



## Rainforest Flying Squad

CIVIL DISOBEDIENCE CAMPAIGN

2021

Handbook for  
Frontline Forest Protectors

## LAND ACKNOWLEDGEMENT

*We respectfully acknowledge that Indigenous peoples have carefully and successfully stewarded these sacred lands on unceded Pacheedaht territory since time immemorial.*

*We recognize the ecological destruction of the Ada'itsx/Fairy Creek watershed and all ancient/ ancestral forests as a form of colonial violence inseparable from the history of cultural genocide, assimilation and displacement from land, languages and traditional knowledge systems and which continues to threaten lands and waters and the web of life that has always sustained Indigenous peoples on these territories.*

*We are grateful as visitors here for the honour and welcoming to do this work on Pacheedaht territory and seek to do it with utmost respect for the land and all its relations, human and nonhuman.*

*Klecko! Klecko!*



## **A Letter From Bill Jones**

### **Hello all defenders of our sacred forests.**

I am an elder in the community of Pacheedaht. We all have a role and a part in this and we need to appreciate and honour our differences. Difference is a good thing. Different strategies are a good thing. People of all ages and genders and races and cultures and classes need to walk together in order to help heal the wounds of colonialism and environmental destruction.

*Get out to the woods.*

Talk to each other, listen to each other. If you feel like somebody is not honourable take the time to communicate directly with them and meet them face-to-face to discuss your concerns.

We must trust that people involved in this movement are taking time out of their short lives and doing their very best to make positive change in this world. If people are willing to put themselves in this vulnerable position - of standing on a logging road or speaking out on the internet about the damage to our mother earth and the destruction of our sacred places - then we must trust that although we might not always say the right things or walk the right path we still deserve to be treated with respect.

The Fairy Creek watershed is a sacred place for many reasons. I have many stories about this area, from my own experiences as a child and young man and also stories that were told to me by my elders. It breaks my heart in half when I see these last remaining stands being ravaged so a few people can have jobs for a few more months.

For any of you who are non-indigenous or do not identify with your indigeneity, do your best to follow the protocols of the land and culture where you live but also know that lifelong learning happens for everybody, in every culture. You will make mistakes, as we all do, and you, like myself, will continue to learn until the day you die.



For those of you who are indigenous, remember that there are many voices within our communities. There are many different priorities and many different paths to take. Some of us have committed our entire lives to upholding or reviving our cultures and traditions and some of us have not. Some of us came to that place early in life and some of us came to it late. We are men and women of all ages. Some of us live in cities, some of us live in the bush. Some of us live on reserves, and some of us live thousands of miles away from our homeland. We work in offices, we are loggers, we are miners, we are healthcare providers and teachers and students and activists. We, like everyone else, are wonderfully diverse.

These forests bring us the clean air that we need to breathe and the clean water that we need to drink and all the plants and animals that we need to sustain not only our bodies but also our spirits.

Be humble and remember why you have all crossed paths in the first place.

I'll say this again. Go for a walk in the woods.

Thank you all.



## **Statement of Purpose**

Thank you for your participation in this grassroots non-violent direct action campaign to protect endangered old-growth temperate rainforests on unceded Pacheedaht and Ditidaht territory.

We are currently holding down two blockade positions on logging roads leading to road incursions into the unlogged Ada'itsx/Fairy Creek watershed, the last unlogged watershed in the San Juan river system including adjacent old-growth forests. We also maintain several "satellite blockades" where we have successfully prevented further road-building into the last stands of ancient forest in the

Bugaboo creek watershed and adjacent to Eden Grove - all on TFL 46.

We have also recently set up watch stations in the Caycuse valley and Kaxi:ks/Central Walbran Valley to monitor and resist 13 approved cutblocks and 5 kms of road-building along the boundaries of Carmanah-Walbran Provincial Park. We are intent on shutting down the logging of ancient cedar forest in the northeast headwaters of the Walbran valley! We have a mobile frontline fleet of 5 camperized buses with wood heat, inreach communication devices, 1st Aid, cook stoves and chainsaws.

This grassroots movement is a necessary response to protect the last old-growth temperate rainforests on Vancouver island. These forests are currently facing piecemeal and near-total eradication by the British Columbia government and logging companies.

Thirty-two soccer fields per day of old-growth temperate rainforest, representing the last 1% of these rare, irreplaceable and internationally-significant forests are logged every day on Vancouver island, alone. In a downward spiralling climate and biodiversity crisis that threatens the future of all life on Earth - this situation calls for widespread non-violent civil disobedience. We are here for all future generations and life on Earth.

We are organized by 100% volunteer activism and spontaneous, community-driven mobilization. Hundreds of people are pulling

together in a variety of wonderful ways to defend the land, its ecosystems, web of life and climate future for all from the colonial/capitalist resource extractivist violence ~ known as industrial forestry.

These blockades have received an official welcome from Pacheedaht elder Bill Jones who is involved in the blockade camps. There has been no public statement for or against the blockades from the Pacheedaht Chief and council.

We have received widespread and supportive media coverage and a groundswell of public support. This reflects the growing societal consensus that it is time to protect these globally significant ancient forests ~ ONCE AND FOR ALL !

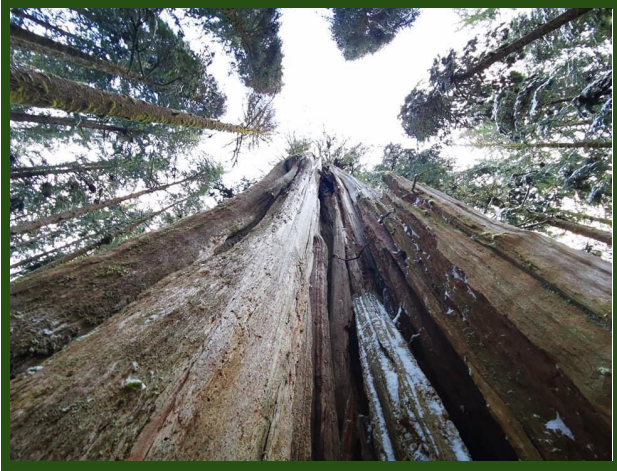
The government's recent announcement on the release of its Old-Growth Strategic Review has brought not even interim protection for the critical old-growth forest hotspots on south Vancouver island. This regrettably creates a situation where grassroots activists must tend blockades to win protection for these last ancient forest ecosystems and a just transition to sustainable forestry alternatives to continued old-growth logging.

## **The Rainforest Flying Squad is demanding that:**

- The government declares an immediate moratorium on all old growth logging, at least pending the delivery of its old-growth forest policy, expected in 2 years.
- The provincial government moves immediately on their 2020 election promise to implement the 14 recommendations of the Old-Growth Strategic Review.
- The government immediately shifts all forestry operations to sustainable management of the silvicultural land-base as a source of long-term employment in local and First Nations communities.

We support the September 2020 declaration of the Union of BC Indian Chiefs (UBCIC) that called on the government to help First Nations break free from the economic dependency on the

old-growth forest destruction of their traditional territories and which gave a shout-out to Fairy creek and our blockades.



## **Code of Conduct**

All who come into the Fairy Creek blockade and other Rainforest Flying Squad ancient forest protection camps must abide by this code of conduct:

- **This a settler and Indigenous blockade for ancient forest protection on unceded Pacheedaht territory.**

- **This is a peaceful, respectful blockade.** There is no tolerance for violent behavior, destruction of property, or acts of aggression towards anyone.
- **We respect elders and are quiet when they speak.** We are hospitable and caring toward elders and we honor them with our undivided attention.
- **We respect and acknowledge the inseparable relationship of the Pacheedaht First Nation and the land on which the blockades are located.**
- We expect visitors to the camps **to recognize and affirm the rights and title of Pacheedaht First Nation**, and to act with an appropriate level of respect.
- **We watch our language** while at camp.
- **We will not bring weapons** into the camp
- Consumption of **alcohol is discouraged.**
- **We uphold the values of unity and non-violence**  
Many people from diverse backgrounds, politics and levels of privilege find themselves on this frontline together. We strive to create a safe space for everyone, with unity in our common purpose, front and centre in our hearts and minds.

- **We seek to be mindful of** how our privilege, actions and attitudes can perpetuate relationships of class, gender, race/colonial, ableist and heterosexist oppression that may show up in our work and which we seek to unlearn as part of the challenge of healing our relationship to the Earth.
- **We take responsibility for our own needs.** This includes physical, spiritual, and mental with respect for collective well-being. Disrespectful and disruptive behaviour will not be tolerated.





## **COVID-19 PROTOCOLS**

### **RFFS COVID Safety Plan for mobile and stationary Protection Camps**

Pre-screening ~ Before you arrive

- Stay home if you have any reason to think you may have been recently exposed to COVID-19 or if you're exhibiting any symptoms of COVID-19.
- Familiarize yourself with and be prepared to follow the terms of this COVID safety plan.
- Ensure that you have pre-arranged a place to go (away from camp) if
- You need to leave camp due to possible exposure to or contraction of COVID-19.

RFFS has developed systems to allow for the operation of COVID-safe protection camps.

These guidelines are in accordance with public health guidelines and WCB policies relating to field work.

At camp you will either arrive and live exclusively with your own personal pod or you will be assigned to share space with a pod.

## **Pod Life**

- Everyone will come as a part of a pod or be assigned to a pod group of 2 - 4 people.
- If you are new to a pod you must be extremely diligent about physical distancing AND using PPE (as needed) for the first 10 days that you are onsite.
- Pods will share accommodations, including scheduled use of common living and kitchen space. Cleaning of shared spaces must be done after each use.
- When doing recon, pods will drive in the same vehicle
- Use only the accommodations assigned to your pod.
- Do not enter the accommodations of other pod

## **Camp Life**

- Outside of your pods, everyone must maintain physical distancing (2 meters)

- Socialising with other pods will only take place in outdoor spaces where physical distancing can be maintained.
- There will be one designated person in camp for doing town runs, ideally to Lake Cowichan about once a week.
- Wash your hands frequently, before and after meals, after using the washroom, transport, using tools etc.
- Cover your cough with a tissue or your elbow and wash your hands!
- Avoid touching your face
- Sanitize high touch items (phones, keys, etc.) regularly
- Don't share items with others, such as cigarettes, beverages, clothing etc.
- Read all signage and do not enter isolation areas.
- Monitor your health daily and report signs of illness to your pod. Leave camp as soon as possible if you are sick.

## **Vehicle Etiquette**

- Hand washing will take place before and after entering vehicles.
- Pods can travel in vehicles together.
- Masks will be worn in vehicles if 2 meter separation from others is not possible.
- No eating or drinking in vehicles.

If you develop symptoms of a respiratory infection, such as cough, fever, runny nose, or sore throat, self-isolate immediately and make arrangements to be transported from camp to a pre-arranged landing pad.



## Camp Guidelines and Procedures

At least one person must be awake before work hours on all days in order to greet industry or law enforcement. This person informs them that the blockade has been established to bring protection for the old-growth temperate rainforests of Fairy Creek and the last remaining 1% of old-growth forests on the island. Only people who have read the code of conduct and agreed to it can enter camp.

Prepare for a situation where company officials may be gathering intel and affidavit evidence on the blockade

If company officials are asking anyone \* especially on camera ~ a sign that they are preparing material to seek an injunction in court \* if they will let them go to work, access logs or machinery, it is best to be vague about your intentions. Do not reveal your identity. You are not legally required to provide identification unless you are being arrested or detained by police

Use positive language like: " We are here to ensure the ecosystems, life-forms and ecological services provided by this forest remain free of further harm" Please report signs that company officials are gathering photos and video footage to

[rain4estflyingsquad@gmail.com](mailto:rain4estflyingsquad@gmail.com)

- At least one person must be on the road at all times. Never leave the gate unattended. Be kind when you greet people, and make sure they put their info in the contact tracing clipboard. Remember to socially distance and be welcoming to everyone.
- Greeters, be kind! There is no need to meet visitors with hostility. Ask them if they've been here before. Remember, the only people we are stopping are loggers with machinery. Anyone else, including tree planters, hunters, fishers, hikers are free to pass by.
- Please arrive self-sufficient, with camping gear, food, drinking water or drinking water purification ( boiled water is an option) . Food-sharing does happen.

- These are COVID-compliant camps: Bring a mask, hand sanitizer and remember to observe 2 metre physical distancing from anyone outside of your social bubble  
OBSERVE CAMP COVID SAFTEY PLAN
- Read the binder. It contains the code of conduct, de-escalating conflict and other very useful blockade-related information.
- Keep camp clean! Leave behind a clean kitchen for the next person. Always use hand sanitizer before using the kitchen space and handling food safely. Pack it in, pack it out! If possible pack out extra
- Be bear smart. Never leave food or garbage unattended and put compost and dirty cans in fire barrels. Bins of food get locked up at night, either in a bear shed or someone's vehicle.
- Film and photograph everything (first get peoples' consent, of course), and send updates to the Fairy Creek Blockade facebook page.
- Help out around camp! When you arrive, ask to see if somebody may want a break from camp and ask if you can relieve them for a hike or a trip to town. Collect firewood and river water, manage waste and recycling, keep things clean and get involved in projects to help improve camp infrastructure. It takes a village to protect the ancient forests!



## **What To Bring to the Frontlines**

### **Clothing:**

Living rough in the ancient temperate rainforest, especially in the rainy season can be difficult and good quality rain gear, waterproof foot gear, thermal under layers of wool and polypropylene ( avoid cotton that sucks core heat from the body) are critical to being safe, comfortable and happy.

### **Shelter:**

The main base camp of the Fairy creek blockade has been developed with volunteer-built wood heated infrastructure including a wall tent and MASH-style tent, each with wood stoves and a heated bus, the latter which is mostly occupied by the camps' long-term residents who provide leadership on the ground. There

is a fully functional bear-proof covered kitchen arbour and communal kitchen facilities including pots and pans, propane burners and waste and recycling facilities, tool shed and hot water showers! Many camp volunteers are self-contained for shelter arriving in camperized vehicles. A volunteer can book you into one of the heated tents if needed. Tent/tarp camping spaces are available as are spaces for RVS. motorhomes, camper vans and tiny houses on trailers.

### **Food:**

Volunteers are encouraged to arrive as self-sufficient as possible with food, although food-sharing and communal meals are the norm and food supplies are provided on a need-basis when requested. It is up to you how much you feel compelled to share given dietary preferences/allergies/ food restrictions and covid concerns. Bear-proof food storage is available on site. We encourage volunteers to manage their own waste stream and pack it in and pack it out. Organic food wastes are typically fed to the campfire to eliminate bear attractants.

### **Musical instruments:**

Music is a big part of camp life, so please feel free to share your talents!



**Miscellaneous:**

Carpentry tools, battery chargers and inverters, though not necessary can be useful around camp. Video cameras, phones and drones are all useful technology for documenting and amplifying the natural beauty of the forest environment, logging destruction ( very boring!), frontline actions, interactions with law enforcement etc. It is important to respect security culture and ask consent before taking pictures of people. It is also a good idea to disable the fingerprint access to your phone to prevent cops from accessing your private information. Board games, literature, art supplies etc can help provide extra recreation and intellectual stimulation and keep cabin fever at bay!

BYOB ( Bring Your Own Banner)!

# **Legal information**

## **Civil Disobedience (CD) in response to a court injunction at Fairy Creek ancient forest frontline actions**

Tree Farm License (TFL) -holder Teal Cedar Ltd. has been granted a court injunction, effective March 4, 2021 to prevent any further interference with their logging and road-building activities on TFL 46, unceded Pacheedaht territory. In the case that an injunction is served on our camps it is important to be informed of the choices each individual has, the consequences for your actions and ways to keep resisting and even building our movement stronger once arrests start to happen.

### **What is a Court Injunction?**

Court injunctions have been described by the late Secwepemc leader as the "billy club of the colonial court system". A legal mechanism used against Indigenous and environmental/justice movements to enforce status quo power relationships in society and a return to business as usual and the flow of capitalist resource extraction.

In the current context of the Fairy Creek ancient forest blockades, it is an order from the BC Supreme Court court to uphold government-approved industrial logging and road-building activity by the logging company Teal Jones, who own the timber "harvesting rights" in the Tree Farm License (TFL) 46. They are pushing forward into the last remnants of ancient temperate rainforests on Pacheedaht territory. This is where we have been active in directly protecting the Fairy creek rainforest and nearby ancient forest groves over the past six months.

Before applying for an injunction, a plaintiff, the company, must gather evidence to be presented to the court that someone is deliberately obstructing its business interests. Those people are named as defendants in a civil claim along with "persons unknown and Jane and John Doe" . Jane and John Doe is anyone who at a later date may also interfere with the company's logging operations. This allows the company to seek financial damages from a defendant who may not have been present at the time of application for the injunction. This rarely happens and requires a long costly process of litigation and is not worth it unless the defendant is known to have large assets. Before the plaintiff applies for an injunction it may notify the named defendants through a notice of application delivered in person. An effort may be made to have the injunction set aside. It may be argued that an injunction to dismantle the camp(s) is a violation of the rights of

"protesters", the general public and First Nations to recreationally use public land.

In the injunction application, a company will go to court with evidence that their legal rights are being violated by frontline protests and will seek "legal remedy" in asking the Justice for an order from the court that upholds their rights to extract resources based on an argument that they are at greater risk of "harm" from the protests than the right to protest is from the activities of the company. The balance of harm argument is defined mostly in economic terms eg how much \$ will a company lose if they cannot exercise their "harvesting rights". Typically the judge will rule in favour of a "balance" of protecting the corporate interests and the right to protest. The terms of the injunction will often outline an area where protest is sanctioned by the court outside of a spatially-defined exclusion zone where protests are not allowed to occur without being in breach of the injunction and subject to arrest. Exclusion zones are often defined by their proximity to industrial equipment. The area of an 'exclusion zone' can include the location of base camp infrastructure if the company can successfully argue that the presence of the camp is itself an impediment to the company's logging and road-building activities.

The injunction outlines what protesters can and cannot do, can be and cannot be in relation to government approved logging and road-building activity. It details actions that are in breach of the

order eg "obstructing,impeding or in any way interfering work activity"; or even "aiding and abetting" others to do the same--that are arrestable, although it is rare that organizers have been arrested for the latter.

## **Civil disobedience (CD)**

The injunction is the document that empowers the RCMP to arrest land defenders who breach the terms of the court order. The court order must be either read out loud, copies handed out and/or posted visibly in the area so that people are well-aware of the terms of the injunction and can make a conscious choice of whether they will obey or disobey the court order. When people choose to disobey a court injunction on moral grounds, they are committing an act of civil disobedience and are arrested for contempt of court.

Contempt of court is a common law offence ( rather than a criminal code offence) that does not carry a criminal record, unless an arrestee is convicted of a criminal offence such as resisting arrest, assaulting a police officer or mischief in the process of being arrested. Maintaining calm, dignity and peacefulness and disciplined adherence to the campaign code of conduct is critical to avoiding extra charges and minimizing sentencing. Video footage of your arrest will be presented to the Justice ruling on your case.

The voluntary choice to engage in an act of civil disobedience with the consequence of being processed through the court and corrections system and facing sentencing by a judge is deeply personal and must come from a place of conscience and sense of civic duty to refuse to obey an unjust law or legal order that is being used to legalize, normalize and perpetuate systemic harm, violence or injustice.

There is a long and noble tradition around the world of civil disobedience amongst social and environmental justice movements: to abolish slavery, apartheid, legalize the vote for women, end war, resist colonialism, advocate for affordable housing, defend the natural world, nonhuman life and bring climate justice. Campaigns in the 90s to defend ancient temperate rainforests in the Walbran valley and Clayoquot Sound are the most local, relevant and recent examples.

The role of civil disobedience in bridging the gap between what is law and what is justice, at the very heart of the evolution of law, is widely recognized by the courts and influences sentencing positions. While acts of civil disobedience can often just slow down and not stop industrial activity at the point of destruction, they are often deeply empowering in overcoming fear in the face of bully tactics by the state to quell direct resistance; they garner media attention and have a galvanizing impact on others who will be inspired by the sacrifices that are made by frontline activists

getting arrested for defending ancient forests in a climate emergency and typically lead to the growth of the frontline movement.

## **Know and Stand Up for Your Rights**

Under the Canadian Charter of Rights and Freedoms, you have the right to occupy public space for protest; to retain a lawyer; to remain silent after being arrested; to be "free to go" if stopped by a police officer if you have not been detained or arrested (unless you are driving a vehicle). You are not legally obliged to provide the password to your phone while in custody. Disable the fingerprint access to your phone to ensure your privacy rights and prevent cops from getting access to your contacts and messaging history. If you are arrested or detained you must present identification. Avoid carrying anything that can be construed as a weapon at a CD protest.

### **What to expect if you are arrested for contempt of court?**

If you are arrested for contempt of court you will be either taken into custody at the nearest RCMP station or even 'processed' on site. You will be photographed, fingerprinted and asked to sign a promise to appear in court at a later date at which time your trial date will be set. You will also be required to sign an undertaking that outlines your release conditions that typically will require that

you agree to stay away from the active logging site where you were arrested or possibly any active logging site! You will then be immediately released, providing you have proof of ID on you. Breach of your conditions is a criminal charge, breach of undertaking, that will bring a warrant for your arrest. If you do not have ID you can be kept in custody until the police can ID you. If you choose to refuse signing an undertaking you will be brought into see a judge the next day and will be held in custody over the weekend if you are arrested on a Friday. Many arrestees have had charges dismissed when brought to court the next day(s).

Sentencing positions for contempt of court tend to increase as the civil disobedience campaign extends into time. The early arrestees are typically sentenced for civil contempt of court, which is the equivalent in severity to someone missing out on court-ordered child support payments and are prosecuted by the company's lawyers. Sentencing typically does not exceed a choice of a \$200-500 fine or 25 community service hours to a charity of your choice. As more and more people risk arrest in defiance of the court order and those actions are seen as a flouting of the authority of the court in a way that is "public, organized and sustained", arrestees will be handled under criminal contempt proceedings that typically get stiffer sentencing as time goes on as the court tries to use harsher penalties as a deterrent to further civil disobedience eg possibly ramping up the fines to \$ 500-1000 or 50-100-200 community service hours and up to a month of jail time or more (in



the most extreme circumstances of someone arrested late in the campaign when the sentencing bar was high and pushing a trial on a not-guilty plea).

## **Entering a plea**

Whether you choose to plead guilty or not-guilty will also influence the sentencing you receive. Typically those who plead guilty and take up less court time, tend to avoid jail sentences. Whereas those who choose to plead not-guilty will go to trial and are often given far stiffer sentencing, even up to two months in jail, sometimes under conditions of house arrest with electronic monitoring devices.

## **Strategy on the ground**

While it is every individual's choice how they respond to a court injunction served on camp, careful consideration must be given to the impact that arrests can have on the capacity to maintain a presence for sustained resistance on the ground eg it is wise that the main coordinators on the ground are not arrested early in the campaign if they are needed for their role in camp leadership and may not be able to return after being arrested.

## **Affinity groups**

It is important to properly support arrestees. It is best for arrestable actions to be carried out by affinity groups, people who know and trust one another, who can make good decisions under pressure and who operate as a unit with some members prepared to risk arrest and others in a variety of non-arrestable support roles including: jail support ( the folks who will make sure that when someone who is arrested, there is someone who is there at the cop shop ( if they are brought in and it is not a catch and release arrest) to pick them up and provide after care and deliver their belongings eg tent, clothing etc. Other key roles include: legal observer ( who records the arrest, the badge number of the arresting office and observes and records compliance to human rights and due process; police liaison ( who is the only person at the action who should be talking to cops); medic, media spokes and de-escalation.

## **Security culture**

Police and company officials will try and gather intel on frontline resistance movements. Except for police liaisons, do not talk to police or company officials and if you do just to be "friendly" avoid divulging the names or any information about other people in the movement or your involvement with it. This could be used to incriminate your allies!

## **Disclaimer**

This is not the advice or counsel of a lawyer. People with landed immigrant status and those that work with vulnerable populations should seek special advice from a lawyer before risking arrest

## **Enjoy !**

Serving the larger community of life from further ecological and climate collapse is an honour that uplifts the soul. Rejoice in the stand you are taking and the wonderful community of caring souls all pulling together for the last stands of ancient temperate rainforest and for future generations of all life.

# Injunction Protocol for Forest Defenders

abridged version

## DISCLAIMER

Please note that the following information is not provided by practicing lawyers and does not constitute legal advice. If you have further concerns, you are advised to seek proper legal advice from a practising lawyer.

## BEING SERVED AN INJUNCTION

Teal Cedar Products Ltd., of the Teal-Jones Group, may eventually apply for an *injunction* to remove any obstruction or interference with their logging and road-building operations and in the most extreme scenario to have our camps removed. We have retained a legal firm to provide representation at the court injunction hearing who will present evidence to the Court to challenge the application. Our legal team will present scientific evidence regarding the irreparable harm that would result if Fairy Creek and other remnant ancient forests face further road-building and clearcut logging; and to uphold the right to camp and protest on “Crown” land and as guests of Pacheedaht elder Bill Jones. Whatever the final court decision, our presentation will serve as a lasting public record of the proceeding.

Should an application for an injunction be granted and a related Court order be issued, you will want to know what your options are. The Fairy Creek legal and science team has prepared this Injunction Protocol for your general information and to help you prepare accordingly. The Protocol gives you information regarding:

1. What an injunction is;
2. Who to contact if and when you are presented or served with injunction proceedings or a related Court order; and
3. Your personal choices and the consequences of your own decisions on compliance with an injunction and related Court orders. Your personal decisions can have serious and life-long consequences. It is therefore critical that you have the key information so you can make your own informed decisions when the time comes.

## WHAT IS AN INJUNCTION?

An injunction is a court order that is intended to prevent one party from interfering with the legal rights and interests of another party. A party to an injunction may include an individual, a corporation, a government, or a First Nation. In order to prevent one party from interfering with the legal rights and interests of another, injunctions contain terms that prohibit particular conduct. For example, one of the terms in the Trans Mountain (a.k.a. “Kinder Morgan”) pipeline injunction is intended to prevent people from:

“physically obstructing, impeding or otherwise preventing access by Trans Mountain, its contractors, employees or agents, to, or work in, any of the sites or work areas set out...”

In addition to the above, the Trans Mountain injunction contains what is known as an enforcement clause. Most injunctions contain an enforcement clause, which provides police with the legal authority to arrest people who they have reasonable and probable grounds to believe have breached one of the terms of the injunction. However, in arresting people, police action must not constitute “misconduct” under Part 11 of British Columbia’s *Police Act*.

In the context of a resource extraction license, such as Teal Jones Group's license to log the Fairy Creek watershed, an injunction is part of a pending civil lawsuit. The process is as follows. First, the corporation, such as Teal Jones Group, files a civil claim against the parties (i.e. the "protesters") it alleges are interfering with its legal rights and interests. The corporation's civil lawsuit may include a claim for damages due to *interference with economic relations* or *interference with contractual relations*. Second, the corporation applies for an injunction to further prevent interference with its legal rights and interests while the civil lawsuit is being litigated. An injunction may be granted on a temporary or permanent basis. While an injunction is in place, the corporation can bring charges of *civil contempt of court* against people who breach one of the terms of the injunction.

The Fairy Creek legal team expects to have advance warning that an injunction has been applied for, or has been granted, or a related Court order issued. A Court order will state who is concerned by the order, where and to what it applies, as well as its duration. However, there is no guarantee that there will be advance warning. People served with an injunction may be located at the camps or elsewhere, and may be named or unnamed (ex. John Doe or Jane Doe) specifically as defendants.

## **COMPLIANCE AND OTHER ACTIONS**

Once a court injunction is received, due process must be followed to ensure that people on the blockades have been adequately notified of the terms of injunction so that they can make an informed choice of whether they will obey or disobey the terms of the injunction.

Compliance with an injunction, depending on the terms of the injunction could just look like standing aside when logging or road-building equipment and fallers and machine operators go to work; witnessing/recording and holding space while logging occurs or moving or vacating the camp and worse case scenario, possibly the removal of the camps and their assets/materials by participants in the movement by a stated deadline.

Your decision on compliance with an injunction and related Court orders is personal and entirely your own. The grassroots movement at large or its teams cannot and will not give instructions not to comply. Some named individuals may be required by the Court order to recommend or support compliance. It is however not for other participants in the grassroots movement to judge you and your personal reasons for your own decisions. It is for the Court to determine down the line whether you are complying or not according to the terms of a Court order.



If you decide personally out of freedom of conscience and belief not to comply with an injunction or the terms of a related Court order and to engage in civil disobedience, you will be held solely responsible for your own actions by the court, although you will be supported and are not alone. It is important to remain calm, peaceful and dignified through your arrest ( as per campaign code of conduct) as your conduct during your arrest will be videotaped and presented to the Justice and may bear on your sentencing. Legal aid may be available depending on the circumstance.

Contempt of court charges can be either civil or criminal contempt. Civil contempt of court is tantamount to an individual act of not complying with a court order e.g. making child support payments and is prosecuted by a private plaintiff in court.

Criminal contempt of court comes into play when groups of people are publically and flagrantly defying a court order, interpreted by the court as encouraging others to do so and is prosecuted by the Provincial Crown counsel. Typically, contempt of proceedings in civil disobedience campaigns begin with civil contempt charges and then are raised to criminal contempt charges as more people are arrested.

Though sentencing for criminal contempt of court can be more severe than civil contempt charges, especially as frontline civil

disobedience campaigns extend over time and the Justice seeks to use tougher penalties as a deterrent to further breaches of the court order including large fines ( most often with the option of community service hours) or even jail time, neither is a criminal code offense and therefore not subject to a criminal record. ( Please see links to legal resources below)

If you are charged with any indictable offence in connection to your defiance of an injunction or court order, such as acts of violence, you will be solely responsible for your own legal defense and related legal costs. Please note that if you are placed under arrest, you have the right to speak with a lawyer and can be provided with one if you are unable to afford your own (known as “duty counsel”). Visit the Legal Services Society for more information on [duty counsel lawyers for criminal matters](#).

Again, please note that the above is for general information purposes, does not constitute legal advice and cannot be used in legal proceedings. Please consult a lawyer if you have more specific concerns or need personal legal representation. You can contact Access Pro Bono's Lawyer Referral Service to be connected with a lawyer (1-800-663-1919) or, if you qualify, Legal Aid (1-866-577-2525).

If you have been served an injunction and would like to seek further information and advice, please contact:

Bobby Arbess 778-700-2602

Kathy Code: 250-418-5313

Saul Arbess 250-383-5878

<sup>1</sup>Excerpted from BC Civil Liberties Association, "Know Your Rights: Injunctions and Contempt of Court" by Dylan Mazur

# **Civil Disobedience in Response to a Court Injunction**

In the context of the ancient forest struggle, a court injunction is a legal order issued by the BC Supreme court to uphold a company's rights to government-approved logging and road-building in the last vestiges of ancient forest.. Those who do not comply with the court order may be arrested for contempt of court, a common law offence that is not under the Criminal code and does not result in a criminal record.

Here are the steps the companies, the court and RCMP take toward obtaining, serving and enforcing a court injunction:

1. Company gathers photographic and/or video evidence and documents from social media posts of infringements on their approved "harvesting" rights to present in court
2. Company lawyers prepare documents to present in court in an application for an injunction with known named defendants listed on a civil claim
3. Court issues a Notice of Application to known defendants of a date for an application for an injunction hearing, unless they apply for an ex parte injunction
4. Movement lawyers appear in court to challenge, set aside or modify the injunction being sought
5. Interim injunction is granted
6. Injunction, containing the enforcement order is served by a court process server by personal delivery to known defendants and people in

camps and posted in the vicinity of the camps, usually before the arrival of workers.

7. Prior to arrests of anyone choosing to disobey the injunction, workers and either the court process server and possibly RCMP will arrive together and the injunction must be read out loud and warning given to protectors who can freely choose to either obey or disobey the injunction.

8. People on the frontlines will have a clear and informed choice of whether to obey or disobey the court injunction and should be able to stay present on the frontlines to exercise their 'right to protest' if they stay within the spatial guidelines of the court order, visibly outlined often by flagging tape by RCMP.

9. Those who choose to disobey the court order and risk arrest because they cannot morally comply with a legal document that enables further destruction of the planet's ancient forests, will be arrested and receive support from the campaign

10. There could be a time delay between when the injunction is read and when it is enforced with arrests. Just being served or read an injunction does not put you at immediate risk of arrest, unless RCMP are present.

11. RCMP can enforce the injunction and make arrests at any time, which could vary by their availability to be on site.

12. People identified on company video footage being read the injunction and who are later identified by RCMP as not-complying may later be arrested, though this is less common and more difficult with COVID health orders around masking.

## **After you have been arrested:**

1. You will be handcuffed and brought into custody either at the nearest RCMP detachment or a nearby interim facility, where you will be required to provide ID, will be fingerprinted and photographed and required to sign a promise to appear in court and an undertaking stipulating your release conditions, which typically include not going back to the protest site, after which you will be released. If you don't have photo ID, you can be kept in custody until the police can identify you.
2. You have the right to remain silent and to speak with a lawyer, in privacy, to withhold password information to your phone.
3. You may choose to refuse to sign an undertaking for any reason and will be kept in custody until you can be brought before a judge, usually within 24 hours, unless it is a weekend or holiday. There is some precedent of charges being immediately dismissed by the judge at next day appearances ( with Indigenous arrestees) in absence of evidence, as a result of insufficient time for RCMP to prepare the documents.
4. Legal counsel may or may not be arranged by the campaign and you may be eligible for a legal aid lawyer to represent you in court. Self-representation is an option for people who want to take the time to learn how to do it. Resources for self-representation will be provided.
5. You will be given a date, time and place for at least a first appearance in court when you will be given a date to appear for a hearing, typically at the same time as fellow arrestees.

6. At your hearing you can choose between entering a guilty or a not-guilty plea, which will influence sentencing. Non-guilty pleas go to trial at a later date, often in an effort to have charges dropped on the grounds of climate necessity and Indigenous sovereignty cases where there is no precedent of winning in BC courts. Guilty pleas are not an admission of moral wrong-doing but an acknowledgment that you are aware that you defied a court order and are willing to accept the consequences for your actions. Guilty pleas typically receive lighter penalties. You will be allowed to speak to sentence to explain to the judge the motivations for your arguments, which may also bear on the sentencing.

7. Sentencing can vary from small fines and/or 25-50 community service hours to \$1000 fines and/or 200 community service hours and even up to 30 days of jail time with or without house arrest and electronic monitoring, depending on the plea and when you were arrested as under criminal contempt, Crown counsel will incrementally raise the sentencing position as a deterrent to further breaches of the court order.

## **Affinity Group Organizing and Autonomous Action**

Affinity group organizing allows for decentralized leadership and nimble mobilizing that relieves core campaign frontline organizers of the burden of coordinating a mass influx of un-organized people showing up at the frontlines unprepared, waiting for direction. Decentralized leadership also lessens the burden of risk on core campaign organizers who are often targeted by authorities seeking to isolate and neutralize perceived ring-leaders.

Affinity groups consist of at least 6 or 7 people who know and /or trust one another taking on different roles in action planning. These roles are:

**Arrestees:** Those who decide ahead of time that they will engage in action that is arrestable eg defying an unjust court injunction that favours corporate interest over endangered ecosystems

**Arrestee support:** Are the group members who ensure arrestees are looked after, have food, water, meds ( if needed); take care of their belongings and goes to the jail to wait until they are released from custody.

**Legal observers:** Record all interactions between police, company employees and land protectors. They record badge numbers of arresting officers, videotape arrests and take notes on any violations of civil liberties that they witness eg harassment, threats of violence, assault, intimidation They are often marked with an armband or hat and are at arm's length from the protesters. eg they do not chant, converse with protesters or carry signs.



**De-escalation:** People in this role use techniques to diffuse tension and prevent violence from erupting where there is confrontation and conflict.

**Police liaison:** The person in this role becomes the only person to speak directly with police and helps draw police away from vulnerable members of the action and deploys tactics to delay police action eg negotiating, consulting group members for consensus testing; asking for more time to deliver a message.

**Media/ communications person-** takes video footage of the action ( with consent of arrestees) and shares with media outlets and on social media; takes interviews or wrangles interview with arrestees.

**1st aid-** People in this role carry basic first aid supplies including milk to neutralize the sting of pepper spray.

**RFS may provide people in roles for autonomous actions where affinity groups are missing people for certain roles.**

**" Let your life be a friction in the machine" -Thoreau**



## **Fairy Creek/ ancient forest blockades chronology of events**

**August 1st, 2020:** Discovery of Stone Pacific ( subcontracting to Teal Jones) road construction cresting the Ridge into the unlogged Ada'itsx/ Fairy Creek headwaters

**August 9:** Grassroots activists from across Vancouver island meet at Lizard Lake and decide to erect an emergency logging road blockade at the end of Reid mainline, on a high ridge on the western side of Fairy Creek headwater, to prevent cutting, bulldozing and blasting activity into Fairy Creek the very next day. Notice is sent to Pacheedhat Chief and Council and Elder Bill

Jones of setter-activist intentions to block road-building operations on their unceded territory.

**August 10:** Ridge camp blockade turns away Stone Pacific road and falling crews. Call out to request people to attend camp to defend against logging road construction into the last unlogged watershed in the San Juan River system.

**August 17th:** 2nd blockade at River Camp is established at another road access point into Fairy Creek along Granite mainline in the Renfrew Creek watershed, on the east side of Fairy Creek.

**August 24th:** A temporary, pop-up blockade is set up on Braden Mainline aimed at halting road-building and logging of old-growth forests on Edinburgh mountain, across from Fairy Creek in the San Juan river basin.

**August 31st:** Ridge camp blockade is moved 7kms down the road to a new blockade location aimed at halting road-construction into Fairy Creek and logging of contiguous old-growth forest adjacent to the Fairy Creek watershed.

**September 4:** Pacheedaht elder Bill Jones releases an official letter of invitation to Indigenous and non-Indigenous forest defenders to unite on the territory to defend the old-growth rainforests on his ancestral lands. An Elder's tent is built at River Camp.

**September 6:** A caravan of Indigenous youth and elders, from many territories visit the blockades to further advise on appropriate respect protocols for forest defenders taking action on the land.

**September 22:** The blockade camp on Reid main is moved back to its original position at the top of the Ridge at the end of Reid main. More Pacheedaht community members visit the blockades.

**October 3:** Northview Timber pulls road-building machinery off the mountain, abandoning plans to push roads through into Fairy Creek, past Ridge Camp, until after winter. Ridge camp remains for monitoring. Winterization of River camp continues, including bear-proof communal kitchen shelter, wood-heated communal tents, tool shed and a hot water shower.

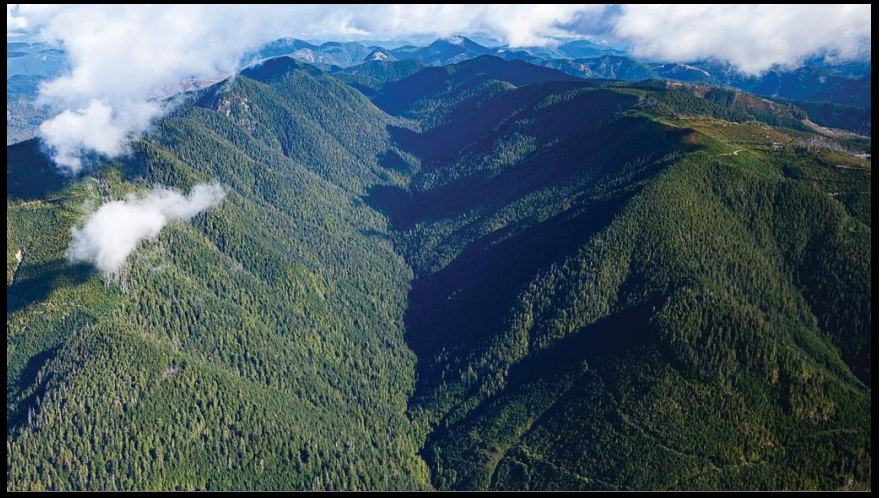
**October 22:** An exploratory trail is cut from the Ridge camp along the Ridge to a lookout point above Ada'itsx/Fairy Creek with a group of Indigenous youth.

**December 7:** Logging road blockade is established to prevent Stone Pacific road-building crews from pushing a 2.5 km road network through an Old-Growth Management Area (OGMA) in the Bugaboo Creek watershed, Three days later the company removed their equipment from the mountain.

**December 14:** Logging road blockades are set up at two more locations, preventing a back road access into the Bugaboo OGMA and a 1.5 km road into giant cedar and fir country south of Eden Grove, on Edinburgh mountain.

**January 11, 2021:** Kaxi:ks/Walbran Watch Station is established in the Central Walbran valley by Rainforest Flying Squad and Friends of Carmanah-Walbran to monitor and resist approved road-building and 13 cutblocks in the Central Walbran adjacent to Carmanah-Walbran Provincial Park

**February 19, 2020:** Teal Cedar serves notices of an application for an injunction on River and Eden ancient forest protection camps, indicating the arrival of a court injunction intended to break the blockades. RFS organizers prepare for a protracted civil disobedience campaign



Ada'istsx / Fairy Creek

photo: Shawna Knight - Dec. 29, 2020 - Vancouver Island

who stand long And a new day  
with laughter And the forests will  
echo dawn will  
forests will echo dawn

