

# Conclusion

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MICHAEL NESBITT, KENT ROACH,  
AND DAVID C. HOFMANN\*

The Toronto 18 remains the largest and most complex terrorism plot, investigation, and prosecution in Canada's history. This special issue has provided multidisciplinary case studies about the people and events that surrounded the formation, operation, prosecution, and incarceration of the Toronto 18. These interlinked case studies have, among other things, traced the Toronto 18 from its formation to consider the group dynamics, social networks, and perceptions of those that were involved, critically assessed the investigation by CSIS and the RCMP, and examined the group's financing, prosecution, sentencing, and even the ultimate parole of the individual members. Each chapter has turned a critical eye to lessons learned, both looking back to the events as they were documented by the media and court cases, as well as looking forward to what the Toronto 18 cases and Canada's reaction thereto portends for the future of law, terrorism, and counterterrorism.

To tell this story and draw out each of these lessons, the chapters in this special issue have accessed a range of previously neglected material, including the trial transcripts and decisions, a collection of thousands of media reports, a social network analysis, and the memory and experiences of some of the actors. Together, they tell a more fine-grained and nuanced story of the Toronto 18 than has previously been told. In our view, such a story needed to be told in no small part because the authors herein were able to identify some deficiencies and dangers in Canadian counterterrorism that still need to be remedied, while also identifying many lessons learned. But we also recognize that this will not be the final word on the Toronto 18. We hope that others from various disciplines and professions – including, but not limited, to law-makers – will take note of

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\* Michael Nesbitt, Associate Professor, Faculty of Law, University of Calgary; Kent Roach, Professor, Faculty of Law, University of Toronto; David C. Hoffman, Associate Professor, Department of Sociology, University of New Brunswick.

and build on the findings of the authors of the previous 16 chapters. The Toronto 18 cases deserve further reflection and analysis.

Some insights into the Toronto 18 case remain as salient as ever, perhaps more so. Homegrown threats have continued to dominate Canada's terrorism landscape – as well as that of Canada's closest and Western allies. Since the Toronto 18 were first arrested on June 2, 2006, Canada has experienced the so-called Via Rail plot, a host of Canadian citizens travelling or attempting to travel to countries such as Syria, Somalia, and elsewhere to participate in terrorist activities or engage with terrorist groups, the October 22, 2014 killing on Parliament Hill of Cpl. Nathan Cirillo by Michael Zehaf-Bibeau, and two days earlier, the murder of Warrant Officer Patrice Vincent whose car was rammed by lone wolf, ISIS-motivated, Martin Couture-Rouleau. Canada has charged over 60 individuals with terrorism offences, a significant increase of course from the time of the arrest of the Toronto 18 when only those 11 individuals and Momin Khawaja (currently serving a life sentence on various terrorism offences) had been so charged.

But though the Toronto 18 were “homegrown” in the sense that they were Canadians that came together and plotted within Canada, the context also had overt international dimensions: weapons were procured from the United States by Ali Dirie, and the plotters were Canadian, but their ideas were viewed as foreign due to the association with al-Qaeda and its ideology. As Dawson and Amarasingam, as well as Davis and Gaudette, Davies, and Scrivens, discuss in their chapters in Part I of this special issue, extremist websites that reach across national boundaries such as “Clear Guidance” served as influential forms of instruction to the Toronto 18, and such web forums are only more common today. In addition, institutional racism and Islamophobia of “othered” Canadian citizens formed a critical part of the story from the investigation through to the initial press conference and coverage, to the trials and subsequent attempts to strip some of those convicted of their Canadian citizenship.

Although al-Qaeda – and now ISIS – inspired terrorism remains the greatest terrorism threat according to Canada's national security agencies at the time of writing this conclusion,<sup>1</sup> we are also currently seeing the rise

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<sup>1</sup> Canadian Security Intelligence Service, *2018 CSIS Public Report*, Catalogue No PS71-2018 (Ottawa: Public Works and Government Services Canada, June 2019), 19; Canadian Security Intelligence Service, *2019 CSIS Public Report* (Ottawa: Public Works and Government Services Canada, April 2020), 4, 12.

of other strains of ideological terrorism, most prominently far right and “Incel” (Involuntary Celibate) extremism. Examples include the horrific attack on a Quebec City Mosque by Alexandre Bissonnette, killing six worshippers and injuring 19 others; Justin Bourque’s 2014 planned gunfight with Canada’s RCMP, killing three police officers; the Toronto van attack by the self-described Incel Alek Minassian, whose misogyny and sexual frustration was his justification for running down a crowd of people in downtown Toronto, killing ten people while injuring 19 more on April 23, 2018; and the murder of a woman and attempted murder of another by a Toronto youth (unnamed) on February 24, 2020, who became the first self-identified Incel or far right actor charged with terrorism in Canada, and the first Incel so-charged in the Western world.<sup>2</sup>

As with the Toronto 18, each of these attacks were homegrown in the sense that the perpetrators were Canadians planning and executing attacks entirely within its borders. At the same time, the ideology and broader landscape of the far right and Incel threat extends well beyond Canada, to the United States, and across the Atlantic and Pacific oceans to countries such as New Zealand, Australia, Germany, and the United Kingdom. The actors are at home, but the ideas behind far-right extremism and anti-misogynist Incel ideology are equally as international as the ideas behind the Toronto 18’s brand of al-Qaeda-inspired terrorism.

Although we cannot treat Islamist and far-right terrorism as completely analogous in terms of their respective goals, ideologies, methods, and radicalization trajectories, there are still lessons that can be learned from the Toronto 18 that can be used to better understand how and why far-right terrorist groups – and other groups in the future – emerge within Canada and abroad. At least to date, both far-right and al-Qaeda (and ISIS) inspired perpetrators in Canada consist primarily of citizens who see their ways of life under attack by outside forces, who choose their targets symbolically in order to punish, intimidate, or cause fear among their perceived enemies and who typically operate with little to no outside support from other terror organizations. Even as things change, many underlying fundamentals remain the same.

One fundamental issue discussed in this collection is the inability of radicalization scholars to explain why so few individuals escalate towards

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<sup>2</sup> Stewart Bell, Andrew Russell, and Catherine McDonald “Deadly attack at Toronto erotic spa was Incel terrorism, police allege,” *Global News*, May 19, 2020, <https://globalnews.ca/news/6910670/toronto-spa-terrorism-incel/>.

terrorist violence when so many individuals experience the same sorts of pressures and grievances associated with violent acts. This and related issues have been discussed in Part I of this special issue from different theoretical, epistemological, and empirical standpoints.

Another fundamental issue is the difficulties of transitioning from the more secretive intelligence mindset of CSIS to the more public demands of disclosing evidence as often required in terrorism prosecutions, including those related to the financing of terrorism. Different practitioner and academic perspectives on this enduring and difficult issue have been discussed in Part II of this special issue.

Whether the public or security scholars like it or not, terrorism prosecutions will continue to be burdened by a range of legal issues discussed in Part III of this book including *Charter* and entrapment challenges by the accused, the role of lay and expert evidence on controversial and contested subjects often related to the political, religious, or ideological objective requirements that must be established in Canadian terrorism law, and the role of possibility bias by jurors and perhaps other participants in the trial process.

A final fundamental issue – one that will continue to present challenges in Canada and beyond – is what to do with those convicted of terrorism offences both on sentencing and beyond. Part IV of this special issue deals with the legacy of long terrorism sentences left by the Toronto 18 prosecutions. Even with the use of long sentences, only two of the 11 men convicted in the Toronto 18 trials remain in jail. This fact, that even with long sentences for terrorism offences many convicted planners will be released (well) before they have “aged out” of the risk range for terrorism,<sup>3</sup> raises questions about rehabilitation and programming offered to “convicted terrorists” in prisons. Putting the chapters in this section together, one sees in the result a series of long prison terms based on fear of terrorism as a general phenomenon coupled with the inability of the individuals that perpetrate the discrete terrorism offences to access needed interventions. For society, this means the risk of depriving an individual of their liberty for longer than might strictly be necessary where the offender was young, repentant, and largely uninvolved in the planning and certainly execution of a plot (a serious rights concern), while also eventually releasing terrorist offenders that have never received assistance in addressing their

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<sup>3</sup> See Nesbitt, Chapter 14 of this book.

underlying grievances and ideologies (a serious safety concern). One is left to question how both rights and safety are best served by such a system.

Undoubtedly, the terrorism landscape – within Canada and across the world – will continue to change in the decades ahead. Perhaps it will continue to be dominated by homegrown threats, or perhaps physical threats from abroad will once again increase. Invariably, the ideologies, the groups, the grievances, the size, and the complexity of the plots will all shift with the times. But even as all this transpires, the lessons from the Toronto 18 investigation and prosecutions will endure. Canada will still struggle with issues such as why some actors radicalize to violence while others do not, the relation of intelligence to evidence, legal claims of entrapment, the role of police informers and electronic surveillance in terrorism investigations, the difficulties of ensuring that trials are both fair and reasonably efficient, and the dilemmas encountered in sentencing those who pled or are found guilty of broadly defined terrorism offences. As a result, scholars and practitioners who read this volume may be able to apply certain ideas and lessons to future threats to Canadian public security, including far-right terrorism.