

Documents in Ipperwash lawsuit to be made public, Ontario judge rules

TORONTO (CP) — The Ontario government has lost a bid to keep documents on the fatal police operation at Ipperwash Provincial Park from the media, the Toronto Star reports.

The documents are to be filed by lawyers for the family of slain aboriginal protester Dudley George in their wrongful death lawsuit against Premier Mike Harris and others in time for a hearing set for Sept. 26.

George family lawyer Murray Klippenstein says that during a teleconference on Sept. 10, a government lawyer asked Madam Justice Gloria Epstein of the Superior Court of Justice to order the family to file the documents directly with her rather than the court office so they wouldn't be available to the media, but she refused.

An Ontario statute, the Courts of Justice Act, says documents filed in court must be freely available to the public.

The family alleges that Harris improperly directed the Ontario Provincial Police to use force rather than negotiate with natives protesting the desecration of ancestral burial grounds in the park on Sept. 6, 1995.

The lawsuit has already been the source of several key documents, including:

Government memos indicating Harris was "hawkish" on Ipperwash and wanted the protesters out of the park "within a day or two." Harris maintains that he did not give the police any direction.

A legal document confirming that Harris met with two OPP officers on Sept. 6, 1995, just hours before heavily armed police confronted the protesters and George was shot dead by police.

Klippenstein says he did not have any prior notice that the government would try to have the documents sealed during the teleconference, which had been arranged to deal with scheduling matters.

"This seems very inconsistent with government statements suggesting that the government will co-operate in court and that the litigation can take the place of a public inquiry."

Government lawyer Dennis Brown said in an interview with the Star that the issue had been properly raised, since exposing the documents in the media before the hearing would be unfair to the government if Epstein ruled that they were not relevant.

Epstein ruled, Klippenstein said, that such an order normally requires a formal hearing and might require notice to the media.

Brown said late Wednesday the government has chosen not to take the matter further.

Meanwhile, the police officer convicted in the George shooting is facing a police hearing in London, Ont.

Acting Sgt. Kenneth Deane has pleaded guilty to a charge of discreditable conduct. He was convicted in 1997 of criminal negligence for shooting George and was sentenced to two years less a day, to be served in the community.

An adjudicator must now decide on Deane's future with the police force, which can range from reprimand to dismissal. Closing arguments are set for Nov. 21.