



# Terrorism, Law and Democracy: 10 years after 9/11

**October 12-14, 2011**  
**The Westin Montreal Hotel**  
**Montreal, Quebec**

*With the support of*



Department of Justice  
Canada



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*(Participation to this conference is approved under Section 41 (1) of the Judges Act according to Resolution 29 (2010/2011) of the CJC and is accredited for 12 hours in provinces where CLE requirements for lawyers are mandatory)*

TO REGISTER,  
please complete and return this form together with your cheque to:

Canadian Institute for the Administration of Justice  
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I am fluent in English..... in French ..... both .....  
(simultaneous translation is provided throughout the conference)

### REGISTRATION FEE:

#### Early Bird - Until August 1, 2011

CIAJ members \$ 795 non-members \$895

#### Regular - From August 1, 2011

CIAJ members \$ 895 non-members \$ 995

Students \$ 50 (enrolled full-time at a Canadian university)

(Reception, breaks, luncheons, and conference material provided)

### I WILL ATTEND

Wednesday, October 12, reception  Yes  No

#### Annual Reception and Dinner

Additional fee: 110 \$/ per person

### I WILL ATTEND

Thursday, October 13, annual dinner  Yes  No

I will be accompanied by a guest  Yes  No

Names of guest/s .....

I wish to purchase ..... tickets at \$ 110 per person

Do you have any dietary restrictions?.....

Which?.....

### Payment by

Cheque  MasterCard  Visa  AmEx  Invoice

Account No ..... Exp. Date.....

Signature.....

ACCOMMODATION: A block of rooms has been reserved at The Westin Montreal Hotel, 270 St. Antoine West, Montreal, QC, Canada H2Y 0A3 Tel: 1-866-837-4262 or 514-380-3333, Fax: 514-380-3332, e-mail: [sales@westinmontreal.com](mailto:sales@westinmontreal.com), [www.westinmontreal.com](http://www.westinmontreal.com) \$219 single or double occupancy (taxes not included). Participants are required to make their own hotel reservations before September 16, 2011 to take advantage of this rate.

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CANCELLATION FEE: Requests for reimbursement must be submitted in writing to CIAJ seven (7) days prior to the event. An administrative fee of 10% will be withheld on cancellations submitted 7 days prior to the event. Except as noted, fees will not be reimbursed. Another participant may be designated as substitute.

# Terrorism, Law and Democracy: 10 years after 9/11

The overall purpose of the conference is to explore how Canadian law has changed with the threat of terrorism in the decade since 9/11. Many of these changes have been controversial, especially in the way in which they reconcile (or not) civil liberties and human rights with enhanced state power to combat terrorism. At the same time, the last decade has been

one of several public inquiries, investigating the actual practice of anti-terrorism by Canada's security services. Key questions arising from the 2011 conference include, at the broadest level, whether Canadian law has successfully preserved fundamental rights and values of substantive and procedural justice while at the same time contributing to anti-terrorism.

## Conference Co-Chairs

**The Honourable Justice Richard Mosley**, Federal Court, Ottawa, ON  
**The Honourable Judge Dominique Larochelle**, Cour du Québec, Laval, QC  
**Mr. Bernard Grenier**, Ad. E., Schurman Longo Grenier, Montreal, QC

## Academic Experts

**Vice Dean Craig Forcese**, Faculty of Law (Common Law Section), University of Ottawa, Ottawa, ON  
**Professor François Crépeau**, Faculty of Law, McGill University, Montreal, QC

## The Planning Committee also includes

**Mr. Michael W. Duffy**, Senior General Counsel (National Security Law), Justice Canada, Ottawa, Ontario  
**Ms. Sylvia MacKenzie**, Counsel, Federal Court, Ottawa, Ontario  
**The Honourable Justice Anne Mactavish**, Federal Court, Ottawa, Ontario  
**Ms. Beth Symes, LSM, CM**, Symes and Street, Toronto, Ontario

## WEDNESDAY, OCTOBER 12, 2011

6:30 – 8:00PM OPENING RECEPTION at the QUEBEC COURT OF APPEAL

*Host* **The Honourable Nicole Duval Hesler**, Chief Justice of Quebec, Montreal, QC

## THURSDAY, OCTOBER 13, 2011

8:00 – 8:45AM REGISTRATION

8:45 – 9:00AM WELCOME REMARKS  
**The Honourable John Vertes**, CIAJ President, Calgary, AB

9:00 – 9:15AM OVERVIEW  
**The Honourable Justice Richard Mosley**, Federal Court, Ottawa, ON

9:15 – 10:15AM

### KEYNOTE SPEECH: Title

*Introduction* **The Honourable Acting Chief Justice Simon Noël**, Federal Court, Ottawa, ON

*Keynote Speaker* **The Honourable Frank Iacobucci**, C.C., Q.C., LL.D., Former Justice of the Supreme Court of Canada, Counsel, Torys LLP, Toronto, ON

*Thank you Remarks* **Mr. Michael Duffy**, Senior General Counsel (National Security Law), Justice Canada, Ottawa, ON

10:15 – 10:30AM BREAK

10:30AM – 12:00PM

### ANTI-TERRORISM IN CONTEXT UNDERSTANDING THE THREAT ENVIRONMENT 10 YEARS AFTER 9/11

*Chair* **Vice Dean Craig Forcese**, Faculty of Law (Common Law Section), University of Ottawa, ON

### Presenter

**Dr. Marc Sageman**, M.D., Ph.D., Principal, Sageman Consulting, LLC, and Author Understanding Terror Networks, 2004 and Leaderless Jihad: Terror Networks in the Twenty-First Century, 2008, Rockville, MD

### Panel

**Mr. James Judd**, Former Director, Canadian Security Intelligence Service Ottawa, ON

**A/Comm. Gilles Michaud**, National Security Criminal Investigations, Royal Canadian Mounted Police, Ottawa, ON

**Major General Christian Rousseau**, CD, Chief of Defence Intelligence, National Defence Canada, Ottawa, ON

12:00PM – 1:15PM LUNCH

12:00PM – 12:15PM

### ANNUAL CIAJ MEMBERS' MEETING

1:15 – 2:45PM

### ANTI-TERRORISM IN CONTEXT THE CHALLENGE OF INTELLIGENCE COLLECTION AND SHARING

Disclosure in the national security context

*Chair* **The Honourable Acting Chief Justice Simon Noël**, Federal Court, Ottawa, ON

*Presentation* **Professor Graham Hudson**, Department of Criminal Justice and Criminology, Ryerson University – Recipient, CIAJ Charles D Gonthier Fellowship, Toronto, ON

*Panel* **Mr. Raymond Boisvert**, Assistant Director Intelligence, Canadian Security Intelligence Service, Ottawa, ON

**Mr. Alex Neve**, Secretary General, Amnesty International – Canada, Ottawa, ON

**Ms. Chantal Bernier**, Assistant Privacy Commissioner of Canada, Ottawa, ON

2:45 – 3:00PM BREAK

3:00 – 4:30PM

### ANTI-TERRORISM IN CONTEXT RECENT LEGAL DEVELOPMENTS

Canada's post 9/11 anti-terrorism activities in comparative perspective

<i>Chair</i>	<b>Mr. Bernard Grenier</b> , Ad. E., Schurman Longo Grenier, Montreal, QC
<i>Presenter</i>	<b>Professor Kent Roach</b> , Faculty of Law, University of Toronto, Toronto, ON
<i>Panel</i>	<b>Professor Elspeth Guild</b> , Faculty of Law, University of Nijmegen, Nijmegen, The Netherlands <b>Professor Barbara Olshansky</b> , Law School, University of Maryland, Baltimore, MD <b>Mr. Stanley Cohen</b> , Senior General Counsel, Criminal Law Policy Section, Justice Canada, Ottawa, ON

6:30PM RECEPTION at the WESTIN MONTREAL HOTEL

7:30PM ANNUAL DINNER at the WESTIN MONTREAL HOTEL

<i>Introduction</i>	<b>The Honourable Chief Justice Pierre Blais</b> , Federal Court of Appeal, Ottawa, ON
<i>Dinner Speaker</i>	<b>Rt. Hon. Lord Carlile of Berriew. Q.C.</b> , Barrister, and Former Independent Reviewer of Terrorism Legislation, London, UK
<i>Thank you Remarks</i>	<b>The Honourable Justice Richard Mosley</b> , Federal Court, Ottawa, ON

## FRIDAY, OCTOBER 14, 2011

8:45 – 9:00AM OVERVIEW

**The Honourable Judge Dominique Larochelle**,  
Cour du Québec, Laval, QC

9:00 – 10:15AM

### DEVELOPMENT IN SUBSTANTIVE ANTI-TERRORISM LAW DEVELOPMENTS IN CANADIAN CRIMINAL LAW AND ANTI-TERRORISM

Sentencing for terrorism offences: A comparative review of emerging jurisprudence

<i>Chair</i>	<b>The Honourable Judge Claude Leblond</b> , Cour du Québec, Montreal, QC
<i>Presenter</i>	<b>Mr. Robert Diab</b> , Capilano University, North Vancouver, BC
<i>Panel</i>	<b>The Honourable Justice Douglas Rutherford</b> , Superior Court of Justice (Ontario), Ottawa, ON <b>Ms. Marlys Edwardh, CM</b> , Senior Partner, Sack Goldblatt Mitchell LLP, Toronto, ON <b>Ms. Lyne Décarie</b> , Associate Chief Federal Prosecutor, Public Prosecution Service of Canada, Quebec Regional Office, Montreal, QC

10:15 – 10:30AM BREAK

10:30 AM – 12:00PM

### DEVELOPMENT IN SUBSTANTIVE ANTI-TERRORISM LAW DEVELOPMENTS IN CANADIAN ADMINISTRATIVE LAW AND ANTI-TERRORISM

<i>Chair</i>	<b>Professor François Crépeau</b> , Faculty of Law, McGill University, Montreal, QC
<i>Presenter</i>	<b>Professor Audrey Macklin</b> , Faculty of Law, University of Toronto, Toronto, ON

*Panel* **Mr. Lorne Waldman**, Lorne Waldman & Associates, Toronto, ON

**Mr. Daniel Latulippe**, General Counsel,  
Justice Canada, Montreal, QC

**Mr. François Dadour**, Special Advocate, Poupart,  
Dadour, Touma et Associés, Montreal, QC

12:00 – 1:15PM LUNCH

*Introduction* **The Honourable Chief Judge Elizabeth Corte**,  
Cour du Québec, Montreal, QC

*Guest Luncheon Speaker* **Mr. Jocelyn Coulon**, Director, Francophone  
Research Network on Peace Operations, Center for  
International Studies and Research (CÉRIUM),  
Université de Montréal, Montreal, QC

*Thank you Remarks* **The Honourable Justice Anne Mactavish**,  
Federal Court, Ottawa, ON

1:15 – 2:45PM

### PROCEDURE AND ACCOUNTABILITY IN ANTI-TERRORISM MATTERS DUE PROCESS AND THE ADJUDICATION OF TERRORISM CASES

Strategic approaches to national security investigations and national security privilege

*Chair* **The Honourable Judge Dominique Larochelle**,  
Cour du Québec, Laval, QC

*Presentation* **Professor Robert Currie**, Dalhousie Law School,  
Halifax, NS

**Mr. Philip Wright**, Queen's University, Kingston,  
ON

*Panel* **Professor Nathalie Des Rosiers**, General  
Counsel, Canadian Civil Liberties Association,  
Ottawa, ON

**Mr. Simon Fothergill**, Litigation Branch,  
Justice Canada, Ottawa, ON

**Mr. Anil K. Kapoor**, Special Advocate, Kapoor  
Barristers, Toronto, ON

2:45 – 3:00PM BREAK

3:00 – 4:30PM

### PROCEDURE AND ACCOUNTABILITY IN ANTI-TERRORISM MATTERS OVERSIGHT AND REVIEW OF SECURITY AND INTELLIGENCE AGENCIES

Comparative constitutional law and the judicial role in times of terror

*Chair* **Mr. Ronald Atkey, PC, Q.C.**, Senior Counsel,  
Toronto, ON

*Presenter* **Professor Karen Eltis**, Faculty of Law (Civil  
Law Section), University of Ottawa, Ottawa, ON

*Panel* **Rt. Hon. Lord Carlile of Berriew. Q.C.**  
Barrister, and Former Independent Reviewer of  
Terrorism Legislation, London, UK

**The Honourable Arthur T. Porter, P.C., M.D.**,  
Chair, Security Intelligence Review Committee,  
Montreal, QC

**The Honourable Robert Décary, Q.C.**  
Communications Security Establishment  
Commissioner, Ottawa, ON

4:30PM

### CLOSING REMARKS

**Ms. Beth Symes, CM, LSM**,  
Symes and Street, Toronto, ON

*Program subject to change*