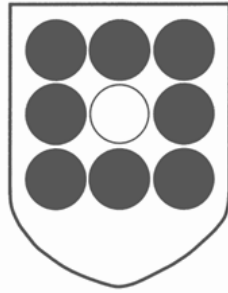


CANADIAN
CIVIL LIBERTIES
ASSOCIATION



ASSOCIATION
CANADIENNE DES
LIBERTES CIVILES

A BREACH OF THE PEACE



A PRELIMINARY REPORT OF OBSERVATIONS
DURING THE 2010 **G20 SUMMIT**

JUNE 29, 2010

[I]n an open democratic society the streets, the parks, and other public places are an important facility for public discussion and political process. They are in brief a public forum that the citizen can commandeer; the generosity and empathy with which such facilities are made available is an index of freedom.

Rt. Hon. Antonio Lamer, Chief Justice of Canada

***Committee for the Commonwealth of Canada v. Canada*, [1991] 1 S.C.R. 139**

You do not have to choose between strong, effective policing or the human rights approach.
You can marry the two.

Demonstrating respect for rights? A human rights approach to policing protest
UK Joint Parliamentary Committee on Human Rights, 2009

As an independent observer for CCLA on the streets of Toronto during the G-20 summit, I was asked by a police officer what I was doing standing on the sidewalk (...). I explained that, like him, I was in the business of guarding *Charter* rights.

CCLA Human Rights Monitor
June 28, 2010



EXECUTIVE SUMMARY:

The *Canadian Charter of Rights and Freedoms* guarantees everyone in Canada the right to freedom of expression and the right to peaceful assembly. It also guarantees the right of all persons to be free from arbitrary detention and unreasonable search and seizure. These constitutional liberties – and the limits they place on government and police – are the foundations of our free and democratic society. The G20 Summit did not authorize or warrant their suspension. Constitutional guarantees matter because, as is often said, without them, “even the most democratic society could all too easily fall prey to the abuses and excesses of a police state.”¹

It is the opinion of the Canadian Civil Liberties Association that police conduct during the G20 Summit was, at times, disproportionate, arbitrary and excessive. In our view, despite instances of commendable and professional conduct, the policing and security efforts, especially after 5PM on June 26 and June 27, failed to demonstrate commitment to Canada’s constitutional values.

The conditions for some of the policing problems that were experienced during the summit were set during the preparatory stage. This report outlines some of the issues that undermined the security efforts. For example, the lack of transparency surrounding the designation of the security perimeter as a “public work” led to misunderstandings as to the scope of search and seizure powers and, in our view, to an inappropriate use of these powers. The large number of police officers during the week leading to the G20 generated both a suspicion of wasted resources and a sentiment of potential intimidation. June 26 represents a turning point. Widespread property damage was committed by a cohort of vandals in the downtown of Toronto on that day. We condemn this criminal activity and acknowledge that it warranted a response by police. The response which police provided, however, was unprecedented, disproportionate and, at times, unconstitutional.

Over the next 36 hours, over 900 people (possibly close to 1000) were arrested by police – the largest mass-arrest in Canadian history. Media, human rights monitors, protestors and passers-by were scooped up off the streets. Detained people were not allowed to speak to a lawyer or to their families. Arbitrary searches occurred in countless locations across the city, in many instances several kilometers from the G20 summit site. Peaceful protests were violently dispersed and force was used. In an effort to locate and disable 100-150 vandals, the police disregarded the constitutional rights of thousands.

In preparation for this report, the CCLA dispatched over 50 human rights monitors to make first-hand

¹ Justice Cory of the Supreme Court of Canada in *R. v. Storrey*, [1990] 1 S.C.R. 241, par. 14

observations of the police presence at G20-related demonstrations throughout the week. Our report chronicles the incidents that the CCLA's human rights monitors witnessed throughout the summit and, where indicated, reports we have received from members of the public and have verified and found trustworthy. There are, of course, many examples of very competent and professional conduct on the part of police officers throughout the week which were noted by our monitors. We certainly acknowledge that the police faced a difficult task. Nonetheless, Canadians are entitled to policing that does not undermine constitutional values. Unfortunately, we consider that the abuses chronicled in this report exceed the threshold of a few isolated incidents. In our view, they represent instances of inappropriate policing that cannot simply be swept away as the G20 ends. They demand accountability.

The CCLA is calling on all levels of government to take immediate action to correct some of the weaknesses in the legal framework surrounding public order policing in Canada. It also demands that independent inquiries be conducted into several aspects of the policing during the G20 Summit.

In particular, we ask for:

1. Repeal or significant amendment of the *Public Works Protection Act* to meet basic constitutional standards
2. Withdrawal of all charges laid under the *Public Works Protection Act*
3. Implementation of consultation and transparency requirements for regulatory processes
4. Apology from the Ontario government for the process used to adopt the designation pursuant to the *Public Works Protection Act*
5. Implementation of better guidelines for the establishment of security perimeters
6. Regulation of new crowd control technologies prior to their use and deployment
7. Compensation for business owners and for persons wrongfully arrested
8. Amendments to the *Criminal Code* to modernize and bring up to constitutional standards the provisions relating to breach of the peace, unlawful assemblies and riots
9. Full independent inquiry into the actions of the police during the G20, in particular:
 - a. The dispersal of protesters at the designated demonstration site in Queen's Park on Saturday June 26th
 - b. The detention and mass arrest on the Esplanade on the night of Saturday June 26th
 - c. The arrests and police actions outside the Eastern Ave. detention centre on the morning of Sunday, June 27th
 - d. The prolonged detention and mass arrest of individuals at Queen St. W. and Spadina Ave. on the evening of Sunday, June 27th
 - e. The conditions of detention at the Eastern Ave. detention centre



INTRODUCTION:

The *Canadian Charter of Rights and Freedoms* guarantees everyone in Canada the right to freedom of expression and the right to peaceful assembly. International meetings are an occasion for people to express their agreement or disagreement with their leaders. The host country has a duty to uphold the right of people to be heard and to congregate, while ensuring the safety of the host community and political leaders gathering on its territory.

Our report arises from the first hand observations made by the CCLA's human rights monitors throughout Toronto during the summit, and, where indicated, from reports we have received from members of the public that have been verified and found trustworthy. The narratives provided here represent a small sample of the notes and daily reports by our monitors. The images were also taken by them during the course of their monitoring.

While there were certainly instances of very competent and professional behavior of police officers throughout the week, our monitors also observed many instances of abuse of power. We sadly conclude that the provision of security at the G20 Summit failed to demonstrate Canada's commitment to transparency, fairness, and constitutional values.

This report is divided into three parts. First, we first briefly present the human rights and constitutional law framework that must support public order policing. Second, we outline some specific observations made by our monitors and the concerns that they raise. Finally, we outline some conclusions and recommendations.

We welcome comments on this preliminary report.

I. A HUMAN RIGHTS FRAMEWORK

Canadians are entitled to demand the best public order policing possible from their government. Recent reports on managing public protests by police have noted the importance of developing a framework that clearly identifies the importance of freedom of expression and freedom of assembly in designing the policing strategy. In *Adapting to Protest* from Her Majesty's Chief Inspectorate of Constabulary, a report that was issued after an inquiry into policing of the G20 meeting in London, England in 2009, the first recommendation reads as follows:

Demonstrate explicit consideration of the facilitation of peaceful protest throughout the planning process and the execution of the operation or operations. The right to freedom of assembly places obligations on the police. The starting point for the police is the presumption in favour of facilitating peaceful assembly. However, the police may impose lawful restrictions on the exercise of the right provided such restrictions are lawful, have a legitimate aim (such as the interests of public safety or the protection of the rights and freedoms of others) and are necessary and proportionate. (p.10)

In our view, democratic public order policing must be based on the following principles:

1. Security measures must be developed with a view to efficiently ensuring the security of the general public, the dignitaries, the protestors and security personnel²;
2. Security measures must be developed in the context of respect for and protection of individuals' constitutional rights, including democratic and due process rights, the right to privacy, freedom of peaceful assembly and freedom of expression.
3. Government actions that restrict human rights must be necessary, minimally intrusive, proportionate, and use the least force possible.
4. International standards³ with respect to policing large events should be at a minimum adhered to, and ideally surpassed.

² *Foreign Missions and International Organizations Act*, S.C. 1991, c. 41.

³ *United Nations Code of Conduct for Law Enforcement Officials*, (1979) 34 U.N. GAOR Supp. (No. 46); U.N. Doc. A/34/46; *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990) U.N. Doc. A/CONF.144/28/Rev. 1

II - SPECIFIC CONCERNS REGARDING G20 SECURITY AND POLICING:

A. REGULATORY CONCERNS

1. Regulations Expanding Police Powers Passed in Secret

The CCLA is concerned about the Ontario government's decision to pass a Regulation under the *Public Works Protection Act*, legislation that was adopted in 1939, only a few weeks after Britain declared war on Germany. The new Regulation, made on June 2nd, filed on June 14th and published on e-Laws on June 16th, designates the streets and sidewalks inside the police-established security perimeter a "public work" between June 21 and June 28, 2010.

This Regulation expands police powers in the area in and surrounding the security fence. As a result of these expanded powers, police gained the authority to require individuals approaching the fence to show identification and subject them to searches. The public was not notified of this significant expansion of police powers until after the Regulation came into effect, offending the basic principle that laws ought not to be passed in secret and must be known by the public. The Regulation will not be published in the Gazette until after it will have been revoked.

At least one individual was detained, arrested, and charged under this *Act* because he declined to identify himself while walking outside the unsecured fence prior to the summit.

The CCLA is alarmed by the context of this law and at the manner in which the Regulation was passed. CCLA suggests that the broad police powers granted under the *Act* are inconsistent with current Charter requirements. In addition, we believe that Ontarians have the right to know and debate the scope of powers granted to law enforcement, even temporarily. People who worked and lived in the vicinity of the perimeter had the right to know that they no longer had a right to refuse to disclose their identity to the police. Secretive processes only serve to diminish the public trust in government.

We urge the government of Ontario to improve the consultation requirements applicable to the adoption of regulations affecting Ontarians, to withdraw all charges laid under the *Public Works Protection Act*, to amend or repeal the *Public Works Protection Act* and to apologize to Ontarians for the process used to adopt the Regulation.

2. Controlling Use of Space

Under the *Foreign Missions and International Organizations Act*, the RCMP has the authority to take “appropriate measures, including controlling, limiting or prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances” to ensure the security for an “intergovernmental conference”. Such security measures do restrict individual civil liberties and must be reasonable and in conformity with the *Charter*.⁴ The APEC Inquiry Commission Interim Report, which followed the heavy use of police force at the Asia-Pacific Economic Conference in Vancouver in 1997, recommended that “[a]t future public order events, a generous opportunity should be afforded for peaceful protesters to see and be seen.”⁵ This is in accordance with the fundamental right of all Canadians to freedom of expression. While barriers may be erected to address legitimate security concerns, such barriers may not be misused for the purpose of insulating the government or its guests from criticism or peaceful dissent.

The CCLA has been concerned that the security protocols established for the G20 did not meet the standard established by Mr. Hughes in the APEC Interim Report, in that groups that sought approved route marches from the police – including the approximately 10,000 peaceful demonstrators who marched on Saturday, June 26 – were given routes that were blocked from approaching the vicinity of the outer fence. Such a wide and substantial security cordon effectively prevented this substantial expression of dissent from being seen or heard by Summit delegates.

We recommend that in the future the framework established by Mr. Hughes, that is, that protesters must be afforded the right to be seen and heard, be applied. We also recommend that a detailed legislative framework for the establishment of security perimeters be developed.⁶

3. Regulation of new technologies

It is essential to thoroughly and independently test, evaluate and review new technologies that have the potential to cause physical harm *before* they are deployed against the general public. CCLA is currently requesting an injunction to prevent the use of sonic cannons (long range acoustic devices or “LRADs”) until they have been properly tested and approved. The injunction must be heard before

⁴ *Tremblay v. Quebec (Attorney General); R. v. Knowlton*, [1974] S.C.R. 443; *Ogden Entertainment Services v. U.S.W.A., Local 450* (1998), 159 D.L.R. (4th) 340 (Ontario), (Appeal Dismissed at C29462 June 1, 1998, 38 O.R. (3d) 448.

⁵ Commission for Public Complaints against the RCMP, APEC –Interim Commission Report, July 31, 2001

⁶ Wes Pue and Robert Diab, *The Gap in Canadian Police Powers: Canada Needs “Public Order Policing” Legislation*, 28 Windsor Review of Legal and Social Issues 87

October 1st. We hope to obtain the commitment of the Toronto Police and the Ontario Provincial Police for a better regulatory framework for the LRADs. The interlocutory injunction obtained by the CCLA just prior to the G20 protests compelled the Toronto Police Service to amend its procedure for use of the sonic cannons. CCLA is requesting all logs of the use of the sonic cannon during the G20.

B. POLICING CONCERNS

1. Search and Seizure Powers

Freedom from unreasonable search and seizure is a fundamental right enjoyed by Canadians. Unless a person is being legally detained or arrested, the police must have a warrant, or other reasonable grounds, to forcibly search individuals.

The CCLA continues to be concerned that the invocation of the *Public Works Protection Act* granted the police the authority to demand that any individual entering the G20 security perimeter submit to a search – even during the period of time when the fence was left open. No further basis was needed to execute the search and failure to permit the search was grounds for arrest.

Outside of the vicinity of the security perimeter, our monitors observed systematic and widespread searches throughout the week. Dozens of instances were observed of police stopping individuals in locations far away from the G20 security perimeter. Throughout the week, observers watched large groups of officers stationed outside the exits from subway stations or at the entrance to public parks, demanding that individuals who exited or entered submit to a search. There are unconfirmed reports that by Sunday police officers were even stopping and boarding TTC street cars systematically to conduct searches. Our monitors also observed plain clothes officers conducting searches on the G20 weekend. In the overwhelming number of observed instances, the police stated no basis for conducting the search.

There were several instances where monitors themselves, or those they were observing, clearly and unequivocally stated that they did not consent to being searched. The searches proceeded despite a clear lack of consent.

There was uncertainty as to the grounds to justify these searches. In some instances, monitors or those being searched asked police what the grounds were for the searches. The answers given included, “the city is burning”, “we search everyone with a backpack on the way into a protest”, and simply “look at the guy’s shirt” referring to a t-shirt that read ‘F*ck the G-20’. Considering the scale

and the systematic nature of *prima facie* illegal searches, it appeared that after 5PM on Saturday, the constitutional protection against arbitrary detention and unreasonable searches had effectively been suspended across downtown Toronto. This situation has alarming implications for civil liberties and public accountability.

The lack of clarity as to the scope of the search and seizure powers created many difficulties. It precipitated conflicts that could have been avoided. We recommend that the issue of searches and seizures be addressed in any future legislative framework dealing with public order policing.

2. Overwhelming and Intimidating Police Presence

In the UK Joint Committee Report of 2009, another independent governmental review of the 2009 London G20, the Committee commented on the ratios of police to protestors in the following terms:

We are concerned that protestors have the impression that the police are sometimes heavy-handed in their approach to protests, especially in wearing riot equipment in order to deal with peaceful demonstrations. Whilst we recognize that police officers should not be placed at risk of serious injury,

the deployment of riot police can unnecessarily raise the temperature at protests. The PSNI has shown how fewer police can be deployed at protests, in normal uniform, apparently with success. Whilst the decision as to the equipment used must be an operational one and must depend on the circumstances and geography in the particular circumstances, policing practice of this sort can help to support peaceful protest and uphold the right to peaceful assembly and we recommend that the adoption of this approach be considered by police forces in England and Wales, where appropriate. (para 187)

I was monitoring a demonstration that was gathering at Allen Gardens, far away from the G20 summit site. In fact, it was Friday so the summit had not even begun yet. I watched as police demanded to search every person who entered the park with any type of bag. One person told that the police threatened to arrest her if she refused to submit to the search and tried to enter the public park. I continued to watch as fifteen people in a row were stopped and searched as they entered the park. Most people were both confused and upset by the incident. So was I.

CCLA Human Rights Monitor

The CCLA's human rights monitors repeatedly reported an overwhelming number of police and security officers throughout the city. Throughout the week, and particularly prior to Saturday, the sheer number of police officers compared to the

protesters was disproportionate and created an atmosphere of intimidation. Many instances were recorded where large groups of police officers – often nine or ten – surrounded individuals to search or interrogate them as they were walking along sidewalks or through parks. Interrogation or searches under such situations cannot be said to have happened with free consent. The number of police deployed in these situations appeared to be both a waste of resources and an unnecessary escalation of a confrontational atmosphere.

Particularly during the weekend, police were wearing riot gear and were seen with weapons including tasers, guns loaded with pepper spray, tear gas guns and guns that shot some form of projectile. Many observers reported seeing large groups of police officers without their names or badge numbers visible, thus impeding the rights of the public to make complaints about abuses by specific officers. One group of monitors walking along the street, far from any demonstration, was questioned by police officers, one of whom removed his name badge prior to approaching them and questioning them. Police in riot gear also engaged in intimidating tactics, including clattering their batons against their shields and pointing guns at peaceful crowds.

I was monitoring a peaceful protest at Queen's Park South late in the afternoon on Saturday. People were milling around and some people were sitting in a line across Queen's Park Crescent. Further down Queen's Park Crescent and in the intersection of College Street and University Avenue hundreds of riot police were stationed. Suddenly, a row of riot police advanced ten meters north towards the protest. One officer fired a weapon of some kind at the ground close to where a line of protesters were sitting. The weapon caused white smoke to rise in the air. The police then issued an audio warning that protesters had to disperse but I do not know if everyone in the park could hear it. The riot police line then suddenly advanced again another ten meters. Protesters began to scatter. The police continued this advance-wait-advance pattern. I was very confused as the protest seemed entirely peaceful at the time and Queen's Park was the designated demonstration zone?

CCLA Human Rights Monitor

3. Use of Force

CCLA condemns the use of violence both by members of the public and by the police. We also acknowledge that the police may at times need to exercise some force in order to ensure public safety. In cases where force is necessary, it should be exercised minimally and in a manner that is proportional to the threat.

Unfortunately, CCLA monitors witnessed many apparent instances of police using more force than was necessary while conducting searches, arresting individuals, and controlling crowds – particularly after Saturday at 5 pm. Monitors saw police riot lines charging into peaceful crowds without audible warning. There were also instances where monitors observed police shooting into peaceful crowds without warning. In two of the directly observed instances the police shot a form of white powder. In the third incident, a peaceful crowd was surrounded on all sides by riot squads when police fired three rounds of a solid projectile towards the crowd. One hit a man who had thrown an empty pop can, while the other two rounds hit monitors' bicycles, breaking the spokes of the wheels.

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"A's" Narrative Account, Saturday June 26, 2010

At around 10:00 pm I am riding my bicycle down St. George St. As I turn east onto Hoskin, I see two sets – a lot – of riot police running, chasing people west on Hoskin Ave. They are moving quite fast – I am worried they will keep coming, running towards the people and overtake them. Suddenly they stop, turn around, start marching back west towards Queen's Park. They are clattering on their shields, and looking quite scary. J and I follow them on our bikes, as we see Devonshire to the north, there is a circle of mounted police, in the middle of the street beside the stadium. We ride north up Devonshire, and cut through Philosopher's walk. There is a protest headed west on Bloor.

We ride west on Bloor, sometimes cutting down south to ride faster and catch up with the front of the protest. We get near the front, and then they turn south on Yonge. No violence by protesters on the way down, but they were variously chanting 'peaceful protest', 'they kicked us out of Queen's Park', 'join us'. Protesters were upset they had been removed from Queen's Park.

Very little police presence. We see one small set of riot police deploying on an east side street. At some point before Wellington, protest turned west, and then cut south again – going towards fence. Protesters got to southern edge of Wellington, between York and Bay – half standing on top of platform at Wellington, half down stairs at street level. Small police presence in front of fence. Protesters sang Oh Canada, chanting peaceful protest. Riot police were at Wellington and York. They moved east along Wellington street, a few moments later a set comes up stairs to the west of us, onto the upper platform. People withdrew quite quickly, not waiting for police lines to reach them.

People coalesced into group on King, between York and Bay. Group of protesters was surrounded on west, south and east by riot police. Solid building was to north. They were hemmed in.

Protesters were standing in group. Suddenly police at eastern edge of box fired some sort of large plastic-type projectile, hit guy in stomach area. Police fired two more rounds, hit my bike wheel and J's bike wheel. Broke some spokes. People ran away from that side of protest. Woman with media pass asks if I can find what hit me, I say I think it was plastic, she's saying she needs to see it. I just run. Riot police moved closer. Guy in protest with a megaphone said we should sit, show we were peaceful. Most of protesters sat down.

Eventually person on loudspeaker said that he had a message from police – we would be able to leave through west side of protest. Protesters got up and walked off. Some headed north or west, away from protest. One part, maybe half, turned and went south. J and I went north on Yonge, walked home.

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4. Mass Arrests

The CCLA is extremely concerned about the mass arrests that took place during the G20 Summit. According to the most recent media reports, over 900 people have been arrested – the largest mass arrest in Canadian history. CCLA monitors observed mass arrests occurring on the Esplanade on Saturday night, at the University of Toronto Graduate Student Union on Sunday morning and at Queen St. W. and Spadina Ave. on Sunday night. Police tactics during the G20 included boxing in large groups of protestors and other members of the public without adequate warning, followed by systematic and mass arrests of all of those in the area. This practice is a violation of civil liberties and is clearly contrary to the Canadian *Charter's* guarantee of freedom from arbitrary detention or arrest, and violates international human rights norms. The United Nations Human Rights Committee has previously criticized a Canadian police force for the mass arrest of protestors and has stated that Canada “should ensure that the right of persons to peacefully participate in social protests is respected, and ensure that only those committing criminal offences during demonstrations are arrested.”

The G20 security unit failed to adhere to this standard. Hundreds of persons were arrested for breach of the peace, including individuals who were simply walking downtown, those who were peacefully protesting, members of the media who were reporting on the G20 and human rights monitors.

Mass arrests in response to the reading of the “riot act” are infrequent, but mass arrests have been used by police to disrupt crowds. The threat of arrest is often used. No doubt, police may need tools to manage crowds that become uncontrollable. Nevertheless, amendments to the *Criminal Code* are necessary to bring the old fashioned and antiquated provisions dealing with “unlawful assemblies”

and “riots” in line with modern conceptions of freedom of assembly and the international developments on this issue.

We recommend that the Minister of Justice undertake to create a committee to recommend modernization of the *Criminal Code* provisions dealing with “unlawful assemblies” and “riots”.

The tool used by police to effect mass arrests is the charge of “breach of the peace”. Many people were threatened with a charge of “breach of the peace” as they were waiting in the rain at Queen St. and Spadina Ave. on Sunday night. The discretion of police officers in wielding the possible charge of “breach of the peace” is incompatible with current constitutional requirements of fundamental justice. Breach of the peace is too vague a provision. It should be repealed or amended.

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“M’s” Narrative Account, Saturday June 26, 2010:

My partner and I followed a group of protestors to the front of the Novotel hotel on Esplanade and as the crowd assembled, we began to take notes on the police presence and their interactions with the protestors. The protest was comprised of several hundred demonstrators who were chanting slogans in front of the hotel. Police then emerged on the east side of the street, blocking off any retreat from that side. My partner and I then decided to move to the other side of the crowd, but by the time we had picked our way to the other side, another team of riot police had cordoned-off the western side of the street, effectively blocking off any way for myself, my partner, protestors or any passersby from departing. Over the next 20 minutes or so, the police periodically move forward, confining the people to a smaller space. No announcement was made to the crowd calling on them to depart, and no space was made for them to do so. In response to the police, the crowd decided to sit down, turning their protest into a peaceful sit it. Calling on the crowd to be quiet, the police made their only announcement: we were all under arrest.

Over the next two to three hours, every member of the crowd that had been caught in the cordon was arrested. I was transported to the makeshift detention centre where, after waiting on a prisoner bus for around 90 minutes, I was placed in a cell with 13 others. The next 18 hours were a case-study in police ineptitude. We were given two dixie cups of water over that period, with the second being undrinkable. There was no discernable plan for processing those who had been arrested, and even though the police were aware of this fact, they made absolutely no effort to adapt their poor planning to reflect the reality of the situation. Without any cogent procedure to speak of, the delays for water, information and even insulin were, in fact, tantamount to denial. The police alternated between either ignoring our requests, or simply deflecting them with light-hearted banter that came off as merely insulting given the gravity of the situation that the detainees found themselves in.

“P’s” Narrative Account, Sunday June 27, 2010:

At 5:41 p.m., my monitoring partner “D” and I had been walking west on Queen St. West from Osgoode Station. We arrived at the Spadina Ave. intersection, and came upon a group of roughly 300 people – some peacefully protesting, while most circled around, simply observing and taking pictures of the 20-25 line of police on bicycles who were blocking off the south side of Spadina Ave. Over the next 45 minutes to an hour, we witnessed a steadily increasing number of riot police enter the intersection and block off each side – from the west side, to north, and finally east. The actions of the police were in response to no violence that I could see from the crowd. A police helicopter was circling the intersection the entire time. The sudden and unnecessary burst of riot police, intimidation and later blanket arrests were completely reckless and indiscriminate.

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“J’s” Narrative Account, Saturday June 26, 2010:

My monitoring partner and I followed the march of about 300 protesters down Yonge Street and onto The Esplanade. A line of police officers dressed in riot gear with what appeared to be tear gas guns formed a line about 300m west of Yonge St. on The Esplanade. The protesters stopped in front of the police line and continued chanting the lines they had been chanting for as long as we had been following them that day: “This is what democracy looks like!”, “Peaceful protest!”, “Who’s streets? Our streets!”, and so on. This continued on for about twenty minutes without the police line or the protesters moving, or anything more than chanting and cheering. Then, from the east out of Scott St., a line of police officers in riot gear formed along The Esplanade and marched towards the crowd.

The officers in both police lines began marching slowly towards each other, clattering their batons and shields, and so forcing the crowd together. The police lines stopped when they were about 30m meters apart. The protesters, and anyone else who happened to be on the street or sidewalk, were now boxed in between two police lines, including my partner and I, and three people who had been standing outside of a restaurant, smoking. The protesters chants where more urgent and more often people called out or chanted with “Peaceful protest!” at the police lines. Several times then, and in the time that followed, small groups of officers would suddenly charge into the crowd, grab someone and pull them back behind their line. One protester called out to the crowd to say that everyone should sit down, which many did. The crowd was much more quiet, and we all were waiting. Calls and chants began saying, “Let us go!”, and one protester called out, “Okay, I’ve learned my lesson, I want to go home now!” After an hour or more of waiting like this, an officer announced that if we raised our hands and waited we would all be peacefully arrested. This was the first time we had heard any communications from the police. My partner and I waited for another two hours or so before it was our turns to be pulled from the crowd and arrested.

5. Conditions of confinement and legal rights upon detention

Prior to the G20, a temporary detention centre was established on Eastern Avenue in Toronto's east end to house those detained or arrested during the summit. The establishment of this *ad hoc* centre, and its significant size, suggests that police anticipated mass arrests. Police have a duty to ensure the

welfare of persons held in custody and facilitate the exercise of their constitutional rights, including the right to contact a lawyer.

Upon learning that two CCLA monitors had been arrested, I called the temporary detention centre at 6:14AM. Const. _____ answered and I explained that I was counsel to two individuals who had recently been arrested, provided their names, and said that I wanted to track them down. She told me that "your friends will call you when they can", and hung up. They never did.

At 10:27AM, I called another number I was given and spoke with Const _____. He took down the names of the CCLA monitors and my phone number, and told me that he would have them call me. They never did.

I called Const. _____ back at around 1:30PM, and he then explained to me that he had no idea if the two people I named were in the facility, and the only way of finding out was to move among the cells and yell their name. He told me that he had did not have access to a computer database documenting prisoner intakes, and that he did not know who would. He said it was very disorganized down there. I was never able to speak with either of my clients before they were released 18 hours later.

David Rose, **Legal counsel for CCLA**

Two CCLA human rights monitors were among those swept up in a mass arrest at the Esplanade on Saturday night, and detained for over 18 hours – the majority of which was spent at the detention centre. They have described being placed in cages with concrete floors, chain link walls and ceilings and a single portable toilet. The cells varied in size, but many were overcrowded. The arrestees were kept in plastic wrist ties throughout their detention. One CCLA monitor described seeing a fellow arrestee whose wrist ties were much too tight. He repeatedly asked that they be loosened but this was only done after many hours.

Although many individuals were detained for nearly a day, food and water were scarce. One CCLA monitor was given minimal food and only received two small cups of water over the 18 hours that he was detained. One cup of water was yellow in colour and he said it was simply not drinkable. Monitors also described seeing arrestees denied necessary medical attention for hours, including access to insulin.

Although the temporary detention centre was part of the G20 security planning for some time

before the summit, many of those detained inside described a total lack of organization and substantial backlogs in the processing and release of arrestees. Court services officers working at the centre could not answer arrestees' questions about when they would be processed or released. In some cases, a group of arrestees were told repeatedly that they would be released shortly, only to be held for several more hours before processing began.

Arrestees had no opportunity to use the phone or access legal counsel. This is a serious violation of *Charter* rights and basic principles of fundamental justice. Many of those detained in the centre, including the CCLA monitors, were not charged with criminal offences. Nonetheless, our monitors were photographed, subject to video surveillance throughout their detention, and one was interviewed by police while being videotaped. Some arrestees were asked to promise, upon being released, not to participate in any G20 protests.



CONCLUSION

In the CCLA's view, policing during the G20 Summit in Toronto appeared excessive in the days leading up to the Summit. The very high number of police officers created an atmosphere of intimidation and also a sense of wasted resources.

On Saturday, when vandalism and acts of property destruction occurred, policing turned punitive towards protesters. CCLA acknowledges the police forces' explanation that criminal elements were mixed in with larger groups of peaceful protesters. There is no doubt that this weekend presented a very difficult law enforcement scenario. Nevertheless, this does not justify a mass suspension of basic civil rights. It is possible to feel outrage about acts of vandalism and at the same time recognize the importance of maintaining a free and just society committed to freedom from arbitrary arrest and detention and the presumption of innocence. In our view, the existence in Toronto of a cohort of the 'black block' does not justify a suspension of democratic rights for people in the city.

Over 900 individuals have been arrested. Hundreds have now been released without being charged with any criminal offence. In view of the unprecedented numbers of arrests, there remain very serious questions surrounding the appropriateness of policing tactics. These questions demand answers.

It is the duty of police officers to act with fairness and equanimity toward all citizens in accordance with the law of the country. The presumption of innocence and the protection against arbitrary arrests and detention are at the core of a commitment to justice. In our view, the security for the summit was inadequate because it failed to uphold our constitutional commitments.

The CCLA is calling on all levels of government to take immediate action to correct the weaknesses in the legal framework surrounding public order policing for large scale events. It also demands that independent inquiries be conducted with respect to several aspects of the policing during the G20 Summit. In particular, we ask for:

At the end of this weekend, the prevailing feeling I have is one of loss. When Saturday's largely peaceful protest turned ugly, voices of dissent were lost. Witnessing hundreds of police officers around the city, my personal sense of security was lost. When people were being subject to random and unwarranted searches and detentions today, their civil liberties were lost. And finally, more broadly, my confidence in the police to respect and enforce our laws also suffered a loss.

CCLA human rights monitor

1. Repeal or significant amendment to the *Public Works Protection Act* to meet basic constitutional standards
2. Withdrawal of all charges laid under the *Public Works Protection Act*
3. Implementation of consultation and transparency requirements for regulatory processes
4. Apology from the Ontario government for the process used to adopt the designation pursuant to the *Public Works Protection Act*
5. Legislative framework for the establishment of security perimeters
6. Regulation of new crowd control technologies prior to their use and deployment
7. Compensation for the business owners affected and those wrongfully arrested
8. Amendments to the *Criminal Code* to modernize and bring up to constitutional standards the provisions relating to “breach of the peace”, “unlawful assemblies” and “riots”
9. Full independent public inquiry into the actions of the police during the G20, in particular:
 - a. The dispersal of protesters at the designated demonstration site in Queen’s Park late afternoon, Saturday June 26th
 - b. The detention and mass arrest on the Esplanade on the night of Saturday June 26th
 - c. The arrests and police actions outside the Eastern Ave. detention centre on the morning of Sunday, June 27th
 - d. The prolonged detention and mass arrest of individuals at Queen St. W. and Spadina Ave. on the evening of Sunday, June 27th
 - e. The conditions of detention at the Eastern Ave. detention centre