

ANNUAL REPORT RESPECTING TERRORISM PROVISIONS OF THE CRIMINAL CODE OF CANADA

December 24, 2002 to December 24, 2003

**Prepared by the Ontario Ministry of Community Safety
and Correctional Services**

The Parliament of Canada passed *Bill C-36, the Anti-terrorism Act*, on December 18, 2001. As part of that legislation, section 83.31 was added to the *Criminal Code*. That section requires the Attorney General and the Minister responsible for policing in every province to publish, or otherwise make available to the public, an annual report for the previous year on the operation of sections 83.28 (investigative hearing), 83.29 (preventive arrest) and 83.3 (recognizance with condition) of the *Criminal Code*.

83.31(3) – Reporting Requirement by the Minister responsible for policing in the Province of Ontario:

A peace officer who suspects on reasonable grounds that the detention of the person is necessary in order to prevent a terrorist activity may arrest the person without a warrant and have the person detained in custody, pursuant to 83.3(4) of the *Criminal Code*.

Police may use preventative arrest provisions to bring a suspected terrorist before a judge, where there are reasonable grounds to believe that a terrorist activity will be carried out and reasonable grounds to suspect that imposing conditions or arrest is necessary to prevent the carrying out of the terrorist activity. The threat must be specific and involve a specific individual. Except in exigent circumstances, the Attorney General must consent to the arrest.

In all cases, the detention after arrest must receive judicial review within 24 hours. In addition, the consent of the Attorney General is required before a judge can be asked to impose supervisory conditions on the release of the person or detain the person for any longer period (up to a maximum of an additional 48 hours).

Reporting requirement for:

1. Number of arrests without a warrant pursuant to 83.3(4) of the *Criminal Code* – **Nil Report for 2003.**
2. Number of cases in which a person was arrested without warrant pursuant to 83.3(4) of the *Criminal Code* and was released by a peace officer under paragraph 83.3(5)(b) or by a judge under 83.3(7)(a) of the *Criminal Code* – **Nil Report for 2003.**