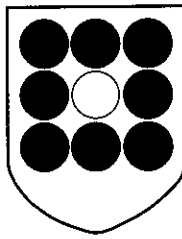


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September 21, 2010

By mail and email

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Hon. Christopher Bentley
Attorney General of Ontario
720 Bay St., 11th Floor
Toronto ON M7A2S9
christopher.bentley@ontario.ca

Dear Minister Bentley:

Re: Bail conditions of G20 arrestees prohibiting participation in public demonstrations

The Canadian Civil Liberties Association is deeply troubled by bail conditions sought for certain persons arrested during the G20 Summit that prohibit their participation in public demonstrations. Such conditions do not sufficiently take into account *Charter* rights such as freedom of speech and freedom of peaceful assembly to ensure that they appropriately comport with constitutional values. As such, we urge the Crown to refrain from suggesting such bail conditions in future cases, to take measures to amend them in existing cases, and to refrain from prosecuting people for breaching such conditions when doing so would unduly undermine their freedom of speech.

The CCLA recognizes that bail conditions can promote the important objectives of protecting society and discouraging the commission of future criminal offences. Such conditions, however, ought not to go so far as to prevent people from attending church services, from reading the papers, from expressing their point of view, or participating in peaceful assemblies. They must not be used to curtail thought, dissent or political expression, as these are values that are specifically protected by the *Charter*.

In the present context, there is a danger that political expression may be unduly limited for extended periods of time, as the scheduling of the G20 trials has not yet begun. The perils of this situation are clear. By only releasing dissenters on the condition that they refrain from publicly expressing their opinions, the government appears to be silencing its critics for many months. Moreover, when an individual is *arrested* for breaching bail conditions because of his or her public speaking activities or participation in peaceful political assemblies there is a

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dangerous prospect that the expression of legitimate political dissent will be effectively criminalized. In light of the presumption of innocence, these kinds of state action constitute serious incursions into individual rights.

As a result of the foregoing, the CCLA urges the Crown to refrain from suggesting bail conditions that prohibit participation in public demonstrations, to take measures to amend them where they have been imposed, and to refrain from prosecuting people for breaching such conditions.

We would appreciate your attention to this matter.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'N. Des Rosiers', written in a cursive style.

Nathalie Des Rosiers
General Counsel
Canadian Civil Liberties Association

cc: Sarah Welch, Crown Attorney, Metro West Etobicoke Court House
The Hon. Annemarie Bonkalo, Chief Justice of the Ontario Court of Justice