

March 21, 2008

“Fighting Terror Through the Courts”

by Rhona Bennett

Rhona Bennett is a former member of the Star's Community Editorial Board.

One evening a few weeks ago in a midtown Toronto home, a group of people got together to talk about terror.

Maureen Basnicki described how she watched the World Trade Center explode on an airport TV screen in Germany, knowing her husband was there. Sarah Philips talked about standing near the El Al counter in a Los Angeles airport when she heard a noise like firecrackers. The young girl behind the counter disappeared, transformed into a lifeless body on the terminal floor. A moment later, Sarah collapsed, shot in the leg. Danny Eisen told of his friend, a well-loved coach and social worker, killed by a suicide bomber in Israel.

The evening was sponsored by a unique Canadian group determined to fight terror in a new and creative way. C-CAT, Canadian Coalition Against Terror, is a multicultural, multi-faith group made up of Canadian terror victims, counterterrorism professionals, lawyers and committed individuals. They are working to create federal legislation that allows victims of terror to launch civil lawsuits against local and state sponsors of terror.

Such legislation would make it possible for a Canadian who has suffered loss or damages as a result of terror to sue the local organization, perhaps one calling itself a charity, or a foreign country that has financially supported that act of terror. And what good would that do?

More than you might think. Terror runs on money and cutting the supply is our only hope of weakening if not eradicating it. Take the case of the 1988 Pan Am flight from London to New York blown up over Lockerbie, Scotland. Everyone was killed. A majority of the victims were Americans, many of them students.

The families of these victims succeeded in getting the U.S. government to allow civil lawsuits against state sponsors of terror. Years of criminal investigation uncovered evidence that led directly to Libya. The families sued Libya, and at the same time the United States and the United Nations imposed sanctions. Eventually, Libya agreed to pay out millions of dollars to each family to get those sanctions lifted.

Money can never replace a life, but the payment clearly and publicly recognizes that a huge violation of life has transpired. More important than the money was the significant impact this decision had on Libya's involvement in terror. This lawsuit and the accompanying sanctions focused great attention on Libya and forced concessions. Courts have far-reaching power. It is in court that the world discusses and ultimately determines how civilized human beings will live.

Right now a private member's bill (S225), which will make this type of civil action legal in Canada, is having its second reading in the Senate and will soon be in committee hearings. Many members of Parliament support the bill. Amazingly, this legislation that promises to put bite in Canada's anti-terrorism policy unites parties. It does not involve detaining people. It does not involve the army or money. It does not affect anyone's civil rights.

But is it necessary? The tentacles of terror spread far and wide and deep. Each victim has a family, a network, a community; hundreds of people grieve. Al Qaeda, just one terrorist organization, is committed to mass slaughter. Their fatwas call for the death of millions of Americans and lest we think these are not to be taken seriously, we should note their work to date. Three thousand people died in the destruction of the World Trade Center. France, Spain, England, The Netherlands and Australia have all suffered violent attacks on helpless civilians. The chilling fact remains, Canada is the only country threatened by Al Qaeda that hasn't been hit. At least, not yet.

Soldiers, police, bullets and walls cannot guarantee protection. New strategies are necessary for Canada, indeed for all democracies, to survive. This small piece of legislation is one very doable example. Lots more creative action is needed, but let's start here.