



REPRESSION, DISCRIMINATION AND THE STUDENT STRIKE: TESTIMONIES AND ANALYSIS

April 2013 - Report
prepared by the Ligue des droits et libertés,
the Association des juristes progressistes
and the Association pour une solidarité syndicale étudiante

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Glossary

Carré rouge	"Red square" – emblem of support for student protests
Printemps érable	"Maple spring" – term referring to Québec student protest movement of spring 2012
AFESPED	Association facultaire étudiante de science politique et droit (AFESPED-UQAM)
AJP	Association des juristes progressistes
ASSÉ	Association pour une solidarité syndicale étudiante
CLAC	Convergence des luttes anti-capitalistes
CLASSE	Coalition large de l'ASSÉ
CRÉPUQ	Conférence des recteurs et des principaux des universités du Québec
CUTV	Concordia University Television
FECQ	Fédération étudiante collégiale du Québec (cégeps)
FEUQ	Fédération étudiante universitaire du Québec
GAMMA	Guet des activités des mouvements marginaux et anarchistes – special police squad

Introduction



A year ago today, I lost the sight in my right eye. Then the constant headaches started, along with pain that came in any type of light. My passion for creating and for art became obscured, I felt physically diminished in the presence of others, I started fearing both the police and any noise that sounded like the ones made by their tools of repression.

March 7 is thus a sad anniversary, but it also marks the day I stopped believing and started knowing. I know now that justice never comes without a fight, and that violence, threats and hatred will never diminish my quest for justice.

Francis Grenier, March 7, 2013

Context

In 2012, Québec lived through the longest and most extensive student strike in its history. The strike and social protest movements left in their wake the biggest wave of arrests in Québec's history. They also led to unprecedented exploitation of Québec's judiciary system and unparalleled discriminatory profiling in an attempt to repress the student movement and stifle, albeit unsuccessfully, the protests.

This report focuses mainly on the following issues: the unprecedented number of arrests (3,509 arrests between February 16 and September 3, 2012)¹; allegations of police brutality; the deliberate and deceptive misuse of existing legislation to lay abusive and unrealistic charges on protesters, such as the charge of hoax in regards to terrorist activity laid in the subway smoke incident. The report will also look at preventive arrests and detentions under Section 31 of the *Criminal Code*² and tickets issued under the *Highway Safety Code*³; the manufacturing of new instruments such as the rush to create municipal regulations limiting the right to protest and the enactment of a repressive special law that is anti-

freedom; and finally the denial of the collective rights of student associations through the flood of injunctions ordering them to cease blockading access to classrooms and educational institutions.

Over this period, many people were victims of police brutality, of violations of their physical integrity, and of psychological and verbal violence. Activists were targeted for surveillance. The GAMMA squad (created specifically by the Montréal Police Force [SPVM] for surveillance of marginal and anarchist activities) began targeting the student movement before the strike was even called. They used the March 25 and 31, 2011 demonstrations related to tuition hikes⁴ as a basis to arrest 14 ASSÉ (see List of Acronyms) activists between June and October 2011. It appears that these targeted arrests of ASSÉ activists were intended to limit their involvement in political actions in preparation at the time for an unlimited general strike movement. GAMMA operated under the "organized crime" division of the SPVM; it appears that ASSÉ was treated as a criminal organization.

¹ See Appendix 1. This record of arrests is based on the CLASSE legal committee's monitoring work and the records of the Collective Opposed to Police Brutality (COBP), available on the [collective's website](#).

² [Criminal Code of Canada](#), R.S.Q. 1985), c. C-46.

³ [Highway Safety Code](#), R.S.Q., c. 24.2.

⁴ The charges against these persons include things such as breaking and entering, forcible entry, conspiracy to commit a break and enter, conspiracy to commit mischief, and conspiracy to commit forcible entry.

The sheer magnitude of basic rights violations in 2012 prompted many individuals, organizations, unions and others to call for a public inquiry⁵.

This political, legal and police repression of social protest movements is part of a pattern that the *Ligue des droits et libertés* and other organizations have been condemning for a long time. The extent of the repression evidenced at the *Summit of the Americas*⁶ in 2011 prompted the *Ligue* to denounce law enforcement's strategic intervention plans to the UN: these included surveillance and infiltration of groups prior to the summit, the use of *agents provocateurs* as well as weapons and gas, preventive mass arrests and abusive or cruel detention conditions inflicted upon demonstrators.

In 2005, the *United Nations Committee against Torture* recommended that Canada conduct an independent, public examination of its crowd control methods including the use of chemical, irritant, compliance or mechanical weapons - such as the Taser gun and plastic bullet guns⁷. In its sixth *Periodic Report to the UN Committee*, Canada indicated that these recommendations would not be implemented given that large demonstrations with potential to breach the peace are relatively rare⁸.

In its *Concluding Observations* of 2006, the U.N. Human Rights Committee recommended:

"The State party [Canada] should ensure that the right of persons to peacefully participate in social protests is respected, and ensure that only those committing criminal offences during demonstrations are arrested. The Committee also invites the State party to conduct an inquiry into the practices of the Montreal police forces during demonstrations, and wishes to receive more details about the practical implementation of Section 63 of the Criminal Code relating to unlawful assembly⁹."

Not only did Canada not follow up on the UN committee recommendations, but the 2010 G20 meeting saw historic levels of violations to the right to protest. During the two-day Summit, law enforcement officials made 1,105 arrests; an unprecedented number in recent Canadian history (497 people were arrested during the October Crisis in 1970, 463 at the 2001 Summit of the Americas).

These preventive arrests were designed to deter citizens from taking part in future demonstrations. In fact, 96% of arrestees at the G20 were cleared or had their charges dropped¹⁰. Of the 1,105 persons arrested, 800 were released following detention, with no charges laid. 150 charges were withdrawn, and several stays of proceedings were ordered.

In a report submitted to the *Inter-American Commission on Human Rights*¹¹, several human rights defence groups sounded the alarm regarding the growing political repression in Canada over the past 20 years. Reports by the House of Commons Standing Committee on Public Safety and National Security, the Ontario Ombudsman¹² and the Director of the Office of the Independent Police Review¹³ have also condemned this repression.

In 2012, the *Committee against Torture* reiterated its concerns about the excessive use of force by peace officers, as well as crowd control methods and inhuman detention conditions in the temporary detention centre during the G20 Summit. The Committee emphasized the need for Canada to hold an inquest into all aspects of the summit and ensure that all allegations of police mistreatment and excessive use of force be promptly investigated and punished¹⁴.

5 They included some thirty Québec City area community groups, (Radio-Canada, "[Conflit étudiant : des citoyens réclament une enquête publique](#)", November 1st, 2012); a collective of 131 teachers (Brian Myles, "[Conflit étudiant – Un collectif d'enseignants exige une enquête publique sur le travail policier](#)", *Le Devoir*, September 19, 2012); and 52 other groups including the *Ligue des droits et libertés*, the AJP, the ASSE, the FECQ and the FEUQ (Radio-Canada and the Canadian Press, "[Conflit étudiant : coalition pour une enquête publique sur le travail des policiers](#)", November 13, 2012).

6 *Ligue des droits et libertés*, *Violations des droits et libertés au Sommet des Amériques, Québec avril 2001. Rapport du Comité de surveillance des libertés civiles*, June 14, 2001.

7 UN Committee against Torture, *Conclusions and Recommendations : Canada*, 2005, CAT/C/CR/34/CAN.

8 UN Committee against Torture, Consideration of Reports Submitted by States Parties under Article 19 of the Convention. *Sixth Periodic Report Due in 2008: Canada*, October 4, 2010 CAT/C/CAN/CO/06, par. 103.

9 United Nations Human Rights Committee, 85th Session, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant: *Concluding Observations of the Human Rights Committee – Canada*, April 20, 2006. CCPR/C/CAN/CO/5, par. 20.

10 Francis Dupuis-Déri, "[Mouvement étudiant et répression policière, pour une commission d'enquête publique](#)", *Le Devoir*, September 19, 2012.

11 Université du Québec à Montréal - International Clinic for the Defense of Human Rights, *Ligue des droits et libertés*, International Federation for Human Rights, *Document in support of the general hearing on the status of freedom of expression, assembly and association in Canada and the right to liberty, security and integrity of the person*, October 25, 2010.

12 André Marin, Report of the Ombudsman, "[Caught in the Act - Investigation into the Ministry of Community Safety and Correctional Services' conduct in relation to Ontario Regulation 233/10 under the Public Works Protection Act](#)", December 2010.

13 Office of the Independent Police Review Director, *Policing the Right to Protest. G20 Systemic Review Report*, Toronto, May 2012.

14 UN Committee against Torture. *Consideration of Reports Submitted by States Parties under Article 19 of the Convention Concluding Observations*, : Canada. June 25, 2012, CAT/C/CAN/CO/06, par. 22.

Project Objectives

Against this backdrop, the *Ligue des droits et libertés*, the CLASSE legal committee and the Association of Progressive Jurists decided to gather input from students and citizens who were intimidated or brutalized by police, arrested, detained, charged or victims of police reprisals during the strike. They also gathered testimony from anyone who was barred

from access to public spaces or services because they were wearing the *carré rouge*. All three organizations view this document as an attempt to provide a more complete picture of the extent of police, legal and political repression, to document relevant events and analyze them from the perspective of observance of human rights and freedoms.

Methodology

A joint call for testimonies was launched on July 5, 2012. The three organizations circulated the call within their own networks, along with a brief template to help participants draft their testimony and to explain confidentiality rules. One team member, working with CUTV, made a video outlining the project¹⁵. Team members held two verbal testimonies gathering sessions in public locations. The numerous written testimonies already received by the *Ligue* and the CLASSE were added to the testimonies gathered, bringing the total number of testimonies to 274.

Eighty-three public testimonies from the media or social networks and 27 collected by the *Collective Opposed to Police Brutality* (COPB) were also analyzed. The team thus examined approximately 384 testimonies. Many of them dealt with more than one event. After an initial reading, the testimonies were synthesized and tabulated on an analytical grid, then assigned to themes and analyzed in small teams. Legal research was also conducted on a number of themes such as preventive arrest, the *Highway Safety Code* and the special laws.

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The *Ligue des droits et libertés* would like to thank the following trade unions for their financial solidarity which permitted the translation of this report :

- Public Service Alliance of Canada (PSAC-AFPC);
- Canadian Union of Postal Workers (CUPW-STTP);
- Canadian Union of Public Employees (CUPE-SCFP).

Structure

Police brutality is the first theme examined, given that it cuts across all categories and is found in every situation recounted by the witnesses. The next themes illustrate the strike's milestones: individual and mass arrests, charges laid under municipal bylaws and the *Highway Safety Code*, criminal charges and detentions under Section 31 of the *Criminal Code*.

These are followed by testimonies pertaining to reprisals and discrimination against people wearing the *carré rouge*, followed by the special law issue and the injunctions saga. One of the last chapters presents a portrayal of the emotions, perceptions and interpretations of people who experienced these events. Finally, the conclusion provides an overview of rights violations followed by a series of recommendations.

¹⁵ CUTV, [Appel aux témoignages de la CLASSE-Ligue-AJP](#), September 27, 2012.



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1. Police brutality

“

I can't get up; I've been too badly beaten. I'm sure they're killing me. I told them to stop hitting me if they wanted me to leave.

**Man carrying a red flag
at the May 1st, 2012 demonstration**

According to the testimonies collected, the police used verbal violence and “more force than necessary” to control demonstrators exercising their rights guaranteed under the charters. More than 120 incidents of police brutality are recounted in these testimonies.

1.1 Incidents of police violence

Physical violence

“

Why arrest demonstrators [...] with enough force to kill or turn someone into a paraplegic? Why hit someone who is already on the ground?

**Witness shocked at the sight of police officers
bludgeoning demonstrators on the back of the neck
and of a victim lying unconscious in a pool of blood**

Many witnesses reported being pushed, bludgeoned, hit, trampled on, shoved violently against walls, choked or dragged along the ground¹⁶. They spoke of being pulled by the hair, punched in the face, or having their arms twisted. In some cases, the victim was held down by several officers while their colleagues brutalized him. One person described how an officer crushed his head against the ground with his knee while another officer kicked him in the ribs. Others spoke of being roughed up, punched, kicked, kneed, and hit with batons, shields and even bicycles.

These incidents caused multiple injuries: scrapes, bruises, swellings, sprained wrists,, ankles and necks, and even fractured ribs, arms and legs. One young man suffered multiple fractures to his cranium while peacefully demonstrating on May 1st¹⁷. Many victims suffered serious and permanent injuries at the events in Victoriaville¹⁸. One woman was hit directly in the face with a projectile and left with major fractures to her jaw, and two men suffered severe head injuries, one losing sight in one eye and the other losing hearing in one ear along with other serious aftermath effects, including regular loss of balance. This, in addition to another man's loss of sight in one eye prior to the events in Victoriaville, caused by the explosion of a stun grenade at a demonstration.

¹⁶ This video shows a man being violently thrown to the ground after an evening demonstration on May 16, 2012 :

<http://www.youtube.com/watch?v=9TU69PpsEPo>.

See also this video of a police officer striking demonstrators at a gathering on January 27, 2012 across from the offices of the Ministry of Education: <http://www.youtube.com/watch?v=DWG0jSg2Xk>.

¹⁷ Philippe Teisceira-Lessard, “Un manifestant blessé envisage de porter plainte”, *La Presse*, May 3rd, 2012.

¹⁸ See page 9 of this report for a more detailed description of the Victoriaville events.

In fact, many people who were hospitalized because of their injuries are still suffering their aftereffects, such as loss of flexibility or motor skills, and in the case of the person who sustained brain injuries, loss of visual acuity. Some injuries were serious enough to force several people to miss weeks of work. Some were forced to stop driving vehicles, while others have limited mobility (inability to walk or difficulty walking). Many spoke of post-traumatic shock; one person related developing a pronounced fear of dying in the street.

Several victims said that handcuffs or nylon tie-wraps that were too tight caused injuries to their wrists or ankles. When they asked police officers to loosen the handcuffs or tie-wraps, the officers hit them on

the hands or answered "Do you want me to tighten them?" to make them suffer more. One person said that officers called him "a coward" and "weak" when he asked for his handcuffs to be loosened. When the tie-wraps were finally cut, they were so tight that officers had trouble cutting them with scissors.

Many of the people detained were forced to wait hours without water, food or access to washrooms; some were forced to urinate in their pants or in public. Some suffered dehydration and heatstroke. Others were subjected to intrusive and abusive searches. Some women told us that officers "felt their breasts in front of everyone", "lifted their skirts in public" and conducted searches that violated their personal privacy.

Verbal and psychological violence

The testimonies tell of numerous incidents involving offensive, racist, sexist, homophobic, derogatory, degrading, paternalistic and condescending language.

Two young women wearing the *carré rouge* who were sitting on the curb at a good distance from the demonstration were beaten with batons. While beating them, the police officers called them sluts, dirty hippies, cocksuckers, and shit eaters, told them "just wait and see what happens to you bitches". The police officers then left them on the sidewalk and moved on as if nothing had happened. The young woman who was beaten on the leg said that she had trouble walking for several days.

People spoke of police officers insulting them with names like "fucking idiot", and saying things like "shut your mouth", "you're not a citizen, you're a moron", "I couldn't care less about that citizen", "anyone in a pot-banging protest is on welfare", or "Who paid for Amir Khadir's studies – Canada or his home country?". One police officer said to a person of Asian origin "You fucking Kim Jong-Il, we'll send you back to your country".

because I was a spoiled child who refused to pay "fifty cents more".

He told me that I had no respect for police officers and that I was trying to show off with my talk of rights, but that now, given my position, I was a bit less cocky and they were the ones who had the upper hand.

He asked me, in a highly sarcastic and condescending tone, if I wanted to call "mommy", and called me "poor baby".

Supporter of the movement arrested during a demonstration who was given a ticket for "producing audible noise", and another for "continuing or repeating a prohibited activity after being ordered by a peace officer to cease this activity".

Supporter of the movement arrested during a demonstration who was given a ticket for "producing audible noise", and another for "continuing or repeating a prohibited activity after being ordered by a peace officer to cease this activity".

“ *I tried to find out why I'd been arrested, and the officer answered that they were the ones in charge and I had no say in the matter. He told me - in an extremely brutal, diminishing, humiliating and condescending way - that I was an idiot who should go back to school and learn instead of throwing stones at police,*

It is important to note that Section 5 of the Code of Ethics of Québec Police Officers¹⁹ provides that "A police officer must act in such a manner as to preserve the confidence and consideration that his duties require". It specifies that an officer must not use obscene, blasphemous or abusive language, nor use injurious language based on race, colour, sex, sexual orientation, religion, political convictions or be disrespectful towards any person.

19 Code of Ethics of Québec Police Officers, R.S.Q., c.P-13.1, r.1.



1.2 Less lethal weapons and dispersal weapons

“ I was afraid for my life. The situation was surreal, because it was the police officers who were attacking us. I got up on a table and asked people to remain calm. I couldn't breathe, I was nauseous and my eyes were stinging.

Witness returning home one May evening who was caught in a police trap and pepper-sprayed on the patio of a bar on St-Denis where he had taken refuge

“Less lethal” weapons and crowd dispersal weapons were widely used by law enforcement officials during demonstrations. These arms ranged from chemical irritants, tear gas and pepper spray²⁰, to kinetic energy weapons firing plastic or rubber bullets, and stun grenades²¹. It is noteworthy that these weapons used to be called “non-lethal weapons”, but the number of people killed with them led to the shift to “less lethal weapons”. The use of hard plastic AR-1 Standard Energy bullets fired with an ARWEN gun (Anti-Riot Weapon ENfield) is highly problematic. This multi-purpose gun can hold five 37mm projectiles, including hard plastic bullets, as well as tear gas or irritant gas grenades, and can fire them at less than 4-second intervals at over 250 km/h²².

The *Ligue des droits et libertés* indicated in 2002 that “the use of plastic bullets is unjustifiable and unreasonable, given their potential to cause serious injuries and even death”, and called for the immediate prohibition of the use of these bullets as a crowd control technique²³.

Although these projectiles have not yet been officially identified as the precise cause of the three serious injuries in Victoriaville, several indications point to plastic bullets as the cause of serious injuries such as the loss of an eye, the loss of several teeth²⁴ and a head injury²⁵. Witnesses reported seeing people collapse on being hit by a plastic bullet. It is worth noting that the program *Enquête* broadcast on Radio-Canada television on March 28, 2013, clearly contradicted the law enforcement contention that these serious injuries were not caused by police actions and the use of crowd control weapons.

20 See the following video showing police officers pepper-spraying demonstrators on the night of May 19-20, 2012, on the patio of the St-Bock bar on St-Denis St. In Montréal : <http://www.youtube.com/watch?v=GGGVPZN9Jjw>. See also this video filmed on the night of May 20-21 showing peaceful demonstrators being aggressively pepper-sprayed by the officer wearing badge #728: <http://www.youtube.com/watch?v=W05MoKEEYAk>.

21 GAPPA, in cooperation with 99%Média and Moïse Marcoux-Chabot, *Citizen investigation into stun grenades*, March 12, 2013.

22 Moïse Marcoux-Chabot, “*Victoriaville : les balles de plastique sont identifiées*”, May 8, 2012.

23 Ligue des droits et libertés, *Rapport sur l'utilisation des balles de plastique lors de manifestations*, May 14, 2002, revised May 2012. Numerous international organizations, including the United Nations Committee against Torture, Human Rights Watch and Amnesty International have also called for the outright prohibition of plastic bullets for crowd control.

24 Mathieu Boivin, “*Une étudiante de l'Université Laval blessée en plein visage à Victoriaville*”, *Le Soleil*, May 9, 2012.

25 Joé Habel, “*Lettre ouverte sur la manifestation de Victoriaville*”, *Tahir*, May 7, 2012.

Friday May 4, Victoriaville. Opening day of the Liberal Party of Québec's General Council

The Liberal Party of Québec's (LPQ) General Council was originally to be held in Montréal, but was subsequently moved to Victoriaville, far away from the downtown area and, the LPQ hoped, from student demonstrations. As it happened, social groups "angered by the Charest government's austerity measures" quickly organized a march in the city of Victoriaville. About fifty buses pulled up near the Victorin Hotel, which was hosting the Council. The hotel was set off by a flimsy metal barricade loosely anchored in the ground. Around 6:25 p.m., the procession arrived at the perimeter of the convention centre. At 6:30, the anti-riot squad moved in, claiming that the security fence had been moved by the crowd. The events that followed made headlines, and it was the excessive violence of the clashes that garnered ubiquitous attention. One demonstrator reported "I've never seen so much tear gas in my life (in all the demonstrations I've been to)."

The Sûreté du Québec says that 33 projectiles were fired by less lethal weapons²⁶ and 206 "irritants" dispersed²⁷. More than 10 people were injured and taken to hospital, three in serious condition. The Coalition opposée à la tarification et à la privatisation des services publics counted "about 400 minor injuries treated by medics", including open wounds, bruises caused by projectiles and burning eyes²⁸. Many people reported that police slowed down or even blocked emergency services. According to one demonstrator acting as a rescue worker, the police continued to charge and spread irritant gases despite the person injured by a projectile to the head lying unconscious on the ground. Demonstrators formed a human chain facing the police to protect the victim, who had to be moved twice to escape the relentless attacks of the anti-riot squad.

“

*I experienced horror on Friday.
I'm used to seeing people in impossible
positions, but I still can't get past the fact
that everyone I attended to was a victim
of violence from the very people
that were supposed to protect them.*

*What's more important
– a store window or an eye?
Looks like the store window wins.*

*In the course of my work as a firefighter,
I've seen some pretty vile things,
but just thinking about the cause
of the horrors I saw makes the hair on my
neck stand on end.*

*I'm still asking, given that the tear gas used
at the beginning of the demonstration
seemed to work fine, why plastic bullets
that injure ONE person were used when a
gas grenade will disperse A THOUSAND?*

Firefighter who was at the demonstration

The crackdown on the Victoriaville demonstration was strongly condemned as exceptionally violent. *Le Devoir* photographer Jacques Nadeau was particularly struck by the brutality of the altercations: "The tear gas was absolutely everywhere. I think the SQ went through their entire supply that day. It was unprecedented."²⁹ The testimonies gathered tell a very vivid story. Many speak of police refusing to help injured people. One demonstrator described how Sûreté du Québec officers refused to help her assist an unconscious man with a head injury bleeding profusely from one ear, and kept shooting gas canisters a few metres away from the victim. Another, who assisted nine people injured by plastic bullets or overcome by irritant gases, was appalled that police did nothing to help the seriously injured.

Ruthless as it was, the degree of repression witnessed in Victoriaville was by no means an isolated example of the effects of less lethal weapon usage. Chemical irritants and stun grenades were commonplace at the height of the strike. Other examples included police pepper-spraying patrons at close range on the patio of the St-Bock bar on Saint-Denis Street³⁰ and a man who lost the use of an eye as the result of a stun grenade thrown into a crowd by an SPVM officer on March 7, 2012.

26 Brian Myles, "La SQ estime que son opération lors de l'émeute à Victoriaville a été réussie", *Le Devoir*, May 10, 2012.

27 Radio-Canada, "Violence à Victoriaville: une coalition demande une enquête sur le comportement policier", May 10, 2012.

28 Ibid.

29 Patrick Bellerose, "Jacques Nadeau lance un livre de photos sur le printemps érable" *Le Huffington Post Québec*, August 17, 2012.

30 This scene was videotaped: <http://www.youtube.com/watch?v=x-m6FOIFsyg>

1.3 Standards regulating police work and complaint control mechanisms

The testimonies collected illustrate that there was excessive and unjustified use of force on demonstrators and observers during many law enforcement interventions. Section 6 of the *Code of Ethics of Québec Police Officers* stipulates that police officers must avoid any kind of abuse of authority in their dealings with the public. This includes not using more force than necessary to carry out the tasks they are assigned or permitted. An officer who uses excessive force can also be found criminally responsible for his actions³¹. Under Section 4 of the *Code*, any failure or omission concerning a duty or a standard of conduct constitutes a derogatory act and may result in the imposition of a penalty.

The handling of complaints filed under the ethics code has long been strongly criticized by rights defence groups. Only 148 of the 2,108 ethics complaints received by the Commissioner for Police Ethics between April 1st, 2011 and March 31st, 2012 resulted in

investigations, and of that number, only 61 cases were brought before the *Ethics Committee*³². According to one media source³³, 205 complaints were filed following the student demonstrations last year, and 76 are currently under investigation. In September 2012, it was reported that over 46% of the complaints filed in connection with the student protests had been rejected or subject to mandatory conciliation³⁴. During that same month, only partway through the year, the number of complaints was 14% higher than in the previous year³⁵.

At a more systemic level, police crowd control techniques, previously condemned by the *United Nations Committee against Torture* in 2005 and 2012, raise serious questions³⁶. Are this level of force and the use of *less lethal* weapons really necessary? Many groups, including *Amnesty International*, are unconvinced³⁷.



Photo © Darren Ell 2012

31 See Sections 25 (3) and 25 of the *Criminal Code*.

32 Commissioner for Police Ethics, *Rapport annuel de gestion 2011-2012*, November 2012.

33 Nicolas Saillant, "Premier cas de brutalité policière entendu", *Le Journal de Montréal*, March 10, 2013.

34 Caroline d'Astous, "46% des plaintes contre les policiers rejetées", *Le Huffington Post Québec*, September 20, 2012.

35 Annie Mathieu, "Conflit étudiant: près de 200 plaintes en déontologie policière", *Le Soleil*, September 11, 2012.

36 See *supra* notes 7 and 14 and corresponding text.

37 Amnesty internationale Canada francophone, "Conflit étudiant : Amnistie internationale Canada francophone est sérieusement préoccupée par les atteintes au droit de manifester pacifiquement", April 23, 2012.

2. The arrests

Numerous testimonies recount incidents of false, unlawful, abusive and often brutal arrests. Most occurred before, during or after demonstrations and planned disruptions, but many also happened in the course of routine activities – on the street, coming out

of a bar, in the subway and elsewhere. Our records show that 3,509 arrests occurred between February 16 and September 3, 2012. We begin with the individual arrests, followed by the mass arrests.

2.1 Individual arrests



It took me more than a few seconds to comply with the order to disperse. They arrested me, insulted me and took me to a police station. They issued me a \$434 ticket for producing audible noise. I consider myself a victim of political profiling.

Demonstrator arrested on May 14, 2012

In addition to mass arrests, there were numerous arrests of one or several people at once, in both public and private locations. Most of the testimonies deal with events in Montréal, but others come from Sherbrooke, Québec City, Longueuil, Victoriaville, Gatineau and others. The accounts vary widely, but some consistencies emerge: failure to communicate reasons for arrest, offensive or demeaning language used by police, excessive use of force, overly tight handcuffs, lack of access to water, washrooms and medical care, prolonged detention time, and release without charge or frequently with far-fetched or inflated charges.

Specifically-targeted individuals

Certain types of individuals, especially independent journalists and people filming or photographing events, appear to have been systematically targeted. Some journalists were charged with obstructing a police officer, and a few told of having their cameras confiscated and the contents erased. CUTV journalists were harassed, beaten and arrested with no regard to their status as journalists. One was threatened with being charged with incitement to riot. Another journalist spoke of being consistently intimidated during demonstrations; she was arrested and fined for merely photographing police.

Other specific targets included people wearing masks, scarves, backpacks, the *carré rouge* or black clothing. One person was arrested because she was “dressed like a criminal”. Activists known to police as frequent demonstrators were subject to various forms of harassment and arrested in innocuous circumstances. Many alleged that police intimidated them with threats like “this is your last demonstration”, “we’ve got a ticket for you”, “if you try and find your friend, I’ll send officers to arrest you for loitering” or “if you file a complaint, you’ll be sorry”.

One woman was routinely followed and harassed during demonstrations by police officers who called her by her first name. She was given 10 tickets for offenses such as spitting on the ground, crossing the street on a red light and walking in the street. She described how police insulted her and made remarks about her personal life and sexist comments. Another woman was followed after an evening demonstration, addressed by her first name by police, beaten and then threatened with criminal charges if she complained. She was held for 15 hours, only to be released without charge.

Many demonstrators who were known to police reported receiving tickets for dubious reasons such as refusal to circulate, spitting on the ground, dropping a tissue on the ground (one officer even admitted that this ticket was designed to discourage people from demonstrating) and having a defective bicycle reflector (which was in perfect condition). Others said they were arrested or harassed because they were known to police as individuals who had filed, or might file, ethics complaints.

Arrests of passersby, tourists and others

People simply walking by, business owners and tourists were arrested, including many people coming out of bars or restaurants. One restaurant owner was arrested, handcuffed and held for six hours for letting his customers exit through the back door of his business.

Police with concealed badge numbers threatened to take away customers who were filming what was going on. In the end, the business owner was never charged.

Police behaviour during arrests

Very few people were read their rights when they were arrested. Virtually every witness said that their requests – for explanations, to contact a lawyer, for handcuffs to be loosened, for water or medication – were ridiculed or ignored by police. Many spoke of verbal and physical violence. One person was actually threatened by a police officer's weapon in her face, then herself charged with assault with a weapon.

Some of the brutalizing or abusive arrests did not end in charges. One witness recounted how police discovered him urinating in an alley, but instead of issuing a ticket, they insulted and beat him violently, only to later release him with no explanation.

Some examples of arrests for spurious or ludicrous reasons:

- One person was arrested leaving a demonstration for consuming alcohol in public. He strongly denied the charge and asked to be given a breathalyser test, but was refused.
- Another was held and charged with possession of drugs, despite having authorization from Health Canada to possess marijuana for medical reasons. Police refused to read his prescription.
- A person who waved at an anti-riot vehicle was given a ticket for crossing the street on a red light.
- A journalist was charged with uttering death threats for pointing at a police officer. This charge was dropped in April 2013 because the prosecution could provide no evidence.
- Someone was given a ticket for being on the street wearing roller-skates, others for walking on the street and still others for jaywalking during an evening demonstration.
- One person who was with a friend being stopped was arrested for touching the police officer's arm as she asked him what was going on. She was charged with assault on a police officer.
- Someone was arrested and charged with assault on a police officer and obstructing a police officer for trying to prop up a young man who was being assaulted by several police officers.
- A person walking up to his friend who was being arrested at the opening of the school year at l'Université de Montréal was recognized by police and immediately arrested with no reason given.
- Another person was arrested and charged with assaulting a police officer for throwing confetti.
- After witnessing the arrest of a friend, a person walking on a pedestrian mall was stopped, handcuffed, shoved against the wall and searched so violently that her pants tore. After some hesitation, police gave her a ticket for a defective bicycle reflector, which was patently false.
- Someone taking refuge from the rain under the roof of the SPVM headquarters was arrested, then released on condition of no longer attending demonstrations.
- One person was charged with assault on a police officer for spilling water on a patrol car.

2.2 Mass arrests

“

I left the demonstration right after it was declared unlawful. The police surged forward and cordoned me off with about 30 other people. We were handcuffed and taken to a police station, then released six hours later with a ticket for unlawful assembly.

A demonstrator describing an evening demonstration

Police used kettling to conduct mass arrests all across Québec in the spring and summer of 2012. Our data shows at least 31 instances of mass arrest between March 15 and August 2, 2012: 19 in Montréal, four in Québec City, two in Gatineau and five in Sherbrooke³⁸. A total of 2,913 people were arrested in this way.

A rather consistent image of these mass arrests emerges from the testimonies collected. They occurred during peaceful and often festive gatherings, occasionally marked by an isolated incident. The majority of witnesses said that police did not warn them that the demonstration was illegal, that they must disperse, or that the police were about to intervene. Some of the witnesses reported that in Montréal, any demonstration held after the special law (Law 12) and Bylaw P-6 came into effect, requiring that police be notified of the itinerary beforehand, was declared “unlawful” by the SPVM, but then tolerated.

Several witnesses expressed surprise and bewilderment with police decisions to intervene with no warning during peaceful demonstrations. Many said that demonstrators could not tell when to leave because the police provided no clear indications. Quite the opposite was true, they said. Riot police would intervene on the spur of the moment and divide demonstrators off into groups of 50 to 200, then surround them. Police would sometimes order the crowd to disperse, clattering on their shields and yelling “Move” in unison, while their colleagues blocked exits from the site. These kettling operations were conducted with tear gas, pepper spray, shields, batons, plastic bullets or stun grenades. Many witnesses reported that the police used excessive force during mass arrests even when demonstrators were peaceful, and that some police badges were not visible during these operations.

Once entrapped, protestors were held where they were for anywhere between 30 minutes and two hours, then searched, handcuffed with tie-wraps and taken to police stations.

“

The men were led into the bus first, which allowed them to warm up more quickly; it was very cold. [...] My lips were blue, and I couldn't tell when things would finish. I was worried about hypothermia.

Woman demonstrator arrested in Québec City during the feminist demonstration against fee hikes, April 27, 2012

Once they arrived at police stations, demonstrators had to endure long waits before being questioned and photographed for identification purposes. Many police questions concerned information that no one is required to divulge, such as cell phone numbers, educational institution attended and student association adhered to. Ultimately, handcuffs were removed and tickets were issued, mostly under a bylaw or the *Highway Safety Code*. The total time of detention in handcuffs and without access to water or washrooms varied from three to six hours.

When people arrested were not brought to police stations, they were released randomly all over the city, often after public transport had stopped for the day.

38 See Appendix 2 for details on mass arrests.



Two examples of mass arrests at UQO³⁹

The Québec Superior Court had issued an injunction requiring the Université du Québec en Outaouais (UQO) to recommence classes as of April 16, 2012. The court decision also prohibited any demonstration within 25 metres of the two university buildings. In the first few days after the injunction came into effect, there were two incidents of mass arrests and scenes of police brutality. On April 18, 2012, 161 people were arrested for alleged violation of Section 500.1 of the Highway Safety Code.

One demonstrator reported that the group was entrapped for almost an hour, even though the police had not given the order to disperse. They were then searched and confined to buses without access to washrooms, and finally taken to the police station. A total of 220 people received tickets for alleged actions on April 18, 2012. Most tickets were issued on site, but others were sent months later.

Police refused to give their badge numbers. Another protestor says he was a "victim of profiling", since a union representative arrested inside the kettle was released without a ticket.

On April 19, 2012, at least one protestor received lacerations to his head from a police baton. About 150 protestors peacefully occupied the cafeteria of one UQO building⁴⁰. They were arrested and charged with mischief after a few hours of occupation. A man in his sixties who tried to intervene during the aggressive arrest of a demonstrator says that a police officer clubbed him with his baton. His partner, who tried to defend him, was thrown on the ground. UQO cancelled classes for several days in reaction to these violent events. A professor was arrested and charged with obstructing a police officer for trying to reach his office to get a book. This charge was dropped by the prosecution in September 2012.

2.3 The facts with respect to the law

Taking part in demonstrations is a form of expression that enjoys constitutional protection provided by Sections 2 b) and 2 c) of the *Canadian Charter of Rights and Freedoms*⁴¹, Section 3 of the Québec

*Charter of Human Rights and Freedoms*⁴² and Sections 19 and 21 of the *International Covenant on Civil and Political Rights*⁴³.

39 Ottawa Citizen, "Photos: Quebec students continue protest against proposed tuition increase", May 8, 2012.

40 Radio-Canada, "Plus de 150 arrestations à l'UQO lors d'une manifestation", April 19, 2012.

41 *Canadian Charter of Rights and Freedoms*, Part I of The Constitution Act, 1982 [Schedule B to the Canada Act 1982 (UK), 1982, c 11]

42 *Charter of human rights and freedoms*, R.S.Q., c.. C.-12.

43 December 19, 1966. 999 R.T.N.U. 171, R.T. Can. No 47.

During the student strike, law enforcement officials not only failed in their duty to respect freedom of expression and of peaceful assembly, they actually violated these rights by arresting people without legal foundation and using coercive methods against peaceful citizens. Law enforcement officials try to use

security concerns to justify their actions. Security is important, but using preventive and arbitrary arrests and abusive levels of force to achieve it is unjustifiable and does not constitute a reasonable infringement on the fundamental rights of demonstrators.

General authority to arrest in Canadian law

Under Section 495 (1) of the *Criminal Code*, a peace officer may arrest without warrant a person who has committed or is about to commit an indictable offence or a person whom he finds committing an indictable offence. This provision in no way authorizes roundups or preventive arrests⁴⁴.

Mass arrests raise serious concerns about the principle of individual criminal liability. Punishing people in groups for being on the site of a demonstration is fundamentally unjust. Preventive arrests and preventive detention are clearly forms of prior censorship, since they prevent

people from being present during a demonstration and from voicing their opinions. This form of censorship violates their freedom of expression and the right of the public to receive information.

Arrests without reasonable grounds are arbitrary and unlawful. Many people were arrested primarily for what they appeared to be, and not for what they had done. Many arrests were indeed made not because an offense was committed, but based on appearance, age, manner of dress or assumed political convictions of the people involved. This is discriminatory profiling.

Arrests and detentions under municipal bylaws

The authority to arrest under municipal bylaws is more limited, as are the methods for identifying the persons arrested. Arrest and detention for offenses under municipal bylaws are unusual, since "the principle is that the offense is penalized once the ticket is issued. Cases of formal arrest are the exception"⁴⁵. Arrests may be legal when they constitute the only reasonable way to stop the offense⁴⁶.

The detention must end the moment it is no longer needed to prevent the offense in question from resuming or continuing. Clearly, then, four to six-hour detention periods, which were commonplace last spring, are suspect. As the Québec Superior Court pointed out in a case of mass arrest, the question in each case must be "What was preventing the police officers from issuing tickets and releasing these people immediately?"⁴⁷.

Police alleged that, in the case of Spring 2012, detention was the only option for ensuring that the demonstration stopped, and necessary for issuing tickets. But many of the people arrested and detained under municipal bylaws reported that the actual motives for these unwarranted arrests seemed more like intimidation and a desire to castigate.

Furthermore, many people who were arrested under municipal bylaws or the *Highway Safety Code* were photographed for identification purposes. It should be noted that Section 2 of the *Identification of Criminals Act* limits police photographing authority to criminal offenses⁴⁸. Police forces therefore overstepped their authority.

44 Véronique Robert, "[Au nom de l'article 31, je vous arrête](#)", *Voir*, June 28, 2012;

Marie-Ève Sylvestre, "[Les arrestations préventives sont illégales et illégitimes](#)", *Le Devoir*, June 12, 2012.

45 Québec (Ville) c. Gagnon, 2009 CanLII 70620 (QC CM), par. 57.

46 See Section 75 of the Code of Penal Procedure, R.S.Q., c. 25.1. See also Montréal (Ville) c. Garofalo, 2001 CanLII 27042 (QC CM), Khoury c. Dupuis, 2004 CanLII 9215 (QC CQ); Québec (Ville) c. Gignac, 2007 CanLII 42938 (QC CM); Québec (Ville) c. Gagnon, 2009 CanLII 70620 (QC CM).

47 Kavanagh c. Montréal (Ville de), 2011 CanLII 4830 (QC CS), par. 138.

48 Identification of Criminals Act (R.S.C., 1985, c. I-1).



3. The Charges

3.1 Under municipal bylaws



The Sherbrooke Police Force tried to intimidate activists by threatening to apply municipal bylaws, which in this case fundamentally violate our basic rights.

Protestor threatened with a ticket for “breaching the peace” and “inciting people to march in the street”

Our records show 1,616 tickets issued under the municipal bylaws of various Québec cities. The bylaws used to judicialize demonstrators are mostly related to public peace and order, but the testimonies gathered show that tickets were also given to demonstrators for a wide variety of sometimes ludicrous reasons, including “crossing the street on a red light”, “loitering”, “spitting”, “failing to cease an activity after being ordered

to do so”, “failing to use the sidewalk bordering the pavement as a pedestrian” or “producing an audible noise”. The fines shown on these tickets are often in the hundreds of dollars.

Many testimonies said that the obscure reasons given for the arraignments suggest that the main purpose of the tickets was to keep track of people's identity and movements in order to prevent them from joining demonstrations. Among the arrestees, large numbers said they were not informed of the reasons for their arrest until they got their ticket. One of them recounted that the inspector at the police station wondered which charge he would choose; this suggests that bylaws were being used arbitrarily to coerce and control demonstrators.

Peace and good order bylaws in Montréal and Québec City

Montréal law enforcement made many of their mass arrests based on a municipal bylaw - the *Bylaw on the prevention of breaches of the peace, public order and safety (P-6)*⁴⁹. Many people were given tickets for unlawful assembly under this bylaw, which was originally passed in 1969, and underwent major amendments on May 19, 2012. Section 2 of this bylaw already prohibited any assembly, parade or other gathering that endangers public peace, security and order from being held on public streets and squares, or in parks or other public spaces.

Since the introduction of the amendments consisting of Sections 2.1 and 3.2 in May 2012, authorities must be notified in advance of the exact location and itinerary of any assembly, parade or gathering, and no one taking part in this type of activity is permitted to wear a mask. In addition, the amendments to Section 7 of the bylaw raise the fine for a first offense from a minimum of \$100 to a minimum of \$500.

⁴⁹ City of Montreal, [*Règlement P-6 sur la prévention des troubles de la paix, de la sécurité et de l'ordre publics, et sur l'utilisation du domaine public*](#), May 19, 2012.

In Québec City, the *Règlement sur la paix et le bon ordre*⁵⁰ stipulates that no one may “hold or participate in an unlawful demonstration in public areas”. A demonstration is unlawful if: 1) the Québec City Police Service was not notified of the time, location or itinerary of the demonstration; 2) the stated time, location or itinerary are not observed ; or 3) acts of violence or vandalism are committed (Section 19.2). Also prohibited are being in a park between 11:00 p.m. and 5 a.m. (Section 19.3), being present at, or participating in a gathering in a public space between 11:00 p.m. and 5 a.m. (Section 19.4), blocking traffic on sidewalks, a public square or pedestrian crosswalk, or depriving citizens of regular use of a part of public space (Section 19.5)

Sections 19.1⁵¹ to 19.5 were passed in June 2012 at a special meeting of Québec City Council, just before St-Jean-Baptiste Day and the June 22 student protests. A number of rights defense groups, including the Québec City section of the *Ligue des droits et libertés* and the *Regroupement d'aide aux Itinérants et Itinérantes du Québec* (RAIIQ), voiced their concerns regarding the effects of these new provisions on freedom of expression and on living conditions for itinerant people⁵².

One of the problems with bylaw provisions such as these⁵³ is that there are no clear instructions on how to apply them. When are certain types of gatherings considered to be “a threat” to public peace, security and order? As soon as an offense under the bylaw is observed, the procession or gathering is technically considered unlawful, and participants are subject to fines. A demonstration can be judged illegal before it even starts if the authorities have not been notified of its itinerary. The result is that these bylaws offer law enforcement total leeway in deciding where, when and how the right to protest can be exercised. One

City of Montréal representative even stated that a demonstration could break the bylaw (particularly in the case where the itinerary has not been provided) even though SPVM officers have not ordered its dispersal⁵⁴.

Many legal defence organizations had already voiced concerns with the scope of this discretionary power before the City of Montréal even adopted the amendments to Bylaw P-6. *The Canadian Civil Liberties Association*⁵⁵, the *Ligue des droits et libertés*⁵⁶ and the *Barreau du Québec*⁵⁷ all pointed out that the terms were vague and ambiguous, leaving room for potentially abusive and discriminatory enforcement. These organizations perceived the requirement to notify authorities in advance of the itinerary as an unacceptable infringement on rights and freedoms (especially the right to peaceful assembly), one that no free and democratic society could justify. As for the prohibition on masks, these organizations indicated that the right to anonymity is an integral part of freedom of expression, freedom of association and privacy rights, and that wearing a mask could not be an indicator of criminal intent to commit an offense. A similar provision that had been in effect in Québec City for 150 years was declared void for infringement on freedom of expression in 2005⁵⁸. Finally, the *Association des juristes progressistes* argued that Bylaw P-6, which is more restrictive than Law 12 in some respects, was used abusively by the SPVM to “deter people from demonstrating”⁵⁹. The constitutionality of the recent amendments to bylaw P-6 is being challenged before the courts⁶⁰. The case should be heard by the Superior Court in October 2013.

50 Ville de Québec, *Règlement R.V.Q. 1091 sur la paix et le bon ordre*, June 19, 2012.

51 Section 19.1 includes prohibitions of building structures or fires on public property.

52 LDLQC and RAIQ, “*Les modifications à la réglementation municipale auront des effets néfastes sur les personnes en situation d'itinérance*”, May 18, 2012.

53 Several cities have municipal bylaws dealing with public peace and order, including Gatineau (Ville de Gatineau), *Règlement 42-2003 concernant le maintien de la paix publique et du bon ordre sur le territoire de la Ville de Gatineau*, July 10, 2003) July 10, 2003) and Sherbrooke (Ville de Sherbrooke, “Titre 5 – Protection de la personne et de la propriété, Chapitre 6 – Ordre et paix publiques” of *Règlement no 1 – Règlement général de la Ville de Sherbrooke*, May 25, 2012). However, it appears that it was mainly Section 500.1 of the Highway Traffic Code that was used to punish protestors in these cities.

54 Villeneuve c. Montréal (Ville de), 2012 QCCS 2861.

55 Canadian Civil Liberties Association, *Lettre au maire de Montréal Gérald Tremblay*, May 15, 2012.

56 Ligue des droits et libertés, “*Masques, permis et liberté d'expression à Montréal*”, Submission of the Ligue des droits et libertés' position to the Comité de la Sécurité publique de la Ville de Montréal, April 10, 2012.

57 Barreau du Québec, *Lettre à M. Claude Trudel, président de la Commission de la sécurité publique*, May 16, 2012.

58 *Québec (Ville) c. Tremblay*, 2005 CanLII 100 (QC CS).

59 Association des juristes progressistes, “*La liberté de manifester existe. Le P-6, par contre, ne devrait pas*”, March 2013, p.6.

60 Brian Myles, “*Anarchopanda en cour*”, *Le Devoir*, June 6, 2012.

was used selectively by the SPVM. Many demonstrations were declared “unlawful” from the beginning but then allowed to go ahead because they were “tolerated” by the SPVM. Yet in other cases, such as at the corner of St-Denis and Sherbrooke Streets in Montréal on May 23, 2012, about 500 people were given tickets for unlawful assembly under this bylaw, not to mention \$634 fines. Many witnesses reported that police surrounded the demonstration with no warning, leaving the demonstrators no way to leave once the demonstration was declared unlawful. The arrestees were detained for hours – from about 11:30 p.m. to 5:00 a.m.

They had no access to drinking water or washrooms (some were forced to urinate in storm drains, in front of everyone) and some of them spoke of being denied access to their medications. Many said they were not told the reason for their arrest until their ticket was issued at the police station. They were handcuffed and identified one by one before being put on a city bus. Some reported being released with no idea how to get home. Many demonstrators criticized the demeaning and humiliating attitude displayed by police.

Use of other municipal bylaws to judicialize demonstrators

In the course of the *Printemps Érablé*, the use of municipal bylaws other than the one dealing with unlawful assembly was also reported. In much the same way as homeless people are victimized by discriminatory and skewed enforcement of bylaws intended to control their movements in public spaces – as described in the November 2009 report of the *Commission des droits de la personne et des droits de la jeunesse*⁶¹ — demonstrators were subject to discriminatory enforcement of municipal bylaws in an

apparent attempt to intimidate them and deter them from voicing their political opinions in public. Some people in Montréal were given tickets for crossing on a red light, loitering, or “producing an audible noise”. They spoke of feeling specifically targeted by police. Several people wearing the *carré rouge* in Longueuil were given tickets for being in a park after 11:00 p.m. Yet there were several older men also in this park, where people are routinely tolerated until bar closing time, who were not apprehended by police.

3.2 Under the Highway Safety Code

Section 500.1 of the *Highway Safety Code* reads: “No person may occupy the roadway during a concerted action intended to obstruct vehicular traffic on a public highway in any way [...] so as to obstruct vehicular traffic on the highway or access to such a highway”. The third paragraph of this article specifies that it does not apply “during parades or other popular events previously authorized”. And yet, some 817 charges were laid under this provision, and according to the testimonies collected, several police forces, including those in Montréal, Québec City and Gatineau threatened to apply this section if the demonstrators continued to walk in the street.

On April 27, 2012, police in Québec City began to surround about 80 demonstrators 10 minutes after the

demonstration had started, and issued them all with tickets under the *Highway Traffic Code*. The Québec City section of the *Ligue des droits et libertés* filed a complaint for violation of freedom of expression and discrimination based on political convictions with the *Commission des droits de la personne et des droits de la jeunesse*⁶². The complaint was filed on behalf of 37 people arrested on that day, and was recently ruled admissible by the *Commission*.

Independent documentary filmmaker Moïse Marcoux-Chabot reports in his article *De la route à la rue: histoire politique d'un instrument de répression policière* that this legal provision, adopted in 2000, had never been used until the March 2011 demonstration against police brutality.

61 Christine Campbell and Paul Eid, *La judiciarisation des personnes itinérantes à Montréal: Un profilage social*, Montréal: Commission des droits de la personne et des droits de la jeunesse, 2009.

62 Ligue des droits et libertés, Québec City Section, “*La LDL-Qc interpelle la Commission des droits de la personne quant au respect de la liberté d'expression des manifestant(e)s étudiant(e)s*”, October 26, 2012.

He also points out that hundreds of tickets for violation of Section 500.1 of the *Highway Traffic Code* were issued for bridge or highway blockages and for participating in peaceful demonstrations in the streets of Gatineau⁶³, Québec⁶⁴ and Sherbrooke⁶⁵. He adds:

"Even though the law prohibits concerted actions on a public roadway intended to obstruct vehicular traffic, it has occasionally been used to stop one person, 37 people ending their demonstration on the sidewalk, a "Banane Rebelle" who decided to stretch himself across the road, and even a group supporting student representatives on National Bank property in Québec City following a day of negotiations on May 28. When Amir Khadir joined a nighttime demonstration in Québec City and ended up handcuffed along with 62 other citizens, this is the offense he was charged with"⁶⁶.

Moïse Marcoux-Chabot sharply criticizes the inconsistent use of police discretionary power, emphasizing that hundreds of similar demonstrations were held without the enforcement of this provision. Police forces sometimes justified their interventions with the special law, then backtracked, saying demonstrators had contravened the *Highway Safety Code*. They did this in Sherbrooke on May 21⁶⁷ and in Québec City on May 24⁶⁸.

In our view, the use of this provision of the *Highway Safety Code* by law enforcement during public demonstrations in cities across Québec constitutes an abuse of the bylaw's intent.

In fact, this offense requires concerted action, which a demonstration actually is, but one intended to obstruct traffic and occupy the roadway. A straightforward demonstration in city streets is not an attempt to block traffic or deny vehicles access to roads; it is rather intended to communicate a message to the public and decision-makers, or to voice dissidence. A typical demonstration – chanting slogans while walking, carrying placards, banging on pots and pans – is very different from the road-blocking or bridge-occupying activities that motivated the original passing of Section 500.1.

The parliamentary debates that occurred prior to the June 2000 passing of this provision clearly show that the legislator's purpose was to deal with the issue of road-blocks (at the time, set up by truckers) that could potentially have endangered public health and safety, compromised regional supplies and undermined regional economic development. When the principle was accepted, Mr. Guy Chevrete noted that "this is really to counteract the concerted actions that are perhaps even jeopardizing food supplies for a whole region or risking serious harm to a regional economy"⁶⁹.

The constitutionality of this measure is being challenged before the courts. The *Ligue des droits et libertés*, represented by lawyers from the *Association des juristes progressistes*, has in fact been granted intervenier status before the Montréal Municipal Court⁷⁰, and will argue that this offense violates freedoms of expression and of peaceful assembly. Public spaces, especially streets and sidewalks, have always been the chosen locations for political and collective expression.

3.3 Under the Criminal Code

Our records show 471 charges laid under the Criminal Code during the student strike. This section looks at the most common charges: obstructing a police officer, assaulting a peace officer and mischief. We will then discuss the charge of hoax charge regarding terrorist

activity, given the unusual nature of this charge. A few charges of conspiracy and wearing a mask with criminal intent were also laid, but will not be dealt with in this report. We will then turn to the bail conditions set for the criminal charges.

63 Louis-Denis Ébacher, "[La guerre des nerfs continue à l'UQO](#)", *Le Droit*, April 18, 2012.

64 Annie Mathieu, "[Manifestation au Cégep Limoilou: 49 arrestations](#)", *Le Soleil*, April 19, 2012;

Ian Bussi res, "[Manifs   Qu bec: 81 arrestations en apr s-midi, le calme en soir e](#)", *Le Soleil*, April 27, 2012.

65 Claude Plante, "[La police de Sherbrooke n'applique pas la loi 78](#)", *La Tribune*, May 24, 2012.

66 Mo se Marcoux-Chabot, "[De la route   la rue: histoire politique d'un instrument de r pression polici re](#)", August 22, 2012.

67 Claude Plante, "[La police de Sherbrooke n'applique pas la loi 78](#)", *La Tribune*, May 24, 2012.

68 Radio-Canada, "[176 manifestants arr t s   Qu bec : des constats d'infraction de 496 \\$](#)", May 24, 2012.

69 Journal des d bats de l'Assembl e nationale, vol. 36, no. 110, May 23, 2000.

70 Alami et al. et la Ligue des droits et libert s c. Ville de Montr al, Montr al Municipal Court, no 779-904-36.

Charges laid at the “Maison de la grève”

During the night of March 12-13 2012, the SPVM made five arrests at the “Maison de la grève”, a commercial space rented by students to act as an open meeting location for student movement activists. Testimonies gathered show that police had been watching the space for hours that night. A few students went outside to smoke, and one of them was holding a beer. Police swept in and bludgeoned and pepper-sprayed that student. The other students took refuge inside the meeting space. The police called for reinforcements and forced their way into the space, where they searched with dogs and took photos of protest material.

The police applied abusive force, using batons and pepper-spray on the people on the premises. One witness reported that those who protested were searched and forced to identify themselves. Five protestors were arrested and charged with obstructing a police officer, assaulting a peace officer and intimidation of a justice system participant. Their lawyer, Denis Poitras, says that this charge was originally created to deal with Hell's Angels members⁷¹. He maintains that the premises and its occupants were being watched, and that this police response had long been planned.

Obstructing a police officer

The testimonies collected showed 22 charges of obstructing a police officer. This charge was mostly used against people who photographed or videotaped police interventions. Some witnesses claim that these charges were used because police investigations uncovered no evidence against them. Section 129 of the *Criminal Code* stipulates that this charge covers wilfully obstructing a peace officer in the execution of his duty. The act of obstructing must

be committed wilfully, and someone who simply did not pull back or who verbally objected to a police intervention cannot be found guilty⁷². Given that photographing or videotaping police performing their duties is legal, it is hard to understand how these things can be considered obstructing a police officer⁷³. Many testimonies spoke of inappropriate and abusive police use of their discretionary power.

Assault on a peace officer

The testimonies collected reported 53 charges of assault on a peace officer (Article 270 of the *Criminal Code*). Many of them were brought against protestors during nighttime demonstrations. Many of those charged with this offense say they did nothing wrong, and were merely in the wrong place at the wrong time. This charge was also used in instances where public institutions were being occupied or blockaded and protestors refused to move, but did not actively push back at police. These included protest tactics such as sit-ins, where demonstrators remain seated until police physically move them. Some witnesses maintained that this charge was used when no other charge could be found to be used against them. Some testimonies indicate that police failed to distinguish between passive resistance as a sign of protest and forcible resistance to arrest. When someone remains peaceful and refuses to move, but no force is used to resist arrest, is this charge appropriate?

In addition to the charges of common assault on a peace officer, we identified ten charges of assault with a weapon on a peace officer (Section 270.01 of the *Criminal Code*) brought following demonstrations that resulted in clashes between police officers and demonstrators. The arrestees strongly protest the unwarranted use of this charge. One witness, for example, described being arrested while waiting for friends on a street corner. He had not been in any demonstration. One police officer said he had “seen him throw a bottle of beer at a police officer”, but another officer told him later that she was arresting him because someone had to pay, and he was the first person she came across.

71 Caroline Touzin, “Grève étudiante: 5 jeunes se disent intimidés par la police”, *La Presse*, March 15, 2012.

72 *R. v Bédard*, 2009 CanLII 1473 (QC CA).

73 Jean-François Néron, “Légal de filmer une arrestation”, *Le Soleil*, March 16, 2010.

Mischief

We identified 248 charges of mischief in the testimonies gathered. This charge was mainly used in the case of occupations of offices or other places such as the cafeteria of the Université du Québec en Outaouais and the Jacques-Cartier bridge⁷⁴. According to Section 430 of the *Criminal Code*, committing mischief

is wilfully destroying or damaging property, or rendering it inoperative. The interpretation of this article, which in our view was extreme, seems to imply that a peaceful occupation can lead to being charged with this offense.

Hoax regarding terrorist activity

On May 10, 2012, smoke devices were set off in the subway, and the system came to a standstill for almost three hours. Four people were charged with conspiracy, mischief, and the highly unusual charge of "hoax regarding terrorist activity" under Section 83.231 of the *Criminal Code*. Photos of the young people charged were broadcast non-stop on television. One of the people charged was held for two weeks, the others for several days. They were then released under very strict conditions.



In my view, some serious questions need to be asked. The media seem to have engineered the crisis with their talk of 15 million dollars of chaos, terrorism, and attacks. The entire subway system was at a standstill for three hours, and the yellow line was not even affected. On April 16 and 25, other smoke devices caused much shorter delays in the subway. These four students were scapegoats for a crisis created by the media and the authorities.

**Person close to one of the young people charged
on May 10, 2012**

The charge of hoax regarding terrorist activity was created in 2004⁷⁵, a few years after the *Anti-terrorism Act*⁷⁶, was passed, and had never been used before. Its use against an action during the student strike was

heavily criticized by specialists, lawyers, professors and crime reporters. In the words of Yves Boisvert, throwing smoke bombs and stopping subway traffic is perhaps "mischief", but not a terrorist act. Using these provisions against a young person with no criminal record in a highly debatable case trivializes anti-terrorist measures⁷⁷.

The *Criminal Code* specifies that this offense does not cover actions committed "as a result of advocacy, protests, dissent or stoppages of work" that are not intended to cause death, serious bodily harm or serious risk to the health or safety of the public or of any segment of the public⁷⁸. Charging students with such an offense is heavy-handed and reflects neither the letter nor the spirit of this provision. A reading of parliamentary debates at the time it was passed⁷⁹ reveals that using this charge under these circumstances flies in the face of its purpose. What it does do, however, is vindicate the strong protests of the NDP, the Bloc québécois, *Amnesty International*, the *Ligue des droits et libertés* and the *International Civil Liberties Monitoring Group*⁸⁰, all of whom opposed the creation of this new offense. It was precisely its misuse that they feared; its application to social protest groups using a variety of methods of action or civil disobedience with no terrorist intent. The Canadian Bar Association argued that "Defining such protests as terrorism, with heightened stigma and penalties, is undesirable and unnecessary"⁸¹.

74 Vincent Larouche, "[Blocage du pont Jacques-Cartier: conditions sévères pour les accusés](#)", *La Presse*, May 16, 2012.

75 *Order fixing December 1, 2004 as the Dates of the coming into Force of Certain Sections of the Act*, TR2004-158, (2004) *Gaz C II*, Vol 138, no 25 (Public Safety Act, 2002 (S.C. 2004, c. 15)).

76 R.S.C. 2001, c. 41.

77 Yves Boisvert, "[Le bon usage de l'antiterrorisme](#)", *La Presse*, May 16, 2012.

78 See Section 83.01 of the *Criminal Code*.

79 *Debates of the House of Commons*, 37th Parliament, 1st session, Number 18, May 2, 2002.

80 The Canadian Bar Association, "[Submission on Bill C-36 Anti-terrorism Act](#)", October 2001;

Amnesty International, "[Security through Human Rights: Amnesty International Canada's Submission to the Special Senate Committee on the Anti-Terrorism Act and House of Commons Sub-Committee on Public Safety and National Security as part of the Review of Canada's Anti-Terrorism Act](#)", May 16, 2005;

International Civil Liberties Monitoring Group "[Mémoire présenté à la Chambre des communes dans le cadre de l'examen de la Loi antiterroriste](#)", April 2005.

81 The Canadian Bar Association brief, *ibid.*, p. 24.

3.4 Release conditions

Given the fundamental principle of presumption of innocence, release while awaiting trial is the norm. However, conditions may be imposed: either a promise to appear made to police, or to a judge following a bail hearing.

Many people who were charged with criminal offenses were given inadmissibility conditions limiting their right of access to certain geographical spaces. Some examples include not being within 300 and sometimes 500 metres of an educational institution, or not being in the perimeter formed by Sherbrooke St. on the north, Notre-Dame St. or the river to the south, Saint-Laurent or University Streets to the west and Papineau or Iberville Streets to the east⁸². Some were even banned from the entire Island of Montréal or from taking the subway. The direct consequences of these conditions were limits to their ability to attend political meetings - from student general assemblies to demonstrations. In Gatineau, for example, the ban covered almost the entire downtown, which forced the cancellation of the May 1st event. Another common condition was to not communicate with other people charged. Given the large number of people charged, and the fact that many of them attend the same university or cégep, this condition is especially hard to observe, as it also meant they were prohibited from attending all political meetings.

These conditions, when combined with curfew orders and the obligation to regularly report to police, contribute to isolating people who are presumed innocent. In the words of the *Réseau d'entraide et de solidarité avec les arrêtéEs criminaliséEs*, people who were dealing with both these release conditions and exclusion area found themselves "isolated, broken and feeling paranoid, burdened with the constant sensation of being watched. Those charged end up feeling like their daily lives are a preview of their incarceration"⁸³.

Another condition that was frequently set was to not participate in an unlawful or non-peaceful demonstration. Since the bylaws requiring that police be provided with itineraries had come into effect, virtually any demonstration, including a peaceful one, could be considered illegal. Imposing this condition was thus tantamount to violating the right to peaceful demonstration. Furthermore, some people who were charged were specifically forbidden from demonstrating on the Island of Montréal, or anywhere at all, at any time. Are these conditions constitutional? The question deserves serious consideration.

Finally, many people had to post bail of \$2,000 or \$3,000 in order to be released. Some had to provide undertakings of \$10,000 or \$15,000⁸⁴. Judge Morin, who imposed these undertakings, felt "that tightening the conditions and raising financial collateral will considerably reduce the risk that the two young people charged will reoffend in the near future"⁸⁵.

Were these conditions necessary to ensuring public safety, or were the consequences of the bail conditions meant to punish the demonstrators and quash political dissent? Jurist Jackie Esmonde attempted to answer this question in an article⁸⁶ examining bail conditions imposed on protestors at the APEC meeting in Vancouver in 1997, the Summit of the Americas in Québec City in 2001 and actions carried out by the *Ontario Coalition Against Poverty*. She concluded that the repeated setting of standardized bail conditions with no individual analysis of factors such as personal character, criminal record and the nature of the offense, does not serve justice. Rather, this trend indicates that these conditions are being exploited to suppress political dissent. The repeated use of bail conditions similar to those set for the 2012 arrestees leads to the same conclusion.

82 Caroline Touzin, "[Grève étudiante: 5 jeunes se disent intimidés par la police](#)", *La Presse*, March 15, 2012;

Christiane Desjardins, "[Yalda Machouf-Khadir est libérée sous conditions](#)", *La Presse*, June 12, 2012.

83 Réseau d'entraide et de solidarité avec les arrêtéEs criminaliséEs (RESAC), "[La grève est-elle devenue une circonstance aggravante ?](#)".

84 Christiane Desjardins, "[Yalda Machouf-Khadir est libérée sous conditions](#)", *La Presse*, June 12, 2012.

85 The Canadian Press, "[La jeune Machouf-Khadir est remise en liberté sous fortes conditions](#)", *Le Devoir*, June 13, 2012;

Lawyer Véronique Robert reports that some of the arrestees were given bail conditions similar to those set for drug dealers involved in organized crime: "[Garder la paix et avoir une bonne conduite](#)", *Voir*, September 24, 2012.

86 Jackie Esmonde, "Bail, Global Justice and the Limits of Dissent" (2003), 41 *Osgoode Hall L.J.* 323-361, para 30.



Photo © Darren Ell 2012

4. Stops, searches and detentions under Section 31 of the *Criminal Code*

During the student protests, various police forces made many arrests for “apprehended breach of the peace”, along with searches, seizures, identification checks and detention periods lasting several hours.

A legal fact-based analysis would show that the use of this power found in section 31 of the *Criminal Code* was, in most cases, abusive.

4.1 The situation in facts

Stops made during the Montréal Grand Prix

“ I was near the Biosphere. A police officer escorted me to the Berri-UQAM subway station. I saw dozens of young people under preventive arrest. My carré rouge was the only thing that could have made me a suspect that morning in Jean-Drapeau Park.

Person expelled from Ile Sainte-Hélène on June 10, 2012

The SPVM made 130 arrests between Thursday June 7 and Sunday June 10, during the Montréal Grand Prix. Since the notion of preventive arrest is not found in Canadian law, the police said the arrests were for “apprehended breach of the peace” and cited section 31 of the *Criminal Code*.

On June 7th, people gathered downtown for a demonstration dubbed “Perturbons le cocktail du Grand Prix!” (“Let’s disrupt the Grand Prix cocktail party”) were hemmed in by police before the demonstration started. The police made 18 targeted arrests of people dressed in black or wearing “communist”⁸⁷ symbols. The demonstrators were sequestered for an hour, then threatened with arrest if they did not disperse.

Police confirmed that the 18 people arrested were apprehended under section 31 of the *Criminal*

Code. According to Commander Alain Simoneau of the SPVM, “there was clearly an identified source of danger, a source of danger that was threatening”⁸⁸. The testimonies we gathered state that SPVM officers simply gave the section number when arresting the potential protestors, with no explanation or justification for using it. One young woman who was initially told that she was arrested under this section received a ticket months later for unlawful assembly under bylaw P-6 of the City of Montréal.

“ I was brutally arrested by four riot squad police officers for my distinctive outfit (kaffiyeh, a Che t-shirt, badges against fee hikes). They twisted my arm, pinned me to the ground and handcuffed me. Then they led me into a nearby alley and told me I was arrested under section 31 of the *Criminal Code*. They took me to a police station, where I was searched, photographed and held for 10 hours, then finally released. I was told I would get “something” in the mail. As of October 14, 2012, I have received nothing.

Person arrested at the demonstration of June 7, 2012

87 Radio-Canada, “Ouverture du Grand Prix : 37 arrestations”, June 8, 2012.

88 Ibid.

On Sunday June 10, 43 people were arrested on l'île Sainte-Hélène, around Jean Drapeau Park or at the Berri-UQAM subway station. SPVM chief Marc Parent described these arrests as "preventive"⁸⁹. He explained in a press conference that large numbers of people with backpacks or sports bags had been searched in the subway under a "rule that prohibits subway users from using public transport if they are carrying arms or objects that are considered dangerous"⁹⁰. But people were expelled regardless of the outcome of the searches. Most of the witnesses said they were expelled from the subway even though police found nothing in their bags. One person was escorted to the exit after police found juggling balls in his bag. A visual arts student was expelled because she had red paint in her bag.

Montréal's police chief said that police intervened based on individual behaviour, and not on appearances or political symbols⁹¹. Yet many witnesses reported being stopped for nothing other than their *carré rouge*. More than fifty people were literally refused access to the subway. One witness spoke of having to walk across the Jacques-Cartier Bridge to get home. Another person, arrested on her way to La Ronde, who suffered from a heat stroke and was refused access to her medication by police, was later taken off the island by ambulance.

Many people who were arrested said they were not interested in demonstrating – they wanted to watch what was going on, enjoy the sunshine, go to La Ronde or attend the *Piknic Électronik*. In fact, they had made a point of not wearing any identifying signs. One group of friends sitting on the grass outside the subway stop on l'île Ste-Hélène was boxed in by 22 police officers and detained. An officer told them that section 31(1) of the *Criminal Code* authorized "arrests without charge to enable prevention of breach of the peace". The arrestees were not permitted access to a lawyer. The young people who approached the sequestered group were also detained. All of these people were then taken aside and subjected to intrusive searches, including full body pat-downs, directly on the breasts according to one witness. One woman who complained that her handcuffs were too tight was told "when your hands turn blue, we'll see what we can do".

Many witnesses confirmed that they were held for three or four hours, either at the Biosphere or on a city bus. Many were bound with handcuffs or tie-wraps. Those being held in the city bus were released at the Angrignon subway station. Many said they were denied access to water, in spite of the intense heat. They all said they were not clearly informed of the reasons for their arrest and detention. Some officers mentioned "detentions to allow investigations" or "potentially unlawful assembly", while others refused to give any explanation.

89 TVA Nouvelles, "[Bilan d'un week-end mouvementé à Montréal: 130 arrestations en quatre jours](#)", June 11, 2012.

90 Ibid.

91 Ibid.



Buses intercepted

During the night of May 4, 2012, two buses filled with students from the Cégep de Montmorency on their way back from Victoriaville were intercepted around 8:00 p.m. by the Sûreté du Québec and escorted to the police station in St-Hyacinthe⁹². The passengers were informed that they were being held under section 31 of the *Criminal Code* for breach of the peace. At about 3:00 or 4:00 in the morning, they were individually identified and photographed, then subjected to a full search. The buses finally arrived in Laval at 6:00 a.m. They were thus held for a total of nine to ten hours, with no water or food. They were released without charge⁹³. Another bus carrying students from McGill and Concordia was also intercepted, and the passengers questioned and detained for 10 hours. Media reports suggested that they would be charged with rioting, but in the end no charge was brought against them. It seems odd that three buses out of 50 were arbitrarily stopped on the way back from Victoriaville.

On May 15, 2012, a bus was intercepted on the highway on its way to Cégep Lionel-Groulx in Sainte-Thérèse, which was being picketed and had seen intervention by the Sûreté du Québec⁹⁴. The 18 passengers were arrested for apprehended breach of the peace under section 31 of the *Criminal Code*⁹⁵ and brought to the Sûreté du Québec's Laval highway patrol station

"for identification and further examination of their intentions"⁹⁶.

One witness reports that an officer seized his arm and searched and frisked him while he was spread-eagled with his hands against the wall. He was then interrogated. One officer told him that the group was headed to the Cégep de Lionel-Groulx to commit criminal acts, which the witness denied. After the interrogation, he was required to sign a document saying that he was not under arrest, but in "preventive detention for investigative purposes". The witness noticed inconsistencies in what he was told: the inspectors said that he was in preventive detention, but the officers spoke of arrest. One officer came and apologized, saying "we're just doing our job, you know, and we heard there was a weapon on your bus. We're sorry, we don't want to restrict your freedom".

Another witness confirmed the inconsistencies; police initially mentioned mischief, then invoked section 31 of the *Criminal Code*. The witness asked what the reasonable motives were for thinking that the passengers on the bus were going to commit a breach of the peace. The police answered "you understand, Miss, with the events of recent months...".

4.2 The facts with respect to the law

Abusive enforcement of Section 31

Many people feel that it was not appropriate to use section 31 of the *Criminal Code* in these circumstances⁹⁷. This section authorizes a peace officer who witnesses a breach of the peace to arrest any person who has just committed an offense or who, on reasonable grounds, he believes is about to join in or renew the breach of the peace. A criminal act must have been committed or be about to be committed. This section does not authorize an arrest for an apprehended breach of the peace.

The breach of the peace must therefore have already occurred or be imminent in order for police to be authorised to arrest people who might join in or renew the violation. The *Januska* decision⁹⁸ illustrates that verbalizing a disagreement, no matter how vigorously or emotionally, does not constitute a breach of the peace within the meaning of section 31. The concept of breach of the peace implies some degree of disruption, threats or boisterous activity⁹⁹.

92 Anthony Lecossois, "[La SQ arrête des bus entiers de manifestants](#)" *Le Délit français*, May 6, 2012.

93 It appears that those being detained were told they were being held for investigative purposes. The power of investigative detention is highly controversial, and an analysis of its limits is not within the scope of this report. Suffice it to say that the case under discussion exceeds the limits and parameters set by the Supreme Court in *R. v. Mann*, [2004] 3 SCC 59, since this type of detention must be brief in duration and not be a pretext for an illegal search.

94 The Canadian Press, "[Grève étudiante: agitation au Collège Lionel-Groulx et arrestations à Montréal](#)", *Le Devoir*, May 15, 2012.

95 <http://www.youtube.com/watch?v=9TQy9FKKVaQ> (at 3:36)

96 <http://www.youtube.com/watch?v=9TQy9FKKVaQ> (at 3:20)

97 Véronique Robert, "[Au nom de l'article 31, je vous arrête](#)", *Voir*, June 28, 2012; Marie-Eve Sylvestre, "[Les arrestations préventives sont illégales et illégitimes](#)", *Le Devoir*, June 12, 2012; Moïse Marcoux-Chabot, "[À propos des arrestations, détentions et fouilles préventives](#)", June 11, 2012.

98 *R. c. Januska and the Queen*, 1996 CanLII 8288 (ON SC).

99 *Hayes v Thompson*, 1985 CanLII 151 (BC CA).

In the *Brown* decision¹⁰⁰, the Ontario Court of Appeal decided that an arrest to prevent a breach of the peace could be legal if there was a substantial risk that this breach of the peace would occur. In *Brown*, the people arrested were held for five to twenty minutes at a road block on their way to a biker meeting location. The Court found the detention abusive because 1) there was no imminent breach of the peace; 2) there was no specific identifiable breach of the peace; 3) the police motives were not based on what the arrested persons had themselves done, but on their assumed membership in a group; 4) the freedom to move about is a fundamental right; 5) the interference with individual liberties was substantial in terms of the number of persons detained; and 6) a large police presence would have sufficed to maintain the public peace.

The legality of preventive arrests made during the G20 Summit in Toronto in 2010 was challenged in the *Puddy* decision. The Ontario Court of Justice found that making preventive arrests during demonstrations was tantamount to punishing dissent. This type of arrest "risks distorting the necessary if delicate balance between law enforcement concerns for public safety and order, on the one hand, and individual rights and freedoms, on the other"¹⁰¹. The judge found that the overly broad leeway granted to police to decide what constitutes a breach of the peace risked "criminalizing dissent"¹⁰², because demonstrators' messages are de-legitimized and discredited.

Were searches legal?

Indiscriminate searches are just as unlawful as preventive arrests. As a rule, police must have a search warrant to search someone, except in situations where someone is found committing an offense or if the search is incidental to a lawful arrest. The "plain view" doctrine does not apply to the content of a backpack of sports bag¹⁰⁵. In every case, police must have reasonable and probable grounds to believe that an offense has been committed or is about to be committed. The Supreme Court spelled out in 2011 that "if the grounds for the search are discovering evidence, there must be reasonable chances of finding evidence of the

In a nutshell, then, this form of arrest to maintain public safety is, in the words of Professor Sylvestre, "extremely limited": the apprehended breach must be imminent and grounded in fact, and at real and significant risk of occurring"¹⁰³. Police cannot preventively arrest people moving around on a site open to the public based on their appearance or their political opinions unless a criminal act has been committed or they have reasonable grounds to believe that a breach of the peace is imminent¹⁰⁴.

Based on this analysis, then, the arrests conducted during the Grand Prix were unwarranted and unlawful. In the case of the intercepted bus, section 31 was used to prevent people from reaching the Cégep Lionel-Groulx and taking part in the demonstration. No specific offense was cited by officers, as required by the *Brown* decision. The arrest and detention of these people at a considerable distance from the Cégep was designed to prevent them from picketing, and is a misuse of section 31. Section 31 was not applied in observance of the fundamental freedoms of the demonstrators, especially their right to freedom of expression, association and peaceful assembly.

offense for which the accused is being arrested"¹⁰⁶. In the present case, not only were the arrests unlawful, but the police conducted searches not because of specific suspicions of particular individuals, but based on physical appearance, age, or the presence of a backpack or *carré rouge*.

These searches therefore constitute a violation of the right to protection against unreasonable searches and seizures guaranteed by section 8 of the *Canadian Charter of Rights and Freedoms* and section 24 of the *Québec Charter*.

100 *Brown v Regional Municipality of Durham Police Service Board*, 1998 CanLII 7198 (ON CA).

101 *R. v Puddy*, 2011 CanLII 399 (ON CJ), par. 44.

102 *Ibid*, par. 44.

103 Marie-Ève Sylvestre, "[Les arrestations préventives sont illégales et illégitimes](#)", *Le Devoir*, June 12, 2012.

104 *Ibid*.

105 *R. v. Buhay*, [2003] 1 SCR 631.

106 *R. v. Golden*, [2001] 3 SCR 679, par. 47.



5. The *Carré Rouge*: a banned political symbol

“ My section head asked me to remove my *carré rouge*, which I'd been wearing since the beginning of the student protests. I decided not to comply, and I was given a disciplinary notice. I don't think this ban on the *carré rouge* would stand up under the Charter of Rights and Freedoms.

Public institution staff member

The political crisis surrounding the tuition fee hikes was not limited to polarized positions in the public sphere; it spilled over into the private sector. The testimonies gathered show that the State and its representatives were not the only ones that violated human rights. At the very heart of this debate lies the *carré rouge*, the political insignia of support for the demands and pressure tactics used by the student movement. Many who wore it were singled out by police, and two other common outcomes were revealed in the testimonies gathered. One was the many employees were threatened with disciplinary measures if they wore the *carré rouge* at work. At least 15 people working for 10 different employers were given these warnings. Some of the employers include Renaud-Bray, Bombardier, Centre des congrès de Québec, Centre Jeunesse, the Ministry of Education, Leisure and Sport, Théâtre d'Aujourd'hui, the National Library and Archives, the Société des alcools du Québec, Place Bonaventure and Canada Post. Those who did not comply with these orders were penalized with anything from a written disciplinary notice to temporary suspension without pay.

Students in some primary and secondary schools were reprimanded for wearing the *carré rouge*. One student was even suspended for handing out *carrés rouges* inside the school.

There were people who were refused entry to public transit, the Complexe Desjardins, La Ronde, Jean-Drapeau Park, various bars and restaurants, the Jacques-Cartier Bridge during the fireworks, the National Assembly, Crescent Street – all because they were wearing the *carré rouge*. Many said they purposely took off their *carré rouge* to avoid trouble. Police even advised protestors to take them off to avoid being arrested.

Refusing someone access to a public place or to a service because they are wearing a *carré rouge* is discrimination under section 10 of the *Québec Charter*. It constitutes discrimination based on political convictions, since wearing the *carré rouge* symbolizes identification with the social movement protesting increases in tuition fees in Québec.

People were denied their freedom of expression and opinion, their right to dignity (section 4 of the *Québec Charter*) and their right to access to public transportation and public spaces (section 15, *Québec Charter*) because they were displaying their political convictions¹⁰⁷.

107 Mélanie Samson, "[Le droit à l'égalité dans l'accès aux biens et aux services: l'originalité des garanties offertes par la Charte québécoise](#)", (2008) 38 R.D.U.S. 413.



6. The special law

6.1 Background

The right to strike prohibited

The *Act to enable students to receive instruction from the postsecondary institutions they attend* (Law 12), was passed on May 18, 2012¹⁰⁸, effectively ending the strike mandates given to student associations. Almost 45 special laws ending strikes and forcing people to return to work were passed in Québec between 1950 and 2011¹⁰⁹. But this was the first ever application of a special law to a student strike.

Many provisions of Law 12 dealing with the return to classes, civil liability and administrative and criminal sanctions are exact reproductions of provisions found in other special legislation dealing with labour relations¹¹⁰. However, the fines are ten times higher in Law 12 and the restrictions on the right to protest are absolutely unprecedented. Under this law, teachers must give their classes no matter how many students

are present - or be fined. Students and their associations are not allowed to disrupt classes in any way. They are not to impede access to buildings or classrooms, nor are they allowed to hold a meeting within 50 meters of their educational institutions. Employee and student associations must do everything in their power to induce their members to obey the law.

Administrative and criminal sanctions are also specified: a semester of defunding for every day an offense is committed, plus fines ranging from \$25,000 to \$125,000 per day. The administrators of these associations are subject to fines ranging from \$7,000 to \$35,000, and the members to fines of \$1,000 to \$5,000. These fines are doubled for a second offence. Any student association seeking to apply its strike mandate faces bankruptcy and collapse.

¹⁰⁸ *Act to enable students to receive instruction from the postsecondary institutions they attend* SQ 2012, c. 12.

¹⁰⁹ Claudette Ross et al., *Une typologie comparative des lois spéciales ordonnant le retour au travail et une évaluation de leur influence sur le climat des relations du travail*, Centre de recherche en gestion, Document de travail no. 27-89, Montréal, Presses de l'Université du Québec à Montréal, 1989;

François Delorme et Gaston Nadeau, "Un aperçu des lois de retour au travail adoptées au Québec entre 1964 et 2001" (2002) 57 (4) *Relations industrielles / Industrial Relations* 743;

Radio-Canada, "*Regards sur les lois spéciales, à Québec et à Ottawa*", May 31, 2012.

¹¹⁰ See *An Act respecting conditions of employment in the public sector*, L.Q. 2005, c. 43; *An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies*, L.Q. 2011, c. 2.

Right to protest outlawed

The law requires anyone organizing a demonstration of more than 50 persons to notify police of the date, time, departure location, route and mode of transportation at least eight hours beforehand. If any of these requirements are not met, organizers are subject to fines ranging from \$7,000 to \$35,000, and associations to fines between \$25,000 and \$125,000. Most of Law 12 was in fact repealed following the elections of September 2012, including the provisions dealing with demonstrations.

The Marois government did move quickly on this matter, but paradoxically, government leaders, in particular Pauline Marois and Jean-François Lisée¹¹¹, now falsely claim that the P-6 bylaw is more acceptable and less stringent than Law 12. But it should be pointed out that, for instance, Law 12 targeted only student organizations and demonstration organizers, whereas P-6 applies to anyone taking part in a demonstration. P-6 thus has a much broader scope.

6.2 Public criticism of the law

Much of the public reacted with anger when this law was passed, and public outcry led to the daily "pots and pans" demonstrations that erupted across the province. The law was also condemned by several institutions and organizations including the *UN Office of the High Commissioner for Human Rights*¹¹², the *Barreau du Québec*¹¹³, the *Ligue des droits et libertés*¹¹⁴, *Amnesty international*¹¹⁵ and the *Canadian Association for Civil Liberties*¹¹⁶. The *Commission des droits de la personne et des droits de la jeunesse* conducted an

in-depth analysis of this law¹¹⁷. It concluded that the law infringes on freedoms of expression, freedoms of peaceful assembly, of association and of conscience; all of which are protected by the *Charter of Human Rights and Freedoms*. It also stated that these violations are unjustified. The report also criticized the fact that many of the law's provisions are too broad and do not enable citizens to tell whether or not they are participating in an unlawful demonstration¹¹⁸.

6.3 Deliberate misinterpretations of provisions pertaining to demonstrations

Misleading information propagated by both police and the media led some to believe that not only student associations and organizers, but also individuals taking part in demonstrations, were breaking the law and would be fined if the demonstration requirement - such as providing the itinerary ahead of time - were not met. This misinterpretation was in fact condoned

by Education Minister Michelle Courchesne, who stated that it would be up to the courts to interpret the law¹¹⁹, thereby failing to provide guidelines for police and facilitating arbitrary applications. She even implied that simply wearing the *carré rouge* might be punished by the courts¹²⁰.

111 Quoted in "[Les péquistes favorables à la divulgation des itinéraires des manifestations](#)", *Le Devoir*, March 26, 2013

112 Radio-Canada, "[Loi 78 : la situation au Québec est alarmante selon l'ONU](#)", June 18, 2012;

See also UN, "[Des experts des Nations Unies préoccupés par les événements récents au Québec](#)", Geneva, May 30, 2012.

113 Barreau du Québec, "[Le Barreau du Québec formule de sérieuses inquiétudes](#)", Communiqué, May 18, 2012.

114 Ligue des droits et libertés, "[Non à l'intimidation! Non à la loi 78!](#)", May 2012.

115 Amnesty international, "[Une loi québécoise porte atteinte aux obligations internationales du Canada](#)", May 25, 2012.

116 Canadian Association of Civil Liberties, "[CCLA denounces drastic, broad infringements of fundamental constitutional rights in Québec Bill 78](#)", May 22, 2012.

117 Commission des droits de la personne et des droits de la jeunesse, "[Commentaires sur la Loi permettant aux étudiants de recevoir l'enseignement dispensé par les établissements de niveau postsecondaire qu'ils fréquentent](#)", July 7, 2012.

118 Ibid., p. 48.

119 Journal des débats de l'Assemblée nationale, vol. 42, no. 109, May 17, 2012, pp. 6393-4 (Michelle Courchesne).

120 Ibid., p. 6397 (Michelle Courchesne).

Later, during a stay motion before the Superior Court for sections of the law pertaining to demonstrations, the attorney general maintained that "sections 16 and 17 do not apply to individual demonstrators, but strictly to organizers and associations that take part in demonstrations. Spontaneous demonstrations will not be prohibited, since they are not "organized" by anyone"¹²¹.

In point of fact, this law has never been enforced against demonstrations that contravened it¹²². Police have used it to declare demonstrations unlawful, but there has never been a charge laid under this law. Demonstrators have often been arrested under the law, but they were given tickets under the *Highway Safety Code*, as was the case in Québec City on May 23¹²³. The Québec City police service said that it chose to impose the lower fines stipulated in the *Highway Safety Code* rather than the higher ones in Law 12¹²⁴. The same pattern was repeated on May 28 when 84 people arrested under Law 12 were given tickets under the *Highway Safety Code*¹²⁵.

As for the SPVM, they stated they were going to apply the law judiciously and tolerate demonstrations that contravened Law 12 but remained peaceful¹²⁶. The numerous people arrested at demonstrations after the law was passed (270 people on May 20, 108 on May 22, 514 on May 23) were charged under bylaw P-6. One person who was stopped and arrested on May 23 said that the police officer admitted not knowing the grounds for arrest.

Thirty-six people were arrested during a peaceful demonstration in Sherbrooke on May 21 on the grounds that the route had not been submitted to police as required by the law¹²⁷. Three days later, the Sherbrooke police force (SPS) retracted and issued tickets under the *Highway Safety Code*¹²⁸. A few days later, on May 27, a demonstration of 300 people with an improvised route was not dispersed by the SPS, and no one was stopped¹²⁹.

On May 22 in Bonaventure, police tolerated a demonstration on Highway 132, even though that location was not included in the route provided to them¹³⁰. The same happened in Chicoutimi, where 300 people marched without providing a route, and were not bothered by police because there was no "violence"¹³¹. In Trois-Rivières on May 24, a demonstration of about 100 was interrupted by a driver hitting a demonstrator. Police justified their passive approach to the demonstration by the fact that they had not been informed of the route¹³². On that same evening, an assembly of over 200 people in Jonquière was given police protection even though no route had been provided. There were no arrests¹³³.

A final word on the turbulent return to classes at the Université de Montréal. On August 28, 2012, the day the special law had designated for return to classes, hundreds of SPVM police and security guards invaded the Université de Montréal campus at the request of university management claiming they wanted to enforce Law 12. This decision created an extremely tense atmosphere and some singularly disgraceful incidents, including a number of brutal police interventions directly in classrooms. Sixteen people were arrested and ten of them were charged with assault. No charges were laid under Law 12. By the afternoon, the university had suspended classes for departments still on strike for the next three days. Teachers' unions, students and student associations alike decried the police presence on the university campus, which they perceived as unnecessary and provocative¹³⁴.

121 Fédération étudiante collégiale du Québec (FECQ) v Québec (Gouvernement du), 2012 CanLII 2860 (QC CS) par. 58.

122 Nor was the law enforced against demonstration organizers or against campus blockades.

123 Matthieu Boivin, "[Manifestation illégale à Québec : 176 arrestations](#)", *Le Soleil*, May 24, 2012.

124 Jean-François Neron, "[Arrestations à Québec : des amendes de 494\\$](#)", *Le Soleil*, May 24, 2012.

125 Jean-François Neron, "[Manifestation illégale à Québec : 84 arrestations](#)", *Le Soleil*, May 28, 2012.

126 Philippe Teisceira-Lessard, "[Le SPVM appliquera la loi spéciale avec discernement](#)" *La Presse*, May 19, 2012.

127 Véronique Larocque, "[36 arrestations à Sherbrooke en vertu de la loi 78](#)", *La Tribune*, May 22, 2012.

128 Claude Plante, "[La police de Sherbrooke n'applique pas la loi 78](#)", *La Tribune*, May 24, 2012.

129 Chloé Cotnoir, "[Sherbrooke résonne au son des casseroles](#)", *La Tribune*, May 27, 2012.

130 Johanne Fournier, "[L'Est-du-Québec se mobilise contre la loi 78](#)", *Le Soleil*, May 23, 2012.

131 Stéphane Bégin, "[Plus de 300 personnes défient la loi](#)", *Le Quotidien*, May 23, 2012.

132 Marie-Ève Lafontaine, "[Brasse-camarade à la manifestation à Trois-Rivières](#)", *Le Nouvelliste*, May 25, 2012.

133 Louis Tremblay, "[Tintamarre à Jonquière](#)", *Le Quotidien*, May 25, 2012.

134 Radio-Canada, "[Rentrée universitaire : 16 arrestations à l'UdeM](#)", August 28, 2012.



7. Injunctions and the denial of collective rights

7.1 A flood of injunctions

Between March 30 and May 18, 2012, the courts issued almost 50 injunctions or safeguard orders. In the vast majority of cases, students against the strike were asking the courts to order student associations to stop impeding access to classrooms and educational institutions and to do everything they could to enable classes to continue. Four applications were filed by educational institutions requesting that blockading and cancelling classes be prohibited¹³⁵.

Some judges said that "it is not the court's place to interfere in a political debate on an increase in tuition fees"¹³⁶, or "the parties are using the courts to settle a disagreement that belongs in the public sphere"¹³⁷. Nevertheless, they began adopting the government's rhetoric from the first case onward, describing the strike as "questionable" and choosing to refer to it as a "boycott"¹³⁸.

In a case concerning the Cégep St-Laurent, the judge lost his temper and said that the associations "claimed the right to an uncontrolled, limitless and unfettered "strike". That is known as a wildcat strike"¹³⁹. Judges refused to acknowledge the collective rights of student associations, or to recognize the authority of democratic, majority decisions made by student assemblies.

In their article *La liberté d'expression en contexte de crise : le cas de la grève étudiante*, authors Brunelle, Lampron and Roussel point out:

"It is disconcerting to see how casually a framework of collective representation instituted by the legislator is ignored in the name of strictly individual logic that trivializes the expression of participative student democracy. Despite its importance, civil law and the freedom of contract that it frames, do not outweigh every other right. If the associations formed by students are not bound to comply with decisions made by majority, how can student associations be expected to build the student solidarity that is a basic requirement for creating bargaining power with the authorities?"¹⁴⁰

135 Université du Québec à Montréal, 4 avril 2012; Université du Québec à Chicoutimi, 5 avril 2012; Conservatoire de musique et d'art dramatique; 10 avril 2012 and Université de Montréal, 11 avril 2012.

136 *Carrier c. Université de Sherbrooke*, 2012 CanLII 1612 (QC CS), par. 15.

137 *Combey c. Cégep de Saint-Laurent*, 2012 CanLII 1731 (QC CS), par. 1.

138 *Déry c. Duchesne*, 2012 CanLII 1563 (QC CS), par. 2; similarly, see *Morasse c. Université Laval*, 2012 CanLII 1565 (QC CS).

139 *Michaudville c. Cégep de St-Laurent*, 2012 CanLII 1677 (QC CS), par. 30.

140 Christian Brunelle, Louis-Philippe Lampron, Myriam Roussel, "*La liberté d'expression en contexte de crise : le cas de la grève étudiante*", (2012) 53 (4) *Cahiers de droit* 831.

On May 1st, Chief Justice of the Superior Court François Rolland, noticing the scattered approach taken by the courts to that point, took charge of all injunctions from that date forward. He advised those students disputing the legality of the strike to add their names to existing injunctions and avoid paying legal fees. His comments on his exasperation with non-compliance with injunctions – which he described as “social breakdown” – were widely reported. “We are at the twelfth hour, not the eleventh,” he stated¹⁴¹. There is a present danger. Someone has to intervene”.

The injunctions he granted were tougher than those of his colleagues on two counts: not only did they call upon educational institutions to use whatever means were necessary to ensure classes continued, but they ordered institutions to call in police to make this happen. Judge Rolland's decisions do not show any real analysis, and are composed mostly of “whereas” references repeated in virtually every case, as in this example:

“[17] WHEREAS the assistant deputy minister for post-secondary education informed college and university management on February 16, 2012 that “unlike a labour relations conflict, the strike is in fact a pressure tactic employed to defend a fundamental right: freedom of expression. Therefore, each student is free to attend courses, if his educational institution is still offering them, and in doing so does not fall under labour code provisions dealing with (strike breakers). [...]

[26] WHEREAS this conflict is of disastrous proportions and is causing students irreparable harm, endangering their professional futures given the results of applications accepted by the universities¹⁴²”

7.2 Gabriel Nadeau-Dubois is found guilty of contempt of court

When Gabriel Nadeau-Dubois was found guilty of contempt of court, the decision, based on the application of a moral rather than a legal criterion, was seen by many as the embodiment *par excellence* of the politicization of the judiciary¹⁴³. In a letter to *Le Devoir*, a collective of authors concluded that the decision “is attributable to politics and ideology, which explain its moralizing nature”¹⁴⁴.

Judge Jacques of the Québec Superior Court found that Mr. Nadeau-Dubois' words – which stated that it was “legitimate” for students to “do what was necessary to enact the democratic choice to go on strike that was made” - were not an opinion, but an incitement to defy injunctions. The judge wrote that Nadeau-Dubois “is rather advocating anarchy and

promoting civil disobedience”¹⁴⁵. Professors Beaudet and Trudel argued that Mr. Nadeau-Dubois was simply expressing “an overall opinion on the use of injunctions for the student conflict”¹⁴⁶, and that his words contain no advice, recommendations or instructions.

This limitation on freedom of expression constitutes a dangerous precedent, since this judicial decision is likely to have a chilling effect on student association spokespersons, rights defence groups as well as on environmental, feminist and union groups. The decision has been appealed.

141 Christiane Desjardins, “Grève étudiante: le juge en chef s'en mêle”, *La Presse*, May 2, 2012.

142 *Mahseredjian c. Collège Montmorency*, 2012 CanLII 2276 (QC CS).

These “whereas” are listed in the following cases: *Doyon c. Cégep de Saint-Hyacinthe* 2012 CanLII 2159 (QC CS), *Carignan c. Collège Lionel-Groulx*, 2012 CanLII 2023 (QC CS), *L'Abbé c. Collège Ahuntsic*, 2012 CanLII 215 (QC CS), *Labbé c. Collège d'enseignement général et professionnel Édouard-Montpetit*, 2012 CanLII 2155 (QC CS), *Breton-Supper c. Cégep Marie-Victorin*, 2012 CanLII 2019 (QC CS), *El Madi c. Collège de Rosemont*, 2012 CanLII 2018 (QC CS).

In next cases, the “whereas” about the deputy minister has disappeared, only two remain: *Bouchard c. Cégep André-Laurendeau*, 2012 CanLII 2074 (QC CS), *Lippé c. Cégep de Saint-Jérôme*, 2012 CanLII 2144 (QC CS); *Béchar d. Université du Québec à Montréal (UQAM)*, 2012 CanLII 2134 (QC CS).

143 The newspaper headlines speak for themselves:

Josée Boileau, “Gabriel Nadeau-Dubois - Troublant jugement”, *Le Devoir*, November 3, 2012;

Yves Boisvert, “La culpabilité douteuse de GND”, *La Presse*, November 8, 2012.

144 Collective of authors, “L'injustice d'un jugement. Il est crucial de s'opposer à cette volonté d'empêcher tout militantisme inspiré”, *Le Devoir*, November 10, 2012.

145 *Morasse c. Nadeau-Dubois*, 2012 CanLII 5438 (QC CS), par. 95.

146 M. Beaudet and P. Trudel, “Condamnation de Gabriel Nadeau-Dubois - Une décision qui doit être revue”, *Le Devoir*, November 7, 2012.



Photos © Darren Ell & Philippe Montbazer 2012

8. Bearing witness: perceptions and impacts of police interventions

This section depicts the emotions, feelings and impressions found throughout the testimonies, thus giving a voice to those who related their experiences. Of the almost 400 witnesses who provided testimonies,

more than 200 observed or experienced police actions and recounted their emotions (anger, indignation, fear, humiliation, etc.) and the psychological effects they experienced.

8.1 Feelings and emotions expressed in the testimonies

"Contempt", "humiliation", "violation of dignity"

Three-quarters of the 200 narratives reported police use of insulting, condescending, offensive or derogatory language and threats. One out of ten people explicitly mentioned feeling that police violated their dignity, humiliated them and showed contempt during a search, a detention or an interrogation following arrest.

Many people told of being lectured or berated by police. Some said that they felt mocked or ridiculed, and even treated as less than human. These reports demonstrate the lack of police respect for arrested persons.

“

I was treated like some kind of hunting trophy during my arrest and when I was photographed for identification purposes, the police officers tore off my carré rouge and stepped on it. I spent the night in a cell barefoot on a cement floor with no blanket or heating, and was denied access to my medication. I was then chained at the ankles deliberately very tightly to cause pain. I was heavily pressured, intimidated, insulted and threatened during my questioning, which I was subjected to without the presence of my lawyer.

Demonstrator arrested at the Liberal convention in Victoriaville

“

One officer grabbed me by the arm. I told him not to touch me or push me, and he answered "if I had pushed you, you would have gone flying". I asked him if he was threatening me, and he answered aggressively "I'm promising you". He rammed his bicycle into my crotch and told me to leave. I was shaken, but answered that I was a citizen and entitled to respect, to which the police officer replied: "you're not a citizen, you're a moron".

Person who watched out of curiosity as another person was arrested

"Anger", "helplessness", "outrage", and "indignation" at police behaviour

Almost a quarter of the testimonies report feelings of anger, rage and nausea as people witnessed scenes of police brutality. Almost half of the 200 witnesses also said they were surprised, shaken and disturbed by these events. Witnessing behaviour that was viewed as scandalous and out of control in relation to demonstrator actions also generated disbelief and helplessness.

“ I am outraged by the SPVM's methods. One officer deliberately pointed his stun grenade gun at handcuffed demonstrators sitting on the ground. Other officers insulted us, and I was clubbed with a baton and suffered a concussion.

Woman arrested during a mass arrest

“ I watched in horror as a slight man was arrested with incredible brutality by several police officers. The man was showing no signs of resistance. I must admit I felt helpless – I was afraid that if I helped the victim, I would be arrested myself.

Man leaving a bar who found himself near a nighttime demonstration

"Fear", "threat" and "intimidation"

More than a quarter of the testimonies collected mention feeling fear, intimidation or panic during police operations. The most acute testimonies tell of witness' fear for their lives during especially violent and disturbing interventions.

“ I was caught in a police trap and I ducked onto the patio of the Saint-Bock bar. Just then, the riot squad started a flood of pepper spray. I feared for my life. The situation was surreal – it was the police who were attacking us.

Person outside the Berri-UQAM subway station who was trying to go home, May 19

Several people said they were outraged and shocked by the police's refusal to help an injured person. Many people who did help the injured expressed similar reactions, and were incredulous and angry. Nurses, a firefighter and rescue workers observed that some police interventions could easily have worsened victims' injuries.

“ On March 7, 2012, I was helping a distressed man with a face injury during the blockade of the CRÉPUQ offices. Five police officers pushed me to the ground and clubbed me, one of them yelling "Get lost, you fucking bitch". I am appalled by this treatment. I felt I was doing my duty as a citizen. I felt like the police used me like a toy.

Young woman who was part of a support demonstration

Echoing the words of one woman who said that "we never knew how to react – the police never reacted the same way to the same incidents", many people felt that police interventions were erratic. One witness of nighttime demonstrations concluded that police strategy was to arrest demonstrators based simply on their age and their presence on the site.

“ Witnessing the scene of repression, I was afraid for the young people and afraid of the police.

A mother during the police intervention at Lionel-Groulx cégep, May 15

Other witnesses said they were intimidated by police or terrorized by the intensity of their behaviour. Dozens of testimonies recount a panicked environment filled with the screams and shouts of the churning crowds. More than 20 people felt that the situation was clearly dangerous to their physical integrity, and spoke of feeling danger, aggression and intimidation. Almost ten people saw rage and hate on the faces of police officers.

“ The riot squad members were in a spiteful fury, and charged like bulls, like wild animals.

Demonstrator at a nighttime demonstration

“ There were three police officers clubbing me against a parking pay station, and the rage on their faces was so extreme that it was frightening.

Demonstrator at a nighttime demonstration

Almost 50 people reported being threatened by police with physical violence, arrest or reprisals.

“ An officer came up to me and asked if I supported the student protests. He then told me that I was now flagged as an active demonstrator and threatened to come after me if he spotted me in a crowd of 500.

Person randomly approached by a police officer in a park

“ A police officer pushed me for no reason and threatened to arrest and ticket me for using a weapon against a police officer, referring to a kitchen saucepan I was using peacefully. He then threatened to use physical violence to get me to leave.

Man walking on a bicycle path

Furthermore, one in eight witnesses considered that police were attempting to intimidate and frighten people with punishments such as physical violence and arbitrary arrests in order to quash demonstrations. The vast majority of these testimonies mention strategies used to discredit and repress the protests. Almost 10 witnesses described some of the interventions as traps, and several others told of deliberate police provocation. They said it seemed to them that the police were out for revenge.

“ Police techniques were geared towards discrediting the protest movement and undermining its credibility by making it appear threatening.

Mother of a minor detained in the Montréal subway during the Grand Prix

“ I am positive that force was used abusively to intimidate.

Demonstrator at a “naked” demonstration

Many witnesses who wore masks, political symbols or black clothing, or who were frequent demonstrators or filmed police interventions, spoke of feeling hounded, harassed and targeted by police. In one demonstrator's view, this was part of psychological warfare that the police waged on activists.

“ I'm getting more and more worried – I get the feeling the police are targeting the repeat demonstrators, peaceful and non-peaceful. It seems to me the police forces are at war with a social movement, with an opinion.

Demonstrator who had observed multiple nighttime gatherings in Montréal

“ Police developed a routine of targeting and arresting anyone filming before making mass arrests [...], thus giving themselves full rein to do all kinds of things out of sight of the cameras.

Amateur journalist



Photo © Darren Ell 2012

“Violated rights”, “discrimination” and “political profiling”

Almost 70 of the total number of testimonies analyzed make reference to feelings of injustice and of being the victim of arbitrary conduct, political profiling, discrimination or abuse at the hands of the police. About 20 people explicitly reported that their rights – in particular, the right to peaceful assembly and to freedom of expression – had been violated, trampled on or denied.

“ I felt that my right to have political ideas different from those of the government and my right to protest were violated. I felt intimidated and humiliated by the police officers' language, I was treated with no respect whatsoever, and I was a victim of unfair abuse of power.

Cégep teacher who was part of a mass arrest in Québec City

These individuals say that they were not stopped because of genuine suspicions or valid reasons for thinking that a crime had been committed or was about to be committed. Many testimonies describe police interventions motivated by distinctive physical signs associated with a particular type of person, such as demonstrating, being near a disturbance event, being young, wearing a *carré rouge* to show political support for the student movement, or simply being dressed in black.

“ I was the victim of political profiling. The police stopped me and falsely accused me of robbery as a pretext for searching my bag.

Person stopped at the Berri-UQAM subway station

“

As far as I'm concerned, my friends and I were victims of political profiling and anti-student, anti-youth prejudice.

My arrest was abusive, and I was subjected to flagrant abuse of police power.

Young man wearing a *carré rouge* arrested coming out of a bar

Numerous people expressed their views on the role of police in a social protest, and many of them described it as political policing.

“

I felt I had been taken hostage, and that I was living in a police state. The situation was untenable and totally unacceptable.

Person relating the mass arrest conducted in Gatineau on April 18

“

I was a victim of profiling. The CSN representative was allowed to leave, even though he was with us from the beginning. It was an attempt to scare students by arresting them so they wouldn't come back and disturb classes the next day

Student arrested in mass arrest in the Outaouais region



Photo © Darren Ell 2012

8.2 Effects and repercussions of these experiences

Fear of demonstrating, withdrawal or galvanized commitment

More than ten people mentioned that the fear and intimidation they felt as a result of police conduct were a deterrent to their intention to demonstrate, and raised doubts about dealing with threats or danger to their physical integrity. They also feared the personal, legal and professional fallout from an arrest.

“

I saw a lot of people getting hurt. I'm not sure I'll demonstrate again.

Witness of the targeted arrest of a demonstrator by the SPVM special squad

“

The police hit me because I wasn't walking fast enough for them, due to pain in my knees. After that incident, I stopped demonstrating – the violence was too much for me. I can't understand why the police would hit a white-haired person walking quietly alone.

Older woman who was clubbed several times in the back with a baton

“

Watching this police brutality made me cry. I can't believe this is what my Québec has come to, that I'm afraid to demonstrate peacefully, afraid of police. How can this be?

Demonstrator watching police brutality on CUTV

But about a dozen people said that, au contraire, their experience with the police had strengthened their commitment to the cause or that their political activities had increased and intensified.

“

The brutality that the police officer subjected me to has galvanized me to return to the demonstrations, to conquer the fear and not let it control me.

Demonstrator

Psychological and socio-emotional effects

Almost 30 people said they had noticed psychological, physical or socio-emotional aftermaths following a distressing incident involving police. The most striking accounts are of a state of shock, trauma or post-traumatic shock, a traumatic incident or a painful memory, a nervous breakdown, psychological damage, difficulty sleeping, stress and paranoia. In many cases, these problems adversely affected personal and professional lives. And in the case of about a dozen witnesses, the shock was such that a friend, relative or social worker had to write their testimonies for them.

“

I was knocked to the ground by the riot squad, clubbed and aggressively arrested. I suffered post-traumatic shock and severe depression as a result of this incident. I lost both my jobs, and I am unable to drive. I lost everything.

Middle-aged father arrested coming out of a theatre

“

I was held for six hours, and my brutal arrest traumatized me for several weeks. It caused me enormous stress, I had trouble sleeping and mood swings.

Demonstrator arrested for wearing a mask

Erosion of trust in police

One in eight people in the 200 testimonies reviewed in this section reported that their trust in police was badly shaken or completely destroyed, even though some emphasized that before these events they had a positive view of police.

“ I was injured and pushed to the ground by riot police. They touched me, injured me and ignored me. I'm afraid of the riot squad, afraid of the police. These are worse injuries than a popped ear.

Female student injured by stun grenades

“ These mass, abusive arrests were so surreal that I was completely intimidated. Every time I spot a police officer, I am overcome with fear and I tremble.

Demonstrator arrested in a mass arrest and held for several hours

In the same vein, many people voiced the view that police are protecting the interests of a minority rather than the public. They resent police and their unprofessional attitude, which they deem to be a disgrace to their profession. More than 15 witnesses recounted false allegations by police.

“ Their obstinate and deceitful behaviour makes it impossible for us to still believe that the police serves and protects us.

Person stopped and searched at the Berri-UQAM subway station

Distrust of police code of conduct procedures

Many witnesses spoke of profound distress and a loss of trust in the police ethics system. In some cases, police even discouraged people from filing a complaint.

“ I went to a police station in Longueuil to find out about procedures for filing a complaint. I was told it was dangerous to file a complaint against the police.

Demonstrator who was beaten up by four police officers

“ I was ridiculed when I asked neighbourhood police station No. 21 for a form to fill out for a code of conduct complaint. The police answered “What a drag, we can't help you, Anonymous has hacked into our website!”

Mother whose friend was kicked in the stomach by a police officer in the subway

Almost a hundred witnesses said that police refused to provide their badge numbers, and about a dozen said they were threatened with reprisals if they filed a complaint. Police made fun of the police ethics system, challenging complainants by claiming that “it will go nowhere”, and even bragging that paid leave would mean that they could go away on a trip.

In fact, about a dozen people who filed code of conduct complaints say that they were victims of reprisals (brutality, arrest, tickets) by the police officers involved. In several of these cases, the officers in question singled these people out after the complaint was filed, saying, for example: “remember me?”

Virtually everyone who reported losing trust in the police believed that officers performed their duties with complete impunity. They cited the fact that everything that police did was videotaped, and yet they had still abused their powers.

Loss of trust in the rule of law

Finally, about a dozen witnesses told us that their experiences with the police had altered their perception of democracy and of the Québec state. In their attempts to make sense of what has happened to them, some of them compare the government's choice to use police to manage the student conflict with the reflexes of dictatorships.

“

I am outraged by this tyrannical treatment – it has no place in a society based on the rule of law.

Demonstrator who managed to escape from a police kettling where he was hemmed in and brutalized

“

This savage arrest traumatized me for several weeks. I no longer see my democratic and free State in the same way.

Demonstrator



Photo © Mario Jean / MADOC 2012

9. Conclusion

9.1 Rights and freedoms violations

Infringements on freedoms of expression, peaceful assembly and association

Freedom of expression is the very lifeblood of democracy. It extends to every message, no matter how unpopular, disturbing or adversarial. And these messages are protected, not just in terms of content, but also in the mode of their expression – demonstrations, picketing, distributing leaflets, signs, boycotts and freedom of the press.

Two fundamental questions must be asked about compliance with freedom of expression and peaceful assembly during the student strikes.

In their massive and indiscriminate use of multiple weapons, gas, plastic bullets, stun grenades, horses, dogs and others, did the authorities infringe on freedom of expression and of peaceful assembly?

Did the huge numbers of arrests, the mass arrests during peaceful demonstrations, the across the board ticketing practices, and the preventive detention of hundreds of citizens constitute infringements on freedom of expression and of peaceful assembly?

The answer to these questions is yes.

The use of inordinate methods of repression violated demonstrators' freedom of expression in a way that cannot be justified in a free and democratic society.

Freedom of association was also battered by the rhetoric, actions and decisions of political figures who denied the collective rights of student associations.

The repression was so widespread, the number of arrests so huge, and the attitude of police so contemptuous and brutal that some members of the public are now outright afraid to use the streets to demonstrate their opinions and protest.



I will not be going to the demonstration against police brutality tonight.

Because I'm afraid. Because they've succeeded in making me cringe every time I hear a police siren. Because the sound of their damned helicopter makes me tremble. Because every time I hear them yell "Move" or bang their shields like barbarians, my blood runs cold.

And yet, there are so many reasons why I should go. The G-20. All those illegal arrests during the strike. The contempt they show every day. My friends who will be physically and psychologically scarred by their violence for the rest of their lives.

I realize that I'm validating their repression by not being there. That this is exactly why they do what they do. They break us. Tonight, they've defeated me.

But I'm not giving up the struggle. They'll see me in the streets hundreds of times in the years to come.

Tonight, though, I'm too scared. I would have liked to be with you, but I just can't do it.

In the meantime, what I want the most, my comrades who will take the streets tonight, is to thank you. It's the least I can do. I'm sending you all my solidarity. The struggle continues thanks to you, to your courage.

My respect and admiration are with you.

Keena Grégoire
March 15, 2013

Infringements on the right to personal inviolability and security

The use of arms and excessive force are obviously infringements on the right to life and security of the person. Given the potential for serious injury and even death, the use of plastic bullets is neither justified nor reasonable¹⁴⁷. When non-threatening people are trying to obey a police order, or have received no order from them, using plastic bullets is especially unwarranted. The abusive and gratuitous utilization of chemical weapons inflicted major physical damage on numerous demonstrators.

Testimonies demonstrate that the public interest and the interests of justice require that the behaviour of law enforcement officials be brought to light. The physical and verbal abuse must be punished so as to avoid discrediting the public's perception of justice by tolerating impunity for serious violations of human

rights. Law enforcement protocols for demonstrations must be made public and overhauled to ensure their conformity – in both wording and enforcement – with the *Code of Ethics of Québec Police Officers*, the *Quebec Charter of Human Rights and Freedoms* and international human rights law. The *Ligue des droits et libertés* has been calling for years for the introduction of an investigative process that would ensure independent, civil, transparent and impartial enquiries. It outlined the contours of such a process in its brief to the *Commission des institutions* entitled *Avoir le courage politique d'assurer des enquêtes indépendantes*¹⁴⁸. The need for this process is more urgent than ever.

Infringements on legal rights

This report points out systematic violations of constitutional protections against arbitrary arrest and detention (including detentions under municipal bylaws and under section 31 of the *Criminal Code*), as well as protection against abusive searches. Activists were unlawfully photographed, documented and interrogated. Many release conditions applied to demonstrators were abusive and even unconstitutional.

In many cases, the right to immediately retain counsel was not observed. The right to be immediately informed of the reasons for arrest and of the specific offence was also routinely violated. Many arrestees were held for several hours in buses or other locations in conditions that infringed on their right to personal inviolability.

Infringements on right to equality and political profiling

The *Quebec Charter* guarantees the right to equality for all, without discrimination based on age and political convictions. Political profiling occurs whenever a police intervention is partially motivated by the political convictions, whether real or perceived, of a person or group. Political profiling is discriminatory because the people targeted are subjected to treatment that is unusual or differs from that of other citizens based on preconceived ideas. During the *Printemps Érablé*, people were subjected to increased police surveillance, arbitrary stops and arrests,

malicious prosecution and police brutality based on their political convictions as perceived by the police – and not always for suspicion of committing actual offenses.

The political profiling of students and demonstrators in general constitutes systemic discrimination because it was not practiced in isolation. Rather, it was the combined result of institutionalized police and legal directives and practices and of specific legislative and regulatory norms.

¹⁴⁷ In this regard, see the *Ligue des droits et libertés* report, *Rapport sur l'utilisation des balles de plastique lors de manifestations*, May 14, 2002.

¹⁴⁸ *Ligue des droits et libertés*, *Avoir le courage politique d'assurer des enquêtes indépendantes*, Brief submitted to the Commission des Institutions de l'Assemblée Nationale, March 12, 2013.

9.2 Inconsistencies in the use of police discretion

A 1974 study shows definitively that police enjoy broad latitude when enforcing criminal law: they can choose to arrest or issue a warning, issue a ticket or set the legal machine in motion¹⁴⁹. When measures are vague, subject to interpretation or potentially too broad in scope, the room for discretion expands, and the potential for arbitrary decision-making based on moral and emotional factors grows with it.

Our report illustrates that police enforced a variety of norms, regulations and laws in a completely random manner. Municipal bylaws, the *Highway Safety Code*, the *Criminal Code* and the special law – all were selectively applied. Law enforcement decisions defied logic. At certain illegal but peaceful demonstrations, police would make no arrests, at others they would arrest a few people, and at still others, hundreds were arrested.

The authors of the study cited above explain that vague guidelines of selective enforcement enable police to develop harassment tactics against specific groups and create stigma based on their own values, their perception of what the public or businesses want, and on skin colour, appearance, age, status, and location. During the student strike, most arrests were made without any connection to a reprehensible act. Testimonies suggest that the actual goal of police forces was not to put an end to dangerous behaviour so as to ensure public safety, but to use any method available, including arbitrary enforcement of municipal bylaws and other measures to quell social protest and intimidate people who were exercising their freedom of expression and making a statement that appears to have upset the wrong people.

9.3 Judicializing the political and politicizing the judicial¹⁵⁰

The entrenchment of this disturbing trend in Québec to judicialize and criminalize social protest is a grave threat to freedom of expression and the right to peaceful assembly. When the State joins the media in publicly labelling and vilifying categories of citizens, describing them as irresponsible, violent, delinquent, and shameful examples, it violates their dignity and even justifies their repression.

Given that injunctions were not followed, classes not given, and the special law neither observed nor applied, and that the student strike not only persisted despite political, police and judicial repression, but spawned a social protest movement, it is clear that this legal repression was not unanimously supported.

149 Brian Allen Grosman, *Police Command. Discretion & Decision*, Toronto Macmillan of Canada, 1975. Report on an investigation into the use of police discretion conducted in five Canadian and three American cities.

150 This expression appeared in the editorial of issue 47 of the magazine *À bord*, Politisation du juridique - Judicialisation du politique.



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10. Recommendations

The three author organizations make the following recommendations based on the above content:

1. Drop charges laid under municipal bylaws and the *Highway Safety Code* and terminate procedures for those whose rights have been violated.
2. Conduct a public inquest on police abuses, mass arrests and violations of rights and freedoms that occurred as a result of police interventions during the student strike.
3. Immediately ban the use of plastic bullets, stun grenades and other *less lethal* weapons for crowd control.
4. Mandate the *Commission des droits de la personne et des droits de la jeunesse* to hold an inquiry into political profiling and the massive infringements on freedom of expression in Québec.
5. Immediate repeal of City of Montréal bylaw P-6 and the other municipal bylaws that limit the right to protest.
6. Immediate end to police use of section 31 of the *Criminal Code* and of sections 500 and 500.1 of the *Highway Safety Code* during demonstrations.
7. Establish a civil, transparent, impartial and independent body mandated to investigate all cases involving police interventions that lead to death or injuries. The mandate should then be expanded to include the power to initiate systemic investigations into police conduct, including their actions during events such as those that occurred during the student spring of 2012.

Appendix 1 – Overall record of arrests

Method of enumerating arrests

The following results were compiled based on arrest follow-up work done by the CLASSE legal committee and on the arrest list of the Collective Opposed to Police Brutality (COBP). It reflects the arrests made during the student strike, between February 16 and September 3, 2012. It includes arrests that led to criminal charges or traffic tickets, as well as the cases of people who were held for prolonged periods but not charged or issued tickets¹⁵¹.

Our final figures show a total of 3,509 people arrested during this period. At least 471 of these arrests led to criminal charges, and 2,443 arrests resulted in tickets. A further 605 people were stopped or arrested with unknown consequences.

Total arrests : 3509

Number of arrests ending in criminal charges: **471**

Number of arrests leading to tickets: **2433**

Including **817** tickets under the *Highway Safety Code*¹⁵² and **1616** tickets under municipal bylaws.

Other arrests or stops with unknown consequences: **605**

151 This total does not account for tickets received by mail to people who were not aware of the potential illegality of their actions. In Gatineau, for example, 161 people were arrested, but 221 received tickets for the same action.

152 This figure is taken from records compiled by the [compilation du Collectif opposé à la brutalité policière](#) on Section 500.1 of the *Highway Safety Code*.

Date (2012)	Event	Arrests
February 16	Occupation, Cégep du Vieux Montréal	37
February 16	Blockade, Tour de la bourse, Montréal	4
March 7	Occupation and demonstration outside the offices of Loto-Québec / CRÉPUQ, Montréal	5
March 7	Evening vigil, Montréal	2
March 12	Blockade, Université Laval, Québec City	3
March 12	Maison de la grève, Montréal	5
March 15	Demonstration against police brutality, Montréal	227
March 20	Blockade, Champlain Bridge, Montréal	80
March 21	Picketing, Université Laval, Québec City	1
March 26	Demonstration, Université de Montréal	1
March 26	Occupation, offices of the Fédération des cégeps, Montréal	2
March 27	Headquarters, Société des alcools du Québec, Montréal	1
March 27	Blockade, Highway 410 Sherbrooke	60
March 27	Demonstration, Québec City	1
March 28	Blockade, Premier Jean Charest's residence, Québec City	14
March 29	Grande mascarade, Montréal	3
March 29	Université du Québec à Chicoutimi	15
March 29	Occupation, police station, Montréal	2
April 4	Disruptive action, Montréal	77
April 5	Student demonstration, Chicoutimi	1
April 11	Blockade, National Bank headquarters, Montréal	1
April 11	Unlimited demonstration, Montréal	4
April 12	Sûreté du Québec, Montréal	1
April 13	Occupation, office of the Montréal riding office, Minister of Education, Montréal	11
April 13	Demonstration outside the Sherbrooke office of Premier Jean Charest, Sherbrooke	1

April 13	Nighttime demonstration, Montréal	1
April 14	Occupation, Montréal riding office, Minister of Education	1
April 14	Maple Spring demonstration, Montréal	1
April 17	Université du Québec en Outaouais	2
April 17	Occupation, Chamber of Commerce, Sherbrooke	1
April 17	Université du Québec à Montréal	2
April 18	Office of the Ministry of Education, Sherbrooke	19
April 18	Université du Québec en Outaouais	2
April 18	Demonstration near l'Université du Québec en Outaouais	161
April 19	Disturbance demonstration, Montréal	2
April 19	Cégep Limoilou, Québec City	49
April 19	Demonstration, Gatineau	151
April 20	Demonstration against the Salon Plan Nord, Montréal	20
April 21	Demonstration against the Salon Plan Nord, Montréal	90
April 22	SNC-Lavalin Headquarters, Montréal	2
April 24	Nighttime demonstration, Montréal	3
April 25	<i>Ostie de grosse manif, coordinated by AFESPED, Montréal</i>	85
April 26	Demonstration, Montréal	4
April 27	Feminist demonstration, Québec City	81
April 27	"That's not an offer, it's an insult" demonstration, Montréal	35
April 27	Nighttime demonstration, Montréal	35
April 27	Nighttime demonstration, Montréal	1
April 30	Comedy video, Montréal	1
April 30	Picketing, Sherbrooke	2
April 30	Nighttime demonstration, Montréal	1
May 1	Alma	2
May 1	CLAC demonstration, Montréal	109
May 4	Liberal Party of Québec convention, Victoriaville: bus occupants arrested and held	69
May 4	Liberal Party of Québec convention, Victoriaville: bus occupants arrested, held and charged	40
May 5	Liberal Party of Québec convention, Victoriaville	5
May 5	Nighttime demonstration, Montréal	3
May 10	Smoke devices in subway, Montréal	4
May 14	Nighttime demonstration, Montréal	2
May 14	Blockade, Montréal	5
May 15	Victoriaville	1
May 16	Demonstration against special law, Montréal	123
May 18	Demonstration against vote on special law, Montréal	4
May 18	Evening demonstration, Sherbrooke	14
May 19	Demonstration and blockade, Jacques-Cartier Bridge, Montréal	21
May 19	Nighttime demonstration, Montréal	71
May 19	Cégep Lionel-Groulx, Montréal	5
May 19	Victoriaville	1
May 20	Nighttime demonstration, Montréal	308
May 20	Nighttime demonstration, Québec City	37
May 21	Plan nord, Montréal	1
May 21	Student feminist demonstration, Montréal	3
May 21	Nighttime demonstration, Montréal	2
May 21	Demonstration, Sherbrooke	36
May 22	Nighttime demonstration, Montréal	113
May 23	Nighttime demonstration, Montréal	518
May 23	Nighttime demonstration, Québec City	176
May 24	Nighttime demonstration, Montréal	4
May 24	Nighttime demonstration, Québec City	3
May 25	Nighttime demonstration, Montréal	3
May 25	Gatineau	4
May 27	Nighttime demonstration, Montréal	2

May 28	Nighttime demonstration, Québec City	84
May 31	Nighttime demonstration, Montréal	3
May 31	Nighttime demonstration, Québec City	1
June 1	Demonstration, Université de Montréal	1
June 1	Nighttime demonstration, Montréal	3
June 5	Demonstration, Montréal	1
June 6	Nighttime demonstration, Montréal	65
June 6	Action-demonstration, Montréal	1
June 7	Investigation follow-ups, Montréal	8
June 7	Gatineau	3
June 7	Demonstration against the Grand Prix F1 opening ceremony, Montréal	37
June 8	Demonstration, Montréal	39
June 9	Demonstration against the Grand Prix F1, Montréal	12
June 9	Nighttime demonstration, Montréal	2
June 10	Preventive arrests without charges, Montréal	34
June 10	Subway stations, Montréal	3
June 10	Demonstration, Crescent Street, Montréal	2
June 10	Nighttime demonstration, Montréal	28
June 11	Investigation, Montréal	1
June 12	Demonstration, Montréal	1
June 13	Nighttime demonstration, Montréal	2
June 14	Demonstration, Montréal	2
June 16	Nighttime demonstration, Montréal	8
June 17	Nighttime demonstration, Montréal	8
June 18	Nighttime demonstration, Montréal	1
June 19	Investigation, Montréal	6
June 19	Skirmish, Québec City Hall	1
June 19	Demonstration, Québec City Hall	21
June 20	Nighttime demonstration, Montréal	2
June 22	National demonstration	1
June 22	Investigation, Québec City	4
June 24	Nighttime demonstration, Montréal	2
June 26	Nighttime demonstration, Montréal	1
July 2	Demonstration, Montréal	1
July 10	Nighttime demonstration, Montréal	2
July 15	Nighttime demonstration, Montréal	1
July 22	National demonstration, Montréal	1
July 23	Nighttime demonstration, Montréal	1
August 1	Nighttime demonstration, Montréal	17
August 2	Demonstration, Montréal	15
August 13	Nighttime demonstration, Montréal	2
August 14	Nighttime demonstration, Montréal	1
August 15	Nighttime demonstration, Montréal	1
August 17	Nighttime demonstration, Montréal	1
August 18	Nighttime demonstration, Montréal	6
August 20	Demonstration, Montréal	1
August 22	Demonstration, Montréal	1
August 23	Nighttime demonstration, Montréal	1
August 23	Université de Montréal	20
August 28	Université de Montréal	16
August 29	Disturbance demonstration, Montréal	4
August 29	Nighttime demonstration, Montréal	6
August 31	Nighttime demonstration, Montréal	1
September 3	Nighttime demonstration, Montréal	2
Unknown	Nighttime demonstrations, Montréal	3

Appendix 2 – Mass arrests

Total mass arrests: 2,913

Date (2012)	Events	Arrests
March 15	Demonstration against police brutality, Montréal	226
March 20	Blockade, Champlain Bridge, Montréal	80
March 27	Blockade, Highway 410, Sherbrooke	60
March 18	Demonstration, Sherbrooke	14
April 4	Disturbance action, Montréal	76
April 13	Demonstration, Sherbrooke	18
April 18	Office of the Minister of Education, Sherbrooke	19
April 18	Université du Québec en Outaouais	161
April 19	Cégep Limoilou, Québec City	49
April 19	Université du Québec en Outaouais	151
April 21	Kettling of a demonstration against the Plan nord, Montréal	89
April 25	Ostie de grosse manif de soir demonstration, Montréal	85
April 27	Kettling of a feminist demonstration, Québec City	80
April 28	Nighttime demonstration, Montréal	35
May 1	Demonstration, Montréal	109
May 4	Bus returning from Victoriaville	40
May 16	Demonstration against the special law, Montréal	122
May 19	Nighttime demonstration, Montréal	60
May 19	Blockade, Jacques-Cartier Bridge, Montréal	21
May 20	Nighttime demonstration, Montréal	308
May 20	Nighttime demonstration, Montréal	37
May 21	Nighttime demonstration, Sherbrooke	36
May 22	Nighttime demonstration, Montréal	113
May 23	Nighttime demonstration, Montréal	518
May 23	Nighttime demonstration, Québec City	176
May 28	Nighttime demonstration, Montréal	84
June 6	Nighttime demonstration, Québec City	65
June 10	Nighttime demonstration, Montréal	28
June 19	Demonstration, Québec City	21
August 1	Nighttime demonstration, Montréal	17
August 2	Nighttime demonstration, Montréal	15





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