



Nishnawbe Aski Nation

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March 24, 2014

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

Dear Minister MacKay,

Re: The impact of Justice Perrell's court ruling on all of the Residential School IAP Processes

This past December I attended the Ontario Superior Court Hearing regarding the decision by your officials to suppress thousands of pages of evidence of crimes committed against children at St. Anne's Residential School. While I am dismayed by the actions of your officials, I welcome Justice Perrell's court ruling that pointed out that the legal rights of the St. Anne survivors had been compromised by the behavior of your government.

Further, I am pleased that Justice Perrell ruled that Canada must produce all documents to the IAP including: a) OPP documents in its possession; b) transcripts of civil proceedings involving allegations of abuse; c) any other relevant documents to comply with a proper reading and interpretation of its disclosure obligations under the IRSSA.

Notably, in submissions on the order, Canada argued that this ruling should be explicitly limited to documents related to St. Anne's. However it is clear the judge did not include that limitation in the final order. The Judge adopted the wording suggested by the AFN, Truth and Reconciliation Commission, and St. Anne's survivors requesting the disclosure of documents relating to *all* other IRS schools across Canada. In Point 6(c) The Court Order states: "*THIS COURT ORDERS that Canada shall by June 30, 2014, produce for the IAP: (c) any other relevant and non-privileged documents in the possession of Canada to comply with the proper reading and interpretation of Canada's disclosure obligations under Appendix VIII;*"

It would be odd if the government singled out the survivors of St. Anne's when it came to the decision to withhold documents. Therefore the question that needs to be answered is whether or not the government is in possession of other relevant documents relating to crimes and abuse at other residential schools.

For example, the Law Commission of Canada published a report on institutional child abuse in 1999 that identified a number of criminal prosecutions related to child abuse at institutions, including a number of residential schools. Did Canada collect all of these documents when it was preparing its defense against civil claims and class actions?

In 1996 Leonard Hands, a former Anglican Priest, pled guilty to 19 counts of sexual assault of young boys at the Pelican **Lake** Indian Residential School near Sioux Lookout Ontario. Are records relating to these crimes in the possession of Canada and have they been produced for the IAP?

Justice Perrell's court order requires that all documents to defend against civil claims should be disclosed, not only those pertaining to St. Anne's. Despite the government's continuing obligation to disclose, your department has given no indication about whether it intends to follow the court-mandated order to produce documents relating to other schools.

Your department has shown bad faith to the survivors of St. Anne's. Given the court ruling of Justice Perrell the onus is clearly on the government to show that it will remediate this breach of legal duty which is why I am requesting information regarding other relevant documents that would be covered by this ruling. Failing to follow the court-mandated order to disclose documents to additional IRS schools will further undermine the legitimacy of the government's historic apology.

We are asking that the Department of Justice follow its court-mandated obligation and produce a list of the documents in their possession relating to all IRS schools across the country. Furthermore, we ask that the department give a clear and definitive answer as to when they will disclose these additional documents as mandated by the court.

Yours truly,
NISHNAWBE ASKI NATION



Alvin Fiddler
Deputy Grand Chief

cc *Mushkegowuk Council Chiefs*
Grand Chief Stan Louttit
NAN Executive Council
Edmund Metatawabin
Charlie Angus, MP, Timmins James Bay
Dan Shapiro, Chief Adjudicator, Indian Residential Schools Adjudication Secretariat
Rodger Linka, Deputy Chief Adjudicator, Indian Residential Schools Adjudication Secretariat
Justice Murray Sinclair, Truth and Reconciliation Commission
Chris D. Lewis, Commissioner, Ontario Provincial Police
Jean Crowder, NDP, Aboriginal Affairs Critic
Carolyn Bennett, LIB, Aboriginal Affairs Critic
David A. Thomas, Crown Attorney, Cochrane South (Timmins)