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'Vile' hate messages land Ontario man in jail

London's 'biggest hater'

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OTTAWA - For the first time in Canada, a white supremacist has been jailed for ignoring a court order to stop spreading hate messages against Jews, blacks and immigrants on the Internet.

The Federal Court incarcerated Tomasz Winnicki of London for nine months for contempt of court for refusing to cease his "vile and unrelenting message of hatred."

Winnicki, who is in his early thirties and immigrated to Canada with his parents when he was a child, has described himself as London's "biggest hater."

Justice Konrad von Finckenstein sent Winnicki to jail for flouting a Federal Court order last fall to stop his Internet postings while a complaint against him wound its way through the Canadian Human Rights Commission.

The court ruling is considered unique because it is rare for people to be jailed in the absence of a criminal conviction and nobody has been sentenced for contempt of court for defying an order to stop posting hatred on the Internet, said commission lawyer Monette Maillet.

"Hopefully, it will send a message to people that, firstly, they should not be practising hate in Canada and secondly, if you are going to do it and the courts tell you to stop, they mean it," said Leo Adler, director of national affairs for the Simon Wiesenthal Centre, a Jewish human rights organization.

Mr. Adler estimated about two dozen people in Canada have been jailed for hate crimes on the Internet, but they were all criminally convicted. Police in London have never laid criminal charges against Winnicki, despite pressure from Jewish groups.

Mr. Adler said Web sites promoting hate have increased significantly in the past few years, with the most recent count at about 6,000.

Winnicki's lawyer, Dominic Lamb, argued in court there is no proof Winnicki posted the messages and that someone else posing as him could have done so. Furthermore, even if Winnicki did post the messages, they could have been edited, Mr. Lamb said.

"In my view, none of these arguments are sustainable," wrote Judge von Finckenstein, noting Winnicki had never previously raised the possibility of someone else making the postings in his name.

In April, the Canadian Human Rights Tribunal ruled against Winnicki and fined him \$6,000 for his "vicious and dehumanizing" messages.

Winnicki "called for the forced expulsion of non-Caucasian people, he threatened violent action against the targets of his hatred and enthusiastically supported a 'racial holy war' in which all non-Caucasian people will be destroyed. He made use of exceedingly gruesome

photographic imagery to draw in his readers and to communicate his messages of hate all the more powerfully," said the human rights ruling.

The complaint was filed by Richard Warman, an Ottawa lawyer who is pursuing about a dozen cases in his personal quest to stop Canadians from posting hate on the Internet. Winnicki's case ended up in the Federal Court because the human rights commission asked a judge last year to issue an injunction ordering the hate-monger to cease his activities until the tribunal made a ruling.

Judge von Finckenstein ruled Winnicki's postings after the injunction were every bit as offensive as his earlier messages.

"They have the same vile content and the unrelenting message of hatred for Jews and contempt for people of the black race and/or immigrants," the decision said.

"They send a persistent vile message, which in essence suggests that there is a Zionist conspiracy, that Jews dominate all levels of government, that those of the black race are lazy, AIDS-infected criminals and welfare cheats, that all non-white immigrants fall into the same category and that multiculturalism is a policy conceived by Zionists to perpetuate non-white immigration."

The human rights commission's power over Canadian hate-mongering on the Internet was first applied more than five years ago when it forced Holocaust denier Ernst Zundel to shut down his Web site.

The commission has investigated about two dozen complaints of Internet hatred in total, but the tribunal has rendered only five rulings, said Ms. Maillet.

Winnicki's lawyer could not be reached for comment yesterday.

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