

July 21, 2022

**BY REGISTERED MAIL AND 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 Dwayne McDonald

Dear Chairperson Michelaine Lahaie,

**Re: Policy Complaint Concerning RCMP C-IRG unit behaviour at Argenta-Johnson's Landing**

We are writing on behalf of Last Stand West Kootenay, the Autonomous Sinixt, the British Columbia Civil Liberties Association, the Wilderness Committee, Lawyers' Rights Watch Canada, Mount Willet Wilderness Forever, From the Heart Kootenays and Fridays for Future Nelson to request that the Civilian Review and Complaints Commission initiate a policy complaint and public interest investigation under the Royal Canadian Mounted Police Act on the basis of the following complaint. This request is made pursuant to ss. 45.34 and 45.66 of the *Royal Canadian Mounted Police Act*, RSC 1985, c R-10.

The above-named organizations submit this complaint regarding the improper and unlawful actions of the Community-Incident Response Group ("C-IRG") unit of the Royal Canadian Mounted Police ("RCMP") in implementing a blockade on **May 17, 2022**, on the Salisbury Creek forestry road ("Salisbury Creek Road") near Argenta and Johnson's Landing in the Province of British Columbia. C-IRG officers were acting in response to a protest camp and soft blockade known as "Grouse Camp" which had been set up at approximately 0.2 km on the road by people opposing logging in the area by Cooper Creek Cedar Ltd. ("CCC"). This camp was led by the settler group Last Stand West Kootenay with the support of local Indigenous group the Autonomous Sinixt. The Autonomous Sinixt have called for an end to old growth logging in their territory which includes the areas Grouse Camp was protesting being logged.

On May 17, 2022, C-IRG officers raided the area and established two exclusion zones on Duncan Lake Road and Salisbury Creek Road and then made a series of arrests of people on or alongside Salisbury Creek Road for contempt of the August 27, 2019 injunction granted by Justice Groves (the "2019 Salisbury Injunction") to CCC, resulting in at least 17 arrests. It is our understanding that at least 15 arrests were unlawful and wrongful arrests as the victims of those arrests were not in breach of the 2019 Salisbury Injunction. C-IRG officers' actions in creating exclusion zones also shut down public access to local communities and the Grouse Camp site for several hours.

The implementation and enforcement of exclusion zones by the C-IRG unit of the RCMP followed by what appear to be a series of unlawful arrests was a gratuitous show of RCMP aggression which

clearly extends beyond the scope of authority given to the RCMP to enforce the 2019 Salisbury Injunction. The C-IRG's actions on May 17, 2022 deprived members of the public and arrested individuals on Salisbury Creek road of their *Canadian Charter of Rights and Freedoms* ("the Charter") protected rights to freedom of peaceful assembly and association under ss. 2(c) and 2(d), freedom of expression under s. 2(b), liberty and security of the person under s. 7 and freedom from arbitrary arrest and detention under s. 9 of the Charter. These interferences with individual liberty are significant, arbitrary, and disproportionate to achieving any goals related to public safety and the ability of CCC to carry out the logging activities protected by the 2019 Salisbury Injunction.

The arrests carried out by C-IRG also deprived victims of the essential right to engage in peaceful protest. The duty of the police is to protect the rights of individuals to participate in public affairs by exercising rights to freedoms of expression, association and assembly to engage in protest and dissent. As stated by the UN Special Rapporteur on rights to peaceful assembly and association:

"The rights to freedom of peaceful assembly and of association are not always the most popular of rights for people who are not actually exercising them. But there is a reason that the international community has collectively enshrined them as fundamental rights. They are the best tools to address social conflict, and allow us to thrash out our disagreements in a peaceful—even if messy—manner."<sup>1</sup>

The 2019 Salisbury Injunction prohibits activities that impede, restrict or interfere with CCC's use of the road. It does not and could not lawfully prohibit the right of the defendants to continue to peacefully protest CCC's operations. The 2019 Salisbury Injunction did not give CCC exclusive use of the road or freedom from inconvenience caused by protestors. The protestors rights to freely exercise freedoms of association, assembly and expression to engage in a peaceful protest of CCC's logging activities in the region was not otherwise restricted. Standing by the side of or on the road is a form of expression unhampered by the 2019 Salisbury Injunction provided that those standing on the road do not impede passage of CCC's equipment, vehicles or employees.

The applicable terms of the 2019 Salisbury Injunction are:

- S. 1(a) prohibits interfering or restricting CCC's logging operations in the Salisbury Creek area.
- S. 1(b) prohibits restricting or impeding free passage of CCC employees or their contractors.

Individuals who were arrested before they had the chance to leave the roadway and or who were not actually obstructing or impeding CCC's authorized use of the roadway were not in breach of the 2019 Salisbury Injunction because they weren't interfering with CCC's movement or logging operations.

It appears to us that the mass arrests of individuals who were not breaching the 2019 Salisbury Injunction were unlawfully carried out as an intimidation tactic to clear the camp and dissuade further lawful protests to express community opposition to CCC's logging. It also appears that

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<sup>1</sup> Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the Republic of Korea (Seoul) 29 January 2016. at <https://www.ohchr.org/en/statements/2016/01/statement-united-nations-special-rapporteur-rights-freedom-peaceful-assembly-and>

there was operational direction to not allow individuals to peacefully leave the roadway without being arrested which violated ss. 2(c) - (d), 7 and 9 of the Charter. These actions are clearly outside of the authority of the RCMP pursuant to the 2019 Salisbury Injunction and constitute a form of extra-judicial punishment, which is outside the powers of police under the laws of British Columbia and Canada.

In making these arrests, the C-IRG unit of the RCMP violated protected rights to association, assembly, expression, liberty, to participate in public affairs and freedom from arbitrary deprivation of liberty. The arrests failed to comply with Canada's domestic<sup>2</sup> and international human rights law duties to ensure freedom from arbitrary arrests and detention that cannot be justified under the Charter or International Human Rights Law.<sup>3</sup> The arrests therefore constituted an arbitrary deprivation of liberty in violation of the Charter and the United Nations (UN) International Covenant on Civil and Political Rights (the "ICCPR").<sup>4</sup> Arrests such as these that are punishments for lawfully exercising rights to freedoms of expression, association, assembly or participation in public affairs are ipso facto arbitrary and a violation of the ICCPR.<sup>5</sup>

In addition, the RCMP exclusion zones used on May 17, 2022 at Salisbury Creek Road and on Duncan Lake road were in clear violation of sections ss. 2(b), (c), (d) and s. 7 of the Charter. Justice Thompson affirmed this in his August 9, 2021 ruling in *Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2021 BCSC 1554. As Justice Thompson stated in respect of exclusion zones used by the RCMP at Fairy Creek:

"The checkpoints are not placed so as to minimally restrict access — either temporally or geographically — to the injunction area outside of the exclusion zones. On the contrary, it is evident that the police are doing whatever they perceive can be done within legal bounds to prevent vehicles, persons suspected of intending to block roads, and road-blocking objects and material from entering the injunction area...

These police actions have seriously and substantially impacted important liberties within the injunction area, including the ability of individuals to circulate freely, and freedoms of assembly and expression, including freedom of the press...

The RCMP has not established that the police actions under examination are reasonably necessary for either of the duties they assert. It follows that the

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<sup>2</sup> See *Vancouver v Zhang*, 2010 BCCA 450

<sup>3</sup> See: United Nations, Human Rights Council, WGAD, *Opinion No. 56/2017 (Thailand)*, A/HRC/WGAD/2017/56, para.51; WGAD, *Deliberation No. 9 concerning the definition and scope of arbitrary deprivation of liberty*, para. 48; HR Committee, CCPR General comment no. 34, Article 19: *Freedoms of opinion and expression*, 12 September 2011, CCPR/C/GC/34, paras. 25-26; IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II. Doc. 66 31, December 2011, para. 89; and, IACHR, *Case of Kimel v. Argentina*, Judgment of May 2, 2008 (Merits, Reparations and Costs), para. 63, 90 *The Right to Dissent, A guide to international law obligations to respect, protect and fulfill the right of all persons to participate in public affairs by engaging in criticism, opposition and dissent*, Lois Leslie for LRWC, 2017, accessible at <<https://www.lrwc.org/the-right-to-dissent-international-law-obligations-to-respect-protect-and-fulfill-the-right-to-participate-in-public-affairs-by-engaging-in-criticism-opposition-and-dissent-handbook/>>.

<sup>4</sup> *International Covenant on Civil and Political Rights*, 16 December 1966, 999 UNTS 171, CanTS 1976 No. 47, 6 ILM 368 (entered into force 23 March 1976, accession by Canada 19 May 1976) (ICCPR).

<sup>5</sup> UN Human Rights Committee, CCPR General Comment No. 35, *Article 9: Liberty and security of person*, 16 December 2014, CCPR/C/GC/35, para.17.

RCMP do not have legal authority for these actions. The actions are unlawful.”<sup>6</sup>

The Duncan Lake Road exclusion zone was 10 kilometers from Grouse Camp where arrests took place. Similarly, the exclusion zone at the base of Salisbury Creek Road blocked anyone from accessing where arrests were taking place despite many arrests happening several hundred meters up the road. These are both an overly broad use of power and the multiple RCMP checkpoints did not minimally restrict access as needed to conduct arrests as described by Justice Thompson.

These failings are amplified because the RCMP has recently been censured by the Commissioner of the CCRC in the Kent County Final Report issued on November 9, 2020 in regard to the use of exclusion or buffer zones. Final Recommendation #6 states:

“That decisions to restrict access to public roadways or other public sites be made only with specific, objectively reasonable rationales for doing so, and if legally permissible, be done in a way that interferes with the rights of persons in as minimal a fashion as possible, for example, a buffer zone that is as limited in size as possible and an exclusion that is as short in duration as possible.”<sup>7</sup>

The Commissioner’s Final Recommendations from the Kent County investigation also stated when policing a public protest, RCMP members should know the limits of their powers, specifically in relation to curtailing protestors’ ability to assemble and express themselves in a lawful manner & should have detailed and accurate understandings of conditions of injunctions that they enforce.<sup>8</sup>

## **Background Context**

In late April 2022, individuals undertook to establish Grouse Camp adjacent to Salisbury Creek Road in the vicinity of Argenta and Johnsons Landing. This camp was set up as part of peaceful and lawful protests in opposition to logging proposed to be undertaken by CCC of a series of cut blocks accessible from Salisbury Creek Road in the area known as “Argenta Johnsons Landing Face” or the “AJF.”

Prior to April 2022, there had been no protest activity at the site since the summer of 2019. However, there has been well-known community and public opposition to CCC’s logging activities in the AJF since well before 2019.<sup>9</sup> In the weeks following the establishment of Grouse Camp the Salisbury Creek Road was often blocked by various structures. During this time, it is our understanding that no employees or contractors of CCC or other industry actors attempted to enter

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<sup>6</sup> *Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2021 BCSC 1554 at para 82.

<sup>7</sup> *Commission’s Final Report After Commissioner’s Response to Commission’s Interim Report Following a Chairperson-Initiated Complaint and Public Interest Investigation in the RCMP’s Response to Anti-Shale Gas Protests in Kent County, New Brunswick*, Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, Released November 2020, Final Recommendation #6 at page 53.

<sup>8</sup> *Commission’s Final Report After Commissioner’s Response to Commission’s Interim Report Following a Chairperson-Initiated Complaint and Public Interest Investigation in the RCMP’s Response to Anti-Shale Gas Protests in Kent County, New Brunswick*, Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, Released November 2020, Final Recommendations #5 & #7 at page 53.

<sup>9</sup> See concerns identified in a video produced by the Wilderness Committee “Saving the Argenta Face,” November 2021. Accessible at <<https://www.youtube.com/watch?v=ZQBR1DReGks>>.

the area and recreational users were allowed to enter. It was not a large camp with no more than 15-20 people staying at the busiest time.

In the days leading up to May 17, 2022, RCMP officers with the Division Liaison Team (“DLT”) visited Grouse Camp and informed them that RCMP enforcement would occur soon and that any individuals blocking the road would be arrested for breach of the 2019 Salisbury Injunction. No arrests were made during any of these visits.

The Community-Incident Response Group (C-IRG) is a specialized unit of the RCMP which is tasked with responding to civil disobedience in response to resource extraction projects in British Columbia.<sup>10</sup> It was created in 2017 and since that time has been deployed in response to protests in response to anti-pipeline protests and since 2021 in response to anti-old growth logging protests including at Fairy Creek and now Argenta. The C-IRG operates under a three-tiered command structure which means that operations such as those deployed on May 17, 2022 are organized by the Silver commander and then deployed and executed by a Bronze Commander, who is the ranking officer on the ground on a given day.<sup>11</sup> C-IRG has recently come under criticism for what are alleged to be harassment and widespread systemic abuses of process during enforcement of injunctions at Fairy Creek and on Wet’suwet’en territory.<sup>12</sup>

### **C-IRG actions on May 17, 2022**

Shortly after 8:00 AM on May 17, 2022, RCMP officers with the C-IRG detachment arrived at Grouse Camp. There were approximately 30 officers and approximately 25 people at Grouse Camp. C-IRG officers first established a blockade at 0.2 km on the Salisbury Creek Road. Shortly thereafter a summary of the 2019 Salisbury Injunction was read over a loudspeaker advising people that they could not obstruct the roadway. Over the next few hours, C-IRG officers systematically arrested all individuals who were on or near the road. Two individuals may have refused to leave the roadway, but the remaining 15 arrested individuals moved off to the side of the road or were in the process of moving when arrested.

Several other members of the local community were able to escape away from the Salisbury Creek Road and avoid arrest by walking along the lake or through the forest. This included senior citizens who risked serious personal injury in order to avoid arbitrary, unlawful arrests.

We are submitting 20 first-hand accounts of people who were media, legal observers, and members of the public. These first-hand accounts demonstrate a consistent pattern of RCMP exercising arbitrary and overbroad powers on May 17, 2022.

The RCMP were reported as saying that people couldn’t stand on the side of the road without

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<sup>10</sup> As described on the C-IRG website at (<https://bc-cb.rcmp-grc.gc.ca/ViewPage.action?siteNodeId=23&languageId=1&contentId=66492>).

<sup>11</sup> The command structure of C-IRG is clearly described in “Behind the Thin Blue Line: Meet a secretive arm of the RCMP in B.C.,” by Brett Forester of APTN News, published on June 16, 2022. Accessed at < <https://www.aptnnews.ca/ourstories/cirg/>>. On June 28, 2022.

<sup>12</sup> See “Open Letter Regarding RCMP Exclusion Zone at Fairy Creek,” British Columbia Civil Liberties Association and Legal Observers Victoria, May 20, 2021 accessible at < [https://bccla.org/our\\_work/open-letter-regarding-rcmp-exclusion-zone-at-fairy-creek/](https://bccla.org/our_work/open-letter-regarding-rcmp-exclusion-zone-at-fairy-creek/)>; “Policy Complaint Concerning RCMP Checkpoint and Exclusion Zone on Wet’suwet’en Territory,” British Columbia Civil Liberties Association, Wet’suwet’en Hereditary Chiefs and the Union of BC Indian Chiefs, January 30, 2020 accessible at <[https://bccla.org/our\\_work/policy-complaint-concerning-rcmp-checkpoint-and-exclusion-zone/](https://bccla.org/our_work/policy-complaint-concerning-rcmp-checkpoint-and-exclusion-zone/)>.

obstructing logging operations. This is a clear overstatement of their authority under the 2019 Salisbury Creek Injunction which prohibits obstructing operations but does not create any prohibitions against being on or near the Salisbury Creek Road.

#### Wrongful Arrests on the morning of May 17, 2022 for breach of the 2019 Salisbury Creek Injunction

- **Beatrice Massara** is a 76-year-old resident of Argenta BC who was arrested for being at Grouse Camp on Salisbury Creek road delivering food. She was not given a chance to leave the area before being arrested and was not blocking the roadway when she was arrested.
- **Jackson Giroux** was standing off to the side of the Salisbury Creek Road and not on the roadway and was engaging in dialogue with the RCMP when he was arrested for contempt of court.
- **Andrea Sevigny** was acting as a police liaison and engaged in dialogue with C-IRG officers when she was arrested for contempt of court. She was not obstructing the road and was not given the opportunity to step off the road or leave the area before being arrested.
- **Lisa Hagemann** was filming the arrest of another individual at 0.2 km on the Salisbury Creek Road and was arrested while walking on the road. She was not given the chance to leave the road or to leave the area before being arrested and there were no vehicles attempting to access the area at the time of her arrest.
- **Pablo Miguel Pastor** was arrested for contempt of court while on the side of Salisbury Creek Road while trying to engage RCMP officers in dialogue. He was not blocking the road. He witnessed an officer, who he believes to be Sergeant Brady of the C-IRG, instruct another RCMP officer to stop telling people that they could leave the area of Grouse Camp. He witnessed many these arrests in which individuals were not blocking the road or otherwise obstructing traffic at the time of arrest.
- **Shannon Isaac** was standing off the side of the road in what she understood to be a designated safe zone when she was arrested by C-IRG members.
- **Naia Shine Vision** was standing in the ditch near the base of Salisbury Creek Road witnessing the arrest of Andrea Sevigny when he was arrested.
- **Martin Gregory Couch** was arrested while sitting off the road and was not given the opportunity to leave the area.

#### Exclusion of the Media

- **Louis Bockner** is a journalist who was documenting the C-IRG raid on Grouse Camp. At times he was able to observe arrests but on multiple occasions C-IRG officers enforced exclusion zones of over 50 meters which prevented him from documenting arrests, despite him clearly identifying himself as media. He was threatened with arrest on multiple occasions and told by commanding C-IRG officer Sergeant Jason Charney to “stay out of his fucking way if I didn’t want to get arrested.”

#### Exclusion of the Public

- **Carly Wiebe** is a resident of Argenta and a pregnant woman who attempted to drive up the Salisbury Road to check on the wellbeing of a 10-year-old child and several elders on May 17, 2021. She was ordered out of her vehicle, placed under arrest, and searched, despite pleading that she was pregnant and informing police that she wanted to turn her vehicle around, and was concerned about her wellbeing and the wellbeing of her child who was with her in the vehicle at the time. She was later released without charge.
- **Kelly Dunn** is a resident of Argenta who was travelling with Carly Weibe on May 17, 2021. She was prevented from proceeding up the Salisbury Creek Road, was arrested and subsequently released without charge.
- **Rob Meaney** was stopped 10 km away from the C-IRG raid at Grouse Camp and was prevented from using the public road to drive to Johnson’s Landing.
- **Gary Diers** is a resident of Argenta and senior citizen who was at Grouse Camp during the raid and witnessed individuals being arrested arbitrarily without being given the chance to leave the area. To avoid arrest he fled

towards the lake with his wife Nancy Judd and another senior citizen and then walked several kilometers along Kootenay Lake to be able to return to their house.

## **Unreasonable Police Discretion and Disrespect for the Rule of Law**

Our significant concern is that the unlawful arrests by the C-IRG unit of the RCMP on May 17, 2022, constitutes an overly broad and arbitrary use of police discretion disconnected from any reasonable interpretation of the limited authority granted by the 2019 Salisbury Creek Injunction or otherwise available to the RCMP.

Further, we are concerned that the C-IRG unit of the RCMP has persisted in its overbroad use of exclusion zones despite complaints to this body in the past<sup>13</sup>, warnings from the BC Civil Liberties Association<sup>14</sup>, and a direct reprimand from the Supreme Court of British Columbia by Justice Thompson in *Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2021 BCSC 1554.

The arrests and use of overbroad exclusion zones constitute serious and unjustifiable breaches of the Constitution and the Charter and of Canada's international human rights law obligations arising from, *inter alia* the provisions of the ICCPR, including of rights to:

- Freedom of the press and other media of communication, Charter s. 2(b), ICCPR art. 19;<sup>15</sup>
- Freedom of peaceful assembly, Charter s. 2(c), ICCPR art. 21;
- Freedom of association, Charter s. 2(d), ICCPR art. 22;
- Right to liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice, Charter s. 7, ICCPR art. 9.1;
- Right to be free from arbitrary detention, Charter s. 9, ICCPR art. 9.

## **Conclusion**

The RCMP's responsibility to ensure public safety includes ensuring the safety of protestors, even those engaged in peaceful protest. The Constitution is the ultimate law the RCMP are charged to uphold and, as agents of the Crown, the RCMP must respect the Charter-protected rights of all people. The C-IRG's use of unlawful arrests and exclusion zones are inconsistent with the Charter. The role of the C-IRG and the RCMP more generally when enforcing injunctions is not to restrict or criminalize the exercise of freedoms of expression, assembly, association, the right to participate in public affairs and the right to engage in peaceful protests but to enforce the injunction. For the C-IRG to make arrests not clearly and specifically authorized by the 2019 Salisbury Injunction also risks bringing the law, the Supreme Court of British Columbia and the RCMP into disrepute.

In light of all the foregoing, the above-named organizations call upon the Commission to treat this letter as an official complaint and a request to launch a full investigation into the implementation

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<sup>13</sup> See "BCCLA and UBCIC Alarmed at Increasing RCMP Policing Powers in Wet'suwet'en," accessed on June 28, 2022 at <[https://bccla.org/our\\_work/bccla-and-ubcic-alarmed-at-increasing-rcmp-policing-powers-in-wetsuweten/](https://bccla.org/our_work/bccla-and-ubcic-alarmed-at-increasing-rcmp-policing-powers-in-wetsuweten/)> .

<sup>14</sup> Veronica Martisius, Open Letter from the BCCLA re: RCMP Exclusion Zone at Fairy Creek, May 20th 2021. Accessed on June 27, 2022 at <<https://bccla.org/wp-content/uploads/2021/05/Open-Letter-to-RCMP-and-Prov-re-Exclusion-Zone-at-Fairy-Creek.pdf>>

<sup>15</sup> See, UN Human Rights Committee (HRC), *General comment no. 34, Article 19, Freedoms of opinion and expression*, 12 September 2011, CCPR/C/GC/34, at para. 13

of an exclusion zone and a series of unlawful arrests by the RCMP's C-IRG unit at Grouse Camp on May 17, 2022, per ss. 45.34 and 45.66 of the Royal Canadian Mounted Police Act, RSC 1985, c R-10. We trust the Commission will appreciate the significant public interest in the matter given what appears to be repeated unlawful extra juridical operations by the C-IRG unit.



## **ARRESTEE AND WITNESS STATEMENTS**

**\*\*Contact information available on request to Noah Ross at Noah@noahross.ca\*\***

### **Beatrice Massara**

I was arrested at the bottom of Grouse Camp on Salisbury Creek Road on May 17, 2022 in the morning after I had come to deliver food to people at the camp. I was not blocking traffic and told the RCMP that I wanted to go home. I was not given an opportunity to leave the road prior to being arrested and they did not read the injunction to me.

I had gone to Grouse Camp on May 17, 2022 to bring food to the camp. Once I was at the camp, I was not allowed to leave, got arrested, patted down and put in a police van. I was then driven to the bridge close to the highway about 10 km from Salisbury Creek Rd where my car was located, interrogated again, asked to sign something I did not understand, then told I could go now. Walk home? 8km to my home in Argenta or to my car 10 km away? I am 76 years old and have 2 hip replacements, walking that distance would have been impossible. Luckily a friend was able to give me a ride.

### **Jackson Giroux**

I was arrested on May 17, 2022 at Grouse Camp at 0.2 km on the Salisbury Creek Road. When I was arrested I was told it was for civil contempt of court, criminal mischief, and intimidation. In my undertaking the only offence listed was civil contempt of a court order. I was acting as a liaison between the RCMP and a parent who had four children with him. I was standing off to the side of the road.

At the time of my arrest I was not given any options even though I stated that I did not intend to block the road and made it clear that I was standing off of the road to show that I intended not to block the road. When I was arrested, I was standing off of the road near an elderly gentleman and he was arrested even though he was clearly not interested in blocking the road and stated that to his arresting officers.

### **Lisa Hagemann**

I was arrested for civil contempt on Salisbury Creek road at 0.2 km on the road at Grouse Camp on May 17, 2022. When the RCMP arrived, I have been peacefully standing in a circle and singing with the rest of the group. After the police liaison, legal observer and others further down the road had been arrested I stepped out of the circle to document what was happening with my phone camera and filmed, so I became the legal observer.

The police set up pylons around the hard block, but did not say that this would be an exclusion zone and they did not put a tape up. I documented requests from our group to support the person in the hard block with basic necessities like water and food, which the police denied. I was walking on and off the road on the other side of the pylons to be able to document what was happening with the person in the hard block and keep them safe. Without asking me to step off the road or being given the chance to leave the area, two officers came, grabbed me and said I was arrested.

I was not read the injunction but understand that a short summary was read over a loud speaker by the RCMP in English and I believe French. English or French was not my first language and I am not familiar with legal jargon, so that I was not able to understand all of what I have heard. There was no injunction posted.

## **Pablo Miguel Pastor**

I was arrested on the side of the Salisbury creek road, in between the gravel pit and the large pull out to the right side of the road, on May 17th, 2022 at approximately 10:00am. When I was arrested I was told it was for civil contempt of court, criminal mischief, and intimidation. In my undertaking the only offence listed was civil contempt of a court order.

I was not given the opportunity to leave the road. I started my morning at the bottom of the road, where the police pushed the line further and further up the road. At one point a protester told the police that people were being arrested illegally. A blue uniformed officer's response was "well you can leave if you like." Immediately a superior officer, I believe Sargeant Brady but I am not completely sure, put his hand on the other officer's shoulder and shook his head and said something inaudible. The first officer then stated "my bad." Multiple protesters asked for clarification as if we were allowed to leave or not and the police said we were not allowed to leave. When the RCMP arrested me I was trying to engage in conversation and stated I had no intent to block the road. They did not communicate anything to me but simply grabbed me and told me I was under arrest.

I asked my arresting officers why I was being arrested for blocking the road when I was not blocking the road and stated I had no intent to. They said they would explain it to me later. When I was in the cop car an officer came to follow up on my question. He told me criminal mischief is an indictable offence, and because I was "part of this protest camp" that was blocking the road, then they could arrest me for mischief now even if I wasn't blocking the road. He again stated that because "you guys" were blocking the road in the past, they could arrest me for mischief in the present.

## **Reyna Rose Brown**

I was present at Grouse Camp on May 17, 2022 and was not arrested, but I witnessed several arrests in which no opportunity was given to leave the road and those arrested were not obstructing the road. I witnessed our police liaisons and legal observers arrested when they were not blocking the road. When others stepped in to fill those rolls they were also arrested. Individuals were arrested without any previous warning, without an opportunity to leave or even and without being read their rights. One elderly community member Beatrice Massara was arrested while attempting to leave the road.

Shortly after the initial arrests, Officers had set up a pylon extraction zone around one individual who was locked into a device in the road. No one crossed this line, and we were simply singing and supporting from behind the line. Pine [Lisa Hagemann] was standing nearby filming the scene and several police officers crossed the pylon lines to arrest her without warning. Police did not communicate with us their intentions whatsoever or give any warning to their actions throughout the day.

## **Jason Van Rooyen**

I was arrested for civil contempt of court on May 17, 2022 at around 8:20am at the base of Salisbury Creek road. I was arrested on the frontline, carrying out my role as Police Liaison. I was arrested off the side of the road on the grass, not impeding the road and behind the exclusion line at the bottom of the road that we were told to not cross, following all of the requests by RCMP. The DLT I had previously spoken to assured us that if we were on the side of the road on the grass, where we were not impeding traffic or industry, we would be safe to peacefully protest. This was not the case on May 17, 2022.

Never once was there an announcement for anyone to leave the road, or any chance given to leave. In fact, people tried to leave and were told they had to wait. I witnessed an elder woman Beatrice trying to leave for a doctor's appointment and she was told she had to wait. I asked the officer if he was seriously going to deny an elder woman of the community access to her doctor's appointment and he just responded she had to wait. After some conversation with officers behind the exclusion line (there wasn't any actual police tape but they indicated the first soft block of rocks at the bottom of Salisbury creek Road was the "exclusion zone"), she was eventually arrested and taken away.

### **Avery Florence Seligman**

On May 17th, 2022, I was arrested on the charge of mischief on Argenta Rd while acting as legal observer, filming our police liaison getting arrested. This was between 8:00 a.m. and 9:00 a.m. at the intersection between Argenta Rd and Salisbury Creek Rd. I did leave the road (Salisbury Rd) as requested by the RCMP and was arrested on nearby Argenta Road without warning. The injunction (unclear if it was read in its entirety as I am not familiar with the document as a whole) was read in English and French on a loudspeaker/megaphone. I heard it vaguely in the background but was focused on the singing circle around the fire. I was not given an opportunity to leave the area before my arrest.

### **Dayna Larson**

I was arrested for contempt of court on the side of the Salisbury creek Road on May 17th, 2022 at approximately 8:00 am or shortly after. I was legal observer and media personnel, with a high visibility vest on clearly stating "Media." I was video recording when they came to arrest me off the road. I was not given an opportunity to leave the area, they just came and swarmed me and told me I was under arrest.

The RCMP did not read the injunction to neither myself, or the group. They played a brief recording on a speaker stating that there was an injunction in place and that we were impeding Cooper Creek Cedar from completing operations. In no way was I obstructing vehicle traffic.

### **April Giroux**

On May 17 at approximately 8:00 am, when I was grabbed by the female police officer I was told that I was under arrest for defying a court injunction, criminal mischief and intimidation. When I received my paper from the Kaslo detachment after being detained, it stated civil contempt of court only. My position was to be an arrestee support person. When I saw that all of the people ahead of me were getting grabbed by the police, the legal observer, the police liaison, I knew that I was not going to be able to be allowed to be in an arrest support position. At that point in time I started recording with my cell phone what I could. I stood off to the side of the road the entire time and recorded for about 10 minutes.

I was standing on the left side of the bank in the trees on the left side of the road. I was in no way standing on the logging road, or impeding industry in anyway. I told them I am not standing on the road you cannot arrest me, to which they responded yes you are as they pulled me onto and then down the road.

We sat there [in the paddy wagon] for an hour before they moved us to the mobile processing unit that they had set up at the bridge blocking the flow of traffic over the Lardeau river.

### **Andrea Sevigny**

I was arrested at approximately 8:25 a.m. on May 17th 2022 and the side of the road at the mouth of Salisbury FSR and charged with breach of the August 27, 2019 Injunction of Justice Groves granted to Cooper Creek Cedar Ltd.. I was trying to establish communication with police officers as the Police Liaison Representative. No DLT officers were present and police did not communicate their operational plan.

C-IRG officers simply played a recording on a speaker stating that “there was an injunction in place and I was in breach of it for obstructing the road” without reading it in full. When they started charging forward I stepped to the side of the road so they would have clear passage. They arrested me even though I was not blocking the road. I was not given an opportunity to leave the road.

I observed arrests of other individuals including legal observers who were not blocking the road at the same time.

### **Martin Gregory Couch**

I was arrested on the morning of May 17, 2022 several hundred feet up Salisbury road. I was not read the injunction and I was not given the opportunity to leave the area. I was sitting in the camp by the sacred fire that we were keeping and was not sitting on the road when I was arrested.

### **Naia Shine Vision**

I was arrested at 8:29 a.m. on May 17, 2022 on Salisbury Creek road. I had just been walking behind our police liaisons filming. They arrested our police liaison, Andrea Sevigny. I left the low side of the Salisbury Creek Road and went down the bank to ditch on the Argenta Johnsons Landing public road and was arrested there in the ditch off the side of the road.

I was arrested for breaching the injunction of justice Groves issued August 27, 2019 and charged with civil contempt. I was arrested on the side of the road without being given an opportunity to leave. I was not blocking the road at all. I have video of the entire incident.

The RCMP read a summary stating that we could not block the Salisbury Creek road and then arrested me while I was not blocking the road. I then was held for 4 hours in detention before being released in Kaslo.

### **Shannon Isaac**

I was arrested on the morning of May 17, 2022. I was charged with breach of Justice Groves Injunction of August 27, 2019 granted to Cooper Creek Cedar Ltd.. When I was arrested I was standing off of the side of the Salisbury Creek Road in what I understood to be a designated safe zone with other people. At no point did any RCMP officer ask us to leave or provide an opportunity to leave. One of us asked if we could leave and we were told “no.”

I observed the RCMP officers tell many people that they could not leave the vicinity of the Salisbury Creek Road and Grouse Camp which was alongside the road. I observed the RCMP officers arrest me and other people who were not blocking the Salisbury Creek Road.

### **Rob Meaney**

I am a Kaslo resident. On May 17, 2022, I was travelling eastbound along the Duncan Lake Road in

the direction of Johnsons Landing. At the Duncan-Lardeau Bridge, approximately 10 km from Grouse Camp, I was stopped at a police blockade, consisting of a police car and two officers who were preventing traffic from crossing the bridge. The officers refused to allow me to continue on his journey toward Johnsons Landing, stating that the order to prevent the public from travelling along the road had come from a commanding RCMP officer with the C-IRG unit. The officers cited the terms of an August 19 injunction order, none of which applied to the Duncan-Lardeau Bridge, and later stated that they were enforcing an exclusion zone at the direction of the commanding officer who was with the C-IRG unit. I believe that I was not allowed beyond the blockade because I was not a resident of Argenta or Johnson's Landing.

### **Nancy Judd**

I am a farmer, senior citizen and Argenta resident who was at Grouse Camp on May 17, 2022 and was forced to flee through the woods and along the shoreline of Kootenay Lake out of fear of wrongful arrest. I witnessed C-IRG officers indiscriminately arresting people who were not blocking the road, including a police liaison person and a senior citizen so to avoid arrest I fled the area with my husband and two other seniors. We followed the shoreline of Kootenay Lake for several hours to get home to Argenta and when close to the road lay on the ground to avoid detection by police vehicles. In the 43 years I have lived in Argenta, I have never before feared for my safety at the hands of police.

### **Gary Diers**

I am a farmer, senior citizen and Argenta resident who was present at the Grouse Camp on May 17, 2022 to bear witness. I had no intention of being arrested and was not blocking the road or breaching any of the terms of the Injunction Order of August 2019. I fled the area with my wife Nancy Judd and other senior citizens, believing that I would otherwise have been arrested even though I was only at the Grouse Camp to bear witness. I saw one person being arrested and when I heard that 5 others had been arrested, I escaped with the others through the forest down to the lake and followed the rocky shoreline home to Argenta.

### **Louis Bockner**

I am a journalist and resident of Argenta. I was at Grouse Camp on May 17, 2022 and identified myself as media to the RCMP. During the raid on Grouse Camp led by the C-IRG unit of the RCMP individuals were not given the opportunity to leave the area prior to arrest. I witnessed this repeatedly. I also witnessed multiple arrests in which individuals were off to the side of the road.

I was moved around by exclusion zones set up by C-IRG officers throughout the enforcement and threatened with arrest on several occasions. These zones were continually changing as the RCMP moved up the Salisbury Creek Road making arrests. At times I was able to witness arrests but there were two occasions where I was unable to document arrests that were happening.

The first occasion was when C-IRG officers were extracting Megan Beatty from a sleeping dragon and moved the exclusion zone at least 50 metres from her and slightly around a bend in the road. Because of this I was unable to photograph or witness her extraction and there was no arrestee support, legal observer or anyone else besides the RCMP there to see what was happening. When I asked the RCMP why I wasn't allowed to be closer they cited safety reasons and told me that I would be arrested if I crossed the exclusion zone line.

On the second occasion I was documenting the arrest of Miguel Pastor and the extraction of Jessica Ogden when a truck with two civilians drove up the Salisbury Creek Road and were quickly surrounded by police. They were approximately 20 metres from me and I was photographing and filming the interaction between the women and RCMP which included the women being taken out of the truck and handcuffed despite them saying they had no knowledge of what was going on and that they were just driving up the Road. When the conversation began to get heated, I saw CPL. Heinemann motion for an officer to block my line of sight which he attempted unsuccessfully to do. Shortly after this, CPL. Heinemann came over and moved the exclusion zone boundary over 50 metres away from the arrests to a point where I could no longer see the truck or the women. When I told him that I thought it was unreasonable he simply responded by saying “do you want to get arrested?” over and over again. I told him that “no, I didn’t want to get arrested but I was just trying to do my job and that I wasn’t in anyone’s way.” He said that my ability to do my job didn’t trump the safety of his employees and that if I didn’t move I would be arrested. This interaction is on video that I have access to.

I also had a brief troubling interaction with an individual who I believe was the commanding officer on site, SGT. Charney. He passed me on the Road at one point and told me that if I didn’t want to get arrested I better stay out of his fucking way. He then said that I had to stay 50 metres away from him at all times. I gave him space for a bit as he walked up the road but he seemed to forget about me after that so I ended up being closer to him as the day went on.

### **Carly Wiebe**

I am a resident of Argenta and a pregnant woman. I attempted to drive up the Salisbury Road with my friend Kelly Dunn and my daughter to check on the wellbeing of a 10-year-old child and several elders on May 17, 2022 during the raid on Grouse Camp. There was no RCMP blockade at the bottom of the road when I drove up. I was stopped a couple hundred meters up the road by RCMP officers, was ordered out of the vehicle, placed under arrest, and searched, despite pleading that I was pregnant. I also informed police that I wanted to turn my vehicle around and go home because I was concerned about my wellbeing and the wellbeing of my child who was with her in the vehicle at the time. Despite this I was still arrested and later released without charge.

### **Kelly Dunn**

I am a resident of Argenta who was travelling in the car with my friend Carly Weibe and her daughter on May 17, 2022. With Carly Wiebe, I was prevented from proceeding up the Salisbury Creek Road to visit individuals at Grouse Camp, arrested, and then released without charge.

### **Jim Lawrence**

I am a photographer who has lived in Cooper Creek, BC since 1951. On May 17, 2022, I was travelling on the Duncan Lake Road, eastbound toward Fry Creek to continue photographing spring blooming plants. I was prevented from crossing the Duncan-Lardeau Bridge by RCMP.