

First Nations student deaths inquest: Public being 'cut out', lawyer says

'This is not supposed to be a secret proceeding,' Julian Falconer tells presiding coroner

By Jody Porter, [CBC News](#) Posted: Mar 09, 2016 7:20 AM ET Last Updated: Mar 09, 2016 7:20 AM ET

An Ontario coroner is being accused of "suppressing and keeping secret what should be public" at an inquest into the deaths of seven First Nations students in Thunder Bay.

Nishnawbe Aski Nation lawyer Julian Falconer made the remarks against presiding coroner Dr. David Eden during proceedings on Tuesday. Eden denied the allegations.

The inquest is examining the deaths of seven students from remote First Nations who died while attending high school in Thunder Bay.

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"I do not believe it is appropriate to cut out the public," Falconer said after asking his comments to be put on the record. "This is not supposed to be a secret proceeding."

The arguments came as Falconer was seeking to introduce a 2008 letter from himself, on behalf of Nishnawbe Aski Nation, to the coroner's office asking for an inquest to be held.

'Off the record'

Falconer said coroner's counsel told him "in the hallway" that the coroner would not allow the letter into evidence.

"No ruling was made on this matter," Eden said. "If you want to file a motion, you may do so off the record."

The legal arguments delayed the testimony of Nishnawbe Aski Nation Grand Chief Alvin Fiddler.

"I fear with his schedule, [Fiddler's] ability to testify is in jeopardy," Falconer said.

Fiddler, who volunteered to testify, said it was disappointing waiting all afternoon and not being able to give his evidence.


"I just think that this whole process has become so cumbersome that it's so legalistic," Fiddler said. "To try to keep these proceedings private and away from the public is something we will not tolerate."

Nearly an entire week of testimony last month was derailed as lawyers held private meetings. Neither the coroner's office nor any of the lawyers will say what was discussed.

The inquest is scheduled to resume on Wednesday with testimony from Indigenous and Northern Affairs Canada.

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