

# MUSHKEGOWUK COUNCIL

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August 15<sup>th</sup>, 2016

Via Email

Attawapiskat  
First Nation

The Honourable Mr. Justice Perell  
Ontario Superior Court of Justice  
c/o Mr. Brian Gover  
Stockwoods LLP  
TD North Tower  
77 King Street West, Suite 4130, Toronto-Dominion Centre  
Toronto, Ontario M5K 1H1

Kashechewan  
First Nation

Your Honour:

Fort Albany  
First Nation

**Re: *Fontaine v. The Attorney General of Canada*  
RFD of Mushkegowuk Council for IAP claimants from St. Anne's IRS**

Moose Cree  
First Nation

We are in receipt of your two decisions dated July 5, 2016.

Taykwa Tagamou  
Nation

You have noted in your decision pertaining to St. Anne's IRS that Mushkegowuk Council seeks court orders to rectify disclosure problems and that we supported the preliminary requests of H-15019 for evidence to be filed. The RFD is adjourned for H-15019 and he is being sent back for a confidential Re-Review on Canada's promise to produce the additional evidence. However, you have not given any direction as to the next steps for the RFD for Mushkegowuk Council.

Chapleau Cree  
First Nation

Mushkegowuk Council and PKKA hereby request directions as to the next step for adjudication of our RFD. It is important to the St. Anne's survivors that the IAP has been corrupted by Canada's non-disclosure of thousands of documents about abuse of children in its possession---documents created by the operations of the justice system in Ontario from 1992 to 2005. We ask the Court to investigate and determine whether there was breach of contract with respect to these documents not being disclosed until late in the IAP process, and to outline the process by which survivors who have or potentially have suffered a miscarriages of justice will be identified and their cases rectified. We seek enforcement of Article 8 of the IRSSA to provide sufficient funding and programs for mental health support.

Missanabie Cree  
First Nation

We have appeared before this Honourable Court numerous times, to communicate that St. Anne's IAP claimants have been suffering in this IAP process. Individual IAP claimants like H-15019 each went into his/her hearing without any of the evidence of hundreds of other St. Anne's survivors who gave their testimony to the police or the justice system.




We ask the Court to direct the Chief Adjudicator and Secretariat staff to implement a process to find and to notify those St. Anne's IAP claimants who have potentially suffered miscarriages of justice. The IAP process is confidential and their identity is to remain confidential, which we must respect. Mushkegowuk Council and PKKA do not have any resources to find the people who have been violated by the non-disclosure. The onus should not be on individual IAP claimants to know about this non-disclosure of documents and the complex legal issues surrounding non-disclosure.

Once the IAP is shut down, if these questions remain unanswered and people have suffered deliberate miscarriages of justice, but the justice system turned its head, the IAP will be another example that aboriginal Canadians cannot count on the law. Federal officials will never be called upon to answer for their violation of the rights of aboriginal Canadians.

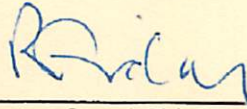
After the appearance on May 11, 2016, the Chief Adjudicator wrote to the Deputy Minister of Health Canada about Article 8 of the IRSSA for our region. We asked to be involved. We have never received the courtesy of a reply. Is that part of the Court's direction in our RFD? Are we entitled to see the reports of Health Canada and will the Court be asked to review this issue?

We have suffered enough as children. We cooperated with the justice system. We want justice now.

Yours truly,



Edmund Metatawabin, PKKA



Deputy Grand Chief Rebecca Friday

Cc. Michael Swinwood, Lawyer for K-10106  
Fay Brunning, Lawyer for H-15019  
Chief Adjudicator, Dan Shapiro  
Catherine Coughlan, Department of Justice Canada