

DIALOGUE ON THE G-20 SUMMIT IN TORONTO

Reflecting on Summit Detention: Connecting Carceral Spaces, Moving Forward *Swathi Sekhar*

I hate how much I dream about cops. They're not all nightmares, but police presence has become a pervasive force in my subconscious. And this is after a mere 22 hours spent at the G20 detention centre, an experience that was barely a taste of the horror that is correctional and policing culture both in Canada and worldwide.

In June 2010, the city of Toronto played host to the semi-annual Group of 20 summit, where representatives from the 20 most “systemically important industrialized and developing economies”¹ converge to discuss policies of continued economic growth. During this time, thousands of people took to the streets to protest the proliferation of neo-liberal economic policies, but more importantly, to use the G20 moment as an opportunity to build coalitions among existing local community organizations, focusing on issues such as “Indigenous Sovereignty and Self-Determination, Environmental and Climate Justice, Migrant Justice and an End to War and Occupation, Income Equity and Community Control over Resources, Gender Justice and Queer and disAbility rights”.²

In a massive pre-emptive strategy, the municipal, provincial and federal governments brought in more than ten thousand police, RCMP, military and private security forces from all over Canada, simultaneously giving them incredibly extensive powers of search, seizure, arrest and detention.³ In the face of aggressive police tactics of intimidation and brutality, the focus of the protests over the weekend shifted, and diverse groups of individuals and organizations came together to highlight and fight against police violence and repression of political dissent. Community members across the city also organized legal observers to monitor, document and track police actions and arrests, and serve as witnesses to any abuses perpetrated by the authorities.

I was arrested on the night of June 26, 2010 with a group of about 30 people just outside of the old movie studio turned temporary detention centre by the City, in the East of Toronto. I had been legal observing that weekend, and after witnessing several brutal arrests and incidences of serious police violence, I felt compelled to go to the detention centre that night for a small

prison solidarity action. Soon after my arrival, myself and other activists, legal observers and allies of people who had been detained that day were penned in on all sides by riot police and placed under arrest; it is clear to me now that after we arrived, they had never intended to let us leave.

In writing this piece I have struggled to find a cohesive purpose, and I have battled with feeling as though my experiences as a detainee are not valid or legitimate, due to my relative privilege, and the more extreme life conditions that other more marginalized people face. At times, writing this reflection has felt like an exercise in self indulgence, especially given that I do not want to over-particularize the G20 moment. Attempting to see my experiences as a valid contribution to the discourse on correctional and policing culture is a constant tension within this narrative.

The overall objective of this piece is to draw connections between my personal experiences with aspects of the prison industrial complex; in my role as a legal professional, as someone who has worked with incarcerated people, and as a detainee myself. Recognizing the interconnectedness of the various struggles that I have been a part has been crucial to my personal understanding of how to harness this G20 experience and channel it into action. I emphasize that in writing this, I am not speaking for anyone but myself and what is my interpretation of the collective experience in detention, amongst myself and my fellow detainees.

What follows is an examination of three distinct but interrelated experiences I have had with carceral spaces: my exposure to Canadian immigration detention, working with the prison population in Malawi, and my second hand experience with correctional culture in Canada. I hope to draw connections between these experiences and my own firsthand experience as a detainee during the G20, and use this to contribute to ongoing collective and personal resistance to systems of oppression.

WHY WAS I SURPRISED?

The conditions in the Eastern Avenue detention centre, housed in an old movie studio, were much as they have been described in personal accounts and in the media since that weekend.⁴ We were kept in wire caging and it was freezing cold. The food was barely edible and we had little water. Few of us were given access to phone calls or counsel. People were denied medical care, and everyone faced a barrage of threats, insults, intimidation

and open antagonism from the court and police officers that were running the detention centre. While I was detained, I was acutely aware that these conditions are reflective of the realities of incarceration everywhere; I kept reflecting on how what I was experiencing in detention reinforced truths about state repression that I had experienced and been exposed to in the past. I know that the *purpose* of imprisonment is to strip you of your dignity, strength and willingness to fight. So given this awareness I cannot help but ask myself, why was I so surprised that all of this happened?

I grew up with a lot of Canadian pride. I was born here, but my family is from India, and we would often go visit my relatives there. From a young age I was exposed to the harsh realities of daily life in lower income parts of the world. I saw other children my age, and compared their existence with my own, knowing I had done nothing in particular to deserve the privileges that I have. It became inherent in my understanding that there is very little justice in this world. But until relatively recently, I've focused on the shortcomings of other systems and the brutal nature of regimes outside of Canada. I spoke out against the persecution and imprisonment of dissenting political voices abroad. I understood that there was a great deal of injustice in this country, but in my mind, life in Canada was always relative to life under other, more repressive regimes.

A major shift in my mentality started a couple of years ago when I began working intimately with communities that are moving through the nightmare that is the Canadian immigration and refugee system. Though I grew up in an immigrant community and have worked with migrants in the past, I suppose I was never forced (or perhaps I just never chose) to critically examine this structure in the way that I have recently. I did not expect a system that so openly and unapologetically propagates racism and intolerance

Working in this field also exposed me to the cruel and shameful world of immigration detention, which is arguably the most brutal form of "short term" detention in Canada. I place these words in quotations because in reality, "short term" frequently means several months or even years of confinement. Thousands of people from vulnerable, racialized communities are deprived of their liberty and separated from their family and friends sometimes indefinitely. Non-citizens detained pursuant to a security certificate are most often held indefinitely; are deemed too dangerous to be released into society, while the *Canadian Charter of Rights and Freedoms*

simultaneously prohibits their deportation to a country where they might face torture or death.⁵ Non-citizens who have been convicted of a crime face the additional risk of “double punishment” whereby they remain in prison on an “immigration hold” even after their criminal sentences have been served, sometimes for a length of time exceeding the original sentence.⁶ What is particularly notable about detention in the immigration context is the absence of the requirement of culpability in order to detain, which as remarked by the Federal Court itself, is an “extraordinary” power.⁷ The *Immigration and Refugee Protection Act* authorizes the detention of foreign nationals on grounds that could encompass virtually anything, including the suspected inadmissibility of a *family member*, something that may not be in the direct control or even knowledge of the person detained.⁸ In addition, the standards for assessing these grounds are often based on norms in the Global North.⁹ For example, in applying an unrealistic standard of what constitutes a “reasonable proof” of identity, immigration authorities may not be satisfied with explanations as to why a document cannot be produced, a conflict which may go on for months.¹⁰ This may also be interpreted as lack of cooperation, a highly normative concept, which in turn increases the perceived likelihood that the individual will not appear for an examination or removal, and therefore leads to ongoing detention.¹¹ Even those who do comply with these rules continue to feel the hand of the state blocking their paths forward and directing them instead to the exit. As Pratt well articulates, immigration detention “has no official purpose other than to confine and ultimately expel the actual bodies of undesired noncitizens”.¹²

While in detention, thoughts of people I had worked with in this context and what I had learned from their experiences returned to me. I thought about families being stripped of their freedom and dignity in the way I had, and about the everlasting impact of this degradation on communities and relationships. In the months following, I continue to draw strength from focusing in the resilience of people who survive this unjust system.

My initial astonishment at the sheer level of injustice in the immigration and refugee system is a sentiment that was mirrored through my experience of summit detention. I simply did not anticipate the brazenness, the scale and the visibly pre-planned nature of state repression during the G20. The defensive response of the Toronto Police Services and the Harper government to post-G20 criticism has only added insult to the injury of profit-driven policy objectives that drove human rights abuses, and necessitated the pre-emptive

use of fear tactics and media manipulation to justify the expenditure of more than 1 billion dollars over the course of 3 days. Canada's ravenous and seemingly insatiable appetite for the almighty dollar is glaringly demonstrated by (but by no means limited to) its violent and unapologetic activities in the tar sands on stolen indigenous land in Western Canada, or abroad through the unfathomable destruction being caused by Canadian mining companies throughout Latin America and Central and Sub-Saharan Africa.¹³ In seeking the continued proliferation of such policies during the G20, the state felt the need to criminalize the forces that threatened these interests, which it did through the arrest, detention, intimidation and demonization of community members, activists and organizers, dissenting on the streets and in their personal lives. It should also be noted that this 1 billion dollar figure does not account for the cost of prosecutions, and may not account for the cost of surveillance and infiltration into the lives of activists and community groups in the year and a half leading up to the G20, which included the use of undercover operations, surveillance teams and comprehensive intelligence gathering, the extent of which is still being uncovered.¹⁴ But at the same time, this outrageous expenditure of resources also demonstrates the immense power of my friends and allies to elicit such a response by the state, and as we come together, we are only getting stronger.

BEING FORCED TO BOW TO THE POWER OF THE STATE

At the same time that my eyes were being opened to the realities of immigration detention, someone very close to me began working in a men's correctional facility in Ontario, and we spent a great deal of time sharing thoughts and experiences. One topic we discussed that continues to resonate with me is the trauma of segregation. The stated legislative purpose of administrative segregation is to keep the prisoner away from the general prison population if it is believed that he/she/they would jeopardize the security of the penitentiary or other prisoners, or for their own safety.¹⁵ My friend recounted one occasion when she went to go visit with a prisoner who had been placed in segregation. He was kept in a small room by himself, and there was a slot at the bottom of the door. Both the visitor and the prisoner had to kneel at this slot in order to communicate with each other. I remember my friend describing how sick this made her feel, how degrading

and humiliating this experience was both for the prisoner and for herself. Correctional workers and society at large, she felt, were trained to assume the worst of prisoners, all in the name of safety.

This recollection stands out to me as one which so clearly reveals the ultimate purpose of such measures as segregation. While safety is the ostensible concern in the institutional context (due to the state created systems that perpetuate this prison violence) forcing the inmate to kneel to communicate or to receive food and water does nothing to protect the safety of the institution; rather it serves as a forceful physical and psychological reminder that the prisoner is ever at the mercy of the state.

This goal of inducing powerlessness in the prisoner played itself out in several forms while I was being detained. Being forced to beg for basic necessities such as food, water and medical attention were tactics aimed at ensuring we knew who was in control of the situation. More degrading still was that some women, in their desperation, eventually felt forced to resort to their sexuality to negotiate for their needs, through flirtation with guards or offering them sexual favours. The sense of powerlessness and sadness that was felt by the outsider visiting segregation also highlights a key component of the G20 aftermath; the feelings of impotence and helplessness that were felt by those who had not been detained themselves, or who hadn't even been out on the streets protesting. Sharing in those feelings with people in my life and experiencing them myself has been difficult but also healing, and it reminds us that systems of oppression are all fundamentally rooted in the same ugly things: ignorance, intolerance and greed. Exposing these roots strengthens my resolve and makes me realize how many allies we actually have in this fight.

INJUSTICE ACROSS BORDERS

In 2009 I had the opportunity to speak with prisoners and prisoners' rights organizations in Malawi, while carrying out a research project on the sexual and reproductive health rights of prisoners. I was overwhelmed by the enormity of the challenges that lay ahead. As in most all countries, the rights of prisoners are seen as somehow separate and different from human rights generally, and fighting for these rights is low on the list of societal concerns. In line with this, prisoners' rights fall at the bottom of the list of government priorities as well. As a very low income country, conditions in Malawi are

compounded by extremely limited resources in the prisons themselves. There is virtually no legal representation or legal aid. Most prisoners are on remand and have been incarcerated for 5 or 6 years, without ever having gone to trial. I spoke to many women who had been sentenced to several years behind prison walls for trying to defend themselves against abusive partners, because they did not know how to plead self-defence. Many prisoners I spoke to had not even heard of bail. Extreme overcrowding also results in serious food shortages and many health issues, particularly HIV/AIDS, tuberculosis, and hepatitis.

One prisoner in particular who I interviewed in Malawi kept coming to my thoughts while I was detained. He was a very warm and open person, who I kept in touch with after I left. He had been behind prison walls for several years; and I couldn't help but marvel at the kind of strength it must take him every single day to keep moving forward. I thought about him constantly while I was detained, in part because his resolve was inspiring to me, but also because as horrible as it was in detention, I kept saying to myself, at least I'm not being detained in India, or in Malawi. As much as my detention felt endless and terrifying, I knew I would be getting out.

But, I did get a taste of it. Experiencing the loss of my freedom and dignity through direct state violence has given me an awareness and sense of solidarity that I could never had gotten otherwise. It has created a visceral, tangible link between my lived experience and that of prisoners I met in Malawi, and all other communities that have experienced various forms of state oppression. I feel that this is a unique understanding that will continue to remind me what is important in life, and connect me to ongoing struggles and resistance.

THE POWER OF EXPERIENCE

After about 15 hours in detention, I hit what was my ultimate low. I had just spoken to duty counsel, who told me I might be held indefinitely. One woman in my cell had a serious panic attack and the guards simply watched, refusing to give her medical attention until she fell to the ground because she couldn't breathe. The guards forced us to carry her to the door of the cage before they would provide her with assistance. At this point, we all cracked. I felt no one could help me or hear me, and I was utterly powerless. After about an hour or so, we calmed a little. We told each other that there *would* be accountability and retribution for this. This would *not* defeat us,

but make us stronger. If we didn't fight harder than ever, then the whole time in detention will have been in vain.

It is undeniable that people and communities of colour experience a disproportionate amount of policing and state violence; it is therefore problematic and counterproductive to particularize what happened during the G20 and to differentiate the summit detention experience from daily lived realities of police repression and incarceration in communities here and abroad. In every single province and territory in Canada, the number of aboriginal adults in correctional services is far greater than their representation in the overall population, a number which appears only to be growing.¹⁶ Harassment and abuse at the hands of the police are a common if not daily occurrence for non-white youth across Canada. Visible minorities are subjected to racial profiling by Canada Border Services Agency (CBSA) officers and police officers alike, and non-status people are detained and deported on a daily basis.¹⁷ The existence of these realities are often overlooked by the public at large, and there is a palpable, justified anger in various segments of the population that it took a few hundred upper middle class, mostly white people getting arrested in order for any thought to be given to the everyday state violence in non-white communities.

But at the same time, what happened at the G20 *was* a particular experience. It was the largest mass arrest in non-war-time Canadian history, with 1,105 people taken into custody.¹⁸ This can be compared to the (equally alarming) 850 arrests made during the Clayoquot logging protests in 1993, and 465 and 463 arrests respectively during the 1970 October Crisis and the 2001 Quebec City Summit of the Americas.¹⁹ And it should not be forgotten that the G20 arrests arose out of a beautiful thing: thousands of people out in the streets *demanding*, rights for marginalized peoples, even if these community members (such as people with precarious status, people of colour and indigenous people) were not themselves proportionally represented in the detention centre.²⁰

The more I reflect on the events of that week in June, the clearer it becomes that what happened at the G20 afforded us a unique opportunity to increase the traction of existing community mobilization against various forms of state repression. Maybe it has just been my exposure or within my circles, but I do feel that the G20 events served to bring light to the ongoing, daily criminalization of poverty and of racialized communities. There are people around me who have had their eyes opened to these realities; and

are looking to fight against them. And we are coming together- people are meeting talking listening and strategizing about how to integrate the G20 moment into the larger issues from which it arose. The feelings of anger and frustration due to the attention garnered by the G20 arrestees are well justified, and we must work to ensure that the G20 does not remain the only focus. But we also cannot continue to focus on whether or not the police oppression we experienced during the G20 is a “valid experience of state oppression”, because then we risk losing our momentum. To let this experience pass without harnessing its potential would be a grave mistake.

RESILIENCE

When I think about my time in detention now more than a year later, it is the moments of resistance that stand out the most. One form of this that I remember vividly is how throughout our confinement, the detainees would periodically begin shaking their cages, resulting in a very loud thunder like noise. This in turn shook all of our cages, because they were attached to each other. It happened in waves, where one cell would yell something and start shaking their cage, and others would follow, like a ripple, until it was deafening. It was simultaneously the most disturbing and the most intensely beautiful and powerful thing that the prisoners could do. It was something we could control; it was something hated by the police and court officers guarding our cages. It was something we could do collectively without seeing each other, and it was a form of physical resistance. The girls in my cell would frequently get up and shake the cage very loudly and violently for long periods of time. Though I didn't join in, I would close my eyes and listen to the fierce sounds of resistance- it soothed me, in a strange way. Increasingly, I am trying to ensure that it is these forces of resistance, rather than the brutality and repression of the police, that resonate with me in my work and life. I carry them forward.

ENDNOTES

- ¹ G20 France Presidency 2011: <http://www.g20.org/about_what_is_g20.aspx>.
- ² Toronto Community Mobilization Network, group description. 2010, online: <<http://g20.torontomobilize.org/getinformed>>. For a critical historical analysis of community organizing in Toronto and how this informed and influenced G20 organizing, see Lesley J. Wood, “Bringing Together the Grassroots: A Strategy and

a Story from Toronto's G20 Protests" in *Upping the Anti: A Journal of Theory of Action*, No.11, Toronto: 2010.

- ³ Public Works Protection Act RSO 1990. The Public Works Protection Act (PWPA) was passed in secret by cabinet several months prior to the G20 summit. The McGuinty government has been heavily criticized for such actions and the law is now set to be repealed. For a report condemning the use of the PWPA by former chief justice Roy McMurtry, see "Report of the Review of the Public Works Protection Act" April 2011, available online: <<http://www.mscs.jus.gov.on.ca/stellent/groups/public/@mcses/@www/@com/documents/webasset/ec088595.pdf>>.
- ⁴ For firsthand accounts of the experiences of G20 detainees, see "A Breach of the Peace: A Preliminary Report of Observations during the 2010 G20 Summit", published by the Canadian Civil Liberties Association, June 29, 2010: <<http://ccla.org/wordpress/wp-content/uploads/2010/06/CCLA-Report-A-Breach-of-the-Peace-Preliminary-report-updated-July-8.pdf>>. For photographs of the Eastern Avenue detention centre, see "Inside the G20 Eastern Avenue Detention Centre", blogTO, June 29, 2010, online: <http://www.blogto.com/city/2010/06/inside_the_g20_eastern_avenue_detention_centre>.
- ⁵ See Larsen, Mike and Justin Piché (2009) "Exceptional State, Pragmatic Bureaucracy and Indefinite Detention: The Case of the Kingston Immigration Holding Centre", *Canadian Journal of Law and Society*, 24(2): 203-229
- ⁶ See Anna Pratt. *Securing Borders: Detention and Deportation in Canada*. (Vancouver: UBC Press. 2003) at 47-48.
- ⁷ *Sahin v. Canada* (1994), 85 F.T.R. 99 at para. 25.
- ⁸ *Immigration and Refugee Protection Act* (IRPA), S.C. 2001, c. 27 at s.42.
- ⁹ *Report of the UN Working Group on Arbitrary Detention – Visit to Canada*. UN ESCOR 62d Sess., UN Doc. E/CN.4/2006/7/Add.2 (2005) at para. 75.
- ¹⁰ *Ibid* at para. 75.
- ¹¹ Best Practices for Representing Clients at Detention Reviews. Prepared by the Refugee Law Office, Legal Aid Ontario. June 2008 (*hereafter Detention Manual*) at 8.
- ¹² Anna Pratt *supra* note 6 at 26.
- ¹³ For a comprehensive overview of Canadian activities in the tar sands see Christopher Hatch and Matt Price. "Canada's Toxic Tar Sands: The Most Destructive Project on Earth" (Environmental Defence: 2008). For an overview of Canada's mining practices in Guatemala and the Democratic Republic of Congo see: Maheandiran, Bernadette, Jessica DiFederico, Rolando Ernesto Aguilera and Shin Imai, "Goldcorp and Hudbay Minerals in Guatemala" (Osgoode CLPE Research Paper No. 09/2010) and Gwalgen Geordie Dent, "Mining the Congo: Canadian Mining Companies in the DRC", in *The Dominion*, Issue 46 (2007): <<http://www.dominionpaper.ca/articles/1195>>.
- ¹⁴ Tim Groves, "G20 Documents explore surveillance and undercover operations" (Toronto Media Co-op 2011): <<http://toronto.mediacoop.ca/story/g20-documents-explore-surveillance-and-undercover-operations/7791>>.
- ¹⁵ *Corrections and Conditional Release Act*, S.C. 1992, c. 20, s.31.
- ¹⁶ Statistics Canada: "Aboriginal people as a proportion of admissions to adult custody, probation and conditional sentence, selected jurisdictions, 1998/1999 to 2007/2008": <<http://www.statcan.gc.ca/pub/85-002-x/2009003/article/10903/tbl/t3-eng.htm>>.

- ¹⁷ In 2008-2009 CBSA reported 13,249 removals from Canada, see: CBSA Detentions and Removals Programs- Evaluation Study Final Report, November 2010: <<http://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2010/dr-rd-eng.html#s01x1>>. However, if we adopt a more expansive definition of deportations adopted by various migrant justice groups, which may encompass coercions (people leaving without being physically removed), exclusion notices, repatriation of temporary foreign workers and those with expired study permits and visas, then this figure for deportations can be at least doubled. See: No One Is Illegal Toronto, "Detention and Deportation. Online: <<http://toronto.nooneisillegal.org/node/376>>.
- ¹⁸ CCLA: "G20 mass arrests by the numbers" July 7, 2010, online: <<http://ccla.org/2010/07/07/g-20-mass-arrests-by-the-numbers/>>.
- ¹⁹ See "Clayoquot Land Use Decision, 1993", Friends of Clayoquot Sound, online: <http://www.focs.ca/logging/clud.asp>, and also Jill Mahoney and Ann Hui: "G20-related mass arrests unique in Canadian history" *Globe and Mail*: June 2010.
- ²⁰ However this is in no way to diminish or downplay the presence of people with various characteristics of marginalization who were in fact detained during the G20.

ABOUT THE AUTHOR

Swathi Sekhar attended law school in Toronto. She was arrested for breach of the peace while legal observing for the Movement Defence Committee during the G20 summit protests. She was held at the detention centre on Eastern Avenue and Pape for 22 hours, and was subsequently released without charge on condition that she not attend any other G20 related activities.