and preserve the autonomy of Afghanistan from the Soviets (Ottaway and Stephens, 2002: 1). As such, the

¹ The concept of orientalism was first introduced in Edward Said's book *Orientalism* (1978). *Orientalism* is a foundational text in the Post-Colonial Studies as it provides a comprehensive understanding of the orientalist perception of the Third World (specifically post-colonial states) as 'backward' and unable to sustain itself. As a result, the West must interpret the life for both East and West, as the 'Orient' cannot understand itself (Said, 1979: 43). While Said's orientalism broadly defined the East as Muslims, Chinese, Asians, Aborigines, and Blacks; as Amin-Khan [2013] describes, the new orientalism of post-Cold War is more specific in nature. The new orientalism focuses on Chinese and Muslims as a new danger to the US hegemony.

clash of civilization theory, thus, essentializes these cultural barriers without delving beneath the underlying surface and unveiling the role of the United States in promoting the Islamic fundamentalist teachings (of Jihad as a holy war) in the Muslim world. This philosophy of ‘Islamic extremism’ has spread itself across the broader global community as a result of globalization and mass migration.

As globalization has come to a steady rise since 1990, security policies have also become entrenched in the framework of global politics. Although Huntington’s new orientalism creates a new “superior-inferior binary between the West and Islam” (Amin-Khan, 2012: 62), the concern over national security has also come into the mix amid the so-called “clashing ideologies”. But to understand the issue of security, it is important to understand the security discourse from the perspective of global alliances and the history of colonization and re-imposition of Western domination – the latter realized during, and since the end, of the Cold War.

With the advent of the Cold War in 1945, the two superpowers, the United States and the Soviet Union, maintained their edge in the balance of power and local resistance by inviting the Third World to take sides in a zero-sum game (through proxy-wars), their aim to maintain strength in the international realm heavily impacted the political and social fabric of humankind. The Cold War became a means to force security on the world in order to maintain control of external threats that might have given a rise to a larger danger (Ibrahim, 2005: 168). Since much of the Cold War period consisted of writing that was dominated by the idea of national security, the main interest of both academics and state leaders supporting the Cold War became militarized as the external became a

paramount concern (Baylis, 1997: 254). This further honed the ability of world powers to enforce “national security” by further strengthening their militarized capabilities. But as the Cold War ended, the concept of security once again underwent another transformation as “migration became increasingly described in security terms” (Ibrahim, 2005: 167). In this period, Huntington once again entered as the vanguard, offering his “Clash of Civilization” as a new strategy to promote modernization in Third World, decolonized, states – leveraging the provisions of the United States and Western imperial interests (Amin-Khan, 2012: 61). This caused the post-Cold War period to be seen as involving a great deal of securitization around issues of identity. By focusing on questions around migration, minorities, and multiculturalism, at the local and national level, refugees became heavy targets of the newly formed security discourse (Buzan, 2006: 6).

As refugees gained new degree of political importance in the international realm, the security of the people and the state also became in a sense closely linked. This was due to the growth of international migration and a shift from international to internal conflicts in the 1990s. These internal conflicts were largely generated through the dislocation of people in lesser developing regions as a result of neoliberal driven policies. As migrants and refugees sought asylum in western states, the push towards securitization also became prominent in Western politics (Amin-Khan, 2013: 1). Refugees became intertwined with international responses to the new generation of post-cold war, mostly internal conflicts (Newland, 2001: 517), which made asylum seekers to be “perceived as criminals and terrorists, and collectively as threats to international peace and security.” (Edwards, 2009: 775) As a result, Western states had the choice to simply

close their borders, to the extent that they could invoke their national security concerns by overriding their human rights obligations to provide asylum for those in need (Newland, 2001: 526). However, as Amin-Khan (2013) highlights, the attacks of 11-September “added Muslims into the mix, and provided the perfect pretext to launch a new perpetual war, along the lines of the Cold War, against militant Islam.” (1) It also encouraged the Western states to introduce new anti-terrorism legislations and to securitize immigration legislation as a component of its security agenda.

Since the attacks on U.S. soil, Muslims, Arabs and South Asians have endured increasing incidences of discrimination against the members of their communities. Although Muslims and Arabs have been victims of discrimination historically, “the political climate has, since September 2001, become ardently Islamophobic” (Muyinda, 2007: 9). It is also evident that this period has further criminalized asylum seekers to the point that recent policy changes have eliminated the entry of those trying to escape the brutal poverty of globalization, institutionalizing “the targeting of Muslims and those who ‘look like’ them” (Amin-Khan, 2013: 1). In Canada alone, national security continues to be considered a justification behind deporting individuals (permanent residents and asylum seekers) to countries where they have a reasonable risk of torture or death (Muyinda, 2007: 10). As a result, Muslims of Arab and South Asian descent have joined frontline media and policy attacks as they are viewed as potential threats to the national security of the western states. When looking at the issue of security from a race perspective, it is evident that securitization of racialized minority began as a process soon after the end of the Cold War as the so-called civilizational clash provided the impetus after 9/11 to further deepen the fear of the 'Other'. While keeping in mind the historical

patterns around securitization of the targeted 'Other', for the purpose of this paper, I will explore the question: How has the post-9/11 era of securitization impacted identity of Canadian Muslims, and are Muslims the new 'Other' in Canada?

I will begin by discussing the existing literature on securitization and how policies have resulted in the marginalization of Muslim-Canadians. Critical Social Research will be used as the methodological framework to discuss the issue of marginalization from a socio-political perspective. This methodology allows us to understand how existing policies have structured the perception of mainstream Canadian society about Muslims as 'deviant' and the 'Other' with respect to western customs. This understanding, to some extent, is based on Sherene Razack's idea of race thinking. For Razack, race thinking is the "structure of thought that divides the world between the deserving and the undeserving", based on the racialization of the 'Other' (Razack, 2008: 8). In the post-9/11 timeframe, race thinking has become a process through which individuals are treated as the 'Other' in contemporary, securitized Canadian state.

The second section of the paper will outline specific anti-terrorism cases to explore the role of religious and past affiliations in the arrest of detainees who have been linked to their Muslim faith. Significant error in judgments or biases can be seen in the Operation Project Thread, the case of the Toronto 18, and the cases of Hassan Almrei and Mohamed Harkat; they exemplify the fear that security discourse has generated in the process. But before we begin to explore the research question posed above, it is important to examine the extant literature on the post-9/11 securitization.

II. Literature Review:

Anti-Terrorism Policy Implications:

National security interests of the state have been one of the main drivers of the changes in immigration policy after the 11-September attacks. This can be displayed through evaluating the Immigration and Refugee Protection Act (IRPA) that was passed in 2002. As observed by Korenic and colleagues (2004) the main feature of the act includes expanding the policing powers to arrest, detain, and deport immigrants who may look suspicious in being involved in terrorist activities, assisting in the utilization of digital surveillance to protect against terrorism, and permitting the police to summon judicially administered trials in regards to hearing cases in which new information is gathered about suspected terrorist groups. Although the government has insisted such policies to be implemented for the protection of its citizens, according to Dobrowsky (2007) they have proven to increase racist acts in Canada. The anti-terrorism legislations have increased the possibility of discrimination for Muslims in Canada on the basis of race, religion, ethnic and national origin (Dobrowsky, 2007: 655). Bhabha (2003) further elucidates on this by emphasizing that the definition of ‘terrorist activity’ and the designation of ‘terrorism groups’ as outlined in the legislations adversely impacts Muslims by subjecting them to differential treatment (2). This claim of targeting Muslims as subjects of terrorism is validated in the research conducted by Dua, Razack, and Warner (2005). According to Dua et al., since September 11 2001, Canada’s Ministers of Immigration and the Solicitor General have signed 27 Security Certificates. Most notable of these arrests have been a result of systematic surveillance and profiling of Arabs and

South Asians, including those who are citizens, immigrants, and asylum seekers (Dua, Razack, & Warner, 2005: 6). In addition, there has also been a distorted fabrication of Muslims, identifying them to be only South Asian or Middle Eastern, increasing the likelihood of their surveillance in the Canadian society.

Process of Marginalization:

Although these authors provide a great insight into the policy implications of securitization on those of Arab or South Asian descent, they fail to recognize how the securitization of Muslims has become a process of marginalization. This has resulted in Arab and South Asian Muslims to be viewed as the ‘Other’ in current debate. As Afshar and colleagues (2005) have identified, “in the battle of ‘Jihad versus McWorld’, many ordinary Muslims have found themselves on the wrong side” (Afsar, Aitken, and Frank, 2005: 262). The members of the community often stand accused of being a ‘threat’ to the West and its national security, by being labeled as citizens who are committed to the politics and values of their ‘country of origin’. As Yousif (2005) has observed, since the attacks, Muslims throughout Canada have been subjects of threats, taunts, harassment, and in a number of instances, their places of worship have also been physically damaged (53). In addition, Zaman (2010) has also argued that more specifically Arabs and South Asians have been systematically scrutinized and are constantly suspected of being connected with terrorist activities (165). This portrayal in the media and political discourse connects racialized groups to constant criminalization and scrutiny, consequently reinforcing these groups as the “Other” and “deviant”.

Who should be the Target?

Since the attackers were alleged to be Arabs and South Asian Muslims, the debate turned to whether people categorized of Arab and South Asian descent should be subject to extensive scrutiny at airports. As Jamil and Rousseau (2012) have mentioned, with the advent of Bill C-36 (antiterrorism laws), the ability to prosecute, convict, and punish terrorists and terrorist-related activities became available for the Canadian authority with increased attention towards cooperating with the United States on all aviation and border security matters (371). Bahdi further supports this claim by indicating that the growing fears of Arabs and Muslims in the post-9/11 period has paved the way for individuals to be subjects to higher airport security if they resemble an ‘Arab’ like persona (Bahdi, 2003: 298). While Transport Canada does not officially condone racial profiling, nevertheless employees of commercial airlines and airport security personnel have some discretion with the power to remove someone from an aircraft (Bahdi, 2003: 298). With the growing fear of airport and border security, often times individuals are vulnerable to being subject to higher security either because they resemble an Arab or South Asian ‘Muslim’ identity. Since 9/11, Arabs and South Asians have reported being subjects to higher scrutiny because airport authorities often find them a greater security risk than the rest of the travelers, owing to their real or perceived ‘Muslim identity’ (Bahdi, 2003: 298-299). Although it is important to note that racial profiling of Arabs and South Asians allows for a more thorough focus in identifying those within the community who may be connected to Al Qaeda, it largely restricts their sense of well-being in Canada by constructing a fabricated identity of the community as being “potential threats” to Canada’s national security.

Life in Fear, a Constant Rhetoric:

A qualitative study was conducted by Créatec (2003) to understand the views of the Canadian public towards the anti-terrorism legislation. The national study was comprised of 16 focus groups that were conducted in Halifax, Montreal, Toronto, Calgary and Vancouver, with 138 of the participants from 60 different ethno-cultural minority backgrounds. Overall, majority of the participants showed great concerns of having anti-terrorism laws and new policing powers as they had the potential of abuse against visible minorities, especially those from Arab and West Asian communities. As Dobrowolsky (2007) notes, people of colour, women, men, and children, especially with Arab or “Muslim ‘sounding’ names, are suggesting, time and time, that they are being singled out at airports and searched when no ‘white’ passengers are being stopped or searched, [which suggests] that racial profiling is alive and well in Canada” (656). This constant fear of isolation is further supported in Bahdi’s “No Exit: Racial Profiling and Canada’s War Against Terrorism” (2003), as Arabs and Muslims (and those who like them) have reported being unable to fly to their dying relative’s bedside because of racial profiling by airlines and airport security personnel (309). Amin-Khan (2013) refers to this as incendiary racism, a structural anti-Muslim racism that has occurred and is still taking place in Western societies. The driver of these changes in security policies are, in part, informed and motivated by white supremacy (Amin-Khan, 2013: 23).

III. Methodology: Critical Social Research

When studying the impact of 11-September attacks on the racialized identity of Canadian-Muslims, critical social research is an important methodology to consider. For its use, critical social research is not bound by a specific set of approaches, rather it is the way in which empirical evidence is approached and interpreted when studying particular societal issues (Harvey, 1990: 6). It is thus concerned with broad social and historical contexts for which phenomena are interrelated as it digs beneath the surface of historically specific, oppressive social structures (Harvey, 1990: 1 & 14). Since the focus of this research is on securitization of Muslims in Canada, critical social research allows us to explore the issue of “security” and “securitization” as a process driven approach. It takes the issue away from the exterior and examines it based on historical, class-based, oppressive social structures that existed and continue to exist today. By looking at issues from a structuralist perspective, it reconstructs reality to the extent that statements about things become the object of research, rather than things in themselves (Kleining, 2009: 3). For example, a critical sociologist would be inclined to study why all post-9/11 security certificate detainees have been Muslims? Why has the Canadian Intelligence Service continuously targeted the Muslim community for its quest to identify and eliminate international terrorism? Why did Stephen Harper, in his 2011 interview with CBC, identify “Islamicism” as a threat to Canada’s national interests? (Harper, 2011) When examining these questions it is evident that critical social research is much interested in delving beneath the underlying practices of certain issues by deconstructing how “knowledge” structures our perception of the world. As proven time and time again, the knowledge that politicians and media feed us is the knowledge we conform to, as we

are required to believe it. This is historically a pattern in security discourse.

As exemplified in the post-Cold War period, securitization has a history of marginalizing ethnic minorities. As internal conflicts came to a steady rise at the end of Cold War the security discourse began to focus its agenda on targeting migrants and refugees as threats to Western traditions (and security). In many cases, securitization of migrants was often conceptualized as necessary to preserve the West's dominant customs. This involuntary identity of migrants (with a focus on asylum seekers) to criminality further reinforces the notion of securitization as a process that "Others" racialized minorities. What is important about critical social research is that it increases its awareness of the social actors that create such barriers and challenges for the oppressed (migrants and refugees in this case); a reality that is often distorted or hidden in our everyday understanding (Comstock, 1982: 271). By studying such historical consequences of actions it uncovers the unanticipated social conditions, which derive from ideologically driven actions (Comstock, 1982: 384; Harvey, 1990: 14).

To understand the methodological framework of critical social research let's now consider the recent "whistleblower" case in the United States. Edward Snowden is an American citizen who served as a former technical contractor for the United States National Security Agency (NSA) and a former employee for the Central Intelligence Agency (CIA) (Potter, 2013). After several years of working for the CIA and NSA, Snowden decided to leak details of several top-secret U.S. and British government mass surveillance programs to the press (Blake, Gellman, and Miller, 2013). One notable leak that has caught much public and media scrutiny is the wiretapping of public

communication. According to Edward Snowden, “U.S. intelligence analysts with high-level security clearance are able to wiretap anyone, up to and including Obama...[and] neither policy nor technical protections prevent such surveillance” (Potter, 2013). The issue of wiretapping provides a great example into how certain things are hidden from us in our everyday reality and its impact on our daily lives. Although many would justify the wiretapping of public as a source to maintain and preserve the national security of a state, critical social research would argue otherwise. By instilling the principles of social justice within its approach, critical sociological thought pinpoints and locates “social problems and issues of which ordinary men and women are not yet aware.” (Harvey, 1990: 13) As such, without critical sociology, the entire fabric of society has the potential to conform to the beliefs and ideals of those in powers, often political leaders and policy enforcers. Critical social research thus aims at not predicting social change, rather to explicate the tendencies in the historical development of social ideals that may participate in creating social change (Comstock, 1982: 377).

IV. Demographic, Scope of Research, and Self-Disclosure:

Demographic

In Canada, Muslims are a diverse newcomer community that constitutes approximately two percent of the national population (Roach, 2006: 407). In 1971, only 0.1 percent of the Canadian population consisted of Muslims. The high growth rate of the Muslim community in Canada began in 1980s and 1990s, of the total 579, 640 Muslim immigrants in the country, over 66 percent of it immigrated to Canada between 1991 and 2001 (Statistics Canada, 2005; Rahnema, 2006: 24). These Muslims are from various parts of the world so they are a heterogeneous population consisting of different ethnicities, national associations, and degrees of religious beliefs. In the 2001 statistics there were more Muslim men (over 52 percent) than women (Statistics Canada, 2005). Statistics display that in 2001 there were 579,640 Muslims in Canada, which calculates to 2.8 percent of the Canadian population. In that duration 60 percent of the Muslim population resided in Ontario, 18 percent in the West and 20 percent in Quebec (Statistics Canada, 2005). The Canadian-Muslim community consists mainly of very young people; the median age is 28, in contrast to the Canadian median, which is 37 (Rahnema, 2006: 24). Approximately, 91 percent of Muslims in Canada are foreign born—from 30 different countries—the most prominent ones are from Pakistan with 21 percent, Morocco with 22 percent, and Iran with 22 percent (Rahnema, 2006: 24).

Scope of Research

Since this research will exclusively be on the experience of Muslim-Canadians in the post-9/11 period, it is important to consider only those who have come under the umbrella of terrorism. When looking at the demographics of Muslim communities, it is clear that Islam is a heterogeneous religion that has attracted followers from many parts of the world. While Muslims do come from various regions, this paper will specifically study the experience of Muslims from South Asia and the Middle East. Nearly all of the post-9/11 security targets (at least the prominent ones) have been Arab and South Asian. Although Muslims do face racial profiling at a disproportional rate, other religious and cultural groups have also become targets of post-9/11 anti-Muslim racism (Arat-Koc, 2006: 218). For example, the number of Sikhs, Arab-Christians, and Hindus has also come to a steady rise in the post-9/11 era. Phenotypic characteristics such as skin complexion, religious symbols (such as Turbans), and ethnic origin have become a means of racial profiling at airports, borders, and within society as well. While these incidents do occur, the scope of this research will exclude these cases and will specifically study securitization as a process that “Others” Arab and South Asian Muslim community in Canada.

Self-Disclosure

As a foreign born, Muslim-Canadian, the issue of securitization is very important to me. The excessive rise in Anti-Muslim racism in the post-9/11 period has increased the vulnerability of the Muslim community, affecting both men and women. Since the 9/11 attacks, racial profiling of the South Asian and Middle Eastern Muslim community has

come to a firm rise. This can be accounted in the recent Boston bombings where several Muslims became victims of hate-crime and media propaganda (See “Teen ‘fearful’ after,” 2013; Hing, 2013; Babcock, Fredricks & Schram, 2013). While these experiences are not unique to the Muslim community since the 9/11 attacks, security errors within the Canadian borders have also demonstrated the constant threat of what Harper refers to as “Islamicism” (Harper, 2011). Although there have been instances of terrorist attacks on Canadian soil (such as the 1985 bombing of Air India), the consistent recreation of fear of 'terrorist attacks' as a result of the September 11 events has created a sense of moral panic amid the Canadian polity. Due to these embedded fears of Islamic “jihadist”, security dialog has regenerated the notion of preferred and non-preferred immigrants as it was historically practiced. As such, security biases in cases like the Operation Project Thread, Maher Arar, and Hassan Almrei further exemplifies the “Other” that has been created through the process of securitization.

PART I: How Issues Become Securitized:

V. Theoretical Framework: Securitization of Racialized Minorities:

In securitization theory, “security” is not an objective condition, but an outcome of specific social process. The post-modern approach of securitization has been developed through the writings of Buzan, Waever, and their collaborators (1997) – a body of thought now referred to as the “Copenhagen School” (Williams, 2003: 511). Within international relations, the Copenhagen School offers the most promising theory of how particular issues can come to be treated as a security concern and the impact politics can have on securitization (Piche and Salter, 2011: 938). According to Walt (1991), the field of security studies is traditionally defined as “the study of threat, use and control of military force” (212). While few incidents of international terrorism have occurred, the concern for international security remains persistent in security discourse (Piche and Salter, 2011: 938). As Kean and Hamilton (2004) have stated:

“In the post-9/11 world, threats are defined more by the fault lines within societies than by the territorial boundaries between them. From terrorism to global disease or environmental degradation, the challenges have become transnational rather than international. That is the defining quality of world politics in the twenty-first century.” (361-362)

Once an issue becomes defined through political actors as being a matter of national security, it is no longer a subject of public debate, rather a policy concern that must be addressed immediately through coercive methods. For example, when dramatizing and

presenting an issue as extreme priority, by placing it under the 'security' umbrella, the state legitimizes the agent's need for and a right to treat it by extraordinary means (Buzan, 1997: 14). This often results in the targeted 'Other', as agents gain a sense of autonomy in their power to securitize those "susceptible" to posing a threat to the state's national interests.

In Canada, concerns about national security have historically been used against ethnic and racialized minorities. While national security in the post-September 11th period has been broadly defined to a specific group, newcomers are often seen as threats to the identity of the nation and its security (Lowry, 2002: 31). In contemporary politics, the great risk associated with migrants is that they allegedly pose a security threat to the nation, specifically the threat of terrorism (Lowry, 2002: 31). But this crime in security cases is not a crime, but instead, as Bigo argues, "it is anchored in the fears of politicians losing their symbolic control over [their] territorial boundaries" (2002: 65). Therefore, a successful securitization issue can only be achieved when the members of the public accept security arguments of political actors, to the extent that it can be used as a means to fend off "alleged" threats (Lennox, 2007: 1020). This is largely a result of the way in which issues are presented to society as a whole. This prerogative on power is necessary for moments of crisis as it legitimizes "emergency powers" in the name of national security (Neocleous, 2008: 8).

It is important to note that threat naming is an important discursive tool in the process of securitization (Piche and Salter, 2011: 938), as it enables politicians to negate other problems to transform structural difficulties into easy targets (Bigo, 2002: 69).

Anyone who is involved in activities that have a potential utility to terrorist organizations becomes a suspect and easy target of securitization. This theoretical understanding is important instrument for this paper as any person who is from a Muslim country, has a history, or engages in “suspicious” activities also becomes an easy target of the national security concern (Razack, 2008: 36). Targeting comes in a range of administrative processes such as “population profiling, risk assessment, statistical calculation, category creation, proactive preparation, and what may be termed a specific habitus of the ‘security professional’ with its ethos of secrecy and concern for the management of fear and unease” (Bigo, 2002: 65-66). As a result, when race thinking² unites with bureaucracy the result is securitized state.

In the ‘war on terror’, race thinking acquaints society with the idea that suspension of rights is warranted in the interest of national security (Dua, Razack and Warner, 2005: 8). For example, the September 11 attacks in the United States escalated hostility and racism from all directions. After these events, Canada and the United States implemented a series of changes that increased its ability to police borders, immigrants, and asylum seekers (Dua, Razack and Warner, 2005:8). This period has enabled race thinking to become embedded in law and bureaucracy, so that the suspension of rights does not act as violence, but instead as law itself. As such, violence against the racialized ‘Other’ becomes understood as necessary in order for the West to protect its national security (Dua, Razack and Warner, 2005: 8).

² For Razack, race thinking can be defined as a “structure of thought that divides up the world between the deserving and undeserving.” (Razack, 2008: 8)

As Robert Miles and Malcolm Brown have illustrated in their study of racism, the identity of a nation-state is premised on a racialized distinction between the ‘Other’ and ‘Self’, specifically the “foreigner” and the “us” (Brown and Miles, 2003:27). By using the concept of national identity and ideal citizen, race thinking constructs some subjects as racially foreign in order to sustain the reproduction of a national identity (Abu-Laban and Dhamoon, 2009: 168). As capacity to be violent is an internal quality, race thinking allows people to be condemned for what they might do (based on who they are) and not for what they have done (Razack, 2008: 35). As Razack (2008) has identified, an Islamic extremist is someone who has participated in ‘jihad,’ “understood principally as a participation in anti-Soviet activities in Afghanistan during the late 1980s and early 1990s” (36). In addition to having association with the anti-Soviet activities, he (no women have the label) has or had a direct association with Bin Laden or others who are associated with Al-Qaida. These associations do not have to be direct, but sometimes merely agreeing with some of Bin Laden’s criticism of the West will be sufficient to raise a red flag (Razack, 2007: 23). Any association with Muslim countries or people can also be a security threat. For example, “if individuals have histories, they are terrorists; terrorist have histories” (Razack, 2007: 23).

A particularly noteworthy example is section 34 and 37 of the Immigration and Refugee Protection Act (IRPA), which labels a person, ‘terrorist’, by referring to his or her past or present membership in a terrorist group. As Ibrahim (2005) has suggested, the Act makes no attempt to define terrorism or what role a person must play to fit the category of a terrorist (181). As such, the absence of definition further marginalizes immigrants and refugees to be suspects to terrorist involvement. As a result of these anti-

Muslim dogmas, persons of Arab origin are often targets of securitization as they are marked as individuals who are likely to commit terrorist acts, and be labeled as persons whose propensity for violence is indicated by their origins (Razack, 2007: 6). As an example, since September 11th, 2001, all five men who have been detained under security certificates are all Muslim men of Arab origin, each of who have been detained for three to eight years (Razack, 2007: 6). This social exclusion of Muslim-Canadians, thus, results in their restriction from rights, opportunities and resources that are normally available to members of society, which is crucial to social integration.

VI. Legislation: Examining Recent Changes ATA

On December 18, 2001, Canada took its first step to guard its social and national order by receiving Royal Assent for Bill C-36 (the Anti-Terrorism Act) and Bill C-42 (the Public Safety Act), constructing Canada's Anti-terrorism laws. By passing these bills, Canada catalyzed its move from border security to national security, ensuing in extensive efforts to recognize threats. These acts included measures to prosecute, convict, and punish terrorists by

“defining and designating terrorist groups and activities, tougher sentences for terrorism offences, making it a crime to knowingly collect or give funds in order to carry out terrorism, making it easy to use electronic surveillance against terrorist groups, and allowing the arrest and detention of suspected terrorist to prevent terrorist acts and save lives” (as quoted in Korenic, Kruger, & Mulder, 2004: 78).

On the other hand, the 2002 Immigration and Refugee Protection Act—under the department of Citizenship and Immigration—proposed Canada to be tough on those who pose a threat to Canadian security while maintaining its humanitarian traditions (Korenic, Kruger, & Mulder, 2004: 77).

The IRPA became the principal tool used to prosecute Canada's “war on terror” and identify those who fell under the security umbrella (Muyinda, 2007: 13). While both Acts addressed the importance of security, the IRPA focused on foreign nationals, while the ATA concentrated on terrorists, thus, drawing an ambiguous line in distinguishing

between two different ideas. It signified foreign national and terrorist to be understand one and the same in governmental discourse, serving both to target foreign nationals before they enter Canada and to increase surveillance on those already in the country.

Although the main justification behind the 2001 anti-terrorism policy was to protect Canada's climate in light of the 9/11 attacks, recent policy changes have reconfirmed Canada's Prime Minister, Stephen Harper's mounting fear of "Islamicism" (Kingsmith, 2013). In April 2012, Stephen Harper's government proposed to restore the expired provisions and introduce new changes to the Anti-terrorism Act (Cohen, 2013). These changes are referred to as Bill S-7, Combating Anti-Terrorism, which received its Royal Assent and came into full force on May 26, 2013 (Brothers, 2013).

For a five-year period, the Combating Terrorism Act is meant to bring back two sunset clauses that were first passed after the Sept. 11 2001 terror attacks, which expired in March 2007 (Cohen, 2013). The first clause deals with investigative hearings, which allows the police to force a person to appear at a hearing and answer questions related to past or future terrorist offences. This brings several concerns over an individual's right to remain silent as granted under s. 7 and 11 of the Canadian Charter of Rights and Freedom. According to the proposed clause, s. 83.28 (10) of the Criminal Code, "the right to remain silent is largely eviscerated" "once the police orders you to answer questions" in terrorism cases (Amin-Khan, 2013). While many may agree that the clause is an important tool to protect Canada's security, its violation to the Canadian Charter is also noteworthy.

The second clause focuses on preventive arrests by stopping terrorist activities before they occur (Cohen, 2013). In the new provision, an individual can be prosecuted for providing material support to a terrorist organization in foreign country (Brothers, 2013). This may include providing basic medical and human needs to an individual who is later discovered to be a member of a terrorist group (Brothers, 2013). Even though both clauses were not used from the period of 2001 to 2007 (Cohen 2013), they exemplify the risks of error judgment in the preventive arrests of detainees, as a person can be arrested for their direct or inadvertent affiliations with an individual or an organization connected to terrorist activities. Suresh v. Canada case in 2002 exemplifies the impact affiliations can have in securitization. Suresh was a man from Sri Lanka who had ties with the Liberation Tigers of Tamil Eelam (also known as the Tamil Tigers) (Crepeau, 2011: 36). Due to his ongoing support of Tamil Tigers through fundraisers and financial endorsements, the Canadian government arrested Suresh for being involved in terrorist activities. Suresh eventually took his case to the Supreme Court for an appeal (Crepeau, 2011: 36).

Since the expiry of the sunset clauses of the 2001 Anti-terrorism Act, Conservatives “tried to resurrect the bill four times, but each time it died after an election was called” (Cohen, 2013). But as the April-15th Boston Bombings took a toll on the United States, the Conservative government felt a strong urge to fast track the third and final reading of the Bill (Cohen, 2013). A few days after the proposed counter-terrorism legislation was passed, the Canadian authorities announced the arrest of two men in connection with the Via Rail plot. As a result, Raed Jaser and Chiheb Esseghaier have become the new face of Canada’s national security concerns (Bell and Hamilton, 2013).

Considering the federal government's sweeping changes in combating terrorism and its immediate publicity of Islamic extremism, as a result of the arrests of Jaser and Esseghaier, are Muslims the new Other? While keeping in mind the issue around the securitization of racialized minorities, the next section investigates Canada's war on terror and its impact on the racialized identity of migrants and refugees.

PART II: Are Muslims the New Other?

VII. Policy Implications: Toronto 18 and Operation Project Thread:

Since migrants of the Muslim faith are often classified through the ATA and IRPA to be suspected threats to Canada's national security, as a result they often become victims of anti-Muslim racism. While it is true that there are some cases where individual Muslims have had ties with terrorist activities, it is not viable to associate majority of the 1.6 billion Muslims as threats of extreme fundamentalism and terrorism. Due to this covert association, as this section will show, many innocent Muslims have become subjects of various forms of discrimination on the basis of race, ethnicities, and religious affiliations (Korenic, Kruger, & Mulder, 2004: 84). As such, while anti-terrorism laws, such as the IRPA and Anti-Terrorism Act, create safer measures on Canadian soil, consequently, they "also create the outsider as a target" (Korenic, Kruger, & Mulder, 2004: 79).

In the post-9/11 timeframe, the media and the IRPA have vigorously targeted the Islamic community as the 'Other' and 'deviant' from western traditions. This has framed the public opinion in a way that is highly discriminative towards members of the Muslim community (as illustrated in the countless incidents of Islamophobic hate-crimes). "One study surveying Canadian Muslims in 2002, noted that a significant number of respondents felt that their lives in Canada had worsened since September 11th, with 60% of those polled indicating that they had encountered personal discrimination post 9/11" (Dobrowolsky, 2007: 642). This displays that the anti-terrorism policies have in fact further reinforced the vulnerability of Muslims to ethnic profiling. The Operation Project

Thread and Toronto 18 are two high-profile cases that exemplify the role of religious affiliations in the detention of suspects.

Operation Project Thread: A Plot Destined from Abroad

The Operation Project Thread is one example that highlights the existing pseudo-threat of Muslims in Canada. In August of 2003, the Canadian and international media reported that 23 individuals (22 Pakistani and one Indian) had been arrested by the Canadian authorities as potential Al-Qaida agents (Odartey-Wellington, 2009: 28). The rationale behind their detention provided by the officers indicated that they had a unhealthy interest in Canadian and U.S. landmarks, one of them had a picture of an airplane, and most of these students were from the Punjab area of Pakistan (where there are extremist Sunni camps) (“People’s Commission: Final Report”, 2011: 19; Odartey-Wellington, 2009: 28). To further reinforce this, after their arrest, the National Post published an article on the arrests of the individuals with an aerial photo of the Pickering Power plant in order establish the suspects’ “danger” and “threat” to public safety (Blackwell and Humphreys, 2003: A4).

The main source of information on Operation Thread was from a four-page document released by the Canadian Security Intelligence Service (CSIS) (Odartey-Wellington, 2009: 35). Within a few weeks of their detention, the Canadian authorities did not find any link to terrorist activities and, even after having this confirmed, the RCMP held them under detention for five more months. The detention of these Pakistanis continued to be extended, even without any evidence to support their affiliations to terrorism (“People’s Commission: Final Report”, 2011: 19). The Canadian government

eventually backed away from their initial fears of terrorism and re-labeled the case and charged the individuals with immigration fraud for illegally enrolling at the Ottawa Business College (OBC) (Sing, 2006). The Ottawa Business College had provided foreigners with false academic credentials to stay in Canada as students (Razack, 2008b: 10). The College was run by Luther Samuel who charged \$700 to provide acceptance letters for students who wished to enroll in the institution (Shephard and Verma, 2003). OBC also charged its students thousands of dollars as tuition fees and maintained irregular hours with six courses, which were taught by a handful of professors. When students had raised concerns about the legitimacy of the school, Samuel brushed aside their fears (Shephard and Verma, 2003). Eventually, the school had closed down in 2001, after it had accepted the tuition fees from the suspects of the Operation Project Thread. As a result, a number of the detainees had lost over \$5000 each to the institute without reimbursement. The school owner, Luther Samuel, never faced any charges for fraud, but instead assisted the Canadian authorities by providing affidavits, which were used by CIC for deportation purposes (Rao, 2004).

Although the government changed the way it approached the arrest of these foreign students, the initial media and political coverage of the issue exemplifies that ethnic profiling was the basis for their arrest (Odartey-Wellington, 2009). Most of the detainees of Operation Thread were between the ages “18 and 33 who, with one exception had connections to Pakistan’s Punjab province, noted for its Sunni extremism” (Odartey-Wellington, 2009: 35). As the government outlined the affiliations of the individuals to the Punjab Province of Pakistan to factor in their arrest, it demonstrates the inflammatory nature of the charges that were laid against the students. By labeling the

province to be infamous for “Sunni extremism”, the Canadian authorities condemn the entire region of Punjab (with a population of over 73 million – 55 per cent of Pakistan’s total population) to terrorism (Alqama and Roofi, 2013: 158). As such, both their geographic and religious affiliations (religious practice, physical features, and Islamic names) became the basis of their detention. The case of Operation Thread, thus exemplifies the power race thinking has in shaping the biases of our state authorities. Since these men lived in poor conditions, had religious affiliations with the Islamic faith, and one had a growing passion for aviation, the Canadian authorities felt they were on reasonable grounds to suspect these individuals to have terrorist ties.

Despite the demand for an apology from the Canadian government to the Muslim and South Asian community, most of the detainees were deported in the following months on the basis of immigration fraud, while Business School had very little repercussion (Smolash, 2009: 752). The Project Thread case demonstrates that while the post-9/11 threat is of ‘Muslim terrorism’, young Muslims have become objects by which the threat is recognized, mediated, and surveilled by the relevant authorities. These authorities have created a sense of moral panic by putting a name and meaning to the disparate actions of the suspect, creating a heightened concern about non-existent “Al-Qaida sleeper cell” (Odartey-Wellington, 2009: 35). As such, in a society that is shaken by the collective insecurity that terrorism has generated, the varying religious beliefs and customs become more susceptible to being labeled as a threat even when the majority of its members are law-abiding (Odartey-Wellington, 2009: 35). Similar to Operation Project Thread, the case of Toronto 18 also reinforces the threat of young Muslim men.

Toronto 18: The Threat of Young Muslim Canadians

The Toronto 18 case began when 400-heavily armed police force raided homes across the city rounding up young men who were said to be planning Canada's first urban terrorism plot (Miller and Sack, 2010: 1). In June 2006, 18 Muslim men were arrested for their terrorist activities (Kassamali, 2011: 11). The plot, which consisted of two training camps in Ontario, was to bomb key buildings in downtown Toronto (Miller and Sack, 2010: 3). Among the 18 men, seven pled guilty upon arrest, and the four who chose to go to trial were also later convicted (Kassamali, 2011: 11). These arrests were made based on the testimony of Mubin Sheikh, a local Muslim man who was a paid CSIS and RCMP informant (Jamil and Rousseau, 2012: 372).

Although the Toronto 18 plot was real, there was never any evidence that the men involved in the Toronto 18 case had ties to Al-Qaeda. Instead, the plotters seemed to be motivated by political opposition to Canada's role in Afghanistan (Miller and Sack, 2010: 1). But while there was no proof of Al-Qaeda affiliations, immediately after the arrest of Toronto 18, the Prime Minister's Office began working closely with top bureaucrats to put together information for politicians and security officials (Miller and Sack, 2010: 2). The government also approved media requests for interviews immediately, with careful oversight to ensure that the news to the public fell in line with what the government officials wanted Canadians to believe (Miller and Sack, 2010: 2). In the first four days after the arrest, headlines swamped the Canadian newspapers with things like "The jihadist among us" (National Post), 'Your neighbour, the terrorist' (Ottawa Citizen), 'Generation Jihad: Angry, young, born-again believers' (The Globe and Mail), and

‘Immigration, diversity under the microscope’ (Toronto Star)” (Miller and Sack, 2010: 279). The role of the media, aligned with the Canadian government, heavily influenced the type of information that was revealed to the broader public. The focus thus became all-encompassing of “homegrown” terrorism, inspired by the notorious Al-Qaeda plots. Similar to Operation Thread, young Muslim men began to be perceived as being “radicalized” in Canadian mosques and the Internet, with media focusing on Canada’s heroic security forces and anti-terror laws that carefully prevented another London-like City bombing (Miller and Sack, 2010, 2).

Throughout the case, members of the family describe their years of court appearances marked by intense anti-Muslim racism, with the prosecutors continuously citing the Qur’an and other traditional Islamic texts to demonstrate that the alleged were supposed ideological extremists (Kassamali, 2011: 11). After many years of “being denied bail, and losing motions, guilty pleas provided quickest means to ending the saga and accessing the education, family contact and additional privileges that would come from transfer out of solitary confinement after a guilty sentence” (Kassamali, 2011: 12-13). Although 7 of the 18 suspects had their cases dropped, the individuals’ lives were ruined as a result of media and political backlash. Subsequent to the court verdict, the Toronto 18 case has slowly diminished from critical scrutiny, and the men are set to serve the rest of their lengthy sentences as branded extremists. Similar to the 2003 arrests, the Toronto 18 have once again heightened a discourse of fear over the threat of ‘Islamicism’ to national security, producing anti-Islamic sentiments among many Canadians (Kassamali, 2011: 11). As such, despite the fact that the law does not specifically target racial, ethnic, or religious groups in its surveillance, as exemplified in the cases above,

the events of 11-September demonstrates that race has become a large focus in the post-9/11 securitization process. While the members of the Toronto 18 did not have any evident ties with Al-Qaeda or its teachings, the issue of terrorism began to be associated with the Islamic teachings provided to the detainees through institutions like the mosques, religious leaders, and the Internet – thus providing a ground for discrimination in the use of set anti-terror legislations (Miller and Sack, 2010: 1-2).

Certainly, in the Toronto 18 case, the individuals became suspects of terrorism due to the plausible risk that Canada was prone to. However, in the case of Project Thread, the 24 visa students became targets of a larger xenophobic agenda. While the focus of Project Thread proceeded from national security to immigration fraud, by initiating their arrest owing to their ties with the Punjab province and interest in aviation demonstrates the lack of judgment that is evident in Canadian authorities. As a result, as Bruman (2010) has argued, “the case of the Toronto 18 and Project Thread, among many others, demonstrates that both mainstream and alternative media represent engender fear, suspicion and sometime empathy” (206) for their own purpose to demonstrate the strong susceptibility of Muslims to potential terrorism. As a result of these ideological positionalities, race thinking separates immigration laws from human rights regime, causing counter-productive division of Muslims into those who are seen as acceptable members of society (good Muslims) versus those who are seen as unacceptable (bad Muslims) (Bruman, 2010: 209).

The next session will attempt to dig further on the process of securitization to understand whether Muslims have become the new ‘Other’. By investigating two

important refugee cases, Hassan Almrei and Mohamed Harkat, this section will show that traits such as legal status, religious affiliations and past histories have resulted in the arrest of refugees under the security certificate.

VIII. Policy Implications: Hassan Almrei and Mohamed Harkat:

The security certificate is found in Part 1, Division 9 of the Immigration and Refugee Protection Act (Thwaites, 2009: 691). Security certificates are pre-deportation orders, which justify indefinite detention of permanent residents or foreign nationals on security grounds. Detention is mandatory for non-permanent residents held under the certificate and there is no possibility of release unless a person leaves Canada, the certificate is struck down or 120 days have elapsed and the deportation has still not taken place (Razack, 2007: 5; Poole, 2007: 638). Since certificates do not rely on evidence that can be shared with the defendant and contested, suspicion, hearsay, and prospective risks can suffice for a person's detention. Once detained, individuals undergo secret trials during which defendants are not privy to details of the case (Burman, 2006: 280-281). Although security certificates did not begin with the “war on terror” they have become a frontline tool used by Canadian authorities to fight terrorism. It has become increasingly used to incarcerate Arabs and Muslims (Razack, 2007: 5).

In February 2007, due to stringent constraints of the security certificate in Mohamed Harkat’s defense, the Supreme Court voted that the security certificate system was unconstitutional, and suspended the judgment for a year so that the Parliament could draw a new law that included a better review process to protect the interests of the detainees. In early 2008, a new bill was passed to improve bail procedures and permit special, security-cleared, lawyers to act as “Special Advocates” for the accused. This new mechanism permitted the special advocates to attend the security certificate hearings with

the ability to challenge government evidence in order to protect the rights of the accused (Crepeau, 2011: 39).

While it is important to note that those who have ties with Al-Qaida and terrorist ideologies are a risk to the national security of Canada, it is also important to consider the premise on which the security certificates are issued. For foreign nationals and permanent residents, there is no appeal with respect to the decision of the judge on the security certificate. As such, it is clear that the inadmissibility provisions impact the human security of refugees, as they may be prevented access to Canada and the refugee determination system (Lowry, 2002: 35). Five men currently detained under the security certificate are all Muslim men of Arab origin, each have been detained for three to eight years (Razack, 2007: 6). Three of the five detainees, Adil Charkaoui, Hassan Almrei, and Mohamed Harkat, have challenged the provisions under various sections of the Charter (Ceric, 2012: 12). Charkaoui was a permanent resident of Canada, while Almrei and Harkat have been found to be convention refugees but have not attained residence status (Ceric, 2012: 12). This section of the paper will specifically study the cases of Almrei and Harkat (both Arab refugees) and how race thinking has carried much prominence in their trials.

Hassan Almrei: A Suspected Bin Laden Affiliate

Hassan Almrei's story began in 1998 when he travelled from Saudi Arabia to Canada on a visitor's visa in order to visit Hoshem Al Taha. While in Saudi Arabia, Almrei had a small honey business, which gave him the opportunity to travel to Pakistan in the 1990s (Razack, 2007: 25) He eventually applied for asylum, and was granted refugee status

(Razack, 2007: 23). When he eventually decided to travel to Canada, Almrei had used a false passport. According to CSIS, Almrei behaved in a covert manner and he visited a number of Arab Afghan individuals who CSIS identified as ‘mujahedin’ and ‘Islamic fighters in jihad’ (Razack, 2008: 36). Since Almrei was involved in the early 1990 anti-Soviet activities in Afghanistan, the secret service reiterated its beliefs that there was a reasonable ground to believe that Almrei had engaged or has the potential to engage in terrorist activities (Razack, 2007: 23-24). In addition, the Service also indicated that honey business was a favourite way for Bin Laden’s network to acquire money (“Bin Laden’s Honey,” 2011). Since Almrei used false passport to come to Canada, a practice of the vast majority of refugees, Almrei’s culpability becomes more evident when it is discovered that he once gave advice to someone on where to obtain a false passport, information for which he charged a fee (Razack, 2007: 26). Additional evidence of Almrei’s connection to Bin Laden included computer photos that Almrei was said to have accessed from certain website, “including pictures of air plane cockpits, of Bin Laden and Ibn Khattab, a now dead Arab man who is thought to have been involved in anti-Russian terrorist activities in Chechnya and with whom Almrei stayed in Afghanistan and Tajikistan” (Razack, 2007: 26). As such, it is evident that the case against Almrei rests on the interpretation of a past history as a predictor of the future behaviour. Its construction of terrorist agent depends on specific characterization of Bin Laden’s network Al-Qaeda, notably its ideology, bonds between members, and its “sleeper-cell” structure (Razack, 2008: 36). Since going to Afghanistan to a training camp marks a terrorist identity, how Mr. Almrei fits this profile hardly mattered. For Justice Layden-Stevenson, Almrei is likely to engage in terrorist activities because of his past religious affiliations and

geographical history (Razack, 2007: 31). While Almrei denied his commitment to Osama Bin Laden or to “jihad”, his past history became the basis for his potentiality for engaging in terrorist activities.

Eventually Justice Layden-Stevenson acknowledged in her decision that Hassan Almrei has been held under conditions that are “unacceptable and fall far short of what one would accept for Canada” (Razack, 2005: 32). The Justice was called upon to assess Almrei as a danger to national security, and it is with this investigation she ruled to end the case (Razack, 2005: 32). With the ruling it became clear that Almrei was not involved in any way with terrorism, yet he was held in solitary confinement before the case was finally determined (Gallegos et al, 2010: 4). Almrei had spent nearly eight years in solitary confinement in Canada before the court ultimately recognized that there were no reasonable grounds to believe he was a member of a terrorist organization (Gallegos et al, 2010: 4). While it can be said that Almrei’s detention exemplified due-diligence on the part of Canadian authorities to ensure that the Canadian public is protected from a potential Al-Qaeda agent, it is also evident that Mr. Almrei faced great human rights violation as a result of Canada’s misgiving on his assumed propensity to be a 'terrorist'.

Hassan Almrei’s case is very similar to other security certificate cases. Thus far, out of the five post-9/11 detainees under the certificate, only one remains under an ongoing trial, two detainees (Almrei and Charkaoui) successfully won their defense against the certificate. Although Almrei successfully won his case in the Supreme Court, his eight years in solitary confinement exemplifies how race thinking can mature into racism through a state-initiated process of criminalization. Even though Almrei was

innocent from the start, his past religious affiliations and geographical history plays a large role throughout his trial. The Court failed to provide Almrei's lawyer any evidence on why CSIS issued the security certificate. Instead, time after time the Court stated that there was a reasonable ground to know that Almrei was a "potential" danger to the national security of Canada. Although Hassan Almrei's case exemplifies how a refugee is able to successfully regain his rights as an individual, Mohamed Harkat, unfortunately, continues to fight against his certificate in the Supreme Court.

Mohamed Harkat: An Alleged Algerian Jihadist?

Originally from Algeria, Mohamed Harkat fled the country in the early 1990s. In 1995, he sought asylum in Canada and later applied for permanent residency (Zekulin, 2011: 1). According to CSIS, Harkat was a "sleeper" agent who was sent to Canada to await instructions from a terrorist organization (Jacoby, 2004: 74). The Service found their grounds for suspicion to be legitimate based on the fact that Harkat had visited Ahmed Said Khadr, "an individual with well-known links to Egyptian Islamic Jihad and the bombing of the Egyptian embassy in Islamabad" (Jacoby, 2004: 74). Furthermore, Harkat also acknowledged his membership in the Front Islamique du Salut (FIS). As affirmed by CSIS, FIS was a legitimate political organization until it created a military wing in 1993 after being outlawed by the Algerian government (Jacoby, 2004: 74).

In 2002, Harkat was arrested on suspicion of ties to terrorism and was imprisoned under security certificate for four years until he was released to be under house arrest, on extremely strict conditions ("People's Commission Network", 2011). Due to the certificate's violation to the Charter of Rights, the Supreme Court invalidated its

provisions in 2007. A year later another law was adopted and a new certificate was issued against Mr. Harkat. The only major change to the certificate is the addition of “Special Advocates”, a clause that allows government lawyers to scrutinize some of the secret evidence and cross-examine witnesses at the closed hearings (“People’s Commission Network”, 2011), without presenting the detainee any information. Eventually, on December 9, 2010, Justice Simon Noel of the Federal Court declared the security certificate against Harkat to be based on “reasonable” allegations. Justice Noel also accused Harkat of sounding as if he had memorized a fabricated story. The Judge specified that major element of his decision was based on information presented at closed hearings that cannot be revealed or even summarized for the defense and his attorney (“People’s Commission Network”, 2011).

Noel’s decision to validate the certificate issued against Harkat is extremely harsh, and even vindictive in tone. The Justice blasts Harkat’s credibility based on minor contradictions between declarations in Harkat’s 1995 refugee application and his Federal Court testimony in 2010 (“People’s Commission Network”, 2011). While stating that the decision on Harkat’s case was on reasonable grounds, Justice Noel failed to reveal any solid evidence against Mohamed Harkat. As noted above, the fact that the major element of his decision was based on information presented at closed hearings further compromises the legitimacy of the decision. In addition, both Harkat and his lawyer were unable to attain access to the information that was heard in the closed hearings. While it is definitely important to note that closed hearings do provide the protection of national security, they also violate the individual’s right to fair trial and due process. The fact that the Supreme Court has overturned two of Justice Noel’s previous decision on security

certificate brings further doubts on the legality of closed hearings (“People’s Commission Network”, 2011). Keeping that in mind, Justice Noel also outlined some of the mistakes that CSIS agents had made during the investigation – which includes the destruction of original recordings of intercepted telephone conversations and concealing the fact that a key informant had failed a polygraph test. Despite the irregularities of the Service agents, the Judge Noel concluded that CSIS had respected the “duties of utmost good faith and openness” (“People’s Commission Network”, 2011).

Similar to Hassan Almrei, Harkat’s case exemplifies the role race thinking plays in the securitization of refugees. Both Harkat and Almrei were individuals of Arab descent, and the public discourse in the media linked them as allegedly having relations with “terrorist” organizations. While Almrei was involved in the anti-Soviet activities, Harkat’s involvement was indirect as a result of his membership with Front Islamique du Salut. Even though the Supreme Court justifies security certificate as a measure to protect the safety and security of the Canadian public, in a multicultural society such as Canada, the singling out of an ethnic or religious group and associating it with ill-will or criminal practices amounts to collective punishment of that community, and an individual's denial to right to privacy (Jacoby, 2004: 75). In many cases, individuals unknowingly find themselves in the proximity to terrorist and terrorist activities, simply on the account of their ethnic, religious and/or cultural affiliations (Jacoby, 2004: 75). As Ceric (2012) points out, the use of security certificate against “suspected terrorists” is fundamentally a defective process as individuals held under the security certificate have no right to face or cross-examine accusers (13). The detainee also does not have the right to challenge evidence that may have been obtained through normally unacceptable

means, “such as hearsay or torture, or even know the full details of the accusations made against them” (Jacoby, 2004: 75). Therefore, the lack of evidence presented to the detainee, and the fact that all of the five men who have been held under the certificate are all Arab Muslim, illustrates the function race thinking plays in the process of securitization of refugees.

IX. Conclusion

The post-9/11 securitization has re-engineered the threat of Muslims and the so-called 'Islamicism'. Muslims are no longer defined in terms of their cultural traditions, promotion of science or making available the knowledge of early Greek philosophy to the West. Instead, they are identified as the existential threat of violence and extremism that has largely focused the attention of Western military and security forces on the Arab and Muslim world. The internal conflicts generated through post-colonial and neoliberal legacies have created a larger divide between the West and Islam. As discussed throughout the paper, Muslims have become the new 'Other' – an identity framed through the constant threat-naming that has developed as a result of securitization and anti-terrorism laws.

With the advent of such laws, Muslims have immersed into a hostile security discourse that targets individuals for their religious convictions and past affiliations. As proven in recent changes to the anti-terrorism legislations, the further deepening of securitization has not only legitimized the threat of Muslims, but it has also enabled our laws and bureaucracy to oppress individuals to the extent that Canada's security has in actuality come at risks. This is evident in the case of Toronto 18 and other cases discussed in this paper where in some cases the individuals were motivated by the Canadian military involvement abroad in countries like Afghanistan. However, while in most cases, the charges were dropped or the accused were eventually released; the damage done to the lives of the detainees is also evident. As such, critical social research enables us to delve beneath the exterior and understand the impact of security discourse

on the identity and safety of Muslims in Canada. Refugee cases such as Almrei and Harkat, along with Operation Thread, further reinforce the tenacious vulnerability of Muslims in Canada as a result of the constant threat-naming, of the community, to 'Islamic extremism'. In the three cases, the detainees did not have any ties to terrorism and Canada's failure to identify their innocence epitomizes the human rights violations that exist in the security certificates and the broader anti-terrorism laws (such as the ATA and the IRPA). Such policies have re-generated the 'preferred' and 'non-preferred' categories of immigrants, as was the historical practice. This is evident in Razack's race thinking approach, as it identifies threat-naming as a tool that has created moral panic in the West through the classification of the deserving from the underserving.

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