

# Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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15 December 2021

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Dear Ministers,

## **Re: Unlawful attacks on Indigenous land rights defenders in Wet'suwet'en Territory**

We write on behalf of Lawyers' Rights Watch Canada (LRWC), a committee of lawyers and human rights defenders who promote international human rights, the independence and security of human rights defenders, the integrity of legal systems, and the rule of law through advocacy, education and legal research. LRWC has Special Consultative Status with the Economic and Social Council of the United Nations (UN).

LRWC is greatly concerned by allegations of unlawful use of force by the Royal Canadian Mounted Police (RCMP) against Wet'suwet'en people and their invitees during the enforcement of a court injunction in Wet'suwet'en territory in November 2021, including arrests of peaceful Indigenous land rights defenders and clearly-identified journalists. RCMP members reportedly used firearms and police dogs during the arrests.

LRWC calls for the removal of the RCMP from the Wet'suwet'en territory, and for prompt, impartial, independent and thorough investigation of allegations of unlawful use of force. We also call on the governments of Canada and British Columbia (BC) to ensure full and immediate compliance with the December 2019 Decision of the United Nations (UN) Committee to End Racial Discrimination (CERD), which calls on Canada to comply with its binding international human rights law obligations, to:

- “halt construction...of the Coastal Gas Link pipeline in the traditional and unceded lands of the Wet'suwet'en people,”
- “immediately cease forced eviction of...Wet'suwet'en peoples,”
- “guarantee that no force will be used against...Wet'suwet'en,” and,

- ensure that “the Royal Canadian Mounted Police and associated security and policing services will be withdrawn from their traditional lands.”

Instead of cooperating with the CERD, Canada and BC have ignored the Decision and continue to facilitate unlawful use of force to violate the fundamental rights and freedoms of Wet’suwet’en peoples and their invitees. Canadian and BC authorities have used permits, court injunctions, and police powers to override international human rights law and rule of law<sup>1</sup> principles.

The Wet’suwet’en People have the right to occupy their lands, to oppose environmental degradation and to engage in peaceful protests.

LRWC’s legal brief, entitled “[Canada's international human rights law obligations to suspend construction of the Coastal GasLink Pipeline and stop use of force against the Wet’suwet’en](#)”<sup>2</sup> (attached), explains the CERD’s decision and the applicable legal obligations of Canada and BC.

We call on the Attorney Generals of Canada and BC to immediately take all measures necessary to ensure compliance with the CERD’s Decision.

We look forward to your response.

Yours sincerely,

[signed]

Gail Davidson  
LRWC Research Director

[signed]

Catherine Morris  
LRWC Executive Director

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<sup>1</sup> United Nations, “What is the Rule of Law,” n.d., available at: <https://www.un.org/ruleoflaw/what-is-the-rule-of-law-archived/>.

<sup>2</sup> Lawyers’ Rights Watch Canada, “Canada’s international human rights law obligations to suspend construction of the Coastal GasLink Pipeline and stop use of force against the Wet’suwet’en.” Legal Brief. 17 March 2020, available at: <https://www.lrwc.org/canada-legal-brief-international-law-wetsuweten/> or [https://www.lrwc.org/wp-content/uploads/2020/03/LRWC.Legal\\_obligation.to\\_suspend.CoastalGasLink.17.03.20.F.pdf](https://www.lrwc.org/wp-content/uploads/2020/03/LRWC.Legal_obligation.to_suspend.CoastalGasLink.17.03.20.F.pdf).

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