



Anti-Terrorist Legislation

Overview of the Law

After September 11, 2001, the Federal Government brought in restrictive “anti-terrorist” laws that could severely affect your rights. The laws are available at www.parl.gc.ca and include the *Anti-Terrorism Act* and the *Public Safety Act*.

Anti-terrorism laws are intended to be used only in emergency situations; however, activists and recent immigrants or refugees – especially people from predominantly Muslim or Arab countries – may be targeted by police or *CSIS* for investigation under this legislation.

According to the *Anti-Terrorism Act*, there are two ways to be considered a terrorist. The first way is to commit a terrorist act. The second way is to be a member or supporter of a group that is included on the government’s list of terrorist groups.

A terrorist act is any act or omission, in or outside Canada that is committed for political, religious or ideological purposes to intimidate the public or compel a government or organization to do a certain act. The terrorist act must intentionally cause death or serious bodily harm, endanger someone’s life, cause substantial property damage that could result in bodily harm, or interfere with an essential service (other than as a result of protest or strike).

The Canadian government has started compiling the official list of terrorist groups. To find out which groups are on the list, visit www.publicsafety.gc.ca/prg/ns/le/cle-eng.aspx. The Public Safety Canada website is: www.publicsafety.gc.ca/abt/wwa/min-eng.aspx. The phone number for Public Safety Canada is 1-800-830-3118.

It is illegal to be a member of terrorist groups or provide any service for terrorists. It is also illegal to give them any financial or resource support. If you provide a service or support for these groups, you could be arrested. Groups providing resources or money for charities operating in conflict areas should use caution and ensure those groups are not providing support to a listed terrorist group.

How the Law Affects Your Rights

Special police powers to arrest terrorist suspects to prevent terrorist acts and to investigate terrorism under the *Anti-Terrorism Act*, expired in 2007. However, in 2008 the Stephen Harper government expressed the intent to give these special powers back to police. You will need to contact a lawyer or law library to determine whether these powers are in force.

If these special powers are in force, and used against you, you will likely know it. Some of the rights you would ordinarily have could be ignored, legally, by the police.

Even if you have done nothing wrong, you can be arrested by police and held for 24 hours if they have reason to believe you are about to participate in a terrorist act. You must be brought in front of a Judge within those 24 hours, and if the Judge believes you are about to participate in a terrorist act, you can be held for a total of 72 hours before you are released with conditions. Conditions will typically include restrictions on who you can talk to, where you can go and what you can do.

If the police suspect that you have knowledge of an upcoming terrorist attack you could be arrested and forced to give evidence to the police in court – even if you are not personally involved. You would have the right to a lawyer, but you would not have the right to remain silent.

See *Anti-Terrorism Act*, 83.01 and 83.33 of *Criminal Code*

CSIS

CSIS is the Canadian Security Intelligence Service – Canada’s main spy agency. Most of their information is collected through interviews with people. You have the right not to participate in interviews with CSIS. If you are approached by CSIS, you have the right to tell them you do not want to talk to them. You may want to contact a lawyer to ask for advice.

If you decide to talk with CSIS, make sure that you record the interview on video or audiotape so that you have a record of what you said, and what the agents of CSIS said. Asking a lawyer to sit in on the interview is a good idea. Ask the agents: “Am I a suspect?” or “Why are you asking me these questions?”

You can end a CSIS interview at any time. Tell the agents that you want to end the interview, and then leave. You can only be forced to speak by a Judge in a courtroom – not by the police or by CSIS.

If you have a complaint about CSIS activities, you must complain to the director of CSIS first. If you don’t hear back or you get an unsatisfactory response, you can then send your complaint to the Security Intelligence Review Committee (SIRC) who

will investigate and issue a report with recommendations to the Minister of Public Safety.

For questions about CSIS, you can call the SIRC at 613-990-8441. Complaints can be mailed to:

The Director
Canadian Security Intelligence
Service
P.O. Box 9732, Station “T”
Ottawa, Ontario
K1G 4G4

Security Intelligence Review
Committee
P.O. Box 2430, Station “D”
Ottawa, Ontario
K1P 5W5
Fax: 613-990-5230

Your Rights as a Suspected Terrorist



Even though you are a suspected terrorist, you still have the right to a lawyer and the right not to answer questions until your lawyer arrives.

See Canadian Security Intelligence Service Act