

THE SECURITY OF FREEDOM



ESSAYS

ON CANADA'S

ANTI-TERRORISM

BILL

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PATRICK MACKLEM AND KENT ROACH

Security Of Freedom Essays On Canadas Anti Terrorism Bill

Christophe Paulussen, Martin Scheinin



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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 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

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intricately tied to constructing a national identity Following a mass deportation campaign in the 1930s Section 98 was repealed in 1936 and contributed to the formation of Canada's first civil rights movement Portions of it were used during the October Crisis and recently in the Anti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 The Freedom of Security Colleen Bell, 2011-05-16 From Guantanamo Bay to the war in Iraq post 9 11 security measures have sparked fears that the West is violating the very civil rights and freedoms it claims to protect This debate is focused on the United States but how have the politics of security influenced the commitment to freedom in other liberal democracies Colleen Bell argues that Canada's counter terrorism practices should not be framed as a departure from liberal governance in which freedom is traded for security but rather as a restructuring of modalities of governance through the framework of security Addressing issues such as security certificates the war in Afghanistan and the detainment and torture of Abdullah Almalki in Syria Bell demonstrates that security measures are not simply eroding civil liberties they are also fundamentally reshaping ideas and practices of freedom This trenchant examination of Canada's War on Terror exposes how the logic and practices of security

are increasingly coming to define our rights and freedoms

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

The Harbinger

Theory Robert Diab, 2015 The Harbinger Theory demonstrates that extreme measures have been consistently embraced in politics scholarship and public opinion not in terms of a general fear of the greater threat that terrorism now poses but a more specific belief that 9 11 was the harbinger of a new order of terror giving rise to the likelihood of an attack on the same scale as 9 11 or greater in the near future involving thousands of casualties and possibly weapons of mass destruction It explains how the harbinger theory shapes debates about rights and security by virtue of rhetorical strategies on the part of political leaders and security experts and in works of popular culture in which the theory is often invoked as a self evident truth without the need for supporting evidence or authority

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 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 **Security and Human Rights** Benjamin J Goold,Liora Lazarus,2019-09-05 This is the second edition of the acclaimed Security and Human Rights first published in 2007 Reconciling issues of security with a respect for fundamental human rights has become one of the key challenges facing governments throughout the world The first edition broke the disciplinary confines in which security was often analysed before and after the events of 11 September 2001 The second edition continues in this tradition presenting a collection of essays from leading academics and practitioners in the fields of criminal justice public law privacy law international law and critical social theory The collection offers genuinely multidisciplinary perspectives on the relationship between security and human rights In addition to exploring how the demands of security might be reconciled with the protection of established rights Security and Human Rights provides fresh insight into the broader legal and political challenges that lie ahead as states attempt to control crime prevent terrorism and protect their citizens The volume features a set of new essays that engage with the most pressing questions facing security and human rights in the twenty first century and is essential reading for all those working in the area *Putting the State on Trial* Margaret E. Beare,Nathalie Des Rosiers,Abigail C. Deshman,2015-04-01 Canada is often lauded as a model democracy that values the constitutional rights of its citizens So when over a thousand people most of whom were peaceful protesters or hapless bystanders were violently arrested and then detained without charge during the G20 Summit in Toronto in 2010 many Canadians felt shock and outrage Putting the State on Trial The Policing of Protest during the G20 Summit examines the political social and economic conditions that allowed the policing of the summit to culminate in human and civil rights violations Written by a multi disciplinary group of scholars and legal practitioners this book contextualizes events before during and after the summit from a range of perspectives Although the G20 protests serve as a point of

departure in every chapter the contributing authors engage with larger questions about the control of dissent the impact of the securitization and internationalization of Canadian politics the implications of legal uncertainty and the accountability vacuum

After the Paris Attacks Edward M. Iacobucci, Stephen J. Toope, 2015-04-07 The violent attacks on journalists at Charlie Hebdo and shoppers in a Jewish supermarket in Paris in January 2015 left seventeen dead and shocked the world In the aftermath the public struggles with unsettling questions What is the cost of free expression Do the world's major cities embrace multiculturalism Is the broad range of proposed new security measures too intrusive After the Paris Attacks brings together leading scholars and journalists to respond to this tragedy and to debate how we can reach a safer and saner future In this timely book experts from fields such as law political science and philosophy grapple with the vital challenges of balancing security justice and tolerance and offer astute and penetrating insights into how the world can best respond to these challenges

British And Canadian Perspectives on International Law Christopher Peter Michael Waters, 2006 British and Canadian Perspectives on International Law examines the impact of public international law on the United Kingdom's and Canada's domestic legal systems It also analyses the contributions of British and Canadian practice to the development of international norms Topics addressed include international criminal law international humanitarian law human rights and human security asylum trade jurisdiction reception law and media portrayals of international law Whereas international law scholarship usually takes a global regional or national approach this book's chapters are written by leading scholars and practitioners from both countries and provide unique comparative views While there remains much in common between the two states understandings of international law recent developments have shown significant points of departure

Re-envisioning Sovereignty Trudy Jacobsen, 2016-04-08 Sovereignty as a concept is in a state of flux In the course of the last century traditional meanings have been worn away while the limitations of sovereignty have been altered as transnational issues compete with domestic concerns for precedence This volume presents an interdisciplinary analysis of conceptions of sovereignty Divided into six overarching elements it explores a wide range of issues that have altered the theory and practice of state sovereignty such as human rights and the use of force for human protection purposes norms relating to governance the war on terror economic globalization the natural environment and changes in strategic thinking The authors are acknowledged experts in their respective areas and discuss the contemporary meaning and relevance of sovereignty and how it relates to the constitution of international order

The Oxford Handbook of National Security Intelligence Loch K. Johnson, 2010-03-12 The Oxford Handbook of National Security Intelligence is a state of the art work on intelligence and national security Edited by Loch Johnson one of the world's leading authorities on the subject the handbook examines the topic in full beginning with an examination of the major theories of intelligence It then shifts its focus to how intelligence agencies operate how they collect information from around the world the problems that come with transforming raw information into credible analysis and the difficulties in disseminating intelligence to policymakers It also considers the

balance between secrecy and public accountability and the ethical dilemmas that covert and counterintelligence operations routinely present to intelligence agencies Throughout contributors factor in broader historical and political contexts that are integral to understanding how intelligence agencies function in our information dominated age *Mapping Transatlantic Security Relations* Mark B. Salter, 2010-04-15 This book examines how legal political and rights discourses security policies and practices migrate and translate across the North Atlantic The complex relationship between liberty and security has been fundamentally recast and contested in liberal democracies since the start of the global war on terror In addition to recognizing new agencies political pressures and new sensitivities to difference it is important that not to over state the novelty of the post 9 11 era the war on terror simply made possible the intensification expansion or strengthening of policies already in existence or simply enabled the shutting down of debate Working from a common theoretical frame if different disciplines these chapters present policy oriented analyses of the actual practices of security policing and law in the European Union and Canada They focus on questions of risk and exception state sovereignty and governance liberty and rights law and transparency policing and security In particular the essays are concerned with charting how policies practices and ideas migrate between Canada the EU and its member states By taking field approach to the study of security practices the volume is not constrained by national case study or the solipsistic debates within subfields and bridges legal political and sociological analysis It will be of much interest to students of critical security studies sociology law global governance and IR in general Mark B Salter is Associate Professor at the School of Political Studies University of Ottawa

Human Dignity and Human Security in Times of Terrorism Christophe Paulussen, Martin Scheinin, 2019-12-09 In this book it is explained that despite a current drop in the number of deaths terrorism should still be considered a serious and widespread problem However the responses to this phenomenon are often more problematic from a long term perspective With the human rights framework under serious pressure this edited volume offers a timely important and critical in depth analysis of human dignity and human security challenges in the lead up and in the responses to current forms of terrorism It aims to map how human dignity and human security can be secured and how law can constitute a source of trust at a time when Europe and the rest of the world continue to be plagued by terrorism The authors are both established names and upcoming talent in this fastchanging and exciting field of law They thoroughly analyse a variety of topical subjects in more conceptual chapters for example calling for the humanisation of the security discourse and in highly practical contributions in which for instance the Kafkaesque situation in which rendition and torture victim Abu Zubaydah still finds himself today is considered This book which focuses on but is not limited to the situation in Western countries aims to inspire not only academics through further theorisation on the sometimes elusive but important concepts of human dignity and human security but also practitioners working in the field of countering terrorism It will hopefully convince them even more that following a human rights approach will be indispensable in securing human dignity and human security for all Even or in fact especially in times of

terrorism Christophe Paulussen is a Senior Researcher in the Research Department of the T M C Asser Instituut in The Hague The Netherlands and Martin Scheinin is Professor of International Law and Human Rights in the Department of Law of the European University Institute EUI in Florence Italy

Terrorism and Communication Jonathan Matusitz, 2013

Based on the premise that terrorism is essentially a message Terrorism and Communication A Critical Introduction examines terrorism from a communication perspective making it the first text to offer a complete picture of the role of communication in terrorist activity Through the extensive examination of state of the art research on terrorism as well as recent case studies and speech excerpts communication and terrorism scholar Jonathan Matusitz explores the ways that terrorists communicate messages through actions and discourse Using a multifaceted approach he draws valuable insights from relevant disciplines including mass communication political communication and visual communication as he illustrates the key role that media outlets play in communicating terrorists objectives and examines the role of global communication channels in both spreading and combating terrorism This is an essential introduction to understanding what terrorism is how it functions primarily through communication how we talk about it and how we prevent it

Security Aid: Canada and the Development Regime of Security Jeffrey Monaghan, 2017-01-01

Drawing on an array of previously classified materials and interviews with security experts Security Aid presents a critical analysis of the securitization of humanitarian aid

Terrorist Profiling and Law Enforcement Noel McGuirk, 2021-02-10

This book analyses the usefulness of terrorist profiling utilised by law enforcement officers as a pre emptive means to assist them in the detection prevention and deterrence of terrorism and or its preparatory activities It explores two main themes arising from the phenomenon of terrorist profiling the lawfulness of terrorist profiling and the utility of profiling These two themes are explored in three separate parts Firstly the book begins by drawing upon human rights concerns arising from the use of terrorist profiling by law enforcement officers Secondly an analytical framework capable of making determinations on the usefulness of terrorist profiling This framework develops a profiling spectrum that ranges from formal and informal manifestations of terrorist profiling that forms the basis for evaluating its usefulness Finally the book presents an examination of various manifestations of terrorist profiling by separating the analysis of the construction of profiles on the one hand from their application on the other so as to be able to identify and examine profiling s usefulness as a technique to assist law enforcement officers make predictions about likely offender characteristics This book ultimately concludes that terrorist profiling should only be conducted by undertaking a systematic assessment of the construction of profiles separate from the application of profiles whilst simultaneously taking into account fundamental human rights concerns with the practice of terrorist profiling The work will be an essential resource for academics law enforcement officers and lawyers in the disciplines of law criminology human rights criminal justice and policing As the book engages with terrorist profiling it will also be of interest to those engaged in the psychology of terrorism

Secret Service Reginald Whitaker, Gregory S. Kealey, Andrew

Parnaby,2012-01-01 Drawing on previously classified government records the authors reveal that for over 150 years Canada has run spy operations largely hidden from public or parliamentary scrutiny complete with undercover agents secret sources agent provocateurs coded communications elaborate files and all the usual apparatus of deception and betrayal so familiar to fans of spy fiction As they argue what makes Canada unique among Western countries is its insistent focus of its surveillance inwards and usually against Canadian citizens

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