

Kitchenuhmaykoosib Inninuwig (Big Trout Lake) First Nation

Strange New Twist in Legal Battle Over Mining on First Nations' Land

Platinex Denies Asking Court to Jail First Nation's Leaders

For Immediate Release -February 28, 2008

Thunder Bay, ON – Chief Donnie Morris and five other leaders of the Kitchenuhmaykoosib Inninuwig (KI) First Nation were recently held in contempt of a court injunction which prohibits them from interfering with a mineral exploration program by Platinex Inc. on KI's territory.

In a strange development, Platinex released a statement on February 26 in which they deny seeking the incarceration of KI leaders:

"Platinex wishes to publicly confirm that Platinex, through its legal counsel's oral submissions, did not seek incarceration of the KI contemnors. Certain media reports, some of which appear on the KI website, have erroneously stated that Platinex requested the contemnors' incarceration. Indeed, the contemnors' counsel proposed incarceration, instead of monetary penalties, as the appropriate sentence for the contempt."

This claim is very odd since the court record clearly shows that lawyers for Platinex urged the court to jail KI's leaders. Here are excerpts from the transcript of the sentencing hearing on January 25 in Thunder Bay:

MR. SMITHEMAN (counsel for Platinex): These actions cry out for stiff sanctions by this court. These are serious, flagrant transgressions of the law by persons, from what I can see, who have shown no remorse. By their actions the contemnors deserve no quarter, no sympathy from this court.

....

We need a remedy. The easy remedy in this situation is an order for incarceration, and indeed an order for incarceration until the contemnors undertake to comply with this court order.

....

THE COURT: Well, thank you. Let me just ask you one question: you've made a reference to an order of incarceration to continue until such time as the contemnor has purged their contempt or at least indicated that they will comply with the order of the court.

MR. SMITHEMAN: Yes.

THE COURT: So are you looking at a range of six to nine months for everyone other than Enus McKay and Evelyn Quequish?

MR. SMITHEMAN: Yes.

The full transcript can be found at: <http://www.kitchenuhmaykoosib.com/id34.html>

In addition, lawyers for Platinex filed written submissions to the court in which they asked the court to jail KI's leaders. The Notice of Motion of Platinex can be found at: <http://www.kitchenuhmaykoosib.com/id36.html>. The factum (written argument) of Platinex can be found at: <http://www.kitchenuhmaykoosib.com/id37.html>

As recently as February 21 the lawyers for Platinex wrote to Justice Smith to provide him with precedents for jailing KI's leaders until they agree to end their opposition to Platinex's

exploration program. A copy of the February 21 letter can be seen at:
<http://www.kitchenuhmaykoosib.com/id38.html>

Chief Morris said: “We have no idea why Platinex is now denying that they want us in jail. We have read their submissions to the court and heard their lawyers in court on several occasions. Maybe they have a public relations problem, but they won’t fix that by trying to mislead people about what they are doing. They need to learn to be honest. Maybe they should come and spend some time with us.”

Chief Donnie Morris and five other members of the community will learn their fate on March 17. KI is located 600 km north of Thunder Bay.

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The March 17 court proceeding will be at the Superior Court of Justice, 277 Camelot Street in Thunder Bay at 10:00 a.m.

Links:

Kitchenuhmaykoosib Inninuwig Web Site: <http://www.kitchenuhmaykoosib.com>