



September 18, 2009

The Honourable Chris Bentley
Attorney General of Ontario
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON
M5G 2K1

Dear Hon. Minister Bentley,

A number of people are facing criminal charges for allegedly interfering with the construction at Site 41. We believe that it is not in the public interest for these prosecutions to continue, and request that the charges be withdrawn by the Crown.

The charges arose out of public protests against the construction at Site 41. The Site 41 project has been extremely controversial. Serious concerns have been raised about its environmental impact and its effect on the safety of the public water supply in the surrounding communities. The potentially affected indigenous communities were not properly consulted. Since the charges were laid, the municipal council has voted to suspend the construction due to the concerns raised by the protesters. It has also voted to withdraw the civil lawsuit that had been initiated against the protesters. However, since the OPP chose to lay criminal charges rather than merely seeking to enforce the civil injunction, the fact that the underlying civil dispute has now been resolved in the protesters' favour does not end the matter.

In our view, it would be contrary to the public interest to continue these prosecutions. The protests were peaceful, and the protesters were acting out of a sense of duty and responsibility to future generations, not for their own personal gain. Serious questions have been raised about the lawfulness of the Site 41 construction, which had not been properly approved by the municipal council. The municipal council has since recognized the validity of the protesters' concerns. The persons charged are generally law-abiding and well-respected members of their communities, and most are charged with mischief, a relatively minor offence. The fact that only the aboriginal protesters were charged with the more serious offence of 'intimidation' raises serious concerns of its own. We believe that continuing the prosecutions in these circumstances would be unfair to the individuals charged and would consume scarce prosecutorial and judicial resources that could better be used elsewhere.

Accordingly, I am writing to you to urge you to consider withdrawing these charges and discontinuing the prosecutions as contrary to the public interest.

Sincerely,

Maude Barlow
National Chairperson
Council of Canadians