



Class Action Suit Filed Against RCMP for Infringement of Constitutional Rights at Fairy Creek

March 9, 2023, Vancouver, BC – Territories of the x^wməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), Səlilwatał (Tseil-Waututh) Nations: A class action lawsuit was filed yesterday, March 8th, against the RCMP by two media professionals. They're seeking to hold the RCMP accountable for breaching their [Charter](#) rights, and the constitutional rights of hundreds of other individuals at Fairy Creek. The suit names the federal government and notes the Crown's liability for wrongful conduct by Members or Officers of the RCMP.

"Our case aims to demonstrate that in its enforcement of an injunction order, the RCMP infringed on the constitutional rights of members of the public at Fairy Creek—rights that are protected under Canada's [Charter](#) of Rights and Freedoms," says Halla Ahmed, an attorney at Branch MacMaster LLP.

The [Notice of Civil Claim](#) asserts that the RCMP exceeded its legal authority infringing on [Sections 2, 7, 8 and 9](#) of the Charter. The plaintiffs are represented by [Branch MacMaster LLP](#) and [Arvay Finlay LLP](#), law firms known for their work in class actions, constitutional, and public law.

Representative plaintiffs, Arvin Singh Dang, a professional photographer and teacher, and Kristy Morgan, a film producer, were asked to document at Fairy Creek when they and hundreds of others were subjected to unlawful tactics by the RCMP's [Community-Industry Response Group \(C-IRG\)](#).

The claim alleges that fundamental rights were breached, including freedom of the press, freedom of peaceful assembly, and the right to life, liberty and security of the person.

Mr. Dang, Ms. Morgan and others were targeted under the C-IRG unit's punitive exclusion zone policy where Mounties arbitrarily arrested, and detained peaceful members of the public and the media without just cause or reasonable grounds. In some cases, the excessive force resulted in serious injury.

The 26-page claim describes RCMP officers' use of a "catch-and-release" policy where hundreds of individuals who had not breached the injunction order were detained or arrested. Often, law-abiding citizens were held for extended and unreasonable lengths of time without charges being laid. Mounties did so in unsafe situations, or in areas far removed from Fairy Creek. It's believed that of the almost 1,200 arrests at Fairy Creek, most were released without charge.

The injunction order still in place prohibits certain actions within a designated area in Fairy Creek, but does not prohibit access to the entire area. Exclusion zones described as "large, militarized areas" were set up that denied the public access to areas within Fairy Creek. The RCMP is said to have arbitrarily and spontaneously expanded and moved exclusion zones resulting in people being forced, sometimes permanently, to abandon personal belongings, equipment and vehicles. On July 20, 2021, in response to RCMP's restriction of media access, Supreme Court [Justice Thompson said](#), "In short, these RCMP blockades are unlawful."

"We believe the BC Supreme Court [Injunction](#) intends to balance the interests of logging company, Teal Cedar, with the public's right to freely access roads and trails in Fairy Creek as they can in other areas of British Columbia. The public still maintains the right to assemble and engage in lawful protest, and the media has the right in Canada to document such events." says David Wu, an attorney at Arvay Finlay LLP.

The lawsuit will introduce evidence to support allegations that there were extensive infringements by the RCMP upon the rights of media and members of the public. Evidence will be introduced that attests to the police directing and authorizing the use of excessive force or violence, herding individuals into exclusion zones in the practice of "[kettling](#)," blocking access to forest services roads, preventing medical treatment, and indiscriminately using pepper spray on bystanders including removing COVID face masks to do so.

It is expected that many individuals who were impacted by RCMP conduct will be part of the proposed class action lawsuit. More information about the lawsuit is available [here](#).

"The RCMP has an opportunity to correct its course to ensure that its conduct aligns with the Canadian Charter and that unconstitutional policies are not used in the future," says Wu.

