

CLOSING WRITTEN SUBMISSIONS OF FAMILIES FOR JUSTICE

PART I – OVERVIEW

1. Canada will honour the loss of Indigenous women, girls, two spirit and trans individuals by ensuring that not another life is lost. That is the single most important way to honour them. They will be honoured when the violence stops. They will be honoured when there are no more missing and when there are no more murdered. They will be honoured when traditions are restored, when women are empowered, when communities are built up, when children are embraced, raised with their language, with their ability to go between one world and another, and when we honour the two row path.

2. The second way to honour the loved ones lost is to take meaningful and practical action: find the missing, solve the unsolved cases and reopen cases to determine whether racial bias negatively impacted the investigation and to investigate. That is the second way to honour them.

3. The third way to honour the Indigenous women and girls who have gone is for this National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) to acknowledge and account for its failings. It must do so. It must do so because its failings meant that it lost an opportunity to use this inquiry as a galvanizing event for Canadians to understand that colonialism and racism put Indigenous women and girls at risk. For this reason, Families for Justice will identify numerous failings of the inquiry as part of its submissions.

4. Families for Justice will argue that Canada and institutions holding power in Canada have failed to implement hundreds of recommendations from dozens of reports. It is time for power to be put in the hands of families to allow them to gather, to heal and to hold institutions to account. Our recommendations will be directed at empowering families.

5. Further, it is imperative that the inquiry carefully examine the family testimony and develop the countless recommendations made by people directly affected by this national crisis. Families need to know that their loved one did not die in vain. The death or the disappearance has to have meaning. For everyone who came before this inquiry to tell their truth, that truth has to have meaning. Those stories have to ground the final report. The tears that were cried have to have a purpose. People who testified gave themselves to the inquiry completely and at great personal cost. That must have meaning. Their stories must be at the centre of the work as it crafts its final work.

6. Families for Justice submits that the archival piece of the inquiry's work is critical to future generations. In order to ensure the integrity of its work, it needs a reputable coalition of community leaders, academics, research institutions to oversee the ethical collection and storing of its data. The members of our group are concerned that a Bay Street law firm is engaged in analyzing the data and the submissions.

7. Finally, the National Inquiry must report to the public but also to families in a trauma informed fashion. Families have been waiting to hear what will come of their testimony. The National Inquiry must ensure clear communications with family members as it winds up its work.

PART II - FAMILIES FOR JUSTICE

8. The Families for Justice Group is a group made up of the members of 20 families who were directly affected by the loss of a family member, either missing or murdered. Many of the families are directly affected by their loss as well as by the actions or inactions of the authorities. In some cases, the actions of the local police force or lack thereof of any actions or investigation are of concern. In a number of cases, the investigations have not brought the desired results of finding their loved one or solving the crime which took their lives. In other cases, racism and the

historical oppression of Indigenous people left their loved ones more vulnerable. What all of the families have in common is the lives of their loved ones were dramatically changed or cut short, either by crime or unknown causes, and families have been left bereft at their loss and who, often after many years, have been left with no effective mechanism to address their loss, to obtain information about their loved ones from the police or the different government agencies and levels of jurisdiction involved in their cases.

9. In 1972, 19-year-old Audrey Anderson was found dead at the side of the road. Her niece, Jolene Banning helped her family seek answers in Audrey's death.

10. In February 1982, Danielle Ewenin's sister, Eleanore "Laney" Theresa Ewenin, was ejected from a vehicle and died from exposure on the outskirts of Calgary.

11. In November 1991, Silas Blackned's mother, Rose-Ann Blackned, went missing. She was banished from her community after going after her sexual abuser with a butter knife: removed from her house while kneading her bannock. That banishment took her to Val- d'Or where she was beaten to death and found frozen. She left two boys, Silas and his brother, who were five and two at the time that she died. On January 28th, 2017, 26 years after her death, the family found out the truth of what had happened to their mother, their sister, their daughter. That case was reopened and closed again.

12. On August 24, 1994, Sonya Nadine Mae Cywink went missing from London, Ontario. Six days later, on August 30, 1994, she was found dead with obvious signs of trauma, on the Southwold Earthworks in Elgin County in the Province of Ontario. Sonya was pregnant when she was murdered. There was an extensive investigation but no one was charged in her death. Sonya's family, including Maggie, her brother Alex, her sister Anastasia, her late sister Anna Marie, her sister Naomi, her brothers-in-law Tom and Ozzie, nephews, Scott, Jordie, Lee, Wyatt, Len and Mark are all looking for answers. Maggie also mourns Melissa Maureen Nicholson, who was the

daughter of her common-law spouse, a spouse she had for five years, who was found murdered at age 16 in Shawanigan Lake, BC on June 11, 1991.

13. On October 5, 2001, Bridget Tolley's mother, Gladys, who was an Algonquin Great Grandmother from Kitigan Zibi Anishinabeg First Nation, was struck and killed by a Sûreté du Québec police cruiser when she was walking along Highway 105. No charges were ever laid. The case was ripe with police conflict, conflict of the investigating officer who was related to the officer driving the cruiser. For 17 years, she sought answers.¹

14. On December 14, 2003, 15 years ago, Vanessa Brousseau's only sibling and sister, Pamela Jane Holopainen of Shumacher, Ontario, went missing. She was last seen in Timmins after a house party. She was 22 years old. Pamela and Vanessa's grandfather were from Sanikiluaq on the Belcher Islands. He was given a number by the government. He suffered many of the indignities that others have: getting tuberculosis and being sent far away to home. His daughter, Holly, Vanessa, and Pamela's mother was 14 when she was sent to boarding school in Timmins. She became pregnant and had Vanessa and Pamela. Pamela's case remains under investigation of the South Porcupine Division of the Ontario Provincial Police. The family, having inquired of all of the other family members whether they had seen Pamela, informed the local police that their loved one had not been seen for days, and they were concerned for her. They informed the police that there was a history of domestic violence, that she had two children, that she would never leave her children who ended up in foster care. "She was probably out drinking, she'd come home in a few days," so they said. After a few months, the family were called in by the police for an interview and were shown nude photos. They suggested that Pamela was a prostitute in Hamilton, Ontario. This was not believed. She would not leave her children. Her case was turned over to the OPP a full year later and remains unsolved.

¹ Families for Justice Rule 33 application, December 14, 2018

15. On December 9, 2004, Marie Burke's daughter, Maggie Lea Burke, was last seen leaving her residence in Edmonton, Alberta to meet a friend. She was 21 years at the time of her disappearance. Maggie Burke was the first missing and murdered Indigenous woman's case publicized by the RCMP on October 8, 2015 during a national 10-day social media campaign. The RCMP stated that it was "coincidental" how their news conference was scheduled one day after the national public Inquiry into Missing and Murdered Indigenous Women was announced. "Please help us find Maggie. She's missed and loved," her family pleads.

16. On February 11, 2007, Diane Bigeagle's daughter, Danita Faith Bigeagle, was seen for the last time in Regina, Saskatchewan. She was a mother of two children, Cassidy and Talon. She was 22 years old. The Regina Police Service Cold Cases Unit handles her missing person's case. Danita's mother, Diane, raises her grandchildren. She no longer communicates with the investigators.

17. On April 26, 2008, Tashina Cheyenne Vaughn General, the daughter of Denise General of the Cayuga Nation, Wolf Clan, Six Nations of the Grand River Territory, was murdered along with her unborn child, Tucker. Her body was found at Six Nations near Chiefswood Road and Indian Line, Ontario. She was 21 years of age.

18. In the summer of 2009, Judith Evelyn Anderson's sister, Shelley May Anderson, was last seen in Haileybury and Cobalt, both towns in Ontario. Shelley May was 51 years old when she vanished. She was not reported missing until July 23, 2010 when an employee of the Ontario Disability Support Program got in touch with the OPP, reporting that support cheques had been returned without being cashed for more than a year.

19. On September 3, 2010, Patricia Sturgeon-Gliddy was killed. Her sister, Charlotte Murray testified at the Inquiry in Thunder Bay in 2017. Because they were related by custom, she was not considered a victim under the Victim Assistance

Program and so was not consulted during the trial.

20. In 2011, Linda John's daughter, Helyna Lynn Rivera, Turtle Clan, Mohawk of Six Nations was murdered in Buffalo, New York. She was 25. Her four young children became orphans when their father fatally shot Helyna four times in a last violent act against her. He was sentenced to 25 years to prison by an Erie County Court.

21. On July 30, 2011, Roberta Dawn McIvor (predeceased by her three sons) was killed in Sandy Bay First Nation. She was 34. Roberta was asleep in her car when two teens, then 17 and 15, stole her car, leading to her gruesome death for which the teens were sentenced. Her cousin, Alaya McIvor, spoke about her cousin and the senseless loss of her life. Alaya also testified eloquently at the inquiry about her experiences as a survivor of human trafficking, laying out the bear, raw truth of that existence, grounding the work that would later come, on the expert and institutional hearings on sexual violence and human trafficking.

22. On July 20, 2013, Billy Joe Laboucan and Annette McLean's daughter, Bella Nancy Marie Laboucan-McLean, from Sturgeon Lake Cree Nation, fell 31 stories to her death from a downtown Toronto condominium. She was 25. The Cree woman from Northern Alberta had moved to the city and was very excited about her work. Bella had just graduated from Humber College in fashion design. Toronto Police say they do not have enough evidence to prove whether or not the case is a homicide, but there are no leads to pursue. Their investigation remains open.

23. In 2013, Maxine Goforth's daughter, Kelly Nicole Allison Goforth of Regina, mother of a baby boy, was murdered in Regina. She was 21. A 32-year-old man was charged with second degree murder in connection with her death. Many people have celebrated Kelly's life. Maxine has been caring for her grandson since her daughter's death. Kelly's son has been sleeping with a blanket with Kelly's face on it every night, saying, "That's my mommy, that's my angel." Maxine also mourns Baby

June. Baby June was a 4-year-old child who was in care, whose mother was trying to get her back to the family, but then she was given to other people who were thought worthy to raise her. Instead, they locked her in a closet and starved her to death.

24. On April 20, 2014, Laura Lynn Ochoo's mother, Elsie Marie Ochoo, died in Muskowekwan First Nation, Saskatchewan. She was 63.

25. On February 28, 2016, Anida Ross's daughter, Delaine Corinna Copenace, one of the very first stories you heard in Thunder Bay, was reported missing in Kenora, Ontario. She was a 16-year-old girl. After a highly publicized search and 22 days of looking, her body was found in Lake of the Woods, steps from the police station in a place that had been searched many times. The Office of the Chief Coroner of Ontario determined that there was no foul play. A regional coroner overturned the decision and said the investigation was not complete. Her mother, Anida, does not have answers. She believes Delaine was murdered and that the authorities have it wrong.

26. Elwood Ashawasega is the son and brother seeking justice for the loss of his mother and his sister. Mother, Shirley Caroline Ashawasega and Caroline Dawn Ashawasega.

27. Michelle Robinson is a daughter and community member who honours her living mother, Mary Anne Elliott and speaks for Janet Squirrel, 26-year old, mother of three, whose body was found in the basement of a Whitmore -- Whitmire Bay, Calgary home, northeast end where she was staying with her boyfriend who pleaded guilty to manslaughter. She most recently gave her statement.

28. Staci Duchene, a Haudenosaunee woman, is seeking justice for all missing and murdered and her sister, Edna Jansen.

29. These are the Families for Justice who, together, have been without their loved ones and their unborn children for a collective total of 377 years: 377 years of loss, of absence. Some of these families told the inquiry their truth. Some of these families declined to engage with the inquiry because process did not appear to serve families.

PART III – PRE-INQUIRY PHASE

A. Non-Government Work

30. The call for a national inquiry began years before the Government of Canada announced it on December 8, 2015 and established the National Inquiry established by The Order-in-Council dated August 5, 2016. Women walked across Canada for an inquiry. Many individuals and organizations contributed to the advocacy which ultimately lead to the National Inquiry.

31. In advance of these developments, on July 31, 2015, the Public Interest Law Centre released a report it prepared for the Assembly of Manitoba Chiefs. The report *Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls* set out a detailed and constructive framework for exploring solutions around the national crisis: families first. That work and the recommendations therein continue be strong recommendations for engaging with families and for moving forward.

32. In 2016, the *Canadian Journal of Public Health* published an editorial on working with families to prepare them for the National Inquiry. It identified four key bundles of unmet health, social service, and support needs that ideally would be addressed before Inquiry testimonials and media coverage begin. These include:

- i. Adequate counselling, mental health, trauma recovery, and addictions services for families;
- ii. Community-led, trauma-informed and culturally-safe response teams to deal acutely with victims, families and perpetrators;

- iii. Community-led social safety nets for families;
- iv. Locally-tailored resource packages for families and service providers.²

B. Government Pre-Inquiry Design Process

33. The government spearheaded a pre-inquiry design process to inform itself in the design of a meaningful inquiry.³ Three federal ministers: Minister of Indigenous and Northern Affairs, Carolyn Bennett; Minister of Justice and Attorney General of Canada, Jody Wilson-Raybould; and Minister of Status of Women, Patty Hajdu, led the process. Indigenous and Northern Affairs Canada (INAC) provided organizational and logistical support to the operations of the pre-inquiry design process.

34. Eighteen pre-Inquiry design meetings were held across the country between December 11, 2015 and February 15, 2016. Families received little notice of the meetings. Those who attended were not afforded a meaningful opportunity to speak, often less than five minutes. At the conclusion of the meetings, the Government issued a pre-inquiry design process summary on August 3, 2016 in which the Government made the following pledge:

As the Government of Canada, we share the commitment to making sure the Inquiry gets all of this right, for the spirits and the memory of those we have lost, and to help prevent more tragedies.⁴

35. A major theme permeating all of the pre-inquiry design meetings was that family members, loved ones, extended family and survivors were listed as top participants in the inquiry, together with youth, two spirit individuals, grass-roots organizations Indigenous organizations and communities, provinces and territories,

² Janet Smylie and Magen Cywink, "Missing and murdered Indigenous women: Working with families to prepare for the National Inquiry" *Canadian Journal of Public Health*, VOL. 107, NO. 4-5, 2016 e343 (Rule 33 Submission)

³ The following information is taken from the Government of Canada website at <https://www.rcaanc-cirnac.gc.ca/eng/1449240082445/1534527468971>

⁴ Pre-inquiry design process summary, August 3, 2016

front-line organizations, service providers, as well as government, police, and others.

36. The January 7 and 8, 2016 meeting in Yellowknife focused on the representation of the families, including the creation **of a parents' committee**.

37. Participants in the January 10 and 11, 2016 session in Whitehorse stated the importance of making sure that families, loved ones and survivors are involved throughout the design of the inquiry and that their ongoing care and support will be essential. Similar suggestions were made in the January 12-13, 2016 session in Vancouver, including the need to create a safe and welcoming place for families to share their stories, confidentiality, accessible spaces, sufficient resourcing and financial support to enable participation, including for elders, and multiple and **low barrier ways** to submit views and recommendations.

38. In addition to the above, the January 19 to 20, 2016 meetings in Halifax, NS, suggested that sufficient notice be provided to families to prepare themselves, and “support families before, during and after the Inquiry is concluded with mental health support, financial support, childcare support, language and translation support, physical and cognitive disability support; consider vicarious trauma and pain of hearing other families' stories over and over again, provide financial support and compensation for lost work days.”

39. The January 20-21, 2016 sessions in Quebec again stressed the importance of involving survivors, families and loved ones. To make this possible, participants said the inquiry must ensure that participants are “guided throughout the process and are given enough time to prepare” and that “the inquiry should allow families and loved ones to achieve some level of closure. This would involve investigating further unsolved cases of missing and murdered Indigenous women and girls. ... The lack of information that several families experienced was mentioned and improvements in communication between families and authorities was proposed as a key recommendation.”

40. To this the participants in the January 21-22, 2016 meetings in Montreal added that financial compensation be provided for testimony, “including for loss of working days and childcare, provide families with legal support and hold debrief sessions at the end of each day to allow people to decompress, understand that every story is important and needs to be respected.”

41. The inquiry design meeting in February 4-5, 2016 in Toronto, Ontario recommended that the inquiry set up “a **family advisory board** to provide ongoing advice to the leaders of the inquiry”, as well as “provide full financial support to extended families so that they can take part in the Inquiry, ensure arrangements (travel, meals, agendas, and physical set-up),... provide child care support for families, make available trained health support workers from Indigenous communities, ... compensate family members who appear as subject-matter experts for the time away from work.”

42. An earlier meeting, on December 16, 2015, in Ottawa also suggested establishing a **family advisory committee**, attached to the inquiry structure, to work directly with families and represent them and commented on the “need for the inquiry to be conducted in an open and transparent manner.”

43. Inquiry design meeting in February 9-10, 2016 in Saskatoon, Saskatchewan specified that the inquiry ought to “avoid re-victimizing families again”, “diversify outreach so that the inquiry does not rely on contact online as a first point of contact with community members; an advance team needs to go and first speak to explain process, and then bring the invitation to participate,... have a lawyer or advocate appointed to help the families understand the judicial and other processes.”

44. The concluding Ottawa meeting held on February 14-15, 2016, was the final engagement meeting with family members, loved ones and survivors. They recommended: be flexible, meaningful and respectful, “don’t rush, do this right”. They urged to re-visit **cold cases with updated technology and resources**.

45. The first meeting on December 11, 2015 in Ottawa also suggested that the “Inquiry should investigate further the cases of missing and murdered Indigenous women and girls. This should include **a review of closed cases.**”

46. The importance of providing appropriate resources and support to families and loved ones was evident throughout all of the pre-inquiry design meetings. The supports were noted to include: “financial support for survivors, families and loved ones to attend and/or participate in the inquiry; health supports before, during and after the inquiry - being mindful of potential for re-traumatization, ..., linguistic and legal support.”⁵

47. Further, it was identified that, “supports be provided to participants (health, linguistic, social and cultural) and ensure that family and loved ones have sufficient time to prepare and hold preparation and debriefing sessions with participants to help them throughout the process; ensure that traditional and non-traditional support is provided, including the presence of spiritual healers and Elders; create and maintain a safe space for all with particular attention to those who will be sharing their stories for the first time”.⁶

48. Following a pre-inquiry session, Maggie Cywink, sent her recommendations to INAC. They are set out here as Appendix “A”.

49. On August 5, 2016, the Government of Canada established the inquiry by Order in Council.

C. Inquiry Press Conference

50. The announcement was followed by relative silence. On February 7, 2017, the

⁵ December 16, 2015 pre inquiry meeting, Ottawa, Ontario

⁶ January 6, 2016 pre-inquiry design meeting in Thunder Bay, Ontario

Commissioners held a press conference with then Lead Commission Counsel Susan Vella. At that time, the Commissioners acknowledged the frustration of families and survivors who were waiting to hear from the Commissioners. The National Inquiry advised the public that the health team was establishing health supports, the research team was reviewing existing research and identifying areas for new research. The legal team was developing rules for the standing and hearing process. All of the work was to be done applying words of “DO NOT HARM”.⁷

51. The Chief Commissioner identified that they intended to proceed in a “legally sound manner”. The logistics team, the public was advised, was ensuring that the National Inquiry would be welcomed to hold hearings in their communities, ensuring the necessary equipment and aiming to start hearings in the Spring.

52. The National Inquiry suggested that community relations team would be reaching out to survivors to tell them of the many ways (hearings, statement takers) by which they could participate and through a website and social media. The National Inquiry suggested that they did not have lists of families and that it would be a voluntary choice whether to participate and how.

53. Further preparatory steps were identified including:

- communications and community relations team learning ceremonies and languages and protocols;
- reviewing the pre-inquiry reports and taking lessons from them including transparency, preparation and the importance of including families.

54. The Commissioners promised that they would find the truth, honour the truth and give life to the truth through its recommendations. The process, it also promised would be trauma informed. It would empower, promote hope and lead to meaningful change.

⁷ Commissioners, statement at February 7, 2017 press-conference

55. The Commissioners identified that they would soon have their first hearings followed by institutional and government hearings in the Fall of 2017. The Commissioners recognized that Indigenous communities had gone through emotional proceedings and that that they intended to respect community protocols regarding invitations and welcoming. They committed to do no further harm.

56. Regarding policing, the inquiry identified that it would be conducting a forensic file review, would encourage participation but noted that it possessed the power to summons documents if necessary.

57. With respect to the LGBTQ2ST communities, the National Inquiry stated that they were engaging in this dialogue and invited people to tell stories out the community. The inquiry was designing a process that “respects safety, privacy and emotional well-being”.

PART IV - INQUIRY’S FIRST YEAR

A. Applications for Standing

58. Applications for standing were due in April, 2017, later extended to May, 2017. In the information posted on its website, the Inquiry told families that they did not need to apply for standing. It stated that they would be witnesses.⁸ The Inquiry did not advise the families that, if granted standing, they could also apply to have funding for counsel thereby having access to a lawyer. None of the families in the Families for Justice understood, until speaking with a lawyer, that key difference between standing and being a witness in that standing could enable participatory rights and funding for legal counsel. It is clear that many families would have benefitted from having standing in the proceeding and to have the assistance of counsel to help them participate in the process. The inquiry ultimately granted

⁸ The current website does not appear to post either this information or the MP3 recording but it was appended to Families for Justice original application for standing.

standing to between 50 to 80 parties with standing with no reasons.

B. The First Open Letter

59. On May 15, 2017, a number of individuals and organizations wrote, with heavy hearts, to the Chief Commissioner with concerns regarding the progress of the inquiry.⁹ The letter expressed “[w]e are deeply concerned with the continued lack of communication that is causing anxiety, frustration, confusion, and disappointment in this long-awaited process” echoing the calls of other organizations including the MMIWG Coalitions in Manitoba and British Columbia. The letter called for a recognition that the time for the inquiry was too short and called upon the Commissioners to seek an extension then, and not to wait. The National Inquiry did not make its extension request until March 8, 2018. (The inquiry would only make public then a proposed work plan).

60. The first open letter posed a number of questions including questions about supports for families. It asked, will there be lawyers for families? Will there be and how will there be traditional healing supports? The open letter was necessary because after months and months of waiting, and promises, families and survivors were still in the dark and there was no one to answer their questions. Families were unable to reach anyone directly at the offices of the National Inquiry. There was no one answering the telephone! Callers would reach only a voice-recorded message. Messages left were not returned. The result: upset families unable to make contact with the long-awaited National Inquiry. The National Inquiry failed families from the outset by failing to undertake a basic element of communication - having a call taker.

C. The First Community Hearing

61. The First Community hearing took place between May 31, 2017 and June 1,

⁹ Rule 33 Document Submission of Families for Justice tendered December 14, 2018, Letter to the Inquiry dated May 15, 2017

2017 in Whitehorse in the Yukon. The inquiry then cancelled further community hearings which were to take place in the summer of 2017. There were replaced by an expert hearing in Winnipeg, Manitoba on August 22 to 24, 2017.

D. The Resignations

62. Following the Whitehorse hearings, there were a number of inquiry staff departures. That summer, Commissioner Marilyn Poitras resigned her post effective July 15, 2018. In early October, 2017, Chief Commissioner announced the resignation of the National Inquiry's Lead Commission Counsel Susan Vella and the Director of Research, Aimeé Craft. The inquiry was in disarray.

E. Second Statement of Collective Wisdom & Third Open Letters: Call for Reset

63. On August 8, 2017, a number family members, community leaders and other advocates wrote to the Prime Minister asking for a hard reset of the Inquiry and resignation of the Commissioners citing a loss of faith, of organizations. It laid out principles to be followed in resetting the inquiry.¹⁰

64. On October 4, 2017, at the Families of Sisters in Spirit Vigil at Parliament Hill, families, survivors and support persons presented the Prime Minister with a Statement of Collective Wisdom identifying that the National Inquiry was continuing to harm families.¹¹ A further third open letter continuing the call for a reset and restructuring of the National Inquiry followed that statement on October 10, 2017.¹² Despite the resignations and the calls for the reset, the National Inquiry rolled out hearings, labeled as community hearings but held mainly in big cities, on short or little notice to the families. Confusion followed. Families were left with an impossible choice: participate in what appeared to be a flawed process that might not properly

¹⁰ Rule 33 Document Submission of Families for Justice tendered December 14, 2018, Open Letter to PM Trudeau dated August 8, 2017

¹¹ Rule 33 Document Submission of Families for Justice tendered January 7, 2019, Statement of Collective Wisdom from families, survivors and supporters dated October 4, 2017

¹² Rule 33 Document Submission of Families for Justice tendered January 7, 2019, Open letter from families, survivors and supporters dated October 10, 2017

serve their loved one or not participate and risk their loved one being forgotten.

F. Community Hearings

65. While labeled Community hearings, the hearings, in large part, were not held in communities. It did not appear that the majority were held in large cities. Witnesses were required to leave their communities to testify, often, like Charlotte Murray, at last minute, leaving them scrambling to make travel and child care arrangements. This was in stark contrast to the Manitoba Aboriginal Justice Inquiry which travelled to 36 Indigenous communities, 21 remote communities, five provincial correctional institutions and seven other Manitoba communities.¹³

PART V - FAMILIES FOR JUSTICE IN THE PUBLIC HEARING PROCESS

66. A number of families in Families for Justice participated in the inquiry process in the public setting. We have excerpted some of the key parts of their testimony as they relate to recommendations or process. In addition, Michelle Robinson, Staci Duchene and Vanessa Brousseau provided statements.

A. Maxine Goforth - Part I, Saskatoon, Public, Vol. 29, 22 November, 2017

67. On November 22, 2017, Maxine Goforth testified in Saskatoon on the loss of her daughter Kelly and Baby June, her niece Natasha's child. On the loss of Baby June, Maxine stated:

I could have took her. I -- I was a foster parent. I have my degree. I have everything, and yet that social worker was like -- seemed hellbent on making it very difficult for my niece Natasha to ever get her kids back, and my late dad, Senator Robert Goforth, he was so heartbroken, me and him sitting at that table trying to get those kids out of care because that worker just seemed so racist, and she would not. She had no compassion. Natasha went through every hoop there is to jump and then some, and she was getting frustrated and frustrated. Finally, why are you going to try if there's just another hoop, you

¹³ Stanton <https://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1017&context=tjreview> at page 66

know, so that woman would not give her kids -- Natasha's kids back.¹⁴
68. Maxine described the terrible abuse suffered by the young children in foster care and the trial of the abusers. She wanted to honour her “granddaughter by speaking about her publicly to let it know -- people know it's not okay to abuse kids, that the Ministry, I hold them 100 percent responsible for this. If they checked on those kids, if they went, those kids would -- June would still be alive.”¹⁵

69. With respect to recommendations, she stated:

I -- I'd like to say based on Kelly and -- with Casey and with the circumstances with my grandchildren, I ask that it be mandatory for all child-care agencies to make sure any child is safe, any child is not going to be -- I know you can't prevent the actions of a person, but for -- for them to be responsible for the children that they're placing like in her home. Let's say make sure you're going to check on those children. Make sure they're provided for.

Make sure those kids are safe because they failed us. They failed me. They failed Casey. I'm -- I'm raising him. I love that, but, you know, they could have -- it could have turned out bad, you know. I want them to make sure that these babies are left in good hands, and I don't care if it's weekly, two weeks. I don't care. Just make sure any child is safe, and like in June and Natasha's case, checked on once, and look at all those months those poor babies were starved and neglected and who knows what else, but they -- there's lots, but I -- I don't want that to happen to any more children.

Make sure these workers are educated on our history, our background, intergenerational effects that happened, you know, down the line. My dad was residential. I am right down the line, and whether or not we know it or want to admit it, it affects our kids, our grandkids. Make sure the workers understand that. Don't just, you know, look at us as poor Indians and -- or they're addicts. Get to the background. Why are those kids in care? Reunify the families, not keep them apart. You know, why -- why don't they spend more time unifying, you know, the families? Don't -- don't keep them apart.

Make sure these workers have those degrees, that they are registered with the social worker association. That worker wasn't even registered. She didn't even have her degree, and she's not held accountable? What -- you know why is that? Why -- or why are the workers allowed like that, and yet they're playing with the lives of so many children, and then you see all

¹⁴ Part I, Saskatoon, Public, Vol. 29, 22 November, 2017, at p. 39

¹⁵ Part I, Saskatoon, Public, Vol. 29, 22 November, 2017, at p. 48

these children that are dying that are in care. What's that saying to the parents? You know, they're not important? Their children aren't important? You know, that --that's what I'd like to see. That's my recommendation for the Ministry, and then, you know, in regards to the children like that or Casey, and that's all I have to say.¹⁶

B. Danielle Ewenin - Part I, Saskatoon, Public, Vol. 31, 23 November, 2017

70. Danielle Ewenin's experience with the National Inquiry provides an example of the poor treatment of families in the Inquiry process. She gave testimony on November 23, 2017 in Saskatoon, Saskatchewan regarding the death of her older sister Laney.¹⁷

71. Danielle testified about her efforts to bring Laney's sons to the hearing for the family testimony:

I don't believe that my sister in her entire life ever felt safe, that the only safety that she had was what she could create when she was able to get out of care. She had two sons, and we had made every effort to try to bring them here today. I have to say that I'm not -- not pleased with how that turned out, Commissioner Buller. We had been -- in our pre-interview that we attended on August 4th in Regina, my sister and I, that was one of the things we had asked for, is that the boys be brought -- be able to be brought here to talk about the murder of their mother. We had difficulty locating them, and your staff just flat out just said, "No, we don't have time to do it. We have three lawyers here we have families who are working with, we just -- no, can't do it." My First Nation was good enough to assist and they got a hold of the band lawyer, and the Band lawyer was working very hard on getting them here.¹⁸

72. When she gave her testimony, Danielle recommended that statement takers work with institutional cultural liaison officers to go to institutions and to assist them with after care. She does not know whether the inquiry took this advice.¹⁹

73. At the pre-interview meeting, Danielle also had requested that the inquiry

¹⁶ Part I, Saskatoon, Public, Vol. 29, 22 November, 2017, at pp. 51-54

¹⁷ Part I, Saskatoon, Public, Vol. 31, 23 November, 2017, page 85

¹⁸ Part I, Saskatoon, Public, Vol. 31, 23 November, 2017, at pp. 86-87

¹⁹ Part I, Saskatoon, Public, Vol. 31, 23 November, 2017, at p. 87

obtain the autopsy and the police report which she and her sisters had never seen.²⁰ She noted that when the CBC were putting together their database on cold cases in 2014, they had called the Calgary Police Service. The Calgary police had told them they could not locate the police file, so it was important for the family that the National Inquiry use its powers to obtain it.²¹

74. Danielle recounted the difficulties she and her sisters experienced travelling to the Inquiry hearings. In short, that it did not feel like Families First. The travel arrangements were far too complicated than was necessary. She stated:

So, as we're all getting anxious about coming here, not having a confirmed date, not having confirmed travel, not having return phone calls, I already spoke earlier about the process with the legal system, your legal department, was not good. A value of ours is that we look after each other and we help each other.²²

... Indigenous women, they are in the ... lowest social economic group in the country. The way you handle your travel and reimbursement to families, it has put some families in Saskatoon at this gathering to feel shame that they had to ask ... for their travel.²³

75. Danielle noted that some families could not participate because the travel arrangements were to be reimbursed by cheque. She stated:

To me, putting families first, it would mean that when they walk in here, someone greets them and makes sure they're going to get their hotel, they're getting registered, "Here is what you're entitled to" and "is there anything else you need?"²⁴

76. Frustrated, she asked what was the point of the community hearings:

After the -- you know, and I don't know what the point of the community hearings were because everything we told there, none of it -- you know, your -- the legal, the -- any of -- you know, the mental health, none of that was followed up on. I never got a call from one mental health person after the community visits. I never got one before either, but you had a case manager call me twice, but I've never heard from her ever again since June. And, in June, you said there was going -- they had said there was going to be a lawyer contacting myself, and it wasn't even the lawyer this

²⁰ Ibid, at p. 88

²¹ Ibid, at p. 90

²² Ibid, at p. 106

²³ Ibid, at p. 107

²⁴ Ibid, at p. 108

morning at 10:15 that called me. It was one of the assistants.

So, I don't -- you know, and really, frankly, Commissioner Buller, a letter was written, a meeting was held, letters were sent to people in authority, the Prime Minister, the Ministers about these issues saying families first -- how families first is how it acts out on the ground. We had families here that were crying -- I know you saw lots of mental health staff, but I know some of the families I talked to said, "Well, they don't know how to approach a stranger and say, 'I'm in crisis. Can I talk to you?'" That's not -- you know, if you were born and raised on the reserve, that's not something you're comfortable doing.²⁵

77. Danielle informed the Commissioners that the inquiry had not sought either the autopsy or police report.

78. Danielle shared family history and information about Laney's death. Her father was World War II veteran, a survivor of the residential school legacy and then impacted by the Sixties Scoop. Danielle and her sister were separated from their families and put in the care of the state. The girls promised each other that, no matter what, they would find each other when they grew up. Laney was separated from Danielle later. Laney struggled with the legacy of the colonial assaults on her family. She tried very hard to work on her own recovery to be in a place she could raise her two sons.²⁶

79. Laney was found dead from exposure during a bitter cold spell outside of the City of Calgary. At the time that Laney died, police told her parents that they had taken her outside of the City and left her. She was found in a field. Police believe she was trying to reach a building that had lights on but did not make it there. Tracks in the snow showed where a car came and left. There were footprints where she had been taken out of the car. She fell numerous times trying to reach the safety of the building.²⁷

²⁵ Ibid, at pp. 108-109

²⁶ Ibid, at pp. 85-86

²⁷ Ibid, at p. 89

80. Danielle came forward to testify because she knew that, in different circumstances, their mother would have raised her and her sisters. She and her sisters wanted to add to the stories of others: that there must be fundamental changes and systemic changes to end violence against First Nations women and also the resources to lift them up.²⁸

81. Danielle was pointed in her recommendations noting that the inquiry should not become a wish list. She cited inaction on previous reports and noted that the world is watching. In short, it is time for action. A complete list of Danielle's recommendations is summarized at Appendix "B".

C. Alaya Mclvor - Part I, Winnipeg, Public, Vol. 10, 17 October, 2017; Vol. 13, 19 October, 2017

82. In 2013, Alaya Mclvor walked across Canada to draw attention to the crisis and to call for an inquiry.²⁹ Alaya testified twice. First, on October 17, 2017, as a family member regarding the death of her cousin Roberta Dawn Mclvor. She described the difficulties her family experienced after Roberta died and through the criminal law process.³⁰ Alaya also testified on October 19, 2017 as a survivor of sexual exploitation and human trafficking.

83. Ms. Mclvor criticized the Commissioner for sitting as one (rather than a panel of four) stating that it was pointless to share with one Commissioner. Commissioner Audette later promised that all the other Commissioners intended to review the testimony, a promise that Families for Justice asks be kept³¹:

I really acknowledge you for being here, but where's the other three that are paid for on the backs of our loved ones? You know, it's really disheartening from a family member, you know? And, one of the things, you know -- one of the things, when my auntie died, she really

²⁸ Ibid, at pp. 91-92

²⁹ Part I, Winnipeg, Public, Vol. 10, 17 October, 2017, at pp. 39-40

³⁰ Part I, Winnipeg, Public, Vol. 10, 17 October, 2017, at pp. 32-34

³¹ The Chief Commissioner would make a similar promise

believed in a National Inquiry. I don't believe in this. I'm sitting here because of my auntie.³²

84. With respect to recommendations, Alaya put forward written recommendations³³, recommendations that she also discussed in her testimony. A complete list of her recommendations is set out at Appendix "C". (The appendix includes recommendations from both days of her testimony). She was pointed in her criticism of the inquiry:

I put a lot of recommendations forward, very tangible recommendations to you, to your Head Commissioner, that haven't even been implemented. Very tangible recommendations; tangible recommendations that could have been met prior to your guys' visit here. You know, one of the things leading up right to the day to this inquiry being housed here in Lake Treaty territory, you know, I was doing the work that your liaisons from Manitoba should have been doing. You know, and this is the work that I will continue doing. You know, to this day, the family I was advocating on two family members, they're -- still to this day, that family isn't sitting here. They lost their loved one into the Child and Family Service system last year. You know, they should be here. They should have a space here to share that story.

Then, I asked again, you know, I contacted [Redacted] about [Redacted], who is a two spirit woman, whose other family should have been here but was denied. You should not be denying families to partake and/or house them here or in any other city across Canada. **This is not what this inquiry -- that's not what I walk across Canada for was the continuously denying family members those services, or giving them an ultimatum of that, you know, "Oh, we might come in again some other time." That was something I didn't envision when I walked across Canada for a National Inquiry, and no family should be left behind. This is supposed to be our inquiry, not your inquiry.**

So, some of the things that I would like to put forward moving forward -- hold on one second. So, one of the things, I feel like I'm being rushed here, and **we're always being rushed through his process. You know, it's continuously being rushed, you know? And, you know, I -- sometimes it's kind of pointless. Like, rushed always. We're always rushed when it comes to this issue.**³⁴

³² Ibid, at p. 39

³³ P1P03P020_Exh._3, Part I, Winnipeg, Public, Vol. 10, 17 October, 2017

³⁴ Part I, Winnipeg, Public, Vol. 10, 17 October, 2017, at pp. 41-42

85. Alaya's recommendations about the process included the work that needed to be done before going to a community, and resetting the family advisory circle such that it was transparent. In addition, she told the Commissioner that there should be no cut off date for families to be involved citing the financial difficulties facing families wishing to attend, the need for supports to be in place, the difficulties families were having getting in touch with the inquiry, the failure of the inquiry to return calls and that the schedules were not released well in advance.³⁵

D. Anida Ross, Part I, Thunder Bay, Public, Vol. 37, 4 December, 2017

86. Anida Ross testified about the loss of her daughter and how the responses of the authorities did not make sense. She wanted answers:

I want justice for my daughter. I want the authorities to do proper investigating to all cases. Even if it is suicide, find out why. You know. If they fell off a two storey building, find out why they fell out a two storey building. They need to do thorough investigations. It's not a one sided thing. You got to think about the families involved.

My recommendations to you would be to give the ability for families to hire their own experts, like I have. I didn't hire one, but I've looked into it, but providing the resources. Hiring our investigators. Or having our own police body. Closed cases, they shouldn't be left closed. Otherwise this going to keep happening with all the missing and murdered men, women, it's not going to stop.³⁶

E. Silas Blackned, Part I, Montreal, Public, Vol. 60, 12 March, 2018

87. Silas Blackned testified at the hearings in Montreal, Quebec. He spoke of the impact of losing his mother and the losses that followed. His Aunt, Marie-Annie Blackned testified about what needs to change. She said:

And, I hope that one day the leaders, everybody that plays a role in the leadership, that could make a lot of changes to the justice system. I'm really disappointed in the fact that, you know, when somebody assaults you, physically assaults you, you only have six months to press charges. After the 6-month period there is nothing

³⁵ Part I, Winnipeg, Public, Vol. 10, 17 October, 2017, at pp. 42-48

³⁶ Part I, Thunder Bay, Public, Vol. 37, 4 December, 2017, at p. 40

you can do. That's one of the things that stopped us from taking my sister's case back to court, because of that 6-month time frame thing, because it happened 25 years ago. Twenty-five years ago we had nothing. We didn't know anything what happened. And, today, we know everything. **Now, we want to fight for justice for her. I wish Justin Trudeau was here.**³⁷

88. In response to the concerns raised by the family, the Chief Commissioner stated:

I think she did an excellent job. Just a couple of things to add. All of the stories, the truths, that we hear from families, will be collected and saved. They will not be destroyed. And so, if there is a Commissioner who isn't here today, Commissioner Eyolfson is listening to people in private, he will be able to follow your story as well. And, we will be able to follow the stories of the people he hears from.

So, we all know what is being said by families, even though we might not be in the room with them at the time. **And, all of the records will be kept. They won't be destroyed. And, they will go to archives and be kept there for researchers, for other people, who will want to do further studies. So, not only will we hear from you, we will do our homework and we will keep the stories to honour the missing and murdered indigenous women and girls. Their stories are a legacy.**³⁸

89. Families for Justice asks that that promise be kept. That all Commissioners hear all testimony. In addition, the archiving of the testimony and the means by which it is available and used must involve families so that it is ethically kept and used in a means that honours the lives lost.

F. Experience of Vanessa Brousseau

90. Vanessa Brousseau's trials with the inquiry also demonstrate the inquiries failures over time. In March of 2017, she received an email from Commission Counsel acknowledging Pamela as a missing woman and encouraging her participation. On March 17, Vanessa emailed Commission counsel a document with her sister's story, indicating her interest in participating. That was acknowledged

³⁷ Part I, Montreal, Public, Vol. 60, 12 March, 2018, at p. 9

³⁸Ibid, at p. 65

and then she asked if there was time for her to read her submission. In August of 2017, she received an email asking to do an intake. There was a back and forth of correspondence (approximately eight emails) throughout September and eventually, she spoke with an intake worker.

91. Vanessa finally spoke with a national inquiry staff member on September 11, 2017. She called, stating: "Let's do this," promising her that there would be a conversation with "legal folks" afterwards and that she did not have a spring schedule yet. She offered to check in with Vanessa monthly asking her for details about what her ceremonial practice was, about what health support she had, indicating that she would be supported throughout the whole process and that she would be put on a check-in list. And then there was silence, silence as the hearings were scheduled in Thunder Bay. As with many of the Ontario families felt, Vanessa was left wondering whether Thunder Bay was for Northern families and whether it would be the only Ontario hearing.

92. In March of 2018, Vanessa received an automated email from the Inquiry saying that a Member would be in touch shortly. Then she emailed her sister's story again in March of 2018, showing that a year had passed. She heard nothing. I wasn't able to get answers for her. She heard nothing until late October when the Inquiry invited her to make a statement. She was given a date, November 4, 2018 at 2:00 p.m., to attend in Timmins to give her statement. She and her supports made arrangements to travel.

93. When Vanessa followed up on November 2 to inquire where to attend, the very same person who had confirmed November 4, asked her who gave her the date and time. The inquiry staff member could not remember that she had confirmed the statement herself. Vanessa chose to give her statement through her lawyer. It is appended as Appendix "D" to this submission.

PART VI - THE EXPERT/INSTITUTIONAL HEARINGS & PROCEDURAL ISSUES

94. As the community hearings unfolded, families were getting frustrated (as noted above) by the lack of communication, lack of consideration for the interests and needs of families and their inability to penetrate the opaque processes of the inquiry. Twenty families came together as Families for Justice. On November 20, 2017, Families for Justice applied for standing. The National Inquiry neither granted standing nor substantively responded to the application until the commencement of a Federal Court Application for *mandamus* and other relief. On March 14, 2018, Chief Commissioner Marion Buller granted standing to Families for Justice for all parts of the inquiry proceedings and the Federal Court application was discontinued.

95. In later March and early April, 2018, as its extension request was outstanding, the Inquiry announced that it would be holding expert and institutional hearings under Parts II and III of its mandate. It was first contemplated that some of these hearings would be held electronically by interactive webinar, but, ultimately, four weeks of hearings were scheduled with one of the hearing weeks being scheduled for three days. The witnesses were not known at the time the hearings were announced. On April 12, 2018, the inquiry scheduled the following hearings:

May 14 - 18, 2018 - Human Rights Framework, in person, in Quebec City, Qc
May 28 - June 1, 2018 - Government Services, via WebEx
June 11-15, 2018, 2018 - Racism, via WebEx
June 25 - 29, 2018 - Police Policies and Practices, in person, in Regina, SK

96. On April 4, 2018, Families for Justice was informed by Commission counsel of the funding recommendation for our party which, which permitted 150 hours for preparation and attendance at hearings in the inquiry. The contribution agreement is such that the inquiry makes a recommendation for funding, Privy Council Office approves the funding, the funding agreement is then drafted, signed by the party with standing and sent back for Privy Council Office approval.

97. On April 25, we received a contribution agreement for our endorsement that

would fund some but not all participation in the upcoming hearings. On May 23, 2018, we received the signed back contribution agreement executed on May 22, 2018. We were left to make choices about what part of the hearings in which to participate without know who would be called as witnesses.

98. On May 2, 2018, we wrote to Commission Counsel to ask whether a schedule for the Quebec hearings would be forthcoming.

99. On May 3, 2018, we inquired of commission counsel regarding when we might receive a signed back contribution agreement as well as requested access to the MT-3 platform document database which we had thought would provide us with access to the documents necessary to participate.

100. The hearings on Human Rights Framework took place in Quebec City from May 14 to 18, 2018.

101. On May 18, 2018, we wrote to commission counsel identifying shortfalls in our funding and urging a reallocation for our family group to be able to participate fully in the hearing weeks. Further, we asked for more information on the scheduled hearing weeks such that we could determine which hearing weeks to attend given the limited funding.

102. On May 30, 2018, we wrote to commission counsel identifying that, a reading of the National Inquiry's extension letter suggested that there would be a Forensic File Review by June 15, 2018. We inquired whether the draft report on the forensic file review would be available to the parties in advance of the police hearings in Regina, scheduled for the week of June 25, 2018.

103. On May 30, 2018, commission counsel responded that the extension letter did not commit to providing a forensic file review by June 15, 2018. Further, she suggested that despite the current extension of the inquiry, the June 15th date is

only a target date for the delivery of the forensic file report and that it is unlikely that the report would be available prior to the Regina hearings for June 25 to 29, 2018.

104. The Government Services hearings were ultimately held in person in Calgary, AB, from May 28 to June 1, 2018. During the Calgary hearings, on May 31, 2018, the parties were invited to make submissions about an issue that arose during the hearings. The issue related to the tendering of documents and submissions. In our submission, at paragraph 9, we identified that the flow of information at the hearings is very difficult to manage. Ms. Fraser wrote that between April 25 and April 28, 2018, we had received dozens of emails from the inquiry. Materials required for the examination and cross-examinations were being provided during the hearing week. We expressed our concern that the hurried process made it very difficult for counsel to fulfill their professional obligations.

105. On June 5, 2018, Ms. Fraser again wrote to counsel requesting details about the forensic file review. On June 7, 2018, counsel for the inquiry responded that she was unable to provide the information requested. She noted that that staff are currently assessing the impact of the decision of a six-month extension on the future work of the inquiry and that “as part of this process, staff, (including those involved with the Forensic Document Review Project), are now working to review work tasks and priorities in light of the resources available and will revise work planning documents in light of the six-month extension period.

106. On June 13, 2018 we wrote to commission counsel requesting a witness list for the Regina hearings on policing scheduled to take place from June 25 to 29, 2018, as well as asking commission counsel to commit to providing us with all the Regina materials by June 15, 2018.

107. On June 14, 2018, Commission counsel for the inquiry provided the parties with a list of the witnesses and some of their bios for the Regina hearings. The materials for the Regina witnesses were uploaded for access by the parties with standing from June 19 to June 28, with a limited number of materials distributed on

June 19, 2018, a significant number of materials uploaded on June 22, 2018 (on the Friday before the Monday start of the hearings) and the last materials uploaded on June 28, 2018, on the second last day of the hearing week, during testimony.

108. On June 24, 2018 Ms. Fraser wrote to commission counsel to voice her concern about the late service of documents. Ms. Fraser expressed that the manner in which the Inquiry had proceeded favoured the state and policing interests, and results in perceived lack of procedural fairness.

109. On June 28, 2018, we wrote to commission counsel asking for an update on the forensic file review.

110. On June 29, 2018, we wrote to the Registrar requesting access to the transcripts of the community hearings and any information he could provide regarding how to gain access.

111. By letter dated July 9, 2018, we wrote to the Commissioners to inquire about the next steps of the process and to bring forward a number of concerns. The letter reflected that Commissioner Audette had alluded in Regina to additional hearings. In her letter, Ms. Fraser requested information on whether there would be further hearings and suggested that notice be provided well in advance of their scheduling in order to make meaningful decisions on participation. We also raised concerns about inadequate funding and advised that we had exhausted our funding. We outlined how the scheduling of hearings on short notice, the production of documents last minute, and inadequate time for cross-examination did not allow us to meaningfully engage in the process. We again reiterated our request for access to the transcripts of the community hearings which we had made previously on May 9 and June 29, 2018.

112. On July 16, 2018, commission counsel announced that there would be four additional hearing weeks commencing as early as September, without referencing

specific dates. The topics of the hearings were Colonial Violence, The Family, Oversight and Accountability in the Criminal Justice System and Sexual Exploitation and Human Trafficking.

113. On July 19, 2018, we received a response to our July 9, 2018 letter advising it was on a without prejudice basis and although we do not understand why the response was on a without prejudice basis, we are not quoting the response here.

114. On August 8, 2018, we wrote to the Chief Commissioner to apply for an extension of our contribution agreement and recommendation of a further budget.

115. On August 10, 2018, we wrote to the Registrar once again requesting access to the transcripts from the community hearings.

116. On August 13, 2018, the Registrar responded that the community and public transcripts would be released soon to the parties with Part 1 standing, including our client.

117. On August 14, 2018, Commission counsel for the National Inquiry announced four additional hearing weeks and the dates and locations on which they were scheduled to take place. She provided no details on the witnesses to be called. The hearing weeks announced were as follows:

September 10 to 13, 2018 - Colonial Violence in Iqaluit, NU
September 17 to 21, 2018 - Criminal Justice Oversight in Quebec City, QC
October 1 to 5, 2018 - The Family in Winnipeg, MB
October 15 to 18, 2018 - Sexual Exploitation/Human Trafficking and Sexual Violence in St. John's, NFLD

118. On August 21, 2018 we received a response from the Executive Director to our letter dated August 8, 2018 with respect to funding and the scheduling of additional hearings. The Executive Director stated in her letter that the inquiry had sought additional funding from the Government of Canada for parties with standing.

Her response further advised that as soon as such information was available, commission counsel would share it with us.

119. On August 23, 2018, Ms. Fraser wrote to Commission Counsel. She expressed her concern that there were only 10 business days remaining before the proposed start of the Iqaluit hearings. She noted that we had no information on the identify of the expert witnesses and, without a contribution agreement, and we had no way of ensuring our clients' participation at those hearings.

120. On August 24, 2018, Commission Counsel wrote to state that the parties' additional requests for funding had been submitted to the government.

121. On August 29, 2018 we again wrote to Commission Counsel to request a witness list or a schedule for the Iqaluit hearings.

122. On August 29, 2018, we received communication from the Registrar's office that the in-camera Part 1 hearing transcripts were going to be distributed to the parties.

123. On September 5, 2018, having received no further information regarding participant funding, we advised Commission Counsel that we were contemplating a motion to adjourn the Iqaluit hearings. In our correspondence, we identified the lack of a contribution agreement. We also requested a plan from the inquiry to deal with registered family members who had not testified. That evening, we received advice regarding the recommended contribution agreement amount (but no actual agreement).

124. Families for Justice did not attend the Iqaluit hearings due to the funding delays and the delays in providing the schedule and witnesses' statements. However, even though we did not have a contribution agreement, counsel booked travel for the hearings in Quebec City, Winnipeg and St. John's without an executed

amended contribution agreement. The issues regarding contribution agreements and late decisions on witnesses impacted this party's participation. We expect other parties were also affected. A party would have to choose to participate in hearing and deliver a notice of appearance often before they knew who the witnesses were and often before knowing whether they would receive funding to participate. Many (and we expect most) of the parties with standing who depended on contribution agreements for funding for their participation were forced to carry substantial disbursements associated with the travel costs without certainty about whether they would be reimbursed.

125. On September 21, 2018, we received the amended contribution agreement for our client group.

126. On October 2, 2018, parties with standing were provided with a list of the witnesses at the St. John's hearings. On October 9, 2018, we brought a motion to the commission to seek that commission counsel be required to provide us with disclosure for the following week's hearing, scheduled to commence on October 15, 2018, one business day in advance of the week of the hearings. Our previous efforts to have disclosure delivered in advance of the expert/institutional hearings had failed.

127. The first witness materials for the St. John's hearings were uploaded on October 9, 2018 and the last materials on October 16, 2018. Most of the materials were uploaded on October 10, 11 and 12, 2018. On October 12, 2018, Commission Counsel Ms. Christa Big Canoe advised that our motion had been denied with reasons to follow.

128. On October 19, 2018, we wrote to commission counsel to follow up on several of our outstanding requests. We first sought a ruling with written reasons for the denial of our October 9, 2018 motion. Second, we asked that commission counsel confirm her advice, given only in St. John's, that the parties' request to seek extension of the time to file written submissions was not considered a formal request

and would not be granted. Third, we again sought information on the Forensic File Review to be released prior to the delivery timelines for final submissions. Fourth, we sought information about the “private” “in camera” “roundtable” consultations the commission has advised it will undertake. On October 24, 2018, Commission Counsel responded in a without prejudice letter. We do not know why Commission Counsel replied on a without prejudice basis. Our request for that information went unanswered.

129. On October 31, 2018, we received the ruling and our signed back contribution agreement.

PART VII - FORENSIC DOCUMENT REVIEW TEAM

130. What became clear at the community hearings is that the legal counsel and inquiry team did not appear to be in possession of the documents underlying a particular case of a missing or murdered person. Contrary to typical inquiry processes where documents are summons and reviewed in advance of public hearings, the inquiry did not appear to possess police files or coroners reports. In the initial media reporting of this issue in December, 2017, Commission Counsel Christa Big Canoe is reported to have stated that the Inquiry did not yet have a secure centralized database allowing its nine lawyers to “search through the thousands of case files it has already obtained”. The explanation was provided as follows:

Big Canoe said Shared Services Canada, the agency that manages IT networks for Ottawa, refuses to allow the inquiry to put Ringtail, a database and document retrieval system used by law firms, on the government's network. “We are not able to access the documents in a way that is very usable because we use a litigation tool and our litigation tool is not being placed on the Shared Services.” said Big Canoe. “You can go through files individually, but the sheer volume of files make it difficult to access if we cannot access them through a secured shared drive system.”³⁹

³⁹ Jorge Barrera CBC report dated December 7, 2017, <https://www.cbc.ca/news/indigenous/mmiwg-inquiry-documents-1.4436868>

131. At that time, Commission Counsel suggested that there would be a need to access files across jurisdictions:

Big Canoe said many of the cases handled by the inquiry cut across agencies and jurisdiction. Inquiry lawyers need access to medical, child welfare, police and coroner files, she said. The inquiry needs the files to conduct an analysis of systemic failures that lead to the disproportionate number of Indigenous women who face violence, are murdered or go missing.

Big Canoe said the inquiry has already collected thousands of documents through agreements with the provinces, territories and police services and by subpoenas which the commissioners can issue.

The inquiry has an agreement in place with the Sûreté du Québec, the RCMP, which has already transferred about 10 case files, and the Thunder Bay police which have responded to inquiry subpoenas.⁴⁰

132. As far as we know, this explanation was never provided to the parties with standing and no information was ever provided to the parties about the “thousands of files” in the inquiry’s possession. After obtaining standing, Families for Justice attempted to gain further information regarding the forensic document team as detailed above. When asked at the policing hearings in Regina, Saskatchewan, whether any Ontario files had been summonsed, Mark Pritchard responded that two (2) files had been summoned by the Inquiry. Counsel asking about those files was cut off as being out of time before further information could be sought about those files.⁴¹

133. Eventually, in or around, the Fall of 2018, on its website, the National Inquiry posted that it had established a Forensic Document Review Team (FDRT) as permitted by section 11 of the federal *Inquiries Act* stating:

The federal terms of reference and those of several other jurisdictions direct the National Inquiry to take into account that the Inquiry process is intended, to the extent possible, to be trauma-informed and respect the

⁴⁰ Jorge Barrera CBC report dated December 7, 2017, <https://www.cbc.ca/news/indigenous/mmiwg-inquiry-documents-1.4436868>

⁴¹ Part II, Volume X, June 29, 2018, Regina, Evidence of Chief Superintendent Mark Pritchard, p. 79

persons, families and communities concerned. This includes a trauma-informed, respectful approach to the handling of personal information. The work of the Forensic Document Review Team is governed by the federal, provincial and territorial legislation, common law, terms of reference, the National Inquiry's *Legal Path: Rules of Respectful Practice* and the principles set out in this Transparency Statement.

134. However, the "Transparency Statement" revealed little about the work of the FDRP. The identity of those doing the document review is not provided. The rubric against which the documents will be assessed is absent from the Transparency Statement. The means by which the family's statement(s) (if any) will be compared against the documents (if at all) is unknown.

135. Document review, when it does not jeopardize existing investigations, is critical to fulfilling the mandate of the inquiry. There was a reasonable expectation, largely unfulfilled, that the inquiry would undertake an evidence-based analysis of the root cause of the national crisis of missing and murdered Indigenous women and girls.⁴²

136. The FDRP both reveals a fundamental structural flaw in the work by the inquiry and is further evidence of the absence of a work plan by the inquiry.

PART VIII – HEALING AND RECOMMENDATION

137. There are other actions that harmed families, contributed to the lack of faith in the inquiry and/or interfered with procedural fairness. They cannot be set out in detail here due to space and time limitations. These would include a decision, made late in the inquiry, never publicly explained, to hold an unknown number of directed roundtables. Or that there are the families who are still waiting to hear from the inquiry after being encouraged to register to testify. Another is the lack of

⁴² See <https://www.utpjournals.press/doi/full/10.3138/cjwl.28.2.253> Shining Light on the Dark Places: Addressing Police Racism and Sexualized Violence against Indigenous Women and Girls in the National Inquiry
[Pamela Palmater](#)

information about the work and role of NFAC and the nature of the advice that they provide to the Commissioners. Another would be continued issues with after care. One member of our group did not receive after care funds until one year after she testified and only following this being made public. This is a family member represented by legal counsel. It raises concerns about what is happening to the people who do not have an advocate.

138. The Commissioners have complained bitterly about the Government's decision to grant only a six-month extension. Commissioner Audette threatened to resign when the full extension was denied and hurt many families who told their truth to her. However, the decision ought not be used by the National Inquiry to excuse the disarray, disorganization and poor communication that plagued the process. Nor should the inquiry blame its inability to finish its work on the magnitude of the task and that it was unprecedented. The Commissioners accepted the task. Further, much of the work on what families needed was done by the time the terms of reference were set.

139. There was never evidence of a plan for the inquiry until a work plan was submitted with the extension request. Even then, it did not appear to be a work plan to which the inquiry would or did commit. In short, the inquiry lacked transparency from the outset. It was opaque in communications. It did not respond to families. As noted in the March 28, 2018 Open Letter to Minister Carolyn Bennett urging her to deny the request for an extension:

Families and grassroots communities have been met with utter silence from the Inquiry. The silence is deafening. This silence purposefully displaces our voices and lived experience. Far from building capacity, this Inquiry has derailed several grassroots initiatives to address the ongoing-targeted violence we face in Canada.⁴³

140. In granting a six-month extension, the Minister promised \$21.3 million in additional health supports and victim services provided by the inquiry and

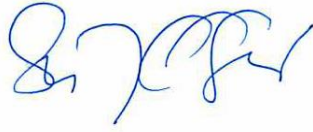
⁴³ Open Letter to Carolyn Bennett dated March 28, 2018, Part of Families for Justice first Rule 33 submissions

community groups. At present, there is no transparency regarding how those funds have been allocated. That must change.

141. In light of all of these failings, combined with the lack of political will on the part of institutions and governments the National Inquiry, Families for Justice recommends that power be returned to the people (families, survivors and communities). When empowered and resourced, families and survivors can ensure implementation of recommendations they choose to adopt. Families should have a final chance to review this inquiry's work. We recommend the following steps:

1. Following the release of the final report of the National Inquiry, the Government of Canada provide funding to families and communities to receive and review in order to further oversight and implementation of recommendations (Family Implementation Gatherings).
2. Family Implementation Gatherings be provided with the resources and capacity to enable them to advocate for implementation of the recommendations which they choose to adopt.
3. Family and survivors be provided with the resources and capacity to implement healing in their communities and Nations including:
 - community healing
 - anti-violence programs and strategies
 - sweat lodges and healing circles
 - commemoration of loved ones
 - language, artist and culture camps.
4. The Government of Canada establish a reputable coalition of community leaders, academics and research institutions to oversee the ethical collection, disclosure and analysis of the National Inquiry's data.
5. Institutions (policing, child welfare and Government) publicly acknowledge their racial bias and commit to ending discrimination.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 7th DAY OF JANUARY, 2019.

A handwritten signature in blue ink, appearing to read 'Suzan E. Fraser', is centered on the page. The signature is fluid and cursive, with the first name 'Suzan' being more prominent than the last name 'Fraser'.

Suzan E. Fraser
Counsel for Families for Justice

Appendix "A"
Recommendations of Maggie Cywink to INAC in Pre-Design Phase

MMIWGT2S PRE-INQUIRY COMMISSION RECOMMENDATIONS⁴⁴

- I would like to address All Our Ancestors who are here today, All Our Relations, the families and supports who have come out of trust to share with you our experience and recommendations on how we feel the NI into MMIWGT2S should be planned. as well as I would like to thank Treaty 3 for the invitation to participate here today, I am acknowledging Honorable Minister Bennett and Provincial leaders and our NAO's.
- The blood of our women and girls is crying out from the grave for justice.
- A complete overhaul of the policing systems in Canada, from the RCMP, the provincial and local municipal / First Nations policing forces. We have seen time and time again a failure to take action and to follow thru on the disappearances of our family members and as well as the mishandling of investigation practices of the cases to be solved.
- We the families are asking for justice for our loved ones. I recommend a task force be created specifically to open all unsolved cases both murders and disappearances. The task force would be comprised of retired detectives, working detectives, a pathologist, criminologist, legal team to recommend case by case the ones that have not been properly investigated and then those cases be officially reopened. The task force would report directly to the commissions.
- Create a 911 – 333 call line that would be linked to the 911 police services for MMIWG.
- I am very glad to see the sharing circle and the fact that we are a holistic people and not a linear people.
- Accurate research and immediate implementation of the existing 40 reports and 700 recommendations from past inquiries and report.
- Set aside at least 50% > 20M to implement the inquiry recommendations.
- Set one national day of mourning aside to honor the MMIWGT2S and all Indigenous people who have suffered colonial trauma.
- Trained and dedicated Emergency Response teams around the country who can attend to the needs of a family who is undergoing a disappearance or murdered family member.

⁴⁴ Part of Families for Justice's second Rule 33 submission

- Training of primary care physicians to recognize and act on vulnerable women who may be suffering from depression due to family who have been murdered or are missing.
- Recommendations from family of who they feel as Elders and supports should be moving forward with the National inquiry. Strick protocols on which Elders will be traveling with the NI.
- Because someone calls themselves an Elder or Healer does not necessarily mean they have earned that title.
- If more supports are being trained in locally affected areas of MMIWGT2S then these are the supports which should be with the MMIWGT2S. We need to give them additional opportunities to use their skills with trauma.
- Transitional housing and programs designed by FN women for those who are returning to society from incarceration.
- 65% of the 40% to implement the findings of the inquiry.
- Laws to legalize prostitution so that women and girls who are most vulnerable to being murdered do not have to go underground, less of the money spent on their defense can go toward helping them to leave the trade.
- Consolidating the databases so that there is one accurate and all information pertaining to the individuals listed come directly from the families.
- The sentencing phase of individuals who have been prosecuted and found guilty must fit the crime. What sort of deterrent are we in the justice system telling future perpetrators when they get a soft sentence for murder or abduction? 8-12 years is nothing compared to the life taken. For instance, my sister, Sonya was with child when she was murdered, I would expect sentencing of the person(s) responsible for her death will get a life sentence with no possibility of parole and a second life sentence for the life taken of my nephew Jacob. To-date a total of 44 years has been stolen from us for the murder of my sister and nephew. Again, what message is the justice system sending to men/women who would take an innocent life(s).
- Having traditional food served at these events such as bannock, corn soup (food that we relate to and are cooked by local FN individuals, organizations or businesses.
- Feasting or people at all of the Pre-Inquiries moving forward at every meal.
- A national logo that when seen will represent the families of the MMIWGT2S.

- Some thought to those who will or are profiting from the tragedy of our families including individuals who take monies and who represent themselves as spokes people for us.
- Create a space for grievance claims and questions about existing cases either missing or those who have been murdered.
- Trained traditional grieving councilors who can assist with the grieving of our families.
- Establishing an educational fund of 5M for children and grandchildren of MMIWGT2S.
- Presentation and intervention programs designed by families of the MMIWGT2S.
- Financial transparency to the Canadian taxpayer and the families of MMIWGT2S.
- Family Advisory Board/Committee to ensure families voices continue to be heard made up of families across Canada.
- Oversight committee.
- Prepare long range plan 5-10-20-30 years to ensure the implementation of the inquiry is being met and the ever-changing landscape of society.
- Review the budget items and direct spending of the capital funds.
- The inquiry must also include (healing processes to acknowledge and address trauma experienced). Please define healing.
- Responsible parties should take action now rather than waiting until the final report has been completed. A quarterly review and implementation process.
- Roll out the actual recommendations and implementation slowly rather than all at once. Giving people a chance to see how they can take action.
- The recommendations should be phased in with directives to segments of Canada; such as which recommendations are directed at FN, Federal government, policing, Canadian society etc.
- Root causes of violence and abuse to include molestation, sexual abuse, early trauma, addiction.
- Define Elder, Healer, Support Worker, Justice.

- Support workers and Elders can be nominated by families.
- 37 MMIWGT2S since February 8, 2015.
- The inquiry must dedicate specific attention to the issue of pregnant women and girls who have been murdered and missing. The effects of the decision not to give birth or become pregnant because of the emotional, mental and spiritual trauma experienced with a family member pregnant during her murder or disappearance.
- A volunteer only DNA database of women and girls (this can also include all women and girls across Canada).
- Consolidate programs and services for women and girls in urban centers and on reserve.
- Our First Nations must pledge to ensure our communities will be safe and healthy.
- Harsher legislation is required for offenders who murder or traffic our women and girls.
- Increase the number of shelters on and off reserve by 10 per year for the next 5 years.
- A memorial which would be an eternal flame to honor the MMIWGT2S across Canada (this could be All Women and Girls) demonstrating a unified voice of women of all ethnicities in Canada. An all-inclusive memorial. Place unknown but would have to be chosen by families.
- Families must be involved in the design of all future programs, services and ongoing dialogue with regard to the MMIWGT2S Inquiry.
- Safe houses in the urban cities for sex workers only and then transitional programs to help enter mainstream society with educational programs, training, jobs, child care etc. Again, designed by former sex workers. The transition would be over a period of 5 years. A person cannot be taken off the street and then expected to make it on their own in a “normal” world without proper support over a longer period of time than currently offered.
- It is important that mothers always be considered and contacted first. If the parents don't want to be involved then they can designate a spokesperson of their choosing.

- If a parent knows it's not like them to not contact you after a couple hours or it's not their character to not come home. Missing protocol should be based on that fact not left to the discrimination of the police. We know the habits of our family.
- Tribes/bands don't define anything it's up to families to define "missing/disappeared. Also, the police enforcement agencies have their own definition of missing. They determine when it becomes an active missing person case either by time or circumstances. This protocol has to be changed.
- To have the medicines available in the center of the sharing circle so when a person needs it, they can go up as they see fit. Not all supports are needed for every person, some families have their own way to heal.
- Weekend family sharing circles where families can share their grief or perhaps have grieving circles for families prior to the national inquiry. This would allow families to trust and gain support with each other who have not yet spoken publicly about their loved one.
- A single parent earner who cannot afford to take time off for pre-inquiry and when someone asked INAC they said no funds to help with that. This must be changed for the national inquiry if they truly want the truth from families.
- Afternoon session where families share ideas of healthy healing practices and facilitated workshops for family. This would be fun and accomplish so much for families who are grieving.
- Roundtable was too big the group of 90 families had a hard time connecting Not enough sharing time tried to fit too much in to a short time. Timeline was unrealistic. Smaller more intimate group sharing.
- A mother said one of her recommendations would be INAC and NAO speak to the parents first before listening to grandparents or siblings of the parents. She feels let down because her mother speaks for her without her consent. That is wrong. The grandma wasn't a part of their life.
- Don't forget the children of the MMIWGT2S. Have programs and supports for them while and long after about how to come to terms with the traumatic death of their mother.
- It sure helps n it would be protection of youth victims our daughter was only 16 but newspapers TV etc. all posted pics of her at no time or place did we ever consent to that but they all knew to protect the name of the boy that did it as he was 17.

· Change the way the coroner and the local undertakers care for the body of our loved ones. It seems there is a huge disconnect between the way the families receive the body of their loved one for preparation for burial. In closing, I have come to accept that justice may not happen in this world, but in the next world. The only justice that I will ever have or find for my sister Sonya's murder will be doing what I can to save the lives of future generations of our women and girls.

www.itstartswithus-mmiw-com/sonya

Respectfully submitted,

Maggie Cywink
434-848-5385

Appendix “B”
Recommendations of Danielle Ewenin

- End homelessness
- Help Indigenous women with health care including eliminating wait times for seeing a doctor
- Provide more resources and more services for women
- Overhaul the child welfare system and provide more support for mothers
- We need to have some equity mechanisms to ensure that people who did not have the resources are still able to access supports.
- The National Inquiry should involve the community and having a committee of people is not a community. A provincial working group established by the provincial government was set up but there is no family representation on there. Families have asked for over four years for a family gathering and this has never been acted upon. (At page 111.)
- Involve families in determining where the resources go and where they them.

**Appendix “C”
Recommendations of Alaya Mclvor
Delivered on October 17 and 19, 2017**

- Provide education on the realities of MMIWG in First Nation Communities
- Provide education to police forces in different jurisdictions on MMIWG before being recruited into the front lines
- Make an MMIWG toolkit accessible and available for families
- Provide school bursaries available for families to further and advance their education on and off reserves
- Establish a financial fund available for families for missing searches for their loved ones
- Provide supports for families on reserves
- Create MMIWG hub offices in core communities across Canada (partnered in a sister stakeholders organization)
- Provide accessible funds across Canada for vigils, yearly vigils in honour of the disappearance or murder of loved one and/or to travel to Ottawa for the October the 4th gatherings
- Provide ceremony! Create healing houses for families in cities and First Nation communities
- Implement new housing policies in housing victims of exploitation and or human trafficking a priority in each jurisdiction across Canada
- Dismantle the Canadian justice system that repeatedly fails families of MMIWG & survivors and restructure it from a victims’ prospective
- The National Inquiry should ensure leading up to future hearings that its health team, team up with health supports in advance in each community, does follow ups prior, during and after hearings

- Provide support (including financial support) for national gatherings for families of MMIWG across Canada
- Provide support (including financial support) for national gatherings for survivors of exploitation & human trafficking across Canada
- Build partnerships with First Nation communities along with stakeholders that work front line with families and survivors
- Build partnerships with the LGLBTQ2ST community across Canada
- Support and build MMIWG Monuments designed by families in each first nation community
- The National Inquiry meet victims and survivors to hear their testimonies in a safe place outside of the city removing them from all forms of violence
- The National Inquiry dismantle and reconstruct its Family Advisory Committee moving forward for equality and transparency to all families. There needs to be a process how new families and survivors are selected. Not hand selected from Minister Bennett, Raybould & Hadju. The process should be a nomination process from community along with a family member(s) and that each region and territory is represented
- Survivors need to be included just as equals in the National Inquiry process
- The National Inquiry's elder needs to be replaced due to their openly gossiping about families and survivors
- The National Inquiry to produce with stakeholders a Memorandum of Understanding as soon as possible
- Conduct proper investigations leading up to the disappearance or murder of MMIWG
- Employ families & survivors in the duration on this Inquiry
- Remove/end policies and practices around when women needs safety and wanting to access a women's shelter if they are sexually assaulted, exploited and or human trafficked so that they never be turned away

- Create 24/7 safe spaces for those entrenched in sexual exploitation & human trafficking that are Indigenous and survivor led
- Financially support the motherless children
- Elders should be taken good care of in the National Inquiry process
- National Inquiry needs to share information with the grassroots people, organizations & grandmothers
- Support systems need to be in place prior before and after.
- The National Inquiry information should be released well in advance, not a week or two before events are hosted.
- The National Inquiry have a face to face meeting with Manitoba's past and present stakeholders that worked on the ground with families and survivors
- The National Inquiry needs to meet the families where they are at not where the inquiry wants them at
- The National Inquiry needs to be more respectful to families and survivors
- Change the justice system to hold perpetrators and traffickers, accountable for their actions for victimizing and traumatizing an individual.
- Assure that survivors have the opportunities for employment within services they accessed when victims to advance them into the roles of survivors and warriors and helping survivors to identify their gifts and their strengths rather than their weaknesses.
- Provide wraparound treatment centres that including addiction services, mental health, housing, detox, treatment all housed in one place.
- Create more Indigenous-led treatment centres
- Have survivors lead the creation of curriculum for schools.

- Reunite mothers with children in care by employing a community wraparound approach.

**Appendix “D”
Statement of Vanessa Brousseau**

*** This statement is provided directly by Vanessa Brousseau and not through a statement taker of the National Inquiry**

**In Remembrance of Pamela Jayne Holopainen
Missing since December 14, 2003**

Pamela was born in Hamilton on August 1, 1981. Her parents are Holly Kowtook and Patrick Holopainen and she has an older sister Vanessa Brousseau. Pamela's family moved to South Porcupine in 1982 where Pamela's father's family was living. Pamela grew up in South Porcupine until she was 14 years old when her family relocated to Timmins, which is only 20 minutes away from South Porcupine. Pamela's mother was very involved in the Aboriginal community in Timmins and was the President of the Friendship Centre for over 20 years. Pamela's mother raised her girls to be a proud Inuk and showed them the ways of their culture. Growing up, Pamela's sister Vanessa often cared for Pamela as Pamela's mother was regularly at the Friendship Centre or out of town for meetings. Pam had lots of friends, she loved music, she enjoyed writing poems, she was out-going and had a great sense of humour. Pamela and her sister enjoyed playing dress up and school in their basement. Pamela's family would go camping every summer where Pamela loved to look for crayfish with her sister. Pamela also liked dancing and would often put plays together with her sister and present them to their parents, usually to get out of being grounded.

When Pam was 18 she met a young Indigenous man and in 1999 they moved to Kapuskasing as Pamela's mother was living and working there as the Executive Director of the Friendship Centre. Two years later Pamela would give birth to her first son. Her first son was born in 2001 in Kapuskasing, Ontario. Pamela's sister Vanessa was present for the birth. Vanessa holds that memory very close to her heart. Vanessa remembers holding Pamela's hand throughout the delivery and the bond that was strengthened between the two sisters. Pamela didn't want anyone else by her side besides her sister Vanessa.

When he was about 9 months old, Vanessa received a call from her mother stating the Pamela was in the hospital in Kapuskasing. Vanessa lived in Attawapiskat at the time so was unable to get to her sister. Pamela was physically abused by her common-law and her common-law had taken their son and attempted to run. The police eventually apprehend Pamela's common-law and brought her first son to safety. Pamela's common-law was charged and brought to jail. After Pamela was released from the hospital she attended court and asked the Crown Attorney to let her common-law out of jail and in return they would attend counselling together. The Crown Attorney accepted the offer and Pamela and her common-law attended counselling. Pamela's father however did not see justice in this so he told Pamela that her common-law was not allowed to

attend any family functions for 2 years. Pamela and her father grew distant over this issue as Pamela did not agree with her father's wishes.

Pamela then moved back to Timmins in 2002 with her common-law and her son. Pamela's sister also moved back from Attawapiskat. Pamela and Vanessa spent a lot of time together and spoke on the phone 3-4 times a day. Vanessa noticed that her common-law was controlling of Pamela but every time Vanessa would say something, Pamela would get defensive. Vanessa came to realize that having her sister Pamela in her life was more important than arguing with Pamela about her relationship.

Pamela would become pregnant with her second son. Again, Vanessa was lucky enough to be by her sister's side for the birth of her second son who was born in, 2003 in Timmins, Ontario. In the short 5 months that her younger son had his mother by his side, he changed her. Pamela became more responsible and more concerned for her and her children's future. Her younger son was her world. Often Pamela wouldn't let her own sister Vanessa care for sons as she would say "he's my world." She spent as much time as she could with both her children. Pamela took being a mom her number one job and took it seriously. Pamela was a good mom.

Pamela and Vanessa were very close and focused on their children growing and making memories together. Pamela was a good mother to her children. Vanessa would often tease Pamela as sometimes Vanessa thought Pamela was being a little too over protective with her children. Pamela was strict on what her kids ate, she made sure they always had nice clothes on, and she was very particular on her children's routine.

In November 2003, Pamela's mom went to visit Pamela and noticed Pamela had a black eye. Pamela's mom tried to talk to Pamela but Pamela kept insisting that she walked into a hydro pole and defended her common-law. Pamela's mother called the local police station to go investigate and to ensure her daughter was safe. The police went to Pamela's house and again Pamela told the police that she walked into a hydro pole. The police left without doing anything. About a week or two later Pamela was speaking with her sister on the computer and Pamela was inquiring about how to get a lawyer and that she wanted to leave her common-law but he kept threatening that she wouldn't get the children.

On December 14, 2003, Pamela asked Vanessa to babysit her children as she wanted to go to a house party at a friend's house. Vanessa already had plans and was unable to babysit. Pamela had then asked her common-law's sister to babysit her children and her and her common-law went to the house party. At around 2am, Pamela and her common-law were seen arguing and Pamela leaving the house party and her common-law following her. This would be the last time anyone would see Pamela.

Pamela's sister Vanessa tried calling Pamela the next day and left a voicemail for her to call her back. On December 16th, Vanessa went to Pamela's house with Christmas presents from their grandmother but no one was home. Vanessa can remember it clearly, the stroller sitting in the porch, the plants in the windows and no footsteps going in or out of the house. Vanessa continued to leave voicemails on Pamela's phone. Christmas day came and Vanessa was upset that her sister still didn't call her especially on Christmas day. Vanessa remembers waiting all day to hear from her sister. When she didn't, Vanessa decided to call Pamela's landlord on Boxing Day and see if he knows where they all could be. The landlord said he didn't see or hear anyone for a while and that if he did he would have her call me. Days passed and Pamela's family had no clue where Pamela, her common-law and two children could be so they assumed they were all together visiting family out of town for Christmas.

December 31, 2003, Vanessa and her mother were at the bingo hall playing bingo when they seen Pamela's common-law sister. Pamela's mom and sister immediately asked where Pamela, her common-law and the two boys were. The sister then said with confusion "oh you didn't hear? Pam left [her spouse] a couple of weeks ago." Pamela's mother and sister then asked where her children were? The sister said that her brother had the children and at that moment Pamela's mother and sister's heart dropped. Holly and Vanessa went straight to the local police station to report Pamela's disappearance as they knew something wasn't right.

Holly and Vanessa informed the local police that Pamela had not been seen since December 14th and that they were concerned of her whereabouts. They informed the police of the history between Pamela and her common-law and that she had two children she would never leave. The local police brushed it off and said that she is probably out drinking somewhere and she will come home in a few days. Vanessa and Holly were shocked by this statement and expressed that she has already been gone over 2 weeks. The local police didn't care and sent them away. Pamela's family then tried contacting Pamela's friends to try to find out what happened or where she was. Eventually Pamela's family was able to speak with her common-law and see Pamela's children. Pamela's common-law claims that when he woke up the night after the house party she was gone. Pamela's common-law refused to help put up missing posters of Pamela or go on the news to plea for her. This is when Pamela's family stopped speaking with Pamela's common-law as they felt he was lying about something.

After a few months after Pamela was missing, the local police asked Pamela's family to come into the police station for an update. This is where the local police would show Pamela's family a nude photo of her that they found on her computer and state that they believe she is a prostitute in Hamilton. Pamela's family was disgusted with the police's response. Pamela's mother and sister got very upset.

Pamela's missing person case was turned over to the OPP almost a year later. The local police station states that this was because OPP have more resources that they can utilize. Pamela's family felt that the local police had messed up by waiting so long to do anything that they had no choice but to transfer Pamela's file to the OPP.

The OPP would conduct many searches for Pam and try to make up for time lost but it was too late. They would come up with nothing search after search. Pamela's family had one OPP officer to her case that would later be charged with arson and attempted murder against her daughter in law and would go to jail and lose her job as a police officer. Pamela's family have not heard from the OPP since the OPP officers arrest. It has been 7 years since Pamela's family has had any contact with the OPP however, an officer from the local police station reaches out to Pamela's sister Vanessa when needed.

Pamela's mother took Pamela's common-law to family court and fought for custody of Pamela's children. Pamela's mother was granted joint custody and had Pamela's children at her home every second weekend. Pamela's mother Holly passed away December 31, 2007, four years to the day she reported her daughter missing. Pamela's father lives with severe depression and doesn't socialize with anyone and chooses to remain in his house. Pamela's sister Vanessa misses her sister every day and feels robbed of the future she had planned with her sister and her children. Pamela's children have not lived the life their mother would have wanted them to. Instead they have lived a life of abuse from their father which would have them involved in the Children's Aid Society and in and out of their Aunt Vanessa's home. Pamela's family feel that yes Pamela would have been murdered but Pamela would not be missing for over 13 years if the police would have listened to the family and acted immediately instead of months later. Pamela's children would have had a different life should their mother's murderer would have been arrested. The local police have admitted to not moving fast enough in regards to Pamela's disappearance.

Pamela's children are now 14 and 16 years old and have no answers to what happened to their mother. Not knowing where your loved one whereabouts is the worst feeling in the world anyone could ever feel. Pamela's mother was only 45 years old when she passed and Vanessa believes that their mother passed away from a broken heart of not knowing where her daughter is. The police who are supposed to be there to serve and protect, instead portrayed racism and neglect to our loved one. There needs to be accountability in the police force and there needs to be **NO MORE PAMELA'S**.

I am hoping that the Commissioners will see how fitting Pamela's story is to the National Inquiry and that Pamela's story is used for the Missing and Murdered Indigenous Women and Girls Inquiry.

Appendix "E"

STATEMENT OF STACI DUCHENE BALL

My sister Edna Jansen did not deserve to die on the streets.

She was taken from her parents and family and adopted to a white family two blocks away from where we lived. Imagine, Commissioners, for a moment the anguish my parents must have felt being able to see their child and not being able to talk to them because your child was taken from you? This was in the late 50's - early 60's. No one in my family ever spoke of her, until she showed up on my doorstep when I was 23.

By then, my sister had suffered the effects of being sexually abused by several adoptive family members and had a drug and alcohol addiction.

We spent that whole day talking, she told me all about her life, the good and the bad. She just wanted to know her real family, her birth family. She was quiet, articulate, funny, smart and I wish I would have had more time with her.

She returned to Vancouver after meeting our Dad, and except for a few phone calls, I never saw her again. I knew that she was in the Downtown Eastside in 1993. She was a homeless indigenous woman, addicted to drugs and alcohol, with trauma from a system the Canadian Government imposed upon her, it was a perfect storm.

Testimony before you has demonstrated beyond a shadow of a doubt that Canada has and continues to commit genocide against Indigenous peoples, especially Indigenous women.

Canada has violated numerous International Human Rights laws. Canada has also violated several Charter Rights concerning Indigenous people.

I hold Canada accountable, for the families, for everyone who testified before you.

Appendix “F”

Maggie Cywink hands the Statement of Collective Wisdom of Families, Survivors and Supporters to the Prime Minister Justin Trudeau, October 4, 2017

