

What the reports say

Sami Durgun is not a terrorist

The difficulty with this line of approach [considering “membership” an amorphous concept, as the Service’s two most senior witnesses do] is that it casts a very wide net, and that a great many people who are politically active Kurdish nationalists, who are peaceful, law abiding and non-violent, will be labelled as “terrorists.” In my view that is exactly what has happened in the case of Mr. Durgun. He has been unfairly labelled. He is not a member of a terrorist organization.

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To apply such a definition to Mr. Durgun is ludicrous.

The purpose of the *Immigration Act* is not to prevent people sympathetic to the Kurdish struggle from seeking asylum in Canada. Nor is it to prevent people with strong political views about events in Turkey from continuing those activities within the law in Canada.

The Service weakens its entirely legitimate and indeed crucial focus on terrorism when it extends definitions of “membership” in an “organization engaged in acts of terrorism” to people ... like Mr. Durgun.

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Suleyman Goven is not a terrorist

In my view, that is exactly what has happened in the case of Mr. Goven. He has been unfairly labelled. He is not a member of a terrorist organization.

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Counsel for the Complainant [Goven] noted that rather than affording the Complainant opportunity to address perceived inconsistencies, CSIS’ investigators responded by emphasizing the importance of the Service’s role in the immigration process. Yet, under cross-examination, it became very evident that the investigators’ assessment of the Complainant was based on a number of inaccuracies and distortions with respect to the information actually provided by the Complainant. Often, the very information that could have assisted the officers in forming conclusions was not elicited from the Complainant.

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There was certainly enough supportive activity on Mr. Goven’s part to attract the initial attention of the service, but not to constitute reasonable grounds for a conclusion of membership.

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I am convinced of Mr. Goven’s sincerity. The Service’s conclusion that he “blatantly lied” is exaggerated and, in the circumstances, has had a devastating effect on Mr. Goven’s life in Canada.

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On what constitutes a terrorist organization:

This list is not timeless. For example, the African National Congress (ANC) and the Palestine Liberation Organization (PLO) were both widely viewed by the Western intelligence community as “terrorist organizations” until quite recently. Leaders of these organizations were not admissible to Canada without a special permit. That has now changed. Prime Minister Chrétien described Nelson Mandela as the “world’s greatest citizen” when Canada honoured President Mandela with its highest accolade, a Companionship in the Order of Canada. A few years before Mr. Mandela’s political party was labelled a “terrorist organization.”

The purpose of both the *CSIS Act* and the *Immigration Act* is not to stifle a wide range of political views, however outlandish. The provisions are there to permit a specific exclusion of people who represent a real threat to the security of Canadians. ... The Service (CSIS) did not present a single, unified, precise definition of “terrorism,” preferring to rely on “we know it when we see it” and the working relationships described above.

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On determining what is terrorism

Any analysis related to either a determination of an organization as a “terrorist organization” or a definition of “membership” in such organizations can only be further exacerbated when the organization apparently represents the aspirations of several million Kurds in Turkey and abroad. The Service’s own numbers show that of the 10,0000 to 15,0000 Kurds residing in Canada (sentence blocked out)...

In instances where virtually the entire ethnic community in Canada is reported to support an organization branded as “terrorist” and its struggle for the cause, the Service’s representatives must be expected to distinguish between varying degrees of support for the organization by the applicants being interviewed, and the nature of their association with the organization. The Service’s Headquarters should also play a major role in this assessment, which should no longer be done in an ad-hoc manner. If a sophisticated analysis is not provided to officials making assessments, and if better guidelines are not available, arbitrary decisions and errors will affect innocent people.

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