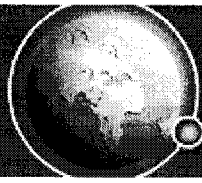


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Brantford turns to courts for help

Injunction bid targets native protesters

DANA BROWN
The Hamilton Spectator

MAY 23/08

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BRANTFORD -- A Brantford judge is expected to decide today whether to put the Canadian Forces on notice for what the city is calling an "inevitable and imminent" riot because of native protesters.

The City of Brantford is asking for an injunction to block protesters from several sites in the city, along with \$110 million in damages.

"Tensions in the city are mounting due to the increased frequency of, and sites affected by, the defendants' unlawful activities. A physical confrontation and disturbance of the peace or riot is inevitable and imminent," says a document filed by the city.

The document says the city's police force of 150 officers will "not be able to effectively protect public safety when the full scale disturbance or riot occurs."

The injunction names the Haudenosaunee Development Institute, Ruby and Floyd Montour, Charlie Green, Clive Garlow, Mary Green, David Martin, Aaron Detlor, Hazel Hill and persons unknown as defendants.

"We felt, as council, that we had no alternative," Brantford Mayor Mike Hancock said yesterday. "We tried going through other levels of government. We tried every action we could think of and the protests were going to carry on, apparently forever."

If granted, this would be the second injunction against Six Nations protesters in a week.

Last Friday, a Brantford court granted an injunction to Kingspan Insulated Panels Ltd. In an affidavit, company director and general manager Donal Curtin said prep work was supposed to start at the Northwest Industrial Park site in March, but could not because of the "conduct, interference, demands and threats of the defendant Haudenosaunee Development Institute and its agents."

In addition to the HDI, the Kingspan injunction names the Haudenosaunee Confederacy, the elected band council, Aaron Detlor, Hazel Hill, Ruby and Floyd Montour, and persons unknown.

The Kingspan land, purchased from the city in October 2007, was set to be the company's North American headquarters and house manufacturing facilities. In the affidavit, Curtin said the company would have to spend more than \$360,000 to get back on track after the delay.

"Each day that passes of an inability to access and use the Plaintiff's lands, Kingspan faces further financial loss and harm."

The Kingspan injunction orders the Ontario Provincial Police and Brantford police to make officers and equipment available to help the Brant County Sheriff enforce the order.

Brantford police said in a release that their response will "continue to reflect a carefully measured approach that balances the individuals' rights with the need to preserve the peace, protect the public and maintain officer safety."

Leroy Hill, secretary of Six Nations traditional Confederacy government, said he doesn't see the injunctions as a solution. "I think that it's just going to put pressure on the police again," he said. "The police are trying to keep the peace."

Two years ago, the OPP tried to enforce an injunction on the former Douglas Creek Estate lands in a failed pre-dawn raid. The result was a tense standoff that resulted in road blockades and sporadic clashes between Caledonia residents and Six Nations protesters.

The site was later bought by the province and the dispute remains unresolved today. Hill said he doesn't want to see a similar occurrence but warns "the possibility of that is very real."

Mayor Hancock says the city has taken everything into consideration but, in the end, action needed to be taken.

Last week, the city passed two bylaws aimed at curbing protesters and fee demands from the HDI, a body that is not legally recognized by the province.

Neither bylaw has been enforced yet, despite more protests since they were passed.

The Spectator was unable to reach HDI representatives yesterday for comment.

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