

## NAN calls for inquiry into teen deaths

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Rick Garrick/Wawatay News



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Julian Falconer, right, legal counsel for Nishnawbe Aski Nation, speaks about the need for a commission of inquiry into the deaths of seven NAN youth who died while attending high school in Thunder Bay during a Sept. 12 press conference in Thunder Bay. Falconer is joined by Christa Big Canoe, legal advocacy director with Aboriginal Legal Services of Toronto, left, and NAN Deputy Grand Chief Terry Waboose, centre.

Nishnawbe Aski Nation is calling for a commission of inquiry into the deaths of seven NAN youth in Thunder Bay after the Reggie Bushie Inquest was recently suspended.

“A commission of inquiry is the only way to fully investigate the circumstances surrounding these tragic deaths and to find ways to prevent similar tragedies from happening again,” said NAN Deputy Grand Chief Terry Waboose Sept. 12. “Last week’s ruling confirms what we have suspected for years – that First Nations have been systematically excluded from the justice system.”

A commission of inquiry is a body established by government to look into matters of public concern and report its findings.

Waboose said if an inquest into the death of Reggie Bushie were held, it would not address all seven deaths, two of which occurred after Bushie died in 2007.

Waboose believes a commission of inquiry would provide answers to the people of NAN about why the seven youth died and the circumstances of their deaths.

“But more importantly, I think it’s the parents, family members and even the communities that need answers as to why these deaths have occurred over the last number of years,” Waboose said. “That’s a long time, and they need closure. You can’t move on in life with these things troubling you. They are owed answers as to why their children have perished, and to the reasons why with the view of fixing and preventing most importantly any further tragedies like this.”

David S. Eden, presiding coroner at the Reggie Bushie Inquest, said in his Sept. 9 ruling that he found deficiencies in the steps taken by staff in the Thunder Bay Judicial District during their preparation of the 2011 jury roll. Those deficiencies include sending letters to First Nation chiefs addressed to The Chief instead of their actual names; no effort to ensure, by personal visit or other official contact, that the chief and council of each reserve was informed of the importance of the membership list; and follow-up phone calls to the generic The Chief letters were only to the person who answered the phone at the band office, not the chief or a councillor. Eden’s report also noted there was no evidence that Thunder Bay Judicial District staff sought help from Native court workers, the Crown Attorney’s office, or any other potential resources as set out in a 1996 memorandum outlining procedures for Court Services staff on collecting lists of residents from First Nations.

“It is therefore my finding that the 2011 jury roll for the Judicial District of Thunder Bay is not representative, and does not comply with Section 6(8) of the Juries Act,” Eden said in his ruling. “The inquest cannot proceed until the jury roll is representative.”

Bushie, a 15-year-old Dennis Franklin Cromarty High School student from Poplar Hill, died in 2007 while attending school in Thunder Bay. His body was recovered from the McIntyre River in November 2007 and an inquest into his death was scheduled to begin in January 2009. The inquest was delayed, however, after NAN and legal counsel for the Bushie family questioned the validity of the selection process for the five-member jury.

While Bushie’s death was to be the focus of the inquest, the deaths of four other NAN youth who died in Thunder Bay under similar circumstances were to be considered as part of the overall context. Since then, two more NAN youth, Kyle Morriseau, 17, and Jordan Wabasse, 15, have also died in Thunder Bay under similar circumstances.

“The patterns in these deaths are troubling and simply can’t be ignored,” said Julian Falconer, NAN’s legal counsel. “It is clear that if the truth is to come out about the deaths of these seven youth nothing short of a commission of inquiry will suffice.”

Falconer said it has become apparent since 2008 that the exclusion of First Nations from the justice system is far more serious than what the public was told.

“The truth is coming out and various proceedings are coming to a standstill,” Falconer said. “This makes the Iacobucci review all the more important. It is up to this government to provide First Nations with a process that will credibly look at all seven deaths – the inquest system can’t do it.”

Waboose and Falconer both said the inquest system is not the best way to discover what happened to the seven youth.

“It’s limited, and we saw those limitations from the outset,” Waboose said. “It’s just not the proper system to investigate and to find out what happened to these young people.”

Frank Iacobucci, a former Supreme Court Justice, was appointed by the Ontario Ministry of the Attorney General on Aug. 11 to inquire into and report on First Nation representation on Ontario jury rolls.