Larry Philip Fontaine et al.

Plaintiffs

-and-

The Attorney General of Canada et al.

Defendants

REQUEST FOR DIRECTIONS OF MUSHKEGOWUCK COUNCIL SUPPLEMENTARY AFFIDAVIT OF EDMUND METATAWABIN APRIL 26, 2016

I, Edmund Metatawabin, residing at 77 River Road, in the First Nation of Fort Albany, province of Ontario, do hereby solemnly declare that;

- 1. I am the former Chief of the Fort Albany First Nation (1988 1998); co-chair of Keykaywin Conference (1992); former Negotiator for Peetabeck Keway Keykaywin (St. Anne's Residential School Survivors) Association (PKKA) during the Alternative Dispute Resolution Pilot Process (2000 2004); and presently Coordinator and Spokesperson for PKKA; under mandate from Mushkegowuk Council by Resolution dated October 22, 2015.
- 2. From 1992 until the end of the police investigation and criminal trials, I was one of the leaders in the region calling upon previous child-inmates of St. Anne's Residential School, to go forward and provide his/her story to the Ontario Provincial Police for justice.
- 3. The Alternative Dispute Resolution (ADR) Pilot Process, involving the previous child-inmates of St. Anne's Residential School, was the preferred option of the Mushkegowuk Elders, who acted as Guides and Advisors for the Board Members (Of PKKA). The advice of the Elders was always to seek negotiation as the first step.
- 4. The Alternative Dispute Resolution Pilot Process involving St. Anne's Residential School was one of ten Pilot ADR Projects in Canada, funded (limited) by Indian and Northern Affairs Canada (INAC), now called Aboriginal Affairs.
- 5. As PKKA Negotiator, I was assisted by Ms. Mary Ann Nakogee Davis from Attawapiskat First Nation who was the past Coordinator of PKKA's St. Anne's Residential School

Conference and Reunion held in Fort Albany, 1992; PKKA received legal advice and representation from Mr. Roger Tucker of Ottawa for the ADR Pilot;

- 6. The Institutional Participants during the ADR Pilot Process consisted of:
 - a. Mr. Jim Leising, General Counsel, Department of Justice, Canada and Ms. Marilyn Watters, Negotiator Canada (INAC);
 - b. Mr. Ronald Caza, of Nelligan Power, represented the Catholic Church, and he was accompanied in our meetings by Father Jacques Gagne and Father Jacques L'Heureux. St. Anne's Residential School had been staffed by Les Soeurs de la Charite d'Ottawa and Les Missionaires Oblats de Marie Immaculee (OMI).
 - c. Mr. Stephen Smart, of Osler, Hoskin and Harcourt, Ontario Negotiator;
- 7. The Board Membership of Peetabeck Keway Keykaywin Association (PKKA) is: Mr. Andrew Wesley, Chair; Mr. James Carpenter (Elder), Mr. Greg Spence, Mr. Leo Loone, one vacancy.
- 8. The process started with Mary Anne Nakogee Davis and myself flying to Toronto for an initial meeting. The core group of people who gave their stories at the Keykaywin Conference were within the group that we spoke for. In the Toronto meeting, we had to provide enough evidence of abuse to convince Justice Canada that ADR was needed, so we gave details.
- 9. We convinced the lawyers in Justice Canada that serious abuse had happened, such that ADR could happen.
- 10. Next, the Institutional Participants attended in Fort Albany in about 2000.
- 11. Next, we met in Timmins and presented the names of about 100 former students as sample victims at the school. The Institutional Participants were given details of the abuse, including rape and killing.
- 12. There were more meetings over the next few years. I believe the Institutional Participants were preparing their defences.
- 13. The Institutional Participants came back with an offer for about 30 students that was rejected by PKKA. They would not pay for any sexual abuse, saying there was no way to prove it except through a live witness.
- 14. I had believed that the people, who had given their statements to the police, would automatically follow into the IAP process. Survivors spoke to the police, as the justice system. It was the duty of the justice system and government, to involve whatever parties and federal officials were necessary, to address the things that flow as a result of the abuse

that had happened. I thought the written information had already gone to the Attorney General of Canada and to the Prime Minister, when we were given an apology by the Prime Minister.

- 15. Only in 2013 was I told by Fay Brunning, that none of the earlier documentation created by the justice system (police, criminal proceedings) had never been brought forward into the IAP process.
- 16. I have been asked by some survivors why they had to sign their name to more documents, when he/she had already signed a statement to the police. I believe that some survivors are still waiting for his/her IAP hearing.

I swear and affirm that the above and foregoing representations are true and correct to the best of my information, knowledge and belief.

Sworn before me in Fort Albany First Nation

In Fort Albany First Nation on April 26, 2016.

Commissioner for Taking Oaths

Elder Edmund Metatawabin

For Chief Andrew Solomon,

Fort Albany First Nation

Edmund Metatawabin