

THE SECURITY OF FREEDOM



ESSAYS

ON CANADA'S

ANTI-TERRORISM

BILL

EDITED BY RONALD J. DANIELS,
PATRICK MACKLEM AND KENT ROACH

Security Of Freedom Essays On Canadas Anti Terrorism Bill

Ujjwal Kumar Singh



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The Security of Freedom University of Toronto. Faculty of Law, 2001-01-01 Papers from a conference The Security of Freedom held at the Faculty of Law University of Toronto on Nov 9 10 2001 *Domestic Counter-Terrorism in a Global World* Daniel Alati, 2017-07-14 Although both Canada and the United Kingdom had experienced terrorism prior to the attacks of 9 11 and already had in place extensive provisions to deal with terrorism the events of that day led to the enactment of new and expansive counter terrorism legislation being enacted in both jurisdictions This book explores these changes to counter terrorism laws and policies in the UK and Canada in order to demonstrate that despite the force of international legal instruments including the heavily scrutinized UN Security Council Resolution 1373 the evolution of counter terrorism policies in different jurisdictions is best analyzed and understood as a product of local institutional structures and cultures The book compares legal and political structures and cultures within Canada and the United Kingdom It analyses variations in the evolution post 9 11 counter terrorism measures in the two jurisdictions and explores the domestic reasons for them While focus is primarily geared towards security certificates and bail with recognizance investigative hearings in Canada and detention without trial control orders and TPIMs in the UK the use of secret evidence in the wider national security context terrorist listing civil litigation criminal prosecutions etc is also discussed The book reveals how domestic structures and cultures including the legal system the relative stability of government local human rights culture and geopolitical relationships all influence how counter terrorism measures evolve In this sense the book utilizes a methodology that is both comparative and interdisciplinary by engaging in legal political historical and cultural analyses This book will be particularly useful for target audiences in the fields of comparative law and criminal justice counter terrorism law human rights law and international relations and politics *Global Anti-Terrorism Law and Policy* Victor V. Ramraj, Michael Hor, Kent Roach, 2009-04-09 All indications are that the prevention of terrorism will be one of the major tasks of governments and regional and international organisations for some time to come In response to the globalised nature of terrorism anti terrorism law and policy have become matters of global concern Anti terrorism law crosses boundaries between states and between domestic regional and international law They also cross traditional disciplinary boundaries between administrative constitutional criminal immigration and military law and the law of war This collection is designed to contribute to the growing field of comparative and international studies of anti terrorism law and policy A particular feature of this collection is the combination of chapters that focus on a particular country or region in the Americas Europe Africa and Asia and overarching thematic chapters that take a comparative approach to particular aspects of anti terrorism law and policy including international constitutional immigration privacy maritime aviation and financial law **Terrorism and Counterterrorism in Canada** Jez Littlewood, Lorne Dawson, Sara K. Thompson, 2020-01-29 Through close analysis of the Canadian context Terrorism and Counterterrorism in Canada provides an advanced introduction to the challenges and social

consequences presented by terrorism today Featuring contributions from both established and emerging scholars it tackles key issues within this fraught area and does so from multiple disciplinary perspectives using historical quantitative and qualitative lenses of analyses to reach novel and much needed insights Throughout the volume the editors and contributors cover topics such as the foreign fighter problem far right extremism the role of the internet in fostering global violence and the media s role in framing the discourse on terrorism in Canada Also included are essays that look at the struggles to develop specific counter terrorism policies and practices in the face of these threats In addition to offering a detailed primer for scholars policymakers and concerned citizens *Terrorism and Counterterrorism in Canada* confronts the social and legal consequences of mounting securitization for marginalized communities

The State, Democracy and Anti-Terror Laws in India Ujjwal Kumar Singh,2007-01-12 Laws like the Prevention of Terrorism Act POTA are enacted to address what the state describes as extraordinary situations and put in place exceptions to the ordinary legal and judicial procedures By examining public debates surrounding extraordinary laws like POTA and the Terrorist and Disruptive Activities Prevention Act TADA and also specific cases trials and judgements under the Acts the author argues that extraordinary laws have ramifications for people s lives political institutions the rule of law and democratic functioning shows how such laws assume normalcy and acquire a place of permanence in state practices and examines the ways in which such extraordinary laws manifest dominant configurations of political power and ideology While exploring the unfolding of POTA in specific contexts the book shows how the law was enmeshed in the politics of Hindutva electoral and coalition politics centre state relations the politics of repression and reconciliation against nationality struggles and issues of poverty and development

An Exceptional Law Dennis G. Molinaro,2017-05-08 During periods of intense conflict either at home or abroad governments enact emergency powers in order to exercise greater control over the society that they govern The expectation though is that once the conflict is over these emergency powers will be lifted *An Exceptional Law* showcases how the emergency law used to repress labour activism during the First World War became normalized with the creation of Section 98 of the Criminal Code following the Winnipeg General Strike Dennis G Molinaro argues that the institutionalization of emergency law became intricately tied to constructing a national identity Following a mass deportation campaign in the 1930s Section 98 was repealed in 1936 and contributed to the formation of Canada s first civil rights movement Portions of it were used during the October Crisis and recently in the Anti Terrorism Act of 2015 Building on the theoretical framework of Agamben Molinaro advances our understanding of security as ideology and reveals the intricate and codependent relationship between state formation the construction of liberal society and exclusionary practices

National Security and Fundamental Freedoms Hualing Fu,Carole J. Petersen,Simon N.M. Young,2005-03-01 There has been intense interest in the proposals to implement Article 23 both in Hong Kong and abroad This book will be valuable to anyone who has followed or participated in that debate or has an interest in the delicate balance between civil liberties and national security The book will be particularly useful for legislators

policy makers lawyers journalists historians teachers and students especially in the fields of law and the social sciences The statutory Appendix will assist teachers and students to draw comparisons between existing law and the government's proposals In 2003 more than 500 000 people marched in Hong Kong against the National Security Legislative Provisions Bill which would have prohibited treason sedition secession and subversion against the national government of China and included new mechanisms for proscribing political organisations This edited collection analyses that legislation particularly the implications for civil liberties and the one country two systems model Although the massive protest compelled the Hong Kong government to withdraw the Bill from the legislature in 2003 it will likely propose similar legislation in the future because Hong Kong has a constitutional obligation to implement Article 23 of the Basic Law The book provides detailed and balanced commentary on the Bill explains why certain proposals proved so controversial and offers concrete recommendations on how to improve the proposals before the next legislative exercise

Fu Hualing is an Associate Professor and Director of the Centre for Comparative and Public Law Faculty of Law of the University of Hong Kong His research interests include social legal studies human rights and criminology He has an LLB from Southwestern University of Law and Politics China an MA from the University of Toronto Canada and a doctoral degree from Osgoode Hall Law School Canada

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Simon N M Young is an Associate Professor and Deputy Director of the Centre for Comparative and Public Law Faculty of Law of the University of Hong Kong He teaches criminal law evidence and legal aspects of white collar crime Previously he was Counsel in the Crown Law Office Criminal Ministry of the Attorney General for Ontario in Toronto Canada He obtained his LLB from the University of Toronto and his LLM from Cambridge University

This collection of essays on the saga of Hong Kong's efforts to address the mandate of Article 23 in the Basic Law of the Hong Kong Special Administrative Region and related matters is likely to be an extremely useful resource for a number of audiences These include those directly engaged with the issue of legislation and policymaking in Hong Kong in both public institutions and in the community those who have an interest in the development of Hong Kong's political and legal system and its relationship to the system of Mainland China and those with an interest in national security and anti terrorism legislation more generally from a comparative perspective The overall quality and range of the contributions is strong The topic itself is a current and important one and the collection is an important contribution to the field

Andrew Byrnes Professor of Law Australian National University The debate on legislation to ensure the sovereignty and security of the PRC against threats from Hong Kong was a turning point in the Special Administrative Region's political history It showed that while some Hong Kong residents may have reservations about

democracy human rights are cherished by almost all It also showed that people can influence policy even without formal institutions of democracy The authors of this book played a leading role in the debate clarifying the legal issues which was critical to an informed debate Yash Ghai Sir Y K Pao Professor of Public Law University of Hong Kong The Constitution of the Environmental Emergency Jocelyn Stacey, 2018-04-19 This book argues for a reframing of environmental law It starts from the premise that all environmental issues confront lawmakers as emergencies Environmental issues pose a fundamental challenge to law because it is impossible to reliably predict which issues contain the possibility of an emergency and what to do in response to such an unforeseen event These features undermine the conventional understanding of the rule of law This book argues that approaching environmental issues from the emergency perspective leads us to an understanding of the rule of law that requires public justification This requirement recentres the debates in environmental law around the question of why governance under the rule of law is something worth having in the environmental context It elaborates what the rule of law requires of decision makers in light of our ever present vulnerability to catastrophic environmental harm Controversial compelling and above all timely this book presents an important new perspective on environmental law **September 11'** Kent Roach, 2003 The author examines the consequences of September 11 in Canada including an assessment of anti terrorism measures such as the Anti terrorism Act the Smart Border agreement Canadian participation in the war in Afghanistan changes to refugee policy the 2001 Security Budget and the proposed Public Safety Act He also looks at opposition the Anti terrorism Act warns that exceptions to legal principles made to fight terrorism may spread to attempts to combat other crimes and suggests that Canadian law may not provide adequate protection against invasions of privacy or discriminatory profiling of people as potential terrorists Other topics covered include the challenge September 11 presents for Canadian sovereignty on key components of foreign military and immigration policy the possibility that Canadian Forces participated in violations of international law in Afghanistan the threat of nuclear and biological terrorism and aviation safety

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