

# Dropped charges raise doubts about 'Mr. Big' stings

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After serving 14 years in prison for the murder of 16-year-old Brigitte Grenier, Unger left a Winnipeg courtroom on Oct. 23 with his freedom and name fully restored. He was released from jail last March after DNA cast doubt on his guilt.

"Mr. Unger's acquittal reinforces the notion that no criminal prosecution should proceed on the basis of a suspect's uncorroborated self-incriminating statement alone," says Kouri Keenan, a Simon Fraser University criminology graduate student who has written a thesis on the use of Mr. Big sting operations in Canada.

During Unger's trial the prosecution's case hinged on his confession, on the testimony from a jailhouse informant, and on hair fibre evidence, consistent with Unger, found on Grenier's sweatshirt.

But DNA analysis excluded Unger as a source of the hair. Later, information provided by the jailhouse informant was discredited and withdrawn by the Crown, leaving only the confession implicating Unger in the murder.

"Mr. Unger's acquittal definitely raises serious questions about the technique, particularly in situations where the confession is the linchpin in the crown's case," says Keenan.

Keenan says Unger was broke and "would have done anything and said anything to please Mr. Big" because his acceptance into the organization was contingent on him talking about his past criminal exploits.

"At the time of his criminal in-



RCMP officers during a memorial service carry the hats of four officers slain in Edmonton in 2005. Two men serving prison sentences for the murders made confessions to Mr. Big operatives. JEFF VINNICK/GETTY IMAGES

vestigation Mr. Unger was young, naive, and desperate for money. So basically the police played on his socio-economic vulnerabilities. This case highlights the economic and socially vulnerable positions that a lot of these targets are in at the time they are under investigation."

Police maintain the controversial method, which was developed by the RCMP in British Columbia in the late 1980s, gets results and is an effective way to crack cases.

Critics say the technique amounts to entrapment and that Mr. Big confessions are unreliable and prejudicial.

In one famous case, Shawn Hennessey and Dennis Cheeseman serve lengthy prison sentences after confessing to Mr. Big operatives to the murder of four police officers in Mayerthorpe, Alberta.

Having reviewed 76 cases, Keenan believes all confessions obtained through the Mr. Big

technique should be reviewed by a false confessions expert, especially in circumstances where the confession to undercover police is not corroborated by other independent, reliable evidence.

Research has shown that false confessions by innocent individuals are "a regular occurrence," he says, and will likely continue until police and other criminal justice officials develop a better understanding of the pitfalls of non-custodial interrogation prac-

tics and establish safeguards to prevent their misuse.

"You have to give credit to the police for trying to solve these cases that have basically reached an impasse, but the opportunity, or the prospect of eliciting a false confession, is great in these types of situations."

As a result of the Unger decision, Keenan adds, "we can expect to see an influx of appeals and additional applications for ministerial review—frivolous or not."

# Canadian mining company loses Mexico case

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"They've basically flattened the mountain," says Daviken Studnicki-Gizbert, a professor of history at McGill University who has been researching and following the issue for over five years.

"It has destroyed about half that town now and has levelled what used to be one of the most historical sites in Northern Mexico. That one mountain is actually historically extremely important—it's like the epicentre for about 400 years of Mexican history."

The mine is located just 600 metres from the town square and about eight kilometres from the suburbs of San Luis Potosi, the state capital. The pit is 500 metres deep with an 800-metre crater. Constant rock blasting poses a threat to the community and its 400-year-old historical buildings, according to FAO.

Other concerns include the risk of cyanide—a highly toxic chemical used to leach the minerals—contam-

inating the water supply, and heavy use by the mine of very limited local sources of water.

New Gold says the Cerro San Pedro mine has an "enviable record" of meeting its environmental and social responsibilities and that routine third-party monitoring and reporting is performed in accordance with International Organization for Standardization requirements.

From the outset, opposition to the mine has been broad and includes not only the locals but also civil society and environmental groups such as Amnesty International and Greenpeace as well as politicians at the state and federal levels.

But while the mine has faced much resistance it also has its supporters, and the community has benefited from New Gold's presence in the form of steady wages and improved infrastructure, health services, and community projects.

New Gold is the result of a merger between three companies, including Canadian mining company Metallica Resources, the former owner of the mine. New Gold's Mexican subsidiary is Minera San Xavier (MSX).

The San Pedro operation has been a flashpoint for conflict since its inception 13 years ago.

Mayor Oscar Laredo said publicly that he was threatened with being shot unless he signed the permit that would allow the mine to operate.

FAO lawyer and activist Enrique Rivera Sierra is currently in Canada claiming political asylum after being allegedly harassed and threatened. In April 2006 he was badly beaten on the streets of Cerro de San Pedro. He claims his attackers were MSX employees.

But New Gold has adamantly denied the accusations. In an interview with Canadian Dimension, Geoffrey Rowan, the managing director of Ket-

chum Relations, a PR firm hired to defend the San Pedro project, described Sierra's claims as "wildly false, absolutely untrue, libelous."

MSX has also been accused of influence-peddling and corruption amongst state and national-level politicians. Mine opponents say this explains why the company has been able to continue operating, despite previous court rulings that have revoked its permits.

"People always say, 'Oh, Mexico is so corrupt,' but we have a kind of tragedy here where we have a justice system that's actually functioning, that's doing its work, that's coming out with these different rulings, and then nothing happens," says Studnicki-Gizbert.

New Gold's operation in Cerro de San Pedro has become the poster child for critics of Canadian mining projects in Latin America. According to Studnicki-Gizbert's research, there are currently 1,300 Canadian mining

projects across the continent.

"There are a lot of cases like [Cerro de San Pedro]. This may be one of the more egregious ones, but there are certainly a lot of conflicts generated by these companies," he says.

Organizations such as Amnesty International, KAIROS, and Greenpeace have long been concerned about the growing pattern of Canadian mining companies whose activities abroad are having a negative impact on the environment and human rights, including the rights of indigenous peoples.

KAIROS has said that Cerro de San Pedro constitutes a clarion call for regulating Canadian corporate activity overseas through binding legislation.

On Tuesday, FAO lodged a complaint with the British Columbia Securities Commission and the Toronto Stock Exchange, accusing New Gold of "withholding and misrepresenting information that is of central importance to shareholders."

The coalition fears that if New Gold is allowed to continue with business as usual despite the court ruling, it will set an unhealthy precedent. Previous rulings against the company have not been applied.

FAO is currently organizing a campaign in Mexico and in Canada to urge authorities to enforce the court's decision. The court gave Mexico's Ministry of the Environment and Natural Resources until Nov. 13 to comply with the ruling and revoke New Gold's permit.

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## Nation Briefs

### NHL takes first step towards banning hits to head

TORONTO (Reuters)—National Hockey League general managers took the first steps toward banning shots to the head on Wednesday by establishing a committee that could recommend a rule change for next season.

"We're dealing with people's heads, people's careers," Carolina Hurricanes general manager Jim Rutherford told reporters at the end of two days of meetings.

Hits to the head have become the hot issue through the early part of the NHL season with the sight of players sprawled unconscious across the ice following vicious hits triggering calls for change.

The eight-member committee is unlikely to recommend an outright ban on contact to the head but is expected to eliminate blind-side hits.

The issue is both complicated and sensitive. General managers understand the need to better protect players while expressing reluctance to reduce the physical element of the sport which they feel makes the game unique.

Toronto Maple Leafs general manager Brian Burke described the process as a "balancing act" as the league strives to reduce the risk of serious head injuries without straying too far from the traditions on which the game was built.

"Our job is to make the game as safe as we can make it without reducing the amount of hitting that is distinctive about our game in North America," said Burke.

### GM to boost production in Canada

INGERSOLL, Ontario (Reuters)—General Motors Co. said on Monday it would invest \$90 million to boost production at a joint venture plant in Ontario where it builds two popular crossover utility vehicles.

GM also said it would bring back about 150 laid-off workers to the CAMI Automotive plant in Ingersoll, Ontario, a joint venture with Suzuki Motor Corp that has about 2,000 hourly employees.

The automaker said it would immediately begin to retool the plant—about halfway between Toronto and Detroit—to increase production of the Chevrolet Equinox and GMC Terrain crossovers by 40,000 vehicles. The plant now produces 185,000 vehicles a year.

"The plan that we have laid out for GM Canada is still in its early stages, but we are seeing some very encouraging signs, and today is a testament of that," said Arturo Elias, president of GM Canada.

GM emerged from bankruptcy protection in July with the help of billions of dollars in funding from the governments of the United States, Canada, and the province of Ontario.

### Celine Dion not pregnant, despite early report

LOS ANGELES (Reuters)—Singer Celine Dion is not pregnant, despite reports to the contrary from earlier this year, her representatives said on Wednesday.

Dion, 41, was reported pregnant in August, after she underwent fertility treatment at a clinic in New York, and her representatives at the time confirmed the news.

But within days, the Quebec-born Dion learned the embryo had not been implanted successfully, her spokeswoman Kim Jakwerth said on Wednesday.

Dion and her husband, Rene Angelil, did not immediately announce that she was not pregnant, but in an article published Wednesday in French-language newspaper Le Journal de Montreal, Angelil confirmed that Dion is not pregnant after all.

"We are trying again to have a second child with the help of a fertility doctor," Angelil told the newspaper.

Dion and Angelil's first child, 8-year-old Rene-Charles, was also conceived through in vitro fertilization. Grammy winner Dion had hit songs with "Power of Love," "If You Asked Me To" and "Love Can Move Mountains."