

Mechanism	Advantages	Disadvantages
Prosecution for terrorism offences under the <i>Criminal Code</i>	<ul style="list-style-type: none"> • Strongly preemptive in their reach, as well as now clearly reaching terrorist travel • Enables extended investigative techniques (such as wiretapping) • Penalties upon conviction are potentially significant 	<ul style="list-style-type: none"> • Requires the government to prove guilt beyond a reasonable doubt; • “Terrorist activity” includes many potentially difficult to prove elements, especially when conduct is extraterritorial and possibly in a war zone; • “Armed conflict” exception in definition of terrorist activity may seriously limit the relevance of terrorism offences in foreign fighter situation; • Does not penalize foreign fighting <i>per se</i>.
Prosecution for foreign-influenced activity offence under the <i>Security of Information Act</i>	<ul style="list-style-type: none"> • Penalties upon conviction are potentially significant • Because of the reactive focus — that is conduct in returning to Canada — may ease problems with gathering proof and eliminate concern about the “armed conflict” exception. 	<ul style="list-style-type: none"> • Entirely reactive — directed only a persons coming to Canada; • Still a criminal offence, requiring government proof beyond a reasonable doubt; • Still fairly narrow in its focus — does not penalize foreign fighting <i>per se</i>.
Recognizance with Conditions (Peace Bonds)	<ul style="list-style-type: none"> • Potentially allows a range of preemptive limitations on action, both before departure and after return • Burden of proof of balance of probabilities lower than that for outright convictions 	<ul style="list-style-type: none"> • Continues to be tied ultimately to the concept of “terrorist activity,” raising the difficulties associated above in relation to the complicated <i>Criminal Code</i> definition; • Does not penalize foreign fighting <i>per se</i>.
Citizenship Revocation	<ul style="list-style-type: none"> • Burden of proof (arguably) lower than for outright convictions, although this may become a contested issue in a constitutional challenge. 	<ul style="list-style-type: none"> • Grounds of revocation tied to fighting in armed conflict against Canada or a terrorism conviction, neither of which necessarily fit the foreign fighter scenario and the latter of which depends on a conviction; • Serious doubts concerning constitutionality; • Merely displaces risk, in that it amounts only to a “non-return” mechanism; • Does not apply to foreign fighting <i>per se</i>.
Passenger Protect No-Fly List	<ul style="list-style-type: none"> • Strongly preemptive in that it impedes international (and domestic) travel; • Administrative tool that can be deployed without court adjudication and on a standard of balance of probabilities. 	<ul style="list-style-type: none"> • Relevant only to the “departure” phase of foreign fighter life cycle; • Confined solely to threats to aviation security, which do not overlap necessarily (or perhaps often) with foreign fighting; • Impedes but does not prevent foreign (or domestic) travel.
Passport Revocation	<ul style="list-style-type: none"> • Strongly preemptive in that it impedes international travel; • Administrative tool that can be deployed without court adjudication and on a standard of balance of probabilities. 	<ul style="list-style-type: none"> • Relevant only to the “departure” phase of foreign fighter life cycle; • In practice, may impede but not prevent foreign travel.