



February 9, 2020

BY EMAIL

Attn: Michelaine Lahaie Chairperson,
Civilian Review and Complaints Commission for the RCMP
P.O. Box 1722, Station B Ottawa, ON K1P 0B3
Email: Michelaine.Lahaie@crcc-ccetp.gc.ca

cc: RCMP Commissioner Brenda Lucki
RCMP Deputy Commissioner Jennifer Strachan
RCMP Commander Eric Stubbs, "E" Division Core Policing

Dear Chairperson Michelaine Lahaie,

Re: Policy Complaint and Public Interest Investigation Concerning RCMP Exclusion Zone and RCMP Operations on Morice West Forest Service Road

On January 29, 2020, the British Columbia Civil Liberties Association, the Wet'suwet'en Hereditary Chiefs, and the Union of BC Indian Chiefs wrote to the Commission to initiate a policy complaint and public interest investigation under the *Royal Canadian Mounted Police Act* regarding the improper and unlawful actions of the Royal Canadian Mounted Police ("RCMP") in implementing and enforcing a checkpoint and exclusion zone on Morice West Forest Service Road ("Morice West FSR") in Wet'suwet'en territory. The complaint and call for investigation were also supported by West Coast Environmental Law and Pivot Legal Society.

I am writing to you today on behalf of the BCCLA and UBCIC regarding the ongoing improper and increasingly unlawful actions of the RCMP on Morice West FSR in Wet'suwet'en territory. We ask the Commission to treat this letter as an urgent update to our previous complaint and request to initiate a policy complaint and public interest investigation in the matter. The policing of Indigenous land defenders in Wet'suwet'en territories is a matter of significant public interest.

On February 6, 2020, the RCMP formalized an exclusion zone at the 27-kilometer mark on the Morice West FSR. On February 7, 2020 the exclusion zone was moved to the 4-kilometer on the Morice West FSR and severe access restrictions have been imposed, including a prohibition on access and mobility on the road impacting Wet'suwet'en Hereditary Chiefs, Wet'suwe'ten Nation members, invited guests, media outlets, and legal observers.



We stress to the Commission that the overbroad and arbitrary exclusion zone lies outside the scope of the injunction order. We are highly alarmed at the expanding nature of the RCMP exclusion zone, granting the RCMP discretionary, unreasonable and unjustified powers to:

1. Unlawfully detain and arrest people who are inside the arbitrary and ill-defined exclusion zone but who are not actually in breach of the injunction.¹
2. Prohibition on access and impede the movement of Wet'suwet'en people, their invited guests, and the public on Morice FSR and in the exclusion zone.²
3. Seize personal property within the exclusion zone.³
4. Severely curtail the constitutionally-protected right to freedom of the press.⁴

There is absolutely no legal precedent nor established legal authority for such an overbroad policing power associated with the enforcement of an injunction. The implementation and enforcement of the RCMP exclusion zone in Wet'suwet'en territory is unlawful. RCMP public statements reference enforcement of the injunction order in order to justify the exclusion zone; however, no such provisions are explicitly made in the enforcement order issued on January 7, 2020. The RCMP are willfully reinterpreting the enforcement order in order to extend their policing powers. Attempting to clear an undefined area bordering more than 60 km of roadway of all people and inhabitants is an unreasonable exercise of the discretion granted to police under the enforcement order. The arbitrary RCMP exclusion zone and overbroad access restrictions are completely unjustified and unlawful, and constitute a serious violation of Indigenous rights and jurisdiction, severe deprivation of individual liberty interests, and egregious impairment of *Charter*-protected rights. We trust the Commission will appreciate the urgency of this issue and launch a full public investigation into the matter.

¹ On February 8, 2020, 11 people including 3 legal observers, at the 27-km mark were arrested on civil contempt charges for breaching the injunction: <http://bc.rcmp-grc.gc.ca/ViewPage.action?siteNodeId=2087&languageId=1&contentId=63240>. Since the RCMP arbitrarily moved the exclusion zone to the 4-km mark, the 27-km camp now falls within the arbitrary exclusion zone but is well outside the scope of the injunction itself. These arrests and contempt charges are therefore unlawful.

² BC RCMP press release, February 6, 2020 <http://bc.rcmp-grc.gc.ca/ViewPage.action?siteNodeId=2087&languageId=1&contentId=63215>

³ RCMP towed vehicles located within the exclusion zone but outside the injunction area: <https://www.nationalobserver.com/2020/02/08/news/rcmp-arrest-11-more-pipeline-opponents-third-day-wetsuweten-raids>

⁴ Ricochet journalist detained for eight hours while covering RCMP raid: <https://ricochet.media/en/2919/ricochet-journalist-detained-for-eight-hours-while-covering-rcmp-raid>; Statement by Canadian Association of Journalists: https://caj.ca/blog/CAJ_calls_on_reporters_to_continue_documenting RCMP_infringements_on_media_rights



Sincerely,

A handwritten signature in black ink, appearing to read 'Harsha Walia', with a horizontal line extending to the right.

Harsha Walia
Executive Director
On behalf of the B.C Civil Liberties Association

A handwritten signature in black ink, appearing to read 'Stewart Phillip', with a large, stylized 'S' and 'P'.

Grand Chief Stewart Phillip
President

A handwritten signature in black ink, appearing to read 'Don Tom', with a large, stylized 'D' and 'T'.

Chief Don Tom
Vice-President

A handwritten signature in black ink, appearing to read 'Kukpi7 Judy Wilson', with a large, stylized 'K' and 'J'.

Kukpi7 Judy Wilson
Secretary-Treasurer
On behalf of the Union of BC Indian Chiefs