

## **NJW PANEL ON COMBATTING HATE SPEECH**

### ***“Learning from Simon Wiesenthal’s legacy”***

**August 27, 2023**

**M.C:**

Welcome to our panel on combatting hate speech. [Land acknowledgment was made to Huron-Wendat, the Seneca, and the Mississaugas of the Credit Indigenous people]

We would like to call our first speaker, Sarah. Sarah Teich is an international human rights lawyer based in Toronto, Canada. Prior to co-founding Human Rights Action Group with David Matas, she established her own law practice advising various organizations including Uyghur Rights Advocacy Project, the Canadian Coalition Against Terror, United Tegar Canada, and the Tamil Rights Group. Sarah holds a Juris Doctor degree from the University of Toronto Faculty of Law and is licensed to practice law in Ontario and New York. Welcome, Sarah.

Today's program is about combating hate speech. And we're going to talk about Simon Wiesenthal's legacy. Simon is called a Nazi Hunter, and he is a survivor of the Holocaust. And, Sarah and David are going to be talking about Simon's legacy, and the implications of his work on combatting hate speech. They will answer your questions at the end of each session, and there is also going to be a Q&A session in the second half of the panel. We also ask our participants to kindly contribute to our panel with your questions, and our panellists will be happy to answer your questions. I now would like to pass the microphone to our moderator.

**Moderator:**

Welcome, everyone. My name is Davut Akca and I will be moderating this panel today. I'm an assistant professor at the Lakehead University. So today's topic is very important. I thank Northern Justice Watch and our panellists for organizing and contributing to this event. This topic is as important today as it was yesterday. And we are here to learn from the history, the history of Jewish people and the history of Simon Wiesenthal. If you don't mind I would like to read a very brief part from Turkish literature. It's about learning from history. And if you don't mind, I will first read the Turkish version of it. And then I will try to translate it into English. It's from the writer of the national anthem of Turkey, modern Turkey, Mehmet Akif Ersoy. Interestingly, Mehmet Akif Ersoy was a poet and he had the honour of writing the national anthem of Turkey. In the last years of his life, he was forced to live in incitement. His life has lots of connections with today's topic. So he says, "*Gecmisten adam hisse kaparmis... Ne masal sey! Bes bin senelik kissa yarim hisse mi verdi? Tarih'i tekerrur diye tarif ediyorlar; Hic ibret alinsaydi, tekerrur mu ederdi?*" Now in the English version of it. "They say that a man has taken lessons from the past. What a fairy tale think that the 5000-year-old history gives even a half lesson. They describe history as repetition. If any lesson was taken, would it repeat itself?". So we are here to take lessons from the history, the history of Jewish people, the history of Simon. So with that brief introduction, I would like to pass the microphone to Sarah to listen to the history and the legacy of Simon Wiesenthal and the Jewish people. Thank you.

**Sarah Teich:**

Thank you. In terms of an introduction of myself, I think that's sort of covered. Though the one thing I will say about this is I'm not a Jewish history expert, I'm not running a Jewish organization, David and I have Human Rights Action Group that is not focused on Jewish issues. We just both

happen to be Jewish. And we're both human rights lawyers. David is also senior honorary counsel to B'nai Brith Canada, but myself, I don't do that much in that Jewish space directly. So with that disclaimer, let's talk about the legacy of Simon Wiesenthal, and what lessons we can learn for the Hizmet community. All right, so essentially, these are the two points I'm going to talk about. I'll give a brief overview of the life of Simon Wiesenthal and some lessons we can learn and then we'll apply that to the Hizmet community. Simon Wiesenthal was born in 1908 in a city that is in modern-day Ukraine. He survived through the Holocaust, he was rounded up and sentenced to a concentration camp. He escaped from that camp in 1943 only to be caught and returned in 1944. He was kept alive and I believe one of 34 of originally hundreds of thousands. As the Soviets were advancing, and it was so that the SS guards who were in the region could justify not going to the frontlines of combat so sort of luck, but he was kept alive and they marched them westwards, most of the Jewish people did not survive. Simon Wiesenthal did, and weighing less than 100 pounds when US troops finally liberated on May 5, 1945. That's when he started doing his great work. So yes, after the Holocaust, he began collecting evidence on Nazis. He first worked with the US Army with their war crimes section and a lot of his evidence was used as part of the US war crimes trials. When those concluded he opened the Jewish historical documentation center based in Austria. His work led to the capture of various Nazi war criminals. Contrary to popular belief, he did not do it himself, but rather he collected a bunch of evidence from informal networks – a lot of the time with friends, colleagues, what have you – pieced together sort of seemingly unconnected dots and he built these dossiers that then led to not only the capture but the conviction of various high profile Nazi war criminals, including Adolf Eichmann, who supervised the implementation of the so-called final solution. That was the plan of putting all the Jews in the gas chambers and killing them once and for all. And then Karl Silber

Bauer, who was the Nazi who arrested Anne Frank. Simon started this work right after the Holocaust, but I just want to highlight how long it took because this is going to be one of the lessons we talk about. Adolf was only captured in 1960, and Karl in 1963. Adolf Eichmann was found in Buenos Aires, Argentina, and Karl, I believe was founded in Austria. So essentially, there are many lessons we can learn from Wiesenthal. Just to highlight a few, one important one is the pursuit of justice. I had dinner last night with David and we talked about this. There are so many ways to go about this, once an atrocity sort of is finished. It would be so easy for someone to prioritize something like vengeance, or other motivations, but Simon Wiesenthal prioritizes justice and actually he wrote a book called "Justice, not Vengeance", which I think is available to order on Amazon for more in-depth, covering of his work. In that same breath is accountability, you know, justice and accountability. Atrocity crimes is what we'll be talking about in our presentation. And this is the umbrella term that covers genocide, war crimes and crimes against humanity. So when criminals commit war crimes, we call them war criminals. When criminals commit crimes against humanity, we'll call them criminals against humanity. And then the third point I have here is the importance of documentation. And this is the point I raised about, you know how he sort of collected all these unconnected, seemingly unconnected dots to build these massive dossiers, he was incredibly thorough, and he was very, very well organized. And what he did was sort of bring everything together in a way that enables captures and convictions of these international criminals. So the importance of patience, resilience, thoroughness, connecting the dots. Patience, resilience, because as I said earlier, it took, you know, almost 15 years to capture some of the high profile criminals after everything was already completed. So it takes a long time. Okay, so let's apply these lessons to Hizmet community. And I'll just start with some background information.

So I'll start with some information that I'm sure all of you know. But just in case, if there's even one person in the room who's not a member of the Hizmet community, I think it's important to give just a little bit of background and also if this is recorded, and other folks are going to be watching. So the Hizmet community, from my understanding, I realize the irony of telling you about your community as not a member of Hizmet community, in any case, follows the teachings of Fetullah Gulen. It's a peaceful movement, that prioritizes tolerance, coexistence, and service. Hizmet is the Turkish word for service. And those belonging to the Hizmet community have faced discrimination in Turkey for many years. And this, of course, intensified after July 2016, when Erdogan accused the Hizmet movement of staging a violent coup in the country, and repression intensified under the guise of counterterrorism. The Hizmet Movement was criminalized, it was labelled a terrorist organization FETO. And many, many crimes have been committed in the years that followed. And I just want to flag actually, before we move on to that, this use of the terrorism label is a very common tactic of authoritarian regimes. It's a very common tactic. So we see this like, you know, with Uyghurs, David and I do a lot of work with that community as well. They're labelled a terrorist movement by the Chinese regime. We see this in other countries such as Ethiopia and Sri Lanka, it's very common. So since July 2016, the Turkish government has intensified the repression of the Hizmet movement. They've detained over 300,000 people and thousands of prosecutors and judges. And the Turkish Government has shut down also 2000 institutions, including 131 media outlets. The Turkish government detained so many journalists that first time they were the worst jailer of journalists in the world. I believe now they're number six. And there's evidence of course that detainees in the prisons are tortured

and raped. The Turkish government has been found to have violated multiple international instruments as part of this repression. This has been found by multiple instances in dozens of cases, including the Working Group on Arbitrary Detention, the UN Human Rights Committee, and the European Court of Human Rights. Detentions by the Turkish Government have been found in many cases to be arbitrary and unlawful. The Human Rights Committee and the European Court have found, again, multiple violations of human rights in the context of this crackdown. So what can be done? So there are some important differences from Simon Wiesenthal at the time. One is that the perpetrators are still in power. And Simon Wiesenthal began documenting evidence and building these cases against the Nazi war criminals. They were already I mean, it was done in Germany had lost the war, they fled to different parts of the world, such as Argentina. So they weren't in power, they were in hiding. This is not the case, obviously, in Turkey, where Erdogan has won another term and he's still in power. There's no indication he's not going to be in power anytime soon. It's harder. It's harder to seek justice in that case, of course. But there are still lessons that we can learn. And one important lesson is to prioritize justice, which I know this community has so far done a very good job of doing so many cases in international instances that have been brought forward. But just to sort of continue in that way and make sure to seek justice, not vengeance, I think is an important lesson. And then to prioritize thoroughness, I think this is one of the biggest lessons we can learn from Simon Wiesenthal. The work he did, as I said three times already he did piece together these seemingly unconnected dots, and it had very impressive results. Another important lesson is that combating hate speech is not enough. So Simon Wiesenthal didn't work specifically on hate speech, he was working on, you know, the genocide committed by the Nazis at the time. And I think there's a lesson there too, especially as the topic of this workshop is content and hate speech, we need to sort of broaden

out a little bit where, you know, David will narrow back into the legal remedies for hate speech in particular, but the hate speech that's being perpetrated against the members of Hizmet movement is part of this broader scene into hundreds of thousands of arbitrary detentions, torture, rape, etc. And it can't be singled out, we have to look at the atrocities as well. So as I said, David's going to talk about how to combat hate speech there, I believe 12 legal remedies he is going to go through today. But we also need to combat the atrocity crimes. So now the question is "how". This is obviously way too much to properly go into in 45 minutes, but we'll just sort of scratch the surface today and hopefully get into the deeper another time. There are a number of international mechanisms that are available. One of them is the International Criminal Court. The ICC is jurisdictionally limited, they can only investigate crimes that occur on the territories of States Parties, or by state party nationals. And when I say state party, I mean state party to the Rome Statute of the International Criminal Court. There are exceptions to this rule. If the UN Security Council issues a resolution asking the court to investigate, it can do so. If a country is not a State party, but asks the court to investigate or gives permission on an ad hoc basis, they can investigate, but for the most part, it is limited. Turkey is not a state party. So the ICC would not be able to investigate crimes that Turkish officials commit on Turkish territory. But we can look at deportations from the territories of states party. So when people are forcibly returned from, you know, places like Bahrain and Pakistan which I've been representing two families. In circumstances where it has been people are forcibly deported from the territories of countries that are state parties to the Rome Statute, back to Turkey, those parts can be investigated. And to my understanding, a request has already been made to the ICC from a European organization. So that should be in progress already. All right, then we have various UN human rights bodies. So Turkey is not a state party to the Rome Statute, but they are a state party to numerous international human

rights treaties such as the Convention Against Torture, the optional protocol, the ICCPR, which David will touch on in his remarks, the Convention on the Elimination of All Forms of Discrimination Against Women, the Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. So this comes with a number of options. Turkey has also accepted the individual complaints procedures for some of these treaties, which means that the human rights treaty bodies that monitor state-party implementations of those treaties can receive and consider complaints of Turkish violations. I didn't put this on the slide show. But there's also the ability to make your complaints to the Special Rapporteurs. I know that's already been done a number of times. So there's all sorts of relevant bodies like that. And then there's also the International Court of Justice. And this relates as well to the human rights treaties that I've just talked about. Because the ICJ in general is consent-based. So Turkey would need to consent to a case against it at the international court. But if Turkey has ratified the treaty that contains within it a dispute resolution mechanism to the ICJ, something like, "the state parties to this treaty, hereby decide that if there's a dispute about the meaning or interpretation of this treaty, the ICJ can settle a dispute". I am paraphrasing of course, but they are sort of along those lines. So if Turkey has signed on to treaties that have that kind of clause that's essentially consent in advance to the jurisdiction of the court then a case can be brought to the International Court of Justice. So other treaties that Turkey's a state party to it Column three that I've named, the Convention Against Torture and the Convention on the Elimination of All Forms of Discrimination Against Women have clauses like that enable the court to take jurisdiction. The tricky part is Turkey has made reservations concerning those clauses. So a little bit background, when a country ratifies a treaty, they can say essentially, we ratify this treaty except for article X. And that enables them to still join the treaty, but you know, not be bound by all the provisions. And reservations like



that are considered valid unless they're considered contrary to the object and purpose of the treaty. So Turkey has made reservations under both these treaties saying it will not be bound by the International Court of Justice dispute resolution clause.

So that makes things a little trickier, but not impossible. So what I put here is a state party like perhaps Canada can still initiate a case to the ICJ for Turkish violations of these conventions, and then they will just have to ask the court to find that the Turkish reservations under those clauses are invalid, because they're contrary to the object and purpose of the treaty. And there was actually a case that looked at that in the context of the genocide convention in Rwanda and DRC. And they asked the court to find that the Rwandan reservation was invalid. And the court disagreed and found that the reservation was valid. But there's no concept of precedence or stare decisis in international law. So nothing would be stopping us from asking this question again. And even in the case that was sort of negative on this regard, there was a very strong dissenting opinion, so the door is not totally shut down, and maybe something worth pursuing. There are also a number of domestic mechanisms. And we've leveraged some of these already. So there are targeted sanctions. We have mechanisms for that in Canada and in lots of other countries as well, the United States, the UK, the EU, and Australia. So they are all around the world. And we can ask those countries to impose targeted sanctions on Turkish criminals against humanity. And that would have the effect of banning them from those countries, and also their property could be seized. And in Canada, actually, the property can be repurposed and used to compensate victim communities. So this new feature of Canada's sanction system is unique and potentially really powerful. There's also universal jurisdiction. So the ICJ is not the only body that can look at genocide, crimes against humanity, and war crimes. We also have universal jurisdiction for those

crimes in Canada and in many other countries. And that means that these criminals can potentially be prosecuted in domestic courts of law, such as Canada's, and Canada is a bit tricky, because we have the law on the books, but we haven't done a UJ prosecution since 2002. And there's been no budget increase since the office was established. So they have a whole policy that basically says we deport them, we don't prosecute. So it's tricky. There are other jurisdictions that can be leveraged. So there's universal jurisdiction possibility in Argentina, and we've been working on that, I should say, we also submitted a request for targeted sanctions in Ottawa. So these two first things on the list are in process by us. There's also a possibility of refugee resettlement. And this is particularly important for Hizmet people, that non-safe countries where perhaps Turkey can influence, you know, see this with Bahrain and Pakistan. Those are just the countries that involve the cases I've worked on, but I'm sure there are other countries where Hizmet people are vulnerable to this sort of deportation. And those people can be brought to Canada, that can be legislated or through other mechanisms. So creating an exceptional stream and I believe the caps on Sponsorship Agreement holders all sorts of things that can be done. There's of course, remedies for hate speech, which David is going to focus on in his remarks after me. And then all sorts of political mechanisms. So we can have parliamentary resolutions passed, either, you know, simply just condemning what's happening in Turkey or requesting, for example, the exceptional stream for refugee resettlement, requesting targeted sanctions, so they can be not just sort of condemning Turkey but focused on other remedies that we are pursuing. There are also committee hearings, there's various committees that could be relevant, for example the Subcommittee on International Human Rights. The Committee could be asked to conduct a study, and then that committee could end up proposing conclusions, and this might affect some of these other mechanisms, so their conclusion can recommend targeted sanctions, refugee resettlement,

etc. So I think as we were talking about all of these things, and I know, this is the first presentation of the day, there's a lot more to cover. I think in terms of bringing this back to the lessons of Simon Wiesenthal, it's important to be strategic and to look at sort of everything, you know, specifically, but then also from a bird's eye view and look at what initiatives can be taken in tandem, which ones are mutually reinforcing, what to do, and when, essentially, and just being really sort of thorough and tactical about this. Because there are many, many options. I mean, for hate speech, and others to follow the next year, we scratched the surface of all these other ones. And again, to prioritize justice and accountability is important. There's also something we haven't talked about it really is the importance of documentation. So that's the sort of hard work of collecting evidence and being organized. And that's something that the community can take on and would help probably anything you do from a legal perspective. And then a sort of final thought is to be patient is the resilience aspect that I've already highlighted. Most criminals were only captured in 1960 and Wiesenthal started in his work in 1947. So I know it's very easy to get discouraged and you guys have been at this for a long time but I just to encourage you to keep at it and not to be discouraged by the fact that you don't see results within a few years because these things do take a lot of time. So I don't even know how long I've been talking but I think I'll just leave it there for now because I've covered a lot in a short period of time and I'm happy to answer any questions.

**Question from Audience:**

Hi, Sarah, thank you so much for coming. I just want to ask you some specific questions. You have mentioned that authoritarian regimes are generally declaring opposition parties as terrorists. I was wondering in Canada, is there any legal case that is, for example, accepting this fact? This

is not the first time where this sort of thing happened, especially in the Middle East. I'm sure during the Arab Spring, this kind of thing happened. Did Canada take any actions in similar cases or are there any precedents that accept this fact? I would be so happy if you mentioned a little bit about that.

**Sarah Teich:**

Yeah, it's a really good question. I don't know if there's an exactly analogous case that's been before a Canadian court. But there are certain precedents that I think we could certainly draw on. So for example, I mean, to start with, there have been cases where Canadian courts and tribunals have found governments to be like, essentially committing or sponsoring terrorism. So there's a case like that before, like an immigration board, I believe that was upheld by the Canadian court of law, with regards to Eritrea. Iran has been called a state sponsor of terrorism many, many times. And that's actually built into the law, to the Justice for Victims of Terrorism Act. So I don't think it would be much of a stretch to say, at least, you know, regimes that sponsor terrorism for them to call someone else terrorist has no credibility. I think there have also been cases, if I'm not mistaken about the Tamil groups being first added to the terrorist list and then removed. I know, with Uyghurs, ETIM was designated as a terrorist organization and then removed, certainly in the United States. I'm not sure if also in Canada, I'd have to do a bit more research. But there are things that certainly can be used. And then there's also legislation that can be pursued. And this is something I think I mentioned at dinner last night, but something I've been pursuing with a member of parliament is I pitched a private member's bill for him to amend the Canadian Criminal Code, the terrorism section to make it a criminal offence to misuse the terrorism label. And he loved it right away. He brought it to the party lawyers. And that's sort of in process and I don't

know if that's going to go anywhere. But if that ends up being built into the criminal law, then we can certainly bring cases about that and try to set those precedents. Does that answer the question?

**Question from Audience:**

So if the members of parliament do end up criminalizing misuse of the term terrorists, we would be so happy. I am a justice and accountability director of the Northern Justice Watch. And we want people to come forward but due to the labels that are attached to that and make it a internalized trauma they no longer want to keep forward, and we just want to do something. And if and when the tables turn, we just want to make sure that we did something. If there's anything as an organization or community that we can do for members of parliament or pass regulation, that will be really, really good.

**Sarah Teich:**

The answer is yes, but probably not right now. My conversation with this member of parliament was not formal or public. But I think at a later stage, assuming this gets to a later stage, widespread community support would be incredibly helpful. And if this particular MP ends up, you know, falling through and he doesn't do it, then perhaps, like, showing up with a community to another member of parliament, to show that there is a constituency that cares about this, I think would be important, but not right now. Not for this MP, but in general. Yes, for sure. Anyone else?

**Question from Audience:**

Hey, if I recall correctly, the UN, in terms of arbitrary detention, has requested country visits from Turkey under the mandate of the International Covenant on Civil and Political Rights. Three times so far, in 2016, 2017 and 2020. The Turkish government simply ignored all of these letters. Is the international community witnessing atrocities of this magnitude first time, so they don't know what to do? Or it's ineffective in some way?

**Sarah Teich:**

Good question. I mean there are different bodies that can do country visits. So I didn't know about that. But if that body's not working, then perhaps going through another body might work. And then generally trying to raise awareness of this happening in Turkey. I think a lot of people don't know what's happening in Turkey. I'm not sure if it's because no one's witnessed this magnitude. I don't think so. I think there are lots of atrocities happening in lots of places in the world. I'm not sure exactly why, I can only guess; maybe it's Turkey's geopolitical importance, and desensitization, maybe on the other hand, is just there are so many happening, and multiple genocides are happening in the world right now. I'm not sure but I think just continuing to pursue different courses. And if the ICCPR country visits, if that's not happening now, for whatever reason, then maybe going sideways to another body that can do the same thing.

**Question from Audience:**

So if the European Court of Human Rights has had jurisdiction over these crimes, why does it not look at the violations under ICCPR?

**Sarah Teich:**

Yeah, good questions, again. So the European Court of Human Rights wouldn't look at violations of the ICCPR. They do look at violations of the European Convention on Human Rights. So that's their jurisdiction. There have been I haven't worked on any European court cases with respect to the Hizmet Movement only because there have been so many already, I think, at least a dozen. They're finding violations of the European Convention on the part of Turkey. And then what's happened is that Turkey has simply just ignored the judgments. And I last time I checked, which was I mean, I'm not I may not be totally up to date on this piece of news. But last time I checked maybe about six months ago, they had initiated what's called infringement proceedings. So when a country doesn't listen to a European Court of Human Rights judgment, someone can initiate this, David maybe knows about who initiates infringement proceedings of the European Court, is it the governing body of the court itself or a country? (David replied as "Victim") Victim Okay, so the victims going to initiate Thank you. In those infringement proceedings. it can be found that the country is not listening essentially, to the judgments, and certain things can come out of that. So that may happen I don't know what the latest is with that but even the mere initiation of infringement proceedings can be really powerful. So that's only been done once before this time with Azerbaijan. And Azerbaijan simply started listening to the judgments after the proceedings were even initiated. So no one really knows what will happen if it carries on past that beyond just the theoretical so hopefully just the fact that this is happening with Turkey will push them to start listening to the judgments but there are already many judgments against Turkey at the court.

**Question from Audience:**

Is jurisdiction limited to hate speech occurring in Canadian territory? Or should legal action be pursued for hate speech committed abroad?

**Sarah Teich:**

I think I'm actually going to leave that up for David's answer because this is the subject matter of David's talk.

**Question from Audience:**

Can saying someone terrorist to a member of the Hizmet movement, solely by itself, be considered against crime against humanity?

**Sarah Teich:**

It's a good question. I hadn't thought about this. So I am thinking off the cuff. So there are several crimes against humanity, they are described in the Rome Statute. There's the crime against humanity of murder, the crime against humanity of extermination, of persecution, etc. Persecution needs to be tied to another. So sort of quickly running through the list in my head, it strikes me that the only one that would maybe fit is the crime against humanity of other inhumane acts, it's sort of the catch-all at the end, I think that would be a bit of a stretch. I mean, maybe. But in terms of hate speech, there are so many other entities that we think are better suited. David will talk about that. I think going to the ICC and trying to argue that using this terrorist label as hate speech and reframing it as a crime against humanity would probably not work. I mean, it's not to say that it's impossible, but I think it would be a bit of a stretch. I do think, though, that with regard to the ICC, if an ICC case is opened, focusing on deportation and persecution is best



suited. The court is limited to investigating those crimes, but they can still look at the broader context. And they do. So we saw that with Myanmar/Bangladesh. They're focused on deportation and persecution in that case. But they're still looking at genocide, just they're not really they're not investigating or prosecuting genocide, but it's important for them to look at what's happening around. So if a case is opened at the ICC on these other grounds, nothing would be stopping a court from also looking at this broader context. Maybe making a statement about that. So maybe that's a better way.

**Moderator:**

Thanks so much, Sarah, for your presentation and answering questions. Now we will have a 15-minute break and then we will listen to David's presentation and we have some refreshments for everyone. Thank you.

- *SESSION BREAK* -

**Moderator:**

Welcome back, everyone. We will now listen to David Matas' presentation. David Matas is an immigration, refugee and international human rights lawyer based in Winnipeg, Manitoba, Canada. He has served the government of Canada in numerous positions including as member of the Canadian delegation to the United Nations General Assembly, the United Nations Conference on an International Criminal Court; the International Holocaust Remembrance Alliance; and the Organization on Security and Cooperation in Europe Conferences on Antisemitism and Intolerance. He has been involved in several different organizations, including the Canadian Helsinki Watch Group, Beyond Borders, Amnesty International, and the Canadian Council for Refugees. Matas was appointed a Member of the Order of Canada in 2008. He is currently Senior

Honorary Counsel for B'nai Brith Canada and remains involved in several non-profit organizations, including Uyghur Rights Advocacy Project, International Tamil Refugee Assistance Network, Tamil Rights Group, and United Tegar Canada. He is a senior fellow at the Raoul Wallenberg Centre for Human Rights. He was nominated for the Nobel Peace Prize for his work on forced organ harvesting. David Matas is the author, co-author and co-editor of 11 books. I will now pass the microphone to David.

**David Matas:**

Hi everyone, I am David Matas. I would like to start right in. I am going to speak about how to combat hate speech, and how to learn lessons and values from Simon. I think we can learn from the Jewish experience and the nature of human rights violations. Threats and hate speech directed at the Jewish community started in Nazi Germany in 1933. And so it's important to take these threats seriously and take them quickly. Because by the time the Nazi regime got involved in 84 countries, the hate speech was directed against the Jewish community and spread around the world. What we saw with World War Two, there was a holocaust not just in Germany but also it was everywhere in every country that the Nazis invaded because of local collaboration. However, it was also in countries that the Nazis didn't invade and denial of refugee protection and also because of the hate speech directed to the Jewish community that Nazis spread. When it comes to physical violence. It's more difficult when it comes to hate speech that spreads very easily and very quickly. That is particularly true knowledge and internet hate speech is more than a threat although that is a warning when we see speech we have to act now. Because tomorrow may be too late. I have 16 ways to deal with hate speech. So I will try to run through those sixteen ways to deal with these.

Okay. So let me run through these 16 different avenues of remedy. And I'll stop, I'll do them in four groups of four. So first of all, I want to deal with remedies available through the internet of remedies in terms of government, but there are also remedies in terms of contract. Because everybody is on the internet, every organization, every institution is on the internet by virtue of the whole contract service provider. And these terms of service typically prohibit the use of the Internet to promote hatred, so one thing that we can and can't see is websites. And then there are several services you can go to on the internet. When you look at any website, you can put in the URL universal divorce resource locator of that website and find out who the host is. And then you can find out from the host website, what the contract from the host website. I did this, just for Northern Justice Watch's primary host. So I looked at their website and was on the internet and found the host. I then looked at the terms of service of the host. And I'll just read out an excerpt of what I found. It says any content that is hate for inflammatory and such crimes against humanity or quantum exciting hatred or discrimination towards individuals. by reason of there, there's a long list, but one of them is religion is prohibited and can lead to, amongst other things, immediate suspension of older parts of the services provided under the contract, the deactivation of the client account and the determination of the contract. So if you find a website, anywhere in the world, they're gonna have a contract or something like that. Now, I actually looked up also, what the government of Turkey's Ministry of Foreign Affairs has on their website about Hizmet, and there are a couple of things that are very questionable. That shouldn't be there. So I also looked at those variables. And narrow host is, unfortunately, a Turkish provider, Turk Telecommunications. So I assume that they are not going to go against the government of Turkey, but that is a remedy with invoking if you find anything on the internet on the website, so that's

first ground. It's nothing new to the terms of service. It's the same with emails as it is with web pages or websites that everybody uses. Email means a service provider if you don't get to service your service provider unless you sign a contract, or unless you engage in a contract, and these contracts typically have what I just read out to you from NJW's host service. And it's not only that the host has an email service as well as a web host, the web page, hosting a website was installed. And so the same terminal service's terms and conditions in regard to hatred would apply to email. So if you get, for instance, every one of us every day gets a whole host of spam emails or phishing emails. For those, you can find out who the service provider is, you can find out what's in the contract with the service provider, it probably has a prohibition against the sacred age, and you can contact the service provider, say, cut this, this person or this organization off your service, and more likely than not, they will do that. I mean, I've tried this myself. And that's been my experience. So that's a second method that's available. As to the spirit, internet remedy, I would suggest is even with social media, as a whole bunch of different social media companies, the the biggest and most popular is Facebook. And they have a very elaborate prohibition against using Facebook for hate speech, is it's part of the terms of service as interpreters in terms of services, community standards, and in terms of big engineering standards, there's a section or need speech, and not such, just a hate speech alone in just about 1500 words, because they don't normally say don't do it, they give a justification and to give examples. And, of course, the reporting mechanism. In fact, these service providers typically don't give you a, our page or email, they communicate plain breaches of the terms of service to the and they say, I mean, Facebook will say if the violated materials are removed, that that count as a person and put it there may be disabled, and it becomes disabled, they reserve the right to refuse that user of the number. So that, again, it is a remedy worth pursuing. A lot of people, I would say are kind of mystified by

the internet, and they don't know where everything's coming from. But it is possible to track it down and shut it down. Also, there's a tendency to rely on the government to do things about this, but you don't have to rely on the government, you can rely on private companies. And in some ways that's more effective. But there was a question about extraterritoriality. Well, of course, when you get to criminal law or any law, you're dealing mostly with territorial jurisdiction. I mean, there may be some exceptions. But normally, you're going to try to stick with it when you're dealing with the Internet. You don't have that territorial limitation. I mean, you can, I mean, if Facebook shuts something, something else, they could shut it down by country, but they can also shut it down to the whole world. I mean, the way the internet works, they can tell by what computer had been providing, is the identification number for your computer, where are you going on, and they could potentially just cut down for Canada, but they can turn it down for everywhere and that in some ways, is a lot more effective in dealing with governments which typically can only operate within their own jurisdiction. Maybe instead of going after four, we'll stop here because I want to move to non-human rights, non-internet stuff.

Okay, so I'm moving on to the next topic. The brand is what is in the Canadian context, human rights courts. It's the human rights courts generally prohibit discrimination, as opposed to incitement to hatred. But sometimes they have something in them that builds inside data. And that's true, but more or less all the promises is to make it simpler. Just look because we're in Ontario, the Ontario Human Rights Code and what they prohibited is announcing the intention to discriminate, who publishes and displays before the public. Any notice signs symbol or other similar representation that indicates the intention of the person to infringe on the right or is intended to incite infringement of right. So there's a definite prohibition against incitement there

and sacred to discrimination. It has to be by notice sign symbol randoms Do you sometimes get into an issue with whether is something a sign or not, but there is a potential. We also have the Criminal Code and the Criminal Code prevents and prohibits public incitement of hatred, that's one offence, and willful promotion and hatred. That's the second offence. A difficulty with these offences is that proper prosecution is not possible. They require the consent of the Attorney General in the province where the playing defence occurs. So if it occurs in Ontario, you need to consent to the Attorney General of Ontario. If consent is denied, you can't go to the courts and question even the courts to deny it without consent. That's something I've actually tried to get the courts have said, No, we don't want to do that. Because if we say that the denial of consent was wrong, and at least goes ahead to prosecution, we've already taken a stance against the accused before the trial, and that will put us in an unfair position in relation to the Jews. So they won't do it. Now, hate speech comes up in a different context in between the law and Canadian criminal law. Because it comes relative percent they're irrelevant for sentencing. If you commit an ordinary crime, beat someone up, for instance, and it's motivated by hatred, it's it's the same crime. But it's it's relevant to sentencing. MD. The Criminal Court says that a court that imposes a statement shall take into consideration any relevant aggravating circumstances, including side evidence that the offence was motivated by bias prejudice or hate based on religion and then a bunch of other factors. So a hate more than three prime is going to get a longer sentence than the very same crime. That is inflicted with the motivation of hatred. Now, that is easier to deal with than hate speech on its own, because ordinary criminal offences can be prosecuted by private prosecution. You don't need the attorney general. And so the police don't want to deal with an individual who takes the case for now, a summons remedy which is relevant to the previous hate speech, and also the heat motivated crimes is the existence of a dedicated unit, police units to deal with these

crimes. Now, hate speech emitted is a crime that requires understanding if someone's been stolen outside, but that's pretty straightforward in terms of understanding what happened. But if something you're articulate hate speech, because you may not understand what's being said. Hate speech isn't always just insults and slurs, it's sometimes stereotypes, it's sometimes probably, and it's often embedded in the local context. There has to be an understanding of the language what is intended in order to communicate hate speech, and the dedicated enforcement units, investigative units, prosecutorial units, and police units are going to be able to understand that whereas the ordinary units may not be there's also a central tendency with common crime to someone beat somebody else up with the simplest thing for the police to do is just to charge someone with a beating and prosecutions just to prosecute someone for the beating to go and as on-demand intensity of decoding hate speech explaining hate speech for the purpose of sentencing is more work and often without dedicated units, they don't even know what's going on. So what you see very often is it's I mean, there's a big difference simply in the statistics of hate-motivated crimes where you have dedicated units and you don't have a dedicated unit fee and then there's many of us dedicating units and tenants out to different cities there's one here in Toronto it's called the police trying to hate police Hate Crimes Unit and that's something that's useful to know about and to deal with if you're dealing either with a hate crime or hate-motivated crime I think I'll stop there again because that's another discrete bunch of remedies

Okay, so, next I want to move on to another potential remedy, the European Convention on Human Rights. Turkey is the signatory state point you mentioned, you don't prohibit incitement to hatred it has mainly the reverse. It says that if there isn't same with incitement to hatred rights, the other ones might be bodily harm for the provision that says nothing in the convention may be

interpreted as applying to any state, group or person any great to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth here and we're out there in limitation to a greater extent than is provided foreign intervention. So I want to mention it doesn't that the statement doesn't explicitly incitement to hatred is a take to write to the European Court of Human Rights doesn't allow incitement to hatred to it doesn't mean you have a right to engage free from uncertainty If it is that what you're doing is incitement to hatred or in some form or another, that is a read that otherwise it will exist and in the convention wouldn't exist. Now, that's kind of convoluted. But it's been useful in any Turkish context. There was one case where a person was accused of a crime convicted, sentenced for repeating mana, or putting on the internet, some materials or googling wasn't quit the job, he then went to the European Court of Human Rights and says this is a violation. Now because what that means clients, what it says is, you can't basically use hate speech, if what you're doing is hate speech, you you can't claim a right under the convention. And so the court ruled in his favour. And by doing so, and they kind of in the bathroom sort of way were saying that what this vote was doing is not. And I mean, this is what we've seen, typically, where there's contesting human rights. So often you get a situation where you've got a perpetrator, community and division community, but the perpetrators' community doesn't say we reject human rights and doesn't acknowledge that committing human rights violations, they basically kind of take the rest of the rhetoric taking sides and apply it and say, in this case, the goon community is violating human rights. And we're just acting in some form of self-defense and you see the thought of these competing claims of human rights violations between different sexes. But simply because each time echoes the vocabulary, the other doesn't mean, both. They're both wrong. And we both write that the issues are balanced. I mean, it depends on the facts of the case, it depends on actually what's happening



rather than what each saying. This court ruling basically amounted to saying that the ruling movement materials are not speaking, despite the terms of the terms of service contract. And after the court ruled in favour of this person, it was peaceful for the court in Turkey to get settled. So let me move on to another remedy the International Covenant on Civil and Political Rights. the covenant obliges state parties to report periodically in compliance with the covenant, then that report was subject to assessment by the Human Rights Committee. They reported back in 2012. They reported a second time this year in April 2023. And that report has yet to be assessed by the Human Rights Committee where it will be assessed, probably take a while for them to get around to it. I don't believe they scheduled a hearing date for the assessment yet but they will do that including observations, there have already been a number of NGOs that have made submissions about this second target report. But submissions could still be made for the hearing stage. And that's something that this group or others might want to do make submissions to the Human Rights Committee about the Turkish report, which is so online and you can take a look at it. So that's the ninth remedy there. The 10th is communications to the Human Rights Committee is a relative to the International Covenant on Civil and Political Rights as an optional protocol. The optional protocol allows for individual complaints, petitions or communications is it any individual who says his rights or rights were violated by a turkey or any other state party that is found on the blockchain protocol for the human rights community? and is a committee that's actually had a couple of cases where Hizmet victims have gone to the committee and got successful rulings from the committee. Neither of them was based on hate speech, but that is available. And anybody inside Turkey outside Turkey who's a member that has met community will say they're personally victimized by the safe speech and, and make predictions committee. And what can make the petitions actually meet no one was against Turkey. But I mentioned earlier the problem of denial

of consent to the attorney general, if you want to make the prosecution in Canada, and if you want to exclude the attorney general, as we consent to the attorney general consent side set, there's no remedy in Canada, but there's a remedy here because Canada also is a party to the covenant and party to the option protocol. Therefore, it is somebody who's a victim of a hate crime in Canada who doesn't get the consent of the Attorney General. Not just a hate crime, but hate speech doesn't get consent from the Attorney General. People do this petitioners committee, they say the candidate is in violation of the Covenant you're not going to turn it down. So I'll stop there. Okay, I want to move from this I want to stay within the UN system. But I want to go from the scene-based trigger-based mechanism to a scene-based mechanism. The Covenant of International Governance of Political Rights is a treaty which directly assigned candidates including the arm from politics but the human system has a lot of team-based mechanisms which apply to everyone but they don't sign anything. Like countries don't have the sign they're just part of their under the jurisdiction and are subject to the scrutiny of the steam the basic mechanism simply because Subpart D right. One of them is the UN Rapporteur on religious intolerance. And you interrupt returned oh interesting tolerance makes annual reports one of the largest team Maddix themselves. They talk about the situation of human rights. Several of us have religious intolerance in the world in this case, without referring to anyone or anything in particular. But they also have a communication procedure. And it is possible for these index mechanisms to make communications directly to states. Indeed, you and the rapporteur on religious intolerance have made a communication directly to Turkey, about religious intolerance, not about Hizmet Gulen Movement, but about the deportation of other communities from Germany. And that communication was done in conjunction with other human rights conventions. So now there's no reason why this group or another group could not pass rapporteur on religious intolerance to make

a communication to Turkey about the mistreatment of Hizmet movements, it's certainly within their derogatory power to make that communication. The second part of these three mechanism is country visits. Now, I think there was a previous question asked about country visits to the Human Rights Committee under the treaty, but all the team mechanisms to make country visits and indeed the UN Rapporteur on religious intolerance has made a country visit to Turkey in late November, December 2000, and wrote a report on that visit. But of course, I mean, the situation these days is substantially different from the situation that existed in December 2000 and it would be certainly appropriate for the Rapporteur to make another visit today. Obviously, those sorts of visits can happen only if the government's willing to allow the Rapporteur in but the request can be made and anybody can ask the record to make that request and so that's that's yet another remedy. Now there are a couple of other human rights and UN system remedies that I could mention. The what is the Universal Periodic Review, the UN Human Rights Council runs through every single country in the world systematically and devotes a section of time in the Human Rights Council meetings to discuss the human rights of that country in rotation. And the two kept running to each country about once every five years. For Turkey, the last Universal Periodic Review session was in January 2000, the next one is scheduled for February 2025. Now that's not immediate, but it will happen. And it's worthwhile thinking about how to get engaged now, with the Human Rights Council. It's a limited membership. Not all members of the UN Human Rights Council. But any state can speak at Human Rights Council sessions remember? the Human Rights Council or not, they can vote if they're not a member, they can't move resolutions if they're not a member just they can speak. And so that's that's why it's well known as well in the Human Rights Council NGOs can speak a record that was not stat Economic and Social Council status and, often NGOs with ECOSOC service will allow other NGOs to take their slots so as to speak. So

it's worthwhile keeping that in mind as well. And also just potentially something similar. Another remedy is the regular UN Human Rights Council meetings now the Universal Periodic Review of each country occurs maybe once every five years the UN Human Rights Council meets three times a year in February, March and given in September, and two items on our agenda more or less every meeting is human rights situations that require the counselor conscious attention. That's typically Agenda Item number four. And at that agenda item, also, any country that's a member of the UN can speak also any NGO that's got X? set status in speak. Now, as you can imagine, there's not a lot of time. First of all, for that agenda, and secondly, for the states that want to speak, and the way that they deal with it, is they ask what stage wants to be and they have the allotted time and they just divide the amount of time by the number of states that want to speak, which doesn't give each stage very much time so speak. NGOs would be able to say everything they wanted to talk about Turkey and Hizmet. But even that is better than nothing and worth pursuing. So maybe there's one more point I should mention about the Human Rights Council that NGOs, ECOSOC status NGOs can pose parallel events. At the time of the Human Rights Council meetings, all they have to do is put the green room they can spend in its environment, other speakers want that they've address whatever topics that's the one that's relevant to the council so this group facilitated by an ECOSOC member council could host a parallel session at a naturopathic meaning of the Human Rights Council and address the full gamut? of issues related to the headsman? Hizmet. Human persecution including or even in particular, in secondary age. The end indeed, I mean, what could happen parallel sessions, something like what we're having here at the UN Human Rights Council, I participated in a number of those in obviously other contexts. This tends to be pretty good because it's everybody's in the same building. Now I'll make some conclusions and we can finish one of them the second last one is education. Now, the

propaganda doesn't just occur through the internet and through public postings and so on, that often happens in the schools. And there's not a lot outside has to do about what happened in the schools in any particular jurisdiction, but what one thing they can do is put the put conditions on because a lot of education, especially in poor countries, funding comes in part from international institutions. And those international institutions, and foreign countries that are given aid and education should impose contingency requirements don't use this funding to incite hatred in the schools. Not specifically about Turkey, but in relation to countries generally how we deal with and some of that foreign interference isn't segmented. Some of that incitement to hatred comes from embassies, consulates, and foreign government actors. Now, I actually looked at the posting of the Turkish Embassy in Canada, and they don't replicate what I saw on the website of the Ministry of Foreign Affairs in Turkey in terms of the anti-Hizmet propaganda, but it's worthwhile keeping an eye on the I mean, you can't prosecute a diplomat for a crime in Canada, any crime in Canada, the level of hate crime. But what the Vienna Convention on Diplomatic Relations says is, that you can kick anybody out if you want, if you know, the economy's not taking risks, or you can see their persona non grata. And then once you keep that power in mind and ask the government candidate to invoke it, if representatives, the Government of Turkey are spreading propaganda against the Hizmet community in Canada, so it's to lose to the last my recommendations, yes, well, why don't you sort of do that and then I'll make some concluding statements. Okay, I'll just say a few words by way of conclusion. One of my points is when you're dealing with combating incitement to hatred, you're not just dealing with the perpetrators your arguments are not just against the perpetrators. You're also dealing with human rights advocates who have our I would call free speech absolutist as they give or they did. They say free speech is the most important human right, it has priority over other human rights and restrictions on on

speech, including restrictions on inciting hatred are a violation of that fundamental principle. Now, on that issue, I eventually invite you to take a look at it. I've written a whole book called *Bloody Words: Hate and Free Speech* but what I would say here very briefly is, is that one of the best answers to that sort of argument about the priority of freedom of speech is what happens when you ignore and secondly, if you don't get the attention that it deserves when you have incitement to hatred and incitement to hatred leads to victimization, and you can see that in spades here with this community. Combating the hatred is not just preventing future rise it means combating the continuation continuation of precedent norms. And right now what we have with the Hizmet community and other communities is baked into the base which is not just hate speech, but hands-on brutal victimization right now I would honestly Hizmet community in Turkey is heavily victimized.

**Question from Audience:**

First of all, thank you for coming and giving us this important information about how we can combat hate and I guess community. So I would like to propose a counterargument or your conclusion statement saying the absolute free speech versus hate speech. You know, basically, we should still consider hate speech and emotion in a certain way. So when I hear that I think about it, I actually kind of feel like this reminds me of what happened to us back home in Turkey. So we had our own media outlets, multiple documents, actually newspapers, you know, channels, on TVs, etc. And one of the first things that the government did was to silence these channels so that we actually don't have our own voice to be heard by other people who say, you know, we're not terrorists, you know, doing a new stove up. And they did this on the basis of saying what these are, you know, they're inciting hate, they're inciting terrorism. So, I hope you see what I'm

trying to say here. So basically, you know, silencing hate speech, can actually, you know, the bad thing. So how to combat that is my question. And another question is, has there been any historical, you know, like in the history, is there an example where these hate speech, punishments is anti-hate speech laws, are actually successful in preventing hate actions rather than just hate speech themselves?

**David Matas:**

Well, in terms of your first question, I would say that any law, any writer can be abused, can be very victim can be an inspired perpetrator. And if you take the view, that you shouldn't have a particular law because it gets been manipulated us misinterpreted, it uses forms of oppression rather than bending. You wouldn't have Do you, because repressive governments don't just accuse people? When it is, they accuse people of bribery when it isn't dangerous people or fraud when it isn't, they accuse people using the tools that they have, if you take away the tool of accusing you based speech doesn't mean all of a sudden as a repressive government, it's going to turn into a democracy. See, you have to ground your concerns on facts not and you're brand new. I mean, obviously, you have to prevent abuse of the laws, but you don't prevent abuse, because the laws by having some laws, no knowledge, and you've got to have a system that prevents against an? an independent judiciary, free press, a prosecutorial unit that's independent of political manipulation, and so on. So that would be my first answer to the first question, that's your second question. Has it ever worked? Well, of course, it's a lot harder to draw a conclusion from nothing rather than something. I mean, there are some countries where we have effective hate speech laws. And then we don't have massive human rights violations. I would give an example of Canada and we've got hate speech laws, I mean, we could do better. But there is not only the last

but there's tons of ESOCOS. People shouldn't be saying these things and doing these things. And I will tell and we brought along a very contentious communities here who were in and out I mean, I see it with different communities that some of the hate speech brought is carried forward here. But it doesn't have the effects here that it does back home and I would say partly it's because hate speech laws we have here. So that would be my answer to your question.

**- SESSION BREAK -**

**Moderator:** Welcome back for the Q&A session. We will now hear your questions.

**Question from Audience:**

Hello, I would like to thank you for the great presentation. We appreciate your time. And I think my question can go to each speaker. It is about crime against humanity and hate speech. That, is there any other way to combat hate speech? Like are there any other tools that we can use to prevent hate speech, especially for people who want to fight against this? Systemic discrimination within Turkey or outside of Turkey? For example, in Canada.

**Sarah Teich:**

I can add a few things about this. We talked a lot of legal stuff here, legal measures, which is really very important. But we need to talk also about the community-level issues; social, educational, and other aspects. Maybe we can talk a little bit about one of the things that this community should do to prevent hate speech, to combat against hate speech, in addition to legal measures.

**David Matas:**



Thanks, Sarah, I will focus on the internet aspect. We are dealing with the internet, it takes a lot of time to see what is on the internet. And that is something community, one thing one person sees one thing and the other person doesn't. And you need a centralized report system. I mean it is very easy for me to say that. Report someone to a service provider by taking them down practically takes a lot of eyes, people and a lot of work. Because there is so much hate out there. And it is so confused is all over place. So, I think that is something that could be done. And workwise, you have to take it to a hate crimes unit and they want to know about it. You are going to be able to find out about it be able to tell them about it and inform them about it. The last thing they want to do is stumble some sort of profiles somewhere. They want some sort of an idea of what is going on. I mean, unless you can tell people about the wrongness, we cannot do anything. So, greet and meet and tell the information about the community about what is wrong.

**Sarah Teich:**

Yeah, I think that's a great idea. We do need evidence to invoke legal remedies. And I mean, the organization piece of it is not small. But maybe this could be something that like a team under Northern Justice Watch does like you could have a team, you know, comprised of community members who are taking screenshots, you can get old stuff, potentially, using the Wayback Machine and sort of putting it all together for us to use with various remedies. And beyond that, when it comes to hate speech, besides the practice, it is the small minority, one would hope, that are just bigoted and hateful people. I think a lot of this stuff a lot of the time comes from a lack of understanding or ignorance. And so, you know, to the extent that people don't know, even that many other authoritarians use this terrorism label in this way, people need to know about this beyond the community members. So you know, I don't want to ask you all to deal with that

emotional labor but it is important and it would be helpful to have more folks doing opinion pieces and having conversations with people. So that awareness is raised about who the Hizmet Movement is, that peacefulness of it, tolerance, all this stuff. And then that on the one hand, and on the other hand, how oppressive Erdogan has become and how this is a common problem across communities because it is so many communities that face the same issue of being labelled a terrorist wrongly.

**Question from Audience:**

Umm so, so far, in terms of active persecution of Hizmet movement, do you think that the appearance of the international Hizmet community in Europe, in the United States is enough? do you think that is enough awareness to people know about this persecution, or is it enough? Is it sufficient for them?

**Moderator:**

My own view is it's not enough. When you talk about persecution against Christians, Buddhists, or Muslims, people sort of understand that right away because they know what Christianity is as they know what Islam is, you know what Buddhism is. But when people talk about persecution against the Gulen movement, I mean, they must know who Gulen is what Gulen is or Hizmet. Hizmet is, they are simply not going to be aware. I chose this problem alone because I'm dealing a lot with human rights in different countries. And where the victim community is claiming, identified in people's minds is a well-known community, it's a lot easier to mobilize concern than the victim community is not. So it's the prison in China. You get the victims who are the Uyghur Muslim community, people know who Muslims are so there's obviously a fair amount of

awareness and concern about Uyghur Muslims. You've also got victims in the China Falun Gong community, most people don't know what's going on. And so when it's the here victimization of Falun Gong, and maybe it is right, maybe it is wrong, and busy and whatever. And it's similar to Gulen. I would say most people in China don't know what Gulen is. And most people in Turkey don't know what's going on in Gong. And what you're dealing with here is crimes against humanity. And in principle, it should concern everybody but the information gap is a lot larger when you're dealing with a community that's not well known. As a result, the effort of communication is greater. Obviously, that doesn't make it any easier for the victim community. But it's an effort that really has to be undertaken. Just one sort of nuance to that. I agree with everything, of course, that leaders are actually not. So, this is sort of how the public has started talking about leaders, but I personally know Uyghur Christians exist. Uyghurs are an ethnic group. They're a Turkic ethnic group that is majority Muslim. So in that sense, there are a lot of similarities. Hizmet movement is majority Muslim, I don't know if there are any non-Muslims in the Hizmet Movement, I imagine if any, it's a very small percentage, you know, but it's not a religion, but there's this affiliation. So it's sort of similar. And so maybe something as simple as that. I don't want to, you know, tell anyone how to identify themselves but maybe something as simple as starting to call yourself as Hizmet Muslims in conversations with folks because maybe that can help a little I mean, I don't know sort of off the top of my head some ideas. But you know, we faced the same challenges and the Uyghur community generally was not known a few years back, no one knew the word Uyghur and maybe that is because it started with like thinking about it as Uyghur Muslims.

**Question from Audience:**

My question is, it's for the ideology of sovereignty. So relatively a technical question about international law. I have two questions. The first one will be I knew universal jurisdiction to the topic of prescriptive jurisdiction. So, you said it's there's such a powerful process in Argentina, about the universal jurisdiction. So doesn't it require some bureaucracy some sort of isn't just national that some of you step in a country and they just can't arrest you? So is there some sort of ratification process like that, required to actually apply that? And my second question would be, do the individuals targeted by the sanctions know that they're targeted? So, that was my second question.

**Sarah Teich:**

I'm working on a case in Argentina now with an Argentinian barrister. And we're specifically not going public with anything about the case unless and until an investigation is open. So that's sort of what we did there. In terms of generally the process of how it works, you submit a filing to the Argentinian courts over there, and you ask them to open an investigation. And what's unique about Argentina as compared to other jurisdictions with universal jurisdiction laws, is that you don't need any political permission of sorts, there's no attorney general consent required like we have here. It's purely all just within the judicial system. So the judge will decide whether to open an investigation or not, and then they will embark on collecting evidence and sort of the cost to build the case so that it doesn't require the political person to say yes or no. So, in that sense, it's sort of it's more immune from Turkish political influence, which is really remarkable. And another piece that makes that system a lot stronger, is that they don't need a perpetrator to be

physically present. So, in Canadian systems, I mean, as I said, universal jurisdiction has rarely even been used here. But to the extent that they could ever be used here a perpetrator needs to be physically present in Canada, unless the victim was, was a Canadian citizen at the time, that's sort of an exception, but that's for the most part, a perpetrator needs to be present. And in most countries around the world, that's a requirement. So that's why we see a lot in Europe, where a criminal ends up travelling to Germany or Sweden, the prosecution is launched and they can be arrested. In Argentina, that is not required. So, they can open an investigation right away, no one is there. And then they issue they could eventually issue arrest warrants. And to the extent that Argentina has, perhaps an extradition treaty with other countries, if someone travels to other countries, maybe they can be arrested, depending on the laws of that country. And certainly if a perpetrator travels to Argentina, if there is an arrest warrant, they will be arrested. So there's sort of different ways that someone can end up being arrested. But, you know, sort of beyond that, just the launching of an investigation, the ability to say that the Argentinian judicial system is investigating crimes against humanity committed by Erdogan is really huge. And intrinsically, it makes it really worth pursuing. Does that answer the questions?

**David Matas:**

Yeah, I just have one thing, I think there was one case in Canada where it was used Rwandan money, do you remember that?

**Sarah Teich:**

In 2002. So it hasn't been used in 20 plus years, and the office was only established in 98. So it was used right away a couple times, and then not again. And what the DOJ War Crimes Unit says

the reason for that is that they haven't had a budget increase since their establishment, not even to keep pace with inflation. So they have a public policy that basically says they only will deport those who are criminals. If they're going to Canada, they will never prosecute under this law, because prosecution is more expensive than deportation. It's the same unit that's responsible for both of those things. I was recently told, though, that that may not be exactly true. I mean, the policy policy is public. And that is what they're saying. But, you know, yes, they haven't gotten the budget increase, but Professor John Packer's student found recently that they don't exhaust the budget that they have; so they do have some money. So I mean, the truth is probably somewhere in the middle, perhaps if they engaged in a prosecution, they would quickly, you know, use it up and then be in negative, but they're not. They're not at zero, and they could theoretically do something. Oh, yes, about sanctions. What was your question about sanctions?

**Question from Audience:**

Do targeted individuals know that they are being targeted by the systems?

**Sarah Teich:**

I didn't talk about this. But with regard to targeted sanctions. They I mean, it's public, publicly announced. I don't think that the Canadian government necessarily goes out and sends mail notices. But typically, they would likely find out. I you know, by analogy, I was put on a Russia blacklist last year, and they didn't send me any notice that I was listed on their website. And I certainly don't check the Russian Foreign Ministry site at all. Quite frankly, I've never checked it before in my life, but I had a journalist reach out to me on Twitter DMs saying, Hey, Sarah, I'm

on this list. So presumably, something similar would happen, and they would find out because it is publicly available.

Yeah, also, I mean, there are different types of sanctions. And then if you're considered inadmissible under the Immigration and Refugee Protection Act, you would find out if you tried to come to Canada. But there are other types of sanctions like where they're seizing assets that are publicly posted.

**Question from Audience:**

For Mr. Ali, as a person who's coming from Europe. What do you think we can do more? And do you think that what we're doing is enough or not? What are some strategies that we can put forward to our community?

**Mr. Ali Yilmaz:**

I agree with the opinions of the other participating friends on this matter. So, I agree with the other panellists. And first and foremost, the most essential thing for crime persecution is that we need to make it visible. And we need to spread awareness about that persecution. The first thing, the most essential thing. The first thing is, that the victimized society, and victimized community need to gather need to be organized. So that their voice will be organized. So, even though we are here in Canada, like, I'm just kind of paraphrasing to say Canada, this is a very challenging in Europe, the case that we are given that we were living as refugees. They have some political tensions or some political priorities. There are state relations that we see as a major barrier. Sometimes when we are seeking justice for our own rights. First and foremost responsibility that

we need to be organized through social organizations. And we need to form social organizations, not corporations, not private organizations. Through social media, it's our responsibility to get on with doing community organizing. So, for example, the legal practitioners, like former judges, from people who used to work in legal fields, they formed up organizations and non-profit organizations in Switzerland in Germany, and I'm just talking on his behalf. So we founded an organization, and in the meantime, we are integrating into society. It's just a parallel thing that we've integrated into society. In the meantime, we do not forget our past grievances. And not just the legal practitioners, not just the former judges, but also some teachers, as far as I know, some journalists, organizations, and this number needs to be increased. not enough, of course, we need to do more. It is not enough, and to the point that we need to make sure that everyone gets their rights. And until the prosecution has to deal with it. Thank you.

**Question from Audience:**

Thank you all, for your presentations. I have a question for David and Sarah. David has mentioned the importance of social media as an avenue to come to free umm hate speech. But now it seems that some hybrid autocratic regimes like Turkey have managed to, rather than censoring them altogether, they have managed to domesticate those platforms. And it seems that Twitter I don't know about other platforms. But Twitter clearly has double standards when it comes to its rules in Turkey compared to countries in Europe or North America. So I can give it it's not just the Gulen movement by all means. Any vulnerable, like migrants in Turkey nowadays use it, there is an increase in hate crimes against migrants, and some of them are deadly. And about two years ago, for instance, a far-right opposition politician posted a picture of a grocery store, apparently owned by an Afghan shop in a relatively small town. So the post threatens the safety of whoever



owns it, and I urge my followers and friends to do the same. And it's been just checked, the tweet is still there, and no action has been taken against it. So my question is, how do we get these social platforms, social media platforms in mind so that they implement the same standards that they do here in the West and in other countries? Nowadays, for instance, Canada is investigating some companies as to whether they have they are connected to Uyghur forced labour in China. So is there a way, is there a legal way to hold these platforms accountable? Because they are based in the West? Twitter is based in California. So is there a legal way to challenge these double standards?

**Sarah Teich:**

Yeah, there's also sort of a broader point I think we should make about businesses and human rights and business' complicity in human rights violations. You mentioned the Canadian probe into Canadian companies, well that was our case, we filed that a year and a half ago and we are the lawyers on the file together with Maria Reisdorf though she's no longer on it since she moved on and took a government job. So, she dropped from the legal team. But in any case, we know quite a lot about that. So basically, we used the Canadian Ombudsperson for Responsible Enterprise (CORE) and made a filing to them about 14 Canadian companies where there was evidence that they were involved in forced labour against Uighurs and the CORE is a really quite useful, potentially a very effective mechanism. But they're limited in what they can look at. So, they'll only look at Canadian corporations. So, you may see in the news, they've investigated, they're investigating Nike, really they're investigating Nike Canada Corp. And I think the one they announced last week was Hugo Boss. And that's again, the Hugo Boss in Canada. So almost every company we complained about was the Canadian incorporated subsidiary of big

multinational organizations. And they're limited in that way. And then they're also limited in that they can only look at Canadian companies' abuses in three specific sectors, garment, mining, and oil, and gas. So, I don't know if this is relevant to anything in Turkey, not that I ever heard of. But it's useful to keep in mind because to the extent there's a Canadian company that's involved in abuses in Turkey in one of these three sectors, it is an available mechanism. And it's not just about forced labour. Although our complaint with Uyghurs was just about forced labour, the CORE can be used in cases of human rights abuses abroad, just in one of those three sectors.

**David Matas:**

I would also say, that although it took them a while to go, it looks like a relatively useful institution, at least right now. And it might be interesting for other similar institutions dealing with internet issues.

**Sarah Teich:**

Yeah, that's true and the sectors could potentially be expanded in the future as well and government personnel have given statements indicating that's the plan so that may also be a potentially more widely available remedy.

**Question from Audience [Question is translated by a translator.]**

[Translator]: When the panellists were speaking, there was this term that one, the organization needs to understand the fact that the prosecuted society prosecuted organization for movement might catch on internal dynamics is important to understand who they are. And she mentioned about one leftist person on Twitter, she said, when he faced any problems, when our rights had

been violated, you're like, screaming, you're like, trying to get out of breath. But the Hizmet people next to our doors in the prison were always quiet. They were always like, waiting. And we were like, surprised, like, why are they quiet? Why are they why are they not going up to human rights? And her point was that we have some people waiting for us outside either our babies, either our husbands or relatives, or some people that we love. And if we speak, if we like to do something, then we are afraid that they can't be touched by the government. So, this is one that I'm familiar with. The other thing is, as you said, a panellist said, it's so important to understand the dynamics of Hizmet. One dynamic of, Hizmet people is known as quiet, peaceful people. And we are always looking for legal values our to go after our rights, so one must be registered to be prosecuted. The only advantage in the new was the United Nations, and the European Court of Human Rights noticed mainstream organizations. Once we saw that, there was some apathy or indifference towards hard cases of the United Nations from these HRTs. Once we saw that very strong cases were being rejected or not being taken care of by these HRT. It brought us some hopelessness and hopelessness, the fear of hopelessness. And then she mentioned, but even yesterday, she said, one case, the one thing happened, so there is this high school student in this particular community, and her because she has a friend, she had a classmate, and from Turkey as well but the classmate is not from the community was from Turkey. So they are good friends. Everything is okay, everything is good. But I think the friend, not this girl, the other friends finds out that the girl is from Hizmet movement. And she says, Oh, I'm not going to be friends with this terrorist. So this kind of stuff we are facing on a daily basis. So it is it was nice. It was great that we heard all these values, what a non-governmental organization should do, and how we should form like NGOs and go after our rights. But can you please personalize an activity? Can you just give personalized advice to us here as Hizmet members? What should

we do as individuals, but we face those stuff on a daily basis and what kind of actions we can take an individual's?

**David Matas:**

Well, I don't see there is one size fits all, I mean, the individual circumstances are going to vary and individual personalities are going to do vary. And I don't think it's there's there's anyone answer to that question. I would say that my own I mean, admittedly cursory view of what's happened with the history, the attitude towards the Hizmet movement in the international community has not been negative. The cases I've seen in the European Court of Human Rights seem international in the Human Rights Committee and the International Covenant on Civil and Political Rights, petition mechanisms. In those cases, the Hizmet community I see that is to have succeeded. So I think there could be more of those. But when you're dealing with personal interaction, and as far as I'm concerned, it's worthwhile. Correct. People by mistaken impression. But again, what you're dealing with is bigotry not just ignorance. I mean, it depends on the individual. Some people may just be ignorant, but in some people, it becomes part of their identity. Jean-Paul Sartre wrote a book on so-called anti-Semite Jews where basically he was saying that, for some anti-Semites, their belief is not a matter of mistake, it's a matter of identity. They really don't want to be confronted, because it started denying who they are. And say, you have to make an assessment of who you're dealing with. And also, of course, you've got power structure situations, that for some people, it's easier to get along, either for political or economic reasons was whatever the powers that we want that no matter how good the standard is, to stand up against them. So very often, you know, if you're in Turkey, you don't want to, especially if you've got a repressive government, growing potential, above being at risk by standing against

the, I mean, if you look at the truly repressive regimes, it's not just the target communities that are victimized, it's also human rights defenders. And I will say that I mean, it's partly the reason that Sarah and I are in both of these issues is because very often in the most repressive situations, you cannot expect the victims reasonably to stand up for themselves because they just become more heavily victimized and their friends and their family and so on. And the problem with the Hizmet community is not just a problem of the Hizmet community, it's a problem of the global community. And I think one of the things that we need to do is just try to get others involved in that victimization. We know about it or what if we do something about it, outside these communities.

**Sarah Teich:**

First of all, thank you very much for sharing. You raised a really important point, which is, you speak out, you worry that folks that are back home will be targeted. This is something, you know, we talked about the terrorism label being misused is a common problem, this is a very, very common problem. And no one can tell you what to do or what choice to make. And, you know, a lot of activists that we work with across the different communities will either decide to stay behind the scenes or be really public, it's really a personal choice. And there's no wrong answer. And if anyone tries to judge you for doing either one, then I would encourage you to try to not let that get to you. Because it's a personal choice. And it's very unfair that you even have to make this choice. It just, it is circumstances. You know, one activist I'm thinking about, particularly with one of our communities has chosen, for example, to do, he does a ton of work, but all very behind the scenes. And that enables him to travel internationally back to his home country. And that's a choice. I know, a lot of people we work with are incredibly public. And they feel that they

have to prioritize and continue over their immediate family. And that's a choice. And they're all valid choices. And in terms of the day-to-day stuff, you know, people unfriending I mean, it's, I don't even know how to begin to answer that, because there's no obvious legal remedy, I think that the key piece is really raising awareness of, you know, who is the Hizmet movement, as we've talked about, there isn't enough widespread understanding of that. And then, you know, in terms of what you can do as individuals to help the, you know, the cause, so to speak, I think, you know, just raising that awareness in your everyday interactions would be very helpful. Maybe volunteer for that committee that I have volunteered NJW to set up documenting evidence if they've decided to do that. And then sort of more broadly, I think what the community needs to do is pursue a number of legal initiatives and, you know, political initiatives, and we've outlined some of these and we've tried to personalize it as best you can. It's hard in this sort of forum, but you know, I did outline which treaties in particular Turkey is a state party to and violations. And I think that there, there's a lot going on. And as people have said, there's a lot going on in Europe, multiple filings, lots of legal filings, that have taken place. We've done a targeted sanctions submission here in Canada. But I think there's a need for deeper coordination globally. For example, when I was preparing the targeted sanctions submission several months ago, I was having a conversation with Michael Polak about unrelated stuff, he and I work together on other issues. He happened to mention that he had just done a targeted sanctions submission for the Hizmet community in the UK. I didn't know that. And that was incredibly helpful, because, you know, I used a lot of the same stuff from his submission so that it was united sort of across the jurisdictions, then he and the senior lawyer who did that filing came over to Canada with the families, and then Enes Kanter, and we all went to political meetings, and that sort of unity across jurisdictions is really important. And that never would have happened had I not known Michael,

just personally for other files. So I think there's a lesson there and that, you know, if we can get even a monthly call with some folks from different jurisdictions around the world, some of the key lawyers that are working on these cases across the jurisdictions, to get coordinated, figure out what volunteers would be useful to have all across the world and then you can get individual community members more heavily involved. I think there's really a need for that coordination.

**Question from Audience:**

I will share a private story, a personal story. My husband stayed in prison for 5 years in Turkey. He had a 1-year travel ban. He is sitting next to me. Even though we are Canadian citizens, we have been Canadian citizens, he stayed in prison for 6 years. I went to MPs and spoke to Omar Alhabra. And in the consulate of Turkey, what they did was they went to visit my husband and took care of his health issues. They would have done more, wouldn't they be able to do more? And what could have been done other than like visiting my partner in prison, and sometimes helping you with health issues? Maybe their visits prevented Turkish authorities from torture. But other than that, he stayed in prison for five years and the Canadian government didn't do anything. What could have the Canadian government done?

**Sarah Teich:**

I am sure David also has something to say about this, but I can start. Okay. So, I mean, this is, you know, there is this problem when it comes to dual nationality and political prisoners. And it's, again, it's another broader problem that different communities will face if you have, you know, a prisoner who has dual nationality, and one of those nationalities is the country in which he's imprisoned it, it has, there's some difficulties that are especially when the country in which

he is imprisoned does not recognize dual nationality. I don't know the Turkish position on this, but I know this is the case when it comes to China and Cuba. They don't recognize your second nationality, a lot of them, in this context he has Turkish citizenship, right? So it's tough to say there's not a lot of clarity in the law in terms of how nationality is treated in these circumstances. It's great that you were able to get consular access when people told you to get that. It's a tough situation. I think it is in terms of what to do. Like I don't know if there's anything you could have done differently. And I say that of course not knowing the details of your case. But I think there's this bit of a there's a gap in the international law on this issue that I think more broadly needs to be needs to be filled.

**David Matas:**

Yeah, I mean, there's more that could be done, but what it means is deteriorating relationships. The gentleman in Turkey in Canada could issue diplomatic protests to escalate the level of contact and instead of at a lower level at the higher level that basically makes the issue more confrontational between Canada and Turkey, sometimes that has a positive effect. Sometimes it does the I mean, sometimes there's negotiation so often Canada, I mean, there's been a lot of Canadians if you look abroad there's been a lot of things that have been picked up abroad for bad reasons in Canadian events trying to deal with various ways. Sometimes they're picked up for ransom in Canadian government does say we're not paying ransom but somehow the money gets paid anyway. Or if a foreign government wants in this case a Turkish citizen released from the Canadian prison sometimes there are negotiations over that I would say you wanted to do more yourself above that what you should do is engage with the Department of Foreign Affairs in the



GP desk to see how they can escalate the issue between Turkey and Canada to give it higher prominence and that might have something to do. I hope this answers your question.

**MODERATOR:**

As we've come to the end of our panel discussion, I want to express my gratitude to everyone who attended and participated. A special thank you to our esteemed speakers for sharing their valuable insights. I would also like to take this opportunity to acknowledge our partners, the Human Rights Action Group and Amnesty International UTSC, for their indispensable contributions to Northern Justice Watch. It's been a pleasure being with you all. Have a wonderful evening.

**\*\*\*END OF THE PANEL\*\*\***

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