

# Toronto police harass anti-poverty activists during trial

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Toronto police are continuing to harass three activists from the Ontario Coalition Against Poverty (OCAP) who are currently on trial facing unprecedented riot charges. Last Friday, a police intelligence detective sergeant visited a community radio station armed with a subpoena, demanding the handing over of tapes of an interview with the three defendants broadcast on January 12. Radio station CKLN-FM, which operates from Ryerson University in downtown Toronto, offers alternative news coverage to the mainstream media.

The police officer sought to justify the demand by claiming that one of the OCAP members, Stefan Pilipa, made a statement to the effect that the three had organized the June 15, 2000 demonstration that the Ontario government, the Toronto police and the prosecuting authorities have declared to be a “riot.”

But the defense case does not deny that OCAP organized the protest. Its argument is that the police turned a legitimate political demonstration outside the provincial legislature at Queen’s Park, Toronto into a riot. Faced with about 1,500 people protesting against the Ontario Tory government’s draconian cuts to welfare benefits, public housing and other social programs, the police initially permitted the crowd to advance on the parliament building, then suddenly charged forward, led by mounted troopers, firing pepper spray and clubbing people.

The raid on the radio station indicates that the police and the prosecution are still fishing for evidence to bolster their case against the defendants. In the weeks following the Queen’s Park demonstration, police seized OCAP documents and confiscated photographs and video tape from 22 media groups in an effort to identify participants in the June 15 altercation and frame a case against OCAP leaders.

The subpoena issued against CKLN-FM is part of

ongoing efforts to intimidate alternative media organizations and all opponents of the government’s dismantling of social welfare and its attacks on democratic rights. The police action is designed to prevent the OCAP activists from speaking out. Other OCAP members have reported continuing close attention by police intelligence officers.

Pilipa, John Clarke and Gaetan Heroux are charged with “participating in a riot,” “counseling to participate in a riot” and “counseling to assault police.” Each of these charges could lead to jail terms of between two and five years. The charges themselves are an affront to basic democratic rights. If this prosecution succeeds, anyone organizing or publicizing a political protest that comes under police attack could be jailed.

Justice Lee Ferrier, the Ontario Superior Court judge presiding over the trial, has so far dismissed two defense motions in the pre-trial hearings. One motion sought further particulars of the charges, including what specifically is alleged by the charge of assaulting and counseling to assault police. The motion also requested clarification of whether Pilipa and Heroux are among those that Clarke is accused of “counseling.”

Another motion contended that the most serious charge against Clarke—that of “counseling to assault police”—was constitutionally invalid because it was issued more than six months after the other charges and seven months after the event.

The pre-trial hearings are expected to run until the second week of February, when jury selection will commence. Until then, the media is restricted in reporting the evidence presented in the proceedings, because of sub judice laws against prejudicing a jury trial.

Toronto’s main media outlets have imposed their own, more far-reaching blackout on the case, despite its

implications for civil liberties and free speech. Newspapers such as the *Globe and Mail* have incorrectly reported that a publication ban has been placed on the first few weeks of the trial. No such order was sought by the defense, nor issued by the judge.

The “participation in a riot” charge has not been laid in Ontario since the 1960s. Peter Rosenthal, Clarke’s lawyer in the case, told a public meeting in Toronto on January 13 that their defense would be that they did “participate in and counsel a large, militant demonstration, but the police were the ones who made it a riot with their overreaction.”

Rosenthal also commented: “It’s funny how the government has no money to house the homeless, but they have the money to hire two extra lawyers to back up the Crown.” There is certainly a stark contrast between the vast resources that the Ontario government of Premier Ernie Eves and Toronto Police Chief Julian Fantino have devoted to pursuing the case and the government’s slashing of funds for public housing.

A large team of lawyers is prosecuting the case, expected to last for about four months, and police are still being mobilized against OCAP. Despite worsening poverty and homelessness, the same government has refused to build any new public housing since it came to office in 1995 under the now discredited former premier, Mike Harris. Even according to official statistics, nearly 90,000 families are on waiting lists for subsidized housing in the Greater Toronto Area alone.

The Eves government is acutely conscious of mounting opposition to its policies. This week Eves announced the abandonment of the Tories’ biggest single agenda item—the privatization of the province’s electricity transmission giant Hydro One. When Harris unveiled the \$5 billion sell-off in December 2001 it was intended to be Canada’s largest-ever privatization. Eves said the government had performed an about-face after hearing “loud and clear from the people of Ontario.”

Whatever twists and turns the government makes for immediate electoral reasons, its witch-hunt of OCAP demonstrates that it remains determined to suppress resistance to its pro-business program. While the mass media has blacked out news of this decisive test case, working people cannot afford to remain silent. They must demand the dropping of all charges against the OCAP activists.



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