



# MUSHKEGOWUK COUNCIL

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## Mushkegowuk Council 30<sup>th</sup> Annual Mamowihitowin

## Resolution No. 2015-10-22

### St. Anne' IRS Survivors - Assurance of Non-Violation of IAP Process

Attawapiskat  
First Nation

**Moved by:**  
Chief Andrew Solomon  
Fort Albany First Nation

Kashechewan  
First Nation

**Seconded by:**  
Chief Keeter Corston  
Chapleau Cree First Nation

Fort Albany  
First Nation

**WHEREAS** on December 15<sup>th</sup>, 2006, a Judgment Order was issued in Canada for settlement of a national class action law suit against the Federal Government and churches to recognize and compensate former students of Indian Residential Schools (IRS) in Canada;

Moose Cree  
First Nation

**AND WHEREAS** the majority of members of the First Nations that comprise Mushkegowuk Council who are age 45 and older, are survivors of various IRS that operated in the James Bay region, such as St Anne's Residential School in Fort Albany; some members have made IAP claims under the class action settlement for sexual and/or physical abuse while he/she was a child attending St. Anne's IRS;

Taykwa Tagamou  
Nation

**Carried**

Chapleau Cree  
First Nation

Certified copy of a resolution passed  
on October 22<sup>nd</sup>, 2015

Missanabie Cree  
First Nation

**AND WHEREAS** since at least 1992, ongoing efforts were made by members under the leadership of former Chief Edmund Metatawabin, to culturally, medically and legally address the widespread sexual and physical abuse of children who were forced to attend at St. Anne's IRS, which operated next to Fort Albany First Nation. The path for justice included the Keykaywin Conference in Fort Albany First Nation in 1992, a special investigation by the Ontario Provincial Police (OPP) from 1992 to 1997, criminal charges and

Jonathan Solomon, Grand Chief

October 22<sup>nd</sup>, 2015  
Missanabie Cree First Nation

trials against some of the former supervisors who were still alive from 1997 to 1999; and civil actions out of Cochrane, Ontario from 2000 to 2005.

**AND WHEREAS** the Federal Government had been permitted by Court Order in August 2003, to review the OPP investigation documents and to make copies of documents about abuse to St. Anne's former students, plus the Federal Government obtained copies of public criminal proceedings against former supervisors of St. Anne's;

**AND WHEREAS** it has come to the attention of the Mushkegowuk Council, including through Ms. Fay Brunning , a lawyer for a number of members who have made IAP claims, that the Federal Government was proceeding with IAP hearings without the proper disclosure of evidence about abuse at St. Anne's IRS, and decisions had been rendered by adjudicators without the benefit of the evidentiary disclosure;

**AND WHEREAS** because of this failure by the Federal Government to provide disclosure from 2007 until now under the IAP process, some IAP claimants of St Anne's Indian Residential School have had his/her IAP claim dismissed or received an inferior award because of this Non –disclosure by the Federal Government

**WHEREAS** Ms. Brunning will be advancing a Request for Direction to the Court for a re-hearing, wherein the claimant has been denied any compensation whatsoever for sexual abuse by a priest known to be a serial sexual abuser, and whom the Federal Government lawyers have been arguing had not been at St Anne's Residential

School during the relevant time, but the disclosure ordered by the Federal Government as a result of the Court Order of Justice Perrell dated January 14, 2014 proves otherwise.

**AND WHEREAS** Edmund Metatawabin who is the representative of PKKA , an organization that represents the non legally represented claimants and who has assisted in the Requests for Directions of the Court would be the appropriate person to speak to the Court on behalf of Mushkegowuk Tribunal Council to inform the Court of the injustices that continue to be happening in the IAP process as it relates to the survivors of St Anne's Residential School.

**THEREFORE BE IT RESOLVED THAT:**

- 1) Mushkegowuk Council supports a Request for Directions and resolves as follows:
  - a) to request that former Chief Edmund Metatawabin bring forward a Request for Directions to the Court on behalf of the former students of St. Anne's IRS concurrent with the Request for Directions being brought by Fay Brunning for re-hearing; and
  - b) to ask the Court directly for the real remedies that are needed, to ensure this IAP process respects the legal rights and provides justice to each former student of St. Anne's, based upon the proper documentary record, including the following:
    1. Suspend the release, under

the settlement agreement, to be given to the Federal Government and Catholic Entities that ran St. Anne's IRS until the following steps are done;

- a. Provide funding to PKKA organization that represents the survivors of St Anne's for salary for two full time staff, travel and operating expenses until completion of all St. Anne's claims;
- b. Appoint a short list of competent IAP lawyers to handle all IAP claims for St. Anne's IAP claimants on the full documentary record;
- c. Each approved lawyer will be given all the St. Anne's documents plus narrative and perpetrator reports and source documents (only blacked out as per the recent order of the Courts);
- d. The approved lawyers will be reimbursed travel expenses to attend in the region, conduct public information meetings and outline generally the re-hearing process;
- e. Have every IAP claim (already heard and not yet heard) from St. Anne's reviewed;
- f. Have notice given to each IAP claimant that his/her

rights to documentation was violated by federal government and Catholic Church;

- g. Each former student will be allowed up to \$2,500 plus HST to consult a lawyer and each former student will be allowed to decide whether to seek a re-hearing;
- h. If a re-hearing is being sought by the former student of St. Anne's, the Secretariat should set up a process to make an application to the Judge for a re-hearing, to do so in writing only with full confidentiality protection;
- i. Extend the deadline date for filing an IAP claim arising out of St. Anne's IRS, to those people who gave a signed statement to the police but did not file an IAP claim:
- j. Contact be made, with the assistance of PKKA, with every former student who provided a signed statement to the OPP in the 1990's (or the estates of anyone who died after May 2005) to advise him/her to seek legal counsel about a possible IAP claim. Provide \$2,500 plus HST to a lawyer to provide independent legal advice to that former student (or their estate).

- k. Prohibit the involvements of Department of Justice lawyers and the current lawyers for the Catholic entities, from all future St. Anne's IAP claims and have the Attorney General of Canada appoint new outside lawyers to participate in the IAP hearings for all St. Anne's claims.
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- 2. Alternatively, to allow a class action against the Department of Justice Lawyers and the lawyers for the Catholic entities that ran St. Anne's for negligence, and interference with the justice system.