

Police drop intimidation charge against Ontario priest, replace it with others

A charge of intimidation under Ontario's abortion bubble zone law against an 83-year old Catholic priest has been dropped and replaced with two other charges.

Rev. Tony Van Hee, a Jesuit priest who is best known for 28 years of fasting and praying on Parliament Hill every day the House of Commons was in session, was arrested Oct. 24 for demonstrating within the safe exclusion zone of 50 metres surrounding the Morgentaler abortion facility in Ottawa.

Father Van Hee is expected to appear in court later in January.

Police initially charged him with intimidation under the *Safe Access to Abortion Services Act*. That charge has been replaced with charges under section 3(1)(b) that no person shall "inform or attempt to inform a person concerning issues related to abortion services, by any means, including oral, written or graphic means"; and section 3(1)(c) that no person shall: "perform or attempt to perform an act of disapproval concerning issues related to abortion services, by any means. . ."

In November, the priest's lawyer Albertos Polizogopoulos informed the Crown that Father Van Hee would plead not guilty and challenge the Act on rights of freedom of expression guaranteed in the Canadian Charter of Rights and Freedoms.

The priest had been demonstrating for four and a half days in October within the exclusion zone wearing a sandwich board, which said on one side, "The Primacy of Free Speech Cornerstone of Western Civilization" and on the other: "Without Free Speech The State is A Corpse."

Polizogopoulos wrote to Ontario's Attorney General, shortly after the initial charges were laid, saying that during the days Father Van Hee protested within the exclusion zone he "never spoke or engaged with anyone and never mentioned or referred to abortion services or related issues."

"Father Van Hee was protesting a political and public policy on public property," Polizogopoulos wrote.

"The Act is arbitrary and overbroad and contrary to the Charter. As such, it is null and void."

"The limits on Father Van Hee's freedom of expression do not serve a pressing and substantial objective," he said. "The limits cannot be demonstrably justified in a free and democratic society."

The charges against the Ottawa priest did not stop him from continuing to demonstrate a couple of days a week on the edge of the exclusion zone, wearing the same sandwich board. He took a break over Christmas.

It was not known at press time whether he has resumed demonstrating.