

The Quebec City Mosque Shooting

Vishnu Satish

The Woodlands Secondary School

CLN4UO: Canadian and International Law

Mr. Hugh Miller

May 20, 2022

On the evening of January 29, 2017, Alexandre Bissonnette entered the parking lot of the Islamic Cultural Centre of Quebec City, armed with a 9-mm handgun and a semi-automatic .223 rifle (Montpetit, 2019). What would transpire over the next few minutes would leave families grieving, hundreds traumatized, and a man with a life sentence awaiting him (Montpetit, 2019).

Summary

Facts and Evidence

According to the court documents of Bissonnette's sentencing, the timeline of events is as follows (*R. c. Bissonnette*, 2019). At 7:54 PM on January 29, 2017, Alexandre Bissonnette entered the Mosque property. He encountered brothers Ibrahima and Mamadou Barry, who had just exited the building. He tried to shoot them with the rifle, but the rifle jammed. Frightened, the brothers moved back towards the Mosque, with their backs to the door. He then drew his handgun and shot both brothers fatally. Worshippers inside the Mosque witnessed the shooting and heard the gunshots and begin panicking. Many worshippers attempted to hide, and some escaped through the east side of the building. Inside the Mosque, Bissonnette fatally shot four people and left many wounded. One man, Azzeddine Soufiane, tried to charge the perpetrator but was shot and killed. Bissonnette then fled the scene and drove on Highway 40, calling 9-1-1 in the process. He was then arrested and taken into questioning.

At the time of the shooting, Alexandre Bissonnette was 27 years old and a political science student at Université Laval (Montpetit, 2019). He was also an anti-immigrant, Islamophobe, and right-winger who had a deep, ingrained hatred for Muslims (Cleary, 2017). He was an ardent follower of far-right figures, such as Ben Shapiro, and had an obsession with mass shootings and massacres (Coletta, 2018). He did not have a criminal record, barring a few traffic

violations (Perreux & Gee, 2017). Due to an anxiety disorder, Bissonnette was on leave from his job and university (Perreux & Gee, 2017).

One day after the attack, on January 30, Bissonnette was charged with six counts of first-degree murder and six counts of attempted murder (*R. c. Bissonnette*, 2019). On March 26, 2018, he pleaded not guilty but changed his plea a few hours later to guilty (*R. c. Bissonnette*, 2019).

Issue

The main issue during Bissonnette's sentencing was the length of the period of parole ineligibility. The Crown stated that the power of discretion outlined in Section 745.51 of the Criminal Code must be considered by the Court and suggested that the period of parole ineligibility be 150 years, with six 25-year ineligibility periods being served consecutively (*R. c. Bissonnette*, 2019). Section 745.51 of the Criminal Code asserts that when dealing with an offender who has committed more than one murder, the judge may decide which parole ineligibility periods are to be served consecutively (*745.51 - C-46*, 2022). The Defence disagreed with the Crown, arguing that a period of ineligibility greater than 50 years violated Section 12 of the Canadian Charter of Rights and Freedoms, which guaranteed protection against cruel and unusual treatment and punishment (*R. c. Bissonnette*, 2019).

The judge analyzed whether it was suitable to extend the parole ineligibility period based on sections 745.51 and 718 of the Criminal Code. Section 718 details the purpose and principle of sentencing, as well as several aggravating factors that may increase a sentence. Several factors were taken into account, such as the chance of rehabilitation, denouncement of the crime, and deterrence of similar crimes in the future. The judge struck down the Crown's request for a 150-year period, stating that "A period that exceeds his life expectancy, because of its absurdity, very much risks losing its attributes of denunciation and deterrence and calling the administration of

justice into disrepute” (*R. c. Bissonnette*, 2019). The judge also examined the unreasonable nature of the Crown’s request, comparing it to various hypothetical scenarios in which the ineligibility period surpasses the offender’s lifetime, such as if a hitman killed 25 people in a 10-year period (*R. c. Bissonnette*, 2019).

In the concluding remarks, Section 745.51 was ruled unconstitutional because, in the case of first-degree murders, it allowed consecutive parole ineligibility periods only in 25-year blocks, which infringed upon Section 7 and Section 12 rights provided in the Charter (*R. c. Bissonnette*, 2019). The judge found that its infringement was arbitrary and disproportionate to the objective of fair sentencing since it did not allow judges discretionary power beyond 25-year blocks (*R. c. Bissonnette*, 2019). Thus, the judge reworded Section 745.51 to allow judges greater discretionary power for consecutive parole ineligibility periods (*R. c. Bissonnette*, 2019).

Sentencing

On February 8, 2019, the Quebec Superior Court sentenced Bissonnette to life imprisonment with no possibility of parole for 40 years (*R. c. Bissonnette*, 2019). This decision was based on Section 235 (1) and the rewritten Section 745.51 of the Criminal Code (235 (1) - C-46, 2022).

Appeal

Bissonnette appealed the sentence, and three judges from Quebec’s Court of Appeal disagreed with the rewriting of Section 745.51 (*Bissonnette c. R.*, 2020). They stated that the 25-year jumps were at the core of the Parliament’s objective and if the trial judge believed that it was unconstitutional, they should have noted it as such and left it to the Parliament to rewrite it or strike it down (*Bissonnette c. R.*, 2020). They also agreed with the trial judge is saying that Section 745.51 violated sections 7 and 12 of the Charter and was not saved by Section 1 in both

cases (*Bissonnette c. R.*, 2020). Bissonnette's parole ineligibility period was revised from 40 years to 25 years (*Bissonnette c. R.*, 2020).

Analysis

There was no question that Alexandre Bissonnette would have been sentenced to life imprisonment. That punishment was laid out in Section 235 (1) of the Criminal Code (235 (1) - C-46, 2022). The main issue that was analyzed in the trial and the appeal was the number of years that Bissonnette would have to wait to be eligible for parole.

I agree with both the three-judge panel that decided Bissonnette's appeal and the trial judge, Honourable François Hout. I believe that Section 745.51 does violate sections 7 and 12 of the Charter and could not be saved under Section 1. One of the objectives of enacting Section 745.51 was to keep society safe from killers, but there lacks a rational connection between the objective and the section. This is because the section allows judges to sentence multiple murderers for a parole ineligibility period that is unreasonable and does not take the offender's level of dangerousness into account, thus being grossly disproportionate to the objective. I also believe that periods of greater than 25 years, but less than 50 years should be allowed based on the specific circumstance of the multiple murders and the killer. This is where I agree with the trial judge, Honourable François Hout. According to the appeal judges, it was incorrect to add to the wording of Section 745.51 because it was shown that the 25-year blocks was part of the Parliament's objective. Although the action taken (adding to the wording of Section 745.51) was inappropriate, Hout had the correct proposal in mind.

In my opinion, Bissonnette's parole ineligibility period should be greater than 25 years. This is taking into consideration Section 718.2 of the Criminal Code, in which one of the aggravating factors is hate-fuelled crime. It is also taking into consideration the location of the

crime and the number of victims. Such a crime exceeds the sheer cold-bloodedness of many other first-degree murders in which the murderer has a parole ineligibility period of 25 years. Furthermore, I believe that the denouncement and deterrence factors in this case must especially be considered. Hate crimes rose 37% from 2019 to 2020 (CBC, 2022) and sentencing Bissonnette to greater than 25 years of parole ineligibility sends a message that crimes fuelled by prejudice and hate will not be tolerated and will be punished with great consequences.

The subsequent appeal and parole period reduction to 25 years, as well as the Crown's appeal of the reduction, has affected some cases in Canadian law. An example is the Toronto van killings case. On April 23, 2018, Alek Minassian drove a rented van through Yonge Street in Toronto, intending to kill pedestrians (Global News Staff, 2021). 11 people were killed, and 15 were injured (Global News Staff, 2021). Minassian's motivation for the attack is speculated to be either incel (involuntary celibate) activism or notoriety (Global News Staff, 2021). He was charged with 10 counts of first-degree murder and 16 counts of attempted murder (Global News Staff, 2021). The sentencing of Minassian is on hold until the Supreme Court decides on consecutive sentences in the Bissonnette case (Global News Staff, 2021).

In the United States, back-to-back life sentences may be imposed on defendants who have committed more than one crime (LII, 2021). The parole ineligibility periods in some American cases are unreasonable and greatly surpass the average human lifespan. For example, Charles Cullen, a nurse who killed 40 patients, was sentenced to eleven consecutive life sentences and no possibility of parole until the year 2403 (Gettleman, 2006). As Hout points out in *R. c. Bissonnette* (2019), such a sentence (beyond the lifespan of a human) is unreasonable and absurd. He also states that it "risks losing its attributes of denunciation and deterrence." I agree with this sentiment. Sentencing someone for life is itself a signal of the heinous nature of a crime

and going well beyond the average human lifespan is indicative of a legal system rooted in unreasonable vengeance and not rehabilitation. It also raises the possibility of comparisons between the already unreasonable sentences of various offenders being made, so such sentences should be avoided.

In conclusion, I believe that sentencing Bissonnette to 40 years of parole ineligibility was the correct course of action due to the aggravating factors of the crime. It is to be seen what the Supreme Court of Canada decides on consecutive sentencing and Section 745.51 of the Criminal Code.

References

Back-to-back life sentences. (2021, December). LII / Legal Information Institute.

https://www.law.cornell.edu/wex/back-to-back_life_sentences

Bissonnette c. R., 2020 QCCA 1585 (CanLII). (2020, November 26). CanLII.

https://www.canlii.org/en/qc/qcca/doc/2020/2020qcca1585/2020qcca1585.html#_Toc56492148

Cleary, T. (2017, January 30). *Alexandre Bissonnette: 5 Fast Facts You Need to Know.*

Heavy.com. <https://heavy.com/news/2017/01/alexandre-bissonnette-quebec-city-canada-mosque-shooting-attack-suspect-gunman-shooter-photos-pictures-video-motive/>

Coletta, A. (2018, April 18). *Quebec City mosque shooter scoured Twitter for Trump, right-wing figures before attack.* Washington Post.

<https://archive.ph/20190427202409/https://www.washingtonpost.com/news/worldviews/wp/2018/04/18/quebec-city-mosque-shooter-scoured-twitter-for-trump-right-wing-figures-before-attack/?noredirect=on>

Court to wait until 2022 to sentence man who killed 10 people in Toronto van attack - Toronto / Globalnews.ca. (2021, May 31). Global News. <https://globalnews.ca/news/7907722/alek-minassian-sentence-toronto-van-attack/>

Gettleman, J. (2006, March 3). As Victims' Relatives Watch, Nurse Who Killed 29 Gets 11 Life Terms. *The New York Times*. <https://www.nytimes.com/2006/03/03/nyregion/as-victims-relatives-watch-nurse-who-killed-29-gets-11-life-terms.html>

Hout, F. (2019, February 8). *R. c. Bissonnette, 2019 QCCS 354 (CanLII).* CanLII.

<https://www.canlii.org/en/qc/qccs/doc/2019/2019qccs354/2019qccs354.html?resultIndex=3>

Montpetit, J. (2019, June 10). *Quebec City Mosque Shooting* / *The Canadian Encyclopedia*.

Canadian Encyclopedia. <https://www.thecanadianencyclopedia.ca/en/article/quebec-city-mosque-shooting>

Number of reported hate crimes set new record in 2020 as other crimes decreased: Statistics

Canada. (2022, March 18). *CBC.ca*. <https://www.cbc.ca/news/politics/statistics-canada-hate-crimes-1.6389976>

Perreux, L., & Andrew-Gee, E. (2017, January 30). Quebec City mosque attack suspect known as online troll inspired by French far-right. *The Globe and Mail*.

<https://www.theglobeandmail.com/news/national/quebec-city-mosque-attack-suspect-known-for-right-wing-online-posts/article33833044/>

Section 235 - Criminal Code. (2022, January 16). Justice Laws Website. [https://laws-](https://laws-lois.justice.gc.ca/eng/acts/C-46/section-235.html)

[lois.justice.gc.ca/eng/acts/C-46/section-235.html](https://laws-lois.justice.gc.ca/eng/acts/C-46/section-235.html)

Section 745.51 - Criminal Code. (2022, January 16). Justice Laws. [https://laws-](https://laws-lois.justice.gc.ca/eng/acts/C-46/section-745.51.html)

[lois.justice.gc.ca/eng/acts/C-46/section-745.51.html](https://laws-lois.justice.gc.ca/eng/acts/C-46/section-745.51.html)