

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

Mark B. Salter



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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

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 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

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

Dependent America? Stephen Clarkson,Matto Mildenberger,2011-09-30 Following the acclaimed Uncle Sam and Us and the influential Does North America Exist Stephen Clarkson the preeminent analyst of North America s political economy and Matto Mildenberger turn continental scholarship on its head by showing how Canada and Mexico contribute to the United States wealth security and global power This provocative work documents how Canada and Mexico offer the United States open markets for its investments and exports massive flows of skilled and unskilled labour and vast resource inputs all of which boost its size and competitiveness more than does any other US partner They are also Uncle Sam s most important allies in supporting its anti terrorist and anti narcotics security Clarkson and Mildenberger explain the paradox of these two countries simultaneous importance and powerlessness by showing how the US government has systematically neutralized their potential influence Detailing the dynamics of North America s power relations Dependent America is a fitting conclusion to Clarkson s celebrated trilogy on the contradictory qualities of its regionalism asymmetrical economic integration thickened borders and emasculated governance

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

Law and Liberty in the War on Terror Andrew Lynch, Edwina MacDonald, George Williams, 2007 How can we ensure national security against people unafraid to kill themselves along with their victims people who self evidently will not be deterred by traditional laws which punish offenders after their crimes are committed This is the challenge for liberal democracies such as Australia New laws specifically designed to forestall terrorist activity have been a key response *Law and Liberty in the War on Terror* describes these laws and debates both their effectiveness and impact on civil liberties International and domestic commentators from the fields of government law and political science address questions such as How does the law define terrorism Can the criminal justice system accommodate preparatory terrorism offences Is torture ever acceptable as an interrogative method What is the role of the judiciary in times of emergency How do Australia's anti terrorism laws compare with those of the United Kingdom and New Zealand How are Australian communities and politics affected by responses to terrorism In this book proponents of the new anti terrorism laws seek to justify their provisions and opponents argue that the laws go too far These chapters also show the extent of the changes that have been made to our legal and administrative structures The chapters in this book cannot be dismissed as mere academic analyses They have to do with the lives and aspirations of all Australians They ask whether Australia is and whether it will be a united secure free and confident nation Sir Gerard Brennan AC KBE former Chief Justice of Australia

September 11' Kent Roach, 2003-04-23 In September 11 Kent Roach provides a critical examination of the consequences of September 11 for law democracy sovereignty and security He assesses a broad range of anti terrorism measures including 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 Roach evaluates both the opposition of many civil society groups to the Anti terrorism Act and the government's defence of the law as necessary to prevent terrorism and consistent with human rights He 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 With reference to controversial comments about September 11 made by Prime Minister Chretien and others and the debate about anti Americanism Roach examines whether September 11 has chilled Canadian democracy He also examines the challenge September 11 presents for Canadian sovereignty on key components of foreign military and immigration policy and the possibility that Canadian Forces participated in violations of international law in Afghanistan With specific reference to the threat of nuclear and biological terrorism and aviation safety Roach argues that more emphasis on administrative and technological measures and less emphasis on criminal sanctions and military force may better protect Canadians from both terrorism and other threats to their security 11-Sep 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 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

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

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

The Making of the Mosaic Ninette Kelley, M. Trebilcock, 2010-10-02 Immigration policy is a subject of intense political and public debate In this second edition of the widely recognized and authoritative work The Making of the Mosaic Ninette Kelley and Michael Trebilcock have thoroughly revised and updated their examination of the ideas interests institutions and rhetoric that have shaped Canada's immigration history Beginning their study in the pre Confederation period the authors interpret major episodes in the evolution of Canadian immigration policy including the massive deportations of the First World War and Depression eras as well as the Japanese Canadian internment camps during World War Two New chapters provide perspective on immigration in a post 9 11 world where security concerns and a demand for temporary foreign workers play a defining role in immigration policy reform A comprehensive and important work The Making of the Mosaic clarifies the attitudes underlying each phase and juncture of immigration history providing vital perspective on the central issues of immigration policy that continue to

confront us today 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 **Law, Privacy and Surveillance in Canada in the Post-Snowden Era** Michael Geist, 2015-05-28 Years of surveillance related leaks from US whistleblower Edward Snowden have fueled an international debate on privacy spying and Internet surveillance Much of the focus has centered on the role of the US National Security Agency yet there is an important Canadian side to the story The Communications Security Establishment the Canadian counterpart to the NSA has played an active role in surveillance activities both at home and abroad raising a host of challenging legal and policy questions With contributions by leading experts in the field Law Privacy and Surveillance in Canada in the Post Snowden Era is the right book at the right time From the effectiveness of accountability and oversight programs to the legal issues raised by metadata collection to the privacy challenges surrounding new technologies this book explores current issues torn from the headlines with a uniquely Canadian perspective Published in English **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 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, 2011-04-20 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 Harbinger Theory* Robert Diab, 2015-03-11 North American law has been transformed in ways unimaginable before 9/11 Laws now authorize and courts have condoned indefinite detention without charge based on secret evidence mass secret surveillance and targeted killing of US citizens suggesting a shift in the cultural currency of a liberal form of legality to authoritarian legality *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 It also reveals how liberal advocates tend to be deferential to the theory aiding its deeper entrenchment through the absence of a prominent public critique of it In a unique overview of a range of skeptical evidence about the likelihood of mass terror involving WMD or conventional means this book contends that a potentially more effective basis for reform advocacy is not to dismiss overstated threat claims as implausible or psychologically grounded but to challenge the harbinger theory directly through the use of contrary evidence

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