
**COMMISSION D'ENQUÊTE SUR LES RELATIONS ENTRE LES
AUTOCHTONES ET CERTAINS SERVICES PUBLICS AU QUÉBEC :
ÉCOUTE, RÉCONCILIATION ET PROGRÈS**

Date : Le 20 août 2018

L'Honorable Jacques Viens, Président

Femmes autochtones du Québec

et

Procureure générale du Québec

et

**Grand Conseil des Cris (Eeyou Istchee) et
Gouvernement de la Nation Crie**

et

Innu TakuaiKAN Uashat mak Mani-Utenam

et

Regroupement Mamit Innuat inc.

et

**Association des policières et policiers
provinciaux du Québec**

et

The Naskapi Nation of Kawawachikamach

et

**Assemblée des Premières Nations Québec-
Labrador**

et

Conseil de la Nation Atikamekw

et

**Regroupement des centres d'amitié
autochtones du Québec**

et

Makivik Corporation

et

Service de police de la Ville de Montréal

et

Directeur des poursuites criminelles et pénales

et

**Conseil Cri de la santé et des services sociaux de
la Baie James**

PARTICIPANTS

**Régie Régionale de la Santé et des Services
Sociaux du Nunavik**

INTERVENANT

ORDONNANCE DE LEVÉE PARTIELLE DE L'ORDONNANCE DE HUIS CLOS DES TRANSCRIPTIONS PAR STÉNOGRAPHIE DU DOSSIER HC-60 ENTENDU LE 14 JUIN 2018

I. LE CONTEXTE

[1] Le 14 juin 2018, la Procureure de la *Commission d'enquête sur les relations entre les Autochtones et certains services publics au Québec: écoute, réconciliation et progrès* (la « Commission ») M^e Marie-Andrée Denis-Boileau a présenté devant le Commissaire Jacques Viens, une demande verbale de huis clos dans le dossier HC-60, entendu le jour même.

[2] M^e Denis-Boileau a allégué que ce dossier, concernant les services de justice, soit tenu à huis clos à la demande du témoin afin d'offrir des conditions favorables à un meilleur partage de son histoire personnelle.

[3] Le Commissaire a accueilli la demande de huis clos et a rendu les ordonnances verbales suivantes, le 14 juin 2018 :

ORDONNE la tenue à huis clos de l'audience du témoin dans le dossier HC-60 prévue ce jour devant la Commission, étant donné le souhait formulé par le témoin;

INTERDIT à quiconque de divulguer, de publier, de communiquer ou de diffuser l'ensemble du témoignage dans le dossier HC-60;

ORDONNE que les médias prennent les mesures pour que les appareils d'enregistrement visuel ou sonore soient inopérants, afin de respecter la présente ordonnance;

ORDONNE l'exclusion des personnes qui ne sont pas autorisées selon l'article 44 des *Règles de procédure et de fonctionnement* de la Commission à assister aux audiences à huis clos;

ORDONNE aux procureurs de la Commission d'examiner les transcriptions par sténographie du témoignage dans le dossier HC-60 afin d'effectuer le caviardage nécessaire de façon à respecter le souhait formulé par le témoin.

II. LA DÉCISION

[4] **CONSIDÉRANT** que le Décret 1095-2016 adopté par le gouvernement du Québec le 21 décembre 2016, constituant la présente Commission d'enquête selon l'article 1 de la *Loi sur les commissions d'enquête* (c. C-37), mentionne :

« QUE les audiences de la Commission soient publiques et que celle-ci puisse, lorsqu'elle l'estime approprié, mener ses travaux à huis clos ou prendre toute autre mesure afin de protéger l'identité de témoins et les renseignements personnels, tant à l'audience que lors de la communication de son rapport; »

[5] **CONSIDÉRANT** le mandat de la présente Commission tel qu'énoncé dans le Décret 1095-2016 :

« QUE la Commission ait pour mandat, en tenant compte des enjeux mentionnés dans le préambule, d'enquêter, de constater les faits, de procéder à des analyses afin de faire des recommandations quant aux actions correctives concrètes, efficaces et durables à mettre en place par le gouvernement du Québec et par les autorités autochtones en vue de prévenir ou d'éliminer, quelles qu'en soient l'origine et la cause, toute forme de violence et de pratiques discriminatoires, de traitements différents dans la prestation des services publics suivants aux Autochtones du Québec : les services policiers, les services correctionnels, les services de justice, les services de santé et les services sociaux ainsi que les services de protection de la jeunesse; »

[6] **CONSIDÉRANT** les *Règles de procédure et de fonctionnement* de la Commission aux articles 43, 44, 45, 46, 47 sur le huis clos et les ordonnances d'interdiction de divulgation, de publication ou de communication, ainsi que l'article 88 sur la couverture médiatique;

[7] **CONSIDÉRANT** le souhait exprimé par le témoin du dossier HC-60 à M^c Denis-Boileau lors d'une rencontre préparatoire le 13 juin 2018 que les notes

sténographiques de l'audience soient ultérieurement rendues publiques, mais avec une mesure de protection de l'identité;

POUR CES MOTIFS, LE COMMISSAIRE :

[9] **ORDONNE** la non-publication de la bande vidéo et la bande sonore du témoin dans le dossier HC-60 entendu le 14 juin 2018, afin de protéger son droit à l'image et la diffusion de sa voix;

[10] **ORDONNE** la levée partielle de l'ordonnance de huis clos rendue le 14 juin 2018 permettant la publication des transcriptions par sténographie caviardées du témoin entendu le 14 juin 2018 dans le dossier HC-60, tel qu'annexées à la présente ordonnance.



Jacques Viens, Commissaire

ANNEXE 1

DEMANDE VERBALE DE HUIS CLOS

1 **M^e MAXIME LAGANIÈRE :**

2 Maxime Laganière, pour le Directeur des poursuites
3 criminelles et pénales.

4 **LE COMMISSAIRE :**

5 Welcome Me Laganière. Now, Me Denis-Boileau, I
6 would like to have the program of this morning...

7 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

8 Yes.

9 **LE COMMISSAIRE :**

10 And just after if it is possible.

11 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

12 Yes. Sure. So, this morning, we will have a
13 closed... closed hearings until eleven thirty
14 (11:30). At eleven thirty (11:30), we will hear
15 Miss [REDACTED] who will talk about situation
16 about... with the Police service. Then in the
17 afternoon, at one thirty (1:30), we will have a
18 group of mid-wives from the Cree Health Board, and
19 then at... at three thirty (3:30) we will have
20 Mr. Bertie Wapachee, talking about police
21 situation.

22 **LE COMMISSAIRE :**

23 Okay. So, I understand you have a... closed
24 proceeding to proceed.

25 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

1 Yes.

2 **LE COMMISSAIRE :**

3 I guess you have a Motion, concerning that?

4 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

5 Yes. So, I'm going to ask you to do a closed
6 proceedings for two ... for this morning hearing in
7 order to allow this... the testimony to be... to be
8 given rendered in a more appropriate climate as it
9 is the wish of our witness. And after that, as for
10 the transcript, we're going to allow them to be
11 published, but we're(sic- with) measure protecting
12 the identity.

13 **LE COMMISSAIRE :**

14 Okay. So, I understand you're going to proceed in
15 two files...

16 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

17 Yes.

18 **LE COMMISSAIRE :**

19 With the closed proceeding?

20 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

21 Yes, for the same reasons.

22 **LE COMMISSAIRE :**

23 60 and 61?

24 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

25 Yes.

1 **LE COMMISSAIRE :**

2 Okay. So,

3 CONSIDERING THAT the Commission's hearing are
4 public unless the Commissioner orders closed
5 proceedings, considering that the Commissioner may
6 adopt measures to protect identity of witnesses for
7 serious reasons;

8 CONSIDERING THAT it is justified in this case and
9 these cases, and I mean places, name, HC-60 and 61,
10 that it is justified to proceed with closed
11 proceeding;

12 CONSIDERING Sections 43 to 48 of the Procedural and
13 Operational Rules of the Commission;

14 I order the hearing behind closed door, closed
15 proceedings of the witnesses in the files HC-60 and
16 HC-61, which will follow;

17 ORDER the non-disclosure, non-publication or
18 distribution of the testimonies, evidence,
19 applications or observations in these files, HC-60
20 and 61. So now, we'll suspend a few minutes before
21 going on with the file 60...

22 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

23 Thank you.

24 **LE COMMISSAIRE :**

25 ... HC-60.

ANNEXE 2

NOTES STÉNOGRAPHIQUES CAVIARDÉES

1 [REDACTED] [REDACTED]
2
3 Affirmation solennelle

4 -----

5 **LA GREFFIÈRE :**

6 Thank you. Your witness

7 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

8 Thank you. Hi, Mr. [REDACTED] So Mr. Commissioner,
9 we will hear the evidence that we will hear for the
10 next hour is... concerns Mr. [REDACTED] [REDACTED] He
11 will share his impression, his perception and his
12 feelings in relation to the police services of the
13 Sûreté du Québec in Cree territory and also towards
14 the justice system and the police system of the
15 Eeyou Eenu Police Force.

16 He will also provide some possible solutions,
17 some... possibly some recommendation if he feels
18 like it, to avoid other people suffering what he
19 already experienced in the past. So the context
20 surrounding the encounter of Mr. [REDACTED] [REDACTED]
21 with the Sûreté du Québec and the justice system
22 started on November seventeen (17) two thousand and
23 twelve (2012).

24 On that date, Mr. [REDACTED] he was arrested and
25 he was accused of murder. After that, he was

1 detained for a little more than three (3) years,
2 thirty-nine (39) months, and before... and after
3 that, he pleaded guilty to a charge of
4 manslaughter. During this process, Mr. [REDACTED]
5 encountered police officers from the Sûreté du
6 Québec, police officer from Eeyou Eenuu Police
7 Force, and also the criminal justice system. So,
8 what he will share with us in the next hour is in
9 relation to this event, so Mr. [REDACTED] thank you to
10 be here, and I invite you to share your story from
11 the beginning.

12 **LE COMMISSAIRE :**

13 Welcome. I'm listening to you.

14 **M. [REDACTED] [REDACTED] :**

15 Okay. In two thousand twelve (2012), I got
16 arrested on November seventeen (17) in the morning
17 around... around eleven (11) in the morning, I got
18 arrested. I got immediately arrested without even
19 being checked who else was in the house. They just
20 assumed that it was me that did the crime, and they
21 arrested me. They took me to [REDACTED] a couple
22 of hours later. SQ was being involved in my case,
23 were asked to be involved in my case. I saw a lot
24 of racism with the SQ towards me. They told me I
25 don't care what race you are, if you're a Cree.

1 They told me they didn't care who I was, if I was
2 native or not. They told me that they are going to
3 take me down and give me twenty-five (25) years to
4 life. That's what happened in two thousand
5 seventeen (2017)...

6 Oh. Two thousand twelve (2012), November
7 seventeen (17). I saw a lot of being... me being
8 mistreated. He... he...touch/twist my hands really
9 hard. He hurt my flesh. He was checking for
10 something on my hands and he was really... he doing
11 it... he was doing it purposely to do it really
12 hard. My uncle arrested me [REDACTED] in the community,
13 the officer's name was [REDACTED]. One of the
14 officers came back to [REDACTED] and wanted me to
15 speak. The SQ used my uncle to... to make me talk.
16 I did say that I didn't know what had happened.

17 There were other people in the house. They
18 didn't believe me. They just assumed it was me,
19 and they took me to prison. They took me all over.
20 I saw a lot of discrimination with what happened
21 with me in the circuit from the justice system that
22 goes towards the Cree communities. The
23 investigator told me, the one that was touching my
24 hands, he purposely was trying to hurt me while he
25 was checking my hands, he asked if he... if I knew

1 who he was. I answered no. The investigator said
2 that he is God and that he's going to check
3 everywhere under my skin and that he's going to
4 bring me down. I was really surprised when he
5 said, I thought he went overboard with what he
6 said. I think he went over with what he was
7 supposed to do with his job. I could feel that
8 he... he wanted purposely embarrass me.

9 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

10 Mr. [REDACTED] you said earlier that you felt like
11 they were using your uncle to make you talk. Why
12 did you feel that? Can you just explain it a
13 little bit?

14 **M.** [REDACTED] [REDACTED] :

15 Cause he... he was at the police station in
16 [REDACTED] He called him in. He used my uncle
17 to talk to me to give information out, and I didn't
18 know what kind of information that he needs. I
19 didn't have that information, like I was the one
20 who did that. They wanted to make it look like
21 that, but it wasn't like that. And probably about
22 eighteen (18) months after, my uncle started to
23 notice that someone was at my house, he drove by my
24 house, around eight thirty (8:30), I think. I
25 should say between eight thirty (8:30) and eight

1 forty-five (8:45).

2 And he saw someone outside of my place
3 standing. There were four... four of them, and he
4 named those three. And those three people that was
5 there, and one of them I've seen... I saw them the
6 night before. And whoever that I saw that night
7 before, he took a statement that he was never
8 around that area on that morning. And if they were
9 do a proper investigation, a deep further
10 investigation, they would have find... they would
11 have find those... they would have find those
12 murderers. And me, I was in my house and... he
13 walked in my house and he killed a guy in my house,
14 he puts blood on me, he took my money. His... I
15 was framed. They framed...

16 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

17 So, I... oh sorry. Go.

18 **M.** [REDACTED] [REDACTED] :

19 They framed me completely. And I just sat in jail
20 for, like, thirty-nine (39) months waiting and
21 waiting and waiting for a further investigation on
22 that case and it never happened. And I ended up
23 pleading guilty of a manslaughter. The lawyer that
24 I had, he made me plead guilty. But I was the one
25 who said it verbally in the courthouse, that I did

1 it. That was the most painful experience in life
2 that I have to take a murder charge that I didn't
3 do. It's like I have to swallow that murder
4 charge.

5 And the lawyer is telling me, like - I have
6 some good news, I have some good news... And I've
7 been hearing that good news for like two years and
8 I was just getting very tired. I was just being
9 sick and tired of being tired just waiting this...
10 waiting for the good news. When is the good news
11 going to happen? When is this going to come up?
12 And the lawyer brought me... said that I have two
13 years of deal to do, left, if I take it, and I was
14 thinking. He said if you lose the trial, you're
15 going to get twenty-five (25) years, automatic.
16 And... the blood on me would give twenty-five (25)
17 years. If I didn't have that blood on me, I would
18 probably get acquitted or something. But the blood
19 on me really, really took my time, and I did time
20 for it. And... (long silence)... I don't know.

21 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

22 So, you... you were telling me that you had some
23 impression about the lawyers, the Crown Prosecutors
24 with the defense lawyers. You had some stuff that
25 you didn't like in the way they were communicating

1 together. Can you explain to us what it is?

2 **M.** [REDACTED] [REDACTED] :

3 Yeah, cause everytime I talked to my lawyer, when I
4 gave him any kind of information I know about the
5 charge, right from the street, I called a
6 friends... and when I called my friends, there,
7 every time they're giving me news, the news that I
8 don't want to hear about. It's like every time was
9 like that. When I called someone, he has news
10 about November seventeen (17) two thousand twelve
11 (2012). And that wasn't the thing that I was... I
12 wanted to call my friends just to talk to them.
13 Just let them know that I'm okay.

14 And they brought something, I was getting...
15 getting me very stressful and when I gave him that
16 kind of information, my lawyer comes back to me and
17 say - Okay, it's going to be very, very good. We
18 can get... I'm going to get you out of here... And
19 he comes back and say - oh... I can't help you, I
20 can't help you. And said he has... have to call
21 back to the... my colleague, the Crown attorney, I
22 have to talk to him about this. And they're going
23 to Cree community to Cree community. They're
24 travelling together, they're eating together,
25 they're eating... they're sleeping in the same

1 hotel, they're travelling in the same vehicle. For
2 me, it was like something is not right.

3 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

4 I understand from what you told me, that you felt
5 like sometimes, they were talking together, but...
6 about you, but they were not including you enough
7 in these discussions. Am I... is that what you
8 told me? Is that...

9 **M.** [REDACTED] [REDACTED] :
10 Hein?

11 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

12 You told me already that sometimes you felt like
13 the... the lawyers were talking together about your
14 case, but you were not allowed to talk with them,
15 like they were talking on the side about you...

16 **M.** [REDACTED] [REDACTED] :
17 Yeah.

18 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

19 But you were not involved.

20 **M.** [REDACTED] [REDACTED] :

21 Yeah. Every time I give them information, they
22 would never brought it up in the *courthome*.

23 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

24 Uh-hum.

25 **M.** [REDACTED] [REDACTED] :

1 In the courtroom.

2 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

3 Uh-hum.

4 **M.** [REDACTED] [REDACTED] :

5 It's like they were pushing me aside. Every
6 information I gave them is... is just pushed off
7 the table and let us do... let us do the work.

8 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

9 Uh-hum.

10 **M.** [REDACTED] [REDACTED] :

11 I'm trying to help them and that was the... the way
12 to beat the charge and they just never... it's like
13 I was never there. They never hear me. They don't
14 hear me.

15 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

16 And something else you told me as well was that, at
17 some point for example, people were changing. So,
18 for example, you met with a SQ officer in
19 [REDACTED] when you were arrested, and then it's
20 another SQ officer who comes for... to testify
21 about what happened with this other SQ officer. So
22 they were changing people. The same thing with the
23 Crown attorney, you told me first time it's a Crown
24 attorney, and then another time, it's a different
25 one. But how did that make you feel, the fact that

1 people were changing like that?

2 **M.** [REDACTED] [REDACTED] :

3 How... that was the... one of the things that
4 happened. Every time I go to Court for
5 preliminary... Preliminary Hearing, they were
6 talking about my blood samples. And whoever took
7 that blood samples, right at the beginning, that
8 guy took a blood (inaudible) samples of my blood,
9 and the Preliminary Hearing, that he was not the
10 guy that took my blood samples. It was another
11 guy. And they said that the guy is sick or this
12 guy has to come up and do it in front of the
13 videoconference.

14 And it's the same thing with that
15 investigator, when at the Preliminary Hearing, that
16 he wasn't there. He sent someone else to do it for
17 him, saying that he was sick. And towards the end
18 of my thirty-nine (39) months, a prosecutor changes
19 again. Another thing, a prosecutor as... when I
20 took my time, when they give me a sentence, another
21 prosecutor showed up. And (inaudible) day, and the
22 prosecutor that was working on my case, for like
23 three years, he disappeared. Another prosecutor
24 showed up and gave me the time. And something is
25 something is wrong, me, the way I see it.

1 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

2 How does the fact that they were changing like that
3 make you... made you feel that it is wrong? The
4 fact that it changed prosecutor, they changed
5 policer officer.

6 **M.** [REDACTED] [REDACTED] :

7 How did that make me feel?

8 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

9 Yeah. Why? You're saying something is wrong. Why
10 did you feel that it is wrong that they're changing
11 people like that?

12 **M.** [REDACTED] [REDACTED] :

13 Euh... is me... something is wrong when they have
14 an important Court to do, they can't finish it,
15 they have to send someone else to do it for him.
16 It's the same thing with that... with the guy with
17 the blood samples and the SQ, then the pro...
18 prosecutor. For me the way I see it, is not a...
19 there's something wrong. There's something wrong.
20 Do we move on to a next question?

21 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

22 Sure. You're telling me as well that they
23 changed... you have been told that maybe there was
24 going to be a trial in Chisasibi, and then you were
25 being told that maybe it's somewhere else, and they

1 changed the place like that. Did anyone explain
2 (to) you why these... they were changing the place
3 and maybe the trial was going to be planned outside
4 Mistissini? Was there any explanation about that
5 to you?

6 **M.** [REDACTED] [REDACTED] :

7 When I wanted to have my trial [REDACTED] in [REDACTED]
8 I don't really remember what he said to me, my
9 lawyer. I think he said that the... on my trial I
10 picked jury, twelve (12) jury and he said that you
11 know too many people in [REDACTED] You know too
12 many people and this is not right for the... for
13 the court system. And I told him that where is
14 it... wherever the good place for you guys to win
15 this case, let's just go for it. And he says I'm
16 going to have to call back to the prosecutor. Now,
17 call me back. And I called him back and he says
18 we're going to have the trial in Whapmagoostui.

19 It's like - okay, let's go. And it just kept
20 on going, Chisasibi, Wemindji, Eastmain,
21 Waskaganish and (Cree words). I tell him - yeah,
22 let's go, man...let's just go. Let's go for it. I
23 was getting very tired of it. I told him just
24 let's just go, just finish this. And he changed it
25 again. He's saying I'm going to have this trial in

1 Montreal. I told let's just go for it, man...

2 And the he said we're going to have this trial
3 in Quebec, we're going to give you a twenty-five
4 (25) years over there. Like - let's just go for
5 it. Let's just go whatever you're comfortable.
6 You're the boss... I told him. And whatever that
7 I'm trying to tell him, it's like, he doesn't hear
8 me. He doesn't take what I say.

9 I was the one that... who hired him and I was
10 supposed to have it my way. And through all
11 that... maybe for two years, he just kept on going
12 and saying - oh, I have some good news I have some
13 good news. I'm going to give you a Criminal Code
14 book to study... and that never happened. And...
15 and that is very, very tiring. Like I said there,
16 I was just sick being sick and tired of being tired
17 and doing time for nothing.

18 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

19 You told me, as well, about the SQ officer that...
20 it is hard sometimes because of the language. So
21 when you're... you're arrested for something so
22 important, and you cannot speak your first
23 language, it's harder. Right?

24 **M.** [REDACTED] [REDACTED] :

25 Yeah. It's harder. Cause right at the beginning

1 of two thousand twelve (2012), I haven't... I
2 didn't really understand in French, at all... but
3 him too, he didn't understand in Cree. If I
4 would've talked to him in Cree, he would probably
5 think that I'm saying something bad to him. It's
6 the same thing with me. Whatever that he said in
7 French, it was kind of... it was not good for me.
8 He knew that I understand in English, I'm better in
9 English. He kept on talking... talking to me in
10 French. Next question?

11 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

12 Yeah. The same thing, you were telling me about
13 the Circuit Court, that you feel uncomfortable the
14 fact sometimes it's flying, so the lawyers come in
15 and then they go out of the community and sometimes
16 it seems like a system that people don't
17 necessarily understand... or you feel uncomfortable
18 with this system.

19 **M.** [REDACTED] [REDACTED] :

20 I don't wanna... I don't know how to answer that.
21 Can you move up... move to a next question?

22 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

23 Yeah, sure. Well, actually, you told me exactly
24 something like - if we, the Cree people, had our

1 own system and we took you guys to bring you to
2 jail, how would you feel?

3 **M.** [REDACTED] [REDACTED] :

4 Okay.

5 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

6 Is that...

7 **M.** [REDACTED] [REDACTED] :

8 Yeah.

9 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

10 Yeah. Okay.

11 **M.** [REDACTED] [REDACTED] :

12 Yeah.

13 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

14 Uh-hum.

15 **M.** [REDACTED] [REDACTED] :

16 You said it right.

17 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

18 Well, you know, I just want to make sure that I'm
19 not saying words that you didn't...

20 **M.** [REDACTED] [REDACTED] :

21 Yeah.

22 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

23 ... tell me, so. It's how you feel. So do you
24 have any other comments on the Circuit Court, for
25 now?

1 M. [REDACTED] [REDACTED] :

2 No.

3 M^e MARIE-ANDRÉE DENIS-BOILEAU :

4 No. Okay. Well, I will not have a lot of
5 questions, but I will ask you if... I know you told
6 me already that you don't... do not have any
7 specific recommendation for us, but I'm asking you
8 anyway, to make sure that it's still the case. Do
9 you have any specific recommendation that you want
10 to make to us today?

11 M. [REDACTED] [REDACTED] :

12 No.

13 M^e MARIE-ANDRÉE DENIS-BOILEAU :

14 Do you want to add something about that story or
15 something else?

16 M. [REDACTED] [REDACTED] :

17 No.

18 M^e MARIE-ANDRÉE DENIS-BOILEAU :

19 And, how do you feel now about all of this?

20 M. [REDACTED] [REDACTED] :

21 All of this? I don't know how I feel.

22 M^e MARIE-ANDRÉE DENIS-BOILEAU :

23 Uh-hum.

24 M. [REDACTED] [REDACTED] :

25 Every time, when... comes out to talk about this, I

1 don't know how I feel.

2 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

3 Uh-hum.

4 **M.** [REDACTED] [REDACTED] :

5 There is no explanation how I feel about this. The
6 whole situation thing that I'm in right now. It's
7 like a quite experience. Can we?

8 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

9 Yes. Well, I have no more question, but thank you
10 very much.

11 **M.** [REDACTED] [REDACTED] :

12 Thank you.

13 **LE COMMISSAIRE :**

14 No?

15 **M.** [REDACTED] [REDACTED] :

16 Thank you.

17 **LE COMMISSAIRE :**

18 Okay. I will ask other counsels if they have
19 questions. Me Miller, do you have questions?

20 **M^e RAINBOW MILLER :**

21 I don't have any questions. Thank you.

22 **LE COMMISSAIRE :**

23 You don't have any questions. Me Boucher?

24 **M^e MARIE-PAULE BOUCHER :**

25 J'aurai pas de questions, j'aurais juste un

1 commentaire qui m'a été demandé d'être fait, à la
2 demande de Me Coderre, qui aurait aimé être être
3 présent aujourd'hui, mais étant donné qu'il n'a pas
4 été averti que c'était à huis clos ce témoignage-là
5 et qu'il prévoyait l'écouter à distance, qui
6 aurait... il aurait aimé ça juste être informé que
7 peut-être ça aurait été transféré à huis clos...

8 **LE COMMISSAIRE :**

9 (Inaudible).

10 **M^e MARIE-PAULE BOUCHER :**

11 Mais je comprends, Monsieur le Commissaire. Il
12 voulait juste que je vous fasse le commentaire
13 qu'il aurait aimé ça être présent aujourd'hui, pour
14 ce témoignage.

15 **LE COMMISSAIRE :**

16 Okay. Me Laganière, do you have questions?

17 **M^e MAXIME LAGANIÈRE :**

18 I get some question, please.

19 **LE COMMISSAIRE :**

20 No. If you want to come forward...

21 **M^e MAXIME LAGANIÈRE :**

22 Yes.

23 Hi Mr. Once again, Maxime Laganière, from
24 the Crown Attorney. Just to make sure you
25 understand, I'll ask my question in French, because

1 my English may be not quite as good as yours.

2 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

3 We can help you.

4 **M^e MAXIME LAGANIÈRE :**

5 J'aurais donc quelques questions...

6 **LE COMMISSAIRE :**

7 just... just a minute. So, you can use the... the
8 device to hear in Cree or English what will be
9 asked by Me Laganière.

10 **M^e MAXIME LAGANIÈRE :**

11 J'aurais quelques questions. Je sais, ce n'est pas
12 un sujet ou des événements auxquels vous voulez
13 vous rappeler, mais j'aurais quelques questions
14 pour m'assurer que j'ai bien compris votre
15 témoignage. Durant les procédures, vous avez eu
16 une enquête préliminaire?

17 **M.** [REDACTED] [REDACTED] :

18 Yeah.

19 **M^e MAXIME LAGANIÈRE :**

20 Oui. À la fin de cette enquête préliminaire là,
21 qui a duré quelques jours...

22 **LE COMMISSAIRE :**

23 I understand the question is - did it last a few
24 days?

25 **M^e MAXIME LAGANIÈRE :**

1 Yeah.

2 **M.** [REDACTED] [REDACTED] :

3 (Cree - no translation)

4 **M^e MAXIME LAGANIÈRE :**

5 À la fin de cette enquête préliminaire-là, vous
6 avez été cité à procès sur le chef d'accusation qui
7 avait été porté, de meurtre au deuxième degré?

8 **M.** [REDACTED] [REDACTED] :

9 Second degree murder at the time of the Preliminary
10 Hearing.

11 **M^e MAXIME LAGANIÈRE :**

12 Okay. Vous avez aussi est-ce que c'est c'est peut-
13 être technique, si vous vous en souvenez pas...
14 vous en souvenez pas, c'est correct. Est-ce que
15 c'est le juge qui vous a cité ou si vous avez
16 renoncé à la suite de l'enquête préliminaire?

17 **M.** [REDACTED] [REDACTED] :

18 (Cree - no translation)

19 **M^e MAXIME LAGANIÈRE :**

20 Vous avez aussi dit que vous vous êtes plaint des
21 changements, c'est-à-dire que, exemple, l'avocat ne
22 pouvait être pas... ne pouvait pas être présent, il
23 était malade, quelqu'un d'autre le remplaçait.
24 Est-ce que je comprends que vous auriez préféré
25 qu'on reporte votre dossier à plus tard pour

1 permettre à ce policier-là de pouvoir être
2 disponible?

3 **M.** [REDACTED] [REDACTED] :

4 Yeah, it would've been better if he finished what
5 he started.

6 **M^e MAXIME LAGANIÈRE :**

7 Je... je comprends que vous auriez préféré, même si
8 ça aurait étiré encore plus le temps - vous étiez
9 quand même détenu depuis plusieurs mois - vous
10 auriez quand même préféré demeurer en prison le
11 temps que cet avocat-là... ce policier-là ou cet
12 avocat-là soit disponible? C'est ce que je
13 comprends?

14 **M.** [REDACTED] [REDACTED] :

15 Yeah. (Cree - no translation)

16 **M^e MAXIME LAGANIÈRE :**

17 Vous avez parlé, également, du... du lieu du procès
18 ainsi que du fait que vous n'étiez pas coupable
19 avec votre avocat. Avez-vous discuté avec lui de
20 vous adresser à la Cour pour changer le lieu du
21 procès? Pour faire un procès?

22 **M.** [REDACTED] [REDACTED] :

23 (Cree - no translation)

24 **LE COMMISSAIRE :**

25 If the question is not clear for you, you can ask

1 to repeat...

2 **M.** [REDACTED] [REDACTED] :

3 I can't really...

4 **LE COMMISSAIRE :**

5 Or to put it again...

6 **M.** [REDACTED] [REDACTED] :

7 I can't really get what the translation is...

8 **M^e MAXIME LAGANIÈRE :**

9 Okay.

10 **LE COMMISSAIRE :**

11 The question is quite complicated...

12 **M^e MAXIME LAGANIÈRE :**

13 Okay.

14 **LE COMMISSAIRE :**

15 And full of...

16 **M^e MAXIME LAGANIÈRE :**

17 Did your...

18 **LE COMMISSAIRE :**

19 ... many things...

20 **M^e MAXIME LAGANIÈRE :**

21 Did your lawyer...

22 **LE COMMISSAIRE :**

23 Go straight forward...

24 **M^e MAXIME LAGANIÈRE :**

25 Did your lawyer...

1 **LE COMMISSAIRE :**

2 ... (inaudible) together...

3 **M^e MAXIME LAGANIÈRE :**

4 ... present a request to the trial to fix where the
5 trial will go?

6 **M.** [REDACTED] [REDACTED] :

7 Yeah.

8 **M^e MAXIME LAGANIÈRE :**

9 Did he... did he ask the trial...

10 **M.** [REDACTED] [REDACTED] :

11 Yeah.

12 **M^e MAXIME LAGANIÈRE :**

13 ... to change that place?

14 **M.** [REDACTED] [REDACTED] :

15 In [REDACTED] in [REDACTED]

16 **M^e MAXIME LAGANIÈRE :**

17 Yeah.

18 **M.** [REDACTED] [REDACTED] :

19 I was... I was supposed to have it [REDACTED] in
20 Mistissini, but him, he kept on changing places.

21 **M^e MAXIME LAGANIÈRE :**

22 Yeah. And did your lawyer ask the trial or the
23 judge to fix it another place in [REDACTED]

24 **M.** [REDACTED] [REDACTED] :

25 I think the second place was in [REDACTED]

1 **M^e MAXIME LAGANIÈRE :**

2 Yeah, but does it was by a request of your lawyer
3 to the judge?

4 **M. [REDACTED] [REDACTED] :**

5 Yeah.

6 **M^e MAXIME LAGANIÈRE :**

7 He asked...

8 **M. [REDACTED] [REDACTED] :**

9 Yeah.

10 **M^e MAXIME LAGANIÈRE :**

11 ... the judge? So he put it on a... on file. He
12 put a request on file, on the court?

13 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

14 Maître...

15 **M^e MAXIME LAGANIÈRE :**

16 As you...

17 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

18 If I...

19 **M^e MAXIME LAGANIÈRE :**

20 As you know it.

21 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

22 if I may just well, I'm not sure, well maybe you
23 know, but I'm not sure if it's clear what does it
24 mean a request on the file.

25 **M^e MAXIME LAGANIÈRE :**

1 Yeah.

2 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

3 Just clarify exactly.

4 **M^e MAXIME LAGANIÈRE :**

5 Yeah. One day, at Court, did your lawyer ask the
6 judge to have the trial in [REDACTED] And the...
7 and the both lawyers argue about that? Do you
8 remember that?

9 **M.** [REDACTED] [REDACTED] :

10 (No audible answer)

11 **M^e MAXIME LAGANIÈRE :**

12 Or it was all set outside the court?

13 **M.** [REDACTED] [REDACTED] :

14 I think it was all set outside the court, cause
15 whatever was in the courthouse, they just present
16 me that I'm there in the courthouse and postpone.
17 That's all... that's all it happened throughout
18 that thirty-nine (39) months.

19 **M^e MAXIME LAGANIÈRE :**

20 Just postpone, postpone, postpone. I have to show
21 up. Postpone, postpone...

22 **M^e MAXIME LAGANIÈRE :**

23 Okay.

24 **M.** [REDACTED] [REDACTED] :

25 And then the Preliminary Hearing came up and

1 everything changes. Whoever is doing the blood
2 samples changes, investigator changes. And at
3 worst, the end of that thirty-nine (39) months, the
4 prosecutor changes.

5 **M^e MAXIME LAGANIÈRE :**

6 Okay.

7 **M.** [REDACTED] [REDACTED] :

8 So, I don't know what happened outside...

9 **M^e MAXIME LAGANIÈRE :**

10 Okay.

11 **M.** [REDACTED] [REDACTED] :

12 I don't know. I don't hear... I don't hear nothing
13 about it.

14 **M^e MAXIME LAGANIÈRE :**

15 The prosecutor change, but when it was the time to
16 get your preliminary query, you got it?

17 **M.** [REDACTED] [REDACTED] :

18 Yeah.

19 **M^e MAXIME LAGANIÈRE :**

20 When it was the time to get your trial, it was not
21 the same Crown Attorney, but when it was that time,
22 you got a Crown Attorney there ready, set, to do
23 that trial?

24 **M.** [REDACTED] [REDACTED] :

25 Euh...

1 **M^e MAXIME LAGANIÈRE :**

2 He was ready?

3 **M.** [REDACTED] [REDACTED] :

4 Yeah.

5 **M^e MAXIME LAGANIÈRE :**

6 He was ready to go to trial if it...

7 **M.** [REDACTED] [REDACTED] :

8 Yeah. He was ready to go to the trial, but the
9 prosecutor was changing. And the new prosecutor
10 said let's go to trial.

11 **M^e MAXIME LAGANIÈRE :**

12 Okay. Did you thought(think) about changing your
13 lawyer? Because I understand that, maybe
14 sometimes, you were not happy with him. Did you
15 think... did you thought(think) about it?

16 **M.** [REDACTED] [REDACTED] :

17 Yeah.

18 **M^e MAXIME LAGANIÈRE :**

19 Because I think you did it, in the procedure?

20 **M.** [REDACTED] [REDACTED] :

21 I think I changed lawyers for, like, four times.

22 **M^e MAXIME LAGANIÈRE :**

23 Yeah? Okay. So, you knew, if it things doesn't go
24 the way you wanted, you could change your lawyer.

25 So, you knew that?

1 **M.** [REDACTED] [REDACTED] :

2 Yeah, I knew that.

3 **M^e MAXIME LAGANIÈRE :**

4 Okay. I... I have a last question, and like I
5 said, I know you... it's not a nice thing to
6 remember, but what happened that night, okay, am I
7 right to say that ... cause there were consumption
8 of alcohol, you don't remember exactly what
9 happened? Am I right?

10 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

11 I'm sorry. I don't think we should go... because I
12 think what... what Mr. [REDACTED] was sharing today is
13 about what happened after that night, but I don't
14 think we should go back into the event of that
15 night...

16 **LE COMMISSAIRE :**

17 No...

18 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

19 And remake the trial...

20 **LE COMMISSAIRE :**

21 Yeah...

22 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

23 If I might

24 **LE COMMISSAIRE :**

25 I won't allow this.

1 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

2 Okay.

3 **LE COMMISSAIRE :**

4 If you have other questions, okay.

5 **M^e MAXIME LAGANIÈRE :**

6 Let me check a last time because I didn't have much
7 files to get prepared. Do you think the Crown
8 Attorney was unfair with you?

9 **M.** [REDACTED] [REDACTED] :

10 Yeah.

11 **M^e MAXIME LAGANIÈRE :**

12 You think so?

13 **M.** [REDACTED] [REDACTED] :

14 Yeah.

15 **M^e MAXIME LAGANIÈRE :**

16 Why did you think so that?

17 **M.** [REDACTED] [REDACTED] :

18 Why did I think so? Every time I come up in, they
19 just postponed the date.

20 **M^e MAXIME LAGANIÈRE :**

21 Okay. But when it postponed, it was a decision of
22 our... of both, the Crown Attorney and your lawyer?
23 Am I right to say that? It was...

24 **M.** [REDACTED] [REDACTED] :

25 Yeah.

1 **M^e MAXIME LAGANIÈRE :**

2 Yeah? Both of them...

3 **M. [REDACTED] [REDACTED] :**

4 Yeah.

5 **M^e MAXIME LAGANIÈRE :**

6 ... postponed the cases?

7 **M. [REDACTED] [REDACTED] :**

8 Both of them. And...

9 **M^e MAXIME LAGANIÈRE :**

10 And when you were... and when you were ready to get

11 Preliminary Inquiry or where, when, your lawyer

12 was... was ready to get a trial date, you got it?

13 Am I right?

14 **M. [REDACTED] [REDACTED] :**

15 Euh... yeah.

16 **M^e MAXIME LAGANIÈRE :**

17 Yeah.

18 **LE COMMISSAIRE :**

19 This was already covered.

20 **M^e MAXIME LAGANIÈRE :**

21 Yeah. Thank you very much. I don't have any new

22 question.

23 **M. [REDACTED] [REDACTED] :**

24 Okay.

25 **M^e MAXIME LAGANIÈRE :**

1 Thank you, Sir.

2 **LE COMMISSAIRE :**

3 So, do you have something to...

4 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

5 No. Thank you, Mr. [REDACTED]

6 **LE COMMISSAIRE :**

7 Would you like to add something Mr. [REDACTED]

8 **M. [REDACTED] [REDACTED] :**

9 No.

10 **LE COMMISSAIRE :**

11 So I will... I will thank you for sharing with us.
12 I understand that you... you have the feeling you
13 were treated with discrimination, unfairly. That
14 the investigations was not complete. I understand
15 you're telling that. I understand that you're
16 telling us that you spent thirty-nine (39) months
17 in jail without... before it proceeded. And I
18 understand you changed lawyers four times.

19 Crown Attorney, prosecutor changed once in a
20 while, even investigator. You have the feeling
21 that during the investigation they spoke French
22 with you while you had trouble to understand
23 French. And they didn't understand Cree while you
24 were speaking Cree to the investigator. So, you
25 have the feeling you were treated unfairly. If I

1 understood well what you're telling us. You...
2 when Me Denis-Boileau asked you if you have some
3 recommendation to improve the system, you said no.
4 But I understand that you would like things to go
5 faster, that investigations be made completely,
6 that people be treated fairly concerning at the...
7 first, with the language, so that people, Cree
8 people or any people in other nations speaking
9 their native language, may be understood by
10 somebody when they... they are talking to during
11 investigation. You... they spoke a language to you
12 in French, you did not understand well. You were
13 speaking Cree, they did not understand. I
14 understand there were no translator during those...
15 this investigation. So you want people to be
16 treated correctly, so it's possible to communicate,
17 to be understood.

18 **M.** [REDACTED] [REDACTED] :

19 Yeah.

20 **LE COMMISSAIRE :**

21 I understand that, and you have the feeling you
22 spent thirty-nine (39) months in jail for, you say,
23 nothing. Doing time for nothing. I'm not here to
24 judge the thing... all this matter again. But I
25 understand that things should go faster, especially

1 in communities. I understand the Court is coming
2 back and forth and it's not easy for somebody
3 accused to... to have to travel back and forth at
4 court and communities. It was not difficult to
5 decide where the trial was going to be held:
6 Mistissini, Chisasibi, Whapmagoostui or even
7 Montréal and Québec, you were telling us, was a
8 matter discussed between the counsels.

9 You were in jail, you have the feeling that
10 your lawyers, the four of them, with prosecutor
11 were discussing and you were not part of the
12 discussion. This is what you were telling me. I
13 understand you don't feel happy with that. You...
14 you have the feeling that you were mistreated, and
15 I understand that.

16 So, I agree with you that it has to go faster,
17 that language people are using may be taken in
18 consideration during investigations. That people
19 should be treated fairly. You... you have the
20 feeling you were not treated correctly when
21 arrested. So, I understand all that.

22 I will thank you for sharing with us. I hope
23 the... I understand the system is not correct, and
24 I heard you when Me Denis-Boileau told you that if
25 we change the matter, if people not Indigenous are

1 being arrested and treated in Cree territory by...
2 if treated the same way, if people would like it, I
3 understand that you told Me Denis-Boileau she
4 was... she understood you correctly when you told
5 her about that. So, I want to thank you for
6 sharing with us. I wish you the best. I hope
7 this, all this matter is behind. You're telling
8 you don't like it when it comes back. You have to
9 think to that to talk about that. I wish you to be
10 able to put it beside... aside and go forward.
11 You're still young, you have all the life in front
12 of you. I wish you the best. I understand it may
13 be difficult to forget that. I understand, but I
14 wish you that it may be possible and that you may
15 be happy for the rest of life without any problem.
16 I wish you the best. If you don't have anything to
17 add, I will now suspend and go with the next
18 witness. Is it okay with you?

19 **M.** [REDACTED] [REDACTED] :

20 Yeah.

21 **LE COMMISSAIRE :**

22 Yeah? Okay. Thank you.

23 **M.** [REDACTED] [REDACTED] :

24 Yeah.

25 **LE COMMISSAIRE :**

1 We'll suspend a few minutes, and then go back...
2 come on... go on with the next witness. Thank you.

3 **SUSPENSION**

4 **REPRISE**

5 **LA GREFFIÈRE :**

6 Reprise de l'audience.

7 **LE COMMISSAIRE :**

8 So, welcome back. And we are now proceeding in
9 closed proceeding number 61.

10 **LA GREFFIÈRE :**

11 Uh-hum.

12 **LE COMMISSAIRE :**

13 And the same people allowed in the previous case
14 are allowed to stay in the room for this... this
15 hearing. And we may have that, Mr. [REDACTED] the
16 previous witness, is allowed, too...

17 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

18 Yeah.


19 **LE COMMISSAIRE :**

20 To stay in the room. Okay. So you'll present the
21 next witness?

22 **M^e MARIE-ANDRÉE DENIS-BOILEAU :**

23 So, we will be hearing Mr. [REDACTED] [REDACTED] who will
24 talk about his feeling, his perception, his
25 impressions about the Sûreté du Québec in Cree

1 territory. Before I present him further, we can

2 assess Mr. 

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