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May 19th 2015



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

The Honourable Peter MacKay
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Re: IRSSA Disclosure Obligations in Bishop Horden and all Residential Schools

Dear Minister MacKay,

I write to you again regarding the ongoing failure of the Justice Department to meet its legal and professional obligations in the Independent Assessment Process, which puts the rights of survivors at risk. At issue is the government's legal obligation to seek out all documents relating to abuses and crimes committed against children at residential schools. We have seen how your officials failed in this duty to survivors of St. Anne's Residential school when they suppressed thousands of pages of police evidence relating to sexual and physical abuse committed at that institution. Justice Perrell's ruling found that your department's actions "*compromised the IAP and denied the claimant's access to justice.*"

We now learn that IAP claimants from Bishop Horden Residential School have had to seek redress from the courts over your department's alleged failure to undertake a proper search for documents that was part of your department's legal obligations, set out in the IRSSA and under standard legal practices.

We understand that several former students of Bishop Horden IRS in Moose Factory have stated that their supervisors were dismissed and/or some supervisors were charged by the police in the 1960's for having abused aboriginal children living there. It is my understanding that as part of the IRSSA's mandated search for records that the federal government did not search for any records outside of AANDC and Library and Archives Canada.

This means that departments such as Health Canada, the Department of Justice, and the RCMP, who were involved in the Residential schools, were never properly searched for relevant documents. While Library and Archives Canada and AANDC possess some of the other department's documentation, it is possible that they do not possess all pertinent records.

I am advised that the RCMP have released a report that they conducted a search of their records in Western and northern Canada, and they found that by accessing the microfiche of a division or detachment, patrol reports were found that pertained to abuse to IRS children. The report is *The Role of the Royal Canadian Mounted Police During the Indian Residential School System*¹ by Marcel Eugene-Lebeuf, PhD released in October 2011.

The government has an obligation to seek out this evidence. If these documents indeed exist and are under government control the federal government would then be obligated to disclose such documents in the IAP

¹ <http://www.scribd.com/doc/70900214/Indian-Residential-Schools-system#scribd>.

process and to the TRC. Under the IRSSA, Appendix VIII, page 30, the federal government has a legal duty to "search for and collect" documents and to provide reports about each Indian Residential School (IRS), the perpetrators and the claimants. Documents pertaining to abuse of IRS children are key documents to be disclosed not only for the IAP, but also to the Truth and Reconciliation Commission.

The result of a failure to properly search for all documentation as required by the IRSSA could lead to the presentation of false POI reports or false narratives and the failure to provide evidence that would support a Survivor's claims, which, in turn potentially lead to inappropriate rulings that deny Claimants justice and re-victimizes them.

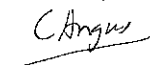
Your officials have been made aware of the likely existence of these documents and yet have apparently not made moves to ensure full due diligence is done with regards to seeking them out. This has placed the burden on the claimants. And yet your department's response in its court filings appears to argue that these claimants do not have standing before the courts to argue their case. In fact, your department has taken the position that the legitimacy of the IRSSA is "jeopardized by the spurious allegations put forward by applicants counsel."

I think a fairer reading of the situation is that the pattern of obstruction by justice department officials in the case of St. Anne's evidence has led to a lack of trust in the willingness of your department to live up to its legal obligations under the IRSSA. This has put the onus on marginalized claimants to file complaints before the courts.

These filings suggest that your department has failed to meet its legal obligations to seek out documents relating to criminal abuse against children. If true, I ask how can the government guarantee that it has met its legal obligations to produce all relevant documentation when it did not even search for them in the key departments whose activities overlapped with Indian Residential Schools?

It is incumbent on you to prove that your department has the necessary competency and independence to administer the IAP process and to ensure the claims for sexual and severe physical abuse are justly and fairly adjudicated in accordance with the law. I look forward to hearing how you believe we can rectify these matters moving forward.

Sincerely,



Charlie Angus

MP Timmins-James Bay

cc: Chief Adjudicator Daniel Shapiro
Zeynep Onen, Law Society of Upper Canada
Mayo Moran, Chair of IAP Oversight Committee
Justice Murray Sinclair, Truth and Reconciliation Commission
Deputy Grand Chief Alvin Fiddler, Nishnawbe Aski Nation
Edmund Metatawabin, Peetabeck Keway Keykaywin Association
Grand Chief Stan Louttit, Mushkegowuk Council
Chief Rex Knaypaysweet, Fort Albany First Nation
Chief Theresa Spence, Attawapiskat First Nation
Chief Derek Stephen, Kashechewan First Nation
Chief Edmund Hunter, Peawanuck First Nation
Chief Norm Hardisty, Moose Cree First Nation
Peter Grant Chair of the IAP's National Administration Committee
Ian Pitfield Independent Special Advisor