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CANADA

INDIGENOUS LAND DEFENDERS AT RISK

Wet'suwet'en land defenders in Canada are at risk of serious human rights violations as the construction of a pipeline is slated to begin in late August 2022. Hereditary chiefs oppose the liquified natural gas pipeline and have not given their consent to the project. Wet'suwet'en and other land defenders have already faced three raids by heavily armed police, and 19 people are currently facing criminal contempt charges for defying a court injunction that authorizes the police to remove people occupying permitted work sites. Wet'suwet'en Nation members report daily visits, harassment and intimidation by Canadian police officers and the company's private security service.

This is one of the last remaining clean sources of drinking water and salmon spawning grounds in the territory. Peaceful protestors and land defenders occupied the drill pad site in September 2021. British Columbia's Minister of Public Safety authorized militarized police forces to arrest and forcibly remove land defenders from the territory in order to enforce an injunction obtained by the company. I am extremely worried that further arrests in 2022 will put Wet'suwet'en land defenders at risk of serious human rights violations.

Wet'suwet'en Hereditary Chiefs – the traditional authorities of the Nation according to Wet'suwet'en Law as well as the Supreme Court of Canada's 1997 Delgamuukw ruling – have never consented to the Coastal GasLink pipeline project, even though some elected First Nations governments have signed benefit agreements with the company. Wet'suwet'en land defenders say they are harassed, intimidated, forcibly removed, and criminalized by the Royal Canadian Mounted Police (RCMP) and the company's private security guards for peacefully defending their traditional lands over which they have title.

In May, the United Nations' Committee on the Elimination of Racial Discrimination (CERD) issued a third letter to Canada noting its concern over the escalating use of force, surveillance, and criminalization of land defenders and peaceful protestors by the RCMP, the RCMP's Community-Industry Response Group (CIRG) and private security firms.

Write to the Minister of Public safety urging him, as a matter of urgency, to:

- to immediately withdraw RCMP and associated security and policing forces from Wet'suwet'en territory and investigate all allegations of harassment, intimidation and forced evictions

Write to:

The Honourable Marco Mendicino, P.C., M.P.
Minister of Public Safety
House of Commons
Ottawa ON K1A 0A6
Phone: 613-992-6361
Email: marco.mendicino@parl.gc.ca
Salutation: Dear Minister Mendicino:

Additional Information

The British Columbia Ministry of Public Safety and Solicitor General supported the deployment of Royal Canadian Mounted Police (RCMP) officers to arrest Wet'suwet'en land defenders and peaceful protestors on their traditional territory on three separate occasions in 2019, 2020, and 2021. Seventy-four people have been arrested and detained, including legal observers and journalists. The RCMP were equipped with assault weapons, helicopters, and dog units and on one occasion were recorded by media breaking down the door to a home with an axe and a chainsaw while pointing weapons at people inside. To date, over CAN \$20 million dollars has been spent on policing and surveilling Wet'suwet'en land defenders. Federal government public safety documents label Wet'suwet'en leaders as 'aboriginal extremists'.

In February 2022, lawyers for Coastal Gaslink asked BC Supreme Court Justice Marguerite Church to seek Crown approval for criminal contempt charges against those arrested in November 2021. Coastal Gaslink announced on July 28 that it would drop civil contempt charges against 6 land defenders who were arrested on November 21. Also in July, BC's Prosecution Service announced it will prosecute 19 people for criminal contempt stemming from the arrests of over 30 people in November 2021. The Crown says that land defenders are repeatedly defying a court order, but the Hereditary Chiefs say that Canada has no jurisdiction to grant a company an injunction on their own territory for a project they do not approve. The Wet'suwet'en won their title and rights claim in the 1997 Supreme Court of Canada Delgamuukw decision.

The RCMP Community-Industry Response Group (C-IRG) was formed by in 2017 in response to large scale resource based industrial projects throughout British Columbia. It aims to 'provide strategic oversight addressing energy industry incidents and related public order, national security, and crime issues and to create a standardized response across the province". Much of its efforts concern injunction enforcement. C-IRG coordinates responses from different policing groups such as the RCMP, Indigenous Policing Services, E-Division Critical Incidents Program, and government agencies. Canada is party to international human rights Conventions, such as the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and has a legal obligation to uphold the rights enshrined in those treaties. Canada announced its support for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) which was passed into federal and provincial law in 2021 and 2019 respectively. The Declaration affirms that Indigenous peoples have the right to make their own decisions about their lives and futures according to their own laws and traditions. Yet Canada consistently fails to respect the rights of Indigenous peoples when they say no to resource extraction projects. A selective approach to human rights is contrary to the letter and spirit of Canada's human rights obligations and

the reconciliation with Indigenous peoples that the Federal and Provincial governments claim to champion.

The Coastal GasLink pipeline is part of LNG Canada's liquified natural gas project to export LNG to Asian markets. The cost of the project was recently re-forecast: it is now nearly twice the original cost, up to \$11.2 billion from \$6.6 billion. The project has the support of the government of Canada and the province of British Columbia. Canada is pursuing a policy of aggressive domestic fossil fuel expansion which contributes to the increase of greenhouse gas emissions. Canada must [urgently phase out fossil fuels use and production](#) to protect human rights.

- [Internal emails](#) reveal police planning to raid camps while province in talks with Wet'suwet'en leadership.
- RCMP [spending](#) on Wet'suwet'en conflict tops \$21 million.
- UN Committee [issues](#) third rebuke to Canada.