

## What Can Be Done?

If such legislation is not reined in, civil liberties may be irretrievably lost.

If you share our concern about Canada's anti-terrorism legislation, we encourage you to take action now.

### 1. Educate Yourself

Learn more by accessing documents and web sites listed in this brochure.

### 2. Educate Others

Share this brochure with others – contact CFSC for copies, or send people to our web site <[www.cfsc.quaker.ca](http://www.cfsc.quaker.ca)> to obtain information and other useful materials.

### 3. Take Action in Your Community

- Organize a discussion among your friends, in your faith community, etc. Prepare a sample letter to Members of Parliament (MPs) and to the newspaper, so that people can take action themselves.
- Ask your MP to support a comprehensive, public review of the Anti-Terrorism Act and to oppose passing further anti-terrorism legislation until both the review and the Mahar Arar Inquiry are completed.  
  
For contact information for your Member of Parliament, call 1-800-622-6232 (8 a.m. – 8 p.m.).
- Write letters to the editor of your newspapers and newsletters – inform them of your concerns and the need for a thorough, public review of the ATA.

***The Anti-Terrorism Act is a hasty and ill-considered response to the tragic events of September 11 ... it will seriously undermine the rights of Canadians and the culture of public trust so essential to an effective and robust democracy.***

*KAIROS: Canadian Ecumenical Justice Initiatives*

## Resource List:

### Documents:

"Anti-Terrorism and the Security Agenda: Impacts on Rights, Freedoms and Democracy...by the ICLMG" (2004). See <[www.waronterrorismwatch.ca/civilsocietyinitiatives.asp](http://www.waronterrorismwatch.ca/civilsocietyinitiatives.asp)>

"In the Shadow of the Law", ICLMG's response to Justice Canada's first annual report on the application of the ATA (2003). See <[www.interpres.ca/en/publications/pdf](http://www.interpres.ca/en/publications/pdf)>

"Canada's Anti-Terrorism Legislation...A briefing for Canadian Meetings and Bodies" by CFSC (2003). Visit <[www.cfsc.quaker.ca](http://www.cfsc.quaker.ca)> or contact CFSC.

"Securing an Open Society: Canada's National Security Policy", Government of Canada (April 2004). See <[www.waronterrorismwatch.ca/canadianlegislation.asp](http://www.waronterrorismwatch.ca/canadianlegislation.asp)>

For links to other legislation and policy, see <[www.waronterrorismwatch.ca](http://www.waronterrorismwatch.ca)>

### Web sites:

Canadian Friends Service Committee:  
<[www.cfsc.quaker.ca](http://www.cfsc.quaker.ca)>

Canadian Council for Refugees <[www.web.net/~ccr](http://www.web.net/~ccr)>

KAIROS: <[www.kairoscanada.org/e](http://www.kairoscanada.org/e)>

Legal analysis: Canadian Association of University Teachers <[www.waronterrorismwatch.ca](http://www.waronterrorismwatch.ca)>, Carter and Associates <[www.antiterrorismlaw.ca](http://www.antiterrorismlaw.ca)>, Canadian Bar Association <[www.cba.org](http://www.cba.org)>

*Please contact us to stay abreast of this and other issues through Quaker Concern, a free CFSC publication, or to make a charitable donation towards our work.*



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CANADIAN FRIENDS  
SERVICE COMMITTEE



SECOURS QUAKER  
CANADIEN

# The Anti-Terrorism Act...

**It promotes fear,  
erodes civil liberties,  
fails to provide human security.**

**A review of this legislation  
is urgently needed.  
It's time for Canadians to act.**

## History of the Anti-Terrorism Act

The Anti-Terrorism Act (Bill C-36), designed to combat terrorism, was passed in December 2001 shortly after the events of 9/11.

Many groups have been deeply concerned that its new powers will be used against minorities, to stifle legitimate dissent, and to deny people basic rights guaranteed in the Canadian Constitution. Global terrorism must be addressed; existing domestic and international law is, however, sufficient for that purpose.

The Anti-Terrorism Act (ATA) requires a “three-year review”. We need your help to ensure that this review is thorough and meaningful and involves public consultation.

## Key Components of the Anti-Terrorism Act

### Preventive Detention

This allows police to jail “suspects” without charge.

### Absence of Due Process

Information pertaining to a case may be withheld from the judicial proceedings if this is deemed to be in the “national interest”.

### Amendments to the Criminal Code

As an “omnibus bill”, the ATA amended multiple existing laws, resulting in an unprecedented expansion of state power.

### Follow-on Legislation

The ATA is part of a network of anti-terrorism measures, including plans for biometric data collection and a new data bank by Canada Customs and Revenue Agency (CCRA) to track the foreign air travel of Canadians. Data will be kept for six years and can be shared with other security agencies and other countries.

### Absence of Oversight

Since there is no body with adequate authority to oversee those who implement the ATA, opportunities for abuse and misuse are more likely to occur.

### Absence of a “Sunset Clause”

The ATA does not specify a fixed expiration date, a “sunset clause”, which would have enabled the government to introduce more precise measures for anti-terrorism work, free of the “heat of the moment” context of Bill C-36.

## How Can Such Legislation Be Used?

### Detention and Lack of Due Process

The use of National Security Certificates (NSCs), under the Immigration Act and now the ATA, provides for the withholding of evidence that can clear or convict a person of an offense such that a fair trial is profoundly compromised. The right to hold trials out of the public eye makes this even more concerning within a democracy.

To date, NSCs have been issued only under the Immigration Act; at least six men are being held with no charges and, thus, no due process of law to test their innocence (or guilt) before a court. The expanded mandate for use of NSCs in the ATA allows for charities to be de-registered without due process. NSCs are issued by the Minister for Public Safety alone. Even requiring at least two Ministers’ signatures would provide a minimal level of checks and balances.

### Data Bases without Borders

On a business trip to Chicago, a Canadian citizen was stopped for speeding. He was arrested and his papers checked. Although this was a case of mistaken identity, the in-car police computer screen was filled with banking and other sensitive information on Canadians – all in the hands of the American police. Anonymous data sharing compromises an individual’s rights and privacy.

## Our Concerns

Canadian Friends Service Committee (CFSC), the peace and justice arm of Quakers in Canada, is deeply concerned about the Anti-Terrorism Act and other such legislation. We are working with various groups through the International Civil Liberties Monitoring Group (ICLMG) to register our concerns with the government and to educate the public about the legislation and the protection of civil liberties.

## Reasons Why the ATA Must Undergo a Comprehensive Review

- The definitions of “terrorist” and “terrorist activity” are imprecise and open to abuse.
- The ATA endangers the rights of individuals guaranteed in the Charter of Rights and Freedoms – freedoms of speech, of conscience and religion, of association, and of movement – particularly for members of minority groups such as immigrants, refugees, Muslims, and Indigenous peoples.
- Broadened, unchecked powers in the ATA condone, perhaps even encourage, detention, data sharing, surveillance and secret trials of suspects by police, security forces, and the judiciary.
- The “chill effect” of the ATA discourages civil dissent and legitimate protest.
- The police, RCMP, and CSIS are not sufficiently accountable in their application of the anti-terrorism measures.

*This trend of curtailing generally accepted human rights is part of a global agenda, contributing to increased racial profiling, imputing guilt by association, uncontrolled surveillance, and unjust detentions worldwide.*

***We ask ourselves, “At what point do people lose the power to challenge their government’s misuse of authority?”***

***Learning from history, we must have the courage to act despite fear, and call our government to account while it is still possible to do so.***

*Canadian Yearly Meeting (the national body of Quakers)*