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*Wet'suwet'en Chief Dsta'hyl  
Declared First Amnesty International  
Prisoner of Conscience Held in Canada*

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### AMNESTY INTERNATIONAL

Human Rights News, 31 July 2024

<https://amnesty.ca/human-rights-news/first-amnesty-international-prisoner-of-conscience-held-in-canada/>



Photo courtesy of Chief Dsta'hyl.

**A**MNESTY INTERNATIONAL has made the unprecedented decision to designate Likhts'amisyu Clan Wing Chief Dsta'hyl of the Wet'suwet'en Nation as the first-ever designated Amnesty International prisoner of conscience in Canada.

Amnesty International considers a prisoner of conscience (POC) to be any person imprisoned or otherwise physically restricted (for example, through house arrest), solely because of their political, religious or other conscientiously held beliefs, their ethnic origin, sex, colour, language, national or social origin, socio-economic status, birth, sexual orientation,

gender identity or expression, or other status, and who has not used violence or advocated violence or hatred in the circumstances leading to their detention. When declaring a person a prisoner of conscience, Amnesty International demands the person's immediate and unconditional release.

- Learn more: Amnesty report tracks years-long campaign of criminalization, unlawful surveillance against Wet'suwet'en land defenders.<sup>1</sup>
- Take action: Tell BC to respect Indigenous rights on Wet'suwet'en territory.<sup>2</sup>

"The Canadian state has unjustly criminalized and confined Chief Dsta'hyl for defending the land and rights of the Wet'suwet'en people," Ana Piquer, Americas Director at Amnesty International, said on Wednesday. "As a result, Canada joins the shameful list of countries where prisoners of conscience remain under house arrest or behind bars. With the utmost respect for Chief Dsta'hyl's critical work to protect Wet'suwet'en land, rights and the environment we all depend on, Amnesty International demands his immediate and unconditional release and urges Canada to stop the criminalization of Wet'suwet'en and other Indigenous defenders during a global climate emergency."

"Indigenous Peoples are on the front lines of climate change and will face disproportionate harms if humanity fails to move on from burning fossil fuels," Piquer stressed. "States must hold up, not lock up, Indigenous land defenders like Chief Dsta'hyl and follow their lead towards a healthier, more sustainable future for all."

Amnesty International has documented the human rights violations experienced by Wet'suwet'en land defenders, including Chief Dsta'hyl, since 2020. Chief Dsta'hyl, also known as Adam Gagnon, is the first person to be sentenced, of four Wet'suwet'en and other Indigenous land defenders found guilty of criminal contempt for violating the terms of an unjust injunction order. The injunction prohibits land defenders from taking actions to defend Wet'suwet'en territory against construction of the Coastal GasLink (CGL) liquefied natural gas pipeline, even if these actions are protected under the human rights to freedom of expression and of peaceful assembly.

<sup>1</sup> <https://amnesty.ca/press-releases/wetsuweten-report-2023/>.

<sup>2</sup> <https://www.amnesty.org/en/petition/respect-indigenous-rights-on-wetsuweten-territory/>.

- Related: Amnesty International delegation attends trials of Wet'suwet'en land defenders.<sup>3</sup>

The British Columbia Supreme Court granted an injunction order at the request of CGL to prevent land defenders from taking actions to protect Wet'suwet'en territory against pipeline construction, which is being carried out without the Wet'suwet'en Hereditary Chiefs' free, prior and informed consent in violation of international law. In July 2024, Chief Dsta'hyl was sentenced to 60 days of house arrest on a conditional sentence order.

"I've been convicted for protecting our own land while Wet'suwet'en laws have been sidelined," Chief Dsta'hyl said Wednesday while serving house arrest at his home on Wet'suwet'en territory. "The end goal for us in this struggle is the recognition of Wet'suwet'en law in Canada, and it's unfortunate that the Crown is digging in their heels instead. This fight has been going on for 240 years. We have been incarcerated on the reserves where they have turned us into 'Status Indians.'<sup>4</sup> Now, we are all 'prisoners of conscience' because of what the colonizers have done to us."

David Matsinhe, director of Policy, Advocacy and Research at Amnesty International Canada's English-speaking section, said: "Canada's treatment of Chief Dsta'hyl and other land defenders of the Wet'suwet'en Nation is infuriating. The governments of BC and Canada have denied the Wet'suwet'en their right to free, prior, and informed consent to projects affecting their land. The Canadian state has violated their right to freedom of movement across their ancestral territory, threatened their traditional way of life, and imprisoned Chief Dsta'hyl for exercising his Indigenous and *Charter* rights. These injustices are painful echoes of Canada's tragic history of colonial violence against Indigenous Peoples."

AMNESTY INTERNATIONAL PRISONER-OF-CONSCIENCE  
DESIGNATION ANNOUNCED AMID DEVASTATING  
WILDFIRES IN CANADA, US

Amnesty International's declaration of Chief Dsta'hyl as a prisoner of conscience comes amid devastating wildfires in Alberta, California and elsewhere. And the announcement occurred less than two weeks after global average temperature reached new heights, leading scientists at

<sup>3</sup> <https://amnesty.ca/human-rights-news/delegation-attend-trials-wetsuweten-land-defenders/>

<sup>4</sup> [https://indigenousfoundations.arts.ubc.ca/indian\\_status/](https://indigenousfoundations.arts.ubc.ca/indian_status/)

the Copernicus Institute to declare 22 July 2024 the hottest day on record.<sup>5</sup>

Gabrielle Pauzé, Director of Operations for Amnistie internationale Canada francophone, added: “Chief Dsta’hyl has been convicted for peacefully protecting Wet’suwet’en territory against the construction of the Coastal GasLink pipeline. According to Amnesty International, he should not have been prosecuted in the first place. Indeed, taking peaceful action to defend unceded ancestral land should not be treated as a crime. It is important to remember that Indigenous People are defending natural ecosystems that lessen the impacts of climate change. It is certainly not productive, amid the present global climate crisis, to prosecute them for protecting those ecosystems.”

#### ADDITIONAL BACKGROUND

In December 2023, Amnesty International published the report *‘Removed from our land for defending it’: Criminalization, Intimidation and Harassment of Wet’suwet’en Land Defenders*.<sup>6</sup> The publication examines the human rights violations inflicted upon members of the Wet’suwet’en Nation and their supporters by the authorities of Canada and British Columbia; CGL Pipeline Ltd. and TC Energy, the corporations building a liquefied natural gas (LNG) pipeline through Wet’suwet’en territory; and Forsythe Security, a private security firm contracted by CGL Pipeline Ltd.

Based in part on witness testimony of four large-scale Royal Canadian Mounted Police (RCMP) raids on Wet’suwet’en territory marked by the unlawful use of force, the report finds that Wet’suwet’en land defenders and their supporters were arbitrarily detained for peacefully defending their land against the construction of the pipeline and exercising their Indigenous rights and their right of peaceful assembly. The rationale for the land defenders’ detentions was violating the injunction order (an order which Amnesty International has determined is not in conformity with international law and standards) which makes their detentions arbitrary.

In June and July 2022, the BC Prosecution Service (BCPS) decided to charge 20 land defenders with criminal contempt for allegedly disobeying the injunction order to stay away from pipeline construction sites. Seven of the 20 land defenders pleaded guilty because of restrictive bail

<sup>5</sup> <https://www.cbc.ca/news/science/hottest-day-record-july-22-1.7273673>.

<sup>6</sup> <https://www.amnesty.org/en/documents/amr20/7132/2023/en/>.

conditions, as well as the familial, psychological and financial impacts that the criminal trial process was having on them. Five others had the charges against them dropped.

Three other Indigenous land defenders that were found guilty of criminal contempt for violating the terms of the injunction are challenging this process and their trial will continue in September. Five Wet'suwet'en land defenders detained in March 2023 and charged with criminal contempt for allegedly violating the terms of the injunction are waiting for their trial dates to be set. Amnesty International will also consider designating them as prisoners of conscience if they are sentenced to prison or house arrest.

Amnesty International has called on the government of British Columbia to ensure the end of the criminalization of Wet'suwet'en and other Indigenous land defenders, including in the context of the CGL pipeline construction. Amnesty International opposes the expansion of all fossil fuel pipelines and related infrastructure.

Amnesty International's prisoner of conscience determination is based on the information available to Amnesty International regarding the circumstances leading to the person's detention. In naming a person as a prisoner of conscience, Amnesty International is affirming that this person must be immediately and unconditionally released but is not endorsing past or present views or conduct by them.