

Journalist who entered Muskrat Falls with protesters to argue injunction



Protesters of the Muskrat Falls project gather on the steps of the Confederation Building in St. John's on Tuesday, Oct. 25, 2016. THE CANADIAN PRESS/ Paul Daly

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GOOSE BAY, N.L. -- A journalist who was ordered to appear in court over his presence at a Muskrat Falls protest says his lawyer has informed the court he will argue he shouldn't have been included in the injunction order.

Justin Brake of the online publication The Independent followed protesters when they broke through a gate at the site of the multibillion-dollar hydroelectric project in Labrador last month.

Brake has said he was reporting, not protesting -- and his case could set a dangerous precedent for reporters covering similar events across the country.

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He says in an email he made his first court appearance Tuesday to show cause why he shouldn't be held in contempt of court for refusing to abide by the injunction order issued by the Supreme Court of Newfoundland and Labrador on Oct. 16.

The email says his lawyer, Geoff Budden, advised the court that Brake would be arguing that Nalcor had failed to advise the court that he was a working journalist, and the order should be set aside.

Brake says Budden told the court any subsequent contempt hearing could be "lengthy," as defence would present evidence about the practice of journalism and the constitutional protections on freedom of expression.

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