

# **Overview: Toronto G20 Legal Fallout**

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What kind of world do the G20 leaders want to create? They showed us a sneak preview at the G20 summit in Toronto last June: a billion-dollar security budget, 20,000 security personnel, secret laws, pre-dawn house raids, indiscriminate attacks with batons, tear gas, and rubber bullets. Over 1100 people were arrested, most of whom were never charged.

If this is the future, who can blame people for resisting?

Since the G20 protests, we've waited breathlessly for a comprehensive account of the charges and investigations stemming from the summit. Despairing of finding one, we finally prepared this report. It's not all-inclusive; there is a tremendous amount to keep up with, and many important details are still being forcefully withheld.

We call on everyone who desires a better world to support all those charged, arrested, and brutalized in Toronto. Government repression need not spell defeat; it simply marks a new phase of conflict, offering an opportunity to counterattack in the field of public opinion and discourage future repression. Our ability to act tomorrow is determined by what we do today to help our targeted comrades.

This report is dedicated to David Japenga, found guilty August 25 of breaking windows during protests against the G20 summit in Pittsburgh in September 2009.

## **General Overview**

Some 1105 arrests were made in connection to the protests against the Toronto G20 summit. This is believed to be the largest mass arrest in Canadian history. The number is still growing as a result of ongoing police investigations, including the publication of pictures and videos of wanted vandals on the police website and YouTube channel. On August 26, the police released portraits of "the worst of the worst" of the vandals, most of whom they allege to be either from Montreal or from the US. Young men of colour have been disproportionately represented among those targeted in this way.

On August 23, Toronto police claimed they had been able to find 20 suspects thanks to these methods. They have since claimed to have found at least two more. If it wasn't already obvious who is calling the shots behind the repression, it came out August 30 that the police are working with a facial recognition specialist from the Canadian Bankers Association to identify suspects from photos.

Of the 1105 arrests, about 800 resulted in no criminal charges. All arrestees were detained and processed in a temporary detention facility located in a former film studio on Eastern Avenue. The length of detentions in that facility ranged from a few hours to several days, in increasingly appalling conditions.

Those facing more serious criminal charges, including most of the 17 alleged anarchist "ringleaders" [sic] accused of having orchestrated the "mayhem" that occurred on June 26, were swiftly transferred to a provincial court where they were paraded before a Justice of the Peace and later transferred to Maplehurst Correctional Center, in Milton, pending their bail hearing.

## **Update as of August 23**

On August 23, it was confirmed that a total of 304 people had had criminal charges laid against them, ranging from "Disturbing the Peace" and "Mischief" to "Weapons Dangerous" and "Con-

spiracy to Commit an Indictable Offence.” In Canada an “indictable offence” is equivalent to a felony in the US.

All 304 accused were summoned to Provincial Court on August 23 to be further processed. It was said to be the largest mass court appearance in the city’s history. The following day the Ontario Ministry of the Attorney General presented this tally:

- 227 accused saw their cases remanded to later dates, ranging from the end of August to mid-October. The Crown failed to produce evidence in the majority of the cases.
- 22 had their charges withdrawn through a process called “diversion,” by which they accepted to donate \$25 or \$50 to a charity in exchange for exoneration. This is not an admission of guilt, but it does mean giving up the right to sue the State or police at a later date.
- 31 had their charges dropped unconditionally.
- 5 people signed a peace bond, by which they commit to “keep the peace” in exchange for exoneration.
- 6 people pleaded guilty.
- 9 cases out of these 227 turned out to be the result of administrative errors.
- 4 people failed to show up in court and had warrants issued for their arrests.

Of those whose charges were dropped, a few cases stood out:

- 2 photographers for the mainstream newspaper *National Post*, who were manhandled and detained on June 26.
- Washington-based media activist Lacy MacAuley, who was abducted on June 27 in the most brutal manner by a squad of plainclothes police. She is considering legal action.
- A Torontonion named Tammy M., who was also brutalized and sexually harassed by cops in detention.
- Natalie Gray, a Montreal-based environmental activist who was shot twice with rubber bullets at a solidarity rally in front of the temporary jail. Cops initially denied having used rubber bullets but retracted their lie the next day in the face of overwhelming evidence. Despite photographic proof, the mainstream media continues printing that she “claims” to have been shot. She is also considering legal action.

## **Fake Laws, Illegal Harassment, and Liberal Naïveté**

Much has been made in the Canadian media of the “bogus law” passed by the Ontario legislation under the Public Works Protection Act to provide police with sweeping extraordinary powers in and around the security perimeter of the summit. Several liberal commentators have complained that the law was passed in secret; in fact, it was passed discreetly June 2, and was only discovered

by the media on the first day of the summit, June 25, three days before the temporary measure was scheduled to be revoked. They have also complained that Toronto Police Chief Bill Blair lied about its scope until the day after the Summit and that Ontario Premier Dalton McGuinty did nothing to dispel the ambiguity surrounding the matter.

Blair did publicly state that the extraordinary law permitted cops to stop and search anyone within five meters of the fence, and to arrest and detain anyone who resisted or failed to comply. In fact, the temporary law only applied to the area within the security fence.

When he showed up in court on July 28, Dave Vasey, the only person who was arrested under this sham, was told that his papers had been “lost” either by the police or the Crown in what appears to be a clumsy attempt to make this embarrassing business go away.

The untold story here is that the cops were not only doing illegal searches and detentions within 5 meters of the perimeter, but throughout the entire Toronto downtown area. Thousands of incidents occurred in which people were randomly stopped on the sidewalk, asked for ID, and threatened with arrest if they did not comply. Illegal searches and arbitrary seizures were common throughout the week preceding the summit and continued until several days after it; friends and allies who stayed behind to support detainees were constantly stopped and aggressively interrogated.

So while liberals are focusing on the bark on the tree, everybody is forgetting the jungle behind. Anarchists, at least, are honest about not believing in the legitimacy of the legal system. It is absolutely despicable for the authorities to insist on the system’s legitimacy while disregarding it whenever it is convenient for them, and pathetically naïve that some liberals still believe in it despite all the evidence that they are alone in this.

## **Lawsuits**

Sherry Good, a Toronto local who was corralled along with approximately 200 other people on June 27 at the corner of Spadina Avenue and Queen Street, launched a \$45 million class action law suit against the police. She claims to act on behalf of the “800 individuals who were allegedly wrongfully arrested during the G20 Summit at various locations, and never charged with any wrongdoing.”

Another lawsuit was announced in Montreal on August 20 by two sisters arrested on June 27 and detained for 60 hours following a police raid targeting several dozen Québécois protesters sleeping in a gymnasium at the University of Toronto. This one is filed against the Montreal Police Department for being effectively complicit in the horrendous conditions and “psychological torture” at the Eastern Avenue detention center.

Just as this update was posted, Mike Barber and Miranda McQuade launched a \$115 million class-action lawsuit against the Toronto Police Services Board, federal Attorney General Rob Nicholson, and the Peel Police Services Board.

More class-action lawsuits are expected to be filed in the coming months.

## **Lies, Damn Lies, and Police Press Conferences**

On June 29, Toronto police organized a media conference to showcase all the weapons supposedly seized from protesters over the Summit weekend. It was soon revealed that most of their

“evidence” was comprised of random items seized under various circumstances, some not even related to the protests. This includes arrows and chain mail taken from Brian Barrett, a medieval revivalist on his way to a joust; a chainsaw and crossbow taken from Gary McCullough, a woodsman who carried all his belongings in a makeshift roof-rack on top of his Hyundai; and camping equipment, some wooden katanas, and a copy of the anticapitalist publication *Upping the Anti* seized from the house of an organizer before any ruckus even started. These items were displayed next to some helmets, gas masks, and an assortment of rather lame-looking defensive gear.

It was quickly admitted that the chainsaw and crossbow were seized from a man who had nothing to do with the protests.

## SOAR Conspiracy Charges

Of the remaining accused, 17 believed to be “executives” [sic] of the Southern Ontario Anarchist Resistance (SOAR) are charged with counts of Conspiracy to Commit Mischief over \$5000, Conspiracy to Assault Police, and Conspiracy to Obstruct the Work of Police. Some of them also face several more counts of “Counselling” to commit indictable offences including mischief, assault, and others, as well as counts of mischief and various other charges. Details are still scarce due to a publication ban.

All of the 17 have been released on bail and are now under house arrest on very stringent conditions. These conditions include house arrest at the residence of their respective sureties; non-association with any of the co-accused or anyone reasonably known to be a member of SOAR or AW@L (formerly Anti-War at Laurier); and a “no protest” condition preventing any of them from “organizing, participating in, or attending any public demonstration.”

A few more people from southern Ontario believed to be close to anarchist networks are also charged with “Counseling” and other serious charges, and are out on similar conditions. This makes the “17” tag somewhat arbitrary and subject to change.

Here is an incomplete summary:

- Erik Lankin, from Kitchener, has only just now been released from Maplehurst Correctional Center more than two months after his arrest in an early morning raid of his apartment on June 26. His bail was denied on July 6 by a particularly awful and evidently constipated Justice of the Peace.
- Sterling Stutz was released on \$30,000 bail on July 6.
- Syed Hussan, organizer with No One is Illegal Toronto and spokesperson for the Toronto Community Mobilization Network, was released on \$55,000 bail on July 8. He had been arrested in the early morning of June 26 on his way to a press conference.
- Patrick Cadorette and Jaggi Singh, both Montreal-based organizers with the Anti-Capitalist Convergence (CLAC), were released on respective bonds of \$47,000 and \$85,000 on July 12. Cadorette was arrested on June 26 while on his way to the main action. A well-known activist, Singh turned himself in on July 6, the first day of the collective bail hearing, after learning of a warrant for his arrest.

- Peter Hopperton of Hamilton, said to be a “ringleader” of SOAR, was released on \$75,000 bail on July 14. He had also been arrested in an early-morning raid on the Toronto apartment where he was staying.
- Alex Hundert and Leah Henderson, of Toronto, said to be “ringleaders” of SOAR, were released on bail on July 19. They were both arrested in the early morning of June 26 by a police team from the “guns and gangs” unit who battered down the door of their Toronto apartment, guns drawn. The Crown has appealed their release. The judge will render a decision on the Crown’s appeal on September 13.
- Mandy Hiscocks, from Guelph, also said to be a “ringleader” of SOAR, was released on \$140,000 bail on July 27. She had been arrested with Hundert and Henderson in the same June 26<sup>th</sup> early morning raid.
- Julian Ichim, of Kitchener, charged with Counseling, was released on bail on June 28. He was charged with Conspiracy as well a few days before this report.
- Kelly Pflug-Back, of Guelph, who was not among the original 17 alleged conspirators but is accused of participating in the widespread destruction of property that occurred on June 26, was released on \$80,000 bail on August 12. Pflug-Back faces 13 different charges, including 8 charges of mischief over \$5000 and one count of conspiracy. She turned herself in on July 21, having learned of a warrant for her arrest.
- Another man from Hamilton, Ontario was arrested August 26 and charged with conspiracy as part of the SOAR case, in addition to the 17 original defendants. He was released the following day.

Others among the original 17 have not been publicly named yet. They will all be back in court on September 27, at which point it is expected that the evidence will be disclosed and the details of their prosecution will be negotiated.

The conspiracy case stems from an undercover police operation which started back in April 2009 to monitor anti-Olympics and “extreme anarchist” [sic] activity in Southern Ontario.

More details about this investigation will appear soon.

## **Still in Jail**

Some people are still in jail on G20-related charges:

- Indigenous sovereignty activist Ryan Rainville is charged with causing mischief over \$5000 and for assaulting a police officer; he has been denied bail.
- Byron Sonne, a Toronto-based computer expert, was arrested on June 22 on several charges including possessing explosives for an unlawful purpose, possessing dangerous weapons, and mischief. His bail was denied on July 20.
- Gary McCullough, a 53-year-old man from Whitby, Ontario, was arrested on June 25 near the security fence after cops were alarmed by the roof-rack on his car. After they pulled

him over, they discovered McCullough was carrying several hazardous items in this rack including a chainsaw, a crossbow, and a few gas cans. Cops said his charges were “not related” to the G20 summit, but this did not prevent Chief Bill Blair from adding the chainsaw and crossbow to his mendacious display of seized “weapons.” McCullough’s case is further complicated by his alleged “mental health issues.” He was denied bail on June 29 on “secondary grounds”: no doctor has said that he is dangerous or needs to be committed, but the Crown is alleging that, based his history with the mental health system, Gary poses a threat to the public. He is still being detained at Maplehurst.

## **Criminalizing Hip Hop: Testament and Illogik**

Testament and Illogik, the duo behind the exciting music video correctly predicting that people would confront the G20 in Toronto, were arrested June 27. Both are charged with Conspiracy to Commit an Indictable Offense, Council to Commit an Indictable Offense, and Disguise with Intent to Commit an Indictable Offense; bail was set at \$20,000 each. Testament was also charged with breach of bail as a result of being arrested wheatpasting posters about the G20 in London, Ontario a week before the summit; the charges from that arrest were dropped immediately afterwards and the London police chief went on record saying they had only charged him so he would be out on bail conditions during the G20.

The release conditions for the two include not associating with each other, not associating with members of “Black Bloc” [sic], not possessing anything that could be used as a disguise including bandanas and scarves, and not associating with various people from Quebec they’ve never even met.

## **Targeting the Québécois**

A group of more than 70 people, most of whom are Québécois, who had been traveling to Toronto with CLAC-organized transportation were arrested in a morning raid of a University of Toronto gymnasium which had been offered as an accommodation to CLAC by the student union. This somewhat soft target consisting primarily of young students was violently awakened with kicks to the back, blows to the head, and drawn guns. There were several incidents of beatings, brutal treatment, and theft of money, all accompanied by anti-Québec slurs and insults. Everyone in this group has been charged with Conspiracy, as police claim that they were the “foot soldiers” who made up the rampaging Black Bloc on June 26.

This flimsy assumption is thought to stem from faulty intelligence gathered through the undercover investigation and police infiltration of SOAR meetings.

In fact, Québécois were systematically targeted throughout the summit and over the following days. Cars with Québec license plates were stopped and searched and the passengers aggressively interrogated. A bus carrying people back to Québec was stopped and its passengers searched and temporarily detained on the afternoon of June 27, near the convergence center. There was an immediate spontaneous show of support from protesters and local residents, which resulted in more abuse and arrests.

As of the June 23 hearing, Québécois make up more than a third of the accused. Most, if not all, of these defendants will be back in court on October 14.



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