

**LAWS3305, Nov 21/13**  
**The Impact of and Response to Terrorism**

- the coming down of the twin towers as one of the most ruthless attacks you could have; huge bang for their buck – coming down of the whole security infrastructure in North America; anti-terrorism Act in Canada
- By Christmas, Canada, following 911, created the Anti-Terrorism Act
- Lawrence Martin – wrote on paranoia following security excess
- comments on the perpetual insecurity we have put ourselves in; an era of overreaction
- this overreaction acts as a golden opportunity for a political leader to take over w/an attitude of courage and candour
- accepting that there is and always will be terrorist threats of various magnitudes

The “**Shocks the Conscience Test**” -- to determine the illegality of terrorist actions

- in American and It'l Law, there is clear expression of prohibitions against torture
- every day water boarding continues to survive, terrorists are more encouraged to terrorize; pot calling kettle black

**Legislation re: Terrorism**

(don't have to memorize sections, etc.)

- for ex: banks having to report large transactions (10,000)
- lawyers to report suspicions of clients keeping large amounts of money either offshore or here
  - comes under suspicion of supporting or financing terrorism

**Recognizing Assimilation's Failure** – terrorism's rise in the home-grown sphere

- for ex: 911 is an iconic term in the American vocabulary; everyone knows that foreigners came to blast us
- 7/7 is similarly in the British psyche after 2005—Islamic suicide bombers attacking the Islamic transit system killing 52 people but **the killers there were all British citizens**
  - lots of inquest subsequently about local imams leading young people astray
  - more recently, suggestion of **potential recruitment of home-grown** crop has moved to universities
  - question now should be not so much **how** people came to be radicalized, **but why** – many of them are integrated, articulate, have jobs—all ordinal basis—turn to a violent ideology? Why do they find it so attractive?
  - maybe we're too comfortable despite our paranoia
  - our societies are being made **more diverse constantly by mass immigration; what are the policies** made by the government to manage this diversity? Are they liaising enough w/the communities?
  - we always hear about international terrorist activity, but never homegrown incidents of home-grown terrorism

**Canada's Role in the Child Soldier Syndrome:**

- Ex: Emmanuel Jan: a “true rap poet” whose experience was as early as the age of 6 when members of his family were beaten, raped
- he wound up in the Sudanese army; saw unspeakable violence
- managed to get released; went to school
- we seem to care more about the children in Africa whereas those like Omar Khadar in Canada are left in federal pen. (large amnt of hypocrisy)

### **Teen Terrorists:**

- term “child soldiers” no longer used as much so as to water down our conventions w/the U.N.; wording makes a big difference
- GI camps (boot camps in Canada)—in the States, NY in particular, referred to young people as 'candidates' who would graduate from this program; when they did so, they were tracked so that they got the job
- society cared; they got jobs; recidivist rate was very low
- double-bunking: cramming 2 guys into the same space; not a good thing in our incarceration facilities

Ishmael Baeh – former child soldier who wrote *The Long Way Gone* on his experience; he shot several people who'd been captured by the rebels, left them all day to suffer and then executed them all to shut them up

- had been drugged and ordered to kill rebels
- why do we imprison people like him as opposed to those who prey on others

### **The FLQ**

- most signal act of terrorism on Canada's property
- October, 1970
- essentially, at the outset, a group who were Marxist anarchists, received guerilla training overseas
- sought to separate from Canada
- from 1962-70, a lot of stuff happened on our soil that would upset us if they were to happen today
- bombings, misfirings, members of the FLQ sent to jail in the 1970, including 4 convicted murderers and 1 member later killed by own bomb
- in 1966, a secret 8-pg document was prepared by FLQ but it wasn't getting anywhere; wasn't getting to the revolution they thought they could inspire within the Quebecois
- in 1970, leaders of principally 2 cells decided that due to violence and criminal activities, had better turn to something more dramatic—so carried out political kidnappings
- James Richard Cross—Irish-born British trade commissioner—was kidnapped at gunpoint in his home in MTL
- a few days later in same week managed to persuade CBC radio to read out its manifesto
- the powers that be agreed to do so in the hope that they could get Cross's release; did not happen, so was a standoff between the new premier and the federal cabinet (under Trudeau); much debate about what to do
- on Oct 10, Pierre Lapont, was kidnapped in front of home in MTL
- **2 leading figures had been kidnapped right here in Canada**
- several leaders of FLQ convened days later—sense of Parisian, romantic sense of revolution and rebellion
- gathered to support in large #s the FLQ
- result: huge general strike in Quebec
- culminated at 3AM on Oct 16<sup>th</sup>, 1970
- Pierre Trudeau invoked the War Measures Act (now Emergencies Act subject to Charter)
- **War Measures Act imposed Marshall Law all across the country**
  - key phrase in it was that the government could shut down civil liberties w/the tangible threat to the rule of law and the government
  - Trudeau very flamboyant about it; see this in terms of the press responding to it
  - in reality, Trudeau a great civil libertarian
  - he knew he'd take a lot of flak for it
  - politically, did very well in the polls because he appeared to be tough on terrorism

- **War Measures Act commenced on the same day as WW1**
- there were abuses from the War Measures Act – a public threat that could be abused as well as used
- Many Ukrainian Canadians sent to internment camps; Italians and Japanese shamefully dealt with during WW2
- Act used to ban Jehovah's witnesses & the communist party of Canada; what did these have to do w/it?