

Homeless activists' trial opens in Toronto

Canada's National Post demands "harsh" sentences for anti-poverty protesters

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After seven weeks of pre-trial hearings, a criminal trial that represents a direct attack on the right to protest commenced in Toronto last week. For the first time in decades, political demonstrators are being prosecuted as "rioters" under some of the most draconian provisions of the Canadian Criminal Code.

Two members of the Ontario Coalition Against Poverty (OCAP), Gaetan Heroux and Stefan Pilipa, are on trial for "participating in a riot"—a charge that could lead to jail terms of up to two years. OCAP leader John Clarke is accused of "counseling to participate in a riot" and "counseling to assault police" and could be jailed for up to five years.

The riot charge is among the most serious in the Criminal Code, listed alongside unlawful assembly and sedition in a section of the code dealing with threats to the fundamental political authority of the state. "Riot" is defined as "an unlawful assembly that has begun to disturb the peace tumultuously." "Unlawful assembly" is defined in the widest terms, as a gathering of three or more persons that causes "reasonable" people to fear a tumultuous disturbance of the peace.

Riots are regarded as such grave threats to the political order that the Code provides for a judge, mayor, sheriff or prison warden to read out aloud a proclamation that a riot is occurring and order all persons assembled to disperse, on the pain of facing life imprisonment. No such proclamation was issued, however, on the occasion of the alleged offences, June 15, 2000.

On that day, between 1,500 and 2,000 people gathered outside the provincial legislature at Queen's Park, Toronto to protest against five years of welfare and public housing cuts imposed by the Ontario Conservative government under Premier Mike Harris.

The Tories—who remain in office in Ontario under

Harris's successor, Ernie Eves—had cruelly cut welfare rates by 22 percent, used workfare and other regulatory changes to drive people off benefits, frozen minimum wages, stopped building public housing and effectively ended rent controls, allowing private rents to soar out of the reach of many working families. During the same period, the national Liberal Party government of Prime Minister Jean Chrétien lowered employment benefits to just 55 percent of an individual's former income, and made it so difficult to qualify that only 27 percent of Ontario's unemployed were collecting benefits.

The OCAP-sponsored demonstration demanded that a delegation be permitted to address the legislature to request greater spending on programs for the poor and homeless. Rather than seek an accommodation, the authorities rejected the demand out of hand, fueling the anger of the crowd.

In what appears to have been a prepared provocation, police commanders permitted the demonstrators to cross one line of police barricades before calling in baton-wielding riot police, including a mounted unit, to attack the crowd. Police fired pepper spray and charged forward, striking demonstrators with clubs, injuring dozens of people. OCAP has maintained that if a "riot" took place that day, it was a police riot.

Urged on by the major media outlets, the Tories have since devoted vast police and legal resources to pursuing the charges against the three OCAP activists. A team of lawyers has already spent nearly two months in the pre-trial process vigorously defending various police actions, including arrests, searches and seizures and the laying of late charges against the trio. The actual trial could last for months, at tremendous cost.

Every effort is being made to make examples of the OCAP members, and to use their prosecution to

intimidate and silence opposition to official policy. Demands for the dropping of the charges, made by outraged law professors, lawyers and community groups, as well as hundreds of individuals, have been ignored. Sections of the political establishment are determined to use the case to help crush political dissent.

When the jury trial commenced last week, the *National Post*, the right-wing national flagship of Canada's largest media empire, CanWest, devoted two days of highly prejudicial coverage to the trial's opening hours, followed by an editorial demanding that the OCAP defendants be "sentenced harshly" if convicted.

Under Canadian law, when a criminal trial begins before a jury, the rules of sub judice require that the media be confined to fair and accurate reporting of the proceedings, so as not to prejudicially influence jury members and prevent a fair trial. In this case, the judge also issued a total media ban on reporting any of the pre-trial motions, which have included challenges to the admissibility of police evidence and the constitutionality of the charges. A media organization that flouts these rules can be charged with contempt of court.

Yet the *Post's* reportage, supplied by Christie Blatchford, one of the newspaper's star columnists, asserted that the very first items of evidence presented by the Crown—television footage of the demonstration (which had been seized by police under search warrants)—proved that the police had not provoked the "ugly" confrontation with protesters. Blatchford insinuated that the fact that some demonstrators were shown wearing protective goggles and masks and carrying placards with heavy wooden handles proved they had assembled for the purpose of a violent attack.

Blatchford did not mention that only three carefully selected videos have been shown to the jury and that the defense has yet to reply, let alone open its case. Nor did she acknowledge that demonstrators might have dressed to protect themselves from police violence. She did refer to "glimpses on the tapes of a few officers swinging their batons," but claimed that most officers were "simply using their shields to push away the protesters."

The *Post* editorial, while cynically noting that, "of course," the accused should be deemed innocent until proven guilty, insisted that the events of June 2000 were indeed a "riot"—one of the critical issues that the prosecution must prove. It described the day as one of "bloody chaos," accused protesters of ferociously attacking the police and condemned OCAP's "violent political tactics." The editorial featured the central,

unsubstantiated allegation made by Crown prosecutor Vincent Paris—that the violence resulted from a premeditated plan authored by Clarke.

Under the headline, "Poverty is No Excuse," the editorial spelled out a definite political agenda. First, it denounced any suggestion that the outrage expressed by the demonstrators could be justified by the desperation Ontarians felt over the social injustice and economic hardship inflicted by the governments in Toronto and Ottawa. Second, it linked the trial to the September 11, 2001 terror attacks in the United States, declaring that "since 9/11, of course, violent political protest has fallen out of fashion."

The clear message is that since September 11, political dissent and social unrest cannot be tolerated. Those who protest—whether it be against the impending war on Iraq or mounting social inequality, gutting of welfare programs and tearing up of democratic rights—must be vilified, put on trial and given lengthy prison terms.

Operated by CanWest, Canada's largest publisher of daily newspapers (13 across the country), the *National Post* speaks for powerful interests in Canada and elsewhere. CanWest owns, operates and/or holds substantial interests in newspapers, conventional television, out-of-home advertising, specialty cable channels and radio networks in Canada, New Zealand, Australia, Ireland and the United Kingdom. Controlled by media magnate Israel (Izzy) Asper, an influential supporter of Canada's federal Liberal government, its TV stations include 11 in Canada, and national networks in Australia and New Zealand.

The *National Post* intervention underscores the fact that the OCAP show trial has become a serious threat to basic civil liberties and democratic rights. If the OCAP activists can be convicted and jailed for "participating in a riot," no one who joins a picket line or demonstration will be safe from prosecution.

The *World Socialist Web Site* unconditionally defends the three accused, and demands the dropping of all charges against them.



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