



Attn:

RCMP Deputy Commissioner, Dwayne McDonald, Commanding Officer, E Division
RCMP Chief Superintendent, John Brewer, Gold Commander of the Community-Industry
Response Group
RCMP Commissioner Brenda Lucki
The Hon. Mike Farnworth, Minister of Public Safety and the Solicitor General
The Hon. Murray Rankin, Minister of Indigenous Relations and Reconciliation
The Hon. Marc Miller, Minister Crown-Indigenous Relations

VIA EMAIL ONLY

November 19, 2021

Open Letter from the BCCLA demanding that RCMP stand down & vacate Wet'suwet'en territory

The BCCLA is appalled by the increasing and overwhelming presence of militarized RCMP in unceded, un-surrendered Wet'suwet'en territory. We also condemn the RCMP for its use of an illegal exclusion zone established at the 27 kilometre mark of the Morice Forest Service Road. RCMP presence in Wet'suwet'en territory is a violation of the rule of law, Wet'suwet'en law, Indigenous rights and responsibilities, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

On November 17, Cas Yikh member, Jen Wickham, was stopped by the RCMP at 27KM and was denied access to her own territory. She was on her way to 44KM to deliver supplies, including warm clothes, food and medication for an elder. She was told by Constable Barge, badge #66544, that the "standing order is that no one is to pass this point" and by another officer, badge #272050 that "we're shutting down the road for the next two or three days" and "if you attempt to cross the line you'll be placed under arrest."¹

¹ "RCMP Denying Medication for Wet'suwet'en Elders" (17 November 2021), Gitimt'en Checkpoint, online: <https://www.facebook.com/wetsuwetenstrong/videos/865195901547591>



The enforcement of an exclusion-zone of this nature flies in the face of a recent BC Supreme Court decision wherein Justice Thompson ruled that geographically and temporally expansive exclusion zones (and associated checkpoints) are unlawful and not reasonably necessary for the police to enforce an injunction.² After applying the *Waterfield* test, Justice Thompson determined that police blockades of this kind are not authorized under the common law ancillary powers doctrine.

Reports from Gidimt'en Checkpoint indicate that the RCMP set up an access control point at 27KM to block access to the territory on or about November 16, 2021. This followed an order by the Gidimt'en clan evicting all Coastal GasLink employees from the Wet'suwet'en territory. Starting at 5 a.m. Sunday November 14, 2021, the clan told the workers they had eight hours to "peacefully evacuate" the area before they would take further action to protect their lands and waters.³ Instead of respecting Wet'suwet'en law, Coastal GasLink did not comply and several hundred workers remained on the territory. In response, busloads of militarized RCMP officers, including canine units, have moved in on Gidimt'en checkpoint to undertake what they are calling a "rescue mission"⁴ and enforcement of an injunction that the Wet'suwet'en have maintained has no legal force or effect on their territory.

This is not a rescue mission. This is a siege. The Wet'suwet'en Hereditary Chiefs have repeatedly asserted that Coastal GasLink and the RCMP do not have consent to be on their territory. The unlawful actions of the RCMP is putting the lives of the Wet'suwet'en people and their allies in grave danger.

Furthermore, we are utterly dismayed that during a state of emergency and climate crisis the government of BC has chosen to send busloads of RCMP officers to invade Wet'suwet'en territory and violently criminalize Wet'suwet'en water protectors instead of deploying those resources to assist with relief efforts in areas of the province that are flooded.

² *Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2021 BCSC 1554

³ "Gidimt'en Evict Coastal GasLink from Wet'suwet'en Territory" (14 November 2021), Yintah Access, online: <https://static1.squarespace.com/static/5c51ebf73e2d0957ca117eb5/t/619168973821566fa355db65/1636919447456/PressReleaseDay50.pdf>

⁴ "Rescue and enforcement operation underway near Houston, BC" (18 November 2021), RCMP Newsroom, online: <https://bc-cb.rcmp-grc.gc.ca/ViewPage.action?siteNodeId=2087&languageId=1&contentId=72141>



We demand that the RCMP be commanded to stand down and immediately vacate Wet'suwet'en territory.

Sincerely,

A handwritten signature in cursive script, appearing to read "V. Martisius", is written in a dark ink or purple color.

Veronica Martisius
Staff Counsel (Policy)
BC Civil Liberties Association