

We absolutely intend to challenge the listing, and our first step will be to apply for a stay of the regulation. We will then make an application to the Minister, and assuming he is not inclined to reconsider his recommendation, to the Federal Court for judicial review of the decision to include the WTM on the list of terrorist entities.

We also intend to challenge the constitutionality of the listing provisions themselves. There are several things that must be understood about the process of listing. The first is that it occurs behind closed doors, with no notice to the organization targeted, and no opportunity for it to be informed of – let alone test – the evidence on the basis of which the Minister makes his recommendation. Second, the judicial review provisions allow the judge to examine the Minister’s information in private, and to hear evidence in the absence of the listed organization and its counsel if he or she is of the opinion that the disclosure of the information would injure national security. The organization is entitled only to a statement summarizing the information available to the judge so that it may be “reasonably informed” of the reasons for the decision, and to have a “reasonable opportunity” to be heard. The organization is not entitled to see any of the documentary evidence or to cross-examine any witness who may testify.

These provisions do not, in our view, accord with the principles of fundamental justice enshrined in the *Charter of Rights and Freedoms*.

The consequences of listing are profound, both for the organization itself and for anyone who might have dealings with it. Once an organization is listed, it becomes an indictable offence punishable by up to 10 years imprisonment to collect, provide, or invite someone to provide property knowing that it will be used by or will benefit that organization – regardless of the purpose for which the organization uses it. For a volunteer-run, volunteer-funded organization such as the World Tamil Movement, this is absolutely devastating. The regulations are incredibly broad, and no court has had an opportunity to consider and interpret their true scope, so that it would appear that it may be an offence for anyone to donate a book to the World Tamil Movement's community library. It may be an offence to donate equipment for children's sports meets organized by the World Tamil Movement. It may be an offence to donate educational materials to Tamil language classes. Add to this the incredible stigmatization that results from being branded a terrorist group, and you begin to understand why we feel it is essential that a decision such as this be made with the utmost care,

subject to public scrutiny and judicial oversight, and with all the procedural safeguards our constitution provides.

We are also establishing a defence fund, to be administered by a lawyer and members of the Tamil Canadian community and which will be entirely separate from the WTM, in order to fund a challenge to the listing, and will be releasing more details shortly for those who wish to contribute.