

Challenge the “No Demonstration” Condition

On July 28, Mandy Hiscocks and co-accused Alex Hundert will be joined in court by the Canadian Civil Liberties Association in challenging the legitimacy of the bail condition not to “plan for, assist in planning for, attend or participate in any public demonstrations” that at least 18 people are currently saddled with as a result of the G20. The CCLA is seeking to intervene in the bail review proceedings initiated by Hiscocks and Hundert.

“This condition is too broad and too vague. It gives the police and the Attorney General’s office far too much discretion as to how it is enforced and against whom,” says Hiscocks. “It is an unreasonable infringement on Charter rights that is being used unfairly against people who wish to express a political opinion and organise in their communities.”

On October 12 last year, social justice organisers, civil liberties advocates, activists, academics, students, and other members from a broad range of communities united in a day of action to say, “This is what a demonstration looks like.”

The day of action was organised to protest Hundert’s incarceration at the Toronto West Detention Centre on a series of charges stemming from the allegation that he was a so-called ringleader of protests against the G20 when the summit was hosted in Toronto last June. Among those charges was the allegation that he had breached the “no demonstration” condition when he spoke at a pair of university campus panel discussions titled, “Strengthening Our resolve: Movement Building and Ongoing Resistance to the G20.”

The next day, at Hundert’s bail hearing on October 13, 2010, an Ontario Crown Attorney defined a “demonstration” as “any public meeting, march or protest where any political views are expressed.”

According to Cara Zwibel, Director of the CCLA’s Fundamental Freedoms Program, “Bail conditions that prohibit participating in or attending public demonstrations impose significant and unacceptable limits on basic rights, including freedom of expression, association and the freedom to peacefully assemble. All of these rights are not only protected by the *Canadian Charter of Rights and Freedoms*, but are also fundamental to what it means to live in a free and democratic society. These conditions don’t serve the purposes that bail conditions are supposed to serve – rather than making us safer, they put a chill on public debate and discussion on matters of importance.”

While Hiscocks and Hundert agree with the CCLA, they are not pursuing their right to attend public demonstrations per se, but are asking for something even more basic - the fundamental right to participate in their communities.

The absurd degree of restriction posed by the “no demonstration” condition has been used to prevent accused people from participating in anything from marching in street protests—which Hiscocks and Hundert will assert was the original intention behind the condition when it was first given to them last July—to attending such events as lectures, debates, film screenings, fundraisers, community meetings, etc. This condition is used at the discretion of the police, who are tasked with enforcing bail conditions, and the Crown, which is tasked with prosecuting breaches. In Hundert’s case, a senior OPP investigator even explicitly threatened to find him ‘in breach’ for merely expressing any dissenting opinion in any

public setting. His bail conditions, at one point went so far as to explicitly include a media gag and an Internet ban.

The targeting of community organisers is intended to weaken the growing social and environmental justice movement, to isolate effective and vocal community activists, and to criminalize any form of dissent towards the austerity agenda and the violent policies of the G20. These are the policies that perpetuate environmental degradation, militarization, labour exploitation, racism and theft of Indigenous lands, and also that foster behaviours of security forces like those at the G20 last June, including this drastic bail condition.

While the state response to G20 protests has been at the forefront of the criminalization of dissent, there remains an ongoing criminalization and intensification of repressive practices against immigrants and refugees, Indigenous people, queer and trans people, and communities living in poverty, which we must continue to resist.

This statement affirms that such sweeping criminalization of dissent as this bail condition poses is entirely unacceptable. Further, this statement affirms that the discretionary power afforded to the police and the Crown in pre-trial judicial processes must be challenged as it is far too often used in prejudicial and repressive ways. This statement affirms support for Mandy Hiscocks and Alex Hundert and their challenge of the “no demonstration” condition.

Signed,

Public Service Alliance Canada (PSAC),
PEN Canada,
Ontario Public Interest Research Group – Waterloo (WPIRG),
Ontario Public Interest Research Group – Toronto (OPIRG Toronto)
Ontario Confederation of University Faculty and Administrators (OCUFA),
Ontario Coalition Against Poverty (OCAP),
No One Is Illegal – Toronto,
Greenpeace Canada,
Canadian Union of Postal Workers (CUPW),
Canadian Union of Public Employees – Ontario (CUPE Ontario),
Canadian Union of Public Employees – Local 1281 (CUPE 1281),
Community Solidarity Network (CSN),
Council of Canadians,
Christian Peacemaker Teams (CPT),
Canadian Association of University Teachers (CAUT),
CLAC,
AW@L,
ABC Toronto