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## **COUNTER-TERRORISM LEGISLATION: PECULIARITIES OF THE US, UK AND CANADA**

There is no established definition of terrorism under international law. Instead, there is a great deal of debate over which actions are terrorist and which are acts of legitimate resistance against oppressive governments. Regardless of the failure to agree on a broader definition, there is an overwhelming consensus that terrorism involves the use of threat of violence against civilians for a political purpose.

In the UK, the legal definition of terrorism is provided in section 1 of the Terrorism Act 2000. This defines terrorism as the use or threat of action which:

involves serious violence against a person, involves serious damage to property, endangers a person's life, creates a serious risk to the health or safety of the public or is designed seriously to interfere with or seriously to disrupt an electronic system [1].

The key counterterrorism statute in the UK is the Terrorism Act (2000). Other statutes and updates are written in association with this Act. It deals with a variety of matters including proscribing organisations as illegal, creating offences (for example the collection of information likely to be of use to terrorists) and it also creates powers for the police (such as the power to stop, search, arrest, etc.) [2].

it contains the main powers for arrest and extended pre-charge detention in terrorism cases as well as the main terrorism offences outside the ordinary criminal law, for example, membership of and support for a proscribed organisation [1].

A further key UK-wide statute is the Counter Terrorism Act (2008), which introduced further offences and police powers, relating mainly to terrorist support and funding [2].

The Counter-Terrorism and Border Security Act 2019 updates existing counter-terrorism legislation to ensure that it is fit for the digital age and reflect contemporary patterns of radicalisation. The Counter-Terrorism and Sentencing Act (2021) ends the prospect of early release for anyone convicted of a serious terror offence and forces them to spend their whole term in jail. The most dangerous offenders – such as those found guilty of preparing or carrying out acts of terrorism where lives were lost or at risk – now face a minimum of 14 years in prison and up to 25 years on licence, with stricter supervision [3].

The key statutory instrument in dealing with terrorism in the USA is the Patriot Act (2001). The Patriot Act is a U.S. law passed in the wake of the 11 September 2001 terrorist attacks. Its goals are to strengthen domestic security and broaden the powers of law-enforcement agencies with regards to identifying and stopping terrorists. The Patriot Act's full title is Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (2001). The Act deals with issues such as intrusive surveillance and creating powers for law enforcement agencies and adds several crimes to the list of those considered acts of terrorism, including attacking a mass transit system, using a biological weapon, supporting terrorism and computer hacking [2].

The Patriot Act expanded surveillance for law enforcement by: expanding domestic and international wiretapping and pen register monitoring; expanding authority to access electronic communications, allowing secret "sneak and peak" searches, removing privacy protections to allow federal agencies to share more information an expanding funding to federal law enforcement agencies.

Although the Act expired in March, 2020 without being reauthorized, federal law enforcement agencies retain most of the authorities granted by the act. The surveillance infrastructure that the Patriot Act created exists to this day. The Patriot Act is a prominent example of the use of terrorism to justify expanding government surveillance [3].

The Canadian Anti-terrorism Act (ATA) was passed by the government of Canada in response to the September 11, 2001, attacks in the United States. It received Royal Assent on December 18, 2001, as Bill C-36. The "omnibus" bill extended the powers of government and institutions within the Canadian security establishment to respond to the threat of terrorism. The Act included provisions to allow for 'secret' trials, pre-emptive detention and expansive security and surveillance powers. The *Justice for Victims of Terrorism Act (JVTA)* – and related amendments to the *State Immunity Act* – allows victims of terrorism to sue perpetrators of terrorism and those that support them, including listed foreign states, for

loss or damage that occurred as a result of an act of terrorism committed anywhere in the world.

The Act complements Canada's existing counter-terrorism measures, including the deterrence of terrorism, and is aimed at responding to the unique concerns of victims of terrorism while demonstrating Canada's leadership against those who support terrorism around the world [4].

So, counter-terrorism legislation in the US, UK, and Canada reflects each country's distinct legal traditions, political priorities, and responses to the evolving threat of terrorism. Each of these countries has passed extensive legislation to strengthen their ability to combat terrorism, often expanding law enforcement powers, surveillance capabilities, and security measures, sometimes at the expense of individual freedoms and privacy.

While all three countries have prioritized national security through these legal frameworks, there is ongoing tension between the need to protect the public and the risk of infringing on basic rights and freedoms. The broad and sometimes vague definitions of terrorism in these laws also raise concerns about overreach and the potential for misuse. Moreover, the increasing role of digital technologies and online radicalization necessitates continuous legal adaptation.

Ultimately, counter-terrorism legislation in the US, UK, and Canada reflects a common global challenge: balancing the urgent need to prevent terrorism while safeguarding individual rights and freedoms. These laws will likely continue to evolve in response to emerging threats, but the core challenge of ensuring that counter-terrorism measures do not disproportionately infringe upon civil liberties remains an important consideration in each country's legislative approach.

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### **DAMAGE OBLIGATIONS IN WARTIME**

Tort obligations or 'damage obligations' are non-contractual obligations arising from the violation of property or personal non-property rights. The purpose of this obligation is to restore the rights of the victim at