

Quebec City shooting – terror, hate crime, or just mass murder



By [Jacob Stilman](#)

The tragic and horrific [events](#) which have just unfolded in Quebec City, wherein a man fatally shot six and injured many more Muslim worshippers at a mosque, raise a number of intriguing legal issues.

Aside from being an act of mass murder, which thankfully remains a rare event in this country, the offender could be prosecuted under provisions of the Criminal Code, which are not frequently resorted to.

The accused in this case, Alexandre Bissonnette, 27, has been charged with six counts of first-degree murder, meaning that the Crown alleges the murders were planned and deliberate. He also faces an additional five counts of attempted murder.

Under legislation brought in by the previous Conservative government, the accused could, if convicted of all of the murder charges, be subject to six consecutive periods of parole ineligibility.

This could result in a “true life” sentence of effectively 150 years – never before handed down in Canada's history.

Since the “multiple murder” provision was brought in, the longest prison sentence in the modern era has been that passed on Justin Bourque, the Moncton police shooter, whose tally of three murders resulted in the first judicial application of this amendment, giving him 75 years of parole ineligibility.

While a sentence of this magnitude is obviously as harsh as can be rendered, there are some interesting academic issues that also attach to this awful event. Section 718.2 of the Criminal Code sets out aggravating and mitigating factors on sentence. The first such enumerated factor is whether “the offence was motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age mental or physical disability, sexual orientation, or any other similar factor.”

In this case the accused will be facing a full life sentence in any event, thus it is impossible to augment the sentence any further by virtue of the hate provisions in s. 718.2. However, had there been no fatalities, but merely injuries or damage to property, an offender engaging in such an act would almost certainly be treated much more severely by the court on sentence due to the obvious hate-laden aspect of this event.

Another option for the prosecution in this case would be to proceed with charges under the terrorism provisions of the Code. These provisions have been seldom resorted to since their inception post 9/11, and there have only been a handful of prosecutions (notably the cases of Khawaja, the “Toronto 18,” and the “Via Rail”).

All previous prosecutions have involved taking down individuals involved in conspiracies and plot to engage in terrorist activities, but have not actually had to deal with the aftermath of a successful terror attack.

In this regard, the Quebec mosque attack represents a tragic departure from our experience to date. It seems quite evident that the mosque was targeted deliberately, and for the purpose of “intimidating the public or a segment of the public (i.e. the Muslim community), and that the actions were committed for a “political, religious, or ideological purpose, objective, or cause,” as the Code requires under s. 83.01 (1) (b).

But, this is a developing story, and if other, non-political or ideological motivations were at play, the terror provisions may not apply. For example, if it were established that the perpetrator of the attack was a disgruntled member of the mosque, seeking to settle a personal grievance, the act would not likely be prosecuted as a terror offence, though this latter point is probably academic. If it is proven there is

a political motivation to this act, the terror provisions could apply.

Once again, the impact of proceeding in this fashion is symbolic, rather than practical, having regard to the sentence of 150 years of parole ineligibility that could be imposed. Nonetheless, it is likely that the accused will be prosecuted in some manner which brings these provisions to bear, in order to convey a message to the public in these troubling times.