



The Toronto arrests: the public has a right to know

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Since the arrests in Toronto of 17 people charged under the December 2001 *Anti-terrorism Act*, there has been a steady flow of information, sometimes highly ambiguous and the cause of both scepticism and anxiety. The day of the arrests, we learned that these people had purchased three metric tonnes of ammonium nitrate, a quantity that would make it possible to blow up entire buildings, and the following day that the police had apparently facilitated the purchase. Then we learned that the accused had been hoodwinked -- that they had in fact been sold an entirely harmless product. Finally, the charges made when the accused appeared in court included a plot to take Parliament by force, hold parliamentarians hostage and even decapitate the Prime Minister. In short, the worst terrorist nightmares have been brought together in the as yet unproven allegations that the Crown filed in support of its charges. Nor should we minimize the impact of the spectacular nature of the arrests and the appearances at the Brampton Courthouse.

The right of accused persons to a fair trial does not conflict with the right of the public to be protected against individuals ready to murder the innocent. The number and gravity of the charges against the accused, the concern that the charges are causing, and the fact that five of the accused are minors, makes it more vitally important than ever that the principles of fundamental justice be respected and the evidence in support of the allegations be made public. It would be completely unacceptable if the prosecution were to invoke the provisions of the *Anti-terrorism Act* to hold *in camera* and *ex parte* trials, without the accused and their lawyers having access to all the evidence. It is essential that the trials be public and that the public be informed about the evidence for the accused's alleged actions and intentions, so that we can evaluate the real threat they represent. Leaks, rumours and allegations cannot take the place of a public trial.

We also learned that the group of people who were arrested had been under surveillance for a long time. The arrests took place while the *Anti-terrorism Act* is

undergoing parliamentary review, the Supreme Court is getting ready to examine the legality of security certificates, and the government is planning to table a bill on the monitoring of electronic communications. These provisions call into question the principles of justice that are at the very basis of our society, and Canadians must be able to judge their relevance objectively. The *Ligue des droits et libertés* is afraid of the use that could be made of these arrests: a climate of fear makes public opinion more vulnerable to manipulation. The fact that the accused were under surveillance and arrested without (apparently) the use of the *Anti-terrorism Act's* investigative mechanisms (preventive arrest and judicial investigation) shows that these new powers are not necessary. The police were also able to intercept the accused's Internet communications without the increased electronic communications monitoring powers that the government is seeking to introduce by legislation.

There is a real risk that this atmosphere of doubt and distrust will have the effect of promoting intolerance and racism, the manifestations of which are not always obvious. The Ligue calls on Prime Minister Stephen Harper to launch an appeal to all citizens and to the leaders of their community and institutional structures to fight any tendency to racism or discrimination and any extremist or hate speech, and to ensure that the rights and dignity of all are respected and that an atmosphere of mutual respect unites all citizens.

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