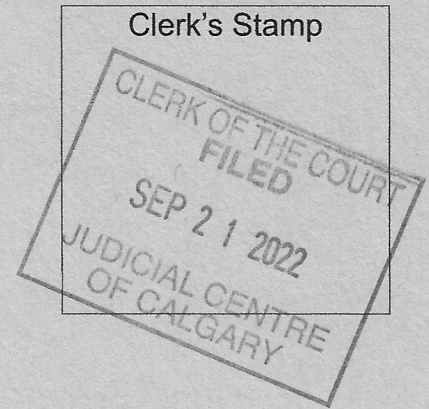


COURT FILE NUMBER 1701-17295
COURT **KING'S BENCH OF ALBERTA**
JUDICIAL CENTRE CALGARY
PLAINTIFFS KAYSHA FAITH RICHARDSON
DEFENDANTS RONALD WILLIAM SCHAFER

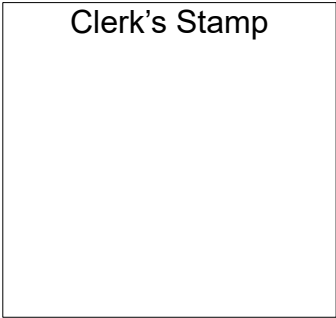


COURT FILE NUMBER 2001-14323
COURT **KING'S BENCH OF ALBERTA**
JUDICIAL CENTRE CALGARY
PLAINTIFFS KAYSHA FAITH RICHARDSON
DEFENDANTS COLBY CHRISTOPHER WALLACE
AND COLBRAY HOMES LTD.

COURT FILE NUMBER 2001-16974
COURT **KING'S BENCH OF ALBERTA**
JUDICIAL CENTRE CALGARY
PLAINTIFFS DAVE DERY and KAYSHA FAITH DERY also known
as KAYSHA FAITH RICHARDSON
DEFENDANTS CHRISTOPHER GRANT JORGENSEN AND
ASHELEY MAE JORGENSEN
DOCUMENT APPLICATION FOR INTERVENTION

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
DALE J. RICHARDSON
1292 95th St., North Battleford SK,
S9A 0G2
Tel: 306-441-7010
Fax: 639-630-2551
Email: unity@dsrkariconsulting.com

COURT FILE NUMBER 1701-17295
COURT **KING'S BENCH OF ALBERTA**
JUDICIAL CENTRE CALGARY
PLAINTIFFS KAYSHA FAITH RICHARDSON
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Email: unity@dsrkariconsulting.com

NOTICE TO THE RESPONDENT(S): Derek Allchurch

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Court Date:

October 11, 2022

Time:

~~9:00 AM~~ 10:00am

Where:

Calgary- Courts Centre, 601-5 Street SW, Calgary, AB T2P 5P7

Before Whom:

Justice in Chambers

Go to the end of this document to see what else you can do and when you must do it.

To: **THE APPLICANT (Respondent)**
PIPELLA LAW
DEREK ALLCHURCH
1333 8th Street S.W
Calgary Alberta T2R 1M6

I. REMEDY CLAIMED OR SOUGHT

1. An Order pursuant to subsection 15(1) of the *Canadian Charter of Rights and Freedoms*, *Convention against Torture*, section 83.01(b) of the *Criminal Code* Rule 2.10 granting leave to the Intervenor, DALE RICHARDSON of 1292 95th Street, North Battleford, SK S9A 0G2, to intervene;
2. An Order to set aside the application made by the Applicant Pipella Law LLP;
3. An Order preventing any action to take place in this matter until a review of the actions have been examined by way of certiorari;
4. An Order for Certiorari; and
5. Such further and other relief as this Honourable Court may find just and expedient.

GROUND

6. The Intervenor is presenting the evidence before the Court of King's Bench for Alberta in good faith based on scientific inquiry and because of the urgent, imperative, nature of its findings that are of an extreme interest to the public and can have catastrophic consequences to the lives, health and safety of the public, especially impacting children by killing them by criminal negligence and spreading a biological weapon if ignored, thereby engaging in terrorism and treason by giving aid and comfort to the traitors and terrorist named herein and listed in the attached affidavit and documentation hereunder.
7. The Intervenor was defrauded by Derek Allchurch and all the other defendants in T-1404-20 by using fraudulent shareholder information of a federal corporation, DSR Karis Consulting Inc. for financial and personal gain and rogue agents of Federal Court of Canada and the Defendants including Derek Allchurch have established a consistent pattern of fraudulent actions;
8. The Intervenor is a Canadian citizen who has and is conducting research in the area of infection controls regarding SARS-Cov-2 threat that is in the public interest to continue without him being the subject of torture and persecution, with one of the primary ways in which he is being punished is through the torture and persecution of his two daughters and other family members, one of whom is Kaysa Richardson who is a part of this litigation; as the research is related to mitigating the spread of the emerging contagion;
9. The Intervenor's research suggests that the actions of Derek Allchurch and those associated with him are consistent with participation in Bioterrorism;
10. Evidence presented by the Intervenor demonstrates that Derek Allchurch, Tara D. Pipella and Pipella Law LLP have documents originating from the Intervenor in the file of Astra Richardson-Pereira including a statement of claim for T-1403-20 where the Intervenor submitted an action of behalf of DSR Karis Consulting Inc., a federal corporation registered to operate in the jurisdiction of Alberta and Saskatchewan and is the same corporation that Derek Allchurch defrauded in the

Federal Court of Canada and presents evidence of criminal fraud in violation of section 380(1) of the Criminal Code by using the litigation case of Astra Richardson-Pereira to process documents relating to the Intervenor;

11. Derek Allchurch has used fraud to obtain charging liens in the Supreme Court of British Columbia further demonstrating a pattern of using the civil courts to commit fraud;
12. Derek Allchurch, Tara D. Pipella and Pipella Law LLP have a vested interest in the suppression of the Intervenor's research and is benefiting financially from the murder of people of Canada and the United States;
13. Derek Allchurch, Tara D. Pipella and Pipella Law LLP have demonstrated a propensity to commit fraud using the civil courts and every matter must be examined and every party connected to these matters must be investigated;
14. Associate Chief Justice Rooke has demonstrated a propensity for fraud and abusing his position as a justice of the Court of King's Bench of Alberta in violation of section 380(1) of the Criminal Code;
15. Associate Chief Justice Rooke has abused his position to retaliate and punish the Intervenor for complaints of torture in violation of the Convention against Torture and 269.1 of the Criminal Code;
16. It is in the public interest for the Applicant's matter to be set aside because no health authority has no scientific basis for their issuance of Table S-31 for Aerosol Generating Medical Procedures guidance and evidence suggests that the guidance issued by Public Health Agency of Canada has furthered the spread of SARS-Cov-2 and will potentially do the same with the emerging Monkeypox contagion;
17. The Intervenor has a right to be heard under article 13 of the Convention against Torture and has been continually denied his rights to the same in the Federal Court of Canada and the Applicant has financially and materially benefited from the denial of said rights, and is seeking to further such financial gains by way of fraudulent means;

18. The Intervenor is the only person equipped to effectively consult on implementing his research that was pioneered by him, and hindering him will result in substantial loss of life to members of the public as a result of the spread of a biological weapon, which will be the sure result from denying him the ability to speak;
19. The Intervenor is not Kaysha Richardson and has a right to speak on his own behalf;
20. The Intervenor has identified that the actions of state and private actors are consistent with participants engaged in Bioterrorism through his research;

II. FACTS

21. The Dale J. Richardson has conducted research into SARS-Cov-2 infection controls on behalf of DSR Karis Consulting Inc. which is a Canadian corporation pursuant to Canada Business Corporations Act whose business is in essential services in Heating, Ventilating, and Air Conditioning. Dale J. Richardson has also conducted research on behalf of DSR Karis Consulting Inc. into SARS-Cov-2 and the emerging Monkeypox contagion and has identified a number of risks associated with the misrepresentation of Aerosol Generating Medical Procedures guidance issued by the Saskatchewan Health Authority that can have “an extremely deleterious negative impact on the population of Saskatchewan” from allowing the spread of a biological weapon designed to kill the innocent citizens of Canada and the United States. The report produced by the DSR Karis Consulting Inc. outlines serious threats to the public and national security issues that agree with declassified Canadian Security Intelligence Service documents relating to Bioterrorism. This guidance is also in use by the Public Health Agency of Canada and the deleterious effects from the spreading of a biological weapon will be the same in its jurisdiction.
22. The engineering report demonstrates that SARS-Cov-2 was used as a biological weapon that was used to interfere with the 2020 elections in the United States and used as a mechanism to effect its overthrow.

23. The engineering report demonstrates that actors in Canada have acted to hinder the reporting of the interference bioterrorism that was used to interfere in the United States presidential elections in 2020 which is an act of aggression against the United States and constitutes foreign interference in an election in the United States;
24. Associate Chief Justice Rooke
25. Kaysha Richardson is a citizen of the Metis Nation of Saskatchewan.
26. The Attorney General of Canada has demonstrated an observable pattern of attacking the Intervenor and any person who agrees with or is in line with his political opinion. Derek Allchurch, Tara D. Pipella and Pipella Law LLP have financially and materially benefited from these attacks.
27. The research of DSR Karis Consulting Inc. agrees with the political opinion of the Dale J. Richardson.
28. Derek Allchurch made an agreement with Nabeel Peermohamed in the slip and fall matter for Astra Richardson-Pereira which is related to the MVA which is the underlying action this application is attached to and the agreement was dated March 24, 2021.
29. Kaysha Richardson is the Chief Communication Officer of DSR Karis Consulting Inc. and she has filed for asylum in the United States under the Convention against Torture. Derek Allchurch, Tara Pipella, SGI and Jordan Ottenbreit (without limitation) are persons who are complicit to her torture and reason for her asylum claim.
30. The registered office of DSR Karis Consulting Inc. for Alberta is located at 116 West Creek Meadow Chestermere AB, which is also the residence of Astra Richardson-Pereira.
31. Astra Richardson-Pereira is the person listed for service of documents for DSR Karis Consulting Inc. in Alberta.

32. Derek Allchurch made an agreement with Nabeel Peermohamed in the slip and fall matter for Astra Richardson-Pereira which is related to the MVA and the agreement was dated March 24, 2021. The agreement was for Astra Richardson-Pereira to assume 75% liability for the slip and fall.
33. The letter by James A. Richards of Slater Veccio LLP stated that it was not in Astra Richardson-Pereira's best interests to have the matters litigated for a number of reasons, and a notable one is that the MVA could be reduced by the % of the deal put forth by Nabeel Peermohamed to Derek Allchurch. SGI is involved in the MVA litigation in the Supreme Court of British Columbia.
34. The letter by James A. Richards said it was in the best interests of Astra Richardson-Pereira to have the MVA and the slip and fall litigated together and declined to take the case in British Columbia because he said it was not in her best interests.
35. Dale J. Richardson witnessed Derek Allchurch and Tara D. Pipella pressure Astra Richardson-Pereira to take the offer that Nabeel Peermohamed gave. Astra Richardson-Pereira declined to take the offer.
36. Associate Chief Justice Rooke of the Court of King's Bench of Alberta was the judge presiding over the matter between Astra Richardson-Pereira and Nabeel Peermohamed, where Derek Allchurch withdrew as her counsel the day before the trial when she refused to take the deal with Nabeel Peermohamed.
37. Associate Chief Justice Rooke punished Astra Richardson-Pereira and Kaysha Richardson for an Application for Access to the Child under the central authority, which is not the jurisdiction of the Court of King's Bench of Alberta and Kaysha Richardson nor Astra Richardson-Pereira has filed any document in the Court of King's Bench of Alberta called application 3 in his orders dated August 23, 2022 and previously.
38. Associate Chief Justice Rooke is the justice in charge of the trial that Derek Allchurch abandoned his client Astra Richardson-Pereira on March 26, 2021 the

- day before the trial and Nabeel Peermohamed was counsel for the Defendants in that action;
39. The Cullen Commission report demonstrated that lawyers and law societies were involved in criminal activity.
 40. On July 23, 2020 a terrorist attack was initiated against DSR Karis Consulting Inc. by kidnapping Dale J. Richardson and Kaysha Richardson and torturing them at separate facilities controlled and or operated by the Saskatchewan Health Authority to propagate the distribution of a biological agent, namely SARS-Cov-2;
 41. On July 23, 2020 a second terrorist attack was initiated against DSR Karis Consulting Inc. when its registered office was seized and corporate records were stolen and or duplicated for the purposes of destroying DSR Karis Consulting Inc..
 42. Nabeel Peermohamed was retained by Saskatchewan Government Insurance (“SGI”) and Jordan Ottenbreit and Nabeel Peermohamed sent an email to DSR Karis Consulting Inc. on October 5, 2020 to advise that he was retained as counsel in the matter of DSR Karis Consulting Inc. v. Court of Queen's Bench for Saskatchewan et al., the research, torture, criminal negligence and involvement of the Royal Canadian Mounted Police were the subject of that matter.
 43. SGI financially and materially benefited from fraud when the orders to dismiss T-1115-20 stated that there was no jurisdiction for the Federal Court of Canada to deal with matters relating to servants of the crown, when the crown liabilities act states otherwise.
 44. Dale J. Richardson has attempted to seek remedy against parties based on a similar set of events in T-1404-20 based on what happened to him as a person and the interest in the events relevant to him.
 45. Dale J. Richardson has been targeted by the overt actions of the Defendants in T-1404-20 of whom Derek Allchurch is a named defendant. Any persons who share the same ideological, political, and religious position of Dale J. Richardson

or is affiliated with him in any way has been subject to these attacks. The overt actions include without limitation the torture of Kaysha Richardson and seizure of property and hindrance of essential services of DSR Karis Consulting Inc..

46. The foregoing vexatious Order was made against Dale J. Richardson pursuant to the authority and under the direction of the Attorney General of Canada as required by section 40 of the *Federal Courts Act*, demonstrated the **intent** of the Attorney General of Canada to defraud Dale J. Richardson of his rights, namely:

THE ATTORNEY GENERAL OF CANADA, acting through the Assistant Deputy Attorney General, Litigation, being a person appointed to serve in a capacity appropriate for granting a consent of this nature, hereby consents to the bringing of an application for an order against Dale Richardson, DSR Karis Consulting Inc., and Robert Cannon, pursuant to section 40 of the *Federal Courts Act*.

47. Fraudulent shareholder information of DSR Karis Consulting Inc. was used by the Defendants in T-1404-20 in the Federal Court of Canada to secure a favourable outcome and obtain financial and material benefit by unlawful punishment of Dale J. Richardson, and Derek Allchurch was among the Defendants.
48. The fraudulent shareholder information was easily proved false as it could be obtained from the Alberta corporate registry and is on public record.
49. The certified security register of DSR Karis Consulting Inc. and the shareholder information on the Alberta corporate registry agree.
50. DSR Karis Consulting Inc. has filled all annual returns in Alberta in 2021 and 2022.
51. Derek Allchurch financially and materially benefited from fraud in a civil court and is proposing that the Supreme Court of British Columbia exploit Kaysha Richardson financially.

52. No qualified party has ever been able to refute to claims of Dale J. Richardson including the Association of Professional Engineers and Geoscientists of Saskatchewan.
53. The Defendants in T-1404-20 demonstrated **intent** to seek remedy against Dale J. Richardson, DSR Karis Consulting Inc., and Robert Cannon because Robert A. Cannon filed a habeas corpus to stop the agents of the Saskatchewan Health Authority from torturing Dale J. Richardson, Kaysha Richardson and by extension Karis Kenna Nicole Richardson. This intent to punish because the torture was interrupted by the habeas corpus can be observed by the fixation of Pamela Heinrichs mentioning a habeas corpus as the main reason for the vexatious litigant proceeding which financially and materially benefited Derek Allchurch by the financial and sexual exploitation of Karis Kenna Nicole Richardson. The fixation of Pamela Heinrichs is observed in the foregoing grounds that were the focus of her Affidavit, sworn September 13, 2021, namely:

5. In addition to these Federal Court matters, the Plaintiff and/or his agents have initiated the following court actions in Saskatchewan:

a. QBG 921 of 2020 (SKQB). A copy of the Application for Writ of Habeas Corpus and the corresponding September 10, 2020 Fiat of Justice Crooks are attached hereto and marked as Exhibit "A".

b. CACV3708 of 2020 (SKCA). A copy of the Notice of Appeal and the Appellant's Factum are attached hereto and marked as Exhibit "B".

...

8. I make this Affidavit in support the Motion to have the Plaintiff, Dale Richardson, and his agents, DSR Karis Consulting Inc. and Robert Cannon, declared vexatious litigants.

54. The Affidavit of Pamela Heinrichs, sworn September 13, 2021 cites and exclusively includes documents from Saskatchewan actions QBG 921 of 2020 (SKQB) and CACV3708 of 2020 (SKCA), these actions were not brought by Dale

J. Richardson, all were Applications for Writ of Habeas or related appeals including constitutional questions challenging forced medical treatment as legalized torture that restrained the Saskatchewan Health Authority from torturing Dale J. Richardson and Kaysha Richardson; and to request an audit of Covid emergency legislation as it relates to bio-terrorism based on research and the interference to the essential services of DSR Karis Consulting Inc., the habeas corpus interfered with the financial and sexual exploitation of Karis Kenna Nicole Richardson, and revenge was taken for the interruption of the foregoing exploitation.

55. The Attorney General of Canada vexatiously attacked a doctor's note submitted to the court by Dale J. Richardson stating that he needed an expert report to be absent from court, the attack was to further the financial and sexual exploitation of Karis Kenna Nicole Richardson, however even with the applicable rules for expert reports, no such report would be needed as stated in the rules, namely:

Exception for certain medical professionals

52.3 The rules governing expert witnesses do not apply to a medical professional who has given or is giving medical treatment or advice to a person if the evidence in relation to the person is limited to one or more of the following subjects:

- (a) the results of an examination;
- (b) a description of the treatment or advice;
- (c) the reason the treatment or advice was or is being given;
- and
- (d) the results of the treatment or advice.

56. The Attorney General of Canada used fraud in order to ensure that the date for the vexatious litigant hearing was kept to May 30, 2022, to further the financial and sexual exploitation of Karis Kenna Nicole Richardson, by using the Federal Court of Canada to usurp every other jurisdictional matter in which Karis Kenna

Nicole Richardson was named and the research which exposed the promulgation of a biological weapon by terrorists acting with Canada and the United States.

57. A report is submitted as an exhibit in the affidavit attached to this motion that is the culmination of 2 years of research pioneered by Dale J. Richardson, DSR Karis Consulting Inc., and DSR Karis North Consulting Inc., and the evidence contained based on peer reviewed research is of the greatest public interest as it pertains to the emerging public health threat, and how to implement engineering controls to reduce harm to the public that will be hindered if the proceeding will continue without intervention.

LEGAL BASIS

OVERVIEW

This Intervention is brought by DALE RICHARDSON to be granted leave to intervene without limitation, pursuant to 15(1) of the *Canadian Charter of Rights and Freedoms*, *Convention against Torture*, and *83.01(b) of the Criminal Code*.

III. POINTS IN ISSUE

58. The issue raised on the application is whether leave should be granted for DALE RICHARDSON to intervene, allowing him standing to file an intervention and materials in opposition to an application that is alleged to further the following crimes without limitation, torture, terrorism, child trafficking for the purposes of financial and sexual exploitation, fraud, mortgage fraud, treason using the civil courts as a shield to permit the foregoing crimes to continue and to facilitate the progression of the same?
59. Do the circumstances warrant dispensing with any rules to warrant bringing the Intervention and prevent the civil courts from promulgating crime?
60. Do the circumstances warrant intervention when evidence of widespread fraud has been presented to the courts in matters connected to the Intervenor, Derek Allchurch, Tara D. Pipella and Pipella Law LLP?

61. Do the circumstances warrant dispensing with any other rules that would otherwise hinder bringing the intervention?
62. Should the Intervenor be permitted to intervene to restrain the criminal activity being facilitated by the Court of King's Bench of Alberta which includes without limitation, torture, terrorism, child trafficking for the purposes of financial and sexual exploitation, fraud, mortgage fraud, treason and the crime of aggression?
63. Should the Intervenor be permitted to intervene to remove the damage from terrorism and prevent the execution of further terrorist activity to destroy the public?
64. Should the Court of King's Bench of Alberta be used as a means to exploit Kaysha Richardson financially to further the financial and sexual exploitation of her three year old sister and permit the indiscriminate murder of the public by way of bio-terrorist activity?
65. Derek Allchurch, Tara D. Pipella and their co-conspirators systematically used mechanisms designed to traffic large volumes of children and calculated to destroy any opposition to the trafficking of the children; should the Court of King's Bench of Alberta give preference to the Applicant who has used advanced systems to traffick children and facilitate terrorist activity?
66. Do special circumstances exist for the Intervenor to be represented in the matter?

IV. SUBMISSIONS

67. The Intervenor, DALE RICHARDSON of 1292 95th Street, North Battleford, SK S9A 0G2, requests leave to intervene and have standing to appear in opposition, which was structured in a manner to deprive the Intervenor of rights by continual steps taken by the Applicant to persecute and torture him by attacking and financially exploiting the Plaintiff Kaysha Richardson his daughter. The Convention against Torture in article 13 gives the inalienable right to complain, and this intervention is a mechanism of complaint, and article 2 demands that all judicial measures be granted to prevent acts of torture. The intervention must be

heard based on the imperative public interest of halting human trafficking and Bio-terrorism which are inexorably linked in this case, pursuant to the following treaties, constitutions, and statutes:

Subsection 7, 12, and 15(1) of the *Canadian Charter of Rights and Freedoms*;

Subsections 92(14) and (16) of the *Constitution Act, 1867*;

Section 83 of the *Criminal Code*;

The Convention against Torture;

68. Article 2 of the Convention against Torture demands that each state party take effective judicial measures to prevent acts of torture, as can be seen below:

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

69. Article 4 places prohibitions on any act deemed as complicity or participation in torture, and preventing the reporting of torture is only prolonging its effects, and punishing a person or any witnesses is a violation of article 13 of the same. Trafficking a persons children with their knowledge while using civil courts to restrain them from stopping it is torture of the worst form and is gross participation in the same. For greater certainty, they are linked below:

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit

torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

70. Other acts that are not torture, but fall under other acts of cruel, inhuman or degrading treatment or punishment are prohibited. Child trafficking falls under both torture and cruel, inhuman or degrading treatment, and evidence in the documentation provided demonstrates that Derek Allchurch and the Applicant are complicit to child trafficking for the purposes of financial and sexual exploitation.
71. The financial exploitation is clearly demonstrated by the attacks against Dale J. Richardson to obtain financial penalties and prevent him from seeking remedies from the crimes levied against him.
72. The sexual exploitation is when crimes are being used to leave a young child in the care of a person who believes that a 4 year old child attempting to insert his penis into the mouth of another four year old child in secret is normal behaviour and going to extremely unreasonable lengths to suppress an investigation into child molestation that they should have no legitimate reason to attempt to suppress.
73. Derek Allchurch, has financially and materially benefited when the Attorney General of Canada, and others interfered with and usurped provincial jurisdiction by entertaining vexatious litigation against the Intervenor for Saskatchewan actions taken by another person as follows without limitation, QBG 921 of 2020 (SKQB) and CACV3708 of 2020 (SKCA) when vexatious ligation is already

established by or under a law of the province in violation of subsection 17(6) of the *Federal Court Acts*, namely:

17(6) If an Act of Parliament confers jurisdiction in respect of a matter on a court constituted or established by or under a law of a province, the Federal Court has no jurisdiction to entertain any proceeding in respect of the same matter unless the Act expressly confers that jurisdiction on that court.

74. The habeas corpus is the strongest mechanism that can be used to prevent the trafficking of children both sexually and financially and severe punishments were directed at the Intervenor because another person disagreed with torturing two people to traffick an infant child for the purposes of sexual and financial exploitation and not wanting people to be indiscriminately killed by terrorist activity originating from the people who traffick children.
75. Derek Allchurch has benefited financially and materially from fraudulent representations of shareholder information of DSR Karis Consulting Inc. in T-1404-20 of the Federal Court of Canada to punish the Intervenor using fraud and other crimes, which includes without limitation, torture, bioterrorism, child trafficking for the purposes of financial and sexual exploitation, fraud, mortgage fraud, treason and criminal negligence causing death, for the purposes of retraining him from protecting his daughters from human trafficking for the purposes of sexual and financial exploitation;
76. Torture complaints from July 3, and 7, 2020 were issued by the Battlefords Royal Canadian Mounted Police 2020-898119, and 2020-922562 with the Intervenor and his at the time infant daughter Karis Kenna Nicole Richardson as the victims, and Derek Allchurch, Tara D. Pipella, Pipella Law LLP, Nabeel Peermohamed, and Associate Chief Justice Rooke were instrumental in suppressing investigation into torture for their financial and material benefit, and to further the exploitation and trafficking of Kaysha Richardson and Karis Kenna Nicole Richardson for sexual and financial purposes; and Derek Allchurch proposes to use the Court of King's Bench of Alberta to continue the foregoing trafficking and exploitation;

77. Criminal negligence complaints tied to the research pioneered by the Intervenor relating to SARS-Cov-2 were made by the Intervenor, Dale J. Richardson, and DSR Karis Consulting Inc.. The file numbers are as follows: 2020-898911 and 2020-898907 the Saskatchewan Health Authority were the subject of the complaint and table S-31 that was issued by the Center for Disease Control and Prevention, used by the Public Health Agency of Canada and many other health authorities in Canada.
78. Derek Allchurch, Tara D. Pipella, Nabeel Peermohamed, Jessica Karam, Associate Chief Justice Rooke and those associated with them financially and materially benefited from suppression of the criminal negligence complaints made by the Intervenor and DSR Karis Consulting Inc., at the expense of human life, and trafficked children for financial and sexual exploitation.
79. Every action that has arose as a result of the criminally negligent guidelines in place for the SARS-Cov-2 response is a product of the criminally negligent guidelines and those who have suppressed its investigation are directly responsible for every death of every measure that arose because of its suppression in Canada and the United States, as crimes have been used by Derek Allchurch Tara D. Pipella, Nabeel Peermohamed, Jessica Karam, Associate Chief Justice Rooke and those associated with them to suppress its investigation to financially and materially benefit from the murder of the innocent by means of terrorist activity, and trafficking of children for financial and sexual exploitation;
80. Derek Allchurch Tara D. Pipella, Nabeel Peermohamed, Jessica Karam, Associate Chief Justice Rooke are directly responsible for the trafficking of the daughter of the Intervenor, Kaysha Richardson who is currently in the United States after filing for asylum under the Convention against Torture and other protected grounds;
81. The Intervenor is a person and has “the right to the equal protection and equal benefit of the law without discrimination” pursuant to subsection 15(1) of the *Canadian Charter of Rights and Freedoms* (the “**Charter**”).

82. The Defendants require time to examine the evidence presented by the Intervenor, and has an obligation to the people of Alberta to implement the recommendations of the Intervenor to protect the public from the emerging threat of Monkeypox and other contagions, which peer review research quoted in the research report titled “THE ENGINEERING OF BIOTERRORISM, CHILD TRAFFICKING, TREASON AND THE CRIME OF AGGRESSION UPDATE (A PRELIMINARY REPORT AND ANALYSIS OF RISK)”. Some of the peer reviewed research cited in the aforementioned report states that some strains of Monkeypox have a far higher mortality rate than SARS-Cov-2.
83. In *Canada (Public Safety and Emergency Preparedness) v. Lopez Gaytan*, 2020 FCA 133 the Federal Court reviewed the criterion to be applied on a motion to intervene under Rule 109 as set out in *Rothmans, Benson & Hedges Inc. v. Canada (Attorney General)*, [1989] F.C.J. No. 446, at para. 12, [1990] 1 F.C. 74, *aff’d* [1989] F.C.J. No. 707, [1990] 1 F.C. 90:
- a) Is the proposed intervener directly affected by the outcome?
 - b) Does there exist a justiciable issue and a veritable public interest?
 - c) Is there an apparent lack of any other reasonable or efficient means to submit the question to the Court?
 - d) Is the position of the proposed intervener adequately defended by one of the parties to the case?
 - e) Are the interest of justice better served by the intervention of the proposed third party?
 - f) Can the Court hear and decide the cause on its merits without the proposed intervener?
84. The foregoing test applicable to a motion to intervene is applied as follows:
- (i) *Is the proposed intervener directly affected by the outcome?* The charging Order seeks remedy against “the Plaintiff, Kaysha Richardson while she is in the United States without legal representation, being

ambushed after she fled from torture in Canada and is being forced to litigate against the persons that she fled from in an attempt to further fraudulent interests to destroy the daughter, sister, employer and other family members of the Intervenor, destroy his research and prevent him from alerting the public to its danger, it is unreasonable to think that the Intervenor is not directly affected by the outcome, especially when the Applicant is actively involved in trafficking and sexual and financial exploitation of his daughters Karis Kenna Nicole Richardson and Kaysha Richardson who is the Plaintiff in this application; Furthermore Nabeel Peermohamed has been involved in litigation tied to the research on behalf of SGI when the Intervenor acted as agent for DSR Karis Consulting Inc. against them, and Derek Allchurch benefited from fraud against the Intervenor on litigation arising from the research and Derek Allchurch made a deal with Nabeel Peermohamed that was not in the interests of his client relating to this case that would favour SGI and adversely affect every person tied to those matters including the Intervenor”

- (ii) *Does there exist a justiciable issue and a veritable public interest?* The Intervenor is a person with rights under the Charter, and the psychological duress of watching the continual suffering of his daughters who are being trafficked for sexually and financially exploiting them, and unrestrained steps being used to destroy him and his research demonstrates standing as the COVID pandemic gives unprecedented opportunity to traffick children both financially and sexually. This satisfies the *locus standi* element of justiciable in conjunction with the fact that the Intervenor is whistle-blowing bioterrorism, child trafficking for the purposes of financial and sexual exploitation and other serious crimes. The ripe element is met due the facts of the case having matured into an existing controversy warranting judicial intervention, as the report that out lines the threat of Bioterrorism for the purpose of child trafficking of a sexual and financial nature and other objects and actions of Derek Allchurch, Tara D. Pipella, Nabeel Peermohamed Associate Chief Justice Rooke and others associated are consistent with participation/facilitation of the same, exceeds this element. Since the matter has not yet been resolved, the issues cannot be considered moot. The question that must be settled is the political question, of whether this is too politically charged for the court to try this issue, however if it is deemed as such,

then the entire matter is not a triable issued by the court and must be referred to Parliament for a remedy to such matters of an urgent nature as Bioterrorism tied to child trafficking for the purposes of sexual and financial exploitation and other political, religious and ideological objectives, since actions of agents of many of the Courts have demonstrated complicity to the same. The mere mention of a report that provides evidence that suggests Bioterrorism connected to the trafficking of children for sexual and financial exploitation and the inability of public health authorities far exceeds the threshold of veritable public interest. This is not even considering many other constitutional violations that were required for this proceeding to get to this stage; the Applicant are seeking the consent of the Court of King's Bench of Alberta to take premeditated steps to ambush the Intervenor by continuing an easily observable pattern of fraud, for the purposes of advancing bioterrorism connected to child trafficking that would set the precedent that those who share the same political, position of the Intervenor are not persons by Canadian law or Individuals under the Charter, nor do children have any rights and can be trafficked using the civil courts in violation of the Charter and **against the will of the people;**

(iii) *Is there an apparent lack of any other reasonable or efficient means to submit the question to the Court?* The application was structured in a manner in which to disadvantage and exploit the Plaintiff and her sister Karis Kenna Nicole Richardson by proxy the Intervenor and ambush him and the other parties who are associated with him, and fraud was used by agents of the Court to accomplish these ends, and thereby has no other judicial means to oppose the order that will be used to continue the attack against those who threaten to expose the criminal activities of Derek Allchurch, Jessica Karam, Tara D. Pipella and Associate Chief Justice Rooke which includes without limitation bio-terrorism, child trafficking for the purposes of sexual and financial exploitation and the authorities in the United States have been alerted to the attempts of the aforementioned parties and their conspirators attempts to kill the Intervenor;

(iv) *Is the position of the proposed intervener adequately defended by one of the parties to the case?* The Intervenor has no representation in the Court of King's Bench of Alberta as he is a separate person from the

Plaintiff, and the Plaintiff is not authorized to represent or speak on behalf of the Intervenor, the Intervenor must represent his interests as the research report by the Intervenor, the national security threat and the torture and other crimes used to suppress it is the sole basis as the reason for his intervention and its position is impossible to defend because it is not before the court in any capacity, nor is anyone capable of or qualified to defend his position, and no child trafficker is in any position to defend the interests of the children of the Intervenor, as the civil courts are being used as the primary means to facilitate terrorist activity which promulgates trafficking of children for sexual and financial purposes whose very existence is treasonous in nature, furthermore, it has been demonstrate that a pattern of fraud has been used against him especially the actions of Associate Chief Justice Rooke;

(v) *Are the interest of justice better served by the intervention of the proposed third party?* Evidence of Bioterrorism has been presented by the Intervenor and it is in the public interest for the intervention, in fact it would facilitate terrorism that promulgates child trafficking for the purposes of sexual and financial exploitation if the intervention is refused, the Intervenor lacks representation in an application which will further criminal activity against him exploit his daughters while he is forced to watch and be tortured by that fact and those associated with him, and in accordance with the fundamental principles of justice and the Charter, shall be given the right to defend himself, in the public interest the public must be protected from Bioterrorism, and the widespread trafficking of children for the purposes of sexual and financial exploitation, Derek Allchurch, Jessica Karam, Tara D. Pipella and Associate Chief Justice Rooke and their conspirators must be exposed for their crimes and no other party has demonstrated the courage of the Intervenor to stand up against the judicial system to expose the outright criminal activity; and

(vi) *Can the Court hear and decide the cause on its merits without the proposed Intervenor?* The Court is not authorized to represent or speak on behalf of the Intervenor and shall never be authorized to do so, nor is it qualified to speak on matters in engineering especially research that was produced by the Intervenor, based on research pioneered by him for himself, DSR Karis Consulting Inc., and DSR

Karis North Consulting Inc. a Delaware corporation, making the intervention necessary for the security of the public in Canada and the United States and the Court would be responsible for any deaths resulting from the emerging threat, and every court hearing that the Intervenor has been a part of have been set up to give favour to those who sexually and financially exploit children and have increased ease of trafficking the children from the bioterrorism exposed by the research of the Intervenor, the actions of Associate Chief Justice Rooke demonstrate that the corruption present in the Court makes it impossible for the Court to hear and decide the cause on its merits especially since the court is incompetent in the area of engineering.

85. The Intervenor possesses rights to research that demonstrates that many health authorities are not prepared to implement proper engineering controls for the emerging threat and the public safety must come before issuing the orders requested by the Applicant, and the public would be outraged if a person who was protecting the public interest was prevented from representing their interests which is tied to his own. There is an obligation for this matter to be set aside and the threat to the public be addressed, as the threat to the public is of a far greater value to the public than issuing a charging lien for a case not yet decided or not near conclusion, nor should any such charging lien be given for the express purposes of financially exploiting Kaysha Richardson and her continuing the trafficking of Karis Kenna Nicole Richardson both sexually and financially while retraining the Intervenor from helping his daughters and torturing him in the process, and the legal profession act is a mechanism to facilitate human trafficking;
86. Refusal of the intervention will result in unnecessary deaths to the public, and any financial costs are far outweighed by the massive loss of life that has the potential to be numbered in the millions in Canada in a worst case scenario, and allow for widespread human trafficking for sexual and financial exploitation to be shielded by the Court of King's Bench of Alberta, and that precedent will be set that the civil courts in Canada will openly punish anyone who attempt to expose bio-terrorism or stop the trafficking of their children, and if a lawyer will not help

you then you must accept the torture of watch your children being trafficked for sexual and financial exploitation;

87. It is impossible for the Court to refuse the intervention based on the research provided by the Intervenor without sacrificing large numbers of human lives and the Court does not have the right to kill the citizens of Canada to satisfy any claim as this is clear criminal actions that no person, institution, government, court or any such entity in Canada possesses the right to do;
88. Any opposition by the Applicant is asking the Court to murder the citizens of Canada, and to traffick children for the purposes of sexual and financial exploitation and indigenous women for the same and must be refused by the Court.
89. The Intervenor is an Individual with “the right to the equal protection and equal benefit of the law without discrimination” pursuant to subsection 15(1) of the *Canadian Charter of Rights and Freedoms* (the “**Charter**”), Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, chapter 11, namely:

15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
90. The Attorney General of Canada, has interfered with the administration of justice and procedure in civil matters that have benefited the Applicant by entertaining vexatious litigation against the Intervenor which is the exclusive jurisdiction of Saskatchewan and thereby usurping provincial jurisdiction as outlined in the subsection 92(14) and (16) of the *Constitution Act, 1867*, for the purposes of trafficking American Indian women and children for the purposes of financial and sexual exploitation:

92 In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,

...

14. The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.

...

16. Generally all Matters of a merely local or private Nature in the Province.

91. The Criminal Code defines terrorism in 83.01(1)(b) as:

terrorist activity means

(b) an act or omission, in or outside Canada,

(i) that is committed

(A) in whole or in part for a political, religious or ideological purpose, objective or cause, and

(B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and

(ii) that intentionally

(A) causes death or serious bodily harm to a person by the use of violence,

(B) endangers a person's life,

(C) causes a serious risk to the health or safety of the public or any segment of the public,

(D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or

(E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),

and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counselling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law. (activité terroriste)

92. A political purpose, and objective has been established, torture by way of forced medical treatment endangers life and is a serious risk to a person's safety and the distribution of a biological weapon will include clauses (A)(B)(C) of (ii), and the torture of the officers of DSR Karis Consulting Inc. and the seizure of its registered office by way of torture, attempted murder, persecution and other unlawful activities directly and/or indirectly by the Applicant and his conspirators, establishes more than a *prima facie* case for permitting any disregard of Rules and permitting intervention. This evidence demands that the Court grant the Intervenor the orders it seeks.
93. Associate Chief Justice Rooke punishing Kaysha Richardson, Astra Richardson-Pereira, Karis Kenna Nicole Richardson and the Intervenor for filing a document to the central authority of Alberta was a gross crime and intimidation and

obstruction of a complaint of torture and he directly abused the power of the Court of King's Bench of Alberta for an application that was in no manner under the jurisdiction of the Court of King's Bench of Alberta.

94. The Court of King's Bench of Alberta should not be used to punish people who are reporting crime and this intervention will be a small step in reversing the criminal activity facilitated and instigated by rogue elements of the Court.
95. Failure to allow the intervention would likely result in armed intervention by the United States to deal with the foreign interference in its elections and effecting the over throw of the lawful government of the United States supported by rogue Canadian actors.
96. The Court of King's Bench of Alberta will be liable for the non-pecuniary general, pecuniary, special, aggravated, exemplary and punitive damages and damages caused by its breach of constitutional, statutory, treaties, and common law duties to the Intervenor defined in this Intervenor for permitting the Applicant to continue criminal activity which includes without limitation bio-terrorism that facilitates the trafficking of American Indians and children for the purposes of sexual and financial exploitation without investigation and allowing the unsuspecting members of the public to be killed deliberately by the Applicant and those associated with them in violation the subsection 15(1) of the Charter and 83.01 of the Criminal Code;

V. CONCLUSION

97. For the foregoing reasons, the Court has no reasonable course to take other than to grant the request of the Intervenor, or it will destroy innocent human life especially those of American Indians which includes the Metis in Canada, the United States and children and aid what facts and research demonstrates is consistent with terrorist activity and suggests that Bioterrorism is a factor in the pandemic responses.

THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED IN SUPPORT OF THE MOTION:

- 98. Affidavit of Dale J. Richardson, affirmed September 14, 2022;
- 99. Affidavit of Dale J. Richardson affirmed September 20, 2022;
- 100. Pleadings and documents referred to in this proceeding and in the Federal Court File No. T-1404-20, T-1403-20; and
- 101. Such further and other material as counsel may advise and this Honourable Court may allow.

APPLICABLE RULES

- 102. Rule 2.10

APPLICABLE ACTS AND REGULATIONS

- 103. Convention against Torture, Canadian Victims Bill of Rights, Section 83.01(b), 279.01(1), 279.011(1), 279.02(1)(2), 279.04(1) and 380(1) of the Criminal Code

ANY IRREGULARITY COMPLAINED OF OR OBJECTION RELIED ON:

- 104. 279.01(1), 279.011(1), 279.02(1)(2), 279.04(1) and 380(1) of the Criminal Code,

HOW THE APPLICATION IS PROPOSED TO BE HEARD OR CONSIDERED

The Intervenor proposes the matter to be heard by teams

This matter is **NOT** within the jurisdiction of a master

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and the time shown at the beginning of this form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on

the applicant(s) a reasonable time before the application is to be heard or considered.

COURT FILE NUMBER 1701-17295
COURT **KING'S BENCH OF ALBERTA**
JUDICIAL CENTRE CALGARY
PLAINTIFFS KAYSHA FAITH RICHARDSON
DEFENDANTS RONALD WILLIAM SCHAFER

COURT FILE NUMBER 2001-14323
COURT **KING'S BENCH OF ALBERTA**
JUDICIAL CENTRE CALGARY
PLAINTIFFS KAYSHA FAITH RICHARDSON
DEFENDANTS COLBY CHRISTOPHER WALLACE
AND COLBRAY HOMES LTD.

COURT FILE NUMBER 2001-16974
COURT **KING'S BENCH OF ALBERTA**
JUDICIAL CENTRE CALGARY
PLAINTIFFS DAVE DERY and KAYSHA FAITH DERY also known
as KAYSHA FAITH RICHARDSON
DEFENDANTS CHRISTOPHER GRANT JORGENSEN AND
ASHELEY MAE JORGENSEN
DOCUMENT BOOK OF AUTHORITIES OF THE INTERVENOR

**ADDRESS FOR
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AND CONTACT
INFORMATION OF
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Federal Court of Appeal



Cour d'appel fédérale

Date: 20200818

Docket: A-392-19

Citation: 2020 FCA 133

Present: LOCKE J.A.

BETWEEN:

THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS

Appellant

and

EDGAR ALBERTO LOPEZ GAYTAN

Respondent

Dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on August 18, 2020.

REASONS FOR ORDER BY:

LOCKE J.A.

Federal Court of Appeal



Cour d'appel fédérale

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Appellant

and

EDGAR ALBERTO LOPEZ GAYTAN

Respondent

REASONS FOR ORDER

LOCKE J.A.

[1] These reasons concern a motion by the Canadian Association of Refugee Lawyers (CARL) for leave to intervene in the present appeal.

[2] The present appeal seeks to reverse a decision of the Federal Court (2019 FC 1152) which dismissed an application for judicial review of a decision of the Immigration Appeal Division (IAD) of the Immigration and Refugee Board of Canada. The IAD decision found that

the appellant had failed to establish that the respondent was inadmissible under paragraph 37(1)(a) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (IRPA). The IAD accepted a defence of duress. The appellant was entitled to commence the present appeal because the Federal Court certified a question under paragraph 74(d) of IRPA. The certified question is as follows:

In determining whether an individual is inadmissible under paragraph 37(1)(a) of the *Immigration and Refugee Protection Act*, SC 2001, c 27, are the Immigration Division and Immigration Appeal Division of the Immigration and Refugee Board entitled to consider the defence of duress?

[3] In addition to the certified question, the appellant puts in issue the reasonableness of the IAD's conclusion on the facts.

[4] CARL seeks to intervene in order to provide submissions to the Court on the broader implications of the position taken by the appellant, particularly in regard to grounds of inadmissibility beyond paragraph 37(1)(a), grounds for exclusion, and defences beyond duress. CARL argues that, as a well-established organization devoted to advocating on legal issues related to refugees, asylum seekers and the rights of immigrants, it is uniquely qualified to make these submissions.

[5] The appellant opposes CARL's motion. The respondent does not.

[6] The appellant and CARL agree substantially on the test applicable to a motion to intervene. They agree on the criteria set out in *Rothmans, Benson & Hedges Inc. v. Canada*

(*Attorney General*), [1989] F.C.J. No. 446, at para. 12, [1990] 1 F.C. 74, aff'd [1989] F.C.J. No. 707, [1990] 1 F.C. 90:

- a) Is the proposed intervener directly affected by the outcome?
- b) Does there exist a justiciable issue and a veritable public interest?
- c) Is there an apparent lack of any other reasonable or efficient means to submit the question to the Court?
- d) Is the position of the proposed intervener adequately defended by one of the parties to the case?
- e) Are the interest of justice better served by the intervention of the proposed third party?
- f) Can the Court hear and decide the cause on its merits without the proposed intervener?

[7] The appellant and CARL also agree that these criteria are not exhaustive, and that the Court's focus should be in the fourth and fifth criteria. Both sides cite the following passage from *Prophet River First Nation v. Canada (Attorney General)*, 2016 FCA 120 at para. 6, in this regard:

- *Is the position of the proposed intervener adequately defended by one of the parties to the case?* This is relevant and important. It raises the key question under Rule 109(2), namely whether the intervener will bring further, different and valuable insights and perspectives to the Court that will assist it in determining the matter. Among other things, this can acquaint the Court with the implications of approaches it might take in its reasons.
- *Are the interests of justice better served by the intervention of the proposed third party?* In my view, this factor includes all of the factors discussed in *Pictou Landing First Nation* plus any others that might arise on the facts of particular cases:
 - whether the intervention is compliant with the objectives set out in Rule 3 and the mandatory requirements in Rule 109 (provisions binding on us);

- whether the moving party has a genuine interest in the matter such that the Court can be assured that the proposed intervenor has the necessary knowledge, skills and resources and will dedicate them to the matter before the Court;
- whether the matter has assumed such a public, important and complex dimension that the Court needs to be exposed to perspectives beyond those offered by the particular parties before the Court;
- whether the moving party has been involved in earlier proceedings in the matter;
- whether terms should be attached to the intervention that would advance the objectives set out in Rule 3 and afford procedural justice to existing parties to the proceeding.

[8] The appellant argues that CARL's proposed intervention would not be valuable to the Court in this appeal because it would add to or alter the issues on appeal (which is not permitted) and much of CARL's submissions would simply duplicate those of the respondent. The appellant also argues that, if CARL's intervention is to be allowed, the Court should limit CARL to addressing the proper interpretation of paragraph 37(1)(a) of IRPA and the applicability of the defence of duress thereto. Finally, the appellant argues that CARL should not be allowed to address the second broad issue in this appeal – the question of whether, assuming that the defence of duress can be relevant to inadmissibility under paragraph 37(1)(a), the IAD's assessment of the defence was reasonable. The appellant argues that there is no dispute on the legal test for the defence of duress, and that CARL's intervention on this issue would add to or alter the issues before the Court.

[9] I do not agree with the appellant's argument that CARL's intervention would add to or alter the issues. I accept CARL's submission that its proposal to address the broader implications

of the appellant's position in this appeal will be of assistance to the Court on the issue of the relevance of the duress defence to inadmissibility under paragraph 37(1)(a) of the IRPA. I also accept CARL's submissions that its knowledge and experience put it in a position to offer such assistance, and that its intervention will not simply duplicate the respondent's arguments. CARL can offer the Court a different perspective on the implications of various provisions of the IRPA to the issues in this appeal, and this will likely give the Court a more complete picture. I am of the same view concerning the second broad issue of the reasonableness of the IAD's assessment of the applicability of the defence of duress in this case.

[10] Moreover, I am confident that CARL understands its obligation to take the issues and the evidence as it finds them, and not to add to or alter them.

[11] In my view, the interests of justice are better served by CARL's intervention. I am satisfied that the submissions CARL seeks to make will be of assistance to the Court. Moreover, CARL has demonstrated that it has a genuine interest in this matter, and will dedicate its substantial knowledge, skills and resources to this appeal.

[12] CARL also seeks the right to make oral submissions at the hearing of the appeal. I will defer this request for consideration by the panel hearing the appeal. I expect that the panel will be better placed to decide this aspect of CARL's motion after (i) having reviewed CARL's memorandum of fact and law, and (ii) the duration of the appeal hearing as a whole has been determined.

[13] The appellant requests that he and the respondent be allowed to submit memoranda in reply to CARL's memorandum of fact and law. In the absence of any objection, this request will be granted.

"George R. Locke"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-392-19
STYLE OF CAUSE: THE MINISTER OF PUBLIC
SAFETY AND EMERGENCY
PREPAREDNESS v. EDGAR
ALBERTO LOPEZ GAYTAN

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR ORDER BY: LOCKE J.A.

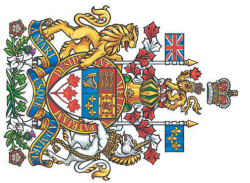
DATE: AUGUST 18, 2020

WRITTEN REPRESENTATIONS BY:

Brendan Friesen	FOR THE APPELLANT THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS
Erin C. Roth	FOR THE RESPONDENT EDGAR ALBERTO LOPEZ GAYTAN
Prasanna Balasundaram	FOR THE INTERVENER THE CANADIAN ASSOCIATION OF REFUGEE LAWYERS (CARL)

SOLICITORS OF RECORD:

Nathalie G. Drouin Deputy Attorney General of Canada Ottawa, Ontario	FOR THE APPELLANT THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS
EDELMANN & Co.	FOR THE RESPONDENT EDGAR ALBERTO LOPEZ GAYTAN
DOWNTOWN LEGAL SERVICES Toronto, Ontario	FOR THE INTERVENER THE CANADIAN ASSOCIATION OF REFUGEE LAWYERS (CARL)



CANADIAN CHARTER OF RIGHTS AND FREEDOMS



Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

1: The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

2: Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.

Democratic Rights

3: Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly, and to be qualified for membership therein; 4: (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members; (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or of the legislative assembly, as the case may be; 5: There shall be a sitting of Parliament and of each legislature at least once every twelve months.

Mobility Rights

6: (1) Every citizen of Canada has the right to enter, remain in and leave Canada; (2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right (a) to move to and take up residence in any province; and (b) to pursue the gaining of a livelihood in any province; (3) The rights specified in subsection (2) are subject to (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services; (4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

Legal Rights

7: Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice; 8: Everyone has the right to be secure against unreasonable search or seizure; 9: Everyone has the right not to be arbitrarily detained or imprisoned; 10: Everyone has the right not to be arbitrarily (a) to be imprisoned, (b) to be held in a penal institution, (c) to be confined in a mental hospital, (d) to be committed to a psychiatric institution, (e) to be confined without trial and (f) to be confined without trial and (g) to be confined without trial; 11: Any person charged with an offence has the right (a) to be informed without unreasonable delay of the specific offence (b) to be informed without unreasonable delay of the rights and the consequences of the offence (c) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal; (d) not to be denied reasonable bail without just cause; (e) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for two years or a more severe punishment; (f) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations; (g) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again;

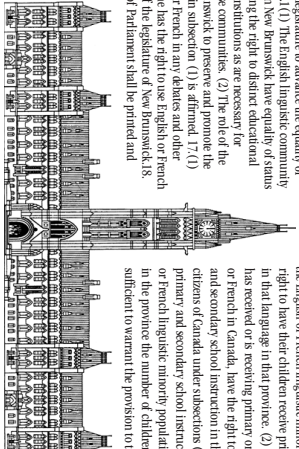
and (j) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment; 12: Everyone has the right not to be subjected to any cruel and unusual treatment or punishment; 13: A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence; 14: A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Equality Rights

15: (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or marital or physical disability; (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or marital or physical disability.

Official Languages of Canada

16: (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada; (2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick; (3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French; 16.1: (1) The English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges, including the right to designate educational institutions and to select their cultural institutions as are necessary for the preservation and promotion of those communities; (2) The role of the English and French linguistic communities in the cultural life of the province is affirmed; (3) The rights and privileges referred to in subsection (1) shall extend to all proceedings in Parliament; (4) Everyone has the right to use English in French in any debate and other proceedings of the legislature of New Brunswick; (5) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative; (6) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative; (7) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.



19: (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament; (2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick; 20: (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where (a) there is a significant demand for communications with and services from that office in such language; or (b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French; (2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature of New Brunswick in English or French; 21: Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada; 22: Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Minority Language Educational Rights

23: (1) Citizens of Canada (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside; or (b) who have received their primary school instruction in Canada in English or French and reside in a province where that language is not the language of the province; have the right that English or French linguistic minority population of the province in that language in that province; (2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language; (3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population in a province (a) applies whether in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and (b) applies whether the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and (c) applies whether the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction in a minority language educational facility provided out of public funds.

24: (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances; (2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

General

25: The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired; 26: The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada; 27: This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians; 28: Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons; 29: Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissenting schools; 30: A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be; 31: Nothing in this Charter extends the legislative powers of any body or authority;

Application of Charter

32: (1) This Charter applies (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province; (2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force; 33: (1) Parliament or of the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter; (2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration; (3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be prescribed in the declaration; (4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1); (5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

Citation

34: This Part may be cited as the Canadian Charter of Rights and Freedoms.

*We must now establish the basic principles, the basic values and beliefs which hold us together as Canadians so that beyond our regional loyalties we can all share a common sense of responsibility to one another as a free country that has special in such freedom and such inalienable rights.


P.E. Trudeau 1981

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984
entry into force 26 June 1987, in accordance with article 27 (1)**

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

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2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory

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under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph I of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph I of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

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1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph I of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

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Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17

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1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.
3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.
6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.
7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

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2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Six members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

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2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.
3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.
5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

Article 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;
 - (a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;
 - (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

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(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(d) The Committee shall hold closed meetings when examining communications under this article; (e) Subject to the provisions of subparagraph

(e), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 22

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1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph I and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned. 5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 23

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph I (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

PART III

Article 25

1. This Convention is open for signature by all States. 2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph I of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a

conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.

2. An amendment adopted in accordance with paragraph I of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.

3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph I of this article. The other States Parties shall not be bound by paragraph I of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

Article 33

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

(a) a contest between amateur athletes in a combative sport with fists, hands or feet held in a province if the sport is on the programme of the International Olympic Committee or the International Paralympic Committee and, in the case where the province's lieutenant governor in council or any other person or body specified by him or her requires it, the contest is held with their permission;

(b) a contest between amateur athletes in a combative sport with fists, hands or feet held in a province if the sport has been designated by the province's lieutenant governor in council or by any other person or body specified by him or her and, in the case where the lieutenant governor in council or other specified person or body requires it, the contest is held with their permission;

(c) a contest between amateur athletes in a combative sport with fists, hands or feet held in a province with the permission of the province's lieutenant governor in council or any other person or body specified by him or her; and

(d) a boxing contest or mixed martial arts contest held in a province with the permission or under the authority of an athletic board, commission or similar body established by or under the authority of the province's legislature for the control of sport within the province.

R.S., 1985, c. C-46, s. 83; R.S., 1985, c. 27 (1st Supp.), s. 186; 2013, c. 19, s. 1.

PART II.1

Terrorism

Interpretation

Definitions

83.01 (1) The following definitions apply in this Part.

Canadian means a Canadian citizen, a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* or a body corporate incorporated and continued under the laws of Canada or a province. (*Canadien*)

entity means a person, group, trust, partnership or fund or an unincorporated association or organization. (*entité*)

par arrangement préalable conclu par elles, ou pour elles. La présente définition exclut toutefois :

a) le match de sport de combat, avec les poings, les mains ou les pieds, tenu entre athlètes amateurs dans une province, si le sport est visé par le programme du Comité international olympique ou du Comité international paralympique et, dans le cas où le lieutenant-gouverneur en conseil de la province ou la personne ou l'organisme qu'il désigne l'exige, si le match est tenu avec leur permission;

b) le match de sport de combat, avec les poings, les mains ou les pieds, tenu entre athlètes amateurs dans une province, si le sport est désigné par le lieutenant-gouverneur en conseil de la province ou par la personne ou l'organisme qu'il désigne et, dans le cas où l'un ou l'autre de ceux-ci l'exige, si le match est tenu avec leur permission;

c) le match de sport de combat, avec les poings, les mains ou les pieds, tenu entre athlètes amateurs dans une province avec la permission du lieutenant-gouverneur en conseil de la province ou la personne ou l'organisme qu'il désigne;

d) le match de boxe ou d'arts martiaux mixtes tenu dans une province avec la permission ou sous l'autorité d'une commission athlétique ou d'un organisme semblable établi par la législature de la province, ou sous son autorité, pour la régie du sport dans la province.

L.R. (1985), ch. C-46, art. 83; L.R. (1985), ch. 27 (1^{er} suppl.), art. 186; 2013, ch. 19, art. 1.

PARTIE II.1

Terrorisme

Définitions et interprétation

Définitions

83.01 (1) Les définitions qui suivent s'appliquent à la présente partie.

activité terroriste

a) Soit un acte — action ou omission, commise au Canada ou à l'étranger — qui, au Canada, constitue une des infractions suivantes :

(i) les infractions visées au paragraphe 7(2) et mettant en œuvre la *Convention pour la répression de la capture illicite d'aéronefs*, signée à La Haye le 16 décembre 1970,

listed entity means an entity on a list established by the Governor in Council under section 83.05. (*entité inscrite*)

terrorist activity means

(a) an act or omission that is committed in or outside Canada and that, if committed in Canada, is one of the following offences:

(i) the offences referred to in subsection 7(2) that implement the *Convention for the Suppression of Unlawful Seizure of Aircraft*, signed at The Hague on December 16, 1970,

(ii) the offences referred to in subsection 7(2) that implement the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, signed at Montreal on September 23, 1971,

(iii) the offences referred to in subsection 7(3) that implement the *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents*, adopted by the General Assembly of the United Nations on December 14, 1973,

(iv) the offences referred to in subsection 7(3.1) that implement the *International Convention against the Taking of Hostages*, adopted by the General Assembly of the United Nations on December 17, 1979,

(v) the offences referred to in subsection 7(2.21) that implement the Convention on the Physical Protection of Nuclear Material, done at Vienna and New York on March 3, 1980, as amended by the Amendment to the Convention on the Physical Protection of Nuclear Material, done at Vienna on July 8, 2005 and the International Convention for the Suppression of Acts of Nuclear Terrorism, done at New York on September 14, 2005,

(vi) the offences referred to in subsection 7(2) that implement the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation*, supplementary to the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, signed at Montreal on February 24, 1988,

(vii) the offences referred to in subsection 7(2.1) that implement the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*, done at Rome on March 10, 1988,

(ii) les infractions visées au paragraphe 7(2) et mettant en œuvre la *Convention pour la répression d'actes illicites dirigés contre la sécurité de l'aviation civile*, signée à Montréal le 23 septembre 1971,

(iii) les infractions visées au paragraphe 7(3) et mettant en œuvre la *Convention sur la prévention et la répression des infractions contre les personnes jouissant d'une protection internationale, y compris les agents diplomatiques*, adoptée par l'Assemblée générale des Nations Unies le 14 décembre 1973,

(iv) les infractions visées au paragraphe 7(3.1) et mettant en œuvre la *Convention internationale contre la prise d'otages*, adoptée par l'Assemblée générale des Nations Unies le 17 décembre 1979,

(v) les infractions visées au paragraphe 7(2.21) et mettant en œuvre la Convention sur la protection physique des matières nucléaires, faite à Vienne et New York le 3 mars 1980, et modifiée par l'Amendement à la Convention sur la protection physique des matières nucléaires, fait à Vienne le 8 juillet 2005, ainsi que la Convention internationale pour la répression des actes de terrorisme nucléaire, faite à New York le 14 septembre 2005,

(vi) les infractions visées au paragraphe 7(2) et mettant en œuvre le *Protocole pour la répression des actes illicites de violence dans les aéroports servant à l'aviation civile internationale, complémentaire à la Convention pour la répression d'actes illicites dirigés contre la sécurité de l'aviation civile*, signé à Montréal le 24 février 1988,

(vii) les infractions visées au paragraphe 7(2.1) et mettant en œuvre la *Convention pour la répression d'actes illicites contre la sécurité de la navigation maritime*, conclue à Rome le 10 mars 1988,

(viii) les infractions visées aux paragraphes 7(2.1) ou (2.2) et mettant en œuvre le *Protocole pour la répression d'actes illicites contre la sécurité des plates-formes fixes situées sur le plateau continental*, conclu à Rome le 10 mars 1988,

(ix) les infractions visées au paragraphe 7(3.72) et mettant en œuvre la *Convention internationale pour la répression des attentats terroristes à l'explosif*, adoptée par l'Assemblée générale des Nations Unies le 15 décembre 1997,

(x) les infractions visées au paragraphe 7(3.73) et mettant en œuvre la *Convention internationale pour la répression du financement du terrorisme*,

(viii) the offences referred to in subsection 7(2.1) or (2.2) that implement the *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf*, done at Rome on March 10, 1988,

(ix) the offences referred to in subsection 7(3.72) that implement the *International Convention for the Suppression of Terrorist Bombings*, adopted by the General Assembly of the United Nations on December 15, 1997, and

(x) the offences referred to in subsection 7(3.73) that implement the *International Convention for the Suppression of the Financing of Terrorism*, adopted by the General Assembly of the United Nations on December 9, 1999, or

(b) an act or omission, in or outside Canada,

(i) that is committed

(A) in whole or in part for a political, religious or ideological purpose, objective or cause, and

(B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and

(ii) that intentionally

(A) causes death or serious bodily harm to a person by the use of violence,

(B) endangers a person's life,

(C) causes a serious risk to the health or safety of the public or any segment of the public,

(D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or

(E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),

adoptée par l'Assemblée générale des Nations Unies le 9 décembre 1999;

b) soit un acte — action ou omission, commise au Canada ou à l'étranger :

(i) d'une part, commis à la fois :

(A) au nom — exclusivement ou non — d'un but, d'un objectif ou d'une cause de nature politique, religieuse ou idéologique,

(B) en vue — exclusivement ou non — d'intimider tout ou partie de la population quant à sa sécurité, entre autres sur le plan économique, ou de contraindre une personne, un gouvernement ou une organisation nationale ou internationale à accomplir un acte ou à s'en abstenir, que la personne, la population, le gouvernement ou l'organisation soit ou non au Canada,

(ii) d'autre part, qui intentionnellement, selon le cas :

(A) cause des blessures graves à une personne ou la mort de celle-ci, par l'usage de la violence,

(B) met en danger la vie d'une personne,

(C) compromet gravement la santé ou la sécurité de tout ou partie de la population,

(D) cause des dommages matériels considérables, que les biens visés soient publics ou privés, dans des circonstances telles qu'il est probable que l'une des situations mentionnées aux divisions (A) à (C) en résultera,

(E) perturbe gravement ou paralyse des services, installations ou systèmes essentiels, publics ou privés, sauf dans le cadre de revendications, de protestations ou de manifestations d'un désaccord ou d'un arrêt de travail qui n'ont pas pour but de provoquer l'une des situations mentionnées aux divisions (A) à (C).

Sont visés par la présente définition, relativement à un tel acte, le complot, la tentative, la menace, la complicité après le fait et l'encouragement à la perpétration; il est entendu que sont exclus de la présente définition l'acte — action ou omission — commis au cours d'un conflit armé et conforme, au moment et au lieu de la perpétration, au droit international coutumier ou au droit international conventionnel applicable au

and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counselling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law. (*activité terroriste*)

terrorist group means

- (a) an entity that has as one of its purposes or activities facilitating or carrying out any terrorist activity, or
- (b) a listed entity,

and includes an association of such entities. (*groupe terroriste*)

For greater certainty

(1.1) For greater certainty, the expression of a political, religious or ideological thought, belief or opinion does not come within paragraph (b) of the definition *terrorist activity* in subsection (1) unless it constitutes an act or omission that satisfies the criteria of that paragraph.

For greater certainty

(1.2) For greater certainty, a suicide bombing is an act that comes within paragraph (a) or (b) of the definition *terrorist activity* in subsection (1) if it satisfies the criteria of that paragraph.

Facilitation

(2) For the purposes of this Part, facilitation shall be construed in accordance with subsection 83.19(2).

2001, c. 41, ss. 4, 126; 2010, c. 19, s. 1; 2013, c. 13, s. 6.

conflit ainsi que les activités menées par les forces armées d'un État dans l'exercice de leurs fonctions officielles, dans la mesure où ces activités sont régies par d'autres règles de droit international. (*terrorist activity*)

Canadien Citoyen canadien, résident permanent au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés* ou personne morale constituée ou prorogée sous le régime d'une loi fédérale ou provinciale. (*Canadian*)

entité Personne, groupe, fiducie, société de personnes ou fonds, ou organisation ou association non dotée de la personnalité morale. (*entity*)

entité inscrite Entité inscrite sur la liste établie par le gouverneur en conseil en vertu de l'article 83.05. (*listed entity*)

groupe terroriste

a) Soit une entité dont l'un des objets ou l'une des activités est de se livrer à des activités terroristes ou de les faciliter;

b) soit une entité inscrite.

Est assimilé à un groupe terroriste un groupe ou une association formé de groupes terroristes au sens de la présente définition. (*terrorist group*)

Interprétation

(1.1) Il est entendu que l'expression d'une pensée, d'une croyance ou d'une opinion de nature politique, religieuse ou idéologique n'est visée à l'alinéa b) de la définition de *activité terroriste* au paragraphe (1) que si elle constitue un acte — action ou omission — répondant aux critères de cet alinéa.

Interprétation

(1.2) Il est entendu que l'attentat suicide à la bombe est un acte visé aux alinéas a) ou b) de la définition de *activité terroriste* au paragraphe (1) s'il répond aux critères prévus à l'alinéa en cause.

Facilitation

(2) Pour l'application de la présente partie, faciliter s'interprète en conformité avec le paragraphe 83.19(2).

2001, ch. 41, art. 4 et 126; 2010, ch. 19, art. 1; 2013, ch. 13, art. 6.

Financing of Terrorism

Providing or collecting property for certain activities

83.02 Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years who, directly or indirectly, wilfully and without lawful justification or excuse, provides or collects property intending that it be used or knowing that it will be used, in whole or in part, in order to carry out

(a) an act or omission that constitutes an offence referred to in subparagraphs (a)(i) to (ix) of the definition of **terrorist activity** in subsection 83.01(1), or

(b) any other act or omission intended to cause death or serious bodily harm to a civilian or to any other person not taking an active part in the hostilities in a situation of armed conflict, if the purpose of that act or omission, by its nature or context, is to intimidate the public, or to compel a government or an international organization to do or refrain from doing any act.

2001, c. 41, s. 4; 2019, c. 25, s. 15(E).

Providing, making available, etc., property or services for terrorist purposes

83.03 Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years who, directly or indirectly, collects property, provides or invites a person to provide, or makes available property or financial or other related services

(a) intending that they be used, or knowing that they will be used, in whole or in part, for the purpose of facilitating or carrying out any terrorist activity, or for the purpose of benefiting any person who is facilitating or carrying out such an activity, or

(b) knowing that, in whole or part, they will be used by or will benefit a terrorist group.

2001, c. 41, s. 4; 2019, c. 25, s. 16(E).

Using or possessing property for terrorist purposes

83.04 Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years who

(a) uses property, directly or indirectly, in whole or in part, for the purpose of facilitating or carrying out a terrorist activity, or

Financement du terrorisme

Fournir ou réunir des biens en vue de certains actes

83.02 Est coupable d'un acte criminel passible d'un emprisonnement maximal de dix ans quiconque, directement ou non, fournit ou réunit, délibérément et sans justification ou excuse légitime, des biens dans l'intention de les voir utiliser — ou en sachant qu'ils seront utilisés — en tout ou en partie, en vue :

a) d'un acte — action ou omission — qui constitue l'une des infractions prévues aux sous-alinéas a)(i) à (ix) de la définition de **activité terroriste** au paragraphe 83.01(1);

b) de tout autre acte — action ou omission — destiné à causer la mort ou des dommages corporels graves à une personne qui ne participe pas directement aux hostilités dans une situation de conflit armé, notamment un civil, si, par sa nature ou son contexte, cet acte est destiné à intimider la population ou à contraindre un gouvernement ou une organisation internationale à accomplir ou à s'abstenir d'accomplir un acte quelconque.

2001, ch. 41, art. 4; 2019, ch. 25, art. 15(A).

Fournir, rendre disponibles, etc. des biens ou services à des fins terroristes

83.03 Est coupable d'un acte criminel passible d'un emprisonnement maximal de dix ans quiconque, directement ou non, réunit des biens ou fournit — ou invite une autre personne à le faire — ou rend disponibles des biens ou des services financiers ou connexes :

a) soit dans l'intention de les voir utiliser — ou en sachant qu'ils seront utilisés — , en tout ou en partie, pour une activité terroriste, pour faciliter une telle activité ou pour en faire bénéficier une personne qui se livre à une telle activité ou la facilite;

b) soit en sachant qu'ils seront utilisés, en tout ou en partie, par un groupe terroriste ou qu'ils bénéficieront, en tout ou en partie, à celui-ci.

2001, ch. 41, art. 4; 2019, ch. 25, art. 16(A).

Utiliser ou avoir en sa possession des biens à des fins terroristes

83.04 Est coupable d'un acte criminel passible d'un emprisonnement maximal de dix ans quiconque, selon le cas :

a) utilise directement ou non, en tout ou en partie, des biens pour une activité terroriste ou pour la faciliter;

(b) possesses property intending that it be used or knowing that it will be used, directly or indirectly, in whole or in part, for the purpose of facilitating or carrying out a terrorist activity.

2001, c. 41, s. 4; 2019, c. 25, s. 17(E).

List of Entities

Establishment of list

83.05 (1) The Governor in Council may, by regulation, establish a list on which the Governor in Council may place any entity if, on the recommendation of the Minister of Public Safety and Emergency Preparedness, the Governor in Council is satisfied that there are reasonable grounds to believe that

(a) the entity has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; or

(b) the entity has knowingly acted on behalf of, at the direction of or in association with an entity referred to in paragraph (a).

Recommendation

(1.1) The Minister may make a recommendation referred to in subsection (1) only if he or she has reasonable grounds to believe that the entity to which the recommendation relates is an entity referred to in paragraph (1)(a) or (b).

Amendment to name of listed entity

(1.2) The Minister may, by regulation,

(a) change the name of a listed entity, or add to the list any other name by which a listed entity may also be or have been known, if the Minister has reasonable grounds to believe that the listed entity is using a name that is not on the list; and

(b) delete from the list any other name by which a listed entity may also have been known, if the entity is no longer using that name.

Application to Minister

(2) On application in writing by a listed entity to be removed from the list, the Minister shall decide whether the applicant should remain a listed entity or whether the Minister should recommend to the Governor in Council that the applicant be removed from the list, taking into account the grounds set out in subsection (1).

b) a en sa possession des biens dans l'intention de les voir utiliser — ou en sachant qu'ils seront utilisés — directement ou non, en tout ou en partie, pour une activité terroriste ou pour la faciliter.

2001, ch. 41, art. 4; 2019, ch. 25, art. 17(A).

Inscription des entités

Établissement de la liste

83.05 (1) Le gouverneur en conseil peut, par règlement, établir une liste sur laquelle il inscrit toute entité dont il est convaincu, sur la recommandation du ministre de la Sécurité publique et de la Protection civile, qu'il existe des motifs raisonnables de croire :

a) que, sciemment, elle s'est livrée ou a tenté de se livrer à une activité terroriste, y a participé ou l'a facilitée;

b) que, sciemment, elle a agi au nom d'une entité visée à l'alinéa a), sous sa direction ou en collaboration avec elle.

Recommandation

(1.1) Le ministre ne fait la recommandation visée au paragraphe (1) que s'il a des motifs raisonnables de croire que l'entité en cause est visée aux alinéas (1)a) ou b).

Modification d'un nom sur la liste d'entités

(1.2) Le ministre peut, par règlement :

a) s'il a des motifs raisonnables de croire qu'une entité inscrite utilise un nom ne figurant pas sur la liste, modifier le nom de l'entité qui figure sur la liste ou ajouter à la liste tout autre nom sous lequel l'entité peut aussi être ou avoir été connue;

b) radier de la liste un nom sous lequel une entité inscrite peut aussi avoir été connue, si l'entité n'utilise plus ce nom.

Radiation

(2) Le ministre, saisi d'une demande de radiation écrite présentée par une entité inscrite, décide si le demandeur devrait rester inscrit ou s'il devrait recommander au gouverneur en conseil que le demandeur soit radié de la liste, compte tenu des motifs prévus au paragraphe (1).

Deeming

(3) If the Minister does not make a decision on the application referred to in subsection (2) within 90 days after receipt of the application, or within any longer period that may be agreed to in writing by the Minister and the applicant, the Minister is deemed to have decided that the applicant should remain a listed entity.

Notice of the decision to the applicant

(4) The Minister shall give notice without delay to the applicant of any decision taken or deemed to have been taken respecting the application referred to in subsection (2).

Judicial review

(5) Within 60 days after the receipt of the notice of the decision referred to in subsection (4), the applicant may apply to a judge for judicial review of the decision.

Reference

(6) When an application is made under subsection (5), the judge shall, without delay

(a) examine, in private, any security or criminal intelligence reports considered in the making of the decision on whether the applicant should remain a listed entity and hear any other evidence or information that may be presented by or on behalf of the Minister and may, at his or her request, hear all or part of that evidence or information in the absence of the applicant and any counsel representing the applicant, if the judge is of the opinion that the disclosure of the information would injure national security or endanger the safety of any person;

(b) provide the applicant with a statement summarizing the information available to the judge so as to enable the applicant to be reasonably informed of the reasons for the decision, without disclosing any information the disclosure of which would, in the judge's opinion, injure national security or endanger the safety of any person;

(c) provide the applicant with a reasonable opportunity to be heard; and

(d) determine whether the decision is reasonable on the basis of the information available to the judge and, if found not to be reasonable, order that the applicant no longer be a listed entity.

Evidence

(6.1) The judge may receive into evidence anything that, in the opinion of the judge, is reliable and appropriate,

Présomption

(3) S'il ne rend pas sa décision dans les quatre-vingt-dix jours suivant la réception de la demande ou dans le délai plus long dont il a convenu par écrit avec le demandeur, le ministre est réputé avoir décidé que le demandeur devrait rester inscrit sur la liste.

Avis de la décision au demandeur

(4) Le ministre donne sans délai au demandeur un avis de la décision qu'il a rendue ou qu'il est réputé avoir rendue relativement à la demande.

Contrôle judiciaire

(5) Dans les soixante jours suivant la réception de l'avis, le demandeur peut présenter au juge une demande de révision de la décision.

Examen judiciaire

(6) Dès qu'il est saisi de la demande, le juge procède de la façon suivante :

a) il examine à huis clos les renseignements en matière de sécurité ou de criminalité qui ont été pris en considération pour décider si le demandeur doit rester inscrit sur la liste et recueille les autres éléments de preuve ou d'information présentés par le ministre ou en son nom; il peut, à la demande de celui-ci, recueillir tout ou partie de ces éléments en l'absence du demandeur ou de son avocat, s'il estime que leur divulgation porterait atteinte à la sécurité nationale ou à la sécurité d'autrui;

b) il fournit au demandeur un résumé de l'information dont il dispose — sauf celle dont la divulgation pourrait, à son avis, porter atteinte à la sécurité nationale ou à la sécurité d'autrui — afin de lui permettre d'être suffisamment informé des motifs de la décision;

c) il donne au demandeur la possibilité d'être entendu;

d) il décide si la décision est raisonnable compte tenu de l'information dont il dispose et, dans le cas où il décide que la décision n'est pas raisonnable, il ordonne la radiation.

Preuve

(6.1) Le juge peut recevoir et admettre en preuve tout élément qu'il estime digne de foi et approprié — même si

even if it would not otherwise be admissible under Canadian law, and may base his or her decision on that evidence.

Publication

(7) The Minister shall cause to be published, without delay, in the *Canada Gazette* notice of a final order of a court that the applicant no longer be a listed entity.

New application

(8) A listed entity may not make another application under subsection (2) except if, since the time when the entity made its last application,

- (a)** there has been a material change in its circumstances; or
- (b)** the Minister has completed a review under subsection (8.1) with respect to that entity.

Review — listed entity

(8.1) The Minister shall review whether there are still reasonable grounds, as set out in subsection (1), for an entity to be a listed entity and make a recommendation to the Governor in Council as to whether the entity should remain a listed entity

- (a)** within five years after
 - (i)** the day on which this subsection comes into force, if the entity is a listed entity on that day, or
 - (ii)** the day on which the entity is added to the list, if the entity is added to the list after the day on which this subsection comes into force; and
- (b)** subsequently, within five years after the most recent recommendation made under this subsection with respect to the entity.

Validity

(9) Reviews undertaken under subsection (8.1) do not affect the validity of the list.

Publication

(10) The Minister shall cause notice of the results of every review of a listed entity undertaken under subsection (8.1) to be published in the *Canada Gazette* within five years after the review is completed.

le droit canadien ne prévoit pas par ailleurs son admissibilité — et peut fonder sa décision sur cet élément.

Publication

(7) Une fois la décision ordonnant la radiation passée en force de chose jugée, le ministre en fait publier avis sans délai dans la *Gazette du Canada*.

Nouvelle demande de radiation

(8) L'entité inscrite ne peut présenter une nouvelle demande de radiation en vertu du paragraphe (2) que si, depuis la présentation de sa dernière demande :

- a)** soit sa situation a évolué d'une manière importante;
- b)** soit le ministre a terminé un examen mentionné au paragraphe (8.1) à l'égard de l'entité.

Examen périodique de la liste : entités déjà inscrites

(8.1) Pour chaque entité inscrite sur la liste, le ministre, dans les délais ci-après, décide s'il existe toujours des motifs raisonnables, aux termes du paragraphe (1), justifiant son inscription et recommande au gouverneur en conseil que l'entité reste inscrite sur la liste ou soit radiée :

- a)** dans les cinq ans suivant :
 - (i)** la date de l'entrée en vigueur du présent paragraphe, si l'entité est inscrite sur la liste à cette date,
 - (ii)** la date à laquelle l'entité est inscrite sur la liste, si l'entité est inscrite sur la liste après l'entrée en vigueur du présent paragraphe;
- b)** par la suite, dans les cinq ans suivant la dernière recommandation relative à l'entité faite en application du présent paragraphe.

Validité de la liste

(9) L'examen effectué au titre du paragraphe (8.1) est sans effet sur la validité de la liste.

Publication

(10) Le ministre fait publier dans la *Gazette du Canada* un avis portant sur les résultats de l'examen d'une entité inscrite effectué au titre du paragraphe (8.1) dans les cinq ans suivant la conclusion de l'examen.

Definition of judge

(11) In this section, **judge** means the Chief Justice of the Federal Court or a judge of that Court designated by the Chief Justice.

2001, c. 41, ss. 4, 143; 2005, c. 10, ss. 18, 34; 2019, c. 13, s. 141.

Admission of foreign information obtained in confidence

83.06 (1) For the purposes of subsection 83.05(6), in private and in the absence of the applicant or any counsel representing it,

(a) the Minister of Public Safety and Emergency Preparedness may make an application to the judge for the admission of information obtained in confidence from a government, an institution or an agency of a foreign state, from an international organization of states or from an institution or an agency of an international organization of states; and

(b) the judge shall examine the information and provide counsel representing the Minister with a reasonable opportunity to be heard as to whether the information is relevant but should not be disclosed to the applicant or any counsel representing it because the disclosure would injure national security or endanger the safety of any person.

Return of information

(2) The information shall be returned to counsel representing the Minister and shall not be considered by the judge in making the determination under paragraph 83.05(6)(d), if

(a) the judge determines that the information is not relevant;

(b) the judge determines that the information is relevant but should be summarized in the statement to be provided under paragraph 83.05(6)(b); or

(c) the Minister withdraws the application.

Use of information

(3) If the judge decides that the information is relevant but that its disclosure would injure national security or endanger the safety of persons, the information shall not be disclosed in the statement mentioned in paragraph 83.05(6)(b), but the judge may base the determination under paragraph 83.05(6)(d) on it.

2001, c. 41, s. 4; 2005, c. 10, s. 19.

Mistaken identity

83.07 (1) An entity whose name is the same as or similar to a name, appearing on the list, of a listed entity and

Définition de juge

(11) Au présent article, **juge** s'entend du juge en chef de la Cour fédérale ou du juge de cette juridiction désigné par celui-ci.

2001, ch. 41, art. 4 et 143; 2005, ch. 10, art. 18 et 34; 2019, ch. 13, art. 141.

Renseignements secrets obtenus de gouvernements étrangers

83.06 (1) Pour l'application du paragraphe 83.05(6), procédant à huis clos et en l'absence du demandeur ou de son avocat :

a) le ministre de la Sécurité publique et de la Protection civile peut présenter au juge une demande en vue de faire admettre en preuve des renseignements obtenus sous le sceau du secret du gouvernement d'un État étranger ou d'une organisation internationale d'États, ou de l'un de leurs organismes;

b) le juge examine les renseignements et accorde à l'avocat du ministre la possibilité de lui présenter ses arguments sur la pertinence des renseignements et le fait qu'ils ne devraient pas être communiqués au demandeur ou à son avocat parce que la communication porterait atteinte à la sécurité nationale ou à la sécurité d'autrui.

Renvoi des renseignements

(2) Ces renseignements sont renvoyés à l'avocat du ministre et ne peuvent servir de fondement à la décision rendue au titre de l'alinéa 83.05(6)d) dans les cas suivants :

a) le juge décide qu'ils ne sont pas pertinents;

b) le juge décide qu'ils sont pertinents, mais qu'ils devraient faire partie du résumé à fournir au titre de l'alinéa 83.05(6)b);

c) le ministre retire la demande.

Utilisation des renseignements

(3) Si le juge décide que ces renseignements sont pertinents, mais que leur communication au titre de l'alinéa 83.05(6)b) porterait atteinte à la sécurité nationale ou à la sécurité d'autrui, il les exclut du résumé, mais peut s'en servir comme fondement de la décision qu'il rend au titre de l'alinéa 83.05(6)d).

2001, ch. 41, art. 4; 2005, ch. 10, art. 19.

Erreur sur la personne

83.07 (1) L'entité dont le nom est identique ou semblable à un nom, figurant sur la liste, d'une entité inscrite

who claims not to be that listed entity may apply in writing to the Minister of Public Safety and Emergency Preparedness for a certificate stating that it is not that listed entity.

Issuance of certificate

(2) The Minister shall, within 30 days after receiving the application, issue a certificate if he or she is satisfied that the applicant is not that listed entity.

2001, c. 41, s. 4; 2005, c. 10, s. 20; 2019, c. 13, s. 142.

Freezing of Property

Freezing of property

83.08 (1) No person in Canada and no Canadian outside Canada shall knowingly

(a) deal directly or indirectly in any property that is owned or controlled by or on behalf of a terrorist group;

(b) enter into or facilitate, directly or indirectly, any transaction in respect of property referred to in paragraph (a); or

(c) provide any financial or other related services in respect of property referred to in paragraph (a) to, for the benefit of or at the direction of a terrorist group.

No civil liability

(2) A person who acts reasonably in taking, or omitting to take, measures to comply with subsection (1) shall not be liable in any civil action arising from having taken or omitted to take the measures, if they took all reasonable steps to satisfy themselves that the relevant property was owned or controlled by or on behalf of a terrorist group.

2001, c. 41, s. 4; 2013, c. 9, s. 3.

Exemptions

83.09 (1) The Minister of Public Safety and Emergency Preparedness, or a person designated by him or her, may authorize any person in Canada or any Canadian outside Canada to carry out a specified activity or transaction that is prohibited by section 83.08, or a class of such activities or transactions.

Ministerial authorization

(2) The Minister, or a person designated by him or her, may make the authorization subject to any terms and conditions that are required in their opinion and may amend, suspend, revoke or reinstate it.

et qui prétend ne pas être cette entité peut demander par écrit au ministre de la Sécurité publique et de la Protection civile de lui délivrer un certificat portant qu'elle n'est pas l'entité inscrite.

Délivrance du certificat

(2) S'il est convaincu que le demandeur n'est pas cette entité inscrite, le ministre délivre le certificat dans les trente jours suivant la réception de la demande.

2001, ch. 41, art. 4; 2005, ch. 10, art. 20; 2019, ch. 13, art. 142.

Blocage des biens

Blocage des biens

83.08 (1) Il est interdit à toute personne au Canada et à tout Canadien à l'étranger :

a) d'effectuer sciemment, directement ou non, une opération portant sur des biens qui appartiennent à un groupe terroriste, ou qui sont à sa disposition, directement ou non;

b) de conclure ou de faciliter sciemment, directement ou non, une opération relativement à des biens visés à l'alinéa a);

c) de fournir sciemment à un groupe terroriste, pour son profit ou sur son ordre, des services financiers ou tout autre service connexe liés à des biens visés à l'alinéa a).

Immunité

(2) Nul ne peut être poursuivi au civil pour avoir fait ou omis de faire quoi que ce soit dans le but de se conformer au paragraphe (1), s'il a agi raisonnablement et pris toutes les dispositions voulues pour se convaincre que le bien en cause appartient à un groupe terroriste ou est à sa disposition, directement ou non.

2001, ch. 41, art. 4; 2013, ch. 9, art. 3.

Exemptions

83.09 (1) Le ministre de la Sécurité publique et de la Protection civile — ou toute personne qu'il désigne — peut autoriser toute personne au Canada ou tout Canadien à l'étranger à se livrer à toute opération ou activité — ou catégorie d'opérations ou d'activités — qu'interdit l'article 83.08.

Autorisation

(2) Le ministre peut assortir l'autorisation des conditions qu'il estime nécessaires; il peut également la modifier, la suspendre, la révoquer ou la rétablir.

Existing equities maintained

(3) All secured and unsecured rights and interests in the frozen property that are held by persons, other than terrorist groups or their agents, are entitled to the same ranking that they would have been entitled to had the property not been frozen.

Third party involvement

(4) If a person has obtained an authorization under subsection (1), any other person involved in carrying out the activity or transaction, or class of activities or transactions, to which the authorization relates is not subject to sections 83.08, 83.1 and 83.11 if the terms or conditions of the authorization that are imposed under subsection (2), if any, are met.

2001, c. 41, s. 4; 2005, c. 10, s. 21.

Disclosure

83.1 (1) Every person in Canada and every Canadian outside Canada shall disclose without delay to the Commissioner of the Royal Canadian Mounted Police or to the Director of the Canadian Security Intelligence Service

- (a)** the existence of property in their possession or control that they know is owned or controlled by or on behalf of a terrorist group; and
- (b)** information about a transaction or proposed transaction in respect of property referred to in paragraph (a).

Immunity

(2) No criminal or civil proceedings lie against a person for disclosure made in good faith under subsection (1).

2001, c. 41, s. 4; 2013, c. 9, s. 4.

Audit

83.11 (1) The following entities must determine on a continuing basis whether they are in possession or control of property owned or controlled by or on behalf of a listed entity:

- (a)** authorized foreign banks within the meaning of section 2 of the *Bank Act* in respect of their business in Canada, or banks to which that Act applies;
- (b)** cooperative credit societies, savings and credit unions and caisses populaires regulated by a provincial Act and associations regulated by the *Cooperative Credit Associations Act*;
- (c)** foreign companies within the meaning of subsection 2(1) of the *Insurance Companies Act* in respect of their insurance business in Canada;

Rang

(3) Le blocage ne porte pas atteinte au rang des droits et intérêts — garantis ou non — détenus sur les biens qui en font l'objet par des personnes qui ne sont pas des groupes terroristes ou des mandataires de ceux-ci.

Tiers participant

(4) Dans le cas où une personne a obtenu une autorisation en vertu du paragraphe (1), toute autre personne qui participe à l'opération ou à l'activité — ou à la catégorie d'opérations ou d'activités — visée par l'autorisation est soustraite à l'application des articles 83.08, 83.1 et 83.11 si les conditions dont l'autorisation est assortie, le cas échéant, sont respectées.

2001, ch. 41, art. 4; 2005, ch. 10, art. 21.

Communication

83.1 (1) Toute personne au Canada et tout Canadien à l'étranger est tenu de communiquer sans délai au directeur du Service canadien du renseignement de sécurité ou au commissaire de la Gendarmerie royale du Canada :

- a)** l'existence de biens qui sont en sa possession ou à sa disposition et qui, à sa connaissance, appartiennent à un groupe terroriste, ou qui sont à sa disposition, directement ou non;
- b)** tout renseignement portant sur une opération, réelle ou projetée, mettant en cause des biens visés à l'alinéa a).

Immunité

(2) Nul ne peut être poursuivi pour avoir fait de bonne foi une communication au titre du paragraphe (1).

2001, ch. 41, art. 4; 2013, ch. 9, art. 4.

Obligation de vérification

83.11 (1) Il incombe aux entités ci-après de vérifier de façon continue l'existence de biens qui sont en leur possession ou à leur disposition et qui appartiennent à une entité inscrite ou sont à sa disposition, directement ou non :

- a)** les banques régies par la *Loi sur les banques* et les banques étrangères autorisées, au sens de l'article 2 de la *Loi sur les banques*, dans le cadre des activités que ces dernières exercent au Canada;
- b)** les coopératives de crédit, caisses d'épargne et de crédit et caisses populaires régies par une loi provinciale et les associations régies par la *Loi sur les associations coopératives de crédit*;

(c.1) companies, provincial companies and societies within the meaning of subsection 2(1) of the *Insurance Companies Act*;

(c.2) fraternal benefit societies regulated by a provincial Act in respect of their insurance activities, and insurance companies and other entities engaged in the business of insuring risks that are regulated by a provincial Act;

(d) companies to which the *Trust and Loan Companies Act* applies;

(e) trust companies regulated by a provincial Act;

(f) loan companies regulated by a provincial Act; and

(g) entities authorized under provincial legislation to engage in the business of dealing in securities, or to provide portfolio management or investment counselling services.

Monthly report

(2) Subject to the regulations, every entity referred to in paragraphs (1)(a) to (g) must report, within the period specified by regulation or, if no period is specified, monthly, to the principal agency or body that supervises or regulates it under federal or provincial law either

(a) that it is not in possession or control of any property referred to in subsection (1), or

(b) that it is in possession or control of such property, in which case it must also report the number of persons, contracts or accounts involved and the total value of the property.

Immunity

(3) No criminal or civil proceedings lie against a person for making a report in good faith under subsection (2).

Regulations

(4) The Governor in Council may make regulations

(a) excluding any entity or class of entities from the requirement to make a report referred to in subsection (2), and specifying the conditions of exclusion; and

(b) specifying a period for the purposes of subsection (2).

2001, c. 41, s. 4.

c) les sociétés étrangères, au sens du paragraphe 2(1) de la *Loi sur les sociétés d'assurances*, dans le cadre des activités d'assurance qu'elles exercent au Canada;

c.1) les sociétés, les sociétés de secours et les sociétés provinciales au sens du paragraphe 2(1) de la *Loi sur les sociétés d'assurances*;

c.2) les sociétés de secours mutuel régies par une loi provinciale, dans le cadre de leurs activités d'assurance, et les sociétés d'assurances et autres entités régies par une loi provinciale qui exercent le commerce de l'assurance;

d) les sociétés régies par la *Loi sur les sociétés de fiducie et de prêt*;

e) les sociétés de fiducie régies par une loi provinciale;

f) les sociétés de prêt régies par une loi provinciale;

g) les entités autorisées en vertu de la législation provinciale à se livrer au commerce des valeurs mobilières, ou à la fourniture de services de gestion de portefeuille ou de conseils en placement.

Rapport

(2) Sous réserve des règlements, il incombe aux entités visées aux alinéas (1)a) à g) de rendre compte, selon la périodicité précisée dans le règlement ou, à défaut, chaque mois, à l'autorité ou à l'organisme principal de surveillance ou de réglementation dont elles relèvent sous le régime d'une loi fédérale ou provinciale :

a) soit du fait qu'elles n'ont pas en leur possession ni à leur disposition des biens visés au paragraphe (1);

b) soit du fait qu'elles en ont, auquel cas elles sont tenues d'indiquer le nombre de personnes, de comptes ou de contrats en cause et la valeur totale des biens.

Immunité

(3) Nul ne peut être poursuivi pour avoir fait rapport de bonne foi au titre du paragraphe (2).

Règlements

(4) Le gouverneur en conseil peut, par règlement :

a) soustraire, aux conditions qui y sont précisées, toute entité ou catégorie d'entités à l'obligation de rendre compte prévue au paragraphe (2);

b) préciser la périodicité du rapport.

2001, ch. 41, art. 4.

Offences — freezing of property, disclosure or audit

83.12 (1) Every person who contravenes any of sections 83.08, 83.1 and 83.11 is guilty of an offence and liable

(a) on conviction on indictment, to imprisonment for a term of not more than 10 years; or

(b) on summary conviction, to a fine of not more than \$100,000 or to imprisonment for a term of not more than two years less a day, or to both.

(2) [Repealed, 2013, c. 9, s. 5]

2001, c. 41, s. 4; 2013, c. 9, s. 5; 2019, c. 25, s. 18.

Seizure and Restraint of Property

Seizure and restraint of assets

83.13 (1) Where a judge of the Federal Court, on an *ex parte* application by the Attorney General, after examining the application in private, is satisfied that there are reasonable grounds to believe that there is in any building, receptacle or place any property in respect of which an order of forfeiture may be made under subsection 83.14(5), the judge may issue

(a) if the property is situated in Canada, a warrant authorizing a person named therein or a peace officer to search the building, receptacle or place for that property and to seize that property and any other property in respect of which that person or peace officer believes, on reasonable grounds, that an order of forfeiture may be made under that subsection; or

(b) if the property is situated in or outside Canada, a restraint order prohibiting any person from disposing of, or otherwise dealing with any interest in, that property other than as may be specified in the order.

Contents of application

(1.1) An affidavit in support of an application under subsection (1) may be sworn on information and belief, and, notwithstanding the *Federal Court Rules, 1998*, no adverse inference shall be drawn from a failure to provide evidence of persons having personal knowledge of material facts.

Infraction — blocage des biens, communication ou vérification

83.12 (1) Quiconque contrevient aux articles 83.08, 83.1 ou 83.11 commet une infraction et encourt, sur déclaration de culpabilité :

a) par mise en accusation, un emprisonnement maximal de dix ans;

b) par procédure sommaire, une amende maximale de 100 000 \$ et un emprisonnement maximal de deux ans moins un jour, ou l'une de ces peines.

(2) [Abrogé, 2013, ch. 9, art. 5]

2001, ch. 41, art. 4; 2013, ch. 9, art. 5; 2019, ch. 25, art. 18.

Saisie et blocage de biens

Mandat spécial

83.13 (1) Sur demande du procureur général présentée *ex parte* et entendue à huis clos, le juge de la Cour fédérale qui est convaincu qu'il existe des motifs raisonnables de croire qu'il se trouve dans un bâtiment, contenant ou lieu des biens qui pourraient faire l'objet d'une ordonnance de confiscation en vertu du paragraphe 83.14(5) peut :

a) dans le cas où les biens sont situés au Canada, délivrer un mandat autorisant la personne qui y est nommée ou un agent de la paix à perquisitionner dans ce bâtiment, contenant ou lieu et à saisir les biens en cause ainsi que tout autre bien dont cette personne ou l'agent de la paix a des motifs raisonnables de croire qu'il pourrait faire l'objet d'une telle ordonnance;

b) dans le cas où les biens sont situés au Canada ou à l'étranger, rendre une ordonnance de blocage interdisant à toute personne de se départir des biens précisés dans l'ordonnance ou d'effectuer des opérations sur les droits qu'elle détient sur ceux-ci, sauf dans la mesure prévue.

Teneur de la demande

(1.1) L'affidavit qui accompagne la demande peut contenir des déclarations fondées sur ce que sait et croit le déclarant, mais, par dérogation aux *Règles de la Cour fédérale (1998)*, le fait de ne pas offrir le témoignage de personnes ayant une connaissance personnelle des faits importants ne peut donner lieu à des conclusions défavorables.

Appointment of manager

(2) On an application under subsection (1), at the request of the Attorney General, if a judge is of the opinion that the circumstances so require, the judge may

- (a)** appoint a person to take control of, and to manage or otherwise deal with, all or part of the property in accordance with the directions of the judge; and
- (b)** require any person having possession of that property to give possession of the property to the person appointed under paragraph (a).

Appointment of Minister of Public Works and Government Services

(3) When the Attorney General of Canada so requests, a judge appointing a person under subsection (2) shall appoint the Minister of Public Works and Government Services.

Power to manage

(4) The power to manage or otherwise deal with property under subsection (2) includes

- (a)** the power to make an interlocutory sale of perishable or rapidly depreciating property;
- (b)** the power to destroy, in accordance with subsections (5) to (8), property that has little or no value; and
- (c)** the power to have property, other than real property or a conveyance, forfeited to Her Majesty in accordance with subsection (8.1).

Application for destruction order

(5) Before a person who is appointed to manage property destroys property that has little or no value, they shall apply to a judge of the Federal Court for a destruction order.

Notice

(6) Before making a destruction order, a judge shall require notice in accordance with subsection (7) to be given to and may hear any person who, in the judge's opinion, appears to have a valid interest in the property.

Manner of giving notice

(7) A notice shall

Nomination d'un administrateur

(2) Saisi d'une demande en vertu du paragraphe (1), le juge peut, à la demande du procureur général, s'il l'estime indiqué dans les circonstances :

- a)** nommer un administrateur et lui ordonner de prendre en charge ces biens en tout ou en partie, de les administrer ou d'effectuer toute autre opération à leur égard conformément à ses directives;
- b)** ordonner à toute personne qui a la possession des biens, à l'égard desquels un administrateur est nommé, de les remettre à celui-ci.

Ministre des Travaux publics et des Services gouvernementaux

(3) À la demande du procureur général du Canada, le juge nomme le ministre des Travaux publics et des Services gouvernementaux à titre d'administrateur visé au paragraphe (2).

Administration

(4) La charge d'administrer des biens ou d'effectuer toute autre opération à leur égard comprend notamment :

- a)** le pouvoir de vendre en cours d'instance les biens périssables ou qui se déprécient rapidement;
- b)** le pouvoir de détruire, conformément aux paragraphes (5) à (8), les biens d'aucune ou de peu de valeur;
- c)** le pouvoir de faire confisquer, au profit de Sa Majesté, les biens autres que les biens immeubles ou les moyens de transport, conformément au paragraphe (8.1).

Demande d'ordonnance de destruction

(5) Avant de détruire des biens d'aucune ou de peu de valeur, l'administrateur est tenu de demander à un juge de la Cour fédérale de rendre une ordonnance de destruction.

Préavis

(6) Avant de rendre une ordonnance de destruction, le juge exige que soit donné un préavis conformément au paragraphe (7) à quiconque, à son avis, semble avoir un droit sur les biens; le juge peut aussi entendre une telle personne.

Modalités du préavis

(7) Le préavis :

(a) be given in the manner that the judge directs or that may be specified in the rules of the Federal Court; and

(b) specify the effective period of the notice that the judge considers reasonable or that may be set out in the rules of the Federal Court.

Destruction order

(8) A judge shall order that the property be destroyed if they are satisfied that the property has little or no financial or other value.

Forfeiture order

(8.1) On application by a person who is appointed to manage the property, a judge of the Federal Court shall order that the property, other than real property or a conveyance, be forfeited to Her Majesty to be disposed of or otherwise dealt with in accordance with the law if

(a) a notice is given or published in the manner that the judge directs or that may be specified in the rules of the Federal Court;

(b) the notice specifies a period of 60 days during which a person may make an application to the judge asserting their interest in the property; and

(c) during that period, no one makes such an application.

When management order ceases to have effect

(9) A management order ceases to have effect when the property that is the subject of the management order is returned in accordance with the law, destroyed or forfeited to Her Majesty.

For greater certainty

(9.1) For greater certainty, if property that is the subject of a management order is sold, the management order applies to the net proceeds of the sale.

Application to vary

(10) The Attorney General may at any time apply to a judge of the Federal Court to cancel or vary an order or warrant made under this section, other than an appointment made under subsection (3).

Procedure

(11) Subsections 462.32(4) and (6), sections 462.34 to 462.35 and 462.4, subsection 487(3) and section 488 apply, with any modifications that the circumstances require, to a warrant issued under paragraph (1)(a). Any peace

a) est donné selon les modalités précisées par le juge ou prévues par les règles de la Cour fédérale;

b) précise la durée que le juge estime raisonnable quant à sa validité ou que fixent les règles de la Cour fédérale.

Ordonnance de destruction

(8) Le juge ordonne la destruction des biens s'il est convaincu que ceux-ci n'ont que peu ou pas de valeur, financière ou autre.

Ordonnance de confiscation

(8.1) Sur demande de l'administrateur, le juge de la Cour fédérale ordonne que le bien autre qu'un bien immeuble ou un moyen de transport soit confisqué au profit de Sa Majesté pour qu'il en soit disposé conformément au droit applicable si, à la fois :

a) un avis a été donné ou publié selon les modalités précisées par le juge ou prévues par les règles de la Cour fédérale;

b) l'avis précise un délai de soixante jours dans lequel toute personne peut présenter une demande alléguant un droit sur le bien;

c) personne ne lui a présenté une telle demande dans ce délai.

Cessation d'effet de l'ordonnance de prise en charge

(9) L'ordonnance de prise en charge cesse d'avoir effet lorsque les biens qu'elle vise sont restitués, conformément au droit applicable, détruits ou confisqués au profit de Sa Majesté.

Précision

(9.1) Il est entendu que l'ordonnance de prise en charge s'applique au produit net de la vente du bien faisant l'objet de l'ordonnance.

Demande de modification

(10) Le procureur général peut demander à un juge de la Cour fédérale d'annuler ou de modifier un mandat délivré ou une ordonnance rendue en vertu du présent article, à l'exclusion de la nomination effectuée en vertu du paragraphe (3).

Dispositions applicables

(11) Les paragraphes 462.32(4) et (6), les articles 462.34 à 462.35 et 462.4, le paragraphe 487(3) et l'article 488 s'appliquent, avec les adaptations nécessaires, au mandat délivré en vertu de l'alinéa (1)a). Tout agent de la paix qui

officer who executes the warrant must have authority to act as a peace officer in the place where it is executed.

Procedure

(12) Subsections 462.33(4) and (6) to (11) and sections 462.34 to 462.35 and 462.4 apply, with such modifications as the circumstances require, to an order issued under paragraph (1)(b).

2001, c. 41, s. 4; 2017, c. 7, s. 54; 2019, c. 25, s. 19.

Forfeiture of Property

Application for order of forfeiture

83.14 (1) The Attorney General may make an application to a judge of the Federal Court for an order of forfeiture in respect of

- (a)** property owned or controlled by or on behalf of a terrorist group; or
- (b)** property that has been or will be used, in whole or in part, to facilitate or carry out a terrorist activity.

Contents of application

(2) An affidavit in support of an application by the Attorney General under subsection (1) may be sworn on information and belief, and, notwithstanding the *Federal Court Rules, 1998*, no adverse inference shall be drawn from a failure to provide evidence of persons having personal knowledge of material facts.

Respondents

(3) The Attorney General is required to name as a respondent to an application under subsection (1) only those persons who are known to own or control the property that is the subject of the application.

Notice

(4) The Attorney General shall give notice of an application under subsection (1) to named respondents in such a manner as the judge directs or as provided in the rules of the Federal Court.

Granting of forfeiture order

(5) If a judge is satisfied on a balance of probabilities that property is property referred to in paragraph (1)(a) or (b), the judge shall order that the property be forfeited to Her Majesty to be disposed of as the Attorney General directs or otherwise dealt with in accordance with the law.

exécute le mandat doit être habilité à agir à ce titre dans le lieu où celui-ci est exécuté.

Dispositions applicables

(12) Les paragraphes 462.33(4) et (6) à (11) et les articles 462.34 à 462.35 et 462.4 s'appliquent, avec les adaptations nécessaires, à l'ordonnance rendue en vertu de l'alinéa (1)b).

2001, ch. 41, art. 4; 2017, ch. 7, art. 54; 2019, ch. 25, art. 19.

Confiscation des biens

Demande d'ordonnance

83.14 (1) Le procureur général peut demander à un juge de la Cour fédérale une ordonnance de confiscation à l'égard :

- a)** de biens qui appartiennent à un groupe terroriste, ou qui sont à sa disposition, directement ou non;
- b)** de biens qui ont été ou seront utilisés — en tout ou en partie — par quiconque pour se livrer à une activité terroriste ou pour la faciliter.

Teneur de la demande

(2) L'affidavit qui accompagne la demande peut contenir des déclarations fondées sur ce que sait et croit le déclarant, mais, par dérogation aux *Règles de la Cour fédérale (1998)*, le fait de ne pas offrir le témoignage de personnes ayant une connaissance personnelle des faits importants ne peut donner lieu à des conclusions défavorables.

Défendeurs

(3) Le procureur général est tenu de ne nommer à titre de défendeur à l'égard de la demande visée au paragraphe (1) que les personnes connues comme des personnes à qui appartiennent les biens visés par la demande ou qui ont ces biens à leur disposition.

Avis

(4) Le procureur général est tenu de donner un avis de la demande visée au paragraphe (1) aux défendeurs nommés de la façon que le juge ordonne ou tel qu'il est prévu par les règles de la Cour fédérale.

Confiscation

(5) S'il est convaincu, selon la prépondérance des probabilités, que les biens sont visés par les alinéas (1)a) ou b), le juge ordonne la confiscation des biens au profit de Sa Majesté; l'ordonnance prévoit qu'il est disposé de ces biens selon les instructions du procureur général ou autrement en conformité avec le droit applicable.

Use of proceeds

(5.1) Any proceeds that arise from the disposal of property under subsection (5) may be used to compensate victims of terrorist activities and to fund anti-terrorist initiatives in accordance with any regulations made by the Governor in Council under subsection (5.2).

Regulations

(5.2) The Governor in Council may make regulations for the purposes of specifying how the proceeds referred to in subsection (5.1) are to be distributed.

Order refusing forfeiture

(6) Where a judge refuses an application under subsection (1) in respect of any property, the judge shall make an order that describes the property and declares that it is not property referred to in that subsection.

Notice

(7) On an application under subsection (1), a judge may require notice to be given to any person who, in the opinion of the Court, appears to have an interest in the property, and any such person shall be entitled to be added as a respondent to the application.

Third party interests

(8) If a judge is satisfied that a person referred to in subsection (7) has an interest in property that is subject to an application, has exercised reasonable care to ensure that the property would not be used to facilitate or carry out a terrorist activity, and is not a member of a terrorist group, the judge shall order that the interest is not affected by the forfeiture. Such an order shall declare the nature and extent of the interest in question.

Dwelling-house

(9) Where all or part of property that is the subject of an application under subsection (1) is a dwelling-house, the judge shall also consider

(a) the impact of an order of forfeiture on any member of the immediate family of the person who owns or controls the dwelling-house, if the dwelling-house was the member's principal residence at the time the dwelling-house was ordered restrained or at the time the forfeiture application was made and continues to be the member's principal residence; and

(b) whether the member appears innocent of any complicity or collusion in the terrorist activity.

Utilisation du produit de la disposition

(5.1) Le produit de la disposition de biens visée au paragraphe (5) peut être utilisé pour dédommager les victimes d'activités terroristes et financer les mesures anti-terroristes, conformément aux règlements pris par le gouverneur en conseil en vertu du paragraphe (5.2).

Règlement

(5.2) Le gouverneur en conseil peut, par règlement, prévoir le mode de distribution du produit mentionné au paragraphe (5.1).

Ordonnance de non-confiscation

(6) Dans le cas où le juge refuse la demande visée au paragraphe (1) à l'égard de biens, il est tenu de rendre une ordonnance décrivant ces biens et les déclarant non visés par ce paragraphe.

Avis

(7) Saisi d'une demande en vertu du paragraphe (1), le juge peut exiger qu'en soit avisée toute personne qui, à son avis, semble avoir un droit sur les biens en cause. Celle-ci a le droit d'être nommée à titre de défendeur à l'égard de cette demande.

Droits des tiers

(8) Le juge, s'il est convaincu que la personne visée au paragraphe (7) a un droit sur les biens, a pris des précautions suffisantes pour que ces biens ne risquent pas d'être utilisés par quiconque pour se livrer à une activité terroriste ou la faciliter et n'est pas membre d'un groupe terroriste, déclare la nature et l'étendue de ce droit et rend une ordonnance selon laquelle l'ordonnance de confiscation ne porte pas atteinte à celui-ci.

Facteurs : maison d'habitation

(9) Dans le cas où les biens qui font l'objet d'une demande visée au paragraphe (1) sont constitués, en tout ou en partie, d'une maison d'habitation, le juge prend aussi en compte les facteurs suivants :

a) l'effet qu'aurait la confiscation à l'égard des membres de la famille immédiate de la personne à qui appartient la maison d'habitation ou qui l'a à sa disposition, s'il s'agissait de la résidence principale de l'intéressé avant qu'elle ne soit bloquée par ordonnance ou visée par la demande de confiscation, et qu'elle continue de l'être par la suite;

b) le fait que l'intéressé semble innocent ou non de toute complicité ou collusion à l'égard de l'activité terroriste.

Motion to vary or set aside

(10) A person who claims an interest in property that was forfeited and who did not receive notice under subsection (7) may bring a motion to the Federal Court to vary or set aside an order made under subsection (5) not later than 60 days after the day on which the forfeiture order was made.

No extension of time

(11) The Court may not extend the period set out in subsection (10).

2001, c. 41, s. 4; 2017, c. 7, s. 55(F).

Disposition of property

83.15 Subsection 462.42(6) and sections 462.43 and 462.46 apply, with such modifications as the circumstances require, to property subject to a warrant or restraint order issued under subsection 83.13(1) or ordered forfeited under subsection 83.14(5).

2001, c. 41, s. 4.

Interim preservation rights

83.16 (1) Pending any appeal of an order made under section 83.14, property restrained under an order issued under section 83.13 shall continue to be restrained, property seized under a warrant issued under that section shall continue to be detained, and any person appointed to manage, control or otherwise deal with that property under that section shall continue in that capacity.

Appeal of refusal to grant order

(2) Section 462.34 applies, with such modifications as the circumstances require, to an appeal taken in respect of a refusal to grant an order under subsection 83.14(5).

2001, c. 41, s. 4.

Other forfeiture provisions unaffected

83.17 (1) This Part does not affect the operation of any other provision of this or any other Act of Parliament respecting the forfeiture of property.

Priority for restitution to victims of crime

(2) Property is subject to forfeiture under subsection 83.14(5) only to the extent that it is not required to satisfy the operation of any other provision of this or any other Act of Parliament respecting restitution to, or compensation of, persons affected by the commission of offences.

2001, c. 41, s. 4.

Requête pour modifier ou annuler l'ordonnance

(10) Dans les soixante jours suivant la date où une ordonnance est rendue en vertu du paragraphe (5), la personne qui prétend avoir un droit sur les biens confisqués et qui n'a pas reçu l'avis prévu au paragraphe (7) peut demander par requête à la Cour fédérale de modifier ou annuler l'ordonnance.

Nulle prorogation de délai

(11) La Cour ne peut proroger le délai visé au paragraphe (10).

2001, ch. 41, art. 4; 2017, ch. 7, art. 55(F).

Disposition des biens saisis

83.15 Le paragraphe 462.42(6) et les articles 462.43 et 462.46 s'appliquent, avec les adaptations nécessaires, aux biens visés par le mandat délivré ou l'ordonnance de blocage rendue en vertu du paragraphe 83.13(1) ou confisqués en vertu du paragraphe 83.14(5).

2001, ch. 41, art. 4.

Sauvegarde des droits

83.16 (1) Le blocage ou la saisie de biens sous le régime de l'article 83.13 restent tenants, et la personne nommée pour la prise en charge de ces biens en vertu du même article continue d'agir à ce titre, jusqu'à ce qu'il soit statué sur l'appel formé contre une ordonnance rendue en vertu de l'article 83.14.

Appel du refus d'accorder l'ordonnance

(2) L'article 462.34 s'applique, avec les adaptations nécessaires, aux appels interjetés à l'égard du refus d'accorder une ordonnance en vertu du paragraphe 83.14(5).

2001, ch. 41, art. 4.

Maintien de dispositions spécifiques

83.17 (1) La présente partie ne porte pas atteinte aux autres dispositions de la présente loi ou de toute autre loi fédérale qui visent la confiscation de biens.

Priorité aux victimes

(2) Un bien ne peut être confisqué en vertu du paragraphe 83.14(5) que dans la mesure où il n'est pas requis pour l'application d'une autre disposition de la présente loi ou d'une autre loi fédérale en matière de restitution ou de dédommagement en faveur des victimes d'infractions criminelles.

2001, ch. 41, art. 4.

Participating, Facilitating, Instructing and Harboring

Participation in activity of terrorist group

83.18 (1) Every person who knowingly participates in or contributes to, directly or indirectly, any activity of a terrorist group for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activity is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years.

Prosecution

(2) An offence may be committed under subsection (1) whether or not

- (a)** a terrorist group actually facilitates or carries out a terrorist activity;
- (b)** the participation or contribution of the accused actually enhances the ability of a terrorist group to facilitate or carry out a terrorist activity; or
- (c)** the accused knows the specific nature of any terrorist activity that may be facilitated or carried out by a terrorist group.

Meaning of participating or contributing

(3) Participating in or contributing to an activity of a terrorist group includes

- (a)** providing, receiving or recruiting a person to receive training;
- (b)** providing or offering to provide a skill or an expertise for the benefit of, at the direction of or in association with a terrorist group;
- (c)** recruiting a person in order to facilitate or commit
 - (i)** a terrorism offence, or
 - (ii)** an act or omission outside Canada that, if committed in Canada, would be a terrorism offence;
- (d)** entering or remaining in any country for the benefit of, at the direction of or in association with a terrorist group; and
- (e)** making oneself, in response to instructions from any of the persons who constitute a terrorist group, available to facilitate or commit
 - (i)** a terrorism offence, or

Participer, faciliter, donner des instructions et héberger

Participation à une activité d'un groupe terroriste

83.18 (1) Quiconque, sciemment, participe à une activité d'un groupe terroriste, ou y contribue, directement ou non, dans le but d'accroître la capacité de tout groupe terroriste de se livrer à une activité terroriste ou de la faciliter est coupable d'un acte criminel passible d'un emprisonnement maximal de dix ans.

Poursuite

(2) Pour que l'infraction visée au paragraphe (1) soit commise, il n'est pas nécessaire :

- a)** qu'une activité terroriste soit effectivement menée ou facilitée par un groupe terroriste;
- b)** que la participation ou la contribution de l'accusé accroisse effectivement la capacité d'un groupe terroriste de se livrer à une activité terroriste ou de la faciliter;
- c)** que l'accusé connaisse la nature exacte de toute activité terroriste susceptible d'être menée ou facilitée par un groupe terroriste.

Participation ou contribution

(3) La participation ou la contribution à une activité d'un groupe terroriste s'entend notamment :

- a)** du fait de donner ou d'acquérir de la formation ou de recruter une personne à une telle fin;
- b)** du fait de mettre des compétences ou une expertise à la disposition d'un groupe terroriste, à son profit ou sous sa direction, ou en association avec lui, ou d'offrir de le faire;
- c)** du fait de recruter une personne en vue de faciliter ou de commettre une infraction de terrorisme ou un acte à l'étranger qui, s'il était commis au Canada, constituerait une telle infraction;
- d)** du fait d'entrer ou de demeurer dans un pays au profit ou sous la direction d'un groupe terroriste, ou en association avec lui;
- e)** du fait d'être disponible, sous les instructions de quiconque fait partie d'un groupe terroriste, pour faciliter ou commettre une infraction de terrorisme ou un acte à l'étranger qui, s'il était commis au Canada, constituerait une telle infraction.

(ii) an act or omission outside Canada that, if committed in Canada, would be a terrorism offence.

Factors

(4) In determining whether an accused participates in or contributes to any activity of a terrorist group, the court may consider, among other factors, whether the accused

- (a) uses a name, word, symbol or other representation that identifies, or is associated with, the terrorist group;
- (b) frequently associates with any of the persons who constitute the terrorist group;
- (c) receives any benefit from the terrorist group; or
- (d) repeatedly engages in activities at the instruction of any of the persons who constitute the terrorist group.

2001, c. 41, s. 4; 2019, c. 25, s. 20.

Leaving Canada to participate in activity of terrorist group

83.181 Every person who leaves or attempts to leave Canada, or goes or attempts to go on board a conveyance with the intent to leave Canada, for the purpose of committing an act or omission outside Canada that, if committed in Canada, would be an offence under subsection 83.18(1) is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years.

2013, c. 9, s. 6; 2019, c. 25, s. 21.

Facilitating terrorist activity

83.19 (1) Every one who knowingly facilitates a terrorist activity is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Facilitation

(2) For the purposes of this Part, a terrorist activity is facilitated whether or not

- (a) the facilitator knows that a particular terrorist activity is facilitated;
- (b) any particular terrorist activity was foreseen or planned at the time it was facilitated; or
- (c) any terrorist activity was actually carried out.

2001, c. 41, s. 4.

Leaving Canada to facilitate terrorist activity

83.191 Everyone who leaves or attempts to leave Canada, or goes or attempts to go on board a conveyance

Facteurs

(4) Pour déterminer si l'accusé participe ou contribue à une activité d'un groupe terroriste, le tribunal peut notamment prendre en compte les faits suivants :

- a) l'accusé utilise un nom, un mot, un symbole ou un autre signe qui identifie le groupe ou y est associé;
- b) il fréquente quiconque fait partie du groupe terroriste;
- c) il reçoit un avantage du groupe terroriste;
- d) il se livre régulièrement à des activités selon les instructions d'une personne faisant partie du groupe terroriste.

2001, ch. 41, art. 4; 2019, ch. 25, art. 20.

Quitter le Canada : participation à une activité d'un groupe terroriste

83.181 Quiconque quitte ou tente de quitter le Canada — ou monte ou tente de monter dans un moyen de transport dans l'intention de quitter le Canada — dans le but de commettre un acte à l'étranger qui, s'il était commis au Canada, constituerait l'infraction visée au paragraphe 83.18(1) est coupable d'un acte criminel passible d'un emprisonnement maximal de dix ans.

2013, ch. 9, art. 6; 2019, ch. 25, art. 21.

Facilitation d'une activité terroriste

83.19 (1) Est coupable d'un acte criminel passible d'un emprisonnement maximal de quatorze ans quiconque sciemment facilite une activité terroriste.

Facilitation

(2) Pour l'application de la présente partie, il n'est pas nécessaire pour faciliter une activité terroriste :

- a) que l'intéressé sache qu'il se trouve à faciliter une activité terroriste en particulier;
- b) qu'une activité terroriste en particulier ait été envisagée au moment où elle est facilitée;
- c) qu'une activité terroriste soit effectivement mise à exécution.

2001, ch. 41, art. 4.

Quitter le Canada : facilitation d'une activité terroriste

83.191 Est coupable d'un acte criminel passible d'un emprisonnement maximal de quatorze ans quiconque

with the intent to leave Canada, for the purpose of committing an act or omission outside Canada that, if committed in Canada, would be an offence under subsection 83.19(1) is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years.

2013, c. 9, s. 7.

Commission of offence for terrorist group

83.2 Every one who commits an indictable offence under this or any other Act of Parliament for the benefit of, at the direction of or in association with a terrorist group is guilty of an indictable offence and liable to imprisonment for life.

2001, c. 41, s. 4.

Leaving Canada to commit offence for terrorist group

83.201 Everyone who leaves or attempts to leave Canada, or goes or attempts to go on board a conveyance with the intent to leave Canada, for the purpose of committing an act or omission outside Canada that, if committed in Canada, would be an indictable offence under this or any other Act of Parliament for the benefit of, at the direction of or in association with a terrorist group is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years.

2013, c. 9, s. 8.

Leaving Canada to commit offence that is terrorist activity

83.202 Everyone who leaves or attempts to leave Canada, or goes or attempts to go on board a conveyance with the intent to leave Canada, for the purpose of committing an act or omission outside Canada that, if committed in Canada, would be an indictable offence under this or any other Act of Parliament if the act or omission constituting the offence also constitutes a terrorist activity is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years.

2013, c. 9, s. 8.

Instructing to carry out activity for terrorist group

83.21 (1) Every person who knowingly instructs, directly or indirectly, any person to carry out any activity for the benefit of, at the direction of or in association with a terrorist group, for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activity, is guilty of an indictable offence and liable to imprisonment for life.

Prosecution

(2) An offence may be committed under subsection (1) whether or not

quitte ou tente de quitter le Canada — ou monte ou tente de monter dans un moyen de transport dans l'intention de quitter le Canada — dans le but de commettre un acte à l'étranger qui, s'il était commis au Canada, constituerait l'infraction visée au paragraphe 83.19(1).

2013, ch. 9, art. 7.

Infraction au profit d'un groupe terroriste

83.2 Est coupable d'un acte criminel passible d'un emprisonnement à perpétuité quiconque commet un acte criminel prévu par la présente loi ou par une autre loi fédérale au profit ou sous la direction d'un groupe terroriste, ou en association avec lui.

2001, ch. 41, art. 4.

Quitter le Canada : perpétration d'une infraction au profit d'un groupe terroriste

83.201 Est coupable d'un acte criminel passible d'un emprisonnement maximal de quatorze ans quiconque quitte ou tente de quitter le Canada — ou monte ou tente de monter dans un moyen de transport dans l'intention de quitter le Canada — dans le but de commettre un acte à l'étranger qui, s'il était commis au Canada, constituerait un acte criminel prévu par la présente loi ou par une autre loi fédérale au profit ou sous la direction d'un groupe terroriste, ou en association avec lui.

2013, ch. 9, art. 8.

Quitter le Canada : perpétration d'une infraction constituant une activité terroriste

83.202 Est coupable d'un acte criminel passible d'un emprisonnement maximal de quatorze ans quiconque quitte ou tente de quitter le Canada — ou monte ou tente de monter dans un moyen de transport dans l'intention de quitter le Canada — dans le but de commettre un acte à l'étranger qui, s'il était commis au Canada, constituerait un acte criminel visé par la présente loi ou par une autre loi fédérale et dont l'élément matériel — acte ou omission — constitue également une activité terroriste.

2013, ch. 9, art. 8.

Charger une personne de se livrer à une activité pour un groupe terroriste

83.21 (1) Est coupable d'un acte criminel passible d'un emprisonnement à perpétuité quiconque, sciemment, charge directement ou indirectement une personne de se livrer à une activité au profit ou sous la direction d'un groupe terroriste, ou en association avec lui, dans le but d'accroître la capacité de tout groupe terroriste de se livrer à une activité terroriste ou de la faciliter.

Poursuite

(2) Pour que l'infraction visée au paragraphe (1) soit commise, il n'est pas nécessaire :

(a) the activity that the accused instructs to be carried out is actually carried out;

(b) the accused instructs a particular person to carry out the activity referred to in paragraph (a);

(c) the accused knows the identity of the person whom the accused instructs to carry out the activity referred to in paragraph (a);

(d) the person whom the accused instructs to carry out the activity referred to in paragraph (a) knows that it is to be carried out for the benefit of, at the direction of or in association with a terrorist group;

(e) a terrorist group actually facilitates or carries out a terrorist activity;

(f) the activity referred to in paragraph (a) actually enhances the ability of a terrorist group to facilitate or carry out a terrorist activity; or

(g) the accused knows the specific nature of any terrorist activity that may be facilitated or carried out by a terrorist group.

2001, c. 41, s. 4.

Instructing to carry out terrorist activity

83.22 (1) Every person who knowingly instructs, directly or indirectly, any person to carry out a terrorist activity is guilty of an indictable offence and liable to imprisonment for life.

Prosecution

(2) An offence may be committed under subsection (1) whether or not

(a) the terrorist activity is actually carried out;

(b) the accused instructs a particular person to carry out the terrorist activity;

(c) the accused knows the identity of the person whom the accused instructs to carry out the terrorist activity; or

(d) the person whom the accused instructs to carry out the terrorist activity knows that it is a terrorist activity.

2001, c. 41, s. 4.

Counselling commission of terrorism offence

83.221 (1) Every person who counsels another person to commit a terrorism offence without identifying a

a) que l'activité à laquelle l'accusé charge quiconque de se livrer soit effectivement mise à exécution;

b) que l'accusé charge une personne en particulier de se livrer à l'activité;

c) que l'accusé connaisse l'identité de la personne qu'il charge de se livrer à l'activité;

d) que la personne chargée par l'accusé de se livrer à l'activité sache que celle-ci est censée être menée au profit ou sous la direction d'un groupe terroriste, ou en association avec lui;

e) qu'une activité terroriste soit effectivement menée ou facilitée par un groupe terroriste;

f) que l'activité visée à l'alinéa a) accroisse effectivement la capacité d'un groupe terroriste de se livrer à une activité terroriste ou de la faciliter;

g) que l'accusé connaisse la nature exacte de toute activité terroriste susceptible d'être menée ou facilitée par un groupe terroriste.

2001, ch. 41, art. 4.

Charger une personne de se livrer à une activité terroriste

83.22 (1) Est coupable d'un acte criminel passible d'un emprisonnement à perpétuité quiconque, sciemment, charge, directement ou non, une personne de se livrer à une activité terroriste.

Poursuite

(2) Pour que l'infraction visée au paragraphe (1) soit commise, il n'est pas nécessaire :

a) que l'activité terroriste soit effectivement mise à exécution;

b) que l'accusé charge une personne en particulier de se livrer à l'activité terroriste;

c) que l'accusé connaisse l'identité de la personne qu'il charge de se livrer à l'activité terroriste;

d) que la personne chargée par l'accusé de se livrer à l'activité terroriste sache qu'il s'agit d'une activité terroriste.

2001, ch. 41, art. 4.

Conseiller la commission d'une infraction de terrorisme

83.221 (1) Est coupable d'un acte criminel et passible d'un emprisonnement maximal de cinq ans, quiconque

specific terrorism offence is guilty of an indictable offence and is liable to imprisonment for a term of not more than five years.

Application

(2) An offence may be committed under subsection (1) whether or not a terrorism offence is committed by the person who is counselled.

2015, c. 20, s. 16; 2019, c. 13, s. 143.

Warrant of seizure

83.222 (1) A judge who is satisfied by information on oath that there are reasonable grounds to believe that any publication, copies of which are kept for sale or distribution in premises within the court's jurisdiction, is terrorist propaganda may issue a warrant authorizing seizure of the copies.

Summons to occupier

(2) Within seven days after the day on which the warrant is issued, the judge shall issue a summons to the premises' occupier requiring the occupier to appear before the court and to show cause why the matter seized should not be forfeited to Her Majesty.

Owner and author may appear

(3) The owner and the author of the matter seized and alleged to be terrorist propaganda may appear and be represented before the court in order to oppose the making of an order for the forfeiture of the matter.

Order of forfeiture

(4) If the court is satisfied, on a balance of probabilities, that the publication is terrorist propaganda, it may make an order declaring that the matter be forfeited to Her Majesty, for disposal as the Attorney General may direct.

Disposal of matter

(5) If the court is not satisfied that the publication is terrorist propaganda, it may order that the matter be restored to the person from whom it was seized without delay after the time for final appeal has expired.

Appeal

(6) An appeal lies from an order made under subsection (4) or (5) by any person who appeared before the court, on any ground of appeal that involves a question of law or fact alone, or a question of mixed law and fact, as if it were an appeal against conviction or against a judgment or verdict of acquittal, as the case may be, on a question

conseille à une autre personne de commettre une infraction de terrorisme sans préciser laquelle.

Application

(2) Pour que l'infraction prévue au paragraphe (1) soit commise, il n'est pas nécessaire que l'infraction de terrorisme soit commise par la personne qui a été conseillée.

2015, ch. 20, art. 16; 2019, ch. 13, art. 143.

Mandat de saisie

83.222 (1) Un juge convaincu, par une dénonciation sous serment, qu'il y a des motifs raisonnables de croire qu'une publication, dont des exemplaires sont gardés aux fins de vente ou de distribution dans un local du ressort du tribunal, constituée de la propagande terroriste, peut décerner un mandat autorisant la saisie des exemplaires.

Sommation à l'occupant

(2) Dans un délai de sept jours suivant la délivrance du mandat, le juge adresse à l'occupant du local une sommation lui ordonnant de comparaître devant le tribunal et d'exposer les raisons pour lesquelles il estime que ce qui a été saisi ne devrait pas être confisqué au profit de Sa Majesté.

Comparution du propriétaire et de l'auteur

(3) Le propriétaire ainsi que l'auteur de ce qui a été saisi et qui est présumé constituer de la propagande terroriste peuvent comparaître devant le tribunal et être représentés pour s'opposer à ce qu'une ordonnance de confiscation soit rendue.

Ordonnance de confiscation

(4) Si le tribunal est convaincu, selon la prépondérance des probabilités, que la publication constitue de la propagande terroriste, il peut rendre une ordonnance la déclarant confisquée au profit de Sa Majesté, pour qu'il en soit disposé comme peut l'ordonner le procureur général.

Remise de ce qui a été saisi

(5) Si le tribunal n'est pas convaincu que la publication constitue de la propagande terroriste, il peut ordonner que ce qui a été saisi soit remis à la personne entre les mains de laquelle cela a été saisi, dès l'expiration du délai imparti pour un appel final.

Appel

(6) Il peut être interjeté appel, par toute personne ayant comparu devant le tribunal, d'une ordonnance rendue aux termes des paragraphes (4) ou (5) pour tout motif d'appel impliquant soit une question de droit, soit une question de fait ou impliquant une question mixte de droit et de fait, comme s'il s'agissait d'un appel contre

of law alone under Part XXI, and sections 673 to 696 apply with any modifications that the circumstances require.

Consent

(7) No proceeding under this section shall be instituted without the Attorney General's consent.

Definitions

(8) The following definitions apply in this section.

court has the same meaning as in subsection 320(8). (*tribunal*)

judge has the same meaning as in subsection 320(8). (*juge*)

terrorist propaganda means any writing, sign, visible representation or audio recording that counsels the commission of a terrorism offence. (*propagande terroriste*)

2015, c. 20, s. 16; 2019, c. 13, s. 144.

Order to computer system's custodian

83.223 (1) If a judge is satisfied by information on oath that there are reasonable grounds to believe that there is material — that is terrorist propaganda or computer data that makes terrorist propaganda available — stored on and made available to the public through a computer system that is within the court's jurisdiction, the judge may order the computer system's custodian to

- (a) give an electronic copy of the material to the court;
- (b) ensure that the material is no longer stored on and made available through the computer system; and
- (c) provide the information that is necessary to identify and locate the person who posted the material.

Notice to person who posted material

(2) Within a reasonable time after receiving the information referred to in paragraph (1)(c), the judge shall cause notice to be given to the person who posted the material, giving that person the opportunity to appear and be represented before the court and to show cause why the material should not be deleted. If the person cannot be identified or located or does not reside in Canada, the judge may order the computer system's custodian to post the text of the notice at the location where the material was

une déclaration de culpabilité ou contre un jugement ou verdict d'acquiescement, selon le cas, sur une question de droit seulement en vertu de la partie XXI, les articles 673 à 696 s'appliquant en conséquence, avec les adaptations nécessaires.

Consentement

(7) Il ne peut être engagé de procédure en vertu du présent article sans le consentement du procureur général.

Définitions

(8) Les définitions qui suivent s'appliquent au présent article.

juge S'entend au sens du paragraphe 320(8). (*judge*)

propagande terroriste Écrit, signe, représentation visible ou enregistrement sonore qui conseille la commission d'une infraction de terrorisme. (*terrorist propaganda*)

tribunal S'entend au sens du paragraphe 320(8). (*court*)

2015, ch. 20, art. 16; 2019, ch. 13, art. 144.

Ordonnance au gardien d'un ordinateur

83.223 (1) Le juge peut, s'il est convaincu par une dénonciation sous serment qu'il y a des motifs raisonnables de croire qu'il existe une matière — constituant de la propagande terroriste ou contenant des données informatiques qui rendent la propagande terroriste accessible — qui est emmagasinée et rendue accessible au public au moyen d'un ordinateur situé dans le ressort du tribunal, ordonner au gardien de l'ordinateur :

- a) de remettre une copie électronique de la matière au tribunal;
- b) de s'assurer que la matière n'est plus emmagasinée ni accessible au moyen de l'ordinateur;
- c) de fournir les renseignements nécessaires pour identifier et trouver la personne qui a affiché la matière.

Avis à la personne ayant affiché la matière

(2) Dans un délai raisonnable suivant la réception des renseignements visés à l'alinéa (1)c), le juge fait donner un avis à la personne ayant affiché la matière, donnant à celle-ci l'occasion de comparaître et d'être représentée devant le tribunal et de présenter les raisons pour lesquelles la matière ne devrait pas être effacée. Si la personne ne peut être identifiée ou trouvée ou ne réside pas au Canada, le juge peut ordonner au gardien de l'ordinateur d'afficher le texte de l'avis à l'endroit où la matière

previously stored and made available, until the time set for the appearance.

Person who posted material may appear

(3) The person who posted the material may appear and be represented before the court in order to oppose the making of an order under subsection (5).

Non-appearance

(4) If the person who posted the material does not appear before the court, the court may proceed to hear and determine the proceedings in the absence of the person as fully and effectually as if the person had appeared.

Order of deletion

(5) If the court is satisfied, on a balance of probabilities, that the material is available to the public and is terrorist propaganda or computer data that makes terrorist propaganda available, it may order the computer system's custodian to delete the material.

Destruction of electronic copy

(6) When the court makes the order for the deletion of the material, it may order the destruction of the electronic copy in the court's possession.

Return of material

(7) If the court is not satisfied that the material is available to the public and is terrorist propaganda or computer data that makes terrorist propaganda available, the court shall order that the electronic copy be returned to the computer system's custodian and terminate the order under paragraph (1)(b).

Appeal

(8) An appeal lies from an order made under subsection (5) or (6) by any person who appeared before the court, on any ground of appeal that involves a question of law or fact alone, or a question of mixed law and fact, as if it were an appeal against conviction or against a judgment or verdict of acquittal, as the case may be, on a question of law alone under Part XXI, and sections 673 to 696 apply with any modifications that the circumstances require.

Consent

(9) No proceeding under this section shall be instituted without the Attorney General's consent.

était emmagasinée et rendue accessible, jusqu'à la date fixée pour la comparution de la personne.

Comparution de la personne ayant affiché la matière

(3) La personne ayant affiché la matière peut comparaître devant le tribunal et être représentée pour s'opposer à l'établissement d'une ordonnance en vertu du paragraphe (5).

Non-comparution de la personne ayant affiché la matière

(4) Si la personne ayant affiché la matière ne comparaît pas, le tribunal peut statuer sur la procédure, en l'absence de cette personne, aussi complètement et efficacement que si elle avait comparu.

Ordonnance

(5) Si le tribunal est convaincu, selon la prépondérance des probabilités, que la matière est accessible au public et constitue de la propagande terroriste ou contient des données informatiques qui rendent la propagande terroriste accessible, il peut ordonner au gardien de l'ordinateur de l'effacer.

Destruction de la copie électronique

(6) Au moment de rendre une ordonnance en vertu du paragraphe (5), le tribunal peut ordonner la destruction de la copie électronique en sa propre possession.

Sort de la matière

(7) Si le tribunal n'est pas convaincu que la matière est accessible au public et constitue de la propagande terroriste ou contient des données informatiques qui rendent la propagande terroriste accessible, il ordonne que la copie électronique soit remise au gardien de l'ordinateur et met fin à l'ordonnance visée à l'alinéa (1)b).

Appel

(8) Il peut être interjeté appel, par toute personne ayant comparu devant le tribunal, d'une ordonnance rendue aux termes des paragraphes (5) ou (6) pour tout motif d'appel impliquant soit une question de droit, soit une question de fait ou impliquant une question mixte de droit et de fait, comme s'il s'agissait d'un appel contre une déclaration de culpabilité ou contre un jugement ou verdict d'acquiescement, selon le cas, sur une question de droit seulement en vertu de la partie XXI, les articles 673 à 696 s'appliquant en conséquence, avec les adaptations nécessaires.

Consentement

(9) Il ne peut être engagé de procédure en vertu du présent article sans le consentement du procureur général.

When order takes effect

(10) No order made under any of subsections (5) to (7) takes effect until the time for final appeal has expired.

Definitions

(11) The following definitions apply in this section.

computer data has the same meaning as in subsection 342.1(2). (*données informatiques*)

computer system has the same meaning as in subsection 342.1(2). (*ordinateur*)

court has the same meaning as in subsection 320(8). (*tribunal*)

data [Repealed, 2015, c. 20, s. 35]

judge has the same meaning as in subsection 320(8). (*judge*)

terrorist propaganda has the same meaning as in subsection 83.222(8). (*propagande terroriste*)

2015, c. 20, ss. 16, 35.

Concealing person who carried out terrorist activity

83.23 (1) Every person who knowingly harbours or conceals another person whom they know to be a person who has carried out a terrorist activity, for the purpose of enabling that other person to facilitate or carry out any terrorist activity, is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than 14 years, if the person who is harboured or concealed carried out a terrorist activity that is a terrorism offence for which that person is liable to imprisonment for life; and

(b) an indictable offence and liable to imprisonment for a term of not more than 10 years, if the person who is harboured or concealed carried out a terrorist activity that is a terrorism offence for which that person is liable to any other punishment.

Concealing person who is likely to carry out terrorist activity

(2) Every person who knowingly harbours or conceals another person whom they know to be a person who is likely to carry out a terrorist activity, for the purpose of enabling that other person to facilitate or carry out any

Ordonnance en vigueur

(10) L'ordonnance rendue en vertu de l'un des paragraphes (5) à (7) n'est pas en vigueur avant l'expiration de tous les délais d'appel.

Définitions

(11) Les définitions qui suivent s'appliquent au présent article.

données [Abrogée, 2015, ch. 20, art. 35]

données informatiques S'entend au sens du paragraphe 342.1(2). (*computer data*)

judge S'entend au sens du paragraphe 320(8). (*judge*)

ordinateur S'entend au sens du paragraphe 342.1(2). (*computer system*)

propagande terroriste S'entend au sens du paragraphe 83.222(8). (*terrorist propaganda*)

tribunal S'entend au sens du paragraphe 320(8). (*court*)

2015, ch. 20, art. 16 et 35.

Cacher une personne qui s'est livrée à une activité terroriste

83.23 (1) Quiconque héberge ou cache sciemment une personne dont il sait qu'elle s'est livrée à une activité terroriste, afin de lui permettre de se livrer à une activité terroriste ou de la faciliter, est coupable :

a) d'un acte criminel passible d'un emprisonnement maximal de quatorze ans, dans le cas où la personne hébergée ou cachée s'est livrée à une activité terroriste constituant une infraction de terrorisme la rendant passible de l'emprisonnement à perpétuité;

b) d'un acte criminel passible d'un emprisonnement maximal de dix ans, dans le cas où la personne hébergée ou cachée s'est livrée à une activité terroriste constituant une infraction de terrorisme la rendant passible de toute autre peine.

Cacher une personne qui se livrera vraisemblablement à une activité terroriste

(2) Quiconque héberge ou cache sciemment une personne dont il sait qu'elle se livrera vraisemblablement à une activité terroriste, afin de lui permettre de se livrer à une activité terroriste ou de la faciliter, est coupable d'un acte criminel passible d'un emprisonnement maximal de dix ans.

2001, ch. 41, art. 4; 2013, ch. 9, art. 9; 2019, ch. 25, art. 22.

terrorist activity, is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years.

2001, c. 41, s. 4; 2013, c. 9, s. 9; 2019, c. 25, s. 22.

Hoax Regarding Terrorist Activity

Hoax — terrorist activity

83.231 (1) Every one commits an offence who, without lawful excuse and with intent to cause any person to fear death, bodily harm, substantial damage to property or serious interference with the lawful use or operation of property,

(a) conveys or causes or procures to be conveyed information that, in all the circumstances, is likely to cause a reasonable apprehension that terrorist activity is occurring or will occur, without believing the information to be true; or

(b) commits an act that, in all the circumstances, is likely to cause a reasonable apprehension that terrorist activity is occurring or will occur, without believing that such activity is occurring or will occur.

Punishment

(2) Every one who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) an offence punishable on summary conviction.

Causing bodily harm

(3) Every one who commits an offence under subsection (1) and thereby causes bodily harm to any other person is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) an offence punishable on summary conviction.

Causing death

(4) Every one who commits an offence under subsection (1) and thereby causes the death of any other person is guilty of an indictable offence and liable to imprisonment for life.

2004, c. 15, s. 32; 2019, c. 25, s. 23.

Incitation à craindre des activités terroristes

Incitation à craindre des activités terroristes

83.231 (1) Commet une infraction quiconque, sans excuse légitime et avec l'intention de faire craindre à quelqu'un soit la mort ou des blessures corporelles, soit des dommages matériels considérables à des biens ou une entrave sérieuse à l'emploi ou l'exploitation légitime de ceux-ci :

a) transmet ou fait en sorte que soient transmis des renseignements qui, compte tenu du contexte, sont susceptibles de faire raisonnablement craindre que des activités terroristes sont ou seront menées, sans être convaincu de leur véracité;

b) commet un acte qui, compte tenu du contexte, est susceptible de faire raisonnablement craindre que des activités terroristes sont ou seront menées, sans être convaincu qu'il en est ainsi.

Peine

(2) Quiconque commet l'infraction prévue au paragraphe (1) est coupable :

a) soit d'un acte criminel passible d'un emprisonnement maximal de cinq ans;

b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire.

Fait de causer des blessures corporelles

(3) Quiconque, en commettant l'infraction prévue au paragraphe (1), cause des blessures corporelles à une autre personne est coupable :

a) soit d'un acte criminel passible d'un emprisonnement maximal de dix ans;

b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire.

Fait de causer la mort

(4) Quiconque, en commettant l'infraction prévue au paragraphe (1), cause la mort d'une autre personne est coupable d'un acte criminel passible de l'emprisonnement à perpétuité.

2004, ch. 15, art. 32; 2019, ch. 25, art. 23.

Proceedings and Aggravated Punishment

Attorney General's consent

83.24 Proceedings in respect of a terrorism offence or an offence under section 83.12 shall not be commenced without the consent of the Attorney General.

2001, c. 41, s. 4.

Jurisdiction

83.25 (1) Where a person is alleged to have committed a terrorism offence or an offence under section 83.12, proceedings in respect of that offence may, whether or not that person is in Canada, be commenced at the instance of the Government of Canada and conducted by the Attorney General of Canada or counsel acting on his or her behalf in any territorial division in Canada, if the offence is alleged to have occurred outside the province in which the proceedings are commenced, whether or not proceedings have previously been commenced elsewhere in Canada.

Trial and punishment

(2) An accused may be tried and punished in respect of an offence referred to in subsection (1) in the same manner as if the offence had been committed in the territorial division where the proceeding is conducted.

2001, c. 41, s. 4.

Sentences to be served consecutively

83.26 A sentence, other than one of life imprisonment, imposed on a person for an offence under any of sections 83.02 to 83.04 and 83.18 to 83.23 shall be served consecutively to

- (a)** any other punishment imposed on the person, other than a sentence of life imprisonment, for an offence arising out of the same event or series of events; and
- (b)** any other sentence, other than one of life imprisonment, to which the person is subject at the time the sentence is imposed on the person for an offence under any of those sections.

2001, c. 41, s. 4.

Punishment for terrorist activity

83.27 (1) Notwithstanding anything in this Act, a person convicted of an indictable offence, other than an offence for which a sentence of imprisonment for life is imposed as a minimum punishment, where the act or omission constituting the offence also constitutes a terrorist activity, is liable to imprisonment for life.

Procédure et aggravation de peine

Consentement du procureur général

83.24 Il ne peut être engagé de poursuite à l'égard d'une infraction de terrorisme ou de l'infraction prévue à l'article 83.12 sans le consentement du procureur général.

2001, ch. 41, art. 4.

Compétence

83.25 (1) Les poursuites relatives à une infraction de terrorisme ou à une infraction prévue à l'article 83.12, peuvent, que l'accusé soit présent au Canada ou non, être engagées dans toute circonscription territoriale au Canada par le gouvernement du Canada et menées par le procureur général du Canada ou l'avocat agissant en son nom, dans le cas où l'infraction est censée avoir été commise à l'extérieur de la province dans laquelle les poursuites sont engagées, que des poursuites aient été engagées antérieurement ou non ailleurs au Canada.

Procès et peine

(2) L'accusé peut être jugé et puni à l'égard de l'infraction visée au paragraphe (1) comme si celle-ci avait été commise dans la circonscription territoriale où les poursuites sont menées.

2001, ch. 41, art. 4.

Peines consécutives

83.26 La peine — sauf une peine d'emprisonnement à perpétuité — infligée à une personne pour une infraction prévue à l'un des articles 83.02 à 83.04 et 83.18 à 83.23 est purgée consécutivement :

- a)** à toute autre peine — sauf une peine d'emprisonnement à perpétuité — sanctionnant une autre infraction basée sur les mêmes faits;
- b)** à toute autre peine — sauf une peine d'emprisonnement à perpétuité — en cours d'exécution infligée à une personne pour une infraction prévue à l'un de ces articles.

2001, ch. 41, art. 4.

Aggravation de peine

83.27 (1) Malgré toute autre disposition de la présente loi, quiconque est déclaré coupable d'un acte criminel, à l'exception d'une infraction pour laquelle l'emprisonnement à perpétuité constitue la peine minimale, est passible de l'emprisonnement à perpétuité dans le cas où l'acte — acte ou omission — constituant l'infraction constitue également une activité terroriste.

Offender must be notified

(2) Subsection (1) does not apply unless the prosecutor satisfies the court that the offender, before making a plea, was notified that the application of that subsection would be sought.

2001, c. 41, s. 4.

83.28 [Repealed, 2019, c. 13, s. 145]

83.29 [Repealed, 2019, c. 13, s. 145]

Recognizance with Conditions

Attorney General's consent

83.3 (1) The Attorney General's consent is required before a peace officer may lay an information under subsection (2).

Terrorist activity

(2) Subject to subsection (1), a peace officer may lay an information before a provincial court judge if the peace officer

(a) believes on reasonable grounds that a terrorist activity may be carried out; and

(b) suspects on reasonable grounds that the imposition of a recognizance with conditions on a person, or the arrest of a person, is necessary to prevent the carrying out of the terrorist activity.

Appearance

(3) The judge who receives the information may cause the person to appear before any provincial court judge.

Arrest without warrant

(4) Despite subsections (2) and (3), a peace officer may arrest a person without a warrant and cause the person to be detained in custody, in order to bring them before a provincial court judge in accordance with subsection (6), if

(a) either

(i) the grounds for laying an information referred to in paragraphs (2)(a) and (b) exist but, by reason of exigent circumstances, it would be impracticable to lay an information under subsection (2), or

(ii) an information has been laid under subsection (2) and a summons has been issued; and

Notification du délinquant

(2) Le paragraphe (1) ne s'applique que si le poursuivant convainc le tribunal que le délinquant, avant de faire son plaidoyer, a été avisé que l'application de ce paragraphe serait demandée.

2001, ch. 41, art. 4.

83.28 [Abrogé, 2019, ch. 13, art. 145]

83.29 [Abrogé, 2019, ch. 13, art. 145]

Engagement assorti de conditions

Consentement du procureur général

83.3 (1) Le dépôt d'une dénonciation au titre du paragraphe (2) est subordonné au consentement préalable du procureur général.

Activité terroriste

(2) Sous réserve du paragraphe (1), l'agent de la paix peut déposer une dénonciation devant un juge de la cour provinciale si, à la fois :

a) il a des motifs raisonnables de croire à la possibilité qu'une activité terroriste soit entreprise;

b) il a des motifs raisonnables de soupçonner que l'imposition d'un engagement assorti de conditions à une personne ou son arrestation est nécessaire pour empêcher que l'activité terroriste ne soit entreprise.

Comparution

(3) Le juge qui reçoit la dénonciation peut faire comparaître la personne devant tout juge de la cour provinciale.

Arrestation sans mandat

(4) Par dérogation aux paragraphes (2) et (3), l'agent de la paix, s'il a des motifs raisonnables de soupçonner que la mise sous garde de la personne est nécessaire pour empêcher qu'une activité terroriste ne soit entreprise, peut, sans mandat, arrêter la personne et la faire mettre sous garde en vue de la conduire devant un juge de la cour provinciale en conformité avec le paragraphe (6) dans l'un ou l'autre des cas suivants :

a) l'urgence de la situation rend difficilement réalisable le dépôt d'une dénonciation au titre du paragraphe (2) et les motifs visés aux alinéas (2)a) et b) sont réunis;

b) une sommation a été décernée par suite de la dénonciation déposée au titre du paragraphe (2).

(b) the peace officer suspects on reasonable grounds that the detention of the person in custody is necessary to prevent a terrorist activity.

Duty of peace officer

(5) If a peace officer arrests a person without a warrant in the circumstance described in subparagraph (4)(a)(i), the peace officer shall, within the time prescribed by paragraph (6)(a) or (b),

(a) lay an information in accordance with subsection (2); or

(b) release the person.

When person to be taken before judge

(6) Unless a peace officer is satisfied that a person should be released from custody without conditions before their appearance before a provincial court judge in accordance with the rules in paragraph (a) or (b), and so releases the person, the person detained in custody shall be taken before a provincial court judge in accordance with the following rules:

(a) if a provincial court judge is available within 24 hours after the person has been arrested, the person shall be taken before a provincial court judge without unreasonable delay and in any event within that period; and

(b) if a provincial court judge is not available within 24 hours after the person has been arrested, the person shall be taken before a provincial court judge as soon as feasible.

How person dealt with

(7) When a person is taken before a provincial court judge under subsection (6),

(a) if an information has not been laid under subsection (2), the judge shall order that the person be released; or

(b) if an information has been laid under subsection (2),

(i) the judge shall order that the person be released unless the peace officer who laid the information shows cause why the person's detention in custody is justified on one or more of the following grounds:

(A) the detention is necessary to ensure the person's appearance before a provincial court judge in order to be dealt with in accordance with subsection (8),

Obligation de l'agent de la paix

(5) Si, dans le cas visé à l'alinéa (4)a), l'agent de la paix arrête une personne sans mandat, il dépose une dénonciation au titre du paragraphe (2) au plus tard dans le délai prévu aux alinéas (6)a) ou b), ou met la personne en liberté.

Personne conduite devant un juge de la cour provinciale

(6) La personne mise sous garde est conduite devant un juge de la cour provinciale selon les règles ci-après, à moins que, avant sa comparution selon ces règles, l'agent de la paix, étant convaincu qu'elle devrait être mise en liberté sans condition, ne la mette ainsi en liberté :

a) si un juge de la cour provinciale est disponible dans un délai de vingt-quatre heures après l'arrestation, elle est conduite devant un juge de ce tribunal sans retard injustifié et, à tout le moins, dans ce délai;

b) si un juge de la cour provinciale n'est pas disponible dans un délai de vingt-quatre heures après l'arrestation, elle est conduite devant un juge de ce tribunal le plus tôt possible.

Traitement de la personne

(7) Dans le cas où la personne est conduite devant le juge au titre du paragraphe (6) :

a) si aucune dénonciation n'a été déposée au titre du paragraphe (2), le juge ordonne qu'elle soit mise en liberté;

b) si une dénonciation a été déposée au titre du paragraphe (2) :

(i) le juge ordonne que la personne soit mise en liberté, sauf si l'agent de la paix qui a déposé la dénonciation fait valoir que sa mise sous garde est justifiée pour un des motifs suivants :

(A) sa détention est nécessaire pour assurer sa comparution devant un juge de la cour provinciale conformément au paragraphe (8),

(B) the detention is necessary for the protection or safety of the public, including any witness, having regard to all the circumstances including

(I) the likelihood that, if the person is released from custody, a terrorist activity will be carried out, and

(II) any substantial likelihood that the person will, if released from custody, interfere with the administration of justice, and

(C) the detention is necessary to maintain confidence in the administration of justice, having regard to all the circumstances, including the apparent strength of the peace officer's grounds under subsection (2), and the gravity of any terrorist activity that may be carried out, and

(ii) the judge may adjourn the matter for a hearing under subsection (8) but, if the person is not released under subparagraph (i), the adjournment may not exceed 48 hours.

Adjournment under subparagraph (7)(b)(ii)

(7.1) If a judge has adjourned the matter under subparagraph (7)(b)(ii) and the person remains in custody at the end of the period of adjournment, the person shall be taken before a provincial court judge who

(a) shall order that the person be released unless a peace officer shows cause why the person's detention in custody is justified on one or more of the grounds set out in clauses (7)(b)(i)(A) to (C) and satisfies the judge that the investigation in relation to which the person is detained is being conducted diligently and expeditiously; and

(b) may adjourn the matter for a hearing under subsection (8) but, if the person is not released under paragraph (a), the adjournment may not exceed 48 hours.

Adjournment under paragraph (7.1)(b)

(7.2) If a judge has adjourned the matter under paragraph (7.1)(b) and the person remains in custody at the end of the period of adjournment, the person shall be taken before a provincial court judge who

(a) shall order that the person be released unless a peace officer shows cause why the person's detention in custody is justified on one or more of the grounds set out in clauses (7)(b)(i)(A) to (C) and satisfies the judge that the investigation in relation to which the

(B) sa détention est nécessaire pour la protection ou la sécurité du public, notamment celle d'un témoin, eu égard aux circonstances, y compris :

(I) la probabilité que, si la personne est mise en liberté, une activité terroriste sera entreprise,

(II) toute probabilité marquée que la personne, si elle est mise en liberté, nuira à l'administration de la justice,

(C) sa détention est nécessaire pour ne pas miner la confiance du public envers l'administration de la justice, compte tenu de toutes les circonstances, notamment le fait que les motifs de l'agent de la paix au titre du paragraphe (2) paraissent fondés, et la gravité de toute activité terroriste qui peut être entreprise,

(ii) le juge peut ajourner la comparution prévue au paragraphe (8) mais, si la personne n'est pas mise en liberté, l'ajournement ne peut excéder quarante-huit heures.

Ajournement en vertu du sous-alinéa (7)(b)(ii)

(7.1) Si le juge a ajourné la comparution en vertu du sous-alinéa (7)(b)(ii) et si, au terme de la période d'ajournement, la personne est toujours sous garde, elle est conduite devant un juge de la cour provinciale et celui-ci :

a) ordonne que la personne soit mise en liberté, sauf si un agent de la paix fait valoir que sa mise sous garde est justifiée pour l'un des motifs énumérés aux divisions (7)(b)(i)(A) à (C) et convainc le juge que l'enquête sur laquelle s'appuie sa mise sous garde est menée de façon diligente;

b) peut ajourner la comparution prévue au paragraphe (8) mais, si la personne n'est pas mise en liberté au titre de l'alinéa a), l'ajournement ne peut excéder quarante-huit heures.

Ajournement en vertu de l'alinéa (7.1)(b)

(7.2) Si le juge a ajourné la comparution en vertu de l'alinéa (7.1)(b) et si, au terme de la période d'ajournement, la personne est toujours sous garde, elle est conduite devant un juge de la cour provinciale et celui-ci :

a) ordonne que la personne soit mise en liberté, sauf si un agent de la paix fait valoir que sa mise sous garde est justifiée pour l'un des motifs énumérés aux divisions (7)(b)(i)(A) à (C) et convainc le juge que l'enquête

person is detained is being conducted diligently and expeditiously; and

(b) may adjourn the matter for a hearing under subsection (8) but, if the person is not released under paragraph (a), the adjournment may not exceed 48 hours.

Hearing before judge

(8) The judge before whom the person appears in accordance with subsection (3)

(a) may, if the judge is satisfied by the evidence adduced that the peace officer has reasonable grounds for the suspicion, order that the person enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for a period of not more than 12 months and to comply with any other reasonable conditions prescribed in the recognizance, including the conditions set out in subsections (10), (11.1) and (11.2), that the judge considers desirable for preventing the carrying out of a terrorist activity; and

(b) if the person was not released under subparagraph (7)(b)(i) or paragraph (7.1)(a) or (7.2)(a), shall order that the person be released, subject to the recognizance, if any, ordered under paragraph (a).

Duration extended

(8.1) However, if the judge is also satisfied that the person was convicted previously of a terrorism offence, the judge may order that the person enter into the recognizance for a period of not more than two years.

Refusal to enter into recognizance

(9) The judge may commit the person to prison for a term not exceeding 12 months if the person fails or refuses to enter into the recognizance.

Conditions — firearms

(10) Before making an order under paragraph (8)(a), the judge shall consider whether it is desirable, in the interests of the safety of the person or of any other person, to include as a condition of the recognizance that the person be prohibited from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all of those things, for any period specified in the recognizance, and if the judge decides that it is so desirable, they shall add the condition to the recognizance.

sur laquelle s'appuie sa mise sous garde est menée de façon diligente;

b) peut ajourner la comparution prévue au paragraphe (8) mais, si la personne n'est pas mise en liberté au titre de l'alinéa a), l'ajournement ne peut excéder quarante-huit heures.

Comparution devant le juge

(8) Le juge devant lequel la personne comparait au titre du paragraphe (3) :

a) peut, s'il est convaincu par la preuve apportée que les soupçons de l'agent de la paix sont fondés sur des motifs raisonnables, ordonner que la personne contracte l'engagement, avec ou sans caution, de ne pas troubler l'ordre public et d'observer une bonne conduite pour une période maximale de douze mois, et se conforme aux autres conditions raisonnables énoncées dans l'engagement, y compris celles visées aux paragraphes (10), (11.1) et (11.2), que le juge estime souhaitables pour empêcher qu'une activité terroriste ne soit entreprise;

b) si la personne n'a pas été mise en liberté au titre du sous-alinéa (7)b)(i) ou des alinéas (7.1)a) ou (7.2)a), ordonne qu'elle soit mise en liberté, sous réserve, le cas échéant, de l'engagement imposé conformément à l'alinéa a).

Prolongation

(8.1) Toutefois, s'il est également convaincu que la personne a déjà été reconnue coupable d'une infraction de terrorisme, le juge peut lui ordonner de contracter l'engagement pour une période maximale de deux ans.

Refus de contracter un engagement

(9) Le juge peut infliger à la personne qui omet ou refuse de contracter l'engagement une peine de prison maximale de douze mois.

Conditions : armes à feu

(10) En rendant l'ordonnance prévue à l'alinéa (8)a), le juge doit, s'il estime qu'il est souhaitable pour la sécurité de la personne ou pour celle d'autrui de lui interdire d'avoir en sa possession une arme à feu, une arbalète, une arme prohibée, une arme à autorisation restreinte, un dispositif prohibé, des munitions, des munitions prohibées ou des substances explosives, ordonner que la personne contracte l'engagement de s'abstenir d'avoir en sa possession l'un ou l'autre ou la totalité de ces objets pour la période indiquée dans l'engagement.

Surrender, etc.

(11) If the judge adds the condition described in subsection (10) to a recognizance, they shall specify in it the manner and method by which

(a) the things referred to in that subsection that are in the person's possession shall be surrendered, disposed of, detained, stored or dealt with; and

(b) the authorizations, licences and registration certificates that are held by the person shall be surrendered.

Condition — passport

(11.1) The judge shall consider whether it is desirable, to prevent the carrying out of a terrorist activity, to include in the recognizance a condition that the person deposit, in the specified manner, any passport or other travel document issued in their name that is in their possession or control. If the judge decides that it is desirable, the judge shall add the condition to the recognizance and specify the period during which it applies.

Condition — specified geographic area

(11.2) The judge shall consider whether it is desirable, to prevent the carrying out of a terrorist activity, to include in the recognizance a condition that the person remain within a specified geographic area unless written permission to leave that area is obtained from the judge or any individual designated by the judge. If the judge decides that it is desirable, the judge shall add the condition to the recognizance and specify the period during which it applies.

Reasons

(12) If the judge does not add a condition described in subsection (10), (11.1) or (11.2) to a recognizance, the judge shall include in the record a statement of the reasons for not adding it.

Variance of conditions

(13) The judge, or any other judge of the same court, may, on application of the peace officer, the Attorney General or the person, vary the conditions fixed in the recognizance.

Other provisions to apply

(14) Subsections 810(4) and (5) apply, with any necessary modifications, to proceedings under this section.

2001, c. 41, s. 4; 2013, c. 9, s. 10; 2015, c. 20, s. 17; 2019, c. 13, s. 146; 2019, c. 25, s. 24.

83.31 (1) [Repealed, 2019, c. 13, s. 147]

Remise

(11) Le cas échéant, l'ordonnance prévoit la façon de remettre, de détenir ou d'entreposer les objets visés au paragraphe (10) qui sont en la possession de la personne, ou d'en disposer, et de remettre les autorisations, permis et certificats d'enregistrement dont la personne est titulaire.

Condition : passeport

(11.1) Le juge doit décider s'il est souhaitable, pour empêcher qu'une activité terroriste ne soit entreprise, d'intimer à la personne de déposer, de la manière précisée dans l'engagement, tout passeport ou autre document de voyage établi à son nom qui est en sa possession ou en son contrôle, et, dans l'affirmative, il doit assortir l'engagement d'une condition à cet effet et y prévoir la période d'application de celle-ci.

Condition : région désignée

(11.2) Le juge doit décider s'il est souhaitable, pour empêcher qu'une activité terroriste ne soit entreprise, d'intimer à la personne de rester dans une région désignée, sauf permission écrite qu'il pourrait lui accorder ou qu'un individu qu'il désigne pourrait lui accorder, et, dans l'affirmative, il doit assortir l'engagement d'une condition à cet effet et y prévoir la période d'application de celle-ci.

Motifs

(12) Le juge, s'il n'assortit pas l'ordonnance de la condition prévue aux paragraphes (10), (11.1) ou (11.2), est tenu d'en donner les motifs, qui sont consignés au dossier de l'instance.

Modification des conditions

(13) Le juge ou un autre juge du même tribunal peut, sur demande de l'agent de la paix, du procureur général ou de la personne, modifier les conditions fixées dans l'engagement.

Autres dispositions applicables

(14) Les paragraphes 810(4) et (5) s'appliquent, avec les adaptations nécessaires, à toute procédure engagée en vertu du présent article.

2001, ch. 41, art. 4; 2013, ch. 9, art. 10; 2015, ch. 20, art. 17; 2019, ch. 13, art. 146; 2019, ch. 25, art. 24.

83.31 (1) [Abrogé, 2019, ch. 13, art. 147]

(1.1) [Repealed, 2019, c. 13, s. 147]

Annual report (section 83.3)

(2) The Attorney General of Canada shall prepare and cause to be laid before Parliament and the Attorney General of every province shall publish or otherwise make available to the public an annual report for the previous year on the operation of section 83.3 that includes

- (a)** the number of consents to lay an information that were sought, and the number that were obtained, by virtue of subsections 83.3(1) and (2);
- (b)** the number of cases in which a summons or a warrant of arrest was issued for the purposes of subsection 83.3(3);
- (c)** the number of cases in which a person was not released under subsection 83.3(7), (7.1) or (7.2) pending a hearing;
- (d)** the number of cases in which an order to enter into a recognizance was made under paragraph 83.3(8)(a), and the types of conditions that were imposed;
- (e)** the number of times that a person failed or refused to enter into a recognizance, and the term of imprisonment imposed under subsection 83.3(9) in each case; and
- (f)** the number of cases in which the conditions fixed in a recognizance were varied under subsection 83.3(13).

Annual report (section 83.3)

(3) The Minister of Public Safety and Emergency Preparedness shall prepare and cause to be laid before Parliament and the Minister responsible for policing in every province shall publish or otherwise make available to the public an annual report for the previous year on the operation of section 83.3 that includes

- (a)** the number of arrests without warrant that were made under subsection 83.3(4) and the period of the arrested person's detention in custody in each case; and
- (b)** the number of cases in which a person was arrested without warrant under subsection 83.3(4) and was released
 - (i)** by a peace officer under paragraph 83.3(5)(b), or
 - (ii)** by a judge under paragraph 83.3(7)(a), (7.1)(a) or (7.2)(a).

(1.1) [Abrogé, 2019, ch. 13, art. 147]

Rapport annuel : article 83.3

(2) Chaque année, le procureur général du Canada établit et fait déposer devant le Parlement, et le procureur général de chaque province publie — ou met à la disposition du public de toute autre façon —, un rapport sur l'application de l'article 83.3, qui contient notamment les renseignements ci-après à l'égard de l'année précédente :

- a)** le nombre de consentements au dépôt d'une dénonciation demandés et obtenus au titre des paragraphes 83.3(1) et (2);
- b)** le nombre de sommations ou de mandat d'arrestation délivrés pour l'application du paragraphe 83.3(3);
- c)** le nombre de cas où la personne n'a pas été en liberté au titre des paragraphes 83.3(7), (7.1) ou (7.2) en attendant sa comparution;
- d)** le nombre de cas où une ordonnance de contracter un engagement a été rendue au titre de l'alinéa 83.3(8)a) et la nature des conditions afférentes qui ont été imposées;
- e)** le nombre de refus de contracter un engagement et la durée de la peine d'emprisonnement infligée au titre du paragraphe 83.3(9) dans chacun des cas;
- f)** le nombre de cas où les conditions d'un engagement ont été modifiées au titre du paragraphe 83.3(13).

Rapport annuel : article 83.3

(3) Chaque année, le ministre de la Sécurité publique et de la Protection civile établit et fait déposer devant le Parlement, et le ministre responsable de la sécurité publique dans chaque province publie — ou met à la disposition du public de toute autre façon —, un rapport sur l'application de l'article 83.3, qui contient notamment les renseignements ci-après à l'égard de l'année précédente :

- a)** le nombre d'arrestations effectuées sans mandat au titre du paragraphe 83.3(4) et la durée de la détention de la personne dans chacun des cas;
- b)** le nombre de cas d'arrestation sans mandat au titre du paragraphe 83.3(4) et de mise en liberté :
 - (i)** par l'agent de la paix au titre de l'alinéa 83.3(5)b),
 - (ii)** par un juge au titre des alinéas 83.3(7)a), (7.1)a) ou (7.2)a).

Opinions

(3.1) The Attorney General of Canada and the Minister of Public Safety and Emergency Preparedness shall include in their annual reports under subsections (2) and (3), respectively, their opinion, supported by reasons, on whether the operation of section 83.3 should be extended.

Limitation

(4) The annual report shall not contain any information the disclosure of which would

- (a)** compromise or hinder an ongoing investigation of an offence under an Act of Parliament;
- (b)** endanger the life or safety of any person;
- (c)** prejudice a legal proceeding; or
- (d)** otherwise be contrary to the public interest.

2001, c. 41, s. 4; 2005, c. 10, s. 34; 2013, c. 9, s. 11; 2015, c. 20, s. 18; 2019, c. 13, s. 147.

Sunset provision

83.32 (1) Section 83.3 ceases to have effect at the end of the fifth anniversary of the day on which the *National Security Act, 2017* receives royal assent unless, before the end of that fifth anniversary, the operation of that section is extended by resolution — whose text is established under subsection (2) — passed by both Houses of Parliament in accordance with the rules set out in subsection (3).

Review

(1.1) A comprehensive review of section 83.3 and its operation shall be undertaken by any committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.

Report

(1.2) The committee shall, no later than one year before the fifth anniversary referred to subsection (1), submit a report on the review to the appropriate House of Parliament, or to both Houses, as the case may be, including its recommendation with respect to extending the operation of section 83.3.

Order in council

(2) The Governor in Council may, by order, establish the text of a resolution that provides for the extension of the operation of section 83.3 and that specifies the period of the extension, which may not exceed five years from the

Opinions

(3.1) Le procureur général du Canada et le ministre de la Sécurité publique et de la Protection civile expriment dans leur rapport annuel établi au titre des paragraphes (2) et (3) respectivement leur opinion quant à la nécessité de proroger l'article 83.3 et la motivent.

Réserve

(4) Sont exclus du rapport annuel les renseignements dont la divulgation, selon le cas :

- a)** compromettrait une enquête en cours relativement à une infraction à une loi fédérale ou nuirait à une telle enquête;
- b)** mettrait en danger la vie ou la sécurité d'une personne;
- c)** porterait atteinte à une procédure judiciaire;
- d)** serait contraire à l'intérêt public.

2001, ch. 41, art. 4; 2005, ch. 10, art. 34; 2013, ch. 9, art. 11; 2015, ch. 20, art. 18; 2019, ch. 13, art. 147.

Temporarisation

83.32 (1) L'article 83.3 cesse d'avoir effet à la fin du cinquième anniversaire de la sanction de la *Loi de 2017 sur la sécurité nationale*, sauf si, avant la fin de ce jour, cet article est prorogé par résolution — dont le texte est établi en vertu du paragraphe (2) — adoptée par les deux chambres du Parlement conformément aux règles prévues au paragraphe (3).

Examen

(1.1) Un examen approfondi de l'article 83.3 et de son application est effectué par le comité soit du Sénat, soit de la Chambre des communes, soit mixte, que le Sénat, la Chambre des communes ou les deux, selon le cas, désignent ou constituent à cette fin.

Rapport

(1.2) Au plus tard un an avant le cinquième anniversaire visé au paragraphe (1), le comité dépose son rapport devant la ou les chambres en cause, accompagné de sa recommandation quant à la nécessité de proroger l'article 83.3.

Décret

(2) Le gouverneur en conseil peut, par décret, établir le texte de toute résolution prévoyant la prorogation de l'article 83.3 et précisant la durée de la prorogation, à concurrence d'un maximum de cinq ans à compter de la

first day on which the resolution has been passed by both Houses of Parliament.

Rules

(3) A motion for the adoption of the resolution may be debated in both Houses of Parliament but may not be amended. At the conclusion of the debate, the Speaker of the House of Parliament shall immediately put every question necessary to determine whether or not the motion is concurred in.

Subsequent extensions

(4) The operation of section 83.3 may be further extended in accordance with this section, but

(a) the reference to “at the end of the fifth anniversary of the day on which the *National Security Act, 2017* receives royal assent unless, before the end of that fifth anniversary” in subsection (1) is to be read as a reference to “on the expiry of the most recent extension under this section unless, before that extension expires”; and

(b) the reference to “the fifth anniversary referred to subsection (1)” in subsection (1.2) is to be read as a reference to “the expiry of the most recent extension under this section”.

(5) [Repealed, 2019, c. 13, s. 148]

2001, c. 41, s. 4; 2013, c. 9, s. 12; 2019, c. 13, s. 148.

83.33 (1) [Repealed, 2019, c. 13, s. 149]

Transitional provision — section 83.3

(2) In the event that section 83.3 ceases to have effect in accordance with section 83.32, a person detained in custody under section 83.3 shall be released when that section ceases to have effect, except that subsections 83.3(7) to (14) continue to apply to a person who was taken before a judge under subsection 83.3(6) before section 83.3 ceased to have effect.

2001, c. 41, s. 4; 2013, c. 9, s. 13; 2019, c. 13, s. 149.

PART III

Firearms and Other Weapons

Interpretation

Definitions

84 (1) In this Part,

date à laquelle la deuxième chambre a adopté la résolution.

Règles

(3) La motion visant l’adoption de la résolution peut faire l’objet d’un débat dans les deux chambres du Parlement mais ne peut être amendée. Au terme du débat, le président de la chambre du Parlement met immédiatement aux voix toute question nécessaire pour décider de son agrément.

Prorogations subséquentes

(4) L’article 83.3 peut être prorogé par la suite en conformité avec le présent article, auquel cas :

a) la mention « à la fin du cinquième anniversaire de la sanction de la *Loi de 2017 sur la sécurité nationale*, sauf si, avant la fin de ce jour », au paragraphe (1), est remplacée par « à la date d’expiration de la dernière période de prorogation fixée par résolution conformément au présent article, sauf si, à la fin de cette date »;

b) la mention « le cinquième anniversaire visé au paragraphe (1) », au paragraphe (1.2), est remplacée par « l’expiration de la dernière période de prorogation fixée par résolution conformément au présent article ».

(5) [Abrogé, 2019, ch. 13, art. 148]

2001, ch. 41, art. 4; 2013, ch. 9, art. 12; 2019, ch. 13, art. 148.

83.33 (1) [Abrogé, 2019, ch. 13, art. 149]

Disposition transitoire : article 83.3

(2) Dans le cas où, conformément à l’article 83.32, l’article 83.3 cesse d’avoir effet, la personne mise sous garde au titre de cet article est mise en liberté à la date de cessation d’effet de cet article, sauf que les paragraphes 83.3(7) à (14) continuent de s’appliquer à la personne qui a été conduite devant le juge au titre du paragraphe 83.3(6) avant cette date.

2001, ch. 41, art. 4; 2013, ch. 9, art. 13; 2019, ch. 13, art. 149.

PARTIE III

Armes à feu et autres armes

Définitions et interprétation

Définitions

84 (1) Les définitions qui suivent s’appliquent à la présente partie.