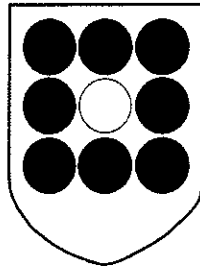


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By email and mail

RE: Pro-active release of statistical data relating to G20 prosecutions

Dear Minister Bentley and Mr. Crawley,

The 2010 G20 Summit in Toronto has become the subject of considerable debate amongst Ontarians and across the country. Over 1105 individuals were arrested between the early hours of June 26 and the evening of June 27 – the largest mass arrest in this country's history. Of these, 827 were released within twenty-four hours without any charges being laid. Only 278 individuals were subsequently charged with a criminal and/or provincial offence. These 278 cases are now under the carriage of the Crown and are before the courts.

The judicial proceedings arising from G20-related arrests have rightly attracted the attention and scrutiny of a broad cross-section of the public and the media. The public has a strong interest in being able to learn of, and discuss, the treatment of these cases. Open and transparent access to such information is essential for Canadians to form opinions on the proper administration of justice in these cases and on issues of G20 policing and security more generally.

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We would like to invite the Ministry of the Attorney-General to pro-actively update the public on information relating to G20 prosecutions on a regular and on-going basis. Proactive disclosure would involve the Ministry aggregating and publishing key statistical data about G20 prosecutions. Such data, of course, would be anonymous and would respect the privacy rights of the accused. This process will be made easier by the fact that the file numbers for all G20-related case files appear to begin with the same letter-number combination: "G0". In addition to help facilitating public knowledge and discussion about these cases, proactive disclosure would also avoid duplication and delay between the large number of requests for similar information that will almost certainly be made by individuals, organizations and the media under the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, ch. F.31.

The CCLA is asking the Attorney-General to promptly aggregate and publish the following information, as it is already presently available:

Number of individuals who were arrested and held for a 'show cause' hearing under s.515 of the *Criminal Code* as a result of a G20-related charge.

Of those who were held for a 'show cause' hearing under s.515 of the *Criminal Code* as a result of a G20-related charge, the number of individuals for whom the Crown did not oppose the granting of bail.

Of those who were held for a 'show cause' hearing under s.515 of the *Criminal Code* as a result of a G20-related charge, the number of individuals who were denied bail.

Of those who were held for a 'show cause' hearing under s.515 of the *Criminal Code* as a result of a G20-related charge and were denied bail, on what basis was bail denied (i.e., primary, secondary or tertiary grounds)?

What are the various *Criminal Code* and provincial offences originally charged by police in the 278 cases? How many individuals have been charged under each offence?

In addition, as the proceedings unfold, the CCLA is requesting that the Attorney-General aggregate and publish the following information at repeated intervals, for example, in November 2010 (five months since the 2010 G20 Summit), in April 2011 (ten months since the G20 Summit) and September 2011 (fifteen months since the G20 Summit):

Number of G20-related cases in which the Crown withdrew a charge on the basis that there was no reasonable prospect of conviction. Total number of charges that were withdrawn for this reason.

Number of G20-related cases in which a court found a breach of the accused's *Charter* rights. Number of cases in which the Court ruled to exclude the evidence gathered as a result of the *Charter* breach under s.24(2) of the *Charter*.

Number of G20-related cases that resulted in a non-conviction disposition (including charges withdrawn, a finding of not guilty by a court, a stay of proceedings or a finding of not criminally responsible by a court).

Number of G20-related cases that resulted in a conviction disposition or a finding of guilt by a court.

Number of cases where a conviction disposition or a finding of guilt was made in relation to a lesser-and-included offence to the one charged in the information before the court.

Thank you for your consideration of our proposal. I would be happy to discuss it further. We are confident that proactive disclosure in relation to G20-related prosecutions will be a more efficient way of ensuring public confidence in the administration of justice in these cases.

Yours Sincerely,



Nathalie Des Rosiers
General Counsel



Anthony Navaneelan
Acting Program Director
Fundamental Freedoms Program