



# LEGAL CONSIDERATIONS

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# Mohawk Institute Survivors' Secretariat

RECOVERY, RECLAMATION, AND REVITALIZATION



# Mohawk Institute

- ▶ First and longest operating IRS in Canada.
- ▶ Children taken from over 20 First Nations to Mohawk Institute.
- ▶ 500 acres of land associated with the Mohawk Institute - Babcock Lot, Manual Labour Farm, Glebe Lot- plus 88 acres farm that Principal purchased adjacent to Mohawk Institute.



# Guiding Principles

Survivor-Led

Trauma-Informed

Community-Involved

Supported by Haudenosaunee Law and Legal Principles

Respect for Nationhood and Nation to Nation Diplomacy

## Mandate of Survivors' Secretariat

Coordinate Death Investigation  
Processes/Protocols

Facilitate Gathering of Survivor  
and Community Statements

Oversee Research and  
Document Collection Activities

Report to Survivors, Leadership,  
Community



# Death Investigation

- ▶ Multi-Jurisdictional Police Task Force – Six Nations Police Brantford Police and Ontario Provincial Police.
- ▶ Indigenous Human Rights Monitor
- ▶ Cultural Monitors



# RESEARCH TO DATE

- ▶ identified 4,600 students who attended the MI
- ▶ identified 49 communities that had children taken
- ▶ tracked 97 deaths
- ▶ 700 key people including teachers, farm staff, nurses and Indian Affairs agents - associated with the school
- ▶ continue to look into relevant archives and repositories
- ▶ reviewed, tagged and saved more than 9000 documents

# Criminal Investigation Process

- 1) Letter to Six Nations Police by Survivors began the process of a criminal investigation into the suspicious deaths and missing children from the Mohawk Institute and to find where they are buried .
- 2) Police Task Force was initiated by Six Nations Police Chief and he asked for assistance from OPP and Brantford City Police
- 3) Police Task Force consists of Six Nations Police, Brantford City Police and OPP
- 4) Police Task Force interviews Survivors (the evidence gathering process)



## What is not typical with this criminal investigation?

- 1) Police Task Force have received training on trauma-informed and cultural safety
- 2) Indigenous Human Rights Monitor's role to ensure that Survivors' rights are respected, that the investigative process is trauma- and violence-informed
- 3) Cultural Monitor's role to ensure cultural safety during investigations
- 4) Indigenous Human Rights Monitor is either present during the police interviews or will review the interview afterwards
- 5) Indigenous Human Rights Monitor meets with Police Task Force if there are any concerns or issues that may need to be addressed

# Haudenosaunee Legal Principles

**Tolerance**

**Balanced**

**Unconditional Love**

**Respect**

**Individual Responsibility**

**Collective (Clan & Nation) Responsibility**

**Integrity**

**Accountability**

**Honesty**

**Peace**

**Good Mind**

**Friendship**

**Strength**

**Compassion**

**Benevolence**

**Restore Harmony**

**Enable Healing**

**Giving Thanks**

**Condolence**

**Cooperation**

**Healthy Relationships**

**with All of Creation**

**Having “Thick Skin”**

**Non-judgmental**

**Good Communication**

▶ How is the Task Force being monitored?

# Statement Gathering

- ▶ Police Task Force is interviewing Survivors from all communities
  - ▶ Pre-Interview – will provide all information to survivors – informed about process – answer any questions
  - ▶ Schedules Interview
- ▶ Survivors have the choice to be at home or at police station.
- ▶ Survivors have the choice to have Cultural Monitors and/or Indigenous Human Rights Monitors present
- ▶ Survivors have the choice to have a support person with them during the interview
- ▶ All interviews/statements are videotaped. Why?
  - ▶ Survivors' exact story is captured accurately
  - ▶ Shows the voluntariness of the Survivors' statement
  - ▶ They are used in court if it goes to trial



# What is the role of a Human Rights Monitor?

- ▶ Human rights monitoring seeks to gather information [regarding a specific situation] or region over time with the goal of engaging in advocacy to address human rights violations. This role also involves a process of documenting violations and practices related to rights so that the information can be categorized, verified, and used effectively.<sup>1</sup> It also includes observing events, visiting sites, and discussions with Government authorities to obtain information and to pursue remedies and other immediate follow-up.





The background of the slide features a photograph of a protest or public gathering. A large crowd of people is visible, with some individuals in the foreground wearing white shirts and holding up their hands. The image is overlaid with a semi-transparent red filter. In the top right corner, there is a solid yellow rectangular shape.

# What is the mandate of the Indigenous Human Rights Monitor?

- ▶ The Indigenous Human Rights Monitor's mandate is to monitor, examine, and assess the fairness, integrity and transparency of the Multi-Jurisdictional Police Task Force's ("Task Force") investigation.



# How is the Task Force being monitored?

- ▶ Review any documents or information they deem useful for their work from the Task Force;
- ▶ Communicate with the Joint Management Team and/or Major Case Manager of the investigators to the Task Force on any matter relevant to their mandate;
- ▶ Meet with anyone able to provide information relevant to the assessment of the investigation's fairness, integrity, and transparency;
- ▶ Visit any locations related to the investigation, as deemed necessary by the Monitor;
- ▶ Review any statements, whether they are in the form of transcripts, video or by witnessing them as they are being collected from a nearby room via video link or other viewing means as necessitated by the circumstances.



# Evidence

- ▶ Survivors' statements become evidence (also known as disclosure) in the criminal court process.
- ▶ Survivors' statements are used if an accused is charged with a criminal offence
- ▶ If an accused is charged, the survivors' statements are entitled to be reviewed by the accused because they have a right to know the statements being made against them
- ▶ Survivors *MAY* have to testify in court if perpetrator is charged with a criminal offence

# Communications

Website: <https://www.survivorssecretariat.ca>

- ▶ Survivors who attended the Mohawk Institute living in Six Nations, across Ontario and across Turtle Island, and their families (49 communities)
- ▶ Survivors living in Six Nations that attended other residential schools, and their families.
- ▶ Six Nations Community members, living on and off the territory
- ▶ Indigenous Leadership and Communities that have members who are Survivors of the Mohawk Institute
- ▶ Liaison between Police Task Force and Survivors' Secretariat



# Niá:wen

- ▶ CONTACT INFORMATION
- ▶ [Beverly@survivorssecretariat.ca](mailto:Beverly@survivorssecretariat.ca) –  
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