



# GITXSAN TREATY SOCIETY

FOR IMMEDIATE RELEASE

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## **Interim Capacity of GTS Confirmed Blockade Declared Illegal**

Gitksan Territories - A BC Supreme Court Judge has confirmed that the Gitksan Treaty Society Board of Directors is legally allowed to act on behalf of the GTS. Mr. Justice McEwan also stated once again the blockade of the GTS office in Hazelton is illegal and urged the RCMP to take steps to enforce an injunction against the blockade.

On April 3<sup>rd</sup>, the Gitksan Treaty Society appeared before Mr. Justice McEwan of the BC Supreme Court on an application related to its injunction that prohibits the ongoing blockade of the GTS's office in Hazelton. The GTS asked the court to revise a January 18, 2011 order of Mr. Justice Davies, which prevented the GTS from taking steps in court to enforce its injunction until the defendants' application to set aside that injunction was heard. The court granted the order sought by GTS.

During the course of the hearing, the defendants argued that the GTS did not have legal capacity to bring the application due to a Society Act compliance issue relating to the method of selecting its Board of Directors. Counsel for the defendants argued that Mr. Justice McEwan's reasons issued March 27, 2012 in the matter of *Re Gitksan Treaty Society and Section 85 of the Society Act* (the "**Petition Decision**") supported this proposition.

Mr. Justice McEwan stated that such an interpretation of the Petition Decision was plainly incorrect, and to the contrary, his Petition Decision implicitly recognized that the GTS's current Board of Directors has capacity (and ought) to continue to carry out all matters relating to the Petition Decision, including ancillary matters. McEwan J. rejected the notion that there was no Board of Directors, and said that he had designated the incumbent directors to carry out his directions for a resolution of the GTS's internal governance. McEwan J. also said the GTS had the right to bring the application before him, and more generally that the GTS has capacity to take the necessary legal steps to regain control of its office in the face of an illegal blockade.

McEwan J. also stated that the blockade of the GTS office is illegal; it is in breach of both the Criminal Code and the injunction obtained by the GTS. He strongly urged the blockaders to obey the law and exhorted the Royal Canadian Mounted Police to take steps to enforce it.

"It is unfortunate to see this continuation of Gitksan against Gitksan, in the European courts and in the community. Our Gitksan Ayookw (Laws) do not allow for personal interests over that of the nation," said Gwaans (Bev Clifton Percival), "I urge the protesters to look in their hearts and pursue the Gitksan way of settling disputes, not through the courts but by face to face dialogue."

The GTS remains committed to assisting the Simgiigyet in determining a Gitksan-based resolution to the method of director appointments that meets the formal requirements of the Society Act.

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