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Canada: The police killing of Dudley George: Eight years on -- many questions remain unanswered

In a new report released today: "Canada: Why there must be a public inquiry into the police killing of Dudley George", Amnesty International renewed its call for a full public inquiry into the 1995 police killing of Canadian Indigenous protester Dudley George.

George was fatally wounded on 6 September 1995 when heavily armed police officers attacked a much smaller group of protestors occupying Ipperwash Provincial Park.

"Year after year, the authorities have used excuse after excuse to avoid the scrutiny of a public inquiry. It is time for the procrastination to end and the truth to prevail." Amnesty International said.

Prior to the events of September 1995, the Ontario authorities and the Ontario Provincial Police (OPP) had a record of approaching occupations by Indigenous peoples via peaceful negotiations and legal injunctions.

"This time the authorities did not wait until the courts had the opportunity to examine the legality of the protester's land claims or seek a peaceful negotiated end to the occupation. This is despite there being no obvious threat to the safety of the public or others. Their actions resulted in an unarmed man's death; a tragic event that must be fully investigated." Amnesty International stated.

The Ontario government initially claimed that the police had come under fire from the protesters and that they had not sought to intervene or influence the policing of the occupation.

In the intervening years -- and despite repeated attempts to block the release of information by the government -- strong evidence has emerged that the Ontario Premier and members of his Cabinet had sought to have the protesters removed by the OPP "as soon as possible" and they "desire[d] removal with 24 hours."

"The question remains: Did the Ontario Premier and his ministers pressure the police to end this protest hastily. If yes -- and the evidence is strong that they did -- did that pressure result in the police using excessive lethal force to a death?" Amnesty International questioned.

George was shot by Ontario Provincial Police (OPP) marksman Sergeant Kenneth Deane. Deane

was subsequently convicted of criminal negligence causing death despite deliberately shooting an unarmed man. The officer had claimed he saw flashes from a gun George was firing, a claim the trial judge rejected.

"The charge laid against Sergeant Deane does not appear to be in accordance of the seriousness of this incident." Amnesty International said "A trained officer, who clearly targeted an unarmed individual with a sophisticated weapon and fired, resulting in the death of Dudley George, must surely require a charge of more serious nature".

The sentence imposed on Deane also appears inconsistent with both the facts of the case and the findings of the trial judge.

"Having found that Deane created the story of George being armed -- which presumably means George was shot in cold blood since he was known to present no threat -- the judge went on to sentence Deane to a non-custodial sentence." Amnesty International stated.

The lack of a custodial sentence is in stark contrast to the sentence of six months' imprisonment on native protester Warren George for assaulting police officers.

On sentencing Deane, the judge remarked: "The decision to embark on this ill-fated mission was not Sergeant Deane's". The family of Dudley George have the right to know exactly whose decision it was.

The Federal government of Canada have also refused to establish an inquiry into the George killing, arguing that it does not have the authority to investigate allegations of misconduct by provincial police forces.

"The Canadian federal authorities have abdicated their responsibilities under international law and standards pertaining to human rights. It is their duty and obligation to ensure the human rights detailed in international statutes to which Canada is a party are upheld. The United Nations Human Rights Committee recommended to the federal authorities that an inquiry be carried out in 1999. It is not acceptable for the Federal Government to simply state it is not their responsibility." Amnesty International concluded.

The time is long overdue for a full, impartial public inquiry into the events at Ipperwash and the killing of Dudley George to be carried out, if not on the authority of the government of Ontario then on the established authority of the government of Canada.

"To fail to do so is to compound the injustice, and also to flout the clear requirements of Canada's obligations under international law." Amnesty International concluded.

For a full copy of the report: "Canada: Why there must be a public inquiry into the police killing of Dudley George", please see: <http://web.amnesty.org/library/index/engamr200022003>

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