

[excerpts]

Criminal Code, Revised Statutes Canada 1985 c. C-46

Participation in activity of terrorist group

83.18 (1) Every one 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 not exceeding ten 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
 - (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.

Participation in activities of criminal organization

467.11 (1) Every person who, for the purpose of enhancing the ability of a criminal organization to facilitate or commit an indictable offence under this or any other Act of Parliament, knowingly, by act or omission, participates in or contributes to any activity of the criminal organization is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Prosecution

(2) In a prosecution for an offence under subsection (1), it is not necessary for the prosecutor to prove that

- a) the criminal organization actually facilitated or committed an indictable offence;
- b) the participation or contribution of the accused actually enhanced the ability of the criminal organization to facilitate or commit an indictable offence;
- c) the accused knew the specific nature of any indictable offence that may have been facilitated or committed by the criminal organization; or
- d) the accused knew the identity of any of the persons who constitute the criminal organization.

Factors

(3) In determining whether an accused participates in or contributes to any activity of a criminal organization, 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 criminal organization;
- b) frequently associates with any of the persons who constitute the criminal organization;
- c) receives any benefit from the criminal organization; or
- d) repeatedly engages in activities at the instruction of any of the persons who constitute the criminal organization.