



September 7, 2007

The Right Honourable Stephen Harper, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister – Administration
Langevin Block
80 Wellington St.
Ottawa, Ontario
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BY FAX: 613-941-6900

RE: Montebello summit — Request for a Public Inquiry

Dear Prime Minister,

The signatory organizations to this letter have come together to request that a judicial inquiry be established under the federal *Inquiries Act* to investigate the conduct of police and security forces assembled for the *Security and Prosperity Partnership* (SPP) summit that was held in Montebello, Québec August 20-21, 2007, including the conduct of the police in the days leading up to the summit.

Actions taken by the Royal Canadian Mounted Police (RCMP), the Ontario Provincial Police (OPP) and the Sûreté du Québec (SQ) disrupted the peaceful protests and restricted demonstrators' ability to express their political views. Numerous individuals and civil society organizations have called upon their political leaders, the RCMP and the SQ to clarify and justify the police actions that were taken at Montebello, however, satisfactory answers have not been forthcoming.

The signatories have information that the RCMP, the OPP and the SQ engaged in the following potentially wrongful or illegal conduct:

- The SQ planted three undercover officers that were dressed in black clothing wearing masks covering their faces, and at least one of the officers carried a large rock. The presence of these officers amidst peaceful protesters caused protesters to reasonably fear for their personal safety and projected a negative image of the demonstrations, thereby disrupting and interfering with a fundamental democratic process.

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- The RCMP inappropriately fired plastic bullets even though there was nothing to indicate that they, or other citizens, were in danger. Using these potentially lethal mechanical weapons amongst the demonstrators unreasonably risked the physical safety of legitimately assembled, non-violent protestors;
- The RCMP and/or the SQ inappropriately used chemical and/or irritant weapons on peaceful protesters;
- The RCMP and/or the SQ restricted, or wrongfully attempted to restrict demonstrators' access to public spaces. Similarly, the police disrupted the ability of citizens to legitimately assemble by inappropriately controlling the arrival and departure of the protestors going to and from the Montebello demonstrations.
- In the weeks leading up to the SPP summit, police and security forces followed citizens who were intending on attending the protests and questioned them about their participation. Many civil society organizations were also contacted and questioned about their planned activities. Near the demonstrations held in Ottawa, on August 19, police forces systematically took pictures of protestors as they exited their buses and in certain cases tried to verify their identities. This type of intimidating behaviour by the police force was dissuasive and interfered with citizens' ability to exercise their fundamental rights.

These actions raise very serious concerns about the commitment of police and government officials to protecting the rights of citizens to peacefully assemble to express their political views. It is imperative that police respect Canada's constitutional values and work to protect, not undermine, public freedoms and safety. Police conduct at Montebello demonstrated no such commitment.

This is not the first time that police methods have faced public scrutiny. Police tactics used during previous Canadian demonstrations were so serious that they raised the concern of U.N. authorities. In 2005, both the *U.N. Human Rights Committee* (CCPR/C/CAN/CO/5) and the *U.N. Committee Against Torture* (CAT/C/CO/34/CAN) expressed concern about repeated inappropriate methods used by federal and provincial police forces during demonstrations. Both international bodies recommended that authorities investigate their policies concerning crowd control measures to ensure that the right to peacefully participate in social protests is respected. The *Committee Against Torture* called upon Canada to “conduct a public and independent study and policy review of the crowd control methods, at federal and provincial levels.”

Minister Stockwell Day of your government has suggested that the review processes of the SQ, the OPP and the RCMP be invoked. We have considered the Minister's advice, however, since the RCMP had overall responsibility for security at this international summit, we have decided to pursue this request under the *Inquiries Act* in order to have as transparent and complete an inquiry as possible.

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The crucial question is the following: “Did the conduct of police and security forces assembled for the SPP summit, including the inquiries before the summit, the filming and identification of the demonstrators as well as the use of undercover agents, have a chilling effect on citizens’ ability to exercise their right to freedom of assembly and freedom of expression?” The inquiry should be broad in scope and should examine and answer notably the following questions:

- 1) Who was responsible for planning and coordination of events related to the Montebello summit and to what extent were the offices of the Prime Minister of Canada, the Premier of Quebec, the Premier of Ontario and their respective departments of public safety, involved in security planning and coordination for the Montebello meeting?
- 2) In particular, to what extent was the PMO and/or Public Safety Canada involved in the direction of undercover policing operations at Montebello? Was the RCMP aware that SQ officers would be present in disguise and take part in the protest including in the manner depicted on the video taken at the event and subsequently posted to the You Tube site? Were these plans approved in advance of the protest and by whom?
- 3) Were foreign agencies involved in police operations and, if so, what was their role?
- 4) What steps has the government taken to investigate the allegations and evidence that indicates that police were involved in inciting others in the crowd to violence, including the allegation that can be heard on the video?
- 5) In addition to the RCMP and SQ, were any other Canadian or foreign police or security forces involved in undercover police work during events related to the Montebello summit?
- 6) How many other undercover police agents were there mixed in the crowd? What did they do? How were they dressed? Were these under cover officers protected from criminal prosecution under section 25.1 of the Criminal Code? And if so, did the police report their criminal activities to a competent authority?
- 7) Did the RCMP’s use of plastic bullets comply with their internal policies on the use of dangerous weapons? What were the circumstances invoked to justify the use of plastic bullets at the August 20, 2007 protests?
- 8) Was the RCMP’s and/or the SQ’s use of gas at the August 20, 2007 protests appropriate under the circumstances? What are the appropriate criteria for the use of chemical and/or irritant weapons?

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The fundamental issue at stake is Canadians' right to speak, to disagree, and to protest government policies without the chilling effect of police abuses. Such actions are a discredit to Canada as a whole. The public needs assurance that those responsible for the actions before and during the Montebello summit will be held accountable and that, in the future, state agents will not infringe the rights and liberties of citizens.

Yours truly,

Grace Pastine, Litigation Director, *B.C. Civil Liberties Association*

Nicole Filion, President, *Ligue des droits et libertés*

cc Stockwell Day, Minister of Public Safety
 Stéphane Dion, LPC
 Gilles Duceppe, BQ
 Jack Layton, NDP
 Jean Charest, Premier of Québec
 Jacques Dupuis, Quebec minister of Public safety
 Dalton McGuinty, Premier of Ontario
 Michael Bryant, Attorney General of Ontario