

COMMENTARY/LETTERS

# The human rights commission jihad

By John Thompson

At the time of writing, Ezra Levant, a conservative journalist and until recently publisher of the *West-ern Standard*, has been summoned before the Alberta Human Rights Commission to answer a complaint from a Calgary Imam, Syed Soharwardy. Two years ago Levant had republished the cartoons from the Danish newspaper *Jyllands-Posten* that had ignited a pre-planned and coordinated display of carefully inculcated 'rage' across the Islamic World. (Also see the Mackenzie Institute's *The Cartoon Jihad* from February 2006).

In addition to this, the BC Human Rights Commission has begun a similar case against *Maclean's Magazine* and the essayist Mark Steyn; while Ontario's Commission and the federal body are considering additional actions. This is a result of a complaint by the Canadian Islamic Congress, who allege that the magazine and columnist are spreading "hatred and Islamophobia." Do tell.

Actually, one first rational reaction to this complaint might well be to wonder how 'Islamophobia' can possibly exist – phobias are irrational fears; not concerns based on experience, observation and history.

In any event, Steyn and *Maclean's* are showing no signs of backing down. Levant, as befits a conservative with strong convictions and a passion for debate, has demonstrated an eagerness to defend freedom of speech; and has let the Alberta Human Rights Commission know, in no uncertain terms, that he feels they should not have even considered accepting Soharwardy's complaint. Nor should it have done so.

## NOT JUST AN IMAM

The son and grandson of Pakistani clerics, Syed Soharwardy is not just an Imam at the al-Madinah Islamic Centre and Mosque in Calgary, but also is the founder of the 'Islamic Supreme Council of Canada' (where he said he hoped to organize a 'Muslim vote bank'). Despite the grandiose name the council isn't an overarching confederation of learned Canadian Islamic clerics.

Soharwardy has also been identified in the Canadian media as the founder of the *Muslim Free Press* in 2006, and the Islamic Court of Civil Justice from 2004. It is, however, hard to find any real record of accomplishment (beyond the mere fact of their existence) by these groups; but it does leave a strong impression of activism on the part of Soharwardy. A sense of his views on Islam can also be gained from a quote he gave to the *Calgary Herald* in January 2004: "Sharia cannot be customized for specific countries. These universal divine laws are for all peoples of all countries for all time." Islam über alles. . . .

Setting aside the baffling question of why the Alberta Human Rights Commission is treating Soharwardy's complaint seriously, one must ask why an aggrieved activist would use Human Rights Commissions in Canada to complain about the exercise of free speech. There are several answers.

Firstly, human rights commissions don't just have a bias against the accused – they're stacked against them. As Steyn observed in a January 2008 column in *Maclean's*: In the three decades of the Canadian "Human Rights" Tribunal's existence, not a single "defendant" has been "acquitted." Would you bet on *Maclean's* bucking this spectacular 100 per cent conviction rate? "Sentence first, verdict afterwards," declares the queen in *Alice in Wonderland*. Canada's not quite there yet, but at the Human Rights Commission, it's "Verdict first, trial afterwards." So I'm guilty and Ken Whyte's guilty and *Maclean's* is guilty because that's the only verdict there is.

Secondly, human rights commissions are cheap – very often, the plaintiff needs no legal counsel (unlike

the defendant), and might very well have his expenses refunded if he does have a lawyer in his corner. The defendant cannot expect any such beneficence, and will probably expect to ring up the same degree of expenses (\$50,000 plus) that they might in a general civil action.

## AVOID EMBARRASSMENT

Thirdly, in a regular civil action in a real court, there is the process of discovery or disclosure; whereby the plaintiff and the defendant can demand to see each other's records. Normally, in the courtroom Jihad in the US (and to a lesser extent in Canada), this is where the plaintiffs back off. In the case of CAIR in the US, the courtroom is where it was discovered that – instead of the vast legions of American Muslims the group claimed to represent, that it only had a few thousand members across the United States; and that a significant share of its money came from Wahhabi sources in Saudi Arabia. In short, CAIR was demonstrated to be nothing more than a half-disguised skill for the Jihad's political front. In Canada, sticking to the human rights commissions would be a way of avoiding such embarrassment.

Again in a general court, there is the quaint but ancient tradition of being able to cross-examine witnesses and let the defendant see what evidence is arrayed against him, so that he or she has a chance to refute it. This, like the process of discovery, can lead to all sorts of embarrassment for the plaintiff. . . but in a human rights commission hearing this need not happen. Instead, to protect the plaintiff from such indignities, he can testify without having to face cross-examination, or indeed, need not actually face his victim, er, the defendant at all.

There are clear signs that supporters and sympathizers of militant Islam are deeply interested in using Canada's human rights commissions as the new vehicle for the 'courtroom Jihad'. One indicator came from the *Toronto Star* on June 26, 2006, in an article by Faisal Kutty; then vice-chair of the Canadian Council on American Islamic Relations (CAIR-Canada) and general counsel for the Canadian Muslim Civil Liberties Association. The article *Good intentions are not enough* argues that human rights commissions need more funding, expanded powers and increased powers of punishment.

As an aside; CAIR-Canada's American parent, CAIR, is an unindicted co-conspirator in a terrorism funding case in the US and several of its founding/senior members have been convicted in US courts on terrorism related charges. CAIR and CAIR-Canada have a history, however, of suing critics who raise these issues; though the cases are usually dropped by the organizations once the disclosure/discovery stage is reached. Several erstwhile defendants in these cases suspect CAIR is most anxious to conceal its true sources of funding.

## A PROFOUND ERROR

There is a message that Canada's human rights commissions need to understand very clearly. Yes, they were formed to fight discrimination on individual cases only – cases like denying a job to a woman that she is capable of performing, or against a landlord who decides not to rent an available apartment to someone on the basis of their race. The original intent was not to let there be any limits on free speech. Unfortunately, while the likes of Ernst Zundel and the neo-Nazis were as welcome as skunks at a garden party, using human rights commissions to limit them back in the 1990s was a profound error, and it may be time to undo it. Not because of any sympathy for Zundel, but rather because we have created a monster.

George Orwell in 1984 observes that "freedom is

the freedom to say that two plus two make four. If that is granted, all else follows." Indeed, freedom of inquiry and the ability to engage in rational discussions about anything are at the heart of all our other freedoms. Even a single-party dictator for life is conceding a remarkable degree of freedom (with everything that flows from it) if he truly permits a free and open press to operate in his country. It isn't too difficult to argue that the single-most important human right is the right to argue and debate about everything. Any attempt to limit this right is to place every other freedom in serious jeopardy.

If our human rights commissions are serious about

human rights at all; their only logical reaction to the complaints against Ezra Levant or against *Maclean's* and Mark Steyn would have been to immediately dismiss them as being totally without merit. As they have refused to do this, it is clear that they require urgent and serious reform and a dramatic overhaul in their personnel. . . or else mandatory remedial training in civics and history. Until these happen, Levant's and Steyn's defiance are only the beginning.

*John Thompson is an international expert on terrorism.*

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## Visits to Poland, Israel opened student's eyes

I am a university student and a resident of Thornhill. From Dec. 24 to 27, I toured the "sites" in Poland. As anyone who has ever been there will tell you, it is unbelievable, it is horrifying, and it is real.

So many questions come to mind. How could civilized people do this? How could the Poles let this happen? How could the world let this happen? How could the Jews let this happen? These questions were all in my mind as I started the second part of my trip, a visit to the holy land.

It was during my three-hour visit to Sderot, the small city bordered with Gaza, that the same types of questions started to pop into my head and I, unfortunately, began to understand.

While the Jews of Kazimierz were being kicked out of their homes, the Jews of New York were enjoying meals with their families. While the Jews of Warsaw were being shipped like cattle to gas chambers, the Jews of

Toronto could still enjoy a hot shower when they needed to relax. While the Jews in Auschwitz could not even sleep to dream of a better life, the Jews in the free world could just change the radio news channel or skip the newspaper article.

The bottom line: If it doesn't affect me, then I can ignore it. Someone else will take care of it, so the thinking goes.

This is happening today, and innocent Jews are suffering as a result. I will admit, I myself was culpable of this way of thinking for my whole life too, but I have seen the reality and I can't ignore it anymore.

I can't ignore the fact that there are people just like me being subjected to daily horrors just because they are Jewish. I can't ignore the fact that there are parents just like mine who send their children off to school every day not knowing if they will ever see them again, just because they are Jewish. I can't ignore the fact that a family just

like mine has to sleep together in their living room so they are within 15 seconds of their basement when they have to run for shelter, just because they are Jewish.

A whole generation of young Jews is growing up in fear, a pervasive fear that none of us living in North America have ever had to experience. And all this for the simple reason that they are Jews living in the Jewish state.

I, like most people now and most people then, ignored what was happening. But it will not be ignored anymore.

A half-century after the holocaust, we constantly make the claims of "never again" and "never forget." We like to think that we would never let it happen again. Well I hate to say, but it is. And it is up to us to stop it.

I hope you will publish my pleas. The people of Sderot need us.

*Michael Greenspan  
Thornhill, ON*

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