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Letter from the President

Hasan Alam (he/him)

I am deeply privileged to step into the role of President of the BC Civil Liberties Association during a pivotal time of growth for our organization. As I take on this responsibility, I am excited to work alongside our exceptional staff and board to fiercely defend and advance civil liberties across Canada. During a time when freedom of expression is increasingly under attack, having a steadfast advocate for civil liberties and human rights is critical.

In this year's Democratic Commitment, our staff lawyers write about our work exposing RCMP surveillance of land and water defenders, supporting Vancouver Island University students in their fight for freedom of expression and solidarity with Palestine, demanding justice alongside families seeking police accountability, advocating against harmful bylaws that impact the unhoused, and supporting a vision for harm reduction policies to address the toxic drug crisis.



Our work is made possible by our donors, the dedication of our partners, and the many communities and individuals we have collaborated with over the years to champion justice and accountability.

Together, we will continue to stand against the erosion of freedom of expression and protect the rights of all.

In hope and solidarity,

A handwritten signature in black ink, appearing to read 'Hasan Alam'.

Hasan Alam

Surveillance & Suppression: Challenging State and Corporate Collusion

Vibert Jack (he/him), Litigation Director

Recently, we've seen disturbing examples of governments working with private companies to collect information about climate advocates and Indigenous land and water defenders. In August, Canada's National Observer reported on the RCMP paying a private security firm to spy on activists protesting old growth logging at Fairy Creek. Later that month, The Tyee revealed that BC had illegally obtained information from Coastal GasLink about individuals opposing the pipeline through Wet'suwet'en territory. We've long warned about the chilling effect these types of rights violations have on political dissent.

While troubling, these revelations are not surprising. For years, the BCCLA has been working in coalition to raise the alarm about the RCMP's Community Industry Response Group (C-IRG) for illegal actions towards those opposed to resource extraction projects throughout BC. That negative attention might be why C-IRG rebranded to the Community Response Unit (CRU-BC). Unfortunately, with the new name comes an expanded mandate, including responding to Palestinian solidarity protests.

Next year, we'll be in court talking about some of these issues. We're continuing our judicial review of our complaint against CSIS for spying on environmental groups. We'll also be intervening in *Bracken v Canada* - a challenge to the RCMP's arrest of journalist Amber Bracken while covering Indigenous resistance to the Coastal GasLink pipeline for The Narwal News Society. We're arguing that freedom of the press is critical to protecting the rights of Indigenous peoples, especially in remote locations and in the face of police abuses.

The Struggle for Palestinian Solidarity and Freedom of Expression

Ga Grant (she/her), Litigation Staff Counsel

Everyone should have the right to exercise their *Charter*-protected rights and freedoms without fear of reprisal, regardless of politics, race, or religion. This past year, defending fundamental freedoms has become critical. Canada has seen both a rise in protests from a growing Palestinian liberation movement and increasing state action to repress it.

We've seen how government officials, police, and leaders across sectors continue to suppress support for the people of Palestine despite the International Court of Justice identifying Israel's ongoing actions in Gaza as a plausible case of genocide. Conflating criticism of the state of Israel, calls for the protection of Palestinian human rights, and advocacy for a cease-fire with expressions of hate and antisemitism has chilling effects on the core *Charter* rights of freedom of expression, freedom of assembly and academic freedom.

Targeted suppression of one group's rights has an impact on suppressing the rights of all, not just in Canada but around the world.

The BCCLA has continued to support protest rights and the rights of people to engage publicly with the actions of foreign or domestic governments without being vilified or criminalized by state officials. Political expression of this kind is central to a free and democratic society.

We've written letters to Crown prosecutors in Alberta, Ontario, and BC to urge against wrongful police conduct and unconstitutional



criminalization of protestors and political speech. In several cases, charges were subsequently dropped or not pursued.

When university students across Canada set up protest encampments on their campuses, we wrote to university presidents in May 2024, urging them to uphold *Charter* rights and against police use of force.

When Vancouver Island University sued its students and sought an injunction to evict their Palestine solidarity encampment, we intervened to argue that the court must consider students' *Charter* rights — and everyone's *Charter* rights — when considering an injunction.

On September 18, we filed multiple police complaints regarding excessive police violence and unauthorized surveillance against Palestine liberation protestors in Vancouver on May 31, 2024.

Targeted suppression of one group's rights has an impact on suppressing the rights of all, not just in Canada but around the world. The BCCLA will continue in our unwavering commitment to protect *Charter* rights for all.

From Decriminalization to Recriminalization: A Drug Policy Failure

Safiyya Ahmad (she/her), Staff Counsel

In April 2024, the BC government asked the federal government to shrink the pilot project for drug decriminalization by restricting drug use to a handful of spaces. The federal government agreed, reinstating a total ban on drug use in BC with three narrow exceptions:

1. Private residences
2. Designated health clinics (overdose prevention sites and drug-checking sites)
3. People sheltering outside in accordance with all laws and bylaws

All previous rules about the amount and types of drugs that were deemed acceptable by the temporary exemption project – 2.5 grams total of opioids, cocaine, meth, or MDMA – still apply.


This abrupt backpedalling on drug decriminalization represents a massive failure of every level of government. Instead of supporting people who use drugs through what the BC government itself identified as a public health emergency, all levels of government chose to move backward to more police violence, more stigmatization, and more carceral consequences.

If people are afraid of being arrested for using drugs, they're less likely to seek medical support for overdoses or drug poisoning. The new recriminalization rules will undoubtedly raise BC's already shockingly high death toll. The BC Coroner's Office found that the unregulated drug supply led to at least 2,511 deaths in 2023 alone – potentially preventable deaths, if not for the lack of harm reduction resources.

The BC government has been remarkably unclear about how these new drug recriminalization parameters will apply to people in shelters, people living in single-residence occupancies, and people in temporary or transitional housing spaces. Equally unclear is how people are expected to travel from one “acceptable” location to another, such as a person carrying drugs from their private residence to an overdose prevention site.

In partnership with community-based groups, the BCCLA has helped to develop a resource for people who use drugs to understand how their rights will be affected by the new recriminalization rules.

The BCCLA also worked with peer-led community organizations across BC to develop *To End A Crisis: A Vision for Drug Policy in BC*. This document sets out recommendations for every level of government to respond to the drug poisoning crisis by using humane and evidence-based harm reduction tactics.



Our commitment to the decriminalization of drug use, endorsement of safe supply programs, and support for the proper regulation of drugs is unwavering, as we know the drug poisoning crisis will not end any other way.

As we move forward, the BCCLA will continue to advocate for governments on every level to support this vision. This is not a crisis that can be solved by reiterating provably false rhetoric about drug use, or by politicizing what should be a non-partisan matter. The drug poisoning crisis will persist unless governments are willing to listen to and support people who use drugs, rather than criminalizing them.

Stop Killer Cops: Demand Justice Now

Latoya Farrell (she/her), Policy Staff Counsel (Community)

Indigenous people account for only 5% of Canada's population but represent approximately 40% of those fatally shot by police. Between August 29 – September 17, 2024, eight Indigenous people were killed by police in Canada. Despite the Independent Investigation Office (IIO) of BC referring 39 cases for charges between 2019 – 2024, only 18 were approved. No contested cases have resulted in a conviction.

This reflects the state's deeply rooted racism towards Indigenous peoples. The BCCLA works to support families seeking justice and accountability. These are two of their stories.

Dale Culver

In 2017, Dale, a 35-year-old Wet'suwet'en and Gitksan man, was killed by Prince George RCMP officers. He was stopped for riding a bike without a helmet. Dale leaves behind a loving family and three children.

The IIO recommended manslaughter charges against two officers. Three others were charged with attempt to obstruct justice for allegedly telling witnesses to delete cellphone footage.

Despite three pathologists agreeing that blunt force head trauma was a contributing cause of Dale's death, a fourth opinion was sought by the Prosecutor in April 2024 that led to the manslaughter charges not moving forward.

On July 25, 2024, Justice Brooks found Const. Dalman untruthful and convicted him for obstruction. Despite significant credibility concerns, the judge could not dismiss reasonable doubt and found Sgt. Cruz not guilty.



Dale Culver



Jared Lowndes

Jared Lowndes

In 2021, Jared, a 38-year-old Wet'suwet'en man, was chased by Campbell River RCMP, attacked by a police dog while in his vehicle, and shot in the back. Jared died at the scene. Months before his death, Jared expressed concern that he would be killed by the RCMP for publicly criticizing them.

In 2024, despite the IIO's recommendations, the Prosecutor did not approve charges against three Campbell River RCMP officers. Jared's family has filed a civil suit against the Campbell River RCMP.

Join the Call!

A coalition of organizations, family members, and supporters are demanding a public inquiry into the systematic killing of Indigenous people in BC and the province's failure to prosecute the police.



Join the call today at www.pivotallegal.com/demandjustice.

Bad News Bylaws: Municipalities Must Respect the Rights of Unhoused People

Meghan McDermott (she/her), Policy Director

Across Canada, municipalities are rethinking how to manage public spaces as the housing crisis deepens and people experiencing homelessness are forced to survive in parks and other public areas. Unfortunately, many municipalities are enacting bylaws that target and criminalize the unhoused rather than addressing the root issues.

The BCCLA is alarmed by how often some cities are passing bylaws that blatantly disregard the struggles of people experiencing homelessness. The *Charter* guarantees the right to life, liberty, and security of the person. Canadian Courts have upheld the right to shelter, especially when there are no other accessible options. Despite this, municipalities continue to pass bylaws that punish people seeking shelter in the absence of adequate shelter spaces. These laws only increase the harm already faced by unhoused people.

Providing adequate shelter respects the dignity of all and meets Canada's legal and moral duty to uphold everyone's rights.

The BCCLA is challenging these harmful bylaws in cities like Victoria, Courtenay, and Vancouver. In our submission to the Mayor and Council of the City of Victoria, we joined partner organizations in calling out proposed bylaw amendments restricting outdoor sheltering to two parks. When the City of Courtenay tried to introduce a ban on daytime shelter, we challenged Mayor Wells and Council to acknowledge that

the *Charter* takes precedence over all other Canadian legislation and reject the Parks and Open Spaces proposal.

These unjust bylaws hit the most vulnerable hardest, including those with disabilities, mental health issues, 2SLGBTQIA+ people, and Indigenous people, all of whom are more likely to experience homelessness. Constant displacement and lack of shelter caused by these bylaws worsen their physical and mental health and make it difficult for support services to help.

Instead of punishing people for being homeless, municipalities should consult with people with lived experience and work with frontline organizations to provide compassionate solutions.

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Amélie Malissard, Operations Manager
Brid McKeown, Director of Engagement & Development
Camy Lai, Donations & Operations Coordinator
Ga Grant, Litigation Staff Counsel
Latoya Farrell, Policy Staff Counsel (Community)
Leila Toledo, Director of Operations & People
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Owen R Cameron, Communications & Outreach Manager
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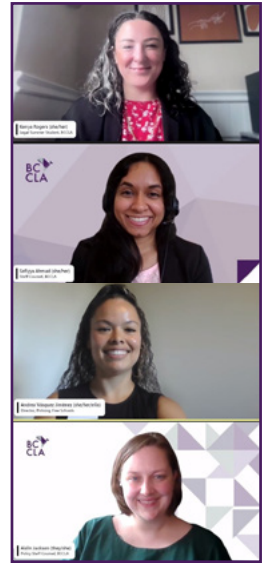
Teaching Your Rights

Safiyya Ahmad (she/her), Staff Counsel

Police officers should not coach sports teams, lead classes, read to kindergarten children, and they should certainly not carry guns into schools. Police in schools pose significant harms and rights violations for students and staff. Across Canada, police are demonstrably discriminatory toward racialized, Indigenous, 2SLGBTQIA+, and neurodivergent students.

In April, the BCCLA published *Police in Schools: A Pocket Guide to Your Rights*. This Pocketbook is for parents and students dealing with police officers stationed in their schools. It includes information on searches, the arrest process, safety tips, and filing a complaint.

The BCCLA partnered with Policing-Free Schools to deliver a Canada-wide webinar on police interactions and students' privacy. We also partnered with the Vancouver District Parent Advisory Council to create wallet cards on students' rights. We'll continue to support students' rights, and we urge school districts not to endanger their students by bringing police into their classrooms.



T: 604.687.2919
E: info@bccla.org

306 – 268 Keefer Street
Vancouver, BC V6A 1X5
Unceded Coast Salish Territories

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The BCCLA office is located on the unceded and ancestral territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliwətaɫ (Tsleil-Waututh) Nations.

