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March 7, 2007

Condemnation of Supreme Court over continued use of Civil Injunctions

BC Supreme Court Justice Brenda Brown's 10 month jail sentence of 78 year old veteran environmental activist Betty Krawczyk on May 5, 2007 brings into question yet again the manner in which the Courts of British Columbia continue to deal with non-violent, peaceful protesters involved in obstructing government/corporate development projects.

Betty Krawczyk's crime was that she physically obstructed construction crews from beginning their task of destroying Eagleridge Bluffs. **We have laws in Canada to deal with such mischief.** Why do BC courts continue to avoid using the Criminal Code of Canada, the laws of this country, and instead rely on ad hoc rulings of individual judges? And why does Attorney General Wally Oppal, who represents the public on legal matters, remain silent on this issue?

BC is one of the few jurisdictions where injunctions are used routinely to control public protest over government sanctioned environmental destruction. This 'Made in BC' solution avoids peaceful resolution through mediation and avoids charges under the Criminal Code when dealing with unlawful activity. The avoidance of charges under the Criminal Code inevitably leads to much harsher sentencing as violations of court orders are seen by the judiciary as a direct attack on their authority. **This needs to stop!**

The Supreme Court of BC has recognised many times over that injunctions are powerful tools of the court that should only be used as a last resort measure when other statutory remedies have failed. Why then did Supreme Court Justice William Grist issue injunctive relief to Peter Kiewit & Sons at Eagleridge as a first line of defense against protesters? And why does 'irreparable harm' only pertain to financial loss of a corporation and not to the destruction of irreplaceable ecosystems?

Injunctions lead to contempt of court charges where protesters are denied the rights every other citizen is afforded under the Criminal Code. Police video tape confessions of protesters prior to arrest, documenting that each protester is knowingly violating a court order. Without the ability to defend ones actions in court, where is the need for a multi million dollar 'mock' trial?

Under no circumstances should our courts be incarcerating protesters who are involved in peaceful protest. If the Provincial Government and the Supreme Court of BC are intent on criminalizing public dissent, they should do so under the Criminal Code of Canada, not through the backdoor of civil injunctions. This approach is not only unjust, but clearly unacceptable in this age of climate change and rapid loss of biodiversity.

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Betty Krawczyk is a long serving BC environmentalist who has peacefully opposed the destruction of BC's old growth forests including those in Clayoquot Sound, and the Walbran and Elaho valleys. Last spring, Ms. Krawczyk, at 77 years of age, camped for 39 days in the wind and wet at the edge of the trans Canada highway to protest the destruction of Eagleridge Bluffs, a rare and sensitive ecosystem which included Canada's largest arbutus grove and a delicate wetland that nourished the plants and animals in the surrounding area. This destruction was part of the BC Governments commitment to widening the Sea to Sky Highway for the 2010 Winter Olympics. Other economically viable, less destructive options were available.

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