



It has been over a year since people from all over North-America and many other countries gathered in Quebec city for the Summit of the Americas to voice their dissent to the FTAA and to the neo-liberal economic agenda of which it is a part. Although the tear gas has cleared and the countless abuses of civil and human rights may seem long past, the repression against the dissidents who were in Quebec continues.

The Quebec Legal Collective currently has between 6 and 10 active members, and we have an office on rue Laurier in Montreal. We are working primarily with two Montreal lawyers (Denis Poitras and Pascal Lescarbeau), who have been active in defending political arrestees in the Montreal area, and were part of team of a dozen or so lawyers who provided support in Quebec City during the summit. While most members of the collective volunteer their time, one member is hired to staff the office 20 hours/week (this is a rotating position at \$10/hour) and the lawyers are paid at their normal rates (\$150/hour). A member of the collective usually accompanies the lawyer(s) and accused persons to Quebec City for any proceedings, and assists with the logistics, preparation and support needed by the accused. There is an active list on which the accused can discuss various issues among themselves, as well as with the lawyers and members of the collective, and regular updates are posted. Our website, while somewhat dormant for a few months, has recently been revitalized and can be consulted at www.quebeclegal.org for regular updates and information.

The Quebec Legal Collective has a New Name

We decided, after much discussion, to incorporate as a non-profit organization, something we had been putting off for some time. There are many reasons for this, both financial (such as being able to claim the sales tax we currently pay on legal fees), and practical (one of the realities of doing legal work is that legitimacy helps, and can avoid some problems).

Part and parcel of incorporating is choosing an official name. There were several reasons that "Quebec Legal" didn't work. First of all, it doesn't mean the same thing in French as it does in English (the Office de la Langue Française had already pointed this out to us after seeing our website) - "collectif légal" means lawful collective. Secondly, it gives the impression that we are based in Québec City, or do support for the whole of the province - but aside from the support for the arrestees from the Summit, in the future our work will focus more on Montreal. Finally, it is too generic a name for a Collective situated in Quebec - from the perspective of people outside Quebec it may seem quite descriptive, but we get queries at the office from people who think we are a government organization or legal aid. So, to make a long story short, we have decided our official name will be the Collectif Juridique Libertas / Libertas Legal Collective, or just the Libertas Collective for short. Don't worry, you can still call us Quebec Legal and we won't be offended.

Summit of the Americas



Criminal Trials

Of the 463 people who were arrested in Quebec City during the Summit, around 300 were charged with offences ranging from obstructing police to participating in a riot. Since April 2001, we have been working actively with around 150 of those accused to ensure that they did not have to face the injustice system alone. In an average week, there are proceedings in between 5 and 20 of the cases in which we are involved, and to date we have completed approximately 50 preliminary inquiries and about 60 trials.

A **preliminary inquiry** is the first stage in a trial for an indictable offence, during which the crown has to demonstrate to a judge that there is enough evidence for the accused to go to trial. For the most part, it is considered a formality and the accused is sent to trial, but it gives us a chance to see the Crown's case and cross-examine the police witnesses before the trial.

So far, the results in the trials have been somewhat mixed. Of the 60 trials that have been completed up to now, around 40 were when people decided to accept plea bargains from the Crown and plead guilty, usually making a small (\$150) "donation" in return for an absolute discharge (this means they won't have a criminal record, and that they do not have to go all the way to Quebec City for an expensive trial). Of those who have gone to trial, the vast majority have either been acquitted or received absolute or conditional discharges. The two cases in which the sentences were more severe are currently being appealed.

Upcoming Trials

While we are encouraged that most of the trials so far have not resulted in convictions or stiff sentences, the people facing more serious charges by indictment have yet to go to trial. Most of the upcoming trials will be on indictable charges such as "participation in riot" or "armed assault", which carry maximum penalties of two or more years. Many of the accused in these cases have decided to proceed with trials before a jury, and between October and February we have over 30 separate jury trials scheduled, which will require a lot of preparation time, and a lot of time in court for the lawyers. We hope to do a better job of keeping people updated on the cases as they happen, and to work with the accused to mobilize political support. Even though the people facing charges were arrested in the midst of a massive political mobilization, the legal system is designed to be as alienating and demobilizing as possible. We will need your help to make sure that the people sitting in front of the jury does not feel alone and isolated from the 50,000 of you who stood by their side during the summit, and could just as easily have ended up in a similar situation.

An **absolute discharge** means, essentially, that the person is found guilty but reputed not to have been convicted. In practical terms, this means that their record will be expunged from the RCMP database within a year of sentencing as long as the person does not commit another offence in that time .

A **conditional discharge** is the same as an absolute discharge, except with (an) extra condition(s) tacked on (such as keeping the peace, or paying something, etc...). The record is expunged after 3 years.

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Appeals

Guilty of Wearing a Scarf

In the first case, Paul S. was charged with obstruction of police after he refused to remove his bandana, and although he made a valiant effort in defending himself in court, judge Hubert Couture decided that freedom of expression is overrated and a police state would be a great idea, fining Paul \$800. It is interesting that all the undercover officers who had testified in front of judge Couture that morning in other cases had said that they too had been wearing bandanas, and were not aware that it was against the law. One law for the watchers, one law for the watched...

More Victims of the Fashion Police

The second case is even more disturbing, since Dorian and Aaron were sitting in a group of 6 or 7 people on the grass a few dozen metres from the perimeter in the afternoon of Sunday April 22nd. Unfortunately for them, they were "dressed like people who, in the previous days, had thrown rocks and molotov cocktails at police", which according to Judge Couture, gave RCMP officers "reasonable grounds to fear that they would disturb the peace tumultuously". They were both found guilty of unlawful assembly and possession of a weapon (a plastic slingshot, some paintballs and gravel which were allegedly found on Dorian after the arrest). They were sentenced to 45 days in jail and spent 5 days in custody before the sentence was suspended awaiting appeal. The judge based his sentence on cases of unlawful assembly dating from the 1930's - in the same volume of cases, someone was sentenced to 2 years for shoplifting...

Class Action Lawsuits

Members of the collective have assisted in the filing of 4 class-action lawsuits against the various levels of government who were responsible for the physical injuries, material damages and civil rights violations suffered by demonstrators and residents in Quebec City during the Summit. In total, close to \$250 million in damages are being sought for damages ranging from the effects of the tear gas on residents to the inhumane conditions under which detainees were held in the Orsainville jail. Copies of the papers we have filed in these cases are available on our website, or on request from the collective. We are currently in the process of preparing the applications to the Fonds d'Aide aux recours collectifs, a programme that will hopefully cover the enormous legal costs of pursuing the class action lawsuits. We do not expect the civil trials to be concluded for several more years, but it is our hope that some light will be shed on the things that happened during the Summit of Americas, and that the responsible parties will be exposed. While past experience makes us wary of placing too much faith in the justice system, we hope that the civil lawsuits will serve as a deterrent to those who are contemplating widescale abuses of human and civil rights in the future.

The 4 class action law suits filed in the Quebec Superior Court are:

- 1) for the **effects of the gas** on residents and others
- 2) violations of human rights and other abusive **conditions of detention** in Orsainville Prison
- 3) violations of civil **rights to demonstrate**, freedom of expression, etc...
- 4) arbitrary and **abusive arrests**

The full text of the filings can be found on the website.

Finances

To date, the Quebec Legal Defence Fund has received close to \$80,000 CDN (\$48,000 US) in donations from individuals and groups to help with the cost of the trials from the Summit of the Americas. Of this money, the vast majority has been spent on legal fees (lawyers can bill several thousand in a single week, especially when they are working intensively on trial preparation or appeals...) and court costs. We also hired one person to work in the office 20 hours/week, and have had various office-related expenses such as phone, rent and whatnot. A more detailed breakdown of our finances will be posted to the website before the end of the summer – if you have any questions or concerns, please contact us.

The legal defence fund is currently nearing zero, and once this month's finances are figured out, it may well be that we will end up owing the lawyers part of their unpaid fees. This puts us in a difficult position in trying to mount a defence for the people who will be going to trial this fall, since each time a motion or appeal is considered in a case, the availability of funds will end up being a primary consideration, since we do not have any lawyers who can afford to work pro bono (for free), and there are always other court costs as well. This is why we are asking for your help and generosity to make sure that those who are facing trials in the coming year have an adequate defence, and do not feel forced to plead guilty to bogus charges because they do not have the means to hire their own lawyer.

The support and solidarity that we have received over the past year has been amazing and has helped to inspire both the members of the collective and the defendants to keep our spirits up through long and tedious proceedings. We would like to express our heartfelt thanks, and we are confident the support is there for us to see this thing to its end.

If you have any questions or comments, don't hesitate to get in touch with us:

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420 Laurier est Fax: (514) 289-1729
Montreal, QC Email: legal@tao.ca
H2J 1E5 Website: www.quebeclegal.org
Please make cheques or money orders payable to
the "Quebec Legal Defence Fund"

Other stuff

Although the vast majority of our time and resources are taken up by the follow-up from the Summit of the Americas, the Collective has also been involved in doing some support work in and around Montreal. After the arrests of 376 people at a demonstration for the International Day Against Police Brutality and another 150 at an anti-G8 demonstration a few weeks later, we helped organize legal information and self-defence workshops for accused persons, and will be working with the committees that have formed to continue that support.

Legal Self-Defence

The weekend of September 7th and 8th, we will be giving full-day workshops on defending yourself in court, with members from Common Front (Toronto), Up Against the Law Muthafuckers (Philadelphia), COBP (Citizens Opposed to Police Brutality, Montreal) and a number of activist lawyers from the Montreal area. Feel free to join us 10am-5pm in the basement of 2149 MacKay. The materials produced for the workshop, along with other useful texts will be posted to our website as they become available.

Radical Legal Conference

Since the Summit of the Americas in Quebec, we have been in regular contact with legal collectives from all over North America, and will be hosting a conference of radical legal collectives in February 2003. The following are some of the groups who will be participating, and who do work similar to ours in their communities (members of the groups below were also an integral part of legal support during the summit in Quebec - kudos to all of them):

Citizens Opposed to Police Brutality (Montreal)

Tel: (514) 859-9065

Email: cobp@tao.ca

Web: www.tao.ca/~cobp

Common Front Legal (Toronto)

Tel: (416) 925-6939

Email: commonfront-legal@tao.ca

NYC People's Law Collective (New York)

Email: nycplc@tao.ca

Website: www.tao.ca/~nycplc

R2K Legal Collective (Philadelphia)

Tel: (215) 925-6791

Email: info@r2klegal.org

Web: www.r2klegal.org

Midnight Special (California)

Tel: (510) 834-1883

Email: info@midnightspecial.net

Web: www.midnightspecial.net