

Still Looking for Answers: Hearings and Inquiries into the G20 Summit

By Julie Payne

ALMOST A YEAR AFTER THE G20 SUMMIT WAS HELD IN DOWNTOWN TORONTO, Canadians have access to more information about what happened at the protests and how it happened; however, there are still few answers as to why it happened. What's more, no level of government or police authority has taken direct responsibility for the extensive human rights violations that took place at the protests.

Immediately after the summit, Canadian Journalists for Free Expression published a survey to record how the rights of journalists were compromised. We heard from approximately 30 journalists who felt that their rights had been violated, and from two journalists who had experienced no problems whatsoever. The overall picture that has developed from the many emotional and angry testimonies is one of a very dark time indeed for free expression in Canada.

What CJFE learned about the failure of security forces to recognize the valid credentials many journalists presented to the police was disturbing. Journalists who had every right to be present were jailed in spite of those credentials. Ultimately, all of the journalists who were jailed were not charged, or, where charges were laid, they were later dropped.

Since then, numerous inquiries, public hearings and civil suits have been launched. These include:

- Two parliamentary standing committees, reviewing costs and tactics related to the G20 and G8 summits.
- The Commission for Public Complaints Against the RCMP, investigating RCMP conduct during the summits.
- Toronto Police Service's Summit Management After Action Review Team (SMAART), reviewing all aspects of Summit policing in Toronto.
- Toronto Police Service Board's review of matters of governance in relation to the G20 Summit.
- The Office of the Independent Police Review Director's review of systemic issues related to allegations against police of unlawful searches, unnecessary arrests and improper detention during the G20 Summit.

This array of responses clearly indicates that something went badly wrong on the weekend of June 25–27, 2010. But, with the staggered schedule of reports, and little co-ordination between the various departments and levels of government involved in these inquiries, it is hard not to be pessimistic about the likelihood of consistent and effective action.



Police in riot gear during the G20 Summit in Toronto in June 2010

By the spring of 2011, three reports had been released. CJFE has reviewed the findings and found common themes and recommendations among the reports.

The first inquiry to publish its findings was that of Ontario ombudsman André Marin, who released his report, *Caught in the Act*, on Dec. 7, 2010. It deals with the Ministry of Community Safety and Correctional Services and its implementation and use of Regulation 233/10, described in the report as being “of dubious legality and no utility.”

The report is a hard-hitting and strongly worded condemnation of the regulation, which Marin says should never have been enacted. He states that the ministry “quietly handed the police extravagant, sweeping powers ... powers that would almost certainly be illegal and unconstitutional under the *Charter of Rights and Freedoms*.”

Marin also identified several problems he faced in collecting information. For instance, he says that the Toronto Police Service declined his invitation to take part, and the York Regional Police only participated through written responses. In addition, many of the government documents he requested were censored to various degrees.

One of the most interesting questions raised by Marin is why Ontario is the only province to still have war measures legislation on the books. He notes that the Ontario Provincial Police, which rejected the use of the *Public Works Protection Act* during the G8 Summit, stated that “it would not likely stand up to a constitutional challenge.” Marin agrees, stating that he has “real reservations about the constitutional compatibility of Regulation 233/10 with the demands of freedom of expression.”

Caught in the Act concludes that the Ministry of Community Safety and Correctional Services promoted a regulation that “appears to be contrary to law” and is not “in accordance with the provisions of any Act.” He closes with four recommendations, including perhaps most importantly that the *Public Works Protection Act* should be revised or replaced. The ministry has agreed to his recommendations and will report on progress made at six-month intervals—the first of these reports is expected in April 2011.

The Canadian Civil Liberties Association (CCLA) and the National Union of Public and General Employees (NUPGE) released their report, titled *Breach of the Peace*, on Feb. 28, 2011, based on public hearings the two organizations held in Toronto and Montreal in November 2010. Neither the Toronto Police Service nor the Ontario Provincial Police accepted an invitation to send representatives to the hearings.

The report documents many of the violations of *Charter* rights and civil liberties that occurred during the policing of this event, including the arrest of 1,105 people—the largest mass arrest in Canadian peacetime history. Nathalie Des Rosiers, the CCLA’s general counsel, states that the rights violations from the G20 Summit protests occurred “on such a scale that they cannot be viewed as the result of individual police officers’ misbehaviours or overreactions.”

The NUPGE and the CCLA found that the majority of arrests resulting from the G20 Summit protests were excessive and unwarranted. These arrests violated the rights of Canadians to be free from arbitrary detention and unreasonable search and seizure.

The report concludes with eight recommendations, the first of which is for a joint federal-provincial inquiry. Additional recommendations call for improvements to policing policy and training, including *Charter* training specific to public demonstrations in order to ensure greater respect for the boundaries of lawful detention and search powers.

The third report, *Issues Surrounding Security at the G8 and G20 Summits*, was dramatically tabled on the last day of parliament, ensuring that it would be immediately overshadowed by the election.

This report from the Standing Committee on Public Safety and National Security draws from the previously discussed reports, along with accounts recorded at five hearings held by the committee between October and December 2010.

The report agrees with many of the points made in previous reports, and is equally vehement in its condemnation of human rights violations; it also decries the lack of transparency and accountability on the part of the Canadian government, and the absence of a clear chain of command to handle the security of the two summits.

In an interview with CJFE volunteer Dan Blackwell, Don Davies, NDP MP and vice-chair of the committee, said he thinks the committee’s most important recommendation was that “there must be a full, independent judicial inquiry with powers of subpoena, and the powers to compel the production of documents, and with counsel that they can actually take testimony over extended periods of time ... Right now we just have appalling treatment of Canadian citizens in a modern democracy, and not one person to this day has actually been held responsible for making those decisions, and they just want to move forward and close the chapter on it.”

In stark contrast, the report ends with a “dissenting opinion of the Conservative Party of Canada.” Here, the Conservative members of the committee “vigorously disagree with the conclusions drawn in this extremely biased report,” and state that “Conservative Members of this Committee believe that this summit was an unmitigated success.”

While each of the reports focused on different aspects of the G20 Summit protests, all three clearly documented the various human rights violations that took place. They viewed the actions of the government and police authorities critically, and made strong recommendations—including, crucially, calling for a public inquiry—to prevent similar violations from occurring.

CJFE recently wrote to Premier Dalton McGuinty to again call for a comprehensive inquiry including a thorough examination of police treatment of journalists covering the event. The premier responded that it would “be the decision of the Government of Canada to hold any public inquiry into security and enforcement activity during the G8 and G20 summits.” Once again, it is hard to escape the conclusion that, despite all of the time and resources being poured into inquiries and hearings, we have a long way to go before we have a clear understanding of the chain of command governing the G20 Summit and who should be held responsible for this travesty of justice.

CJFE will continue to monitor the progress towards giving Canadians the answers they deserve.

Julie Payne is CJFE’s manager.

JOURNALISTS SPEAK OUT

Some were hit with rubber bullets, some beaten by police. Their cameras were seized, sometimes broken. Film was destroyed. Some people were arrested and charged. Several were held in cages for up to 20 hours, denied food, water and access to legal help. Others were “kettled”—hemmed in by police—for up to four hours in pouring rain.

The following are excerpts from CJFE’s interviews with journalists.

“An Edmonton police officer demanded to see my press credentials, taking my Parliament Hill pass forcibly off my neck and telling me ‘That doesn’t mean shit to me,’ and I was then told to get on the ground.”

CHRISTOPHER PIKE, a freelancer with the National Post and Xinhua News Agency

“They asked me if the AMC was a legitimate press or if it was ‘underground press.’ The officer who harassed me asked if I was born in Canada”

DAVID PARKER, a journalist with a campus community paper

“Immediately my wrists were grabbed and I was forced into handcuffs. I said my press ID was in my bag but nobody was interested in seeing it. Nobody said anything, except my police escort, who said, ‘You have been charged with conspiracy to commit public mischief.’”

LISAN JUTRAS, blogging for the Globe and Mail

“Someone must be held accountable for the decisions which robbed so many innocent individuals of their rights. I am merely a citizen, and whether I’m taking photos for a website or marching for a cause, I should be able to freely assemble and walk down any street without being arrested and thrown in a cage when I have committed no crime.”

MICHAEL TALBOT, a journalist with Citytv/Rogers

To read the full article about the treatment of journalists during the G20, visit <http://tinyurl.com/43fkfeb>.

To watch video interviews with some of the journalists and CJFE Board member and lawyer John Norris, visit youtube.com/CJFECanada.