

The Movement Defence Committee (MDC) is an autonomous working group of the Law Union of Ontario made up of legal workers, law students, activists and lawyers which provides legal support to progressive organizations and social justice activists in Toronto.

Before, during and after the anti-G20 protests in Toronto in June 2010, the MDC offered legal support for the community-led demonstrations and the organizers. The MDC's Summit Legal Support Project (SLSP) led "Know Your Rights" workshops for activists in Toronto, Guelph and Peterborough, which reviewed the constitutional rights and protections afforded to individuals by law. We trained and fielded approximately 100 legal observers to document police action during the Summit and organized a group of over 25 volunteer criminal defence lawyers to provide *pro bono* legal representation for G20 arrestees at bail hearings and at the Prisoner Processing Centre (PPC) on Eastern Ave. We staffed a legal support line between June 18-30 and received calls from hundreds of people who had been harassed, detained, searched, arrested and/or brutalized by the police.

The MDC was the first non-police point of contact for many people who had been arrested and detained. In addition to facilitating access to *pro bono* legal representation by experienced defence counsel, we supported detainees by making phone calls to their families or workplaces and contacting potential sureties for bail, ensuring that their dependents and pets were cared for in the interim, and by advocating on behalf of detainees who require special accommodations (such as prescription medicines, assistive devices, or ASL interpretation).

Summary

Our direct experience before, during and after the G20 gives us a unique perspective on the policing at the G20 and of political dissent in Canada more broadly. We hope that the questions raised by the following presentation are taken seriously by the members of the Committee and the Canadian government as a whole, as well as by the members of the press and the public.

The experience of G20 security and policing has been portrayed by many of its critics as a weekend that began with police restraint, followed by police negligence, then police overreaction. Based on our frontline experience, this is an inaccurate description. If we are to learn anything from the experience of G20 security and policing we need to widen our focus past the events of June 26th and 27th and look at the months and weeks prior to, and after the G20 Summit in Toronto. The rampant violations of civil, political, and human rights by police and security during the G20 represents not a misstep by police in how they handle large protests, but a systematic targeting of social movements on the left, and a deliberate repression of those who criticize and oppose the policies of this government.

There were two large protests this summer in Ontario. According to police estimates,

both of them were attended by upwards of ten thousand people. Both of these protests were called to oppose government policy, and both of them involved gathering in public places, including on the lawn of legislative buildings.

The city that played host to the first protest did not see thousands of police officers deployed, jails were not created to deal with the numbers of people expected, and no incidents of police violence or misconduct were reported.

To prepare for the protest in the second city, police forces were given over a billion dollars to pay for extra weapons and staffing to deal with the protest, to begin to conduct surveillance of the organizers of the protest, to erect miles of fence and barricades and to set up a temporary jail to hold people. In total 19,000 officers were deployed to police the one protest.

The protest in the first city was an anti-choice, anti-abortion rally held on Parliament Hill in Ottawa on May 13, 2010. The protest in the second city was the one we are here to discuss, the protest in Toronto which was organized to oppose the policies of the G20 and the Harper government

It is important to be reminded that protestors from the right, even when they manage to bring out thousands of people, are not met with denunciations by politicians, security fences guarded by a militarized police force with a blank cheque from government, and violence and intimidation by the police. However, the thousands of people who were exercising their rights through public protest against the policies of the G20 and the Harper government were met with a different response.

The following is a synopsis of the police repression related to the G20 demonstrations experienced by people in Ontario this summer.

Police Harassment, Illegal Detentions and Searches

In the months before the protests, the police conducted a pattern of harassment of people perceived as organizing protests and events in resistance to the G20 policies, by conducting police visits to homes, workplaces and meetings. The MDC received reports of 29 incidents of this type of harassment.

In the weeks and days leading up to the G20 Summit and during the Summit weekend itself, the police conducted a systemic campaign of illegally detaining and searching street pedestrians. These detentions and searches occurred with increased frequency the week prior to the Summit weekend. Between Monday, June 21, and Saturday, June 26, the MDC received reports of over 80 people being harassed, detained and searched by the police. We believe that many more people were similarly detained, but did not know that our services existed and so did not report this harassment. Notably, these detentions:

- involved pedestrians walking in downtown Toronto who were generally young, and targeted by their appearance;
- were conducted by police without reasonable grounds;
- often involved groups of armed police officers surrounding pedestrians;
- invariably included illegal searches of bags and pockets by the police, without any caution to the pedestrians that they were not required to be searched;
- involved the illegal seizure of personal belongings, including leftist political literature.

On many occasions the police claimed increased and fictitious powers granted by the *Public Works Protection Act* (PWPA) to detain and search pedestrians who were kilometres away from the security fence. They also claimed other expanded detention and search powers under legislation such as the *Trespass to Property Act* (TPA). For example:

- persons entering Allan Gardens on June 25, 2010 were told they could not enter the public park without having their bags searched, pursuant to the TPA;
- a group of pedestrians were stopped on University Ave. and told by the police they had the power to search their bags under the PWPA;
- others reported that the police also claimed search powers under the PWPA in or near the Toronto subway system.

The above shows a blatant pattern of bad faith searches on the part of the police. It also shows a pattern of proactive targeting of activists on the political left that began well before Saturday June 26th.

Questions that need answers:

- What were front-line officers told, and by whom, of the legal limits of their powers to stop and search people?
- What orders or directions were given with regard to police searches and investigative detentions? Who gave those orders or directions?

Police Militarization: Queen's Park, Saturday June 26th, 2010

The police tactics employed at Queen's Park on Saturday June 26th can only be described as a concerted effort to terrorize participants in a demonstration on the lawn of the Legislature. Riot police employed corralling tactics: lines of officers in riot gear would form, blocking paths of exit for the crowd. Police in these lines would march on the crowd, forcing them into the shields of opposing riot police. Lines of riot police marched repeatedly, relentlessly, circling in on the crowd, while individual officers would break through arbitrarily tackling and dragging protestors behind police lines where they were handcuffed.

The police used horses to intimidate the crowd - charging the crowd at very close range

in groups of four, or six, mounted riot police.

On the lawns of the Legislature the police fired tear gas canisters and rubber bullets at the crowd. Various clusters of seated individuals carrying out sit-ins were charged at by riot police and arrested. Legal observers witnessed attacks by police using their batons, bikes, fists and heels of their boots on groups of protestors who sat down on the lawn or the street. Other individuals were sprayed in the face with chemical weapons such as pepper spray. Legal observers present did not hear any announcements by the police asking the crowd to disperse.

Questions that need answers:

- Why were militarized use of force tactics used against demonstrators at Queen's Park?
- What orders were police forces given in relation to the gathering at Queen's Park?

Rampant and Illegal Use of Preventative Arrest & Detention

The police deployed large-scale preventative detention strategies over the G20 weekend, arresting 740 people for breaching the peace. The breach of the peace powers were used unlawfully by police with unprecedented abandon.

Breaching the peace is not a criminal offence in Canada. Therefore, over the G20 weekend 740 people were arrested and detained for extended periods of time in abominable conditions without belief they were involved in criminal activity at all, and without ever being charged. This included groups gathered at Queen's Park, outside the Novotel Hotel, at the intersection of Queen and Spadina, and outside the Prisoner Processing Centre, as well as large numbers of people not involved in any form of demonstration at all. Police attended at GO train and Greyhound bus stations on Saturday and arrested passengers disembarking who "looked like" they were protestors. The police seemingly used these powers without regard for the legal requirements of the Criminal Code. Contrary to statutory and constitutional requirements, many of these 740 arrestees and detainees were held without charge for over 24 hours.

The police also illegally used the "Riot Act" to arrest gatherings of people contrary to statutory requirements. Legal observers witnessed the police reading the "Riot Act" to a group of demonstrators outside the Prisoner Processing Centre, and then did not allow them to disperse. Some were eventually arrested for not moving "fast enough." This tactic was repeatedly used at several protest and gathering sites, including at Queens Park and the Novotel Hotel.

These examples reveal organized efforts by the police to suppress public protest by social movements by categorizing them as "breaches of the peace" or "riots". The

broadening of these terms to include any form of demonstration during the G20 shows a systematic misuse of police powers that specifically targeted the political left and was intended to stifle important voices of dissent against both the substance and the management of the G20 summit.

Questions that need answers:

- Why were people held in custody beyond legal time limits?
- Who ordered these breaches of police powers in order to prevent further demonstrations?

Violations of Procedural Rights

For many during the G20, the ordeal of being arrested (often violently) and held at the Prisoner Processing Centre (PPC) was merely the beginning of the procedural nightmare of being held in state custody.

Once arrested or detained, the procedural protections enshrined in the *Canadian Charter of Rights and Freedoms* are to ensure proper procedures are followed. However, during the weekend of the G20 in Toronto, the MDC received reports which suggest a pattern of procedural Charter rights violations, including:

- Many who were arrested were not told of the reasons for their arrest, French-speaking persons were not provided with translation of the reasons for their arrest;
- While people were held at the PPC their ability to access counsel through the telephone was delayed for an extremely long time, or denied;
- A lack of access or delay in accessing free duty counsel at the PPC (the police apparently did not advise detainees of the existence of the lawyers who were stationed there);
- There were delays in being brought before a justice for a bail hearing, putting them outside the 24-hour period required in a jurisdiction like Toronto;
- People released from custody were often subject to unreasonable terms of release that prohibited them from attending demonstrations and in some cases downtown Toronto. This included people who were released without charge, who were led to believe they were subject to conditions that did not exist.

Questions that need answers:

- Was there a deliberate attempt to prevent access to counsel by arrestees at the Prisoner Processing Centre?
- Were the delays in processing prisoners based on legitimate resource issues? If so, why?
- Why were resources not allocated to translation services for French-speaking arrestees?

Conditions at the Prisoner Processing Centre

The MDC received over 200 phone calls from detainees held at the Prisoner Processing Centre (PPC). The majority of callers were emotionally distressed, exhausted, and on the verge of tears. Many were outraged at their treatment and informed us that they were being “treated like animals”. We received numerous reports of inhuman conditions and treatment, including the following:

- Little or no food or water for 12 or more hours
- No blankets or socks for protection from cold temperatures
- Bright lights overhead made it impossible to sleep
- Police punched and kicked detainees in the legs, ribs and head during their arrests while shouting “stop assaulting police” or “stop resisting arrest”
- Police physically assaulted detainees once they were already restrained
- Police taunted detainees with racist, sexist and homophobic slurs
- Police made threats of physical violence and/or gang rape
- Police watched detainees as they used the toilets
- Detained youths were not allowed to call their parents and were caged with adult prisoners
- Detainees were denied appropriate medical treatment, requests for which were ignored
- People held under breach of the peace were photographed using facial recognition software in violation of the *Identification of Criminal's Act*

Legal observers in custody at the PPC witnessed one individual in the same cage who was bleeding from his fingernails due to a prior condition. Another individual was seen slipping in and out of consciousness due to a concussion received from being kicked in the face by riot police. Neither person received any medical attention and were taunted by officers when they asked for assistance. Many detainees were shivering from the cold and from shock, their lips often turning blue.

Many phone calls to the MDC from people in custody reported tactics by guards that had detrimental psychological effects on detainees desperate to be released. These included:

- Detainees were repeatedly told to line up and provide their names and prisoner identification numbers for no obvious purpose;
- Guards would walk by the same cages over and over again calling out the same names over and over again. They continued to do so even when those people were clearly not in the cages that the guards were walking by;
- Overcrowded cages were adjacent to cages with only 3 or 4 detainees, all of whom were arrested at the same time and all released with no charges at the same time;

- Detainees waited sometimes more than 24 hours before they were allowed to make a phone call and were told that all the phones were in use. Upon receiving their phone call, detainees would see that many of the payphones were in fact not in use.
- Detainees were given insufficient time on the phone with counsel;
- Detainees were told they were being released from the PPC in front of their cage-mates – with a hint that everyone would be released soon – but were then simply moved to another cage.

On Sunday morning, police representatives advised the MDC that no Staff Sergeants were available to make decisions respecting releases. This apparent bureaucratic confusion seemed to fade away as soon as Sunday evening rolled around. The processing delays vanished and the majority of detainees were released en masse. These psychological tactics served to further terrorize and disorient the detainees.

Questions that need answers:

- Were the delays in processing prisoners based on legitimate resource issues?
- Why were the rights of young persons in custody not respected?
- What was the chain of command at the Prisoner Processing Centre (PPC)?
- Who was responsible for the overall policies and procedures followed at the PPC and what were their orders?

Mass Violations of the Human Rights Code

Before, during and after the G20 weekend, police (municipal officers, OPP officers and their agents) harassed, intimidated and suppressed the legitimate expression of political dissent in a manner that contravened Ontario's *Human Rights Code*. Indeed, the discrimination and harassment experienced by women, persons with disabilities, people of colour, Aboriginal activists, LGBTQ youth and trans folk is a demonstration of the importance of the issues on which people were organizing, including reproductive rights, violence against women, Indigenous sovereignty, workers and immigrant rights.

At the PPC, women were sexually harassed and assaulted. The MDC received reports of women who were subjected to sexual taunts or sexual touching by persons in authority while in detention. The MDC also received reports that women were sexually propositioned by police officers and by persons in authority while in detention. Women were strip-searched by male police officers – including cavity searches. They were forced to use washrooms without doors, in full view of male guards.

At the Prisoner Processing Centre (and at other stages of the criminal justice process), persons with disabilities were refused the accommodations of their disability-related needs that they are guaranteed by Ontario's *Human Rights Code*. When persons with disabilities felt that they were able to request an accommodation, the police at the PPC refused such requests. For instance, a Deaf man was arrested for not complying with police officers' oral orders. He was refused ASL interpretation at the PPC. He was

accused of “faking” his disability. At follow up court dates, ASL interpretation was not provided.

While at the PPC, people were refused access to necessary medication, even when they provided a medical note or prescription. Upon arrest, personal aid/mobility devices were confiscated by the police. People were refused access to those necessary assistive devices while in detention. People were released without their assistive devices (including wheelchairs, prosthetic legs, and glasses). In some cases, it was very difficult to get those items returned.

Young members of the Lesbian, Gay, Bisexual, Transgendered, Queer (LGBTQ) Community were treated differently and negatively by police officers because of their sexual orientation while in detention. The MDC received reports that LGBTQ-identified youth were subject to homophobic slurs, and segregated in solitary cages at the Prisoner Processing Centre. After being subjected to degrading and humiliating treatment, most were released without charges.

Racialized activist were targeted and subject to racist comments by police officers. Aboriginal arrestees were subjected to serious verbal and physical violence by police officers and their agents.

Questions that need answers:

- What were officers told of their obligations under the *Ontario Human Rights Code*?
- Were procedures created, and if so, followed, to ensure that all steps of the security operation complied with the *Code*?

Criminalization of Political Dissent

In addition to the searches and seizures and mass arrests of protesters, the police employed many other tactics which had as their purpose and effect the criminalization of political dissent, and which begin well before June 26 and 27th, 2010. A few examples of this broader pattern of state repression of dissent are the following:

Criminalization of political thought and expression:

- A pair of young political activists were held in custody overnight and charged with seven counts of mischief for putting up posters with political content related to the G20 two weeks before the Summit.
- Media reports have been replete with references to “alleged anarchists”, as though holding a political belief is a criminal act.
- Wearing black clothes and espousing anarchist political beliefs were treated as evidence of a crime during bail hearings.
- Leftist literature was part of Toronto Police Chief Bill Blair’s display of weaponry at a press conference on June 29, 2009. These weapons, according to Chief

Blair, demonstrated “the criminal intent of some of the protesters on the street”.

These are but a few examples of the widespread criminalization of political expression in and around the G20 Summit.

Criminalization of community organizers:

- The police have targeted and intimidated long-time community organizers who are committed advocates for social justice.
- Several community organizers reported being harassed and followed by police, and visited by CSIS at their home and/or workplace in the months leading up to the G20 Summit.
- Many organizers have been isolated and silenced, charged with serious crimes and placed on extraordinarily restrictive bail conditions, including terms of non-association with grassroots social justice organizations and bans on attending public demonstrations or expressing political views in public.

This criminalization of dissent through the treatment of community organizers as dangerous criminals has ramifications for non-profit community organizations working for positive social change.

Criminalization of “knowing your rights”:

- Protesters were targeted for having the MDC legal support phone number written on their arms. According to the police’s rationale, law abiding citizens do not need legal support, and having a lawyer’s phone number is evidence of criminal intent.
- The MDC’s “Know Your Rights” flyer – a quarter-page informational flyer setting out the constitutional rights of individuals who are searched, detained and arrested -- was included in Chief Blair’s display of so-called weaponry at the press conference on June 29, 2009.

These examples demonstrate the police’s criminalization of knowing and/or exercising constitutionally protected rights, including the right to counsel.

Criminalization of the protester:

- Items used during public demonstrations, including bamboo sticks for placards, equipment used to protect oneself against police chemical weapons (including goggles, kerchiefs, vinegar and water bottles), and other innocuous items such as contact lens cleaner and bike helmets were seized by police at protests.
- These items also formed the basis of “intent to cause mischief” or “weapons” charges. The Crown later dropped most of those charges.

Questions that need answers:

- Why is legitimate political dissent equated with crime?
- What were front-line officers told constituted reasonable and probable grounds for detention, search and arrest?
- Were certain political beliefs and indicators of same (banners, clothes, books, etc) identified as grounds for surveillance, detention, search or arrest?
- What training did police receive with respect to their obligation to facilitate the exercise of free speech, assembly and association rights?
- How were decisions made to allocate resources to this surveillance?

What will we learn from the events of the G20 Policing?

Based on the pattern of incidents described above, hard questions need to be asked by members of this Committee. In order to answer those questions, we need an inquiry with the power to compel testimony and subpoena evidence.

The MDC believes that what happened this summer in Ontario happened for a reason. To understand the reason, we might begin by asking a simple question: Who benefits from the repression of dissent and massive and systemic violations of civil, political and human rights by the police?

Who benefits when 1,100 people are arrested and held in a makeshift jail in appalling conditions, the majority of them not even charged? Who benefits when Julian Fantino and Bill Blair and Vic Toews and Stephen Harper escape any accountability for allowing and facilitating such wanton disregard for people's rights?

The police benefit, with new crowd control weapons, new surveillance equipment, and by keeping their jobs, despite the fact they have broken the law. Harper's Conservative government and any other government that faces opposition to its policies benefit by creating a climate of fear - fear that speaking out will mean you will be called a criminal thug by government, that you will face police violence and arrest.

Those who suffer are the people living in Canada who believe that we can and should stand up against injustice, and who choose to voice their opposition to government policies that further entrench social and environmental injustice. Ultimately, society as a whole suffers from the erosion of hard-won rights and political freedoms.

The G20 policing and resulting civil, political and human rights violations was not a random blip in our country's otherwise solid record of respecting the rights of its citizens and residents. It was, in fact, the most obvious and recent example of a long tradition of state interference against social justice critics of government policies, a pattern that seems to have become even more pronounced with the current Harper Conservative government.