

Fight over Indian residential school abuse stories in court

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The apartment of residential school survivor Tom Janvier. Image credit: Daniella Zalcman.



On Tuesday, Ontario's top court will begin hearing a dispute over what to do with sensitive records from Indian residential schools.

The records are of the stories told by thousands of survivors who sought compensation for sexual and other abuse.

On one side of the hearing are those who argue the material should be destroyed to preserve confidentiality.

On the other are those who say the historical record is too important to lose.

In August last year, a judge said the material should be kept 15 years and then destroyed.

Three appeals and four cross-appeals stemming from that ruling is expected to last two days.

Justice Murray Sinclair, who headed the Truth and Reconciliation Commission, said his concern is that the stories of what went on in the schools will be lost forever if the “rich trove” of documents is destroyed as Justice Paul Perell ordered.

“In a few generations, that will allow people to be able to deny the validity of the stories we have heard,” Sinclair told The Canadian Press from Vancouver Monday. “Right now there are deniers of those facts.”

The head of the claims-adjudication process, Dan Shapiro, with backing from a privacy expert, argued the only way to ensure confidentiality and avoid revictimizing survivors was to destroy the documents once their claims had been finalized.

“All parties agree that the records ... contain the most highly sensitive personal information of claimants, alleged perpetrators, witnesses and others,” Shapiro’s lawyers say in their appeal factum.

For its part, Ottawa argues it should keep any material deemed to be of historical significance under regular archiving laws, which include proper privacy safeguards.

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