

ANTI-TERRORISM LEGISLATION – *Terrance Carter*

Law may inadvertently draw innocent causes within its maw as suspect causes include environmental groups

The definition of what may constitute a “terrorist activity” under the *Criminal Code*, as revised by Bill C-36, the *Anti-Terrorism Act*, is that it is an act or omission committed “in whole or in part for a political, religious or ideological purpose, objective or cause” that leads to injury, substantial property damage or a serious disruption of essential services.

Of the three different types of purposes, “political” and “religious” are somewhat self-explanatory.

“Ideological” purpose, though, may be more ambiguous in its meaning. It is important, therefore, to look to how the term “ideological” is being utilized in a practical context by the authorities who are implementing and enforcing anti-terrorism laws to understand what “ideological” purpose entails in terms of fulfilling the definition of a “terrorist activity”.

RCMP responds to “threats”

As a result of the passage of Bill C-36, the RCMP has publicly stated that its “key role” in the emerging anti-terrorism agenda is “preventing, detecting and responding to existing and emerging national security threats”.

In this regard, an article published by the RCMP during the last months of 2001, titled *The Hands of Terror*, available at http://www.rcmp.ca/gazette/gazette_vol63no6_e.pdf, documents the beginnings of this anti-terrorist initiative and investigations by the RCMP.

Within the RCMP article, it is stated that potential terrorists are often “operating under ideology as opposed to affiliation”.

Specific examples of what these ideological purposes are and the issues that are stated as being actively monitored by the RCMP include groups and individuals involved with advocacy regarding “genetically modified food and ongoing environmental concerns about water, forest preservations and animal rights”.

Critical to charities

As the actual investigation and enforcement of the *Anti-Terrorism Act* unfolds, information concerning those targeted under it will become critical to charitable organizations, especially those that may be involved with environmental protection or animal rights.

In addition, the recent statements by the RCMP reveal the broad scope of “ideological” purposes in relation to what constitutes “terrorist activities” and the breadth of organizations which may be targeted and investigated.

All charitable organizations, and specifically domestic charitable organizations that are involved in targeted “ideological” areas involving advocacy, such as animal rights and environmental protection organizations, will now need to be vigilant in light of these revelations and develop a proactive, due diligence response.

For more information about developing a due diligence response, reference can be made to *Charity Law Bulletin No. 12* found at www.antiterrorism.ca.

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Continued from page 2

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