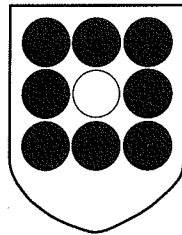


# CANADIAN CIVIL LIBERTIES ASSOCIATION

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# ASSOCIATION CANADIENNE DES LIBERTÉS CIVILES

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October 18, 2010

Mr. Ian McPhail, Commission Chair  
Commission for Public Complaints  
Against the RCMP  
7337 137 Street, Suite #102  
Surrey, BC V3W 1A4

Dear Mr. McPhail:

On behalf of the Canadian Civil Liberties Association, I am writing to lodge a formal complaint under Section 45.35 of the *Royal Canadian Mounted Police Act* in relation to the RCMP's conduct during the G8 and G20 Summits held in Toronto and Huntsville, Ontario. As you are undoubtedly aware, police activity during these Summits resulted in significant violations of Canadians' constitutional liberties. The RCMP was the lead police agency for both the G8 and G20 Summits and played a significant role in the planning and implementation of Summit security. Until the RCMP is held accountable for its actions during the G8 and G20 Summits, lingering questions will remain that threaten to further erode the public's already fragile confidence in the service. The CCLA had 50 independent human rights monitors at the G20 Summit. Based on their observations, we published a preliminary report on G20 policing on June 29<sup>th</sup>, a copy of which is enclosed for your review. Our monitors observed many troubling incidents during the G20 Summit, some of which are further described below.

While the CCLA considers a federal public inquiry to be the best mechanism to address this situation, we also believe that the Commission for Public Complaints Against the RCMP (CPC) has a vital role to play in ensuring accountability for the RCMP's actions during the G8 and G20 Summits. Accordingly, the Canadian Civil Liberties Association requests that the Commission provide for an investigation of the extent to which the RCMP was involved in the following matters and the extent to which its members' conduct breached constitutional, international and professional standards:

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## **THE RCMP's ROLE IN G8 AND G20 SECURITY PLANNING**

As a key member in the Integrated Security Unit, the RCMP was primarily responsible for securing the Summit site and surrounding areas and ensuring the safety and security of Internationally Protected Persons. These responsibilities encompassed a significant decision-making role with respect to the location of the massive fence surrounding the G20 Summit site and the measures that were taken to secure that fence and the area within it. Cordoning off large areas of the city impairs vital democratic rights and freedoms. Section 7 of the *Charter* guarantees individual liberty, including freedom of movement. Sections 2(b), (c) and (d) of the *Charter* guarantee freedom of expression, freedom of peaceful assembly and freedom of association. The *Charter* requires that any infringement of individual rights and liberties – including restrictions due to the establishment of security perimeters – impair rights as little as possible. The establishment of security perimeters was addressed at the APEC Inquiry. In the Commission's Interim Report, Mr. Hughes noted that a fence line designed to significantly distance protesters and maintain a "retreat-like atmosphere" could well violate the *Charter*. To the extent that the conduct of the RCMP contributed to such conditions during the G20, the service and its members must be held accountable.

## **RCMP INFILTRATION AND SURVEILLANCE BEFORE AND DURING THE SUMMITS**

According to the Parliamentary Budget Office, the RCMP was allocated \$507-million for summit security and deployed nearly 5000 officers. An untold number of CSIS agents were also deployed. Both agencies participated in infiltration/surveillance operations in the months preceding the Summits to gather intelligence on protest groups.

The use of such tactics, particularly in relation to non-violent political groups, raises troubling concerns for civil liberties. As such, it is imperative that the CPC review the RCMP's surveillance activities prior to and during the Summits to determine whether they were in accordance with Canadians' rights to freedom of expression and association. Such a review should inquire into how many groups were subject to infiltration/surveillance and whether those groups had an actual connection to criminal or injurious conduct. Particular attention should be given to the RCMP's role in the surveillance of student groups from Québec and the extent to which such groups may have been unwarrantedly targeted for heightened scrutiny.

Many protesters have complained to the CCLA about being approached by police officers prior to the Summit, voicing concerns that police may have overstepped appropriate boundaries in pursuing pre-Summit intelligence at individuals' homes or places or work. As such, the CPC's

investigation should inquire into whether there were any limits on the scope of activities that RCMP informants could engage in while working undercover in protest groups. Specifically, the CPC should probe whether there were limits imposed on the scope of intelligence gathering strategies, the encouragement of particular demonstration tactics, or the organization of particular demonstrations leading up to the Summits.

### **EXCESSIVE FORCE, MASS DETENTIONS AND MASS ARRESTS**

By the end of the G20 Summit, 1105 people had been arrested on the streets of Toronto and a far greater number had been detained. Peaceful protests had been aggressively dispersed and constitutional rights had been curtailed. In many cases, police responses were completely disproportionate to any potential security threats. Indeed, excessive force was used against crowds of peaceful protestors and passersby. To our knowledge, the RCMP was not the lead police service involved in these actions beyond the perimeter of the fence; however, the RCMP was responsible for developing much of the G20 policing strategy and it must be held accountable for its involvement in these actions. Below we draw your attention to some of the many examples of excessive policing practices during the G20 Summit. We respectfully ask that you inquire into whether the RCMP participated in, was consulted as part of, or communicated intelligence or information that justified these actions:

#### 1. The Dispersal of Peaceful Protesters at Queen's Park on June 26<sup>th</sup>, 2010

Prior to the G20 Summit, the Integrated Security Unit announced that Queen's Park was a "designated protest zone". Protestors were strongly encouraged to congregate at Queen's Park and use this site for peaceful assemblies and demonstrations. However, by 6pm on June 26<sup>th</sup>, over one hundred police in riot gear had advanced upon the crowd of peaceful protestors gathered at Queen's Park and ordered them to leave. Police beat their batons against their shields, proceeding in an 'advance and wait' pattern upon protestors, forcing them from the designated protest space at Queen's Park. Police on foot and/or mounted on horses advanced blocking the crowds from moving south on University, and pushing the crowds north. A large presence of unmarked police cars and minivans were lined up south of the perimeter.

Protestors remarked "why are you doing this" and "this is a peaceful protest". Witnesses observed one individual being pushed to the curb, face on the pavement, while an officer kept a knee on the person's head. Other individuals were pulled from the crowd by police, dragged behind police lines, pushed to the ground, had their

hands restrained, and were arrested. One of the CCLA's monitors observed a horse running over a protestor. Observers also witnessed police firing guns with what appeared to be blanks or rubber bullets.

At approximately 7:50pm, police continued to push the crowds north, and stated "Move back or you will be arrested. The police are advancing"; "back up, back up"; or "move, move. Now. Move it", and "Please clear the park". Protestors were heard asking "This is the designated protest area, why do we have to leave the park?". The police continued to advance upon the crowd, stopping, and then resuming their advance. One officer in the line had his gun raised and pointed at the crowd. The crowd was eventually pushed out of the park in this manner, with three lines of officers forcing the crowd's dispersal. Police were seen holding their shields up, wielding batons, and pushing protestors back.

## 2. Detentions and Mass Arrests at the Esplanade

A large crowd of protestors gathered in front of the Novotel on the Esplanade, on the evening of June 26<sup>th</sup>, 2010. Most of the crowd was sitting, following chants by some of the protestors to "sit down" and "peaceful protest". The police engaged some members of the crowd to ask questions, and observers noted the conversations to pass peaceably and uneventfully. Suddenly, pairs of police began to approach the crowd, grab seated demonstrators, and remove them with their arms behind their backs. It became clear that the protestors were not allowed to leave the area, which was blocked by buildings or by police dressed in riot gear. A member of the crowd announced to the police "we are not under arrest; you do not have the right to contain us here with no way out".

Over a twenty-minute period police began to move periodically forward, confining the crowd to a smaller and smaller space. No announcement was made to the crowd, until the police called upon the crowd to be quiet, and announced that everybody was under arrest. Over the next three hours, individuals trapped on the Esplanade in police lines were arrested – their hands restrained by metal cuffs and then, after processing which in many cases took hours, by plastic zip ties – and removed from the Esplanade by bus or van to the Eastern Avenue Detention Centre. Two CCLA monitors were arrested despite their identification.

### 3. Prolonged Detention and Mass Arrest at Queen and Spadina

On the evening of June 27<sup>th</sup>, 2010, individuals who were protesting peacefully, journalists, and passersby at Queen St. W. and Spadina Avenue were contained by police, hemmed in, and not allowed to leave. During this time, the Canadian Civil Liberties Association received calls from members of the public who reported that they had not been protesting, wanted to go home, but were boxed in on all sides by the police and not permitted to leave. These individuals expressed fear and frustration, and were at a loss as to how to get out of the situation.

The police charged on peaceful protestors, preventing a peaceful demonstration. Mass arrests occurred and individuals were transported to the Eastern Avenue Detention Centre. Others were detained on site, in the rain, or kept for hours in vans, and denied requests to use washroom facilities. Some individuals report being taken to a police station in Scarborough and then released hours later into the night. Some individuals reported that their property was damaged as a result of long-term exposure to the rain. Three of the CCLA's legal monitors were arrested.

### 4. Arrests and Police Conduct Outside the Eastern Ave. Detention Centre

Approximately 100 protestors gathered the morning of June 27<sup>th</sup>, 2010 at the Eastern Avenue Detention Centre, in a "celebratory" atmosphere. There was cheering as individuals were released from inside the Detention Centre; a demonstrator played guitar. Protestors also chanted peacefully, including the chant "peaceful protest". Initially, there were only minimal police – about 5-10 – between the crowd and the Detention Centre.

Then more police arrived in unmarked vans. Several (approx. 5) plain-clothed police jumped out of one of the vans and ran into the crowds, where they proceeded to grab at least three people and roughly remove them from the crowds. One of the people was thrown into the back of the van, and the van sped off extremely quickly. Two other people were pulled out of the crowd, one man and one woman. They were treated roughly, and forced to lie on the ground with a police officer's knee in the woman's back, and a police officer's boot on the man's head. These people were held down against the pavement.

Riot police began to appear in dozens. The riot police lined up in front of the detention centre. Some kind of weapon was fired upon the crowd emitting white smoke.

Protestors were ordered to leave. Protestors and monitors were very confused as to why the police used excessive force by firing indiscriminately upon the crowd, and dispersing the legal and peaceful demonstration.

5. Mass arrests at the Graduate residence

Police raided the University of Toronto's Graduate Students' Union building early in the morning on Sunday June 27<sup>th</sup>, arresting a large number of individuals who had been billeted in the building's gymnasium over the weekend. The raid was reportedly executed on the basis of "information" rather than as a result of a disturbance at the building. A CCLA monitor present on the scene counted 97 people being arrested, many of whom were in their pyjamas. One RCMP officer was observed at the site of the arrests, which resulted in the detention of a large group of people from Québec.

In the CCLA's view, these incidents constitute a failure to protect and facilitate peaceful assembly and the exercise of freedom of expression through protest. They also constitute illegal containment, detention and mass arrest. The CCLA calls upon the CPC to investigate and examine the role that RCMP officers and staff played in decisions involving the use of force, arrests and detentions during the G8 and G20, both in the context of the above mentioned incidents and beyond.

**UNLAWFUL CONDITIONS OF DETENTION**

Many persons arrested during the G20 Summit were subsequently sent to a temporary detention centre which police had established on Eastern Avenue in Toronto's east end. Reports about the conditions at this detention centre are highly troubling, indicating a widespread lack of respect for both detainees and their *Charter* rights. Many persons detained at the Eastern Avenue detention centre were kept with their hands bound for the duration of their detention. Although some detainees complained that their hands were bound too tightly, the hand ties were not adjusted in a timely manner. Inappropriate comments, including sexually inappropriate comments, were apparently made by police to detainees and several individuals complained of being taunted by police. Some detainees were not given adequate water – over an eighteen hour period one detainee tells us only two Dixie-sized cups of water were provided and one of those cups contained brown, undrinkable water. At least one detainee was diabetic and requested insulin for hours before being attended to, and then apparently was administered the wrong type of insulin for his condition.

Chaotic conditions prevented access to lawyers and family members in an appropriate timeframe. Indeed, many persons held at the Eastern Avenue detention centre were not permitted to phone anyone during their detentions, including legal counsel. There was a failure to provide adequate food, water, proper medical attention, and bathroom conditions/facilities. The conditions did not comply with basic standards of detention. For example, a special needs person was deprived of his wheelchair, and released over ten hours after detention into the street without his wheelchair.

The CCLA believes that the detention conditions at the Eastern Avenue detention centre contravened due process rights guaranteed by the *Charter*, and Canadian and international standards of detention given the lack of access to counsel, lack of food, inadequate availability of water, and inadequate medical attention. It is unclear to what extent the RCMP was involved in running the Eastern Ave. detention centre; however, in the CCLA's view, the RCMP's primary role in organizing and planning security for the G20 Summit imposes upon it an obligation to ensure the presence of adequate detention facilities.

The CCLA believes that the above-mentioned police action violated constitutional rights guaranteed in the ***Canadian Charter of Rights and Freedoms*** including:

- The right to peaceful assembly and association;
- The right to freedom of expression;
- The right to be free of unreasonable search and seizure;
- The right to be free from arbitrary arrest and detention;
- The right to liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice;
- The right to due process including the right to legal counsel upon arrest;
- The right to be free from discrimination, including on the basis of age, sex, and national origin.

The CCLA is also concerned that police action during the G8 and G20 Summits violated ***international standards of policing*** including:

- The duty of police to protect and facilitate peaceful protesting;
- The duty of police to ensure that any arrests made during an assembly are based upon a reasonable suspicion that an individual is about to commit a crime or offence; arrests

made during an assembly must be limited to persons engaging in conduct that is creating a 'clear and present danger of imminent violence';

- The duty of police to ensure that adequate food, water and hygiene – including gender appropriate washroom facilities -- are provided for detainees and that adequate facilities are provided to ensure access to a lawyers and family.

At this point, a thorough investigation of the RCMP's conduct during the G8 and G20 Summits is required to clear the air and ensure that public confidence in the RCMP is not further eroded. This investigation must examine the policy and conduct of RCMP officers prior to and during the G8 and G20 Summits, with a focus on the above-mentioned issues and incidents. Accordingly, the Canadian Civil Liberties Association calls upon the Commissioner to treat this letter as an official complaint and to launch an investigation at the earliest opportunity.

Sincerely,



Nathalie Des Rosiers  
General Counsel