



Presumption of Guilt:

A National Survey on Security
Visitations of Canadian Muslims

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EXECUTIVE SUMMARY

Since the tragic events of September 11, 2001, the Canadian Muslim community has been placed under a national security spotlight. Many Canadian Muslims have been visited by security officials – the RCMP, CSIS and police – and some reports indicate troubling tactics are being used. To document those tactics, the Canadian Council on American-Islamic Relations (CAIR-CAN) has conducted a national survey on the issue.

Survey Results

The results of the survey show that **8 percent** of the **467** respondents were questioned by security officials. However, even this number seems to be highly underreported as **43 percent**¹ of the respondents who were not contacted by security officials indicated that they know at least one other Canadian Muslim who had been questioned, and **62 percent** of respondents who were contacted indicated that they never reported the incident to any organization.

Those visited by security officials are disproportionately young Arab males. **54 percent** of those contacted by security officials are Arab, yet only **35 percent** of the total sample is Arab. **89 percent** of those contacted are male and **63 percent** are between the ages of 18 and 35.

46 percent of respondents reported feeling fearful, anxious or nervous about the visitation, while **24 percent** indicated feeling harassed and discriminated against.

89 percent of those contacted did not refuse a meeting with security officials. However, only **16 percent** of those contacted brought a third party to the meeting, despite **54 percent** knowing of their right to a lawyer. An alarming number of visitations, **23 percent**, occurred at workplaces.

Troubling Tactics

Many of the narratives of those who were contacted indicate a trend of troubling tactics on the part of security officials.

Such tactics include **discouraging legal representation, aggressive and threatening behaviour, threats of arrest pursuant to the *Anti-Terrorism Act*, visits at work, intrusive and irrelevant questioning, improper identification, informant solicitation and the interrogation of a minor.**

¹ This statistic was calculated from a sample size of 195.

CAIR-CAN

CAIR-CAN is a national, grassroots Muslim organization based in Ottawa.

As part of its mandate, CAIR-CAN seeks to empower Canadian Muslims to fully participate in Canadian society. Through community education and outreach, media engagement, anti-discrimination resolution and public advocacy, CAIR-CAN attempts to foster an accurate understanding and fuller appreciation of Islam in Canadian society.

CAIR-CAN has published numerous resource guides; organizes workshops and seminars for both the public and private sector; presents at conferences across Canada; documents and resolves discrimination cases; represents the concerns of Canadian Muslims in the media; testifies at Parliamentary and Senate committees; and has, as of May 2005, an op-ed portfolio of over 72 op-eds in both national and local newspapers.

CAIR-CAN has also presented unique and significant research work, including its 2002 survey: *Canadian Muslims One Year After 9-11*, which helped to illuminate the challenges and discrimination Canadian Muslims face today. To further educate on this topic, CAIR-CAN has also presented internationally a research paper, "*Life for Canadian Muslims the Morning After: A 911 Wake-Up Call*," which was commissioned by the Canadian government.

With partial intervener standing in the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, CAIR-CAN is able to participate in one of the most important human rights cases in Canada today – a case which has sent a chill through the Canadian Muslim community. CAIR-CAN will also be appearing before the Senate Committee examining the *Anti-Terrorism Act* to ensure that the Canadian Muslim voice is heard in the review of legislation that has had a profound impact on our community.

A full archive of CAIR-CAN's work is available at: www.caircan.ca.

INTRODUCTION TO THE 2004 SURVEY: *PRESUMPTION OF GUILT*

Canadian Muslims share the common objective of ensuring that Canada remains a safe and secure country. This objective is not merely a civic responsibility; the Koran commands Muslims to stand up for justice – even if it is against their families or themselves. However, Canadian Muslims also believe that Canada’s security must be attained – and can only be attained – in a manner that respects the inherent right of all individuals to be treated with dignity and to be free from harassment or discrimination.

When national security gained critical importance in Canada with the events of September 11, 2001, many Canadian Muslims and community activists found themselves being approached by officials from the Canadian security community. As a national, grassroots organization, CAIR-CAN has documented many of these visits. While some visitations have been conducted in good spirit, a significant number of reports indicate troubling tactics are being used by security officials.

Some of the tactics previously documented include work visitations, intrusive questioning, and asking individuals to become informants.

As a result of these documented incidents, and in the wake of the Maher Arar tragedy, concerns have arisen about the tendency of Canadian security officials to indulge in racial profiling and to act outside the limits of both Canadian and international law.

CAIR-CAN has thus undertaken a unique national study to gauge the prevalence of such behaviour by our security officials and to document the types of tactics that are said to be taking place. It is our hope that this information, which has previously remained undocumented in this manner, will provide a window into the tactics that are used and serve as the impetus for corrective or remedial action.

2002 SURVEY: CANADIAN MUSLIMS ONE YEAR AFTER 9-11

In order to better contextualize the current survey, it may be helpful to briefly review the results of the previous national survey undertaken by CAIR-CAN: *Canadian Muslims One Year After 9-11*. The main objective of the 2002 survey was to assess the changes that Canadian Muslims had experienced in the aftermath of the events of September 11, 2001.

The results of this survey signalled that Canadian Muslims were indeed increasingly becoming targets of anti-Muslim sentiment in Canada. The following is a summary of the results:

- an alarming **56 percent** of respondents reported experiencing anti-Muslim incidents on at least one occasion in the year following September 11, 2001;
- **33 percent** of those anti-Muslim incidents came in the form of verbal abuse; other highly reported experiences included racial profiling (**18 percent**) and workplace discrimination (**16 percent**);
- **33 percent** of respondents indicated that their overall personal situation had taken a turn for the worse since September 11, 2001;
- **56 percent** of respondents indicated that they felt media reporting on Islam and Muslims had become increasingly biased.

Also worth noting is the fact that **61 percent** of respondents reported experiencing kindness or support from friends or colleagues of other faiths.

The results of the 2002 survey indicated that, although it had been a tumultuous year for Canadian Muslims, many of whom faced discriminatory action, it was also a year of outreach and dialogue.

With these results as a backdrop, we will now disseminate the results of the 2004 survey, *Presumption of Guilt: A National Survey on Security Visitations of Canadian Muslims*.

Survey Methodology

CAIR-CAN launched the 2004 survey on March 26, 2004.

The survey results are based on a sample size of **467** respondents.

Hard copies of the survey were randomly distributed at mosques, Islamic centres and Muslim community events across the country. In total, **211** paper surveys were completed.

An electronic version of the survey was also posted on the CAIR-CAN website and distributed to CAIR-CAN's national membership. The CAIR-CAN website has become a portal for Canadian Muslims, whereby they inform themselves about developments respecting Muslims and Islam in the media and politics. **256** electronic copies of the survey were completed.

Characteristics and Demographics of the Sample

Gender:

Of the **455** respondents who reported their gender, **200** of them indicated they are female (**44 percent**) and **255** indicated being male (**56 percent**).

Age:

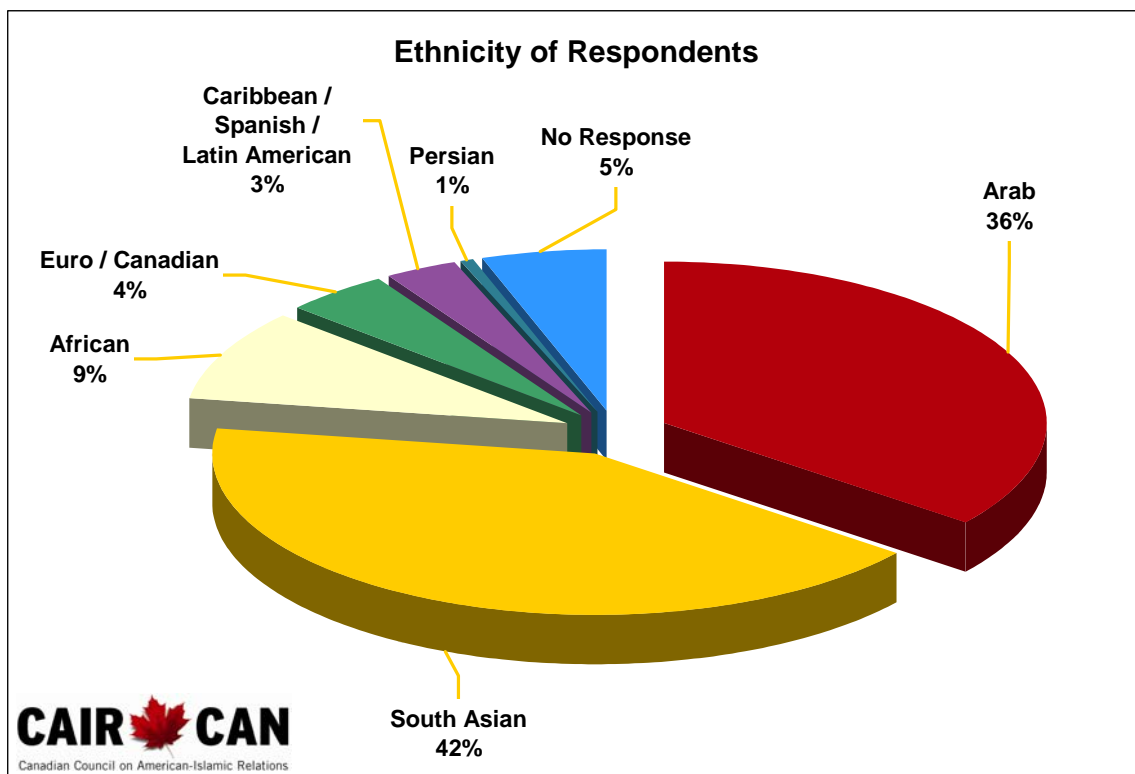
456 respondents indicated their age range. The majority of survey respondents are between 18 and 55 years old. The age breakdown of respondents is as follows:

- **6 percent** indicated they are under 18 years of age
- **33 percent** indicated they are between 18 and 25 years of age
- **29 percent** indicated they are between 26 and 35 years of age
- **21 percent** indicated they are between 36 and 55 years of age
- **11 percent** indicated they are 56 years of age or older

Ethnicity:

The sample comprised an ethnic breakdown that is seemingly representative of the larger Canadian Muslim population, with the two largest groups comprising the Arab and South Asian populations:

- **42 percent** identified themselves as South Asian
- **36 percent** identified themselves as Arab
- **9 percent** identified themselves as African
- **4 percent** identified themselves as Euro/Canadian
- **3 percent** identified themselves as Spanish/Latin American/Caribbean
- **1 percent** identified themselves as Persian
- **5 percent** did not respond

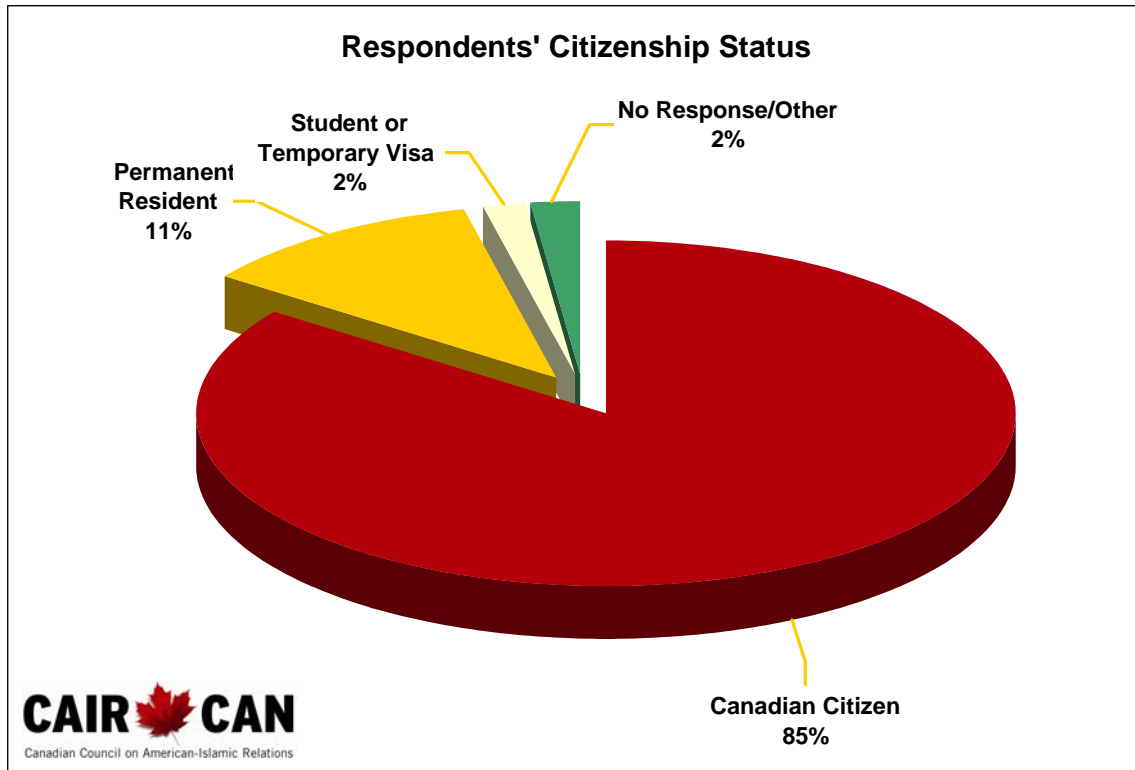


Citizenship Status:

The majority of respondents indicated that they are Canadian citizens (**85 percent**), with the remainder largely indicating that they hold permanent residency status.

- **85 percent** said they are Canadian Citizens

- **11 percent** said they are Permanent Residents of Canada
- **2 percent** said they are in Canada on a Student or Temporary Visa
- **2 percent** did not respond



Occupation:

The two largest groups of respondents included students, comprising **38 percent** of the sample, and professionals, who constituted **31 percent** of the sample.

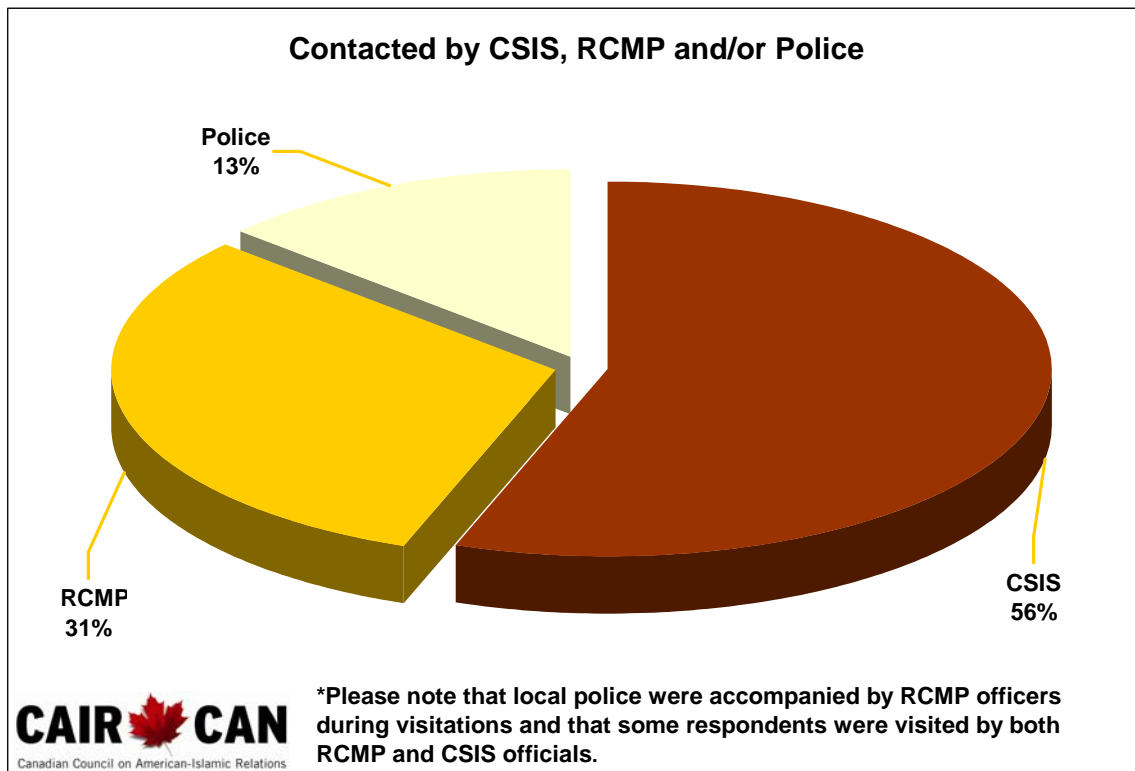
- **38 percent** indicated they are students
- **31 percent** indicated they are professionals
- **13 percent** indicated they are part of the labour force
- **4 percent** indicated they are self-employed/entrepreneurs
- **4 percent** indicated they are homemakers
- **1 percent** indicated they are retired
- **1 percent** fell into the unemployed/other category
- **8 percent** did not respond to the question

Analysis of the 2004 Survey

The overarching theme of this survey focussed on the interactions between security officials and the Canadian Muslim community. To that end, the survey was designed to separate those who had been contacted by Canadian security officials from the rest of the sample, and to focus on the experiences of the former. Consequently, the first question of the survey required respondents to indicate whether or not they had been contacted for national security reasons by the RCMP, CSIS or the police since September 11, 2001.

Respondents Contacted By Security Officials:

Of the **467** respondents, **8 percent** or **37 individuals** indicated that they had been contacted by security officials. Nearly 8 out of every 100 Canadian Muslims surveyed had been visited by CSIS, the RCMP and/or members of a local police force.



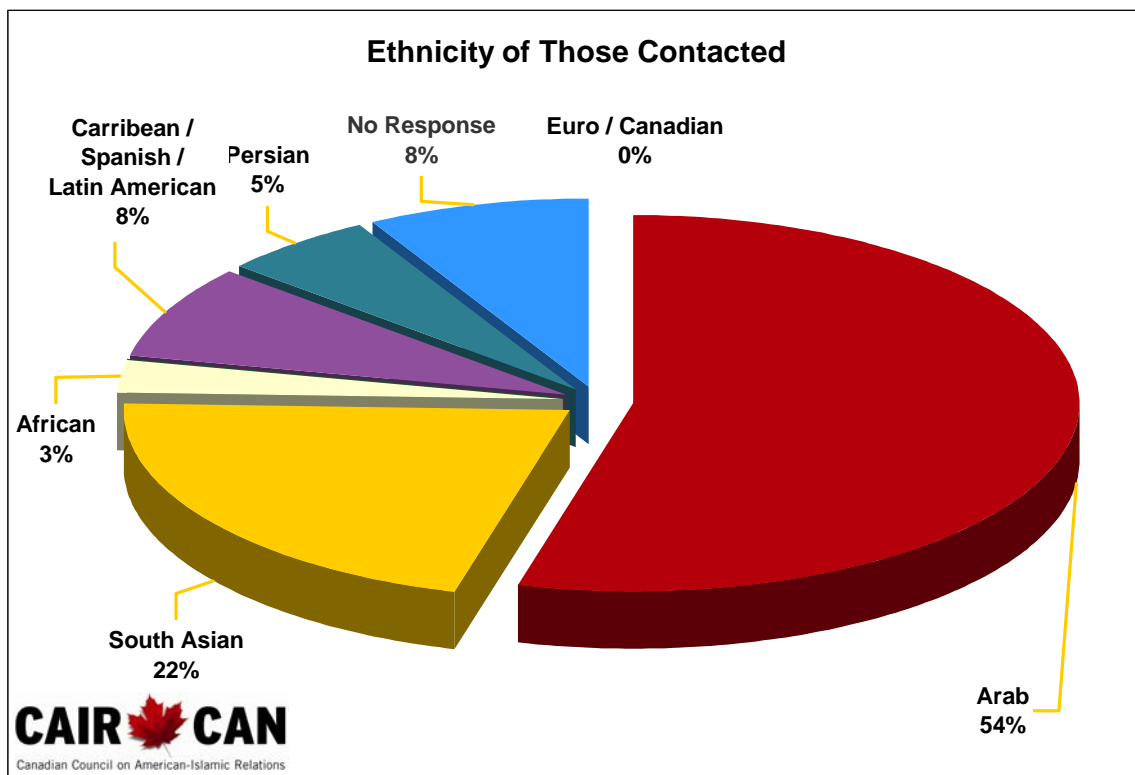
Ethnicity, Gender and Age of Those Contacted

The data reveals that the Canadian security community is focusing primarily on young Arab males.

56 percent of the overall respondents are male. However, males make up **89 percent** of those who have been contacted by security officials.

The majority of those contacted, **40 percent**, were between 18 and 25 years of age. If that age range is expanded upwards, the data reveals that **63 percent** of those contacted were between the ages of 18 and 35 years.

Although Arabs make up only **36 percent** of the entire sample, they comprise **54 percent** of the respondents contacted by security officials. Those identifying themselves as South Asian comprised **42 percent** of the entire sample, and only constituted **22 percent** of those who were contacted by security officials.



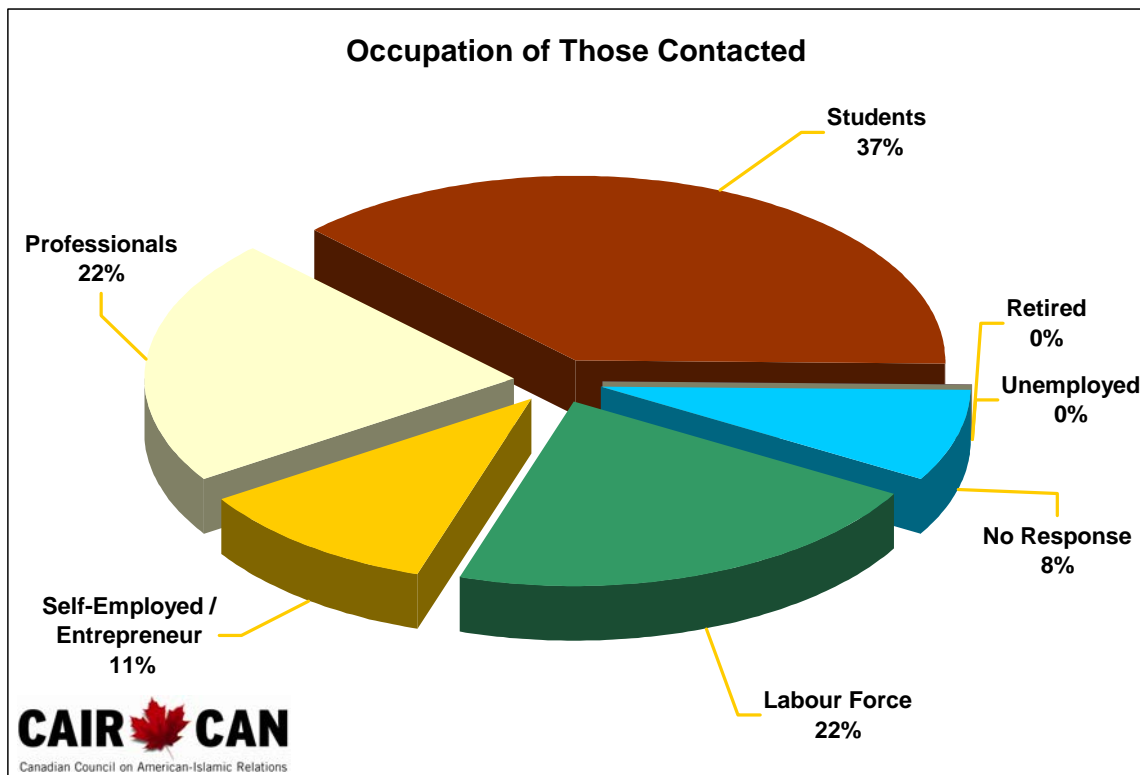
None of the respondents who indicated having been contacted was of Euro/Canadian ethnicity.

Citizenship Status of Those Contacted:

The majority of those who were contacted by security officials are Canadian citizens (**84 percent**). **5 percent** are permanent residents, and **3 percent** is in Canada on a Student or Temporary Visa. The remainder did not respond to the question.

Occupation of Those Contacted:

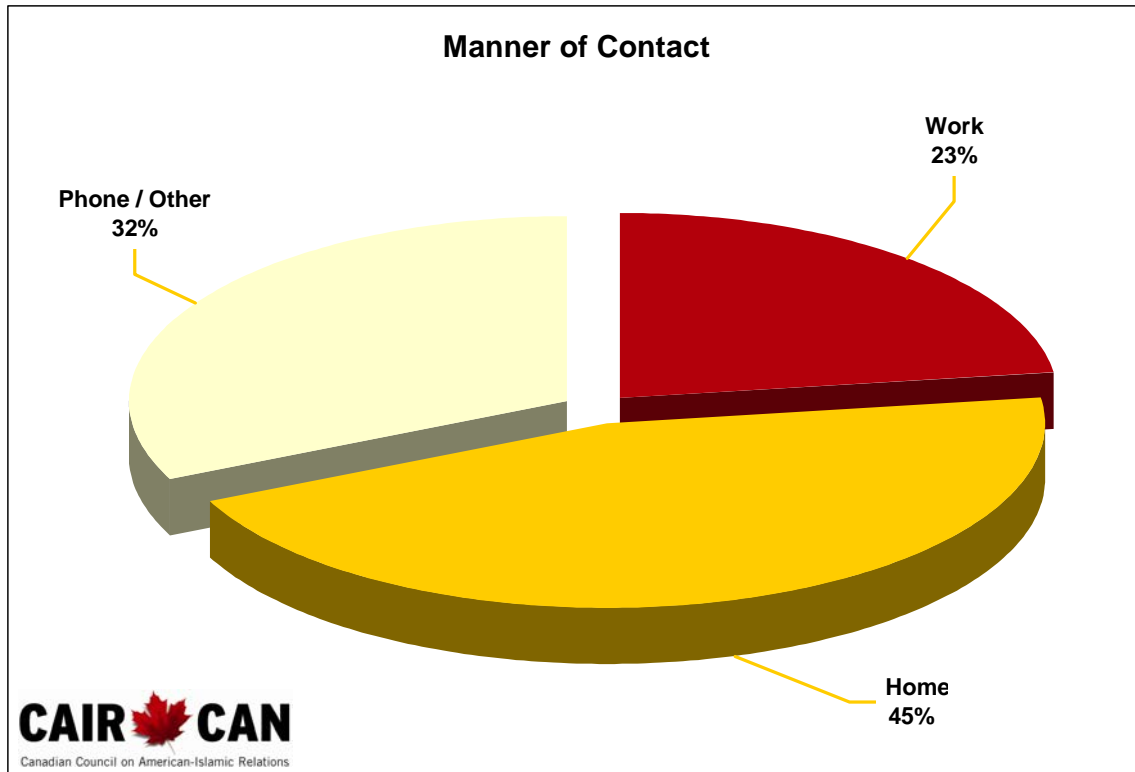
Most of the respondents who were contacted by security officials indicated they are students (**37 percent**). Professionals (**22 percent**) and general labourers (**22 percent**) were also highly reported amongst these respondents.



Manner of Contact:

The data reveals that an alarming proportion of contacts by security officials were done by visitations to the respondents' workplaces. **23 percent** of contacts took the form of workplace visitations.

The majority of contacts, **45 percent**, were in the form of visitations at respondents' homes. Security officials also contacted respondents by telephone or at other locations **32 percent** of the time.

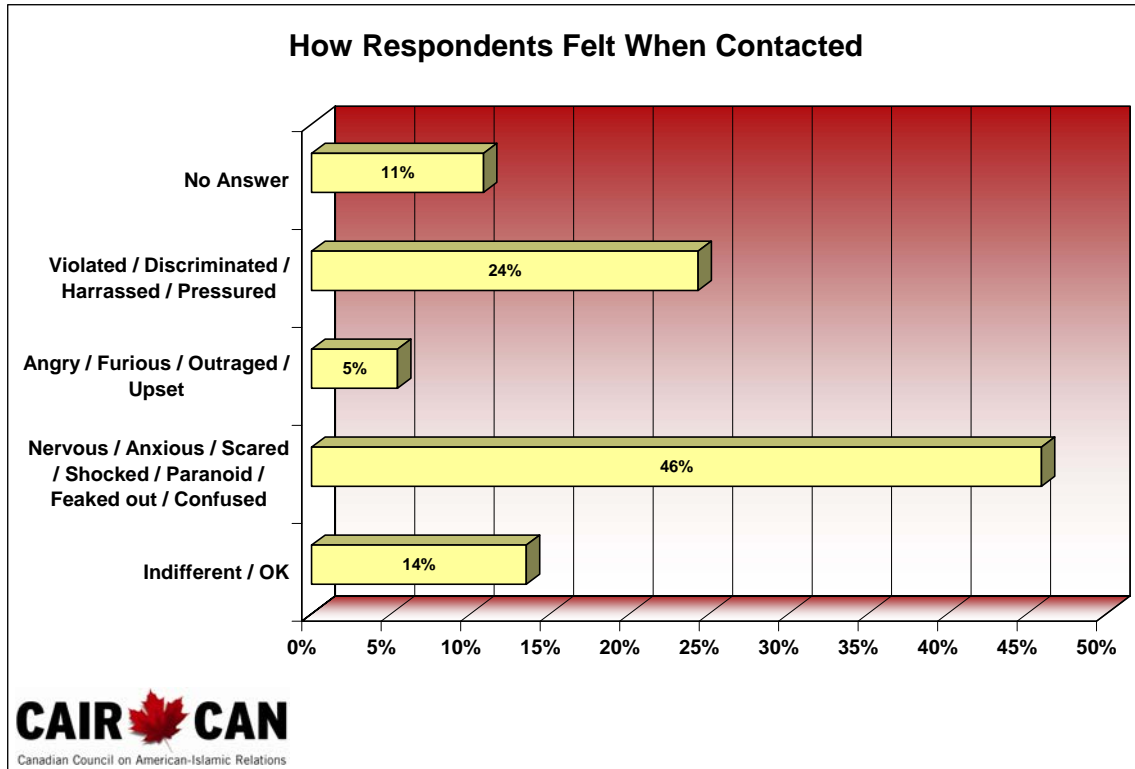


19 percent of those contacted indicated having been contacted multiple times

Respondents' Reactions to Being Contacted:

The data illustrates that the predominant emotions experienced by respondents upon being contacted by security officials were feelings of fear and discrimination.

46 percent said they felt fearful, anxious, "freaked out," paranoid, confused and/or nervous when contacted by security officials. **24 percent** indicated feeling harassed and pressured, violated and/or discriminated against. **5 percent** indicated feeling outraged, furious or angry. **14 percent** felt indifferent.

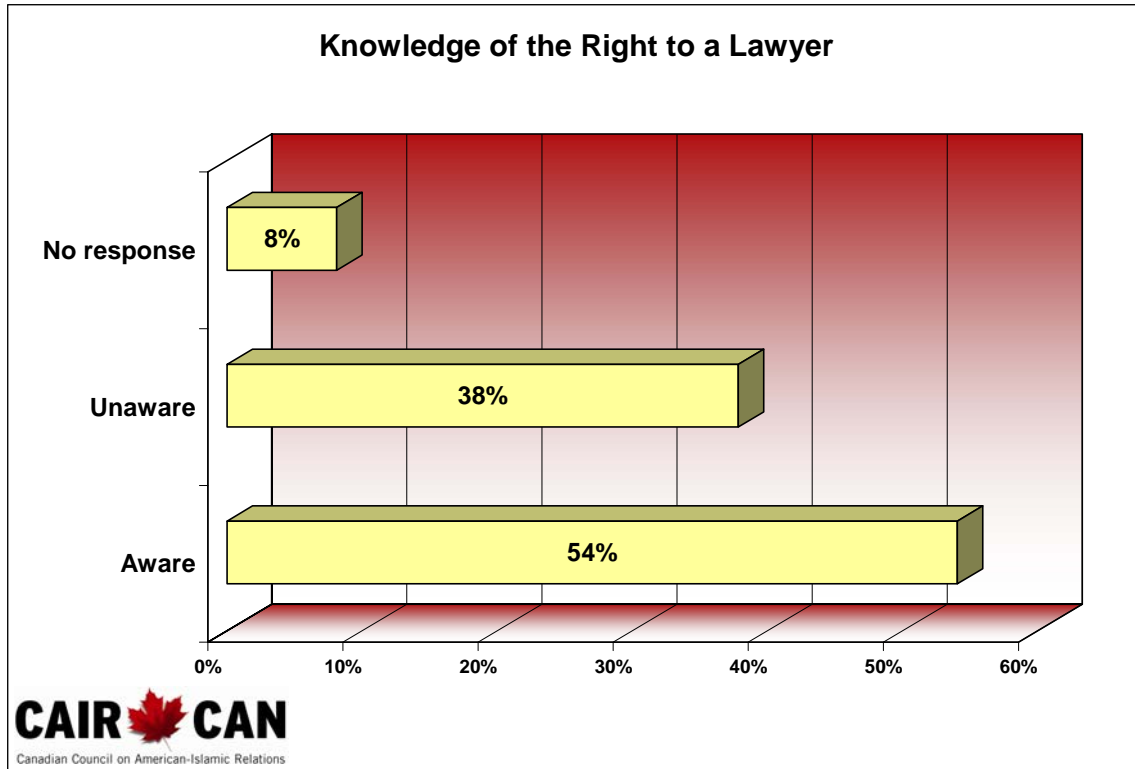


Respondents Who Agreed to a Meeting:

When respondents were asked whether they agreed or declined to meet with security officials, **89 percent** of those contacted stated they agreed to the meeting. Of the three individuals who declined, two ultimately did attend the meetings.

Right to Counsel:

When asked about the right to legal counsel, **54 percent** of those contacted stated they were aware of their right to have legal counsel present, yet only **16 percent** requested the presence of a third party. It should also be noted that the third party frequently took the form of a friend or family member.



Under-reporting:

A number of findings in the survey suggest that the amount of people contacted by security officials is greatly under-reported – even in this study.

43 percent² of respondents who were not contacted by security officials reported that they are personally acquainted with at least one Canadian Muslim who has been contacted by security officials.

Furthermore, **62 percent** of respondents who were contacted by security officials indicated that they never reported the incident to any organization, despite the often disturbing treatment they experienced.

² This statistic was calculated using a sample size of 195.

Questionable Tactics in Security Visitations

Those respondents who were contacted by security officials were also asked to describe the encounters in their survey responses. It is within these narratives that a few alarming trends become discernable.

Discouraging Legal Representation and Assistance from CAIR-CAN

Several reports indicate that when respondents ask if they can have a lawyer present during questioning, security officials respond by asserting that they “don’t need” counsel and that the respondents should not “waste” their money on a lawyer. Also troubling are reports that some respondents were discouraged from seeking the assistance of other third parties, such as CAIR-CAN.

Not having a lawyer present is beneficial for interrogators who ask intrusive questions or use inappropriate tactics. For respondents, however, having a lawyer present is an important safeguard against both. For those who are unaware of their legal rights, the discouragement of legal representation by security officials can convey the misleading message that they do not have the right to a lawyer.

Aggressive and Threatening Behaviour

In certain instances, when a respondent is seen to be less cooperative than anticipated, security officials are reported to have become aggressive. Reported incidents include intimidation tactics such as the blocking of entrances of a person’s dwelling and threatening comments, such as “you don’t want to play around with us.”

In addition, most of those contacted by security officials did not decline interrogations. Only three respondents indicated attempts to refuse an interview, and two of the three ultimately attended the interrogations after indicating they were pressured by security officials. One respondent said security officials began acting “very aggressively and disrespectfully” after he refused, while the other said the officers began pressuring him into submitting to an interview.

Threats of Arrest Using the Anti-Terrorism Legislation

Canada’s *Anti-Terrorism Act* legalizes a “preventative arrest” without the judicial oversight of a warrant in cases where officials suspect that a terrorist act will occur. In one report, an individual indicated that security officials referenced the *Anti-Terrorism Act* by informing him that “C-36” gives them the right to arrest or

detain respondents and force them to speak – and that therefore the individual should speak to them. This tactic had the effect of intimidating the individual and conveying the misleading message that he had to speak to security officials at their request.

Visits at Work

As was previously mentioned, the frequency of workplace visitations is very problematic. Workplace visitations by security officials expose the respondent to undue stigmatization, humiliation and financial harm. In one incident, a respondent reports having been terminated from his job shortly after being visited at work by security officials. Other reports include incidents where visitations were undertaken while respondents were in the course of serving clients and customers. Yet another respondent said security officials spoke to his superior.

None of the individuals visited at work were subsequently arrested or charged. One finds it difficult to identify any concrete justification for subjecting respondents to such potential hardship and humiliation. Less invasive approaches can easily be used.

Problematic Questions and Statements

Some of the questions that were asked of respondents also raise concerns.

Respondents report being asked about their loyalty to Canada, why they own extensive property, why there is a certain number of cars parked in their driveway and their thoughts about “jihad” (*jihad* is an Arabic word which literally means “struggle” – both internally against the self and externally against aggression – but is often erroneously translated as “holy war”).

Several respondents also report being asked about the reasons for which they participate in sports such as martial arts and if they know any Canadian Muslims who teach the sport. The implication of such a question is that a Canadian Muslim who practices martial arts is a potential threat to the security of Canada and is worth investigating.

Other disturbing questions and statements include one respondent being told that an obligatory prayer should be delayed for “important” things like speaking with security officials. The official even indicated that others had been made to delay their prayers as well. Additionally, some respondents report being asked about their level of commitment to the Islamic faith. Such questions are problematic because they insinuate that a commitment to Islam is undesirable and potentially dangerous in Canada in the post-September 11, 2001 era.

Others were asked about their political views on world issues and the war in Iraq. One CSIS agent also asked where a Hezbollah flag could be bought.

Improper Identification

During visitations by security officials, respondents often request or are offered the contact information of the official. However, the information given is not always accurate. Some respondents reported receiving business cards where the information is not up-to-date or the security agency is unidentified. Others are told that the security officials are from a “government agency” without specifying which agency. In one case, an individual was given a business card of a fictional company rather than the name of the official’s security organization (the CSIS agent who gave the card indicated the deception was aimed at concealing his identity). Another security official gave a card that listed only his first name, a phone number and a pager number, but contained no last name and did not identify the security agency he works for. One of the many problems posed by these types of improper identifications is that it can impede an individual’s ability to file a complaint against a security official’s conduct.

Informants

Several respondents indicated that they were asked to become informants and were offered money for gathering information on organizations and individuals. Some of these respondents also reported that the requests were made in an intimidating manner. For example, one respondent reported that when he refused to become an informant, the security official then abruptly ended the interview and proceeded to recite the names of the respondent’s children and several other pieces of personal information. This particular respondent wrote in his survey that the incident made him feel “nervous” and that he now thinks he “shouldn’t have met with them or talked to them.”

Interrogations of a Minor

One survey respondent was 16 years old when he was interrogated by security officials, and also reported that the officials told him not inform his parents of the incident. It is disturbing when a teenager is subjected to the questioning of security officials without the presence of a guardian to act in their best interest. A teenager may not be fully aware of their rights, understand the ramifications of their answers and may be easily intimidated by security officials.

SELECTED CASE SUMMARIES:

The following are a selection of narratives from those individuals who were contacted by security officials. Names and other identifying information have been omitted.

Case Summary # 1

One respondent was contacted by two officials at his home, but was not present to receive them. The agents left their contact information, and when the respondent called them, he said they initially only told him they were from a government agency and would not say why they needed to speak with him. The respondent said it was only after he insisted on being told which government department that he was informed it was CSIS. The respondent said he felt confused by having “strangers want to meet with me without telling me why.” He also said he attended a meeting with CSIS agents, where he was asked about other individuals and sports, but said he did not know he could have a lawyer present. This respondent did not report the incident, but indicated that he knows another person who was questioned by security officials.

Case Summary #2

The respondent was contacted by CSIS by phone. He reported that after he indicated a desire for a lawyer to be present during questioning, the agents responded, “Why do you need a lawyer?” He said the agents later admitted that it was his right to have a lawyer, but said they couldn’t understand why he would waste \$200 on legal counsel when they only wanted to ask him a few questions. The respondent, who did take a lawyer to the meeting, said he felt violated by the contacts and felt the officials were “singling me out because I’m Muslim.” He also indicated that after the contact he felt paranoid about whether or not he was under investigation or surveillance. The respondent said he knows another person who was contacted by security officials and that he did report the incident.

Case Summary #3

The respondent was contacted by CSIS at home, and said he was “freaked out” by the visitation. Nonetheless, he said the agents were invited into his home and given tea while they questioned the respondent about his acquaintances and sports. He said the agents even told him that they didn’t care if he was smoking drugs or doing anything illegal as they were only concerned with gathering information. The respondent also said the agents commented that CAIR-CAN has made their job of interviewing people more difficult, and that while they have nothing against CAIR-CAN, “Canada has to come first.” The respondent said he was unaware of his right to have a lawyer present for the interrogation and that he does know of another individual who was questioned by security officials. This respondent reported the incident.

Case Summary #4

The respondent was contacted at work by both CSIS and the RCMP. However, he was not present at the time and had to be informed of the visitation by his employer. The respondent said he felt scared, nervous and shocked by the contact and subsequent meetings. He also indicated that prior to the contacts he had frequently seen RCMP and local police cars parked near his local mosque, where he helps administratively. The respondent said his first face-to-face contact came when he was stopped by a CSIS agent who didn't identify himself as such at first. The CSIS agent was accompanied by an RCMP officer. The two officials requested a meeting with the respondent, who agreed, but indicated in the survey that he was feeling very nervous and scared and that the security official was nearly yelling at him at times. Although the respondent knew of his right to have a lawyer present, he did not bring one to the meeting where he was asked about the mosque, individuals who frequent the mosque, the meaning of the words "mosque" and "masjid" (an Arabic name for mosque that literally means a place where one prostrates) and how the mosque's funding is collected. The respondent said he invited the security officials to visit the mosque and meet its senior administrative members, and also told them that Muslims are a "peaceful people and don't allow violence." He said the CSIS agent then asked him to work for CSIS as an informant and offered to pay him for the work. When the respondent refused the offer, he said the security official abruptly ended the interview and gave him a business card that stated the name of a fictional company rather than CSIS (the agent said he would not give an official card because he wanted his identity to remain secret). The respondent said the CSIS agent then proceeded to recite the names of his children, his home address, lack of a police record and took down his license plate number. The respondent wrote on his survey that it made him feel "nervous. I second-guessed myself. I shouldn't have met with them or talked to them." The respondent said he never reported the incident to any organization, and that he does know another individual who was questioned by security officials.

Case Summary #5

The respondent reported that he was contacted by CSIS at home. He was told that he was being contacted so the agents could gather information on other suspects. The respondent reported feeling intimidated, saying the CSIS agent was getting "aggressive" and blocking the entrance to his apartment. He also said he declined their request for a meeting in order to perform one of Islam's five obligatory prayers, and that the agent's response was "very aggressive and disrespectful," saying things like he could delay the prayer, as others had, for something "important" like this. The respondent said that when he asked for a lawyer or advice from CAIR-CAN, the agent responded with comments like "What for?" and "Why are you going to waste \$300 for a lawyer?" and said he doesn't need legal advice from CAIR-CAN. The respondent said he did ultimately meet with CSIS, but with a lawyer present, and said he was asked about certain individuals. He also said he never reported the incident and that while he was not visited at his workplace, one of his co-workers had been visited

there and he now feared his superiors would be suspicious of him for associating with that co-worker.

Case Summary #6

Another respondent was contacted by the RCMP at work and said he was asked about his views on Osama Bin Laden, al-Qaeda and other terrorist groups. The respondent said he was told he was contacted about national security concerns. This respondent reported feeling that he was being discriminated against, and indicated that clients were present at the time and were inconvenienced by the arrival of the RCMP officers. The respondent said he met with the officers at a further meeting where he was again asked about the same topics. He said he never reported the incidents and that he does know another individual who was visited by security officials.

Case Summary #7

Another respondent was visited by both RCMP and local police officers at his home and said he was asked to come to the nearest police station for questioning. The respondent declined the meeting, due to an exam, and said the RCMP offered to arrange with his professor for him to skip the exam, but he refused the offer. He said they then began pressuring him to attend the meeting and told him it was in his best interest to speak with them. When he asked for the presence of a lawyer at the meeting, they responded that he could have legal counsel present but it would be better if he didn't. The respondent said the incident worried and confused him, and that he couldn't concentrate on the exam he then went to write. He also said the RCMP called his cell phone three times during his exam. Afterwards, the respondent and his wife went to the designated police station for the questioning, but his wife was not permitted to witness it and was asked to wait outside. Inside the interrogation room, the respondent said he asked what would happen if he didn't speak with the officers and that their response was Bill C-36 gives them the power to force him to speak with them. Then the officers began recording the interrogation. The respondent said they asked about his company, a brochure on the religious holiday of Eid-ul-Adha, the events of September 11, the term "jihad," if the Koran is intolerant to non-Muslims and if he knows any terrorists. He said they also asked him to become an informant – either as an agent on salary or to be paid for any information he could provide. The respondent said he refused the request, but added that if he ever had any information of use, he would tell authorities like any other Canadian citizen. He said the officers then told him not to speak with anyone, including his wife, about what was discussed. The respondent said he asked for a copy of the recording of the interrogation, but was never given one. He also said he later called one of the RCMP officers and was told "you don't want to play around with us. Be a good citizen." The respondent said he knows of another individual who was contacted by security officials, and that he did know of his right to a lawyer even though he didn't bring one. This respondent reported the incident.

CONCLUSION

Reports about security visitations have been circulating in the Canadian Muslim community since the tragic events of September 11, 2001. The abuses that were said to be occurring in the name of security instilled fear and anxiety within the community – especially because the abuses emanated from the very security agencies that are supposed to protect all Canadians.

CAIR-CAN's 2004 survey, *Presumption of Guilt: A National Survey on Security Visitations of Canadian Muslims*, is the first study of its kind to open a window into these visitations.

What that window shows is disturbing.

Many of the Canadian Muslims who responded to the survey consistently described security officials using questionable practices and intimidation tactics. The tactics that have been documented in this study are alarming and unacceptable.

The effect of such treatment is traumatizing for the individuals visited and for the Canadian Muslim community as a whole. The overall consequence is one of alienation resulting from the loss of trust and sense of security in one's home.

Yet, this need not be the sole consequence. One of the most imperative conclusions that can be drawn from the findings of this survey is the crucial need for review and reform of the practices that are currently in use. That security authorities are not respecting the basic human rights of those they serve and protect is an issue of critical importance that must be addressed. The security of Canada need not be at variance with its commitment to the protection of the rights and freedoms of all Canadians.

It is our hope that this report will be the impetus for corrective change so that all Canadians can feel confident that their rights, freedoms and dignity are respected.